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HOUSE OF REPRESENTATIVES—*Thursday, September 11, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us have grace, whereby we may serve God acceptably with reverence and godly fear.—Hebrews 12: 28.

Almighty God, our Heavenly Father, we pause before the altar of prayer to lift our hearts unto Thee, praying for a fresh vision of Thy presence, seeking guidance for this day and strength for our tasks.

Increase our desire for clear thinking and honest dealing. Decrease in us any inclination for deceit and pretense. Stimulate us in our efforts to rise above the common level of life, to choose the hard right rather than the easy wrong, to live ever in the light and to serve Thee with all our might.

Bless our Nation with Thy favor. Keep her free; and in her freedom enable her to foster in the hearts of men a true love for peace with justice and good will for all.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 614. Joint resolution authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act.

ANNOUNCEMENT OF HEARINGS ON PREVENTIVE DETENTION

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on H.R. 12806, and related measures, providing for the preventive detention of dangerous persons who are accused of crimes. These hearings will begin on October 15, 1969, at 10 a.m., room 2141, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

WEST VIRGINIA CONGRESSMAN BOOMS JOHN D. ROCKEFELLER IV FOR PRESIDENT IN 1976

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute.)

Mr. HECHLER of West Virginia. Mr. Speaker, when the direct election constitutional amendment is ratified, the best qualified man in the Nation can be elected President no matter where he lives. West Virginia has a superbly qualified man who will make a great President after he finishes his present term as Secretary of State and then serves either as Governor or as a U.S. Senator. I refer to John D. Rockefeller IV. I think he can be nominated and elected in 1976.

The only trouble is that although Mr. Rockefeller is an accomplished expert in Chinese, he does not have a mainland Red Chinaman's chance of being nominated under the electoral college system, because West Virginia is not considered a key industrial State. I think it would be a great loss to deprive the Nation of Mr. Rockefeller's great talents and in effect disqualify him in advance by failing to enact the direct election constitutional amendment.

Mr. Rockefeller has a demonstrated capacity for leadership, a great potential for future growth, a keen awareness of the social problems of our times and a quality which inspires the confidence of young and old alike. So I hope both Houses of the Congress and three-quarters of the States will rally to ratify this direct election constitutional amendment that will enable people throughout the Nation to be considered for the Presidency.

PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to address the House for 1 minute.)

Mr. DULSKI. Mr. Speaker, because of my absence from the Capitol on committee business, I have missed several rollcalls. Had I been present and voting, I would have voted "yea" on rollcall Nos. 155, 157, 158, and 162. I would have voted "nay" on rollcall No. 161.

PERMISSION FOR SPECIAL SUBCOMMITTEE ON ECONOMIC DEVELOPMENT PROGRAMS, COMMITTEE ON PUBLIC WORKS, TO SIT DURING GENERAL DEBATE TODAY

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Economic Development Programs of the House Committee on Public Works may sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of House Joint Resolution 681, with Mr. MILLS in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from New York (Mr. CELLER) had 1 hour and 46 minutes remaining and the gentleman from Ohio (Mr. McCULLOCH) had 2 hours and 6 minutes remaining.

The Chair recognizes the gentleman from New York.

Mr. COHELAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not prsesent. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 166]

Abbitt
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ayres
Belcher
Biester
Blanton
Blatnik
Boggs
Bolling
Brasco
Brown, Ohio
Bush
Byrne, Pa.
Cabell
Cahill
Carey
Clark
Collier
Corman
Coughlin
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Dawson
Delaney
Dent
Derwinski
Diggs
Erlenborn
Esch
Eshleman
Fallon
Findley
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fuqua
Giaimo
Goldwater
Gray
Green, Pa.
Gubser
Howard
Hungate
Jarman
Kirwan
Kluczynski
Landrum
Lipscomb
Long, La.
Long, Md.
Lowenstein
Lujan
McClory
McCloskey
Marsh
Martin
Mathias
Michel
Miller, Calif.
Morse
Morton
Moss
Murphy, Ill.
Myers
Nix
Obey
O'Neill, Mass.
Ottinger
Pepper
Philbin
Powell
Price, Ill.
Price, Tex.
Pucinski
Railsback
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes
Rostenkowski
Ruppe
Scheuer
Shipley
Sisk
Smith, Calif.
Smith, Iowa
Snyder
Stuckey
Taft
Teague, Tex.
Tiernan
Tunney
Ullman
Watkins
Whitehurst
Wilson, Bob
Wilson, Charles H.
Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Mills, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681), and, finding itself without a quorum, he had directed the roll to be called, when 326 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. McCULLOCH. Mr. Chairman, a member of the Committee on the Judiciary, the gentleman from Illinois (Mr. Railsback) is in Illinois attending the funeral of the late great Senator Dirksen. Therefore, I ask unanimous consent that the gentleman from Illinois (Mr. Railsback) be permitted to extend his remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RAILSBACK. Mr. Chairman, I support the bill submitted by the Judiciary Committee. There is little doubt that the present system of selecting the President and Vice President must or should be changed. The issue, of course, revolves around the substitute. If the reform we seek is not to be illusory, the alternative we approve should eliminate all of the weaknesses that plague the present electoral process. The only procedure which accomplishes this task is the direct election proposal.

The two major weaknesses under the present system are the "winner take all" and "bonus votes" aspects. The fact that the candidate who receives the most votes in the State receives all of its electoral votes is an inequity that has long been recognized and deplored. Likewise the existence of the two electoral votes allocated to every State regardless of size distorts the true objectives of our electoral process as they exist today.

The objective, which is foremost in my mind, is equality. The questions which are relevant, therefore, must be concerned with the presence of privilege or advantage. Is the vote of each citizen equal in influence? Are regional preferences preserved or created?

Any system which preserves the use of electoral votes affects the relative effectiveness of each vote. Any procedure which in any way weighs the votes through a system of intermediate steps, before tabulation, such as in the proportional or district plans, diminishes the integrity of the individual vote.

Is there any sound reason why every citizen should not have an equal voice in the election of our one official who serves as the symbol and spokesman for all the people?

Is it too much for a citizen to ask of his Government that his vote be equal to that of his fellow American?

The answer to these questions must be in the negative. For this reason the direct election of our President offers the only solution to the present inequities that now exist. Reform which preserves privilege is no reform at all. The American people want meaningful change. The direct method is the only one that would eliminate once and for all the principal defects of our present system: the winner-take-all feature and its cancellation of votes; the inequities arising from the formula for allocating electoral votes among the States; the anachronistic and dangerous office of presidential elector; and the archaic method by which contingent elections are handled. Factors such as fraud or accident could no longer decide the disposition of all of a State's votes.

Direct election would bring to presidential elections the principle which is used and has worked well in elections for Senators, Representatives, Governors, State legislators, mayors, and thousands of other officials at all levels of government.

That principle, "one person, one vote," would make the votes cast by all Americans in presidential elections of equal weight. All votes would be reflected in the national tally. None would be magnified or diminished. All citizens would have the same chance to affect the outcome of the election. I, therefore, strongly urge every Member to support the Judiciary Committee recommendations.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington (Mr. Pelly).

Mr. PELLY. Mr. Chairman, this resolution to amend the Constitution of the United States relating to the election of the President and Vice President is the most important issue we will consider in this session. In saying this, I don't belittle the major legislation we have faced or will continue to consider, but on other legislation, if success of any such program is not achieved, changes, improvements, or actual abolishment can be made in ensuing years.

However, here we are talking of a 26th constitutional amendment requiring three-fourths of the States' legislatures ratification by a two-thirds vote each and what we do now is something with which all Americans will have to live for a long, long time.

This resolution is especially important because of the pitfalls inherent in the existing electoral college and the inequities of the winner-take-all system. It has been pointed out that the smaller States would stand to lose a slight advantage they presently enjoy in influencing an election, and, of course, there may be some resistance to any such loss of special privilege, although, myself, I cannot see what actual benefit bonus electoral votes under the present system gives them.

The basic wrong in the present electoral system is that it is, as I said, one of winner take all. This is the root of the evil of the system. Under it, millions upon millions of voters are deprived of an opportunity to have a voice in selecting the President.

There are those who believe the district plan, under which electors would be chosen like Members of the House, would have a better chance of getting the support of the States; others say it would eliminate exaggerated mischievous mistakes of fraud. On this latter point, I do not agree. Furthermore, it is my view that there is such a strong public demand for the direct election plan that it has a better chance of being ratified.

To me, it is inconsistent that the National Association for the Advancement of Colored People—NAACP—is opposed to the direct election plan, which follows the one-man, one-vote theory. On the other hand, it is significant, I think, that this plan is endorsed by the AFL–CIO and, likewise, the Chamber of Commerce of the United States, the American Bar Association, the Federal Bar Association and many other leading national organizations.

One thing is clear, however, and that is the matter of a constitutional amendment to change the manner in which we elect our President and Vice President has come of age.

The Gallup poll shows 81-percent support for the direct election of the President. The Harris poll showed 78 percent. Surveys by Members of Congress clearly show this change is strongly supported. Meanwhile, Senator Robert Griffin has conducted a poll of nearly 4,000 State legislators which reveals that on the question of electing the President by direct popular vote, 64 percent of the Legislators responding to the poll said they favored ratification. All the polls I have seen indicate that this plan stands a better chance of ratification by three-fourths of the States than either of the other two major proposals.

Also, great weight is added by the fact that such a prestigious organization as the American Bar Association supports the direct popular election of the President.

In my own congressional district, I have conducted a questionnaire on this matter, and an overwhelming 79 percent of those responding favored direct popular election.

Some of our colleagues have asserted

that the Senate will not approve of a popular election. I do not know what they will do, but I believe it is important that we proceed affirmatively here in the House and allow the conference committee to adjust any differences.

Now is the time to act with the memory fresh in our minds that a constitutional crisis over the selection of the Chief Executive was narrowly averted in 1968. Let us remember that the will of a substantial majority of our people could well have been thwarted because of the inadequacies of the electoral college method of selection of the President and Vice President. The mechanisms which were provided in the 18th century simply are not adequate for the 20th century.

Our electoral process was conceived at a time when conditions were far different than they are today, and during all these years of sociological and physical change we discover ourselves using a system untuned to the times.

Each of the plans for electoral reform has considerable merit, but because of the widespread support given the direct election of the President, I personally favor it.

Mr. Chairman, I strongly urge passage of this resolution calling for the direct election of the President and Vice President by the people of the United States.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman. It has been calculated that, in the event our present electoral system were to force a presidential election to be decided in this body, only 76 Members, representing barely one-fifth of our population, would be able to elect our President.

Mr. Chairman, in order to avert such frightening prospects, I strongly support the constitutional amendment before us today. It would provide for the direct popular election of our President and Vice President. We have, in the last election, once more approached the brink of chaos. We have looked into the abyss, and seen the consequences all too narrowly averted.

I need not dwell before this body on the inadequacies of our present system. To put the matter in sharp focus, we need only consider its three most undemocratic and potentially dangerous flaws:

First, a candidate can receive a greater number of popular votes than any of his opponents, and lose the election. This has happened, in 1824, in 1876, and 1888. It nearly happened again in 1960.

Second, the electors are not bound to vote for the candidate who wins the popular vote in their States.

Third, the procedure for breaking a deadlock in the electoral college is awkward and undemocratic. And the chaos that could follow a further deadlock in this Chamber is too painful to contemplate.

I am convinced, Mr. Chairman, that the plan before us today is clearly superior to all those that have been suggested. As we know, it is also the plan considered best by the President.

None of the other principal alternative plans assures that the man who receives the most votes will gain the White House.

This is the criterion that must be decisive. It is the only one acceptable to a land proud of its democratic heritage and increasingly insistent on this logical expansion of its principles.

Recent polls show that 80 percent of our people favor direct presidential election. And this strong support is found in every section of the land.

It is the plan unanimously favored by such diverse groups as the American Bar Association, the U.S. Chamber of Commerce, and the AFL–CIO, after each conducted thorough studies of the problem.

While the plan before us today has not been immune from criticism, I respectfully suggest that the criticism is not substantial.

One argument has been that it would eliminate the power and influence of the smaller States.

This argument is simply without foundation. In fact, the opposite is true. Under our present system the 12 largest States can elect the President.

Others have suggested that this concentration on the large urban States assures that presidential candidates will be responsive to the special needs of minority groups, and to our major urban needs that must be met.

This argument too, I believe, ignores the reality that, in our increasingly urbanized Nation, no serious candidate can disregard these issues.

Some critics have claimed that the plan would weaken our two-party system. Again I suggest that a realistic appraisal indicates the opposite.

As we saw only recently, it is the present system which encourages this. Under direct election no third party candidate could use a handful of electoral votes to dictate the choice of a President.

In conclusion, Mr. Chairman, I think I have shown that this is a good plan. A sound plan. And there can be no question that some change must come.

For too long, through sheer inertia, this Nation has put up with our present unsatisfactory and dangerous system.

The time for change has come for us today. And we must not lose this opportunity to begin the lengthy process of bringing sanity to our presidential electoral system.

I urge adoption of House Joint Resolution 681.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, first of all let me say that you and the other distinguished members of the Judiciary Committee have done a tremendous service to this House and the entire Nation in preparing your election reform proposals.

As you know I, too, have spent months studying the problems of our presidential election system and ways to solve them.

It is a very great privilege for each of us to participate in this floor debate which will lead to a constitutional amendment to alleviate the great inequities of our election system.

Your committee deserves the gratitude of the American people for reaching a positive conclusion on the need for electoral reform, and for bringing this resolution to the floor for debate.

For many decades, the American people have become aroused over the dangers and injustices of our present system during presidential election years. But these concerns were not strong enough or lasting enough to move the Congress to take action to reform our horse-and-buggy presidential election procedures.

Last fall, America came precariously close to having its highest office up for bid, you might say, on the floor of this very House of Representatives. In the same election, we had a living, breathing example of a presidential elector who not only was willing, but was proud to disregard the will of the people of his State and cast his ballot for a minority candidate.

Like other Members of this body, I placed electoral reform among the highest of legislative priorities in the 91st Congress. During the adjournment period, I developed a plan for electoral reform which I feel is democratic, and which at the same times acknowledges the role of the States in our Federal Union.

My plan embodied in House Concurrent Resolution 345 follows closely the plan for direct popular election of the President and Vice President with one very significant exception. Under my plan, each State would be guaranteed a voice in the selection of a President equivalent to its portion of the national population.

Simply stated, the plan which I presented at the Judiciary Committee hearing is this: Each State would have a number of electoral votes equal to the number of its congressional districts. No additional, or "bonus," votes would be assigned for each State's two Senators as is presently done.

Electoral votes would be given to each candidate in proportion to the number of the State's popular votes each candidate receives. To make the proportional split exacting, electoral votes would be divided to the nearest thousandth.

House Concurrent Resolution 345 is designed to assure that the candidate who receives the most popular votes will win.

Like House Concurrent Resolution 681 now before us, my plan requires the winner to have 40 percent or more of the popular vote and provides for a runoff election where no candidate receives at least a 40-percent plurality.

The basic difference between this plan and the direct popular vote plan is that under my plan, the voice in presidential selection of the people of each State will be determined by the total population of each State, instead of by the total votes cast in each State. Under both plans, the voters themselves, and not electors, determine which candidates will receive the State's votes.

The sole reason my plan retains the concept of electoral votes is so that variable voter turnout does not affect the weight each State's votes will carry in the outcome. Electors are dispensed with. By this means, my proposal would as-

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sure each State of a proportional voice in the outcome of the election based on its population.

Mr. Chairman, I offered this plan to come as close as possible to a direct vote while retaining, as a compromise, a meaningful role for the States in our national election scheme. There have been a great many serious doubts cast on the future of a direct election amendment at the hands of the State legislatures. It is extremely important that meaningful and democratic electoral reforms be adopted before the next presidential election, and I wanted to propose a plan which would both remove the undemocratic aspects of the present system and be palatable enough to win ratification in the States.

There are various and conflicting polls and opinions about the fate of House Concurrent Resoluton 681 in the State capitals. But the information on how the State legislatures would receive any of the other plans proposed is also very vague and conflicting.

While I prefer to guarantee to the people of each State their fair proportional voice in the selection of our President under House Concurrent Resolution 345, I can also strongly support direct popular election of the President, as provided in House Concurrent Resolution 681. There is no vagueness or conflict about the feelings of the American people on direct popular election of the President. Opinion polls and congressional mail point to strong support for this most democratic of election reforms. After long hearings and considerable deliberation in executive session, the distinguished House Committee on the Judiciary chose the direct popular election plan over all other proposals offered.

I believe that the House will approve this plan, and that it will win strong support in the Senate. If the demand for meaningful reform is strong enough to win passage of this amendment in the Congress, I believe that the State legislators will be hard pressed to ratify it by their constituencies.

Mr. Chairman, the so-called district plans which have been proposed fail to provide meaningful reform.

In reality, they carry with them the evils of the present winner-take-all procedure. A candidate could win by one vote or 100,000 votes in a given district without changing the State result.

Most district plans also carry with them the onus of the two bonus votes which add undue weight to the voice of the smaller States, and which enhance further the possibility of electing a candidate to the Presidency who does not receive a plurality of popular votes.

To further detail my election proposals encompassed in House Concurrent Resolution 345, I would like to share with you and our colleagues a recent article I wrote for Case & Comment, a lawyer's journal:

ELECTION REFORM: REMEDY FOR AN IMPENDING CRISIS

(By Hon. FRANK HORTON)

There is an impending crisis facing the United States. That crisis evolves from the antiquated election procedures we have been operating under since the end of the first century.

I say crisis, because in the last election this country came as close as I ever want to come to putting final election bargaining power in the hands of a minority party candidate.

I say crisis, as well, because for the sixth time in our history, a faithless Presidential elector proved that the Electoral College has become a dangerous anahcronism in our Democratic Republic.

At the end of the 90th Congress I undertook a detailed study of our election procedures. What I found was a long history of election reform attempts, but no successes. Since 1797 there have been more than 500 amendments proposed to reform the electoral system. That's more amendments than have been proposed for any other single provision of the Constitution.

In reviewing the nomination and election procedures used over these past 180 years, I kept three principal goals in mind:

Elimination of blatantly undemocratic elements of the present system, such as, denying meaningful participation by the people in the selection of party nominees and the election; independent voting by members of the Electoral College; and runoff procedures in the House of Representatives.

Preservation of our traditional two-party system and the strength of state and local parties. Party nominating procedures must be maintained, strengthened, and legalized under the Constitution without imposing unreasonable Federal controls.

Preservation of state responsibility for elections, where it has resided since our nation's founding. Federal standards should be imposed only when the principles of democracy and essential uniformity demand.

When the Constitution was drafted, the Electoral College and its accompanying election procedures were the most democratic the world had even seen. But that was in 1787. Now, 180 years later, the system is outdated.

My study has shown the need for 10 basic changes to meet these goals:

Abolish the Electoral College.

Establish an automatic proportional electoral vote formula based on the popular vote in individual states. Each state would have one electoral vote for each Congressional District.

Population census every five years to assure accurate figures to determine proportional assignment of Congressional Districts and electoral votes to the states.

Require a 40 percent electoral vote margin, rather than an absolute majority for the victor.

Provide a runoff election for the top two candidates if no candidate receives 40 percent of the electoral vote.

Provide an equitable electoral voice for the District of Columbia.

Permit persons to vote for the Presidency as absentees in the state where they were last eligible to vote if their state of present residence denies them a vote because of residency laws.

Poll the 50 state legislatures to determine a national voting age for persons voting for the Presidency. The age preferred by a majority of states would become law under an act of Congress.

Establish a Federal Election Commission to review election procedures, recommend changes and settle contested election results involving the Presidency.

Establish basic rules for National Party Conventions, binding delegates elected by primary to first ballot votes and providing for a runoff primary when no candidate receives a majority of delegate votes.

The seriousness of the Electoral College crisis becomes obvious when we realize that 15 of our 37 President have been elected with less than a majority of the vote.

On November 5, 1968, we elected Richard M. Nixon as President with 43.4 percent of the vote, a mere .7 percent margin over former Vice President Hubert H. Humphrey. Third party candidate George C. Wallace polled 13.5 percent of the vote. Despite the closeness of the popular vote, Nixon had a clear electoral edge: 301—191—46.

Over the year electoral reform proposals have included direct voting, proportional voting, district voting and automatic (or non-elector) voting plans.

DISTRICT VOTING

In the late 1700's and early 1800's, it was normal for the electors to be chosen in districts similar to Congressional Districts. However, this system was generally abandoned when dominant parties in the State Legislatures saw that they could win more votes for their candidate by choosing electors on general Statewide tickets, using the winner-take-all rule.

The unit rule gives all of the electoral votes of each state to the winner of even the smallest plurality. It has proven to be a most undemocratic reflection of the will of the people.

When a candidate receives a one vote plurality in a state, and wins all of that state's electoral votes, the individual votes of all who voted for his opponents are nullified.

In New York State, where almost 6.8 million votes were cast in 1968, Hubert Humphrey, with 3,378,400 votes received all the electoral votes, in effect nullifying the 3,007,938 individual votes cast for Mr. Nixon.

An argument against the district system is the same as against the present electoral plan: that, like any state today, a district's electoral vote would be won by a candidate having a one-vote margin or a 100,000-vote margin.

A district system would have made no difference in the 1968 Presidential election, but it would have elected Richard M. Nixon as President over the late John F. Kennedy in 1960. That year, Kennedy, who had a slight edge in the popular vote, received 303 electoral votes to 219 for Nixon. A district plan along Congressional District lines would have given Nixon 280 electoral votes to 254 for Kennedy.

THE AUTOMATIC SYSTEM

Another alternative proposed has been called the "automatic system," which would eliminate the electors and automatically cast all of a state's electoral votes for the winning candidate in the state.

The greatest criticism of the automatic plan is that it would give Constitutional status to the traditional "winner-take-all" or unit rule for electoral votes making it a Constitutional mandate.

DIRECT VOTING

Proponents of direct voting say it would give the most meaning to the individual vote. Direct election would eliminate the "unit rule" under the present electoral system and prevent a candidate from winning the presidency without having a plurality of popular votes.

Direct voting proponents also feel it would boost the two-party system, particularly in those areas where one-party control is entrenched.

Today, although increased competition between parties might result in larger turnouts at the polls, with a fixed numbr of electoral votes for each state, there is no electoral advantage to any state from a high votes turnout.

Under a pure, direct voting system voter turnout, and not actual population would determine the voice of each state in the election. Weather and other factors can drastically affect voter turnout on any given election day.

Without apportioning electoral votes by population, variables in voter turnout, which is usually high in urban states and somewhat lower in rural states, could have the effect of cancelling or drastically reducing any voice in the result for citizens of some states.

The total number of citizens, and not the number of persons who vote on a given day, should determine the state's electoral voice in a national election.

Another criticism of direct elections is that they would lead to Federal control of elections. Establishment of a national voting law for presidential elections could threaten state control of its own elections, critics say.

AUTOMATIC PROPORTIONAL PLAN

The only aspect of the present electoral system which comes close to measuring up to twentieth century standards of democracy is the apportioning of a fixed number of electoral votes to each of the 50 states.

Each state must be guaranteed a voice in the selection of a President and Vice President equal to its own proportion of the population. To implement this sound principle, and eliminate the remaining undemocratic aspects of the Electoral College system requires major reforms.

My proposals, while abolishing the Electoral College, would retain the electoral vote. But each state would be allotted electoral votes equal to the number of its Congressional Districts. This would eliminate the disproportionate bonus vote for each state's two Senators.

At present, two additional votes are assigned each state for its two U.S. Senators. The allotment of electoral votes should be directly proportional to population. The minimum electoral vote for any state would be one, not three, as today.

Unlike any of the other proposed alternatives, the automatic proportional vote amendment to the Constitution which I introduced best reflects the popular strength of the candidates and still maintains our system of Federalism.

My automatic proportional system comes closest to electing a President by popular vote of the people, while preserving the state's proportional electoral voice.

RESULTS UNDER THE HORTON PROPOSAL

(1 electoral vote for each congressional district, divided to 3 decimal places according to the proportion of votes each candidate received in individual States; plurality and at least 40 percent of electoral vote required to win)

	Present electoral vote	Percent popular vote	Horton electoral vote	Percent Horton electoral vote	Horton electoral vote to win
1968					
Richard M. Nixon	[1] 301	43.70	[1] 187.100	43.0	174.0
Hubert H. Humphrey	191	42.70	183.174	42.1	
1960					
John F. Kennedy	[1] 303	49.72	[1] 216.008	49.42	174.8
Richard M. Nixon	219	49.52	213.711	49.12	
1888					
Grover Cleveland	168	48.64	[1] 167.186	51.44	130.0
Benjamin Harrison	[1] 233	47.81	150.019	46.15	
1878					
Samuel J. Tilden	184	50.93	[1] 151.786	50.09	121.2
Rutherford B. Hayes	[1] 185	47.94	139.061	45.89	
1824 [2]					
John Quincy Adams	84	31.89	74.734		85.2
Henry Clay	37	12.99	17.035		
William H. Crawford	41	12.95	49.780		
Andrew Jackson	99	42.16	70.451		

[1] Winner.

[2] Runoff required under Horton plan—Adams elected by House of Representatives.

Compilation of the controversial elections in the past show that use of the Horton proposal would have resolved these problems.

The race between John Quincy Adams and Andrew Jackson in 1824 was thrown into the House of Representatives. Under the Horton proposal a runoff election would have been required.

Samuel J. Tilden, who had a 250,000 majority, would have beaten Rutherford B. Hayes in 1878. As it was Hayes won by a single electoral vote after an electoral commission had resolved contested returns.

The 1888 election, under the existing system, went to Benjamin Harrison despite the fact Grover Cleveland was the popular winner with a 100,000 plurality. Under the Horton proposal Cleveland would have won a majority of the electoral vote.

Opponents of the proportional system say it would have resulted in a victory for Richard Nixon in 1960 although John Kennedy had a plurality of the votes. By eliminating the additional electoral votes for U.S. Senators, the Horton automatic proportional system would have given Kennedy a 2.29 vote victory.

The Horton plan in 1968 would have given Richard M. Nixon, 187.100 electoral votes, 43.5 percent, and Humphrey, 183.174, 41.6 percent. Wallace would have received 14.7 percent.

MINORITY PARTIES

Opponents of proportional voting feel it would encourage minority parties because new parties would not have to win a majority in any state or win elections in order to exercise political power. If a majority of electoral votes were required to win, minority parties could exert great influence by holding a balance of power.

However, an effective means to reduce third party power is to lower the required victory margin to 40 percent.

It is important that a newly elected President have the strong support of the people. History has proven this can be accomplished by reducing the victory margin from a majority to 40 percent of the electoral vote.

Under my proposal, if no candidate in a three-way race received 40 percent of the electoral vote, a national runoff election between the two highest candidates would be held within a month of the first election to determine the winner.

This would remove the House of Representatives, with each state having one vote, as the national arbiter of close Presidential elections.

In order to deprive a majority candidate of the election, third and other splinter party candidates would have to win a minimum of 20 percent of the vote to necessitate a runoff. This has occurred only twice in 46 Presidential elections.

DISTRICT OF COLUMBIA REPRESENTATIONS

The District of Columbia, under my proposal, would be allotted the same number of electoral votes as its population would require Congressional Districts if it were a state.

The people who live in the Nation's Capital should be afforded the privilege to voice their full vote for the Presidency. At the present time the District has three electoral votes, but is barred under the Constitution from having more votes than the least populated state, although it is larger than a half a dozen states with more electoral votes.

RESIDENCY DISENFRANCHISEMENT

Each year, millions of voters are disenfranchised because they fail to meet residential requirements in a given state or locality. These voters cannot cast their ballots for the Presidency despite the fact that they are citizens and have voted in previous elections.

A uniform Federal standard is essential to permit a Presidential vote for the millions of Americans disenfranchised by various state residency laws. In an era of great mobility when large numbers of citizens move from city to city and state to state, they should not be deprived, even temporarily, of their right to vote for the Presidency.

Under this proposal every U.S. citizen who has been registered to vote in any state, and who is, by virtue of the residency requirements of the state of his current residence, ineligible to vote in that state, shall be eligible to vote as an absentee for President in the state where he was last registered.

Voting age standards also should be uniform for persons voting for the Presidency. It is not fair for those under 21 years old in a few states to be eligible to vote for President while citizens of the same age in other states are ineligible to vote.

The national voting age for the Presidency would, under my plan, be determined by a poll of the 50 state legislatures before 1971.

State legislatures should each determine a voting age between 18 and 21. The preference of a majority of the legislatures would then become by Act of Congress the national voting age in Presidential elections for all states.

Individual states may establish any voting age for electing state and local officials, but would be encouraged not to.

CENSUS REFORM ESSENTIAL

Essential to any reform proposal would be the need to have more accurate population figures. This would be resolved through a five year census in place of our decennial head counts.

The decennial census which now determines representation in Congress as well as the electoral votes assigned to each state, is no longer adequate because of our high population growth patterns and high mobility.

Under the present decennial census, population figures can be 10 years old in certain election years, as in 1960. Under a five year census, population figures could be as fresh as one year and no older than five years.

FEDERAL ELECTION COMMISSION

The need for continuing review of our election procedures is obvious. Such a commission would stimulate research and development into balloting procedures and offer recommendations to Congress. It would also have jurisdiction to expedite settlement of contested elections involving the Presidency.

The Commission would also review individual state requirements for selection and election of the national convention delegates. Where a state's laws work an injustice on the democratic process, the Committee is empowered to recommend minimum nationwide standards to Congress.

It is foolhardy to assume that merely because a system has been in existence for 180 years it fits the needs of our present day modern society. Over those years the Constitution itself has undergone change. Great changes have occurred in our society as a whole.

Television, radio, jet transportation, public education and public awareness of Government and public affairs has worked to create the best informed electorate in the history of this planet. At the same time, our election system, once the most advanced in the world, has been surpassed by modern theories of democratic government in a free society.

The American people must be unbridled from a horse-and-buggy electoral college, which contains inherent dangers so great as to threaten the stability of our very government. This stability ultimately lies in the people.

I firmly believe the people of the 50 states and the District of Columbia are well equipped to assume their rightful role in choosing national leadership. The proposals I have made offer a plan which is tailored to the needs of today's American Democracy, and to the American Federal system.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Chairman, I support the resolution to amend the Constitution to permit the direct election of the President, because I believe in popular government and genuine majority rule. I think the abolishment of the electoral college, the vestige of a day when the people were not considered fit to choose their own leaders is long overdue.

But because I believe in majority rule, Mr. Chairman, I have severe reservations about the provision of the amendment that would elect a President with 40 percent of the popular vote. I regard it as inherently unwise to build into our Constitution a provision for the election of our highest public official with less than a majority of votes. I think it is an unhealthy departure from the traditional American principle that the majority rules. I believe it will set a disturbing precedent, which—given its association with the highest office in the land—could easily pass into more commonplace political practice. Some of our colleagues have proposed other figures—35 to 45 percent. We are a country that has always been governed by majority rule, and I believe very deeply that we should stay that way.

I have other reservations about the 40-percent provision. I think it will encourage the growth of splinter parties and stand constantly as a sword over the head of the two-party system. I suspect it will give undue power to small groups. I think it will enable, far more easily than with a majority requirement, the election of a President who appeals to some transitory passion. A demagog will more easily get 40 than 50 percent of the vote. The 40 percent principle means that 60 percent of the voters might support the stability that the two traditional parties have always given our society—while a minority is temporarily diverted by some folly. I have great faith in the long-term wisdom of the American people but I have, even in my own lifetime, seen instances when a substantial minority has had its head turned by the siren songs of irresponsible would-be leaders. I think the amendment, as it currently is written, will serve the ambitions of a demagog, while putting the solid majority of Americans at a severe disadvantage.

Let me go a step further and say that the institution of a minority President will do a disservice to good government. In these days of enormous social problems, we need a strong man in the White House, one who is uncontestably the master of his administration. We know how difficult it can be for the President to exercise control over entrenched interests inside the Government—the vast Federal bureaucracy, the military, the intelligence agencies, the regulatory commissions. These fiefdoms inevitably are strengthened by the feeling that the President represents less than the majority of voters. Any sign of weakness in the Presidential office, it seems to me, diminishes the responsiveness of these entrenched forces to necessary change. We contribute nothing but potential disorder to the processes of Government, in my view, if we build into the Constitution the institution of a minority President.

What I propose is the resort to a runoff election, which the amendment already contemplates if no candidate obtains a plurality of 40 percent. My amendment would provide for a runoff if no candidate gets as much as 50 percent plus one of the votes cast. I recognize that this could entail added expenses, both for candidates and the election districts, but I think the expenses could be kept to a minimum. If the runoff election were held one, or perhaps, 2 weeks at most from the original election day, there would be little additional campaigning. And since this would be a head-to-head contest, with only two names on the ballot, I would think that administrative expenses would be minimal. Other countries and several of our States find the runoff system quite feasible. I do not think the technical handicaps are serious. I prefer this system because it is far more democratic than acquiesence to a minority President. I believe that the integrity of our system demands that our President be the choice of a majority of Americans.

Mr. Chairman, I recognize that no one knows for sure how the proposed constitutional amendment will function in practice, particularly in regard to the problem of third parties. I think most Americans agree that we should try to preserve the two-party system. I acknowledge that an argument can be made for the proposition that requiring a majority of popular votes for the election of a President will encourage dissidents to form splinter parties as "spoilers" to force a presidential election into a runoff. On the other hand, I believe such spoilers will be discouraged from entering—and entailing thereby much trouble and expense—by the knowledge that a runoff will cancel any influence they had hoped to exercise. In the case of a 40-percent President, a third party would remain in possession of the margin of defeat or victory, a sort of Damocles over the President's head, a force with which he would need unquestionably and interminably to reckon.

But as important as any practical consideration, Mr. Chairman, is the principle of majority rule. I would like to caution my colleagues against institutionalizing the minority President by enshrining him in the Constitution. I would, instead, have them consider seriously the device of the runoff election to preserve the confidence of the people and keep our system strong.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, in considering House Joint Resolution 681 we are being asked to make a fundamental change, a change not only in the Constitution of the United States, but in my judgment also a change in the fundamental and basic philosophy which lies behind that Constitution.

In this situation it seems to me that two things at least are clear. First, the burden of proof rests heavily upon the proponents of the change and, secondly, we should strive for the minimum change consistent with the legitimate objectives of reform.

Now, the objectives of reform as I understand them are to get rid of the so-called faithless elector, to provide a better method of a contingent election in the failure of an electoral majority than that now provided in the Constitution, and to remedy the winner-take-all situation by which the winner of the popular vote within the States takes all of the electoral votes of the State.

Mr. Chairman, the gentleman from Texas (Mr. DOWDY), the gentleman from Virginia (Mr. POFF), and I, on Monday—and I hope, parenthetically, that all Members will be present on Monday—will offer a substitute amendment in the form of a district plan which we believe will answer all of those objectives of reform and will do so without working any radical and fundamental change in our constitutional system and in our electoral system.

Our plan, briefly, will abolish the elector as an individual and this will take care of the question of the faithless elector. It will retain the electoral vote of each State as it now exists and two of the electoral votes of each State will go to the candidacy—the candidate for President and Vice President—which gets the highest number of votes within the State.

The other electoral votes of the State will go as the separate electoral districts into which the State is divided will go and will be assigned automatically to the candidacy which has the highest number of votes within such electoral district. That, we submit, will take care of the winner-take-all proposition because no longer, for example, will the city of New York be able to govern all of the electoral votes of the State of New York. It may possibly take the two electoral votes at large; it may take those in the congressional districts within the city, but it will not necessarily affect at all the voters upstate who can choose their own electors in their own districts.

Finally, our plan in the event that no one obtains an electoral majority in this manner will provide for an election by a joint session of this House and the Senate where the Members will vote as individuals, thus utilizing a representative body already elected and at hand and available for that purpose.

I said when I commenced my remarks that I thought the direct plan proposed by the committee envisaged a fundamental change in political philosophy. We have heard here on the floor during the debate several times that any plan other than the direct plan carries within it the possibility, as they say, of a winner being a loser or a loser being a winner.

It is true as a mathematical proposition that as long as you retain electoral votes it is mathematically possible, though not likely, in a very close election, for someone to have the most electoral votes, and still to run slightly behind in the popular vote. That can occur.

As a matter of fact, it has not occurred in this country since 1888, when Benjamin Harrison was elected over Grover Cleveland, and in my judgment that is the only example in our history, under modern conditions fairly approaching the conditions which exist in this country today.

But let me suggest to you a few other considerations in this connection:

This body in which we sit is a representative body. Why is it representative? It is representative because it is elected by districts throughout the length and breadth of this great land of ours.

I am indebted for this next illustration to my friend, the gentleman from Michigan (Mr. HUTCHINSON). If we approach this House on a completely mathematical basis, if we counted up the total vote within the country for Republican candidates for this House and compared it with the total vote nationwide for Democratic candidates for this House on a purely mathematical basis, there ought to be a good number more Republican Members in this House than there actually are, but, elected from districts as we are, this is not true; and still we are a representative body, and Representative, Mr. Chairman, for the very reason that we are elected by districts.

As a result of our election by districts, we have Representatives here from every section of this country representing every citizen, every interest, every class, and every viewpoint in this country.

Let me suggest to you what can happen under the direct election procedure, and what I believe well might happen.

In the 1968 election 54.6 percent of all the votes cast were cast in nine States containing 12 of our largest cities. The significance of this is, as the Indianapolis Star put it in an editorial, that political machines in 12 cities in nine heavily populated States can pile up pluralities so big that the votes of the rest of the country would not matter in a nationwide popular election.

In other words, under the direct popular vote plan proposed by the committee, it is possible for a candidate to pile up so large a margin in these few heavily urban districts that he can lose and run behind in three-quarters of the geographical area of this country, and still wind up with a few thousand more total popular votes.

Now, such a candidate so elected may be a winner in a mathematical sense, but I ask the question whether he is a national leader, whether he is truly a representative leader under those conditions?

Let me suggest to you that a President elected by districts—and that is what we propose, the gentleman from Texas and the gentleman from Virginia and I in our substitute amendment—must, like the Members of this House, be a representative President, representing all sections and all interests and all points of view throughout this great country of ours.

In 99 times out of 100 the winner of the popular vote will also be that representative candidate, under any system. But our forefathers did not hand down to us a pure democracy in this country. They handed down to us a representative federal republic, and I say to the Members of this House that if we are to abandon that representative Federal Republic, and in my view that is what we are being asked to do, then it must be done without my vote, at least; and, I would hope, without the votes of every thoughtful Member of this House.

So I say to you, ladies and gentlemen, by all means let us strike a blow for reform, but let us do it without striking down in the process the constitutional house left us by our forefathers.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. WIGGINS. I would like to sharpen the argument made that the present resolution will destroy or at least damage the federal system. I hope the gentleman will be precise. I would like to know in what specific way the sovereignty of the State of Indiana will be eroded by the direct popular election of the President.

Mr. DENNIS. Well, the thrust of my argument, I will say to the gentleman, is that which I made a minute ago, that under the direct popular vote you may have a man elected from a small part of this country; in other words Los Angeles, New York, Chicago, or Detroit, if they like a man and vote for him, strongly along with a few other cities, they can elect him. I say that that is democracy, maybe, in the sense of a few more votes—but it is not the representative Federal Republic such as we have had, and if that man loses in the rest of the national area then he is not representative on a national scale.

Mr. WIGGINS. If the gentleman will yield for one further observation, I believe the gentleman is aware that the State of Indiana was the most important State in the Union in contributing to the national total for a Republican President.

Mr. DENNIS. I am aware of that.

Mr. WIGGINS. That was in 1968. I suggest too that Indiana particularly will be an important State in a direct election.

Mr. DENNIS. I agree that Indiana is always important.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield for a question?

Mr. DENNIS. I yield to the gentleman.

Mr. BURLISON of Missouri. Mr. Chairman, I take it from the views of the distinguished gentleman from Indiana printed in the committee report and in the letter that he has sent to the Members of this body that he bases much of his position on the idea or the concept espoused by the distinguished gentleman, of the federal system as favored by James Madison, which you refer to in both of your publications.

Mr. DENNIS. It is true, I will say to the gentleman from Missouri, referring to the distict plan which I am advocating that James Madison said that it was mostly if not exclusively in contemplation by the framers when they drew the Constitution.

Mr. BURLISON of Missouri. Is the gentleman aware that James Madison, the father of our Constitution, favored the direct popular plan for electing the President?

Mr. DENNIS. I am.

Mr. BURLISON of Missouri. Rather than the system espoused now by the gentleman from Indiana?

Mr. DENNIS. I understand that that is true, but he said, nevertheless, that the Constitutional Convention had in mind the district system and he said that he thought that would be an excellent amendment to the Constitution as it was adopted.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the distinguished chairman of the Commttee on the Judiciary.

Mr. CELLER. Is the gentleman able to give us any concrete evidence of support for the district plan by any organization?

Mr. DENNIS. I am glad the gentleman has asked me that. Reference was made here yesterday to the Chamber of Commerce. I think the gentleman, the chairman of the Committee on the Judiciary, will remember that the Chamber of Commerce is supporting the district plan equally with and as an alternative to the direct plan—and I am happy to inform the distinguished chairman that the American Farm Bureau Federation has been sending me wires supporting the district plan. So I think I can at least cite two national organizations to him.

Mr. CELLER. On the other side we have the AFL–CIO, the American Bar Association, the U.S. Chamber of Commerce, the Federal Bar Association, and many other organizations which favor the popular direct plan.

The gentleman understands the evils of gerrymandering, I am sure. I would like to ask the gentleman this question: Would not the district plan open the door to greater gerrymandering on the part of the State legislatures? If they are Republican, they would likely gerrymander the districts along Republican lines; contrarywise, if the legislators are controlled by Democrats, the Democrats being politically minded, as are the Republicans, would draw the lines likewise so as to assure Democratic electors.

Mr. DENNIS. I would like to say to the distinguished chairman that we have provided for that in our proposed amendment by stating that the electoral districts must be, insofar as practicable, compact, of continuous territory, and as nearly equal in population as possible. We adopted that language in order to meet the very argument made by the distinguished gentleman. I might add that as long as your congressional district meets those standards, but only so long, it could be the electoral district.

Mr. CELLER. As one who has been very interested in the subject of gerrymandering, and over many years the author of bills seeking to prevent gerrymandering, I can say to the gentleman the mere words "continuous" and "compact," which are contained in this proposed amendment, would not prevent gerrymandering. It could still be gerrymandered on other lines and on other principles.

Mr. DENNIS. I say to the chairman that no solution is perfect. But I feel that under the court decisions and under the terms of our proposal, we could draw decent districts which would be representative, just as this House is representative.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman if I have any time left.

Mr. MONAGAN. The gentleman has suggested that he fears political machines would control the votes in certain population centers. I would just like to suggest from the experience of the past presidential election the opposite would be the case. To take New York City as an example, with the present political situation in that city, would not the proliferation of candidates and phases of opinion within the party show quite the contrary would be the case?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. DENNIS. May I have time to answer the gentleman?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CELLER. Mr. Chairman, I yield 20 minutes to the gentleman from Texas (Mr. DOWDY).

Mr. DOWDY. Mr. Chairman, I am pleased to have this opportunity to express some of my views relating to reform of the electoral system by which we elect the President of the United States.

I have long been of the opinion that some reform would serve the general good, but my concept of reform would be to conform the practice to the intent of the authors of the Constitution, in the provision they made for election of the President. With the development of political parties in the United States, it became the practice for the entire electoral vote of each State to be delivered to the presidential candidate receiving a plurality of the popular vote of the State, known as winner-take-all.

This was not the intention of the authors of the constitutional provision establishing the electoral college. A reading of the constitutional records amply demonstrates this to be true. In a letter to George Hay, James Madison stated what the 1787 Convention intended to accomplish. In the letter, Madison stated:

> I agree with you in thinking that the election of presidential electors by district is an amendment very proper to be brought forward. The district mode was mostly, if not exclusively, in view when the Constitution was framed and adopted.

With this in mind, the proposal of the gentleman from Virginia (Mr. POFF), the gentleman from Indiana (Mr. DENNIS), and myself, which will be, at the proper time, offered as a substitute for the committee bill, House Joint Resolution 681, has been framed, holding in mind the proper use of the electoral college, and assignment of electoral votes by district. This proposal upholds the original constitutional principle of the electoral college.

We abolish the electors as such, but retain the form and intent of the Constitution. The details of the substitute proposal will be explained when it is offered. In the meantime, should you wish to examine the proposed substitute, it is set out in the remarks of the gentleman from Indiana (Mr. DENNIS) on page 24890 of the CONGRESSIONAL RECORD for September 9, 1969.

The present procedure by which a President is elected does need reform. Various reasons are assigned by various people. Some of the reasons are picayune. For instance, there is mentioned the problem of the maverick elector. This problem is so small as to not be worthy of mention; however, we eliminate him in our substitute proposal. The contingency of election in the House is remote even under the present system. It has happened only twice, and that in the early history of our Nation, once in 1800 and again in 1824.

But the palpable unfairness of the winner-take-all system, by which a small number of popular votes may control a State's entire electoral vote, cries out for remedial action. That is what we seek to remedy by and through our substitute. Neither the gentleman from Indiana (Mr. DENNIS) nor I will claim that our proposal is perfect. No political system is perfect. We do claim that our proposal is less imperfect than the present system, and also less imperfect than the other proposals, and particularly the committee proposals, House Joint Resolution 681, which is more imperfect than any other proposal, and would exchange the few imperfections in the present system for a horde of new imperfections.

The acknowledged defects in the present system of electing a President do not cry out for the drastic and radical scheme embodied in House Joint Resolution 681, which calls for the direct election of our Presidents. This proposal would destroy our federal system. This is the fundamental fact facing us here now. Maybe that is what we want to do. I do not think we want to destroy our federal system, but we ought to know that is what will happen by adoption of the direct election.

Popular election sounds so easy—so simple. But examination will disclose problems which are immensely complex. Under House Joint Resolution 681, the regulation of all elections would effectively pass from the States to the Congress. Under present law, each State fixes its own qualifications for voting and supervises its own elections. The system has its drawbacks, of course, but they are far outweighed by its advantages. The State constituencies are confined; they are of manageable size; and they operate in each State under a body of established election law.

The committee proposal would completely alter this federal scheme. Congress would provide for a runoff election if no candidate received 40 percent of the vote; Congress would fix minimum residency requirements; Congress would wind up fixing age requirements and literacy requirements; Congress would be required to enact laws providing for election contests; Congress would provide for absentee voting; Congress would write laws for just about everything else. Congress would preempt the field of election laws; the States would be required to abandon their own election laws in order to conform because it would be impractical to have two sets of voters, one for President and the other for State elections.

Some may think it is good, and that it is what the people want, but I repeat, whether good or bad, the proposed change is fundamental and radical, and must be faced as such. I believe that our proposed substitute provides a far better and wiser solution.

The essential objection to the operation of the present system used in election of Presidents is the distortions that exist. The chief cause of the distortions is the statewide general election ticket system of electing presidential electors. The district system, as embodied in the substitute of the gentleman from Indiana (Mr. DENNIS) and me would eliminate the winner-take-all procedure under which all the electors from a State go to the statewide winner, regardless of the fact that the statewide loser might have won some congressional districts. Our proposal, as heretofore stated, would follow the plan for electing a President as envisioned by the Founding Fathers.

If you will read all of the varying and dissenting views in the committee report on House Joint Resolution 681, and after listening to all of the debate here on the floor, I am convinced that you will come to the conclusion that the authors of the U.S. Constitution were more intelligent than some of us have been giving them credit over the last several years.

If the manner of electing a President, as they envisioned, had been followed, rather than abandoned, there would be no necessity for me to be here today urging the adoption of my substitute. Prior to 1836, many presidential electors were elected by popular vote from districts within the States. Each district elected its own elector, whose party affiliation and vote might be different from those in some other districts within the same State. These district electors represented the voice of the people within their districts, giving these people an effective, independent voice "as citizens of the United States." The people were not regimented, as they are today under the winner-take-all general ticket system, into voting solely in their capacity "as citizens of their State," by requiring that their votes be counted on a statewide basis only, and having one voice expressed uniformly by all of the electors from the State.

The Constitution provides that the number of people determines the whole number of presidential electors each State shall have. Each State is entitled to two electors, or electoral votes, counterparts of the two U.S. Senators to which it is entitled as a State. In addition, it has additional electoral votes equal to the number of Representatives in Congress to which the "people" of the State are entitled.

Senators are elected by the people of a State to represent their "State" in Congress. The Representatives are elected by the people of their districts to represent "the people" in Congress.

The district plan, as proposed in our substitute, will effectively preserve and protect the dual character of Americans as "citizens of the United States," and as "citizens of a State," as clearly established in the Constitution. The great compromise established dual representation in a bicameral Congress, providing, first, for equal representation of the States as States, regardless of population or size, in the Senate, and, second, for representation of the people by Representatives in the House elected directly by the people and apportioned among the several States according to population.

This difference in the character of representation in the two Houses is sharply drawn in the constitutional provisions relating to qualifications which specify that a Representative shall be an inhabitant of the State "in" which he shall be chosen, and that a Senator shall be an inhabitant of that State "for" which he shall be chosen.

This balanced and symmetrical structure of dual citizenship and dual representation in the Congress applies consistently in the parallel structure of dual representation established for the electoral college. The election of two electors on a statewide basis is an election for the State by persons acting in their capacity as "citizens of the State," and the election of additional electors by each district would provide separate elections in each State by persons acting in their capacity as "citizens of the United States."

Our proposed substitute for House Joint Resolution 681, while abandoning "electors" as such, preserves the electoral votes for each State and for each district, and preserves the dual citizenship status in voting for President.

In addition to conforming to the intent of the Constitution, our proposal is much fairer than the statewide general ticket system, wherein all presidential electors, whether counterparts of Senators or of Representatives, are elected by the same statewide count of votes by which the two electors, counterparts of the State's two Senators, are elected.

Now, in my remaining time, I will remark briefly on some of the evil results that could be expected from adoption of the Joint Resolution 681, which is before us for consideration. I have already mentioned that it would destroy our federal system, and its price would be complete Federal control of our elections, leaving no role to the people or to the States.

House Joint Resolution 681 is not electoral reform—it is a political transformation, flying squarely in the face of the most basic precept of the Constitution. It is a swing to an extreme which represents the most radical possible departure from traditional constitutional concepts.

The only real source of complaint is the statewide, winner-take-all election of electors. This can and should be changed, but there is nothing in the current situation, political or otherwise, that would command the complete restructuring of the foundation of the Presidency. It goes too far for too little reason.

The adoption of House Joint Resolution 681 would result in 15 States gaining political power in the selection of the President; 34 States and the District of Columbia would lose, and one State would have no change. The competition between the States to gain political power could well do violence to age and literacy requirements for voters. All of the States would have to follow the leader to the lowest voting age established by others, or see their power in presidential elections diminish. Who knows where it would end; it has even been suggested that it could reach the point that a pregnant woman would be permitted two votes.

Furthermore, a logical extension of the arguments made in support of the direct national election can be extended to include the restructuring of the U.S. Senate, with its assignment of two Senators to each State. It lends force to the schemes, advocated by many, to destroy the Senate by conforming it to a population basis. After all, if the people of the United States elect the President out of one popular constituency, thus brushing aside State boundaries and the concept of States themselves, then by what logic can it be maintained that the States should remain intact and sovereign and be assigned, equally, two Senators?

Fairly stated, the proposal for direct election is far more than reform. It is replacement of almost 200 years of principle. Let it be so named and so recognized. Let the people of the country know full well the real, true question that is being debated here. Implicit and ordained in the proposal is the destruction of the States as parts of the plan of electing the President, making easier the task of those who would rush forthrightly into the centralization of all power in Washington, which is going on apace, even now.

I cannot see how thoughtful citizens, with lifelong experience in the work of precinct, county, district and State politics, as they affect presidential elections, could fail to have misgivings about a proposal which would precipitate them into one formless mass of people, across the 50 States. It could effectively cripple, if not destroy the political parties. Political workers, party officials, organizers, and concerned voters have always dealt with the work of presidential elections in a familiar framework. They work at the task of carrying their constituencies, and measure their effectiveness precinct by precinct, county to county, district to district, and State to State.

This would be no more under the direct-election proposal. Far from bringing the vote for the President closer to the people, this proposal would cause them to lose their identity and their interest in a shapeless mass.

Sectional differences in terms of economics, resources, ethnic groupings, religious blocs, urbanization and so forth, have always been important elements in presidential politics. Merging, balancing, tempering and reasonable compromise have been very positive and valuable attributes of our federal system. In fact, it is this diversity of people and interests that has kept us strong as a society. It is a precious balance. All of this will be drowned out and lost if the direct election proposal is adopted.

The direct election would introduce greater uncertainty into our presidential elections. In the event of close results, in State after State, such as we saw in 1960 and 1968, we could expect calls for widespread recounts and contests in the courts. New Federal laws would have to be enacted concerning such contests; these laws would have to be tested and interpreted by the Federal courts, through the Supreme Court. The result being that it could be weeks or months, or even years, without knowing who had been legally elected President. In purporting to seek certainty, the direct election ironically introduces an element which can only lend itself to greater uncertainty.

Much has been made in the past of dangers of fraud in elections, and we have seen charges of such when States were closely divided, and a State's whole bloc of votes would be delivered in such a manner. But placing the whole electorate at issue, as does the direct election proposal, raises fraud to its highest possible level. Such a plan would nationalize fraud and utilize every available bit of it. Presently, a given fraud can affect the vote of only one State. Under the direct election, it would affect the vote of the whole Nation. Under the district plan, it would affect only one electoral vote.

A shift of only 60,000 votes would have reversed the outcome of the 1960 election, had it been conducted under the direct election plan. Surely, this number of votes would be viewed as an achievable goal for those so inclined, out of more than 70 million votes.

Splinter parties have heretofore been neutralized by the State boundaries of the electoral college. The proponents of the direct election suggest that the 40 percent requirement for election of a President is designed to allow a 20 percent splintering of the electorate, and yet permit one of two major parties to elect a President. They do not add that the President they elect may be bitterly opposed by three voters out of five, and that he could truly be a minority President.

In fact, with the multiplicity of parties this plan would encourage, minority Presidents would be almost a certainty. The Madison Avenue techniques of the press and television networks in presenting the direct election to the people as a utopian method of solving all the ills of society has been biased and entirely one sided. It is not mentioned, or slurred over, that 40 percent of the voters will be able to elect the President. But the resolution is here, and the people will become informed that it would actually write the 40-percent provision into the Constitution, the basic law of our land. No mention is made of the fact that if adopted, the voters of the 10 or 12 largest cities would be able to elect the President, even though he might be entirely unacceptable to large majorities elsewhere. But the people will learn of it before such an amendment is ever ratified.

I hear it asked here, "How was the 40 percent figure arrived at?" No good reason is assigned—purely rationalization.

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But this 40 percent would make it possible for the 10 or 12 largest cities to elect. I wonder if that is the reason for it. Were the figure 45 percent, it would make a minority election more difficult; were it 50 percent, the minority election would be impossible; were it 35 percent, the intent would be too obvious. As amendments are offered, I expect this will become apparent.

I am of the opinion that an effective President should have a majority base of some sort, whether it be a majority of the voters, or a majority of the areas of the Nation. Throughout our history, our Presidents have had such a base, even in 1800 and 1824, when they were selected by the representatives of a majority of the States. A Presidency based upon 40 percent of the votes cast would be shaky, indeed.

In the end, the essential weakness of the direct-election proposal is that its ratification is most deeply in doubt. The big States versus the little States is an issue that will not go away. It remains with us as it has from the date of the great compromise of 1787, which made our Constitution possible. Thus the Congress is being asked to adopt the proposal that is least likely to be ratified by the smaller States, which by any count will number more than 30. Will they sacrifice their statehood in presidential elections on the altar of an undefined political slogan, "one man, one vote"? I think not. By mere failure to act, any 13 States can defeat a proposed constitutional amendment.

And that brings me to a final thought I want to lay before you for consideration. The proponents of direct election claim they want to effectuate the "one man, one vote" slogan. But they immediately provide that a President shall be elected by 40 percent of the voters, which effectively belies the "one man, one vote" claim. The real meaning of the 40-percent provision is "one man, 1½ votes." Under this "one man, 1½ votes" provision, as I have mentioned earlier, it would mean that a man could be elected President who was bitterly opposed by three out of five voters. If this is "one man, one vote." I do not understand the English language.

In my judgment, there were gathered together at the 1787 Constitutional Convention the greatest political minds in the history of mankind. They drew upon their own knowledge and experience, as well as the experiences of 6,000 years of mankind's search for liberty, and produced the finest political document ever conceived in the mind of man, before or since. It has proved its worth over a period of nearly 200 years. I have great faith in the minds and judgment of Washington, Jefferson, Franklin, Madison, Hamilton, and the others who composed that document. I hesitate to drastically tamper with it. Those who advocate this change in the Constitution must bear the burden of proof that their remedy will not produce greater evils in the body politic than those it would cure. This they have not done.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Yes; if I have the time.

Mr. MIKVA. I am startled and concerned at the gentleman's statement about the possibility of vote fraud in the proposal under debate, or I should say, his reference to increasing the potential for fraud. It seems to me that the present system affords the greatest potential for fraud because of the leverage of a few votes.

May I call the gentleman's attention to the 1960 elections where there were allegations—which were never substantiated—that in my State there were difficulties and irregularities; only 9,000 votes separated the two candidates in that instance. On the basis of that situation, 27 electoral votes went to one party, rather than the other. However, under the direct election plan 9,000 votes would merely be counted as a part of the total cast throughout the Nation. Would not the potential effects of any fraud or irregularities be far less under the direct election system? Would the gentleman care to comment on that?

Mr. DOWDY. I would like to comment on that. That question is a basic reason that I support the district plan because that 9,000 votes would not have affected the 27 electoral votes of the State of Illinois under the plan we are proposing. It would affect only the one vote in the district, plus the two State votes. This would limit fraud to just three electoral votes, while under the direct election plan it would affect the election across the whole of the United States of America, in such a way that it could switch the result of the election.

Mr. MIKVA. Mr. Chairman, if the gentleman will yield further, the point is this. The less leverage there is, the less fraud there can be and the direct election plan has the least leverage of all.

Mr. DOWDY. For the district plan?

Mr. MIKVA. For the direct election plan.

Mr. DOWDY. For the direct election plan those 60,000 votes would have switched the result of the election. A change of 60,000 votes would have altered the election in 1960. But under the district plan it could have affected only three electoral votes.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Yes, I yield to the gentleman from Louisiana.

Mr. WAGGONNER. If the gentleman from Texas has the time, I wonder if he could inquire of the gentleman from Illinois to whom he just yielded as to whether or not he was in favor of this change in 1960 when that 9,000 votes took so many electoral votes to his candidate and in fact provided the margin of victory.

Mr. DOWDY. I yield to the gentleman from Illinois to respond to the gentleman's inquiry.

Mr. MIKVA. I shall be glad to answer that question and to say that I was for the direct election plan in the election of 1960—as I am today.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Texas.

Mr. ECKHARDT. I agree with the gentleman in his position at least if not in his reasons in opposing House Joint Resolution 681. I do not agree with his alternate plan. I agree with the gentleman that after a great period of operation under the present electoral system it would be a bad thing to throw it over. But under the district plan, does the gentleman know what would have been the result in the election between Mr. Kennedy and Mr. Nixon?

Mr. DOWDY. No, I do not.

Mr. ECKHARDT. As I understand, the result in that case would have been that Mr. Nixon would have been elected. I am not sure of that.

Mr. DOWDY. Well, I am not either. I do know that had there been a proportional plan in 1960 that Mr. Nixon would have been elected. I do not know that that applies, and I do not believe it does, to the district plan.

Mr. ECKHARDT. But the result would have been, as I understand, a difference between the popular vote and the result under the plan proposed by the gentleman. I believe that under the district system the result would have been 278 to 245 in favor of Mr. Nixon, although the popular vote went the other way.

Mr. DOWDY. If that is true—and, the gentleman must understand, that I have not checked it——

Mr. ECKHARDT. But under the existing system the result of the electoral vote came out the same as the popular vote.

Now, I agree with the gentleman that we should not lightly abandon the electoral college, but I suggest that possibly the district plan would create a greater propensity toward a difference between the popular vote and the electoral vote.

Mr. DOWDY. The district plan would make the electoral vote more nearly conform to the popular vote, as evidenced in the 1968 election.

Mr. BURLISON of Missouri. Mr. Chairman, would the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, I notice that the gentleman from Texas also mentioned among the fathers of our country, James Madison, in support of his concept of federalism.

I would like to ask the gentleman from Texas, as I did the gentleman from Indiana, if the gentleman is aware of the fact that James Madison, the father of our Constitution, was a strong proponent of the popular plan to elect a President back in 1787?

Mr. DOWDY. Perhaps. I do not know. But I can quote from a letter that Madison wrote to George Hay in which he said:

> I agree with you in thinking that the election of presidential electors by district is an amendment very proper to be brought forward. The district mode was mostly, if not exclusively, in view when the Constitution was framed and adopted.

Mr. BURLISON of Missouri. Mr. Chairman, if the gentleman will yield further, if he will look into the context of that in a bit more detail the gentleman will find that James Madison fa-

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vored our present plan above the plan by which the State legislatures would select electors, but he did not favor the plan above the popular election. That is what President Madison had reference to in the remarks the gentleman has just quoted.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding. I would ask the gentleman whether the gentleman would agree that it would be a fair presumption in normal circumstances that under the district plan the party which elected, that is, controlled the House of Representatives, would also presumably elect the President because if a particular party was strong enough to elect a majority in the House of Representatives then under the district plan—and that is what we have—is it not likely that the same party would elect the President?

Mr. DOWDY. I would think usually that would happen, although not always. There have been times in my district where I was elected but the Republican presidential candidate prevailed. I recall that was true at least in Mr. Eisenhower's 1956 election campaign.

Mr. HUTCHINSON. I would concede that, but just as a further response, if the gentleman would yield further, in response to the colloquy that took place just a very few minutes ago between the gentleman in the well and another Member on the floor, it just occurred to me that it would be fair to say that as a general thing the party strong enough to elect a majority in the House of Representatives would be strong enough to elect the President under the district plan.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CELLER. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

Mr. ROGERS of Colorado. Mr. Chairman, would the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Chairman, in response to the question propounded by the gentleman from Michigan, I think it is only fair to point out that under the district plan in the last election President Nixon would have received 289 electoral votes, as compared to 192 votes for Vice President Humphrey—and yet nevertheless you have a Democratic House of Representatives.

Mr. DOWDY. Under the district plan in the last election, I have checked, Mr. Nixon would have received 12 less electoral votes than he received. Mr. Humphrey would have received identically the same and Mr. Wallace would have received 12 more votes than he received.

Mr. ROGERS of Colorado. But the point is that President Nixon still would have won.

Mr. DOWDY. That is right.

Mr. ROGERS of Colorado. And still you have a Democratic House, and that certainly dispells your conclusion.

Mr. DOWDY. There would be a difference in the totals under the district plan, when compared with the totals under the "winner take all," as presently practiced.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. WIGGINS).

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield briefly?

Mr. WIGGINS. I yield to the gentleman.

Mr. MacGREGOR. I cannot resist commenting on the most recent colloquy between the gentleman from Colorado (Mr. ROGERS) and the gentleman from Texas (Mr. DOWDY). It does seem to me that a most pertinent observation to make about the fact of there now being a Republican President and a Democratic House is that a great many Democratic voters throughout the country obviously showed the great good judgment of voting for Richard Nixon.

I thank the gentleman for yielding.

Mr. WIGGINS. Mr. Chairman, I am here to support House Joint Resolution 681.

I think I have always supported electoral college reform, but I did not approach these hearings in favor of the direct election plan. Indeed, I was leaning toward the district plan. But after the hearings and after the deliberation which I personally and our committee gave to this most important subject, I have come to the conclusion that the direct election of the President is best. Accordingly, I am here to embrace House Joint Resolution 681 and urge my colleagues to do likewise.

I have taken this time during general debate to add to the legislative history surrounding this most important measure.

The first subject that I would like to address myself to is:

Under the resolution, who may vote?

In section 1 of the resolution it is provided:

> The people of the several States and the District constituting the seat of government of the United States shall elect * * *

This sentence upon careful analysis indicates that the constitutional power does not extend the right to vote to all people. Only people of the several States and the district constituting the seat of government may vote under this resolution.

It should be understood, therefore, that the Congress is denied the power to grant legislatively the franchise to American citizens in the territories and American citizens domiciled in foreign countries and not domiciled in the States or the District of Columbia. That fact, I think, should be understood.

Section 1 also provides that two persons must consent to the joining of their names as a presidential and vice presidential team.

By this section and others the inconsistent provisions of the 12th amendment are by implication repealed. There is nothing in the language of section 1 or in this section of the resolution before us inconsistent with the final sentence of the 12th amendment which provides,

> But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

The final sentence just quoted remains in my view unimpaired and a part of the Constitution.

There are some diversity provisions in the 12th amendment with respect to electors in one State being required to cast their votes for a presidential or vice-presidential candidate from another State. I do not think these provisions have been repealed. They have been rendered obsolete by the direct election amendment.

In section 2 the State legislatures are granted the power to determine the qualifications of voters. This follows the pattern now in the constitution in article I, section 2, and the 17th amendment, which specifies the qualifications for voters for Representatives in Congress and for Senators.

The second section also grants powers to the Congress to provide for uniform residency requirements.

In a national election no otherwise qualified voter should be denied the right to vote because of a recent change in residence. However, it is equally important to insure that such person votes only once. Uniform residency requirements can assure this result. The purpose of the uniform residency requirement is to prevent duplicate voting.

I should like to comment very briefly on the subject of age. It has been stated in some quarters that the direct popular election proposal would give authority to Congress to lower the voting age to 18 or to some other appropriate age. It should be observed that this subject was debated by the committee but was deleted purposely by the committee. There is no provision in this amendment providing for uniform age qualifications. It is my view as one member of this committee that it would require a constitutional amendment rather than simply legislation in order to grant the franchise nationally to 18-year-olds.

It has been said that section 2 and section 4 grant a new power to Congress to legislate so as to control State election machinery.

In this connection it is to be borne in mind that Congress now possesses a reserved power to make or alter regulations providing for the manner of electing Senators and Representatives. Accordingly, such additional powers as may be granted by this amendment only extends a similar power with respect to the Presidents and Vice Presidents.

I believe that I would be less than candid if I did not admit that there is the possibility of federalizing election procedures. But if that be true, if that be the only way in which the prerogatives and the sovereignty of States might be eroded, I think it is indeed a small price to pay for the great goal of permitting the people to select their President.

The reserved power in Congress provided in sections 2 and 4, as I have said, merely follows the grant of power now existing in Congress to make or alter regulations in Federal elections.

There is, however, new language in section 4. Reserved power is retained by the Congress to make or alter regulations providing for "entitlement to inclusion on the ballot." This is new language in the Constitution. Those who are fearful of

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the reach of this language should also be concerned about the possibility, which is not unprecedented, that a major candidate's name would be denied access to the ballot in some States. It is to this possibility that the new language is addressed. The new language should not be construed, and it is not the intention of this member of the committee, at least, that the words "entitlement to inclusion on the ballot" be construed, as a grant of power to supplant the convention system of naming candidates in favor of a national primary procedure. I wish to emphasize that I speak only for myself in this regard. It is not my intention as one member of the committee to confer any additional power on the Congress of the United States with respect to eliminating the convention system of selecting candidates.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Virginia.

Mr. POFF. I concur altogether, and I would hope the gentleman would propound the question directly to the distinguished chairman of the committee in order that the legislative history on this electoral reform measure might be abundantly clear.

Mr. WIGGINS. I would be pleased to do so, but I would like first to complete my statement and then I shall come back to that point.

Whatever power the Congress may have in this field of regulating national primaries, it is not my intention that the new amendment shall enlarge upon that power.

Section 5 provides for the death or withdrawal of a candidate and fills the void left by the 20th amendment. The question of disability of a candidate is not resolved, and it is the intention that the political parties themselves shall handle this delicate and difficult problem.

Section 6 contains the usual language giving power to enforce the article by appropriate legislation. In recent years the Supreme Court has found similar language to be an independent source of legislative power. Such a construction is not intended with respect to section 6. The nature and breadth of congressional power is contained in the first five sections of this amendment. Section 6 does not add to that power, in my view. It merely permits the Congress to exercise the power contained in the first five sections in an appropriate manner.

Now I am going to return to this question of the national primary and ask a question of our distinguished chairman of the committee. I see that he is not on the floor, but pending his return, I would like to direct a question to the ranking Republican member in order to clear up the legislative history concerning any power vested by this amendment to regulate national primaries. Would the gentleman comment on that?

Mr. McCULLOCH. Mr. Chairman, I would be pleased to comment. There was no discussion of that matter of any moment, and therefore no decision reached on the positive or negative side.

Mr. WIGGINS. Mr. Chairman, I appreciate the gentleman's remarks.

If I may, I will yield to the gentleman from Colorado, a senior member of the Judiciary Committee, in the absence of the chairman. Would the gentleman care to comment upon my observation that the language "entitlement to inclusion on the ballot" is not to be construed as a conferral of power to regulate primaries or the convention system?

Mr. ROGERS of Colorado. Mr. Chairman, I concur in the comment from the gentleman from Ohio and point out that the Congress of the United States now has the authority over the election of the President and the Members of the House of Representatives and U.S. Senators to provide rules and regulations therefor.

Mr. WIGGINS. Mr. Chairman, would the gentleman agree therefore that whatever the thrust of this new language, it does not add to any power whatever that may be now possessed by the Congress?

Mr. ROGERS of Colorado. I readily agree it would not add to any power whatsoever.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman for yielding. The gentleman is doing an excellent job in getting clarification on some of the questions surrounding this proposed amendment. I would wonder if the gentleman now could help me or could get some other member of the committee to clarify the intent of a sentence in section 1 of the bill which reads:

> Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President.

I have read this in the light that it it intended by the committee that a man cannot under any circumstances have his name placed on the ballot of any State as a candidate for the high office of President without a running mate for the office of Vice President or that running mate cannot be a running mate of any other candidate. Is this correct?

Mr. WIGGINS. Mr. Chairman, it was the intent of the committee to insure the integrity of the party system by requiring that pairs of candidates not only consent to the joining of their names, but also to prevent a candidate from appearing on the ballot of any other party. Those were the considerations which prompted the committee's requirement that the President and Vice President run as a team by voluntarily consenting to the joining of their names.

Mr. WAGGONNER. Mr. Chairman, the gentleman has given a quite frank answer. I wonder if he would be as candid in saying as well it was the intent of the committee to limit the number of parties which might participate by approaching the amendment in this manner.

Mr. WIGGINS. I will be as candid as possible. I think there is some danger in the proliferation of parties, but there is nothing in this amendment which prohibits a minor party from achieving majority status. I think there is something to be gained for America by not making it easy for multiple political parties to arise. We do not design an amendment here to lock into the Constitution a Republican and a Democrat Party. That is not the case at all. New parties may grow and may prosper if they can do so upon their own merit. On the other hand, we do not encourage them.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman. I think the gentleman has given me understandable answers which will make a contribution to this amendment as it proceeds along the legislative highway.

The two-party system has no basis under the Constitution or in law, but is not the final, net effect of this amendment to give them an unwritten advantage.

Mr. WIGGINS. No. I would disagree.

The CHAIRMAN pro tempore. The time of the gentleman from California has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WIGGINS. I would disagree with the conclusion that the amendment gives tacit official consent to the two-party system. I believe, however, it does recognize the party system, but certainly not a specific number of parties.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. I thank the gentleman for yielding.

I believe it was my individual views that the possible scope of the "entitlement to inclusion on the ballot" phrase was raised. I am pleased to have the gentleman from California make a legislative history as best he can that it was not the intention that "entitlement to inclusion on the ballot" be so broadly construed as to permit Congress to prohibit a convention system and require a national primary.

I am a little bit disappointed, may I say, in the response the gentleman has gotten when he propounded the question. I do not believe that there was the clear-cut legislative history that perhaps the gentleman desires, and certainly not the legislative history I would have desired. Consequently, I believe the question still is there, that it is possible this language may be so broadly construed. I hope I am wrong. I agree with the gentleman.

May I say, it is my own opinion that certainly it is not the congressional intent to give that language so broad a scope. On the other hand, I have seen, as we have all seen, how the Supreme Court of the United States has been interpreting constitutional phrases of late years.

Mr. WIGGINS. Perhaps after reading the preceding exchange, the court will not interpret the language improperly.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, the 1968 presidential election has provided the impetus for reform of our historical method of choosing the President and Vice President of the United States. Last year we narrowly avoided a constitutional crisis of perilous proportions. Fortunately, in this instance the candidate receiving a plurality of the popular votes also garnered the majority of electoral votes necessary for election. But such a propitious result is far from assured in the future and it is now time to correct those inherent defects which jeopardize our Nation's stability and our Government's continuity.

The constitutional amendment we are considering today provides a mechanism which will assure stability, continuity, and equity in the election of our Nation's highest public officials. House Joint Resolution 681 calls for the direct election of the President and Vice President by popular vote. An additional provision specifies that, in the event no candidate receives at least 40 percent of the popular vote, a runoff election shall be held between the two presidential candidates receiving the greatest number of votes. Historical evidence indicates that the necessity for a runoff will be rare. Only once in the entire history of our Nation has a presidential election failed to produce a candidate wtih 40 percent of the popular vote.

As the American Bar Association has stated, the present electoral college system is "archaic, undemocratic, complex, ambiguous, indirect, and dangerous." One of its most persistent defects is the distortion which occurs between the voice of the people and its reflection in the electoral college. The final electoral vote seldom bears even a close resemblance to the popular vote result. For example, in 1956 President Eisenhower was elected with 55 percent of the popular vote. Yet Eisenhower received 82 percent of the electoral votes. President Kennedy received 57 percent of the electoral votes in 1960, but his popular vote amounted to only 49 percent.

Under the present system, up to 50 percent of a State's electorate casts meaningless or wasted votes. Since each State's electoral votes are assigned on a winner-take-all basis, a large proportion of voters are effectively disenfranchised.

Another shortcoming in the present method is the possibility of the so-called independent elector who disregards his constitutents' will and votes for a candidate other than the popular winner. Last year one North Carolina elector did just this, and his constitutional right to act according to his own inclinations was upheld by the Congress.

All the imperfections conspire to produce a deadlock and a potential crisis as the election is thrown into the House of Representatives. Here the possibility for distortion increases with a minority of the Members of the House, constituting a majority of the members of the smallest State delegations, able to control the vote.

Mr. Chairman, direct election by the people is the most simple, rational, democratic means by which to achieve the much-needed and long overdue reform of our method of choosing the President and Vice President. Adoption of the pending amendment by the Congress and eventual ratification by the requisite number of States will insure the application of the one-man, one-vote principle to our most important electoral contest. Moreover, recognition will at last be given, in fact as well as in rhetoric to the wisdom, prudence, and good judgment of the American people.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, at the outset I should like to commend the distinguished chairman of the Judiciary Committee and the distinguished ranking minority member of the Judiciary Committee for their contributions not only in this debate as it has progressed so far but also for the very thorough and dedicated efforts they made throughout the hearings and consideration of the markup of House Joint Resolution 681.

The debate on House Joint Resolution 681, of which I am pleased to be a cosponsor and which would provide for an amendment to the Constitution of the United States for the direct election of the President and the Vice President by the people of the several States and of the District constituting the seat of the Government of the United States, is indeed a historic occasion. We are poised at a rare and significant moment, when our action may well determine our Nation's course for generations yet to come.

This is the first occasion upon which the House of Representatives has debated at length the amendment of our Constitution to provide for the direct election of the President and the Vice President, and it is the first occasion since 1854 when the House has examined in depth the question of the alteration of the present electoral college system. In that year the debate concerned a district plan proposal, as it did in 1826.

It is true that the House debated previously and rejected, in July 1950, the Lodge-Gossett proportional plan, but in that case the proposal was considered under the suspension of the rules procedure, with very strict time limitations.

Electoral college reform is long overdue, and if the method of selecting our President is to be revised the change must be fundamental, insuring that the principle of one man, one vote applies to the highest elective office in the Nation so that the President of all the people is actually elected by all the people.

Direct popular election is the only truly democratic method, for it is the only way to guarantee that the candidate who receives a plurality of the votes becomes President. Under every other plan—the present electoral college system, the proportional plan, or the district plan—it is possible for a candidate who does not receive the most popular votes to become President and it happened under the present electoral college system on three occasions—1824, 1876, and 1888.

Direct popular election is the only method under which the vote of any voter living in any part of any State has the same effect on the result of the election as the vote of any voter living in any part of any other State.

Although President Nixon in his message on electoral college reform on February 24, 1969, expressed, "his personal feeling that the candidate who wins the most popular votes should become President," he in reality advocated the proportional plan under which the electoral vote of a State would be distributed among the candidates for President in proportion to the popular vote cast. And the Attorney General testified, "the administration has not recommended to the Congress any specific plan"—hearings, page 628.

I share the President's personal feeling, and fear the consequences if the loser should ever again become the winner under the present or any other system.

When asked by me if the administration were "concerned that there might be a constitutional crisis in this country if a person became President through the present system or through any system which resulted in his election without a popular plurality," Attorney General Mitchell replied, "No; we are not"—hearings, page 629.

I think all of us must be concerned about the very real possibility of a constitutional crisis arising from the election of a President who is not the popular choice of all the people.

We must also be concerned about the possibility of a deadlock, a vacancy of uncertain duration, and the evils inherent in a bargained election in the House.

Last fall the inadequacies and perils of our existing electoral system were made all too evident as the Nation barely averted a drastic political crisis, brushing past serious possibilities of a trading of electoral votes for commitments on future policy which would have been contrary to the views of a majority of our people, and a contingent election of the President by the House of Representatives in an unrepresentative manner whereby the least populous States would have been on an even footing with the most populous and in which it would have been mathematically possible for 59 Members of the 435 House Members to determine the result. Those 59 Members are a majority of the 26 smallest State delegations.

We now face the opportunity to remove the most undemocratic and anachronistic feature in the Constitution and to replace it with a means whereby the directly expressed will of the voters will determine who will be the President. Directly, popular election will forever remove the devices of presidential electors, electoral votes, unpledged electors, faithless electors, and possible selection by the House of Representatives through which the will of the voters may be thwarted or repudiated.

There can be no question that this is the moment to act. Public opinion, as indicated in the Gallup and Harris public opinion polls, as well as in the results of many constituent questionnaires inserted by Members in the CONGRESSIONAL RECORD, heavily favors direct popular election of the President. Polls of members of State legislatures disclose a similar preference. Over 80 percent of voters polled want the change.

If there is to be electoral reform, the change to be made should not be a mere tinkering with an outmoded apparatus which this Nation has long ago out-

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grown, but should be suited to the political realities of today.

Ideally, how can anyone argue with the premise of direct popular election of the President and Vice President?

The present system is a balance of inequities, the result of a constitutional convention compromise, the creators of which provided for a contingent election in the House of Representatives where the small States would have equal voice with the large States.

The essential elements of today's system, that is, the electoral college, pledged and unpledged electors, the winner take all unit vote, result in disfranchisement of minority voters in each State—those who vote for the loser and see the votes attributable to them actually cast for a candidate to whom they are opposed—the risk of a President who did not receive a plurality, and the vote of a voter in one State counting more than the vote of a voter in another State. The result of all this, as Gus Tyler, assistant president, International Ladies Garment Workers Union, at the Judiciary Committee hearings described the situation, is that of "countervailing inequities."

Suggested amendments other than that of direct, popular election, such as the district and proportional plans would be even more inequitable since both plans would "unbalance" the "balancing inequities" of the present system.

If one special advantage in the present system is eliminated while the others remain unaffected—the consequence of adopting the district or proportional plan—then the remaining inequities would work to the disadvantage of one group of States "and the system as a whole would not only be inequitable but would be politically unbalanced, as well."

The only logical way to amend the system is to remove all the inequities and dangers, and the only proposal that can accomplish this is direct popular election.

I am not unmindful of the arguments that the present winner-take-all system provides special leverage to the large urban, industrial States. I have studied with care the testimony of the witnesses, who argued that the winner-take-all method be preserved because of the voting power which is presumed to rest in the industrial States. Those who take this position believe that the only defects in the present system can be cured by eliminating the "faithless elector" by the automatic allocation of a State's electoral vote and by changing the procedure for a contingent election in the House so that the vote would not be counted by States.

As the representative of a big city and a big State, I have not treated this argument lightly; but, as I asked one very conscientious witness before the Judiciary Committee, how can we justify a situation where a candidate who does not receive a plurality of the popular vote may become President?

The witness' answer was candid:

> Mr. Ryan, you ask the question which stops me every time. I cannot really justify it in any terms imaginable to a person who believes in democracy. I can only say that the possibility of its happening exists in any system except the direct popular vote, and I think that is a small enough price to pay, particularly in view of the fact that the system just hasn't worked that way, by and large, and certainly hasn't for the last 80 years. And I think that it is a small enough price to pay to maintain the kind of stability that we have maintained in our National Government over the years. (Hearings p. 392.)

As far as I am concerned, the principle that in a democracy every citizen should have an equal vote is controlling even if the present system advantages the large pivotal, swing States.

John F. Banzhaf III has presented a very thorough mathematical analysis of the electoral college which substantiates the proposition that a voter in a State with a large electoral vote is more influential in affecting the outcome of a close election than a voter in a State with a small electoral vote. The shift of a certain number of popular votes in a large State such as New York with 43 electoral votes or California with 40 electoral votes under the winner take all unit vote system, may be sufficient to alter the outcome of the presidential election, whereas the shift of the same number of votes in a small State with few electoral votes may not be decisive.

In commenting upon the voting power argument, Neal R. Pierce, author of the "People's President," pointed out that this argument:

> It ignores one basic factor: the individual citizen's interest in combining his vote with those of voters who share his feelings in the most meaningful way in the final, decisive count. *No matter how great his theoretical power may be in a presidential election, a voter is effectively disfranchised if he happens to be in the minority in his state in his choice for President.* Under the unit-rule system, his vote (or the electoral vote representing him) is then actually cast for the candidate he opposes. And this is true whether he is liberal or conservative, white or black, John Bircher or new left, or a small-state or large-state citizen. Villanova Law Review, Vol. 13, No. 2 (Winter, 1968)

Direct election will insure that every person's vote counts in States where it may now be ineffectual under the State unit vote. It will encourage people in the minority to register and vote. It should make the deprivation of voting rights through discrimination in the South of greater concern to citizens in other parts of the country who have parallel interests.

Direct election must be accompanied by adequate and properly enforced safeguards against discrimination in voting. It is imperative that the Voting Rights Act of 1965 be extended and that it be effectively enforced. Various devices are still used in the South to deny the ballot as well as a place on the ballot to black candidates.

Although there has been progress under the Voting Rights Act of 1965, still only 57.2 percent of the potential black vote is registered in 11 Southern States. The Negro voting age population is approximately 5 million; approximately 2,810,763 Negro voters are registered.

If there were a direct vote system, minority group members in various sections of the country could combine and vote together, exercising great influence on the outcome of a presidential election—just as they do today in State elections. This applies to ethnic and religious as well as age and income groups.

As our Nation becomes increasingly urbanized, trends will occur. Voters in our urban centers with common interests and common needs will begin to form national blocs which Presidential candidates will ignore at their peril, and liberal elements, which in some States under the present electoral system are completely outvoted, will become a national force. As black and brown citizens become enfranchised, their voting power will be enhanced—not diminished.

It is also interesting to note that with the spread of urbanization and the shift in population, the big States are not as pivotal as they once were. They tend to cancel each other out. Although New York went Democratic in 1968, 1964, and 1960; it was in the Republican column in 1956, 1952, and 1948.

The fact is that under the present system both the big and the small States have an advantage, and under both the proportional and district plans the imbalance would favor the small States.

The only fair system is one which gives each citizen an equal voice in electing the President.

Direct popular election is consistent with the continuing expanision of the right of suffrage in the Nation. Placing each voter on an equal plane, it is the natural fulfillment of the concept of democracy.

While I strongly support the principle of direct election represented in House Joint Resolution 681, I believe that it could be improved to serve our democratic concepts better.

If there is to be a nationwide election for our national President, there should be nationwide election machinery. Uniform voter requirements of age and residence should be set by the Congress directly.

The joint resolution as reported from the committee would permit the States to enact widely divergent qualifications for voting in a national election. The premise of the resolution is that each citizen should have an equal voice in electing a President and Vice President. But each State would be allowed to set its own age and residency requirements.

In a direct national election, why should an 18-year-old in Georgia be able to vote when an 18-year-old—or 19- or 20-year-old—in New York cannot? In a direct national election, why should a person who has lived in Maryland for 45 days be allowed to vote when a person who has lived in Mississippi for 45 days—indeed, less than 2 years—cannot?

I am aware that the resolution provides that "the Congress may establish uniform residence qualifications," but it is important to note that it does not include uniform age qualifications. Unfortunately, age was specifically excluded by the committee. Congress should set the standards directly, not simply have a reserve power to do so. In the spirit of democracy it would seem more fitting for an amendment prescribing national elections to contain national standards for voting.

Authority to set national standards for inclusion on the ballot in each State

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should also be granted directly to Congress. The judiciary has recently begun to delineate the limits beyond which States may not go in establishing requirements to get on the ballot.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. RYAN. However, variations from State to State, even within reasonable limits, could prevent a presidential candidate from getting his name before the voters in all the States.

This resolution permits, and even seems to encourage, the disenfranchisement of voters in some States. During the last year the Supreme Court has declared unconstitutional some devices by which States keep minor parties off the ballot. A landmark decision was won by the supporters of George Wallace in Ohio who successfully argued that Ohio election law makes the requirements for third parties so difficult to meet that it effectively prohibits third parties. *Williams* v. *Rhodes* (393 U.S. 23, 1968).

The wording of the present resolution, that "entitlement to inclusion on the ballot shall be prescribed in each State by the legislature, thereof" could even permit a State legislature to prohibit a major party—or the candidate of a major party—from being included on the State ballot. Such a prospect may not be mere fantasy. Since 1948 there have been States in which it was almost made impossible for voters to cast their ballot for the candidate of the Democratic Party. In a national direct election, why should the voters of one State be allowed to vote for a presidential candidate when the voters of another State are not? In 1948 it was impossible for the Alabama electorate to vote for Harry S. Truman. It would be more democratic—and less likely that this country might face another possible national crisis—if Congress were to establish a national standards for inclusion on the ballot.

I should also point out that I believe we have given insufficient thought to the selection of our candidates for Vice President. Originally the person receiving a majority of electoral votes was to be elected President and the person receiving the next highest number of votes was to be elected Vice President. Since adoption of the 12th amendment the electors have cast separate votes for President and Vice President. The concept of voting for two candidates was not that of the Founding Fathers.

Were the Vice President only a presidential assistant there might be no objection to the proposed method by which he is to be selected. But since, as so often has happened tragically in our history, he may also be called upon to take over the reins of power, it seems contrary to the fundamental principles of our country that he should not be democratically elected.

Under the present resolution a vote for a candidate for President is also cast automatically for his vice-presidential running mate. It is contended that a President must have a Vice President of the same party, one whom he can trust, one who will not challenge his leadership. The framers of the Constitution did not expect our Vice President to be subservient to the President.

When the 12th amendment was added to the Constitution in 1804, its framers provided that electors vote separately for President and Vice President, carefully preserving the possibility that the President and Vice President would come from different parties, since electors are not bound to vote for candidates of the same party and indeed are forbidden to do so if they both come from the elector's home State.

If we are seriously interested in the direct election of the President, then can we ignore the method by which his potential successor is chosen? There are of course many possible solutions. In the committee I proposed that each elector cast a separate vote applicable to President and a separate vote applicable to Vice President. It might also be possible to provide that the Vice President be elected along with the President, but that he only serve for a short period of time until a new presidential election could be held.

The point I am making is that we have the opportunity and obligation to create some arrangement under which the American people select not only their President but also his successor, in the event of a vacancy directly.

Finally, I urge the House to extend the privilege of voting for the President and Vice President to the almost 10 million United States citizens who do not now possess that right. I refer to the American citizens of Puerto Rico, the Virgin Islands, and Guam. In the last Congress all the protections of the Bill of Rights of the Constitution were extended to American citizens on Guam and the Virgin Islands. Previously they had been granted to Puerto Rico.

In 1972 both major parties will include in their nominating convention delegates from all of those areas. It is only fitting that those Americans be granted the privilege of electing the President and Vice President. This would be similar to the privilege given now to the citizens of the District of Columbia under the 23d amendment.

The CHAIRMAN pro tempore (Mr. PREYER of North Carolina). The time of the gentleman has again expired.

Mr. CELLER. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. RYAN. Since direct popular election will divest from the Constitution the office of presidential elector, we should make certain that all American citizens, residents of the States, the District of Columbia, territories, and the Commonwealth of Puerto Rico, share in the privilege of electing their President and Vice President.

I have pointed out some of the areas which trouble me in this resolution. I believe that we have the responsibility to establish uniform standards and qualifications both for voters and candidates in a direct national election, and we have the further responsibility to insure that the right of every citizen to vote is equally protected.

I urge, Mr. Chairman, that the House adopt the concept of direct popular election by the necessary two-thirds vote. Let us send this resolution enthusiastically to the other body, and let us hope that action will be taken there, and also ratification by the necessary number of States, so that in 1972 we will not face the same kind of crisis that we faced in November 1968.

The CHAIRMAN pro tempore. The time of the gentleman from New York has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I rise in strong support of House Joint Resolution 681, proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

I have long urged that we institute a system of direct popular election of the President and that we abolish the electoral college, and in April of this year I introduced legislation proposing a constitutional amendment very similar to that which is before us today.

The electoral college system was conceived of in 1787 as a barrier between the people and their choice of a President. Alexander Hamilton wrote in Federalist No. 68:

> A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations.

Times have changed. All Americans, with access to television and newspapers and with presidential candidates touching down in every corner of the land, possess the information to make a judgment on their President. No longer can it be said that any group of citizens is better qualified than any other to select the Chief Executive.

But the issue, in my view, goes considerably beyond the mere elimination of the elector and the electoral college system. I seek to make each American's vote count, pure and simple, in the tally for President. Where he lives or how his neighbors vote should not dilute or increase the effect of his vote.

Only a system of direct popular election of the President will insure that the candidate with the greatest number of popular votes—in actual fact, the people's choice—will win the election. Only direct popular election will be an accurate reflection of the one-man, one-vote principle.

Much has been made of the impact of direct popular election on the relative political power of the large, urban States and the smaller, more rural States. In my judgment, one's predisposition in this ideological division is irrelevant: States may be the core of our federal system but they do not vote, they do not make rational judgments on presidential candidates. Individual citizens do and the State in which they live makes precious little difference in their determination of which man they want for their President.

The amendment before us, as does the one I introduced, contains provision for a runoff election in the event that no pair of presidential and vice-presidential candidates receives 40 percent of the popular vote. The present system, under

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which the Members of the House of Representatives—each State casting one vote—select the President if no candidate receives a majority of electoral votes, is subject to the same criticisms as the electoral college itself. In addition, it runs the risk of selecting a President on the same basis on which the Congress was elected, leaving little room for the diversity of points of view that has, in recent decades, marked the political complexion of the House of Representatives and the Presidency.

The pending resolution also contains provisions relating to the qualifications of persons voting for President, and I would like to comment briefly on two of these. First, a State may adopt residence requirements for presidential elections less strict than those it requires for voters for the most numerous branch of the State legislature, and the Congress reserves to itself the power to establish uniform residence requirements for voting in presidential elections. Along with a number of my colleagues, I have introduced H.R. 4160, the Residency Voting Act, to do just that, and I would hope that the Congress will act on that measure shortly.

Second, in providing that the qualifications for voting for President are the same as those for voting for the most numerous branch of the State legislature, the pending resolution does not similarly reserve to the Congress the right to establish age qualifications for voting for President. While this does not preclude granting the right to vote to 18-year-olds on a national basis or by individual States, it surely may be taken as a signal that a separate constitutional amendment to accomplish that will not be forthcoming in the near future. I consider this to be a serious mistake as I believe that the surest way to give young men and women a stake in the future is to give them a voice in the election of their President.

In addition, the resolution empowers the Congress to provide for the case of the death or withdrawal of any candidate before election and for the death of both the President-elect and Vice-President-elect.

The committee report and numerous discussions of the matter indicate considerable controversy over the 40-percent figure. The amendments are proposed to raise the runoff percentage to 45, to lower it to 35 and to require a simple plurality.

It seems to me that by stipulating the percentage required for a runoff we are trying to avoid having to utilize that option at the same time that we insure the election of a President with a mandate to govern effectively. In our history, 15 Presidents have been elected with less than 50 percent of the popular vote. Since 1860, at least one of the candidates has received at least 40 percent of the popular vote, and two have received less than 45 percent of the popular vote. Thus it would appear, using history as our guide, that the likelihood of a runoff is diminished if 40 percent of the popular vote is required to determine the President, but that a mandate has been given to candidates with this portion of the popular vote in every election in the last century.

Two other arguments are also made against the direct election system. First, it is suggested that third-party candidacies will be encouraged. I would submit that a third-party contender would be a serious factor only when the two top contestants are in a fairly close race—and that is precisely when a third-party candidate is significant under our present system. A minority candidate with a sectional base has the potential to control a few States and thereby deprive either of the major party candidates of a majority of electoral votes. Such an election would then be thrown into the House of Representatives where the minority candidate would wield great influence in the ensuing bargaining.

The final argument made against direct popular election is that it will increase the threat of vote fraud. Again, the present winner-take-all system makes it crucially important to get just a few additional popular votes that will mean the crediting of a sizable block of electoral votes to one candidate. The potential for fraud surely would seem less tempting under a system which does not rely on the block of votes of a few key, closely contested States.

It is my understanding that at least one amendment will be offered to substitute a so-called district plan for presidential election. It is also possible that the so-called proportional plan will be offered as a substitute. In my view, neither of these is an acceptable alternative to the direct popular election of the President and, in fact, contain features which are much less equitable than the present electoral college system despite all of its defects.

I would therefore urge, Mr. Chairman, that the resolution before us be approved by this House and that we thereby take the first step on the long road toward making participatory democracy a reality for all Americans. Last, I would merely say a word about the report of the Committee on the Judiciary and its distinguished chairman, the gentleman from New York, on this resolution: House Report 91–253 is one of the clearest and most objective explanations of pending legislation that I have encountered in recent years, and I think that this lucid exposition of the facts and arguments contributes greatly to this debate.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, we have heard a lot of discussion during the last day about the electoral college and what a blunder it was and how dangerous it is and how it has failed and how it has either failed or it has almost failed most of the time.

On the contrary, Mr. Chairman, in my opinion the electoral college has been a considerable success. It has not failed for 144 years. In every presidential election since 1824 the electoral college has delivered to us a President constitutionally elected and constitutionally recognized and respected by the people of the United States.

The electoral college system has worked, Mr. Chairman, even at the brink of civil war. It produced a President in 1860.

Now the electoral college is not perfect. Of course, nothing could be perfect. But it has failed to produce a plurality President on only three occasions in our history. All of those occasions occurred in the 19th century. It has not happened for 80 years.

We have had a plurality President after every election; that is, the man who got the most popular votes also won the electoral college vote in every election since 1888—80 years ago.

There has been as much third-party activity in presidential politics in this century as in the last and still in spite of the third-party threats of 1912, 1924, and 1968 and 1948—in spite of those years the electoral college has worked and on each of those occasions in spite of, in 1968, a very strong third-party threat, the candidate who received the greatest number of popular votes was also chosen through the electoral college.

Now, the electors as persons are not necessary to this system.

We have seen a half dozen experiences of so-called faithless electors. Electors could be done away with. However, the electoral vote system could be retained. And in retaining the electoral vote system, we would be retaining one of the foundation stones of our federal system. When the people in this country go to the polls to vote, on every occasion they vote as citizens of their States, not as citizens of the United States. The Congress of the United States is derived from the States. The people of the States elect us. The people of the States elect the Members of the other body. Under the present system the people of the States direct how the electoral vote of a State shall be cast. That is the way the system has actually developed.

As I have said, it has worked. It has been successful. I, for one, think that it is not necessary, in an effort to reform the system, to destroy it completley.

As has been pointed out in previous debate, the proposal for a direct election system itself contains some problems. Some problems will arise. You are going to greatly expand the Federal power in the election process through the reserved power of the Congress to make uniform residence requirements. The Congress is going to do that only with regard to the question of voting for President, but as a practical matter, the States will make their State laws conform. As a result, Congress will determine how long one must live in a State before he can participate as a voter in that State.

I should like to speak about the problem of the "entitlement to inclusion on the ballot." I was happy to have the gentleman from California (Mr. WIGGINS) attempt to make clear legislative history that it is not the intent of the House to have that language so broadly construed as to permit substitution of a national primary system for a convention system. But I am not at all sure that that legislative history is clear, and the problem still remains in my mind.

Then the Congress is given the power to determine the manner of holding the election. I would hope that that would

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not be so broadly construed sometime in the future as to give the Congress power even to prescribe the requirements for registration to vote. But I am not sure that some Supreme Court decision in the future might not hold that.

I think the next breakthrough in Federal power I shall discuss is absolutely essential to a direct voting system. I do not see how we can get around it. But I think it presents a serious problem. I refer to the provision by which we would vest in the Congress the power to ascertain and declare the results of an election. To ascertain the results means counting votes, and to count votes means to create election boards to count the votes. I think that we are reaching pretty far into election machinery when we can conceivably go so far as to provide for an election counting board, an election board in every precinct during the presidential election.

My separate views, written in the committee report, develop at some length some of these problems that genuinely and in all seriousness arise in my mind out of the language of this proposal. I say this proposal itself will create new problems, and it is not going to be a solution to everything we are facing today.

There are two changes needed, in my opinion, in the present Constitution. We should do away with the electors as persons and we should change the so-called contingency election requirements.

In concluding, let me simply state that in my view the contingency election procedure would best be disposed of in this way: That if, as a result of the electoral vote in the States, without electors but with retention of electoral votes, no party got a majority of the electoral votes, then we would look to the popular vote. And if a candidate—that is, the one who got the most votes—got more than 40 percent, he would be declared the winner. And only in case both those tests failed would the election come into a national assembly made up of Members of the House and Senate, with every Member of the House having one vote, and every Senator having one vote. There would be one ballot, and the candidate of the two parties highest in the electoral vote, who got the most votes on that ballot, would be declared elected.

At that time it would be urgent that the country determine a President, because there are only 17 days between the time the electoral votes come in here to be counted and Inauguration Day.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from New York (Mr. FARBSTEIN) such time as he may consume.

Mr. FARBSTEIN. Mr. Chairman, I congratulate the distinguished chairman of the Committee on the Judiciary and the ranking minority member and all members of that committee for having brought to the floor this most important piece of legislation.

Mr. Chairman, I favor the legislation as presented to this body.

Mr. Chairman, the House of Representatives this week has the opportunity to give the American people the right to directly elect their President through approval without amendment of House Joint Resolution 681.

It seems to me that to elect a President in any other matter than through direct election is to continue the perpetration of a fraud on the American public.

I think most voters think they are voting directly for the President of the United States. Ask them when they walk out of the booth the names of the electors for whom they cast their vote. I don't think anybody can answer the question. And they believe that the man that gets the most votes is elected President of the United States. They are shocked and a little bit angry when they find out about the electoral college. This is one of the reasons why such an overwhelming majority of the American public supports the direct election of the President.

Another reason is that the direct election seems to be most in keeping with our democratic system. Direct election gives the voters' choice clear expression. It is the only system under which every vote carriers equal weight and there is no chance of the winner not having the largest popular vote.

Why should any group or political party be given a special advantage by the electoral system? I do not favor any kind of a system for the election of a President that is weighted a priori in favor of any economic group, any geographic sector, any political party, or any ideology in the United States.

There are many who are convinced that the present system works to the benefit of the large cities and the large States. They point to the advantage of a large bloc of votes. Others believe the electoral college favors the small States, for they have the advantage of two bonus votes they get for their Senators. I personally think that neither have any real advantage under the present system and neither would thus lose by the change. The only States that would lose are those with a small voter turnout. They have an advantage now because the electoral votes are apportioned on the basis of population and not voter turnout.

The direct election of the President would also eliminate the possibility of constitutional paralysis, a pitfall into which we almost fell during the 1968 election. The anachronistic machinery which almost brought the processes of our Government to a halt must be ended.

I believe the President should be directly elected by the American public without any intervening institutional obstacles, complex formulas, or nameless middlemen. The Presidency should be determined on the basis of who gets the largest number of votes, and if no candidate receives 40 percent of the vote then there should be a runoff election between the two top candidates.

If the direct election system was impossible to achieve, I would find the present system infinitely more preferable than either the proportional or the district systems. Both of these systems would work to the disadvantage of some States while leaving the advantages of other States intact.

The proportional system is less equitable than even the current system because it would cancel the block advantage of the large population States while maintaining the advantages of the smaller States. Under this system, a particular margin could produce a 22 to 21 split of New York's 43 electoral votes, while the same margin in Maine could provide a 3-to-1 division of the State's four votes, and thus more than offset New York's vote.

The district system is even less equitable since it is subject to gerrymandering even if all of the guidelines set down by the Supreme Court's one-man, one-vote rulings are followed. Thus 30 percent of a State's votes could determine 90 percent of its electoral votes.

There are few votes a Member of Congress casts which are more important than those for an amendment to the Constitution. And this particular vote is probably the most important one on constitutional amendments in 100 years. The President is the most important single office in the land. The manner of his election can determine the course of American, if not world history.

Mr. CELLER. Mr. Chairman. I yield to the gentleman from New York (Mr. BIAGGI) such time as he may consume.

Mr. BIAGGI. Mr. Chairman, I rise in support of House Joint Resolution 681.

Mr. Chairman, passage of the measure I introduced January 30 to amend the Constitution to provide for the direct election of the President and Vice President is long overdue. Surely it would be another milestone in the advancement of our Nation's democratic way of life.

I do not seek change simply for the sake of change. I say change is absolutely essential in this instance because we have been saddled for 180 years with a presidential electoral college system that could hardly be more inequitable, unrepresentative, or unfair. It is a system that is unresponsive to the will of the people.

Without a doubt, the most sensible alternative to our present system would be the direct popular election of the President and Vice President with all voters acting as electors. It would eliminate the present winner-take-all process under which all of a State's electoral votes are awarded the candidate who wins a popular vote plurality, regardless of the size of his margin. Those who voted against him are, in effect, disfranchised in the electoral college at the present time.

Direct election, by abolishing the electoral college, would banish forever the specter of the "defector elector," who could wreak havoc on the delicate balance of the electoral college if he chose to vote the dictates of his own political leanings rather than for the man he was elected to support. Elimination of the electoral college would also greatly simplify the election process for millions of Americans—many of whom probably do not even realize when they go to the polls that they are not casting their ballots directly for the candidates of their choice.

In addition, it would eliminate the present constitutional provision which requires that if no candidate receives a majority of the electoral college votes, the House of Representatives must

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choose the next President. Although we like to think we would act on the highest of principles, a certain amount of bargaining could result from such an occurrence—a matter that was discussed at some length in the days preceding the 1968 election when a House election became a very real possibility. My proposal would require a runoff election between the two candidates with the highest number of votes.

Direct popular election would place the responsibility for electing the President squarely where it belongs: on the shoulders of the people.

In the early days of our country, we could in a very real sense be called a Nation of States. Today, however, there is no longer any reason to divide up the election of our most important Government officials into 50 separate pieces. The President is a national officer and he should be elected on a national basis, without regard for State lines.

We are approaching the 21st century. Let us take the necessary action to bring our electoral system up to date with the times. It would be another great example of democracy at work.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, there is wide agreement that the electoral system is badly in need of reform. Although our present system has served us reasonably well—certainly it has provided our political life with a large measure of stability—it has become apparent that there are three basic flaws in it.

The most dangerous of these flaws is that an election might be thrown into the House, a disaster that nearly happened in the 1968 election. What has happened on previous occasions when the election went to the House strongly suggests that no similar event should be allowed to reoccur. In the election of 1800, the outcome was decided in the House after 35 ballots and an incredible amount of maneuvering. The election of 1824 focused on a single undecided Representative, Stephen van Rensselaer, of New York, who finally had to rely on what he took to be divine guidance. The charges and countercharges of deals and treachery, especially when Clay—a defeated candidate—turned up as Secretary of State, did not die down for a long while. Moreover, the danger of involving the House in the presidential election is further illustrated by the sordid story of 1876, when backroom deals deprived Tilden of the election. The payoffs included Cabinet appointments, restoration of "home rule" in the South—that is, rule by white Democrats—and a certain amount of what is now known as pork barrel.

I do not suggest that the Members of today are anything like their predecessors, but I do suggest that a new President ought not to be placed in the uncomfortable position of owing anything, either to the legislative branch as a whole, or to individual Members or Senators.

The second flaw is the problem of a faithless elector; that is, one who takes it upon himself to cast his vote for someone other than the candidate for whom he was chosen. There are still a great many electors who are permitted by State laws to exercise discretion in voting in the electoral college. The danger, admittedly remote, is that in a close election, a small number of faithless electors could change the result of an election.

The third flaw, which to some people may seem the most important, is the possibility that under the present system a President may be elected while receiving fewer votes than another candidate. That has happened three times—1824, 1876, and 1888.

It is a fact that the proposal before us today is the only proposal that takes care of this third flaw, as well as the other two.

Now, someone who has read the committee hearings may say, "You did not support this proposal before the committee." That is correct. I submitted a less ambitious plan because in my view it was urgent that we cope first with the first two flaws that I mentioned, the problem of the deadlock and of the faithless elector, without getting involved in the controversy of changing the method of counting the votes.

I felt that those two flaws could first be dealt with in a relatively noncontroversial way, and that thereafter we should proceed to take on the very difficult and very complicated and controversial problem of how to handle the change in the system of counting the votes.

However, the Judiciary Committee in its wisdom decided on a different course. Having considered the practical problems and the objections raised by Professor Bickel of Yale and others to the direct vote plan, they have nevertheless come forward with a tremendous majority recommending the direct vote plan.

So at this stage I believe it is important for all of us who recognize the need for changes to unite now in support of the committee proposal. I intend to support it not only in the Congress but also, assuming the proposal achieves a two-thirds vote in this House and in the other body, to support it for ratification by the States.

However, I must say I am still concerned about the possibility that this will not happen, that either the Congress will fail to adopt this plan or the States will fail to ratify it in reasonably short order. If that happens, if the controversy develops to the point where this proposal is not adopted, then I believe we should return to consideration of less ambitious plans, of less controversial plans that would take care of the most critical flaws which exist in the system today.

My proposal, very briefly, would have done this by eliminating the electors, leaving the electoral vote count in existence, and providing for a runoff in the event there was no majority in the electoral vote count. This would have taken care of the problem of the faithless elector and would have provided a reasonable and democratic method of handling the deadlock. Someday we may come back to such a solution.

However, at this point, I believe it is important that we get together behind the committee proposal.

I am particularly concerned that we should not be diverted onto the false paths, the district plan and the proportional plan, which pretend to lead to reform but which, in truth, lead to a realinement of political power. They would not only end the advantage now enjoyed by the large urban States, but also provide a bias in favor of the smaller States.

Moreover, both of these proposals would reduce the likelihood of an election producing a majority in the electoral college, because splinter parties could easily win some electoral votes, and hence would increase the need for a runoff or some other system for resolving a deadlock.

Thus, either of these plans would be worse than the system we have today—definitely worse. If we are going to change the system of counting the votes, the only thing to do is to go to the direct election plan as the committee has proposed.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota (Mr. KLEPPE).

Mr. KLEPPE. Mr. Speaker, just about everyone seems to agree that the present system of electing a President and Vice President is less than perfect but there is considerable disagreement as to how reform shall be undertaken.

It is my own view that the direct election process provided in House Joint Resolution 681 contains more serious flaws than the present system. I am especially disturbed over the possible consequences of the provision for a runoff election in the event that no candidacy receives at least 40 percent of the popular vote.

Because the direct election process would undoubtedly result in a proliferation of national parties and candidacies, there is a distinct possibility, perhaps even a probability, that in future elections no team of candidates for President and Vice President will receive the necessary 40 percent.

With our national elections in early November and the new President scheduled to take office the following January 20, there simply is not an adequate time interval to hold a runoff election and have a President and Vice President legally qualified to assume their duties by that date. In these perilous times, it would be disastrous for the country to face such a leadership gap.

There is another aspect of the runoff provision which deeply disturbs me. Such an election probably could not be scheduled until some time in December, or even later. In the Northern States at that time of year adverse weather conditions could make it difficult if not impossible for large numbers of voters to get to the polls. I know the Members in this Chamber recognize what I talk about when I refer to the weather conditions in my part of the country. Last winter, in my own district, there were many days when probably no more than 10 or 15 percent of the eligible voters could have participated in an election because of severe weather. Similar situations prevailed in many other areas.

It seems to me that the runoff provision in House Joint Resolution 681 is an extremely dangerous one. While the purpose of the proposed amendment is to let the people choose their President and Vice President by direct vote, it might very well have the effect of disenfranchising several million of them on election day.

If this amendment is adopted. I believe it would be necessary to schedule our national elections perhaps as early as August and certainly no later than September and there would be objection to this from many quarters, for a variety of reasons.

Earlier I had proposed an amendment, House Joint Resolution 346, which in fact provided for the elimination of the electoral college, thereby eliminating the "faithless elector" and retaining the electoral system. That was referred to as the automatic plan, because the electors would automatically cast their votes on the same system we have for the winner of the majority vote in that State. Then I had a contingency that said if you do not have a majority vote in that electoral system, the winner would be the winner of the popular vote even though it would be a plurality.

I think, Mr. Chairman, this amendment has a great deal of merit to it. I think it has more of a chance of ratification all the way up and down the line. I believe that my amendment would protect the interests of smaller States, which I do not believe would be done by the proposed amendment before us.

Mr. Chairman, it seems to me we are going to be faced with a very serious question when we come down to voting on this amendment. If we believe in States' rights, then we have to believe that the smaller States are entitled to their consideration.

I have asked unanimous consent to include in my remarks some indication of that testimony I gave before the House Committee on the Judiciary on this subject, so I will not duplicate it now.

I want to thank the ranking member on our side for yielding me this time.

Mr. Chairman, I deeply appreciate this opportunity to appear in support of my proposed constitutional amendment relating to changes in the presidential and vice-presidential election process. This measure, House Joint Resolution 346, has been referred to the Committee on the Judiciary.

In brief, this proposal would continue the apportionment of electoral votes to the States on the basis of their representation in Congress but would provide for a direct election process in the event no presidential candidacy received a majority of electoral votes.

It would eliminate the electoral college and, with this, the "faithless" elector. It would retain the long-established concept of a federal system by continuing to assign to each State one electoral vote for each Member of the Senate and House. It would continue the award of all electoral votes apportioned to a State to candidates receiving the largest number of popular votes for President and Vice President.

It would provide, however, that in the event no candidacy received a majority of electoral votes, victory would go to the persons receiving the greatest number of popular votes for President and Vice President. This may appeal to proponents of a direct election system who object quite rightly to the present system under which the House could elect as President any one of the three candidates receiving the highest numbers of electoral votes, in the event of an electoral college deadlock.

History suggests this provision would rarely, if ever, be invoked. Not since the Adams-Jackson election of 1824 has a candidate achieved the Presidency without receiving a majority of electoral votes, although there have been close calls.

My amendment would remove any uncertainties which could arise under the present system by directing that Congress shall "provide procedures to be followed in consequence of the death or withdrawal of a candidate on or before the date of an election," or in the case of a tie.

There is general agreement that the present system of electing the President and Vice President needs reform. There seems to be no solid consensus, however, concerning any one of the several alternative proposals which have been put forward.

There may be so much debate over the size and shape of the table that proponents of a change will never get around to agreeing upon a constitutional amendment two-thirds of the Congress would approve or three-fourths of the States would ratify. This possibility is reinforced by the fact that of the several hundred attempts, over the past 165 years, to reform the electoral college system, most got nowhere at all and only a handful moved through even a single branch of the Congress.

Unless there can be devised a constitutional amendment which will meet the test of acceptance, this newest quest for electoral reform will be nothing more than another exercise in futility.

I believe the smaller States would ratify an amendment preserving the electoral strength they now have under the federal system, even though it contained my provision for a decision on a popular vote basis in the event of an electoral vote deadlock. As the attached table shows, 36 of the 50 States now have electoral vote representation which exceeds—from slightly to greatly—the weight their respective populations would give them under the direct election process.

Based on the 1960 census, Alaska, for example, has a ratio of 1 electoral vote to 75,380 people. My State of North Dakota has a ratio of 1 to 158,112. For California, the ratio is 1 to 392,930. Abandonment of the electoral vote system in favor of the direct election process would diminish by more than one-half North Dakota's present voice in the selection of a President.

I do not believe the smaller States would willingly surrender the protection they have under the federal system any more quickly than they could be persuaded to give up their present basis of representation in the U.S. Senate.

During Senate debate on proposed electoral system reforms in March 1956, the then Senator from Massachusetts, John F. Kennedy, spoke specifically on the question of direct elections:

> On theoretical grounds it seems to me it would be a breach of the agreement made with the States when they came into the Union. At that time it was understood that they would have the same number of electoral votes as they had Senators and Representatives.

Expanding on this, he said:

> After all, the States came into the Union as units. Electoral votes are not given out on the basis of the voting numbers, but on the basis of population. The electoral votes belong to each State. The way the system works now is that we carry on a campaign in 48 States, and the electoral votes of that State belong to that party which carries each State. If we are going to change that system, it seems to me it would strike a blow at States rights in major proportions. It would probably end States rights and make this country one great unit.

Had my proposed amendment been in force through the years, it would certainly have changed only one election. The election of 1824 would have gone to Jackson. It probably would have reversed the outcome of the Tilden-Hayes election, because there would have been no disputed electors. It would not have changed the outcome of the 1888 Harrison-Cleveland election in which Cleveland polled about 100,000 more popular votes but lost to Harrison by 65 electoral votes.

Several proposals put forward in connection with both direct and proportional elections call for a runoff election if the leading candidacy fails to receive at least 40 percent of the popular or porportional vote. The amendment I have proposed contains no such provision.

There are three reasons for this omission. First, it is unlikely that the leading candidacy under any of the proposed amendments would have less than 40 percent of either the popular or electoral votes. The electoral college method of electing a President has governed 46 elections, including 1968. In only one case—Abraham Lincoln in 1860—did the top vote-getter receive less than 40 percent of the popular vote. Lincoln's percentage was 39.79, but he was not on the ballot in 10 States.

Second, in the unlikely event of a runoff under the 40-percent provision, there would be a period of prolonged uncertainty—weeks, if not months—over who the new President would be. Such a transition gap could be extremely dangerous in this age.

Third, a runoff election probably could not be scheduled before some time in December and possibly even January. Weather conditions in these winter months could, in effect, disfranchise large numbers of voters, especially in the Northern States. In my own State of North Dakota, there have been many days this winter on which it would have been difficult, if not impossible, for most voters to get to the polling places. Farmers would be especially disadvantaged by adverse weather.

I include a table at this point:

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***Ratio of electoral votes to population in each State for 1964 and 1968 presidential elections (based on 1960 census)*[1]**

Rank and State:	*Ratio*
1. Alaska	75, 380
2. Nevada	95, 093
3. Wyoming	110, 022
4. Vermont	129, 960
5. Delaware	148, 764
6. New Hampshire	151, 730
7. North Dakota	158, 112
8. Hawaii	158, 193
9. Idaho	166, 798
10. Montana	168, 692
11. South Dakota	170, 129
12. Rhode Island	214, 872
13. Utah	222, 657
14. New Mexico	237, 756
15. Maine	242, 316
16. District of Columbia	254, 652
17. Arizona	260, 452
18. West Virginia	265, 774
19. Nebraska	282, 266
20. Oklahoma	291, 036
21. Colorado	292, 325
22. Oregon	294, 781
23. Arkansas	297, 712
24. South Carolina	297, 824
25. Iowa	306, 369
26. Maryland	310, 069
27. Mississippi	311, 163
28. Kansas	311, 230
29. Connecticut	316, 904
30. Washington	317, 024
31. Tennessee	324, 281
32. Louisiana	325, 702
33. Alabama	326, 674
34. Georgia	328, 593
35. Wisconsin	329, 315
36. Virginia	330, 579
National average	333, 314
37. Kentucky	337, 573
38. Minnesota	341, 386
39. North Carolina	350, 473
40. Florida	353, 682
41. New Jersey	356, 870
42. Indiana	358, 654
43. Missouri	359, 984
44. Massachusetts	359, 984
45. Michigan	372, 533
46. Ohio	373, 325
47. Texas	383, 187
48. Illinois	387, 736
49. New York	390, 286
50. Pennsylvania	390, 323
51. California	392, 930

[1] Hearings Before Subcommittee on Constitutional Amendments (1961), p. 670.

Mr. McCULLOCH. Mr. Chairman, I now yield such time as he may consume to the gentleman from New York (Mr. SMITH).

Mr. SMITH of New York. Mr. Chairman, the hearings before the Committee on the Judiciary in regard to electoral reform were fascinating in the range of opinions set forth and in the quality of scholarship and preparation which was evident on the part of practically all of the witnesses.

The remarks of one witness, however, made a particular impression on me, and I think on most of the committee. He said that the committee should try to determine what was its function in considering electoral reform and that if the committee decided that its function in electoral reform was to devise a system which would guarantee in a presidential election that the winner should win and the loser should lose, then the only system which would guarantee that the winner should win and the loser should lose, was the system of direct popular election of the President and the Vice President and that if the committee should decide that its function was different from devising a system that would guarantee that the winner should win and that the loser should lose, then the committee might well end its deliberations and suffer the country to continue under the present system.

I was also tremendously interested in the testimony of Gus Tyler, assistant president, International Ladies Garment Workers Union, and he said this:

> I speak on behalf of a trade union. Our membership lives overwhelmingly in the large urban and industrial States. There is the feeling that the present electoral college system favors these large industrial States.
>
> The argument is a rather simple one. A man who carries the State of New York by one vote can pick up all the electoral votes. We have figures here that indicate that in five elections, a different return from New York alone would have upset the result. Therefore, it is argued that the present electoral college system does favor the urban industrial populations, where our membership lives.
>
> It is also true of the American trade union movement that their members live overwhelmingly in the large industrial States.
>
> We are not unaware of this argument. Let me further say that if it could be proved to us that the present electoral college is weighted in favor of the urban and industrial States, we would still be for the direct election of the President of the United States.
>
> We do not favor any kind of a system for the election of a President that is weighted a priori in favor of any economic group, any geographic sector, any political party, or any ideology in the United States.
>
> So it may be to our institutional disadvantage to favor the direct election of the President. If that is so, so let it be.
>
> Now, let me modify that statement by saying that I am not altogether persuaded that the present system in the long run favors any States, large or small.
>
> I think that there are politicians from large States who think it favors them. I think there are statesmen and so forth. I think they are both living with a vast illusion, because under the present system, what we have are canceling inequities, or countervailing advantages.
>
> The big States have an advantage. We know what that advantage is. It is the big block of votes.
>
> The small States have an advantage. We know what that advantage is. It is the two bonus votes you get for Senators.
>
> The States where you have a small vote turnout have an advantage because of the fact that the electoral vote is based on population, not on vote turnout, and you have some charts on this.
>
> But these are countervailing inequities. Historically what has happened is that three wrongs have generally made a right—generally made.
>
> The exceptions are dangerous, and I have listed them, and that is the reason we want to eliminate the danger, and favor the direct popular election.
>
> Now as to the illusions. The big States in the United States are not homogeneous, either internally within the States or as a block of States.
>
> The big States, California, Illinois, Pennsylvania, et cetera, are in our lifetime generally "swing" States, and because they are the swing States, they don't all tend to come out the same way. As a matter of fact, in four of the closest elections of our time, the biggest States break up three to two.
>
> So the big States tend, because of their heterogeneity, to cancel one another out.
>
> Now to the small States. You can prove the advantage numerically, as we have done. But the fact remains that when a man campaigns for President under the present system, he goes to the big States, and tailors his proposals and appeals for the big States, and his campaign is so organized that the concentration of his appearances will be in the big States. If he feels he has to ignore someone in the United States, he will ignore the small States.
>
> The small States also tend to cancel one another out in an election, because they are not a bloc.
>
> I suggest we divorce ourselves from the mythology of the past. I think the people of the United States can understand this, and if there is no advantage, why not go straight, so we don't have an election where one man gets the vote and the other man gets the prize?
>
> I don't have too much faith in polls, and the question was asked of President Meany whether he goes to the membership. We haven't conducted a formal poll, but Evelyn Dubrow, Dave Wells, and myself, we have run educational programs in our union for years, and we meet the people.
>
> One of the things we talk about in presidential years is the question: "How is the President elected?"
>
> Some 95 percent of our people think the man who gets the most votes is elected President of the United States. A large percent are shocked, and a little bit angry, when they find out about the electoral college. I think most voters think they are voting directly for the President of the United States.

Mr. Chairman, I think that the voters in a presidential election in both the large States and the small States who vote for the losing candidate in their own State are tired of not having their votes counted under the present winner-take-all system. I think that the people of the United States are ready for a change and demand a change, and the polls, including my own in my own district, indicate that the great majority of Americans favor the direct popular election of the President and the Vice President.

As quoted by the gentleman from New York (Mr. CELLER), the distinguished chairman of the Committee on the Judiciary:

> There is nothing so powerful as an idea whose time has come.

I believe that the time for the direct popular election of the President and the Vice President has come in this country.

To paraphrase the gentleman from Ohio (Mr. MCCULLOCH), the ranking minority member on the Committee on the Judiciary, "We invite all those who would be on the side of the angels to join us in support of House Joint Resolution 681."

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, when I arise to advise you, my colleagues from New York, California, Pennsylvania, and the other large and urban States, I recognize that you are likely to treat my remarks with some indifference, even to meet them with some shuffling inattention, not to say resentment. After all, I come from an area which is considered generally rural and unsophisticated, an area whose leading national figures have come from such hick towns as Marlin, Uvalde, Bonham, and Johnson City.

But it so happens that the effect of this constitutional amendment on the voting power of individual voters in Texas is very similar to the effect on the voters of New York, California, Pennsylvania, and other large and populous States. It is to drastically reduce the influence of these areas in the national selection of candidates for the Presidency.

Now, I realize that if one looks only to the mathematical calculation of the weighting of electoral votes in the electoral college, it appears that movement to the popular vote gives an advantage to these large States and removes the advantage to the smaller States because it removes that weighting occasioned by the addition of senatorial positions in measuring the State's electoral strength. This is what Niel R. Pierce relies on in many of his conclusions in "The People's President." See his table, "Ratio of Electoral Votes to Population," page 139.

But this is deceptive, as has been pointed out by Alexander Bickel of the Yale Law School, in general terms, and by John Banzhaf, in specific and mathematical terms. This is what has not been noticed by you Members from the great urban areas.

You know, some of our folks from the hinterlands call you "city slickers." All of my life I have heard the term, "city-slicked." But there is a term much more frequently applicable in these Halls. I think you have been "country-slicked."

No practicing politician who has been engaged in the process of supporting a candidate for nomination and election for the Presidency has ever doubted for a minute that he should devote more time per voter to the voters of New York, California, Pennsylvania, Illinois, and Texas than he should devote to voters in the smaller States or in the hinterland.

Banzhaf's exact calculations, in which he establishes premises by irrefutable logic and calculates his results on a computer, wholly support the hunches of the practical politicians. He calculates, for instance, that under the electoral system the citizen in New York and California has about twice the average voting power, and that the citizen in Pennsylvania, Illinois, and Texas has about one and a half times the voting power of the average citizen of the United States.

Now it may be that my colleagues from New York, California, Pennsylvania, and Illinois wish, generously, to diminish their influence in the selection of candidates for the major political parties. And I believe this would be salutary and laudable, certainly altruistic, if it were not for the fact that all of these States are much more grossly underrepresented in the Halls of Congress than they are overrepresented in the selection of presidential nominees and of the President himself.

For instance, a citizen in Alaska has three times the voting power with respect to the election of his congressional delegates as the citizen in New York. If the big State's citizen has a big influence in selecting the President, the small State's citizen carries the big clout in selecting Members of Congress.

It is not a fair proposition to take away the advantage of a citizen in a big State in selecting the President but to leave him at a disadvantage in influencing the Congress. If we leave the electoral college system intact, we tend to offset these two areas of advantage. New Jersey is a perfect example. A voter in New Jersey has about a vote and a quarter as compared to other voters in the United States in exercising his influence in the selection of the Presidency. But he has only about three-quarters of a vote, as compared to the average citizen of the United States in influencing the selection of Members of Congress. To put it another way, and to state the matter more accurately, the New Jersey citizen has 22.6 percent greater than average voting power in the electoral college system but 24.7 percent less voting power than the average citizen in exercising an influence over the selection of Congressmen and Senators. These two figures balance out so that his participation as a citizen is about equal to that of citizens of all other States.

The matter is not a southern or northern question. Amongst the Southern States, Georgia, Florida, Virginia, Tennessee, and Texas citizens all have larger than average voting power in the electoral college system. But each of these States has smaller than average voting power in the selection of Members of Congress. If the two factors are offset against each other, the result is that citizens of these States have less than 15 percent difference in voting power than the average of citizens of the other States. This means they are about equal in their total citizenship potential with the people of the country at large. If their advantage in the electoral college were removed, their total voting power would in all instances deviate below that of citizens of the country at large by more than 15 percent, in the case of Texas, up to 30.7 percent.

To illustrate again that what I am saying is not regional, let us consider a Midwestern State, Michigan. Compared with the average vote potential in the country, a Michigan voter casts one and a third votes in the election of the President, but his voting power respecting Congress falls below the average by about 28 percent, just about offsetting his advantage with respect to the Presidency. If the electoral college system is retained, and also the present method of representation in Congress, he exercises about the same citizenship potential as the average American citizen. But if the electoral college is abandoned, and he is left with equality in selection of the Presidency, he has 28 percent less effect as a citizen than the average voter in the country.

In the case of such large Northern and Midwestern States, the voter's influence on Congress is further diminished by the almost equal division of power between the Democratic and Republican Parties. It is hard for a Congressman to gain seniority and thus attain committee chairmanship or lesser prerequisites of long service. All five of the States whose citizens receive the greatest diminution of voting power are closely divided between the parties. They are, in the order of loss of voting power, New York, California, Pennsylvania, Ohio, and Illinois. The citizens in each of these States enjoy about one-third less voting power with respect to congressional elections. But this is not all. Amongst all of these States, which embrace more than a third of the population of the United States, there are only six committee chairmen in the House and Senate—about 15 percent of the total number of committee chairmanships.

Now let us compare with them the five Southern States, having only 7 percent of the population, which would gain for their citizens additional voting power. These are Alabama, Arkansas, Louisiana, Mississippi, and South Carolina. Among them, they have 12 committee chairmanships—about 30 percent of the total.

Consider, for a moment, the magnitude of this disparity: 7 percent of the population controls 30 percent of the top power in Congress, the committee chairmanships. And one-third of the people of the United States control only about one-seventh of this power.

Thus, the ratio of citizens to committee chairmen in the populous States is about 10 million to 1. In the Southern States listed, the ratio is 1 million to 1.

Obviously, New York, California, Pennsylvania, Ohio, and Illinois are being country-slicked if their citizens are being reduced in their influence in selecting the President and establishing a national platform and are at the same time retained in their disadvantageous position with respect to influence in Congress. I cannot understand why so many of my colleagues who are thus adversely affected are so willing to accept an idea that has found its time, as my distinguished and respected colleague, the chairman of the Judiciary Committee, describes it.

The issue involved here has deep philosophic roots. As Alexander Bickel has pointed out in his book, "The New Age of Political Reform":

> Urban-rural, pluralist-homogeneous—this has been the great divide in American politics. The task of the Presidential candidate, Republican or Democratic, is to bridge it from either side.

Bickel points out that going to the direct popular election mode would put a premium not on the two-party industrial States but on achieving the largest possible majority in the small, more homogeneous ones. He says:

> It would create a Presidency with little or no incentive to act as a counterweight to Congress, and as a particular spokesman for urban and minority groups. This, one may reasonably surmise, is precisely what conservative backers of the proposal intend.

I agree with him, but I would put it in a larger context. Problems of great import, emergent problems that may become explosive are likely to develop in the large urban centers first. Take, for instance, such issues as civil rights and racial justice, air and water pollution and the quality of environment, an overstrained welfare system, and the like. It is well that the appeal of the parties and the presidential candidates must, in greatest measure, be made to those areas where these problems first develop.

Since the office of the Presidency has become a kind of superlegislator, devising specific legislative machinery to meet such problems, sending periodic messages to the Congress, and supporting his program on Capitol Hill, it is de-

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sirable that our system stimulate such innovative quality and press the emergent problems upon the parties and upon the Presidency at the earliest possible time. The distribution of voting power in the electoral system is congenial to this character of the Presidency. It has been said that the President proposes and Congress disposes. The distribution of voting power respecting Congress is different and disposes it toward its role.

But the surprising salubrious balance of these two distributions of voting power is that an approximate equality of voting power is achieved for most citizens of the Nation. About half are somewhat above the average and half are somewhat below. Without the balance, 93 percent of the citizens are below the average. See table below:

PERCENT DEVIATION FROM AVERAGE VOTING POWER, BY STATES (1960)

	Electoral college	Congress	Net
Alabama	−3.0	−15.7	−18.7
Alaska	9.2	99.1	108.3
Arizona	−23.9	3.2	−20.7
Arkansas	−21.9	−5.5	−27.4
California	87.9	−35.0	52.9
Colorado	−21.1	−4.7	−25.8
Connecticut	−12.2	−11.8	−24.0
Delaware	−22.3	41.7	19.4
Florida	11.1	−22.5	−11.4
Georgia	6.3	−18.0	−11.7
Hawaii	−12.8	35.5	22.7
Idaho	−15.1	31.9	16.8
Illinois	48.0	−31.4	16.6
Indiana	6.1	−22.3	−16.2
Iowa	−5.2	−11.7	−16.9
Kansas	−17.3	−9.4	−26.7
Kentucky	−9.6	−15.9	−27.5
Louisiana	−2.9	−15.6	−18.5
Maine	−29.5	9.4	−20.1
Maryland	−.4	−13.5	−13.9
Massachusetts	9.0	−24.0	−15.0
Michigan	34.4	−28.3	6.1
Minnesota	−5.1	−17.5	−22.6
Mississippi	−17.3	−9.4	−26.7
Missouri	1.6	−21.6	−20.0
Montana	−15.5	31.2	15.7
Nebraska	−26.9	−.9	−27.8
Nevada	−2.8	77.3	74.5
New Hampshire	−10.9	38.3	27.4
New Jersey	22.6	−24.7	−2.1
New Mexico	−28.9	10.5	−18.4
New York	96.8	−35.3	61.5
North Carolina	7.4	−21.4	−14.0
North Dakota	−12.8	35.5	22.7
Ohio	50.9	−30.1	20.8
Oklahoma	−8.4	−8.0	−16.4
Oregon	−21.5	−5.1	−26.6
Pennsylvania	56.8	−32.5	24.3
Rhode Island	−25.2	16.2	−9.0
South Carolina	−9.5	−9.0	−18.5
South Dakota	−15.9	30.6	14.7
Tennessee	2.3	−16.5	−14.2
Texas	45.7	−30.7	15.0
Utah	−26.5	14.2	−12.3
Vermont	−16.8	51.6	34.8
Virginia	6.0	−18.2	−12.2
Washington	−6.8	−13.2	−20.0
West Virginia	−10.5	−2.0	−12.5
Wisconsin	6.2	−18.0	−11.8
Wyoming	−9.6	64.8	55.2

	Greater-than-average voting power		Less-than-average voting power	
	Number of States	Percent of total population	Number of States	Percent of total population
Electoral College	18	71	32	29
Congress	16	7	34	93
Net	18	49	32	51

The fact that our basic structure of Government has lasted so long without drastic revision is a tribute not only to that "glorious company, the flower of men" who made it "the fair beginning of a time," but to the genius of a common law pragmatism that perfected it to meet current needs. I believe our processes for electing the President and for representation in Congress constitute, together, a finely tuned instrument which I, for one, would be very loathe to tamper with.

The dangers and defects are small when examined in relation to their practical effects on history through the last 180 years. All of these dangers can be remedied by the most superficial constitutional surgery.

On the positive side, the electoral system has preserved intact and nurtured a system which has been marked by these benefits:

First, with the exception of one or two, there have been no really bad Presidents. When the system has unjustly slighted a good man like Jefferson for another good man like Adams, it has elected Jefferson later. When Cleveland lost to Harrison, under circumstances which may be considered unfair, Cleveland later achieved the Presidency.

It is trite to recite the great men who have been elevated to the Presidency. I do not believe that this is historical accident. The necessity of appealing to those in the mainstream of the times must have had something to do with the selection of the whole string of Presidents: Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon. Putting aside partisan considerations, each of these men, at their first election, afforded peculiar qualities to meet needs of their times. The best of them can be called great, and none of them can be said to be less than highly qualified.

The second important benefit of the electoral system is that it has permitted the development of the two-party system and has nurtured it. Because an appeal must be made in those areas which are urban and pluralist—areas where there may be strong ethnic and racial tugs and pressures, areas where radicals and reactionaries operate on the extremes and act upon those on their side of the median—both of the major parties must make internal accommodations in order to entice enough voters to their side to win. True, there have been third and fourth parties—like the Progressives and the Dixiecrats in the 1948 election—but in the end the effective choice has been between the more conservative and the more liberal of the two major parties. I think this is the only way to preserve a two-party system and that it is the most effective way to preserve a viable and representative government.

For the reasons I have given, I am not willing to throw away a process that has worked effectively for 180 years and speculatively accept a process which, in my opinion, tends to destroy a nice and effective balance, and introducing, at the same time, more problems and difficulties than it solves or alleviates.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. Poff).

Mr. ROUDEBUSH. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 167]

Abbitt
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Ashley
Barrett
Biester
Blackburn
Blanton
Boggs
Bolling
Bow
Brasco
Brock
Broomfield
Brown, Ohio
Buchanan
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Carey
Chisholm
Clancy
Clark
Clay
Collier
Collins
Corman
Coughlin
Cramer
Cunningham
Daniel, Va.
Davis, Ga.
Dawson
Delaney
Dent
Derwinski
Diggs
Downing
Edmondson
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fallon
Findley
Fish
Flynt
Foley
Ford, Gerald R.
Foreman
Fuqua
Giaimo
Gray
Green, Pa.
Grover
Gubser
Hansen, Wash.
Harsha
Hawkins
Hébert
Holifield
Horton
Hosmer
Howard
Hungate
Jarman
Jonas
Jones, Ala.
Kee
Kirwan
Kluczynski
Landrum
Leggett
Lipscomb
Long, La.
Lujan
Lukens
McClory
McCloskey
McDonald, Mich.
McKneally
McMillan
Marsh
Martin
Mathias
Michel
Miller, Calif.
Morse
Morton
Murphy, Ill.
Myers
Nix
Passman
Pepper
Powell
Price, Ill.
Price, Tex.
Pucinski
Railsback
Reid, Ill.
Reid, N.Y.
Rhodes
Rooney, Pa.
Rostenkowski
Ruppe
Scheuer
Schneebeli
Shipley
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Snyder
Stuckey
Taft
Teague, Calif.
Teague, Tex.
Tiernan
Tunney
Ullman
Watkins
Whitehurst
Wilson, Bob
Wilson, Charles H.
Wydler

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Mills, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681), and finding itself without a quorum, he had directed the roll to be called, when 299 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Virginia (Mr. Poff) had been recognized for 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. Poff).

Mr. POFF. Mr. Chairman, I believe it would be appropriate first to say how much I admire the tone and the tenor the debate has assumed. It is in the highest traditions of this great legislative hall, and I commend each of those who has participated.

It is altogether fitting and proper that it should be on this level, because we are here considering not a House resolution. We are here considering a House joint resolution. We are not in the process of enacting a statute which the Congress might next week repeal. We are here considering an amendment to the basic, fundamental law of our Nation. Such a debate, I suggest, deserves the most earnest and careful and prayerful consideration of every Member of this body.

Second, Mr. Chairman, I believe it would serve some purpose if I attempt initially to capsulize my own position. I do so with full respect for the sincerity of the position held by every other Member in the Chamber.

I favor electoral reform. If finally the only choice left to me is a choice between the direct system and the present system, I shall cast my vote for the direct system.

But the direct system is not my preference. It is not my preference primarily because in my judgment it could never become a part of the Constitution.

Accordingly, my preference is the so-called Dowdy-Dennis substitute which has already been thoroughly explained and which will be further refined in a bill which will be introduced this afternoon by the distinguished gentleman from Texas (Mr. DOWDY), the distinguished gentleman from Indiana (Mr. DENNIS), and myself.

I invite your special attention when it is published tomorrow.

Finally, Mr. Chairman, if the district plan embraced in that legislation is not accepted by the Committee of the Whole, then at that point I will offer as a substitute a plan which I have outlined in my separate views in the committee report.

Essentially that substitute would be a proportional plan, and unlike other major plans that have been discussed previously, will have two contingency election mechanisms. I will not elaborate further on the definitive details, but I will undertake now if I may briefly to consider the subject before us in four separate categories.

I believe it helps to systemize our consideration of the subject if we ask ourselves four questions and undertake to answer them.

First of all, should the present system be changed?

Second, if so, what specifically is wrong with the present system?

Third, which new system is the best system?

Finally, which new system could best be sold to three-fourths of the legislatures?

Now, to answer the first question first, should the present system be changed? My answer emphatically is that it urgently needs to be changed.

Some may say that it is difficult to understand the need for a change when this system has served the Nation so long, and on each occasion has furnished the Nation with a President.

It is true that the system has furnished the Nation with a President every 4 years since the Nation was founded, yet it should be remembered that the system has furnished the Nation with a President on 15 occasions who earned less than a majority of the popular votes. On three occasions this system furnished the Nation a President who earned fewer popular votes than his nearest opponent. On two occasions the system did not function at all until this Chamber elected a President and did what the people properly ought to do.

On still another occasion, the system did not furnish us a Vice President until the other body did what the people properly ought to do.

These may not seem to be monumental failures. But I suggest that the possibility of failures in the future, as illustrated by the near failures in the past, needs to be considered.

By that I mean that in 15 of our previous elections a change of 1 percent in the popular vote would have made the popular-vote loser the President of the United States. In seven elections a shift in 1 percent of the popular vote in certain key precincts in certain key States would have thrown the election into the House of Representatives.

So I suggest that a change does need to be made. For the sake of stability in Government a change needs to be made.

Now, what specifically is wrong with the present system? I suggest that what is wrong is not conceptual. There is nothing undemocratic about the electoral college system, which was patterned after the great compromise of 1787. It truly gives definition to what we know as a Federal Republic and a representative democracy.

No, there is nothing conceptually wrong. What is wrong is functional. What is wrong specifically is the winner-take-all system. This did not eventuate from the words of the Constitution. On the contrary, the Constitution granted to the individual States the power to decide how their electors would be appointed. With the rise of the party system, the dominant party in the several States soon saw that the winner-take-all system best served its own interest and after one State made that decision, all other States were driven to make the same decision in self-defense. But it is the winner-take-all system which is the thing wrong with the present system.

Why is it wrong? I suggest it is wrong precisely because it unbalances political power in this country. What do I mean by that? I mean that the winner-take-all system grants inordinate political power to the big States. Eleven of the States in this Nation jointly have enough electoral votes under the present system to elect the President, even though the plurality in each State might be small.

Second, I suggest that what is wrong with the winner-take-all system is that it gives inordinate power to the individual voter in the big States. If we adopt a definition of voting power as the power one has by changing one's vote to affect the result of an election, then in the State of New York the power of the individual voter has a multiplicity factor of 43. By changing his vote in the event of a tie, he could affect 43 electoral votes. In the State of Virginia, if you will pardon a personal allusion, the individual voter has a voting power with a multiplicity factor of only 12, so that the State of New York has an individual voting power some three times greater than the individual voting power in Virginia.

The winner-take-all system, too, I suggest, gives undue voting power to the tightly organized, highly disciplined special-interest groups in the large cities of the big States.

Finally, I think the present system puts a high premium on vote fraud while the impact of fraud would be dramatically circumscribed by the district plan. I suggest, Mr. Chairman, that the present system also militates against the growth of a functional, dynamic, two-party system, and that a district plan would give an incentive to the minority party in a one-party State to grow because its efforts would be materially rewarded.

But now, Mr. Chairman, if this is what is wrong with the system proposed, what is the best system? My time will not permit me to make a definitive inventory of the attributes of the district system which we will jointly offer. Rather, I will undertake to do that when we begin to read the bill. Neither will I attempt to explain my substitute which will be offered only if the district plan fails. Rather, I would like, if I may, to deal with the question of which plan has the best opportunity of becoming a part of the Constitution.

I call your attention, first, to the fact that it is really irrelevant that the plan finally agreed upon by the Committee of the Whole may or may not get two-thirds of the vote of this House unless you further consider the fact that it must get two-thirds of the vote of the other body. I suggest in all earnestness that a direct vote system simply cannot, in the present posture of things, earn that support in the other body. Then, whatever plan is finally proposed in the two Houses of Congress will have to earn the approval of three-fourths of the States.

Consider with me for a moment, if you will, just what mathematically and pragmatically this involves. We have 99 legislative bodies in the 50 States of this Nation. If 13 of those 99, each in a separate State, either acts negatively or fails at all to act, then whatever this Congress proposes will be frustrated.

I suggest that the States today, particularly the small States, are convinced that they enjoy some voting advantage in the present system. Now here again it is immaterial whether they are right or wrong. They are convinced that they enjoy the advantage, and I submit that they have some mathematical evidence to justify that position.

I call the particular attention of Members to a chart which appears on page 45 of the committee report, following the additional views of the distinguished gentleman from Michigan (Mr. HUTCHINSON). This chart illustrates a formula which was devised to show that a movement away from the present electoral college system to a direct vote system would jeopardize the relative voting power of the small States. It uses a ratio of the popular votes cast by each State to the total popular votes cast in the Nation at large for President in 1968. The other ratio is the total number of electoral votes awarded each State under the present system to the total electoral votes in the Nation at large, namely 538.

These two ratios when compiled for each State are then compared one against the other. When that comparison is made, it shows that 34 of the States and the District of Columbia will lose political voting power and that 15 States will gain political power, while one State will see no change in its relative voting strength. The 15 States named in that list on page 45 are the large States of the Nation with one or two exceptions, and the 34 States which

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will lose political power are the smaller States with one or two exceptions.

I suggest, Mr. Chairman, that this will be highly persuasive in the legislatures where the people chosen by the voters will assemble to decide whether to ratify or to reject or in the alternative to act not at all upon whatever proposal this Congress presents to them. I say again it is altogether too likely that they will in 13 of those 99 legislative bodies find sufficient cause to protect what they regard as their present advantage.

I beg the further indulgence of Members to deal with one further matter which I consider crucial. We have seen a number of polls published by Members and by the press in the last 10 days. One which appears most persuasive is one which I think should be most carefully analyzed. That is the one conducted by the distinguished Member of the other body, the Senator from Michigan, our former colleague in this House, Mr. GRIFFIN. I do not for one moment challenge the method by which the poll was conducted nor the motives behind those who draw conclusions from it. However, I suggest that the tabulations do not justify the conclusions which are claimed for it. Let me explain.

That poll was conducted among 27 of the smallest States. The poll was sent individually to 3,943 legislators in those 27 States. That is only 44 percent of the total legislators in those 27 States. It is claimed that this poll shows 64 percent of the legislators polled favor the direct system.

I suggest first of all that the poll altogether failed to include, either in the question or in the covering letter which was mailed with it, any mention whatever of the 40-percent factor or the runoff election which is an essential incidental of the committee plan with which we are now dealing.

I say further that while 23 States and the District of Columbia were not contacted, presumably because they would support the plan, we cannot properly draw such a conclusion. On the contrary, I suggest that among those 23 States, most of them large States, there may very well be those who will refuse to make a change in a system which they feel has a built-in power advantage for large States.

Finally, Mr. Chairman, while it is true that 44 percent of the legislators in those States responded, 56 percent did not respond. I think that is tremendously meaningful. Of those who did respond, let me point out that the tabulation is cumulative, that is, there is no effort to break down the tabulation according to the separate houses of each State legislature. For that reason, the cumulative results are really meaningless because, I repeat, only one house of each legislature need reject the plan in order to withhold ratification by the State.

I thank you for your attention. I say again, as I began, that this is a deadly serious business in which we are engaged. If we are really in earnest about improving the system, which I believe if left unimproved might someday swamp the American Republic, then let us do something in this body which we believe can win the support of two-thirds of the other body and at least three-fourths of the States.

I suggest with all the earnestness at my command that the only plan which can conceivably win that support is the district plan, because it represents the least departure, the least structural change in the present system, and yet gives better voice to the popular will and preserves the federal system.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Utah.

Mr. LLOYD. The gentleman has stated, as I understand it, if the district of proportional methods fail, he would vote for a direct vote in preference to the electoral college system.

Mr. POFF. The gentleman is correct.

Mr. LLOYD. One of the objections which has been raised in my district in Utah is that there is a fear if the Constitution is amended with reference to the election of the Executive the Constitution will thereafter be amended with reference to the election of Members of the U.S. Senate.

Article V of the Constitution provides that there shall be equal suffrage given to each State in the U.S. Senate unless consent otherwise is given by the State. Will the gentleman comment on this? I should like his comment as to whether or not article V is amendable without the consent of the individual States.

Mr. POFF. The gentleman is a learned legal scholar. I could not possibly add, I am sure, to his own generous fund of legal information.

But I would answer the question categorically, namely, that under article V of the Constitution it would be impossible to apply the one-man, one-vote rule on a national basis to the election of U.S. Senators simply because the language of article V says explicitly and unequivocably that—and I quote:

> No State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Mr. LLOYD. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 2 additional minutes so that my colleague from Ohio may ask a question.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Ohio.

Mr. LATTA. First I want to commend the gentleman on a very fine statement.

Mr. POFF. I thank the gentleman.

Mr. LATTA. I am interested, as the gentleman knows, in a plan which will encourage more people in the United States to exercise their franchise. I believe it is a shame that more of our people do not exercise their right to vote.

As I have campaigned out in my district many, many times, I have run into people who will say, "I am not going to the polls because my vote just does not count," or "does not count too much" or something on that order.

I just wonder what the thinking of these individuals who do not vote believing that their vote does not count too much will be if we adopt the plan now before the House and their vote becomes one in 75 million, rather than one in a State with so many electoral votes, or one in a district under a district plan, whereby under the present rules in Ohio there would be perhaps one in 400,000 in a congressional district. I know that the gentleman has given thought to this. Would he like to comment on it?

Mr. POFF. I have given a great deal of thought to it, and most since the gentleman in the Committee on Rules first raised it. I thought then that he made the point most admirably, and I do not see how anyone today could enlarge upon it. What you just said happened is so. The individual tends to measure his voting power according to the power he has to affect the choice that the Nation finally makes. I am convinced, particularly if he lived in one of the "sure" States—one of the one-party States—that if the voter is told that his vote will indeed have an impact upon the election of one district elector and two at-large electors who will have an impact on the election of the President, his vote would be infinitely more meaningful to him then than if he thought his vote was only one out of 75 million.

Mr. LATTA. I thank the gentleman for his comment.

Mr. Chairman, I have one other question which I would like to ask, and that is whether or not under this proposal which is now before the House there is an opportunity for a recount of the votes for President of the United States.

Mr. POFF. The gentleman anticipated one of the most difficult areas. The contingency mechanism in the committee bill provides for a runoff if at least 40 percent of the votes are not gained in the general election.

Mr. LATTA. I am not talking about that, but I am talking about a recount on the grounds of, let us say, fraud.

Mr. POFF. There is no provision in the bill for that, but the gentleman's question illustrates that it will become necessary eventually for a Federal law to deal with that if it is expected to conclude both a runoff and a general election between the first week of November and the first week of January.

Mr. HARVEY. Mr. Chairman, with perhaps an amendment or two, House Joint Resolution 681, calling for the direct popular election of the President and Vice President, is certain to receive bipartisan support in being accepted by this body within the next day or so. Personally, I am prepared to support—enthusiastically and completely—the bill as approved by the House Committee on the Judiciary.

It is with particular delight that I cite the bipartisan support. Earlier this year, on January 28, I was pleased to join with a Michigan colleague from the other side of the aisle, Congressman JAMES O'HARA, in cosponsoring House Joint Resolution 317, which called for the popular vote for the President.

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Shortly after introduction of the measure, the administration brought forth its proposal which called for dividing electoral votes of each State in proportion to the popular vote received by the candidates. At that time, I commented that I did not totally disagree with President Nixon's proposal. I mentioned that it had much to commend it and that it is probable it could be attainable before the 1972 election. Basically, it might be considered less controversial.

Nevertheless, although I admitted in a news statement of February 24 that I was not completely wedded to a direct election change, I remained convinced that the direct popular election of the President and Vice President was best.

My position also has received exceptionally strong backing from constituents in our Eighth Congressional District in Michigan who participated in my ninth annual questionnaire. I asked if the electoral college should be abolished and the election of the President and Vice President be accomplished by popular vote. Some 10,044 questionnaires were tabulated and 8,486, or 84 percent, favored abolishment of the electoral college.

Yes, I am convinced that it is time for a change. I am equally certain that the vast majority of all citizens want this change. The popular vote concept truly is a popular plan throughout our Nation.

Mr. McCULLOCH. Mr. Chairman, I now yield to the gentleman from Minnesota (Mr. MacGregor) 10 minutes.

Mr. MacGREGOR. Mr. Chairman, following the gentleman from Virginia (Mr. Poff) is about as tough as a task for any advocate as I could imagine. No one in this House—perhaps no one in the Congress of the United States—exceeds the gentleman from Virginia (Mr. Poff), as a constitutional lawyer of great competence, as an advocate whose words strike his audience with great force, and as a gentleman who always treats those with whom he disagrees with great consideration.

Nothing could please me more, as one who is fortunate enough to be and to have been for 9 years a colleague of the gentleman from Virginia, than to hear him say that at the conclusion of our debate in this body, if the only reform choice available to him is the national plebescite or direct popular election choice, he will, I take it, gladly vote "yes" to effect or at least to begin the process by which we will effect that badly needed constitutional amendment.

Mr. Chairman, the question of electoral college reform is truly the most critical constitutional problem before this Congress or, I suggest, any recent Congress. It in truth demands the very best attention of this body and of the other Chamber. A constitutional crisis of very grave proportions very nearly arose from the balloting last fall for President and Vice President of the United States.

Only a relative handful of votes in a few States saved the selection of the Chief Executive from the archaic "one State, one vote" plan constitutionally required in the House of Representatives.

If Mr. Nixon had lost Illinois and Missouri, both of which he won by small margins, he would have failed to obtain the necessary 270 electoral votes.

If George Wallace had carried the States of North Carolina, South Carolina, and Florida, the election would have gone to the House of Representatives.

There are other "iffy" examples which can readily be found by examining the 1968 election returns. I hope this will dramatize the fact that, as in 1960, we came too close for continued constitutional comfort.

Mr. Chairman, there should be only one constituency electing our President, and that is the American electorate.

The electoral college should be abolished, and the House of Representatives should not have any contingent responsibility.

The presidential choice belongs to the people of America and to the people of America alone. Any reform proposal, of course, generates some resistance. All plans have weaknesses, including the plan I favor, the direct popular-election plan. No system can be perfect, but I firmly believe that a national plebiscite plan has the fewest defects. Any other plan would permit a candidate receiving the second highest number of votes to become President. Only the national plebiscite plan guarantees to every citizen regardless of residence, an equal voice in the selection of the President of the United States.

Mr. Chairman and members of the committee, I was particularly interested in the colloquy between the gentleman from Ohio (Mr. Latta) and my distinguished colleage, the gentleman from Virginia (Mr. Poff). The question was posed:

> Would you be discouraged from going to vote for President if you thought that your vote was only one out of 75 million?

I turned to my colleague, the gentleman from California (Mr. Wiggins), which State has more than 20 million votes and, I suppose, it is just as valid to say that those votes would be swallowed up in 75 million as your vote would be swallowed up in 20 million in California or in the great State of New York. The gentleman from California (Mr. Wiggins) said that he did not think this would discourage people from voting in California.

Mr. Chairman, there are States which have six, seven, or eight times the population of my State, and that does not seem to be an inhibiting factor in getting the people to go to the polls. I can tell you what would be an inhibiting factor and that is this: One-party States and one-party districts. I would much prefer to pit my vote against 75 million others as being determinative in an election for President than to continue under the present system where if I lived in the State where I was in the minority—as Republicans are in Mississippi and as Democrats are in Kansas and Nebraska—I would have little reason to vote for President.

If we went to the district plan, my minority vote would not only be swallowed up in my congressional district and State and count for nothing, but, worse than that, my vote for the President of the United States would be tallied in the Democrat column. That is the system we have now. That is the system you would have under the district plan.

Think for a moment if you lived in a one-party State and you are not of the majority party but of the minority party.

Mr. Chairman, we would undertake a great constitutional change if we adopted the district plan. But if you live in a State or in a district dominated by one party, which is not your party, you go in utter futility to vote for the minority party. That is the situation now, and it would continue to be the situation across the broad face of America, if the district plan were adopted.

How many of those districts are "safe" districts? Three hundred or 350 out of 435? Moreover, let us not forget that when the result of an election is a foregone conclusion, the majority also finds it less necessary to vote. This does not contribute to the political health of the country.

That is the vice in the present system, the vice that would be maintained, albeit somewhat diluted, under the district system.

How can we conform our aim today with the doctrine of the right to cast an equally weighted vote? I know we hear a lot of loose talk about "one man, one vote." That is not what we are talking about in this congressional amendment recommended by 80 percent of the members of the Committee on the Judiciary. We are talking about the right to cast an absolutely equally weighted vote.

My colleagues, do we believe deeply, as we say we do, in the equal worth and integrity of each individual? I do. I know you do too.

The only way to give expression to that philosophical conviction is to vote for the committee amendment, House Joint Resolution 681, where every eligible voter voting in America has his vote worth precisely the same as every other voter's vote.

During the hearings before the Committee on the Judiciary, I asked the very distinguished gentleman, Mr. Wekselman, who was probably the most candid witness I have seen in 9 years and who was a strong advocate of Hubert Humphrey in the last election:

> Why are you opposed, Mr. Wekselman, to the direct popular election of the President of the United States?

He said in effect:

> Because we lose our clout as a special interest group.

Those are my words—"special interest"—and not Mr. Wekselman's.

He said:

> I speak for the American Jewish Congress. Our vote is maximized under the present system because our people concentrate in the bigger cities of America.

I trust that you will understand my reference. I refer to Mr. Wekselman only because he was honest enough to speak the political reality and not because of his organization. I oppose weighting the vote in favor of anybody. I support equality.

The unit rule that the gentleman from Virginia (Mr. Poff) attacked, and attacked so incisively, would continue, although diluted, to be sure, under the

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district plan. It would continue to give to special interests—that kind that the gentleman from Virginia (Mr. POFF) talks about—the power to control the votes of electoral districts and two at-large votes in every State.

I do not want to see us in this House subscribe to any other system which would perpetuate the unequal strength given to some of these tightly organized special-interest groups. I invite the attention of the Members to pages 380 and the following in hearings, where you will see the questions to Mr. Wekselman and his responses.

Mr. Chairman, I believe in equality of the weight of the vote of every American citizen. No special interests should have a clout in the influencing of results. I hope we will not vote for any system to give any such a clout to this group or that group.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. MACGREGOR. The gentleman from Virginia (Mr. POFF) has set forth in his additional views, printed in the committee report, the details of a plan which he has advised today that he will offer should the Dowdy-Dennis proposal be defeated.

Mr. Chairman, I would like to speak for a moment about the wisdom of that particular proposal. I think it is eminently sound. But I think its presentation in this body during this debate is premature.

The distinguished gentleman from Virginia asks what if the House passes a direct popular election amendment which does not pass in the Senate. If the other body should pass some other proposal, the district plan or the proportional plan, we will have a committee of conference.

I am sure that probably neither body would recede and adopt the position of the other. People have said to me:

> How do you possibly reconcile a House-passed direct popular election amendment with a Senate-passed proportional plan?

I answer:

> By reference to a proposal similar to that, if not exactly the same as that outlined by the gentleman from Virginia (Mr. POFF).

I do think, as the gentleman from Virginia (Mr. POFF) well knows, because at one time I was working with the gentleman in the development of this plan, that it may somewhere down the road possibly be the proposal which we in this Congress eventually adopt. But I suggest to you this is not the time and place to adopt it.

I urge you, my colleagues, to cast a vote to eliminate special interests and unequal strength in the election of President and Vice President of the United States. I urge you to cast a vote here for what is truly at issue—the right of every American to have an equal voice in electing the President and Vice President of the United States.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MACGREGOR. I yield to the gentleman from Indiana.

Mr. DENNIS. I would like to point out to the distinguished gentleman from Minnesota that in the 1968 election 54.6 percent of all the votes were cast in nine States embracing 12 of the largest cities. The vote in those States were largely determined by the vote in the 12 big cities.

In an editorial in the Indianapolis Star, it was said:

> The significance of this is that political machines in 12 cities in 9 heavily populated states can pile up pluralities so big that the votes in the rest of the country would not matter in a nation-wide popular election.

Now I would invite the comments of the gentleman to that statement. I should like to ask him further, if a man should be elected in that fashion, does the gentleman feel that even though he might have a few more votes that he could or would under those circumstances be truly a national leader?

Mr. MACGREGOR. Mr. Chairman, I think, commenting on the gentleman's question, taken from the Indianapolis Star, that theoretically, of course, it is possible to do so. But I cannot envision as a practical matter a major candidate for President concentrating his campaign on getting his votes only in our 12 largest cities. Theoretically, it is possible; but practically I think you will agree with me it is, to all intents and purposes, an impossibility.

I have no fear as an advocate of the direct popular vote that that would happen in a race for the Presidency.

Let me just say, to proceed, it does not happen now in the State of Indiana in the race for Governor. It does not happen now in Indiana in the race for the Senate, and it does not happen in Indiana now in its individual congressional district races for Congress.

No, a candidate campaigns throughout his entire constituency on the one-man, one-vote system that we have now. The right to cast an equally weighted vote governs the election of every single office, major and minor, in America today except the offices of President and Vice President of the United States.

Mr. Chairman, I strongly support the right of the people in my State and in the State of Indiana to cast an equally weighted vote for their Governor and Senator and throughout our congressional districts the right to an equally weighted vote. I hope an ever-increasing number of them will do so on your behalf.

I want to see the same right accorded to the people of the 50 States plus the people of the District of Columbia—the right to cast an equally weighted vote for the President and Vice President of the United States.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, this proposed constitutional amendment before the House is long overdue. It is sound and I support it. I think it would be dangerous for the country to reject it.

Once again the people of this Nation are indebted to that great team, the gentleman from New York (Mr. CELLER) and the gentleman from Ohio (Mr. MCCULLOCH) who have done so much to correct injustice over the last several decades. The leadership they have provided on this issue is certainly heartening to all of us who believe there are serious dangers in the present system.

I do not rise to criticize or to question anything that is in this amendment, but I do have some serious reservations about something that has been left out.

Mr. Chairman, of all U.S. citizens living in territories of the United States only those residing in the District of Columbia have the right to vote in presidential elections. In my opinion this is unjust, and I have, therefore, considered an amendment to House Joint Resolution 681 granting Congress the authority to enfranchise U.S. citizens in the territories when it deems this desirable.

The specific territories which prompt my concern are Puerto Rico, Guam, and the Virgin Islands. In exercising its constitutional authority to govern U.S. territories, Congress has decreed that citizens of these three territories have obligations of citizenship: They must fight for their country when called on and pay a Federal income tax. Congress has also granted certain rights: These territories govern their own affairs and individual citizens have been given, by statute, rights and protections which citizens of the several States are provided by the Bill of Rights.

If Congress has seen fit to afford these people both the rights and obligations of citizenship, why should they not be given the right to vote for the highest office in the land? And why is it that territorial residents moving to the mainland are suddenly given the right, while residents of the mainland moving to these territories are suddenly divested of the right? Place of residency surely has no bearing on the responsibilities of citizenship.

The objection is heard that granting the right to vote in presidential elections to citizens of territories is in effect granting to the territories "back-door statehood." The reasoning runs that since the present electoral system as originally contemplated was tied to the States, only citizens of the States should be entitled to vote for President. Surely the objection carries little weight today; the President and Vice President are the executive representatives of the people, not of a slate of electors representing different State interests. Further, this concept was no barrier to the 23d amendment, giving citizens of the District of Columbia the right to vote. And, in light of the support for the proposed constitutional amendment relating to the popular election of the President, the "back-door statehood argument" has even less efficacy today.

An argument is made that since residents of the territories do not pay Federal income taxes, they should not have the right to vote for the Presidency. The economic answer is that these people do pay a Federal income tax, the proceeds of which flow into territorial treasuries. Thus only the form of their obligation is changed. In substance, these citizens discharge Congress' duty to maintain the territories, just as you and I discharge our obligations by paying funds to the Federal Government which are disbursed by the U.S. Treasury.

The better answer is that the amount

of money a citizen pays into Federal coffers should not determine his right to vote. The Supreme Court has in fact declared it unconstitutional to predicate voting rights on the ability to pay a poll tax. In short, a man's moral obligation to be interested in governmental affairs is sufficient stimulus to insure the requisite attention to intelligently exercise his vote.

Another argument is made that since residents of these territories have not in the past voted in presidential elections, the danger exists that they do not possess the degree of maturity or experience necessary to participate in such an important election. This is the worst kind of snobbery and a formula for deprivation. I do not need to point out that this argument has been used to wrongfully disenfranchise people for centuries. Further, both the Democrats and Republicans allow territorial residents to participate in the nominating process. If these learned groups have determined territorial residents to be sufficiently mature to nominate a presidential candidate, surely we take no great risk in allowing them to vote for the candidates they helped nominate.

Mr. Chairman, both the Congress and the Supreme Court have recently approached the question of individual rights in a more enlightened manner. Congress in the last 10 years has enacted needed civil rights legislation and just last year extended to the American Indian certain statutory protections similar to Bill of Rights guarantees.

The Supreme Court, although I have not always agreed, has in recent years carefully refined the rights of the criminally accused and has decreed that as nearly as possible, one man's vote is entitled to the same weight as another's. Moreover, the Court has recognized that living abroad has absolutely no bearing on an individual's allegiance to his country and can in no way be taken as a renunciation of citizenship. The Court has also recognized that the Bill of Rights protection should not be stripped from an American citizen merely because he travels abroad.

We would do well to continue this tradition by bringing closer the day when all citizens can vote, including those forgotten Americans living in our territories.

If I am a Virgin Islander, I can get on a plane, fly to New York, stay there 30 days, and I can vote for President. If 4 years later I get on the airplane and go back to the islands, I lose that right. Surely that is unjust. Surely it is unfair. If we are going to change over from a system of voting essentially by States, as we do now under the electoral college, to a system of voting by people, one man one vote, for President, then all the American citizens should have some right to participate in their choice of their Chief Executive.

Mr. Chairman, if I may direct an inquiry to the distinguished gentleman from New York (Mr. CELLER), I am wondering whether during the committee proceedings there was any consideration given by the chairman and the Judiciary Committee to the voting status of American citizens in the territories and Commonwealth.

Mr. CELLER. The problem raised by the amendment you are contemplating is real and the committee is aware of it. An amendment to this effect was rejected in the executive sessions of the committee. At no time during the committee's public hearings was there any expression of interest by, or evidence of the popular wishes of, the people of the Commonwealth of Puerto Rico or of the territories of the Virgin Islands and Guam respecting the right to vote for President and Vice President. No testimony or views were offered on this subject and none was received by the committee.

Furthermore, I understand that at the present time the right to vote for President is the subject of controversy in the Commonwealth of Puerto Rico. In the circumstances, I believe it would be most unwise to propose extension of the presidential franchise to these areas without having a sufficient record. Indeed, it might create serious difficulties with respect to ratification.

Mr. UDALL. As the distinguished chairman knows, I am reluctant to offer any amendment to the pending constitutional amendment because of its tremendous importance to the Nation and the possibility that any significant changes in the committee resolution might if adopted now reduce the chances for successful action on this entire matter. However, I have to balance those feelings against my hope that the peoples of Guam, the Virgin Islands, and Puerto Rico will someday be included in the direct election process. Do I understand that the chairman and the committee now have plans to hold hearings on this subject?

Mr. CELLER. The gentleman from Arizona is correct. I plan to hold hearings on the gentleman's amendment and to consider it as separate legislation. There is interest in the committee in providing this right for citizens in the territories.

Mr. UDALL. I thank the gentleman for his comments. In view of his interest and that of the committee members in resolving this issue, I am inclined not to offer my amendment. I regret the committee was not made aware of this need during hearings on the bill because I believe it would have been included.

Mr. CELLER. Am I correct in assuming that the representatives from these areas agree with the position of the gentleman from Arizona in withdrawing his amendment?

Mr. UDALL. The gentleman is correct. The representatives of Guam, the Virgin Islands, and Puerto Rico are satisfied that after full hearings the Judiciary Committee will deal satisfactorily with the question of their voting status. Furthermore, the representatives from these areas do not wish to jeopardize in any way the constitutional amendment now under consideration. They are 100 percent behind it. And they wish to compliment the distinguished gentleman from New York for his leadership on the direct popular election issue. I join with them in their admiration of the work the distinguished gentleman has done on this legislation. I would just add a word of thanks to the representatives of the territories and Commonwealth, some who do not sit in this body, for their moderate and reasonable approach to resolving this issue.

I wish to raise one final matter. I hope and believe that when the other body considers this resolution some effort will be made to add the kind of amendment I had intended to propose. I fully recognize that the gentleman cannot and should not take any firm or final position on matters which might come before a conference committee should one be appointed. But can the distinguished chairman tell me whether assuming the other body has added such an amendment, he would be likely to have a rigid position against House acceptance?

Mr. CELLER. I do not know whether there will be a conference or what issues might be before it. Obviously I cannot commit myself or the other House conferees in such a hypothetical case. I can say that there are some strong and persuasive arguments for the justice of the kind of provision you advocate. I have always tried to keep a flexible and open mind on these matters and would surely not go to conference with a closed mind.

Mr. UDALL. Mr. Chairman, I thank the gentleman from New York.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Chairman, as chairman of the Committee on Interior and Insular Affairs, I wish to support the position of the gentleman from Arizona (Mr. UDALL) in seeking to provide our territorial American citizens the opportunity to participate in the most fundamental privilege of American citizenship—the opportunity to participate in the election of the President and Vice President of the United States.

I regret that the amendment to House Joint Resolution 681 which was to be offered by the gentleman from Arizona (Mr. UDALL) will not be offered. However, I understand the concern of the distinguished chairman of the Committee on the Judiciary and further understand and appreciate his willingness to consider in separate legislation the extension of the presidential vote to the American citizens residing in our territorial areas.

I think it most important that we also understand the genesis of the proposed amendment which Mr. UDALL was to offer. It began, as far as I am able to determine, as the true expression of the desires of our territorial citizens. It did not begin here on the mainland. To me, this demonstrates the true spirit of our people who reside in our territories and their desire for the opportunity to participate more fully in the democracy of this great Nation.

As chairman of the Committee on Interior and Insular Affairs charged with the responsibility of our territorial and insular possessions, I am extremely proud that these people have sought on their own a more direct way of participating in the affairs of this Nation.

Mr. CÓRDOVA. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the Resident Commissioner of Puerto Rico.

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Mr. CÓRDOVA. Mr. Chairman, since the gentleman from Arizona has so kindly explained why he will not offer the amendment which would provide authority for Congress to grant voting rights to the citizens of the territories, I wish to clarify that objections have been expressed to the presidential vote by a small minority of Puerto Ricans. That is a fact. But since we have been talking so much during this debate about the taking of polls, I did want to mention the fact that polls have been taken in Puerto Rico on that question, which show the majority would favor accepting this right if it were granted to us, and the majority is enormous. The minority is minuscule.

I do want to say that I have agreed not to press the amendment about which the gentleman from Arizona spoke, which would not grant the right to vote for President to any of these territories but would only delegate to Congress the power to consider the extension of that right at the appropriate time, I have agreed, I repeat, not to press that amendment in this House because it was not brought up before the committee. The committee has not had a chance to make its recommendations. But in extending my appreciation to those who have expressed support of this measure, I do want to assure them that I do propose to pursue this matter before the other body, and ultimately in conference, if we should be successful before the Senate.

Mr. Chairman, I thank the gentleman from Arizona for yielding.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. UDALL. Mr. Chairman, I yield to the gentleman from Hawaii (Mr. Matsunga).

Mr. MATSUNAGA. Mr. Chairman, I thank the gentleman from Arizona for yielding.

Mr. Chairman, I wish to commend the gentleman from Arizona for bringing this most vital matter to the attention of the House. I am happy to learn from the statement made by the chairman of the Judiciary Committee that this matter of granting voting rights for President and for Vice President of the United States to Americans living on American soil will be considered by him in a separate resolution. I think there is a grave injustice being practiced upon the people who live in the territories of Guam, Puerto Rico, and the Virgin Islands, Americans living on American soil, just as we in Hawaii were denied that right for far too many years.

I had intended, as the gentleman from New York, the chairman of the committee, knows, to offer an amendment even prior to the announcement that the gentleman in the well intended to offer the amendment.

In order that the joint resolution now under consideration, as recommended by the committeee, will have the smoothest possible sailing to passage, I am yielding, along with the gentleman in the well, and will not offer my amendment.

Mr. UDALL. I appreciate the gentleman's sentiments.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentlewoman from Hawaii.

Mrs. MINK. I thank the gentleman.

I appreciate this opportunity to join in this discussion, which I consider extremely important.

What this joint resolution purports to make is a very fundamental change in the election of the President. Presently, under the electoral college system, voting was based upon residence in a State, because the States cast electoral ballots for the election of the President. This joint resolution purports to change that and to give the right to elect to the individual, the individual American citizen. Because it would make this fundamental change, I feel it is most important that this principle be carried throughout as a principle and that all Americans living under the American flag should be given this privilege.

Therefore, I strongly support the proposition that all Americans living in the territories be given this privilege of voting for the President of the United States.

Mr. UDALL. I certainly agree with the gentlewoman, and I thank her for her contribution.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I take this time in order to clarify the record on this point.

The distinguished gentleman from New York, the chairman of the committee, indicated we had not held hearings on the matter, and that is correct. However, to make the record more complete, in the executive session, the markup session of the Judiciary Committee, I did offer an amendment of the same purport as that discussed by the gentleman in the well. It was defeated on a voice vote, and I believe I may fairly state largely on the grounds mentioned by the chairman; namely, that the record had not been really created with hearings on the matter.

I believe then, the committee decision at that time not to accept the amendment did not reflect on its merits but rather with a lack of testimony on the matter.

I want to commend the gentleman for raising the issue on the House floor and creating a much needed discussion of this subject.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. RYAN. I should like to join the gentleman in raising this issue. Earlier this afternoon in the debate I pointed out the incongruity of having a national election and excluding in the process American citizens wherever they might be residing, Puerto Rico, Guam or the Virgin Islands. As a matter of fact, at page 18 of the report on House Joint Resolution 681, in my additional views, I raised the question:

> If each citizen is in fact to have an equal voice in the selection of the President and Vice President, why should the people of Puerto Rico, Guam, and the Virgin Islands, who are U.S. citizens, be excluded?

I believe this is a very important issue, and I certainly hope that it will be acted upon as soon as possible.

In executive session of the Judiciary Committee, when we were marking up this resolution, I urged that U.S. citizens in Puerto Rico and the territories be made eligible to vote for President and Vice President and supported an amendment offered by Mr. Kastenmeier to accomplish this objective.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Bell).

Mr. BELL of California. Mr. Chairman, I rise in support of House Joint Resolution 681, the committee amendment to the Constitution.

Mr. Chairman, the United States of America, as history's greatest nation and a symbol to the world of the finest government of the people, should have an electoral system that not only is fair, but which works.

We spend millions of dollars trying to encourage other nations that government of the people is best.

It is imperative, therefore, that we not only have the best system, but one that functions efficiently.

In our Government of the people, it is doubly important that the people elect our President.

As a progressive republic of the future, we must not be bound by an antiquated, obsolete method of electing our leaders.

Aside from the world view, it is imperative that this Congress give the people we represent the kind of electoral method they want.

All polls taken demonstrate massive public support for the system of direct popular election of our President and Vice President.

We must not frustrate them in this most critical matter.

Most of our constituents are well aware of the many weaknesses of our present electoral system.

They are very anxious to bring the method of electing their President into the 20th century.

But most important, Mr. Chairman, the legislation pending before us is right.

It is in keeping with the very underlying philosophy of our Nation's system of self-government.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Alabama (Mr. Flowers) 2 minutes.

Mr. FLOWERS. Mr. Chairman, I thank my distinguished chairman for yielding me this time.

I rise in support of the so-called Dowdy-Dennis plan and, in lieu of that, in support of the proportional plan. As a member of the Committee on the Judiciary, I oppose the direct election plan that is before the House at this time. The direct election plan would be too drastic a departure from a system that has served us well for almost 200 hundred years.

It is my firm opinion that the question of voter qualifications should remain in the province of the several States, which would be unlikely if this amendment is enacted and becomes a part of our Constitution. There are many compelling reasons to support the direct vote method—simplicity is very high on the list. And I certainly agree with the view that many Americans think that they vote directly for the President and Vice President at this time.

Nevertheless, if change is necessary, then it is my position that the most desirable change would be that which does not harm our federal system. I therefore urge the House to vote in favor of amendments that would alter the proposed change to either the district or proportional electoral vote plans.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. I feel, Mr. Chairman, that the main thrust of the argument of those opposed to the direct plan has been the idea that by this direct plan we give up our concept of federalism and that we are destroying the federalist system of government. However, I think it is most interesting to note that the father of our Constitution, James Madison, who has been mentioned by those who have advocated the district plan and the proportional plan, was himself personally in favor of the popular plan to elect a President in 1787. Are any of us to say here that James Madison was not in support of the federalist system? Obviously the answer to that is "No."

Mr. Chairman, it seems to me that the key issue in this debate should be what is fair and what is democratic and what system will elect the candidate who has the most votes of the citizens of this Nation.

It is very interesting to note under our present system that it failed to meet this test three times. In 1825, although Adams had 65,000 less votes than Jackson, Adams became President. In 1876, although Hayes had 250,000 votes less than Tilden, Tilden was defeated. In 1888, even though Grover Cleveland had 100,000 votes more than Benjamin Harrison, the latter became President of the United States.

But what improvement is being offered by the district plan and the proportional plan? In 1960, under the district plan, John F. Kennedy would not have become President of the United States although he had the popular mandate of the American people. Not only that, but the evidence suggests strongly that Abraham Lincoln and Woodrow Wilson may very well not have been elected had we had the district plan in effect then.

What does the proportional plan offer? I would suggest to you as late as 1968 we were given evidence of what the proportional system would have done to us. Even though Richard Nixon had 500,000 votes more than Hubert Humphrey, Nixon would not have obtained a majority of the electoral vote. Under the proportional plan it would have been thrown into the House of Representatives. We can go back to 1896, and we find there that President McKinley would not have been elected even though he defeated William Jennings Bryan in the popular vote.

In summary, then, we would find that none of these systems—our present system, the proportional system, or the district system—really meets the problem that we face, the problem of electing the man who has the most votes in this Nation, and thus the candidate with the popular mandate of the people.

In conclusion Mr. Chairman, let me ask the proponents of the district plan a question.

The CHAIRMAN pro tempore (Mr. HANNA). The time of the gentleman from Missouri has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. BURLISCN of Missouri. I thank the chairman for yielding this additional time to me.

However, let me ask the gentlemen who support the proportional plan this question: Do they think we would be debating this present proposition had we had the proportional plan in 1968 when the election would have been thrown into the House of Representatives?

And to those who support the district plan let me propound to them this question: Would they think had we had the district plan in 1960 when John F. Kennedy would not have become President although he had the popular mandate of the people—do they think we would today be arguing this proposition?

Mr. Chairman, the conclusions are obvious, I will say to my friends of this House. The conclusion is that the first order of business after the election in 1960 or 1968 would have been to revamp our system of electing a President of the United States to the only system that is democratic, the only system that is fair, the only system which assures that all of our people will elect the President of the United States.

Mr. McCULLOCH. Mr. Chairman, I now yield 4 minutes to the gentleman from Alaska (Mr. POLLOCK).

Mr. POFF. Mr. Chairman, will the gentleman yield to me at this point?

Mr. POLLOCK. I would be happy to yield to the gentleman from Virginia.

Mr. POFF. I thank the gentleman from Alaska. I have asked the gentleman to yield only to clarify a statement that was made by the distinguished gentleman from Missouri (Mr. BURLISON). The gentleman said that had the proportional system been in effect in the 1968 election Mr. Humphrey would have won.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. POFF. The gentleman is incorrect, if I understood him correctly. The gentleman is correct only if the proportional system requires a majority of the electoral votes to win. A proportional system will be proposed next week where only 40 percent of the electoral vote will be required and under such a plan Mr. Humphrey would not have won in 1968.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman now yield?

Mr. POLLOCK. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. The gentleman from Virginia must have misunderstood my proposition. I said that the election in 1968 would have been thrown into the House of Representatives and not that Hubert Humphrey would have been elected. So I think that disqualifies his statement with reference to the election in 1968.

Mr. POFF. Mr. Chairman, if the gentleman from Alaska will yield further, it does qualify in some respects the comment which I just made and I apologize to the gentleman for my misunderstanding. However, in any event had the proportional plan requiring 40 percent of the electorate been in effect, the election would not have been thrown into the House of Representatives in 1968. If the proportional system had required the majority of the electoral votes, then the gentleman is accurate.

Mr. POLLOCK. Mr. Chairman, I rise in support of electoral reform, but in opposition to the direct popular vote method. I speak in support of the district plan.

For many years and with varying degrees of intensity, the Congress has been talking about improving the method by which this Nation elects its President and Vice President.

To date, little has been accomplished. We continue to face the possibility that a candidate will be elected President although he may receive fewer popular votes than his major opponent. Indeed, a candidate may become President even though he has received less than a majority of either the popular or electoral votes cast. In addition, we continue to face the prospect that a faithless elector will change his vote and cast his ballot for a presidential candidate who is not a member of the elector's own party.

I think most of us would agree that it is time for a change in the manner by which the President of the United States is chosen. The question is: Of several proposed alternatives, which one is best?

Many of my congressional colleagues favor a direct popular vote for President. I believe the concept of a direct popular vote is both dangerous and mischievous. A popular vote would disregard geographic areas and frustrate the will of broad segments of the population. Under it, the voters of only 13 States could elect the President of the United States in disregard of the interests of our less populous States, which comprise nearly three-fourths of the States in the Union.

As has been stated of this proposal, "It is not electoral reform; it is political transformation. It flies squarely in the face of the most basic precept of the Constitution—a union of sovereign States." Regional differences in terms of economics, ethnic groups, resources, religious blocks and other differences have always been important elements in presidential elections. Merging, tempering, compromise, and balance have been worthwhile elements of one federal system. In fact, this type diversity of people and interest has kept us strong as a society. This will all be lost by the nationwide popular vote if it is adopted. The direct popular vote would deprive the lesser populated States of the separate and fully independent element of identity in the Union as a whole which the drafters of the United States Constitution contemplated.

Thus, it would seem that a direct popular vote would violate one of the fundamental principles which guided our Founding Fathers. When the Union was

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formed, those States with smaller populations were guaranteed certain safeguards to protect their sovereign integrity. One of these safeguards was equal representation in the Senate in contradistinction to the House of Representatives where population was emphasized. Another safeguard was the creation of an electoral college in which each State was given the same number of electoral votes as it had Senators and Representatives.

Mr. Chairman I represent a State with fewer than 300,000 citizens. I am not ashamed of that fact; I am proud of my fiercely independent people. Nonetheless, we are jealous of our right, as citizens of this great Nation, to cast a meaningful vote for the man who, as President, will help shape our destiny nationally and internationally. The late John Fitzgerald Kennedy realized the dangers inherent in any system which would abolish the right of State decisionmaking in voting for President when he said during the Senate debate on electoral reform in 1956:

> On theoretical grounds it seems to me it (the direct popular vote) would be a breach of the agreement made with the States when they came into the Union. At that time it was understood that hey would have the same number of electoral votes as they had Senators and Representatives.

Our predecessors in this august body must certainly have realized that the direct popular vote would violate the integrity of our sovereign States, for not once in this Nation's history—until now—has the House of Representatives ever considered the untenable alternative of a direct election of the President.

Because of the inequities associated with a direct popular vote for President, I heartily endorse the concept of a district plan. Under this plan, the general notion of an electoral vote would be retained, but the elector and the electoral college would be eliminated. Each State would have a total number of electoral votes equal to the total number of Senators and Representatives serving the State in Congress. Each State legislature would then divide the State into electoral districts equal in number to the State's Representatives in Congress. The winner of a plurality of votes in a particular district would receive the electoral votes for that district. Two additional electoral votes would go to the candidate with the greatest statewide vote. The electoral votes in each State would be automatic, thus, eliminating the problem of the faithless elector.

The district plan has another great advantage over the present electoral college system. By eliminating the present "winner-take-all" system on the State level, the district plan greatly reduces the likelihood that election fraud in a large city will alter the outcome of an entire presidential election. If fraud does occur, it will be confined to a particular district or set of districts and the total electoral votes of a State will not be subverted. Since a direct popular vote is also susceptible to election fraud in large urban areas, the tendency of the district plan to localize fraud would make it preferable to the direct vote system even in the absence of other cogent reasons for favoring the district method.

Although many of us agree that the district plan is the best method for implementing electoral reform, we differ in several important respects. Thus, for example, my distinguished colleagues, the gentleman from Texas (Mr. Dowdy), and the gentleman from Indiana (Mr. Dennis), have introduced a resolution which provides that in the event that no candidate receives a majority of the electoral vote, election shall be by a joint session of the Senate and the House of Representatives with the Members voting as individuals.

I cannot agree with this contingency procedure. This aspect of the Dowdy-Dennis proposal is subject to the same criticism as the direct popular vote; that is, the Representatives of only 13 States will be capable of deciding who will be President in disregard of the interests of the rest of the States.

Instead, I would like to suggest a contingency procedure which is designed to protect the integrity of the less populous States: In the event that no candidate receives a majority of the electoral vote, the candidate with the greatest popular vote would become President, provided that this candidate polls at least 40 percent of the popular vote. If no candidate receives 40 percent of the popular vote, a runoff election would take place in the House of Representatives where each State delegation would have one vote as the Constitution presently provides. Under the contingency procedure which I have just proposed, a runoff election in the House of Representatives would have been necessary only once in this Nation's history—in the complicated and atypical election of 1860 in which Abraham Lincoln was elected President, although not appearing on the ballot in 10 States.

Although it is to be hoped that the need to invoke the contingency procedure would never again arise, we must realistically face the possibility that a runoff election may someday be necessary. Those who favor the underlying principle of the district plan should realize the utter inconsistency in the Dowdy-Dennis plan between the provisions and philosophy governing a general election and the provisions and philosophy of taking the election from the people and placing the decision for selection of the President in the partisan arena of the Congress.

Mr. Chairman, I would like to suggest one additional area of reform for the consideration of this body. I propose that if a candidacy qualifies for the ballot in two-thirds of the States, it should automatically be placed on the ballot in the remaining States and the District of Columbia. A provision of this type would prevent a repetition of the election situation which occurred in 1860 when Abraham Lincoln's name was left off the ballot in 10 States, and, again, in 1948 and 1964, when voters of one State—Alabama—were not afforded an opportunity to vote for the national candidates of the Democrat Party.

Mr. Chairman, we are confronted with a critical decision of great moment. The collective decision that we make here must be one that will merit the concurrence of two-thirds of each House of Congress and the ratification of three-fourths of the several States. Some polls have shown that the people of our country favor a direct popular vote. However, we must be responsible, informed representatives of the people, politically aware of the results of any legislative or constitutional decision. We cannot be swayed by the visceral reactions of an uninformed people. If a direct popular vote were adopted, only 15 States would benefit. Thirty-four of the remaining 35 would lose political power, and in one State there would be no change. I submit to you that the people have not been informed of these facts.

If we devise an electoral system which gives cognizance to the right of each State to work its will and retain its sovereignty within the federal system, then ratification is altogether possible, and the Nation will grow stronger. If the electoral system which we devise is not fair and equitable, it will be foredoomed to failure. It is my considered opinion that three-fourths of the States will never vote to adopt a popular vote system. Informed debate will bring out the truth before the votes are cast, and we will find ourselves victims of the same electoral system which has proven to be so inadequate throughout our national history.

We must choose an alternative which is capable of withstanding the scrutiny of searching analysis. The district plan meets this test. My distinguished friends, we hold this fateful decision in our hands. I urge adoption of the district plan, a plan I earnestly believe can also be adopted by the other body of this Congress and can further be ratified as the 26th amendment to the U.S. Constitution by the several States.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from Idaho (Mr. Hansen) 4 minutes.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to my distinguished colleague.

Mr. EVINS of Tennessee. Mr. Chairman, we have heard many excellent arguments pro and con on this vital issue of reform of the electoral college. The debate has been informative, helpful, and on a high level.

The issue has been studied for many years. In this connection I am reminded of the keen observation of the late Speaker Sam Rayburn.

Speaker Rayburn frequently said that the electoral college system has served this Nation well for nearly 200 years and that he opposed any radical change that could result in a system that will not serve the best interests of the Nation in the future.

The electoral college, as envisioned by the Founding Fathers, was designed to give the Nation a second look and a safeguard in the Constitution against a momentary wave of rash action.

As I view the issue in this debate, it appears that the larger States are seeking to capture for themselves greater power and correspondingly reduce the influence of the smaller States in electing the President of the United States.

I am advised that the approval of the proposed constitutional amendment

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would cause 33 smaller States to lose one-fifth or more of their political weight in presidential elections.

Under this amendment proposed by the committee a few larger States would dominate and determine presidential elections, drawing increased power from the reduced power of smaller States.

Studies indicate that under the direct-election amendment would require five States with the lowest number of electoral votes to surrender two-thirds of their present weight and impact in presidential elections.

The next 10 States with four electoral votes each would surrender one-half their present influence on presidential elections.

This proposed diminution of small-State power is essentially an effort to set aside one of the basic elements of our Constitution—the balancing of the interests of all States—all the Union—on an equitable basis. The Great Compromise of 1787 which made our Constitution possible hinged on this balancing of power between smaller States and the big States.

This amendment would serve to undo this balance and shift a preponderance of electoral power to a handful of States in conflict with the intent of the framers of our Constitution.

Therefore, I shall vote against the committee bill and support the congressional district plan which is, in effect, a return to the basic unit of representation in Congress and in presidential elections: The district from which each elector is selected plus two electors elected statewide in each State.

There are 435 districts in the Nation, and under this plan the vote in all districts and in all States would be equitably evaluated.

A balance would be preserved between smaller and larger States and the force and effect of each local vote will be recorded on an equal basis.

This district plan eliminates the possibility of unfaithful electors—electors must vote for the candidates chosen by a majority of voters in their respective districts, thus eliminating a flaw in the present system. The concept of equity would be preserved. Constitutional integrity would be preserved.

This is a fair method.

This is an equitable approach.

This is the democratic approach, preserving our constitutional principles and precepts.

This will provide some improvements while preserving the basic principles of equity envisioned by the Founding Fathers in the Constitution.

Mr. HANSEN of Idaho. Mr. Chairman, I rise in support of the resolution (H.J. Res. 681) and urge its adoption.

May I also commend the distinguished chairman of the committee and the ranking minority member, the distinguished gentleman from Ohio, and other members of the committee, for coming to grips with the problem and for the painstaking and conscientious efforts that have brought this resolution before the House.

I came to the Congress some months ago with a strong conviction that there are serious defects in the present system of electing the President and Vice President, and that there is an urgent need for reform.

We can no longer run the risk of the serious constitutional crisis that could and, in fact, nearly did result last year, or the grave injury that could be inflicted upon our Republic under the present electoral system.

Frankly, my initial preference was for the so-called proportional system because it preserves the present relative voting strength of each State while discarding completely the winner-take-all principle.

While I am not opposed to any of the major proposals for electoral reform that have been presented here today, I am persuaded that the direct popular election not only has the best chance to be accepted by the States but that it is, in fact, the best system.

My own State of Idaho is among those States that would appear to suffer some short-range disadvantage in the loss of some voting strength if we should adopt the popular election system. However, the long-range best interests of this Nation must continue to be the overriding consideration. That which preserves and gives meaning to the basic right to vote will nourish and strengthen our free institutions and will serve the long-range best interests of all of the States.

The people in my own district have recognized and emphasized that principle. In a poll that I conducted recently in my district they have expressed overwhelming preference of direct popular election. Of those who responded to the poll only 12 percent want to preserve the present system. About 72 percent prefer the direct popular election, and about 8 percent each favor the proportional and district plans. This is the same pattern of public opinion that prevails across the country.

It has been suggested by some that the people do not understand the operation of the electoral system or they would not favor the direct popular election by such an overwhelming margin. I believe that this assessment does the people a disservice. They understand better than many people think they do. They understand that the present electoral system is archaic, inadequate, and they know the remedy they want.

It might be noted that we are all here as a result of a popular election in our own districts. The same people who in their wisdom saw fit to elect us to represent them in the Congress of the United States have expressed themselves in favor of the proposal that is before us today.

There is nothing more basic to our system of government than the right to vote in a free election.

Under House Joint Resolution 681 every voter will know that he is casting a vote directly for the candidate of his choice. Every vote will have exactly the same weight as every other vote, and every vote will count. Every voter will also know that he is participating fully in the electoral process in the selection of the President and Vice President regardless of the party that is in the majority in his own State.

The election of President and Vice President by direct popular vote of all the people will not weaken but will, in fact, strengthen and assure survival of our Federal-State system because it will strengthen the confidence of the people in our election process.

Mr. Chairman, we should in considering this proposal, not only give the resolution our full support here, but in the event it should prevail in the House and in the other body, resolve that we will join together in a determined nationwide campaign to secure its prompt ratification by the States.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, I would like to comment on two of the arguments against abolishing the electoral college that have been heard most frequently today. The first boils down to the notion that somehow preserving the electoral college protects the federal system as conceived by the Founding Fathers and cherished over the centuries. But, in fact, the original intent of the electoral college was to provide for the election of the President by a group of men deemed wiser and more fit than the general public, men who would shun popular passions and prejudices and who would pick a President by reasoning together. I am still waiting to hear anyone suggest that in this day and age we can justify continuing the electoral college on the ground that the people are not wise enough to decide whom they want as a President, or that we need a buffer group to make this choice.

Some people who object to abolishing the electoral college on the ground of fidelity to the wishes of the Founding Fathers manage in almost the same breath to condemn as faithless any elector who decides to cast his vote for the candidate who has not in fact received the majority of the popular vote in his State. But surely electors who cannot vote as they think best have no reason to exist, and it seems to me a bit silly to call electors faithless and leave intact the constitutional provision that was designed to avoid electing the President by the simple test of popular will.

In any event, it is clear that the preservation of the federal system does not require preservation of the electoral college, and that the electoral college is in fact a vestigial hangover of an abandoned theory, a kind of residual relic of a time of limited trust in the capacity of the people to govern themselves, a time of narrowly limited franchise and narrowly delineated freedom.

One of the hopeful things in the political history of the United States is the continued extension of democracy to more and more of our people and to more and more of our functions. We extended the franchise to people who did not hold property, we decided that Senators should be elected directly, we included racial minorities in the electorate, and we ended religious tests. We even decided somewhat belatedly to let women vote.

We come now to the series of sophisticated arguments that suggest that we should preserve the electoral college be-

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cause this group or that group or this kind of State or that kind of State profits by its existence. This kind of reasoning troubles me even more. Does anyone really take the position that we should so organize our election as to invite a result where a man who receives fewer votes than his opponent becomes nevertheless President of the United States? That is what it comes to when you carry this kind of argument to the only conclusion that can flow logically from its premises.

Yet millions of Americans today still doubt that they can in fact directly affect the government of their country, doubt in effect the validity of the democratic process itself. What conceivable sense is there under these circumstances to run over and over again the risk that someone will be elected President not by popular will but by a fluke of electoral contrivance. It would be fascinating to hear the logic of any group or State that believes that such a result would be in the interest of democracy in the United States or would be in the interest of the United States.

The health of this society cannot be improved if in the one election that means the most people are least able to affect the result directly. I wonder if any of the individuals or groups that are defending the continuation of the electoral college with fancy rhetoric about countervailing balances and improving democratic procedures—I wonder if any of these individuals or groups would care to defend the thesis that putting into office a President who had fewer votes than his opponent would be a desirable way for the United States to conduct its affairs at this point in its history.

It seems difficult to believe that anyone would doubt that we risk respect for the Presidency itself as well as the democratic process when we risk candidates who by normal count would seem to have been defeated taking office instead of those who by normal count would seem to have been elected. No amount of gymnastic reasoning can obscure this central fact.

Quite apart from the principle that everyone should have an equal vote in electing their President, it seems to me fair to say that no one really knows, in the swift flow of political current of this country in these volatile times, what bloc or group of States profits the most under the present cumbersome procedures. But it is clear the American people will profit the most in a system which gives them the most direct way to choose their most important official.

They know that, we know that, and the rest is artifice, dangerous artifice in the face of the results of the last several elections and of the divisions and strains that threaten to rend this country in the years ahead.

(Mr. CAHILL (at the request of Mr. McCULLOCH) was granted permission to extend his remarks at this point in the RECORD).

Mr. CAHILL. Mr. Chairman, I endorse the proposed direct-election amendment to the Constitution.

This is the only reform among the four under consideration that will guarantee that each voter's vote will count the same, and that only the candidate with the most popular votes will win the election.

We must act now to preclude the possibility of future election deadlocks and any resultant denial of popular will. We must act to prevent a disruptive and possibly damaging constitutional crisis, which somehow we have so far managed to avoid.

But this particular reform of the presidential election system is appealing for two reasons. Besides ridding the election process of certain inherent inequities and promoting the true spirit of the one-man, one-vote principle, this also appears to be the one reform plan, from among the four or five major proposals, that has the greatest chance of passing in the Congress and then of being ratified by the required three-fourths of the State legislatures.

I, therefore, urge that House Joint Resolution 681 be passed, so that the election of our President by a majority of our voters may be assured.

Mr. McCULLOCH. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, the most startling and confusing aspect of American democracy is that the people do not directly elect their President. Not only is this undemocratic, but the electoral college allows one man's vote to be more important than another man's vote.

There can be no doubt that the electoral college system is both an anachronism and an absurdity in 1969. We need and must have reform before the 1972 elections.

The system has never been changed because somehow it usually works. But it collapsed three times in the 19th century, and last year it almost happened again: The presidential candidate who was not the choice of a majority of Americans could have won with a slight switch of a few votes in a few States.

Do we still believe we must compromise on so fundamental an issue as democracy? Do we still believe that the American people are unfit to choose their President directly? I think not.

To rectify this most fundamental abuse of our democracy, I join the many colleagues who have risen here today to lend my support to a measure I have advocated ever since I came to Congress a decade ago—direct popular election of the President and the Vice President.

Indeed, House Joint Resolution 318 is 100 years overdue. Now that we have the opportunity to correct this blatant inequity in our democratic process, it is my fervent hope that we will do so by a resounding vote of approval.

It is significant to note that direct election has received wide support not only in the Congress but throughout the Nation. Recent Harris and Gallup polls showed that 79 percent and 81 percent of the people, respectively, favor direct election.

For what is at stake is the basis of our structure of government. The electoral college served a purpose when it was conceived by the Nation's Founding Fathers, but it was outdated and meaningless 20 years after its adoption. Although people have demanded that the system be changed for almost two centuries now, the Nation has never been sufficiently aroused to move Congress to amend the Constitution.

The debate at the Constitutional Convention over the method of electing a President involved large- versus small-State interests. In the electoral college system finally selected, the Founding Fathers thought they were making a major concession to the large States since those States, through their heavy congressional representation, would automatically dominate the electoral vote. Each State is given as many electors as it has Senators and Representatives combined.

The Constitution's writers believed that many presidential electors would generally vote for men from their own State or region, making a majority choice in the electoral college unlikely and throwing most elections into the House. Everyone anticipated an easy election for George Washington, but most delegates felt that in later elections the final choice for President would be made in Congress.

The major concession to the small States, as the Founding Fathers saw it, was the provision that, in a presidential runoff in the House of Representatives, each State—regardless of population—would have a single vote.

But the growth of a vigorous two-party system quickly altered the nature of presidential elections by concentrating all the electoral strength on two principal candidates.

The result is that today we are stuck with an antiquated system, riddled with undemocratic flaws. By apportioning electoral votes on the basis of a "winner-take-all" formula, a candidate with a popular-vote plurality in a State is entitled to all of the State's electoral votes—whether the margin of victory is one vote or one million votes. This is because presidential electors are elected as a slate, with a voter casting one ballot for the whole list of party electors.

As a result of the unit rule, a losing candidate's popular vote is completely discounted in the final electoral tabulation. Additionally, a candidate could win a majority of electoral votes by capturing popular-vote pluralities—no matter how small—in a dozen of the largest States, reducing the voice of voters in the 38 other States.

The electoral vote system then, which allots to each State a number of electoral votes equal to its representation in Congress, together with the unit rule, has created grave inequities in the value of individual popular votes—depending upon where the vote is cast, in a small State or large State.

The formula for reforming our system of presidential election which I am supporting today calls for direct national election, with voters casting their ballots directly for the presidential candidate of their choice. The candidate with the largest popular vote is elected. The winning candidate, however, must receive at least 40 percent of the total vote. This will discourage frivolous candidacies. If no candidate receives 40 percent, there would be a runoff election between the two biggest votegetters.

This would make it impossible for the candidates receiving the largest number of popular votes to lose to a candidate with fewer popular votes. Direct election would give every vote equal weight, regardless of where it was cast. No one's vote would be wasted. Presently, a vote counts more in a "close" State than in a "sure" one. A few voters in the pivotal States may possess the power to elect or defeat a candidate.

Just how close America came to an electoral deadlock is apparent from looking at the 1968 results. With 270 electoral votes needed to win, Richard Nixon received 302, but if a handful of voters changed their vote in Illinois—which gave him 26 electoral votes—and Missouri—which gave him 12 electoral votes—the election would have been deadlocked. Then, George Wallace, with 45 electoral votes won in five Southern States, could have been able to barter his votes in a political deal in Congress.

Far from being absurd, three times in American history the candidate who won the most popular votes was denied the Presidency. In 1824, Andrew Jackson led in popular votes, but after failing to receive an electoral college majority, lost the election in the House of Representatives to John Quincy Adams. In 1876, Samuel Tilden similarly lost to Rutherford B. Hayes. And in 1886, Grover Cleveland defeated Benjamin Harrison in popular vote, but the electoral vote elected Harrison.

However, direct popular election of the President and Vice President are not new concepts in American political philosophy. James Madison, the Father of the Constitution, advocated direct vote. Benjamin Franklin, the man whose advice and philosophy guided the creation of the Constitution, favored direct vote. Andrew Jackson emphasized the need for a direct popular election.

If the last election did go to the House, each State delegation would have voted as a single unit—regardless of size, population, or number of Congressmen. And Nevada, with one Congressman representing less than 500,000 people, would have equaled my State, New York, with 41 Congressmen representing 19 million people.

Indeed, the electoral college stands as an impediment to the broadening of democracy, and it ignores our heritage of expanding freedom. The 14th amendment gave Negroes citizenship; the 15th endowed new citizens with the vote; the 17th transferred the election of U.S. Senators from State legislatures to the people; the 19th gave the vote to women; and the 24th eliminated the poll tax in national elections.

Armed with these constitutional protections, every American has the right to vote directly for the candidate of his choice—from school board official to mayor, from legislator to Governor, but not President. I say it is time Americans also started directly electing their President.

I want to commend this committee and in particular I want to pay tribute to the distinguished chairman and to the very able ranking minority member for bringing this highly commendable and long-overdue proposed constitutional amendment to the floor. I trust it will win overwhelming approval.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, the people of the United States should elect the President of the United States. This is what most people believe happens now, and this is what should happen. The best way to bring this about is to vote for House Joint Resolution 681. The Judiciary Committee under the extraordinary able leadership of the gentleman from New York (Mr. CELLER) and the gentleman from Ohio (Mr. MCCULLOCH) held extensive hearings on the subject of electoral college reform and considered the subject at length. I do not know a single member of the committee who did not learn a great deal from the testimony we received. Most members' views were modified or tempered by the testimony and by the operation of the legislative process. More important, every part of the proposal was given full ventilation, discussion and debate. The consequences of every word were carefully weighed.

Take the question of the 40-percent runoff provision. Every argument and every bit of evidence about past elections was brought to the committee. The case against a runoff provision in its entirety was fully presented. The alternatives of the 50-percent runoff, the 35-percent runoff, and the 25-percent runoff all were given full review. Perhaps no provision of the resolution was given more attention.

The issue is whether we should allow the President of the United States to be elected by less than a majority of the popular vote cast, and if so, by how much less than a majority. The history of our presidential elections under the present article sets the framework for the solution. There have been 46 presidential elections since 1789. In 14 of those elections the President has been chosen by less than a majority of the popular vote. In only one of those elections—the election of Abraham Lincoln in 1860—did the winner receive less than 40 percent of the popular vote, and in that case Mr. Lincoln's name was kept off the ballot in 10 States. Even so, Lincoln received 39.8 percent of the popular vote cast. Had his name been allowed on the ballot in any of those 10 States there is no question that he, too, would have received over 40 percent of the popular vote.

The 40-percent requirement combined with a national runoff assures that the new President will have a reasonable mandate when he takes office and discourages splinter parties from trying to influence the outcome of the election. Whatever problems the runoff may raise such as additional expenses, the need for fast and accurate ballot counting and the temptation to making deals, can all be dealt with by legislation if the need arises, or will be solved anyway by advances in communications and technology. Thus the 40-percent requirement with a national runoff preserves to the people the right to choose the President under all circumstances, and provides adequate safeguards to insure that whoever is elected has a reasonable mandate.

The second point I wish to deal with is the so-called balance of inequities. Who benefits from the present distorted electoral college system, who loses, and who stands to gain if we adopt the proposal embodied in House Joint Resolution 681? On the one side we hear arguments that the present system benefits the small States, so they will oppose changing it. On the other hand, computer analyses have shown that it is actually the voters in larger, more populous States who in the past have had the greatest chance of influencing the outcome of the presidential elections under the present system. Thus it could be argued, and is argued, that the large States have the most to lose if we eliminate the electoral college.

This argument is sometimes coupled with an argument about bloc voting. Presumably the Irish blocs, the Polish blocs, the Jewish blocs, and the black blocs all get together in cross blocs through the heads of their blocs—who are sometimes known as bloc heads—and use their bloc leverage. If that ever happened, it is not happening anymore. One need only look to the last election, or any of the elections since the New Deal, to know that while the leverage of the big States under the present system continues to exist, there is no pattern to that leverage when it comes to electing the President. The election results simply do not back up the theory that minority groups or blocs voting in the big cities have been able to use the winner-take-all feature of the present article to elect their candidate for President. Thus in 1968 while my city of Chicago went overwhelmingly for Mr. Humphrey, it was not enough to carry the State and as a result the big city blocs of Chicago, to the extent they still exist, were not able to lever their choice for President. Indeed, they were wiped out by the winner-take-all principle. The same was true of any big city blocs in St. Louis, Los Angeles, Indianapolis, Jersey City, Cleveland, Milwaukee, and any of the other big cities whose States ended up with a plurality for President Nixon. For example, in Missouri, President Nixon carried the State by 20,000 votes and received all 12 electoral votes. To the extent that the black voters of St. Louis voted as a bloc for Mr. Humphrey their votes simply had no effect on the choice of the President in Missouri. It might be pointed out that when the votes for Mr. Humphrey were added to the votes for Mr. Wallace in Missouri they totaled approximately 55 percent of the total vote cast in Missouri. Yet, because of the present inequitable system, none of those voters had a voice in the selection of the President. The 20,000 voters who made up President Nixon's plurality in effect wiped out the 955,000 voters who chose somebody else.

The same point can be made about the elections of 1948, 1952, 1956, and 1960. It might also be pointed out that in 1968, for example, the popular vote difference between the two major candidates was approximately 500,000 votes out of 73 million votes cast—a difference of less than one-half of 1 percent. In the elec-

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toral vote however, the difference between the major candidates was almost 20 percent. What clearer indication do we need that the electoral college winner-take-all provisions distort the true divisions within the country about the Presidency.

The essential point to be made, however, is not how blocs of voters within States have fared over the last 20 years. The question is whether "gamesmanship" mechanics of the present system can long be tolerated. It is people who vote for the President, not States. Whether an American lives in Delaware or Mississippi or California or New York or Illinois he is still an American and his vote should count as much as any other American's. It is his President that is being elected not the president of California or Mississippi or New York or Delaware or Illinois. The present inequities to large and small States may balance themselves out, and indeed in many elections have done just that. Given that balance of inequities, it is clear that the reform which removes only one of the inequities and leaves the others to work their pernicious purposes hardly justifies being called reform. The district plan on the proportionate plan asks the large cities and industrial States to give up their inequity but leaves the other alone. There is only one system that guarantees that the man who receives the most votes becomes the President. There is only one system which guarantees that the basic principle of our Constitution—one-man, one-vote—will be carried forth in the selection of our Chief Executive. There is only one system that treats all Americans equally. That system is direct popular election.

When all the arguments are made, when all the special interests have been appealed to, one single all-important question remains. Can the proposal that is being advanced guarantee that a man the people have rejected by their votes does not become President? The only plan to which you can answer yes to that question is the plan of direct popular election embodied in House Joint Resolution 681. This resolution assures that winners will be declared winners and that losers cannot be declared winners.

Finally, there is still a red herring floating around about what can and what cannot be ratified. As was pointed out earlier, Senator GRIFFIN, of Michigan, surveyed legislators in 27 States and 25 of the 27 States surveyed, a majority of the legislators favored direct election. Overall, 64 percent of the State legislators responding to that survey favored direct election. My colleague on the Judiciary Committee, the gentleman from Illinois (Mr. RAILSBACK), and I conducted a poll of our own Illinois General Assembly in which both of us had the privilege of serving. That survey shows conclusively that in Illinois at least direct popular election could and would be ratified. Seventy-four percent of those responding to our inquiry said that they would vote for the direct election method embodied in House Joint Resolution 681. A majority of both parties so responded and since the percentage of Republicans voting affirmatively was less than the percentage of Democrats—by 64 to 87 percent—I think we have the right to assume that when President Nixon endorses the direct popular election amendment, as he said he will when Congress passes it, that the approval of the amendment will be even higher. The results of the polls referred to will be inserted at the conclusion of my remarks.

I urge my colleagues to defeat the various amendments that will be offered to House Joint Resolution 681. Some are clear efforts to gut the resolution. Some unintentionally confuse an already difficult subject. There are still other proposals which are attractive to many of us, dealing with age and protection of voting rights and enlargement of the body politic. To put too many controversies in one bag, however, is to make sure that the bag will break somewhere on the way to ratification. The question that is on the bottom line of this controversy is what system will best bring our practice into line with our principles. What proposal is in most accord with what the people think happens in the selection of our President. The constructive resolution of that question is in this resolution, House Joint Resolution 681.

The material referred to follows:

RESULTS OF A POLL OF THE ILLINOIS GENERAL ASSEMBLY ON ELECTORAL COLLEGE REFORM

FINAL RESULTS

Question: If a constitutional amendment for direct popular election of the President and Vice-President of the United States (including a run-off between the two highest tickets if no ticket received 40%) were passed by Congress and sent to the States for ratification, how would you vote?

	Republicans	Percent Republicans	Democrats	Percent Democrats	Total	Percent total
Yeas	46	64	48	87	94	74
Nays	26	36	5	9	31	24
Undecided	0	0	2	4	2	2
Responding						54

RESULTS OF ELECTION REFORM QUESTIONNAIRE

[In percent]

State	Legislators responding	Direct election: Individual support[1] Yes	Direct election: Individual support[1] No	Direct election: Predicts legislative approval[1] Yes	Direct election: Predicts legislative approval[1] No	If direct election fails, legislators would favor—Proportional plan Yes	Proportional plan No	Proportional plan Undecided	District plan Yes	District plan No	District plan Undecided
Alabama	32	60	40	49	45	62	27	11	33	31	36
Alaska	43	69	31	57	23	35	50	15	30	55	15
Arkansas	52	75	23	59	34	61	12	27	50	23	27
Delaware	41	63	37	50	42	66	17	17	25	12	63
Georgia	44	56	39	41	50	49	29	22	54	24	22
Hawaii	34	92	8	92	8	69	12	19	38	19	43
Idaho	50	47	53	27	70	38	30	32	66	21	13
Louisiana	25	79	15	67	22	56	16	28	62	8	30
Maine	43	63	37	52	42	43	29	28	54	26	20
Maryland	48	70	30	51	35	62	24	14	36	34	30
Mississippi	53	59	40	47	47	55	35	10	38	30	32
Montana	63	65	34	57	32	53	36	11	42	28	30
New Hampshire	41	69	31	48	41	62	20	18	37	27	36
New Mexico	42	70	30	67	31	50	26	24	39	43	18
Nevada	50	73	27	67	30	83	7	10	14	43	43
North Carolina	36	58	42	30	60	53	27	20	65	28	7
North Dakota	51	37	60	20	72	44	31	25	46	29	25
Oklahoma	29	53	47	35	47	47	24	29	50	21	29
Oregon	52	66	32	54	36	42	37	21	52	29	19
Rhode Island	37	81	19	78	13	71	16	13	33	38	29
South Carolina	47	62	35	51	43	58	28	14	43	34	23
South Dakota	55	66	34	50	45	42	30	28	52	20	28
Texas	43	60	38	53	40	63	23	14	44	25	31
Utah	40	69	29	64	31	67	20	13	28	33	39
Vermont	52	77	23	62	30	59	25	16	34	34	32
Virginia	54	55	43	39	50	61	32	7	44	35	21
Wyoming	54	55	43	37	55	53	32	15	27	47	26
Total	44	64	34	50	41	55	26	19	43	29	28

[1] Where total of those responding to direct election questions does not equal 100 percent, the difference represents those legislators who were undecided.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, I have thought for many years that the electoral college had outlived its usefulness and that it should be abolished.

During the further consideration of this joint resolution it may be that I will be in support of some amendments to the same but in my opinion the joint resolution is preferable to what we now have and it is my intention to support the final results of the action of this Committee.

Mr. Chairman, this system places too much emphasis on votes in the large industrial States. The winner-take-all provision causes a 1,000-vote majority in New York to be more important and more sought after than a 1-million-vote majority in North Carolina or any of the smaller States.

Also, the present provision that in case no candidate gets a majority of electoral votes, the President will be selected from the top three candidates by the House, each State getting one vote and 26 votes being necessary to win, is impractical and dangerous. In the last election, had the election gone into the House, some State delegations probably would have supported Wallace. Some States have delegations equally divided between the two political parties. These States may not have been in position to vote at all. Any one candidate may not have been able to secure the necessary 26 States' votes.

According to the Constitution, the Senate would have selected the Vice President. He would have served as Acting President until the House could muster 26 votes for one candidate. This could have caused a condition of continuing uncertainty and chaos. So a change in the process of electing our President is most important.

I am not convinced that House Joint Resolution 681, as approved by the House Judiciary Committee, is the best answer to the problem, and I will likely be supporting some of the amendments offered on the House floor. However, it is my opinion that any of the three main plans proposed is superior and safer than the present constitutional provisions for electing President and Vice President, and it is my intention to support the final bill approved by this Committee of the Whole House.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I hope that when we look at the performance of this particular Congress that it will be known as the greatest reform Congress in the history of the United States.

We started off in this direction, I think, Mr. Chairman, with actions that emanated from your own great committee, the Committee on Ways and Means, when the very meaningful tax reform bill passed this House of Representatives.

We have pending before us today the opportunity to build on that great record through one of the most significant political reforms that we could undertake in the form of the legislation that comes from the Judiciary Committee headed by the able gentleman from New York (Mr. CELLER).

I understand further that before the year is out we will have on the floor of the House for consideration the great postal reform package from the Post Office and Civil Service Committee, a reform which is long overdue. With the enactment of all of this far-reaching legislation we will continue to construct a great record for the 91st Congress.

Mr. Chairman, we need not believe some of the writings which appear in the columns of the various news media about a "do-nothing Congress" and they will not be allowed to get away with it. This is going to be a great reform Congress and I hope this will be one of the great pages in the great history of reforms to come. I say this because there are seldom changes brought about but what people look askance when those changes in their opinion affect our fundamental system.

I am sure that some of us see that gray specter that has emanated, I think, out of a story I could tell about a happening in a graveyard. I had a friend who was an undertaker who went to the graveyard quite frequently. There came a series of occasions when he was out there doing his required job, and he saw at one of the gravesites the same man, time after time after time, standing before the grave, wailing, bowing, and crying, "Why did you die? Why did you die?"

So after he had seen this occur three, four or five times, he finally could restrain himself no longer, and he went over to the man and said, "Who was the dear departed for whom you moan? A good friend, or a closely loved one?"

The man said, "No, it is my wife's first husband."

I am sure that when we enact this great reform there will be those who will be wailing at the grave, having the same feelings in that they moan the dear departed who left them in a position that was less desirable than had it continued.

You cannot have change without somebody losing a little, and someone taking on burdens heretofore not held, but there certainly is the need for change.

Now, I do not think we are going to lose our federal system. I think that the meaning and the relationship has to change with the times. There has to be new meaning in why we have States, and what their dynamic position is in this federal system. I think this is emerging.

I do not feel that we are going to lose in this reform, or in any other thing we do here in Congress, the meaning of the great and dynamic contribution that is meant in the State system. But let us admit that we just cannot have absolute perfection in the affairs of men. We are not going to be committing ourselves to something that is going to stand for time immemorial, or that will be an immutable piece of legislation, because we too will be subject to change in time.

But, accepting the fact that we do not and cannot hope to secure perfection, nevertheless we still must move forward and make those changes which the times indicate should be made.

I suggest to you that that is the reason that I am basically behind this legislation.

In my travels around the world, and particularly to the underdeveloped countries, I find that it is very difficult to create a sense of nationhood. America is singularly blessed because we do have this sense of nationhood. If you go up to an American and say "What are you?" he does not say, "I belong to a certain tribe." He does not tell you, "I come from a certain section in the hills." He tells you "I am an American."

There are places in the world that you can go to and ask that question, and they will not say, "I am this nation, or that nation." They will tell you, "I am from this tribe, or from that section."

It is very important, it seems to me, that the real heart of a stable nation is the identification of the citizen with his nation and his feeling of having a stake in its political, economic, and social systems. If we at this time can eliminate those impediments that stand between a citizen and his selection of a President, I think we will be putting him into a position of building a more stable United States of America.

I think that we should no longer have to rely upon having a common enemy to make a common citizenry. I do not think we should have to have a common hate to make a common citizenry. I think we should have a greater commitment to the principle that our vote and our common voice in the selection of who will lead this great country really counts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Chairman, I rise in strong support of House Joint Resolution 681.

I think I am stating it rather mildly when I say that our electoral college reform discussion here is a momentous, historical occasion.

We are very truly engaged in an attempt to change the Constitution, and we all know that is very serious business.

Whenever we propose and endeavor to change and amend the Constitution of the United States, in whatever fashion and for whatever reason, the membership of this House is and should be deeply and rightly concerned.

That is why, as we have observed, such very close and careful attention was given to our dedicated and diligent Judiciary Committee chairman and the most distinguished and learned ranking minority member, the gentleman from Ohio, when they fully and clearly tried to explain the technical provisions of this resolution, at the outset of this discussion.

There is no need for anyone to expand at length upon their lucid statements. However, as a member of the committee that joined in initiating the legislative proposal now before us, perhaps I can reassure some of the Members, in any uncertainty they may still have about the committee's intentions and the resolution's content.

Of course, as a committee cosponsor of this reform resolution, I strongly support it and earnestly hope that, in your judgment, you will overwhelmingly accept it.

May I say that, under the direction of our revered chairman, the whole committee spent many long hours in reviewing the testimony and evidence presented to us. We tried, by careful concentration and strenuous effort, to report and recommend a bill that could best fulfill our common congressional responsibility to reform our antiquated electoral college system. I earnestly believe our efforts have been substantially successful.

I would like to emphasize that your committee very closely and carefully considered every plan proposed. Included among these plans was the so-called district plan, proportional plan, the automatic electoral vote plan, and direct vote plan, and varied combinations of all of them. The committee finally and overwhelmingly selected and recommended the direct vote plan, with a bipartisan vote of 29 to 6.

We did so because of our earnest conviction that a direct vote method would best enable the people of this country to select the President and Vice President without hindrance, in the freest democratic manner that will truly reflect the popular will and avoid any necessity of resort to any other agency, including the U.S. House of Representatives.

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We did so because of our firm belief that the direct popular vote method will serve to strengthen the two-party system, by making each State a voting prize, and worth a concentrated presidential campaign effort by both sides.

In experience and logic it ought, also, to strengthen the democratic ideal by stimulating and spreading voter interest and participation in choosing our Chief Executive. In effect, it would serve to extend the one-man, one-vote principle to our presidential elections.

Also, this committee bill would make it impossible as I am certain you would agree it should for the candidate with the greatest number of popular votes to be defeated by a candidate with fewer popular votes.

This measure is designed to give every vote, regardless of where it might be cast, equal weight. Voters other than those from the so-called pivotal States would receive the concentrated attention of the candidates and the votes from the large "doubtful" States would not be as overwhelmingly important as they are now.

Let us be mindful that since 1900 no less than 18 presidential candidates have come from New York and Ohio. By this measure, we are trying to strengthen, encourage and increase the possibility of presidential candidates coming from the smaller States.

We also and earnestly believed that a direct vote election would permit the establishment of equitable nationwide standards for the privilege of voting. And we further felt that the results of any national direct vote election would not be so close that small-scale frauds or minor accidents would have a significant effect on the outcome of the election.

Briefly, these are the major reasons why the committee recommends the adoption of the direct vote method for future presidential elections.

Let me please make it clear that I well recognize, as all of you, that the accomplishment of electoral college reform is a far more challenging problem than might appear on the surface.

Therefore, I cannot be so presumptious as to contend to you that the electoral college reforms recommended in this bill, which I have joined, contain all the complete and errorless answers to this complex challenge. But I can truly say that this measure we propose does represent the most careful study and best judgment of the great majority of our committee.

It is a responsible response to the clear desire of the great majority of American citizens for reform of our current presidential election procedure. That desire has increasingly intensified for the simple reason that the electoral college system as now constituted can and has, in the past, defeated the majority will.

Mr. Chairman, it is the clear duty of every congressional committee and the Congress itself, to carry out the majority will to the highest degree of our legislative wisdom, even when it means the amendment of our Constitution.

Let us remember that the Constitution has already been amended 25 times. When such amendment is clearly designed to eliminate antiquated procedure in our modern democracy, as it obviously does in this instance, I believe the Constitution should be amended again.

Finally, Mr. Chairman, I submit that this is the day and the hour, in response to the overwhelming public demand, to legislatively act to equitably improve the method by which we now elect the President and Vice President of the United States.

I respect the sincerely differing thoughts of others, but I most conscientiously believe that the election of the President and Vice President of the United States, by this proposed direct vote process, will enable the true, popular will of the American electorate to become a reality in all future national elections in this country. Therefore, I hope that, in your individual judgment, you will accept and resoundingly approve it.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from New York (Mr. FISH) so much time as he desires.

Mr. FISH. Mr. Chairman, I thank the gentleman from Ohio, the distinguished ranking Republican on the Judiciary Committee, not only for yielding me this time, but, as a freshman Member of the House, for the honor of serving on the committee. I appreciate the experience this past winter and spring to have been on a committee led by himself and the gentleman from New York, the chairman of the commitee, during what I am sure will stand as a very fine example of the legislative process in our deliberations, and the consideration and courtesies shown the junior members of the committee and the full and open consideration of the measure before us today.

Mr. Chairman, the Congress and the several States have the opportunity to realize the full fruition of the principle that our Government rests on the consent of the governed. We have the opportunity to insure that the individual receiving the most popular votes for President will become the President of the United States. Direct, popular election of the President will do so. The road toward realization of this principle has taken us almost 200 years.

When the Constitution was written universal suffrage was not a reality. Property qualifications and religious qualifications inhibited voting and office holding. It was not until almost a century ago that racial barriers were removed by the 15th amendment. Women received the right to vote as late as 1920 by the 19th amendment.

The people replaced State legislators in the election of U.S. Senators by the passage of the 17th amendment. Recently the one-man, one-vote court decisions has led us one step further toward full and equal participation.

The direct election of the President and Vice President is the only proposed amendment which will assure that the will of the people will prevail. Let us not fail in our devotion to democratic principles and in our trust in the people we serve.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, I feel somewhat like a reformed drunk appearing before a Salvation Army meeting, because I cannot say, as some speakers have said, that I have long supported direct popular election of the President as a matter of principle. The truth of the matter is, Mr. Chairman, I have not. I paid lipservice to that principle of course, but I was one of those who thought that my State, my voters, my kind of people, obtained some advantage out of the winner-take-all system of awarding electoral votes.

When I perceived that the electoral system had to be changed in some manner, I at first, tried to figure out some way to keep all the advantages I thought the system gave my State while removing the disadvantages from our selfish point of view.

I finally had to recognize, Mr. Chairman, that the only way we could do justice to our responsibilities and to the American people was to devise a system in which it would be impossible for anyone other than the man receiving the most votes to be elected President.

Mr. Chairman, 165 eyars ago, the Congress of the United States acted on a proposal to improve the system then in effect governing the election of the President and Vice President.

They took this action in the light of the results of the 1800 election, as a result which the Nation had been for a long period in doubt who would succeed John Adams as president—whether it would be Thomas Jefferson, whom the American people had clearly selected, or Aaron Burr, whose candidacy was rendered possible by an unforeseen anomaly in the electoral college.

The Eighth Congress was successful in changing the electoral system, quite fundamentally.

They approved the present electoral system, completely replacing the system created by the Founding Fathers, and embodied it in the 12th amendment to the Constitution.

In the course of the debate on the 12th amendment, Senator Wilson C. Nicholas, a Senator from the State of Virginia, said:

> The people hold the sovereign power, and it was intended by the Constitution that they should have the election of the Chief Magistrate.

I suggest that that statement by a distinguished Senator from a great State expressed succinctly and in a very uncomplicated manner the intention of the drafters of the 12th amendment.

They were successful in achieving this objective, but only to a point.

I think it is time to continue the work they began, and to further amend the system of presidential election in the same spirit and with the same intent that motivated Senator Nicholas and the other distinguished Members of the Eighth Congress.

Senator Nicholas and his colleagues were not the first to seek to improve our electoral system, nor were they the last.

Nor, Mr. Chairman, were they the only ones to succeed prior to our time.

In fact, there is no part of the Constitution which has been changed more often, by formal amendment process, than the electoral system.

The original system, as I suggested, was replaced by the present system, through the 12th amendment.

Subsequently, the 14th and 15th amendments, the 17th amendment, the 19th amendment, and the 23d amendment to the Constitution all dealt with the electoral system—and all but the 14th dealt solely with the electoral system.

It is also significant, Mr. Chairman, that every single one of these formal constitutional amendments went in the same direction, and served the same basic goal as does House Joint Resolution 681.

Each of these amendments comprised an effort to give Americans equality of ballot power—each served, as House Joint Resolution 681 will serve, to make elective office in this Nation the uncomplicated and unquestioned gift of those voting for that office.

There should be no difficulty persuading the Members of this House of the virtues of simple, direct election by the people.

Such an arrangement has been the foundation of this House since the Republic began.

One of the reasons I deeply believe that the office we are briefly privileged to occupy—the office of Member of this House—is of a dignity equal to the Presidency, or to any other secular office ever devised by man, is because it is derived, and always has been derived, from the highest source, under God, of any power anywhere—the free votes of a free people.

The present Members of the other body have all been chosen under the same system, as have their predecessors ever since the ratification of the 17th amendment, and the members of the State legislatures who will be called upon to ratify this amendment derive their office through the same channel of authority from the people they represent.

This "something special" that accrues to an office when that office springs from the will of a free people is something which would only enhance the already great dignity of the Presidency, and make that honorable office even more worthy of the striving of the best among us.

The opponents of the proposed amendment have argued, in effect, that the present system, or some modification of it that would not go as far as House Joint Resolution 681, is desirable because it "protects" the basic interests of one group or another.

We have been told that direct election of the President is undesirable because it will put "the small States at a disadvantage," or conversely, because "it will put the big States at a disadvantage."

We have been told by conservatives—but not by all of them—that direct election would give excessive weight to the residents of cities, and we have been told by liberals—but not by all of them—that direct election would deprive the people of our cities of the crucial weight they already have in the election of the President.

Mr. Chairman, I do not know which of these varying analyses of the effect of House Joint Resolution 681 is correct.

And I do not think it matters much.

All of the arguments that I have heard against the concept of simple direct popular election of the President—all of the counterproposals, all of the impassioned defenses of the present system—boil down to one proposition: That some voters have, and ought to have, a stronger voice than other voters.

That proposition—the proposition that, "The United States is not, and was never intended to be, a democracy," is central to the argument against direct election.

I offered no guarantees to the people of my State or district, Mr. Chairman, that direct election will enhance their particular power over a presidential choice.

I offer no assurance to my fellow Democrats that direct popular election of the President will make Democrats win more presidential elections.

I can make no argument that direct popular election of the President will protect the particular interests of farmers, city people, suburbanites, blacks, whites, liberals, conservatives, moderates, employees, employers, artists, policemen, astronauts, subway guards, or anybody else.

It will not.

But it will protect the unique right which our system strives to give to each and every American—the right to the same power in the ballot box as every one of his fellow Americans.

Mr. ADDABBO. Mr. Chairman, I rise in support of House Joint Resolution 681, to amend the U.S. Constitution to provide for the direct popular election of the President and the Vice President. This historic amendment abolishes the archaic electoral college and replaces that system with one designed to carry out the will of the people through popular election.

In recent years we have seen the possibility for constitutional crisis in the electoral college system. We have witnessed the very real possibility that a third party could throw the Nation into a situation where the President would be selected by cynical deals rather than through the nationwide popular vote method.

I want to take a moment to commend the members of the House Judiciary Committee and the distinguished chairman of the committee, the gentleman from New York (Mr. CELLER), for his outstanding work in reporting this joint resolution with such overwhelming support. The dean of the House has been the guardian of the Constitution for many years and each amendment to the Constitution has been ratified only after his thorough review and excellent draftsmanship.

Direct popular election is the only method of election which assures the people that the man with the most popular votes will be declared the winner. This is the only proposal which is consistent with the one-man, one-vote philosophy so inherent in our democracy.

Direct popular election will strengthen the two-party system, will discourage splinter parties which have only regional support, and will prevent a crisis in determinating the winner of a national election.

The provision for a runoff election should no candidate receive 40 percent of the national vote is a realistic vehicle for assuring that the President has a meaningful plurality on the one hand and making the chance of such a runoff quite remote on the other hand. I believe that should such a runoff be necessary, the people should decide the winner rather than the House of Representatives as under the present system.

This is an amendment which the people want, which is sound, and which is consistent with all the basic goals of our democratic system. I urge my colleagues to endorse House Joint Resolution 681 by an overwhelming vote.

Mr. ANDERSON of California. Mr. Chairman, when the framers of the Constitution met in 1787, the United States was an agrarian nation. The people's level of education was low. Transportation consisted of stagecoach, horseback, and sailing vessels. Communication was slow and erratic. At the Constitutional Convention, James Wilson, of Pennsylvania, advocated selecting the President of the United States by popular election. This method was rejected because it was believed that it was impossible to achieve an intelligent choice of the President through the direct popular vote. George Mason, of Virginia, reflected the feeling of the "framers" when he said:

> It would be as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would to refer a trial of colours to a blind man.

The Convention finally decided upon the electoral college system as a method of choosing the President of the United States. The electoral college system has many pitfalls; foremost of these is the fact that it allows a loser to become a winner. If a candidate in a two-man presidential race received 50.1 percent of the popular vote in the 12 largest States—regardless of the outcome in the remaining 38 States—he would be elected to the Presidency. Under the present system, theoretically, a presidential candidate could, first, outpoll his opponent by a greater than 2-to-1 margin in the total nationwide popular vote; second, receive 100 percent of the popular vote in 38 States and the District of Columbia and still lose the presidential election. All proposals for reform, except the direct election system, make it possible for a President to be elected who has received fewer popular votes than his leading opponent. This has occurred in three instances: 1824, 1876, and 1888.

A second pitfall in the present system is the contingency election. If no presidential candidate receives a majority of electoral votes, then the election of the President devolves upon the House of Representatives. In the House, each State is allowed one vote. The State of California, with its citizenry in 1960, of 15,717,204, is allotted one vote for the President; the State of Alaska with 226,167 residents, is allowed one vote.

A third drawback to the present system is the "independent" nature of the members of the electoral college. This was most recently illustrated by the Nixon elector from North Carolina who cast his ballot in the electoral college for George Wallace. There have been five

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electors since 1820 who have cast their ballots in the electoral college in opposition to the candidate for whom they were elected.

In order to eliminate all of these injustices, we must adopt the direct popular election amendment to the Constitution—House Joint Resolution 681. As the late Senator Everett McKinley Dirksen once said:

> There is no more powerful force in the world than an idea whose time has arrived.

The time has come to give the power to the people. The constitutional principle of "one man, one vote" was a forerunner of this idea. The adoption of the direct popular election amendment would mean that the most important office in our political system would be filled by the same tested method employed in filling other elected offices—the popular vote of the electorate.

Mr. HELSTOSKI. Mr. Chairman, I rise in support of House Joint Resolution 681 as reported by the House Committee on the Judiciary to abolish the electoral college and provide for direct popular election of the President and Vice President.

It is time that the American citizen be given the right to express himself directly as to his choice of candidate for the highest office of this Nation. If we are to protect our democratic system of government we should provide the machinery to abolish the archaic and inequitable features of the present system.

We can no longer endorse the dangerous and antiquated institution which we know as the electorial college. Its need for reform or abolition has been definitely proven. We now have the opportunity to do so. Under the present system we run the risk that our presidential elections can become a constitutional crisis. This could certainly undermine the confidence of the American people in the basic processes of American Government.

We are the greatest nation in the world and yet we use the most antiquated method in choosing our leaders.

Mr. Chairman, I have introduced House Joint Resolution 289, which would accomplish the same objective as expressed in the resolution we are presently considering. I have been receiving much mail upon this subject, and my recent public opinion poll among my constituents indicates an overwhelming desire to abolish the electoral college and allow the people to vote directly for the President and Vice President.

With the adoption of this joint resolution we will, finally, be assured that the presidential candidate who obtains the confidence of the American electorate will be chosen to lead this Nation.

Mr. Chairman, I believe that we should act favorably upon the legislation before us and start the machinery into motion which will achieve the direct election of the President.

I extend to the chairman of the committee, the gentleman from New York (Mr. CELLER), and to the other members of the Judiciary Committee my congratulations for the efforts they have taken to bring forth the proposal which is so urgently needed to assure every American his vote is counted when it is cast under the principle that each man's vote shall be equal.

Mr. Chairman, there is no vote equality under our present system. The elector can vote in any manner he desires, and I dare say that only a very few voters even know the elector for whom they are voting as their representative in the electoral college.

The concept of direct popular vote is consistent with all of our other election processes. We do not vote for electors to choose our State, congressional, county, and local municipal officials. We vote directly for them and we know that when a candidate receives the most votes in an election, he is elected to the office he seeks. True, in many cases, under the law, runoffs are necessary, but the decision of the voter is more accurately reflected.

Mr. Chairman, I urge favorable and speedy adoption of the resolution before us.

Mr. PRICE of Illinois. Mr. Chairman, as a cosponsor of House Joint Resolution 681, I unequivocally support the principle of direct popular election of the President. For too long, an artificial barrier—the electoral college—has stood between the people and the most important elected official in the world, the President. Unaccountable to the electorate the electoral college is anachronistic in the political life of 20th-century America. In a day in age when feelings run strong for extending the franchise, the electoral college stands out as a symbol of a past political era. It is time for us to move ahead with electoral reform.

Other ideas have been advanced as remedies to the present arrangement. Upon examination, however, it can be demonstrated that both the district plan and the proportional plan can encourage greater political cleavage, thus leading the way to the development of splinter parties.

Admittedly, there is nothing sacrosanct about the two party system in America, especially if it is not functioning as it should in meeting the legitimate demands and needs of the body politic. Conversely, there is little wisdom in retaining an electoral device which portends a deeper splintering of the American political landscape. If representative government is one of the professed goals of the American political system, it would seem inappropriate to retain an electoral device which runs counter to the idea of direct popular election of the highest political office in the country and which lends itself to potential bartering and brokering of minority interests for a piece of the action. The role of government is to represent and resolve political conflict. It cannot, however, perform these functions if the electoral system is hampered in adjusting the differing political claims made on it.

Obviously, we must always guard against the majority becoming oppressive. The very basis of democratic theory in this country rests on the premise of diversity. To date we have seen that there has not been an overriding majority in this country but shifting majorities reflecting given issues and candidates. This is as it should be. But we must make certain that these electoral majorities are translated into the election of Presidents unfettered by the threat of breakdowns in the election process.

The idea of the concurrent majority as espoused by Senator John Calhoun must not come to fruition. Our Nation has unity in its diversity; but those cleavages and differences must be assimilated and represented within the context of the electoral process; we must not permit sectional interests to hold sway.

With the advancement of the one-man, one-vote principle, it can be demonstrated that the present system works for and against the large and small States. On the one hand, one electoral vote in California is worth less than one electoral vote in Nevada; conversely, a study conducted at George Washington University demonstrates that through regression analysis techniques the voters in States with large electoral votes have more influence than their counterparts in the small States. One might suggest that with this being the case why change the present arrangement since both effects work to cancel each other out. On balance, this may not be the case. Moreover, there is a far larger consideration involved: the basic right of the American voter to elect the President. This is not now the case and it should be corrected. I urge the approval of House Joint Resolution 681.

Mr. ULLMAN. Mr. Chairman, one of the clearest mandates from the people to the Congress at the beginning of this session was for electoral reform. The 1968 presidential election rekindled the fears of many that our political process is not structurally sound.

After weeks of concern, chaos was averted last fall when President Nixon received a majority of the electoral college votes, thus insuring his election. Nevertheless, he became the 12th elected U.S. President to fail to receive a popular vote majority.

Today, the House is replying to this national mandate by considering electoral reform legislation. I am pleased that the House resolution reported out by the Judiciary Committee incorporates a proposal introduced by me and a number of my colleagues for the abolition of the electoral college and the institution of direct election of the President.

This is an essential change in our Constitution that must be approved by the House. From almost the first days of this democracy, the electoral college has been recognized as a disruptive and potentially dangerous threat to stable government. The election of three Presidents through the electoral college system who were popular vote losers has nearly upset what should be an orderly process.

The solution is to place the right and responsibility for the election of candidates to this Nation's highest office where they belong in a democracy—with the people.

The resolution also includes machinery to operate when one candidate fails to win a majority of the votes by providing for a runoff election between the top two votegetters. My bill would have set this machinery in motion when no candidate receives at least 45 percent of the popular vote. The committee's bill establishes the cutoff point at 40 percent.

I do not believe that a 40-percent plurality provides the President-elect with the confidence and freedom he needs to carry out his programs successfully. The mandate is not clear enough. The President's task is made too difficult. Our aim should be to insure that the new President takes office with as close to a majority of votes as practicable. A 45-percent plurality achieves this.

In addition, the committee's bill fails to embody my proposal for a national presidential primary. In my judgment, this is a mistake. If we are to do an honest job of making the people the source of political power, we will have to extend direct democracy to the nomination process. The existing primary process as practiced in our several States is a source of bewilderment to outside observers and of dismay to those who know it best. Reform of our primary system is an essential task if democracy in our political process is to be safeguarded.

The committee's bill is a good beginning toward electoral reform. I support it strongly, but only wish that it went the whole way in setting up a national presidential primary system as well as election by popular vote.

Mr. MONAGAN. Mr. Chairman, I support the pending resolution which proposes an amendment to the Constitution of the United States prescribing the direct popular election of the President and Vice President of the United States.

I have reached this decision after much deliberation. For the proposed abolition of the electoral college and the substitution of direct election, however straightforward such a course might appear at first glance, is not without its own difficulties and dangers.

My position—and it is one which a majority of our citizens share—is that the electoral college is a political institution which is not appropriate to present conditions and no longer guarantees that winners are elected. While the system has elected popular winners in this century, history records that it has not always done so. In the 46 presidential elections held to date under the electoral college system, three popular vote losers were elected President; two Presidents were selected by the House of Representatives; one Vice President was chosen by the Senate; and one President was elected as the result of a vote of a special electoral commission appointed by Congress. In this century, and especially within the last 25 years, there has been a recurring tendency—doubtless in accord with the original concept—on the part of the members of the electoral college to assert their so-called independency and cast ballots against the nominees of their own party.

For these reasons I am persuaded that the electoral college does not guarantee that the candidate with the most votes will win.

Direct popular election is the most certain mechanism available to guarantee that the winner will indeed win. The other proposals to reform the electoral college fall into three general classes: The district plan, the proportional plan, and the automatic electoral vote plan. All these alternatives have merit; in fact, any would be an improvement over the present system. But each in my opinion is flawed. The district plan would intensify the problems of gerrymandering that have traditionally beset legislators in apportioning Representatives. The proportional plan would favor citizens of the smaller States at the expense of citizens in the larger States and it would encourage splinter parties within each State. The automatic electoral vote plan would perpetuate the risks of electing a candidate who was the popular vote loser.

In short, direct popular election is the surest means of electing the candidate with the most popular votes. However, direct election is not without its own difficulties. The most serious of these relate to the need which this change will create for the establishment of uniform voter qualifications and election regulations in the separate States. I believe that the proposed amendment strikes an appropriate balance between State and Federal authority in establishing the necessary degree of uniformity. I am also satisfied that the proposed provisions for the runoff election—this occurring in the instance of no candidate receiving 40 percent of the vote—are not an invitation to divisive splinter parties.

For these reasons I support the resolution proposing a constitutional amendment providing for direct popular election of the President and Vice President of the United States. I support this proposal as the best choice among several alternatives; yet at the same time I recognize that its successful operation will not be automatic but will require the planning and the cooperation of the separate States and the Federal Government.

Recent years have shown that the extension of the franchise does not automatically bring wisdom and judgment to the expanded electorate but it does provide that opportunity for the voter to express his views and change his representatives. This is the hallmark of our system and it differentiates it from competing systems which do not give the individual the rights that we guarantee and seek to make ever more effective.

Today equality and democracy are the key words. We have come a long way from the time when John Evelyn could write in his diary of the undemocratic procedures which elected the contemporary Parliament.

The following passage is from "The Diary of John Evelyn," revised edition, 1956, II, 223:

> 8th April, 1865: This day my brother of Wotton and Mr. Onslow were candidates for Surrey against Sir Adam Brown and my cousin Sir Edward Evelyn, and were circumvented in their election by a trick of the Sheriff's, taking advantage of my brother's party going out of the small village of Leatherhead to seek shelter and lodging, the afternoon being tempestuous, proceeding to the election when they were gone; they expecting the next morning; whereas before and then they exceeded the other party by many hundreds, as I am assured. The Duke of Norfolk led Sir Edward Evelyn's and Sir Adam Brown's party . . . but the county would choose my brother whether he would or no, and he missed it by the trick above-mentioned. Sir Adam Brown was so deaf, that he could not hear one word. Sir Edward Evelyn was an honest gentleman, much in favor with his Majesty.

Mr. FASCELL. Mr. Chairman, I strongly urge approval of a system of direct popular election of the President and Vice President of the United States. Such a plan—and only such a plan—can win the support necessary for electoral reform to be accomplished by the 1972 elections. Because of my strong support of this proposal, I have cosponsored legislation identical to the bill under consideration today.

Reform is needed, of course, because of the real threat that a candidate can become President even though he received fewer popular votes than someone else. This is because of three faults: First, undemocratic apportionment of electoral college votes; second, the freedom of electors to vote as they please; and third, potential congressional participation in the election process.

This situation might have been tolerable in an earlier phase of our history, but the importance of the office of President is now such that we can no longer rely on a haphazard and undemocratic election process. Each citizen is now affected daily by the decisions of the President, and each citizen has the right for an equal voice in the President's selection. Inaction by the Congress in the face of the need for reform would betray our constituents and the Republic.

At least four major alternative plans, each with variations, have been proposed to cope with the situation. Direct popular election is usually pictured as the most sweeping or drastic possible change, followed in order of severity by the "proportional plan," the "district plan," and the "automatic electoral vote plan."

Of these four proposals, only the first—direct popular vote—meets all three faults in the electoral college system. The proportional and district plans attempt a compromise on the main fault, malapportionment, and the automatic electoral vote plan fails to even try for a solution to this fault.

The trouble with the compromise plans is that they do not really solve the problem. Under each, it would still be possible for a President to be elected with fewer popular votes than someone else. Compromise should be rejected because it would be deceiving our citizens to enact a "reform" which did not really correct the defect it claimed to cure.

In view of this, why should "compromise" be seriously considered at all? Those who back such plans either fear too much democracy in the presidential election process, or fear that a true reform, direct popular voting, cannot be enacted.

We can immediately dismiss distrust of the people's democratic judgment as justification for "compromise." If we really feel that a presidential election system should be designed to reflect popular voting as closely as possible, then the best means of doing this is by simply letting the popular vote elect the President. Proposals for anything attain-

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able which fall short of this serve to mask an antidemocratic intent.

The other argument against direct election, that it is not attainable, also fails under objective analysis. It is not true that small States would be obliged, in their own interest, to oppose a change which would remove the present electoral college bias in their favor. This bias is a very small advantage indeed when compared to the existing system's State-unit feature which causes presidential candidates to all but ignore small States in their quest for votes in the big "swing" States.

Small States have everything to gain by abolishing the existing system in favor of direct popular election, which would make the voice of each small State resident as important as the vote of a big city dweller. Small States would be brought back into the presidential election process as equal participating partners. They certainly have nothing to gain by the "district" and "automatic electoral vote" plans, which would perpetually freeze into the Constitution the unit vote system which works against small States. Neither would the "proportional" plan give them any advantage that would not be theirs under direct popular voting.

As for the large States, their true power would not be diminished under direct popular voting. While the election result would no longer be tied to population rather than voter turnout, they would have equal opportunity to influence the election. Voter turnout might actually be increased by the stimulated party competition. Yet, use of the existing political machinery—State voting laws, party nomination procedures—would favor continuation of the two-party system. These elements of our historical voting procedure would not be abandoned simply because of the democratization of the vote-counting system.

So as the practical political arguments against direct popular election fall apart, there remains the question of justice. Is direct election the right system for America? Emphatically, the answer is yes. There is no system more in keeping with our democratic traditions and ideals. Indeed, direct election would be a further step toward the American goal of democracy and justice for all.

Popular polls show overwhelming public support for direct election of the President. That is true to the extent that any State legislature would approve any "compromise" plan at its peril. The more that our people learn about this subject, the more they demand direct popular election. Our constituents are looking to us to approve this system, and we should respond to their wishes as soon as possible.

Mr. RARICK. Mr. Chairman, I feel that there can be improvements made in our system for election of our President within the federal system.

However, I cannot support the committee bill and chance election of a minority President. The direct popular vote proposal of the committee bill, House Joint Resolution 681, poses a direct threat against the federal system of government—a complete change in the political philosophy of the Republic—the bill provides the vehicle for the frightening specter of a minority-elected President sitting in the White House.

The committee bill reads:

> The pair of persons having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 per centum of the whole number of votes cast for such offices.

One need not be a student to realize that 40 percent is less than one-half—a minority—not "over 40 percent"; it says, "at least 40 percent."

Take, for example, the presidential election of 1968. The election statistics show that over 72 million people went to the polls and cast their ballots. Yes, the voting age population in the United States was 118 million according to the Bureau of the Census. Therefore, the 1968 election represents only 61 percent of the eligible vote. Had the committee bill—requiring only 40 percent to win—been in force for the 1968 election, 25 percent of the eligible voters could have elected the President of the United States. We would then truly have a President not only elected by a minority of the people but in all probability one representative exclusively of the populous metropolitan areas in our country.

The Congress and the courts talk of a guaranteed right to vote and equal weight of votes, and many civic organizations promote voting registration and voter duties; yet, all must agree that there is a tremendous lack of interest in the voting citizen unless he feels personally involved, stands to gain or lose by a political issue, or unless he feels his vote is important enough to influence the outcome.

The direct vote plan has the effect of ignoring and circumventing the role of the State and local political subdivisions from the presidential election by carrying it directly to the individual vote. Loss of citizen spirit in his State and local subdivision most certainly can be expected to result in a diminished voter turnout. Far too many times I have heard voters say that they vote for State and local offices, but do not waste time voting in Federal elections because it just does not do any good.

Overall I think it can be agreed that the most concentrated population areas—perhaps because of more homogenuous interests—are better organized and have more effective communications which result in a larger percentage of voter participation than in the rural and sparsely settled areas. This considered and with over 40 percent of the expected participating vote to be found in the major cities and metropolitan areas of our country, it could naturally be expected that any aspirant for the Presidency would not only concentrate his appeal efforts to these metropolitan industrial complexes but would likewise adopt a platform and political issues tailored to their wishes and needs in order to motivate them to turn out to vote. All of which would serve to disadvantage the farming and rural areas and the people of the sparsely populated regions who because of their vastly different desires and philosophy are faced with no choice or what they consider the lesser of two evils. By making the election process irrelevant to the voters of the rural and sparsely settled areas—the numerical majority of the American electorate—the bill would, as a practical matter, deprive the majority of our citizens of involvement in the democratic process.

The futility of voting participation would rapidly become apparent to the rural and small town citizen. Unconsciously, he would succumb to the discouragement of feeling that, first, no candidate was offering him any leadership, and, second, his vote was unimportant because the people in New York, Chicago, Los Angeles, and so forth, were going to decide the election. Consequently, as the citizen living in the country and suburban area loses his motivation and feeling that his vote is important, the big city vote increases in the overall percentage, and becomes more and more important to the candidate. In other words, the vote of the big city resident would progressively count more and further destroy the egalitarian theory of one man, one vote.

The ultimate danger to our country from a direct popular vote President can be anticipated. The candidate having directed his campaign and platform to the larger populated areas and having received his vote under such conditions, in order to retain the support and confidence of his following can be logically expected to calculate the effect of appointments with this same segment.

On the other hand, the citizens of the less densely populated areas could expect to be all but ignored. Then, too, as long as Cabinet members and top ranking judges are appointed, who would expect a direct popular vote President to select them from small States or sparsely populated areas. Under the direct popular vote plan a presidential candidate and his running mate would enjoy preferential advantage in being identified with one of the heavily populated areas. How could an American from the State of, say, Maine or South Dakota hope to overcome the advantage of a political opponent from New York City, Chicago, Los Angeles, or other populous areas?

The Founding Fathers in framing the Constitution considered that the Chief Executive could be elected by a popular vote. They rejected the plan because it was their desire, as statesmen, to provide for a President and head of state who represented the majority of the people as well as all of the geographical areas of our Nation. This was the reason for the allotment of electors weighted proportionately to the number of U.S. Representatives and Senators. This was the reason they required a majority of the electoral votes for election. Their purpose for rejection of the direct method of election was to prevent any one or a few geographical areas or population centers from acquiring complete political control of the country to the detriment of the other citizens.

I favor a national election which retains motivation and general interest nationwide to involve all of our people in the election; which will compel any candidate to consider all the voters in any platform and which would cause him to be elected as a President of all the people.

I will support the Dowdy-Dennis plan also called the district plan for reform of the electoral college.

Mr. McCULLOCH. Mr. Chairman, we have no further requests for time and I yield back the balance of our time.

Mr. CELLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today marks a truly unique occasion. The House embarks on a historic debate to determine how this Nation shall elect its Chief Executive. Except for 40 minutes on suspension of the rules in 1950, electoral college reform has not been debated in the House since 1826.

The Judiciary Committee is persuaded that our political structure must be attuned not to yesteryear or yesterday, but to tomorrow and the future. We no longer can afford favored positions for certain classes of voters in presidential elections—whether they be an urban or rural electorate; whether they live in large States or in small States; whether they are political progressives or political conservatives; or whether they come from the Western, Northern, Eastern or Southern parts of this Nation. The principles of representative government require that no citizen's vote should have more weight than another's—above all, in the election of the President and Vice President. The pending resolution proposes to restructure the presidential election system and to conform it to ideals of representative democracy—not simply for the next few elections, but I confidently believe, for generations to come.

DEFICIENCIES IN OUR PRESENT SYSTEM

Recent presidential elections, and especially the 1968 election, underscore the potential instability in our existing procedures. The possibility of a deadlock and a vacancy of uncertain duration in the office of President, under the existing system, poses substantial dangers that many Americans, regardless of party or region, agree must be eliminated.

The deficiencies in our present electoral college system include the following:

UNFAITHFUL ELECTORS

The ever-present possibility that electors will depart from custom, assert their independence and cast their votes in disregard of their constituents' wishes. The risk that electors will substitute their judgment for that of the electorate is of growing concern to many, particularly in view of the most recent exercise of an elector's "independence" which was sustained by both Houses of Congress earlier this year. As long agoas 1826 the anachronistic presidential elector was described as follows:

> They have degenerated into mere agents, in a case which requires no agency, and where the agent must be useless, if he is faithful, and dangerous, if he is not.—(Senate Doc. No. 22, 19th Cong., 1st Sess., 4 (1826))

Our present electoral college institution relies in large part on electors to operate in accordance with prevailing expectations of our citizens, not upon explicit constitutional direction.

CONTINGENT ELECTION PROCEDURES

Another potential crisis occurs if the electoral college fails to produce a majority for one candidate and the final decision for electing the President and Vice President falls upon the Congress. Under the 12th amendment, each State delegation may cast but one vote in the House of Representatives, and an absolute majority of the States is required to elect the President from among the three leading candidates. The Vice President would be selected from among the two leading candidates by the Senate, each Senator having one vote, and an absolute majority again being required to elect. Under this system it is possible that a President and Vice President would be of different political parties. It is also possible that the winners of the popular plurality would not be elected in Congress, particularly if they were members of the minority party in Congress. Depending on the political alinements in State delegations the balloting for President in the House can easily result in deadlock.

Such a contingent election has occurred twice in our history—1800, Thomas Jefferson-Aaron Burr; 1824, John Quincy Adams-Andrew Jackson—and in each case the event is remembered for a lengthy deadlock, intrigue and the appearance, if not the reality, of political "deals." The prospect of a contingent election in the Congress under the present precarious constitutional provision troubles many thoughtful citizens.

ELECTORAL VOTE ALLOCATION

Another defect under the present system is the disparity between the number of electoral votes allotted to the respective States pursuant to decennial censuses, on the one hand, and the number of citizens and actual voters in each State, on the other. For example, although Connecticut and South Carolina both have eight electoral votes, almost 590,000 more people voted in Connecticut in 1968; 550,000 more people voted in Illinois than in Ohio in 1968 although both States have 26 electoral votes. Our system allocates electoral votes to the States in number which are not truly proportionate either to population or to actual voter turnout. Another inequity results from the "winner-take-all" system which credits the winner of the popular vote in a State with all of the State's electoral votes regardless of the vote received by other candidates. Some argue that small State voters benefit from the fact that each State is entitled to three electoral votes regardless of how few its citizens, while others maintain that large State voters benefit from the unit rule whereby such States are able to award large blocs of electoral votes. Whatever group of States is actually advantaged, it is inconsistent with our principles that the votes of some citizens should be worth twice as much or more than the votes of other citizens. Neither argument can justify such a presidential electoral system consistent with the principle of one man, one vote.

The factors which I have just outlined, Mr. Chairman, separately and in combination, contribute to the most serious potential flaw of our present system—that is, the possible election of a President who is not the first choice of the voters. Indeed, this has actually occurred three times in the 46 presidential elections held to date. John Quincy Adams, 1824; Rutherford B. Hayes, 1876, and Benjamin Harrison, 1888, all were popular vote losers, yet all were elected President. To argue that only three misfires out of 46 is a good record is unconvincing. A workable solution guaranteeing against such misfires is presently available. Why should we choose a second-best system?

Only the direct popular election plan can eliminate all the basic deficiencies in our present electoral system.

It will remove electors as anomalous intermediaries who are not needed to express the people's choice of a national leader.

It will eliminate existing disparities in the weight given to certain votes because of the geographic location of the voter.

It will guarantee that the presidential electoral system is in harmony with the principle of "one man, one vote."

It will conform presidential elections to the system of plurality voting used throughout the Nation in congressional elections and in elections for Statewide and local offices.

It will assure that the people will elect the Chief Executive in all cases—and that the candidate receiving the most popular votes will be elected.

Alternative reform plans such as the "proportional" method, the "district" method, or the automatic electoral vote plan may meet some of the present deficiencies, but each one would continue the risk of electing a candidate who was the popular vote loser. A risk, I might add, which apparently increases the closer the popular election results become. In addition, other proposals may be offered which employ features of the various substitute plans in combination. These tend to complicate our present system and only perpetuate the hazards of electing a candidate who is not the popular candidate.

OBJECTIONS TO THE DIRECT ELECTION PLAN

The three most commonly expressed objections to the direct election plan include:

First, that it would lead to a proliferation of political parties;

Second, that it would create unmanageable problems and delays in vote counting; and

Third, that it would reduce the influence presently enjoyed by voters in smaller States or that it would substantially dissipate the power enjoyed by urban voters in large States.

The suggestion that political parties will proliferate under the direct election plan misconceives the true sources of the two-party system. Our two national parties largely prevail because of the political structure of the Congress—and the convention method of nominating presidential candidates. These institutions have generally promoted an accommodation of diverse interests within the two major parties. To understand how the electoral college system itself fails

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to preclude the rise of third parties one need only reexamine the 1968 presidential election. The basic structure of the direct election plan embodied in House Joint Resolution 681 is designed to encourage the two parties to continue to find ways of accommodating diverse interests. The proposed amendment provides for a runoff election between the two highest candidates in event no candidate receives 40 percent of the popular vote cast. This procedure would seem to deter a proliferation of parties which may amass a number of votes, but which at best can only look forward to a runoff between the major party candidates.

Another objection to direct popular election is that it will lead to unmanageable vote counting disputes that can delay the final election outcome. This objection, too, is unpersuasive. Certainly, the present system, in which a few popular votes can shift large blocs of electoral votes and possibly change the outcome of an election, would seem to provide for greater incentive for fraud and recountings. The counting problems under the direct election plan are essentially no different from those which exist under any system of election, direct or indirect. These problems have been competently dealt with in popular elections of other officials, and there is no reason why they cannot be effectively dealt with in a direct election of the President. State procedures for certifying election results could be adopted to the direct election plan. The proposed amendment contemplates leaving the operation and regulation of presidential voting in the jurisdiction of the States, with reserve power in the Congress to legislate in the field.

It is also maintained that the present allocation of electoral votes, whereby all States are entitled to three electoral votes regardless of population, favors the small States; others maintain that the present electoral allocation coupled with the winner-take-all system benefits citizens in larger States. In some respects both sides are correct. But distortions in voting power based on the geographic location of the voter have become outdated. To suggest that continuation of the electoral vote system is necessary to preserve the Federal Union misconceives the true impact of the electoral college. By eliminating competitions between States generated by the electoral college, the direct popular election plan seems to strengthen the Federal Union. To suggest that State legislatures in large or small States will not ratify the proposed new article is not only based on unsupportable speculation but is contrary to the weight of all recent national opinion polls and surveys of State legislatures as well.

Mr. Chairman, it is true that the proponents of change have a substantial burden. The existing electoral system is familiar and there is a natural reluctance to change or depart from familiar ways.

But we have tempted fate too long. Our national experience demonstrates that there is a safer, a better method to elect public officials than through an intricate, indirect, and antiquated electoral college. The essence of American government is that public officials rule with "the consent of the governed." The choice of the Chief Executive must be the people's—all the people, without favor or special advantage to those who live in remote and sparsely populated areas, or to those who live in crowded urban centers.

The risk that our presidential election system will misfire or malfunction and produce a grave national political crisis has become increasingly evident in recent years. The proposed constitutional amendment set forth in House Joint Resolution 681 would eliminate what may be the most serious defect in our basic charter.

There may be no perfect system to elect the President, but the direct nationwide popular vote plan appears to be the best of all possible methods. I urge my colleagues to join me in voting approval of House Joint Resolution 681.

Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joinder of his name with that of more than one other person.

"SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

"SEC. 3. The pair of persons having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 per centum of the whole number of votes cast for such offices. If no pair of persons has such number, a runoff election shall be held in which the choice of President and Vice President shall be made from the two pairs of persons who received the highest number of votes.

"SEC. 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"SEC. 5. The Congress may by law provide for the case of the death or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of both the President-elect and Vice-President-elect.

"SEC. 6. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 7. This article shall take effect one year after the 21st day of January following ratification."

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the joint resolution be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. MILLS), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, had come to no resolution thereon.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on House Joint Resolution 681, the electoral college reform amendment, and to include therewith extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. POFF asked and was given permission to address the House for 1 minute.)

Mr. POFF. Mr. Speaker, I take this time in order to inquire of the distinguished majority leader the program for the remainder of the week and for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. POFF. I am happy to yield to the gentleman.

Mr. ALBERT. Mr. Speaker, in response to the distinguished acting minority leader, we have no further program for the week and will ask to go over until Monday upon the announcement of the program.

The program for next week is as follows:

Monday is Consent Calendar Day.

Also, the gentleman from Colorado (Mr. ASPINALL) has advised he will seek to call up by unanimous consent House Joint Resolution 81, to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa.

There is one suspension, H.R. 13194, Insured Student Loan Emergency Amendments of 1969.

Thereafter we will proceed with the continuation of consideration of House Joint Resolution 681, the proposed constitutional amendment relating to the election of the President and Vice President.

On Tuesday there will be a joint meeting for the purpose of receiving the Apollo 11 astronauts.

Tuesday also is Private Calendar Day.

Upon the conclusion of consideration of the Private Calendar, we will return to the consideration of House Joint Resolution 681 and will continue consideration under the 5-minute rule.

Following the disposition of the constitutional amendment, we will take up the legislative branch appropriation bill for the fiscal year 1970; and H.R. 12549, to provide for the establishment of a Council on Environmental Quality, which is subject to a rule being granted.

The announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. GROSS. Mr. Speaker, will the gentleman from Virginia yield?

Mr. POFF. I yield to the gentleman from Iowa.

Mr. GROSS. What day is it proposed to bring up the legislative branch appropriation bill?

Mr. ALBERT. Immediately following the disposition of the joint resolution proposing a constitutional amendment. We do not have a specific date. We have placed in order all the program beginning with the receiving of the astronauts for Tuesday and the balance of the week. We do not know just when the proposed constitutional amendment will be disposed of.

Mr. GROSS. It will probably be Wednesday, at least, before the legislative branch appropriation bill comes up?

Mr. ALBERT. Not before Wednesday. I believe the gentleman could count on that.

Mr. GROSS. I thank the gentleman.

ADJOURNMENT TO MONDAY, SEPTEMBER 15, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RECOMPUTATION OF RETIRED MILITARY PAY—ONLY A CAMPAIGN PROMISE?

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, during the heat of a campaign for high public office, it is occasionally possible to make promises or pledges which become awkward to carry out once the office is attained.

Nevertheless, when specific assurances are directed at a particular group of our fellow citizens by a candidate, it is reasonable, I think, to expect some sort of followthrough—especially if the same candidate is also concerned about credibility gaps.

This Saturday, September 13, will mark the first anniversary of a very emphatic, but, as yet, unfulfilled pledge by Mr. Nixon to take action on behalf of a large group of retired military personnel.

Now this promise—that Mr. Nixon, as President, would propose legislation permitting retirees who left the service before June 1, 1958, to recompute their benefits in line with increases awarded active duty personnel—was not quietly given.

Instead, a telegram from Mr. Nixon, the candidate, dated September 13, 1968, was carried as a full-page spread in the October 1968 issue of the Retired Officer, where thousands of voters would see it.

The telegram is self-explanatory, and I will include it at the end of these remarks. But the failure of the President to do anything discernible during his nearly 8 months in office to implement this pledge is quite mysterious. There are many military retirees in my district who are wondering if and when the President will honor his commitment to them.

In his wire to General Corderman, president of the organization which publishes the Retired Officer, Mr. Nixon had some harsh things to say about the Johnson administration and "the Democratic-controlled Congress" for ostensibly failing to remedy a growing disparity between active duty and retired military pay.

The future President could not have been clearer. He was right, the Democrats were wrong, and he was going to do something about it as soon as he assumed the Presidency.

Now retirees are asking what happened to those good intentions voiced so firmly and clearly during the campaign.

I should point out that many Members of the House and Senate, including numerous Democrats, have introduced bills to permit the recomputation so strongly endorsed a year ago by Mr. Nixon. I imagine that all that is needed now is a good word from the White House to get some action on these proposals.

Mr. Nixon's telegram to General Corderman follows:

WASHINGTON, D.C.,
September 13.

Maj. Gen. W. PRESTON CORDERMAN,
President, Retired Officers Association,
Washington, D.C.:

Because of the concern of your organization with the issue of equalization of retired military pay I want to take this opportunity to share with you my views on this important subject.

For the past several years, our retired military personnel have been unjustly treated because of the failure of the administration and the Democratic-controlled Congress to remedy the growing disparity between active duty and retired military pay. This unfair discrimination is wholly contrary to the long established principle of equalizing retired pay with existing active duty pay for the same grade or rank. It is a breach of faith for those hundreds of thousands of American patriots, who have devoted a career of service to their country and who, when they entered the service, relied upon the laws insuring equal retirement benefits.

The retired pay of some of our older retirees has slipped more than 30% behind that of their younger comrades. In a period of skyrocketing cost of living increases, it is an intolerable and unfair burden for our retired military.

I intend to urge the Congress to remedy this injustice at the earliest possible time by passing legislation along the lines of that introduced by Senator Tower of Texas, chairman of my key issues committee. General Eisenhower and I worked vigorously to seek legislative relief in 1960. Now, after prolonged inaction by an administration of which Vice President Humphrey has been a part, the time is at hand to do simple justice and to recognize the great contribution to our Nation by those who have served their country with honor and distinction.

RICHARD M. NIXON.

RAIL PASSENGERS STILL WAITING FOR THE ICC TO MAKE UP ITS MIND ON THE MESSER REPORT

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, 1 year ago Hearing Examiner John Messer made a historic recommendation to the Interstate Commerce Commission in the Sunset Limited Adequacies case: That the ICC should assert authority to set standards of passenger service. This recommendation, if upheld by the full Commission, could be the beginning of the resurrection of decent train service in this country. It would enable the ICC to put a stop to the practice of deliberately downgrading passenger service in order to drive away passengers. This negative effort is carefully described in a fine article in the Wall Street Journal of September 3 by Albert R. Karr. I shall include in the RECORD at the conclusion of my remarks this article, "Passenger Plight."

Many of us in Congress are willing to support Federal assistance for good passenger service, but we cannot expect public funds to be used to subsidize intentionally inadequate service. Therefore, I hope the ICC will act promptly and favorably on Examiner Messer's recommendations. I cannot understand why it should take

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a year to resolve this case, no matter how complex the legal and economic issues involved are. The Congress and the passenger public expect action by the ICC, an agency charged with protecting the public interest in transportation.

The article follows:

[From the Wall Street Journal, Sept. 3, 1969]

PASSENGER PLIGHT—OFFICIALS, TRAIN RIDERS CLAIM SOME RAILROADS TRY FOR LOUSY SERVICE—THEY SAY LINES SEEK TO MAKE RUNS UNPROFITABLE, THEN END THEM; ROADS DENY IT—THE RAT ON THE PENN CENTRAL

(By Albert R. Karr)

For mother, father, four young children and grandmother, aged 74, the 20-hour journey from Chicago home to New York on the Penn Central's "Admiral" was a bad trip.

The train was dirty, to begin with, mother later complained. For want of a receptacle trash was being piled on top of the drinking fountain (which dispensed warm water only). The ladies' room had a "disgusting odor." There was no dining car. The snack bar lacked electricity for making breakfast coffee. And the cooling system wasn't working in the mid-July heat.

When the crew finally did get the air conditioning going, the angry traveler went on, "this was apparently a terrible shock to the train's electrical system, as the lights went out for good in the filthy ladies' room."

"If any hotel provided this kind of accommodation, it would soon be closed as a health hazard. Is this the objective of the Penn Central?" the mother inquired in a letter to Washington authorities.

SOME OFFICIALS AGREE

Indeed the Penn Central is seeking permission to abandon the "Admiral." And though none of the nation's railroads will admit to making passenger service terrible on purpose, a surprising number of riders' complaints to the Government contend that the roads must be doing just that.

The passengers' cynical rationale, echoed by many Washington officials: The more that people are deliberately discouraged from riding the trains, the easier it is for the railroads to demonstrate that passenger service is unprofitable and has to be abandoned in favor of money-making freight.

Even if the railroads are deliberately doing this—and they vehemently deny that they are—officials question whether the Government can do anything about it. The answer may come soon, though. The Interstate Commerce Commisison is expected this month to hand down its long-awaited decision on whether it can compel a road to provide better passenger service.

The ICC, traditionally concerned solely with routes and rates, may conclude that passenger treatment is not beyond its regulatory reach. If so, it could order changes. If it decides otherwise, the decision is sure to be challenged in court and in Congress by state regulatory agencies and such travelers' lobbies as the Washington-based National Association of Railroad Passengers. Some think the eventual outcome will be a joint effort by the Government and the railroads that concentrates on improving service along the most-needed routes while letting some others die.

A STREAMLINED SYSTEM

At the Department of Transportation, for example, one idea for coping with the passenger problem envisions a Comsat-type private corporation either leasing modern equipment to the railroads or taking over management of the most important routes outright. The main emphasis would be on a network of high-speed trains (profitable, it's hoped) in populous and relatively short "corridors" such as Chicago-Cleveland and Los Angeles-San Francisco, similar to the Metroliner now competing with air travel between New York and Washington.

This streamlined system, it's thought, could be partly financed out of savings achieved in abandoning the money-losing service in less populous areas. Proposals for direct Federal subsidies for passenger operations also are under consideration at the Transportation Department and are embodied in various bills in Congress.

If something isn't done, city-to-city passenger trains might all but disappear in America. From nearly 1,500 a decade ago, the number of intercity trains was down to 513 on July 1, including a decline of 67 since mid-1968. The railroad executives who want to get out of the passenger business say there's scarcely any need for long-haul intercity service any more, because most travelers prefer to go by bus, car or plane.

THE RAT IN THE AISLE

If they do prefer to go by bus, car or plane, it's often because the railroads have become such miserable ways to travel. That, at least, is the easily arrived at conclusion after reading letters, that unhappy rail travelers have sent to Washington.

"No sooner did we get aboard" the Penn Central's "Spirit of St. Louis" in Missouri, says a man from Floral Park, N.Y., "than some women passengers started screaming because a furry little creature called a rat started running up and down through the car." The conductor ignored it, according to the New Yorker, and not until they reached Columbus, Ohio, 400 miles away, was a fellow passenger able to trap the rat in his handkerchief and throw it out.

Replies a Penn Central spokesman: "We do not have a rat infestation problem. We maintain standards as well as we possibly can under the circumstances"—which he thinks are worsened by passengers' reluctance to adapt. "People have enough initiative to write me a complaining letter," says this public relations man, "but they won't get up and move to another car when the air conditioning breaks down in their car." The family aboard the "Admiral" from Chicago would have an answer for that: The train was full.

Would-be riders have told of waiting as long as two months for seats on Chicago, Burlington & Quincy Railroad trains, according to an unhappy Burlington employe. "Yet we know there was ample room, or that additional cars could have been added." Moreover, he says, passenger schedules "mean nothing if there is an opportunity to move a freight train ahead of a passenger train." A Burlington spokesman insists that the road doesn't turn down passenger business if space is available, that it can't always add more cars, and that it doesn't give priority to freight.

Chronic lateness, sometimes causing missed connections, is a frequent passenger gripe. At Siena Heights College in Adrian, Mich., many students hitchhike home on weekends or don't go at all because the Norfolk & Western Railway's "Wabash Cannonball" is so often behind time, says Sister Ann Joachim, faculty member and the school's attorney. But some still risk it, so partly through her efforts the N&W has twice been rebuffed in trying to silence forever the Cannonball's lonesome whistle. To the lateness complaints, the road replies that, on the average, only one Cannonball in 20 is more than 20 minutes late over its 600-mile Detroit-St. Louis journey.

The milestone case the ICC promises to decide this month involves the Southern Pacific Railroad's daily "Sunset Limited" between Los Angeles and New Orleans.

Until five states' regulatory agencies petitioned the ICC in 1966 to compel the road to furnish better "Sunset" service, few complainants had pressed the Government for improvements in passenger trains; whenever the subject did come up, the ICC pleaded no jurisdiction.

But this time the ICC examiner, John S. Messer, said his agency does have authority over passenger service, and he declared the ICC should order the Southern Pacific to improve the "Sunset" by such steps as running the train on time and providing dining cars. This is the recommendation pending now before the 10 commissioners (one seat is vacant).

Significantly, after the examiner issued his recommendation in April 1968, the Southern Pacific applied to abandon the "Sunset Limited" altogether, and the ICC, in denying this plea, accused the road of deliberately downgrading the "Sunset" service. Critics of railroads maintain that ever since the "Sunset" case began the industry has been accelerating its abandonment requests. Get the trains off the tracks before the ICC makes up its mind, this theory goes, because the Government can't order improvements on trains that no longer run.

Statistics support the contention. Discontinuance applications ranged between 13 and 33 a year in the decade through mid-1967, then soared to 73 in the subsequent 12 months. In the year that ended last June 30 they eased off to 50—"probably because there weren't enough trains left to discontinue," an ICC spokesman suggests. Others say the ICC has noticeably stiffened its resistance to abandonments since Examiner Messer's "Sunset" recommendation, otherwise applications would be even more numerous.

One petition that did win ICC approval (though the courts have since delayed its effectiveness) was the Penn Central's plea to discontinue the "Spirit of St. Louis between that city and New York. And the ICC's July okay came not a minute too soon. Two nights earlier, at Altoona, Pa., 35 "Spirit" passengers became so aroused by the lack of lights, water and air conditioning that they climbed off and lay down in front of the engine for an hour and a half till a broken generator belt was repaired.

The increase in applications to abandon runs could have something to do with the deterioration in service. Says an ICC official: Railroads always deliberately downgrade passenger service in advance of filing with us for discontinuance.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, the case which the gentleman mentions, as I understand it, is the one in which the hearing examiner indicated the railroads ought to upgrade the sleeping accommodations and the dining accommodations, in addition to other recommendations?

Mr. ADAMS. Yes, it is.

Mr. BOLAND. From the gentleman's knowledge of the ICC and the laws respecting the ICC and its authority, can the gentleman tell us whether or not the ICC actually has the authority to indicate to a railroad that it must do these things?

Mr. ADAMS. Mr. Speaker, in the opinion of this gentleman the ICC does have that authority. If the ICC should take the position it does not have, then I think this House, and the Committee on Interstate and Foreign Commerce, should immediately take up this statute and be certain this authority does exist.

Mr. BOLAND. Mr. Speaker, I am glad the gentleman highlights this. I agree with the gentleman totally in his assertions.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to commend the gentleman for his position. There has been deliberate downgrading of the passenger service by the railroads of this Nation. It is time either the Interstate Commerce Commission or the Congress took action in order to investigate passenger service in the future.

Mr. PELLY. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, it is my understanding the Chairman of the ICC announced in September they would issue a statement as to whether or not they felt they had the authority or did not have the authority to compel adequate passenger service.

I am very hopeful that the ICC will determine it does have such authority. I agree with the gentleman, if the ICC says it does not, then we ought to give it to the ICC.

Mr. ADAMS. Yes. I hope we do that this month, if they indicate they do not have that authority.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, apropos of what the gentleman from Washington says, the ICC was before a subcommittee of the Committee on Appropriations this week with respect to the funding for the ICC for fiscal year 1970.

This matter was brought up. The response from the ICC indicated there would be some decision by the ICC within a matter of a week on this matter.

RAILROAD TRANSPORTATION

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. BURKE of Massachusetts. Mr. Speaker, I should like to commend the gentleman at the microphone (Mr. ADAMS) and to endorse the plea of the Chairman of the Interstate Commerce Commission.

I might also point out, this Nation has been very negligent as far as railroad transportation is concerned. We have expended billions and billions of dollars on the highways and have neglected railroad transportation. In fact, we have jeopardized the security of this country and the entire northeast corridor of this Nation.

I believe the answer lies in this Government taking over the railroad beds of the country, putting them into good modern condition and safe condition, and then leasing these railroad beds back to the railroads and compelling them to operate passenger trains and freight trains.

Mr. ADAMS. I thank the gentleman. I agree with him completely.

FRESHMAN ECONOMICS LESSON NO. 1

(Mr. PODELL asked and was given permission to address the House for 1 minute.)

Mr. PODELL. Mr. Speaker, inflation roars along like a runaway express train, probably something the ICC cannot help.

Joblessness increases along with inflation. The administration implies labor is to blame. A basic lesson in freshman economics is in order because inflation and economics are virgin lands to our administration.

Our largest economic units have most power to affect society. When they act, their employees and the Nation react. Their most recent pricing policies deserve attention.

Start with the utilities. It is rumored most Americans require services of electricity, gas, and telephones. This year, public-spirited utilities have filed a record $1 billion in requests before State regulatory agencies for rate increases. As of June 1, the total was $961,160,505, not including $218 million in increases pending before the Federal Power Commission and the Federal Commerce Commission. We know other increases have been requested. Only eight States have escaped this hail of hikes.

I do not feel such obnoxious demands are wholly motivated by altruism and public service. What is the result? Inflation.

United States Steel just raised prices an average of $8 per ton on certain types of steel pipe. One month ago they led that industry into another round of price increases. Now blame is laid on zinc costs and labor demands. The real reason is lusher profits.

Yesterday Admiral and General Electric raised prices on major appliances. Motorola upped prices on its "Quasar" television sets by $20. Commercial Solvents Corp. and DuPont raised costs on basic chemicals and solvents. Vulcan Materials Co. will follow on chlorine products. Kennecott Copper, industry leader, raised copper prices. Kitchenware and plumbing fixtures, anyone? Carborundum also upped prices. Did their boards of directors do it at gunpoint? What is the result? Inflation. Who is harmed? Consumers. The administration cries "wolf," as America's major industries run amuck like delirious foxes on a chicken farm. Us chickens is gittin' mighty nervous.

Apparently Government wizards require further lectures in freshman economics, and I intend to be on this floor to continue to list industry by name as the true and natural causers of the inflationary spiral.

INVESTIGATION OF SMALL BUSINESS ADMINISTRATION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today I am calling on the chairman of the Government Operations Committee to make a complete investigation of the Small Business Administration.

Further, I am introducing a bill that would prohibit the SBA from making and guaranteeing any loans or grants to any person who is not an American citizen, or to any partnership of the majority of whose partners are not American citizens, or to any corporation whose controlling interests are not held by American citizens.

This agency is not performing as it should. It has lost the confidence of the Nation's small businessmen with its record of making loans of a questionable nature to criminals and as political favors to individuals with little assets.

I would like to point out some significant figures to illustrate. There was an acceleration of loans between the November election and the time the Nixon administration assumed office, and some of these loans had strong implication of political consideration.

The SBA, for example, made 1,095 loans for $51,300,000 in November of 1967, and in November 1968 the volume was 1,206 loans for a total of $55,200,000. Loan volume for the month of December 1967 was 1,132 loans for a total of $51,500,000, and for the corresponding month of 1968 a total of 1,243 loans was made for a dollar volume of $61,300,000.

The agency had a loan volume of 869 for a total of $45,500,000 in January 1968, and for the same month of 1969 the loans totaled 1,215 for a volume of $56,200,000. All of these were regular business loans and did not include disaster loans or SBA's investment program.

Sometime ago it was brought to my attention that a loan had been made to the North American Detergent Corp. of Washington in the amount of $100,000 through the Old Line National Bank and with the SBA guaranteeing 75 percent of the $100,000.

The loan was applied for on December 3, 1968, and was closed on December 10, 1968—less than 7 working days. During the course of my investigation I talked to various people at SBA, and the SBA records reveal that for the year 1967 the company had an operating loss of $60,000 and also lost money in 1968. Records in the file indicate the company's estimate of its own worth was $46,000 at the time the loan was closed.

The North American Detergent Corp. was chartered in 1967, and started with an authorization of 500,000 shares of common stock at a par value of 1 cent per share.

Paul LaFlamme, corporation president, has been associated with the Mafia, and was arrested along with four other men this past Saturday by the Federal Bureau of Investigation in connection with a conspiracy to transport $150,000 of stolen jewelry.

One of his associates, Salvatore Pieri, has been described in Senate crime reports as a trusted underworld member who with other racketeers in the Mafia organization controls narcotics distribution in Buffalo and Cleveland. He is listed in the U.S. Narcotics Bureau reports and in the 1964 summer session report of the Senate Permanent Subcommittee on Investigation's crime hearings. The report says:

> Pieri is an important interstate trafficker and a trusted member of the Stefano Magaddino crime syndicate which control multiple illicit activities in Upstate New York.

The loan to North American Detergent Corp. should not have been made, es-

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pecially to LaFlamme. This man was not a citizen of this country, but came here 2 or 3 years ago from St. Catherine, Canada, having been engaged in the used car business there. His company has been sued in the local courts for nonpayment of obligations. From the above and other published information I think an investigation into SBA is very much in order at this time.

PROGRAM INFORMATION ACT

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the passage of H.R. 338, the Program Information Act, would make certain that the first time a meaningful catalog of all Federal assistance programs would be readily available to potential recipients of Federal aid. This is obviously not the case now. Witness the comment of an administrator from a college on the west coast:

> A comprehensive catalog would be tremendously useful. We would finally have one source document that would allow us to see how the pieces fit together and form a broad picture. At the present time I cannot tell the trees from the forest.

Or the comment of a southern official:

> The Office of Economic Opportunity's catalog is very helpful but limited in content. It is difficult to find specific programs; the catalog is not specific enough about available benefits; and it is not detailed enough in scope. Other federal information services are even more limited.

Because the present information system is inadequate, some of our constituents say it costs them time and money.

From a housing official in the East:

> By the time new or revised legislation is in the hands of the appropriate administrators, thousands of applications have already been submitted with incorrect requirement data. This prolongs any program immeasurably, thereby creating additional administrative costs.

Perhaps the biggest tragedy is that the people in the system is supposed to help must either fight their way through the jungle maze or be left out in the cold:

> Imprecise guidelines or too optimistic releases caused us to spend time on useless preparation of proposals. We know better now, and try to find out on our own what the prospects really are.

A complete, Government-wide catalog, without public relations gimmickry and widely disseminated, would ease the burden on those who turn to the Government for help and find the situation to be absolutely chaotic. Passage of the Program Information Act would make such a catalog possible.

AIR SAFETY AND THE PRIVATE AIRCRAFT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, Tuesday we saw the horror of another air accident caused by the collision in midair of a commercial airliner carrying 82 persons and a private, single-engine Piper Cub with one man aboard making a practice flight. All 83 persons died needlessly in the resulting crash.

This is not the first time that this has happened. Seventy-nine persons died near Hendersonville, N.C., on July 19, 1967, when a commercial jet collided with a private aircraft. In March of 1967 a DC-9 crashed near Urbana, Ohio, after a midair collision. Twenty-five died in the commercial aircraft and one person in the private plane.

It is interesting to note that in 1968 there were three midair collisions involving commercial and private aircraft. Miraculously, none of the large commercial planes crashed, but all of the occupants of the three different private planes were killed. It is amazing that the deaths from these three accidents in 1968 were not higher.

Next week the Ways and Means Committee begins public hearings on proposed airway user charges. At that time I will seek to add provisions to the legislation providing for separate airport facilities and development funds for commercial and general aviation aircraft.

It is time to demand the separation of commercial airports and commercial airlanes from general aviation and private aviation.

It is ridiculous to provide equal status in the use of publicly constructed airports and publicly monitored airlanes to commercial jets and private passenger planes. A considerable hazard and inconvenience to the general air traveling public results when huge jet passenger airplanes wait in line for take-off or remain caught in holding patterns while small general aviation and hobby planes take off and land.

As a constant biweekly air traveler, I was shocked to learn today from Federal authorities that small aircraft like the one which caused the Indianapolis crash frequently do not appear on the radar systems presently used at major airports.

Disaster is built into our airlanes if we continue to intermix commercial jets and general aviation planes in the same airports and airlanes.

INTRODUCTION OF LEGISLATION TO SUSPEND NUCLEAR TESTING IN THE ALEUTIAN ISLANDS

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I am introducing legislation today to provide for a study and evaluation of the relationship between underground nuclear detonations and seismic disturbances, and to suspend all nuclear detonations in the region of the Aleutian Islands until the conclusion of this study.

My legislation is similar to legislation which has already been introduced in the U.S. Senate, providing for a study by nongovernmental experts in this field. My measure, however, goes beyond the Senate legislation by suspending nuclear tests until the study is completed.

There is an urgent need for adoption of this legislation, since nuclear tests in the Aleutians are scheduled as early as next month. Yet eminent scientists have warned that not enough attention has been paid to the possibility of an immense disaster resulting from such tests.

The tests in question are planned by the Atomic Energy Commission on Amchitka Island in the Aleutian chain off Alaska. I understand they were originally scheduled for our atomic test site in Nevada, but because of their magnitude the tests were shifted to this remote and uninhabited island in the far northwest.

I believe that there is a grave possibility an underground nuclear detonation could trigger an earthquake with tremendous loss of human life and property damage resulting. Amchitka Island is in one of the earth's most highly unstable seismic areas. Earthquakes occur there frequently, without the benefit of nuclear blasts, and even the Atomic Energy Commission has acknowledged that its tests could cause ground motion along an existing fault which passes within about 1 mile of the test location. Since Amchitka is at the crux of an earth fault running down the Pacific Coast to California, we should take no chances whatever of starting an earthquake along the San Andreas Fault which could destroy highly populous areas.

If an earthquake is touched off by the Atomic Energy Commission tests, another consequence will be huge tidal waves of tsunamis that could devastate coastal regions of California, Alaska, Hawaii, and other areas of the Pacific Ocean.

The AEC has sought to counter discussion of this possibility by noting that the 1965 earthquake at Rat Island near Amchitka did not cause seismic damage or tsunami damage to any populated areas. I should like to call the attention of the AEC to the 1946 earthquake in the Aleutian Island that launched a tsunami which killed 173 people and damaged $25 million of property in Hawaii alone.

Another Aleutians earthquake, in 1957, sent waves which did $3 million in damage to Oahu and Kauai Islands in Hawaii. Fortunately, because of adequate warning, no lives were lost. In 1964, an earthquake in the Prince William Sound area spawned a tsunami which killed 12 and left 400 families homeless in Crescent City, Calif., 2,000 miles away.

The AEC knows that tsunamis created by earthquakes can be highly directional and can race long distances. There is no way of telling where a particular one may strike, until it is on its way. The 1960 earthquake in Chile produced a tsunami that reached Hilo, Hawaii, at midnight 14 hours and 47 minutes later. This May 23 disaster killed 61 and did $25 million damage in Hawaii and later went as far as Taiwan, the Philippines, New Zealand, and Japan, leaving 138 dead in the latter country alone. It swiped at San Diego and other parts of the Pacific coast of the United States as well.

Clearly the force and capability of destruction of tsunamis make it imperative that men do nothing to create such a force.

My legislation calls for the appointment by the President of a 15-member

National Commission on Nuclear and Seismic Safety comprised of experts from the fields of nuclear physics, geophysics, seismology, hydrology, oceanography, structural engineering, architecture, urban planning, economics, biology, and medicine. No member shall be employed by the Government or engaged in research or consultation for the Government in work related to the functions of the Commission.

The Commission would undertake a comprehensive investigation and study of the implications of underground and other nuclear detonations including but not limited to: earthquakes and other seismic disturbances, both subterranean and submarine; ecological contamination; and damage to existing structures. The Commission would transmit to the President and to the Congress a statement of its conclusions and recommendations, not later than 1 year after its first meeting. During this year, no nuclear testing could be done at Amchitka Island or elsewhere in the Aleutians.

My legislation implements the recommendation of Dr. Kenneth S. Pitzer, president of Stanford University, a former research director for the Atomic Energy Commission, and, until January this year, Chairman of the President's Scientific Advisory Committee. While serving as Chairman, Dr. Pitzer submitted a report to the President on the Amchitka Island tests. Unfortunately, his report has never been released by the White House.

Last April, however, Dr. Pitzer told the American Chemical Society at its meeting in Minneapolis that the Amchitka tests and other scheduled in Nevada should not be conducted until evaluated by nongovernmental experts. He noted that the safety of the blasts had "been examined primarily in closed circles with the effective judgment rendered by officials committed to the test program. This sort of problem should be considered by an impartial judge and jury."

According to Dr. Pitzer:

> The risk that a damaging earthquake might be triggered deserves a much more substantial public hearing, before large tests are held at the new sites in Central Nevada and the Aleutian Islands, which are seismically active areas. Then Congressmen, Governors, and other responsible officials as well as the interested public can form their own judgment, balancing this and any other risks against the need for the tests or the extra costs of moving to a non-seismic location.

I strongly concur in this recommendation and hope Congress will take action on my legislation in time to avert a catastrophe.

CONCERNING THE SELECTION OF REVIEW COMMITTEEMEN BY THE SECRETARY OF AGRICULTURE

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, I wish to take a moment or two to speak about a bill I am introducing today. It concerns what I have learned is an urgent need for a change in the laws concerning the selection of review committeemen by the Secretary of Agriculture.

The existing law, that is section 363 of the 1938 Agricultural Adjustment Act, limits the Secretary to selecting these review committeemen from the "same or nearby counties." Unfortunately, in the past, there have been cases where certain large farm businessmen have been able to apply pressures and influence these committeemen, who were from their nearby communities. An example, of course, would be the famous Billy Sol Estes case.

I want to emphasize that corruption is not the norm, however, the Secretary of Agriculture, Mr. Hardin, has asked that he be able to choose these members on a statewide basis instead, where he would have a better selection and a chance to establish review boards whose decisions would be unencumbered by local influences. My draft bill would amend section 363 and allow the Secretary to select these committeemen from "any county in the State."

The draft bill would also amend section 365 of the Agricultural Adjustment Act of 1938, as amended, to authorize the Secretary to institute proceedings to obtain judicial review of a review committee determination which he believes is contrary to applicable statutes and regulations. Under existing statutes the farmer may institute proceedings to obtain judicial review; however, such authority is not provided for the Secretary. At present there is no way for the Government to pursue its case even when it is obvious that the review committee determination is contrary to law and regulations. Although we forsee relatively few cases where the Secretary would need to request judicial review, we think it important that he have authority to do so.

Enactment of this legislation would not require additional funds and would strengthen the review provisions authorized by the act.

The Bureau of the Budget has no objection to the presentation of this proposed legislation for the standpoint of the administration's program.

SOCIAL SECURITY BENEFITS

The SPEAKER pro tempore (Mr. ECKHARDT). Under previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, there seems to be general agreement that social security benefits need to be increased. The real issue on social security benefits revolves around what sort of increase should be provided and when an increase should become effective.

In our hearts we know the answer to these questions. The increase should be as large as practical and be paid as soon as possible.

One's idea of how large a benefit increase is practical depends to a large degree on the individual's philosophy. We have suggestions which range from President Nixon's 7 percent and former President Johnson's 10 percent all the way up to the AFL–CIO's 50 percent.

The President's proposed 7-percent benefit increase is intended to take into account the rise in the cost of living and seems to be based on the assumption that a bird in the hand is worth two in the bush. An increase of this size would increase the level-cost of the social security program by 0.61 percent of taxable payroll. However, the social security program has an actuarial surplus of 0.53 percent of taxable payroll. Thus, a 7-percent benefit increase would leave an actuarial insufficiency of 0.08 percent of taxable payroll. And, according to the Social Security Administration's Actuary, Robert J. Myers, the allowable margin for error in long-range—75 years—estimates of the type used to evaluate the social security program is about .10 percent of taxable payroll. A 7-percent benefit increase, therefore, can be had at this time with no increase in social security taxes.

I have no reason to believe that the 7-percent benefit increase is the President's total social security program. Rather, I believe that it is no more than a stopgap recommendation and that a fuller program is being developed. We already know that he will suggest increases in the amount that a social security beneficiary can earn while receiving all of his social security benefits.

In his last month in office President Johnson recommended a number of changes in the social security program centering around a 10-percent benefit increase. These proposals, however, were not a solid recommendation for legislative action. Rather, they were an expression of the types of changes he would like to see made in the program.

As for increases such as the 50-percent increase recommended by the AFL–CIO, that is, of course, their long-range goal and not something they expect to have enacted in the near future.

In my own view, a middle course is called for.

A 7-percent benefit increase now would barely keep up with the rising cost of living. The last time Congress considered a social security benefit increase was in December 1967. At that time the Consumer Price Index stood at 118.2. In February 1968, the month for which the last benefit increase was effective, the index was 119.0 and in March 1968, the month in which the last increase was received by the beneficiaries, the index was 119.5. The rise in the index up to April was 6.93 percent above December 1967, 6.21 percent above February 1968, and 5.77 percent above March 1968.

It seems to me that what is needed now is a benefit increase of about 15 percent and automatic cost-of-living increases after that. As a practical matter, we have to admit that by the time the next social security increase shows up in monthly social security checks, the cost-of-living will be approximately 10 percent above what it was when benefits were last increased. Experience with the cost-of-living provisions in the civil service retirement program has shown that we can expect cost-of-living increases of about 4 percent each time—it has actually been

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3.9 percent—and that there is an additional rise of about 1 percent before the increased payments are actually made. 10 percent plus 4 percent plus 1 percent equals 15 percent. Thus, a 15-percent benefit increase coupled with a cost-of-living provision would over the long run do little more than keep benefits up to date with changes in the cost of living.

I think more than a simple 15-percent benefit increase is called for. At the present time, about one half of the retired beneficiaries get benefits which are less than $100 a month. And while I am certain that there are many views as to what a reasonable level of social security benefits is, I hesitate to believe that very many people feel that a benefit of less than $100 a month represents a reasonable retirement benefit. Moreover, I think that the number of people who think that a retirement benefit of $100 a month is reasonable would be significantly reduced after it is pointed out to them that Social Security Administration studies have shown that most retired beneficiaries have little or no income in addition to their social security benefits. I believe that $100 a month would be a reasonable minimum retirement benefit.

Mr. Speaker, these benefit increases which I have described are contained in a bill, H.R. 11606, I have introduced which is pending before the Committee on Ways and Means. I realize this is expensive legislation. Without taking into account the cost-of-living provision, it would require an increase in social security income equal to nearly 1 percent of taxable payroll. Even if the taxable earnings were increased from the present $7,800 a year to $15,000 a year, the employer and employee tax rates would have to be increased by about one-quarter of one percent each. The cost-of-living provision, I believe, could be financed out of the additional income which automatically comes about as wage levels rise. However, at some time in the future there would probably have to be upward adjustments in the taxable earnings base, if the program is to remain on a sound actuarial basis.

In looking at data on social security benefits while I was trying to determine how benefit levels could be improved, I was impressed by the fact that about one-half of the people qualifying for old-age benefits now get their first check before age 65—some as early as age 62, the youngest age at which these benefits can be paid. When benefits begin before age 65, a number of things act together to depress the benefit amount. First, benefits are reduced so that on the average the total benefits paid will not be more than would have been paid had payments started at age 65. And second, in the case of a man, the period between the time he qualifies for benefits and reaches age 65 is used in determining the average way which is the basis for determining his benefit amount. For women, average benefits are based on the period ending with age 62. Moreover, studies have shown that a significant number of people who qualify for benefits at age 62 have not been working for several years—for one reason or another they had lost their regular job and had not been able to get another—thus further depressing their average wages and their benefits.

I think the cure for this situation would be to make full social security benefits available at age 60 and to base the benefit on average earnings computed without regard to the period after age 60. Therefore, I have introduced a bill, H.R. 343, to do just this.

I have also become aware of a somewhat similar problem which exists in the railroad retirement program. Under that program a woman with 30 or more years of railroad service can retire on a full annuity at age 60 while a man with the same amount of service cannot retire on a full annuity until age 65; if he retires before age 65 his annuity is reduced. The unfairness of this situation is obvious, and I have introduced legislation, H.R. 11646, to provide men with the same benefits the present Railroad Retirement Act provides for women.

I am very much aware that these are expensive provisions. They are, however, designed to increase the incomes of our older people who now subsist on meager incomes. The age 60 amendment to the Social Security Act would increase the level cost of that program by 2.2 percent of taxable payroll and the change in the railroad program would increase the cost of that program by about 1 percent of payroll.

Mr. Speaker, I would point out that improvements in the social security and railroad retirement programs are not manna from heaven. Rather, they are benefits which have to be paid for through the contributions of workers and their employers. The changes I have proposed are those which I believe should be made. We can make these changes if we are willing to pay the cost, if employees and their employers are willing to pay the increased taxes required. Altogether the changes I have suggested would require an increase in social security income equal to 3.19 percent of taxable payroll and an increase in railroad retirement income equal to 1 percent of payroll. This would amount to about $9½ billion for the social security program and about $50 million a year for the railroad program.

I realize that these are large amounts of money. At anytime they would be large amounts, but in the present fiscal situation they are very large. However, it is the cost we must pay if we are to have these changes. I hope that when the appropriate committees next consider social security legislation and railroad retirement legislation they will give full consideration to the changes I have suggested.

VIETNAM—ONE STEP FORWARD, TWO STEPS BACK

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the President's June announcement of the withdrawal of 25,000 U.S. troops from Vietnam, coupled with his publicly avowed hope of exceeding the troop withdrawal schedule proposed by former Secretary of Defense Clark Clifford, was a step forward and out of the Vietnam impasse. To be sure, it was a very modest step. It was preceded by 6 months of hesitation, during which many of us wondered if the loud clear message of American voters in November, 1968, had fallen on deaf ears, and feared that the administration would let the limited time for new initiatives slip by without action.

Once committed to the logic and necessity of troop withdrawal, however, it seemed reasonable to assume that the administration would follow one good step with others. Instead the June announcement has stood alone as the steps back have multiplied.

We have been treated to Department of State judgments that the movement of supplies and men from North Vietnam has significantly dropped in scale, closely followed by statements to the contrary from the Pentagon. We have learned of a discernible lull in enemy-initiated action in South Vietnam, but of no discernible response by our forces. We have heard the all too familiar reports from the field: "the enemy is hurting"; "pacification is moving forward"; "we shouldn't let up the pressure now." We have witnessed politics as usual in the Saigon government. And we have waited in vain for an announcement that U.S. troop withdrawals will continue and increase in size.

Mr. Speaker, one small initiative, if not followed closely by others, is no initiative at all.

After 8 years and over 36,000 American men killed, the American people have more than proved their staying power. It is time for the government of South Vietnam to prove its staying power.

President Nixon has a great opportunity during the top-level review of Vietnam policy scheduled for this weekend. I hope that the first business of that meeting will be a decision to resume troop withdrawals—and on a scale that will make crystal clear this administration's determination to end the war to Hanoi, to Saigon, and, above all, to the American people.

PRISONERS OF WAR

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, of all the tragedies visited upon our people by the war in Vietnam, possibly the deepest of all hurts and the heaviest of all burdens are borne by the families of soldiers and airmen held as prisoners by the government of North Vietnam.

The families of these men have no way of knowing whether they are alive and well, how they are treated, or even how to learn whether a missing man may be prisoner. Men have simply vanished; some are dead, some are wounded and imprisoned, and still others are well and imprisoned. But few families have any way of knowing what lies beyond the void phrase of "missing in action."

Our Government has no way to account for these missing men; we know only that they are missing. Our Government has no way of knowing how they are treated. There is no international inspection of prisoner camps, no mail, no outside packages of food or clothing. It seems pointless and cruel that prisoners should be held incommunicado, toward what end one can only imagine.

It is the responsibility of our Government to urge every effort by international agencies, and to seek every means by negotiation, to learn the status of men missing and presumed to be prisoners. Our Government must redouble its efforts to see that these men receive adequate care and treatment. And we must do all that we can to secure their release.

I join my colleagues today in urging the administration to take every possible step to obtain news of American servicemen who are held prisoner, to assure their well-being and early release. I join my colleagues in urging the Government of North Vietnam to observe the requirements of the Geneva Convention. I pray that our Nation, international organizations and the citizens of the world will join in seeking humanitarian treatment for these men.

INHUMANE TREATMENT OF AMERICAN PRISONERS OF WAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Tennessee (Mr. Fulton) is recognized for 20 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, my good friend and colleague, the gentleman from Tennessee, Representative Ray Blanton, has been deeply concerned, as all of us have, over the statements made by two American servicemen recently released by the North Vitenamese. These men have told of the inhumane treatment they and other American prisoners of war are receiving in Communist prison camps.

Representative Blanton has recently undergone surgery, and although he had hoped to be here today, his physicians advised against it.

In his behalf I include Representative Blanton's comments in the Record:

Statement by Mr. Blanton

Today I have introduced for myself and 98 colleagues, a concurrent resolution formally condemning the government of North Vietnam and their Communist allies in South Vietnam, for the cruel and inhumane treatment of American servicemen who by some misfortune find themselves at the mercy of their captors.

The sponsors of this resolution represent nearly every state in the Union, and varying political persuasions. We are not concerned here with any policy declaration about the United State's participation in the War in Vietnam. Our purpose in sponsoring a resolution of this nature is to clearly express the Sense of Congress that we are sincerely concerned with the plight of several hundred young men who we have good reason to believe are suffering barbaric and uncivilized treatment at the hands of their Communist captors in prisoner of war camps in both North and South Vietnam.

Our goal is to create enough outrage and indignation by the American public to be heard all the way to Hanoi. We know that North Vietnam and the Communist troops fighting in South Vietnam listen, and are heavily influenced, by American and world opinion. We know that if enough clamor is raised, enough pressure will be put on the North Vietnamese and their allies to at least provide elementary and basic care for the prisoners they have interned.

We are fully cognizant of the rejection by the delegation of Hanoi and her allies at Paris of a letter signed by 42 American Senators, deploring the treatment of POWs. We feel that a formal declaration by the Congress of the United States will be an effective way to convey the concern our countrymen feel over the treatment afforded captured members of the American Armed Services.

In 1949, the Geneva Convention set forth some very basic humane rules which signers of the accord would abide by in the event they held prisoners of war. These concepts represent the very minimum of what so-called "civilized" societies were expected to do. North Vietnam signed this accord in June of 1957, and therefore she pledged her word to abide by its provisions.

The four minimum provisions for treatment of captives are as follows: identification of the prisoners they hold, (2) impartial inspection of prison facilities should be periodically allowed, (3) seriously ill or injured prisoners should be immediately released, and (4) the free exchange of mail between families and prisoners should be permitted.

I have been assured by the Department of Defense that the United States abide by these fundamental tenets of humane treatment. But we have learned from the few prisoners Hanoi has released, and from intelligence reports, that American prisoners of war, held in formal POW prisons in the North, and mobile prisons in the South by their allies, are not afforded such treatment. In fact, the American POWs have been subjected to barbaric abuse which mirrors the savagery of ancient days.

North Vietnam holds at least 340 prisoners of war, and possibly as many as 1200. We are not sure of the exact number, because they have not had the humanity to release the names of the prisoners they hold. They have made a few token releases for obvious propaganda reasons, however some families have had servicemen listed as missing or captured for as many as five years. These families do not know whether their sons, husbands or fathers are alive or dead. The cruelty of the Communist treatment to the POWs themselves thus extends to thousands of relatives and friends of those servicemen here in the United States.

Of the few prisoners released to date, they have told of harrowing stories about their captivity. We know the POWs are subjected to physical torture, psychological terror, public display, insufficient medical care and treatment, neglect of health, dietary and sanitary necessities, prohibition of correspondence with families, and forced compliance with propaganda and political exploitation.

What can these people accomplish by such treatment of helpless individuals at their mercy? They can break their will and spirit—all humans have a breaking point. But the condemnation of history and of decency will forever be their legacy. Likewise, the road to any meaningful peace will forever be impeded until such treatment stops, for the American people will not long tolerate such depravity against her sons.

The Congress of the United States, under whose authority millions of young Americans are conscripted for military service, has an obligation to speak out and make its position clear. We have a moral obligation and a legal duty to the families of these American prisoners of war to the men themselves, and to their comrades on the battlefield now and in the future, to deplore the criminal, uncivilized actions of the government of North Vietnam for its inhumane treatment of our servicemen.

I am proud to introduce this resolution on behalf of the many concerned colleagues who feel we must honor our obligation to speak out on this serious and grave matter. I will insert the list of sponsors following this statement.

I would also like to suggest to my colleagues that they take full advantage of the special order my colleague from Alabama, Congressman Dickinson, has arranged for next Wednesday, A full airing of the POW situation will be made at that time, and I understand members of the families of many of our POWs will be on hand. I commend Mr. Dickinson for this interest.

POW Resolution Sponsors

Abernethy, Thomas G. (Miss.).
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Murphy, John M. (N.Y.).
Myers, John T. (Ind.).
Obey, David R. (Wis.).
Olsen, Arnold (Mont.).
O'Neal, Maston (Ga.).
O'Neill, Thomas P., Jr. (Mass.).

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Ottinger, Richard L. (N.Y.).
Pelly, Thomas M. (Wash.).
Pepper, Claude (Fla.).
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Podell, Bertram L. (N.Y.).
Pollock, Howard W. (Alaska).
Preyer, Richardson (N.C.).
Pryor, David (Ark.).
Rarick, John R. (La.).
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Schwengel, Fred (Iowa).
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Williams, Lawrence G. (Pa.).
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Wydler, John W. (N.Y.).
Wyman, Louis C. (N.H.).
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COMMUNIST MISTREATMENT OF AMERICAN PRISONERS

Mr. Speaker, it is a privilege to have the opportunity to join with Mr. BLANTON and others in cosponsoring the concurrent resolution condemning the Government of North Vietnam and their Communist allies in South Vietnam for the cruel and inhumane treatment of captive American servicemen.

My concern is, of course, for these men now captive and their families as well as future American men who will become their prisoners.

The Communists have time and again in Vietnam as elsewhere demonstrated they have little regard and concern for human life and no comprehension of the concept of humane treatment.

We have all heard, of course, from the two recently released American prisoners how Hanoi actually treats our captive servicemen. These revelations were shocking.

However, I feel that at least one aspect of Hanoi's cruelty to these Americans and their families has not been fully disclosed. It has to do with the scores of Americans, particularly flyers, who are missing over North Vietnam and considered by the Defense Department to, in all probability, be captives.

A case in point involves a Navy flyer from my district, Metropolitan Nashville-Davidson County, Tenn.

He is Cmdr. William Porter Lawrence of the U.S. Navy. Commander Lawrence was shot down near Nam Dinh, North Vietnam, on June 28, 1967, and no word of or from him has been received since.

It is hoped that Commander Lawrence parachuted to safety and is now a captive. His radarman has been reported as having been seen by another prisoner and his parachute was seen opening as his aircraft went down. The Navy also has stated that his homing-rescue device was active and transmitting signals. He is considered by the Navy to have been captured but there is no substantiating evidence of this.

Mr. Speaker, this is mental cruelty and torture of the most perverse type. Billy Lawrence's family have for more than 2 years lived with only hope and prayer that their son may be alive.

Every conceivable effort has been made to secure information on the whereabouts and condition of Commander Lawrence through neutral nations and indirectly through the North Vietnamese Government but to no avail.

What is to be gained Hanoi by this type of conduct—cold, calculated cruelty? There is little we can do by way of overt action to change this policy in North Vietnam. However, if it is true that Hanoi is responsive to American public opinion then our words here today, hopefully, will initiate a wave of national indignation which will be heard by the North Vietnamese. For us it is just about all that we can presently do, but if public opinion is our only weapon then let us employ it with the maximum of efficiency.

ISRAEL'S RIGHT TO DEFEND ITSELF

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, the 21st summer of the Arab war against Israel has seen an alarming number of unpunished—and therefore undaunted—aggressions from the many quarters of the Arab world. These include—and the list is by no means exhaustive—constant heavy Egyptian artillery barrages and commando raids across the Suez Canal; innumerable attacks launched from Jordan and Lebanon against Israel positions and settlements; the shelling of a Dead Sea beach resort area by Iraqi troops stationed in Jordan, killing a 26-year-old American girl—the first tourist death since the June war; the blowing up by terrorists of a pipeline in Haifa and Aramco's tapline in the Golan Heights; the terrorist explosion of a car on a street corner in Tel Aviv; the terrorist hijacking 2 weeks ago of a TWA plane to Syria, which is still holding two Israel civilian passengers captive; and terrorist attacks on Israel and Jewish establishments in London, Bonn, Brussels, and The Hague.

As if to assure the world of their aggressive madness, Arab government leaders have called for a Moslem holy war and Arab terrorist leaders have vowed a no-holds-barred war against Jews everywhere, including the United States.

Throughout this long hot summer of Arab aggressions—cease-fire violations—the United Nations Security Council and Secretary General U Thant have looked the other way, insisting that Israel do the same and condemning her when she does not.

But unlike the United Nations, Israel cannot afford to ignore the fact that Israel soldiers and civilians are picked off and murdered daily by Arab regular and "irregular" forces. And while she surely appreciates the tongue clucking by Western powers occasioned by some particularly outrageous Arab atrocity, she can hardly rely on that as a means of defense.

In keeping with the time-honored adage that those who play with matches get burned, Israel has finally struck back hard at Nasser's Egypt. Once more, as James Reston observed after the June war, Israel has "had the courage of our convictions."

I am, therefore, both shocked and puzzled by the invectives which have been hurled against Israel this week, branding her counteraction against Egypt as "aggression" and calling upon our Government to cut off arms to Israel.

Israel's strength alone keeps the Middle East from exploding into a new war. That the Arabs would launch a full-scale invasion to destroy Israel and massacre her people if there were any chance of success is readily admitted—no, promised—every day by Arab leaders, Arab terrorists, and the Arab press.

Democratic countries who are both willing and able to stand up for themselves are few and far between in this world, and it is in America's highest interest to support them. Surely we can recognize that rarity, a stable democratic state capable of its own self-defense, when we see it.

Israel has never asked that American troops be sent to her defense, but only that she be permitted to buy from us the military equipment she needs to insure her survival. To deny Israel the means for her self-defense is, by definition, to condemn her and her people to death.

CONGRESS DELAYS WHILE THE STUDENT LOAN PROGRAM COLLAPSES

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, hundreds of thousands of students on the Nation's campuses depend upon student loans at moderate interest rates in order to obtain higher educations. This year, while Congress squats on dead center, several hundred thousand of these young people, whose only crime is that they attend colleges and universities, anxiously and with increasing despair watch time run out on their chances to obtain these loans. More than 200,000 of them will be unable to attend classes if they do not receive them.

In 1965, the Federal Government began guaranteeing student loans and paying the 6 percent interest on them until these students completed their educations. In 1968, Congress raised the ceiling on Government interest payments to banks from 6 to 7 percent. Since then, however, banks have been able to raise the prime interest rate to 8½ percent. Such usurious interest rates make it far more profitable for them to invest in enterprises other than higher educations of America's young people. Therefore, they are refusing to make these loans with available funds.

Banks insist supplemental interest payments are essential. They demand their pound of flesh or no capital for education. Sheepskins be damned, is their motto. The hide of the average small borrower is more lucrative to them.

Even the sweat of overworked parents cannot come up with enough in the way of interest to make them loosen pursestrings. Therefore, a program is now in jeopardy which loaned college money to 750,000 young Americans last year.

A guarantee of more interest from the Congress to banks is therefore called for, and I believe the House must move in this direction. The Senate has already taken affirmative action. The scope of this looming disaster is readily apparent when we realize that 750,000 students who borrowed last year under the guaranteed loan program accounted for $670 million. Loans under the three other major Government loan programs to students came to only $625 million. These latter programs have been cut or held even this year, making action on our part even more imperative.

In addition, we must realize that on almost every campus across the Nation, tuition and other educational fees and costs have risen once again. Students and their families are caught in an impossible bind. Right now the measure which would allow Government to offer a guarantee to banks of an increased interest rate is stalled in a procedural tangle which exposes the worst elements of Congress to the light of day. How can we sit here passively while perhaps a quarter of a million young people helplessly see their eductions placed in jeopardy? How can we daily pay lip service to all the American ideals if we are able to turn around and perpetrate such an act against these youngsters, who are not guilty of a thing save a desire for an education?

There is talk of an antirioting amendment. I say this is nonsense, and most of the Members of this House are in perfect agreement. The vast majority of students on our campuses, and there are going to be 7 million this year, are the finest group of young people this Nation or any other country has ever assembled and produced. They are the hope of our land, and few are guilty of the multitude of sins the ignorant and demagogic among us are fond of accusing them of. On specious grounds of rabble-rousing slogans, we are prepared to deliver a body blow to the hopes of so many. Scandal and national shame are not strong enough to describe this state of affairs.

A time has come for this Congress to reaffirm its hope in the future of this Nation, rather than damn the ills of our past and search for doom in the present. It is time we showed a smidgin of faith in our own ideals and the young people who reflect them, rather than damning them as hoodlums, drug addicts, and professional dissenters. They merely mirror the rest of our society.

PRESIDENTIAL ACTION CAN SOLVE THE HOUSING SHORTAGE

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, recent newspaper accounts of the confrontation between those employed and those seeking employment in the building trades in Pittsburgh relate a situation which could develop in every city in the Nation. This situation need not exist.

The Congress last year enacted a Housing and Urban Development Act setting forth housing goals for the next 10 years, which if implemented and put into effect by the administration would resolve the dilemma. In fact, a labor shortage could develop in the building trades.

The present situation is a direct result of Presidential determination. The President can act to resolve the problem in Pittsburgh and elsewhere, and at the same time move the programs forward to provide decent, safe, and sanitary housing for all the people of our Nation.

An acute analysis was presented by Michael Harrington in the Washington Evening Star of September 9, 1969, which I include for my colleagues to read:

BLACKS, UNIONS ROW CAN BE SOLVED

There is a simple way to resolve the bitter conflict between blacks and building tradesmen in Pittsburgh. But since it is also expensive the government will almost certainly not act and both the Negroes and the union men will both lose no matter which side seems to win.

The basic problem is that decent work is scarce. The blacks rightly want to break out of the menial, janitorial occupations to which this society assigns them; and those whites who are already employed understandably want to protect their jobs. Under such circumstances there has to be a destructive collision.

But if there were a sudden increase in the demand for construction workers all that would change. The white labor force would be secure and there would be a need for new men, many of them black. And once the fundamental economic quarrel over jobs was settled there would still be personal prejudices between the old antagonists, but the desperate urgency of the current confrontations would be gone.

Such a solution has already been proposed by a Presidential Commission and then, as usual, been filed and forgotten. Less than one year ago Sen. Paul Douglas' National Commission on Urban Problems told the White House and the nation that if the goals of the Housing Act of 1968 were actually put into effect, there would be a labor shortage in the building trades. If that happened then the same economic logic which recently caused auto makers to hire ghetto dwellers would begin to operate: it would be profitable to compete for the talent of the poor, both black and white.

The innocent observer might think that just because a blue-ribbon panel shows that we can get more housing and less racism in one stroke, the society will act. But that, as anyone who has followed the generation of broken promises in this area knows, is not the case. It would take federal money and imagination, and Richard Nixon is stingy with both.

Pat Moynihan's announcement that there would be hardly any new funds for social spending right after the end of the Vietnam war—assuming that the President stops equivocating and ends that tragedy—was a statement of political choice, not economic necessity.

If you assume the administration's particular, and wrong-headed, priorities—like allocating billions to ABM and MIRV—there won't be enough cash around. But if, as Pat Moynihan himself brilliantly pointed out in his last book, the arms race were deescalated and social values became primary, the supply of Federal dollars would grow faster than the demand for them.

So Nixon is not bowing to the economic fates but making his own choice. It is for that reason that there won't be money for housing, or for many other things, and that the war in Pittsburgh between the ex-poor of the Thirties and the now-poor of the Sixties will go on. And the sad fact of the matter is that, under current conditions, neither side can win.

There are union men who have already cheered George Wallace in Pittsburgh and there are blacks who are convinced by these events that labor is indeed racist. In short, two of the key forces in any potential progressive coalition are turning against one another.

Even if the Negroes would win a few jobs, they would lose the political possibility of getting an administration which would open up decent work for all the poor. And even if the whites repulse the blacks, they will be helping forces, like the people behind Wallace, who are the enemies of union security. The overwhelming majority of American trade unionists understood this point when they voted for Humphrey, not Wallace or Nixon, in 1968.

But there is one alternative to the impasse in Pittsburgh which just might work. The nation is filled with people deploring the conflict. Let the union agree that new jobs will be filled without discrimination and with special concern for the poor, of whatever race. Let the blacks understand that the crucial problem is to create new openings and not to displace, and embitter, the employed. And then let them join and call the American bluff. Let them demand that Richard Nixon and George Romney redeem the 1968 pledges about housing and open up new jobs in Pittsburgh in the process.

Farfetched? But the building tradesmen, and particularly the Carpenters, are now accepting the idea of mass produced housing; and as long ago as the great March to Washington of 1963 black America understood that freedom could only come with new jobs. And more to the point, if this society continues to default on its promises, if black and whites fight one another rather than uniting to get work for all, those clashes in Pittsburgh are going to be repeated in every city in the nation.

ASSISTANT SECRETARY PALMBY SPEAKS OUT ON AGRICULTURAL TRADE

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, Assistant Secretary of Agriculture Clarence Palmby has diligently worked and traveled to promote U.S. agricultural exports. His efforts to overcome problems inherited from past years have been appreciated by farmers and by grainmen across the Nation.

His public statements on the difficulties the Nation is experiencing with the International Grains Arrangement have been honest and forthright.

Mr. Speaker, one of the best statements Mr. Palmby has made on the difficult problems of trade was before the September 3 meeting of the Illinois Grain Corp. In that statement, Secretary Palmby outlined some of the steps taken by the administration to keep U.S. products competitive and increase future exports.

There is no more crucial area of trade policy than agricultural trade. Our agricultural plant is the most efficient in the world. Diplomacy and hard-headed busi-

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ness tactics must be combined to promote the future prosperity of U.S. agriculture through productive export policies.

Because of the clarity and obvious good sense of the Assistant Secretary's remarks in Illinois, and because a healthy commodity trade helps our entire economy, I insert his statement in the RECORD at this point:

Your Agricultural Exports

(Remarks by Assistant Secretary of Agriculture Clarence D. Palmby)

I am pleased to be with you this evening—to share views with a group so important to the agriculture of this great farming State. My thanks to Barney Adomeit for his invitation—and to all of you for your kindness and hospitality.

Barney is a long-time friend. I don't have to tell you what he has been able to achieve with the Illinois Grain Corporation, in the very few years he has been your General Manager. But I might add that he is highly appreciated throughout the cooperative field—and thoughout agriculture in America.

I want to talk with you about some of the problems that we have before us in world trade. Barney points out to me that Illinois is not only the number one agricultural exporter, but also the leading exporter of manufactured products among the 50 States. Illinois is truly a part of the world community.

The strengthening of American agriculture—through market development here and throughout the world—is a major goal of the Administration. It is one that engages a large measure of my time and energy. It is one that each of you shares in, as a marketer of grain and soybeans.

Our farm exports have fallen off some in each of the past two years—declining more than a billion dollars from the record level of $6.8 billion in 1966–67. The dock strike was, of course, a major contributor—one we'll never fully be able to measure although estimates exceed $200 million of direct loss to farm exports.

I am deeply concerned about the need to strengthen our exports of corn and other feed grains—to resume market growth in these commodities. Prospects are not too bright, and there are a number of reasons for this—none of them easy to resolve.

The current level of world exports of feed grains, including products, is perhaps slightly below the level of the past five years. Utilization is increasing in the traditional importing areas, especially in Europe and Japan, as livestock and poultry industries expand. In Europe, however, grain production for feeding purposes has also increased—even faster than use. The result is a decline in import requirements in recent years.

At the same time, there has been an increase in imports of other—non-grain—ingredients.

The U.S. share of world feed grain trade has actually declined. In recent years, the U.S. had held half of the world feed grain export market. Our share declined in 1968–69 with exports at a level of only 18.2 million short tons—out of total world exports of 44 million tons.

This decline came in the face of stiffening competition from other countries.

While it is too early for reliable estimates of U.S. feed grain exports in the coming year, there are signs of some improvement. South Africa is out of the export market until next April, and Argentina reportedly has already committed its current export availability of corn.

Even so, it will be extremely difficult for the U.S. to supply half of the world total movement this new marketing year.

The export picture would be brighter, were it not for the tremendous oversupply of wheat in the world. The problem with wheat is so great that it overflows into the markets for other grains and feedstuffs throughout the world.

Carryover stocks of wheat in the five principal exporting nations will total around 2 billion bushels at the end of the 1968–69 marketing year—an increase of some 620 million bushels from last season. This is the third straight year that world stocks have increased. Most exporting and some traditionally importing countries have contributed to the increase.

The oversupply of wheat in the world is creating plenty of problems in the international wheat trade. There has been price cutting by all exporters. We have had to make adjustments in our own pricing under the International Grains Arrangement.

The U.S. carryover on July 1 was 811 million bushels—up from the 539 million bushels of a year earlier.

The Canadian carryover is estimated at 830 million bushels, a record high and more than 400 million bushels over the level of 3 years ago.

The French carryover is estimated only slightly up from a year ago. However, France has shipped most of her surplus wheat to West Germany and other countries in the European Economic Community, which will show an increase in carryover of at least 40 million bushels.

The Argentine carryover will be down from the level of a year ago. But the Australian carryover, at 250 million bushels, will be three times the previous high of two years ago and five times what it was last year.

So there is a great deal of wheat in the world. There is also the disruption of traditional wheat and feed grain markets by Nations eager to move wheat at cut-rate prices. We have seen sales of French wheat to Taiwan at prices at or below the levels at which we could deliver feed grains at free market prices prevailing in the United States. We have seen sales of Soviet wheat attractively priced to the United Kingdom—sales that were disruptive of normal trade patterns.

For several years, feed use of wheat overseas has been rising. In Europe, where locally produced wheat consists predominantly of low-quality kinds, the volume has varied considerably according to the quality of each season's crop. But generally, about a fourth of the wheat crop has been fed to livestock, and this has supplied about a tenth of all grain fed.

Recently, however, we have seen the emergence of sizeable soft wheat surpluses, and an increasing use of subsidies and price manipulations to force this surplus wheat into feed use. The EEC, Spain, and the United Kingdom have all shown appreciable increases in feed use of wheat.

This past year, Europe fed a record volume of wheat—probably close to 14 or 15 million tons. The U.K. and the EEC alone are believed to have shown a 2 million ton increase last year, and there may be a further increase this year. The EEC, using import levy revenues, is doling out around 50 cents a bushel to subsidize greater feed-use of wheat. This has, of course, cut sharply into traditional EEC feed grain imports.

Elsewhere, feed use of wheat is not great, but an increase is certainly possible. Recent declines in world wheat prices have caused feed manufacturers in some countries to ask whether it is not cheaper to import wheat rather than corn or sorghum for feed. This is already being tried in Taiwan.

Those are some of the realities that we are up against in promoting the export of U.S. feed grains. All is not black, of course. As we look toward the future, there is every reason to look for a general growth in agricultural trade, provided the world can get its trade policies on some kind of rational basis. Like other world problems, this one won't be easy to solve. Nevertheless, it is difficult not to find encouragement in the general growth in economies that is taking place around the world.

Most West European countries are experiencing substantial growth. Japan had a real per capita growth in 1967–68 of 12½ percent. The lesser developed countries are expanding their economies at an average of about 3 percent.

I have been quite interested in the growth that is taking place in Japan. Korea and Taiwan. We believe that, each year in the foreseeable future, the use of grain for feed in those three countries will go up by one million tons. This will continue to be an opportunity for U.S. grain and soybean producers as those countries expand their livestock and poultry industries.

The extent that we actually share in that market growth may be complicated by grain production and use patterns in Europe, and in other countries where prices are highly protected. The pattern under the EEC's Common Agricultural Policy has been to support internal prices at levels considerably above world prices, thus discouraging utilization, encouraging high-cost production; then export under a high subsidy at prices that undercut the world market.

This kind of pricing is unrelated to prices in other trading countries. It is highly disruptive to the world market.

At this point, I might say a few words about the International Grains Arrangement—the world-wide understanding governing wheat exports. The IGA is a three-year treaty and runs through June 1971. The U.S. is a signatory.

Our frustration in administering the provisions of the IGA goes back to the wheat and grain situation prevailing in the world from 1965 to 1967. The Grains Arrangement came into being at a time when world wheat supplies had been low the preceding two years—thanks in large degree to U.S. production restraints.

By the middle of 1968. when the treaty went into effect, the supply situation had changed and prices were already below the IGA minimums. So there was little or no flexibility from the beginning.

To make things worse, the fact that most prices were built around the Gulf of Mexico as a basing point has forced the U.S. into a rigid pricing position. U S. representatives were placed in a fixed posture relative to other exporters. Prices to other exporters are based on transportation differentials which are widely variable and subject to abuse.

For another thing, the Arrangement set a fixed schedule of minimum prices for 14 major wheats, which has resulted in a rigidity in pricing. This has worked against the United States because our country supplies several classes and finds itself with little or no flexibility to adjust prices between these wheats.

We have made selective adjustments in export prices of certain U.S. wheats to restore them to reasonably competitive levels in the world markets. Announcement of this was made just last week. This was a very restrained action, taken in an effort to bring stability to world wheat markets.

Stability in world wheat markets would be to the advantage of all U.S. grain producers—feed grain as well as wheat. We had come to the point where hardly any wheat in the world was moving at agreed-upon price levels, and this was damaging to our markets for all classes of grain.

Our effort to stabilize world grain markets does not change the fact that there is a large volume of wheat in the world in excess of demand. It does not change the protectionist tendencies being fostered by the European Economic Community. But it does reflect a consistent, patient, reasoned effort on the part of your Government to liberalize and rationalize the world trade in farm commodities.

It is also important that our own commodity programs be operated in terms of the real world—and in such a way as to permit our products to compete. All of our efforts to develop markets and to maintain access to those markets will be wasted unless our commodities are competitive in quality, availability, and price. Our experience with soybeans is a case in point.

Soybeans have been a growth factor in American agriculture, particularly during the past 15 to 20 years. Here in Illinois, the harvested acreage of soybeans has increased in 15 years from around 4 million acres to around 6½ million acres.

Historically, Federal policies have been such as to support and encourage this growth. Since 1966 however—when the price support was raised to $2.50 a bushel—it is quite apparent that soybeans and soybean products have lost markets and potential markets to competitive products.

We have lost markets here at home—particularly to synthetic urea and imported fishmeal.

We have lost markets abroad.

The rate of growth in soybean and soybean meal exports definitely slowed down after the 1966 price support decision. In the case of oil, the picture has been even more discouraging. By 1967, soybean oil exports, as oil, began to decline—a decline which continued through the past marketing year ending August 31.

With this background, we had to make a decision this year whether to continue unrealistic and destructive pricing—or to resume a price relationship that would permit growth. You know what that decision was. The determining factor was the longer-term welfare of soybean farmers.

The present policy is one of producing for use—rather than a non-use policy that simply stores problems for the future.

Only 87 percent of the 1968 crop of soybeans has been utilized during the 12-month period just ended. We expect over 97 percent of the 1969 crop to be utilized during the marketing year now beginning. If we assume no change in price support next year, over 100 percent of the 1970 crop should disappear in the subsequent 12-month period. The soybean experience illustrates how, through unwise price fixing, future income may be placed in producers' hands long before the product is used—thereby mortgaging what should be tomorrow's income.

Having made our decision to be competitive in 1969–70, our major export markets are already responding with some improvement.

In Europe, our 1969 crop soybeans and soybean meal are now being sold at prices that are quite competitive with other proteins and oil seeds. Even our soybean oil, which moves to Europe "packaged" in the form of beans, appears to be meeting improved demand, although we are not optimistic about our commercial soybean oil exports in general.

In Japan, essentially a market only for soybeans, our reduced 1969 support price will further stimulate utilization.

Secretary Hardin has formally requested that the Japanese remove their import levy of 33 cents a bushel on soybeans. During the Kennedy Round negotiations under the General Agreement on Tariffs and Trade, the Japanese obligated themselves to remove one-half of this levy by the end of 1971. At the recent Ministerial level meeting with Japan, the Secretary asked that this action be speeded up and that the entire levy be removed—not just 50 percent of it.

We feel that this request is eminently reasonable because of the wide gap that now exists in the trade balance between the two countries. Japan is selling to the U.S. about $100 million in goods *per month* more than we are selling to Japan. This is a discrepancy amounting to well over a billion dollars on an annual basis, and we would like to fill as much of that gap as possible with U.S. farm products.

By removing the 33 cent import levy, Japan would effectively reduce the price of U.S. soybeans to Japanese users. Japan is, of course, our biggest market for soybeans, and we would like very much to see the maximum advantage of our lower price support passed on to the user in Japan. This will tend to discourage the present development of amino acids for feeding, produced synthetically from petroleum products. Price is definitely a factor in this development.

Japan is a country where the livestock and poultry industries have expanded. Still, Japan's per capita meat and poultry consumption remains below 25 pounds a year—which is near the average for East Asia but far below Western Europe and the United States. The average American consumed 228 pounds of meat and poultry last year.

In the long-term future, exports of feed grains—and to a considerable extent soybeans—will be determined by the rate at which we can be instrumental in expanding livestock and poultry production in other countries. If we are reasonably optimistic about the improvement of living standards in the world, this has to represent opportunity.

For example, if Japan's per capita meat consumption were raised just to the 31 pounds now prevailing in Taiwan, this would require an additional 1.1 million tons of meat. In Indonesia, this would translate to 3.3 million tons of additional feed.

It may seem excessively hopeful to talk about increasing meat consumption in India. But to raise India just to the Indonesian level of 12.5 pounds of meat per person would require 3.9 million tons of additional feed grains. The Indians now consume only 3 pounds of meat per capita.

When you compare the more developed countries, the differences are even more striking.

To raise Italy to the present average of 128 pounds in the EEC would require an additional 7.3 million tons of feed. And to increase meat consumption in Spain just to Italy's present level of 68 pounds would require 2.1 million tons of grain.

So it is apparent that a world of rising economies and rising expectations offers at least the long-run potential for a large expansion in the use of feed grains and meals. New varieties and modern technology have shown the way toward increased wheat and rice production in the world. More attention must now be paid to developing the capital and providing the technical know-how to aid the development of modern efficient livestock and poultry economies.

If we are to share fully in such an expanding market for grains and other feeding components in the world, we must continue to work hard at maintaining our lead in production and marketing efficiency. We have the finest agricultural plant in the world; we must be sure that we follow policies allowing the maximum application of improved technology. I have great faith in the world's continuing recognition of the advantages inherent in passing on (to a forever increasing number of people) access to goods produced for the least cost.

I might say here that those of us who are so vitally concerned with export markets have emphasized price to the point where many farmers may find it disheartening. Certainly, I sympathize with this concern, particularly in a time when grain prices are under great pressure.

But if we expect to be in the export market—and we must—then we have to be interested in long-time policies that do not unduly encourage production for export in other countries—either exporting countries or potential exporters.

There are areas like South Africa, which is in and out of the world corn market as conditions warrant. There are areas in Australia, where unrealistic prices on our part may encourage undue application of capital. Australia might conceivably become a serious threat to our market for feed grains in Japan.

In summary—I have mixed feelings about America's present and future role in the world's feed-livestock economy.

There is a great amount of wheat in the world—an increasing amount of it going into feed.

There is a disappointing growth in protectionism—particularly in the European Economic Community.

Domestic policies in some countries favor uneconomic growth in grain production.

Farm exports, generally, are $1.1 billion dollars below what they were two years ago.

U.S. feed grain exports the past marketing year were down about a fourth from 1967–68.

Yet there is the prospect of long-term growth in world feed requirements. The United States, with its magnificent capacity to produce feed grains and other feedstuffs efficiently, should expect to share in this growth.

In order to do so, we must promote sales aggressively. We must use wisdom in developing and administering our own domestic farm programs. And we must work untiringly to bring about increased liberalization of trade policies in the world.

The Administration is committed to these goals. We are committed to policies that will help producers and the trade to maximize the use of American farm products, here and abroad. We look to the future—not with unbridled optimism—but with real determination to strengthen the position of American agriculture in the world economy.

EVERETT McKINLEY DIRKSEN

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, thousands of words of tribute and respect have been uttered and written following the untimely passing of that great American, Everett McKinley Dirksen.

I am honored to join my colleagues in giving deserved recognition to this outstanding leader of his Nation and his party.

The Columbus, Ohio, Dispatch, published a fitting editorial on September 9, 1969, which is reprinted as follows:

FUNDAMENTALLY A PATRIOT

Senator Everett McKinley Dirksen had the will and determination to pursue whatever course he believed was for the benefit of all Americans. He was fundamentally a patriot.

Death has taken this Illinois Republican from the United States Senate. Both the Republican party and the nation have suffered a loss at his passing. And the Senate, where he pressed the pedals of his organ voice with gusto, never will be the same without him.

Some critics said of Mr. Dirksen that he was wont to change sides on a question and that this was not the attribute of a good leader. But Mr. Dirksen would be the first to admit that he would not be hobbled by a blind consistency. For he described himself as "just an old-fashioned garden variety of Republican who accepts challenges as they arise. This is a dynamic age in which we live and sometimes you have to change your position."

The Illinois senator had a cultivated Olympian aplomb and he never shied from center stage when a political free-for-all loomed in his path.

In the 1952 Republican National Convention, he roundly castigated Thomas E. Dewey of New York for opposing the nomination of Sen. Robert A. Taft of Ohio and for favoring Dwight D. Eisenhower. Yet, after General

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Eisenhower's election to the presidency, Mr. Dirksen and Ike became close collaborators.

And when some fellow Republicans mumbled about Mr. Dirksen's seeming collaboration with Democratic Presidents John Kennedy and Lyndon Johnson, the Illinois senator would admonish that an American "should always be willing to trust his president."

As a legislator, Mr. Dirksen considered himself to be a Lincoln Republican and he plugged continually for such diverse proposals as prayer in public schools and a system under which one house of each state legislature could be elected on other than the one-man-one-vote basis.

Underneath Mr. Dirksen's complex political facade was a man who was gentle, patient and kind, a man who could be undeniably cranky with an opponent one moment and unusually sociable with that same critic the next.

He once turned out a "Gallant Man" recording in which he recited American historical background with his honey voice and his gospel-style gush of words. In it he extolled the patriotism of great Americans of the past.

A sequel should be issued to "Gallant Man." It should feature the Americana of Everett McKinley Dirksen.

UTILIZATION OF MEDICAL PERSONNEL WITHIN THE VA

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, in recent months, several distressing events have occurred in the medical and hospital system operated by the Department of Medicine and Surgery of the Veteran's Administration.

I have already introduced two bills to improve the situation. H.R. 12901 provides for the better utilization of scarce medical personnel within, and to improve the efficiency of, the Department of Medicine and Surgery. H.R. 13503 concerns the amount of annual and sick leave which physicians, dentists, and nurses in the Department of Medicine and Surgery may accrue and accumulate. It is surprising and equally disappointing to learn that the Veterans' Administration has filed adverse reports on both of these proposals.

The bill I am introducing today is intended to correct widespread abuses which have been found to exist in the Veterans' Administration system as it relates to several of its medical schools. In essence, my proposal will:

First, bar Veterans' Administration doctors from assuming responsibility for the medical care of anyone other than a patient properly admitted for treatment to a Veterans' Administration facility;

Second, deny the acceptance of payment by Veterans' Administration doctors for treating patients under medicare or medicaid;

Third, prohibit acceptance of travel pay or per diem from any source other than that authorized by the Veterans' Administration;

Fourth, prevent Veterans' Administration doctors from performing professional services for the purpose of generating income for any fund or account in a medical school for the benefit of the school or its employees;

Fifth, bar the transfer of patients to hospitals or medical schools for the purpose of permitting the affiliated institution to collect health care insurance;

Sixth, remove the veto power of medical schools over the appointment of Veterans' Administration medical personnel;

Seventh, provide that all sharing agreements between the Veterans' Administration hospitals and medical schools shall be reviewed by the Comptroller General prior to being placed into effect and will direct an annual audit of the agreement by the same official;

Eighth, permit adjustment of pay, leave, or both, in any pay period in which a doctor spends less than 90 percent of his time at the Veterans' Administration hospital to which he is assigned.

Mr. Speaker, I regret the necessity of having to sponsor legislation of this sort, but it appears to be essential in view of the prevailing attitude in the Department of Medicine and Surgery. Serious questions of abuse have been called to the agency's attention, yet no action of corrective substance has been taken to date.

CONGRESSMAN PATMAN BECOMES FIRST HONORARY MEMBER OF THE FORT KNOX FIRST STUDENT CREDIT UNION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, in an attempt to increase economic education available to students in this country, it was my thought that a system of credit unions, run by elementary, junior high, high school, and college students throughout the country, would be the best way to present this education, rather than in a formalized classroom atmosphere.

The first of these student credit unions was opened last spring at Fort Knox, Ky., and is available to the students and faculty of the Fort Knox High School. The early accomplishments of this credit union are outstanding. The credit union has attracted 175 members who have saved a total of $5,500. Thus, not only are the students learning financial management on a firsthand basis, but they are also promoting habits of thrift.

On Tuesday, as part of the annual meeting of the Defense Credit Union Council, I was made an honorary member of the Fort Knox First Student Credit Union. The honorary membership was presented by a group from the Fort Knox Federal Credit Union, which has so greatly helped to form and counsel the student credit union. Participating in the brief ceremony were Sgt. Maj. Leo C. Pike, president of the Fort Knox Federal Credit Union, Col. Donald Kersting, Col. Richard Miller, Mr. Willard Seivert, all members of the board of the Fort Knox Federal Credit Union, Mr. Robert Schaffner, treasurer-manager of the Fort Knox Federal Credit Union, and Gen. Evert S. Thomas, executive secretary of the Defense Credit Union Council and the head of CUNA International's Washington office.

In making the presentation, Mr. Schaffner made a few short remarks, which I include at this point:

> I stand before you as a messenger boy tonight, Mr. Chairman—the officials and members of the Fort Knox first student credit union requested that I act in their stead to deliver to you a small token of their sincere appreciation.
>
> Mr. Chairman, the youth of Fort Knox want you to know that they are delighted at having been chosen by you to be the first student group in the Nation to establish a pilot student credit union program. As you know, this program is well under way and is proving to be a most successful venture. As of last week, over 175 students have joined the five-month-old first student credit union. During these past five months, these aggressive young members have deposited nearly $5,500.00 in their share accounts. Several loans have been granted for such purposes as senior prom expense, a new Honda, a new bike, etc. I might add that all loans are being paid as agreed.
>
> Mr. Chairman, through your wonderful years of service to mankind, you have received numerous mementos, many, no doubt, items of tremendous beauty. Tonight, it is my pleasure to present to you a certificate, naming you as the first honorary member of the Fort Knox first student credit union.
>
> This certificate is not an item of particular beauty to the eye, but I contend, Mr. Chairman, that the beauty of this certificate would be extremely difficult to describe for it comes from the beauty of the hearts of the student members of the Fort Knox first student credit union.
>
> Mr. Chairman, I would like to take just a minute to read the inscription on the certificate:
>
> "Be it hereby known to all that Congressman Wright Patman has been designated an Honorary Member of the Fort Knox First Student Credit Union by special action and due proclamation of the Board of Directors.
>
> "Given on this the 21st day of August 1965, A.D. at Fort Knox, Kentucky.
>
> This certificate of Honorary Membership, Issued under the authority of and conferred by the Board of Directors of the Fort Knox First Student Credit Union, is presented in recognition of and appreciation for that person's sincere and active interest in and concern for America's youth, and particularly in the membership of the Fort Knox First Student Credit Union.
>
> "Attested and sealed:
>
> "JO ANN KELLY,
> *"Secretary of the Board.*
> "RONALD JAY KARPINSKY,
> *"President of the Board."*

Mr. Speaker, it is, indeed, an honor to be associated with the Fort Knox First Student Credit Union and I hope that other school systems throughout the country will follow the Fort Knox lead and open their own credit unions.

The student concept has already spread to the college campus as reported in the August 18 issue of the American Banker.

The article follows:

STUDENT CREDIT UNION OPENED AT MICHIGAN UNIVERSITY

> ANN ARBOR.—A credit union solely for college students has been established at the University of Michigan.
>
> The U–M Student Credit Union will offer educational loans, personal and auto loans, a free check cashing service for all members, savings accounts, and general credit and consumer information.
>
> Membership will be open to all students registered at the university and their immediate families, and continues after graduation.

A temporary office to receive share accounts has opened in the housing office on North Campus. A permanent office will open next week on the first floor of the Michigan Union.

The idea for the student credit union grew out of a student government council committee on consumer unions. A committee was set up last February to study the feasibility of a student credit union and to obtain a charter. In this connection a survey by the U–M Institute for Social Research showed that approximately 17,000 U–M students would support such a union and that there is about $5 million in savings in the student body.

The study committee then sought and received a charter from the state banking commissioner. It had the full support of the U–M Employees Credit Union, the University Hospital Credit Union, the Michigan Credit Union League. U–M president Robben Fleming, and SGC president Marty McLaughlin. The credit union hopes to have approximately $2,000 deposited by late fall. It plans eventually to pay 5% interest on savings and to make small loans without collateral.

I am also including a copy of an article which appeared in the August 20 issue of the Louisville Times concerning the Fort Knox Student Credit Union:

FIRST HIGH SCHOOL CREDIT UNION: FT. KNOX STUDENTS OPERATE OWN "BANK"

(By Herman Landau)

FT. KNOX, KY.—Loans made: For bicycle repairs, to buy a mini-bike, to purchase a Honda, and to finance the senior prom.

This doesn't sound like business, but it could be the first drop in a nationwide reservoir of consumer credit.

It's a summary of the first five loans, totaling $489, made by the new student credit union at Ft. Knox High School. There is a balance of $226.35 due on these loans.

The student credit union will hold its first annual meeting at 6 p.m. Thursday at the school. On the agenda are election of new officers and directors and a talk by Maj. Gen. James W. Sutherland, commanding general of Ft. Knox.

The youngsters' credit union was started in April under guidance of the giant Ft. Knox Federal Credit Union as a pilot project to teach consumer credit at the suggestion of Rep. Wright Patman, D-Tex., chairman of the House Banking Committee.

Owned, operated and managed by the students themselves—all of the students at Ft. Knox are dependents of military personnel—the credit union attracted a membership of 146, who have placed savings of $4,824 in the hands of their fellow students. Borrowers pay 1 per cent a month on the unpaid balance, and credit unions, under the new truth-in-lending law, also must tell borrowers the rate of interest they pay.

OFFSPRING OF POST UNIT

The parent Ft. Knox Federal Credit Union is a 19-year-old organization with assets of nearly $6 million and serves more than 11,000 military and civilian members. Its assistant manager, Guy W. Berry, said it has spent about $250 getting the student organization under way, plus the time spent by Robert Schaffner, general manager, and other members of the staff.

The parent group also will spend another $200 on the first annual meeting, $150 of it in door prizes and the rest for refreshments and incidentals.

But the big credit union considers this a most worthwhile expenditure to further the program suggested by Rep. Patman. The congressman blames the "lack of fundamental consumer education" for rising personal bankruptcies.

"Students, even on the college level, know little about handling money and are financially naive," the congressman said.

The congressman's interest in financial and military matters led him naturally to Schaffner, who is president of the Kentucky Credit Union League. Schaffner in turn took up the pilot-plan proposal with Herschel Roberts, school superintendent.

TWENTY STUDENTS HOLD OFFICE

This led to a plan for a board of directors of seven, a five-man credit committee, a supervisory committee of three, and an education committee of five—involving a total of 20 students in the management.

John Marchese, a senior elected treasurer of the student credit union, is working in the office of the parent crédit union this summer.

Working with him is William Raker, high school mathematics teacher and coordinator of the student program. In this way, both are getting practical experience.

Upon organizing, the students also elected Ron Karpinsky, president; David Dayton, vice-president; and JoAnn Kelly, secretary. The credit union officers, along with Jennifer Kimball and Reed Kimbrough, make up the seven-man board of directors.

The students set their own guidelines, but they use the same membership cards, deposit slips and other banking forms as does their sponsor. Some of their rules:

Minimum deposit to open an account, $1; minimum for subsequent deposits, 25 cents.

Board meetings the third Wednesday of each month.

Signature-loan limit is $30, for a maximum of six months.

A secured loan may be up to $500, with 18 months' maximum.

"The objective of this program is educational in nature," general manager Schaffner said. "All of the students involved will reap the benefits of a deeper insight into a portion of the economic and monetary system of our nation. They'll participate in the democratic processes of an open and free election of officers by the members. They'll exercise the right of free expression during annual meetings. And through their participation they'll generate income that will be returned to the student owners."

ABOUT 146 STUDENTS ARE MEMBERS

Schaffner first met with the students last March.

"This is a new bag," he told them. "It's never been tried in any other high school, and it's all yours. You organize it; you plan it; you sustain it; and you maintain it."

The students picked up the challenge, and 133 of them, or a fourth of the school's enrollment, turned out for an organizational meeting April 14. Membership since has grown to 146 in a school that had 550 students for the 1968–69 school year. The membership potential is even higher, because the school expects an enrollment of 660 this fall. Its enrollment varies more than most schools' from year to year because of the constant shuffling of military personnel, and only dedependents of military personnel use the school.

"This is a most worthwhile experiment," commented Sgt. Maj. Leo C. Pike Jr., president of the parent credit union and a member of the school board. "Young people today know how to spend money, but they don't know how to manage money. This is an opportunity for them to learn."

The credit union keeps office hours for 25 minutes before classes begin on Tuesday and Thursday mornings. After-school hours are impractical because most of the students depend on bus transportation.

Teacher Raker said of his summertime work:

"I'm learning the inner workings of this credit union and credit unions in general so I can guide the students in the operation. And I write the letters and prepare the brochures to keep interest in the student credit union alive during the summer."

Marchese said he's "learning all I can about how credit union work is done. I'm in everything at the credit union, working with all 17 permanent employes there."

Marchese is under bond and is the only student who handles money. Students may make cash withdrawals up to $3, but larger amounts are drawn on checks.

The "papa" credit union does all the paperwork and accounting, for the student organization would not have the time, equipment or personnel otherwise.

"These people have demonstrated a unique desire to learn how to manage their own financial destiny," Schaffner said. "If we can accomplish one thing—the education of young people in the area of money management—all of our time will have been extremely well spent."

"From the school's standpoint," said superintendent Roberts, "this program is a good way for high school girls and boys to learn the economics of credit, savings, and everyday economic transactions that they'll be confronted with the rest of their lives. It's impossible to teach this as a course in high school and reach as many students as this can. The potential is tremendous."

The student group's president, Karpinsky, who also was president of the student council, said the credit union "is the biggest challenge I've ever had." He finished school in June and must be replaced as president at the annual meeting.

Karpinsky said he learned a lot about money management in his brief tenure. He plans to enter the University of Kentucky on a four-year Reserve Officer Training Corps scholarship.

WISCONSIN STATE JOURNAL SALUTES J. ORRIN SHIPE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, periodically the Wisconsin State Journal publishes sketches of outstanding citizens of Madison, Wis. The August 31 edition of the newspaper carried a sketch about J. Orrin Shipe, managing director of CUNA International, which is headquartered in Madison.

Orrin Shipe is well known in the Congress and, indeed, around the world. He has appeared before numerous congressional committees on behalf of the many worthwhile credit union programs. He is one of the most knowledgeable witnesses to appear before committees of the Congress.

Orrin Shipe has been my close friend for nearly as long as Federal credit unions have been in existence. He is truly one of the individuals who has helped to make the credit union the outstanding success that it is in our Nation.

Mr. Speaker, I am including the sketch from the Wisconsin State Journal on Mr. Shipe, as a very small tribute to a man whose contributions to his fellow men could not be completely covered in an entire edition of the world's largest newspaper.

KNOW YOUR MADISONIAN: J. ORRIN SHIPE

What began as a part-time hobby for J. Orrin Shipe in 1934 became his career and grew to international proportions.

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When he was 22, he read an editorial in a hometown (Buffalo, N.Y.) paper describing the new Federal Credit Union Act. This led to his organizing a credit union for fellow insurance company workers. By age 27, between evening classes at Buffalo University and football on weekends, he had organized 40 to 50 credit unions in the state.

In 1939, he married Alice Maloney, also of Buffalo, and decided to make credit unions his profession. He became a CUNA representative in 13 Midwestern states, organizing federal and state credit unions and lobbying for legislation.

He soon was transferred to Madison and became CUNA's education director and editor of the Credit Union magazine. He has lived in Madison for 30 years.

Today, as managing director of CUNA International, he has responsibilities for more than 51,000 credit unions with a total membership exceeding 35 million in 24 countries in the free world.

Shipe was born in 1912 on a farm in Blue Grass, N.D. His family moved to Buffalo after World War I began. He was "a Depression kid," and recalls feeling pretty lucky at earning $65 a month while unemployed classmates were selling apples.

"I was single then and wondering about a lot of things," he said, "just like kids do today." He feels credit unions have moral and social, as well as economic, implications and said 460 credit unions in poverty areas serve persons earning less than $3,000 a year.

His career with CUNA was interrupted by World War II service in the Navy. As managing director of CUNA International, he helped expand credit protection to United States military personnel overseas, often the victims of loan sharks.

Shipe has led drives for consumer protection, truth-in-lending, and model credit union acts at state and federal levels in the U.S. and Canada, and has gone to the White House several times for credit union bill-signing ceremonies.

He believes in international cooperation on a personal level, such as credit union officials in a small town in Peru dealing directly with a Lodi credit union rather than with a large corporation.

He said autonomous credit unions in Latin America help counter cries of "Yankee imperialism" and teach "practical, every-day, shirt-sleeve democracy."

Shipe enjoys sports, but has time for golf only twice a year. He rarely takes a vacation—but estimated his business travels have taken him around the world twice.

Since 1964, he has served on the National Advisory Committee on Rural Areas Development, appointed by former Secretary of Agriculture Orville Freeman. He is a Director of CARE, and member of the Cooperative Advisory Committee of the Agency for International Development, and various Madison organizations.

The Shipes live at 434 S. Owen Dr. with four of their five children. Their daughter, Ann, Mrs. Norman A. Pasold, is the mother of their only grandchild, "Eddie."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Pepper (at the request of Mr. Bennett), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Saylor, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Mann); to revise and extend their remarks and include extraneous matter:)

Mr. Reuss, for 20 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Fulton of Tennessee, for 20 minutes, today.

Mr. Farbstein, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Edmondson in two instances and to include extraneous matter.

Mr. Harvey immediately following the remarks of Mr. Poff today in the Committee of the Whole.

Mr. Philbin in seven instances and to include extraneous matter.

(The following Members (at the request of Mr. Dennis) and to include extraneous matter:)

Mr. Steiger of Wisconsin in two instances.

Mr. Pettis.

Mr. McClory.

Mr. Michel in five instances.

Mrs. Reid of Illinois.

Mr. Wyman in three instances.

Mr. Bob Wilson in three instances.

Mr. Ashbrook in two instances.

Mr. Steiger of Arizona.

Mr. Mizell in two instances.

Mr. Quillen.

Mr. Nelsen.

Mr. Duncan in two instances.

Mr. Hogan in three instances.

Mr. Keith.

Mr. Anderson of Illinois.

Mr. Conable.

(The following Members (at the request of Mr. Mann) and to include extraneous matter:)

Mr. Olsen in two instances.

Mrs. Griffiths in two instances.

Mr. Purcell in three instances.

Mr. Matsunaga.

Mr. Edwards of California in two instances.

Mr. Mikva in three instances.

Mr. Dulski in four instances.

Mr. Ottinger.

Mr. Biaggi.

Mr. Gonzalez in two instances.

Mr. Rarick in two instances.

Mr. Brown of California in three instances.

Mr. Burke of Massachusetts.

Mr. Koch.

Mr. Dent in two instances.

Mr. Tiernan.

Mr. St. Onge in two instances.

Mr. Dingell in two instances.

Mr. Ryan in three instances.

Mr. Wolfe.

Mr. Dorn in two instances.

Mr. Satterfield in two instances.

Mr. Hamilton.

Mr. Kastenmeier in two instances.

Mr. Boggs in two instances.

Mr. Rivers in two instances.

Mrs. Sullivan in three instances.

Mr. Montgomery.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2315. An act to restore the golden eagle program to the Land Water Conservation Fund Act; to the Committee on Interior and Insular Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 614. Joint resolution authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week."

ADJOURNMENT

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, September 15, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1139. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report of the stockpile statistical supplement, for the period ending June 30, 1969, pursuant to the provisions of Public Law 520, 79th Congress; to the Committee on Armed Services.

1140. A letter from the Secretary of Commerce, transmitting the 88th Quarterly Report on Export Control covering the second quarter 1969, pursuant to the provisions of the Export Control Act of 1949; to the Committee on Banking and Currency.

1141. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to authorize the commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

1142. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend section 13 of the District of Columbia Redevelopment Act of 1945, as amended; to the Committee on the District of Columbia.

1143. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia; to the Committee on the District of Columbia.

1144. A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting the annual report for the fiscal year ending June 30, 1968, pursuant to the provisions of Public Law 592, 79th Congress; to the Committee on the District of Columbia.

1145. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Ecomonic Opportunity Act of 1964, Maricopa County, with emphasis on the city of Phoenix, Ariz., Department of Labor; to the Committee on Education and Labor.

1146. A letter from the Comptroller General of the United States, transmitting a report of the Agency for International Development loan program financial activities, status as of June 30, 1968; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 13304. A bill to provide for educational assistance for gifted and talented children; without amendment (Rept. No. 91–485). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 13310. A bill to provide for special programs for children with specific learning disabilities; without amendment (Rept. No. 91–486). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS of Alabama: H.R. 13763. Committee on Appropriations. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes; without amendment (Rept. No. 91–487). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally refered as follows:

By Mr. MILLS (for himself and Mr. Byrnes of Wisconsin):

H.R. 13742. A bill to protect the public health and safety by amending the narcotic drug laws, and for other purposes; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 13743. A bill to protect the public health and safety by amending the depressant, stimulant, and hallucinogenic drug laws, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPPELL:

H.R. 13744. A bill to provide additional assistance for the reconstruction of areas in the States of Alabama, Florida, Louisiana, Mississippi, Virginia, and West Virginia which were damaged by Hurricane Camille of 1969; to the Committee on Public Works.

By Mr. DUNCAN:

H.R. 13745. A bill to prohibit the Small Business Administration from furnishing financial assistance except to American citizens; to the Committee on Banking and Currency.

By Mr. EDWARDS of California:

H.R. 13746. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

By Mr. GARMATZ:

H.R. 13747. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

By Mrs. GRIFFITHS:

H.R. 13748. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho (for himself, Mrs. Chisholm, Mr. Abernethy, Mr. Addabbo, Mr. Blackburn, Mr. Horton, Mr. Hunt, Mr. Montgomery, Mr. Reid of New York, Mr. Sikes, and Mr. Wiggins):

H.R. 13749. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. KUYKENDALL:

H.R. 13750. A bill to amend the Uniform Time Act; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 13751. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. LOWENSTEIN:

H.R. 13752. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. MIZELL:

H.R. 13753. A bill to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any review committee determination; to the Committee on Agriculture.

By Mr. MOSS:

H.R. 13754. A bill to amend the Investment Company Act of 1940 to regulate the sales charge on face amount certificates; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 13755. A bill granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 13756. A bill to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 13757. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. SAYLOR:

H.R. 13758. A bill to amend title 38 of the United States Code to establish standards of conduct for certain employees of the Department of Medicine and Surgery of the Veterans' Administration, to provide guidelines with respect to arrangements between Veterans' Administration health facilities and affiliated institutions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 13759. A bill to increase the rates of compensation for certain severely disabled veterans; to the Committee on Veterans' Affairs.

By Mr. WIGGINS:

H.R. 13760. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. WOLFF:

H.R. 13761. A bill to provide compensation for firemen not employed by the United States killed or injured in the performance of duty during a civil disorder, and for other purposes; to the Committee on the Judiciary.

H.R. 13762. A bill to amend title 39, United States Code, to extend to volunteer fire companies, volunteer ambulance and rescue companies, and police benevolent associations the preferred second-class and third-class mail rates for certain nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS of Alabama:

H.R. 13763. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. BROWN of California:

H.R. 13764. A bill to establish a national policy for the environment; to the Committee on Rules.

By Mr. CAHILL:

H.R. 13765. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United Sttaes, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. DENT (for himself and Mr. Hechler of West Virginia, Mr. Abernethy, Mr. Clark, Mr. Byrne of Pennsylvania, Mr. Vigorito, Mr. Mathias, Mr. Cleveland, Mr. Whalley, Mr. Brasco, Mr. Evins of Tennessee, Mr. Johnson of California, Mr. Biaggi, Mr. Donohue, Mr. Halpern, Mr. Gray, Mr. Rooney of Pennsylvania, Mr. Saylor, Mr. Teague of Texas, Mr. Sikes, and Mr. Gaydos):

H.R. 13766. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 13767. A bill to authorize the appropriation of funds for Fort Donelson National Battlefield in the State of Tennessee, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McKNEALLY:

H.R. 13768. A bill to amend the Internal Revenue Code of 1954 to eliminate certain defects and inequities, and for other purposes; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 13769. A bill to amend the act entitled "An act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the municipal government of the District of Columbia; to the Committee on Government Operations.

By Mr. QUILLEN:

H.R. 13770. A bill to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHADEBERG:

H.R. 13771. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; on the Committee on Interstate and Foreign Commerce.

By Mr. UTT:

H.R. 13772. A bill to amend title II of the

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Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated); to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. Mailliard):

H.J. Res. 894. Joint resolution to authorize appropriations for expenses of the U.S. section of the United States-Mexico Commission for Border Development and Friendship; to the Committee on Foreign Affairs.

By Mr. WATSON (for himself, Mr. Rivers, Mr. Fisher, Mr. Duncan, Mr. Pryor of Arkansas, Mr. Henderson, Mr. Blackburn, Mr. Jones of North Carolina, Mr. Hastings, Mr. McClure, Mr. Burke of Florida, Mr. Lujan, Mr. Railsback, Mr. Kuykendall, Mr. Denney, Mr. Broyhill of Virginia, Mr. Hogan, Mrs. May, Mr. Donohue, Mr. Cleveland, Mr. Chappell, Mr. McEwen, Mr. Cowger, Mr. Pollock, and Mr. Ruth):

H.J. Res. 895. Joint resolution providing for creation of a joint committee to study and make recommendations concerning establishment of a National College Student Congress; to the Committee on Rules.

By Mr. WATSON (for himself, Mr. Roudebush, Mr. Dickinson, Mr. Don H. Clausen, Mr. Carter, and Mr. Andrews of Alabama):

H.J. Res. 896. Joint resolution providing for creation of a joint committee to study and make recommendations concerning establishment of a National College Student Congress; to the Committee on Rules.

By Mr. DOWDY (for himself, Mr. Poff, and Mr. Dennis):

H.J. Res. 897. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H.J. Res. 898. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Leggett, Mr. Van Deerlin, Mr. Waldie, Mr. Edwards of California, Mr. Hawkins, Mr. Anderson of California, Mr. Rees, Mr. Roybal, Mr. Tunney, Mr. Brown of California, Mr. Cohelan, Mr. Burton of California, Mr. Moss, Mr. Johnson of California, and Mr. Hanna):

H.J. Res. 899. Joint resolution to provide for a study and evaluation of the relationship between underground nuclear detonations and seismic disturbances and to suspend all nuclear detonations in the region of the Aleutian Islands until the conclusion of such study and evaluation; to the Joint Committee on Atomic Energy.

By Mr. BLANTON (for himself, Mr. Abernethy, Mr. Adair, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Andrews of Alabama, Mr. Andrews of North Dakota, Mr. Ashbrook, Mr. Baring, Mr. Berry, Mr. Bevill, Mr. Biaggi, Mr. Blackburn, Mr. Bray, Mr. Brown of Michigan, Mr. Broyhill of Virginia, Mr. Bush, Mr. Chappell, Mr. Don H. Clausen, Mr. Cleveland, Mr. Colmer, Mr. Corbett, Mr. Coughlin, Mr. Dellenback, and Mr. Denney):

H. Con. Res. 332. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Derwinski, Mr. Dingell, Mr. Donohue, Mr. Downing, Mr. Duncan, Mr. Esch, Mr. Fisher, Mr. Flowers, Mr. Foreman, Mr. Fountain, Mr. Friedel, Mr. Fulton of Tennessee, Mr. Fuqua, Mr. Griffin, Mr. Hagan, Mr. Hamilton, Mr. Hanna, Mr. Hechler of West Virginia, Mr. Hosmer, Mr. Howard, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Kyros, and Mr. Long of Louisiana):

H. Con. Res. 333. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Lukens, Mr. McDade, Mr. Madden, Mr. Mann, Mr. Mathias, Mr. Matsunaga, Mr. Melcher, Mrs. Mink, Mr. Mizell, Mr. Montgomery, Mr. Murphy of New York, Mr. Myers, Mr. Obey, Mr. Olsen, Mr. O'Neal of Georgia, Mr. O'Neill of Massachusetts, Mr. Ottinger, Mr. Pelly, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Pollock, Mr. Preyer of North Carolina, and Mr. Pryor of Arkansas):

H. Con. Res. 334. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Rarick, Mr. Rogers of Colorado, Mr. Ruppe, Mr. St Germain, Mr. Sandman, Mr. Schwengel, Mr. Sikes, Mr. Smith of New York, Mr. Stubblefield, Mr. Teague of Texas, Mr. Thompson of Georgia, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Tunney, Mr. Utt, Mr. Whalley, Mr. Whitehurst, Mr. Wiggins, Mr. Williams, Mr. Wold, Mr. Wydler, Mr. Wyman, Mr. Zablocki, and Mr. Zion):

H. Con. Res. 335. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. Alexander, and Mr. Scheuer):

H. Con. Res. 336. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. FLYNT (for himself and Mr. Hammerschmidt):

H. Con. Res. 337. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of hearings on Science and Strategies for National Security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof; to the Committee on House Administration.

By Mr. FALLON:

H. Res. 538. Resolution to grant additional travel authority to the Committee on Public Works; to the Committee on Rules.

By Mr. STEIGER of Arizona:

H. Res. 539. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON:

H.R. 13773. A bill for the relief of Floyd L. Gosnell; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 13774. A bill for the relief of Philip Terranova; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 13775. A bill to authorize the Secretary of the Interior to waive conditions in three patents issued to Prescott College, Prescott, Ariz.; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN:

H. Res. 540. Resolution opposing the granting of permanent residence in the United States to certain aliens; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

264. By the SPEAKER: A memorial of the Legislature of the State of California, relative to immigration; to the Committee on the Judiciary.

265. By the SPEAKER: A memorial of the Legislature of the State of California, relative to Federal-aid primary highway funds; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

235. By the SPEAKER: Petition of chairman, the Citizens' Committee for Honesty in Government, Deerfield, Ill., relative to amending the Constitution regarding declaration of war; to the Committee on the Judiciary.

236. By the SPEAKER: Petition of Valdomero Felix, Mexicali, Mexico, relative to entering the United States; to the Committee on the Judiciary.

237. By the SPEAKER: Petition of Mrs. Ella Lemmon Thomas, Philadelphia, Pa., relative to redress of grievances; to the Committee on the Judiciary.

238. By the SPEAKER: Petition of Mrs. William F. Saybolt, Deerfield Beach, Fla., relative to approving the reading of Holy Scriptures during space flights; to the Committee on Science and Astronautics.

EXTENSIONS OF REMARKS

THOUGHTFULNESS ACROSS PARTY LINES

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mrs. REID of Illinois. Mr. Speaker, recently the Nation witnessed a significant display of national unity, transcending partisan political lines, in the gracious meeting between President and Mrs. Nixon and former President and Mrs. Johnson.

Editorials pointing out the merits of this symbolic joining of hands appeared in the Christian Science Monitor on August 25 and the Atlanta Constitution on August 29, and I would like to include these editorials in the RECORD:

[From the Christian Science Monitor, Aug. 25, 1969]

PRESIDENT TO PRESIDENT

Everyone wins, when simple human graciousness is manifested. It was gracious of President Nixon to invite former President Lyndon Johnson and his wife, Lady Bird, to a birthday party in LBJ's honor at Redwood National Park. And it is gracious to dedicate there a stretch of majestic trees as Lady Bird Johnson Grove. It was also gracious of the Johnsons to accept the invitation.

In her years in the White House, Mrs. Johnson devoted herself most effectively to the beautification and conservation of the American environment.

There has been a worthy tendency lately of White House occupants to stretch hands across the political divide. Presidents Kennedy and Johnson consulted with General Eisenhower. President Nixon stopped off at Independence, Missouri, to see former President Truman, and presented him with a White House piano. In a different milieu, President Nixon was on hand to honor Chief Justice Warren when he retired.

There is little enough reason, at any time, for the politics of acrimony and scorn. Perhaps the respect which recent presidents, when not on the campaign trail, have shown for each other stems from understanding of the heavy burdens borne. At any rate, if there are any hatchets lying around, it is fitting to bury them in a forest of these majestic trees. Just so long as they are not used against the redwoods!

[From the Atlanta Constitution, Aug. 29, 1969]

THOUGHTFULNESS ACROSS PARTY LINES

The South, noted for hospitality, probably paid special attention to the visit by the Lyndon Johnson family of Texas to the residence of the Richard Nixon family in California.

A band greeted the former President at the airport, and there was singing of "Happy Birthday to You" for Mr. Johnson, 61 that day. Mrs. Nixon presented Lady Bird Johnson a bouquet of yellow roses, and the band launched into the song of that name identified with Texas.

After lunch, the Nixon and Johnson families flew into Northern California where a grove in the Redwood National Forest was dedicated to Mrs. Johnson, "who," said President Nixon, "has done so much to stir in the American conscience a deepened sense of unity with our national environment."

Mrs. Johnson's husband declared, "I don't know of any of my 61 birthdays that has been happier or one where people have tried to make me happier."

This doesn't mean the end of the two-party system in America, of course, but it was a nice thing for Mr. and Mrs. Nixon, Republicans, to do for Mr. and Mrs. Johnson, Democrats.

Good manners and thoughtfulness indeed can cross party lines.

A SIGNIFICANT COURT DECISION AGAINST SEX DISCRIMINATION IN EMPLOYMENT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mrs. GRIFFITHS. Mr. Speaker, the decision recently issued by Federal District Judge Frank Johnson in *Cheatwood* v. *South Central Bell Telephone & Telegraph Co.* (C.A. 2796–N, Dist. Ct., M.D., Ala., N.D.) is an important precedent in the ever-growing list of judicial decisions which are slowly, but surely, helping to eliminate sex discrimination in our country. I think that Members of Congress, and the general public will be interested in knowing about that case. The telephone company had rejected applications by its women employees for jobs as "commercial representatives" solely because they were women. The company resorted to the customary argument used by employers who discriminate against women; namely, that title VII of the Civil Rights Act of 1964 prohibiting sex discrimination in employment has an exception for jobs "where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise," and that the job of commercial representative for the telephone company came within that exception.

First, the company said that the employee would at times travel in rural areas where she would have to change tires on her automobile or not find restroom facilities. This, said Judge Johnson, is a "makeweight" and "no proof that all or nearly all women would be unable to cope with these difficulties."

Second, the company said that the job might expose women to harassment and danger when collecting overdue bills, or collecting from telephone coinboxes in bars or poolrooms. Judge Johnson pithily dismissed that suggestion by pointing out that these possibilities are not "functionally related to sex" and "mean nothing more than that some women, and some men, might not wish to perform such tasks."

Third, the company said that the job requires occasional lifting of coinboxes in cases weighing from 45 to 80, and sometimes 90 pounds. On this point Judge Johnson accepted the judgment of an experienced obstetrician-gynecologist who testified that between 25 and 50 percent of all women could perform such tasks. Judge Johnson therefore decided that although these weight lifting tasks "begin to approach the outer limits of what women should undertake, this court firmly concludes that employer has not satisfied its burden of proof," established by the Fifth Circuit Court of Appeals in *Weeks* v. *Southern Bell Telephone and Telegraph Co.*, 408 F. 2d 228 (1969); namely, that the employer must have "a factual basis for believing, that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved."

Most significant is Judge Johnson's observation that the employer ought "to determine on an individual basis whether a person is qualified for the position," rather than using a "class distinction" which "deprives some women of what they regard as a lucrative and otherwise desirable position."

Certainly, I commend Judge Johnson on his enlightened approach to the great problem of sex discrimination in employment; and I include the full text of his order and judgment, and the ensuing writ of injunction against the South Central Bell Telephone & Telegraph Co., at this point in the RECORD:

[In the U.S. District Court for the Middle District of Alabama, northern division]

CLAUDINE B. CHEATWOOD, PLAINTIFF, *v.* SOUTH CENTRAL BELL TELEPHONE & TELEGRAPH CO., DEFENDANT

(Civil action No. 2796–N)

ORDER AND JUDGMENT

In this action Mrs. Claudine B. Cheatwood charges her employer, South Central Bell Telephone & Telegraph Company, with discrimination on the basis of sex in filling a vacancy for the job classification of commercial representative in Montgomery, Alabama, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e.

It is admitted that the plaintiff and two other female employees submitted timely bids for the vacancy, that Employer declined to consider the bids of the female employees without considering their individual qualifications, and that the job was awarded to the only male applicant.

It is also undisputed that on or about May 12, 1967, within 90 days following Employer's failure to consider her application, plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission. The charge was amended on or about July 20, 1967, and was served upon the Southern Bell Telephone & Telegraph Company (Employer's corporate predecessor) on or about July 24, 1967. On July 26, 1968, the Commission issued its decision finding that reasonable cause existed to believe that Employer had committed an unlawful employment practice in violation of Title VII. On October 29, 1968, the Commission issued a letter to plaintiff advising that its effort to conciliate plaintiff's charge of discrimination had failed to achieve voluntary compliance and notifying her that she could institute a civil action within 30 days.

Employer has, in effect, admitted a prima facie violation of § 703(a) of the Civil Rights Act of 1964, 42 U.S.C. § 2000c–2(a) which provides in pertinent part:

"(a) Employer Practices: It shall be an unlawful employment practice for an employer—(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's . . . sex . . . ; or

"(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely

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affect his status as an employee, because of such individual's . . . sex."

Employer has consistently contended, however, that the position of commercial representative fits within the exception to the general prohibition of discrimination against women set forth in § 703(e)(1), 42 U.S.C. § 2000e2(e)(1) which provides in pertinent part:

"(e) Notwithstanding any other provision of this subchapter, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, . . . on the basis of his . . . sex, . . . in those certain instances where . . . sex, . . . is a *bona fide occupational qualification* reasonably necessary to the normal operation of that particular business or enterprise, . . ." (Emphasis added.)

In a recent case quite similar to the one *sub judice*, the Court of Appeals for the Fifth Circuit made clear that the burden of proof is on the employer to demonstrate that a given position fits within the bona fide occupational qualification exception. *Weeks* v. *Southern Bell Telephone & Telegraph Co.*, 408 F. 2d 228 (5th Cir. 1969). The court in *Weeks* went on to explain the extent of the showing required to satisfy that burden:

"In order to rely on the bona fide occupational qualification exception, an employer has the burden of proving that he had reasonable cause to believe, that is, a factual basis for believing, that all or substantially all women would be unable to perform safely and efficiently the duties of the job involved."

The only issues in this case, then, are determining the duties of a commercial representative and determining whether or not all or substantially all women would be unable to perform those duties safely and efficiently.

The official job description in effect at the time this dispute arose provides:

"*Commercial representative*—(9/49) Handles commercial matters primarily outside the Company's office, such as visits to customers' premises in connection with criticisms, facilities, securing signed applications where required, credit information, deposits, advance payments, coin telephone inspections, and visits in connection with live and final account treatment work. May also be assigned to work inside the office pertaining to service and collections."

The testimony at trial produced more specific descriptions of these duties and revealed certain additional duties that go with the job in Montgomery, Alabama:

1. Rural canvassing for new customers and mileage checks for billing purposes.

2. Relief of the coin telephone collector on an average of about two days per week.

3. Destroying certain of employer's records on a monthly and annual basis.

4. Handling current records of billing stubs and handling supply requisitions in the office.

5. Performing the biennial furniture inventory.

Defendant contends that several features of these duties make them inappropriate for performance by women. With respect to the rural canvassing, it suggests the possibilities that tires will need to be changed[1] and that restroom facilities are occasionally inaccessible. These contentions can be regarded as little more than makeweights. There is no proof that all or nearly all women would be unable to cope with these difficulties. They do, of course, render the position somewhat unromantic. But as was said in *Weeks*, Title VII "vests individual women with the power to decide whether or not to take on unromantic tasks."

Employer also contends that the duties of commercial representative would subject a female employee to harassment and danger. This is based partly on problems arising from the collection of over due bills and partly on the fact that when acting as a substitute coin collector, the employee must make collections in bars, poolrooms, and other such locations. Again, however, there is nothing in the record to indicate that these features of the position are functionally related to sex. They mean nothing more than that some women, and some men, might not wish to perform such tasks. Here, however, the record is clear that one obtains this position by bidding for it and that if one is dissatisfied it is possible to request a transfer or a return to the former position.

Employer has consistently placed principal reliance on the fact that certain aspects of the job as performed in Montgomery require lifting of weights. Although other aspects of the job require occasional lifting, the alleged strenuousness of the position relates primarily to the work involved in relieving the coin collector. The evidence reflects that other commercial representatives in Montgomery have spent an average of two days per week on this relief work. In a normal day of this work a commercial representative would collect approximately 45 coin boxes from pay stations on his route. As they are collected, these coin boxes are placed in a small metal case which is compact and relatively easy to handle. Each case will hold up to nine coin boxes. A case weights approximately 6 pounds empty, and the estimates of its weight when full varied from 45 to 80 pounds. An actual random sample indicated that the average on a particular day in Montgomery was 60¾ pounds. Occasionally, a case will weight over 90 pounds. In a given day, from five to nine cases must be handled, and each case must be lifted and/or carried full in, out or around the collection truck four times a day.

In an effort to generate the desired inferences from these facts, the parties engaged in a battle of experts. Defendant produced Dr. Wood Herren, a doctor who, subsequent to the complained-of events, was appointed defendant's medical director.[2] Dr. Herren is an internal medicine specialist which, according to his testimony, is a modern-day general practitioner. He did not purport to be an expert on either industrial medicine or the care and treatment of women, and his observations were based largely on his experience in 16 years of private practice. Plaintiff produced Dr. Nace R. Cohen, an obstetrician and gynecologist for more than 20 years.

These medical experts agreed, and, through their testimony, enlightened this Court to the effect that there were certain genetic and musculo-skeletal differences between the sexes: Males tend to have a heavier muscular and ligamentous structure; males tend to have a higher aerobic metabolism rate; females tend to have greater lordosis, or curvature of the spine; females only are susceptible to osteoporosis, a softening of the bones from hormonal changes associated with menopause; and females only are subject to pregnancy.

The doctors did not agree, however, on all the effects of these differences. Both doctors agreed that the differences in muscular and ligamentous structure and in aerobic metabolism meant that men can perform greater amounts of work than women, i.e., men can lift more, more often, for longer periods of time than women. Dr. Herren testified that the lordosis makes the low back of the female more prone to stress and strain from lifting; Dr. Cohen testified that he knew of no such tendency and suggested that the greater curvature makes it easier for women to bend forward and pick up objects.[3]

Dr. Herren seemed to feel that osteoporosis would be quite significant in preventing women from safely performing this job; Dr. Cohen, with considerable experience in this particular subject, testified that only about 5 percent of the female population has a significant degree of osteoporosis prior to age 65. The doctors agreed that in most cases osteoporosis can be modified or avoided altogether with hormonal treatment. The doctors also agreed that little lifting should be done during pregnancy. Finally, Dr. Cohen testified that in his opinion between 25 and 50 percent of the female population could perform the coin collector relief work; Dr. Herren, while not asked by Employer whether all or substantially all women could perform the job, admitted on cross examination that some women, depending upon the individual, could perform the lifting without hazards.

A thorough consideration of the evidence makes clear that it is "rational," rather than merely capricious, for the employer to discriminate against women as a class in filling this position, i.e., on the average, men can perform these tasks somewhat more efficiently and perhaps somewhat more safely than women. Employer relies upon a statement in *Bowe* v. *Colgate-Palmolive Co.*, 272 F. Supp. 332, 365 (S.D. Ind. 1967), for the proposition that such a showing is sufficient to rely upon the bona fide occupational qualification exception:

"Generally recognized physical capabilities and physical limitations of the sexes may be made the basis for occupational qualifications in generic terms."

As indicated above, however, Employer faces a more substantial burden. The language quoted from *Bowe* was specifically rejected in *Weeks* for the Fifth Circuit and the Commission is urging on appeal that it be rejected by the Seventh Circuit—in both instances for the very good reason that if it were followed the bona fide occupational exception would swallow the rule against discrimination.

Weeks requires Employer to show that all or substantially all women would be unable to perform safely and efficiently the duties of the position involved. While it may be that, in terms of lifting weights, the duties of this position begin to approach the outer limits of what women should undertake, this Court firmly concludes that Employer has not satisfied its burden of proof. Dr. Cohen's testimony that 25 to 50 percent of the female sex could perform the job, while not standing alone, is accepted by this Court and fully rebuts Employer's contention. Nor is the fact that pregnant women should not perform the job of crucial importance. Employer can have a rule against pregnant women being considered for this position, but Title VII surely means that all women cannot be excluded from consideration because some of them may become pregnant.

It is not inappropriate to observe in conclusion that it appears to this Court that it will not impose a hardship on this Employer to determine on an individual basis whether a person is qualified for the position of commercial representative. On the other hand, it is manifest that the use of this class distinction deprives some women of what they regard as a lucrative and otherwise desirable position.

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[1] A former commercial representative testified that he had to change tires on the job 11 times in 13 years.

[2] It was thus not upon his advice that the male sex was made an occupational qualification for the position of commercial representative.

[3] Here, and in other instances where the testimony of the doctors conflict, this Court finds that the experience of Dr. Cohen is more specifically related to the problem at hand, that his testimony tends to be more detailed and relevant, and that his conclusions are more persuasive.

Accordingly, this Court now specifically finds and concludes that the male sex is not a bona fide occupational qualification for the position of commercial representative in Montgomery, Alabama.

It is therefore ordered, adjudged and decreed that defendant South Central Bell Telephone & Telegraph Company, its agents, officers, employees, successors, and all those in active concert or participation with it, be and each is hereby enjoined from failing and refusing to make, within 30 days from the date of this order, a new determination of entitlement to the position of commercial representative in Montgomery, Alabama, previously awarded to William E. Noble, in which plaintiff and all other employees bidding on the job shall be considered on the basis of their individual qualifications and without regard to their sex.

It is further ordered that counsel for plaintiff, Mr. J. R. Goldthwaite, Jr., be awarded a reasonable attorney's fee, in an amount to be agreed upon by the parties or to be determined by this Court upon the basis of written evidence submitted within 15 days from the date of this order.

It is further ordered that the costs incurred in this proceeding be and they are hereby taxed against defendant South Central Bell Telephone & Telegraph Company.

Done this the 31st day of July, 1969.

FRANK M. JOHNSON, Jr.,
U.S. District Judge.

[In the U.S. District Court for the Middle District of Alabama, northern division]

CLAUDINE B. CHEATWOOD, PLAINTIFF, *v.* SOUTH CENTRAL BELL TELEPHONE & TELEGRAPH CO., DEFENDANT

(Civil action No. 2796–N)

WRIT OF INJUNCTION

To the above-named defendant:

Take notice that you, your agents, officers, employees, successors, and all those in active concert or participation with you, who shall receive notice of this order, be and you are hereby enjoined as more particularly set out in the order and judgment made and entered by this Court in this cause and filed with the Clerk of this Court on the 31st day of July, 1969, a copy of which is herewith served upon you.

This writ of injunction is issued in accordance with said order and judgment.

Witness my hand and the seal of this Court, at Montgomery, Alabama, on this the 1st day of August, 1969.

R. C. DOBSON,
Clerk of the U.S. District Court for the Middle District of Alabama.

A MAN SPEAKS OUT

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. STEIGER of Arizona. Mr. Speaker, it is apparent that there is great waste of money by the Federal Government. I am pleased that this administration is thoroughly reviewing programs in order to insure that the most effective, efficient programs are kept, and that the others be phased out as necessary. Certainly, a reordering of priorities has long been overdue.

The letter following details one area where this examination of Federal funding should lead to some changes:

AUGUST 15, 1969.

Representative SAM STEIGER,
House of Representatives,
Washington, D..

DEAR MR. STEIGER: Several months ago I paid IRS some $100 for my son's income taxes, because he and his wife simply didn't have the money. I was dismayed to find that some 14% of their gross income had gone to pay federal income taxes in 1968. Consider their situation: working nights, going to college, taking help from both sets of parents, borrowing $1,000 a year from the Valley Bank to pay tuition. The results? They'll be exhausted and $4,000 in debt when he graduates—and 60% of the debt will have been borrowed to pay income taxes. There is something very wrong in such a set-up, and especially so if the argument for the GI Bill (that money spent on college is recovered by higher earnings and higher taxes) is valid.

By an odd co-incidence, almost exactly what they paid in taxes was given me to attend an EPDA "Institute" for Latin teachers this summer. (HEW will be crowing to you about this, I'm told.) Now I'm curious. Please tell me why the U.S. taxpayer spent over $80,000 this summer to "improve" the teaching of Latin? Almost nobody seems to want Latin. The experts—even the friendly experts—predict its demise as a high school subject within 5 years; Phoenix Union system has four or five of us who no longer have any students. Yet in the last four years certain universities (Minnesota and Illinois principally) have gotten hundreds of thousands of tax dollars. . . . For what?

Whatever the rationale, the results have been to push the careers of certain glib fellows who can write gobbledygook "proposals"—Gerald Erickson at Minnesota and Richard Scanlan at Illinois. The whole circus at Illinois was a snow job for their "Method"—the so-called multi-sensory approach.

Now Latin is small stuff and who gets excited about a few hundred grand of the taxpayers' money? But what about the Modern Foreign Languages? Almost every MFL teacher I know has had one to three paid institutes and thousands have had paid vacations abroad. Has MFL teaching improved? Not according to the studies and the MFL Journals. Is the audio-lingual method that has been pushed by these Institutes a great improvement? Again not by the studies. Or how about Math? There were 250 Math teachers at Illinois and that was only one of pages of Institutes listed for this summer. Are the kiddies learning more Math? Has anyone taken a look at results? What are we getting for these programs?

Now I sort of hate to complain about the high school teachers' little rackets because the real cumshaw is being held tightly to the college types' bosoms. We are developing a class of grantees whose arrogance makes Marie Antoinette look like Patient Griselda. They were at Illinois wholesale with their histories of one grant after another. Tell me, why should the taxpayer (as an example) shell out for a Concordance of Livy? As a classicist, I see its value to a few classicists, but as a national concern . . . ? And, if it is vital to the national objectives, why hasn't it been finished? The bird has been at the gravy train long enough! Does he scramble his computer tapes every evening to prevent piracy? Or to hide failure?

Well, after this summer, it seems obvious that you people in the Congress are permitting some pretty odd uses of the taxpayers' money. The Congress may not be capable of cutting expenses, but they obviously could be cut back without hurting the country. And if they were some young people in college might not have to go in hock to pay the taxes that permit some others such sinecures.

Let's get behind the tax reforms, but let's also get behind some spending reform.

Sincerely yours,

—— ——.

MINNESOTA NEWSWOMAN ADDS SPARK

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. NELSEN. Mr. Speaker, Americans can take overwhelming pride in President Nixon's appointment of Mary J. Kyle—Mrs. Earle Kyle, Sr.—of Minneapolis to serve on the National Citizens Advisory Council on the Status of Women. We can be confident that this Republican dynamo will serve with great distinction and real concern for the improvement of job opportunities available to women.

By way of introduction, I am pleased to insert in the RECORD at this point a feature story about her which appeared in the St. Paul Dispatch, St. Paul, Minn., on September 1:

MARY KYLE SPEAKS MIND: CRUSADING WOMAN EDITOR TO ADD SPARK TO NIXON COMMITTEE

(By Dorothy Lewis)

Anyone touched by the electric personality of Mary Kyle is forever impressed. Like a lightning rod, she attracts everyone she meets, and emits a small aura of electricity wherever she happens to be.

Intelligent and gracious (when she wants to be) she can charm her strongest opponents with her warmth and honesty. Or she can send sparks flying in all directions.

Whether he knows it or not, when President Richard Nixon named her last week to his national Citizens Advisory Council on the Status of Women, he gained himself a crusader—and a very vocal one.

The dynamic editor-publisher of the Twin Cities Courier, weekly Negro newspaper, has been crusading for one thing or another since she was in her teens.

At 14, she gave a talk on youth to her mother's social club and told the ladies they were a "bunch of old fogies" and were "driving themselves over a cliff" for not trying to understand teenagers.

Now she carries on her crusades in her newspaper column or in her broadcast as editorial commentator on the KMSP television news program.

In her television role, she is the only woman editorialist in the Twin Cities, and perhaps the only one in the nation.

She is probably best known for her stand against black militant extremists. "The American culture is amalgamated—if it isn't a meltingpot. Each race and nationality has contributed toward that culture, and the Negro culture is an integral part of our nation.

"Both races are caught in historical circumstances. We have to work the way out together. Neither can do it alone.

"The black radicals preaching separatism are only letting the white man off the hook, which is just what white racists want," she reasons.

Mrs. Kyle says she and "the silent and unseen majority" of Minneapolis Negroes—according to her figures, there are 35 to 50 "trouble makers" among the city's 15,000 Negroes—do not share the extremists' views and are "shocked" at the amount of trouble they can stir up and the publicity they get.

The election of Minneapolis Mayor Charles Setnvig this year on his "law and order" campaign shows how the public feels. "The voters hit the extremists," she said, "right in the ballot box. And they're doing it all over the country."

A certain amount of the reaction may be

the white backlash, but for the most part, it expresses the opinion of that vast unseen majority—black and white, she contends.

The "opinionated" Mrs. Kyle has views on practically every controversial topic. For example she favors Nixon's proposed "workfare" welfare program which she feels fosters incentive and independence. She thinks the present system just hasn't worked. "The poor are just as poor," she points out.

She feels the same way about the Economic Opportunity Act. "The poor are still poor, except for the few earning the salaries on programs," she said.

As to her own background, Mary Kyle came up the hard way, hurdling discrimination and "hard times" along the road.

Born in St. Paul, she has lived most of her life in Minneapolis, and majored in chemical engineering at the University of Minnesota.

Her writing career began later, after she had married and was the mother of four children. She began writing for the St. Paul Sun weekly newspaper, and studied journalism through the University of Minnesota extension school.

Now a grandmother of six, she launched her own newspaper two years ago, fired by an ambition to create a newsworthy paper, "something different to make weekly journalism dynamic."

She is now active in many professional organizations not to mention civic groups such as United Fund, Urban League, Council of Churches and so on.

Her interest in politics was sparked soon after her marriage when a friend challenged her to "clean up" what Mary Kyle saw as "dirty politics." She began at the precinct level and has been active in Republican politics ever since.

"I liked the Republican party because it's orderly and businesslike. How I think life should be," she explained.

She's all set for action on the Status of Women Council, and accepted the role only after she was assured she would see some real work done. "If it's a window dressing role," she told a White House representative, "forget it."

Women, as she sees it, have been discriminated against almost as much as the Negro, and being both, "I have some ideas on what we need," she says with conviction.

And as she has proved throughout her life, when Mary Kyle sets her mind to do something—she does it.

PRESERVING CLARK COUNTY'S SPOT IN HISTORY HAS BEEN A 40-YEAR FIGHT FOR JEFF MAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include this excellent article, depicting one man's untiring efforts to preserve the falls of the Ohio, an irreplaceable fossil reef situated in the Louisville, Ky., and Jeffersonville-New Albany, Ind., metropolitan areas.

As one who also is concerned for the preservation of this unique geological phenomenon, I can vouch for the dedication of Dr. Munich in his efforts to protect the area.

The article, by the Louisville Courier-Journal and Times staff writer, Jack Schneider, reads as follows:

PRESERVING CLARK COUNTY'S SPOT IN HISTORY HAS BEEN A 40-YEAR FIGHT FOR JEFF MAN

(By Jack Schneider)

For most of his 40 years Don Munich has been carrying on a love affair.

It's one in which Mrs. Munich heartily concurs.

The object of Munich's unabashed affection is Clark County.

"I've been from one coast to the other," Munich says, "and as far as I know, Clark County is one of the finest counties in the country to live in. It has everything."

Then, after a brief pause, he adds, "Or at least it HAD everything."

The emphasis on the "had"—and the tone of disdain with which it was uttered—is a tipoff to Munich's attitude toward what he considers a needless squandering and mismanagement of Clark County's resources and heritage.

"I have the utmost appreciation for Clark County's history, and I have faith in its future," Munich says. "But it's nothing short of tragic that we haven't done a better job of protecting our priceless resources and heritage.

"The way we have been abusing the county, I'm afraid we are going to have to put up a lot of markers saying here's where something had been."

HAS TWO DEGREES

Munich is a Jeffersonville dentist who prefers not to be called or referred to as "doctor." Besides, his degree in dentistry, he also has a degree in geology. He worked as a geologist before becoming a dentist 10 years ago.

It's not surprising that one career wouldn't be enough for this ubiquitous man of far-reaching interests.

Munich is perhaps most closely associated with his efforts to have a park established at the Falls of the Ohio. He formed the Falls Area Preservation Committee, and he is chairman of the Falls of the Ohio Interstate Park Commission that will work toward creation of a park.

For many years Munich has championed the Falls area as potentially one of Clark County's greatest assets. He has made countless speeches urging the area's preservation and establishment of a park there.

But Munich, who grew up in the Falls area, can become just as eloquent and enthusiastic about virtually any other subject affecting Clark County.

This is particularly true of the county's history as it relates to George Rogers Clark and his brother William Clark.

"I think what happened in Clark County had more to do with America becoming what it is today than what happened in Boston," Munich says. "Plymouth Rock was simply one of the places where one of the groups carrying the charter from the king of England got off on this continent. None of those people came to America with any idea of doing what America has done since.

"It was George Rogers Clark and William Clark who took the nation from the Appalachian Mountains to the Pacific Ocean in a single generation. They lived in Clark County and made most of their plans here.

"When George Rogers Clark stepped across the river here at the Falls that was the first time we left the land that the king had given us. He established Clarksville as the first American settlement in the Northwest Territory. He eventually took a hunk of land bigger than the whole United States then, going to the Mississippi.

"Later William Clark, who was living with George Rogers Clark in Clark County, met Meriwether Lewis at the Falls here, and together they carried the nation to the Pacific Ocean. All that happened from here."

SADDENED BY DIGGING

Munich bemoans the fact that several years ago much of the area at the original site of Clarksville was dug up.

"We allowed all the artifacts from the first toehold out of the land the king gave us in this country to be hauled to Louisville to make the fill for the Riverside expressway," Munich says.

"I think it would be better to dig up Plymouth Rock and the land around it and haul it to New York to make a fill."

Adding insult to injury, as far as Munich is concerned, is the fact that a dump is now being operated in the area that was dug up.

"We got a circuit court order to close the dump, but it was never closed, and it is now being operated seven days a week in contempt of court," Munich says.

"When you holler to the Plan Commission or the Zoning Board that you are desecrating something priceless here they claim they are unaware of it. You tell them again, and they still claim they are unaware of it. You have to learn something like this as children, apparently, to have a deep subconscious feeling for it."

DUMP IS IN PROPOSED PARK AREA

The dump is on a gravel and dirt road that is an extension of Harrison Avenue in Clarksville and winds through the Falls area. It is in the 1,400-acre area that Munich hopes to have included in the proposed park at the Falls.

"I want to do what we can to preserve the Falls area and to make our next generation aware of its importance in history—not just to this country but to the world," he says.

The chief significance of the area to the world is the presence of the fossil beds from the Devonian Age, which was a period about 350 million years ago when animals first emerged from the sea and began living on land.

Munich feels there should be a monument erected at the Falls like the one to be placed at Cape Kennedy marking that as the point on earth from which Americans first ventured safely into space.

"At the Falls we should have a monument saying that from this point in the Middle Devonian animals first ventured onto dry land," Munich says.

"We are custodians of these pieces of rock for the world, just as we are custodians of the ancient site of Clarksville for America."

Munich recalls that when he played in the Falls area as a boy there were fossils lying loose in the pot holes of the rock.

"They were picked up and carried away by souvenir-hunters, and companies shipped them all over the world," he says. "This was carried on to a point where today there are no loose fossils left."

In addition, Munich says that even while his group was in the process of preserving the Falls area about half the rock in which the fossils are imbedded "has been lost."

The rock was buried when a modification was made in McAlpine Dam about three years ago.

Another result of the modification, according to Munich, was to virtually eliminate a flock of egrets that used to live in the Falls area. He points out that there were 42 egrets living there before the dam was changed. The next year there were 16, and this year there are only 2.

"The reason the egrets left was because we wiped out what they came to eat. The water no longer runs over the rocks, making it impossible for the egrets to fish there," he says.

SYMPTOMATIC OF GENERAL FEELING

Munich feels this is symptomatic of man's general disregard for the natural order of things in his environment.

"Man can't live without animals and plants, and yet when the Corps of Engineers builds something like a dam there is no regard for the ecology of the area," he says. "We have destroyed whole species of animals, and I don't think we can do that sort of things and survive.

"We teach a kid to have a balanced aquarium, but we don't seem to be concerned whether the environment we live in remains balanced and perpetually running.

"The same lack of forethought can be found in the way we are squandering our oil and mineral supplies, even the air we breathe. The cockroach has been on this earth 200 million years. We have been here one million years. We are a new species with our whole future ahead of us. But at the rate we're going our natural resources will be all used up before long."

Munich blames our educational system for much of our problems.

"Our educational values are out of date," he says. "Our schools are still pointed toward making money instead of preparing a person to be of value to his community and feeling like he has done something worthwhile when he dies.

"No matter how rich somebody is, he can't keep from being affected by this thing if we run short of oxygen or if we have to see trash scattered all around. The richest man in the United States has to look at the eyesores that the poorest man has to look at. So just money won't save us from the things we are creating here."

MAKING A CONVICT RELIABLE—PRISON'S IMPOSSIBLE TASK?

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mrs. GRIFFITHS. Mr. Speaker, on September 9, the Detroit News carried an article entitled "Making a Convict Reliable—Prison's Impossible Task?" in which the author, Al Sandner, related a recent interview he had with Mr. Gus Harrison, Michigan State corrections director, concerning the role the corrections system plays in our criminal justice system. I urgently request my colleagues to read this article which I am placing in the CONGRESSIONAL RECORD with the view that too little attention has been focused on the impact of corrections on our society. However, the real answer to the problem is that we must do more to prevent crime in the first place.

[From the Detroit News, Sept. 9, 1969]

MAKING A CONVICT RELIABLE—PRISON'S IMPOSSIBLE TASK?

(By Al Sandner)

LANSING.—"Everybody has his favorite panacea in the search for solutions to crime," says State Corrections Director Gus Harrison.

One of them is: "Just give a man a skill he can use and he'll go out and get a job and become a model citizen."

It just doesn't work that way.

In fact, Harrison said, although nearly half the men paroled in Michigan leave prison with job skills, this kind of training is one of the least worries of the prospective employer.

"We have offers from all sorts of firms of jobs for parolees," he said. "They don't ask for trained men; they're willing to do the training themselves.

"They just ask," he said with a touch of irony, "that the men be reliable."

This quality, Harrison feels, is at—or near—the very heart of some of the social problems that make a prison system necessary in the first place.

If corrections people could make prisoners reliable, they probably would also have discovered the formula to change basic attitudes, develop work habits and incentives or overcome the bad attitudes and hostilities developed over a lifetime.

One man in 10 enters prison with a job skill; one in two leaves with one.

Some 2,067 prisoners are now being trained in such areas as blueprint reading, food services, machine shop, auto service and mechanics, garage trades, welding, basic electricity and electronics, carpentry and data processing and computer programing.

Each major vocational area is served by a committee of professionals which meets several times a year.

They "review the curriculum and make suggestions" for bringing the program up to date and relating it to actual job needs on the outside.

"And we take their suggestions seriously," Harrison said.

Still, a yearlong study financed by the Levin Foundation of Detroit and soon to be published, will show that "one in 10, perhaps one in eight, parolees stay in the job area for which they were trained for any significant length of time."

The reasons are many, Harrison said. Among them:

In times of plenty, it's easy to get a nonskilled job in the auto industry.

Even a sweeper in a factory frequently makes more than an apprentice in a skilled trade area . . . many of these men are simply not geared to such long-range thinking (taking a lower wage today in order to make more money tomorrow).

The parollee may feel more comfortable falling back into the old job patterns once he gets on the outside . . . applying for a new job in a new setting can be intimidating for one who doesn't know what to expect or what's expected of him.

Nor do we want to fault the man who isn't using his prison-taught skills; he may well be doing something better.

The corrections system is now providing prejob counseling for men about to leave prison, bringing in outsiders—including ex-convicts—to tell them what they can expect on the outside and what's expected of them.

To look to vocational training as anything more than a small element in the fight against crime is like using a piece of tape on a fractured skull, prison officials say.

"Like any disease, the best way to combat it is to get at its cause," Harrison said.

"We're not doing this. We ride a lot of hobby horses, turn to panaceas, whereas this problem is one that needs a massive attack and a heavy outlay of money at the outset.

"For example, we bring in 400 illiterates a year, a lot of high school dropouts. Many learn to read, get high school diplomas, receive medical and dental attention, perhaps for the first time; receive counseling, develop some work habits.

"Then we drop them right back into the ghetto."

"Crime flourishes under certain conditions," he said. The ghetto is one of those conditions.

"People often say to us: 'Why don't you do more rehabilitation?' I wish we knew the answers. Often we get a man when it's too late to change him.

"On the average he's 24 years old, has a sixth-grade education, no skills or well-developed sense of responsibility; he's often got a lot of bad habits—including drugs and alcohol—and is loaded down with a sense of hostility toward anyone who represents authority.

"We don't claim wild success, but we think we do well in rehabilitation, considering the odds."

Michigan's prison population is soaring as courts react to the public's concern over crime in the streets.

Eighteen months ago the average prison sentence in Michigan was 2½ years; now it's four years.

Michigan's prison population has jumped from 6,700 to 8,558 in two years and Harrison predicts it will reach 10,000 in another two.

"We're down to our last 200 beds now," he says, "and we've got a request in for two abandoned Job Corps facilities."

And then he adds the corrections officials' oft-repeated plaint:

"The cost (of maintaining prisons) is staggering. The cheapest route is to prevent crime in the first place."

RESOLUTIONS ADOPTED AT THE 13TH ANNUAL CONVENTION OF THE MONTANA AFL–CIO

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. OLSEN. Mr. Speaker, I would like to have the following letter from the executive secretary of the Montana State AFL–CIO, Mr. James Murry, and the set of resolutions adopted at the 13th Annual Convention of the Montana AFL–CIO inserted in the CONGRESSIONAL RECORD:

HELENA, MONT.,
September 9, 1969.

Hon. ARNOLD OLSEN,
U.S. House of Representatives,
Longworth Building, Washington, D.C.

DEAR CONGRESSMAN OLSEN: I want to take this opportunity to thank you for taking time out from your busy schedule to be with us and address the 13th Annual Montana State AFL–CIO Convention. It's always a pleasure to have you address Labor functions, Arnold, because we know you will "tell it like it is".

Following are a few resolutions that were passed by our convention. I urge your favorable consideration of these measures:

RESOLUTION NO. 1

Whereas: The federal law now permits railroads to work their employees for a period of 16 continuous hours or for 16 hours in an aggregate in a 24 hour period, and

Whereas: Certain employees are now required to work alone or short crewed, and

Whereas: The high speed operation of modern railroad trains impose undue strain upon the employees who are required to work long hours thus endangering the health and safety of the traveling public and the employees, and

Now therefore be it resolved: That the Montana State AFL–CIO Convention, convening in Helena, Montana, on August 21 through 23, 1969, go on record favoring a change or amendment to the federal law that now permits the railroads to require their employees to work 16 hours and to support H.R. 8449, a bill which would reduce the hours from 16 to 12 hours.

Adopted by convention action, August 23, 1969.

RESOLUTION NO. 4

Whereas: The matter of extension of the 10% surtax is now before the United States Senate, and

Whereas: a great many injustices have crept into the income tax structure over the years as special interest groups managed to gain special concessions year by year, and

Whereas: a surtax based on a percentage merely compounds these injustices, and

Whereas: it is vital that the entire income tax structure be reformed broadly to eliminate the special situations which cause the government to lose an estimated 20 billion dollars per year, and

Whereas: this 20 billion dollars must be made up by the working man who has his taxes deducted from his pay check every week,

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Now therefore be it resolved: that the 54th Annual Convention of the Montana State Council of Carpenters assembled in Anaconda, Montana, on the 18th day of July, 1969, go on record as being unalterably opposed to extension of the 10% surtax until such time as far reaching and meaningful tax reforms are instituted,

And be it further resolved this resolution be sent to the entire Montana delegation in Congress urging them to oppose any extension of the surtax until such times as meaningful reform is made a part of the package.

And be it further resolved that this resolution be adopted by the 13th Annual Convention of the Montana AFL–CIO and the Montana AFL–CIO also send copies of this resolution to the entire Montana delegation in Congress.

Adopted by convention action August 23, 1969

Resolution No. 5

Whereas: we are told by the economists advising government and representing the corporate interests that the only way to control inflation is to manipulate business so as to cause greatly increased unemployment, and

Whereas: the resulting sacrifice is deliberately arranged to fall upon the wage earner, family farmer, and small businessman whose only countervailing resource lies in the amount of available unemployment insurance and

Whereas: down through the years the corporate lobby has successfully induced state legislative asemblies to weaken and curtail the application of unemployment insurance benefits, destroying it as a source of security for the afflicted worker and rendering it ineffective as an economic stabilizing force in the community and,

Whereas: the cause of unemployment is largely national in origin,

Now therefore be it resolved: that this 13th Annual Convention of the Montana AFL–CIO institute a movement calling for federal regulation of unemployment compensation benefit standards and eligibility provisions based upon minimum requirements for decent living by the individual and thereby greater replacement revenue accruing to the local business and agricultural communities:

And be it further resolved: that as a necessary reform for the present static system the principle of cyclically graduated compensation be instituted in which weekly benefits increase in direct ratio to increased unemployment and diminishing back to minimum standard as full employment is approached.

Resolution No. 6

Whereas: it is heartening to note that some attention has been turned toward the Great tax swindle of the politically and financially elite which is the primary cause of the rich getting richer and the poor getting poorer and

Whereas: these members of the socially elite comprising only 1% of the population own and control 70% of the income from productive property are paying only 14% of the taxes while the rest of us being 99% of the populace and owning or receiving only 30% of the income from productive property are paying 86% of the taxes and,

Whereas: almost with its inception as a constitutional amendemnt in 1913 the income tax has been under attack by the wealthy and affluent rulers of our economy in order to destroy it as a progressive and equitable form of securing revenue and,

Whereas: almost every Congress and administration since 1913 has under pressure from the corporate overlords given the rich more and more loopholes and methods for avoiding taxation,

Now therefore be it resolved: that this 13th Annual Convention of the Montana AFL–CIO go on record and use every available tactic and strategy to campaign for tax reform both in the National Congress and in the State Legislature,

And be it further resolved: that special emphasis be placed on the elimination of tax exemption on income from Governmental Bonds, depletion allowances on minerals and royalties, dividend credits, stock dividends and options, family corporations and foundations, private charities, private trusts, and fraternal and religious businesses operating in competition with private enterprise.

Resolution No. 7

Whereas: the world as a rock with a limited amount of productive soil and varying from a foot to a few inches together with some oceans, lakes and rivers and a thin blanket of air is being subjected to an ever increasing rate of pollution by man; and,

Whereas: the evidence of Lake Erie, now a gigantic cesspool, and lost as a fresh water body while some token effort is being made to save the other Great Lakes, is an example of the progressive destruction being duplicated throughout the country; and

Whereas: it is now an established fact that DDT is found in the tisues of all living creatures on Earth, and if its use were stopped now, it will take 50 years to cleanse the biosphere of it contamination; and

Whereas: with our expanding population and the rapid shrinking of only mildly or unpolluted living space, the time will soon arrive when man will become, at best, only a sickly specimen of animal life;

Now therefore be it resolved: that this 13th Annual Convention of the Montana AFL–CIO establish its opposition to the continued use of DDT and work for prohibitive legislation such as introduced by Representative Schoonover, during the 41st session of the Montana Legislature, and that we support all anti-pollution measures, and

Be it further resolved: that the Montana AFL–CIO urge that our congressional delegation insist on top national priority for programs designed to curtail further pollution of our land, air, and water, and restoration thereof wherever possible.

The previous resolutions were all adopted by convention action August 23, 1969.

More resoluitons, acted upon at our convention, will be sent to you at a later date.

Thank you, again, for participating in our convention. With kindest personal regards, I am

Sincerely yours,

James W. Murry,

Executive Secretary, Montana State AFL–CIO.

REPRESENTATIVE KOCH EXPLAINS RIGHT TO PRIVACY BILL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. MIKVA. Mr. Speaker, there is little that is dearer to the hearts of Americans than their right to privacy. And yet this right remains today a right without a remedy except in a few limited situations. One of the greatest threats to the individual citizen's privacy is government, simply because of its massive size and the diversity of information which it collects for various purposes. But against the government's enormous accumulation of information about each of us, the citizen has little recourse if inaccurate, distorted, or even malicious information is on file.

To remedy this frightening situation, my good friend and colleague, the gentleman from New York (Mr. Koch), has introduced a bill, H.R. 7214, the Federal Privacy Act. In a recent article in the New York Law Journal, Congressman Koch explained the need for such legislation and how his bill would meet the requirement that private citizens have a remedy for false or misleading information which may be on file in various agencies of the Government. I believe that as more citizens and more Members of this body become aware of the need for protection from unverified information on file with the Government, support for Congressman Koch's bill will grow. For this reason, I am happy to insert at this point in the Record the article from the August 22 edition of the New York Law Journal entitled "An Argument for Bill To Safeguard Privacy."

The article referred to follows:

An Argument for Bill To Safeguard Privacy

(By Edward I. Koch)

(Note.—Representative Edward I. Koch of the 17th Congressional District of New York, formerly was a member of the New York City Council. He is a member of the New York Bar who resigned as senior partner of the firm of Koch, Lankenau, Schwartz & Kovner at the outset of his Congressional term in January to avoid possible conflict of interest as a practicing attorney and legislator.)

For each of us there is probably a dossier in some government office. The dossier may not be a sinister folder crammed with secret reports compiled by the CIA and FBI. It is more likely to be an innocent looking computer card, a census return, a series of tax returns, a passport questionnaire, a record of military service, an application for a government job, a security clearance for work in a defense industry, a scholarship application, or several of these spread throughout various departments, agencies and bureaus.

In today's technologically advanced and administratively complex world it is no doubt necessary that some of this kind of information be obtained, coordinated and kept available for proper use. Yet there is likewise no doubt that the collection and accumulation of data about each one of us is a fearsome threat to our individual liberty and to our privacy.

Our traditional legal structure arose in a free-wheeling laissez-faire sort of world. Most people did not seriously rub against governmental authority very often, and when they did it was usually in the context of the criminal law. The restraints imposed by the law on government are consequently for the most part directed to protecting the individual agent against an overt attempt by government to punish him.

Thus, if the authorities want to punish a person, they must obtain an indictment or meet a test of reasonable cause, they must provide a jury, the right to counsel, protection against self-incrimination and safeguards against the use of improperly collected evidence.

Protecting the individual against administrative overreaching in a noncriminal context has proven to be more difficult—although for most of us it is today perhaps a more important need. Although a number of significant improvements have been made through legislation, such as the Administrative Procedure Act and the Freedom of Information Act, and by decisions of our courts, it remains a fact that the ordinary citizen is at a tremendous disadvantage—often in a position of total helplessness—when he attempts to preserve his privacy against unreasonable bureaucratic collection and use of personal information. Equally dangerous is the fact that secrecy prevents the individual from correcting or explaining misleading information which may vitally concern him and decisions made about him.

Earlier this year I introduced in the Congress a proposed Federal Privacy Act, H.R. 7214, which is designed to give the ordinary citizen a workable—and effective—means to protect his privacy without impeding the necessary work of government. Under the bill I proposed each government agency maintaining records about anyone which contain material collected from sources other than from the individual directly, must do the following:

Notify the individual that such a record exists.

Disclose the information to others only with his permission or as otherwise required by law.

Notify the individual of all transfers of information to other government agencies.

Maintain a record of the names of all persons inspecting his records.

Permit the individual to inspect his own records and have copies made at his expense.

Permit him to supplement the records with information he believes pertinent.

This is the basic outline of the bill although it contains some refinements and some important exceptions—such as those dealing with material affecting national security, investigatory files prepared for purposes of criminal prosecutions, and names of informants.

Recent books and articles on the subject of privacy, such as Vance Packard's "The Naked Society," and the revelations of the extent of government wire-tapping and bugging, have made the issue of privacy one of widespread concern. In the next few paragraphs I will outline briefly the dimensions of the problem and the reasons why this legislation is needed.

Data collection is a tremendous enterprise. In the Federal government alone some twenty agencies accumulate information about individuals; the Defense Department maintains some 14 million records; Social Security keeps 160 million files on persons living and dead. This does not include the files of state and municipal governments or of private organizations. The rate of data accumulation, and the sophistication of the methods of collection and the use to which the information is put, is increasing ominously with the proliferation of governmental functions and with growing reliance on sociological and economic research.

Modern data collection is made possible by the computer. There is now literally no limit to the material that can be fed into giant computers and sorted and spewed out to whomever is at the console. For several years now proposals have been made to establish a centralized data bank. To the extent that we move in this direction—and I am not in favor of doing so—it is essential that we provide commensurate protection to our citizenry.

Not only is the government collecting more and more information about each of us, but the effect of its accumulation is compounded by the growing intensity with which it is transferred and exchanged among governmental agencies. Tax returns, for example, can be scrutinized by officials and certain Congressional staff members who have no responsibilities to enforce our revenue laws. Information about criminals and suspects is collected by the FBI and distributed to law enforcement agencies throughout the country.

The exchange of information is not limited to intergovernmental transfers. The increasing use of data about individuals outside government by credit bureaus, large corporations, banks, research organizations and others is all too well known. Recent hearings before congressional committees dealing with credit bureaus have revealed the extent of their power to destroy a man's standing in his community and his opportunities to earn a living.

The availability to stored data in government agencies to outsiders is something about which we unfortunately do not have very much information. We do know that all too often confidential government data find their way into unauthorized hands. The legislation I have proposed would certainly restrict this improper outflow, and give us some concrete facts about this type of abuse. It would also help to improve the quality and fairness of the records that are kept.

This bill should receive widespread support for a number of reasons. In fact, it is difficult for me to see any serious objection to its enactment.

First, its goal is the better effectuation of one of our nations most cherished ideas—privacy and the maintenance of ones' individuality and self-respect.

Second, its method is not one of destruction or prohibition upon the valid work of government. It does not call for the elimination of files. It merely relies on a well-tried technique of American law—disclosure and due notice as a method of ensuring responsibility. By requiring government agencies to allow an individual to see his file, and to supplement it, Officials will doubtless treat this material with more respect, will be less likely to include irrelevant and dubious hearsay, and will think twice before permitting outsiders to gain access to it.

Third, it will give the citizen more confidence in this government. Many Americans today are frightened of their government and of what it knows about them. This applies not only to those who violate the law; it applies as well to thousands of honest businessmen who fear the intricacies of our tax and regulatory apparatus, to outspoken critics of official policies who fear that government agencies maintain files on dissenting opinions, to students and blacks who believe that their anti-establishment activities today may be made the basis for future persecution. Why shouldn't these people—and that includes all of us—know what information is contained about them in government files?

Fourth, what the bill does basically is to give a new remedy for a right which we now largely possess but which we cannot enforce. Our laws presently contain strictures on libel and slander; our laws forbid the misuse of government information; the law of privacy has developed significantly since 1890 when Warren and Brandeis wrote "The Right to Privacy" in *The Harvard Law Review*. In spite of these strictures, the ordinary citizen can do little to enforce his rights under them in the area we are talking about today—if only because he doesn't know when and by whom his rights are being violated. This bill then is preventive, for it makes it less likely that government officials will do what they already are supposed not to do.

Many issues that come before the Congress affect only a small segment of our national community. The right to privacy concerns everyone in a direct way. It concerns our right to express ourselves, our relationships with family and friends, our right to go through life without the uncomfortable feeling that someone is always looking over our shoulder. Orwell's 1984 is only fifteen years away. To preserve our privacy requires action now—before his fantasy becomes our reality.

REGARDLESS OF ODDS AGAINST OIL SLICKS, THEY DO OCCUR

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. DULSKI. Mr. Speaker, even as memories of the disastrous oil damage to the coast of California from offshore wells is fresh in our minds, the State of New York continues to be sympathetic to letting speculators dig wells in Lake Erie—a body of water already suffering from serious pollution.

To back up their claims that modern techniques make the possibility of leakage very remote, they have cited the fact that the Province of Ontario has allowed oil drilling in its part of the lake for some years. Backers claim the leakage problem has been nil and odds are a million to one against leaks.

Except that the odds mean nothing when leakage does occur—as it did recently on the Canadian side of Lake Erie. There were three oil slicks discovered in the lake, at one point measuring about 2,000 yards each in width.

Lake Erie is a serious enough problem today and it is going to take much coordination and effort over a period of years to reduce the pollution in the lake waters.

This is essentially a State matter because the State controls the waters. But they are international waters, too, and neither the Federal Governments of the United States or Canada can afford to ignore the problem that exists and the increased potential if offshore drilling is also permitted on the American side.

Mr. Speaker, the Buffalo, N.Y., Courier-Express had an excellent editorial on this matter in its August 10 edition and I include the text with my remarks:

"MILLION-TO-ONE" AGAINST OIL SLICK?

Discovery of three oil slicks—at one point measuring about 2,000 yards each in width—in Lake Erie off Point Pelee, Ont., should provide the clincher against the New York State Oil and Gas Division's plans to permit leasing of underwater tracts for the purpose of drilling.

Although Ontario Resources Management Department officials claim there is no absolute proof that the oil slicks came from an oil or gas well, the evidence seems overwhelming. The U.S. Coast Guard reported oil bubbling to the surface in an area where wells are located; samples taken from the water showed it to be crude oil. The oil-slick area was very close to an area where leakages occurred during drilling operations back in 1959.

Certainly Ontario provincial agencies and Canadian federal officials should press a full investigation to find out what happened and why. And the International Joint Commission and the U.S. Federal Water Pollution Control Administration should make their own determinations.

The odds were a million to one against any oil pollution of the lake, Ontario petroleum officials told The Courier-Express a month ago. State Conservation Department officials in their arguments on behalf of drilling have cited Ontario's allegedly "accident-free" record. They also claimed on June 27 that the chance of striking oil was "extemely remote" and that the risk of pollution of our source of drinking water was nil.

We are somewhat gratified that the U.S. Department of the Interior is going to launch a federal probe into the oil-slick mystery because we have been urging for some time that the federal government do something about this offshore drilling problem. The department recently had solicited comment from major oil firms in regard to the tightening of safety regulations. Most of the companies who replied not only opposed the new rules but also challenged federal plans to insist on full public hearings before any more offshore leases are granted.

Fortunately for New York State residents, the public hearings held by the Conservation Department did provide an opportunity for all to see how flimsy were the assumptions and claims put forth by advocates of lake drilling.

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FIREMEN DESERVE PROTECTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. WOLFF. Mr. Speaker, today I am introducing a pair of bills which I believe fulfill an obligation we have to the many dedicated members of our communities who offer their time and energy to maintaining the vital services of firefighting and ambulance and rescue services.

One of the bills provides long overdue compensation for volunteer and regularly employed firemen who risk injury during civil disturbances or while protecting Federal property. This is an area which we have sorely neglected in the past, I would like to point out.

According to a research and education department survey taken in 1967 pertaining to the deaths and injuries suffered by the Nation's firemen, it was learned that 82.5 percent of the firemen suffered some form of injury during the course of their duties. But more significantly, they found that "there seems to be little doubt that this stems in large part from the riots which raged in several metropolitan areas during the summer of 1967 and subsequent harassment."

Although these figures are 2 years old, we are all well aware that this situation has not substantially improved. Obviously, in light of such events as the Chicago riots and the riots precipitated by the death of Dr. King, it seems fair to conclude that our firemen and policemen have been exposed to ever-increasing difficulties in the line of duty.

Yet, until the introduction of this bill, we have not afforded these dedicated men any insurance that while protecting our communities during civil disturbances, that they in turn would be protected from financial hardship should they sustain injuries in the line of duty. I have introduced this bill in order to make it clear that we do recognize the invaluable service that they offer us and that we in turn will offer them the Federal protection they certainly deserve.

In further recognition of the efforts of our firemen as well as the outstanding work of volunteer ambulance and rescue groups and police benevolent leagues, I have also introduced legislation which would extend to these persons second and third class mail rates preferred for certain nonprofit organizations.

These particular groups, as you well know, exert their energies not only during the emergencies which confront every community, but also during the vast amount of other community needs which arise. Their fundraising drives for various charities, their programs for children which demonstrate patience and concern, and their other activities certainly underline their right to exercise these special mailing rights.

I think it is also important to note that very often their projects are undertaken with considerable financial expense to themselves, expenses which tend to limit the scope of these worthwhile endeavors. The bill which I have introduced would ameliorate a considerable number of these financial burdens; thus enabling our communities even greater benefits from these dedicated groups.

RESULTS OF OPINION POLL

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. DUNCAN. Mr. Speaker, I would like to call attention to the results of my 1969 legislative questionnaire which was sent throughout my district earlier this year.

The response this year was the best I have had over the past 5 years, and showed the people's concern with national and international problems. Completed questionnaires were received from 22,223 individuals of my Second District. The results follow:

RESULTS OF OPINION POLL

[Answers in percent]

1. Do you favor continuing the 10 percent surcharge on income taxes for the duration of the Vietnam war?

Yes	33.9
No	63.8
No opinion	2.3

2. Do you favor deployment of an antiballistic missile system around our major defense sites as proposed by President Nixon?

Yes	74.4
No	23.1
No opinion	2.5

3. Do you favor abolishing the present military draft system for an all-volunteer army?

Yes	46.2
No	49.7
No opinion	4.1

4. Do you believe our Federal income tax laws are generally equitable for all people?

Yes	5.8
No	92.5
No opinion	1.7

5. Would you favor a Constitutional amendment to allow Congress to override a Supreme Court decision by a two-thirds vote?

Yes	78.9
No	19.3
No opinion	1.8

6. Are you pleased with the Paris peace talks?

Yes	9.6
No	86.3
No opinion	4.1

7. Would you favor an all-out bombing of North Vietnam if the enemy does not match U.S. troop withdrawals or continues to step up action during Paris talks?

Yes	80.4
No	14.3
No opinion	5.3

8. Do you think the nation's space program should continue at about the present rate ($4 billion a year)?

Yes	48.8
No	44.3
No opinion	6.9

9. Would you favor a requirement for specific Congressional approval before the President could commit U.S. forces in the future to an undeclared war like that in Vietnam?

Yes	89.8
No	8.3
No opinion	1.9

10. Do you want to abolish the Electoral College and elect the President and the Vice President by direct popular vote?

Yes	68.1
No	27.7
No opinion	4.2

ADMINISTRATION SELLS OUT ON SMOG CASE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BROWN of California. Mr. Speaker, I deplore the action taken today by the Justice Department in agreeing to a consent decree in regard to the antitrust suit filed against the automobile manufacturers last January. As I stated in my letter to Attorney General Mitchell, I believe this to be one of the most vital cases ever instituted by the Antitrust Division. I am flying to Los Angeles this afternoon where I will continue my personal role in the outcome of this crucial issue.

The Nixon administration has sold out the rights of all Americans to have a clean and healthy atmosphere in favor of maintaining high profits for the auto industry. The magnitude of this setback is huge; indeed, all of the efforts by governments and private groups to control this major source of pollution in our air may now go, literally, up in smoke.

The automobile manufacturers have never shown any incentive or displayed the initiative needed to reduce smog sufficiently. The auto makers have been charged with conspiring to limit the development of effective pollution controls, over a 15-year period, and over that period the air of this Nation dropped in quality in many areas toward a point of causing irreversible damage. Even today the manufacturers are not fully complying with existing California emission standards.

This decision relieves the manufacturers from the responsibility of pushing ahead to find more viable means of controlling smog. If neither the manufacturers nor the administration will act in this regard, then Congress must. I plan to introduce new legislation next week amending the National Emissions Standards Act to force the manufacturers to adopt the most technically feasible pollution control standards without regard to economic costs.

Fortunately, the decision reached today is not final. The district court still has 30 days during which the Justice Department's move can be contested, and I am now in the process of coordinating a major statewide drive to impress the court with the necessity of refraining from approving the agreement reached between the Justice Department and the auto manufacturers.

As main features of this drive, I have already written to every legislator in the State asking them, if they agree, to indicate their support for an open trial in this case. I am also asking various government units to show their interest in filing damage suits against the manufacturers if an open trial should eventually prove the Justice Department's charges to be valid.

In addition, a statewide petition is now being distributed in California to show mass citizen concern and support for an open public record and decision in this case.

CONDEMNATION OF IRAQI EXECUTIONS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. MIKVA. Mr. Speaker, I would like to call to the attention of my colleagues and all our fellow citizens, the recent execution by the Government of Iraq of 15 alleged spies. Since the beginning of this year alone, 36 Iraqis have been executed by their government without even the rudimentary guarantees of due process that we take for granted in the United States.

Because of the present tragic situation in the Middle East, it is undoubtedly true that there are individuals actively engaged in spying and espionage activities. However, it is clear to me that the Iraqi Government is conducting this series of "trials" and executions primarily to distract public attention from its own inadequacies and failures.

Dictatorial and oligarchic regimes have always sought to find scapegoats to blame for their own oppression. In this way, they try to circumvent opposition and criticism by calling for national unity in the face of an imaginary threat. Adolf Hitler and his cohorts in Nazi Germany succeeded in persuading many of their countrymen that the source of Germany's economic and political problems after World War I was an "international Jewish conspiracy." There is no need for me to describe in detail the tragic consequences of this deception for the 6 million Jews who were murdered. The Soviet Union has for many years blamed its shortcomings on the remnants of "bourgeois deviation" rather than on its continued suppression of political freedom and civil liberties.

Nations, like individuals, tend to look for "fall guys." Democracies, like honest individuals, ultimately face up to their problems, and accept the responsibility for error and the necessity for change. Dictatorships find such integrity of purpose inconsistent with their continued existence, and would rather hang people than recognize their inadequacies and act to correct them.

I condemn the reprehensible conduct of the Government of Iraq and urge my colleagues to join me in pressing for a peaceful and mutually satisfactory settlement to the tragic and self-defeating conflict in the Middle East.

THE FUTURE ROLE OF THE U.S. NAVY

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. SATTERFIELD. Mr. Speaker, on August 18, I had the privilege of participating in a press seminar at the Center for Strategic and International Studies, Georgetown University, on "The Future Role of the U.S. Navy." This seminar, moderated by the distinguished columnist Mr. Robert D. Novak, dealt primarily with the role of our Navy as it pertains to first, the political and national security environment; second, conditions of peace and conventional war; and third, general war and deterrents of general war.

Discussion of the subject dealt with some of the current issues which have been raised in Congress with regard to the role of the U.S. Navy, particularly its attack aircraft carriers. Because of the timely nature of this seminar, and the important observations it produced, I include at the close of these remarks, for the information of my colleagues, the text of the report on this seminar prepared by the Center for Strategic and International Studies of Georgetown University:

THE FUTURE ROLE OF THE U.S. NAVY

POLITICAL AND NATIONAL SECURITY ENVIRONMENT AS IT AFFECTS THE FUTURE ROLE OF THE U.S. NAVY

The political and security environment of the world is undergoing significant change. There is in many areas increased instability, increases in the forces of nationalism, tendencies towards neutralism, a withdrawal of western military capabilities and insertion of Soviet military presence through the expanded global role of the Soviet navy, and broad programs of military, economic and political aid.

Caribbean Sea and Latin America

From the standpoint of examining the navy's role, at the moment political issues in the Western Hemisphere are the most significant. Looking at the area as a whole, there are three primary kinds of commitment, in regard to which we are facing a time of considerable change. First is the inescapable commitment of geography; the second, the longstanding historical commitment; and third, the most significantly at present, the pattern of commitments that are challenged by on-going change stemming within the structure of the Organization of American States. We have reached a kind of impasse as reflected in Governor Rockefeller's recent trip, preventing constructive, collaborative and cooperative action. There are two points of key concern: One, the Panama Canal, and the other, Cuba and the Florida Straits. In regard to the Panama Canal, negotiations are stalled with respect to the Canal Treaty revision, which may reduce U.S. rights. In Cuba, which lies across the Atlantic approach to the Panama Canal, we may be at the threshold of a new Soviet naval entry into the area with the unprecedented visit of a naval flotilla to Cuba. A permanent Soviet presence there could pose major problems in regard to the political stability of the small unstable states in the Caribbean region.

In the Middle East, the naval interest is very high. We have had our Sixth Fleet there for twenty-one years, but perhaps for fifteen or sixteen, we had no competition. Now the Soviet Navy has moved into the area, and its strength is at an all-time high in the Mediterranean. This has created all kinds of difficulties, both for the United States and the U.S.S.R. No longer do we have the Mediterranean exclusively to ourselves, therefore, we cannot do all the things we used to do with the freedom and flexibility that could be exercised until about 1965, possibly '67. For the Russians this is a new experience.

They have been trying for a long time to break out of their traditional confinement. They have never been as successful in this area until the present decade. The Soviet Navy has been able to get more and more money for the kind of expansion they would like to see in the coming decade. They have in mind establishing a global presence in support of Soviet World political and economic ambitions. They have unlocked the puzzle of breaking out of their traditional confinement by imitating our underway replenishment and repair techniques. This they would like to do in the Atlantic and in the Indian Oceans. Their presence in the Indian Ocean and the closing of the Suez Canal have posed major logistic problems. Nevertheless, they have been able to establish bases in the Mediterranean and now near the Bab-al-Mandeb at the south of the Red Sea. These may be used as jumping-off places for acquiring other bases. In that area and in the region of the Indian Ocean the British withdrawal presents a vacuum which the Russians are already attempting to fill.

NATO

NATO has provided reasonably acceptable responses to three major requirements: first, the justification of the U.S. presence in Europe in a way that is reasonably acceptable to American and European people and their governments; secondly, assistance in building and maintaining internal order in Western Europe, and this means especially reconciling the Germans to their neighbors; thirdly, the provision of forum in which current crises can be examined and, if necessary, dealt with prudence and sobriety and in which security aspects of alternative European futures can be explored. The latter has become difficult. NATO's vigorous past looks better if you stop around 1963. For the past four or five years, there has been considerable increase in tensions and differences, there has been an increase in disputes and backbiting. In spite of the modest rebirth of NATO following the Soviet occupation of Czechoslovakia, the concrete effect inside of NATO has not been great. The prosperity of NATO appears somewhat superficial, the institution remains somewhat in the doldrums while the United States and European relations and East-West relations become a subject of great debate. We stand at the threshhold of a lot of new events in Europe; for example, the forthcoming German election, Britain's domestic problems and the anticipated election in Great Britain, the new government in France, the new prospects for WEU, the possibility that Britain and Scandinavia and other countries may be admitted to the Common, the riddle of Greece, and the question of changed relations between countries like Spain and Turkey with the Soviet Union and other parts of Eastern Europe. While improvements in NATO may be the prudent course of policy, we may face the fact that NATO may have to be replaced some day.

The Far East

A key factor in the evolution of developments in the Far East is the Sino-Soviet conflict, which promises to perpetuate itself. It has caused the Soviets to go more to sea for the movement of their weapons to Vietnam. The Soviet Navy in the Far East is of considerable importance. Its presence in an area of conflict where our interests are involved can be a growing detriment. It can, through its presence, bring doubt among some of our allies as to U.S. will and action.

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Even Red China, the exporter of revolution, in spite of its trouble in internal problems, is very capable of expanding with what is now a coastal navy. Of this there are some straws in the wind. The basis for our naval presence in the area is founded on commitments to many states. For example, the obligations to Taiwan still exist and for this our naval presence will be necessary. We would like to see Japan fill some role other than economic to supplement our forces in the Pacific but Japan so far has rejected this course. A number of developments in the area create a condition wherein opportunism is going to become more important as well as a turn toward neutralism and greater change. France and Pakistan have repudiated SEATO. Indonesia has rejected any potential alliance and is not leaning to the West. The French have withdrawn, the British are withdrawing, and we, too, hope to withdraw in a measure at least from Vietnam. This could increase the importance of U.S. naval capabilities in the Pacific.

DEFENSE VERSUS DOMESTIC PRIORITIES

Perhaps another factor in the political discussion ought to be what is happening here in regard to greater demand for spending on domestic affairs. A rather active debate on national priorities is already under way. It is going to continue for the next four years.

The view was advanced that both internal domestic programs and defenses are essential. In other words, we need what we need to defend the country, and we need what we need to have the country prosper and insure the welfare of its citizens. We need both. We cannot trade them off.

It has been said that you can take a particularly pressing social problem, the need for schools in a particular depressed area, and set it against what we are spending for chemical and biological warfare, and create a sophisticated tradeoff, which of course has no application to the generality of it. The definition of objectives raises many issues about adversaries.

Do we still believe that there is a drive by world Communism for domination? Is it going to be Chinese or Russian or a combination of both, or is it going to be a nationalistic approach by Russia? What is our answer to this and what will we do? And what do we want to do?

It is from these objectives that we will be able to determine what sort of an armed forces establishment we will have and what their role will be. And it will not be a direct argument between social progress and defense.

In this question of trading off one can well say that the greatest social service that a government can render to its people is to keep them alive and free, which is after all the business of the diplomats and soldiers.

As to what our national policy and our objectives for the future are going to be, military men of course await the civilian leadership.

What the decision will be we don't know. But when the decision does come on our future national policy, which is up for debate now, then it will be up to the military to come up with supporting strategies, naval strategies, that will be in support of the national strategy that is to be adopted. Until the United States really decides what its national objectives are, you can not equate aircraft carriers against education and things of this kind. First one must determine what are our national objectives.

The point was raised that the United States still has many friends around the world, and we still are the backbone of the free peoples of the world. We still want people to be able to determine their future. The view was strongly expressed that we are not about to come back to Fortress America. We cannot withdraw from the fact that we are a world power. Some felt our national objectives are not going to be changed to a great extent.

The priority of national security was inferred from references to the Constitution. If you look at the six purposes in the preamble three are related to national security. And if you look at the 17 duties of the Congress, seven of them are related to national security. And if you look at the three duties of the President, two are related to national security. The first one mentioned is Commander in Chief. And the first function of a government is national defense; the protection from outside threats.

Giving priority to national defense, it was argued, worked in the past. In Korea we mobilized a little bit. We spent 18 percent of the GNP for national defense in that war. We not only appropriated enough money to fight the war but started rebuilding the Army, Navy and Air Force. In other words, we went to the war on a pay-as-you-go basis. We didn't do it in this last one. What we did was in effect keep the budget level, the $50 billion level that Mr. McNamara programmed when he first came in. This represented a decrease in the amount of resources devoted to national defense in terms of the percentage of GNP. We just piled the war on top. So what we actually got was about a 1 percent increase over the rather level allocation of GNP to defense during the Eisenhower administration, where it ran about 8.3 percent plus or minus .2.

This reasoning concerning priorities was directly challenged. Reference was made to the "McNamara catechism" which was given to us all before we sat down to make a posture statement before the Vietnam war broke out, namely, the President told us to buy whatever we needed at the lowest possible price. And then the Vietnam war came along. Project after project was postponed, stretched out or canceled. We found out that for all the brave words of 1960–61 we couldn't hack it, we couldn't handle Vietnam and still do the rest of the things in the strategic budget and elsewhere.

It was maintained that domestic problems are more important even than national security to a lot of people. We have a very large segment of the population of two hundred million who haven't at this time the slightest interest in our national security problem because their domestic problems are more important to them. It is a very large segment of our people.

And then there is another large segment that we may be forgetting. There is a generation that is growing up that is totally disinterested in the Communist threat. They don't believe in it. They don't think that it exists. They did not live through the World War II or even the Korean War, or if they did, they were very young, and it doesn't mean anything to them. Nor did they live through a depression period which has an impact on the thinking of domestic problems. This group is a very large one. Its members are going to be our voters ten years and twenty years from now. We are talking about the future of the Navy—are these people really interested in whether a navy floats around the world protecting our national interests, since they don't know what those are. To them domestic problems are much more important. We ought to consider this, and not say that domestic requirements cannot be equated with or traded off with military needs. We are doing just exactly that. The federal budget is a determination of those priorities. These must be tradeoffs.

Use of the Korean War as an example of fighting on a pay-as-you-go basis was questioned on the grounds that other needs were not being met or were put off because of the military priority. It was further argued that one of the reasons for the limited objective in Viet Nam, according to McNamara, was that he was not going to be stuck with $12 billion worth of useless surplus equipment that the Eisenhower Administration ended up with.

It then was interjected that the Korean surplus was what saved Mr. McNamara from an embarrassing shortage of munitions during the first two years of Vietnam—that is until we belatedly got the production lines cranked up.

In further rejoinder it was opined that there has been no real orderly approach to many of domestic problems in our government. Spending for domestic purposes has grown extensively when you look at the total budget of $57 billion in what might be called the HEW area. We could get a lot more for that money by employing modern technical systems. We will come to this.

It was further argued that it is incorrect to say that all of the people under 30 don't worry about the defense of their country or the security, because if you look at the number of people that have gone through the Southeast Asia business you will be surprised at the number of the young people who really see the requirements.

Concern was expressed about a move alleged to be afoot today where many people are suggesting that we should not change our fundamental basic commitments, but that we ought to attempt to control them by curtailing our capabilities either in terms of the size of our forces or the equipment that we provide for them. It was maintained that we should put first things first; ascertain what our commitments would be internationally, and what our commitment should be domestically, determine the priorities in each separately, and then—based on the amount of funds available—divide it up to do the best that we can in each area.

The need for a better definition of national objectives, however, was generally recognized. We are confronted with a two-fold security problem in this country: security from outside attacks and security from within. Priorities must be met to the extent our finances permit, in spite of the problem of inflation.

STATUS OF THE SOVIET NAVY

The Soviet Navy is no longer a "coastal" navy. It was 20 years ago following World War II. It was a coastal navy when it operated out of its own coast and its mission was strictly a defense mission. But the Soviet Navy today is entirely a different one. It is the most modern navy in the world, second only to that of the United States in size.

The Soviets are building a navy for their own needs. Their purpose basically is to deny use of the seas to us for our purposes, and then to use the seas for their purposes. Geography gives them an entirely different problem.

The Soviets, in classic fashion, are now engaged in the naval support of a worldwide political-economic offensive. They, unlike the U.S., have emphasized the historic role of the navy in support of foreign policy. The Soviet Navy is part of a total maritime challenge, not just a combatant one. When we think of the modern Soviet Navy we must also think of their modern merchant marine and maritime industrial base. They come hand in hand. The impressive thing about the Soviet effort is the tremendous momentum they have in their ship building capacity, their modernization, and their merchant marine, all of which can be turned to naval purposes. We cannot possibly have a modern navy without a modern merchant marine and a modern ship building industry. They have built up their merchant marine fleet much faster than they built their navy. They are delivering their goods, their arms and their influence throughout the world with their own bottoms. They are backing it up with their navy. And their fishing fleet is large and modern. All the ships that the Russians have today are designed, built and operated and controlled by the Russian government. They move these ships tactically at sea as they move their navy ships. Their merchant tankers rendezvous with submarines in the middle of the Atlantic. One can imagine our problem if we tried to get an American Export line to rendezvous with a submarine without working it out months in advance?

Military tools are employed along with others: political, economic, psychological, and technical. All are being utilized in the furtherance of Soviet national objectives. And the Soviet Navy is being used in the cold war in novel ways that perhaps our government hasn't even thought about. The fact is that they have got these modern ships to do what they want to do, and they are doing it very capably, closely coordinated with their foreign economic policy at the government level.

The Soviets have indeed taken many long steps forward in their plans for their navy. Where 58 percent of our navy is 10 years or older, in their navy 58 percent of the ships are under 10 years old. This has been a tremendous development that has taken place since World War II. Almost their entire navy has been built since World War II. We still have many elements that were built during World War II.

At the same time that they have been carrying on these programs for their own nation, they have developed a submarine program which far outstrips anything we have ever dreamed of.

They have over 375 submarines. And Admiral Rickover estimates that within a year or two they will have the same number of nuclear-powered submarines that we have.

Their shipbuilding program, and particularly their submarine program, is the most dramatic thing of its kind in world history. Admiral Rickover recently mentioned that they had produced seven Polaris-type submarines this year so far, with the capability of producing one a month. They have a total capability of 20 nuclear submarines a year, and a total submarine capability building of 30 submarines a year. This is a remarkable exploit on their part, the technological case that they have been able to develop over the last two decades to do this.

When Admiral Rickover was asked whether he would rather lead the American submarine fleet or the Soviet submarine fleet he said he would rather lead the Soviet fleet. And it also gets to the testimony of the Admiral who is in charge of the ASW program this year before the House Armed Services Committee. Last year he was concerned, and this year he was frightened. And in testimony by Admiral Harlfinger before this committee it was brought out very clearly that the whole development, submarines, ships, planes, missiles, radar, lasers, the whole Soviet development was based on a very sound technological basis, and it has been done under the direction of the highest command in the Soviet nation.

It is true that they do have diesel submarines that carry ballistic missiles. They are of the shorter range, however. Granted, too, diesel submarines are somewhat vulnerable, more vulnerable to our counter-measures. But when a torpedo hits a ship it gets no extra value by being fired from a nuclear submarine. We cannot disregard the 150-plus Soviet diesel submarines. The main thing that limits them is that their cruising range is limited. With diesel subs, however, they can cover the entire North Pacific and North Atlantic, where are by far the most important of our trade routes. One of the easiest ways the Soviets have of swamping us in shipping operations is to deploy a large number of submarines. It should be recalled that two years ago in the South Atlantic three Soviet submarines operated in the open sea for five and a half months with underway replenishment. This was an historical first. As a matter of fact, when diesel submarines are submerged and operating on their batteries they are sometimes more difficult targets than are nuclear submarines because they can be quieter.

The Soviets also are building not only submarines, but surface ships that are sophisticated and capable, the Kresta class cruiser, the Kynda, which has the long range surface missile, and the Kashin, the fastest destroyer in the world with gas turbine engines. It is a very serious situation as far as the overall capability that they have developed in the last decade.

If we stop our ship building program now we leave the navy in very poor condition indeed. The Armed Services Committee has been bringing attention to this fact since 1962, when it held the hearings on block obsolescence.

Our maritime effort is fragmented. We have got the Navy in the Department of Defense. We have got the merchant marine in Commerce. We have got the Coast Guard in Transportation. We have got the fishing industry somewhere else. It is all fragmented. There is no government coordination and no availability at the highest level of government of the various naval and maritime options which the government should have at its disposal.

SIGNIFICANCE OF SOVIET NAVAL PRESENCE IN THE MEDITERRANEAN SEA

In their worldwide penetration we can generally say that the Soviet Union is not using its troops directly. That is one of the obvious things. Instead they are using their political and economic assets to penetrate these various parts of the world backed up by maritime power. This is a classic way that the world has been penetrated by a great power.

Now, to back up this economic and political penetration, first the spearhead of the penetration was the merchant marine which carried the people and carried the goods, developed and captured the markets. And then finally comes the navy, which follows along to provide protection and military presence in these areas of interest.

The Soviet Mediterranean strategy involves the Soviet Navy in the classic role in support of political and economic penetration—in support of the overall governmental effort. It is closely coordinated and has already brought the UAR, Algeria, Iraq and Syria into their sphere of influence, as in the Indian Ocean today, they are well on their way to bringing in Tanzania, the Sudan, and Yemen. In the Mediterranean, the Soviets have politically and economically been penetrating for a long time. But now they bring in their navy, and they establish positions of strength in the eastern Mediterranean, in Egypt, and so forth. And now for the United States to move in as we did, for example, in Lebanon in the late fifties—we would have the Soviet Navy there first, perhaps. And the question then is, do you move in or not? If you move in you confront the Soviets.

So here is an historic example of a fleet in being. It is not necessarily a bigger fleet than the United States, but a fleet which flies the Soviet flag. The message is: "If you want to exercise influence in here, you have got to deal with us." This is the way they are using the fleet in the Mediterranean.

And the Mediterranean—again it is geography—washes the shores of many free people in South Europe, and some in North Africa. If these people are to stay free and if freedom is to continue to flourish in these areas, it has to have a competitive presence to support it unless the United States makes a political decision to the contrary. Of course, it is recognized that it is very difficult to put a discrete value on a naval presence.

The signicance of the Soviet naval presence in the Mediterranean, however, was questioned and the success of the Soviet penetration, assisted by sea power, was challenged.

The fact that they are spending a lot of money on a lot of ships may be significant, but they may be wasting a lot of money. The Soviet Navy wants to penetrate the Mediterranean countries but they were in those countries before the naval presence was significantly established there. They are moving into Africa but they have had some failures there—for instance, sending snow plows to Ghana during the height of the summer. The very fact that we then put more ships to balance the British vacuum against the Russian Navy was therefore viewed as of questionable value.

Another critic offered the view that the chief thing the two navies are going to accomplish in the Mediterranean is to make it safe for small countries to fight. He said that both the U.S. and the U.S.S.R. exercise disproportionate influence on client states—as a result, wars can break out there.

In an effort to clarify the challenge, it was stressed that—in the interest of precision—we ought to make a distinction between peacetime and wartime. There is a difference in the strategy; there is a difference in the forces you keep overseas; there is a difference in the methods that you use to make the most effective use of the facilities that you have. When we say "peacetime" we mean peacetime for us and not necessarily for others. In other words, when the "Six Days War" occurred in 1967 in the Mediterranean, this was a real war for Israel and the Arab States. There is no doubt about it, they were fighting with everything they had. In Vietnam we are directly involved.

In the case of Vietnam we are using the carrier as a roving force. And it has been used very effectively there for that purpose. In the Mediterranean, on the other hand, we are using it for political ends.

If you take a look at the Mediterranean today in peacetime, regardless as to what the size of the Soviet force is in the area—and it really is no match to the Sixth Fleet as yet—there are certain very major disabilities that the Russians face in the area. We ought to recognize that these are in our favor. There are other disabilities on our side that they have been able to play up and utilize to weaken our presence there. These should be explored more systematically, not merely in the Mediterranean but globally.

In the Mediterranean the Russian vulnerability is clear in peacetime. They cannot project their air power into the area. They have no air bases. Consequently, with a lack of air power, their naval power really isn't the threat that it might be. The fact that we still have very close control, or, if you will, strong influence over two of the choke points, Gibraltar and the Turkish Straits, means that they can't get a single sub into the Mediterranean that we are unaware of. We can keep close watch. These are matters that naturally bear on the equation. Nevertheless, their presence in the Mediterranean is sufficient to deter United States military forces from taking action in our interests—without a direct confrontation with the Soviet navy.

In wartime everything changes. They are much closer to the Middle East than we are. In wartime they can bring to bear all of the power that they have or that they can spare for this area.

On the other hand, they are not single-minded about this any more than we are. The more they become a naval power, the more problems they undertake. If the Soviets have got difficulties with China at the moment and have to worry about the Chinese, there is much less that they can do in other areas.

On our side, the weaknesses that arise in our position come from the kind of diplomacy that the Russians are able to conduct in peacetime. The diplomacy that they have conducted in the Arab area has definitely been disadvantageous to us. Our fleet has not been visiting Arab ports to the same degree that it used to before June of 1967. Perhaps

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we are being deterred by the Soviet naval presence. These calculations should be borne in mind.

STATUS OF AND NEED FOR U.S. OVERSEAS BASES

The overseas bases which we once owned are being phased down. Those that we maintain are under increasing political restrictions. We lost nine bases in France. It was stated that if this government is to have a military capability to support its foreign policy and its overseas commitments, this overseas land-based strength that is now being phased out must be replaced by comparable strength at sea. The United States is coming home in many areas. We are going to have to have more flexibility and mobility in our armed services.

We have a revulsion in this country about being so handy with our infantry in foreign wars. The people are wise in the long run. They know from history that if a country habitually leads with its infantry option, the attrition of its potential young leaders and competitors is greater and it declines faster than a nation which uses other options. If we are not going to use our troops except when absolutely necessary, perhaps we can use our naval forces to take action earlier. We have got to have those naval forces in being and on the scene if we are going to take action when the roof first starts to leak. We must on occasion take action before the roof falls in and we no longer have any option but to land our infantry.

Soviet naval aviation has increased its capabilities. It is now capable of striking in a large area, specifically inside a line in the Atlantic that goes from the tip of Greenland to the Azores to Gibraltar through the Mediterranean, and then in the Pacific from Kodiak to Midway to the northern tip of the Philippines. Anything in there is inside their strike radius, including the land air bases. Almost one hundred percent of the Soviet air order of battle can reach the land bases that are occupied by American air forces overseas today.

The carriers can vary that by continuously changing the location of the air base, by moving in and out. So we need it for naval purposes, for strike, for defensive and offensive naval purposes.

It is also pretty hard to put a mortar shell into a carrier. Then there is guerrilla activity, rockets, bombs, fighter sweeps or night attack, etc. Land bases have major defensive problems, not that the carriers do not. Land bases are fixed. They can be pretargeted, and dealt with by an enemy in his own time and in his own way. But we still need land-based tactical aircraft. According to U.S. Naval spokesmen, the Navy view of the requirements for land-based tactical air is that every American doughboy deserves tactical air support that he needs. And that means we subscribe to the Marine Corps-division-wing team concept, each division has its wing. And we think that is the bare minimum for land-based tactical air, at least a wing per division. There are other kinds of missions they can fly. Then there is the theory of the tactical wing based in the United States which relies on the air base overseas. We can not afford more than one or two of these.

The Navy spokesmen reported they were looking into the prospects of basing ground troops at sea, since foreign bases were becoming either less desirable or less available politically. What led the Navy to this was a look at the logistic problems involved in the Vietnamese war. In 1966 we were in effect building a Washington beltway every 60 days: we were laying enough asphalt to build a New Jersey turnpike every 30 days and digging and dredging fast enough to dig a Suez Canal every year and a half. We built some 90 odd bases, from very small ones on up. This was a fantastic investment. If we could have hauled the logistic structures to Vietnam in ships instead of constructing it in the country it might have been not only a saving in manpower and money but also a faster response time. When you look at the fact that the North Vietnamese regular army equalled our build-up rate in Vietnam, which in general was constrained by port capacity and that North Vietnamese troops walked down from the north as fast as we could get ourselves in, it may be that a sea base system would have a military advantage.

Ho Chi Minh might have been deterred more if we could have had the capability to move in by sea quickly with x hundred thousand troops. As it was, he had to believe that the U.S. would actually build those 90-odd bases at a cost of several billion dollars. The problem of course is that developing and producing new ships to base troops at sea for extended periods of time represents a large capital investment. To do it now would be to select a time when the Navy needs large capital investment to overcome the block obsolescence problem we have. It is also a time when building things to conduct war overseas—limited wars overseas—is not very popular anyway.

One of the big problems is how to keep troops combat ready during long periods at sea. Keeping the troops afloat is debilitating. We have done it up to six months in the Mediterranean, with the requirement to get them ashore about once a month and, if possible, to get some of their combatant equipment ashore. If we had to forego that, and were actually out in the mid-oceans, obviously we would have to have more modern craft. We have got to look at craft that will give us some elbow room. We can't stack troops up. We have got to think in terms of serious modernization. The ships would be equipped with heavy lift helicopters which would allow sea-based troops to be supported 100 miles or so inland without any requirement for boats or airports or over-the-beach landings. Such troops would include amphibious assault troops capable of making a forceable landing.

THE NEED FOR MAINTAINING AND MODERNIZING OUR FORCE OF AIRCRAFT CARRIERS—NEED FOR 15 CVA/CVAN

The question was initially posed: Is there any good and valid reason why we should maintain a carrier force of the present size under conditions of peace and conventional warfare for the future? Should this force be reduced? Would a reduced force be adequate to cope with the present situation?

It was postulated by certain panelists that we can reduce our naval carrier force from 15 to 12 attack carriers. One participant even lowered the proposed total to 11 or 9. The argument was that the naval requirements around the world are limited in the future for flattops, for large carriers, if we reduce our foreign and overseas commitments and do not intend to become involved in any more Vietnams.

The necessity to maintain the old ratio of one out of three carriers on the line was also challenged.

BASIS FOR CALCULATING CARRIER REQUIREMENTS

The way in which 12 versus 15–16 carriers was calculated came up for discussion next. The formula advanced for 12 was alleged to be based on a past U.S. Navy formula: one in the Mediterranean, two or three in the Pacific, one in the Caribbean. These were multiplied by three.

A naval spokesman said that this deployment method of analysis, however, really is not what governs the size of the carrier force.

We have today a new formula, he reported. It is not simply that we need so many deployed in peacetime and multiply this number by three.

First, he pointed out that three-to-one is a planning factor which we hope we can achieve but, in fact, since 1940, we have averaged 45 per cent forward because of various alarms and scares. There has only been one occasion where for a year we succeeded in having only one-third forward. So one-third forward is just a planning factor. And we never succeed in making it.

Another formula, he said, is to look at U.S. commitments to allies, particularly the harder ones, like NATO, the defense treaty with Japan, et cetera. Then ask: what if we have a war in that area, what will be required in the way of naval forces? The number of carriers to emerge from this kind of analysis depends very much on how many simultaneous situations you consider. It generally comes out that we need on the order of 18 to 21.

The third method, which is new, is based on matching the Soviet deployment. For example, in 1975 the U.S. Navy expects the Soviets will be able to field about 10 naval units, either singly or in combination, like the one that was in the Gulf of Mexico recently and the ones that were sent into the Indian Ocean. If they have 10 units deployed, the Indian Ocean requirement might total two U.S. attack carriers, the South Atlantic two, the South Pacific two, and the rest in the Mediterranean.

The result is a rather large requirement to match the Soviet Navy with a continuous presence. It is based on the assumption that the Soviets would be the initiator, the aggressor. By this calculation, in a very simplistic way, the total comes to 30 units, but this is an overstatement. The real range, all analytical methods considered, is about 12 to 24, depending on what kind of a situation you visualize in the world. Fifteen is actually a more realistic bottom. Many people say, why is there this minimum requirement? When you look at it, ships still cruise at about 25 knots, as they have for the last 20 years, and the world hasn't changed in dimensions.

Of course, technological innovation and progress might make 12 carriers as effective as 15, if we had 20 air wings.

COST OF AIRCRAFT CARRIERS

Next, the question was raised as to the cost of running CVA task forces, including supporting ships, aircraft, etc. The answer offered was that the comparative task force now, including all the cruisers in the Navy, the missile frigates in the Navy and 60 per cent of the general purpose destroyers, and 70 per cent of the support supply ships, runs to about 39 per cent of the Navy's budget. That is for a 15-carrier navy. We presently have 16 operating and 16 wings. If you want a 30-carrier navy, you double the 39 per cent. That would add up to about six to seven billion dollars a year. This buys them, mans them, runs them and scraps them.

OPERATING FACTORS

It was suggested to U.S. Navy representatives that the 45 per cent operating factor would allow maintaining four or five carriers on the line with a smaller total carrier force.

The reply was that as a planning factor 45 per cent would not work. The reason for the one-third is for people. The ships can operate on the order of a maximum of 85 per cent. For instance, we kept 85 per cent of our 24 attack carriers operating forward during World War II. For several years some carriers during World War II did not make a port that you could call a liberty port or get any repairs from the shore side for a year and a half. They averaged 10 knots for a year and a half. The reason the people acecpted it then was because there was a war on and everybody went to war, including the civilians at home. The Navy could demand that kind of separation and sacrifice from the people. In a cold war demands for that kind of performance cannot be made. There was an end to the war in sight in 1944. There does not appear to be any end to the cold war. People cannot be asked to live that way indefinitely. Therefore, the Navy plans on the basis of the one-third cycle.

Going to "the blue and gold" concept which is used for the Polaris force will not work for carriers or any other conventional general purpose forces. It only works for forces deployed. It would deny the value of the fleets back home, the Second Fleet and the First Fleet. These, in a matter of days or weeks—depending on the emergency—can get forward. So the plan for a 45 per cent deployment is, in the face of other requirements for carriers, the combat requirements.

NUMBER OF AIRCRAFT CARRIERS IN THE MEDITERRANEAN SEA

The proposition that we can get along with only one aircraft carrier in the Mediterranean was opposed. If a carrier is removed, the attending ships are also removed, or some of them. This reduces the size of the American Navy in that area, the area of operations of the Sixth Fleet, at a time when there is a Soviet naval buildup. U.S. policy is to have political influence on the riverine states, then we are stuck with the need for not reducing our force but for keeping it at its present size. Otherwise, we are going to weaken our influence prematurely by reducing our naval presence. We may weaken it anyway. We may not be able to maintain the same political stance with the force that we have in being, because of factors that have nothing at all to do with the navies but with regional politics. But to weaken the U.S. position even further by this kind of withdrawal does not make any sense in this area.

There was a further challenge to the effect that no proof had been offered that one can equate the presence of a naval force with political influence.

These replies followed. If one carrier is withdrawn from the Mediterranean, this signals the fact that we are giving reduced significance to the Mediterranean. This signal reaches every single country in the Mediterranean area. In peacetime the political mix is more significant than the strategic mix.

A Navy spokesman picked up the argument. Withdrawing one of the carriers at this particular point in time, when the Soviets are on their buildup, would be read by NATO as a step toward withdrawal on the part of the United States.

It was brought out that to an army general who was there as the Supreme Allied Commander of Europe for many years, just the mere mention, the thought of withdrawing one of those carriers had him up in arms. He depended on the Sixth Fleet in all of his NATO planning, both cold war and hot war. Originally, the carriers in the Mediterranean did have the primary mission of nuclear strike. Over the years they shifted to conventional. But they always had the conventional mission as secondary. Now it has become primary because of other weapons being introduced.

Another critic took up the case. He wondered if we were to take a carrier out of the Mediterranean, why would that be interpreted as placing decreasing emphasis on the Mediterranean rather than as placing decreasing emphasis on carriers? He felt there was a very strong implication in much of what had been said of the possibility of non-nuclear war between the United States and Russia, or at least a confrontation of that type. He questioned how much such an estimate is worth. The theory seemed to him to be that if we get into a confrontation situation by having strong conventional strength, we would be able to avoid the choice between either having to back down or else going to a nuclear war. But if we have this conventional strength we put the Russians in the position of having either to back down or go into nuclear war. He could not see that this was very much better.

A non-naval advocate of maintaining our carrier strength continued his reasoning, first by saying he did not happen to favor every policy that the Navy proposes. In this particular instance, however, he felt strongly on the issue. It seemed very clear to him that what was being advocated was a unilateral withdrawal of force from this area at a time when we are trying to negotiate with the Russians on the ground rules for naval behavior in the Mediterranean. That weakened our bargaining position. He felt that whatever withdrawals were made from this area should be negotiated withdrawals. They ought to be negotiated from strength not from weakness. He believed that a premature withdrawal would weaken our negotiating posture. He said he was in favor of cutting back on the need for forces in various parts of the world. But he did not see any easy way of reaching that particular goal. He thought that we were in it up to our necks and that we had to recognize that our maneuverability in the political sense is not as simple as implied.

In the Six Day War in the Middle East, by unwritten convention, with all understanding after the hot line exchange, we were 300 miles away from the scene of fighting and so were the Russians, as far as the navies were concerned. The difference between their navy and ours was this. We were half an hour away and they were a half a day away from the scene of fighting. And that is the difference between the presence of aircraft carriers and their absence. This had considerable political effect.

Furthermore, when employing cost-effectiveness analysis, political considerations cannot be left out. After all, policies can cause a multiplication of costs or reduce the costs, depending on how effectively policy is conducted. If we manage through political means to prevent disputants from resorting to war, then it is going to be a lot less costly to us in the end if we are somehow or other indirectly involved in these developments.

Another naval spokesman tried a different approach. He said one thing about navies is that when we build them we must not only look at cold war, but at general war, or any kind of war the United States might get into. In the first place, it takes several years to build a carrier and man it and train it. In the second place, unless our cold warships, our units, are credible, and the enemy believes we have certain capabilities in war, our political influence is zero. So credibility in war is absolutely the most essential element in determining what forces are deployed. A paper tiger can not adequately serve political purposes.

How much air power does the United States need for military purposes? And then, based on our own geography, the number of U.S.-controlled land bases overseas, and the Navy requirement for offensive power, how much of the total U.S. air power should be land-based and how much should be sea-based? That is the main question. It is not the number of carriers or land bases.

Now, if certain military aircraft are needed in an area and nobody disagrees, where are they to be located? They cannot be put on overseas land bases for then we would not have complete U.S. control. If they are all crowded into the United States they can't go anywhere or be anywhere in an emergency. Every land base in the world is within 15 to 20 minutes of destruction, because it can be pretargeted. In NATO the only air power that we can count on if the balloon goes up, or any kind of attack occurs, if we can count on beyond five minutes, is mobile air power that cannot be pretargeted.

A non-naval student of the Mediterranean area and NATO agreed that this is not the time to reduce the carrier strength in the Mediterranean.

He said he also was not opposed to the position that the future strength of the U.S. Navy in the Mediterranean should possibly be subject to some kind of negotiations. However, he thought that this gets us into a very messy situation to try to imagine what would come out of such negotiations. This question, he felt, can be legitimately separated from the question of how many carriers the United States needs in the future.

The question in the Mediterranean is air power. He didn't agree with the view that the Russians have no air bases in the Mediterranean. He was very much concerned about the possibility in the future that they may have a great many more air bases.

He offered a very simple scenario. Suppose the Israelis get to the point where they take over Jordan. As a result of that action, the Arab countries form an alliance and the Soviet Union becomes a member of that alliance. Although this is not very likely to happen, it could happen. In that case all the existing airports in Arab states in the Mediterranean region would be open to Soviet planes. Furthermore, the Soviets would be free to build temporary flight strips anywhere they wanted to. They could have hundreds of airfields in the Mediterranean within a matter of months. This is the problem. He submitted that the position of the carrier in the Mediterranean in this situation might well be impossible.

The idea of hundreds of Soviet airfields in the Mediterranean, however, was quickly challenged as mythical. So far, they don't exist. If they did exist they would be unusable, because our people, all the NATO countries, are between Russia and those airfields. The only way to support them is either through the Strait of Gibraltar or through the Dardanelles. These are friendly areas and we want to keep them friendly. The airfields are mythical, the airplane carriers are not. Thus he didn't see the problem of two airplane carriers being overwhelmed by hundreds of airfields. Rather, he expressed the view that airplane carriers are going to be necessary to support the armies which are holding the Dardenelles and keeping the Russians in the Black Sea and in their neighborhood where they belong and not out in the Mediterranean where we don't want them.

As long as NATO works together there really is no problem. The Mediterranean is and can be controlled by land-based air from the NATO side. But if one thinks about a unilateral U.S. contingency in which the United States' neck might be out, then a really tough problem arises. It can not be solved simply by bouncing around questions about whether we need 12, 19 or 30 carriers. This is a much more complex problem than that.

The carrier is a very important political symbol. But the U.S. symbolic position has already been weakened by the fact that we are already not alone in the Mediterranean as we were. It is true that if you pull a carrier out for budgetary reasons you would probably hurt our symbol that much more. And this is a gratuitous act that would be inexcusable at this time. But if we are going to make reasonable mid-range plans about what we do about our presence in the future, then we ought to start thinking about the function of that presence, the best way of manifesting that presence. And it would be a lot more important, for example, to have access to some of the ports from which we are now excluded than simply to have a carrier now. A pretty good show can be made with a visiting fleet. There are lots of ways of doing this.

Turning first to NATO it was also pointed out by another panelist that NATO is now split with a penetrable wedge right down the middle. The southern territory of NATO, consisting primarily of Turkey, Greece, Italy and Portugal, is very largely dependent upon sea power. There are 1500 ships a day in the Mediterranean supplying Italy, Greece and

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Turkey. And we have to be able to protect that shipping against any possible incursion. The military presence there would prevent any Russian attempt to dominate the Mediterranean and cut off the flow of sea power.

Secondly, there should be mention of the problems of overflight rights. These problems are minimal with carriers but they were maximum with land based planes. Recently we tried to negotiate emergency passage of three planes from the United States to the East Coast of Africa. It took two weeks to negotiate that for a one-way trip. This problem really needs to be focused on, too.

Another view offered was that in anything short of war, the Soviets would also have overflight problems to get from where they are to some other place. They would have to overfly Turkey or Yugoslavia or Greece or some other place. And these countries may be friendly to the Russians, or they may not.

Some of the critics remained unconvinced. It was maintained that the original point of having two carriers was that we had a strategic nuclear requirement at one time for that extra carrier. This situation had changed. We can have additional forces in the Mediterranean that have other purposes, but it was stated that no proof was advanced that a carrier in the West Mediterranean is needed.

Another critic questioned the assertion that carriers are needed on the grounds that the Russians might achieve air superiority in the Mediterranean if they weren't there. He pointed out that the Mediterranean can be covered at present with land bases. We have a good margin of air superiority, since the Russians aren't operating off the southern shores of the Mediterranean.

If we are talking about a peacetime situation, he said, what added value is there in having two instead of one carrier in the Mediterranean?

Secondly, if now is not the time to take out a carrier, but if sometime in the future such objectives could be achieved as easily by a cruiser or a squadron of destroyers in somewhat the same way that the Russians are now achieving it, why wait around? What is so particularly delicate about the situation now? Now is as good a time as any. It is not ever going to be a very easy situation there. And the political argument, the show of force argument for having two carriers, is a way of saying it is a historical necessity. But that it still is a historical necessity or a peacetime military necessity remains to be shown.

One thing to be mentioned about having two carriers in the Mediterranean is that we lose one of the virtues of the carrier, its mobility. We have got it confined in a little area. Not only that, but this is an area which it is said can be covered from the Northern shore by aircraft under present political conditions. Thus it seemed that we waste a carrier, at least one and maybe two, by keeping them in the Mediterranean.

The same reasoning can be applied in the Far Eastern situation. Certainly the Seventh Fleet is required in the Taiwan Straits but are all three carriers required? There is Taiwan for land-based air. In the Korean region we have bases in Korea. In the Southeast area we have bases in Thailand. Despite the talk of our withdrawing he felt it is doubtful that we are about to give up our air bases in Thailand and Laos, the way it is talked about concerning Korea or Taiwan.

So we come back to the question, why do we need the carriers in peacetime? To the extent that we need them for a show of force, a case has to be made that that big and expensive a piece of equipment is really the only way that we can achieve the purposes of the show of force.

Now, when we are talking about wartime, if we need to get extra air into the Mediterranean for a conventional war, this occurs with a period of warning. Consider the carriers in the Mediterranean. If the Russians close off the Straits of Gibraltar, the carriers inside are lost anyway.

Navy representatives returned to the many challenges posed. There are no tactical aircraft, tactical wings of the U.S. Air Force based on the northern shores of the Mediterranean, unless a base that is way up at the north end of the Adriatic is included.

We are being pestered with the idea that we might have to get out of Okinawa, and possibly Japan.

The Korean bases are there but a military airbase is a far cry from a strip of asphalt. And we have tested that and found it wanting.

Our base rights in the Philippines are certainly not a certainty.

Our base rights in Thailand also may not be a certainty down the road.

We have lost our bases in the Middle East. The situation at Wheelus, which is the last base we have on the continent of Africa, is questionable. Wheelus Field in Tripoli is under various restrictions. Its viability is very questionable.

The Spanish have not been interested in our using their territory as a staging area.

Mention should also be made of the withdrawal of the French bases. We have one base in Sicily, which is a naval base, as it turns out. It is for maritime patrol aircraft. This is the only base that we have there.

As a result we are left with a base structure that is abysmally vulnerable in Europe. All the bases on which the majority of our tactical air in Europe is based are within 120 to 140 miles of the East German frontier. An unguided rocket can take those out cheaply. The political vulnerability of overseas bases is just something that is not matched by the carrier.

Although the Mediterranean is not large—it is 1500 nautical miles from one end to the other—it is still a good operating area. We can manage the carriers in there. If the other side attacks first, however, we are going to have a very bloody time regardless of the amount of warning.

Another naval spokesman continued the argument. He said, in reference to NATO bases in Southern Europe, that we also have to remember that we have to be able to operate these unilaterally as well as under the alliance flag. In a situation in the Middle East, NATO may not want to respond. The United States might want to respond. The fact is that in the Mediterranean NATO has never really been a factor. It has not worked there. Since 1956 it has been only our Sixth Fleet. We would have to have the capability to do so. If we were not allowed to use the NATO bases we would have practically nothing to respond with except our aircraft from our carriers.

We are very, very limited, from a unilateral operation viewpoint, in the Mediterranean if we don't have our carriers.

Reference was also made to this problem of getting through to the East African Coast. The problem of bases there for the strike command, in the Indian Ocean area, is a real one. Wheelus is essential to the strike command getting through.

AIRCRAFT O. B. ON AIRCRAFT CARRIERS

The view was expressed by a critic that an aircraft carrier has possibly 50 planes which can fly tactical or supply missions. This number might vary according to the particular carrier from 50 to 60. So you can count on 50 to 60 sorties which could be flown in any way today from any one carrier.

This statement was said to be inaccurate by spokesmen of the Navy. You have a wing on each carrier. A land-based wing equals a carrier wing. You have the equality. We fly more sorties a day more than others do with land-based aircraft. About 1.2 versus 1.1. A carrier would have available 75 planes, the same number for a land-based wing. There are another 15 on a carrier that are the "cats" and "dogs", as they are called. We have 75 fighters and attack aircraft capable of defense missions in our wings. The number of aircraft available for attack sorties thus would be 75. You can turn the F-4 into a fighter or bomber.

OTHER COMMENTS ON THE ROLE OF AN AIRCRAFT CARRIER

The aircraft carrier, according to naval spokesmen, is a pretty flexible multi-purpose weapons system. It is a base for practical air power of any kind that you want. Land-based air power has gone through the same changes. Therefore, there is nothing strange or odd about the fact that the air base doesn't necessarily dictate the mission of the airplane. It is strategic if it needs to be and it still needs to be.

For the sea-based tactical air, there are two basic missions. One is for the striking power and the air defense of the fleet, and the things that the fleet is trying to do, including protecting convoys—if we get into that business. Because of the increased radius of action of tactical aircraft, both land and sea based, the capability of carriers pays off but not in the ability of the aircraft to fly overseas and occupy a base. It pays off in the ability of aircraft flying from sea bases being able to cover almost the entire world. And this means that today we have a bonus from our attack carriers in that we can perform tactical air power in almost any situation that might arise without any requirement of perfect intelligence on our part. It can happen 10 years from now, and we can be there, because we have the radius of action.

Another naval representative, while not challenging the stated needs of the U.S. Navy for carriers, inserted a word of caution about equating carriers with naval power. The real question is, given a fixed budget, how much should be allocated to protect x number of carriers. In this decision, the rest of naval power should not be sacrificed. Naval power must be balanced. Naval power has to have many types and degrees of application for tactical aviation. Another senior military officer with a different service background added that the balance referred to applies to and between all the military services.

Concerning means of reducing defense costs, a participant declared that we have today in service three and a half million to four million men. Tomorrow we are going to have two million or two million, five hundred thousand. There is no way to save money by deferring a Nimitz class carrier for a year. More money is spent that way.

VULNERABILITY OF THE AIRCRAFT CARRIER

It was pointed out that there is a school of thought in the Congress, in the Air Force and among certain scientists that Surveyor satellites, missiles, etc., make the carriers comparatively easy to locate. If it can be located, it can be sunk, either by the new nuclear submarine or by either a seaborne or land-based missile.

In reply, a naval advocate said that again we must not confuse war and peace. We have used the carrier ever since World War II. We haven't lost any. We used it all over to enforce our policies, our politics. It has been a very cost-effective machine. This invulnerability argument has been going on in Washington since 1945. Anything that is hit with modern weapons today is vulnerable, whether it is an airplane, an airbase, an aircraft carrier or a submarine. As far as the satellite is concerned, it must communicate this back to the submarine, and in spite of what you hear, the submarine only goes 30 knots an hour, and that isn't very fast.

A representative of a point of view hardly to be identified with defense priorities closed the discussion with a brief unexpected testimonial. He said that nobody had mentioned the extremely undesirable political aspects of many of our foreign land air bases. He viewed this as a tremendous point in favor of the carrier. Okinawa has become a major political liability and Taiwan may become a worse one. He went on to say that if we must have a tactical airforce overseas—he was not sure that we do—he would feel much more comfortable with carriers than on land bases.

PROBLEM OF BLOCK OBSOLESCENCE IN THE U.S. NAVY

The question was asked if block obsolescence of naval ships is a priority problem or a minor one.

A naval official replied. He said that we have built about 1.5 million tons of naval vessels since 1945. The Soviets have built about 1.7. Our ships average larger tonnage per ship, not only because we have carriers, but in the other types as well. So we have built a lot fewer. On a tonnage or number basis, they have built more naval ships since the war than we have. That means that if we assume a 30 year life for a combatant naval vessel—unless we increase markedly the rate of ship construction between now and 1975—the Soviets are going to have a bigger navy than we have. It is inevitable. Overcoming block obsolescence is a top priority.

The ship construction budget of the Navy has run about 19 per cent of the total. One way to get a really brand new navy is, of course, to retire all the old ships. That can get the average age down really fast. But this is not the answer. We are in a very bad situation. The Navy is going to have to spend more than 19 per cent, at least for about 10 years.

An official from Congress continued the case. He said there is one other point that needs to be raised on the ship building problem. In addition to the problem of age, the ships that we have are in such condition that the casualty reports on them are increasing in severity. This means that they are off the line more and it takes an awful lot more manpower to put them back on the line. This means the personnel have to be involved in maintenance more than in operations. In addition, the old ships are very poor in regard to habitability.

At a time when many people are urging that the armed services go to a professional kind of service, we are not going to draw many people into the Navy if the Navy consists of old ships that they spend all their time just keeping on the line.

ANTI-SUBMARINE WARFARE (ASW)

Discussion was initiated with a somewhat loaded question: Has the Navy made a serious mistake in starving the ASW program, considering particularly the growth of the Soviet submarine fleet? A subquestion was whether or not ASW simply can not keep up with the offense, considering the declared invulnerability of the Polaris fleet.

Representatives of the U.S. Navy replied. One said he did not think that one can say that the Navy has starved the ASW forces for the Polaris. Budget-wise Polaris is part of the strategic offensive capability. The Polaris program runs only 6.8 per cent of the Navy budget.

Another spokesman said it is certainly not throwing good money after bad trying to perfect ASW. We are moving forward in the ASW field. The problem is a terrific one technologically. We have different weapons systems coming along that are going to be very helpful—the P3C, the S3A aircraft, and various other systems.

There is another problem. Whereas we used to think in terms of trying to bottle up the Soviet Navy years ago, with the naval strategy that they have adopted they are now out in blue water. To the extent the Soviets gain access to the open seas and operate from bases overseas without our interference, our ASW problems are compounded. They used to stay relatively close to home waters, which made it possible for us to bottle them up. This is no longer true. The problem has been intensified now because they are out in the oceans of the world.

When talking about ASW, one has to differentiate between the defense of the United States against the submarine-launched ballistic missile and the classic navy ASW role to defend convoys and to defend the fleet. The threat against the United States itself is increasing. When one talks about ASW in this vein, one has to look at what we are spending for defense of the United States. A few years ago when the Navy came in with a program to increase its ASW to deal with the submarine-launched Polaris missile, the rationale for rejecting that increase was that we were not spending anything for land-based ballistic missile defense of the country, therefore we could not have our ASW slice of this.

The situation has changed. The threat has increased very rapidly. The country has now made a decision to go for some ballistic missile defense. The next logical thing to do is to look at the budgeting for ASW. This country needs more ASW today, not at the expense of offense but as the sea-based part of the effort the country is going to allocate for defense.

A challenge came from one of the participants. He asserted that the Navy has not been able to track its own Polaris submarines leaving port and we surmise that the Russians are not able to track our Polaris submarines. If both the American and the Soviet submarine forces are very hard to find and to track, what kind of a threat, then, do the submarines pose to the carriers?

In answer a Navy representative said the questioner was talking about two different things. A Polaris submarine is extremely difficult because it does not have the three tasks that the attack submarine has. It does not have to detect targets. That was done for him by a satellite or a reconnaissance aircraft. It does not have to identify its targets. That was done for it by a photointerpreter. It does not have to chase its targets, because once it gets on station it has a very wide radius in which it can operate. It has only the last two tasks of a submarine, which is to survive long enough to fire its weapon. It has one load of weapons, and it has 15 minutes to get them off. If it knows when the war starts, the opponent has 15 minutes to get it. If it does not the submarine's only job during its entire patrol is to be quiet and undetected. This is very different from a submarine that is trying to bag an aircraft carrier. That submarine has to run over the ocean and get the information on where the carrier is initially, track it down, identify it, and then finally get in close enough position for a shot, make the shot work, and then after a hit cause enough damage so that the carrier is out of action.

Relatively speaking ASW is a feasible art against an anti-ship submarine but is an extremely different, more difficult art against a Polaris submarine. The Navy representative felt strongly that for the next 5–10 years the enemy can not destroy the viability of the Polaris. Follow on systems may be the least vulnerable of all our systems for 50 years. We are going to have to start replacing the Polaris/Poseidon boats within the next 10 years.

Then the question was raised: Should the money be apportioned on the basis of which is the most feasible rather than which is of greater strategic importance?

The answer offered was that we have to look at both of them. If we ever found some way to really get a grasp on the submarine-launched ballistic missile system within any reasonable range of funding—and by reasonable the speaker was talking about a pretty big range—we should go after it.

Another participant said that the $3 billion a year that we are spending on ASW seemed to him to be pretty adequate. He did not know of any real argument that ASW was being starved. He questioned the view that larger additional expenditures for ASW were justified on the grounds that we are starting an ABM deployment. He said an ABM system is being offered largely to defend our Minuteman capability, our strategic deterrent. The ASW protection in this area would be primarily to protect some bomber fields which have a relatively low rating in our strategic nuclear offensive capability.

The reply was that we do not know exactly how the Soviets are going to use their strategic offensive capability. They could target bombers, they could target key command control centers, they could target key ballistic missile defense centers or key control centers for your offensive missile. One cannot foresee in advance what they are going to do.

He said that our analysis of defense indicates that the only feasible defense of known positions particularly is a defense in depth. We have got to start whittling them down way off. If we put all the defense we have in the target area, this gives the offense a great advantage. As we go into ABM, whether it is against sea-based missiles or land-based missiles, we are going to have to go out and put defenses in depth. On the sea ASW is the forward, the first phase of defense in depth. And this phase can begin when the enemy vessels leave port.

ASW, of course, is not the whole answer. If we are serious about defense we are going to have to employ ASW and then perhaps later a sea-based intercept system, to supplement a terminal ABM system in the United States.

Another participant said it was not clear to him what the value of ASW is in dealing with a Polaris type submarine, if we have to know that a war has started before we can shoot at him, even if you are sitting right there watching him. Will we have a chance to use this capability, even if we can find them, after spending whatever it costs to be able to do that?

In reply, the following was offered. Assuming that the submarine carries more than one missile, even if the first one gets away and we can get the 15 left in the silos in the submarine, we will have done quite a useful task. Even if we can not precisely locate the submarine, we can be in the general area. We hope to be able to get at least part of the missiles on board before they are fired. There are many, many other cold war options we can use if we can discover submarines in a position to attack the United States. We may not have to sink a submarine to get a message across.

Concern was then expressed by one of the participants about the danger—dependent as we are on sophisticated sensors—of misinterpreting enemy action as an actual attack in the future if we have one U.S. attack submarine monitoring one Soviet submarine.

In reply the complexity of analyzing naval warfare was pointed up. It is a problem of measure and countermeasure. It is more difficult for the system analyst than some other types of problems. Naval warfare consists of an infinite succession of moves and countermoves. We have to analyze each move and countermove in each series, and integrate them to get this kind of an answer. This is going to be the pattern in the future, as both sides get more sophisticated. It is the fellow who has the best weapons and uses them the most wisely and effectively who will prevail.

One of the problems is the priority given to naval R & D. What is possible to develop in the way of sensors for land can, in principle, have its counterpart for the sea. New developments usually take place on land

and are transmitted to the sea. But about 80 percent of our government's research and development budget today is directed to land oriented efforts. Perhaps we will need more research in the sea. This is entirely feasible.

In later discussion a panelist returned to ASW operations, to ASW R & D and to the relationship of ASW to deterrence. He said that the ASW operation is not a single operation by a submarine. It is not a single operation by a plane. It is not a single operation by a destroyer. It is not a single operation by any sensor device. It is a combination. When you say that our attack submarines have not been able to track our Polaris submarines, this does not mean that there are not other ways in which we can find and detect submarines at sea. There are many ways to provide some effectiveness against the submarine threat: surveying them when they leave Soviet ports, surveying them when they are at sea, surveying them during travel time, and providing a defense in depth at sea. Even if we do not know exactly where a submarine is, as soon as a missile comes up you will be able to know where it is and then perhaps deal with a missile in a number of ways and deal with the submarine. It is a many sided problem. We are capable of making a many-sided approach. There are ways which need to be taken into consideration in our research and development program.

One of the things that has happened this year is that the research and development program for ASW—at a time when the Soviet submarines are becoming more quiet than we had expected—has been written at about $120 million. But all of this goes into one airplane which, under the regular rules of the game, would come out of airplane development, not out of ASW development.

We need to put in a lot more in ASW R & D. There have been some panels that have been studying the problem and think that we should really double our ASW R & D in order to develop sensors and mixes of equipment that can begin to counter the ASW threat.

Obviously Admiral Rickover and a number of other people are concerned, facing the contingency of a large number of relatively high speed, relatively quiet Soviet hunter-killer subs. One would always worry that some later breakthrough in tracking and detection or kill capability might permit that force in being to become an immediate or short term threat to the Polaris boats, shortly after the discovery was made.

The main thing to remember is that the Polaris boats are not invulnerable by any law of nature. We have a technological competition underway in this area as in many others.

He thought it might be useful if we stood back from specific weapons systems for a moment and looked at ASW in the context of a strategy of mutual deterrence and the forthcoming SALT talks. There are technological pressures that are on different types of deterrents, ASW with regard to the Polaris class boat, MIRV with regard to fixed land-based missiles and ABM defenses, and ABM with regard to the penetration capability of any missile. Obviously MIRV and ABM and ASW—though it has not been talked about—have to become central elements in the proposed negotiations because all of them point toward the capability to erode the basis for mutual deterrence. All of these technologies—MIRV, ABM and ASW—are very troublesome if our goal in the next decade is a stable mutual deterrence system through agreements.

A Navy spokesman replied that he agreed with the premise that there is a dynamic situation. Technology is going to make everything vulnerable sooner or later. Although MIRV is a great threat to the Minuteman system as a viable system and also to the ABM system, he did not think that one can apply ASW, even with a fantastic increase in capability in ASW on the part of the Soviets, as that kind of threat to the Polaris, Poseidon, and later ULMS, because we have such a dynamic technology and will have dynamic tactics through mobility. The thing that makes the cases nonparallel is the fact that in the Polaris, Poseidon, ULMS case the platforms are mobile. And in the other case they are fixed. Once the targeting is done properly, the accuracy is achieved and the numbers fielded, there is not any question about the outcome.

The civilian panelist countered with a statement that he agreed that the mobility of the force makes it the most invulnerable system we have at the moment. Aircraft are mobile but they have to put in at a base once in a while. Subs have to put in at a base once in a while. One can conceive of a situation in which a Soviet force of, let us say, two to three to one hunter-killers in ratio to the Polaris—given a breakthrough in detection on tracking capability—could pick up, follow and stay with every boat.

A Navy official disagreed. To show what kind of game and countergame it really is, he hypothesized putting in a dandy, high-powered, shore-based acoustic jammer off a port that would prevent the picking up of a U.S. nuclear-powered submarine.

Another senior Naval officer concluded the discussion. He said we have got to quit worrying about the service politics and the service rivalry that we have indulged in over the last 20 years when we were smart and powerful and the enemy was weak and dumb. We must make the best use of the techniques we have available and the optimum use of the geography of this country, if we are going to survive.

DETERRENCE DEFINED

A Naval spokesman said that there is another kind of deterrence besides deterrence by means of threat. He called it a checkmate. Since our common purpose is to preserve the United States from nuclear destruction, and our common concern is to prevent a nuclear first strike on the United States, we must make it impossible for an enemy to gain a decisive military advantage by hitting the United States first.

To do this best, he said, we are going to have to distribute more of our offensive weapons based at sea around more areas of the Soviet defense perimeter, to take the heat off the United States (with its limited land area) as the primary, time-urgent military target of the Soviet Union. If we really intend to provide an ABM defense, we must think in terms of a defense-in-depth. For this, we have to use adjacent sea areas to find the needed space to provide a viable defense-in-depth of the United States.

Another Navy spokesman added that when we talk about deterrence, the question is, what is it we seek to deter? Do we seek to deter war in general, or do we seek to deter particular weapons systems, particular ways of fighting a war? Should we try to draw a line and neutralize one means of combat so that no one can use it? Our approach to deterrence, he maintained, has very often been the latter. We find that one particular means of combat which is particularly destructive and we see what we can do about putting the "genie back in the bottle."

A critic acknowledged that eventually we may have to race, too. But in view of the existence of certain technologies—and MIRV is one—before we enter upon a race that is going to be very difficult to reverse, and before we enter upon a race which predictably will not only be costly in dollar terms but costly in terms of national security because of the instability which it creates in this strategic balance, we ought at least to make this effort to explain our position more directly to the Soviets in the SALT talks. We should supply them an answer to the question: Do you agree that our relationship should be built around the concept of mutual deterrence?

If the Soviet Union agrees to that as their stated policy in such negotiations, there are some things that follow. They cannot have an unlimited ABM system around their cities. That is incompatible with this. They can not have, nor can we, a large-scale MIRV deployment that points to disarming the land-based forces, nor can they have heavy ASW. We have to be prepared. When we get answers to this question of the fundamental concept of the strategic relationship, we have to come at that point to an understanding that these subsystem decisions will be made in a very different context from the one in which we are trying to debate them here.

A Navy spokesman then explained some fundamental operational aspects of deterrence. He said our land geography occupies about nine percent of the Soviet defense perimeter, as seen from Moscow. In that nine percent is the great majority of the weapons systems that can hurt the Soviet Union.

Therefore, the Soviets build ICBMs, FOBS, etc., and aim them at the United States. And some day, they may have a capability of destroying the United States.

The Soviets have great momentum in the buildup of strategic weapons. The highest defense people in the United States have said that by the mid-seventies, they are going to have a capability to destroy 95 percent of our land-based ICBMs.

He then raised the question: With the Soviets going ahead with this buildup, why are they delaying SALT negotiations?

For the preservation of the United States, he recommended that we take steps right now—and perhaps the time is already very late—to optimize our deployment so that we can survive if they do not stop their buildup. Deterrence is more than just threatening to retaliate. It is to make it impossible for the enemy to gain a decisive military advantage by hitting the U.S. with a nuclear first strike. We have got to deploy the majority of our nuclear offensive weapons outside the U.S., at sea, deployed around the remaining 91 percent of his defense perimeter to achieve this kind of deterrence.

Concerning mutual deterrence another participant said that it can only come through an act of political will on the part of the Soviet government and the American government, because the development of these weapons is not really going to stop. If we do not have, for example, an ABM this time around, we are going to have one next time around.

He stressed that we are not going to do it by passing Senate resolutions. We are going to have mutual deterrence by declaring it as an act of political will in the international arena. And it is probably going to be almost impossible.

It seemed to him that, if we are going to have mutual deterrence, we are not going to do it simply by having gigantic ICBM and Polaris forces. We are going to have deterrence from the bottom up or the top down (meaning at all levels of conflict up to and including general nuclear war) excluding insurgency warfare. We have tried our hand at that. But anything worse than that we had better be able to deter. If we are going to want to do that, he asked, had we not best be equipped with the best things?

He offered the opinion that the gentlemen who introduce resolutions to have the General Accounting Office evaluate naval strategy and to stop building the best carriers are approaching it backwards.

Another participant stressed that the decision to go for mutual deterrence is one that cannot be made unilaterally. It is a decision that the Russians have to have made at the same time. He said we have to consider the evidence as to whether they have really made that decision, if that is what they are going to decide to live with.

Turning to our sea-based deterrent, he commented, seemingly facetiously, that if its great advantage is its invulnerability and its likelihood of not being taken out in case of an attack—and we get a very high percentage of our deterrent force based at sea—then he would feel a little more comfortable if we did not try to get them to run so deep and run so quiet. He would like to have a little more visibility to attract some more of the enemy's fire.

This comment provoked the reply from a Naval representative that the option to put these missiles on surface ships for the first time would be a good way to attract some of the enemy fire that might otherwise be directed at the United States. He felt some agreement from DOD might be obtained to go ahead with the program by the mid-1970's if we have to.

He pointed out that the ballistic missile ship is not the invulnerable system that the submarine is but it is the second most survivable and least costly of all the options available to us. It is still available. He continued that the Navy is not "beating the drum" for a big ballistic missile ship force. But it is available to the United States if we need more missiles at sea in the shortest possible time, before 1975, for example.

He went on to say that the idea of aiming missiles permanently at one another is not the kind of mutual deterrence that was being talked about. One of them might go off. Then the other fellow is going to have to fire quickly thereafter. The balloon goes up. If one wants more stable mutual deterrence, perhaps one might like two survivable systems which do not need to strike first or instantly to survive and be effective.

LLMS—THE FOLLOW-ON TO POLARIS AND POSEIDON

The Navy is developing an underwater long-range missile system that is called the ULMS. The submarine itself will be more advanced and it will incorporate new technologies. It will be more efficient. The missile in the submarine will be of longer range, so that we will eliminate travel time to and from target. We will quadruple the space in which to operate, which will at least quadruple the enemy's ASW problem, or at least force him to spend many, many more times as much on ASW as he does now. He would be forced to expend resources for this purpose which he might otherwise use to build ICBMs and aim them at our country.

MISSILE DEFENSE AT SEA AND MUTUAL DETERRENCE

Naval analyses revealed that the further forward the incoming weapons in the trajectory of an aircraft weapon or missile are intercepted, the greater the payoff. For instance, in the case of MIRV, it was found that if intercepted in early midcourse, we could get the MIRV cloud while it was still small. It could be caught with one or two weapons while it would take 20 or 30 based in the United States. But in order to provide such a defense in depth we had to use the seas to get additional buffer areas we needed. In developing the concept for sea-based ABM, we took ABM technology that was already developed under the Nike X program. We took a ship of a type we have been building for years. We adopted the present ABM technology to shipboard use. We used radar technology that was already at sea but made it a little more powerful. This is how we developed the SABMIS concept for a sea-based mid-course intercept system. In conjunction with a Safeguard ABM system, it would provide a very viable defense-in-depth for the United States. SABMIS could be deployed against the ICBM threat as well as the SLBM threat. It also is capable of being moved overseas to assist in the defense of our allies, if our policy called for that. And if we changed our minds and did not want to do that any more, we could bring SABMIS ships home, always having them under the American flag and 100 percent under U.S. control.

This explanation gave rise to the question of whether the Naval officer was suggesting that the United States is making a mistake in not placing greater emphasis on the ABM.

He replied negatively. He said if the country is going to go beyond the present approved first phase of the ABM, it should seriously consider the sea-based option as one of the candidates. In a defense-in-depth we must also have something terminal; we must have always a last ditch whether it is land or sea warfare.

A panelist then opined that obviously SABMIS—the proposed seabased ABM system under discussion—had greater ambiguity with regard to the strategic function, as a concept. It could be a population defense as opposed to a terminal defense. He thought that if mutual deterrence does not appear to be in the cards and we appear to be facing stern competition in which population defense becomes a priority task in our national strategy, maybe SABMIS will yet see the light of day.

Mutual deterrence, he pointed out, takes two. He thought that those of us who argue for negotiations first have a great burden in trying to explain some of the things the Soviets have been doing. It is very difficult to rationalize the Soviet FOBS and some of the depressed trajectory tests that are rumored with respect to the SLBMs. And even more, the particular pattern of their SS-9 ICBM technology, which, he said, probably now can be admitted in public at least to be something more than a simple cluster, is not exactly the kind of flexible MIRV system we have been talking about.

He went on to say it was extremely difficult for any of those who are for negotiations first to understand why these uniquely incompatible systems, incompatible with mutual deterrence, are in process in the Soviet Union. He thought that one plausible explanation is that the Soviets have not yet seen the probability of a successful negotiation. In the meantime, they are going ahead with new systems which is perfectly reasonable, until we have an agreement.

CONTRIBUTION OF DEEP OCEAN OPERATIONS TO THE NAVY'S MISSION

The importance of modern oceanography to the U.S. Navy was also brought up but in a context which suggested that military bases under the sea could be a substitute for fleet mobility.

A Navy spokesman replied, saying that while military based under the seas are coming, it must be recognized that anything that is stationary—even under the sea—can be located and pretargeted. They can be dealt with by the enemy in his own time and in his own way. In order to get the most out of the available money, the U.S. Navy presently prefers to go to a mobile system which cannot be pretargeted and which can go where it is needed, when it is needed.

Looking ahead, the deep submergence technique offers great promise. Just like the aircraft industry wants to get on top, to get higher, to produce a superior plane with better operational capability and altitude, in the deep oceans the side which can descend farthest and maneuver and operate and fight at a lower level is going to have the advantage over the side that can not descend as far. So this is the technology of the future.

A spokesman for maritime interests argued that multi-purpose programs are the key to budget support and further stressed advantages and benefits possible to both merchant and naval sectors of sea power through cooperation and coordination.

Towards the end of the discussion a panelist presented a provocative challenge to the propriety of conventional channels of decision-making concerning military postures. He said that he thought that there will be a consensus in the Congress in the next several years that the usefulness of an undersea deterrent and the usefulness of undersea forces in general is quite high. He thought that there will be some Congressional sentiment for phasing out the manned bombers and part of Minuteman, to replace them with more Polaris-type undersea forces, one of the most promising of which seemed to be ULMS.

He went on to say that the real questions concerning the role of the Navy revolve around its role in limited war, and then the technological efficiency or obsolescence of surface fleet. First, the CVA's and the CVAN's; and secondly, surface and part underseas, the antisubmarine warfare forces.

He pointed out that particularly CVA forces and antisubmarine warfare carriers have come under attack not only in the Congress and in the Bureau of the Budget, but also in the Defense Department. Really hard questions are also going to be asked increasingly in public about the cost-effectiveness of the antisubmarine warfare carriers. He informed the meeting that one of the proposals that is being brought forward is to mothball them or keep them back here in the United States until the probability that we lose our overseas ASW bases starts increasing. When that probability starts increasing, then we can send them back up.

While professing not to be an expert on technology or an experienced expert on the carriers, he said he had done a good deal of research on some of the behaviorable reactions or the institutional reactions of bureaucracies and of organizations to changes in technology. He said that was one of the reasons he thought he was invited.

Technologies produce strategies, and strategies then require combat units and combat staff, he added. They then produce certain kinds of combat units such as carrier attack forces and these tend to become institutionalized. And when they become institutionalized, the institutions develop bias against new technologies and against new strategies. He referred to such a technology as that of a surface fleet and the question of the protectability of a surface fleet when it starts to obsolesce. (And here he pointed out that some people are charging that they are becoming too vulnerable and that they are obsolescing). The institution, he felt, would tend not to admit this and would not change strategies as a result. Only outside the institutions or in very small groups inside the institution would groups urge changes in technology: changes in strategy. And among the inside groups, it might be the submarine groups, the submarine captains, the submarine admirals, who would challenge the role of the surface navy. Outside it might be pressures such as the mayors in the United States looking for the resources that were being spent on an obsolescent technology. If the surface navy is obsolescing as some people allege and if a decreasing amount of the Navy's budget is spent on surface fleets, then an increasing amount of the Navy's budget (and possibly of the prestige of the promotions to captains and admirals) would go to the submarines. This, he said, creates a kind of institutional crisis in a way.

He went on to say that the purpose of Air Force crews sitting at the bottom of missile silos and the Navy crews sitting in the Polaris submarines is only to keep those forces ready and to fire them, not to plan for the use of those weapons. If, for example, the Navy was composed of submariners only, it would lose credibility when it is said that it should also help target those weapons, or it should also help decide on the policy or how the weapons are going to be used. The services tend thus to become custodians of unmanned weapons rather than the users

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of weapons, involving grand strategy: fleets of bombers, task forces of carriers, etc.

And so if or when technologies are alleged to be obsolescing, whether they are in fact or not, the institutions would tend to react very defensively. This phenomenon, he added, we will see during the course of the next several years in the United States, and maybe in the next several decades in the United States.

He said he thought that these questions of how vulnerable surface fleets are, how vulnerable the carriers are, how useful they are in limited war (since they do not have to be as useful in strategic wars as they might have been one time) will have to be argued out. He maintained that this will not be done on the floor of the Congress as some people seem to think it will be, nor in conferences like this. He quickly added he nevertheless did not gainsay the usefulness of conferences like this or argument on the floor. They will be argued out in very technical or very detailed papers. And there are plenty of papers floating around on system analysis in the Pentagon, and probably during the course of the next year more will be generated at MIT and at the Brookings Institution. These will debate the Navy's case for the vulnerability or the security of surface fleets. He thought that it would be a long time before this debate is really worked out, and a lot more will have to be put into it than what has been put in so far.

A representative of the U.S. Navy, in reply, stated that the Department of Defense has made studies, the JCS have made studies and the Navy has made a number of studies of the survivability of surface systems. The invariable conclusion is that, undefended and operating at random at sea, without any defense, that the survivability of surface ships is measurable in hours. There is no study that he knew of by which it can be proved that these surface ships are as vulnerable as alleged. Military experience also is just the opposite. Navies were invented back in the days of the Medes and the Persians, or before. And the primary purpose of navies is to provide security for ships and for performance of important functions at sea. Navies have been very successful in that, and they will continue to work at this task by using similar technologies to those used to threaten them. The main consideration is that all of us are in the business of providing for the survivability of our country. Of course, ships are vulnerable, but vulnerability is relative. The news from Viet Nam reminds us almost daily that men, too, are vulnerable. But this does not mean we can do without armies. Viet Nam also reminds us that aircraft and fixed bases are also vulnerable. But we still must have military aircraft and fixed bases.

The major concern today, he pointed out, is the survivability of the fixed weapon systems in the United States that can be targeted by ICBMs, SLBMs, and so forth. Whether we like it or not, our limited U.S. land geography compels us as never before to utilize the seas to a greater extent for deployment of our nuclear offensive and defensive weapons and to provide them with sufficient survivability to do their jobs if called upon. The United States is as land deficient with respect to today's nuclear weapons as England was with respect to the weapons of World War II. We have no other choice. We are compelled to deploy more of our weapons at sea, to make it impossible for an aggressor to gain a decisive military advantage by striking the United States first.

Another participant added that there had not been a single Essex class carrier or subsequent class, from World War II on, that has ever been lost to enemy action or by any other cause. And they have been through three wars. He thought that on the basis of that record, since World War II, the usability of naval forces is extremely clear.

The moderator closed with one final opinion. He said he thought that those in the Navy and others who feel that the world is going to be divided into domestic spending and military spending have to be deluding themselves. It is not going to work that way. The Navy and its advocates are going to have to fight for the dollar with the domestic programs, even though it may be mixing apples and oranges. That is the way it is going to be. He ended his statement by saying that if the Navy is one-half as convincing with the country as it was today, it will do pretty well.

APPENDIX

Robert A. Kilmarx, seminar director.

Robert D. Novak, moderator.

PANELISTS

Panel I—Political and national security environment

U.S. Navy

Vice Admiral Richard Colbert, USN, President, Naval War College.

Rear Admiral George Miller, USN, Director, Strategic Defensive and Offensive Systems.

Rear Admiral Even P. Aurand, USN, Director, Long Range Objectives Group.

Major General John Chaisson, USMC, Assistant Deputy Chief of Staff (Plans).

Admiral J. T. Hayward, USN, (Ret.), Vice President, General Dynamics.

Congress

Mr. George Norris, Counsel to the House Committee on Armed Services.

Area Specialists

Caribbean and Latin America

Dr. Howard Davis, School of International Service, American University.

Middle East

Dr. J. C. Hurewitz, Middle East Institute, Columbia University.

Europe and NATO

Dr. James King, Institute for Defense Analysis.

Far East and South Asia

Colonel Robert Rigg.

Media

Mr. Robert Debs Heinl, Detroit News.

Mr. Howard Stringer, CBS News.

Panel II—Conditions of peace and conventional war

U.S. Navy

Vice Admiral Richard Colbert, USN.

Rear Admiral Evan P. Aurand, USN.

Major General John Chaisson, USMC.

Admiral J. T. Hayward, USN (Ret.).

U.S. Army

General Robert Wood, USA, (Ret.), Research Analysis Corporation.

Congress

Representative David E. Satterfield (D.-Va.), Committee on Interstate and Foreign Commerce.

Mr. George Norris, Counsel, House Committee on Armed Services.

Mr. Sam Black, Democratic Study Group.

Mr. Robert Sherman, Legislative Assistant and Speech Writer to Senator McGovern.

Media

Mr. Lloyd Norman, Newsweek.

Panel III—General war and deterrence of general war

U.S. Navy

Rear Admiral George Miller, USN.

Admiral J. T. Hayward, USN, (Ret.).

Congress

Mr. George Norris, Counsel, House Committee on Armed Services.

Dr. Alton Frye, Legislative Assistant to Senator Edward W. Brooke.

Media

Mr. Charles Corddry, Baltimore Sun.

OBSERVERS

Lieutenant Steve Abbot, USN, Office of the Assistant Secretary of Defense, Systems Analysis.

Mr. James Adams, AP.

Mr. Holmes Alexander, McNaught Syndicate.

Captain L. D. Caney, USN, Office of the Chief of Naval Operations, Deputy Program Coordinator, New Construction Destroyer Program.

Mr. Ralph Casey, American Institute of Merchant Shipping.

Captain John Counihan, USN (Ret.), Systems Research Corporation.

Mr. Bonner Day, U.S. News & World Report.

Mr. William Downs, ABC News.

Mr. John M. Elliott, Republican House Conference.

Mr. Steven Engelberg, Legislative Assistant to Senator Walter Mondale.

Admiral Paul Foster, USN (Ret.), General Dynamics.

Mr. Hoyt Haddock, Executive Director, AFL–CIO, Maritime Committee.

Lieutenant Edgar Hawkins, USN, Assistant to Vice Admiral Colbert.

Mr. Edwin Hood, President, Shipbuilders Council of America.

Mr. Orr Kelly, Evening Star.

Mr. William A. Korns, Executive Assistant to Senator Clifford P. Case.

Mr. Les Ledbetter, The New York Times.

Mr. John Loosbrock, Air Force & Space Digest.

Mr. James Lucas, Scripps Howard.

Captain Lindsay McCarty, USN.

Mr. James McKiney, Office of Program Appraisal (Navy).

Mr. Wes Michaelson, Executive Assistant to Senator Mark Hatfield.

Mr. Crosby Noyes, Evening Star.

Mr. Robert Paarlberg, Legislative Aid to Senator Vance Hartke.

Mr. Edgar Prina, Copley Press.

Dr. Howard Reese, Systems Research Corporation.

Mr. James Robinson, Legislative Assistant to Congressman William Anderson.

Captain Gil Slonim, USN (Ret.) Special Assistant to the President, Navy League.

Mr. W. R. Teele, Assistant Project Manager, Ship Compatability Branch, Advanced Systems Concepts Division, Naval Air Systems Command.

Mr. Frank Uhlig, U.S. Naval Institute Proceedings.

Mr. Steve Vossmeyer, Legislative Assistant to Senator Thomas Eagleton.

The Honorable Richard Ware, Deputy Assistant Secretary of Defense, ISA.

Mr. Desmond Wilson, Center for Naval Analyses.

Mr. George Wilson, Washington Post.

Mr. William Young, Legislative Assistant to Senator Claiborne Pell.

NEED FOR INCREASE IN SOCIAL SECURITY BENEFITS IN 1969

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, because of the grave concern on the part of the elderly with the possibility that the U.S. Government will not grant an increase in social security benefits this year, a tremendous rally will be held by the senior citizens of Massachusetts in October 1969. As one of those who has been urging the distinguished chairman of the House Ways and Means Committee, the Honorable Wilbur D. Mills, to schedule action on social security legislation this year, I can appreciate the dire need for an increase in social security benefits in 1969.

The details of the rally follow:

Legislative Council for Older Americans and Council of Elders Inc. Proclaim: Senior Citizens Mobilization Day for Freedom From Want Through Adequate Social Security and Decent Housing Saturday, October 18, 1969

With our co-Sponsors, the Golden Age Council of Greater Boston, and others to be named later, we announced: Senior Citizen Rally at War Memorial Auditorium (on Boylston Street, Boston, Near Prudential Center), Saturday, October 18th, 1:30 p.m. (Doors open 12:30), (Orchestra and Entertainment Until 1:30).

INVITED SPEAKERS

U.S. Senator Edward M. Kennedy, U.S. Senator Edward Brooke, Speaker of the House, Hon. John W. McCormack, Congressman James A. Burke, Congressman Silvio O. Conte, and the entire Massachusetts Congressional Delegation.

This is a call to action to assemble the greatest show of senior power in the history of Massachusetts. We want to exert pressure on our entire delegation in Washington to become the driving force to get social security legislation on the floor of the House.

This year—not 1970 or 1971—We need financial aid of a substantial nature now. Let's show our political muscle at War Memorial Auditorium on Saturday, October 18th.

We are demanding a substantial increase in social security this year, decent housing and the right to live as first-class citizens of America.

REAR ADM. JOHN HARLLEE RESIGNS AS CHAIRMAN OF FMC

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. DINGELL. Mr. Speaker, Rear Adm. John Harllee, retired, resigned the chairmanship of the Federal Maritime Commission recently, and so closed another chapter in a long record of service to this country.

During 37½ years of naval and civilian duty, Admiral Harllee performed a great many tasks well.

The motor torpedo boat suqadron he commanded during World War II received the Presidential Unit Citation for its service during the time he headed it. A destroyer he commanded in postwar years won its division competition. The attack cargo ship he skippered in the 1950's won more awards than any other naval vessel during 1957–58.

Admiral Harllee served as chief staff officer of the PT organization in the Southwest Pacific; executive officer of the cruiser *Manchester*; commander of Destroyer Division 152; commander of surface ships on Formosa patrol; chief of staff of Flotilla 3. As a private citizen he was chairman of Citizens for Kennedy and Johnson of Northern California, and until his retirement from the Federal Maritime Commission he was a member of the Administrative Conference of the United States.

These are the kind of jobs a man holds who possesses the gift of being able to make those around him work together in harmony and with singleness of purpose. It is the gift of the group leader, the team captain, and Admiral Harllee held it to a great degree.

The late President John F. Kennedy appointed Admiral Harllee to the Federal Maritime Commission in 1961 and 2 years later made him chairman. President Johnson reappointed him in 1965. His decision to retire at this time will transfer to other hands duties which he has performed well and many of us are sorry to see him go.

THE UNITARIAN UNIVERSALIST ASSOCIATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. EDWARDS of California. Mr. Speaker, our country, our Government, indeed the entire world find themselves faced today with many serious problems: the arms race, campus unrest, racism, environmental pollution, world peace, to name only a few. These problems must and can be tackled head on but only through the concerted efforts of all citizens working individually and through various organizations. One of the most important of these organizations is the church because it is based on solid doctrines of brotherhood, peace, and understanding. It is to our Nation's benefit that the various religious organizations have more and more come to see their role in terms of broad social responsibility. Acting as an intermediary between their members and the Government, they can often serve as the spokesmen for large groups of people who want to be heard, who have suggestions for improvement or change.

One such organization is the Unitarian Universalist Association which has long been concerned with ways in which to solve our often complicated problems. Recognizing their social responsibility, this association recently met in Boston at the eighth general assembly and adopted several important resolutions stating their views on issues of immediate and national concern, views which I feel are well reasoned and of high validity and should be considered by the Members of this body. For this reason, Mr. Speaker, I include the following resolutions in the Record:

General Resolutions

(Text of general resolutions adopted by the Eighth General Assembly of Unitarian Universalist Association, held at the Statler-Hilton Hotel, Boston, Mass., on July 14–18, 1969)

I. ENVIRONMENT

Be It Resolved: That the 1969 General Assembly of the Unitarian Universalist Association promote environmental quality control by supporting at every level applicable, and encouraging members to support, programs and legislation that would:

Protect natural vegetative cover on land through government purchase of land and acquisition of easements on a greatly expanded scale, particularly in river basin watersheds; ensure effective soil conservation laws in areas already under development; require complete restoration of land that has been subjected to stripping for coal mining or any other purpose; establish a tax structure that would encourage the preservation of open space.

Implement recent Federal legislation by establishing stringent standards and enforceable regulations at State and Federal levels to prevent contamination of all water—atmospheric, surface, and subsurface (thermal pollution must be considered a contaminant in this context).

Amend the Air Pollution Act of 1967 to include effective Federal air shed standards; strengthen local and regional air pollution regulations; further the study and implementation of ways to circumvent mass use of the internal combustion engine.

Create standards for use of pesticides and defoliating chemicals, reducing their use to amounts deemed safe by latest scientific findings, banning their use entirely where ecological control methods can be established.

Broaden and intensify studies of the effects of population congestion in terms of what noise, confusion, and ugliness may do to the human spirit; prepare to act on the result of these studies in ways that could include rebuilding existing cities and creating new planned ones; planning highway and transportation systems with concern for beauty and utility; setting restrictions on airport locations and on the types of planes that may be flown.

Stop the manufacture, transport, and testing of chemical, biological, and radiological weapons and their use against human beings.

(Adopted by greater than a two-thirds majority vote.)

II. ANTI-BALLISTIC MISSILE PROGRAM

Be It Resolved: That the 1969 General Assembly of the Unitarian Universalist Association opposes the development, construction, and deployment of any anti-ballistic missile system, and urges the United States Senate and House of Representatives to oppose the funding of the *Safeguard* program.

The 1968 General Assembly of the Unitarian Universalist Association urged that the United States terminate its multi-billion dollar anti-ballistic missile program. The anti-ballistic missile program may continue, despite increasing opposition throughout the country and in the Congress. Such a program can intensify the arms race, provide a false sense of security since it is only marginally effective as a defensive weapon, and involves a large expenditure of funds which can better be employed elsewhere.

The General Assembly also opposes the further development, construction, and deployment of multi-warhead offensive missiles, including the so-called MIRV.

(Adopted by greater than a two-thirds majority vote.)

III. CAMPUS FREEDOM AND RESPONSIBIITY

Be It Resolved: That the 1969 General Assembly of the Unitarian Universalist Association affirms its adherence to the following principles:

1. The unrestricted search for truth requires freedom to examine all questions, to seek ideas and evidence from all sources, to listen to any speaker for information or inspiration.

2. The university community has a responsibility and needs the freedom to function as a total social institution—including both itself and the world around it.

3. The university's prime function is the education of the students. Education is a mutual responsibility of students and fac-

ulty and should involve participation of both groups in the decision-making process.

4. Freedom to speak includes the right to express dissent in diverse ways, but does not encompass action to prevent full, open, and orderly debate or to restrict or restrain the freedom of others to speak or to learn. On the contrary, such use of physical disruptions or force is destructive of the pursuit of learning and of a free society.

5. Use of oppression, repression, or blind force by institutions, administrations, faculties, or students, is not the answer to any move by students to gain their place in the educational community.

(Adopted by greater than a two-thirds majority vote.)

IV. SELECTIVE SERVICE SYSTEM

Be It Resolved: That the 1969 General Assembly of the Unitarian Universalist Association urges that the President and Congress take immediate steps to abolish the Selective Service System and establish a volunteer military service with the financial, educational, and professional incentives necessary to attract personnel.

We do not believe that military service should be interpreted as annuling such constitutionally guaranteed rights as freedom of the press, freedom of assembly, freedom of speech, freedom of association, freedom of religion, and the right to petition for redress of grievance, and whereas such actions as the court martials and administrative harassment of the eight organizers of GIs United Against The War In Vietnam at Fort Jackson, South Carolina, the pending court martial of Pvt. Joe Miles, organizer of the Fort Bragg GIs United, and the punishments meted out to the Presidio 27 are in contradiction to the First Amendment to the U.S. Constitution,

Be It Further Resolved: That the 1969 UUA General Assembly calls upon the President of the United States to grant amnesty to all servicemen and women who have been victimized for exercising their rights of free speech, assembly, association, etc.;

That the 1969 UUA General Assembly urges the President, the Secretary of State, the Secretary of Defense, and the Joint Chiefs of Staff publicly to affirm Adjutant General Wickham's letter of May 28, 1969, instructing all commanding Generals that "the question of soldier's dissent is linked with the constitutional right of free speech" and to make copies of this statement of GI liberties available to all military personnel in order that they may have knowledge of their rights.

(Adopted by greater than a two-thirds majority vote.)

V. GRAPE BOYCOTT

Be It Resolved: That the 1969 General Assembly of the Unitarian Universalist Association:

1. Supports the rights of farm workers to organize and bargain collectively, without fear of discharge, intimidation, or coercion for their involvement in union activity.

2. Urges Unitarian Universalists throughout the continent to boycott all American table grapes and request their local store managers to remove them from their shelves.

3. Affirms the right of dignity and justice for all men, and supports Mexican-Americans, chicanos, and Spanish-speaking Americans in their fight to secure their inalienable human rights.

(Adopted by greater than a two-thirds majority vote.)

VI. SUPPORT FOR MINISTERS INVOLVED IN COUNSELING SERVICES FOR PROBLEM PREGNANCIES

Be It Resolved: That the 1969 General Assembly of the Unitarian Universalist Association expresses its support for and encouragement of ministers who are participants in counseling services for women with problem pregnancies.

(Adopted by greater than a two-thirds majority vote.)

BUSINESS ITEMS

I. PROJECT EQUALITY

Be It Be Resolved: That the 1969 General Assembly:

1. Urges the Unitarian Universalist Association to continue and intensify its relation with the Project Equality Council, and further,

2. Urges its local societies to participate in Project Equality wherever it is operating in their local community.

3. Urges the Unitarian Universalist Association to join Project Equality.

(Adopted unanimously.)

II. COUNTERACTING INSTITUTIONAL RACISM

Be It Resolved: That the 1969 General Assembly:

1. Instruct the Unitarian Universalist Association administration to conduct a careful investigation of the hiring practices of hotels proposed as sites for General Assemblies and other denomination-wide meetings, said investigations to include data on (a) comparative numbers of white and minority employees in each job category, (b) comparative numbers of white and minority employees in each salary level, (c) training and promotion opportunities offered minority employees by the hotel, and (d) human relations program designed by the hotel to help employees relate to minority employees and hotel guests as people with human dignity; and that this information be made available to delegates 60 days in advance of General Assemblies.

2. Request the Unitarian Universalist Association administration to schedule General Assemblies only in hotels where, in its judgment, based on the above investigation, equal employment practices prevail; or, if such hotels are not available, to proceed with negotiations to obtain from a hotel a firm commitment to an affirmative action plan of its own, specifying short and long-range goals in the areas of (a) recruitment, training, and upgrading of minority employees; (b) human relations training for all employees; and (c) an ongoing evaluation program for assessing how well the plan is implemented; and that the results of this negotiation be made available to delegates 60 days in advance of the General Assemblies.

3. Urge that the Unitarian Universalist Association administration similarly look carefully at our other corporate practices to identify and develop methods of counteracting other instances of compliance with institutional racism.

(Adopted by greater than a two-thirds majority vote.)

STATEMENT OF CONSENSUS ON THE UNITED NATIONS

This important statement was adopted "virtually unanimously" by the General Assembly. Copies are available in pamphlet form.

NOTE

These resolutions were adopted by the 1969 General Assembly of the Unitarian Universalist Association, consisting of a broadly representative group of laymen and ministers. They reflect a substantial preponderance of opinion, although not necessarily unanimity on all points, of the majority of individuals present at the General Assembly. They may or may not represent a substantial majority of members of our local churches and fellowships. Since the Unitarian Universalist Association cherishes and recognizes both congregational policy and the freedom of individual members, these resolutions do not presume to speak for all delegates to the Eighth General Assembly or certainly not all members of Unitarian Universalist churches and fellowships. We recognize that strong differences of opinion may exist on specific questions among sincere and thoughtful Unitarian Universalists notwithstanding our underlying unity and common religious affiliation.

DIVISION OF SOCIAL RESPONSIBILITY.

COMMENDATION FOR FAA HEAD

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. PURCELL. Mr. Speaker, I take this opportunity to recognize and commend an outstanding public servant, Mr. Henry L. Newman, of Fort Worth, Tex. Since June 1, 1965, Mr. Newman has served as director of the Southwest region of the Federal Aviation Administration. As director, Mr. Newman is responsible for the activities of the FAA and its 5,100 employees in the States of New Mexico, Oklahoma, Arkansas, Louisiana, and Texas.

In the 4 years that he has held his current position, Mr. Newman has earned widespread respect and admiration. At this point in time, as the Dallas-Fort Worth community undertakes development of a regional airport, we are especially fortunate to have a man available with such talents and energy.

Eminently qualified and with much experience, Mr. Newman came to the Southwest with an acute awareness of the potential and problems facing air transportation. He has to his credit 24 years' service with the Civil Aeronautics Administration and its successor, the Federal Aviation Administration. Following 4 years of service in the Army Air Corps, Mr. Newman joined the CAA in 1946.

After working briefly in Washington, he spent 10 years in the Alaskan region as executive officer and, later, as Deputy Regional Administrator. His competence was readily apparent, and he was promoted to Assistant Regional Administrator of the eastern region. In 1958, Mr. Newman assumed the position of Assistant Regional Manager for the central region, and subsequently moved up the ladder to regional manager and then Deputy Director.

On June 1, 1965, Mr. Newman became director of the Southwest region of the FAA. He arrived in our area immediately after the decision to build a regional airport to serve Dallas and Fort Worth had been made. With the foresight that has become one of his outstanding qualities, Mr. Newman saw the need to get the regional airport project underway.

He immediately launched efforts to promote the cooperation among the various groups involved with the project, encouraging them not only to plan but to act. As he traversed the area, telling about the future of air transportation, Mr. Newman made many friends.

Mr. Newman's vision of land use compatible with airport development should also be commended. Familiar with the problems generated by poor land planning for areas adjacent to airports in other areas of our Nation, Mr. Newman is determined the same mistakes shall not recur in the Southwest. He is a tireless advocate of compatible land use, and to that end, has offered his insights to all interested local planners. Mr. Newman's vision of a better environment will certainly prove invaluable as the 18,000-acre regional airport site is developed.

In addition to his experience, expertise, and vision, Mr. Newman brings to his job an unwavering dedication to public service. For this dedication, I congratulate him. Hiring out as a public servant, in Mr. Newman's view, necessarily means placing a premium on service to the people. His efforts are characterized by this attitude, and the efforts of his coworkers are similarly directed by his inspiration and example.

The emphasis Mr. Newman places on public service is indicated by the fact that he and his personnel go to the people, rather than waiting for the people to come to him. Instead of relying on fear and punitive action, Mr. Newman chooses the positive approach of offering advice and counsel.

His attitude toward public service makes him an effective public administrator. To enhance the effectiveness of government, Mr. Newman has participated in the steering group for Federal Assistance Review, designed to simplify procedures for assistance to communities and States. He is also serving as chairman of the Dallas-Fort Worth Federal Executive Board, an organization which encourages more cooperation among governmental units.

Mr. Speaker, the people of the Southwest are well served by Mr. Newman. His vision and dedication to public service will insure that more and better air transportation will be provided to our region. I salute Mr. Newman for his efforts, and encourage him to continue his outstanding service, as I know he will.

THE 150TH ANNIVERSARY OF ROTC

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. MONTGOMERY. Mr. Speaker, the Honorable Stanley Resor, Secretary of the Army, has sent a memorandum to all Members of Congress pointing out the fact that this is the 150th anniversary of the ROTC program. This communique also served to remind me of the vital importance of ROTC to our national defense and the concept of the citizen-soldier. I would urge my colleagues to join in the celebration of this anniversary in any manner they feel fitting.

As a reminder to my colleagues of this event, I would like to insert the memorandum from Secretary Resor. It is as follows:

OBSERVATION OF 150TH ANNIVERSARY OF ROTC

The Secretary of the Army, Stanley R. Resor, has announced plans for a four-month observation of the 150th anniversary of military instruction on civilian college campuses.

The opening of the new school year this month marks the anniversary of an American tradition—the tradition of combining the development of officers for national defense with education for a degree in civilian institutions of higher learning.

The tradition began in 1819 with the founding of the American Literary, Scientific and Military Academy at Northfield, Vermont—now Norwich University. The anniversary also marks the beginning of what is now the ROTC (Reserve Officers Training Corps) program.

In launching the anniversary observation, Secretary Resor said, "The idea of educating officers for national defense on the campuses of civilian colleges and universities is in keeping with the American concept of the citizen-soldier and civilian control over our military forces. The ROTC program combines the outstanding resources and sound traditions of our colleges and universities with play of civilian university and military trainthose of the military service. This vital intering is the essence of the ROTC program. Observation of the anniversary throughout the Army will provide opportunities to reaffirm the thinking of the civilians and national leaders who established this concept and tradition."

The Army plan includes a wide variety of ceremonies, open houses, homecomings and other activities on campuses where Army ROTC is offered and in communities throughout the country to give the American public a better understanding of the ROTC program.

MR. NIXON'S NONCRUSADE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BOB WILSON. Mr. Speaker, the Nixon administration's approach to a multitude of serious national problems has been one of realism and determination, rather than the sloganeering which has characterized so many recent Federal attempts in the field of social progress. The following editorial from the September 4 Wall Street Journal is a well-balanced evaluation of the administration's efforts to effect meaningful solutions and I would like to take this opportunity to share this editorial with my House colleagues:

[From the Wall Street Journal, Sept. 4, 1969]

REVIEW AND OUTLOOK: MR. NIXON'S NONCRUSADE

The Nixon Administration's "New Federalism" does not make an especially convincing crusade, which is just as well. For Nixon's message is that the crusading, sloganeering approach has not solved our problems but aggravated them.

In his speech to the state governors the other night, the President ticked off some of the problems his Administration has inherited. Inflation out of control. State and local governments caught in a fiscal squeeze. The Federal Government over-centralized and over-bureaucratized. Its spending on social programs reaching $250 billion over five years, but its reward "a harvest of dissatisfaction, frustration and bitter division."

Perhaps more important than any of these individual problems is their cumulative result—"a collapse of confidence in Government itself, a mounting distrust of all authority that stemmed in large measure from the increasing inability of Government to deliver its services or to keep its promises."

So much of this legacy results from the crusading approach. The impatience and directness that mark the American character have also marked the American Government's attack on social problems. Any problem that raises its head must be struck down immediately, or at least that "commitment" must be made. The way to solve any problem is by frontal assault—appropriate some money and hire some hands to man the bureaucracy. The result has been long on promises and short on performance.

The most pertinent criticism of the "New Federalism," indeed, is that it sounds suspiciously like nothing more than the latest in the series of crusades. Certainly, we will accomplish little merely by deciding that the newest and latest panacea is to turn everything over to the states. Yet the slogan-tainted title is perhaps unfortunate, for Mr. Nixon's suggestions do seem set apart from the standard Federal approach by both more farsighted planning and more modest promises.

The Nixon Administration's almost startling preoccupation with the machinery of Government, for example, is certainly a departure. Such often-dreary detail has generally been overlooked amid crusading fervor. In many areas the result has been to pile programs and agencies into an incomprehensible jumble—one of the most notorious being the various manpower training programs Mr. Nixon has set out to pull together and put under state control.

The Administration's planning can also be commended for trying to discern first principles rather than to design written-in-Washington blueprints. Its proposals for welfare reform are a case in point. A national floor is put under state welfare payments, but at a level low enough to be manageable. Beyond that, the principle is work—a requirement that the able-bodied accept employment, increased rewards for those who do work, training and day-care facilities where they will help put people to work.

Despite the instant outcry from some quarters about being mean to the poor, it should be clear that the only real solution to their problems is to help them work their own way out of dependency. Whatever actual effects the reforms may have, it is this principle Mr. Nixon is trying to put into operation.

Also commendably, Mr. Nixon offers his reforms more as sensible things to do than as the magic remedies for anything. The promises are modest, especially gauged against those to which the nation has become accustomed. In explaining the New Federalism to the governors the other night, the President remarked, "We can only toss the ball; the states and localities have to catch and carry it."

The thrust of the Nixon approach then, seems to be cutting national expectations into line with reality, insuring that a few first principles are established, putting Government machinery in working order, and letting subsequent events take their course. Given the American character and recent American experience, it all seems a little odd.

Yet considering where the instinctive crusades have taken us in recent years, it does seem time for Americans to start trying to understand that real remedies to social problems may require a bit more longheadedness and patience.

THE RETIREMENT OF THE ROCHESTER CITY SEALER

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. CONABLE. Mr. Speaker, the many friends and colleagues of Anthony Samenfink, who was formerly the city

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sealer of Rochester, N.Y., are paying tribute to him tonight for his 48 years of service to the community. Mr. Samenfink resides at 60 Cheltenham Road in my congressional district and I would like to take note of this special occasion.

Mr. Samenfink was the city sealer for more than 30 years and served well the people of the city. He was active in the professional associations of officials of similar responsibility at both the State and National level. He served as president of the New York State Association of Weights and Measures, spent 5 years on the executive committee of the group, and also was a member of the legislative and resolutions committees. At the national level he was a vice president of the National Conference on Weights and Measures.

Mr. Speaker, if we are to have sound government, we must have responsible officials at all levels. We must have people who fill their office with integrity, interest, and competence. These qualities are equally important at the local level as they are at the State and National levels, and I am pleased to join in the recognition being given to one such official.

BUREAUCRATIC SCLEROSIS

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. PETTIS. Mr. Speaker, recently one of the prominent residents of Washington wrote a thought-provoking "editorial" in the Evening Star which expresses a point of view of many millions of Americans on the subject of our recent space program.

And as we all contemplate the future role of our space program in the light of all the demands made upon our taxpayers, I commend Mr. Dixon's remarks to you for reading. He has titled them "Bureaucratic Sclerosis":

BUREAUCRATIC-SCLEROSIS

The reason the men of the NASA-Space-Agency have been able to generate more mileage—(results)—per each dollar used than by men of other agencies of the government is simply because NASA is still young, strong and vibrant and has, therefore not yet become afflicted with that dread disease known as Bureaucratic-Sclerosis. Spending 24 billion dollars to put a man on the moon is peanuts compared to the staggering waste of other once-proud and productive agencies of our government—agencies now withering away under a bureaucratic sun—withering like a once-productive vine now severed from its roots.

The $24 billion spent by NASA has not been wasted: unlike the untold billions doled out in foreign aid—the $24 billion spent by NASA is still in circulation right here in the United States: Neil Armstrong didn't leave it up there on the moon and if every man and woman of every agency of our governments, federal, state and local, across the nation, would each perform their duties, respectively, with the same dedication as the men and women of NASA have performed in the past eight years—America, with God's help, will be able to put men on Mars and other Stars, erase squalor, and at the same time enable the government to reduce taxes and, in time, pay off the national debt—to boot! Why not?

NEW METHODS OF SOLID WASTE DISPOSAL

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. TIERNAN. Mr. Speaker, earlier this year I introduced the Resource Recovery Act of 1969. The principle provisions of this bill would direct the Secretary of Health, Education, and Welfare to conduct studies and report to the President and the Congress on the most economical means of recovering useful materials from solid wastes, recommend uses of such materials for national and international welfare and the market of such recovery, and to recommend incentive programs—including tax incentives—to assist in solving the problems of solid waste disposal.

I was heartened to read in this Monday's edition, September 8, of the Boston Herald Traveler, of an attempt being made by a firm in Cambridge, Mass., Reclamation Systems, Inc., to deal with this problem in an effective and economical way. In the article, it was noted that this new firm "will package waste material for disposal, converting garbage and rubbish into profits." The chief executive officer of Reclamation Systems, Inc., Mr. Saul Siagel, is well aware of man's need to adjust to his environment. Of the many threats to civilization, deteriorating environmental quality must be placed among the major concerns of civilized man.

Also associated with this firm is Mr. Richard Flavin, of Boston, who has long shown an acute awareness of the problems surrounding the disposal of solid wastes.

It has been noted that we are a nation of users, not consumers, and that in our efforts to cope with these problems we must recognize that we can neither create nor destroy matter. The mere existence of Reclamation Systems, Inc., which plans to convert solid waste material into land fill, is an encouraging step in this process.

At this point in the RECORD, I include the newspaper article for the benefit of my colleagues:

NEW FIRM SET TO BUNDLE RUBBISH FOR PROFIT

(By Robert L. Hassett)

Ground will be broken in early September for a new business which will package waste material for disposal, converting garbage and rubbish into profits.

Reclamation Systems, Inc., was organized last October, and last May it sold 200,000 shares of stock at $10 a share.

Its net proceeds total about $1,937,600, and it is expected that it will become operational during the first quarter of 1970.

The company says its basic concept is "that of compacting solid waste into high density bales through the use of heavy duty hydraulically operated presses."

To do this it has leased 167,750 square feet of land off Msgr. O'Brien Highway in East Cambridge from the Boston and Maine Railroad.

Reclamation Systems, Inc., will build a receiving terminal there and install two hydraulic presses capable of compacting 2000 tons of refuse in a 16-hour work day.

Waste will be received from collection trucks and deposited on heavy duty conveyors for transfer to the compaction chambers of the presses.

After the material has been converted into bales weighing between 4000 and 6000 pounds each, the bales will be strapped with metal banding and conveyed to a loading platform for transportation to a land fill site.

The company's facility in East Cambridge will be adjacent to a railroad siding.

A spokesman for the company said it expects to use a land fill site within 100 miles of the receiving terminal. Two communities are being studied.

Saul Siagel owns 28 per cent of the stock of Reclamation Systems, Inc., and is the chief executive officer of the new company.

He is also president of Bay State Machinery Corp. of Cambridge, dealers in new and used machinery, and Bay State International, Inc., of Cambridge, importers of machinery.

Although the company will not begin operations until next year it is already seeking customers.

It is negotiating with the cities of Houston and Cleveland to engage in reclamation work there.

It is also carrying on discussions with the cities of Quincy and Norwich, Conn., about establishing receiving terminal facilities in those communities.

ANNOUNCEMENT ON HEARINGS ON EXCHANGE VISITORS

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. FEIGHAN. Mr. Speaker, the Immigration and Nationality Subcommittee of the Committee on the Judiciary will hold hearings on September 15, 1969, in room 2141, Rayburn House Office Building, at 10:30 a.m.

These will be the second hearings held to examine the operations of the immigration aspects of the Mutual Cultural and Educational Exchange Act, particularly the effect these provisions have on the immigration of doctors, nurses, and other members of the medical professions. Witnesses will be Dr. C. H. William Ruhe, director, Medical Education Division, American Medical Association, and Dr. Harold Margulies who until recently served as secretary of the Council on Health Manpower of the American Medical Association. Dr. Margulies has authored a number of articles in medical journals and a book dealing with foreign medical graduates.

The hearings will examine the entire problem of foreign and other medical personnel in the United States including the quality of medical services rendered by foreign doctors, the need of our country for foreign doctors, the misuse of foreign doctors on training programs to fill permanent hospital staff needs, and the efforts of the AMA to assure high-quality medical services in the United States.

POSTAL REFORM

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. ST. ONGE. Mr. Speaker, at the convention of the Connecticut State Labor Council, AFL–CIO, held in New Haven, September 3–5, several resolutions were adopted calling for action by the U.S. Congress on postal reform and improvement of the postal service and the status of postal employees. These resolutions were submitted by Connecticut branches of the National Association of Letter Carriers and the United Federation of Postal Clerks and were adopted unanimously at the convention of the State labor council.

While the resolutions speak for themselves, I feel that the views of the Connecticut State Labor Council, as expressed in these resolutions, should be brought to the attention of all of our colleagues and the public generally. All of us are vitally interested in improvement of the postal service and its establishment on an efficient basis. I feel certain that we can and will achieve that goal, but I am not so certain that the postal corporation idea advocated in H.R. 11750 is the proper vehicle.

Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD the following three resolutions on the subject and I invite our colleagues to read them:

RESOLUTION NO. 3—POSTAL CORPORATION

Whereas: Various bills have been introduced in the Congress to create a Postal Service Corporation known as "The Postal Service Act of 1969", this bill, H.R. 11750 would eliminate the postal employees as Civil Service employees; and

Whereas: The Postal Corporation idea considers the postal service a business and not a service to the American people; and

Whereas: Despite testimony to the contrary before the full Post Office and Civil Service Committee, there are no improvements in negotiations under this bill, nor is there machinery set up for the positive handling of disputes between Labor and Management; and

Whereas: In the all-important field of negotiating for wages, when an impasse is reached this bill does not provide for any equitable solutions; and

Whereas: The Corporation bill, H.R. 11750, Section 807, places the postal employees under the Taft-Hartley bill, and the Landrum-Griffin bill, in all phases of these laws except granting postal employees the right to withhold their services when an impasse on wages, or any Agenda Item has been reached; and

Whereas: We would relinquish our rights of petitioning Congress—a right we have enjoyed and have been successful with for many years; and

Therefore, be it resolved: That in Convention assembled in New Haven, Connecticut, September 3–5, 1969; the AFL–CIO of the State of Connecticut, go on record as opposing the bill, H.R. 11750, and any other bills having for their purpose the forming of a Postal Corporation; and

Be it further resolved: That a copy of this Resolution be sent to the Congressional Delegation of the State of Connecticut.

Submitted by: Branch 19, National Association of Letter Carriers, Local 147, United Federation of Postal Clerks.

Referred to: Resolutions Committee.

Committee Action: Concurrence.

Convention Action: Adopted Unanimously.

RESOLUTION NO. 5—POSTAL REFORM

Whereas: Due to the huge increase in mail volume caused by the increase in population, and new delivery territory necessitating new routes; and

Whereas: Post offices have become antiquated and too small to handle the ever-increasing mail volume; and

Whereas: Additional building of mechanized post offices, and mechanization of existing installations must be continued to handle mail volumes, improve working conditions, eliminate overcrowded buildings; and

Whereas: H.R. 4, introduced by Congressman Dulski, Chairman of the House Post Office and Civil Service Committee, will, by law, provide for modernization of the Postal Service, thereby improving postal service to the public, but continuing it as a regular government agency with the Postmaster General a Cabinet Member—

Establish a better transportation system for handling mail

Establish a building program

Establish a Commission on Postal Finance, and

Set up Employee Labor-Management Procedures;

Therefore, be it resolved: That the Connecticut AFL–CIO assembled in Convention, September 3–5, 1969 at New Haven, Connecticut, endorses H.R. 4 in its entirety; and

Be it further resolved: That a copy of this Resolution be sent to the Congressional Delegation from the State of Connecticut.

Submitted by: Branch 19, National Association of Letter Carriers, Local 147, United Federation of Postal Clerks.

Referred to: Resolutions Committee.

Committee Action: Concurrence.

Convention Action: Adopted Unanimously.

RESOLUTION NO. 11—LEGISLATION PROGRAM

Be it resolved: That the convention of the Connecticut State Labor Council, AFL–CIO, meeting in New Haven, September 3, 4 and 5, 1969, fully endorse and support actively the legislation program of the AFL–CIO Postal Employees Unions, which program includes:

(a) H.R. 4803 which gives the right of Postal Employees to bargain collectively;

(b) The improvement of Retirement Benefits as provided in H.R. 9825;

(c) To equalize the cost of Health benefits as provided in H.R. 767;

(d) H.R. 13000 which will provide:

1. An emergency pay raise;
2. Reduction in years of service to reach the top pay step;
3. Establishment of a Federal Wage Commission to negotiate pay raises;
4. Establishment of a Wage Arbitration Board to Resolve Pay Negotiations disputes;
5. Insistence that Postal Employees be restored to "First Class" citizenship and be given complete unrestricted political freedom. We want to be "unhatched" from the Hatch Act of August 2, 1939.

An be it further resolved: That copies of this Resolution be sent to all Connecticut Congressional Representatives and two U.S. Senators and that publicity be given in press, radio and T.V. and a copy of this Resolution be sent to the Postal Employees International Unions.

Submitted by: Branch 19, National Association of Letter Carriers, Local 147, United Federation of Postal Clerks.

Convention Action: Adopted Unanimously.

THE DEATH OF HO CHI MINH

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BIAGGI. Mr. Speaker, I had the pleasure of reading a very fine article in the September 10 edition of the Washington Daily News. It was written by Mr. Ray Cromley and clearly conveys my feelings and those of many other Americans about the late Ho Chi Minh. For that reason, it is only fitting that the entire article be entered in the CONGRESSIONAL RECORD.

The article follows:

HO CHI MINH

Most astounding have been the series of editorials in a number of leading American newspapers praising the late Ho Chi Minh as an ardent nationalist and Vietnamese patriot.

By no standards was Ho a patriotic nationalist.

Ho began his career as a paid agent of the Comintern in the employ of the Russian Embassy in Canton. He continued this career for years in South China, later in Thailand and then at various points in Southeast Asia. "In his early Canton days in the middle and late 1920's, he made considerable amounts of money selling out nationalist Vietnamese to the French police. Under the pretense of helping the nationalist cause, he acquired pictures of members of the Vietnamese underground studying in China, including those trained at the Whampoa Military Academy. Ho and his men would then contact these students. Those who became Communists were safe. Ho turned the pictures of the others over to the French along with information as to where and when each man was going to return across the border into Indo China.

One of Ho's most important betrayals was that of Phan Boi Chau, considered one of the greatest heroes of the Vietnamese nationalist movement. On the pretense of cooperation and through an old family friendship (Phan Boi Chau had once attempted to save the life of Ho's father) Ho lured Phan into a French police trap in the international settlement of Shanghai. Ho's argument was that the betrayal netted funds for the Communist Party.

In 1946, Ho made an agreement with the French. Under this agreement Ho would be furnished arms and would be free from prosecution. In return, Ho would cooperate with the French in exposing and destroying the nationalist groups in Indo China. Ho kept his part of the bargain. By October, 1946, the nationalist leadership was destroyed. As one example, of the approximately 70 nationalist non-Communist members of the coalition government legislature, only three were left by October. The others had been killed, arrested or kidnaped and never heard of again.

In the war with the French, Ho joined with another coalition. But as victory neared, he began to purge the nationalist non-Communists.

In the 1954 Geneva agreements with the French military, new material now available suggests that he agreed to let the South remain in the hands of the French on orders from Moscow. If Ho would allow the French a half victory, Moscow reportedly said the French would agree to stay out of the European Defense Community, thus effectively killing that project of John Foster Dulles. Ho obeyed Moscow. The French stayed out of EDC by a narrow margin.

After the 1954 agreement, Ho took over in the North. He immediately began an inten-

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sive purge. High in the purge list were members of the various nationalist parties.

Ho's actions in the Tet offensive of 1968 show that he has not changed. It will be recalled that in the temporary occupation of some areas in Hue, Ho's men executed something over 3,000 victims earmarked in dossiers the Communist cadre carried into the city with them.

Numbers of these were leaders and members of some of South Vietnam's major nationalist political parties, leading Buddhist nationalists and others with a nationalist tinge.

This history makes it difficult to understand how Ho could be considered either a nationalist or a Vietnamese patriot. From all the facts available to this reporter Ho has, thru his entire adult life, given his first allegiance to a foreign totalitarian system, and with consistency sacrificed his own people and his own country's interests when those conflicted with the interests of International Communism.

CONCERN ABOUT INCREASING RATE OF IMPORTS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. DENT. Mr. Speaker, 2 years ago my colleagues in the House joined with me in expressing great concern about the increasing rate of imports from countries whose wage rate is drastically lower than our own minimum wage. This concern was demonstrated by the passage of my bill, by the lop-sided vote of 340 to 29, which was designed to establish a new approach to the study of the damage done to American industries and labor by such imports. Unfortunately, the Senate did not consider this bill before the 90th Congress was concluded.

I have again submitted the same bill—H.R. 1044—for the consideration of the 91st Congress. It was with pleasure that I noted six Members of the Senate have shown a sincere interest in this matter by introducing the same measure.

I commend to my House colleagues the following letter that I have written to Senators Hansen, Curtis, Ervin, Fannin, Thurmond, and Smith to express my appreciation for this action:

WASHINGTON, D.C.

DEAR SENATOR: It is my understanding that you are a sponsor of a bill to amend the Fair Labor Standards Act of 1938 to establish procedures to relieve domestic industries and workers injured by increased imports from low-wage areas. As you may know, I sponsored this measure in the House during the last Congress when it passed by the vote of 340 to 29. I have again introduced it this year (H.R. 1044), but it is still pending in committee.

I think the overwhelming House approval of the bill certainly demonstrated an awakening to the adverse impact of foreign goods on the American market. The growing menace of foreign competition is being recognized in most areas of enterprise. My intention in advocating the bill was and is the protection of the American free enterprise system from devastation from inexpensive imports; imports of good quality, but manufactured with low cost labor and often subsidized by the foreign government.

By associating this proposal with the Minimum Wage Law, we place ourselves on sound economic footing in that the Minimum Wage Law mandates a wage floor for American industry which, in many instances, is ten times higher than that of foreign competitors. It is hardly fair competition to allow these foreign products to pass through our channels of interstate commerce when we forbid the American goods produced with labor paid less than the Minimum Wage from doing so.

I notice that several Senate sponsors of the bill are from cotton areas. It is interesting to note that cotton production 52 years ago was 1.5 million bales larger than today's crop, and while our population has more than doubled in the intervening years, our consumption has only increased 1.4 million bales.

Our exports have fallen to one-half of what they were 52 years ago. World consumption is now 2½ times what it was then, verifying the world's need for cotton. In other words, world consumption increased 250% with world population increasing 85%, but U.S. consumption increased only 12% with twice the number of consumers.

Every plan proposed today, in the many bills before the Congress, is only stop-gap legislation introduced in a desperate attempt to slow down the flood of imports. While I have sponsored many such bills—quota bills in particular—and have done so in the hope of getting some action in Congress, I believe this type of legislation to be unsound. Previous quota laws have been ineffective and they do not serve the purpose for which they are intended. I fear they are only blinders to keep the American people from seeing the real dangers from low-cost imports.

Please accept my gratitude for supporting what I feel is the only sensible approach to the problem. If there is anything you believe I can do to help, please do not hesitate to contact me. I am prepared to do whatever I can including the scheduling of additional hearings on the subject.

With kindest personal regards, I am
Sincerely yours,

JOHN H. DENT,
Member of Congress.

SGT. JOHN M. HILL DIES IN VIETNAM

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. SNYDER. Mr. Speaker, on Friday, August 22, a 23-year-old Louisville marine sergeant was killed in action 11 miles south of Danang.

Sgt. John M. Hill thus becomes another of the valiant men who has given his life in defense of his country and in protecting the free world.

The sympathy of thousands of other families who have paid this sacrifice goes out to Mrs. Hill and the Hill family. To them also goes the sincere gratitude of those of us whom John died protecting.

The Louisville Times article which reports the loss of the Louisville marine to the war in Vietnam follows:

LOUISVILLE MARINE DIES IN VIETNAM

A 23-year-old Louisville Marine sergeant was killed Aug. 22 in Vietnam, the Defense Department has announced.

Sgt. John M. Hill, of 320 Merriman Road, was killed in action 11 miles south of Da Nang.

He was a 1963 graduate of St. Xavier High School, and was a member of St. Margaret Mary Catholic Church. He enlisted in the Marine Corps five years ago.

This was his second tour of duty in Vietnam. He had been there since June.

Survivors include his widow, the former Barbara Jean Zena, his parents, Mr. and Mrs. John A. Hill and a grandmother, Mrs. John S. Hill, of New Boston, Ohio.

The body will be at Russman & Son Funeral Home, 1041 Goss.

Sgt. Hill's brother-in-law, Boatswain's Mate Robert B. Zena, stationed on the U.S. Coast Guard Cutter Sabego, has been given leave to escort the body from Philadelphia to Louisville.

A PATH, NOT AN END

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. TEAGUE of Texas. Mr. Speaker, a recent editorial in the July 16, 1969, Washington Post analyzes the launch of the Apollo 11 flight on that historic date and discusses the past and future of our national space program. Because of the significance of this editorial I commend it to the reading of my colleagues:

A PATH, NOT AN END

The adventure that begins at Cape Kennedy this morning is bold, complex and costly beyond comparison with anything undertaken in the history of the world. It is a challenge to the fundamental laws of nature itself, an expression of man's arrogance and pride that he, alone among the creatures of his world, is capable of devising machines that help him break out of the limitations nature has placed upon him. It is another step in search of answers to those haunting questions—what and why is the universe? And finally, it is a step in search of questions, as well as answers—questions we are now incapable even of asking. The implications of this flight, combined with those of the other space probes, are staggering. Old truths are being demolished. Man's view of himself and his place in the universe is being altered. Religious faiths are being shaken. Perhaps even man's view of his own planet will be changed. Buckminster Fuller summed it up recently when he spoke of a television commentator's remark when we saw, from Apollo 8, the first pictures of the earth as it appears from the moon. "There she is," the commentator said, "floating there." "Floating," Fuller asked, "in what?"

Nevertheless, this great adventure is being met with less than universal approbation. Its cost—almost beyond comprehension in terms of money, manpower, energy and ingenuity—has been so great, and the Nation has changed so much since President Kennedy mapped the course, that the voices of the critics seem almost equal to those of the unabashed admirers. In view of the mess that man has made of the world that is already his, the poverty, the pollution, the blight, the basic inhumanity that surrounds us, the critics ask, was this manned voyage really necessary?

Thus, it is a good time—as Astronauts Armstrong, Collins and Aldrin embark upon the vastness that is space—to reflect on why they are going and why the United States has poured $26 billion, give or take a little, into manned space flight.

There are many partial answers to why we have spent so much for what, to some, seems so little. There was, first of all, a race and a challenge to our national superiority. It is easy now that the race seems won to forget the gloom that settled over the Nation when Sputnik first flashed across the sky. And it is easy, too, to forget the sagging international prestige of a Nation that had held itself out as the greatest scientific and technological power the world had ever known.

President Kennedy's decision to drive for a landing on the moon in the 1960s was, no doubt, heavily influenced by such considerations. Americans, from Presidents on down, do not take kindly to being No. 2. And, although we do not know what would happen to the psychology of the American people if we were to be only second-best, we do know that history teaches that great nations, once nudged from their pedestal and incapable of regaining it, deteriorate rapidly.

These, however, are only partial reasons that explain why Armstrong, Collins and Aldrin are going to the moon this year instead of next or the year after that or the year after that. The fundamental reason why they are going and why space must be explored lies in that restless, inquiring spirit that has gripped mankind from the beginning, that desire to answer the unanswerable questions, that eagerness to push from one frontier to the next, that unquenchable spirit which has led men to brave uncharted seas, fly like birds, probe the recesses of the atom, challenge every dogma and every fact.

It was that restlessness that led Copernicus and Galileo to risk persecution and death by daring to believe that the earth is not the center of the universe, that led Marco Polo and Columbus to set out against unknowable dangers, that led Edison and Darwin and Einstein and Bohr and Curie and Fleming to the discoveries that have so revolutionized life, that led Plato and Locke and Marx to challenge the systems under which men lived.

Man's destiny is to pursue that which is just beyond his reach, to seek an understanding of the miracles of nature, to try to break that barrier which allows us to see, in St. Paul's words, "through a glass, darkly." And man's destiny is never to grasp but always to reach; as Charles Lindbergh wrote last week in *Life*, "scientific accomplishment (is) a path, not an end; a path leading to and disappearing in mystery."

It is in that sense that the space program, this moon trip and their cost must be judged. The question is not whether a landing on the moon has been worth $26 billion. The question may be whether the creation of the capability of man to break free from the confines of his planet and take the first tentative steps toward exploring the universe has been worth $26 billion. But more likely there has been no question at all, given man's fundamental spirit to accomplish whatever he can and to go where ever he can in his search for ultimate answers. Harold C. Urey caught that spirit when he said, in a recent interview with *Forbes*, "It is no more possible for man *not* to go to the moon than for Picasso *not* to paint."

Viktor Frankl, one of the world's great psychiatrists, put it another way: "Man goes beyond necessities to the very limits of possibilities because he wonders where those limits lie. And behold, they don't lie anywhere because, like the horizon, they expand with every step he takes toward them."

PRESIDENT NIXON KEEPS HIS PROMISE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BOB WILSON. Mr. Speaker, it is easy to criticize a President when he fails—for any reason—to live up to a promise. And some even find it easy to criticize a President before he has a chance to live up to his word.

This was the case recently when some began charging the President was not living up to his promise to bring home 25,000 troops from Vietnam by August 31, long before August 31 arrived.

The critisicm was obviously political and should have been beneath the dignity of those who stooped to it because they were playing politics with war and with men fighting in a war. They were trying to divide the Nation against the President on an issue where the Nation ought to be united.

Fortunately they failed then.

And fortunately, they have no issue today.

The President did bring home 25,000 American soldiers by August 31, reducing forces in Vietnam to 515,000 men.

Actually, today we are several thousand below that figure, but because of normal troop fluctuations we could reach it again.

But the important thing is that the ceiling on Americans in Vietnam is now 515,000 whereas once it was 549,500.

The Nation should be grateful that it has a President who not only seeks peace but also lives up to his commitments and stands by his word.

PRESIDIO—"THEY TRY TO TAKE AWAY YOUR MIND"

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. KOCH. Mr. Speaker, I am inserting for printing in the CONGRESSIONAL RECORD an article which appeared recently in the Village Voice, one of the great journals of opinion published in this country. Entitled, "Presidio—'They Try To Take Away Your Mind'" and written by Joe Pilati, a brilliant and perceptive writer, it should be of interest to those concerned about conditions in our Nation's military stockades and in particular the difficulties endured by the Presidio prisoners.

Mr. Pilati's piece follows:

PRESIDIO—"THEY TRY TO TAKE AWAY YOUR MIND"

(By Joe Pilati)

SAN FRANCISCO.—For Johnny Williams, 20-year-old Vietnam veteran from Reno, Nevada, the morning of August 8 was just like every other morning he'd greeted during the preceding 10 weeks in the Presidio stockade. "The guards aren't supposed to wake you up until 4.30, but between 3.30 and 4 they start banging on the doors until it's impossible to sleep any more."

It wouldn't be dawn for an hour or so, another dawn with its inevitable 30 minutes of strenuous physical exercise before breakfast. Johnny Williams stretched out in his bunk, tried to ignore the pounding on the walls and the shouts of "Get up, you bastards!" outside his cell. He was thinking about getting out of the Presidio, silently mulling over the plans he'd been making for the last two months. Standing on line for breakfast at 5 a.m., he knew that within a few hours he might be free—a fugitive once more, but free at least to seek help in San Francisco, where according to the scuttlebutt (reluctantly confirmed by military spokesmen) some 5000 to 10,000 AWOL soldiers roam the streets and try to elude the MPs every day of the week. But Johnny Williams knew that by lunchtime he might not be free. He might be dead.

"There was another guy in there," he said, recalling the stockade at the huge Army post occupying 1400 acres in the northwest corner of San Francisco, "another guy who was repeatedly AWOL. Everyone knew he was a heroin addict. As soon as they got him back inside, they'd send him to the hospital and shoot him up again. I remember having to hold him up while we were standing on line for chow—I'd grab him by the armpits and support him, otherwise he would have collapsed."

"I told this guy that I had to escape. I didn't care if I got shot. I just had to do something." Johnny Williams did something that morning. For more than two hours he crept through the underbrush, wearing only an undershirt and his Army fatigue trousers, eluding the eyes of sentries until finally he crossed the last barbed-wire barrier and found himself standing, dazed and exhausted, in one of San Francisco's public parks adjoining the Presidio complex.

There he befriended two of the city's ever-present "hippie mailmen"—guys his own age who had somehow avoided being impressed into the war machine, who had latched onto fairly decent jobs in the postal service through the simple expedient of passing exams with superb scores which preclude (under civil service regulations) discrimination based on hair length and off-duty social proclivities.

Johnny Williams had already resolved that once he got out of the Presidio, he would try to get out of the country. He had been AWOL "at least nine times" since he was shipped back from Vietnam in the fall of 1967, and each time he'd been recaptured—so that by now he'd been confined in stockades at Fort Lewis, Washington, at Oakland Army Base, and at the Presidio. "The Presidio is the worst by far," he told me later in the afternoon of his escape. "They try to take away your mind. When you're not working, you march. When you're not in some kind of formation, you can't talk to the other prisoners. It's next to impossible to get together. But if something doesn't happen real quick to make that place fit for human beings, there's going to be another mutiny."

"Another mutiny" could have even wider repercussions than the sit-down demonstration organized by Presidio prisoners last October after a guard had fatally shot in the back a mentally disturbed 18-year-old private, Richard Bunch, thereby triggering mutiny charges against 27 prisoners. More than half of the prisoners received sentences ranging up to 16 years; in June, 14 of them had their sentences reduced to between six and 12 months, in the wake of a publicity-defense campaign which enlisted support from Senators Alan Cranston (democrat, California), Charles Goodell (Republican, New York), and other legislators. Three of the "Presidio 27" have reportedly escaped to Canada.

After the slaying of Bunch, prisoners at the Presidio—including the 27—drew up a list of demands in hopes that some of the conditions which led to the shooting might be investigated by influential military and civilian agencies. These demands centered around living conditions (more toilets, wash basins and showers, and sufficient food to feed all prisoners a complete meal three times a day); complete psychological evaluations of all prisoners and guards, rotation of guards who are now working 12-hour shifts; and elimination of shotgun details. In a rambling, hour-long conversation with Johnny Williams on the day of his escape, it became clear that few if any of these grievances had been rectified or even seriously considered by authorities at the Presidio.

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"There's a room behind a black door at the Presidio MP office," he said. "It's a little room, about four by eight feet, where they keep as many as 15 guys for days on end, while they're being processed. They keep the lights on all night, so you can't sleep. There's no heat, and it gets pretty cold at night.

"You have to beg the guards for a blanket, and lots of times you won't get one. They don't have enough jackets to go around, so they'll send you out to work in fatigues when the temperature is 40 or so. There were guys who caught a cold at least once a week because of this. If you refuse to work, they'll write you up and put you in the box (the maximum security cell block, in which cells have no toilet facilities and no furnishings on the concrete floors except for a cot). Or they'll put you on rabbit chow for 10 days at a time (a diet consisting of bread, water, and lettuce three times a day)."

Johnny Williams had been confined, along with virtually all of the other Presidio inmates, in Building 1213—a white stucco edifice built in 1912 to accommodate 43 persons, but which has a "normal" capacity of 88 today, according to Army spokesmen there. The building's population on the day of the "mutiny," last October 14, was 123 prisoners. According to Williams, at the time of his escape "there were at least 100 prisoners—and that would be rock-bottom. Probably it was more like 130 or so. During the week immediately preceding his escape, he said, 10 or 15 guys had started a hunger strike and hadn't eaten for four days. Grinning, he claimed that "some of them looked much better for not eating the slop."

Williams was drafted in December, 1966, and completed basic training and AIT (advanced infantry training) at Fort Lewis. He was then shipped to the Da Nang region in Vietnam, where he saw combat with the First Infantry Division and received what he called "a superficial bullet wound in my leg" shortly before the end of his first six-month hitch. On his first 30-day leave, he returned to Fort Lewis and "split" (went AWOL) for the first of many times. "After that, it was just court-martial after court-martial and stockade after stockade." At the time of his escape, he said, "I was up for another court-martial because a sergeant asked for my name and I told him, but I didn't say my rank." At one time he had been "up for Spec-4 (Specialist Fourth Class)"; most recently, he had been busted from E-3 (PFC) to the lowliest rank of all, E-1.

Each time Williams went AWOL, he found himself with practically nowhere to turn. His father, a career Army man, offered no sympathy. He had a girl friend in Nevada, but she had no money. Bay Area draft counselors specializing in military work, whom he contacted after his escape, lost touch with him after he left San Francisco. He may have found his way, by now, to some relatively safe and hospitable environment. I hope so.

"Are there still beatings going on?" Williams repeated my question, then answered it: "Sure, but you don't see them. You hear guys screaming and guards cursing them out after they've peed on the floor, when the guards won't let them out to relieve themselves. I remember one guard in particular, a big beefy guy who'd make guys drink out of the toilet if they were thirsty." Williams eyes were bloodshot from lack of sleep and he'd keep rubbing them as he shifted about nervously, his voice a dull monotone, his fingers gripping the arm of the chair where he sat. "Some of these things that go on . . . you just can't believe them."

I shook hands with Johnny Williams after we'd finished talking, knowing full well that I'd probably never see him again, and that if he successfully avoided his pursuers, no one in San Francisco—or possibly in his and my native land—would ever see him again. It was still Friday afternoon. The day before, I'd seen dozens of young men in green fatigues standing by a loading dock at the Oakland Army Base, across the bay. All of them had either returned from Nam or were about to be sent there; next to the loading dock was a spruced-up mess hall designated in stark black stencil lettering, "Returnees' Steak House—Open 24 Hours."

Oakland is one of the major debarkation points for the Southeast Asian front. When a unit is shipped there, civilian clothes and regular uniforms are taken away and only fatigues may be worn during the three or four-day period before most arrivals are shuttled to Travis Air Force Base, the last stop before Vietnam. I spoke to several men there who were carrying orders for Vietnam. All were 18 or 19, most were lower-middle-class or working-class kids who had no prospect of attending college, and all were highly skeptical of the "de-escalation." "All the guys being sent home are on short time—they would have been coming home in a matter of weeks, anyway," said one soldier bound for Vietnam. "They're shipping more guys out of here now than they were in June," another GI added.

Meanwhile, back at the Presidio, maybe the brass actually want "another mutiny." Maybe they'll get it. Johnny left a lot of friends behind.

HURRICANE GERDA

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. KEITH. Mr. Speaker, this past week Hurricane Gerda did not hit New England. While we are all thankful for this, the circumstances surrounding this fortunate turn of events raises serious questions about our national hurricane tracking system.

For the fact that Gerda did not strike shore surprised everyone. All the experts had predicted that this storm would hit the coast. Hundreds had been evacuated; businesses and schools had shut down; civil defense units had been mobilized in all coastal areas.

Perhaps most directly in danger were scores of fishermen, out in the ocean with no idea of whether they were in dire danger or none at all. As Boston weatherman Don Kent told me:

> Millions of dollars were lost to the New England economy.

All because they misplaced a hurricane.

In this day and age, when we can put men on the moon and bring them back, it is incredible to me that we cannot follow a potentially disastrous hurricane up the east coast with enough accuracy to tell whether or not it is going to hit land.

I have investigated this situation, and have discovered that there is a clear and simple reason for this fatal lack of intelligence. As I understand it, the coastal radar used to track hurricanes cannot tell the precise location and direction of storms more than 150 miles offshore. In certain instances aircraft can be used to get to the center of the storm and follow it down the coast. But in the case of Hurricane Gerda, as in many others, the winds were of such force that no aircraft could take the buffeting long enough to accurately relay to land the position and direction of the storm.

So in this particular case, there were only two sightings within a 24-hour period before the storm was scheduled to hit New England. The course was plotted—and later turned out to be 7° off. But that 7° was enough to make the difference between devastating New England and leaving the area largely untouched.

All the experts whom I have consulted agree that we have the technological know-how to solve this problem. To a man, they say that a weather ship, located off the mid-Atlantic coast, would be able to track any such storm and give accurate data as to its velocity and direction. Dr. Robert White, Director of the Environmental Science Services Administration, agrees with this; Director of the U.S. Weather Bureau George Cressman agrees with this. But both point out that one thing is lacking—funds.

For a number of years before 1954, there was a weather ship on location, but it was removed for reasons of economy. Since then the radar has been improved, surveillance by aircraft has improved, and satellites have added an important new dimension to hurricane watching. But the lesson of Gerda shows clearly that these are not enough.

Mr. Speaker, it is estimated that the cost of such a ship would be $1.2 million, with perhaps half a million more each year to operate it. This is a small amount by any government standard, but especially so when we consider the savings in property and life that could be made if regular, accurate data were available for predicting the course of hurricanes and winter blizzards.

My colleague in the Senate, Ed Brooke, has introduced an amendment in the Senate Appropriations Committee to allow funding for this needed ship. I intend to support his efforts there in any way that I can, and urge others to do likewise.

EVERETT DIRKSEN

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, at its meeting yesterday the House Republican Conference paid deep and sincere tribute to one of the great legislative leaders of our time, the late distinguished Senate minority leader, the Honorable Everett McKinley Dirksen, of Illinois. With the concurrence of other Members of this House, I now insert in the Record the brief but heartfelt tribute which was offered at that time:

Tribute to Hon. Everett McKinley Dirksen

Whereas the members of the House Republican Conference have been deeply saddened by the death of the distinguished Minority Leader of the United States Senate, the Honorable Everett McKinley Dirksen of Illinois; and

Whereas the late Senator has served his state, his party and his nation with distinction and dedication unparalleled in the recent history of the United States Congress, first as a member of the House of Representatives, than as a United States Senator, and most recently as Senate Minority Leader; and

Whereas the services he has rendered to party and nation will be remembered with that special mark of honor which is reserved for the ablest and greatest of this nation's lawmakers and political leaders:

Therefore be it resolved that the House Republican Conference now pays special tribute to the memory of a distinguished lawmaker, a peerless party leader, a statesman and Senator whom history will honor even as we honor him here today—the Honorable Everett McKinley Dirksen of Illinois;

And be it further resolved that the House Republican Conference express to the late Senator's wife Louella and to all the members of his family, our most sincere sympathy in the great loss that has been theirs.

VA EMPLOYEES ARE TO BE COMMENDED

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. DORN. Mr. Speaker, recently I accompanied several of my colleagues from the Public Works Committee to Mississippi, Alabama, Louisiana, and Virginia to view firsthand the damage caused by Hurricane Camille. It was by far the worst I have even seen.

Many more people would have died had not so many Federal, State, and local officials acted so wisely and promptly. I would like to recognize Dr. LeRoy B. Lamm, director of the combined Gulfport and Biloxi VA hospitals, his fine staff, and the patients for the way in which they handled themselves during this crisis. Under the very able leadership of Dr. Lamm, 729 patients were evacuated by air from the Gulfport hospital without the loss of a single life. They were flown by military aircraft to eight VA hospitals in six Southern States, including the hospital in Charleston, S.C. The credit for the success of this critical, emergency move must be widely shared. The patients demonstrated great courage and never complained.

The VA staff at the Gulfport hospital is deserving of the special thanks, not only for putting the safety of the patients first, but for doing their duty even after many of them had lost their own homes and all of their possessions. This, I submit, is true dedication.

Without the cooperation and extra effort of the staffs at the eight hospitals to which these patients were evacuated, this mission of mercy could not have been completed so successfully. Credit, too, must go to our Armed Forces for furnishing the planes and crews required to move these patients.

Mr. Speaker, I commend the prompt action of the Jackson, Miss., VA center, and the New Orleans VA Hospital in dispatching medical teams to the stricken area, and the voluntary efforts begun at many VA stations throughout the country to aid their fellow employees in Mississippi. Jackson VA center employees also donated cash, food, and clothing for the relief of the hurricane victims in Mississippi.

Although damaged by the hurricane, the VA hospital in Biloxi continued in operation and the personnel there joined the VA medical teams from Jackson and New Orleans in establishing first aid stations in the Biloxi area and helping to immunize victims of the hurricane to prevent an epidemic.

Further north, in Richmond, Va., the VA hospital there set up a health center for victims of the flood damage Camille dealt to that part of the country.

The Veterans' Administration has always prided itself on being part of every community in which it has an installation. This communty pride was evident during this disaster. Those in communities to which the Gulfport patients were evacuated welcomed them with open arms.

If the care and safety of hospitalized veterans in Gulfport are the most dramatic events in the great tragedy that is Hurricane Camille, they are not the last. For the VA has made available to flood victims and to relief agencies assisting these victims VA-owned homes. The charge is $1 a month.

Mr. Speaker, I am sure that in Mississippi and elsewhere, the Veterans' Administration is a great source of strength and assistance in times of national disaster. Its first mission remains, however, the care of our veterans. Administrator of Veterans' Affairs Donald E. Johnson has assured me that the Gulfport patients were receiving and would continue to receive the best of care, and that the needs of Mississippi veterans requiring hospital care would be met on a continuing basis.

We in the Congress have come to expect that the Veterans' Administration shall reflect concern and compassion for our Nation's needy veterans. But the firm and prompt demonstration of such concern and compassion in time of crisis merits special recognition and appreciation, which I am happy to express.

YOUNG AMERICANS FOR FREEDOM HOLD CONVENTION

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. SNYDER. Mr. Speaker, on August 28 to 30, there occurred something which—although not as well covered as an SDS uprising or black militant tantrum—was nevertheless of more than fleeting significance. Mr. Speaker, I refer to the national convention of Young Americans for Freedom, held in St. Louis, Mo.

Since its formation in 1960, YAF has played an increasingly important role in the battle for recognition of traditional American values of patriotism, free-market economic principles, love of our Republic, and faith in God. This organization has produced and is producing men and women of high caliber and character who represent, to me, the vanguard of hope for the revindication of America's true sense of history and virtue.

In its inchoate and formative years, YAF led the struggle on our campuses against the pervasive secularism in education. It provided a reasoned, responsible, and energetic voice from the campus against totalitarian communism and arrogant collectivism. This it continues to do.

Extending its activities in recent years, however, YAF has made of itself a potent force in the activist struggle against the so-called New Left in America's colleges and universities. Calling for action against, and in many cases physically obstructing, the fascist tactics of SDS and similar groups, YAF has thrust itself into the forefront of the ageless combat against totalitarianism and agnosticism.

Representatives of YAF have testified before Congress on numerous occasions as to the actual situation on the campus and in the community. This learned, capable, and perspicacious group of young men and women have borne scorn and have endured endless malignment and criticism in the cause of defending freedom and America. In doing so, however, they have gained the respect of millions of Americans as represented by the fact that they have on their advisory board over 60 Congressmen and Senators of the United States.

These young people represent the cream of this Nation's youthful product. They have a sense of responsibility lacking in the militant leftist groups and they have the commitment to a various cause which the unthinking and timed middle group lacks. Unlike many youthful political groups, YAF is not a resolution-passing neuter. It is virile and dynamic. It does not adhere strictly to one party line but stands for its principles whichever side of the partisan line they happen to be on.

YAF does not stand for the status quo. They do not let somebody else fight their battles for them. For instance, citing the failure of campus authorities and community leaders to take effective action against the storm trooper tactics of the New Left, YAF developed in St. Louis last month a comprehensive legal blueprint for frustrating the militants through hard-hitting tests in court. They have, in the past, mobilized campus majorities to oppose the left wherever it appears.

This it has accomplished, and far more. It is involved actively in political campaigns and community projects. This has been effected under the brilliant leadership of Mr. Alan Mackay, national chairman, and Mr. David Jones, executive director. The new leadership of YAF is just as promising. Backed by a newly elected and reconstituted national board of directors, Chairman David Keene, University of Wisconsin, and Randal Cornell Teague, executive director, have assembled a young, vibrant and full-time staff dedicated to continuation of the fine tradition of previous years. This national staff is supported by a vast 48,000-mem-

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ber constituency and numerous volunteer State officers.

In light of its tremendous efforts in the past and because of its promising potential for the future struggle for freedom, God and country, I believe this body owes a debt of sincere gratitude to this courageous organization. We should each be thankful for the young people who comprise Young Americans for Freedom.

WILLIAM H. RENTSCHLER'S TRIBUTE TO THE LATE SENATOR DIRKSEN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. McCLORY. Mr. Speaker, my longtime friend and constituent William H. Rentschler is a mighty man with the pen.

Several years ago Bill Rentschler composed a tribute to Senator Everett McKinley Dirksen of Illinois, our mutual friend. I am calling this article to the attention of the Members of the Congress and to all Americans throughout the land, as it seems most fitting to ponder the penetrating and illuminating words used by Bill Rentschler in describing our colleague.

TRIBUTE TO AN EARTHY PLAINSMAN

(By William H. Rentschler)

This essay, which dates back some three years, expressed then my affection and deep admiration for Everett McKinley Dirksen. It now becomes a tribute to the memory of a towering figure in the annals of America.

A tall man, now bent with the weight of years, walks with measured gait along the flat, fruited plains of Illinois toward the yellowed pages of history.

You know somehow where he is going.

And you know he senses and relishes his fated role as mover and philosopher, as one around whom legends will grow, as one whose memory will linger.

This man is Everett McKinley Dirksen, steadfast helmsman for that little crew of Republicans in the United States Senate.

They honored him in Chicago one late April evening in 1966, when the biting wind belied the promise of spring, at one of those big, glossy, often deadly dull $100-a-plate dinners.

Without a note or scrap of paper before him, he "preached" for one solid hour and twenty-two minutes more, surely long enough to bore stiff most anyone except perhaps his forgiving family.

Yet from the moment Everett Dirksen set free from deep in his innards that first velvety syllable, those sated, affluent diners—1,800 in all—leaned toward him and strained to hear every word as if life itself depended on his next one.

Before Dirksen rose, the bony young minister from the little frame church in Pekin spoke reverently of the Senator as "one who stands among us, but towers above us."

That set the stage. Then Everett Dirksen shuffled to the lectern, blinking in seeming surprise at the glare of TV lights he contends with almost daily.

The celebrated silvery locks were tangled and awry. A huge carnation made a white splotch on his black suit. The massive head, the sagging face were thrust forward, and tired, watery eyes peered over horn-rimmed spectacles into the sea of admirers. He looked for all the world like the fabled cowardly lion from cinema's Land of Oz.

There was in the great ballroom the perfect silence of expectancy, for most of them had savored the Dirksenian thunder before.

Then the words began to come, resonant, rolling, soft and almost inaudible at first. He told a gnarled old story about a grateful cow, one of his oft-repeated favorites. Half the crowd had heard him tell it before, yet they wandered almost gleefully alongside him to the punch-line, and then roared with laughter, feeling he had permitted them to share with him an intimate moment.

What he said was not new. Some would brand it corny or trite, the same old clichés about God and motherhood and freedom and all that. The empty sophisticates might dismiss him as out of touch with these frenetic times.

But you know somehow this man is not shallow or calculating or emotionless. You can see an incandescent glow in those tired eyes when he talks of freedom.

A medical curiosity with an impressive catalogue of ailments, he suffers not from the limiting myopia which afflicts and restricts so many of his colleagues and contemporaries. His mind scans the ages with a certain graceful sweep. It searches the archives and draws easily on the great books and fine minds of human history.

There is an element of grandeur, a certain homely wisdom about this righteous, earthy plainsman. His is a dying breed, towering like the shaggy mammoths above the gray flannel prodigies who are guided by polls, surrounded by faceless aides, preoccupied with the cosmetics of image.

"No, you can't eat freedom," Dirksen purred, "or buy anything with it. You can't hock it downtown for the things you need. When a baby curls a chubby arm around your neck, you can't eat that feeling either, or buy anything with it. But what in this life means more to you than that feeling, or your freedom?"

He had much else to say that night in Chicago. Here are a few random wisps of his "conversation" with 1,800 dinner companions:

"We must glue our eyes on the cause of freedom. It's the one thing that counts. The quiet, insidious erosion of freedom is taking place constantly . . . They're trying to remake us from stem to stern, trying to subvert our principles . . . It is time for those citizens who believe in the durable values to stand up and be counted . . ."

"There would have been no civil rights bill without us Republicans. That bill was written in my office . . . The Negro should come back to the Party of Lincoln."

"Americans today are a prosperous but unhappy people . . . there is frightful turbulence and discontent and bewilderment . . . Not the least confused are those in Washington as they caterwaul and wander aimlessly about. . . ."

"That burglar they call inflation is eating into every paycheck. . . . When it gets out of control, then controls go on, and you don't have freedom. . . ."

"Some of these kids think it's smart and fashionable to burn draft cards. But they only do it when the TV cameras are there. I think it's smart-aleck nonsense . . ."

"George Meany asked for my support on the repeal of 14-B. 'You fairly wrench my heartstrings,' I told him, 'but you'll never get my vote.' "

"The reapportionment fight is just beginning. If you know you're right, you're not discouraged by one lost battle. We'll fight it out to let the people decide . . ."

"We have a monster government . . . unmanageable . . . the individual gets lost."

"Many people don't care, but I will never let the freedom of these neutrals be impaired."

"We Republicans must invite all sorts of people to come over and help us: the rank-and-file of labor, housewives, Negroes, young men, those who believe in constitutional government, those who want victory in Viet Nam. . . ."

"There are only three issues this year: peace, freedom, the preservation of our free-enterprise system . . ."

These are fragments. He said a good bit more in those fleeting eighty-two minutes. Then they stood up and cheered this man, who likely in 1968 would be the Republican nominee for President by acclamation if he were ten or a dozen years younger.

There is much of the Shakespearean "ham" in Everett Dirksen, and he is quick to admit it. But here, too, is a legend who still lives and works his legislative sorcery, the only one of his kind and stature and character in the Senate.

Some chide him for his flexibility, his ambiguity, his easy camaraderie with the White House. He baffles friend and foe alike, for there is in him none of the unbending rigidity of the man who opposes only for the sake of opposing. This rankles some fellow Republicans and confounds his opponents.

He chooses his fights, selects his battle sites with the care of a shrewd general. He has learned in four eventful decades of public all 'ive to fight another day. So he rarely service that the effective warrior must above courts the bloody nose, seldom picks the fight he is bound to lose. But on all the big issues where peace or freedom are involved—civil rights, reapportionment, Viet Nam, Section 14-B, the nuclear test ban treaty—he is there at center stage, playing a lead role, making his stand.

They called him the Wizard of Ooze, and once they said it in derision, but now they recall it with affection and awe born of respect.

For Everett McKinley Dirksen will be around awhile, stalking the marble corridors with the ghosts of Clay and Webster, Taft and Borah, long after most of his colleagues—and we—are gone and forgotten.

TOWARD GREATER EXCHANGE RATE FLEXIBILITY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. MOORHEAD. Mr. Speaker, the international monetary system has become crisis prone in recent years, thereby undermining confidence in present exchange rate methods.

If nations are to reach a true state of fiscal equilibrium, it is imperative that some adjustments be made in the monetary policies and mechanisms which govern the flow of trade and capital.

The Christian Science Monitor of September 6 addresses itself to this problem, citing steps that have already been taken, and a third one—the crawling peg—which permits small, frequent changes in parity, which is expected to receive consideration later this month at the meeting of the International Monetary Fund.

The article is included herewith in the RECORD for the attention of my colleagues:

DRIFT, NOT WRENCH

Washington has about decided to back a third step to steady the world monetary system. The two earlier steps were to create a two-tier gold price system in March 1968, and the decision this summer to create "paper gold." The two-tier gold system has worked better than was hoped; the free market gold price fluctuates now much as it wills without threatening needed currency-supporting reserves. And most experts expect the paper gold to provide the extra monetary resources demanded by the world's fast expanding trade.

Now the third step: United States representatives at the International Monetary Fund meeting later this month are expected to propose the IMF weigh a "crawling peg" system of regular, small changes in the exchange rates of national currencies against the dollar. The dollar's value would hold steady at its present $35 an ounce.

Already, of course, there is a narrow band of 1 percent within which a nation's currency exchange rate can fluctuate from day to day. But when trade imbalances or inflation gets a nation's currency out of whack with its official exchange rate, that narrow band isn't near enough leeway to allow the currency to find its real value. The result is a demand for either a devaluation like France's a month ago, or an upvaluation such as is expected in West Germany after its September 28 election.

Such revaluations are always awkward for the party in power. In Germany, for example, no one wants to be tagged with a currency decision which will penalize that nation's healthy export position. Thus, nations whose currencies are out of line usually wait until disaster threatens.

One solution offered was to widen the price fluctuation band. But this has evidently lost out to the crawling peg idea. The latter system's advantages are that it permits a steady drift—not a wrench—upward or downward in a currency's exchange rate, and that it removes monetary adjustments from the vagaries of national politics.

The crawling peg proposal, to be sure, would benefit all nations engaged in international trade. It may help disembarrass European nations which must bring their currencies into line with the dollar. It would also further strengthen the dollar's position as the dominant medium in world trade.

THE H.R. 12110, POSTAL EMPLOYEE LABOR-MANAGEMENT ACT OF 1969

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. PUCINSKI. Mr. Speaker, one of the most vital questions facing the American people today is the matter of strikes, slowdowns, and work stoppages on the part of public employees.

The breakdown of public employee morale under the pressure of inflation has caused concern and outright havoc in many of our cities across the country. There is little evidence that this trend is diminishing in its intensity.

Although the general morale and dedication of postal employees have remained high and contributed substantially to the effectiveness of our American postal service, the time is fast approaching when we will have to implement a legislative program dealing with labor relations in the postal service.

Many local government employees doing less important work than our postal employees get substantially larger salaries. Postal employees see the gains made by city workers and many of them have reached the conclusion that work stoppages are the only answer to postal pay problems.

Last year a national postal strike was threatened because management refused to bargain with local postal unions. Local postal managers declared thousands of items presented by local postal unions for negotiation as being nonnegotiable. The strike was averted only when the then Postmaster General Marvin Watson stated that during his remaining months in office all issues would be negotiated by postal management.

On June 12 of this year I introduced a bill which I believe will help substantially to solve many of our problems in the postal service. It provides for a postal labor-management relations panel which will provide fair procedures during negotiating sessions and rule on disputed issues as to negotiability, as well as on disputed terms of contracts.

Binding arbitration of grievances is provided, as well as standards of conduct for labor organizations and a code of fair labor practices.

By providing for action by disinterested third parties in disputes between postal management and postal labor unions, my bill would result in the settlement of disputes by persons respected by both sides. In cities where such arbitration and labor relations boards have been provided, public employee labor relations have stabilized.

We need peace and order in this country, and we cannot neglect our responsibilities to our public employees, particularly those whose jobs are as essential to the flow of information in this country. I believe that my bill, H.R. 12110, will set an example in the postal service that will be beneficial to agencies throughout the Federal Government, as well as local government.

THE LOUIS M. RABINOWITZ FOUNDATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. ASHBROOK. Mr. Speaker, with the increased activity in recent years of leftist organizations and movements, the question logically arises as to who foots the bill for the various undertakings. When one considers some of the types associated with the New Left, for instance, gainful employment seems to be low on the list of priorities of some of those above school age. Concerning the New Left in particular, Director J. Edgar Hoover of the FBI commented on their various sources of funds when he testified before a House appropriations subcommittee earlier this year:

> New Left funds are generally obtained from contributions, dues, sales of literature, benefits, advertisements, and its publications and fund drives. The main sources of revenue are contributions, and it is estimated that nearly 60 percent of Students for a Democratic Society (SDS) funds, for example, come from this source.
>
> Although the majority of gifts are in the $10 to $50 range, wealthy benefactors who have acquired their fortunes in the United States have contributed substantial amounts in support of the New Left movement and in support of the activities of the SDS in particular. Included among these, for example, are a Cleveland industrialist who has long been a Soviet apologist; the wife of an attorney in Chicago who is a millionaire; an heiress in the New England area who is married to an individual prominent in the academic community who has been active in New Left activities; and a wealthy New York lecturer and writer who for years has been linked to more than a score of Communist-front organizations and has contributed liberally to many of them. These individuals alone have contributed more than $100,000 in support of New Left activities.
>
> The New Left has also received money from several foundations. A very prominent foundation in New York, for example, has contributed more than a quarter of a million dollars from 1961 to 1968 to various individuals and groups, most of which have been identified as either present or past members or sympathizers of the Communist Party-U.S.A. or New Left movement.
>
> Demonstrations are frequently financed by fundraising and collections. For example more than $25,000 was collected from participants and spectators by the organizing committee during the march on the Pentagon in 1967. The organizing committee raised $10,000 from the sale of buttons during an anti-Vietnam war demonstration early in 1967 in New York City.
>
> Funds for antidraft activity by the New Left also have been supplied by organizations such as that known as Resist, located in Cambridge, Mass. This group was formed in 1967 by approximately 300 professors, writers, ministers, and others who signed a statement pledging to raise funds to aid youths who resist the draft and denounce the Vietnam war.
>
> Communist Party-U.S.A. leaders have recently urged party members to give time and money to "New Left demonstrations and causes."
>
> Much of the nationwide travel engaged in by prominent New Left leaders is paid for by honorariums paid to them, generally out of student funds, for their guest speaker appearances on college campuses.

As Mr. Hoover indicates, various sources are responsible for the financial fuel that keeps the New Left disrupting: through the efforts of the individual organizations, from wealthy people here in the United States, from foundations, and to a lesser extent through honorariums paid to New Left speakers who appear on college campuses.

A short time after Mr. Hoover's statement quoted above, Combat, the new and responsible newsletter on subversive activities, published additional information on the financing of leftist endeavors of both the new and old stripe. The report, entitled "Left Bank—The Louis M. Rabinowitz Foundation," appeared in the June 15, 1969, issue and was compiled by Lawrence V. Cott and Ruth I. Matthews. Its contents are indeed interesting.

For instance, those churchmen who have had demands made upon them for "reparations" by James Forman, author of the Black Manifesto, should be interested in knowing that Forman has received nearly $37,000 from the Rabinowitz Foundation over several years. Forman must have showed early promise to receive this unusually large sum in comparison to other recipients, an appraisal which proved to be correct if the havoc he has created among various church denominations is any criterion.

Radical authors, professors, editors, and others of the leftist persuasion rode the Rabinowitz gravy train for lesser amounts.

It is not to be implied from the foregoing that all recipients of Rabinowitz

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grants are in the left camp. However, in the recent past the records show that, in the words of the Combat report, "there seems to be a 'research project' waiting for any leftist who knocks at its door."

Combat has certainly provided a service in bringing to public view this compilation of leftist recipients of Rabinowitz Foundation grants, and for this reason I insert the report, "Left Bank—The Louis M. Rabinowitz Foundation," in the Record at this point:

Left Bank—The Louis M. Rabinowitz Foundation

(By Lawrence V. Cott and Ruth I. Matthews)

Where does the Left get its money? Speculation, not without merit, usually centers in two sources, Communist governments abroad or rich Red angels in this country. There are documented cases, some not yet on the public record, of funds flowing in from the Soviet Union, from Cuba, from Red China. Better known are the domestic fatcats, befuddled liberals as well as Communists, passing out their inheritance for the Cause.

There is another source increasingly important in funding the Left: Non-profit foundations. They often deal in politics, under the thin veneer of "community" projects or whatever; and often in enormous sums.

For several months, Combat has been examining the public records of a non-profit foundation which annually pours hundreds of thousands of dollars into the Left, to finance propaganda films glorifying Communist China and revolutionary activity in Berkeley, to finance socialist conferences, and in effect to subsidize Marxist and Communist publishing houses. This is the Louis M. Rabinowitz Foundation of 30 E. 42nd St., New York City. There seems to be a "research project" waiting for any Leftist who knocks at its door.

The Foundation was estabilshed in 1944 by a self-made New York industrialist (garment industry hooks and eyes), primarily to finance research into Jewish contributions to American life. So long as Louis Rabinowitz lived, his Foundation stayed close to its charter, funding libraries and museums, endowing chairs at major universities, equipping archeological expeditions—in short, financing a hundred projects in the tradition of philanthrophy. Then in 1957 Louis Rabinowitz died and direction of the foundation bearing his name passed to the hands of his son, his daughter and his daughter-in-law. The son, New York lawyer Victor Rabinowitz, has over the years been defense counsel for scores of clients called before Congressional committees investigating Communist activities. For many years he was Fidel Castro's chief legal representative—and registered foreign agent—in the United States. Rabinowitz has invoked the 5th Amendment privilege against self-incrimination when questioned about Communist activities, before a Congressional committee. So has his wife, Marcia, Secretary-Treasurer of the Foundation. His sister, Mrs. Lucille Perlman, is Vice President.

Combat has examined the public tax statements of the Louis M. Rabinowitz Foundation for the years since the death of Louis M. Rabinowitz. The findings indicate the Foundation's original purpose has been all but abandoned. Most of its money is now going into the pockets of well-known leftists, generally for "research" on papers, articles and books on Marxist or Communist subjects.

Those on the take include some of the biggest names of the left: Frank Donner, Hunter Pitts O'Dell, Walter Lowenfels, Clinton Jencks, Marvin Gettleman, Morris Schappes, Joseph M. Morray, James Forman, William Worthy, William J. Pomeroy, Len de Caux, Paul M. Sweezy, Andre Gunder Frank, Sylvester Leaks, Philip Reno, Christopher Koch, Frank Cieciorka, John Gerassi, Eugene Genovese, Waldo Frank, William Mandel, James Petras, John Howard Lawson, Todd Gitlin, Herbert Marcuse, Howard Zinn.

Combat's investigation of the Louis M. Rabinowitz Foundation reveals:

The Foundation formerly granted large funds to Jewish foundations but this has declined from 44% in 1960 to only 3% in 1967.

Several years ago Senator J. William Fulbright, Arab-oriented, investigated the sources of certain funds coming into the U.S. from the Jewish Agency for Israel and found out that some were going through the Rabinowitz Foundation to pro-Israel groups in the U.S. and to the American Jewish Congress to aid its investigation of anti-Semitism in the Soviet Union. Victor Rabinowitz, challenged by Fulbright, was shocked, promised his foundation would stop being a conduit. What transpired was this: Fulbright had stopped an activity offensive to the Arabs, and Rabinowitz stopped one offensive to the Soviet Union.

The Foundation has over the years contributed funds for research for books on Marxism (in some cases disguised in the grant as "socialism") and these books have then been published by International Publishers, the Communist Party's publishing house in the United States. The other large identifiable group of authors has been associated with the "independent" Marxist publishing house, Monthly Review Press, and its magazine, *Monthly Review*. Its stable of authors, some of them also identified as CP members in Congressional testimony, has received tens of thousands of tax-free dollars for "research," with the publisher providing only a pittance as royalty.

At least two other leftist magazines have received direct grants from the Foundation: the now-defunct *Studies on the Left* (as well as its three principal officers, individually), and *Science and Society*, a Marxist journal described by an official government committee as a Communist publication. (Four of the six members of *Science and Society's* editorial board have been identified as CP members at one time or another.)

It provided seed money for the financing of two propaganda films: "China," a transparently one-sided view of Mainland China by Englishman Felix Greene, who received $1,500 in 1963 and $7,500 in 1964. The film was produced, incidentally, by Lester Cole, named as a CP member and one of the original Hollywood Ten. The other film was "Days of Protest," a "documentary" of the Vietnam Day Committee protest marches in California. Producer Jerry Stoll, who has been named as a CP member and has spoken at CP street rallies, received $700 in 1966.

It gave $1,500 in 1967 to Clergy and Laymen Concerned About Vietnam, a pressure group organized chiefly to oppose U.S. policy in Southeast Asia.

The Foundation provided large sums to fund "research" for books and articles portraying Cheddi Jagan, who has said he wouldn't reject description as a Communist, as a popular hero of Guyana. One of the Rabinowitz Foundation's officers, Marcia Rabinowitz, was an officer of Friends of British Guiana, cited as a Communist front after Congressional investigation. Other research projects emphasize Cuba and Castro, Victor Rabinowitz's long-time benefactor.

It provided funds for operation of at least two of the Socialist Scholars Conferences, both held in New York City. The conferences are widely viewed as misnamed—the socialism discussed most frequently and with the greatest admiration is the socialism of Cuba, the Soviet Union and Red China. In the case of the second conference, in September 1966, 14 of the official participants who delivered papers (i.e., 25% of the speakers) have been identified as recipients of Rabinowitz Foundation funds, and the Foundation provided $2,000 to help run the conference.

The Foundation's purposes are set forth in its charter, which repeats the Internal Revenue Service statute on tax-exempt foundations, specifying its interests to include "research into Jewish law and history, contemporary Jewish affairs and scholarships, civil liberties, education specifically in areas of social work, etc." The "etc." is obviously most important. But nowadays one man's "civil liberties drive" is another man's "outside agitation," one man's "education" is another man's "propaganda"—thus the mischief is done.

In 1960 the Foundation disbursed about $107,000, almost all to well-recognized and long-established charities, but there was a small amount for the *Civil Liberties Docket* (of Berkeley), $1,500 to *Studies on the Left*, $2,500 to Joseph Papps New York Shakespeare Festival, and $2,000 to the left-wing Pacifica Foundation. Stanford and the University of Wisconsin were down for tidy amounts. Jewish philanthropies received $47,000, or about 44%. In 1962 nearly $200,000 was distributed, again mostly to legitimate organizations. Grants and scholarships, unspecified by name or amount, came to $144,619; recognizable Jewish philanthropies of one kind or another received $38,825 (about 20% of the total). In that year the Shakespeare Festival went down to $200, where it's stayed ever since Pacifica Foundation got $1,530, and Willard Uphaus' World Fellowship received $500.

In 1963 the Foundation handed out $182,000; it was the year of the major departure. Jewish philanthropies had dropped to just $28,700 (about 15%), with a few minor contributions going to Columbia, Yale, Haverford College, and a few small charities. The bulk of the money went to leftists, some of it itemized below.

In 1964 the Rabinowitz Foundation disbursed $177,000, so much that by the end of the year its net worth had been whittled down to just under $71,000. As usual, the left got the lion's share behind the protective coloration of a few small gifts to recognized charities—a civic ballet group in Brooklyn, a guidance center in Rabinowitz's home town, New Rochelle. The Foundation also donated $26,650 to Jewish groups (about 15%). The following year the Foundation, according to its tax records, made no contributions or grants (although there is some evidence it did). Its portfolio contained $79,000 in government bonds, $41,000 in nongovernment bonds, $154,000 in corporate stock, and nearly $10,000 in other assets. At year's end its net worth was $286,000.

Finances were thus well enough off in 1966 for the officers to scatter $114,000 to 53 recipients: a "legal rights" group in New Haven got $1,500, a group helping retarded children $200, the Freedom Information Center in Tougaloo, Miss., $2,000. The left walked off with most of the money, though; Jewish charitable institutions received their by-now ritual 15%.

The last year for which tax records are available for study in 1967, and the figures show heavy plunging on the Marxist-Leninist-Castroite-"socialist" crowd. A few small university grants, the highest $2,500 to University of Wisconsin, a small check to a Brooklyn youth center, and only $3,000 (about 3%) to Jewish philanthropies. The rest went to the likes of Clinton Jencks ($5,750) and Prof. Harvey Goldberg ($5,000), James Aronson ($3,000) and Mario Savio ($1,500).

Here is a rundown of some of the lucky winners of the Big Sweepstakes of 42nd Street:

James Forman. Now chief fund-raiser for the National Black Economic Development Conference and author of its demand for $500 million reparations from churches for centuries of alleged ill-treatment of Negroes. Forman received four grants from the Rabinowitz Foundation in 1963, totaling $22,945.50. The next year Forman returned for $13,835, a grand total of nearly $37,000. Coincidentally, Forman is married to the former Anna Constancia Romilly, daughter of author Jessica Mitford, and stepdaughter of Oak-

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land, Calif., attorney Robert Treuhaft, both of whom have been identified as CP members in the CP press. (In 1966 Victor Rabinowitz sent $50 to help in Robert Treuhaft's campaign for district attorney.) In the years he received $37,000 from the Foundation, Forman was an executive of the Student Non-Violent Coordinating Committee, later melded into and then out of the Black Panthers, where Forman was also named Minister of Foreign Affairs. It was in August, 1967 that SNCC, followed by the Panthers, adopted a stance which can only be described as anti-Semitic, as well as pro-Communist.

Albert E. Kahn. Now living at Glen Ellen, Calif., he received $2,500 in 1964. Kahn has been named as a CP member, has turned out books like *Sabotage: the Secret War Against Soviet Russia*, and *High Treason: The Plot Against the People*. In his books the traitors and plotters are the anti-Communists.

Philip Stevenson. Received $1,200 in 1963. Was identified as a CP member (Party name: Philip Sterling) in Queens, N.Y., later moved to California. An unfriendly witness before HUAC in 1951, he also used name Lars Lawrence, spoke at *People's World* celebrations. Deceased 1965.

Esther Jackson. A grant of $2,000 in 1963. Wife of James E. Jackson, former editor of the *Worker* and now one of CP's National Committee.

Robert K. Machover. Received $2,000 in 1966. One of the new breed of young radicals, Machover made illegal trip to Cuba in 1964. Last year moved to San Francisco area, where he exercises authority in leftist film company, San Francisco Newsreel.

Todd and Nanci Gitlin. Down for $4,000 in 1966. Todd is former president of SDS, has written for *Monthly Review* and the *Guardian*, played major role in organizing SDS Radical Education Project, most recently in San Francisco with the Newsreel film company, and was active in strike agitation at San Francisco State. Nanci Gitlin was in delegation of U.S. leftist women who met with Viet Cong women in Indonesia in 1965.

Christopher Koch. Received $2,100 in 1966. Koch is best known for his illegal trip to Hanoi, which cost him his job with Pacifica Foundation's New York station (WBAI). Once was president of Radio Tougaloo Association, spoke at meeting sponsored by National Council of American-Soviet Friendship.

Michael B. Folsom. Received $2,500 in 1964. Folsom one of the original members of W. E. B. DuBois Clubs, has spent last four years putting together biography of Mike Gold, prominent Communist and long-time columnist for *Daily Worker* and *People's World*.

Paul M. Sweezy. Co-publisher, with late Leo Huberman, of the Marxist *Monthly Review*, whose authors are so favored by the Rabinowitz Foundation. Sweezy is a long-time Marxist, his magazine especially enamored of the life-style of Castro, Jagan and Mao. Received $685.56 in 1964, a curious amount. The Foundation records show Stanford University refunded $685.56 that very same year, suggesting it covered Sweezy's expenses when Sweezy appeared on the Stanford campus April 2, 1964 to deliver remarks at the funeral service of the late Marxist professor Paul A. Baran.

Len de Caux. There's a name out of the past for you. Now living in Glendale, Calif., he was an *enfant terrible* of the leftist labor movement in the 1930's. An Oxford graduate, De Caux has lived in the U.S. since 1927, was one of CIO's chief radicals, edited the *March of Labor* (cited as a Communist publication), was identified as a CP member in 1953; invoked the 5th Amendment before HUAC. Received $3,250 in 1964.

Richard Krooth. Recipient of $2,500 in 1966. Krooth was in Madison, Wis., where he supervised economic research for the National Coordinating Committee to End the War in Vietnam. A former member of the Georgia bar association, by 1967 he was described in *Minority of One* (for which he wrote an article, "Capital Export and Lending Monopoly") as a "free-lance writer specializing in the economics of imperialism." Has also written for *National Guardian*.

J. M. Budish. Recipient of $3,000 in 1964. A well-known open member of the CP, whose critical articles are published in *Political Affairs*, the CP's theoretical journal.

Rose Russell. She received a lavish $5,500 grant in 1964. A long-time CP member, Mrs. Russell was one of the leaders of New York State's Old Teachers Union, long noted for its Communist penetration. Now deceased.

William Marx Mandel. Received $2,000 in 1966. Has apppeared before three Congressional committees, invoking the 5th Amendment when questioned about CP membership. A "star" of film *Operation Abolition*. Author of several books on USSR, generally painting rosy picture. His few criticisms of Moscow have cooled off his previous warm relations, but he can still get an article published in *Political Affairs*.

Robert Kaufman. Listed by the Foundation as Robert B. Kaufman of Berkeley, this is undoubtedly Robert Paul Kaufman, a chief organizer of W.E.B. DuBois Clubs on Berkeley campus, one of Bettina Aptheker's closest allies, and now a staff reporter for *People's World*, CP newspaper. Received $3,600 in 1966.

William J. Pomeroy. Received $3,600 in 1963 and $2,000 in 1964; Pomeroy was an American who joined up with the Communist-led Huks in the Philippines, was later captured, imprisioned and deported. Now lives in England and contributes to the *Guardian*. Editor of *Guerrilla Warfare & Marxism*, published by International Publishers.

Alexander Werth. Received $3,000 in 1963 to help him complete his book, *Russia at War* (E. P. Dutton & Co., 1964). Werth thanks the Foundation in the introduction. Russian-born Werth spent 1941–48 in the USSR as correspondent for the London *Sunday Times;* later was European correspondent of the left-wing U.S. magazine, *Nation*. Werth's writings generally were favorable to Stalin until he was attacked by Khruschev, then favorable to Khruschev until K was deposed.

Joyce Lewis Kornbluh. Received $1,000 in 1963. In her *Rebel Voices; An IWW Anthology* (Univ. of Michigan Press, 1964) she thanks the Foundation for "financial help at a critical time" which enabled her to complete her monumental work on the Industrial Workers of the World (the Wobblies, an almost-defunct early radical group which is on Attorney General's List).

Bertrand Russell. The nonagenarian British pacifist, later to spawn an "International War Crimes Tribunal" to blame the U.S. for crimes in Vietnam, received $1,000 in 1963.

Ronald Radosh. Received $1,000 in 1966. In early 1960's, while a history graduate student at the University of Wisconsin, Radosh was an associate of *Studies on the Left*. More recently at Kingsborough College in N.Y.

John Gerassi. Former *Newsweek* correspondent turned radical. Made an illegal trip to North Vietnam in late 1966, the same year the Rabinowitz Foundation gave him $5,000. Made an illegal trip to Cuba in 1967. Author of *The Great Fear; the Reconquest of Latin America by Latin Americans* (MacMillan, 1963) and *North Vietnam; a documentary* (Bobbs-Merrill, 1968). When asked, in 1967, by *National Guardian* what white radicals should do in response to ghetto rebellion, answered, "Support them, and I mean militarily." Fired from San Francisco State College for leading students in breaking into administration building.

RUNDOWN OF THE 1967 GRANTS—THE LAST YEAR RECORDS ARE AVAILABLE

James Aronson, N.Y., $3,000: Was editor of *National Guardian* (now *Guardian*) until staff revolted and took control; paper was cited by HUAC as "virtual official propaganda arm of Soviet Russia," but in recent years, with "polycentric" Communism, has shown fascination with Cuba and Red China. Like many other recipients, Aronson is luminary of (National) Emergency Civil Liberties Committee, cited by HUAC as Communist front, and edited "Bill of Rights Journal" of December, 1968, which curiously featured articles and advertisements by or about many other Louis M. Rabinowitz Foundation recipients.

Richard J. Barnet, Washington, D.C., $1,500: With left-wing think tank, Institute for Policy Studies, in Washington. Has written book (with Marcus Raskin) on Cold War alternatives in Europe, several others on disarmament. Active in get-out-of-Vietnam work, and a sponsor last year of New University Conference in Chicago, which called for "radical university reform."

Donald L. Barnett, Iowa City, Iowa, $2,500: A Marxist professor, refused to provide university with students' grades in effort to help them escape draft; close to SDS. Author of book, *Mau Mau From Within*, published by Monthly Review Press. Has written for *Monthly Review* and *National Guardian*.

Cedric Belfrage, Cuernavaca, Mexico, $3,000: Former editor of *National Guardian;* named as CP member (Party name: George Oakden) and deported to his native England. Now living in Mexico, he contributes occasionally to *Guardian*.

Norman Birnbaum, N.Y., $1,625: Involved in anti-Vietnam War activity; participant in New University Conference; a prime mover in SDS Radical Education Project. Also received $1,625 from Foundation in 1966.

Bernard Conal, La Jolla, Calif., $3,000: Former official of Progressive Citizens of America, cited as CP front by California legislative committee, Conal was Stakhanovite in Henry Wallace's Progressive Party in 1948. (Conal's son, Robbie, was W.E.B. DuBois Club activist in San Francisco in 1964–5, where he was roommate of Steven Kahn, son of Albert E. Kahn, another Foundation recipient.)

Clergy and Laymen Concerned About Vietnam, N.Y., $1,500: A left-wing pressure group established to alter U.S. foreign policy in Southeast Asia; not a tax-exempt organization. "We act to influence public and legislative opinion—from our pulpits, in the courts, at draft boards, in the streets."

Frank Donner, N.Y., $500: A N.Y. attorney; identified as a CP member by witnesses before Congressional committees; invoked 5th Amendment in declining to answer questions. Author of book, *The Unamericans*, a thorough-going leftist smear of HUAC (Donner thanks Victor Rabinowitz, among others, for being "most helpful in furnishing information and suggesting leads").

Horace B. Davis, Jamaica Plain, Mass., $1,900: Has been identified in testimony as a CP member; in his 1967 book, *Nationalism and Socialism; Marxist and Labor Theories of Nationalism to 1917* (Monthly Review Press, naturally) Davis thanks the L. M. Rabinowitz Foundation for making it possible for him to visit Holland in 1965 to do basic research. The Foundation tax statements do not record any grant to Davis until 1967. Davis has taught economics at major universities and at two schools cited by Congress as Communist enterprises.

Harvey Goldberg, Madison, Wis., $5,000: Professor Goldberg earned his radical reputation at Ohio State; has been a member of the National Council of the Emergency Civil Liberties Committee (like many other Foundation favorites), has been involved in various anti-Vietnam War groups. His *American Radicals; Some Problems and Personalities* was published by Monthly Review Press in 1957.

Marvin Gettleman, N.Y., $1,800: Active in Vietnam protest; was contributor to *Studies on the Left* in 1962, *Science and Society* in 1965. Persons attending the First Socialist

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Scholars Conference in 1965 were instructed to make their checks payable to Marvin Gettleman.

Hashomer Hatzair, Inc., N.Y., $500: A very minor, but also the most leftist, of the Zionist groups. Once received $5,000 grant, but in recent years only $500 annually.

Len Holt, Washington, D.C., $2,000: Negro attorney and author of book on 1964 Mississippi voter registration drive launched with support of National Lawyers Guild, cited by HUAC as a Communist front. Board member of Southern Conference Educational Fund (also cited as CP front by HUAC); has written book reviews for *Guardian*, and was sponsor of 1966 Herbert Aptheker testimonial dinner.

Donald Jelinek, Selma, Ala., $5,000: Attorney now in San Francisco area with Office of Economic Opportunity; a protege of SF attorney Aubrey Grossman, who leads legal panel assisting draft resisters (Grossman has been a paid functionary of CP).

Clinton Jencks, Denver, Colo., $5,750: Was official of Communist-dominated Mine, Mill & Smelter Workers Union, and was convicted of falsely denying CP membership in Taft-Hartley affidavit; Supreme Court overturned conviction (the Jencks Decision) on grounds his attorney could not see FBI reports. Now teaching economics at San Diego, Calif., university.

Gaylord Leroy, Philadelphia, Pa., $2,000: Of Temple University, Philadelphia; one of main speakers at Second Socialist Scholars Conference.

Walter Lowenfels, New Jersey, $1,500: Has been open CP member; convicted of Smith Act violation in Philadelphia. Regular literary contributor to CP newspaper, *Daily World*, and its predecessors. Book of poetry published by International Publishers, with acknowledgement of Rabinowitz Foundation help.

Julian Mayfield, N.Y., $3,000: Was Fair Play for Cuba Committee activist; sponsored the Monroe Defense Committee to help Robert F. Williams, a fugitive now living in Red China.

Jack Minnis, New Orleans, La., $1,500: A young white radical who was SNCC research director after most whites were persona non grata.

New York Shakespeare Festival, $200: Foundation regularly supports this arts festival, which is directed by Joseph Papp, who has been identified as a CP member (also 5th Amendment before HUAC). In 1960 the festival received $2,500, has received only $200 annually in subsequent years.

Norman Rudich, Middletown, Conn., $2,520: Wesleyan professor, associated with Emergency Civil Liberties Committee; was sponsor of Herbert Aptheker testimonial dinner; active in anti-Vietnam War activity; speaker at Second Socialist Scholars Conference. Also received $2,200 in 1966.

Morris Schappes, N.Y., $1,000: Editor of CP-line magazine, *Jewish Currents;* identified as CP member by several witnesses; invoked 5th Amendment privilege.

Jack O'Dell, N.Y., $1,250: Jack O'Dell is J. H. O'Dell is Hunter Pitts O'Dell, former CP organizer in South. When New Orleans police raided his home they found it crammed with CP literature. Was closely associated with late Dr. Martin Luther King, who ritually fired him when questions were raised, would then re-hire him. Now lives NYC, write for CP-line magazine, *Freedomways*. O'Dell also received $1,250 in 1966.

Daniel B. Schirmer, Cambridge, Mass., $2,000: Daniel Boone Schirmer, a descendant of the famous frontiersman, was a leading figure of the Communist Party in New England.

Mario Savio, Berkeley, Calif., $1,500: Born Robert Savio, alias Jose Marti. Leader of the Free Speech Movement at UC/Berkeley in 1964. Anyone who hasn't heard of Mario Savio is less than five years old.

Southern Students Organizing Committee, Kenbridge, Va., $1,000: Organized to radicalize students in South, SSOC operates in close liaison with Southern Conference Educational Fund, the cited Communist front run by Anne and Carl Braden, both identified as CP members. SSOC tried to be recognized as the SDS in the South, but was attacked by SDS hard-liners as not being revolutionary enough.

Thorne Sherwood, Jr., Hartford, Conn., $1,000: Candidate for PhD at Stanford; grant was for book on priest killed in 1966 when Colombian military ambushed a guerrilla band.

Michael Tanzer, N.Y., $7,200: An economic consultant (PhD, Harvard), who has written for the left-wing *Nation*, attended the Socialist Scholars Conferences. Received $1,800 in 1966 (for total of $9,000) to finish book, *The Political Economy of International Oil and the Underdeveloped Countries* (Beacon).

George Wiley, Washington, D.C., $1,000: Is the national executive of the National Welfare Rights Organization, which agitates for larger grants, fewer restrictions on welfare recipients, and similar raids on the Treasury.

Other grants went to the Brooklyn Heights Youth Center, Brooklyn; Lillian Boehm Foundation, N.Y.; Judith Coburn, Washington, D.C.; Columbia Survey of Human Rights Law, N.Y.; Foreign Policy Roundtable, Inc., St. Louis, Mo.; Jill Hamburg, Hoboken, N.J.; Ivan Kovacs, Bronx, N.Y.; Jon Katz, N.Y.; Debbie Louis, Venice, Calif.; Law Students Civil Rights Research Council, N.Y.; Floyd McKissick, N.Y.; Samuel Rohdie, Oxford, England; Leon G. Summitt, N.Y.; Socialist Scholars Conference, N.Y.; United Jewish Appeal; Regents of UCLA, Los Angeles, Calif.; University of Wisconsin, Madison, Wis.

TRITIUM AND NUCLEAR POWER REACTORS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. KASTENMEIER. Mr. Speaker, tritium is a radioactive isotope of hydrogen on which attention is currently being focused because of its radiological characteristics and its appreciable production by an expanding nuclear power industry. This industry results in tritium releases to the environment as a consequence of normal operation of both nuclear power reactors and fuel reprocessing plants.

Because tritium has a long radioactive half life of approximately 12 years, this means that tritium discharged into the environment will accumulate over a relatively long period of time.

Tritium presents no radiological health hazard to humans if it is prevented from entering the body. However, introduction of tritium into the body in any form does constitute a potential hazard.

Thus, I was pleased to see a discussion of this tritium problem, as it relates to the Baltimore Gas & Electric nuclear powerplant under construction on the Chesapeake Bay in Calvert County, Md., appearing in a September 11 Washington Post article written by staff writer Hal Willard. I hope my colleagues will take the time to read this article and, also, an additional item from the September 11 Washington Post regarding the expensive campaign waged by Baltimore Gas & Electric on advertising the Calvert plant.

Mr. Speaker, the hope for cheaper nuclear power must be weighed against long-range risks to all forms of life and we must take a very careful look at all the available facts before the country leaps into the nuclear power age.

The articles follow:

TRITIUM PROBLEM OUTLINED

(By Hal Willard)

The problem of radioactive tritium being released from nuclear plants is unresolved, despite utility company advertising and Atomic Energy Commission assurances, a Johns Hopkins University radiologist maintains.

The radiologist, Dr. Timothy Merz, says tritium from water, a byproduct of nuclear reactors, can enter the human body and stay in cells long enough to cause genetic mutations and possibly leukemia in descendants.

Dr. Merz cautions that two reactors, such as will power the electricity-generating station on the Chesapeake Bay at Calvert Cliffs, will not emit enough tritium to be a major danger. However, he says, the electric power industry must recognize tritium as a problem because of the cumulative effect if too much tritium escapes or too many nuclear stations are built.

There are 13 civilian nuclear stations operating in the United States; 46 are under construction, and nearly 50 more are planned. The greatest concentration of them, totaling all stages of development, is in the Middle Atlantic region, including the Chesapeake Bay. But, Dr. Merz says, scientists still don't known precisely how many plants could be built in a given area before tritium became an actual danger to human life.

The Atomic Energy Commission is well aware of the potential danger of tritium, according to Dr. John Totter, chief of the biology and Medicine division, and has established strict standards on the amount of tritium that a reactor is allowed to release.

Furthermore, Dr. Totter says, the AEC has regulations controlling the total amount of tritium that can be released in a given body of water that isn't constantly circulating so that it does not become saturated.

Dr. Merz feels these regulations are not stringent enough. He and other, nonscientist, citizens continuously ask what would happen if the AEC was overoptimistic or there was an accident.

Dr. Totter explains that the possibility of accident exists in any industry and that the precautions required of utilities by the AEC make the chance of an accident remote.

Dr. Totter also said he felt that the AEC had not done a thorough job in explaining the facts about tritium to the public and that if it had there would be less concern about the substance.

Dr. Merz and Dr. Totter agreed that the advertising concerning tritium by the Baltimore Gas and Electric Co., builders of the Calvert Cliffs station, could be misleading to people unfamiliar with the scientific jargon employed.

The ads have appeared in several newspapers, including The Washington Post, and have caused the Public Service Commission to order an accounting to determine whether the expenditure for the ads is in the public interest. The money to pay for the ads, of course, comes from the regular utility rate, paid by the public. The PSC emphasized that it allows a certain amount of institutional advertising. (The least an advertiser must pay The Washington Post for a half-page ad is just under $1450, according to Post rate listings.)

Money spent on advertising conceivably could affect the utility rates paid by the public and the PSC must decide whether the purpose of the advertising justifies the expense.

The uncontested facts about tritium are that it is radioactive and is an isotope of hydrogen and, therefore, is actually part of the water disgorged back into any body of water being used by a nuclear power station as coolant, as Chesapeake Bay water will be used. The chemical formula for water is two parts of hydrogen and one part of oxygen (H_2O). Tritium becomes one of the hydrogen parts, making the formula for water HTO.

Once the tritiated water is in the Bay, or any other body of water supplying a nuclear station, it is used by plant life to make carbohydrates through the process of photosynthesis. Thus, the tritium becomes part of the plant.

Any creature eating the plant, whether it be fish or man, is ingesting food that becomes structural protein and nucleic acid containing tritium. If a human being simply drank the water, the effect would be the same.

No one is expected to drink from the Bay, of course, because it is salt water.

The dialogue on tritium began at a public hearing conducted last May by an AEC reactor licensing and safety board in Prince Frederick, county seat of Calvert County.

An AEC statement used at the hearing said in part: "Water containing tritium acts chemically like ordinary water; most of it passes through the human body very rapidly. More than one-half of the tritium taken up by the body is passed on within three to 10 days; practically all remaining molecules of water containing tritium are gone within 60 days."

Dr. Merz contends that this statement oversimplifies the situation. He says the elimination of tritium is not rapid and says he places a different emphasis on the word "practically" than the AEC does.

Dr. Totter says the statement was accurate, but not nearly as precise as it should have been—and therefore is open to misinterpretation and misunderstanding. A construction permit for the plant has been issued.

Dr. Merz and six other Johns Hopkins scientists submitted testimony at the hearing, but at the time their views about it were merely theory. Since then, Dr. Merz has proven his views by independent laboratory experimentation, he says.

He learned what the AEC already knew, it turned out, but he places a different emphasis on it. The chief fact involved is that tests show a permanent incorporation of tritium in water creatures that eat plant life that had absorbed tritium from water.

Advertising by the Baltimore Gas and Electric Co. manages to convey a contrary opinion by the use of accurate, but imprecise and esoteric language, Dr. Merz feels.

An advertisement on page D12 of the Sept. 3 editions of The Washington Post says in part: "The Calvert Cliffs plant will include the most complete system available for removing radioactive 'impurities' from any water discharged from the plant to the Bay. However, this $4,400,000 processing system will not completely remove everything from the water . . . Since tritium becomes a part of the water molecule itself, it is not removed. This is why there will be a large quantity of tritium discharged than any other radioactive isotope . . .

"The major route to man of these radioactive liquids would be through seafood. For anyone eating normal amounts of seafood harvested in the immediate vicinity of the plant site, the radiation exposure from this seafood would be infinitesimal. In a single year, a real seafood lover would have to eat at least 30 tons of fish, crabs, clams, and oysters from the same plant area to receive as much radiation exposure as from an annual chest X-ray. These exposures consider the fact that some elements reconcentrate in the seafood chain to levels above the concentration in the Bay water. But there is no theoretical or experimental support for a conclusion that significant separation of tritium from hydrogen can occur by natural chemical or biological means. These properties of tritium tend to prevent reconcentration of tritium in the food chain."

But, according to Drs. Totter and Merz, there is "permanent incorporation" of tritium by the person absorbing it. Therefore, all sides agree, the public must answer two questions: How much risk are humans willing to take that the standards set by the AEC are high enough; and how much are humans willing to gamble that AEC scientists will not be proven wrong in the future—perhaps because of the newness of the science.

The AEC and the electric power industry are confident that the risk is so small that it is worth taking.

Power Firm's Ads Cost Over $71,000

Baltimore, September 10.—A Public Service Commission spokesman said today an accounting shows that the Baltimore Gas and Electric Company has spent more than $71,000 so far on advertising its nuclear power plant under construction at Calvert Cliffs.

The commission ordered the accounting to help determine whether the advertising cost was in the public interest because the ads are paid for with income from electricity rates and try to convince the public of the plant's safety.

NEWSPAPER PRESERVATION ACT

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. DUNCAN. Mr. Speaker, I understand that some very important testimony was heard today by the House Antitrust Subcommittee concerning the Newspaper Preservation Act.

To me this is one of the most important pieces of legislation to be presented this year and I certainly plan to work for its passage. So much of our time in Congress is spent in trying to effectively manage our fiscal affairs that we take for granted other matters that also need tending.

Simply stated, the purpose of the Newspaper Preservation Act is to guarantee freedom of information to the public. In a democratic society the dissemination of information and opinion is essential to the continuance of a free society. However, more and more communities are being served by one newspaper and thus getting only one viewpoint.

Increasing costs are forcing newspapers to drop by the wayside, but the Newspaper Preservation Act would permit a failing newspaper and a successful one to merge their plants, equipment, advertising, even circulation, yet maintain separate editorial policies and staffs.

From personal observation in my congressional district I know the effectiveness of a joint newspaper operating arrangement. I am referring to the Knoxville News-Sentinel and the Knoxville, Tenn., Journal, which began in 1957 with the News-Sentinel performing the circulation, advertising, accounting, and mechanical operations of the Journal. News and editorial identities of the two papers have continued entirely independent of each other.

There is no substitute for a newspaper either as a means of communication or advertising. It serves the public and the business world in special ways. I think it is the duty of the Congress to pay attention to these needs. It is our responsibility to see that our communities do not become one-voice towns.

The number of one-newspaper towns has risen sharply—85.6 percent of our towns with daily newspapers have only one newspaper to read. In 1910 we had 2,202 English language dailies in the United States and now we have some 1,500. Of great significance is the fact that there has been no successful new daily of general circulation established in any city of more than 200,000 since 1941.

The joint newspaper operating arrangement is not new, in fact, it is about 40 years old and has certainly proved its worth over the years.

If and when the Newspaper Preservation Act comes before the House for a vote this year I urge my colleagues to vote for its passage.

SENSITIVITY TRAINING—MILITARY STYLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. RARICK. Mr. Speaker, time was when military recruitment and command training was accomplished by the flying of the colors, and the beat of the drum accompanied by fife and bugle.

Nowadays socio-military advisers—more interested in social experiments than in national defense—feel that patriotism and love of country are outdated methods of communication and motivation with today's youth. The socio-military complex apparently feel it necessary to stoop to the use of vulgarity, religious slurs, drug usage, and insensible drivel in order to adapt our military leaders to conform to the deviations of the undesirables among our youth.

One would think that these youth are the misfits and freaks which the military would screen out—not search out. Strength is in quality not in numbers. The day when the military took a boy and gave back a man are gone. Rather, the design is now that the boys are to remake the men. Everyone is out of step but the "goof-off."

What caliber of military force can be developed through administering sensitivity training of this type to the officers in our armed services? Yet, the Director of the Office of Information for Armed Forces defends the use of taxpayers' money under the authority of the Department of Defense to proliferate this garbage.

I include a news report from the Pittsburgh Press for July 27, 1969, and a reply from the Department of Defense, Office of Information for Armed Services:

[From the Pittsburgh Press, July 27, 1969]

Shock Art Jolts Public on Youth

(By Mike Miller)

Washington.—The Defense Dept. is showing public audiences a painting entitled the "Next Supper" in which Jesus is depicted smoking pot.

And the disciples as they appear in Leonardo da Vinci's "Last Supper" are replaced

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in order (left to right by Spider Man, Charlie Brown, Bugs Bunny, Jughead (as Judas Iscariot), Archie, Capt. Midnight (as John, "The Beloved Disciple"), Mickey Mouse, Superman, Santa Claus, Thor, Scrooge, McDuck and Batman.

GAP PORTRAYED

But the Pentagon hasn't really become a pagan house of worship mocking the Christian faith.

The painting is part of a 50-minute presentation designed to portray the "Communications gap" between today's "New Generation" and the "Establishment" or "System" (everyone over 25).

Crammed full of art posters like the "Next Supper," underground newspapers, and underground film produced by college students on a $50 budget, and slides including one showing a needle injecting heroin into a scarred human arm, the presentation is fast becoming by popular demand a road show for other Government agencies, churches, PTAs and similar community groups.

MESSAGES HIDDEN

Examining the lyrics of some popular songs, the script concludes they have hidden messages which encourage people to take drugs.

While the reception to the Pentagon presentation generally is reported to be favorable, some critics have questioned the Defense Dept.'s role in showing it.

John C. Broger, the man behind the project, says the presentation originally was intended for military commanders to give them an insight into how today's youth communicate with each other.

Outsiders then heard about the presentation and began requesting it, he said.

Mr. Broger, who boasts his presentation has convinced some youthful drug takers to quit the habit and gotten alienated parents and children back together, heads the office of information for the armed forces, a vast network that includes armed forces radio and television service and the Stars and Stripes newspapers in Europe and the Pacific.

BAD TRAITS STRESSED

"We just show what's happening. We don't say whether it's good or bad," Mr. Broger said.

His presentation, however, stresses heavily the bad traits of some of today's youth and adults.

"The New York Times estimates that a hundred million people in the U.S. use some form of mind altering drug (including alcohol)," says the narrator.

"It's estimated that 30 to 50 per cent of the college students have tried pot (marijuana) at least once. Over half repeat. . . . Last year over 35 tons of heroin were confiscated by the Bureau of Narcotics . . . two and a half times more than the year before and six times more than the year before that."

POP SONGS CITED

Popular songs depicted as describing drug use include the Beatles "1967 Album of the Year" with the line: "I get high with a little help from my friends;" "Fire Poem by Arthur Brown," "Mr. Businessman" and "Don't Step on the Grass."

The underground poster "Next Supper" shows Christ with a pile of marijuana and a hose with high pressure nozzles in his hand to supply marijuana smoke to the whole group.

Although not part of the presentation, a Broger aide who presents the show said the communications gap between youth and adults was underscored for him when the Bob Hope troupe was entertaining troops in Vietnam last Christmas.

Gen. Creighton W. Abrams, U.S. commander in Vietnam. held up his fingers in the V sign to the troops at one performance.

The result was laughter from thousands of the young men.

To Gen. Abrams, the V was the "Victory" sign of World War II days. The laughing soldiers recognized it as the peace symbol of the younger generation.

DEPARTMENT OF DEFENSE, OFFICE
OF INFORMATION FOR THE ARMED
FORCES, OASD (M&RA),
Washington, D.C., September 5, 1969.

Hon. JOHN R. RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: This is in reply to your letter of August 22, 1969 which enclosed a newspaper article in the *Pittsburgh Press* of Sunday, July 27, concerning a Defense Department presentation on Youth Communications.

The Defense Department audio-visual presentation was carefully researched and produced to meet the growing need of military commanders to understand the challenge of communicating effectively with a new generation of servicemen who have grown up with a completely different outlook on life. Why—is the subject of our presentation.

The presentation includes a poster entitled "Next Supper" which is commercially produced and sold by many stores catering to youth. The "Next Supper" poster is used among youth and is one of several in the presentation because this is clear evidence of a growing attitude by many of our youth toward religion and the acceptance of drugs. The posters and other media illustrate that youth are not reluctant to employ shock techniques in expressing their nonacceptance of moral standards set by the older generation.

A large group of Service chaplains have seen the presentation and while some were shocked at individual examples of youth media, all agreed that the briefing was relevant and helpful in understanding the problems of today's military commanders—as well as parents—in their effort to effectively communicate with today's youth.

The "Next Supper" was not used in any way that implied approval of the posters or their messages, nor was its use intended to disparage the Christian principles of our heritage.

Leaders of several national and international Christian gatherings where the presentation has been seen have commented: ". . . one of the most significant presentations of our national convention . . . a masterpiece in communication on one of the most important subjects confronting our nation today . . . we wish this could be given in all of the more than 30,000 churches we serve." (National Association of Evangelicals.)

"I commend you and your staff for the work you are doing—work that is scholarly, timely, effective." (Moody Bible Institute, Chicago, Ill.)

"I was attracted to your presentation as helping us to distingiush the true from the false." (Full Gospel Business Men's Fellowship-International.)

More than any other group, pastors and church officials who have seen the presentation have been enthusiastic in their acceptance of its message. They unanimously endorse it and continue to recommend wider showings to other church groups.

It is unfortunate that a newspaper headline overshadowed the real purpose of the presentation. The effectiveness and extremely favorable response which it has generated from audiences who have seen the entire briefing has caused them to depart with a renewed sense of responsibility toward our youth. The sole intent of the presentation, as stated in the news story, is ". . . intended for military commanders to give them an insight into how today's youth communicate with each other." Be assured that ". . . the Pentagon hasn't really become a pagan house of worship mocking the Christian faith."

I trust this answers your concern and I personally assure you that the entire presentation does nothing to demean the sanctity of the Christian faith.

Sincerely,

JOHN C. BROGER,
Director.

THE U.S.S. "DOLPHIN"—A RESULT OF QUALITY WORKMANSHIP AT PORTSMOUTH

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. WYMAN. Mr. Speaker, I want to bring to the attention of my colleagues in the House and Senate, and the readers of the RECORD, the following "letter to the editor" which appeared in the September 8, 1969, edition of the Portsmouth Herald of Portsmouth, N.H. It is from John R. M. Donnel, commanding officer of the U.S.S. *Dolphin*, a "one of its kind" experimental auxiliary submarine that was specifically designed for deep-diving operations.

The *Dolphin*, the construction of which was completed in 1968 by the Portsmouth Naval Shipyard, has been in service since its commissioning and, as pointed out by Commander Donnell, is proving to be one of the Navy's outstanding technological achievements.

Mr. Speaker, it is apparent after reading such a statement by the commanding officer of a vessel of this kind that the work performed by the men at Portsmouth is the finest that can be found anywhere. It offers conclusive evidence that the closure order of 1964 which would result in the termination of operations in Portsmouth should and must be rescinded. In order to keep pace with the defense needs of this Nation, it is essential that a facility that is as accomplished and efficient as the shipyard at Portmouth remain available to produce the highly specialized equipment crucially needed to keep our Nation secure.

We in New Hampshire are proud of the men at Portsmouth. We realize the great skill with which they are able to perform, and recognize the contributions they are making to their community and their Nation. Those to whom the Nation looks for leadership and protection, both in the military and the civilian side of government, should recognize these facts also.

The letter is as follows:

MAN IN MIDDLE

To the EDITOR:

Speaking as a "man in the middle," I concur with your editorial comments concerning the lack of recognition that the Portsmouth-Kittery Shipyard workers received for their outstanding achievement—Dolphin. She is truly one of the most noteworthy technological achievements the United States has made in years. However, in defense of the Navy management, of which I am not a part, publicity concerning Dolphin is complicated by various classification problems. Hopefully, these problems will be worked out because, as a very grateful member of Dolphin's crew, I would like to see the shipyard workers receive full recognition for having designed and built such a superb ship.

JOHN R. M. DONNELL,
Commanding Officer, U.S.S. Dolphin.

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TRIBUTE TO SENATOR EVERETT M. DIRKSEN

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. RANDALL. Mr. Speaker, all America grieved when they heard the sad news of the passing of the minority leader of the Senate, Everett Dirksen. I know this is true, because I was in my home district on Sunday afternoon when the news came over the car radio while I was making some last minute visits before returning to Washington. I heard such expressions as, "He was a grand guy;" "There will never be another like him"; and, "He was the greatest orator of all time."

It is natural that there is a sense of sadness at the death of a very popular national figure who became a legend during his own lifetime. But along with sadness and shock, there must be a sense of frustration among the American people at having snatched from the council of Government a great leader at a time when outstanding leadership is so sorely needed in our Nation and in the world.

It was not my privilege to have known him as well as some of my colleagues. Here a few years ago, during a certain spring when he was making repeated trips home, it was my good fortune to be on the same plane with him from Washington to Chicago on several occasions. On one or more of these times, it was my privilege to sit beside him and to enjoy a visit en route. But when I was beside him, and at other times when I was on the plane, I observed that no sooner was the plane airborne than he opened his attaché case and went to work. For a man of his years, you would expect that he would use this flight time as an opportunity to rest, but on each of these trips that we traveled together I noticed that he spent his time reading reports from his staff and perhaps preparing remarks to be made in his home State.

I mention these incidents in order to emphasize that while Mr. Dirksen was a brilliant man, a magnificent speaker, and a great leader of his party in the Senate, he was also embued with the idea that there is no substitute for hard work.

So many things have been said and written about this distinguished American. But I think the thing that impresses me most is a remark attributed to him wherein he explained that he worked very hard at his job so that when his time came it would be regarded that he had helped, at least, to turn over to his children and grandchildren a country that was at least as good as his generation had inherited from its forebears. He so eloquently said that he hoped it would never be that his grandchildren would say to him, "You were on the scene; why did you let things get into such bad shape?" If more of us took this view, we would be more diligent in our efforts and work just a little harder, then our descendants could be a little more assured that they would have passed on to them the same great heritage that had been handed down to our generation.

It was my privilege to take note of another facet of his personality that convinced me he was really genuine. I am convinced he did not adopt his well-known mannerisms just for the benefit of others. Some observers have suggested that his use of the hoarse whisper was a kind of dramatic gesture. Because of those trips on the plane together I prefer to believe otherwise. Those inflections, expressed by the raising and lowering of his voice were a part of his thinking process. On the trips when I sat beside him on the plane he made no studied effort to impress anyone. It was simply normal for him to place emphasis upon his thoughts by changing the level of his voice and by the use of inflection. The manner of his speech was not reserved for oratory alone. It was the same in his personal conversation. It was a part of the man.

Those of us who listened to President Nixon in the rotunda heard him describe the late Senator Dirksen as "a politician," but then the President went on to say he used that term in the very finest sense of the word. In the opinion of some of us present this was as fine a tribute as could be paid to any Member of Congress.

On Wednesday of this week I had occasion to take a constituent over on the Senate side. That body was in adjournment out of respect for one of their distinguished leaders. When we walked on the floor there on his desk was the one marigold of the species he had pleaded to be made the national flower. In the rotunda, the President said Mr. Dirksen could be described in the same way as his beloved marigolds, "hearty, vivid, exuberant, colorful and uniquely American." Mary McGrory, a staff writer for the Washington Evening Star carried that parallel a step further when she described the passing of the minority leader of the Senate by saying "a bright flower is gone."

Everett Dirksen was a giant of public life. He was certainly one of the most powerful Senators of all time and perhaps the most dominant figure of the Republican Party of the 1960's. He was counsel to Presidents but, most of all, he regarded himself as a servant of the people. I can honestly say that along with those Members of his Party that were close to him, as a Democrat, I can say that I am going to miss Ev, too. I join with my colleagues in extending sympathy to Mrs. Dirksen, Senator and Mrs. Baker, and the others of his family.

REPORT ON THE PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR DIRECT ELECTION OF PRESIDENT AND VICE PRESIDENT, BY THE ASSOCIATION OF THE BAR OF NEW YORK

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. RYAN. Mr. Speaker, the Committee on Federal Legislation of the Association of the Bar of the City of New York has prepared a very thorough report citing the need to abolish the electoral college and change the present presidential election system in favor of a direct, popular election.

The report makes several points.

First, direct election would eliminate the chance that the popular vote winner would not become President. In the past, there have been three Presidents who were elected although they lost the popular election.

Second, direct election would end the inequities resulting from the allocation of electoral votes among the States combined with the winner-take-all unit vote. Under the present system the number of electoral votes allocated to the States do not reflect either increases in population in the States or the voter turnout, whether it be large or small. And there is the discrepancy in the voter-elector vote ratios of the different States. For instance, California has one electoral vote for six times the number of voters as in Alaska.

Third, direct election would eliminate the possibility of an election being thrown into the House where there would be the risk of wheeling and dealing and the rejection of the candidate who is preferred by the greatest number of voters.

Finally, direct election would eliminate the potentially dangerous office of the presidential elector. Under the present system, an elector can disregard the will of his constituency and vote in the electoral college for a candidate who did not receive the highest number of votes in his State. Dr. Lloyd W. Bailey of North Carolina did just that in 1968.

In examining proposed alternatives to the present electoral college system—the district plan, the proportional plan, and the automatic plan—the committee found each inadequate in solving the basic problems.

The need for election reform is clear, and this report marshalls strong arguments for the abolishment of the electoral college.

Since the House is now considering House Resolution 681 to provide for the direct popular election of President and Vice President, I believe this report will be helpful to those Members who may still require persuasion. I include it at this point in the RECORD:

REPORT ON THE PROPOSED CONSTITUTIONAL AMENDMENT PROVIDING FOR DIRECT ELECTION OF PRESIDENT AND VICE PRESIDENT

(By the committee on Federal legislation, the Association of the Bar of the city of New York)

INTRODUCTION

The 1968 election clearly demonstrated that the electoral college system of electing Presidents and Vice Presidents is in need of reform. The possibility of the election elevating the popular-vote loser to the Presidency, or of a deal in the electoral college, or of an election thrown into the House of Representatives to be decided under a formula distorting the most elementary principles of self-government, has served as a clear reminder of the inadequacies of the present system. The election supported on every count the indictment rendered in January 1967 by the American Bar Association Commission on Electoral College Reform that the present system is "archaic, undemocratic, complex, ambiguous and dangerous."[1]

In 1967 this Committee issued a report

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recommending the abolition of the electoral college and the substitution of a direct-vote system. In our report we stated that direct election of the President and Vice President was "feasible," "highly desirable," and "conforms to modern concepts of democracy and to the expectations of the great majority of the people."[2] On May 16, 1967 the Association of the Bar of the City of New York adopted the following resolution:

"*Resolved*, That this Association favors the proposal and adoption of an amendment to the Constitution of the United States with respect to the election of President and Vice President which would abolish the electoral college and provide for the direct popular election of the President and Vice President."[3]

We have reviewed our 1967 report in the light of the events of 1968 and strongly believe that the 1968 election confirms the fairness, justice and wisdom of a system of direct popular election of the President and Vice President of the United States. We endorse and urge adoption of the proposed amendment embodied in S.J. Res 1, 91st Cong., 1st Sess. (1969), which is co-sponsored by Senator Birch Bayh and 41 other Senators and which incorporates the recommendations made by the American Bar Association Commission on Electoral College Reform.[4] This proposal closely parallels S.J. Res 2, 90th Cong., 1st Sess. (1967), which we dealt with in our 1967 report. The proposed amendment requires a popular plurality of at least forty percent to be elected President and Vice President, and in the event no candidate receives that number, a popular vote runoff between the top two candidates.

The Committee wishes to incorporate herein and reaffirm the views expressed in our 1967 report in favor of the proposed amendment. There, we stated, among other things, that—

"The 40% runoff provision is necessary to avoid the possibility of a relatively small minority electing a President. It seems that, as demonstrated by previous history, the likelihood of splinter groups being able to prevent any candidate from getting at least 40% of the vote is extremely remote, and that therefore the incentive for additional national parties will remain scant. Indeed, by removing even the theoretical possibility of becoming President with, say 25% of the vote, such incentive may actually be lessened. While we recognize that minority parties might have some additional leverage if a runoff were actually required to be held, there is a high degree of improbability that such a runoff will ever be necessary. We therefore conclude that so uncertain a prospect of 'leverage in the sky' would be unlikely to induce a proliferation of political parties, particularly in view of the manifold difficulties, monetary and otherwise, in the way of mounting a serious Presidential campaign. In any event, assuming that a state of facts ever did arise in which a runoff would be required, we regard the leverage that then would exist as less objectionable and dangerous than the alternative which the same state of facts might present in the absence of a runoff provision: the election of a candidate having the support of only a relatively small fraction of the voters, without an opportunity for the supporters of the other candidates to choose among the front-runners.

"We believe that 40% is a reasonable figure and that a national runoff election is the most desirable manner of selecting the winner in such a case. We see no reason why the people should not elect the President in all cases. Any procedure involving a congressional vote risks the election of a candidate who would not be the popular choice and, as the ABA Commission stated, 'an election in Congress is likely to involve political deals and pressures and to place the President in a position of indebtedness to those who voted for him.' We agree with the ABA Commission that the practical aspects of a runoff election can be worked out."[5]

In our 1967 report we expressed certain minor reservations about the precise formualtion of S.J. Res. 2, 90th Cong., 1st Sess. (1967). S.J. Res. 1, 91st Cong., 1st Sess. (1969) meets almost all of the Committee's objections.[6]

DIRECT ELECTION

Direct, popular election is the only system that would eliminate *all* of the structural flaws inherent in the electoral college.

First, it is the only system that would eliminate the ever-present hazard that the winner of the popular vote will not be the electoral vote winner. Three times in our history a President has been elected with fewer popular votes than the losing candidate.[7] Sixteen times a shift of less than 1% of the total popular vote cast would have elevated the popular vote loser to the Presidency. For a while during the 1968 election, it appeared that the outcome would be at odds with the popular vote. The possibility of such a misfire occurring in the future is cause in itself to justify the abolition of our antique electoral college.

Second, it is the only system that would eliminate the voting inequities which flow from the method by which electoral votes are allocated among the states and from the operation of the winner-take-all laws. Under the system electoral votes are awarded on a basis other than population; population changes occurring between decennial censuses are not reflected in the apportionment; each state casts a fixed number of electoral votes regardless of voter turnout;[8] minority votes cast in a state are completely discarded; and voters of similar disposition throughout the country are prevented from pooling their popular votes across state lines. The system involves "competing inequities." Small state voters benefit from the fact that all states are entitled to three electoral votes regardless of size. Large state voters benefit from the unit rule whereby their states are able to award large blocs of electoral votes.

Without attempting to deal with the question of which of the two inequities is greater,[9] we believe, as we stated in our 1967 report, that

"the time is past when we can afford to have a privileged position for some classes of voters built into our political structure. Since 'one person, one vote' has become a most important principle of our voting structure, no citizen's vote should have any more weight than any other's—above all in this most important of elections."[10]

Third, a popular vote system would eliminate the danger of an election being decided in the electoral college by a relatively small group of electors, or being thrown into the House of Representatives under the "one state, one vote" rule with the consequent risk of wheeling and dealing and the rejection of the candidate who is preferred by the greatest number of voters. The 1968 election, more than perhaps any other election, underscored the potential for disaster and crisis that inheres in the present system. If President Nixon had lost California, or the States of Missouri and Ohio, or three border States, no candidate would have had a majority of the electoral votes. The power to choose the President would have shifted to the electoral college, where Mr. Wallace would have had the ability to choose the President and Vice President of the United States by releasing his forty-five electors so that they could vote for one of the major candidates. There was much speculation in the country at the time that if no major candidate had a majority of the electoral votes, Mr. Wallace would have attempted, in the forty-one day period between November 5 and December 16, 1968, to make a "deal" under which he would release his electoral votes in exchange for concessions on national issues or for the right to designate persons for certain offices.[11] There was also speculation that Mr. Wallace's electors would attempt to make "deals" on their own.

If the election had gone to Congress for decision, a number of frightful possibilities would have emerged. The congressional balloting would not have commenced until January 6, 1969, two weeks before Inauguration Day. Success in the House of Representatives would have required the votes of twenty-six, or a majority, of the states. Under the rules of the House, the candidate winning a majority of the votes cast by a state delegation would receive that state's vote. A state would forfeit its vote if its delegation was tied. Since in the current Congress Democrats control twenty-six state delegations (five of these states having cast their electoral votes for Wallace), Republicans control nineteen, and five state delegations are evenly divided, and since a number of congressional candidates had pledged prior to November 5, 1968 to vote for the popular-vote winner in their districts, both major candidates would have had considerable difficulty obtaining the required twenty-six votes by Inauguration Day.

If the House had failed to make a choice by January 20, 1969, the Vice President chosen by the Senate would have had to act as President until a President was chosen and qualified. He would likely have been hesitant to make decisions or take any real initiative during his interregnum. Moreover, the eventual choice by the House of Representatives could have resulted in the awkward situation of the country having a President of one party and a Vice President of another.

If, despite a large Democratic majority, the Senate had been unable or unwilling to choose a Vice President prior to a decision by the House, the Speaker of the House would have had to assume the powers and duties of President on Inauguration Day in accordance with the provisions of the Succession Law of 1947.

Fourth, popular election would abolish the useless and potentially dangerous office of presidential elector. The ability of pledged electors to vote against their party nominees in the electoral college, which was illustrated by the defection of Dr. Lloyd W. Bailey of North Carolina in our most recent election and by similar defections in the elections of 1960 and 1956, makes a mockery of our election process, under which electors are chosen to reflect, not disregard, the will of the people.

OBJECTIONS TO DIRECT, POPULAR ELECTION

We have considered but fail to be persuaded by any of the objections made to direct, popular election of the President.

One objection that has been made is that it poses a serious threat to the two-party system. The objection is premised on the assumption, rarely supported by any documentation, that the electoral college system of electing the President substantially contributes to the two-party system. An extensive body of political research, brought to light by the American Bar Association Commission on Electoral College Reform, points to numerous reasons for the two-party system.[12] The electoral college is seldom mentioned as one of these reasons.

Among the institutional factors given are nature of the Presidency itself, as a single member office, our state party structure, and the selection of representatives by plurality vote from single member districts. None of these factors would be altered by a direct-vote system. On the contrary, we believe that direct election would operate to strengthen the two-party system. It would eliminate the inordinate leverage that third parties have

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Footnotes at end of article.

under the present system, which was demonstrated most dramatically by the 1968 election, and it would provide incentive to the minority party in "one-party" states since every vote would count.

Another objection against direct, popular election is that it would destroy the federal system. We believe this objection was effectively answered by Senator Mike Mansfield in 1961, when he said:

"The Federal system is not strengthened through an antiquated device which has not worked as it was intended to work when it was included in the Constitution and which, if anything, has become a divisive force in the Federal system by pitting groups of States against groups of States. As I see the Federal system in contemporary practice, the House of Representatives is the key to the protection of district interests as district interests, just as the Senate is the key to the protection of State interests as State interests. These instrumentalities, and particularly the Senate, are the principal constitutional safeguards of the Federal system, but the Presidency has evolved out of necessity, into the principal political office, as the courts have become the principal legal bulwark beyond districts, beyond States, for safeguarding the interests of all the people in all the States. And since such is the case, in my opinion, the Presidency should be subject to the direct and equal control of all the people."[13]

It is also argued that direct, popular election of the President would involve endless vote counting disputes that could delay the outcome of the election for a long period of time. This argument ignores the fact that under the electoral college system, a few popular votes can shift large blocs of electoral votes and possibly change the outcome of the election. In a 1968 election, for example, a shift of approximately 55,000 popular votes in two states would have changed the outcome, while, if a direct election system were in effect, a shift of approximately 250,000 votes would have been required. In our view, the vote counting problems that might be encountered under a direct election system are no different in kind from those that potentially exist under any system of election, whether direct or indirect. These matters have been effectively dealt with in popular elections of other officials and, in our opinion, can be handled, by appropriate federal and state legislation, in a popular election of the President.

Another objection to direct election is that it would eliminate the one hold on power in the federal government that the urban population centers have. As we noted in our 1967 report:

"The dramatic demographic changes of the last several generations lead us to suspect that elimination of the electoral college system would not now produce any significant change in the type of candidate selected or in the way presidential campaigns are conducted. Whatever the system, we doubt that candidates and campaigns appealing primarily to rural or small-town voters any longer have any real prospect of success in a country in which an increasingly larger majority lives in large cities or suburbs of large cities."[14]

It should also be noted that in the post World War II period, presidential and vice presidential candidates have come from all regions of the country and from both large and small states. Many of the candidates have developed national reputations as a result of their service in the United States Senate.

Under a system of direct, popular election all votes would be important. Voters of similar disposition in various states would be able to pool their votes, where, under the present system, the "winner-take-all" laws make this impossible.

OTHER PROPOSALS

A number of other proposed constitutional amendments relating to the election of the President and Vice President are pending in Congress. These fall into three general categories. One is the district vote system, which would require electors to be chosen by the people from single-member districts within each state, with two electors running at large.[15] The second, the proportional vote system, would divide the electoral vote of each state in accordance with the popular vote cast in the state.[16] The third, commonly referred to as the automatic or unit vote proposal, would retain the "winner-take-all" feature of the present system, eliminate the office of presidential elector, change the manner of handling contingent elections, and make other housekeeping improvements in the system.[17]

In his February 20, 1969 message on electoral reform, President Nixon expressed his personal preference for direct election but said he felt it had little chance of passage.[18] Accordingly, he recommended that Congress consider a plan that would (i) abolish the office of elector, (ii) allocate the electoral votes "in a manner that may more clearly approximate the popular vote than does the present system", (iii) make a 40% electoral vote plurality sufficient to choose a President, and (iv) provide for a popular vote runoff election between the top two candidates when no candidate has received at least 40% of the electoral vote in the regular election. Of the proposals pending in Congress, only the proportional and district vote plans would be able to meet the President's criteria.[19]

In our view, the district, proportional and automatic vote proposals fall far short of the type of overhaul that is required. A modern electoral system should be—indeed, must be—responsive to the will of the people. That is, it should assure that the candidate with the most popular votes will be elected, and that every voter has the same chance to influence the outcome of the election. As President Nixon himself noted during the presidential campaign: "I think that if the man who wins the popular vote is denied the Presidency, the man who gets the Presidency would have very great difficulty in governing."[20]

The district, proportional and automatic vote proposals are deficient in a number of respects. They would leave open the hazard of the popular vote winner losing the election, and retain the inequities which necessarily attach to the formula by which electoral votes are apportioned among the states. While the district and proportional vote proposals would likely split a state's electoral votes and thereby eliminate the inequity in the present system favoring the larger states, they would continue the two bonus votes accorded each state and, consequently, retain the inequity favoring the smaller states.

In addition, the district vote system would continue the winner-take-all rule at the district level, would make it possible for the popular vote loser in a state to receive more electoral votes than the popular vote winner, and would encourage partisan interests to gerrymander electoral districts for political advantage. The proportional vote system, it appears, would increase the influence of "one-party" states and encourage splinter groups to disrupt the party structure by playing a greater role in presidential elections.

In the final analysis, therefore, direct, popular election is the only real alternative to the present system. We regard as unfortunate President Nixon's view that Congress should 'concentrate its attention on formulating a system" other than direct election, since it could not win the requisite Congressional and state approval. There was a time when this practical objection to direct election had merit. When that was the case, the proportional and district vote plans were thoroughly considered and then defeated.

We believe that the climate of opinion in the United States has changed substantially during recent years and that direct election is no longer an "impractical" proposal. Public opinion polls, the results of a poll of state legislators conducted by Senator Quentin Burdick,[21] the support accorded the proposal by Senators and Representatives of both parties, from both small and large states, and by such organizations as the American Bar Association, United States Chamber of Commerce, AFL–CIO, and National Federation of Independent Business lead to the conclusion that direct election is capable of enactment. We are hopeful that President Nixon will yet give his active support to direct, popular election, since the last election has made it clear that this is the only reform that would be of a lasting nature.

CONCLUSION

For the reasons stated, we support the adoption of a constitutional amendment providing for direct, popular election of the President and Vice President.

Respectfully submitted.

The Committee on Federal Legislation of the Association of the Bar of the City of New York: Eastman Birkett, Chairman; Thomas L. Bryan, John F. Cannon, Harvey P. Dale, Nanette Dembitz, Ambrose Doskow, John D. Feerick, Robert L. Friedman, Robert J. Geniesse, Louis Henkin, Robert M. Kaufman, Kenneth J. Kwit, David Levitan, Jerome Lewine, Arthur Liman, Jerome Lipper, James H. Lundquist, Edward A. Miller, Gerald Oscar, Alan Palwick, Leonard B. Sand, Myra Schubin, Leon Tykulsker, Irving Younger.

FOOTNOTES

[1] American Bar Association, Electing the President 3–4 (1967).

[2] 6 Reports of Committees of N.Y.C.B.A. Concerned with Federal Legislation 9 (1967) (herein referred to as the 1967 Report).

[3] 22 Record of N.Y.C.B.A. 385 (1967).

[4] S.J. Res. 1 is substantially the same as H.J. Res. 179, 91st Cong., 1st Sess. (1969), which was introduced by Representative Emanuel Celler. Accordingly our endorsement is equally applicable to H.J. Res. 179.

[5] 1967 Report 14.

[6] It fails to provide for a new popular election in the case of the death of both winning candidates, which we suggested in our 1967 report. S.J. Res. 1, as did S.J. Res. 2, simply leaves the matter to Congress.

[7] John Quincy Adams, with fewer popular and electoral votes than Andrew Jackson, was chosen President by the House of Representatives in the election of 1824. In the election of 1876, Samuel J. Tilden lost the Presidency by one electoral vote, although he had over 250,000 popular votes more than Rutherford B. Hayes. In 1888, Benjamin Harrison defeated Grover Cleveland, who had 100,000 more popular votes.

[8] In the 1968 election, for example, almost 590,000 more people voted in Connecticut than in South Carolina and yet each had 8 electoral votes. In Illinois over 550,000 more people voted than in Ohio although both states have 26 electoral votes. The ratio of electoral votes to voters was 1 for 27,658 in Alaska, 1 for 97,387 in Arizona, 1 for 124,683 in Kansas, and 1 for 181,289 in California.

[9] Compare J. Thornton, "An Analysis of Electoral College Reform," *The Alabama Lawyer* (1968), with J. F. Banzhaf, III, "One Man, 3.312 Votes; A Mathematical Analysis of the Electoral College," 13 *Villanova Law Review* 303 (1968).

[10] 1967 Report 13.

[11] See U.S. News & World Report, September 30, 1968, at 34, quoting an interview with Mr. Wallace.

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[12] See V. Key, Jr., "Politics, Parties and Pressure Groups", 210 (5th ed., 1964); C. Rossiter, "Parties and Politics in America", 8 (1962); W. Goodman, "The Two Party System in the United States", 30–32 (1956); E. Schattschneider, "Party Government", 69–84 (1942); A. Sindler, "Political Parties in the United States", 50–56 (1966).

[13] 107 Cong. Rec. 350 (1961).

[14] 1967 Report 12–13.

[15] Among the district vote plans are S.J. Res. 12, 25, H.J. Res. 104, 108, 313, 357, 430, 440, 478, 517, 530 and 575 91st Cong., 1st Sess. (1969). S.J. Res. 25 would abolish the office of elector.

[16] The proportional vote plans include S.J. Res. 2, 4, 33, H.J. Res. 19, 34, 97, 192, 298, 299, and 345, 91st Cong. 1st Sess. (1969).

[17] Included among the automatic vote plans are H.J. Res. 1, 6, 181, 188, 189, 256, 346, and 362, 91st Cong., 1st Sess. (1969).

[18] 115 Cong. Rec. H1160 (1969).

[19] It is interesting to note that had these plans been in effect in 1960, Nixon would have defeated Kennedy for the Presidency, with Kennedy having more popular votes. Pierce, *The People's President*, 358–59 (1968).

[20] Quoted in Cong. Q. No. 43, pt. 2, 2955 (Oct. 25, 1968).

[21] Cong. Q. Weekly Rep., Dec. 16, 1966, at 3030.

TAX REFORM BILL OF 1969

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BOGGS. Mr. Speaker, the tax reform bill of 1969 is, I believe, one of the most significant pieces of legislation to be considered by Congress in decades.

Tax legislation, however, is an extremely complex subject and very difficult to explain to laymen.

Last month, the Evening Star published an excellent series of articles on the House version of the tax reform bill.

I have found these articles, written by Sylvia Porter, an excellent aid in explaining the basic provisions of the House-passed version of the bill, and I am happy to insert them in the RECORD for the use of my colleagues at this point:

TAX REFORM BILL OF 1969—I

(By Sylvia Porter)

The House-passed 1969 Tax Reform Bill would hit hundreds of thousands with higher taxes while offering future tax rate cuts to all individual taxpayers.

Dozens of reform provisions would bar or limit procedures now used by millions in the middle-upper brackets to shelter income from high tax rates. Many of these reforms would hit transactions which already have taken place this year.

The reform targets would range from such exotic techniques as tax-sheltered investments in cattle, oil, equipment leasing, etc.

In collaboration with The Research Institute of America, I'll explain the proposals, pinpoint their effective dates and, in some cases, suggest what you might do to minimize an adverse impact on you.

Most important, I'll alert you to the blockbusters in the bill, so you may follow these of personal importance as the proposals start to move next month through the next stages—the Senate Finance Committee, Senate, House-Senate Conference Committee—to final compromise form.

To hundreds of thousands—businessmen, professional men, entertainers, athletes, etc.—the single most crucial change in the '69 bill wasn't even dreamed of when the House began the process of tax loophole closing. It's not even a "reform!"

It is the proposed new 50 percent tax ceiling on earned income—which would give all of you with high earned income a special break for taxable years beginning after '69. Your earned income would not be taxed at a higher than 50 percent rate, regardless of the amount of your earned income or other taxable income. Remaining taxable income would be taxed at regular rates up to the maximum.

Now contrast this reduced top 50 percent rate with the proposed ultimate higher top capital gains rate of 32½ percent and the ultimate top regular rate of 65 percent. These new rate relationships would produce an extraordinarily drastic reshuffling of tax planning in such key areas as compensation plans for executives, tax-sheltered investments (oil, cattle, real estate, equipment leasing, etc.), choice of operating in a corporate or unincorporated form, etc.

With the present spread between a 25 percent capital gains ceiling and a top 70 percent ordinary income rate, millions have good reason to seek compensation or fees in the form of capital gain; to tax shelter your income with investments that produce big deductions now; to try to operate as a corporation with a top bracket of 48 percent, etc.

But would you, an executive, try for capital gain compensation that may be deferred, "iffy," etc., just to qualify for a 32½ percent top rate—if you had the choice of receiving immediate, ordinary cash compensation taxed at no more than 50 percent?

Would the high bracket businessman or professional, invest in cattle, oil, etc., to shield 50 percent income now—against a 32½ percent tax on a profit later, if the profit does in fact show up later?

The odds are that relatively few of you would.

In summary, this one provision would go far toward ending gimmickry in tax planning. For example:

1. Investing in tax shelters to offset high-bracket earnings would be hard hit;
2. Deferred compensation would have little advantage for high-bracket earners and many other fringe benefits would similarly lose value;
3. Converting earned income to capital gain would be less valuable and your method of doing business might be altered.

Since the 50 percent ceiling rate on earned income would take effect in 1970, immediate tax planning is called for.

To the extent that you—the businessman, professional, entertainer and the like in a high bracket—can effectively push forward your income from '69 to '70, you might save as much as $200 in taxes on every $1,000 so shifted.

TAX REFORM BILL OF 1969—II

One of the most indefensible injustices in the income tax laws—the discrimination against the widow, the widower, other single taxpayers—would be wiped out or drastically reduced by the House-passed tax-reform bill.

If you would be eligible for this proposed tax break, follow this change through Congress.

If you are a widow or widower, you can get the benefits of income splitting tax rates—just as married couples do—if you have a dependent child living in your household. Under current law, this break is available only in the two years immediately succeeding the year your spouse dies.

Under the House bill, for years beginning after 1969, you would continue to receive the full benefits of income splitting and use the joint return rates as long as you maintain a home which serves as a household for a dependent child.

Favorable head of household rates are now available to unmarried taxpayers only if you have a child or someone who qualifies as a dependent living in your household or if you maintain a household for a dependent father or mother. The proposed law would add the following two groups of taxpayers to those eligible for this tax break in years beginning after 1969, assuming they are not married at the close of the taxable year:

1. All widows and widowers whose spouse died before the start of the taxable year—regardless of age—who cannot qualify for the surviving spouse tax break described above.
2. Any individual who is age 35 or over.

You would not have to maintain a household for dependents to qualify; you would be "Intermediate tax rate individuals."

Other major tax breaks are an increase in the standard deduction and a new "low income allowance."

You can, under present law, elect to take a standard deduction instead of itemizing your personal deductions. The maximum is $1,000 for married persons filing a joint return.

Under the House reform bill, the standard deduction would be increased—and would be the larger of the "percentage standard deduction" or the "low income allowance." The percentage standard deduction would be raised this way for taxable years beginning after 1969:

Tax year beginning in —	Percent	Maximum amount
1970	13	$1,400
1971	14	1,700
1972, etc	15	2,000

The minimum standard deduction would still be available in 1970, but it would be known as the basic allowance and it would be supplemented by an additional allowance—the two becoming the new low income allowance. This allowance—in addition to the $600 for each of the taxpayer's exemptions—would eliminate entirely or substantially reduce the taxes of millions in low brackets.

For instance, a married couple with four children and income of $4,650 now pays $39 in tax on a joint return; they would pay nothing. Here is how the low income allowance would benefit taxpayers in 1970:

If number of exemptions is—	No tax if income is under—	Tax cut if income is under—
1	$1,700	$3,300
2	2,300	3,700
3	2,900	4,100
4	3,500	4,500
5	4,100	4,900
6	4,700	5,300
7	5,300	5,700
8	5,900	6,100

TAX REFORM BILL OF 1969—III

If you have been investing over the years in search of capital gains to be taxed at comparatively favorable rates, be warned now—the tax reform bill as passed by the House would hit you hard.

Much of the tax savings individuals have obtained from capital gains would be cut, much of the tax benefit obtained from capital losses would be reduced, some of the capital gains breaks you have been able to use would be wiped out, the spread between the ultimate top tax on capital gains and the ultimate top tax on earned income would be narrowed to 17½ percent.

Preliminary soundings suggest that despite intensive lobbying by the securities industry and businessmen directly affected, the Senate will go along with the slap at capital gains benefits. Here are the major proposals:

1. Under today's law, only 50 percent of a long-term gain is subject to tax, and the

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tax rate on this 50 percent cannot exceed 50 percent. The result is a 25 percent tax ceiling on the full gain, exclusive of surcharge.

For sales and dispositions made after July 25, 1969, this maximum alternative tax ceiling would be removed—a blow to anybody in the over 50 percent tax bracket.

The maximum tax on long-term capital gains would go to 35 percent under current rates, before surcharge, and even higher with a surcharge. When the proposed individual tax rate cuts take full effect and the surcharge ends, the maximum capital gains tax rate would become 32½ percent—against 25 percent today.

2. The alternative capital gains tax rate for corporations would be raised from today's 25 percent to 30 percent before surcharge. Corporations with taxable incomes of $25,000 or less would still pay at the 22 percent rate. Corporations with over $25,000 would be subject to the new 30 percent maximum. The effective date would be after July 31, 1969.

3. Under today's law, long-term capital gains can be realized on capital assets held for more than six months. This would be lengthened to a holding period of more than 12 months. The effective date would be years beginning after July 25, 1969.

4. Under today's law, an individual who has an excess of net long-term capital losses over net short-term capital gain, can deduct such losses dollar-for-dollar from ordinary income up to $1,000 each year.

This would be changed to permit only 50 percent of net long-term capital losses over net short-term capital gains to be used to reduce ordinary income. The unused 50 percent could not be carried over; it would be lost. But you could continue to deduct short-term capital losses in full. The effective date: years beginning after July 25, 1969.

However, net long-term capital losses carried over from a year beginning before July 26, 1969 would not be subject to the new reduction by 50 percent for long-term capital losses applied against $1,000 of ordinary income each year. You could continue to deduct these carried-over long-term losses, to the extent not offset against capital gain, dollar-for-dollar as at present up to $1,000 of ordinary income each year.

5. Other blows: lump sum distributions from employe benefit plans would be taxed at least partly as ordinary income; sales of letters, memoranda, by persons who created them would result in ordinary income; livestock would have to be held longer to qualify for capital gain. This is real tax reform.

Tax Reform Bill of 1969—IV

As far as the majority of middle-income taxpayers is concerned, tax relief, if any, in the 1969 tax reform bill is far in the future.

President Nixon has said that he is "disappointed" by the House action on his "revenue recommendations"; Treasury Secretary Kennedy has gone beyond this and has warned that the administration will oppose some of the House tax proposals when they are taken up in the Senate next month; there is mounting criticism that the House-voted tax cuts, totaling $9.2 billion through 1972, would endanger essential federal spending.

The widely heralded tax relief is mighty "iffy" in addition to being well in the future.

For calendar 1969, there would be no rate cuts. The surcharge already has been extended at 10 percent to yearend, and the House bill would continue it at 5 percent to mid-1970. Actually, you probably would pay more in taxes in calendar 1969 than in 1968 because of the higher 10 percent surcharge rate throughout the year.

For calendar years beginning in 1970, high income individuals would get the benefit of the 50 per cent tax ceiling on earned income; many low income taxpayers would get the benefit of the bigger standard deduction and the low income allowance; single persons 35 or over and all widows and widowers would get major tax rate breaks.

Not until calendar years beginning in 1971 and 1972 would all of us get tax rate cuts working out to about 5 per cent. The top rate would be cut from the current 70 per cent to 65 per cent for taxable years beginning after 1971.

Here is a table which suggests how you might be affected (surcharge not included).

If you are single, under 35 or married filing separately . . .

[In percent]

Your taxable bracket is—	You pay 1969–70 rate	1971 rate	1972 rate
$6,000 to $8,000	25	24.0	23
$12,000 to $14,000	36	35.0	34
$20,000 to $22,000	48	46.0	44
$32,000 to $38,000	55	52.5	50
$50,000 to $60,000	62	60.0	58

If you are married filing jointly or surviving spouse . . .

[In percent]

Your taxable bracket is—	You pay 1969–70 rate	1971 rate	1972 rate
$6,000 to $8,000	19	18.5	18
$12,000 to $16,000	25	24.0	23
$20,000 to $24,000	32	31.0	30
$32,000 to $36,000	42	41.0	40
$44,000 to $52,000	50	48.5	47

If you are head of household, single 35 or over, widows or widowers . . .

[In percent]

Your taxable bracket is—	You pay 1969–70 rate	1971 rate	1972 rate
$6,000 to $8,000	22	21.5	21
$12,000 to $14,000	31	29.5	28
$20,000 to $22,000	40	38.5	37
$32,000 to $36,000	48	46.5	45
$50,000 to $52,000	56	54.5	53

Another area in which tax relief is promised starting for years after 1969 involves moving expenses. In essence, the House bill would liberalize the present definition of moving expenses to include these three new categories: pre-move house-hunting costs; temporary living expenses at new principal job location; cost of selling the old residence, buying a new residence or terminating a lease.

Still other changes would not only make tax reduction through income averaging available to many more taxpayers but would also greatly simplify your income averaging computations. The effective date would be taxable years beginning after 1969.

The proposed relief is not to be sneezed at—but it's hardly the immediate bonanza the headlines of recent days have suggested.

Tax Reform Bill of 1969—V

Historians may argue for years whether the 1969 tax reform drive was set off by the disclosure that no federal income tax at all was paid on 155 tax returns with more than $200,000 of income in 1967 or whether this outrage simply added to the wide resentment over the tax-cost of living squeeze. No matter—the fact is that the 1969 bill, as passed by the House, would end or drastically curtail many of the tax saving maneuvers that the wealthy avoiders of taxes have been using with such success.

Thus, the advantages of capital gains would be cut. The various benefits of paying executives deferred compensation or restricted stock would be limited or almost entirely disappear. The various tax sheltered investments that produce current deductions for oil, cattle, real estate, equipment leasing would have only limited value compared to their present usefulness. Exempt interest from state and local bonds would no longer provide absolutely complete tax shelter.

Since each of the reforms would strike only a relatively limited group, here is only a brief summary of the provisions.

Deferred compensation over $10,000 a year would be taxed at the rates in effect when earned, although the tax could be deferred until the compensation was paid.

A minimum tax would have to be paid despite the taxpayer's otherwise tax sheltered income. Exempt interest, farm losses and capital gains would be used in computing the "limit on tax preferences" (LTP) which would determine the tax.

Taxes, interest and other personal itemized deductions would become partly nondeductible in proportion to an individual's tax preferences.

Interest over $25,000 attributable to investment indebtedness would be deductible only to the extent of investment income and capital gains.

Restricted stock and other property given to an executive or employe generally wouldn't produce any tax break.

Installment basis reporting would be limited where payments are not spread over the installment period and where the debt can be easily traded.

Charitable contributions would be substantially changed. Deductions for appreciated property would be limited; the maximum deduction would be raised to 50 percent, but unlimited deductions would be phased out; bargain sales to charity would lose part of their tax benefit, etc.

Farm losses used to convert ordinary income into capital gain would be hit; livestock would be subject to depreciation recapture and major benefits would be restricted.

The use of depreciation as a tax shelter would generally be restricted. Speedy depreciation of real estate would be limited to new buildings and only new housing could use the best breaks.

The tax advantages of private foundations would be cut and their activities would be strictly regulated. All would have to pay a 7½ percent tax on their investment income.

The oil and gas percentage depletion would be reduced from 27½ percent to 20 percent and the percentage depletion rates for other natural resources also would be cut for years beginning after July 22, 1969.

State and municipal bonds could be issued as taxable obligations with the federal government making up part of the extra cost.

The lobbies are now descending on Congress. Before reaching President Nixon's desk, the bill will be drastically re-written.

These five columns have been designed to help taxpayers participate in this developing debate.

THE HONORABLE BARRATT O'HARA

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 3, 1969

Mr. ROONEY of New York. Mr. Speaker, the words said here today about the Honorable Barratt O'Hara pale into nothingness when compared with the deeds of the man himself. Barratt was a truly good friend and we all feel his loss greatly. What a life this great man had—decorated soldier, sportswriter, scrappy and successful criminal attorney, elected State official, explorer,

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newspaper editor and author, movie producer, radio performer and, at an age when most men are thinking about retirement, Member of the House of Representatives. At 66 years of age Barratt came to this body and for 18 years he was one of its outstanding Members—as a legislator and as a man. He was a keen defender of the oppressed and many, many times lent his sharp mind and wit to causes of the underdog. He was chairman of the Subcommittee on Africa of the House Committee on Foreign Affairs and a champion of the struggling new nations of that continent. He was a warm man, a friendly man; a man ever ready to help or, should the need be, to fight. I consider myself fortunate, Mr. Speaker, to have known Barratt O'Hara for many years and to call him friend. In fact, one of my fondest possessions is an autographed copy of the book he wrote on prize fighting, "From Figg to Johnson." Barratt O'Hara is gone now and we probably will not see his like again, but we were indeed fortunate to know such a man at all. To his sons and family I extend my deepest sympathy.

THE LATE HONORABLE WILLIAM P. FAY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. MATSUNAGA. Mr. Speaker, I was deeply shocked and saddened over the unexpected passing of the very able and gracious Irish Ambassador to the United States, the Honorable William Patrick Fay.

It was just a few weeks ago that I hosted a luncheon in his honor in the House Restaurant and it was a distinct privilege for me to become better acquainted with this outstanding diplomat. His warmth and dignity reflected great credit on the Irish Republic and he did much during his service in Washington to strengthen those bonds of friendship which exist between his country and our own.

With our mutual good friend, Dr. Ping Chen, we enthusiastically discussed Dr. Chen's successful "Ireland project," which enabled 19 American students from Eastern Illinois University and other universities to travel to Dublin for summer studies.

I particularly cherish the authoritative study on Dublin, Ireland's capital, by the Honorable Desmond Guinness, president of the Georgian Society, which the Ambassador sent to me as a souvenir of our meeting.

Ambassador Fay told me that he very much looked forward to visiting Hawaii, and I deeply regret that now I will not be able to extend the special aloha of our Island State to this illustrious representative of the Emerald Isle.

I treasure my brief but warm friendship with Ambassador Fay and feel a keen sense of loss over his death. Indeed, the entire world community has lost a valued citizen.

To Mrs. Fay and surviving members of his family I extend my deepest sympathy and heartfelt condolences.

HIGH HOLIDAYS 5730

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. ANNUNZIO. Mr. Speaker, September 13 is a significant day for those of the Jewish faith for it marks the beginning of the Jewish religious New Year 5730.

I am happy to join my colleagues in the Congress and my constituents and friends of the Jewish faith in observing the advent of the Jewish high holidays beginning with Rosh Hashanah on September 13 and ending with Yom Kippur on September 27.

Rosh Hashanah is a most solemn day, distinguished by reflection, prayer, and penitence. It is a holy day on which Jews all over the world assemble in synagogues to ask God's forgiveness for man's sin and to pray for the unification of mankind. "Unite all of us in the bond of brotherhood" is the beginning of one of the beautiful, thousand-year-old prayers associated with this holy day.

On Rosh Hashanah, or New Year, the shofar, or ram's horn, is sounded. The blowing of the ram's horn on this day has a deep symbolism. It is considered so important that the day has been called "the day of the clarion call." Only a man of outstanding character is permitted to sound the shofar, and its shattering sound is meant to awaken man's conscience to renew his faith and to return to God.

September 27, the Day of Atonement, or Yom Kippur, is always observed solemnly. It is the climax of 10 days of penitence with which the Jewish New Year commences. This is the most sacred day of all—for on this day the Lord judges each individual. Jews fast all day, confess and repent, and ask forgiveness from the Lord and from their fellow man. In turn, they freely forgive their neighbors and look forward to a good new life.

The Jewish tradition of setting apart 1 day in every year to concentrate to their utmost ability on the spiritual advancement of man is without parallel in the history of humanity. And the fact that for thousands of years Jews all over the world have united in prayer and repentence on the very same day is immeasurable in its significance, particularly when one realizes the impediments that have been placed in the way of Jewish religious observances and the oppressive religious persecution to which the Jews have been subjected for centuries.

Denial of freedom to worship, wherever and whenever it occurs, is a crime against our common humanity and a violation of the noblest aspirations of the spirit of man. In recent years the Soviet Union has imposed severe restrictions on the religious freedom of the Jews residing within the Soviet Union. Therefore, when the 91st Congress convened in January 1969, I introduced House Concurrent Resolution 80, a concurrent resolution to express the sense of Congress against the persecution of persons by Soviet Russia because of their religion. By the passage of this resolution, we shall reaffirm to the Soviets and to all nations our belief that mankind the world over has the inherent and inalienable right to religious freedom.

During the celebration of the Jewish high holidays, we recall once again the suffering endured by the Jewish people, and mankind's conscience cries out against the betrayal of human rights which they have tragically experienced. In the coming year, I do hope that the Jewish people may have freedom from persecution and may enjoy peace and prosperity.

As the Congressman for the Seventh District of Illinois, where many of my friends and constituents of the Jewish faith reside, I take great pleasure, with the advent of the high holidays 5730, in extending my greetings and best wishes to them for the new year.

NATION NEEDS DRASTIC WELFARE OVERHAUL

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BOGGS. Mr. Speaker, the New Orleans Times-Picayune recently published an excellent editorial commenting on President Nixon's recent proposal to overhaul the Nation's welfare system.

This is an extremely perceptive editorial, presenting some timely and incisive thoughts on this subject. I am therefore inserting it in the RECORD and calling it to the attention of my colleagues:

NATION NEEDS DRASTIC WELFARE OVERHAUL

It is easy to agree with President Nixon that the welfare system is ripe for overhaul. Whose welfare the present structure benefits has always been obscure.

Not the abysmally poor, surely, whether individuals or family units. Not urban centers or states either, for they find their troubles compounded. And not the vast middle class which bears most of the growing costs of welfare without seeing any improvement.

While there will be ready agreement with the President over the necessity for drastic change, whether it be called junking or reformation, at the point of methodology the harmony of opinion departs.

In a nation so able in thinking out matters of science and technology, the lack of clear thinking on the plight of the poor and the turning of social liabilities into social assets has been appalling.

The welfare system has long been sterile, bankrupt in its outlook. The best it could hope for is successive welfare generations.

Instead of the required transfusion of fresh thinking and approaches, the easy out at all levels—federal, state and city—has been to substitute hypodermics of growing appropriations to keep a hopelessly unworkable system alive. And this is not to say the funding was ever adequate.

Mr. Nixon's plans for fixed basic incomes for the poor, turning more federal revenues to states, and returning manpower programs to states and localities will not necessarily be recognizable in what is finally enacted by Congress.

Whatever does emerge, the price tag will be costly by the standard of past budgetary criteria. But in terms of today's wasted manpower potential, erosion of social values and a perpetuation of a feeling of frustration and hopelessness, what could approach the terrible cost of the present grossly malfunctioning welfare system?

THE FAA'S RESPONSIBILITY FOR ANOTHER AIR TRAGEDY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. OTTINGER. Mr. Speaker, Tuesday's fatal crash of a student-piloted small plane and a jet airliner with 82 persons near Indianapolis is another black mark on the Federal Aviation Administration's spotty record in the field of air safety.

The crash occurred under ideal flying conditions. It could have been averted. Had the small plane been under positive control of the FAA's control tower at Weir-Cook Municipal Airport, 83 persons would be alive today and a multi-million-dollar jet aircraft would not be reduced to random bits of scrap metal.

The FAA, either because of bureaucratic hardening of the arteries or just plain fear of incurring the displeasure of one segment of the aviation industry, has repeatedly turned away my demands that it use its regulatory powers to control the dangerous mix of small, slow, and often inadequately equipped general aviation planes and the larger faster commercial airliners. Tuesday's crash makes it imperative that the FAA take immediate action to:

First, institute positive control on aircraft using or flying over airports serving commercial airlines;

Second, ban all student pilots from such air space; and

Third, set plane capability and pilot proficiency standards so the inexperienced pilot and the inadequately equipped plane can be kept out of congested air corridors and airports.

The Air Line Pilots Association yesterday expressed its concern and its recommendations on this problem to the FAA, and I present herewith for inclusion in the RECORD a copy of ALPA's letter to FAA Administrator Shaffer:

AIR LINE PILOTS ASSOCIATION,
Washington, D.C., September 10, 1969.

JOHN H. SHAFFER,
Administrator, Federal Aviation Administration, Washington, D.C.

DEAR MR. ADMINISTRATOR: On March 9, 1967 a mid-air collision between a Douglas DC-9 and a Beach Baron Model 55 occurred 6.5 miles northwest of Urbana, Ohio and 26 people died.

On September 9, 1969 a mid-air collision occurred between an Allegheny DC-9 and a Cessna 140 near Indianapolis, Indiana and 83 people died. The Air Line Pilots Association participated in the National Transportation Safety Board's investigation into the cause of the Urbana, Ohio, accident and on October 19, 1967, issued a report of its findings, a copy of which was forwarded to the then Administrator, William F. McKee, on that date. The report of the Air Line Pilots Association made the following two recommendations to prevent similar accidents:

"1. That air traffic in areas of poor radar coverage be curtailed or routed around it.

"2. That all aircraft operating in terminal areas be required to be in contact with the appropriate control facility before proceeding within thirty miles of the area."

No action was taken by the Administrator to invoke either of these recommendations. After two years the same situation exists and we have experienced another mid-air collision which has taken the lives of many more members of the traveling public.

If the Federal Aviation Administration had implemented either recommendation made by ALPA, the possibility of this latest mid-air collision would have been tremendously reduced and most probably the accident would not have happened. The FAA's bewildering cries of lack of finances to improve the safety of airline travel are not valid in this instance, since procedural changes are all that are required and as such would not cost one red cent.

The admittedly poor situation which permitted the Urbana, Ohio accident has not been improved and only good fortune has delayed a second mid-air disaster for 32 months.

Unless immediate action is taken by the Federal Aviation Administration to prevent the operation of aircraft in areas of poor, or non-existent, radar coverage and to prevent the intrusion of unknown aircraft into high density approach areas, mid-air collisions will most certainly continue to occur.

Sincerely yours,
JOHN R. MCDONALD,
ALPA, Region III Accident Investigator.

THE RESERPINE DEFECTIVENESS STUDY EMPHASIZES IMPORTANCE OF FDA NATIONAL CENTER FOR DRUG ANALYSIS AT ST. LOUIS

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mrs. SULLIVAN. Mr. Speaker, the Food and Drug Administration is now making public an important report on a national study it has conducted at the National Center for Drug Analysis in St. Louis on the quality and reliability of the output of 58 firms producing the important prescription drug Reserpine, which is used for lowering blood pressure, producing a calming effect, and slowing the pulse rate.

This study shows a rather dramatic improvement in the situation when compared to the results of a similar study made by the Food and Drug Administration in 1967. But the latest survey also shows that significant numbers of defective Reserpine tablets have been getting out into the market.

There is reassurance in the FDA position that the degree of defectiveness in potency in the samples which deviated from USP standards, is not regarded as a hazard to health. Nevertheless, and considering the fact that 87 percent of the formulators whose products were tested were able to meet specifications and comply with the USP standards for Reserpine, the patient dependent upon this drug—or upon any other drug prescribed by a doctor to achieve an anticipated result based on the doctor's understanding of the drug's purity and strength—should be assured that the product he is being sold is, in 100 percent of cases, exactly what the doctor ordered.

In the case of Reserpine, as demonstrated by the findings in the St. Louis testing of all brands on the market at the time the samples were collected, this assurance has not been present.

The USP standard for Reserpine calls for potency ranging between 90 and 110 percent of declared active ingredient. In the 1967 survey, several samples were found to be superpotent, and were designated as moderate to serious hazards; the lots from which they came were subsequently called back from the market. No superpotent samples were discovered in the latest survey. But 35 of 956 samples tested, or 3.7 percent, were found defective, mostly for subpotency; these were found in 10 of the 154 "batches" included in the test, for a batch defectiveness rate of 6.5 percent.

Of the 58 firms whose products were found on sale at the time the samples were collected across the country, eight were found to have produced substandard tablets. These eight firms produced more than 13 percent of the Reserpine manufactured during the period covered by the survey. The technical details of the test methods, the names of the firms involved, and the batch-by-batch test results for each firm are included in the report.

DRUG TESTING TECHNIQUES AT ST. LOUIS

The Food and Drug Administration was encouraged by the fact that in the previous survey, in 1967, the defectiveness rate of the samples tested was 9.4 percent compared with the latest survey's 3.7 percent. Of course, this is a sharp improvement in only a little more than 1 year's time.

The existence of the St. Louis FDA National Center for Drug Analysis undoubtedly has contributed very importantly to this dramatic improvement in reliability of a drug which came under sharp public attack in 1967, and which was immediately made a subject for intensive reliability testing in the St. Louis facility.

Any drug whose reliability or uniformity is in serious doubt because of variations in production or lack of adequate care in distribution should be subjected to periodic quality testing by FDA. The St. Louis facility was established in 1966 to handle this assignment and has been doing an outstanding job, according to the testimony of FDA officials.

Following my remarks, I am submitting as exhibit A an article from the publication "FDA Papers" describing the function and activities of the center.

The St. Louis National Center for Drug Analysis was established originally in my city, Mr. Speaker, because many of the functions of the existing district office of FDA were being merged into the Kansas City regional office, making available in St. Louis necessary laboratory space, and highly skilled scientists and technicians who could do on a large scale what the FDA district offices around the country had each been trying to do on a very small scale, under adverse conditions.

XUM

ST. LOUIS CENTER TO BE EXPANDED—BUT FUTURE IS IN DOUBT

The FDA office in St. Louis has always had a close relationship with the community, including our very effective St. Louis Consumer Federation. When the transfer of many of its functions to Kansas City was being considered, I did not object, or attempt to block the change because I was assured that this facility would be used in an even more important manner in protecting American consumers, by becoming a central drug reliability testing facility for the entire country.

Our outstanding universities in the St. Louis area were enthusiastic about the location of a drug testing center there, and scientists in our FDA office who wanted to stay in St. Louis rather than move to Kansas City, were qualified for and anxious to participate in the work of setting up and conducting a drug testing center.

The Reserpine study is just one of many such studies it is constantly making. It has, according to the testimony of the FDA Commissioner before the Appropriations Subcommittee earlier this year, 46 highly skilled and trained pharmaceutical chemists and support staff, and is an outstanding installation.

H.R. 13111, the appropriation bill for the Departments of Labor and of Health, Education, and Welfare passed by the House on July 31, contains funds for seven additional people to expand the work being done at St. Louis, at an additional annual cost of $188,000.

Land has been set aside adjacent to the Veterans' Administration facilities in St. Louis to build a new National Center for Drug Analysis to put into operation on a much broader scale the experience gained in the St. Louis Center on a pilot or experimental basis.

However, there is now a battle within the executive department over the eventual location of the new facility. Dr. Herbert L. Ley, Jr., Commissioner of Foods and Drugs, testified before the Appropriations Subcommittee that his agency believes the new and expanded facility should be constructed in St. Louis. But I understand that there is a drive within HEW's many and far-flung bureaucracies to have this facility constructed instead in North Carolina.

TESTIMONY BEFORE THE APPROPRIATIONS SUBCOMMITTEE

Mr. Speaker, herewith are the comments made in the hearing of the Appropriations Subcommittee on this issue when Dr. Ley was questioned by Representatives NATCHER and HULL about the National Center for Drug Analysis:

[Excerpt from hearings on H.R. 13111 making Appropriations for the Departments of Labor and Health, Education, and Welfare]

NATIONAL CENTER FOR DRUG ANALYSIS

Mr. NATCHER. Dr. Ley, what is the National Center for Drug Analysis? Where is it located? What is it doing? Why does it need seven more people and an additional $188,000 for the fiscal year 1970?

Dr. LEY. I think that you should know about it. The National Center for Drug Analysis was created in St. Louis in the summer of 1966. The stimuli for its creation were several. The scientific stimulus was that drug analysis on a large-scale basis required an instrumentation and a capability in terms of personnel and physical support that are not readily available in each one of district laboratories. So that it seemed very logical to develop an automated laboratory which could handle large-scale chemical analyses of drug products in the marketplace in this country.

The second reason St. Louis was chosen, was that in the district itself, the workload was changing in nature so we could hardly justify its continuation as a district. Quite frankly, there was a building and there was a staff of people trained in the analytical chemical area, so that we drew upon both the building and staff and converted from a district to a drug analysis laboratory on a pilot basis.

Mr. NATCHER. At that point, Dr. Ley, in a different appropriation don't you have some money for a new building?

Dr. LEY. We have money for a building. We are considering the location of NCDA either in St. Louis or another area.

Mr. NATCHER. You have been bragging on this building you were using. You don't mean to tell us that you want to throw this aside this quickly and build a new one?

Dr. LEY. Mr. Chairman, when one tries a pilot study of this sort, one is happy to do with whatever facilities one can get. That was the case in St. Louis. To construct a permanent NCDA facility, we plan to reprogram same $3,900,000 from two construction projects, the St. Louis and New Orleans District offices, which we now consider of lesser priority. The estimated design and construction schedule cannot be determined at this time.

Mr. HULL. Would you yield at this point, Mr. Chairman?

Mr. NATCHER. Certainly.

Mr. HULL. Dr. Ley, where would you like to locate the Center and why?

Dr. LEY. If it is at all possible, I would like to locate the National Center for Drug Analysis in the St. Louis area. The primary reason is because we are presently operating the facility with 46 highly skilled and trained pharmaceutical chemists and support staff. Relocation of the facility outside of the St. Louis area would probably result in significant losses of these personnel. In addition, we already have the land set aside in the St. Louis area for this facility adjacent to a Veterans' Administration installation. We expect to share with them to the greatest extent possible the utilities and maintenance costs. We believe also that by remaining in St. Louis we would lessen to a great extent the logistic problems which are attendant to moving a laboratory oriented function and reduce the loss of productivity which can result from a major geographic change.

Mr. NATCHER. What about the seven people? Are they necessary?

Dr. LEY. They are necessary, Mr. Chairman, in order to expand the analytical capabilities of the Center. Our projection of sample analyses in this facility beginning in 1968 started with 7,500 samples annually, and up to 1970 it is increased to 18,000 samples. Assuming the increase in staff requested and the instrumentation which is also involved, we propose by 1974 we will be doing 100,000 samples annually. There may be three, four, or 10 separate anaylses per sample.

ST. LOUIS COOPERATION MADE, AND MAKES, THE DRUG TESTING CENTER OUTSTANDING

Mr. Speaker, the same factors which led FDA to select St. Louis originally for the National Center for Drug Analysis are still present: we are centrally located so that drug samples from all over the country can be sent there quickly; we are one of the greatest transportation centers of the Nation; furthermore, the skilled scientists are there, and they have the outstanding universities in the St. Louis area available to them in continuing their advanced educations. These same universities, I might add, are excellent resources to the FDA itself in providing expert assistance in developing and carrying out a scientific program or in researching a scientific problem.

I sincerely hope that FDA will be able to fulfill the promise it made to us in St. Louis several years ago, when our FDA district office was largely consolidated with Kansas City in order to make room at St. Louis for the National Center for Drug Analysis. The promise was that if the experiment worked, and if it demonstrated the value of a consolidated testing program to replace very limited testing in a local office around the country, the new facility would be constructed in St. Louis.

The fact that FDA has been submerged somewhat in a so-called super agency, the Consumer Protection and Environmental Health Service, should not change promises solemnly made in good faith by both FDA and the St. Louis community. Career Government people in regional and district offices throughout the country are frequently moved around like sacks of cement in order to satisfy the whim of some official who wants locations changed without regard to the cost to or the convenience of those affected.

I trust that will not be permitted in this instance.

EXHIBIT A

[From "FDA Papers," May 1967]

NATIONAL DRUG TESTING CENTER; A NEW APPROACH TO DRUG CONTROL

(By Winton B. Rankin)

The increasing incidence of recalls and other indicators have demonstrated the need for a new approach to control of drugs in the United States. The most important groups of drugs must be sampled and tested according to a plan that gives FDA a statistically reliable indication of the character of the drug supply of the Nation.

The need for revised control was shown dramatically in a survey of 20 therapeutically important groups of drugs conducted by FDA in the spring of 1966. More than 8 percent of the 4,700 lots covered in the survey were found to deviate significantly from their required potency. However, the nature of the survey does not make it possible to predict from these data the condition of the total drug supply.

Present calculations show that from 150,000 to 300,000 lots of drugs should be sampled and examined per year to keep abreast of the situation. Further, to determine that individual dosage units, of important drugs meet the required standards—as well as composite samples representing several units—it may be necessary to conduct as many as a million individual analyses per year. When this figure is compared with the 37,000 drug assays conducted in FDA's field laboratories in the year ending June 30, 1966, it is apparent that new methods of analytical control must be developed.

Most of the drug analyses in FDA's 18 field laboratories are performed on a unit production basis. One sample is tested at a time. Even where a few samples of the same drug are handled simultaneously, as is now possible with some products, a tremendous amount of laboratory time is devoted just to assembly and dismantling of equipment as the analyst moves from one type of examination to another. It would be unwise to deal with the anticipated increase in drug samples by increasing the number of analysts, the amount of equipment, and the square feet of laboratory space devoted to unit production methods if better methods of handling the workload can be devised.

Two improvements deserve early exploration:

(1) Increased use of assembly line or mass production techniques.

(2) Development and use of automated or semiautomated analytical procedures.

Both of these have been used to some extent in FDA laboratories. Mass production techniques have been employed with samples for pesticide, radioactivity, and certain vitamin examinations in the field laboratories. Semiautomatic analyses are currently performed in making certain tests on antibiotics, tests for sugar in blood samples (during potency tests on insulin), and in some color additive analyses. There is good reason to believe that the time required for a majority of the present routine control tests can be reduced materially.

FDA is making a pilot study in its St. Louis laboratory, to determine whether the need to expand its drug testing capability several fold can best be met by establishing a National Drug Testing Center to handle most routine drug samples. Samples of anticoagulants and tranquilizers from the entire United States will be shipped to St. Louis for examination.

This pilot operation started on February 20, 1967, under the supervision of Dr. Daniel Barnes, Project Officer, formerly Deputy Director of the Bureau of Science.

The laboratory is being rearranged to permit better use of existing equipment such as ultraviolet and infrared spectrophotometers and gas-liquid chromatographs. Additional advanced equipment (such as a spectrophotofluorometer, semiautomatic micro balances, and modules assembled in trains to permit automated analyses of such drugs as corticosteroids and barbiturates) will be tried as it can be obtained. Extra technical and clerical help will be supplied to assist the professional analysts.

The Agency is seeking advice and assistance from others who have studied the automation of analytical work. In particular, through the Contact Section of the Pharmaceutical Manufacturers Association, it is seeking suggestions from those drug manufacturers who are using automated or semiautomated techniques in the production or control of finished drugs.

If the pilot study shows the expected improvements, additional groups of drugs will be directed to the St. Louis laboratory. Ultimately, the experiment could lead to the establishment of a National Drug Testing Center where large numbers of drugs can be examined at a fraction of today's cost, and where advanced research can be performed to improve procedures and equipment for drug analyses.

If the Center is established, the FDA field laboratories will retain their capability of examining drug samples. This is necessary to permit on-the-spot tests in emergency situations. Further, such laboratories probably will continue to make examinations that do not yet lend themselves to mass production techniques. These laboratories will also continue to handle products that are sampled in such small volume that use of the newer procedures offers no significant economies.

There were several reasons for selecting St. Louis as the site for the trial:

1. The city is centrally located and has good transportation facilities for delivery of shipments from various parts of the country.

2. The educational facilities in the area are excellent. FDA hopes to establish closer liaison with them to secure expert assistance in developing its program. The existence of these facilities will also make it easy for FDA employees to continue their training while on the job.

3. A high percentage of the professional personnel in the FDA laboratory there already have considerable training and expertise in drug work.

4. Certain administrative and district boundary changes which were desirable for other reasons at St. Louis make it possible to conduct the test there with minimum disruption of ongoing food and drug activities. (Food samples previously analyzed in St. Louis will be directed to other Districts.)

5. FDA is scheduled to get a new building to house the facility there. If a National Drug Testing Center is to be established, the building can be constructed to meet any special needs of the Center.

The St. Louis trial could have an impact beyond the drug area. It may be desirable to establish national testing centers for performing other types of control analyses which involve large numbers of samples.

This trial represents another step in FDA's continuing search for better methods of evaluating and stimulating improvement of the Nation's drug supply.

THE LEAD-BASED PAINT HAZARD

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. RYAN. Mr. Speaker, lead poisoning continues to plague our city children relentlessly.

Just recently, the public has become aware of this disease, its nature, and its effects. It strikes those children who live in slum housing where old paint remains, peels, and falls easily within their reach.

The children become afflicted with lead poisoning but seldom is the disease reported until it has reached its critical stages, resulting in epilepsy, cerebral palsy, permanent mental retardation, and death.

In New York City alone, it has been estimated that between 25,000 and 30,000 children per year suffer from this silent epidemic.

I have introduced three bills, H.R. 9191, H.R. 9192, and H.R. 11699 which are aimed at slowing down and, hopefully, stopping this dread disease. In July, 18 of my colleagues joined me in reintroducing these bills as H.R. 13256, H.R. 13254, and H.R. 13255.

I am inserting in the Record an article which appeared on September 5 in Science magazine, published by the American Association for the Advancement of Science. The article, "Lead Poisoning: A Preventable Childhood Disease of the Slums," was written by Mark W. Oberle. It stresses that we know the causes and cures for this disease, and we must do all that is in our power to eliminate it.

I urge my colleagues to read this article and to support the legislation which will combat and eradicate this silent epidemic. The article follows:

Lead Poisoning: A Preventable Childhood Disease of the Slums

(By Mark W. Oberle)

Lead poisoning was once an occupational disease commonly associated with painters, devotees of moonshine liquor, and an occasional curious child. But lead as a health hazard has come under increasing scrutiny. New York City once averaged 500 cases of lead poisoning a year; the City Health Department now estimates that a "silent epidemic" of lead contamination may be affecting as many as 25,000 slum children, who pick up the lead from chipping leaded paint in old buildings. Lead poisoning has sparked local political skirmishes and suggestions for increasing federal regulations and aid.

The diagnosis of classical lead poisoning includes a high blood content of lead, plus convulsions, vomiting, anemia, and cramps—external symptoms that can be readily confused with those of other, less dangerous illnesses if a physician is not looking specifically for lead. In severe cases, the marrow and central nervous system can be damaged, and death or mental retardation can result. Since lead often accumulates slowly over a period of months, a child can carry a dangerously high level of lead without exhibiting any of the external symptoms. No one is quite certain how widespread lead poisoning is, but the number of U.S. children with abnormally high blood levels of lead may be as high as 225,000. Children accumulate the lead by eating nonfood objects, such as chips of leaded paint, even if they are not hungry—a phenomenon known as "pica" (a reference to the magpie and its indiscriminate eating habits).

Since the 1940's, leaded paint has been replaced by cheaper, titanium-dioxide-based paints, and many localities have banned the use of leaded paint for interior surfaces. But in some older cities where, in the poorer sections, many house walls have peeling coats of old leaded paint, several studies have indicated that some 5 to 10 percent of children between the ages of 1 and 6 have abnormally high blood levels of lead.

Once a lead-poisoning case is detected, the child is usually hospitalized for several days and treated with chelating agents—chemicals that bind the lead ion and remove it from body tissue. These chelating agents include BAL, an anti-nerve-gas drug, and EDTA, a chemical familiar in biochemical research. Before chelation therapy was developed, 66 percent of severe lead poisoning cases were fatal, said J. Julian Chisholm, associate professor of pediatrics at Johns Hopkins Medical School. With early detection and treatment, this figure has probably dropped to less than 5 percent, he added.

But of the survivors, brain damage still occurs in more than 25 percent of the children. After returning home from treatment, children often resume their paint-eating habits, and if they again come down with lead poisoning, the risk of permanent brain damage increases to "virtually 100 percent," Chisholm said.

"After treatment they become complete vegetables," said Hyman Merenstein, associate professor of pediatrics at the New York Downstate Medical Center. During his lifetime, a severely retarded individual can cost health agencies $250,000 in special training and custodial care, Merenstein said. "The horror of it is that lead poisoning is a completely preventable disease. . . . When we used to have ten polio cases, the whole city rose up in arms, but when 30,000 kids are affected with lead poisoning, nobody notices."

The long-term solution to the problem is to remove the old leaded paint or to replace the houses. But paint removal is often expensive and, when done at all, often does not include removal from the ceiling or upper walls, social workers say.

In New York, several rent strikes have been organized after a lead-poisoning incident. "Since the City is not about to enforce the rules, the citizens have to take it upon themselves," said Wendel O. Richel, coordinator of a lead-detection project near New York. Such rent strikes can be particularly successful, Richel said, because "a landlord can always accuse the tenant of putting a hole in a wall, but he can't accuse him of putting lead in a building."

As a stop-gap measure, several communities have launched screening programs to detect lead early in young ghetto children. In Chicago, the City Board of Health has screened over 100,000 childen since 1966. Henrietta Sachs, director of the lead-poisoning clinic, said that the number of high lead levels detected had dropped by roughly a half during each year of the program, and that the cases detected were less severe than might ordinarily have been expected before the screening program. By contrast, the New York City Health Department tested blood samples from only 5,000 children last year, and these were referrals from city hospitals and clinics, and not children tested as a result of an extensive neighborhood screening program. Community health groups have complained that the city was moving too slowly in establishing a screening program, especially after the city postponed a decision on a biochemical supply company's offer of 50,000 free lead testing kits until late in August, when the optimum testing season was closing. Felicia Oliver-Smith, director of the city's lead-poisoning program, explained that the city had doubts about the test's reliability and also suffered from a lack of technical manpower to handle a mass screening program. Several community groups complained that the test was the best available, at least for the summer of 1969. "The bureaucratic wheels are so rusty that they can't even move with free oil!" said one laboratory worker.

On the federal level, 19 congressmen have submitted a series of three bills to provide federal aid for testing programs and assistance in eliminating peeling paint from ghetto dwellings. The bills have not been scheduled for committee action and have received little general support, but many community leaders feel confident that they could deal with the problem even within the present legal framework.

At a national conference on lead poisoning, sponsored by the Scientists' Committee for Public Information and other groups, René J. Dubos of Rockefeller University said that "the problem is so well defined, so neatly packaged with both causes and cures known, that if we don't eliminate this social crime, our society deserves all the disasters that have been forecast for it."

SOME REFLECTIONS ON THE PROBLEMS OF OUR TIME: PART V—POLLUTION: CAN OUR ENVIRONMENT BE SAVED?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BROWN of California. Mr. Speaker, almost every thoughtful citizen of this country realizes that we face great problems in preventing further deterioration of our environment, to say nothing of restoring it to conditions of an earlier generation.

That awareness is reflected daily in the growing number of complaints from individuals concerning situations in their own communities, complaints which, I am sure, every Member has received. The increasing literature on pollution, the changing attitudes of many organizations as they focus on the problem, including conservationists, scientific and professional organizations, and political groupings, also reflect this growing awareness.

Congress is not insensitive to this growing pressure, and has, in fact been at work through many of its committees, and through the enactment of much legislation, in efforts to reach solutions.

POISONING OF OUR ENVIRONMENT

It is probably unnecessary for me to cite detailed examples of how serious the situation has become. There is hardly a major urban area in which air pollution does not degrade the quality of living—and there are many, such as my own city of Los Angeles, in which it imperils life, property and normal workings of the community. Because this poisoning of the atmosphere increases slowly and insidiously over a long period of time—more than 25 years in the case of Los Angeles—corrective action has always been characterized as "too little and too late."

Pollution of our Nation's water supply has likewise crept up on us unaware. Major rivers and lakes are great sewers, water in them unfit for human consumption, or even human contact in most cases. This blight has spread to underground water sources in many areas, and increasingly we find the oceans themselves beginning to show the impact of man's disregard for his environment.

The land suffers its own kinds of damage. Waste products of civilization spread over it. Garbage, rubbish, old autos—every kind of junk—cover vast reaches, in every open space, beside every highway and byway. Forests and mountains have been laid waste to supply man's needs. Pesticides and other chemicals of every type have been spread, without regard to nature's balance, and in some cases poisoning the land for generations.

Our technological onrush has created newer forms of environmental pollution unknown to a simpler culture. Radioactive wastes are beginning to pose a potential threat, whether through accident or merely elapse of time. Underground nuclear explosions—for weapons tests, to experiment with their use in releasing gas and oil, and for excavation—leave great reserves of underground radioactivity. Nuclear powerplant wastes, whether buried in caves or sunk to the ocean bottom, cannot remain permanently contained. Waste heat from nuclear reactors, as well as from conventional powerplants, is measurably affecting the temperature of streams and estuaries, changing surrounding ecology.

Noise, long a modest inconvenience of an urban industrialized civilization, is becoming more dangerous and its effects threaten to spread from urban to rural environments as tests go on of the newest supersonic aircraft. Even conventional aircraft noise has already become unbearable in the vicinity of increasingly crowded urban airports.

Pollution of oceans and beaches by the release of huge quantities of oil apparently now has become a normal hazard today. Vast increases in the volume of offshore drilling, and the use of supertankers in ever larger numbers for transporting oil around the world, leave little hope that this form of pollution will abate.

While we may think that pollution mainly concerns cities, any exploration of rural areas or even wild and uninhabited portions of the country shows that proposition to be false. Overcrowding and pollution has become a characteristic of almost all the more desirable and accessible natural recreation areas of this country. Even less accessible locations, reached only by hiking, canoeing, or flying, frequently will be found contaminated by a careless civilization. Particularly apparent are the thousands of square miles of once beautiful country that have been devastated by logging for lumber and pulp or by strip mining and other destructive tactics.

THE ESSENTIAL DILEMMA

As environmental destruction and poisoning becomes more obvious, and more dangerous, more thought gets devoted to analysis of basic causes. And to a growing number of observers, it has become obvious that there is a simple relationship between the number of human beings on earth and their impact on the environment. The more people, the more pollution. The population explosion over the last 100 years, and more particularly over the last generation, has created unexpected and almost uncontrollable hazards for man's environment. Paradoxical as it may seem, the fact that there appears to be no end in sight to presently geometrically increasing population growth rates in the world may be the greatest threat to man's survival on earth. This threat is the "population bomb."

Accentuating this problem of population growth is the increasing trend toward urbanization by industrial and industrializing societies. In the cities we see the most massive fouling of the environment. Not only are air, water, and land reduced to the most hazardous levels of pollution that human life can tolerate, but this is generally coupled—particularly in city slums and ghettos—with overcrowding and with conditions of social and economic deprivation which constitute still another form of pollution. And there seems to be no slackening in this drive for human beings to live in and move to larger and larger cities.

Inability or failure to do an effective planning job to protect the environment has worsened pollution problems. Since this problem has never been experienced on the scale it has now reached, there is little precedent for the kinds of action necessary. Responsibility for the necessary far-reaching efforts are fragmented among many different kinds and levels of public organizations. Basic knowledge required for effective pollution control is frequently lacking.

THE "GOOD LIFE" SYNDROME

Of the many causes contributing to this crisis of our environment now confronting us the one that may be the most difficult to correct is bound up in our own concepts of "the good life." We cause pollution and despoilment of the environment through our deification of continually increasing production and consumption of material goods. Almost from birth each of us is inculcated with the goal of consuming more, and the economy of which we are so proud is geared to meeting that goal. The country's great corporations have developed to a fine art the techniques of creating markets for the consumption of increased quantities of unnecessary—sometimes even harmful—commodities. Some examples may help to make this point clearer.

As a nation we consume more food and drink per capita than any other nation.

We insist further that it be antiseptically produced, expensively processed, and artisticly packaged in a multitude of ways. All this creates waste and pollution. From the farmers, whose budget must now include large sums of money for new chemicals to increase production and eliminate pests, through the processors, packers, canners, and distributors, whose budget also must now include added frills to stimulate consumption, to the doctors, dentists, and psychiatrists whose practice is now devoted to correcting the problems of overeating and overdrinking, our mania for consumption creates waste and pollution and despoils the environment. Each person in this country now discards as solid waste—in garbage, and the paper, glass, metal, plastic, and what-have-you which contained the original product—close to 1 ton per year. Practically all this refuse returns to pollute the environment in one way or another.

THE AUTOMOBILE SOCIETY

An even more astonishing and destructive feat of consumption results from our worship of the automobile. There are approximately 80 million passenger cars in use in this country today. I would make a rough guess that each car consumes about 2½ tons per year of hydrocarbons—mostly gasoline—or the equivalent of 1 ton per person for each man, woman, and child in the United States. The waste products of this consumption are emitted into the air, and the total annual amount of our pollutants in this country amounts, coincidentally, to about 1 ton per person—200 million tons—the largest percentage coming from automobiles. To this pollution of the atmosphere by the automobile must be added the perennial several million tons of junk automobiles which are generally stacked, artistically, alongside main thoroughfares.

WASTE OF ALL SORTS

In terms of sheer volume of consumption and waste, few people realize the amazing amount of water consumed by our style of living. We have tended to assume that water was available in unlimited quantities, and have increased domestic consumption continually to the point where it now amounts to close to 1 ton per day for each person in the country. Industrial and agricultural uses consume additional massive amounts. This water, heavily laced with organic materials, chemical poisons, and miscellaneous byproducts, is, of course, all wasted to the underground water table, streams, lakes, or the oceans, and causes pollution—in fact, destruction—of most of our surface water supply.

The drive toward continually increased consumption, fueled by the need for constant increases in the size and profitability of our industrial economy, causes us to welcome the easily destroyed toys, the short-lived household item, the throwaway container, the annually restyled automobile, appliance, or clothing, and the host of other gadgets we excel in producing. As we chase ourselves around the upward spiral of increasing consumption, we devour the resources of the earth and return them to the land, air, and waters as waste. The only result of this process will be to condemn our descendants to living in a true wasteland.

An inventory of causes of pollution and environmental destruction would not be complete without mention of another cultural trait inherited from our early days as pioneers on a new continent; that is our propensity to view nature as something to be conquered and subdued. It was, and is, almost an article of faith with many of our most dynamic entrepreneurs that God placed the bounty of nature here for us to take. As we considered God's power to be unlimited, so did we consider nature's resources equally unlimited. All that was required was skill and hard work to wrest bounties from nature. It was hard for those pioneers, and their modern descendants, to conceive the earth as a closed and limited system, one whose resources must be conserved and reused for the continued existence of man. And harder still to conceive of themselves as a part of nature, a link in a delicate chain which, if destroyed, destroys man with it.

I have made this brief examination of the nature and causes of environmental pollution problem primarily as a prelude to outlining some possible solutions. This suggested framework will necessarily be brief, for to remedy all the problems eminating from man's impact on his environment would require nothing less than a complete cultural revolution, and that moves way beyond the scope of my effort today.

POPULATION CONTROL

First—and absolutely vital—is a national policy of limiting the rate of growth of our own population, and contributing our maximum effort to limiting the population growth rate of the remainder of the world. I have stressed this in connection with my introduction earlier this session of legislation (H.R. 9107, H.R. 9108 and H.R. 9109) embodying the recomendations of the President's Committee on Population and Family Planning, contained in that committee's report of November 1968. Every concerned citizen must now realize that exploding world population not only threatens the environment, but also threatens our ability to solve most of mankind's problems—including the problem of human survival itself.

URBAN LIFE AND URBAN CONTROL

As the mayor of every leading city will testify, conditions of urban life in this country must be drastically changed. This can be achieved only if we begin to devote our highest priority to resolving urban problems, not only in allocation of tax dollars, but in the distribution of trained manpower, technological innovation, and imagination. If the human condition will be based upon a pattern of urban living, as seems to be the unavoidable situation at least for the near future, urban living must be designed to protect human values.

Two aspects of organizing urban living systems must be examined and must be improved as a top priority. First, the structure of urban administrative power—capacity to make decisions and deliver services—must be rationalized. That is, problems of the total urban region must be susceptible to prompt and adequate analysis, to decision, and to action by appropriate locally controlled central authority with adequate resources and an adequate legal basis.

In a sense, in our cities we have reached the situation which confronted the Founding Fathers after the initial 10 years under the Articles of Confederation. Those articles were inadequate to control affairs of the States and their largely rural scattered population of 4 or 5 million citizens.

Therefore, the Constitutional Convention was assembled to create a new structure adequate to needs of all the people.

Such is the situation today with our urban areas. Power to act is fragmented into hundreds of different, and semi-autonomous jurisdictions in each urban area, and even in these separate jurisdictions, executive power frequently gets hamstrung.

A new urban-directed legal structure must be created, just as in 1787 a new Constitution was written for the United States. This design need not be that of a highly authoritarian urban dictatorship. It may well be any of several other structural forms, just as the Constitution evolved a new type of Federal basis to meet our national needs. But there must be provision for central analysis of problems, for future planning for establishment of guidelines for urban development—particularly of land—and for executive power authorized to act quickly and effectively on all major problems.

Second, centralized and effective executive power must be complemented by a new concern for effective citizen participation in establishing policy for the urban area as well as for the total environment. In my opinion this will require establishment of a new community-based unit of political participation—one I have outlined in an earlier discussion here on the House floor—through which citizens may help form policy and oversee its implementation. Such a political unit would not administer or deliver services, but would provide the vital element of citizen feedback and control to the administrative structure. Only through such a mechanism will we be able to stem the tide of alienation and fear of "city-hall" so characteristic of a large part of urban populations.

Having made these two structural changes in urban organization, we are then in a position to look at some other urban problems affecting quality of life and impact of the city on its environment. In approaching these other problems, I think it is now necessary that we consider the city as an integral system. The various aspects of that system must be related into much more of an organic whole.

A deliberate effort must be made to design and build neighborhoods and communities which bring together opportunities for work, shopping, education, recreation, cultural, and other activities in ways which minimize travel and other wasteful time for individuals. Economical and convenient mass transportation facilities must be provided to minimize use of personal vehicles. Waste disposal

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systems must be designed on a total urban basis. Technology must be developed to maximize reuse or recycling of waste materials, particularly metals, glass, paper, and water.

Much more emphasis must be placed on characteristics of material commodities such as quality, permanence, and simplicity rather than ephemeral styling, complexity, and short life. As a people, we must learn to live a kind of life which does not require exploitation and destruction of all the earth's resources—either living or inanimate—but which requires instead living in both balance and harmony.

While much of what is immediately required to reduce the adverse impact of the city on its environment requires large capital investments—in water treatment plants, for example, to restore water quality—in the long run, a properly structured city can operate more economically and efficiently than our existing urban chaos in both Government costs and in costs to private citizens for their normal activities.

This will particularly be true if in the process of creating a nonpolluting city we also achieve a city without large blocs of alienated, impoverished, uneducated, and unhealthy citizens. We may then aspire to an urban life containing the ingredients for enlarging the human spirit rather than degrading it—as is now so often the case.

NEW CITIES

While I am commenting on metropolitan reform, it is appropriate to mention the pressing need to apply similar efforts and planning to improve smaller cities, and to create experimental new cities. The benefits, if any, which accrue from metropolitan living, do not continue to increase as urban size grows. I deem it important to encourage excellence in cities of all sizes and in rural areas, as well as acting to avoid continued urban-directed inmigration, if we are to provide the cultural diversity vital to a healthy society.

Development of new towns, incorporating innovative social and technological advances is quite feasible and has been demonstrated by prototypes created by private enterprise. The latest of such planned new towns was announced September 9, an $800 million development for 20,000 people near Anchorage, Alaska. As described in news reports, the city wiill be totally climate controlled on a year-round basis. It will be reached by an aerial tramway running over the ocean and hence be free from automobiles and trucks.

Under these circumstances, the outlook is for a largely nonpolluting city. I suggest encouragement and financial assistance for large numbers of such experimental cities should be given by the Federal Government.

GOVERNMENT ACTION

A great part of the damage to our air, land, and water today arise from the pollution-causing actions of individuals and enterprises. These actions are in accord with past patterns ignorant of environmental limits of absorbing pollution without damage to man himself. But today, those individuals and enterprises must take a new responsibility; they can no longer follow the old patterns, the conventional wisdom. They must be willing to pay the required costs of alleviating the impact of their individual activities on environmental quality for the welfare of all.

EDUCATION

Admittedly, vast areas of ignorance exist about the nature and permissible limits of pollution of the environment. This ignorance must be ended. In many areas of science today, dedicated professionals are working to achieve this goal. In some cases professional associations of scientists are furthering and supporting such research as a contribution to total human welfare.

It is the ultimate responsibility of all the people acting through their Government to insure that action is taken to maintain a healthy and satisfying environment. This responsibility must include defining the problem, establishing standards, and apportioning the costs on an equitable basis. Undoubtedly, in dividing the costs of correcting environmental pollution, a fair share must be first given to those whose actions cause the pollution. Those individuals and business enterprises which have traditionally dumped their wastes free of charge must now accept the burden of preventing and eliminating this pollution. This requirement in itself may have a healthy effect in changing the overall sense of values about certain kinds of economic activities and products.

Our immediate peril is that already we may be "too little and too late" as seems to be the case in Los Angeles with its smog problem. I hope through my efforts to focus attention on these issues—now, by legislation and in other ways—to avoid that peril. And in the process, it may help create the more humane environment which we all desire and need.

THE OMNIBUS ENVIRONMENTAL QUALITY ACT

Today, I am introducing legislation establishing what I consider the strongest program yet set before the Congress to determine national concern and national machinery to maintain environmental quality. I term my bill the "Omnibus Environmental Quality Act of 1969" because it brings together series of policies and tools—all of which I feel are necessities in this crucial area.

The bill contains the Declaration of National Environmental Policy already passed by the Senate; this policy objective is both comprehensive and powerful. In its key statement it recognizes that each person "has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to preservation and enhancement of the environment."

The ultimate fate of Government control of environmental quality largely will be determined by the mechanism set up to do the job. At present, there is a proliferation of authority to act in a number of different Federal agencies. The Agriculture Department deals with pesticides, for instance, while the Interior Department deals with lakes and streams and the Coast Guard deals with coastal pollution. The Secretary of Health, Education, and Welfare administers the air pollution laws.

Such diffusion of Government management of the environment has been one reason that serious problems have gone almost unnoticed until they are so large that they can no longer be avoided. Better coordination and regulatory power is imperative if Government can successfully act to contain the ever-mounting attacks on the environment. For that reason, my bill proposes a permanent National Commission for Environmental Protection, a regulatory agency for environmental affairs similar to already existing agencies which deal with other functional areas.

The five man commission would have the continuing responsibility:

To review proposed projects, facilities, programs, policies and activities of the Federal Government which may adversely affect environmental quality;

To review and appraise existing projects, facilities programs, policies and activities of the Federal Government which affect environmental quality and make recommendations with respect thereto to the President and the Congress;

To set priorities with respect to problems involving environmental quality;

To advise the President on matters involving environmental quality and to make recommendations to him with respect thereto;

To collect, analyze, bring together, collate, digest, interpret and disseminate data and information, in such form as it deems appropriate, to public agencies, private organizations, and the general public;

To conduct studies and research, by contract or otherwise, into problems and other matters involving or relating to environmental quality;

To develop criteria and promulgate standards defining desirable levels of environmental quality;

To consult with and advise other representatives of governments, and to utilize, with their consent, the services of Federal agencies and, with the consent of any State or political subdivision thereof, accept and utilize the services of the agencies of such State or subdivision;

To assist the President by clearing and coordinating departmental policies and activities affecting environmental quality;

To assist in the consideration and, where necessary, in the preparation of proposed Executive orders and proclamations affecting environmental quality;

To keep the President informed of the progress of activities by agencies of the Federal Government with respect to work proposed, work actually initiated and work completed by any such agencies which affect environmental quality;

To assist the President in efforts to achieve environmental quality in the community of nations; and

Where appropriate, to participate in behalf of the public interest as an intervenor in proceedings before State and Federal courts and administrative agencies.

The situation in Congress regarding

the environment is greatly similar to that within the Executive agencies; it is horribly fragmented and uncoordinated. Short of comprehensive congressional reform and reshuffling of functional activities, I do not foresee major changes coming at the committee level. However, I do feel that we can better coordinate and plan congressional policies regarding the environment, and for that reason, I propose establishing a Joint Congressional Committee on Environmental Quality. The Joint Committee would: conduct a comprehensive study and investigation of appropriate matters contained in any environmental quality report transmitted to the Congress and recommend any such studies and investigations to the appropriate standing committees of the Congress; and make an annual report to the Congress and the appropriate committees of Congress on or before March 1 of each year on environmental quality.

Government activities must be synchronized with activities ongoing in the private sector if we are to achieve a complete national program for environmental control. Certainly, I feel that the indignation and anger I have seen coming from my constituents over the past months indicates that a large amount of alienation already exists over these issues. As with many other topics of both national and local concern, individual citizens feel they are left out when it comes to making decisions and acting on problems of the environment.

Therefore, my bill also contains a Citizens Advisory Committee on Environmental Quality. This committee would be composed of 15 members selected from Government and private sector, and hopefully would include representation from concerned citizen's groups.

The committee would report at least once each year to the President and to the Environmental Quality Commission on the state and condition of the environment; provide advice, assistance, and staff support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

I believe this omnibus environmental quality bill would provide the direct and broadbased effort which is essential if we are to maintain and improve the world around us. I hope all my colleagues take a serious look at this approach and I hope to receive their support for it.

Yet, this bill is at best a framework, and it does not deal specifically with current problems. In the coming weeks, I hope to introduce a series of bills which have critical relevance to present environmental problems. Included in these bills will be new and vital measures affecting air pollution and water quality.

Mr. Speaker, at this point I would like to insert in the Record a number of news stories which relate to this statement and to the overall problem of environmental quality.

The articles follow:

[From the Washington (D.C.) Post, Sept. 10, 1969]

Pollution Called Peril to All Life

(By Victor Cohn)

New York, September 9.—Man's pollution has now become a danger to all life on earth. Dr. Lee A. DuBridge, President Nixon's science advisor, told the American Chemical Society here today.

"I assure you the present administration is committed" to combat this, he pledged in his first major public report as executive secretary of the new federal Environmental Quality Council which the President himself heads.

He then disclosed three areas in which the administration would soon move:

It will be "looking very hard," he promised, at establishing a federal agency to prestudy the effects of such everyday chemicals as the housewife's new enzyme presoaks and detergents. (Among other agents that should be screened by such an agency "before they are released"—according to a plea from a concerned biologist speaking at the same meeting—are "gasoline additives, all pesticides, fertilizers, fumes from chemical and power plants and heat and radioactivity from nuclear plants.")

"The government will move hard against auto pollution," DuBridge predicted. Federal law now calls for a nationwide standard, starting in 1970, stipulating that new cars may not emit more than 180 parts per million of unburned hydrocarbons. Following California's lead, DuBridge forecast, this should soon be reduced to 120 parts (compared with 900 parts emitted by cars built before 1966.) Also, he said, lead must be eliminated from gasoline and all exhaust emissions must be even more radically reduced—"or else quite new forms of engines will have to be developed."

The administration, he said, hopes to "stimulate" both local communities and whole regions to join in building better sewage treatment plants and requiring more thorough treatment of industrial wastes. The council will also study possible federal criteria.

DuBridge spoke on the most radical thought of the day—the idea of screening common chemicals before release—in response to Dr. Barry Commoner, director of the Center for the Biology of Nature Systems at Washington University, St. Louis.

Commoner's very place on the program testified to the new concern in conservative institutions of society with pollution. A kind of male counterpart of the late Rachel Carson, he has been organizing "concerned scientists" for years to speak up against despoiling the globe.

"Five years ago I'd never have been on this platform, or on the same platform with President's science adviser," he observed.

Today he said:

"We all live in one system—a global ecosystem consisting of cycles within cycles that tie together plants, animals and microorganisms—and we change it at our peril. We have to change it, but we ought to weigh costs against benefits."

"Unless we begin to consider the effects on this ecosystem of new substances I am convinced we will risk our survival."

"We have reached the point where we should not release any new substances without understanding the ecological consequences." And some single federal agency, he said, should be responsible for advance studies.

DuBridge replied in agreement: "Unfortunately we now have no agency in government responsible for making such anticipatory studies. I hope such an agency comes into being."

[From the Washington Post, Sept. 8, 1969]

Pollution Threatens To Deprive World of Venice's Treasures

(By Marquis Childs)

Venice.—This fabulous city in peril of its very existence stands as a symbol of the plight of the western world. Pollution of air and water and the rapid encroachment of a massive industrial complex threaten to erase in a short span of years the city of canals that has been the magnet for travelers and lovers of beauty for centuries.

Ordinary cities may be resigned to the blight of smog and pollution. But Venice is a treasure house of art and architectures. Those treasures are rapidly deteriorating.

The great paintings—the Titians, the Tintorettos, the Veroneses—and the monuments are like defenseless invalids. Still aglow with the splendid past, they cannot save themselves. Not a single museum or church is air-conditioned to keep out the dampness and the smog with its high sulphur and carbon monoxide content.

The question is being seriously asked today: Can Venice be saved? The lagoon is dying, a victim of chemical wastes from the industrial center of Marghera, with its huge refineries hardly 10 minutes away as the crow flies, and the human wastes of the adjoining city of Mestre, with its dreary substandard housing.

To save the city will mean an effort costing hundreds of millions of dollars. Industrial practices in Marghera will have to be drastically altered to reduce the poisons loosed in the air and the water. Central to the salvation of this unique historical treasure house is the control of the tides as they flood in from the sea, lapping higher and higher each year with the disaster of the ultimate flood ever nearer.

When the Republic of Venice held sway over much of the East in the 16th and 17th Centuries, the Venetians understood how vital it was to preserve the life of the lagoon. The threat of extinction then came from silt pouring in from three rivers—the Piave, the Brenta and the Sile. The lagoon was gradually filling up.

The *magistra ti alle acque,* the magistrate of all the waters, wielding overwhelming power, took a heroic decision. The course of the rivers was to be deflected so they would run into the open sea. Impossible, said the cautious citizenry. That was understandable, since it involved a project not inferior to the excavation of the Panama Canal. With the relentless drive over many years, the project was carried through and the lagoon and Venice were saved.

Saving the lagoon today will mean a project not unlike that in scope. As the industrial complex of Marghera has expanded during the past 40 years, the delicate balance between land and water has been progressively undermined. The demands of industry drain off the subsoil water. Land is reclaimed along the lagoon, narrowing its course. One of the spectacles is the procession of big tankers and freighters past the ancient city, with the hazard of a single accident that could be totally destructive.

Prescriptions come from a variety of committees, both public and private, Yet even with the government in Rome is concerned—after all tourism is Italy's principal hard-currency earner—so little seems to happen. The Venice Rotary Club invited three Dutch specialists in control of the sea, knowledgeable since a considerable part of Holland is below sea level, to conduct a study. While they declined to make definitive recommendations, they urged that all work on the lagoon of whatever kind be stopped immediately until a thorough plan could be agreed on. They recognized how imminent was the peril.

As the canals grow danker and filthier, a reflection of the fundamental problem of the

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waters, Venetians move out to Mestre. The city declined in population between 1951 and 1968 from 192,000 to 130,000. There are 3,000 abandoned houses and many of the noble palaces are reduced to slum dwellings. Moving to Mestre, the Venetian has his little car and becomes part of the consumer economy.

The tourists flooding through St. Mary's Square in the last week of summer are as carefree as ever. In that marvelous free space surrounded by so much beauty and without the menace of the motorcar, they saunter with happy abandon. The facade of the cathedral gleaming in the afternoon sun is like foam frozen in multicolored forms. And the bronze horses, looted from Constantinople as they had been looted from Rome, look down in serene disdain.

The young are everywhere. Many of them are hitchhikers with packs on their backs, speaking every language. The band at Florian's plays the same gay, schmaltzy music that for a hundred years or more has carried out over the square. The headlines in this curious summer of pause and uncertainty carry the threat of a new cycle of wars. The water laps over the quays, suggesting what is to come in the high-tide season of late fall. But the crowds are bent on the pleasure of this brief moment.

Venice can be saved. An impressive series of articles in *Corriers della Serra* has alerted the country to the peril. Determined spirits such as Countess Anna Maria Cigona are leading the fight. Venice can be saved if the will is there. With Venice as a symbol, that is the question posed for the West in a far larger context in the struggle between the technological present and the historical past.

[From the Washington Post, Sept. 10, 1969]

$800-MILLION ALASKA CITY IS PLANNED

ANCHORAGE, ALASKA, September 9.—An Oklahoma company announced plans today for an ultra-modern, self-contained $800 million community across Knik Arm from the city of Anchorage.

Tandy Industries of Tulsa, billing its venture "Seward's Success," said it would be the world's first totally climate-controlled city. The year-round temperature will be 68 degrees throughout the complex.

Top officials of the firm said at a news conference today construction of the first section, costing an estimated $170 million, will begin next June. Completion is scheduled in two years.

The first section, with housing for 5,000 persons, will include a 20-story central building called the Alaskan Petroleum Center, plus a commercial mall.

The long-range plan calls for expenditure of $800 million over a 10-year period, with living accommodations for 20,000 persons.

Although officials would give no specifics, it was apparent the developer has at least partial commitments from many of the increasing number of oil companies operating in Alaska.

Announcement of the huge project came the day before the sale of leases on 450,858 acres of Alaska's North Slope.

Transportation from Anchorage to the revolutionary city will be by high-speed aerial tramway across Knik Arm, an offshoot of Cook Inlet waters. There will be no automobiles or trucks in "Seward's Success," at least for the initial phases.

GRIM REMINDER: CASUALTIES GOING UP

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. RIVERS. Mr. Speaker, we have all been encouraged by the recent lull in combat activity in Vietnam, and we all are certainly 100 percent behind our Commander in Chief in his efforts to bring about an honorable peace in Southeast Asia and to reduce the number of U.S. combat casualties.

At the same time, we cannot allow ourselves to be lulled into a false sense of security, a feeling that peace is "just around the corner." We must recognize that there still may be much very difficult fighting ahead, and we must be careful not to judge the whole war by the trends evident from only the past few weeks.

Putting matters in longer range perspective is an article from the August 2 issue of the Armed Forces Journal which points out, among other things, that, first, the U.S. casualty rate over the past 6 months has, probably contrary to popular opinion, gone up instead of down, when compared to the preceding 6 months; second, there has been considerable progress made toward the goal of having the South Vietnamese forces take over more of the combat burden; third, largely as a result of this, the South Vietnamese forces have been suffering much greater casualties themselves; and, fourth, the often controversial "kill ratio"—used by some as a yardstick to measure the progress of the war—has declined sharply as a result of all these other factors.

The Armed Forces Journal article, written by Mrs. Pamela Canova and Journal Managing Editor James D. Hessman, is, I believe, of considerable importance, and I insert the text of the article in the RECORD at this point:

THE CASUALTY REPORTS: SOME STARTLING STATISTICS

(By Pamela Canova and James D. Hessman)

Despite the very recent lull in combat-activity—and the cautiously optimistic recognition of same by top Defense Department and White House officials—the harsh fact is that U.S. military forces in Vietnam have suffered approximately 30% more combat deaths in the first six months of the Nixon Administration than in the last six months of the Johnson Administration.

And this in spite of the fact that there are no longer any U.S. casualties in or over North Vietnam; that the U.S. Forces in Vietnam—unlike those in the earlier days of the conflict—are seasoned, experienced combat veterans; that the U.S. now has a firm in-country operational base from which to operate, and has virtually solved many of the nagging equipment problems of earlier years; and that enemy forces have been decimated in quality and in quantity—the official count of "enemy dead" as 19 July 1969 (the latest statistics available prior to Journal press time) was 531,122.

And this also in spite of the fact that the Nixon Administration has been waging—and largely winning—an aggressive campaign to have the South Vietnamese Armed Forces take over more of the combat burden.

A Journal analysis of various official source documents on Vietnam battle casualties reveals that:

From 20 July 1968 through 18 January 1969—the last six months of the Johnson Administration—the United States suffered 4,894 combat deaths, or an average of 188.2 per week. During the period 19 January 1969 through 19 July 1969—the first six months of the Nixon Administration—the U.S. suffered 6,358 battle deaths, or an average of 244.5 per week, some 30% higher than the last six months under President Johnson.

The relative statistics on "U.S. Wounded" are somewhat similar: 31,557 U.S. personnel, or 1,645.2 per week, were wounded in the last six months of the Johnson Administration, 45,563, or 1,752.4 per week (about 6% higher), were wounded in the first six months of the Nixon Administration.

The much heralded "kill ratio" has changed dramatically—climbing from 4.81 in the first half of 1968 to 5.50 in the second half of 1968, and to 6.73 in the first three months under President Nixon, but dropping sharply to 2.76 in the second three months under President Nixon.

The "Vietnamization" of the war, however, has been rapidly accelerated under President Nixon (if the raw casualty statistics are any indicator). In the first half of 1968 the South Vietnamese Armed Forces (RVNAF) lost 14,117 men in combat, compared to the 9,420 U.S. military personnel lost in combat, for a ratio of approximately 3:2. In the first three months of the Nixon Administration the comparable figures were: RVNAF—3,579; U.S.—3,292; 1.09:1. In the second three months of the Nixon Administration the figures had dramatically changed—to: RVNAF—13,560; U.S.—3,066; 4.4:1.

President Nixon is having no more success than did President Johnson in getting other Free World forces to take over more of the fighting in South Vietnam. During the last year of the Johnson Administration, the "Free World Forces" (other than U.S. and RVNAF) suffered an average of 18.8 deaths per week; under President Nixon the weekly average has been 17.9 deaths per week. Except for minor qualifications the figures are relatively comparable.

CRUEL DILEMMA

The Journal figures underscore the cruel military and political dilemma facing President Nixon: with little more than a year to go before the 1970 Congressional elections he is under massive and constant political pressure to reduce the U.S. casualty rates by any means possible. If he does so too abruptly, however—and particularly if there is no reciprocal scaling down of enemy forces in South Vietnam—there inevitably will be an even greater increase in the number of South Vietnamese casualties, and a further drop in the kill ratio. These results could bring about a political crisis in South Vietnam and this in turn could enable the North Vietnamese and Viet Cong to achieve politically what they have been unable to do militarily—win control of South Vietnam.

It is not "Mr. Nixon's War," and never was. But the Southeast Asia conflict already is eight and one-half years old, by far the longest war in U.S. history. And the President knows that, rightly or wrongly, he will be blamed for whatever happens from here on in. He knows also that if the conflict is not honorably resolved prior to next year's elections, both he and the Republican party could take a fearful licking at the polls.

NIXON TAKES ACTION

Recognizing the problem, the President has not been standing still. He has already, in fact (1) met with South Vietnamese President Nguyen Van Thieu on Midway Island and persuaded him of the necessity for the RVNAF to assume more of the fighting; (2) followed up the Midway meeting by directing the withdrawal of 25,000 U.S. troops—mostly combat personnel—from South Vietnam; (3) expressed his "hope" at a White House press conference that he would meet and possibly beat the timetable set forth by former Secretary of Defense Clark M. Clifford, who advocated—in the July issue of Foreign Affairs—the withdrawal of 100,000 U.S. troops by the end of this year and the removal of the remainder by the end of 1970; and (4) dispatched JCS Chairman General Earle G. Wheeler, USA, to South Vietnam to make an assessment of the current military situation and see what else could be done to expedite the Vietnamization of the war.

All of these efforts have not paid off in im-

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mediate results, however. As The Journal analysis shows (see table), the U.S. death rate during the last six months President Johnson was in office was 188.2 per week. The rate for President Nixon's first six months is 244.5 per week.

TOTAL VIETNAM COMBAT CASUALTIES

	1st half 1968	2d half 1968	Total, 1968	1st quarter 1969	2d quarter 1969	1st 6 months 1969
U.S. combat deaths (all services)	9 420	4,894	14,314	3,292	3,066	6,358
RVN Armed Forces deaths	14,117	6,365	20,482	3,579	13,560	17,139
Free world forces deaths	615	363	978	240	226	466
Total deaths, all Allied forces	24,152	11,622	35,774	7,111	16,852	23,963
Enemy deaths	116,251	63,920	180,171	47,894	46,672	94,566
Ratio of enemy dead to Allied dead	4.81	5.49	5.06	6.74	2.76	3.95

WEEKLY AVERAGE OF VIETNAM CASUALTIES

	Casualty rate, President Johnson's last year			Casualty rate to date under President Nixon		
	1st half 1968	2d half 1968	Average for year 1968	1st quarter 1969	2d quarter 1969	1st 6 months 1969
U.S. combat deaths:						
(a) Army	227.5	125.5	175.9	167.2	176.3	171.8
(b) Navy	11.6	6.2	8.9	9.3	5.5	7.4
(c) Marine Corps	119.2	54.5	86.9	73.8	50.8	62.3
(d) Air Force	5.0	2.1	3.5	2.1	3.2	3.0
Total	362.3	188.2	275.3	253.2	235.8	244.5
U.S. wounded:						
(a) Army	1,468.5	795.9	1,132.4	1,287.7	1,222.7	1,255.2
(b) Navy	68.8	45.8	57.3	78.8	49.3	64.1
(c) Marine Corps	750.2	364.1	557.1	478.3	364.2	421.1
(d) Air Force	22.2	7.9	15.1	14.8	8.9	11.9
Total	2,309.7	1,213.7	1,761.7	1,859.7	1,645.2	1,752.4
Non-U.S. combat deaths:						
(a) RVNAF	542.9	244.8	393.9	275.3	1,043.1	659.2
(b) Free world forces	23.7	13.9	18.8	18.5	17.4	17.9
(c) Enemy	4,471.1	2,458.6	3,464.8	3,684.2	3,590.2	3,637.2

Note: 1st half 1968 includes casualties from Jan. 20, 1968, through July 20, 1968; 2d half 1968 includes casualties from July 21, 1968, through Jan. 18, 1969; 1st quarter 1969 includes casualties from Jan. 19, 1969, through Apr. 19, 1969; 2d quarter 1969 includes casualties from Apr. 20, 1969, through July 19, 1969.

The war, of course, has a momentum all its own and Mr. Nixon could not reasonably have been expected to be able to make any abrupt change for at least the first several months after taking office. He was probably powerless, for most practical purposes, to prevent the U.S. combat death rate from climbing, as it did, to 253.2 during the first three months he was in office. During the second three months of his Administration the rate dipped slightly, to 235.8, still significantly higher than the Johnson Administration's closing 188.2 rate. Whether the July lull is a harbinger of better things to come still is speculative, which probably is one reason Administration spokesmen are so cautious in their assesment of the current military situation.

PEAKS AND VALLEYS

The casualty lists, like the war itself, have followed a peaks-and-valleys configuration—bursts of intense fighting followed by periods of retrenchment and regrouping. In the first half of 1968, for example, the U.S. suffered an average of 362.3 deaths per week, almost twice the weekly rate of the second half of the year. The lower casualty rate for the second six months followed, of course, after President Johnson ordered a halt to the bombing of North Vietnam and after the Paris peace talks began.

This also has significant political implications. When peace finally does come to Southeast Asia, Democrats are sure to point out, with some justification, that it was President Johnson, and not President Nixon, who started the beginning of the end. (The Republicans, of course, would then counter—also with some justification—that it was President Johnson who escalated the war in the first place, after which the Democrats would retort by tracing the U.S. involvement in Southeast Asia back to President Eisenhower, etc., etc., ad nauseam.)

RVNAF LOSSES UP

Although success in bringing down the U.S. casualty rate has been less than hoped for—and probably much less than the general public has been led to believe, because of press reports about the recent slowdown in combat activity—President Nixon has achieved considerable progress in turning over more of the fighting to the RVNAF. The South Vietnamese have from the beginning suffered heavier losses in combat than have the U.S. Forces. The ratio has varied from time to time, however. During the first six months of last year, for example, the U.S. lost 362.3 men per week, the RVNAF 542.9, approximately a 2:3 ratio. During the second six months of last year the figures were: U.S. 188.2; RVNAF 244.8; approximately a 3:4 ratio.

During the first three months of the Nixon Administration the ratio was 1:1.09 (U.S.—253.2; RVNAF—275.3), or almost even, for all practical purposes. During the following three months—presumably after President Nixon had reached "an understanding" with South Vietnamese officials as to the conduct of the war—the picture changed dramatically. The South Vietnamese death rate climbed sharply, while the U.S. death rate dropped slightly. The rates for the three month period: U.S.—235.8 men killed per week; RVNAF—1,043.1, or approximately 1:4.4.

LOWERED KILL RATIO

These figures are reflected in the declining "kill ratio," a sometimes-controversial yardstick used to indicate, very roughly, how well or how poorly the war is progressing. The kill ratio in the past has been somewhat erratic, but not spectacularly so. It climbed, for example, from 4.81 (enemy deaths to one allied death) in the first half of 1968, to 5.50 in the second half of 1968, and increased, again, to 6.73 during the first three months of the Nixon Administration. During the next three months, however, it plummeted to 2.76. The kill ratio for Mr. Nixon's first six months in office is an overall 3.95, significantly lower than the 5.03 overall 1968 ratio.

The kill ratio takes on added significance when one considers that U.S. combat forces still have been heavily involved in the fighting. Without the continued pressure on the enemy by American troops, it is certain that the enemy's total dead count would have been significantly lower than it was. This means that, if all U.S. combat forces are withdrawn—either from South Vietnam entirely, or to rear echelon areas within South Vietnam (as some have suggested)—the enemy death rate can be expected to drop, and the RVNAF death rate can be expected to climb even higher.

If this happens, the final results could be disastrous. South Vietnam still is not too stable politically. The country has been ravaged by war for a number of years. Part of the country still is under Viet Cong control. The South Vietnamese forces already have lost (as of 20 July) 91,476 men in the conflict. Additional thousands—perhaps hundreds of thousands—of South Vietnamese civilians have been killed in the war, or murdered by the Viet Cong. (The South Vietnamese Embassy in Washington estimates the number at between 150,000 and 200,000.)

North Vietnam, too, has suffered heavily. Over half a million men (Viet Cong and North Vietnamese combined) have been killed in battle. Many thousands of others have defected or have been captured by the Allied Forces. Thousands more North Vietnamese, both military and civilian, can be presumed to have died during the U.S. bombing offensive against North Vietnam.

But North Vietnam has a few items on the plus side. It has received considerable help from the USSR and from Communist China. And it has been waging the war in the other man's territory. North Vietnam itself has been free from bombing raids now for close to a year and a half. It has had time to repair its battered supply lines and to mend, somewhat, its broken economy. But most of all, it has a dictatorial regime and an almost absolute power over its own long-suffering citizens which enables it to stifle internal opposition and dissent to the war and thereby, in effect, ignore the military realities of the situation.

AGONIZING DECISIONS

President Nixon, of course, has no such option open to him. He is responsible to an intelligent, articulate, and often impatient electorate. He cannot ignore the casualty lists, nor other U.S. commitments, both internal and domestic.

But the President stated unequivocally that the United States will not abandon South Vietnam to the Communists. He also has stated his determination to reduce U.S. combat casualties, and to let the South Vietnamese military take over more of the fighting. He already has gone far toward achieving both these ends. He has started in some respects to de-escalate the war. And the enemy has apparently responded somewhat by reducing the level of combat activity.

If the recent lull continues, well and good. If it does not, if the enemy once again steps up the pace, the President will have some agonizingly difficult decisions to make.

STATISTICS IN PERSPECTIVE

As grim as the U.S. casualty rate is, the figures cannot be taken at face value and must be considered in perspective. In 1968, for example, according to the National Safety Council, some 55,200 Americans were killed in automobile accidents; 28,500 were killed in home accidents; 20,500 in public accidents or accidents connected with recreation, transportation (other than motor vehicles), public buildings and natural disasters; and 14,300 in industrial accidents.

More people have died on U.S. highways since 1909 than in all the wars in U.S. history. More Navy men (500), in fact, were killed world-wide in traffic deaths last year than lost their lives in Vietnam. The same is true of the Air Force, which lost 184 men in combat in Vietnam in the statistical year 20 January 1968 through 18 January 1969, but lost 414 men in traffic accidents worldwide in calendar year 1968.

Finally, thanks largely to the introduction of such items as the Medevac helicopter and the MUST (Medical Unit Self-Contained Transportable) hospital, deaths in Vietnam from all combat causes (killed in action, died of wounds, died while captured, and declared dead from a missing status) were held to a rate of 21.7 per thousand average troop strength per year, according to Army Surgeon General statistics. This compares to a rate of 43.2 for Korea, and 51.9 for the WWII European Theater of Operations, from June 1944 (D-Day) through May 1945. In addition, the Army Surgeon General also reports the medical save rate (the percentage of wounded who survive after reaching medical facilities) in Vietnam is slightly over 97.5 percent, which was the save rate recorded in Korea (the WWII rate was 95.5 percent; the WWI rate 91.9 percent). The record Vietnam medical save rate was achieved, moreover, despite the fact that, because of the rapid evacuation of wounded made possible by the increased use of helicopters, many mortally wounded personnel—who would not survive in any case—now reach hospitals alive, and are therefore counted against the medical save rate.

STATES ADVISED OF ORIGINAL ROLE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BOB WILSON. Mr. Speaker, President Nixon's approach to the governing of our Nation and his view of what Federal-State relations should be differ considerably from that of his immediate predecessors.

In the accompanying editorial, the San Diego Union comments on what it rightly calls "the President's rational approach."

[From the San Diego (Calif.) Union, Sept. 3, 1969]

PRESIDENT REVERSING POWER FLOW—STATES ADVISED OF ORIGINAL ROLE

The flow of power from the states to Washington, D.C., has been unprecedented during the decade of the 1960s.

This week President Nixon promised the governors of the United States of America, meeting at Colorado Springs, that he intends to reverse the tide.

It was a frank, realistic speech, one which chronicled the aspirations and milestones of a nation, but also was forthright in analyzing failures of the past.

Central to Mr. Nixon's presentation to stewards of the 50 state governments was the dominant theme of the new federalism, which he reiterated time and again. Washington, the President served notice, "will no longer try to go it alone. Washington will no longer dictate without consulting."

Perhaps the most startling example of what can happen if the federal government forges ahead in assumed omniscience was Mr. Nixon's reminder that we have spent the incredible sum of $250 billion in the last five years for social programs only to reap "a harvest of dissatisfaction, frustration and bitter division."

Although he has calmly presented a massive blueprint of his new federalism to Congress and the people, Mr. Nixon has deliberately avoided an all-knowing, hurried approach to solving the problems before us.

Unlike most of his predecessors during the last three decades, the President did not present a detailed laundry list of proposals to Congress during his initial days in office. He did not seek to dazzle the nation with frenzied motion and illusions of miraculous progress during his first 100 to 200 days in office.

The metier of the Nixon Administration has been careful study, thorough planning, a steady pace and an effort to re-establish credibility in government. The result has been presentation of major legislative proposals ranging from control of inflation and withdrawal from Vietnam to á crackdown on crime and tax reform. In spite of the low profile of the Nixon recommendations, he has constantly gained in public confidence.

By pulling the program together at one time for the governors, President Nixon should gain even more respect for his rational approach. The entire thrust of his new philosophy is contained in one paragraph of his speech—"As we look ahead to the '70s we can see one thing with startling clarity: there is far more to be done than any one level of government could possibly hope to do by itself. If the job is to be done, a greater part of it must be done by the states and the localities themselves, and by the people themselves."

And the obvious corollary of that concept was the President's warning that there should be no illusions that there can be fiscal rainfall from Washington to wash away the nation's ills.

This is what the President called new federalism. But, begging his pardon, we do not believe that it is entirely new.

It is the same philosophy of federalism that engrossed the Founding Fathers of our nation and the one that has served the United States of America well for nearly two centuries.

OKINAWA REVERSION POLICY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. BROWN of California. Mr. Speaker, in November, Prime Minister Sato of Japan will be here in Washington to discuss the question of Okinawa with President Nixon. The results of these meetings will have important consequences for the future relations of our two countries. If the suggestions I am about to offer are followed, I believe that the outcome could also have an important salutary effect on our overall Asian policies.

I strongly suggest that Okinawa revert back to Japanese control and that our bases there operate under the same conditions as any military base in Japan.

If Okinawa does not soon revert to the Japanese and the bases are not placed under the same status as other bases in Japan, we run the serious risk that this may significantly contribute to establishment of a Japanese Government unfriendly to the United States. Several public opinion polls note that the Japanese people very much favor altering Okinawa's present status and show overwhelming sentiments against free, unrestricted use of the American bases there. This position is mirrored by three major opposition parties and by the increasing tendency of the governing Liberal Democratic Party to seek a settlement along those lines.

The Japanese view our control of Okinawa and the presence of our bases there as a remnant of occupation. Many consider our Asian policies as Japan's chief danger and assert that our presence, far from serving to protect them, places them in peril of war and possible nuclear disaster. They have reason to fear the very existence of the bases, aside from the potential danger of being attacked, since the bases store nuclear weapons and until recently also held biological agents.

The fact that a great many Japanese do not consider us as their protectors and view our Asian containment policies as aggressive and provocative toward China and other Asian Communist countries deserves full consideration. The occupation of Okinawa is based on certain premises about the aggressive intensions of the Chinese Government. If these assumptions, which up to the present we have tended to take as given, are found to be fallacious, as I think they are, then the conclusions which follow from such assumptions may also be invalid. A number of Asian scholars have called for a complete reassessment of current American thinking: I believe the time is ripe for such evaluation. If anything, the present situation in Vietnam strongly suggests that our adventurism in that part of the world needs immediate attention.

I do not think we can blame the Japanese if they face political realities in their part of the world and wish to establish normal friendly relations with the two powerful neighbors, the Soviet Union and mainland China.

An unfortunate aspect of our recent policy toward Japan has been the U.S. Government insistence in the last few years to undo the excellent work that was done in discrediting militarism in Japan and establishing a powerful, prosperous nation. In view of Japan's past history we should not be surprised if they do not share our desire to create a large military establishment and wish to have some control over the weapons held in its territory. Yet our Government would have Japan return to its former militarism so that it could assist us in promoting what we consider to be the security interests of Asia, although Asians often do not agree.

While our Government frequently preaches self-determination, it seems deaf to the wishes of the very people it claims to support and defend. In spite of the possible ill effects to their economy, the Okinawans have shown their support last year for reversion to Japan by electing as their chief executive one who campaigned on a platform of "immediate, all-out, unconditional reversion."

Again, I repeat that I believe the most sensible thing to do is to return Okinawa to Japanese control and place American bases there under the identical arrangements as our other bases in Japan. I think we should recognize that the Japanese have a right, as any nation does, to bar nuclear weapons and to be consulted when military facilities on its territory are used for combat operations abroad. No nation can be expected to risk being involved in war, including nuclear destruction, without participation in the decisions involving its own territory.

On September 6 A. D. Horne's analysis of the Okinawan question appeared in the Washington Post, as follows:

XUM

UNITED STATES IS SEEKING ASSURANCES IT CAN USE OKINAWA AS BASE

(By A. D. Horne)

Negotiations over the return of Okinawa to Japan will reach a critical phase on Friday when Japanese Foreign Minister Kiichi Aichi visits Washington for a third round of talks with Secretary of State William P. Rogers.

The United States, diplomatic sources said in interviews last week, has offered to meet Japan's 1972 target date for reversion of Okinawa and the other Ryukyu Islands provided it can win detailed advance assurances that Okinawa's giant base complex, valued by the Pentagon at $3 billion, can continue to be used as Washington requires to meet threats to security in an arc ranging from South Korea to South Vietnam.

Japan, these sources indicated, still resists giving explicit advance assurances as part of a reversion agreement. Instead, the Japanese negotiators reportedly are stressing that Tokyo will cooperate with Washington in any emergency after reversion in applying to Okinawa the rules that now govern U.S. bases in Japan.

These rules bar the bases' use for combat unless there is "prior consultation" with Tokyo, and in effect bar the introduction of nuclear weapons.

The nuclear issue, informants said, has not yet been resolved in three months of negotiations, despite initial reports that the United States had decided to remove the weapons from Okinawa as part of reversion. One version has it that the United States now seeks Japan's advance agreement to return the nuclear weapons to the island in emergency situations after reversion, but other sources dispute this.

Officially, the United States has never acknowledged storing nuclear weapons on Okinawa. But their presence is an open secret; leftist politicians on the island reportedly even have counted 3000 warheads in a nuclear census conducted through collaborators among the 30,000 or more Okinawans employed at the U.S. bases.

Another open secret figuring in the negotiations is use of the island's Kadena Air Force Base for B–52 bombing missions against suspected enemy concentrations in South Vietnam. U.S. negotiators, according to informed sources, are asking for language in the reversion agreement that could allow the B–52 raids from the island to continue if the Vietnam war is still being fought in 1972.

The form that the reversion agreement would take is still to be decided, the sources said. With America's foreign commitments the subject of continuing controversy on Capitol Hill, the administration is said to be considering a form of agreement that would be submitted to Congress, at least for informal clearance.

Critics of U.S. military involvement overseas, such as Senate Foreign Relations Committee chairman J. W. Fulbright (D-Ark.), have been demanding a voice for the Senate in such nontreaty matters as the renewal of the 1952 bases agreement with Spain and the status of the 1965 military contingency arrangement with Thailand.

In recognition of the Thai and other commitments controversies here, informants said, both governments are ruling out any secret agreement or "contingency plan" as part of the reversion arrangements.

But the domestic opposition to Okinawa reversion is likely to come from more hawkish quarters. Sen. Harry F. Byrd Jr. (D-Va.) attacked reversion in a Senate speech just before Aichi's arrival for the opening round of negotiations at the start of June. And Senate Minority Leader Everett M. Dirksen (R.-Ill.) used his syndicated newspaper column in mid-August to argue that the island "is now owned by the U.S. by right of conquest" and that "to dilute our control of Okinawa in any way whatsoever might be very inimical to American security."

Japan, informants said, has promised to expand its "self-defense forces"—a euphemism used because the postwar constitution bars Japan's rearmament—to protect Okinawa after reversion. Japanese negotiators, these sources said, have suggested that the United States then could send home that portion of its 40,000-man force assigned to the island's defense. The Pentagon, however, is said to reject this, arguing that all troops on the island are there for regional, not local, defense.

Since the second round of talks between Rogers and Aichi in Tokyo at the end of July, discussions have continued there between Japanese Foreign Ministry officials and the U.S. team whose key member is National Security Council staffer Richard L. Sneider, technically a temporary "senior adviser" to U.S. Ambassador Armin H. Meyer.

These talks, the sources said, have focused on details of the reversion arrangements. One of the issues raised by Sneider, for instance, is the future of a Voice of America transmitter on the island that broadcasts to the Chinese mainland less than 400 miles away.

Most of the other details now under discussion in Tokyo involve money—primarily, the balance of payments effects of reversion, and the financial arrangements for transferring to Japanese ownership the public facilities built for Okinawa by the United States since 1945.

The Treasury has sent experts to the island to survey the balance of payments problem. These include conversion of the Ryukyuan currency from dollars to Japanese yen—the Japanese estimate of money in circulation on Okinawa is $500 million.

The United States seeks, and probably will get, a guarantee that reversion will not add to the U.S. balance of payments deficit. As part of the bargain, the American negotiators want Japan to assume the debts of the waterworks, sewage system and other U.S.-built utilities on the island.

Before World War II, Okinawa was among the poorest prefectures of Japan. Its economic prospects for reversion are not bright, even if the U.S. bases continue to pour an estimated $260 million a year into the economy. The main crops—sugar and pineapples—are heavily subsidized by Japan.

Now, however, there are plans to make economic use of the island's strategic location and of the harbors and air strips built by the United States. One idea advanced by Japanese businessmen is for an Okinawa free trade zone, where travelers could purchase goods duty-free as they now do in Hong Kong.

The separate proposal, made this summer by a Tokyo consulting firm under contract to the Japanese government, is for development of Okinawa as an oil refining center for all Japan. Standard Oil of New Jersey already plans to build a $55 million, 80,000-barrel-a-day refinery on the island, and Gulf Oil is building a $39 million crude oil terminal on a nearby islet as a central storage and shipping point for East Asia markets. At least two other U.S. firms seek licenses to build refineries.

All this crude oil would come to Okinawa from Middle East sources. Last week, however, Japanese geologists reported discovery of a huge underwater oil field in the East China Sea near the southernmost Ryukyus group, the Senkaku Islands, about 100 miles from Taiwan. Development of these oil deposits, with reversion of the Ryukyus, could dramatically alter Japan's present role as a $1 billion-a-year importer of oil.

SENATE—*Friday, September 12, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the President pro tempore.

The Reverend George R. Davis, D.D., minister, the National City Christian Church, Washington, D.C., offered the following prayer:

Eternal Father, strong to save, we would not cross over the threshold of any human experience, without the recognition of Your existence, power, and presence. You are invisible but real, quiet but powerful, humble but in command of the universe and of history. In our prayers especially now we would remember those who labor in these historic Chambers for the welfare of our Nation, and the world. Grant them strength for their labors, inspiration for their souls, comfort in times of stress, and freedom from a sense of futility. We still believe with all our hearts in the glorious origin, purposes, and dreams of this Nation. Grant us not to falter, and not to fail, as we press onward toward a shining goal, in the name of Him who is the Wonderful Counselor, the Mighty God, the Everlasting Father, the Prince of Peace. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 10, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON SPECIAL PROJECT GRANTS FOR THE HEALTH OF SCHOOL AND PRESCHOOL CHILDREN—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I transmit herewith the report on the Special Project Grants for the Health of School and Preschool Children, as provided for in P.L. 89–97, Title II, Sec. 206. This report concerns Sec. 532 of the Social Security Act (subsequently redesignated as Sec. 509) which authorizes a program of project grants to assist communities in providing comprehensive care for children living in areas with concentrations of low income families.

Richard Nixon.

The White House, *September 12, 1969.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 614) authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week," and it was signed by the President pro tempore.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the consideration of the nominations on the Executive Calendar, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PROVISION FOR LOANS TO INDIAN TRIBES AND TRIBAL CORPORATIONS AND FOR OTHER PURPOSES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 387, S. 227.

The PRESIDENT pro tempore. The bill will be stated by title.

The Legislative Clerk. A bill (S. 227) to provide for loans to Indian tribes and tribal corporations, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, line 2, after the word "loans", strike out "will be subject to the interest rate provisions of section 307(a) of said Act as now or hereafter amended, and"; and on page 3, after line 2, strike out:

Sec. 5. The Secretary of Agriculture is authorized to make such rules and regulations, prescribe the terms and conditions for making loans and for taking security instruments and agreements, and to make such delegations of authority as he deems necessary to carry out this Act.

And, in lieu thereof, insert:

Sec. 5. Loans made pursuant to this Act will be subject to the interest rate provisions of section 307(a) of the Consolidated Farmers Home Administration Act of 1961, as amended, and to the provisions of subtitle D of that Act except sections 340, 341, 342, and 343 thereof: *Provided*, That section 334 thereof shall not be construed to subject to taxation any lands or interests therein while they are held by an Indian tribe or tribal corporation or by the United States in trust for such tribe or tribal corporation pursuant to this Act.

So as to make the bill read:

S. 227

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to make loans from the Farmers Home Administration Direct Loan Account created by section 338(c) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1988(c)), to any Indian tribe recognized by the Secretary of the Interior or tribal corporation established pursuant to the Indian Reorganization Act (25 U.S.C. 477), which does not have adequate uncommitted funds, to acquire lands or interests therein within the tribe's reservation as determined by the Secretary of the Interior for use of the tribe or its members. Such loans shall be limited to such Indian tribes or tribal corporations as have reasonable prospects of success in their proposed operations and as are unable to obtain sufficient credit elsewhere at reasonable rates and terms to finance the purposes authorized in this Act.

Sec. 2. Title to land acquired by a tribe or tribal corporation with a loan made pursuant to this Act may, with the approval of the Secretary of the Interior, be taken by the United States in trust for the tribe or tribal corporation.

Sec. 3. A tribe or tribal corporation to which a loan is made pursuant to this Act (1) may waive in writing any immunity from suit or liability which it may possess, (2) may mortgage or otherwise hypothecate trust or restricted property if (a) authorized by its constitution or charter or by a tribal referendum, and (b) approved by the Secretary of the Interior, and (3) shall comply with rules and regulations prescribed by the Secretary of Agriculture in connection with such loans.

Sec. 4. Trust or restricted tribal or tribal corporation property mortgaged pusuant to this Act shall be subject to foreclosure and sale or conveyance in lieu of foreclosure, free of such trust or restrictions, in accordance with the laws of the State in which the property is located.

Sec. 5. Loans made pursuant to this Act will be subject to the interest rate provisions of section 307(a) of the Consolidated Farmers Home Administration Act of 1961, as amended, and to the provisions of subtitle D of that Act except sections 340, 341, 342, and 343 thereof: *Provided*, That section 334 thereof shall not be construed to subject to taxation any lands or interests therein while they are held by an Indian tribe or tribal corporation or by the United States in trust for such tribe or tribal corporation pursuant to this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–393), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 227 is to authorize the Secretary of Agriculture, through the Farmers Home Administration, to make loans to any Indian tribe or tribal corporation for the purpose of acquiring lands within the tribe's reservation.

NEED

The provisions of the bill will be of assistance to tribes and to individual Indians in three main ways. First, it will provide authority for the Farmers Home Administration to make loans to tribes to enable them to purchase some lands which are in multiple ownership status, and thus to help solve the Indian heirship land problem. There are now over 11 million acres of trust or restricted land in individual ownership. It is estimated that between 60 and 70 percent of this land is owned by more than one person as tenants in common. Although the availability of loans is not the complete answer to the Indian heirship land problem, loans will be of assistance in some instances.

Second, individually owned trust or restricted land is passing out of Indian ownership at a rapid rate. Tribes are becoming increasingly concerned with the erosion of the Indian land base. Loans will enable tribes that are without funds to purchase such lands when offered for sale.

Third, tribes sometimes need to purchase non-Indian owned land and block it out for Indian use. The availability of loans will enable them to do so.

The scope of the need of financing for land purchases is indicated by the fact that as of June 1, 1969, tribes had indicated that they need nearly $121 million for tribal land purchases. Tribes are using their own funds to the extent available for this purpose, but in most instances they do have adequate available funds. The revolving fund of the Bureau of Indian Affairs from which loans for tribal land purchases may be made is presently overcommitted. Loans from banks or other customary lenders are generally unavailable because of the inability of most tribes to mortgage or otherwise encumber tribally owned land as security. Even the land purchased with a loan cannot be given as security if title thereto is taken in the name of the United States in trust for the tribe, in most instances. The inability of tribes to sue or to be sued also is a deterrent. The proposed bill will eliminate these constraints insofar as loans by the Farmers Home Administration are concerned.

The committee believes the enactment of S. 227 will provide Indian tribes with an added source of credit, and help them to meet some of their present needs for land financing.

AMENDMENTS

The Departments of the Interior and Agriculture have suggested several clarifying amendments which have been incorporated into the bill.

The Department of Agriculture states in its report that—

With a loan program in the neighborhood of $25 million for purposes contained in this bill, it is estimated that an additional expenditure of $250,000 annually will be required for Farmers Home Administration salaries and administrative expenses.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

UNITED STATES MADE ERROR IN SIDING WITH FRANCE IN VIETNAM

Mr. SYMINGTON. Mr. President, one of the more thoughtful summaries of this Vietnam involvement is contained in a signed editorial by John S. Knight of the Knight newspapers in his Editor's Notebook of September 7. It is entitled "United States Made Error in Siding With France in Vietnam," and I believe it would be of interest to other Members of the Senate. Therefore, I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNITED STATES MADE ERROR IN SIDING WITH FRANCE IN VIETNAM

The death of Ho Chi Minh, 79-year-old president of North Vietnam, marks a milestone in the history of the Indochina peninsula which once comprised all of Vietnam, Laos and Cambodia.

It was Ho's dream of a united Vietnam which inspired his followers to crush French colonialism at Dienbienphu in 1954. It was Ho's bitterness, following United States support of the hated French after World War II, that led him to persist in the struggle for total unification.

Lest there be any misunderstanding Ho Chi Minh was a dedicated communist trained in Moscow. But he was likewise a confirmed nationalist who roused his people with the cry for independence of his homeland.

In his youth, this ruthless, intelligent and resourceful man was impressed by President Woordow Wilson's 14 Points as enunciated at Versailles. He sought unsuccessfully to petition the Versailles conference for similar guarantees of these freedoms in Vietnam.

When spurned, Ho turned to communism as the only effective way to gain his objectives.

Ho Chi Minh's further frustration came in 1946 when the French reneged on an agreement to permit the Democratic Republic of Vietnam to become part of the French Union as a free state within the Indochina federation.

Ho had been recognized by the French as chief of state and was promised a plebiscite in the south on the question of a unified Vietnam under his leadership.

France's repudiation of this agreement brought on a seven-year war with Ho's guerillas controlling the jungles and villages as the French held the cities.

Ho Chi Minh's forces, under the leadership of Gen. Giap, finally brought down the French in 1954 following the long siege of Dienbienphu. Until this victory, Ho had received no official diplomatic recognition from either Communist China or the Soviet Union.

When the war officially ended in July of 1954, the French had suffered 172,000 casualties and Ho's Vietminh an estimated 500,000.

The cease-fire accord signed at Geneva on July 20 divided Vietnam at the 17th Parallel, creating a North and South Vietnam. French administration was removed from the peninsula and elections were promised for all Vietnam as a means of unifying the country.

Although a party to the Geneva Accord, the United States declined to sign it. South Vietnam, also a non-signatory, refused to hold the elections. It was Gen. Eisenhower's opinion at the time that if elections had been held Ho Chi Minh would have received about 80 percent of the vote.

It was for this reason that Ho Chi Minh has been accurately described as the "only authentic national hero in Vietnam."

In my judgment, the United States made a lamentable mistake in appraising the Vietnam situation following World War II.

Ho Chi Minh had been a collaborator with American O.S.S. agents during the Japanese occupation of Vietnam. He hoped, and with some cause, that the Americans might support the cause of Vietnamese independence after the Japanese defeat.

Before his death in early 1945, Franklin D. Roosevelt had declared his distaste of colonialism and remarked that Vietnam must never be returned to the French.

Yet the United States sided with the French and supported return of their colonial power to Indochina. At that time, popular opinion in this country was imbued by the fear of a monolithic communism which might one day dominate the world.

So we cast aside all Vietnam's nationalistic aspirations for independence and fostered French colonialism in the misguided belief that support of France provided the best insurance policy against the spread of communism.

We had learned nothing from the French fiasco, and even less about the impossibility of shooting down either nationalism or communism with superior firepower.

And that, ladies and gentlemen, is why we are today in Vietnam—uncertain, bewildered, boastfully reciting the huge enemy casualties one day and pleading in Paris with North Vietnam for peace on the next.

At this time, no one can be sure whether the passing of Ho Chi Minh will raise or diminish our hopes for an end to the fighting.

This will largely depend upon Ho's successors, all tough and seasoned disciples of their fallen leader's philosophy. Will they become even more truculent, or perhaps see some merit in a cease-fire arrangement which would provide more time for regrouping and long range decisions?

Or, as columnist Joseph Kraft suggests, is Hanoi's timetable in the war now subject to change and its relations with Peking and Moscow open to adjustment?

As Kraft mentions, "The unification of Vietnam was a supreme personal mission with Ho—a fixed and unchangeable goal. He bowed neither to China nor Russia . . . but exploited tension between them to his own advantage."

With Ho gone, the impression persists that North Vietnam's new leadership may lack the old man's tenacity of purpose and even find it to their advantage to become less dogmatic at the Paris peace table.

After a proper interval, President Nixon should take the initiative.

To use his phrase, the President must make it "quite clear" that the United States will settle for a cease-fire, continue to make modest troop withdrawals as an indication of peaceful intent but under no circumstances agree to the dismemberment of its military power or appear to be ignominiously suing for peace.

This is not the hour to make threats, belabor the past and snarl over trivia.

Rather we should be generous in our proposals and seek a workable compromise which may not satisfy the hard liners on either side.

Of prime importance is to devise a way to bring the fighting to an end as we, together with other nations, strive for solutions which can alleviate world tensions and bring to all of Vietnam the democratic processes so essential to the welfare and progress of the beleaguered land.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "Department of State."

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, as requested by the Senator from Montana.

DEPARTMENT OF STATE

The bill clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. REPRESENTATIVES

The bill clerk proceeded to read sundry nominations of Representatives of the United States to the 24th session of the General Assembly of the United Nations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed en bloc.

U.S. MARSHAL

The bill clerk read the nomination of Leonard E. Alderson, of Wisconsin, to be U.S. marshal for the western district of Wisconsin.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. CIRCUIT JUDGES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nominations of U.S. circuit judges.

The PRESIDENT pro tempore. The clerk will report the nominations of U.S. circuit judges on the calendar.

The bill clerk proceeded to read the nominations of U.S. circuit judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. The nominations will be considered en bloc.

Mr. SCOTT. Mr. President, the Senator from Hawaii wishes to be heard on the nominations.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Hawaii.

Mr. FONG. Mr. President, I rise to speak on the confirmation of the nomination of three persons nominated by the President to serve on the Ninth Circuit Court of Appeals: John F. Kilkenny of Oregon; Ozell M. Trask of Arizona; and Eugene A. Wright of Washington.

The Senate Judiciary Committee, on which I serve, has examined their back-

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ground, experience, and qualifications and has concluded all three merit confirmation by the Senate.

On the question of recommending approval of the three nominees en bloc, the committee vote was a 6-to-6 tie until after absent members were polled, at which time the vote was 9 to 7 to send the nominations to the Senate for confirmation.

While I voted against sending the nominations to the Senate at this time, my vote should not be construed as a vote against the nominees. This was the only way available to me to protest the failure to name someone from the State of Hawaii to fill one of the three vacancies.

Neither should the statement I am about to make be construed as criticism of any one of the three nominees. While I do not know them personally, they come highly recommended.

Nevertheless, I would be remiss in my duty to my State of Hawaii if I did not use this occasion to enter my protest at the bypassing of Hawaii in filling the three existing vacancies on the Ninth Circuit Court of Appeals.

There are nine States plus the territory of Guam within the ninth circuit. Of the nine States, California is represented on the bench by five judges and Arizona, Idaho, Montana, Nevada, and Washington by one judge each. Of the nine States, only Alaska, Hawaii, and Oregon are not represented on the Ninth Circuit Court. The territory of Guam is also not represented.

The pending nominations would give Oregon one judge; Arizona and Washington would each receive a second judge.

Hawaii would still not be represented. Neither would Alaska nor the territory of Guam.

To understand Hawaii's equitable claim to a seat on the Ninth Circuit Court, it is necessary to review a bit of history. Hawaii had been a territory of the United States for 60 years before attaining statehood. As a territory, there were many Federal laws and many Federal programs that did not apply to Hawaii. Once Hawaii became a State, there was a lot of "catching up" to be done so that Hawaii could approach parity with her sister States.

In the case of the Ninth Circuit Court, Hawaii had never been represented on that bench, although we were covered by that circuit. In order to give Hawaii an opportunity for representation and to help cope with the mushrooming caseload of the ninth circuit, 2 years ago, on August 2, 1967, I introduced a bill—S. 2201—to increase the Ninth Circuit Court judgeships by four members, to a total of 13.

My proposal, cosponsored by 17 other Senators was later incorporated as part of S. 2349, which increased the number of judgeships in various circuits and which became Public Law 90–347 on June 18, 1968.

One of the four new judgeships for the ninth circuit was filled by President Johnson, leaving three vacancies to be filled by the new administration taking office January 20, 1969.

On January 29, just 9 days after the new administration came into office, the Committee on the Judiciary held hearings on a number of nominations, including that of Mr. Richard G. Kleindienst to be Deputy Attorney General of the United States. As a member of the Judiciary Committee, I attended the hearings and questioned witnesses. I referred to Mr. Kleindienst's forthcoming duty of recommending candidates for Federal judgeships. I asked Mr. Kleindienst the following question with reference to the three vacancies on the Ninth Circuit Court:

> Do you feel, as a recommending authority, that geographic diversity should be one of the factors in your recommendation for nominees to the Ninth Circuit Court?

Mr. Kleindienst replied as follows:

> Senator, I think it should be one of the factors. There are several others that you have to take into consideration, it seems. That is the number of cases that on a percentage basis or a proportionate basis go to the court; also, the population.

Then he went on to say;

> But certainly, to the extent possible, giving every State within the circuit, regardless of the circuit, a voice in that court should be one of the considerations, yes, sir.

Then I said:

> I am very grateful for your answer, because I feel that Hawaii should have some representation on the Ninth Circuit, there being 13 judges and nine States represented.

To which Mr. Kleindienst replied:

> It should.

The fact that Hawaii has never been represented on the Ninth Circuit Court and the testimony of Mr. Kleindienst that Hawaii should be represented on this court are compelling reasons why I believe that Hawaii is entitled to one of the three vacancies.

In addition, Mr. Kleindienst agreed that geographic diversity is one of the factors to be considered. Hawaii is America's only mid-Pacific State, with a history far different from any of the other States in the ninth circuit. On the basis of geography, I believe Hawaii is entitled to a ninth circuit judgeship.

Mr. Kleindienst noted two other factors to be considered, population and the number of cases a State generates for consideration by the Ninth Circuit Court.

In regard to population, according to U.S. Census estimates as of January 1 this year, Hawaii has a population greater than three other States which already have judges on the Ninth Circuit Court. Hawaii's population of 775,000 is greater than Idaho's population of 702,000. It is greater than Montana's population of 700,000. It is greater than Nevada's population of 465,000. These three States have one judge each now sitting on the Ninth Circuit Court.

In addition to the three States in the ninth circuit which already have judges on the court, there are four other States smaller than Hawaii which are represented on their respective circuit courts: North Dakota with 633,000 population; Delaware with 533,000; Vermont with 417,000; and Wyoming with 314,000. Nationwide, of the nine States with smaller populations than Hawaii, seven already are represented on their respective circuit courts.

Of the 10 smallest States, only Hawaii with its 775,000 people; South Dakota with its 670,000 people; and Alaska with its 281,000 people will not have representation in their respective circuit court of appeals.

In terms of cases generated for the Ninth Circuit Court, in fiscal year 1968, the latest year for which I was able to obtain figures, Hawaii generated 17 cases, 1.43 percent of the total number. This was the identical number—17—generated by Idaho which already has a judge on the Ninth Circuit Court. Montana, which also has a ninth circuit judge, generated only two more cases than Hawaii, representing 1.60 percent of the entire ninth circuit caseload. Nevada generated 4.14 percent of the caseload.

To sum up, in terms of population, Hawaii ranks above three States which already have representation on the Ninth Circuit Court. In terms of caseload, Hawaii is on a par with one State which already has a ninth circuit judge and is only two cases behind a second State already represented on the court.

Based on the facts I have already mentioned, based on the testimony of Mr. Kleindienst, based upon my activity in in initiating the measure increasing the ninth circuit judgeships by four, as senior Senator from Hawaii I believe I was amply justified in pressing Hawaii's entitlement to a seat on the Ninth Circuit Court. Therefore, I suggested the name of an eminently qualified Federal district court judge in Hawaii, C. Nils Tavores, for a seat on the ninth circuit appellate bench.

Hawaii has a strong entitlement to representation on the Ninth Circuit Court so as to bring about geographical balance, so as to conform with the principle of minimal representation to give each State a voice in its circuit court, and so as to recognize population, caseload, and the unique cultural and historical traditions of Hawaii.

On the ground of equity, fairness, justice, consistency with America's democratic principles, and comity among sovereign States, I have labored in behalf of a Ninth Circuit Court judgeship for Hawaii. As none of the pending nominees is from Hawaii, I shall continue to press Hawaii's just claim whenever the next vacancy in the ninth circuit occurs.

In the meantime, I have no desire to delay Senate action on these nominations. Nor shall I call for a rollcall vote.

I extend every good wish to Judge Kilkenny, Mr. Trask, and Judge Wright as they embark on their new duties, and I congratulate them on the high honor the President bestowed on them by naming them to these judicial posts. I am confident the Senate will similarly honor them by confirming their nominations today.

I simply want the RECORD to show that Hawaii has an excellent claim to a seat on the Ninth Circuit Court. I hope and trust one of Hawaii's qualified jurists, of which we have many, will be named to the next vacancy that occurs in the Ninth Circuit Court of Appeals.

The **PRESIDENT** pro tempore. The question is on agreeing to the confirmation of the nominations en bloc (putting the question).

The nominations are confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of the nominations.

The **PRESIDENT** pro tempore. Without objection, the President will be notified on the confirmation of the nominations today.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

RESTORATION OF THE GOLDEN EAGLE PROGRAM TO THE LAND AND WATER CONSERVATION FUND ACT

Mr. HARRIS. Mr. President, I enter a motion to reconsider the vote by which S. 2315, to restore the golden eagle program to the Land and Water Conservation Fund Act, was passed.

The **ACTING PRESIDENT** pro tempore. The bill will be stated by title.

The **LEGISLATIVE CLERK.** A bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Fund Act.

The **ACTING PRESIDENT** pro tempore. The motion will be entered.

Mr. HARRIS. Mr. President, I move that the Secretary of the Senate be authorized to request the House to return to the Senate the papers on S. 2315.

The **ACTING PRESIDENT** pro tempore. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to.

ADMINISTRATION SHOULD INVESTIGATE BIG GM AUTO PRICE HIKE

Mr. PROXMIRE. Mr. President, General Motors has just announced the biggest automobile price increase in many, many years. It is clearly inflationary.

It is imperative that the administration act and act at once to investigate whether or not it is justified. If the increase is not justified, the administration ought to use its full power to persuade General Motors to rescind this increase.

I call this matter to the attention of the Senate today because the administration should not turn its back, shut its eyes, and allow this one to pass as it did when the steel industry increased its prices a few months ago.

At that time the staff of the Joint Economic Committee tried repeatedly to determine what the administration and specifically the Council of Economic Advisers would find in determining the justification of that price increase.

The Council was as silent as a sphinx. I tried but I was unable to secure information from any administrative agency as to the justification of that inflationary steel increase.

Let me make my position clear, Mr. President, I do not at the present time call for a rollback in the General Motors price increase. I will certainly call for a rollback if an investigation shows that the price increase cannot be justified by cost increases.

What the American consumer is clearly entitled to from its Government is a prompt and thorough investigation to determine whether this price increase is necessary.

If the price increase cannot be justified, then by all means the administration should fight to roll it back.

It is no secret that the automobile industry is dominated by three giants who altogether can determine the price level of the industry. The biggest by far, with about half of all the Nation's auto production, is General Motors.

As the New York Times reported this morning, General Motors sets the industry price pattern. The notion that there is competition and that competition can be relied upon is as naive as believing in Santa Claus and Rudolph the red-nosed reindeer. If the administration means what it says in its opposition to inflation, it will act and act fast.

It is very revealing that at a press conference yesterday Mr. James Roche, chairman of General Motors, said:

> A year ago when G.M. increased its prices half as much, G.M. officials flew to Washington and explained to the Johnson Administration why they had to make the increase. This year, Nixon Administration officials neither asked for not received any prior information.

If we are to be able to battle inflation it is not enough to have monetary and fiscal policies to accomplish this. We live in a period in which we have imperfect competition, and it is necessary when we have gigantic corporations for the administration at least to give us the information so that we can make a public judgment on it.

THE NEW YORK TIMES AND FREEDOM OF THE PRESS

Mr. ERVIN. Mr. President, on Friday morning, August 29, 1969, there appeared on the editorial pages of the New York Times a most extraordinary statement of the future position of that newspaper on cigarette advertising.

The lack of logic, the selfishness, and the economic effect of the Times proposal on less opulent newspapers throughout the land raise important policy and serious constitutional questions.

To bring them into sharp focus, let us review the present situation. At this time, a committee of the Senate is intensively engaged in considering what should be congressional policy with respect to the controversial and complicated questions about smoking and health.

Those questions are of major importance not only to tobacco-growing States but also to the public at large, to every State and municipality dependent in part on tobacco taxes, to the Federal Government, and as to advertising of concern to every newspaper and periodical throughout the Nation.

So far as I know, there is almost complete unanimity in both Houses of Congress that the resolution of those national questions must rest with Congress and not be parceled out for different, piecemeal, and, in many instances wholly unauthorized, control by Federal administrative agencies. With so many national and local interests concerned, Congress, and Congress alone, must deal with those issues.

After weeks of committee hearings and deliberation, the House last July passed a bill, H.R. 6543, reflecting its views as to how those important questions should be resolved by Congress.

In that measure, the House Committee on Interstate and Foreign Commerce, after hearing both sides of the scientific arguments and after distilling hard facts from much overzealous propaganda and exaggeration, concluded that "nothing new has been determined with respect to the relationship between cigarette smoking and human health" since the hearings in 1964 and 1965, and the congressional action at that time. Accordingly, it determined that the continuation of a caution notice on each package of cigarettes would be appropriate.

To prevent obvious chaos and confusion through a multiplicity of differing State and local regulations, the House bill continued the preemption of additional State or local government labeling or advertising requirements relating to smoking and health.

It plainly forbade both the Federal Communications Commission and the Federal Trade Commission from pursuing their across-the-board and broadax proposed rulemaking controls.

As further evidence of the congressional desire to retain its overall authority in these areas, the House further provided that certain Federal agencies should file annual reports to keep the Congress informed.

Everyone is by now also aware that following that action by the House, the broadcasting industry announced through the National Association of Broadcasters that it would, over a 4-year period, curtail and then eliminate all broadcast advertising of cigarettes.

On its part, the cigarette industry on July 22 undertook before the Senate committee to discontinue all radio and television advertising of cigarettes by September 1970, when existing contracts expire, and even earlier by December 31 of this year if the broadcasting industry would uniformly relieve them of their continuing contracts.

Not unnaturally, the cigarette industry asked, and no objection could reasonably be made, for an exemption from antitrust prosecution or lawsuits for their intended agreement to discontinue TV and radio broadcasting.

There also appears to be little disa-

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greement with the House bill position that these national issues should be resolved by Congress and that different or conflicting State or local regulations should be foreclosed.

What remains is the insistence by some that, with all radio and television advertising of cigarettes discontinued, there should nevertheless be required in every cigarette advertisement in any newspaper or periodical, a caution notice about the use of the product being advertised.

On that question the Federal Trade Commission, which had been insisting that it be permitted to promulgate an across-the-board requirement for a caution notice in all advertising, announced to the Senate Committee that under these new conditions it would not proceed with its proposed regulation until July 1971.

In this state of affairs the New York Times, one of the wealthiest, and, in some respects monopolistic, newspapers, editorially advances its own ideas.

Because the positions the Times urges are unfounded in fact, would, if pursued, measurably affect the financial position if not in many cases the economic survival, of other newspapers—and would indeed raise substantial questions under the first amendment protecting the freedom of the press—I feel impelled to call to the attention of the Senate both these factual fallacies and legal questions.

To begin with, the Times suggests that whatever is appropriate policy for broadcasting should be equally appropriate for newspapers and periodicals. Strangely, for a newspaper that has been in the forefront of the battle to maintain complete freedom of an independent press, the Times attempts to throw doubt on the existence of any distinction between federally licensed broadcasting and the constitutionally protected prohibition of any prior restraint upon the unlicensed press.

As the Times puts it, the well-recognized differences are merely "contentions" that—

> The immediacy of TV in its impact on youth, plus its status as a regulated industry operating under Federal license, makes special treatment appropriate.

A more disingenuous position can hardly be imagined. It should suffice for me to quote an outstanding opinion of the then Judge, now Chief Justice, Warren Burger 2 years ago in the United Church of Christ case, in which he observed:

> A broadcaster seeks and is granted the free and exclusive use of a limited and valuable part of the public domain; when he accepts that franchise it is burdened by enforceable public obligations. A newspaper can be operated at the whim or caprice of its owners; a broadcast station cannot.

Television engages both the eye and the ear. Its attraction for youth, its appeal to those who elect not to read but merely to look and listen, requires no elaboration. It is as different from newspaper reading or periodical perusal as night and day.

On the other hand, the New York Times asserts that—

> So long as cigarette sales remain legal, however, it would be contradictory to impose a ban on all sales promotion.

Recalling the Nation's dismal experience with prohibition, it opposes a total ban on the manufacture or sale of cigarettes.

Nevertheless, the Times announces that it will accept cigarette advertisements only if they contain the caution notice now required on the cigarette package, and in addition include a disclosure of the tar and nicotine in cigarette smoke.

It suggests to the Congress that it require by law like action by every other newspaper, periodical, and print media.

Mr. President, whatever the New York Times decides as a matter of policy it wishes to do about advertising does not concern me. A newspaper is neither a common carrier nor a public utility. It may do whatever it can afford to do and continue publication. That is the essence of a free press which is vital in a democracy.

But what a financially strong, metropolitan newspaper may find is possible to do may not be available to every other newspaper and periodical in this country.

As J. Russell Wiggins, the former distinguished editor of the Washington Post, has pointed out, the demise of newspapers in this country during the past few decades has been striking and alarming. Many American cities have become one-newspaper towns. In the few decades between 1910 and 1954, the number of daily newspapers in the United States decreased by over a quarter. The number of cities with competing daily newspapers declined from 689 to only 87. Many States are now without any locally competing daily newspapers.

Nor need anyone be forgetful of the number of famous and long-established national periodicals which have perished because of increasing costs and diminishing advertising revenues.

Anyone desiring the continuance of a healthy and courageous free press must, therefore, understand the implications of what is here in question.

No manufacturer selling any legal produce will continue to advertise if he is required by law to disparage his own produce in every advertisement. Though the New York Times professes to abhor any ban on the sales promotion or advertising of a lawful product, it necessarily must be aware of those facts of commercial life.

And despite its pious expressions of interest in the questions about smoking and health, the Times is plainly aware that no advertisement it accepts expresses, or is intended to express, the views of its editors. In its brief in the famous Sullivan case, the New York Times itself asserted:

> The publication of an advertisement does not constitute a factual news report by the Times nor does it reflect the judgment or the opinion of the editors of the Times.

Even more, in that famous litigation, the Times confirmed the rule that the free speech and free press protections of the first and 14th amendments extends to advertising. *New York Times Co.* v. *Sullivan*, 376 U.S. 254 (1964). Other key discussions are found in *Smith* v. *California*, 361 U.S. 147 (1959) and *Time, Inc.* v. *Hill*, 385 U.S. 374 (1967).

We are not here concerned with the scope of the first amendment's applicability to radio and television, a question recently discussed by the Supreme Court in another context in the case of *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969, where the Court recognized that in some instances it would protect even that federally licensed activity.

We are concerned here with the printed media, the metropolitan and rural newspapers, the farm journals, and all other magazines. In other words, with the "press" in its traditional and clearest form.

Nor is there involved the existing and clear statutes prohibiting any false or misleading advertisements, whether in the form of health claims which cigarette advertisements do not make, or with the advertising of illegal or contraband products such as narcotics or illicit drugs.

What we are dealing with are proposals that each and every advertisement of a legal product, no matter what it says or to whom it is addressed, should be required by an across-the-board law or regulation to carry a caution notice.

Plainly, that would be nothing less than an effort by the Government to impose a condition on the right of the manufacturer truthfully to communicate with the buying public by means of a public press. That is not a minor or insignificant restriction. It is a requirement that a person must say something that he does not want to say.

As the Supreme Court made clear in the "flag salute" decision a quarter of a century ago, the first amendment protects not only against any effort by the Government to ban "speech" but also against governmental dictation of what must be said.

We cannot blind ourselves to the practical and constitutional problems that emerge. The curtailment of cigarette advertising would have a substantial impact on the revenues of all newspapers or periodicals that are not in the happy fiscal position of the New York Times. That these are substantial first amendment problems was indicated by the Supreme Court in *Grosjean* v. *American Press Company*, 297 U.S. 233 (1936) more than 3 decades ago. There the Court invalidated, under the first amendment, a State tax on newspaper advertising revenue. In doing so, it stated that "to curtail the amount of revenue realized from advertising" would destroy what was essential to the survival of the newspaper.

Whether applied directly or indirectly, anything that affects the sustenance of the press thus raises an issue of constitutional importance.

Despite what the New York Times finds that it can do, I am hopeful that the Congress will make clear its concern in these areas by once again foreclosing any effort, State or Federal, to restrict or qualify, and thus to ban, the truthful advertising of any lawful product.

In my own view, the Federal Trade Commission had never been given, indeed had been denied, the authority to issue across-the-board rules or regulations dealing with advertising in general. It does not have power to legislate.

The Commission of course has the authority under its statute, and the specific authority delegated to it by Congress, to proceed against any particular advertisements which it charges make a false or deceptive claim about any product characteristic or any unfounded health claim. It is authorized to issue a complaint, to hold a trial, and if the charges are proved to issue a cease-and-desist order against such false or deceptive advertising.

I recognize that last July the Federal Trade Commission announced that if cigarette advertising should be removed from the broadcast media, the Commission would be disposed to suspend until July 1971 its present across-the-board proposed regulation, to include a caution notice in all print advertising.

But in view of the national importance of these issues, Congress should not leave the Commission at large to act or not to act as it may elect in the future, with or without congressional sanction, in an area so vital to all newspapers and periodicals and inescapably involving these substantial constitutional questions.

Mr. President, I ask unanimous consent to have printed in the RECORD the New York Times editorial to which I have referred.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CIGARETTES AND ADVERTISING

The major television and radio networks, under heavy pressure from a Senate Commerce subcommittee to stop broadcasting cigarette advertising by the end of this year, have rightly raised the question of why any Government-fostered policy in this field should not apply equally to all communications media.

We share the belief that public policy in this field ought to be uniform, even though some might contend that the immediacy of TV in its impact on youth, plus its status as a regulated industry operating under Federal license, makes special treatment appropriate.

This newspaper has repeatedly set forth its conviction that the medical case on the perils of cigarette smoking has been proved. We favor a legal requirement that every package of cigarettes and every cigarette advertisement carry a strong, explicit and clearly visible warning of the health hazards found in exhaustive studies by the Public Health Service and other impartial research bodies—a much stronger warning than the inadequate one now required only on packs.

So long as cigarette sales remain legal, however, it would be contradictory to impose a ban on all sales promotion. We at The New York Times have always felt an obligation to keep our advertising columns open to all comers, refusing ads only on the grounds of fraud or deception, vulgarity or obscenity and incitement to lawbreaking or to racial or religious hatred. In pursuit of that policy, The Times has printed many advertisements setting forth ideas we abhor but feel no right to censor.

We recognize that, on purely health grounds, an argument can be made for outlawing cigarette sales altogether, in which event any advertising would be out of order. However, the nation's dismal experience four decades ago with the Volstead Act prohibiting the sale of alcoholic beverages rules out optimism that a constructive purpose would be served by a comparable statutory prohibition on cigarettes. On the contrary, the probability is that it would merely spawn more law-defiance and a host of tributary evils.

Until Congress decides a total ban is both necessary and enforceable, adults who have been thoroughly informed on the dangers in smoking are entitled to decide for themselves whether they want to accept those risks. The important thing is that, in making that decision, they should know that the price may be disease or early death.

In line with these beliefs and in advance of the steps we hope Congress will take to establish tighter health safeguards by law, The Times is taking voluntary action to insure that a health warning accompanies any cigarette advertisements it carries. Effective Jan. 1, 1970, this newspaper will accept cigarette ads only if they contain, in plainly legible form, the statement the statutes now require on cigarette packages, "Caution: Cigarette smoking may be hazardous to your health." In addition, every ad must include a disclosure of the tar and nicotine content in the cigarette smoke.

NEGLIGENCE OF ARMY GENERALS CAUSES NEEDLESS DEAFNESS TO THOUSANDS OF GI'S

Mr. YOUNG of Ohio. Mr. President, it is shocking that thousands of young Americans undergoing basic training in the Army each year suffer hearing losses because Army officials do not supply proper protection against the noise of tanks, artillery, firing ranges, and helicopters. It is inexcusable that annually more than 250,000 young men suffer hearing losses so serious that they are unfit for combat duty.

In an article in the Washington Evening Star of August 21, 1969, Frank Murray, an Associated Press staff writer, reported that Dr. Jerry L. Northern, chief audiologist at the hearing center at Walter Reed Army Hospital, based this estimate on a study made at Fort Jackson, S.C. There, investigators discovered that many GI's suffered hearing losses that forced their removal from the jobs for which they were trained. Dr. Northern's superior, Dr. Thomas C. Nilges, recently reported:

> The chances that a soldier would need a hearing aid after 20 years is 10 times greater than a civilian.

Despite these facts, officials of the Department of the Army have no standard policy for providing adequate devices to prevent hearing damage to GI's.

Furthermore, in 1963 the Surgeon General's office recommended that each Army recruit receive a pair of earplugs "individually fitted to each ear." It is inexcusable that this recommendation was never implemented. Some recruits and draftees are given earplugs, but they are not individually fitted, as recommended by the Surgeon General.

Even more appalling, Frank Murray reported that Army hearing specialists this spring discovered that the wearing of the standard-issue earplugs has not been enforced on the rifle ranges in the basic training camp at Fort Dix, N.J. Despite the fact that the sound of four shots from an M-16 rifle is enough to cause serious hearing loss to an unprotected ear, these specialists reported that firing range officials at Fort Dix actively discouraged the use of earplugs during some exercises.

The Associated Press article further states that at the Army tank training school at Fort Knox, Ky., partial deafness is accepted matter-of-factly by GI's attending the school. These trainees are given the standard issue earplugs. However, soldiers interviewed commonly stated that they did not fit or that they caused physical pain. Experts report that protection against ear damage would be possible for these men if sound-reducing earmuffs were issued similar to those worn by civilian airport crews.

The fact is that the only men eligible for these earmuffs at Fort Knox are basic trainees who already have suffered hearing losses and require them to finish their training. One Army doctor interviewed said that the $6 per pair cost was too high. Think of that. To save $6 it appears that the Department of the Army is willing to risk causing a GI to suffer a serious hearing loss or even deafness. Can any reasonable person reconcile the spending of hundreds of millions of dollars—in fact, billions of dollars—on wasteful Pentagon projects and on boondoggles to add to the comfort of officers while GI's are threatened with deafness because of the refusal of the Army to spend $6 per man for adequate sound protecting devices?

Mr. President, this situation is beyond comprehension. It is hard to find words to describe the neglect of officials of the Department of the Army to protect servicemen from suffering deafness or serious hearing impariment that will afflict them for the rest of their lives.

It is bad enough that we must involuntarily induct young Americans to serve in the Armed Forces of our country. It is unconscionable and, in fact, criminal to subject them to possible deafness in the name of economy.

Mr. President, I am sure I speak for all Americans in demanding that the responsible officials of the Department of the Army immediately provide adequate sound protection equipment for all GI's. If this is not accomplished within the earliest possible time, I shall urge the chairman of the Armed Services Committee to conduct an immediate investigation to determine those responsible for this inexcusable negligence.

At this time it is impossible to estimate the total cost to American taxpayers in dollars, due to carelessness of generals, from so many thousands of draftees and enlisted personnel sustaining permanent injuries to their hearing. Their claims of permanent disability have every justification. Throughout the next 50 years following their discharge from our Armed Forces, disability payments will be paid as they should be paid to those who were injured through no fault on their part while they were young men in the service of their country.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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THE CAPITOL MUST NOT BE DEFACED

Mr. YOUNG of Ohio. Mr. President, it is shocking that the Appropriations Committee of the House of Representatives has voted to appropriate $2 million as a first step for J. George Stewart's grandiose plan to expand the west front of the Capitol.

Most of us assumed this boondoggle, which was first unveiled in 1966, had been abandoned. Now, at a time when the President has ordered a major cutback in Federal construction, when Congress is trying to hold down appropriations, when the budgetary and inflationary situation are even more critical than in 1966, when there are innumerable domestic crises for which adequate funds are not available, the bumbling nonarchitect of the Capitol urges that taxpayers' money be spent for this unconscionable boondoggle. He says that it will cost $45 million, but if his earlier pet projects are any guide, this should eventually wind up costing closer to $90 million.

I have carefully watched the manner in which the so-called Architect of the Capitol has managed his office throughout the years I have been in the Senate. I have witnessed an unbroken process of stumbling and fumbling and an unbelievable waste of taxpayers' money. Now, J. George Stewart proposes to deface the Capitol.

His proposed scheme would add 4½ acres of floor space to the Capitol. It would provide additional offices for Members of the Congress, two auditoriums, two cafeterias, and four dining rooms. It would virtually convert the Capitol of the United States into a gigantic king-sized Howard Johnson's. There is no pressing need for these additional facilities which cannot be readily met without desecrating the Capitol.

The Capitol is a national shrine. Each day as I drive to my office I am no less thrilled with a sense of national pride and with a sense of the beauty and grandeur of this building than I was many, many years ago when I first viewed it. I am sure that the same is true for all Members of Congress, for all those who work and live in Washington, D.C., and for the millions of Americans who make the pilgrimage to Washington to visit this revered building, this symbol of our Nation.

Qualified engineers and architects have reported that the walls of the west front can be braced and strengthened without doing damage to the historic building. The Fine Arts Commission has charged that Stewart's proposal would be a national tragedy, and stated that the old walls can be repaired in their present location. It would be virtual sacrilege to destroy the noble west front of the Capitol with its classic walls and its cascading staircases without the most compelling reasons for doing so. Americans can be thankful that to date this proposed senseless vandalism on a national monument has been rejected.

What are the qualifications of J. George Stewart for the position in which he has supervised the spending of more than $200 million of taxpayers' money? He served in the House of Representatives from 1935 to 1937. This certainly does not qualify him as an architect. He attended the University of Delaware, class of 1911, and received his bachelor of science degree in civil engineering 47 years later. He served as a member of the staff of the Senate District of Columbia Committee from 1947 to 1951. Immediately prior to his appointment in 1954 by President Eisenhower as Architect of the Capitol, he was head of the Speaker's Bureau of the Republican National Committee. None of this experience qualifies him for the important post which he had held for the past 15 years.

The Architect of the Capitol serves at the pleasure of the President. I am hopeful that President Nixon will soon take pleasure in requesting J. George Stewart's resignation from this important post in which he has wasted millions of taxpayers' dollars.

Tampering in any way with the Capitol is serious business, and we must not allow it to be undertaken by amateurs. It is incredible that Stewart, appointed by President Eisenhower 15 years ago, should remain almost unchallenged in a position which requires both knowledge of the science of architecture as well as an appreciation for the traditional role of the Capitol.

Everywhere I look on Capitol Hill I can see actions perpetrated by J. George Stewart that are not in accord with good architectural principles. Moreover, they all involved an unconscionable waste of taxpayers' money.

The most notable of these monstrosities is the ugly Rayburn House Office Building—quite possibly the worst building, costing the most money in the history of the construction of public buildings. This monstrosity has been termed the ugliest and poorest planned public building in the United States. Its Mussolini-style pomp and embellishment and its vulgarization of classical architecture makes it the outstanding example of the "corrupt classic" school of architecture.

It took more than 7 years to build, costing at least $22 million more to complete than originally estimated, largely because of expensive miscalculations. This functional monstrosity is nothing more than sheer mass and boring bulk. It is a monument to the unbridled edifice complex of J. George Stewart, the Architect of the Capitol.

It may be that something must be done to the west wall to keep it from crumbling away. It is incredible but the fact is that to date no study has been made to determine how much it would cost to repair it rather than to expand it. I suggest that a commission of the Nation's finest architects and engineers be appointed to study this problem and to make recommendations to the Congress as to what should be done. It would be a sacrilege, in fact, well-nigh criminal, to permit J. George Stewart to perpetrate what he has in mind without the most searching investigation by qualified architects and engineers.

Mr. President, I express the earnest hope that we shall not permit him to proceed with his plans to deface the west front of the Capitol. The $2 million requested to prepare plans for the project would be not only an economic extravagance but senseless vandalism on a national monument.

This whole mess constitutes a national outrage.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Adjustment of Statutory Limitation

A communication from the President of the United States, informing the Senate of the adjustment of the statutory limitation by increasing it to a new total of $193,352,000,000 under title IV of the Second Supplemental Appropriations Act, 1969 (with accompanying papers); to the Committee on Appropriations.

Report of Loan to Mount Wheeler Power, Inc., Baker, Nev.

A letter from the Administrator, Rural Electrification Administration, transmitting, pursuant to law, a report of a loan to Mount Wheeler Power, Inc. of Baker, Nev., for the financing of new transmission facilities (with an accompanying report); to the Committee on Appropriations.

Report of the Office of Emergency Preparedness

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, the Statistical Supplement, Stockpile Report to the Congress, for the period ended June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

Report on Export Control

A letter from the Secretary of Commerce, transmitting, pursuant to law, the 88th Quarterly Report on Export Control covering the second quarter of 1969 (with an accompanying report); to the Committee on Banking and Currency.

Proposed Legislation Providing for the Removal of Snow and Ice From the Paved Sidewalks of the District of Columbia

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

Proposed Legislation Amending the District of Columbia Redevelopment Act of 1945

A letter from the Assistant to the Commissioner, transmitting a draft of proposed legislation to amend section 13 of the District of Columbia Redevelopment Act of 1945, as amended (with an accompanying paper); to the Committee on the District of Columbia.

Proposed Legislation Authorizing the Commissioner of the District of Columbia To Enter Into Contracts for Payment of District's Equitable Portions of Costs of Reservoirs

A letter from the Assistant to the Commissioner, Executive Office, government of the District of Columbia, transmitting a draft of proposed legislation to authorize the Commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

Report of District of Columbia Redevelopment Land Agency

A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting, pursuant to law, a report of the Agency for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on the District of Columbia.

Proposed District of Columbia Motor Vehicle Unsatisfied Judgment Fund Act

A letter from the Assistant to the Commissioner, Executive Office, government of the District of Columbia, transmitting a draft of proposed legislation to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles if financially irresponsible persons, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the Agency for International Development Loan Program financial activities status as of June 30, 1968, dated September 11, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps Program under title IB of the Economic Opportunity Act of 1964, Maricopa County, with emphasis on the city of Phoenix, Ariz., Department of Labor, dated September 11, 1969 (with an accompanying report); to the Committee on Government Operations.

Report of the National Society of the Daughters of American Revolution

A letter from the Secretary, Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1969 (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the Legislature of the State of California; to the Committee on Finance:

"Assembly Joint Resolution No. 41 Relative to Cooperative Federalism

"Whereas, Under existing federal law, tax incentives granted by a state to encourage businesses to participate in certain activities are diluted, if not made meaningless, by the fact that funds expended by such businesses for such activities result in higher federal taxes because of the lower state tax paid; and

"Whereas, In the spirit of cooperative federalism, the federal government could permit deductions for business expenditures made to obtain state tax incentives of this nature, which would make state tax incentives meaningful and would benefit both the state and the nation in long-term growth; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation permitting a business the same federal tax deductions it would have received for payment of state taxes had it not participated in a program of this nature; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Two joint resolutions of the Legislature of the State of California; to the Committee on the Judiciary:

"Assembly Joint Resolution No. 55 Relative to Immigration

"Whereas, On July 1, 1968, the new United States Immigration and Nationality Act, enacted in 1965, went into effect, drastically cutting down on the number of Irish admitted to the United States; and

"Whereas, From July 1, 1968, to December 31, 1968, only 72 preference and nonpreference visas were issued in Dublin to Irish nationals and for the first eight months of the fiscal year 1969 (beginning July 1, 1968) there was a total of 118 preference and nonpreference visas issued, and if the categories of 'immediate relative' and 'special immigrant' are added, only 303 total visas were issued from Dublin for the first eight months of the fiscal year 1969; and

"Whereas, The commendable purpose of the new immigration law was to eliminate the discriminatory features of the old, unwieldy, outdated, unfair law, which had been established on the basis of a 40-year-old national origins quota system; and

"Whereas, The new immigration policy justly erased many inequities and unfair treatment to certain countries under the old law; however, no one realized at the time the new law was being drafted that it would saddle other countries with serious immigration problems; and

"Whereas, The new law, in attempting to cure the discrimination of the old law, has now set up impossible barriers to Ireland and other countries; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation which would provide a 'floor' to be established for every nation, based on its average level of immigration to the United States during the decade prior to the enactment of the 1965 act; and which would provide a floor equivalent to 75 percent of the annual average level of immigration during the 1956–65 base period, or 10,000 individuals, whichever is less, and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

"Assembly Joint Resolution No. 62 Relative to Alien Pupils

"Whereas, There has been an impact of nonimmigrant alien pupils receiving an education from local school districts in California; and

"Whereas, There are pupils who are illegal entrants to the United States who live and reside in school districts in California; and

"Whereas, These pupils attend the public school and the county pays for the total cost of educating these pupils; and

"Whereas, This fact creates a tax burden on the local taxpayers in each county; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Conrgess of the United States to provide the cost for the education of such alien pupils, less state reimbursement, for those impacted areas, thereby reducing the financial hardship to school districts and counties, and that the United States Department of Immigration be provided more assistance in controlling illegal entrance of alien pupils across international borders of the United States; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Resolutions adopted by the State Council of Kentucky, Junior Order United American Mechanics, relating to civil rights, and so forth; to the Committee on the Judiciary.

A letter from The Milan G. Weber Associates, of Deerfield, Ill., transmitting a proposed amendment to the Constitution of the United States (with an accompanying paper); to the Committee on the Judiciary.

A petition, signed by Kathryn E. Worden, and sundry other citizens of the State of Washington, relating to licensed pornography, and so forth; to the Committee on the Judiciary.

A letter from the commander, Veterans Allegiance League, Inc., of West Palm Beach, Fla., expressing condolences on the death of Senator Everett McKinley Dirksen; ordered to lie on the table.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MONDALE:

S. 2888. A bill for the relief of Helen Dress; and

S. 2889. A bill for the relief of Douglas Chan; to the Committee on the Judiciary.

By Mr. CHURCH (for himself and Mr. Jordan of Idaho):

S. 2890. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Church when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DODD:

S. 2891. A bill for the relief of Cheuk Hing Yung; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 2892. A bill to provide for the orderly marketing of flat glass imported into the United States by affording foreign supplying nations a fair share of the growth or change in the U.S. flat glass market; to the Committee on Finance.

By Mr. MOSS (for himself, Mr. Allen, Mr. Bible, Mr. Cranston, Mr. Eagleton, Mr. Fannin, Mr. Fulbright, Mr. Goldwater, Mr. Hartke, Mr. Hatfield, Mr. Kennedy, Mr. McCarthy, Mr. Magnuson, Mr. Mansfield, Mr. Metcalf, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pell, Mr. Scott, Mr. Thurmond, and Mr. Young of Ohio):

S. 2893. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Moss when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. McINTYRE (for himself and Mr. Percy):

S. 2894. A bill to authorize the purchase by the Government of securities held by a person nominated by the President to an office of the United States in certain cases where the forced sale of such securities would be unduly disruptive of the market and their

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retention would create conflict-of-interest problems; to the Committee on Banking and Currency.

(The remarks of Mr. McIntyre when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MOSS:

S. 2895. A bill to provide for the conveyance of the Weber River project to the Weber River Water Users' Association, Ogden, Utah; to the Committee on Interior and Insular Affairs.

By Mr. SCOTT (for himself, Mr. Schweiker, Mr. Bennett, Mr. Boggs, Mr. Cooper, Mr. Goodell, Mr. Hansen, Mr. Javits, Mr. Miller, Mr. Nelson, Mr. Packwood, Mr. Prouty, Mr. Randolph, Mr. Thurmond, and Mr. Williams of New Jersey):

S.J. Res. 150. A joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week"; to the Committee on the Judiciary.

(The remarks of Mr. Scott when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 2890—INTRODUCTION OF A BILL TO PROVIDE EQUAL TREATMENT FOR RESERVISTS UNDER THE GI BILL

Mr. CHURCH. Mr. President, on my own behalf, and that of my distinguished colleague (Mr. Jordan), I introduce for appropriate reference an amendment designed to change the computation criteria for educational benefits under the GI bill.

One of the results of the manpower demands of the Vietnam war has been the calling up of National Guard and Reserve units from more than three-quarters of our States. The majority of these men have been faced with serious financial hardships as a result of these callups. They are now beginning to complete their tours of duty and have discovered that, even though many of them have served in combat zones, present requirements governing the computation of educational benefits under the GI bill deny them the same treatment granted to other veterans whose tours of duty have been of equal duration.

Under the present law, regular Armed Forces personnel may count all time, including time spent in basic training, in the computation of educational benefits. But for reservists and guardsmen, the period of active duty for training prior to the activation of the unit may not be counted.

It would seem to me, Mr. President, that it is only a matter of equity to treat all who serve our country in the armed services during time of war equally. To provide such equality of treatment, Senator Jordan and I propose the enactment of this legislation.

The bill provides that reservists and guardsmen who are called to active duty and serve at least 6 months during the period of the war in Vietnam, may include their prior active duty for training in the determination of their eligibility for educational benefits under the GI bill. This will be of special importance to units activated for more than 12 months. They will be able to count their active duty for training, as regulars presently do, as part of the 18 months required to qualify for the full 36 months of GI educational benefits.

Mr. President, for the information of my colleagues, I ask unanimous consent that a copy of this proposed amendment, together with a list of the Reserve and Guard units called up during the Vietnam war, be printed at this point in the Record.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and list will be printed in the Record.

The bill (S. 2890) to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title, introduced by Mr. Church (for himself and Mr. Jordan of Idaho), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 2890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a)(3) of section 1652 of title 38, United States Code, is amended by striking out "and section 1661(a)" and inserting in lieu thereof "of this subsection and subsection (a) of section 1661 (except as provided in the last sentence thereof)".

Sec. 2. Subsection (a) of section 1661 of title 38, United States Code, is amended by adding at the end thereof the following new sentence: "For the purposes of this chapter and subject to the limitation in subsection (c), if a veteran serves for a period of active duty pursuant to a call or order thereto issued to him after August 4, 1964, as a Reserve or a member of the National Guard or Air National Guard of any State, and is an eligible veteran as a result of such duty, any period of not more than 6 consecutive months of full-time duty performed by him after January 31, 1955, for the purpose of obtaining initial military training pursuant to his Reserve, National Guard, or Air National Guard obligation shall be deemed to be active duty."

The list, presented by Mr. Church, is as follows:

NATIONAL GUARD AND RESERVE UNITS ACTIVATED DURING THE VIETNAM WAR

UNIT AND HOME STATION

Alabama: 650th Medical Detachment, Birmingham.

Alaska: None.

Arizona: 277th Military Intelligence Detachment, Phoenix.

Arkansas: 978th Army Postal Unit, Fort Smith; 336th Ordnance Battalion, Little Rock; 189th Tactical Reconnaissance Group, Little Rock.

California: 1st Squadron, 18th Armored Cavalry, Burbank; 40th Aviation Company, Long Beach; 82nd Aerial Port Squadron, Travis Air Force Base; 776 Attack Squadron, Los Alamitos; 873rd Attack Squadron, Alameda.

Colorado: 140th Tactical Fighter Wing, Buckley Air National Guard Base.

Connecticut: None.

Delaware: None.

Florida: 35th Surgical Hospital, North Miami; 231st Transportation Company, St. Petersburg.

Georgia: 319th Transportation Company, Augusta; 413th Finance Disbursing Section, Atlanta; 445th Military Airlift Wing, Dobbins Air Force Base.

Hawaii: 29th Infantry Brigade, Honolulu; 2nd Battalion, 299th Infantry, Hilo; 100th Battalion, 442nd Infantry, Fort DeRussey.

Idaho: 116th Engineer Battalion, Idaho Falls.

Illinois: 126th Supply and Service Company, Quincy; 482nd Medical Detachment, Aurora; 724th Transportation Company, Forest Park; 52nd Medical Service Squadron, Scott Air Force Base.

Indiana: Company D, 151st Infantry, Greenfield; 890th Transportation Company, Fort Wayne; 930th Tactical Airlift Group, Bakalar Air Force Base.

Iowa: 2nd Battalion, 133d Infantry, Sioux City; 185th Tactical Fighter Group, Sioux City.

Kansas: 69th Infantry Brigade, Topeka; 169th Aviation Company, Kansas City; Troop E, 114th Cavalry, McPherson; 169th Engineer Company, Emporia; 169th Support Battalion, Kansas City; 2nd Battalion, 130th Artillery, Hiawatha; 1st Battalion, 137th Infantry, Wichita; 2nd Battalion, 137th Infantry, Kansas City; 995th Maintenance Company, Hays; 1011th Supply and Service Company, Independence; 842nd Quartermaster Company, Kansas City; 184th Tactical Fighter Group, McConnell Air Force Base.

Kentucky: 2nd Battalion, 138th Artillery, Louisville; 950th Army Postal Unit, Lexington; 123rd Tactical Recon Wing, Staudiford.

Louisiana: None.

Maine: None.

Maryland: 472nd Medical Detachment, Rockville; 113 Tactical Fighter Wing, Andrews AFB; 175th Tactical Fighter Group, Martin Airport; 661st Fighter Squadron, Andrews AFB.

Massachusetts: 1st Battalion, 211th Artillery, New Bedford; 513th Maintenance Battalion, Boston; 241st Military Intelligence Detachment, Boston; 12th Reserve Mobile Construction Battalion, Boston.

Michigan: 424th Personnel Service Co., Livonia; 305th Aerospace Rescue and Recovery Squadron, Selfridge AFB.

Minnesota: 452nd General Supply Company, Worthington.

Mississippi: 173rd Quartermaster Co., Greenwood.

Missouri: 208th Engineer Co., Festus.

Montana: None.

Nebraska: 172nd Transportation Co., Omaha; 295th Ordinance Company, Hastings.

Nevada: 152nd Tactical Recon Group, Reno Municipal Airport.

New Hampshire: 3rd Battalion, 197th Artillery, Portsmouth.

New Jersey: 141st Transportation Co., Orange; 177th Tactical Fighter Group, Atlantic City Airport.

New Mexico: 150th Tactical Fighter Group, Kirtland AFB.

New York: 1018th Supply and Service Co., Schenectady; 448th Army Postal Unit, Garden City; 237th Maintenance Company, Fort Hamilton; 316th Medical Detachment, New York City; 74th Field Hospital, New York City; 203rd Transportation Company, Garden City; 174th Tactical Fighter Group, Hancock Field; 107th Tactical Fighter Group, Niagara Falls Municipal Airport; 904th Military Airlift Group, 831st Attack Squadron, Stewart AFB.

North Carolina: 312th Evacuation Hospital, Winston-Salem.

North Dakota: None.

Ohio: 1002nd Supply and Service Co., Cleveland; 311th Field Hospital, Sharonville; 121st Tactical Fighter Gp, Lockbourne AFB.

Oklahoma: None.

Oregon: None.

Pennsylvania: 630th Transportation Co., Washington; 357th Transportation Co., Greencastle; 305th Medical Detachment; Philadelphia; 931st Fighter Squadron, Willow Grove.

Rhode Island: 107th Signal Company, East Greenwich; 115th Military Police Company, Pawtucket.

South Carolina: None.

South Dakota: None.

Tennessee: 378th Medical Detachment, Memphis.

Texas: 113th Light Maintenance Co., Gatesville; 238th Maintenance Company, San Antonio; 921st Military Airlift Gp, Kelly AFB; 34th Aeromedical Evacuation Sqd, Kelly AFB; 703rd Fighter Squadron, Dallas; 22nd Reserve Mobile Construction Battalion.

Utah: 259th Quartermaster Battalion, Pleasant Grove.

Vermont: 131st Engineer Company, Burlington.

Virginia: 304th Medical Detachment, Richmond; 313th Medical Detachment Richmond; 889th Medical Detachment, Richmond.

Washington: 737th Transportation Co., Yakima; 941st Military Airlift Gp, McChord AFB.

West Virginia: None.

Wisconsin: 377th Maintenance Co., Manitowoc; 826th Ordnance Co., Madison.

Wyoming: None.

S. 2893—INTRODUCTION OF A BILL RELATING TO THE PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

Mr. MOSS. Mr. President, I introduce, for myself and Senators Allen, Bible, Cranston, Eagleton, Fannin, Fulbright, Goldwater, Hartke, Hatfield, Kennedy, McCarthy, Magnuson, Mansfield, Metcalf, Mondale, Muskie, Nelson, Packwood, Pell, Scott, Thurmond, and Young of Ohio, a bill to amend the 1960 act which provides for the preservation of historical and archeological data. The 1960 act, you will remember, provides for the salvage of historical and archeological remains being flooded or destroyed by dams constructed by or with the assistance of the Federal Government. The proposed bill would broaden the act, as follows:

First. Coverage is extended to all Federal and federally assisted or licensed programs which alter the terrain and thus potentially cause loss of scientific, prehistorical, historical, or archeological data.

Second. Federal agencies are directed to notify the Secretary of the Interior if in their operations archeological or other scientific data are revealed or threatened.

Third. The Secretary of the Interior upon notification by any responsible authority that a Federal program is threatening, damaging, or destroying such data shall evaluate the situation and cause a survey or other investigation to be made to the extent necessary to protect the public interest.

Fourth. Federal agencies whose programs are causing damage or destruction of scientific, prehistorical, historical or archeological data are authorized to transfer to the Secretary of the Interior a small portion of the program funds to protect or recover such data prior to its loss.

This bill will make it possible for some additional Federal funding and activities to recover data on our archeological program affected by any Federal activity, rather than limiting it to dams. Of even greater importance, it will enable the archeologists to select which sites on which to concentrate their efforts upon the basis of scientific need rather than being restricted in their selection solely to those sites being destroyed by dam construction.

The passage of this bill assures protection and recovery of one of America's great nonrenewable resources—the evidence of the past. If no action is taken many of our archeological sites will be severely affected or destroyed within the next 25 years.

I ask unanimous consent that the full text of the bill be printed in the Record at the conclusion of this statement.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2893) to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data, introduced by Mr. Moss (for himself and other Senators), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the Record, as follows:

S. 2893

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam", approved June 27, 1960 (74 Stat. 220), is amended to read as follows:

"That it is the purpose of this Act to further the policy set forth in the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461–467), and the Act entitled "An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes", approved October 15, 1966 (80 Stat. 915), by specifically providing for the preservation of scientific, prehistorical, historical, and archeological data (including relics and specimens) which might be adversely affected as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of any Federal, federally assisted, or federally licensed activity or program.

"Sec. 2. Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary of the Interior setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided,* That with respect to any floodwater retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds, or is presented with evidence that scientific, prehistorical, historical, or archeological materials exist or may be present in the proposed reservoir area.

"Sec. 3. (a) Whenever any Federal agency becomes aware that its operations in connection with any Federal, federally assisted, or federally licensed activity or program affects or may affect adversely scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary of the Interior, in writing, of that fact. The Secretary, upon notification by any such agency or by any other Federal or State agency or responsible private organization or individual that scientific, prehistorical, historical, or archeological data is or may be adversely affected by any such Federal, federally assisted, or federally licensed activity or program, shall, if he determines that such data is or may be adversely affected, notify in writing the instigating agency. Following such notification, the Secretary shall immediately conduct a survey or other investigation of the areas which are or may be affected and recover and preserve such data (including its analysis and publication) which, in his opinion, should be recovered and preserved in the public interest. Upon receipt of such notification from the Secretary, the instigating agency is authorized to transfer to the Secretary such funds as may be necessary, in an amount not to exceed one-tenth of 1 per centum of the total amount appropriated in connection with such activity or program, to enable the Secretary to conduct such survey or other investigation and to recover and preserve such data.

"(b) The Secretary shall keep the instigating agency notified at all times of the progress of any survey or other investigation made under this Act, or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency.

"(c) A survey or other investigation similar to that provided for by subsection (a) of this section and the work required to be performed as a result thereof shall so far as practicable also be undertaken in connection with any dam, activity, or program which has been heretofore authorized by any agency of the United States, by any private person or corporation holding a license issued by any such agency, or by Federal law.

"(d) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this sestion.

"Sec. 4. In the administration of this Act, the Secretary may—

"(1) accept and utilize funds transferred to him by any Federal agency pursuant to this Act;

"(2) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual;

"(3) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code; and

"(4) accept and utilize funds made available for salvage archeological purposes by any private person or corporation.

"Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act."

S. 2894—INTRODUCTION OF A BILL AUTHORIZING THE PURCHASE BY THE GOVERNMENT OF SECURITIES HELD BY A PERSON NOMINATED BY THE PRESIDENT TO AN OFFICE OF THE UNITED STATES

Mr. McINTYRE. Mr. President, on behalf of the senior Senator from Illinois (Mr. Percy) and myself, I introduce for

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appropriate reference a bill to authorize the purchase by the Government of securities held by a person nominated by the President to an office of the United States in certain cases where the forced sale of such securities would be unduly disruptive of the market and their retention would create conflict-of-interest problems.

The specific stimulus for this legislation was the series of hearings which I attended as a member of the Committee on Armed Services earlier this year regarding the confirmation of the Deputy Secretary of Defense. This nomination presented a not atypical problem to the Senate, a problem posed by the nomination of a man of unquestioned integrity whose personal stockholdings would undoubtedly give rise to conflicts of interest, but whose holdings were, in this case because of their extent, unmarketable without serious loss.

There have been other such situations before the Senate, in both Democratic and Republican administrations. These are not partisan problems, but simply the inevitable results of the bipartisan policy of trying to find the best possible men to conduct the public's business. Under such a policy, which has been followed by all administrations, it is inevitable in a society like ours that occasionally men will be appointed to office with great personal wealth. Sometimes that wealth creates conflicts of interest. Sometimes those conflicts cannot fairly be resolved by sale of the offending securities. It is for such situations that Senator Percy and I are offering this bill with the hope that it may offer the public, the Senate, and the nominees a fair way of resolving the situation.

Under the procedure which would be established by this bill a nominee whose securities holdings created conflicts of interest, and who was unable to sell such securities because of the lack of a market or the adverse impact on an existing market, could dispose of his securities to the Government.

The procedure is hedged with safeguards.

To begin with, the initial determination that a conflict of interest existed would be made right here in the Senate, by the Senate Committee having jurisdiction over the nominee's confirmation. This finding, of course, is identical to the present functioning of our committees, which make such determinations routinely in their considerations of nominees.

The determination that conflict-of-interest securities could not be reasonably expected to be sold in the private market would be made by a Securities Marketing Committee established by this bill, and composed of the Secretary of the Treasury, the Attorney General, and the Chairman of the Securities and Exchange Commission, or their designees. Such a committee would have available to it the appropriate expertise to make accurate and reliable determinations of the existence and breath of the appropriate markets for the securities in question.

The Securities Marketing Committee would also determine the fair market value for the securities which would be paid to the nominee. Such payments would be reported in detail, and would be subject to the annual appropriations process.

Finally, the Securities Marketing Committee would be required to dispose of the securities which it has acquired at the earliest practicable time, with due regard for the interests of the Government, which might even make a profit on the sales, and for the need to create a minimal disruption in the relevant markets.

Mr. President, this bill represents, to my knowledge, the first legislative attempt to deal with the many well publicized problems in this area. It may not be the final answer, and I am certainly open to constructive suggestions for its improvement. I do believe that it is important for the Senate to give this proposal careful consideration, and to take whatever action is appropriate, so that we may finally move to put an end to the annual dilemma posed by highly qualified nominees for high office whose personal financial success stands in the way of their service to the public.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2894) to authorize the purchase by the Government of securities held by a person nominated by the President to an office of the United States in certain cases where the forced sale of such securities would be unduly disruptive of the market and their retention would create conflict-of-interest problems, introduced by Mr. McIntyre, for himself and Mr. Percy, was received, read twice by its title, and referred to the Committee on Banking and Currency.

SENATE JOINT RESOLUTION 150—INTRODUCTION OF JOINT RESOLUTION TO DESIGNATE "NATIONAL INDUSTRIAL HYGIENE WEEK"

Mr. SCOTT. Mr. President, I introduce for appropriate reference a joint resolution authorizing the President to designate the week of October 12 to 18 of this year as "National Industrial Hygiene Week." I am pleased to have the following distinguished Senators joining me as cosponsors in this effort: Richard S. Schweiker, Republican, Pennsylvania; Wallace F. Bennett, Republican, Utah; J. Caleb Boggs, Republican, Delaware; John Sherman Cooper, Republican, Kentucky; Charles E. Goodell, Republican, New York; Clifford P. Hansen, Republican, Wyoming; Jacob K. Javits, Republican, New York; Jack Miller, Republican, Iowa; Gaylord Nelson, Democrat, Wisconsin; Robert W. Packwood, Republican, Oregon; Winston L. Prouty, Republican, Vermont; Jennings Randolph, Democrat, West Virginia; Strom Thurmond, Republican South Carolina; and Harrison A. Williams, Jr., Democrat, New Jersey.

Industrial hygiene is, of course, that part of occupational health concerned with the anticipation, evaluation, solution, and prevention of health problems arising out of industrial operations. It reflects the attempt of industry to work in concert with scientists and engineers from related fields to develop sound scientific knowledge and to aid in the application of this knowledge to the protection and conservation of the health of workers in all types of industry.

The designation, which my joint resolution proposes, would coincide with this year's 34th annual meeting of the Industrial Hygiene Foundation of America, an organization, unique in all the world, composed of several hundred nationally known U.S. companies and organizations which have voluntarily joined together to coordinate the efforts of industrial management with those of labor, the educational community, and government, in helping to further genuine health progress within industry.

I am proud to note that IHF has its headquarters in my Commonwealth of Pennsylvania, in Pittsburgh, which will again be the scene of the foundation's annual meeting, on October 14 and 15. Some 400 participants, representing not only the foundations corporate members, but leading experts from universities and government as well, will attend the 2-day session. Organized originally in 1935 because of a concern over the silicosis problem in industry, the Industrial Hygiene Foundation this year will be considering a greatly broadened agenda that addresses itself to the ever-expanding list of recognized industrial health problems, including air quality, noise abatement, mental health and other matters related to the total industrial and community environment.

The purpose of the proclamation, which my joint resolution would establish, is to call the focus of public attention to the field of industrial hygiene so that the average citizen can better understand and appreciate the past and present benefits he and his family may be receiving. Such knowledge will provide the basis for improved public confidence in the willingness and ability of American industry to solve not only current health problems, but such new problems as may be expected to arise out of future industrial technological progress.

Mr. President, I believe the purposes of this joint resolution are fully meritorious. I urge immediate and favorable consideration.

I also ask, Mr. President, that the full text of this proposed legislation be printed at this point in the Record:

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 150) to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," introduced by Mr. Scott (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S.J. Res. 150

Resolved by the Senate and House of Representatives of the United States of America

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in Congress assembled, That, in recognition of the need to preserve the Nation's primary natural resource—its employed population—and in recognition of those individuals and organizations seeking to protect and improve the health of the Nation's work force through the coordinated scientific measures, technological and engineering controls which characterize industrial hygiene, the President is authorized and requested to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS

S. 2004

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 2004, an act to amend the Communications Act of 1964 to establish orderly procedures for the consideration of applications for the renewal of broadcast licenses.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2461

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from West Virginia (Mr. Randolph), I ask unanimous consent that, at the next printing of S. 2461, to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes, the name of the Senator from Arizona (Mr. Goldwater) be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2847

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. Nelson) I ask unanimous consent that, at the next printing of S. 2847, to amend the Foreign Assistance Act, as amended, to authorize the Secretary of State to participate in the development of a large prototype desalting plant in Israel and for other purposes, the names of the Senator from Missouri (Mr. Eagleton), the Senator from New York (Mr. Goodell), the Senator from Michigan (Mr. Hart), the Senator from Indiana (Mr. Hartke), the Senator from Oregon (Mr. Hatfield), the Senator from New York (Mr. Javits), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Connecticut (Mr. Ribicoff), the Senator from Ohio (Mr. Saxbe), the Senators from Pennsylvania (Mr. Schweiker and Mr. Scott), the Senator from Maryland (Mr. Tydings), the Senator from New Jersey (Mr. Williams), and the Senator from Ohio (Mr. Young) be added as cosponsors.

ADDITIONAL COSPONSOR OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 61

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. McCarthy), I ask unanimous consent at the next printing of Senate Joint Resolution 61 the name of the Senator from Mississippi (Mr. Eastland) be added as an additional cosponsor.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

REPRINTING OF AMENDMENTS NOS. 147, 149, AND 151

Mr. MONDALE. Mr. President, I ask unanimous consent that amendments Nos. 147, 149, and 151, intended to be proposed by me, to Senate bill 1809, be reprinted; and that the amendments, as they will appear when reprinted, be printed in the Record.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 147

At the end of the bill add the following new section:

"Sec. 10. Section 242 of the Economic Opportunity Act of 1964 is amended by deleting the last period of said section, and adding the following additional language to the present section: 'or to any program funded under section 222(a)(3) of this title.'"

AMENDMENT NO. 149

At the end of the bill add the following new section:

"Sec. 10. Section 225(c) of the Economic Opportunity Act of 1964 is amended by changing the period at the end of the first sentence to a semi-colon and thereafter adding the following: 'except that financial assistance extended to a legal services program pursuant to section 222(a)(3) shall not exceed 90 per centum of the approved cost of the assisted programs or activities.'"

AMENDMENT NO. 151

At the end of the bill add the following new section:

"Sec. 10. The authority of section 602(d) of the Economic Opportunity Act of 1964 shall not apply to the legal services program authorized under section 222(a)(3) of such Act. The Director shall not delegate the program authorized under section 222(a)(3) to any other existing Federal agency."

EXTENSION, CONSOLIDATION, AND IMPROVEMENT OF PROGRAMS FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENTS

AMENDMENTS NOS. 154 AND 155

Mr. GOLDWATER. Mr. President, for myself and my colleague, the senior senator from Arizona (Mr. Fannin) I submit two amendments, intended to be proposed by us, jointly, one to the bill (S. 2451) to extend, consolidate, and improve programs for elementary and secondary education, and for other purposes, and the other to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes. These amendments would permit the all-Navajo Indian school board of the Rough Rock Demonstration School in Arizona to be eligible to participate in the bilingual education program.

By now I am sure that almost all Members of this body have heard of the distinctive and creative educational project which the Navajo Indian Tribe has established at Rough Rock, located in the heart of the vast territory of the Navajo Reservation. This school is an extremely promising venture which was launched in 1966 and is operated by an all-Indian school board elected by the Navajo people. The school was established by the Navajo Indians themselves who decided they wanted their children to receive the best education for both Navajo and Anglo life—a both/and choice rather than an either/or choice. It is an inspiring and courageous undertaking which reflects many of the aspirations of a very proud and great segment of our national people.

Not only is Rough Rock Demonstration School totally controlled by Indian parents, but the school has been successful in recruiting almost one-half of its faculty from among the Navajo population.

Although the school is entirely run by Navajo parents, it is important to note that the Indians have chosen to offer a bilingual, bicultural education. The school provides subjects found in any school of excellence with the added feature of subjects especially created for Navajos. Of course, English reading and writing is taught together with oral English. Science, mathematics, social studies, health, home economics, industrial arts, and all the regular parts of a well-designed curriculum are taught. But in addition the school has courses in Navajo reading and writing, oral Navajo, Navajo culture and history, and Navajo arts and crafts. Indeed Rough Rock may be the only school with Indian children where the history of the American Indian is taught.

Mr. President, in my opinion Rough Rock has made a fine beginning and stands as a constructive effort by the Navajo people to determine their own destinies. To my mind, Rough Rock points the way to a future in which all Navajos can learn and be proud of their heritage while at the same time they can successfully cope with the surrounding world.

However, Mr. President, it must be understood that the Navajo Tribe cannot, and should not be expected to, meet this heavy financial obligation itself. It should be remembered that the tribe is continuing to provide for the Navajo Reservation to the same extent that our local and State governments handle many varied responsibilities.

It is for this reason that I am submitting today amendments on behalf of Senator Fannin and myself to the existing bilingual education program under title VII of the Elementary and Secondary Education Act of 1965. Our amendments would waive the discriminatory limitations of the present law and allow the Navajo school board to participate in the program fully as much as if it were the school board of an Anglo community.

The all-Navajo school board clearly performs for members of the tribe the same functions as the educational agencies of town or city governments do for citizens of their communities. The Navajo board is the true local educational agency of the Navajo people and it may legitimately expect to be considered as eligible for the same benefits as are granted to municipal school authorities. Anything short of this would surely be considered by members of the tribe as rank discrimination against the American Indian.

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The amendments we propose are not complicated. They are narrowly drawn and will not open the door to the payment of Federal bilingual assistance to privately operated schools. The Navajo experiment is unique and the amendments are worded accordingly.

First, our amendments apply only to schools located on Indian reservations for Indian children.

Second, the schools must be operated only under the control of an Indian school board of the tribe concerned.

Third, the agency operating such school must be a nonprofit organization.

Mr. President, with these strict requirements included in our amendments there is no possibility that it can lead to unintended applications. Furthermore, we can promise the Senate that our amendments do not in any way affect the proposals already incorporated into the bills pending in this body relative to the etxension of the bilingual program to schools operated or funded by the Department of Interior. The amendments definitely would not change any provision of those new sections, directly or indirectly.

In closing, Mr. President, I would like to suggest for the consideration of Members that the Rough Rock school is an exciting example of initiative and leadership taken by an American Indian tribe seeking to shape its own future in a changing world. I strongly believe the passage of this amendment would be an important step in demonstrating by deed that this Nation understands and is willing to respond to the needs of the American Indian.

I ask unanimous consent that the amendments be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 154 and 155) were referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT No. 154

On page 40, after line 23, insert a new section as follows:

"APPLICATION TO INDIAN CONTROLLED SCHOOLS ON RESERVATIONS"

SEC. 333. Title VII of such Act is further amended by inserting at the end thereof the following new subsection:

"INDIAN CONTROLLED SCHOOLS ON RESERVATIONS

"SEC. 709. For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated on such reservations for Indian children, a nonprofit institution or organization of the Indian Tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency."

AMENDMENT No. 155

On page 14, between lines 6 and 7, insert a new subsection as follows:

"(c) Title VII of such Act is further amended by inserting at the end thereof the following new subsection:

" 'INDIAN CONTROLLED SCHOOLS ON RESERVATIONS

" 'SEC. 709. For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated on such reservations for Indian children, a nonprofit institution or organization of the Indian Tribe concerned which operates any such school and which is approved by the Commissioner for the purpose of this section, may be considered to be a local educational agency.' "

REFORM OF INCOME TAX LAWS—AMENDMENT

AMENDMENT NO: 156

Mr. JAVITS. Mr. President, I submit an amendment intended to be proposed by me, to the pending tax reform bill, which would provide a 2-year phaseout in the investment tax credit, and authorize the President to substitute revised depreciation schedules for the tax credit during the 2-year period.

Mr. President, we are within reach this year of the most significant reform of our revenue code since the beginnings of the income tax early in this century. While there may be honest differences with regard to individual sections of the bill, all will agree, I am sure, that a basic tax reform bill is long overdue.

Now, as you know, Senators LONG and WILLIAMS of the Finance Committee have proposed, and the administration has accepted, their idea that the provision providing for repeal of the investment tax credit be separated from the tax reform bill and considered separately. This is proper, and I welcome this development for two reasons. First, a vote on the tax credit, one way or another, will remove some of the uncertainty which currently faces business planners and even economic policy makers in the Government. In this respect, it is worth noting that the proposed repeal of the investment credit is one of the few retroactive provisions in H.R. 13270. Second, and more important in my mind, separation of the tax credit from the reform bill helps make that bill exactly what it was intended to be—a reform bill.

Originally, as you remember, the investment tax credit was characterized as an incentive to business for capital investment and modernization: an incentive powerful enough to stimulate higher productivity and to maintain the competitiveness of export industries. Interestingly enough, the business community opposed the proposal, notwithstanding the reduced tax liabilities and increased cash flow which implementation of the credit would bring. Business' chief concern—then as now—was that the credit would be used as an anticyclical device as the needs of the economy dictated. Certainty is something all planners need, be they in Government, in business, or even in a family. Since investment decisions are generally long range and take into account a variety of factors businessmen feared that short-range manipulation of the tax credit would serve chiefly to throw corporate accounting into chaos and only tangentially act as a regulator of investment activity.

Over the years, Treasury's hopes have been amply proven. The investment tax credit has indeed stimulated capital investment, and this has been one of the factors in the sustained prosperity and trade surplus which we have enjoyed in this decade. Increased capital equipment investment activity has modernized our industry, helped manufacture an increasing supply of consumer goods for our citizens, and given employment and increased purchasing power to millions.

On the other hand—and justifying the fears of the business community—the credit was used in 1966 in an attempt to counter a predicted inflationary situation. That attempt to play around with the tax credit ended in disaster. Certain segments of industry—notably makers of railroad rolling stock—suddenly found themselves with sharply reduced orders. Other segments were apparently unaffected. Uncertainty in the investment sector and forebodings of an economic slowdown from other indicators forced the President in early 1967 to reinstate the tax credit.

Mr. President, this discussion shows two things:

First, an investment incentive is an inadequate short-range economic device. Too much time elapses between imposition, or repeal, of the incentive and its actual effect for it to be a useful countercyclical device to be turned on or off when needed. Too many factors other than the incentive enter into an investment decision for the credit alone vastly to influence business planning. For example, investment in the present quarter is actually expected to gain by $2 billion over the previous quarter, which was before the retroactive tax credit repeal was proposed. Planned investment outlays for 1970, however, have begun to decline.

Nevertheless, and this is the second matter, I believe that the history of the tax credit has shown the advisability and long-range effectiveness of a meaningful capital equipment investment incentive. While it is difficult to quantify what was the effect of the tax credit during its time, economists generally agree that the credit was a definite contributing factor in our recent unprecedented growth of investment. There is no doubt that the credit has also been an important source of internally generated corporate funds.

Therefore, Mr. President, I do not believe we should act on the investment tax credit without considering the effects of repeal and without considering the long-run need for a high level of investment activity.

Because the tax credit has been an important source of liquid, internally generated capital, repeal of this credit without substituting comparable investment incentives to increase and improve productivity is likely to increase corporate demand for borrowed funds, with resultant upward pressure on interest rates and with increased risk of inflation. Of course, in the near future, any sharp reduction in investment activity caused by repeal of the credit would serve to reinforce the present monetary and fiscal policies which are presently moving to curb the severe inflationary spiral in our economy. While this phenomenon may be welcome in the initial stages of a planned slowdown, we must also look forward to the time when we may suddenly find that the brakes have been slammed on too hard. In other words, I do not believe we should strike this device from the books entirely, and my bill therefore provides for a 2-year phaseout of the credit, together will an opportunity for the administration to put permanent revised depreciation schedules into effect.

Looking again at the long run, I also do not believe that we can afford to operate our economy without some sort of major equipment investment incentive to increase and improve productivity; and the soundest is modernized depreciation schedules. Let us face it, Mr. President, the facts show that economic expansion not only benefits corporate enterprise, but is also closely associated with the reduction of poverty. In other words, the level of business investment is closely tied with those social and national goals which we—liberals and conservatives alike—can agree upon: economic prosperity, reduction of unemployment, increased production, increased purchasing power. I could merely recite the facts—admirably marshaled, incidentally, by the outgoing administration's Council of Economic Advisers—to the effect that in households headed by a workingman, in elderly households, and among the near poor, the number of poverty-stricken persons declined during this and other periods of economic prosperity. On the other hand, the Council pointed out, the number of poor persons has increased considerably during periods of recession. The Council attributes much of the progress in reducing poverty during the 1960's to the lowering of the unemployment rate.

As indicated, my amendment, therefore, also allows for the introduction of revised, accelerated depreciation schedules by the Treasury Department as a substitute for the phased-out investment tax credit. In my judgment, such schedules would be a more permanent and efficient incentive than the credit. I also believe that now is not too soon to begin rewriting these schedules. Studies show that, because of the intricacies of corporate planning and accounting, rather little of this new incentive could be used during the first 1 or 2 years under the new schedule. In 1955, for example, the second year in which the accelerated depreciation methods drawn up in 1954 were allowed, only 50 percent of new investment in manufacturing was depreciated at the accelerated rates.

My amendment, therefore, is neither inflationary nor unduly remunerative to the corporate sector. It merely plans ahead for the decade of the 1970's when we shall continue to count upon private enterprise to maintain our high level of employment and keep our economy on the move. It provides an incentive no greater than that which is accorded business investment in most industrial countries—countries with which we compete in international trade.

Economic analysts now predict that the sharp reduction which has already occurred in the real growth of our economy will soon be felt in the area of price inflation. Some analysts even predict a "recession" for 1970, with all that this entails in terms of reduced employment and a drawnout stagnation in the economy. Now is surely the time to provide for a means to maintain our economic strength during the coming difficult and very crucial months economically.

Mr. President, I ask unanimous consent that my amendment be printed at this point in the Record.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the Record as requested by the Senator from New York.

Amendment 156

On page 325, strike out lines 21 et. seq.; continuing strike pages 326 through 338 inclusive; continuing further on page 339 strike out lines 1 through 12 inclusive; and insert in lieu thereof the following:

"Sec. 703. Reduction and Termination of Investment Credit.

"(a) Sec. 46(a)(1) of Subpart B of part IV of subchapter A of chapter 1 (relating to the amount of credit) is hereby amended as follows:

"'General Rule.—The amount of credit allowed by section 38 shall be equal to:

"'(i) for the period ending on or before April 17, 1969, 7 percent.

"'(ii) for the period commencing on or after April 18, 1969, and ending on April 17, 1970, 5 percent;

"'(iii) for the period commencing on or after April 18, 1970, and ending on April 17, 1971, 3 percent; and

"'(iv) for any period commencing on or after April 18, 1971, 0 percent of the qualified investment (as defined in subsection (c) and in accordance with section 49.).'

"(b) Subpart B of part IV of subchapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new section:

"'Sec. 49. Rules for Reduction Period Property.

"'(a) General Rule.—For the purposes of this subpart, the term "reduction period property" does not include property—

"'(1) the physical construction, reconstruction, or erection of which is begun, or

"'(2) which is acquired by the taxpayer on or before April 17, 1969. All dates with respect hereto shall be determined with reference to paragraph (b) (Rules for Reduction Period Property) hereof.

"'(b) Rules for Reduction Period Property.—For the purposes of this section the date on which physical construction, reconstruction, or erection is begun or on which property is acquired is—

"'(1) Binding contracts rule.—The date of a contract at all times thereafter binding on the taxpayer for such construction, reconstruction, erection, or acquisition.

"'(2) Equipped building rule.—

"'(A) The date of the existence of a plan of the taxpayer (which plan was not substantially modified at any time after such date and before the taxpayer placed the equipped building in service) pursuant to which the taxpayer has constructed, reconstructed, erected, or acquired a building and equipment necessary to the planned use of such building by the taxpayer; *Provided, however,* That more than 50 per centum of the aggregate adjusted basis of all the property of a character subject to the allowance for depreciation making up such buildings as so equipped is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer within one year of such date, or property the acquisition of which by the taxpayer occurred within one year of such date.

"'(B) All property comprising such building as so equipped (and any incidental property adjacent to such building which is necessary to the planned use of the building) shall be deemed to be constructed, reconstructed, erected, or acquired as of the date determined hereby. For purposes of subparagraph (A) hereof, the rules of paragraphs (1) and (4) shall be applied. For purposes of this paragraph, a special purpose structure shall be treated as a building.

"'(3) Plant facility rule.—

"'(A) The date of the existence of a plan of the taxpayer (which plan was not substantially modified at any time after such date and before the taxpayer placed the plant facility in service) pursuant to which the taxpayer has constructed, reconstructed, or erected a plant facility; *Provided however,* That either (i) the construction, reconstruction, or erection of such plant facility was commenced by the taxpayer within one year of such date; or (ii) more than 50 percent of the aggregate adjusted basis for all the property of a character subject to the allowance for depreciation making up such plant facility is attributable to either property the construction, reconstruction, or erection of which was begun by the taxpayer within one year of such date, or property the acquisition of which by the taxpayer occurred within one year of such date.

"'(B) All property comprising such plant facility shall be deemed to be constructed, reconstructed, erected, or acquired as of the date determined hereby. For purposes of subparagraph (A) hereof, the rules of paragraphs (1) and (4) shall be applied.

"'(C) Plant facility defined.—For purposes of this paragraph, the term "plant facility" means a facility which does not include any building (or of which buildings constitute an insignificant portion) and which is—

"'(i) a self-contained, single operating unit or processing operation.

"'(ii) located on a single site, and

"'(iii) identified as of the date determined hereby in the purchasing and internal financial plans of the taxpayer as a single unitary project.

"'(4) Machinery or equipment rule.—

"'(A) The date on which more than 50 percent of the parts and components of any piece of machinery or equipment (determined on the basis of cost) were held by the taxpayer pursuant to a binding contract which was in effect on such date, for inclusion or use in such piece of machinery or equipment.

"'(B) The cost of the parts and components of such machinery or equipment (which parts and components are necessary for the proper functioning and utilization of such machinery and equipment) which is not an insignificant portion of the total cost, shall be deemed to be property held as of the date determined hereby.

"'(5) Certain lease-back transactions, etc.—Where a person who is a party to a binding contract described in paragraph (1) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall, for purposes of paragraph (1), succeed to the position of the transferor with respect to such binding contract and such property. In any case in which the lessor does not make an election under section 48(d)—

"'(A) the preceding sentence shall apply only if a party to the contract retains the right to use the property under a lease for a term of at least one year; and

"'(B) if such use is retained, the lessor shall be deemed for the purposes of section 47 as having made a disposition of the property at such time at the lessee loses the right to use the property.

For purposes of subparagraph (B) if the lessee transfers the lease in a transfer described in paragraph (7), the lessee shall be considered as having the right to use of the property so long as the transferee has such use.

"'(6) Certain lease and contract obligations.—The date of a binding lease or contract to lease pursuant to which a lessor or lessee is obligated to construct, reconstruct, erect, or acquire property specified in such lease or contract, any property so constructed, reconstructed, erected, or acquired by the lessor or lessee; *Provided, however*, That the same shall be accomplished within one year of such date. In the case of any project which includes property other than the property to be leased to such lessee, the preceding sentence shall be applied, in the case of the lessor, to such other property only if the binding leases and contracts with all lessees in effect on such date cover real property constituting 25 percent or more of the project (determined on the basis of rental value). For purposes of the preceding sentences of this paragraph, in the case of any project where one or more vendor-vendee relationships exist, such vendors and vendees shall be treated as lessors and lessees.

"'(7) Certain transfers to be disregarded.—

"'(A) If property or rights under a contract are transferred in—

"'(i) a transfer by reason of death, or

"'(ii) a transaction as a result of which the basis of the property in the hands of the transferee is determined by reference to its basis in the hands of the transferor by reason of the application of section 332, 351, 361, 371 (a), 374(a), 721, or 731,

then such property (or the property acquired under such contract) shall be treated in the hands of the transferee in the same manner as such property would be treated in the hands of the decedent or the transferor.

"'(B) If—

"'(i) property or rights under a contract are acquired in a transaction to which section 334(b)(2) applies,

"'(ii) the stock of the distributing corporation was acquired before April 18, 1971, or pursuant to a binding contract in effect before April 18, 1971, and

"'(iii) such property (or the property acquired under such contract) would be treated as reduction period property in the hands of the distributing corporation,

such property shall be treated as reduction period property in the hands of the distributee.

"'(8) Property acquired from affiliated corporations.—For purposes of this subsection, in the case of property acquired by a corporation which is a member of an affiliated group from another member of the same group—

"'(A) such corporation shall be treated as having acquired such property on the date on which it was acquired by such other member,

"'(B) such corporation shall be treated as having entered into a binding contract for the construction, reconstruction, erection, or acquisition of such property on the date on which such other member entered into a contract for the construction, reconstruction, erection, or acquisition of such property, and

"'(C) such corporation shall be treated as having commenced the construction, reconstruction, or erection of such property on the date on which such other member commenced such construction, reconstruction, or erection.

For purposes of this subsection and subsection (c), a contract between two members of an affiliated group shall not be treated as a binding contract as between such members. For the purposes of the preceding sentences, the term 'affiliated group' has the meaning assigned to it by section 1504(a), except that all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).'

"(c) Limitations on Use of Carryovers and Carrybacks.—Section 46(b) (relating to carryback and carryover of unused credits) is amended by adding at the end thereof the following new paragraph:

"'(5) Taxable years beginning after April 17, 1969, and ending after April 17, 1971.—The amount which may be added under this subsection for any taxable year beginning after April 17, 1969 and ending after April 17, 1971 shall not exceed 20 percent of the higher of—

"'(A) the aggregate of the investment credit carrybacks and investment credit carryovers to the taxable year, or

"'(B) the highest amount computed under subparagraph (A) for any preceding taxable year which began after December 31, 1968, and ended after April 17, 1971.'

"(d) Rules Relating to Certain Casualties and Thefts.—Section 47(a)(4) (relating to rules with respect to section 38 property destroyed by casualty, etc.) is amended by adding at the end thereof the following: 'subparagraphs (B) and (C) shall not apply with respect to any casualty or theft occurring on or after April 18, 1969. In the case of any casualty or theft occurring before April 18, 1969, to the extent of any replacement after such date (with property which would be section 38 property but for section 49) this part shall be applied without regard to section 49.'

"(e) Subpart B of part IV of subchapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof and immediately following the new section, section 49, the following new section:

"'Sec. 50. Presidential Termination of Credit.

"'(a) The President, by Executive order duly published in the Federal Register, may at any time terminate the credit allowed by section 38; *Provided, however,* That in terminating such credit the President shall so modify the schedules of allowable depreciation as to provide investment incentives to increase and improve productivity comparable within a reasonable period of time to the credit allowed by this subchapter on April 17, 1969.

"'(b) Such order may provide such provisions as the President shall deem necessary or desirable so as to provide an orderly transition upon the termination of such credit.'

"(f) Conforming Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 (relating to rules for computing credit for investment in certain depreciable property) is amended by adding at the end thereof the following new items:

"'Sec. 49. Termination of credit.

"'Sec. 50. Presidential termination of credit.'"

The amendment (No. 156) was referred to the Committee on Finance.

REFORM OF INCOME TAX LAWS—AMENDMENTS

AMENDMENT NO. 157

Mr. MOSS. Mr. President, I am today submitting an amendment intended to be proposed by me to the Tax Reform Act of 1969 (H.R. 13270) which would grant to oil shale the same percentage depletion allowance as is granted to oil and gas.

In the House-passed bill the depletion allowance for oil is set at a rate of 20 percent. If this rate is accepted by the Senate, then under the terms of my amendment the percentage of depletion allowance for oil shale would be set at the 20 percent level in the bill which the Senate passes. If another rate is established for oil, oil from shale would take that same rate.

The House-passed bill provides that the rate of depletion pertain to oil shale at a time when the product is retorted and in liquid form, rather than when the shale is in the crushed rock stage. This is the only way the oil shale depletion allowance can be made fully equal to the oil depletion allowance, since at the time the depletion allowance is granted to oil it is in its liquid form. Any rate of adjustment made by the Senate should include the same provision.

The passage of this amendment would greatly encourage the development of a truly tremendous potential source of energy within our country that the Nation will need for its security and economic growth during the next few years.

This source of energy is the high grade oil shale deposits in the Green River Formation, which stretches through Utah, Colorado, and Wyoming. It has been aptly called the "world's largest known resource of hydrocarbons."

Those deposits have been computed at 600 billion barrels. The known free world recoverable reserve of petroleum from conventional sources is about 402 billion barrels. Much of these latter sources are beyond our borders, available to us only upon agreement with other nations, and then over often perilous land or water routes.

Yet we are doing very little to encourage the development of the reserves we have in one area in an inland and relatively well protected part of our own country. These reserves represent considerably more than the known conventional petroleum reserves in the entire world.

The program offered by the Department of the Interior for the development of our oil shale resources is an attempt to resolve some of the legal, technical and political difficulties facing us in developing oil shale. Passage of my amendment would help make such development financially feasible.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment (No. 157) was referred to the Committee on Finance.

AMENDMENT NO. 158

Mr. MOSS submitted an amendment, intended to be proposed by him, to the bill (H.R. 13270), to reform the income tax laws, which was referred to the Committee on Finance and ordered to be printed.

EDUCATIONAL ASSISTANCE TO CERTAIN CHILDREN LIVING IN FEDERALLY IMPACTED AREAS—AMENDMENT

AMENDMENT NO. 159

Mr. CRANSTON. Mr. President, on May 13, 1969, Senator Thomas F. Eagleton, of Missouri, introduced a bill, S. 2147, which has been referred to the Committee on Labor and Public Welfare. In his bill, Senator Eagleton proposes that children living in federally assisted housing be considered as federally connected children for purposes of educational assistance to federally impacted area. His bill would amend section 303(1) of the act of September 30, 1950—Public Law 81–874—to provide Federal payments to school districts which serve children living in public housing under the U.S. Housing Act of 1937.

I commend Senator EAGLETON on his bill, for it recognizes that federally assisted public housing often works a double burden on school districts in the same manner as the Federal activities recognized under Public Law 81-874. In both instances, Federal funds create entities which diminish the tax base of an affected school district while simultaneously increasing the number of school children to be served by that district.

Recently, my attention was directed to two other acts which also provide for federally assisted public housing. These are part B of title III of the Economic Opportunity Act of 1964—Public Law 88-452—and section 516 of the National Housing Act of 1949—Public Law 81-171—as amended by the Housing Act of 1964—Public Law 88-560. Both acts are designed to improve housing for domestic farm labor. In California alone, over 1,700 housing units have been built under the OEO Act, while in fiscal 1969 over $2 million in loans and grants were allocated to local public housing authorities under section 516 of the National Housing Act of 1949, as amended by the Housing Act of 1964.

Inasmuch as both of these acts provide for federally assisted public housing, school districts serving children living in such housing should be entitled to the same relief as those districts serving children living in public housing assisted under the U.S. Housing Act of 1937. I thus intend to offer an amendment to S. 2147 to include these two housing acts.

Mr. President, I submit the amendment for printing at this time and ask unanimous consent that it be appropriately referred and printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 159) was referred to the Committee on Labor and Public Welfare, as follows:

On the first page, line 7, after "Housing Act of 1937," insert "section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964,".

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENTS

AMENDMENT NO. 160

Mr. MONDALE. Mr. President, the unique and severe problems facing our Nation's migrant and seasonal farmworkers present the best reasons for maintaining and expanding special antipoverty programs designed to serve particular groups of citizens. Because they are a highly mobile group, and because many of our laws and programs require permanent residence as a condition for eligibility or participation, in practice migrant farmworkers have little or no opportunity to participate in local antipoverty programs, or most other Federal programs designed to serve the poor. Furthermore, farmworkers are excluded, or at best only minimally included, from almost every major Federal and State legislative program designed to protect workers or improve living and working conditions for farmworkers in this country. Fortunately, special programs focused on migrant workers such as the Migrant Health Act, and the migrant education program under title I of ESEA have been established, as well as the title III-B program in the Equal Opportunity Act.

I am today submitting an amendment to S. 1809, a bill to improve and extend the authorizing legislation for the Office of Economic Opportunity, that would increase the appropriation authorization for title III-B programs for migrant and seasonal farmworkers under the Economic Opportunity Act to $54 million for each of the next 3 years. This represents an increase of 100 percent over the grants allocated in fiscal year 1969, and a 60-percent increase over the level proposed in S. 1809.

I ask unanimous consent that a copy of this amendment be printed in the RECORD at the close of my remarks.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and without objection, the amendment will be printed in the RECORD, as requested by the Senator from Minnesota.

Mr. MONDALE. Mr. President, there are several very important aspects of title III-B programs that clearly distinguish them from other antipoverty programs and other Federal programs. Specifically, title III-B programs concern an occupational group, rather than an age group or geographic community, and this occupational group of farmworkers is one whose skills are rapidly being mechanized out of existence. Recent Federal Government reports indicate that by 1980 nonfarm jobs must be found for 40 percent of the current farm-labor work force. Title III-B programs have, and quite appropriately I think, addressed themselves not only to the immediate needs of migrant and seasonal farmworkers but to the problems of massive job displacement that are plaguing in this work force.

To accomplish the antipoverty goals with this occupational group, programs have taken into account seasons of farm labor employment and unemployment as well as the movement pattern of migrants. Programs have often been statewide or interstate in order to reach the target population.

Presently there are four major types of programs operated under title III-B. First, to meet the problems of increasing job displacement, OEO is making an effort to establish reemployment and adjustment assistance programs to capitalize on the expertise of public agencies and private industries in the effort to find permanent employment for displaced farmworkers.

Second, to provide community stability for farmworkers through improved employment opportunities, there are migrant education and training programs such as the high school equivalency program, basic education and training programs, and part-time education. Third, housing needs of migrant and seasonal farmworkers are addressed by OEO-funded programs such as self-help housing, and services that assist farmworkers in gaining maximum participation in other Federal housing programs.

Fourth, there are in-stream migrant assistance programs which are intended to serve the dual function of providing immediate services to migrants while they are within the migrant stream, and of promoting quality and interstate cooperation among OEO-funded migrant programs. Day-care centers, service centers, temporary housing, and supportive services such as training and technical assistance are included in these categories.

In proposing this increased authorization for these important programs, it is my hope that a substantial portion of any increased funds would be devoted to those programs that aid the migrant farmworker in settling out of the migrant stream. Specifically, programs for migrant reemployment and adjustment assistance through training, placement, and resettlement assistance, as well as private incentives for manpower development, offer real hope to migrant and seasonal farmworkers facing the threat of further mechanization and unemployment. This approach in particular would go far toward helping migrant workers establish themselves in a community and removes themselves and their families from the grips of poverty.

Migrant workers have been ignored or excluded by too many Government programs for too long. An important beginning toward repsonsiveness to migratory labor programs has occurred under title III-B of EOA. But only about 212,000 of the estimated 1,000,000 migrant farmworks and their families—barely 20 percent—are presently served by title III-B programs. Most disturbingly, only 33,600, or less than 4 percent, are served by programs designed to assist the migrant farmworker and his family settle out of the stream. This is not enough. I believe it is time to substantially increase the funding of this program. My amendment is designed to do just that.

The amendment (No. 160) was referred to the Committee on Labor and Public Welfare, as follows:

On page 2, line 14, strike out "$2,180,000,000" and insert in lieu thereof "$2,200,000,000."

On page 2, line 23, strike out "$1,032,700,000" and insert in lieu thereof $1,052,700,000."

On page 3, line 12, strike out "$34,000,000" and insert in lieu thereof "$54,000,000."

NOTICE OF HEARING ON AMENDMENT TO FEDERAL CREDIT UNION ACT

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on H.R. 2 and S. 2298, to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

The hearing will be held on Tuesday, September 23, 1969, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit

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written statements in connection with this hearing should notify Mr. Hugh H. Smith, Jr., room 5300 New Senate Office Building, Washington, D.C., 20510; telephone 225–7291.

THE MERCHANT MARINE AND MRS. BENTLEY

Mr. **TYDINGS**. Mr. President, to be the new Chairman of the Federal Maritime Commission the President has nominated Helen Delich Bentley. I can think of no one more qualified.

Mrs. Bentley, the maritime editor of the Baltimore Sun, is one of the premier writers on maritime affairs in the country. She has covered the waterfront for many years and has gained through hard knocks experience a vast knowledge of maritime affairs.

It should serve her well for the FMC is charged with the important task of regulating services and practices in our waterborne commerce and, equally important, passing on the rates and fares of such traffic. Together with the Maritime Administration, the Commission bears the responsibility of insuring the vitality and prosperity of our maritime position.

Currently this position is not what it should be. Our merchant marine is in a state of alarming decline. The average age of a U.S. ship is 23 years. Our country ranks a poor 11th in world merchant ship construction. Finally, the United States today is carrying only about 5 percent of its foreign commerce on American-flag bottoms.

In her articles and through informal contacts Mrs. Bentley has pointed to this decline and forcefully urged that it be reversed. Knowing full well the significance of a strong merchant marine to the commercial and military posture of the United States, Helen Bentley has called for the national commitment—in terms of money, effort, and desire—necessary for the restoration of our once preeminent maritime position.

I support her call and feel such a commitment has top priority for this country and the present administration. I have written Secretary Stans urging him to submit the new maritime proposals to Congress and pointing out that the delay already experienced has set back the time when the required new ships will hit the waves.

Throughout her career Mrs. Bentley has warned of the threat posed by the buildup of the Soviet merchant fleet. The Russians have embarked on a major ship building program and the Soviet flag is now seen in most ports of call around the world.

I believe Helen Delich Bentley is most qualified and I support her nomination as Chairman of the Federal Maritime Commission.

Mr. President, Mrs. Bentley's reputation as a maritime expert is matched only by her affinity for colorful hats. They have often drawn comments. I know Helen Bentley; I have seen many of her chapeaux. I am willing to state publicly and for the record within the very Chamber of this U.S. Senate that they are, in a word, charming.

In order to give other Senators the favor of Mrs. Bentley's writing, I ask unanimous consent that four of her Sun "Around the Waterfront" columns now be reprinted in the Record. I ask also that the text of my letter to Secretary Stans concerning the delay in submission of the new maritime legislation be reprinted following those articles.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Baltimore Sun, May 22, 1969]

Neglect Is Sinking Nation's Fleet

(By Helen Delich Bentley)

As National Maritime Day, 1969, is observed today throughout the United States, all facets of the sadly divided, bitterly segmented industry agree on one point—namely, that the U.S. must determine whether its merchant marine is to become an instrument of national policy.

If it is, a course of rehabilitation and revitalization should be followed.

COLD WAR WEAPON

If it is not, then no one should worry any longer whether there are merchant ships on the high seas flying the American flag.

Among the leading nations who use their merchant marines as instruments of their national policy are: the Soviet Union, Japan, Norway and the United Kingdom.

There are many others, but these are the nations one can place at a level with the U.S., nations whose merchant fleets are important to the U.S. in one way or another—either from the standpoint of friendly competition, or as weapons in the cold war.

RUSSIAN POLICY

The Russians have been very blunt in telling the world that they expect to double their present 12,000,000 deadweight tons of merchant shipping by 1980. As they have built up their present tonnage—80 per cent of which is less than ten years old—they have clearly used their merchant ships as instruments in a drive to win over as many nations as they can and to carry out their national policy.

Their small passenger ships are used to transport students from developing countries to Russia to learn, and to bring to them experts and soldiers offering first-hand aid. Their tankers are still built on a small scale so that they can transport Soviet petroleum products directly into the shallow ports of these nations.

The Soviets want more freighters and other cargo carrying vessels so they can increase their own trade, and also to enter more third-flag trade routes in order to earn dollars.

Viktor Bakayev, Minister of Merchantile Marine in the Soviet Union, has stated that his country has taken into consideration the growth of population and the development of world industrial and agricultural production, along with the expansion of trade among the countries of the world. It has reached the conclusion that the scope of international shipping by water will reach 3 to 3½ billion tons by 1980, up from the 2 billion tons in 1968.

JAPANESE POLICY

The Russians intend to have enough ships on hand to more than carry their share of that cargo.

The Japanese have prescribed that their merchant marine should carry 60 per cent of the Japanese exports and 70 per cent of the Japanese imports by 1975. To meet this target, it is planned that 2,050 ships of 29 million gross tons will be built in Japanese shipyards between now and 1975.

The Japanese reached that determination after the Ministry of Transport and the Shipping and Shipbuilding Rationalization Council called upon a specially created industry advisory group, the Shipping Policy Division, to "conduct studies on a policy from the National economic viewpoint for the growth of the Japanese shipping industry."

Among the conclusions reached, according to a Tokyo publication, were the following:

1. It is essential to expand the Japanese merchant marine for improvement of the shipping payments position.
2. It is necessary to work out measures for having access to funds needed for expansion of the Japanese fleet of ocean going ships, and for the training of more seamen.
3. Government subsidies are needed to strengthen the Japanese shipping industry's business standing, and to augment its international competitiveness.

The entire existing Japanese merchant marine is less than 15 years old.

On this Maritime Day, 1969, this is the position of the U.S.:

1. The U.S. today is carrying only about 5 per cent of its foreign commerce on American-flag bottoms. This percentage has been dropping sharply every year—from a high of 57.6 per cent in 1960.
2. The U.S. ranks a weak 11th in merchant ship construction in the world.
3. The average age of the U.S. fleet is 23 years; in another 2 years, more than 2 out of 3 ships in the American fleet will be over 25 years in age and totally uneconomical.
4. The U.S. fleet is plagued with critical inter-union bickering.
5. The U.S. active fleet ranks a weak 6th in status in the world

DECISIONS ESSENTIAL

If the U.S. determines that the American merchant marine is to be an instrument of its national policy, the nation must be sold on the idea that a healthy maritime industry not only provides major employment opportunities, but also greatly aids the balance of payments opportunities, while assuring the economy a steady flow of world trade and the country a necessary defense weapon.

One thing for certain on this National Maritime Day is that the U.S. must soon come to grips with the problem of whether it intends to make the merchant marine an instrument of national policy, or whether it intends to turn over all of its maritime commerce to foreign interests and depend solely on them.

[From the Baltimore Sun, June 16, 1969]

Naval War College Studies Soviet Merchant Marine

(By Helen Delich Bentley)

Newport, R.I.—The United States Naval War College here this week is devoting its Twenty-First Annual Global Strategy Discussions to the rapid expansion of the Soviet merchant marine, its influence in international circles, and the simultaneous continuing decline of the United States merchant fleet.

Only two weeks ago The Center for Strategic and International Studies of Georgetown University, Washington, published No. 10 of its special report series. The title was "Soviet Sea Power."

It now appears that more responsible people are beginning to recognize the threat of the U.S.S.R. on the seven seas as a result of her expansion of her merchant marine, navy, and fishing and oceanography fleets. Until recently, there was such a tendency to pooh-pooh what the Soviet Union was doing along this line that many persons were ashamed to admit concern.

The Georgetown report declared in its opening chapter on Policy Findings and Implications for U.S. policy that the Soviet Union embarked on a maritime strategy designed to help her break out of her long history of continental confinement.

POLICY ENVISIONED

"This policy means, in the first instance, attempts to control the Baltic Sea, the Black Sea and ultimately the Mediterranean. The policy also envisions Soviet predominance in the Sea of Japan to the East, the Greenland-Iceland-Faeroe Island gap to the West, and the Indian Ocean to the South. Simultaneously, the Soviet Union is probably striving to become the dominant power in such vital straits as the Bosporus and Dardanelles, through which its fleets must pass to reach the high seas.

"Beyond these goals, the Soviets want to gain dominant influence at several major junctions of the world's seaways. Specifically, they have their sights on the Suez Canal, the Bab al-Mandeb, the Straits of Malacca, and the Straits of Gibraltar. In pursuit of these ends, the Soviets would most likely try systematically to limit and eventually to stop noncommunist naval operations in areas they consider strategically critical to their plans."

Admiral John S. McCain, Jr., who now heads up the United States armed forces in the entire Pacific area, tried hard to impress upon the American people the strategy of the Russians of aiming for key points in order to control the movements of ships on a world-wide basis.

Admiral McCain also included the Panama Canal as being a highly-sought-after site for the Communist world.

The naval officer employed this hard-sell, convincing pitch in every speech he gave before civic organizations, schools, and labor unions. Through the use of specially-prepared color slides, the cigar-chomping slightly-built admiral did an excellent job convincing his audience that the Soviets were up to no good in their fantastic rate of growth on bottoms of any kind.

Although it is impossible for Admiral McCain to be on hand in Newport this week, those who have had the privilege of hearing him will be reminded of his excellent performance concerning his fear of the ultimate goals of the Soviet Union as they discuss the thick volume of papers prepared for these strategy discussions.

"The Soviet Union, unlike the United States, is pursuing a well-co-ordinated maritime program that can serve all facets of its maritime strategy," states the Georgetown Center's report. "This co-ordination calls for balanced and integrated development of naval forces, merchant and fishing fleets, maritime assistance, maritime industrial bases, including shipbuilding facilities, professional oceanic education and research.

ONE WEAKNESS CITED

"At the policy level, the Soviets try to coordinate their substantial maritime resources with their political, economic, ideological and military goals. They have already made marked progress in this program."

In the specific areas, the tenth report discusses each one thoroughly.

Regarding naval forces, the experts state that the Soviet Union already surpasses the United States in important categories of seapower.

The Soviet Union presently has many more conventionally-powered submarines, unparalleled long-range surface-to-surface cruise-missile systems on surface ships and on submarines, and a sizable missile-equipped fleet of patrol boats.

However, a Soviet writer said that the Soviet Navy lags in logistic support for sustained combat conditions.

MOVED UP TO 5TH

In regard to the marine, the report points out that the Soviets have moved up from 21st place in 1950 to fifth in the world in tonnage "and its rate of growth is impressive." Their ships are almost totally modern in design and vintage, which is just the reverse of the United States situation.

"The Soviets and their Warsaw Pact allies cannot yet challenge the United States and its non-communist partners to allout competition in the arena of international maritime commerce, but on a selective basis they are making their weight felt."

It described the expansion of the Soviet high-seas fishing fleet as "one of their program's most dramatic achievements," having 11 times more tonnage than that of the United States.

And in oceanography, the report said the Soviets "are now overtaking the United States in some aspects of the fundamental and critical field . . ."

"The momentum and scope of the Soviet maritime program, rather than the specific achievements, are the main challenge to the United States," it added. "The Soviets are making a relatively greater investment than is the United States in basic and applied naval research and in ship procurement."

[From the Baltimore Sun, Aug. 21, 1969]

United States Shows Fleet Decrease in 1968

(By Helen Delich Bentley)

Washington.—There are 19,361 merchant ships—of which 932 are U.S. World War II hulks headed for the scrap heap—totaling 273 million deadweight tons in the fleets of the world.

The newest tabulation of the world's vessels by the Maritime Administration also revealed that the still-deteriorating United States fleet—in fifth place—shows up now as the only one of the major maritime nations with a net decrease in merchant tonnage during 1968.

This country had a net loss of 615,000 deadweight tons "due mainly to the scrapping of World War II-built ships from the government-owned reserve fleet," the report stated.

BREAKDOWN DECEIVING

Although this latest 20-page publication, "Merchant Fleets of the World," does provide a breakdown of sorts between the U.S. privately owned and the Government-owned reserve fleets, it is still deceiving, when the total number of ships cited for the United States is 2,071 totaling 25,464,000 deadweight tons, since it has been predetermined that at least one-half of those will definitely hit the scrap heap rather than ever to leave that reserve fleet spot to transport cargoes.

They are all World War II hulks—Liberty Ships and other types that were almost obsolete before they were launched. Those that are scrap-heap bound are in the Government-owned reserve fleet.

Of the 967 U.S. privately-owned, totalling 15,346,000 deadweight tons, only one-third is post World War II-tonnage, whereas most of the ships of other major maritime powers are in the post-war period. The bulk of the foreign tonnage actually would fall in the 15 years and younger age brackets.

The leading maritime nations are: Liberia with 1,613 ships totalling 45,141,000 deadweight; Norway with 1,308 ships of 30,593,000 deadweight; United Kingdom with 1,840 ships of 29,917,000 deadweight; Japan with 1,766 ships of 29,220,000 deadweight; United States with 1,149 "active" Government and privately-owned ships of 17,126,000 deadweight; U.S.S.R., 1,634 vessels of 11,911,000 deadweight, and Greece, 1,006 ships of 11,543,000 deadweight; West Germany 909 of 9,320,000 deadweight; Italy, 620 of 8,686,000; France, 485 of 7,618,000; and Netherlands, 463 of 6,763,000.

Even though the age of the ships plays a major role on the economic and efficiency aspects of all vessels, their age is never discussed or considered in statistical reports such as the one just released.

In fact because the age of the American merchant marine was never programmed into the elaborate computers at the Pentagon, the conclusion always reached when the machines finished playing with the numbers was that the fleet was adequate. No one told the robots that the bulk of the ships already was being held together by baling wire, and skill of their crew members, and the high rates that could be afforded because of the Vietnam sealift.

Therefore, no leadership in Washington—particularly at the Defense Department—was willing to lay itself on the line to justify expenditures for new ships to transport this country's trade and commerce.

WORLD TONNAGE INCREASED

The MarAd report said that total merchant vessel tonnage for the world fleet increased by 561 ships during the year with a deadweight tonnage climbing 22.8 million tons to a year-end total of 273.2 million.

Nearly 22 million tons of the additional tonnage was accounted for by bulk carriers and tankers, the publication stated.

As of December 31, the world fleet totaled 19,361 ships, compared to 1967's total of 18,800.

The report noted that although freighters accounted for 4 million additional deadweight tons during 1968, the net gain in this category was "negligible" because of the large number of losses and scrappings.

NET INCREASE 3 PERCENT

"The net increase in the number of ships for 1968 was equal to 3 per cent over that of 1967," the report said, adding that the tonnage increase "represented a 9.1 per cent rate of growth."

"Liberia ranked first among the maritime nations of the world, and the 45.1 million tons registered under her flag represented 16.5 per cent of the world total," the study reported.

"Norway and the United Kingdom, which ranked second and third, showed net increases in their fleets of 1.4 and 2.4 million tons respectively.

"Japan, the fourth leading maritime nation, had a net increase of 4.5 million tons, which placed her second behind Liberia for net gains during the year.

"The Soviet Union and Greece, with net increases of approximately one million tons each, ranked sixth and seventh respectively," the report concluded.

Five countries in addition to the United States showed a net decrease in the number of ships in their fleets. These were: France, Italy, Norway, Sweden and the United Kingdom.

[From the Baltimore Sun, Aug. 25, 1969]

U.S. Fleet Gets Less Viet Tonnage

(By Helen Delich Bentley)

Washington—Declining tonnage movements to Vietnam coupled with the impact of additional high labor costs negotiated in June are further beating down the already limping and decrepit American merchant marine.

Shipowners are complaining that the Military Sea Transportation Service is keeping too many Victory ships (75) from the reserve fleet on active duty in the Vietnam pipeline while regular privately owned berth line vessels either are made idle by the lack of cargo or other berth liners are going out with partial loads on that route.

FIFTEEN TO BE SCRAPPED

This appears to be true even though the MSTS and Maritime Administration already have designated 15 of the reserve (General Agency Agreement) ships for scrapping and placed or scheduled 54 more to go on "ready operating status" (ROS).

ROS vessels are those which can be placed in service overnight should an emergency situation require them to be returned to the pipeline immediately.

The dropoff in cargo has become drastic as far as the shipowners are concerned because of the bombing halt in Vietnam, the general lull in fighting, and the drive by Presi-

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dent Nixon to return American GI's to the United States as fast as possible.

As a result the World War II-vintage ships, which in essence have had life pumped into them by the added demands of the war situation in recent years, are being hard hit by the letdown.

ECONOMY PRECLUDED

Many have been surviving only because of the military sealift. Their age precludes their being economical in the revolutionary 1970 container era, meaning that only the higher rate afforded by wartime conditions has kept these traditional freighters in business. Once this military cargo disappears these break-bulk vessels will be heading to the scrapyards almost as fast as the torches can burn them into shreds.

The tragic story for the United States is that about two-thirds of its merchant marine will be at least 25 years old in 1971, and 80 percent of it, more than 20 years of age by that time. When the 1936 Merchant Marine Act was written, 20 years was considered the economical life of a ship.

Worn out engines, rusty hulls, high labor costs and high insurance rates make it impossible for these World War II vessels to operate competitively in the commercial market. They can only keep going in protected trades, such as the military sealift, transporting the congressionally-edicted portion of government-financed cargoes, or on domestic routes.

Their owners—if they were or are interested in so doing—have had their hands somewhat tied in regard to replacing these ancient bottoms with modern sea giants because of legislative prohibitions concerning construction abroad and budgetary limitations needed for construction differential subsidy to build them in the United States.

NUMBER REDUCED

In addition to the General Agency Agreement bottoms whose active number has been reduced rapidly since Andrew E. Gibson assumed the post of maritime administrator, MSTS has 135 privately owned ships on time charter. Because some of these are sheathed to transport ammunition, both tramp and berth line operators believe that MSTS should begin channeling ammunition to these vessels in order to free general cargo to steamship lines serving these trade routes regularly.

There also have been indications that if more of the independent or tramp owners would sheathe their ships—said to cost between $20,000 and $25,000 a vessel—the Maritime Administration would push the use of the privately owned bottoms by MSTS instead of the GAA's.

This in turn would make more cargoes available for the berth line operators.

Tramp owners, unsubsidized and subsidized berth line operators jointly met last week with Maritime Administration and MSTS representatives to discuss their mutual problems resulting from the changing cargo picture. Pressure now is being heaped upon the shoulders of John W. Warner, under secretary of the Navy, to change some of the cargo consignments.

Meanwhile, an operator like Waterman Steamship Company is losing thousands of dollars daily because of the refusal of the Defense Department to consider an adjustment in the daily contract price negotiated in 1967 with Waterman.

With the new 15 per cent a year additional labor costs—as is estimated by most shipowners—Waterman with 12 ships under charter to MSTS finds itself losing at least $300 a day for each ship and feels it cannot continue without an adjustment of some kind.

END OF THE LINE

Similar rate structures without any escalation provisions are hurting other ship operators who likewise made their ships available to MSTS at a time when it was screaming loudest for American-flag bottoms. These companies feel that MSTS is letting them down by forcing them into bankruptcy because "we were good guys when they needed us."

Other independent owners are bowing out of the picture, selling their ships or laying them up because "the end of the line has arrived."

U.S. SENATE,
Washington, D.C., August 27, 1969.

Hon. MAURICE STANS,
Secretary, Department of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: One of the most urgent tasks facing our nation today is the revitalization of the merchant marine. For too long our fleet has been neglected. The inevitable result has been a rapid deterioration of our once pre-eminent maritime position.

Eighty percent of the merchant fleet is now over twenty years old and will soon be ready for the scrap heap. The U.S. ranks eighth in merchant ship tonnage under construction. Last year one fourth of all ships scrapped worldwide because of age were U.S. flag vessels.

This means that unless we act soon and decisively—the United States merchant marine may cease to be of prime significance in international maritime matters. Our still influential position will be eroded further as Japan, Great Britain, Norway and other nations including the Soviet Union increase their maritime power.

For this reason, I was heartened to read last September that Mr. Nixon was committed to rebuilding the merchant fleet and to learn last March that President Nixon had established a special interdepartmental task force to draw up a program to implement this commitment. I am concerned, however, that no legislative proposal has yet reached the Congress.

I fully understand the President's desire to find a program upon which all can agree. Yet in such a bitterly divided field stark reality forces me to conclude that quite possibly no substantial agreement is in sight. We simply cannot permit such division to delay further the efforts to restore our merchant fleet.

Unless the Administration's proposal is submitted immediately, the time remaining in this session of Congress will not permit proper consideration of the legislation needed. Further delay in submission thus means that the Administration's merchant marine proposals, when they do appear, cannot be begun to be considered until well into 1971. This, coupled with the time required for House and Senate review of the proposals, with the delay caused by the appropriations process, and with the time it actually takes to build ships once they're contracted for, means that the new ships we need now will not be hitting the waves in appreciable numbers for three or four years.

Valuable time has been lost. It is time that as a nation we can ill afford. Every effort must be made to rejuvenate our merchant fleet within the shortest possible time.

I urge you to finalize and submit the Administration's merchant marine proposals at the earliest date so the process of rejuvenation can begin. I offer my full support for any proposals which will restore our fleet to its proper predominant position.

With best wishes.

Sincerely,

JOSEPH P. TYDINGS.

THE PESTICIDE PERIL—XLVII

Mr. NELSON. Mr. President, the current controversy over the continued use of persistent, toxic pesticides has primarily involved conservationists and concerned scientists on the one side, and the chemical industry and farm organizations on the other.

In answer to the evidence presented by those alarmed by the dangers to our environment and potentially to human health from DDT and related pesticides, proponents of pesticides have often claimed that the entire agricultural industry depends on these chemicals and would suffer serious economical harm without them.

Robert C. Cowen, in an article this week in the Christian Science Monitor, reports on the comments of leading British biological experts at the annual meeting of the British Association for the Advancement of Science, who warned that the indiscriminate use of pesticides can be detrimental to the farmer, as well as a danger to the environment.

Dr. K. Mellanby stated that—

> Insecticides are poisons . . . and the dangers arising from their use must not be underestimated.

Farmers can suffer severe losses from pesticides. Since 1964, farmers in 29 States have been reimbursed nearly a million dollars through the pesticide indemnity payment program, a program administered by the U.S. Department of Agriculture which provides payments to reimburse dairy farmers for milk barred from commercial markets because it contains traces of pesticides approved for use by the U.S. Department of Agriculture.

In addition, many pests have developed resistance to certain insecticides. In other cases, chemicals are being indiscriminately applied, leading to unnecessary expense for the users.

Dr. Mellanby said:

> Pests may exist in small numbers in a crop and may not reduce yield at all. Here there is no point in using an insecticide. A slightly higher infestation may reduce yield, but the crop loss may be less in value than the cost of using an insecticide.

Biological controls of pests can be very successful and inexpensive. According to the article—

> Already something like 110 pests have been brought under some degree of biological control in over 60 countries.

It has been estimated that—

> For $4.25 million spent between 1928 and 1959, five projects alone saved California farmers $113 million plus $10 million a year since 1959.

It is unfortunate, possibly disastrous, that so few funds are expended annually for research in biological control when the need is so great.

Despite the recognized need to develop additional alternatives to DDT and other hard pesticides, the Department of Agriculture has failed to mount an all-out research effort in this area. A spokesman for the Agricultural Research Service has admitted to me that the Department's program for improved means of nonchemical pest control is presently underfunded by at least $4 million. These funds could be used this year by the Department but were not included in the budget submitted to Congress. The research areas being shortchanged include

biological control, hormonal techniques, natural plant resistance and cultural control.

I ask unanimous consent that Mr. Cowen's article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Sept. 10, 1969]

BALANCE URGED: EXCESS INSECTICIDE USE SCORED

(By Robert C. Cowen)

EXETER, ENGLAND.—The more biologists look at pest control, the more they see folly in man's heavy and indiscriminate use of poison.

Recent comments by two of Britain's leading experts point up the trend.

During a session of the annual meeting of the British Association for the Advancement of Science, they pointed out that indiscriminate use of pesticides can be poor business for the farmer, as well as a danger to the environment. Sound pest management, for its own sake, demands minimizing use of chemicals, in their judgment.

This is a more attention-getting approach than mere repetition of now-familiar pesticide dangers. It characterizes the growing sophistication and sense of balance with which responsible, yet concerned, biologists view the pesticide problem.

SAVINGS UNDENIABLE

As Dr. K. Mellanby, who heads the Nature Conservancy's Monks Wood Experimental Station, explained, such biologists recognize that "modern synthetic insecticides, including DDT, have saved millions of lives from insect-borne diseases, and have raised food production. . . . The impression that . . . without chemicals [pesticides] mankind would be healthier and more prosperous is completely false."

"Nevertheless," he added, "insecticides are poisons . . . and the dangers arising from their use must not be underestimated." These dangers include direct losses to farmers. Not only do pests develop resistance to insecticides, but unwise use of the chemicals can be unnecessarily expensive.

While crop-eating pests need to be controlled, they don't have to be eradicated.

Dr. Mellanby noted, "Pests may exist in small numbers in a crop and may not reduce yield at all. Here there is no point in using an insecticide. A slightly higher infestation may reduce yield, but the crop loss may be less in value than the cost of using an insecticide. . . .

DOING WITHOUT CHEMICALS

"A high proportion of insecticides and herbicides are in fact used unnecessarily. If we could ensure that insecticides were used only when necessary, this would be an economy to the farmer, and the side effects would be greatly reduced, and the risk of producing a resistant population would be decreased."

Often using bugs to fight bugs, or other means of "biological control," can cut the need for chemical poisons. In some cases, this has paid off handsomely. Already something like 110 pests have been brought under some degree of biological control in over 60 countries.

While it's hard to put an economic value on this, F. Wilson of the Sirex Biological Control Unit at Silbury Park in Berkshire quoted two studies that give some feel for the possible benefits.

The Commonwealth Institute of Biological Control spent about a million pounds on research between 1928 and 1963. Taking account of only seven of the projects, the institute figures this resulted in savings of £5 million during that period plus an annual saving of £250,000 subsequently.

Likewise, for $4.25 million spent between 1928 and 1959, University of California biological control experts estimate that five projects alone saved California farmers $113 million plus $10 million a year since 1959.

Clearly, biological control can be profitable for the community.

Such control measures run a gamut from setting bugs to fight bugs or fish to eat mosquito larvae to subtle genetic manipulation to making pest species sterile. Sometimes such measures alone can hold down a pest. Other times they cut down on the need to use poisons, although some chemicals may also have to be employed.

CHEMICAL NEED DEFENDED

Such biological measures won't, however, solve the whole pest problem. Mr. Wilson said that chemicals will remain the foundation of pest control for the next hundred years, or as far as you can see into the future. He gave five reasons for this.

Man's interference with the environment has already so upset natural insect controls that poisons are often the only recourse.

Levels of infestation sometimes become so high so quickly that biological measures would not act in time to do much good.

Many experts believe that biological controls can't be developed for some pest species. Mr. Wilson said that he, personally, does not feel so pessimistic about this. Nevertheless, that is the prevailing expert view.

Also, there are whole categories of pest problems with no clear prospect for biological control—disease-carrying insects or nematodes.

Finally, so little money and effort now goes into biological-control research that progress comes very slowly.

RESEARCH IMBALANCE CITED

Mr. Wilson used a rough but graphic statistic to illustrate the lack of research drive. Western countries alone spend over £25 million a year on pesticide research and £600 million for the chemicals. Since these figures are several years old, the sum may be even greater by now. But they spend only about £4 million on biological control.

Mr. Wilson called this ratio of effort "totally irrational." It neglects mankind's long-term well being.

Using long-lasting poisons indiscriminately and over long periods of time could, he said, totally disrupt natural pest-control balances. At the same time, the chemicals themselves could begin to fail to do the job. By that time, it would be very hard to reconstruct any kind of natural balance.

This is not a question from which politicians or the "man in the streets" can any longer remain aloof. Mr. Wilson urged they think seriously about this now, not in 50 years time when the pest problem has become acute.

THE LATE SENATOR EVERETT McKINLEY DIRKSEN

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a telegram received from the Chargé d'Affaires of the German Embassy relative to the passing of our dear friend, Senator Everett Dirksen, be printed in the Record at this point. I realize that it is improper to print it in a foreign language, so I ask unanimous consent that the English translation be printed, with the signature attesting to it.

There being no objection, the message was ordered to be printed in the Record, as follows:

GERMAN EMBASSY,
Washington, D.C., September 9, 1969.

MY DEAR MR. VICE PRESIDENT: I have the honor to transmit to you the following telegram:

"On the passing away of Senator Everett McKinley Dirksen, who for many years led the Republican party in the Senate, I would like to convey my and the German Bundestag's sincere sympathy to you, to the U.S. Senate and to the family of the deceased. We join you in mourning for a great parliamentarian and protagonist of the free Western world.

"Very sincerely yours,
"VON HASSEL,
"President of the German Bundestag."

Respectfully yours,
DIRK ONCKEN,
Minister, Chargé d'Affaires a. i.

CAROL KHOSROVI

Mr. BENNETT. Mr. President, today, at 3 p.m., Mrs. Carol Khosrovi will be sworn in as Associate Director for Congressional and Governmental Relations of the Office of Economic Opportunity.

Prior to this time Mrs. Khosrovi has been one of the bright shining fixtures on the Hill, first serving in the House on the staff level and later serving as legislative assistant to our distinguished colleague from Illinois, Senator CHARLES PERCY. It was with pleasure that she worked with me and my staff, as well, on a number of problems and matters, especially in the Senate Banking Committee, where I have the privilege of serving with her former boss.

Yesterday's Washington Evening Star carried an excellent article on Mrs. Khosrovi, entitled "High Goals for OEO—Carol Khosrovi Optimistic." I am sure that Carol's optimism and enthusiasm will serve her well in her new position where she will provide Director Donald Rumsfeld a sincere and energetic assist.

I congratulate the Nixon administration and Director Rumsfeld on this very excellent choice, although I am quite sorry to see her leave the Hill, where she has been a very pleasant neighbor for a good many years.

I ask that the entire Washington Evening Star article on Mrs. Khosrovi be included in full at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Evening Star, Sept. 12, 1969]

HIGH GOALS FOR OEO—CAROL KHOSROVI OPTIMISTIC

(By Toni House)

For a young woman schooled in government on Capitol Hill, Carol Khosrovi maintains a measure of dreams to complement her essential pragmatism.

The 33-year-old will be sworn in tomorrow as congressional and governmental relations director of the Office of Economic Opportunity, but she already has her brown eyes set on some high goals for her office.

"I'm afraid people will think, 'Oh, she's new and naive,' but I understand the problems. I just think we can have some successes," she explains with a wave of a slender hand.

But Carol Khosrovi has been up against sizable odds ever since she ventured to Capitol Hill in search of employment.

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She was interested in legislative affairs, but she had two strikes against her—her lack of a law degree and her sex.

Neither factor was insurmountable. When appointed to her new position, she left a job as top legislative aide to Sen. Charles Percy.

ONE OF HIGHEST PAID

Mrs. Khosrovi is not a feminist and, in fact, is amused by the brouhaha surrounding her appointment.

"A reporter told me I am one of the highest paid women appointees. I never thought about it."

But if the native Ohioan is no campaigner for women's rights, she has a healthy dislike of the sheltered, so-called "ghetto" positions set aside for women in any administration.

"As a woman," she says, "I resent it."

So Carol Khosrovi did not go appointment-hunting when President Nixon took office, although she had been involved in the campaign.

Several offers to her did filter into Sen. Percy's office, which she was somewhat reluctant to leave, but OEO offered a challenge she was anxious to meet.

"On Capitol Hill, each day you pick what you want to do. You have the whole world to choose from. I was afraid if I left I would wind up in a job with blinders. But here, I have the whole domestic world, really, with limitations."

Mrs. Khosrovi would like to see OEO become a "true research and development arm of the federal government."

She views OEO as "the advocate of the poor, on Capitol Hill and in the country." Within this definition fall other, sometimes competing government agencies.

Mrs. Khosrovi would like to see OEO out of competition, serving only as a developer of programs and as a facts center for other agencies planning program affecting the poor.

What she likes most about her new post—aside from her director, Donald Rumsfeld, of whom she thinks "highly"—is the little agency's "flexibility" and capacity for "self renewal."

A GOOD CHANCE

With a backward look at those who would term her naive for believing in bureaucratic self-renewal, she asserts she thinks it's possible at OEO—"We have a good chance."

In the renewal line, she is looking at VISTA and methods through which it can be revitalized. She is interested also in investigating other avenues for use of volunteers.

"But volunteer programs cost money," says Mrs. Khosrovi. "I would like to see each state have flexible funds which might be used to develop new volunteer projects."

The one thing Carol Khosrovi would like to do (which is not in the foreseeable future) is return to school for a law degree.

"But my night school is my family," says the fair skinned brunette of her husband Hamid, a producer for Voice of America, and their daughter Parri Ann, 13.

"My husband is up at 4:30, my daughter at 6:30, so we hardly see each other in the morning. "It's a rather strange schedule, but we're used to it."

VOLUNTARY DISCLOSURE OF INCOME AND ASSETS

Mr. CHURCH. Mr. President, prospects seem to be improving for legislation which will one day require all high officials of the Federal Government, both elected and appointed, to make a periodic disclosure of their income and assets. I personally feel that the enactment of such a comprehensive disclosure statute, applicable to the executive, legislative, and judicial branches of the Government, is long overdue. It would go far toward restoring healthy public confidence in our political institutions and in the men who hold public office.

Presently, the law is a hodgepodge. The President and Vice President need make no disclosure whatever. Neither do Federal judges. On the other hand, where Cabinet officers and directors of Federal agencies are concerned, the usual practice of the Senate is to require a full disclosure of income and assets as part of the confirmation process. The purpose, of course, is to determine whether the nominee holds any substantial ownership in businesses with which he might have to deal in the public office he is about to assume, and to require the nominee to divest himself of any holdings that could constitute a conflict of interest.

If this practice is valid for members of the Cabinet, as I think it is, then it should be equally valid for Members of Congress. We should ask of ourselves what we ask of others. We should impose upon ourselves a uniform annual requirement to file, at a given time and place, where it will be kept available for public examination, a sworn declaration of income and assets, gifts received and property acquired, during the preceding year.

Instead of this kind of full disclosure, Congress has contrived for itself a curious form of partial disclosure, which does more to distort than to reveal, and which has aroused more suspicion than it has allayed. It is a dubious system, setting a different standard for the House than for the Senate, and an adequate standard for neither.

Members of the House owning interests worth more than $5,000 in any enterprise doing a substantial business with the Government must name the enterprise, but need not list the actual amount of such holdings. In like manner, sources of outside income for "services rendered" exceeding $5,000; or for capital gains exceeding $5,000; or for reimbursement of expenditures exceeding $1,000, must be identified, but again without any requirement for disclosing the actual amounts involved. Under the rules of the House of Representatives, this is all that need be made public. As for the rest, the full details of each Member's outside business interests and income are filed in a sealed envelope with the House Committee on Standards of Official Conduct, where the information remains undisclosed, unless the committee votes to open the envelope in the course of an official investigation of the Member involved.

A different rule applies to the Senate, where Members are required to make public nothing other than gifts or political contributions directly received during the preceding year, along with any fee or honorarium amounting to more than $300. All other information concerning a Senator's outside business interests, property and income, goes into a sealed envelope which is filed with the Comptroller General of the United States, where it remains unopened, unless the Senate Select Committee on Standards and Conduct votes to examine its contents in the course of an official investigation of the Senator involved.

I regard this tell-part-but-not-all, show-some-but-not-the-rest arrangement as little less than a hoax on the public. It is a game I cannot play with the people of my State. Accordingly, I long ago adopted the practice of making a full voluntary disclosure of my own, the first of which I inserted in the CONGRESSIONAL RECORD on May 18, 1964. Reprints were sent to everyone on my mailing list in Idaho. Three years later, my financial circumstances having changed somewhat in the interval, I made another such accounting. Now, I think it is again appropriate to insert in the RECORD, and distribute to the people of Idaho, a complete, current statement of my income, assets and personal holdings.

In doing so, I want to acknowledge that many Members of Congress—men of unquestionable integrity—hold strong personal feelings against making public their private business affairs. They argue, with much merit, that they are as much entitled as any other citizen to own business interests, stocks, bonds, notes, or mortgages, and that, therefore, their personal dealings should not be regarded as the public's business.

I sympathize with this argument, but I really think it misses the point. Naturally, Members of Congress need not, indeed should not, refrain from making private investments. But Representatives and Senators do differ from other citizens in one important respect: they make the laws that affect business; they write the taxes that corporations, as well as individuals, must pay. Since Members of Congress must regularly vote on legislation which reaches—often in varying ways—every segment of the economy, there is a very legitimate reason for making their private holdings a matter of public record.

Each Member of Congress, in my judgment, should be required to file, under oath, a periodic disclosure of all the property and business interests he owns, the sources and amount of his income, the nature of any valuable gifts he has received, and the donors thereof. Then the voters, or anyone having doubts to resolve, would be able to compare the Member's voting record in office with his financial portfolio, and determine for himself whether the Member has voted his private pocketbook interest or the general public interest, in the discharge of his duties.

Moreover, if periodic disclosures were to reveal an accumulation of wealth without satisfactory explanation, or income which is out of line with listed sources, the public would be alerted to possible misconduct in office, bearing further investigation.

This is a commonsense test, with respect to which I have no doubt that the good judgment of the people could be relied upon. The fact that there are other Senators and Representatives who feel as I do is borne out by the growing number who have adopted a similar practice. Since I made my original declaration over 5 years ago, I am advised by the Library of Congress that 16 other Senators and 39 Representatives have made voluntary disclosures of their personal assets. Perhaps this trickle will yet become a tide.

So, Mr. President, the following statement brings up to date my last disclosure, which was published in the Congressional Record on May 4, 1967. Now, as then, I hold no interest in any private business; I own no stocks or bonds in any corporation; I am not a member of any law firm; and have not engaged, directly or indirectly, in the practice of law since my election to the Senate over 12 years ago.

My principal source of income is my salary, amounting to $42,500 a year. Like many other Senators, I must dig deep into my salary in order to meet the out-of-pocket expenses of office for which there is no Government allowance or reimbursement. For this reason, I supplement my salary with earning from lecture fees and publication of articles. Since 1967, this supplementary income has averaged about $5,000 a year, although I anticipate the figure will go considerably higher this year.

This combination of salary and supplementary earnings has enabled me to close the gap between income and outgo, which made my first years in the Senate a financial drain. I am now able to add to our savings each year. At the time of my last report, 27 months ago, my wife, Bethine, and I possessed joint savings amounting to $23,840. In the interval, we have added $6,160, bringing the total to $30,000. This is invested in saving certificates at two savings and loan associations in Boise, Idaho, and in short term Government notes. The interest earned on these savings, averaging a little above 5 percent, constitutes the third, and final, source of my present income.

During my tenure in the Senate, Bethine and I have also acquired an equity in a brick-and-frame, split-level dwelling house, located in Bethesda, Md., against which there was originally a $30,000 mortgage. As of August 1, 1969, my payments had reduced the principal still owing to $15,916.85. We own, free and clear, the furnishings in the house, together with two automobiles, a 1965 Chevrolet and a 1965 Mustang. I carry the usual insurance coverage, including medical insurance for my family, and I make a monthly contribution to build my entitlement in the Senate's retirement fund.

As I have stated in my earlier disclosures, my wife has certain real property holdings in Idaho which I think should also be listed. She is the owner of the family residence at 109 West Idaho Street in Boise, and she holds an undivided half interest in the Robinson Bar Ranch near Clayton. For my part, I now share with my brother, Col. Richard B. Church, a future interest in two properties conveyed to us by our mother, who withheld a life estate. At one of them, located at 816 Pueblo Street, in Boise, she presently resides; the other is an apartment house our father built at 415 Jefferson Street. For the rest of mother's life, of course, the full use and benefit of these two properties are hers to enjoy.

Two other accounts remain to be included, although I am really a trustee of them, rather than their owner. My late father-in-law, Judge Chase A. Clark, who had enough experience of his own in politics to know its cost, set up separate college accounts for my two sons, Forest and Chase, his only grandchildren. One of these accounts will soon be depleted, as Forrest becomes a senior at Stanford University this fall; the other is untouched, earning interest, and will cover the bigger part of Chase's college education, when the time comes.

Having been given the means for educating our two boys, and earning a combined income which, despite the heavy tax bite, enables us to live comfortably and well, Bethine and I feel very fortunate. Our financial circumstances may not be large, as compared with those of the majority of Senators in what is sometimes described as a "rich man's club," but we are far better off than most.

Indeed, with so substantial a salary, we often wonder where it all goes. Why, we ask, is it necessary for me to supplement my paycheck, by writing and speaking, in order to lay something aside? The problem has nothing whatever to do with insufficient pay—I not only opposed the latest increase in congressional pay, but I voted against all previous increases throughout my years in the Senate. No, the problem has to do with the heavy out-of-pocket costs each Senator must bear. Instead of increasing our salaries, we should have established a regular expense account, like businessmen have, or for that matter, like ordinary employees of the Government have. Most people assume that holding congressional office involves no special expense, or that the costs are fully covered by Government allowances. Neither assumption is true.

The fact is that some expenses are covered in full, some in part, and some not at all. For example, I find my allowance for airmail stamps, telegrams, and long-distance telephone calls entirely sufficient. On the other hand, I know of few Senators, from States large or small, whose annual stationery allowance is adequate to meet their need. The difference must be made up by the Senators themselves.

The situation relative to trips home has improved over the years. A Senator is now entitled to six round-trip fares annually to and from his State. Ordinarily, this will not cover his necessary travel expense, but it is much better than the two trips we used to get. When home on the job, meeting with people from county to county, a Senator has no expense account to draw on. He pays for his own food, lodging, and travel.

A Senator also pays host to many constituents from home who come to Washington. Usually, the best way to do it, combining business with pleasure, is to take them to lunch in the Senate dining room, the total cost of which will typically run to $200 a month. Unlike businessmen, Senators have no entertainment account. This is another out-of-pocket expense.

Then there are those costs of office which it would be improper, in any case, for the Government to pay. These are peculiar to the nature of the job, and they must be drawn from the Senator's own salary—the statewide newspaper subscriptions, film clips, news photographs, radio tapes—all of which are essential if effective two-way communication with the State is to be maintained. For most Senators, these costs prove the heaviest drain of all.

I briefly mention these expenses of office, not to complain about them, but simply to explain why it is that any Senator who must depend on his salary does well to break even. There is no hardship or injustice in this; no one should expect to pile up money serving in Congress. It would be wrong if it were otherwise.

But occasionally a Member does "otherwise," and accounts of his misconduct are carried as front-page news from coast to coast. In the eyes of the people, Congress itself tends to be discredited, as the suspicion spreads that such misbehavior is probably typical. I was appalled to read, a couple of years ago, the results of a Gallup poll, showing that of the total number of persons surveyed on the question: "Do you think the misuse of Government funds by Congressmen is fairly common or not?" Some 60 percent of those polled said they felt it was fairly common; 21 percent said "no"; and 19 percent had no opinion.

The deeply disturbing results of this poll should make our duty plain. We should pull the curtains wide open. Instead of dubious requirements for partial disclosure, Congress should delay no longer in adopting a mandatory rule requiring every Senator and Representative, whatever his income may be, to disclose it, together with all of his business interests and property holdings. These complete disclosures should be filed periodically, with affidavit forms provided for the purpose, and a depository designated where the reports would be kept available for public inspection and review.

I feel that the same requirement should apply to Federal judges and to all ranking officials of the executive branch. Congress should enact a uniform law, in its own interest, and in the interest of strengthening public confidence in the integrity of the Government upon which, in the last analysis, our very freedom depends.

THE LAST GASP

Mr. NELSON. Mr. President, the September issue of Ramparts magazine features an article by ecologist Paul Ehrlich that, with no little seriousness, projects an end to our oceans as the vital of life by 1979, and the probable end of man shortly thereafter. In his scenario, we find all important animal life in the sea extinct by the fall of 1979. Mass starvation of humans follows shortly, and then, war.

The ecologist sees man as a species breeding and polluting itself toward extinction. He says:

> Man is not only running out of food, he is also destroying the life support systems of the Spaceship Earth.

As to his grim scenario, Dr. Ehrlich says:

> Unfortunately, we're a long way into it already. Everything mentioned as happening before 1970 has actually occurred; much of the rest is based on projections of trends already appearing.

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He concludes with a quite compelling quote:

> It is the top of the ninth inning. Man, always a threat at the plate, has been hitting Nature hard. It is important to remember, however, that Nature bats last.

Something to think about.

I ask unanimous consent that the Ramparts article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ECO-CATASTROPHE!

(By Dr. Paul Ehrlich)

(NOTE.—In the following scenario, Dr. Paul Ehrlich predicts what our world will be like in ten years if the present course of environmental destruction is allowed to continue. Dr. Ehrlich is a prominent ecologist, a professor of biology at Stanford University, and author of The Population Bomb (Ballantine).)

I

The end of the ocean came late in the summer of 1979, and it came even more rapidly than the biologists had expected. There had been signs for more than a decade, commencing with the discovery in 1968 that DDT slows down photosynthesis in marine plant life. It was announced in a short paper in the technical journal, Science, but to ecologists it smacked of doomsday. They knew that all life in the sea depends on photosynthesis, the chemical process by which green plants bind the sun's energy and make it available to living things. And they knew that DDT and similar chlorinated hydrocarbons had polluted the entire surface of the earth, including the sea.

But that was only the first of many signs. There had been the final gasp of the whaling industry in 1973, and the end of the Peruvian anchovy fishery in 1975. Indeed, a score of other fisheries had disappeared quietly from over-exploitation and various eco-catastrophes by 1977. The term "eco-catastrophe" was coined by a California ecologist in 1969 to describe the most spectacular of man's attacks on the systems which sustain his life. He drew his inspiration from the Santa Barbara offshore oil disaster of that year, and from the news which spread among naturalists that virtually all of the Golden State's seashore bird life was doomed because of chlorinated hydrocarbon interference with its reproduction. Eco-catastrophes in the sea became increasingly common in the early 1970's. Mysterious "blooms" of previously rare microorganisms began to appear in offshore waters. Red tides—killer outbreaks of a minute single-celled plant—returned to the Florida Gulf coast and were sometimes accompanied by tides of other exotic hues.

It was clear by 1975 that the entire ecology of the ocean was changing. A few types of phytoplankton were becoming resistant to chlorinated hydrocarbons and were gaining the upper hand. Changes in the phytoplankton community led inevitably to changes in the community of zooplankton, the tiny animals which eat the phytoplankton. These changes were passed on up the chains of life in the ocean to the herring, plaice, cod and tuna. As the diversity of life in the ocean diminished, its stability also decreased.

Other changes had taken place by 1975. Most ocean fishes that returned to fresh water to breed, like the salmon, had become extinct, their breeding streams so dammed up and polluted that their powerful homing instinct only resulted in suicide. Many fishes and shellfishes that bred in restricted areas along the coasts followed them as onshore pollution escalated.

By 1977 the annual yield of fish from the sea was down to 30 million metric tons, less than one-half the per capita catch of a decade earlier. This helped malnutrition to escalate sharply in a world where an estimated 50 million people per year were already dying of starvation. The United Nations attempted to get all chlorinated hydrocarbon insecticides banned on a worldwide basis, but the move was defeated by the United States. This opposition was generated primarily by the American petrochemical industry, operating hand in glove with its subsidiary, the United States Department of Agriculture. Together they persuaded the government to oppose the U.N. move—which was not difficult since most Americans believed that Russia and China were more in need of fish products than was the United States. The United Nations also attempted to get fishing nations to adopt strict and enforced catch limits to preserve dwindling stocks. This move was blocked by Russia, who, with the most modern electronic equipment, was in the best position to glean what was left in the sea. It was, curiously, on the very day in 1977 when the Soviet Union announced its refusal that another ominous article appeared in Science. It announced that incident solar radiation had been so reduced by worldwide air pollution that serious effects on the world's vegetation could be expected.

II

Apparently it was a combination of ecosystem destabilization, sunlight reduction, and a rapid escalation in chlorinated hydrocarbon pollution from massive Thanodrin applications which triggered the ultimate catastrophe. Seventeen huge Soviet-financed Thanodrin plants were operating in underdeveloped countries by 1978. They had been part of a massive Russian "aid offensive" designed to fill the gap by the collapse of America's ballyhooed "Green Revolution."

It became apparent in the early '70s that the "Green Revolution" was more talk than substance. Distribution of high yield "miracle" grain seeds had caused temporary local spurts in agricultural production. Simultaneously, excellent weather had produced record harvests. The combination permitted bureaucrats, especially in the United States Department of Agriculture and the Agency for International Development (AID), to reverse their previous pessimism and indulge in an outburst of optimistic propaganda about staving off famine. They raved about the approaching transformation of agriculture in the underdeveloped countries (UDCs), the reason for the propaganda reversal was never made clear. Most historians agree that a combination of utter ignorance of ecology, a desire to justify past errors, and pressure from agroindustry (which was eager to sell pesticides, fertilizers, and farm machinery to the UDCs and agencies helping the UDCs) was behind the campaign. Whatever the motivation, the results were clear. Many concerned people, lacking the expertise to see through the Green Revolution drivel, relaxed. The population-food crisis was "solved."

But reality was not long in showing itself. Local famine persisted in northern India even after good weather brought an end to the ghastly Bihar famine of the mid-'60s. East Pakistan was next, followed by a resurgence of general famine in northern India. Other foci of famine rapidly developed in Indonesia, the Philippines, Malawi, the Congo, Egypt, Colombia, Ecuador, Honduras, the Dominican Republic, and Mexico.

Everywhere hard realities destroyed the illusion of the Green Revolution. Yields dropped as the progressive farmers who had first accepted the new seeds found that their higher yields brought lower prices—effective demand (hunger plus cash) was not sufficient in poor countries to keep prices up. Less progressive farmers, observing this, refused to make the extra effort required to cultivate the "miracle" grains. Transport systems proved inadequate to bring the necessary fertilizer to the fields where the new and extremely fertilizer-sensitive grains were being grown. The same systems were also inadequate to move produce to markets. Fertilizer plants were not built fast enough, and most of the underdeveloped countries could not scrape together funds to purchase supplies, even on concessional terms. Finally, the inevitable happened, and pests began to reduce yields in even the most carefully cultivated fields. Among the first were the famous "miracle rats" which invaded Philippine "miracle rice" fields early in 1969. They were quickly followed by many insects and viruses, thriving on the relatively pest-susceptible new grains, encouraged by the vast and dense plantings, and rapidly acquiring resistance to the chemicals used against them. As chaos spread until even the most obtuse agriculturists and economists realized that the Green Revolution had turned brown, the Russians stepped in.

In retrospect it seems incredible that the Russians, with the American mistakes known to them, could launch an even more incompetent program of aid to the underdeveloped world, indeed, in the early 1970's there were cynics in the United States who claimed that outdoing the stupidity of American foreign aid would be physically impossible. Those critics were, however, obviously unaware that the Russians had been busily destroying their own environment for many years. The virtual disappearance of sturgeon from Russian rivers caused a great shortage of caviar by 1970. A standard joke among Russian scientists at that time was that they had created an artificial caviar which was indistinguishable from the real thing—except by taste. At any rate the Soviet Union, observing with interest the progressive deterioration of relations between the UDCs and the United States, came up with a solution. It had recently developed what it claimed was the ideal insecticide, a highly lethal chlorinated hydrocarbon complexed with a special agent for penetrating the external skeletal armor of insects. Announcing that the new pesticide, called Thanodrin, would truly produce a Green Revolution, the Soviets entered into negotiations with various UDCs for the construction of massive Thanodrin factories. The USSR would bear all the costs; all it wanted in return were certain trade and military concessions.

It is interesting now, with the perspective of years, to examine in some detail the reasons why the UDCs welcomed the Thanodrin plan with such open arms. Government officials in these countries ignored the protests of their own scientists that Thanodrin would not solve the problems which plagued them. The governments now knew that the basic cause of their problems was overpopulation, and that these problems had been exacerbated by the dullness, daydreaming, and cupidity endemic to all governments. They knew that only population control and limited development aimed primarily at agriculture could have spared them the horrors they now faced. They knew it, but they were not about to admit it. How much easier it was simply to accuse the Americans of failing to give them proper aid; how much simpler to accept the Russian panacea.

And then there was the general worsening of relations between the United States and the UDCs. Many things had contributed to this. The situation in America in the first half of the 1970's deserves our close scrutiny. Being more dependent on imports for raw materials than the Soviet Union, the United States had, in the early 1970's, adopted more and more heavy-handed policies in order to insure continuing supplies. Military adventures in Asia and Latin America had further lessened the international credibility of the United States as a great defender of freedom—an image which had begun to deteriorate rapidly during the pointless and fruitless Viet-Nam conflict. At home, acceptance of the carefully manufactured image lessened dramatically, as even the

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more romantic and chauvinistic citizens began to understand the role of the military and the industrial system in what John Kenneth Galbraith had aptly named "The New Industrial State."

At home in the USA the early '70s were traumatic times. Racial violence grew and the habitability of the cities diminished, as nothing substantial was done to ameliorate either racial inquities or urban blight. Welfare rolls grew as automation and general technological progress forced more and more people into the category of "unemployable." Simultaneously a taxpayers' revolt occurred. Although there was not enough money to build the schools, roads, water systems, sewage systems, jails, hospitals, urban transit lines, and all the other amenities needed to support a burgeoning population, Americans refused to tax themselves more heavily. Starting in Youngstown, Ohio in 1969 and followed closely by Richmond, California, community after community was forced to close its schools or curtail educational operations for lack of funds. Water supplies, already marginal in quality and quantity in many places by 1970, deteriorated quickly. Water rationing occurred in 1723 municipalities in the summer of 1974, and hepatitis and epidemic dysentery rates climbed about 500 percent between 1970–1974.

III

Air pollution continued to be the most obvious manifestation of environmental deterioration. It was, by 1972, quite literally in the eyes of all Americans. The year 1973 saw not only the New York and Los Angeles smog disasters, but also the publication of the Surgeon General's massive report on air pollution and health. The public had been partially prepared for the worst by the publicity given to the U.N. pollution conference held in 1972. Deaths in the late '60s caused by smog were well known to scientists, but the public had ignored them because they mostly involved the early demise of the old and sick rather than people dropping dead on the freeways. But suddenly our citizens were faced with nearly 200,000 corpses and massive documentation that they could be the next to die from respiratory disease. They were not ready for that scale of disaster. After all, the U.N. conference had not predicted that accumulated air pollution would make the planet uninhabitable until almost 1990. The population was terriorized as TV screens became filled with scenes of horror from the disaster areas. Especially vivid was NBC's coverage of hundreds of unattended people choking out their lives outside of New York's hospitals. Terms like nitrogen oxide, acute bronchitis and cardiac arrest began to have real meaning for most Americans.

The ultimate horror was the announcement that chlorinated hydrocarbons were now a major constituent of air pollution in all American cities. Autopsies of smog disaster victims revealed an average chlorinated hydrocarbon load in fatty tissue equivalent to 26 parts per million of DDT. In October, 1973, the Department of Health, Education, and Welfare announced studies which showed unequivocally that increasing death rates from hypertension, cirrhosis of the liver, liver cancer and a series of other diseases had resulted from the chlorinated hydrocarbon load. They estimated that Americans born since 1946 (when DDT usage began) now had a life expectancy of only 49 years, and predicted that if current patterns continued, this expectancy would reach 42 years by 1980, when it might level out. Plunging insurance stocks triggered a stock market panic. The president of Velsicol, Inc., a major pesticide producer, went on television to "publicly eat a teaspoonful of DDT" (it was really powdered milk) and announce that HEW had been infiltrated by Communists. Other giants of the petro-chemical industry, attempting to dispute the indisputable evidence, launched a massive pressure campaign on Congress to force HEW to "get out of agriculture's business," They were aided by the agro-chemical journals, which had decades of experience in misleading the public about the benefits and dangers of pesticides. But by now the public realized that it had been duped. The Nobel Prize for medicine and physiology was given to Drs. J. L. Radomski and W. B. Deichmann, who in the late 1960's had pioneered in the documentation of the long-term lethal effects of chlorinated hydrocarbons. A Presidential Commission with unimpeachable credentials directly accused the agro-chemical complex of "condemning many millions of Americans to an early death." The year 1973 was the year in which Americans finally came to understand the direct threat to their existence posed by environmental deterioration.

And 1973 was also the year in which most people finally comprehended the indirect threat. Even the president of Union Oil Company and several other industrialists publicly stated their concern over the reduction of bird populations which had resulted from pollution by DDT and other chlorinated hydrocarbons. Insect populations boomed because they were resistant to most pesticides and had been freed, by the incompetent use of those pesticides, from most of their natural enemies. Rodents swarmed over crops, multiplying rapidly in the absence of predatory birds. The effect of pests on the wheat crop was especially disastrous in the summer of 1973, since that was also the year of the great drought. Most of us can remember the shock which greeted the announcement by atmospheric physicists that the shift of the jet stream which had caused the drought was probably permanent. It signalled the birth of the Midwestern desert. Man's air-polluting activities had by then caused gross changes in climatic patterns. The news, of course, played hell with commodity and stock markets. Food prices skyrocketed, as savings were poured into hoarded canned goods. Official assurances that food supplies would remain ample fell on deaf ears, and even the government showed signs of nervousness when California migrant field workers went out on strike again in protest against the continued use of pesticides by growers. The strike burgeoned into farm burning and riots. The workers, calling themselves "The Walking Dead," demanded immediate compensation for their shortened lives, and crash research programs to attempt to lengthen them.

It was in the same speech in which President Edward Kennedy, after much delay, finally declared a national emergency and called out the National Guard to harvest California's crops, that the first mention of population control was made. Kennedy pointed out that the United States would no longer be able to offer any food aid to other nations and was likely to suffer food shortages herself. He suggested that, in view of the manifest failure of the Green Revolution, the only hope of the UDCs lay in population control. His statement, you will recall, created an uproar in the underdeveloped countries. Newspaper editorials accused the United States of wishing to prevent small countries from becoming large nations and thus threatening American hegemony. Politicians asserted that President Kennedy was a "creature of the giant drug combine" that wished to shove its pills down every woman's throat.

Among Americans, religious opposition to population control was very slight. Industry in general also backed the idea. Increasing poverty in the UDCs was both destroying markets and threatening supplies of raw materials. The seriousness of the raw material situation had been brought home during the Congressional Hard Resources hearings in 1971. The exposure of the ignorance of the cornucopian economists had been quite a spectacle—a spectacle brought into virtually every American's home in living color. Few would forget the distinguished geologist from the University of California who suggested that economists be legally required to learn at least the most elementary facts of geology. Fewer still would forget that an equally distinguished Harvard economist added that they might be required to learn some economics, too. The overall message was clear: America's resource situation was bad and bound to get worse. The hearings had led to a bill requiring the Departments of State, Interior, and Commerce to set up a joint resource procurement council with the express purpose of "insuring that proper consideration of American resource needs be an integral part of American foreign policy."

Suddenly the United States discovered that it had a national consensus: population control was the only possible salvation of the underdeveloped world. But that same consensus led to heated debate. How could the UDCs be persuaded to limit their populations, and should not the United States lead the way by limiting its own? Members of the intellectual community wanted America to set an example. They pointed out that the United States was in the midst of a new baby boom: her birth rate, well over 20 per thousand per year, and her growth rate of over one per cent per annum were among the very highest of the developed countries. They detailed the deterioration of the American physical and psychic environments, the growing health threats, the impending food shortages, and the insufficiency of funds for desperately needed public works. They contended that the nation was clearly unable or unwilling to properly care for the people it already had. What possible reason could there be, they queried, for adding any more? Besides, who would listen to requests by the United States for population control when that nation did not control her own profligate reproduction?

Those who opposed population controls for the U.S. were equally vociferous. The military-industrial complex, with its all-too-human mixture of ignorance and avarice, still saw strength and prosperity in numbers. Baby food magnates, already worried by the growing nitrate pollution of their products, saw their market disappearing. Steel manufacturers saw a decrease in aggregate demand and slippage for that holy of holies, the Gross National Product. And military men saw, in the growing population-food-environment crisis, a serious threat to their carefully nurtured Cold War. In the end, of course, economic arguments held sway, and the "inalienable right of every American couple to determine the size of its family," a freedom invented for the occasion in the early '70s, was not compromised.

The population control bill, which was passed by Congress early in 1974, was quite a document, nevertheless. On the domestic front, it authorized an increase from 100 to 150 million dollars in funds for "family planning" activities. This was made possible by a general feeling in the country that the growing army on welfare needed family planning. But the gist of the bill was a series of measures designed to impress the need for population control on the UDCs. All American aid to countries with overpopulation problems was required by law to consist in part of population control assistance. In order to receive any assistance each nation was required not only to accept the population control aid, but also to match it according to a complex formula. "Overpopulation" itself was defined by a formula based on U.N. statistics, and the UDCs were required not only to accept aid, but also to show progress in reducing birth rates. Every five years the status of the aid program for each nation was to be re-evaluated.

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The reaction to the announcement of this program dwarfed the response to President Kennedy's speech. A coalition of UDC's attempted to get the U.N. General Assembly to condemn the United States as a "genetic aggressor." Most damaging of all to the American cause was the famous "25 Indians and a dog" speech by Mr. Shankarnarayan, Indian Ambassador to the U.N. Shankarnarayan pointed out that for several decades the United States, with less than six per cent of the people of the world had consumed roughly 50 per cent of the raw materials used every year. He described vividly America's contribution to worldwide environmental deterioration, and he scathingly denounced the miserly record of United States foreign aid as "unworthy of a fourth-rate power, let alone the most powerful nation on earth."

It was the climax of his speech, however, which most historians claim once and for all destroyed the image of the United States. Shankarnarayan informed the assembly that the average American family dog was fed more animal protein per week than the average Indian got in a month. "How do you justify taking fish from protein-starved Peruvians and feeding them to your animals?" he asked. "I contend," he concluded, "that the birth of an American baby is a greater disaster for the world than that of 25 Indian babies." When the applause had died away, Mr. Sorensen, the American representative, made a speech which said essentially that "other countries look after their own self-interest, too." When the vote came, the United States was condemned.

IV

This condemnation set the tone of U.S.-UDC relations at the time the Russian Thanodrin proposal was made. The proposal seemed to offer the masses in the UDCs an opportunity to save themselves and humiliate the United States at the same time; and in human affairs, as we all know, biological realities could never interfere with such an opportunity. The scientists were silenced, the politicians said yes, the Thanodrin plants were built, and the results were what any beginning ecology student could have predicted. At first Thanodrin seemed to offer excellent control of many pests. True, there was a rash of human fatalities from improper use of the lethal chemical, but, as Russian technical advisors were prone to note, these were more than compensated for by increased yields. Thanodrin use skyrocketed throughout the underdeveloped world. The Mikoyan design group developed a dependable, cheap agricultural aircraft which the Soviets donated to the effort in large numbers. MIG sprayers became even more common in UDCs than MIG interceptors.

Then the troubles began. Insect strains with cuticles resistant to Thanodrin penetration began to appear. And as streams, rivers, fish culture ponds and onshore waters became rich in Thanodrin, more fisheries began to disappear. Bird populations were decimated. The sequence of events was standard for broadcast use of a synthetic pesticide; great success at first, followed by removal of natural enemies and development of resistance by the pest. Populations of crop-eating insects in areas treated with Thanodrin made steady comebacks and soon became more abundant than ever. Yields plunged, while farmers in their desperation increased the Thanodrin dose and shortened the time between treatments. Death from Thanodrin poisoning became common. The first violent incident, occurred in the Canete Valley of Peru, where farmers had suffered a similar chlorinated hydrocarbon disaster in the mid-'50s. A Russian advisor serving as an agricultural pilot was assaulted and killed by a mob of enraged farmers in January, 1978. Trouble spread rapidly during 1978, especially after the word got out that two years earlier Russia herself had banned the use of Thanodrin at home because of its serious effects on ecological systems. Suddenly Russia, and not the United States, was the *béte noir* in the UDCs. "Thanodrin parties" became epidemic, with farmers, in their ignorance, dumping carloads of Thanodrin concentrate into the sea. Russian advisors fled, and four of the Thanodrin plants were leveled to the ground. Destruction of the plants in Rio and Calcutta led to hundreds of thousands of gallons of Thanodrin concentrate being dumped directly into the sea.

Mr. Shankarnarayan again rose to address the U.N., but this time is was Mr. Potemkin, representative of the Soviet Union, who was on the hot seat. Mr. Potemkin heard his nation described as the greatest mass killer of all time as Shankarnarayan predicted at least 30 million deaths from crop failures due to overdependence on Thanodrin. Russia was accused of "chemical aggression," and the General Assembly, after a weak reply by Potemkin, passed a vote of censure.

It was in January, 1979, that huge blooms of a previously unknown variety of diatom were reported off the coast of Peru. The blooms were accompanied by a massive die-off of sea life and of the pathetic remainder of the birds which had once feasted on the anchovies of the area. Almost immediately another huge bloom was reported in the Indian ocean, centering around the Seychelles, and then a third in the South Atlantic off the African coast. Both of these were accompanied by spectacular die-offs of marine animals. Even more ominous were growing reports of fish and bird kills at oceanic points where there were no spectacular blooms. Biologists were soon able to explain the phenomena: the diatom had evolved an enzyme which broke down Thanodrin; that enzyme also produced a breakdown product which interfered with the transmission of nerve impulses, and was therefore lethal to animals. Unfortunately, the biologists could suggest no way of repressing the poisonous diatom bloom in time. By September, 1979, all important animal life in the sea was extinct. Large areas of coastline had to be evacuated, as windrows of dead fish created a monumental stench.

But stench was the least of man's problems. Japan and China were faced with almost instant starvation from a total loss of the seafood on which they were so dependent. Both blamed Russia for their situation and demanded immediate mass shipments of food. Russia had none to send. On October 13, Chinese armies attacked Russia on a broad front. . . .

V

A pretty grim scenario. Unfortunately, we're a long way into it already. Everything mentioned as happening before 1970 has actually occurred; much of the rest is based on projections of trends already appearing. Evidence that pesticides have long-term lethal effects on human beings has started to accumulate, and recently Robert Finch, Secretary of the Department of Health, Education, and Welfare expressed his extreme apprehension about the pesticide situation. Simultaneously the petrochemical industry continues its unconscionable poison-peddling. For instance, Shell Chemical has been carrying on a high-pressure campaign to sell the insecticide Azodrin to farmers as a killer of cotton pests. They continue their program even though they know that Azodrin is not only ineffective, but often *increases* the pest density. They've covered themselves nicely in an advertisement which states, "Even if an overpowering migration [sic] develops, the flexibility of Azodrin lets you regain control fast. Just increase the dosage according to label recommendations." It's a great game—get people to apply the poison and kill the natural enemies of the pests. Then blame the increased pests on "migration" and sell even more pesticide!

Right now fisheries are being wiped out by over-exploitation, made easy by modern electronic equipment. The companies producing the equipment know this. They even boast in advertising that only their equipment will keep fishermen in business until the final kill. Profits must obviously be maximized in the short run. Indeed, Western society is in the process of completing the rape and murder of the planet for economic gain. And, sadly, most of the rest of the world is eager for the opportunity to emulate our behavior. But the underdeveloped peoples will be denied that opportunity—the days of plunder are drawing inexorably to a close.

Most of the people who are going to die in the greatest cataclysm in the history of man have already been born. More than three and a half billion people already populate our moribund globe, and about half of them are hungry. Some 10 to 20 million will starve to death *this year*. In spite of this, the population of the earth will increase by 70 million souls in 1969. For mankind has artifically lowered the death rate of the human population, while in general birth rates have remained high. With the input side of the population system in high gear and the output side slowed down, our fragile planet has filled with people at an incredible rate. It took several million years for the population to reach a total of two billion people in 1930, while a *second two billion will have been added by 1975!* By that time some experts feel that food shortages will have escalated the present level of world hunger and starvation into families of unbelievable proportions. Other experts, more optimistic, think the ultimate food-population collision will not occur until the decade of the 1980's. Of course more massive famine may be avoided if other events cause a prior rise in the human death rate.

Both worldwide plague and thermonuclear war are made more probable as population growth continues. These, along with famine, make up the trio of potential "death rate solutions" to the population problem—solutions in which the birth rate-death rate imbalance is redressed by a rise in the death rate rather than by a lowering of the birth rate. Make no mistake about it, *the imbalance will be redressed*. The shape of the population growth curve is one familiar to the biologist. It is the outbreak part of an outbreak-crash sequence. A population grows rapidly in the presence of abundant resources, finally runs out of food or some other necessity, and crashes to a low level or extinction. Man is not only running out of food, he is also destroying the life support systems of the Spaceship Earth. The situation was recently summarized very succintly: "It is the top of the ninth inning. Man, always a threat at the plate, has been hitting Nature hard. It is important to remember, however, that Nature Bats Last."

EVERETT McKINLEY DIRKSEN

Mr. SPONG. Mr. President, the death of Senator Dirksen surprised and saddened us all. He was an extraordinary man, one of the best known personalities of our time, and a Senator for whom I believe most Americans had a genuine affection. We shall miss him.

To Mrs. Dirksen and to his daughter, the wife of our colleague from Tennessee, I extend my deepest sympathy.

While Senator Dirksen was a Senator from his native State of Illinois, he built a home and lived for many years in Virginia. I think it is appropriate, therefore, to include in the RECORD the editorial comments on Senator Dirksen's death by the two newspapers published in Virginia's capital city, Richmond. I ask unanimous consent that editorials published in the Richmond Times-Dispatch and the News Leader be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Richmond (Va.) Times-Dispatch, Sept. 8, 1969]

Senator Dirksen

When Rep. Everett McKinley Dirksen voluntarily left the House of Representatives in 1949 after 16 years of service in that body, hard-nosed Democratic leader Sam Rayburn said: "If they are going to send Republicans to Congress, let them send Republicans of the Everett Dirksen kind."

"They"—the people of Illinois—two years later did send Everett Dirksen back to Congress, this time to the Senate. And today, most Americans, of both parties, doubtless would say the voters of Illinois made a substantial contribution to the nation's well-being when they selected this tousled-haired, gravel-voiced, self-styled "old-fashioned garden variety of Republican" to sit in the national legislature.

For although Everett Dirksen has assumed something of the proportions of "Mr. Republican," the fact is that he laid aside partisanship to support Democratic administrations in crucial matters of foreign policy, as well as in other areas where the nation's welfare was critically involved.

He was called a "thorn in FDR's side" because of his vigorous opposition to Roosevelt's domestic policies. But after 1941 he supported FDR on vital foreign policy issues, just as he often did years later when other Democrats—Harry S. Truman and John F. Kennedy—occupied the White House.

When strong GOP partisans rapped Dirksen for backing some of Kennedy's foreign practices, the Illinois senator replied:

> You start from the broad premise that all of us have a common duty to the country to perform. Legislation is always the art of the possible. You could, of course, follow a course of solid opposition, of stalemate, but that is not in the interest of the country.

To the general public, Dirksen was best known for his oratorical powers and his marvelous—and sometimes baffling—use of the language. When he returned to the Capitol on crutches in 1966 after a fall out of bed that had laid him up for a while, he said he was ready to "slay an ass with the jawbone of a crutch." And once, instead of admonishing two senators to be more friendly, he directed them to "resume your congenial and felicitous relationship."

Everett Dirksen was a man who loved his country deeply. It wasn't long ago that he made a recording titled "Gallant Men," in which, among other things, he recited, in that organ-voice of his, the Star-Spangled Banner, the Gettysburg Address and the Pledge of Allegiance to the Flag. As columnist Norman Rowe observed in his review in this paper, "If you can listen . . . without patriotic goose pimples, then you're too far gone to stand up and be counted."

As Republican leader in the Senate, Dirksen did not always see eye-to-eye with the present occupant of the White House during the relatively short period of the present administration. He was credited, or blamed, for example, with preventing the appointment of Dr. John Knowles, as assistant secretary of health, education and welfare. But Dirksen has been one of the GOP's major assets over the many years he served in Washington at the seat of power.

At about mid-point of his public career, Everett Dirksen flirted seriously with the idea of seeking the presidency. He didn't pursue this goal very long, and perhaps he would not have made a good executive had he been successful. But he was completely at home in the august chamber of the United States Senate, and he made a mark there that will long be recorded in the history of the happenings on Capitol Hill.

[From the Richmond (Va.) News Leader, Sept. 8, 1969]

Senator Everett Dirksen

Politics, the saying goes, is the art of the possible, and in the world's pre-eminent deliberative body, Senator Everett McKinley Dirksen was a practitioner of the possible *par excellence*. With the late Senator Robert Taft of Ohio, Senator Dirksen probably was the most widely respected Senator of his generation. Yet whereas Senator Taft was revered for the power of his intellect, Senator Dirksen was admired for his gifts as a political technician. Senator Taft was a philosopher; Senator Dirksen basically was an a-philosophical doer.

In an age that practically has forgotten what rhetoric is, Senator Dirksen was the closest thing we had to a Ciceronian rhetorician. Perhaps when all else about him is forgotten, he will be remembered for that. Words fell from his mouth mellifluously. Listening to him in comparison with most other contemporary Senators was like listening to a 33 rpm recording of the New York Philharmonic played on the best stereo set, in contrast to a 78 rpm recording of the local fifth-grade band played on granpa's old Victoria. He knew what well-chosen words, well-spoken and properly laced with humor, could do. For him, and for the United States, they did a great deal.

The essential purpose of rhetoric is to persuade. Senator Dirksen's extraordinary talent as a legislator was his capacity to persuade a majority of Senators to vote with him on a particular issue. As the Senate's Republican leader for ten years—during none of which he had a Republican majority in the Senate, and during eight of which he had a Democrat in the White House—Senator Dirksen worked political miracles. In doing so, he infuriated all segments of the political spectrum. His efforts brought about Senate confirmation of the Nuclear Test Ban Treaty in 1963 and Senate passage of the Civil Rights Bill of 1964. Yet he was instrumental in the Senate's recent approval of the Safeguard Anti-Ballistic Missile System, and he labored diligently for the day when Constitutional amendments could be approved that would alter the effect of the Supreme Court's reapportionment decisions and deny the Court's authority in cases involving nondenominational prayers in the public schools.

"The letters of Cicero breathe the purest effusions of an exalted patriot," Jefferson wrote. So did the orations of the last Cicero, Everett Dirksen. He loved America, loved it absolutely. His patriotism was manifested in many ways, but perhaps no more clearly than in his constant forensic struggle to make the marigold the national flower. The marigold, he told the Senate, has a "rugged humility of character; and, like the American eagle and the American flag, [is] an exclusively American emblem." He might as well have been describing himself, for behind the clouds of florid verbiage, there was a ruggedly humble Senator who stood exclusively for American interests. For that, too, we who remain behind must send him final gratitude, and wish him every success as he delivers the votes on the celestial Senate floor.

THE ROLE OF THE PRESIDENT AND THE CONGRESS IN THE DETERMINATION OF MILITARY STRATEGY—A REBUTTAL

Mr. GOLDWATER. Mr. President, on September 3, during deliberations on the pending military procurement measure, the distinguished senior Senator from Oregon (Mr. Hatfield) made several assertions relative to the respective roles of the executive and legislative branches in the area of military affairs which I believe completely misconstrue the well-established doctrine of a separation of powers. I feel that if the implications of the contentions set forth by the Senator in his remarks are brought to light, he will realize that these concepts have no foundation in the Constitution or in historical practice.

The primary claims developed by the Senator from Oregon are included in the following quotations from the Senator's speech.

The distinguished Senator stated:

> Congress—not the Pentagon—must decide what are the fundamental threats to our national security . . .
>
> Congress, not the Pentagon, must judge the condition in our world and determine defense policies that are an appropriate response.
>
> Congress, not the Pentagon, must determine the size of our militia and where they should be placed throughout the world.
>
> And Congress, not the Pentagon, must determine the need for new weapons.

In summing up his contentions, the Senator noted in passing that the Chief Executive has a role in the shaping of these policies. However, the Senator greatly modified his recognition of this role by saying:

> But the Constitution gives fundamental responsibility for determining our defense posture to Congress.

Mr. President, in my opinion these statements constitute a complete misreading of the Constitution as interpreted by all constitutional commentators and by the highest Court of our country. If there is one doctrine that has become quite clear as a constitutional concept, it is the fact that the Constitution gives the fundamental role over the formulation and conduct of military and foreign affairs to both of the political branches of our National Government. If the Senator from Oregon was purporting to announce a new policy which he would wish to guide the future course of our Nation in this area, that is one thing. But the way the Senator's thoughts were presented, they convey the appearance of erecting an either-or proposition. On the surface of the words he has used, the Senator seems to be saying that it is a settled matter of law that Congress has the pre-eminent role under the Constitution for the determination of our military and foreign policies.

This simply is not so. Since the foundation of our society as a republic, it has been increasingly acknowledged by writers and commentators that the Constitution does not clearly and explicitly define the powers of the President vis-a-vis those of the Congress in the field of military and foreign affairs.

A survey of the authorities will clearly reveal that the basis for this concept of shared powers has been completely overlooked by my colleague when he came to listing the provisions of the Constitution under which the military and international relations powers are allocated. While it is true, as the Senator has noted, that the Congress has the power to pro-

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vide for the common defense, to raise and support armies, to provide and maintain a Navy and, indeed, he might have added to declare war and to control the purse-strings, these powers have never been construed so as to curb or cripple the powers of the President in the field of military and international affairs.

First, the Senator has failed to mention the primacy of the President as the representative of the Nation in foreign relations. Chief Justice Marshall has laid this doctrine down in broad terms. He did this first in a speech made on March 7, 1800, when he was a Member of the House of Representatives, when he said:

> The President is the sole organ of the Nation in his external relations and its sole representative with foreign nations.

This doctrine was reaffirmed by the Supreme Court in 1936 in the Curtiss-Wright decision where the Court said:

> It is important to bear in mind that we are dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary, and exclusive power of the President as the sole organ of the Federal Government in the field of international relations—a power which does not require as a basis for this exercise an act of Congress.

Second, the Senator did not refer to one of the widest powers conferred upon the President by the Constitution, which is the function of acting as Commander in Chief of the Army and the Navy of the United States. This power is specified in article II, section 2 of the Constitution.

Third, there is a whole range of functions which has been granted to the President under the first sentence of article II of the Constitution which states that "the executive power shall be vested in a President of the United States of America." This declaration has been judicially interpreted to vest in the President all the executive powers of a sovereign nation with the capacity to uphold the rights and obligations inferable under the law of nations.

In this connection, it is important to note that the Constitution treats the powers of the President very differently from those of Congress. For while the powers of Congress are expressly enumerated and limited, we have just seen that the powers of the President are outlined in very general terms. Professor Corwin, who is generally noted as the Nation's top constitutional authority, says:

> Article II is the most loosely drawn chapter of the Constitution.

The opening clause of article II has likewise been looked to by Alexander Hamiltion who first elaborated on the conception of the President's role in international matters as being a dynamic and positive one shared with the legislative branch. In a series of articles in the Gazette of the United States, Hamilton presented the argument that the Executive has the right to determine the condition of the Nation though it may, in its consequences, affect the power of the legislature to declare war. Hamilton took the view that:

> The legislature is still free to perform its duties, according to its own sense of them; though the Executive in the exercise of its Constitutional powers, may establish an antecedent state of things, which ought to weigh in the legislative decision. The division of the Executive power in the Constitution creates a *concurrent* authority in the cases to which it relates.

Corwin points out that beginning with the First Congress there have been two tendencies in constitutional interpretation to which Hamilton's argument has given rise: First, that of regarding the "Executive power" clause as the basis for any and all unassigned powers in the field of foreign affairs; and second, that of treating all Presidential powers in the foreign relations field as potentially policy-forming power and constitutionally independent of direction by Congress, though capable of being checked by Congress.

Both tendencies have found ample illustration in the course of the Nation's history from Washington's administration to the present. In fact, since the Constitution was adopted there have been more than 125 incidents in which the President, without congressional authorization, and in the absence of a declaration of war, has ordered the Armed Forces of the United States to take action or maintain positions abroad. While it is true that the most numerous class of these incidents is that involving the protection of American property or American citizens in foreign lands, many of them have not been concerned with the interest of individual citizens but with the general defense of the United States or the protection of some national security interest or some concern of American foreign policy. An outstanding example of the President's use of power to send troops to outlying areas for the defense of the country was President Roosevelt's action in 1941 in sending American forces to Iceland.

Not only do numerous precedents of this type exist which indicate the true state of affairs, but in the terms of the present world setting it is of the utmost significance to recall that the President's authority to send troops abroad may be exercised in order to execute a treaty. During the course of deliberations on the bill before us I have repeatedly presented the questions of this Nation's treaty commitments around the world. No matter where one claims the initial and primary responsibility lies as between the power of Congress and the President concerning military affairs, no one can deny that the two political branches of our Government have acted concurrently in erecting over 40 international agreements under which this Nation is obligated to defend and protect the independence of other nations.

Relative to these commitments, it is pertinent to consider a fourth constitutional doctrine that the distinguished Senator from Oregon failed to observe. Of course, I am referring to the fact that article II, section 3 of the Constitution places upon the President the duty to "take care that the laws be faithfully executed." As we all know, the laws of the land include treaty law and international law.

Thus the highest tribunal in this land has made it clear that the duty of the President includes the enforcement of the rights, duties, and obligations growing out of our international relations as well as our domestic affairs. Furthermore, this same case, Cunningham against Neagle, stands as authority for the proposition that it is the President himself who may make his own reading of international law.

In short, as Corwin has put it, the President may make himself the direct administrator of the international rights and duties of the United States, or of what are adjudged by him to be such, without awaiting action either by Congress or by the Court.

Mr. President, the upshot of the matter is that the Constitution has left to the judgment and wisdom of the President and the Congress the task of working out the details of their relationships in the direction of military and foreign affairs. The following quote from Professor Corwin concisely sums up the way things stand:

> Actual practice under the Constitution has shown that while the President is usually in a position to propose, the Senate and Congress are often in a technical position at least to dispose. The verdict of history, in short, is that the power to determine the substantive content of American foreign policy is a divided power, with the lion's share falling usually to the President, though by no means always.

In summary, I believe it is correct to conclude that the Constitution gives both the President and the Congress specific powers in the military and foreign relations field. Certainly the Congress plays an important and crucial role in these areas, but my fundamental objection to the doctrine set forth by my good friend from Oregon is that his remarks have completely missed the significant role which the executive branch has as a full partner in these matters.

Before I close, I would wish to remind Senators that it is we in Congress who have passed the laws under which the Department of Defense is required to take the essential responsibility to serve as the civilian unit which must develop and establish a comprehensive program for the security of the United States. The National Security Act of 1947 and subsequent amendments thereto have created a whole new defense organization which is designed to better equip the President to develop the background of information and obtain the balanced advice he requires to determine military and foreign policies within a unified scheme of national goals and means.

It is we in Congress who have charged the Pentagon with this mandate. I ask Senators to refresh themselves by re-reading the terms of the National Security Act. I would ask them to study also the provisions of this law which establishes the National Security Council, so that they will be aware that it is the members of the legislature who have created the charter under which this agency is "to assess and appraise the ob-

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jectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security."

It would also be well for Senators to take a fresh look at the provisions of law which impose on the Joint Chiefs of Staff the duty to serve as "the principal military advisers to the President, the National Security Council, and the Secretary of Defense." It was Congress that passed the law thrusting this responsibility upon the Joint Chiefs. It was Congress which went further and ordered under law that the Joint Chiefs shall prepare strategic plans and provide for the strategic direction of the Armed Forces.

Consequently, regardless of how one decides the constitutional questions involved, I must insist that the statements made by the Senator from Oregon are erroneous insofar as they can be construed to mean that the Chief Executive does not share with Congress the fundamental obligation to determine the defense policies of the United States. Even if the unusual constitutional concept proposed by the Senator were to be treated as valid, it is quite clear that Congress has created the executive agencies which are charged by law to undertake a co-equal, if not the initial, responsibility in providing for the security of the United States.

In so acting, Congress was exercising good wisdom for reasons which have prevailed since the founding of the Government. It was John Jay who observed in the Federalist that the executive possesses great inherent strengths in the direction of foreign relations: the unity of the office, the capacity for secrecy and speed, and superior sources of information. If these words were true in the 18th century, how much more are they relevant to the breathtaking tempo of history in this 20th century.

HUMAN RIGHTS CONVENTIONS RECOGNIZE ONENESS OF MANKIND

Mr. PROXMIRE. Mr. President, the greatest challenge to our time is the recognition of the oneness of mankind. This painful but inevitable broadening of each man's allegiance from his own ethnic, racial, religious, national, cultural, and economic group to the wider embrace of all mankind constitutes the central challenge—and revolution—of our time. Every person is affected by this revolution, which calls for changes in the provincial attitudes and behavior of all the people in the world. The recognition that mankind belongs to one family brings with it concordant responsibilities to respect and to help one another in every way.

Human rights, then, are not the exclusive prerogative of the few, to be parcelled out at the discretion of human institutions. Human rights belong to everyone and are inviolable. All persons of whatever sex, race, nationality, ethnic group, religion, or economic class are equal in essence and human dignity.

Discrimination or unjust restriction against persons under whatever pretext poisons our relationships and thereby creates conflicts which threaten to destroy our civilization. This is undoubtedly the gravest sickness infecting our age. The dynamic accomplishments which could result from a unified society, freed from prejudicial attitudes, are thus denied us. Social repression has created masses of people unable to exercise the functions of citizenship, making it impossible for them to contribute to the advancement of civilization and to enjoy its benefits. Therefore, an equal standard of human rights must be upheld throughout the world.

Recognizing these principles, human rights conventions were written which were derived from the Universal Declaration of Human Rights, as a common standard of achievement for all peoples and nations. The United Nations Conventions on Genocide, on Forced Labor, and on the Political Rights of Women, should be endorsed by the U.S. Senate as representing essential legal instruments for establishing equality and security for all persons.

CIGARETTES AND ADVERTISING

Mr. MOSS. Mr. President, an interesting development in the cigarette controversy occurred during the August recess, and in case some of my colleagues may have missed it, I would like to point out what happened.

On August 29, the New York Times announced that it was completely convinced of the validity of the medical case against cigarette smoking, and effective January 1, 1970, the newspaper would accept cigarette advertisements only if they contained, in plainly legible form, the health warning now required by law on cigarette packages—"Caution: Cigarette Smoking May Be Hazardous to Your Health." In addition, the newspaper announced, it would require that every ad disclose the tar and nicotine content in the smoke of the cigarette being advertised.

The R. J. Reynolds Tobacco Co., the Philip Morris Co., and the American Tobacco Co., all shortly announced that they would withdraw cigarette advertising from the Times.

Should other newspapers and magazines follow suit, I am sure there would soon be an end to cigarette advertising in their pages, just as surely as we are now assured an end to cigarette advertising on TV and radio not later than September 1, 1970.

I ask unanimous consent that the heartening editorial from the New York Times be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CIGARETTES AND ADVERTISING

The major television and radio networks, under heavy pressure from a Senate Commerce subcommittee to stop broadcasting cigarette advertising by the end of this year, have rightly raised the question of why any Government-fostered policy in this field should not apply equally to all communications media.

We share the belief that public policy in this field ought to be uniform, even though some might contend that the immediacy of TV in its impact on youth, plus its status as a regulated industry operating under Federal license, makes special treatment appropriate.

This newspaper has repeatedly set forth its conviction that the medical case on the perils of cigarette smoking has been proved. We favor a legal requirement that every package of cigarettes and every cigarette advertisement carry a strong, explicit and clearly visible warning of the health hazards founds in exhaustive studies by the Public Health Service and other impartial research bodies—a much stronger warning than the inadequate one now required only on packs.

So long as cigarette sales remain legal, however, it would be contradictory to impose a ban on all sales promotion. We at The New York Times have always felt an obligation to keep our advertising columns open to all comers, refusing ads only on the grounds of fraud or deception, vulgarity or obscenity and incitement to lawbreaking or to racial or religious hatred. In pursuit of that policy, The Times has printed many advertisements setting forth ideas we abhor but feel no right to censor.

We recognize that, on purely health grounds, an argument can be made for outlawing cigarette sales altogether, in which event any advertising would be out of order. However, the nation's dismal experience four decades ago with the Volstead Act prohibiting the sale of alcoholic beverages rules out optimism that a constructive purpose would be served by a comparable statutory prohibition on cigarettes. On the contrary, the probability is that it would merely spawn more law-defiance and a host of tributary evils.

Until Congress decides a total ban is both necessary and enforceable, adults who have been thoroughly informed on the dangers in smoking are entitled to decide for themselves whether they want to accept those risks. The important thing is that, in making that decision, they should know that the price may be disease or early death.

In line with these beliefs and in advance of the steps we hope Congress will take to establish tighter health safeguards by law, The Times is taking voluntary action to insure that a health warning accompanies any cigarette advertisements it carries. Effective Jan. 1, 1970, this newspaper will accept cigarette ads only if they contain, in plainly legible form, the statement the statutes now require on cigarette packages, "Caution: cigarette smoking may be hazardous to your health." In addition, every ad must include a disclosure of the tar and nicotine content in the cigarette smoke.

PROPOSED APPOINTMENT OF DEAN BURCH AS CHAIRMAN OF FEDERAL COMMUNICATIONS COMMISSION

Mr. GOLDWATER. Mr. President, as most Senators know, a close friend of mine who was a former political adviser as well as Republican national chairman—Mr. Dean Burch—is reportedly in line for appointment to the post of Chairman of the Federal Communications Commission. Mr. Burch is eminently qualified for this post, and I have urged his appointment just as strongly as I possibly can upon the executive branch of the Government. I have every reason to believe that an announcement of this appointment will be forthcoming shortly.

As with all such appointments, the newspapers have contained considerable speculation regarding Mr. Burch's probable appointment. Unhappily, some

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newspapers, like the New York Times, have seen fit to question Mr. Burch's qualifications editorially. I might say that any appointee who formerly was associated with my political campaign in 1964 automatically comes under attack from the left-wing press and newspapers like the Washington Post and the New York Times.

Because of this, Mr. President, I take great pleasure at this time in placing in the RECORD the text of a letter to the New York Times which was published September 9 in defense of Mr. Burch's possible appointment. The letter was written by none other than Mr. Newton N. Minnow, who was Chairman of the FCC in the Kennedy administration. He charges the New York Times with being "most unfair to Mr. Burch."

I ask unanimous consent to place Mr. Minnow's letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAN BURCH FOR FCC

CHICAGO, ILL.,
September 2, 1969.

To the Editor:

Your Sept. 2 editorial about the possible nomination of Dean Burch as chairman of the Federal Communications Commission is in my judgment, most unfair to Mr. Burch.

In the past year I have served as chairman of a special commission created by the Twentieth Century Fund; our commission has closely examined the rising costs of broadcasting in political campaigns. My colleagues are Dean Burch, Alexander Heard, Robert Price, and Thomas Corcoran.

We will be presenting a unanimous report in a few weeks which represents some serious suggestions for needed reforms in political broadcasting.

Mr. Burch and I are of opposite political faiths. In our close work together, I've observed his unswerving and impartial dedication to the public interest in all our deliberations. He has an incisive mind, and I have repeatedly seen him demonstrate fairness and courage.

As a former F.C.C. chairman in the Kennedy Administration, I find nothing in Mr. Burch's record to warrant the Times criticism. The F.C.C. is responsible, as The Times's properly reminds us, for measuring the promise and performance of its licensees. I regret that The Times seems to have prejudged Mr. Burch—in advance of either his promise or performance.

NEWTON N. MINNOW.

OIL IMPORT PROGRAM

Mr. HANSEN. Mr. President, during the continuing controversy over the oil import program, much has been said about the advantages of lower oil product prices through increased use of cheaper foreign oil.

I have attempted to point out the fallacy of the arguments of those who would have us lose our self-sufficiency by dependence on what could well prove to be some very unreliable sources in this unstable world of ours. Not only are most of these sources quite shaky politically, and certainly not overly sympathetic to our democratic system of government, but they are now talking openly of using oil as a lever to influence American policy toward the Arabs. I need not remind any Senator of the attitude of the United Arab Republic's President Nasser toward the United States in recent years nor his open alliance with the Soviet Union.

In July of this year, the Organization of Petroleum Exporting Countries, of which all Middle East countries are members, met in Vienna in another of their frequent get-togethers. There could be but one purpose for such an organization, and that is how to get more for their petroleum products, and the importance of petroleum as an instrument of international policy.

In view of U.S. dependence now on foreign oil and oil products for some 25 percent of total requirements and mounting pressure from some Members of Congress for an even greater rate and consequent dependence on foreign oil, we may be sure the members of the OPEC were not talking about cutting the prices of their petroleum.

The Soviet Union, in this great international poker game, would like nothing better than to see us lose our stake of domestic sufficiency through dependence on foreign oil and then see us blackmailed price wise or have the rug pulled out from under us by cutting off Middle East oil entirely.

This prospect should and must be an important consideration of oil import policy, one that the President must weigh carefully before making any drastic changes in the present oil import program.

I ask unanimous consent that an article entitled "Cairo Hints Oil Pressure To Alter U.S. Policy," published recently in the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 3, 1969]

CAIRO HINTS OIL PRESSURE TO ALTER U.S. POLICY

CAIRO.—Muhammed Hassanein Heikal, Egypt's leading political commentator and confidant of President Nasser, says the entire Arab world should put pressure on the United States to change its Middle East policy.

"The pressure must extend to the actual and practical and must touch the sensitive nerves whether political, economic or psychological," Heikal wrote Friday in his weekly column in the newspaper Al Ahram.

"If some Arab countries have exhausted their means of pressure, there are still other Arab countries which possess a big reserve of effective means of pressure," he said.

Heikal, the editor of Al Ahram, often reflects official thinking in his weekly columns. Diplomats here read it closely for clues of Egyptian policy.

One observer here said the "other Arab countries which possess a big reserve of effective means of pressure" is a reference to Arab oil-producing states who could use oil as a lever to influence American policy toward the Arabs.

The observer said his theme of Heikal's article probably parallels a position Egypt is taking in the current round of talks with other Arab governments.

Heikal charged that the United States follows a policy in "opposition to the existence and security of the Arab nation," by supporting Israel.

America must be convinced, he said, "even by coercion" that no international party can choose between Israel and all the Arabs and then get away with his choice "without punishment to his essential interests."

The Arabs must also "open channels of communication with American public opinion," he said.

"Let us recall that the Vietnamese revolution, for example, has realized success psychologically in the United States" which is of no less importance than the military aspects of the Vietnamese war, Heikal said.

"The United States, despite all obstructions, is not a closed area in the face of intelligent Arab activity. There are many new forces of growing influence within the American society, and we should not leave them without establishing an illuminating and created dialogue with them."

The Arabs can also, Heikal said, "widen the front of opposition to American policy" in Asia and Africa and "in the Islamic world in particular."

The deterioration of Cairo's American relations has been matched by Egypt and Russia knitting closer ties. Russia is Egypt's principal arms supplier, the reason for better relations with Russia, Heikal wrote.

"There can be no balance between those who stand with us and those who stand with Israel, between those who supply us with arms and those who supply Israel with arms and between those who support our viewpoint in the conflict and those who support Israel's."

IDAHO'S 116TH COMBAT ENGINEERS RETURN HOME

Mr. CHURCH. Mr. President, last week it was my pleasure to participate in ceremonies welcoming home from Vietnam the 116th Combat Engineer Battalion of Idaho's National Guard.

Among those on hand to greet the returning veterans at the celebration in Idaho Falls was Gen. William Westmoreland, now Chief of Staff of the Army. In recognition of the battalion's high standard of performance in Vietnam, General Westmoreland conferred upon it a Meritorious Unit Commendation.

Of all the National Guard units in the United States, Idaho's 116th was one of only three—and the largest—to be called to active duty in the Vietnamese war. The men were assigned to construction tasks of the highest priority, such as emergency work on the rapid building of roads, airports, and bridges. Their record as combat engineers prompted the Assistant Secretary of Defense to observe that the 116th was one of the finest military Reserve units he had ever seen. He wrote in a letter to me:

> This battalion was very impressive and is a great credit to the State of Idaho and to the United States.

I was privileged to take part in the welcoming-home ceremonies, not only in Idaho Falls, but in Orofino, Rigby, and Rexburg as well. I ask unanimous consent that my remarks, delivered at these observances, be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR FRANK CHURCH

Once, when President Kennedy was asked how he became a war hero, he replied, "It was involuntary. They sank my boat."

When you are asked how it happened that you came to fight in Vietnam, with equal candor you can say, "It was involuntary. Idaho's 116th Engineer Battalion got called up."

Well, you have kept a proud record unbroken. From the time we first became a state, Idaho's National Guard has actively taken part in each of our country's wars—including even the Mexican border escapade in pursuit of Pancho Villa. Whenever I hear the argument made in Washington that the National Guard is outmoded, unneeded, or that it ought to be dismantled, the combat history of Idaho's National Guard makes for a highly effective rebuttal!

So I deem it not only a pleasure but a genuine privilege to join with your families, neighbors and friends in welcoming you home again. To those of you who return disabled, bearing the wounds of war, medical care and compensation will be provided by a grateful government. To those of you needing home financing, or seeking to further your education, there will be available to you the benefits of the G.I. Bill of Rights. In this connection, I hope we can win approval of a bill I am sponsoring in the Senate, a companion measure to that already introduced in the House, which would add your training time to the period of your active duty, in determining your over-all entitlement under the G.I. Bill. The passage of this amendment would guarantee treatment of reservists equal to that accorded all other veterans of Vietnam.

In these, and other ways, we try to show our appreciation to you who have gone to war and now come home again. But there is no way to repay the men who won't return—the men for whom the price of patriotism was life itself.

Six men of your battalion were killed in Vietnam. We must not leave them nameless on this occasion:

1st. Lt. Michael G. Brown, St. Anthony;
Sgt. Conn K. Clark, Rigby;
Sp. 4 Michael L. Earp, Grangeville;
Sp. 4 Lonnie H. Hendrickson, Orofino;
Sp. 4 Gary C. Smith, Pingree; and
Sp. 4 Kenneth W. Young, St. Anthony.

Let us remember these brave men, and, with them, the many other young men of Idaho who have fought and died in Vietnam. May their names be inscribed upon our highest role of honor, for they form part of the fallen legion—which now numbers nearly 40,000 American dead—in this, the longest and third most costly of our foreign wars.

So immense is the price we've paid in blood and treasure that I wish it were possible to predict how and when this war will end, or what it is that we shall finally gain from it. Perhaps it is the lesson that there are limits to what one country can do for another, that the survival of any government anywhere depends, ultimately, upon the willingness of its own people to rally to its cause.

Drawing upon our somber experience in Vietnam, a new American President is now trying to fashion a new American policy for Asia. It is a policy which prescribes against the use of American combat troops in future wars of insurgency in distant Asian lands. As for external aggression, it is a policy which puts it up to the nations of Asia to assume primary responsibility for their own defense. For my part, having long advocated such a change in policy, I warmly welcome it now!

In the face of these developments, it is little wonder that our involvement in the Vietnamese war should have provoked such deep division and disagreement among our people. Not since the Spanish-American War have we engaged in a struggle concerning which the American people—both in and out of uniform—have found themselves so conscientiously torn.

This was not the case in the two World Wars, nor even in Korea. We who fought in those wars were fortified by a unanimity of opinion which helped to lighten our load. That's why I believe you men of the 116th, together with all other American veterans of Vietnam, are deserving of special praise. You have performed your duty under the most trying of circumstances, in an atmosphere clouded with controversy and doubt.

But the duty an American owes his country rests not upon the supposition that our government is infallible, or that our people should behave as puppets, or that our leaders are gods.

No, the duty of an American citizen is based upon his belief in freedom, and upon the recognition of his obligation—so long as this country remains a sanctuary of freedom—to respond to its call in time of war.

"We must meet our duty," said Thomas Jefferson, "and convince the world that we are just friends and brave enemies."

You of the 116th have met your duty. You have proved yourselves worthy of your precious heritage as free citizens. As long as each new generation of Americans proves willing to serve as you have served, responding to your country's call, this Republic will endure.

Proudly we welcome you home again.

CLARENCE D. PALMBY SPEAKS ON SOYBEANS

Mr. PERCY. Mr. President, Assistant Secretary of Agriculture Clarence D. Palmby has served the American farmer with great distinction for many years, both in and out of Government. In recent months, he has performed with great ability in the difficult work of promoting our agricultural exports around the world.

Recently, Mr. Palmby spoke at the national convention of the American Soybean Association, outlining with excellent judgment and wisdom the current situation with respect to this important crop, both with regard to exports and the work being done to expand the use of soybeans.

The growth of soybean production in this country has to a large extent been made possible by export markets. The export market for soybeans is vital to the economy of many States, particularly in the Midwest and the South. Illinois alone exports more than $200 million of soybeans a year.

I ask unanimous consent that Mr. Palmby's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Production and World Sales of U.S. Soybeans

(Remarks by Assistant Secretary of Agriculture Clarence D. Palmby at the 49th annual convention of the American Soybean Association, Myrtle Beach, S.C., August 11, 1969)

The soybean is a typical American.

It came as a lonely immigrant. It struggled in obscurity. It was joined by others of its kind. It crossed with other immigrant strains. Slowly it began to thrive—to succeed in its new environment—to become a part of the American scene.

Finally, a century and a half after its first introduction, the soybean began the sudden expansion that has made it the second ranking income producer among cash farm crops. This is a phenomenon of only the past 20 years.

In 1949, we harvested 10.5 million acres of soybeans. Within a decade, that figure had doubled. Within a decade and a half, it had tripled. And this year farmers' plantings are a record 42.4 million acres of soybeans—four times the harvested acreage of 20 years ago.

It took a while, but the soybean today is about as American—or as Americanized—as you can get. This country accounts for three-fourths of the world's production. We account for about 90 percent of the world soybean trade.

This does not mean that we have things all our own way. It does not mean that we can let up in our research, our cultural work, our marketing improvement, our export promotion. Continued growth will require greater efficiency—and bring new problems.

But if we had no problems, there would be no need for this 49th annual convention. And there would be no opportunity for me to be here with you.

I do appreciate the invitation to be on your program. The "production and world sales of U.S. soybeans" are a daily concern with me. Secretary Hardin is also most interested in the continued growth and success of this remarkable industry. He sends you his best wishes.

Soybeans have played a very interesting role in American agriculture the past decade and a half. Here was a commodity that an investment counselor might call "a growth stock." A farmer who needed to reduce his planting of another crop might turn to soybeans and share in this market growth.

There is, of course, an inverse relationship between the rise in soybean acreages over the past 15 years and the decline in acreages of feed grains and cotton.

In the early 1950's, farmers were harvesting around 80 million acres of corn for all purposes. In comparison, this year's harvested acreage will be down by 17 million acres.

Oats acreage is down by 19 million from 1953.

Cotton acreage to be harvested is down by some 13 million.

At the same time that feed grain and cotton acreages have declined, soybean acreages have increased by 28 million acres since 1953. This by no means tells us all that happened in those years of radical change, but it is an interesting commentary on the part that soybeans have played in maintaining farm income.

We know, for example, that in those states where soybeans and cotton "overlap" in production area, the growth in soybeans has more than made up the decline in income experienced in cotton as the result of restrictive programs and poor crop years. And of course soybeans have become a major source of income in feed grain areas as well.

So it is plain that soybeans have been a growth factor in American agriculture—especially in the past 10 to 15 years.

Implicit in all this is the existence of an expanding market for U.S. soybeans—especially in other countries. It is true that utilization of soybeans in this country has doubled since 1953, but this increase would by itself have fallen far short of providing a market for the large recent crops.

In the early 1950's, we were producing around 300 million bushels of soybeans a year. In the past year, we produced about 1.1 billion bushels. In simple round numbers, this is a growth in production of nearly 800 million bushels in 15 years.

U.S. utilization has grown steadily during that period. Domestic use of soybean meal has risen from 5 million tons to 11 million tons. In terms of beans, this is an increase from about 210 million bushels to about 460 million bushels—a rise of 250 million. This 250 million bushel increase in domestic use would not begin to absorb a production increase of 800 million bushels.

Meanwhile, however, we were able to build a world market for our soybeans and products—starting almost from scratch. In 1953, we exported only 40 million bushels of soybeans plus an amount of soybean meal equivalent to 2.8 million bushels of beans. From that low level, we have built our exports to the point where for the marketing year ending this August, we will have exported 285–290 million bushels of soybeans and another 125 million bushels in the form of meal.

If you combine these figures—ignoring oil

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exports for the sake of simplicity—you get a total export of 410 million bushels and equivalent. Compared with 15 years ago, this is an additional market for 365 million bushels of soybeans produced by U.S. farmers.

Without the development of this export market, we could never have sustained the kind of growth that we have seen in U.S. soybeans. Clearly we need to preserve and expand this market if we are to have a continuing large and growing soybean enterprise in this country.

It is reasonable to conclude that without an export market for soybeans and meal we would have to cut back production around 40 percent. Acreage would have to be reduced below 25 million acres. Farmers' returns from soybeans would be reduced by almost a billion dollars.

So we need to keep in mind the importance, to us, of the world soybean market—particularly Western Europe, Canada, and East Asia.

Western Europe alone takes well over half of our soybean exports.

In the early 1950's, we were exporting to Western Europe less than 10 million bushels of soybeans a year. In 1953, we shipped 15.1 million bushels of soybeans and a very small amount of meal—equivalent to 165,000 bushels of beans.

U.S. shipments of soybeans climbed steadily through the 1950's and 1960's to the point where we exported in the most recent marketing year (1967–68) some 147 million bushels of soybeans to Western Europe. This is almost a ten-fold increase in 15 years—following closely the increased use of soybeans in those countries. Western Europe imported 175 million bushels of soybeans from all sources in 1968, with 85 percent coming from the U.S.

The increase in Western Europe's import of U.S. soybean *meal* has been more spasmodic but no less dramatic. Starting from virtually nothing, our exports of meal to those countries began to move up in the middle 1950's, and in 1967–68 reached 94 million bushels.

Here again, we benefitted from a growing market. Western Europe's imports of soybean meal from all sources have more than doubled in this decade alone—now amounting to the equivalent of some 135 million bushels of beans.

Asia and Oceania account for over one-fourth of U.S. soybean exports.

In 1953, our exports of soybeans to the Asiatic area stood at about 20 million bushels. We shipped less than a million bushels (785,000) in the form of meal.

By last year, however, the volume of U.S. soybean exports to Asia and Oceania had grown to about 95 million bushels. Almost four-fifths of these shipments went to Japan. Japan has steadily expanded her overall imports of soybeans—about five-fold in 15 years. This year, she will have imported 89 million bushels from all sources, with the U.S. supplying 82 per cent.

In Asia, we have not had the kind of growth in the market for soybean meal that we have had in beans. Japan has followed a restrictive soybean meal import policy. Nevertheless, in 1967–68, we exported to that area a quantity of meal equivalent to about 5 million bushels of soybeans. Taken together, U.S. exports of soybeans and meal to Asia and Oceania have expanded five-fold in 15 years.

Thus Europe and Asia have provided outlets for a steadily expanding volume of U.S. soybeans. This is true primarily because Japan, Taiwan, and a few European countries have been "growth" markets for soybeans, and the U.S. has been dominant supplier to those markets—sharing in their growth.

World customers are important to the American soybean producer. They're as important as the day-to-day production decisions he makes. They're as important as the price he gets for his crop. Because, in a very real sense, these markets determine the future of his business.

In this connection, I was glad to see the recent formation of the American Soybean Institute, to give industry-wide support to world market development. I understand that the first contract for this work is with the A.S.A. and calls for the expenditure of $1.6 million over the next two years. The willingness of growers to assess themselves in order to support this work is testimony to their concern for keeping the soybean industry healthy.

Over the years, Federal farm policies have generally favored expansion in the soybean market. Thus they have encouraged—or at least not *dis*couraged—the continued growth of the U.S. soybean industry. Price support has been set at levels designed to encourage production in line with growing demand, to protect farm prices, and aid the orderly marketing of the crops.

These considerations are not always easy to keep in balance. But in the case of soybeans, it was especially important that Federal programs not be used to push prices out of line with competitive products. Soybeans—because of their varied uses as oil and meal, as human food and livestock feed, and as an industrial item—have a great variety of real and potential competitors.

If prices went out of line, the users of soybeans at home and abroad would immediately look for other materials that could be had more cheaply. There are dozens of oil-bearing materials. There is an increasing plethora of protein supplements, as new and exotic sources are exploited and as new synthetics spring forth from the test tube.

But for a long time, we were able to maintain soybean utilization just about neck-and-neck with production. Stocks just about kept the pipeline running to crushers and exporters. No surpluses accumulated to threaten prices and income.

Finally, in 1966, we made what in retrospect must be considered an error. The fine balance between price and use and production of soybeans was knocked out of whack by a rise in the price support level—from $2.25 to $2.50 a bushel.

The price farmers got in the market for the 1966 crop went up, too. But not all of the beans in the 1966 crop were used in the 1966–67 marketing year. Stocks accumulated, and prices fell in the market—to below the support level.

Looking back from where we are now, we can see the result of the higher price support level that was in effect in 1966, 1967 and 1968. It was to artificially price soybeans out of an expanding market situation and give aid and comfort to the soybean farmer's competitors—both here and abroad.

For example, it gave a price advantage to imported fishmeal—a protein product which has now cut rather sharply into the demand for soybean meal in this country. Last year, fishmeal imports replaced approximately 750 thousand tons of soybean meal equivalent.

Another competitor which benefitted from our non-competitive pricing was the synthetic—urea—which is adaptable to ruminant feeding. Last year, urea replaced at least 750 thousand tons of cottonseed and soybean meal equivalent in beef cattle rations and some additional tonnage in dairy cattle rations.

Together, urea and imported fishmeal replaced a million and a half tons of U.S. soybean meal—depriving U.S. farmers of outlets for about 70 million bushels of soybeans. Some of this replacement might have come anyway, but our pricing policies have intensified it.

Meanwhile, production of soybeans is rising in a number of countries, and U.S. exports have leveled off.

World production was up 7 percent in 1968—a new all-time high. This was principally a result of the large U.S. crop, but a number of smaller producers harvested record crops. Brazil, the largest producer in the Western Hemisphere except for the U.S., is now harvesting a record crop. The outlook for Mainland China, the other important world producer, is reported to be fairly good.

The effect of non-competitive pricing is well illustrated in what has happened to the export market for soybean oil, which has been particularly vulnerable to inroads from sunflower oil. Total U.S. exports of soybean oil have flattened out in the last 3 years. In 1966, exports amounted to 1,105 million pounds. Exports fell off to 993 million pounds in 1967 and 950 million pounds in 1968. About 90 percent of the oil exports moved under P.L. 480 programs in 1968.

The shrinkage has occurred in exports bought by countries able to pay dollars and thus to choose the kinds and sources of oil they will buy. In 1960 through 1965, European importers could buy soybean oil in the U.S. for considerably less than they could buy either soybean oil or sunflower oil in Europe. In 1966, however, this margin disappeared, and we can see the result.

The fact is that importers are willing to pay prices that go up and down with the world market. But when we set our price support at levels that cause our product to be above the world price, their reaction is simple: They buy from other sources, and we lose customers. The other thing that happens is that we become an underwriter for any world surplus, providing the world's only home for excess supplies.

We have observed both of these consequences from the price support action taken in 1966. And without increased shipments under Government programs (P.L. 480) our oil exports could not have been maintained even at the flattened-out level of the past three years.

With this weakness in oil demand, any new threat to the demand for meal—by a new competitor, perhaps, such as the protein yeast product made from petroleum by-products—could bring serious consequences to the export market for U.S. soybeans. Petroleum and chemical companies all over the world are working on this product and on other synthetic proteins.

Within this background, the Department of Agriculture had to make a decision this past spring as to the price support level for the 1969 crop of soybeans. We had to decide whether to continue a price support level that jeopardized markets at home and abroad—*or* to resume a price relationship that would permit growth.

You know what the decision was. It was made in the longer-term interest of the soybean farmer. It was based on our judgment that it is absolutely essential that soybeans be price competitive at home and in the world.

We must not jeopardize an export market that is essential to the future of our soybean enterprise as it now exists. We must not risk, for an illusory short-run gain, the substantial destruction of an industry that has been, and should be, so much a growth factor in American agriculture.

Thus we must, by every means within our control, work to make and keep our soybeans and soybean products competitive in price, quality and availability. Further improvement in efficiency is of utmost importance.

There are problems, of course, over which we have no control. One of these is the proposal now before the European Economic Community to impose an internal consumption tax of $60 per metric ton on vegetable and marine oils and $30 per ton on oil cakes.

These proposals could very definitely work to the detriment of U.S. exports of soybeans and products. They were presented to the EEC Council of Ministers by the EEC Commission. So far, this proposal has not been approved by the Council for ratification of the six governments. The U.S. Government and the soybean industry have registered strong protest against the proposal.

This type of protectionist action has become altogether too common in the world—and such a proposal by the Common Market is highly disappointing to our Government and the Department of Agriculture.

Obviously, protectionism—whether in the form of tariffs, quotas, or some other artificial barrier—works directly to reduce and discourage the sale of U.S. commodities in customer countries. But protected high prices within those countries also reduce consumer demand, and thus limit the total utilization or consumption of the products involved.

The Common Agricultural Policy of the EEC is essentially a protectionist policy. It fosters prices within the Common Market that are unrelated to prices in other trading countries. I am sorry to say that I cannot foresee any reversal of this trend any time soon.

Some leaders in the EEC envision a larger Community in the not too distant future—one that includes the original "six" plus the United Kingdom, Ireland, Denmark, Norway, and probably Spain and Portugal. Full membership for Greece would also be a part of this larger Europe.

European agriculturalists appear eager to welcome these additional countries. And, for the most part, they foresee that an enlarged Europe would follow an agricultural policy similar to the present one.

If there is one thing to be learned from all this it is that American agriculture should—as they sometimes say in baseball—"stay loose and play back on the grass." It's important that we not be wedded to positions and policies of the past. It's important that we stay flexible in an era when change may come suddenly. It's important that we maintain our ability to compete.

This might be called the "era of the substitute." As our technology gets closer to the very sources of life—as it pries more closely into the ultimate structure of things—there will hardly be anything that can't be substituted—complete with odor and taste.

And this isn't all bad. Electricity substitutes for kerosene. The tractor substitutes for the mule. Penicillin substitutes for the mustard poultice.

No product—no group—has a lock on the future.

Soybeans are famed as the "miracle crop."

The chemical companies have their "miracle fibers."

The corner pharmacy dispenses "miracle drugs."

But the age of miracles has not passed. Today's miracle fiber is itself subject to obsolescence as new miracles come out of the bottle.

Today's miracle drug gives way to potions that are still newer and more powerful.

Today's miracle crop can find itself competing with new products fresh out of the laboratory—or old products newly treated or newly processed.

You can't preserve the past—or even the present. What you can do is look to the future with products that are as competitive as you can possibly make them—in quality, in suitability, in availability, and in price.

Soybeans have been a "growth stock" in agriculture and I am convinced that we have the imagination and the determination to keep them in the forefront of American farm progress. At the same time, we must be realistic in dealing with problems as they come.

We are fortunate in this country—in being able to produce beyond our needs. At the same time, this excess capacity tends to depress prices for farm products. This is a major problem.

The producer will be the "key man" as soybean production becomes more and more efficient. As always, most of these efficiency gains will be passed on to consumers. But sound farm program policies can help soybean producers to retain some of these gains and thus to obtain a fair income within the total U.S. economy.

This is our goal in the Department of Agriculture.

OIL POLLUTION IN THE SANTA BARBARA CHANNEL

Mr. CRANSTON. Mr. President, the citizens of Santa Barbara have not given up their crusade to extricate their beautiful ocean channel from the sickening oil slick which continues not only to befoul their beaches but also to betray their confidence that public opinion can affect Government policy.

For the people of Santa Barbara, as for far too many Americans, pollution is more than a dirty word. Pollution is for them the offal on their front porch. They want it cleaned up and kept cleaned up. They want an end to oil drilling in the Santa Barbara channel.

Last month, two excellent feature stories on Santa Barbara appeared in California newspapers.

Marie Ridder, of the Long Beach Press Telegram, and James Wrightson, of the Sacramento and Fresno Bees, both wrote with sympathetic insight of the hopes and frustrations of this beleaguered stretch of California's coastline.

Unfortunately, Mrs. Ridder's prediction that my bill, S. 1219, to end Santa Barbara channel drilling would be reported by the Committee on Interior and Insular Affairs has not yet come true. However, I remain hopeful that Senators will come to agree with me that the need to prevent environmental pollution is more important than extracting oil from the Santa Barbara channel floor.

Mr. President, I ask unanimous consent that both articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Long Beach (Calif.) Press Telegram, Aug. 11, 1969]

Crude Is the Word for What Happened to Paradise

(By Marie Ridder)

Santa Barbara.—A walk on the beach, one's feet are covered in black slime: oil. A fishing trawler lies quietly in the harbor, its nets carefully coiled on deck. "We can't put 'em out anymore," says the captain: oil. A young California sea lion lies flacsid in the shallow waters near shore, sick: oil.

Lovely Santa Barbara—"We used to think of our town as the best in the world," says Hal Beveridge, vice president of General Research Corp. "Its sheer beauty brought us here; special kind of paradise, mountains, clear air and clear ocean. Many of us could make more money elsewhere but we chose to come here."

Naturalist and writer Richard Smith says, "I brought my family to Santa Barbara 15 years ago. I came here on a dream, the wildness of the mountains, the accessibility of the sea, the empathy of the people. I valued quality of life more than a high salary."

Since 9:30 on January 28, 1969, Richard Smith has had very little time for quality of living. He, like most Santa Barbarans, has spent his life combatting oil—on the giant rocks that line the city's shore, on the beaches, wiped off on clothes, coating birds and fish, its all-pervading odor reaching street corners, shopping center and home.

On that day six months ago the ocean boiled and bubbled with a vast leak from Union Oil Co.'s fifth drill on Platform A square in the middle of Santa Barbara Channel. In 10½ days a quarter of a million gallons of crude oil spewed into the channel, according to Union Oil estimates. Other estimates put the figure at 10 times that amount.

Reporter Bill Downry of the Santa Barbara News Press recalls that first day. "The beach was all tar, the sea a flat dark mud color. It was silent. No birds were visible. Just a molasses-like covering of the beach as far as the eye could see."

Another observer remembers thinking, "Now I know what, 'Hell on earth' means." The newspaper editorialized, "Men, women and children cried. The traumatic impact cannot be conveyed."

The oil blowout and the subsequent continual leakage comes from an offshore well leased by the federal government to Union Oil. The leak comes from Platform A, the first rig in the channel of a proposed 114 belonging to 26 different oil companies. The initial leak was capped on Feb. 8, but subsequent fissures have opened through the ocean floor. Drilling was stopped only briefly. Both drilling and leaking have resumed, daily. Six months after the initial tragedy Fritz Springman, public relations manager for Union Oil comments, "What can I say? I wish the damned thing (the leakage) would stop."

"Santa Barbara," says Smith, "had been conducting a campaign to keep the government from leasing for years. Both the city and the county governments had requested that the federal government keep the channel clear as geologist and oceanographers have always known the Repetto Corridor, our channel, has an unstable floor. But before it happened there were simply not enough people concerned to be of influence."

On February 6, 1968, the federal government sold nine square mile leases to private oil companies for 603 million dollars. Each resident has a different comparison. "That pittance woudn't cover a day in Viet Nam," said one. "It would hardly buy a cornerstone for a government building in Washington," says another.

Ironically part of the sum paid Stewart Udall, Johnson's conservationist secretary of interior, was to be used by the National Park Service for wild life preservation. Udall has characterized his Santa Barbara decision "as my own Bay of Pigs."

Republican Congressman Charles Teague of Santa Barbara and Democratic Senator Allen Cranston have both introduced bills to ban the drilling. Republican Senator George Murphy, along with Teague has introduced an alternative bill to exchange the Santa Barbara oil leases for Navy held ones at Elk Hill.

The Cranston Bill, recently modified in committee to "stop current drilling until further study," is expected to go to the Senate floor this week.

Cranston says, "The oil in the Santa Barbara Channel should be considered an oil reserve to be used when needed in case of a national emergency. Quite factually the United States does not need that oil now. Oil is a diminishing resource we should reserve as much as we can. As time goes by methods of drilling off shore oil will improve. In the future technology may find a way of getting the oil without endangering the environment—without playing Russian roulette with California's magnificent beaches and marine resources."

Senator Cranston's concern for the beaches and the ocean is echoed by the businessmen of Santa Barbara. Oil brings no revenue to Santa Barbara. Tourists do. Director of the Chamber of Commerce C. S. Lowry points out sourly, "Tourism—downtown Santa Barbara's Number One industry—is off more than a third in these peak summer months." Describing himself as a man caught between

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the devil and the deep, Lowry says, "We want oil out but we don't want to give the impression that Santa Barbara has nothing left for the tourist. The mountains are fine," he adds wistfully.

Lowry has incurred much local criticism by sponsoring ads financed by the Union Oil Co. that show bikini clad girls playing ball on the beaches. The legend below reads, "People are relaxing, strolling on our beaches." Lowry points out that there is no mention of swimming.

"They should show beach walkers doing the Union Oil dance," scoffed a citizen looking at the Chamber of Commerce ad. The choreography for this is a frantic scraping of oil from feet while simultaneously rubbing detergent on a tarred bathing suit.

This, in spite of the fact that Union Oil has done a massive job of cleaning up. It is a picture out of Kafka—oil drifting in, its target of the day a whim of wind and tide, while men cope with the enormity of cleaning nature, sandblasting coastal rock, bulldozing miles of sand.

"Anyway," says Smith, "as soon as they get one beach clean oil appears on another from another hemorrhage in the ocean floor."

Much of the damage is invisible. "Impossible to determine," says Norman Sanders, University of Santa Barbara geologist. "How does one immediately determine what happens to sea animals that used to feed on lichens, mussels and barnacles that grew on rocks that are now either oil-covered or sandblasted? It takes a lobster ten years to mature. We won't know for years if lobsters being spawned now have been able to find sustenance. We cannot know immediately what breaks there are in the food chain or how profound the influence has been on the ecology. We do know there is no phosphoresence in the sea. Much of the ocean appears to be dead. We do know that gulls no longer fly over the harbor."

Commercial fisherman Red Allen knows that fishing is bad. "The anchovies didn't come in this year. Barracuda and sea bass, top water fish, can't be hauled as the oil ruins the nets."

University biologists know that the seals are hurt. Naturalist Smith says, "Seals identify their young by smell. When a pup smells only of oil its mother rejects it. It starves to death. Oilcoating a seal, moreover, changes its body temperature, causing pneumonia."

All these things are known but the citizens of Santa Barbara feel that the United States government is turning a deaf ear. The Navy, which controls San Miguel Island—a seal refuge—denies that the seals are dying. Even friendly fish and wildlife employees are mum these days. Oil along with parks and wildlife refuges belong to the Department of Interior. Most frequently heard is the crack, "We can send men to the moon but we can't stop an oil leak."

Architect Robert Gan says, "The oil leak has had two effects on Santa Barbarans. They have become more active citizens with a common goal and concurrently they have lost faith in the federal government."

Within days of the first leak an organization was formed with the initials GOO—get oil out. At the end of three weeks 100,000 signatures had been acquired on a paper a half mile long. Among the many offers of help was one from John Bougay, president of the California Thrift and Loan who donated 1 per cent of the bank's total income during the month of July to the city to use. "As it sees fit, to help get rid of oil."

At the other end of the spectrum students at the University of California's Santa Barbara branch have volunteered to do everything from cleaning birds to research to back the city's case.

Much of the dissatisfaction with the government is the consequence of recommendations made by the DuBridge panel. A presidential panel, it reached the conclusion that the best way to stop the leak is to drill additional wells in the hope of draining the reservoir in the Repetto Corridor. Santa Barbara harbor would be thick with oil platforms. Estimates on how long it would take to drain the channel leaks vary from between 10 and a hundred years.

The Department of Interior is studying the DuBridge report. A spokesman for the department acknowledged that citizens were justified in characterizing the 48-hour study—involving only Union Oil geologists and U.S. Geological Survey personnel—as "cursory."

"We aren't making a final decision yet. We are looking into ways of sealing the leak, controlling the current seepage."

"We don't like any of this any better than the people of Santa Barbara do," said the official. "But no answer is simple. If we decide to terminate the leases we are without legal precedents. How do we determine compensation to oil companies? Do we re-imburse their explorations? Do we try to determine their future profits? No oil company has ever been told before that it can't drill. We are in uncharted territory that could cost billions of dollars."

"The Murphy bill for example would seem to offer a sensible way out, exchange one known oil field for another. But tracing our offshore oil problems all the way back to the Tea Pot Dome scandal we can see that the allocation of the Santa Barbara leases among these 26 companies would be hard to duplicate. Standard Oil acquired many Elk Hill rights back in 1925."

"Whatever we do we must be aware that this is just the beginning. There is a lot of off-shore oil. We have to decide what priorities to give not only in the Santa Barbara Channel but everywhere."

A greying gentleman, martini in hand, gazed across the yacht harbor to the hobgoblin like structures, Platforms A and B. "I'm many years past 30," he remarked. "I am a Republican. But I want you to know I understand the kids, the ones causing trouble in the universities. It's a feeling of desperation that can only be expressed in violence . . . against the establishment. Some of my friends, businessmen, started out one night to blow up Platform A. They felt this helplessness, too. There is this amorphous intangible thing, the government and big business that is somehow beyond human touch. I have the feeling that the water, the land, the sky are being swallowed up."

One summer week this reporter flew coast to coast, stopping once mid-way. In that 8-day period she was unable to swim in Chesapeake Bay: polluted. She was unable to swim in Lake Michigan: Polluted. And finally was unable to swim in the Pacific ocean: polluted.

[From the Fresno (Calif.) Bee, Aug. 24, 1969]

WILL SANTA BARBARA BECOME OIL CITY? CITIZENS SAY NO

(By James Wrightson)

SANTA BARBARA.—In a plane over the Santa Barbara channel, Secretary of Interior Stewart L. Udall assured a worried state Sen. Alvin Weingand: "I'm just as concerned as you are about Santa Barbara. No leases will be granted if in doing so this beautiful coastline would be spoiled."

That was in 1966.

Since Jan. 28 of this year, spill from Union Oil's Platform A, 5½ miles off shore has brought writers here from all over the nation to report on the runaway well incident which polluted beaches, killed fish and birds, and produced deep trauma in the citizens of this lovely coastal town.

FOR SIX MONTHS

Said one resident, noting it has been six months since crude oil has been leaking into the channel at a rate of 2,000 to 6,000 gallons a day: "Getting used to it is what we do now. Like a person with an incurable disease, we just occupy ourselves in a detached way with each new symptom."

Not so with Weingand who moved in to head GOO, a volunteer organization with solid community support, named Get Oil Out.

He and others, such as George Clyde, youngest and feistiest of the Santa Barbara County Supervisors, are disturbed by the terrible prospect that Santa Barbara, a resort town of palm trees, white Spanish houses with red-tiled roofs, will become Oil City, USA.

From the 71 offshore leases granted to the oil companies by the federal government in February 1968, there is a distinct possibility thousands of wells will be drilled from hundreds of channel platforms from Point Conception, 42 miles north of Santa Barbara, to Port Hueneme, 31 miles south.

"An oil-oriented economy, which ours will become if the oil industry is allowed to go ahead, is absolutely incompatible with a resort economy," Clyde maintains.

Paul Veblen, executive editor of the Santa Barbara News-Press, the paper which opposed the granting of channel oil leases in the first place, agrees.

"We do $50 million of tourist business a year, or we used to.

"This is a community of residents, artists, writers, scholars and millionaries who could live anywhere in the world. They have chosen Santa Barbara.

"An oil economy would all but wipe out the resort atmosphere and the tourist trade."

A city treasurer's report for June says the room tax, an index of the vital tourist industry, was down 8 per cent from June 1968. Income from room rents was off $37,780.

GET OIL OUT

"All that is involved here is money, not national defense nor the nation's well being," says Weingand. "If the oil companies take their rigs, their platforms, their drilling barges and leave the oil would still be underground. If there ever is a national crisis when we need that oil it will be there and they can take it then.

"Get Oil Out means no more leasing, take out the drilling platforms, the wells and go away.

"With all those wells planned, chance of another massive oil spill is like playing Russian roulette.

"But even if there were all sorts of safety devices, even if the oil leases weren't in an earthquake-prone area, if an oil spill doesn't get us the oil economy will.

"There can be no compromise."

The problem, as the Santa Barbara citizens see it, is more than one of spoiling the view of the wealthy hill and beach dwellers or protecting a beauty spot.

Over two million persons registered at the state beaches and county parks near Santa Barbara last year. Although the beaches have been cleaned, there is oil in the water today.

"There's still a lot of oil out there," says Lt. George Brown, the young Group Commander of the Santa Barbara Coast Guard Station.

"It wouldn't surprise me any day to receive a report of oil concentration in the water or on the beaches anywhere from Goleta (just above Santa Barbara) to Port Hueneme (south in Ventura County).

"The oil lays off shore and is driven in by the prevailing southwest winds."

CHANNEL CHECK

Brown flies over the channel once a week so he can report to his headquarters in Long Beach.

The oil companies, while contrite at first about the runaway well, have hardened in their attitude.

Boats approaching the Union Oil Platform A, site of the gusher, have been warned away by oil workers with powerful hoses.

Oil companies have refused to give information to the press, telling reporters to call the office of the Geological Survey in Los Angeles.

The USGS has been less than cooperative

in revealing oil spills or confirming incidents which have occurred on the oil platforms.

Although the oil economy has by no means permeated Santa Barbara, the oil money has had its effect.

A significant split in the business community occurred last spring when the companies paid for a special tourist-directed, $8,000-a-week regional newspaper advertising campaign, "Santa Barbara is as enjoyable today as last year."

Not so, said the Santa Barbara News-Press editorially.

"There are many days when oil or oily debris makes bathing and strolling along some beaches unpleasant . . . Our tourist promotion must be fair and candid."

But Stanley Lowry, Santa Barbara Chamber of Commerce manager, says the purpose of the campaign was not to mislead anyone. It was to emphasize the dozens of other attractions in Santa Barbara which are unaffected by the out-of-control gusher.

Chief Dep. Att. Gen. Charles A. O'Brien has charged oil experts are hesitating about helping the state in its preparation of a $500 million damage suit against Union Oil Co.

Obscurantism and complexity surround certain aspects of the situation.

For example, a panel headed by Dr. Lee A. DuBridge, the President's science adviser, concluded the way to solve leakage problems is to drill more wells to relieve pressure in the channel. The report has not been made public. The only information ever issued was a 1½-page announcement saying the panel favored continued drilling to empty the entire basin of oil.

Weingand, who is as close to the situation as anyone can be who is not connected with an oil company, assesses the pluses and minuses of the situation this way:

The oil rigs on federal leases are still in the channel. They are taking oil out of the ground. New wells are being drilled and exploration is going on beyond the 5-mile limit.

But on state leases there is a ban on oil drilling in the channel, and the State Lands Commission recently upheld the ban despite a recommendation of its own staff.

—The oil companies have lost face because of the massive spill. They are under attack in Congress. With the public they are "bad guys" when it comes to despoiling the environment.

—There is still oil coming up through the fissures, and no one knows how to stop it. Huge underwater tents put over the leaks trap some of the oil, but sometimes the tents tip and large amounts of oil escape and bubble to the surface.

—Bad publicity has hurt the oil industry. Since oil companies depend on the public to buy their products, they cannot stand to be assailed continually.

—U.S. Sen. Alan Cranston's efforts to curb drilling, release the entire DuBridge report, and to crack down on the oil industry, have helped direct nationwide attention to Santa Barbara's problems.

—Court suits totaling $1 billion against the oil companies will keep them off balance and make them realize the seriousness of incidents such as the Santa Barbara Channel gusher.

—There may not be as much oil offshore as was first estimated. Since it is in "pockets," it will be harder to get at and may be uneconomical to drill and pump.

Meanwhile, the struggle goes on. For the GOO people, the problem is to keep citizen concern alive, burning, and forceful.

An unnamed writer, reviewing the tar on the beaches, dead birds, the massive cleanup attempt, the federal and state hearings which failed to stop the drilling, the night some citizens broke up a city council meeting which they considered too indecisive, and unpleasant confrontations with Union Oil officials visiting Santa Barbara, applied Marshall McLuhan's well-known remark: "Even Hercules had to clean the Augean stables but once!"

SENATOR SCOTT PRAISES DECISION TO DELIVER JETS TO ISRAEL

Mr. SCOTT. Mr. President, the first contingent of F–4 Phantom jets were delivered to Israel last week. Future deliveries will be made periodically during the coming year until all 50 planes are received by Israel.

I am pleased that the deliveries are now being made. I have long urged that the United States provide Israel with weapons and equipment necessary for her defense. I have stressed particularly Israel's need of Phantom jets, and was responsible in large measure for the language in the 1968 Republican platform which urged that the United States provide supersonic jets to Israel.

While I hope that mutual disarmament and permanent peace in the Middle East can eventually be achieved, it cannot be done by keeping Israel weak while the Russians continue to stock the Arab arsenal.

Nasser and the other Arab leaders continue their aggression against Israel, and it seems to be increasing rather than subsiding. The Arabs violate the cease-fire agreement on Israel's borders almost daily. There are now more than 100,000 Arab troops massed along Israel's borders.

Any hope that the Arab States might show restraint or be willing to negotiate in good faith to ease the crisis in the Middle East appears to be dwindling. At this point, it is only Israel's strength which prevents the outbreak of war in the area. The Phantom II jets, which are a match for Nasser's Russian jets, will help deter a full-scale Arab attack against Israel.

DRAFT REFORM

Mr. MOSS. Mr. President, on Wednesday, September 10, the Salt Lake Tribune published an editorial entitled "Urgent Need for Draft Reform." Since it well expresses the concern many of us feel about draft reform and campus unrest, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

URGENT NEED FOR DRAFT REFORM

Campus unrest has many sources but in the eyes of many the military draft, and the Vietnam War that makes it necessary, are the taproots.

As millions of students this month return to colleges and universities Congress is still sitting on draft reform proposals made by President Nixon last May. Meanwhile, although much congressional attention has been given plans for curbing campus unrest, surprisingly little of the effort has focused on revising the draft. Congress cannot end the Vietnam War, but it could overhaul the Selective Service Act.

Experts in human behavior can give all kinds of reasons why the present draft law tends to fuel student defiance. But in the end they come down to one: The present law is unfair, uncertain and wide open to abuse.

President Nixon proposed three basic changes that would help correct these deficiencies: 1—The present seven-year period of eligibility would be reduced to one year. 2—The youngest eligible men would be called first, thereby eliminating the lengthy period of waiting and anxiety. 3—Institution of a random selection system on a national basis rather than by local draft boards alone.

Opponents of draft reform now say that it should wait until after the Vietnam War. But this reasoning overlooks the basic need for changing the law, which is to make the system equitable now, when the men it scoops up are likely to see action in an extremely unpopular war.

It also has been argued that changing the draft to make it more fair would lead to defeat of more sweeping proposals for doing away with conscription altogether. This could be so but it doesn't follow that young men of draft age today should have to continue under an unfair system in hopes of someday abolishing that system for others.

Draft reform is as vital as tax reform and welfare reform and other proposals now being discussed in Congress and out. It affects not only the lives of the several million young persons directly touched by the draft, but has direct bearing on the domestic peace of the United States now and perhaps far into the future. Draft reform should be given the highest congressional priority.

THEODORE H. WHITE LOOKS AT THE ELECTORAL COLLEGE

Mr. MUNDT. Mr. President, as the House of Representatives continues to debate the question of electoral college reform, more and more arguments are coming to light showing the weaknesses of the so-called direct vote plan now before the House of Representatives.

One of the most recent and most interesting comments on the subject is contained in "The Making of the President 1968." This best seller, written by Theodore H. White, one of the most knowledgeable observers of presidential elections, is the third of Mr. White's narrative histories of American politics in action. It is an excellent book and I commend it to all Senators.

While not endorsing any of the plans at present under consideration, Mr. White, correctly in my estimation, dismisses the direct vote proposal as an acceptable alternative to the present method. Commenting on the rationale behind the direct vote plan, he states that the theory "is to be so unaware of present reality as to approach insanity."

Mr. President, I ask unanimous consent that the comments of Mr. White contained in chapter 12 be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

One must separate out principle from reality to appreciate the ongoing debate about reform of electoral laws for President.

The key idea of the Constitution is Federalism—however, much complicated by its Article Two and Amendment Twelve on the choice of President. The Constitution sets up, as principle, that the Americans should vote, in communities by states, as a federation.

The federal principle is a powerful one, perhaps sounder now in the Age of Experiment than when it was encoded in 1787. Where the Constitution errs, and dangerously errs, is in caging this principle within the entirely obsolete Electoral College. The electors of the Electoral College still legally choose the President after the people have theoretically chosen the electors. In most states, however, the naming of electors is done in practice by party committees or party leaders to give lesser badges of honor to obscure party faithful; in most states, names of electors do not even appear on the

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ballot. In sixteen states the electors are fossilized, like flies in amber, by state laws that require them to vote for the candidate the people choose. They do not know each other, do not deliberate together, do not consider or discuss candidates. They are supposed to, and almost always do, vote for the candidate the people of their state have chosen. Yet the Supreme Court has held that they cannot legally be compelled to do so. And as passions rise, as the permanent third party of the South grows in strength, it seems ever more likely that these unknown relics of antiquity may attempt to exercise individual and selective judgment on their own. In 1960, fourteen electors from Alabama and Mississippi, and one from Oklahoma chose to cast their votes for Senator Harry F. Byrd of Virginia although he appeared nowhere on the ballot. In the closing days of the 1968 campaign a newspaper boomlet arose for Nelson Rockefeller as deadlock candidate if the electors could not achieve a majority. In all fact, the Electoral College, as at present frozen into the law of the land, is an anachronistic survival of a primitive past—as useless as a row of nipples on a boar hog.

The chief alternative proposal in present debate is that of direct election of the President by all the people of the United States, one man, one vote. This is a proposal favored by sitting-down political analysts. It rests on the generalized theory of the assembly as-the-whole, or the principle that people, to exercise power, must exercise it absolutely directly.

To approve the theory of assembly-of-the-whole as a way of electing Presidents of the United States is to be so unaware of present reality as to approach insanity.

There is, to begin with, the need to recognize that voting qualifications differ in every state. Four states permit citizens to vote under the age 21—Georgia and Kentucky 18, Alaska at 19, Hawaii at 20—the other forty-six do not. By altering its age laws to 18, or to 16, or to 14, any state can increase its proportion of the whole vote at will; it can also do so by altering its laws so as to include the large numbers of criminals, convicts, mentally incompetent now all variously excluded. Direct, national, one-man-one-vote elections would require a national election law establishing national qualifications and national registration in every one of the 3,130 counties of the United States.

But it requires more than that—it requires national surveillance of each of the approximately 167,000 voting precincts of the United States. And no national surveillance can work without the establishment of a national police system. Those who report elections know, alas, that the mores and morality of vote-counting vary from state to state. The votes of Minnesota, California, Wisconsin and half a dozen other states are as honorably collected and counted as votes anywhere in the world. There are other states in the Union where votes are bought, paid for and, in all too many cases, counted, manipulated and miscounted by thieves. The voting results of the valley counties of Texas are a scandal; so, too, are the voting results in scores of precincts of Illinois' Cook County; so, too, in ward after ward in West Virginia, in the hills of Tennessee and Kentucky, and in dozens of other pockets of rural or urban machine controlled slums.

The present Federal system compartmentalizes voting in the United States by states; the votes of honest states are not balanced off or out-balanced by dishonest counting in other states; contagion of vote-stealing is limited. If all the 68,000,000 votes of 1960 and all the 73,000,000 votes of 1968 had been cast in one great national pool, then the tiny margins of victory in both elections would have evaporated. Each candidate would, necessarily, have had to call for a recount, and recounts would have continued, nationwide, for months. Vote-stealers in a dozen states would have matched crafts on the level of history; and, so slim was the margin, we might yet be waiting for the final results of both elections. And no practical proposal has yet been made to establish either national qualifications, national registration or, above all, national surveillance of counting.

Another proposal—that of dividing the electoral vote of each state among the candidates in proportion to the popular vote within the state—is a proposal for retaining the receptacle of state-by-state voting, but for casting away its content. By this proposal, the electoral votes of each state would remain the same (the number of its Congressmen, plus two more for its Senators). But in each state the electoral vote would be divided to correspond with the percentages of the popular vote in that state.

This is a more substantial proposal than that of direct voting, but it has been debated, under various names and styles, for several decades in Congress.

There are two main objections to this system—one political, the other technical.

Politically, this system has been opposed chiefly by the spokesmen of the big cities and the minority ethnic groups, who likewise, and for similar reasons, oppose direct voting. The spokesmen of the cities and the ethnic blocs have always held that the structure of Congress is cast against them; Congress is dominated by traditionalists who control its committees, and, despite recent reforms, Congress is still weighted heavily in favor of rural areas. Such spokesmen insist that the traditional political counterbalance to Congress has been the President, as executive—he is elected by the states, in the largest of which huge electoral-vote blocs may be swung by the voting of local minorities. It is the Presidential, not the Congressional, elections that make the Mexican-American vote of Texas and California important, the Jewish vote of New York important, the Negro vote of Pennsylvania and Illinois important, the Italian vote of the New England states and New Jersey important. To abolish the winner-take-all system in the states is to eliminate the chief leverage the minorities feel they have in national politics. This argument is a difficult one to defend theoretically, or at any highminded level; but, pragmatically, it reflects the nature of America.

A more important technical objection insists on hearing also—a technical objection raised to insistence by the development of third party in the South. No one has yet defined, nor can anyone define, what is meant by "proportional splitting of a state's vote." Does one mean exact proportions? Should New York's 43 electoral votes have been split at 49.8 percent for Humphrey, Michigan's 21 electoral votes at 48.2 percent for Humphrey, Ohio's 26 votes at 45.2 percent for Nixon and so on? Most importantly—what, under this plan, would have been the distribution of George Wallace's percentages? The addition of his electors in Maryland, in the Carolinas, in Florida, in Michigan, in Indiana, might have been sufficient to throw the election to the House. And the mind boggles at what might have happened as the mathematicians decimalized the percentages of the election of 1960, which would have resulted in Kennedy over Nixon by 00.497 etc. over the 00.496 (almost) of the whole that America voted. How many digits would it have required to establish a President by digitalizing yet further the electoral votes of 1960 within the states to their ultimate percentages? Would it have given a clear leadership to the American people than the solid, hard numbers of the old Electoral College which ran 303 for Kennedy to 219 for Nixon?

Yet a third system has been offered for consideration. It is the election of the President by electoral votes by Congressional district—one electoral vote for whoever carried the majority in each district, two votes (to reflect Senatorial presence) to be determined statewide. This is Federalism carried to extreme; the hard-core Congressional districts of the conservative South and the ethnic-minority blocs of the big cities would be given almost no incentive to vote; the results of such districts would be known years in advance by demographic calculation; and the swing districts of the suburbs with their own parochial needs would be the chief determinants of the choice of President.

One can find fault with any system of choice of leaders. For two thousand years—or longer, if one wants to go back to the Confucian initiative in Chinese thought—men have tried to find a perfect system of leadership. When Moses descended from Mount Sinai, the Hebrews asked of him, "Who placed you as officer and ruler over us?" and Moses had no answer. In Western history, church and academy, tyrant and politician, scholar and terrorist have all tried to answer this question in challenging or defending systems of government. None has had complete answers either. In the last century of American history, no less than 513 resolutions have been introduced into the Congress of the United States for revising our Presidential electoral laws; and none has been accepted because there are no perfect solutions to the problems of leadership—because the thrust of politics must always run in the direction of the preamble of the Constitution of the United States, which says "We, the people of the United States, in order to make a *more* perfect Union . . ." "More perfect," says the phrase, not "perfect." Perfection is impossible.

In this reporter's opinion, the American system of Presidential election has worked for almost two centuries; yet the challenge remains to make it "more perfect." No present proposal under debate offers a wiser or better system of choice than the Federal idea underlying the present way Americans choose Presidents. In any election, some must be winners—and the Federal system has worked, in the experience of this turbulent decade, better than any of the rival proposals would have worked, given the results of 1960 and 1968. What must be made "more perfect" in the system must be done to confront the challenges of the next generation—above all, the challenge of the racist minority which would divide, rather than draw together, the American people.

Nor are the steps to make the present system "more perfect" necessarily too difficult. In this reporter's opinion, the first requirement must be the elimination, by Constitutional amendment, of the entire Electoral College and the anonymous members who cast electoral votes. States, however, should continue to vote by state, giving or denying all their electoral votes to a single candidate, with no intermediary device of individual electors to permit escape from, or distortion of, their vote. If a third party manages to capture enough electoral votes—as is its right—to deny any candidate a clear majority of good, round, solid electoral votes, then, as the Constitution foresaw, the decision must go to a higher court of appeal. There is little reason that I can see to change the identity of the present Court of Appeal, which is the House of Representatives. But since, in such a case, the Federal idea of a vote by communities of states will have failed to prevail, the House should be released from its present Constitutional mandate to vote by state, unit by unit, one state, one vote. Congressmen, elected every two years, are the men closest to the swing of sentiment in American life; and they should be permitted to vote individually, one man, one vote, for the President (and his chosen running-mate, the Vice-President) until a majority has been reached among them. If, at some point to be determined, they cannot reach a majority, then, after a fixed limit of ballots, the man who earns the plurality of votes among them, should be constitutionally accepted as President and his running-mate as Vice-President. And then it is up to him to make history. We may face a future of minority Presidents—but it should be remembered that the greatest of American Presidents, Abraham Lincoln, was the President chosen by the most diminished minority vote that ever elected a President of this country. He had a clear idea of what he wanted to do, and the country responded. There is no escape from the fact that men make history, and clear leadership gives ordinary men their only choice in history.

THE CONTINUING RESISTANCE OF THE CZECHOSLOVAK PEOPLE

Mr. DODD. Mr. President, August 21 marked the first anniversary of the Soviet occupation of Czechoslovakia.

The massive Soviet intervention inevitably resulted in new restrictions on the limited freedoms enjoyed by the Czechoslovak people and in a general tightening of the political regime.

But what is remarkable is that, despite the presence of the Soviet divisions in their country, and despite the threats of the Husak government, and despite the renewed activity of the Communist secret police, the Czech and Slovak peoples refuse to accept defeat. They have found a thousand different ways in which to manifest their resistance; and this resistance was never more apparent than on the first anniversary of the occupation of Czechoslovakia.

The massive demonstrations which took place in Prague and other Czechoslovak cities on August 21 were the subject of numerous articles in the free world press. But these demonstrations were not isolated events. They were, rather, the culmination of countless other demonstrations and acts of resistance that have taken place in recent months.

For example, the Wall Street Journal for August 21 reported:

> When some Russian dignitaries appeared last weekend at ceremonies opening an international bicycle race at Brno, Czechoslovakia's second largest city, they were greeted with hooting, catcalls and derisive whistling that lasted a full minute. When a delegation of Russian trade officials visited a Prague factory recently, they had to beat a hasty retreat after workers met them with a barrage of stones.

In another article, which appeared in the Washington Evening Star for July 31, Mr. Smith Hempstone reported that the Czechs have demonstrated their dissatisfaction by sending "hordes of unsigned critical letters to newspapers, foreign embassies, and to the Czechoslovak leaders." He also reported that the Czechs show their feelings by daily decorating with flowers and candles the pictures of the late and beloved Thomas Masaryk, and the Prague statues of King Wenceslas.

Mr. President, I ask unanimous consent to insert into the RECORD at the conclusion of my remarks these two articles.

I want to call attention in particular to the closing paragraph of Mr. Hempstone's article. This is what he said:

> . . . the Czechs remember Masaryk's motto—"The Truth Shall Make You Free"—and they are determined that, while it may be convenient and even necessary for the West to forget about Czechoslovakia, no man in generations to come shall believe that this small nation lost its freedom willingly.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 21, 1969]

ONE YEAR LATER—CZECHOSLOVAK DEFIANCE OF THE SOVIET INVADERS IS EVEN STRONGER TODAY

(By Felix Kessler)

PRAGUE.—One year ago today, Russian tanks rolled into Czechoslovakia and asserted Soviet dominion over the defiant Czech people.

Today, some 75,000 Russian soldiers remain on Czech soil. Pro-Soviet officials have taken charge of the government. Many liberals have been purged from their jobs in communications and labor.

And the Czech people appear to be more defiant than ever.

Their attitude has been most obvious, of course, in the demonstrations that have taken place in the past couple of days at Wenceslas Square in Prague. Thousands of people have gathered in the square to mourn the anniversary of the Russian invasion despite government warnings against hostile demonstrations and despite rough treatment by police and soldiers.

But the Prague demonstrations are but a public symbol of the seething hatred that Czechs have been demonstrating almost daily toward their conquerors and toward the government officials who have cooperated with them. When some Russian dignitaries appeared last weekend at ceremonies opening an international bicycle race at Brno, Czechoslovakia's second largest city, they were greeted with hooting, catcalls and derisive whistling that lasted a full minute. When a delegation of Russian trade officials visited a Prague factory recently they had to beat a hasty retreat after workers met them with a barrage of stones.

A RUMORED CLASH

Incidents like these have led to numerous rumors of clashes between Czech soldiers and Russian troops. One unconfirmed report by border guards claims that 30 Russians and a number of Czechs were killed after a drunken Russian officer fired on a Czech soldier.

This sort of atmosphere hasn't helped the hard-line Communist cause. "People are more firmly against the Communists than ever," says one middle-aged Prague resident. Official figures bear him out: In the first three months of 1969, 21,000 Czechs left the ranks of the Communist Party, compared with only 2,700 dropouts during the first three months of 1968, at the height of the liberal experiment of "socialism with a human face"—the cause of the invasion. While 9,000 new members joined in the first three months of 1968, only 4,000 were enrolled in the first quarter this year.

More ominous signs loom on the economic horizon for the Soviets and the current Czech regime. Industrial growth here is lagging 50% behind targets. Housing construction is 17% behind last year—a particularly serious problem. In Prague, a city of one million, only 276 apartments were built in the first six months of 1969, according to government figures. (Even this figure may be inflated; a housing official admitted during a televised interview that the city has 90,000 applications for new apartments—and added that only 54 were completed during the first half of 1969.)

MORE THAN THEIR SHARE

Agricultural production has dropped alarmingly, causing serious shortages of meat, poultry, vegetables and eggs. Though Czechoslovakia's pilsner beer is world-renowned, it's sometimes unavailable these days—and Czechs are perfectly willing to believe that Russian troops have been drinking more than their share.

Observers here say many of the shortages appear to be the result of worker reluctance to cooperate with the Russians. There have been reports of slowdowns in industrial plants, and farmers are reluctant to turn their products over to normal supply channels because they believe this will aid the Russians and their sympathizers.

Whatever the cause, the lagging production figures are brought home to housewives daily when shoes or furniture or even matches suddenly cannot be purchased. Sometimes, the few gasoline stations in the country run dry unexpectedly. As a result, citizens brave long lines to keep gas tanks filled at every opportunity.

After a 40-minute wait at a Prague station the other day, a visitor with an Austrian license plate finally reached a pump. "So, this is how life goes under socialism," said the friendly attendant, waving an arm at the long line of cars.

SOME BLACK HUMOR

Despite the hardships and hatred, many Czechs look at the situation with a kind of black humor. When it was rumored that former Communist Party leader Alexander Dubcek had been killed, the Czechs said it would be announced in a Soviet communique that "Comrade Dubcek agreed to his death in cordial and friendly discussions."

There's no doubt that Mr. Dubcek is still revered throughout Czechoslovakia for his part in trying to expand the freedom of the people before the invasion. In Prague and in small villages as well, his name is defiantly painted on walls—and repainted as quickly as government functionaries come through to obliterate it with whitewash.

Walls contain other anti-Soviet art work. The numbers 4–3, seemingly scrawled everywhere in Prague, record the score by which the Czech hockey team defeated Russia's in Stockholm last March. Swastikas and slogans liken the Soviet invasion to that of the Nazis 30 years earlier.

The defiance is sometimes sullen, sometimes amazingly direct. A poster prominently displayed in a restaurant on Wenceslas Square contains pictures of both Mr. Dubcek and President Ludvik Svoboda (another hero of the people) with the words, "We'll Never Give Up," and "No Surrender." As mini-clad girls and long-haired young men walk past some carbine-toting soldiers, a boy starts whistling the Marseillaise, the French anthem whose patriotic fervor makes it an international freedom song. (The word "Liberte," in fact, is painted on some walls.)

At the same time, pro-American attitudes are flaunted. At Brno, a young man wearing an army fatigue jacket has a five-inch American flag pinned on his chest. The Apollo moon flight received 11 hours of Czech television coverage; two billboards containing Apollo pictures are still scrutinized by Brno residents near a movie theater.

But as several Czechs remark to visitors, "There now are signs that the screws are going to be tightened." Many television newsmen have recently been told they're going to lose their jobs. (Despite the imposition of censorship, many Westerners here have been amazed at some aspects of TV news coverage, particularly the embarrassing questions that interviewers ask of government leaders.)

One TV reporter who has already been sacked says his fondest memories are of last August, when he broadcast over the clandestine radio after the invasion. "You know," he says, "Ive been 10 years in this field, and that was the best work I ever did. Those were terrible days, because people were being shot and killed. But they were also wonderful days. We were all together then, all of us—workers, writers, students. Now we're afraid of what we say over the phone again."

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Despite the censorship and the banning of several publications, Czech writers haven't yielded completely. A Writer's Union resolution was passed rejecting the "harmful and unrestricted" nature of censorship and press supervision. Militantly anti-Russian trade unionists also came out with a public stand against censorship and interference in "our internal trade union life."

SURPRISING LACK OF CAUTION

Czechs make clear their feelings about Russians to total strangers with a surprising lack of caution. Moments after thumbing a ride, a middle-aged hitchhiker tells an American reporter that communism can't work because "it offers us no incentives." Then he invites the stranger to his house for tea. There, he and his wife joke at the shortcomings of Czechoslovakia's leaders and observe that tourism has fallen drastically this year. (Government officials admit that tourism is running 50% behind last year.)

The man, a former plant manager, is somewhat critical of the Dubcek administration for having moved too far too fast in defying Moscow, "Dubcek should have made some alliances," he says. "We should have had the army ready."

Reminded that the entire Czechoslovak nation could be crushed by Soviet armed might, he replies: "Houses can be restored, cities can be rebuilt—but not moral values. They crumble and are gone."

Few Czechs seem to accept the idea that Gustav Husak, who succeeded Mr. Dubcek as Communist Party leader, has been restricting freedoms not because he wants to but because he feels it's necessary to avoid Soviet wrath. When Mr. Husak appears in a movie newsreel, the audience starts whistling and hooting derisively. One citizen says Mr. Husak does "exactly what they want him to do," and this Czech is convinced that "any day now he'll come out and say it—that we wanted them to invade us."

A "DAY OF SHAME"

With Czechs in such a mood, it's not surprising that leaflets urging them to mark today as a "day of shame" have been well received. Aside from the gatherings in Wenceslas Square, Czechs were asked to place flowers on graves and monuments, to refrain from riding public transport and to stay away from stores. "It's important that we show we're not afraid," says a grandfatherly chemist who plans to participate.

Thousands of Czechs, of course, have fled their country. About 100,000 are currently estimated to be on vacation in the West, and no one knows how many will refuse to return by Sept. 15, the deadline set by the government for all current travel visas.

But many other Czechs are not leaving their homeland. "I know it probably sounds strange to you," says a woman journalist who has been fired from her job for criticizing the Russians, "But we're not leaving. It's our country—not theirs."

[From the Evening Star (D.C.), July 31, 1969]

CZECHS SHADOWBOXING AGAINST OCCUPIERS

(By Smith Hempstone)

PRAGUE.—Freedom-loving Czechoslovaks are waging a bloodless war of gestures against both their Russian occupiers and party boss Gustav Husak's authoritarian regime.

Since the 70,000-man Russian garrison here does its best to remain invisible, gestures of defiance to them are made indirectly through silent demonstrations of dissatisfaction with Husak.

With newspapers, radio and television now almost totally gagged, reformers are forced to resort to a kind of shorthand skirmishing to demonstrate their dedication to freedom.

Wall-painting is one such method, although it is becoming increasingly dangerous nowadays.

SOME SLOGANS LACKING

In a recent, five-day graffiti-viewing car trip through Slovakia, Moravia and Bohemia, this correspondent saw not a single wall-slogan acclaiming either Husak or his less appealing lieutenants, such as Czech gauleiter Lubomir Strougal.

There were scores of words scrawled on the walls of factories, homes and public buildings pledging loyalty to President Ludvik Svoboda, deposed party leader Alexander Dubcek, and demoted or ousted liberals such as Cestmir Cisar, Josef Smrkovsky and Frantisek Kriegel (one slogan with an international lilt spotted in rural Slovakia: "Long Live Apollo 13!")

Many anti-Soviet slogans have been daubed over by Husak's agents, as have some of those referring to Cisar, Smrkovsky and Kriegel.

The gesture-war at present centers around Kriegel, a burly, balding 61-year-old physician with the face of a bemused potato.

A CLASSIC EXAMPLE

Kriegel has devoted his life to the cause of communism and his case is a classic example of "the god that failed."

He served as a volunteer with the Republican Army in the half-forgotten Spanish Civil War which preceded World War II. More recently (1960–63), he worked as a medical adviser in Castro's Cuba.

One of the earliest and most sincere advocates of Dubcek's reforms, Kriegel was a member of the powerful party Presidium when Russian tanks swept into Czechoslovakia last August.

He was physically abused by Czechoslovak and Russian secret police who forcibly whisked him from Prague to Moscow after the invasion.

Soviet party boss Leonid I. Brezhnev, in barring Kriegel from the Moscow talks, is reputed to have asked: "What is this Galician Jew doing here?"

KRIEGEL RETURNS

Only when President Svoboda refused to go ahead with the talks in Kriegel's absence was he permitted to return to the conference table.

At the May 29–30 plenary meeting of the 180-member Czechoslovak Communist party Central Committee (the Husak regime had come to power on April 17), Kriegel was attacked by Stalinists for having voted against ratification of the Russian occupation by the National Assembly last October.

In a defiant speech which since has been widely circulated here clandestinely by the resistance movement, Kriegel said he had refused to vote for the accord because it had been written "not with a pen but with the barrels of cannons."

In retaliation for this "anti-party, anti-Socialist and anti-Soviet" peroration, Kriegel was dropped not only from the Presidium and the Central Committee but from the party.

DAILY ATTACKS

Currently there are almost daily attacks against him in the controlled press and by every party leader from Husak on down.

As one of the few means they have of showing their real feelings, numberless Czechs have sent bouquets of flowers and notes of appreciation to the suburban Prague as head of the rheumatic diseases section.

A more direct method of demonstrating dissatisfaction with the erosion of freedom here has been the dispatch of hordes of unsigned critical letter to newspapers, foreign embassies and to the Czechoslovak leaders.

The letters to newspapers seldom get printed, and then only to be shot down by editorial blasts from pro-Husak editors. But Rude Pravo, the official Communist party newspaper, last month bitterly acknowledged the existence of such an anti-government letter-writing campaign.

As another way of showing how they feel, Czechs daily decorate with flowers, candles and pictures of the late and beloved President Thomas Masaryk the Prague statues of King Wenceslas of Bohemia and of religious reformer Jan Hus, burned at the stake as a heretic in 1415.

For Aug. 21, the first anniversary of the Russian invasion, clandestine leaflets are calling on Czechoslovaks to boycott public transportation, movies, theaters, shops, restaurants and newspaper kiosks.

They are being asked to decorate the graves of patriots, to halt work at noon for five minutes and, if driving at the time, to stop and turn on their lights.

There is not much the Czechoslovaks can do to change things here. Neither Russian troops nor the present Prague regime are renowned as respectors of either liberty or public opinion

But the Czechs remember Masaryk's motto—"The Truth Shall Make You Free"—and they are determined that, while it may be convenient and even necessary for the West to forget about Czechoslovakia, no man in generations to come shall believe that this small nation lost its freedom willingly

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PERRY SUBMARINE BUILDERS

Mr. PELL. Mr. President, in nearly every field of human endeavor, there is a relatively small number of men who press back the boundaries of man's knowledge and extend the range of man's technological capabilities. These men are the pioneers and the entrepreneurs who reach constantly into the future, and by so doing help to form the future.

One such pioneer and entrepreneur in the field of oceanology is John Perry, Jr., of Florida. John Perry is a man who has placed his energy and resources behind his perception of the importance to man of ocean resources.

Last year, during a tour of Federal Government and private oceanologic facilities in Florida, I had the opportunity to visit one of John Perry's enterprises, Perry Submarine Builders, and, in fact, had the memorable pleasure of an undersea excursion in one of the Perry Cubmarines.

Because of his experience in ocean technology, Mr. Perry's views on the oceanologic program of the Federal Government, I think, are of considerable interest and value.

Mr. Perry's views, and a brief description of his accomplishments in oceanology, are provided in an excellent article by Mr. Colman McCarthy which appeared on the editorial page of the Washington Post of Monday, September 8. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A MILLIONAIRE'S LOVE AFFAIR WITH THE OCEAN

(By Colman McCarthy)

RIVIERA BEACH, Florida.—During the third week of July, when most of the country was hooked watching the Apollo 11 moon trip, John Perry Jr., 53, a semi-eccentric, future-thinking millionaire, publisher and ocean explorer was bobbing a mile off the shores of Palm Beach, Florida. Perry was respectful of the moon venture but he looked on his own project that week as being considerably more beneficial to the nation's economy and welfare—even though he knew only oceanographers and few other odd ones would agree.

Perry, Yale '39, physically fit, witty, a childhood playmate of John F. Kennedy, a Nixon golfing partner, an avoider of Palm Beach parties, a Republican, is a rare oceanographer because he has a personal fortune to back up his projects and theories. That week in July, he was pulling off the first single atmosphere dry transfer in the ocean industry. In laymen's language, this means getting a man dry to an underwater habitat and back again without hours in a costly decompression chamber. The transfer was made from a Perry diver lock-out submarine to an 8-by-16 foot chamber 50 feet below the surface.

John Perry's present oceanographic goal is to create the fundamental technology for men to live and work in the sea cheaply and comfortably. He knows something about the need for comfort. In the mid-1950s, he narrowly escaped a shark while spearfishing in the Bahamas. "I had speared a fish and was coming ashore. My wife saw a shark trailing me. She yelled, and I looked around to see the shark's dorsal fin cutting the water. I took a shot at it with my speargun, but I missed and wounded my left hand instead. The whole episode started me thinking that someone ought to build a small submarine to hunt sharks. 'Why not me?' I said."

Not long after, the laughter among the socialites in Palm Beach was about the plywood-and-fiberglass submarine eccentric John Perry was building in his garage. Interest grew when Perry wheeled the contraption to dockside for launching. He jumped inside, but after being submerged a few minutes, the sides began caving in. Perry scampered free. Later, after recovering both the wreckage and his ego, Perry announced that the sub was a total failure in design, but a total success in inspiring him to build a second one. A year later, aided by an expert welder, he did. Its construction was so expert that the Navy leased it. No more laughter in Palm Beach.

Today, Perry Submarine Builders in Riviera Beach—directly north of Palm Beach—is the country's oldest continuous builder of commercial submarines and ocean habitats. In 1966, the Air Force rented Perry Submarine No. 4 to help search for the lost A-bombs off Palomares, Spain. Presently, the Perry plant is building a $700,000 sub that will take five men to 700 feet below; ready soon, also, will be a $15,000 submersible Monkeytat in which two experimental monkeys will take an extended dive.

Aside from the untapped mineral and food potential in the ocean, Perry talks fluently of other uses for the sea. "I've been thinking for some time of floating airports. Instead of taking up valuable land space, we should be using easily accessible water space. The floating airport would have two runways on a huge barge two miles long and one mile wide. It would rotate continuously into the wind so landing would be simplified. Underneath the airport would be a submerged nuclear power plant. Passengers would jet to the airport either by helicopter, harbor craft or subway."

A further use of the oceans foreseen by Perry is in medicine. "Being underwater has a profound positive effect on your metabolism. We know only a little about it, but there is already good reason to believe that the oxygen in the water greatly rejuvenates the blood. Also, the salt in the water brings out the body poisons. It's also true that after an hour or so of skin diving or being in a sealab, sex comes easier. Just think of the booming business an undersea lab will do once men in their sixties and seventies discover what underwater living will do for their waning sex lives."

With a laugh, Perry said it would even do something for those in their fifties. "Look at me. I'm an old goat at 53 and I have two children under three. So I'm just not talking theory."

Because he wanted to give full time to the oceans, Perry recently sold his Florida newspaper chain for a reported $50 million. As a publisher, Perry was more interested in technology than ideology. The Palm Beach Post-Times was the first newspaper in the country to use computers in its production. Another Perry innovation is the Electronic Retina Character Reader which scans 2,400 characters a second and records them on tape for photo engraving.

Editorially, Perry was aloof. One managing editor in the chain heard from the boss only once in 15 years, and then by memo. Often, Perry newspapers supported different political candidates than Perry,, but he didn't mind. Last fall, Perry asked one of his editors if he would kindly support Nixon over Humphrey, provided the editor didn't have personal objections.

There was no way of knowing last fall, but Republican Perry now seems to regret Nixon's victory, at least regarding the future of oceanography. "The President appears to know little about it, and the Vice President even less. Look at the President's statement following Hurricane Camille. He said, simplistically, that we should send up more airplanes so as to better monitor hurricanes. "That's not the way to solve the hurricane problem. As a start, you have to know what's going on in the ocean before you can understand what takes place in the atmosphere."

The only way for the nation to take the oceans seriously, believes Perry, is for the federal government to reorganize its efforts and, without adding personnel, set up the National Oceanic and Atmospheric Agency (NOAA). This was recommended recently by the President's Commission on Marine Science, Engineering and Resources, of which Perry was a hard-working member.

"There is no civil agency doing anything about fundamental technology of the oceans," said Perry. "The Navy is involved but their technology is for destructive, military uses. Unlike NASA, an oceanic agency would not be a federal effort, but a national effort. The states would work with the federal government, with universities and private groups also involved. A free flow of information would be the main job of NOAA's companion—NACO, the National Advisory Committee for the Oceans."

A bill was introduced recently in the House proposing NOAA. Essentially, the idea is to get all the government's oceanic programs into one agency. Power-minded officials cringe at the idea, since the shake-up would involve over 45,000 employees in the Department of Transportation, the Weather Bureau in Commerce and the Bureau of Commercial Fisheries in Interior. But, Perry points out, "nobody should be frightened. No jobs will be lost and no more money will be needed."

Since the President has authority under the Reorganization Act to enact the proposed oceanic agency into law, loyal Republican Perry would like Nixon to act now, not waiting for a Democratic Congress to do it and receive the credit.

Party loyalty aside, Perry is proceeding as if he were the only man in the world concerned with the peaceful use of the oceans, putting in long days at his plant and in the ocean. He knows he isn't alone, of course; many others are involved also, oceanographers at Woods Hole, Mass., at the Smithsonian, the Ben Franklin and Tekite crews. But until the government wakes up and begins a serious oceanic development program, the efforts of men like Perry will likely remain as unnoticed and unfelt as the submarines in which they dive to the deep.

TRADE POLICY

Mr. PERCY. Mr. President, with new trade legislation proposals in the offing, I invite the attention of Senators to a letter published in the Wall Street Journal of July 22.

In the letter, Mr. William L. Law, president of the Cudahy Tanning Co., of Cudahy, Wis., makes the strong argument that the free market mechanism has the answer to most economic problems if we let it operate. He states that trade raises living standards and wages.

He looks at the past and says that no one likes competition, but that competition has given the United States the world's highest standard of living. He argues that trade does not cause unemployment, but, rather, money wages arbitrarily held above productivity. If unemployment threatens, the answer is not to reduce trade but rather to get money wages in line with real wages based on productivity.

For the incisive comments Mr. Law makes on the questions of trade and the operation of the market, I commend the letter to Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Letters: On the Merits of Free Trade

Editor, the Wall Street Journal:

Regarding your editorial of July 7th, "Out of Control," which alluded to the efforts of the leather industry through their trade organization, the Tanners Council, to curb imports of shoes, be advised that the industry is not unanimous in its efforts. Actions of the protectionists remind one of Dr. Milton Friedman's dictum that "the great enemies of free enterprise are business men and intellectuals—business men, because they want socialism for themselves and free enterprise for every one else; intellectuals, because, they want free enterprise for themselves and socialism for everyone else."

I have some knowledge of the subject, inasmuch as baseball glove leather was the principal product of our firm until 1957 when Japanese-manufactured ball gloves entered and ultimately captured 70% of the United States market. Today we tan no baseball glove leather. Sentiment in the ball glove industry at that time was very strong for protective action and I investigated the matter in some depth but found that I could not in good faith urge protectionist action on my Representative. Such action would have been wrong economically, politically and morally.

THE PRODUCT IS PROFIT

My sentiments may be colored by the fact that I look on myself not as a tanner whose product is leather, but as a capitalist whose product is profit. That climate most beneficial to capitalists and for that matter, to workers and society in general, is one in which there exists a minimum governmental interference.

The protectionist argument is almost as widespread today as it was 200 years ago, when Adam Smith so brilliantly demonstrated its fallacies. Fortunately, we have the work of Smith and his many successors plus the numerous empirical lessons on the benefit of free trade (of which the United States is a notable example) to demonstrate the advantages of unrestrained exchange; unfortunately, it seems that each generation must relearn the lesson.

No improvement can be made on Smith's understanding that "It is the highest impertinence of kings and ministers, to pretend to watch over the economy of private people and to restrain their expense, either by sumptuary laws, or by prohibiting the importation of foreign luxuries. They are themselves always, and without any exception, the greatest spend-thrifts in the

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society. Let them look well after their own expense, and they may safely trust, private people with theirs. If their own extravagance does not ruin the state, that of their subjects never will. . . ." And further: "To give the monopoly of the home market to the produce of domestic industry . . . must in almost all cases be either a useless or a hurtful regulation. If the produce of domestic industry can be bought there as cheap as that of foreign industry, the regulation is evidently useless. If it cannot, it must generally be hurtful.

"It is the maxim of every prudent master of a family, never to attempt to make at home what it will cost him more to make than to buy. The tailor does not attempt to make his own shoes, but buys them of a shoemaker: The shoemaker does not attempt to make his own clothes, but employs a tailor; the farmer attempts to make neither the one nor the other, but employs those different artificers. All of them find it in their interests to employ their whole industry in a way in which they will have some advantage over their neighbors, and to purchase with a part of its produce, or what is the same thing, with the price of a part of it, what ever else they have occasion for. What is prudence in the conduct of every family, can scarce be folly in that of a great kingdom. . . .

"That it was the spirit of monopoly which originally both invented and propagated this protectionist doctrine cannot be doubted; and they who first taught it were by no means such fools as they who believed it. In every country it always is and must be the interest of the great body of the people to buy whatever they want of those who sell it cheapest. The proposition is so very manifest, that it seems ridiculous to take any pains to prove it; nor could it ever have been called in question had not the interested sophistry of merchants and manufacturers confounded the common sense of mankind."

The "sophistry" of which Smith speaks is in essence that being advanced today by protectionists: The U.S. is a high wage country; its industry is unable to compete with that in other countries; imports are increasing, and unless remedial measures are adopted our industries will be destroyed, our defense posture will be weakened and large-scale unemployment will ensue.

FREE TRADE ARGUMENT

On the other hand we have the rationale for free trade: We trade to obtain goods that are either unobtainable domestically, such as asbestos, or that can be obtained cheaper abroad—baseball gloves. Trade between individuals, between states, between nations, is economic and it does not reduce living standards of the participants, rather it enhances them. In short, trade raises wages. Those who think otherwise fail to understand that wages in the U.S. are the world's highest for a reason: Americans work with the most and the best tools. American industry has the world's highest average capital investment per worker ($23,000) and therefore has the highest average productivity per worker. We have high wages, but because of the multiplier (tools) we have low labor costs.

Certainly, labor-intensive industries are unable to compete. Give an Italian girl a needle and $20 per week and she will produce lace for one-fourth the cost of the American girl who receives $80 per week. Their productivity must be equal. However, give an American miner a giant mechanical shovel and $150 per week and by mining 100 tons he will produce much cheaper coal than the British miner with less efficient tools who receives $50 per week and only produces 20 tons. So we import handmade lace and we export computers.

Exports must equal imports. If this were not so, we should hope for all the imports we would get. Imagine receiving goods for nothing. But we must pay—and we pay with exports.

Those who would limit imports are taking a superficial view, and it is essential for the sake of our economic well-being that we consider this matter in depth. Consider not only the worker who competes with imports, but also the worker who is helped by exports.

Consider the consumers whose real wages are raised by cheap imports. Consider the merchants with whom the consumer who buys cheap imports spends the dollars saved. Consider the industries themselves which by competing in world markets are honed to a higher degree of competitive efficiency than they might otherwise be. Indeed, no one likes competition, but it is competition that has given the U.S. the world's highest standard of living.

Let those who say that free trade causes unemployment examine our history. They will discover that our periods of highest unemployment ocurred when tariffs were highest—a fact that doesn't necessarily indicate a correlation, nor would its reverse. Unemployment is not caused by imports, nor is it caused by automation or by growth of the labor force.

Unemployment is caused when money wages are arbitrarily forced or held above the level indicated by the market. Remember, the level of real wages in an area is in proportion to the capital investment per worker in that area. But if money wages are arbitrarily over-supported, unemployment ensues. To illustrate: In the 1929 inflation the money supply fell by one-third; prices of goods fell but the Administration used all weapons at its disposal to hold money wages up, and for 10 years 15% to 25% of the work force was unemployed. The situation was not corrected until 1940, when the Government took the opposite position (though for other reasons) and held wages down while it printed money to finance the war. Unemployment disappeared at once.

Most economists agree with the above position. One of them, Sir William Beveridge, wrote in his book, "Full Employment In a Free Society": "This potential effect of high wages policy in causing unemployment is not denied by any competent authority . . . as a matter of theory, the continuance in any country of a substantial volume of unemployment which cannot be accounted for by specific maladjustment of place, quality, and time is, in itself, proof that the price being asked for labor as wages is too high for the conditions of the market; demand for and supply of labor are not finding the appropriate price for meeting."

In the final argument, that national defense requires that the consumers subsidize these non-competitive industries, let it be said that this position has a better foundation than the others, though in most cases an insufficient one.

ENOUGH STEEL?

For instance, the chairman of a steel corporation asks, "Can we, for example, be assured of the strong defense if one quarter or more of the steel we require were imported from countries lying uncomfortably close to the Soviet Union and China?"

I imagine that we can, but properly this is a matter for the strategic planners within whose purview this matter falls, to be made in a calm and rational manner and without distortions urged by parties whose interests are not necessarily those pretended.

The free market has the answer to imports, to unemployment, to gold out-flow and to most economic problems if we will but let it function. If the level of money wages (the distinction between real wages and money wages is important) is so high that unemployment threatens and that the balance of trade is negative, then a high tariff policy will simply reduce exports and employment as it always has in the past. The answer to such a problem is hard money and the free market.

There is no other effective method. It is the only method consistent with the highest possible standard of living and a climate of political freedom.

William A. Law,
President, Cudahy Tanning Co.

WE SHOULD PRESERVE THE VAL VERDE PICTOGRAPHS

Mr. YARBOROUGH. Mr. President, I have spoken on other occasions about the many benefits to Texas which will come from the Amistad Dam and Reservoir on the Rio Grande near Del Rio, Tex. I am also sponsoring a bill to create a national recreation area at this site.

But, we should not permit this reservoir which will provide so many good things to be the destroyer of a valuable part of the history and heritage of the Southwest—the Val Verde Pictographs. These pictographs were painted under the cliffs overhanging the Rio Grande at the confluence of the Devil's River by the North American Indians who inhabited the region years before the white man came into the area.

These pictographs have been called some of the Nation's finest archeological and artistic treasures by the Texas Historical Foundation. Moreover, the National Park Service has recognized them as being of outstanding importance in its proposed master plan for development of that area.

On July 25, 1969, the board of directors of the Texas Historical Foundation unanimously adopted a resolution urging that every possible effort be made to preserve these pictographs.

Mr. President, I ask unanimous consent that the resolution of July 25, 1969, by the board of directors of the Texas Historical Foundation appear in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution by Texas Historical Foundation

Whereas the finest and oldest Pictographs of the North American Indians are situated in various overhangs and caves around the confluence of the Pecos, Devil's and Rio Grande Rivers in Texas; and

Whereas these Pictographs have immeasurable scientific, historical, educational, cultural, archaeological and artistic values, they are irreplaceable. Recent construction of the Amistad Dam and Reservoir have caused these Pictographs to face imminent danger of destruction through increased exposure to the public and through carelessness, improper care, and outright vandalism; and

Whereas, in addition to the Pictographs themselves, these sites have other great archaeological values which are also facing destruction; and

Whereas these sites have been recognized in the proposed Master Plan of the National Park Service as being of outstanding importance;

Be it therefore resolved that the Texas Historical Foundation hereby recognizes these Pictographs, and the sites where they are located, as being among Texas' and the Nation's finest archaeological and artistic treasures, and urges that all possible attention be given at once to their preservation by the National and State governments, and also by citizens and organizations everywhere who are interested in the preservation of the finest records of our country's past. This project is worthy of the Nation's best efforts.

BALLWYN MILLS, *President*.

VOLUNTEER SERVICE BY MEMBERS OF PHILADELPHIA BAR ASSOCIATION

Mr. DOLE. Mr. President, at a time when there is general recognition that Government is not able to solve all the demanding problems of our time, we must call upon the energies and the spirit of the American people themselves.

A program of volunteer action by members of the Philadelphia Bar Association was dramatically described by James C. Humes in the May issue of Judicature. Members of the legal profession performed a true service for their community while acting as observers and mediators during the hot summer of 1967. This contribution is all the more important in view of the fact that Philadelphia was the only major city where there were no riots. This valuable contribution to the community was discussed in the Wichita Eagle. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

INVALUABLE SERVICE

Lawyers can provide an invaluable service in cooling off confrotations, merely by acting as observers and mediators, according to an article in the May issue of Judicature.

The experience of Philadelphia Bar Association members in doing just that was related by James C. Hume, former executive director of that association. He is now a member of the White House staff.

In the hot summer of 1967, with riots erupting in city after city, the Philadelphians determined they could help prevent such explosions if they took turns staying at police stations in or near the Negro areas.

It was an illuminating experience for the lawyers, and helpful to the community. They stayed quietly in the background, but in a period when police were under severe strain and working long hours, the mere presence of the lawyer helped police control themselves in aggravating circumstances.

The lawyer-observers were able to refute rumors of police brutality inside the station houses. Sometimes these rumors were spread deliberately to incite trouble. Since many of the lawyer-observers were Negroes themselves, they were believed by the hostile crowds.

So well did the program work that the Philadelphia lawyers now have permission to start a program of putting members of their association into ghetto schools, to act as observers and mediators and help head off trouble before it erupts.

One interesting point is that the lawyers decided against merely asking for volunteers, for it was felt that a preponderance of civil rights activists might be obtained, who would unconsciously provoke trouble instead of preventing it. By paying the observers, through a quickly approved state-federal program, the Philadelphians also assured that more ghetto lawyers would be recruited.

The experience of Philadelphia should be of interest to lawyers in other cities—Wichita, for instance.

DEATH OF FORMER SENATOR THYE

Mr. McCARTHY. Mr. President, I was sorry to learn of the death of Edward J. Thye, who served the State of Minnesota as Lieutenant Governor, Governor, and U.S. Senator.

His particular efforts in the Senate in behalf of legislation concerning agriculture and small business reflected the proper interests of many of his constituents. Beyond this, he competently and honestly concerned himself with the needs of health, education, international organization, and civil liberties as they were developed and defined during his years in the Senate.

He is remembered by the people of our State as a friendly man who genuinely enjoyed participation in local meetings and the affairs of the community and State. He respected the offices he held and fulfilled his duties conscientiously.

I ask unanimous consent that news stories concerning his death which appeared in the Minneapolis Tribune and the New York Times on August 29 be printed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 29, 1969]

EDWARD THYE, 73, EX-SENATOR, DIES—MINNESOTA FARM LEADER ALSO SERVED AS GOVERNOR

NORTHFIELD, MINN., August 28.—Edward John Thye, who served three years as Minnesota governor and 12 years as a United States senator, died at his farm home here today. He was 73 years old. The retired Senator had been ill with emphysema for some time.

He leaves his second wife, Myrtle, and a daughter, Mrs. Eugene Bartlett of Chicago.

BIGGEST VOTE-GETTER

Mr. Thye was elected governor of Minnesota in 1946, he received the biggest vote and the biggest majority ever given a Governor of that state. When two years later he was elected to the United States Senate, he got nearly two-thirds of the votes cast.

To his electorate, the six-foot tall politician, of Norwegian descent, was "a farmer with genuine appreciation of the problems of farmers," coupled with a deep interest in such far-from-the-farm subjects as international organization for peace and the improvement of labor relations.

The future political leader's initiation into public life came through his local government and agricultural activities. In 1925 he became president of the Sciota Town and School Board, and four years later he began an 11 years' presidency of the Dakota County Farm Bureau.

RECRUITED BY STASSEN

Harold E. Stassen, then Minnesota's governor, induced Mr. Thye to take the position of Deputy Commissioner of Agriculture. In 1942 Mr. Stassen persuaded Mr. Thye to run on his ticket for Lieutenant Governor. He became governor on April 27, 1943, when Mr. Stassen resigned his post to enter the Navy for service in World War II.

He was reelected to serve a full term as governor from 1944 to 1946. Then he was elected to the Senate, and reelected in 1952.

His bid for a third term was blocked in 1958 by the victory of Eugene J. McCarthy, a Democrat. Mr. Thye's victory in 1952 marked the last time a Republican was elected to the Senate from Minnesota.

Mr. Thye made a reputation for unusual success in settling labor disputes during his term as Governor.

Mr. Thye was born near Frederick, S.D., and grew up on a farm in Northfield, Minn. He used to wrestle with his brother Ted, a professional wrestler.

FOND OF FARM SOCIETY

Mr. Thye was fond of attending farm gatherings and meetings of all kinds. Visiting county fairs, he usually could be found out in the cow barns. When he went to the mines, he went underground and visited with the men as they changed shifts.

During his Senate career, Mr. Thye was known as a liberal Republican. He was a strong advocate of American international involvement. In World War I he served in the Aviation section of the Signal Corps in Italy.

Mr. Thye generally supported foreign aid legislation in both the Truman and the Eisenhower Administrations. He championed Federal aid to education and voted for bills to eliminate racial segregation.

Most of Mr. Thye's activity in the Senate, especially during his second term, revolved around the farmer and the small businessman.

[From the Minneapolis Tribune, Aug. 29, 1969]

EX-SENATOR THYE DIES; PRAISED BY LEADERS

Minnesotans began paying tribute Thursday to the character and 20-year political career of former governor and U.S. Senator Edward Thye, 73, who died late Wednesday night on his Northfield, Minn., farm.

The tall, bespectacled farmer, the late Minnesota governor from an essentially rural background, ended in 1958 a career that had taken him from deputy state commissioner of agriculture to two-term U.S. Senator, the last Minnesota Republican elected to the Senate.

His bid for a third term was blocked by then Rep. Eugene McCarthy, the Democrat who still holds the Senate seat.

After the defeat, Mr. Thye returned to his 563-acre farm about six miles northeast of Northfield. He farmed until two years ago when he suffered a heart attack and double pneumonia and decided to lease all but a small portion of his farm.

In recent years he also suffered from emphysema, which worsened lately, necessitating his frequent use of an oxygen tank.

Born April 26, 1896, of Norwegian-American parents in Frederick, S.D., he came to Minnesota's Dakota County at age 9. Although the family mailing address has remained Northfield, Mr. Thye attended public schools in Dakota County before joining the Army during World War I.

Entering as a private, he served in France and was commissioned a second lieutenant in the Army Air Corps.

Returning to Northfield after the war he first rented and then bought his boyhood home.

His first public service was in 1933 and 1934 when he worked as a federal land bank appraiser in Sibley and Nicollet Counties, but he vaulted into statewide politics in 1939.

His long-time friend Harold Stassen, then governor, appointed Mr. Thye deputy commissioner of agriculture. When Stassen was reelected in 1942, Thye was his lieutenant governor. The next year Stassen quit to join the Navy for war duty and Mr. Thye became governor.

He was elected to the U.S. Senate in 1946 and reelected in 1952.

Mr. Thye married first in 1921. His wife, Hazel, died in 1936 and six years later he took his second wife, Myrtle, who survives him.

He is also survived by his daughter, Mrs. Eugene Bartlett of Chicago, Ill.; three sisters, Mrs. Reka Tommeross, Kenyon, Minn., Mrs. J. A. Therres, Minneapolis, and Nettie Thye,

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Portland, Ore.; a brother, John, Salem, Ore., and four grandchildren.

The funeral will be 2 p.m. Saturday at St. John's Lutheran Church in Northfield and burial will be in the Northfield Cemetery.

Gov. Harold LeVander, a friend of Mr. Thye's for many years yesterday issued a statement calling Mr. Thye one of the state's "most faithful and dedicated servants."

"His service to his state and nation was given with sincerity, distinction and high respect for the public offices he held," LeVander said.

Former Gov. Harold Stassen also saluted Mr. Thye as a "wonderful friend . . . one of the stalwart type of men who, through the years, have made Minnesota a great state."

Former Gov. Elmer Andersen, former state Republican Chairman Robert Forsythe, current GOP Chairman George Thiss and other state leaders spanning several political eras yesterday acclaimed Mr. Thye as a dedicated public servant.

Even as U.S. senator, Mr. Thye remained close to his farm roots. Guiding a reporter around his farm in 1947, he said, "The greatest way of relaxing that I can find is to go to work on my farm whether it's driving a tractor, working in the fields or just in the dooryard . . . And when I want to go to work here, no filibuster can stop me."

After his Senate defeat in 1958 he kept his interest in politics and was the honored guest at a reception that year attended by then Vice-President Richard Nixon who pronounced Mr. Thye "a swell guy" and "a solid man."

LEADING FOLKSINGER-FOLK HISTORIAN SUPPORTS S. 1591

Mr. YARBOROUGH. Mr. President, it is always gratifying to me to learn of public support for my legislative proposals. This past spring I introduced S. 1591, a bill to create an American Folklife Foundation. This bill has generated considerable public support from a broad spectrum of the public.

One of the Nation's leading folksingers and folk historians, Alan Lomax, has given his support to this proposal. As Mr. Lomax points out, one highly beneficial effect of my bill would be the creation of new channels of communication between the various cultural and ethnic subgroups in our society. By studying the diverse cultural and social backgrounds of our people, we can hopefully reach a greater degree of common understanding and tolerance so lacking in this Nation today.

Mr. President, I ask unanimous consent that a letter from Alan Lomax, supporting my bill S. 1591, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, BUREAU OF APPLIED SOCIAL RESEARCH,
New York, N.Y. May 12, 1969.

Senator RALPH W. YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Thank you for your good letter. Again, I urge you to press forward the passage of your bill. An important source of anger and conflict in America today lies in the suppression and maltreatment of minority cultural patterns, especially the black, the Amerindian and the Latin. We are becoming a nation that does not know itself because of our denial of our roots.

When your bill becomes a law, as I hope it soon does, I hope that you will personally make sure that much of the money is spent in putting the trained cultural workers of this country—anthropologists, folklorists and folk singers—to work in the American community. These people can find the avenues for expression, for education, and for emotional outlet at the community level. Jimmy Driftwood's Arkansas Festival has pointed the way. The same work now urgently needs to be done in other hundreds of American areas, and your bill would do much to make this possible.

Sincerely yours,

ALAN LOMAX,
Director, Cantometrics Project.

DEATH OF GALVIN MAXWELL

Mr. PELL. Mr. President, I have noted with sadness the death this week of Galvin Maxwell, a writer whose talents brought warmth, humor, and understanding to the lives of millions of persons.

Mr. Maxwell had a great love of animals, of nature, and of people, and he succeeded in conveying this love to others through his writing. His works included "A Reed Shaken by the Wind," "Lord of the Atlas," and "The Ten Pains of Death." But he was perhaps best known for his book "Ring of Bright Water," his very popular and moving book about an otter and this animal's profound impact on the life of a man.

We have heard of late a great deal of commentary on the trends of taste and morality in literature and in motion pictures, on the volume of commercialized sex-heavy entertainment, and on the paucity of books and films that the entire family, young and old, can enjoy together.

Galvin Maxwell's works stand out as an exception to this trend. He demonstrated that commercial success need not be based on startling breaks from convention in style or subject matter. Both his book, "Ring of Bright Water," and the excellent motion picture with the same title, have been warmly received by both the public and by film critics.

These works will stand as an enduring monument to the perception, sensitivity, and warmth of Galvin Maxwell.

FOOTSTEPS ON THE MOON

Mr. CURTIS. Mr. President, the successful landing of a man on the Moon and his return to Earth has caught the imagination of hundreds of millions of people around the world. This accomplishment together with the fact that all the world could see it as it happened has done much for the prestige and good name of the United States.

On Thursday, August 21, 1969, the Uptown Citizen, published in Washington, D.C., carried a poem, entitled "Footsteps on the Moon," written by Mattie Richards Tyler. I ask unanimous consent to include that poem in my remarks.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

FOOTSTEPS ON THE MOON

(Dedicated to our Astrounats—Neil Armstrong, Edwin Aldrin and Michael Collins—and to all who contributed, across the years, to the Space Program that made possible the brilliant success of Apollo Eleven's Mission to the Moon.)

(By Mattie Richards Tyler)

Apollo Eleven 'hitched her dreams to a star'!
The world, astonished, watched with awe and prayer,
As Columbia and her Eagle traveled far . . .
Then—footsteps on the moon—our men were there!

O tell us, Astronauts, what did you find
Beyond those rocks and specimens of soil
That you brought home? Man's scientific mind
Is analyzing them with cautious toil.

Did you feel God was standing at your side,
Or sense terrestrial hemispheres in tune—
As man looked on, with universal pride,
And watched your first slow footsteps on the moon?

From the Sea of Tranquillity you spoke to earth:
"We came in peace for all mankind!" Goodwill
And brotherhood, a fresh new start, rebirth
Of hope . . . throughout the listening world a thrill!

Upon the moon you stood, courageous tall—
Planting our Flag, but claiming the Moon for all.
The Moon—11:40 p.m. EDT Sunday, 7–20–69.

THE 30TH ANNIVERSARY OF THE MOLOTOV-RIBBENTROP PACT AND ITS SECRET PROTOCOLS

Mr. DODD. Mr. President, August 23 marked the 30th anniversay of the infamous Molotov-Ribbentrop pact, which led only several weeks later to the beginning of World War II.

Under the secret protocols which were part of this pact, Hitler and Stalin agreed to the partition of Poland, while the Soviet Union was given a free hand in the Baltic States and Nazi Germany was given carte blanche elsewhere in Europe.

I want to call to the attention of Senators a statement issued by the Joint Baltic American Committee on the occasion of the 30th anniversary of the Hitler-Stalin agreement, and I wish to ask unanimous consent that the full text of this statement be printed in the RECORD.

I want to express my complete personal agreement with the concluding paragraph of this statement, which reads:

> It should never be forgotten that the beginning of the Baltic tragedy goes back to the Molotov-Ribbentrop Pact, the high-handed decision of two greedy dictatorial powers to impose their will on their smaller neighbors. It is our firm conviction that there can be no lasting peace in the world until the injustices perpetrated by these dictatorships are corrected; until freedom, independence and a democratic form of government are restored to Estonia, Latvia and Lithuania; and until the principles of international law are in general re-established in relations among all nations.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE 30TH ANNIVERSARY OF THE MOLOTOV-RIBBENTROP PACT AND ITS SECRET PROTOCOLS

On August 23, 1969 thirty years will have passed since the signing of the infamous Molotov-Ribbentrop Pact between the Soviet Union and Hitler Germany. A secret protocol attached to this so-called Non-Aggression

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Treaty entered into by these two countries on that day divided their spheres of interest in the Baltic States, Estonia, Latvia and Lithuania, giving Lithuania to Germany, and Estonia and Latvia to the Soviet Union. Another secret protocol, similarly signed by these two powers one month later, on September 28, 1939, somewhat changed the earlier demarcation line by allotting all three of the Baltic States to the Soviet Union. But the essence of the agreement remained the same: it allowed these two dictatorial powers a free hand to deal as they wished with the smaller democratic nations situated between them.

The three Baltic nations involved were not consulted at all. The fact that they wanted to maintain their independence, their freedom, absolute neutrality and peace did not matter. Peace treaties and non-aggression treaties at that time in existence between the three Baltic States and the Soviet Union were disregarded. The principle of self-determination of nations and other principles of international law were utterly ignored.

The high-handed settlement by the two dictatorial powers of their potential differences in the territories between them made it possible soon thereafter for both of them to attack and divide Poland, and for Germany to risk entry into the war with the Western powers.

As to the Baltic countries, the events following the signing of the Molotov-Ribbentrop Pact clearly spelled out the intentions of the Soviet Union. Very soon thereafter, by the threat of force, it imposed on Estonia, Latvia and Lithuania so-called mutual-assistance pacts, which allowed the Soviet Union military bases on the territories of these independent states. On September 28 of the same year Estonia, on October 5 Latvia, and on October 10 Lithuania were forced to sign in Moscow their acquiescence to the establishment of such bases, and soon thereafter Soviet troops were stationed within their boundaries. At that time the Soviet Union still pretended to recognize the independence of the three Baltic countries, but in mid-June of 1940 ultimata were presented to them by the Soviet Union, demanding immediate admission of Soviet troops into their territories and radical changes in their governments. On June 15 Soviet troops in great numbers marched into Lithuania, and on June 17 the same fate befell Latvia and Estonia. Thus with the Western powers involved in a war with Germany, and with Germany having agreed to freedom of action for the Soviet Union in the Baltic area, the three small nations stood alone in the face of the Soviet military juggernaut and could not resist its brutal aggression.

In line with orders from the Kremlin and the Red Army in full military control of the three prostrate nations, the Soviet emissaries forced upon them new governments to their liking and staged fake "general elections" of puppet parliaments, which then in turn petitioned admission of the three countries to the Soviet Union. Thus the complete annexation of the three independent Baltic states was accomplished in less than two months after their military occupation and in less than a year after the signing of the Molotov-Ribbentrop Pact.

A number of great statesmen of the Western world in their memoirs, and many political scientists and historians in their books, have accurately described the actual happenings in the Baltic countries in the course of that fateful year and the true meaning of these events. Volumes of official documents, among them the reports of the United States diplomatic missions in the Baltic and nearby countries, have likewise unmasked the attempted disguises by the Soviet Union of this act of forcible military occupation and annexation. The Government of the United States has never recognized this wanton Soviet seizure of Estonia, Latvia and Lithuania and still recognizes the diplomatic representatives of the three republics as the lawful representatives of the Baltic people in Washington. As early as July 23, 1940 Under Secretary of State Sumner Welles, acting on behalf of the United States Government, branded the action of the Soviet Union in the Baltic as "devious processes" and spoke of the deliberate annihilation of the Baltic Republics. Those Estonians, Latvians and Lithuanians who escaped the Soviet occupation and are now scattered all over the free world will never cease—individually and through their respective national organizations—to protest the destruction of their native states and to demand their restoration.

It should never be forgotten that the beginning of the Baltic tragedy goes back to the Molotov-Ribbentrop Pact, the high-handed decision of two greedy dictatorial powers to impose their will on their smaller neighbors. It is our firm conviction that there can be no lasting peace in the world until the injustices perpetrated by these disctatorships are corrected; until freedom, independence and a democratic form of government are restored to Estonia, Latvia and Lithuania; and until the principles of international law are in general re-established in relations among all nations.

Therefore, on the thirtieth anniversary of the infamous Molotov-Ribbentrop Pact and its Secret Protocols we address to the United States Government and the American people, as well as to the governments and people of all the nations of the Free World, a plea that they raise their voices in protest and take action, by peaceful means, to remedy the injustice inflicted upon Estonia, Latvia and Lithuania.

For the Joint Baltic American Committee.

HEIKKI A. LEESMENT,
President, Estonian National Committee in the United States.

PETER P. LEJINS,
President, American Latvian Association, Chairman.

EUGENE A. BARTKUS,
President, Lithuanian American Council.

TED CLUB OF AMARILLO, TEX., CALLS FOR A 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the TED Club of Amarillo, Tex., has joined with a host of civic and conservation organizations who have recognized the urgent need for preserving this unique wilderness in southeast Texas. The resolution calls for the establishment of a 100,000-acre Big Thicket National Park.

Not only is the Big Thicket known for its unmatched beauty and rich and diverse plant and animal life but it is also steeped with history. Sam Houston planned to hide his army of Texas patriots there if his attack on the Mexican Army of Santa Anna had failed. Its dense tangles provided excellent hiding places for the runaway slaves and outlaws during the Civil War, and draft dodgers and conscientious objectors found safety in its brush and canebrakes in a number of wars.

The Big Thicket is a part of the history of this Nation. We should not allow this great work of nature to be lost to mankind. We must act now to save the Big Thicket.

Mr. President, I ask unanimous consent that the resolution of the TED Club of Amarillo, Tex., be printed in its entirety at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas, the Big Thicket of Texas is a meeting place for eastern, western and northern ecological elements; and

Whereas, this is the last stand in Texas of the nearly extinct Ivory-billed Woodpecker; and

Whereas, this beautiful and unique area is rapidly being destroyed by bulldozer and chain saw; therefore

Be it resolved that the T.E.D. Club of Amarillo, Texas, urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and

Be it further resolved that the Interior and Insular Affairs Committee of the Senate of the United States be requested to set immediate hearings on S. 4 which would create a Big Thicket National Area.

MRS. HARRY E. GLADMAN,
President of T.E.D. Club.

TENNESSEE WALKING HORSE: A CHILD'S VIEW

Mr. TYDINGS. Mr. President, on Wednesday, September 17, the Subcommittee on Energy, Natural Resources, and the Environment will hold a hearing on S. 2543, my bill designed to end the cruel and unnecessary practice of deliberately "soring" the feet of the Tennessee walking horses in order to alter their natural gait.

Recently I have received a letter about this bill from a young girl named Becky Taylor. Becky is 14½ years old and lives in Coquille, Oreg. As one who admires horses she knows how cruel this practice of "soring" is. In her letter Becky points out that people who do such a thing must be very greedy indeed. She rightly states:

> If a horse is worth anything for what he does, it should be done the right way or he is worth nothing.

Becky Taylor's letter is full of insight and worth reading. I commend Becky for writing it and call the letter to the attention of my colleagues.

Mr. President, I ask unanimous consent that Becky Taylor's letter on the Tennessee walking horse now be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COQUILLE, OREG.,
September 6, 1969.

Re S. 2543.
Senator JOSEPH D. TYDINGS,
Senate Office Building,
Washington, D.C.

DEAR SIR: I'm writing this letter in regards to the article in the Christian Science Monitor, "Soring must stop".

I am only 14½ but I'm a great lover of horses. I do not own a horse now, but hope to when I'm older.

I feel that only people who are money hungry would do such a thing. Some people in such a state do not care about what they do to other things just as long as they get the money. In this case it is the Tennessee Walker that is being abused. If a horse is worth anything for what he does, it should be done the right way or he is worth nothing. People should take time to think about this matter. I'm sure such a teacher would not

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make a child's hands sore so that they would not write so hard. I'm sure that the teacher would sit down and explain to the child about the problem and in time it would straighten out. It is the same way with a horse. If you are happy and have patience, the horse will sense it and want to work for you, he might even learn or want to learn faster than if you make the feet sore. There is no sensible reason for wrecking something if you're going to be money hungry. Don't involve others in your madness, you really don't get rich anyway, you only lose more than you gained.

That's all there is you could say about the subject. I sincerely hope that this letter will be of some help to have the bill passed. I thank you very much for giving my letter some of your time.

Sincerely,

BECKY TAYLOR.

TRIBUTE TO MARIE SUTHERS

Mr. PERCY. Mr. President, in a time when forgotten people and minorities throughout the world are seeking to establish themselves as responsible nations and individuals with a character and dignity of their own, it is well that occasionally we look back here in America and remember that many segments of our own people did not start automatically with that ringing and exhaulting moment in the Declaration of Independence when a new people declaimed that "all people are born free and equal."

Nothing more clearly denotes the truism that a nation is but the shadow of many individuals and their contributions are citizens that make a nation and a people great. Their milestones become the stairways to the stars, a path for others to follow, a higher plateau from which to continue ascent. Such a milestone was observed in Illinois on September 11 when our ladies recognized the 52 years of service of Marie Suthers who began carrying banners for women's suffrage in 1917 while still in college and has proved the point of women voting and participating actively in government at all levels by serving as a State representative, a delegate to the National Republican Convention, and now is completing 17 years as the minority member of the Board of Elections Commissioners of the City of Chicago. I ask that a biographical sketch be placed in the RECORD.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

Biographical Sketch of Marie H. Suthers

Member of the Board of Election Commissioners of Chicago since 1952.

Native Chicagoan; gradate Chicago Teachers College; homemaker; married; husband, W. Glen Suthers; son, William B. Suthers.

Profession: Former teacher, Chicago Public Schools, elementary and adult Americanization divisions; registered parliamentarian, currently serving local, State and National organizations; author of "Primer in Parliamentary Procedure" and other publications on organization procedure. Teacher, classes in parliamentary procedure.

Former member, Illinois General Assembly (State Legislature).

Organization activities: President, Illinois Association of Parliamentarians.

Formerly president, Chicago Association of Parliamentarians; president, American Legion Auxiliary, Department of Illinois; president, Illinois & National Federations of Women's Republican Clubs; chairman, Illinois Women's Conference on Legislation; secretary, National Council on State Legislation; president, Alliance of Business & Professional Women of Chicago; dean emeritus, Illini Girls State.

Memberships: Alliance of Business & Professional Women of Chicago; American Legion Auxiliary, Beverly Hills Unit No. 407; Morgan Park Woman's Club; DAR, Dewalt Mechlin chapter; PEO, Chapter E. U., Illinois.

Political activities: Marched with college delegation in suffrage march, 1917.

Called by Mrs. Mary Silvis, vice chairman, women's division, State central committee, to do volunteer work for C. Wayland Brooks, candidate for Governor, 1936.

Volunteer work in 19th ward headquarters and for Mrs. Silvis organizing clubs throughout the State and planning for the organization of the Illinois Federation of Republican Women, 1936–40.

Organizer and temporary chairman, first meeting of the Illinois Federation of Republican Women, elected first President, 1940.

Elected president, National Federation of Republican Women (1944, Introduced Dewey at national convention in Louisville, Ky., before a mass meeting of 30,000), 1942–46.

Speaker sent out by the Republican national committee in various campaigns, 1942–50.

Elected representative, old 13th Senatorial District, 1950.

Appointed Republican member, board of election commissioners, 1952 to present.

Elected delegate to the Republican National Convention, Third Congressional District, 1964.

ENDANGERED SPECIES OF WILDLIFE

Mr. YARBOROUGH. Mr. President, since I first introduced my bill, S. 335, to preserve and protect endangered species of wildlife we have heard a great deal of comment about it and interest is continuing to grow.

I have recently read an article, "Endangered Species," written by Mr. James K. Langhammer. Mr. Langhammer is the curator of education at the Detroit Zoological Park and president of the Greater Detroit Aquarium Society. In this article, Mr. Langhammer presents a very enlightened point of view on the need for legislation to protect endangered species throughout the world.

Mr. President, I ask unanimous consent to have the article "Endangered Species," by James K. Langhammer, which appeared in the June 1969 issue of Pet Shop Management, printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENDANGERED SPECIES

(By James K. Langhammer)

At long-last the public is awakening to the plight of the world's wildlife. It would be difficult to decide what has been the motivating force in this realization that many of the large and commonly recognized species of wildlife may not survive into the next century. Perhaps it has been the much-publicized programs to protect such species as the North American whooping cranes and trumpeter swans, the Hawaiian geese, the European bison, and the orangutans in Borneo and Sumatra. Zoos themselves are becoming increasingly aware of the need for self-perpetuating captive colonies. Dr. Robert F. Willson, Director of the Detroit Zoological Park, was recently quoted in the *Detroit Free Press* as saying that one of the many functions of a zoo is protection of the endangered species. Perhaps it has been the tremendous recent affluence of the American public which has permitted such luxuries as the intimate contact with exotic pets. The reason itself is far less important than the fact that suddenly *we* do care. But what can *we* do?

Through the efforts of several concerned men, proposed legislation has been introduced into the House and Senate on the national level to aid in the production and preservation of endangered species. These proposals have been the brunt of several converging attacks by unrelated industries which seem to be placing the immediate dollar before the long-range survival of a living species.

INDUSTRIES

Before proceeding further let me state that *no one* who has not read the proposed legislation should attempt to discuss it pro or con. *Pet Shop Management* has previously contained opinions and editorials that I'm sure were prepared by interested and sincere men, yet which raised such questions and expressed such views that these men must surely either have not read the proposed legislation or had read it hurriedly without analysis. Copies of H.R. 4812 and H.R. 248 are available from the U.S. House of Representatives, Committee on Merchant Marine and Fisheries, Room 1334, Longworth House Office Building, Washington, DC. 20505. Copies of S. 335 and S.1280 are available from Senator Warren G. Magnuson, Chairman, Senate Commerce Committee, United States Senate, Washington, D.C. 20510.

Since I am writing at the moment for the consideration of the pet industry, let me stress that you are only one industry involved in this legislation. Please don't lose sight of the fact that your voices are numerous and influential and if raised illogically may well alter or impede this legislation in a manner that we may all regret some day—too late, perhaps, for the future of our wildlife. If you haven't already done so, look at the Red Data Books of the International Union for the Conservation of Nature and see which of your pet stock will be outlawed today. Very few, if any, of the items most of you now sell are listed therein. If tomorrow they become endangered, then tomorrow they should be protected and at that time they'll receive the dubious distinction of inclusion in the Red Data Books.

I think that there can be little doubt that the industries that will be hurt will be those dealing in furs and hides. And these commodities which appeal to the wealthy indeed become more sought after and valuable as the rarity of the original bearer increases! This, tragically, after all is high fashion!—near exclusivity of ownership. Were our only concern for endangered species centered in the pet trade, then I believe we could all breathe easier. For, as Alton Freeman stated in the February PSM, the price and demand in pet animals vary inversely, and in all probability as the stocks of these smaller species become less collectible someone would farm them.

Let us turn momentarily to the Ad Hoc Committee's April PSM report. Support is offered to H.R. 4812 if several changes are made. The first requests a voice of the pet industry in the declaration of what species are endangered. In itself this is a harmless request, but one without any real merit. A species is either endangered or it isn't. The IUCN is an international committee whose job is to evaluate the status of wild species. The fact that an animal was or is a popular and widely sold pet species has no lessening influence on its endangered status today or tomorrow. When it becomes endangered, farm it. The feasibility of this is practical even in the case of ocelots, margays, caimans, and large psittacine birds. Sec. 3A (H.R. 4812) clearly makes provision for the importation of stock for legitimate breeding efforts. Stock sold singly or even in pairs to apartment dwellers, etc., obviously does not meet this requirement, even though limited breeding successes might be achieved. Without unfair reflection on the entire pet industry, wouldn't your overall efforts toward supervision be better directed to eliminating the unethical and open pet traffic in illegal alligators, gila monsters, Texas tortoises, and horned lizards (horned "toads")?

REGULATION

This leads nicely into the second proposal of the Ad Hoc Committee: "The banning of a species as endangered by the United States should not be permitted unless the home country has offered it protection also." Such homeland protection is admittedly desirable but may not be practical. Some undeveloped and impoverished countries simply would not care. If we can provide partial protection to a species by forbidding its entry, we should do so. The Committee's arguments seem to stem from the fear that the animals will be channeled into other world markets and no real protection would result. I doubt the logic here since the exotic pet market exists only in a few areas of the world, all of which—Japan, Europe, the U.S.A., etc.—are cognizant of the efforts to conserve the world's wildlife and are cooperating. As I implied earlier, evaluation and self-regulation by the pet industry would be more meaningful to the status of these endangered species than this pseudo-righteous concern.

One important distinction must be made here and firmly borne in mind. *A species may be endangered in the wild but be well established in captivity.* As efforts are made to propagate those desirable pet species which have been temporarily banned, their status can change and entry may again be allowed for captive raised stock. Certainly careful supervision of such imports will be necessary, since the pet industry has within it people who have proven themselves unscrupulous enough to smuggle illegal animals at any opportunity. Hopefully such species can be farmed so readily that captive stock will be cheaper than wild.

Also let us not deceive ourselves that any one pet is irreplaceable as a marketable item. To a child or a classroom, a pet turtle of any species is adequate; it need not be the rare collector's item so prized by the specialist. I do not condemn the specialist for his interests, but I think we cannot equate the non-availability of a specific collector's item with the loss of an inexpensive non-specific pet type.

In the April *PSM* the Ad Hoc Committee also stresses the need for a provision in the legislation for the study and evaluation of endangered species, their propagation, and preservation as wild species. All of this is clearly and succinctly provided for in Sec. 5 and 13B of H.R. 4812.

In conclusion let me say that I agree with Alton Freeman that pets are important in teaching us all kindness, responsibility, and even humility in light of the awesome world of nature. But laws are necessary to protect the world's wildlife, and through legislation protecting the wild populations we will see domestication and propagation of the desirable pet species. And even if we fail at captive propagation and must relinquish certain pets, wouldn't you prefer to recall the time when a species was a common household pet rather than the time when there *was* a species called the ———.

FISCAL FEDERALISM

Mr. BAKER. Mr. President, on August 27, 1969, Mr. Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy, addressed the National Conference of State Legislative Leaders in St. Louis, Mo.

I ask unanimous consent that the text of Mr. Weidenbaum's very excellent remarks on Federal revenue sharing be included in full at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TOWARD A NEW FISCAL FEDERALISM

(Remarks by Mr. Weidenbaum)

When President Nixon first outlined the principles of his domestic program on April 14, he described one of this country's more pressing needs:

"If there is one thing we know, it is that the Federal Government cannot solve all the Nation's problems by itself; yet, there has been an over-shift of jurisdiction and responsibility to the Federal Government. We must kindle a new partnership between government and people, and among the various levels of government."

The need for such a new partnership was never stronger than it is today. The evidence of "over-shift" is readily apparent. Just to catalog the current domestic programs of the Federal Government now requires a book of more than 600 pages.

In retrospect, it is quite clear that this large flow of power from the private sector and from the cities and states to Washington did not just happen of its own accord. It was induced initially by economic crises. It was further stimulated by mobilization for major war and the threat of major war. It has been accelerated by a variety of efforts of the Federal Government to cure major domestic ills through the power of Federal programs and Federal money.

Yet for all this emphasis on the assumed power and influence of our national Government, the limits to its effectiveness have become all too apparent. Too often, Federal funds have been wasted or used inefficiently. Too often, a bountiful promise has been followed by a lack of performance. Too often, the application of some centrally formulated regulation has failed to accommodate the diversity of local situations. The result has been some erosion of public confidence in the Federal Government's ability to serve as a truly effective instrument of social progress.

State and local governments are, in some cases, better able to deal with these problems. These governments have also experienced rapid growth. Indeed, since World War II, their expenditures, employment, and indebtedness have increased significantly faster than those of the Federal Government. Yet the services the public has expected them to provide—education, transportation, health, and many more—have often been beyond the capacity of local public resources to finance and hence to deliver.

The Federal Government has not been oblivious to the needs of state and local governments. Federal grants-in-aid to states and localities will pass the $25 billion mark this fiscal year—up from $7 billion in 1960. This type of program or categorical assistance has represented an increasing portion of both total Federal outlays and state and local revenues. But, too often, it has also been accompanied by an ever growing maze of program restrictions, formulas, matching provisions, project approval requirements, and a host and variety of administrative burdens. The result has been the creation of a complicated network of intergovernmental assistance efforts with many inefficiencies and unworkable features.

This Administration intends to correct the inefficiencies and inflexibilities of the present system while assisting the states and localities in a more substantial way than in the past. The need for such assistance can be clearly demonstrated. Public finance experts of all political persuasions have noted that under the existing income tax structure Federal revenues increase faster than the national economy, while Federal expenditures for current programs (except in wartime) are likely to rise more slowly. The reverse is true for states and localities. Their revenues, based heavily on sales and property taxes, do not keep pace with the rate of national economic growth.

In contrast, their expenditure requirements for existing programs tend to rise far more rapidly. The resulting "fiscal mismatch" of potential Federal surpluses and state-local deficits is the financial basis for Federal aid.

This is not a partisan point that I am making. The "fiscal mismatch" has been noted by analysts of all political persuasions. In preparing the Administration's revenue sharing plan, we carefully reviewed the literature on the subject. I was personally struck by the widespread support for introducing a new and broader type of Federal financial aid to state and local governments—support by Democrats as well as Republicans, liberals as well as conservatives, academic experts as well as political leaders, and big city dwellers as well as smalltown residents.

The challenge, then, is to redesign our system of intergovernmental assistance to achieve the results we all desire:

A better allocation of total public resources,

More responsiveness in public institutions,

More control over local events by local authorities,

Greater program and budget flexibility for locally-elected officials,

More efficient, less encumbered forms of Federal assistance.

The President has accepted this challenge. On August 13, he proposed to the Congress fundamental revisions in both the spirit of our intergovernmental relations and the substance of our intergovernmental assistant system. As he put it, we are seeking to build a "New Federalism," with a return to the states, cities, and counties of the decision-making power rightfully theirs. At the heart of this effort is the proposal for sharing Federal revenues with the state and local governments. Revenue sharing can provide both the encouragement and the resources for local and state officials to exercise leadership in solving their own problems.

I want to take this opportunity to outline in some detail the essential elements of our revenue sharing proposal. I find it most helpful to describe it within the framework of four major questions.

First, how do we determine the total amount to be shared? We propose to establish a permanent appropriation, automatically determined each fiscal year, which will provide revenue sharing funds equal to a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. To provide for an orderly phase-in of this program, the fiscal year 1971 percentage is one-sixth of one percent, or about $500 million.

Subsequent fiscal year percentages increase annually up to a permanent one percent for the fiscal year 1976 and thereafter. On this basis, we estimate an appropriation for the 1976 fiscal year of about $5 billion. We think that it is important to make a start soon, rather than waiting until the budget permitted a larger program. A five-year transition is a desirable approach for a brand new activity.

Like most revenue sharing proposals, our plan uses aggregate personal taxable income as the base for computing the shared amount. This tax base has the advantages of relative stability, steady growth, and independence from tax rate changes. Furthermore, it insures the taxpayer that state and local officials will not become advocates for

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higher Federal tax rates in order to gain revenue sharing funds.

Second, how are the funds distributed among the states? We propose a distribution based on each state's share of national population, adjusted for the state's revenue effort. The revenue effort adjustment is designed to provide the states with some incentive to maintain, and even expand, their efforts to use their own tax resources to meet their needs. Revenue effort is defined in the customary fashion—the ratio of total general revenues collected by a state and all its local governmental units during a given fiscal year to the total personal income of that state. A simple adjustment along these lines provides a state whose revenue effort is 10 percent above the national average with a 10 percent bonus above its basic per capita portion of revenue sharing.

One important point about revenue effort should be noted: It is a relative and not an absolute measure, since revenues collected are expressed as a percentage of personal income for each state. It does not, therefore, reward "wealthy" states—that is, those states with high average income levels. Indeed, some of the wealthier states on a per capita income basis have relatively low revenue efforts; and some of the poorer states have high revenue efforts. In a direct way, the revenue effort provision rewards those states that try harder to meet their own needs with their own resources.

The state-by-state distribution is primarily determined, then, on a per person basis, with revenue effort added as a minor adjustment. (To compute a state's share of the revenue sharing fund, the arithmetic is quite straightforward: one simply computes the product of that state's population times its revenue effort and divides the result by the sum of the products so computed for all 50 states and the District of Columbia.)

Our proposal does not contain a so-called "equalization" provision, whereby low-income states receive more per person than high-income states. We have found, in the course of many discussions with state and local officials, that variations in state per capita income are simply not a good measure of need. In fact, many of our most urgent domestic problems are found in the urban centers of the states with high per capita income. Therefore, we have chosen to keep the distribution among states as neutral as possible, basing it primarily on population.

Third, how are the funds distributed within each state? Including local governments in Federal revenue sharing is a relatively new idea. We spent more time trying to perfect the local "pass-through" than on any other part of the revenue sharing plan. You cannot use a simple per capita distribution among local governments because of the overlapping jurisdictions of cities and counties. You cannot use a measure of "need" because there are no adequate statistics on income levels by city and county.

This is the approach that we did come up with: We propose that each state share a given proportion of these funds with its local governments. The allocation of a state's payment among its local governments is carefully prescribed by formula. First, the total proportion which a state shares with its local governments corresponds to the ratio of general revenues raised by these local governments to the combined total of revenues raised by the state and all its units of local government. Second, the proportion of this local share which an individual unit of general government receives corresponds to the ratio of its own general revenues to total general revenues raised by all general-purpose local governments in the state.

There are some features of this local distribution which deserve emphasis. For one, we are proposing to share revenues with *all* general-purpose local governments—cities, towns, and counties—and *only* general-purpose local governments. There is no minimum-size requirement for a locality to participate, and no special or school districts are eligible for direct sharing. These features are fully consistent with the spirit of the New Federalism and the purposes of revenue sharing. That is, all general governments should be included, and no program or project restrictions should be placed on the funds. To have distributed dollars directly to fire districts, or school districts, or drainage districts would have amounted to widespread earmarking of substantial funds for specific programs. Our desire is to avoid that and to leave such budget allocation decisions up to the responsible state and local officials.

It may be useful to analyze how the local pass-through would operate. Limiting eligibility to general-purpose local governments has an important impact on the other key feature of the local distribution formula—allocation of funds on the basis of general revenues raised.

A distribution based on revenues raised has several important advantages: it makes allowance for state-by-state variations; it tends to be neutral with respect to the current relative fiscal importance of state and local governments in each state; and it provides a method for allocating among governmental units with overlapping jurisdictions. By sharing funds only with municipalities, counties, and townships, the state government portion of revenue sharing is enlarged by the relative proportion of special and school district revenues to total revenues.

This result has a direct effect on potential state and local allocations of revenue sharing funds to particular programs and projects. In those areas where the functions elsewhere performed by a special-purpose district or a school district are carried on directly by a general-purpose government, then that government's portion of revenue sharing will be enlarged by the proportion of its revenues that it raises for such functions. Therefore, those officials responsible for managing and administering the special functions involved will look to the general-purpose local government for any additional funds. On the other hand, if a special-purpose or school district exists independent of the local government, then the state government's portion of revenue sharing will be enlarged by the proportion of total revenues that are raised by these districts. In these cases, the officials responsible for managing and administering such districts will look to the state government for additional assistance. By this distribution procedure, the Federal revenue sharing program avoids directing or influencing the allocation of funds to particular governmental functions. Such allocation decisions will be made by state and local officials in response to the needs of their jurisdiction.

There is another important point which should be made regarding the allocation of funds on the basis of revenues raised. Some observers have jumped to the conclusion that such a distribution procedure rewards the wealthy suburb at the expense of the central city. This is simply not a valid generalization. Revenue sharing funds go to local governments in proportion to their share of general revenues raised, not in relation to the income level of their residents. We are unable to find evidence to support a contention that suburban governments raise more revenues per capita than urban governments. In fact, the reverse is true in many specific instances. For example, New York City raised $404.81 per capita in general revenues in 1967–68 (the latest figures available), while New Rochelle raised $152.55 and Mount Vernon $121.89. For all cities of one million or more, the average per capita revenues were $255.95, compared to $78.74 for cities with population of less than 50,000.

One final point about our proposal for distribution of funds within each state deserves mention. In order to provide local flexibility, we will permit a State—working with its local governments—the option of developing an alternative distribution plan. Any alternative plan, however, must receive sufficient support from both the state and the local governments, large and small.

The fourth major question is: What restrictions or qualifications are imposed on the use of revenue sharing funds? I have already expressed our determination that these funds should have no program or project "strings" connected with their use. A fundamental purpose of revenue sharing is to permit local authorities the programming flexibility to make their own budget allocation decisions. This purpose is basic to the spirit of the New Federalism: a return to the states and localities of their rightful powers and responsibilities.

The requirements we propose are minimal: (1) that the states carry out the requirement to share funds with their local governments; (2) that this local sharing be in addition to current sharing efforts; and (3) that all recipient governments provide a reasonable amount of informational reporting to the Treasury Department for the funds they receive.

We welcome the thoughts of state and local governments on how best to implement these general concepts. We have had the benefit of numerous helpful suggestions from governors, mayors, county executives, legislators, academic experts, and other interested parties. In preparing this specific proposal, we have attempted both to draw on past efforts and to go beyond them.

I believe that the Administration's revenue sharing plan contains several important improvements over some of the earlier proposals: (1) it includes local as well as state governments, and (2) it leaves to the state and local governments the decision as to how to allocate the funds among programs and activities. However, we claim no monopoly on wisdom. We welcome further suggestions and advice.

I would like to conclude by citing what I believe are the most advantageous characteristics of the Administration's revenue sharing plan.

It is simple. No new Federal bureau or agency is needed; the funds are distributed on the basis of readily available objectve statistics, as clearly specified in the plan. None of the Federal revenue sharing money is to be used for "overhead" or other expenses by the Federal Government.

It is automatic. State and local governments can count on the funds in their own fiscal planning. The money for revenue sharing is automatically available each year and is geared to the growing personal income tax base of the Nation.

It is fair. The funds go to every state, every city, and every county in the Nation. All areas are included—urban and rural, large and small, rich and poor, industrialized and agricultural.

It has no strings. The state and local governments are free to exercise their discretion over the use of the funds. Decision-making authority, as well as money, is returned to state and local governments.

It is neutral. The state-by-state distribution is based primarily on where people reside. The allocation among governments within a state is based on the exsting distribution of financial responsibilities among the various units of government, as decided in each area.

President Nixon's call last April for a new partnershp among the various levels of government has received an enthusiastic response from many quarters. Revenue sharing is an integral part of such a partnership. It is a program which has long enjoyed bipartiasan professional and political support. That is the measure of its merit. Its enact-

ment will represent an important step toward a more effective and better working Federal system of Government.

TELEVISION AND VIOLENCE—A THOUGHTFUL ANALYSIS OF CRIME BROADCASTING AND ITS EFFECT

Mr. YARBOROUGH. Mr. President, all of us are concerned about the rising amount of violence in our society. The past 6 years have witnessed the murder of a President and of one of this body's most distinguished Members. We have seen attempts, some of them tragically successful, on the lives of other national leaders. Furthermore, during this period, each summer has become a time of fearful expectation for our major population centers, each of which has suffered a major civil disorder.

Last winter, Commissioner Nicholas Johnson, of the Federal Communications Commission, testified before the President's Violence Commission on one possible cause of this grave development in our country—the violence which is brought into our homes via the medium of television. This concern is shared by many other Americans, in and out of Government.

Mr. President, Commissioner Johnson's remarks are of such a thoughtful and useful nature that I think that they should be made available to all of us. I ask unanimous consent that Commissioner Johnson's remarks delivered to the President's Violence Commission on December 19, 1968, appear in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TELEVISION AND VIOLENCE—PERSPECTIVES AND PROPOSALS

(A statement of FCC Commissioner Nicholas Johnson, prepared at the invitation of the National Commission on the Causes and Prevention of Violence)

INTRODUCTION: GOVERNMENT BY CRISIS

John Gardner has characterized as perceptively as anyone the process of which this Commission on Violence is a part. With your permission I would like to read a brief passage from his little book called *Self-Renewal.*

"The Paul Revere story is a very inadequate guide to action in a complex modern society. It was all too wonderfully simple. He saw danger, he sounded the alarm, and people really did wake up. In a big, busy society the modern Paul Revere is not even heard in the hubbub of voices. When he sounds the alarm no one answers. If he persists, people put him down as a controversial character. Then someday an incident occurs that confirms his warnings. The citizen who had refused to listen to the warnings now rushes to the window, puts his head out, nightcap and all, and cries, 'Why doesn't somebody tell me these things?'

"At that point the citizen is ready to support some new solutions, and wise innovators will take advantage of that fact. A man working on a new air-traffic control technique said recently, 'I haven't perfected it yet, but it wouldn't be accepted today anyway because people aren't worried enough. Within the next two years there will be another spectacular air disaster that will focus the public mind on this problem. That will be my deadline and my opportunity.'"

The same thing can be said, of course, for the "air disaster" represented by the chemicals and soot that fill the air—and our lungs. It also applies to the "air pollution" problem which is ours today: radio and television.

The academicians, research scientists and critics have been telling us for years of television's impact upon the attitudes and behavior of those who watch it. They cite very persuasive statistics to indicate that television's influence has affected, in one way or another, virtually every phenomenon in our present day society.

There are 60 million homes in the United States and over 95% of them are equipped with a television set. (More than 25% have two or more sets.) In the average home that set is turned on some five hours forty-five minutes a day. The average male viewer, between his second and sixty-fifth year, will watch television for over 3,000 entire days—roughly nine full years of his life. During the average weekday winter evening nearly half of the American people are to be found silently seated with fixed gaze upon a phosphorescent screen, experiencing the sensation of its radiation upon the retina of the eye.

Americans receive decidedly more of their "education" from television than from the 19th century institutions we call elementary and high schools. By the time the average child enters kindergarten he has already spent more hours learning about his world from television than the hours he would spend in a college classroom earning a B.A. degree.

So the problem is not that the modern-day Paul Reveres have not warned us, or even that they have not told us what to do. The problem is similar to that described by John Gardner's air-traffic controller: "Today even the most potent innovator is unlikely to be effective unless his work coincides with a crisis or series of crises which puts people in a mood to accept innovation."

We have by now experienced television's own form of "air disaster" in a series of crises.

During 1966 and 1967 there was a dramatic upsurge in the amount of rioting and demonstrations in our cities. As Pat Moynihan reminded us all in the NBC Special, *Summer 1967: What We Learned,* "We have no business acting surprised at all this. The signs that it was coming were unmistakable." The signs had been reported by those who had been observing, studying and writing about the plight of black Americans. But these modern-day Paul Reveres were either not heard or were put down as "controversial characters." So the crises came, captured our attention, and put us in a mood to listen. The Kerner Commission was established, conducted a thorough-going investigation, and wrote a thoughtful and persuasive report. In the report the Commissioners found it necessary to devote an entire chapter to the mass media. They found themselves confronted at every turn with evidence of the implications of the mass media in a nation wracked with civil disorders. There was not only the matter of the relationship between the reporting of incidents and subsequent action. They also discovered a shocking lack of communication and understanding between blacks and whites in this country. As they put it, "the communications media, ironically, have failed to communicate." But Dr. Martin Luther King had told us very much the same thing: "Lacking sufficient access to television, publications and broad forums, Negroes have had to write their most persuasive essays with the blunt pen of marching ranks."

The Kerner Commission report had no more than found its way to the coffee tables of white suburbia before this nation was torn apart once again—this time with the agonizing, heartwrenching sorrow accompanying the assassinations of two beloved and controversial leaders, Dr. Martin Luther King and Senator Robert F. Kennedy. Once again a crisis, once again national attention, once again a commission—this time yours. And as you have searched about for the causes of violence in our land you, too, have inevitably had to confront the evidence of the implications of the mass media. And you have discovered in the literature, as Dr. Albert Bandura, Professor of Psychology at Stanford University, has recently said, that—

"It has been shown that if people are exposed to televised aggression they not only learn aggressive patterns of behavior, but they also retain them over a long period of time. There is no longer any need to equivocate about whether televised stimulation produces learning effects. It can serve as an effective tutor."

But it has taken another crisis to make us listen.

You were not even permitted to conclude your deliberations and issue your report before the third in this recent series of crises hit the American people. It was, of course, the confrontation at Chicago and the Democratic National Convention. This has been the subject of the report submitted to you by Daniel Walker, "Rights in Conflict." In this instance the mass media were not only implicated in the confrontation, they were an active party. (In the words of the Walker Report, "What 'the whole world was watching', after all, was not a confrontation but the picture of a confrontation to some extent directed by a generation that has grown up with television and learned how to use it.") Subsequently television was the target for an outpouring of public criticism. But once again we find that we have not been without forewarnings of the impact of corporate television upon the process of politics and the subject matter and method of news reporting—to cite but two books from this year, Harry Skornia's *Television and the News,* and Robert MacNeil's *The People Machine* (a study that gives special attention to the involvement of television in the American political process.)

How many more crises must we undergo before we begin to understand the impact of television upon *all* the attitudes and events in our society? How many more such crises can America withstand and survive as a nation united? Are we going to have to wait for dramatic upturns in the number and rates of high school dropouts, broken families, disintegrating universities, illegitimate children, mental illness, crime, alienated blacks and young people, alcoholism, suicide rates and drug consumption? Must we blindly go on establishing national commissions to study each new crisis of social behavior as if it were a unique symptom unrelated to the cause of the last? I hope not.

Of course, no one would suggest that television is the *only* influence in our society. But I hope that this Commission will possess both the perception and the courage to say what is by now so obvious to many of the best students of American society in the 1960's. There *is* a common ingredient in a great many of the social ills that are troubling Americans so deeply today—the impact of television upon our attitudes and behavior as a people—and we ought to know much more about it than we do. And that is the principal thrust of the statement I have prepared for you today. One cannot understand violence in America without understanding the impact of television programming upon that violence. But one cannot understand the impact of television programming upon violence without coming to grips with the ways in which television influences virtually all of our attitudes and behavior.

When we speak of television's influence we may be referring to any one of four factors. (1) The impact of television watching (without regard to program content) upon the way we spend our time, and so forth. (2) The impact of television programming upon our attitudes and behavior. (3) The

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ways in which television is "used" by groups seeking "news" coverage; its creation of and effect upon events actually or potentially portrayed on television. (4) The results of abuses by television: serving economic self-interests, self-censorship, staging of events, and so forth. With these distinctions in mind let's examine the industry's arguments.

TELEVISION'S IMPACT AND THE INDUSTRY'S BIG MYTH TECHNIQUE

Whenever the question arises of the impact of television programming upon the attitudes and behavior of the audience, industry spokesmen are likely to respond with variants of three big myths. (1) We just give the people what they want. The "public interest" is what interests the public. The viewer must be selective, just as he would be in selecting magazines. He gets to choose from the great variety of television programming we offer. He can always turn off the set. (2) Entertainment programming doesn't have any "impact" upon people. It's just entertainment. We can't be educational all the time. (3) We report the news. If it's news we put it on; if it's not we don't. It's as simple as that. We can't be deciding what to put on the news or not based upon its impact upon public opinion or national values. We can't be held responsible if someone sees something on television and goes out and does the same thing.

1. The myth of serving public taste

Regulation of broadcasting was begun at the Federal level under two basic premises. One was that without regulation users could not allocate frequencies among themselves. The other premise was that the spectrum was a limited resource, owned by the public, and that its use was to be permitted under license to private users. These private users, given the right to use a public resource that was valuable, were expected to return public benefits—their use of the resource was to be in the "public interest." When faced with competing applicants for use of the spectrum the FCC, an arm of the Congress, was to choose the one who would best serve the public interest.

In the early history of the Federal Communications Commission there was a lot of discussion of how broadcasting was not to be used just for private gain, of the public benefits beyond private profit that were to be achieved, and of the great things that broadcasting might accomplish. A clear assumption, made explicitly and implicitly throughout all this discussion was that a broadcast license, issued on a temporary basis without ownership rights, was not to be used to maximize the profits of the user. Even the National Association of Broadcasters testified before Congress that:

"It is the manifest duty of the licensing authority in passing upon applications for licenses or the renewal thereof, to determine whether or not the applicant is rendering or can render an adequate public service. Such service necessarily includes broadcasting of a considerable proportion of programs devoted to education, religion, labor, agricultural, and similar activities concerned with human betterment."

(This was long before McGeorge Bundy would be driven to observe, "I am sorry that the men who run commercial broadcasting have come to think of it as an 'industry' when it is necessarily so much more. . . .") A bargain was struck between the public (to be represented by the FCC) and the private broadcasters. Private parties would get the monopoly right to use the spectrum, but in return would agree to provide public benefits in the form of programming services that would do more than just generate the most revenue.

We have come a long way since those days. It is useful to remember the hopes and ideals expressed at the beginnings of this industry. But we should be clear that the performance of the broadcasting industry is quite different from what the drafters of the Communications Act might have expected.

By and large broadcasting today is run by corporations which have a virtual lease in perpetuity on the right to broadcast. These corporations are like all other businesses, they are interested in maximizing their profits. The value of their business, including the right to broadcast, is directly related to the profits the business returns. And this value is realizable in a virtually free market for the sale of established stations. This is not to be viewed as a hostile judgment of these men and corporations. America has been served well by the profit motive in a competitive system. It does suggest, however, that the system today is different from that envisioned by those who molded the present regulatory framework.

But we must examine the economic incentives as well. Broadcasters act to gain as large an audience as possible—and the audience is attracted by the broadcasters' programming. Programming is chosen for the number of people it can deliver. Its selection need not reflect the intensity of the audience's approval, or what the audience would be willing to pay for the programming. In fact, the incentive to get the largest audience regardless of good taste has on occasion driven the networks to arrogant indifference to "what the public wants." The Dodd Committee Report refers to an incident in which an independent testing organization conducted an advance audience reaction test of an episode of a series show for a network. Of the men, women and children tested, 97 percent believed there was too much emphasis on sex, and 75 percent felt the show was unsuitable for children. The network ignored the findings, and televised the episode.

The concentrated ownership of the national television market, and its effect on programming is clear. The dominant impact of the three networks on programming is apparent for first-run programming and syndication alike, since much of syndication is network reruns. Roughly 85% of the prime time audience watches the networks. Each network is trying for its slice of that 85%, and for most purposes that audience is viewed as homogenous—one person counts the same as another in the ratings. Thus no programming will be shown by the networks unless aimed at the whole audience, and each network strives to gain no less than one-third of the audience.

Television programming follows a classic triopoly pattern—imitation, restricted choice, elaborate corporate strategies, and reliance on the "tried and true." As Stan Opotowsky has observed, "TV is all the same . . . Even . . . in New York, too often the viewer's only real choice is 'off' and 'on' "—a judgment sustained by Charles Sopkin's report of an heroic week of watching TV in New York (*Seven Glorious Days, Seven Fun-Filled Nights*). To say that this is what the audience "wants" in any meaningful sense is either utter nonsense or unbelievable naivete. There are many analytical problems with the shibboleth that television "gives the people what they want." One of the most obvious is that the market is so structured that only a few can work at "giving the people what they want"—and oligopoly is a notoriously poor substitute for competition when it comes to providing anything but what the vast majority will "accept" without widespread revolution.

This is not to suggest that stations and networks engage exclusively in profit-maximizing behavior—only that this is the predominant component of their business motivation. And, I repeat, I am not now passing moral judgment on this behavior. I am simply pointing out that this is the system we have created, and that it is significantly different from the one that was envisioned thirty years ago.

Stations and networks sometimes do engage in programming that is not the most profitable available to them. Thus, Justice Black was permited to speak to some 10 million Americans earlier this month on CBS. The concern of CBS was not only whether its relatively low programming costs were covered by the commercial revenue from that program (there were eight products or services advertised), but the "opportunity cost" in the form of *additional* return CBS might have obtained from regular programming aimed at a larger audience. (It is also concerned about losing audience on the shows to follow, since there is some viewer carry over from program to program—another force that has precluded advertisers from sponsoring public service shows of their own choosing, even when they are willing to pay handsomely for the opportunity.) Of course, there are many responsible individuals, associated with stations and networks alike, who realize the great power of this medium for good and who try to use it. The point is simply that each of them is limited by the functioning of the system—a system that doesn't allow significant deviation from the goal of profit maximizing. Some have left commercial broadcasting because of that constraint.

It should be clear why attempts to affect the quality of programming have often focused on changing the rules of the system. Shouting exhortations at an edifice is a poor substitute for some structural changes. Proposals have been designed to open up the program procurement process, to restructure the affiliate-network relationship, to increase the number of TV stations, and to make rules concerning the types of programming to be presented. Educational broadcasting—as well as the potential of subscription television and cable television—are fundamental responses to the functioning of the present commercial system.

2. The myth of lack of impact

When Dean George Gerbner of the Annenberg School testified before you he said:

"In only two decades of massive national existence television has transformed the political life of the nation, has changed the daily habits of our people, has moulded the style of the generation, made overnight global phenomena out of local happenings, redirected the flow of information and values from traditional channels into centralized networks reaching into every home. In other words it has profoundly affected what we call the process of socialization, the process by which members of our species become human."

He continued:

"The analysis of mass media is the study of the curriculum of this new schooling. As with any curriculum study, it will not necessarily tell you what people do with what they learn, but it will tell you what assumptions, what issues, what items of information, what aspects of life, what values, goals, and means occupy their time and animate their imagination."

I share Dean Gerbner's sense of television's impact upon our society. Many spokesmen for the broadcasting establishment, however, do not. And so I would like to anticipate their rebuttal with a little more discussion of the matter.

The argument that television entertainment programming has no impact upon the audience is one of the most difficult for the broadcasting industry to advance. In the first place, it is internally self-contradictory.

Television is sustained by advertising. It is able to attract something like $2.5 billion annually from advertisers on the assertion that it is the advertising medium with the greatest impact. And it has, in large measure, delivered on this assertion.

At least there are merchandisers, like the president of Alberto Culver—who has relied almost exclusively on television advertising and has seen his sales climb from $1.5 million in 1956 to $80 million in 1964—who are willing to say that "the investment will virtually always return a disproportionately large profit." The manufacturer of the bottled liquid cleaner "Lestoil" undertook a $9 million television advertising program and watched his sales go from 150,000 bottles annually to 100 million in three years—in competition with Procter and Gamble, Lever Brothers, Colgate, and others. The Dreyfus Fund went from assets of $95 million in 1959 to $1.1 billion in 1965 and concluded, "TV works for us." American industry generally has supported such a philosophy with investments in television advertising increasing from $300 million in 1952 to $900 million in 1956 to $1.8 billion in 1964 to on the order of $2.5 billion this year. Professor John Kenneth Galbraith, in the course of creating and surveying *The New Industrial State*, observes that, "The industrial system is profoundly dependent upon commercial television and could not exist in its present form without it . . . [Radio and television are] the prime instruments for the management of consumer demand."

The point of all this was well made by the sociologist Dr. Peter P. Lejins. He describes four studies of the impact upon adult buying of advertising directed at children. Most showed that on the order of 90% of the adults surveyed were asked by children to buy products, and that the child influenced the buying decision in 60 to 75% of those instances. He observes, "If the advertising content has prompted the children to this much action, could it be that the crime and violence content, directly interspersed with this advertising material, did not influence their motivation at all?" There is, of course, much stronger evidence than this of the influence of violence in television programming upon the aggressive behavior of children which I will discuss later. My point for now, however, is that television's salesmen cannot have it both ways. They cannot point with pride to the power of their medium to affect the attitudes and behavior associated with product selection and consumption, and then take the position that everything else on television has no impact whatsoever upon attitudes and behavior.

The evidence of the impact of television advertising upon human attitudes and behavior tends to be confirmed by the growing reliance upon visual materials in education and propaganda. Films and television material are being ever more widely used throughout our schools and colleges, and in industrial and military training. Studies tend to support assertions of their effectiveness. We appropriate on the order of $200 million annually for the United States Information Agency on the theory that its activities do have an impact upon the attitudes of the people of the world about the United States. Presumably those who go to the expense and effort to "jam" the programming of the Voice of America and Radio Free Europe share this view.

Nor is our evidence of commercial television's influence limited to the advertising. Whatever one may understand Marshall McLuhan to be saying by the expression "the medium is the message," it is clear that television has affected our lives in ways unrelated to its program content. Brooklyn College sociologist Dr. Clara T. Appell reports that of the families she has studied 60 percent have changed their sleep patterns because of television, 55 percent have changed their eating schedules, and 78 percent report they use television as an "electronic babysitter." Water system engineers must build city water supply systems to accommodate the drop in water pressure occasioned by the toilet flushing during television commercials. Medical doctors are encountering what they call "TV spine" and "TV eyes." New York City had an increase in births nine months after the blackout. Psychiatrist Dr. Eugene D. Glynn expresses concern about television's ". . . schizoid-fostering aspects," and the fact that "it smothers contact, really inhibiting interpersonal exchange." General semanticist and San Francisco State President, Dr. S. I. Hayakawa asks, "Is there any connection between this fact [television's snatching children from their parents for 22,000 hours before they are 18, giving them little "experience in influencing behavior and being influenced in return"] and the sudden appearance . . . of an enormous number of young people . . . who find it difficult or impossible to relate to anybody—and therefore drop out?"

A casual mention on television can affect viewers' attitudes and behavior. After Rowan and Martin's Laugh-In used the expression, "Look that up in your Funk and Wagnalls," the dictionary had to go into extra printings to satisfy a 20 percent rise in sales. When television's Daniel Boone, Fes Parker, started wearing coon-skin caps, so did millions of American boys. The sales of Batman capes and accessories are another example. Television establishes national speech patterns and eliminates dialects, not only in this country but around the world—"Tokyo Japanese" is now becoming the standard throughout Japan. New words and expressions are firmly implanted in our national vocabulary from television programs—such as Rowan and Martin's "Sock it to me," or Don Adams' "Sorry about that, Chief." Television can also be used to encourage reading. The morning after Alexander King appeared on the late-nite Jack Paar show his new book, *Mine Enemy Grows Older*, was sold out all over the country. When the overtly "educational" Continental Classroom atomic age physics course began on network television, 13,000 textbooks were sold the first week.

Politicians evidently think television is influential. Most spend over half of their campaign budgets on radio and television time, and some advertising agencies advise that virtually all expenditures should go into television time. When Sig Mickelson was President of CBS News he commented on "television's ability to create national figures almost overnight . . ."—a phenomenon which by now we have all witnessed.

The soap operas have been found to be especially influential. Harry F. Waters recently did a piece in *Newsweek* on the soap operas. He estimates they have a loyal following of about 18 million viewers, and contribute much of the network's $325 million daytime revenue.

"Judging from the mail, the intensity of the audience's involvement with the soap folk easily equals anything recorded in radio days. . . . It may even provide an educational experience. Agnes Nixon, a refreshingly thoughtful writer who has been manufacturing soaps for fourteen years, likes to point out that episodes concerning alcoholism, adoption and breast cancer have drawn many grateful letters from those with similar problems."

Seizing upon this fact, educators in Denver and Los Angeles have used the soap opera format to beam hard, factual information about jobs, education, health care, and so forth, into the ghetto areas of their cities. The Denver educators' soap received one of the highest daytime ratings in the market. There is, of course, no reason to believe the prime-time evening series shows have any less impact.

Indeed, as Bradley S. Greenberg of Michigan State reported to you, "40 percent of the poor black children and 30 percent of the poor white children (compared with 15 percent of the middle-class white youngsters) were ardent believers of the true-to-life nature of the television content." And he went on to further underline the "educational" impact of all television.

"Eleven of the reasons for watching television dealt with the ways in which TV was used to learn things—about one's self and about the outside world. This was easy learning. This is the school-of-life notion—watching TV to learn a lot without working hard, to get to know all about people in all walks of life, because the programs give lessons for life, because TV shows what life is really like, to learn from the mistakes of others, etc. The lower-class children are more dependent on television than any other mass medium to teach these things. They have fewer alternative sources of information about middle-class society, for example, and therefore no competing or contradictory information. My only caveat here is that we do not know what information is obtained through informal sources. Research is practically nonexistent on the question of interpersonal communication systems of the poor. Thus, the young people learn about the society that they do not regularly observe or come in direct contact with through television programs—and they believe that this is what life is all about."

Knowing these things, as by now all television executives must, society is going to hold them to extremely high standards of responsibility.

What do we learn about life from television? Watch it for yourself, and draw your own conclusions. Here are some of my own. We learn from commercials that gainful employment is not necessary to high income. How rare it is to see a character in a commercial who appears to be employed. We learn that the single measure of happiness and personal satisfaction is consumption—conspicuous when possible. Few characters in televisionland seem to derive much pleasure from the use of finely developed skills in the pursuit of excellence, or from service to others. "Success" comes from the purchase of a product—a mouthwash or deodorant, say—not from years of rigorous study and training. How do you resolve conflicts? By force, by violence, by destroying "the enemy." Not by being a good listener, by understanding or cooperation and compromise, by attempting to evolve a community consensus. Who are television's leaders, its heroes, its stars? Not educators, representatives of minority groups, the physically handicapped, the humble and the modest, or those who give their lives to the service of others. They are the physically attractive, glib, and wealthy. What is to be derived from a relationship between man and woman? The self-gratification of sexual intercourse and little else—whatever the marital bonds may or may not be. What do you do when life throws other than roses in your hedonistic path? You get "fast, fast, fast" relief from a pill—a headache remedy, a stomach settler, a tranquilizer, a pep pill, or "the pill." You smoke a cigarette, have a drink, or get high on pot or more potent drugs. You get a divorce or run away from home. Or you "chew your little troubles away." But try to "work at" a solution, assume part of the fault lies with yourself, or attempt to improve your capacity to deal with life's problems? Never.

What are these network executives doing? What is this America they are building? What conceivable defense is there for the imposition of such standards, and travail, upon 200 million Americans? What right have they to tear down every night what the American people are spending $52 billion a year to build up every day through their school system—just to serve the greedy striving for ever-increasing profits by three corporations? Giving the people what they want? Nonsense. Recall once again Mr. Greenberg's reference to studies of opinion of the general public, and community leaders, in two communities—even prior to the assassinations of Dr. King and Senator Kennedy.

"The substance of the complaints was

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what the public and leaders spontaneously described as the over abundance of sex and violence. The leaders commented about,

"Raw violence, the glorification of promiscuity.

"Program after program either depicts or implies that immorality, disobedience to established law and order, divorce, etc., are the accepted social standards of the day."

The public has similar comments:

". . . too much on drugs and violence.

"All the sex pictures on TV . . .

"Too much violence for children to watch."

Fully one-fourth to one-third of all the objections dealt with either sex or violence, from both the public and its leaders. The viewer perceived sensual content in advertising, in children's programs, and in adult programs, apparently in too large a dosage to be conscionable.

No, I think we must listen to William Benton:

"I can only ask, if this alleged "wasteland" is indeed what the American people want, is it *all* they want of television? . . . [I]s it all they are entitled to? . . . [A]re not . . . these dwellers of the wasteland . . . the same Americans who have taxed themselves to create a vast educational system . . . are they not the same who have established an admirable system of justice, created a network of churches . . . when they turn their TV knobs, do they not by the millions have interests broader than the entertainment which is so complacently theirs? . . . I think the American people should expect that the greatest single instrument of human communications ever developed must make its due contribution to human security and human advancement. . . . A high common denominator distinguishes our people—as well as a low one—and both denominators apply to the same men, women and youngsters. Television has crystallized into the low road." . . .

Indeed, it has. Charles Sopkin concluded his *Seven Glorious Days, Seven Fun-Filled Nights* of watching New York City's television with the observation: "[Television] *is* dreadful, make no mistake about that. If I did not convey that feeling throughout this book, then I have failed rather badly. I naively expected that the ratio would run three to one in favor of trash. It turned out to be closer to a hundred to one."

Given the great unfulfilled needs that television could serve in this country and is not, given the great evil that the evidence tends to suggest it is presently doing, one can share the judgment of the late Senator Kennedy that television's performance is, in a word, "unacceptable." The popular outrage and cries for reform are warranted. They must be heeded. If they are not, I fear for popular remedies that will be unfortunate from everyone's point of view. Responsible broadcasters know what must be done. I pray they will get on with the task. I conclude this statement with some proposals to help them do what they know is right.

3. *The myth of "news"*

News and public affairs is, by common agreement, American television's finest contribution. The men who run it are generally professional, able, honorable and hard-working. To the extent the American people know what's going on in the world much of the credit must go to the networks' news teams. It's a tough and often thankless job. Eric Sevareid has said of trying to do network news that the ultimate sensation is that of being eaten to death by ducks. These men have fought a good many battles for all of us—with network management, advertisers, government officials, and news sources generally. We are thankful. And, by and large, I think we ought to stay out of their business—with the exception, perhaps, of providing them protection from physical assault. I would not for a moment suggest that either your Commission, or mine, ought to be providing standards for what is reported as "news." At the same time, I think that neither of us need feel under compulsion to avoid any comment whatsoever on the subject. And the point of my particular observation is simple, and its explanation brief.

Whenever one begins discussing the violence quotient in televised news the broadcasting establishment (far more often than the thoughtful newsmen themselves) is apt to come out with something about the First Amendment and journalistic integrity. The suggestion is made that there is a socially desirable, professionally agreed-upon definition of "news"—known only to those who manage television stations and networks—which is automatically applied, and that any efforts to be reflective about it might contribute to the collapse of the Republic.

My view is simply that this is nonsense, and that the slightest investigation of the product of journalism will demonstrate it to be such. As Robert Kintner once wrote, "But every reporter knows that when you write the first word you make an editorial judgment." "Education" does not become news until the *New York Times* sets up a special Sunday section on it. Whether and how "television" is reported as news in *Newsweek* depends in part upon what they call the sections of the magazine—and those headings change. The same is true of "science" or "medicine." We do not get much meaningful reporting about the federal budget, the choices it represents and the processes by which they were made. We could get more simply because an editor or a newsman took an interest in the matter—as the Smothers Brothers did, in their own way, last Sunday. The "news" used to be, for whatever reason, more "all white" than it now tends to be.

These changes have not come about through government edict. They *have* been influenced by government concern and investigation—as an example, the Kerner Commission's report about the practices of the news media and race relations.

I would agree with Reuven Frank's statement in the current *TV Guide* that we benefit from living in a nation with "free journalism," whch he defines as "the system under which the reporter demands access to facts and events for no other reason than that he is who he is, and his argument is always accepted." I want the check of the news media upon government officials—including myself. But I do not believe—and he does not suggest—that free journalism need function as irresponsible journalism, completely free of check, comment or criticism from professional critics, a concerned public and responsible officials. Journalists can alter what subjects they report and how they report them—and they do. They can do this in response to a sense of professional responsibility. They often have. I ask no more; we should expect no less.

THE IMPACT OF TELEVISION PROGRAMING ON VIOLENCE

The principal thrust of my position is that television programming—commercials, entertainment, and public affairs—is one of the most important influences on all attitudes and behavior throughout our society. To the extent that television "reflects" society, it is but a reflection of an image that has earlier appeared upon its screen. This is a perspective that I believe necessary to an understanding of the impact of television upon violence. It is an understanding that prompts one to reevaluate the most appropriate mission and focus of this Commission, and those that inevitably will follow.

There is not much point in my simply repeating the evidence that has accumulated in the literature and been brought to your attention. It is, after all, the findings and assertions of the scientific community on this point—not mine—that are most relevant to your inquiry.

The Interim Report of the Dodd Committee in 1965 concluded:

"[I]t is clear that television, whose impact on the public mind is equal to or greater than that of any other medium, is a factor in molding the character, attitudes, and behavior patterns of America's young people. Further, it is the subcommittee's view that the excessive amount of televised crime, violence, and brutality can and does contribute to the development of attitudes and actions in many young people which pave the way for delinquent behavior."

This was back in the days when we investigated "juvenile delinquency." And the subcommittee bearing that name had been brought to the need to study the amount of violence in television programming as early as 1954. Subsequently, it concluded, "If the 1954 findings suggested the need for . . . a closer look at television programming as it relates to delinquency, the 1961 monitoring reports were shocking by comparison." By 1964 it concluded, "the extent to which violence and related activities are depicted on television today has not changed substantially from what it was in 1961 . . . ."

Nor have things changed much today. *The Christian Science Monitor* reported in October 1968:

"Staff members of this newspaper watched 74½ hours of evening programs during the first week of the new season, and during that time recorded 254 incidents of violence including threats, and 71 murders, killings, and suicides.

"The results were almost unchanged from a survey conducted by this newspaper last July which counted 210 incidents and 81 killings in 78½ hours of television."

One network, ABC, provided in one evening 46 incidents and 11 killings.

This included an episode from "The Avengers," which the *Monitor* described.

"A trio of *Monitor* staffers tried to keep track of the vengeful proceedings and finally agreed there were 22 violent incidents, including five methodical murders and one additional killing."

The plot involves an Army officer's revenge against six of his fellows.

"He methodically kills most of them by snake bite, gunshot, fright, and other means.

"During the morbid workings of the plot, various people are battered with a large ashtray, nearly guillotined, chloroformed, abducted, nearly buried alive, fed knockout drinks, and smashed against a tree.

"Finally, the bad fellow is killed by a steel card which hits his chest."

Another network, NBC, devoted 56 percent of its schedule to such programs, and provided throughout the week an incident of violence every 14.2 minutes, and a killing every 45 minutes. This continued level of violent incidents occurred, it should be noted, *after* the two assassinations of 1968 and while network officials were proudly proclaiming their new efforts to remove scenes of violence from the 1968–69 series shows. (A *Monitor* follow-up this week reports no decline in violence, and provides additional analysis of individual programs.)

Throughout the years network officials have been quick to promise reform, but slow to deliver. After the 1954 hearings they acknowledged the programming ought to be improved, and promised it would be. Ten years later the Dodd Committee found it was worse. A study was promised in 1954 by the NAB. It was referred to again in 1961 by CBS. It was finally produced—nine years late—in 1963, but contained little or nothing about the impact of violent programming on children. In spite of renewed promises, nothing more has been heard from the industry. Violence continues.

In spite of the industry's protestations that they do not use violence for its own sake, the Dodd investigation turned up some rather revealing memoranda to the contrary. An independent producer was asked to "inject an 'adequate' diet of violence into scripts" (overriding a sponsor's objections to excessive violence). Another network official wrote, "I like the idea of sadism." Still another was advised by memorandum: "In accordance with your request, spectacular accidents and violence scenes of the 1930–36 years have been requested from all known sources of stock footages. You will be advised as material arrives." "Give me sex and action," demanded one executive. Several shows were criticized as being "a far cry" from top management's order to deliver "broads, bosoms, and fun." A producer testified, "I was told to put sex and violence in my show." No wonder the Committee concluded that the networks "clearly pursued a deliberate policy of emphasizing sex, violence and brutality on [their] dramatic shows."

You have the scientific evidence before you regarding the relationship between violence on television and violent behavior, especially of underprivileged children. You and your staff are fully capable of evaluating it. You know of the violence content of today's television programming. You also have heard, or will, the explanations of the network officials for this behavior on their part. We can conclude, at a minimum, that the potential of television to do harm is great, and that it may be doing considerable harm. I would think we could at least share Dr. Wilbur Schramm's judgment that,

"[W]e are taking a needless chance with our children's welfare by permitting them to see such a parade of violence across our picture tubes. It is a chance we need not take. It is a danger to which we need not expose our children any more than we need expose them to tetanus, or bacteria from unpasteurized milk."

And, if you conclude that a casual relationship has been established, and is well known to the broadcasters, then I am afraid we must come closer to Dr. Peter P. Lejins' moral judgment that "[there is little] difference between the drug peddler who is seducing a juvenile into this horrible vice and the producer of a movie or a TV story which is as damaging to the spirit of the youngster." Much rests on your judgment in this regard, and I wish you well.

CENSORSHIP

We have heard a great deal from the broadcasting establishment about "censorship." Broadcasters are concerned about your inquiry. They are even more panicked at the prospect of the FCC awakening from its slumber. Unfortunately, the broadcasters' arguments are born of such a blend of Mammon and mythology as to do disservice to their own position. Because the issue is an important one, however, I should like to attempt a restatement.

The First Amendment expressly provides that "Congress shall make no law . . . abridging the freedom of speech. . . ." And Congress provided in 1934 in section 326 of the Communications Act (the Act establishing the Federal Communications Commission) that "Nothing . . . shall be understood or construed to give the Commission the power of censorship. . . ." (Although the same section went on to give the Commission authority to prohibit any "obscene, indecent, or profane language.") The commitment to freedom of speech runs deep in our history and our law. It is a commitment I personally hold with a fervor molded by years of study and a year as law clerk to Justice Hugo L. Black. As a public official, I welcome the mass media as a check upon government. And should the occasion arise when I felt the FCC was granting or withholding access to broadcasting licenses based upon the political, economic or social ideology of the licensee (or the content of his programming) I would help lead the broadcasters' parade of protest.

But I do not believe it is "censorship" for Congress to provide that a broadcast licensee must accord "equal opportunities" to all competing candidates for public office once one is allowed the use of his station (the "equal time" rule), or to require that "broadcasters . . . afford reasonable opportunity for the discussion of conflicting views on issues of public importance" (the "fairness doctrines"). Nor is it censorship for the Commission to conclude that the Congressional mandate that licensees operate in the "public interest" (Section 307) requires that they "take the necessary steps to inform themselves of the real needs and interests of the areas they serve and to provide programming which in fact constitutes a diligent effort, in good faith, to provide for those needs and interests" (as it did in its Programing Policy Statement of July 29, 1960). Nor do I believe Congress violated the constitutional prohibitions against censorship when it authorized the FCC to require stations to keep "records of programs" (Section 303(j)), or that the FCC did so when it required all broadcasters to announce publicly the source of payment for paid messages and programming (*e.g.,* 47 C.F.R. § 73.119).

The examples could be multiplied almost without end—regulation of lotteries, false and misleading advertising, and so forth. But the point has been made. There are many court decisions, statutes and government regulations that affect speech in ways designed to serve other desirable social ends that are, appropriately, not held to violate the letter or the spirit of the First Amendment. Like the young boy who cried "Wolf!" the broadcasting establishment has shouted so loud and so often that *any* statutes or regulations relating to their industry violate the First Amendment that they are not likely to be believed if, someday, a real threat does come along.

Moreover, the occasions broadcasters choose to protest government action leave one with the uncomfortable feeling that they are more concerned with profitable speech than with free speech. FCC Chairman E. William Henry pointed up the contrast most neatly in a speech to the National Association of Broadcasters in 1964. Chairman Henry had proposed hat the FCC regulate the maximum number of commercials per hour consistent with the "public interest" by adopting a Commission rule *using the industry's own standards* as enunciated in the NAB Code of Good Practice. A proposal that, from anyone else, would have provoked editorial blasts of "FCC Sellout to Broadcasters," produced for Bill Henry a legislative effort by the NAB that it still considers its finest hour. High in the saddle on its "First Amendment Free Speech" steed, the National Association of Broadcasters galloped up the Hill and produced, in record time, action by the entire House of Representatives of the United States Congress designed to prohibit, as a matter of law, the FCC doing any such thing (H.R. 8316). In relating the story later, Chairman Henry pointed out to the broadcasters that there was another issue before the FCC at the same time that really did involve the First Amendment. The licenses of the three Pacifica Foundation radio stations had been in deferred status for three years. The Foundation is financially supported by listeners' contributions and "membership" fees, and provides programming in New York City, and in Berkeley and Los Angeles, California. The programs are unique and controversial—by design. They represent subjects and points of view not heard in the somewhat blander and safer fare offered by conventional commercial stations. They create a devoted and appreciative audience. They also create an emotionally-involved group of opponents. The Commission had received complaints about the stations charging everything from obscenity to Communist leanings. And, as Chairman Henry put it, "When a regulatory agency is called upon to handle allegedly obscene Communists, it indeed has a hot potato on its hands." The case was something of a *cause celebre,* and was certainly well known throughout the industry. The Commission was slow to act on the license renewals, and the outcome was not at all clear. As it turned out, the FCC screwed up its courage and renewed the licenses. But the fact remains that there was, for a considerable period of time, an imminent danger that a broadcaster really would lose his license because of the political, economic or social ideology of his programs. "Where," asked Chairman Henry of the commercial broadcasters, were the "state association delegations . . . letters . . . lawyers and their *amicus* briefs . . . and ringing speeches"?

For, he reported "*not one commercial broadcaster felt obliged to make his views known to the Federal Communications Commission"!*

What irony that, this very month, the FCC is once again delaying the renewal of Pacifica's California stations while it investigates a complaint of an allegedly obscene record reportedly once played in the wee morning hours on the Los Angeles Pacifica station (and widely played on commercial stations throughout the country, it should be noted). For this is not a complaint filed by a listener, but one raised for the first time by the editors of *Broadcasting*—a weekly trade paper that editorializes self-righteously about the First Amendment whenever its industry's profits seem threatened.

As Bill Henry told the NAB, "when you display more interest in defending your freedom to suffocate the public with commercials than in upholding your freedom to provide provocative variety—when you cry 'censorship,' and call for faith in the founding fathers' wisdom only to protect your balance sheet . . . you tarnish the ideals enshrined in the Constitution. . . ." It is unfortunate that the broadcasting industry has so demeaned the First Amendment coin by word and deed. For all right-thinking Americans abhor censorship, want to encourage the freest possible expression of views, and want to avoid artificial barriers to their dissemination.

At least I think my own position is fairly clear. Suppose the FCC was about to order a national network to produce news film that was taken by its cameramen but not used over the air—what are called "outtakes" in the trade. I would urge my colleagues that we not do so as a matter of propriety. A small point perhaps, but I am pleased the Commission has not voted to pursue such a request. In an opinion involving the indifference to a newsman's conflict of interest by the management of another national network, I wrote, "I enthusiastically join the statements [of my colleagues of the majority] insofar as they urge that this Commission should constantly be on guard against actions of government—especially this agency—that might impede 'robust, wide-open debate' or 'aggressive news coverage and commentary.' "

I share Arthur Schlesinger, Jr.'s judgment that the people retain "a certain right of self defense" from the mass media. And if corporate arrogance and intransigence become intolerable I am prepared to reassess the issue. But in general, and for now, I would prefer occasional abuses by a responsible broadcasting industry, capable of reform, to license revocations for irresponsibility.

I think investigation and public disclosure quite useful and appropriate. But I do not believe that the FCC should revoke the license of a television station because of its coverage of a political convention, a war, a

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riot, or a government official. With all the admiration I have for Secretary Orville Freemen, I do not believe he—or I—should be able to prevent CBS's showing of "Hunger in America." I do believe that some independent expert entity should be making program evaluations, and that they should be expert, candid, hard hitting, and generally available to the American people. I do not believe the FCC should deny license renewals to network-owned stations because those networks used excessive violence in action dramas, children's cartoons, and other programming in an effort to secure greater audiences. Nor do I believe the FCC should take action against stations which show movies that large segments of the populace find objectionable—movies that have been cleared by the courts for showing in theaters. But I believe some independent entity should investigate and report the impact of radio and television entertainment programming, should criticize what the broadcasting establishment is doing, and should make its views known to the American people.

I am prepared to reevaluate my present position. But I now believe that networks do not tighten fraud procedures on game shows out of fear of the FCC; it is from the fear of adverse public opinion and the economic impact of that opinion. The same is probably true when networks attempt to control the conflicts of interest of their commentators. Broadcasters made reforms after the quiz show scandals, and the revelations concerning payola and plugola, not only of fear of Congress or the FCC but from the realization that the economic health of their industry depends upon public trust. If the public receives believable information that news is deliberately slanted, or programming has deleterious effects, I hope and believe that broadcasters will necessarily move to correct it.

This is not to say the FCC is without power to act in the area of broadcaster conduct and program content. We require stations to announce if they have received money or other consideration for the presentation of programming. A station must make available equal facilities and opportunities to opposing candidates. We have taken action against stations for sponsoring fraudulent contests over the air. The Federal Trade Commission acts against false and misleading advertising. The Communications Act prohibits obscenity, although this is a matter I believe we might be hard pressed to defend in court. We have held that licensees must make known any corporate conflicts of interest in their handling of programming matters. It is less clear whether we could take positive punitive action against a station for fraud in the presentation of news. That does not mean we should not investigate such a matter—and in public hearings. I would see nothing wrong with the FCC using its powers of compelling disclosure to insure that the public learns about fraud, corporate censorship, or falsehood in media practices that are protected by the First Amendment. The penalty would be the same as when any private figure criticizes the media: the effect of public opinion. No institution in our society should be immune from that kind of criticism.

But governmental power is not the only—or even the most important—threat to the freedom of speech of the broadcasting industry. Economic, corporate power over free speech is today, in my opinion, an even greater limitation than those feared by the drafters of the Bill of Rights. All Americans have felt the oppression of corporate censorship.

For years the tobacco and broadcasting lobbies succeeded in censoring from the airwaves virtually any discussion of the impact of cigarette smoking on cancer and heart disease. How many wives and children who are today left without a head of the household might have been spared had cigarette-smoking television viewers been told the facts?

Until recently the auto and broadcasting industries succeeded in propagandizing the view that auto safety was just a matter of "that little nut that holds the wheel"—in short, the driver's fault. The industry and the networks were able to censor from radio and television any meaningful discussion of the manufacturers' responsibility for 50,000 deaths a year from unsafe automobiles until Congressional investigations and the print media made it too embarrassing to avoid any longer.

Coal mining disasters are reported as human interest stories—after the fact. But by what reasoning can broadcasters and cable systems in coal mining states justify censoring from their coal miners' screen programs about "black lung" disease? For this is a disease that doctors say produces a form of gradual strangulation, in some degree, in virtually all of our nation's 160,000 coal miners who are exposed to coal dust without compressed air masks.

And what form of censorship produces a broadcasting industry in which only six of 7,350 radio and television stations are owned by blacks? What form of censorship stills the angry voices of Watts from the television screens of white America until the message finally bursts forth in flames of violence we have been ill-prepared to understand? Why have the blacks—struggling with concepts of "black power" and "black capitalism"—received little or no inkling from television of the tremendous potential open to them in the cooperative movement?

It was almost ten years ago that President Eisenhower warned of the power of a growing "military-industrial complex" in our land. And yet the censorship of the broadcasting establishment—many members of which are major defense contractors—has successfully down-played that issue for the American people. I do not charge abuse. But is there not a potential for censorship in turning over the reporting of one of the major issues before our country—the Vietnam War—to broadcasters who are subsidiaries of corporations that are profiting from the prolongation of that very war? How has the budget of the space program been affected by having its activities reported by corporations profiting from NASA contracts?

Concern about the impact upon our democratic form of government of the rising cost of political campaigning has come from every quarter. Yet well over half the costs are for broadcast time. The broadcasters' insistence upon ever-higher profits for "free" speech is another form of censorship—as is their occasional refusal to carry even paid informational spot announcements about local ballot propositions.

There are many forms of actual and potential censorship in broadcasting. A good many of them are self-imposed. I deplore them all. The problem is serious. But I do believe that any fair, impartial evaluation would have to conclude that your Commission and mine are not the principal threats to free speech in America today.

PROPOSALS

There have been efforts to "investigate" and "study" television and radio since their beginnings. There have been uncounted words written in books, articles and speeches about broadcasting's ills. The question, as always, is "what do we *do* about it?"

What we propose depends in great part upon what we think will alter men's behavior. My own view is that a meaningful reform must be premised upon its capacity to be carried out by self-serving men of average intelligence. To dream schemes of institutions that will only function when men are angels is futile. This is not to say that the world is not populated with a significant number of very decent guys who are willing to risk future and fortune to do "the right thing;" only that you cannot count on one of them being in all the right places at all the necessary times. Indeed, there are even some who question whether one can pass moral judgment on a man who simply finds himself carried along by the system of incentives—rewards and punishments—of his institutional environment. To some extent, that's what Fred Friendly's book, *Due to Circumstances Beyond Our Control*, is all about. It is not enough to wish that networks were being run by men who would televise Senate hearings instead of a rerun of "I Love Lucy." For such a wish requires them to refund pocketed profits to advertisers and give away for free time already sold—in an institutional environment in which their performance, their "success," is measured almost exclusively in terms of how much they can increase profits.

The history of industrial safety is illustrative. There were efforts at moral suasion throughout the Nineteenth and early Twentieth Centuries—all to little effect. The real turning point in industrial safety came when plaintiff's awards in law suits, workmen's compensation schemes, and insurance premiums, rose to a level that made it more profitable to protect human arms, legs and eyes than to continue to pay for the quantity consumed in the manufacturing process.

It is in this sense that I concluded, early in my term as an FCC Commissioner, that speeches by me about the "vast wasteland" would not have much lasting effect upon the contribution of radio and television to the quality of American life. What is needed are institutional realignments.

Let me make abundantly clear that the kind of realignments I am talking about are evolutionary rather than revolutionary. Indeed, the process of adaptation and self-renewal is, in my view, the essence of conservatism. There *are* forces of revolution and alienation abroad in our land. There are those who preach that our system cannot work, that it cannot adapt fast enough, and that our institutions must be destroyed—government, universities, corporations, and so forth.

I am not among them. I want to conserve our institutions. But I believe they can only be conserved by evolution and adaptation to changed conditions and needs. Those who practice corporate arrogance and preach the haughty disdain of legitimate demands for popular participation are the real handmaidens of revolution in this country today.

In my view, government regulation of business seeks to make the free private enterprise system work better, not to stifle it. It seeks a relationship between government and business such that legitimate public demands and needs and interests will be met by institutional adaptation within the private sector—not by nationalization. As McGeorge Bundy has said, "more effective government, at every level, is the friend and not the enemy of the strength and freedom of our economic system as a whole." The American industrial system was strengthened, not stifled, when corporations began paying a fair market price for the human beings consumed in the manufacturing process. The very purpose of the antitrust laws is to encourage competition, and establishing some ground rules for its perpetuation. The food and drug industry is made more profitable, and popularly acceptable, by laws that prohibit profiting from products that produce disease and death. Laws requiring fair employment opportunities for Americans of all races do not hamper big business—they produce more potential customers and reduce the corporate tax burden to sustain the unemployed. We can argue about the details of such proposals in this country—and we do—but I think we can all agree that what we are trying to do is make the American system work better. In the process, we also make it competitively possible for basically decent men to do the right thing. Shareholders may expect corporate officials to maximize profits, but they do not expect them to violate the law.

Let us, in this light, examine some of the proposals that have been made to alter slightly the system of institutional pressures within the broadcasting industry in ways designed to improve its total contribution to our society.

1. *Public broadcasting.* There are a number of sources of public broadcasting today: National Educational Television's programing and occasional networking service, National Educational Radio, the Public Broadcasting Laboratory's Sunday evening show, the Eastern Educational Network, the programing of now some 150 stations throughout the country, and so forth. The Public Broadcasting Corporation is just beginning. The National Foundations on the Arts and Humanities have provided some financial support already. The Ford Foundation has, of course, been by all odds the most significant source of support for public broadcasting over the years. This programing is significant in a number of ways. It is, first of all, an alternative when and where it is available. A few people listen, and watch, and are enriched. In view of the relatively small audiences, however, public broadcasting's principal value must be measured today in terms of its impact upon commercial television. This has been significant. It is a professional training ground for all of the various jobs in commercial broadcasting. It is a source of programing ideas, public affairs issues, and technical innovations. It is commercial broadcasting's graduate school, its farm club, its underground press, its research and development laboratory.

It is a $90 million tail (or, perhaps I should say, head) on the $3 billion dog of commercial broadcasting that, when it can move the animal, can have a tremendous impact upon our nation with very little investment. As McGeorge Bundy has said, "Twenty years of experience have made it very plain indeed that commercial TV alone cannot do for the American public what mixed systems—public and private—are offering to other countries, notably Great Britain and Japan." The Japanese people have chosen to fund their equivalent of our Public Broadcasting Corporation (NHK) at a proportion of their gross national product that would be equivalent to $2 billion a year in this country. They are richer for it. The United States is now on the threshold of finding out whether it can muster the national will to do as well. I think that it is crucial that the Public Broadcasting Corporation be adequately funded, and, in line with the Carnegie study, in such a manner as to be independent of the government. Such an effort would be a classic example of an institutional change that could benefit everyone affected by broadcasting far more than it costs—and harm no one.

2. *Citizen participation.* A statesman has been defined as a man who stands upright, due to equal pressure on all sides. It is, in this sense, that the Federal Communications Commission is made up of statesmen. Mr. Bundy has said of the FCC that, "its weakness is a national scandal. . ." But it is not true that the Commission just responds to pressure from the broadcasting industry. It responds to pressure from anybody. Increasingly, citizens all around the country are learning that the FCC's adversary process will only work if they will make it work. For you can only have an adversary process if you have adversaries.

The typical station's license renewal proceeding goes like this. The FCC gathers at ringside and offers to referee. At the sound of the bell the licensee jumps in the ring and begins shadow boxing. At the end of three minutes he is proclaimed the winner by the FCC majority, found to have been serving the public interest in his community, and given a three-year license renewal.

Members of the public are learning how to make this a more meaningful contest. In Seattle, a voluntary citizens-media council has brought interested parties together to improve coverage of the black community. (The general concept of local broadcasting councils has worked in other countries and might well be tried here.) Negroes in Jackson, Mississippi, along with the United Church of Christ, are challenging in court the FCC's renewal of the license of station WLBT. John Banzhaf, who established the "fairness doctrine" requirement that broadcasters inform their audiences about the harmful effects of cigarette smoking, is contesting the license renewals of stations which have not complied. Labor unions are contesting the license renewals of stations which do not fairly present labor's story. Citizens in Chicago, Seattle and Atlanta are, independently, protesting changes in the programming format of their favorite local stations from classic music to something more popular—and profitable. A number of organizations are fighting the renewal of license for a station that broadcasts a surfeit of what they consider right-wing hate programming. Other groups are protesting childrens programming, violence on television, and the absence of meaningful local service programming. (As one group of young blacks' picket signs put it, "Soul Music is Not Enough.") Needless to say, I am not expressing a view on the merits of these cases. But I believe this trend is going to continue. And I think that it is, in most cases, basically healthy for listeners and viewers to be able to participate in the Commission's proceedings. It creates the reality, as well as the illusion, that it is possible to "do something" to make our seemingly intractable institutions respond to popular will, that you can fight city hall. It removes the pressure for revolutionary action that otherwise heats up without escape like infection in a boil. Finally, it should be welcomed by the vast majority of American broadcasters who are responsible, involved with their community, and who are already making efforts to obtain more audience interest in their stations' programming.

3. *Public service time.* Businessmen who would like to perform a public service that does not maximize immediate profits often have difficulty convincing their shareholders they should do so unless their competition undertakes a similar burden. Take the safety record of commercial aviation, for example. It would be competitively difficult for a single airline to establish and follow the kind of maintenance and safety standards imposed by the FAA and CAB. There would always be a competitor who, by taking a few more risks, could cut costs, reduce rates and attract customers. By having industry-wide standards enforced by a government agency, however, everyone is competitively equal—and everyone benefits from an industry-wide reputation that builds confidence in airline transportation.

Because of the almost total absence of programming standards from the FCC, the broadcasting industry is at a substantial disadvantage. It becomes competitively difficult for a single network to put very much news and public affairs in prime time, to increase its financial commitment to public service, or to broadcast programming without commercial sponsorship—so long as the other two can continue to maximize profits. Competitive position as well as profits are involved. The FCC owes the industry—and the public—the assist that only government, with its antitrust immunity, can provide: the establishment of standards that will create for the industry the opportunity to more often do its best.

Such standards could take a number of forms. We could require that a given proportion of gross income be invested in programming. We could require that each network provide a given proportion of its prime time, each evening or each week, to public service programming; stations could have similar standards, especially for local programming. (For example, each of the three networks could be required to provide a single hour of such programming Monday through Saturday between 7:00 and 10:00 p.m. on a staggered basis. Thus, at any moment of this segment of prime time, viewers would have a choice of something other than advertiser-supported, lowest-common-denominator programming.) We could require that, for some programs, there be no commercial interruption. We could set standards for the size of the news staff, or news budget, as a proportion of gross income. Such standards could, of course, be worked out with the networks and station owners, for—as with the commercial airlines' safety record—it is the responsible, professional elements in the industry that ultimately have the most to gain from such proposals.

4. *Program diversity and ownership standards.* Many of the FCC's policies in the broadcasting field are premised upon the assumption that the more independently owned broadcasting outlets the better. That is, minority tastes will be better served, and programming quality improved, by increasing the number of sources of broadcast programming. There has never been a thorough-going effort to find out if this theory has worked out in fact, and thus each of us must judge for himself. But today's 7,350 operating radio and television stations do represent about a ten-fold increase over the number of broadcast outlets in the 1920's and 1930's. This has come about through the addition of relatively lower-power, day-time-only, local AM radio stations, the wholly new FM radio service, and television—first VHF and then UHF. Cable television—which now serves some two million homes—has the potential of bringing 20 or more television signals into the home (compared with the four or five signals in most major markets today). Additional individual choice is provided by services that do not involve broadcasting. Music can be obtained from phonograph records and audio tapes. The sale of tape recorders is up markedly, including stereo tape players for automobiles, and there is widespread taping of music from radio stations for subsequent personal use. Films have always been available, but have been expensive and difficult to operate; now the prospect of video cameras, tape recorders, and video disc and tape recordings opens up a whole new consumer market.

Diversity in broadcast programming is also affected by FCC rules regarding programming practices. In the largest 100 markets the FCC requires that jointly-owned AM-FM stations not duplicate programming more than 50% of the time. The Commission has under consideration a proposal that would limit a network's ownership interest to a maximum of 50% of the networked programming. We have put out for comments the Westinghouse proposal to limit the amount of time programming that any affiliate can take from one network. Of course, the mere joint ownership of broadcast properties in the same market decreases the likelihood of diversity in programming. And the FCC has also proposed a rule that no single owner can hold a license to more than one full-time facility in a single market—which the Justice Department believes should be expanded to take account of newspaper ownership. (The limits now are five VHF, two UHF, seven AM, and seven FM stations for a single owner. No commonly owned TV signals may overlap, nor AM nor FM, but a TV plus AM plus FM may be commonly owned in a single community.) To the extent that diversity of signals, programming, and ownership has led to greater audience choice, service to minority tastes, and improved quality, such efforts are to be encouraged.

5. *Professionalism.* Members of the radio

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and television industry like to think of themselves as members of a profession. No one would question that there are, within the industry, individuals with impressive records of academic training, and participation in programming that represents a high sense of responsibility, creativity, and technical standards. The fact remains, however, that most of the ingredients one associates with a profession are not to be found in broadcasting. There are no academic standards. There are no professional qualifying examinations. There are no moral or character standards. There are no professional associations. There is no procedure for processing public grievances addressed to one of the members. A lawyer, by contrast, must hold college and law degrees from accredited institutions. He also must be found to be academically qualified by examiners from the legal profession. He must meet character qualifications. The courts before which he appears must first "admit" him to practice—after satisfying themselves as to his qualifications. He belongs to a "bar association" which may be a requirement to practice. Grievances filed against him are evaluated by a "grievance committee" against the standards of professional "canons of ethics" and prior decisions interpreting those canons. Similar qualities are associated with doctors, dentists, engineers, architects, accountants, and so forth.

Or consider for a moment the rigors of qualifying as a third grade teacher. The applicant must have a college degree from a school of education. She must be qualified under standards established by the state for a teachers' certificate. She must meet the standards of the local school board. She must have spent some time as a "practice teacher." She may continue to take in-service training. She must meet these standards because she is going to spend time with a group of perhaps 25 children for a few hours a day for a few months out of the year. She will be giving them ideas, information, opinions, attitudes, and behavior patterns that must hold them in good stead throughout life. We don't want to trust their minds to any but the most skillful and responsible of hands. Contrast these concerns and standards, if you will, with those we associate with broadcasters, with their access to *millions* of young minds for far more hours every year. As Harry Skornia has said, "Although broadcasting is one of the most powerful forces shaping social values and behavior, broadcast staffs and management in the United States generally have no specific professional standards to meet . . ." There are exceptions. But of the NAB Code Skornia says, "A document so vaguely worded, so defensive, and so flagrantly violated, can hardly be seriously considered a real code of either ethics or practices." He believes that the mass media "should be entrusted only to professionals, who study their effects as carefully as new drug manufacturers are expected to test new drugs before putting them on the market." News is, of course, a special concern: "It must be recognized that news, like medicine or education, is too important to be entrusted to people without proper qualifications." Let me hasten to make clear that I do not urge that the FCC is the most appropriate agency to establish such professional standards, or to engage in licensing. But I do urge that the American people have the right to expect professional standards from those who instruct millions of young people Saturday morning that are at least as high as those it imposes upon the teachers who instruct a classroom of 25 on Monday morning. And I share Harry Skornia's concern that:

"In news and public affairs, particularly, the fact that there is no national academic standard prerequisite to practice, and that neither the names of the schools from which newsmen graduate, nor their diplomas or degrees—if indeed they are even considered necessary to employment—represent any definitive standard of intellectual accomplishment, morality, character qualification, or even technical skill, is disturbing if not shocking."

Such standards and procedures of professionalism, were they to be adopted, would represent another example of a modest institutional restructuring that should be fully acceptable to the responsible elements of the broadcasting industry as well as of great benefit to the public.

6. *Programming liability.* Legal liability for a monetary damage award has often proven to be an effective spur to reform. Manufacturers' concern for the safety and suitability of their products has undoubtedly been enhanced by the "product liability" standards that have been laid down by the courts. It is simply too expensive to try to run a manufacturing business with the threat of suits from injured customers. The same principle has applied to industrial safety practices. Safety procedures and equipment that once seemed "too expensive" appear much more reasonable when balanced against adequate plaintiffs' awards for injuries and death. Perhaps the networks' concern about the quality and impact of their programming could be intensified in this way, either by principles of liability found in the common law or from new legislation. I appreciate that this is a provocative suggestion, that it could sometimes raise First Amendment problems, and that proof of causation would be difficult. Nonetheless, I think it is an idea we should begin discussing.

Most products are warranted as safe for the purposes for which intended. Why not the televised product? A drug manufacturer must do sufficient experimentation to prove the efficacy and harmless nature of his product before offering it to the public. Why not the television company? Why shouldn't the broadcaster bear a measure of any tobacco manufacturer's liability to the widow of a lung cancer victim for failing to tell her husband the whole truth about the impact of cigarette smoking? Many states recognize "psychic" or emotional injury. (For example, bill collectors may be liable for harassing innocent debtors.) Why shouldn't a television network be liable for the psychic harm it does millions of young children who watch the Saturday morning "children's programs"? The television set manufacturer is legally liable for physical damage done by radiation from the set. Why should the network be free of responsibility for the psychic harm done by what it radiates from the set? To state the extreme case, suppose a psychiatrist would testify that a child's mental illness was directly traceable to a particular show watched regularly. And suppose, further, that numerous other children were affected in this way—and that the network knew the program would likely produce that result. Is legal liability out of the question? If there is not legal liability for the fate of millions, is there not at least a moral responsibility that is even greater? Legal liability has been an effective instrument of reform in the past, and is at least worth examination as a means of improving the most extreme instances of injurious programming.

7. *Public's access to television.* We are living in an age in which television has become confused in a crazy way with reality. If it's not on the tube it hasn't happened. And if you—or those with whom you can identify—are not on the tube you don't exist. Only this week a Harris poll reports that a sense of alienation is growing among many Americans—principally, it seems to me, those who are excluded from participation in television. The right to petition one's government, guaranteed in the First Amendment of the Bill of Rights, has become the need to petition one's media—usually television. That's how you change things. That's how you communicate with your fellow citizens. We've discovered that a riot is a form of communication.

Robert Conot tells us of the Watts youth who said, "All we wants is that we get our story told, and get it told right! What we do last night, maybe it wasn't right. But ain't nobody come down here and listened to us before." The Kerner Commission Report spoke of a mass media that "repeatedly, if unconsciously, reflects the biases, the paternalism, the indifference of white America." Daniel Walker quoted Yippie leader Abbie Hoffman to you: "You got a TV set? That's a jungle. . . . We get on that tube . . . we get information out, and our information is heavy, and it sticks, and it's exciting, it's alive. . . ." Among the most popular newspaper features today are the letters to the editor and "Action Line" columns. "Call-in" radio shows are riding a crest of popularity. Blacks are becoming more conscious of the fact that all but six of the 7,350 broadcasting stations in this country are owned by whites. Alienated young people, who have been shut out from access to the establishment media, are doing a thriving business (economically and aesthetically) in "underground" newspapers, films, and television.

There are a number of conclusions one can draw from observations like these. One is that we might as well face up to the fact that television *is* responsible for violence to the extent it insists upon action from those with legitimate grievances to share with their fellow citizens. People with something they must say will do whatever is necessary to be heard. What is necessary is what the gatekeepers of our television channels define as necessary.

Another conclusion is that we probably ought to be giving more thought to principles of public right of access to television. The FCC's "fairness doctrine" is, of course, designed and administered in ways which seek to serve this need in part. But it is inadequate. Professor Barron has argued in the Harvard Law Review that in order to breathe life into First Amendment freedoms today they must mean something more than the right to establish one's own multi-million-dollar TV station, network or newspaper—there must be a public "right" of access to the mass media. Television networks and stations today retain a very tight control over who uses their facilities—even to the point of requiring Xerox to set up its own "network" to show some of its more creative documentaries. The only public access comes during news programs and interview shows when, of course, the outsiders are carefully screened.

It is in part this control which has required the necessity of establishing the rather expensive duplicate facilities represented by 150 educational television stations. Corporations have made contributions to help sustain educational broadcasting. But some have also used commercial television to bring the same kind of programming to the American people—Xerox, Hallmark, AT&T, Union Carbide, to name but a few. It is the means chosen by the National Geographic Society. If we are to limit the surfeit of advertiser-supported, network entertainment programming during prime-time, perhaps we should consider a rule making a proportion of this time available for non-commercial programming of an educational, scientific, or cultural nature paid for by foundations or similar institutions. Such time would then be available to them as a matter of right, rather than as a matter of sufferance from the networks. The FCC has recently proposed a similar principle with regard to cable television systems—that extra channels be made available on a common carrier basis for lease to those who wish to distribute programming, the costs for which may be relatively low.

8. *Citizens Commission on Broadcasting.*

Twenty-two years ago, with the leadership of Robert M. Hutchins and the funding of Henry R. Luce, the "Commission on the Freedom of the Press" took a look at our mass media at that time and recommended "the establishment of a new and independent agency to appraise and report annually upon the performance of the press."

Earlier this year the National Advisory Commission on Civil Disorders (the Kerner Commission) recommended, among other things, the establishment of an "Institute of Urban Communication on a private, non-profit basis" with the responsibility to "review press and television coverage of riot and racial news and publicly award praise and blame."

In between, similar suggestions have come from such distinguished citizens and students of the mass media as Professor Harold Lasswell, former Senator William Benton (who proposed a National Citizens Advisory Board for Radio and Television to the Senate, along with Senators John W. Bricker, Leverett Saltonstall, and Lester C. Hunt in 1951), Jack Gould of *The New York Times*, Harry S. Ashmore (now of the Center for the Study of Democratic Institutions), and Professor William Rivers of the Institute of Communication Research at Stanford. Representative Oren Harris, when Chairman of the House Committee on Interstate and Foreign Commerce, proposed a similar idea—as did CBS President Frank Stanton (although his proposal was for industry funding). Dr. Otto Larson, who testified before you, called for an "institute" to conduct "continuing, systematic, objective comparative surveillance of mass media contents. . . ." Tom Hoving's National Citizens Committee for Broadcasting could develop in this direction. (Even former FCC Commissioner Loevinger has recently urged the industry to establish its own "American Broadcasting Council on Fairness and Accuracy in Reporting.")

What form should such a citizen's commission or institute take? Others have spoken to the details and I will not attempt to repeat all of the proposals here. A few general characteristics, however, seem to run throughout.

Although there may be some appropriate ways to funnel some federal or industry funds to such an institute, I believe that most proponents would agree that the organization ought to be completely free from any suggestion of government or industry influence. It may already be impossible, in this day and age, to isolate any institution from the overpowering political pressures of Big Television. But the institute should, at least, not draw its membership or employees from either government or broadcasting.

Funding should come from foundation and other private sources and would probably have to be in the $1 to $10 million a year range. There is a certain "critical mass" of individuals necessary to undertake an effort of this kind in terms of the quality and range of professionals, and sheer quantity of work involved. This is somewhere between 50 and 200 professional people. To the extent projects are contracted out to others, or training programs are undertaken, that would, of course, require additional funding. Federal funding might be possible through the National Science Foundation, the National Institutes of Health and of Mental Health, the National Foundations on the Arts and Humanities, the Public Broadcasting Corporation, or the Department of Health, Education and Welfare. But I would assume that government and industry funding combined should not exceed, say, 30 percent of the annual operating budget and that it would be far more desirable, if possible, to do without it altogether.

What would such a Citizens Commission or Institute do? There would be, of course, a wide range of potential activities that would evolve with the interests of the participants. But the following may be illustrative.

1. The Analysis and Evaluation of Broadcasting Standards.

The processes and substance of voluntary standards, both internal and industry-wide, could be subjected to intense, continuing Institute scrutiny. The Institute might be expected to give priority to evaluation of such standards as those providing for limitations on violence in entertainment programming, standards for avoiding minority stereotyping in entertainment programming, codes of conduct during and for the treatment of social disorders, and standards for the classification of program materials designed to afford parents the opportunity to select appropriate viewing material for their children. This task could be limited to pre-existing codes and standards, or could undertake the development of new criteria (without, of course, enforcement powers).

2. The Creation and Evaluation of Programming Standards.

The Institute could particularize standards of public interest programming. We presently have very little in the way of "social indicators" for evaluating broadcast programming and its impact. For example, the Institute could develop guidelines for identifying those social, economic or political issues which merit surveillance by the media, as well as guidelines for the quantity and quality of time to be given significant controversial public issues. The Institute could serve an important need by developing recommended minimum standards for the staffing and equipping of broadcast media news bureaus and editorial departments.

3. The Monitoring and Evaluation of Broadcasting.

In monitoring the media, the Institute could determine the degree of adherence to standards, as well as measuring the extent to which broadcasters meet the commitments to provide specified amounts of public interest programming which they have made in their license applications to the FCC. The monitoring function might also include the conduct of Institute-directed audience surveys in order to check upon the accuracy, integrity and relevance of the broadcast rating services.

4. The Evaluation of Media Grievance Machinery.

The Institute might well contribute to the development of workable procedures to ensure access to the media for significant dissident groups. The responsiveness of the media to complaints and requests for the opportunity to present alternative views on public issues could be monitored and evaluated by the Institute. To the extent that the industry undertakes to develop professional grievance machinery, such as Broadcasting Councils, the Institute could contribute to their development and effectiveness by evaluating the industry's responsiveness.

5. Analysis of the Economic Structure of the Media.

The impact of economic concentration or other ownership patterns in the media should be an intensive, continuing concern of the Institute. The Institute can also perform a valuable service by focusing public attention on the effect of advertising in determining program selection and content.

6. Analysis of Media Employment Practices.

As the Kerner Commission and others have observed, the quality of reporting on minority group problems is directly related to the extent to which Negro and other minority group members are employed in substantive broadcasting capacities. The Institute could monitor practices and trends in employment.

7. The Evaluation of the Effectiveness of Government Agencies Charged with Media Related Responsibilities.

Many of the current deficiencies in media performance can be traced in part to the lack of vigor with which such agencies as the FCC have carried out their present responsibilities. The fact that the FCC has never revoked a license for the failure of the licensee to undertake adequate public service broadcasting suggests that the "public interest" standard—so vigorously articulated—has been less than rigorously implemented. The sporadic attention paid to mergers affecting the media gives little confidence that a diversity of editorial comment will continue to exist in even our major cities.

8. Development of Standards and Programs for Improving Community-Broadcaster Relations.

In the view of the Kerner Commission, "the Institute could undertake the task of stimulating community action," and "could serve as a clearing house for an exchange of experiences in this field [police-press relations]."

9. The Provision of Training in Areas of Critical Social Significance.

The Institute could be authorized to conduct or to fund programs for the training of Negro and other minority group journalists, as well as for the training of non-minority group members in techniques for reporting on minorities and on social, economic and environmental problems generally.

10. Research Contracts, and the Stimulation of Public Interest Programming Through Grants and Awards.

The Institute's impact should not be limited to the negative sanctions of critical evaluation and condemnation. To the extent that its resources permit, the Institute could engage in affirmative programs to stimulate public interest programming through grants. Such grants may be particularly appropriate for local media projects which may lie beyond the resources of local commercial broadcasters to perform without financial assistance. Such grants would complement the programs contemplated for the Public Brodcasting Corporation to aid non-profit broadcasters. In addition, the Institute might appropriately develop a program of awards for outstanding public interest programming—awards which could be designed to maximize the competition for prestige which is evidently a strong motivating force within some segments of the industry. The grant programs undertaken by the Institute might include funding of an urban affairs news service, as suggested by the Kerner Commission, to focus on social issues which are of limited interest to the major networks and wire services.

Now, what powers should an Institute have to carry out such a formidable array of functions? Certain minimal powers seem apparent.

(1) Authority to Publicize its Findings and Conclusions.

The Institute would be expected to seek the widest possible dissemination of its statements and reports. While the Institute should be authorized, if the occasion necessitates, to purchase media time or space for the publication of its findings, the media would normally be expected to provide adequate coverage for Institute releases.

(2) Authority to Request Data and Reports through Government Agencies.

The Institute should be able to obtain, through FCC processes, broadcast information which it deems relevant to its tasks, but which it cannot obtain voluntarily. Similarly, the Institute should have access to relevant economic data. The Institute could cooperate with the Equal Employment Opportunities Commission in obtaining information on hiring and task assignment practices.

(3) Authority to Appear as Advocate for the Public Interest.

While the Institute would have no regulatory authority, it is essential that its findings be widely circulated—not only through publicity, but also through advocacy in all appropriate forums. Thus the Institute should be authorized to appear before the FCC to speak on standards-setting, licensing, and other issues relevant to its purpose; to appear before antitrust agencies to comment on the impact of economic concentration of media performance; to appear before Fair Employment Practices Commissions and the Equal Employment Opportunities Commission to discuss issues relating to the employment of minorities in substantive roles; and to appear before Congress to testify on proposed legislation and related inquiries.

(4) Annual Report.

Finally, to provide a check on its own activities, as well as a formalized occasion for evaluation of the overall performance and trends within broadcasting, the Institute should annually prepare and to present to the public—and the President, and the Congress—a comprehensive report detailing its activities and rendering its judgment.

I am hopeful that this idea, which has appealed to so many distinguished Americans, will appeal to you as well—as it does to me—and that you will include it in your recommendations. I am also hopeful that the recommendation will be acted upon by foundations, universities, and public groups.

The American people are calling for some meaningful response to the corporate arrogance that posts a high wood fence around the television business with "Keep Out!" written on one side and "First Amendment" on the other. As Arthur Schlesinger, Jr., has observed in his book on *Violence:*

"No rational person wants to reestablish a reign of censorship or mobilize new Legions of Decency. . . . Yet society retains a certain right of self-defense."

We do retain a right of self-defense. The people are looking to you to exercise it. One useful way in which you could do so would be to recommend the creation of a non-governmental, non-industry Citizens Commission on Broadcasting.

TAX TREATMENT OF THE OIL INDUSTRY

Mr. McINTYRE. Mr. President, last week our Finance Committee began hearings on the House-passed tax reform bill. One of the most important aspects of its deliberations over the next several weeks will be its review of the tax treatment afforded the oil industry.

To many people, and with good justification, the tax treatment of the oil industry is the most notorious of the many loopholes now in our tax laws. And elimination of the oil depletion allowance is synonymous with tax reform.

Yet few people really know just how blatant the tax dodging of domestic oil companies really is, and it is difficult to get accurate figures to prove one's point. For this reason, I was deeply gratified to receive from one of my constituents last week a copy of the July 14 edition of U.S. Oil Week. This edition contained a table which sets forth in detail the tax burden of all our major oil companies. It shows that some have virtually no tax burden whatsoever and that the average company paid only 7.7 percent of its pretax income in taxes.

Also contained in this edition of U.S. Oil Week is a "Handy Guide to Oil Tax Arguments," which sets forth and then explodes the specious arguments now being offered by lobbyists for oil industry as justifications for continuing its present tax status.

Mr. President, I ask unanimous consent to insert both the tax tables and the arguments guide in the RECORD so that they may be available to all Members who wish to participate in this important tax debate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJORS PAID 7.7-PERCENT TAX

Major oil companies last year paid 7.7% of their net income before taxes as federal income tax.

The figure drops from 8.3% a year earlier, according to a *U.S. Oil Week* survey of Securities and Exchange Commission records.

Major oil companies lump federal, state and foreign income taxes together in their annual reports.

Thus it's not possible to tell in most cases what the true federal income tax of a company is.

The survey shows Atlantic Richfield paid federal income tax last year for the first time at least since 1962 despite substantial profits.

But Sinclair not only didn't have to pay any income tax, it won a $2.7 million credit despite a $101 million profit before taxes.

Now that Atlantic has acquired Sinclair it could use Sinclair's credit to get back most of the $2.9 million it paid Uncle Sam.

Or it could hold the credit to apply against possible federal tax liability in the years to come.

Together Atlantic and Sinclair netted $341,537,000 while gathering a federal tax liability of about $200,000.

Atlantic's tax-free status in previous years has become a national controversy with several mentions of the fact in congressional debate.

A big improvement in federal income tax was logged by Gulf, cutting its tax rate from 7.8% to less than 1%.

Lowest percentage rates belong to the big international companies who are able to apply their royalties abroad (often called income taxes) against federal tax liabilities.

Tax rates paid in 1968 by majors were: Standard (N. J.), 10.1; Texaco, 2.3; Mobil, 3.3; Standard (Calif.), 2.9; Standard (Ind.), 18.9; Shell, 16.3; Conoco, 3.3; Sun, 19.4; Phillips, 17.7; Union, 3.6; Getty, 6.0; Standard (Ohio), 33.5; Ashland, 33.2; Marathon, 2.8; Cities Service, 9.1. The table follows:

FEDERAL TAXES OF LARGEST REFINERS

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Standard (N.J.):						
1962	$1,271,903,000	$8,000,000	0.6	$423,000,000	33	$840,903,000
1963	1,584,469,000	69,000,000	4.3	496,000,000	31	1,019,469,000
1964	1,628,555,000	29,000,000	1.7	549,000,000	33	1,050,555,000
1965	1,679,675,000	82,000,000	4.9	562,000,000	33	1,035,675,000
1966	1,830,944,000	116,000,000	6.3	624,000,000	34	1,090,944,000
1967	2,061,000,000	166,000,000	8.1	700,000,000	34	1,195,028,000
1968	2,313,587,000	233,999,000	10.1	802,907,000	34	1,276,681,000
Texaco:						
1962	546,371,000	13,000,000	2.3	51,700,000	9	481,671,000
1963	615,768,000	10,250,000	1.6	58,850,000	12	545,668,000
1964	660,761,000	5,500,000	0.8	77,900,000	11	577,361,000
1965	726,198,000	10,000,000	1.3	79,500,000	11	636,698,000
1966	845,466,000	32,500,000	3.8	103,100,000	12	709,866,000
1967	892,986,000	17,500,000	1.9	121,100,000	13.5	754,386,000
1968	1,019,930,000	23,800,000	2.3	160,600,000	15.7	835,530,000
Gulf:						
1962	488,351,000	19,389,000	3.9	128,871,000	26	340,091,000
1963	540,065,000	30,870,000	5.7	137,842,000	25	371,353,000
1964	607,343,000	52,443,000	8.6	159,782,000	26	395,118,000
1965	655,727,000	53,559,000	8.1	174,935,000	26	427,233,000
1966	813,868,000	90,008,000	11.0	219,098,000	26.9	504,762,000
1967	955,968,000	74,142,000	7.8	303,539,000	31.8	578,287,000
1968	977,321,000	8,005,000	0.81	342,997,000	35.1	626,319,000
Mobil:						
1962	379,339,000	8,300,000	2.1	128,700,000	33	242,339,000
1963	437,352,000	23,000,000	5.2	142,500,000	32	271,852,000
1964	464,660,000	27,700,000	5.9	142,800,000	30	294,160,000
1965	508,016,000	33,900,000	6.6	154,000,000	30	320,116,000
1966	555,412,000	23,200,000	4.4	176,100,000	31.7	356,112,000
1967	594,593,000	26,900,000	4.5	182,300,000	30.7	385,393,000
1968	673,739,000	22,000,000	3.3	223,500,000	33.2	428,239,000
Standard (Calif.):						
1962	348,181,000	5,800,000	1.6	28,600,000	8	313,781,000
1963	356,568,000	2,900,000	0.8	31,600,000	8	322,068,000
1964	448,053,000	14,100,000	3.1	125,837,000	28.1	308,116,000
1965	507,341,000	12,500,000	2.5	142,941,000	28.2	351,900,000
1966	564,256,000	27,300,000	4.8	151,019,000	26.8	385,937,000
1967	791,962,000	12,900,000	1.6	369,669,000	46.7	409,393,000
1968	569,431,000	16,700,000	2.9	100,900,000	17.7	451,831,000
Standard (Ind.):						
1962	$168,843,000	$3,105,000	1.8	$3,381,000	2	$162,420,000
1963	208,022,000	22,182,000	10.6	2,748,000	1	183,092,000
1964	204,817,000	8,486,000	4.1	1,480,000	0.7	194,851,000
1965	263,098,000	39,578,000	15.0	4,248,000	2	219,272,000
1966	300,531,000			49,672,000		255,869,000
1967	366,847,000	74,021,000	20.2	10,576,000	2.9	282,250,000
1968	395,064,000	74,678,000	18.9	10,892,000	2.8	309,494,000
Sh :						
1962	173,555,000	7,200,000	4.1	8,680,000	5	157,675,000
1963	211,575,000	19,100,000	9.0	12,623,000	5	179,852,000
1964	213,575,000	2,800,000	1.3	12,585,000	5	198,190,000
1965	274,507,000	26,600,000	9.6	13,876,000	5	234,031,000
1966	313,085,000	46,100,000	14.7	11,785,000	3.7	255,200,000
1967	342,022,000	44,940,000	13.1	12,333,000	3.6	284,849,000
1968	387,767,000	63,378,000	16.3	12,298,000	3.2	312,091,000
Conoco:[1]						
1962	73,477,000	1,065,000	1.4	3,335,000	5	69,077,000
1963	99,665,000	9,143,000	9.2	3,157,000	3	87,365,000
1964	204,184,000	235,000	.1	103,840,000	50.9	100,109,000
1965	201,914,000	4,670,000	2.3	101,093,000	50.1	96,151,000
1966	290,924,000	11,669,000	4.0	122,339,000	42.1	156,916,000
1967	280,584,000	7,649,000	2.7	123,973,000	44.2	148,962,000
1968	290,357,000	9,721,000	3.3	130,594,000	45.0	150,042,000
Atlantic:						
1962	61,110,000	0	0	14,844,000	24	46,266,000
1963	56,747,000	0	0	12,734,000	22	44,013,000
1964	61,081,000	0	0	14,005,000	22	47,076,000
1965	105,299,000	0	0	15,188,000	14	90,111,000
1966	127,384,000			13,900,000	12.7	113,484,000
1967	145,259,000			15,254,000	10.5	130,005,000
1968	240,272,000	2,999,000	1.2	37,713,000	15.7	199,560,000
Sun:						
1962	66,395,000	200,000cr	0	13,400,000	20	53,195,000
1963	79,976,000	1,300,000	1.9	17,460,000	22	61,216,000
1964	88,577,000	2,400,000	2.7	17,670,000	20	68,507,000
1965	113,405,000	10,300,000	9.0	18,220,000	16	84,835,000
1966	131,544,000	16,600,000	12.6	14,370,000	10.9	100,574,000
1967	146,946,000	24,700,000	16.8	13,670,000	9.3	108,576,000
1968	227,790,000	44,290,000	19.4	19,070,000	8.4	164,430,000

Footnotes at end of table.

FEDERAL TAXES OF LARGEST REFINERS—Continued

	Net income before tax	Federal tax	Percent	Foreign, some States' tax	Percent	Profit after tax
Phillips:						
1962	$158,320,000	$48,000,000	30.3	$3,365,000	2	$106,955,000
1963	160,954,000	52,000,000	26.2	3,491,000	2	105,463,000
1964	152,197,000	32,229,000	22.2	4,950,000	3	115,018,000
1965	165,876,000	31,745,000	19.1	6,415,000	4	127,716,000
1966	218,382,000	59,163,000	27.0	7,595,000	3.4	151,624,000
1967	227,766,000	52,255,000	22.9	11,496,000	5.0	164,015,000
1968	184,560,000	32,584,000	17.7	15,174,000	8.2	136,802,000
Union:						
1962	59,421,000	8,000,000	13.5	5,500,000	9	45,921,000
1963	73,028,000	13,100,000	17.7	6,000,000	8	53,928,000
1964	87,564,000	13,300,000	15.2	7,200,000	8	67,064,000
1965	119,214,000	15,604,000	13.2	8,840,000	7	94,770,000
1966	170,782,000	18,398,000	10.7	10,144,000	5.9	142,240,000
1967	163,820,000	10,400,000	6.3	8,457,000	5.2	144,963,000
1968	164,232,000	5,955,000	3.6	7,045,000	4.3	151,232,000
Marathon:[2]						
1962	36,064,000	2,200,000cr	0	205,000	.5	37,889,000
1963	50,058,000	**	0	933,000	2	49,125,000
1964	63,220,000	**	0	2,844,000	4	60,376,000
1965	97,416,000	**	0	37,345,000	38	60,071,000
1966	130,927,000	2,400,000	1.8	59,700,000	45.9	68,826,000
1967	138,520,000	3,700,000	2.7	60,962,000	44.0	73,858,000
1968	155,335,000	4,350,000	2.8	67,659,000	43.6	83,326,000
Cities Service:						
1962	84,143,000	20,773,000	24.7	3,185,000	3	60,185,000
1963	101,976,000	20,188,000	21.4	4,283,000	4	77,505,000
1964	105,299,000	19,819,000	18.9	967,000	.9	84,513,000
1965	137,068,000	31,973,000	23.3	977,000	.7	104,118,000
1966	194,456,000	51,760,000	26.7	902,000	.4	141,794,000
1967	165,289,000	32,347,000	19.6	5,105,000	3.1	127,837,000
1968	138,613,000	12,683,000	9.1	4,594,000	3.3	121,336,000
Standard (Ohio):						
1962	37,235,000	9,275,000	25.0	3,738,000	10	24,222,000
1963	54,008,000	15,225,000	28.1	4,896,000	9	33,887,000
1964	70,252,000	21,150,000	30.2	5,334,000	7	43,768,000
1965	82,848,000	26,300,000	31.7	6,386,000	8.3	49,712,000
1966	84,481,000	21,200,000	25.0	6,345,000	7.5	56,936,000
1967	101,496,000	29,200,000	28.8	8,412,000	8.3	63,884,000
1968	113,571,000	38,100,000	33.5	5,394,000	4.7	70,077,000
Getty:[3]						
1967	132,762,000	3,687,000	2.8	10,909,000	8.2	118,166,000
1968	112,798,000	6,712,000	6.0	7,836,000	6.9	98,250,000
Sinclair:						
1962	57,936,000			10,586,000	18	47,350,000
1963	85,731,000	1,200,000cr	0	10,201,000	12	75,230,000
1964	66,444,000	3,119,000cr	0	10,827,000	15	58,736,000
Sinclair—Continued						
1965	$96,072,000	$4,100,000	4.4	$15,299,000	15.9	$76,673,000
1966	123,232,000	13,996,000	11.3	14,892,000	12	94,344,000
1967	130,017,000	10,585,000	8.1	24,060,000	18.5	95,372,000
1968	101,265,000	2,747,000cr	0	27,429,000	27.1	76,583,000
Tidewater:						
1962	35,191,000	228,000	0.6	2,387,000	6	32,576,000
1963	42,795,000	63,000cr	0	3,384,000	8	39,474,000
1964	40,508,000	377,000	13.7	4,426,000	11	35,705,000
1965	60,397,000	58,000	0.9	3,783,000	6	56,556,000
1966	80,542,000	3,350,000	4.1	5,301,000	6.5	71,891,000
Ashland:						
1962	24,324,000	6,201,000	25.8	3,799,000	11	15,324,000
1963	28,769,000	10,556,000	37.7	104,000	.3	18,109,000
1964	36,385,000	9,672,000	26.8	2,977,000	8	23,735,000
1965	50,594,000	15,500,000	30.6	2,440,000	5	31,594,000
1966	69,324,000	20,830,000	30.0	5,570,000	8	42,924,000
1967	72,212,000	23,718,000	32.8	3,952,000	5.5	44,542,000
1968	79,115,000	26,251,000	33.2	4,524,000	5.7	48,340,000
Sunray DX:						
1962	41,203,000	3,850,000	9.3	1,152,000	3	36,201,000
1963	48,223,000	4,321,000	8.9	1,374,000	2.9	42,528,000
1964	34,716,000	2,407,000cr	0	1,330,000	3.9	35,793,000
1965	41,445,000	980,000	2.3	1,597,000	3.9	38,868,000
1966	57,372,000	10,025,000	14.9	1,754,000	3.0	45,593,000
1967	74,526,000	17,672,000	23.7	2,390,000	3.2	54,464,000
Skelly:						
1962	22,674,000	1,260,000	5.7	250,000	1	21,164,000
1963	27,479,000	3,025,000	7.7	275,000	4	24,179,000
1964	26,601,000	785,000	1.2	275,000	2	25,551,000
1965	39,995,000	5,625,000	14.0	375,000	.9	33,995,000
1966	42,762,000	5,300,000	12.3	[4]500,000	1.1	36,962,000
Pure:						
1962	27,680,000	2,546,000cr	0	1,276,000	4	28,950,000
1963	28,582,000	1,212,000cr	0	27,000	.01	29,767,000
1964	32,282,000	600,000cr	0	164,000	.5	31,518,000
Richfield:						
1962	36,615,000	6,000,000	16.6	0	0	30,615,000
1963	29,767,000	1,300,000	4.4	773,000	3	27,894,000
1964	26,255,000	629,000cr	0	5,249,000	21	21,455,000
Total:						
1962	4,198,331,000	169,492,000	4.0	838,954,000	19.9	3,194,770,000
1963	4,921,577,000	304,985,000	6.2	951,255,000	19.3	3,663,037,000
1964	5,322,329,000	233,241,000	4.4	1,251,442,000	23.5	3,837,646,000
1965	5,926,105,000	404,992,000	6.8	1,349,458,000	22.8	4,171,655,000
1966	6,945,674,000	569,799,000	8.2	1,598,086,000	23.0	4,777,789,000
1967	7,543,997,000	622,393,000	8.3	1,926,907,000	25.5	5,617,090,000
1968	8,144,747,000	623,458,000	7.7	1,981,126,000	24.3	5,540,163,000

[1] Conoco's Federal income tax figure includes a reduction due to benefits arising from consolidation. Foreign and State taxes include Federal and State gasoline and oil excise taxes because the firm's financial statement gave no clear-cut breakdown.

[2] Marathon Oil's 10K filing with the SEC doesn't reveal how much Federal income tax Marathon paid in years prior to 1966.

[3] Getty income for 1967 includes companies previously listed as Tidewater and Skelly.

[4] State income tax.

CUTTING THROUGH THE FOG—HANDY GUIDE TO OIL TAX ARGUMENTS

As the oil tax debate heats up in the U.S. Senate proponents of special favors for large refiners are circulating their arguments to the public and Congress.

Below are the most commonly heard arguments and *U.S. Oil Week's* views of them.

OIL PAYS MORE TAXES THAN MOST BUSINESS

This gem—voiced by API President Frank Ikard and others—was "documented" recently by the oil producer who heads the Senate's tax writing committee, Russell Long (D., La.).

Long said the top 19 oil companies pay 42.9% of their net income in taxes.

A staff study done for Long by committee staff shows the low federal taxes reported originally by *U.S. Oil Week* (Aug. 5, 1968).

The Long figure shows 8.8% of net income was paid as federal income tax.

But then Long adds in all kinds of local taxes on production, severance taxes and property taxes.

Some defenders of tax avoidance even add in excise taxes.

But if you add to the average man's federal income tax burden all other taxes he pays the figure would be well above the typical 18% to 20%.

Sen. Wm. Proxmire (D., Wis.) countered Long's claim by noting that some oil companies—even with all of the local taxes thrown in—pay less "than most industries pay in federal income tax alone."

Proxmire chose Atlantic Richfield as a horrible example noting that in 1967 it paid no federal income tax (on its $138.5 million profit), 8.6% as state and foreign taxes and 18.5% as severance, production and property taxes.

"Compare this 27% with the 40% borne by the average manufacturing company," Proxmire said.

As for excises, the public pays the tax on gasoline, not the refiner.

Refiners only collect the taxes.

An even more preposterous figure was put together by Price Waterhouse & Co., the accounting firm, showing 21 oil companies in 1967 paid 64% of their "adjusted" gross income in direct taxes.

The "study" was made for the Mid-Continent Oil & Gas Assn. and given to the House Ways & Means Committee to help it decide about oil taxes.

The industry generated more than $17 billion in taxes here and abroad, the accountants tabulated, including $7.5 billion in motor fuel and other excises.

Price Waterhouse took tax information from the top 21 companies.

To beef up the tax percentage, the accountants threw in not only severance, property and production but even payroll taxes, customs duties and ad valorem taxes.

Then majors can say:

"We pay 64% of our income in direct taxes."

A letter from Midco to Congress urges tax writers to dismiss earlier tax figures put in the Congressional Record (from U.S. Oil Week) as misleading.

The trick word was "adjusted" income.

By adjusting the income, federal taxes rose to 19% from the 8.8% in Sen. Long's study.

Midco noted that a federal tax credit is only allowed for the income taxes on profits made abroad.

Foreign income taxes—allegedly omitting all royalties—came to $1.6 billion in 1967.

But what's a tax and what's a royalty is often debatable.

Out-and-out royalties to foreign governments exceeded $500 million, Midco said.

The foreign taxes are offset against federal income tax payments as a credit.

The investment tax credit lowered federal income tax of the 21 firms by only $141 million compared with $1.6 billion for foreign tax credits.

THE INDUSTRY STANDS FIRM AGAINST CHANGE

Independent producers, with their own grievances against major companies, have been moving away from defense of depletion allowance for exploration abroad.

The battle broke wide open in June at the Independent Petroleum Assn. of America's convention.

Earlier the Texas independents (TIPRO) approved a committee report noting that the attack on foreign depletion and foreign tax credits was the major companies' headache.

TIPRO took no stand on tax incentives for overseas and tried to win IPAA to that stand, but failed.

Wallace Wilson, a leading Chicago banker, told IPAA a cut in depletion isn't the worst thing that could happen.

Ending the right to write off the intangible costs of drilling would be a hard blow to independent producers, he added.

OIL TAX FAVORS HELP FIND MORE OIL

This argument, originally the strongest argument for lower taxes on oil has weakened in recent years.

"The industry isn't drilling as hard as its resources, equipment and know-how permit," cautioned the Oil & Gas Journal.

"As a result, it is not finding the oil and gas needed to meet skyrocketing demand . . . Unless the petroleum industry steps up its exploration effort and has some new reserves to show, its defenders may be clobbered in their future battles with critics," the Journal added.

If U.S. producers are favored with tax incentives and protection from market competition by the imports wall and state controls, why aren't they looking?

In 1968 there were 26,500 fewer wells drilled than in 1956.

The tax system actually encourages exploration abroad by granting the depletion allowance for searching overseas.

If China allowed foreign oil firms to explore, a company could get depletion for adding to China's oil supplies.

Foreign royalties may be treated as tax credits.

That really draws oil money abroad.

All of the easy-to-find oil has been located in the continental U.S.

Drillers have to look deeper and it costs a lot more to drill at home especially when you have to go deeper down.

That oil tax benefits haven't worked was shown in a Treasury Department study that showed that additional marginal production brought on by domestic oil tax provisions have produced about $150 million a year more oil at a loss to the Treasury of $1.6 billion in revenue.

"In effect," Sen. Proxmire said, "we're paying $10 for every $1 in additional oil reserves."

If the depletion allowance were completely eliminated our 12 year supply would probably be cut to an 11-year level, Treasury forecast.

OIL IS A WASTING ASSET

Every time a barrel is pumped out of the ground the producers capital is depleted.

Every year a man works his working life is cut by a year, Rep. Richard Fulton (D., Tenn.) told the House.

By that reasoning we should all get a depletion allowance.

Actually the wasting asset argument can support a claim for cost depletion, the amount actually taken out of the ground.

But allowing producers a fixed percentage rate of 27.5% allows depleting the same asset 19 times over, according to an Internal Revenue Service study.

MARKETERS SHOULD HELP DEFEND THE PRODUCTION TAX FAVORS

Since the goodies are in production rather than marketing, profits are pushed back to the propped up crude oil price.

Equitable taxation—on a par with other industries and small businessmen—would encourage constructive marketing practices, many marketers believe.

Other marketers—who have substantial stock holdings in major companies—favor the refiner's viewpoint.

But did they get the stock in return for the sale of their company?

Incentives are needed *to draw the vast capital needed to find new reserves.*

This argument is advanced by banks specializing in loans to oil companies such as New York's Chase Manhattan.

But where is all the investment going today?

If present tax policy is drawing exploration money abroad leaving the system untouched won't help gather a lot of capital.

Some economists argue that the industry is actually overcapitalized now because of the attraction of the tax gimmicks.

Without the gimmicks investment would decline and return on investment before taxes would be improved.

NATIONAL SECURITY WOULD SUFFER

How does it help the nation's security for the biggest taxpayers to skip taxes or pay practically nothing?

Federal tax figures show tax advantages are given mostly to the big internationals, Texaco, California and Jersey Standard, Gulf, Mobil and smaller internationals, Marathon and Getty.

Much higher taxes are paid by domestic firms, Phillips, Ohio Standard, Sunray, Ashland, Indiana Standard.

HIKING OIL TAXES WILL RAISE GASOLINE AND FUEL OIL PRICES

Indiana Standard makes a bigger profit than Shell, but Standard pays 20% federal income tax and Shell paid 13%.

They often sell for the same price to their stations where they compete.

Texaco paid 1.9% of its net income in 1967 while Ashland Oil & Refining paid 32.8% yet they both sell at about the same price and make money.

In fact Sen. Proxmire has accused Texaco of hiking prices in February because of the tax situation so it can pay itself a higher price for crude oil and lower its federal taxes.

Prices are determined by competition or the lack of it, not taxes.

The reserve supply of saturated fat collecting in some of the larger firms shows a vast source to fall back on.

As Rep. Charles Vanik (D., O.) pointed out to the House that Atlantic reported income before taxes of $377,942,000 in 1965–67 yet paid no federal income taxes at all.

California Standard earned a half billion in 1967 but only paid 1.2% as federal income tax.

That's a lot of fat.

Of course refiners could use a tax increase as an excuse to hike product prices.

They wisely avoided that point when the surtax was imposed (except for Ohio Standard which pays a higher tax than competitors).

Of course a 10% surtax on little or no taxes isn't much to complain about.

PERCENTAGE DEPLETION HAS BEEN ON THE BOOKS FOR 43 YEARS

That's no argument.

Sin's been around even longer than that.

NEW TAX BOON FOR MAJORS

The Internal Revenue Service last month ruled that the social security tax paid by U.S. companies under the Venezuelan retirement program *is an income tax.* Thus U.S. firms can deduct the amount from its U.S. federal tax payment. If IRS had ruled the other way, the majors operating there would have to treat the social security payments as a cost of doing business.

A HISTORIC FIRST—THE METS AT THE TOP

Mr. GOODELL. Mr. President, on Thursday, September 11, 1969, the New York Mets, in the eighth year of their youth, finally achieved what many thought quite impossible—they reached the lofty pinnacle of first place in the National League's eastern division.

As a tribute to this remarkable accomplishment, I issued the following statement, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A HISTORIC FIRST—THE METS AT THE TOP

What shall we say to our brethren in Chicago for their beloved Cubs have fallen upon hard times.

One is reminded of what Socrates said, "Do not be angry with me if I tell you the truth," and the truth, so wonderously simple for New Yorkers, but so bitter for Chicago's Bleacher Brigade, is glorious to tell—the Mets are in first place!

Who would have thought, Marvelous Marvin Throneberry to the contrary, that such a day would ever arrive?

But alas! It is here, the Mets are in first place!

We would like to lower our voices, but how can we when our whole being wishes to shout—the Wonders of Shea lead the lesser lights of their league.

Surely the cynics blush in the knowledge that baseball's wunderkinders are no mere happening, an apparition that shall soon fade away; no longer the hapless, yet lovable Mets of yore, but now—at last—the Mighty Mets of the Midway.

Oh I know that some still smirk and smile their superior little smiles, for they are the same ones who laughed when the Jets were offered up as a sacrifice to the supposedly invincible Colts of the mighty National Football League, but we know what happened then and we know what will happen now.

The Mets now, as the Jets before them, have become our heroes, and who can blame us, for they are worthy of our adulation.

Arthur Schlesinger, Jr. may say that this is no longer an age of "Supermen," but tell that to Weeb Eubank and his Jets, or to Gil Hodges and the Mets; tell it Arthur to Joe Namath and Matt Snell; to Tom Seaver and Cleon Jones; to Gary Philbin and Don Maynard; to Tommy Agee and Gary Gentry, tell it as you will, but we will not listen, for we know better

It is a great new day for the denizens of Flushing Meadows, they need no longer slouch in their seats at Shea, while cursing the darkness and the hated Yankees, for now a thousand candles have been lit, and the Met fans may stand proud and erect.

So while we may weep for the Bleacher Brigade at Wrigley, and feel only but sadness for a great gentleman, Ernie Banks, we exult for the Mighty Mets, who have made a grand lady, Dorothy Payson, forget Frank Merriwell.

Met followers need no longer quote Grantland Rice:

When the One Great Scorer comes to write
against your name—
He marks—not that you won or lost—but
how you played the game.

For now, in the age of Aquarius, the Mets have at last climbed to the top.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The **ACTING PRESIDENT** pro tempore. Under the unanimous-consent agreement entered yesterday, the time limitation is now effective, and the time is controlled by the Senator from Minnesota and by the Senator from Mississippi.

The Chair automatically lays before the Senate the pending business, S. 2546, which the clerk will state by title.

The LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous agreement, the Senator from New Jersey (Mr. Case) is recognized.

Who yields time?

Mr. MONDALE. Mr. President, I yield the Senator from New Jersey such time as he may require.

May I say at this time how grateful I am to be able to work with the very distinguished and gifted Senator from New Jersey. In cosponsoring this amendment, he brings to this issue insight and experience that are truly remarkable. I have found this effort most rewarding.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I thank my colleague from Minnesota very much. As I said the other day, it has been a very rewarding experience to work with him in this matter. He has been most considerate as well as helpful. I believe this is the beginning of collaboration on a number of matters which I am looking forward to with eagerness.

The amendment Senator Mondale and I are offering to the pending bill would withhold authorization of $377.1 million to build the second *Nimitz*-class attack carrier pending a broad-gaged study by the Congress of the entire rationale for our attack carrier force.

I want to emphasize that the amendment does not purport to pass judgment on that rationale. The amendment simply asserts the intention of the Congress to shoulder its constitutional responsibilities before authorizing construction of the CVAN–69.

To the best of my knowledge, no one has challenged the pertinence of the 15 questions set forth in our amendment. Indeed, as Senator Mondale has pointed out, many of them are being asked by responsible officials within the defense establishment and the executive branch as a whole.

Nor have any answers been forthcoming that are not based on the assumptions of our carrier-dominated naval establishment, which like most other institutions is understandably dedicated to self-perpetuation in a changing world.

We have no quarrel with the U.S. Navy. Now, as in the past, it can do splendidly the jobs required of it by the Nation.

We say only that the time has come for Congress to reexamine those jobs to see not only whether there may be better ways to do them, but whether they need doing at all. As a perceptive admiral once put it:

> There is nothing more useless than doing something with great efficiency that should not be done at all.

Since 1951 the United States has maintained an active fleet inventory of 14 to 16 attack carriers. Since the "nominal maximum useful life of a carrier" is 30 years, according to the Navy, we must build a new one every 2 years if we wish to continue to operate a force of 15 attack carriers.

Thus the CVAN–69 is the second of three nuclear-powered attack carriers whose planned addition to the fleet would permit the retirement of three World War II carriers while perpetuating a 15-carrier force.

Congress has already funded the first of these, the CVAN–68, which is now under construction at Newport News and will join the fleet in 1972. The Mondale-Case amendment does not touch this ship.

We also have authorized and appropriated $133 million for the nuclear propulsion plant of the CVAN–69. Almost all of this money has been obligated, and about $40 million has been spent. The Mondale-Case amendment does not touch any of this money.

I should emphasize that because, in opposition to our amendment, it has been strongly urged by the Navy that we ought not to be directing our amendment at this particular item of the budget; that, regardless of the basic soundness of the objective which we have—and that objective is for Congress to take on and perform its constitutional function in the review of broad international relations and policies of our Government in regard to broad strategic questions which are, in the last analysis, the responsibility of Congress to decide—that in raising these questions, and very few Members in this body, I think, deny that it is sound to raise them—the circumstances are such that we ought not to be directing our amendment to stopping further work on the CVAN–69, because it has already gone so far.

Mr. President, I think it is not true that that follows at all. Those long leadtime items which have already been contracted for can go ahead under the contracts which have been let; and very, very little danger, if any—and I will develop this point further—will result from a delay of 1 year in the completion of this ship. Any danger that might possibly exist—and we will still maintain a very large carrier force if we do delay this ship and decide eventually to go ahead with it—is nothing as compared with the importance of getting Congress to take on this job now. Unless psychologically—and I want to emphasize this point very clearly—we hit some particular thing that is of interest to enough people for us to attract their attention, we are not going to get Congress to take on this job.

I do not think we in the Congress have ever—explicitly, at least—assumed the responsibility for the determination of basic U.S. policy—certainly not in my time. We are not set up to do it. What committee, whether Appropriations, Armed Services, Foreign Relations, has the staff even to begin to question basic international policy and broad strategy problems of the United States? We know that we are not set up to do that in the Senate; and no chairman, and no committee member, and no Member of this body will assert that we now have the capacity to do it.

I do not suggest that this ought to be done in house necessarily, or that we should institutionalize a large oversight staff for this purpose. We can do it by drawing together, for particular inquiries, at particular times, and from time to time, outside resources; but we have not even done that. Mr. President, we have not even done that. Who in the Congress of the United States or what committee has seriously directed its attention to any of the 15 questions that our amendment poses, all of which should, under our Constitution, be decided by the U.S. Congress?

So, Mr. President, I say to the argument of "Do not do this; do something else; do not stop this ship, or stop another one, or stop something else, or do not stop anything; just tell us to go ahead and do your study" that we will not do it unless there is hanging over our head a particular need, by a particular time, to get the job done. We will not even start such a study unless there is pressure upon the Congress of the United States and upon the committees to do it.

Mr. President, Congress has already funded the first of these three nuclear powered attack carriers, the CVAN–68. It is now under construction, as I have said, at Newport News; and we do not deal with that. We do not touch it. It will be built. It will be ready in 1972.

We have also appropriated the money, $133 million, as I have mentioned before, for the nuclear powerplant of the carrier presently under discussion, and we do not touch that money.

What we do seek by our amendment to do is postpone the decision to complete the CVAN–69, at a further cost of $377 million, until the study described in the amendment has been made and completed.

As I have stated before, the practical effect of the amendment, if it is adopted, would be to delay from 1974 until 1975—1 year—the completion of this single carrier, should we decide next year that it makes sense to invest the taxpayers' money in this project.

Let us suppose, on the contrary, that Congress concludes, on the basis of the study that we propose, that it does not make sense to build the CVAN–69 or the CVAN–70, for which funds will be requested next year under the program. What would the attack carrier force consist of in the years ahead?

Of the 15 ships in the active fleet today, the 9 largest and most modern were commissioned from 1 to 14 years ago, beginning with the *Forrestal*.

One of the nine—the *Enterprise*, commissioned in 1961—is nuclear powered. The others, all conventionally powered, are the *Forrestal*, commissioned in 1955, the *Saratoga* in 1956, the *Ranger* in 1957, the *Independence* in 1959, the *Kitty Hawk* in 1961, the *Constellation* in 1961, the *America* in 1965, and the *John F. Kennedy* in 1968.

In 1972, these nine modern attack carriers—all capable of handling the most advanced aircraft—will be joined by the

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CVAN–68, to be christened the *Nimitz;* and we are not touching that. That will go along despite our amendment, if it is adopted.

But, since the oldest of these 10 ships, the *Forrestal,* will then be 17 years old, this fleet could operate intact for another 13 years—remember, Mr. President, the Navy itself says the life of these carriers is 30 years—without the need of a single replacement, and will then still be the world's mightest—in fact, its only—attack carrier force.

Lest there be any misunderstanding about the raw power those carriers will continue to represent until 1985, here is what the Navy says about the difference between World War II carriers and those we are talking about. According to the Navy's own fact sheet on the attack aircraft carriers:

> The capabilities of today's weapons systems are much greater than their World War II counterparts. For example, the World War II carrier *Enterprise* fought throughout the Pacific Campaign; yet, the nuclear carrier *Enterprise* delivered more than twice the tonnage of bombs in one month in Vietnam than her predecessor delivered throughout World War II.

Students of naval history will find much that is interesting about this comparison. For example, the performance of the new *Enterprise* off Vietnam was totally unhampered by the threat of serious attack by hostile aircraft or submarines.

Be that as it may, it is obvious, Mr. President, that neither a delay in construction of the CVAN–69 nor its cancellation—and we are not asking that now; we are only asking that the matter be delayed until these 15 questions have been studied and answered—would leave the United States "naked to attack" from any known or unknown aggressor at any time before 1985.

In making this point, I am, of course, not suggesting that the required or the ideal number of attack carriers is 10, or any other number, or that we need any at all. No other nation has an attack carrier force. This is a question that Congress should decide on the basis of the broad review that we are urging be made.

I am only suggesting that no Member of the Senate need feel that a vote for the Mondale-Case amendment will be interpreted or could be interpreted by anyone whose opinion and support he respects as a vote for "unilateral disarmament."

One further point may help to underscore our basic purpose in asking Congress to study these questions before we commit the Nation to building another attack carrier. The CVAN–69, if approved today, would join the fleet in 1974. Barring a disaster, it could be expected to remain in active service, according to Navy practice, until 2004.

By then, Mr. President, many if not most of us in this Chamber will be gone from the scene. Many if not most of the crew of the CVAN–69 in the year 2004 have yet to be born.

By contrast, most of our security treaty commitments already are 15 or 20 years old. They cannot be expected to survive indefinitely in a changing world. Yet by building this carrier, the CVAN–69, we would be saying to the world of 1969 that the United States is committed to the proposition that, in the world of 2004—when, incidentally, Mr. President, the human race will have doubled in size—there will be no less need for attack carriers than today or 20 years ago.

I cannot believe, Mr. President, that the Navy or Congress or the American people, can be that omniscient without a lot more study. It is true, of course, that any or all of our attack carriers could be mothballed at some point short of the "normal maximum useful life" of 30 years. That is what we did with some of our mightiest and most illustrious battleships after World War II—as we were all reminded recently by the demothballing of the *New Jersey* for a few months of duty off Vietnam, and the preparation for its remothballing by the the Defense Department ordered a few days ago.

But, Mr. President, that is not a very good reason for going ahead with the CVAN–69 in advance of the study that we are proposing; because one of the major questions to be answered concerns the cost effectiveness of attack carriers as bases for tactical airpower. If there is any reason to believe that there may be no need for attack carriers 10 or 15 years hence, then to build a new one now could be an unpardonable extravagance.

As concerned as I am to avoid unnecessary expenditures, however, I am more concerned about the foreign policy implications of continuing to deploy attack carriers around the world.

In that connection, I requested of the Secretary of the Navy a report of each instance since the Korean war in which one or more attack carriers were ordered to proceed to or maneuver in a given area for "show of force" or other foreign policy purpose short of armed combat.

I informed the Secretary of State of my request, and wrote him as follows:

> Since the Department of State bears primarily responsibility for the execution of foreign policy, I would assume that in each instance the decision to employ the carriers for such purpose originated in the Department. It would be helpful to me, therefore, if you could furnish me with a concurrent report on the Department's role in each such instance.

Secretary Chafee furnished me with a classified list of about 50 such instances. When I protested the classification of what seemed to me to be information of no security interest to anyone, the Secretary very promptly provided me with an unclassified list from which eight instances of carrier use for foreign policy purposes had been removed.

Working with the same unclassified list, the State Department furnished me yesterday with comments on its role in these instances of carrier usage, and I shall shortly ask that the entire unclassified report be placed in the RECORD, along with the covering letter from Assistant Secretary of State Macomber.

First, however, I believe the Senate will be interested in the following excerpt from Secretary Macomber's letter:

> It is not the function of the Department of State to make the decision to employ attack carriers. In some cases, the Department recommended a show of force or requested evacuation of U.S. nationals and then approved the method proposed to carry out the task, but State did not direct the type of force to be used. However, the Department participated in the development of the U.S. policies which these deployments supported.

With that as background, I wish to briefly review the substance of the report. Of the 42 instances of carrier usage cited by the Navy, the State Department could find no record of its involvement in six, and could not document its involvement in another seven.

For example, the Navy reported that from July to September of 1957:

> Four attack carriers provided a U.S. presence and show of force to defend Taiwan during Chinese Communist shelling of Kinmen Island.

Yet the State Department reported no record of any role in that deployment.

Two years later, according to the Navy report, two attack carriers "provided presence and U.S. force in South China Sea during Laotian crisis." But "State Department involvement cannot be documented."

In 1961, there was another Laotian crisis, and from February to April three attack carriers "provided U.S. presence in South China Sea and prepared to protect and support amphibious and airborne assault force," according to the Navy. Yet there is "no record of State's role in the deployment."

Nor is the carrier's free-wheeling record confined to the Far East. In April 1963, in the face of "increasing Middle East tensions," two attack carriers "provided U.S. presence and show of force," presumably in the Mediterranean. Again there is "no record of State role in this deployment."

A different kind of relationship seems to exist with respect to "show of flag" visits by carriers. In April of 1960, the *Bon Homme Richard* provided a "U.S. show of flag to India"—that is a great expression, is it not?—in what the Navy described as "first carrier to visit since World War II." According to the State Department, its role "cannot be documented. However, most visits of this kind are proposed by DOD and coordinated by State. Port clearance obtained through Embassy."

The State Department has not always been in a subsidiary role so far as the use of attack carriers for foreign policy purposes is concerned. In April 1957, two carriers "provided show of force and presence" during the Jordan crisis. In this case, the State Department reported that "Show of force in support of King Hussein was agreed to by Secretary of State." Whether the "show of force" was proposed by King Hussein, the Navy or the American Embassy in Amman is not clear.

What is most striking about these 42 instances of attack carrier usage, however, is that in the vast majority of cases the mission could have been accomplished by other means—whether by smaller vessels or land-based aircraft.

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In most cases, the attack carriers were assigned to the mission simply because they were in the vicinity.

That is not to their discredit, of course. But it does raise serious questions as to the need for and the propriety of using attack carriers for such purposes in the years ahead.

At this point, I ask unanimous consent that copies of my letters to Secretary Chaffee and Secretary Rogers, and of Secretary Macomber's letter to me be printed in the RECORD, along with the unclassified report prepared by the Navy and State Departments, entitled "Summary of Attack Carrier Support of U.S. Foreign Policy Since the Korean War."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 14, 1969.

Hon. JOHN H. CHAFEE,
Secretary of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: As you know, Senator Mondale and I are offering an amendment to S. 2546, the defense procurement bill, to postpone construction of CVAN-69 pending a complete review of the Navy's attack carrier force level by the Comptroller General. A copy of the amendment is enclosed.

In that connection, I am especially concerned with the foreign policy role of the attack carrier force as it has been and might be used. It would be helpful to me, therefore, to have a report of each instance since the Korean war in which one or more attack carriers were ordered to proceed to or maneuver in a given area for a "show of force" or other foreign policy purpose short of armed combat.

It would be most helpful if I could receive this information by the time the Senate will resume consideration of S. 2546.

With kind regards.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

AUGUST 14, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: As you know, Senator Mondale and I are offering an amendment to S. 2546, the defense procurement bill, to postpone construction of CVAN-69 pending a complete review of the Navy's attack carrier force level by the Comptroller General. A copy of the amendment is enclosed.

In that connection, I am especially concerned with the foreign policy role of the attack carrier force at is has been and might be used, and I have asked the Secretary of the Navy for a report of each instance since the Korean war in which one or more attack carriers were ordered to proceed to or maneuver in a given area for a "show of force" or other foreign policy purpose short of armed combat.

Since the Department of State bears primary responsibility for the execution of foreign policy, I would assume that in each instance the decision to employ the carriers for such purpose originated in the Department. It would be helpful to me, therefore, if you could furnish me with a concurrent report on the Department's role in each such instance.

I hope it will be possible to receive this information by the time the Senate resumes consideration of S. 2546.

With kind regards.

Sincerely,

CLIFFORD P. CASE.
U.S. Senator.

DEPARTMENT OF STATE,
September 10, 1969.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: I refer to your letter of August 19 concerning the Department of State's role in the employment of attack carriers in support of foreign policy since the Korean War.

Let me first address your assumption that in each instance in which attack carriers were ordered to proceed to or maneuver in a given area for a "show of force" or other foreign policy purposes short of armed conflict, the decision to employ carriers originated in the Department. As indicated in the enclosures, which address each instance of carrier employment covered by the Secretary of the Navy's report, the Department's role varied on a case-by-case basis. However, it is not the function of the Department of State to make the decision to employ attack carriers. In some cases, the Department recommended a show of force or requested evacuation of U.S. nationals and then approved the method proposed to carry out the task, but State did not direct the type of force to be used. However, the Department participated in the development of the U.S. policies which these deployments supported. I believe this will be clarified as you review the enclosures.

Unfortunately, because of the lapse of time we have not been able to document the Department's specific role in some of the events. Such instances are identified in the enclosures.

If I can be of further assistance to you in this or any other matter, please do not hesitate to let me know.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

SUMMARY OF ATTACK CARRIER SUPPORT OF U.S. FOREIGN POLICY SINCE THE KOREAN WAR

Date	Event/employment	Carriers participating	Department of State role
July 1954	Searched for survivors of downed British aircraft in South China Sea. Search aircraft fired on by Chinese Communist fighters. Our aircraft returned the fire, downing two Chinese Communist fighters.	Philippine Sea and Hornet	No record of Department involvement.
June to October 1954	Support evacuation of citizens of North Vietnam to the South—"Passage to Freedom."	Hornet	Naval transportation requested by South Vietnamese Government, supported by Embassy Saigon and the Department.
October 1954	Assist victims of hurricane "Hazel" which had devastated part of Haiti. Helicopters dropped medicine, food, clothing, and other supplies and relieved the widespread suffering.	Saipan	Assistance was requested by Haitian President Magloire and supported by Embassy Port-au-Prince and the Department.
January to February 1955	Protected and supported evacuation of more than 18,000 civilians and 20,000 military personnel from Chinese mainland and Tachen Islands to Taiwan.	Essex, Wasp, Yorktown, and Kearsarge.	Secretary Dulles concurred in request of Chinese Embassy for 7th Fleet cover protection.
August 1955	Search for crewmen of Navy patrol plane shot down off coast of Communist China while prepared to take other military actions if required.	Wasp	No record of Department involvement.
July to October 1956	Egyptian-Israeli War—Suez crisis. Protected the evacuation of 2,177 U.S. citizens from Alexandria, Haifa, Tel Aviv, Amman, and Damascus. Provided air cover, and air and surface reconnaissance.	Randolph, Coral Sea, and Antietam	The Navy evacuated American dependents from Egypt at departmental request.
October to December 1956	During Suez crisis provided backup support to Mediterranean Naval Force in Eastern Atlantic.	Forrestal, and Roosevelt	Military preparation, in support of contingency plans. No direct State involvement.
	A 2-carrier task force in the Western Pacific was prepared to sail to the Mediterranean.	Lexington and Bon Homme Richard	Military preparation, in support of contingency plans. No direct State involvement.
April 1957	Jordan crisis. Provided show of force and presence	Lake Champlain and Forrestal	Show of force in support of King Hussein was agreed to by Secretary of State.
September 1957	Participation in NATO exercise Strike Back in North Atlantic, North and Norwegian Sea—largest peacetime naval exercise in history (Canada, France, Netherlands, Norway, United Kingdom and United States).	Saratoga, Essex, Intrepid, Wasp, and Forrestal.	Proposed by NATO military authorities. Department concurred.
July to September 1957	U.S. presence and show of force to defend Taiwan during Chinese Communist shelling of Kinemen Island.	Kearsarge, Lexington, Hancock, and Bon Homme Richard.	No record of Department role in deployment.
August to November 1957	U.S. presence and show of force during Syrian political crisis	Randolph and Intrepid	State Department Involvement cannot be documented.
July to August 1958	Lebanon crisis. Supported U.S. Peace Force landing in Beirut. Conducted covering, reconnaisance, and patrol missions.	Essex and Saratoga	U.S. intervention in Lebanon was approved by Secretary of State.
August to September 1958	Provided U.S. show of force during shelling of Nationalist Chinese Island Quemoy and Matsu by Chinese Communists. ("Essex" proceeded from Lebanon crisis to Taiwan area.)	Hancock, Lexington, Bennington, Essex, Princeton, Midway, and Shangri La.	U.S. escort of supply ships to islands. Approved by the Department.
July 1959	Show of force during Nationalist China-Communist China crisis	Lexington and Ranger	Embassy Taipei and State approved conduct of GRC-escorted reconnaissance flights over China mainland.
August to September 1959	Provided presence and U.S. force in South China Sea during Laotian crisis.	Lexington and Hancock	State Department involvement cannot be documented.
September 1959	Distributed food, medicine, and evacuated typhoon victims in Nagoya, Japan.	Kearsarge	Embassy Tokyo requested military disaster relief aid. Department supported action.
December 1959	Aided flood victims who survived a broken dam disaster near San Raphael in southern France. Provided medical supplies, doctors, food, communications, and news coverage.	Essex	Embassy Paris requested military disaster relief aid. Department supported action.
Do	Provided military presence as President Eisenhower began goodwill tour at Piraeus, Greece.	do	Department participated in planning of President Eisenhower's tour.
January 1960	Provided facilities for Italian telecast "Our Little World," for an estimated 3,000,000 Italian audience.	do	State Department involvement cannot be documented.

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SUMMARY OF ATTACK CARRIER SUPPORT OF U.S. FOREIGN POLICY SINCE THE KOREAN WAR—Continued

Date	Event/employment	Carriers participating	Department of State role
April 1960	U.S. show of flag to India (first carrier to visit since World War II).	Bon Homme Richard	State role cannot be documented. However, most visits of this kind are proposed by DOD and coordinated by State. Port clearance obtained through Embassy.
November 1960	Guatemala and Nicaragua requested assistance to guard against invasion. Provided air and surface patrols along Central America.	Shangri La	Requests by the Guatemalan and Nicaraguan Governments for surveillance patrols were supported by the Department.
September 1960	Executed President Eisenhower's new policy of keeping at least 3 attack carriers "on the line" in troubled waters of the Far East at all times.	Coral Sea first to sail as an augmenting carrier in WESTPAC.	No need for State action.
September 1960 to June 1961	Major short-term buildup of U.S. retaliation capability in response to Soviet pressure on Berlin.	3 CVA's in Mediterranean by rotation.	Department concurred in military preparations in support of contingency plans.
1960	U.S. show of flag at Split, Yugoslavia	Forrestal	Cannot document State's role. However, most visits of this kind are proposed by DOD and coordinated by State. Port clearances are obtained through Embassy.
February to April 1961	Laotian crisis. Provided U.S. presence in South China Sea and prepared to protect and support amphibious and airborne assault force.	Lexington, Midway, and Coral Sea	No record of State's role in the deployment.
April 1961	Cuban crisis (Bay of Pigs)	Independence	Naval assistance during the Bay of Pigs action was in implementation of a joint executive branch decision.
June 1961	Dominican Republic uprising following assassination of Trujillo. Provided show of force.	Intrepid, Shangri La, and Randolph	The Department participated in the decisions relating to the employment of the amphibious force that normally operated in the Caribbean area.
Do	NATO's 10th anniversary firepower demonstration and carrier visits in the Mediterranean by NATO dignitaries.	Roosevelt	Proposed by NATO. Department concurred.
May 1962	Laos-South Vietnam crisis. Provided presence and show of force in South China Sea and gave air cover for marines landed in Thailand.	Hancock, Lexington, and Coral Sea	Joint executive branch decision to land marines in Thailand.
June 1962	Quemoy-Matsu off-shore islands crisis. Provided presence and show of force.	Hancock, Midway, and Coral Sea	State involvement cannot be documented.
August 1962	Miyako Island, Japan volcano eruption. Assisted survivors	Midway	Cannot document State's role.
October to November 1962	Cuban missile crisis. Conducted reconnaissance, quarantine, and surface surveillance. Other carrier forces assumed higher readiness postures in the Mediterranean and Western Pacific.	Independence and Enterprise	Utilization of naval forces during Cuban missile crisis was in implementation of a joint executive branch decision.
April 1963	Increasing Middle East tensions. Provided U.S. presence and show of force.	Enterprise and Saratoga	No record of State role in this deployment.
May 1963	Laos crisis. Provided U.S. presence in South China Sea	Ranger	Do.
Do	Joint United States-Australian aerial photographic mapping survey of New Guinea.	Coral Sea	Requested by DOD; Department concurred.
June 1963	Provided 256,500 gallons fresh water to Hong Kong during extended drought period.	do	Provided by Navy on own initiative from ships in port. No direct State involvement.
November 1963	South Vietnam political crisis following death of President Diem. Provided U.S. presence and show of force.	Oriskany, Hancock, and Coral Sea	Department concurred in military preparations in support of contingency plans.
April to May 1964	Good will tour of Indian Ocean by "Concord Squadron" and visits to Diego Suarez, Malagasy, Mombasa Kenya, Aden, and hosted the Shah of Iran.	Bon Homme Richard	Joint planning by Defense and State.
June 1967	"6-day Arab-Israeli War." Protected U.S. interests in Middle East. Provided protection for ships evacuating U.S. nationals from United Arab Republic.	Saratoga and America	At Embassy Cairo's request, the Navy provided escort for the evacuation of American citizens from Alexandria.
January to March 1968	Readiness maneuvers after "Pueblo" capture by North Korea in Sea of Japan. Maintained presence in the area.	Enterprise, Ranger, Ticonderoga, and Coral Sea.	State was involved in decisions to augment initial force sent after "Pueblo" capture.
April to July 1969	Readiness maneuvers after unarmed Navy reconnaissance aircraft (EC-121) shot down over international waters by North Korean fighters. Maintained presence in Sea of Japan prepared to carry out actions as directed.	Enterprise, Ticonderoga, Ranger, Kitty Hawk, and Bon Homme Richard.	State participated in interdepartmental and NSC consideration of political, diplomatic, and military measures.

Mr. CASE. Mr. President, the need for attack carriers in the years ahead is clearly dependent upon the nature and scope of American commitments abroad. And those commitments are now being subjected to painful reexamination at many levels of our society and government—by the executive branch, by the Congress and by the American people as a whole.

But if Congress is to play a significant role in helping to shape a new course in the months and years ahead, we must begin by insisting on our right and responsibility to study thoroughly the rationale for any weapons system, new or old, before voting the money. And that is all the Mondale-Case amendment would do.

If we have been outmanned, outgunned, and outmaneuvered in the past by the Defense Department—the largest single enterprise in the world—then it is within our power to take corrective action.

If we have depended for too long on the expertise of the armed services to reach our judgments on foreign and defense policies, then we can take steps to provide ourselves with our own experts in whatever number we require.

This does not mean that we institutionalize ourselves in any rigid form. Our committee systems are not set up to do this job. Not one committee or subcommittee has the resources with which to do this job.

To do this job, we must have the determination to make this our responsibility. That can be done with the kind of staff assistants drawn together for ad hoc investigations in the past, and that ought to be made now of the 15 questions with which our amendment is concerned.

If we have depended for too long on the outside experts of the executive branch and particularly of the armed services, it is up to us now—and we can take steps to do so—to provide ourselves with such experts in whatever number we need to do the job.

All that is required is for the House of Representatives and the Senate of the United States immediately to make up their minds to perform their function. We have to recognize that it is the function of Congress.

Mr. President, we have the responsibility under the Constitution to declare war, which means to declare war or not to declare war.

We have the responsibility under the Constitution to raise and maintain armies.

It does not take Mr. Justice Marshall to determine that in order properly to perform either of those functions, the Congress of the United States must have and does have as its implied responsibility, the setting of foreign policy in its broad outline upon which the later conduct of war or peace can progress, and upon which the need for and the size, or—as the Senator from Missouri so often has said—the nature and character of our Armed Forces must be determined.

We cannot determine what kind of Armed Forces to supply unless we first determine what we want them to do. So the basic responsibility for the conduct of foreign policy in terms of the broad outlines of policy and our international commitments, as the Senate reiterated so soundly not many weeks ago, must rest with Congress.

What we must do here, and what we are seeking—the Senator from Minnesota and I and some of our colleagues who are engaged in this venture in support of other amendments—is not to cripple the Defense Department, and not in any way to affect the security of the United States, except in a sound and constructive way. What we are dealing with is the entire question of the responsibility of Congress for the future course of this Nation's policy. We are urging Congress, as I think it should have been urged long before, to perform the job which under the Constitution it is required to do, and, beyond its obligation under the Constitution, the job that only Congress can do.

The President cannot do this. He is in

office for a relatively short time. The armed services can provide expertise, and they do a great job. But the tendency within the armed services, as we all know, is to decide all questions as to great strategy and roles and missions on the basis of compromise. One department gets something if it will agree to the other departments getting X, Y, and Z, instead of having some overall supervision and oversight which is effective. The Defense Department has attempted to perform this function, and I give it all credit.

Mr. SYMINGTON. Mr. President, it is difficult to hear the speaker.

Mr. CASE. The Defense Department has attempted, particularly recently, to perform this overall, coordinating function. I think considerable advance was made under Secretary McNamara. I do not agree with all his decisions, but his policies were in the right direction. Secretary Laird is conscious of his responsibility here, very deeply conscious of it. But, after all, this is still within the executive branch; and for the President of the United States to perform his function does not satisfy the Constitution if Congress is not also meeting its responsibilities.

The only body, the only group of people in the world, who can challenge a decision by the President is Congress. The President is bound to get from people he seeks advice from, the advice they think he wants to hear. Only in this body, in Congress, particularly in the Senate, with its longer term of office, with its overlapping terms, terms overlapping one administration, does there exist the political independence which can provide the real criticism in a constructive way, but deep criticism, of administration policy when it may be going wrong.

So it is almost criminal—indeed, it is perhaps criminal in the highest sense—for Congress to abdicate its responsibility for its own decision, on the basis of its own information, derived from its own study, on these great policy questions—foreign relations, international commitments, and the great strategic weapons policies and the defense policies which support the decisions that are made.

Finally, Mr. President, we must get the horse in front of the cart again and have our defense establishment tailored to meet the decisions we decide to make as a result of our studies of foreign policy and international relations and to make our Defense Establishment conform to our responsibilities rather than having our commitments depend upon prior decisions about weapons policy and strategy.

Of course, there is an interaction. What we want to do and decide to do must be based in considerable part on what we are able to do and what the military possibilities are. But the cart must not be allowed to get in front of the horse. It seems to me that many times that has happened—not by anybody's deliberate and conscious choice but, rather, by just the nature of the way things go; the kind of thing, if properly understood, President Eisenhower was talking about when he referred to the military-industrial complex. He did not mean an evil conspiracy of selfish men to rob the United States or to put their interests ahead of the interests of all the people, to make money. Not that, but the kind of interaction between a group of people who are used to working together and on a single question—that is, how we can get better and better weapons and more and more complicated and effective ones, without any question as to whether we need them, without any question as to whether, as has been the concern of the Senator from Missouri, we can afford them with relation to other obligations, but just whether it is possible to do the things they spend their lives dreaming of.

There has to be someone standing over all of this process, useful and necessary as the process is. Ultimately, Mr. President, only Congress has the capacity and the political independence, to perform this function. The job, of course, goes far beyond the carrier issue to which our amendment is addressed. But if we mean what we have said before in this session, in reasserting the role of Congress in the formation of foreign policy and defense policy, then I urge, with all the sincerity at my command, that this amendment is a very sound place to start.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CASE. I am glad to yield.

Mr. MONDALE. Permit me to express my appreciation and admiration to the Senator from New Jersey for his excellent message, which concentrates on the foreign policy implications of the attack carrier and which, to my knowledge, presents, perhaps for the first time in the history of the Senate, some information bearing upon how attack carriers have been used in the past and the relationship between the deployment of the carriers and the official foreign policy-making role of the Department of State.

I find that new information disturbing: the fact that one branch of the American Government, the military, might decide to deploy attack carriers solely for foreign policy purposes and, at least so far as the record discloses, insofar as the State Department can determine, did so without any knowledge whatever of the official branch of the executive body charged with those decisions.

Would the Senator from New Jersey not agree that this is certainly something that ought to be reviewed by the Congress as a part of the overall study which our amendment seeks to create?

Mr. CASE. I surely do agree with that. It seems to me absolutely incontrovertible, and I am sure no one will take exception to the proposition that the Senator has stated.

Of course, interestingly enough, that review ought to be made whether the presence is established by nuclear attack carriers or by an armed canoe.

Mr. MONDALE. The Senator is correct.

Mr. CASE. It just happens that our amendment and this issue of the nuclear carrier present a very sound situation in which to raise the entire question of who does determine and who does operate the foreign policy of the United States.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield to the Senator.

Mr. SYMINGTON. Let me congratulate the able Senator for bringing this important matter up for discussion in the Senate in the temperate, thoughtful, and thorough manner in which he has done so this morning.

I would ask the Senator to answer several questions which are of interest to me in this matter. The able Senator served for many years on the Committee on Armed Services, and now serves on the Committee on Foreign Relations.

Does the Senator believe that military policy, including various decisions as to weaponry, should be associated with foreign policy?

Mr. CASE. There is necessarily, it seems to me, the closest association and there must be constant interaction between the two. In the end, of course, foreign policy should be decided on a broader range of considerations than merely a nation's military capacity, although that is one of the factors which must be taken into account.

(At this point Mr. ALLEN assumed the chair.)

Mr. SYMINGTON. My next question. Does the Senator believe that the resources of the United States are now limited?

Mr. CASE. It has not been fashionable to believe that in the past. It is only recently, again due in very large part to the voice of the Senator from Missouri which has spoken at times in the past when it seemed like a voice crying in the wilderness, that we have come to realize that even the resources of this mighty Nation are not without limit.

Mr. SYMINGTON. I thank the able Senator for his kind but undeserved remarks. If it is true that our resources are limited, along with the priorities which we know must now be considered from the standpoint of our increasing domestic requirements, as well as our other complicated positions around the world, does this not entail increased importance in discrimination as to choice of weapons systems?

Mr. CASE. This seems to me to be absolutely fundamental. No one is in a better position to know they are important, as well as the need for this information and for greater attention to it than the Senator from Missouri.

Mr. SYMINGTON. I thank my able friend. This morning I heard and read that the head of the government of the Soviet Union had traveled many thousand miles out of his way to visit heads of the Chinese Government, in their capital at Peking. It is my considered opinion that a meeting of this character could have as much possible effect on the future generations of this country as any other meeting.

With that premise, I ask my able colleague from New Jersey: Does it not give him some apprehension that the Soviet Union today has hundreds more attack submarines than the United States, and thousands more modern air superiority fighters; nevertheless the Soviet Union has not yet laid down a single carrier? Does this not stimulate in the mind of the Senator from New Jersey a desire to consider thoroughly all planning and

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programing in the military field from the standpoint of where we should place our military priorities?

Mr. CASE. It does, indeed.

Mr. SYMINGTON. In recent presentations made in support of this new carrier, there have been points raised with which I cannot entirely agree. But in any event, much of the presented justification had to do with the continuous heavy operation of carriers in the Mediterranean. Now, as mentioned the other day in discussion in this Chamber, to us that part of the world is called the "Middle East," but the Soviets call it the "Near South," and that latter nation has now many friends and allies in the way of nations on the Mediterranean, nations they are supplying heavily with military equipment, not only in the eastern Mediterranean but also in the western Mediterranean. As example, I believe it fair to say that Algeria is probably the strongest country militarily in that pro-Soviet-Arab bloc.

It is also rumored that recently the Soviets were placing long-range missiles in countries close to the Mediterranean which they control.

In discussions with respect to the ABM, one of the principal justifications for that particular weapons system was the extraordinary CEP which it is estimated the new Soviet SS-9 missile possesses.

Mr. CASE. Let me interrupt the Senator at that point. That means accuracy.

Mr. SYMINGTON. That is right, and being true, the Defense Department and the General Accounting Office have both come up with an almost identical figure, that the cost of one modern carrier task force is some $1¾ billion. If it became important to a possible enemy, say either the other superpower or one of its satellites, to defend its position in the Mediterranean, then it would seem to me that a carrier task force would be a prime target.

There are those no doubt who would disagree. In any case, my question would be: If the accuracy of the Soviet long-range missiles, as reported in secret session, is anything like what we were told, would it not be a relatively simple matter for a missile from the Soviet Union, or from one of its satellites, to destroy a carrier task force?

Mr. CASE. It seems almost elementary that that is true. I do not believe it could be contested.

Mr. SYMINGTON. I would hope it never is tested.

Let me commend the able Senator from New Jersey for his interesting analysis of a major component of one of the great problems which face this country today, especially because of the now obvious serious and growing financial problems the country is also being forced to face.

Mr. CASE. I appreciate the words of the distinguished Senator from Missouri, not only as an example of personal greatness, but as something that gives the Senator from Minnesota (Mr. MONDALE) and me, and our associates in this venture on this particular amendment, great confidence that we are on the right track because of the authority with which the Senator from Missouri speaks.

Mr. SYMINGTON. I do thank the Senator.

Mr. MONDALE. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I am happy to yield.

Mr. MONDALE. Some comment has been made during the course of the debate about who or who is not unilaterally disarming. I checked yesterday to see what kind of reductions have been made in the $20 billion authorization bill during the past 2 months that the bill has been before the Senate. To be sure, a part of that time the Senate was in adjournment. But to show how much the levels recommended by the Committee on Armed Services have actually been affected by this great debate, at this point the Senate has deleted $71 million from a $20,057,000,000 budget—$46 million on the basis of an amendment offered by the Senator from Arkansas (Mr. FULBRIGHT) relating to social science research, and $25 million on the basis of an amendment offered by the Senator from Maryland (Mr. TYDINGS) relating to the emergency research and development budget.

So at this point the Senate has deleted only $71 million from a $20 billion-plus budget. The particular amendment now being considered asks only for a study of carrier force levels. Am I not correct?

Mr. CASE. That is correct. The amendment proposes not a determination of how to spend the sum involved, but merely to postpone the spending until Congress has answered the questions we raise.

Mr. MONDALE. The Senator is correct.

Mr. COOK. Mr. President, I have been interested in the discussion between the Senator from New Jersey and the Senator from Missouri, particularly in regard to ground-to-air missiles, and the vulnerability of the carrier in that regard. Would the Senator from New Jersey agree that a ground-to-air missile would be just as devastating in its accuracy, for instance, against a C-5A as it would be against an aircraft carrier?

Mr. CASE. I would be glad to have the Senator from Missouri respond to that question, because it is directly in his orbit.

Mr. SYMINGTON. I thank the Senator from New Jersey.

Mr. COOK. Particularly if the aircraft were 30,000 feet or lower.

Mr. SYMINGTON. In reply to the question of the able Senator from Kentucky, there was a time when, because of the considered danger, a large part of the strategic bomber force was kept on alert, and therefore, it would not have been possible for a ground-to-ground missile, which I am sure is what the Senator was referring to——

Mr. COOK. It is.

Mr. SYMINGTON (continuing). To attack the planes in question.

In colloquy on the floor in support of the C-5A program, which the able Senator from Kentucky now brings up, I stressed the point that the great advantage of that type and character of plane in the world as it is today was its remote presence. By that was meant the fact our C-5A's would be stationed a relatively long way away from attacking missiles.

In my colloquy with the Senator from New Jersey with respect to the Mediterranean, the premise was that no possible enemy would need the long-range missiles which would be needed to overcome the concept of remote presence, and there naturally would be more time. If the accuracy of the Soviet ICBM, called the SS-9, is remotely comparable to the accuracy presented on the floor of the Senate in the ABM discussion, and inasmuch at it is known accuracy generally increases with a shortening of range, IRBM's and MRBM's as well as ICBM's would furnish major danger to any carrier task force in the Mediterranean. We have not yet even talked about the fantastic air-to-ground and air-to-sea developments, which would also create great danger, especially in that they are also supersonic. Nor have we talked about something which is now general knowledge; namely, the large number of Soviet submarines in the Mediterranean, a number which occasionally increases heavily. Nor have we yet considered the meaning of the Soviet bombers we now know are stationed in countries on the Mediterranean.

I mentioned yesterday that there is now a base in the United Arab Republic where it is understood Egyptian citizens are not allowed to enter. We know that our carriers are constantly watched by those bombers.

One of my major points the other day was that if we adopt this concept of remote presence, we have far more time to handle our forces against known enemy weaponry, rather than putting them right under the shadow, not only of all the missiles, MRBM's, IRBM's, and ICBM's, but also medium bombers, and relatively short-range fighter bombers, not to mention the growing submarine force that is gathering in this inland sea. That was the thrust of my questioning of the Senator from New Jersey.

Mr. COOK. I am not quite sure that the question has been answered to my satisfaction, really. The point I am trying to make is that, as the Senator from New Jersey knows, this is the first amendment to the defense appropriation bill to which I have been opposed.

Mr. CASE. That the Senator is thinking of opposing?

Mr. COOK. That I am opposed to. On the basis, frankly, that we are talking about the vulnerability of one type of weaponry, I think that vulnerability applies to other types, including the C-5A.

I think, in essence, what we are saying is that, first of all, we picked a magic figure called 15. There is nothing magic about that figure. I debated this with the Senator from Minnesota the other day, that as a matter of fact, prior to the Korean war, we had seven carriers and we got up to 19 and, as a matter of fact, on all types of carriers during World War II, we got up to 100; and the fact that we have the four of the *Hancock* class in operation. We do not have them there because we want four more carriers. We have them there because we need them.

As a result of not having modern carriers, and having to use the four *Hancock*-class carriers, we have a rate of accidents on them which is twice the rate of accidents on the other modern carriers. We cannot use the sophisticated type of aircraft that the Navy has on the *Hancock*-class carrier.

Thus, in essence, when we put the four *Hancock*-class carriers in, or one or two, let us say, into the Vietnam conflict, we put inferior airplanes into the air against the most modern airplanes which the Russians could utilize on behalf of the North Vietnamese.

I can only say that I feel it is not a valid argument that because the Russians do not have any carriers, we should not have any.

Mr. CASE. If the Senator will permit an interruption there, I want to raise the question that if it turns out we get a little squeezed for time toward the end, it might be taken into account that the Senator from Kentucky is arguing on our time.

Mr. COOK. Let me cut it short then.

Mr. CASE. I do not mean to stop the Senator. I just wanted to raise the point that we may want to adjust the time at the end, because we seem to be arguing against the amendment on the time of its proponents.

Mr. STENNIS. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield.

Mr. STENNIS. I must inform the Senator that virtually all the time has been allotted on our side. I am sorry. I would be glad to accommodate anyone that I could. I can yield 2 minutes to the Senator from Kentucky, if that would help.

Mr. COOK. I will cut it short.

Mr. CASE. I do not mean to make a point of it, really; I just want to raise it for the future.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Kentucky to finish his question.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 2 minutes.

Mr. COOK. Mr. President, to finish the point of my question. I also do not believe it is a valid argument to say that because the Russians do not have carriers, the United States obviously should not have them.

Geography has a lot to do with it, as well as the commitments we have around the world, which are much more broadly and geographically located than those of the Russians. This may be a problem of ours, but it is at least a problem of the United States. The Russians do not have the farflung commitments that they would have to respect and they would have to abide by that we do. Therefore, it calls for a different type of weaponry.

Let me just take 10 seconds to say that this morning I heard on the radio an advertisement directed to the young men of this Nation, to the effect, "Come fly Navy." Mr. President, I think all of us will agree that that is a mighty good thing, but the basis of the argument is that we should tell them to, "Come fly Navy," but it will be done on a flattop built over a rowboat. I say, if we are going to maintain our airplanes, and maintain our Navy, I stand here as a freshman Senator who has not voted for all the figures which the Senator from Minnesota said. The Senator said he voted for $200-odd billion. The Senator from Missouri said he voted almost a trillion dollars. I have not voted any, but I can only say that these things that are in existence became a reality by reason of the previous actions of this body.

I thank the Senator.

Mr. CASE. Mr. President, the Senator from Kentucky is one of the brighest stars that has entered this firmament in my time here. I not only cherish our personal relationship, but I have great admiration for his enthusiasm, and almost always for his substantive position.

I am not sure I disagree now with the propositions the Senator has put forward. The point is not that we—the Senator from Minnesota and I—are deciding we want only nine carriers, or 10 carriers, or no carriers, or 15 or 16 carriers. We just say this body, after study, ought to determine these questions, and that study has not been made.

Of course I agree with the statement that the fact that neither the Russians nor any other power has any attack carrier force is not a reason necessarily why we should not have one if our responsibilities, as determined after deliberate thought by this body and the executive branch, require or suggest that that kind of military weapon is useful for us. It may be that we are the only ones who need it and that we should have it.

What the Senator from Minnesota and I are saying and urging as strongly as we can is that we ought to take a look at these questions and not just assume that we need them and go ahead. Of course, we want the best and the most modern weapons. I agree with that. The question is: For what purpose and how large?

Mr. STENNIS. Mr. President, since the Senator has already been interrupted, I yield myself 2 minutes to ask a question.

Mr. CASE. Of course, I shall be glad to yield, but I just want to have one last word before I finish, finally.

Mr. STENNIS. Excuse me.

Mr. CASE. No; go ahead.

Mr. STENNIS. Mr. President, at this point the question has been raised about the 15 carrier force by some persons. That does not go into the fact that there is no committal to any particular force of carriers. The law does not require any number. It is a matter in the discretion of the President of the United States. Of course, he acts through the Secretary of Defense and the Security Council. He could cut the number in half now, as far as the law is concerned. It is a question of need.

I asked Secretary Laird about this matter. I do not know of anybody whose opinion is more important or whose responsibility to review this matter is greater. I asked him about it after the amendment was submitted. In a response dated, I think, August 13, this paragraph was included:

> The decision to go ahead at this time with the CVAN program does not commit us to a force of 15 attack carriers. The program assures that our carrier force will be kept modern and capable of operating against the current and projected Soviet threat. This decision also assures that we will maintain in operation an orderly shipbuilding program to meet the future needs of our Navy.

I submit to the Senator from New Jersey that that is the very basis, the foundation, the bottom here of the funds we are asking for in this bill.

I am sure the Senator has a respect for the opinion of Secretary Laird. I know he does. I am not going to ask him if he does.

How much more review could they make on a carrier that is already in the process of being built right now, with long leadtime items purchased, with some money spent, with $140 million contracted for? How much more delay can be justified?

Mr. CASE. Mr. President, one always finds himself at a disadvantage in discussions with the eminent Senator from Mississippi on any subject, and on none more severely than on this matter, on which he has spent so much time. Yet, with all deference and in great respect and in the highest affection, I think the mere fact that we have started to spend the money and have made contracts for long leadtime items for this weapon, should not deter us from stopping and having a further look.

As the Senator, of course, knows, we are not suggesting that the items for which contracts have been made be stopped. It is largely the propulsion system that is under contract, if I am not mistaken. That will go ahead, under our amendment, and the long leadtime items will not be delayed in any way. What we are talking about is work done by the shipyards, largely, the major part of the ship itself.

As the Senator knows, we are not even mostly concerned with this particular ship. This is not to say that the $377 million is nothing. This is not peanuts, as the Senator always has recognized. No one is more careful than he about the money of the taxpayers. But what we really want to emphasize is that—not in derogation or in criticism of the executive branch or Secretary Laird or his predecessor or the Joint Chiefs or the Navy Department or anyone else—their views must be taken seriously into account by the Congress, but, beyond that, Congress has its own responsibility to make up its own mind, and it is the ultimate arbiter as to where the public's money is going to go.

Mr. GOLDWATER. Mr. President, will the Senator yield at that point?

Mr. CASE. I yield.

Mr. GOLDWATER. I am in agreement with the Senator's contention that we must exercise more surveillance over the funds being spent, but I want to remind the Senator that on two previous occasions this body transferred the responsibility he is talking about.

When the Reorganization Act of 1947 went through, the Joint Chiefs of Staff were charged with the primary responsibility of determining weapons needs, and so forth; and then when the Security Council was formed, they were given this responsibility, too.

The Constitution was never very specific about Congress responsibility in this regard. I think it has always been looked upon by the courts and experts in constitutional law as being a sort of two-armed thing, that the executive branch and the Congress would work together in these fields. But I was reading the Reorganization Act just the other day, and the language is very explicit in charges made to the Chiefs of Staff as to their responsibility in this field.

I would certainly join the Senator to some extent in this, but if he would be interested in nailing down this responsibility, we should be talking about legislative language that would repeal this charge given to the Joint Chiefs of Staff and the Security Council.

I just wanted to inject that thought here, because this is the first time, I think, since 1917, that an authorization act has taken more than 2 or 3 or 4 or 5 days to complete, since the debate on the arming of merchant ships debate on the floor of the Senate, when the arguments were prolonged.

I wanted to make that a part of the RECORD, because I put in the RECORD earlier a complete study on the constitutional and legal ramifications of this point.

Mr. CASE. I appreciate the contribution that the Senator from Arizona has made, and the spirit in which it is made; and I certainly would be most happy to join with him in a thoughtful and deep study of the problem of the relationships between the responsibilities of the executive branch and those of Congress.

Mr. GOLDWATER. There has never been any question, I might say, about that relationship. It has always been recognized as sort of a two-armed thing. We recognize it, and the executive branch has recognized it. We admit that the executive branch is responsible for foreign policy, and we have to advise and consent in it; but the formulation of strategy and tactics and decisions on weaponry have been formally turned over to other organizations; and if we want it back, so that we can act as many people feel we should, I think we would have to think about legislation to accomplish it. I would not introduce such legislation, but I would seriously consider helping the Senator if he wanted to.

Mr. CASE. I think if there is any disagreement between us—respecting this amendment, of course, I understand the Senator's position—but if there is any real disagreement between us on the broad question, I should be very much surprised. I think the difference is largely one of semantics.

Obviously, these decisions have to be made ultimately by the American public. What is it willing to do? What is it willing to spend? How should its resources be allocated? How much does it want to get into the world outside, and to what extent does its own security depend on what it does in regard to these matters?

All of these questions depend ultimately on decisions of the people. The people do not vote upon these questions directly; they are not referendums. But, nevertheless, without broad approval of the course that the U.S. Government takes, it cannot function; and so it depends upon the people.

That means, coming back to the Senator's point, that joint action and cooperation between the executive branch and the Congress is essential, too. But when you come down to it, if the function of Congress is merely to take a cursory look, as it were, at what is proposed by the executive branch, and if the Presidency is to be limited to a relatively small group of people overlooking and overseeing what the Military Establishment proposes, then there is no real cooperation, no real joint effort, but really just a rubberstamping.

It is the desire to make our congressional role more effective that really motivates us in this amendment.

Mr. GOLDWATER. The reason I wanted to get that in, is that the amendment, as it now reads, is in effect a study amendment. We have, in this body, given to other groups the responsibility of making those studies. Had the money limitations remained in the amendment, that would not necessarily apply. But the matter has been very deeply studied, reviewed, and analyzed by the very bodies that we in Congress have charged with the responsibility of making these studies.

I would say that if the amendment passes, the matter would probably, on referral to a proper committee, go right back to the Security Council and the Joint Chiefs of Staff for further study.

Mr. CASE. Surely we will always want their advice, and rely heavily upon it. But the Senator has correctly, I think, come to the real point of contention here, and that is, how heavily we shall rely upon it, and how much we shall—not all the time, not every year, but from time to time—go out and seek our own expertise, in addition to the advice that we get from this terribly important, terribly good institution that we have established, as the Senator suggests.

Mr. President, before I yield the floor, I wish to make one further observation which I think is worth considering, and that is that the present carrier, was scheduled for full funding in 1969, but it was delayed until 1970. I do not think anyone contends that that has had or will have any disastrous effects.

Mr. President, in this morning's Washington Post an editorial supporting the position of the Senator from Minnesota and me appeared as the lead editorial. I ask unanimous consent that the editorial entitled "Gunboat Incident on the Hill," published in the Washington Post of Friday, September 12, 1969, be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GUNBOAT INCIDENT ON THE HILL

The Senate is to vote today on an amendment to the $20 billion military authorization bill that would delay until next year, pending a full review, any further spending on a second Nimitz-type aircraft carrier. The amendment is sponsored by Senators Mondale and Case and it makes good sense, not because the case against a new carrier has been made—although in our view that case is strong—but because the case *for* a new carrier has *not* been made. Where Senators Jackson and Stennis, who oppose the amendment, would go ahead as usual and rubberstamp the Pentagon's request, the review proposed in the Mondale-Case amendment would help the Senate judge the request on its merits. That is exactly what ought to be done.

Mr. Mondale claimed earlier this week that the Navy desires the new carrier in order to hold the size of its carrier force at the traditional level of 15. He questioned the cost, effectiveness and invulnerability of carriers as against land bases. Senator Case is worried lest the mere availability of a carrier create or enlarge an American "commitment," apart from executive will or legislative consent alike. To these questions, the Navy has responded with an emotional force suggesting that it feels its very purpose of existence has been challenged. And Senator Jackson declares confidently that carriers are essential to "project modern tactical air power into those parts of the world where we have vital interests."

Mr. Jackson has backed into the central issue. Just what are the "vital interests" which require another carrier costing the better part of a *billion* dollars? This question would be tackled by the study which the Mondale-Case amendment would have the General Accounting Office organize for the Senate, and rightly so, because this question should have been the basis of the administration's own carrier presentation all along; and yet the answer remains far from clear in the light of the new turn Mr. Nixon apparently has in mind in the role this country is going to play around the world.

President Nixon has just enunciated a new Asia policy calling upon Asians to provide their own first line of defense. Any clear-eyed observer can see that if this policy means anything it must mean that the United States is not going to be "projecting modern tactical air power" around the world in the same way as it has in recent years. But the Pentagon is asking for a new carrier as though President Nixon had never spoken and as though there had never been a Vietnam. This is not to say that Senators Stennis and Jackson must embrace the new Nixon doctrine. But surely Mr. Nixon can be expected to embrace it, and to reconcile it with his military budget requests.

Mr. CASE. Mr. President, reserving the unused time on our side, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I expected to yield 10 times at this time to the Senator from Wyoming, but he seems to have been called from the floor for a minute. I suggest the absence of a quorum.

Mr. CASE. Without the time being charged to either side?

Mr. STENNIS. Yes; I ask unanimous consent that the time for the quorum call be charged to neither side. It will be brief.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 10 minutes.

Mr. SPONG. Mr. President, initially,

I should like to express my view that the Senators who have sponsored this amendment have rendered a service to the Senate and to the Nation. The future role of the aircraft carrier is a subject quite appropriate for debate at this time. Questions raised during the debate are, in my judgment, necessary and asking them is an essential part of the legislative process when our economy, national security and foreign policy present problems of perhaps greater complexity than ever before.

The revised amendment before us is identical to the previous amendment on this subject with two exceptions: these provide that the study will now be made by the Congress, but that the General Accounting Office will edit studies made by the executive branch with respect to the question raised in the amendment. Additionally, it removes the prohibition against expenditures for lead-time items. While these changes improve the amendment, I nevertheless oppose it.

Sponsors of the amendment base much of their argument in questioning the justification for a continuing fleet of 15 attack carrier task forces. I believe a continuing policy of 15 attack carriers should be questioned in terms of costs, future policy, effectiveness, and our national security. However, we should not let this obscure the real question that is before the Senate at this time, which is: Do we authorize additional funds for the second of three nuclear carriers under the multicontract system which has already begun in order that the second attack carrier may join the fleet as scheduled in 1974? I believe that we should authorize this carrier. There is no magic in the number 15 and we are not determining force level in this authorization. The number of aircraft carriers has fluctuated sufficiently since World War II to indicate they will continue to fluctuate as the international situation changes.

If it should be determined that we should reduce our carrier force level in the next several years, this should be done by retiring World War II carriers rather than canceling or delaying construction of new nuclear powered attack carriers. Six of our attack carriers were launched during or just after World War II.

New modern carriers are required to provide larger decks and aircraft support facilities necessary to support modern aircraft. The older *Essex* class attack carrier, four of which are still in the fleet, cannot be converted again to accommodate the newer aircraft now deployed. The first of the three attack carriers now planned should be ready for the fleet in 1972 and will replace the *Hancock* which was commissioned in 1944. CVAN-69 scheduled for completion in 1974 and CVAN-70 planned to join the fleet in 1976 will replace ships 26 and 30 years old. Modernization of the older carriers such as the *Midway* has proved to be more costly than expected and consequently the *Coral Sea* and the *Franklin D. Roosevelt* probably will not be modernized. This, then, will provide us in 1976 with only 8 carriers of the *Forrestal* class plus the nuclear *Enterprise*—all under 25 years old; the modernized *Midway* plus the three nuclear carriers, the *Nimitz*, now under contract, and the CVAN-69 and CVAN-70, planned for 1974 and 1976. This provides a fleet of 13 carriers which can be used effectively and only four of these will be nuclear powered.

It has also been argued that this carrier—CVAN-69—should be delayed or not constructed because other nations have no carriers, the Soviet Union being used as a prime example. I do not subscribe to the theory that the United States' weaponry should be patterned after that of the Soviet Union's. History, commitments, and geography impose different requirements upon us than the Soviets. In my judgment, until we have more evidence of a better chance for peace on earth, our weaponry must be sufficiently diversified to provide the best possible defense in any contingency.

The absence of a Soviet carrier force is not relevant to the question at issue. Russia's geographic location within and contiguous to European and Asian land masses would seem to be an obvious factor affecting the Soviets' decision not to build attack carriers at this time. Russia is far less dependent on overseas logistic supply lines and on overseas alliances for their national objectives than the United States. The Soviets control an extensive system of land-air bases throughout areas of the world vital to them. Our position with respect to some of the overseas land bases is tenuous, and our experiences with France and Morocco would seem to indicate the need for alternatives. Moreover, we must be mindful of our experiences in Korea where every land base was immediately overrun and our first air strikes were totally and completely sustained by aircraft carriers. Recent events concerning land bases in Spain and Libya remind us that foreign bases are subject to negotiation and political action.

As for the British: A review of the debates in the House of Commons during the years when the future of Britain's policy with regard to carriers was being determined will show the basis upon which a decision to support no carriers after the mid-1970's was made—a policy decision that Britain could no longer afford to maintain a presence east of Suez.

When the British Government announced the decision, the First Sea Lord and the Navy Minister, Mr. Christopher Mayhew resigned. I should like to quote excerpts from a personal statement made in the House of Commons on the 22d of February, 1966, by Mr. Mayhew:

> The most spectacular and controversial of the cuts was the cancellation of the new carrier. I would like to make it clear that my position throughout the Defense Review has been that if the Government insist on a world role east of Suez in the 1970's, then carriers are essential, and that my duty as Navy Minister was to fight for them.
>
> At the same time, although not my direct personal responsibility, I did not hesitate to question whether we should adopt that role, whether that was the right role for Britain in the 1970's. As long ago as April, 1963, after visiting the Far East and the Gulf as deputy spokesman for then Opposition on foreign affairs, I sent a report to the present Prime Minister expressing the same doubts about this role that I propose to express later on, and recommending a policy of gradual long-term disengagement. It seems to be perfectly logical and honourable to hold doubts about remaining east of Suez in the 1970's, but, at the same time, to say, as Navy Minister, that if the Government insist on remaining east of Suez in the 1970's the Navy will need new carriers.
>
> I would now like to explain the reasons why a viable carrier force is absolutely essential if we are to stay east of Suez in the 1970's and why the plan for carriers given in the White Paper will not work. The four major reasons why the carriers would be essential are these. First, they enable us to exercise air power in any part of the ocean and not merely within an agreed manageable range of land-air base. Outside this agreed range only carriers can provide the air strike and air defense to protect naval shipping or an amphibious force, or replenishment ships or merchant ships, and so on. Any military operation involving the use of such shipping must have carrier support, either British or American. That is agreed and no one disputes it. Outside of this range, without a carrier the Navy is unprotected. It is a "sitting duck" for any small country with a few Soviet bombers or missile patrol craft.
>
> The second reason why carriers are essential if we are to stay east of Suez is that they provide essential reinsurance against the loss of a land-air base. Land bases and carriers are both vulnerable. The most extensive analyses show that in Vietnam the carrier is less vulnerable and less expensive than the land-air base. Without the carrier one has all of one's eggs in one basket. Everything will depend on one air base. If it is sabotaged or mortared by guerrillas, one is left with no air cover at all.
>
> The third reason why carriers are essential if we are to stay east of Suez is their deterrent power. This has been proved over and over again from practical experience and arises from the factors I have just mentioned. Phasing out the carriers will encourage our adversaries east of Suez at the very time that they will make it more difficult for us to cope with that challenge if it comes.
>
> The fourth reason is that carriers are extremely flexible. They can provide air defense, ground attack and fulfill other functions which make them infinitely valuable for dealing with unpredictable occasions, as, again, has been shown in experience. Practically all our peace-keeping operations since the war were not, and could not have been, predicted.
>
> Those, then, are the reasons why, if we must stay east of Suez in the 1970's, we are, in my view, morally obliged to do so with a viable Navy and a viable carrier force. . . .

The British are not phasing out their carriers because they question effectiveness or fear vulnerability. A policy decision, based largely on economics, was made which restricts the role Britain—and its navy—will play in the world after the mid-1970's.

Were the Government of the United States to determine that we should drastically reduce our commitments throughout the world, as have the British, then the need for modern carriers might be removed. At this time, however, we must pass upon authorizations within the context of present policy and world conditions.

Admiral Rickover recently wrote to Senator STENNIS, and I quote excerpts from that letter:

> No valid plan exists for overseas military operations by the Army, by the Air Force, or

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> by amphibious forces, which does not depend on our ability to guarantee free use of the seas. Virtually all supplies to Vietnam, for example, have been carried by ships. . . .
>
> Without a modern attack carrier force, the United States is not assured free use of the seas in those areas of the world that are important to us. It is simply not practicable to establish enough land air bases adequately prepared, provisioned, defended, and within range of potential areas of conflict.

We should recognize the development of Soviet naval power since the Cuban missile crisis as an instrument of Soviet policy. While it is true that as yet they have no attack carriers, we must acknowledge recognition of the essentiality of sea power by the Soviet Union and its development of a modern fleet including aircraft cruisers, helicopter carriers, new classes of nuclear and conventional submarines. This has been documented time and time again by the Armed Services Committee and was documented in testimony before the Joint Committee on Atomic Energy. Russian squadrons today cruise the seven seas of the world from the Caribbean to the Persian Gulf.

The free use of the seas is essential to the system of alliances upon which the security of the United States has been built.

Sir Francis Bacon once wrote:

> He that commands the sea is at great liberty and may take as much and as little of the war as he will.

I shall vote against the amendment.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. SPONG. I am pleased to yield, on the remainder of my time.

Mr. MONDALE. I yield on my time.

I commend the Senator from Virginia for a most capable statement. Is the Senator satisfied that Congress has as fully evaluated as it should these policy questions that bear on the need for a 15-attack-carrier force level?

Mr. SPONG. I would say, in response to the Senator from Minnesota, that it would be my hope that in the future we would look further into the necessity for 15 carriers. But I would say that the crux of this debate is whether we should authorize another modern nuclear carrier. In my judgment, this is needed, and badly needed, at this time, if we are to carry out our present policy.

If I correctly understand what the Senator from Mississippi said on Wednesday, he spelled this out. I might say to the Senator from Minnesota that I covered this in my remarks, but because of the limitation of time, I passed over it very quickly. I would anticipate that there would be a reduction to possibly 12 or 13 carriers, if we phase out the present carriers.

But, to answer the question of the Senator from Minnesota specifically, I hope that Congress will continue to look into the necessity for the 15 attack carrier level, and I find no magic in that figure.

Mr. MONDALE. I find the Senator's response very encouraging.

It is true that this amendment does raise, as an operative fact, the question of commencement time on laying of the keel of the second nuclear *Nimitz*-class carrier. But the important point is to have the kind of long overdue congressional study as to the need for 15 attack carriers, what kinds of carriers we need, because we obviously need some, how they should be deployed, what has been the history of their deployment, and the other facts and data that will help us to understand these problems of force level and deployment. That is what we seek to do with this amendment.

Mr. SPONG. Regardless of what the Senator from Minnesota says he seeks to do with the amendment, the Senator from Virginia must be concerned with the immediate effect of the amendment, which, in my judgment, is to delay unwisely a new attack carrier.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the proposed amendment to S. 2546 would withhold funds for the completion of a nuclear-powered carrier of the *Nimitz* class, planned for completion in 1974, until after the Comptroller General of the United States has completed a study of the projected costs and effectiveness of attack aircraft carriers. It is evident, then, that the purpose of the amendment is not only to question the funds for this carrier but also to place the whole concept of the attack carrier weapons system in jeopardy.

It is surprising, in the light of recent events, that there should be an attempt to disapprove funds for the continuation of a weapons system which history has proven as one of our most effective instruments in support of national policy. Since its inception, the carrier and its aircraft have been an unequaled success as a weapon of war. In World War II, it was the keystone of our entire Pacific war effort. In the Atlantic, it provided the protection for the sealanes so that we might provide vital war material for our own overseas forces and for those of our allies, and it provided the means to retaliate against aggression in Europe by making it possible to place our forces on the shores of North Africa in our first step in the long journey to Rome and Berlin. In Korea, carriers helped to provide tactical airpower to stem the Red tide after it swept over the entire country except the Pusan perimeter. Without the protective umbrella of carrier tactical air, coupled with the firepower of other ships of the task force, the extraction of our hard-pressed troops at the port of Hungnam would not have been possible. In the simmering Near East, carriers provided ready reply to aggression in Lebanon and Suez, and in politically troubled areas of the Western Hemisphere such as the Dominican Republic and Cuba, carrier air was immediately available to support our foreign policy.

Again, at the beginning of today's conflict in Vietnam, carriers were promptly at the scene in 1964, providing airpower while airbases ashore were being established. During the most active period of the campaign against North Vietnam, carrier aircraft provided about half of the air strikes, and even today, our carriers are on station in the Tonkin Gulf, supporting the efforts of our troops ashore.

To doubt the value of the carrier is to doubt the value of airpower itself, for the carrier merely serves to transport that airpower where it is needed, over the three-fourths of the earth where ships can navigate. Carrier aircraft have a tactical radius of about 600 nautical miles and can reach 85 percent of the area of the world outside the United States and the Soviet Union where there is the greatest likelihood of trouble. Air-to-air refueling makes it practical to extend a significant part of our naval airpower even farther.

The Department of Defense has conducted a virtually continuing review of cost and effectiveness of attack carriers over the recent past several years. The carrier has survived critical examination by personnel schooled in cost analysis as well as by those with wide military experience. It seems rather surprising, then, that the Comptroller General should be asked to embark upon a comprehensive study and investigation of the past and projected costs and effectiveness of attack carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers.

The questions in the amendment which the Comptroller General would be asked to answer are the very ones that the Department of Defense has been addressing over a long period of time and for which adequate answers are available. In some cases, the questions may be answered by statistical analysis, as in the cost comparison of land- and sea-based airpower. Relative investment and operating costs vary in different situations, but overall costs are about the same when basing, support, logistic and defense costs are considered for both. The reply to others may be found in historical example. As Santayana has said, those who ignore history are condemned to relive it. Some of the questions in the amendment required an opinion, where a conglomerate of attitude, fact, figure, and experience, are melded into a logical conclusion. Those questions are best answered by those who have had actual experience in the field.

Because of time limitations, I will not comment on all the questions raised in the amendment, but I would like to comment on those I consider most important.

As to the missions of the attack carrier in limited war and in strategic nuclear planning: All of our major war plans for limited and strategic nuclear war feature the attack carrier as a means of placing tactical airpower where it is needed quickly, efficiently, and, if need be, quietly. Its inherent advantages of mobility, flexibility, and controllability as a weapon of war make it an essential part of planning over a broad band of cases—from a show-the-flag situation by peacetime port visiting; through demonstration of force where the presence of carrier airpower is made obvious, as it was in the Dominican Republic in 1961; through actual participation for as long as is required in limited wars such as

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Korea and Vietnam; through full scale conventional wars such as World War II, to the all-out nuclear war, where the carrier, because of its mobility, is likely to survive to provide the balance of power.

The amendment questions our keeping two carriers in the Mediterranean and from three to five in the Western Pacific. The reply must be that these are two primary overseas areas which are presently critical to the interests of the United States. It is not mere tradition that dictates our carrier presence in the Mediterranean. It is the fact that the countries bordering the Mediterranean have been, and continue to be, under long-term pressure from the Soviets, and the Mediterranean has become increasingly an arena of contention for Soviet and United States political and military forces. Frequent probings of our 6th Fleet by aircraft based in the United Arab Republic, the startling growth of the Soviet presence in the Mediterranean over the past few years, continuing skirmishes between Soviet-supplied Arab forces and those of Israel, the overthrow of the Libyan Government a few days ago—all these are indicators of the political instability and military challenge which dictate our close attention to that part of the world. Our interests there can be protected most effectively and least obtrusively by means of sea-based airpower.

The same considerations apply in the Western Pacific. Until there is no longer a need for military support for our commitments in Vietnam, Taiwan, Japan, and Korea, we will need carriers to provide that support. And if it becomes necessary to withdraw our military presence, all that is required is a change of course of the aircraft carrier. The shrinking overseas base structure—68 major bases have been closed since 1961—serves as a reminder that the best, and in some cases the only way to place airpower where it is needed on an as-long-as-required basis is through the carrier.

The amendment questions the need for a 1-for-1 carrier replacement in view of the added capabilities of newer ships. It is true that the *Nimitz*-class carrier incorporates improvements over the *Essex* class which it will replace—it would be disappointing if it did not, considering available advancements in technology and the lessons of operational experience. There will be improvements in the survivability of the ship, including armored decks, added torpedo protection, deceptive electronics systems for missile defense, and missile systems on the ship itself. There will be improvements in operational capability—the *Nimitz* class will carry twice as much aircraft fuel and 50 percent more ammunition than the most recently constructed attack carrier, and, in addition, its nuclear engineering plant will enable it to cruise at top speed almost indefinitely. And, most importantly, there will be improvements permitting operation of the most advanced aircraft which *Essex*-class carriers cannot operate today. However, even as we make improvements in our weapons, so do our potential enemies. For example, the Soviets have flown eight new models of fighter aircraft over the past 8 years. Their standard fighter of today compares favorably with the Navy's F-4 fighter. They have a growing and increasingly capable new Navy which has been described as a technological marvel, consisting of helicopter carriers, nuclear and conventional submarines, and missile armed cruisers. These and other modern weapons of war, coupled with policies which permit aggression such as the invasion of Czechoslovakia, constitute a threat which we cannot ignore and which demands the best in military preparedness on our part.

Several questions relating to the efficiency of the carrier weapons system are raised in the amendment—questions concerning backup forces for carriers on-the-line and the proportion of the ship's airpower needed for self defense. I am sure that an over-simplified answer would not be helpful, since any meaningful reply would have to be based on a description of the military situation at the moment. The Navy reports that today our carriers in the Tonkin Gulf devote about 5 percent of their airpower to defense, and the remainder performs in the attack role. In a situation where there might be a serious threat to the task force, as much as one-third of the total aircraft complement might be so assigned. The military pressure at the moment, then, really determines what part of the carrier's airpower is needed for defense.

Likewise, the pressure of the hour must determine what part of the entire carrier forces would be on-the-line, and what part would be held in reserve. Over a long period, where steady-state deployment of our forces to distant stations under limited war or quasi-peace conditions is required, it is most efficient to keep five of our attack carriers deployed to distant waters, while the others operate near the U.S. to provide for ready reinforcements if necessary, proving new equipment, developing new tactics and doctrines, providing for fleet training and maintenance, and allowing for some time in their home ports. Under emergency conditions, however, all of those carriers not actually in overhaul—normally not more than one or two in overhaul—could be dispatched immediately where needed. In World War II, 85 percent of our more than 100 carriers were at sea.

I do not presume by these brief remarks to reply to the sweeping questions posed by this amendment. I believe, nonetheless, that in our common knowledge and from the detailed information already available through the Department of Defense, we can conclude that we should assure the future of the aircraft carrier as a weapons system, that we should not defer the funds for CVANX 69, and that we should not burden the Comptroller General with studying this problem.

We must maintain the flexible, mobile, controllable, effective system provided by the aircraft carrier, but in order to do so, we must replace our aging *Essex*-class carriers in an orderly, logically planned manner. I urge Senators now to join me in voting against this amendment and in approving the remaining funds for the second *Nimitz*-class carrier—an essential step in the modernization of our carrier forces.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The Senator from Minnesota is a very capable debater and is very fair in his presentation; but, in his questions to the Senator from New Jersey, the Senator complained more or less that the Senate had not yet made any appreciable reduction in this bill.

I want to give the Senator a deferential reply. The amendments involved here, or most of them, have gone to the very heart, the bone, and the muscle of our military program for the 1975 period. In other words, they are attempting to cut out the very cutting edge of our weaponry for these years, in advance when we do not know what the situation will be. That is a quick summary of why the Senate, in its deliberations, has turned down these amendments. There are other reasons, too.

Mr. President, I placed in the RECORD early in the debate the fact that the committee itself cut out $971 million from the bill, and a projection of what that means in savings over a period of years. According to present calculations that would total more than $46 billion. We made reductions in going over the bill. That is a projected cost over future years.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Minnesota.

Mr. MONDALE. I do not wish to be misunderstood. My comments were with respect to the bill reported from the committee from which we have since deleted only $71 million.

Mr. STENNIS. I understand, but before the bill arrived here it had been worked on in other ways. It started out as a budget of $80 billion, not all of it in this bill. Reductions had already been made by others. For instance, Mr. Laird announced an additional reduction of $1.5 billion and specified it, and he said he was planning to announce an additional $1.5 billion; that so far as the spending and the future impact of it, it would be $5 to $6 billion; and counting the future part also it may wind up cut to the bone with around $71 to $72 billion for the entire military budget.

In addition to that, in an orderly way next year I hope we can make some further reductions. I know the Senator made a point and he made it with great sincerity. However, I think that is part of the answer.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. If I have any time remaining, I will be happy to yield to the Senator. I had yielded myself 3 minutes.

Mr. President, have I used that time?

The PRESIDING OFFICER (Mr. BUR-

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DICK in the chair). The Senator has used that time.

Mr. MONDALE. Mr. President, I yield the Senator from Arkansas such time as he may desire.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, I was going to ask the Senator just a few questions for my information about the cost of this ship.

I was visited a few minutes ago in my office by a very distinguished delegation from New York. They visited me because of my membership on the Committee on Finance. They were very disturbed about the proposals in the pending tax bill relating to charitable deductions. One of these men said that he is the president of the largest group of purely local charitable organizations in the United States, which collects about $25 million a year. This money supports a number of hospitals, and the group makes contributions to one hospital which he said is the principal hospital in one of the ghetto areas. He gave me a very appealing account of the damaging effect of the tax bill, if it alters certain provisions with regard to depreciation and so forth. He did make an impressive presentation.

Now, to come to the item we are discussing—the amendment introduced by the Senator from Minnesota. It is my understanding that while the authorization contemplated is around $500 million, nevertheless if this ship is built, when it is finally equipped and is part of the carrier task force, this one carrier and supporting ships and planes, and so forth, the Navy estimates the cost will be $1.8 billion. Is that correct?

Mr. MONDALE. The Senator is correct.

Mr. FULBRIGHT. And over a period of 10 years, let us say—they should last that long although they become obsolete very quickly—the cost of maintaining airplanes on ships of this character is substantially greater than the maintenance of land-based airplanes of similar striking power. Is that correct?

Mr. MONDALE. The Senator is correct. Unfortunately, we are aware of classified data developed by the Systems Analysis Branch of the Department of Defense, which shows a very impressive increase in the cost for sea-based as against land-based aircraft, but we cannot use those figures.

Mr. FULBRIGHT. I think it is absolutely absurd that we cannot use those figures. To deny them because of security is only kidding the American people. How could the enemy be influenced by knowing the cost? They know we are extravagant, improvident, and that we throw money away. This is ridiculous. I gravely protest the classification of costs of this kind when we are dealing in both Houses with appropriations. The one remaining power of Congress is the power over the purse, and it is being eroded rapidly. I do not see how we can accept a policy which classifies costs of a weapon of this kind.

Mr. MONDALE. This, of course, is part of the unevenness of the struggle. I know, for a fact, that certain recommendations have been made by that same branch about reducing the number of attack carriers but I cannot use them.

Also, the Senator from Arkansas is in possession of classified information about the ways in which the carrier has been used, the so-called military cost. The Senator has seen that list. Is it the impression of the Senator that the list is classified to keep the enemy from having essential information or is it likely the Navy is more concerned about political embarrassment?

Mr. FULBRIGHT. The only reason I can think of is that classification insulates the administration from Congress so it cannot take intelligent and informed action with regard to the defense budget. That is the only reason I can see for the classification.

Does the Senator from Mississippi have any knowledge as to why the cost of maintenance of airplanes should be classified?

Mr. STENNIS. In the first place, the information is available to every Member of this body and the House of Representatives. There is no question about that. Relating to some of these matters, it would be telling the adversary everything we have. Those that are most familiar with this matter can point out good reasons why it is not desirable to tell the price, the numbers, and total cost. It is good sound logic, and there is a reason for it. By that, I mean told publicly.

Mr. FULBRIGHT. I cannot see the slightest reason.

Mr. STENNIS. The Senator does not see it. It is there.

Mr. FULBRIGHT. We are not talking about how many we have. We are talking about what it costs to maintain this carrier the Navy is asking for, with its ships.

Mr. MONDALE. We have the operating cost. The Senator from Louisiana has that. What we do not have and what will not be shown to us, and what they refuse to show me, is the July 25, 1969, memorandum in which the Systems Analysis Branch of the Department of Defense made a calculation which shows the cost of sea-based air as against a wing of land-based air is incredibly higher. That information we have not been shown, and they refuse to show it.

Mr. FULBRIGHT. I see no good reason why it is not shown to Senators. It should be a matter of public information. The public pays the taxes. They pay for these ships, and they should be entitled to know how they are used and what they cost. I reject their reasons for classifying this kind of material. In fact, the Defense Department classifies all kinds of materials solely to protect itself from criticism.

Mr. MONDALE. I agree.

Mr. FULBRIGHT. Not only in this field but in other fields which have nothing to do with the security of our country.

Mr. MONDALE. I agree with the Senator.

Mr. STENNIS. Mr. President, who has the floor?

Mr. MONDALE. I had yielded to the Senator on my time.

Mr. FULBRIGHT. I will yield to the Senator from Mississippi if he wishes to be recognized.

Mr. STENNIS. No. I merely ask the Senator to yield to this extent.

The Senator from Minnesota referred to what he called a study by Systems Analysis of a great many grave, critical situations, possibilities, and alternatives, and everything that goes with trying to find the best answer. That cannot be spread out before our adversaries by men held in responsible positions as they are. After all these years, I get impatient, too, at times, about classified matter, but I find good and solid reason for most all of it. That is my opinion.

Mr. FULBRIGHT. Incidentally, while I have the Senator's attention, has he made up his mind about the amendment I have with regard to reports originating from outside the Department, particularly in the so-called think tanks, such as the Hudson Institute, and whether they should not be made available, for example, to the Senate?

I have an amendment which we discussed before the recess. I do not know whether the Senator said he would give me an answer today as to whether he will accept my amendment. I would very much like to have the amendment adopted. When the Congress pays for a report from the Hudson Institute, for example, we ought to have it made available. What they have done in the past is if they like it, it is published, and if they do not like it, then it is classified so that we cannot see it. When we pay for it from public funds, and a report is made by an agency outside the Government, it should be made available to Congress and the public.

Has the Senator agreed to accept that? I hope so.

Mr. STENNIS. Let me point out that this is a very serious bill now before the Senate. If the Senator was handling a bill of this import in his committee and I jumped in during the closing hours of debate and asked him something about a remote and far-fetched matter, I think I would think I was very much out of order.

I do have an answer for the Senator, but I declare that it has no relevancy, as I see it, to this debate. We will get to that in time. I was taught that every tub should stand on its own bottom.

Mr. FULBRIGHT. The Senator knows that we discussed it at an earlier meeting. I offered the amendment, and he asked me not to press it until he could communicate with the Department of Defense. As a matter of fact, prior to that time, before we recessed in early August, I raised the matter. This is the third time. I raise it at this time only because the Senator is now in the Chamber and I have his attention. I was afraid he would leave the Chamber and I would not have an opportunity to ask him. That is the only reason I ask him now.

Mr. STENNIS. I shall have a proposal to make, which will test him out, to see whether he wants to make this thing apply. I am going to propose an amendment to his amendment, and will do so in due time.

Mr. FULBRIGHT. All right.

Mr. President, I want to point out

something in Admiral Moorer's speech, to the effect that since 1946, he says that in more than 50—actually, he enumerates 73——

Mr. MONDALO. He says, "50 wars or near wars" in which a carrier was engaged which was not lost or damaged through hostile action.

Mr. FULBRIGHT. That is right—in 50 wars or near wars, no carrier which engaged in them was lost or damaged. This makes a great news story. Here there have been 50 wars or near wars and the carrier has gone out with flags flying and not one has been sunk—not a one, and this shows their invulnerability.

Mr. MONDALE. Or damaged.

Mr. FULBRIGHT. Yes, they have not even been damaged. This is Admiral Moorer, the Chief of Naval Operations who makes this serious statement. I assume it is made seriously. He did not say he was talking facetiously or jokingly.

Let me call attention to some of the wars in which the aircraft carrier has made such a great impression and has come through such terrific exposure of itself.

One that struck my mind in particular was in Laos in 1963, "Alert—provided presence." I suppose the admiral does not know that Laos is 200 or 300 miles from the ocean. Laos is not located near any ocean. I remember years ago, when President Eisenhower was asked to intervene in Laos, we had a meeting at the White House, and one of the reasons we did not intervene, among others—there were better reasons—was that there was no way to approach Laos, and no good airbase there.

Here is an occasion when an aircraft carrier was alerted many miles away from Laos. This was alleged to be a war or a near war. But it was counted as an example of the invulnerability of an aircraft carrier.

Another was the Jordan crisis in 1963—"Alert—provided presence—surface patrol." I think that Jordan is a considerable distance away from the sea. I do not think it adjoins the Mediterranean.

Mr. MONDALE. I do not know that any carriers were sunk in that war.

Mr. FULBRIGHT. They were not sunk. But, of course, they could not do anything. This is one of the biggest fraudulent statements I have ever seen. It pretends that carriers have been engaged in 50 wars or near wars and that they have demonstrated invulnerability because they were not harmed or sunk.

Then there is the Haitian disorder. The great country of Haiti. The carrier braved the power of Duvalier and came out of it unscathed. Just think of it. Just imagine. How wonderful that is, that a carrier can brave Duvalier, who uses pompoms down there and Bowie knives.

Here is the poor, little Dominican Republic which the admiral cites as an example of our being involved in combat operations—one of the most disgraceful operations we ever engaged in. But this great, little, Dominican Republic—imagine how wonderful and powerful we must be to have such great aircraft carriers as to overcome the Dominican Republic. The admiral's letter mentions the Dominican Republic two or three times. The carriers apparently sailed by there and put in an appearance on more than one occasion. This was given as another example of the reliability and strength of an aircraft carrier.

He mentions a number of other incidents. This is part of a so-called confidential statement which is utterly ridiculous. It is absolutely absurd, that this kind of material should be called confidential.

He mentions the Zanzibar riots. It says, "Alert." Here, apparently, he meant we must have participated in a war or a near war so that a ship was alerted. I do not know that the ship was even in Zanzibar. Maybe the alert took place in the carrier's berth at Norfolk, Va., I reckon. [Laughter.]

Mr. MONDALE. In four of the 48 wars he cites, the carrier was not even there. It had been alerted and was somewhere else, but it nevertheless survived.

Mr. FULBRIGHT. Yes, survived. [Laughter.]

What I object to is that this important officer—the Chief of Naval Operations—should make such an argument in public. He was speaking in public. He was expecting the public and the Senate to be fooled by this. This is a form of contempt for the intelligence of both the public and the Senate with which I seriously disagree.

This letter of Admiral Moorer to the Senator from Minnesota is a very serious letter and I note it is not classified when the attachments are removed.

It reads as follows:

> CHIEF OF NAVAL OPERATIONS,
> *September 6, 1969.*
>
> Hon. WALTER F. MONDALE,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR MONDALE: As requested by your telegram of September 2nd, I am enclosing a list of the "wars or near-wars" to which I made reference during my VFW Convention address last month. The events marked with asterisks (*) are those where an attack aircraft carrier force was either on-scene or alerted for the purpose of deploying to the general crisis area.
>
> You will note that the classification of this tabulation must remain confidential inasmuch as the degree and/or nature of U.S. military operations, in some instances, have not been disclosed.
>
> I trust this will assist you and I am pleased to be of service in forwarding these examples of U.S. Navy responsiveness to the National will and purpose.
>
> Sincerely,
>
> T. H. MOORER,
> *Admiral, U.S. Navy.*

The purport of all of these remarks was that these carriers are a reliable and necessary forward base which cannot be sunk.

Of course, the Senator from Missouri, in one of his remarks at a previous meeting stated his view of how vulnerable they are, how easy it would be to mortally wound these carriers with modern air-to-sea or surface missiles aimed at a target as large and as slow moving, generally speaking, as an aircraft carrier.

I do hope the Senate will not continue this extraordinary extravagance of building up these ships, which not only have this enormous capital cost, but enormous continuing costs for their maintenance.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. ELLENDER. Since the distinguished Senator from Arkansas has mentioned the cost not only of the ships but of the pay and the crews that are necessary to operate them, I point out that we have 16, and in order to operate those 16 ships, it costs the taxpayers each year $1.510 billion. The number of personnel on those ships is 70,977.

The *Enterprise*, the atomic energy-powered ship, built in 1961, requires a crew of 5,499 to operate, and the annual expense is $115 million.

As the distinguished Senator stated these ships have been sent to ports, I presume, merely to exhibit our might, nothing else, because their guns were never fired nor their planes flown, except probably for maneuvers. It is said they were sent there merely to exhibit our strength and as a deterrent to an attack that may involve us. What a thin excuse. I would like to point out that the ship we are now building is supposed to cost $510 million.

Mr. FULBRIGHT. The bare ship.

Mr. ELLENDER. The bare ship.

Since the keel on the first *Nimitz* carrier now being constructed was laid, the cost has increased by 27½ percent. If the same percentage increase were applied to the ship proposed to be built, that ship will not cost $510 million, but over three-quarters of a billion dollars. That is the estimate. No firm bid has been attained for its construction and I would not be surprised that the final cost of the carrier, without the planes, may be as much as $800 million.

In addition, the planes necessary to be used on this ship will cost between $500 and $600 million. The complement of crewmembers will be in excess of 5,500.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MONDALE. There are some other factors in addition to the carrier and its crew and the planes, because to complement the carrier, destroyers and tenders and protection ships will be required.

In addition, for each wing on line, they must have three attack carrier forces, not one, because they are rotated. So the cost of the attack carrier is calculated at about $1.8 billion times three, to get a single wing on the line.

Mr. ELLENDER. I would like to place in the RECORD a table showing the cost of operating each of the carrier ships now in service.

Mr. FULBRIGHT. The capital cost?

Mr. ELLENDER. No; the cost of the operation of each ship and the number of personnel necessary to service each ship.

Mr. President, I ask unanimous consent to place in the RECORD at this point the table I am reading from.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

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ATTACK AIRCRAFT CARRIERS

Number and name	Date commissioned	Capability to operate all modern aircraft	Capability to operate F-14 aircraft	Total crew	Estimated annual operation cost (millions)
CVA-14, Ticonderoga[1]	1944	No	No	3,625	$62.7
CVA-19, Hancock	1944	No	No	3,625	62.7
CVA-31, Bon Homme Richard	1944	No	No	3,625	62.7
CVA-34, Oriskany	[2]1950	No	No	3,625	62.7
CVA-41, Midway[3]	1945	All but RA-5C	Yes	3,417	85.4
CVA-42, Roosevelt	1945	do	Yes	3,417	95.4
CVA-43, Coral Sea	1947	do	Yes	4,474	102.3
CVA-59, Forrestal	1955	Yes	Yes	4,948	106.9
CVA-60, Saratoga	1956	Yes	Yes	4,948	106.9
CVA-61, Ranger	1957	Yes	Yes	4,948	106.9
CVA-62, Independence	1959	Yes	Yes	4,948	106.9
CVA-63, Kitty Hawk	1961	Yes	Yes	4,952	108.4
CVA-64, Constellation	1961	Yes	Yes	5,022	108.4
CVAN-65, Enterprise	1961	Yes	Yes	5,499	115.0
CVA-66, America	1965	Yes	Yes	4,952	108.4
CVA-67, Kennedy	1968	Yes	Yes	4,952	108.4
Total				70,977	1,510.1

[1] To become a CVA (ASW carrier) when the "Midway" joins the fleet in fiscal 1970.

[2] Construction stopped for about 5 years following World War II.

[3] Now undergoing $202.3 million conversion. To rejoin the fleet during fiscal 1970.

Mr. FULBRIGHT. May I ask the Senator another question about that? What he is giving us is the actual out-of-pocket annual cost of maintenance. That does not include the interest on the money and the investment in those ships.

Mr. ELLENDER. The Senator is correct.

Mr. FULBRIGHT. If there are 16, there would be an approximate capital cost of $35 billion.

Mr. ELLENDER. I am not able to supply at this time the exact cost.

Mr. FULBRIGHT. With task forces.

Mr. ELLENDER. I am sure it would be, if the task forces are added.

Mr. FULBRIGHT. Taking the interest on that investment, in addition to that $1.5 billion, if we did as they do in any other business, we would figure the interest the taxpayers are paying on the capital investment, which I expect would run another $1 billion a year, if we really want to try to ascertain, as is done in any other operation in private business, what the cost of that operation is. I am afraid we have gotten so accustomed to it in the military that we pay no attention to the cost.

Mr. ELLENDER. I point out that the table merely shows first, the cost of ordinary maintenance and operation which includes the pay to crewmembers and the number of crewmembers on each carrier. If repairs are to be made, that is an additional cost. One of those ships is supposed to be converted to an attack ship and it will cost $202 million, I am informed. The cost of conversion is almost as much as the cost of the ship when it was originally built in the 1940's.

It was stated a while ago that such carriers act as a deterrence. I say that our missiles act as the deterrence, not these flattops.

We must not overlook the fact that we are living in a nuclear missile age and if ever a war breaks out between us and our chief adversary, Russia, carriers will be of no use to us. As I see the picture we are merely preparing for conventional brush fire wars. We are still pursuing our old policy of supporting militarily all of the free world countries so as to protect ourselves from the Russians. I am quite certain that the so-called free world countries will continue to rely upon us and do little or nothing to prepare for their own defense.

ISOLATIONISM REVISITED

Mr. FULBRIGHT. Mr. President, Prof. Thomas G. Paterson has written a very perceptive article in the Nation on the subject of "Isolationism Revisited" which I believe will be of interest to Members of this body.

I ask unanimous consent that the article be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Nation, Sept. 1, 1969]

ISOLATIONISM REVISITED

(By Thomas G. Paterson)

In his June speech at the Air Force Academy, President Nixon branded critics of his military and foreign policies "new isolationists," and suggested that they were turning their backs on the world. A few weeks before leaving office, Secretary of State Dean Rusk had similarly warned Americans away from a return to "isolationism." The Johnson administration had occasionally labeled as "isolationist" those foreign policy dissidents who asked for limited American commitments abroad and a retrenchment from empire. It is a label meant to discredit. It conjures up the specter of the 1930s, when the United States allegedly shirked international responsibility and thus unleashed mad dictators and Japanese imperialists. The label further summons the memory of America's rise to world eminence after World War II, throwing off its isolationism and assuming its rightful first rank in world affairs. Today, then, "isolationism" is a pejorative term connoting weakness, appeasement, surrender, mindless idealism and a retreat from the obligations of international leadership.

Scholars have also dealt critically with the noninterventionists of the 1930s, in part because most historians and political scientists today endorse internationalism and what they might call nonimperialist intervention. Historians have complained that the isolationists ignored the threat of totalitarianism, helped bring on World War II, left the United States militarily unprepared, even courted fascism, and in general nurtured a wrongheadedness which restrained America from influencing international events. Prof. Selig Adler has written that the "Congressional isolationists, so anxious to keep out of war, actually helped invite a foreign catastrophe of such immense proportions that no nation could have escaped its consequences." The eminent diplomatic historian Dexter Perkins has concluded that "time has placed their arguments in perspective, revealing that they were largely unsound."

But the isolationist movement was notably diverse. Nazis, Communists, pacifists, defeatists like Charles Lindbergh, "fortress America" types like Herbert Hoover, anti-Semites like Father Charles E. Coughlin, liberal reformers, thoughtful intellectuals—all adhered to it at one time or another. Because the isolationist America First Committee housed some unprogressive businessmen and because many isolationists, especially late in the 1930s, were opposed to the New Deal, isolationism has often been linked to conservatism, or at the extreme, with self-serving American proponents of German totalitarianism.

Historians have thus accurately found isolationists whom we cannot admire. It is also true that the isolationist Ludlow Amendment, which would have required a public referendum on all war decisions, was ill-advised. The isolationists sometimes imagined war plots and conspiracies. The isolationist or "revisionist" histories of World War I written by men like Charles Beard and Charles Tansill have been less than scholarly and too polemical. Above all else, the isolationists were wrong in the 1930s to believe that the United States could avoid any involvement in the developing crises in Europe through the Neutrality Acts, which prohibited America from punishing the aggressor. Their formula for American foreign policy did not fit the diplomacy of the depression thirties.

What scholars and politicians alike have obscured, however, is the long-term and constructive isolationist criticism of many facets of American foreign policy. Even in their failure the isolationists left an intelligent critique from which we can profit today. Those isolationists who were domestic liberal reformers especially deserve attention, for their assessment of foreign policy was the best articulated, the least rigid, and the most meaningful for the 1960s and the 1970s. Conservative isolationists did not dominate isolationism, and Prof. Manfred Jonas, in his excellent study of isolationism, has suggested that the historical treatment of the subject has been somewhat unbalanced and inaccurate: "To regard isolationism as pure obstructionism . . . is unfruitful and misleading." Such men as Sen. Gerald P. Nye, Norman Thomas, Charles Beard, John Bassett Moore and Sen. William Borah "did not approach American foreign policy from a purely negative and obstructionist viewpoint." Isolationism "was the considered response to foreign and domestic developments of a large, responsible, and respectable segment of the American people."

Indeed, unlike today, the term "isolationist" was not a label of reproach, and was respectably worn by many leading Americans, including perhaps even President Franklin D. Roosevelt for a time. Isolationism did not mean isolation. Most isolationists desired foreign trade, continued immigration and cultural exchanges, and diplomatic intercourse with other nations. Senator Borah, for example, favored international action to promote disarmament and in 1933 led the fight for American recognition of the Soviet Union. Nor was isolationism the phenomenon of one region, one political party, one ethnic group, or one socioeconomic rank. It was national, and had three basic strains of thought which attempted to answer the question, isolation from what?

The first strain was a profound abhorrence of war, a fear of war and militarism. Isolationists disliked not only the bloodshed of war and the utter waste of total mobilization but also the detrimental effects of war on domestic reform and civil liberties. The second ingredient of isolationism was nonintervention—that the United States should avoid interference in the affairs of other nations, should be selective in its foreign involvement, and disengage from empire. The third strain was unilateralism or independence. That is, the United States should preserve its freedom of choice in foreign relations by avoiding binding and restrictive alliances or commitments.

With these three core ideas, the isolationists dissected, studied and influenced American foreign policy in the 1930s. Their assessment showed them to be aware of some of the realities of world power politics and capable of compromise. We must credit many of them, too, with changing their minds in the last few years before American entry into World War II. Most important, the three ideas of freedom of action, nonintervention and abhorrence of war have a potent relevance for our views of American foreign relations today. Thus we should take another look at isolationism in the 1930s.

The isolationists were intense in their fear of war. The National Farmers Union in 1936 argued that "war is an utter negation of civilization. It is a relic of barbarism, regimenting mankind in organized murder, starvation, disease, and destruction. It is incompatible with every moral and Christian teaching." Writing in 1937, Congressman Louis Ludlow declared that the "science of slaughter has advanced with vast strides during the last twenty years. . . . The art of killing people en masse and maiming and wrecking human bodies has been perfected until it is impossible to imagine the next large-scale war being anything less than a vast carnival of death. . . ."

Many isolationists believed that the United States had been drawn unnecessarily into World War I, that civil liberties had been blatantly curtailed at home, and that in general the war was not the noble crusade President Woodrow Wilson said it was. Oswald Garrison Villard summed up the isolationist memory of World War I when he wrote in 1935 that "you cannot advance the welfare of the world by wholesale slaughter."

Every nation needs its internal critics—especially those countries which have had a long record of war and foreign interventions. The isolationists of the 1930s accepted measured appropriations for national defense, but they tried to twinge the American conscience to the horrors of war and the futility of military escalation. At times their thinking was wishful, and their ideas inapplicable to the trend of international affairs. But as Norman A. Zucker, biographer of George Norris put it: "If, like Isaiah, he longed for a civilization in which nation no longer warred against nation . . . he held a vision worth dreaming." And Prof. Arthur Ekrich, Jr., recently observed: "As some of the isolationists of the 1930s warned, the pursuit of power may seduce and corrupt even the most liberal and idealistic of statesmen and nations."

Isolationists with a commitment to reform were part of a tradition of opposition to intervention and war in favor of attention to domestic priorities. The anti-imperialists of the 1890s and the opponents of war in 1917–18 preceded them. The moderate Socialist leader Norman Thomas asked the question which troubled some Americans after World War I: "If we go into the [second] war, what will happen to the things we prize? What will happen to decency and tolerance, to morality and culture, to democracy and civil liberty . . .?" Thomas agreed with Charles Beard and several Congressmen who suggested that America put its own house in order, to stand as an example to the world of social progress. Only a viable social democracy could combat the evils of fascism. Senator Nye called for "correcting our own ills . . . saving our own democracy rather than soliciting the trouble to come from any move to police and doctor the world."

Liberal isolationists emphasized the social problems created by the depression, and envisioned the death of the New Deal and a denial of civil liberties. William Henry Chamberlin argued that war would bring "universal regimentation, hysterical intolerance, and physical and intellectual goose-stepping." The most pessimistic of all, perhaps, was Stuart Chase, who saw "the liquidation of political democracy, of Congress, the Supreme Court, private enterprise, the banks, free press and free speech; the persecution of German-Americans and Irish-Americans, witch hunts, forced labor, fixed prices, rationing, astronomical debts, and the rest." Although Chase's forecast was obviously exaggerated, it is clear in 20th-century American history that war and intervention help to undermine domestic reform movements and create an atmosphere for the abridgement of civil liberties.

The isolationists could remember World War I very well. As Prof. William Shannon recently wrote: "No other American President ever left office with as poor a civil-liberties record as Woodrow Wilson." Norman Thomas remarked in 1938 that "the last war almost cost America what liberty she had." Then, too, the isolationists were experiencing the Un-American Activities Committee of Martin Dies, who condemned people for their ideas rather than for their actions. Nye, opposing conformity of thought, reminded Americans that there was a distinction between "unity" and "disloyalty."

The record of World War II demonstrated that the isolationist alarm was well founded. The removal of Japanese-American citizens to concentration camps in the deserts and swamps of America marred an otherwise fair Roosevelt record. The injustice, however, is too obvious and damaging for us to dismiss this episode as an aberration. And we should remember that World War II was followed by a Red scare initiated by the Truman administration's loyalty program and carried forth by Joseph McCarthy. Today the eternal J. Edgar Hoover runs the FBI, the CIA functions as an almost independent and uncontrolled agency, the draft is used as a punishment. Thomas Dewey talks about abolishing the Fifth Amendment, the Attorney General supports wire tapping, war protesters are indicted for conspiracy, 41 per cent of the budget goes to the military and the cry is for law and order at any cost. It behooves us to read more closely what the isolationists said about the impact of war upon domestic America.

Believing in nonintervention, many isolationists catalogued the long history of American armed and subtle intervention in Latin America. In 1930, the United States had troops in Nicaragua and Haiti, and held protectorates over the Dominican Republic, Cuba and Panama. The anti-imperialist isolationists questioned official Washington's assertion that the United States was backing "democracy" in Latin America. At least twelve of the twenty Latin American nations were ruled in 1938 by dictators supported by Washington. "It would seem," concluded Beard, "that the rhetoric of democratic solidarity in this hemisphere does not get very far below the surface of things." Nye condemned the intervention of the Marines in Nicaragua in 1927 and their presence there until 1933 "to crucify a people . . . merely because Americans have gone there with dollars to invest and we have made it our policy to give whatever protection is possible to those dollars." Others complained that the Good Neighbor Policy was window dressing.

Isolationists also opposed unlimited arms sales abroad. Prof. John Wiltz, who has studied the isolationalist Congressional investigating committee headed by Nye, noted that the committee "proved . . . that most munitions sales to Latin America, China, and the Near East depended upon bribery. . . . It established that munitions firms sometimes played one belligerent off against another. . . . The Committee exhibited documents which shocked many Americans into the realization that there was a difference between selling instruments of human destruction and selling sewing machines and automobiles." With the encouragement of isolationists, Roosevelt banned all arms shipments to Bolivia and Paraguay in the Chaco war. The isolationists may also have stimulated the partial American retrenchment from Latin America under Roosevelt. The questions of arms sales to Latin America and of armed intervention there are relevant today, and have been seriously studied by Sen. J. William Fulbright, among others.

In pointing out that the United States itself often acted like an imperialist, the isolationists also inspected quite closely the foreign relations of one of America's "natural allies," Great Britain. Believing that all nations act in self-interest, that no nation has a monopoly on virtue and morality, the isolationists, asked Americans to stop applying an international double standard: one set of rules for themselves and the British and another for other nations. Robert Hutchins, the young chancellor of the University of Chicago, looked at the reality: "Mr. Roosevelt tells us we are to save the democracies. The democracies are presumably England, China, Greece, and possibly Turkey. Turkey is a dictatorship. Greece is a dictatorship. China is a dictatorship." He went on: "And what do wo do about countries which were victims of aggression before 1939? . . . What do we do about Hong Kong, the Malay States, the Dutch East Indies, French Indo-China, Africa, and above all, India?" Isolationists compared Italy's subjugation of Ethiopia to Britain's role in India.

In short, the isolationists condemned all imperialist nations, but unfortunately they often refused to make the choice of the lesser of two evils, as all men must, and thus did not focus their criticism entirely on the most brutal: Germany. What is important and lasting for us, even in this failure, is their cutting through the camouflage, rhetoric and cliches to define international relations in terms of power and self-interest. Today many Americans too have begun to ask for more precise use of words like "peace," "security," "democracy," "aggression."

The rhetoric of the American business community has preached that American businessmen have always served the national interest. Isolationists examined instances of business diplomacy in Latin America and protested the sale of arms to Japan and Germany in the 1930s. Such munitions businessmen were called "merchants of death," participating in "rotten commercialism" with an "inhumane, immoral, and un-Christian" behavior. This view was derived in part from the reform zeal of isolationists who wanted to abolish child labor, improve factory safety conditions, pass anti-trust legislation, curtail monopolies and the misuse of America's natural resources, and lift the living standards of the disadvantaged. They logically asked: If we are fighting big business at home, why help to extend its power overseas? Those parts of the Neutrality Acts which curtailed loans and arms shipments to belligerents, then, reflected parts of the reform movement of the 1930s. The Nye committee revealed much questionable activity on the part of American companies in international cartels, but did not prove the claim of some isolationists that American business drew the United States into World War I.

Senate investigations during World War II indicated that the isolationists had indeed been partially correct in their suspicions that some businesses were compromising the national interest for profit in the 1930s. The American business press was overwhelmingly

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anti-Fascist. But as Prof. Gabriel Kolko has demonstrated, twenty-six of the top 100 American corporations of 1937 were involved in significant cartel and contractual agreements with Nazi Germany. And fifty-six American companies were connected with the backbone of Hitler's war machine, the I. G. Farben Company. Standard Oil helped Germany develop both synthetic rubber and 100-octane aviation fuel. Bendix Aviation, controlled by General Motors, as late as 1940 provided a German company (Robert Bosch) with complete data on aircraft and diesel engine starters in return for royalties. As an official of the Dow Chemical Company boldly remarked in the 1930s: "We do not inquire into the uses of the products. We are interested in selling them." This attitude was made clear too by the businessmen who continued to ship scrap metal and oil to Italy, even though the President asked for a voluntary embargo in 1935. In fact, in the last three months of 1935, American oil shipments to Mussolini's Italy tripled. The isolationists were important watchdogs over American business. We have few watchdogs today, and have moved into the era of conglomerates, with some companies dependent upon military orders and contributing through lobbies to the world's arms race.

Some critics of the isolationists have incorrectly interpreted isolationism to mean friendliness toward fascism, or at least a condoning of fascism. The isolationist camp did attract Fascists, but they did not constitute the movement. Indeed, numerous liberal isolationists were early and vociferous in their denunciation of Hitlerism and the persecution of the Jews. Oswald Garrison Villard, for example, in 1933 and 1935 urged Western Europe to boycott Hitler's Germany and Mussolini's Italy, and in 1936 appealed to the League of Nations to act against Hitler. Villard became despondent, as did many isolationists, when the other European nations themselves would do nothing to contain the dictators. "The overwhelming majority of all isolationists," Jonas has written, "had no desire to see the Axis Powers gain their ends."

The Spanish Civil War was particularly agonizing for liberal isolationists, and the response of many of them suggests their flexibility and their opposition to fascism. How can one be committed to both peace and liberty? Many isolationists chose liberty, and encouraged the Roosevelt administration to aid the anti-Franco Loyalists. But to their dismay and surprise, the President and Secretary of State Cordell Hull performed like strict isolationists by imposing an arms embargo on Spain. Furthermore, Roosevelt followed the lead of the European nonintervention committee, which proved unworkable in the face of German, Italian and Russian intervention.

If some isolationists demonstrated that they would accept selective intervention, as in the Spanish Civil War, others later showed themselves capable of changing their minds over the question of aiding Britain against the rising Germany. Many liberals quit the isolationist ranks in 1939–41, leaving conservatives there, and thus contributing to the notion that conservatism and isolationism were linked. It should be stated, too, that the isolationists cannot be blamed for the coming of World War II. Germany did not depend upon American isolationism in making its plans. Britain and France let Germany nibble for a number of years, conceding to Fascist demands. Not until April of 1939 did France and Britain guarantee the independence of Poland. The League of Nations was moribund in the 1930s, its members unwilling to take decisive action. The Soviet Union was excluded from membership until 1934 and then ousted in 1939. Germany was admitted to the League in 1926 and departed in 1934. Both Japan and Italy withdrew in the mid-thirties. Britain was more interested in balance of power than collective security. As Robert A. Divine has suggested, European appeasers co-authored the American Neutrality Acts, because some Americans concluded that we had better steer clear of the chaos in Europe.

Scholars and politicians have distorted isolationism and confused a useful heritage. We cannot accept the notion of Fortress America; we reject strict unilateralism and the idea of a foreign policy conspiracy. But there is much value in the isolationist argument for freedom of action and limited commitments in foreign relations. This does not mean a rejection of international cooperation and the United Nations. It means simply independence and freedom of choice. Our alliance arrangements may drag us clumsily into wars. As someone has put it, we have constructed Pearl Harbors throughout the world. We cling to obsolete agreements like NATO which tie us to collapsing military alliances and impede East-West relations. We should give more attention, too, to the isolationist call for nonintervention and self-determination.

The isolationist critique is relevant to the senseless war in Vietnam which, among other detriments, has crippled a domestic reform movement. As America moves to the political right, the isolationist warning of war's effect on civil liberties is imposing. We might recall, too, that the isolationists worried about the growing and somewhat independent role of the President in foreign affairs. Today Congressmen are questioning the evolution of Presidential commitments in Vietnam without a declaration of war. The "National Commitments Resolution," introduced by Senators Fulbright and Gore, and recently passed by a 70-to-16 vote, expressed the Senate's desire for participation in national security questions.

In this day of global diplomacy and worldwide military skirmishes, we might reflect upon the isolationist critique of the 1930s and its significance to our problems. Surely many Americans share with the isolationists the fear (in the words of Prof. Warren Cohen) "that social democracy may die in the United States if it has to be fostered abroad by force rather than by precept."

BACKGROUND OF U.S. INTERVENTION IN VIETNAM

Mr. FULBRIGHT. Mr. President, in terms of flaunting by Government officials of the people's right to know the facts, there has been no period in American history comparable to that of our involvement in Vietnam. From the shoddy disregard of the Geneva accords, through the misrepresentation surrounding passage of the Tonkin Gulf resolution, down to the present-day attempt to pass off the dictatorial Thieu regime as a government which shares our values, the executive branch of the Government has failed—and continues to fail—to come clean with the American public.

Throughout this tragic period the Committee on Foreign Relations has attempted to give the public the facts necessary to make informed decisions on the wisdom of Vietnam policy. The latest effort was prompted by a comment by General Westmoreland in a publication issued by the Department of Defense earlier this year, entitled "Report on the War in Vietnam." General Westmoreland, in discussing the circumstances surrounding the sending of the first U.S. combat troops to Vietnam in 1965, wrote:

> It was my estimate that the government of Vietnam could not survive this mounting enemy military and political offensive for more than six months unless the United States chose to increase its military commitment. Substantial numbers of U.S. ground combat forces were required.
>
> I realized, as did Ambassadors Taylor and Johnson, that the U.S. was faced with a momentous and far-reaching decision. In making my recommendations in the spring and early summer of 1965, as indeed in the case of later recommendations, I was mindful of the stated U.S. objective with respect to Vietnam: "To defeat aggression so that the people of South Vietnam will be free to shape their own destiny." It was my judgment that this end could not be achieved without the deployment of U.S. forces. With the concurrence of Ambassador Taylor, I so recommended.

I was struck by the fact that there was no mention by General Westmoreland of a request for U.S. troops from the South Vietnamese Government. General Westmoreland wrote:

> It was my estimate that the government of Vietnam could not survive . . . It was my judgment that [the U.S. objectives] could not be achieved without the deployment of U.S. forces.

In an effort to shed light on the point. I wrote to Secretary of State Rogers on May 12 to ask for copies of any request from South Vietnam for U.S. intervention with combat troops. After nearly 4 months deliberation, the Department wrote that there was no request but that—

> The process of analyzing the situation by the two governments, and the consultation and agreement thereon, were such as to be regarded by our Government as constituting a request from the Government of Vietnam.

I suppose I should not be surprised that the Government which viewed the Tonkin Gulf resolution as the "functional equivalent" of a declaration of war would send American troops off to fight a land war in Asia without a formal request, for the record, from the government they were being sent to save. Many diplomatic and legal niceties, along with the truth, were early victims of the war.

It is shocking to realize that Congress was not asked for specific authority for the sending of American soldiers to South Vietnam and, indeed, that the government of South Vietnam itself did not make a written, formal request for these troops.

I ask unanimous consent to have the exchange of correspondence with the Department of State printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, after reviewing the record of official conduct concerning this tragic war, one need not look further to understand the despair and disillusionment over governmental processes that afflict our young people today. Having been indoctrinated throughout their lives that Government decisions are a matter of open covenants, openly arrived at, they have found that, on the contrary, their Government neither gives them the full facts about great public issues nor believes that the public should expect their officials to be candid and honest.

Governments, as do people, develop vested interests, and when governments manipulate and control the flow of information bearing on vital public interests it promotes its own, not the public's, interest. Thomas Jefferson, a believer in the public's right to know, put the issue at stake this way:

> He who permits himself to tell a lie once, finds it much easier to do it a second and third time, till at length it becomes habitual; he tells lies without attending to it, and truths without the world's believing him. This falsehood of the tongue leads to that of the heart, and in time depraves all its good dispositions.

I hope that the disease he described has not reached the heart of America. But the disease is curable by ample doses of the truth. This administration can start the process. Whether it will do so remains to be seen—but this exchange of correspondence is not a hopeful sign.

EXHIBIT 1

DEPARTMENT OF STATE,
Washington, D.C., September 2, 1969.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in response to your letter of May 12 to Secretary Rogers in which you refer to General Westmoreland's "Report on the War in Viet-Nam." You specifically asked about "a formal request from the South Vietnamese Government for United States intervention with combat troops."

As General Westmoreland's report makes clear, the initial decisions to deploy United States combat troops to South Viet-Nam in the spring and summer of 1965 resulted from a continuing analysis of a constantly-changing situation, a major factor in which was the deployment to South Viet-Nam of regular North Vietnamese Army units from the end of 1964 onward. As General Westmoreland states in later portions of his report, the subsequent infiltration of still more North Vietnamese Army units and the intensified offensive activity which those forces undertook necessitated the assignment of additional United States combat forces and the expansion of their role beyond the relatively limited one originally conceived.

The continuing analysis to which I have referred, and the series of decisions resulting from it, were made in close and constant consultation with the Government of Viet-Nam. The process of analyzing the situation by the two governments, and the consultation and agreement thereon, were such as to be regarded by our government as constituting a request from the Government of Viet-Nam. This request was confirmed by the Communique issued by the office of the Prime Minister of the Government of Viet-Nam, Dr. Phan Huy Quat, on March 7, 1965, concerning the arrival of two United States Marine battalions in South Viet-Nam—the first such deployment of United States combat forces:

During these past months and particularly in the course of the last few weeks, the North Viet-Nam authorities have intensified their aggression by sending arms and troops by land and sea into the areas bordering the 17th parallel.

In the face of these undeniable acts of open provocation, the Government of Viet-Nam has asked for and obtained the agreement of the American Government for the stationing of two United States Marine battalions at Da Nang, one of the vital military zones of Viet-Nam, in order to reinforce both the military and civilian defensive system.

This measure is part of a program of purely legitimate defense made necessary by the intensification of Communist aggression directed, supported and enlarged by the Hanoi authorities.

I trust that this information will prove useful to you, and I hope that you will not hesitate to call on me if I can be of further assistance.

Sincerely yours,
H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

MAY 12, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: As you know, questions have been raised, from time to time, concerning the circumstances under which United States combat forces were first sent to Vietnam. In the recently released "Report on the War in Vietnam," General Westmoreland wrote:

"It was my estimate that the government of Vietnam could not survive this mounting enemy military and political offensive for more than six months unless the United States chose to increase its military commitment. Substantial numbers of U.S. ground combat forces were required.

"I realized, as did Ambassadors Taylor and Johnson, that the U.S. was faced with a momentous and far-reaching decision. In making my recommendations in the spring and early summer of 1965, as indeed in the case of later recommendations, I was mindful of the stated U.S. objective with respect to Vietnam: 'To defeat aggression so that the people of South Vietnam will be free to shape their own destiny.' It was my judgment that this end could not be achieved without the deployment of U.S. forces. With the concurrence of Ambassador Taylor, I so recommended."

I was unable to find any reference in General Westmoreland's account of a formal request from the South Vietnamese government for U.S. intervention with combat troops. For the Committee's records, would you please provide copies of any such request received from that government.

Sincerely yours,
J. W. FULBRIGHT,
Chairman.

MICROSTATES

Mr. FULBRIGHT. Mr. President, I have been noting with interest and mild encouragement the initiative taken by the U.S. Representative to the United Nations in proposing that the United Nations consider the creation of a category of associate membership for so-called mini- or micro-states.

The Committee on Foreign Relations has long been concerned with the unrealistic distribution of voting power in the General Assembly of the United Nations and has repeatedly questioned the equally unrealistic policy of the Department of State of assigning full-fledged ambassadors to every independent nation, no matter how minimum our interests.

I commend Ambassador Yost for stimulating thinking and action in the United Nations on its relations to mini- and micro-states and express the hope that our State Department will do likewise in this area.

I ask unanimous consent that Ambassador Yost's statement of August 27 to the Security Council be printed in the RECORD at this point, together with an editorial from the Washington Post of the same date.

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

STATEMENT BY AMBASSADOR CHARLES W. YOST, REPRESENTATIVE OF UNITED STATES TO THE UNITED NATIONS, IN THE SECURITY COUNCIL ON THE QUESTION OF MICRO-STATES, AUGUST 27, 1969

Mr. President, the United States has requested this meeting of the Security Council to deal with an important problem which has long been foreseen in the evolution of the United Nations, but on which the first practical step has yet to be taken—with the consequence that a solution to it is now urgently required. That problem is to find a way by which the growing number of very small independent states, often called "micro-states"—many of which may soon seek to become members of the United Nations—can find an appropriate place and status within the United Nations family. Such a status should respond to their needs and rights, yet should not do violence either to their nature and interests or to the nature and interests of the United Nations itself.

To put this matter in its most concrete terms: Should even the smallest independent state be eligible for full membership in the United Nations, no matter how few its people or how limited its resources may be? What would be the consequence for the authority and effectiveness of our Organization if, during the coming years, 40 or 50 very small states, so small as to be unable to carry out the obligations of membership, should nevertheless apply and be admitted as members? What alternative methods might be devised for associating such states with the United Nations, for assuring them of its benefits without imposing upon them burdens they could not bear, and for giving them a status within the UN family appropriate to their independence, their capabilities and their needs?

This problem did not become urgent for the United Nations until recent years, when the progressive ending of the colonial age began to bring into being independent states of widely varying size—some very substantial but others very small indeed. Our Secretary General was the first to mark the problem officially for our attention when he referred, in the introduction to his annual report for 1965, to "the recent phenomenon of the emergence of exceptionally small new states (whose) limited size and resources can pose a difficult problem as to the role they should try to play in international life."

The Secretary General went on to suggest that "the time has come when member states may wish to examine more closely the criteria for the admission of new Members in the light of the long-term implications of present trends."

Later, in the introduction to his annual report in 1967, the Secretary General again raised this same question and discussed it in more detail. He urged that "the line has to be drawn somewhere" in the matter of membership, and noted that the Charter itself limits United Nations membership to states which not only are peace-loving, but in the judgment of the Organization "are able and willing" to carry out the obligations laid down by the Charter. In the light of this Charter rule, he pointed to the problem posed by emerging micro-states, some of which contain only a few thousand or, in one case, fewer than 100 people.

From these considerations the Secretary General drew certain conclusions which, in my Government's view, are entirely sound, and which I commend to the Council:

That full membership in the United Nations "may, on the one hand, impose obligations which are too onerous for the 'micro-states' and, on the other hand, may lead to a weakening of the United Nations itself."

That "it appears desirable that a distinction be made between the right to independ-

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ence and the question of full membership in the United Nations."

That "it may be opportune for the competent organs to undertake a thorough and comprehensive study of the criteria for membership in the United Nations, with a view to laying down the necessary limitations on full membership while also defining other forms of association which would benefit both the 'micro-states' and the United Nations."

Those observations by the Secretary General sum up perfectly the essence of the problem and of the steps which we believe are required to deal with it.

A number of members, my own country among them have, from the first, supported the Secretary General in his efforts to gain attention for the micro-state problem. I myself, speaking for the United States in this Council on September 20, 1965, pointed out the problem and urged members of the Council to seek an answer to it. In December 1967, following the Secretary General's initiative, the United States Representative formally proposed action in the Council on this subject. That moment was particularly opportune for such action, since no applications for membership were then pending and the matter could therefore be dealt with, as it should be, on the basis of general principles. Unfortunately, our consultations, on the subject were still under way when, in the summer of 1968, further membership applications were filed and the opportune moment for action thus passed. But the problem itself did not pass, and it was again the subject of comment by the Secretary General in the introduction to his 1968 annual report.

Now again we have a brief opportunity to act on the basis of general principles, because again at this moment no applications for membership lie before the Security Council. The major question of principle can thus be addressed in the proper perspective, without the distraction and controversy that are likely to arise from debate over individual cases. This moment is not likely to last long. I urge that we do not again let slip this opportunity to make decisions which are becoming increasingly necessary and urgent.

The importance of such decisions becomes even more obvious when we consider the entire category of very small dependent territories which may obtain independence in future years—and may then, in the absence of any decision to the contrary, seek full United Nations membership. The exact number of such states cannot be predicted because some may combine together, some may divide still further, and others may opt for some status other than full independence. But the facts available to us show a total of nearly 50 territories which may gain (or, in one or two cases, have already gained) juridical independence, each of which has a population of less than 100,000. In addition, there are about 15 somewhat larger territories, all of which would not necessarily be considered microstates.

These territories would have a grand total population between them of about 4,600,000 people. That means that *all* of these potential candidates for UN membership *added together* muster fewer people than any one of the 69 most populous states now members of the UN. It means that they possess 0.2% of the total population of the present membership. Yet, if they were added to the present membership, they would comprise one third of the votes in a General Assembly of about 190 members. Their combined votes would nearly suffice to defeat an otherwise unanimous Assembly resolution.

These are the facts which the Secretary General had in mind when he urged that such a general influx of micro-states would "lead to a weakening of the United Nations itself" and that "the line has to be drawn somewhere."

The United Nations is, in the words of the Charter, "based on the principle of the sovereign equality of all its Members. That is a necessary and historically valid principle; for the community of nations has long included states widely varying in population and in power. It is right that all members, though unequal in size, should have equal rights in the General Assembly. It is right that members other than the major powers should have a voice and a vote here in the Security Council.

But this very same principle will remain valid only as long as it is not carried to an ultimate extreme. The UN can no longer afford to waive that judgment of an applicant's ability to fulfill its Charter obligations that the Charter itself provides the Organization shall exercise. A line must indeed be drawn; otherwise the United Nations, which has been truly called the hope of the world, will lose its relevance to the real world of nations and will be reduced to an absurdity. That cannot be allowed to happen. We therefore believe that members of this Organization must hereafter take into account the pertinent capabilities of an applicant for membership in determining whether it is in fact able to carry out the obligations of the Charter, however willing it may be to do so.

But I do not only urge the interests of the United Nations in this connection; I also urge the interests of these very small states themselves. The charter requires that applicants for membership be "able and willing", in the judgment of the Organization, to bear the obligations of the Charter. It is not enough to be willing; the applicant must also be able. This ability depends on having certain minimum resources of money and manpower. Ideally, it means that a member should be able to take its turn in serving on the various parliamentary bodies, commissions, committees, etc., on whose deliberations the work of the Organization so largely depends. Even excluding such service, a member, if its membership is to have any practical meaning, must maintain a permanent mission of highly qualified officials at the seat of the United Nation; and, when the General Assembly is in session, a delegation sufficient to cover the work of the plenary meetings and seven committees of the whole. Such representation, even on the most modest scale, is likely to cost well over $100,000 a year. In addition, the minimum assessed contribution of every member state is now $57,295 a year. For an independent state whose professional cadres are extremely small, and whose entire annual revenue comes only to a few million dollars, these commitments of highly qualified manpower and money to even a minimum level of representation at the United Nations is certain to be a heavy burden and may well prove impossible. Yet without such commitment of resources, membership would be reduced to an empty symbol.

However, this does not conclude the matter. Even the smallest newly independent state, merely by virtue of its independence, is sure to feel in need of, and entitled to, certain of the benefits of the UN system appropriate to its independence—and no longer available to it by way of the former ruling power. Independent micro-states should particularly share the benefits of the various UN agencies concerned with development, trade, technical assistance and the quality of the environment. Likewise, they might participate in the regional economic commissions; they might be admitted to membership in some of the specialized agencies; and they should certainly all have access to the International Court of Justice. Those able to do so, might also maintain offices at United Nations Headquarters.

Some of them might also arrange with the Secretary General to attend United Nations meetings of particular interest to them and, when their interests are directly involved in a United Nations debate they should doubtless be invited to participate without vote in the debate. These are examples of the kinds of benefits and privileges of the United Nations system which, as the Secretary General has suggested, ought to be open to micro-states. And they are entitled, I think, to be assured in advance that such benefits and privileges will be available to them in cases where full membership is not the right solution.

The best solution to this problem, in the view of my Government, is the creation of a new status of association with the United Nations, which might be called "Associate Member". A status such as that of Associate Member would carry with it such benefits and privileges as I have just indicated. Perhaps equally important, it would stand as a universal sign and symbol of the independence of the state concerned, and of the recognition of its independence by the community of nations.

Let me make it clear that, in our concept, a state enjoying associate membership would in no way be precluded from applying for full membership at any time when it believed itself qualified for that step. Nor would the competence, under the Charter, of the Security Council to recommend and the General Assembly to vote admission to full membership be in any way affected.

This status of associate membership may be created by the General Assembly. Such an act by the Assembly is within its general powers as set forth in Articles 10 and 11 of the Charter as well as its power over its own rules of procedure as set forth in Article 21. Such past practice as exists, particularly in the main committees, confirms this view. The Assembly may create a category of Associate Members and define for states enjoying that status whatever duties, privileges and benefits fall within the purview of the Assembly itself or of those organs that function under its authority. As for those benefits that involve other organs, such as the Security Council and the International Court, it would be appropriate for the General Assembly to recommend to those organs that they each give suitable recognition and privileges to Associate Members; it would then be up to those organs to act on that recommendation.

Although the General Assembly would, as we conceive it, be the prime mover in this step, it seems to us entirely appropriate that the Security Council, in view of its co-responsibility with the Assembly in the matter of membership, should take the initiative in placing this matter before the Assembly. Certainly the Council, as the organ which must act first on membership applications, has a most important interest in any move to create a category of Associate Membership; for the existence of such a category would afford the very small states an entirely new alternative to full membership and would thus enable them to examine their relation to the United Nations in the light of their own best interests and capabilities.

Therefore, Mr. President, the United States now proposes a draft resolution which, if adopted by the Council, would ask the Secretary General to place this question on the agenda of the General Assembly at its forthcoming 24th session. The resolution is short and I shall read it:

"The Security Council,

"Bearing in mind that membership in the United Nations is open to all peace-loving states which accept the obligations contained in the Charter and which are able and willing to carry out these obligations.

"Further bearing in mind the increasing emergence of states so small that they would be unable to carry out the obligations of full membership,

"Desirous of ensuring that all such states should nevertheless be able to associate themselves with the United Nations in order to further the principles and purposes of the Organization and derive benefits from such association,

"Requests the Secretary General to inscribe on the provisional agenda of the 24th session of the General Assembly an item entitled 'Creation of a Category of Associate Membership.'"

The adoption of this resolution, Mr. President, is one of two steps which my delegation recommends to the Security Council.

The second step which I suggest is that the Security Council itself should make its own substantive contribution to a solution of this problem, and thereby facilitate the General Assembly's consideration of it, by referring it for study to the Council's Committee of Experts. The Committee of Experts should be asked to consider the entire problem. The Committee should report the results of its study and its recommendations to the Council within two months, which would bring us to the beginning of November, in time for the Council in turn to make recommendations to the General Assembly during the 24th session.

Accordingly, Mr. President, I now make a formal motion that the Committee of Experts be convened promptly to examine this question and to report its recommendations to the Council not later than November 1, 1969.

Mr. President, such are the proposals of the United States on the problem of micro-states and their relation to the United Nations. Unless some action such as we propose is taken promptly, the results for the United Nations can be disastrous. This great institution is not immortal. It could die of various diseases: political indifference, financial neglect, the too-rigid pursuit of the narrowly perceived interests of each member. Or, in the present case, it could fall victim to a simple structural ailment which, because the members were unwilling to go to the trouble of repairing it, would doom the institution to die of creeping irrelevance.

It is up to us, the members, to preserve the United Nations from any and all of these disasters, so that it may live to fulfill the great destiny which, I devoutly hope and pray, history has reserved for it.

A WAY TO DEAL WITH MINISTATES

With nearly 50 colonial fragments—each with fewer than 100,000 souls—within reach of United Nations membership, it is vital that the world body finally come to grips with the problem of the ministates. Some 69 current members alone exceed the combined population of the 50. If any substantial portion of them join on current terms, then the usefulness of the United Nations will be severely compromised. Moreover, many ministates, both existing and potential, simply cannot provide the money (minimum assessment $57,000, representation expenses at least $100,000) and the manpower required either to receive the full benefits of the U.N.'s social and economic programs or to contribute a due political share.

Secretary General Thant called attention to the problem a few years ago. Few members responded—evidently they did not wish to face charges of being unkind to former colonies by denying them the sovereign badge of United Nations membership. The United States, however, has now stepped forward to suggest study of a new category of associate membership for states that do not meet agreed minimums of population, size and financial means. Associate members would have a voice but not a vote. They could enjoy many of the advantages of membership without having to bear the costs of current dues and representation expenses.

The precise terms of a new category of membership obviously must be worked out in general discussion. The important point is that the United Nations confront the issue. No one should forget that it is the ministates themselves that have most to gain from improving the structure of the organization which affords them their principal world role.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. MONDALE. Mr. President, I do not know if any Senator is ready to speak at this time. I ask unanimous consent that there be a quorum call, without contracting or deducting the time from either side.

The PRESIDING OFFICER. Since a time has been fixed for the vote at 3 o'clock, such request would have the effect of dividing the time equally.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I ask the Senator from Mississippi if I may have 15 minutes.

Mr. STENNIS. Mr. President, I am glad to yield 20 minutes to the Senator from Arizona from the side of those opposed to the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

THE WAR AGAINST AMERICAN DEFENSE

Mr. GOLDWATER. Mr. President, before we conclude debate on this extremely important bill, I want to observe that this body has been witnessing the unfolding of one of the strangest and most dangerous episodes that I have ever observed in American history.

It is an episode which not only questions time-honored procedures of the U.S. Senate and attacks provisions of the Constitution regarding American military strategy but also calls into doubt some of the very justifications for defending the United States of America.

In theatrical terms, it might be said that we have been witnessing the climax of a left-wing extravaganza entitled "The War on American Defense."

Unfortunately, we are not dealing here with a Broadway production or a Hollywood presentation but with a definite line of attack on a basic concept of American freedom. That concept holds that freedom and liberty in today's world can best be insured and defended through the maintenance of military as well as economic and moral strength.

The attacks which are having their culmination in Senate action on this military procurement authorization were anything but spontaneous. They were scripted and orchestrated by men highly skilled in the arts of congressional relations, Government relations and—certainly not the least—public relations. The scenario began innocently enough with loud and prolonged objections to war. It rapidly moved from that generally approved attitude to specific objections to a single war—the conflict in Vietnam. From there the scenario began to encompass the military in very general but unmistakable terms designed to create the impression that all wars are the result of military men and military hardware. And from that line of argument the scripting became conveniently blurred and the word "military" became intertwined with the word "defense."

Subtly, gradually, deliberately, the architects of this "war" on American defense moved all the way from an almost religiously conceived advocacy of peace in our times to a full-scale attack on the strategy, the methods, the men, and the equipment required to defend 200 million American citizens from admittedly and openly hostile adventurism on the part of Communist nations such as Russia and Red China.

The attack on the military began in selected leftwing publications and cleverly played on the Nation's weariness and discouragement over the failure of our efforts in Vietnam. The buildup from there was steady and concentrated to such an extent that soon general purpose publications were sending out teams of reporters and writers to analyze and judge something the leftwing habitually described as a "military-industrial complex."

I do not have to explain to Members of this body the enormous attempt made to create a bogeyman out of the so-called MIC. Conveniently forgotten were such accurate World War II descriptions of America's defense machinery as the "arsenal of democracy" and the "warehouse of freedom." Any description that signified credit or merely did not fit into the connotation of the MIC as something evil were studiously shunned.

This was because the scripting was about to move into what I like to call phase II, or the second act of the play entitled, "The War on American Defense." In phase II—or act II, if you please—the objective was to flush out the charge or the implication that the so-called military-industrial complex was evil by its very nature. Consequently, the poor old MIC rapidly became the major cause of inflation, the principal reason why slums and ghettos were not eradicated, the biggest cause of continued poverty in an affluent Nation.

In line with these charges, careful attempts were made to cast reflections on the men most directly involved in providing the organization and the machinery for American defense. For example, a great furor was raised here in the Senate and in the public press over charges that 2,000 former military officers had gone to work in defense-related industries after they retired from military service. I have dealt with this implica-

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tion in some detail earlier in this session. It is sufficient here to say that the former military officer in this country has every right to seek employment in private industries which can best utilize his training and educational attainments. By the same token, it stands to reason that defense industries are obliged to seek the most competent and efficient and productive help they can obtain in carrying out the all-important task of contributing to the safety and security of American men, women, and children.

There is nothing evil or suspect about large numbers of retired military men going to work at jobs that they have spent almost a lifetime understanding; nor is it strange or unusual that defense industries—like government itself—seeks the best qualified personnel for the task at hand. Of course, the perpetrators of this blanket attack on all things military outwitted themselves on numerous occasions. On the one hand they credited the MIC with some great, ingenious conspiracy to hoodwink the American people, while on the other, they were charging that military men as a class are rather stupid.

Now, Mr. President, the kind of war we have seen unfolding in the Halls of Congress and in the newspapers and on television and radio does not just happen accidentally.

Earlier in this speech I mentioned that this whole campaign was scripted by men who knew what they were doing, and I should like at this time to identify at least one of the groups actively participating behind the scenes. It is made up largely of former Pentagon employees of the kind which we in Congress came to know in that infamous era known as the McNamara regime as the whiz kids. Perhaps it has escaped the attention of some of you that many of these whiz kids have departed from the Pentagon and, with their briefcases bulging with classified information, have taken up their abode in the sheltered confines of various organizations financed by foundation money. And I hasten to suggest that Members of Congress may want to look into this a little more thoroughly when we begin serious work on tax reform. I, myself, take a very dim view of foundation money being pumped out to support derelicts from the Pentagon who are actively engaged in a negative and destructive assault on all phases of our defense system. I do not believe that the American people want foundations who use their money in this fashion to be relieved of the necessity to pay their fair share of the tax burden.

Now, Mr. President, I am not guessing about this matter. Anyone even vaguely familiar with the military system and the legislation which affects the funding of our Military Establishment knows that a cadre—I might even say an army—of trained experts are at work behind the scenes analyzing in the most critical fashion almost any proposal made by the Defense Department under Secretary Melvin Laird or any effort to justify the financing of new weapons or military projects.

I think we all know that the shock troops in the war against defense are coming from the ranks of those "whiz kids" whose former boss, Robert McNamara, was dedicated to the concept of downgrading American military strength. They have lost their old master to the World Bank, but their ardor is undiminished, as we can plainly see.

In another phase of this concerted attack on American defense was the provision of forums which could be used as sounding boards for leveling any and all kinds of attack on American military.

I want to say that I am under no illusions that good use was made in this respect of the Joint Economic Subcommittee on Government Expenditures headed by my good friend and colleague from Wisconsin, Senator WILLIAM PROXMIRE. I have on many occasions on this floor complimented the Senator for the very fine job he did on ferreting out waste and inefficiency in the expenditure of our defense appropriations. However, I also have made no secret of my belief that the job should have been done when the policies of waste and inefficiency were being cemented into our procurement system by Secretary McNamara and his misguided belief that cost effectiveness was totally applicable to a department engaged in planning for the protection of human beings. How Mr. McNamara or any of his "whiz kids" could effectively gage the cost of one human life—to say nothing of thousands or millions of lives—was never explained during his regime nor to my knowledge even considered. Cost effectiveness was an argument used by Secretary McNamara to kill off programs he did not like. Significantly, it was not used to throw a multibillion-dollar contract for the ill-fated TFX fighter plane to the highest bidder.

It is my feeling further that the effect of some of the reports put out by the subcommittee as well as some of the statements made by its members contributed heavily to the effort to downgrade very substantially the entire concept of needed defense expenditures. This, too, I have mentioned on previous occasions.

Another form which the antidefense scriptwriters dreamed up was an unofficial committee of Congressmen entitled, "The Committee for Peace Through Law." This group which had nothing official to do on defense legislation held well-publicized hearings and gladly heard testimony from practically every source which had a word of criticism to air against the Defense Establishment. There was apparently no requirement that the members of this unofficial group should have even a cursory knowledge of the very complex subject they were investigating and reporting upon. The committee, of course, issued reports based on the work done by the boys in the back room of institutes supported by foundation money. Reports were obviously written by staff members who had served under McNamara and were sitting out the Laird administration in hopes of returning at some later date under a Secretary molded in the image of their former boss from Ford Motor Co. Consequently, they had all the appearance of being the work of experts, even though they were issued in the name of some people who had little previous knowledge of defense matters or military expenditures. All of this activity was carried out in preparation for the big push in Congress on the bill we have under consideration at this very time. As we all know, the curtain went up 2 months ago, and since that time the action has sometimes taken on the aspects of a filibuster and at other times the aspects of a legislative farce.

When I say farce, I want to be particularly careful not to offend any of the participants in this running debate on the various items in the military procurement bill. But I must say the word has some application when you reread the RECORD and find the Senate of the United States being exhorted by military amateurs on the finer points of defense strategy and sophisticated weaponry. As one of our Members, I believe it was the Senator from Rhode Island (Mr. PASTORE), cogently observed at one point in the proceedings, we no longer especially need a Pentagon or a Joint Chiefs of Staff or any professional military men to worry about the defense of our Nation; the whole area could henceforth be handled by the Senate of the United States.

In this connection, we have even heard statements to the effect that Congress, not the executive branch, must decide the major questions of national security, the need for new weapons, the stationing of troops and appropriate responses to enemy action. This contention seriously challenges the doctrine of separation of powers as defined by the Constitution of the United States. And, Mr. President, on this question I feel that the matter is so grave and goes so deeply to the basic concepts of our national security that I plan to deal separately and more completely with it in a separate paper—which I have done earlier in this session, Mr. President.

I might say in passing that the mere fact that such assertions can be made on the floor of the Senate is an accurate indication of how far some have gone in the direction of almost total irresponsibility. Can you imagine, Mr. President, a campaign, military in nature and requiring all the advantages of surprise and precision timing, being mapped in a committee of Congress and debated on the floor of the House and Senate.

Mr. President, in conclusion, I feel that this prolonged airing of military matters, defense procurement and related issues has had some beneficial effects. I am particularly happy that many Members of the Senate who do not serve on the Armed Services Committee have shown great interest and have extended themselves to become conversant with the intricacies of military legislation. I feel that in the years ahead this will be beneficial to the adoption of sound legislation for the defense of our country. I might humbly suggest, however, that no committee of Congress, no group of concerned Senators and House Members, will ever develop sufficient expertise to replace decisions by the Commander in Chief and by the Department of Defense. This is in the nature of looking for some good and finding it in this dangerous campaign against the American military. I am happy also that on issues such as the ABM and the C-5A a majority of the Senate has seen fit to place its support on the side of defense. As I have said on many occasions and I repeat here today, the defense of 200 million Americans is nonnegotiable under any pretext or at any time or in any place.

Mr. HOLLAND. Mr. President, will the Senator from Mississippi yield me a few minutes to comment on the pending matter at this time?

Mr. STENNIS. Mr. President, I yield myself 1 minute. I will later yield some time to the distinguished Senator from Florida. However, I had asked the distinguished Senator from South Carolina to be pesent in the Chamber at this time. He has changed his appointments in order to be here.

Mr. President, I yield 12 minutes to the Senator from South Carolina at this time and I shall yield next to the Senator from Florida.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, Senate amendment No. 46 to the military authorization bill would withhold authorization of funds amounting to $377.1 million for laying the keel of the nuclear aircraft carrier, CVAN-69, pending a review of the entire carrier program by the Congress.

Mr. President, we need this carrier, and we need it now. We need the CVAN-69 to keep the U.S. Navy modern and capable, and to preserve its stature as a fleet second to none.

The question has been asked: Why do we need a Navy? I will tell you why. It is simply a matter of geographical fact. One needs only to look at a map of the United States to realize that we have international borders with only two nations: Canada and Mexico. The rest of the world, including one of our States, lies overseas. Three-fourths of the world is covered by water.

Despite the spectacular advance of air travel, it is a recorded statistic that the bulk of our commerce travels by ship—over 99 percent of it, in fact. Certainly our current military strategy depends upon ocean shipping.

If we in this country are to maintain and improve our present way of life, we must assure ourselves the free passage of the seas, and of the air space over the seas.

To provide this assurance of free use of the oceans, we must have a Navy capable of deterring, or, if necessary, defeating any threat to the freedom of the seas. We have this kind of Navy today. The attack carrier is the backbone of that Navy, the principal ship through which we are able to insure our supremacy on the seas, even in the face of the growing Russian threat.

This Soviet bid for naval supremacy is a real and growing challenge. The Soviet Union has embarked on a program which reveals a singular awareness of the importance of seapower and an unmistakable resolve to develop a powerful maritime force. They are committed to a naval and maritime program which can only be described as a technological marvel.

Their navy has undergone a continuing modernization program which has included the construction of missile-armed cruisers, helicopter carriers, and several new classes of nuclear and conventional submarines. Their fleet has become capable of sustained open-ocean operations. For the first time in its history, the Soviet Union is using a deployed naval force in support of foreign policy in areas not contiguous to its borders. Their fleet in the Mediterranean includes warships armed with surface-to-surface and surface-to-air missiles, amphibious ships with naval infantry embarked, as well as torpedo- and missile-armed submarines. During our moon shot we saw a Soviet task force of modern ships cruising in the Caribbean.

It is true that the Soviet Navy does not have attack carriers in the same sense that our Navy does. Many have asked, "If the Russians do not have carriers, why does the United States need them?" The answer is that the sea forces of these two powers, the United States and the U.S.S.R., have different missions within their respective strategic requirements. Our national objectives are predicated on free use of the seas for overseas commerce and foreign policy. Our Navy is structured to protect the vital sealanes and to exploit them for the projection of our national interests. The Soviets, on the other hand, are land-oriented. Her navy is primarily constituted for the interdiction of those sealanes upon which we are so dependent. Their naval effort has concentrated on submarines and antiship missiles.

Their cruise missiles, whether air, submarine, or surface ship launched, do in fact constitute a grave threat to our maritime forces. Their missiles outrange the guns on our surface ships, such as cruisers and destroyers. The attack carrier is our one weapon system which can best cope with the Soviet sea-based missile threat.

Our carrier aircraft, with a radius of action greater than 600 miles, outrange the most modern Soviet surface-to-surface missiles which have a maximum capability of about 400 miles. Furthermore, the carrier's attack planes can strike and destroy the Soviet missile cruisers beyond the range of their weapons. Also, the carrier fighters can attack Soviet missile and surveillance aircraft, and can shoot down a Russian cruise missile after it is launched.

It is indeed a fallacy to think that we should not build carriers in the face of the Soviet missile threat. In truth, the reverse is true. Carriers are particularly needed today, because of this threat.

It is true that carriers are vulnerable to missiles. In war, everything is vulnerable. Our land bases in Vietnam have been subject to rocket attacks and they have sustained damage often inflicted by a handful of enemy soldiers. It is interesting to note that our carriers in Vietnam have avoided any damage from enemy attack, both by the defense in depth provided by the fleet, and by the carrier's inherent mobility. This mobility has permitted the carrier force to remain beyond the range of any potential missile forces such as PT boats and land-based attack aircraft, while still delivering devastating strikes on enemy targets. Our carriers provided about half of all the combat sorties into North Vietnam during the bombing campaign terminated by President Johnson last November.

All of our ships would be vulnerable to missile attacks at sea. But the carrier is least vulnerable. In World War II our carrier forces were the prime target of more than 2,000 "guided missiles" launched by the Japanese—the Kamikazes. These "missiles" were guided by the most sophisticated guidance system possible—the human brain. Despite this, not a single carrier was ever sunk by the Japanese Kamikazes.

On the other hand, our most vulnerable seagoing forces are the tankers, ammunition ships, and troop carriers which we must have to support our overseas bases. In the Vietnam war, 98 percent of all the supplies to Southeast Asia have gone by sea. Without these supplies, our forces could not fight. Without the protection of the sealanes, we could not even extricate our overseas forces.

The Navy, with its carrier strength, is needed to protect these vital lifelines. The very existence of a powerful Navy deters an attack upon our seaborne forces.

The CVAN-69, which this amendment would defer, is needed now, to maintain the modernity and capability of our fleet. It is needed to replace our older carriers built during World War II which have served long and useful lives, but which today are wearing out. Today we have four *Essex*-class carriers in our attack carrier inventory. These ships cannot operate the most modern tactical aircraft now in fleet use such as the F-4 and A-6.

We need this new nuclear-powered attack carrier regardless of whatever decisions are made concerning attack carrier force levels. When the CVAN-69 joins the fleet in 1974, it is not planned that it will increase the number of the Navy's attack carriers; it will replace one of the older ships which will be retired.

This amendment would cause serious consequences in the nuclear power industry and the shipbuilding industry. All of the facilities carefully established and developed for the construction of this ship would be dissipated. To start up again to build a carrier from scratch would result in extensive delays and soaring costs.

Mr. President, my State is fortunate in having a splendid seaport at Charleston, S.C. They do not build aircraft carriers there but Charleston's broad use as a naval base has helped give me a special sense of the Navy's role in our defense. I see the need for a strong Navy to protect our free access through the seas. In particular, I see the need for a modern fleet of aircraft carriers to permit those charged with our defense the flexibility to respond with speed to a crisis anywhere in the world.

The aircraft carrier is an elusive target, and an effective platform for aircraft to support our fighting men. It is like having an airbase off any shore in the world. The Navy must have modern

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ships, such as this carrier to perform its vital function in our national interests.

Mr. STENNIS. Mr. President, I ask unanimous consent that there be a quorum call, with the time to be charged equally to each side.

Mr. MONDALE. Mr. President, I object to that. We have only 30 minutes remaining. The opposition has approximately an hour and a half or slightly over an hour left. If the time is charged to each side equally, we will not have an opportunity to present our side of the story. So I object. I do not know what alternative there is. We had an earlier quorum call in which the time was not taken from each side, and I ask unanimous consent that that be done now.

Mr. GOLDWATER. Mr. President, reserving the right to object, I point out to the Senator that we have unanimously agreed to the time of 3 o'clock, and it really does not make much difference.

Mr. MONDALE. The difference it makes is that we will not have time at all if our 30 minutes is reduced any further. Therefore, I ask unanimous consent that there be a quorum call, with the time not to be deducted from either side.

Mr. STENNIS. Mr. President, reserving the right to object, and with all respect to the Senator, that is really meaningless by time, because we must vote at 3 p.m.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. PELL in the chair). The Senator will state it.

Mr. STENNIS. How much time does the opposition to the amendment have remaining?

The PRESIDING OFFICER. The opposition has 81 minutes, and the proponents have 37 minutes.

The Chair would also point out that the time for the previous call for a quorum was charged against both sides evenly.

Mr. MONDALE. If the motion was the one I made, that would be contrary to the unanimous-consent agreement.

Mr. STENNIS. Mr. President, I address the Chair for recognition.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, what is the remaining time for the opposition to the amendment?

The PRESIDING OFFICER. Eighty-one minutes.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield myself 15 minutes, or as much thereof as I may use.

Mr. President, much has been said here about how much has been spent on our military programs since World War II. Most of that money has been spent in the most uncertain period of modern history, when we were the only ones who were capable of going forward in the way that it seemed we should.

I am no stranger to the idea of trying to save money—and I do not deserve any credit for that. But I recall that approximately 2 years ago, when I was temporarily acting chairman of the Committee on Armed Services, a bill such as this was being put together, and I made a motion that we reduce the research and development program by a modest 3 percent. I was overwhelmingly defeated on that motion by the very ones, many of the ones, who are here now proclaiming the loudest to conserve and reduce appropriations and cut out these modern weapons or the plans for modern weapons of the future.

So the matter of just talking about saving some money, important as it is, is not controlling when we have a proposition such as this.

The only real question before the Senate now is whether or not we are going to have another nuclear powered modern carrier capable of having all our planes operate, whereas now some of our older carriers are too small to take care of four of the different modern aircraft we have on the modern carriers. And this is for 1974 and 1975.

The difference has been covered over and over as to the advantages of this new type carrier, carrying twice the ammunition, and having two and a half times the capability of those we are going to retire, and I want to retire the old ones as fast as we can. The operating cost, with its extra capacity, as compared with an *Essex*, is very favorable to the new carrier.

Another fact that has not been emphasized is this: This is a nuclear-powered carrier. It is the ultimate in power for any kind of major seagoing vessel, but that is not the point I emphasize now. We need to be carried farther and farther down the road in the development of nuclear energy, and the nuclear-powered carriers and nuclear-powered submarines have led the way for the entire Nation and the entire world in the development of a practical application of nuclear power. So in talking about the cost, just on that score alone, there is a tremendous value. However, beyond this carrier as a weapon is the value in the field of nuclear energy.

The Senator from Rhode Island, the former chairman of the Joint Committee on Atomic Energy, and the Senator from Vermont, if he will permit me to point him out, a member of the Atomic Energy Committee, and I believe also former chairman, strongly support this carrier, and before this debate has concluded they will say so on the floor of the Senate. They will speak for themselves. But I point out the affinity of the ultramodern, not only for armor protection but also in carrying us down the road toward the development of this necessary energy for the future, for domestic and nonmilitary application.

Mr. President, this ship will carry almost twice as many planes, it will have a much greater speed, and, as I have said, the reactors on which it will operate are the most modern type. It will have phased into it 25 years of new technology in many areas other than the power unit itself.

I am not concerned about the size of the carrier fleet. I want it to be what we need. I know, too, that other nations that were once powerful nations on the sea are not going to be building any more carriers. Why? Because they are not able to do it. That is the message we got from Great Britain 25 years ago. They said they would not be able to control the seas. We are the only country now in the free world with the capacity and the capability to maintain this superior and necessary naval strength.

Do we want to be left merely with the capacity our submarines have—and I refer to the Polaris submarine—as great as they are? Of course not. I favor the reduction of the number in use, but I am unyielding that we have the modern ones.

Secretary Laird has already told us he is going to review this matter. He is a man of his word. The President has said that he is going to review this matter. I want them to review the entire military program, not only the Navy but also the Air Force, Army, and the Marine Corps. Let them take a look and we will be taking a look.

Awhile ago I mentioned a figure referring to the reductions that we made. I was looking merely to these forefront weaponry items. The committee has taken over $2 billion out of the bill already. The committee has the responsibility and the authority to set these figures. I am not willing to take a meat ax view and undertake here to cut them out on the floor of the Senate, turn it over to the General Accounting Office, or any other group as this amendment would provide.

I think that carriers are the greatest deterrent we have, so far as keeping down trouble, being available, patrolling the seas, and going into troubled spots. That is my opinion. It has versatility. It is instantly available day and night. It is a floating air field.

Yes, it does cost a little more than the Air Force per plane. It is worth more in the particular job they do. I would not say one is better than the other. They have to complement each other if we are serious about keeping the sealanes open.

They are instantly available and can be on the scene very quickly. As a matter of fact, they can get to these troubled spots long before the trouble comes to a boil. We do not have to have anyone's permission. We have never yet been able to pick the time and place we are going to have a war against us or an incident that might lead to a war against us. We never will have that opportunity. No nation does. We thought we were going to get our land-based airpower in a good position, as I said the other day. I was the chairman of the Subcommittee on Military Construction. I went to France where we had ceremony after ceremony dedicating airfields, hangars, and everything connected with our Air Force over there. I do not have the figures in mind, but it ran into hundreds of millions of dollars. Yet today we cannot use a single one of them without their permission if we should be attacked. We cannot even fly over and use the airspace over France without express permission. They permit diplomats to fly in and out, but that is about it. We have to apply 30 days in advance if we are going to have any military planes even in the airspace.

I was on the committee that went to French Morocco. Fine airfields were to be built there, but, before the first one was built, we had to get out. Libya fell the other day. We do not know our future there.

We are always at home on the sea by international law. No one can make us get off unless we make the mistake of not having modern weapons to meet an emergency. I shall have a few more remarks later on this matter.

One can talk about what some critical report stated. Anyone can dig up one of those reports on every weapon we have. I am glad Secretary of Defense Laird is concerned. The President had both of these matters. We had to come down to a decision. We are the ones now who must make that decision.

I yield back whatever time I allowed myself.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 11 minutes to the Senator from Vermont.

Mr. SCOTT. Mr. President, will the Senator yield to me briefly?

Mr. AIKEN. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, this amendment proposes withholding the funds for the construction of a nuclear attack carrier pending a full study and investigation by the Comptroller General of the justification for building it.

I welcome this opportunity to make clear my strong belief that the nuclear attack carrier under construction should be authorized and that the country needs it.

The United States—a maritime nation—cannot maintain its position as a first-rate power if it does not possess the capability to maintain use of the seas. For this we must have a modern attack carrier force capable of providing airpower in those areas vital to our national interests.

The Soviet Union is embarked upon a program which reveals a singular awareness of seapower and an unmistakable resolve to become a powerful maritime force. They have demonstrated a thorough understanding of the basic elements of seapower—a powerful navy, a large modern merchant marine, and thorough knowledge of the application of both. They are surging forward with naval and maritime programs which are technological marvels.

For the first time in its history the Soviet Union is using deployed naval forces in support of foreign policy not contiguous to its borders. The Soviet fleet in the Mediterranean includes combatant ships armed with surface-to-surface missiles and surface-to-air missiles, ships with naval infantry embarked, and modern missile- and torpedo-armed submarines. This fleet is being maintained by rotation of units in the Mediterranean. A recent report shows this force to be numerically larger than the U.S. 6th Fleet.

Very recently a Soviet naval force visited Cuba and then conducted maneuvers in our own backyard—the Gulf of Mexico.

Their submarine force, the largest in the world, is equipped with missiles that constitute a capability to threaten the United States itself.

To provide a force capable of countering this growing Soviet seapower, or defeating it if such should become necessary, and to maintain the use of the seas, we need a strong modern Navy. Despite the tremendous technological progress that has been made in transportation during this century, the fact remains that our use of the seas—which cover three-fourths of the earth's surface—continues to be essential. The Vietnam conflict has demonstrated this fact; 98 percent of the supplies to support operations there are delivered in ships.

Moreover, there is no valid plan for any overseas operation of the Army, Air Force, or amphibious forces that does not depend on the use of the seas for support. We are essentially an island between two oceans, and the best way we can use our military power beyond our shores is through the Navy spearhead.

The attack carrier is the primary striking force of the Navy. It provides the tactical airpower necessary to insure the free passage of the seas and the space over the seas.

The sponsors of the amendment have made much of the vulnerability of the attack carrier to modern sophisticated weapons and have advocated the use of land-based instead of sea-based airpower.

It cannot be denied that carriers can be attacked with modern weapons, but so can other weapon systems. However, the carrier is the least vulnerable of air basing systems due to its mobility.

In World War II the Japanese launched over 2,300 Kamikaze attacks against the U.S. Fleet with the carriers as primary targets, yet no attack carrier was sunk by them. In the Tonkin Gulf, where carriers made early strikes, they remained to provide approximately one-half of the sorties into North Vietnam and have never sustained any damage from enemy action. No enemy aircraft or PT boat has penetrated the defense of the task force to reach an attack position.

Further, modern carriers are extremely tough ships. The CVAN-69 will be the best protected ship and least vulnerable carrier ever designed. The added protection is provided by extensive use of armor against damage by bombs and guided missiles and by improved anti-torpedo hull design.

The point here is that carriers are the least vulnerable of our surface ships.

The most vulnerable ships are those in our overseas logistics supply system—the tankers, troop carriers, and cargo ships that are vital to support any overseas military operations and our industrial needs here at home. The sheer bulk of the daily requirement of oil and petroleum products for military and industrial needs precludes peacetime stockpiling. Carriers are essential to insure the flow of these materials.

With regard to greater use of land-based airpower, I do not pretend to know the exact mix required. Both are needed. What concerns me is that the area of the world which can be covered by our land bases is continually shrinking because of our reduction of overseas bases. Pressure continues at home and abroad for us to withdraw our deployed forces and abandon our overseas bases. Even if we approach a "Fortress America" concept there will be a growing need for nuclear-powered attack carrier forces capable of rapid deployment to wherever U.S. military presence is needed.

The sponsors of the amendment question the relative costs of land-based and sea-based airpower. It appears that relative investment and operating costs vary in different situations, but overall costs are about the same when basing, support, logistic, and defense costs are considered for both. Even if this were not so, the effectiveness of sea-based airpower would demand that the carrier be retained as an instrument of our national military strategy because there are too many areas of the world where tactical airpower cannot be provided by alternate means. History since World War II is replete with examples of the employment of carrier forces in support of U.S. foreign policy in areas where land bases were not available.

Another point to be remembered when considering the pros and cons of this amendment is this: carriers give a full return on their investment throughout the entire lifetime of the ship—normally 25 to 30 years. When an overseas base is abandoned, it becomes a total capital loss.

In 1966 the Secretary of Defense approved the construction of three nuclear carriers based on detailed analytical studies which established the future need for sea-based tactical airpower. The present Secretary of Defense has fully endorsed this requirement. The first of these ships is now being constructed and will join the fleet in 1972. The second, which is under consideration, has been funded previously in the amount of $133 million for long-lead-time nuclear propulsion components which have already been contracted for. Any disruption in the schedule of construction would be costly and wasteful. CVAN 69 is scheduled to be completed and join the fleet in 1974—this schedule should be maintained, not only because of fiscal efficiency, but principally because we need this modern ship capability.

Authorizing this ship will not increase the number of carriers in the Navy. This ship will replace an old World War II *Essex* class which has served the country well in three wars but which by 1974 will simply be worn out. This old carrier does not now have the capability to operate many of our modern aircraft.

This country needs a Navy second to none. We have it now, but only by an orderly process of modernization can we maintain our position of leadership on the seas. I will not support this amendment which would deny the Navy a vitally needed modern weapon.

Mr. AIKEN. Mr. President, 4 weeks ago the Senate was discussing the amendment relating to the ABM. I supported the amendment which would have prohibited the deployment of the ABM because of my belief that there were forces within, and without, our Defense Department that desired to substitute the ABM for an underseas nuclear navy. I felt that the Polaris submarine had been a major deterrent to

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greater wars, that the ABM would be no substitute for it, and that we should not give up improvement of the atomic Navy to concentrate on other weapons of very doubtful value.

During the ABM debate I was referring to the nuclear submarine, but I might have also included the atomic surface ships for the same reason.

Recently, before the Joint Committee on Atomic Energy, Adm. H. G. Rickover, the father of the nuclear Navy, said:

> The Soviet Union is embarked on a program which reveals a singular awareness of the importance of seapower and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of seapower: knowledge of the seas, a strong modern merchant marine, and a powerful new navy. They are surging forward with a naval and maritime program that is a technological marvel.

Mr. President, as a member of the Joint Committee on Atomic Energy, I realize full well that the Soviet Union is striving for control of the seas. While I would very much favor an effort to reach an agreement on limitation of armaments with the Soviet Union, I feel that unless that can be done, the time is not yet here when we should consider reducing our strength, for the simple reason that there is opposition to the improvement of an atomic Navy.

The admiral also observed during his testimony before the Joint Committee on April 23, 1969:

> The Soviet Navy has become a fleet capable of sustained open ocean operations. For the first time in its history, the Soviet Union is using a deployed naval force in support of foreign policy in an area not contiguous to its borders.

We may be assured, Mr. President, that there are undoubtedly Soviet submarines within 200 miles of our shores on the Atlantic and the Pacific. I might also add that our submarines, to the extent that we have them available, are circulating in the waters of the globe in such a position that if war did begin, they could launch atomic missiles to almost any part of the world today.

Again I refer directly to Admiral Rickover in his testimony earlier this year before the Joint Committee on Atomic Energy:

> The war in Vietnam has again emphasized one of the most important lessons of history—the need to be able to control the seas in time of conflict. In spite of the publicity given to airlifting troops and supplies to Southeast Asia, over 98 percent of the material and supplies for our forces in Southeast Asia go by sea.

We are now reviewing all of our commitments with foreign nations, including both military and economic ties.

We are experiencing increasing complications in maintaining bases in other countries. The cost of maintaining these bases is prodigious. We are roughly spending $3 billion a month, on the war in Vietnam. I know that it will cost a great deal of money to build another nuclear carrier, but I feel that this expenditure is very important. We must realize that the trouble we are having in maintaining bases on foreign soil can easily lead us into another war such as we now have in Vietnam, as well as other difficulties.

By use of aircraft carriers, we can avoid getting ourselves too deeply involved with the policies of other governments in countries where we maintain foreign tactical aircraft strike bases.

We should also realize that our existing foreign land bases are vulnerable to loss or restriction of their use depending on the mood of the host country.

I am also aware that there are those in the Defense Department, to say nothing of private industry, who would like to see this nuclear propelled carrier delayed, if not killed off. In fact, there are those who are not in favor of using atomic ships of any kind for the Navy. So far as I know the Congress has always had to fight for every atomic-powered ship.

I realize that the oil industry is extremely important. It is also extremely powerful. It can even direct the rise and fall of nations.

I would be willing to bet that the oil industry would not shed any tears if the atomic-powered carrier was scrapped. The oil industry is international—it is interested in production and markets and its allegiance to national boundaries appears, in some cases, to be very thin.

I submit, if not actually endangering our national security by continuing to develop and equip our Navy with ships which are powered alone by oil, we may be exposing ourselves to unnecessary risks.

The reason is simple.

An oil-burning ship requires extensive logistical support, while a nuclear-propelled ship, on or under the sea, can run independent of logistical fuel support.

I would call to the attention of my colleagues a recent Department of Defense report which was submitted to the Cabinet Task Force on Oil Import Control.

The Department of Defense report states in part:

> The part that oil plays in the defense posture of the United States is vitally important. It is a strategic material and one of the few items that is absolutely essential and foremost in the minds of military commanders. Along with weapons and ammunition, the needs of petroleum get the most attention. Petroleum cannot be stockpiled like hardware—the quantities required are too great, nor can our military forces operate very long without back-up support from refinery and production sources . . . the vital role of oil in any defense effort is crystal clear. Information available today indicates that, with few exceptions, military equipment will continue to derive energy from liquid petroleum and its products for some time to come.
>
> In 1949, military petroleum requirements were about 330,000 barrels per day and by 1967 they exceeded one million barrels per days—a three-fold increase and the curve continues upward.
>
> The Department of Defense oil bill for FY 1969 will be over $1.7 billion for approximately 444 million barrels of product. We are still the world's largest single oil purchaser. The very chance of success or failure in any conflict hinges on oil. As a matter of fact, the most striking point of commonality between the major weapon systems of the military departments is the thirst for oil.

The thirst for oil on the part of our military departments is as well known as the desire of the oil companies to quench that thirst.

But it would be foolhardly on our part to rely so heavily on oil as the major fuel to keep our national defense strong.

It is just plain commonsense that until disarmament agreements can be reached, we should push ahead with the development of another nuclear-powered aircraft carrier so that we can lessen our dependence on oil, thereby strengthening our national defenses.

Also I think we should remember that an atomic-powered ship has the ability to accelerate rapidly and go on sustained cruises without worrying about an oil tanker or supply ships tagging behind. This increased acceleration which the atomic carrier has over the oil-burning carrier means more safety for our fliers.

The history of warfare is replete with examples in which the lack of fuel and good supply lines meant the difference between victory and defeat.

For instance, a key factor in the defeat of Japan in World War II was the inability of that Government to provide enough oil for her warships.

I repeat, we should make every effort to work out an arms limitation agreement with Russia, but until that can be done, we must maintain effective security measures, including a strong Navy and, insofar as possible, a modern atomic Navy.

I thank the Senator from Mississippi (Mr. STENNIS) for yielding me this time.

Mr. STENNIS. Mr. President, I now yield 5 minutes to the Senator from Arizona (Mr. GOLDWATER).

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, the proposed amendment would eliminate the CVAN from this budget.

We need this carrier, and we need it now. The new nuclear carrier of the *Nimitz* class is required to keep our carrier force, the backbone of our Navy, strong and modern. When this new carrier joins the fleet, it will not increase the number of carriers in the Navy's active inventory, but will replace one of the old World War II veterans whose useful service is rapidly coming to an end.

A principal role of the attack carrier is to provide tactical air support for our general purpose forces, a role it shares with the Tactical Air Command of the U.S. Air Force. A healthy, modern, and effective tactical air capability is essential to our national security. That feature of the national strategy of the United States which gives the President his range of options, his flexibility of response is a strong, forward deployed, general purpose force supported by tactical air. There is no substitute for tactical air. It is an absolute requirement. There is nothing is our future that alters this need. There is no alternative system in our technological projections which can replace it.

In our Military Establishment we have a mix of tactical air, land-based, and sea-based. The two systems are not competitive; they are complementary. They are both needed. Each has its own particular advantages and capabilities. But they both have a common mission: support and national objectives.

It is no secret that our national objectives are often in conflict with those of the Soviets—and consequently their satellites. Our tactical air forces are today in Southeast Asia, pitted in combat against Soviet weapons technology—and this technology is impressive.

I have spoken before, often and at length, on Soviet aircraft and missile development, which has been characterized by annual prototyping and testing of new aircraft for production selection. I must remind you, Mr. President, that since 1960, 10 of the Soviet's 14 most modern operational aircraft have evolved from this practice. In these aircraft, the Soviets have demonstrated their ability to develop improved weapons, long-range detection radars, and a full all-weather air combat capability. At the same time, we have seen Soviet missiles develop at an impressive rate, to the extent that this capability today is a source of deep concern to our military planners.

Our own weapons systems must be the match of the Soviet weapons technology. They must, because our national security is at stake. They must, because it is not in our national character and conscience to equip the American fighting man with inferior weapons. I want particularly to emphasize this second point, because we do not have to fight Russia to encounter Soviet weapons technology. The Soviets have demonstrated their willingness to provide modern arms to their bloc allies, as any current examination of Communist order of battle will show.

To carry out their mission, either against the Russians in general war, or against a Communist satellite in limited wars, the attack carrier must be equipped with aircraft capable of achieving air superiority against first line Soviet planes and missiles. Today, the older attack carriers in our Navy cannot operate the most advanced carrier type aircraft in our active inventory. For example, the *Essex*-class carriers cannot operationally support the Phantom II, F–4; Vigilante, RA–5; Intruder, A–6 or the Hawkeye, E–2. It is not practical to further modernize these ships. They have previously been converted from straight deck-hydraulic catapult configuration, to angle deck-steam catapult design. No room for growth remains.

I have flown in jets from carriers; I have been aboard the *Essex* class; and I have piloted the most advanced of our military aircraft. I can personally attest to the inability of these older carriers to accommodate the coming generation of tactical aircraft.

These older carriers must be replaced with modern ships embracing the advanced concepts of design and technology—such as the nuclear propulsion plant with which this CVAN–69 will be equipped—and most importantly capable of supporting the new aircraft representative of the technology required to meet the Soviet threat.

As I pointed out before, this new carrier will not add to the total of ships in the attack carrier force, it will replace one of the older carriers. The new nuclear carrier is required regardless of total force levels. There are still four *Essex*-class ships in our attack carrier ranks, and a fifth carrier of the *Essex* class has been pressed into service for this function for the duration of the war in Southeast Asia. So the total number of carriers is not at issue in the debate concerning this amendment. The principle here is the military capability of our Navy, regardless of its size.

I see no useful purpose to be gained by delaying this carrier to determine the need for carriers. The postponement will delay the modernization of our Navy at a time when the resurgence of the Soviet Navy has suddenly become clearly evident, at the very moment when a Russian squadron is cruising off our southern coast.

The need for a modern carrier force has been stated by the Chief of Naval Operations, and fully concurred in by our Nation's military leaders, the Joint Chiefs of Staff. This need for carriers in general, and for this ship in this year, has been agreed to by the Secretary of Defense, and the President of the United States.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield the Senator from Virginia 5 minutes.

Mr. BYRD of Virginia. Mr. President, I wish to address myself to a statement made in the speech of the Senator from Minnesota on Wednesday.

Senator MONDALE said:

> Regardless of the reasons for the Soviet decision not to build carriers, our Navy cannot have it both ways. Either carriers are not that vital to a surface fleet and the Soviet Navy is a threat without them or else the Soviet's surface fleet is not a significant Naval threat.

This would appear to put the U.S. Navy in the position of advancing an illogical argument. But this is not the case.

The core of the Navy's position on this question is that the Soviet fleet is formidable without carriers, but that the U.S. Fleet would be seriously weakened without them.

That may seem on the surface illogical, but it is not. One must consider the differing needs of the two nations.

The Soviet Union controls a large, contiguous land mass. Its surface fleet has reflected its geography. With missile cruisers, destroyers, and numerous smaller craft, the surface fleet has shored up the maritime flanks of a vast land empire.

Recently, the Russians have added helicopter carriers to their naval inventory. This may or may not reflect a new adventurism in the Kremlin—I pretend to no expertise on Soviet intentions—but these carriers certainly do not have the same mission as our attack carriers.

Russia, in short, lacks the capacity to project tactical airpower. But that is a long way from saying that the Soviet fleet is not formidable.

To pose a threat to the United States, the Russians need only contest our free use of the seas. This kind of threat can be made with a large submarine force alone, and Russia certainly has a large submarine force—the world's biggest, in fact.

I emphatically deny that Russian submarines make aircraft carriers—or indeed the rest of the American surface ships—incapable of carrying out their mission. It is not the U.S. surface fleet that is jeopardized, so much as it is tankers and supply ships that must supply our troops and installations outside the continental United States and bring strategic materials from abroad to this country. Our sealanes, in other words, are in danger.

Compared with the Soviet Union, the continental United States has a relatively large ocean coast and—unlike the Soviet Union—has vital interests far from its own shores.

The United States, in other words, is a maritime power. It must be able to project tactical air overseas.

This being the case, the United States must have modern aircraft carriers. Without them, our fleet indeed would be much weaker.

Therefore, what seemed illogical to the Senator from Minnesota actually is not carriers is a menace; the United States without carriers would be much weaker.

This leads me to an important point.

Three-fourths of the earth's surface is covered by the sea, and 98 percent of all cargo shipped to Vietnam has traveled by ship.

Ninety-five percent of the world's population is within range of carrier-based aircraft.

There is no viable strategy for defense of U.S. interests overseas that does not require free use of the seas, and sea-based aircraft form a critical part of the force necessary to insure that free use.

The degree of our interests overseas—that is, the level and locality of hostility at which we are obliged to intervene—may honestly be debated. But to maintain that we can become an island fortress is to return to a doctrine effectively demolished 30 years ago.

If we have any interests abroad worth defending—and we certainly do—we need tactical aircraft to defend them.

We need land-based airplanes, to be sure, but they cannot completely substitute for the carrier force. Bases can be shut to us by suddenly unfriendly governments, and fields can be overrun by a quick-striking foe, as happened in Korea.

We need an up-to-date force of carriers from which to launch the vital tactical aircraft.

The CVAN–69 is a minimum second step—taking the *Nimitz* itself as a first step—toward creating the force we will need in the 1970's.

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Mr. President, earlier today, in a colloquy with the Senator from New Jersey, the Senator from Minnesota (Mr. MONDALE) stated that only $71 million has been cut from this authorization bill on the floor of the Senate.

That figure is accurate, but what I think the Senate should understand is that while the Senate itself has not reduced the authorization by more than $71 million, the Committee on Armed Services has reduced the amount requested by the administration by $2 billion.

I think it is important to understand the amount in the bill when the original proposal was made by President Johnson for the purchase of hardware and for research and development for our military forces for the coming year.

It was recommended that $23 billion be spent for this purpose. When President Nixon came into office, he reviewed the requirements and the needs and recommended a budget of $22 billion.

The Committee on Armed Services then reviewed the budget extremely carefully and recommended to the Senate that the amount be further reduced by $2 billion. So the total figure now is roughly $20 billion. I submit that that is a substantial reduction in the total amount.

The thrust of the Mondale-Case amendment—and of practically all the arguments that have been directed in its behalf—is whether the Navy or the country needs 15 attack aircraft carriers.

I submit that that is not the issue before the Senate today. The question is not whether we shall have 15 or 12 or seven carriers, or any other number. The issue is: Are we to have a modern Navy? As of today, the Nation has only one nuclear-powered aircraft carrier. A second, the *Nimitz*, is being built now and is expected to be in service by 1971.

The authorization contained in the bill is for a second carrier of the *Nimitz* class. If and when it is completed, which is expected to be 1974, 5 years from now, we will have only three modern, nuclear-powered aircraft carriers.

I submit that if we are to have a Navy at all, most certainly we should have a modern Navy.

Another point that I suggest is worth considering is that $133 million already has been spent or obligated for the aircraft carrier now under consideration. So I see no economy involved in pouring $133 million down the drain by refusing to authorize the remaining amount that is needed to complete the third nuclear aircraft carrier.

I favor cutting the fat out of the requests for military appropriations, but I do not favor cutting the muscle. If the Senate were to approve the Mondale-Case amendment today, the effect would be to cut the muscle of the Navy.

I hope that the Senate will not agree to the Mondale-Case amendment, but that it will be rejected when it is put to a vote in the next hour or so.

It is important that authorization be approved for the completion of the third nuclear-powered attack aircraft carrier if our Nation is to have a modern Navy.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia for his remarks.

Mr. President, what is the amount of time remaining for those opposed to the amendment?

The PRESIDING OFFICER. The opponents have 40 minutes remaining, the proponents 35.

Mr. STENNIS. I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I strongly oppose the pending amendment. I think it would be a cutting of necessary spending, rather than wasteful spending, to adopt this particular amendment.

The finest statement I have seen on this subject in the press is contained in an editorial entitled "Seapower Lesson Forgotten?" published in the Jacksonville Times-Union of Tuesday, September 2, 1969. I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SEAPOWER LESSON FORGOTTEN?

The blanket nature of the current squeeze on military expenditures threatens to eliminate the necessary spending as well as that which is wasteful or of only marginal usefulness.

Rear Admiral Robert Stroh, commander of Fleet Air Jacksonville, pinpointed one of the most glaring areas of neglect when he said in a recent talk: "We seem to be forgetting our sea power lesson."

The admiral, earlier in his remarks, said he felt that the United States naval quarantine of Russian vessels during the Cuban missile crisis of 1962 made a big impression on the leaders of the Soviet Union.

He also referred to the recent movement of Russian ships in the Gulf of Mexico, stating, "we are seeing the lessons learned in the buildup of Soviet sea power, the Russians learned their lesson and are doing something about it."

Whatever provided the trigger for the Russian buildup of naval forces, the fact that the Russians are putting major emphasis on warships is indisputable.

Uneasiness over growing Soviet naval might has been expressed in the United States but meanwhile the fleet continues to age and little is being done to replace the increasing obsolescence with modern equipment.

First evidence of Soviet interest in the seas came years ago when huge trawler fleets started appearing off the coast of the United States, many of the vessels stuffed with electronic gear for oceanographic mapping and for snooping.

Meanwhile, however, Soviets were also hard at work in shipyards behind the Iron Curtain turning out ships of war.

While the Soviets are busy extending their naval presence—even into the Indian Ocean—with missile-armed warships, the United States fleet is steadily aging and some of the operational ships, such as the Battleship New Jersey, are headed for the mothball fleet in order to effect economies.

Now Senators Walter Mondale of Minnesota and Clifford Case of New Jersey have proposed an amendment to the millitary procurement bill which would slice the $377 million authorization for the new nuclear powered aircraft carrier. If the amendment passes, construction of the carrier will be killed.

We do not suggest that the United States enter into a ship-for-ship building contest with the Soviet Union. But we cannot ignore the contrast inherent in the present situation.

The senators working on the military procurement bill should listen to the testimony they have received from naval experts and not try to pass it off as self-serving or as a scare tactic. If need for modern warships arises during the next few years, and warships unlike nuclear missiles are capable of providing a limited response, they will not be available at a snap of the fingers. They take time to build even in emergency situations.

We would urge the Congress of the United States to study the present situation as regards seapower and to budget accordingly. Regrets next year or the year after over previous inaction will be too late to help.

Mr. HOLLAND. Mr. President, in order that the Senate may hear something of its contents, I quote briefly from the editorial, as follows:

> Whatever provided the trigger for the Russian buildup of naval forces, the fact that the Russians are putting major emphasis on warships is indisputable.
>
> Uneasiness over growing Soviet naval might has been expressed in the United States but meanwhile the fleet continues to age and little is being done to replace the increasing obsolescence with modern equipment.

Then another quotation, Mr. President:

> The Senators working on the military procurement bill should listen to the testimony they have received from naval experts and not try to pass it off as self-serving or as a scare tactic. If need for modern warships arises during the next few years, and warships unlike nuclear missiles are capable of providing a limited response, they will not be available at a snap of the fingers. They take time to build even in emergency situations.
>
> We would urge the Congress of the United States to study the present situation as regards seapower and to budget accordingly. Regrets next year or the year after over previous inaction will be too late to help.

Mr. President, in closing my brief remarks, I simply wish to call attention to the fact that we are now in the seventh week of this debate. This has been a resort to unlimited debate, without question of any sort, and, so far as I am concerned, it is a filibuster, and I want it to be regarded as just that.

In addition, Mr. President, I want it to be remembered that this is the first time since 1917 that any Senator or group of Senators has engaged in filibustering tactics in opposing a national defense measure. Senators will remember that the long debate on the armed ship bill was what led to the adoption of the cloture rule in 1917. Since that time, there has been no particular debate or instance in which a group of Senators has indulged in unlimited debate in opposing a national defense measure, and I hope that Senators will think long and carefully on this subject, because the public is going to become aware of the fact that that is just what has been going on, that the important business of the Senate has been laid aside, that we have not yet passed any of the 13 annual appropriation bills, and that we have numerous other vital matters, much too numerous to mention now, which have not been given necessary attention.

Why? Because we have been held up in this never-ending resort to unlimited debate on this military procurement bill.

Mr. GOLDWATER. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. GOLDWATER. Mr. President, the Senator mentioned something I think we have all overlooked. At the rate we are going, we probably will not get the military appropriations bill until December. And I suggest that the opponents of the military here may well have accomplished their purpose by delaying it until that time.

Our Government is now pretty well running on credit cards. And the money that has been needed for this weaponry will not be able to be spent because of this unusual and uncalled-for delay.

Mr. HOLLAND. Mr. President, the Senator is absolutely right. We have a third carrier which has already called for a $140 million appropriation, most of which has already been spent. And we have a proposal to cut off the funds now in the bill and in the budget which would provide for the building and completion of this carrier.

Mr. President, the mere fact that it is just a delay of a year—that is what the advocates of the amendment say—does not satisfy me at all. If the carrier were needed before it was completed, we would all feel that we were party to the harming of the defense posture of the United States, which is exactly what we are being asked to do by having offered to us this amendment which would stop the completion of the third nuclear carrier.

Mr. STENNIS. Mr. President, Senator INOUYE was compelled to be away from the Senate today on official business. He asked that I insert in the RECORD a speech he had planned to give supporting the carrier in the bill and opposing the pending amendment.

I, therefore, ask unanimous consent that I be permitted to insert Senator INOUYE's speech in the RECORD.

There being no objection, the statement by Senator INOUYE was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR INOUYE

Mr. President, several weeks ago I had the honor and privilege of addressing the graduating class of the National War College. I spoke to the class about our foreign commitments, and I wish today to reiterate my contention that, if we are to make commitments, we should be prepared to honor them. The nuclear-powered aircraft carrier will be a means to that end. I believe that attempts to delay authorization of funds—however well-intended—will have an adverse impact on our ability to meet our commitments.

Today our nation has commitments to 42 nations around the world. Unless we are prepared to denounce unilaterally these treaties and agreements and to retreat to fortress America, we must be prepared to honor these commitments whenever genuine crises arise. By supporting these commitments, I do not mean to say that all of them are or were justified when they were made. It is quite possible and probable that there should be an adjustment in our relations with these countries when these agreements are renewed. But this Senate is not faced with this ideal situation; rather we must decide whether we need aircraft carriers that will help us keep these commitments in an effective and flexible manner.

The carrier is the backbone of the fleet. It is the principal ship of the surface Navy through which we are assured the free use of the high seas in honoring our commitments and maintaining our security. In this capacity, the carrier must be able to maintain a supremacy over actual and potential enemies in a wide variety of possible situations, and to do this the carrier force of the U.S. Navy must be modern. It must be able to operate modern aircraft of the latest design, capable of coping with modern Soviet weapons technology.

The older carriers in our fleet today cannot operationally support the newest tactical naval aircraft in our squadrons. The *Essex* class cannot accommodate the Phantom II, the Intruder, the Vigilante, or the Hawkeye. By the mid-1970's the air wing which the *Essex*-class carriers are capable of operating will not be able to survive the latest Soviet defensive and offensive combat weapons.

We need these carriers, and we need to begin construction of them now. By 1975 when they become operational, some of the older ships will be more than thirty years old—relics from the Second War War. These *Essex*-type carriers have been extensively modified over the years from their original configuration, provided with angled decks, and fitted with steam catapults; but they are now simply unable to be modified further. In spite of years of useful service, they will soon retire from the demanding role of the attack carrier.

I need not remind my colleagues that land air bases are subject to a multitude of political contingencies. It is an open secret that the American role in Okinawa will be curtailed upon the island's reversion to Japan. What will happen to our installations in Micronesia when the Territory's political status changes? Various nationalistic movements in the Philippines may threaten Clark Air Force Base, one of our largest and most important bases in the Far East. Events this past week in Libya may hasten the termination of our involvement in this crucial, oil-rich nation through the closing of Wheelus Air Force Base. All these events should make clear to the proponents of this amendment that the alternative of land-based aircraft is a highly uncertain contingency in the volatile cauldron of world politics.

Some have claimed that the authorization of this carrier will encourage the United States to become entwined in overseas adventures similar to the war in Vietnam. Quite the contrary, the weakening of our forces may tempt the Communists into starting adventuresome "wars of national liberation." The CVAN-69 may well serve as a "stabilizer."

If, in fact, the worst of these prophecies materializes and the nuclear aircraft carriers become a source of intervention, the Congress of the United States still has power to halt such schemes. The war in Vietnam was not begun by the availability of aircraft carriers or the military-industrial complex. I hasten to remind my colleagues that a Senate resolution authorized "all necessary action to protect our Armed Forces" and that every supplemental appropriation obtained virtually unanimous support. Congress, in its advisory capacity and budgetary role, can cut short any hasty, ill-advised action if it exerts its full Constitutional powers.

As a member of the Armed Services Committee, I voted against the deployment of the so-called "Safeguard" ABM system. From time to time during the past few weeks, I have also supported amendments to eliminate what I feel are unnecessary and wasteful programs. I have also spoken out numerous times on the need to re-evaluate our national priorities and to alter our policies in Asia and Europe. However, we must also make a balanced appraisal of our needs in light of present day realities. Possessing confidence in this body to avoid needless torturous entanglements abroad, I believe that the best way to honor the commitments we have already made is to give the Navy the tools it desperately needs to maintain the security of the United States.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Maine.

Mrs. SMITH. Mr. President, I have followed with considerable interest the remarks of the distinguished Senator from Minnesota.

I was amazed that the distinguished Senator equated the nuclear powered carrier with the horse cavalry at the turn of the century. He also emphasized that the Navy's request is based on an assumption which has gone unchallenged and generally unexamined since the end of World War II. The assumption being that the Navy must maintain 15 carriers in the fleet.

For the information of the distinguished Senator from Minnesota and others who may share his views, let me assure them that the Senate Armed Services Committee under its past and present chairmen, has never taken its responsibilities lightly. I can speak only for the time that I have been privileged to be a member of that committee. This goes back to January 1953.

In those 16 years that I have served on the committee, Mr. President, every weapons system has not only been challenged but has been subjected to a most searching scrutiny. Now we are accused of "rubberstamping," we are accused of being stooges, and I have heard it said here that the threat to our national security, as viewed by committee members, is "hogwash."

Mr. President, I am not affronted by such remarks. It would be interesting to know, however, how many Navy admirals consider an appearance to testify before our committee a picnic. It is but a short voyage from the absurd to the ridiculous and to say that the nuclear carrier has gone unchallenged, must be regarded as the olympic record for negotiating this distance.

Mr. President, this amendment should be rejected. It may satisfy emotional instincts but if adopted it will have the most damaging effects.

I am hopeful that we can profit from the lessons of the past. This amendment and others still to come, if adopted, represent the first step into the fatal path of unilateral disarmament.

Why would the Kremlin leaders press for talks on disarmament when they can achieve their goals without talks and without any disarmament on their part? Why engage in negotiations and undertake commitments to disarm as long as disarmament amendments continue to flow in a never-ending stream on the floor of the U.S. Senate?

Why intervene in the Paris peace talks? Why intervene in the Arab-Israeli conflict? Why stop the tide when things are going their way? Why rock the boat as long as the Americans continue to dismantle the only arsenal that impedes their progress?

This amendment eliminates an item that the Congress has repeatedly recommended and funded over a period of years. I remind my colleagues that the Congress has already authorized and appropriated $132.9 million for this carrier in prior years.

In a bygone day, Mr. President, in this same Chamber there occurred a hue and cry aimed at the military-industrial

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complex of that bygone era. The complex at that time was labeled "the merchants of death." I sense here an atavistic warning that we simply cannot ignore.

I was not here then, but I served on the Naval Affairs Committee in the House in the early 1940's. I had a ringside seat when we witnessed the state of our defenses in the aftermath of the clamor of the mid-1930's.

How many of you remember the citizen's army in the 1940's that participated in the Louisiana maneuvers?

How many of you remember how that army was equipped?

How many of you remember the vast number of troops that carried broomsticks for rifles and stovepipes for mortars?

Mr. President, I remember all of this and more. I would be most disturbed to see a weakness of will today translated into a weakness of our seapower tomorrow. In the 1940's we had vast oceans to protect us while we prepared and while the American arsenal forged the needed weapons. Those oceans no longer serve as a protective shield.

Failure to understand our true national interests and failure to forge the weapons of the future is an invitation to disaster.

These failures will provide encouragement to aggressors and bring discouragement to our friends.

There is a rising popular chorus which tears at the vitals of the defense budget. The hatreds and frustrations of the Vietnam war from which we all suffer and which we all abhor are, in a large measure, responsible for these outcries.

But, Mr. President, I cannot believe that the "amenders" are bent on suicide. I cannot believe that we are witnessing an intrigue to convert the Nation into a second-rate power.

I see no need whatsoever to appeal for patriotism because I know that is not lacking. For these reasons, I plead for reason. I plead for careful surgery and I caution against the meat ax approach that we are witnessing here.

Mr. President, I have listened carefully during the debate on this amendment. In all honesty, I must say the arguments advanced by the proponents of the amendment are in no way related to the authorization bill.

The distinguished Senator from Minnesota made it quite clear during his speech on Wednesday, that he favors aircraft carriers. Specifically he stated, and I quote:

> We are not saying that we should have no aircraft carriers. We think there should be aircraft carriers.
>
> We are saying that we do not need 15 attack carriers.

Mr. President, I do not have any quarrel with that statement. The bill as proposed by the Armed Services Committee, recommends final incremental funding for one modern nuclear carrier. I am not taking the position that we have a minimum of 15 carriers. My position has always been and continues to be that whatever we have, be not only sufficient, but the most modern available.

Furthermore, if the security of this Nation requires 20 modern carriers or 100, my position will be unchanged.

I think it most unfortunate that we should delay the funding of the carrier in question while we argue on the total number that are necessary at any time in the future.

In 1974 the *Essex*-class carriers will all be gone because they are not capable of handling modern aircraft. The *Roosevelt* and the *Midway* will then be 29 years old. The *Coral Sea* will be 26 years old and both the *Saratoga* and the *Forrestal* will be 18 years of age.

I seriously doubt that anyone who remains abreast of the fast-moving advancements in technology can truthfully say that an 18-year-old ship is equal to the modern state of the art.

Finally, Mr. President, I want to make a further observation. The proponents of this amendment have made reference to piecemeal reports, creating the impression that there is dissension in the Pentagon on the value of our carrier fleet.

It is important that we should all reflect on the decisionmaking process. I am certain that the Secretary of Defense arrives at his decisions only after a painstaking review of the facts and a consideration of many alternatives. Of course there are diverse views on any complex weapons system and this is as it should be.

There is nothing wrong with honest differences of opinion in Government, in industry, or in the military. How else can the decisionmaking process function?

Even we in the Armed Services Committee have sought diverse opinions with a view to insuring that all alternatives have been fully considered before the final decision is made.

Mr. President, in the U.S. Senate an honest disagreement on any given subject is called a debate. This is a time-honored custom.

In the U.S. Supreme Court a disagreement among the Justices is called dissent. This, too, is a time-honored custom.

Even in school seminars, opposing views are called discussions. This also is a well-established custom.

But, Mr. President, an honest disagreement in the Pentagon is always given a sinister label.

If a systems analysis report is overruled it is tantamount to treason. If the services disagree it is interservice rivalry.

Mr. President, the Nation's preparedness and the state of our defenses would be considerably better off today if more "whiz kid" reports of the Office of Systems Analysis had been overruled in the past several years.

Mr. STENNIS. Mr. President, what is the time remaining for the proponents and opponents?

The PRESIDING OFFICER. The proponents have 35 minutes remaining. The opponents have 34 minutes remaining.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, I point out to the proponents that they may want to proceed at this time. I will have a speaker here shortly.

Mr. MONDALE. Mr. President, I have discussed this matter with the manager of the bill. We now move that the pending amendment be withdrawn, that the sponsors of that amendment, the distinguished Senator from New Jersey and I, may offer a modified amendment, call it up, and have it made the pending business to be voted upon under the previous order at 3 o'clock this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object—and I make these remarks with great deference to the authors of the amendment because I know of their sincerity and their work on this matter from the beginning and of their sincerity now—the matter presents a very grave issue.

I have really been greatly concerned about the amendment. The substance of the Senator's request would be to withdraw the amendment as to the *Nimitz* carrier contained in the pending bill—I am not speaking for the Senator, but I think we have to get more of the facts to get the significance of the pending matter—and offer another amendment providing for a special study of some kind with a report in April.

If there is going to be a report on anything, I think it ought to be on the entire military service and not on just one branch. It should be on the Air Force, the Navy, the Army, the Marine Corps, and the Coast Guard—because they are military—on the old weapons, new weapons, personnel, and everything of that kind.

I think, though, that the issue here is so vital to our policy and our protection of the sea lanes that we must have these modern carriers.

A great deal has been said. The issue is well known and I think that now we ought to make a decision on it.

This matter will be back in the appropriations bill if it stays in the pending bill. We have to march up the bill, then down, then up, and then down again.

This issue is so well-known and so clear-cut and is not involved in other matters that I really think it ought to be voted up or down.

That is what the Senate is on notice of. Under those conditions, and with great respect for these gentlemen, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MONDALE. Mr. President, I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I renew the request that the Senator from Minnesota and I be allowed to modify our amendment as suggested by the earlier request.

I point out, Mr. President, in support of that request that if unanimous-consent agreements to vote at a particular time or to take any other action in the Senate is to be used to entrap people who in good faith agree to them to further the business of the Senate, then it will be difficult, indeed, to get unanimous-consent agreements in the future. The business of the Senate will be delayed far more than it would be by consenting to a modification everyone understands of our amendment which will in no way hurt the bill, but which will speed the processes of action on the bill.

We will offer the modified amendment as a separate measure later. And I would hope that the Senator from Mississippi and his colleagues on the committee would not allow a technicality to permit them to deny us the ordinary rights of Senators to modify amendments once they are offered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. MANSFIELD. Mr. President, I just came to the Chamber. And I am unaware of all the ins and outs of the proposal. However, from what I have been told, it would appear to me that a unanimous-consent request of this kind would be in order.

I would hope that in the interest of comity among all Senators this modification could be offered and that the Chair would rule to that effect so that Senators would be aware of what could happen in future situations of this kind.

It is my understanding that the modification proposed is an attempt to be cooperative and is not under any circumstances an attempt to try to delay or prolong the consideration of the bill which, I think, is now in its 7th week, exclusive of the recess.

It would be my hope that those who may have objection to this proposal would reconsider because otherwise we will have to face up to it again. It may well be that consideration of the bill would be delayed and more amendments would be offered.

Speaking personally, I have no feelings one way or the other as to how long we take on the bill. I do have some strong feelings that we have spent enough time on it and that we ought to bring it to a conclusion and pass to other business.

Mr. MONDALE. Mr. President, I agree with the statement of the distinguished majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object—and again I want everyone to understand that there is no entrapment involved in this matter—everyone did exactly what he intended to do when we had this unanimous-consent request before us.

This matter was mentioned to me an hour or more ago. If I had wanted to entrap anyone, I would have gotten the yeas and nays and cut the matter off.

I believe that this has been made such a serious issue before the country. So much has been said—all of it in sincerity and good faith—and at the same time newspaper articles have been mentioned here over and over again. The issue has been drawn against the Navy in a large way. Headlines have been made about what the admirals are trying to do.

I think the only issue is what we are going to do to protect our country. That is the issue involved here.

As I have said, appropriations will be coming up and some other Senator will make the same fight against it. And he would have the right to do it.

I think we have an issue on this matter, and that the only way to settle the matter before the country is to vote.

I say further that I am not trying to protect the Navy. I want these old carriers retired as fast as it is reasonably possible to do so.

I have already asked the Secretary of Defense to look into it. I am going to ask the President of the United States to look into it. But if the President should withdraw his request for this new carrier, I would not agree to it, because I know in my best judgment that we need it.

So it is in that spirit to get a judgment of the Senate on this matter, and we are right down to what we all agreed to, within less than an hour of the time to vote.

I have discussed this with all the members of the committee I could find, and I found virtually all of them who are in town. Every one of them wanted this issue decided now by a vote, if I may express it to that extent—everyone with whom I spoke.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. Yes. I do not know about the time, Mr. President. I had promised to yield to the Senator from Rhode Island. I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, those of us who have been following this debate wish to vote on really two different subjects. One is the question of the carrier. For a man like myself, who believes in nuclear propulsion and would support the carrier, the debate has gone so far that I would like to be on record in that regard.

On the other hand, I think the study has very real merit, indeed; and I wonder if, by chance, the manager of the bill might agree on a subsequent vote, on a unanimous-consent request, 15 minutes later or something like that, to a study.

Mr. STENNIS. An amendment certainly would be in order.

I would think we ought not to single out one particular service or one particular weapon, but have it general. But it would be up to the Senate and the chairman of the committee as to what to do, and I think most members of the committee will take a position on that and draw the issue.

Mr. MONDALE. I would like to be recognized, Mr. President.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Is there objection?

Mr. STENNIS. Reserving the right to object, may I yield briefly to the Senator from Maine.

The PRESIDING OFFICER. The Chair informs the Senator that any time the Senator from Mississippi takes must come out of his time.

Mr. STENNIS. I yield myself 3 minutes and, reserving the right to object, I yield to the Senator from Maine.

Mrs. SMITH. Mr. President, as ranking minority member of the Senate Armed Services Committee, I want to take this opportunity to say that I endorse all that the chairman has said, and stand behind him in what he has said with regard to the issue before the Senate.

Mr. STENNIS. I thank the Senator.

Mr. MONDALE. Mr. President——

Mr. STENNIS. Mr. President, I object, and I yield the floor.

Mr. MONDALE. Mr. President, let us be clear on what is at stake.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. I object, Mr. President.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. MANSFIELD. Have the yeas and nays been requested on the pending amendment?

The PRESIDING OFFICER. The Chair advises the Senator from Montana that they have not.

Mr. MANSFIELD. It was my understanding that, in the interest of comity, until the yeas and nays were ordered on an amendment, the movers of the pending amendment had the right to modify the amendment they had offered. Is my understanding right or wrong?

The PRESIDING OFFICER. The Chair is advised that the rule is precisely as the Senator from Montana has stated—until and unless the Senate has taken some action. But, having set this vote for a time certain, some action has been taken on this amendment and a modification is in order only by unanimous consent.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the pending amendment.

Mr. MONDALE. Mr. President——

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MANSFIELD. Mr. President, first, I took the Senator off his feet for a few moments, and I think he has the floor.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. MONDALE. Mr. President, let us be clear about what is involved here.

The Senator from New Jersey and I have asked for one modest thing, and that is that there be a study of the current attack carrier force levels. In order to achieve that study, we have asked that the completion of the CVAN-69 carrier be delayed for a few months to permit the General Accounting Office to submit certain facts and figures we think would be helpful in establishing what we must know in order to pass judgment.

The opponents of the pending amendment have tried to create the impression, or at least the impression has been created, that we are really seeking to do is to attack the current nuclear attack carrier, to oppose the nuclear attack carrier, and to be against modernization of the fleet.

Many Members of the Senate have said, as did the Senator from Rhode Island a moment ago, that they think the question of attack carrier force levels needs to be studied. The executive department agrees. They are currently un-

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dertaking a study. All kinds of outside responsible authorities agree that this issue never has been responsibly studied by Congress.

Therefore, the Senator from New Jersey and I, recognizing that those two issues have been confused, sought to bring us clearly before this issue at 3 o'clock by deleting any reference in our amendment that would slow down the construction of the CVAN-69 carrier. That is all that is involved. The amendment in all other respects remains precisely the same, and simply calls for the study which the Senator from New Jersey and I have requested. There is no confusion. It is a modest change. It helps meet the objection of many of those who want the study but who do not want to delay the current carrier.

We agreed to a unanimous-consent vote at 3 o'clock this afternoon at the request of the chairman of the Commitmittee on Armed Services, because we wanted to accommodate the Senate and to accommodate the committee so that we might reach this issue on a basis when our colleagues could be present and vote on this issue.

We realized that in agreeing we gave up certain procedural advantages. We also realize that, in light of the tragedy of the death of the minority leader, we accepted certain other disadvantages in our inability to get national attention on this issue. But we agreed to it.

Now we wish to make this modest modification which, incidentally, I had been told by attorneys was clearly within our right, and we are faced with an objection, in terms of making that modification.

I would say to the chairman of the Armed Services Committee and to the Senator from Rhode Island that we never have raised a question as to the validity of building a single additional nuclear aircraft carrier. We were not seeking to raise that issue in any sense. The issue that we are raising in this amendment is the question of a need for a study, for a long overdue analysis, in light of all the things we have debated, whether we need 15 carriers, what kinds of carriers we do need, what is the proper role and function of the carrier, and, in the light of modern weaponry, whether the carrier in many respects has not become vulnerable in certain kinds of strategic wars. That is all that is involved.

So we come to this point in our proceedings, asking for this modification, so that we might proceed to vote on the issue on which everyone wants to vote. If we had not agreed to the unanimous-consent request, we could modify it, and no objection would lie. But because we have accommodated the committee, the objection does lie, and we are being denied the opportunity to vote on the one issue that the Senator from New Jersey and I have raised.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. CASE. Mr. President, I want to address myself directly now to the Senator from Mississippi.

When we were discussing, at his urging, the possibility of arriving at a time certain for a vote, in which we did cooperate, the question was raised—I raised it with him and we talked informally—about what would happen on amendments to our amendment, or motions; and the Senator will recall saying, I am sure, that, "We will deal with that when the question arises. It will be no trouble. Perhaps 15 minutes for an amendment or such things as that."

The matter was contemplated, Mr. President.

I urge the Senator to reconsider his unfortunate stand on the ruling of the Parliamentarian that, by an accommodation which we made voluntarily, we will in effect have lost the normal rights of Members of the Senate to modify their amendments and their suggestions, to meet what in the course of debate has been developed as a legitimate reason, in the minds of many Senators, to object to the particular proposal they are making.

It seems to me that every consideration of present decency, of present accommodation among Members of this body, and the chance of using the device of unanimous-consent agreements for votes at times certain in the future are at stake here.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. MONDALE. I yielded the floor.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, how much time remains for the opponents to the amendment?

The PRESIDING OFFICER. The opponents to the amendment have 30 minutes remaining.

Mr. STENNIS. Mr. President, there are others who wish to speak on this matter. I yield 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, if the chairman of the committee had not objected I would have. What this whole question boils down to has been a succession of amendments that, frankly, have questioned the ability, the sincerity, and sometimes even the honesty of the Committee on Armed Services. I take that personally, and I do not like it.

We have had the Committee on Foreign Relations get into the operations of the Committee on Armed Services. That is upsetting procedures of the Senate. We studied this matter long and hard. The distinguished occupant of the chair (Mr. YOUNG of Ohio) is a diligent member of the Committee on Armed Services and he knows we studied it.

What does the proposal attempt to do? Every amendment wants the GAO to get into the act. The GAO has said time and time and time again that it cannot make judgments in the strategy, tactical, or deployment fields.

I must remind Senators that in 1947 Congress gave specifically to the Joint Chiefs of Staff and the Security Council the responsibility of studying the same subject we are talking about here today. If this is to go to the GAO, they do not want it. If it is to go to the Senate for study, it will come back to the committee that is constantly dedicated to the study of military and weaponry problems.

We have gone a long way out of the normal operation of the Senate when we find people getting into the act who have no business acting there.

I think it is a question of whether we can delegate authority to study the military field when we have given it to other agencies of the Government.

If the chairman had not objected, I would have.

Mr. MONDALE. Mr. President, I think the Senator from Arizona places the issue somewhat strongly, but I think he does disagree that the Senate and the Congress should be involved in establishing force levels.

I disagree with the view of the Senator from Arizona in part because the Constitution lodges the sacred responsibility in the Congress to do that. I think it is a function we neglect and one we should undertake with more seriousness than we have. That is why the Senator from New Jersey and I proposed the amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. Mr. President, I hope the Senator reads the rather detailed study I placed in the RECORD this morning which will dispute much of the argument he made based on the constitutional charges. This goes back to the days of Thomas Jefferson and it is backed up by court decision after court decision. There is no specific charge as the Senator supposes there is. I suggest in my study that they have opened their argument on the false premise that we do get into strategy, tactics, and weaponry.

Mr. MONDALE. Let me assure the Senator that if it is determined by this body that we do not have a function and responsibility in raising and determining the nature and direction of the Armed Forces as we are obligated to do under the Constitution of the United States, it is a different country than I ever thought it would be.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. CASE. It is a different country than we always thought it was; and it is not that kind of country in fact. If Congress, which should exercise its power to raise and support armies, to declare or not to declare war, is to be purely a rubberstamp of the Executive, then it is not the kind of country at all we are thinking about.

If the only function of the Congress is to vote "Yes" when somebody comes to us from downtown and says, "We want *x* billion dollars," this is not the kind of country or Congress that we had been led to believe since we were children was established by the Constitution.

It seems to me that to suggest that those who are endeavoring to reestablish the effective control by Congress of the foreign policy and the military policy of the United States are guilty in some sense of treasonable or at best foolish conduct, is to deny the premises on which this country is established. I am not prepared to do that.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. STENNIS. There is a sufficient second?

The PRESIDING OFFICER. There is a sufficient second.

Mr. STENNIS. Mr. President, will the Chair rule on the yeas and nays?

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. STENNIS. Mr. President, quite briefly, and for the information of Senators, after all this attack on the carrier, the whole concept of the carrier, and the carrier fleet and everything else, the only real issue here now is, Shall the Senate vote on whether or not there is need for this particular new carrier? To turn our backs now and run away from that issue, I think, would be terribly misleading to the country.

Of course, Senators can offer any amendment they wish to offer after the vote is had on this proposal. But to just turn now and run away and leave this matter wide open as to the sentiment of the Senate, with appropriation bills coming in in a very short time after this bill becomes law, it seems to me that we would be going back on our duty. I believe that with all my heart. I think the issue has been so sharply drawn it will have to be passed on.

Mr. President, I suggest the absence of a quorum, for which the time will come out of the opponents' time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CASE. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed the call of the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FULBRIGHT. Mr. President, reserving the right to object—and I am not going to object—I want to make a parliamentary inquiry. Is it certain that we vote at 3 o'clock?

The PRESIDING OFFICER. A call of the quorum is now proceeding. The quorum call has not been called off. The Chair is advised that the Senator may not reserve the right to object or to make a parliamentary inquiry.

Mr. CASE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senate will be in order. The clerk will continue the call of the roll. The Senate will be in order. Those who are not entitled to be on the floor will leave the floor immediately.

The call of the roll was concluded and the following Senators answered to their names:

[No. 84 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Alaska (Mr. STEVENS) is absent on official business.

The PRESIDING OFFICER. A quorum is present. The Senate will be in order. Senators will take their seats.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. STENNIS. Mr. President, will the Senator yield to me, to let me find out how much time I have remaining?

Mr. MONDALE. I yield.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Chair advises the Senator from Mississippi that all of his time has been consumed in the quorum call, and that 17 minutes remain to the Senator from Minnesota.

The Senate will be in order.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. Am I correct that the substitute amendment I earlier proposed to call up can in fact be voted on now, under another precedent found by the Parliamentarian, as the first order of business at 3 o'clock, but without debate?

The PRESIDING OFFICER. The Senator is correct.

Mr. MONDALE. Will the Parliamentarian advise the Senator from Minnesota as to what steps must be taken to assure that it is the substitute Mondale-Case amendment which will be the item voted on?

The PRESIDING OFFICER. The Senator is advised that the Chair makes the rulings, not the Parliamentarian.

Mr. MONDALE. The Senator from Minnesota stands corrected.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me.

The Senator has stated the parliamentary situation as he understands it, and I wish to ask this in the form of a question, staying within the rules: As the Senator understands the situation, then, his amendment not being in order now under the rules, it would be in order come 3 o'clock?

Mr. MONDALE. My understanding is—and this was the second question I attempted to raise—that under the current ruling of the Chair, the amendment the Senate will vote on at 3 o'clock is the substitute amendment that we will offer in a manner which the Chair prescribes, which does not apply to the current nuclear carrier, but simply calls for a study of force levels and of the other relevant facts surrounding the attack carrier force level.

Mr. STENNIS. In other words, the Senator now proposes to abandon all reference, in his amendment, to this No. 2 attack carrier, and that would leave the Senate without any chance to pass directly on the matter that has been debated here, as to whether or not this money would be stricken out; is that correct?

Mr. MONDALE. No; the Senator does not understand the nature of the substitute.

As I have pointed out earlier, the heart of this amendment has always been the study issue: The question of whether we should have 15 attack carriers, what kind of attack carriers they should be, how attack carriers should be deployed, and, in the light of their cost and vulnerability, the proper mix in land and air tactical forces. That is the issue, and has always been the issue.

It has been the opposition that has sought to twist this into a question of whether we wanted a new nuclear attack carrier, whether we wanted a modern fleet, and, finally, whether we were foolish enough to leave this Nation undefended.

The issue involved in our amendment really is whether Congress wishes to assert its prerogatives under the Constitution, and decide whether it is acting wisely, whether there is waste, and whether we are spending the amount of money we should spend in the defense of this country. That is the issue.

Mr. STENNIS. Mr. President, regardless of the Senator's purpose and the main focal point of the amendment, I respectfully think that the real issue here is whether or not this carrier is going to be authorized and the funds voted for it. We have debated that here for days and days.

Is it not true that if the Senator's sub-

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stitute should now be adopted, it would leave the Senate without a chance to pass directly on that exact question?

Mr. MONDALE. The Senator is in error. The Senator from Minnesota or the Senator from New Jersey—and the record makes this clear—have never said that the issue here is whether there is to be a new nuclear attack carrier. That has never been raised by us. It has been the effort of those who oppose this amendment to create that confusion in the minds of our colleagues.

Mr. PASTORE. Mr. President, will the Senator yield on that point?

Mr. MONDALE. I wish to complete my remarks; then I shall be happy to yield.

Let me yield first to the Senator from New Jersey, and then I shall state, as precisely as I can, what is involved in this amendment.

Mr. STENNIS. Mr. President, first, may we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. CASE. Mr. President, the Senator from Minnesota has already accurately and succinctly described the purpose for which we offered our original amendment, and the reason why we would modify it to clear away any of the objections, several of which have been held by people seriously concerned that Congress should reassert its power over foreign policy and broad military spending, to take away from that issue any question that some people, favoring that, had about the wisdom of constructing this second carrier, on which contracts to the extent of some $133 million for long lead items had already been let.

In order to eliminate that and to raise into sharp and single focus the question we are really concerned about, we have sought to make this amendment.

Apparently the opponents of our amendment, because they wanted to have the question confused and wanted to have it appear that those who opposed stopping this single carrier were opposed to the reassertion by Congress of its basic constitutional authority, refused to allow us the normal right of Senators to make this amendment to our own amendment; and it is for that reason, and that reason alone, that we have pressed this matter and now have obtained, through the Presiding Officer from the Parliamentarian, a ruling that we have the right to offer and have voted on first, at the conclusion of the time fixed, the amended amendment.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I say to the Senator from Rhode Island that I promised the Senator from Maine I would yield to him. I will then yield to the Senator from Rhode Island for a question.

First I ask the Chair to advise the Senator from Minnesota what the procedure is as to the vote at 3 o'clock.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that at 3 o'clock all time will have been consumed. At that time the Senator may offer his amendment. However, there will be no time for debate.

Mr. MONDALE. Mr. President, I should like to address a question, if I may, to the chairman of the Committee on Armed Services in order to avoid confusion as to what issue we will be voting on at 3 o'clock.

Would the Senator from Mississippi object to calling the amendment up as the pending amendment under the rule and voting on it at 3 o'clock so as to avoid any confusion?

Mr. STENNIS. Mr. President, will the Senator restate his question?

Mr. MONDALE. Mr. President, I propose to call up the substitute amendment, the study amendment, as the matter we will vote on at 3 o'clock under the previous unanimous-consent agreement. In the light of the fact that we could do that in any event, but in a more complicated way, does the Senator still object to our doing so?

Mr. STENNIS. Mr. President, I respond in this way to the Senator from Minnesota. The major matter that we have debated here concerns the authorization and appropriations at this session for this carrier. If his original proposal is withdrawn, there will be no chance for the Senate to pass on that question.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, for that reason I respectfully submit to the Senate that if the Senator would let us go on and vote on his amendment as he now has offered it, the Senator could then offer an amendment to the pending bill for study or in any other form that he would want to modify the amendment. We would debate it. I would consider supporting the measure if it contained what I thought was reasonable language.

I think this is something that goes far too far. I make that suggestion.

Mr. MONDALE. Mr. President, let us be aware in the Senate of what has happened. We have asked to modify the pending amendment so that we might study the central question of what our carrier force level should be. That is the key issue which the Senator from New Jersey and I wish to present.

Even though there had been debate about this at the time we agreed to vote, the chairman of the committee objected to our having that right which would be otherwise available if we had not made the agreement.

The Parliamentarian has now ruled that we can vote on the amendment.

It is a question of whether we can make it perfectly clear as to what the amendment is or whether there is still objection and it might be possible that some Senators will not know the nature of the amendment.

The chairman of the Armed Services Committee again objects. In light of that, I wish to repeat nevertheless that we will present our study amendment which is presently on the desks of all Senators. It is an exceedingly modest amendment. It does not reach the question of the 1969 nuclear attack carrier at all. It simply seeks to advise the Senate on the facts and contains a date for securing information that will permit the Senate to make a wise choice in this critical area.

Mr. President, I yield now to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, I want to make it perfectly clear that the first vote will be on the study. The first vote will not be against providing funds for the second nuclear carrier. The provisions of the bill as presented by the committee in that respect will be undisturbed. So, a "yea" vote on the first vote, when time has run out, will in no way take away any funds from the second nuclear carrier.

If the Armed Services Committee—and the Senator from Mississippi is chairman—wishes to have a separate vote on the nuclear carrier, it could be arranged very simply by another amendment to strike the funds for that carrier. That can come up later if the Senator wishes.

Mr. MONDALE. Mr. President, I point out to the Senator from New Jersey that I might very well vote against a new nuclear attack carrier if such an amendment were to be offered by itself. But that was never the intention.

Mr. CASE. Never.

Mr. MONDALE. It is only that some of the opponents seek to make the issue one of nuclear or nonnuclear or new carrier against old carrier. When some seek to raise that issue, I point out that I am not among them.

Mr. President, I yield to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I intend to support the new amendment of the Senator from Minnesota and the Senator from New Jersey for a very simple reason. It is found in the language of the amendment on the first page. I read it:

> Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The results of this study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN-70.

In this form the amendment affects no funds in the bill for carriers.

As one Senator, I think that the Senate and the House of Representatives ought to have the benefit of these studies proposed by the new amendment. I urge every Senator in the room who believes that we are entitled to the benefits of that kind of a study before committing ourselves finally on the question of force levels in our attack carrier fleet to vote for the amendment.

I find it incredible that it should be urged on the floor that the Senate oppose an amendment designed to do nothing more than furnish the Senate with the information and the understanding and the knowledge necessary to determine the extent to which attack carriers are to be a part of our defense posture.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MANSFIELD. Mr. President, referring to the language just read by the distinguished Senator from Maine (Mr. Muskie), I notice that the first sentence says:

> Prior to April 30, 1970, Congress shall complete . . .

The PRESIDING OFFICER. The Senate will be in order so that we may hear the majority leader.

Mr. MANSFIELD. Mr. President, did the Senator from Minnesota and the Senator from New Jersey have in mind, instead of Congress, the Armed Services Committee, which then should report to the Senate?

Mr. MONDALE. Exactly. That is what is involved. When the amendment refers to the General Accounting Office, we want to make it clear that the study would be available to the Senate. Of course, the Armed Services Committee of the Senate is an appropriate body of the Senate.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MONDALE. I have only 2 minutes remaining.

Mr. STENNIS. Mr. President, the Senator is mistaken. It is another one of those amendments about what the Comptroller General is going to do. It would provide that he is to make a survey and report. In effect, it would take it out of the hands of Congress for a time. Is that not correct? Did the Senator read the amendment? It is three pages long.

Mr. MONDALE. Mr. President, did the chairman of the Armed Services Committee ask if I had read my amendment?

Mr. STENNIS. I ask if that is not contained in it.

Mr. MUSKIE. Mr. President, I point out in response to the Senator from Mississippi that the first portion of the amendment reads:

> Congress shall complete—

Section (b) reads that in order to assist Congress, the GAO is instructed to make certain studies. The control is in Congress, and in the Armed Services Committee under the language of the amendment.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. CASE. Mr. President, I want to make it very clear what the amendment would do. The chairman of the committee has attempted to make it clear that in his judgment we would be turning over to the Comptroller General the whole question of the future welfare of the United States.

Specifically our amendment is limited to two matters that the Comptroller General himself said he could handle. They relate to statistical matters and cost-effectiveness only. Those are the only questions which we are asking the Comptroller General to pass upon. He would be summarizing other studies purely for the benefit of Congress.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. MONDALE. Mr. President, I should like to clarify the matter. The Senator from New Jersey is correct. This is a study amendment designed to determine not whether the existing carrier should be constructed, but whether the next nuclear carrier should be constructed.

It interferes in no way, in a practical sense, with nuclear carriers. It is simply a question of whether the Senate wants to understand what it is doing.

The PRESIDING OFFICER (Mr. Schweiker in the chair). All time has expired.

Mr. MONDALE. Mr. President, I ask that we vote on the substitute amendment.

Several Senators. Vote! Vote!

The PRESIDING OFFICER. The question before the Senate is amendment No. 146.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Minnesota will have to call up his amendment.

Mr. MONDALE. I call up my amendment.

Mr. STENNIS. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, in the unanimous-consent agreement entered into, the amendment being debated, the agreement was to vote at 3 p.m. today. That hour now having arrived, I make the point of order that no amendment is in order and nothing is in order now except to vote on the pending Mondale-Case amendment, amendment No. 146, on which it was agreed that there would be a vote at 3 p.m.

The PRESIDING OFFICER. The Chair states that under a previous precedent on August 30, 1949, the Vice President ruled that a unanimous-consent agreement to vote on an amendment at a specified time without further debate does not preclude offering an amendment to such amendment. Debate, however, is not permitted.

Mr. STENNIS. Mr. President——

Mr. MONDALE. I call up my amendment.

The PRESIDING OFFICER. The Chair holds that under this precedent, the amendment is in order.

Mr. STENNIS. I appeal, with respect, from the ruling of the Chair, and ask to be heard on it.

The PRESIDING OFFICER. Appeal is debatable, and the Chair recognizes the Senator from Mississippi.

Mr. CASE. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. STENNIS. I yield.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. CASE. Is the appeal debatable in spite of the fact that we are operating under unanimous consent?

The PRESIDING OFFICER. The Chair states that it is correct that we are operating under a unanimous-consent agreement; but under the rules, an appeal from the decision of the Chair is debatable and the Chair finds no precedent to the contrary.

Mr. CASE. Without limit, unless ordered by the Senate, under the rules?

The PRESIDING OFFICER. Under the rules.

Mr. CASE. I thank the Chair.

Mr. STENNIS. Mr. President, as I understand, the Senator from Mississippi has been recognized on the appeal.

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, first, I emphasize that the appeal from the ruling of the Chair is made with great deference to the Presiding Officer.

I wish to preface my remarks by explaining the parliamentary situation, as I understand it.

Mr. President, this amendment carries with it the amendment that was originally filed, which has been debated for days, which would absolutely strike out of the bill the money, the $377 million, required to finish this carrier. That is plainly written on the face of the amendment. It changes the figures in the bill by the exact amount and is identified as deleting from this appropriation bill the $377 million. There can be no argument about that.

What would that mean if it were adopted in that form? It would mean that this would not be authorized, work on it would stop, and no appropriation could be had this year to finish the carrier.

There was an additional provision in the amendment, in its original form, that there should be a study made by the General Accounting Office and certain things should be done, and so forth. It was almost like the provision on the subject of the tank. That idea came under rather severe attack. Over and over again, the idea of the General Accounting Office making special reports on these military weapons was attacked. It fell more and more in disfavor. That is my judgment.

So about the time the debate started on this amendment, certain provisions were made by the authors—and they had a right to do it—partly eliminating the General Accounting Office and saying that Congress should make this study. Well, of course, Congress makes studies, anyway. But they did not strike out the portion with reference to the General Accounting Office, and that is what I referred to a moment ago when I asked the Senator from Minnesota—I refer to clause (b). The language which was left in reads:

> He shall also—

Meaning the Comptroller General—

> review any studies which have been made, or may be made, by the executive branch which relate to other items listed in subsection "a", above. He shall provide summaries.

That is true under the amended form. It does come back to Congress. But it would come back there, anyway. It would have to, under our Constitution, for one reason, about providing for the national defense.

So this amendment still could be improved greatly on that point alone.

I objected, as did many other members of the Committee on Armed Services, to this thing being abandoned at the last minute before voting.

I think the Senate would be marching up the hill and then marching down the hill. The people are entitled to a clean,

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clear-cut vote up or down as to this particular carrier.

I have taken it up with the Defense Department, and I am going to take it up with the President of the United States, as to a review of the carrier situation, as to the old ones, and as to the other items in the military program—in the Air Force, the Navy, the Army, the Coast Guard, the Marine Corps—all of them.

But this matter is really abandoning the amendment in part. Under the ruling of the Chair, it permits them to bring in an amendment that is just a part, a very small part, of their amendment.

Mr. PASTORE. Will the Senator yield?

Mr. STENNIS. I speak at the indulgence of the Chair, as I recall the ruling. Yes, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, is this debate limited, may I ask?

Mr. CASE. This is on an appeal.

Mr. STENNIS. May I finish this thought before yielding to the Senator from Rhode Island?

The clear-cut decision will have to be made on voting this carrier up or down. Then, when that is disposed of, I would look with favor on some kind of amendment providing for a study not only of the carrier but also of any other phase of the military program. I do not think one ought to be singled out. But I would consider on its merits any kind of amendment that the Senator from Minnesota might have. I tried to convey that a moment ago, but time was too short. I think that is the orderly way to do it, rather than to leave this matter up in the air as to the carrier and whether money is going to be appropriated and where we stand.

So I respectfully ask the Senate to reject the substitute amendment, if we do not overrule the Chair, and then vote on the amendment as originally offered, and then vote on any other proposal.

I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, may I ask the indulgence of the Chair to make a parliamentary inquiry at this point?

The PRESIDING OFFICER. The Chair recognizes the Senator for that purpose.

Mr. PASTORE. In the event the Chair is sustained and the substitute becomes the order of business, would a motion to lay on the table the substitute amendment be in order on the ground that it is untimely, with the condition that it can be renewed after the vote takes place on the original amendment? Do I make myself clear?

The PRESIDING OFFICER. The Chair states that amendment would be in order.

Mr. PASTORE. It would be.

The PRESIDING OFFICER. Yes.

Mr. PASTORE. In other words, if the status is that the substitute amendment comes up for vote and a motion is made to lay it on the table, because it precedes the original amendment which has raised this much confusion, the substitute could be introduced because those of us who believe the original amendment should be defeated and still believe an investigation and review should be made, should have the opportunity to vote on that study.

The PRESIDING OFFICER. The Senator is correct.

Mr. PASTORE. Mr. President, I shall move to lay on the table as being untimely, that we have a vote on the original amendment, and then bring up the other amendment also.

Several Senators addressed the Chair.

Mr. STENNIS. I have the floor.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. Mr. President, I yield to the Senator from Minnesota.

Mr. MONDALE. I will get my own time.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I call the attention of the Chair to this matter. On the front page of the Calendar of Business for today we find this unanimous-consent agreement:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective at 10:30 o'clock a.m., Friday, September 12, 1969, further debate on pending Amendment No. 146, offered by the Senator from Minnesota, Mr. Mondale, to S. 2546, the military procurement authorization bill, be limited to 4½ hours to be equally divided and controlled by the proponents (Mr. Mondale) and the opponents (Mr. Stennis), and that the Senate proceed to vote on said Amendment No. 146 at 3:00 o'clock p.m. on that day. (*Sept. 10, 1969.*)

Mr. President, my point is this. It makes no difference what kind of precedent, so-called, might have been found by the Parliamentarian. The facts are just as they are written here on the front of this calendar which contains the unanimous-consent agreement.

Mr. MUSKIE. Mr. President, would the Senator yield?

Mr. STENNIS. We could not possibly go wrong by following the agreement to which we agreed. I make the point that we should sustain this agreement.

I yield briefly to the Senator from Maine.

Mr. MUSKIE. Mr. President, the Senator emphasized the fact that we are operating under a unanimous-consent agreement on a specific proposal. The Senator has been most anxious, as I have listened to the discussion on this bill, to develop unanimous-consent agreements in order that we may get on with the business. If we did not have the unanimous-consent agreement at the present time the original Mondale-Case amendment would be subject to amendment and we would not be blocked, as the Senator from Mississippi has undertaken to block that substitute. So the course of action the Senator is pursuing, it seems to me, is against his objective of reaching unanimous-consent agreements which have this effect on the rights of other Senators.

The debate on the floor of the Senate should influence the shape of the questions upon which the Senate is asked to decide. As a result of this debate the proponents of the original amendment want to modify and respond to the results of these deliberations on the floor of the Senate.

Why, then, should we not at this point consider a modification or substitute, which we would be able to consider but for the unanimous-consent agreement which was agreed to for the convenience of the Senator from Mississippi?

Mr. STENNIS. I beg the Senator's pardon, if I may. No unanimous-consent agreement has been made here for my convenience. I asked for those things considering the Senate's business. If it cannot be agreed to on the merits, it should not be agreed to on the basis of what I said or failed to do.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. COTTON. Is it the Senator's contention that if the Senate should adopt the substitute amendment that the effect of that adoption cuts out of the bill the $377 million?

SEVERAL SENATORS. No!

Mr. STENNIS. No. That is not the situation. The original amendment would cut it out, but their proposal now leaves that money in for the second carrier.

Mr. COTTON. It states that the results of the study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated. Does not that, in effect, cut it out for this year?

Mr. STENNIS. The intention of the language in the amended amendment refers to another carrier of the future. It is a third carrier. In the bill is a second carrier.

Mr. COTTON. So this substitute amendment does not cut out the proposed appropriation.

Mr. STENNIS. No.

Several Senators addressed the Chair.

Mr. STENNIS. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I wonder if I might have the Senator's attention because he properly called to the attention of the Senate that we had an agreement to vote at 3 o'clock. We have not been talking since then. It has been he, for his own purposes.

Would the Senator from Mississippi be willing to consider endeavoring to approximate compliance with the Senate's earlier decision by an agreement limiting time on this appeal?

Mr. STENNIS. I am not going to take more than a few more minutes.

Mr. CASE. Would the Senator consider an agreement fixing the time equally divided, say 10 minutes to a side?

Mr. STENNIS. Yes. I would be glad to.

Mr. PASTORE. What is that unanimous-consent proposal?

Mr. MANSFIELD. Ten minutes to a side, to bring the debate to an end.

Mr. PASTORE. To bring what debate to an end?

Mr. STENNIS. Mr. President, reserving the right to object, and in order to meet the situation here, Senators have previous engagements. They were told they would vote at 3 o'clock. Under that agreement I withdraw my appeal from the Chair's ruling, with the understanding the Senator from Rhode Island be recognized.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair

recognized the Senator from Rhode Island.

Mr. PASTORE. I thank the Chair.

Mr. CASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE. Has the Senator withdrawn his appeal?

The PRESIDING OFFICER. The appeal has been withdrawn.

Mr. PASTORE. I have the floor.

Mr. CASE. Has the Senator withdrawn his appeal or not?

Mr. PASTORE. Yes, he has.

Mr. CASE. I make the point of order there is no time for debate or recognition of any Senator.

Mr. PASTORE. Yes, there is; to make a motion to lay on the table. Of course there is, and that is why I am standing.

The PRESIDING OFFICER. The Senator is permitted to make a motion.

Mr. PASTORE. I move to lay the substitute on the table as being untimely.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion is not debatable. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. MCGEE) would each vote "yea."

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), and the Senator from Tennessee (Mr. GORE) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Alaska (Mr. STEVENS) is absent on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) would each vote "yea."

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Alaska (Mr. STEVENS). If present and voting, the Senator from Oregon would vote "nay" and the Senator from Alaska would vote "yea."

The result was announced—yeas 51, nays 34, as follows:

[No. 85 Leg.]

YEAS—51

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Cannon
Cotton
Curtis
Dodd
Dole
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Harris
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McIntyre
Metcalf
Miller
Mundt
Packwood
Pastore
Pell
Prouty
Russell
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—34

Bayh
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cranston
Eagleton
Ellender
Fulbright
Goodell
Gravel
Hart
Javits
Kennedy
Mansfield
Mathias
McCarthy
McGovern
Mondale
Moss
Muskie
Nelson
Pearson
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Symington
Tydings
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—14

Brooke
Cook
Dominick
Eastland
Gore
Hartke
Hatfield
Hughes
Inouye
Magnuson
McGee
Montoya
Murphy
Stevens

So the motion to table the substitute amendment was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

Mr. MONDALE. Mr. President, in light of the adoption of the motion——

The PRESIDING OFFICER. The question first arises on the motion to table.

Mr. STENNIS. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion for reconsideration of the vote.

The motion to table was agreed to.

Mr. MONDALE. Mr. President, in light of the fact that the issue arose on a motion to table, and without debate——

Mr. RUSSELL. Mr. President, a parliamentary inquiry. There have been some rather peculiar rulings under the unanimous-consent agreement, but I thought the debate had been brought to an end.

The PRESIDING OFFICER. The Chair will state that further debate is not in order.

Mr. MONDALE. Mr. President, do I have the floor? I move to table the pending amendment, and after it is, I will propose my substitute amendment. I ask for the yeas and nays.

Mr. STENNIS. Mr. President, would the Chair state the motion or the parliamentary situation?

The PRESIDING OFFICER. The Chair will state that a motion to table the original amendment is not in order because of the unanimous-consent agreement.

Mr. MONDALE. Mr. President, I appeal from the ruling of the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient number of seconds for the yeas and nays.

The yeas and nays were not ordered.

Mr. MOSS. Mr. President, I ask for the yeas and nays.

Mr. MONDALE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is now a sufficient second.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota is recognized for the purpose of speaking on the pending appeal from the ruling of the Chair.

Mr. MONDALE. Mr. President, the last vote on the motion to table by the Senator from Rhode Island raised the issue, but not in correct form, as to whether the U.S. Senate wanted to study what its attack carrier force level should be, what the purpose of those attack carriers should be, and the other cost-effective matters which many Members of the Senate feel should be debated.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONDALE. Mr. President, we had hoped to make that the issue we would vote on at 3 o'clock. That had been the objective of the Senator from New Jersey and myself since we first laid this amendment before the Senate, not a week ago, but a day and a half ago. We wish that this study could be made, and we would like to have a direct vote which would permit the Senate to say whether it wanted a study of the aircraft carrier issue or whether it did not.

The substitute amendment in no way affects the authorization for the construction of the nuclear aircraft carrier CVAN–69. It simply asks that information be received from the General Accounting Office, based on its study, in time to permit the Senate to consider a matter which has been profoundly debated even within the Department of Defense and by the National Security Council itself.

Therefore, by moving to withdraw the original Case-Mondale amendment, I intended to lay before the Senate this amendment, thereby giving the Senate an opportunity to face directly the issue of whether it wanted to inform itself on a matter which is costing billions and billions of dollars a year, and which many responsible people in this country, including the Defense Department's own systems analysis branch, thinks needs long overdue study.

It is for those reasons that I proposed to introduce the substitute amendment with a different date for a report from the General Accounting Office, so we might have this information, and so the Senate might have an opportunity to be heard on the matter.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. MOSS. Mr. President, I join the Senator from Minnesota in his appeal from the ruling of the Chair. It seems to me utterly incredible that the Senate could become so enmeshed in a web of rules that we would be taking an appeal from the ruling of the Chair denying a motion to table the original amendment, when debate on the substitute amendment was immediately cut off.

I would say the Senate has not been given an opportunity to work its will today.

I have followed rather closely the debate going on. I have not taken part in it, but I would say the Senate, in the course of debating a matter which is so important that it has debated the issue for over 2 days, should allow Senators to speak so that perhaps some minds should be changed a little. If not, why do we fan all the air and make all the talk? Why do we say, "You cannot change your minds. You have to be snubbed up. You have got to vote on this"?

As I understand the Senator from Minnesota and the Senator from New Jersey, they said, "All right, we are ready to talk about it. You have talked about funding that second carrier long ago. We are willing to fall back and say, 'All right, we will fund our second carrier, but we would like to find out what the policy is before we get to the third carrier, instead of finding ourselves in the same box where we are snubbed so we cannot debate it at all.' "

It seems to me utterly incredible that the two Senators were not allowed to get a vote on their amendment, but were cut off with a tabling motion, when, in all the time I have been here, notice has always been given ahead of time that, after some talk about it, there would be a motion to table. Here it came out of the blue and it was said, "We will table that, snub it off. Now we will compel a motion on an amendment that the authors themselves say they do not want to have a vote on at this time."

Mr. MONDALE. I thank the Senator. Actually, we wanted to agree to a 3 o'clock voting time 3 days ago for the convenience of Senators. I had recommended 4 o'clock, but the representatives of our Armed Services Committee said, "No, you cannot have a vote after 3 o'clock." I tried to make it 3:30. "No," they said, "you have to have it at 3." Now here we are at 20 minutes of 4 and we still have not voted. We could have voted on this issue and had it out of the way. Here we are still trying to raise an issue that would permit the U.S. Senate to say, "Yes" or "No" on whether it wants to study the carrier program before it appropriates billions and billions of dollars.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. MONDALE. I yield to the Senator from Washington for the purpose of asking a question.

Mr. JACKSON. Would it not be wiser to offer an independent amendment, bring it up on Monday, and offer it in the form that the Senator from Minnesota deems appropriate? Why avoid voting on that which was agreed to?

Mr. MONDALE. We have been trying to vote on it all day. We propose the very thing the Senator suggests.

Mr. JACKSON. The unanimous-consent agreement was to vote on the carrier, period.

Mr. MONDALE. No; the Senator from Washington is not correct. The heart of the pending substitute amendment was the heart of the original Mondale-Case amendment, which is to study nuclear and other attack carrier forces. That has always been the issue. The Armed Services Committee does not wish us to vote on that question, because if we do, we will all know how many Members of the U.S. Senate think that matter should be opened up for study.

Mr. JACKSON. The original amendment was to cut the heart out of the CVAN–69.

Mr. MONDALE. No; the Senator apparently did not hear our debate. We said time and time again that the heart of that amendment was to raise the issue I have stated.

Mr. JACKSON. I have the amendment right here, No. 146.

Mr. MUSKIE. Mr. President, will the Senator yield?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor. Has the Senator yielded?

Mr. MONDALE. I yield to the Senator from Maine.

Mr. MUSKIE. Mr. President, may I ask the Senator from Minnesota this question: Is it not true that the original amendment encompassed two elements, first, the study, in the very same language as is found in the substitute amendment that the Senator from Minnesota and the Senator from New Jersey have been undertaking to get before the Senate all afternoon; and the second element, raised by these two Senators only in their original amendment, was the question of the funding of the CVAN–69?

Mr. CASE. At this time.

Mr. MUSKIE. At this time. Now, these two Senators have asked that half of that amendment be set aside, in order to focus on what they said they considered the most important part of their amendment. As I understand the Senator from Washington and the Senator from Mississippi, they are saying to these two Senators that what they considered most important was the funding of aircraft carrier 69. The Senators are replying, "That is not what we considered most important; we considered most important the study. That is what we would like the Senate to vote on."

Now, why should not you gentlemen, who do not yourselves propose to cut out the funding for CVAN–69, permit the movers of the original amendment to focus on that part of their amendment that they considered important, and which obviously a number of Senators on this floor would like to vote on first?

Mr. MONDALE. And, if I may say so, the only reason we cannot vote on the amendment, in the first place, is because we agreed to a unanimous-consent agreement on time for the convenience of the Senate, and thus forfeited the benefit of certain rules which permit modification of amendments. Because we agreed to do that, we are denied rights that would otherwise be ours, to bring the issue to a vote.

The PRESIDING OFFICER. Will the Senator from Minnesota suspend for 1 minute?

Mr. MONDALE. Without yielding the floor.

The PRESIDING OFFICER. The Chair is informed that on page 300 of the book "Senate Procedure," it is stated that debate is not in order on appeals relative to the motion to table.

At this point, the Chair rules that further debate is not in order, and we have to go back and vote on the question of appealing the ruling of the Chair.

Mr. MONDALE. Mr. President, in spite of the fact that I have now explained my position, I move to table, with the understanding that the sponsors will support that motion, and then we will raise again a modified substitute amendment to permit us to vote on the main issue of the study of attack carirers.

I move to table, Mr. President, and I hope no one will object.

Mr. STENNIS. Mr. President, a parliamentary inquiry. Will the Chair restate the ruling he made as to whether debate is in order?

The PRESIDING OFFICER. Debate in this instance is not in order, because on page 300 of "Senate Procedure" it is stated that debate is not in order on appeals relative to the motion to table.

The Senator from Minnesota has just moved to table the pending appeal of the decision of the Chair——

Mr. MONDALE. No; the Presiding Officer did not exactly understand what I am seeking to do. In spite of the fact that I have explained my position, I am moving to table the pending Mondale-Case amendment, with the understanding that we will vote for that motion, and then call up the substitute amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair has ruled that the motion is not in order, because we still have the matter of appealing the decision of the Chair to dispose of.

Mr. MONDALE. I withdraw that, and I move to table.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum while this is worked out.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. STENNIS. A point of order, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. STENNIS. A point of order, Mr. President. Under the unanimous-consent agreement, the time to vote on the original amendment 146 has arrived.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair informs the Senate that a quorum call is in progress, and debate is not in order.

The rollcall was continued.

Mr. HOLLAND. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The clerk will continue the rollcall.

The rollcall was continued.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that the Chamber be cleared except for those who should be in it.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair orders that the Chamber be cleared of all unnecessary personnel.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. Mr. President, is my understanding correct that the pending vote is now on amendment No. 146 as originally proposed by the Senator from New Jersey and me?

The PRESIDING OFFICER. The Chair will state, so that everyone understands, that the pending matter is the appeal taken from the decision of the Chair that the motion to table the original amendment was not in order. That can only be withdrawn by unanimous consent.

Mr. MONDALE. Mr. President, I ask unanimous consent that the appeal from the ruling of the Chair be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, I believe we are closer to a decision on this matter now than we could possibly get otherwise. The pending matter here will be whether we should vote on amendment No. 146. The time has already arrived for that vote. The yeas and nays have been ordered on the appeal. And I think we ought to take these matters as they come and get down to a vote.

The Chair has ruled correctly, I believe, and I think we ought to have a vote on that appeal and then bring up the only other matter pending—the vote on amendment No. 146.

I point out, if I may, that I am willing after a vote on amendment No. 146, the original Mondale-Case amendment, to try to work out something that calls for a study of some kind.

I am not willing to do so in the present form of the amendment. However, I would be willing to support the matter down to the figure "70" on page 1, and have a comprehensive study all the way through and see what can be done about it. If it passes, there will be an honest effort in conference. However, I object to withdrawing the appeal under these circumstances.

Mr. MONDALE. Does the Senator object to the withdrawing of the appeal?

Mr. STENNIS. Mr. President, excuse me. Perhaps I did not understand.

Mr. MONDALE. Mr. President, I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota to withdraw his request? The Chair hears none, and it is so ordered.

Mr. MUSKIE. Mr. President, I have the right to object.

Mr. MANSFIELD. It is too late.

Mr. MONDALE. Mr. President, a point of order.

The PRESIDING OFFICER. The Chair will announce that the Senate is now going to vote on the original amendment.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MONDALE. Mr. President, does the pending amendment not only apply to the study which the original sponsors of the amendment have asked for, but also hold up funds temporarily for the 1969 carrier?

The PRESIDING OFFICER. The Chair will state that it is not authorized to interpret the amendment.

All time having expired, the question is on agreeing to the amendment of the Senators from Minnesota and New Jersey. On this question the yeas and nays have been ordered and the clerk will call the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), and the Senator from Washington (Mr. MAGNUSON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Iowa (Mr. HUGHES) would each vote "nay."

On this vote, the Senator from Montana (Mr. MANSFIELD) is paired with the Senator from Hawaii (Mr. INOUYE). If present and voting, the Senator from Montana would vote "yea" and the Senator from Hawaii would vote "nay."

On this vote, the Senator from Louisiana (Mr. ELLENDER) is paired with the Senator from Mississippi (Mr. EASTLAND). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from Mississippi would vote "nay."

Mr. SCOTT. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Colorado (Mr. DOMINICK), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Alaska (Mr. STEVENS) is absent on official business.

The pair of the Senator from Kentucky (Mr. COOK) has been previously announced.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), and the Senator from Alaska (Mr. STEVENS) would each vote "nay."

Mr. CASE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE. Mr. President, is it impossible now for the sponsors of the amendment to state that they are going to vote against their amendment?

The PRESIDING OFFICER. Further debate is not in order. The unanimous-consent request was agreed to.

Mr. CASE. I make that statement.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll and Mr. AIKEN voted "nay."

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. Mr. President, I wholeheartedly support the regular order; but there ought to be some statement by the Chair about what the Senate is voting on.

Mr. CASE. I do not think there is any question.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 146. The Chair has ordered that the roll be called. The rollcall will proceed.

The legislative clerk resumed the call of the roll.

Mr. COOPER (when his name was called). On this vote I have a pair with the junior Senator from Kentucky (Mr. COOK). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the junior Senator from Hawaii (Mr. INOUYE). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I, therefore, withdraw my vote.

Mr. ELLENDER. On this vote I have a live pair with the senior Senator from Mississippi (Mr. EASTLAND). If present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

The result was announced—yeas 7, nays 75, as follows:

[No. 86 Leg.]

YEAS—7

Goodell
Hatfield
Javits
McCarthy
Nelson
Proxmire
Young, Ohio

NAYS—75

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cotton
Cranston
Curtis
Dodd
Dole
Eagleton
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mathias
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Cooper, for.
Ellender, for.
Mansfield, for.

NOT VOTING—14

Brooke
Cook
Dominick
Eastland
Fulbright
Gore
Hartke
Hughes
Inouye
Magnuson
McGee
Montoya
Murphy
Stevens

XUM

So the amendment (No. 146) was rejected.

Mr. MONDALE. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The bill clerk proceeded to read the amendment.

Mr. JACKSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

At the end of the bill add a new section as follows:

"Sec. 402 (a) Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The results of this study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70. Such study and investigation shall, among other things, consider—

"(1) what are the primary limited war missions of the attack carrier; what role, if any, does it have in strategic nuclear planning;

"(2) to what extent and in what way is the force level of onstation and backup carriers related to potential targets and the number of sorties needed to destroy these targets;

"(3) what is the justification for maintaining on continual deployment two carriers in the Mediterranean and from three to five in the Western Pacific;

"(4) what is the overall attack carrier force level needed to carry out these primary missions;

"(5) does the present 'one for one' replacement policy for these carriers have the effect of maintaining or increasing this force level, in light of the fact that the newer carriers and their aircraft are more expensive and have far more capability than the older carriers which they are now replacing;

"(6) would a policy of replacing two of the oldest carriers with one modern carrier maintain a constant force level;

"(7) how many, if any, attack carriers and carrier task forces are needed to back up a carrier task force 'on the line';

"(8) what efficiencies, such as the Polaris 'blue and gold' crew concept, can be utilized to increase the time in which a carrier can stay 'on the line';

"(9) what type of military threats are faced by the attack carrier; what proportion of the costs of a carrier task force are allocated to carrier defense against various types and levels of threats;

"(10) to what extent does the carrier's vulnerability affect its capacity to carry out its missions; what are the plausible contingencies in which carriers may be committed;

"(11) what type of resources should be devoted to carrier defense, considering the range of threats, the costs and effectiveness of the defense, and the plausible contingencies in which a carrier can be effectively used;

"(12) to what extent can land-based tactical air power substitute for attack carriers; to what extent should the role of the attack carrier be restricted to the initial stages of a conflict;

"(13) what are the comparative systems costs for land-based and sea-based tactical air power;

"(14) what is the comparative cost effectiveness of land-based and sea-based tactical air power; and

"(15) how is the attack carrier being used in support of American foreign policy; if there is a need for a 'show of force' in support of foreign policy commitments, can this need be met by smaller carriers or other types of ships.

"(b) In order to assist the Congress in carrying out such study and investigation, the Comptroller General of the United States shall review and make a report to the Congress on items numbered '(8)' and '(13)' in subsection 'a', above. He shall also review any studies which have been made, or may be made, by the executive branch which relate to the other items listed in subsection 'a', above. He shall provide summaries of such studies, together with any appropriate comments or questions, to the Congress. The report and summaries provided for by this subsection shall be furnished to the Congress not later than March 1, 1970."

Mr. STENNIS and Mr. MONDALE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. STENNIS. Mr. President, I have an amendment to offer as a substitute to the amendment offered by the Senator from Minnesota.

The PRESIDING OFFICER. The clerk will read the amendment.

Mr. STENNIS. Mr. President, I do not know whether the clerk can read my writing.

I ask unanimous consent that I may be permitted to read the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNIS. Mr. President, I wish to state that most of the amendment is the same as the language on the first page of the amendment offered by the Senator from Minnesota which was just read.

I offer this now as a substitute.

At the end of the bill add a new section as follows:

"Sec. 402. (a) Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The results of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70."

Mr. President, that refers to the third aircraft carrier of this type, and not the one in the bill.

Now, here is the language no one can read except me:

The committee shall call on all Government agencies and such outside consultants as the committee may deem necessary.

Mr. JACKSON and Mr. ERVIN addressed the Chair.

Mr. STENNIS. I yield to the Senator from Washington.

Mr. JACKSON. Is that the end of the amendment?

Mr. STENNIS. I will make a brief statement of explanation.

I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, will the Senator consider a suggestion? I suggest that the Senator substitute or strike out the word "Congress" and substitute the Armed Services Committees of the Senate and the House of Representatives?

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I shall yield, but first I would like to respond to the Senator's suggestion. This is exactly what it means.

Mr. JACKSON. We will cover it in colloquy.

Mr. STENNIS. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, we understand that when reference is made to "Congress" we mean the Committee on Armed Services. We use "Congress" so that studies would be generally distributed to Members of the Senate.

Mr. STENNIS. The Senate will be entitled to the information and that is the way I understood it in the discussion here; that the committees would be making the——

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. ERVIN. To me, the word "Congress" means 100 Senators and 435 Representatives.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. JACKSON. Is it fair to say to the author of the substitute amendment that under this language it is the intent of Congress that the Armed Services Committee of the Senate and the House Armed Services Committee undertake this study as projected in the amendment?

Mr. STENNIS. Does the Senator direct that question to me?

Mr. JACKSON. I direct the question to the author of the amendment.

Mr. STENNIS. That is the way I understood the discussion; that these matters were to be carried on by the respective Committees on Armed Services of the Senate and the House of Representatives.

Mr. CASE. The Senator is correct, as the Senator from Minnesota suggested, that this is our agreement and it is based on the assurance of the chairman that the study would indeed be a comprehensive and broad study by his committee, regardless of this discussion in the other body.

Mr. STENNIS. The Senator is correct. That is the way I understood it. The focal point in each House will be the Armed Services Committee. They will make the study.

Mr. MONDALE. That is correct. We discussed with the chairman of the Committee on Armed Services the possibility of setting forth specific questions as in the original amendment. We agreed this was probably not the time to do that but I do hope that some or all of those questions will be considered in the comprehensive study contemplated by this amendment.

If it is appropriate, I wish to ask for the yeas and nays.

Mr. STENNIS. If I may make a further statement on this matter I shall then yield to the Senator for the yeas and nays.

The amendment that I offered as a substitute has the very purposes already stated. That is not a perfunctory matter or just a formality. This is a promise that before there is any more authorization brought in for further carriers this real study will be made and made by these two committees. I think that is all the explanation I have.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. May I suggest that the questions the Senator raises in his original amendment be incorporated in the Record at this point?

Mr. MONDALE. I so request.

The PRESIDING OFFICER. The Chair did not hear the request.

If the Senator will address his motion to the Chair again, the Chair will rule.

Mr. MONDALE. Mr. President, I ask unanimous consent that my original amendment be modified along the lines as proposed by the Senator from Mississippi.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. MONDALE. I ask for the yeas and nays.

Mr. MANSFIELD. Mr. President——

The PRESIDING OFFICER. All those in favor——

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, where does that leave my amendment now? I offered an amendment.

The PRESIDING OFFICER. The Chair will state that the Senator's amendment has now been accepted and is included in the Senator's amendment.

Mr. MONDALE. Mr. President, I misunderstood for the moment. I am not going to raise my amendment. This is the amendment of the Senator from Mississippi which I would be willing to join as a cosponsor. What I was asking for was unanimous consent to include the questions to which I had made reference earlier.

Mr. JACKSON. I believe the Senator had in mind putting in at this point in the Record what was suggested by the able majority leader, the original amendment which he had offered and wanted as a part of his discussion.

Mr. MONDALE. The Senator is correct. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I want to make clear for the Record that my references to the comprehensive study by the committees did not undertake to bind the House committee to a joint undertaking. I think the committees of each body would have to proceed on that as they might see fit; otherwise, it would greatly complicate the amendment.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, would the Senator from Montana advise us on what we may expect as to legislative business for the remainder of the week?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, it is my understanding that the distinguished Senator from South Dakota (Mr. McGovern) is prepared to call up his AMSA amendment immediately at the conclusion of the vote on the pending Stennis proposal. Is that correct?

Mr. McGOVERN. That is correct.

Mr. MANSFIELD. In view of the great progress made today, and the lack of disunity and the prevailing unanimity, I do not anticipate there would be any votes after this one.

ORDER FOR ADJOURNMENT UNTIL MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, at that time, there will be further debate on the McGovern amendment and other amendments. I would hope we could vote on final passage of the bill sometime early in the week, or at the latest by the middle of the week.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota as modified.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. Gore), the Senator from Indiana (Mr. Hartke), and the Senator from Washington (Mr. Magnuson) are absent on official business.

I also announce that the Senator from Mississippi (Mr. Eastland), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Wyoming (Mr. McGee), the Senator from New Mexico (Mr. Montoya), and the Senator from Arkansas (Mr. Fulbright) are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. Eastland), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from Tennessee (Mr. Gore), the Senator from Arkansas (Mr. Fulbright), and the Senator from Iowa (Mr. Hughes) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from Kentucky (Mr. Cook), the Senator from Colorado (Mr. Dominick), and the Senator from California (Mr. Murphy) are necessarily absent.

The Senator from Alaska (Mr. Stevens) is absent on official business.

The Senator from New York (Mr. Javits) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the the Senator from Kentucky (Mr. Cook), the Senator from Colorado (Mr. Dominick), the Senator from New York (Mr. Javits), the Senator from California (Mr. Murphy), and the Senator from Alaska (Mr. Stevens) would each vote "yea."

The result was announced—yeas 84, nays 0, as follows:

[No. 87 Leg.]

YEAS—84

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Eagleton
Ellender
Ervin
Fannin
Fong
Goldwater
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Moss
Mundt
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—15

Brooke
Cook
Dominick
Eastland
Fulbright
Gore
Hartke
Hughes
Inouye
Javits
Magnuson
McGee
Montoya
Murphy
Stevens

So Mr. Mondale's amendment, as modified, was agreed to.

Mr. McGOVERN. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the Senator from South Dakota.

Mr. MANSFIELD. Mr. President, will the Senator from South Dakota yield to me, before calling up his amendment?

Mr. McGOVERN. I yield.

JOINT LABOR-MANAGEMENT TRUST FUNDS FOR SCHOLARSHIPS AND CHILD CARE FACILITIES

Mr. MANSFIELD. I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 284 (S. 2068) and Calendar No. 391, Senate Joint Resolution 149.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 2068) to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees, which had been reported from the Committee on Labor and Public Welfare with an amendment on page 2, at the beginning of line 10, after the word "Provided," insert "That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice:"; so as to make the bill read:

S. 2068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor-Management Relations Act, 1947, is amended by striking out "or (6)" and inserting in lieu thereof "6)", and by adding immediately before the period at the end thereof the following: "; or (7) with respect to money or other thing of value paid by any employer to an individual or pooled trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child-care centers for preschool and school-age dependents of employees: *Provided,* That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: *Provided further,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–293), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

Section 302 of the Labor-Management Relations Act prohibits payments by employers of money or other thing of value to employee representatives. This broad prohibition was enacted to prevent bribery, extortion, shakedowns, and other corrupt practices. However, section 302(c) sets forth six exceptions to the general prohibition in section 302, and thus permits employer contributions to joint trust funds to finance medical care programs, retirement pension plans, and other specific programs. By enacting a general prohibition on employer payments and then setting forth specific exceptions, Congress impliedly prohibited payments for any purpose not specifically excepted.

S. 2068 would add a seventh exception to section 302(c), and would thereby validate employer contributions to jointly administered trust funds established to provide educational scholarships for employees and their dependents, or to provide child-care centers for dependents of employees. Enactment of the bill will not require such contributions nor will it require the establishment of such trust funds. The bill would simply make clear that Federal law will not inhibit voluntary labor-management cooperation in establishing these programs.

PURPOSE OF S. 2068

S. 2068 would provide labor and management with the opportunity to deal cooperatively with two urgent needs: educational scholarships and child-care centers.

While the importance of higher education becomes increasingly apparent, the costs of such education have been rising sharply. Although Government and other sources of financial aid have increased, the demand for this aid far exceeds its supply. Consequently many working families find it difficult or impossible to sustain the financial burden of meeting the necessary expenses for educating their children beyond the free public schools.

Joint trust funds to provide educational scholarships for employees and their dependents, created and financed through the collective bargaining mechanism, would help make higher education financially possible for many children from working families. In addition to meeting these family needs, such scholarships would serve the national interest by helping to expand the Nation's reservoir of intellect and talent.

In this connection, it should be understood that the phrase "educational institutions," as used in S. 2068, is not limited by the terms of the bill. Thus, under the bill, parties to a trust established pursuant to its authority could arrange that the scholarship fund be used for scholarship aid to a student admitted to any type of educational institution, including universities, community colleges, technical institutes, or secondary level schools.

Trust funds to provide child-care centers for the children of employees, also created and financed through the collective bargaining process, would benefit the mothers who must work to meet family obligations. According to data supplied by the Department of Labor, 10.6 million mothers with children under 18 years of age were working in March 1967. Of these children, 4.5 million were under 6 years of age. At the same time there were available only 531,000 spaces in licensed day-care centers and family homes. It is clear that many mothers are consequently forced to make unsatisfactory child-care arrangements while they work.

Day care centers operated by qualified personnel would serve important needs of mothers, their children and employers. Mothers who must work would surely feel more secure knowing that their children were being well cared for, and problems of absenteeism, tardiness, and turnover resulting from unsatisfactory child care arrangements would undoubtedly be reduced. The children themselves would benefit from the environment of a good child care center. The availability of day care centers would obviously be a major attraction to mothers seeking work, and many industries which rely heavily upon women for their work force might find these centers advantageous in hiring and retaining employees. Finally, in addition to meeting the needs of working families and employers, child care centers established in accordance with S. 2068 would serve the national interest by increasing the pool of working women.

In summary, by permitting employer contributions to joint trust funds established to finance educational scholarships and day care centers for children of employees, S. 2068 would encourage interest by the labor and business community in these two vital areas. Such trust funds could meet important needs of employers, employees, and their families, and the Nation.

SECTION-BY-SECTION ANALYSIS OF S. 2068

S. 2068 amends section 302(c) of the Labor-Management Relations Act to provide that section 302's general prohibition on payments by employers to employee representatives shall not be applicable with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representatives for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees.

S. 2068 also provides that no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice.

The bill further makes applicable to such trust funds the requirements of clause (B) of the proviso to clause (5) of section 302(c). These requirements are for a written agreement specifying the detailed basis on which payments to the trust fund are to be made, equal representation of employers and employees in the administration of the trust fund, together with provisions for neutral persons, and an annual audit available for inspection by interested persons.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

* * * * *

"SECTION 302(c) OF THE LABOR-MANAGEMENT RELATIONS ACT, 1947

"RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

"SEC. 302. (a) * * *

* * * * *

"(c) The provisions of this section shall not be applicable (1) in respect to any money or other thing of value payable by an employer to any of his employees whose established duties include acting openly for such employer in matters of labor relations or personnel administration or to any representative of his employees, or to any officer or employee of a labor organization, who is also an employee or former employee of such employer, as compensation for, or by reason of, his service as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: *Provided,* That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): *Provided,* That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such neutral persons as the representatives of the employers and the representatives of employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities; [or] (6) with respect to money or other thing of value paid by any employer to a trust fund established by such representative for the purpose of pooled vacation, holiday, severance or similar benefits, or defraying costs of apprenticeship or other training program: *Provided*, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds; or (7) *with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees: Provided, That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: Provided further, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds.*"

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF THE AUTHORITY TO LIMIT THE RATES OF INTEREST OR DIVIDENDS PAYABLE ON TIME AND SAVINGS DEPOSITS AND ACCOUNTS

The joint resolution (S.J. Res. 149) to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 149

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966, as amended (Public Law 89–597), is amended by striking out "September" and inserting in lieu thereof "December".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–397), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

GENERAL STATEMENT

This resolution will extend for an additional 3 months until December 22, 1969, flexible authority to regulate the rate of interest on savings deposits paid by financial institutions. The legislation was first enacted on September 21, 1966 (Public Law 89–597; 80 Stat. 823), to curb excessive competition for deposits between financial institutions. Unrestrained bidding for deposits caused substantial reductions in savings inflows into thrift institutions which are the main suppliers of mortgage credit. Because of the resulting shortage in funds, thrift institutions were forced to cut back their mortgage lending, thus contributing to the rapid decline in the level of housing starts.

All financial agencies of the Government agree that the authority for flexible rate controls on savings deposits should be continued for at least another year. The committee has recommended a 3-month extension in order to have additional time to consider several related issues dealing with the administration of the act and with the implementation of monetary policy. The committee agrees with the need for extending the flexible rate control authority over a longer period and intends to report such an extension later in the year.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

Mr. MANSFIELD. Mr. President, with the permission of the Senator from South Dakota, I would like to yield briefly to the distinguished senior Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT PROPOSED TO BE OFFERED BY SENATOR COOPER

Mr. COOPER. Mr. President, on August 12 I offered an amendment to section 401, title IV. There was some debate on the amendment, and, as it had not been printed, I withdrew the amendment and stated I would offer an amendment after the Congress returned from recess.

I do not want to offer the amendment now and have it printed, as several Senators said at the time they would like to join as cosponsors of the amendment. I simply want to place the wording of the amendment in the Record. I read the amendment which I propose to offer and to have called up. The amendment to section 401 would read as follows:

> On page 5, line 17, strike out the quotation marks and insert in lieu thereof the following: "The foregoing provision shall not be construed as authorizing use of the armed forces of the United States to engage in battle in support of local forces in Laos and Thailand."

The PRESIDING OFFICER. The Senator desires to have the language placed in the Record; it is not offered as an amendment. Is that correct?

Mr. COOPER. That is correct.

AMENDMENT NO. 130

Mr. McGOVERN. Mr. President, I call up my amendment No. 130, offered for myself and other Senators, and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota for himself and other Senators will be stated.

The legislative clerk read the amendment (No. 130) as follows:

> On page 3, line 3, after the comma, strike "3,051,200,000" and insert in lieu thereof the figure "$2,971,200,000", and insert thereafter the following: "*Provided*, That of the funds herein authorized not more than $20,000,000 shall be expended for research, development, test, and evaluation of an advanced manned strategic aircraft;".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. McGOVERN. Mr. President, I offer this amendment on behalf of myself, the Senator from New York (Mr. Goodell) and the Senator from Oregon (Mr. Hatfield), and the Senator from Wisconsin (Mr. Proxmire).

Mr. President, the Department of Defense budget for fiscal 1970 proposes that we multiply by four times the fiscal 1969 approved program for the advanced manned strategic aircraft now designated the B–1A.

This new emphasis quite clearly raises serious questions about the future composition of our strategic forces. I believe they must be answered much more precisely than has been the case thus far before we accelerate the strategic bomber program in any way.

The cost estimates for development and procurement of the so-called AMSA are now running at some $10 to $12 billion—in the same range as the Safeguard antiballistic missile system which has occupied so much attention in recent months. Again as much will be spent on operation—such items as manpower, bases, maintenance and support—for each 10 years the aircraft is a part of our strategic inventory. This system promises to divert vast amounts of funds which might be used for other purposes either within or outside of the Defense Establishment. No doubt plans for its acquisition ranked high among the reasons for Presidential Urban Affairs Adviser Patrick Moynihan's recent conclusion that the post-Vietnam peace dividend "tends to become evanescent like the morning clouds around San Clemente."

Mr. President, every Member of the Congress wants our country to be secure from the devastation of nuclear attack. The label "unilateral disarmer" has no place in this body and it does not fit any proposal by any Member of the Senate that I have heard over the past 25 years we have backed up our commitment to the safety of the American people with over one and one-quarter trillion dollars. We continue to surpass every other nation in the world in arms spending, by many billions of dollars. We spend far more than China and the Soviet Union combined.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. McGOVERN. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. First, I commend the

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Senator on an excellent speech. I have had a chance to look at it, and I think it has very great merit, not only in questioning and challenging the advanced manned strategic aircraft, but also in putting into perspective the enormous cost of this item and the effect it is likely to have on our other priorities.

When the Senator says we are spending far more than China and the Soviet Union combined, he is absolutely correct. It is my understanding that the Soviet Union, which, of course, has an economy that is far bigger than China's—four times the size of China's, but only half the size of ours. According to the London Office of Strategic Studies, they have an equivalent expenditure of about $40 billion in their military budget—20 billion rubles translates to about $22 billion.

The London Office of Strategic Studies goes to the extent of comparing the actual cost of paying their soldiers, who are paid less than our soldiers, sailors, and marines are paid, and so forth. The comparable figure is $40 billion, in their judgment, for the Soviet Union, and $80 billion for the United States.

The entire production of China is in the area of a little over $100 billion. Most of that has to go into feeding, clothing, and housing the people, because there are so many of them—some 750 million people. It is obvious that China is unable to expend nearly as much as the Soviet Union, in fact only a fraction of the Soviet Union's expenditures. So the Senator from South Dakota is not just using rhetoric. He is not just making a wild statement; he is making an absolutely precise and accurate statement that I think we should dwell upon and think about.

We are spending billions of dollars more than China and Russia combined. I do not say we should not spend more than they do; I think we should. I think almost all Senators think we should. But I think it is perfectly proper, under these circumstances, for us to consider the kind of modest reduction in the budget that is before us, which the Senator from South Dakota and some of the rest of us have proposed, without being accused of being unilateral disarmers. As the Senator has said, we would still be the strongest military force on the face of the earth by far, with far more expenditure for our military forces than the two largest potential enemies combined.

I think this is an important point to make in considering whether to go ahead with this highly expensive and marginal weapon.

Mr. McGOVERN. I thank the Senator from Wisconsin for his contribution. I think this is a good point for me to emphasize that the amendment which I have just called up does not kill the advanced manned strategic aircraft program. I propose, in the next couple of days, to raise some very serious questions about whether in fact we need that bomber as a component of our strategic force. But the thrust of this amendment is not to kill the program. It would simply hold it at its present funding level.

We programed approximately $25 million for the advanced manned strategic aircraft in fiscal year 1969. The Defense Department and the Armed Services Committee have proposed to increase that sum to $100.2 million. What this amendment would do, if adopted, is simply hold the funding at not more than the level authorized for 1969.

Mr. PROXMIRE. So the Senator would permit the Defense Department to proceed with further research and development of the advanced manned strategic aircraft, but he would not permit a fourfold acceleration in this budget at this time, especially in view of the fact that we do not have, as I can see it, any tremendous urgency, the Soviet Union's bomber fleet being only about a quarter the size of ours?

Mr. McGOVERN. That is correct.

Mr. PROXMIRE. There is no evidence that they have plans for a similar weapon. Under these circumstances, the Senator's amendment seems to me to be very reasonable.

Mr. McGOVERN. I thank the Senator for his contribution.

Mr. President, having emphasized—and having the point underscored by the remarks of the Senator from Wisconsin—our recognition of the need for adequate expenditures in the defense field, I think we have to recognize that we also have other very serious responsibilities that relate to the defense of this country.

I have thought, in recent months, that perhaps what we really need is a new definition of what constitutes national defense. It should go beyond military spending alone, and put all of the needs of the country into the balance. I think we can reach much more profound judgments as to what it is that really contributes to the strength of a great country such as the United States.

One thing that certainly does not contribute to it is the waste of resources for weapons systems that do not serve to strengthen either our military capability or our national security. We are beset today by compelling needs throughout our own society, for such things as decent housing and adequate nutrition for our children. The Committee on Nutrition and Human Needs found that there are some 15 million malnourished people in this country. One wonders what that factor contributes to the defense of the country, to have some 15 million of our citizens rendered defenseless by malnutrition.

The need for more jobs and job training is obvious. The need for better medical care, for a more efficient transportation system, for an improved environment and the protection of our environment against the pollution that is occurring today, and a host of other needs, all relate very directly to the defense and security of this country.

Our tenure as a viable democratic society depends as much upon our approach to these urgent requirements as it does upon our ability to acquire more, new, and better weapons.

We simply cannot afford to build systems which are unnecessary or unworkable. Before we decide to "err on the side of strength," we must determine whether it is necessary to err at all.

It has occurred to me this afternoon that whereas the Defense Department has proposed to increase the funding for this advanced manned strategic bomber from $25 to $100 million, they are simultaneously proposing a 75-percent cut in construction funds for other projects that I suspect may be more needed in terms of the requirements of the country than the acceleration of the so-called advanced manned strategic aircraft.

Where the AMSA specifically is concerned, we should settle at the outset whether bombers have any meaningful role to play at all in the maintenance of our nuclear deterrent or counterforce capabilities. Do they add something we must have and which cannot be supplied by the massive destructive capabilities of land- and sea-based ballistic missiles? What are the precise components of the "flexibility" attributed to bombers as opposed to missiles? Is their backup or complementary role worth the cost? Must we have a multiplicity of deterrents of varying kinds?

These are some of the questions that I hope we can explore over the next several days in the consideration of this very costly, new weapons system that has been proposed.

In addition, I believe we must examine the capabilities and operational lifespans of existing strategic bomber forces and other bombers in the procurement line, including the B–52, the B–58, and the FB–111. If the case for bombers is proved, does it necessarily follow that AMSA is required or that the configuration under consideration is what we want? In the same area, do we not have existing and planned tactical aircraft which might be able to play a part of the role assigned to the strategic bomber force?

Finally, I believe it is appropriate to examine fully the potential operations of strategic bombers in conventional war situations, without the use of nuclear weapons.

Are the high performance capabilities of AMSA needed for the kinds of missions in which long-range bombers might be employed? Conversely, does an aircraft designed for long-range strategic missions compare favorably with tactical aircraft such as fighter-bombers in its ability to penetrate sophisticated defenses, or would the losses exceed the military advantage which might be gained?

ROLES OF NUCLEAR WEAPONS

As has become quite clear in recent months during the extensive debate over the anti-ballistic-missile system, our total strategic forces aim for two basic capabilities. The first, "assured destruction," was defined in the fiscal 1970 posture statement presented by then Secretary of Defense Clark Clifford as "the ability to inflict at all times and under all foreseeable conditions an unacceptable degree of damage upon any single aggressor, or a combination of aggressors—even after absorbing a surprise attack."

The second, "damage limitation," according to the same source was defined as: "the ability to reduce the potential damage of nuclear attack upon the United States through the use of both offensive and defensive weapons."

Our damage limitation capabilities are

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quite limited in effectiveness, primarily because of the massive technical problems involved in the interception of large numbers of ballistic missile warheads, and because of the immense damage even a few of those warheads can do to soft targets or population and industrial centers.

I point out that it is that reality that leads me to believe that the only real defense against nuclear war is not to have one. I have seen no convincing evidence that either the Soviet Union or the United States could survive a major nuclear exchange. I think life would be so tragically blasted and disrupted in an exchange of that kind that the survivors might envy the dead.

Moreover, we have begun to recognize that attempts at damage limitation can have another result—acceleration of the arms race—because, if they are arguably effective, they will certainly cause rival nations to respond with increased and improved offensive forces in order to maintain their assured destruction capability. Since we cannot, absent arms control agreements, cause a freeze in the strategic forces of the other side, and since they doubtless plan conservatively just as we do, the net effect of damage limitation efforts can be a prospect for even greater destruction in the United States if nuclear war should occur, and for new and possibly less controllable forces on both sides.

For these reasons our planners have, for example, abandoned—at least for the moment—the goal of constructing a "thick" anti-ballistic-missile system to defend our population against Soviet attack. Most people think that is not now a practical possibility. For the same reasons, the dominant aim of our nuclear forces is to deter attack through assured destruction; to notify any potential adversary that a strike upon the United States will bring swift, certain, and overwhelming destruction in return.

The size of the force required to meet that objective is open to question. In the case of the Soviet Union one prominent view sets it as the certain ability to deliver, upon urban-industrial targets, the destructive equivalent 400 blasts in the range of one megaton.

I suggest that the figure of 400 million-ton nuclear bombs is almost beyond comprehension when we consider that the bombs we dropped on Hiroshima and Nagasaki were in the range of 20,000 tons of TNT and that in a split second they incinerated 100,000 human beings and utterly destroyed great industrial cities. The damage that would be caused by 400 million-ton nuclear bombs on any country on the face of the earth, I think, is incalculable.

I cannot see why we need a level that high to deter the Soviet Union or any other country from attacking us. Nevertheless, that is the estimate that has been given. For purposes of discussion we shall accept it.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. Mr. President, as I understand it, a 1-million-ton bomb would be easier for us to evaluate as to its destructive power if we consider that it is the equivalent of 50 of the bombs dropped on Hiroshima. They were 20,000-ton bombs. This would be a 1-million-ton bomb. Therefore, it would be 50 times as powerful.

The Senator is saying that what is proposed here as a deterrent is 400 bombs, each of which is 50 times as powerful as the bomb dropped on Hiroshima.

Mr. McGOV0RN. The Senator is correct.

Mr. PROXMIRE. So practically every city of substantial size would become merely a hole in the ground, obliterated completely, and its people destroyed by fire.

Mr. McGOVERN. I see no other conclusion that can be drawn. It is not necessary, as it was in World War II, with conventional bombs, to send a whole squadron of bombers over a city. If only one missile got through, a great city would be utterly destroyed.

I suspect that the level required to destroy the Soviet Union would be less than that. Nevertheless, let us accept that premise for the sake of discussion today. It seems quite clear, for example, that the ability to place one warhead at each of the Soviet Union's 25 largest cities would serve as a rather impressive deterrent to attack upon the United States. It is hard for me to imagine that any leader, Russian, American, or Chinese, knowing that 25 of the largest cities of his country would be destroyed by this kind of retaliation, would start a war.

REDUCED RELIABILITY OF BOMBERS

There can be little dispute over the minimum proposition that the role of bombers in both assured destruction and damage limitation has been vastly diminished in the past decade, by a combination of their increasing vulnerability and the availability of more effective and less costly alternatives.

In the 1950's we relied entirely upon Strategic Air Command—SAC—bombers for deterrence. At first we had B–29's, B–50's, and B–36's, later B–47's, and still later the B–52's and B–58's which are presently in service. Certainly SAC performed its mission effectively; no one challenges that. Without it our country would have been in extreme danger during that period of rising and subsiding tensions between the United States and the Soviet Union.

As a former bomber pilot in World War II, I appreciate the way in which sentimental attachments develop to a particular weapons system. It is not hard for me to understand why a former Navy man is particularly vulnerable to an appeal to strengthen the Navy, or why a former Marine is always a little more excited about proposals that relate to the Marine Corps.

I suppose my natural inclination would be to appeal for more funds for bombers than for other weapons systems. But my studies of this very important matter have led me to the conclusion that there is no justification for the kind of dramatic acceleration of the bomber development program that is proposed in the bill before the Senate. That is why I am asking for a limitation on expenditures for this program along the lines that were approved for fiscal 1969.

In the 1960's the Soviet Union began to develop weapons and strategy which required major changes in the deployment and missions of our bombers in order to maintain their credibility as even a part of our deterrent. In the early 1950's we relied upon overseas bases for basing and staging attacks upon the Soviet Union if war occurred. As the Soviet Union developed its own bomber force and intermediate range ballistic missiles, U.S. planners realized that overseas bases—well within the range of Soviet weapons—would become vulnerable to a possible Soviet surprise attack. After study, it was decided to rely primarily on bases inside the continental United States, out of range of Soviet missiles. We relied upon aerial refueling to the extent necessary to allow our bombers to strike the Soviet heartland from bases within the United States.

The next step was the development of Soviet ICBM's, making our bombers based at home essentially as vulnerable as they would have been stationed in other parts of the world. It was precisely this fear of a surprise Soviet ICBM attack on bomber bases that constituted the heart of the "missile gap" scare.

As we know now, the United States launched into a program of building ICBM's that was so rapid that we almost immediately opened a missile gap in our own favor. At the same time, however, we made what has become a very critical and costly decision to retain bombers as an element of our strategic deterrent. We had, therefore, to make plans to protect them.

The protection was composed initially of BMEWS, a ballistic missile early warning system to give the bombers 15 minutes notice of incoming attack, and of a strategy of maintaining 50 percent of our bomber force on 15-minute alert. Significantly, half of our bombers had, in an important sense, already been retired from active participation in the task of deterring a surprise attack.

But now we perceive still a third threat. Secretary of Defense Melvin Laird testified before the House Appropriations Subcommittee earlier this year that at current rates of construction of Y-class submarines the Soviet SLBM force could equal our own by 1975. He went on to say:

> Given our present radar coverage of the seaward approaches and no ABM defense of our bomber bases, they (the Soviet SLBM's) could constitute a severe threat to the survival of our bomber forces—even those aircraft held on ground alert.
>
> This would be especially true if the Soviets design their SLBM's for depressed trajectory launch, which is not very difficult to do. If they were to do this with their SLBM's the flight time to a large number of bomber bases could be considerably reduced.

A depressed trajectory launch of SLBM's could, therefore, give our bombers only a few minutes warning, not enough even for most of those on 15-minute alert, and their refueling tankers, to get into the air. Our determination to maintain and protect them thus requires us to face still another set of alternatives.

One approach in the process of implementation is the Safeguard anti-ballistic missile system, which hopes to prevent destruction of our bombers before they can be launched. It is obvious, however, that the protection of airfields with an ABM is a much more complex problem than the protection of hardened missile sites. Unlike Minuteman bases, bombers are soft targets—similar to cities but for the fact that they can, given time, move out of the way. Even a single small and relatively distant warhead can render unflyable all of the bombers on a base.

I do not think anyone would dispute that. So they are considerably more vulnerable to attack than hardened missile sites.

Another route might be to move our bombers to centrally located bases. But over the long run it seems that they will be reasonably safe only if they are in the air, which means an enormous drop in their reliability and effective numbers. One can imagine a capability to maintain one eighth of the force in the air for a year or a somewhat larger fraction, perhaps 20 percent, for a month. But this means a decrease by seven-eighths or four-fifths in the effective size of the force, and a great increase in costs. It requires another stretching of the rigid requirements of survivability and cost-effectiveness that we demand of our other strategic forces.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. Mr. President, I think this is a very important point because I believe that in the minds of many people, the real argument for maintaining the bomber as a nuclear deterrent is that the intercontinental ballistic missile is in a fixed position and can be zeroed in on. With the new MIRV's and the enormous destructive power they have, the feeling is they can be destroyed. The argument, as I understand it, is that the best and most effective deterrent is to be in motion and as rapidly in motion as possible. This is the advantage of the submarine and the bomber.

I think the Senator raises one of the most persuasive arguments on this point that I have heard.

The Senator points out that maintaining our bombers in the air greatly increases the cost and makes it extraordinarily expensive and difficult to do this in a truly effective way. I have not seen it estimated that one-eighth of the force in the air for a year is about the most practical proportion that can be maintained.

Is that on the basis of the finding of the Department of Defense?

Mr. McGOVERN. That is my understanding. To go beyond that raises the cost factor and the maintenance problems and becomes simply impractical. It is not inexpensive to maintain heavy bombers aloft for any time. It shortens the life of the bombers and very dramatically increases the cost.

Mr. PROXMIRE. Unless this is done, however, I cannot see any advantage at all. This is one advantage, I must say, we have to recognize and evaluate, but I think we have to also acknowledge the great cost it represents, and it represents only one-eighth of the fleet available.

Mr. McGOVERN. My understanding is that, while we did that for a time with B-52's and B-58's, the Air Force decided after experimenting with it that it was not a very practical thing to do. We also had the experience of the near nuclear accident over Spain where one of these bombers aloft lost a nuclear bomb and created a small international crisis. That is another thing that can happen. It always seemed to me that to keep nuclear bombers aloft increases the air of tension and fear in international affairs and we need less of that rather than more. I understand that now, except for training purposes, we do not maintain any part of our bomber fleet aloft.

Mr. PROXMIRE. I did not realize this was true. The Air Force and the Pentagon no longer follow the policy of maintaining bombers in the air at all times.

Mr. McGOVERN. That is my understanding.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. McGOVERN. I yield.

Mr. STENNIS. Mr. President, I appreciate the statement being made by the Senator from South Dakota. I have not had a chance to be present in the Chamber for the last few minutes, although I have been here throughout the day.

If the Senator will excuse me from the Chamber now, I will take the liberty of leaving. However, I am interested in his remarks.

Mr. McGOVERN. I thank the Senator.

Mr. STENNIS. I will read all the Senator has to say, and I look forward to the debate.

Mr. McGOVERN. I thank the Senator for his courtesy.

Mr. President, in view of the lateness of the hour, I will not continue with my address today. I ask unanimous consent that I be recognized at the conclusion of the period for the transaction of routine morning business on Monday, in order to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. I yield the floor.

Mr. GOLDWATER. Mr. President, it will be my unfortunate lot to be abroad during the balance of the debate on the military authorization bill.

Before leaving, however, I would like to make my position clear on the pending amendment.

I oppose it strongly—again we are gambling with the safety and freedom of 200 million Americans and I want no part of it.

WHY REQUIRED?

The primary purpose of our strategic forces is to prevent nuclear war.

Let us be very clear just what this means. If we are attacked, it is likely that over half of our people will be killed and most of our cities will be destroyed. We will not have to worry about the unemployed—they will no longer be with us.

Those who feel that we can adopt a minimal level of defense and still avoid attack should look at history. Weakness has always invited aggression. In fact, aggressors have often used an imagined inferiority on the part of an opponent as a reason for going to war.

There must be no doubt at all in anyone's mind about our capability to withstand an attack and still strike back.

Bombers had the total responsibility for preventing war throughout the 1950's. Then as land- and sea-based missiles entered the force, and appeared to be nearly invulnerable, the following sorts of questions were raised: Why should we buy a new bomber that might be caught on the ground or could be destroyed by antiaircraft missiles, when the missile is safe in its silo or under the sea and travels too fast for defenses?

Today the pendulum has swung back toward the center. Both the bomber and the missile can be destroyed on the ground and both can be intercepted in flight. There is no longer any foolproof deterrent. We must take the necessary actions to protect both bombers and missiles and to help them penetrate enemy defenses in flight.

The Soviet Union is engaged in a tremendous buildup of strategic forces. This buildup threatens both the missile and the bomber portions of our force.

The Soviets now surpass us in numbers of ICBM's and are still building both land-based missile sites and ballistic missile submarines. Including ICBM launchers under construction and their existing submarine-launched ballistic missiles, they will have over twice as much total missile payload as the entire U.S. land- and sea-based missile force.

It is this 2-to-1 Soviet advantage in missile payload that threatens our land-based missiles. With this payload advantage, the Soviets can deploy large MIRV's that may be able to destroy many of our Minuteman silos. One might suggest we counter this trend by building more missiles than they can destroy, but this would increase our own first-strike capability, further increasing the arms race. Moreover, with the advent of Soviet MIRV, we would have to construct several silos for each silo built by the Soviets.

They are also working hard on antisubmarine techniques that could threaten our 41 Polaris boats—though we feel these are still relatively safe from attack.

We must realize, though, that no single Soviet system has to do the job by itself. Their MIRV's and antisubmarine forces would try to reduce and disrupt our counterattack to the point that an improved Soviet ABM system could handle the surviving U.S. missile warheads.

Of course, we are working on the Safeguard system to protect our missile silos and on MIRV's to help us penetrate the Soviet ABM. It should be noted that with less than half as much total missile payload, our MIRV's will not present the sort of threat to Soviet silos that their MIRV's will present to ours.

But can we afford to depend entirely on the ABM and MIRV for our very existence? The ABM debate has shown that there may be a considerable delay in the continuing process of dealing with new threats. As the debate went on, some eminent scientists testified that our land-based missiles were already so vulnerable that they were obsolete.

Because of this danger of falling behind with some of our responses, it is imperative that we have both a missile and a bomber force as part of our deterrent. With a new bomber, we have the

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opportunity to make significant improvements in survival through quick reaction and dispersal and can also enhance penetration capability compared to existing bomber forces.

Without the bomber, the deterrence provided by our land-based ICBM's would depend almost entirely on our ABM working and theirs not working. Any miscalculation on the part of Soviet leaders—any conclusion that they had found techniques for negating our ICBM's and our fleet ballistic missile submarines while the United States had not found means to protect them, and the result could be strategic war.

The bomber provides the necessary additional insurance that retaliation will be effective. We cannot preclude the possibility that the Soviets in the next few years may devise some weapon, technique, or tactic which could critically increase the vulnerability of one or two of the elements of our strategic force. To arrive at a single system—missiles or bombers—for our strategic deterrent is a high-risk approach and in view of the consequences is not an approach consistent with our national security objectives.

The purpose of the AMSA is to replace our aging force of B–52's with an improved bomber that will be more effective and economical in operation. Design of the AMSA will take advantage of the many advances that have been made in airframe and engine technology during the past few years. As compared to the B–52, the AMSA will have a higher penetration speed, reduced radar cross section, a larger payload capacity, the capability to penetrate at lower flight altitudes, quick reaction launch and the shorter takeoff and landing distance and other characteristics necessary for operation from austere dispersal bases throughout the country. Moreover, improvements in avionics—better electronic countermeasures, target finding systems, and weapons delivery systems—will further improve the capability of the AMSA to penetrate to enemy targets in all types of wars, both nuclear and nonnuclear.

The AMSA would be an economical replacement for the aircraft currently in our strategic bomber forces, the B–52, the B–58 and the FB–111. That is, a smaller AMSA force can be deployed that will provide the same effectiveness for retaliation as the B–52/B–58/FB–111 forces because of the larger payload capability and improved penetration characteristics of the advanced bomber. The smaller AMSA force would be less expensive to operate and would not require the extensive modification work necessary to keep the present force flying. In short, it will be less costly in the long run to proceed with development of the AMSA now.

HISTORY OF THE PROGRAM

During the past several years OSD and the Air Force have extensively studied the requirement for an advanced bomber as a replacement for the B–52 in the post 1975 time period. The operational concept and the design and performance specifications have been refined and reexamined in depth on numerous occasions since 1964. Over $140 million has been devoted to system design studies and advanced development in propulsion and avionics, and as a result the technical uncertainties and risk associated with the development of a new bomber have been reduced to a minimum.

The Air Force has attempted each year since fiscal 1965 to initiate weapon system engineering development for the AMSA. The JCS strongly support AMSA development in order to satisfy the force structure requirement envisioned for the latter half of the 1970 decade. Congress has historically supported AMSA development and has in fact appropriated funds each year specifically for AMSA development. In November 1968, the Secretary of Defense approved a program involving a competitive design development effort. Secretary Laird requested an additional $23 million in fiscal year 1970 to shorten the competitive design phase, since it was believed that adequate paper studies had been conducted. This revised approach would permit the following: First, a reduction of the R.D.T. & E. costs by about $350 million as a result of shortening the competitive design phase; and second, an earlier procurement decision and advancement of the initial operational capability, if necessary. In this latter regard it should be noted that the funding request is for development with a procurement option but does not commit the Government to production quantities.

BOMBER FORCE MODERNIZATION

The Air Force has carefully planned and proposed an orderly, well-balanced and low-risk development program starting in fiscal 1970 leading to the first flight of a new bomber in 1973. No production commitment on the part of the Government is currently proposed; however, if a production decision is subsequently made we could achieve an initial operational capability in fiscal 1977 and a fully operational force a few years later. By that time the B–52's will be 17 to 20 years old. The best B–52, the "H" model, represents the maximum growth economically attainable within the constraints of the basic B–52 design. It would be tremendously expensive to make the B–52 faster, carry more payload, fly lower or have a smaller radar cross section. While we would be able to use new weapons or penetration aids on the aircraft against an improving threat, we have reached the point where a sounder investment is to acquire a new bomber rather than to keep modifying the old.

Additionally, certain improvements such as providing the B–52 self-sufficiency for wide dispersal would involve exorbitant costs and excessive force downtime.

We cannot predict, as well as we would like, how aircraft structure will respond to many years of combat maneuvers. By the time we could acquire the AMSA the B–52's will have spent a large part of the time operating in a low altitude flight environment for which they were not initially designed, thereby increasing the possibility of structural problems. If and when we detect a major structural fatigue failure made in the B–52 force, it may be too late to produce a timely replacement aircraft. This problem is compounded by large uncertainties in the magnitude of the costs that may be required to keep older systems effective. We believe, however, that these costs would exceed the cost of a more effective replacement force of new bombers.

IMPACT OF DELAY

To conclude that there is no need now to start development of an advanced bomber, one would have to believe the following: First, the Soviets will not degrade our missile capability by offensive or defensive action; second, the Soviets and other Communist governments will cease to improve their air defenses; third, we will not want to use a bomber in conventional conflicts; and, fourth, it will be economical to prolong the operational and structural life of the B–52 into the 1980's.

All indications today oppose acceptance of the foregoing points. The Soviets are working to negate our missile capability with an ABM defense and improvements in missile accuracy and increases in size and number of missiles. The Soviets are continuing to make great improvements in their air defense capability. We will undoubtedly continue to use bombers in conventional conflicts if it is necessary. And finally, we have reached the point where it is more prudent to acquire a new bomber rather than to keep modifying the old force. In short, bombers are and will continue to be an important element of our strategic forces because they effectively contribute to our country's nuclear deterrent as well as poviding unique capabilities at lesser levels of conflict.

The amendment proposes to reduce the AMSA funding for fiscal 1970 from $100 million to $20 million. In the event funds are not provided for the initiation of engineering development of the AMSA weapon system in fiscal 1970, the introduction of a new bomber into the inventory would be delayed by 1 year. A level of expenditure of $20 million per year would be sufficient to support studies and continue advanced development efforts but would not reduce either the development leadtime of this system or the time required to realize an operational capability. Over the last several years we have done what can be accomplished at this level of funding to minimize risk in a follow-on development program. If we maintain this expenditure level until a serious weakness develops in our strategic forces, we will still be about 7 to 8 years away from having a new bomber in operationally significant numbers. If Soviet air defenses improve to the level we think is possible in 1977, and we have made no major new improvements in our bomber force, we would have a period of time in which we would have to depend on missiles alone. A 1-year delay in AMSA could mean 1 year of much higher and more significant risk that deterrence might fail.

It should be emphasized that the proposed AMSA program is designed to maintain a production option rather than one which seeks approval of a production decision. The program reduces the time required to achieve an initial operational capability should it be necessary to move into production. The continued postponement of adequate funds to initiate the required engineering development program increases the risk that the United States will not be in a position

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to produce and deploy a new bomber when necessary. The time is now, not the 1980's but a decision now will give us this weapon when it must be had. It has been delayed for too long now.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 15, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 19 minutes p.m.) the Senate adjourned until Monday, September 15, 1969, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate September 12, 1969:

Civil Aeronautics Board

Secor D. Browne, of Massachusetts, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1974, vice John H. Crooker, Jr., resigned.

Four Corners Regional Commission

L. Ralph Mecham, of Utah, to be Federal cochairman of the Four Corners Regional Commission, vice W. Donald Brewer.

U.S. Attorneys

Duane K. Craske, of Guam, to be U.S. attorney for the district of Guam for the term of 4 years, vice James P. Alger.

William W. Milligan, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years, vice Robert M. Draper, resigned.

Blas C. Herrero, Jr., of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years, vice Francisco A. Gil, Jr.

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas for the term of 4 years, vice Richard B. Hardee.

U.S. Marshals

Harlan R. Hosch, of Illinois, to be U.S. marshal for the eastern district of Illinois for the term of 4 years, vice Harry C. George.

Ollie L. Canion, of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years, vice Victor L. Wogan, Jr., retired.

Rex K. Bumgardner, of West Virginia, to be U.S. marshal for the northern district of West Virginia for the term of 4 years, vice John G. Chernenko.

In the Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Alexander Day Surles, Jr., 578–48–9955, U.S. Army.

In the Marine Corps

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Jonas M. Platt
Clifford B. Drake
Wallace H. Robinson, Jr.
Robert G. Owens, Jr.
Earl E. Anderson
Michael P. Ryan

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

John N. McLaughlin
Jacob E. Glick
John E. Williams
Robert R. Fairburn
Homer S. Hill
Edward J. Doyle
Leo J. Dulacki
Harry C. Olson
Carl W. Hoffman
William G. Johnson
Henry W. Hise
Edwin H. Simmons
Robert B. Carney, Jr.
Herman Poggemeyer, Jr.

In the Navy

The following-named officers of the U.S. Navy for temporary promotion to the grade of captain in the line, subject to qualification therefor as provided by law:

Ackerman, Eugene B.
Albers, Hugh W.
Allmann, Richard R.
Angleman, Cornell C.
Arnold, William S. M.
Aslund, Roland E.
Axell, Charles L.
Baggett, Lee, Jr.
Bailey, Henry G.
Baird, Orlie G.
Balmforth, Stanford C.
Barie, Arthur H.
Barker, Franklin H.
Barker, Raymond H.
Baty, Edward M.
Baysinger, Reaves H., Jr.
Beesley, Howard L.
Bellar, Fred J., Jr.
Belter, Robert H.
Benson, Francis W., Jr.
Bernstein, Karl J.
Bigley, Thomas J.
Boeing, Charles E.
Borlaug, Paul V.
Bortner, James A.
Bouffard, Edward N.
Bowdey, Floyd D.
Boyd, David S.
Boykin, Rhodes, Jr.
Brady, Robert E.
Briggs, Edward S.
Brummitt, Gerald F.
Bryant, Harry F., Jr.
Buckmaster, Albert T.
Bushman, Herman J., Jr.
Buteau, Bernard L.
Cady, John P., Jr.
Callahan, William M., Jr.
Cameron, Allan K., Jr.
Campbell, Richard B.
Capone, Lucien, Jr.
Carlton, George A.
Cates, Charles W.
Christensen, Charles S., Jr.
Clark, Fred P., Jr.
Compton, Bryan W., Jr.
Congdon, Robert N.
Cook, Karl F.
Coontz, Robert J.
Cordray, Richard P.
Cossaboom, William M., II
Coughlin, John T.
Cowhill, William J.
Cowperthwaite, John K.
Cramblet, Frank
Crawford, Wayne H., Jr.
Crosby, Howard S.
Danis, John F.
Davis, Thomas E.
Dearolph, David E.
Debold, Joseph F.
Demyttenaere, Jules H.
Dickins, Richard A.
Diehl, William F.
Dorenkamp, Kurt F.
Dreesen, Robert F.
Duck, John C.
Dunnan, Neville D.
Dyer, Gerald W.
Ekelund, John J.
Engle, Raymond E.
Erikson, Warren W.
Fahland, Frank R.
Falkenstein, Rudolph F.
Fears, Donald G.
Fenlon, Leslie K., Jr.
Fenno, Eric N.
Fielding, Teddy R.
Finley, Alden G.
Flynn, Richard E.
Forbes, Donald K.
Fowler, Alfred N.
Fraasa, Donald G.
Freytag, David R.
Fullinwider, Peter L.
Galloway, Richard E.
Gibbons, Paul C., Jr.
Goehring, Bernard E.
Goldman, Roy E.
Gooding, Niles R., Jr.
Graham, Horace E.
Gureck, William A.
Hamm, Warren C., Jr.
Hanson, Carl T.
Harkness, Vinton O., Jr.
Harris, Robert D, Jr.
Hart, George L.
Haskell, William C.
Hawkins, William H.
Heerwagen, David D.
Henderson, Donald
Hibbs, Alvin S.
Hickey, Charles F.
Hicks, Lawrence F.
Hill, Allen E.
Hilscher, Carl C.
Hofford, John L.
Hofto, Leslie C.
Holman, Rockwell
Hopkins, Clifford D.
Howard, Alfred M.
Hughes, Ray S.
Hugo, William P.
Iredale, John P.
Jacobssen, George E., Jr.
Jarrell, Donald L.
Jenista, James F., Jr.
Jensen, Donald L.
Jepson, John A.
Johnson, Ian J.
Johnston, Richard C.
Josephson, John V.
Karschnia, Paul T.
Katcher, Martin J.
Kaufman, Norman L.
Kay, Howard N.
Kearney, John R.
Keller, Harry S., Jr.
Kelin, Albert L.
Kelly, Ronald T.
Kempf, Cecil J.
Kint, John R.
Kivlen, Alexander L.
Kjeldgaard, Peter D.
Klause, Joseph E.
Klein, Peter F.
Klemm, Wilbur C.
Kneale, James E.
Knoizen, Arthur K.
Koach, John H.
Kolstad, Tom I.
Kraus, Walter J.
Kriser, Louis
Lamb, Chris W.
Laney, Edward V., Jr.
Leary, Ramon W.
Lechner, Thomas F.
Lee, Byron A.
Lemon, Robert T.
Lewis, Daniel A.
Lindsey, Wesley E., Jr.
Long, Charles R.
Longino, Hugh E., Jr.
Lowry, Charles H., Jr.
Lynch, William H.
Lytle, James H.
Madison, Douglas W.
Magee, Jack E.
Mahon, Richard B.
Mallard, John B., Jr.
Mantz, Roy T.
Marr, Harold L.
Matson, Willis A., II
McArthur, Kenneth V.
McDonald, Ewing R., Jr.
McGarrah, William E., Jr.
McGlaughlin, Thomas
McKee, Kinnaird R.
McLain, Roy W., Jr.
McNulty, Gerald
McVoy, James L.
Messere, Edward J.
Miller, Raymond L.
Miller, Roger J.
Miller, William A.
Minkkinen, Erkki O.
Minnis, Marion L., Jr.
Moberly, Arthur L.
Mohrhardt, Robair F.
Molzan, Edward W.
Moore, Donald E.
Moore, William F.
Morin, Gene D.
Mulligan, James A., Jr.
Mumma, William L.
Murphy, James F.
Myatt, Bert, Jr.
Neidlinger, Carl C.
Neiger, Ralph E.
Nelson, Andrew G.
Newark, Theodore E.
Nicholson, Richard E.
Norman, Robert D.
Nutt, Thomas O., Jr.
Nystrom, Bruce A.
O'Connor, Francis E.
O'Donnell, George J., Jr.
Ohlrich, Walter E., Jr.
O'Keefe, Patrick G.
Orrill, John W.
Page, George L.
Palmquist, John R.
Parce, James R.
Parode, Harlan D.
Paul, Milton O.
Pennington, Otis G.
Peterson, William S.
Pfeiffer, King W.
Platzek, Eugene H.
Pouliot, Jean R.
Purdy, Harlan R.
Rau, William F.
Redmond, John G.
Reed, Sherman C.
Riedl, Harold A.
Ripley, Robert K.
Roberts, Gerald G.
Robins, Clarence O.
Robisch, Herbert E.
Rogers, Thomas S., Jr.
Roman, Paul D.
Ross, Thomas H.
Rubey, Ervin B., Jr.
Ryan, Philip J.
Sampson, Jesse E.
Sander, Richard E.
Sanders, Ernest D.
Sandsberry, Jack C.
Satterthwaite, Fred C.
Schnorf, Richard A.
Schwab, Robert W.
Scott, James H.
Scoville, Jack
Shapiro, Sumner
Shartel, Howard A.
Sheridan, William R.
Shick, George B., Jr.
Shine, Eugene F., Jr.
Sisson, Jonathan A.
Sizemore, William G.
Skinner, Clifford A., Jr.
Skinner, Glenn E., Jr.
Sleeper, Sherwin J.
Slusser, Richard C.
Smith, Carl R., Jr.
Smith, Charles R., Jr.
Smith, George F.
Smith, Gordon H.
Smith, James V.
Smith, James H. B.
Smith, Leon W.
Smith, Maurice E.
Smith, Paul E.
Smolinski, Joseph P., Jr.
Snodgrass, Cornelius S., Jr.
Snyder, Carl S., Jr.
Snyder, Francis M.
Snyder, Roy D., Jr.
Space, David J.
Sparks, Donald E.
Speer, Paul H.
Spencer, Ralph G.
Stapp, Aron L.
Stollenwerck, William M.
Stolpe, Richard H.
Stone, Bruce G.
Sullivan, Don M.
Swanson, Charles A. L.
Swanson, Peter S.
Switzer, James R.
Taylor, Leslie A., Jr.
Thomas, Robert L.
Thomson, Alexander D.
Tolbert, Robert R.
Touch, Ralph J.
Tregurtha, James D., Jr.
Trost, Carlisle A. H.
Twite, Martin J., Jr.
Vaughn, Robert E.
Vongerichten, Robert L.
Vosseler, Warren P.
Walters, Robert L.
Watkins, Frank T., Jr.
Whitmore, Charles A.
Wholey, Lloyd C.
Wielki, Eugene J.
Wiener, Richard "A"
Wilbur, Harley D.

Wilhite, Alan S.
Wilkins, James R., Jr.
Williams, James S.
Wilson, James C.
Wirt, William O., Jr.
Wisenbaker, Eugene M.
Wolff, John M.
Wolford, Richard S.
Wood, Thomas B., Jr.
Woodard, David J.
Woods, Edwin E., Jr.
Woodworth, Charles M.
Worchesek, Robert R.
Wynn, James H., III
Yowell, Grover M.
Zettel, Marcus A.
Zink,, Stewart T.

Lt. Charles P. Abel, U.S. Navy, for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law.

Lt. Ronald K. Wilson, U.S. Navy, for transfer to and appointment in the Civil Engineer Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

The following-named officers of the U.S. Navy for permanent promotion to lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Feeney, James W.
Hill, Susan B.
Maroon, Jerry W.
McElroy, Suzanne A.
Morrison, Evelyn M.

SUPPLY CORPS

Kresman, Dennis W.

MEDICAL SERVICE CORPS

Fregeau, Wilfred A.

Alan D. Watson (Naval Reserve Officer) to be a permanent captain in the Medical Corps of the Navy subject to qualification therefor as provided by law.

Edwin Fontenot, Jr. (Naval Reserve Officer), to be a permanent lieutenant commander and temporary commander in the Medical Corps of the Navy, subject to qualification therefor as provided by law.

The following-named (Naval Reserve Officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Coyle, Radcliffe J.
Hendricks, Philip L.
Johnsonbaugh, Roger E.
Williams, Michael E.
Zorn, Dale T.

Ths following-named (Naval Reserve Officers) to be permanent lieutenant (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Almy, Gary L.
Asher, William M. L.
Ashley, Lillard G., Jr.
Babka, John C.
Barvick, Edward J.
Beal, Lowell R.
Biesecker, Gary L.
Brown, Forrest C.
Burnett, John R.
Burns, Arthur C.
Carson, Homer S., III
Chalamidas, Stewart L.
Charles, Clive R.
Cooper, Edgar S.
Cox, Joel R., Jr.
Credle, William F., Jr.
Daniel, Howard G.
Dawsey, James T.
Estridge, Ralph R., Jr.
Enoch, Tommy E.
Glassman, Peter M.
Gorske, Arnold L.
Grotenhuis, Paul W.
Hege, John H., Jr.
Isenhart, George E.
Jackson, Seth H.
Kahle, Charles T.
Stehr, Christian H.
Kindschi, George W.
Knee, Steven T.
Krasnow, Robert W.
Krebs, Curtis J.
Lee, John P.
Lausterer, Jack K., Jr.
Lewis, Ronald W.
Liscomb, Jesse R., Jr.
McDonald, Thomas G.
McDonald, Harrison R.
McLamb, James N.
McMahon, Daniel C.
O'Connell, Kevin J.
Paul, Francis F.
Paul, Theodore O.
Redmond, Roy E.
Reed, James C.
Robinson, James E.
Roelofs, Bruce A.
Rohren, Charles H.
Schaefer, Walter C.
Schmottlach, David R.
Scott, Kenneth N.
Siegfried, George E.
Spencer, Donald L.
Stromberg, Murray G., II
Strong, David B.
Swart, Edwin G., Jr.
Tozer, James M.
Volcjak, Edward E.
Walsh, David G.
Werner, Leslie G.
Wilder, William H.
Williams, Robert R.
Worthington, Richard L.

The following-named (Naval Reserve Officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Broadrick, Gary L.
Decolli, Joseph A.
English, Joseph M.
Freisinger, Gerhard
Gaudet, Paul T.
Hageman, Dean D.
Lynch, Michael H.
Marshall, Larry J.
Nagy, Robert E.
Orsi, James M.
Phillips, John W.
Schloemer, Richard L.
Snyder, John M.
Willmore, Luther J.

Thomas A. Wight (Naval Reserve Officer) to be a permanent lieutenant in the Dental Corps of the Navy, subject to qualification therefor as provided by law.

Robert E. Carson (Naval Reserve Officer) to be a permanent lieutenant (junior grade) and temporary lieutenant in the Dental Corps of the Navy in lieu of permanent lieutenant (junior grade) and temporary lieutenant in the Medical Corps as previously nominated, subject to qualification therefor as provided by law.

Chief Warrant Officer W–2 Marion A. Windell, U.S. Navy, to be a permanent chief warrant officer W–2 in the Navy subject to qualification therefor as provided by law.

Chief Warrant Officer John O. Fairchild to be an ensign in the Navy, limited duty only, for temporary service in the classification of Ordnance and as a permanent warrant or temporary warrant subject to qualification therefor as provided by law.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to qualification therefor as provided by law:

Nemeth, Clifford J.
Newton, Neil A.
Wirth, Barbara

In the Marine Corps

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel:

Hugh S. Aitken
Ezra H. Arkland
Maurice C. Ashley, Jr.
George T. Balzer
John F. Barr, Jr.
George H. Benskin, Jr.
Charles W. Blyth
Edward J. Bronars
Charles F. Bunnell, Jr.
Richard E. Carey
George Caridakis
Harold L. Coffman
Raymond P. Coffman, Jr.
John D. Counselman
William G. Crocker
Earl M. Cunard, Jr.
Raymond C. Damm
Claude E. Deering, Jr.
Lewis H. Devine
Robert R. Dickey III
Jack W. Dindinger
Grover C. Doster, Jr.
John W. Drury
Robert B. Engesser
Loren T. Erickson
Richard G. Eykyn
Benjamin B. Ferrell
George C. Fox
Floyd K. Fulton, Jr.
Thomas H. Gailbraith
James R. Gallman, Jr.
Thomas I. Gunning
Frederick M. Haden
John W. Haggerty III
James E. Harrell
Lawrence P. Hart
Harold A. Hatch
Bruce A. Heflin
Paul F. Henderson, Jr.
Kenneth W. Henry
Wallace A. Heyer
Edward Y. Holt, Jr.
Forest J. Hunt
Merton R. Ives
Mallett C. Jackson, Jr.
Charles V. Jarman
John M. Johnson, Jr.
Richard M. Johnson
Warren R. Johnson
Nick J. Kapetan
Paul X. Kelley
Calhoun J. Killeen
George C. Kliefoth
Randlett T. Lawrence
Gerald L. Lillich
Robert M. Lucy
Herbert V. Lundin
John F. Mader
Lawrence A. Marousek
James W. Marsh
Ronald A. Mason
William J. Masterpool
Daniel F. McConnell
Robert L. McElroy
Ermine L. Meeker
Thomas E. Murphree
Edward S. Murphy
George C. McNaughton
John B. Michaud
John H. Miller
Robert C. Needham
Minard P. Newton,, Jr.
Keith O'Keefe
Eugene J. Paradis
Tom D. Parsons
Roger W. Peard, Jr.
Arthur R. Petersen
Michael V. Palatas
Louis A. Rann
Thomas E. Ringwood, Jr.
Raymond E. Roeder, Jr.
Edwin M. Rudzis
Alexander S. Ruggiero
William F. Saunders, Jr.
Kenneth M. Scott
William Shanks, Jr.
Philip D. Shutler
Albert C. Smith, Jr.
George W. Smith
Robert N. Smith
Edward W. Snelling
Eugene O. Speckart
Charles E. Spence, Jr.
James W. Stemple
Reuel W. Stephens, Jr.
Vaughn R. Stuart
David O. Takala
Donald W. Tardif
Francis W. Tief
Nicholas M. Trapnell, Jr.
George W. Troxler
Leon N. Utter
Roy R. Vancleve
Floyd H. Waldrop
Joseph R. Wayerski, Jr.
William Wentworth
Harold B. Wilson
Edwin M. Young
James R. Young

CONFIRMATIONS

Executive nominations confirmed by the Senate September 12, 1969:

U.S. Circuit Judges

Ozell M. Trask, of Arizona, to be U.S. circuit judge, ninth circuit.

John F. Kilkenny, of Oregon, to be U.S. circuit judge for the ninth circuit.

Eugene A. Wright, of Washington, to be U.S. circuit judge, ninth circuit.

Ambassadors

Douglas MacArthur II, of the District of Columbia, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iran.

Robinson McIlvaine, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Jack W. Lydman, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Pleniopotentiary of the United States of America to Malaysia.

Robert M. Sayre, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

Charles T. Cross, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Charles W. Adair, Jr., of Florida, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

United Nations Representatives

The following-named persons to be representatives of the United States of America to the 24th session of the General Assembly of the United Nations:

Charles W. Yost, of New York.
William B. Buffum, of New York.
Dante B. Fascell, U.S. Representative from the State of Florida.
J. Irving Whalley, U.S. Representative from the State of Pennsylvania.
Shirley Temple Black, of California.

The following-named persons to be alternate representatives of the United States of America to the 24th session of the General Assembly of the United Nations:

Christopher H. Phillips, of New York.
Glenn A. Olds, of New York.
Rita E. Hauser, of New York.
William T. Coleman, of Pennsylvania.
Joseph E. Johnson, of New Jersey.

U.S. Marshal

Leonard E. Aiderson, of Wisconsin, to be U.S. marshal for the western district of Wisconsin for the term of 4 years.

XUM

EXTENSIONS OF REMARKS

WAYNE MORSE DELIVERS DEEPLY FELT TRIBUTE TO DREW PEARSON

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 12, 1969

Mr. RANDOLPH. Mr. President, on September 4 a memorial service was held at Washington National Cathedral for Drew Pearson, who for 37 years wrote of the people who were in the forefront of government.

Moving tributes to Mr. Pearson were given at the service, including those by Mayor Walter E. Washington, Tyler Abell, and Jack Anderson.

The eulogy was delivered by our distinguished former Senate colleague, Hon. Wayne Morse of Oregon, a longtime friend of Drew. I ask unanimous consent that his deeply felt words be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

TRIBUTE TO DREW PEARSON

(By Hon. Wayne Morse)

We gather at this memorial service, as free men and women, to express our reverent appreciation for the life of Drew Pearson. It was a life which, in keeping with his Quaker background, was dedicated to the service of mankind according to the dictates of his conscience. He was more than a Journalist, he was a humanitarian; he was a citizen-statesman.

Born to Quaker parents in Evanston, Illinois, on December 13, 1897, Andrew Russell Pearson lived most of his boyhood in Swarthmore, Pennsylvania, where his father was Professor of Speech. After his graduation, in 1919, from Swarthmore College, having been an editor of the college newspaper and wearing a Phi Beta Kappa key, Drew Pearson walked forth into the world with his conscience as his guide. He volunteered for two years of service in Serbia to supervise the American Friends Service Committee post-war relief program in Balkan villages.

Often, over the years of my friendship with him, I heard Drew discuss the influence of his work for the American Friends Service Committee upon some of his later views on foreign policy. It brought him into a close and affectionate understanding of the Slavic people. They expressed some of their appreciation of his dedication to helping others help themselves in recovering from the ravages of war by naming a Serbian town, Pearsonovitch, in his honor.

It was the American Friends Service Committee that was the forerunner of the Peace Corps of which Drew was a staunch supporter. In fact, some of the advisors who helped to set up the Peace Corps were selected from the American Friends Service Committee with which Drew continued to maintain a close association, in support of all its work.

To fully appreciate this great American's public service we should never forget that he was a Humanist. Influenced early in his life by spiritual teachings that, although there is much about immortality that we do not know, there is a very real immortality of influence resulting from practicing spiritual values in person-to-person relationships.

Drew Pearson applied his spiritual beliefs. He was one of the organizers and a long-time president of the Washington D.C. chapter of Big Brothers, devoted to combating juvenile delinquency. The Big Brother concept of One-Man-One-Boy relationship, as a means of graduating potential delinquent boys into responsible citizenship, is one of Drew's legacies to our youth.

Drew Pearson liked young people. He had faith in them. He helped them in many, many ways about which the general public knew very little. Sometimes we were privileged to look into the mirror reflecting his love and understanding of children when one of his columns took the form of a letter to his grandchildren. Those letters also portrayed the gentle, human qualities of this great man.

For a number of years, he made an annual practice of taking troupes of professional entertainers, including the popular Harlem Globetrotters, to visit American overseas bases at Christmas time.

In 1952, he organized a committee called "Americans Against Bombs of Bigotry" to combat the bombing of schools and places of worship that had resulted from racial and religious intolerance. Drew Pearson was largely responsible for raising the money to rebuild the Clinton, Tennessee, schoolhouse. In 1953, he organized the "Americans Conscience Fund" to assist victims of racial bigotry. These are among the legacies of his humanitarianism.

In public affairs and politics, Drew Pearson's brilliance, courage, and devotion to our system of constitutional self-government inspired millions of Americans throughout his great career. His acts of courage were countless.

When the Ku Klux Klan was in the heyday of its post-war revival, Drew waged a powerful radio campaign against it, climaxed by his famous broadcast from the State Capitol in Atlanta, Georgia. It was in that speech, on July 21, 1946, that he answered the dare from the Klan to come to Georgia.

His innumerable clashes with dishonest and corrupt officials at all levels of government demonstrated a courage rooted in sincerity, conscience, and conviction. The record of his service to his generation and all to follow is a significant part of this period of American history.

He recognized the truth of Jefferson's comment that a Democracy can be no stronger than the enlightenment of its people. He deplored the growing trend toward government by secrecy and executive supremacy in our nation. His muckracking of the concealment of facts from the American people by departments of the executive branch—frequently including the White House itself—produced some of his most penetrating columns. The concealment by members of Congress of their conflict-of-interest, financial manipulations made him a crusader for years in support of effective and meaningful public-disclosure legislation which would give the people the facts about the sources and amounts of income not only of all members of Congress, but members of the Judiciary and Executive branches in the higher-pay brackets.

It is frequently said that Drew Pearson helped keep many public officials honest. He did. Most public officials are honest, and Drew often said so in his columns. Unfortunately, there is a small minority that yields to temptation now and then. Another group might become wayward if it were not for the possibility that, should they leave the straight and narrow, they might read about it in the column of Pearson and Anderson.

His contributions to the foreign affairs of our nation put us forever in his debt. In 1947, Drew Pearson helped symbolize the need for free nations to join in feeding a weakened Europe, by staging the Friendship Train. The Christian Science Monitor called it "one of the greatest projects ever born of American journalism".

He donated thousands of dollars of his own money, endless time and energy, to get the train rolling across the United States. Seven hundred carloads of food and other supplies, worth 40 million dollars were collected by patriotic Americans and sent to France and Italy to promote the cause of friendship.

Demoractic leaders of France and Italy stated that this meaningful, symbolic gesture in support of friendship helped in their contest with Communism. You will remember that, in 1949, they sent the "Merci Train" of 40-and-8 cars, and an Italian car of gifts, chiefly of valuable paintings, to our country. Drew Pearson was selected by them to take charge of the distribution of the gifts to cultural centers in the United States.

In 1951, he helped launch the Freedom Balloon campaign, operated by the Crusade for Freedom, which reached behind the Iron Curtain with air-borne messages of liberty and encouragement. He also organized the Democracy Letters to Italy in the election of 1948 which was credited with helping defeat Communism in Italy in that election. In 1953, he proposed the "Food for East Germany" program which was supported by the Eisenhower Administration.

These activities of Drew Pearson in foreign policy, I mention to emphasize that we pay tribute at this memorial service to a great American who was dedicated to the cause of peace. Many of his columns, speeches, and radio programs warned of the danger that war only produces more war when nations, for whatever reasons, engage in unilateral, military interventions, and when they escalate armament races—particularly nuclear weapons of world destruction.

He argued that our defense guard must not be let down, but that multilateral negotiations under the aegis of international tribunals offer mankind a greater hope for world peace than resorting to the law of military might. Firm in this belief, Drew Pearson served his country as a Journalistic Statesman, traveling throughout the world, talking to high government officials, urging the escalation of diplomatic intercourse in the interest of peace-making rather than military containment productive of war-making.

He was welcome in many Latin-American countries and greatly helped to improve relations between the United States and Latin American countries. He was an effective supporter of economic, educational, health, and cultural aid to Latin-America and a critic, rightly so, of military aid in large amounts. Military juntas and dictatorships of one brand or another received the lancing cuts of his sharp criticism. He particularly deplored the growing influences of the American military in Latin-America in co-operation with military juntas and dictatorships.

In 1959, he attended the Atlantic Conference in London as a delegate and was a member of the President's Food for Peace Committee in 1961.

One of his greatest services to our country, in his capacity as a private citizen, was his trip to Moscow in 1961. He spent two days with Chairman Khrushchev at his summer home on the Black Sea discussing United States-Soviet problems. He wrote a series of columns on his talks with the Russian leaders, which received worldwide attention.

At this memorial service we pay tribute to the legacy of national and world statesmanship that he has bequeathed to us. We thank him for his courage and dedication to the dictates of his conscience. We honor him for putting into practice the principle that in a Democracy there is no substitute for the full, public disclosure of the public's business. In keeping faith with that principle, his conscience directed him to follow the facts as he honestly believed them to be. Whenever he found that he had been misinformed or had committed an error in judgment he again followed the dictates of his conscience and sought to ameliorate the wrong caused by his mistake.

Drew Pearson's escape from typewriter, editors, politicians, conferences, interviewers, and telephones was his farm in Maryland overlooking the Potomac River. There he could become completely absorbed in his farm hobby. He called it that, but it was, in fact, a substantial operation. Nevertheless, it provided him with the diversion, relaxation, and exercise he said he needed, and the opportunity to indulge his appreciation of fine animals and his love of nature.

He was a remarkably good farm manager. He was a good judge of cattle and horses, and a very keen David Harum trader. I frequently thought there was nothing he enjoyed more than to negotiate a profitable David Harum trade on livestock, machinery, or hay, particularly if I was on the short end of the trade. Some of my most enriching conversations with him were when we tramped over each other's farms and shared views on whatever came to mind.

He never took himself too seriously, and his roguish sense of humor was a source of delight to all who knew him well. A most prized possession of any who received one was a gift-enclosure card attached to a package of his own brand of frozen pheasant, the card showing Drew sighting a flying pheasant, with all the feathers falling off and only the carcass frozen in mid-air, with the caption, "You got the bird". He had a lot of fun doing his thing.

One of the great sources of strength that helped sustain him over the years has been his beloved and loyal family. His lovely wife, Luvie, has been his intellectual counterpart, courageously standing beside him as he has faced difficulties, sharing with him their mutual successes. Their children and grandchildren have filled their home with much happiness and gratification. Drew's two sisters, and his brother, also shared a close relationship with him and his family. To all of his loved ones, we, gathered here, extend our deep sympathy and share their sense of loss.

He seemed so indestructible, as though he would go on forever slashing away at wrongdoing. It is difficult to imagine the American scene without him. We shall always remember him as one of the great citizen-statesmen of our generation whose brilliant record of accomplishments has strengthened us all as well as the history of our nation in its struggle to "make Democracy work".

A DAY TO REMEMBER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Robert Hotz, in the August 18, 1969, issue of Aviation Week and Space Technology reviews the epic return of our astronauts and the dinner honoring them on Wednesday, August 13, 1969. As we approach another inspiring moment the Congress will share with the astronauts I find Mr. Hotz' words most significant and commend them to your reading.

The review follows:

A DAY TO REMEMBER

(By Robert Hotz)

Wednesday, Aug. 13, 1969, is a day this country will long remember. It marked the American people's grateful welcome to the Apollo 11 crew after their return to earth from the journey that made them the first men to set foot on the moon. It was a roaring, cheering, emotionally charged welcome that swept at jet pace from the Atlantic to the Pacific, faster than the pace of the sun, and sent American spirits soaring as nothing has since the end of World War 2.

New York showered them with ticker tape. Chicago blasted fireworks and Los Angeles fed them a superb dinner at a unique White House state occasion at which they were toasted in California champagne by an assemblage of 1,400 persons, including diplomats from 88 countries, 44 of the 50 state governors, 14 Cabinet members, the chief justice of the U.S. Supreme Court and the greatest collection of aerospace pioneers gathered under one roof.

Typical of these pioneers was Grover Loening, who was the factory manager for the Wright brothers at Dayton, Ohio, and has lived it all from Kitty Hawk to Tranquility Base, with his glass upraised, responding to President Nixon's toast to the astronauts. This spry and doughty octogenarian was dramatic evidence of how fast the sweep of aerospace has really been.

The White House state dinner in Los Angeles was a unique conception to honor a unique achievement. There will never be another first man on the moon. And it seems unlikely there can ever be another occasion like President Nixon's "wing ding" for the Apollo 11 space pioneers. It combined a dazzling glitter with a depth of emotion that made one proud to be an American and grateful to be an inhabitant of what Mike Collins called "this most magnificent planet earth."

The head table was the most exclusive this country has ever seen. Ten people graced its board—the President and Mrs. Nixon; the Vice President and Mrs. Agnew and the three Apollo 11 crewmen and their wives. The rest were scattered in a truly democratic fashion that saw such dignitaries as the secretary of defense and the Apollo program manager at peripheral tables, and the Hollywood movie stars far removed from their accustomed spotlight. The food was a gourmet's delight; the California wines, another outstanding American triumph. Seldom have patriotic airs been played with so much verve as the performances of the Marine, Navy and Air Force musicians.

There were some very necessary honors added to the official record. The NASA Distinguished Service Medal was awarded posthumously to Gus Grissom, Ed White and Roger Chafee, the crew of Apollo 1 who perished in their spacecraft on Pad 34.

The tragic fire extracted a high price for progress. But it was one of the key turning points in swinging the Apollo program toward its eventual brilliant success. It shook the program to its foundations: dissolved the residual complacency left from Gemini successes that were masking the true complexity and magnitude of the Apollo task, and provided the opportunity for the new breed of hard-nosed program managers to ramrod the technical reforms and inject the spirit of excellence that brought the Apollo mission to successful accomplishment within its specified time and cost parameters. The success of Apollo 11 owed a substantial debt to the Apollo 1 crew. It was fitting that this has now been acknowledged.

The 400,000 members of the Apollo team who toiled on the ground at the base of that gigantic pyramid of human knowledge, energy and skill, which was the real launch pad for the Apollo 11 mission, also were appropriately honored with a mass citation for their infinitely varied contributions.

It was also fitting that Steve Bales, 26-year-old guidance control officer in Houston Mission Control, was asked to receive it on behalf of his 399,000 fellow workers. For, as President Nixon noted, it was Bales who on that epochal descent of Eagle toward the lunar surface, when the onboard computer was flashing alarms, said, "Go." And Eagle went on to the feathery lunar landing under the touch of Neil Armstrong's pilotage.

The guiding gutty spirit of Apollo was "go", and it is becoming more and more apparent that the spirit of America should be a louder "go."

But it was the Apollo 11 crew that was the pinnacle of that memorable day. The people of this nation, and indeed the world, have been watching the performance of these men on earth, in space flight and on the moon, in minute detail for nearly a solid month. The American people in particular and the world in general are discovering a new type of credible folk hero. They are learning that the Apollo astronauts and specifically the Apollo 11 crew are a new and extraordinary product of these times: technically superb, dauntlessly courageous, and with a depth of spiritual and emotional perception that seems to expand with each of their public encounters.

The assemblage in Los Angeles that cheered, whistled, clapped and shouted for the Apollo 11 crew with spontaneous emotions that overwhelmed the normal decorum of an official state dinner, listened in respectful silence as each of the three astronauts projected his philosophy of space.

We have sensed, ever since the memorable Christmas Eve that Frank Borman, Jim Lovell and Bill Anders gave the world from Apollo 8, that there is a profound philosophical change that works in man when he views his planet from the perspective of several hundred thousand miles. The Apollo 11 crew continues to confirm this impression with their insistence that there are things beyond technology that man can and must learn from his ventures into space.

"Buzz" Aldrin said it this way:

"The footprints on the moon are a true symbol of the human spirit . . . they show we can do what we want to do, what we must do and what we will do . . ."

Neil Armstrong noted the inscription of the plaque they left on the landing gear of Eagle's descent stage on the moon and added:

"I hope that some wayward stranger in the third millennia may read it and say, 'this is where it all began'. It can be the beginning of a new era when man begins to understand his universe and man begins to truly understand himself."

THREAT TO NATIONAL SECURITY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, September 12, 1969

Mr. BYRD of Virginia. Mr. President, few of the Nation's newspaper editors have the grasp of military affairs comparable to that of Maj. Gen. E. W. Opie, editor of the Staunton, Va., Leader. General Opie's life has been devoted to newspaper work, but he has devoted many years, also, to military matters as a National Guard officer.

In an editorial yesterday, Thursday, September 11, in the Staunton Leader, General Opie discusses the importance of seapower and the importance of nuclear aircraft carriers.

I ask unanimous consent to have printed in the Extensions of Remarks the editorial from the Staunton Leader captioned "Threat to National Security."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

XUM

THREAT TO NATIONAL SECURITY

Probably at no time in the nation's history has there been as much critical scanning of defense spending as Congress has been exercising. It is attributable in part to the largely fallacious contention that the nation is in the hands of the "military-industrial" complex, to the heavy expenditures for the Vietnam War, and to belief that the several branches of our armed forces constantly demand new weapons systems, transportation and other equipment while already efficiently equipped.

Concern of Congressmen on such grounds is commendable. But it can be damaging instead of helpful to national defense. A new case in point is an amendment which would delay completion of a third nuclear aircraft carrier, the CVAN–69 pending a study of the need for this ship by the General Accounting Office. As The Leader said when the amendment was introduced, it is not within the competence of the GAO to make such a study and it is not within its functions.

Undeterred by Senate rejection, 64–23, of the Proxmire amendment which would have stopped construction of the C5A supercargo plane, Sens. Walter F. Mondale, D-Minn., and Clifford P. Case, R-N.J., called up their amendment to deny money for the nuclear aircraft carrier. This inspired Sen. Harry F. Byrd, Jr., D-Va., to prepare a lesson for his colleagues on the vital necessity for the carrier.

For rejection of this move, which in effect would probably kill the carrier project, Sen. Byrd told his colleagues that something worse than spending for the aircraft carrier would be delay in strengthening the Navy or the ultimate denial of the planned addition to its strength in a world in which aggression is common. If the United States dangerously neglects its defenses, it could become a target for annihilation.

Showing the impossibility of forecasting where a major war will start, "except to start it yourself, and that is not the policy of the United States", the Virginia Senator declared. ". . . the existence of an American deterrent discourages adventurism on the part of potential enemies". Disclaiming belief in a policy of intervention, he said: "We must be in a position of choice, not a position of impotence."

He then proceeded to show how floating air bases such as the CVAN–69 are vital to seapower in the modern world, and reminded the Senate that we have only one nuclear powered aircraft carrier (the Enterprise) in commission, the prospect of early completion of another (the Nimitz), and of the addition of the as yet unnamed CVAN–69 in the next several years.

Obstructionists in Congress are likely to devise some new tactic to prevent the CVAN–69's completion if the amendment is rejected. Sen. Byrd recalled that proponents of the amendment "maintain that land-based tactical aircraft can do the job of carrier-based aircraft more cheaply and efficiently". He didn't say so in so many words, but this contention is nothing short of ridiculous, in the light of experience in the Pacific during World War II and in the Korean War.

Sen. Byrd warned: "The carrier force which we have today is rapidly aging. Of our 15 attack carriers, seven were built during World War II or shortly thereafter." Some of these ships are unable to handle modern attack planes.

Updating our carrier strength is as important to effective deterrence as nuclear submarines, nuclear missiles, thoroughly modern aircraft of all types, and strong ground forces. Carrier strength and a fleet of supercargo planes for quick deployment of ground combat units are essential. To block them now would not save money, for continued inflation will make them cost more later. And delay could cause unnecessary casualties or decisive defeat.

HOUSE OF REPRESENTATIVES—*Monday, September 15, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He who gives heed to the word will prosper, and happy is he who trusts in the Lord.—Proverbs 16: 20.

O God, our Father, once more in this historic Chamber we respond to the call to prayer and in the quiet of this moment draw near to Thee. Make us aware of Thy presence as a quickening spirit, a sustaining power, a refuge, and a strength in the time of trouble.

We pray for our country that she may be guided and governed by Thy good spirit. Grant that all who call themselves Americans may be led in the way of truth, along the path of good will, and may hold the faith of our democratic life in a deep unity of steadfast purpose.

Bless our President, our Speaker, the Members of this body, and all who labor with them. Keep them calm and steady, full of faith in Thee and in the power of our Nation to be a leading light among the nations of the world.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 11, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 227. An act to provide for loans to Indian tribes and tribal corporations, and for other purposes;

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; and

S.J. Res. 149. Joint resolution to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts.

The message also announced that the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2315) entitled "An act to restore the golden eagle program to the Land and Water Conservation Fund Act."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

SEPTEMBER 12, 1969.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 10:10 a.m., on Friday, September 12, 1969, and said to contain a message from the President wherein he transmits to the Congress the report on the special project grants for the health of school and preschool children, as provided for in Public Law 89–97, title II, section 206.

With kind regards, I am,
Sincerely yours,
W. PAT JENNINGS,
Clerk.

HEALTH OF SCHOOL AND PRESCHOOL CHILDREN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith the report on the Special Project Grants for the Health of School and Preschool Children, as provided for in P.L. 89–97, Title II, Sec. 206. This report concerns Sec. 532 of the Social Security Act (subsequently redesignated as Sec. 509) which authorizes a program of project grants to assist communities in providing comprehensive care for children living in areas with concentrations of low income families.

RICHARD NIXON.

THE WHITE HOUSE, *September 12, 1969.*

PLIGHT OF AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, along with my colleagues I have a growing concern regarding the plight of American prisoners of war in North Vietnam and of their loved ones here in the States. Some 1,365 American families, including a number in south Texas, do not know whether their sons or husbands in Vietnam are dead or alive, physically well or ill. More than 300 U.S. servicemen are known to be prisoners of the Communists. More than 1,000 are missing and believed to be prisoners. Their fate remains unknown because North Vietnam continues its brutal refusal to live up to the 1949 Geneva Convention relative to the treatment of prisoners of war.

The families of these American fighting men live each day in uncertainty and dread. The Government, under both this administration and the preceding one, has repeatedly protested mistreatment of prisoners and urged such basic steps, provided for by the Geneva Convention, as repatriation of sick and wounded prisoners and the furnishing of a list of the men actually in North Vietnamese hands. But the response from Hanoi has been insolently negative. The Communist regime has refused even to identify the men held in captivity.

Needless to say, the continuing efforts of the administration on behalf of our American prisoners of war have my full support. South Texas is the home of the most famous former POW, Nikki Rowe, who escaped from the Communists through his own determination and daring. We know from him the conditions under which our men are held. Our hopes and prayers will go with the Texas women, wives of missing men, as they journey to Paris to make an in-person plea to negotiators for information about their husbands and other prisoners.

IS SOUTH VIETNAM ANNOUNCING AMERICAN POLICY?

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, the wire services have an announcement that Marshal Ky of South Vietnam has announced that this Nation will withdraw 40,000 additional U.S. troops by the end of October from South Vietnam.

Although I applaud the decision of this Nation that that be done, I am concerned that for too long in the past in Vietnam the policy of this Nation has been dictated by South Vietnam and by North Vietnam. I am now concerned that the policy of this Nation is not only overly influenced by South Vietnam but is even being announced by the military rulers of South Vietnam.

It does seem to me that the President of the United States has the obligation to the people of the United States and to the Congress of the United States to announce the policy of this Nation so that we do not read on the wires and the newspapers that the Vice President of South Vietnam is telling the people of this country what our policy will be in South Vietnam.

PUBLIC SCHOOL SEX EDUCATION

(Mr. FOREMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOREMAN. Mr. Speaker, considerable concern has been expressed by Members of Congress and citizens across the country recently over some of the sex education programs being presented in the schools.

Members of Congress and their wives, I understand, are invited to attend a color film presentation, "Pavlov's Children," of these "sex education" materials, and so forth at 2:30 p.m. Wednesday, September 17, in room 2261 of the Rayburn House Office Building. It does not matter whether you are for or against the public school sex education programs and/or materials used, if you are interested in our children and their education, you are invited to review the presentation.

NORTH VIETNAM REFUSES AMERICAN AIRMEN GENEVA CONVENTION PROTECTION FOR PRISONERS OF WAR

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, I think all of us are very deeply concerned with the North Vietnamese Red Cross announcement over the weekend that the Geneva accord on the treatment of prisoners of war would not apply and does not apply to American airmen who have been captured and who are now prisoners of war in North Vietnam.

I flew in World War II and I remember that they were given protection under the Geneva Convention. I think this outrageous conduct by the North Vietnamese should not go unnoticed. It occurs to me that the United States ought to call upon all of our allies who, for whatever reasons, continue to do some sort of trade with North Vietnam to impose an economic embargo against North Vietnam until North Vietnam, first, does give an accounting of the prisoners of war and, second, does agree that the Geneva Convention rules on the treatment of prisoners of war will apply to all of our soldiers and airmen.

We now have 401 known American prisoners of war, most of them airmen, who are either in North Vietnamese prison camps or Vietcong prison camps. We have another 981 missing. We do not know whether they are prisoners of war or what their status—whether they are dead or otherwise. But it does occur to me that we are talking here about some 1,400 American soldiers and I hope our State Department will not let this announcement by North Vietnam go unnoticed.

I believe we should arouse the indignation of the entire free world. This whole war is horrible enough and I think this announcement from the Red Cross that the Geneva accord on the treatment of the prisoners of war does not apply to our airmen only adds to the horror.

PERMISSION FOR SUBCOMMITTEE ON FISH AND WILDLIFE, COMMITTEE ON MERCHANT MARINE AND FISHERIES, TO SIT DURING GENERAL DEBATE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Fish and Wildlife of the Committee on Merchant Marine and Fisheries may sit today during general debate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

COURT LEAVE FOR EMPLOYEES OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

The Clerk called the bill (H.R. 12979) to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia.

There being no objection, the Clerk read the bill, as follows:

H.R. 12979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6322 of title 5, United States Code, is amended to read:

"§ 6322. Leave for jury or witness service; official duty status for certain witness service

"(a) An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia is entitled to leave, without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance of efficiency rating, during a period of absence with respect to which he is summoned, in connection with a judicial proceeding, by a court or authority responsible for the conduct of that proceeding, to serve—

"(1) as a juror; or

"(2) as a witness on behalf of a party other than the United States, the District of Columbia, or a private party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For the purpose of this subsection, 'judicial proceeding' means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

"(b, An employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia is performing official duty during the period with respect to which he is summoned, or assigned by his agency, to—

"(1) testify or produce official records on behalf of the United States or the District of Columbia; or

"(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

"(c) The Civil Service Commission may prescribe regulations for the administration of this section."

(b) Item 6322 in the analysis of chapter 63 of title 5, United States Code, is amended to read:

"6322. Leave for jury or witness service; official duty status for certain witness service.".

SEC. 2. (a) Section 5515 of title 5, United States Code, is amended to read:

"§ 5515. Crediting amounts received for jury or witness service.

"An amount received by an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia for service as a juror or witness during a period for which he is entitled to leave under section 6322(a) of this title, or is performing official duty under section 6322(b) of this title, shall be credited against pay payable to him by the United States or the District of Columbia with respect to that period."

(b) Item 5515 in the analysis of chapter 55 of title 5, United States Code, is amended to read:

"5515. Crediting amounts received for jury or witness service.".

SEC. 3. (a) Section 5537 of title 5, United States Code, is amended to read:

"§ 5537. Fees for jury and witness service

"(a) An employee as defined by section 2105 of this title or an individual employed

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by the government of the District of Columbia may not receive fees for service—

"(1) as a juror in a court of the United States or the District of Columbia; or

"(2) as a witness on behalf of the United States or the District of Columbia.

"(b) An official of a court of the United States or the District of Columbia may not receive witness fees for attendance before a court, commissioner, or magistrate where he is officiating.

"(c) For the purpose of this section, 'court of the United States' has the meaning given it by section 451 of title 28 and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands."

(b) Item 5537 in the analysis of chapter 55 of title 5, United States Code is amended to read:

"5537. Fees for jury and witness service.".

SEC. 4. (a) Chapter 57 of title 5, United States Code, is amended by inserting at the end thereof the following new subchapter:

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"§ 5751. Travel expenses of witnesses

"(a) Under such regulations as the Attorney General may prescribe, an employee as defined by section 2105 of this title summoned, or assigned by his agency, to testify or produce official records on behalf of the United States is entitled to travel expenses under subchaper I of this chapter. If the case involves the activity in connection with which he is employed, the travel expenses are paid from the appropriation otherwise available for travel expenses of the employee under proper certification by a certifying official of the agency concerned. If the case does not involve its activity, the employing agency may advance or pay the travel expenses of the employee, and later obtain reimbursement from the agency properly chargeable with the travel expenses.

"(b) An employee as defined by section 2105 of this title summoned, or assigned by his agency, to testify in his official capacity or produce official records, on behalf of a party other than the United States, is entitled to travel expenses under subchapter I of this chapter, except to the extent that travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned."

(b) The analysis of chapter 57 of title 5, United States Code, is amended by inserting at the end thereof:

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"5751. Travel expenses of witnesses.".

SEC. 5. (a) Section 1823 of title 28, United States Code, is repealed.

(b) The analysis of chapter 119 of title 28, United States Code, is amended by striking out item 1823.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FURTHERING THE ECONOMIC ADVANCEMENT AND GENERAL WELFARE OF THE HOPI INDIAN TRIBE OF THE STATE OF ARIZONA

The Clerk called the bill (H.R. 4869) to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, I observe the equity, the interest, and the justice of this bill to expand and develop the Hopi Indian Tribe Industrial Park. But I wonder if we are not setting the stage, as stated by the Bureau of the Budget, for individual action in each one of these cases, which sets a long trail ahead; and if perhaps indeed we should not have general legislation completed and submitted in this area rather than handling each case as it comes up from each industrial development council or each tribe?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the chairman of the Committee on Interior and Insular Affairs.

Mr. ASPINALL. Our committee has considered the procedure that has been suggested by the gentleman from Missouri. But each one of these bills—and it is particularly true of the legislation now before us—depends upon the peculiar situation surrounding the Indian tribe itself, and as far as the Hopis are concerned, they are asking for the possibility of industrial development on their own property, which proposed development is different than it is on the properties of other tribes. If it were merely a question of the time limit of this operation, I think perhaps there might be some justification for a general statute. But here again we do not know whether it should be 49 years or 99 years, depending on the kind of investment they have in mind. In this legislation we took everything into consideration which we could think of, and thought that this measure should be placed in this special category.

Mr. HALL. The distinguished gentleman does feel that we would be simply delegating the power of Congress if we did not consider these tribal situations one at a time?

Mr. ASPINALL. The gentleman is correct.

Mr. HALL. Is there any reason, Mr. Speaker, to believe that the way this legislation is written—if we may turn to another subject on the proposed bill—wherein it would carry tax exemption regardless of what the Congress finally does on the general tax reform bill which has passed this body and is pending in the other body? In other words, Mr. Speaker, before I yield to the gentleman, would this inclusion of tax exemption to some degree presently permitted by the State and local industrial development bonds for the Hopis be included if that general authority was repealed under tax reform legislation subsequently enacted?

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Colorado.

Mr. ASPINALL. As I understand the question, my understanding is that we would not establish a precedent. It is my understanding also that this bill will stand on its own feet.

Mr. Speaker, the Hopi Tribe has developed, with its own funds, on lands donated to it an industrial park on the outskirts of Winslow, Ariz. The industrial park is some 40 miles from the boundary of the Hopi Reservation proper. In order to expand the park and provide more job opportunities for Hopi Indians, the tribe needs authority to acquire, dispose of, or exchange lands within or in close proximity to the industrial park. It also needs authority to raise additional funds to finance the expansion of the park by borrowing from commercial lending institutions or by selling bonds, secured by a mortgage of tribal land in the park. The purpose of the bill is to give the tribe this authority, subject in all cases to approval of the Secretary of the Interior.

Any industrial development bonds issued by the tribe will have the same tax status that similar bonds issued by a State or municipality have. If the Federal law regarding the tax status of State or municipal bonds should be changed in the future, the change will also apply to Hopi tribal bonds issued thereafter.

The tribal bonds will be subject to the fraud provisions of the Securities and Exchange Act, but will be exempt from its registration requirements because the issuance of the bonds will be subject to supervision by the Secretary of the Interior.

The tribe, the city of Winslow, and the Secretary of the Interior all recommend the bill.

No expense to the Government is involved.

Mr. HALL. I thank the gentleman from Colorado.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 4869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of assisting in the economic advancement and contribution to the general welfare of the Hopi Indian Tribe of Arizona, the Secretary of the Interior may, in his discretion, upon request of the Hopi Tribal Council, purchase with tribal funds, or otherwise acquire by gift, exchange, relinquishment or assignment, any lands or interests therein within, adjacent to, or in close proximity to the Hopi Industrial Park in the counties of Navajo and Coconino in the State of Arizona: *Provided,* That any exchange shall be upon a fair and equitable basis with partial money consideration where required and only such Hopi Tribal lands may be given in any exchanges as are within, adjacent to or in close proximity to said Hopi Industrial Park: *And provided further,* That title to all lands, or interests therein, acquired pursuant to this authority shall be taken in the name of the United States of America in trust for the Hopi Tribe and such lands, or interests therein, shall be nontaxable.

SEC. 2. The Hopi Tribal Council shall have the following powers:

(a) To sell any part of the lands within, adjacent to, or in close proximity to said Hopi Industrial Park.

(b) To execute mortgages upon, or deeds of trust to, the lands within said Hopi Industrial Park or adjacent thereto, or in close proximately therewith. Such lands shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State of Arizona. The United States shall be an indispensable party to, and may be joined in, any such proceeding involving said lands with the right to remove the action to the United States district court for the district in which the land is situated, according to the procedure in section 1446, of title 28, United States Code, and the United States shall have the right to appeal from any order of remand entered in such action.

(c) To pledge any revenue or other income from said lands within or adjacent or in close proximity to said Hopi Industrial Park, and the improvements situated thereon, and any other revenue or income that may be available to the tribe without regard to source, to secure any indebtedness of the Hopi Tribe incurred in the development of said Hopi Industrial Park, and any action to enforce said pledge shall be in accordance with the laws of the State of Arizona, and the United States shall be an indispensable party thereto to the same extent and under the same conditions as hereinbefore provided in the case of mortgage foreclosures.

(d) To issue bonds for and on behalf of the Hopi Tribe, and pay the costs thereof, to accomplish the purposes of this Act, in one or more series, in such denomination or denominations, maturing at such time or times, and in such amount or amounts, bearing interest at such rate or rates, in such form either coupon or registered, to be executed in such manner payable in such medium of payment, at such place or places, subject to such terms of redemption, with or without premium, and containing such other restrictive terms as may be provided by tribal ordinance. Such bonds may be sold at not less than par at either public or private sale and shall be fully negotiable.

(e) To appoint a bank or trust company with its home office in the State of Arizona having an officially reported combined capital, surplus, undivided profits and reserves aggregating not less than $10,000,000 as trustee for all of the purposes provided in the ordinance authorizing and creating any issue of bonds. Any trustee so appointed may be authorized to commence an action for and on behalf of, or on relation of, the Hopi Tribe to enforce any obligation to the tribe pledged to secure payment of the bonds without joining the United States as a party thereto.

(f) To enter into any business venture as a shareholder of a corporation issuing nonassessable stock, or as a limited partner with any corporation, firm or person operating within or without said Hopi Industrial Park.

(g) To lease or rent the lands within said Hopi Industrial Park and lands acquired by the tribe pursuant to this act, and all improvements thereon under such terms and conditions as the Hopi Tribal Council may determine, and to lease all other tribal land in accordance with existing Federal laws and regulations.

SEC. 3. The exercise of all powers granted the Hopi Tribal Council by this Act shall be subject to the approval of the Secretary of the Interior, or his duly authorized representatives.

SEC. 4. Bonds issued by authority of this Act and bearing the signatures of tribal officers in office on the date of the signing thereof shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor any or all of the persons whose signatures appear thereon have ceased to be officers of the tribal council.

SEC. 5. All bonds issued by the Hopi Tribal Council for and on behalf of the Hopi Tribe and the interest provided in said bonds shall be exempt from taxation by the Government of the United States, or by any State, territory of possession, or by any county, municipality, or other political subdivision of any State, territory, or possession of the United States, or by the District of Columbia.

SEC. 6. The provisions of the Securities Act of 1933 (48 Stat. 74), as amended, and the Securities Exchange Act of 1934 (48 Stat. 881), as amended, shall not apply to the bonds, or the issuance thereof, as authorized by this Act.

With the following committee amendments:

Page 1, line 8, strike out "and" and insert "any".

Page 4, lines 14 through 19, strike out all of subsection (g) and insert in lieu thereof the following:

"(g) To lease lands within the Hopi Industrial Park, lands acquired by the Tribe pursuant to this Act, any other tribal lands, and the improvements thereon, in accordance with the provisions of any Federal laws then in effect."

Page 5, lines 5 through 11, strike out all of section 5 and insert in lieu thereof the following:

"SEC. 5. All bonds issued by the Hopi Tribal Council for and on behalf of the Hopi Tribe and the interest provided in said bonds shall be exempt from taxation to the same extent they would have been exempt if the bonds had been issued by the State of Arizona or a political subdivision thereof."

Page 5, lines 12 through 16, strike out all of section 6 and insert in lieu thereof the following:

"SEC. 6. Any securities issued by the Hopi Tribal Council (including any guarantee by such Council), and any securities guaranteed by the Council as to both principal and interest, shall be deemed to be exempted securities within the meaning of paragraph (a)(2) of section 3 of the Act of May 27, 1933, as amended (15 U.S.C. 77c), and paragraph (a)(12) of section 3 of the Act of June 6, 1934, as amended (15 U.S.C. 78c), and shall be exempt from all registration requirements of said Acts."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR DISPOSITION OF JUDGMENT RECOVERED BY THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF FLATHEAD RESERVATION, MONT.

The Clerk called the bill (H.R. 9756) to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., in paragraph 11, docket No. 50233, U.S. Court of Claims, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 9756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of a judgment awarded in paragraph 11 of the final decree in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys' fees and other litigation expenses, may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the tribes shall not be subject to Federal or State income tax.

With the following committee amendment:

Page 1, line 6, after the first "of" insert "the final decree in".

The committee amendment was agreed to.

Mr. ASPINALL. Mr. Speaker, this bill authorizes the Confederated Salish and Kootenai Tribes of the Flathead Reservation to use a $190,399 judgment recovered against the United States in the Indian Claims Commission. The judgment has been appropriated and is in the Treasury to the credit of the tribes. Authorizing legislation is necessary before the money can be spent.

The bill authorizes the money to be used for any purpose authorized by the tribal governing body and approved by the Secretary of the Interior. The tribes intend to use the money to augment their tribal credit programs, which have been quite successful. There is a need for additional credit money, and this will be a good use for the judgment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill, S. 1766.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was objection.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 1766

An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Montana, in paragraph 11, docket numbered 50233, United States Court of Claims, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated to the credit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, in satisfaction of a judgment awarded in paragraph 11 of the final decision in docket numbered 50233, United States Court of Claims, including interest thereon, after payment of attorneys' fees and other litigation expenses, may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed to members of the tribes shall not be subject to Federal or State income tax.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 9756) was laid on the table.

PROVIDING FOR DISPOSITION OF JUDGMENT FUNDS OF CONFEDERATED TRIBES OF UMATILLA INDIAN RESERVATION

The Clerk called the bill (H.R. 9477) to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PELLY. Reserving the right to ob-

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ject, Mr. Speaker, I know the bill H.R. 9477 is opposed by the Department of the Interior and also the Bureau of the Budget. I am concerned that the Consent Calendar contains controversial legislation. As I understand the committee bill, it is something of a compromise. This $2,450,000 under the recommendation of the Department of the Interior would be distributed $450 to each member of the tribe now, and then another $450 in a year, and then the balance would go to Confederated Tribes for their development.

As I understand this bill, the payment now would be $1750, and $200,000 would be reserved to the tribes.

It seems to me the record in any consideration of this legislation should be more detailed and that it should not come up on this particular Consent Calendar.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, the gentleman from Washington is correct when he states the Department of the Interior and the Bureau of the Budget raised objections and offered their own suggestions. The committee did not go along with the Bureau of the Budget or the Department of the Interior in their suggestions in their entirety.

May I say that here is another illustration when the Committee on Interior and Insular Affairs in the House uses its own judgment in such a matter. We have reached a compromise between what was proposed in the one instance by the Department and what was proposed in the other instance by the Bureau of the Budget.

This bill authorizes the Confederated Tribes of the Umatilla Indian Reservation to use $2,450,000 which they recovered against the United States by action of the Indian Claims Commission. There is no controversy on that. The judgment has been appropriated and is in the Treasury to the credit of the tribe. Authorization is necessary before the money can be taken out of the Treasury.

The bill directs all except $200,000 be distributed per capita among the members of the tribe. The $200,000 is reserved and made available for education of the members of the tribe. The tribe has additional tribal funds available for this purpose, so this would just be added to what they already have.

The use of the money as proposed in this legislation is in accordance with the very strong recommendations of the Indians themselves. Although the Department of the Interior recommended only half be distributed by per capita payments or given to the Indians individually, our committee felt the wishes of the Indians should prevail and any enrolled members living on or off the reservation should be given the per capita payment in two different payments and any other money that would be left over would be used for educational purposes. We think this is perfectly in order with the welfare of the Indians and the procedures we have followed in other instances.

Mr. PELLY. Mr. Speaker, I do not object, of course, to the committee using its wisdom. Very probably I think the compromise worked out is a wise one. I do, however, object—and I note the gentleman is a member of the committee of objectors—to bringing in this type of legislation, which is somewhat controversial, on the Consent Calendar form.

Mr. ASPINALL. Mr. Speaker, as the gentleman from Washington states, I am a member of the objectors' committee, and it so happens that I have seen to it from time to time, along with others, that our rules have been adopted and noticed to the Members. I do not believe we have trespassed upon the letter or the spirit of the rules when we bring up a measure such as this and bring any controversy that may exist in the administrative agencies and then let the House make its decision.

This is the same bill that on a suspension of the rules might take us 20 to 40 minutes, and we could not make any different recommendation than we make now.

Mr. PELLY. Mr. Speaker, I think another point should be considered. I notice in the report the Department felt maybe there were 500 to 2,000 additional Indians who might be eligible for these funds, and I do not think we should pass this legislation without some statement on that point.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield further?

Mr. PELLY. I yield to the gentleman from Colorado.

Mr. ASPINALL. We have had this kind of difficult decision before us at least two times, to my knowledge, and have always come up with our own recommendation.

There are always members of other tribes of Indians who claim a right to any part of any tribal funds. In this case we had the same principle involved.

I believe we have taken care of the equities and have brought in all the Indians who are found to be eligible for these moneys on the roll that is already established. In this matter the Department of Interior is in agreement.

Mr. PELLY. I want to say to the distinguished gentleman, Mr. Speaker, I have great respect for the gentleman and for his committee. I believe they probably exercised good judgment.

I do, however, differ with the gentleman; this is the type of legislation which should properly come under a suspension of the rules procedure, so that any Member who is opposed can debate the issue properly.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from Iowa.

Mr. KYL. I am sure the gentleman from Washington is completely aware of the rules surrounding the distribution of funds under the Indian Claims Commission.

The first point to be made here is that the action which is to be taken is in accordance with the desires of the Indians.

Under the first principle adopted under the Indian Claims Commission, the awards were to go to the tribe. The Congress simply carries out the decision of the court.

I shall try to illustrate to the gentleman how this can become complicated, particularly in the light of his question. Suppose there are two branches of the same tribe. One branch says that 60 percent of the money to be distributed will be held in the tribal account and the other 40 percent will be distributed directly to the members on a per capita basis. The other branch of the tribe, in the same award, desires to have 100 percent of the award distributed to individual members with none going to the tribal account. Having this kind of situation before us, we find that sometimes one branch, or an entire tribe, will seek to enlarge its rolls—to gain an advantage.

In one specific case to which I refer now, there were two branches of the tribe involved, and one branch sought to increase the number of Indians on the roll so that they could get a higher percentage of the total award than would the other branch. In that second branch, under the tribal constitution, children born of an Indian father and a white mother are eligible for enrollment, but children of an Indian mother and a white father are not considered eligible. This tribe could enlarge its enrollment quite easily, but it did not.

The committee takes all these matters into consideration on all such bills.

In my mind, certainly the distribution which is sought here is fair. The controversy certainly was not within the Committee on Interior and Insular Affairs. It was a matter of discretion for the Department to make its report. We find, on close scrutiny, we cannot always go along with those reports.

Mr. PELLY. Mr. Speaker, I wonder if the gentleman feels that the Consent Calendar is the proper calendar on which to consider this type of legislation on which some Member might want to present the facts which have just been given by the gentleman from Iowa. I did not know those facts before I raised the issue. I believe he has made a very helpful statement.

Mr. KYL. Let me respond to the gentleman in this fashion: the Committee on Interior and Insular Affairs has a vast amount of legislation before it each session. The chairman of that committee and the ranking minority member seek to gain the presentations of these materials to the House in the most convenient means possible consistent with good legislative process.

I believe, in view of the fact there is no controversy on the entire committee on either side of the aisle, it does become a matter which can properly be presented in this fashion.

The gentleman from Washington has used his prerogative to seek further definition, and as always has contributed to the legislative process.

If this matter had come to us under a rule or under a suspension, I do not think any additional facts would have been made known and we probably would have consumed a great deal more time needlessly.

Mr. PELLY. I point out to the gentleman from Iowa that if I had not raised the point, much information that I feel should have been in the record would not have been there. I appreciate the statement that the gentleman from Iowa made, because I think now the record is more complete, and under the circumstances, as the committee is unanimous on this, I will not ask that it be held over.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 9477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the entire unexpended balance of funds that were appropriated by the Act of May 13, 1966 (80 Stat. 141) to pay a judgment by the Indian Claims Commission entered in docket numbers 264, 264A, and 264B in favor of the Confederated Tribes of the Umatilla Indian Reservation, and the interest thereon, less litigation expenses, shall be distributed, per capita, in equal shares to all eligible members of the Confederated Tribes as defined in this Act under such terms and conditions as are authorized by the tribal governing body and approved by the Secretary of the Interior. Such per capita distribution shall be made with all deliberate speed. No part of the cost of preparation of the roll shall be charged against said funds or other tribal funds.

Sec. 2. The persons eligible to receive such per capita payments shall be all persons who were living on December 17, 1965, and whose names appear on any of the following:

(a) The membership roll of the Confederated Tribes as of June 15, 1957, as approved by the Bureau of Indian Affairs on January 10, 1958, or

(b) The supplemental membership roll as of April 12, 1960, approved by the Bureau of Indian Affairs on January 27, 1961, and also any other persons born after July 1, 1949, and living on or at any time between December 17, 1965, and the date of this Act who were either enrolled as of the date of this Act or became entitled to enrollment under section (b), article IV of the constitution and bylaws of the Confederated Tribes adopted November 4, 1949, as determined by the Secretary of the Interior or his authorized representative.

Sec. 3. Until distributed such funds shall remain tribal funds and the shares herein designated for the eligible members shall constitute inheritable and nonreimbursable credits therein from and after December 17, 1965.

Sec. 4. The per capita distributions of such funds shall not be subject to Federal or State income tax.

With the following committee amendments:

Page 1, line 8, after "expenses," insert "estimated costs of distribution, and $200,000 to be used as provided in section 5 of this Act,".

Page 2, line 2, strike out "Interior." and insert "Interior, including the establishment of trusts for minors and incompetents. Payments to heirs or legatees shall be made upon proof of death and inheritance satisfactory to the Secretary, whose findings shall be final and conclusive."

Page 2, beginning on line 3, strike out "with all deliberate speed" and insert "in three installments of approximately equal amount, the first installment to be made as soon as possible after the date of this Act and the next two installments to be made at six month intervals."

Page 2, beginning on line 4, strike out "No part of the cost of preparation of the roll shall be charged against said funds or other tribal funds."

Page 3, beginning on line 1, strike out "and nonreimbursable credits therein" and insert "property".

Page 3, following line 4, add a new section 5 reading as follows:

"Sec. 5. The $200,000 withheld from per capita distribution pursuant to section 1 of this Act shall be invested or placed in trust with an institutional trustee by the Secretary of the Interior, under terms and conditions approved by the tribal government body. The income from the investment or trust, together with such invasions of the principal or trust corpus as the Secretary deems desirable, shall be used for the education of members of the tribe until such time as the tribal governing body, with the approval of the Secretary, determines that the funds should be used in some other manner."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELATING TO AGE LIMITS IN CONNECTION WITH APPOINTMENTS TO THE U.S. PARK POLICE

The Clerk called the bill (S. 1686) relating to age limits in connection with appointments to the U.S. Park Police.

There being no objection, the Clerk read the bill, as follows:

S. 1686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of Public Law 89–554 (80 Stat. 419, 5 U.S.C. 3307) the Secretary of the Interior is hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the United States Park Police may be made.

Mr. **ASPINALL**. Mr. Speaker, S. 1686 is comparable to H.R. 12578 which was introduced by our colleague, the gentleman from California (Mr. Johnson). It authorizes the Secretary of the Interior to establish minimum and maximum age limits for original appointments to the U.S. Park Police.

The Park Police force is located exclusively in the National Capital region. It shares law enforcement responsibility with the Metropolitan Police Department of Washington, D.C. In fact, Park Police officers have the same powers and perform the same duties as any other policeman in the District of Columbia. Their jobs include all of the functions generally assumed by other police departments. They handle traffic congestion, investigate crimes and accidents, and patrol and protect people and property.

Although their jobs are not unlike those of officers of the Metropolitan Police Department, they are subject to different policies with respect to recruiting new employees. Rather than being authorized to establish maximum age limitations for original appointments to the force, as is the situation for the District of Columbia Police Department, the U.S. Park Police force is subject to the restrictions of the competitive civil service.

S. 1686 would grant an exception for the Park Police with respect to the general prohibition against the establishment of maximum age limitations for officers or employees entering their position through the competitive civil service. This policy should not, of course, be taken lightly. For most positions, age should not be a qualification for employment, but the members of the Committee on Interior and Insular Affairs felt that a case had been made for an exception in this instance.

Needless to say, police work is a very demanding occupation. Not only is the duty more hazardous than the usual employment, but it requires extraordinary physical stamina and personal stability in order to cope with fast changing events. A policeman is on call around the clock and he must be available for emergencies at any time and in all kinds of weather and conditions. For these reasons, the public interest requires that these employees be recruited when they are in prime physical condition, mentally alert, and capable of undertaking the rigorous training and arduous responsibility that will be imposed on them.

Age limitations for recruiting police officers are not uncommon. In the District of Columbia, the maximum age for original appointments is 29 and, the committee was advised, a survey of the International Association of Chiefs of Police indicated that 30 percent of the department's limited new appointments to persons under 30 years of age and 80 percent had established 35 years of age as the maximum for new recruits.

If the U.S. Park Police force is to effectively cope with the problems it faces then it must be permitted to employ modern standards in recruitment of new personnel. The enactment of S. 1686 will help it to do the job which we expect of it and I recommend its approval by the Members of the House.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE ESTABLISHMENT OF THE WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE

The Clerk called the bill (H.R. 7066) to provide for the establishment of the William Howard Taft National Historic Site.

There being no objection, the Clerk read the bill, as follows:

H.R. 7066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve in public ownership historically significant properties associated with the life of William Howard Taft, the Secretary of the Interior is authorized to acquire, by donation or purchase with donated or appropriated funds, such land and interests in land, together with buildings and improvements thereon and including scenic easements, at or in the vicinity of Auburn Avenue, Cincinnati, Ohio, as the Secretary of the Interior shall deem necessary for the establishment of a national historic site in commemoration of William Howard Taft. Such site shall be known as the William Howard Taft National Historic Site.

Sec. 2. The administration, development,

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preservation, and maintenance of the William Howard Taft National Historic Site shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended (16 U.S.C. 1 et seq.), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 3. There are hereby authorized to be appropriated to the Secretary of the Interior not to exceed $250,000 for land acquisition and development in connection with the William Howard Taft National Historic Site provided for by this Act.

With the following committee amendments:

Page 1, line 10 through page 2, line 1, strike out "as the Secretary of the Interior shall deem necessary for the establishment of a national historic site in commemoration of William Howard Taft. Such" and insert in lieu thereof the following: "as are depicted on the drawing entitled 'William Howard Taft National Historic Site Boundary Map,' numbered TAHO–20009, and dated August, 1969. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. When acquired such'.

Page 2, lines 14 through 18, strike out all of section 3 and insert in lieu thereof the following:

"SEC. 3. There are hereby authorized to be appropriated not more than $318,000 for land acquisition and for restoration and development of the William Howard Taft National Historic Site."

The committee amendments were agreed to.

Mr. ASPINALL. Mr. Speaker, H.R. 7066 provides for the establishment and development of the birthplace and home of William Howard Taft as a national historic site.

The proposed historic site is located in Cincinnati, Ohio. The properties involved include the two-story, painted brick Taft home and an adjacent property. The homesite is now owned by the William Howard Taft Memorial Association. We were advised that the association will donate it, together with the funds necessary for the acquisition of the adjacent property. The only cost to the Federal Government in establishing this new unit of the National Park Service will be expenses incurred in connection with the restoration of the site and development of visitor facilities. It is estimated that the cost of this work will require an appropriation of $318,000.

Mr. Speaker, the contributions of William Howard Taft to our society have gone too long unrecognized. Not only is he the only man to serve our Nation both as Chief Executive and Chief Justice, but he made many important contributions to our system of government.

The committee has recommended two amendments. One defines the exact boundaries of the proposed historic site. The other updates the estimated cost of its restoration and development.

With these brief remarks, Mr. Speaker, I recommend the approval of H.R. 7066, as amended.

THE ADJACENT PROPERTY

The committee was advised that the adjacent property consists of twenty-eight one-hundredths of an acre. The present structure is a frame structure faced with stone. Its condition, as described to the committee, was fair, at best. While it is occupied at the present time, it was indicated that every effort would be made to relocate the residents within the community. Discussions between the Taft Memorial Association and the Mount Auburn Community Council have been conducted and it is hoped that between these two public-spirited groups suitable housing can be found. The neighborhood, we are told, is residential in nature, but the location of a hospital and other public buildings near the proposed national historic site necessitates parking facilities for visitors. The National Park Service suggested that without such facilities the feasibility of the historic site would be significantly impaired.

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, it is most appropriate that the U.S. House of Representatives should have chosen this date, September 15, to act on a memorial honoring the 27th President of the United States, William Howard Taft. As the Members of this House know, today is the 112th anniversary of William Howard Taft's birth.

It is strange that the Congress should have waited so long to pay tribute to President Taft because he was, in truth, a most distinguished American. His great gifts are readily apparent in that he is the only American ever to serve both as President of the United States and as Chief Justice. But the quality which most strikes me about William Howard Taft is that he was one of the most loved Presidents ever to guide the destinies of our Nation.

I recall that men of another older generation of Americans, immigrants among them, always thought of William Howard Taft with extraordinary fondness. It made no difference what their political affiliation, they looked upon Mr. Taft as their President. He was therefore that most enviable of American chief executives, President of all the people.

There is yet another comment I would like to make about William Howard Taft. He was adjudged by other men in high public office to be an exemplary public servant. He was regarded by friend and foe alike as thoroughly honest, a man deserving of the highest trust. It was for this reason that he was groomed for the Presidency by that great President himself, Theodore Roosevelt.

There may be many who do not remember the outstanding accomplishments of William Howard Taft as President. His administration dissolved the Standard Oil and tobacco trusts, established the Department of Labor, drafted the constitutional amendments providing for the direct election of Senators and levying of the Federal income tax—initially a tax only on the rich.

Mr. Speaker, we honor here today a truly outstanding U.S. President, a great son of Cincinnati, a man whose name will ever live as one of the finest men ever to serve the American people in the great White House on Pennsylvania Avenue. To make his boyhood home a national historic site is most fitting and proper, a decision I am sure the American people will endorse.

Mr. SCHWENGEL. Mr. Speaker, I rise to voice my support of H.R. 7066, sponsored by the gentleman from Ohio (Mr. CLANCY) and myself. The bill provides for the preservation of historically significant properties associated with the life of the late William Howard Taft. It is altogether fitting and proper that we do this. His memories need recalling.

William Howard Taft died, a great and beloved man, on March 8, 1930. As a college boy at Kirksville, I remember very well the announcement of his death. At the time of his death he was the Chief Justice of the Supreme Court of the United States. Previously, he had been the 27th President of the United States, Secretary of War, Governor General of the Philippine Islands, Solicitor General of the United States, judge of the U.S. circuit court of appeals, judge of the superior court of Cincinnati, dean and professor of the Law School of Cincinnati, and professor of law at Yale University. Here is evidence of his versatility, and the record shows clearly his adequacy in every office he served.

At the time of his death he was held in highest admiration, esteem, and affection by all Americans.

He was, in my judgment, the man who best represented the spirit of his time—in his personality, in his temperament, in his education; in his positive religious hope, in his calm deliberation, in his loyalty to the laws of his country, in his confidence in humanity and his sympathy with all men living under the U.S. flag. And yet it seems today he is one of the most forgotten and ignored of all our Presidents.

There is no good reason for this, because he was a man who manifested by his inheritance and in his training, the finest qualities valued by Americans—qualities which he demonstrated throughout his long and distinguished career.

My admiration of him grows as I note his loyalty to his friends whom he would not indict or convict without a just hearing. He should be admired also because he was not afraid of irresponsible tyrants in public life. Admiration is due him for his loyalty to the Constitution of the United States and for his refusal to let himself become the great Pooh Bah of American politics—the President, the Congress, and the judiciary, all packed in one.

I liked him for his great patience and courtesy, even to men who exhausted the vocabulary of vituperation upon him. I learned with thrilling interest of his herculean labors to secure for the American people, by due process of law and by deliberate decisions of the courts, what they had been clamoring for in vain—namely, the curbing of big corporations, the crushing of the dishonest and disreputable combines, and the punishment of the great rascals in high places. He earned the title of "trust buster."

William Howard Taft brought about the establishment of a juster law for the railroads; a Tariff Court and a Commerce Court for the trial of commerce causes;

the establishment of postal savings for the protection of earnings; a taxation of all corporations doing interstate commerce business; and submission to the legislatures of the States of an amendment to make possible an income tax.

What four Presidents in 25 years before him sought in vain to do, he brought to pass. He strove and finally secured a harbor bill that contained no pork barrel, an actual reduction of expenses in the running of the Government, and a better business administration of the public service.

His courteous treatment of the little powers in Central America, in spite of provocation that could have brought swift interference, won respect from all. I remember that after 10 years of constant effort and argument, he achieved justice for the people of the Philippine Islands and Puerto Rico, allowing them to prosper by entering more freely into the markets of the Republic.

I am proud that Mr. Taft should have forgotten all partisanship and all prejudice by appointing to the highest position among the judges of the world a Confederate soldier and a Catholic Democrat from Louisiana. His mistakes, if there were any, were trivial—his achievements were colossal.

Being President of the United States under modern conditions is not merely the greatest honor, but the greatest responsibility that can come to a man.

The successful performance of the duties of that office involves not only devotion to the interests of the people and unquestioned integrity, for almost all of our Presidents have had those qualities. Rather, there is an absolute necessity for something greater and rarer than these common virtues. There must be genius for executive work, physical capacity for the endurance of severe official strain, patience and tact in dealing with other men—the latter a quality which comes only from the constant buffeting of official life, and a certain predisposition for the management of public affairs.

That William Howard Taft possessed these qualifications in abundance is clearly evident in his life history.

William Howard Taft was born on September 15, 1857. He came from a family which had already left its impression on several communities before he saw the light of day.

His father, Alphonso Taft, had served in the Cabinet of Grant as Secretary of War, and afterward as Minister of Vienna. His grandfather as well as his father had sat on the bench. The effect of this family environment was extremely important in forming the character of a young man who was subsequently to reach honors greater even than those which had come to his distinguished father.

William Taft was graduated from Yale in 1878, studied for and was admitted to the bar, and began the practice of law in Cincinnati. At that time he had no idea other than that of following a legal and judicial career.

He served on the State bench of Ohio, and was appointed Solicitor General of the United States by President Benjamin Harrison. In both positions he attracted the attention of all who came into contact with him by his power of thought and of statement.

The first development of his executive capacity came while he was a judge on the bench and not while he was Governor of the Philippines, as many people suppose.

From 1892, almost until the close of the century, there was a period of intense financial depression, followed by a slow recovery.

There had been an overexpansion of northern capital in the border and Southern States. Various manufacturing, railroad, and mining enterprises in the South had been clamoring for development, and the North was called upon to supply the money.

Some of these investments were spread out too thin, and when the financial crisis came, one company after another went to the wall. The sixth judicial circuit in which Judge Taft was located covered the States of Michigan, Ohio, Kentucky, and Tennessee. His court was inundated with receivership cases and complex litigation involving all sorts of industrial enterprises.

Judge Taft soon found himself in the position of a managing partner or acting director for manufacturing plants, iron mines, railroads, and a dozen other growing concerns. Therefore, to knowledge of the law he added business capacity. In this way he developed executive ability, learning the secret of large affairs while administering the estates of great corporations which had been forced to become wards of the court as a result of financial difficulties.

As Solicitor General he earned an enviable reputation, and he succeeded to a remarkable degree in combining fearlessness in stating and upholding his own convictions with the ability to avoid giving needless offense to those whose convictions differed from his. The combination of these qualities is rare. Taft was a man who stood by his convictions in time of stress. And he did so in such a way as to be least offensive toward those who did not see matters as clearly as he did.

He so greatly impressed President Harrison that the latter made him circuit judge. It was in this capacity that he first rendered public service that was national in scope; for from the very beginning of his career on the Federal bench he showed himself to be one of those judges to whom we owe the high standing retained by the judiciary in the minds of the people.

As he was to say years later, when asked why he would not return to private law practice:

> Six of the nine justices of the Supreme Court bear my commission. Forty-five per cent of the Federal judiciary have been appointed by me. That is the reason why I could not practice as an advocate. While you and I and the average man would know that circumstance would not affect any court in any degree, the fact is that no matter how fairly any case might be decided, the inclination of the man who lost, if the side I represented won, would be to attribute the defeat to the fact that I had appointed the judge. . . . What is needed these days is that nothing should be done that would ever give justification for even the appearance of a suspicion against the courts.

In Judge Taft's decisions he combined fearless directness in stating and in interpreting the law as it was meant by the lawmakers, with complete readiness to assume in office the powers which alone render it possible for the Government to work with advantage to the people as a whole.

It fell to Mr. Taft to decide a number of cases which blazed the trail which all our judges have later followed. This was notably so in cases involving both corporations and the rights of labor.

His decision in the Addystone Pipe case established in thoroughgoing fashion the right of the Federal Government to exercise complete control over all corporations engaged in interstate business.

His decision in the Narramore case decided the right of lawmaking bodies to provide for the compensation of employees injured in business—and this at a time when the general tendency of decisions was directly the other way.

These two decisions meant much for advancement of the wise use of the national power, for they meant that the national power could be used on the one hand to secure just treatment for labor, and on the other hand to secure adequate control over the vast aggregates of corporate capital.

But Judge Taft was exactly as fearless in dealing with labor as in controlling capital when it needed control. When the country was convulsed from one end to the other with riot and violence, when every politician was bending like a reed before the blast of agitation, Judge Taft, as fearless physically as morally, upheld order and repressed violence by his wise and proper use of the great power of injunction.

After the Spanish-American War, President McKinley appointed Mr. Taft the first Governor General of the Philippine Islands. It was a daring thing to do—to transplant a Federal judge from his court in the Ohio valley to the unfamiliar antipodes of an island empire, unexpectedly acquired from Spain, whose future no man could estimate.

Time has shown that William McKinley, Mark Hanna, and Elihu Root, who were the three men chiefly responsible for the choice, made no mistake when they selected Judge Taft. Called to an unfamiliar duty, asked to resign a pleasant and secure position, Taft chose an unpromising line of duty in the belief that refusal of his services to the President and Secretary of State should take precedent over his own personal fortunes.

Theodore Roosevelt had this to say about Taft's stewardship in the Philippines:

> The annals of colonial administration of all nations can be searched in vain to find any man who did better a more difficult and important work than that which it became Mr. Taft's duty to do during the next four years. His indefatigable industry, his broad sympathy, his energy, his fearlessness, his generosity, and his ability to see and do justice, combined to render him able to perform a service such as no other man could have performed.

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Without a doubt, Taft did the best he could for the material, mental, and spiritual comfort of the Filipino people. He built a system of education where children were taught English. He laid a firm and secure industrial educational system. Sanitation for the people, and government supervision of the health of their flocks and herds, were successfully introduced. A judicial system was established. Public improvements were undertaken; roads built; docks constructed; streets improved; a complete system of posts, telephones, telegraphs and railroads were completed under his guidance. A civil system was inaugurated, public lands were opened for settlement, and semiofficial banks were established.

These were accomplished facts, not theories or promises to pay. They comprise a record of things done, a story of accomplishment which tells its own tale as to the masterful executive genius of the man who is chiefly responsible for such splendid results.

After his Philippine assignment Mr. Taft was made Secretary of War. From the beginning he showed himself not merely the efficient head of his Department, not merely a Cabinet member of first class, but a statesman of far-reaching initiative and foresight.

In addition to his regular work connected with the Army, he oversaw the entire Philippine situation, and supervised in person all that was done in connection with the giant task of building the Panama Canal.

Interoceanic canals are not dug every day. The work involved, in the case of Panama, the most delicate civil function, harmoniously blended with the professional discipline exercised by the engineer officers of the Army. The canal was the largest single public work ever undertaken by the United States; and despite endless work stoppages and reversals, Secretary Taft never failed in his duties.

Another, and totally different, phase of international politics is presented in the case of Cuba. Here too, Taft, the man of action, was called upon to represent the Government of the United States in unfamiliar conditions and to create for an alien people a temporary government to succeed the unfortunate republic which they had themselves failed utterly to maintain.

The island of Cuba was as much under the personal control and direction of the former Secretary of War as was the Panama Canal or the Philippines. His was the guiding hand, his was the strong arm, and it was his visit to the island which brought peace out of chaos and which taught the Cuban people to look up to the integrity and genius of this great American citizen.

It may have been fate or it may have been accident, but it was certainly true that almost every great and unusual governmental problem which occurred during the Roosevelt administration had in some way invoked the executive assistance of Mr. Taft. And, once he became President, he was responsible for putting into effect Roosevelt's Square Deal legislation.

The administration of President Taft soon justified his promise of achievement—a promise founded upon his long career of public service in the most varied fields. The deep, dominant notes of his term were courage and honesty. He espoused causes, never because they were popular, but because they were just.

He enforced the statutory laws against both the rich and the powerful, indifferent to both the threats of reprisal and the pleadings of excuse. The Sherman antitrust law he made into a most powerful weapon of offense. He ever insisted that none was too powerful to fear the law and none too weak to be denied its protection.

He believed that guilt is concrete, and not abstract; that it is definite, and not indefinite; that it is personal, and not impersonal. Civil prosecutions, long unheeded, were replaced by criminal prosecutions for those who ignored the statutes on our books.

He advocated courageously the principles of nonpartisanship. In his appointments to high office he considered ability only, not party loyalty nor sectional prejudices. He sought the greatest reform in our tariff administration—its removal from the influences of party politics. By the assistance of men of special training and experience he sought to relieve the business world from the recurring periods of depression and optimism so hostile to prosperity.

Although we were a power among the nations of the world, President Taft believed in the future of universal good will and international peace. This was characteristic of the man. In 1910 he planted a "peace tree" at the dedication of the Pan American Building in Washington. That tree, still growing, is a monument to his desire to foster tranquil relations with all countries.

He further sought peaceful relations with the world by his desire to inaugurate a period of broader and more intimate trade relations with our neighboring countries. Further, he ardently espoused the cause of international peace as formulated in the proposed treaties or arbitration with England and France. In these he saw not merely a savings of millions of dollars of taxes annually, but also the protection of individual life and property from the devastation and cruelties of war.

Loyal to the highest standards of honor, with a genial and attractive personality, faithful to friends and just to opponents—President Taft combined the most admirable of personal traits. Fearless of criticism, with an instinctive faith in the American people, even in days of partisan bitterness, he confidently trusted his own fame to the ultimate and correct verdict of an impartial posterity.

Americans have now had a chance to judge the man and his career against the background of history. So that his memory and fine deeds and inspiration will never be lost to the American people, I urge all my colleagues to support H.R. 7066, creating the William Howard Taft National Historic Site. Such a monument would inspire all who came to view it, all who came to reflect there upon the greatness of the man and upon the profound meaning of the tradition of which his career was so characteristic a part.

Mr. Speaker, in my study of American Presidents I have read most of the speeches by them when they were President and I have read all of President Taft's speeches. They are among the best of our political literature. They are great speeches because they are eloquent, adequate, and they give us both insight and understanding.

Mr. Speaker, I close as I began, "it is altogether fitting and proper that we do this."

Mr. CLANCY. Mr. Speaker, I rise today to urge the adoption of H.R. 7066 which provides a memorial in honor of that great American, the late William Howard Taft.

Under the provisions of this legislation the Secretary of the Interior is authorized to acquire, by donation or purchase, such land and buildings in the vicinity of the homesite necessary for the establishment of the William Howard Taft Historic Site.

The house, located at 2038 Auburn Avenue, Cincinnati, Ohio, was built in the 1840's by a Mrs. Bowen and was purchased by the Honorable Alphonso Taft in 1851. On September 15, 1857, William Howard Taft was born in the rear portion of the house. Around 1900 the house was sold and later was turned into apartment dwellings. In 1968 the Taft family, through a nonprofit corporation, purchased this property.

The purpose of this legislation is to preserve the birthplace and home of this distinguished statesman, and through it give visitors an understanding of the environment that shaped Taft's character and philosophy, and the impact of this character and philosophy in shaping Taft's public career.

The memory of William Howard Taft is part of the great tradition and heritage of our country. This distinguished Cincinnatian, climaxed his long and illustrious career of public service by serving as President of the United States from 1909 to 1913 and as Chief Justice of the Supreme Court from 1921 until 1930. He is the only American to have achieved this status.

We have honored many former Presidents and certainly William Howard Taft, the 27th President of these United States, deserves similar tribute.

I therefore urge the passage of H.R. 7066 which would preserve these historically significant properties as a lasting and deserving tribute to this outstanding statesman.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RETURN OF S. 2315 TO THE SENATE—MESSAGE FROM THE SECRETARY OF THE SENATE

The SPEAKER laid before the House the following communication from the Secretary of the Senate:

> That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2315) entitled "An act to restore the golden eagle program to the Land and Water Conservation Fund Act."

The SPEAKER. Without objection, the request of the Senate is agreed to.

There was no objection.

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The **SPEAKER**. The Committee on Interior and Insular Affairs is discharged from further consideration of the bill S. 2315 and the Clerk will return the bill to the Senate.

EISENHOWER NATIONAL HISTORIC SITE AT GETTYSBURG, PA.

Mr. **ASPINALL**. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from consideration of the joint resolution (H.J. Res. 81) to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 81

Whereas the Secretary of the Interior has designated, under authority of the Act of August 21, 1935 (49 Stat. 666), the Gettysburg, Pennsylvania, farm of General Dwight D. Eisenhower, thirty-fourth President of the United States, as the Eisenhower National Historic Site; and

Whereas the Secretary's order of designation prohibits the use of funds appropriated to the Department of the Interior for the development of the national historic site unless otherwise authorized by Act of Congress: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated such sums as may be necessary for the development of the Eisenhower National Historic Site at Gettysburg, Pennsylvania, which may be expanded only upon termination of the estates reserved by the donors.

With the following committee amendments:

Page 1, strike out all of the preamble.

Page 1, beginning on line 3 and ending on Page 2, line 1, strike out "such sums as may be necessary" and insert "not more than $1,081,000".

Page 2, lines 3 and 4, strike out "which may be expended only upon termination of the estates reserved by the donors." and insert in lieu thereof "which may not be expended for the construction of major capital improvements as long as the special use permit issued to Mamie Doud Eisenhower by the National Park Service, United States Department of the Interior, on June 3, 1969, remains in effect."

Page 2, following line 4, insert a new section reading as follows:

"Sec. 2. There are hereby excluded from the boundaries of Gettysburg National Military Park, and included within the boundaries of the Eisenhower National Historic Site, the lands and interests therein identified as 'Additions to Eisenhower NHS' on the drawing entitled 'Proposed Additions to Eisenhower National Historic Site', numbered EISE—20,000 and dated June 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.'"

(Mr. **ASPINALL** asked and was given permission to extend his remarks at this point in the Record.)

Mr. **ASPINALL**. Mr. Speaker, the measure now before the House—House Joint Resolution 81—represents statutory recognition of the Eisenhower National Historic Site. While this area was added to the national park system by Executive action in 1967, the order explicitly provided that no Federal funds would be expended at the site until authorized by the Congress.

The Eisenhower National Historic Site consists of the Gettysburg farm which was the famous retreat and retirement home of the late President. In addition, the historic site would encompass some 262 acres of land donated by the W. Alton Jones Federation of New York which was used in connection with the farming operation as it was known to the Nation's 34th President.

When the principal property was donated to the Federal Government, it was stipulated that administration and development of the area by the National Park Service would not commence until 6 months after the death of either spouse. At the request of Mrs. Eisenhower, however, the National Park Service has issued a special use permit which allows her continued occupancy of the residence, related buildings, and 14 acres of land indefinitely. Under the terms of this permit, she will maintain and insure the buildings and grounds so as to assure their protection and historical integrity.

The remainder of the area is to be operated as a farm under a lease arrangement assuring the maintenance of the premises in an orderly manner. The members of the Committee on Interior and Insular Affairs were advised that, under terms of the lease, the farm is to be operated as it was during the General's residence.

Of course, as long as it remained the home of the Eisenhowers, the property was not open to the public and it is not expected to be available to the public as long as Mrs. Eisenhower retains it as her residence. For this reason, it would be inappropriate to proceed with development of the site at this time. The resolution, as amended by the committee, recognizes that some minor repairs or improvements might require funding in the near future, but major capital improvements would be deferred as long as the special use permit remains in effect. This provision is consistent with the stated intent of the National Park Service.

The committee recognizes, however, that a substantial investment will ultimately be required in order to accommodate the public. For this reason, based on the estimates available to us, we recommend that the appropriations authorized for development be limited to $1,081,000. It is expected that the National Park Service will begin making detailed plans for the future development of the property, but no major construction will be undertaken at this time.

In conclusion, I want to emphasize that all of the lands have been donated either by the Eisenhowers or by the W. Alton Jones Federation of New York. I also want to point out that the personality of the farm and the household furnishings were not included in the donation. In the event that it should be necessary to purchase contemporary furnishings, the costs attributable to that purpose are not included in the authorized ceiling; consequently, it might be necessary sometime in the future, to consider an increase for this purpose.

Basically, all of the amendments recommended by the committee have been covered in my explanation of the joint resolution, but let me enumerate them briefly. We recommend—

First, the deletion of the preamble because we feel that the purpose of the measure is adequately explained in the report;

Second, that the amount authorized to be appropriated be limited to the amount actually estimated to be needed for development of the site;

Third, that the legislation preclude major improvements as long as the existing special use permit continues in effect; and

Fourth, that the lands donated by the W. Alton Jones Federation, presently a part of the Gettysburg National Military Park, be transferred to the Eisenhower National Historic Site since it is more intimately connected with the farm and will be useful in the future development of the facility.

Mr. Speaker, House Joint Resolution 81, as amended, has been reviewed in detail and I urge its approval by the Members of the House.

COMPARISON WITH SENATE JOINT RESOLUTION 26, AS PASSED BY THE SENATE

First. The committee deleted the "whereas" clauses, but the Senate retained them. The preamble is not essential to the purposes of the act.

Second. The committee amended the measure to limit appropriations by providing "not more than $1,081,000," but the Senate language indicates that "not to exceed $1,108,000" is authorized. Both attempt to limit expenditures to the estimated outlay, but the House figure is correct.

Third. The committee substituted a provision prohibiting major capital improvements as long as the special use permit remains effective, while the Senate language provides that the development funds "may be expended only upon termination of the estates reserved by the donors." By operation of the deed, the estates reserved by the donors are scheduled to expire 6 months after the death of the late President, that is, on September 28, 1969. The committee amendment accomplishes the objective, that is, to use the development funds authorized only when the residence is no longer to be used as a personal residence, but it allows some flexibility so that funds can be used for necessary improvements and repairs. The director of the National Park Service indicated that no major improvements would be made as long as Mrs. Eisenhower resided on the property.

Fourth. The new section 2 is identical in both measures. The Department recommends that the lands donated by the W. Alton Jones Federation be transferred from the Gettysburg National Military Park because they were donated with the understanding that General Eisenhower would be permitted to use them in connection with his farming operation. They were an integral part of the farming operation, but they were relatively insignificant in the historic Gettysburg encounter; therefore, the transfer seems appropriate.

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(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the Record.)

Mr. SAYLOR. Mr. Speaker, I am extremely proud to cosponsor House Joint Resolution 81, to provide for the establishment of the Eisenhower National Historic Site at Gettysburg, Pa., and I strongly recommend its passage.

Mr. Speaker, the passage and enactment of this legislation will fulfill a sincere desire of our late President, that his beloved farm be made available for the public use and enjoyment of the American people. The desire to do this was personally conveyed to me some years ago by the late President Eisenhower when he came to Johnstown, Pa., for the purpose of dedicating the Johnstown Center of the University of Pittsburgh. At that time, the late President advised me of his desire to donate his farm to the Federal Government and asked me to initiate some discussion on this and advise him how this desire could and should be carried out. Thereafter, in a series of meetings with then Secretary Udall, myself, and members of the late General Eisenhower's staff, arrangements were made for the issuance of the Executive order which designated this farm as the Eisenhower National Historic Site. That Executive order, however, prohibited the expenditure of appropriated funds for its development until authorized by Congress.

It is fitting and proper that Congress be called upon by this legislation to provide for the establishment of the Eisenhower National Historic Site and authorize the appropriation of $1,081,000 for development of the site. Congress, in doing so, will be paying a lasting tribute to our 34th President of the United States.

The significance of this farm and its importance to the Nation as the Gettysburg White House during the Eisenhower presidential years is known to all Americans. The parade of world dignitaries, political figures, military leaders, Government officials, from foreign nations as well as our own people, to the Gettysburg farm from 1952 until just prior to the late President's passing is most impressive. Yet, this beloved farm also had a very personal significance to our late President. It served as the family gathering place and the place from which all Americans saw the Eisenhower grandchildren grow from children to adult Americans.

Mr. Speaker, and Members of the House, the people of the United States have been spared the cost of acquiring this property for establishment of the Eisenhower National Historic Site because of the generous desire of the late President and Mrs. Eisenhower to donate these lands to the Federal Government. The passage and enactment of this legislation will retain this acreage as a living tribute to our 34th President, the late Gen. Dwight David Eisenhower.

I wholeheartedly recommend the passage of this legislation.

(Mr. SKUBITZ (at the request of Mr. Saylor) was given permission to extend his remarks at this point in the Record.)

Mr. SKUBITZ. Mr. Speaker, I am privileged to cosponsor this legislation with the distinguished ranking minority member of the Committee on Interior and Insular Affairs, the gentleman from Pennsylvania (Mr. Saylor), and I heartily support its passage.

On November 27, 1967, the late General and Mrs. Eisenhower donated to the United States their 230-acre farm at Gettysburg, Pa., to be established and administered for public use as a national historic site. This donation was subject to a life estate reserved to the late President Eisenhower and a right of occupancy for a period by Mrs. Eisenhower following the life estate.

The then Secretary of the Interior, Stewart Udall, accepted the donation on behalf of the United States and by secretarial order designated the farm of General Eisenhower, the 34th President of the United States, as the Eisenhower National Historic Site in 1967. However, this designation contained the prohibition that funds appropriated to the Department of the Interior could not be used for the development of the National Historic Site unless authorized by act of Congress.

Mr. Speaker, the purpose of House Joint Resolution 81 is to authorize the appropriation of $1,081,000 for the development plus operation and maintenance costs of the Eisenhower National Historic Site at Gettysburg, Pa. I think it is important to point out that this legislation also contain a prohibition on the expenditure of the funds appropriated pursuant to this act until the expiration of the estates reserved by the donors. This means that full development of this historic site will not occur until after the termination of the use and occupancy permit which was executed between Mrs. Eisenhower and the National Park Service following the late General's death and upon the expressed desire of Mrs. Eisenhower to occupy the residence and improvements on the surrounding 14 acres.

Mr. Speaker, in 1950, the late General and Mrs. Eisenhower purchased this property which adjoins the Gettysburg National Military Park because of its historical significance and a personal sentimental attachment involving the early years of their married life. Thereafter, this 230-acre farm home in the gently rolling and tranquil hills of Adams County, Pa., was destined to join some of the most sacred soil in the history of our Nation, as an area of national historic importance—the late home of a world renowned soldier and the 34th President of the United States, Gen. Dwight David Eisenhower. Many of the world leaders, government officials and other dignitaries visited with President Eisenhower at the white framed farmhouse in Gettysburg, Pa., during his term as our 34th President, and it became the focus of world attention in times of illness of the President, a place where political endorsements were sought, and above all, the fond memories of the home and family gathering place of a truly great American.

It is my understanding that the National Park Service plans to develop, interpret, and preserve this natural historic site as a living tribute to President Eisenhower. The National Park Service plans to retain the hayfields, the General's garden, and herd of Black Angus cattle in the manner begun by President and Mrs. Eisenhower.

In closing, Mr. Speaker, I wish to add that the manner in which our 34th President looked upon and maintained this historic home was the culmination of his early education and childhood among the farm plains of the great State of Kansas, the heartland of the United States of America.

I urge the passage of House Joint Resolution 81.

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so be permitted to extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 26) to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes, a similar joint resolution to the one the House just passed.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 26

Whereas the Secretary of the Interior has designated, under authority of the Act of August 21, 1935 (49 Stat. 666), the Gettysburg, Pennsylvania, farm of the late General Dwight D. Eisenhower, thirty-fourth President of the United States, as the Eisenhower National Historic Site; and

Whereas the Secretary's order of designation prohibits the use of funds appropriated to the Department of the Interior for the development of the national historic site unless otherwise authorized by Act of Congress: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated not to exceed $1,108,000 for the development of the Eisenhower National Historic Site at Gettysburg, Pennsylvania, which may be expended only upon termination of the estates reserved by the donors.

Sec. 2. There are hereby excluded from the boundaries of Gettysburg National Military Park, and included within the boundaries of the Eisenhower National Historic Site, the lands and interests therein identified as "Additions to Eisenhower NHS" on the drawing entitled "Proposed Additions to Eisenhower National Historic Site", numbered EISE–20,000, and dated June 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of Senate Joint Resolution 26 and insert the provisions of House Joint Resolution 81, as passed, as follows:

"That there are hereby authorized to be appropriated not more than $1,081,000 for the development of the Eisenhower National Historic Site at Gettysburg, Pennsylvania, which may not be expended for the construction of major capital improvements as long as the special use permit issued to Mamie Doud Eisenhower by the National Park Service, United States Department of the Interior, on June 3, 1969, remains in effect.

SEC. 2. There are hereby excluded from the boundaries of Gettysburg National Military Park, and included within the boundaries of the Eisenhower National Historic Site, the lands and interests therein identified as "Additions to Eisenhower NHS" on the drawing entitled "Proposed Additions to Eisenhower National Historic Site", numbered EISE-20000 and dated June 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The preamble was stricken out.

A motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 81) was laid on the table.

POLL CONDUCTED BY MINORITY LEADER MR. GERALD R. FORD ON 10 MOST IMPORTANT ISSUES FACING THE 91ST CONGRESS

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous material.)

Mr. GERALD R. FORD. Mr. Speaker, this week I am mailing to nearly 142,000 residences in my congressional district—the Fifth District of Michigan—a questionnaire seeking the views of my constituents on 10 of the most important issues facing the 91st Congress.

I believe this poll will give me a good indication of the thinking in my district on the vital issues of the day. The questions I am asking cover a broad range of issues, extending from President Nixon's welfare reform and revenue sharing proposals to the terrible decisions we face in Vietnam.

Mr. Speaker, I am including my questions at this point in the RECORD with the thought that other Members may well be interested in the content of my questionnaire. The questions follow:

1. Should President Nixon's Family Assistance & Workfare Program be set up in place of the existing welfare system?

2. Should a percentage of Federal income tax money be shared with the cities and states for use as they see fit?

3. Should Federal aid be cut off from students disrupting college classes and administration?

4. Should we elect the President by direct popular vote?

5. Should we amend the U.S. Constitution to give 18-year-olds the vote?

6. Should we create a self-supporting U.S. postal corporation in place of the present postal system?

7. Should we pick draftees by random selection (lottery)?

8. Should we step up space spending to put a man on Mars?

9. Do you favor President Nixon's safeguard antiballistic missile system (ABM)?

10. What should we do about Vietnam?

A. Carry on limited military action, pursue the peace talks in Paris?

B. Follow the Nixon policy of gradually phasing out U.S. troops and replacing them with a S. Vietnamese?

C. Resume and expand bombing of North Vietnam?

D. Withdraw immediately?

CALL OF THE HOUSE

Mr. CONTE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 168]

Abbitt
Anderson, Ill.
Baring
Blanton
Boggs
Bolling
Brock
Brotzman
Brown, Calif.
Bush
Cabell
Celler
Chappell
Chisholm
Clark
Clay
Collier
Conable
Cramer
Daddario
Davis, Ga.
Diggs
Fascell
Fisher
Frelinghuysen
Gallagher
Gettys
Halpern
Heckler, Mass.
Hungate
Hunt
Kirwan
Landrum
Lipscomb
Mailliard
Mathias
Michel
Minshall
Morton
Murphy, N.Y.
O'Konski
Ottinger
Passman
Patman
Pollock
Powell
Price, Tex.
Rhodes
Rosenthal
Rostenkowski
Roybal
St Germain
St. Onge
Sandman
Scheuer
Sisk
Springer
Staggers
Teague, Calif.
Tiernan
Ullman
Vigorito
Watkins
Weicker
Whalley
White
Whitten
Wilson, Bob
Young

The SPEAKER pro tempore (Mr. MILLS). On this rollcall, 361 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

INSURED STUDENT LOAN EMERGENCY AMENDMENTS OF 1969

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, as amended.

The Clerk read as follows:

H.R. 13194

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Insured Student Loan Emergency Amendments of 1969".

MARKET ADJUSTMENT PAYMENTS ON INSURED STUDENT LOANS

SEC. 2. (a) Section 428(a)(2) of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new subparagraph:

"(C)(i) Whenever the Secretary determines that the limitations on interest or other conditions (or both) applicable under this part to student loans insured by the Commissioner or under a State or nonprofit private insurance program covered under subsection (b), considered in the light of the current economic conditions and in particular the relevant money market, have caused the return to holders of eligible loans to be less than equitable, he may by regulation applicable to a three-month period specified therein, prescribe (after consultation with the Secretary of the Treasury and the heads of other appropriate agencies) a market adjustment allowance to be paid by the Commissioner to each holder of an eligible loan or loans. The amount of such allowance to any holder with respect to such period shall be a percentage, specified in such regulation, of the average unpaid balance of principal (not including interest added to principal) of all eligible loans held by such holder, which balance shall be computed in a manner specified in such regulation but no such percentage shall be set at a rate in excess of 3 per centum per annum.

"(ii) A determination referred to in clause (i) may be made by the Secretary on a national, regional, or other appropriate basis and the regulation based thereon may, accordingly, set differing allowance rates for different regions or other areas or classifications of lenders, within the limits of the maximum rate set forth in clause (i).

"(iii) For each three-month period with respect to which the Secretary prescribes a market adjustment allowance, the determination required by clause (i) shall be made, and the percentage rate applicable thereto shall be set, by promulgation of a new regulation or by amendment to a regulation applicable to a prior period or periods.

"(iv) The market adjustment allowance established for any such three-month period shall be payable at such time, after the close of such period, as may be specified by or pursuant to regulations promulgated under this subparagraph (C).

"(v) Each regulation or amendment, prescribed under this subparagraph (C), which establishes a market adjustment allowance with respect to a three-month period specified in the regulation or amendment shall, notwithstanding section 505 of Public Law 90-575, apply to the three-month period immediately preceding the period in which such regulation or amendment is published in the Federal Register, except that the first such regulation may be made effective as of July 1, 1969, and the Secretary may determine the market adjustment allowance prior to the end of the first three-month period.

"(vi) As used in this subparagraph, the term 'eligible loan' means a loan (insured under this part) made after June 30, 1969, by an eligible lender to whom a regulation under this subparagraph applies, to the extent that such loan has been disbursed."

CONFORMING AMENDMENTS

SEC. 3. (a) Clause (2) of section 421(b) of such Act is amended by striking out "and" after "interest" and inserting in lieu thereof a comma, and by inserting ", and market adjustment allowances" after "administrative cost allowances".

(b) The second sentence of section 428(a)(1) of such Act is amended (1) by inserting the following after "the Commissioner shall": ", in cases to which paragraph (2)(B) and paragraph (2)(C) of this subsection, respectively, apply,", and (2) by striking out "of this subsection" after "(2)(B)" and inserting in lieu thereof "and

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a market adjustment allowance in the amount established pursuant to paragraph (2)(C)".

(c)(1) The second sentence of subparagraph (A) of section 428(a)(2) of such Act is amended (1) by striking out "the" before "administrative cost allowance" and inserting in lieu thereof "any", and (2) by inserting "and market adjustment allowance" after "administrative cost allowance".

(2) Section 428(a)(3) of such Act is amended by inserting "or market adjustment allowances" after "administrative cost allowances".

EFFECTIVE DATE

SEC. 4. This Act shall be effective as of July 1, 1969. Sums available for expenditure pursuant to appropriations made for the fiscal year ending June 30, 1969, under section 421(b) (other than clause (1) thereof) of such Act shall be available for payment of market adjustment allowances under section 428 of such Act as amended by this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SCHERLE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. PERKINS) is recognized for 20 minutes.

Mr. PERKINS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, H.R. 13194 deals with a problem familiar to all of us—the effectiveness and capacity of financial aid programs in meeting the spiraling costs of higher education. During the last few years, virtually every study of the financing of higher education has recommended a greatly expanded Federal program of student loans, grants, and college work-study opportunities, to better assist in meeting these costs.

Numerous letters from concerned parents and students are still another of the many indications of the critical need for expanded programs of assistance. A recent survey of tuition charges being levied on students at the beginning of this academic year gives concrete evidence of the crisis. At Purdue University and Indiana University, student costs were raised by as much as 75 percent. Tuition at the University of Iowa climbed $250 a year for all pupils, and at Iowa State, they went up $225. Ohio State University raised tuition charges for out-of-State students by $540, a jump from $1,110 to $1,650. The University of Wisconsin tuition for out-of-State students was increased by 42 percent, and for those living in State 23 percent. Wayne State University in Michigan added 28 percent to the cost of attending classes for both residents and nonresidents.

In response to the challenge these statistics suggest, the House has already this year approved an increased appropriation for the student loan program carried on under title II of the National Defense Education Act. While this increase will assist substantially in meeting the financial needs of many low-income students in the long run, it does not respond to the problem today.

Even though we have provided for an increased appropriation, colleges and universities have begun the academic year with a tentative allotment of NDEA funds based on budget request of only $155 million rather than at the $190 million level of last year or on the $229 million appropriation we approved. This means that many students who ordinarily would be recipients of title II student loans must turn to the private money market for aid.

And what do they find? They find few of the lenders willing to participate in a program where the return to the lenders is statutorily limited to 7 percent. Today the prime rate is 8½ percent. It is now costing the Federal Government over 7 percent to borrow. Under such monetary conditions, it is virtually impossible for students to negotiate loans at the 7-percent rate. Yet, the Federal guarantee, Federal reinsurance and Federal interest benefits cannot be extended to a loan where the interest is more than 7 percent.

Mr. Speaker, this legislation—the purpose of which is to authorize market adjustment allowances to lenders when economic conditions warrant such—is responsive to the problem. It follows the recommendations of the present administration. And this bill has been reported from both the subcommittee and the full committee on unanimous votes.

The unanimity with respect to this legislation is due to a number of things.

First, there is widespread recognition of the emergency situation of which I have been speaking. Clearly, if we do not enact this legislation, there will be numerous students—as many as 200,000—who will be unable to obtain assistance in meeting college expenses.

Second, Mr. Speaker, the legislation will not require the appropriation of additional funds this year. The market adjustment allowance, which H.R. 13194 authorizes, will be paid from funds already appropriated. Last year we authorized and appropriated $12.5 million for advances to State-insured loan programs. However, because of an additional provision in the 1968 amendments providing reinsurance of State-guaranteed loans, the need for additional seed money has been reduced sharply; with the result that most of the $12.5 million appropriated is unexpended. The balance, we are advised by the administration, will be sufficient to meet the cost in fiscal year 1970 of the market adjustment allowance.

Third, Mr. Speaker, H.R. 13194 is a proposal which offers many advantages over the alternatives we have explored in trying to meet this emergency situation. Under the provisions of H.R. 13194, the Secretary of Health, Education, and Welfare will prescribe a market adjustment allowance to be paid lenders in addition to the 7-percent simple interest rate permitted by present law.

The market adjustment allowance will only be paid when the Secretary determines that statutory interest limitations or other current economic conditions deter lenders from making student loans. The allowance, which may not exceed 3 percent per annum, will be prescribed on a quarterly basis and announced at the end of each quarter. The amount of the allowance will be a percentage of the average principal balance during the applicable quarter of all outstanding student loans made and disbursed by the lender on or after July 1, 1969.

As I have said, Mr. Speaker, the advantages of the type of mechanism provided by H.R. 13194 are numerous. The allowance will provide immediate improvement in the return of lenders and will reflect current money market conditions. This return will remain consistent with changes in the money market, and as monetary conditions improve, the allowance can be reduced accordingly.

From an administrative standpoint, the market adjustment allowance plan is easier to revise downward than are fixed interest rates. It will provide uniform return to lenders and will relieve lender liquidity problems. It is the least expensive method of the alternatives we have examined, as the Federal Government would not be committed to payment of higher interest costs for a number of years.

And finally, Mr. Speaker, and most importantly, in this period of high interest rates, we will not be requiring needy students to bear inordinately high interest costs over a long period of time. This proposal will not increase charges to the student.

Mr. Speaker, the student guaranteed loan program is a remarkable program—a program of sizable proportions.

The first year—in fiscal 1966—48,495 loans were made, at a value of $77 million.

In 1967 the number of loans totaled 330,000 at a value of $248 million.

In 1968 there were over 500,000 loans totaling $435,848,721.

In 1969, for the fiscal year just ended, 737,656 loans were made involving $669,880,405.

Commercial banks have made 87 percent of all loans under the program, and based on the testimony before the subcommittee and information I have received, they are desirous of continuing a substantial contribution to the program. Just today I received messages of endorsement from two banks in my district and I would like to insert them at this point in the RECORD:

SEPTEMBER 15, 1969.

Hon. CARL PERKINS,
House of Representatives,
Washington, D.C.:

This bank, the oldest in Kentucky, endorses student participating loan bill 13194, and urges its passage. Guaranteed loans are most important to future education.

J. M. FINCH, Jr.
President of Maysville.

ASHLAND, KY.,
September 15, 1969.

Congressman CARL PERKINS,
Rayburn Building,
Washington, D.C.:

We have participated in the student loan program since inception and shall continue to work with deserving students to assist them in their efforts to further their education as funds are made available to our bank. We heartily support your stand on H.R. 13-13194 Higher Education.

JOHN C. C. MAYO,
Chairman of the Board, Second National Bank.

Mr. Speaker, the only thing that will prevent 1 million students from benefiting under this legislation in fiscal year 1970 will be our failure to pass this legislation. If we do pass H.R. 13194, it is estimated that more than 1 million students during fiscal year 1970 will benefit under the guaranteed student loan program.

Mr. Speaker, all of us are opposed to high interest rates. But in our opposition let us not deny to students loan funds which are absolutely necessary.

The SPEAKER pro tempore (Mr. Mills). The time of the gentleman from Kentucky has expired.

Mr. PERKINS. Mr. Speaker, I yield myself 2 additional minutes.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 2 additional minutes.

Mr. PERKINS. Several banks in the country have already made statements to the effect that they will not make loans to freshmen. There are numerous examples which I shall not take time to list where banks will not lend to first year students or where actual disbursements are dependent upon favorable action on this bill.

Mr. SIKES. Mr. Speaker, will the distinguished gentleman yield?

Mr. PERKINS. We all know that we must assure lenders that their rate of return will be commensurate with market conditions. That is all we are trying to do in this bill.

Mr. SIKES. Now, Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Florida.

Mr. SIKES. I think we all recognize a need for the legislation under consideration and I commend the distinguished gentleman for his support of the program. But the question that disturbs me and one which I think disturbs others is why do we follow this procedure? Why can we not consider this bill under the regular procedure where it can be debated properly and amendments offered, if they are considered desirable? Presumably, we are going to be here for the balance of the year and the passing of a bill now is not going to help the student who is going to college in September. Therefore, I see no compulsion for bringing a bill of this type to the floor of the House on September 15 under a suspension of the rules.

Would the gentleman please explain why we must follow that procedure, rather than a more orderly one?

Mr. PERKINS. I have tried to exercise us under present procedure in order to obtain enactment into law at the earliest possible date. I suggest that this procedure is an orderly one, since the bill was reported from subcommittee and committee unanimously.

Mr. SIKES. In the absence of a better answer I must assume the bill is before us under present procedure in order to prevent the consideration of an antiriot amendment, or other safeguards which may be needed to protect serious students in their effort to obtain an education. I do not believe it is necessary or proper to move in this precipitous manner. I support the student loan program and I want an opportunity to vote for the necessary implementation of the program. But this arbitrary procedure is an unfortunate limitation of the rights of the House to debate seriously and carefully the bill before us. Therefore I must vote against the procedure; not against the student loan program.

The SPEAKER. The time of the gentleman has again expired.

Mrs. GREEN of Oregon. Mr. Speaker, would the gentleman yield?

Mr. PERKINS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I now yield to the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Speaker, the question that I would like to put to the chairman of the committee is in regard to the procedure. I share the views that were expressed by the distinguished gentleman from Florida (Mr. Sikes). There was a great need for prompt action on this legislation.

My subcommittee voted it out on August 4. It was approved by the full committee on August 7. For reasons which the chairman knows, a rule was not requested. Then objection was made under unanimous consent. A rule was still not requested.

What I wish to know, Mr. Speaker, is if the chairman will give a commitment that all controversial legislation out of the Committee on Education and Labor will have a rule requested so that we will not use this procedure.

The SPEAKER. The time of the gentlewoman has again expired.

Mr. PERKINS. Mr. Speaker, I yield myself 30 additional seconds to answer the gentlewoman from Oregon.

Let me first say to the distinguished gentlewoman from Oregon—who is the architect of this legislation and who has worked very diligently to bring it to the floor of the House—that I personally believe that controversial legislation should be brought to the floor of the House under an open rule. This legislation was, however, reported unanimously from both committee and subcommittee.

The SPEAKER. The time of the gentleman has again expired.

Mr. SCHERLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, unfortunately, because of the arbitrary decision made by the chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. Perkins), the House must consider the student loan bill under a gag rule which would deprive 220,000 students from obtaining a college education.

Our recommendations would help assure them of continued and uninterrupted attendance. This rule would not allow the House to work its will. There are at least two major areas which this body should be allowed to consider.

Others will discuss the interest rate provisions. It is our desire to offer an amendment which would aid colleges in maintaining order on the Nation's campuses for this year.

This bill, H.R. 13194, was introduced on July 30, and reported to the House on August 7. For over a month the chairman of the Committee on Education and Labor has refused to allow the Members of this body the opportunity to work their legislative prerogatives and responsibilities under the normal legislative process.

Last month, when immediate consideration of this bill under an open rule, was urged, the sole reason the chairman of our committee gave to me, and to 140 other Members of the House who signed a letter asking the chairman to give immediate consideration to this bill, was that he did not wish to give the House the opportunity to accept or reject amendments.

It is important to remember that even if this bill is passed in its present form or with additional House amendments, it will be necessary for a conference with the other body.

We take this position because we "do care" about the students and their right to be allowed to pursue their education without obstacles and without interference.

Why should students be forced to extend their education in both time and money for disruptions over which they have no control?

Why should the taxpayers of this country be forced to subsidize student radicals, when every public poll indicates they oppose doing so?

Why should over 200 deanships go begging for fear of personal physical harm?

Why should already overburdened colleges continue to coddle malevolent malcontents when space could be made available for conscientious, deserving students?

An interesting question, and I would like to have you dwell on this one—why should anyone fear legislation which would only penalize a wrongdoer—campus radicals who forcibly deny other students their education?

Why should the American educational system bear any additions to the 250 major campus disruptions this year, 3,000 arrests, and millions of dollars in property damage it has already suffered?

Mr. Speaker, I am not opposed to this legislation and I do not know of a single Member of this body who is not in favor of the guaranteed student loan program. But why should this restrictive procedure be used to pass legislation when there are other amendments that should be offered to make this legislation better legislation and protect the rights of those students whose main concern and right is to obtain an education. If this method and attitude should continue to prevail then we might just as well disband this, the "people's branch of government," and go home.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Iowa has consumed 4 minutes.

Mr. SCHERLE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Missouri (Mrs. Sullivan).

Mrs. SULLIVAN. Mr. Speaker, it is easy to be against this bill if you are sure it is going to pass; you can make a speech denouncing usury and calling for economic morality secure in the knowledge that enough other Members will vote for it so that no student will be denied a loan.

But it is devilishly difficult to oppose this bill when your purpose in doing so—as mine is—is to kill it. I rise in a determined effort to kill this bill in full awareness of the potential seriousness of this step. I cannot guarantee, if this bill dies, that every student in the country who wants and needs, and is eligible for, a

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loan will be able to get one at the current interest level of 7 percent. Since this bill cannot be amended under the procedure in effect here, I cannot even offer alternatives here as amendments to or substitutes for this bill. We would need new legislation if this bill dies.

But there are alternatives. We all know what they are. We can build on what the Appropriations Subcommittee had the courage to do in July when it substantially increased the NDEA loans. We can go into direct Government lending. Why not? The investment we make in a college student's education is an investment the whole country derives dividends from. And if all that investment involves is a Government loan which is repaid in full, with modest interest besides, this is a tremendous return to Uncle Sam for the dollars so invested.

The Committee on Education and Labor worked hard and long on this bill, and I hate to oppose their handiwork. But their heart is not in this bill. They have reported it reluctantly, as an expedient to try to meet a crisis, an emergency.

But the mischief this bill would do to our whole economy is incalculable. That is not the primary concern of the Committee on Education and Labor. Its immediate problem is to assure funds for college students' tuition and maintenance.

The administration has not had the courage to ask for appropriated funds to meet this need—we have forced additional NDEA loan funds on them. They want to shift the college loan load to private loans—let the banks extend more loans and the Government less, particularly where the family income exceeds $10,000.

The banks which have been participating in this program up to now have not been doing so in order to make the best money deal. They have been doing so because they feel some social responsibility. The committee report cites one bank in Oregon which now has to cut back on these loans. I can understand why that bank has to cut back. But why should one bank in Oregon have had to shoulder the load up to now of carrying 40 percent of all of the insured student loans in the entire State? Where have the other Oregon banks been? Why were they not carrying more of these loans when the interest rate was more competitive than it is now? Would 10 percent be enough to attract them to it if 7 percent was not when the prime rate was less than that?

They have been holding out for more and more and more. So have hundreds of other banks. The First National City Bank of New York told us in the Banking Committee that they have loans—40 percent of all educational loans in New York City. Why did that one bank have to carry so much of the load? The answer, of course, is that other banks placed their funds elsewhere, at higher return.

If we pass this bill, the prime rate will certainly rise further; the banks will deny any loans which pay less than 10 percent. They will be able to tell small business and other borrowers, and mortgage borrowers, particularly, that the Government of the United States has set 10 percent as an equitable rate of interest on insured, guaranteed loans. That is what you would be voting for in passing this bill.

Mr. Speaker, if a bank paying 4-percent interest on deposits cannot manage to lend insured risks, who will be very high earners in a few years, a small loan at 7 percent, then the Government must step in and lend the money directly. There is no reason in the world why this Government cannot fill this gap on an emergency basis with less than $1 billion a year, to lend to students at 6 percent, knowing it will get the money back with interest eventually, to meet this crisis and provide moderate loans to every student eligible for, and needing a loan to complete his college work, and unable to get it elsewhere at a reasonable rate.

Since we cannot amend this bill, we must defeat it. Then, we must immediately take steps to increase NDEA loan funds, and set up additional direct loans if needed, to meet this need. If it takes $1 billion, it is money well allocated—not money which we will be "spending" in the usual sense, because these are loans, not grants. The money will come back, just as it does on Farmers Home Administration direct loans; just as it does on direct small business loans; just as it does on VA loans.

Otherwise, Mr. Speaker, we are announcing here and now that—despite interest rate ceilings in many States prohibiting loans above 7 percent; despite the immorality of giving the banks a 3 percent bonus to lend money to students—we are officially setting 10 percent as the equitable interest rate in this country for the very best, guaranteed, insured, no-risk loans. How much will a mortgage cost if that happens? How much will a businessman have to pay to borrow money?

In the name of helping students—and there are other ways to help students—do not saddle this country with a 10 percent prime rate. This bill must be defeated.

Mr. PERKINS. Mr. Speaker, I yield 8 minutes to the gentlewoman from Oregon (Mrs. Green), the author of the bill.

Mrs. GREEN of Oregon. Mr. Speaker, when the prime interest rate went up to 8½ percent, I called a meeting of the subcommittee because most of us on that subcommittee realized the guaranteed student loan program would not be in operation this year unless the banks were able to break even on loans.

We held hearings. There was some delay because the administration did not have a position on it. But as soon as they were able to come up with a position, we held hearings.

The bill was voted out of the subcommittee on August 4, and the chairman of the committee was very prompt in bringing it before the full committee, and it was voted out of that committee on August 7.

Mr. Speaker, there were a great many things that we really should have gone into in much greater depth than we were able to because of the urgency of the situation. I am very sympathetic to the views that were just presented by the distinguished Congresswoman from Missouri (Mrs. Sullivan) and if there had not been the emergency situation, with the calendar school year upon us, there would have been no need to take action on August 4 and August 7. But we felt there were somewhere between 150,000 and 200,000 students who would not be able to get loans under any of the Federal financial assistance programs, and therefore we did speed up the action and, I must admit to the Members of this House, it was not with full consideration of all aspects of student assistance and what raising the interest rates on this program might do to other programs.

Mr. Speaker, the facts are that after that bill was reported out of the committee on August 7, a demand was made by a minority of the Members of this House that this bill absolutely must come up under unanimous consent or under suspension of the rules so that the majority of the Members of this House would not be allowed to debate it, would not be allowed to offer amendments, there were several times when the chairman asked for unanimous consent and tried to bring it up under suspension, but objections were heard. I urged the chairman to go to the Rules Committee and get a rule so that this House, described as the greatest deliberative body in the world, would have a chance to debate it and to consider amendments that its Members wanted to in any regard, and let the majority determine what was to be done.

I express these views today because I am concerned about the House of Representatives and the procedures under which we operate. Are we going to allow the tyranny of the minority to decide what is done and what is not done in this House?

I am told that this same group has demanded that no bill will come from the Education and Labor Committee during this session of Congress unless they are guaranteed that it will be brought up under suspension. Now, just think what that does to other education bills that are of importance to the students of this country and that are of importance to us as Members of this House in regard to full debate and expression of majority views.

This demand has been made, that no bill come out from the Education and Labor Committee unless it is considered on the floor under suspension, so nobody here can offer an amendment. What kind of deliberative process is this? Are we going to submit to this?

I say frankly, I think this bill being considered today is needed. I had hoped the students who are entering the calendar school year 1969–70 would be able to make their plans and would be able to go to the banks and would be able to go to the other lending institutions and have their loans before the school year started. But this hope has already evaporated, because most of the students, if they do not have the money, probably will have made other plans.

It may help at this late date, but there is no assurance we are going to get agreement in a conference committee in the near future. The other body, I may say, has offered amendments which I find totally unacceptable and the bill must go to conference unless the Senate will accept the House bill.

Before I can support this bill today, I want assurance from the chairman of the committee—and I have discussed it privately with him—so I direct the question to him that I tried to direct a moment ago. I want some assurance that in the future any bill from the Education and Labor Committee which is controversial in nature in any way, that a rule will be requested so the Members of this House will have a chance to debate it and to express their views and to express the views of their constituents and to offer amendments. If such amendments have minority support, then they are defeated. But if a majority supports them, then certainly this House should be able to exercise its judgment and not be limited by the nonnegotiable demands of a minority of the Members of this House.

Mr. PERKINS. Mr. Speaker, may I say to the gentlewoman from Oregon, I believe in the democratic process as much as any other Member of this House. The committee, of course, reported this bill unanimously as did the subcommittee. And it was the consensus of the majority of the members in committee that the bill should be considered under suspension of the rules. This was because as we looked to the future there was the distinct possibility of getting bogged down with controversial amendments which would jeopardize final enactment. I thought it was much better—and I made assurances and everybody else made assurances—that a bill would be enacted.

Mrs. GREEN of Oregon. May I ask the chairman: There was never a vote in the committee that this would be brought under suspension. There was never any such agreement in committee. I think the gentleman will agree with that.

Mr. PERKINS. In committee that is correct. There was no formal vote.

Mrs. GREEN of Oregon. There was never any vote in the committee that this would be brought up under the suspension of rules. There was never a vote in the full committee, and, therefore, it is not by direction of the committee itself. I still would ask the chairman to give assurance about any other bill to be considered at a later time.

Mr. PERKINS. Mr. Speaker, let me say to the gentlewoman from Oregon that on a controversial piece of legislation, personally I will never ask for consideration under suspension of the rules unless the committee were so to instruct me. Personally I think that there should be free debate on a controversial piece of legislation and that it should not be considered under suspension of the rules.

The SPEAKER. The time of the gentlewoman has expired.

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER. Does anyone in charge of the time yield the gentlewoman from Oregon an additional minute?

Mr. PERKINS. Mr. Speaker, I yield the gentlewoman from Oregon an additional minute. I have to take it from somebody else to yield it to the gentlewoman.

The SPEAKER. The gentlewoman from Oregon is recognized for an additional minute.

Mrs. GREEN of Oregon. Mr. Speaker, the only way I can support this bill is to have the assurance that bills that are in the least particular controversial will come up under a rule. The chairman of the committee knows that the committee is divided 18 to 17, many times on controversial matters—and 18 people, yes, could give instructions to put it under suspension. Am I to understand that if education bills come out on a vote of 18 to 17, under instructions for suspension, will place us in the same position where we are today, and we will not be allowed to debate it and will not be allowed to offer amendments?

Mr. PERKINS. Mr. Speaker, the Committee on Education and Labor, as long as I am chairman of it, will always have the opportunity to work its will in a democratic manner. So far as I am concerned personally, controversial legislation should be brought up before the House under an open rule.

Mrs. GREEN of Oregon. Mr. Speaker, this kind of legislation is too important and the dignity and the respect and the history of the House of Representatives is too important to allow a tyranny of the minority of the Members of the total House to govern. Without any assurance, I would say to my colleagues I will have to vote against the bill unless I have that assurance.

The SPEAKER. The time of the gentlewoman from Oregon has again expired.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. BRADEMAS).

The SPEAKER. Is the gentleman yielding the remaining time to the gentleman from Indiana?

Mr. PERKINS. Yes.

The SPEAKER. Does the gentleman from Iowa have any other Members to yield to? The remaining time is usually reserved to the majority side.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Under a suspension of the rules procedure it is not compulsory that that order be followed, is it?

The SPEAKER. The gentleman is correct.

The gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I want to talk about the purpose of this bill and I want as well to yield some time to my Republican colleagues to speak on the bill.

Let me say as gently as I can with respect to what has been said by the gallant and able and distinguished chairman of our subcommitee, the gentlewoman from Oregon, that, to be as kind about it as possible, since the gentleman from Indiana happens to find himself in the position of sitting next to the gentlewoman from Oregon on the subcommittee, he does not agree with the interpretation of the facts as they have been recited by the gentlewoman.

Because of the great and urgent need of students for loans to go to college this fall, we were under considerable pressure to move this bill to the floor. I remember conversations in our subcommittee in which I can say, on my own dignity and honor as a Member of this body, the gentlewoman consented to bringing this bill expeditiously to the floor under the suspension method under which we are now proceeding, a method customary and provided under the rules of the House.

I really do not care to get into any further debate on that point. Nothing illegal or in violation of the rules of the House has been done. The suspension procedure is commonly used to consider legislation in the House of Representatives, and people are just as customarily prone, judging from my years in this body, to attack a particular legislative procedure or to defend a procedure depending on whether or not that particular procedure is in accordance with their particular views on the particular matter under consideration. We are therefore proceeding today completely in accord with the rules of this democratic body.

I must say, therefore, Mr. Speaker, that to suggest that somebody somehow is doing something illegal or tyrannical is neither accurate nor appropriate.

So I would hope, Mr. Speaker, that we could talk about the bill rather than spend time impugning the motives of the Members of this body. I certainly do not impugn the motives of the gentlewoman, and I am sure she does not intend to impugn the motives of anybody else.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I thank the gentleman for yielding. I asked the gentleman to yield simply because it was I in the subcommitee who moved that the bill be reported and that if possible the chairman of the committee ask the Speaker that it be put on suspension.

Mr. BRADEMAS. That is correct.

Mr. THOMPSON of New Jersey. There was no vote in the subcommittee. The question of the tyranny of the minority is absolutely out of the question. The chairlady did not put the question to a vote. It came out unanimously.

Mr. BRADEMAS. How much time do I have remaining, Mr. Speaker?

The SPEAKER. The gentleman has 2½ minutes remaining.

Mr. BRADEMAS. I want to yield 45 seconds to the gentleman from Minnesota (Mr. QUIE) and then 45 seconds to the gentleman from New York (Mr. REID) and then I will consume the remainder of the time.

Mr. QUIE. Mr. Speaker, the important consideration this afternoon——

The SPEAKER. The gentleman from Indiana is yielding to the gentleman from Minnesota,

Mr. BRADEMAS. Forty-five seconds, Mr. Speaker.

The SPEAKER. The gentleman can yield to the gentleman from Minnesota.

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Mr. BRADEMAS. Mr. Speaker, I yield to the gentleman from Minnesota.

The SPEAKER. The Chair will try to provide an unofficial guidance.

Mr. BRADEMAS. I thank the Chair.

Mr. QUIE. Mr. Speaker, the important consideration this afternoon is those students who still have not secured their loans from a bank, who either have just started college or might go to some public institution which has not started yet, and, "Where are they going to get the money?"

We need to pass this bill and get it through the Congress so that the banks can lend the money to needy students.

We were told by the National Council of Higher Education Loan Programs that there is a danger that over 150,000 students—most of them first-year students—will not be able to secure a guaranteed loan unless we act favorably and immediately on the bill before us.

The guaranteed loan program has been a very important part of our total student financial aid program. Since that legislation was enacted in 1965 over $1½ billion of private funds have been made available to college students. By guaranteeing these loans, we helped 750,000 students finance their education in the last year alone.

Although this program was developed to supplement our other financial aid programs and directed especially at middle-income families, it has been used mostly by students from families with low to moderate incomes. In fact, 79 percent of the federally guaranteed loans have gone to students from families with adjusted incomes of $9,000 or less. So we are not talking about making money available at favorable rates to families of large financial means. We are talking about insuring that private lending institutions continue to make funds available to students who have no other way.

Mr. Speaker, the problem we face with this vitally needed program is this: When we adopted this program in 1965 we set the interest rate at 6 percent. At that time the prime interest rate was 4.5 percent. Lenders were to get 1½ percent above the prime rate. Today the ceiling on student loans is 7 percent. But the prime interest rate since June has been 8½ percent, meaning lenders are now being asked to provide loans to students at 1½ percent less than the prime rate. With the tight money market, many lending institutions are simply not interested in providing loans to students at 7 percent when they could get substantially more by directing the same money to other customers.

It is also important for us to recognize that student loans cost most lending institutions more money to administer than other loans. And lenders do not receive payments on principal of these loans until after the student graduates, creating a substantial liquidity problem for these lending institutions.

With these facts, the Special Subcommittee on Education pursued, with many different witnesses, various alternatives to meeting the problem.

It boils down to this: Unless banks and other lending institutions voluntarily set aside funds and offer to participate in this program, we have no guaranteed loan program. Most of us were convinced that the majority of lending institutions do not seek changes in the law which would make the student loans as profitable as conventional loans. Banks do need assurances, however, that they will be able to at least break even. One major problem lending institutions have with student loans is the long delay between the granting of the loan and the beginning of the pay-back period. Banks have no organization such as the Federal National Mortgage Association—FNMA—to assist them in combating this liquidity problem. That, in simple terms, is the problem. For many good reasons, our committee did not recommend that we raise the interest ceiling for these loans. Another alternative had to be found.

H.R. 13194, the Insured Student Loan Emergency Amendments of 1969, provides the best possible means for lenders to receive an equitable return and at the same time insure that the Government gets the most benefit for its investment. The major provision of this bill allows the Secretary of Health, Education, and Welfare to determine every 3 months, if necessary in view of the relevant money market conditions, a "market incentive allowance" of up to a maximum of 3 percent. The allowance would apply to the average unpaid balance of the principal on all eligible loans for that particular quarter.

The interest rate, payable by the student, remains at 7 percent. So we are in no way increasing the burden on students who succeed in obtaining a loan.

The market allowance is not the same as raising the interest to 10 percent. As the market conditions improve, little or no market incentive allowance will need to be paid. There is no guarantee that a given allowance will continue or indeed be determined at all. The intent of this legislation is to allow the Government maximum flexibility in expending only that money which is necessary during a given period of time to counteract the effect of unusually tight market conditions.

Mr. Speaker, the Federal Government is able to assist hundreds of thousands of needy students through the leverage of guaranteeing loans made by private lending institutions. The future of this program is now threatened. We are called upon to uphold our end of this unique partnership between government and the private sector. Our delay in getting this legislation through the Congress has already caused much anxiety in thousands of families.

Now, Mr. Speaker, the need for additional student unrest amendments has been offered as a reason for defeating this bill. It is entirely correct that the Congress limit the use of Federal funds designated for college students to those students who respect the regulations of their college and the laws of our land. We should do nothing that would give encouragement to those few students intent on disrupting our campuses through the use of violence. It is my opinion, however, that the bill before us today is not appropriate legislation for us to deal with campus unrest.

Last spring the Committee on Education and Labor carefully considered the whole matter of student disorders. I believe the committee developed a constructive bill which would have contributed to the solution of this troublesome problem. The majority of that committee chose to prevent the bill from reaching the floor of this House. But that is past history.

It was then appropriate, in view of the failure of the bill I just mentioned, for the House to make its position felt on the HEW appropriations bill—which we did. Section 407 of that bill, as amended by the gentleman from Florida (Mr. SIKES) and the gentleman from Iowa (Mr. SMITH), was passed by this body and reads as follows:

> "SEC. 407. None of the funds appropriated by this Act shall be used to formulate or carry out any grant to any institutions of higher education that is not in full compliance with Section 504 of the Higher Education Amendments of 1968 (P.L. 90–575)."
>
> "No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution."

That section would reinforce section 504 (a) and (b) of the Higher Education Amendments of 1968. That section is now law. It applies to the insured loan program. It reads as follows:

> SEC. 504 (a) If an instiution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contribtued to a substantial disruption of the administration of the institution with respect to which crime was committed, then the institution which such individual attends, or is employed by, shall deny *for a period of two years* any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).
>
> (b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a sub-

stantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

So we have dealt with the problem of campus unrest in appropriate legislation. I think the stand taken by this body is clear.

Today we are faced with an emergency situation. It is my view that we should not delay this important legislation just to say the same thing about campus unrest that we have already said and acted upon. It should be noted that the other body, in passing similar insured student loan amendments last month, did not add amendments relating to campus unrest in order not to endanger the speedy passage of the bill.

All of us share the concern expressed today and so often in the past by Members of this House, about the senseless violence on some of our Nation's campuses. Is there any responsible individual who believes that wanton destruction of property and gross disrespect for individual rights has any legitimate place in our institutions of higher education? Or for that matter, in any segment of our society?

The question which divides us is, "Who has the primary responsibility to deal with campus unrest?" I am convinced that each institution itself must work out new approaches to meeting head-on the causes of student unrest and the means of handling violence when it occurs. I believe that the administration has made clear that the colleges and universities have this responsibility and that existing Federal laws are adequate if only they are enforced.

Dealing with violence is something new for college administrators and faculty members. Each institution that suffered from violence in the past few years was forced to face new issues in new ways. I believe that we will see in this academic year constructive and positive approaches, developed by groups of administrators, faculty, and students working together, to meet future threats of major campus disruption. There is already solid evidence that those campuses which have experienced major disruptions have not only dealt firmly with those students involved but have found new ways to deal with these problems. I would like to include here an article in the August 11, 1969, issue of the Chronicle of Higher Education which summarizes the activities of several universities in this regard. It is evidence such as this, Mr. Speaker, which gives me confidence in the ability of the colleges themselves to deal with this problem, and convinces me that we would make a grave error in delaying passage of these amendments to the student insured loan program because some of our colleagues feel we should include something yet again about campus unrest.

The article follows:

COLLEGES PUNISH LARGE NUMBERS OF DISRUPTERS

(By Philip W. Semas)

Colleges and universities have been much tougher on student protesters than critics give them credit for.

On 28 of the campuses that suffered disorders or demonstrations during the past academic year, more than 900 students have been expelled or suspended. More than 850 others have been given reprimands which could lead to expulsion or suspension if they commit another violation.

Some institutions, such as Stanford and the University of California at Berkeley, have collected fines from demonstrators to pay for property damage.

Six of the 28 institutions have taken no disciplinary action. In three of those, the administration agreed not to act if students would vacate buildings they were holding, thus avoiding violence.

At another institution, Columbia University, disciplinary action is still in progress. At Howard University, Dean of Students Carl Anderson has recommended that no action be taken against 14 students whose cases were dismissed by a District of Columbia judge. James E. Cheek, Howard's new president, said he was still considering possible action against them. At Cornell University, disciplinary action—if any—will not be taken until the school's disciplinary machinery is revised.

Examples of punishments handed out to protesters:

San Francisco State College expelled one student, suspended 22, put 13 on probation, and reprimanded 105. The cases of 122 students have not yet been decided.

Harvard expelled 16, put 20 on probation, and placed 99 "under warning."

Wisconsin State University at Oshkosh expelled 90 students.

The University of Kansas suspended 33 students for the fall, 1969, semester, and 13 who would have graduated in June had their credits held up until January, 1970.

The University of Chicago expelled 43 students, suspended 81, put three on probation, and fined one.

Dartmouth College suspended one student for one year, gave four students token suspensions, and placed 19 on probation. Eleven cases are still to be decided by the student-faculty discipline committee.

The University of California at Berkeley, which often has been accused of taking a lax attitude toward protesters, has dismissed 15 students, suspended 35, placed 160 on disciplinary probation, and collected $20,000 in fines for property damage during the past year.

Some universities also are taking action against faculty members involved in disorders. Dartmouth College has suspended two faculty members for two years because of their involvement in the takeover of a building there. A Harvard committee is considering charges against three professors, San Francisco State College President S. I. Hayakawa fired Nathan Hare, chairman of the black studies department, because of his involvement in disorders on that campus.

In another case involving Mr. Hare, the U.S. Court of Appeals for the District of Columbia ruled that Harvard University acted improperly when it fired him and four other faculty members after disorders there during 1968. The court did not question the university's right to hire and fire whomever it wished, but it did say the university should have followed normal due process.

Administrators also have been much more willing to call the police than is generally believed. Eighteen of the 28 institutions called the police. Of the 10 that didn't, six used campus disciplinary machinery to deal with the demonstrators.

SOME 4,000 ARRESTED, SAYS FBI

J. Edgar Hoover, director of the Federal Bureau of Investigation, said in his report on FBI activities during fiscal 1969 that campus disorders resulted in more than 4,000 arrests.

During these cases, courts in Ohio, New York, and Missouri have upheld that right of colleges and universities to use campus rules and disciplinary procedures to maintain order on their campuses.

Many universities also have revised their codes of conduct and campus rules, both as a result of the past year's demonstrations and in anticipation of further unrest next fall. Among the developments:

The Cornell University board of trustees adopted regulations on campus conduct at a meeting in July, as they were required to do by a new New York state law. Acting President Dale R. Corson has appointed a student-faculty-administration task force to consider possible changes in the regulations before classes begin in September, since the requirements of the law made it impossible for the trustees to consult with either faculty or students. Cornell's constituent assembly, which was formed after the disorders there, also may recommend some changes in campus rules.

The Harvard faculty of arts and sciences has adopted an interim statement on acceptable behavior for students, faculty members, and administrators. They said they hoped to develop a broader statement "in the near future."

Both the University of California and the California state colleges have made changes in their campus rules during disorders.

UNACCEPTABLE CONDUCT DEFINED

Among the actions most frequently classified as "unacceptable" by these rules are:

Disrupting the normal, orderly functioning of the educational processes;

Threatening or using physical force or violence or inciting others to use force or violence;

Obstructing access to campus buildings or other facilities;

Unlawfully entering or remaining in a building;

Damaging university property;

Interfering with free speech;

Using obscene language in speaking or on signs;

Failing to comply with a lawful order by a police officer or a university official;

Interfering with disciplinary proceedings.

Several institutions also added a rule prohibiting firearms on campus, following the publicity given the carrying of guns by students at Cornell.

MOST GUARANTEE DUE PROCESS

Most of the codes also guarantee due process to student violators, usually through some kind of student-faculty committee to hear cases. Students also usually are granted the right to be represented by counsel and to confront the witnesses against them.

The courts seem to be moving toward requiring due process in campus discipline. Judge Francis J. Good, of the Suffolk County, Mass., Superior Court, said recent developments in civil rights law have made it questionable whether "a university can make charges against a student and expel him without due process of law." In Madison, Wis., Federal District Judge James E. Doyle ruled that Oshkosh State University could not suspend or expel 94 black students without hearings.

Mr. BRADEMAS. Mr. Speaker, I yield to the gentleman from New York (Mr. REID).

Mr. REID of New York. I thank the gentleman from Indiana for yielding, and I strongly support H.R. 13194, emergency legislation to encourage lenders to participate in the guaranteed student loan program.

I would very simply like to put the basic figures before this House today. The guaranteed student loan program involved in the past fiscal year, a sum of $670 million and some 735,000 students, over half again as many as those receiving direct loans under the NDEA student

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loan program. Months ago the Office of Education estimated that a failure to act then to provide incentives to lenders could prevent some 200,000 students from getting loans and attending college. Our failure to act, as a Congress and as a Government, is indefensible. Our inaction means that 200,000 or more students will not be able to go to college. I strongly believe that it was the sense of the committee, irrespective of other questions, that we should not penalize students by our inaction.

Over a year ago, Mr. Speaker, as we were considering the Higher Education Amendments of 1968, we thought ourselves in a unique position as interest rates had risen, and we authorized an increase in the interest ceiling from 6 to 7 percent, in order to encourage banks and other nonprofit lenders to participate in this program. It must be remembered, of course, that this increase made education more expensive to the students receiving the loans.

Once again we find ourselves in that same "unique" position. Interest rates have skyrocketed unpward three times this year, from 7 to 8½ percent, the latter which is the highest prime rate in history of this Nation. And again we must find a loan arrangement which is equitable to lenders and receivers alike.

H.R. 13194 attempts to do just this, by authorizing the Secretary of Health, Education, and Welfare to make payments to lenders of a market allowance of a maximum of 3 percent on loans made after July 1, 1969. This arrangement reveals our hope that the high prime rate we are now experiencing will be temporary, and most important, the arrangement is one which will not overburden the student by imposing a higher interest rate. Under this plan, also, it is our hope that banks and other lenders will continue to make loans to all qualified applicants, and will not be forced to favor those whose families have prior business dealings with the lending institution. The Federal Government will bear the loan costs in excess of 7 percent under this market adjustment allowance plan, so lender and student alike will receive equity.

Mr. Speaker, let me state that this is absolutely essential legislation, and any further delay would be a clear dereliction of our responsibilities.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from New York.

I strongly endorse what my colleague the gentleman from Minnesota (Mr. QUIE) has said in support of this bill and what my colleague from New York (Mr. REID) has said.

I think that the students of the country and their families are not particularly interested in our debates here about procedure, important as they may be. I do think that young Americans are interested in having an opportunity to pursue their education.

Therefore Mr. Speaker, I strongly support H.R. 13194. My support of this legislation is based on a careful review of the record and certain statistics which I wish to share with my colleagues. Let us consider these facts:

First. It is estimated that undergraduate enrollment this year will increase more than 3 percent over enrollment last year.

Second. Colleges and universities are presently administering the NDEA student loan program with an allotment based on a $155,000,000 appropriation request, as distinguished from the $190,000,000 available last year, and $229,000,000 approved earlier this year by the House for fiscal year 1970.

Third. The prime interest rate—the rate charged by major lenders to their most important customers—is now 8½ percent.

Fourth. College costs—tuition and fees—have continued to spiral upward, with the increase this year sharper than at any other time.

Mr. Speaker, the fiscal squeeze is on—the student and his parents are caught between higher costs and restricted sources of financial assistance. All of the information we have clearly points to the need for more flexibility in the rate of return if guaranteed student loans—a major source of student financial aid—are to be available in amounts equal to the need. H.R. 13194 responds to this need. Let me just briefly underscore some of the more important aspects of the legislation and certain of its provisions so as to correct what has unfortunately been a misapprehension about the bill.

First, it should be made abundantly clear that this legislation does not authorize the payment of 10 percent interest on a Government guaranteed obligation. The very purpose of the legislation is to keep the cost to student borrowers at an even 7 percent regardless of money market conditions. Some have said that, because of the authority provided in H.R. 13194, the Office of Education will begin to make adjustment allowances equal to the 3 percent. The record, Mr. Speaker, indicates that this is not the case. The Commissioner of Education stated in testimony before the subcommittee that under current conditions, approximately a 2-percent allowance will be paid.

Let us not forget that when projections are made for the program over a 3-year period, we are talking about a reasonable Federal payment which will generate close to $3 billion worth of student loans. One of the most desirable features of this legislation is that the rate of adjustment allowance is tied to monetary conditions, and if these conditions should improve, the amount of the allowance will decrease and perhaps in future months will disappear entirely.

Second, Mr. Speaker, there has been some discussion over the fact that lenders have continued to participate in the program, regardless of the higher interest rate. Let us not be misled into believing that this legislation is not necessary because of the apparently available volume of lending during the last few weeks. The volume is attributed, I believe, almost entirely to the assurances of the administration that Congress would enact this legislation. To know that this is the case, all one has to do is review the committee record, or to go back and look at letters from concerned parents and students which I am sure every Member of the House has received this summer—letters in which we were advised of futile efforts to obtain financial assistance.

When the squeeze is on, as it is, those who are adversely affected are the very ones who are in greatest need—students from families whose financial base does not permit them to have accounts with local banks and students who ordinarily would have received an NDEA student loan, but for the restricted level of funding, and incoming freshmen who have not had an opportunity to establish a satisfactory record in undergraduate work.

I have turned to the record many times, Mr. Speaker, in this statement, and in closing, let me do so one more time. This legislation was reported from the Special Subcommittee on Education unanimously. It was reported from the Committee on Education and Labor unanimously. It had the support of all the witnesses who appeared during hearings. The administration has repeatedly endorsed H.R. 13194.

Therefore I hope, Mr. Speaker, that Members of this body, both Democrats and Republicans, will vote for the bill authored by the gentlewoman from Oregon (Mrs. GREEN) and cosponsored by the gentleman from Minnesota (Mr. QUIE).

The SPEAKER. The time of the gentleman from Indiana has expired. All time of the gentleman from Kentucky has expired.

Mr. SCHERLE. Mr. Speaker, I yield 2 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from Iowa for yielding me this time.

I was in favor of bringing up the bill under unanimous consent prior to the recess. I thought it was urgent then that we get action. I was in favor of bringing the bill before the Committee on Rules and was one of those 141, I believe, who urged the chairman of this committee to go to the Committee on Rules and get a rule so that we could let the House work its will. However, for various reasons—and I shall not pass judgment on why the chairman of the committee did not get a rule or somebody objected——

Mr. PERKINS. Mr. Speaker, will the gentleman yield to me?

Mr. GERALD R. FORD. May I finish first?

Mr. PERKINS. You were in the original meeting with me.

Mr. GERALD R. FORD. Mr. Speaker, I am not passing judgment on whether it was right or wrong at this point, although I agreed to the suspension procedure I did urge that you go to the Committee on Rules. There was time to go to the Rules Committee, but I am now in favor of this procedure and I hope and trust that we will get a two-thirds vote today. I am going to do all I can to get a two-thirds vote here, because I think there is some urgency about taking action today.

However, I would like to say also to the distinguished chairman of the Committee on Education and Labor that I hope this bill passes and we do not go to conference with the Senate on it, because this bill is urgently needed in this form and not in the form that it passed the other body. The Senate should accept this version.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield to me?

Mr. GERALD R. FORD. Mr. Speaker, I refuse to yield.

I want the people who are interested in strong student unrest legislation to know that I am with them.

And when a bill comes up; that is, where we can act affirmatively, I am going to help. But I do not think we should let the problems of the committee interfere with affirmative action today because there are some 200,000 students who want to go to college and who need our help now. We can handle the student unrest proposals in the near future and we will with stronger provisions.

Mr. SCHERLE. Mr. Speaker, I yield 4 minutes to my colleague, the distinguished gentleman from Iowa (Mr. Gross.)

Mr. WRIGHT. Mr. Speaker will the gentleman yield for a unanimous-consent request?

Mr. GROSS. I yield to the gentleman for a unanimous-consent request.

(Mr. WRIGHT asked and was given permission to extend his remarks at this point in the Record.)

Mr. WRIGHT. Mr. Speaker, I must oppose this motion to suspend the rules and pass this bill in its present form because of the economically harmful effect it would have upon interest rates.

This would be the very first time the Government ever has approved a 10-percent interest rate upon any Government-guaranteed security. Certainly it would cause additional increases in the interest rate structure generally, if this bill were passed in its present form.

Surely I want to do something to be helpful to students who are seeking loans from banks. But it does not seem to me that we are doing a student any favor when we encourage lenders to charge him a 10-percent interest rate.

It would be cheaper and more desirable for both the student and the Government—to say nothing of the whole economy which is hurt by high interest—for the Government to lend the money directly. When interest rates are increased, everyone is hurt. And that, unfortunately, would be the effect of this bill.

Mr. GROSS. Mr. Speaker, I was the original objector to the consideration of this legislation under the gagging procedure of suspension of the rules. And, I have no apology to offer for it. I would object to it again today if I had the opportunity to block this wholly unnecessary procedure.

Mr. Speaker, as the minority leader said a moment ago, some 140 Members of the House long ago signed a letter in the nature of a petition to the chairman of the House Committee on Education and Labor asking him to go to the Committee on Rules and get a rule for the consideration of this legislation. He apparently refused to do so. At least, that is the record.

Now, I ask the gentleman—I see him sitting on the floor—the distinguished chairman of the House Rules Committee (Mr. Colmer), if, had he been approached by the gentleman from Kentucky (Mr. Perkins) there would have been a time lag of any consequence to the granting of a rule for the consideration of this legislation as it ought to be considered under an open rule, and subject to amendment?

I yield to the gentleman from Mississippi for the purpose of answering the question.

Mr. COLMER. I thank the gentleman from Iowa for both his question and for yielding to me at this time.

This is an entirely new proposition insofar as I am concerned in that there has been no request for a rule on this particular matter.

I will say this, that if it is the will of the chairman of the Committee on Education and Labor to ask for a rule, we shall be glad to consider it on tomorrow.

Mr. GROSS. And, if the House should refuse to approve suspension of the rules and pass the bill?

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. No, I do not yield to the gentleman.

Then, if the House refused to suspend the rules and adopt this legislation, the Committee on Rules would be ready, willing, and able to grant a rule and thereby provide the opportunity to adequately debate and amend this legislation?

Mr. COLMER. Mr. Speaker, if the gentleman will yield further, naturally I cannot speak for the Committee on Rules. I can only say that if this bill is carried over and not passed today, and if a rule is desired, I will put it on the agenda for the regular meeting of the Committee on Rules tomorrow. Then it could be here on the floor of the House on Thursday for debate under an open rule.

Mr. GROSS. I thank my friend from Mississippi. I think it ought to be clear absolutely now that there would be no difficulty in getting this legislation before the House so we could deal with the proposed 10-percent interest rate in this bill, as well as adding an antidemonstration amendment and any other amendments that the House in its wisdom might see fit to adopt.

Long ago, I offered the chairman of the Committee on Education and Labor the option, as I was concerned, of calling up the bill under unanimous consent with consideration in the House as in the Committee of the Whole and open to amendment at any point. The gentleman declined that invitation. He could have had this legislation before the House, subject to amendment, before the congressional recess on August 13.

Mr. PERKINS. Mr. Speaker, will the gentleman yield to me at this point?

Mr. GROSS. No, I will not yield to the gentleman, for he has had more than ample time to make his position clear. Moreover, he imposed this virtual gag rule.

Now, Mr. Speaker, the distinguished chairman of the House Banking and Currency Committee, the gentleman from Texas (Mr. Patman), says this in the Record of September 9, last week:

> If this bill passes it will be the first time Congress has authorized the payment of a 10-percent interest on a Government-guaranteed obligation. The Government will guarantee the payments and the banks will collect the interest.

He further states:

> Establishment of a 10-percent guaranteed interest rate would force banks to increase interest rates on other loans or refuse to make any loans for necessary items such as housing at less than a 10-percent rate.

The gentleman from Texas (Mr. Patman) also says the legislation should not be retroactive to July 1 of this year, nor should the interest subsidy be paid more than once on individual loans. I wholeheartedly agree and denounce the procedure that so drastically limits debate on the merits and demerits of the bill.

I urge the Members to vote against suspension of the rules.

The SPEAKER. The time of the gentleman from Iowa has expired.

The gentleman from Iowa (Mr. Scherle) has 6 minutes remaining.

Mr. SCHERLE. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. Wyman).

Mr. WYMAN. Mr. Speaker, I had not intended to speak on this matter but after hearing the discussion here today I do believe it is important that all realize that a vote not to pass this bill on suspension is not a vote to kill the bill. If the bill fails to gain the necessary two-thirds vote on suspension it merely goes to the Rules Committee and we have just heard the chairman of the Rules Committee (Mr. Colmer) advise the House that if a rule is asked for it will be issued and that this same bill will be back before us tomorrow under an open rule where amendments can be offered. By presenting this matter to us under suspension there is neither time for adequate debate nor opportunity to amend and it is clear that amendments are seriously needed. In fact, it is fair comment to observe that there is little question but that the suspension route has been taken to avoid both full debate and amendment, a course of action that does not make for sound legislation.

But two examples of the need for improvement in this legislation are needed to demonstrate the glaring inadequacy of its present provisions. Under this bill whenever the Secretary of Health, Education, and Welfare determines the return to holders of loans to be "less than equitable" he is empowered by regulation to provide for a direct subsidy to holders of loans. This is loose language. It is an invitation to increase interest rates. It is essentially a blank check for quarterly periods of time without any obligation on the part of the borrowers to make repayment. It represents a failure of legislative draftsmanship and an unwillingness to specify conditions amounting to genuine hardship. Yet by suspension no Member is able to offer corrective amendments, even those on the Committee on Education and Labor who are learned in this field. In a time of fiscal crisis and mounting inflation provision for "market adjustments" on such

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nebulous terms is an invitation to further fuel inflationary fires.

Second, nowhere in this legislation is there provision to prevent the granting of such subsidies to borrowers who have seriously and willfully disrupted campus affairs, or even to those convicted of crime in connection with such activity. I do not believe that the lawbreaker or the willful troublemaker should receive such Federal subsidies by outright grant, yet the lending institutions have no limitation nor could they initiate such on their own under the language of the bill before us. This matter should be covered by appropriate amendment which is impossible in a consideration of this measure by suspension.

In such an atmosphere Congress cannot fulfill its legislative responsibility in an important and delicate situation without considering the bill under an open rule. I therefore hope the suspension will be defeated and we may have an opportunity to provide appropriate corrective and limiting language by amendment tomorrow under an open rule. In such event I will vote for the bill but I cannot support a suspension lacking such provisions which are in the public interest.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I rise in support of the Insured Student Loan Emergency Amendments of 1969. I believe we all realize the importance of this legislation to the further education of our youth in America. I also hope we realize the necessity of passing this bill as soon as possible following the proper consideration and sending it to the President for his signature. Colleges and universities are getting underway throughout the Nation this week. Many students are enrolling on the hope and prayer that Congress will give its approval to the student emergency loan amendments. They need this legislation in order for them to be able to borrow the necessary money to continue or start their education. This bill will be most beneficial to the southern part of my State which was recently ravaged by Hurricane Camille. Mississippi education officials estimate that some 7,400 students from the disaster area face major financial problems requiring large-scale help if they are to stay in college. It is also estimated that the 7,400 students will need about $7½ million to prevent wholesale dropouts. The Insured Student Loan Emergency Amendments of 1969 will provide the needed help for these students and thousands of others across the Nation. I am strongly in favor of the anti-student-riot amendments and wish they were in the bill; however, I will still support the bill because time is of the essence.

Mr. FEIGHAN. Mr. Speaker, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Ohio (Mr. FEIGHAN).

(Mr. FEIGHAN asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. FEIGHAN. Mr. Speaker, I rise in support of H.R. 13194 to amend the Higher Education Act of 1965. I consider this bill which authorizes Federal incentive payments to lenders with respect to insured student loans of utmost importance. If it is not enacted, there is little assurance that students will have access to such loans.

Should we fail to raise the maximum interest rate guaranteed to lenders, they will clearly continue to balk at granting of loans to students when they are able to command higher rates from preferred customers. Consequently, as many as 200,000 college-age persons may have to forgo their academic careers, at least temporarily. With the pursuit of higher education a critical factor in the obtaining of attractive and challenging positions subsequent to graduation, there can be no defense for our denying these young people the tools they need to attain this goal.

The editorial, which appeared in the Cleveland Plain Dealer of Thursday, September 11, 1969, encourages the speedy passage of H.R. 13194:

STUDENT LOAN BILL

On Monday the Senate approved bill which allows the government to pay lending institutions as much as 10% interest on student loans will come before the House. House passage of the bill can benefit 200,000 college students who need financial aid to attend school this fall.

The present Guaranteed Student Loan Program allows students to borrow money from banks at no more than 7% interest, with the government paying the interest while students are in school. However, since prime interest rates have climbed to 8½% banks have been reluctant to make student loans at 7%.

The Senate bill temporarily raises the 7% ceiling on interest to 10%. Conditions in the money market will be checked every three months and banks which lend to students will be repaid by the government at the going interest rate.

The Senate bill allows the increased interest rates to be retroactive to Aug. 15.

Banks have responded favorably to the Senate bill and have been lending money to students under the assumption that the House will approve the measure.

The bill will come before the House under suspension of House rules so a two-thirds vote is needed for passage. The House should approve the bill so needy students can continue their education this fall.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Speaker, without question the 7-percent interest ceiling must be changed to save the guaranteed student loan program. Without hesitation, then, I give my full support to the bill before us today.

Because of the present unavailability of loans, thousands of students at this point do not have tuition money for the first semester. Undoubtedly some have made the painful decision not to go to college this year. Others have transferred to less expensive schools. And some are waiting anxiously for our vote today, having taken the risk that loans will eventually be available.

The breakdown in the guaranteed loan program has upset more than a large group of college students. It has helped aspirin sales among parents, college and university administration, bankers, and State officials. It is important that this bill be passed immediately. I want to note, however, that this emergency legislation points up once again the inadequacy of the student loan programs administered by the Federal Government. They suffer from several other deficiencies besides the present undoing of the guaranteed loan program because of the current high interest rates. The short-term repayment period, the eligibility requirements, and an inadequate level of funding all cause problems in the national defense student loan program.

The demand for loans is greater than ever before as tuition costs continue to move upward and as more of our population and especially more from low-income families seek a college education. The Congress should do everything possible to encourage this trend toward increased education, for Daniel Webster spoke with much wisdom when he said:

> On the diffusion of education among the people rest the preservation and perpetuation of our free institutions.

A more comprehensive solution to deficiencies in the loan programs is required than emergency amendments, however, and has, in fact, been proposed by two groups whose outstanding qualifications compel the Congress to give the closest attention to their views.

In 1967 the President's Panel on Educational Innovation proposed the establishment of an educational opportunity bank. Any student accepted at a postsecondary school, not just a select few, could borrow money from it. The student could borrow as much as he needed for tuition and reasonable living costs. Thus even a poor student would have the chance to attend a private college. Repayment of the loan would be over an extended period of time, and based on subsequent income. A suggested scheme proposed 1 percent of the borrower's gross income over a 30-year period.

In March of last year I introduced a resolution calling for a thorough study of this proposal by the House Education and Labor Committee and the Banking and Currency Committee with the hope that they could provide us with whatever legislation would be necessary to make this proposal a reality.

Since no action was taken on it, I have again introduced that resolution in this session of Congress. For I am more than ever convinced that a way must be found to give every American the opportunity to educate himself to his full potential. This not only leads to a person's own happiness, but enables him to be of most service to his fellow man and make his maximum contribution to the Nation.

Subsequent to the work of the President's Panel on Educational Innovation, the Carnegie Commission on Higher Education issued a proposal similar to the educational opportunity bank. Last December the Commission in their special report entitled "Quality and Equality: New Levels of Federal Responsibility for Higher Education," recommended the establishment of a "national student loan bank." It likewise suggests long-term repayment based on income, the eligibility of all students, and larger loans than present programs allow.

The Commission's report gives additional weight, I believe, to the advisability of taking action on the resolution which I have introduced.

I hope, then, that the present loan crisis will have at least one benefit—that it will bring more recognition to the advantages of a Federal loan bank, such as described by the President's Panel and the Carnegie Commission.

Mr. SCHERLE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. AYRES).

Mr. AYRES. Mr. Speaker, I agree with most of what has been said here today, but we are up to the wire on this, and I am going to support the suspension.

I would also support student unrest legislation.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I wish to say something in conclusion that I did not have the opportunity to say before.

I want the chairman of this committee to know that, as far as I am concerned, I will not again support a procedure to bring up a bill of this magnitude under suspension of the rules.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. AYRES. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I appreciate the statement just made by the distinguished minority leader.

May I say also to my colleagues that since I have now been given assurance, on my side of the aisle, that bills on education that are controversial will not, I repeat, will not be brought up under suspension and that we will not have to go through this procedure again on education bills out of the Committee on Education and Labor—on that basis, and because the school year is upon us, and because there may be some 200,000 students in this country who are not going to get loans—I will vote for this bill that I originally sponsored and express the hope that without too much further delay it will become the law.

Mr. AYRES. Mr. Speaker, there are several reasons why we should be considering the substance of this bill, and approving it under the suspension, rather than being concerned with procedure, even recognizing that important questions as to procedure have been raised.

There is considerable confusion about the purposes of the various student assistance programs. It helps to think of the insured loan program as being apart from the other programs and distinct in that it is not available only to those in dire financial need. The direct national defense student loans under NDEA, and the work-study assistance, and of course the educational opportunity grants, are all designed for students at the lower end of the economic spectrum. In most colleges they are made available as a sort of package of assistance for the neediest students. The measure of need is stringent and becoming more so as the demand for these funds increase.

This does not mean, however, that the insured loans are merely loans of convenience and are not in fact needed. Quite the opposite is true. Experience with the insured loan program to date indicates that at least three-quarters of the borrowers come from families with less than $10,000 annual income, and would need substantial help in order to attend college.

What this boils down to is that the insured loan program is the only Federal aid available for the children of that great cross-section of America composed of skilled workers in trades and industry, white-collar workers, and business and professional people of moderate income. These are the people who pay the overwhelming bulk of personal income taxes, but who are not eligible to receive many of the benefits of Federal programs. The insured student loan program is an extremely helpful thing for these citizens in their efforts—often at great personal sacrifice—to put their kids through college.

I would also like to point out something that has been pretty much overlooked here today—that this insured loan program also covers thousands of students attending 2-year technical, trade, and industrial schools beyond the high school level, and this is virtually the only aid available up to this point to these students who mostly come from hard-working families at the lower end of the economic ladder. It is true that we have amended the Higher Education Act and the NDEA to make the direct student loans and the work-study available to vocational students, but so far funds have not been made available to carry this out. These students are just as deserving of assistance, and are just as important to the welfare of the country, as any attending college and working for an academic degree. We should never forget that.

The insured loan program has become a vital part of Federal efforts to assure educational opportunity. It became operative during fiscal year 1966 when $77 million in loans were insured. This sum soared the very next year to $248 million for over 330,000 student borrowers, and last year—fiscal 1969—the amount stood at $670 million loaned to about 750,000 students. Clearly, Mr. Speaker, we must not permit this volume of support to collapse because of our failure to enact amendments agreed upon by virtually all Members who have studied this problem.

Mr. SCHERLE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. MILLER).

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman.

Mr. ERLENBORN. Mr. Speaker, I support this bill. I support this procedure as I will support a student unrest amendment at the proper time.

Mr. Speaker, if the bill before us today (H.R. 13194) is not passed and quickly enacted into law, the college education of many thousands of young Americans will be stopped short, and many thousands more will be unable to start their higher education.

These are the collegians or prospective collegians who are dependent on the guaranteed student loan program which enables them to borrow funds directly from banks, savings and loans, credit unions, and other lenders to finance their education needs.

Loans totaling more than $1.6 billion have been made under the guaranteed student loan program since its approval by Congress 4 years ago. Fiscal year 1969 set a new record when 750,000 applicants received loans in the amount of $670 million. Obviously, it is a popular—and vital—program.

It is threatened, however—and the education of these young people is in jeopardy—because the program as it is operated under present law is less than equitable to lenders in the current money market.

During the 4 or 5 years that a student borrower is in school—and longer if he or she joins the Peace Corps, VISTA, or the military—the only payment the lender receives is the interest on the loan. Repayment on the principal is deferred until 9 to 12 months after the students graduate—or returns to civilian life after service with the Federal Government.

Nevertheless, lending institutions have participated willingly.

The year 1969, however, has seen three increases—to 8½ percent in June—in the prime interest rate, the rate at which banks lend to their prime customers. While interest rates on other loans are scaled upward from the prime rate, a top interest of 7 percent is set by law on insured student loans. Additionally, these loans involve considerably more paperwork and servicing by lenders than do other transactions.

Neither they nor your committee are suggesting that the rate of return on these loans should be increased to yield a normal profit. The return, however, should be realistic in terms of both money costs and overhead costs to the end that a breakdown point is attainable. In the present environment, the 7-percent interest rate on such loans does not meet this goal. As a result, and with the current keen competition for loanable funds, lenders are finding it impractical to continue their participation in the insured student loan program.

Congress could—as it did when a similar emergency arose last year—increase the statutory interest limit. This alternative is not acceptable for, besides the obstacle of State usury laws, we would be increasing the cost to the student and setting a permanent inflexible interest rate that would be applicable for the life of the loan.

The solution that we on the Education and Labor Committee present in H.R. 13194 would not do any of these things. Instead it would encourage lenders to participate by providing them with quarterly market adjustment allowances of up to 3 percent beyond the 7 percent interest now allowed. This proposal provides the Secretary of Health, Education, and Welfare, in consultation with others and in the light of current economic conditions and the money market structure, with authority to set the adjustment rate every 3 months. If he determines that economic conditions during the past quarter make 7 percent a fair

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return, there will be no adjustment allowance. If he determines that the market is currently bringing 10-percent interest rates, he will authorize a 3-percent allowance and, depending on conditions, he can set the rate anywhere from zero percent to 3 percent. In other words, the allowance will fluctuate with the changing money market within a given geographical area.

H.R. 13194 is both a reasonable approach to the problem and a necessary ingredient to the continued success of the guaranteed student loan program.

A similar proposal has been passed by the other body. On the faith of this action by the other body that a remedy would be forthcoming, the dire consequences we had anticipated because of the failure of this body to act before students returned to the campus this fall have been forestalled to a certain extent.

I am confident that this body will again demonstrate its concern for those of our young people who need this assistance in obtaining their education by passing H.R. 13194 today.

Passage of H.R. 13194 will guarantee that few students will be turned away in the months ahead.

It will not, however, guarantee that we will not in 1970 experience another crisis with the guaranteed student loan program.

Tuitions are escalating, and young people in ever larger numbers are being persuaded to pursue their education beyond high school. Hence, it is likely that $1 billion will be needed annually for insured student loans during the 1970's.

The question is whether sufficient funds will be available.

Insured student loans are relatively long-term assets to lenders, repayment is protracted over 4 to 10 years, and the loans pyramid—that is, the number and total dollar value needed increases each year. As a consequence, the student loan portfolios of lenders lack liquidity—they are not attractive to commercial investors.

The long-range answer to this liquidity problem, I believe, is a secondary market mechanism to tap other financial resources—teacher endowment funds, State and local retirement funds, pension and trust funds, insurance funds—to replenish the supply of funds available for the guaranteed student loan program. It is my intention to bring such a plan before Congress.

Mr. MILLER of Ohio. Mr. Speaker, I take this time to ask the chairman of the Committee on Education and Labor why the bill is brought up so that we do not have an opportunity to consider amendments that would insure that student rioters could not gain the benefits from this program. I think it should be clear for the RECORD.

Mr. PERKINS. Let me say to the distinguished gentleman that I tried to survey the situation in the best way I knew how because I wanted the bill to become law and to pass this body and likewise to pass the other body. After careful deliberation and talking to interested parties, I thought it best to bring it up under suspension of the rules and to let some other vehicle be the place for the student unrest rider instead of this bill.

The SPEAKER. The time of the gentleman from Ohio (Mr. MILLER) has expired.

Mr. SCHERLE. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, the House long ago got the answer to the question that was first asked by the gentleman from Ohio (Mr. MILLER), of the gentlewoman from Oregon (Mrs. GREEN). The gentlewoman said the bill was before the House under suspension of the rules because of the tyranny of certain members of the House Committee on Education and Labor. That is the answer and the only answer why this bill is before the House under the circumstances that exist here today, wherein, the House finds itself gagged and unable to work its free will.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. SCHERLE. Mr. Speaker, I yield myself the time remaining.

Mr. Speaker, everybody talks about expediency. We have evidence that all bills are retroactive and that this is no problem. Now, for this legislative body to be stymied by a gag rule and not allow the Members of this House an opportunity to work their will is completely incomprehensible to me.

We heard the gentleman from Mississippi (Mr. COLMER), the distinguished chairman of the Committee on Rules, say that it would be possible to obtain a rule by tomorrow. The gentlelady from Oregon (Mrs. GREEN) said that this procedure is bad legislation. Most of the Members, even the minority floor leader, the gentleman from Michigan (Mr. GERALD R. FORD) said that this is bad legislation.

Mr. Speaker, let us give the people who elected us to office an opportunity to express their will by handling this controversial bill under normal parliamentary procedure. I ask the Members of this House to vote down the suspension, send it to the Rules Committee and bring back a rule the way it should be done, and debate the measure under the normal legislative process.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise in support of H.R. 13194, to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans, when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

As many of our colleagues know, President Nixon last month personally urged the bankers of this Nation to look more kindly on requests for student loans. He pledged support for the legislation before us today, and, in spite of the fact that money for such loans had almost completely "dried up" earlier this year when the prime commercial lending rate climbed to 8.5 percent with the interest ceiling on these students loans staying at 7 percent, lenders have come forward on the basis of his assurances, and many thousands of students who might otherwise not be attending school this fall have now been able to do so.

Mr. Speaker, it obviously would be bad business, and a disservice to the depositors of the banks of this Nation, to loan money at 7 percent interest in today's market. The fact that many bankers around the Nation are doing so is a testimony to the confidence they have placed in the President and in the Congress to fulfill our pledge to make up the 3 percent difference they are losing by making these loans.

This program, I am sure our colleagues agree, has been one of the most successful we have enacted in many years. Many students still have difficulty in obtaining the loans for a variety of reasons, many of which can be alleviated by enabling the Government to be more flexible in offering a premium to the lenders. But college costs are soaring higher each day and enrollments continue to rise, so that we are bound to have an ever-increasing number of students with limited means who must have loans to complete their college work. We cannot afford, if we want to avoid anguished cries from students and their parents for more costly Federal direct-loan and grant funds, to delay action on this most important legislation.

Mr. Speaker, I urge passage of H.R. 13194.

Mr. EILBERG. Mr. Speaker, I rise today to express my support for the bill which we are now considering to revitalize the guaranteed student loan program and allow the advantages of a higher education to be available to hundreds of thousands of youngsters who otherwise would be unable to afford to attend college.

On June 23 of this year, I spoke here about the shortsighted attitude of the administration with respect to its funding requests for the various programs which the Federal Government has to provide help to those students seeking a higher education who cannot afford its full cost. When I spoke on the guaranteed student loan program, I said that I believed this program to be at the crossroads. On trial is the determination which was made some years ago that the Federal Government should withdraw wherever possible from the business of making loans directly to students and instead depend on the private sector to implement the guaranteed student loan program with an interest subsidy to be paid by the Government to lenders.

Last year when we passed the Higher Education Act, we increased the maximum interest rate that banks and other lending institutions could charge students for loans under this program to 7 percent. Yet today, we are faced with a situation where interest rates are considerably above 7 percent and thus banks are not making student loans because they can get higher interest rates on other transactions. Mr. Speaker, I am not one of those who says that the banks and other lending institutions of this Nation should make guaranteed student loans as a public service, and at a loss.

In June, I said that it was essential that a decision be made whether we would want the Government to reassert its role and lend directly to students under the guaranteed student loan program or whether we should make the program more attractive to the lender without increasing the cost of the loan to the student. Happily, H.R. 13194, which we are considering today chooses the latter course and adopts the proposal which I made in June that the Secretary of the Department of Health, Education, and Welfare be authorized to increase the maximum interest rate which banks and other lending institutions can charge for these student loans by from 1 to 3 percent above the statutory figure of 7 percent which we enacted last year. I believe this bill should be passed. I also believe that utilizing this approach will enable banks and other lending institutions to once more be able to afford to make guaranteed student loans without losing money, while the cost of the loan to the student will not increase.

I am, however, alarmed by the continuing tendency of the administration to look at each of the major student loan programs as if it were completely unrelated to another. The facts are that the college work study program and educational opportunities programs, the National Defense Educational Act, and the medical profession's student assistance programs are underfunded by some $200 million and that the students who cannot obtain loans or grants under these programs are expected to get loans under the guaranteed student loan program. I would like to remind all my colleagues that the guaranteed student loan program was set up so that loans could be made to students of families of annual income of under $15,000. It was not set up as the program to help only those from poverty areas in the Nation get higher education.

Now, I do not question the right of each and every student in this Nation to a college education if he has the aptitude. I think that all levels of government should do whatever they can to encourage a student to seek a college education. One way in which this can be done is through programs of loans and grants to those students whose families cannot afford the full cost of a higher education. However, I do question the redirection of the guaranteed student loan program which is taking place without congressional action. This is pointed out by a report which I reviewed on the operation of the guaranteed student loan program for the year ending January 31. I was most surprised to find that 85 percent of the families whose loans are insured by the program and 93 percent of those receiving loans through the State program had incomes of less than $12,000. Even more surprising, in view of the fact that the guaranteed student loan program was designed to provide assistance to families in the middle-income brackets, is the fact that 36 percent of the federally insured loans and 57 percent of the State program loans were made to families of incomes of under $6,000. I would like at this point to include in the RECORD a table which gives the status of the program in this regard. This table points out that fact that the program is not serving the clientele for which the Congress intended it. As a result, many thousands of middle-income youngsters are facing the prospects of not being able to seek a higher education:

Guaranteed student loan program, annual loan volume

Fiscal year:	*Amount*
1966	$377,000,000
1967	248,000,000
1968	436,000,000
1969 (1st 6 months)	450,000,000+

	Percent	
	State guaranteed	Federally insured
By adjusted family income:		
0 to $2,999	29.55	14.97
$3,000 to $5,999	27.15	21.38
$6,000 to $8,999	22.46	25.33
$9,000 to $11,999	13.38	23.10
$12,000 to $14.999		14.10
$15,000 and over		1.12
Distribution by sex:		
Male		63.96
Female		34.88
No response		1.16
Distribution by race:		
White		87.52
Negro and other		6.54
No response		5.94

LENDER PARTICIPATION

Type of lender	Percent of lenders	Percent of loans
National banks	40.2	46.3
State banks	45.8	40.5
Mutual savings banks	1.5	2.7
Savings and loans	4.6	5.4
Credit unions	7.8	2.6
Other	.1	2.1
Total	100.0	100.0

Because of inadequate funding of other education assistance programs, it has been the middle-income youngster who has been unable to receive assistance to go to college when he is entitled to such assistance under the law in the guaranteed student land program. While the bill which we are considering today will enable the guaranteed student loan program to continue as a viable program making loans to students who need assistance, what is to happen to the increasing number of students who are not from poverty area homes but at the same time whose families cannot afford the cost of a college education? Are these families to be settled with long-term 8 percent loans when under the law they should be able to get 3-percent federally subsidized loans? This is neither realistic nor fair. Obviously, all our student loan programs need to be fully funded so that this practice of robbing Peter to pay Paul can cease.

Therefore, I urge all my colleagues to support H.R. 13194, but at the same time to join with me in seeking ways so that a college education can be made available to all students who cannot afford the full cost of higher education.

Mr. SMITH of Iowa. Mr. Speaker, I fear that many are looking to this bill as the answer for meeting the need for more money for student loans. It simply will not do the job and to the extent that people rely upon it instead of looking at the whole situation may delay adequate action. A review of all the facts indicates clearly to me that the only immediate way to meet the need for more student loans is through more direct loans under the NDEA program where the colleges make loans consisting of 90 percent Federal money and 10 percent of their own money.

It is true that many banks never have used the guaranteed loan program and many that did are now quitting it but the principle reasons do not relate to permitting a 3 percent increase in the interest rate. This is confirmed in a letter from the secretary of the Iowa Bankers Association when he said:

> The primary problem is that of the potential term of these loans and the consequent lack of liquidity in them.

As a member of the Subcommittee on Appropriations for HEW, I sought answers from many bankers as to why they were not making the loans or were quitting the program. In addition to the lack of liquidity and the inability to market the paper when they need money, other reasons include:

First, that the borrower is probably a thousand miles away from the community by the time he is making the repayments and they no longer feel he is their constituent; second, for them to try to go over the need with the student is a complete duplication of what the colleges have already done and requires a great deal of time; and third, many borrowers look at the loan as something they have a right to while many of the bankers thought they should show appreciation like other borrowers of money do. A number of forms have to be filled out and records kept that are different than other records the banks keep and in addition some of them felt that these loans were more like an automobile loan upon which they earn two or three times as much interest. Obviously we are never going to approve a loan rate for this program as high as automobile loans so it is impossible to secure widespread loans for students just by increasing the interest rate 3 percent.

There is an immediate solution under which the President can provide $35 million. Last year $190 million was available under NDEA. The administration's request for this fiscal year was for only $155 million, or a $35 million cut. The House and Senate have already passed a resolution authorizing expenditures of the same amount as last year for each program except where the administration's request is for less. In this case the amount available is only $155 million because the administration requested that amount compared to $190 million the year before. By merely sending up an amendment to his budget request asking for $190 million, an additional $35 million would be immediately available.

I wrote to the President on August 19 urging him to do this but almost a month passed and it has not been done. The House of Representatives has already passed an appropriation for $222 million so it is fairly clear that appropriations when passed by the Senate and House will exceed the $190 million but it will not be available for students that are now entering school this week and next just because the President has not sent up the letter asking for an additional $35 million.

All the talk and attention on this particular bill that is now before us misleads people into thinking that it is the solution and tends to divert attention from the simple action that could imme-

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diately be taken this afternoon by the President to make more loans available.

I urge the committee and all the Members of the House to direct their attention toward the practical and effective solution of a substantial part of the problem and that the committee begin to either thoroughly rework and rewrite the guaranteed loan program so that it can fill part of the need or direct attention toward an adequate direct loan program.

The letters to which I referred further details the situation and are as follows:

AUGUST 19, 1969.

Re Appropriations: Students loans.
The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Last year $190 million was available to college students for loans under the National Defense Education Act. Earlier this year, the Administration requested only $155 million or a cut of $35 million in this program for the current fiscal year and assumed that banks would make additional loans under the Guaranteed Student Loan Program to make up the difference. Instead of banks making more loans, they are actually making less.

The House of Representatives increased the appropriation for NDEA loans to $222 million in a bill that has not yet passed the Senate. Both bodies have passed a continuing resolution which would make available the same amount as last year were it not for the fact that the Administration requested less. By the Administration requesting $190 million or more, an additional $35 million would immediately be available for loans to students.

Although I am confident Congress is going to appropriate more than an additional $35 million and the House of Representatives has already indicated that it would go much above that level, I sincerely urge you to immediately send up a budget amendment for at least an additional $35 million for NDEA student loans, thereby agreeing with Congress to at least this much of the increase we feel is needed. This action would make these additional funds available immediately, without further Congressional action, and provide student aid which will be needed within the next few weeks.

Sincerely,

NEAL SMITH,
Member of Congress.

IOWA BANKERS ASSOCIATION,
Des Moines, August 20, 1969.

Hon. NEAL SMITH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SMITH: I read with a great deal of interest and appreciation an article in this morning's Register quoting your observations on the Student Loan dilemma.

In view of the impasse which the Congress reached in attempting to deal with this matter before recess the matter has of course become urgent and the "relief" which you suggest is certainly an appropriate one under the circumstance and I commend you for trying to get at the nub of the problem.

I would however call your attention to the fact that the approach taken by the Congress is, in my opinion and I find in the opinion of most Iowa bankers, slightly off dead center. The present 7% interest limitation is, as most Iowa banks and I believe most banks over the country, the secondary problem. The primary problem is that of the potential term of these loans and the consequent lack of liquidity in them.

As you are fully aware, this problem confronted financial institutions and the Congress in connection with VA loans, FHA loans, and to some degree with Small Business Administration loans and as to the first two was solved quite well indeed by the establishment of the Federal National Mortgage Association to provide a secondary market for these loans which in turn would permit the generating financial institutions to maintain their liquidity and still continue to make this type of loan.

In considering the problem posed by student loans I would call your attention to the fact that Iowa financial institutions (this means banks with the exception of one Savings & Loan Association that we are aware has been making student loans) have since inception of the Student Loan Program made almost three times as many loans as the next two states, Texas and Illinois, on a dollar volume basis. As a result, Iowa financial institutions, which have demonstrated their interest and willingness to make this type of loan, have choked themselves in the process and many bank board directors are looking at their portfolios of student loans and commitments on future payouts and have begun to say "perhaps we have committed enough of our bank assets to this type of loan."

This emphasis on the problem of liquidity has been made by President Willis Alexander, American Banker's Association, before the Congressional Committee and for your information I am attaching a copy of a recent article appearing in the American Banker reflecting an additional type of approach being considered in the state of Indiana, which article I believe points up the problem and very well indeed.

When you begin to look around for a secondary market, visions of additional government agencies and expense are brought up and one of the alternatives which is occurring to me is that possibly the Fannie May organization could be brought into this picture.

For all Iowa bankers I express appreciation for your interest and concern in this matter and I hope that this sharing of our thoughts with you will be helpful to you.

Very truly yours,

ARTHUR E. LINDQUIST, Jr.,
Secretary.

INDIANA BANKS WANT TO SELL STUDENT LOANS TO STATE AGENCIES

INDIANAPOLIS.—In a move to stimulate loans, which have been slowed by the tight money situation, a proposal has been made to create a mechanism by which Indiana lending institutions could market such paper and obtain some relief from liquidity problems.

The proposal would enable the institutions to sell their Federally insured student loans to the Indiana Scholarship Commission, a state agency that administers scholarship, and student lending programs, which, in turn, would sell participations in such loans as investments to state retirement funds.

The proposal was made after several weeks of joint study by J. Fred Risk, president of the $808.3 million-deposit Indiana National Bank here, who also is chairman of the commission, and by W. W. Hill, Jr., a senior Indiana administrative officer. It is under study by state Attorney General Theodore L. Sendak, who must approve the plan.

The proposal comes at a time when "banks are in a liquidity crisis and can't significantly expand student loans" without establishing some rediscounting mechanism which would enable them to sell such paper and thus free additional money for more college loans, according to Mr. Risk.

It also comes at a time when in Washington a plan to speed through Congress legislation to permit interest increases for lenders participating in the college student loan guarantee program appears stalled because of opposition from critics of campus rebels and high interest rates. Bills of both houses through Federal support would raise to 10% from 7% the maximum simple interest yield permitted lenders.

Mr. Risk stated that the reason why banks are slowing down in making college loan is not so much a problem of current interest yields, but one of liquidity. They are reluctant to make long-term loans, some of which may range from seven to eight years, he said, without "some release" by which they can resell these loans for cash in order to make additional student loans.

Mr. Risk observed that because of liquidity problems, the state's banks—which he estimates now hold $35 million in such college loans insured by Federal and state agencies and the United Student Aid Funds, Inc., a nonprofit private group—have "slowed down" in making such loans at a time when they are more necessary than ever. This is because fee increases averaging $300–$500 have been imposed at the four state universities. In the past such bank loans have averaged $800–$900, he stated.

Mr. Risk said he is optimistic of getting approval from the Attorney General of the legality of the state retirement funds making investments in such loans, but held out the possibility that if such approval is not forthcoming, legislative action might be sought. A spokesman for the Attorney General noted he is out of town this week and that an opinion is expected late next week. The banker hopes the program will be in action by the time school starts.

Approval of the plan, with the understanding that banks could market the loans they make, would increase the number of loans they are accepting, he said.

Mr. Risk said that a survey of the "top two or three dozen" leading members of the Indiana Bankers Association showed they support his plan, and want to do their part of interviewing applicants and closing loans.

He said he also has talked with representatives of the United States Office of the Education which administers the guaranteed loan program and they are "enthusiastic" about the plan and believe that it might serve as a prototype for other states to follow. On a long-range basis, Mr. Risk said he would like to see the Federal government set up a Federal National Mortgage Association-type arrangement that could create a secondary market for insured college loans.

In operation, his plan would have banks sell either old or new college loans at face value to the Indiana Scholarship Commission for cash, in the "spirit" that they would use the proceeds to make new loans. The commission, in turn, would sell participations in such loans to the retirement funds in bundles of $1 million. The banks would continue as the loan servicers and it would be up to the state or Federal government to determine if the institutions should get a service fee. It would take a $5 million commitment from the funds to implement the program, he said.

[From the Des Moines (Iowa) Register, Aug. 20, 1969]

SMITH URGES CAMPUS LOANS

(By James Risser)

WASHINGTON, D.C.—Representative Neal Smith (Dem., Ia.) asked President Nixon Tuesday to make available $35 million for direct federal loans to college students before classes begin next month.

Smith said in a letter to the White House that the President has the power to make the money available under the National Defense Education Act (NDEA), without any action by Congress.

A bill to increase the allowable interest rate on federally guaranteed loans from banks to students is stalled in Congress, and it is feared that some students who need financial help to attend college may have to drop out this fall.

> Even if Congress acts promptly next month to raise the allowable interest rate to 10 per cent, banks "don't want to be bothered with these relatively small loans," Smith warned.
>
> By making more NDEA money available to colleges, additional direct student loans could be made, he said.
>
> Last year, $190 million in NDEA funds were provided for college student loans, said Smith. The Nixon administration has requested only $155 million, or a cut of $35 million, for the next fiscal year.
>
> Under an existing congressional resolution, the President can make the additional $35 million available "within hours merely by sending a budget amendment to Congress," said Smith.
>
> "This would not completely correct the error made by the administration in underestimating the need and reducing the NDEA loan funds, but it would be a big help," he added.

Mr. EDMONDSON. Mr. Speaker, I strongly support this emergency legislation to assure adequate financing of our student loan program.

It is urgently needed, and should be passed by an overwhelming vote.

Thousands of students, all over the Nation, are looking to the Congress to keep its commitment on this program.

I am sure this House will honor that commitment by its vote today.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 13194, the Insured Student Loan Emergency Amendments of 1969.

The legislation before us is directly related to the Higher Education Act of 1965, which established the insured loan program for college students, and to the Higher Education Amendments of 1968, which set an interest ceiling of 7 percent on student guaranteed loans. Today, we are called to consider the current crisis confronting the program as the result of rising interest rates. Because interest rates now exceed the 7 percent maximum which the Congress set last year, banks everywhere are curtailing their participation in this program. Thousands of college students throughout the country will not be able to enroll for the fall term because of the unavailability of funds.

In terms of meeting a very real need of our undergraduates and graduate students, the guaranteed student loan program has proven to be an outstanding success. The total volume of loans reached $77 million in fiscal year 1966. It jumped to $248 million in fiscal year 1967, and to $435 million in fiscal year 1968; it reached $670 million in fiscal year 1969.

Because of current restrictive lending policies of banks and other financial institutions, it is estimated that from 150,000 to 200,000 students who seek financial aid for the first time this fall will not obtain a student guaranteed loan. The curtailment of participation by lending institutions in the guaranteed student loan program is particularly unfortunate in view of greatly increased college costs, especially tuition, and sharp cutbacks in other Federal financial aid programs.

The situation as it affects the lives of college students and members of their immediate family was dramatically told to me in a letter which I received earlier this month from a constituent. He wrote from Hawaii:

> As a graduate, out-of-state student at the University of Wisconsin, my year (9 months) expenses total approximately $4,000. This is a tremendous burden to my middle-class parents who must not only finance my studies but also that of my sister who is a University of Hawaii student. Add to this my corrective surgery for a terrible "underbite" that costs $1500, not including separate orthodontic costs, my parents, both in their 50's, have been unusually burdened.

Mr. Speaker, the bill we are considering would open the academic doors, now practically shut tight, for my constituent and thousands of others like him. The market adjustment allowance technique which the bill provides would, on several bases, relieve the present situation which has been fostered by a tight money market and high interest rates.

First, the present interest ceiling of 7 percent would be retained, thus avoiding complicated administrative adjustments of loan records by lending institutions.

Second, the proposed market allowance would be directly related to the money market and would fluctuate with it in accordance with quarterly rate determinations made by the Secretary of Health, Education, and Welfare.

Third, because many States presently have laws which set usury rates at 7 percent, Federal law preemption problems would be avoided.

And, finally, the Federal Government rather than the student would bear the loan costs in excess of 7 percent.

Mr. Speaker, if we are to bring higher education within the reach of the Nation's young people who seek it, and if we are to bring timely emergency relief that H.R. 13194 provides to those who need it this fall, then we ought to act quickly to meet the interest rate crisis which has extended to our college campuses. The other body has already passed similar legislation. We can do no less by giving H.R. 13194 our unanimous vote today.

Mr. MacGREGOR. Mr. Speaker, on July 31 I introduced a bill to amend the Higher Education Act of 1965 so as to authorize Federal incentive payments to lenders with respect to insured student loans. I took this action because recent increases in the interest rates have dried up an increasingly important source of funds for thousands of our young people who without financial help would be prevented from obtaining a college education.

Almost 220,000 students may be denied the opportunity to attend college this year unless a bill is passed to permit larger interest payments under the guaranteed college loan program. I am greatly pleased that the House Education and Labor Committee on August 7 favorably reported this proposal with amendments. On the day this bill was reported, I joined with several of my colleagues in reintroducing a clean bill, H.R. 13400, which incorporates the committee amendments. It is critically important that we act and act now. The higher education careers of thousands of needy students have already been jeopardized by congressional delay.

This bill would not, as some have alleged, automatically raise the student loan interest rate to 10 percent. What the bill does propose is that the Secretary of Health, Education, and Welfare be authorized to permit payment to lenders of a market allowance of a maximum of 3 percent on their student loans made after July 1, 1969. The actual market adjustment allowances over the 7-percent statutory limit will reflect the prevailing money market at the time. In short, we are trying to build in a sufficient amount of flexibility to permit the program to function without the Congress having to periodically rescue the program.

I doubt that anyone here is completely satisfied with the remedy which is contained in this legislation. But the clear alternative of denying educational opportunity to hundreds of thousands of deserving American young men and women is totally unacceptable. I would urge in the strongest possible terms that the House act today to make this vitally important program work.

Mr. MINISH. Mr. Speaker, time and time again I have stood up in this Chamber to express my concern and support for higher education for our young people. Time and again my colleagues have also stood up to be counted as supporters of needed programs to assist in providing a sufficient education to our students. All of us agree that our technology is advancing at unprecedented rates, and we must provide the educational tools to prevent it from grinding to a halt. Nonetheless, it is necessary today for us to act on H.R. 13194, the insured student loan emergency amendments because, and I quote directly from the committee report on this measure:

> It is estimated that between 30 and 40 percent of the students who seek a loan for the first time this fall will be denied help . . . about 150,000 to 200,000 students will not obtain a student guaranteed loan.

This is a distress call which we must answer. We want to improve and advance the conditions of our citizens. How can this be done if we do not provide them with the necessary education? I submit that the amendment to the Higher Education Act of 1965 that we are considering here today will in no wise erase the problems that we now are facing. All it will do is help to make loans from commercial lenders to students more feasible. Although I feel that the measure before the House is insufficient, it can help alleviate the distressful situation of qualified students who are accepted to colleges only to find themselves unable to beg or borrow the money for tuition.

The House in late July displayed its attitude toward the pressing matter of inadequate funding for education. At that time we increased the appropriation for the Office of Education by some $894 million. We felt it was necessary to support the increased appropriation for the programs of the Office of Education. It is also vital to vote in favor of Fedral incentive payments for the student guaranteed loan program. The cost for the Federal incentive payments under this act is estimated to fall between $5 and $15 million, if interest rates remain above 7 percent. We have no alternative but to support the measure.

Mr. FREY. Mr. Speaker, many qualified students are unable to begin or con-

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tinue their college education this month due to the lack of grant and loan funds. While all of us want a substantial reduction in the Federal budget and have so voted on previous occasions, it seems to me that loans which allow the individual to help himself are critically needed.

As one of 22 Congressmen who visited various college and university campuses late last spring, I can tell you from personal contact with representatives of all facets of the campus that this type of program is vital to higher education in America. Any student who desires to enter college and devote 4 years of hard work for a degree should not be deprived of this opportunity by lack of finances. I support H.R. 13194, a necessary measure to allow worthy students to obtain financial loans. This is not a handout, but is the type of program needed in this country which permits people to help themselves.

Mr. BOLAND. Mr. Speaker, millions of students in this country are now returning to college or entering it for the first time. But many students are not—students who planned to go to college this fall, who are otherwise eligible and academically qualified, but do not have the necessary funds, and who had been led to believe they could borrow the money through the Federal Government's student loan program. These students may be—quite understandably—discouraged and disillusioned. And many other students—these, too, without necessary funds—are in colleges or universities under temporary financial arrangements, hoping that Congress will pass helpful legislation. And what about the leading institutions who have cooperated in this student loan program despite the lack of economic incentive? Should they be penalized for their public service?

The banks are performing a genuine public service in making student loans. After all, they are in competition for survival and they cannot make money on student loans. All they can hope for is to break even. To a lending institution a student loan means the commitment of money for as long as 14 years—with no return on the principal for from 5 to 8 years. The cost of the administrative work involved in each loan is very high compared to the small amount of the loan. At the present rate of interest, it has been estimated that a bank suffers a loss of $30 on each $1,000 student loan. In fact, one State pays its lending institutions $25 per student loan as an incentive.

A number of factors contribute to the present problems concerning student loans. Demand for these loans has soared—principally because of the normal increase in student population and the greater awareness of the programs. In the first year, 1965–66, banks loaned students $77,000,000. Last year, 1967–68, banks loaned students $670,000,000 and were expected to lend $794,000,000 in 1969–70. Moreover, as the Office of Education estimates, the cost of tuition has risen 20 percent in the past 2 years—still another factor in the increased demand for loans. And, finally, cutbacks in other Government programs have put a greater burden on the guaranteed student loan program.

The private bank loan program was begun to hold down direct Federal outlays to do the job at less cost. For instance, last year 730,000 students borrowed $670,000,000 from lending institutions at a cost to the Government of $60,000,000 for interest and default payments. This compares with about $200,000,000 spent on the 440,000 students for direct loans. Cutbacks in other programs were made on the assumption that there would be more bank loans. And an estimated 900,000 students sought loans this year under the private lending institution loan program.

But the heart of today's problem is the high interest rate—an interest rate so steep that it has almost literally destroyed the college student bank loan program. Even as a public service, banks cannot expand their loans to the $794,000,000 anticipated for this year, let alone meet the needs of 900,000 applicants.

There are suggestions for secondary markets for student loans—such as warehousing—to increase available funds. But this proposed solution is too long range for the present crisis. And it does not solve the interest-rate problem. When the guaranteed student loan program was initiated, the maximum allowable interest rate on these student loans was 6 percent with the prime interest rate in the market of 4½ percent. This variation gave an incentive to compensate for the administrative difficulties. Now the maximum interest rate on student loans has been raised to 7 percent but the prime rate is 8½ percent with lending institutions getting as much as 12 percent.

I believe the Insured Student Loan Emergency Amendments of 1969 are the best solution to our problem. They will provide the lending institutions with the necessary means to be, as Secretary Finch put it, the "literal difference" between many students continuing their education or dropping out. It is not a subsidy of banks but a subsidy of students.

Mr. Martin, Chairman of the Federal Reserve Board, has been quoted as saying there are indications that we may be getting to the end "of the period of very high interest rates." These amendments do not call for a change in the interest rate, but for an adjustment allowance lasting a short period of time. Let us see that qualified students can get their education.

Mr. COHELAN. I rise in support of the amendments to the Higher Education Act, H.R. 13194, which will enable students to secure guaranteed student loans. This program has grown from $77 million in 1966 to $670 million in 1969, but the current tight money situation has cut down the availability of these loans.

The lack of money coupled with administration cutbacks in funding for education, rising college costs, and increased student population has created a serious and critical problem for potential and current students.

The amendments before the House today seek to moderate the guaranteed student loan problem by allowing the Secretary of Health, Education, and Welfare to allow payments to lenders that better reflect the total monetary situation. I support these amendments in order to alleviate some of the problems of the guaranteed student loan program.

These amendments represent an important opportunity for the Congress to rectify another critical problem in education. I urge the support of my colleagues for this measure.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope the House will overwhelmingly approve this bill now before us, H.R. 13194, very promptly and without any extended attempt to add crippling amendments.

The very title of this bill, the Emergency Insured Student Loan Act of 1969 emphasizes its vital importance.

Without any question there is an immediate and emergency need of student loan legislation to enable tremendous numbers of qualified American students to begin and continue their higher education studies.

Mr. Speaker, increasing numbers of parents in my district have been contacting me for a long time on this subject because of their natural desire to have their sons and daughters continue their higher education and because they, themselves, are economically unable to fully provide the increasingly high tuition costs. I am certain that the same situation prevails in the congressional districts of every other Member in this House.

That is why I have persistently urged, in all the educational measures coming before us, that the student loan program be expanded. That is why I stated here, last June 18, that a "realistic, strengthened student loan program is imperatively needed by the parents and eligible children of our middle-income families who have been too long and too greatly overlooked in this and other areas of appropriate Federal Government assistance."

That is why I stated, when we were here considering the extension of the surcharge tax, last June 30, that I could not vote to do so, when among other things, "worthy students cannot obtain adequate financial assistance."

That is why I stated here, last August 6, when we were acting upon the Tax Reform Act of 1969, that many of us were "deeply disturbed and disappointed that this measure contains no provision for any relief or consideration at all of the increasingly burdensome expense of rapidly rising college tuition costs that fall most heavily upon the moderate- and middle-income family head."

That is why I have introduced legislation in this Congress, H.R. 5512, and past Congresses to grant parents tax allowances for their children's tuition costs.

Mr. Speaker, in past action on higher education legislative measures, the Congress pledged continued full student loan assistance to qualified students. This bill is designed to keep that pledge. The bill is supported by practically every higher educational authority, institution, and association throughout the country. It is intended to help the students from low- and middle-income families who are in desperate need of that help. Most educational institutions have begun or are about to begin the new scholastic year;

action by colleges and universities on a great many student loan applications is being held in abeyance pending our legislative action here today. The hour is late and the need is imperative; it is unfortunately very clear that the loans will not be made available without this legislative action.

Surely there is no higher priority in prudent Government spending than the encouragement to qualified students to continue their higher educational studies and ambitions.

Surely this is a most opportune time to aid in the restoration of youthful confidence and trust in legislative government through congressional fulfillment of a congressional promise and pledge. Let us, therefore, meet the emergency need of so many worthy and qualified students in this country and let us do it now by voicing our overwhelming acceptance and approval of this wholesome measure, in the national interest.

Mr. FOUNTAIN. Mr. Speaker, I am for this legislation. It will benefit thousands of our college students. I had planned to vote for it today until I learned of the way in which it has been handled.

However, the student loan measure came before this House under a closed rule, a suspension of the rules which prevents any amendments from being offered.

The gentlewoman from Oregon (Mrs. GREEN) has stated that 18 members of the House Education and Labor Committee have taken a position that all legislation reported out of that committee will be brought before this House under a closed rule without the opportunity for appropriate amendments being considered.

Mrs. GREEN described this decision of the 18 as the "tyranny of a minority" telling the House how legislation coming from that committee must be handled. It is my understanding that certain amendments would have been offered for consideration. There is one in particular which Members would like to hear debated and that is the one providing for a cutoff of loan funds to students who willfully participate in riots on college and university campuses and are convicted of such misconduct. The question of interest rates is another. Whatever may have been the outcome of such amendments, the procedure under which we are operating today has prevented such amendments and all others from even being offered and debated.

In recent years we from my section of the country have been subjected to quite a bit of dictatorship from Washington. Now it is charged that we may have it right here in the House of Representatives. I do not know all of the facts, but full debate would have disclosed them all.

My recorded vote, therefore, will not be a vote against the substance of the bill but against the closed rule procedure under which it is being considered—the two-thirds suspension rule which prevents any amendments.

Notwithstanding my concern, however, over this failure to follow the usual procedures and permit this kind of legislation to come to the floor of the House under normal procedures with an open rule for decision by a majority, if I thought this legislation would not be expeditiously disposed of by this body and the Senate, I would, as many of you have indicated you are going to do, yield my convictions on this subject of procedure and refrain from expressing my protest in this manner.

But the chairman of the Rules Committee, the distinguished gentleman from Mississippi (Mr. COLMER), in response to a direct question here on the floor of the House, has just stated that, if requested by the legislative committee, he would call the Rules Committee into session tomorrow, at which time the committee could then act on this legislation and report it out for consideration on Thursday, September 18, of this week. If this should be done, I expect to vote for the legislation.

Mr. RANDALL. Mr. Speaker, I rise in support of H.R. 13194, which is an amendment of the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans, when necessary, in the light of economic conditions. I would hope that there would be few Members of this House that would take the position that students should not have reasonable access to such loans for financing their education.

Of course, the purpose of this bill is to meet an emergency created by the rise in interest rates which, unless something is done, threatens to completely disrupt or cause an absolute breakdown in the guaranteed student loan program. It is true that the Higher Education amendments of 1968—Public Law 90-9075—set an interest ceiling of 7 percent on student guaranteed loans. Notwithstanding, current interest rates are above that figure with the result that banks all across the Nation are curtailing their participation in this program.

H.R. 13194 before us today is designed and intended to meet this emergency by allowing a maximum 3-percent market adjustment allowance to be determined by the secretary of HEW at the end of each 3-month quarter. The mechanics of this plan are not complicated. The allowance would simply be paid by the Government to the lender.

In my opinion, since the inception of this program since the fall of 1965, the guaranteed student loan program has become one of the most important items of Federal assistance in the field of education. Because of a rise in interest rates there is not only the probability but even the likelihood of a reduction in the number or volume of loans to be made to students right now during this current fall school term of 1969.

When money is short, students are hurt because banks will make loans only to very special or preferred customers. The prime rate, which means the rate charged by bankers to their best customers, has increased several times since January 1 this year. I am not sure of the accuracy of an observation which was made recently, but it has been expressed in the press that the current prime rates are the highest in all history.

This amendment to the insured loan program is necessary because there is very definitely a tight squeeze on our students who must be provided with some loans if they are to continue their education. Pressure comes from two directions. First, there is an increased need for loans, which would place a greater than ordinary demand on the money market, even if that market were operating under normal conditions of former years. But there is another pressure point that puts the squeeze on our students and that is, in the face of this increased need for loans, banks throughout the Nation are in fact, actually reducing their participation in the loan program.

With these two forces pressing upon the student, the committee report shows that between 30 and 40 percent of the students who seek a loan for the first time this fall will be denied help. The report accompanying H.R. 13194 suggests that as many as 200,000 students will not receive a loan unless this measure is enacted to law. This bill is a reasonable one. That is true because it simply provides a limited device for increasing the rate of return to lenders during times of money stringency. The Secretary of Health, Education, and Welfare may authorize payments to lenders, a market allowance up to the maximum of 3 percent on loans made after July 1, 1969. This allowance is to be determined at the end of each quarter. The bill has a good feature which permits the Secretary to determine the adjustment allowance to be paid for the 3-month period on either a national, regional, or other basis.

Although I was unavoidably absent from the floor during portions of the debate because the subcommittee, of which I am chairman, was authorized to sit during general debate, I learned on the floor when the vote was being taken that there were two or three objections raised in opposition to the bill. First, I heard that there was objection to considering this measure under suspension of the rules. It was argued the rule should have been granted to permit amendment to provide for cutoff of loans to those students involved in campus disturbances. While I am in sympathy with such restrictions, there is already on the Federal statute books an amendment to the Higher Education Act in 1968, and also a provision added to the appropriation bill which, if enforced, will be effective without need for any further provisions.

I heard the complaint that this adjustment allowance, or a payment to lenders by the Government, was setting a bad precedent. It was alleged it would further support the highest interest rates in all our history. My appraisal of this object is that there is a self-contained provision in the bill which gives the Secretary the discretion to keep this market allowance directly related to the money market and to fluctuate it on quarterly intervals. There is nothing that requires the payment of this allowance. It only gives the authority to the Secretary in the event that without it student loan sources would dry up and be nonexistent.

I, for one, am always reluctant to have to debate a measure under suspension of the rules, but this is an emergency. The measure should have been enacted at

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the very beginning of the school year or the day after we returned from the August recess. If this measure is not perfect in the sense that it could be further amended if a rule had been granted, we just cannot stand by, doing nothing, while up to 40 percent of our students will be denied help. These worthy students are not to blame for the present conditions in the money market. They need the help of Congress and need it now. This bill should be enacted without any further delay.

Mr. GAYDOS. Mr. Speaker, H.R. 13194 opens an avenue for an additional 200,000 Americans to begin or continue their college education.

The bill loosens the financial stranglehold placed around the necks of these students by financial institutions unwilling to lend money at the 7-percent interest rate permitted under present law.

H.R. 13194 provides for a 3-percent market adjustment allowance to be paid the lenders, thus giving them a better return on college loans, which have been stifled by the rising prime interest rate, now pegged at 8½ percent, on loans of other types.

It contains a safeguard against being interpreted as a new Government-backed interest rate of 10 percent or as an endorsement of a higher prime interest rate. The bill specifically provides that the Secretary of Health, Education, and Welfare prescribe the extent of the adjustment allowance on a quarterly basis with a maximum of 3 percent per year.

Because of H.R. 13194 our college students again will be able to borrow money for their education. This has been impossible for most of them over the past several months. Many, I know, were unable to obtain the funds and were forced to change their minds about college this fall. Others, I believe, are sitting on pins and needles in their classrooms, uncertain if financial aid will be forthcoming and committed to other arrangements on other loans.

Mr. Speaker, in my own 20th Congressional District money for college loans is at a premium. I checked with several banking firms in one city and found only one actively participating in the program at the existing 7-percent interest rate. This bank informed me it was flooded with applications for loans from area students and has had to draw a line. It is limiting loans to preferred customers—depositors or persons with whom it has done business in the past. H.R. 13194 will encourage participation in the student loan program by other money lending firms.

It is a good bill. It received unanimous support in the subcommittee and in the full committee. Its worth and its merit were not questioned. Mr. Speaker, I stand in support of this legislation and urge my colleagues to do the same.

Mr. THOMPSON of Georgia. Mr. Speaker, as an advocate of the student loan program, it was my intention to vote for H.R. 13194 with appropriate amendments when it reached the House floor. However, I was apalled to learn that this bill was being brought before the House under a closed rule which would prevent the Congress providing for the cutting off of loan funds to students who willfully participate in riots on college and university campuses. The Congresswoman from Oregon, Mrs. GREEN, described this action as the "tyranny of a minority." The chairman of the Rules Committee, Mr. COLMER, in response to a direct question here on the floor of the House, stated that if requested by the legislative committee he would call the Rules Committee into session tomorrow at which time the committee could act to have the Congress consider this legislation on Thursday, September 18, in a manner in which funds could be denied to student rioters.

I would rather, therefore, Mr. Speaker, see this motion to suspend the rule and pass the bill under suspension be defeated in order that the bill may be brought back before the House in a form wherein the Congress may work the will of the people in putting meaningful restrictions as to the use of these loan funds by student rioters.

Therefore, the action of the committee places me in an untenable position. While wanting to represent my constituents and their interests in both dealing with campus riots and opening the way for the approval of more loans by banks, I was absolutely prevented from presenting their viewpoints on this matter. My recorded vote, therefore, is not against the substance of the bill, but is an outright protest against the closed rule procedure. I have supported the student loan program in the past and shall do so in the future, but I cannot in good conscience allow a minority to impose on the majority of this House a procedure which prevents me from expressing the will and the views of my constituents. This is the reason that my vote will be against suspending the rule to pass the bill and I am certain other Members who may vote against the measure share my views.

The SPEAKER. The time of the gentleman from Iowa (Mr. SCHERLE) has expired. All time has expired.

The question is on the motion of the gentleman from Kentucky that the House suspend the rules and pass the bill H.R. 13194, as amended.

Mr. PERKINS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 322, nays 60, answered "present" 3, not voting 45, as follows:

[Roll No. 169]

YEAS—322

Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Bray
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Caffery
Cahill
Camp
Carey
Carter
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cohelan
Collins
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Culver
Cunningham
Daniels, N.J.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Dickinson
Diggs
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Feighan
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fraser
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hutchinson
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Langen
Latta
Leggett
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Mann
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Mikva
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Podell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Roth
Roudebush
Ruppe
Ruth
Ryan
St Germain
St. Onge
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Sebelius
Shipley
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Symington
Taft
Talcott
Taylor
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Tunney
Udall
Van Deerlin
Vander Jagt
Vanik
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—60

Abbitt
Abernethy
Ashbrook
Barrett
Blackburn
Bow
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Casey
Clawson, Del
Colmer
Cramer
Daniel, Va.
Davis, Ga.
Davis, Wis.
Devine
Dowdy
Flynt
Fountain
Fuqua
Gibbons
Griffin
Gross
Hagan
Haley
Hall
Hébert
Henderson
Hull
Ichord
Jarman
Jonas
Jones, N.C.
Landgrebe
Lennon
McMillan
Marsh
Martin

Miller, Calif.
Moss
Nichols
O'Neal, Ga.
Poage
Poff
Rarick
Rivers
Roberts
Rogers, Fla.
Satterfield
Scherle
Scott
Sikes
Sullivan
Teague, Tex.
Thompson, Ga.
Utt
Wold
Wright
Wyman

ANSWERED "PRESENT"—3

Brooks
Pelly
Quillen

NOT VOTING—45

Anderson, Ill.
Baring
Blanton
Brock
Brotzman
Brown, Calif.
Bush
Cabell
Chappell
Collier
Conable
Daddario
Dingell
Fascell
Fisher
Frelinghuysen
Gettys
Halpern
Hungate
Hunt
Kirwan
Landrum
Lipscomb
Mathias
Michel
Minshall
Morton
O'Konski
Passman
Patman
Pollock
Powell
Rostenkowski
Roybal
Sandman
Sisk
Springer
Staggers
Tiernan
Ullman
Vigorito
Watkins
Weicker
Whalley
Whitten

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Daddario with Mr. Anderson of Illinois.
Mr. Passman with Mr. Mathias.
Mr. Patman with Mr. Sandman.
Mr. Fascell with Mr. Michel.
Mr. Roybal with Mr. Lipscomb.
Mr. Kirwan with Mr. Brock.
Mr. Tiernan with Mr. Frelinghuysen.
Mr. Whitten with Mr. Halpern.
Mr. Brown of California with Mr. Whalley.
Mr. Chappell with Mr. Bush.
Mr. Dingell with Mr. Morton.
Mr. Gettys with Mr. Hunt.
Mr. Vigorito with Mr. Minshall.
Mr. Hungate with Mr. Brotzman.
Mr. Baring with Mr. Watkins.
Mr. Rostenkowski with Mr. Springer.
Mr. Ullman with Mr. Collier.
Mr. Landrum with Mr. Weicker.
Mr. Fisher with Mr. Conable.
Mr. Sisk with Mr. Pollock.
Mr. Cabell with Mr. Staggers.
Mr. Blanton with Mr. O'Konski.

Mr. BROOKS changed his vote from "yea" to "present."

Mr. MILLER of Ohio changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks, and include extraneous material, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REQUEST TO CONSIDER S. 2721, COLLEGE STUDENT LOANS

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2721) to increase funds for college student loans by increasing the authorization of appropriations for the national defense student loan program, and by providing for an incentive allowance for insured loans under title IV-B of the Higher Education Act of 1965 on a temporary basis, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would ask the gentleman whether I am correct in understanding that the gentleman said that the Senate bill is similar to the one just passed by the House?

Mr. PERKINS. With respect to revision of the guaranteed student loan program, the Senate bill is quite similar. However, the Senate bill also contains provisions increasing authorizations for the national defense student loan program, the educational opportunity grant program, and the college-work-study program.

Mr. GROSS. Would the gentleman admit that it is similar because it is so dissimilar?

Mr. PERKINS. Let me say to the gentleman that it is my intention with this request to amend the Senate bill with the language just approved by the House. It is my hope that the Senate will accept the House amendment. But, if they do not, we should have one bill so that we will be able to go to conference.

Mr. GROSS. That we will go where?

Mr. PERKINS. That we will go to conference. There will be a conference between the two bodies to iron out the differences if the Senate will not accept the House amendment.

Mr. GROSS. If the Senate does not accept the bill as just approved by the House?

Mr. PERKINS. That is correct.

Mr. GROSS. The gentleman does not think the Senate is going to do that, does he?

Mr. PERKINS. I hope that they will.

Mr. GROSS. Having added at least three programs in the other body, with a tremendously increased expenditure?

Mr. Speaker, I object.

The SPEAKER. Objection is heard.

AUTHORIZING THE PRESIDENT TO AWARD APPROPRIATE MEDALS HONORING THOSE ASTRONAUTS WHOSE PARTICULAR EFFORTS AND CONTRIBUTIONS TO THE WELFARE OF THE NATION AND OF MANKIND HAVE BEEN EXCEPTIONALLY MERITORIOUS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 775) to authorize the President to award apppropriate medals honoring those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious, as amended.

The Clerk read as follows:

H.J. RES. 775

Whereas the United States has established and maintains a highly successful manned space flight program, dedicated to the peaceful exploration of space for the benefit of all mankind; and

Whereas the full strength of America's political, industrial, and technological capacity has been effectively teamed to create and support that program, but it cannot be carried out without the intelligence, the dedication, the bravery, and the self-sacrifice of the astronauts who test the hardware and who fly the missions into the hostile environment of space; and

Whereas the United States in its moments of triumph over the success of its space exploration must not forget those brave astronauts who have given their lives in the fullest measure of man's dedication to space exploration: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may award, and present in the name of Congress, a medal of appropriate design, which shall be known as the Congressional Space Medal of Honor, to any astronaut who in the performance of his duties has distinguished himself by exceptionally meritorious efforts and contributions to the welfare of the Nation and of mankind.

SEC. 2. There is authorized to be appropriated from time to time such sums of money as may be necessary to carry out the purposes of this joint resolution.

The SPEAKER. Is a second demanded?

Mr. FULTON of Pennsylvania. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Speaker, this legislation is very simple. It provides that the President of the United States may award to the astronauts a medal in the name of the Congress of the United States.

Mr. Speaker, tomorrow the crew of Apollo 11 will be guests of the Congress at a joint session.

For this reason, I have asked to call up and pass House Joint Resolution 775 with amendments under suspension.

The purpose of this joint resolution is to authorize the President to award a medal of appropriate design to any astronaut who, in the performance of his duties, has distinguished himself by exceptionally meritorious efforts and contributions to the welfare of the Nation and mankind. It would be permanent legislation covering actions in the future as well as authorizing the President to award such medals posthumously and retroactively.

The resolution has been amended to designate the medal as the Congressional Space Medal of Honor to be awarded by the President on behalf of the Congress. The title was amended to conform.

I believe most Members are aware that the present Congressional Medal of Honor can only be awarded for "conspicuous gallantry and intrepidity in combat at the risk of his life above and beyond the call of duty."

Up until now space exploration, although hazardous, has not been considered an appropriate basis for that award because, for one reason, the Congressional Medal of Honor requires the act of the recipient to have been performed in combat.

Now it is true that in some few instances the Congress, by special act, have

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awarded the Congressional Medal of Honor to a person for acts of heroism performed not in combat. The most famous example is the act of Congress which awarded the Congressional Medal of Honor to Col. Charles A. Lindbergh.

We all know that NASA has a Distinguished Service Medal, which may be and has been awarded to astronauts, but this award was designed for and also been made for any person in the Federal service who distinguishes himself and has personally made a contribution representing substantial progress to aeronautical and space exploration in the interest of the United States.

NASA recognizes, and so do we all, that the work of space exploration is in its essence a team endeavor involving the dedication of many people in the military services, in the civilian branches of Government service, and in industry. Such contributions may be recognized under other awards, but it is believed that the unique status of the astronauts and the unique burdens placed upon them justify the award of a special medal that would be authorized by the joint resolution as amended.

Since there appears to be no medal which can be used to squarely recognize the unique role of astronauts and the special kind of courage that it takes to pit one's life, stamina, intelligence, and experience against the hazards of space exploration, I urge the passage of House Joint Resolution 775, which would provide a proper authorization for such recognition.

If the joint resolution is enacted, it is expected that the President would call upon the Institute of Heraldry, U.S. Army (10 U.S.C. 4594), to provide appropriate services in connection with the design of the medal and that he would request the Philadelphia mint to strike appropriate dies for the medals so designed.

I think it particularly appropriate that the medal be called the Congressional Space Medal of Honor to place it on the same level as the Congressional Medal of Honor, and that it be awarded in the name of Congress, who are the representatives of all of the people of the United States of America.

The National Aeronautics and Space Administration favors the enactment of this joint resolution.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Speaker, I am one of the cosponsors of this House joint resolution to honor our U.S. astronauts. I believe the resolution should be passed by the U.S. Congress.

These astronauts are men who are risking their lives for the honor of the country, and who bravely face the unknown universe of space, where no men have gone before. We have U.S. astronauts who are the new heroes of our country. To those who have been giving exceptional national service as astronauts, I believe it is wise that we do authorize a Congressional Medal of Honor which is awarded by the President of the United States.

We must remember that our U.S. space program is a tremendous research program, not only a program to land the first men on the moon, but it is a program to find where earth really fits in our whole universe of space. What effects do these tremendous forces, distances, and energetic particles of the solar river, as well as radiation and cosmic rays, have on the very existence of human beings on this earth planet?

Likewise we build up our full U.S. strength of our industrial and technological capacity in this kind of program. Space and research programs for space exploration benefit us at home as well as help us in our defense. It also helps us with our image in the whole world reflecting so well on the technological and scientific competence in America.

Therefore, Mr. Speaker, I strongly feel that this resolution should be passed and I hope that it is passed unanimously.

Mr. ROUDEBUSH. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman.

Mr. ROUDEBUSH. Mr. Speaker, three men, three Americans, Astronauts Armstrong, Aldrin, and Collins have distinguished themselves in a manner that is without precedence in history.

They have faced unknown perils, they have flown unknown skies, and have set foot where previously man had been able only to vaguely observe through the far reaches of space. They have ignited the spirit of all nations with their accomplishments and have opened the door of space for all future generations.

It is certainly in keeping with their great deeds and those of the other astronauts that the Congress establish a Congressional Space Medal to be awarded by the President to those who especially distinguish themselves in this bold and important venture.

Mrs. SULLIVAN. Mr. Speaker, in case there is any question as to whether House Joint Resolution 775 circumvents the jurisdiction of the Committee on Banking and Currency, I do not believe it does. We have no objection to the consideration of the bill, as called up under suspension of the rules, to provide for the striking of medals to be awarded by the President to any astronaut who in the performance of his duties has distinguished himself by exceptionally meritorious efforts and contributions to the welfare of the Nation and of mankind.

These are not commemorative medals. They are much the same as the medals awarded by the military services. NASA has among its astronauts members of the armed services who have been awarded military medals for some of their space exploits; there are also civilians among the astronauts. I think it is appropriate to have a distinctive medal to honor those who perform exceptional service. Most of the Government departments already issue distinctive medals to their outstanding officials or employees for exceptionally meritorious service.

I want to make clear that this bill is not the same as the measure which passed the Senate on July 30, 1969, Senate Joint Resolution 140, which would have called for the automatic award of a gold medal to any astronaut whoever has flown in a vehicle in outer space, or to his widow, with duplicate bronze medals being sold to the public. The House Committee on Banking and Currency did not act on that bill.

Mr. Speaker, I am submitting for the RECORD the reports to the Committee on Banking and Currency from the Department of Defense and the National Aeronautics and Space Administration on two other bills introduced by the gentleman from Texas, H.R. 6052 and H.R. 6055. These reports recommended the enactment of House Joint Resolution 775, which was referred to a different committee. Those reports follow:

DEPARTMENT OF THE AIR FORCE,
Washington, June 30, 1969.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 6052, 91st Congress, a bill "To foster the exploration of outer space by providing for the award by the President of the United States, in the name of the Congress, of the Congressional Space Medal to astronauts who contribute thereto." The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The purpose of H.R. 6052 is to authorize the President of the United States to present, in the name of the Congress, the Congressional Space Medal to each astronaut designated by concurrent resolution in recognition of his contribution to the exploration of outer space. Medals awarded would be made of gold by the Secretary of the Treasury acting through the Bureau of the Mint. The medals would be designed as the Secretary of the Treasury determines to be appropriate after consultation with the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Science of the Senate.

H.J. Res. 775, introduced on June 11, 1969, and pending before the House Committee on Science and Astronautics, is appropriate to recognize the heroic courage and outstanding skill of the Nation's astronauts. The Department of the Air Force, on behalf of the Department of Defense, recommends enactment of H.J. Res. 775 instead of H.R. 6052.

The Bureau of the Budget advises that there is no objection to the presentation of this report to the Congress and enactment of H.J. Res. 775 would be in accord with the program of the President.

Sincerely,

CURTIS W. TARR,
Assistant Secretary of the Air Force Manpower and Reserve Affairs.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., June 25, 1969.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for comments from the National Aeronautics and Space Administration on the bills H.R. 6052, "To foster the exploration of outer space by providing for the award by the President of the United States, in the name of the Congress, of the Congressional Space Medal to astronauts who contribute thereto," and H.R. 6055, "To provide for the striking of medals in honor of Virgil I. Grissom, Edward H. White II, and Roger B. Chaffee."

H.R. 6052 would empower the President of the United States to present, in the name of the Congress, the Congressional Space Medal to astronauts so designated by concurrent resolution of the Congress. The medal would be made of gold by the Bureau of the

Mint, and would be of an appropriate design to be determined after consultation between the Secretary of the Treasury and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate. Section 3 of the legislation would authorize to be appropriated such sums as may be necessary to carry out the Act.

H.R. 6055 would provide for the striking of medals in honor of Virgil I. Grissom, Edward H. White II, and Roger B. Chaffee, to commemorate their distinguished service and ultimate sacrifice in furthering the United States space program.

The Secretary of the Treasury, acting through the Bureau of the Mint, would be directed to make three identical medals of such design as might be determined to be appropriate after consultation with the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate.

Section 3 of the legislation would authorize an appropriation of $4,500 to carry out the above provisions.

Section 4 would empower the Secretary of the Treasury, acting through the Bureau of the Mint, to strike duplicates of the medals and sell them under such regulations as he might prescribe at a price sufficient to cover the cost thereof. The proceeds of the sale of such bronze medals would be reimbursed to the appropriation thus current for the expenditures of the Bureau of the Mint chargeable for the cost of the manufacture of the medals.

Over the past several years a number of suggestions have been made for ways in which the contributions of astronauts could and should be officially recognized. Suggestions have been made that military awards or decorations be given them, that special medals be awarded and that memorials or other permanent structures recording their work be erected.

NASA, along with other agencies in the Executive and Legislative branches of the Government, has given careful consideration to a wide variety of such proposals. It has concluded that the efforts of the astronauts in risking their lives to accomplish the goals of the United States space program is a unique service to the country and to mankind, and that it should be specifically recognized by the Government. It has also been concluded that such recognition properly should take the form of a medal to be awarded by the President in appropriate cases of outstanding service.

House Joint Resolution 775 now pending before the House Committee on Science and Astronautics appears to NASA to embody the basic principles upon which such awards should be based. It would authorize the President to award a medal of appropriate design to any astronaut who, in the performance of his duties, shall have distinguished himself by exceptional meritorious efforts and contributions to the welfare of the Nation and of mankind. It would be permanent legislation covering actions in the future. It would also authorize the President to award such medals posthumously and retroactively. A report recommending favorable action on H.J. Res. 775 has been submitted to the House Committee on Science and Astronautics.

Accordingly, it is suggested that H.J. Res. 775 be enacted and that no further action be taken on H.R. 6052 and H.R. 6055.

The Bureau of the Budget has advised that there is no objection to the presentation of this report to the Congress and that enactment of H.J. Res. 775 would be in accord with the program of the President.

Sincerely yours,

Robert F. Allnutt,
Assistant Administrator for Legislative Affairs.

Mr. BURLESON of Texas. Mr. Speaker, the Apollo lunar landing culminated a decade of supreme achievement by hundreds of thousands of Americans. All the intrepid journey of the three astronauts—Armstrong, Aldrin, and Collins—carried with them not only the fruits of the labors of these many Americans, but the hopes and aspirations of millions of people everywhere in this world.

It is only fitting that the Congress of the United States lead in a tribute to the courage and bravery of these three great Americans. I, therefore, join my colleague, the gentleman from Texas (Mr. Teague) in the support and sponsorship of the House Joint Resolution 775 which will establish the Congressional Space Medal for this purpose.

Mr. ROBERTS. Mr. Speaker, the Congressional Medal of Honor is the highest symbol of recognition for extraordinary valor and heroism in actions of war.

The space program has provided an arena for peaceful competition. This competition has been keen and constructive. It has demonstrated a way to achieve great strides in technological progress and human understanding.

The accomplishments of our space program have been a source of pride to all of us on earth. Extraordinary courage and valor have been demonstrated. I believe it very fitting that this assembled body have a symbol of recognition for heroism in space.

I, therefore, wish to endorse and urge your support of Joint Resolution 775 introduced by my colleague, the gentleman from Texas (Mr. Teague) which will establish the Congressional Space Medal.

Mr. PRICE of Texas. Mr. Speaker, the United States has conducted, with great success and credit, an open program of peaceful exploration of space. On July 21 the highlight of one of the most ambitious and courageous efforts of man was viewed by the world.

The courage required to reach this unprecedented height can only be known to a few. The environment, equipment, concepts and way of thinking in the conduct of our space program were all necessarily new.

The sacrifice and dedication required to achieve the level of proficiency necessary to experience success were also new.

The people of this Nation have shared in the program, in its successes and failures.

I feel confident that this Nation also wishes to share in its recognition and commendation of the exceptional deeds and achievements of our astronauts.

This opportunity to voice my support of House Joint Resolution 775 is one of true privilege and pride.

Mr. PODELL. Mr. Speaker, in view of the tremendous favorable national and international reaction to our manned space program, and particularly to the Apollo 11 mission, it seems fitting that the Congress should establish the Congressional Space Medal Award. This award will authorize the President to provide recognition of our astronauts whose heroism, courage, and contributions have been largely responsible for this wonderful world reaction and inspiration. I, therefore, join in support of this resolution.

Mr. TEAGUE of Texas. Mr. Speaker, a number of my colleagues on the Committee on Science and Astronautics have wished to associate themselves with House Joint Resolution 775. These distinguished Members share with me the view that this award provides a valuable contribution to the recognition of the achievements of astronauts in our national space program. The names are as follows:

Mr. Hechler of West Virginia, Mr. Daddario of Connecticut, Mr. Downing of Virginia, Mr. Waggonner of Louisiana, Mr. Fuqua of Florida, Mr. Brown of California, Mr. Cabell of Texas, Mr. Podell of New York, Mr. Aspinall of Colorado, Mr. Taylor of North Carolina, Mr. Helstoski of New Jersey, Mr. Biaggi of New York, Mr. Symington of Missouri, Mr. Fulton of Pennsylvania Mr. Roudebush of Indiana, Mr. Bell of California, Mr. Pelly of Washington, Mr. Wydler of New York, Mr. Vander Jagt of Michigan, Mr. Winn of Kansas, Mr. Pettis of California, Mr. Lukens of Ohio, Mr. Price of Texas, Mr. Weicker of Connecticut, Mr. Frey of Florida, and Mr. Goldwater of California.

Mr. CASEY. Mr. Speaker, our Nation has long needed a special award to honor those of our great astronauts whose exceptionally meritorious efforts brought distinction to themselves, and contributed greatly to the welfare of our Nation and all mankind.

The Congressional Space Medal, authorized by House Joint Resolution 775 for presentation by the President, would meet this need. It is indeed my privilege to rise in full support of this measure, and I commend its author, my friend and colleague, Representative Olin Teague, and the members of the House Science and Astronautics Committee for bringing it before us today.

As a strong supporter of the space program, and as the Representative in whose district our Manned Spacecraft Center and our astronauts reside, it has been my privilege to know these valiant men as friends and neighbors. Each has that special breed of courage which has marked the great progress of our Nation from its very beginning. And by his very participation in this tremendous program, each has carved his place in our Nation's history.

But some, of course, have been given a greater opportunity in their selection for specific missions. And of the many who have so distinguished themselves during the evolution of this great program during its early space flights, tomorrow we pause in a joint session to pay honor and tribute to three of the most valiant—our Apollo 11 crew which journeyed to the moon and back: Neil A. Armstrong, Michael Collins, and Edwin E. "Buzz" Aldrin, Jr.

The magnificent flight of Apollo 11 shall stand forever as a brilliant milestone along mankind's road of technological and scientific achievement. Through it all, with courage and valor—and humor—these three men endeared themselves to the world at large.

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Mr. Speaker, it is indeed fitting that today we act to pass this measure to show in one small way our Nation's grateful appreciation for the dedication, skill, and perseverance displayed by the men in this program. I am proud to express my support for the measure.

The **SPEAKER**. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the joint resolution (H.J. Res. 775), as amended.

The question was taken; and (two-thirds having voted in favor thereof), the Committee on Science and Astronautics was discharged from the further consideration of the joint resolution, the rules were suspended and the joint resolution, as amended, was passed.

The title was amended so as to read: "To authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. **TEAGUE** of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD.

The **SPEAKER**. Without objection, it is so ordered.

There was no objection.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. **CELLER**. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681), with Mr. MILLS in the chair.

The Clerk read the title of the joint resolution.

The **CHAIRMAN**. Before the Committee rose on Thursday, September 11, it had agreed that the joint resolution would be considered as read and be open to amendment at any point.

Are there any amendments?

Mr. **McCORMACK**. Mr. Chairman, I move to strike out the last word.

Almost everyone, both in and out of Congress, admits that reform of our electoral college system is long overdue. The present procedure, which permits any elector to switch his vote and frustrate the wishes of the electorate, should be corrected. With luck, we have, so far, escaped a situation in which the defection of electors in violation of their moral obligation has significantly affected the results of our election. We should not and cannot afford to tempt fate further. It is also imperative that we revise the constitutional provisions applicable to deadlocks. The provision that in a deadlock the House should elect the President with one vote cast by each State delegation, as it did on two occasions in the past certainly could prove harmful in the future.

It is possible, for example, that if a congressional delegation should split evenly, the population of an entire State would lose all voice in choosing a President. It is also possible that a candidate who decisively trailed in the popular vote could be elected President. Also under the present system the other body could elect as Vice President a candidate from a party different from that of the President-elect. Thus the present second election procedures are plainly archaic and, in fact, could be dangerous as the House stands today at the threshold of reforming its electoral process. We must bear in mind that the Office of President of the United States is the most powerful Office in the world. The process by which our people elect the Chief Executive must be attuned to the needs of not only today but of tomorrow, and not of decades gone by.

The electorate no longer needs a group of intermediaries known as electors to register their choice.

In selecting a method to correct the present deficiencies, the Judiciary Committee has done well. I congratulate the chairman and all the members of the committee, both Democrats and Republicans. Direct election of the President, it must be acknowledged, is the only method by which the democratic principle of one man, one vote can be effectuated.

The proposed amendment also would conform the contingent election procedures to those of the initial election. The people would elect the President under all circumstances. Only the direct popular election will assure, in the first instance and in a contingency, that the candidate with the greatest popular vote would become President. The direct popular election method which the House is called upon to approve will substitute clarity for confusion and decisiveness for danger, and assure that the popular choice, rather than political chance, will determine the winner and will obviate any future constitutional crisis.

The debate has been on a very high plane. We all know what the history of presidential elections in our country is. For example, in the 46 presidential elections, under the electoral college system, three candidates who received less than the popular vote were elected President: Adams in 1824, Hayes in 1876, and Harrison in 1888. Two Presidents were elected by the House: Jefferson in 1800 and Adams in 1824. We know what happened in 1876 in the case of the Hayes election and the Special Electoral Commission appointed by the Congress. Each one of those cases had the potential of constitutional instability. If it were not for the bigness of the men who had received the popular vote but who were not elected President, there could have been a constitutional crisis in any one of those elections.

The emotionalism that existed could have divided our country. They were big men who assumed the responsibility of unity within our country rather than take the pathway that might have led to emotionalism and disunity.

Mr. Chairman, I recognize the sincerity of those who favor the other plans. I might say in all frankness any one of the two substantial ones are better than the present system, but in my opinion the resolution reported out by the Committee on the Judiciary is the best assurance that we can have that we are giving to the country in the future the maximum of constitutional stability. It seems to me on the basic ground of constitutional stability, and making every contribution we can to assure it in the future, the resolution reported by the Committee commands the respect, the attention, the support, and the vote of at least two-thirds of the Members of this House. So with all respect to the other methods, I urge that they not be adopted and that the resolution reported by the committee pass this body. It is one means that will give to the maximum extent possible assurances to the people of America and the people of tomorrow that there will be constitutional stability, and that is a matter of vital importance.

Mr. **ALBERT**. Mr. Chairman, I move to strike the necessary number of words.

(By unanimous consent, Mr. ALBERT was allowed to proceed for 5 additional minutes.)

Mr. **ALBERT**. Mr. Chairman, first of all, I compliment the distinguished Speaker on the leadership which he has given this matter, as I do the distinguished chairman of the Committee on the Judiciary and the distinguished ranking Republican member.

Mr. Chairman, I join this great committee in urging that the time has come for the President and for the Vice President of the United States to be elected by the people directly and without any separation from the election process. This, in my opinion, is a right which the people want. It is a right which the people ought to have.

The American people elect their State legislators. They elect their Senators and Representatives in Congress. They elect their chief executive officers in every State in the Union. They want also the right to elect the Chief Executive Officer of the Nation.

In May 1912, the Congress submitted the 17th amendment to the legislatures of the several States. In May 1913, just 1 year later, the necessary 36 States had ratified it. Under a mandate from the American people, the State legislatures gave up this power entrusted to them by article I, section 3, of the Constitution. In 1912, the American people wanted no intermediary in the election of their U.S. Senators, not even their own directly elected, directly responsible well-known members of their own State legislatures. In 1969, they want no anomalous intermediary, selected by a political convention, responsible to no one, and unknown to 90 percent of the electorate, to choose

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the most important public official in the land.

The heart and soul of this amendment is representative government itself. This more than anything else persuades me to its support. Through the years, the office of President has grown in responsibility; it has grown in power. The President sends men into battle and determines the policy—yes, the strategy—under which they fight. The President presides over all the executive departments of Government now embracing a vast bureaucracy dealing with the rights, liberties, and welfare of our people. This country has changed since 1787, and the vital interests of the American people require that they have in their own hands direct control of the executive as well as of the legislative branch of the Government.

With the National Government involved in the lives of our people as it is today, with the speed of communication and the efficiency of the news media being what they are today, a crisis of major proportions would arise in this country if a presidential election were thrown into the House of Representatives, or if a third party candidate were able to control the electoral college, or if the winner of the popular vote were to become the loser, or worse than all, if unfaithful electors were able to determine the outcome of an election.

On this matter of the turncoat elector, although it has been discussed at length, I think a little emphasis is still in order. I remember in my own State, in the Kennedy-Nixon campaign, the then Vice President Nixon carried Oklahoma by a substantial majority, yet one of the Republican electors cast his vote not for Vice President Nixon, not for any other contender in the Republican National Convention, not for Senator Kennedy or any of his opponents in the Democratic National Convention, not for any third party candidate, but for a man who was not even a candidate and had not even submitted himself to the American people for consideration for the office of President of the United States.

This is wrong. It is wrong in principle and it is fraught with danger. The danger is not limited to cases where a third party candidate may hold the balance of power. The peril is present even when an election is confined to the two major party candidates. The indicated electoral college vote might in some future election well be so close that one, three, or five unfaithful electors could defeat the candidate who was the apparent winner of a majority of the electoral vote. If an election should result in a situation where a handful of untrustworthy electors could change the result of an election, the American people would await the final count in horror.

The pending resolution, more nearly than any other proposal advanced by able colleagues, will remedy the defects in our present system of presidential elections. It will abolish the electoral college. It will end the faithless presidential elector. It will prevent power struggles within the electoral college or in the House of Representatives. It will eliminate the "winner take all" feature and thus make every vote count. It will make the winner the winner and the loser the loser and thus enhance the cause of democracy. The adoption and ratification of this resolution will make sure that the leader of our people is our people's leader.

I urge my colleagues to support the resolution as reported by the committee and to reject all substitutes and crippling amendments.

Mr. QUILLEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the proposed direct nationwide popular vote plan to elect a President and Vice President of the United States is already under heavy attack and should not be passed without amendment.

Strong opposition was registered by many during my visit to the district this past weekend when I sounded out their opinions and my mail in Washington reflects the same feeling. It is obvious that the people want their vote to count.

The matter is receiving national attention and is one of the most important measures coming before the Congress in many years.

The people's concern is that such a plan would make the candidates concentrate on the big cities and the populous States and ignore the smaller areas of the country.

And the people do not want to be ignored—that is it, plain and simple.

In the past we have had presidential candidates who made campaign appearances in the First District of Tennessee. Adoption of the popular vote plan might preclude us from ever seeing a presidential candidate there again.

I share the same concern in opposition to a direct nationwide popular vote. At the same time, I realize that our electoral college system needs to be overhauled, and the evils of our winner-take-all practice, which is the most criticized feature of our electoral college system, needs to be corrected.

I want the vote of every citizen in my district and every citizen of the United States to count in the election of the President and Vice President and I will fight for an amendment to the popular vote proposal to change it to a district plan which will guarantee that each vote will count.

The district plan brings the presidential election closer to the people by making electoral votes available to both parties in all States having more than three electoral votes.

This would also eliminate a much-criticized feature of our current system which is the overwhelming attention devoted to the larger, so-called pivotal States in which "swing minorities" have disproportionate power.

Under the district plan, while presidential electors as individuals would be abolished, the electoral votes of the several States would be retained. Two of these votes would automatically be assigned to the presidential candidacy which carries the State as a whole; the remaining electoral votes of the State would be assigned to the presidential candidacy which carries each separate electoral or congressional district within the State, one electoral vote per district. If no candidate receives the majority of the electoral vote, election shall be by a joint session of the Senate and the House of Representatives, with the Members voting as individuals, a majority of the whole number of Senators and Representatives being necessary to a choice. The district plan is embodied in House Joint Resolution 791.

Both the popular vote and district plans require an amendment to the Constitution. To pass the House, it takes a two-thirds majority and it will be necessary to be ratified by the legislature of three-fourths of the several States within 7 years after the date of final passage.

The district plan will do all this without destroying our federal system, and under a plan pronounced by James Madison as "mostly, if not exclusively, in view when the Constitution was framed and adopted."

The district plan, unlike the direct vote system, will give due weight to the entire country and will not unduly favor the large metropolitan areas.

As a result, it stands the best chance of ratification by three-fourths of the States. And it preserves the essence of the federal system of Madison, Hamilton, Jefferson, and Adams, which has served us well for almost 200 years.

Further, the district plan has the best proposal for preserving our federal system. I regard this unique system as the greatest single strength of our form of government.

The direct electoral plan could be very destructive of this federalism. I believe it could produce splinter parties, injurious to the effectiveness of the two party system. It could, in fact, have an unfavorable impact upon our whole political system, including party structure. It inevitably could result in federalizing such matters as election procedures and voter qualifications.

I am happy that the people of my district are concerned about their vote for President and Vice President of the United States. I do not want to see any county in my entire district or any district in the United States ignored by the candidates, nor do I want to see the State of Tennessee bypassed.

Before any popular vote plan is enacted, many factors should be taken into consideration. For instance, the polls close on the east coast 3 hours before they do on the west coast. This would give the populous States in the West an opportunity to get on the bandwagon and swing their votes to a winner.

Also, under the popular vote plan, the TV networks could put a candidate on a white charger and elect him President of the United States, irrespective of qualifications.

There must be some safeguards in any change of our electoral college system and the district plan would be the best protection to guarantee that every vote would count.

The direct election plan goes too far. It is not reform but a total break with our constitutional history with vast im-

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plications deserving most careful consideration.

The district plan is none of these. It is consistent with our history and our political institutions as they have developed.

Therefore, Mr. Chairman, I urge adoption of the district plan as a substitute for the joint resolution now under consideration.

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield?

Mr. QUILLEN. I would be happy to yield to the gentleman from Minnesota.

Mr. MacGREGOR. Let me pose this question. If we had the district plan what of a Republican voter in a district that goes traditionally 60 percent Democratic, what would be the situation? The gentleman stated he wanted a plan under which every vote would count. Would the gentleman explain how my Republican vote would count for President and Vice President if I lived in a Democratic district where the Democratic candidate for President traditionally gets 60 percent of the vote?

Mr. QUILLEN. Let me explain it this way. The gentleman has been in the House of Representatives for the period of four terms. When Senator GOLDWATER ran for President of the United States he was losing the congressional districts in the other parts of Tennessee and throughout the country. Yet in my congressional district he received one of the greatest majorities, because the people tied the congressional candidate in with the presidential candidate. Therefore, it is my firm conviction that you, in doing the fine job that you are performing now for your district, can assure the people of that district the proper vote in the election of a President and Vice President of the United States.

Mr. MacGREGOR. I thank the gentleman for his compliment, but I am not at all sure that his answer is responsive to my question.

SUBSTITUTE AMENDMENT OFFERED BY MR. DOWDY

Mr. DOWDY. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. Dowdy as a substitute for the pending joint resolution: Strike out all after the resolving clause, and insert the following:

"That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

" 'Article —

" 'Section 1. In each State and in the District constituting the seat of Government of the United States (hereafter in this article referred to as the "District") an election shall be held in which the people thereof shall vote for President and Vice President. Each voter shall cast a single vote for two persons (referred to in this article as a "presidential candidacy") who have consented to the joining of their names as candidates for the offices of President and Vice President. No person may consent that his name appear with that of more than one other person or as a candidate for both offices. Both of the persons comprising a presidential candidacy may not be residents of the same State nor may both of them be residents of the District. No person constitutionally ineligible to the office of President shall be eligible to that of Vice President.

" 'Sec. 2. Each State shall be entitled to a number of electoral votes for President and Vice President equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The District shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State. Each State shall establish a number of electoral districts equal to the number of Representatives to which such State is entitled in the Congress. The Congress shall establish in the District a number of electoral districts equal to the number by which the electoral votes of the District exceed two. Electoral districts within each State or the District shall be, insofar as practicable, of compact territory, and shall be of contiguous territory, and shall contain substantially equal numbers of inhabitants. Electoral districts in a State or the District shall be reapportioned following each decennial census, and shall not thereafter be altered until another decennial census of the United States has been taken.

" 'The presidential candidacy which receives the greatest number of popular votes in a State or in the District shall receive two of the electoral votes of such State or of the District. For each electoral district in which a presidential candidacy receives the greatest number of popular votes, it shall receive one electoral vote.

" 'Sec. 3. Within forty-five days after the election, the official custodian of the election returns of each State and of the District shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all presidential candidates for which popular votes are cast in such State or in the District, together with the number of popular votes received by each presidential candidacy in such State or in the District and in each electoral district therein.

" 'Sec. 4. On such day between the 3d day and the 20th day of January following the election as Congress may provide by law, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the electoral votes shall then be counted. The persons comprising the presidential candidacy receiving a majority of the electoral votes shall be the President and the Vice President. If no presidential candidacy receives a majority, then from the presidential candidacies having the two highest numbers of electoral votes, the Senate and House of Representatives together, each Member having one vote, shall choose immediately, by ballot, a presidential candidacy. A majority of the whole number of Senators and Representatives shall be necessary to a choice.' "

Mr. GROSS. Mr. Chairman, since there was not time to debate in the House the 10-percent interest rate, perhaps there is time for a quorum call.

Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 170]

Anderson, Ill.
Anderson, Tenn.
Ashley
Baring
Barrett
Betts
Blanton
Bolling
Broomfield
Brotzman
Brown, Calif.
Bush
Cabell
Chappell
Clark
Clay
Culver
Daddario
Dent
Diggs
Dwyer
Eckhardt
Fascell
Fisher
Ford, William D.
Foreman
Gray
Halpern
Hays
Hébert
Holifield
Howard
Hungate
Hunt
Jones, Ala.
Kirwan
Landrum
Lipscomb
Michel
Morton
Murphy, N.Y.
O'Konski
Ottinger
Passman
Patman
Podell
Pollock
Powell
Reid, N.Y.
Rosenthal
Rostenkowski
Roybal
Sandman
Scheuer
Sisk
Slack
Springer
Staggers
Teague, Tex.
Thomson, Wis.
Tiernan
Ullman
Vigorito
Watkins
Weicker
Whalley
Whitten

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Mills, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681), and finding itself without a quorum, he had directed the roll to be called, when 363 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Clerk had read through section 4 of the substitute amendment offered by the gentleman from Texas (Mr. Dowdy).

The Clerk will continue the reading of the substitute amendment.

Mr. DOWDY. Mr. Chairman, I ask unanimous consent that the reading clerk again start from the beginning of the substitute amendment so that the Members may have the benefit of the entire text at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Dowdy as a substitute for the pending joint resolution: On page 1, strike out all after the resolving clause, and insert the following:

"That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

" 'Article —

" 'Section 1. In each State and in the District constituting the seat of Government of the United States (hereafter in this article referred to as the 'District') an election shall be held in which the people thereof shall vote for President and Vice President. Each voter shall cast a single vote for two persons (referred to in this article as a 'presidential candidacy') who have consented to the joining of their names as candidates for the offices of President and Vice President. No person may consent that his name appear with that of more than one other person or as a candidate for both offices. Both of the persons comprising a presidential candidacy may not be residents of the same State nor may both of them be residents of the District. No person constitutionally ineligible to the office of President shall be eligible to that of Vice President.

" 'Sec. 2. Each State shall be entitled to a number of electoral votes for President and Vice President equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The District shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State. Each State shall establish a number of electoral districts equal to the number of Representatives to which such State is entitled in the Congress. The Congress shall establish in the District a number of electoral districts equal to the number by which the electoral votes of the District exceed two. Electoral districts within each State or the District shall be, insofar as practicable, of compact territory, and shall be of contiguous territory, and shall contain substantially equal numbers of inhabitants. Electoral districts in a State or the District shall be reapportioned following each decennial census, and shall not thereafter be altered until another decennial census of the United States has been taken.

" 'The presidential candidacy which receives the greatest number of popular votes in a State or in the District shall receive two of the electoral votes of such State or of the District. For each electoral district in which a presidential candidacy receives the greatest number of popular votes, it shall receive one electoral vote.

" 'SEC. 3. Within forty-five days after the election, the official custodian of the election returns of each State and of the District shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all presidential candidates for which popular votes are cast in such State or in the District, together with the number of popular votes received by each presidential candidacy in such State or in the District and in each electoral district therein.

" 'SEC. 4. On such day between the 3d day and the 20th day of January following the election as Congress may provide by law, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the electoral votes shall then be counted. The persons comprising the presidential candidacy receiving a majority of the electoral votes shall be the President and the Vice President. If no presidential candidacy receives a majority, then from the presidential candidacies having the two highest numbers of electoral votes, the Senate and House of Representatives together, each Member having one vote, shall choose immediately, by ballot, a presidential candidacy. A majority of the whole number of Senators and Representatives shall be necessary to a choice.

" 'SEC. 5. The place and manner of holding any election under section 1 in a State shall be prescribed by the legislature thereof. The place and manner of holding such an election in the District shall be prescribed by Congress. An election held under section 1 shall be held on a day which is uniform throughout the United States, determined in such manner as the Congress shall by law prescribe.

" 'SEC. 6. The voters in such elections in each State shall have the qualification requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe less restrictive residence qualifications for voting for presidential candidacies. Congress shall prescribe by law the qualifications for voters in the District of Columbia.

" 'SEC. 7. The Congress shall have power to enforce this article by appropriate legislation. The Congress may by law provide procedures to be followed in case of (1) the death, disability, or withdrawal of a candidate on or before the time of an election under this article, (2) a tie in the popular vote in a State or in the District or in an electoral district which affects the number of electoral votes received by a presidential candidacy, or (3) the death of both the President-elect and the Vice-President-elect.

" 'SEC. 8. This article shall take effect one year after the 21st day of January following its ratification.' "

The CHAIRMAN. The gentleman from Texas (Mr. DOWDY) is recognized in support of his amendment.

(By unanimous consent, Mr. DOWDY was allowed to proceed for 10 additional minutes.)

Mr. DOWDY. Mr. Chairman, this substitute which you have just heard read is the substitute which we discussed during general debate. It is set forth on page 24890 of the CONGRESSIONAL RECORD for September 9, and is identical with House Joint Resolution 897 which I introduced for myself, Mr. POFF, and Mr. DENNIS. It is our proposal in lieu of the direct election proposal, and without its attending evils, as outlined in general debate.

Its provisions are simply this: A return to the basic unit of representation in Congress and in presidential elections—electoral districts, and each with one vote. Just as states are divided and elect their members of the House of Representatives, let the States be divided for electoral votes. This would be a return to the original constitutional concept, a return to constituencies at an acceptable level, where the local voter has an equal voice, and can have this voice recorded, and not be swept away in disenfranchisement under the present custom of statewide election and not have it drowned in the mass of votes as contemplated in the 40 percent direct election proposal.

Let the winning parties on a statewide basis receive the two electoral votes corresponding to each State's two Senators. This is the best mechanism for the maintenance of federalism in presidential elections, which we would protect.

It would keep the constituence local for the recognition of local views of national interests and feelings. This brings the election back to the people. A mass election, as contemplated by House Joint Resolution 681, with no local constituency of force, represents a danger which many will recognize, and make its ratification by the States even less possible.

In the end, we must recognize the essential force that is represented in the office of President in our political structure which makes its elective process so overwhelmingly important.

The recent decades have seen an aggrandizement of the powers of this office. The President's power in recommending, shaping, and pursuing congressional adoption of his legislative proposals is well recognized. Its growth is one of the outstanding political developments of this century. It is an essential aspect of the growth of power in Washington. Even at this moment there is widespread division and corresponding conviction and heat in the land, and in Congress, arising out of opinions on the limits, if any, of the power of the Presidency in foreign affairs. It is not too strong to state that there are many in our land today who sense and fear a trend toward autocracy built on an absolutism of simply majority rule. How much greater it would be were that changed to a 40-percent rule.

One great defense has been built against such autocratic rule. It is the creation and maintenance of a Federal policy. The direct election proposal, and especially with its 40-percent provision, represents an overwhelming attack upon the Federal system. That is its essential evil and danger. Our approach, in this substitute proposal, to making the Presidency constitutionally representative of the United States, as Congress is, is in strict accord with the Constitution.

The heart of the complaints against the electoral college is the statewide winner-take-all election of the electors who are apportioned with Representatives in Congress. For each Member of Congress, there is one elector.

Their statewide election came about piecemeal over some 40 years, by directions of the State legislatures. The constitutional provision, contained in article 2, section 1, as follows:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

The clause, "in such manner as the legislature thereof may direct" is omitted from our proposal. Instead of that broad power, we substitute our section 2, which, in its material part reads:

> Each State shall be entitled to a number of electoral votes for President and Vice President equal to the whole number of Senators and Representatives to which such State may be entitled in Congress. Each State shall establish a number of electoral districts equal to the number of Representatives to which such State is entitled in the Congress. The presidential candidacy which receives the greatest number of popular votes in a State shall receive two of the electoral votes of such State. For each electoral district in which a presidential candidacy receives the greatest number of popular votes, it shall receive one electoral vote.

This effectively abolishes the statewide election of electors, and assures that each vote cast would have equal weight. Each voter would know that his vote would apply to three electoral votes, one for his district, and two for his State, whether he lived in a large or small State.

The substitute provides for a contingency election at a joint session of the House and Senate, each Representative and each Senator having one vote. The substitute assures that a President-elect will have a majority-mandate, one way or the other—not just a 40-percent mandate as would be provided by House Joint Resolution 681.

I would briefly review with you the workings of our substitute proposal.

At present, and for the purposes of this debate considering the District of Columbia as a State, 102 electoral votes would be determined, two from each State, and 436 electoral votes would come from equal districts, established by the various States.

It is a fact which cannot be disputed, mathematically or otherwise, the greater the number of districts or units in which a plurality is to determine an electoral vote, the smaller will be the population of each unit. The smaller the population of the district, the greater will be

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the individual voter's chance to have an effective voice in the national election; at the same time, there will be a less number of voters within the district who will be adversely affected by being on the losing side. Furthermore, any local election fraud will be much more limited in its affect on the national election. Highly important is the fact that any severe weather condition affecting voter turnout would not lessen the weight to which the involved area is entitled in the national results by reason of its population. The affect of any local misrepresentation, misinformation, or "dirty politics," would be limited in its scope to one electoral vote, or perhaps three.

In all these respects, as well as others, the plan to assign 436 electoral votes to districts is much preferable to the present system. It is even more desirable and preferable in comparison to the direct vote for election of the President by a 40-percent vote, because that proposal creates the greatest possible premium for election fraud in any area, the greatest potential effect of any splinter group, the greatest potential effect of any severe weather condition or other occurrence affecting voter turnout in any given area, and the most serious consequences of any local misinformation that misleads the voters.

Now, in conclusion, I would like to comment briefly on some of the statements that were made during general debate. It was stated that the American Bar Association, the chamber of commerce, and the National Federation of Independent Business are strongly in favor of this House Joint Resolution 681, direct election of the President by 40 percent of the voters.

The approval by the bar association was by one of its committees. It is my understanding that American lawyers have not had an opportunity to express themselves. They have not been polled. It is my further understanding that a large percentage of them, if not a majority, are opposed to this 40-percent proposal.

The U.S. Chamber of Commerce did not take a stand between the district plan, as I propose, and the direct election. The chamber would be for either. However, I do know, that some of the State chambers and many local chambers of commerce are opposed to the direct election, and favor the district plan.

As far as the claim that the members of the National Federation of Independent Business expressed strong support for House Joint Resolution 681, I have obtained the question that was posed in the poll of the membership.

That question was, "Do you favor presidential election by majority popular vote of the people?" Now majority is far different than the 40 percent called for in House Joint Resolution 681. Who can say that those who voted for a majority election would vote for a 40-percent election. I doubt that most of them would, and I believe you share that opinion.

Then the point was raised that had the district plan been in effect in 1960, Mr. Nixon would have been elected over Mr. Kennedy. That is irrelevant, a mere play with words, a pleasant exercise in a "numbers game," for this reason:

All of us have been in politics a long time, and have conducted many election campaigns. Each campaign is different, conducted under the rules existing at the time of each campaign, and planned according to the circumstances then prevailing. That is my experience and yours—no two campaigns are alike—the work is done in areas where needed. I have not investigated to determine whether it is true Mr. Nixon would have been elected, as the votes were cast in 1960. but let us assume it is true, as has been stated.

That campaign was conducted under the winner-take-all rule then in effect in each State. The campaign was conducted, directed to the groups of voters in the States which were important to election, and we Democrats were successful.

Are you going to assume that Jack Kennedy, Lyndon Johnson, Bobby Kennedy, and their strategists in that campaign were stupid? Do you not know, if the rules had been different, the campaign would have been conducted to fit the rules. Had the district plan been in force, the campaign would have been directed to prevail in the districts, rather than just certain States. This would have produced a different voting pattern. The same is true had the 40 percent direct election plan been in effect. The campaign would have been directed even more to the big city voting masses. You might as well say—it is the same numbers game—that because Mr. Nixon defeated Mr. Humphrey in 1968, he would have defeated anyone else the Democratic Party might have nominated; or that because Mr. Kennedy defeated Mr. Nixon in 1960, that he would have defeated Mr. Eisenhower, had he been permitted to run for reelection. Mere play on words and numbers. The campaigns would have been differently planned in each case.

In any event, if the rules are changed, however they are changed, campaign strategy will be altered to fit those rules. If the district plan is adopted, you can know that election campaigns will be mapped with full knowledge that every voter in the Nation will be voting for three electoral votes—one for his district and two for his State—rather than for varying numbers of electors according to his State. If the 40 percent direct election plan is adopted, you know that campaigns will be directed to the voters massed in the cities.

In conclusion, I will call your attention that our proposal does all that needs to be done about electing a President. It is a simple amendment that affects no other elements of the Constitution. It is a rearrangement of familiar things. It introduces no novel ideas. Nor does it bring any evils in its train. At the same time, it would effectively isolate the effect of any possible election fraud. Any contest of an electoral vote would be confined to the district or State in which it was charged. It could be settled in the courts having jurisdiction in the State or district; this should be contrasted with the overwhelming impossibility of a nationwide contest, involving more than 75 million votes.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I am glad to yield to the gentleman from North Carolina.

Mr. LENNON. I thank the gentleman for yielding and commend him for his remarks.

I wish to make the very flat statement that I regret so much that so few Members of the House were here to hear what you have to say today.

Like most Members of the House, after the election of last November most of us became greatly concerned about the general attitude of the American public concerning the election and especially the so-called electoral college. I was concerned about it enough to involve myself in it to the extent that I was almost buried from then until we came back in January trying to do research to find out not only what was in the minds of the people but what was in the best interest of our Nation. When I came back in January I spent most of my time until mid-April, specifically until April 28 of this year, trying to decide what was best.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(By unanimous consent, Mr. DOWDY, at the request of Mr. LENNON, was allowed to proceed for 5 additional minutes.)

Mr. LENNON. Mr. Chairman, will the gentleman yield further?

Mr. DOWDY. I am happy to yield to the gentleman.

Mr. LENNON. So on that date I introduced House Joint Resolution 680, which is almost identical with the substitute now offered by the gentleman from Texas. Has it been disputed or has it been denied or has it been questioned by anyone in this House that the statistics found in this report which are taken verbatim from the May 29 issue of U.S. News & World Report are correct, that the direct election plan proposed under the committee's joint resolution will inure to the benefit of 15 States of the 50 States in the Union?

Mr. DOWDY. It has not been.

Mr. LENNON. And it will do more, if I may be permitted to say this. It will work an irreparable damage—and who denies these statistics—to 34 States of the Union. Only in one will it have a practically nil effect, Oregon. No one has denied that. I appeal to the Members of the House on this. Do you not want to go into your congressional district and say to the people of your district, "Come on now and let us work for our candidate and our nominee, whether he is a Democrat or a Republican, in order that our vote may be counted effectively as one vote from this congressional district"? That is the historical concept on which this Republic was founded—one vote from each congressional district and two from the State at large. This was because all of us know that the Constitution provided that the Senators should represent the

State. They were either appointed by the Governor of the State or by the joint action of the legislatures of those several States until a constitutional amendment was enacted providing for the popular election of Senators. I cannot see how anyone in good conscience or morality can fail to support this concept. I do not believe in the winner-take-all concept or in the electoral college. Your bill gets rid of the electoral college.

Mr. DOWDY. It does.

Mr. LENNON. And it gets rid of the concept of winner take all, I do not see how anyone can say the concept you have brought here in your substitute is not the best thing for America. I will concede it is not the best thing for New York State or California or Pennsylvania or perhaps for Ohio or Illinois or a total of 15 States, but for the rest of us it is the best for us and is best for the individual responsibility of each person in the congressional district who knows that if he gets out and works and if we carry our district, regardless of how the other parts or the State or the nation will go, then we will be recognized. I just cannot understand it.

I did not mean to take up too much of the gentleman's time, and I appreciate his yielding to me. I enclose as part of my remarks, a copy of House Joint Res. 680 which I introduced on April 28, 1969, and a statement of explanation of this measure which I issued on April 30, 1969:

H.J. RES. 680

Joint resolution proposing an amendment to the Constitution of the United States relating to the election of President and Vice President

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during a term of four years, and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"The office of elector of the President and Vice President, as established by section 1 of article II of this Constitution and the twelfth and twenty-third articles of amendment to this Constitution, is hereby abolished. The President and Vice President shall be elected by the people of the several States and the district constituting the seat of government of the United States (hereafter in this article referred to as 'District'). The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe lesser qualifications with respect to residence therein. The electors in the District shall have such qualifications as the Congress may prescribe. The places and manner of holding such election in each State shall be prescribed by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The place and manner of holding such election in the District shall be prescribed by the Congress. Congress shall determine the time of such election, which shall be the same throughout the United States. Until otherwise determined by the Congress, such election shall be held on the Tuesday next after the first Monday in November of the year preceding the year in which the regular term of the President is to begin. Each State shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The District shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State.

"Within forty-five days after such election, or at such time as Congress shall direct, the official custodian of the election returns of each State and the District shall make distinct lists of all persons for whom votes were cast for President and the number of votes for each, and the total vote of the electors of the State or the District. The lists shall also include the total vote of the electors in each of the congressional districts of the State, and the total number of votes cast for each of the persons for President. The official custodian of the lists shall sign and certify and transmit sealed to the seat of the Government of the United States the lists, directed to the President of the Senate. On the 6th day of January following the election, unless the Congress by law appoints a different day not earlier than the 4th day of January and not later than the 10th day of January, the President of the Senate shall in the presence of the Senate and House of Representatives, open all certificates and the votes shall then be counted. The person who receives the greatest number of votes cast for President in a State shall be credited with two of the electoral votes of such State (plus, in the case of a State which elects one or more of its Representatives at large, an additional number of the electoral votes of such State equal to the number of Representatives so elected). A person who receives the greatest number of votes cast for President in a congressional district in a State shall be credited with one electoral vote of such State (or, in the case of a congressional district from which more than one Representative is elected, with a number of the electoral votes of such State equal to the number of Representatives elected from such congressional district). The person who receives the greatest number of votes cast in the District shall be credited with all of the electoral votes of the District. The person credited with the greatest number of electoral votes for President shall be President. If two or more persons are credited with the same number of electoral votes and no other person is credited with a greater number of electoral votes, then the Senate and the House of Representatives sitting in joint session shall choose the President immediately, by ballot, from among the persons having the same number of electoral votes, each Member having one vote. A majority of the votes of the combined authorized membership of the Senate and the House of Representatives shall be necessary for a choice.

"The Vice President shall be likewise elected, at the same time and in the same manner and subject to the same provisions, as the President, but no person constitutionally ineligible for the office of President shall be eligible to that of Vice President of the United States.

"The Congress may by law provide for the case of the death of any of the persons from whom the Senate and the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of death of any of the persons from whom the Senate and the House of Representatives may choose a Vice President whenever the right of choice shall have devolved upon them. The Congress shall have the power to enforce this article by appropriate legislation.

"SEC. 2. This article shall take effect on the 10th day of February next after one year shall have elapsed following its ratification."

EXPLANATION OF HOUSE JOINT RESOLUTION 680

Congressman Alton Lennon has introduced H.J. Res. 680, proposing an amendment to the U.S. Constitution which he believes will bring the individual voter closer to the election of the President and Vice President of the United States.

The amendment provides that two electoral votes be credited to the candidate receiving the greatest number of popular votes in a state, and one electoral vote to the candidate receiving the greatest number of popular votes in each congressional district.

Mr. Lennon believes this method would create greater incentive and political efficacy among the populace in congressional districts, resulting in higher voter turn-out and involvement. He stated: "The voters in one section of a state would receive credit for their efforts in carrying their congressional district, regardless of the votes cast in another part of the state."

The official custodian of the election returns of each state would, within forty-five days after the election, compile the official results and transmit them to the President of the Senate of the United States. There the electoral votes would be counted and the candidate receiving the greatest number of electoral votes would be President of the United States.

In the event two candidates received the same number of electoral votes, the Senate and House of Representatives, in a joint session, would elect the President of the United States by a majority vote of the joint membership.

Representative Lennon pointed out that his proposal can be easily understood by the citzens and represents a workable solution to the present inadequate electoral system. The possibilities of corruption and uncertainties are best averted in a system that is fundamentally democratic and readily understood.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I am glad to yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, my greatest concern about the popular election method is the 40-percent provision, which would continue the possibility of having a minority President. And, I fear also that it would promote the proliferation of splinter parties that have been the Achilles heel of so many great democracies that have flourished and then fallen in the past.

As I understand the district plan, the contingency mechanism of a separate vote of not only the Members of the House but also the Members of the Senate would come into operation if no candidate carries a majority of the districts; is that correct?

Mr. DOWDY. I believe that somewhere along the line a President should have a majority vote and a contingency election here would be the 435 Members of the House and the 100 Members of the Senate, each with one vote to make it a contingency election. A majority would be required for the contingency election.

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Mr. ICHORD. Mr. Chairman, if the gentleman will yield further, I support the plan of the gentleman in the well.

Mr. Chairman, the debate on House Joint Resolution 681 is, indeed, a historical occasion for we have embarked on the long journey to amend the supreme law of our land, the Constitution of the United States. It is not a matter to be given light or cursory consideration, but thorough, deep, and deliberate study. I compliment the Members of the House, and especially the members of the Judiciary Committee, for the tone and quality of the debate that has characterized this most momentous deliberation.

I favor a change in our method of electing the Chief Executive of our Nation. I do believe that the present system contains deficiencies which could frustrate the will of the people and result in disastrous and disruptive consequences. Especially is this true of the aspect of the "faithless elector" who is not constrained to follow the will of the majority of the State which chooses him as an elector. Also, the contingency mechanism where the members of each congressional delegation are compelled to vote under the unit rule in the event that no candidate receives a majority of the electoral vote is in dire need of amendment. Despite its deficiencies, however, we must recognize that the present system throughout the history of our Nation has served us well. With the possible exception of one or two Presidents, it has given us no really bad Presidents. On the other hand, it has given us many truly great Chief Executives. Granted the present system is not perfect and we are in need of change but we must be careful that we do not reform the present system by putting something in its place which will be worse than what we have. The present system, despite its shortcomings, has nurtured the two-party system which has been the great stabilizing factor of our democracy. The growth of splinter parties, resulting in the inability of any party to obtain a majority or a substantial plurality and unite the country has been the "Achilles heel" of altogether too many free governments that have flourished and fallen in the past.

This debate has made clear that no system is perfect. All the methods we have considered contain deficiencies and the sponsors of the popular vote system have admitted that their system is not perfect. It is thus incumbent upon us to choose the best system. The Judiciary Committee has considered five general plans: (1) The popular vote plan; (2) the proportional plan; (3) the district plan; (4) the automatic electoral plan; and (5) the present system with corrective changes.

The popular election plan appears to appeal to more people than any other method. However, I doubt that a majority of the people would choose the plan when they are presented with a choice of one of the five plans.

The principal argument advanced against the present system is that it makes it possible to elect a minority President and we have had 14 minority Presidents in our history with three Presidents who actually received less votes than their nearest opponent—John Quincy Adams in 1824; Rutherford Hayes in 1876, and Benjamin Harrison in 1888. This deficiency is not cured by the popular vote plan now before us. It permits the election of a minority President with only 40 percent of the popular vote. I have serious reservations about the 40-percent plurality vote provision as this I believe is the provision that could encourage the proliferation of splinter parties. Let us proceed with great caution. Let us be certain that we do not discard a system in favor of another which will cause more problems than it solves.

The district plan also is not perfect, but I prefer the contingency mechanism of the Members of Congress voting separately in the event that a candidate fails to carry a majority of the districts rather than permit a minority President to assume office with only 40 percent of the vote.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to my chairman.

Mr. CELLER. Is it not true that no State votes; is it not true that no district votes? It is the individual that votes, and we must, as far as we may, assure equality among individual voters. But under the present system we have a plethora of factors which make for inequality among the influence certain voters exercise in the election of a presidential candidate.

Mr. DOWDY. Well, under the present system; yes. That is the reason why I have proposed the district plan which would make everyone equal. Everyone in the United States would vote for three electors, one for his district and two for his State.

Mr. CELLER. Mr. Chairman, if the gentleman will yield further, I should like to comment on the inquiry which was posed to the gentleman from Texas by the gentleman from North Carolina (Mr. LENNON). He feels that only some 15 States will benefit by the direct election method. If that were the case then, I do not think one need worry much about ratification. But I am convinced, in view of the great groundswell of support for this measure by the AFL–CIO and other great labor organizations—I just received a letter this morning from Mr. Walter Reuther representing the automotive unions—in view of the support by the U.S. Chamber of Commerce, in view of the support by the American Bar Association, the Federal Bar Association, and many similar organizations, I am not worried about ratification. I am not worried whether the plan envisaged by the resolution reported by the Judiciary Committee helps smaller States or will help larger States. That is not the issue. The issue before the United States is equality of voting. I do not give two tinker's damns whether your proposal or my proposal or the proposal of anyone else helps this State or that State. That is not the criterion. We must consider the entire Nation and what is best for the welfare of the entire country and not for just a few States.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(By unanimous consent, Mr. DOWDY was allowed to proceed for 2 additional minutes.)

Mr. DOWDY. I might comment to this extent: That was the import of my remarks which I made to the gentleman from North Carolina (Mr. LENNON). It is for that reason that I am supporting and offering this amendment because it is my opinion that the district vote is in the best interest of the people of the United States. I commented also about some of the other organizations who have an interest in this legislation. I had a copy of Mr. Reuther's letter this morning also and I read it and what he said is this: He says that this direct popular election would give victory to the majority candidate. Again it is majority election considered—I think this is something that the people of the United States should know. It is the majority candidate that they are interested in seeing elected—they are not interested in seeing a President elected by 40 percent of the vote.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. I would like to ask the distinguished gentleman from Texas this question: Under his proposal, how frequently is a determination made as to the number of electoral districts in each State?

Mr. DOWDY. It would be made after each decennial census.

Mr. GERALD R. FORD. In other words, once every 10 years, after the census there would be an allocation as to the number of electoral districts in each State?

Mr. DOWDY. That is right.

Mr. GERALD R. FORD. If that is the case, do you not freeze the number of electors for each State for a period of 10 years?

Mr. DOWDY. Well, we have been doing that ever since we have had a country here for Members of Congress.

I do not know that it has destroyed us yet. Maybe it is on its way, but it has not done it yet.

Mr. GERALD R. FORD. I will not argue that point, but according to your answer as I understand it, the number of electors that each State gets is frozen for a 10-year period.

Mr. DOWDY. Certainly it is. You have to have some cutoff date.

Mr. GERALD R. FORD. If I might just ask the next question, then, if that is the case, under your proposal are you not penalizing the States and the voters in those States that have an increase in population?

Mr. DOWDY. I do not think so.

Mr. GERALD R. FORD. When a State receives electoral votes based on the decennial census, that particular State may have a 50- or a 60-percent population increase and those people are penalized because their vote does not count as much as it does in other States. Is that not right?

Mr. PUCINSKI. They do that now.

Mr. DOWDY. I think what you are trying to do——

Mr. GERALD R. FORD. I am not defending the present system. Not at all. I want to go to a system where the vote of a person who lives in Nevada, for example, which has a rapidly rising population, is counted as equal. Under the proposition offered by the gentleman from Texas, for 10 years you would not take into consideration the increased population in those States.

Mr. DOWDY. But you are saying that because a person moves from one State to another that he will change the way in which he votes.

Mr. GERALD R. FORD. No. That is not the point.

Mr. DOWDY. The proposal that we have proposed here is the finest system that can be conceived. It carries forward the concept of the founders of this country.

It seems to me that the gentleman from Michigan is saying that he is for change just for the sake of change. I am not. I believe with things that have been working wonderfully in this country that we ought to keep them as closely as we can without having a complete change—a 190-degree reverse.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. DOWDY was allowed to proceed for 2 additional minutes.)

Mr. GERALD R. FORD. But the gentleman cannot deny, if the gentleman will yield further, that under your proposal you freeze the number of electors for each State for 10 years regardless of population shifts. And during the 10-year span there might be three elections for the Presidency.

Mr. DOWDY. Probably two.

Mr. GERALD R. FORD. Two or three. But in no national presidential election would you have taken into consideration the population growth in those States that have a rapidly rising population. And the net result is you are diminishing the impact of the voters in those States.

Mr. DOWDY. The gentleman from Michigan knows that there is more than one thing to be considered in this.

Let us take, if you have the 40-percent factor, which the gentleman seems to want, if you have the 40-percent factor then what happens to some of the States in the Middle West, in the northern Middle West, when possibly on election day they are frozen in, they cannot get out, too much snow is on the ground or too much ice is on the ground, and they cannot get to the polls, and then they have lost their voice in the election of the President.

You are going to deprive maybe a whole State when a hard snowstorm has hit that State. My substitute protects the States, and the congressional districts in this vote. You would deprive them of it. There are arguments, of course, on both sides. You can stand up and argue about a lot of things, but there are more sides than one to this question.

Mr. GERALD R. FORD. I certainly would seriously differ with the gentleman. I am not saying that his proposition is one that we should not consider, for it is far better than the system we have today. But I am very concerned about your freezing the electoral vote of a State and thus denying people in a particular State with a rising population the true impact of their vote during that period. I think that is fundamentally wrong.

Mr. DOWDY. I am not impressed with the argument presented by the gentleman from Michigan.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, let us just for example say, assuming that the argument advanced by the distinguished gentleman from Michigan is so, that these people with a rising population would be penalized. Would it not be equally true that these States whose rate of growth is below the national norm would lose as well? We are talking about protecting the populace as a whole, not just registered voters.

Mr. DOWDY. Oh, yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. I yield to the gentleman.

Mr. ROGERS of Colorado. Did I understand you to say to the minority leader that if there is a shift in population, an electoral district that is established after the decennial census under your proposal would remain intact regardless of such changes in population; is that correct?

Mr. DOWDY. The electoral districts as they are established under the provisions which would be written in the Constitution and would exist until the next census.

Mr. ROGERS of Colorado. Let us assume that the Federal courts, as they have done in other cases, set aside the districts that have been apportioned by the legislature.

Mr. DOWDY. That is according to the present population, then you have to go back to 1960.

Mr. ROGERS of Colorado. No, but the State legislature then sets up the electoral districts under your plan.

Mr. DOWDY. That is right.

Mr. ROGERS of Colorado. Now let us assume that the districts do not satisfy the "one-man, one-vote" rule, as happened in the State of Missouri—the latest case before the Supreme Court, the courts then set that apportionment aside and the legislature never sets up the electoral districts. Then at the election, would you have the whole State of Missouri, for example, voting and casting all of their electoral votes in a bloc?

Mr. DOWDY. What the gentleman is getting to, I think, would be a question for the courts.

Mr. ROGERS of Colorado. Yes.

Mr. DOWDY. I do not contemplate that myself.

Mr. ROGERS of Colorado. You will admit that the courts under the "one-man, one-vote" principle, whether right or wrong, have upset legislative apportionment of congressional districts.

Mr. DOWDY. Then you would go back to requirements for redistricting?

Mr. ROGERS of Colorado. Yes, and if the legislature does not come up with a plan, then the court (I think this occurred in the State of Illinois) can order an at-large election.

Mr. DOWDY. You might wind up with a judicial redistricting.

In other words, I would not contemplate at all a statewide election of electors. They are going to have to be districts under my plan.

Mr. ROGERS of Colorado. There is one other matter that has not been discussed at least while I was here.

On page 2 of your amendment it reads:

> Electoral districts within each State or the District shall be, insofar as practicable, of compact territory, and shall be of contiguous territory, and shall contain substantially equal numbers of inhabitants.

Now you feel this standard should be frozen in the Constitution rather than be enacted in a legislative act, of the type which we were unable to pass in the previous Congress.

Mr. DOWDY. Under the district plan, we have to provide districts.

Mr. ROGERS of Colorado. It provides for electoral districts within a State.

Mr. DOWDY. That is right.

Mr. ROGERS of Colorado. But a court eventually determines whether or not it is a compact territory or a contiguous territory. The courts must make that determination.

Mr. DOWDY. That is right.

Mr. ROGERS of Colorado. And suppose they make a determination that this territory is not contiguous and it is not compact, then what happens under your amendment?

Mr. DOWDY. Your State legislature not having made an effective districting would have to redistrict or else the court would do it itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of the Dowdy amendment. While I join many of our colleagues in congratulating the chairman and members of the Committee on the Judiciary on their arduous effort to eliminate inequities in our electoral system, and while I agree with the majority that the electoral college has outlived its usefulness and should be abolished, I am not convinced that House Joint Resolution 681 is the best answer to the problem. I intend, therefore, to evaluate carefully, and probably support, some of the amendments offered on the House floor. But since I believe that any of the three main plans now under active consideration would be superior to the present one. I will support the final bill as approved by the House.

We have, as our colleagues know, almost as many ideas as to what should be done about the election of President and Vice President as we have Members of this body. Shortly after the 1968 elections I toyed briefly with a plan of my

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own, which might have merited some support in this House. While my plan would not have guaranteed the "one-man, one-vote" so widely demanded today, it would, in my opinion, have done even more. It would have guaranteed the farmer stuck behind a snowbank in North Dakota that his views would be expressed at the polls. It would, while removing from the smaller States their advantage, imagined or otherwise, of two additional votes in the electoral college, guarantee them that their votes would not be further diluted by the votes cast by 18-year-old voters in Georgia or skid row bums in Chicago. My plan, simply, was that each State should cast a vote in the exact amount of its total population in the most recent census. This total vote would be cast regardless of how many eligible voters were on the rolls, or of how many individuals actually went to the polls, or of how many individuals actually went to the polls and voted. Differences in weather conditions, available transportation, or conditions of eligibility in the several States would be overcome by the fact that each State's total vote would be cast in direct proportion to the number of men, women, and children living in the State.

For example, in a State of 4 million persons, if a total of 400,000 persons actually went to the polls their votes would be cast as if all 4 million had voted. In a State of 4 million, with 400,000 voting, the vote in 1968 might have been 150,000 for the candidates of one major party; 175,000 for the candidates of the other major party; and 75,000 for an assorted number of third-party and independent candidates. In such a State, under my plan, 1.5 million votes would have been cast for the first candidate; 1.75 million for the second; and 750,000 for the assorted third group.

The advantage of the plan I had considered which is lacking in the committee bill, is that voting frauds in one city, or voting age, literacy tests or some other regulation of one State, would not in any way affect the vote of the residents of the other 49 States.

We are no longer an agrarian, poorly informed Nation. No longer can we claim that our people do not understand the issues. Computers can, with uncanny accuracy, tell us on the basis of a few votes in key precincts, who we are in the process of electing to office. Since we can now determine on the basis of a sampling of a few thousand, how the vast majority in a given area feel about a given issue, why can we not also assume that the voters actually casting their votes in any given district reflect the feeling of all the residents, even those who because of transportation, health, or other difficulties, cannot cast their vote for themselves.

As I said, Mr. Chairman, I toyed briefly with the plan. But in view of the clamor for "one man, one vote" in this country today, I doubt if it would meet with the approval of the majority of this House, regardless of its merit.

Most all Members of the House agree that our present system needs revision. It has permitted candidates with fewer popular votes to be elected President; it has permitted, and even encouraged in the early years, electors to disregard a mandate of their election; it has required the House of Representatives, with an arbitrarily uneven distribution of the weight of its votes, to determine the election of the President when the electoral college has failed; it has permitted the winner of a plurality in a State to win all the electoral votes of the State; and it makes no provision for selection of a successor in the event of the death of either a President or Vice-President-elect.

It is my opinion, Mr. Chairman, that we can eliminate the major inequities in the present system without completely scrapping the provisions written into our Constitution. The development of political parties, and the resultant commitment, stated or implied, of electors to a given slate, created the so-called winner-take-all inequity. This inequity could be eliminated by adoption of either the district or proportional plans under consideration here. The inequity, if indeed one exists, in giving each State two electors in addition to those to which it would be entitled on basis of population, could also be eliminated under either of these plans by simple amendment.

Again, Mr. Chairman, I am not convinced that direct popular elections as provided under House Joint Resolution 681, are the best answer. If we are to have honest and equitable direct popular elections we are going to need honest and equitable voting regulations. Today each State fixes its own qualifications for voting and supervises its own election. In spite of the drawbacks of such a system, and it is obvious that there are some, there are also advantages in that the people of each State, through their elected representatives, choose the method by which they shall conduct their elections.

We cannot help but anticipate, however, that under the provisions of House joint resolution we will, in the foreseeable future, be faced with a runoff election in which Congress, not the States, would fix minimum residency requirements, set the time and regulations for the runoff, and generally preempt the field of election laws now reserved to the States. I know the people of my own district of northern Virginia would demand that their votes be counted equally with those of the residents of other States, and they would protest loud and long that 18-year-old voters were casting votes in Georgia, and skid row bums casting votes in Chicago, and 40-day residents casting votes in Maryland, while they could vote only at 21, only after a year of residence, and only after showing some proof of residence and some proof of literacy.

It may be that the people of this Nation want the Federal Government to take over regulation of all voting within the United States. I do not know. But if we enact this House joint resolution in its present form it is only a matter of time before Federal voting regulations, enacted initially in response to the need for presidential runoff regulations or in response to demands for reform, will dictate residency, age, literacy, and eligibility for every voter in this Nation.

As I said before, Mr. Chairman, I intend to evaluate with care, and probably support, some amendments offered here to improve on the legislation we have before us. However, since I firmly believe that we must act to eliminate an archaic system, I intend to support the final bill as approved by the House, and to work for its ratification by the required three-fourths of the States.

Mr. DENNIS. Mr. Chairman, I rise in support of the amendment.

(On request of Mr. POFF, and by unanimous consent, Mr. DENNIS was allowed to proceed for an additional 5 minutes.)

The CHAIRMAN. The gentleman from Indiana is recognized for 10 minutes.

Mr. DENNIS. Mr. Chairman, I rise in support of the substitute district plan amendment, of which I am a coauthor, along with the gentleman from Texas (Mr. DOWDY) and the gentleman from Virginia (Mr. POFF). Some distinguished Members of this body have spoken against our substitute amendment, but this is a fundamental proposition of constitutional law and political philosophy on which each Member of this body, preeminently, must make up his own mind.

I support the substitute district plan basically for three reasons:

First, it is the plan which, in my judgment, would effect the necessary reform with the least constitutional change;

Second, because, in my judgment, it is the most representative of the plans proposed.

Finally—and this is a practical point—because it is the plan most likely to receive approval by the other body and ultimate ratification by three-fourths of the States of the Union.

The district plan effects reform because, in the form proposed in our substitute, it does away with the elector as an individual, retaining only the electoral votes, and therefore it cures the first objective of reform; it cures the problem of the so-called faithless elector.

The second problem is that of the winner-take-all provision under the present system, and it addresses itself to that problem and cures it because, under the district plan proposed, no longer can a large city, such as the city of New York, determine all the electoral votes of the State. At the most it might be able to determine two, plus whatever districts might be in the city, but most of the electoral votes of each State will be determined by the vote in the several electoral districts of that State.

Finally, the district plan presents an improved method of contingency election in the event of the failure of an electoral majority, and it does that by substituting for the present unsatisfactory system a joint session of the House and the Senate, voting as individuals, thus utilizing two elected representative bodies, which are available, for the purpose of resolving the situation in the event no electoral majority has been achieved.

This plan presents the least constitutional change because it retains the essence of the electoral system, with which we have been familiar for almost 200 years, in an improved form, and it installs the district plan of the determination of the electoral vote—not a choice of electors—which James Madison, who is known generally as the father of the Constitution, said was mostly, if not exclusively, in view when the Constitution was framed and adopted.

Moreover, it adopts the contingent election proposal, which was also favored by James Madison, who wrote:

> Of the different remedies you propose for the failure of a majority of an electoral votes for any one candidate, I like best that which refers the final choice to a joint vote of the two Houses of the Congress restricted to the two highest names on the electoral list.

That is exactly what our proposal does.

I say it is the most representative method, and I submit it is the most representative method proposed because it provides for the election of the President by districts all over these United States in the same manner and method that this representative body is elected by districts.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. MIKVA. Does the election of Members of the House of Representatives in any way turn on the senatorial contest in the various States?

Mr. DENNIS. No; I think not.

Mr. MIKVA. Your seat was not in any way determined by how the senatorial race in Indiana came out?

Mr. DENNIS. The gentleman, I take it, is addressing himself to the two senatorial electoral votes, and they do remain in my plan as drawn, that is true.

Mr. MIKVA. Is it not fair to say that while you have taken care of one inequity—the winner-take-all provision which benefits the big cities and the great population centers—you have not taken care of the present countervailing inequity of the two bonus votes which help the smaller States; is that not a fair statement of your views?

Mr. DENNIS. No, I would not agree with the gentleman. I think the present system, if the gentleman wants to say it that way, has an inequity for the big States and also one for the little States. The direct method removes the present big State inequity and writes in another one for the big State, because it gives us a situation where about 12 cities in about nine big States can decide the election by a few votes regardless of what happens in the rest of the country. I say the district plan is more fair to both than either of the other systems.

Mr. MIKVA. One other question I would like to ask the gentleman: Does the gentleman know of any pattern of that kind of homogeneity of the big cities which would indicate that at any time since 1948 the big cities have been consistent in being able to control the big State, to control an election even under the present plan?

Mr. DENNIS. I think the big cities and some of the big States do quite a bit to control the election under the present plan, and as I understand it, that is what the supporters of the direct popular vote reform contend also.

Mr. MIKVA. Did the city of Indianapolis in the last election control the State of Indiana?

Mr. DENNIS. The city of Indianapolis is not all that big in Indiana, but the fact is that Chicago and the State of Illinois, while they did not manage to do it the last time, have had fair success in the past.

Mr. MIKVA. How about in 1956 or in 1952?

Mr. DENNIS. How about in 1960?

Mr. MIKVA. One time out of all these last elections I would not say is a very good record.

Am I correct in saying that the plan which the gentleman is sponsoring makes it very possible that the electoral districts will not be the same as the congressional districts?

Mr. DENNIS. They could or they could not be. In my judgment ordinarily they should be. The joint resolution calls for electoral districts, as much as possible, of compact territory, contiguous territory, and as nearly as possible of equal population. If the congressional district meets those standards—which under the decisions it should—there is no reason why the two districts cannot be the same. But we do want that type of district in order to avoid any criticism and that is why it is written that way.

Mr. MIKVA. In fact, that language is so close to what the court has held must be the case in a congressional district, there is great likelihood that the question as to whether an electoral district meets those standards would have to be decided by a court decision.

Mr. DENNIS. It is always possible to have court litigation. I think one of the fatal defects, even if the plan was otherwise good, in the committee's proposal is this runoff provision, if no candidate receives 40 percent of the popular vote. We are going to have court actions and contests all over the United States, and no one yet has explained how to resolve them between election day and inauguration day.

Mr. MIKVA. I would say to the gentleman in the well that we know what a compact and equal and contiguous person is without having to go to court, but I do not think that we can find out what a contiguous, compact, and equal congressional district is without going to court.

Mr. DENNIS. I think we have had pretty good decisions on that.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New York.

Mr. RYAN. Mr. Chairman, I believe the gentleman in his earlier remarks stated that the winner-take-all State unit vote in the present system was a defect which should be cured. Is that correct?

Mr. DENNIS. I agree.

Mr. RYAN. Is the gentleman not concerned about continuing a winner-take-all unit system at the district level, where again the voter would be disenfranchised and not have his vote count if he were in the minority?

Mr. DENNIS. It is true one can say it is a winner-take-all system at the district level. However, I say certainly it is an improvement over the present system, and I say for other reasons it is preferable to the nationwide direct popular vote.

Mr. RYAN. Will the gentleman concede that under his district plan a candidate for President could achieve a popular plurality and nevertheless be defeated in the final electoral vote, and, conversely, that a candidate who received less popular votes could be declared elected because he received the most electoral votes.

Mr. DENNIS. As I said the other day in general debate, as long as we have an electoral vote, it is mathematically possible in a very close election for that to happen. It has not happened as a matter of fact since 1888.

It is not going to happen except in a very unusual situation, if it ever does.

I say, as against that theoretical possibility, we would set up the representative character of the election under the district plan. I know it is said one does not vote for trees and so forth, but one does vote for sections of the country, and interests in the population, and points of view. That is where we get a representative system under the district plan, which we cannot get if New York City and Chicago, possibly, in an occasional case win an election by 102 votes.

Mr. RYAN. Is the gentleman aware of the study which shows that in 1960 under the district plan John F. Kennedy would have been defeated on an electoral vote count?

The CHAIRMAN pro tempore (Mr. GIBBONS). The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. DENNIS was allowed to proceed for 2 additional minutes.)

Mr. DENNIS. In answer to the gentleman, I understand the 1960 election would have been won by Mr. Nixon. As was said a moment ago, I believe that is rather irrelevant to the merits of the plan as such.

Mr. RYAN. The point is not the personalities involved. The point is the fact that a presidential candidate—Richard Nixon—who did not receive a plurality of the popular vote would have been elected, whereas the winner of a plurality of the popular vote—John F. Kennedy— would have been defeated.

Mr. DENNIS. That was probably the closest election we have had since 1888.

Finally, I should like to say, while we are on this, we ought to have a majority somewhere for a President, as the gentleman from Texas said. Under our plan we would have it, either an electoral majority or a majority in the joint session. We would not write into the Constitution that we elect a President to whom 60 percent of the people are opposed, which the committee proposal would do.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield briefly to my colleague on the committee.

Mr. ROGERS of Colorado. Let me pose this question. Suppose I am elected from a district and I am elected by, say, 10,000 votes, but the opposition party's presidential candidate carries my district by

20,000 votes. When I am in the House of Representatives voting, in a contingent election under your plan am I obligated to vote as my voters did in casting their vote for the President, or should I exercise independent judgment?

Mr. DENNIS. The gentleman from Colorado will have to resolve that for himself, of course. Personally, I think he ought to exercise his own judgment, but that is just my view.

Mr. ROGERS of Colorado. Yes, but would a Representative be under any obligation whatsoever to vote according to how his district had voted for President?

Mr. DENNIS. I believe a man in this House, if the gentleman wants my personal opinion, is always entitled to exercise his own best judgment on grave issues of that kind.

Mr. ROGERS of Colorado. If that judgment should result in the election of a President who was the loser of the popular vote, would the gentleman approve of that system?

Mr. DENNIS. That comes back to the same thing. I agreed that as long as there is an electoral vote there is a theoretical possibility for that to happen. It has not happened for 80 years.

Mr. ROGERS of Colorado. That is one of the defects under this plan, is it not?

Mr. DENNIS. I should like to finish my remarks, and I do not believe I will yield what little time I have left.

A further point I should like to make to the Committee is this: We can talk here as long as we want, but we have to adopt something which is going to be enacted into law. The other body has brought out a district bill. I leave it to the Committee how much likelihood there is that the other body is going to approve a direct popular vote. It has been brought out here, a while ago, that under surveys, 34 of the 50 States which would have to ratify what we do by a three-fourths vote are going to lose political power under a direct popular vote.

This would not be true under the district plan. It follows that you cannot ratify the direct vote plan.

I also think this, Mr. Chairman, I think every member of this Committee, regardless of what plan he prefers, will concede that the district plan is a big improvement over what we have now. Therefore I suggest the following to you: If you really want a plan which will became part of the basic law, if you really want reform instead of just rhetoric for the RECORD, then this substitute is entitled to your vote and your support.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have heard the last speaker express some perturbation of mind as to whether or not the direct popular method, which is contained in the joint resolution reported out by the Committee on the Judiciary, could be ratified. However, we have indicated that there are many organizations which have expressed approval of that method. I challenge the gentleman who has just spoken to tell us what organizations, what groups, what aggregations are in favor of the district plan. If the gentleman is worried about ratification of the popular method, how much more should he be disturbed about ratification of the district plan concerning which we have heard very little, if any, approbation anywhere.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. DENNIS. I would say in answer to the question of the distinguished chairman that the chamber of commerce has endorsed equally the district plan and your plan. The American Farm Bureau Federation endorsed the district plan and, while a vote, as I understand it, of the House of Delegates of the American Bar Association apparently endorsed the direct-voting plan, my visceral feeling, as an ordinary, common garden-variety member of the bar, is that you will find most of the bar back in the hinterland of the other opinion.

Mr. CELLER. I would say to the gentleman that the U.S. Chamber of Commerce was most active in conjunction with the American Bar Association in endeavoring to secure wavering votes directed toward the approval of this popular method. I have been in conference with representatives of the U.S. Chamber of Commerce, and they have indicated very strong approval of the measure before us.

It might interest the gentleman also to know that it was the American Bar Association that issued a pamphlet entitled "Who Favors the Direct Popular Election of the President of the United States," speaking of the people. The Gallup poll of November 1968 showed nationally 81 percent of the Nation favors it. They broke the poll down regionally as follows: in the East, 82 percent, in the Midwest, 81 percent, in the South, 76 percent, and in the West, 81 percent favor the direct election system.

With reference to the population size, in areas of over 1 million population the approval was 78 percent; in areas of 2,500 population the approval was 78 percent.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes, sir.

Mr. RAILSBACK. Mr. Chairman, there has been a great deal of talk about compact and contiguous districts and I note that the amendment which has been offered by my friend, the distinguished gentleman from Texas (Mr. DOWDY), contains language that would provide that these electoral districts would be compact and contiguous.

Am I correct in saying that you have attempted in the past few years to introduce language that would provide that congressional districts would be compact and contiguous? If so, I wonder if you would tell us the result of your endeavors along that line?

Mr. CELLER. Not only in the past few years but for the last 20 years I have endeavored to get such legislation passed containing the words "contiguous and compact," and also requiring a fair degree of equality of population.

I have failed in this endeavor. It might interest the gentlemen of this committee to know that when we were in conference when the last reapportionment bill—and I am sure the gentleman from Illinois and the gentleman from Minnesota will bear me out, as well as the gentleman from Ohio (Mr. MCCULLOCH), who are now in the Chamber, we succeeded in getting the conferees—the committee on conference—to accept a provision that there would be no reapportionment until there shall be a decennial census, and then there was added also language to the effect that there would not be any reapportionment until 2 years after the census. One of the senatorial conferees then took that particularly up with the Senate and the Senate decisively rejected it. So, now we have the anomalous situation of the Senate refusing to accept a provision that is now embodied in this substitute amendment. Not only that, it is proposed as an amendment to the Constitution. It has no place in the Constitution. If it should be adopted it should be adopted as a statute.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. CELLER was allowed to proceed for an additional 5 minutes.)

Mr. CELLER. The Senate has already rejected this reapportionment standard. Therefore, what will they do when they are confronted with the same provision embodied in the constitutional amendment? Furthermore, as the very distinguished minority leader pointed out, you embalm, as it were, gerrymandered districts for 10 years. In other words, for a period of 10 years you could not reapportion those districts. Congress would be powerless to do anything. The Constitution would forbid this—that is if we accept the amendment in the nature of a substitute which has been offered by the gentleman from Texas. I feel that that is dead wrong, and to me it is as irritating as a hangnail. Therefore, I hope the amendment in the form of a substitute will be defeated.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield further?

Mr. CELLER. I yield further to the gentleman.

Mr. RAILSBACK. I thank the chairman for yielding. I concur in the remarks which he has made on the floor.

I want to commend the gentleman who has introduced the substitute amendment because in my opinion it is somewhat of an improvement. It would cure the problem of the faithless elector. It would eliminate the statewide unit rule and would partially improve the contingent-election procedure. But what it does not do is this: It does not eliminate one of the other inequities which is continually referred to in any debate on the question—that of the bonus votes. The failure to eliminate the bonus votes would, in my opinion, make it more difficult to obtain ratification. In addition, it would preserve a winner-take-all system within the congressional districts. For instance, in my district, if 120,000 votes were cast and 61,000 were cast for one candidate and 59,000 were cast for the other, the candidate who received the 61,000 votes would get the entire vote. In other words, he would get everything and the minority voters, the 59,000 voters who voted for the other presidential candidate, would get nothing. I think it is an improvement, but I do not think it goes as far as it should.

Further, I have yet to hear any arguments that have been convincing to me at least that the direct-election process does not do away with all inequities.

Mr. CELLER. I would say also that this district plan was the subject of considerable debate in the earlier days of the Republic. There was a full-stage debate in this Chamber in 1826, and Martin van Buren was among those who opposed it. It is interesting to note that as far back as 1826 the House rejected the district plan, a proposal comparable to that which is involved in the amendment offered in the nature of a substitute by the gentleman from Texas (Mr. DOWDY), by a vote of 90 to 102.

The district plan had its vogue, as it were, in the early days of the Republic in the beginning of the 19th century, but this idea has long since gone aglimmering, and I do not feel that we should try to resurrect it now. As was indicated by the gentleman from Illinois, it is an improvement, but if we are going to take a step forward let it be a bold and courageous step, let it be involving something real and concrete that the Nation can put its teeth into, and embody what is known as the one-person, one-vote principle. There may be some people who disagree with that theory, but that is the theory embraced by the body politic, by the Supreme Court, and is generally accepted.

Of all the plans, only a direct popular vote plan embodies the principle of "one man, one vote."

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I wish to associate myself with the remarks made by the gentleman from New York.

I wonder if the gentleman from New York would be sufficiently courteous so as to allow me to ask a question. I would like to pose this question to either the gentleman from Indiana (Mr. DENNIS), or the gentleman from Texas (Mr. DOWDY).

The gentleman from Indiana (Mr. DENNIS) was the one who brought it out, and I thought we should talk about it some more so that we in the House can understand it, and so that the Nation as a whole can understand it.

The gentleman from Indiana (Mr. DENNIS) stated that there were some 34 States who would lose their political power if we went to the direct election, so that we could not get the approval of the necessary three-quarters of the States.

So, Mr. Chairman, I would like to ask the gentleman from Indiana (Mr. DENNIS) or the gentleman from Texas (Mr. DOWDY) what political advantages those 34 States now have, and what is it that can now be done with this political power that they will be giving up if we go to a direct election of the President?

Mr. DENNIS. Mr. Chairman, will the gentleman from New York yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. DENNIS. The argument is set out in great detail in the individual views of the gentleman from Michigan (Mr. HUTCHINSON) in the committee report. Basically, it is a mathematical calculation which compares the percent of the popular vote as against the percent of the electoral vote in the several States.

Mr. EVANS of Colorado. My question is what can they do with this power?

Mr. DENNIS. My point is not so much whether they are right or even whether it has great merit. I am considering the practicality of it. If we have 34 States who either lose power or who think they lose power under the direct plan, then it is very difficult to see where Congress can get them to ratify it.

Mr. EVANS of Colorado. My point is that they think they have a power, but that this power is illusory. They do not have it. They do not have it today, and to give up nothing if we adopt a direct presidential election is not going to discourage those 34 States from ratifying a provision for a direct presidential election.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield, I do not believe that it is illusory at all. The gentleman asked a pointed question of what the States now have that they might lose if we would go to a direct popular vote for the Presidency with only a 40 percent plurality required to elect a President, without a runoff.

Under the present system the States elect the President; the people do not do it. This represents a radical departure from the present system, which is written into the Constitution, and there is geographic protection given to the States and to the districts in a State with the two at large seats corresponding to the two senatorial seats as well as the individual district votes.

This would preserve this and would give them a semblance of geographical protection that the proposed resolution would destroy.

Does that answer the gentleman's question?

The CHAIRMAN. The time of the gentleman from New York has again expired.

(Mr. CELLER asked and was given permission to proceed for 5 additional minutes.)

Mr. CELLER. Mr. Chairman, I think the best way to indicate the defect of the so-called winner-take-all system is to reread the remarks made way back in 1824 by Senator Thomas Hart Benton, who said:

> To lose their votes is the fate of all minorities, and it is their duty to submit; but this is not a case of votes lost, but votes taken away, added to those of the majority, and given to the person to whom the minority is opposed.

That was, to the Senator in question, rather barbarious and it is barbarious to me to have these votes filched from the minority and given, as it were, to the majority.

We have heard much against this winner-take-all formula. It is resident in the present system. It would continue to be in the system proposed by the district plan. There would be 430 separate so-called electoral districts. There would be 100 districts representing the Senate and there would be eight additional districts representing three electors from the District of Columbia and five electors from States where there is only one Congressman. So 108 of the electors would be elected at-large under this district plan, and 430 would be elected in the districts. Now in those districts the winner-take-all principle would prevail, and to my mind it would prevail to a more dangerous degree than is the situation today under the present system.

For this reason alone, I cannot conceive how one can endorse the district plan. It is highly unfair because minorities in those 430 districts would lose their voting power regardless of the size of the vote, or the closeness of result. That is not fair. That is unsporting. It is uncivilized. For this reason alone, aside from the many other reasons, the district plan should be rejected.

Furthermore, it still contains the so-called bonus vote. Each State would have the advantage of two electoral votes regardless of the State's population.

Facts were presented to show how lopsided indeed is the value under those circumstances of the electoral vote in the various States.

Alaska and the smaller States would have electoral votes that would have significantly greater value than the value of electoral votes in the larger States that have the metropolitan centers.

Mr. Chairman, for all these reasons I hope that the substitute amendment containing the district plan will fail.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. MACGREGOR. Mr. Chairman, I think the chairman of the Committee on the Judiciary has made some excellent points.

It seems as though it is generally agreed in this debate by the proponents of both the district plan and the direct popular-vote plan that the unit rule, or the winner-take-all feature, of our present system is a bad thing. Yet, the district plan would retain the winner-take-all or unit vote feature in future presidential elections. Under the district plan, in five of our States—Delaware, Vermont, Wyoming, Nevada, and Alaska, which are one-congressional-district States—and in the district there would be cast three at-large votes. In the 45 other States, there would be two at-large votes for each—a total of 90. There is thus a grand total of 108 electoral votes which would be determined by a mere plurality of the statewide popular vote, by the same system that we have at the present time. So if winner-take-all is bad, if the unit rule is bad, please note that the adoption of the district plan will perpetuate that evil.

Mr. Chairman, finally, the idea, which

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the chairman has expressed, of taking a voter's precious vote cast for the presidential candidate of his choice and adding to the total in effect, of the candidate that he does not favor is a particularly mischievous and upsetting thing. It was upsetting to me in 1968, for example, that in my congressional district my vote for Richard Nixon was registered as having been cast for Hubert Humphrey, although good Democrats in the adjoining district, which went for Richard Nixon, probably felt the same way. But, as a general matter, the adoption of the district plan would perpetuate the disenfranchisement of the minority, which is admittedly a vice of the status quo. I hope we will not adopt the district plan as a substitute for the direct popular vote.

Mr. CELLER. Is it not true that under the district plan there is a possibility that the loser may become the winner and the winner the loser?

Mr. MacGREGOR. There certainly is. I will say to the chairman that I am pleased with the candor of those who have proposed this plan in that they have readily agreed that under the district plan the popular-vote loser could be, unlike the situation under the direct popular-vote plan, the winner and become President of the United States.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Ohio (Mr. Feighan).

Mr. FEIGHAN. Mr. Chairman, I agree wholeheartedly with the chairman, the gentleman from New York (Mr. Celler), and also the gentleman from Minnesota (Mr. MacGregor) that this substitute should not be accepted.

The district plan is unacceptable because the basic undesirable feature of the present system would not be eliminated; namely, a candidate having the greatest popular vote could still lose the election.

Moreover, each individual's vote would not have the same weight. Because of the two bonus votes possessed by each State, residents of the smaller States would have an advantage since they would have a smaller ratio of voters to electors than the larger States.

Also, the relationship between popular votes and electoral votes within each State would depend on the geographical distribution of party strength. A minority without concentrated power in certain districts might not win any electoral votes in a State, while having a substantial popular vote.

This was very graphically illustrated by our distinguished colleague from Illinois (Mr. Railsback).

The district amendment would not diminish present inequities in State laws relating to voting qualifications.

The State would cast a fixed number of electoral votes regardless of the size of the popular vote. Though 590,000 more people voted in Connecticut than in South Carolina, both would have the same number of electoral votes. This happened in 1968 and could happen again under the district plan.

Finally, the district plan would give greater recognition to possible undesirable third parties than the present system. Almost any small party would find it easier to win congressional districts than to carry whole States. Once such parties won a few electoral votes, they might be encouraged to try for more in order to throw the election into Congress where greater bargaining power would exist. This would work to weaken the two party system.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Mikva).

Mr. MIKVA. Mr. Chairman, I associate myself with the remarks of the previous speaker, and also I point out that in the discussion of the winner-take-all feature of the present system, we seem to be replaying some of the original constitutional debates and some of the history of those early presidential elections.

The name of Mr. Madison has been bandied about a great deal. He took a very strong position for the popular election of the President. As he pointed out:

> The President is to act for the people, not the States.

He recognized the direct election conceivably could cost his State some power; yet he was willing to make that sacrifice for the general good.

But an interesting thing is that the positions changed in 1800, when Mr. Jefferson's popularity began to be in the ascendancy and people then took all kinds of differing positions. In Virginia, they had had the district plan for some time in the selection of presidential electors. Mr. Madison introduced a bill to shift to the "general ticket" plan or the winner-take-all position. His concern was that otherwise the strength of Mr. Jefferson would be diluted. On the other hand, Alexander Hamilton had been strongly in favor of the winner-take-all principle which had been adopted in New York. When Mr. Jefferson made inroads in New York, Mr. Hamilton proposed and urged the adoption of the district plan so there would not be a solid electoral vote for Jefferson. He acknowledged there were weighty objections to the measure but said that "In times like this in which we live, it will not do to be overscrupulous."

The point of the matter is that even in 1800 the winner-take-all position turned on whose ox was being gored.

If we want to get over that weighty objection and get to the kind of President we are electing, then it seems to me the only system which does not weigh the power of the cities against the States or one faction against another would be the election in which each person's vote is given equal weight with that of every other voter in the country. The only method by which that would be secured is the direct election of the President. Any other method—district or proportional, or any combination or hybrid of those methods is going to involve the same examination of whether one faction is getting an advantage over another. None of them except direct election will select the President of all the people that Mr. Madison suggested.

Mr. McCLORY. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Texas (Mr. Dowdy) and the gentleman from Indiana (Mr. Dennis). I can speak with some conviction, it seems to me, because I was previously the author of a constitutional amendment to provide for a district plan identical to or extremely similar to that offered by the gentleman from Texas (Mr. Dowdy) and the gentleman from Indiana (Mr. Dennis). It had seemed to me that the district plan would provide a more representative and a more accurate expression of the popular will.

Yet, after the extensive hearings which were held by the full Committee on the Judiciary, as well as independent study and research, I am convinced that the only way in which we can overcome the evils and the inequities which exist in the present system is through the direct popular election plan.

I came to that conclusion, because I recognized that under the existing system, first and foremost, the winner can be the loser, and also under the district plan and the proportional plan—the winner could be the loser.

It seems to me if there is anything which is more compelling in the expression of the American people today, it is for the right to vote for President and Vice President of the United States, and that the persons they vote for, who get the most votes, whatever the percentage might be that we agree upon, should be the next President of the United States and the next Vice President.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Chairman, I ask the question simply for illustrative purposes. I think I know what the response will be. How does the gentleman feel about the contingency mechanism in the Dowdy-Dennis substitute as compared with the contingency mechanism in the committee proposal?

Mr. McCLORY. Mr. Chairman, although the contingency provision in the Dowdy-Dennis substitute is an improvement over the status quo, it is substantially inferior to the method provided in House Joint Resolution 681. The Dowdy-Dennis proposal meets the contingency by referring the choice to the Congress, whereas House Joint Resolution 681 refers the choice to the people where it properly belongs. I think there is real danger in the subject of a runoff, and, as the gentleman knows, I propose at a later time to offer an amendment which would reduce the minimum required vote from 40 to 35 percent, to try to avoid the problems that are inherent in the runoff.

There may be other methods which might be an improvement over the general popular election runoff. The question which we are considering at this time, it seems to me, is what we want to do insofar as offering to the American people initially the opportunity to elect a President of the United States through their votes.

Mr. POFF. Mr. Chairman, will the gentleman yield on that point?

Mr. McCLORY. What I should like to do is to express my overall objection to the district plan, and then I would be glad to discuss other aspects.

As the gentleman knows, at a later time I would suggest amendments which I believe might improve the direct election plan. It may be that there are other amendments for improvement of the direct election plan which might have my support.

Let me say that the broad principle of the direct election plan—and I believe it is substantially embodied in the committee measure—provides answers to the objections which the American people have to the electoral college system, and which we are trying to correct.

It seems to me also, what we want to do through our action here is to provide that every American voter should have his vote counted equally with that of every other American voter. That could not possibly be done under the district plan which is presented here. The value of a voter in the State of Alaska, for instance, would be much greater than that of a voter in the State of Illinois, or California, or Georgia, or some other examples we might give.

It seems to me also there has been a great change, an evolution, in the thinking of the American people. We know at the time the Constitution was adopted there was a question of the influence of States, particularly small States, which was something the framers of the Constitution considered. They did not consider seriously the popular election plan.

Since that time we have provided for the popular election of Members of the U.S. Senate.

It seems to me today, with the mobility of the American people and with the interest of the American people in voting for their national President, it is incumbent upon us to provide them with the opportunity to elect a President and Vice President.

We are responding, it seems to me, not to some historic arguments made at the Constitutional Convention in 1787. We are responding to popular sentiment which exists in the Nation today as to what the American people want the Constitution to provide. That is consistent. We have provided for an amending process. The amending process enables us to give expression to what is the overwhelming opinion of the American people, better than 80 percent of the population, according to my view.

In my own district we find this kind of support for the direct popular election. More than 75 percent favor a plan for the popular election of the President and Vice President. Only 5.6 percent support a district plan.

It is my hope that the amendment may be defeated.

Mr. RYAN. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the substitute.

The present electoral college system, with its winner-take-all State unit vote, is really a balance of inequities. It was described by Gus Tyler, assistant president, International Ladies' Garment Workers' Union, at the Judiciary Committee hearings as one of "countervailing inequities."

The district plan would imbalance the inequities.

While it would remove the winner-take-all State unit vote, it would substitute a winner-take-all electoral district unit vote. The disenfranchisement of voters who voted in the minority in the electoral district would be as invidious as it is now for voters who vote in the minority in the State. And in five States, where there is one congressional district, the present system would remain in effect.

The advantage would lie with the small, low voter participation States. The voter in a small State would have greater leverage over the two at-large bonus votes than the voter in a large State.

The district plan also poses the grave danger of a gerrymandered Presidency. Moreover, under the Dowdy substitute, the electoral districts would be frozen and have exactly the same one electoral vote for 10 years, regardless of increases or decreases in population.

Even if by some miracle the electoral districts were compact, contiguous, and of equal population—not gerrymand, the unequal distribution of voting strength within a State would still make the district plan inequitable—more inequitable than the present system.

The only proposal which will insure that the winner will actually be the winner is a direct, popular national election of the President and Vice President.

I believe that we must bear in mind the major defect in the present electoral college system about which the American people are most concerned. It is the fact that under the present electoral college system a presidential candidate who does not receive a plurality of the popular vote may be declared elected. That possibility runs counter to fundamental democratic principles. That is of more concern than any other question before us, because most voters are under the illusion that they do in fact vote directly. If under any plan the winner should be declared the loser, the Nation would confront a grave constitutional crisis.

The district plan preserves that possibility, as the gentleman from Indiana (Mr. DENNIS), stated quite candidly. In my judgment it would make more likely the possibility that the popular will would not be reflected than the present system under which that is exactly what happened upon three occasions—1824, 1876, and 1888.

Mr. POFF. Mr. Chairman, will the gentleman yield at that point?

Mr. RYAN. I am glad to yield to the gentleman from Virginia.

Mr. POFF. It appears clear that this will be one of the arguments repeatedly leveled against the district plan, and I believe it would be appropriate to put it in proper focus at this time.

It is true, as has been said repeatedly, that mathematically it is possible under the district plan for the popular vote loser to become the winner. I am sure the gentleman will also agree with me, however, that this infirmity is not unknown to the other plan.

Specifically, it is not possible under the direct plan that the plurality of the popular vote winner in the general election, if his plurality is less than 40 percent, may make him become the loser in the run-off election?

Mr. RYAN. That is inherent in any runoff election. But the people themselves will make the decision directly. Both the preliminary and the runoff elections will be popular elections in which every vote will be equally weighted—if there are uniform national qualifications for voting and inclusion on the ballot. That is the point here.

Now, here it is more than theoretically possible that the loser would become the winner, because we know in 1960 it would have happened under the district plan. If we look at election results in various States, we should recognize that it is even more possible under the district plan. It happened three times in our Nation's history under the present system. It is more likely under the district plan, in my opinion.

Mr. POFF. Will the gentleman yield further?

Mr. RYAN. I am glad to yield to the gentleman.

Mr. POFF. Is it not also true under the direct plan that whose who voted for the third candidate dropout would, following the general election, be effectively disenfranchised insofar as the run-off election is concerned just as much as the minority in a district would be disenfranchised under the district plan?

Mr. RYAN. No. Quite the contrary.

Mr. POFF. I wish the gentleman would explain it.

Mr. RYAN. Because every voter will have an equal opportunity to vote in the runoff, and his vote will not be weighted to advantage either the large or small States. The one-man, one-vote principle will apply.

Mr. POFF. But he would not have a chance to vote for the candidate of his choice. He would be confined to one of the two candidates.

Mr. RYAN. Under the circumstances if there is a runoff, under the direct plan as proposed in House Joint Resolution 681 a voter may find his choice is not even on the ballot in some States as I pointed out in my additional views in the report.

Mr. POFF. The gentleman is correct. And this illustrates again that all plans must necessarily have some infirmity. As much as we would like to enact a perfect plan here, it is impossible. I want the gentleman to understand that I am not criticizing the direct plan, because as I said earlier, if all others fail, I expect to support it. But in fairness I do think that we must take into inventory the faults and frailties of each plan.

Mr. RYAN. There is only one plan, and that is the direct plan, whereby the popular will may be expressed, and the vote of every voter is equalized. That is the one-man, one-vote theory which is now the law of the land by virtue of the decisions of the U.S. Supreme Court.

Mr. POFF. I say again that those who voted for the dropout candidate in the general election are as effectively disenfranchised as the minority whose votes were not counted in the district under the district plan.

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Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the chairman of the committee.

Mr. CELLER. In the proposal offered by the gentleman from Texas, if in the event the election is thrown into a joint session of the House and Senate, certainly the individual citizen has no vote at all, because the gentleman from Virginia is very much concerned about the vote of the individual, but under that contingency he would be deprived of a choice. He would have no choice whatsoever, and each person could have an agent vote for him; namely, his Congressman or his Senator. Is that not correct?

Mr. RYAN. That is correct. I thank the distinguished chairman for making that point.

May I make a further point; namely, that under the district plan the present inequity is continued whereby in those States in which there is a small voter turnout the electoral vote is recorded exactly as it is in States on which there is a large voter turnout.

That is another infirmity which deprives the voter of an equal right with every other voter, and which gives an advantage to the electoral district or State where there is low voter participation.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Texas.

Mr. DOWDY. I discussed this the last time that you talked about it, and you repeatedly said that the direct plan represents the one-man, one-vote principle but not in a 40-percent election. Is it not true that the only time the one-man, one-vote principle could apply under the direct plan is in a runoff election here? That is the only time that the one-man, one-vote could come into it. Is that not true?

Mr. RYAN. No. I disagree with the gentleman. The one-man, one-vote principle applies at any time in a direct popular election whether it is for President, Congressman, or U.S. Senator; it applies to the preliminary as well as the runoff election.

Mr. DOWDY. Not with 40 percent of the electoral vote. In that case you have one man and one and a half votes.

Mr. RYAN. We are talking about the one-man, one-vote principle in an election—a direct popular election—whether a plurality or a majority of the votes cast is necessary to win.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I intend to support the election reform constitutional amendment but there are some serious misgivings which I have about the provisions of the amendment. Nor am I sure that the substitute offered by the gentleman from Texas, which we are now debating, is going to do the job any better.

I do not believe we can address ourselves to this entire question of election reform without taking into consideration the most recent Supreme Court decision on how a political party can get on the ballot.

In Williams against Rhodes, which is the most recent U.S. Supreme Court decision on the matter, handed down last October 15, and which involved the placement of the Ohio American Independent Party on the ballot, the Court substantially liberalized the manner under which a political party can get on the ballot. The facts in that decision were as follows:

> Under the Ohio election laws a new political party seeking ballot position in Presidential elections must obtain petitions signed by qualified electors totaling 15 percent of the number of ballots cast in the last gubernatorial election and must file these petitions early in February of the election year. In addition, Ohio laws do not permit independent candidates to qualify for ballot positions. The Republican and Democratic parties, however, may retain their ballot positions by polling 10 percent of the votes in the last gubernatorial election and need not obtain signature petitions. The Ohio American Independent Party was formed in January, 1968, and during the next six months by securing over 450,000 signatures exceeded the 15-percent requirement but was denied ballot position because the February deadline had expired.

The reason I believe that this decision is very germane to this debate is because it sets the pace for a proliferation of new political parties in the future. The Court held in the decision as follows:

> State laws regulating selection of Presidential electors must meet the requirements of the Equal Protection Clause of the 14th Amendment. Ohio's restrictive election laws taken as a whole are invidiously discriminatory and violate the Equal Protection Clause because they give the two old established parties a decided advantage over new parties. The Ohio laws heavily burden the right of individuals to associate for the advancement of political beliefs and the right of qualified voters to cast their votes effectively. Ohio has shown no "compelling interest" justifying these burdens. Therefore, Ohio must allow the Independent Party and its candidates for President and Vice President to remain on the ballot.

What this decision indicates to me is that we are going to see a proliferation of independent political parties regardless of what we do here or achieve as a result of this debate and the constitutional amendment could conceivably create more problems than it will attempt to solve with the increase in independent political parties.

By 1972, you will see a proliferation of various independent political movements which will seek expression on a national ballot regardless of what we do here today. Of course, the more parties you have on the ballot, the lesser are the chances of any one party or candidate getting the 40-percent vote in that particular election needed to be proclaimed the winner under the amendment being offered by the gentleman from New York (Mr. CELLER).

Therefore, I fear that within the framework which we are now debating here, the proposition before the House may very well inadvertently provide nothing more than the machinery for a national primary to eliminate all but the two top vote getters. The runoff, as proposed in the amendment would decide the winner.

I have nothing against proliferation of political parties, but I should like to recall to the House the tragedy of multiparty elections in many of the European countries, where they have to wheel and deal and make all sorts of coalitions in order to get enough votes to put together a winning combination.

I think we in the House, in good faith, should give possible consequences of this amendment careful consideration.

One of the things that disturbs me about the proposal now pending before the Committee of the Whole House on the State of the Union is this runoff; this business of a candidate or a political party failing to get enough votes the first time around and then being compelled, as is common, to make agreements whereby one group will help the other along. I am wondering whether or not we want to be confronted with a repetition of what happened in France when at one time they had 26 political parties.

On the German Republic before World War II—a great tragedy occurred there.

I believe we in this House ought to really seriously look at the Williams against Rhodes decision because it is germane, and because it sets the stage for more independent splinter parties finding their way on the ballot hereafter.

As I said at the outset of my remarks, even if we do not do anything here I suspect that in 1972 you will see a lot of parties that you did not see before running on the national ticket for President and Vice President.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(By unanimous consent, Mr. PUCINSKI was allowed to proceed for 2 additional minutes.)

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I would like to point out to the gentleman that in the 1860 election the third-party candidate got over 30 percent of the vote. Also in 1912 they had a very strong third party here whose candidate got over 30 percent of the vote. There have been six such elections, including of course the 1968 election, where the candidate got 13.5 percent of the vote. So that we have had the threat of third-party strength in the past, and I am not sure but that third parties may have a greater strength under whatever rule or plan we develop, but they also have great strength under the present system.

Mr. PUCINSKI. Certainly they do.

I will be happy to insert into the RECORD, if anybody is interested in it, a report on the nominating procedures in all the 50 States and territories.

In section IV of the Celler amendment it says that the times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof, and my judgment is——

Mr. CELLER. It also provides that Congress may at any time by law make or alter such regulations.

Mr. PUCINSKI. The gentleman is correct. It says that the Congress may at any time by law make or alter such regulations. But the point I think we cannot lose sight of is that even if the Congress does so, or the legislatures of the 50 States, that the whole method of an independent political party getting on the ballot has been historically very restrictive. That is why I want to call attention to the case of Williams against Rhodes, because it changes the whole ball game from now on, as to the restrictions that we have adopted for over a century in this country. In my own State, if you want to run on a State ticket as an independent you have got to get at least 50 signatures in each of at least 50 of the 102 counties.

What I am saying here is that you cannot engage in this debate on this constitutional proposal without first addressing yourself to the fact that the Supreme Court has set down a whole new set of guidelines and rules for independent splinter parties. You are going to see a proliferation of these parties. And with this provision here that a candidate has to get 40 percent, my judgment is—and I may be wrong, time may prove me wrong—but my judgment is that you are going to have almost a certainty for a runoff in every presidential election after this machinery becomes operative, so long as the Williams against Rhodes decision stands by the Supreme Court.

The CHAIRMAN. The time of the gentlemen from Illinois has again expired.

(By unanimous consent, Mr. PUCINSKI was allowed to proceed for 2 additional minutes.)

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the distinguished chairman.

Mr. CELLER. Mr. Chairman, I wish to call the attention of the gentleman from Illinois to the fact that the decision that he has averted to would be qualified by section IV, which reads that the times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature threof; but the Congress may at any time by law make or alter such regulations.

Whatever the Supreme Court decision was in the case to which the gentleman referred, under the direct election proposal, the States will have the initial responsibility to determine whose name shall appear on the ballot. If the States do not live up to the measure of their duty in determining whose name shall appear on the ballot, we in Congress have reserve power under section 4, and can set uniform regulations concerning access to the ballot.

That is the complete answer to the gentleman's argument on that decision.

Mr. PUCINSKI. Yes, but I do not accept it as a complete answer because the distinguished chairman of the Committee on the Judiciary cannot escape the fact that the Supreme Court based its whole Williams against Rhodes decision on the equal protection of the law clause. The chairman cannot stand here and tell me that this House and this Senate and this Congress is going to pass legislation affecting eligibility for placement in a ballot that will be contrary to the equal protection clause—not after the record that this Congress has written on civil rights.

Mr. CELLER. The gentleman is putting words in my mouth. I did not say that. I said that if we approve the resolution, it contains a constitutional amendment which is binding upon the Supreme Court.

Mr. PUCINSKI. I respectfully submit that it does not do what the distinguished chairman says it will, because this language says that the time and place and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed by the State legislature and the Congress may at any time by law make or alter such regulations.

I do not dispute that statement but the distinguished chairman is not going to tell me and this House that we would pass a law here that would impose any more severe limitations on a political movement in getting on the national ballot than the Supreme Court spelled out in Williams against Rhodes, when the Supreme Court based its holding on the Williams against Rhodes decision on the equal protection clause.

So what I am pointing out here is that for the distinguished chairman to say that—Well, we can set up rules and regulations which will not make it not quite that easy for independent political parties to find their way to the ballot—I doubt very much if this Congress would want to engage in that kind of practice.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. RYAN. I should like, inasmuch as the gentleman from Illinois raised the question about the Williams against Rhodes decision to refer him to my additional views on page 17 of the report, at which point I argue in favor of national standards for inclusion on the ballot rather having a proliferation of State requirements with a reserve power in the Congress.

If Congress were to set national standards for inclusion on the ballot initially, I think that probably would settle some of the problems that seem to be disturbing the gentleman.

Mr. PUCINSKI. You are going to find in this country a greater number of independent political movements seeking expression on the ballot, and you are not going to be able to deny them that opportunity as we have done for 100 years for various reasons within the restrictive limitations of individual State laws. Regardless of what kind of guidelines or national standards you want to set, or this Congress wants to set, the fact of the matter is that the Supreme Court already has pointed out that a political ideology or a political movement has a right to seek expression on the ballot and I doubt if Congress ever will want to be more restrictive than the Court in this issue.

Mr. RYAN. That is a sound proposition.

Mr. PUCINSKI. That is right. What I am pointing out is that there will be a growth in independent political parties whether you add this amendment or do not have it.

Now what you are saying is, if I read your amendment correctly, and if I look downrange correctly, you are going to have runoffs almost as a rule and not the exception.

It will be difficult for any one candidate to get 40 percent of the vote in the first go-around if you have a large number of independent candidates and you will almost always see a runoff to determine the final victor.

So, Mr. Chairman, I believe we ought to be aware of this and try to find a way to make room for independent parties and at the same time elect a President the first time around. I am sure we can find an amendment here that will do the job of elective reform. Perhaps the original language of this amendment will do it. Maybe I am wrong. But I do believe this, that it would be a great mistake for this House not to take into consideration the principles laid down in Williams against Rhodes in the debate on this amendment.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. ROGERS of Colorado. First, I want to say to the gentleman that the case of Williams against Rhodes has no relation to the subject we are talking about.

Mr. PUCINSKI. I would remind my good friend that it got Mr. Wallace on the ballot. What is the gentleman saying—that it has no relationship to what we are talking about?

Mr. ROGERS of Colorado. Would the gentleman wait for an explanation?

The Supreme Court decision in Williams against Rhodes held that the State of Ohio could not arbitrarily violate the 14th amendment by denying an individual the right to go on the presidential ballot. That is all that it did.

Mr. PUCINSKI. The main thrust of my argument has totally escaped the gentleman. I have said here that Williams against Rhodes has opened the door for a proliferation of independent political movements, and you had better recognize that fact as you move forward on this amendment. I am not opposed to a proliferation of political parties but I am saying that an amendment which will have to meet America's election needs in the 21st century should recognize this fact and anticipate the problems such proliferation will create in trying to select a President.

(Mr. FISHER (at the request of Mr. DOWDY) was granted permission to extend his remarks at this point in the RECORD.)

Mr. FISHER. Mr. Chairman, I support the Dowdy-Poff-Dennis proposal—House Joint Resolution 897—as a substitute for the pending resolution.

The pending measure calls for the election of the President and the Vice President by direct vote of the people. The Dowdy-Dennis substitute would have these officials chosen by the district plan. Under that proposal each congres-

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sional district would be allotted one electoral vote. The candidate who receives a plurality of votes in a particular district would be credited with that one electoral vote. Since there are two Senators for each State, the leading candidates would be credited with those two electoral votes.

That proposal is sound. It is fair and it is democratic. It is simple and easy to understand. It would cure the evils of the present winner-take-all electoral college method. And it would undoubtedly have the best chance of receiving the necessary two-thirds majority in the Congress and then being ratified by the States.

On the other hand, the direct vote plan, in my judgment, can never be adopted. The smaller States would not go for it, for reasons that are understandable. It would concentrate too much power in the more populous States, at the expense of the less populous ones.

Mr. Chairman, it is not often we get a chance to vote on electoral reform. The American people are clamoring for this reform, and the updating of the Constitution in that respect is long overdue. We all know that. And the only practical plan, which will stand any reasonable chance of approval, that this Congress is going to have a chance to submit to the States this year is the Dowdy-Dennis proposal. The eyes of the Nation are upon us as we face up to this responsibility.

Mr. ANNUNZIO. Mr. Chairman, if ever there was an idea whose time had come, it is the proposal we are considering, House Joint Resolution 681, the resolution to amend the Constitution to reform our antiquated electoral college system in recognition of the realities of today's American political life. Its defects and dangers have been chronicled again and again, but efforts to change it, until now, have met with little success.

Today, hopefully, we will take a step forward in ridding our Nation of the outmoded electoral machinery by which we elect our President and Vice President—machinery which at best is unfair, unrepresentative, and undemocratic, and which at worst could precipitate a constitutional crisis of very grave proportions.

On three occasions in our history, the man who assumed the high office of President actually received fewer popular votes than his opponent, and in 12 instances—twice in this decade alone—a President was elected with a plurality but less than a majority of the popular ballots cast. In 1968 the strong third-party candidacy of George Wallace, which is a very real possibility for 1972 as well, engendered all sorts of talk about "deals" and "bargains" in the House of Representatives to prevent a complete breakdown of the system.

These kinds of situations result, of course, from the inequities built into the electoral system, and from the customs which have evolved over the years. The winner-take-all division of the electoral vote in each State, which transforms a 1-percent popular vote margin into a landslide victory in terms of the electoral college vote, is perhaps the most unrepresentative feature of our present system. Other major defects are the "independent" nature of the presidential elector, the exaggerated importance the system places on the larger States whose great blocks of electoral votes could swing the balance in a close election, and the provision for election by the House if no candidate receives a majority of the electoral vote. Perhaps not quite so important, but equally as frustrating, is the sheer incomprehensibility of the electoral college system to millions of American citizens.

To paraphrase a popular Madison Avenue slogan: Is this any way to elect a President?

I do not think it is—and from the weight of testimony on the subject, both from politicians and from scholarly critics—I do not think many other people believe it is either. Certainly the public does not think so—a Gallup poll taken last November showed that 81 percent of the people surveyed favored direct election of the President, and a Harris poll taken at the same time was close behind with a total of 79 percent in favor of such a reform. Even State legislators, to whom this proposal will go if it is approved by the Congress, favor direct election by almost two-thirds, according to a poll recently conducted by Senator GRIFFIN of Michigan—indicating perhaps that there is not so much unwillingness in the smaller States to approve a direct election proposal as is sometimes presumed.

This proposal, identical to one I have cosponsored myself, is a simple one. The candidates for President and Vice President would run as a team, and the voters at large would cast their ballots for them directly. The ticket receiving the greatest number of votes would be elected, unless their total was less than 40 percent of all the votes cast. In that event, a runoff election would be held between the two tickets receiving the highest number of votes.

Although each of us has loyalties to his State and to his hometown, in our modern, urbanized society, when complex problems have a way of ignoring traditional political boundary lines, it no longer makes sense to divide the election of the President and Vice President into 50 separate pieces. We are one Nation, and the President is President of all the people. As David Broder observed in Tuesday's Washington Post:

> The committee's conclusion [that direct election of the President is necessary] is inescapable if one accepts that the presidency is now a national office and that the Chief Executive is the representative and spokesman for the whole of our people.
>
> We ask him to function as President of all the people. What the Congress must now decide is whether he should be elected by a vote of all the people. That—and not George Wallace—is the real issue.

I want to commend our distinguished chairman of the House Judiciary Committee, Hon. EMANUEL CELLER, for his astute leadership in this effort to rationalize our presidential election process. He has brought his knowledge and expertise to bear on this problem because he was persuaded that direct election of the President is necessary if we are to remain true to the democratic principles upon which this country was founded. It is now up to us to reach a decision on electoral reform. I am hopeful that a majority of my colleagues will vote with me on behalf of the people and equal representation and against continued uncertainty and indirect election.

Mr. HOLIFIELD. Mr. Chairman, although over 73 million Americans went to their polling places in November of 1968, only 538 of them—the members of the electoral college—really participated in the election of Richard M. Nixon as President of the United States. This dangerous gamble with the fate and legitimacy of our Government occurred—as it has for almost 200 years—because of the outmoded electoral system under which we function. That the system has functioned at all for this amount of time can only be attributed to the kind of luck usually described only in legend.

In 1823, Thomas Jefferson said of the electoral system:

> It is the most dangerous blot on our Constitution, and one which some unlucky chance will someday hit.

I want to speak today in support of House Joint Resolution 681, recently reported by the House Judiciary Committee, which proposed a solution to the problems of our electoral dilemma. This forward-looking resolution will be the 26th amendment to the Constitution, upon passage by two-thirds of the Congress and three-fourths of the State legislatures. When it is passed, it will represent the first successful attempt at electoral reform in this country in 165 years. The last reform occurred in 1804 when the 12th amendment, providing for the election of the President and Vice President by separate ballots was enacted.

This proposed amendment is the work of much thoughtful research and many lengthy hearings on the part of the Judiciary Committee. They are certainly to be commended for reaching the conclusions set forth in the resolution.

House Joint Resolution 681, which received the overwhelming support of the committee's members, is aimed at revising the present system. That system now would permit bargaining for the highest office in our country, and would prevent Americans from having as their President, the man who received the most popular votes.

In my opinion, Mr. Chairman, any process which permits a man to become President without winning the popular vote is intolerable, and inconsistent with the basic aims of our country. At the present time, Members of Congress, as well as most other officials across this land, are elected by direct popular vote of their constituencies. There can be no justification for denying Americans this same method of electing their President.

The problems of the system became particularly evident during our last presidential election. They have been there, actively at work, however, since the Constitution was approved. The main reason we have survived for this long without a major catastrophe is that when challenges were imminent, men put patriotism ahead of political power and declined further action. This creaking electoral machinery cannot sustain many more challenges to its anachronistic process. Unless we modernize it quickly, I think a real constitutional crisis is not far distant.

Those who have faced this problem and sought a solution have seen many dangers—thoughts of the office of the Presidency being bargained for—of a country teetering on the brink of possible governmental collapse, and of serious questions brought against the validity and legitimacy of the Government.

Proposals for electoral reform have been advanced for many years, and several major ideas have evolved.

The district system, which is one of these proposals, would preserve the Electoral College, but require that electors be chosen from individual member districts within each State, with two electors running at large—"bonus electors." One important drawback to this system is the fact that it would intensify the gerrymandering problems of legislators. In addition, the voting leverage of the large States would be eliminated, but the "bonus" elector votes accorded to the small States would not.

The proportional system, would abolish the office of elector, but keep the electoral system itself. Electoral votes in each State would be allocated in proportion to the popular vote case. Some proponents would give a bonus number of electoral votes—usually two—to the statewide winner. Generally, 40 percent of the electoral vote, or 216 votes, would be required to win. Under this plan, citizens of large States would lose the advantage of the current "winner-take-all" system, while small States would retain the "bonus" electoral vote advantage. In addition, splinter parties within each State could be encouraged under this system, and force additional elections.

I might add that a system which awarded two bonus votes to all States would only increase the disadvantages of the large States. My State of California has a population of almost 20 million, and we have 40 electoral votes. In relation to a small State such as Alaska with three electoral votes and a population of about 300,000, California, with 67 times as many people as Alaska, currently has only 13 times as much influence as that State in the electoral college. Under a bonus system which would increase California's votes to 42 and Alaska's to five, California's influence would decrease to eight times that of Alaska's, but the population would still remain 67 times more than that of Alaska.

The automatic system would abolish the individual elector, but retain the electoral votes of each State as they are presently allocated. Essentially, this would solve little, since the system would remain as it is now, but minus human electors.

Generally, all of these plans provide that in the event no candidate obtains the requisite number of electoral votes in the first elections, the House and Senate, meeting jointly, would elect a President from either the top two or top three candidates. While this would represent an improvement over the present system, it has many pitfalls, James Madison, a drafter of the Constitution, said in 1823:

> The rule of voting for President by the House of Representatives is so great a departure from the principle of numerical equality, and so pregnant with a mischievous tendency, that an amendment to the Constitution is justly called for.

That holds true today, and it also holds true for a joint House-Senate election of the President and Vice President. In addition, having the Congress decide an election merely transfers electoral functions from the college to the Congress. This would prevent true direct election, and provide a different cast to play the role of elector. It would not indicate any point in changing the present system.

Each plan retains the present electoral vote formula allocation in the States and each would permit States to cast electoral votes regardless of voter turnout or population changes occurring between censuses. Most important, however, is that each would continue the risk of electing a candidate who lost the popular vote.

It has been impossible to obtain the necessary votes for approval of any of these plans in the past in the Congress. During the 1950's, the Senate agreed to the Lodge-Gossett plan, which was a proportional proposal. The problem in gaining the necessary approval in the House, however, rested on the fact that sentiment was united behind a rival plan. Reform, as a result, failed again.

The direct election plan, while considered sweeping and radical by some, is basically a simple plan, and therein, I think lies its potential for successful approval. It allows the people of America to elect their President directly, and it abolishes forever the specter of a "bargained" election. The man who receives the most popular votes would be elected President in all circumstances.

Opponents of the direct election plan have charged that enactment of such a proposal would destroy our federal system. I find it difficult to understand how the federal system can be anything close to what it ought to be when inequities in voting power are perpetuated, and there is no guarantee that the candidate elected is in fact the popular choice of the people. I think that affording each man's vote equal weight will remove the competitions set up between the States by the electoral college, and will, in fact, strengthen the Federal union. The concept of "one man, one vote" is a valid and logical one, and it ought to be implemented fully by abolishing the present electoral system.

The Judiciary Committee also provided in House Joint Resolution 681 that a plurality of 40 percent of the vote would be sufficient to choose the winner of the election. If no candidate receives that amount, a runoff election between the two top candidates will be held. The time and place for such runoff elections is to be fixed in later legislation by the Congress. This section avoids having election dates and times written into the Constitution, negating the need for further constitutional amendment, should the dates or times ever need to be changed.

I think the runoff provision will do much to prevent the proliferation of splinter parties, which opponents charge will occur under the direct plan. If such parties amass a number of votes, but at best can only look forward to a runoff between the major party candidates, their motivation for organization will not be high. It is worthy of note that the electoral system as it now stands does not preclude the possibility of third parties. The problem with the system as it is now is that it is possible for a third party, without a large vote, to influence the outcome of the presidential election and prevent the popular vote winner from assuming office.

In my opinion, a runoff election held in an orderly manner between the two top candidates, is a far better choice than having our Presidents chosen by 538 men who are selected by various methods throughout the country, and who are not bound by any pledge to support the man chosen by the voters of their States. It is shocking to know that sometimes electors are chosen completely at random when those appointed by the State are unable to perform their duties. The implications of actions like these are staggering. We are all very much aware of the critical problem posed by faithless electors. We have time between November and January for an orderly selection process—there are 41 days alone between election day and the meeting of the electoral college in January. We ought to use this time wisely, instead of allowing a system which could cause such chaos to continue to exist.

In addition to recommending direct popular election of our President, this proposed amendment deals with other very important matters. Among these are election regulations and succession.

The Congress is empowered to set uniform residence requirements for voting in national elections. Age requirements, however, will continue to be left to the individual States. It is important to note that this amendment reserves to the Congress the power "to make or alter such regulations, consistent with other provisions of the Constitution which deal with the elections of Senators and Representatives." What this will mean is that the Congress will be able to deal with States who refuse to allow the names of major candidates on their ballots—which is what happened in 1948 and 1964. In 1860, 10 States omitted the name of Abraham Lincoln. It means that all of the citizens will be assured of the chance to vote for any of the major candidates for office, no matter where the voting is located.

The other important area dealt with is that of succession. Presently, there is no provision for candidates who withdraw from the election before it is held, or for candidates who die before they assume office. This amendment would enable the Congress to provide by legislation for the case of death or withdrawal of any candidate for President or Vice President, before or after a regular or runoff election, but before a President or Vice President has been elected. Also,

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Congress will provide for the death of both the President-elect and Vice-President-elect in legislation. This is important because the continuity of our system of government must be assured at all times. We have been moving toward this, most recently in the 25th amendment, which provides for a successor to the Vice President who assumes the office of the Presidency. The 20th amendment, enacted earlier, provides for the Vice President's succession to the office of the President. It is wise to provide for the eventualities mentioned in this legislation, although we pray they will not have to be invoked.

This resolution, after meeting the necessary ratification requirements, will become law within 7 years after it is submitted to the States. It can become law earlier—for the 1972 election in fact—if the required number ratify it before January 21, 1971. Otherwise, it will be in effect for the 1976 election. Its use in 1976 will be a fitting 200th anniversary commemoration for our country.

Mr. Chairman, every schoolchild is taught that our Nation's Government is derived from the consent of the governed. Allowing 538 electors—no matter how forthright their intentions might be—the power to deny the Presidency to the man who wins the most popular votes is wrong. It completely negates the concept of "consent of the governed," and as such it is unacceptable. I think our Founding Fathers, if they were able to see the system they designed in its present state of disarray, would agree that reform is urgently needed.

I support passage of House Joint Resolution 681, and I urge other Members to join in working for this measure. The Presidency represents a national constituency. As such, I think the choice of a President is far too important not to be left to the American people.

Mr. DEL CLAWSON. Mr. Chairman, every Member of this body, and in fact every American who lived through the last national election must surely be aware of the variety of disastrous prospects which were narrowly averted. Few issues have come before us backed by such public will for change and such pressure of events and such popular support for remedial action as the reform of the cumbersome procedure for election of our President and Vice President.

We are asked now to assure every citizen that his vote for the highest office in the land will weigh equally with votes cast by other Americans; that the President elected will receive more popular votes than any other candidate and that the country will never face the possibility of foundering in a period of crisis during which we are without a Chief Executive. I support the most practical and best solution which has been offered, the proposal for direct election of the President and Vice President by popular vote.

The electoral college system was open to grave questions from its inception. But it could best be justified in terms of conditions which no longer exist, of an era of limited literacy and problems of communication far removed from the United States of today tied together by communications media so sensitive that it is proposed that the results of early voting in the East not be released lest they influence voting in the West.

The present role of the political party was not envisaged by the framers of the Constitution, nor was the role of the electors as eventually determined by the States. It was certainly never intended that the electoral college function as a deterrent to the will of the people, but that is the specter which has haunted us in the past and will continue to threaten future elections unless prompt action is taken by the Congress.

Objections to direct popular election have been examined extensively both during the debate in this Chamber and in the committee hearings. These objections have been effectively minimized or dismissed and the advantages of direct election in contrast are so numerous and so overriding, I must concur in the majority opinion of the Judiciary Committee that the bill before us is the most equitable solution to the problems posed by the present system. I strongly support House Joint Resolution 681.

Mr. DERWINSKI. Mr. Chairman, I rise to express my preference and, therefore, support of the district plan and to remind the Members that I have introduced House Joint Resolution 312 for that purpose. I have long supported the district plan and urge the support of the Members for this approach to electoral reform.

I believe it is essential in processing electoral reform changes that an opportunity be available here in the House to provide a vote on all possible adjustments.

Recognizing the desire to correct the evils of the "winner-take-all" practice, which is the most criticized feature of our electoral college system, I introduced House Joint Resolution 312 as an achievable reform. It must be recognized that the district plan brings the Presidential election closer to the people by making electoral votes available to both parties in all States having more than three electoral votes. This would eliminate a much criticized feature of our current system which is the overwhelming attention devoted to the larger so-called pivotal States.

I support the district plan as the best approach for preserving our federal system. I regard this unique system as the greatest single strength of our form of government.

Mr. Chairman, I believe the direct plan to be destructive of our federalism. I believe it would produce splinter parties, which would be injurious to the effectiveness of our two-party system. It would have an unfavorable impact upon our whole political system, including party structure. For example, the direct election plan would have been a boost to the candidacy of George Wallace in 1968. It would also result in federalizing such matters as election procedures and voter qualifications.

I share the views expressed by others that the direct election plan goes too far. It is not reform but a total break with our constitutional history with vast implications deserving the most careful consideration. I am convinced that the district plan is none of these. It is consistent with our history and our political institutions as they have developed.

One further point that I wish to make, Mr. Chairman, is that early in this session I voted to support the objection to the vote of an elector from the State of North Carolina who betrayed the trust of the people who appointed him. The district plan would solve the complications that we debated at that time. The one-man one-vote concept would actually be better served by the district plan where the population balance would be periodically adjusted than under the direct vote which would obliterate all traditions and political boundaries.

Mr. Chairman, I also believe that we must be practical in our approach and recognize that the district plan is the one most apt to be approved by the legislative bodies of the necessary 38 States.

Mr. CLAY. Mr. Chairman, my position in opposition to the proposed direct popular vote for the President and Vice President has come under fire. Regrettably, the opposition does not flow from the arguments which conclude in the position—but the position itself.

The mere fact that most liberals hold a view contrary to mine in no way affects the validity of my argument. Truth does not demand unanimous acceptance or majority approval.

I stated, initially, that the direct popular vote would inhibit the political influence of minority groups. I pointed out that the black vote presently and potentially registered—is more effectively applied with the two-party system which has evolved from the electoral college. I stated, that the minority vote would, in these times, likely follow a separationist trend without the cohesive influence of the electoral college.

I reiterate that view and further enumerate the doubts which require opposition to the sweeping revision recommended. It is uncanny that so many people can be so adamant in supporting the abolition of the electoral college solely because they fear the possibility of it failing us. At the same time, they refuse to apply the same test of possibilities to the mechanism presently recommended to displace the college. There is only hope, and not reasonable assurance, that the transplant of popular election will not be instinctively rejected by the other moving parts. Unfortunately, the nature of our revision would preclude rejection of the popular election, but it would require that the other supporting parts undergo severe adaptations to support it.

Assuming the popular vote of the President were adopted by this Nation, let us explore some of the very real possibilities which exist for other integral parts of our political structure and Government.

Proponents of direct popular vote contend that one-man, one-vote is a basic principle of democracy which must be extended to the office of the Presidency. I sharply disagree and vigorously oppose any attempt to alter one of the checks or balances of Government without relating it to the total system of checks and balances.

To think in terms of "pure" democracy is bordering on the realm of insanity. Democracy, to be meaningful, effective, and just—must first be practical.

To perfect the system of Government and at the same time diminish or eliminate the voice of minorities within the system is a perfection we cannot afford.

Both Houses of Congress are now rural oriented and rural dominated. The President, because of the necessary votes concentrated in the States with large urban areas, cannot ignore that power and will most often strive to appeal to the urban resident.

In the making of a President, urban area appeal is a most crucial consideration of a candidate by the two major party conventions. This is true because of the electoral college system. Eliminate the college and you alter the process by which a candidate is selected. Eliminate the college and you change all the ingredients which are now required of a candidate who seeks success and election. Without the electoral system, the scrutiny of a candidate from an "urban" standpoint would cease to be important. I prefer a modified college which projects the Presidency as a check and balance on the Congress.

The likelihood of division and splinter parties would be encouraged by the direct popular vote. The factions of the present parties who do not compose the majority—but a large minority at their respective conventions—would likely feel compelled to strike out on their own to reap the sentiment which exists for their position and candidate. If it were unnecessary to win the individual States to win the Presidency—the mere possibility of winning by precluding another candidate's majority would prove too irresistible to pass up. After all, it takes $20 million to finance such a campaign—and with direct popular vote, a candidate would not have to travel the 50 States or concentrate on the total U.S. populace—when a section or sector of it is sufficient to throw the election.

It is likely that in 1968, had the direct popular vote been utilized—EUGENE MCCARTHY, Nelson Rockefeller, Ronald Reagan, and George Wallace would have campaigned under individual banners against Humphrey and Nixon.

The flinch of fear which provides the momentum for this proposed revision now flows directly from the scare instilled in us by Wallace. But responding to this fear through an elimination of the college in favor of the popular vote, will promote the factionalism and sectional movements.

If there is one authority on contemporary, practical American politics, it must be Theodore White who has devoted the last 10 years to its study. In his latest book, Teddy White illustrates the patterns into which the present two political parties fall.

His description, I believe, of the precarious nature of these institutions lends support to my position. He says:

> It is best, therefore, to compare the Republican structure, as well as the Democratic structure, to a mobile. The Republican Party hangs suspended, as does the Demrocratic structure, from the roof-beam of American history, with branches, forks and clusters of dangling groups, all of different sizes, shapes, colors and weights, constantly seeking a center, an internal balance, as it sways in the breezes of politics or shudders in the great gusts of history.

It is not an instinctive desire for unity—but a fear of losing all impact outside the two parties—which keeps this delicate machine together and which promotes compromise, cooperation, and understanding of the interests and views which must be reflected in the total party. Give those factions the chance for impact outside the two parties and commonsense dictates the development of many parties. I am certain that a black separatist, conservative, and liberal parties would evolve. These splinter groups will choose to take root when it becomes unnecessary for them to work within the major political parties. The precarious balance will be broken. There is no better illustration of this than the current political upheaval in New York City.

These are the possibilities which should instill fear—if fear must be the guiding light for our decision on the direct popular vote. It is clearly the element of fear upon which the current popularity of the popular election rests—not understanding or analysis.

The most powerful objections to the electoral college arise from the present likelihood that human electors can deal and wrangle and not reflect the vote of the people—and that the House of Representatives, voting by States, can deal and wrangle and further distort the will of the people.

Solving those problems does not require a direct popular vote. It only requires removal of the human element from the electoral college and revision of the means whereby the Congress proceeds if there is failure by one candidate to produce the required electoral votes. My legislation provides that the electoral votes shall be cast automatically for the winner of each State's popular vote, and that the entire Congress, with each Member voting individually, will—when necessary—determine the President and Vice President.

Here is where the one-man, one-vote theory must be applied—to remove the fears of deals in the Congress. Each Member of the House represents the application of one-man, one-vote elections. Each Member of the House should, then, be given the right to extend the one-man, one-vote theory to its logical conclusion—which is his right to participate in a congressional vote for the Presidency should the automatic electoral college system not produce a winner. The logical conclusion to the one-man, one-vote theory is not, then, found in extending it to the national election of the President.

To benignly presume that direct voting is the only way to purify democracy implies that there should be no "student councils" but total student governments; that there should be no Congress—but total American participation. It is the problem the Greeks faced when they crowded the overflowing citizenry into the decisionmaking arena. The process became impractical and the result chaotic. And to follow the one-man, one-vote argument into the upper house of our national legislative body would eliminate or severely alter the composition of the U.S. Senate. Why should Delaware or Alaska have two Senators and New York and California only two?

Extension of the one-man, one-vote theory to the election of the President totally ignores the problem of voter registration, voter qualifications, and a surveillance of the casting of between 70 to 90 million votes, any of which are likely to be contested if we place this premium on one vote.

Four States provide for voting by citizens under the age of 21—Georgia and Kentucky at 18, Alaska at 19, and Hawaii at 20. Some votes in some States are cast and counted as honestly as possible—but in far too many instances, a vote is a result of a purchase, a deal, a steal, or a calculated miscount. These realities cannot be shirked off in the search for pure democracy when they color and distort the sanctity of the argument for the direct vote.

No one has proposed a reasonable means by which national surveillance of these votes would take place—or how recounts, which would become the order of the day, would be minimized.

The fact that many citizens are presently denied the right to vote is beyond dispute. The incentive, under a direct popular vote for the Presidency, to further deny voting rights in some States, makes the pious position for pure equality by direct voting even more ridiculous.

I wholeheartedly support the position taken by Clarence Mitchell, director of the Washington Bureau of the NAACP, when he testified before the House Judiciary Committee. He stated:

> Such things as abolishing offices sought by Negro candidates, omitting names of registered Negroes from voting lists and disqualifying ballots cast by Negro voters on technical grounds are among the many devices used to restrict voting. Obviously, until the last vestiges of discrimination in voting have been eliminated, we dare not make sweeping changes in our method of electing the President.

I concur in Mr. Mitchell's position and as long as 2½ million black people are denied the right to vote in this country—it is not the extension of democracy but the ultimate in hypocrisy to talk about one man, one vote.

We are dealing in large numbers—167,000 voting precincts in the United States; 3,130 counties in the United States; 50 different sets of State law and 50 different sets of unwritten State practices; and 70 to 90 million citizens whose abilities to cast a meaningful vote within the context of voting in their individual States is so variable as to make this sort of equality an anathema to democracy.

I have stated that urban areas—where political influence is presently so necessary—benefit from the electoral system. This view has been challenged on the nature of Nixon's election. The fact that the American cities did not elect Richard Nixon does not deny the existence of the power those cities and urban States hold. The fact that those cities and those States can elect a President under the electoral college system is where attention on this point must be focused. The fact that they did not elect a Presi-

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dent in 1968 is an exception, not the rule. The rule remains that the influence they can exert exists and can be tapped by a candidate who responds to those interests.

The arguments against my position which rest on the Nixon election are further disposed of by the articulate and valid observation of Theodore White who says of the 1968 election:

> No more thoroughly blurred election has occurred in American history since that of 1876. The normal sweeps and surges of voting patterns that bring a President to the White House buttressed by his own House and Senate were totally absent. A nation torn in conscience, divided over war, embittered by race hatreds, presented with three, not the traditional two, candidates, voted in the various states as if each community had a puzzle of three major variables and a dozen local conditions, each state trying to solve the puzzle in its own way.

Undue and misplaced emphasis has been placed on those years 1824, 1876, and 1888, when the loser in the popular vote became the winner by virtue of the electoral vote. Let us put the emphasis where it is due—on the acceptance of those Presidents by the American people, on the ability of the electoral college to come through in times of stress, on the durability of an institution which—in spite of its inhibiting human feature—has served this country well.

In conclusion, the argument is advanced by supporters of direct election that presently, black votes in the South are not counted because of the one-party system. I contend that under the direct vote concept the black vote, even in the North, would never count. Had the direct vote been in effect in 1968, all of the black votes in the country would have been canceled by the 9,800,000 votes received by George Wallace. Recent trends in southern politics also dispute the continued existence of one-party politics. This realinement of politics in the South, promoted and nurtured by the electoral college, is to the advantage of black voters.

For reasons previously and presently stated, I resolve to maintain my opposition to the proposed reform of the electoral college system. I urge other Members of the House of Representatives to give audience and thought to my views.

Mr. CLEVELAND. Mr. Chairman, after much careful thought, I have decided to vote against House Joint Resolution 681, the committee bill providing for the direct election of President and Vice President of the United States. I oppose the resolution as offered by the Committee on the Judiciary.

This decision does not mean that I am opposed to reform. Reform of our presidential election procedure is sorely needed. I have proposed an amendment to the Constitution, which I will describe in a few moments. I am very much for reform.

But the committee bill for direct election is not a reform. It would enact a total transformation of our federal system.

I see the following as among the undesirable, even disastrous, consequences of the direct election plan:

First. A drastic erosion of the federal system.

Second. The end of the two-party system through the encouragement of numerous splinter parties, none of them with a majority, probably all of them tending toward extremism.

Third. Enhanced risk of situations, where there was a very close vote, in which the identity of the President of the United States would be unknown for extended periods because of recounts and obstructive procedures, legal and nonlegal—street riots, for example.

Fourth. The federalization of elections, with the further diminution in the role of the States.

Fifth. By logical extension, the attack on the States could lead to an assault upon the principle that each State has two Senators, regardless of population.

There is a further objection, separate from objections to what I regard as the demerits of the direct election proposal. It was stated very well by the President in his message on electoral reform—February 20. The President said, and I agree:

> I doubt very much that any constitutional amendment proposing abolition or substantial modification of the electoral vote system could win the required approval of three-quarters of our fifty States by 1972.

The small States—and there are more than enough to block ratification—would be most unlikely to approve an amendment which could impair their standing in the sisterhood of States.

Returning to the question of the proposal itself, the gentleman from Missouri (Mr. CLAY) made a strong and impressive statement of opposition—September 9, page 24892, CONGRESSIONAL RECORD. He said, in part:

> The (electoral) college is not an archaic appendix—it cannot be removed without inducing grave problems throughout the entire governmental structure. Much of our system of political balances and alignments has evolved around it, and its sudden removal will create dangerous consequences for all the remaining parts . . . Despite the superficial appeal of direct election, it is of dubious value. . . . The one certain result of direct election would be to lessen the influence of the minorities at a time when their needs are urgent and critical.

These are words worth pondering. Should this amendment as now written be adopted by the Congress and sent to the States, I hope that the words of the gentleman from Missouri are given great weight by those who review the RECORD for the legislatures.

Under a system of direct election, I can foresee a time and a set of circumstances in which some hero would charm the Nation as Caesar charmed Rome and so sweep to power as Caesar did in Rome. For such a man, given the proper crisis, the two-term limitation might well be swept away. And then the sovereign States would find they were anything but sovereign and their people would find they had chosen not a President but a dictator.

It was precisely the fear of such a development that led the Founding Fathers to devise our present system. They all had suffered the bitter experience of tyranny. George Washington himself was strong enough to reject the proposals of some that he assume a crown and royal powers. The founders, in their wisdom and out of their experience, created a special form of government with its built-in checks and balances. In this way they sought to insure that the people's freedom and the people's government would remain in the people's control—even when a majority of them is willing to cede it into the hands of a "temporary" dictator.

The direct election would remove an important check in the system which has served freedom so well in this country.

In my opinion, we would be better off to leave the system untouched than to go to a direct election.

What I would hope is that the House would adopt instead either a proportional plan, which I have proposed, or—not quite as satisfactory, in my opinion—the congressional district electoral plan.

Of the many plans for electoral reform I feel my proportional plan combines the best elements of each.

My proposal would keep the federal system and the electoral concept, but it would do away with the electors.

Each State's electoral vote would be divided among the candidates in the same proportion as the number of popular votes each received in that State.

Under the present system, the candidate who carries a State receives all of that State's electoral votes, even if he wins the popular contest by only one vote. This seems unfair and should be changed. This system discourages voter participation in many States where one party is dominant. Under my system as well as under the District plan, voters would be encouraged to participate because their candidate would receive at least some votes or a fraction of a vote in his national campaign.

Under my plan, the proportional plan, if a presidential candidate received 60 percent of a State's popular vote he would receive 60 percent of its electoral vote. In the case of New Hampshire, which has 4 electoral votes, he would receive 2.4 votes.

To win the election, a candidate would have to receive 40 percent of electoral vote. Otherwise, a runoff would be held between the two candidates receiving the most electoral votes.

My plan retains the federal system which is so important to American traditions and the continued preservation of the Republic. It corrects some of the weaknesses of the present system: it removes the House of Representatives from the electoral picture; it eliminates the potential threat of the "unfaithful elector"—the person chosen by adherents of one candidate who chooses to cast his vote for another.

It would preserve and possibly strengthen the two-party system. Political parties in every State would work harder to turn out the vote, knowing that every man's vote would count.

Mr. Chairman, it is necessary only to shut one's eyes and visualize the chaos in this country that would ensue in the event of a national recount of votes under the direct election plan. We might have had such a situation in 1960 when only 110,000 votes separated Mr. Kennedy and Mr. Nixon and the total of Mr. Kennedy was less than half the popular vote. The legal challenges and counterchallenges as well as the potential of civil turmoil during the tense and lengthy process of recounting could have been very damaging to our country. Conceivably, a situation could arise where Inauguration Day would come and no one had been certified as President.

The system we have now, is preferable to that. I urge my colleagues to ponder carefully before undertaking to indorse House Joint Resolution 681 as offered by the Committee on the Judiciary.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE of Illinois) having assumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, had come to no resolution thereon.

OUR FRIEND, THE FARMER-RANCHER

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELCHER. Mr. Speaker, I have a friend who is 52 years old, going on 53.

I have a friend who has worked hard, has known drought and wind, and dust, floods and freezes, the depression of the 1930's and the cruel hardships of inflation.

I have a friend who has lived his five decades plus two, and almost three, on the land, who would like to stay there.

I have a friend whose wife and helpmate has worked by his side rearing a family which, for the most part, has left the land for lack of opportunity.

The friend of whom I speak is the friend of all of us in America; he is the friend of all the hungry people of the world; he is the friend of all our basic industries, our rural communities, our cities, and of the transportation industries which link him with the rest of us.

My friend—more correctly, Mr. Speaker, our friend—is the backbone of our economy.

He provides us with an abundance of the finest foods at the lowest real cost ever achieved.

He provides the basis for about 6 million jobs in machinery, chemical, and other supply industries.

He buys $37 billion in production goods and services.

He buys 6.5 million pounds of steel—about 5 percent of our total production.

He buys 360 million pounds of rubber annually—enough to put tires on 7.5 million cars.

He buys $1.6 billion worth of petroleum products, or 11 percent of all sold, more than any other single customer.

He buys $15 billion worth of clothing, drugs, furniture, appliances, and other living items and services.

His products are the basis of processing and marketing industries which provide between 14 and 16 million jobs.

He borrows $25 billion on land, $23.9 billion of operating capital, and another $1.3 billion on stored crops for a total of just under $50 billion.

He pays for all these things at 1969 prices, which are almost exactly 50 per cent higher than they were 20 years ago, when the price index stood at 83.5 compared to 125.0 today.

He sells wheat at 1942 prices.

He sells corn at 1944 prices.

He sells livestock at 1952 prices.

He sells cotton at 1942 prices.

He sells most of his products below actual cost of productions.

He gets only 40 cents of each dollar his customers spend for his products.

The reason, Mr. Speaker, that our friend is 52 and going on 53 years of age is because that his is such a poor business that young men, of necessity, look elsewhere for opportunity.

Our friend on the land is the agricultural producer—the farmers and ranchers of America, whose average age is well past the midway point and whose life of toil with large investment and low returns does not attract young men.

Both my friend and I would prefer to have an economy in which he receives a fair price at the marketplace, but he cannot do so; he cannot survive in this inflated economy without the farm program. Until he has market prices that match costs he needs help to survive.

I have today introduced a bill to permit him to stay on the land, to remain a producer, and, I pray, to reverse the economic trend that drives young men and young families from our farms and ranches. The bill is not a permanent cure but will help the patient survive.

It is a bill to prevent the collapse of the agricultural economy which is so important to all of us.

It is a bill intended to assure Americans food and fiber in abundance at reasonable prices; to assure that we will continue to have $6 billion of agricultural commodities for export and a balance of payments which permits us to trade freely abroad without incurring an excessive balance of trade deficit.

The bill extends and revises several of our commodity programs along lines agreed upon by 17 general farm organizations and commodity groups.

The Agricultural Act of 1965, which is the basis of a number of the commodity programs, expires at the end of next year. The Agriculture Committee is now concluding several weeks of hearings on future farm programs. There are several bills before it.

The farm organizations supporting the bill include the most extensive alliance or coalition of farm organizations since the great depression in the thirties and includes the Grange, the National Association of Wheat Growers, the National Rural Electric Cooperative Association, the National Milk Producers Federation, the National Corn Growers Association, the National Farmers Union, the Midcontinent Farmers Association, the Grain Sorghum Producers Association, the Soybean Growers Association of America, the Pure Milk Products Cooperative, the Pure Milk Association, the Peanut Growers Cooperative Marketing Association, the North Carolina and the Virginia Peanut Growers Association, the National Corn Growers Association, and the National Rice Growers Association. The National Farmers Organization also assures me that it regards the measure as a good bill.

These organizations have testified in the current Agriculture Committee hearings and endorsed the bill, which has been in the process of preparation and drafting during the hearing period.

I find myself in complete agreement with the basic purposes of the measure, which is to raise farm prices toward 100 percent of parity and farm income toward parity with other segments of our society.

The bill authorizes a class I base plan for milk producers, it extends the Wool Act, it extends the cotton program, and the corn and feed grains program with some amendments. It extends the wheat certificate program, and provides for issuance of certificates worth 65 cents per bushel on wheat which goes into export.

It establishes a soybean and flaxseed price support program, and provides for acreage diversion in relation to them when necessary to avoid surpluses.

The measure provides authority for an emergency reserve, or consumer protection reserve, of wheat, feed grains, soybeans, and cotton.

The Agricultural Marketing Agreements Act is extended and broadened to authorize marketing orders in relation to any farm commodity when a majority of the producers request such a marketing order.

The existing cropland adjustment authorizations are extended indefinitely, as is the present rice program legislation.

The bill contains a food-stamp provision identical to the provision in the bill introduced by Chairman POAGE of the Agriculture Committee, extending the act of 1964 permanently, authorizing necessary appropriations, and also authorizing performance of work or other services in lieu of the small minimum cash payments for stamps when the applicant has no money to pay even a minimum amount.

I have no doubt that during committee consideration of the bill there will be constructive suggestions for amendments, including one or two which I am studying myself, but I believe that the proposals contained in this legislation moves farm policy and programs in the right direction and that regardless of all the information and misinformation this Nation is getting about farm program costs, that our farm programs are the biggest bargains that the Government and the people of the United States are buying today.

Farm commodity program costs have been greatly exaggerated. About half of

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the budget of the U.S. Department of Agriculture is for consumer services and consumer benefit. It includes consumer inspection work, food stamp, school lunch, forest recreation—many services not related to farm food production.

Without exaggeration, the farm commodity program costs are considerable. It will run about $3.2 billion in this fiscal year.

But what do we get for those expenditures?

We get a reliable food supply at the cheapest real cost to consumers ever achieved by any major nation in the history of the world.

Total food costs in the United States are now running around 17 percent of disposable personal income.

Just after World War II we were spending 25 percent of disposable income for food. In Europe food now costs 28 to 40 percent of income; in Russia it takes about half of a person's earnings to buy food.

If food today cost just 20 percent of disposable income, as it did a few years ago, instead of 17 percent, American housewives would be paying $17 billion a year more for the food items in their grocery carts than they are.

American agriculture is entitled to claim a liberal share of the credit for making consumer savings possible back to the period when food cost 25 percent and even 30 percent of disposable income. But the savings in recent years alone—the $17 billion reduction in the real cost of food since it took 20 percent of income—is more than five times the cost of the price support programs, including wheat, feed grain, cotton, rice, peanut, wool, and every other sort of price support loan or payment.

When $3.2 billion in expenditures will save American citizens $17 billion at the cash registers in the grocery stores of America, we are buying a bargain.

The $17 billion savings is not all we get.

We get the agricultural exports running around $6 billion a year, which I have mentioned.

We get food supplies to use abroad in our Food for Peace efforts to encourage economic development and peace.

We get soil, water, and resources conservation in the agricultural industry with few if any parallels in any other industry in the Nation.

We get the cleanest, more wholesome, and most varied food supplies of any people in the world.

In spite of the bargain agriculture provides us, we find farm program costs under attack—not on a basis of their own worth and effectiveness—but because military costs have skyrocketed with the Vietnam war and other domestic program needs have created great pressures on the Federal budget.

We should not spend dollars unnecessarily on farm programs or any other programs, but I am convinced—not just by the impressive statistics on inadequate farm income which the Department of Agriculture and our House Committee on Agriculture have assembled, but from my personal experience as a veterinarian in a great wheat and meat producing area, that we are driving such a hard bargain with our farmer citizens we may very well see an end to the family farming system which has served us so well.

I am concerned about the small family farmers who have been disappearing from the land and moving into the cities, worsening their problems. I am deeply concerned about "the people left behind"—the poverty stricken in rural areas who were the concern of a recent Commission report with that title.

But I am talking today about the plight of efficient, well-trained, commercial family farmers with adequate land and resources to produce $30,000, $40,000 or more of foodstuffs each year who are going broke at 75 percent of parity prices.

The National Association of Wheat Growers on Tuesday last presented the Agriculture Committee with a study of the income situation of a representative Pacific Northwest wheat producer with a 1,255-acre farm and a gross income in 1968 of $43,581. After taxes and all his costs of production, that wheat producer had $4,983 income to pay family living expenses, send children to college, buy a little household equipment, and pay on the mortgage and other debts, a pittance for the family's labor and management of the farm, or ranch.

Mr. Glenn Hofer of the Wheat Growers also submitted several letters they have received from bankers in agricultural areas describing realistically what farmers are up against.

Dennis R. Utter, vice president and agricultural loan officer of the McCook National Bank of McCook, Nebr., wrote a typical letter. He said:

> The economy of our city is almost entirely dependent upon the agricultural economy in our area. It is then, with a great deal of sincere concern that I write you this letter.
>
> The agricultural population in America is undergoing a period of severe stress in which the survival of the farmer is being challenged. Certainly, during these periods of unfavorable economic conditions for the farmer, not only does the farm suffer, but all people in the rural areas who are dependent upon agriculture for their livelihood. Needless to say, our community and the smaller communities in our area are also experiencing, with the farmer, this unfavorable economic climate. We are witnessing day by day, the financial decline of the independent businessmen in our communities. Many of them are being forced out of business.
>
> Being in a position to keep track of the financial situation of my farm customers, I am deeply concerned that a great many of them cannot endure a continuation of the present agricultural situation. Many farmers, operators of efficient well-managed units, are quitting in desperation and in an attempt to salvage any net worth they may have heretofore accumulated.
>
> Farmers, under the cost-price situation that has prevailed for a number of years, have not been able to earn a rate of return on their investment commensurate with returns earned in other segments of our economy. Now, not only is the rate of return unsatisfactory, we are witnessing a decline of land values in our area. This is particularly true in the dryland wheat areas. Dry cropland of the type that commonly sold for $150.00 to $175.00 per acre in the recent past, is now on the market at $125.00 per acre and there is considerable buyer resistance even at these prices. In the last 12 months, I feel we have experienced as much as a 25 per cent decline in the price of some of the good farm land in our area.
>
> The wheat program for next year calling for another 12 per cent decrease in wheat allotments with no compensation for diversion of cropland or alternative crops to which this additional idle land can be planted is going to add to the already untenable situation for the farmer. It is unrealistic to think that even the most efficient managers can continue to operate under these conditions.
>
> The elimination of the investment credit, steadily rising costs, declining commodity prices further magnify the unsatisfactory conditions. The economic decline in agriculture is exerting increasing economic pressure on all of rural America. It is my sincere hope that the important contribution of agriculture to national economy be recognized and that farm programs and national policies be designed to relieve rather than increase the pressure being exerted on agriculture.

Mr. Speaker, I know that Mr. Utter's letter is factual; the situation of farmers and ranchers and of the communities in my home district duplicates what he describes.

The statistical proof of the serious economic situation of our friends in agriculture can be piled mountain high. But the statistics do not tell the story of deprivation, of family tragedy, of missed educational opportunities, and other social costs which will result from our failure to treat our friends on farms and ranches fairly.

Nor do statistics indicate what the cost of food in America will be if we permit farm commodity production to concentrate so a relatively few integrated food production firms can manage production and prices.

It will be to the long-term benefit of American consumers—the residents of the urban areas of America—to support legislation which treats our farmer and rancher friends fairly, to assure them reasonable returns and a living good enough to attract young people, or the food bargains this Nation now enjoys may be found only in the luxury items departments of our stores.

NEGRO FIRM GETS SHARE OF BELL INSURANCE POLICY

(Mr. DIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIGGS. Mr. Speaker, on September 2, the Michigan Bell Telephone Co. turned over more than 20 percent of its life and accidental death benefit insurance to Detroit's black-owned Great Lakes Mutual Life Insurance Co. This $98 million contract represents nearly a fourth of the $400 million life and accidental death coverage for 28,000 telephone employees. This makes Michigan Bell the major account held by Great Lakes Mutual, which is the largest black-owned and operated enterprise in Michigan and one of the Nation's largest black-owned insurance companies.

In making the joint announcement concerning this transaction, Mr. Thad B. Gaillard, C.L.U., president of Great Lakes Mutual said:

> Insurance implies confidence and when a company of Michigan Bell's stature gives us responsibility for insuring their employees, I think it supports the idea and the fact of black business more than all the words of encouragement ever could.

Mr. William M. Day, Bell's president, said Gaillard had first approached him for the business about 5 months ago. He further said:

> This company met all our performance requirements, and then some. The fact that the company is both local and black makes us that more pleased about our new relationship.

Mr. Speaker, this unprecedented business arrangement is of utmost significance in breathing life into the American concept of equal opportunity. It is this kind of real support of black capitalism that could well be emulated by other enterprises across the country. I trust that subscribers to the RECORD and their elected representatives will encourage such meaningful transactions in their own area. There is nothing in our economic and social system that could not be corrected or improved by affording such opportunities in the mainstream of American free enterprise. The Michigan Bell Telephone Co. should be congratulated for its progressive concepts and the Great Lakes Mutual Insurance Co. is to be highly commended for being prepared to accept such a challenge.

FOR RELIEF OF CLAUDE HANSEN, OF WHITTIER, CALIF.

(Mr. HOLIFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Speaker, today I am introducing a bill to provide relief for Mr. Claude Hansen, formerly of Whittier, Calif., in my district, and now residing in Davis, Calif. I have introduced very few private bills in recent years because I believe all avenues of administrative relief should be explored before private legislation is considered. In Mr. Hansen's case I have exhausted all possibilities remedying the unfortunate situation in which Mr. Hansen finds himself through normal channels, and my only recourse at this time is through private legislation.

Mr. Hansen was a career Foreign Service officer. In 1964 while on leave from the State Department he was appointed associate Peace Corps representative in Venezuela and subsequently in 1966 was reassigned to Thailand as Deputy Peace Corps Director. Since the Peace Corps staff members are prohibited from shipping furniture and household effects overseas, Mr. Hansen stored his personal property at Government expense in the Smyth Van & Storage Co. warehouse in Long Beach, Calif., in August 1965, prior to his departure for Venezuela.

On October 12, 1968, all of Mr. Hansen's property was destroyed in a warehouse fire. Because he was unable to obtain any settlement through the State Department or the Peace Corps, he brought his problem to me early this year. I proceeded to make inquiries on his behalf and was informed by the Director of the Peace Corps that Mr. Hansen's claim for reimbursement must be denied because his situation is not covered under Peace Corps regulations. The Military Personnel and Civilian Employees Claims Act of 1964 authorizes the head of an agency to settle and pay such claims. However, I was advised the regulations adopted by the Peace Corps, as authorized by this act, do not cover Mr. Hansen's situation. It is ironic that employees of the State Department who lost property in the same fire have been reimbursed to the full extent of the law. Obviously the State Department regulations are in line with the intent of the Congress in passing this law.

The loss for which Mr. Hansen is seeking reimbursement from the Government is $8,107. My main intent in introducing this bill is to provide relief for my constituent for his loss suffered while in Government service, but I also hope the committee will investigate the Peace Corps regulations which prohibits them from paying this claim to determine if it is in line with the Military Personnel and Civilian Employees Act of 1964.

NATIONAL INDUSTRIAL HYGIENE WEEK

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, I am very pleased to introduce today a resolution—for myself, and the other Members from Allegheny County: Mr. CORBETT, Mr. FULTON, and Mr. GAYDOS—authorizing the President to designate the period beginning October 12 through October 18, 1969, as "National Industrial Hygiene Week."

This resolution was introduced in the other body by the senior Senator from Pennsylvania, the Honorable HUGH SCOTT.

Such a designation would coincide with the 34th annual meeting of the Industrial Hygiene Foundation, located in Pittsburgh's Mellon Institute, thereby giving national recognition to those engaged in protecting and improving the Nation's working force.

The Industrial Hygiene Foundation is an international, nonprofit organization which has a voluntary membership of over 200 of the world's biggest firms, dedicated to the broad spectrum of industrial health and safety.

Since 1935 this foundation has been involved in providing research and standards for health protection for its member companies and for the Nation in problems ranging from air pollution and noises to alcoholism and mental health.

I can think of no better way of honoring the dedicated engineers, chemists, scientists, researchers, and other personnel who have done so much to raise the standards of industrial health and to focus national attention toward solving the problems of occupational health and safety than to have this resolution enacted.

Mr. Speaker, I include a copy of this proposed joint resolution in the RECORD for the information of my colleagues:

H.J. RES. 901

> Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week"
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in recognition of the need to preserve the Nation's primary natural resource—its employed population, and in recognition of those individuals and organizations seeking to protect and improve the health of the Nation's work force through the coordinated scientific measures, technological and engineering controls which characterize industrial hygiene, the President is authorized and requested to issue a proclamation designating the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week," and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

CREDIT CARDS

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, one of the mixed blessings of today's easy credit economy is the credit card—the little 2⅛ by 3⅜-inch pieces of plastic attached by invisible lines to a monster computer somewhere that keeps track of how much you owe to whom.

The card itself is fine. It is rather impressive to pick up a dinner check by waving a Diners Club or Bank Americard at the waiter, and it is convenient to pay your auto expenses at the end of each month, particularly if you need the record for tax purposes as so many of us do today.

It is the computer that has become the fly in the ointment. The computer is not programed to make mistakes, but the people who operate it are as human as anybody, and they can—and do—make mistakes.

I could not operate without credit cards. I took inventory the other day, and found seven different cards in my billfold, and another eight in my desk, not counting spares. They are not only here to stay, they are an important part of our economy.

But over the past several months there has been a growing concern about the collection practices of the credit card companies—particularly when the bill is questioned by the customer. We have heard complaints of harassing and even threatening letters ground out by the computers, blithely ignoring the replies of the customer, even when he insists he has already paid the bill, and sends photostatic evidence to prove it.

I am proposing a resolution today, asking the House Committee on Interstate and Foreign Commerce to authorize an investigation—to take a searching look at the collection methods practiced by these companies, and at the same time inquire into the sending of unsolicited credit cards to large blocks of prospective customers.

Several bills have already been intro-

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duced in this session to prohibit the sending of unsolicited credit cards. My position on this is already on record; I oppose these blanket invitations to overspend, and I hope to vote for a bill to outlaw the practice.

The collection picture is less clear. Certainly these companies have every right to collect the amounts owed them.

But the companies do not have the right to browbeat and intimidate their customers. They do not have the right to compound their own errors by threatening to jeopardize a customer's credit reputation while ignoring the customer's attempts to correct the error.

If this practice is as widespread as I have been led to believe, it should be corrected. That is what my resolution would attempt to find out.

FEDERAL ASSISTANCE PROGRAMS

(Mr. ROTH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROTH. Mr. Speaker, today I am inserting in the CONGRESSIONAL RECORD a listing of 1,315 Federal assistance programs, the most complete list ever compiled. This list represents the cornerstone of 4 months of research, and proves that a meaningful catalog of all Federal aid programs can indeed be produced cheaply. Even a brief perusal of some of the 1,315 programs will show one important thing: There are so many programs of a similar nature scattered among diverse agencies and departments, it is a wonder that the potential recipients of Federal aid can ever find their way through the maze of Federal assistance programs.

I respectfully ask my distinguished colleagues: What good does it do to devise and approve an innovative, imaginative program if those the program is intended to help have no central compendium to turn to for guidance? Thousands of administrators, all across the country, have written to me expressing dismay at the confusion they are confronted with in trying to find the right program to solve a particular problem or need.

As a result of my research in this area, I have introduced the Program Information Act, H.R. 338, in this body and S. 60 in the Senate, which would require the President to publish an annual catalog of all Federal aid programs and to update it monthly. Even with these 1,315 programs, I have reason to believe that another 100 to 200 programs exist; this legislation should insure that every single program is reported.

I have gathered meaningful program descriptions for each of these 1,315 programs, including funding information, cross-referencing, application deadlines, and restrictions placed on aid. If legislation pending before the Senate Committee on Rules and Administration is approved, the listing, along with the descriptions, will be printed as a House document.

Let me say this: I do not intend to go into the catalog-making business. I believe the Federal Government has an obligation to make this information available to anyone and everyone who is a potential recipient of Federal assistance—and that means to the people back home, to 203 million Americans. For this reason, I urge action on and passage of the Program Information Act.

The list of 1,315 programs is preceded by a list of the departments and agencies covered, as follows:

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4.430 Allied Health Professions Developmental Grants.

4.431 Grants to Schools of Public Health.

4.432 Health Professions Educational Improvement Grants.

4.433 Projects for the Improvement of Nurse Training.

4.434 Projects Grants for Graduate Training in Public Health.

Health Manpower—Requirements and Utilization

4.435 Nursing Research Grants.

4.436 Nursing Research Training Grants.

4.437 Physicians and Allied Health Manpower Training Grants.

Health Manpower—Student Assistance

4.440 Allied Health Professions Advanced Traineeship Grants.

4.441 Allied Health Professions Basic Improvement Grants.

4.442 Health Professions Scholarships.

4.443 Health Professions Student Loans.

4.444 Nursing Fellowships.

4.445 Nursing Scholarships.

4.446 Nursing Student Loans.

4.447 Nursing Traineeships.

4.448 Traineeships for Professional Public Health Personnel.

NIH Institutes

4.450 Allergy and Infectious Diseases—Collaborative R&D Contracts.

4.451 Allergy and Infectious Diseases—Fellowships.

4.452 Allergy and Infectious Diseases—Research Grants.

4.453 Allergy and Infectious Diseases—Training Grants.

4.454 Arthritis and Metabolic Diseases—Collaborative R&D Contracts.

4.455 Arthritis and Metabolic Diseases—Fellowships.

4.456 Arthritis and Metabolic Diseases—Research Grants.

4.457 Arthritis and Metabolic Diseases—Training Grants.

4.458 Cancer Research — Collaborative R&D Contracts.

4.459 Cancer Research—Fellowships.

4.460 Cancer Research—Grants.

4.461 Cancer Research—Training Grants.

4.462 Child Health and Human Development—Collaborative R&D Contracts.

4.463 Child Health and Human Development—Fellowships.

4.464 Child Health and Human Development—Research Grants.

4.465 Child Health and Human Development—Training Grants.

4.466 Dental Research — Collaborative R&D Contracts.

4.467 Dental Research—Fellowships.

4.468 Dental Research—Grants.

4.469 Dental Research—Training Grants.

4.470 Environmental Health Sciences—Fellowship Grants.

4.471 Environmental Health Sciences—Research Grants.

4.472 Environmental Health Sciences—Training Grants.

4.473 Eye Research—Collaborative R&D Contracts.

4.474 Eye Research—Fellowships.

4.475 Eye Research—Grants.

4.476 Eye Research—Training Grants.

4.477 General Medical Sciences—Collaborative R&D Contracts.

4.478 General Medical Sciences—Fellowships.

4.479 General Medical Sciences—Research Grants.

4.480 General Medical Sciences—Training.

4.481 Heart Research—Collaborative R&D Contracts.

4.482 Heart Research—Fellowships.

4.483 Heart Research—Graduate Training Grants.

4.484 Heart Research—Grants.

4.485 Heart Research—Undergraduate Training Grants.

4.486 Neurological Diseases and Stroke—Collaborative R&D Contracts.

4.487 Neurological Diseases and Stroke—Fellowships.

4.488 Neurological Diseases and Stroke—Research Grants.

4.489 Neurological Diseases and Stroke—Training Grants.

National Library of Medicine

4.490 Medical Library Assistance—Library Resources Grants.

4.491 Medical Library Assistance—Publication Support Grants.

4.492 Medical Library Assistance—Regional Medical Library Grants.

4.493 Medical Library Assistance—Research Grants.

4.494 Medical Library Assistance—Special Scientific Projects Grants.

4.495 Medical Library Assistance—Training Grants.

Office of Education

4.501 Civil Rights—Technical Services and Administration.

4.502 Civil Rights—Training for School Personnel and Grants to School Boards.

Education for the Handicapped

4.505 Handicapped Early Childhood Programs.

4.506 Handicapped Innovative Programs—Deaf-Blind Centers.

4.507 Handicapped Physical Education and Recreation Research.

4.508 Handicapped Physical Education and Recreation Training.

4.509 Handicapped Preschool and School Programs.

4.510 Handicapped Research and Demonstration.

4.511 Handicapped Teacher Education.

4.512 Handicapped Teacher Recruitment and Information.

4.513 Media Services and Captioned Films.

4.514 Regional Resource Centers.

Education in Foreign Language and World Affairs

4.520 Education in Foreign Languages and World Affairs—Fellowships.

4.521 Education in Foreign Languages and World Affairs—Language and Area Centers.

4.522 Education in Foreign Languages and World Affairs—Language and Area Research.

4.523 Fulbright-Hays Training Grants Faculty Research-Study Program.

4.524 Fulbright-Hays Training Grants Foreign Curriculum Consultant Program.

4.525 Fulbright-Hays Training Grants Foreign Studies Extension Program.

4.526 Fulbright-Hays Training Grants Graduate Fellowship Program.

4.527 International Education—Centers for Advanced Studies.

4.528 International Education—Undergraduate Programs.

4.529 International Educational Development Program (Foreign).

Education Professions Development

4.530 Educational Classroom Personnel Training—Basic Studies.

4.531 Educational Classroom Personnel Training—Early Childhood.

4.532 Educational Classroom Personnel Training—Special Education.

4.533 Educational Personnel Development Support Personnel.

4.534 Educational Personnel Training Grants—Career Opportunities.

4.535 Educational Staff Training—More Effective School Personnel Utilization.

4.536 Educational Staff Training—Teacher Leadership Development.

4.537 Preschool, Elementary and Secondary Personnel Development—Grants to States.

4.538 Strengthening School Administration—Training Grants.

4.539 Trainers of Teacher Trainers.

4.540 Vocational Education Personnel Training.

Elementary and Secondary Education

4.550 Bilingual Education.

4.551 Dropout Prevention.

4.552 Educationally Deprived Children—Handicapped Children.

4.553 Educationally Deprived Children—Indian Children.

4.554 Educationally Deprived Children in Institutions for the Neglected or Delinquent.

4.555 Educationally Deprived Children—Local Educational Agencies.

4.556 Educationally Deprived Children—Migratory Children.

4.557 Educationally Deprived Children—State Administration.

4.558 Elementary and Secondary Education—Evaluation of Federal Programs.

4.559 Elementary and Secondary Education—State Planning and Evaluation.

4.560 Strengthening State Department of Education—Grants for Special Projects.

4.561 Strengthening State Departments of Education—Grants to States.

4.562 Supplementary Education Centers and Services.

Higher Education

4.570 Agricultural and Mechanical (Land-Grant) Colleges and Universities—Assistance.

4.571 College Teacher Graduate Fellowships.

4.572 Construction of Public Community Colleges and Technical Institutes.

4.573 Higher Education Act Insured Loans—Guaranteed Student Loan Program.

4.574 Higher Education Facilities—State Administration.

4.575 Higher Education Facilities—State Comprehensive Planning.

4.576 Higher Education Personal Development Institutes, Short-Term Training and Special Projects.

4.577 Higher Education Personnel Fellowships.

4.578 Higher Education—Strengthening Developing Institutions.

4.579 Higher Education Work-Study.

4.580 Interest Subsidiation Construction for Higher Education.

4.581 National Defense Education Act Loans to Institutions.

4.582 National Defense Education Act Teacher Cancellations.

4.583 Programs for the Disadvantaged—Special Services in College.

4.584 Programs for the Disadvantaged—Talent Search.

4.585 Programs for the Disadvantaged—Upward Bound.

4.586 Student Aid—Education Opportunity Grants.

4.587 Student Aid—National Defense Education Act Direct Loan Contributions.

Libraries and Community Services

4.590 Acquisition and Cataloging by the Library of Congress.

4.591 Adult Basic Education—Grants to States.

4.592 Adult Basic Education Special Projects.

4.593 Adult Basic Education Teacher Education.

4.594 College Library Resources.

4.595 Construction of Public Libraries.

4.596 Educational Broadcasting Facilities.

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4.597 Library Services—Grants for Public Libraries.

4.598 Library Services—Interlibrary Cooperation.

4.599 Library Services—State Institutional Library Services.

4.600 Library Services to the Physically Handicapped.

4.601 Library Training Grants.

4.602 University Community Services—Grants to States.

Miscellaneous

4.610 Appalachian Supplementary Construction Grants.

4.611 Appalachian Vocational Education Construction Grants.

4.612 Children's Television Workshop.

4.613 Civil Defense Education.

4.614 Consultative Services to Non-Federal Agencies.

4.615 Cuban Education—Student Loans.

4.616 Educational Statistics.

4.617 Follow Through

4.618 International Teacher Development—Technical Assistance and Training.

4.619 Manpower Development and Training [Institution Training].

4.620 Menominee Indians.

4.621 Ryukuan Training.

4.622 School Shelter Advisory Service.

4.623 Teacher Exchange.

Research and Training

4.630 Construction for Educational Research.

4.631 Educational Research Dissemination—ERIC System.

4.632 Educational Research—Experimental Schools.

4.633 Educational Research—Major Pilot Projects.

4.634 Educational Research—Statistical Surveys.

4.635 Evaluations Under Cooperative Research Authority.

4.636 National Achievement Study.

4.637 Research and Development Centers.

4.638 Research and Development—Educational Laboratories.

4.639 Research and Development—General Education (Project) Research.

4.640 Research and Development—Library Research.

4.641 Research and Development—Regional Research.

4.642 Research and Training (Special Foreign Currency Program).

4.643 Training in Educational Research.

4.644 Vocational Education Research.

School Assistance in Federally Affected Areas

4.650 Assistance for School Construction on Federal Properties.

4.651 Construction Assistance to Local Educational Agencies.

4.652 Payments to Local Educational Agencies.

4.653 Payments to Other Federal Agencies.

Teacher Corps

4.660 Teacher Corps Operation and Training.

Vocational Education

4.670 Basic Grants to States.

4.671 Consumer and Homemaking.

4.672 Cooperative Education.

4.673 Curriculum Development.

4.674 Innovation.

4.675 Planning and Evaluation.

4.676 State Advisory Councils.

Social and rehabilitation service

Administration on Aging

4.701 Foster Grandparents Service.

4.702 Aging—Grants to States for Community Planning and Services.

4.703 Aging—Research and Development Project Grants.

4.704 Aging—Training Grant Program.

4.705 Social Services to Recipients of Old Age Assistance.

Administrator's Office

4.710 Social and Rehabilitation Service Technical Assistance.

Administrator—Office of Federal-State Relations

4.715—Cuban Refugee Assistance—Education.

4.716 Cuban Refugee Assistance—Health Services.

4.717 Cuban Refugee Assistance—Resettlement.

4.718 Cuban Refugee Assistance—Transportation of Refugees from Cuba.

4.719 Cuban Refugee Assistance—Welfare Assistance Services.

Administrator—Office of Juvenile Delinquency and Youth Development

4.720 Juvenile Delinquency Planning, Prevention, and Rehabilitation.

4.721 Juvenile Delinquency Prevention and Control—Model Programs and Technical Assistance.

4.722 Juvenile Delinquency Prevention and Control—Training.

Administrator—Office of Research, Development and Training

4.725 International Research and Development Support.

4.726 International Research and Training (Special Foreign Currency Program).

4.727 National Center for Deaf Blind Youths and Adults.

4.728 National Center for Social Statistics—Social Statistics Services.

4.729 Public Assistance Demonstration Projects.

4.730 Rehabilitation Research and Demonstration Grant Program.

4.731 Rehabilitation Research and Training Centers (Special Center Program).

4.732 Social Services—Training in Social Work Manpower.

4.733 Social Services Training—Formula Grants in Public Assistance.

4.734 Social Welfare Cooperative Research and Demonstrations—Directed Research.

4.735 Social Welfare Cooperative Research and Demonstrations—Research Grants.

Assistance Payments Administration

4.740 Aid to Families with Dependent Children.

4.741 Aid to the Blind.

4.742 Aid to the Permanently and Totally Disabled.

4.743 Assistance for Repatriated United States Nationals—Mentally Ill.

4.744 Assistance for Repatriated United States Nationals other than Mentally Ill.

4.745 Emergency Welfare Assistance.

4.746 Old-Age Assistance.

Children's Bureau

4.750 Child Welfare Research and Demonstration Grants.

4.751 Child Welfare Services.

4.752 Child Welfare Training.

4.753 Crippled Children's Services.

4.754 Family Planning Projects.

4.755 Intensive Care Projects.

4.756 Maternal and Child Health Research.

4.757 Maternal and Child Health Services.

4.758 Maternal and Child Health Training.

4.759 Maternity and Infant Care Projects.

4.760 Special Projects for Health Care of Children and Youth.

4.761 Social Services to Recipients of Aid to Families with Dependent Children.

4.762 Work Incentive Program—Child Care.

Medical Services Administration

4.765 Medical Assistance.

Rehabilitation Services Administration

4.770 Mental Retardation Community Facilities Construction.

4.771 Mental Retardation Initial Staffing of Community Facilities.

4.772 Mental Retardation Hospital Improvement Program and Inservice Training.

4.773 Mental Retardation Research.

4.774 New Career Opportunities for the Handicapped.

4.775 New Career Opportunities in Vocational Rehabilitation.

4.776 Purchase of Vocational Rehabilitation Services for Social Security Beneficiaries.

4.777 Randolph-Sheppard Vending Stand Program.

4.778 Rehabilitation Service Projects for the Mentally Retarded.

4.779 Rehabilitation Services Expansion—Contracts with Industry.

4.780 Rehabilitation Services Expansion Grants.

4.781 Rehabilitation Services Innovation.

4.782 Rehabilitation Training.

4.783 Social Services to Recipients of Aid to the Blind.

4.784 Social Services to Recipients of Aid to the Permanently and Totally Disabled.

4.785 State Vocational Evaluation and Work Adjustment Program.

4.786 Vocational Rehabilitation—Facility Improvement Grants.

4.787 Vocational Rehabilitation—Initial Staffing.

4.788 Vocational Rehabilitation—Project Improvement Grants.

4.789 Vocational Rehabilitation—Technical Assistance.

4.790 Vocational Rehabilitation—Training Services Grants.

4.791 Vocational Rehabilitation Services—Basic Support.

4.792 Vocational Rehabilitation Services—Construction of Facilities.

4.793 Vocational Rehabilitation Services—Handicapped Migratory Workers.

4.794 Vocational Rehabilitation Services—Program Evaluation.

Social Security Administration

4.801 Consumer Credit Training.

4.802 Federal Credit Union Charter, Examination and Supervision.

4.803 Health Insurance for the Aged—Hospital Insurance.

4.804 Health Insurance for the Aged—Supplementary Medical Insurance.

4.805 Social Security—Disability Insurance.

4.806 Social Security—Retirement Insurance.

4.807 Social Security—Special Benefits for Persons Aged 72 and Over.

4.808 Social Security—Survivor's Insurance.

5. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration [Loan or Mortgage Insurance]

[Figure in parenthesis denotes section number of National Housing Act]

5.101 Construction of Nonresidential or Nonfarm Structures (2).

5.102 Construction of Nonresidential Farm Structures (2).

5.103 Property Improvement Loan Insurance—All Structures (2).

5.104 Property Improvement Loan Insurance—Dwellings (2).

5.105 Acquisition by Certified Veterans of Existing 1-Family Houses (203(b)).

5.106 Acquisition by Certified Veterans of New 1-Family Homes (203(b)).

5.107 Acquisition by Other Than Certified Veterans of Existing 1–4 Family Homes (203(b)).

5.108 Acquisition by Other Than Certified Veterans of New 1–4 Family Homes (203(b)).

5.109 Housing for Disaster Victims—Existing (203(h)).

5.110 Housing for Disaster Victims—New (203(h)).

5.111 Existing Homes in Outlying Areas (203(i)).

5.112 New Homes in Outlying Areas (203 (i)).

5.113 Major Home Improvement Loans (203(k)).

5.114 Seasonal Homes (203(m)).

5.115 Mobile Home Courts—Existing (207).

5.116 Mobile Home Courts—New (207).

5.117 Rental Housing—Existing (207).

5.118 Rental Housing—New (207).

5.119 Cooperative Housing—Investor Sponsored Existing Housing (213).

5.120 Cooperative Housing—Investor Sponsored New Housing (213).

5.121 Cooperative Housing—Purchase of Cooperative Unit (213).

5.122 Cooperative Housing—Sales Type Projects (213).

5.123 Cooperative Housing, Management Type—Existing Housing (213).

5.124 Cooperative Housing, Management Type—New (213).

5.125 Cooperative Housing, Management Type—Supplemental Loans (213).

5.126 Urban Renewal Housing—Construction of New Rental Housing (220).

5.127 Urban Renewal Housing—Existing and Rehabilitated Rental (220).

5.128 Urban Renewal Housing—Existing Homes.

5.129 Urban Renewal Housing—New Homes.

5.130 Property Improvement in Urban Renewal, Federally Assisted, or Code Enforcement Area (220(h)).

5.131 Low and Moderate Income—Existing Homes (221(d)(2)).

5.132 Low and Moderate Income—New Homes 221(d)(2)).

5.133 Rental Housing for Low and Moderate Income or Displaced Families—Existing Housing—Below Market Interest Rate (221 (d)(3)).

5.134 Rental Housing for Low and Moderate Income or Displaced Families—New Housing—Below Market Interest Rate (221 (d)(3)).

5.135 Rental Housing for Low or Moderate Income or Displaced Families—Existing Housing—Market Interest Rate (221(d)(3)).

5.136 Rental Housing for Low and Moderate Income or Displaced Families—New Housing—Market Interest Rate (221(d)(3)).

5.137 Rental Housing for Low or Moderate Income or Displaced Families—Existing Housing (221(d)(4)).

5.138 Rental Housing for Low or Moderate Income or Displaced Families—New Housing (221(d)(4)).

5.139 Rehabilitated Housing for Low Income Families (221(h)).

5.140 Conversion of Below Market Rental Housing to Condominium Ownership (221 (i)).

5.141 Conversion of Below Market Rental Housing to Cooperative Ownership (221(j)).

5.142 Homes for Servicemen—Existing (222).

5.143 Homes for Servicemen—New (222).

5.144 Existing Housing in Older Declining Areas (223(e)).

5.145 New Housing in Older Declining Areas (223(e)).

5.146 Rental Housing for the Elderly or Handicapped—Existing (231).

5.147 Rental Housing for the Elderly or Handicapped—New (231).

5.148 Nursing Homes—Existing (232).

5.149 Nursing Homes—New (232).

5.150 Experimental Housing—Existing (233).

5.151 Experimental Housing—New (233).

5.152 Experimental Housing—Existing Rental Housing (233).

5.153 Experimental Housing—New Rental Housing (233).

5.154 Group Medical Facilities—New Construction Involving New Technologies (233).

5.155 Group Medical Facilities—Rehabilitation Involving New Technologies (233).

5.156 Land Development Involving New Technologies (233).

5.157 Condominiums—Construction of New Projects (234).

5.158 Condominiums—Purchase of Existing Unit (234).

5.159 Condominiums—Purchase of New Unit (234).

5.160 Condominiums—Rehabilitated Projects (234).

5.161 Home Ownership for Lower Income Families—Interest Subsidy—Existing (235).

5.162 Home Ownership for Lower Income Families—Interest Subsidy—New Housing (235).

5.163 Home Ownership for Lower Income Families—Purchase and Rehabilitation for Resale with Interest Subsidy Payments (235).

5.164 Rental and Cooperative Housing for Lower Income Families—Interest Reduction Payments—Existing Housing (236).

5.165 Rental and Cooperative Housing for Lower Income Families—Interest Reduction Payments—New Housing (236).

5.166 Home Ownership for Lower Income Families—Special Credit Risks—Existing Homes—Counselling Services (237).

5.167 Home Ownership for Lower Income Families—Special Credit Risks—New Homes—Counselling Services (237).

5.168 Purchase by Home Owners of Fee Simple Title from Lessors (240).

5.169 Supplement Improvement Loans for Rental Housing (241).

5.170 Non profit Hospitals—Existing (242).

5.171 Nonprofit Hospitals—New (242).

5.172 Yield Insurance (Title VII).

5.173 Armed Services, NASA and AEC Housing for Civilian Employees—Existing (809).

5.174 Armed Services, NASA and AEC Housing for Civilian Employees—New (809).

5.175 Armed Services, NASA and AEC Rental Housing (810(f))

5.176 Armed Services, NASA and AEC Housing—Rental Housing for Eventual Sale (810(g)).

5.177 Armed Services, NASA and AEC Housing—Purchase of Housing (810(h)).

Federal Housing Administration

5.178 Land Development and New Communities (Title X).

5.179 Group Practice Medical Facilities—Existing (Title XI).

5.180 Group Practice Medical Facilities—New (Title XI).

5.181 Rent Supplements (101).

5.182 Assistance for Nonprofit Housing Sponsors (106(b)).

5.183 Rental Housing for the Elderly and Handicapped—Loans (202).

Federal Insurance Administration

5.201 Flood Insurance.

5.202 Urban Property Protection and Reinsurance.

Government National Mortgage Association GNMA (Ginnie May)

5.301 Guaranty of Mortgage-Backed Securities.

5.302 Special Assistance to Housing.

Housing and Renewal Assistance

Housing Assistance Administration

5.401 Alaska Housing—Loans and Grants.

5.402 American Indians—Public Housing.

5.403 College Housing—Loans or Grants.

5.404 Home Ownership Under the Public Housing Program.

5.405 Leased Housing for Low Income Families.

5.406 Low-Rent Public Housing Program—Loans and Annual Contributions—New Construction.

5.407 Public Housing—Acquisition and Rehabilitation.

5.408 Public Housing Tenant Services—Grants.

5.409 "Turnkey"—Low Rent Public Housing.

Renewal Assistance Administration

5.451 Code Enforcement.

5.452 Community Renewal.

5.453 Demolition Grants.

5.454 Interim Assistance for Blighted Areas—Grants.

5.455 Neighborhood Development.

5.456 Neighborhood Facilities Grants.

5.457 Rehabilitation Grants.

5.458 Rehabilitation Loans.

5.459 Urban Beautification and Improvement.

5.460 Urban Parks (Open Space Developed Land).

5.461 Urban Renewal.

Metropolitan Development

Community Resources Development Administration

5.501 Advance Acquisition of Land—Grants.

5.502 Basic Water and Sewer Facilities—Grants.

5.503 Historic Preservation Grants.

5.504 New Communities—Guarantees and Supplementary Grants.

5.505 Open Space Land Acquisition and Development—Grants.

5.506 Public Facility Loans.

5.507 Public Works Planning—Advances.

5.508 Urban Systems Engineering Demonstrations—Grants.

Office of Planning Standards

5.510 Planned Areawide Development Grants.

Office of Urban Transportation Development and Liaison

5.521 Urban Mass Transportation Research and Training Grants.

5.522 Urban Mass Transportation Research, Development and Demonstration Grants.

5.523 Urban Mass Transportation Technical Studies Grants.

Urban Management Assistance Administration

5.531 Community Development Training Grants.

5.532 Comprehensive Planning Assistance Grants.

5.533 Fellowships for City Planning and Urban Studies.

5.534 Urban Information and Technical Assistance Grants.

Model Cities

5.601 Model Cities Program.

Office of Equal Opportunity in Housing

5.701 Equal Opportunity in Housing.

Office of Research and Technology

5.801 General Housing and Technology.

5.802 Low-Income Housing Demonstration Program.

5.803 Urban Planning Research and Demonstration Program.

5.804 Urban Renewal Demonstration Program.

Miscellaneous

5.901 Relocation Assistance.

6. DEPARTMENT OF THE INTERIOR

Bureau of Commercial Fisheries

6.100 Anadromous Fisheries Program.

6.102 Commercial Fisheries Research and Development Program.

6.103 Fisherman's Protective Act of 1967.

6.104 Fishing Vessel Construction Differential Subsidy Program.

6.105 Fishing Vessel Mortgage and Loan Insurance Program.

6.106 Graduate Educational Grant Program.

6.107 Jellyfish Act of 1965.

Bureau of Indian Affairs

6.200 Adult Education Courses.

6.201 Agricultural Extension.

6.202 Aids to Tribes in Improving Their Governments.

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6.203 **Assistance to Pupils in Non-Federal Schools.**

6.204 **Child Welfare Services.**

6.205 **Construction of Buildings and Utilities.**

6.206 Contracts for Community Development.

6.207 Credit and Financing.

6.208 Education of Indian Children in Federal Schools

6.209 Employment Assistance.

6.210 Forestry Management and Development.

6.211 General Assistance.

6.212 Higher Education Programs.

6.213 Housing Development.

6.214 Housing Improvement.

6.215 Indian Irrigation.

6.216 Industrial and Tourism Development.

6.217 Maintenance of Law and Order.

6.218 Management and Investment of Indian Trust Funds.

6.219 Management of Trust Property.

6.220 Outdoor Recreation.

6.221 Protection from Forest Fire, Disease, and Pests.

6.222 Range Lands Management.

6.223 Roads Construction and Maintenance.

6.224 Soil and Moisture Conservation.

6.225 Tribal Accounting Services.

Bureau of Land Management

6.300 Payments to Qualified States and Counties from Money Received from Grazing Permits, Timber Sales, Mineral Royalties, and Sale of Public Lands.

6.301 Real Property for Public Parks, Public Recreational Areas, and Public Purposes.

6.302 Real Property for Residential, Commercial, Agricultural, Industrial or Public Uses or Development.

Bureau of Mines

6.350 Appalachian Regional Development Program for Mining Areas.

6.351 Control of Fires in Coal Deposits.

6.352 Grants and Contracts for Research Related to the Mineral Program.

6.353 Inspections, Investigations, and Rescue Work.

6.354 Solid Waste Research: Grants and Contracts.

Bureau of Outdoor Recreation

6.400 Grants to States for Outdoor Recreation Planning, Property Acquisition, and Development.

6.401 Outdoor Recreation Technical Assistance.

Bureau of Reclamation

6.450 Atmospheric Water Resources.

6.451 Distribution Systems Loans Act.

6.452 Federal Reclamation Project.

6.453 Rehabilitation and Betterment Act.

6.454 Small Reclamation Projects Act Loans.

Bureau of Sport Fisheries and Wildlife

6.500 Anadromous Fish.

6.501 Animal Damage Control.

6.502 Construction: Sportfish Facilities.

6.503 Farm Fish Pond Management.

6.504 Federal Aid in Fish Restoration.

6.505 Federal Aid in Wildlife Restoration.

6.506 Fish Stocking in State and Indian-Owned Waters.

6.507 Management and Investigations of Fish and Wildlife Resources.

6.508 National Wildlife Refuge Fund: Payments to Counties.

6.509 Wildlife Management Assistance.

Federal Water Pollution Control Administration

6.550 FWPCA Training Courses.

6.551 Grants for Comprehensive Basin Planning.

6.552 Grants for Waste Treatment Works Construction.

6.553 Research, Demonstration, and Development Grants and Contracts.

6.554 State and Interstate Agency Program Grants.

6.555 State and Local Manpower Development.

6.556 Training Grants and Research Fellowships.

Geological Survey

6.600 Geologic and Mineral Resource Surveys and Mapping.

6.601 Map Information.

6.602 Minerals Discovery Loans.

6.603 U.S. Department of Interior Library System.

6.604 Topographic Surveys and Mapping.

6.605 Water Resources Investigations.

National Park Service

6.650 Archeological Investigations and Salvage.

6.651 The National Register.

6.652 Travel Promotion in the United States.

Office of Coal Research

6.700 Research and Development for the Office of Coal Research.

Office of Saline Water

6.750 Saline Water Conversion.

Office of Territories

6.800 Grants to American Samoa.

6.801 Grants to Trust Territory of the Pacific Islands.

6.802 Guam Rehabilitation.

Office of Water Resources Research

6.850 Additional Water Research.

6.851 Annual Allotment Program for Water Research.

6.852 Matching Grants for Water Research.

6.853 Water Research Scientific Information Center.

7. DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

7.01 BNDD National Training Center.

7.02 BNDD Regional Seminars.

7.03 Drug Abuse Prevention.

7.04 Drug Abuse Prevention Research.

7.05 Laboratory Services.

Civil Rights Division

7.10 Criminal Laws Prohibiting Interference with Rights.

7.11 Desegregation of Public Facilities.

7.12 Desegregation of Public Schools.

7.13 Equal Employment Opportunity.

7.14 Fair Housing.

7.15 Nondiscrimination in Federally Assisted Programs.

7.16 Protection of Voting Rights.

7.17 Relief Against Discrimination in Places of Public Accommodation.

Community Relations Service

7.20 Community Relations Field Service.

Federal Bureau of Investigation

7.30 FBI Field Police Training.

7.31 FBI Identification Service.

7.32 FBI Laboratory Service.

7.33 FBI National Academy.

7.34 National Crime Information Center (NCIC).

7.35 Uniform Crime Reporting Program.

Immigration and Naturalization Service

7.40 Citizenship Education and Information.

Law Enforcement Assistance Administration

7.50 Academic Assistance Grants.

7.51 Discretionary Action Grants for Law Enforcement Improvement.

7.52 National Institute of Law Enforcement and Criminal Justice.

7.53 Planning Grants for Law Enforcement Improvement.

7.54 Statutory Action Grants for Law Enforcement Improvement.

8. DEPARTMENT OF LABOR

Bureau of Labor Statistics

8.01 Foreign Labor and Trade.

8.02 Manpower and Employment Statistics.

8.03 Price and Living Conditions.

8.04 Productivity, Technology and Growth.

8.05 Wages and Industrial Relations.

Labor-Management Services Administration

8.10 Administration of the Labor-Management Reporting and Disclosure Act.

8.11 Administration of the Welfare and Pension Plans Disclosure Act.

8.12 Labor-Management Relations Assistance.

8.13 Veterans' Reemployment Rights.

Manpower Administration

Office of the Manpower Administrator

8.20 Cooperative Area Manpower Planning System.

8.21 Joint Labor-Commerce Study of Construction Seasonality.

8.22 Experimental and Demonstration Projects.

8.23 Labor Mobility Demonstration Projects.

8.24 Manpower Research Contracts.

8.25 Manpower Research Grants.

8.26 Office of Federal Contract Compliance.

8.27 Trainee Placement Assistance Demonstration Projects.

Bureau of Apprenticeship and Training

8.30 Apprenticeship Information Centers.

Unemployment Insurance Service

8.35 Unemployment Insurance.

U.S. Training and Employment Service

8.40 Automotive Products Trade Act (APTA).

8.41 Certification of Foreign Workers for Temporary Seasonal Agricultural Employment in the United States.

8.42 Concentrated Employment (CEP).

8.43 Employment Assistance Programs.

8.44 Employment Services in Agriculture, Woods and Related Industries.

8.45 Employment Services in Seasonal Agricultural Employment to High School and College Youth, Reservation Indians, Puerto Ricans, and Employers.

8.46 Exemplary Rehabilitation Certificates.

8.47 Federal Registration of Interstate Farm Labor Contractors.

8.48 Human Resources Development.

8.49 Immigration Program—Labor Certification for Immigrant and Non-Immigrant Workers (Non-Agricultural).

8.50 Job Corps.

8.51 Job Counseling and Employment Placement Service for Veterans.

8.52 Job Opportunities in the Business Sector (JOBS).

8.53 Manpower Development and Training Act—Institutional Training.

8.54 Manpower Development and Training Act— On-the-Job Training.

8.55 Neighborhood Youth Corps—In-School Program.

8.56 Neighborhood Youth Corps—Out-of-School Program.

8.57 Neighborhood Youth Corps—Summer Program.

8.58 New Careers.

8.59 Occupational Training in Redevelopment Areas.

8.60 Operation Mainstream.

8.61 Smaller Communities Program.

8.62 Special Impact Program.

8.63 Title V—State Supplements.

8.64 Work Incentive Program (WIN).

Wage and Labor Standards Administration

8.70 Advancement of Women's Employment Opportunities and Status.

8.71 Age Discrimination in Employment.
8.72 Equal Employment Opportunity.
8.73 Labor Standards—Technical Assistance.
8.74 Longshoremen's and Harbor Workers' Compensation Act.
8.75 Minimum Wage and Hour Standards.
8.76 Occupational Safety.
8.77 Workmen's Compensation for Federal Employees.
8.78 Workmen's Compensation for Private Employees.

9. POST OFFICE DEPARTMENT

9.1 Establishment of Post Offices.
9.2 Philatelic Sales.
9.3 Postal Patron Service.

10. DEPARTMENT OF STATE

10.01 AID Central Research.
10.02 AID Institutional Grants.
10.03 American Specialists.
10.04 Catalog of Investment Information and Opportunities.
10.05 Contracts and Consultant Program.
10.06 Cultural Presentations.
10.07 Dollar Loans to Private Borrowers.
10.08 Educational Exchange—Graduate Students.
10.09 Educational Exchange—Professors and Research Scholars.
10.10 Educational Exchange—Teachers.
10.11 Extended Risk Guarantees.
10.12 Housing Guaranty Program—Africa.
10.13 Housing Guaranty Program—East Asia.
10.14 Housing Guaranty Program—Latin America.
10.15 Investment Survey.
10.16 Local Currency (Cooley) Loans.
10.17 Peace Corps.
10.18 Peace Corps Research.
10.19 Settlement of Claims of Nationals of the United States Against Foreign Governments Which Are Valid Under Principles of International Law.
10.20 Specific Risk Investment Insurance.

11. DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

11.01 Aviation Education.
11.02 Federal-Aid Airport Program (FAAP).

Federal Highway Administration

11.10 Federal-Aid Highway Construction.
11.11 Forest Highway Program.
11.12 Highway Beautification Control of Junkyards.
11.13 Highway Beautification Control of Outdoor Advertising.
11.14 Highway Beautification Landscaping and Scenic Enhancement.
11.15 Highway Planning and Research.
11.16 Highway Safety—Alcohol in Relation to Highway Safety.
11.17 Highway Safety—Codes and Laws.
11.18 Highway Safety—Debris Hazard Control and Cleanup.
11.19 Highway Safety—Driver Education.
11.20 Highway Safety—Driver Licensing.
11.21 Highway Safety—Emergency Medical Services.
11.22 Highway Safety—Highway Design, Construction and Maintenance.
11.23 Highway Safety—Identification and Surveillance of Accident Locations.
11.24 Highway Safety—Motor Vehicle Registration.
11.25 Highway Safety—Motorcycle Safety.
11.26 Highway Safety—Pedestrian Safety.
11.27 Highway Safety—Periodic Motor Vehicle Inspection.
11.28 Highway Safety—Police Traffic Services.
11.29 Highway Safety—Traffic Control Devices.
11.30 Highway Safety—Traffic Courts.
11.31 Highway Safety—Traffic Records.
11.32 Public Lands Highways.
11.33 Traffic and Highway Safety.

Federal Railroad Administration

11.40 High Speed Ground Transportation Research and Development.

Office of Environmental and Urban Programs Coordination

11.45 Environment and Urban Systems.

Office of Hazardous Materials

11.50 Hazardous Materials Special Permits.
11.51 Safety Training Seminars.

Office of Noise Abatement

11.55 Noise Abatement

Office of Pipeline Safety

11.60 Waiver of Compliance.

U.S. Coast Guard

11.70 Cooperative Oceanographic Activities and Student Shipboard Opportunity.
11.71 Domestic Icebreaking.
11.72 Search and Rescue.
11.73 U.S. Coast Guard Auxiliary.

Urban Mass Transportation Administration

11.80 Grants for Managerial Training Fellowships in Urban Mass Transportation.
11.81 Grants for University Research and Training in Urban Mass Transportation.
11.82 Grants for Urban Mass Transportation Technical Studies.
11.83 Urban Mass Transportation Capital Grants and Loans.
11.84 Urban Mass Transportation Research, Development and Demonstration.

12. DEPARTMENT OF THE TREASURY

Internal Revenue Service

Alcohol, Tobacco, and Firearms Division

12.01 Basic Investigator School.
12.02 Developing Instructional Materials.
12.03 Instructors for State and Local Police Academies.
12.04 Laboratory Services.

Taxpayer Service Branch

12.05 Taxpayer Service.

Training Division

12.06 Adult Taxpayer Education Programs.
12.07 Federal Tax Institutes.
12.08 Teaching Taxes Program.

U.S. Secret Service

12.10 Lectures on Detection of Counterfeit Currency.
12.11 Lectures on Secret Service Responsibilities.
12.12 Questioned Document School.

13. ADVISORY COMMITTEE ON INTERGOVERNMENTAL RELATIONS

13.1 Intergovernmental Relations Advisory Service.

14. APPALACHIAN REGIONAL COMMISSION

14.01 Appalachian Demonstration Health Projects.
14.02 Appalachian Development Highway System and Access Roads.
14.03 Appalachian Housing Fund.
14.04 Appalachian Land Stabilization, Conservation, and Erosion Control.
14.05 Appalachian Local Development Districts and Research and Demonstration Projects.
14.06 Appalachian Mining Area Restoration.
14.07 Appalachian Sewage Treatment Works Program.
14.08 Appalachian Supplements to Federal Grants-in-Aid.
14.09 Appalachian Timber Development.
14.10 Appalachian Vocational Education Facilities.
14.11 Appalachian Water Resources Survey.

15. ATOMIC ENERGY COMMISSION

15.01 AEC Postdoctoral Fellowships.
15.02 AEC Special Fellowships in Health Physics.
15.03 AEC Special Fellowships in Nuclear Medicine.
15.04 AEC Special Fellowships in Nuclear Science and Engineering.
15.05 Faculty Training Institutes for College Science Teachers.
15.06 Faculty Training Institutes for High School Teachers.
15.07 Laboratory Graduate Fellowships.
15.08 Licenses for Nuclear Materials and Facilities.
15.09 Licenses for Use of U.S. AEC Patents.
15.10 Nuclear Materials and Services.
15.11 Nuclear Science Lecture Demonstrations for High Schools.
15.12 Nuclear Science Literature, Exhibits, and Films.
15.13 Nuclear Training Equipment Grants.
15.14 Radiation Control Training Assistance.
15.15 Sale of Nuclear Materials, Isotopes, and Uranium Enrichment Services.
15.16 Support of Research and Development in Nuclear Science and Technology.
15.17 Traineeships for Graduate Students in Nuclear Science and Engineering.

16. CIVIL AERONAUTICS BOARD

16.1 Consumer Complaints.
16.2 Community Relations.
16.3 Subsidy Support of Air Service.

17. COASTAL PLAINS REGIONAL COMMISSION

17.1 Technical Assistance and Supplemental Grants.

18. CORPORATION FOR PUBLIC BROADCASTING

18.1 CPB American Fellowships Abroad.
18.2 CPB Career Fellowships.

19. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

19.1 Assistance to State and Local Fair Employment Agencies.
19.2 Job Discrimination — Investigation and Conciliation of Complaints.
19.3 Public Information Reports on Job Discrimination.
19.4 Technical Assistance.

20. EXPORT-IMPORT BANK OF THE UNITED STATES

20.01 Direct Credits.
20.02 Export Credit Discount Program.
20.03 Export Credit Insurance and Commercial Bank Guarantee Program.
20.04 Guarantees for Foreign Financial Institutions.
20.05 Relending Credits Program.

21. FEDERAL COMMUNICATIONS COMMISSION

21.1 Information and Complaints.

22. FEDERAL MARITIME COMMISSION

22.1 Adjudication for Formal Complaints and Investigations.
22.2 Assistance from the Federal Maritime Commission in the Resolution of Informal Complaints Relating to U.S. Domestic Offshore Commerce.
22.3 Assistance from the Federal Maritime Commission in the Resolution of Informal Complaints Relating to U.S. Foreign Commerce.
22.4 Comprehensive Studies of the Transportation Systems of Alaska, Puerto Rico, and Hawaii.
22.5 Conciliation Service.
22.6 Procedure for the Adjudication of Small Claims.
22.7 Refund or Waiver of Part of Ocean Freight Charges.

23. FEDERAL MEDIATION AND CONCILIATION SERVICE

23.1 Mediation and Conciliation Service.

24. FEDERAL POWER COMMISSION

24.1 Connection of Electric Power Service.
24.2 Connection of Natural Gas Service.
24.3 Hydroelectric Regulation Affecting Land and Water Resources Development.

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24.4 Natural Gas Industry Regulation Affecting Environment and Land Use.

24.5 Wholesale Electrical Rate Regulation.

24.6 Wholesale Natural Gas Rate Regulation.

25. FEDERAL TRADE COMMISSION

25.1 Consumer Protection.

25.2 Enforcement of the Wool, Fur, Textile, and Flammable Fabrics Acts.

25.3 Restraint of Trade.

26. FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

26.1 Bulgarian Claims.

26.2 China Claims.

26.3 Cuban Claims.

26.4 Italian Claims.

26.5 Rumanian Claims.

27. FOUR CORNERS REGIONAL COMMISSION

27.1 Technical Assistance and Supplemental Grants.

28. GENERAL SERVICES ADMINISTRATION

28.01 Audiovisual Support Services.

28.02 Business Services.

28.03 Disposal of Federal Surplus Real Property.

28.04 Donation of Federal Surplus Personal Property.

28.05 National Archives Reference Services.

28.06 National Historical Sources Grants.

28.07 Sale of Federal Surplus Personal Property.

29. GOVERNMENT PRINTING OFFICE

29.1 Government Publications—Depository Library Distribution.

29.2 Government Publications—Sale to the Public.

30. INTER-AGENCY COMMITTEE ON MEXICAN AMERICAN AFFAIRS

30.1 Inter-Agency Committee on Mexican American Affairs.

31. INTERSTATE COMMERCE COMMISSION

31.1 Cooperative Enforcement Agreements with States.

31.2 Investigation of Complaints.

32. LIBRARY OF CONGRESS

32.1 Copyright Service.

32.2 Distribution of Library of Congress Catalog Cards.

32.3 Division for the Blind and the Physically Handicapped.

32.4 Photoduplication Service.

32.5 Publications.

32.6 Reference and Bibliographic Service.

32.7 Research and Referral Services in Science and Technology.

33. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

33.1 Sustaining University Program, Research.

33.2 Sustaining University Program, Training.

33.3 Technology Utilization Program.

34. NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts

34.01 Architecture and Design.

34.02 Dance.

34.03 Education.

34.04 Literature.

34.05 Music.

34.06 Public Media.

34.07 State and Community Operations.

34.08 Theater.

34.09 Visual Arts.

National Endowment for the Humanities

34.20 Education.

34.21 Faculty Development.

34.22 Public Program.

34.23 Research.

34.24 Senior Fellowships.

34.25 Summer Stipends for Younger Humanities.

34.26 Younger Humanists Fellowships.

35. NATIONAL GALLERY OF ART

35.1 Answering of Mail Inquiries.

35.2 Expert Opinion Service.

35.3 Extension Service.

35.4 Publications Service Mail Orders.

35.5 Research Project.

35.6 Scholarships.

36. NATIONAL LABOR RELATIONS BOARD

36.1 Labor-Management Relations.

37. NATIONAL MEDIATION BOARD

37.1 Settlement of Disputes Between Railroad and Airline Carriers and Their Employees.

38. NATIONAL SCIENCE FOUNDATION

Combined scientific research and education

38.01 Computer Science Program.

38.02 Computing Activities—Education and Training.

38.03 Computing Activities—Special Projects.

38.04 Institutional Computing Services.

38.05 Sea Grant Institutional Support.

38.06 Sea Grant Project Support.

Institutional science

38.10 College Science Improvement Programs.

38.11 Departmental Science Development.

38.12 Graduate Science Facilities.

38.13 Institutional Grants for Science.

38.14 University Science Development.

International science

38.20 International Science Exchanges.

38.21 International Travel Grants.

38.22 Science Education Improvement Program in India.

38.23 Science Education Support Program—World-Wide.

38.24 United States-India Exchange of Scientists and Engineers.

38.25 United States-Italy Cooperative Program in Science.

38.26 United States-Japan Cooperative Science Program.

Science education—College teacher

38.30 Academic Year Institutes for College Teachers.

38.31 In-Service Seminars for College Teachers.

38.32 Research Participation for College Teachers.

38.33 Short Courses for College Teachers.

38.34 Summer Institutes for College Teachers.

Science education—Fellowships and traineeships

38.35 Graduate Fellowships.

38.36 Graduate Traineeships.

38.37 NATO Postdoctoral Fellowships in Science.

38.38 NATO Senior Fellowships in Science.

38.39 Postdoctoral Fellowships.

38.40 Science Faculty Fellowships.

38.41 Senior Postdoctoral Fellowships.

38.42 Summer Traineeships for Graduate Teaching Assistants.

Science education—Graduate education

38.45 Advanced Science Seminar Projects.

38.46 NATO Advanced Study Institute Participant Grants.

38.47 Senior Foreign Scientist Program.

38.48 Special Projects in Graduate Education.

Science education—Precollege education

38.50 Cooperative College-School Science.

38.51 Precollege Course Content Improvement.

38.52 Special Projects in Precollege Science Education.

38.53 Student Science Training Program.

Science education—Secondary school teachers

38.55 Academic Year Institutes for Secondary School Teachers.

38.56 In-Service Institutes for Secondary School Teachers.

38.57 Summer Institutes and Conferences for Secondary School Teachers.

Science education—Undergraduate education

38.60 Instructional Scientific Equipment.

38.61 Pre-Service Teacher Education.

38.62 Special Projects in Undergraduate Science Education.

38.63 Undergraduate Research Participation

38.64 Undergraduate Science Curriculum Improvement.

38.65 Visiting Scientists (Colleges).

Science information

38.66 Office of Science Information Services—Domestic Science Information.

38.67 Office of Science Information Services—Foreign Science Information.

38.68 Office of Science Information Services—Information Services.

38.69 Office of Science Information Services—Information Systems.

38.70 Office of Science Information Services—Research and Studies.

38.71 Office of Science Information Service—Special Projects.

38.72 Public Understanding of Science Projects.

38.73 Scientific Conference Grants.

Science planning and policy

38.75 State and Local Intergovernmental Science Policy Planning.

38.76 University Science Planning and Policy.

Scientific research—National research Centers

38.80 Cerro Tololo Inter-American Observatory.

38.81 Kitt Peak National Observatory.

38.82 National Center for Atmospheric Research.

38.83 National Radio Astronomy Observatory.

Scientific research—Project support

38.85 Doctoral Dissertation Research in the Social Sciences.

38.86 Engineering Research Initiation Grants.

38.87 Global Atmospheric Research.

38.88 International Biological Program.

38.89 Ocean Sediment Coring Program.

38.90 Scientific Research Projects in the Biological and Medical Sciences.

38.91 Scientific Research Projects in Engineering.

38.92 Scientific Research Projects in Environmental Sciences.

38.93 Scientific Research Grants in the Mathematical and Physical Sciences.

38.94 Scientific Research Grants in the Social Sciences.

38.95 U.S. Antarctic Research.

38.96 Weather Modification Research.

Scientific research—Facilities and equipment

38.98 Specialized Research Facilities and Equipment in the Mathematical, Physical, Biological, Engineering, and Social Sciences.

39. NEW ENGLAND REGIONAL COMMISSION

39.1 Technical Assistance and Supplemental Grants.

40. OFFICE OF ECONOMIC OPPORTUNITY

40.01 Community Action Program.

40.02 Community Action Programs—Comprehensive Health Service.

40.03 Community Action Programs—Emergency Food and Medical Services.

40.04 Community Action Program—Family Planning.

40.05 Community Action Program—Senior Opportunities and Services.

40.06 Federal Information Exchange System.

40.07 Legal Services.

40.08 Migrant and Seasonal Farm Workers Assistance.

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40.09 Training and Technical Assistance.
40.10 Volunteers in Service to America (VISTA).

41. OFFICE OF EMERGENCY PREPAREDNESS

41.1 Continuity of Government.
41.2 Federal Disaster Relief.
41.3 Telecommunications Management.

42. OFFICE OF INTERGOVERNMENTAL RELATIONS

42.1 Intergovernmental Relations and Liaison.

43. OZARKS REGIONAL COMMISSION

43.1 Technical Assistance and Supplemental Grants.

44. PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWS

44.1 White House Fellows.

45. PRESIDENT'S COMMITTEE ON CONSUMER INTERESTS

45.1 Consumer Interest.

46. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

46.1 Employment of the Handicapped.

47. PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

47.1 Adult Industrial Fitness Program.
47.2 Institutes on Executive and Employee Fitness.
47.3 National Summer Youth Sports Program.
47.4 Physical Fitness Clinics.
47.5 Physical Fitness Demonstration Center Schools.
47.6 Presidential Physical Fitness Award.

48. PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

48.1 Youth Opportunity.

49. RAILROAD RETIREMENT BOARD

49.1 Railroad Retirement and Railroad Supplemental Annuity Programs.
49.2 Railroad Unemployment and Sickness Insurance.

50. SECURITIES AND EXCHANGE COMMISSION

50.1 Investor Protection.

51. SMALL BUSINESS ADMINISTRATION

51.01 Certificate of Competency.
51.02 Direct Business Loans.
51.03 Displaced Business Loans.
51.04 Economic Injury Disaster Loans.
51.05 Economic Opportunity Loans.
51.06 Guaranteed Business Loans.
51.07 Lease Guarantee Program.
51.08 Local Development Company Loans.
51.09 Minority Enterprise Program—"Operation Business Mainstream".
51.10 Participation Business Loans.
51.11 Physical Disaster Loans.
51.12 Pool Loans.
51.13 Prime Contracts Assistance.
51.14 Product Disaster Loans.
51.15 Property Sales and Material Shortages.
51.16 Renewal Assistance Administration—Nonresidential Rehabilitation Loans.
51.17 Research Projects Under Contracts.
51.18 Section 406 Grants.
51.19 Small Business Act, Section 8(a) Implementation to Help Reduce the Number of Hard-Core Unemployed.
51.20 Small Business Counselling Program, Including SCORE.
51.21 Small Business Defense Production and Research and Development Pooling.
51.22 Small Business Investment Company Program—Debentures.
51.23 Small Business Investment Company Program—Licensing.
51.24 Small Business Management Publications Program.
51.25 Small Business Management Training Program.
51.26 Small Business Subcontracting Program.
51.27 Small Business Technology Utilization.
51.28 State Development Company Loans.
51.29 Trade Adjustment Loans.

52. SMITHSONIAN INSTITUTION

52.00A Introduction to the Smithsonian Institution.
52.01 Center for Short-lived Phenomena.
52.02 Chesapeake Bay Center for Field Biology.
52.03 Educational Services, Elementary and Secondary Education.
52.04 Exchange of Animals.
52.05 Freer Gallery of Art—Authentification and repair of Oriental Objects of Finch.
52.06 Freer Gallery of Art—Grants for Oriental Studies.
52.07 Freer Gallery of Art—Translation of Oriental Language Inscriptions.
52.08 Information—Educational Leaflets on Care of Wildlife in Captivity.
52.09 Information Systems Division.
52.10 International Exchange Service.
52.11 National Museum Act Programs.
52.12 Programs in Higher Education and Research Training.
52.13 Public Affairs.
52.14 Publications.
52.15 Registral Programs.
52.16 Science Information Exchange.
52.17 Smithsonian Foreign Currency Program.
52.18 Smithsonian Institution Libraries Program.
52.19 Smithsonian Institution Traveling Exhibition Service.
52.20 Smithsonian Oceanographic Sorting Center.
52.21 Smithsonian Tropical Research Institute.
52.22 The Smithsonian Associates.
52.23 Visiting Research Appointments in Astrophysics, Geodesy, Meteorites, and Space Sciences.

53. TENNESSEE VALLEY AUTHORITY

53.01 Adjustment to Local Flood Hazards—Tennessee River Basin.
53.02 Agricultural and Chemical Development.
53.03 Cooperative Valley Development.
53.04 Electricity Supply and Utilization—Tennessee Valley Region.
53.05 Forestry, Fish, and Wildlife—Tennessee River Basin.
53.06 Industrial Development—Tennessee Valley Region.
53.07 Industrial Development—Tennessee Valley Region (Related to Electricity Supply and Utilization—No. 53.04).
53.08 Land Between the Lakes.
53.09 Local Planning Assistance—Tennessee Valley Region.
53.10 Mineral Resource Development—Tennessee Valley Region.
53.11 Multiple-Purpose Water Resource Development—Tennessee River Basin (Surveys and Studies for River Development).
53.12 Navigation Development and Waterway Transportation—Tennessee River Basin.
53.13 Recreation Development—Tennessee River Basin.
53.14 Regional Water Quality Management—Tennessee River Basin.
53.15 Topographic and Navigation Mapping—Tennessee Valley Region.
53.16 Tributary Area Development—Tennessee River Basin.

54. U.S. ARMS CONTROL AND DISARMAMENT AGENCY

54.1 Arms Control External Research.

55. U.S. CIVIL SERVICE COMMISSION

55.1 Employment in the Federal Service.
55.2 Employment of the Handicapped.
55.3 Employment of Vietnam Era Veterans.
55.4 The President's Stay-In-School Campaign.
55.5 Summer Employment for Students.
55.6 Veteran Preference in Federal Employment.

56. U.S. COMMISSION ON CIVIL RIGHTS

56.1 Clearinghouse Services.

57. U.S. INFORMATION AGENCY

57.1 International Fairs and Exhibitions (Special International Exhibitions).

58. UNITED STATES-MEXICO COMMISSION FOR BORDER DEVELOPMENT AND FRIENDSHIP

58.1 U.S.-Mexico Border Development and Friendship.

59. U.S. TARIFF COMMISSION

59.1 Trade Adjustment Assistance.

60. UPPER GREAT LAKES REGIONAL COMMISSION

60.1 Technical Assistance and Supplemental Grants.

61. VETERANS' ADMINISTRATION

Department of medicine and surgery

61.01 Construction of Medical Facilities.
61.02 Construction of State Facilities for Nursing Home Care to Veterans.
61.03 Exchange of Medical Information.
61.04 Medical and Allied Health Services Training.
61.05. Medical Research in Veterans' Administration.
61.06 Postgraduate and Inservice Training.
61.07 Prosthetics Research.
61.08 Rehabilitation of Blind Veterans.
61.09 State Home Program.
61.10 State Nursing Home Care.
61.11 Veterans' Community Nursing Home Care.
61.12 Veterans' Domiciliary Program.
61.13 Veterans' Hospitalization.
61.14 Veterans' Medical Care (Republic of the Philippines).
61.15 Veterans' Nursing Home Care.
61.16 Veterans' Outpatient Services.
61.17 Veterans' Prescription Service.
61.18 Veterans' Prosthetic Appliances.

Department of Veterans' benefits

61.50 Automobiles for Disabled Veterans.
61.51 Burial Benefits.
61.52 Compensation for Service-Connected Death.
61.53 Compensation for Service-Connected Disability.
61.54 Dependency and Indemnity Compensation for Service-Connected Death.
61.55 Furnishing Burial Flags for Interment of Deceased Veterans.
61.56 Guardianship Service for Veterans and their Dependents.
61.57 National Service Life Insurance.
61.58 Pension for Nonservice-Connected Disability.
61.59 Pensions to Widows and Children.
61.60 Relocation Housing for Aged or Families Displaced by Urban Renewal.
61.61 Service-Disabled Veterans Insurance.
61.62 Servicemen's Group Life Insurance.
61.63 Soldiers' and Sailors' Civil Relief.
61.64 Specially Adapted Housing for Disabled Veterans.
61.65 United States Government Life Insurance.
61.66 United States Veterans Assistance Centers.
61.67 Veterans' Direct Home Loans.
61.68 Veterans' Educational Assistance.
61.69 Veterans' Guaranteed or Insured Business Loans.
61.70 Veterans' Guaranteed or Insured Farm Loans.
61.71 Veterans' Guaranteed or Insured Home Loans.
61.72 Veterans' Information and Assistance (Contact Program).
61.73 Veterans' Insurance and Indemnities.
61.74 Veterans' Reopened Insurance.
61.75 Veterans' Special Life Insurance.
61.76 Vocational Rehabilitation.
61.77 War Orphans' and Widows' Educational Assistance.

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62. WATER RESOURCES COUNCIL

62.1 Council Responsibilities.

62.2 Grant to States for Comprehensive Water and Related Land Resources Planning.

62.3 River Basin Commissions.

INTEGRATED SCHOOLS ARE FOR OTHERS

(Mr. DICKINSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include an editorial appearing in today's Chicago Tribune.)

Mr. DICKINSON. Mr. Speaker, the matter referred to is as follows:

INTEGRATED SCHOOLS ARE FOR OTHERS

Nick Thimmesch of Newsday reports in his syndicated Washington column that "liberal" officials and politicians in the capital who demand severe punishment of the southern states for refusing to integrate public schools send their own children to private schools or all-white suburban schools in Maryland and Virginia.

Sen. George McGovern (D., S.D.), who yields only to Sen. Edward M. Kennedy (D., Mass.) as a liberal and offers himself as a better Democratic candidate for President, has two children in the Maryland public schools, for whom he pays annual tuition of $1,014 each. Sen. Kennedy himself, Sen. Charles Percy (R., Ill.), Sen. Birch Bayh (D., Ind.), Sen. Eugene McCarthy (D., Minn.), Sen. William Proxmire (D., Wis.), Sen. Clifford Case (R., N.J.), Sen Abraham Ribicoff (D., Conn.), and Sen. Charles Goodell (R., N.Y.), all liberals of purest ray serene, have either sent or are sending their children to high-priced private schools.

Atty. Gen. John N. Mitchell says Negro and white children should attend school together, but his 9-year-old daughter goes to Stony Ridge Country Day school in Virginia. Vice President Spiro Agnew's daughter attends the private National Cathedral school in Washington. Robert Finch, secretary of health, education, and welfare, whose heart bleeds for children in segregated schools, sends his own to a public school in white suburban Virginia. The justice department lawyers who have threatened to resign, because the Nixon administration was not forcing schools in the south to integrate rapidly enough, also live in the suburbs, where their children are denied the privilege of attending racially mixed public schools.

Even Justice Thurgood Marshall, the only Negro on the Supreme court, and James Farmer, the Negro assistant secretary of health, education, and welfare, have sent their children to private schools.

The liberal proponents of racially mixed schools for other people's children all say they send their own to private or white suburban schools because they want them to get the best possible education. This is a natural and laudable desire, but, while sending their own children to schools of their choice, they loudly condemn the "freedom of choice" principle in the south as a subterfuge to perpetuate segregation. The United States Commission on Civil Rights, headed by the Rev. Theodore M. Hesburgh, president of Notre Dame university, condemned the Nixon administration for what it called "a major retreat" on integration, including Secretary Finch's failure to come out against a "freedom of choice" amendment until the House had passed it.

When the Supreme court ruled in 1954 that racial segregation in the public schools is unconstitutional, the school population of Washington was equally divided between Negro and white children. Now it is 94 per cent Negro, because the whites, including the liberals who lauded the Supreme court's decision, have moved to the suburbs of Maryland and Virginia. If the same trend in other big cities continues, only a few integrated schools on the fringes of the black slums will be left and the only whites attending them will be children of working class families too poor to move to the suburbs.

The liberal integrationists cannot be unaware of the obvious effects of their policy. Apparently they feel that integration is good for the yahoos of the south and the ethnic groups of the north but not for themselves.

A MODEL FOR CONSUMER PROTECTION

The SPEAKER pro tempore (Mr. PRICE of Illinois). Under previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, consumer education graduation exercises were held Wednesday evening, September 3, at Howard University Law School for a very unique course of instruction. People were given diplomas for lessons in living. Certificates were given to a number of low-income consumers who have spent the summer learning how to buy on credit, how to deal with door-to-door salesmen, how, generally, to manage their small financial resources to avoid the squeeze of imprudent spending or exploitative selling practices.

Why do I call such courses "lessons in living"? To quote the Neighborhood Consumer Information Center (NCIC), which set up the education programs, "in the low-income consumer market, consumer exploitation is not considered as a problem, but a way of life."

It is vital, then, that such programs be developed and continued, not only in the District of Columbia, but throughout the country.

However, although the need is rapidly being recognized by the States in setting up consumer offices, and the Congress in holding hearings on Department of Consumer Affairs, there are few truly effective organizations which have been created.

It is my belief that the NCIC is such an effective organization and much can be learned from its operations. It is a model of what a comprehensive, innovative consumer protection program should be, engaging in summer education activities, research, information and investigation of complaints.

It covers not only legal remedies but stresses buyer awareness and understanding in the wisdom that self-help is the consumer's protection. And it has involved the community with its grass roots support.

Staffed by over 50 students from Howard University School of Law, NCIC's community roots are very real: its offices are within the neighborhood, and it employs students who live with and are familiar with neighborhood problems.

NCIC approached the problems by designing a mechanism to apply direct pressure to unscrupulous merchants as a short-range remedy, and to pursue the establishment of a new market as an alternative or long-range remedy. To accomplish its objectives, NCIC has divided itself into three specialized operations: field, research and public relations departments.

The field department is responsible for the administration of immediate relief. After a complaint has been phoned in, a staff member actually visits the complainant's home to evaluate evidence. If a letter to the merchant is ineffective, the staff refers the case to the neighborhood legal services project.

Pending the response of the merchant, the stores involved are visited to obtain data on sale, credit, financing, repossession, and garnishment practices to ascertain the exact nature of abuses.

The field department also conducts consumer education classes, as I first described. These classes are recruited from community establishments, such as schools, churches, welfare organizations, block clubs, etc. Classes have averaged 30 pupils per week. The pupils are community aides who spend their time visiting families in the Shaw area of Washington. The classes have been very popular for their realistic, informal discussions.

The public relations department is NCIC's community-awareness component. A weekly publication entitled "Buyer Beware," consisting of cartoon of a situation depicting an exploitative practice, has been an innovative response to the discovery that simple materials were needed to insure community comprehension. Likewise, radio and television media spots resulted in an exceptionally strong reaction from the low-income clientele.

Finally, a research department has been established to analyze all available remedies and develop alternative solutions. The research staff has found it necessary to simplify many Government pamphlets, high school texts, and general consumer education articles. Also, it examined the effectiveness of buying clubs and cooperative markets.

In short, then, the NCIC has covered the field from A to Z, recognizing all the facets of the consumer problem and providing innovative techniques. My able colleague, Congressman BOB ECKHARDT placed a highly informative report written by the NCIC in the CONGRESSIONAL RECORD of July 10, 1969, on page 19201. The report explains in detail the structure I have outlined. It also presents a penetrating analysis of existing and proposed consumer remedies and I recommend that it be carefully read by all concerned with consumer protection.

Let me say I find there is so much to be learned from this organization that I am dismayed to learn that it has not been supported more fully by either the District of Columbia government or national organizations concerned with consumer protection.

An unfortunate tangle of legal, administrative, and budgetary conditions has left the promising District of Columbia Consumer Protection Regulations, passed in January 1969, in a state of paralysis and has prevented the emergence of the proposed Office of Consumer Affairs—so vital to developing a

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full protection program. The District of Columbia Department of Economic Development tells me it has a backlog of 353 license applications being held up by a recent judicial decision on the truth-in-lending legislation, and there are presently no funds for the Office of Consumer Affairs. Surely, the District of Columbia Government should leap to engage the services of the NCIC, to fill the void and provide the basis for future development in this area, if it is really serious about helping the low-income community.

In the case of national organizations, the potential involved in the NCIC program seems so great, that a failure to examine carefully what these bright law students have done in the ghetto community in a positive fashion, in a time when American society seems only to conceive of these problems negatively, would be a lost opportunity of tragic proportions.

THE CONSUMER PROTECTION ACT OF 1969

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from New Jersey (Mrs. DWYER) is recognized for 5 minutes.

Mrs. DWYER. Mr. Speaker, I have today introduced the Consumer Protection Act of 1969, H.R. 13793.

This is a comprehensive effort to establish within the executive branch of the Government the necessary organizational structure, on a statutory basis, to assure that the interests of American consumers will be vigorously represented and protected.

It is the product of several months of research, study, and consultation. While I am hopeful the bill can be significantly improved as a result of committee and House consideration of the measure—and I invite the suggestions and comments of our colleagues and other interested parties—I am convinced that the basic approach of the bill, the establishment of a permanent Office of Consumer Affairs in the Executive Office of the President with a broader mandate and increased authority, offers the best hope of providing for effective consumer protection. As such, I believe it is superior to the proposal for a Cabinet-level Department of Consumer Affairs.

There is no easy way to protect consumers. Advances in technology and marketing, and the proliferation of consumer products and services have made the consumer's right to quality and safety more difficult to assure. Without help, few consumers have access to the information needed to make knowledgeable decisions.

The 33 Federal departments and agencies which now operate hundreds of consumer-protection programs badly need to be strengthened, coordinated, and designed to help consumers.

A Cabinet-level Department of Consumer Affairs, despite its laudable purposes, would not accomplish this. It would only complicate—indeed, weaken—the Government's task of protecting consumers.

Consumer interests are too varied to be centralized in a single department. Such a department could neither encompass all consumer protection activities nor coordinate those left in other agencies. By removing some activities from existing agencies, it would further separate the consumer from decisions which affect him. It would reduce other agencies' interest in consumers, and establish an expensive new bureaucracy.

To be meaningful, protection must be exerted at the point of decision—not outside. The consumer's interest in reasonably priced air travel, for example, can best be advanced within the Civil Aeronautics Board.

The better alternative would be to emphasize agencies' consumer mindedness, strengthen their effectiveness on behalf of consumers, and provide new leadership and coordination at the White House level. My own consumer protection program would:

First. Create a permanent Office of Consumer Affairs within the Executive Office of the President, to coordinate Federal consumer protection activities, serve as a clearinghouse for complaints, publish Government consumer information, and upgrade consumer rights.

Second. Require all departments and agencies having consumer protection functions to consider specifically the consumer interest in all such proceedings; and in all decisions, rulings, regulations, and other actions to state fully the consequences for consumers.

Third. Authorize the Bureau of Standards and similar Federal agencies to make public the results of their testing and use of consumer products.

No simplistic solution, such as a Department of Consumer Affairs, can substitute for the day-to-day job of protecting consumers wherever and whenever their rights and interests are involved.

In brief, it makes more sense to me to strengthen consumer protection where consumer decisions are being made, and to do this in the two places which count most: the agency which makes the day-to-day decision, and the White House where basic policy is established and where the necessary leadership and coordination can be exercised.

It would solve nothing to force agencies with consumer responsibilities to give them up or transfer them or downgrade them. They need to be improved. And, at the same time, consumers need one central place in the executive branch entrusted with the sole function of protecting, speaking for, representing, and listening to consumers.

The Office is to be located in the White House and headed by a Director who shall be appointed by the President and confirmed by the Senate. In contrast to existing operating departments and agencies, the Office is not to be responsible for administering substantive programs which are intended to benefit specific recipients. Nor is it intended to act as a law enforcement type unit. Rather, the Office is designed to perform as the eyes and ears of the consuming public—as a consumer ombudsman in a sense—to oversee operations of other Federal departments and agencies in order that the interests of the consuming public are considered and safeguarded.

In carrying out its duties and responsibilities, the Office shall:

First, coordinate Federal programs and activities relating to consumers and resolve differences arising among departments and agencies with respect to such programs and activities;

Second, assure that the interests of consumers are timely presented and considered by Federal departments and agencies in the formulation of policies and in the operations of programs that may affect consumer interests;

Third, receive, evaluate, and transmit complaints concerning actions or practices which may be detrimental to the consumer interest;

Fourth, represent the interests of consumers in proceedings before Federal departments and agencies;

Fifth, develop and disseminate information from Federal departments and agencies and other public and private sources which would be of benefit to consumers, including test results and product analyses;

Sixth, conduct hearings, conferences, surveys, and investigations;

Seventh, establish offices in major population centers to receive complaints, render assistance, and disseminate information;

Eighth, encourage, support, and coordinate research leading to improved products, services, and information;

Ninth, encourage, initiate, and participate in consumer education programs;

Tenth, cooperate with and assist State and local governments in the promotion and protection of consumer interest; and

Eleventh, cooperate with and assist private enterprise in the promotion and protection of consumer interests.

From the above list, it will be seen that the leading function granted to the Office is that of coordinating programs and activities affecting the consumer interest which are conducted by Federal departments and agencies.

I recognize the widely held axiom that to the extent an organization commands wealth and forces to that extent it can make its weight felt successfully. For this reason many believe that OEO was never equipped to carry out the coordination functions conferred upon it under the poverty laws. This may well be true. But, I am of the opinion than an agency of Government can effectively carry out its mandate through the use of expert communications so long as the support of the Chief Executive is behind it. Large budgets and legions of civil servants are unnecessary so long as an agency has the go-ahead to spotlight improper conditions and the backing to crack heads together to correct abuses or mismanagement. For that matter, judging by the operations of many existing departments and agencies with their bloated budgets, excess personnel rosters, and redtape jungles, the chances of an agency, such as the proposed Office of Consumer Affairs, succeeding in effectively overseeing and coordinating other units of the Government may depend primarily on its being kept lean and hungry.

Intimately related to this point is the issue whether the Office should be charged with the duty of itself administering consumer protection laws. In this regard,

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legislation has been proposed which would create a Department of Consumer Affairs and which would have transferred to it many consumer regulatory functions presently being administered by other existing departments and agencies. While long in the forefront of those advocating increased consumer protection laws and strengthened organization within the Federal Government, I do not believe that the creation of such a departmental arrangement is the most desirable or effective method of safeguarding the consumer.

Thirty-three or more departments and agencies of the Federal Government are charged with the responsibility of administering 400 or more consumer protection laws. Obviously these units cannot be placed together in one package.

What would most likely result, therefore, would be a Department of Consumer Affairs concentrating primarily on those consumer matters within its jurisdiction while ignoring or feuding with other departments or agencies which are administering related or potentially conflicting laws. In addition, a significant failure in the effective administration of existing consumer protection laws has been the too cozy arrangement that develops between the agency and the recipient. The same could likely occur in the case of a Department of Consumer Affairs. Finally, as indicated above, the blowing up of a consumer protection organization to department size, with the large budgets, staffs, and programs to administer, could spell the downfall of dynamic administration.

Ralph Nader, in my opinion, aptly listed the reasons against the creation of a Department of Consumer Affairs when he stated:

> I do not find persuasive . . . the depositing of various regulatory functions including the transfer of several consumer laws from other departments and agencies to the proposed Department. Giving the Department of Consumer Affairs such a regulatory role would (a) simply refocus the entire lobbying environment on the Department; (b) weaken the Department's strong advocate role because it would have to referee between competing interests in its administrative hearings and rule-making roles; (c) further lighten any public interest burdens from other Departments and regulatory agencies and (d) generate needless opposition to any Department by established agencies apprehensive of losing their programs. To be effective, a consumer agency must not have anything to give to industry or commerce, as it most assuredly would if it had a regulatory role. Having something to give would attract the same forces that undermined or controlled other agencies. The thrust of a consumer agency, in my judgment, is to assist in the reform of other agencies to perform in the public interest, not to progressively relieve them of that horizon in their deliberations.

To reiterate, the major role of the Office of Consumer Affairs would be to act as the public's ombudsman for consumer interests. The Office would be charged with the duty of carefully observing the operations of departments and agencies as they relate to protecting consumer interests, measuring and evaluating performance, directing the means for improved coordination, settling disputes and differences that may arise, and in all ways urging the units of Government on to improved performance in the consumer area.

A key measure that the Office will have to carry out its responsibility is the authority given it in section 6 of the bill to receive consumer complaints. This provision authorizes the receipt of complaints from any source disclosing a probable violation of first, any law of the United States, second, any rule or order of any administrative officer or regulatory agency of the United States, or third, any judgment, decree, or order of any court of the United States. Upon receipt of a complaint falling under one of the above categories, the Office shall transmit it for appropriate action to the department or agency charged with the duty of enforcing the law, rule, order, judgment, or decree, together with such other pertinent information as the Office has received or developed on its own motion.

The Office is also charged with receiving complaints from any source disclosing the existence of commercial or trade practices detrimental to the interests of consumers which are not otherwise included in the above category of legal or administrative violations. In this category, the Office shall transmit such a complaint, together with other information received or developed on its own motion, to the department or agency which, in the Office's judgment, possesses the most effective means to terminate the detrimental practice.

Under both categories of complaints, the Office is required to exercise the specific responsibility of pursuing the action taken by the departments or agenices to which the complaints were referred. Far more than the general authority to evaluate, coordinate, and oversee the activities of departments and agencies in their consumer-related activities, this authority to receive, refer and follow up on complaints will, in my opinion, enable the Office, if it is dynamic and dedicated, to ride herd effectively over the operating units of the Federal Government to assure that the interests of the consuming public are adequately protected.

Of equal importance to the Office in discharging its responsibilities to the consuming public is the authority granted in section 5 directing the Office to represent consumers in nonadjudicatory matters or proceedings before departments and agencies where the Director determines that the interests of consumers may be substantially affected. Where adjudicatory matters or proceedings are involved and in cases pending in Federal courts, the Office is authorized to present evidence and information to such bodies in those instances where the Director determines that the interests of consumers may be substantially affected. Such information and evidence shall also be presented when requested by the Federal officer or employee charged with presenting the case before the department, agency or court.

Hundreds of thousands—perhaps millions—of decisions are made each year by the multitude of departments and agencies of the Federal Government—not to mention those handed down in the judicial branch. A large percentage of these decisions affect the interests of consumers in every conceivable way—some quite substantially. Yet, in all too many cases the interests of consumers, taken in the broad context, are not directly considered. All too frequently, these interests are ignored to the serious detriment of the consuming public. Worse, yet, the Congress has enacted a fairly large number of consumer protection laws in recent years which have not been adequately enforced or perhaps even ignored in all but lipwork.

How tragic this can be. Lives have been lost, serious injuries have resulted, and futures have been destroyed because of failures of Federal departments and agencies to enforce existing laws.

The Food and Drug Administration is charged with assuring the public that the drugs it administers and the food it consumes are safe, efficacious, and wholesome. Recent investigations have disclosed all too readily, however, how little this assurance of protection means. Drugs are allowed or permitted to stay on the market which are seriously detrimental to health, which are clearly ineffective, or which have not undergone adequate premarket testing to warrant scientific judgment either way. Foods and cosmetics are similarly allowed to be sold to the public which are clearly deleterious to health.

The responsibility for authorizing the marketing of pesticides has been given to the Agricultural Research Service of the Department of Agriculture. In spite of clear warnings of danger from the Public Health Service and its disregard of evidence of deaths attributable to the products, this agency of Government has permitted the continued marketing of dangerous pesticide products in places and under conditions of grave danger or death to innocent victims, especially children.

The Federal Housing Administration is directed to develop standards for the improvement of housing structures, including those relating to safety features. In theory, at least, no homes could be sold under FHA financing or guarantees unless prescribed safety standards are met. Yet, until very recently, the FHA had deliberately permitted homes to be built, containing nonsafety glass doors and panels, even though they had been made aware of thousands of persons—largely young children—who have met death yearly by crashing through these unseen obstacles.

Over 50,000 lives are lost and hundreds of thousands of individuals are seriously injured each year as a result of automobile accidents. Who knows how many lives could be spared and injuries avoided if cars and trucks were more safely built and tires more adequately constructed. Laws exist on the books to guard against these safety hazards, but evidence clearly points to less than an adequate enforcement.

These are just a few of the areas where the consuming public believes, I presume, that it is receiving protection from the Federal Government in the goods it buys, products it consumes or uses, information it relies upon, services it utilizes, air it breathes, clothes it wears, or food or water it consumes. Yet we know from actual experience that the public may be in greater danger of being defrauded or injured today than in years past for the simple reason that they have the illusion that they are being protected where, in fact, such is not the case.

In the case of radiation hazards, transportation safety, flammable clothing and toys, product safety, false advertising, credit practices, electric power and telephone reliability, air and water pollution, free trade and open competition, insurance, and many more vital areas of life—in addition to those mentioned above—the level of Government protection is generally so minimal that the public might be almost better protected if it were placed on guard by an announced return to the philosophy of "let the buyer beware."

I say almost because I am not ready to give up and permit trade and commerce to return to the law of the jungle. The last sensible hope, in my opinion, may be the creation and effective operation of a consumer protection organization such as I am proposing in this legislation.

In authorizing the Office of Consumer Affairs to receive and follow up on complaints concerning violations of laws or administrative practices and in directing the Office to represent consumer interests before departments and agencies, I have the hope that the status quo can be shaken up and the interests of consumers in fact protected. I should also stress that, in taking these and other actions, the Office is not required to sit back and wait for complaints to be submitted or to exist at the mercy of others. It is fully authorized to conduct hearings, conferences, surveys, oral investigations; obtain data from departments and agencies, and tap the knowledge and educational resources of those outside the Federal Government.

To these I have sought to include certain additional arrows in the consumer protection quiver. One is the requirement in section 4(2) that the Office is to assure that the interests of consumers are timely presented and considered by the appropriate levels of Government in the formulation of policies and in the operation of programs affecting the consumer interest. In direct support of this functional commandment is the requirement set down in section 8 which directs each department and agency, in taking action affecting the interests of consumers, to indicate concisely by way of public announcement the nature and extent to which the consumer interest was considered and the basis upon which the action taken was consistent with such interest.

In a similar vein, the National Bureau of Standards—the Federal Government's expert testing agency—is authorized to conduct product safety, performance, and reliability tests for private business which request such services and which are willing to underwrite the costs. No businessman is required to present a product for testing. It is hoped, however, that businesses who have confidence in the quality of their products and who support the maintenance of high standards of craftsmanship will utilize such testing services in order to advertise the results and thus, perhaps, gain an honest, fair, competitive advantage. I am particularly hopeful that small business will seek to utilize this service and that consumers will come to look for and rely upon results announced pursuant to NBS tests. Admittedly, large businesses will also have equal access to such testing services and I hope they, too, will fully utilize this benefit offered to them. But, since businesses with heavy financial resources behind them can heavily outadvertise small businesses, regardless of product quality, it is my belief that the existence of a source of accurate, unbiased, publicly available information on a product will enable small businesses at least somewhat to balance the scales, competitively.

Closely tied in with the above is the authority given to the Office of Consumer Affairs to collect information and data from other departments and agencies, including test results and product analyses, and to publish such data in the most effective manner possible, including an easily understandable and readily available periodical. Besides test results that would be made available pursuant to the above authority extended to the Bureau of Standards, the General Services Administration, and the Department of Defense—along with other departments and agencies—regularly test thousands of products to determine if they measure up to advertised quality. Here exists a gold mine of accurate and unbiased information to which the consuming public has a clear right of access. Much other data and information also is produced or acquired annually within the Government which, if properly digested, and clearly presented, can make better consumers out of us all. The publication of these tests results and other data could dramatically improve the buying habits and satisfaction of each American.

While dwelling on means of encouraging Americans to become more sophisticated and informed buyers, let me emphasize that my greatest hope and expectation is that enactment of this legislation will assist those of limited means to extend their resources farther and to purchase those items which will return the greatest benefit to them.

The poor, in too many cases, pay more. There is no question about that. But that is not the worst circumstance. What is far more serious and unsettling is that they frequently pay more for inferior quality. That is intolerable and I do believe this proposed legislation can go far in overcoming such abuse.

Finally, in addition to authorizing the Office of Consumer Affairs to encourage, support, and coordinate research; encourage, initiate, and participate in consumer education programs; and assume the functions of the National Commission of Product Safety when it would otherwise expire, the legislation provides for the establishment of a Consumer Advisory Council to advise the Director generally on matters relating to the consumer interest and to review and evaluate the effectiveness of Federal programs and operations relating to the consumer interest. In respect to the latter, the Advisory Council is specifically directed to examine into the administration of existing consumer protection laws, recommend the enactment of new legislation, determine the effectiveness of program coordination, ascertain to what extent departments and agencies are considering the consumer interest in discharging their responsibilities, review the extent to which adequate attention is being devoted by the Federal Government to consumer problems of the poor, see whether adequate information is available for the making of intelligent consumer decisions, and determine whether existing consumer protection agencies are adequate or whether new ones should be established such as a new Consumer Protection Division within the Department of Justice.

I fully recognize the general deficiency that has existed in the past in the operations of or benefit from advisory groups. The same high hopes and dismal failure may ensue here. I do believe, however, that satisfactory, if not brilliant, administrative accomplishment requires watchers watching the watchers. This may sound wasteful and it may appear Orwellian, but the nature of man, at least in the field of public administration, appears to need the stick as well as the carrot. The Advisory Council, proposed in the bill, will be effective, of course, only if the President and the Director want it to work. That is true to an even greater extent of the entire legislative package. But, by specifying that the Council is to be composed of individuals who possess a demonstrated ability to exercise independent, informed, and critical judgment and who are to be chosen from widely diverse groups—business, labor, consumer, et cetera—I believe the prestige, pride, and reputation of such individuals will encourage, if not guarantee, successful oversight and wise counseling.

In closing, Mr. Speaker, let me sound the warning that our society is in serious danger of splintering apart. Whether it is reaction to war, overcrowding, environmental pollution, undue affluence, dashed expectations of the poor in a world of opulence, or some unknown social or psychological factors, I am unable to determine. But, there is a pronounced stirring. It may be the beginning of a more honest, safer, and sounder world. Or, it may spell the beginnings of disaster. It is our duty to contribute and work toward the former. That we can do by making certain that the consumer interests of the public—what they eat, wear, breathe, drink, or otherwise use or consume in their daily lives—is safe, sound, fair, reasonable, wholesome, and honest. This is a duty that rests upon each and every one of us.

Businessmen may, upon initial reaction, feel that this bill is directed against them. I can assure them that it is not—provided they are striving to guard against fraud and work toward safe and quality products. Most are. Those who are not, however, should be made to suffer the consquences. I believe in the free

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enterprise system. From my years in Government, I have certainly come to the conclusion that the Government cannot solve many of our basic problems. Therefore, I am dedicated to strengthening this system. The surest way that I know to do it, is to retain or restore the public's confidence in it. The surest way to undermine it, is to destroy confidence.

I am most hopeful, then, that the business community will support this legislation in the same forceful manner I ask the consuming public, labor, and other groups to do the same. We must put a stop to the present drain upon society as a result of inadequate consumer protection. Enactment of this legislation can lead the way.

Mr. Speaker, I include as a part of my remarks the text of my Consumer Protection Act of 1969:

H.R. 13793

A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Protection Act of 1969".

OFFICE OF CONSUMER AFFAIRS

Sec. 2. The Office of Consumer Affairs (referred to hereinafter as the "Office") is hereby established in the Executive Office of the President. The Office shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate prescribed by section 5314, title 5, United States Code, for executive officers of level III. There shall also be in the Office a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate prescribed by section 5315, title 5, United States Code, for executive officers of level IV. The Deputy Director shall perform such duties as the Director may designate, and during the absence or incapacity of the Director, he shall act as Director.

POWERS AND DUTIES OF THE DIRECTOR

Sec. 3(a). The Director shall be responsible for the exercise of the powers and the discharge of the duties of the Office, and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this Act, the Director is authorized, in carrying out his functions under this Act, to—

(1) appoint and affix the compensation of personnel of the Office in accord with the provisions of title 5, United States Code, governing the appointment in the competitive service, and chapter 51 and subchapter III of chapter 58 of title 5 relating to compensation of positions subject to the General Schedule.

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of pay for grade GS-18 as provided in section 5332 of title 5, United States Code. While so serving away from their homes or regular place of business, such employees may be paid travel expenses and per diem in lieu of subsistence at rates authorized by section 5703, title 5, United States Code, for persons intermittently employed.

(3) appoint, without regard to the provisions of title 5, United States Code, one or more advisory committees composed of such private citizens and officials of the Federal State, and local governments as he deems desirable to advise him with respect to his functions under this Act; and members of such committees (including the Consumer Advisory Council established in section 10 of this Act) other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Director, shall be entitled to receive compensation and travel expenses as provided in subsection (b)(2) of this section with respect to experts and consultants;

(4) promulgate such rules as may be necessary to carry out the functions vested in him or in the Office, and delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal, State, and private agencies and instrumentalities with or without reimbursement thereof;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code;

(7) adopt an official seal, which shall be judicially noticed;

(8) request and receive, under such regulations as the President may prescribe, such information from any Federal agency as the Director may from time to time require.

(c) The Director shall transmit to the Congress in January of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Office during the preceding calendar year, and such recommendations as he may determine to be necessary and desirable to protect the consumer interests, including measures to improve the efficiency and economy of the Federal Government in the protection of such interests.

FUNCTIONS

Sec. 4 (a). It shall be the duty of the Office, in the performance of its functions, to advise the President and the Congress as to all matters affecting the interests of consumers; and to protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Office shall be to—

(1) coordinate Federal programs and activities relating to consumers and resolve differences arising among Federal agencies with respect to such programs and activities;

(2) assure that the interests of consumers are timely presented and considered by the appropriate levels of the Federal Government in the formulation of Government policies and in the operation of Government programs that may affect the consumer interest;

(3) receive, evaluate, and transmit complaints concerning actions or practices which may be detrimental to the consumer interest to the extent authorized by section 6 of this Act;

(4) represent the interests of consumers in proceedings before Federal agencies to the extent authorized by section 5 of this Act;

(5) develop information from Federal agencies and other public and private sources which would be of benefit to consumers, including test results and analyses of consumer products, and to disseminate such information in the most efficacious manner possible, including through the publication and distribution of periodicals and other printed material which will in easily understandable form inform consumers of matters of interest to them;

(6) conduct hearings, conferences, surveys, and investigations in accordance with the provisions of section 7 of this Act;

(7) establish in accordance with directives of the Bureau of the Budget facilities in major population centers (managed by the Office or some other appropriate Federal agency) to receive consumer complaints, to direct consumers to the appropriate Federal agency charged with the responsibility of meeting a specific consumer need, and to disseminate information of interest to consumers;

(8) encourage, support, and coordinate research (conducted within the Federal Government) leading to improved products, services, and consumer information;

(9) encourage, initiate and participate in consumer education programs and consumer counseling programs (including credit counseling);

(10) cooperate with and assist State and local governments in the promotion and protection of consumer interests;

(11) cooperate with and assist private enterprise in the promotion and protection of consumer interests; and

(12) submit recommendations to the President and the Congress on measures to improve the operation of the Federal Government in the protection and promotion of the consumer interest.

REPRESENTATION OF CONSUMERS BEFORE FEDERAL AGENCIES

Sec. 5. (a) Whenever there is pending before any Federal agency any matter or proceeding which does not involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States or any rule promulgated thereunder, and the Director finds that the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Office shall be entitled as a matter or right to intervene in such matter or proceeding as a party to represent the interests of consumers by filing with such agency a duly certified copy of the finding so made by the Director. Upon any such intervention, the Director or any other employee of the Office designated by him for that purpose, shall present to such agency, in conformity with the rules of practice and procedure thereof, such evidence, briefs, and argument as he shall determine to be necessary for the effective protection of the interests of such consumers.

(b) Whenever—

(1) there is pending before any Federal agency any matter or proceeding which does involve the adjudication of the alleged violation, by any individual or corporation named as a defendant or respondent therein, of any statute of the United States or any rule promulgated thereunder, or

(2) there is pending before any district or appellate court of the United States any matter or proceeding to which the United States or any Federal agency is a party, and

the Director finds the determination of such matter or proceeding may affect substantially the interests of consumers within the United States, the Office upon its own motion may, and upon written request made by the officer or employee of the United States or such agency who is charged with the duty of presenting the case for the Government in that matter or proceeding shall, certify to such officer or employee all evidence and information in the possession of the Office relevant to that matter or proceeding.

(c) The Director or any other employee of the Office, designated by him for such purpose, shall be entitled to enter an appearance before any Federal agency for the purpose of representing the Office in any proceeding pursuant to the authority granted in subsection (a) of this section without other compliance with any requirement for admission to practice before such agency.

CONSUMER COMPLAINTS

Sec. 6 (a). Whenever the Office receives from any source complaints or other information disclosing a probable violation of (1) any law of the United States, (2) any rule or order of any administrative officer or Federal agency, or (3) any judgment, decree, or order of any court of the United States, the Office shall transmit promptly to the Federal agency charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action, such complaint or other information received or otherwise developed by the Office.

(b) Whenever the Office receives from any source complaints or other information disclosing any commercial or trade practice detrimental to the interests of consumers within the United States, which are not included within the category specified in subsection (a) of this section, the Office shall transmit promptly to the Federal agency whose regulatory or other authority provides the most effective means to terminate such practice, such complaint or other information received or otherwise developed by the Office.

(c) It shall be the duty of the Office to ascertain the nature and extent of action taken with regard to complaints and other information transmitted under subsections (a) and (b) of this section.

HEARINGS, CONFERENCES, SURVEYS, AND INVESTIGATIONS

Sec. 7 (a). The Office is authorized to conduct hearings, conferences, surveys and investigations anywhere in the United States concerning the needs, interests and problems of consumers which are not duplicative in significant degree to similar activities conducted by other Federal agencies.

(b) For the purposes of conducting hearings, conferences, surveys, and investigations under this Act, the Office shall have all powers which are conferred upon the Federal Trade Commission by section 9 of the Federal Trade Commission Act with respect to the conduct of investigations made by that Commission under that Act, except that the Office may not grant to any person any immunity from prosecution, penalty, or forfeiture in accordance with the provisions of that section without first obtaining the written consent of the Attorney General and serving upon such person a duly certified copy of any consent therefor granted by the Attorney General. The provisions of section 10 of the Federal Trade Commission Act shall apply to the Act or omission of any person, partnership, or corporation with regard to any subpena, order, requirement, or information of the Office to the same extent, and with the same effect, as if such act or omission had occurred with regard to a like subpena, order, or requirement, or with reference to like information, of the Federal Trade Commission.

PROTECTION OF THE CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS

Sec. 8. Every Federal agency in taking any action of a nature which can reasonably be construed as substantially affecting the interests of consumers of products and services including, but not limited to, (1) the promulgation of rules, regulations, or guidelines, (2) the formulation of policy decisions, or (3) the issuance of orders, decrees, or standards, shall take such action in a manner calculated to advance the valid interests of consumers in terms of price, quality, safety, accuracy, effectiveness, dependability, information and choice. In taking any such action, the agency concerned shall indicate concisely in a public announcement of such action the nature and extent of its consideration of consumer interests and the bases upon which the action was taken consistent with such interests.

TESTING BY NATIONAL BUREAU OF STANDARDS

Sec. 9 (a). The Secretary of Commerce (hereinafter referred to as the "Secretary") is authorized to establish facilities for the purpose of determining through testing, at the request of a manufacturer, the performance, content, safety, durability, and other characteristics of a product offered for sale or intended to be offered for sale by such manufacturer;

(b) The Secretary shall charge for the services performed under the authority of this section and such charges shall be based on both direct and indirect costs. The appropriation or fund bearing the cost of the services may be reimbursed or the Secretary may require advance payment subject to such adjustments on completion of the work as may be agreed upon.

(c) The manufacturer may suggest but not direct, control or otherwise influence the type of tests to be conducted by the Secretary;

(d) The Secretary shall not declare one product to be better, or a better buy, than any other product;

(e) The manufacturer may publicize the results of the tests conducted by the Secretary, but in so doing may in no way distort, falsify, or misrepresent such results;

(f) The Secretary shall maintain surveillance over products which it has tested to assure that such products and information disseminated about them conform to the test results determined by the Secretary;

(g) The Secretary may arrange with and reimburse the heads of other Federal agencies for the performance of any such functions, and as necessary or appropriate, delegate any of his powers under this section to the National Bureau of Standards with respect to any part thereof, and authorize the redelegation of such powers;

(h) The Secretary may perform functions under this section without regard to section 529 of title 31, United States Code;

(i) The Secretary is authorized to request any Federal agency to supply such statistics, data, progress reports, and other information as he deems necessary to carry out his functions under this section. Each such agency is authorized and directed to cooperate with the Secretary and to the extent permitted by law, to furnish such materials to the Secretary;

(j) The Secretary is authorized, to the extend necessary, to acquire or establish additional facilities and to purchase additional equipment for the purpose of carrying out the purposes of this section.

CONSUMER ADVISORY COUNCIL

Sec. 10 (a). There is hereby established in the Office a Consumer Advisory Council to be composed of 12 members appointed by the President for terms of two years without regard to the provisions of title 5, United States Code. Members shall be appointed on the basis of their knowledge and experience in the area of consumer affairs, and their demonstrated ability to exercise independent, informed and critical judgment. Representatives of business, labor, consumer, and other interested organizations shall be encouraged to recommend qualified candidates for appointment to the Council.

(b) (1) Of the members first appointed, six shall be appointed for a term of one year and six shall be appointed for a term of two years as designated by the appointing power at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(c) The President shall designate the chairman from among the members appointed to the Council. The Council shall meet at the call of the chairman but not less often than four times a year. The Director shall be an ex officio member of the Council.

(d) The Council shall—

(1) advise the Director on matters relating to the consumer interest; and

(2) review and evaluate the effectiveness of Federal programs and operations relating to the consumer interest and make recommendations thereto, including with regard to the adequacy of the—

(A) administration of existing consumer protection laws and the need to enact new laws;

(B) coordination of consumer programs and operations among Federal agencies, and between the Federal Government and State and local government and private enterprise;

(C) consideration of consumer interests by decisionmaking Federal agencies;

(D) attention devoted to the consumer problems of the poor;

(E) availability of information necessary for the making of intelligent consumer decisions;

(F) existing consumer protection agencies and the desirability of establishing a new Assistant Attorney General for consumer affairs within the Department of Justice to prosecute consumer fraud practices; and

(G) existing organization within the Federal Government of consumer protection functions and the need to reorganize such functions.

CONSUMER SAFETY

Sec. 11. The Office shall assure on a continuing basis the responsibilities and duties of the National Commission on Product Safety, together with such property and unexpended appropriations as may exist, at such time as the Commission's authority would otherwise terminate.

APPROPRIATIONS

Sec. 12. There are hereby authorized to be appropriated to the Office, the Consumer Advisory Council, and the Department of Commerce such sums as may be required to carry out the provisions of this Act.

DEFINITION

Sec. 13. For the purpose of this Act, the term "Federal agency" shall have the same meaning as that give it by section 551 of title 5, United States Code.

NUCLEAR PLANT SAFETY AND THE NEED FOR A FEDERAL NUCLEAR DEVELOPMENT COMMITTEE

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, with a sense of deep foreboding, I am inserting after my remarks today, an article from the Philadelphia Inquirer on the subject of nuclear powerplant safety. I hope every Member of Congress takes a few minutes to read this frightening article. In very brief terms, the article says what a good number of Members know already—there is a need for deeper and

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more thorough study of the safety aspects of nuclear powerplants prior to the proliferation of such installations throughout the United States.

And why should Members of Congress be concerned about the AEC's program of civilian nuclear plant construction? One small quote from the article should provide the answer:

> In 1957 the AEC issued a study which has come to be known as the Brookhaven Report, which attempted to assess the probabilities of nuclear reactor "incidents" and the potential consequences.
>
> The report's conclusions were stupefying: As many as 3400 people could be killed, 43,000 injured, and as much as $7 billion of property damage done. People could be killed at distances up to 15 miles and injured up to 45. Land contamination could extend for far greater distances; agricultural restrictions might prevail over an area of 150,000 square miles, roughly 5% of the territory of the continental United States.

That report was issued 12 years ago. Nothing I have read or heard in the ensuing 12 years would calm anyone's fears about the awful consequences of a "mistake" or "impossible" calamity arising from the operation or misoperation of a nuclear plant. The potential for tragedy is so great that it staggers the imagination. I for one, do not believe the public is sufficiently aware of the potential danger. The Congress of the United States has a human, national, responsibility which transcends the political, economic, and regional interests that are pressing for the construction of nuclear plants.

Already, there are 15 operating nuclear plants in the United States, 31 are under construction, and 42 are planned. Looking at the map of the United States, the heaviest concentration of the plants is on the east coast. Strangely enough, of the 18 Members of Congress on the Joint Committee on Atomic Energy, only three Members represent east coast States. Of perhaps more interest, of the total 88 operating and planned plants, 79 of them are, or will be located in the eastern half of the United States. This 90 percent of the potential danger from nuclear plants is represented by 50 percent of the membership of the Joint Committee. As things go in the Congress, I suppose this ratio is not too bad, but I am more concerned about another makeup of the Joint Committee, and that is the members of the committee are 100 percent nuke-oriented. Because of the similarity of views on the U.S. civilian nuclear power program, it is difficult for an "outsider" to get a word in edgewise about matters that have some bearing on the subject of civilian nuclear energy. I know I have tried.

Nevertheless, 20 Members of the House and nine Members of the Senate are attempting to get that word in with the introduction of resolutions for the creation of a "Federal Committee on Nuclear Development to Review and Reevaluate the Existing Civilian Nuclear Program of the United States." I am proud to be the author of House Joint Resolution 83, introduced on January 3 of this year, which forms the basis of most of 20 additional resolutions. The heart of the resolution states:

> (The resolution) Directs the Committee to study, review, and evaluate the present provisions of the Atomic Energy Act and intensively probe the atomic energy program of the United States generally, with the specific objectives of ascertaining whether the existing civilian nuclear program is responsive to the public need, assessing the validity of the assumptions upon which the existing program is built, and determining what changes should be made in that program.

We have made a simple request of the Joint Committee on Atomic Energy—hearings on our resolution. We are not calling for the total abandonment of the civilian nuclear power program, only that the public and other Members of Congress be given the opportunity to voice their opinions and recommendations on a matter that is vital to the health and safety of the total population. It seems a simple enough request in light of the potential danger and the real problem of the lack of awareness of that danger on the part of the public.

I have introduced resolutions similar to House Joint Resolution 83 yearly; each has been systematically ignored by the committee. I do not understand such an attitude, nor do I understand what possible fear the committee could have of hearings on such resolutions.

The situation painfully reminds me of the tragedy and shame of the Congress with respect to coal mine health and safety legislation. Unfortunately, it takes major coal mine disasters to spur the Congress into action. Considering the number of lives at stake in the proliferation of nuclear plants around the country, I pray the Congress and especially the members of the Joint AEC Committee will not wait for a nuclear plant disaster before it does something to reassure the Nation as to the safety of civilian nuclear plants.

Such an assurance could come from a thorough study of the civilian nuclear energy program conducted by the Federal Committee recommended in House Joint Resolution 83. It appears to me that the Congress and the Joint Committee is obligated to have hearings on the resolution.

The article on nuclear plant safety follows:

[From the Philadelphia (Pa.) Inquirer, July 27, 1969]

PERILS OF THE PEACEFUL ATOM: WILL NUCLEAR POWERPLANTS RUIN OUR ENVIRONMENT?

(By Richard Curtis and Elizabeth Hogan)

(NOTES.—Elizabeth Hogan, born and educated in Philadelphia and now living in New York City, is a member of the Committee for Environmental Information. She recently testified before the Joint Committee on Atomic Energy at hearings on the licensing and regulation of nuclear reactors.)

(Richard Curtis, who was born in New York City and still lives there, is the author of more than 100 stories and articles published in national magazines and has written and edited more than a dozen books.)

"What is past is past, and the damage we may already have done to future generations cannot be rescinded, but we cannot shrink the compelling responsibility to determine if the course we are following is one we should be following."

So said Sen. Thruston B. Morton of Kentucky on Feb. 29, 1968, upon introducing into the legislature a resolution calling for comprehensive review of Federal participation in the atomic energy electric power program. Admitting he had been remiss in informing himself on this "grave danger," Morton said he had now looked more deeply into nuclear power safety and was "dismayed at some of the things I have found—warnings and facts from highly qualified people who firmly believe that we have moved too fast and without proper safeguards into an atomic power age."

Sen. Morton's resolution was by no means the only one before Congress in 1968. Indeed, more than two dozen urged investigation and re-evaluation of our atomic power program. This fact will come as a surprise to much of the public, for the belief is widespread that the nuclear reactors being built to generate electricity for our cities are safe, reliable and pollution-free.

But a rapidly growing number of physicists, biologists, engineers, public health officials, and even members of the Atomic Energy Commission itself—the government bureau responsible for regulation of this force—has been expressing serious misgivings about the planned proliferation of nuclear power plants. In fact, some have indicated that nuclear power, which Supreme Court Justices William Douglas and Hugo Black described as "the most deadly, the most dangerous process that man has ever conceived," represents the gravest pollution threat yet to our environment.

FIFTEEN PLANTS OPERATING

As of June, 1968, 15 commercial nuclear power plants were operating or operable. The government, however, has been promoting a plan by which 25 percent of our electric power will be generated by the atom by 1980, and half by the year 2000. To meet this goal, 87 more plants are under construction or on the drawing boards. Despite the fact that atomic power and reactor technology are still imperfect sciences, saturated with hazards and unknowns, these reactors are going up in close proximity to heavy population concentrations. Most will be of a size never before attempted by scientists and engineers. They are, in effect, gigantic nuclear experiments.

As most readers will recall, atomic reactors are designed to utilize the tremendous heat generated by splitting atoms. They are fueled with a concentrated form of uranium stored in long tubes bound together to form subassemblies. These are placed in the reactor's core, separated by rods which absorb radioactivity and thus control the chain reactions of splitting atoms. When the rods are withdrawn, the chain reactions intensify, producing enormous quantities of heat. Coolant circulated through the reactor core carries the heat away to heat exchange systems, where water is brought to a boil. The resultant steam is employed to turn electricity-generating turbines.

Stated in this condensed fashion, the process sounds innocuous enough. Unfortunately, however, heat is not the only form of energy produced by atomic fission. Another is radioactivity. During the course of separation the fuel assemblies and other components in the reactor's core become intensely radioactive. This irradiated material has been described as a million to a billion times more toxic than any known industrial agent. Some 200 radioactive isotopes are produced as by-products of reactor operation, and the amount of just one of them alone, strontium-90, contained in a reactor of even modest—100-200 megawatt—size is equal to that produced in the explosion of a bomb 190 times more powerful than the one dropped on Hiroshima.

Huge concentrations of radioactive material are also to be found in facilities that support atomic power plants. Because the intense radioactivity in a reatcor core eventually interferes with the fuel's efficiency, the fuel assemblies must be removed from time to time and replaced by new, uncontaminated ones. The old ones are shipped to reprocessing plants where the contaminants are separated from the salvageable fuel. The ferociously radioactive liquid containing the contaminants must be neutralized, disposed of, or stored until it is no longer dangerous. Thus reprocessing plants and storage areas are immense repositories of "hot" and "dirty" material. Furthermore, transportation routes between power plants and reprocessing facility and waste storage site, carry traffic bearing high quantities of that material.

Even from this glimpse it will be apparent that public and environmental safety depend on the flawless containment of radioactivity every step of the way. For, owing to the incredible potency of this energy, even the slightest leakage is harmful—and a massive release would be catastrophic. The fundamental question, then, is how heavily can we rely on human wisdom, care and engineering to hold this peril under absolute control?

Abundant evidence points to the conclusion that we cannot rely on it at all.

The hazards of peaceful atomic power fall into two broad categories: The threat of violent, massive releases of radioactivity, and that of slow but eventually deadly seepage of harmful products into the environment.

CAN PRODUCE DISASTER

Nuclear physicists assure us that reactors cannot explode like atomic bombs, because the complex apparatus for detonating an atomic warhead is absent. This fact, however, is of little consolation when it is realized that only a conventional explosion is necessary to produce havoc on a scale eclipsing any peacetime industrial accident on record—or any single act of war, including the atomic destruction of Hiroshima or Nagasaki.

There are numerous ways in which such an explosion can take place in a reactor. For example, liquid sodium, which is used in some reactors as a coolant, is a devilishly tricky element which could explode on accidental contact with air, rupturing fuel assemblies, damaging components and shielding, and destroying primary and secondary safeguards. In the absence of coolant, exposed uranium fuel could overheat and melt, forming "puddles" which could also explode upon reaching a critical size.

If these explosions were forceful enough, and sufficient safeguards failed, some of the fission products could be released outside the plant and into the environment, in the form of a gas or a cloud of fine radioactive particles. Under not uncommon atmospheric conditions, such as an "inversion" in which a layer of cold air keeps a warmer layer from rising, a kind of radioactive fog could spread insidiously over the countryside. Another possibility is that fission products could be carried out of the reactor and into a city's watershed, for all reactors are being built on lakes, rivers, or other bodies for cooling purposes.

What could be the toll of such a calamity?

In 1957 the Atomic Energy Commission issued a study which has come to be known as the Brookhaven Report, which attempted to assess the probabilities of nuclear reactor "incidents" and the potential consequences.

The report's conclusions were stupefying: As many as 3400 people could be killed, 43,000 injured, and as much as $7 billion of property damage done. People could be killed at distances up to 15 miles and injured up to 45. Land contamination could extend for far greater distances; agricultural restrictions might prevail over an area of 150,000 square miles, roughly 5 percent of the territory of the continental United States.

The awful significance of these figures is difficult to comprehend. Certainly nothing remotely comparable can be cited by way of industrial disasters. It is generally agreed that the worst one of modern American times was the Texas City disaster of 1947 when a ship loaded with amonium nitrate fertilizer exploded, virtually leveling the city, killing 468 and causing an estimated $67 million worth of damage. Appalling as this catastrophe was, however, it could not begin to approach the potential havoc wreaked by a nuclear smog of the dimensions indicated by the Brookhaven Report.

CONTAINMENT FAILS

For one thing, all of us are familiar with technological disasters which occurred against fantastically high odds: the sinking of the "unsinkable" Titanic, or the collision of two big passenger planes over the enormity of the Grand Canyon. The Nov. 9, 1965, "blackout" of the U.S. eastern seaboard illustrates how an "incredible" event can occur in the electric utility field, most experts agreeing that the chain of circumstances which brought it about was so improbable that the odds against it defy calculation.

A disturbing number of reactor accidents have occurred—with sheer luck playing an important part in averting catastrophe—which seem to be the product of "incredible" coincidences. On Oct. 10, 1957, for instance, the Number One Pile at the Windscale Works in England had a breakdown spewing fission products over so much territory that authorities had to seize all milk and growing foodstuffs in a 400-square-mile area around the plant.

A British report on the incident stated that all of the reactor's containment features had failed. It challenges credulity, but it happened. Much closer to home, a meltdown of fuel in the Fermi reactor in Lagoona Beach, Mich., in October, 1966, came within an ace of turning into a nuclear "runaway" eventuating in the explosive release of radioactive material.

The atomic industry has attempted to design components and safeguards so that failure of one vital system will not affect another, resulting in a "house of cards" collapse. Two highly regarded authorities, Theos J. Thompson and J. G. Beckeley, in a book on reactor safety published by the AEC, advise us not to place too much faith in claims of independent safeguards.

Investigations of reactor breakdowns disclose a number of small, seemingly unrelated failures which snowballed in one big one. A design flaw here, a human error there, a component failure here, an instrumentation failure there—all may coincide to contribute to the total event. Thompson and Berkeley, examining several atomic plant accidents, pinpointed 13 different contributing causes.

HOW TO CONTROL IT?

AEC annals are full of reports of human negligence: 3844 pounds of uranium hexafluoride lost due to an error in opening a cylinder; 50,000 pounds of nonradioactive mercury spilled to the ground in an operational error; a $220,000 fire in a reactor due to accidental tripping of valves by electricians during previous maintenance work; scores of vehicular accidents involving nuclear materials.

None of these accidents led to disaster, but who will warrant that, with the projected proliferation of power plants and satelite industries in the coming decade, a moment's misjudgment will not trigger an event of nightmarish horror? What is possibly worse, the likelihood of sabotage has scarcely been weighed, despite a number of incidents and threats.

It should be apparent that if men are to build safe, successful reactors, the whole level of industrial workmanship, engineering, inspection and quality control must be raised well above conventional levels. The more sophisticated the technology, the more precise the correspondence between the subtlest gradations of care or negligence and technology's success or failure.

While there is little doubt that American technology is the most refined on earth, there is abundant reason to believe that it has more than met its match in the seemingly insurmountable problems posed by the peaceful atom. Between 2800 and 5000 technical standards are necessary for a typical reactor power plant in such areas as materials, testing, design, electrical gear, instrumentation, plant equipment and processes. Yet as of March, 1967, according to an AEC statement, only about 100 had been approved.

NUCLEAR SUBS PLAGUED

It is not surprising, then, to learn that serious technical difficulties are turning up in reactor after reactor. At the Big Rock Point Nuclear Plant, a relatively small reactor near Charlevoix, Mich., control rods were found sticking in position, studs failing or cracked, screws jostled out of place and into key mechanisms, a valve malfunctioning for more than a dozen reasons, foreign material lodging in critical moving parts, and welds on every one of 16 screws holding two components in place cracked.

A reactor at Humboldt Bay in California manifested cracks in the tubes containing fuel; stainless steel had been used for them instead of a more reliable alloy, in order to keep costs down. The Oyster Creek plant in New Jersey showed cracks in 123 of 137 tubes, and welding defects at every point where tubes and control rod housings were joined around the reactor's vessel.

Chilling parallels can be drawn between failures in nuclear utility technology and those of the nuclear submarine program. In October, 1962, Vice Admiral Hyman G. Rickover, director of AEC's Division of Naval Reactors, took the atomic industry to task in a speech in New York City:

"Time and again I have found that management is reluctant to depart from outdated practices; that it is not informed of what is actually going on in the plant; that it fails to provide the informed and strong leadership necessary to bring about improvements in engineering and production. It is not well enough understood that conventional components of advanced systems must necessarily meet higher standards. Yet it should be obvious that failures that would be trivial if they occurred in a conventional application will have serious consequences in a nuclear plant because here radioactivity is involved . . ."

Rickover went on to cite defective welds, forging materials substituted without authorization, violations of official specifications, poor inspection techniques, small and seemingly "unimportant" parts left out of components, faulty brazing of wires, and more. "I assure you," he declared, "I am not exaggerating the situation; in fact, I have understated it. For every case I have given, I could give a dozen more."

FLAWS IN THRESHER

The following April, the USS Thresher, while undergoing a deep test dive some 200 miles off the Cape Cod coast, went down with 112 naval personnel and 17 civilians and never came up again. Subsequent investigation revealed that the sub suffered from many of the same ailments described in Rickover's speech.

If a major reactor catastrophe did occur there is good reason to believe that the consequences would be far worse even than the dismaying toll of 3400 killed, 43,000 injured, and $7 billion in property damage suggested by the Brookhaven Report. It would be recalled that that study was published in 1957, but a number of developments since then have made the threat considerably more for-

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midable. Indeed, proposals to update the Brookhaven figures have been put down by nuclear power proponents, fearful of the alarm such revelations might provoke.

BIG MEGAWATT BOOST

The Brookhaven Report, for instance, based its figures on the assumption that the accident would occur at a reactor of between 100 and 200 megawatts. Although the 15 reactors currently operable average about 186 megawatts, the plants going up or planned for the next decade are many times that size. Thirty-one under construction average about 726 megawatts; 42 in the planning stage average 832 megawatts; 14 more, planned but without reactors ordered as yet, average 904 megawatts. But those are just averages.

Some of the plants, such as those slated for Illinois, California, Alabama and New York project capacities of more than 1000 megawatts. Con Edison has just announced intentions of building four units of 1000 megawatts each on an island just off New Rochelle in teeming Westchester County—four nuclear reactors, each with a capacity five to ten times the reactor hypothesized in the Brookhaven Report.

These monstrous facilities will accordingly contain more uranium fuel, and, because it is costly to replace spent fuel assemblies frequently—the painfully delicate and dangerous process can take six weeks or longer—the new reactors are designed to operate without fuel replacement far beyond the six months posited in the Brookhaven Report. As a result, the buildup of supremely toxic contaminants in tomorrow's reactors will be far greater, and an accident occurring close to the end of the "fuel cycle" in such a plant could release fantastic amounts of poison.

Most serious of all, perhaps, is the fact that tomorrow's reactors will be situated in closest proximity to population concentrations. While the Brookhaven Report had its hypothetical reactor located about 30 miles from a major city, many of tomorrow's atomic facilities will be much, much closer. Although the AEC has drawn up "guidelines" for siting reactors, the commission has failed to make utilities adhere to them.

PROXIMITY IMPORTANT

In addition, a distinction must be drawn between major cities and heavily populated areas. A reactor may be 30 miles from a major city, but only a few miles or less from a densely populated minor one, or a heavily settled suburb.

In a recent study of nuclear plant siting made by W. K. Davis and J. E. Robb of San Francisco's Bechtel Corp., the locations of 42 nuclear power plants were examined with respect to population centers inhabited by 25,000 residents or more. Their conclusions are unnerving: Only two plants in operation or planned are more than 30 miles from a population center. Of the rest, 14 are between 20 and 27 miles away, 15 between 10 and 16 miles, and 11 between 1 and 9 miles.

Is it necessary to build atomic plants so big and so close to population centers? The answer is that from an economic point of view, no other way is profitable. The larger a facility is, the lower the unit cost of construction and operation, and the cheaper the electricity. The longer the fuel cycle, the fewer the expensive shutdowns while fuel assemblies are replaced. The closer to the electricity consumer, the lower the cost of right-of-way, transmission lines and other transmission equipment.

But while such features are economically desirable, they are purchased only at the cost of higher public risk. On a few occasions an aroused public has rejected this dubious bargain. When one utility company defied the unpredictable perversities of nature of attempting to build a reactor squarely over proven earthquake faults in areas of known seismic activity—the site was Bodega Head, north of San Francisco—a courageous conservation group faced the company down.

STORM OF PROTEST

Announcement by Con Edison at the end of 1962 of its proposal to build a 1000 megawatt nuclear plant in Ravenswood, Queens, in the heart of one of New York City's five populous boroughs, brought a storm of frightened and angry protests. Although the utility's chairman bragged, "We are confident that a nuclear plant can be built in Long Island City, or in Times Square for that matter, without hazard to our own employes working in the plant or to the community."

David E. Lilienthal, the former head of the AEC, had a contrary opinion, declaring he "would not dream of living in Queens if a huge nuclear plant were located there." Outraged citizens and experts prevailed, as they did at Burlington, N.J., where a plant was proposed for a site 11 miles from Trenton in one direction and 17 miles from Philadelphia-Camden in the other.

For the most part, however, the battle has been a losing one. Con Edison, for example, undeterred by its defeat in the Ravenswood fight, has just announced a proposal to build a reactor on Welfare Island, almost literally a stone's throw from midtown Manhattan. There has been virtually no murmur of opposition from city officials. Indeed, Laurance Rockefeller, brother of New York's governor and presumably an active advocate of conservation, has spoken highly of the plan. Interestingly, the Governor has gone on record advocating an $8 billion electric power program based extensively on nuclear energy.

The threat of a nuclear plant catastrophe constitutes only half of the double jeopardy in which atomic power has placed us. For even if no such calamity occurs, the gradual exhaustion of what one scientist terms our environmental "radiation budget," due to unavoidable releases of radioactivity during normal operation of nuclear facilities, poses an equal and possibly more insidious threat to all living things on our planet.

WASTE RELEASE PERIL

Most of the fission products created in a reactor are trapped by processing the contaminated air and water, then isolating, concentrating and shipping the contaminants to storage areas. These are known as high level wastes. The technology for trapping all radioactive contaminants, however, is either unperfected or too costly, and so the remaining radioactive material, or low level waste, is released into the air or water at the reactor site.

Such releases are undertaken in such a way, we are told, as to insure dispersion or dilution sufficient to prevent any predictable human exposure above harmful levels. Thus when atomic power advocates are asked about the dangers of contaminating the environment, they cite the seemingly tiny amounts of radioactivity released under "planned" conditions.

This view is a myth.

In the first place, many waste radionuclides take an extraordinarily long time to decay. The half-life—the time it takes for half of the element's atoms to disintegrate through fission—of cobalt-60 is over five years; of strontium-90 over 27 years; and of cesium-137 over 30 years. Thus, even though these long-lived isotopes are widely dispersed in air or diluted in water, their radioactivity does not cease. It remains, and over a period of time accumulates.

For a second thing, many radioactive elements taken into the body are absorbed into specific tissues and tend to build up concentrations. Iodine-131, for instance, seeks the thyroid gland; strontium-90 collects in the bones; cesium-137 tends to accumulate in muscle. Many of these isotopes, as we have seen, have long half-lives, some measurable in decades. Their intake by humans leads to buildups in specific tissues and organs to which those isotopes are attracted, increasing by many times the exposure dosage in those local areas of the body.

IRREVERSIBLE DAMAGE

Two more factors controvert the view that carefully monitored releases of low-level radioactivity into the environment are not pernicious. First, there is apparently no radiation threshold below which harm is impossible. Any dose, however small, will take its toll of cell material, and that damage is irreversible. Second, it may take decades for organic damage, or generations for genetic damage, to manifest itself.

Still another problem has received inadequate attention. Man is by no means the only creature in whom radioactive isotopes concentrate. The dietary needs of all vegetable and animal life dictate intake of specific elements. These concentrate even in the lowest and most basic forms of life. They are then passed up food chains, such as grass-to-cattle-to-milk-to-man. As they progress up these chains, the concentrations increase, sometimes by hundreds of thousands of times. And if these elements are radioactive . . .

That nuclear facilities are producing dangerous buildups of radioisotopes in our environment can be amply documented. University of Nevada investigators, seeking a cause for concentrations of Iodine-131 in cattle thyroids in wide areas of the western United States, concluded that "the principal known source of I-131 that could contribute to this level is exhaust gases from nuclear reactors and associated fuel processing plants."

In his keynote address to the Health Physics Society Symposium at Atlanta, Ga., early in 1958, AEC Commissioner Wilfred E. Johnson admitted that the release into the atmosphere of tritium and noble gases such as krypton-85 would be a problem in the future, and that as yet scientists had not devised a way of solving it. Tritium is a radioactive isotope of hydrogen with a 12½ year half-life; if absorbed by the human body in place of stable, non-radioactive hydrogen, the effects would undoubtedly be deleterious.

The other isotope mentioned, krypton-85, has a 10-year half-life and tends to dissolve in fatty tissue, meaning fairly even, distribution throughout the human body. Krypton-85 is particularly difficult to extract from reactor discharges, and the accumulation of this element alone may exhaust as much as three-fourths of our "radiation budget" for the coming century.

That "low-level" waste is, in the light of these discussions, a grossly deceptive term is obvious. In his book "Living With the Atom," Ritchie Calder describes an "audit" of environmental radiation which he and his colleagues, meeting at a symposium in Chicago; drew up to assess then-current and future amounts of radioactivity released into atmosphere and water.

HUGE DOSAGE

Speculations covered the period 1955–1965, and because atomic power plants were few and small during that time, the figures are most significant in relation to the future. For, tallying "planned release" of radiation from such sources as commercial and test reactors, nuclear ships, uranium mills, plutonium factories and fuel reprocessing plants, Calder's group came to a most disquieting conclusion:

"By the time we had added up all the curies which might predictably be released, by all those peaceful uses, into the environment, it came to about 13 million curies per annum."

A "curie" is a standard unit of radioactivity whose lethality can be appreciated from the fact that one-trillionth of one curie of radioactive gas per cubic meter of air in a uranium mine is ten times higher than the official maximum permissible dose.

Calder's figures did not include fallout due to bomb testing and similar experiments, nor did they take into account reactor or nuclear transportation accidents. Above all, they did not include possible escape of stored high-level radioactive wastes, the implications of which were awesome to contemplate: ". . . what kept nagging us was the question of waste disposal and of the remaining radioactivity which must not get loose. We were told that the dangerous waste, which is kept in storage, amounted to 10,000 million curies. If you wanted to play 'the numbers game' as an irresponsible exercise, you could divide this by the population of the world and find that it is over 3 curies for every individual."

JUST HOW "SAFE?"

Exactly what does Calder mean by "the question of waste disposal"?

It has been estimated that a ton of processed fuel will produce from forty to several hundred gallons of waste. This substance is a violently lethal mixture of short-and long-lived isotopes. It would take five cubic miles of water to dilute the waste from just one ton of fuel to a safe concentration. Or, if we permitted it to decay naturally until it reached the safe level—and the word "safe" is used advisedly—just one of the isotopes, strontium-90, would still be too hot to handle 1000 years from now, when it will have only one seventeenth-billionth of its current potency.

There is no known way to reduce the toxicity of these isotopes; they must decay naturally, meaning virtually perpetual containment.

Unfortunately, mankind has exhibited little skill in making perpetual creations and procedures for handling radioactive wastes leave everything to be desired. The most common practice is to store the concentrates in large steel tanks shielded by earth and concrete. This method has been employed for some twenty years, and over 75 million gallons of waste is now in storage in about 200 tanks. This "liquor" generates so much heat it boils by itself for years.

Most of the inventory in these cauldrons is waste from weapons production, but as we approach the year 2000 the accumulation from commercial nuclear power will soar. Dr. Donald R. Chadwick, chief of the Division of Radiological Health of the US Public Health Service, estimated in 1963 that the accumulated volume would come to two billion gallons by 1995.

It is not just the volume that fills one with sickening apprehension, but the ugly disposition of this material. David Lilienthal put his finger on the crux of the matter when he stated: "These huge quantities of radioactive wastes must somehow be removed from the reactors, must—without misshap—be put into containers that will never rupture; then these vast quantities of poisonous stuff must be moved either to a burial ground or to reprocessing and concentration plants, handled again, and disposed of, by burial or otherwise, with a risk of human error at every step."

The burden that radioactive wastes place on future generations is cruel and may prove intolerable. Joel A. Snow, writing in "Scientists and Citizen," stated it well when he write: "Over periods of hundreds of years it is impossible to ensure that society will remain responsive to the problems created by the legacy of nuclear waste which we have left behind."

"Legacy" is one way of stating it, but "curse" seems far more appropriate, for at the very least we are saddling our children and their descendants with perpetual custodianship of our atomic refuse, and at worst may be dooming them to the same gruesome afflictions and agonizing deaths suffered by those who survived Hiroshima's fireball. Radiation has been positively linked to cancer, leukemia, brain damage, cataracts, sterility, genetic defects and mutations, and shortening of life.

GENETIC DEFECTS

The implications to the survival of mankind can be glimpsed by considering just one of these effects, the genetic. James F. Crow, Professor of Genetics at the University of Wisconsin School of Medicine and president of the Genetics Society of America, stated in a 1960 article that for every roentgen of slow radiation, the wind we can expect to receive in increasing doses from peacetime nuclear activity, about five mutations per 100 million genes exposed will manifest themselves, meaning that "after a number of generations of exposure to one roentgen per generation, about one in 8000 of the population in each generation would have severe genetic defects attributable to the radiation."

We have little time to reflect on our alternatives, for the moment must soon come when no reversal will be possible.

What must be done to avert the perils of the peaceful atom? A number of schemes have been put forward for stricter regulation of activities in the nuclear utility field, such as limiting the size of reactors or their proximity to population concentrations, or building more safeguards.

As sensible as these proposals appear on the surface, they fail to recognize a number of important realities: First, that such arrangements would be unacceptable to utility operators and the government. Small, distant reactors or an overabundance of safeguards make electricity generation prohibitively uneconomical. Since our government is committed to making atomic power plants competitive with conventional fueled plants, and because businesses are in business for profit, it is hardly likely they would buy these answers.

TOUGH PROBLEMS

Second, the technical problems involved in containment of radioactivity have thus far proven insuperable, and there is little likelihood they will be resolved in time to prevent immense and irrevocable harm to our environment. Third, the nature of business enterprise is unfortunately such that the perfect policing of the atomic power industry—and nothing less than perfection must be demanded if the public is to be secure from this menace—is unachievable.

In due time old inequities would flourish again. As we have seen in the cases of other forms of pollution. The public spirit of men seeking profit from industrial processes does not always rise as high as the welfare of society requires. It is unwise to hope that stricter regulation would do the job.

What, then, is the answer? The only course may be to turn boldly away from atomic energy as a source of electricity production, abandoning it as this nation has abandoned other costly but unsuccessful technological enterprises. Impractical as this suggestion may seem at first, a little thought will show that far more "impractical" ideas have been successfully implemented.

There is no doubt that, with this nation's electricity demand doubling every decade, new power sources are urgently needed. Nor is there doubt that our conventional fuel reserves—coal, oil, and natural gas—are dwindling at an alarming rate. Sufficient high grade fossil fuel reserves exist, however, to carry us to the end of this century; and new techniques for recovering these fuels from secondary sources such as oil shale could extend the time even longer. Furthermore, radical new techniques for burning conventional fuels more efficiently—it is inefficient burning after all which creates pollution—could carry us well into the next century with the fossil fuels we have used for so long.

SOLAR ENERGY

This abundance, and potential abundance, gives us at least several decades to survey possible alternatives to atomic power, select the most promising, and develop them on the appropriate scale. Solar energy, tidal power, heat from the earth's core, and even garbage incineration have to some degree been demonstrated as sound bases for electricity generation.

Aside from the prospect of profitability in these new approaches, industry will have another powerful incentive for turning to them: Namely, that atomic energy is proving to be quite the opposite of the cheap, everlasting resource envisioned at the outset of the Atomic Age.

The prices of reactors and other components, and construction and operating costs have soared in the last few years, greatly damaging nuclear power's position as a competitor. If insurance premiums and other indirect subsidies were brought into line with realistic estimates of what it takes to make atomic energy both safe and economical, the atom would undoubtedly turn out to be the most expensive form of energy yet devised—not the cheapest.

DIFFICULT DECISION

In addition, because of inept fuel policies, there is strong indication that low-cost uranium reserves will be exhausted well before the turn of the century. Breeder reactors, in which the nuclear establishment has invested such high hopes for the creation of vast new fuel supplies, have proven a distinct technological disappointment.

Even if the problems plaguing this effort were to be overcome in the next ten or fifteen years, it may still be too late to undo the damage done by prodigious mismanagement of atomic fuel supplies.

The proposal to abandon atomic energy is clearly a difficult one to imagine. We have only to realize, however, that by pursuing our current civilian nuclear power program, we are jeopardizing every other industry in the country; in that light, this proposal becomes the only practical alternative open to us. In short, the entire national community stands to benefit from the abandonment of a policy which is leading us toward both environmental and economic disaster.

That man does not understand many technological principles and natural forces is not necessarily to his discredit. Indeed, that he has erected empires in the teeth of his faculty understanding is to his glory. But that he is pitting this ignorance and uncertainty, and the fragile yet lethal technology he has woven out of them, against the uncertainties of nature, science, and human behavior—this may very well be to his everlasting sorrow.

MOST GOVERNORS DO NOT CARE ABOUT THE HUNGRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, the replies to letters I sent 36 northern Governors makes it clear to me that most of the Nation's Governors are not concerned with the problems of hunger and malnutrition.

On July 14, I sent letters to the Governors expressing my shock at the administration of the two antihunger programs outside of the South. My letter

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suggested that the programs do not reach even one quarter of the eligible recipients in the non-Southern States. I called upon the Governors to take immediate action to prod local officials into accepting and increasing the scale of hunger programs for their areas.

To date, I have received 24 replies, nine from Democratic Governors and the rest from Republicans. Only 10 responses, about 40 percent of the total were at all positive in approach. The rest either passed the buck to the Federal Government or blamed the poor for not taking advantage of the programs.

I received positive replies from Governors Forrest H. Anderson, of Montana, Kenneth M. Curtis, of Maine, John Dempsey, of Connecticut, Richard Hughes, of New Jersey, Frank Licht, of Rhode Island, Marvin Mandel, of Maryland, Tom McCall of Oregon, Walter Petterson, of New Hampshire, and Calvin Rampton, of Utah. Their letters expressed a sympathy for the poor and hungry. The best reply of all came from Governor John Burns, of Hawaii, who realized just how badly the Agriculture Department has administered the antihunger program.

Republican Governor Frank L. Farrar of South Dakota wrote:

> We do not feel that we have a great amount of hunger and malnutrition in South Dakota.

In South Dakota only 6 percent of those eligible receive food stamps and only 9 percent of those eligible receive surplus commodities. Only five States have worse records under the food stamp program and only three are worse under the surplus commodity grants.

Another Republican chief executive, David F. Cargo, of New Mexico, boasted that "in New Mexico's food stamp program the sales tax revenue generated by the use of 'bonus stamps' alone exceeds the administrative cost of the total program to the State." Cargo appears to be making hunger a profitable business.

When governments start demanding that even the most essential State functions yield a profit, it is no wonder that so many citizens have lost faith in their political leaders. When I see a starving child, I do not ask myself how profitable it will be to feed him. Feeding the hungry is more important than balancing the budget.

Because of the many letters I have received on my recent remarks concerning these letters, I insert at this point my July 14 letter, a list of the Governors to whom it was sent, and the 24 replies I have received:

JULY 14, 1969.

DEAR GOVERNOR: During the last several weeks, I have been investigating the administration of the Federal anti-hunger program, and I thought you might be interested in my findings, for they are shocking and at the same time offer a challenge to our State governments.

I have discovered that the Northern states have been lax in their support of the Food Stamp and Surplus Commodities programs. The Midwest, which enjoys the benefit of huge farm subsidies, has the worst level of food programs for the poor, and the Northeast is no better. The Southern states by contrast, with a few notable exceptions like Texas, are generally doing a great deal to combat hunger and malnutrition and have relatively the best programs in the country.

I have arrived at these conclusions after examining Department of Agriculture data on the numbers of commodities carried by each county participating in the free food program, as well as the participation rates for the free food and food stamp programs.

There are 22 commodities made available to counties by the Department of Agriculture. By its own estimates, if an individual gets all 22 foods, he would still suffer from malnutrition. If he eats fewer than the 22, he would be receiving nowhere near an adequate diet. But in only one of the ten Northeastern states does the median county provide its hungry with as many as 20 of the 22 available foods, and in the Midwest there are only two out of 11. By contrast, in the South the median county in five out of 12 states provides at least 20 out of the 22 foods to its poor. (The figures for states with counties participating in the free food program are listed in the attached table.) This contrast between North and South generally also emerges for participation rates among eligible individuals in both the free food and surplus commodities programs.

The average participation rate of eligible individuals in counties in Louisiana for the free food program is 46%, for Mississippi, the figure is 43%. By contrast, only two states outside the South have rates over one-third, and many, like Kansas and Illinois, have rates under 10%. For counties on the Food Stamp Program, few states can come close to Mississippi's 25% participation rate.

To me this situation is shocking. Yet I see it as a challenge to our Northern State governments as well—to take the initiative to eliminate hunger and malnutrition by securing fuller involvement by the counties in your state in the two anti-hunger programs.

The state is the logical vehicle to take the initiative for it can get counties participating in the free food program to take at least the 22 basic foods offered by the Department of Agriculture so that its residents can be a little less malnourished. It can get counties in both hunger programs to seek out those eligible through outreach efforts. And it can provide financial and administrative assistance to the counties to pay the local share of increasing the level of bonus food stamps and the number of distribution centers for free food and food stamps.

I have called upon you as a State Governor to take the initiative because I believe the Department of Agriculture has abdicated its responsibility. It lacks direction and motivation for it is caught in the cross fire of divided loyalties between the farmer and the hungry. Inevitably it is the hungry who suffer. At the beginning of this month the Department returned $140 million in unspent money available to fight hunger for fiscal 1969 to the U.S. Treasury. Thirty million dollars of this was money appropriated for the food stamp program and $110 million for the free food program.

This is something about which I have previously complained. The Department knew in early January that it might have unspent food stamp money unless it increased its activity, but did nothing. Indeed it actively discouraged counties from applying for the program, claiming lack of money. I was informed by the Department that during this time, they had knowledge of 150 counties that were interested in participating in the program. At the beginning of May, in spite of this discouragement, 62 of these had formally applied for programs. And, only after pressure from me, 42 of these were funded. But during the same period, another 63 applied and were ignored. As of today, 102 counties have formally applied, and no action has been taken to provide these counties with food stamp programs.

I would be interested in your views on the hunger question and the appropriate role of the State governments.

With kind regards, I am

Sincerely yours,

LEONARD FARBSTEIN,
Member of Congress.

NUMBER OF SURPLUS COMMODITIES RECEIVED BY COUNTIES PARTICIPATING IN SURPLUS COMMODITY PROGRAMS

State	Number of commodities				
	20-22	17-19	14-16	11-13	8-10
Alabama	23	23			
Arizona		1	10	4	
Arkansas		17			
California	23	5	1		
Connecticut	4				
Delaware			3		
Florida	41	11	1		
Georgia	9	45	23	1	
Idaho	2	7	3		
Indiana	11	27	17	8	3
Iowa		9			
Kansas	5	8	1		
Kentucky	15	46			
Louisiana	2	1	11		
Maine		11	4		
Maryland			1		
Massachusetts	9	7	4	1	
Michigan		40			
Minnesota	8	9	1	2	
Mississippi	36	3			
Missouri	12	33	18	1	
Montana			6	3	
Nebraska	1		1		
Nevada		10	1	1	
New Hampshire		6	3	1	
New Jersey		7	3	1	
New Mexico		10			
New York		3	34	10	1
North Carolina	51	8			
North Dakota	1	5	4		1
Ohio		4	10	2	
Oklahoma	50	22	1		
Oregon	32	2			
Pennsylvania		2	7	7	
Rhode Island		15	1		
South Dakota	27	4	1		
Tennessee		13	1		
Texas	35	92	3		
Virginia	17	22	1		
Wisconsin	34	12	1		
Wyoming			2		

States not listed did not have surplus commodity programs.

A community group was counted if any one item in the group was distributed. e.g. Any one of these items—canned apricot, prune, tomato, grape, or grapefruit juice—satisfies the requirement of a fruit juice.

Following is the list of Governors to which the letter was sent:

Keith Miller, Alaska.
Jack Williams, Arizona.
Ronald Reagan, California.
John A. Love, Colorado.
John N. Dempsey, Connecticut.
Russell W. Peterson, Delaware.
John A. Burns, Hawaii.
Don Samuelson, Idaho.
Richard B. Ogilvie, Illinois.
Edgar D. Whitcomb, Indiana.
Robert D. Ray, Iowa.
Robert Docking, Kansas.
Kenneth M. Curtis, Maine.
Francis W. Sargent, Massachusetts.
Marvin Mandel, Maryland.
William G. Milliken, Michigan.
Harold E. LeVander, Minnesota.
Warren E. Hearnes, Missouri.
Forrest H. Anderson, Montana.
Norbert T. Tiemann, Nebraska.
Paul Laxalt, Nevada.
Walter R. Peterson, Jr., N.H.
Richard J. Hughes, New Jersey.
David F. Cargo, New Mexico.
Nelson A. Rockefeller, New York.
William L. Guy, North Dakota.
James A. Rhodes, Ohio.
Tom McCall, Oregon.
Raymond P. Shaffer, Pa.
Frank Licht, Rhode Island.
Frank L. Farrar, South Dakota.
Calvin L. Rampton, Utah.
Deane C. Davis, Vermont.
Daniels J. Evans, Washington.
Warren P. Knowles, Wisconsin.
Stanley K. Hathaway, Wyoming.

STATE OF NEBRASKA,
Lincoln, July 23, 1969.
Hon. LEONARD FARBSTEIN,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: This will acknowledge receipt of your letter to Governor Tiemann regarding the Federal anti-hunger program across the nation. The Governor is out of the office for a few days, but your letter will be brought to his attention when he returns. I'm certain you will hear from him at that time.

Sincerely,
LOIS TEFFT,
Personal Secretary to the Governor.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, July 23, 1969.
Hon. LEONARD FARBSTEIN,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. FARBSTEIN: We have received your letter of July 14 with reference to the Food Stamp and Surplus Commodities programs. I have asked Commissioner Joseph Betit of the Department of Health and Welfare to review the contents of your correspondence and report his views to me, since it is that Department in Alaska which administers the Food Stamp program.

I will be corresponding with you further upon receipt of his report.

Best personal regards.

Sincerely yours,
KEITH H. MILLER,
Governor.

STATE OF OHIO,
DEPARTMENT OF PUBLIC WELFARE,
Columbus, Ohio, July 24, 1969.
Representative LEONARD FARBSTEIN,
House of Representatives, Congress of the United States, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE FARBSTEIN: Governor Rhodes has asked that this office answer your letter concerning the supplemental food program.

Ohio has been shifting to the food stamp program as rapidly as possible. Sixty-seven of the eighty-eight counties are now participating, with four more scheduled to go into the program soon. There are now thirteen counties which distribute commodities and one of these is changing to the stamp program.

Our staff has encouraged counties to take full advantage of the foods made available. In the past some of the items have not been utilized by recipients so that counties have discontinued asking for them. However, we have had a home economist on our own staff and have also had help from the nutritionists in the State Department of Health to try and inform families about ways in which to use some of the commodities with which they are unfamiliar. This has helped in extending the program.

Very truly yours,
ROBERT B. CANARY,
Assistant Director.

STATE OF UTAH,
Salt Lake City, July 25, 1969.
Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: In your letter of July 14th and the enclosure, you indicate that Utah is a state which has no surplus commodities program. This is true because Utah was the first, and perhaps is now the only state in the union in which the food stamp program is effective in all counties.

We adopted the food stamp program very largely at the urging of the Welfare Recipients Association because of the greater variety of items obtainable with the stamps. The stamp program has worked only moderately well.

I am enclosing herewith a presentation made recently by Mr. Ward C. Holbrook, the Executive Director of the Department of Social Services of the State of Utah, which reviews the matter as far as we are concerned. I thought this might be of interest to you.

Sincerely,
CALVIN L. RAMPTON,
Governor.

For: Secretary Hardin's Hearing on Agriculture and the Rural Economy July 9, 1969—Fresno, California.

Title: Consumer problems—"Distribution of Food to Disadvantaged People."

Utah was distributing surplus food products, provided by the Department of Agriculture, when I became a Commissioner of Welfare in 1952.

The system was revised and adjusted to provide uniform distribution of all types of available items state wide. Necessary storage and warehousing facilities including cold storage were arranged for on both state and county levels.

The distribution system worked well at least after 1956, so far as over-all care of the food stuffs and the "offering" to the poor and concerned.

Things that were less than to be desired were:

1. Only 80% of the welfare recipients sought delivery of the available items. (Some counties were as low as 40% others approached 95%).

2. Hardly any non-recipients tried to qualify.

3. Some who wanted and could have benefited did not have transportation or did not utilize available delivery services.

4. Many beneficiaries did not know how to use available products, such as corn meal, powdered milk, etc.

5. Many took all products offered and then discarded them or failed to use them with the net result that frequent newspaper articles "blasted" the "poor" the agency and the system.

6. Many lacked the skill to use the products to advantage.

7. The Agriculture Department rules and representatives were in our opinion unnecessarily troublesome and demanding concerning all aspects of the States Plan, and particularly made it difficult to serve many recognized "poor" by holding fast to their qualification measurements rather than the recognizing need for what it is. This is still the case.

In spite of the negative aspects listed, the direct distribution of available surplus products did add to the resources otherwise available to Utah's needy people in an average amount of approximately $4.00 a month per person measured by Agriculture Department determination of raw product value or perhaps $6.00 equivalent of retail value per month.

We began in Utah to use the food stamp method of distribution in Weber County in 1963 and since January 1, 1969, it has operated State-wide. As a corollary, commodity distribution has discontinued. Most recipients who buy stamps prefer them over surplus food items. However, our average recipent participation has dropped from 80% to 33%. Consequently, two-thirds of our caseload does not benefit from the system at all. The average per person supplementation is $7.26 for those participating.

The cost of handling the food stamps to the state is considerably higher than handling the food products. The cost of distribution by the agency has doubled even though usage has decreased by three-fifths.

There is little reason to believe that the food stamp method of distribution is noticeably effective in increasing the consumption of food items generally considered in surplus supply in the United States.

We are of the option that overall enhancement of the family food supply and consequently of the quality of the diet of the welfare clientele is improved but very little by the food stamp program.

The facts of life as we see and interpret them indicates that:

1. The adequacy of the food supply and its quality is not a prior concern of most American families—rich or poor.

2. Programs to supplement the food supply of the poor are used more to improve taste and quality than dietary value.

3. More food is not, in most households of the poor, the first thing they want more of.

4. All supplementation is manipulated to cover the total family need as determined by each families' value system.

We are of the opinion that if the money spent to finance the food supplementation program were distributed to recipients by increased welfare money payments, the net dietary benefits would equal or exceed those now resulting from the Food Stamp distribution system. In other words, more money is the answer the poor really want.

If the abundance and quality of the diet of the poor is to be enhanced by any government system of distribution a method of qualifying for food stamps must be devised that will reach these people by a process that corresponds to and correlates with the welfare recipients process of eligibility determination and of delivering the stamps by mail or otherwise in connection with the monthly check to recipient families: There should be also authority in the agency to withhold from the monthly money payment the required participant investment in stamps. To reach the "non-welfare-money-payment poor" may require the elimination of the categorical system to obtain the best answer. Beyond this, teaching participants in the program how to get the most out of their food dollar by wise purchasing is very vital; and next to this, teaching easy and effective methods of home preparation of food stuffs for the table is needed. We are convinced for example that more children go to school hungry everyday because mother is a poor shopper, a poor cook, or uninterested in preparing breakfast than because of a short food supply or financial inability to obtain needed food items.

If the distribution of raw foods or the food stamp program either or both are to be continued with hope of reaching the needy effectively, the qualifying provisions must be greatly liberalized and the ratio of cost—supplementation now in effect will need be reversed. Even then the other things mentioned above of a handicapping nature will greatly limit the effect of the governments interest and effort to promote adequate diets for the poor. These can and will continue to take their toll and operate to negate to a marked degree the effectiveness of "easy" food supply efforts if it is left to stand by itself.

Attached are:

1. Report of Food Stamp operation for March 1969.

2. Statement of administrator of the program.

3. Extracts from minutes of meetings held in November with the "poor".

4. Statement of Bruce L. Shumway, ACSW, Director of Social Services—San Juan County Welfare Office.

5. Statement of (Mrs.) Evelyn Roberts, Social Service Director—Carbon County Welfare Office.

6. Others.

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State of New Mexico,
Office of the Governor,
Santa Fe, July 25, 1969.
Hon. Leonard Farbstein,
U.S. Representative, House of Representatives, Washington, D.C.

Dear Congressman Farbstein: Thank you for your recent letter in which you expressed your concern about states support of food assistance programs.

I am happy to report that New Mexico operates through its Health and Social Services Department food assistance programs in all 32 of its counties. At the present time 21 counties are served through the food stamp program with the remaining counties being served through direct distribution of commodities. All but two of the available commodity items are distributed in our program.

We estimate that more than 50 percent of the people in New Mexico that are eligible to participate in the food stamp program are actually taking advantage of this assistance. Further, we have experienced an increased participation in the food stamp program when implemented in new counties to replace the commodity distribution program. The Health and Social Services Department has established outreach efforts and made food programs more accessible through expansion of distribution points and field certifications.

Although the commodities and the stamps are provided to the state at no cost, administrative costs of the program are borne substantially by the state. It would be helpful if provisions were made for additional federal sharing of the cost of administration of the programs. An interesting aside is that in New Mexico's food stamp program the sales tax revenue generated by the use of "bonus" stamps alone exceeds the administrative cost of the total program to the state. Thus, direct revenue to the state from the program is an additional benefit beyond the obvious input to the local economy by the food stamp program.

New Mexico has applied for consideration for additional food stamp counties in this fiscal year. However, because of lack of state resources any expansion will have to be offset by savings in commodity distribution costs in the affected counties. Even with this limitation we feel that we can expand the food stamp program on a moderate scale during this fiscal year.

Sincerely,
David F. Cargo,
Governor.

State of South Dakota, Office of the Governor,
Pierre, July 28, 1969.
Representative Leonard Farbstein,
House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Representative Farbstein: Thank you for your letter of July 14th regarding the anti-hunger programs in the various states.

We are happy to inform you that South Dakota has made considerable progress on this during the past year. December of 1968, working in connection with the county commissioners, we have established the Food Stamp Program in 41 of our counties. Previous to that, only one county was on this program.

Our situation now is that we have 42 of our 67 counties on the Food Stamp Program, 24 counties on the Donated Foods Program and one as yet uncommitted. This one uncommitted county has expressed an interest in the Food Stamp Program.

With regards to the donated foods, your statistics show our state to be one of the better ones, in that 27 of our counties had taken advantage of the (20–22 column) of the different types of donated foods.

Our rate of participation has been good in the donated foods program and is improving in the Food Stamp Program. Participation in the Food Stamp Program will improve here as we plan additional out-reach activity for this purpose.

We do not feel that we have a great amount of hunger and malnutrition in South Dakota. We feel that, that which we do have comes more from lack of education, planning ability and self-management rather than lack of available funds or programs.

You will be interested in learning that we are also working on this program through our State Homemaker Service and our State Extension Service. We are currently piloting some programs to help mothers in low-income families with their food purchases and preparation, and also with budgeting and home management.

We appreciate your interest and will look forward to further results of your study.

Sincerely yours,
Frank L. Farrar,
Governor.

State of New Hampshire,
Concord, July 28, 1969.
Hon. Leonard Farbstein,
Rayburn House Office Building,
Washington, D.C.

Dear Congressman Farbstein: Thank you for your letter concerning the Federal anti-hunger program.

Although I do not believe that the state of New Hampshire has quite the problem that many states have, legislation was submitted to the General Court requesting funds for the administration of the food stamp program. I regret that they turned down this legislation due primarily to a "hold the line" budget pending a report from our Citizens Task Force.

I requested legislation creating the Citizens Task Force to provide an in depth management study of state government in New Hampshire together with a study of the needs and goals of New Hampshire for both immediate and long range planning. It would be my hope that this program would also be looked into by the Citizens Task Force.

I recognize the merit of the food stamp program and hope that we can pass legislation at some future date in New Hampshire so that we may take advantage of it.

Most sincerely,
Walter Peterson,
Governor.

State of California,
Sacramento, July 28, 1969.
Hon. Leonard Farbstein,
Member of Congress, Rayburn House Office Building, Washington, D.C.

Dear Congressman Farbstein: Governor Reagan has asked me to reply to your letter concerning the Food Stamp and Surplus Commodities Program. There were numerous problems involving this program which the past administration had not resolved prior to its termination.

Our former Director of Agriculture, Richard Lyng, is now Assistant Secretary of Agriculture in Washington, D.C., and is responsible for the Food Stamp and Surplus Commodity Program. Dick Lyng is a man in whom we have great confidence. We are, therefore, sending your letter to Mr. Lyng for his appraisal of your comments.

Sincerely,
Earl Coke,
Assistant to the Governor for Cabinet Affairs.

Office of the Governor,
Phoenix, Ariz., July 29, 1969.
Hon. Leonard Farbstein,
Congress of the United States, House Office Building, Washington, D.C.

Dear Congressman Farbstein: Because of the Governor's heavy schedule, he has asked me to reply to your letter of July 14th.

The "hunger question" for Arizona and for most of the other Western states is much different than it is in the East or Northeast. We have a scattered population and a small tax base. Even in the cities of Phoenix and Tucson, many of our people live on or near farm land or have gardens in their own back yard.

To Arizonans it does not seem so simple to say that if we are handing out our 22 commodities, our diets are O.K., but if we are not handing out the 22, then our people are suffering from malnutrition. Out here we need to know which ones are receiving supplementary diets from fresh fruits and vegetables. That is difficult to determine.

Enclosed you will find a copy of a letter written by Mr. John O. Graham, Commissioner of our Welfare Department, that will explain what Arizona is doing about the problem and what kind of difficulties we have encountered. Please view the contents of this letter in the light of the fact that in Arizona only 16.6% of the land area is in private hands and is taxable. The Federal Government, or trust lands of the seventeen Indian tribes, occupies 72% of our state. Incidentally, your tabulation listed fifteen counties for Arizona, but we have just fourteen.

Sincerely yours,
Stan Womer,
Staff Administrator.

State of Arizona, Department of Public Welfare,
Phoenix, Arizona, July 11, 1969.

Dear Sir: Your recent letter to Governor Jack Williams concerning the Supplemental Food Program for low income groups vulnerable to malnutrition, has been referred to this department for our attention. We have no argument with your basic position that this is a good program and one which can accomplish a great deal.

This program first came to our attention in November or December of 1968. We recognized at that time that this program could be a valuable asset to people who were vulnerable to malnutrition. In order to gain experience with this program and to try to determine the possible utilization by members of the low income group we undertook a very limited Pinal County-Gila River Indian Project. Both the representatives of the Department of Agriculture and the officials of this department estimated the size of the program to be much smaller than it is projected now to become when it is made a statewide program. Also at the time of undertaking the pilot project this department had already submitted its budget request for this fiscal year to the legislature and the Governor and there was no provision for financing an additional increase in the Surplus Commodities Distribution Program.

Since implementing the pilot project the department has run into a great difficulty with its basic Surplus Commodity Distribution Program. When the federal government increased the number of commodities available for distribution over a year ago this department estimated the cost of distributing these additional commodities at approximately twice the then cost of our Surplus Commodities Distribution. Our request to the legislature was made on this basis. Since that time we have found that because of the additional commodities now offered a great many more people are interested in the program and are drawing commodities. This has resulted in our costs going up in a very steep spiral. Also since implementing the pilot project we have found that this program is going to cost several times what we had originally estimated to be the possible maximum cost. For example, in the limited pilot project now being supported we are distributing in excess of 80,000 pounds of food per month.

In view of the above facts I think it is easily understood that this department is in a very tight financial situation with regard to our Surplus Commodity Distribution Program. We anticipate difficult problems during the current fiscal year in being able to maintain just the basic surplus commodity program which we are now operating. We would very much like to make the Supplemental Food Program statewide but the only way we could do it would be to cut back on the number of commodities being made available to the rest of the commodity recipients. We believe that if we did this we would be creating more malnutrition than we would be correcting.

We anticipate in our budget request to the legislature for 1970–71 which we are presently working on our State Board will request from the legislature funds to implement the Supplemental Food Program statewide.

Sincerely,

JOHN O. GRAHAM,
Commissioner.

EXECUTIVE DEPARTMENT, STATE OFFICE BUILDING,
Baltimore, Md., July 30, 1969.

Hon. LEONARD FARBSTEIN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Your letter of July 14 has been referred to my office.

Governor Mandel is very much interested in the State's making optimum use of the federal antihunger programs. This, in fact, is one of the major priorities of his recently appointed Commission on Childhood Nutrition.

I hope to give you a more extensive reply shortly.

Sincerely,

MRS. ELLEN WEISS,
Administrative Assistant to Dr. Paul A. Weinstein.

STATE OF IDAHO,
Boise, July 31, 1969.

Hon. LEONARD FARBSTEIN,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Response is made to your letter to me concerning the operation of the Food Stamp and Surplus Commodities program.

In Idaho, we have had a surplus commodities distribution program in the northern counties of the State for a number of years. These are the counties of Idaho that are most economically depressed. This Surplus Food Distribution program is operated jointly between the counties and the State. The counties provide and finance the warehousing and distribution costs; the State Department of Public Assistance handles the certification of the recipients. Consideration is being given to expansion of this program into southern Idaho. It is necessary first that the county commissioners be convinced of the need for the Surplus Food Distribution program in order that they will come forth with necessary overhead for warehousing and distribution costs. The State has indicated its willingness to assist any county desiring a Surplus Food Distribution program. Consideration is also currently being given to a Food Stamp program statewide.

Thank you for your interest and the information.

Sincerely,

DON SAMUELSON,
Governor.

THE STATE OF NEVADA,
Carson City, Nev., July 31, 1969.

Hon. LEONARD FARBSTEIN,
Congressman, 19th District, New York, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: I am writing in response to your letter of July 14, 1969, Congressman Farbstein, regarding the Food Stamp and Surplus Commodities Programs in Nevada.

Currently, Nevada has no Food Stamp Program. A request was made to implement the Program at the last legislative session, but it was turned down. Basically, the philosophy of the Food Stamp Program is good, but the drawbacks negate the good points; i.e., the Program is not geared to public assistance standards and the welfare recipients, who are the prime users of the Program.

The mandatory stamp purchase requirements does not give the individual the right to purchase foods to meet and suit his own needs. Also, to administer such a program would be costly.

Of the seventeen counties in Nevada, thirteen participate in the surplus Commodities Program. Most of them are satisfied with the Program and prefer it over Food Stamps. The Nevada State Purchasing Division makes available to each county all of the commodities on the food list, except corn grits, lentils, and bulgur.

Most recipients in Nevada are not familiar with and unable to use these items. In one county butter is not requisitioned during the summer months because of the lack of storage facilities. Therefore, it is not the intent of this State to force on to counties commodities they are unable to use or handle.

Please feel free to write me again if additional information is needed.

Sincerely,

PAUL LAXALT,
Governor of Nevada.

EXECUTIVE CHAMBERS,
Honolulu, August 1, 1969.

Hon. LEONARD FARBSTEIN,
U.S. Representative,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FARBSTEIN: This is in reply to your July 14, 1969, letter regarding your investigation of the administration of the Federal anti-hunger program.

Hawaii was one of the first states in the Western Region to establish the Food Stamp Program in all of our counties. The program has been statewide since April 1967.

The following points are being suggested by our people towards making the food programs more effective in combating hunger in the United States:

1. Remove the responsibility for the food programs from the United States Department of Agriculture and place it with the U.S. Department of Health, Education and Welfare. The USDA is too much farmer oriented to understand the problems of seeing that the poor are adequately fed. HEW is already charged with the responsibility of administering programs for low-income families, and the food programs could easily be integrated within its structure.

2. Provide federal matching costs incurred by the state or counties in administering the program. At present, only certification costs are matched by federal funds; clerical and administrative staff and other administrative costs are solely financed by the state. Also provide federal matching funds to finance outreach programs.

3. Increase the food stamp bonus amount in line with cost of living. At present, the amount of bonus or free food stamps was determined in 1966. Since that time, food costs have increased, yet low-income families on food stamps in 1969 receive the same amount as in 1966, scarcely enough to purchase a nutritionally adequate diet.

With these improvements, it is felt that the number of counties participating in the Food Stamp Program will increase and the rate of participation among eligible individuals will rise.

Warmest personal regards. May the Almighty be with you and yours always.

Sincerely,

JOHN A. BURNS.

P.S.—As you may notice we do not have a surplus commodity program.

J. A. B.

STATE OF VERMONT,
Montpelier, August 1, 1969.

Hon. LEONARD FARBSTEIN,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. FARBSTEIN: Thank you very much for your letter of July 14 concernings the anti-hunger program which the Federal Government has been administering.

Your sources of information obviously are far more complete than ours here in Vermont and I shall, therefore, confine my remarks strictly to our own programs. Under the leadership of our Social Welfare Commissioner, John Wackerman, Vermont became a full participant in the food stamp program. Senator Aiken also pushed very hard to see the State take up the benefits of this program and the State of Vermont is now fully covered.

Unfortunately, we find that we have a very difficult problem in encouraging the use of stamps by the very people who need them. I regret to say that only a very small percentage of all welfare recipients in the state are on the program and the number of nonwelfare recipients who participate is likewise extremely limited. People apparently feel reluctant to use stamps, particularly in the smaller communities, because of the feeling in their minds that there is some stigma attached to the program.

We are most concerned about this situation because the reluctance or refusal by persons in need to take advantage of the program often results in the need to provide welfare recipients with the highest possible cash grant. Even under these circumstances the total food available for the family may not meet appropriate standards. The extra food purchasing power which would be available to these people through the use of food stamps would mean an adequate and balanced diet. I suggest that this same problem exists in many areas and I suggest further that you should consider the necessary revisions to welfare regulations so as to permit state administrations to require welfare recipients to use the stamps.

I thank you very much for your informative letter about this vital subject and I hope that your efforts to encourage full utilization of these programs will be successful.

Sincerely,

DEANE C. DAVIS.

STATE OF MONTANA,
Helena, August 7, 1969.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: This will acknowledge receipt of your letter of July 14 concerning state Food Stamp and Surplus Commodities programs.

Your investigation has indeed pointed up some very surprising statistics and as you say, also very challenging statistics.

I am having an investigation made of the situation in Montana at this time and when it is completed, I will be able to correspond more thoroughly with you concerning these programs.

Sincerely yours,

FORREST H. ANDERSON,
Governor.

DEPARTMENT OF ADMINISTRATION,
Helena, Mont., August 15, 1969.

Mr. FRANK R. SENNETT,
Office of the Governor,
Helena, Mont.

DEAR MR. SENNETT: This has reference to your memorandum of August 13, 1969, received in this office today, relative to Surplus Commodities.

In Montana there are currently two types of Programs designed to provide assistance to needy families. These Programs are: A—the U.S. Department of Agriculture Donated Commodity Program, which is handled by

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this office, and B—the Food Stamp Program which is administered by the State Department of Welfare. Both programs are designed for the same basic purpose i.e. food for the needy, and because of this either program, but not both, may be inaugurated in any one county. In addition to the needy family feeding program, the Donated Commodities or Direct Distribution Program supplies Commodities to all state-owned institutions as well as 12 other institutions and 4 Child Care and Development Centers and 3 Headstart Programs. The needy family feeding program is currently in operation in 2 counties, Flathead and Roosevelt, as well as 6 Indian Reservations. During the fiscal year 1968–1969 we distributed a total of 29 different commodities totaling 4,167,426 pounds with a value of $923,894.38. We enclose a Xerox copy of our schedule broken down to institutions, needy families and summer camps. We have provided commodities to approximately 4500 inmates of institutions, 19,000 needy persons and 82 summer camps feeding 24,354 children.

The cost to the state of Montana has been approximately $15,000 per annum from the inception of the Program in 1958, to date. This includes the salary of the Supervisor and one secretary as well as office space, supplies, telephone and telegraph, travel, etc. Commodities are stored in the State Hospital warehouse in Warm Springs. They are received by carload under federal Bill of Lading and thus there is no cost to the State at this point. Transportation costs from Warm Springs to the Recipient Agency must be paid by the R/A. Due to high freight rates resulting from long distances in Montana, transportation costs are considerable and represent one of the major reasons why many counties in Montana are not participating in this Program. Storage and warehouse facilities in Warm Springs are limited and thus we have not attempted to carry large stocks of all Commodities available but we have tried to provide limited amounts of each Commodity as they have become available. You will note from the enclosed schedule that most Commodities are available for needy families but many Commodities are not available to institutions or summer camps.

Food Stamps are being issued, as of this date, in 15 counties, 9 additional counties have been designated to receive Food Stamps, and in addition 11 counties have applied but have not yet been approved by the U.S. Department of Agriculture. Thus a total of 35 counties are either participating in the Food Stamp Program or soon will be. One year ago there were only 5 counties in that Program.

The U.S. Department of Agriculture held a national conference in Washington last January 14–17. At that time the committee on which I served passed a resolution that the States could not possibly bear the costs of a greatly expanded Direct Distribution Program without federal financial assistance. This resolution was approved in a meeting of the whole and is currently being developed by the U.S. Department of Agriculture as a Cost-Sharing Program. Indications are that Montana might receive as much as $125,050.54. We enclose a copy of our letter to Washington regarding this matter. At a regional conference held in San Francisco July 22–24 it was stated by a Washington representative of the U.S.D.A. that they are continuing their efforts to make federal funds available at the earliest date possible.

Hopefully such funds could be used to provide more suitable warehousing and cold storage facilities, in Helena, and also provide funds for increased travel and administrative costs necessary to expand the program toward more active participation in the Supplemental Food Program, Out-Reach (aimed at participation by additional counties) all of which is being accented by the Department of Agriculture.

Very truly yours,

J. A. Buley,
Commodity Supervisor.

Office of the Governor,
Helena, Mont., August 21, 1969.

Hon. Leonard Farbstein,
House of Representatives,
Washington, D.C.

Dear Congressman Farbstein: In regard to your letter of July 14, concerning state Food Stamp and Surplus Commodities Programs, I am enclosing a schedule of USDA Donated Commodities and a letter sent to Howard P. Davis, U.S. Department of Agriculture, which describes the situation relative to the needy family program in Montana.

Also enclosed is a letter written by Mr. J. A. Buley, Commodity Supervisor of the Department of Administration, which describes in detail the types of programs designed to provide assistance to needy families in Montana.

I believe it is important to point out that in Montana the state does not force these programs upon any county. The decision to participate rests upon each Board of County Commissioners. I think it can be said unequivocally that every county in the state would participate, providing that the expenses of a program were at least shared by the federal government.

Montana state government is continually re-evaluating its position regarding problems of hunger and how it can best work in conjunction with the federal and local governments in helping to solve these problems. At this time, both the Commodity Supervisor and the Department of Welfare are diligently working to try and find the most feasible way to get as much assistance as possible to every needy individual in the state.

The Governor's Council on Human Resources is also considering proposals which might well affect the future of food stamp and food commodity distribution programs in this state. One of their main considerations is the fact that if both these programs were allowed to be in effect in every county at the same time, this would result in a well balanced program.

I appreciate the opportunity to discuss this situation and would be pleased to receive any further reports you have in this area.

I am taking the liberty of sending copies of your letter to the Montana Congressional delegation so that they may have a clearer picture of the food program in Montana.

Sincerely yours,

Forrest H. Anderson,
Governor.

USDA DONATED COMMODITIES—WAREHOUSE AND CARLOAD DISTRIBUTION, FISCAL YEARS 1968–69

	Institutions		Needy families—Welfare and Indians		Summer camps		Total	
	Pounds	Value	Pounds	Value	Pounds	Value	Pounds	Value
Butter	39,892	$8,872.60	144,032	$32,036.95	3,568	$867.74	187,492	$41,777.29
Lard, 24 2-pound cases	4,236	911.22	61,336	13,463.46	2,380	578.82	67,952	14,953.50
Lard, 16 3-pound cases	6,288	1,327.72	46,800	10,236.16	0	0	53,088	11,563.88
Lard, 48 1-pound cases	2,304	511.59	38,832	8,935.20	939	228.36	42,075	9,675.15
Shortening	6,096	1,412.43	16,080	3,725.74	0	0	22,176	5,138.17
Milk, N.F	28,998	6,634.81	221,454	48,674.61	3,316	806.45	253,768	56,115.87
Flour, A/P	191,452	25,753.24	1,261,550	294,539.64	16,460	4,003.07	1,469,462	324,295.95
Flour, bread	104,000	23,244.37	0	0	0	0	104,000	23,244.37
Peanut butter	336	80.07	89,619	19,989.43	864	210.12	90,819	20,280.25
Potatoes, instant	0	0	86,532	19,368.92	0	0	86,532	19,368.92
Rice, 24 2-pound cases	192	46.69	149,136	32,729.42	1,732	421.22	151,060	66,394.66
Rice, 50-pound bag	16,900	3,782.14	0	0	0	0	16,900	3,782.14
Beans, dry, 12 2-pound cases	144	35.02	319,540	41,587.97	1,748	425.11	321,432	42,048.10
Beans, dry, 50-pound bag	1,850	417.37	0	0	0	0	1,850	417.37
Beans, green, canned, 24 No. 303 cases	0	0	49,007	10,440.81	0	0	49,007	10,440.81
Canned beef, 24 29-ounce cases	0	0	43,938	10,573.80	0	0	43,938	10,573.80
Chopped meat, 24 30-ounce cases	0	0	236,475	52,796.88	2,044	497.10	238,519	53,293.98
Milled wheat	19,800	4,450.70	102,456	22,949.96	1,884	458.43	124,140	27,859.09
Cheese, 6 5-pound cases	210	50.04	182,610	40,612.70	2,075	504.64	184,895	41,167.38
Cheddar cheese, 40-pound block	19,467	4,214.24	0	0	0	0	19,467	4,214.24
Raisins, 48 1-pound cases	424	100.08	68,208	15,827.28	2,361	574.20	70,993	16,501.56
Raisins, 30-pound cases	10,440	2,346.08	0	0	0	0	10,440	2,346.08
Apricot nectar. 12 3-pound cases	0	0	26,012	5,648.78	0	0	26,012	5,648.78
Grape juice	0	0	61,413	14,070.07	0	0	61,413	14,070.07
Tomatoes, canned	0	0	28,547	6,563.65	0	0	28,547	6,563.65
Prune juice	0	0	41,364	8,943.86	0	0	41,364	8,943.86
Egg, mix scrambled	0	0	40,266	8,846.03	0	0	40,266	8,846.03
Fowl, chicken	0	0	32,888	7,620.16	0	0	32,888	2,620.16
Peas, canned green	0	0	44,077	9,742.99	0	0	44,077	9,742.99
Milk, evaporated	0	0	51,419	11,312.70	0	0	51,419	11,312.70
Tomato juice	0	0	85,775	17,618.41	0	0	85,775	17,618.41
Turkey, canned boned	0	0	58,420	12,130.66	0	0	58,420	12,130.66
Sirup, corn	0	0	9,312	1,986.42	0	0	9,312	1,986.42
Corn, canned	0	0	3,840	933.89	0	0	3,840	933.89
Grape fruit juice	0	0	74,088	18,024.20	0	0	74,088	18,024.20
Total	453,029	84,190.41	3,675,026	801,930.75	39,371	9,575.26	4,167,426	923,894.38

DEPARTMENT OF ADMINISTRATION,
Helena, Mont., July 2, 1969.
HOWARD P. DAVIS,
Deputy Administrator, Consumer Food Programs, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. DAVIS: We have received your letter of June 23, 1969, relative to the report of the Commodity Distribution Cost-Sharing Seminar. You have asked for our individual reaction and comments regarding the contents of that report.

OBJECTIVES

1. Federal funds are needed in Montana if we are to expand the Needy Family Program in any way whatsoever. We conduct the Program under strict legislative budgetary limitations of $15,000 annually. Our warehouse consists of partial use of the State Hospital warehouse at Warm Springs, Montana. Our administrative staff consists of the Commodity Supervisor and a part-time secretary, utilizing extremely limited space in the State Purchasing Division. We greatly need a central warehouse located on R. R. trackage in Helena, together with adequate freezer and cooler storage as well as the necessary warehousing equipment relating to unloading carload shipments and handling of outgoing shipments to Recipient Agencies. The administrative staff must be increased by at least one field man, a full time secretary and a fulltime bookkeeper. These matters have already been discussed with officials of your Area office in San Francisco.

2. We can do little toward bringing in nonparticipating areas unless federal funds are made available to us.

3. Improving the total effectiveness of the Needy Family Program depends entirely on increased personnel, greater efficiency in warehousing and out-going shipments as well as more frequent visits to Distribution Centers. This can only be accomplished with additional funds.

SCOPE

In terms of the out-reach program, if the state could be assured of federal funds to provide adequate warehousing and personnel at the state level, thereby assuring a full range of commodities to all participating counties, we would be prepared to work with Commissioners, Tribal Councils, County Extension Offices, Health Departments, Welfare and other groups to provide the out-reach program to all eligible families in each county.

COMMENTS

We believe that the report of the Cost-Sharing Seminar is well conceived and most timely. We are not certain as to the precise conditions effecting State funding but we trust that the foregoing will point out our inability to provide large sums of money, in excess of our budget, for later reimbursement. We believe that grants should be made on the basis of carefully prepared estimates followed by certified fiscal audits of each grant.

To summarize, it will require federal funds above the state level to expand or improve the Needy Family Program in any way. We have gone as far as we can on available state funds. Any improvements in the Program, additional services and expansion, in any direction, must come from federal funds.

Very truly yours,
H. F. WEGGENMAN,
Acting State Controller.

EXECUTIVE CHAMBERS,
Hartford, Conn., August 12, 1969.
Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FARBSTEIN: This is in response to your letter of July 14 regarding the role of State governments in meeting problems of hunger.

We agree that State governments must exhibit initiative in the Food Stamp program, and Connecticut has done this. Connecticut has been participating in the Food Stamp program since June, 1965, and has expanded its operation to include three areas of the State encompassing about 50 per cent of our population.

A donated Food Program is operating in still another area of the State, supplying 21 commodities and covering 33 towns with 11,565 people participating.

The recently-concluded session of the Connecticut Legislature authorized our State Welfare Department to administer the Food Stamp program on a State wide basis.

Our Welfare officials recognize that the Food Stamp program alone cannot solve the basic problem of inadequate diet. To improve the nutritional level of its users, the program in Connecticut also includes an information and nutrition education group in each area where the Stamps are being used.

Demonstrations on use of donated foods are conducted by nutritionists of the State Health Department for recipients.

The Extension Department of our State University has also expanded its program to include 20 nutrition aides who work in deprived areas teaching families basic nutrition.

Case workers in our Welfare Department are also being prepared for training to better understand the Food Stamp program and encourage its use.

If there is any more information you desire, I am sure our State Welfare Commissioner Bernard Shapiro can supply it in detail.

Sincerely,
JOHN DEMPSEY,
Governor.

STATE OF OREGON,
Salem, August 14, 1969.
Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FARBSTEIN: We find your letter of July 14, most interesting but somewhat depressing. It is indeed unfortunate that today we have in the midst of plenty a great number of people who suffer from hunger or malnutrition.

We are trying to alleviate this problem in Oregon by making available to the poor the Abundant Foods and Food Stamp programs in all counties.

At this time, of the thirty-six counties in Oregon we have the Abundant Food program in thirty-four and the Food Stamp program in one. The one remaining county has appropriated funds for the biennium and will enter the Abundant Food program in September.

As you can see from the material I have attached of the thirty-four counties participating in the Abundant Food program all but one are dispensing the twenty-three items offered by USDA. (Exhibit I.) The other county offers all but rolled wheat and bulgar. The participants in that county prefer rolled oats to rolled wheat and are not using bulgar at all. The county coming into the program in September will offer all commodities.

Our State staffs responsible for both programs maintain a constant surveillance on the operations both as to policy and services and strive to improve the programs and resolve problems as they arise.

In an effort to improve services we have enlisted the services of the Extension agencies to demonstrate to participants the use of commodities, issue recipes and show how to plan nutritious meals through better budgeting and purchase of "best buy" food items.

To combat the transportation problem we have enlisted the services of such agencies as CAP, VISTA, VML, Salvation Army, and various church groups. In some counties deputy sheriffs and county commissioners act as proxies. We have established itinerant offices and stores in some of the more remote communities but need to do even more along this line especially in our sparsely settled but geographically large counties.

Our Exhibit II gives you an idea of the food programs activity by county which of course varies month to month.

Our staff tries to maintain at least a 70% participation in the Abundant Food program and where counties fall below that they attempt to find the reasons and remedy the cause.

Exhibits III and IV are a small sample of the type of studies made. These two in particular give you an idea of why we here in Oregon have not adopted the Food Stamp program in all counties. It is not doing the job it should do. We are encouraged, however, from reading the several congressional amendments proposed to improve the Food Stamp Act; and if, as is expected, many of the oppressive restrictions are removed, the program may attain the success everyone has expected of it but that it never quite achieved. We have stated our views about the problems of poor participation in the Food Stamp program and offered solutions to members of USDA, the Secretary of Agriculture, and to several members of Congress, and we find many of our suggestions reflected in the prepared amendments.

When the time comes that we believe the Food Stamp program will surpass the Abundant Food program in efficiency and service to needy people we will change over to the Food Stamp program.

I hope this gives you some idea of our concern for the hungry poor, and of our efforts to do everything possible under present regulations to alleviate the problem. I assure you that we will continue to study and improve our programs to the very limits to which we can go.

Sincerely,
TOM MCCALL, *Governor.*

EXHIBIT I

SURPLUS COMMODITIES—OREGON ABUNDANT FOOD PROGRAM

COMMODITY AND UNIT

Dry Beans, 2 lb. pkg.
Margarine or Butter, 1 lb. print.
Cornmeal, 5 lb. pkg.
All Purpose Flour, 10 lb. pkg.
Lard/Shortening, 1 lb. print, or lard/shortening, 2 lb. print, or lard/shortening, 3 lb. pkg.
Dry Milk, 4½ lb. pkg.
Peanut Butter, 2 lb. cn.
Rice, 2 lb. pkg.
Canned Meat, 30 oz. cn.
Rolled Oats and Rolled Wheat, 3 lb. pkg.
Cheese, 5 lb. loaf.
Bulgur, 2 lb. pkg.
Prunes, 1 lb. pkg.
Split Peas, 1 lb. pkg.
Dehydrated Potatoes, 1 lb. pkg.
Canned Grape Juice, No. 3 cylinder can, or prune juice, 32 oz. container, or Apricot nectar, No. 3 cylinder can.
Canned Whole Chicken, 50 oz. can.
Scrambled Egg Mix, 12 oz. can.
Canned Peas, No. 303 can.
Canned Green Beans, No. 303 can.
Corn Syrup Blend, 16 fl. oz. container.
Cheese, 2 lb. loaf.
Farina, 14 oz. pkg.
Milk Beverage Mix, 2 lb. pkg.
Instant Dry Milk, 2.4 lb. pkg.
Evaporated Milk, 14½ oz. cans.
Tomato Juice, No. 3 cylinder cans.

The retail value of above items for one person taking all items is $9.82.

For a family of five, $51.96.

For a family of ten, $98.17.

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TABLE H.—ABUNDANT FOOD AND FOOD STAMP ACTIVITY, MARCH 1969

EXHIBIT II

	PA only				Percentage PA households participating	Non-PA only		PA—Non-PA		Total	
	Households		Persons			Participating		Participating		Participating	
	Eligible	Participating	Eligible	Participating		Households	Persons	Households	Persons	Households	Persons
Abundant food: Total	12,981	9,413	38,787	28,866	73	12,454	43,699	547	2,657	22,414	75,222
Baker	149	119	359	278	80	219	668	9	36	347	982
Benton	110	73	349	242	66	188	641	13	61	274	944
Clackamas	893	669	2,889	2,088	75	1,142	3,980	57	285	1,868	6,353
Clatsop	217	175	552	433	81	227	619	8	31	410	1,083
Columbia	202	167	530	502	83	440	1,496	11	46	618	2,044
Coos	618	458	1,821	1,307	74	823	2,705	11	61	1,292	4,073
Crook	110	69	271	154	63	140	476	6	20	215	650
Curry	81	64	222	170	79	263	886	3	14	330	1,070
Deschutes	202	178	594	525	88	231	753	5	13	414	1,291
Douglas	881	636	2,640	1,960	72	719	2,599	25	103	1,380	4,662
Gilliam	3	2	8	8	67	7	11	0	0	19	19
Grant	41	38	128	102	93	86	295	1	4	125	401
Harney	44	32	111	86	73	26	89	0	0	58	175
Hood River	60	48	150	137	80	235	896	3	14	286	1,047
Jackson	935	623	2,617	1,661	67	492	1,717	11	52	1,126	3,430
Jefferson	41	30	150	109	73	102	355	4	4	136	468
Josephine	545	378	1,564	1,111	69	742	2,748	29	152	1,149	4,011
Klamath	629	328	1,502	832	52	284	972	18	78	630	1,882
Lake	57	40	159	119	70	66	233	2	8	108	360
Lane	1,991	1,418	6,170	4,438	71	1,584	5,580	62	312	3,064	10,330
Lincoln	372	245	876	716	66	418	1,311	14	46	677	2,073
Linn	633	493	1,918	1,551	78	791	2,700	35	173	1,319	4,424
Malheur	316	246	1,234	1,023	78	223	1,038	19	98	488	2,159
Marion	1,826	1,335	5,923	4,548	73	1,111	4,299	103	576	2,549	9,423
Morrow	38	25	113	104	66	32	97	0	0	57	201
Polk	301	220	890	688	73	347	1,335	25	118	592	2,141
Sherman	7	7	17	17	100	9	25	0	0	16	42
Umatilla	424	337	1,195	951	80	340	1,121	14	69	691	2,141
Union	135	101	280	212	75	163	532	9	36	273	780
Wallowa	61	31	108	72	51	106	330	5	20	142	422
Wasco	129	90	354	243	70	174	672	5	20	269	935
Washington	550	424	1,899	1,470	77	414	1,327	23	117	861	2,914
Wheeler	15	12	37	29	80	12	51	0	0	24	80
Yamhill	365	302	1,157	980	83	298	1,142	17	90	617	2,212
Food stamps: Multnomah County	7,134	3,098	18,240	8,861	43	1,015	2,539	73	338	4,186	11,738

EXHIBIT III

COMPARISON OF MARION COUNTY ABUNDANT FOOD PROGRAM AND MULTNOMAH COUNTY FOOD STAMP PROGRAM

To: Tony Cardiello, Supv. Special Services
From: Keith Putman, Dir., Research & Statistics

PERIOD UNDER STUDY

This study covers the months of October, November and December, 1968. This time period was selected because the new additions to the Abundant Food Program were first distributed in October. Also new wholesale and retail prices became effective in October.

MULTNOMAH COUNTY—FOOD STAMPS

1. Certification costs—costs for the quarter were as follows:

Salary for 9 employees	$11,437
Postage	58
Total	11,495

2. Distribution costs—costs for the quarter were as follows:

Salary for 8 employees	$11,205
Rent	1,860
Upkeep	1,874
Personal services	990
Utilities	208
Total	16,137

3. Total administrative costs, $27,632.

4. The administrative cost spread over the number of persons participating during the quarter equals $0.78 per participant.

5. Utilization of food stamps—Public Assistance households that were eligible for food stamps during the quarter numbered 19,826. Those households that participated in the program totaled 9,217. This is a participation rate of 46%.

Based on other source data, there are an estimated 14,358 low income households living in Multnomah County who are not on public welfare. An average of 1,123 of these households participated in the Food Stamp Program during a given month. This is a participation rate of only 8%.

A comparison of eligible PA and non-PA households to those using food stamps produces a ratio of 5:1.

6. Value to participant—the value of food stamps issued during the quarter was:

Retail value	$640,498
Cash paid by participants	441,405
Bonus value	199,093

Persons participating during the quarter numbered 35,286. This gives a bonus stamp value of $5.64 per person.

MARION COUNTY—ABUNDANT FOODS

1. Certification costs—costs for the quarter were as follows:

Salary for 2.5 employees	$2,964
Postage	57
Travel	3
Total	3,024

2. Distribution costs—costs for the quarter (excluding the cost of food) were as follows:

Salary for 3.3 employees	$3,958
Rent	1,186
Upkeep	36
Utilities	253
Freight	360
Handling	5,359
Personal services	372
Travel and supplies	25
Total	11,549

3. Total administrative costs, $14,573.

4. The administrative cost spread over the number of persons participating during the quarter equals $0.60 per participant.

5. Utilization of abundant foods—Public Assistance households eligible for abundant foods during the quarter numbered 4,671. Those households that participated in the program totaled 3,168. This is a participation rate of 68%.

There are an estimated 6,132 low income households not on welfare in Marion County. An average of 1,177 of these households participated in the Abundant Food Program during a given month. The participation rate for this group is 19%.

A comparison of eligible PA and non-PA households to those using abundant foods produces a ratio of 3.4:1.

6. Value to participant—the retail value of abundant food issued during the quarter was $226,954. Since there is no cost to the recipient for the food, this can be considered the Bonus Value.

Persons participating during the quarter numbered 24,201. This gives a bonus value of $9.37 per person.

IF MARION COUNTY ADOPTED THE FOOD STAMP PROGRAM

Since we have no history on food stamps other than Multnomah County, we must assume that Marion County participation would be similar to Multnomah.

A comparison of the two programs is shown below. The actual figures for the last quarter are given under Abundant Foods. Using the relationship of costs to participation in Multnomah County as a guide, Marion County figures were projected under the Food Stamp Program. The third column reflects the anticipated loss or gain expected through participation in the Food Stamp Program.

Although the county would experience a savings of $9,782 or 67% in total administrative costs, the number of persons being served would be reduced by 15,672 or 65%. This would result in a financial loss to those recipients not served of $146,847. Since the value of food per person exceeds that of stamps by $3.73, those persons served would experience a loss of $31,813 as well. Total loss to needy persons of $178,660 must be compared against administrative savings of $9,782.

It is not practical to establish a common formula to be used for all counties in determining their participation and costs under the Food Stamp Program. Abundant Food participation and administrative costs are too varied among the counties to make this desirable. It would be best to look at counties individually to determine the feasibility of their adoption of the Food Stamp Program.

	Abundant foods	Food stamps	Loss or gain under food stamps
PA person participation	9,365	6,763	−2,602
Non-PA person participation	14,836	1,766	−13,070
Total persons	24,201	8,529	−15,672
Participation rate (percent)	68	24	−44
Certification costs	$3,024	$2,815	$209
Distribution costs	11,549	1,976	9,373
Total administrative costs	14,573	4,791	9,782
Administrative cost per participant	.60	.56	.04
Retail food and bonus stamp values	226,954	48,104	−178,850
Value per participant	9.37	5.64	−3.73

EXHIBIT IV

MULTNOMAH COUNTY FOOD STAMP PROGRAM—STUDY BASED ON APRIL, MAY AND JUNE 1967

OCTOBER 30, 1967.

You have asked for a comparative analysis of the abundant food program and the food stamp program. This was done, using Marion and Polk data for the abundant food portion of the study.

The conclusion of the analysis is that the abundant food program has the same monetary value to the user as he would receive under a stamp plan. However, of those eligible for abundant food or food stamp, a much higher proportion utilize the abundant food.

1. Administrative costs for the quarter ending June, 1967—

Food Stamp, 78 cents per person per month.

Abundant Food, 38 cents per person per month.

2. Extent of utilization:

A. Previous studies have shown that the number of persons in Multnomah County who formerly utilized abundant food was 2 times greater than the number utilizing food stamps. This same phenomenon was reported in Detroit, Michigan with a drop of nearly 60% when stamps were substituted for food in mid-1961.

B. A comparison of the number of welfare recipients to stamp users in Multnomah produces a ratio of 10:6—that is 10 persons on assistance for every 6 persons buying stamps. In abundant food counties the ratio is 5:6—that is 5 persons on assistance for every 6 getting abundant food. A comparison of these ratios (10:6 versus 5:6) shows that twice as many are utilizing abundant food as food stamp. The discrepancy in the utilization rate is much more pronounced in "low income" families than in welfare families, with proportionally fewer "low income" families using food stamps.

3. Value to recipient:

A. The value of the bonus stamps issued is $5.21 per person who buys stamps. The *retail* value of commodities distributed was $4.62 per person receiving commodities. Retail value is used because that—rather than wholesale—is the value to the recipient. Also, since the food stamp is spent on *retail* prices the only valid comparison to abundant food would be terms of the retail price. The $4.62 was obtained in a quarter when neither butter nor cheese was distributed. Either commodity, had they been distributed, would have raised the $4.62 above the $5.21 bonus stamp level. From this it can be concluded that the *maximum* extra value of stamps is 59 cents.

In months in which more expensive commodities are distributed the value of abundance food will exceed the value of bonus stamps.

B. Abundant food is available to all qualified low income persons, regardless of the amount of disposable income they have on food distribution day. Food stamps are available only to those qualified low-income people who meet the further qualifications of having disposable income equal to the "book" value of the stamps they must buy in order to get the bonus—or "free" stamps. This latter qualification has been widely believed to be the cause of the low rate of utilization.

C. Had Multnomah been in the abundant food program, twice as many persons (66,400) would have received commodities as received stamps. To the low income population of Multnomah County the abundant food value would have been $306,700—which is $133,500 more than received under food stamps.

4. A valuable study would be to compare the food utilization patterns of abundant food and food stamp users.

STATE OF NEW YORK,
Albany, August 19, 1969.

Hon. LEONARD FARBSTEIN,
House Office Building,
Washington, D.C.

DEAR MR. FARBSTEIN: Governor Rockefeller has asked me to thank you for your letter of July fourteenth concerning New York State in which you ask views on the hunger problem and the appropriate role of state government in the attack on malnutrition.

Food assistance programs should be considered in the context of a state's effort to deal with problems of poverty. In New York State we have a comprehensive public assistance program which adequately meets the needs of public assistance recipients. The federal food assistance programs are supplementary programs which should raise the nutritional level of public assistance recipients, as well as other eligible low-income groups.

A public assistance family in New York State receives a cash payment equal to 100 percent of the amount of money required to adequately meet the needs of the family. In some states, on the other hand, a public assistance family may receive only fifty percent of the total amount that a state has determined to be adequate. It is possible, therefore, that these states are attempting to partially offset the inadequacies of their public assistance payments through the federal food assistance programs.

The state is the logical vehicle to take the initiative for having the local districts participate in the food assistance programs and as you undoubtedly know, the 1969 Legislature approved my proposal to establish a broad new food program as part of the statewide attack on malnutrition and hunger. The enabling legislation requires every local social services district to apply for participation in the Federal Food Stamp Program and implement it immediately upon receipt of federal approval. Recognizing, however, that sufficient federal funds may not be available to implement the Food Stamp Program on a statewide basis, the legislation also requires each local social services district to maintain a commodity distribution program until federal approval is received for the Food Stamp Program.

At the same time, New York State took legislative action this year to provide $8 million in state funds to finance the total administrative costs of operating both food assistance programs in all districts of the State, thus relieving localities of any administrative costs.

Recognizing that it is vitally important for people to know what food to purchase, how to store it, plan for its use and prepare it properly in order to receive maximum nutrition, the State has initiated a major nutrition education program for all public assistance recipients and low-income families receiving food assistance.

The policies regulating the federal food assistance programs are established by the United States Department of Agriculture. The programs designed to alleviate hunger and malnutrition should be administered by the Department of Health, Education and Welfare and not by the Department of Agriculture which is primarily concerned with farm production and the needs of the farmers. The Governor, therefore, has recommended transfer of the food assistance programs from the Department of Agriculture to the Department of Health, Education and Welfare.

Your interest in writing to the Governor on this important matter is appreciated.

Sincerely,

ALTON G. MARSHALL.

STATE OF MAINE,
Augusta, Maine, August 18, 1969.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: I have been greatly interested in the food distribution programs for some time and I share some of your concerns about the relative lack of enthusiasm with which some governmental units have approached this problem. On the other hand, I have been reassured to see the extent to which the program has been expanded in Maine within the last year for we now have statewide utilization program for all practical purposes. Unfortunately, our last legislature did not see fit to appropriate funds to provide financial support for the program and, therefore, it must still be financed by municipal funds, county funds, or OEO grants.

Sincerely,

KENNETH M. CURTIS,
Governor.

STATE OF RHODE ISLAND &
PROVIDENCE PLANTATIONS,
Providence, August 19, 1969.

Hon. LEONARD FARBSTEIN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Thank you for your very informative letter of July 14 concerning the Federal anti-hunger program. Your findings on inadequate commodity availability as well as low participation rates in Northeastern states are most disturbing.

In order to determine what the situation is in Rhode Island, I have forwarded copies of your letter to Anthony P. Travisono, Director of the Department of Social Welfare, and William F. Carroll, Jr., Director of the State Office of Economic Opportunity, and have directed them to investigate the anti-hunger program in our state and report their findings and recommendations to me.

Thank you for calling this serious matter to our attention. I can assure you of my commitment to adequate food programs for the poor.

Sincerely,

FRANK LICHT,
Governor.

STATE OF MINNESOTA
St. Paul, August 22, 1969.

Hon. LEONARD FARBSTEIN,
Congress of the United States,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Reference is made to your letter of July 14, 1969. I have received a report from our State Department of Public Welfare regarding counties participating in the Commodity Distribution Program.

XUM

Your table shows that two of our counties are ordering between 11 and 13 of the available 20 to 22 commodities. One county is ordering 16 items and the remaining counties are essentially ordering all available commodities. I am informed that several of our counties have severe space restrictions in their storage areas but our State Agency has been urging them to procure larger quarters to enable them to order a greater variety of foods. You realize, of course, that in Minnesota each county has the option of ordering whatever foods they want, so this is beyond the control of our State Agency.

We share your concern regarding low participation rates in the Food Stamp Program. There are a number of factors involved, some of which are being discussed at the present time in congressional hearings on this subject. I would urge your support of a number of proposals to simplify the present food stamp program administration in order to make it easier for eligible people to participate. I especially urge your support of H.R. 12222 which authorizes the deduction of food stamp purchases from public assistance grants and would enable our county welfare departments to mail the remaining assistance grant and the food stamps directly to the recipient.

We appreciate the difficulties of purchasing food stamps throughout the year by the aged, disabled and mothers with small children, especially when purchase points are at considerable distances from their places of residence. We further understand that there are proposals in Congress to reduce the amount of money that people must pay for food stamps, together with other proposals to simplify this quite cumbersome food supplement program.

We realize there are people who are in need of food supplement programs in every county of our state and we are attempting to make available benefits of these programs to everyone who needs them.

Sincerely,

HAROLD LEVANDER,
Governor.

THE STATE OF WISCONSIN,
Madison, August 29, 1969.

Hon. LEONARD FARBSTEIN,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Thank you for your interesting and informative letter concerning the current administration of the Federal anti-hunger program. It is certainly a program which needs immediate and constant attention.

There are several reasons why the South *appears* to have better food distribution than the North. The first consideration is that "virtually half of America's poor live in the 16 Southern and border states, an area that holds less than a third of the total U.S. population" (from a report of the Institute for Research on Poverty, University of Wisconsin). Coupled with this alarming statistic is the fact that the public assistance standards and payments are considerably lower in the South than the Northern states. Therefore, as is particularly obvious in Mississippi, the Southern state will put more emphasis and support into a food distribution program since it is almost 100% federal money and with minimum administrative detail, as compared to welfare programs. In the Northern state, where the assistance payment is much higher, there is more cash available to the recipient to supplement any food distribution he may receive. For example, in Wisconsin a family of 4 receives $129 of its monthly allotment for food (1968 figures). Since food programs are based on voluntary participation the recipient can either use this $129 to supplement food programs, or choose to maintain their food budget within this amount.

In Wisconsin, the Food Stamp and Surplus Commodity distribution programs are administered by county social service departments according to the State Plan of Operation. The county boards of supervisors vote on whether they will participate in a food program or not. They also decide which program their county will administer. All public assistance households that purchase, prepare, and consume their own food are eligible to participate. (Non-assistance households with net incomes below the maximum income levels in the non-assistance income schedule are also eligible.) The county social service staff explains the program to the recipients. The state has no authority to control the choice of the county boards.

We believe that all eligible households should participate in one or the other program as provided in their county. A frequently expressed reason for not participating in the Food Stamp Program is that individuals and families believe they do not normally spend the amount of the purchase requirement for food. (The purchase requirement is the minimum amount the U.S.D.A. has established for a household to spend in order to purchase its allotment of stamps.) Some eligible non-assistance households will not apply because they view the program as a welfare program.

Wisconsin has 34 counties under the commodity distribution program. Of these, 29 distribute all 23 commodities, the other 5 distribute 20 commodities or more.

We now have 35 counties within the food stamp program (Calumet just started). As you can see by the chart enclosed, 42.9% of the public assistance recipients in food stamp counties participate in the program. The statistics also show a participation increase of almost 40% over the past year. This is partly due to the increase in the number of participating counties. Also, during the past two months the brewery strike in Milwaukee and the influx of migrant workers have added to the non-assistance household totals.

The lack of utilization of food programs is not the sole cause of hunger and malnutrition. Most welfare recipients are unsophisticated in the art of obtaining the most nutrition per dollar spent. Therefore, nutritional education and assistance is a vital complement to any food program. The economics involved in efficient dietary spending are complex for the average, educated suburban housewife. The welfare housewife easily becomes the victim of the ghetto price gouger who frequently charges 150% of what the affluent pay for the same item. The commodities recipient must be helped to prepare the commodities that are being distributed and to know what additional foods are necessary to assure a nutritionally sound diet.

Sincerely,

WARREN P. KNOWLES,
Governor.

WISCONSIN FOOD STAMP PROGRAM REPORT—STATISTICS FOR JULY

	1968	1969
Number of: Counties selling food stamps	28	34
Number of:		
People in participating families	35,604	49,811
Public assistance	24,662	32,247
Nonassistance	10,952	17,564
Nonassistance—minimum income	(1)	6,883
Total value of stamps issued	$633,368	$866,956.00
Cash amount participants paid	411,587	546,258.71
Bonus amount received by participating households	221,781	320,697.29
Average bonus amount received by each person	6.23	6.44

[1] Not computed.

Note: Calumet submitted their application for food stamps and has been approved to participate in the program making the 35th county. They will begin issuing stamps Aug. 4, 1969.

STATE OF WISCONSIN, FOOD STAMP PROGRAM, MONTH OF DECEMBER 1968

County	Number of public assistance recipients on food stamps	Percent	Total public assistance recipients in county	ADC recipients	OAA recipients
Adams	107	31	342	148	104
Barron	396	36	1,097	557	290
Bayfield	145	35	418	150	174
Burnett	165	35	474	166	167
Columbia	166	28	597	360	134
Crawford	249	50	495	230	138
Door	111	40	277	132	90
Douglas	1,067	58	1,845	1,009	391
Dunn	241	39	623	274	211
Eau Claire	444	31	1,441	762	343
Forest	143	24	604	225	114
Grant	443	46	971	493	324
Green	93	34	274	105	114
Iron	56	34	163	50	85
Kewaunee	60	33	182	77	61
Lafayette	133	34	323	135	108
Langlade	266	41	648	254	234
Marinette	610	48	1,268	746	282
Milwaukee	21,915	44	50,115	32,596	2,923
Monroe	309	34	898	487	202
Oneida	337	47	724	427	137
Pepin	144	49	293	150	91
Pierce	130	33	395	159	155
Price	80	33	245	68	121
Richland	148	43	342	114	142
Rusk	280	43	656	319	199
St. Croix	138	39	353	201	92
Trempealeau	263	34	772	368	297
Vernon	179	31	570	165	270
Waukesha	892	47	1,883	1,331	165
State totals for food stamp counties	29,710	42.9	69,288	42,258	8,158

Note: The above is a list of counties administering the food stamp program in December 1968, showing a percentage comparison of the total public assistance recipients in each county with the public assistance recipients participating in the stamp program. Shown also is number of ADC recipients and OAA recipients in each of these counties.

STATE OF NORTH DAKOTA,
EXECUTIVE OFFICE,
Bismarck, August 29, 1969.

Hon. LEONARD FARBSTEIN,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE FARBSTEIN: By now I am sure other northern states have sent you information which illuminates the challenge of feeding the hungry far more than a cursory examination of USDA records permits.

I will send you copies of letters I have received from the heads of our North Dakota Public Welfare Board and North Dakota Department of Public Instruction, which is charged with distribution of surplus food commodities. You will note that North Dakota ranks at the top of those states which are providing for hunger among their disadvantaged.

Sincerely yours,

WILLIAM L. GUY,
Governor.

PUBLIC WELFARE BOARD OF NORTH DAKOTA,
Bismarck, N. Dak., August 21, 1969.

Re letter from Representative Farbstein.

Hon. WILLIAM L. GUY,
Governor of North Dakota,
Bismarck, N. Dak.

DEAR GOVERNOR GUY: Many of the statements and charges made in Representative Farbstein's letter are not based on fact and are inaccurate. He states that 11 counties are participating in the surplus commodity program in North Dakota, and that 10 of these counties distribute less than the total number of commodities available. The fact is that only seven counties in North Dakota administer the surplus commodity program and of these seven counties, three distribute all commodities and the other four distribute all commodities except "bulgar wheat". Corn grits are not available or distributed in North

Dakota since they are not a part of our food pattern. Farina has not been available for distribution. Forty-one counties in North Dakota participate in the food stamp program. Five county welfare boards have not accepted either program.

Representative Farbstein assumes that the food stamp program and the surplus commodity program are the only anti-hunger programs administered by states and counties in this nation. I am "shocked" at this assumption.

The public assistance programs, Old Age Assistance, Aid to the Blind, Aid to the Disabled, and Aid to Families with Dependent Children are the major "anti-hunger" programs.

Representative Farbstein states that the midwest "has the worst level of food programs for the poor" and that "the southern states are generally doing a great deal to combat hunger and malnutrition and have relatively the best programs in the country." Representative Farbstein states that he has arrived at these conclusions after examining Department of Agriculture data. I would suggest that he look at the whole picture.

The following is a list of southern states and midwest states and the actual budgeted needs currently being provided for a family of four:

Southern States

Mississippi	$55
Florida	85
Alabama	89
Arkansas	90
Texas	114
Louisiana	116
Tennessee	120
Missouri	124
Georgia	125

Midwest States

Wyoming	$200
Nebraska	200
Montana	224
South Dakota	229
Kansas	237
Iowa	224
North Dakota	251
Minnesota	266
Illinois	279

I doubt that the southern states "are doing a great deal to combat hunger and malnutrition and have relatively the best programs in the country," and that in contrast the midwest and North Dakota specifically should be criticized.

Representative Farbstein states that he believes the Department of Agriculture "lacks direction and motivation for it is caught in the cross fire of divided loyalties between the farmer and the hungry. Inevitably it is the hungry who suffer." I do not know where Representative Farbstein's loyalties are, but when he implies that Mississippi is doing a great deal to combat hunger and malnutrition and has relatively the best program in the country when the facts are that it allows less than $14 per month per person for total living, including food. I wonder if he really knows what he is talking about.

Sincerely yours,

LESLIE O. OVRE, *Executive Director.*

THE STATE OF NORTH DAKOTA,
DEPARTMENT OF PUBLIC INSTRUCTION,
Bismarck, N. Dak., August 26, 1969.

Hon. WILLIAM L. GUY,
Governor, State of North Dakota,
State Capitol,
Bismarck, N. Dak.

DEAR GOVERNOR GUY: Mr. McKinney asked for my reaction to Congressman Farbstein's letter of July 14 regarding the food stamp and commodity distribution programs.

North Dakota has both food stamp and commodity distribution programs. The food stamp program operates in forty-one counties, the commodity distribution in seven counties and on three Indian Reservations. Counties having neither food programs are Bowman, Slope, McKenzie, Eddy and Renville.

The Department of Public Instruction handles the food distribution program with the Public Welfare Board doing field supervision in the counties and the BIA supervising the program at the Indian Agencies.

The seven counties distributing commodities are Burleigh, Cass, Ramsey, Grand Forks, Rolette, Walsh and Ward. Of these only three (Burleigh, Cass and Grand Forks) distribute twelve months in the year. The other counties distribute nine or ten months. Ramsey County distributes to a very limited number of people. The Public Welfare Board has consistently urged counties to distribute twelve months out of the year.

Attached to this letter is a family distribution guide listing foods available and quantities distributed to various size families. North Dakota has had 22 items for distribution most of the year. We accept all commodities offered except corn grits.

I am inclined to think that the commodity distribution program is superior to the food stamp program because a wide variety of nutritious foods are available to eligible needy households. There is no assurance that food stamps will be spent for nutritious foods. I realize that county-wide distribution of foods is not possible in most counties. Distances and distribution problems could make food stamps most desirable.

It must be remembered that the State cannot force the counties to accept either the food stamp or the commodity distribution program because the State exercises only supervision over county welfare procedures.

There is a very interesting article, "The Politics of Hunger," in the June 21, 1969 issue of the Saturday Review of Literature. This magazine is available in our library if you do not have a copy.

Sincerely yours,

Mrs. ETHEL HEISING,
Director, School Food Services.

FAMILY DISTRIBUTION GUIDES FOR DONATED COMMODITIES

[In units per month]

Commodity	Unit	Number of persons									
		1	2	3	4	5	6	7	8	9	10
Dry beans	2-pound package	1	2	3	4	5	6	7	8	9	10
Bulgur	2-pound package	1	1	1	1	1	2	2	2	3	3
Butter	Pound	2	4	6	8	10	12	14	16	18	20
Cheese	2 lb loaf	1	2	3	3	4	4	5	6	6	7
	5 lb loaf	¼	½	¾	1	1¼	1½	1¾	2	2½	1½
Chicken, or turkey, or beef or pork w/natural juices.	Can	1	2	3	4	5	6	7	8	9	10
Corn meal	5 lb. package	1	1	2	2	3	3	4	4	5	5
Scrambled egg mix	12 oz. can	1	2	2	3	3	4	4	5	5	6
Flour	10 lb. package	2	4	6	8	10	12	14	16	18	20
Fruit or vegetable juice (carrot tomato, prune, grapefruit).	Can or bottle	1	2	3	4	5	6	7	8	9	10
Lard/shortening (as available)	3 lb. can	1	1	1	2	2	2	3	3	3	4
	Pound	1	2	3	4	5	6	7	8	9	10
Chopped meat	No. 2½ can	1	2	3	4	5	6	7	8	9	10
Evaporated milk	14½ oz. can	2	4	6	8	10	12	14	16	18	20
Regular nonfat dry milk	4½ lb. package	1	2	3	4	5	6	7	8	9	10
Peanut butter	2 lb. can or jar	1	2	1	2	2	2	3	3	3	4
Dehydrated potatoes (instant mashed).	1 lb package	1	2	3	4	5	6	7	8	9	10
Dried prunes	1 lb. package	1	1	2	2	2	3	3	4	4	5

STATE OF NEW JERSEY,
Trenton, September 5, 1969.

Hon. LEONARD FARBSTEIN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Thank you for your recent letter expressing your concern with respect to the administration of the federal anti-hunger program and soliciting my views on this important matter.

We in New Jersey share your staunch commitment to meeting the nutritional needs of our poorer citizens. In April of 1968 I called upon the Boards of Chosen Freeholders of 10 New Jersey counties not at that time participating in the Food Stamp Program to speed its implementation, and subsequently shared in your dismay at the lack of encouragement or support for our efforts on the part of the federal Department of Agriculture. Six of our counties were among those you cited as pending federal approval on a prolonged basis. Included among these was Essex County, in which we anticipated providing food stamps to some 80,000 low-income citizens, largely residents of the Newark area, for an annual bonus of $6 to $7 million.

I am proud to report to you that over the past year we have, through concerted efforts and in spite of obstacles at the federal and local levels, forged ahead in this vital area. As of June of this year, 17 of our 21 counties were participating in the Food Stamp Program, covering some 88,000 low-income citizens at a monthly bonus of $586,000. A one-month-old program in Essex County has already doubled these figures, and we have solid plans for extending the program to the remaining three counties by November 1 of this year. We estimate that by that time some 175,000 to 200,000 New Jerseyans from low-income families will be actively participating in the Food Stamp Program, providing a monthly food purchasing bonus of about $1.2 million.

Needless to say, we do not, by any means, view our role in the fight against hunger and malnutrition as complete. In implementing the Food Stamp Program throughout New Jersey, we are experimenting with such innovations as employing ADC mothers as official Food Stamp certifiers in areas such as Newark, and in this and other ways hope

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to extend certification and participation to all who are in need of support in maintaining an adequate family diet. Notwithstanding this sustained effort, I have recently directed the New Jersey Departments of Agriculture, Education, Institutions and Agencies, Treasury and Health to take full advantage of all new federal initiatives in alleviating hunger and malnutrition wherever they may exist. And, in my recent Special Legislative Message on Health, I requested specific appropriations which would enable a comprehensive survey of nutritional needs in New Jersey in cooperation with the National Nutrition Survey being conducted by the Surgeon General of the United States; unfortunately, the Legislature has not as yet considered this particular recommendation.

All of these efforts reflect a conviction to which I firmly adhere, and which was suggested by your inquiry into our progress in the anti-hunger field—that state government ought to identify itself as energizer and innovator in this area, as in all such areas in which both the immediate needs of low-income citizens, as well as their integration into the mainstream, are at stake.

I appreciate your interest in my views in this crucial field, and commend you on your extraordinary concern for the needs of the hungry throughout the nation.

Sincerely yours,

Richard J. Hughes, *Governor.*

AMISTAD: FRIENDSHIP

(Mr. de la GARZA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. de la GARZA. Mr. Speaker, the recent dedication of Amistad Dam marked the culmination of years of dedicated effort by a number of Texans. The finished dam is an inspiring example of what can be accomplished by collaboration between two such good neighbors as the United States and Mexico.

It was in September 1948 that the International Boundary and Water Commission instituted a study program to evaluate the relative merits of all damsite possibilities on the Rio Grande from Del Rio to a point 345 miles upstream. By late 1952 the Commission had concluded that any of 13 sites or groups of sites would be suitable, and 2 years later the Commission decided on what is now Amistad as the site. The structure was originally known as Diablo Dam, bearing the name of the river. However, the site was below the confluence of the Rio Grande and the Diablo.

In 1959, Texas Gov. Price Daniel suggested Dos Amigos as a fitting name. However, it was found after President Eisenhower's visit to Mexico in February of the same year that this name did not appeal to Mexican officials. Efforts continued to hit on a designation that indicated the dam was an international and collaborative concept. Mexican President Lopez Mateos visited Washington in the fall of 1959 and suggested the name, Amistad. He and President Eisenhower announced it as their choice on October 12 of that year.

Representative Clark Fisher, of the 21st Congressional District of Texas, introduced enabling legislation July 1, 1959; hearings were held by the appropriate House committees in February and March of 1960; and authorization to build the dam was passed by the House on July 7, 1960. Senate hearings were held that same month, and under the leadership of Senator Lyndon B. Johnson the Senate Appropriations Committee added $5 million to the sum asked by the State Department.

My predecessor as Representative from the 15th District, Joe Kilgore, was very active in bringing about authorization of the project. He did highly valuable work in acting as a catalyst in getting together people representing upstream and downstream interests. The people of south Texas owe a great debt of gratitude to him, Representative Fisher, and Senator Johnson for their work on behalf of this outstanding project.

At the dedication it was the Mexican President's turn to entertain the U.S. President on Mexico's side of the border. Because of space limitations the guest list was severely restricted. Invited to represent Texas were Senators Yarborough and Tower and Representatives Fisher and George Bush, of Houston.

This history of Amistad is important to both the United States and Mexico—and especially, of course, to south Texas.

MILITARY AIRLIFT COMMAND

(Mr. PRICE of Illinois asked and was given permision to revise and extend his remarks in the body of the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, at Scott AFB situated near Belleville, Ill., within the district which I have the honor to represent, the Military Airlift Command maintains its headquarters.

This command, now under the able leadership of Gen. Jack C. Catton, provides airlift support for all our military forces. The mission of MAC, as it is usually called, however, is not all limited to airlifting troops and equipment. MAC is also responsible for aeromedical evacuation of troops domestically and from theaters of combat; for aerial search, rescue, and recovery of military personnel and equipment; weather reconnaissance, sampling, forecasting, and dissemination; documentary photography and audiovisual services; aerial electronic survey and photomapping; and procurement of commercial airlift for the Department of Defense.

This history of MAC, dating back through its ancestors ATC and MATS, has always been a glorious one. The advent of the C-5A now moves it ahead to another era of military air transportation that would even challenge the imagination of the "boys from the bicycle shop."

The Air Force Association in connection with its annual fall meeting pays tribute to this great major air command in its monthly magazine, Air Force and Space Digest, I insert this article at this point in the Record:

The Military Airlift Command

(Note.—Gen. Jack J. Catton assumed four-star rank along with command of the Military Airlift Command on August 1, 1969. He had commanded SAC's Fifteenth Air Force prior to that. From 1964 to 1968 he served at Headquarters USAF at the Pentagon and spent the final year of this tour in the post of Deputy Chief of Staff, Programs and Resources.)

For the Military Airlift Command the past year may well have been a preview of the 1970s—an era in which the teaming of the C–141 and the C–5 will afford the nation an unsurpassed airlift capability and permit the rapid deployment of combat troops and equipment to any point on the earth at jet speeds.

A series of dramatic airlift demonstrations, some of vast proportions, have indicated what the future may hold. This effort was conducted at the same time that MAC continued to meet its requirement to support allied forces in the Republic of Vietnam. Two operations in particular illustrated MAC's capability as well as its tremendous potential.

Operation Focus Retina in March involved the airlift of 2,700 members of the US Army—"MAC's Best Customer"—from the east coast of the United States to the Republic of Korea. This 10,000-mile airlift demonstrated the US national resolve to support its allies and its ability to place its combat forces in the most distant of locations on the shortest notice, equipped and ready to fight.

Operation Reforger/Crested Cap saw more than 17,000 Army and Air Force personnel airlifted from the United States to Germany and returned. The four-month exercise ended in April. This exercise highlighted the merits of the dual-base concept, showing how the number of US personnel in Europe could be reduced without adversely affecting operational readiness.

While these two operations perhaps best illustrate the expanding role of strategic airlift, many others took place throughout the year. Another large and long-distance movement took more than 4,500 troops and their equipment from Colorado to Vietnam. Exercises, featuring heavy MAC participation, were held in Georgia, Spain, Alaska, Greece, Hawaii, North Carolina, Kansas, and Puerto Rico.

The full impact of worldwide mobility requirements fell almost exclusively on MAC's fleet of C–141 Star-Lifters. But relief for the future was on the horizon, as the giant C–5 Galaxy entered its flight-test program. The first C–5 will be turned over to MAC in December.

The C–5 has a tremendous cargo-carrying capacity. A record load takeoff of 762,000 pounds was recorded in June. Added to the troop-carrying capability of the C–141, it will provide MAC with the ability to deliver an Army division—with virtually every piece of combat equipment it uses—to any place in the world.

Another significant development in capability took place during the past year with the delivery to MAC of eight C–9 Nightingales, the first aircraft designed specifically for aeromedical-evacuation operations. The C–9, which is truly a "flying hospital ward," is now in operation on MAC's domestic air-evac routes. An additional four C–9s are scheduled for delivery.

MAC's commander since 1964, Gen. Howell M. Estes, Jr., retired on August 1. He was succeeded by Gen. Jack J. Catton, formerly commander of the Strategic Air Command's Fifteenth Air Force.

The command, with headquarters at Scott AFB, Ill., has about 100,000 officers, airmen, and civilians at 419 locations in the U.S. and nearly forty foreign countries. While the command's primary mission is the operation of an airlift system for peace and war, there are additional MAC global missions that serve both the Air Force and the Department of Defense. These include:

Aeromedical evacuation; domestic and intertheater.

Aerial search, rescue, and recovery of downed flyers and space personnel and hardware.

Weather reconnaissance, sampling, forecasting, and dissemination.

Documentary photography and audiovisual services.

Aerial electronic survey and photomapping.

Executive agent for the procurement of commercial airlift for the Department of Defense.

To carry out these missions, MAC is composed of three distinct types of units. Two numbered Air Forces, with their subordinate wings and support units, make up the strategic airlift force. Three additional airlift wings perform specialized airlift services, and four technical service organizations provide the other mission services.

About seventy percent of MAC personnel are directly associated with airlift requirements. In addition, augmentation comes from the Air Reserve Forces and from commercial passenger and cargo aircraft. The continuing upward trend in airlift requirements is illustrated by the fact that MAC moved more than 2,800,000 passengers in the fiscal year that ended June 30. In the previous year, the figure totaled 2,700 000. Likewise, cargo movement increased from 679,079 tons in FY 1968 to more than 700,000 in the past year. Systemwide, MAC airlift crews averaged more than 73,000 flying hours per month.

In its worldwide aeromedical evacuation of sick and wounded, MAC operates in two distinct fashions. Overseas, the C–141 jets, after completing their cargo or passenger flights, are refitted to accommodate stretcher and ambulatory patients designated to move to theater medical facilities or return to the States. Within the continental US, the domestic air-evac system carries patients to specialized centers and to hospitals nearest their homes. Flight nurses and highly skilled medical technicians accompany all aeromedical flights. The number of patients moved by the international aeromedical operation was 98,959 during the first eleven months of FY 1969, as compared with 87,414 for all of FY 1968.

Significant developments also occurred in MAC's technical services and special mission units—organizations that support a variety of Air Force and Department of Defense requirements.

The Aerospace Audio-Visual Service completed the movement of photographic and video products and services units to its new centralized headquarters at Norton AFB, Calif. AAVS is charged with photographic documentation of significant USAF events, documentation of missile and space projects, and production of orientation and training films and video products. It operates the largest motion picture lending library in the world, and manages the Air Force film depository.

Supporting all Southeast Asia photographic requirements (except reconnaissance), AAVS crews have taken more than two million feet of documentary motion picture film, shot about a half million documentary still photographs, and processed more than four million feet of film from airborne cameras, for weapons evaluation and analysis purposes.

The Aerospace Rescue and Recovery Service, headquartered at Scott AFB, raised its total number of US and allied servicemen saved in Vietnam during the past year to 2,527—1,702 in the face of enemy fire. In its twenty-two-year history of search, rescue, and recovery, ARRS has recorded some 14,000 saves while assisting in 55,000 more. ARRS has occupied a vital role in the retrieval of vehicles and astronauts since the beginning of the space program. Humanitarian activities range from midocean searches to the rescue of stranded mountain climbers and aid to victims of natural disasters. Personnel of the command have received 6,196 decorations since December 1964, including one Medal of Honor, sixteen Air Force Crosses, and 198 Silver Stars.

Air Weather Service, also headquartered at Scott AFB, using solar telescopes, computers, satellite data, jet aircraft, and other tools and techniques of the modern scientist, operates a global network of environmental-support facilities to serve the Air Force and the Army. In a tradition which, in 1970, will mark its centennial of observing and forecasting conventional weather conditions, today's military weathermen provide space-environment forecasts for manned spaceflights like Apollo, fly special weather reconnaissance for satellite and missile launches, and give frontline combat weather support in Southeast Asia.

Extending the meaning of "weather" to encompass all of man's expanding spheres, AWS observes the sun and forecasts, on an operational basis, solar events that affect spaceflight, communications, and other operations. Still charged with global weather-support responsibility, AWS is the single manager for all Department of Defense atmospheric sampling, flying worldwide synoptic and storm reconnaissance missions (Hurricane Hunters and Typhoon Chasers). In its new role of weather modification, AWS has already developed operational techniques to disperse cold fog to permit resumption of operations at air bases affected by this adverse weather condition.

Aerospace Cartographic and Geodetic Service, headquartered at Forbes AFB, Kan., assumed its new designation during the past year. The unit formerly was designated the 1370th Photo Mapping Wing. The new name more accurately portrays its mission of gathering geodetic data for the cartographic needs of the Air Force and Army. In addition, ACGS conducts ground surveys and gravity-measuring activities at missile sites, radar installations, and satellite-tracking stations. This data is vital to accurate space and missile operations.

The 89th Military Airlift Wing, Andrews AFB, Md., carries out MAC's special air missions. One of the heaviest responsibilities of any element of the Air Force is borne by this unit—the air transportation of the President of the United States. "Air Force One" is probably the most widely known jet craft in the world today. The 89th also provides airlift for the Vice President, Cabinet members, other top government officials, and visiting foreign dignitaries.

The 443d Military Airlift Wing, Altus AFB, Okla., has stepped up its simulator and flight training for C–5 flight crews and ground personnel. The wings' special mission is training and because of its mission it is known as the "University of MAC." The 443d continues its training of crews and ground personnel for the C–141 and other aircraft in the MAC inventory.

Considerable activity was recorded by the command's Reserve Forces, which number about 50,000 in 345 flying and support units.

Four AF Reserve Associate Airlift Groups were organized at MAC bases during the past year. These organizations are integrated with active-duty units and use the same equipment and facilities. The Reserve personnel perform actual missions during their active-duty service periods, including the flying of jet aircraft. The program has proved highly successful in increasing the flying-hour utilization of MAC's C–141 fleet.

Active duty for ten Air Force Reserve units—some 3,200 officers and airmen—was terminated between May 27 and June 18. A total of 5,900 Reservists were mobilized early in 1968 as a result of the *Pueblo* crisis. Some were released earlier in 1969, though many others have elected to remain on active duty.

ADDRESS OF SENATOR CHARLES H. PERCY, JAPANESE AMERICAN ASSEMBLY, SHIMODA, JAPAN, SEPTEMBER 5, 1969

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, it was my great privilege a few days ago to have been one of the delegates from the United States participating in the Second Japanese American Assembly, Shimoda, Japan.

At this assembly some 35 Japanese leaders in business, government, publishing, education, and all other areas participated with a like number of Americans in a discussion of the range of problems affecting relations between our two countries.

One of the principal addresses delivered during the assembly was that of our distinguished colleague, Senator CHARLES H. PERCY, of Illinois, who made a splendid address about trade relations between the United States and Japan.

I insert the text of Senator PERCY's outstanding address at this point in the RECORD.

A CONTINUING SOLID FOUNDATION IN JAPANESE-AMERICAN TRADE

I speak to you tonight from the perspective of a former businessman who now devotes his full time to public service as a United States Senator. I also speak to you from the heart, as a longtime and steadfast friend and admirer of Japan.

My Japanese friends know that throughout my business career at Bell and Howell Company I fought hard for freer international trade among all nations. When President Eisenhower asked me to serve as legislative chairman of the Committee on National Trade Policy, I shared responsibility for extension of the Reciprocal Trade Act even though at the time the vast majority of my colleagues in my own photographic industry opposed such an extension. We won that battle and we have won every major battle since to liberalize American trade policies.

Japan has played a special role in my efforts as a businessman to expand world trade ties. As President of Bell and Howell, I moved to organize a Japanese affiliate. After a considerable amount of negotiation, my former company succeeded in complying with the rules governing foreign firms that invest in Japan. This joint American-Japanese venture now employs more than 1,000 persons and is a commercial success for the United States as well as Japan. Throughout its 10-year history, there has been a buildup of capital investment, employment, sales and earnings in Japan. At the same time, the parent company's growth of capital investment, employment, sales and earnings in the United States continued to expand rapidly. In addition, its activities contributed importantly to the earnings of foreign currencies by both countries.

So it is from this vantage point of both business experience and mutual respect that I would like to share my views with you regarding the future of Japanese-American trade relations. While I speak as an individual Senator and not for the Administration, I feel certain that my analysis of the trade situation is shared by many of my fellow legislators and members of the Nixon Administration.

JAPAN'S LEADING ROLE AS WORLD ECONOMIC POWER

Japanese-American trade patterns reflect the rise of Japan to its present leading role as a world economic power. This growth in fact largely rests upon the mutually beneficial trade relationship that has developed between Japan and the United States since World War II. But this relationship is sorely threatened today.

Japan wisely realized from the outset that her potential as a major trading nation depended upon her continuing ability to maintain a high rate of domestic capital

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investment, the importation of great quantities of raw materials, tight quality production controls and, finally, the export of finished products. This policy also entailed restrictions on foreign investments and imports. The United States has served as both a prime source of raw materials and as a major export market.

As the present decade opened, Japan had the highest ratio of capital investment to national wealth in the world. In 1961, half of her total imports were raw materials while 91 per cent of her exports were finished or semi-finished goods. The United States was the largest single customer for Japan's exports and Japan was the second largest market for American exports, after Canada.

In that year, 1961, the U.S. balance of trade with Japan was more than three quarters of a billion dollars—in favor of the United States. This marked the high point of Japan's trade deficit with America and also reflected Japan's largest balance-of-payments deficit. This severe payments problem led Tokyo to adopt restrictive monetary and trade policies, which in turn helped bring a temporary halt to the Japanese economic boom.

These facts illustrate an economic law that is all too well known to international businessmen and government planners alike: A nation's payments position can have a pronounced effect on its rate of growth and on its trade dealings with other nations.

Now the U.S. has its own severe balance of payments problem. The payments deficit in the second quarter of 1969 exceeded $3 billion and in the previous quarter the deficit ran to $4.5 billion.

JAPANESE TRADE POLICIES

Basic Japanese trade policies have remained relatively unchanged throughout the post-war period. Meantime, Japan's economic power has risen dramatically. Thus, today, Japan still invests heavily in key export industries such as automobiles and electronics, imports largely raw materials and relies upon the American consumer for her major market.

Under these policies, it is estimated that the U.S. trade deficit with Japan this year will exceed $1.5 billion. American consumers will, in all probability, purchase more than half of the total Japanese exports of sporting goods, plywood, clothing, footwear, tape recorders, television and radio sets and nuts and bolts. Japanese car exports are also rising rapidly, and her photographic products continue to do well.

At the same time, Japan is diversifying her sources of supply for raw materials. As a result, the American share of Japanese imports has fallen from 36 percent in 1961 to 27 per cent in 1968. On the other hand, the increasing acceptance of Japanese exports in the United States has raised the percentage of Japanese sales to our country from 25 per cent in 1961 to 32 per cent in 1968.

The fact that a major part of Japan's export-oriented industry has an established market in the United States has served to aggravate our own balance of payments crisis and to raise fresh loud voices in America calling for retaliation in kind against Japanese import controls.

From the vantage point of Washington, New York, Los Angeles and Chicago, we see a nation across the Pacific that enjoys a high standard of living operating under the world's third-largest economy.

We see a nation with substantial and growing financial reserves in a strong balance-of-payments position.

JAPANESE TRADE RESTRICTIONS

And we see a nation with an elaborate system of export preferences, restrictions on direct foreign investment, and a variety of nontariff trade barriers more appropriate to a country that is in its initial stages of economic growth.

An adverse reaction to this disparity is growing within the American business community, in the government and in the halls of Congress. If it is not soon reversed, this adverse reaction could lead to a serious impediment to Japan's continuing ability to market an ever-increasing volume of exports in the United States.

Each day brings more bitter letters from the American business community in protest against the barriers that they have encountered in trying to sell their goods in Japan.

Each week brings a fresh appeal to the Congress to impose restrictive quotas on a wider range of Japanese imports.

Each month brings fresh draft legislation proposing to protect American industry against Japanese inroads.

And—perhaps most alarming of all—a number of my colleagues in Congress from both sides of the political aisle who in the past have been known as advocates of a freer trade are beginning to join in the new protectionist cry. If the United States reverses the free trade policy it has pursued, since the aftermath of the dark days of Smoot-Hawley, and goes protectionist, the flood gates will open and other nations will follow.

Ultimately, this trend, if allowed to go unchecked, will harm Japan who will be the biggest loser, and it will harm the United States. Politically and economically, our two nations should enjoy the closest ties if we are to live in peace and stability.

Japanese markets provide jobs for more than 400,000 Americans and, undoubtedly, millions of Japanese workers.

Moreover, we have an identical interest in an early and honorable end to the Vietnam war and the restoration of peace and prosperity to all of Southeast Asia.

Fortunately, these danger signals are being read in Japan today. Thus, at a conference of the Joint U.S.-Japan Committee on Trade and Economic Affairs last July, the Japanese and the American delegations agreed in principle to deal with our differences on nontariff barriers to trade. Technical discussions will begin next month (October) to seek improved trade relations.

JAPAN'S AID TO UNDERDEVELOPED NATIONS

I also would like to commend Japan's growing initiative in aiding the underdeveloped nations, particularly in Asia. Japan's pledge of $200 million to the Asian Development Bank matches, dollar-for-dollar, the U.S. commitment, and marks the first time that any nation has matched the U.S. contribution to an international lending agency.

At the same time, the United States is embarking upon a strong and positive program to bolster confidence in the dollar abroad and to protect its value at home. In his appeal to the Congress to extend the surtax, President Nixon demonstrated the kind of fiscal responsibility that is absolutely essential to the conduct of our government if destructive inflation is to be halted.

Furthermore, in his balance-of-payments message last April, the President said, ". . . we will be working with our major trading partners abroad to insure that our products receive a fair competitive reception." I welcome and support the President's approach.

Since the dollar is the standard of international trade throughout most of the world, a severe blow to the dollar would, in the long run, fall as a severe blow on all trading currencies and impair the economies of all trading nations. I can assure you we shall do all in our power to keep the dollar strong.

Japan has a legitimate concern that Washington, in its zeal to reduce or to eliminate our balance-of-payments deficit and to halt inflation, deals fairly with her in our bilateral trade account.

At the same time, the United States has a strong interest in further substantial moves by Japan toward a liberalization of her quantitative and other trade restrictions, a reform of the import licensing system and an easing of restrictions on direct foreign investment.

A SPIRIT OF MUTUAL TRUST

I think we can all agree that a start has been made in this direction but it is just a start and a small one at that; in my view, we still have a long way to go. We should proceed in a spirit of mutual trust seeking equity on both sides of the Pacific.

For example, I do not think for a moment that all of the trade barriers arise in the Far East. Such U.S. practices as the "American Selling Price" system of customs' valuation, U.S. shipping requirements, curbs on log exports to Japan, state-level "Buy American" legislation and federal procurement policies, should be subject to liberalization over a period of time as we work ourselves away from any restrictive practices, few as they may be.

America's role in the post-war reconstruction of Japan and Japan's dramatic ascension to preeminent industrial status are now a matter of history. The present time finds us both carefully examining our traditional trade relationships. If that examination brings creative and productive results—and this conference is certainly a positive step toward that goal—then I am confident that a solid foundation can be laid for our mutual trade and continuing friendship and interdependence.

As the leading industrial nations of the free world, both Japan and the United States carry a heavy responsibility. We are beginning to have more and more common internal problems . . . or shall we call them, challenges or opportunities? We have in common, in both east and west, the fact that we are living in times of revolution and upheaval, politically, economically, socially and one might even say spiritually.

For centuries people have been willing to live like their fathers did before them . . . . but no longer. They know better now, and whether it be sons and daughters, tribes or village groupings, black, white or yellow, nations or continents, they want to be somebody, they want to have something, and they want it NOW. In both the United States and Japan, there are new internal pressures that make it urgent that we place a floor over the pit of human disaster and at the same time continue to raise the ceiling over the level of human individual opportunity. And we must show by example, not by preaching, that we are competent to manage our own internal affairs and use our great material wealth to continue the Quiet Revolution that has been going on inside our countries for so many years.

A QUEST FOR SOLUTIONS TO COMMON PROBLEMS

We must show that we can effectively deal with the rapid urbanization of our populations without destroying the pleasantness of life and work. We share in common a quest for the solution to problems of pollution, of air and water. When I drive now through the streets of Tokyo and see the heavy cloud banks of smog rising from automobile exhausts, factory chimneys and back yard garbage disposals I think I am in Los Angeles. We must find ways to provide an adequate amount of moderately priced, attractive housing for our people. We must learn to move traffic through our city streets today at least as fast as it used to move by horse and buggy through our streets of yesterday. And mass transit must be developed using new concepts that will move people in large numbers swiftly, economically and in comfort, taking into account a desire for individual dignity and treatment.

We must find an answer to lawlessness, practiced by youth as well as adults. We have a great problem of violence against person as well as property; here in Japan it is more against property than person. An answer must be found for a more orderly means of protest and constructive criticism within the framework of tolerable levels, whether it be on a university campus or in an urban ghetto. We must accelerate the planning and development of new towns that can serve as models for improved urban living. We must learn how to live in a "disposable" society in which commerce packages our products in paper or cellophane wrappers, in aluminum cans that won't even rust away or in disposable bottles, with municipal governments being required to assume responsibility for their ultimate disposal. We have even a problem of disposing of our junk and abandoned automobiles that make our streets and countryside increasingly unsightly. We need to place emphasis not only on the physical sciences but also on the social sciences, arts and humanities.

We must find a way constantly to upgrade the education and skill of our working force in a technologically dominated society where changing needs require great adaptability and where acquired skills of trained people can quickly and frequently become obsolete. We are just beginning to learn what can be done through better nourishment of stomach and mind to give the children of the poor a better chance to start the race of life on a more equal footing. This offers great promise to society.

CHALLENGE WE FACE TOGETHER

These are just some of the challenges of the future that we can face together. Working to find the answers and sharing our knowledge and experience as we go along will not only help bind us together but fulfill what other developed and developing nations expect of us. It is not enough that we just have the greatest GNP and GNP growth in the world today. It seems to me that a nation able to land men on the moon within a decade of making the decision to do so, working together with a nation that has achieved the economic miracle that is can use this great knowledge and great growth not only to raise expectations but also to elevate the mind and spirit of all mankind.

THE ENVIRONMENT: ACS REPORT IS PRACTICAL ANTIPOLLUTION GUIDE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, this week the House is scheduled to vote on H.R. 12549, a bill to provide for the establishment of a Council on Environmental Quality.

I believe, therefore, that Members will read with particular interest an article published in the September 12, 1969, issue of Science, the publication of the American Association for the Advancement of Science, which touches on this general subject.

The article, by Phillip M. Boffey, reports on the publication earlier this month by the American Chemical Society report entitled. "Cleaning our Environment—The Chemical Basis for Action."

Mr. Speaker, the article to which I refer follows:

The Environment: ACS Report Is Practical Anti-Pollution Guide

In the past several years, the public has become increasingly concerned over problems of environmental pollution. Scientists have warned that pollution is disrupting the world's ecology, legislators have taken the first faltering steps toward alleviating the problem, and news media have even assigned specialists to cover the "environment beat." Considerable attention has been focused on the all-to-visible evidence that the environment is deteriorating, but relatively less concern has been given to the question of just what can and should be done to clean up the mess created by a modern technological civilization. Indeed, arguments between conservationists and polluters often bog down in sterile debate over whether various antipollution measures are technologically feasible and economically practical.

Last week the American Chemical Society (ACS) issued a report entitled "Cleaning Our Environment—the Chemical Basis for Action"[1]—which may make a valuable contribution toward the search for a "cure" for our environmental ills. The 249-page report, which covers air and water pollution, solid waste disposal, and pesticides, culminates a 3-year study by more than 100 experts from various disciplines assembled by the ACS. It reviews the current state of the art of the science and technology of environmental improvement (what is known and how it is being used; what might be learned and how it might be used) and also makes 73 recommendations to accelerate the development and use of the science and technology.

The central conclusion of the report is that technical know-how has advanced to the point where "this country can take enormous strides, now toward a cleaner environment" if it is willing to devote sufficient energy and financial support to the task. Though the report states that "extensive fundamental research" is still required to "elevate man's understanding of the environmental system," it stresses that "the nation's effort to improve its environment should be concentrated, for the present, on the use of existing science and technology."

The report is aimed at legislators, government officials, industrial leaders, and others who must deal with environmental problems but who are "one or more steps removed from direct involvement with the pertinent science and technology." It also seeks to interest scientists, engineers, and university professors who are not now involved with environmental problems but who may have useful ideas to contribute to their solution.

Lloyd M. Cooke, a Union Carbide scientist and chairman of the ACS subcommittee that put the report together, said the document offers "nothing particularly dramatic . . . no panaceas" but he said it is "probably the most comprehensive study of its kind." Another subcommittee member, Franklin A. Long, of Cornell, described the study as a "concise encyclopedia or handbook" summarizing the results of research and actual experience with pollution abatement. Long said the report contains nothing startlingly original or new, but that the ACS hoped it has performed a useful service by pulling together scattered bits of information and putting them in context.

However, some scientists and engineers concerned with pollution affairs have grumbled privately that the report is too "chicken-hearted" in its recommendations. They complain that it won't make many people mad and won't get many people excited. Barry Commoner, Washington University ecologist, called the report "Pollyannaish" in its analysis of the degree of environmental contamination and said the report is "inadequately sensitive" to ecological—as opposed to purely chemical—considerations.

The study grew out of conversations late in 1965 concerning how the ACS might best contribute to public affairs. The decision to analyze environmental problems was particularly stimulated by the publication, in November 1965, of a report on "Restoring the Quality of Our Environment," issued by the President's Science Advisory Committee. The ACS seems to have experienced the usual difficulties in lining up experts to conduct the study, but the group ultimately assembled seems reasonably well-balanced between industrial, academic, and government interests. The four-man subcommittee[2] in charge of the study included three men from industry and one academic. But the 26-man task force that put together the initial drafts included only six representatives from industry with the rest coming from universities or various government bodies.[3] Sections of the report were also reviewed by some 80 additional experts. Participants in the study insist that there were enough conflicting interests represented to prevent blatant bias from creeping into the final product—but if reactions at a press conference are indicative, some conservationists are skeptical.

The report is too wide-ranging to permit easy summarization, but several persistent themes emerge throughout the document. One is that an appalling lack of knowledge is hampering pollution control efforts. There are so few "experts" in solid waste disposal, for example, that the ACS subcommittee was not even able to organize a task force to study that aspect of the pollution problem. That section of the report had to be put together by the subcommittee itself and a number of special reviewers.

The report emphasizes the "primitive condition of our fundamental knowledge of how living things are affected by long-term, low-level exposure to pollutants" and the "even more primitive condition of our knowledge of the effects of pollutants on the ecology." The report says the relationship of contaminants to ecology is "very nearly a total mystery," and adds: "It is possible to conceive of ecological cycles in which the specific toxicity of a pollutant for a single species could cause an entire food chain to collapse, but the extent to which this might happen is unknown. Too little is known of the effects of pollutants on too few species to suggest even how such problems might be attacked. That they must be attacked in the long run

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[1] Available from Special Issue Sales, American Chemical Society, 1155 16th Street, NW, Washington, D.C. 20036; $2.75.

[2] The subcommittee included Lloyd M. Cooke, Union Carbide, chairman; William O. Baker, Bell Labs; Arthur M. Bueche, General Electric; and Franklin A. Long, Cornell.

[3] The task force was headed by T. E. Larson, Illinois State Water Survey. The air environment group was headed by James P. Lodge, National Center for Atmospheric Research, and included A. P. Altshuller, National Air Pollution Control Administration; Frances L. Estes, Gulf South Research Institute; W. L. Faith, consulting chemical engineer; Melvin W. First, Harvard School of Public Health; Max S. Peters, University of Colorado; Paul W. Spaite, National Air Pollution Control Administration. The water environment group was headed by James J. Morgan, Caltech, and included William L. Klein, Ohio River Valley Water Sanitation Commission; Thomas J. Powers, Dow Chemical; and Richard Woodward, of Camp Dresser & McKee. The pesticides panel was headed by Daniel MacDougall, Chemagro Corp., and included W. F. Barthel, National Communicable Disease Center; E. P. Lichtenstein, University of Wisconsin; D. J. Lisk, Cornell: Louis Lykken, Berkeley; Robert L. Rudd, University of California at Davis; W. M. Upholt, Federal Committee on Pest Control; and M. R. Zavon, University of Cincinnati. Analytical and instrumentation contributors included David Hume, M.I.T.; Mrs. Foymae Kelso West, Gulf South Research Institute; and Philip W. West, Louisiana State University. Biological aspect contributors included Robert Ball, Michigan State; Daniel Nelson, Oak Ridge National Laboratory; and Charles Renn, Johns Hopkins.

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is certain . . . If man were to destroy any of at least half a dozen types of bacteria involved in the nitrogen cycle, say, life on earth could end."

A LACK OF KNOWLEDGE

In some cases, lack of sufficient knowledge is making it difficult to decide whether proposed antipollution steps would really work. Thus there have been suggestions that phosphates should be removed from household detergents to remove one of the nutrients that leads to excessive growth of algae in lakes and other waters. But the report suggests that other sources of phosphorus compounds may still be enough to cause excessive algal growth, and it concludes that a sound decision for or against phosphates in detergents would benefit from further knowledge.

Even some existing pollution standards have no scientific basis to back them up, the report says. Public health officials, for example, have established certain bacterial quality standards for waters at bathing beaches. These standards are commonly based on counts of the coliform group of bacteria, and the coliform count is interpreted as indicating the extent of contamination from fecal matter. But coliforms can come from many sources, the report says, and the fraction that is of fecal origin can vary from less than 1 percent to more than 90 percent. "There is in fact no significant epidemiological basis for the total coliform standards used to assess the quality of bathing waters," the report says. "Very large sums of money are likely to be spent in the next decade primarily to meet bacterial quality standards for recreational waters. There can be no assurance that the money will be spent wisely unless a sound basis is established for such standards."

Another persistent theme of the report is that the pollution technology currently in use in this country is generally antiquated. The technology used to monitor air pollutants, for example, is largely 10 to 20 years old, and the methods used to handle and dispose of sludges in waste water treatment have been known, if not fully developed, for close to four decades. Yet the report insists that the technology already exists to upgrade pollution abatement programs. "That the need for water management in the U.S. has outrun the application of available technology is due more to negligence than to ignorance," the report asserts. Similarly, the report notes that European nations, under the pressure of urban growth, are already using solid waste management practices that are available in this country but are not yet widely used.

The ACS group recognizes that cleaning up the environment will be no easy matter. For one thing, it is difficult to whip up enthusiasm for pollution control. "People may rail at companies for making detergents that contain the algal nutrient, phosphorus, but how many families have switched from synthetic detergents to soap for that reason?" the report asks. "Companies may rail at the actions of pollution control officials, but how many companies have acted to abate pollution without some inducement . . . be it improved public relations, the possibility of profit, or threat of legal action?" The report also acknowledges that there is not likely to be any dramatic "fiscal profit" in pollution control, just better health, cleaner lakes and rivers, cleaner laundry, longer life for the paint on houses, and less corrosion of electrical and other equipment. The report further cautions that environmental problems "are rarely amenable to sweeping solutions; the benefits of even major breakthroughs in research are more likely than not to be limited to discrete subsystems of the overall system."

For each of the four pollution topics covered, the report analyzes the evidence that pollution is causing ill effects, and makes recommendations for alleviating the problem.

With respect to pesticides, the report notes that the incidence of fatal poisonings in the U.S. has held virtually constant at 1 per 1 million population over a 25-year period, despite a vast increase in pesticides usage. It also states categorically: "There is no evidence that long-term low-level exposure to residues of pesticides such as occurs in the diet or environment in the United States has any undesirable effect on human health." But the report expresses concern at "strong" presumptive evidence that pesticide residues are inhibiting the productivity of entire ecosystems. The report recommends that persistent pesticides "only be used in minimal amounts and under conditions where they have been shown not to cause widespread contamination of the environment." It also calls for better biological and cultural methods for controlling pests. The eradication of just three pests—the boll weevil, the bollworm, and the codling moth—could reduce the amount of insecticide applied annually in the U.S. by an estimated 40 percent, the report says.

The ACS group made no recommendation concerning the growing movement by state and national governments to ban the use of DDT, but at a press conference Daniel MacDougall, head of the pesticide task force, characterized the push for a total ban on DDT as an "over-reaction." MacDougall is research director for the Chemagro Corporation of Kansas City, Missouri, a manufacturer of pesticides though not of DDT. An editor of *Field and Stream* magazine vigorously criticized the pesticide section of the report and implied that the pesticide panel was more interested in protecting manufacturers than wildlife, but MacDougall later stressed that he had reviewed the facts objectively as a scientist and pointed out that his seven copanelists from government and the universities had all agreed with the report's conclusions.

With respect to air pollution, the report notes that incidents of lethal accumulation of pollutants have occurred, and it adds that, while "typical urban concentrations are not acutely lethal . . . it is difficult to argue that their lesser concentrations make them harmless." The report also cites evidence that air pollution has damaged plants, rubber, fabrics, dyes, and nylon hose. Unfortunately, such damage is likely to become still more prevalent in the coming years. Though improvements have been made in control of air pollution from industry, the report finds, "the general situation is getting worse because of instances of failure to apply existing control technology, growth of industry, and lack of economic technology in some cases." Similarly, while existing standards restricting automobile emissions will reduce total national emissions over the next several years, the trend is expected to start upward again in the mid-1970's as the number of cars in use continues to increase. Nor is the report very hopeful that new technologies—such as nuclear plants and steam- or electrically powered automobiles—will solve the air pollution problem in the near future. The report calls for more stringent automobile emission standards, and inspection; rapid promulgation of federal air quality criteria so that industry will be goaded into taking action; research on the main contaminants in the atmosphere and on their movements; research on ecological and public health problems; and accelerated development of various technologies that would help reduce air pollution.

With respect to water pollution, the report states that "very little is known" of possible effects on human health of the variety of largely unidentified chemical compounds that enter sources of water supply in municipal and industrial wastes, both treated and untreated. "It is thus impossible to be entirely sanguine about the ability of water treatment plants to cope with steadily increasing chemical pollution as water reuse increases," the report says. The main concern lies in the effects of long-term, low-level exposure. The report urges greater research on sewage treatment "primarily to seek radical innovations, based on fundamental understanding of microbiological processes." It also calls for laboratory and epidemiological work on the effects of long-term, low-level exposure to water pollutants, as well as studies of the movement of enteric viruses in soil and groundwater.

With respect to solid wastes, the report states that, while "a well-defined relationship between solid wastes and human health has not been demonstrated under the conditions that prevail in the U.S.," it is nevertheless "possible to conclude that, for some diseases, a relationship exists." The report finds that "the technology used to handle and dispose of solid wastes in the U.S. lags well behind that used to control air and water pollution," and that the basic science of solid waste handling "remains in relatively primitive condition." Nevertheless, the report notes that "the technology is available to sharply upgrade the handling and disposal of municipal refuse in the U.S."—it is simply not being applied to any great extent. The report calls for education, research, and demonstration projects to spur progress "in this neglected area."

The report is not an unqualified success. It seems to do a much better job of reviewing the current state of the art than it does of recommending steps to alleviate environmental pollution. Indeed, the report's 73 recommendations are, for the most part, addressed to everyone—and thus to no one in particular. Little effort is made to establish priority among the great number of recommendations (58 of the 73 are designated as having the most immediate import"). And, ironically, for a report that stresses the possibility of taking enormous strides, now," the vast majority of the recommendations call for research, development, study, investigation, measurement, assessment, and the like—not for the kind of direct action that will have an immediate effect in reducing pollution. The report sheds little light on how the economic and political factors that inhibit pollution abatement might be overcome—indeed, the ACS group ruled such nonscientific" aspects of pollution control beyond the scope of the study.

No doubt, there will be ardent conservationists who believe the report is too weak, and "public-be-dammed" industrialists who find it too strong, but all extremes of opinion in the pollution controversy should find it a useful source of ammunition to buttress their positions. Anyone who disagrees with the report's recommendations can simply read its review of the state of the art and make up his own mind about what should be done next. In that sense, the report constitutes an important addition to the ever-burgeoning literature on environmental problems.

—PHILIP M. BOFFEY.

TRIBUTE TO A GREAT LADY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, last month I read a heartwarming and meaningful editorial in the Manchester Union Leader, Manchester, N.H. This editorial which follows my remarks, concerns Mrs. Florence Barnaby of Brookline, N.H.

Mrs. Barnaby at 82 lives alone without running water or electricity. Yet she lives a life of happiness and contentment which all too few will ever experience.

As the editorial points out, Mrs. Barnaby is very special in another way also. She not only warms the lives of those that know her, with her charm and character, but she also does her service to her community. She picks up trash which has been thrown by others on the road near her home.

The world would be a better place to live if there were more people like Mrs. Barnaby.

The article follows:

She Has Very Little but She Has Everything

Recently this newspaper carried on the front page a picture of Mrs. Florence Barnaby of Brookline, with other pictures and a story by Tom Muller on the back page.

Mrs. Barnaby has very little but, on the other hand, she has everything. Without running water or electricity and only a wood stove to cook and keep herself warm in the winter, she manages, at 82, to have more fun out of life than many a person with a big bank roll and everything except happiness.

Mrs. Barnaby has all the answers to a happy life. She takes care of herself; she is not on welfare; she makes do with her small limited income from Social Security; she asks for no favors from anyone. And she radiates happiness and contentment.

There is one other little item that stands out in Tom Muller's story. Not only is Mrs. Barnaby self-sufficient and happy but she has a concept of what a citizen's duty is, namely, to take care not only of her own dwelling but to have a pride in the community and the state in which she lives. So, Mrs. Barnaby thinks it is up to her to walk up and down the road outside of her dwelling and pick up the trash that other thoughtless pigs in human form throw out.

If all the social reformers, all the deep thinkers and intellectuals who are always trying to reform the world would take a look at Mrs. Barnaby and her life and would imitate her, most of the problems of this world would be solved. But, alas, that is much too simple and inexpensive an answer to be popular.

PASSENGER RAIL SERVICE

(Mr. **BOLAND** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, passenger rail service in the United States verges on the ludicrous. Most travelers shun the railroads, preferring a long wait at the airport or a traffic jam on the highway to the forbidding prospect of rail travel. Anyone who has taken a train trip lately can tell you why—schedules that are whimsically ignored, cars that are grimy and airless, dim lighting, bad food at high prices, a deafening clatter that few railroads trouble to mute, the shudder and lurch of the passenger coaches virtually every time the engineer changes speed. Rail passenger service must be improved—improved dramatically—if the railroads are to lure travelers away from the airlines and highways. A balanced transportation system in this country demands adequate rail service: air and auto travel is increasing at such an alarming pace that airports and highways are routinely choked with traffic.

Yet intercity passenger train runs are decreasing rather than increasing, dropping from more than 1,500 a decade ago to a mere 513 now. A great public market exists for comfortable and briskly efficient rail service—the kind of service seen so often in Europe and so rarely in the United States. Just one example is the Metroliner, the high-speed train traveling between Washington and New York. This train never begs for patrons. Indeed, most days it is booked solid.

One way to nudge the railroads into improving passenger service—the most promising way, it seems to me—is to set minimum standards for such service. Yet the Interstate Commerce Commission, after nearly a year of delay and dithering, ruled last week that it does not have the statutory authority to hand down binding minimum standards. I disagree—and disagree emphatically. The statutory code, I think, plainly and explicitly gives the ICC the authority it needs. That question, in any case, is now academic. It is now up to the Congress to pass legislation that unequivocally grants to the ICC the power to establish passenger service standards. Together with a number of my colleagues, I will introduce such legislation within the next few weeks.

The railroads' abysmally bad passenger service—service that would be considered scandalous in any other country—has to be improved.

And the relevant Federal regulatory agencies—the ICC, for one, and the Federal Railroad Administration—must spur such improvement by establishing standards of rail service and safety.

JUMBO TRUCKS: PROCEED WITH CAUTION

(Mr. **CLEVELAND** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, again this year, the House will be asked to vote on a bill which, if passed could compromise the safety of millions of Americans. I am talking about H.R. 11870, a bill which would permit bigger vehicles on the Nation's Interstate Highway System.

For the past 3 months I have received numerous letters and telegrams from trucking interests requesting that I support this bill. During the same period I have also received many letters from concerned citizens who fear that these larger vehicles will endanger their driving. Although I sympathize with the trucking industry and their economic considerations, I cannot and will not vote to compromise the safety of the American people.

Last week, Francis Turner, Federal Highway Administrator, testified before the Subcommittee on Roads of the House Public Works Committee. In his statement he said:

> We do not have sufficiently reliable evidence to make a clear case for or against this proposal on safety grounds.

I interpret this statement as meaning that, if passed, the result could mean possible disaster for the motoring public. If we do not really know the positive and negative effects on driving and handling ability of these larger vehicles, then how with a clear conscience can we act favorably on this bill?

May I suggest that the recent editorial in the New York Times, entitled "Jumbo Trucks," which I have included at the end of my remarks, is worthy of careful reading by my colleagues. May I also point out that the editorial's suggestion to Congress to "proceed with caution" makes good sense.

The editorial follows:

Jumbo Trucks

Every motorist should shudder at the legislation now under consideration in Washington to sanction use of trucks even more gigantic than those that now jam the highways. The presence of such mammoth bulk carriers is bound to add to the hazards of driving.

The legislation would permit the widening of trucks and buses to eight and a half feet, as against the present eight-foot limit. The excuse is that the change would permit more comfortable seating in buses, but it would undeniably add to the difficulties of drivers attempting to pass these broad-beamed monsters. There is no Federal limit on length now. However, the bill proposes that the maximum be fixed at 70 feet; the Department of Transportation wants five feet trimmed off that figure. Either figure is too long.

Worst of all, the bill increases the over-all weight limit from 73,280 pounds to 108,500—almost 50 percent. While the proposed law would apply only to Federal highways, trucks conforming to these regulations would have to make local pick-ups and deliveries. That necessity would place states and local communities under heavy pressure to modify their own standards or lose fast service. Local streets, not engineered for such loads, would be even fuller of holes—if that is conceivable. The best road sign for Congressional consideration of the measure: Proceed With Caution.

FRESHMAN ECONOMICS—THE AUTO INDUSTRY

(Mr. **PODELL** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, in the interest of enlightening the reigning economic wizards of the administration on causes of inflation, I offer another recent development which may be of some passing interest. The auto industry is one of the powerhouses of our Nation. Its pricing policies determine those of its so-called competitors. Last week, General Motors raised prices of all its 1970 cars 3.9 percent. An average model will be up $125 from 1969. Profound White House silence greeted this disastrous inflationary move, the sharpest increase in a decade. Obviously the board of directors of G.M. decided to get away with the same act of national pilferage the administration allowed the steel industry to perpetrate upon us recently. One must admire these gentlemen, for they perform their plundering expeditions in broad daylight, and will need moving vans to cart away their loot, unless the moving industry also raises prices.

Last year G.M. raised prices 2 percent, and immediately pleaded with Government to allow the move, informing the President before it was announced. This year the story was different, as industry expected no opposition and got none. Net result? Inflation. This automobile behemoth wipes away a crocodile tear, and blames it all on "increased labor and material costs." What nonsense. How much bigger will dividends and bonuses

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be this year? They ought to make facinating reading. Fairy tales used to begin with, "Once upon a time", "the State Department or the Pentagon announced today," and other such ventures into the realm of the absurd and nonsensical. Today they commence with, "The X industry raised prices across the board, stating that materials and labor costs occasioned the increase."

Simultaneously, the Justice Department agreed to settle a suit accusing all major auto builders of conspiring to retard development of auto antipollution devices. The companies agreed not to do so in the future. Bad little boys with hands caught in the cookie jar. They possess technology to produce such devices, but choose not to do so. Intensive lobbying by the industry produced a desired result from the administration; sweeping of the suit under the rug. A full, open trial of all charges, such as I and other Members of this House called for, would have been a major milestone in controlling mounting pollution of our environment by auto exhausts. All the utterly damning evidence painfully collected by the Department of Justice will never see light of day. Now everyone down there can go back to full time wiretapping of civil rights leaders and other such enemies of the people.

Here then, Mr. Speaker, is the classic dichotomy. Ignoring a blatant price hike by the auto industry's giant, Government allows the best chance for public exposure of a conspiracy to perpetuate pollution of the environment by this industry to go a-glimmering. Ignoring a disastrous shot in the arm to the inflationary spiral, it allows these companies, caught in a conspiracy to continue ecological pollution, to get off scotfree. While little people across the Nation groan under burdens of tight money, unfair taxes and a constantly eroding environment, Government not only denies them relief, but rewards an industry guilty of such actions. This is inspiring moral degradation and political debauchery, indeed. Yet wise old owls who pose as administration economists blink knowingly at us, ignoring the well-known fact that the owl is the most stupid of birds.

Yet tomorrow or the day after, the rest of our auto companies, in the name of holy competition, will surely raise prices along lines laid down by General Motors. They too will claim high labor and material costs dictate their regrettable move. Who pays? The average car buyer, who must pay more for his land battleship, coated with chintzy chrome and emitting enough pollutants to sicken most living things. Safety? Never heard of it. Pollution control? Surely. When gargoyles dance at Radio City Music Hall.

Not only is there no competition, which immediately precludes necessity for such hikes, but there is no word from the only protector people have. The consuming public is helpless, as the administration bows down before economic idols proven bankrupt years ago. Labor unions daring to let out a peep about wages are denounced as subversive creators of inflation. Presidents of companies raising prices are thrown testimonial dinners. Justice? Fairness? Foreign languages, pal. Foreign languages.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Pollock (at the request of Mr. Gerald R. Ford), for September 15 through September 17, 1969, on account of official business for the House Committee on Merchant Marine and Fisheries.

Mr. Brotzman (at the request of Mr. Gerald R. Ford), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Burke of Florida), to revise and extend their remarks and to include extraneous matter:)

Mr. Halpern, for 5 minutes, on September 15.

Mrs. Dwyer, for 5 minutes, today.

Mr. Saylor, for 15 minutes, today.

(The following Members (at the request of Mr. Flowers), to revise and extend their remarks and to include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Farbstein, for 20 minutes, today.

Mr. Adams, for 60 minutes, on September 23.

Mr. Adams, for 60 minutes, on September 24.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Holifield during consideration of the electoral college bill.

Mr. Aspinall, to insert his statement immediately following the colloquy of Mr. Hall and himself on H.R. 4869.

Mr. Aspinall, to insert his statement on H.R. 9756 before passage of the bill.

Mr. Gross and to include extraneous matter.

Mr. Boland and to include extraneous matter.

Mr. Sikes during his remarks on the bill H.R. 13194.

Mr. Madden and to include a letter from the Home Builders of Northern Indiana.

Mr. Broyhill of Virginia to extend his remarks in Committee of the Whole following Mr. Dowdy.

Mr. Lennon, to revise and extend his remarks and to include extraneous matter in the remarks made by him in the Committee of the Whole today.

(The following Members (at the request of Mr. Burke of Florida) and to include extraneous matter:)

Mr. Findley.

Mr. Michel in three instances.

Mr. Ashbrook in two instances.

Mr. Taft in four instances.

Mr. Utt.

Mr. Beall of Maryland.

Mr. Hosmer in two instances.

Mr. Wyman in two instances.

Mr. Scott.

Mr. Wold in two instances.

Mr. Steiger of Wisconsin.

Mr. Gubser.

Mr. Hastings.

Mr. Gude.

Mr. Derwinski in three instances.

Mr. Fulton of Pennsylvania in five instances.

Mr. Burke of Florida.

Mr. Frey.

Mr. Broyhill of Virginia.

(The following Members (at the request of Mr. Flowers) and to include extraneous matter:)

Mr. Long of Maryland in five instances.

Mr. Sikes in five instances.

Mr. Eilberg.

Mr. Patman.

Mr. Moss.

Mr. William D. Ford.

Mr. Howard in two instances.

Mr. Brown of California in three instances.

Mr. Purcell in two instances.

Mr. Corman.

Mr. Pickle in two instances.

Mr. Evins of Tennessee in two instances.

Mr. Rarick in three instances.

Mr. Mikva.

Mr. Gonzalez in two instances.

Mr. Rodino in two instances.

Mr. Bingham in two instances.

Mr. Montgomery in two instances.

Mr. Burke of Massachusetts.

Mr. Tunney.

Mr. Cohelan in two instances.

Mr. Ryan in three instances.

Mr. Hanna in four instances.

Mr. Hamilton in two instances.

Mr. Boggs in two instances.

Mr. Obey in six instances.

Mr. O'Neill of Massachusetts in two instances.

Mr. Flowers.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 227. An act to provide for loans to Indian tribes and tribal corporations, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2068. An act to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child-care centers for preschool and school-age dependents of employees; to the Committee on Education and Labor.

HOUSE JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on Sept. 12, 1969, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 614. Joint resolution authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week."

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 16, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1147. A communication from the President of the United States, transmitting a determination by him that outlays for designated items will exceed the estimates therefor in the April "Review of the 1970 Budget," pursuant to the provisions of title IV of the Second Supplemental Appropriations Act of 1969 (Public Law 91-47) (H. Doc. No. 91-157); to the Committee on Appropriations and ordered to be printed.

1148. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notification that the Department of the Navy proposes to transfer the Coast Guard Cutter *McLane* to the Marine Navigation and Training Association, Inc., Chicago, Ill., pursuant to the provisions of 10 U.S.C. 7308(c); to the Committee on Armed Services.

1149. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to supplement the Motor Vehicle Safety Responsibility Act of the District of Columbia in order to provide for the indemnification of persons sustaining certain losses as a result of the operation of motor vehicles by financially irresponsible persons, and for other purposes; to the Committee on the District of Columbia.

1150. A letter from the Secretary of the Interior, transmitting notification of the reassignment of the Government Comptroller of the Virgin Islands, pursuant to the provisions of section 17(a) of Public Law 90-496; to the Committee on Interior and Insular Affairs.

1151. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes; to the Committee on the Judiciary.

1152. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting the report of the Commission on Federal Enforcement of School Desegregation, pursuant to the provisions of Public Law 85-315, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FASCELL: Committee on Foreign Affairs. H.R. 11711. A bill to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba; without amendment (Rept. No. 91-488). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. H.J. Res. 746. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History; with an amendment (Rept. No. 91-489). Referred to the Committee of the Whole House on the State of the Union.

Mr. DADDARIO: Committee on Science and Astronautics. H.R. 11542. A bill to promote the advancement of science and the education of scientists through a national program of institutional grants to the colleges and universities of the United States; without amendment (Rept. No. 91-490). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 13776. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ADDABBO:

H.R. 13777. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

By Mr. BRADEMAS:

H.R. 13778. A bill to amend section 2 of the National Housing Act relative to mobile homes; to the Committee on Banking and Currency.

By Mr. COLLINS:

H.R. 13779. A bill to amend chapter 44 of title 18, United States Code, to strengthen the penalty provision applicable to a Federal felony committed with a firearm; to the Committee on the Judiciary.

By Mr. CUNNINGHAM:

H.R. 13780. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

By Mr. HALEY:

H.R. 13781. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 13782. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

By Mr. ICHORD:

H.R. 13783. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. KRYOS:

H.R. 13784. A bill to protect interstate and foreign commerce by prohibiting the movement in such commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LOWENSTEIN:

H.R. 13785. A bill to provide for a comprehensive and coordinated attack on the narcotic addiction and drug abuse problem, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13786. A bill to provide for the establishment of a Commission on Marihuana; to the Committee on the Judiciary.

By Mr. MELCHER.

H.R. 13787. A bill to improve farm income and insure adequate supplies of agricultural commodities by extending and improving certain commodity programs; to the Committee on Agriculture.

By Mr. REES:

H.R. 13788. A bill to amend the Foreign Assistance Act, as amended, to authorize the Secretary of State to participate in the development of a large prototype desalting plant in Israel, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RODINO:

H.R. 13789. A bill to amend title 10 of the United States Code to require the Secretary of Defense to notify the Governor of any State of any shipments of chemical and biological warfare materials proposed to be made into or through such State; to the Committee on Armed Services.

By Mr. RUPPE:

H.R. 13790. A bill to provide for the designation of two highways in the States of Michigan, Wisconsin, and Minnesota as a part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. THOMPSON of New Jersey:

H.R. 13791. A bill to amend the Act of October 15, 1966 (80 Stat. 953; 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; to the Committee on House Administration.

By Mr. UTT (for himself and Mr. BOB WILSON):

H.R. 13792. A bill to amend the Export Control Act of 1949 to authorize restrictions to curb illicit drug trade; to the Committee on Banking and Currency.

By Mrs. DWYER:

H.R. 13793. A bill to establish an Office of Consumer Affairs and a Consumer Advisory Council, and for other purposes; to the Committee on Government Operations.

By Mr. FINDLEY:

H.R. 13794. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. FOUNTAIN:

H.R. 13795. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 13796. A bill to provide transportation allowances to wives of servicemen stationed in the Vietnam area for visits by them to their husbands under certain conditions; to the Committee on Armed Services.

By Mr. THOMPSON of Georgia:

H.R. 13797. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts; to the Committee on Education and labor.

H.R. 13798. A bill to amend the Communications Act of 1934 to provide grants to States for the establishment, equipping, and operation of emergency communications centers to make the national emergency telephone number 911 available throughout the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY:

H.R. 13799. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. VANDER JAGT:

H.R. 13800. A bill to amend title I of the Housing Act of 1949 to extend, in certain pending cases, the period prior to approval of a neighborhood development program within which a public improvement or facility must have been commenced in order to qualify as a local noncash grant-in-aid; to the Committee on Banking and Currency.

By Mr. WRIGHT:

H.R. 13801. A bill to authorize the modification of the Trinity River project, Texas; to the Committee on Public Works.

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By Mr. **FULTON** of Pennsylvania (for himself and Mr. Podell):

H.J. Res. 900. Joint resolution to authorize the President to award appropriate medals honoring those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious; to the Committee on Science and Astronautics.

By Mr. **MOORHEAD** (for himself, Mr. Corbett, Mr. Fulton of Pennsylvania, and Mr. Gaydos):

H.J. Res. 901. Joint resolution to authorize the President to designate the period beginning October 12, 1969 and ending October 18, 1969, as "National Industrial Hygiene Week"; to the Committee on the Judiciary.

By Mr. **PURCELL**:

H.J. Res. 902. Joint resolution providing for creation of a joint committee to study and make recommendations concerning establishment of a national college student congress; to the Committee on Rules.

H. Con. Res. 339. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. **KUYKENDALL**:

H. Res. 541. Resolution for investigation of credit card collection practices; to the Committee on Rules.

By Mr. **PODELL** (for himself, Mr. Murphy of New York, Mr. Ottinger, Mr. Gilbert, Mr. Biaggi, Mr. Farbstein, Mrs. Chisholm, Mr. Grover, Mr. Rosenthal, Mr. Smith of New York, Mr. Dulski, Mr. Lowenstein, Mr. Brasco, Mr. Powell, Mr. Ryan, Mr. Reid of New York, Mr. Halpern, Mr. Koch, and Mr. Wydler):

H. Res. 542. Resolution to establish a select committee of the House of Representatives to investigate the relocation of the Naval Applied Science Laboratory in Brooklyn, N.Y.; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

266. By the **SPEAKER**: A memorial of the House of Representatives of the State of Missouri, relative to the death of Senator Everett McKinley Dirksen; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. **BRADEMAS**:

H.R. 13802. A bill for the relief of Giuseppe Romeo; to the Committee on the Judiciary.

By Mr. **BURKE** of Massachusetts:

H.R. 13803. A bill for the relief of Grace Duggan; to the Committee on the Judiciary.

By Mr. **BURTON** of California:

H.R. 13804. A bill for the relief of Orlando F. Cudal; to the Committee on the Judiciary.

By Mr. **CELLER**:

H.R. 13805. A bill for the relief of David Z. Glassman; to the Committee on the Judiciary.

H.R. 13806. A bill for the relief of Irwin Katz; to the Committee on the Judiciary.

By Mr. **HOLIFIELD**:

H.R. 13807. A bill for the relief of Claude G. Hansen; to the Committee on the Judiciary.

By Mr. **KING**:

H.R. 13808. A bill for the relief of Mrs. Soon Hi Sue; to the Committee on the Judiciary.

By Mr. **REES**:

H.R. 13809: A bill for the relief of Passwood Enterprises; to the Committee on the Judiciary.

By Mr. **ZION**:

H.R. 13810. A bill for the relief of Lt. Col. Robert L. Poehlein; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

239. By the **SPEAKER**: Petition of the 1969 New Mexico Constitutional Convention, relative to restoration of funds for the completion of the Twin Ditch project in the San Jose area of Albuquerque; to the Commission on Appropriations.

240. By the **SPEAKER**: Petition of Richard A. McQuade, Rosemont, Pa., relative establishment of a military guard at Independence Hall; to the Committee on Armed Services.

241. By the **SPEAKER**: Petition of Henry Stoner, York, Pa., relative to the U.S. Marine Corps; to the Committee on Armed Services.

242. By the **SPEAKER**: Petition of Louis J. Costanza, Bayonne, N.J., relative to the war in Vietnam; to the Committee on Foreign Affairs.

243. By the **SPEAKER**: Petition of Richard A. McQuade, Rosemont, Pa., relative to establishment by the United States of a new nation in Africa for Americans of African descent; to the Committee on Foreign Affairs.

244. By the **SPEAKER**: Petition of the City Council, Elizabeth, N.J., relative to taxation of State and local government securities; to the Committee on Ways and Means.

245. By the **SPEAKER**: Petition of the Board of County Commissioners, Lake County, Ohio, relative to taxation of State and local government securities; to the Committee on Ways and Means.

SENATE—*Monday, September 15, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who has brought us to this new day, help us to make our world a better world. Help us to make our Nation a better nation. Help us to be better men, and to place our talents of mind and heart and voice under the guidance of Thy spirit. Enable us to be good workmen who need not to be ashamed, rightly dividing the word of truth. When we are uncertain, help us to turn to Thee with confidence, to hear again the still, small voice saying, "This is the way, walk ye in it."

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 12, 1969, be dispensed with.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MURPHY

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Mississippi (Mr. Stennis), I ask unanimous consent that, at the conclusion of the morning business, the distinguished senior Senator from California (Mr. Murphy) be recognized for not to exceed 30 minutes.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

VIETNAM

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an editorial entitled "A Way Out of Vietnam," which was published in the Minneapolis Tribune of Sunday, September 14, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, I have not read other editorials or comments on the tragedy of Vietnam that, in my opinion, have as much insight as this editorial. The editorial points out the many occasions in the past when military leaders and others have predicted optimistically that we were about to win the war in Vietnam. The editorial refers to a prediction last fall by Admiral McCain who said the enemy had been defeated and that it would take another year or two to mop up the operation. Since Admiral McCain's declaration last November, 9,000 U.S. servicemen have died in the war.

The editorial observes the exceedingly disappointing lack of progress and, indeed, I think retrogression, on the part of South Vietnam to broaden the political base of South Vietnam's Government, the fact that they have refused to adopt a meaningful land reform program, and many other disappointing facts of which we are all aware.

Over the weekend Vice President Ky predicted that if there were any attempt to create a coalition government or to substantially modify the Government of South Vietnam, there would be a coup within 10 days and the military would resume control. Thus, the world is put on notice of the objective of many of the leaders of the Government of South Vietnam today.

The editorial points out the fantastic amount of corruption in that Government, referring to a Wall Street Journal article which cited the fact that the South Vietnamese chief of staff is seeking to be appointed Ambassador to Switzerland so he can be closer to his money. It did not refer to an earlier comment in the June 23 issue of Newsweek magazine that President Thieu's wife has been buying property in Switzerland.

Mr. President, the editorial concludes with this paragraph:

> But until a firm decision is made to get out of Vietnam and until policies and planning are adjusted to that decision, America's involvement will go on and on and on . . . along with the casualty lists and the distortions of our economy and the war-caused tensions within our society. The time is past for tentative, half-way measures. The time is here for a real decision to end this war.

Mr. President, I hope and pray it will be made.

EXHIBIT 1

A WAY OUT OF VIETNAM

Eighteen months ago, President Nixon, then beginning his campaign in New Hampshire, pledged to end the war in Vietnam. Now, eight months after Mr. Nixon took office, the war and its casualties drag on. The end seems little more in sight than it did last fall, when Adm. John S. McCain, U.S. military chief for the Pacific, said flatly that the enemy had been licked, although another year or two might be required to mop things up. (McCain was one of the military chiefs who met with the President on Friday to advise him on Vietnam).

In recent weeks, optimism has grown in military circles and in some civilian quarters of government that the enemy is indeed growing weaker and our side stronger. Conclusions are again being reached that a military solution is possible. Ambassador Bunker reportedly told Mr. Nixon on Tuesday that the North Vietnamese have been badly beaten on the battlefield. He is said to have urged the President to hold off on negotiations, because the American and South Vietnamese military position is steadily improving.

Even if one grants that Bunker is at least partly right about U.S. and South Vietnamese strength, we believe the assessment must be considered in the context of the steady stream of optimistic statements by U.S. officials, including Bunker, over the years—and must be considered alongside the military potential of North Vietnam to carry on warfare indefinitely. For years, Americans have been told that we can now see a light at the end of the Vietnamese tunnel and all that is needed is an American determination to carry on a bit further. Since McCain's declaration of victory last November, 9,000 U.S. servicemen have died in the war. And in that same period, how much progress has been made in broadening the political base of South Vietnam's government, and how much progress has been made toward needed social and economic reform? Relatively little. Only last week, Vietnamese politicians seriously watered down a proposed land-reform program—even though such reform would be a vital and long overdue step toward building rural support for the Saigon government.

President Nixon has, we believe, concluded that the United States cannot win a military victory in Vietnam and should extricate itself from this war. He has taken a more conciliatory attitude toward the Viet Cong and North Vietnamese, he has made a token withdrawal of U.S. forces, and he has made such positive gestures as temporarily halting B52 flights last week. But the President has not found a way to carry out his pledge to end the war.

We believe there is a way to end the war—and this will require great courage on the President's part. This way is, we believe, to make a firm decision that the United States is going to get out of Vietnam in a responsible, but systematic and determined manner. This means a regular and ongoing withdrawal of U.S. troops geared to a terminal date for U.S. direct involvement in combat operations—say in 18 months. It does not mean a precipitous pullout.

More and more frequently, one hears from politicians, from career diplomats and even, at times, from men with access to the President that the United States must get out of Vietnam, if this country is going to tackle more important domestic problems. We are saddened, though, that such comments often are made in private rather than in public, where such opinions would help create a climate that might help offset military pressures to continue the war.

The United States has, we believe, fulfilled its obligations to South Vietnam and its original goals in being there. Other Southeast Asian countries have been given a decade to strengthen their own security, political structures and economic systems. The South Vietnamese have been given a chance to build their own nation and provide for their own security. A South Vietnam with a million men under arms and with modern American equipment ought to be able to defend itself—if its people have the will to do so. There was nothing in our original involvement that said the United States would do most of the fighting; indeed, President Kennedy said it was not our war to fight and President Johnson during his 1964 campaign said American boys should not be sent to fight an Asian war.

If the South Vietnamese—after 15 years and after an American economic and military involvement of more than $100 billion—can't carry their own burden, then the United States has no obligation to go on carrying it for them. And if the United States does begin to withdraw its troops on a systematic basis, then there will be a real light at the end of the Vietnam tunnel. Then, perhaps, the American military will begin to base its decisions and planning on how to get out of the war—and not on its continuation.

A withdrawal process must, of course, be designed to protect American men in Vietnam. It also must provide an opportunity for South Vietnamese who have thrown their lot in with us to find havens elsewhere, including the United States. Already, some of those Vietnamese who have grown fat on the war are finding or seeking such havens. This past week the Wall Street Journal noted that South Vietnam's chief of staff, who has been accused of corrupt practices, is "busily agitating" to become ambassador to Switzerland, "perhaps to be closer to his money banked there."

But until a firm decision is made to get out of Vietnam and until policies and planning are adjusted to that decision, America's involvement will go on and on and on . . . along with the casualty lists and the distortions of our economy and the war-caused tensions within our society. The time is past for tentative, half-way measures. The time is here for a real decision to end this war.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1970, FOR THE DEPARTMENT OF THE INTERIOR (S. Doc. No. 91–33)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1970, in the amount of $8,380,000, for the Department of the Interior (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PROPOSED AMENDMENTS TO THE BUDGET, 1970 (S. Doc. No. 91–34)

A communication from the President of the United States, transmitting amendments to the budget for the fiscal year 1970, in the amount of $4 million in budget authority, and $20 million in proposals not increasing budget authority, for the Department of Health, Education, and Welfare, Department of the Interior and Civil Service Commission (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT OF THE BUREAU OF THE BUDGET

A letter from the Director, Bureau of the Budget, transmitting, pursuant to law, a report on fiscal year 1970 outlay limitation through August 1969 (with an accompanying report); to the Committee on Appropriations.

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Report of Loan to the Northwest Iowa Power Cooperative, Le Mars, Iowa

A letter from the Administrator, Rural Electrification Administration, transmitting, pursuant to law, a report of the approval of a loan to the Northwest Iowa Power Cooperative of Le Mars, Iowa, for the financing of certain transmission facilities (with an accompanying report); to the Committee on Appropriations.

Proposed Transfer of Ex-Coast Guard Cutter "McLane" to the Marine Navigation and Training Association, Inc.

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, information on the proposed transfer of the ex-Coast Guard Cutter *McLane* (WMEC-146) to the Marine Navigation and Training Association, Inc., Chicago, Ill.; to the Committee on Armed Services.

Report of U.S. Commission on Civil Rights

A letter from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report of the Commission on Federal Enforcement of School Desegregation (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislation Prohibiting Unauthorized Entry Into Any Building or Grounds Thereof Where the President Is or May Be Temporarily Residing

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Court of Common Council of the city of Hartford, Conn., urging the restoration of the appropriation for 1970 under "The Library Services and Construction Act, Title I"; to the Committee on Appropriations.

A resolution adopted by the city council of the city of Elizabeth, N.J., remonstrating against any proposed changes in the present structure of the tax laws which would remove from exempt status holders of municipal bonds; to the Committee on Finance.

BILL INTRODUCED

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HRUSKA (for himself and Mr. EASTLAND):

S. 2896. A bill to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 2896—INTRODUCTION OF A BILL TO PROHIBIT UNAUTHORIZED ENTRY INTO ANY BUILDING OR GROUNDS WHERE THE PRESIDENT IS TEMPORARILY RESIDING

Mr. HRUSKA. Mr. President, I send to the desk a bill which I introduce on behalf of the distinguished chairman of the Judiciary Committee, the Senator from Mississippi (Mr. EASTLAND), and myself, on behalf of the administration. The bill is designed to provide more effective control over unauthorized entry into the temporary residence of the President, and any buildings which are being temporarily used as executive office buildings.

When the President leaves Washington for official or recreational purposes, he always attracts quite a bit of public attention. The Secret Service must protect him, even though the demands of his office require constant exposure to the public and possible danger. When the President, his family, and staff have established a temporary residence away from Washington, the job of the Secret Service becomes all the more difficult.

At present, the Secret Service has no authority to restrict entry into an area where the President may be temporarily living. Disruptive conduct in and around such an area may create a very real danger to the President's well-being and disrupt the orderly conduct of official business. It is essential that the Secret Service have all the legal tools necessary to avoid any possibility of such a situation arising.

This bill is designed to achieve just this goal. Section 1 of the bill makes it a crime to engage in disruptive conduct in and around the temporary residence, and carries a penalty of up to 6 months in jail and up to a $500 fine. Section 2 of the bill makes it a crime to obstruct a Secret Service agent in the performance of his protective duties. This crime carries a penalty of up to 1 year in jail and not more than a $300 fine.

The bill which I introduce provides the additional and necessary legal authority for the Secret Service in order to enable it to establish and maintain a secured and ordered environment in which the President may continue to perform the functions of his office without impediment and free from obstruction.

Mr. President, I ask unanimous consent that the bill and the letter of transmittal be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 2896) to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes, introduced by Mr. HRUSKA (for himself and Mr. EASTLAND), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, is amended by adding the following new section after section 1751:

"§ 1752. Temporary residence of the President.

"(a) It shall be unlawful for any person or group of persons willfully and knowingly—

"(1) to enter or remain in any building or the grounds thereof where the President is or may be temporarily residing, or to enter or remain in any building or the grounds thereof in which temporary offices of the President or his staff are located, without proper authority or in violation of the regulations and orders governing admission thereto;

"(2) to utter loud, threatening or abusive language, or to engage in disorderly or disruptive conduct in or near any building or the grounds thereof enumerated in paragraph (1) with intent to impede, disrupt or disturb the orderly conduct of government business or official functions;

"(3) to obstruct or to impede ingress or egress to or from any building or the grounds thereof enumerated in paragraph (1) or to engage in any act of physical violence within such buildings or grounds.

"(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by a fine not exceeding $500 or imprisonment not exceeding six months, or both.

"(c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States Attorney in the Federal district court having jurisdiction of the place where the offense occurred.

"(d) The Secretary of the Treasury is authorized to prescribe regulations and orders governing admission to the buildings and grounds enumerated in this section.

"(e) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section."

SEC. 2. Section 3056, title 18, United States Code, is amended by designating the present paragraph as "(a)" and adding a new paragraph at the end thereof as follows:

"(b) Whoever knowingly and willfully obstructs, resists, or interferes with an agent of the United States Secret Service engaged in the performance of the protective functions authorized by this section or by the Act of June 6, 1968 (82 Stat. 170) shall be fined not more than $300 or imprisoned not more than one year, or both."

The letter, presented by Mr. HRUSKA, is as follows:

THE SECRETARY OF THE TREASURY,
Washington.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes."

The purpose of the proposed legislation is to control unauthorized entry into any building or the grounds thereof where the President may be temporarily residing or where Presidential offices are located and to prohibit disorderly or disruptive conduct in or near such buildings or offices which could impede the orderly conduct of government business or official functions. The draft bill would also prohibit knowing and willful obstruction or interference with agents of the United States Secret Service in the execution of their protective duties.

Wherever the President goes he attracts wide public attention and is the object of much public notice. When the Chief Executive of the United States leaves the capital city for any purpose he carries with him the awesome burdens of his office and must continue to perform his official duties. He is accompanied by a great many persons who have the responsibility of assisting him in discharging official government business. However, at the present time there exists no Federal statute which specifically authorizes the Secret Service to restrict areas where the President may be residing temporarily when he leaves the seat of government for official or recreational purposes.

The Department is of the opinion that the

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enactment of the proposed legislation is necessary in order to guarantee the integrity and safety of the President and his property and to provide and maintain necessary safeguards for protecting the conduct of essential public business when the President is not in residence at the Executive Mansion. The enactment of the proposed legislation would remove the necessity for the Department to rely wholly upon the general laws of the United States and of the several States to insure the safety of the President when he is absent from the nation's capital.

The draft bill would provide the requisite legal authority for the Secret Service to establish and maintain a secure and ordered environment in which the President may continue to perform the functions of his office without impediment and free from annoyance by the idly curious and vocal minorities intent upon disrupting the orderly conduct of official functions and other public business essential to the welfare of the nation.

The language of the draft bill is adopted, to some degree, from the provisions of the recently amended laws protecting the Capitol buildings and grounds from disruption (40 U.S.C. 193a–193m). It is also designed to accomplish the same purposes as the statutes which protect against disruptions of the functions of the judicial branch (18 U.S.C. 1507; 40 U.S.C. 13a–13m).

It would be appreciated if you would lay the proposed legislation before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

Sincerely yours,

DAVID KENNEDY,
Secretary of the Treasury.

REMOVAL OF COSPONSOR FROM BILLS

Mr. KENNEDY. Mr. President, on behalf of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that at the next printing of S. 746 and S. 1812, his name be removed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF RESOLUTION

SENATE RESOLUTION 243

Mr. KENNEDY. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Michigan (Mr. HART), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of Senate Resolution 243, to make it the sense of the Senate that the President request the United Nations to take steps as may be appropriate to bring about compliance by the Government of North Vietnam with the Geneva Convention of August 12, 1949, relative to treatment of prisoners of war.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON FEDERAL EMPLOYEE PAY LEGISLATION

Mr. McGEE. Mr. President, I wish to announce that public hearings on Federal employee pay legislation will begin before the full Committee on Post Office and Civil Service next Monday, September 22, 1969, at 10 a.m. in room 6202 of the New Senate Office Building. Persons wishing to testify on this subject may arrange to do so by contacting the committee, Mrs. Yee, at telephone 225-5451.

NOTICE OF HEARINGS ON PRACTICES OF THE FEDERAL TRADE COMMISSION

Mr. KENNEDY. Mr. President, the Judiciary Subcommittee on Administrative Practices and Procedures will continue its hearings into the practices of the Federal Trade Commission on Tuesday, September 16, 1969. The hearing will begin at 9:30 a.m. in room 3110 of the New Senate Office Building. Commissioner James M. Nicholson will testify before the subcommittee.

The hearing is part of a series to be based on a questionnaire sent out by the subcommittee last March which dealt with agency responsiveness to public needs.

THE HIGH COST OF DEFEAT IN VIETNAM: A STATEMENT BY FORMER PRIME MINISTER TRAN VAN HUONG

Mr. DODD. Mr. President, Mr. Richard Critchfield, who represented the Washington Star in Saigon for a number of years, was in his time recognized as one of the ablest American correspondents in Vietnam. He is the author of a recent book on Vietnam which he entitled "The Long Charade."

Recently Mr. Critchfield wrote to Prime Minister Tran Van Huong, posing two separate questions to him.

Mr. Critchfield's first question was:

> What will defeat mean in terms of political and human realities if the South Vietnamese people are allowed by the US to go under?

The second question was:

> What is the moral difference between the indiscriminate—sometimes—violence of the American and Allied forces and the VC?

Because I was greatly impressed by a quotation from Prime Minister Huong's letter which I saw in the Washington Star, I asked Mr. Critchfield if he could send me the complete text of the Prime Minister's replies to his questions. Mr. Critchfield was gracious enough to make this text available to me.

Mr. Huong, as Senators know, recently submitted his resignation as Prime Minister. There had been some differences of opinion over the reasons for his resignation. But I believe that all American observers are agreed that Mr. Huong is a man of exceptional intelligence and integrity and dedication, whose outlook was basically moderate and who enjoyed a genuine popularity with the masses of the Vietnamese people. For these reasons, I feel that his opinions deserve particular attention.

In reply to the question about the moral difference between Communist violence and allied violence, Prime Minister Huong said the following:

> The Communist violence is both indiscriminate and discriminate. In both cases, it is *premeditated*. . . . Communist violence is *directed against the civilian population*. The Communists use violence as a means to achieve their end, which is to terrorize the population and to undermine its confidence in the legal authorities.
>
> Allied violence is the unpremediated consequence of acts of war directed against enemy forces. . . . If the civilian population has been also hurt by Allied acts of war, it is because of the special character of the war waged by the communists against us. But the civilian population has never been a target of Allied violence. Every effort has been made to minimize the effects of the war on the civilian population, sometimes involving great risks for Allied troops.

In reply to the question about the consequences of an American defeat, Prime Minister Huong pointed out that the Communist regime had physically eliminated hundreds of thousands of political opponents in North Vietnam, while 1 million people, or one-tenth of the population, had fled to the South in order to escape the bloodshed. He implied that an even greater terror could be anticipated if the Communists ever take over in South Vietnam because the 1 million members of the South Vietnamese armed forces and the 700,000 civil servants, with their families, total some 5 million people. All of these, he said, would be subject to Communist reprisals "in spite of any guarantees that may be given on paper."

Prime Minister Huong also warned that an American defeat in South Vietnam would result in the loss of American credibility in Southeast Asia, in particular, and in the Afro-Asian world in general. And he warned further that such a defeat would produce "a crisis of confidence in the United States," and "a period of dangerous upheaval for the United States."

I believe that all Senators should read the remarkably cogent replies which Prime Minister Huong offered to Mr. Critchfield's questions. I therefore ask unanimous consent that the questions and answers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAIGON, *June 26, 1969.*

Mr. RICHARD CRITCHFIELD,
The Evening Star, The Sunday Star,
Washington, D.C.

DEAR MR. CRITCHFIELD: Thank you very much for your letter of April 1, 1969. I have to apologize to you for the long delay in answering it and hope that you will understand.

The days when I met you while you were covering the 1967 presidential elections are still vivid in my mind and I must thank you once again for recalling them.

I sincerely hope that the heretoattached answers will be satisfactory to you.

With my best personal regards,

Yours sincerely,

TRAN VAN HUONG,
Prime Minister, The Republic of Vietnam.

ANSWERS BY PRIME MINISTER TRAN VAN HUONG TO QUESTIONS BY RICHARD CRITCHFIELD

Question: What will defeat mean in terms of political and human realities if the South Vietnamese people are allowed by the U.S. to go under?

Answer: What defeat will mean for SVN?

A. POLITICAL

1. The people of SVN will not be able to exercise their right of self-determination.
2. Sooner or later (more likely sooner than later), SVN will be under communist rule

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not by the people's choice, but by a Communist maneuver.

The communists may start as participants in a coalition government, then will take advantage of the unpreparedness of and absence of unity between the democratic parties to eliminate them one by one, as had been seen in NVN in 1946.

3. SVN will not remain separate for long. It will be reunited with NVN under the same communist regime that now rules NVN.

There could be a fake of agreement between the 2 zones, but in fact, reunification will not be done by a democratic process, it will be imposed on the SVN people.

B. HUMAN

The 1 million army and 700,000 civil service and their families (5 million people), and all those who have, one way or another opposed communist rule since 1945, will be subjected to reprisals, in spite of any guarantees that may be given them on paper.

Some may be eliminated physically, others may be jailed or sent to reeducation camps. At best, they will all be treated as second-class citizens.

It is to be recalled that in NVN, during the 1955–6 "land reform" campaign, hundreds of thousands of people were killed by the communists.

There will be a violent communist revolution in SVN with all its inhuman aspects: children taught to denounce their parents, orchestrated campaigns of denunciation of "collaborators", denunciation of "landlords", killing of "reactionaries" etc. . . .

In 1954, 1 million people, one-tenth of the population of NVN fled to South VN in order to escape the bloodshed.

What defeat will mean for the U.S.?

A. POLITICAL

Loss of credibility in S.E. Asia in particular and in the Afro Asia world in general.

This will bring about soon enough an end to American influence in S.E. Asia. Countries of this area will have to find some sort of accommodation with Red China.

Beginning of a process of retraction of America's influence and role in the world.

For the first time in its history, an American army will return home defeated.

B. HUMAN AND PSYCHOLOGICAL

With the retraction of America's role in the world and with the military defeat, there is bound to be a crisis of confidence in the U.S.

A period of dangerous upheavals in the U.S. is likely to follow the defeat of their arms in VN.

Question: What is the moral difference between the indiscriminate—sometimes—violence of the American and Allied forces and the VC?

Answer: A. The Communist violence is both indiscriminate and discriminate. In both cases, it is premeditated.

For instance: Indiscriminate rocket firings on populated areas; planting mines on roads; throwing grenades in the crowds; all indiscriminate acts of terrorism against selected targets (village chiefs, policemen, officers, etc.)

Communist violence is directed against the civilian population. The communists use violence as a means to achieve their end, which is to terrorize the population and to undermine its confidence in the legal authorities.

B. Allied violence is the unpremeditated consequence of acts of war directed against enemy forces.

For instance: B–52 bombing against VC troops; air bombing, artillery attacks against villages held by the enemy.

If the civilian population has been also hurt by Allied acts of war, it is because of the special character of the war waged by the communists against us. But the civilian population has never been a target of Allied violence. Every effort has been made to minimize the effects of the war on the civilian population, sometimes involving great risks for Allied troops.

CONTROL OF GOVERNMENT

Mr. GRIFFIN. Mr. President, some time ago, in a speech before the Milwaukee Advertising Club, I discussed the difficulties of a new administration in obtaining control of the Government for which it is responsible.

This problem has been underscored by Willard Edwards of the Chicago Tribune in three recent and revealing columns dealing with a State Department matter.

I ask unanimous consent that these three columns be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Chicago Tribune, Sept. 2, 1969]

Tells of Intrigue in State Department

(By Willard Edwards)

Washington, September 1.—The extraordinary tale disclosed here is more than an account of flagrant injustice to a dedicated career government employe with an outstanding record.

It illumines, as few cases can, the almost insuperable difficulties encountered by a new administration in seeking to reform government departments controled by hold-over officials who have contrived a maze of federal regulations to insure their retention of power.

It helps to explain President Nixon's seeming tardiness to fulfilling the pledge he voiced nearly a year ago, in campaigning for the White House, that, when elected, "we are going to clean house in the state department."

No man was more sincere than Nixon in voicing that promise, and he remains determined to keep it. As Vice President, he agonized for eight years over the Eisenhower administration's seeming inability to accomplish the cleansing process.

He knew where the "good men" in the state department were, Nixon said last Oct. 13, and, with their help, if elected, he was going to weed out the "architects of the past."

The State Department, seven months after Nixon's inauguration, remains peopled with the architects of the past below the top levels. What of the good men?

One of them is John D. Hemenway, 42, chief of the Berlin section. Born and raised in Milwaukee, Hemenway enlisted in the army in 1944 when 17, was promoted to lieutenant in a year, went to the Naval academy where he graduated with honors, was a Rhodes scholar at Oxford university and is fluent in Russian and German. He entered the state department in 1954 and soared quickly to his present grade by 1960.

An official evaluation of this energetic six-footer in 1967 termed him "a master of the complexities of the Berlin situation . . . forceful and imaginative." His record could be called dazzling and the then United States ambassador to Germany, George C. McGhee, and the present minister in Berlin, Brewster Morris, strongly recommended his promotion to higher rank.

Instead of a promotion, Hemenway last Jan. 17 received notice that he was being dismissed as a foreign service officer without retirement annuities after a total of 24 years in government, counting his military service. He is married and has five children.

He has been fighting for his rights since. The White House, it can be stated on the best authority, is gravely concerned about what can only be described as a shameful inequity. Alternative federal employment has been offered Hemenway, but the state department is obdurate to his retention. He is scheduled to leave Sept. 6.

As one observer saw it, the state department power structure was giving notice to the new administration that if there was to be any housecleaning the good men might be the first to go.

Why was Hemenway singled out for retribution and why has the administration been baffled in its efforts to retain his talents in the department where they are most needed?

Bulky files reveal the answer. As second secretary at the American embassy in Moscow from 1960 to 1962 and as Berlin section chief since then, Hemenway revealed a clarity of vision about communist designs that infuriated some of his superiors, notably Alfred Puhan, now ambassador to Hungary. Their resentment was increased when subsequent developments, in a number of instances, revealed Hemenway's perception as acute.

There was additional provocation in the fact that Hemenway was a Republican of moderately conservative views who made no secret of his support of Nixon before the G.O.P. national convention.

More details in this latest revelation of state department intrigue will be disclosed in a following column.

[From the Chicago Tribune, Sept. 4, 1969]

Diplomat's Firing Is Examined

(By Willard Edwards)

Washington, September 3.—The bitterly ironic reflections of John D. Hemenway, chief, Berlin section, office of German affairs, can be imagined when he heard these words last Jan. 22 from the new secretary of state, William P. Rogers:

"I hope to lead an open establishment where men speak their minds and are listened to on merit . . . where divergent views are fully and promptly passed on for decision. . . ."

Just five days earlier, as one of the last acts of the department under Secretary Dean Rusk, Hemenway had been fired precisely because he had courageously advanced "divergent views" in conflict with his superiors.

These higher-ups, Alfred Puhan, acting deputy assistant secretary for European affairs [now ambassador to Hungary], and Alexander C. Johnpoll, acting director of German affairs, repeatedly clashed with Hemenway in ideological disputes over a three-year period.

Hemenway was backed in most of his stands by the then ambassador to Germany, George C. McGhee, and the present minister, Brewster Morris, both of whom strongly recommended his promotion. The power establishment in Washington decreed his discharge instead.

Rusk was fully aware of these policy disputes. Last Jan. 2, Hemenway, warned of his impending departure as a career diplomat, sought and obtained a personal interview with the secretary, and documented 16 instances of policy differences which, he felt, were responsible for his punishment.

The undisputed record disclosed Hemenway's attempts to prevent a serious policy mistake by Puhan that precipitated the Berlin voting rights crisis of 1966. He resisted a Puhan directive that Rudi Dutschke, a militant pro-communist student leader in Berlin, be given a visa to travel in the United States.

Hemenway fought a Johnpoll directive to abolish the Berlin task force. He irritated Puhan by proposing a task force meeting, just prior to the soviet invasion of Czechoslovakia, to discuss the situation.

It was evident that Hemenway's major crime was that he was often proved by events to have been right while Puhan and Johnpoll were knowingly or unknowingly in error.

Rusk went thru the motions of ordering a review by two ambassadors. Their bulky report contained glowing descriptions of Hemenway's capabilities and performance, but noted regretfully that he was "aggressive" and "tenacious" in presenting his views. Such an attitude, of course, was intolerable under the state department code, and Rusk upheld the discharge.

Congress is often the court of last resort in such cases. Hemenway had no friends on Capitol hill but his father-in-law, a resident of Eatonton, Ga., interested Georgia's two senators, Richard Russell and Herman Talmadge, and a congressman in his plight. Soon, a message was delivered to Hemenway:

"You'd have done a lot better to have some liberal senator intercede for you, not southern conservatives!"

Eventually, however, congressional complaints reached the White House. What happened next will be revealed in a third, but predictably not the final instalment, in this account of the state department's counterattack to the housecleaning pledged by President Nixon.

[From the Chicago Tribune, Sept. 6, 1969]

Diplomat's Case Up to Nixon

(By Willard Edwards)

Washington, September 5.—Capitol hill rumblings about the ordeal of John D. Hemenway, a foreign service career officer, reached the White House last July.

They never reached the ears of President Nixon, altho he would presumably have been interested in a case bearing upon his campaign pledge for a housecleaning in the state department.

Nixon had vowed to use "good men" in the department to help him dispose of "architects of the past." Hemenway, an expert on German and Russian affairs, a defender of traditional United States interests in Europe, a Republican and a Nixon supporter, was the kind of good man Nixon seemed to have in mind.

Hemenway, chief of the Berlin section, was fired three days before Nixon became President. His firm views on handling the communist adversary had long irked his immediate superiors. Recommendations for his promotion, on the basis of a brilliant record, were pigeonholed. Then he was kicked out under a regulation eliminating officers who failed to be promoted over a fixed period.

When congressional appeals for correction of this manifest injustice finally arrived at the White House two months ago, an aid routed them to the state department for an answer.

Back came a reply prepared by the holdover officials who had marked Hemenway for punishment. His case, they said, had been subjected to "intensive and high level review" and no unfairness could be found.

Perhaps, the White House assistant conceded in relaying this statement to inquiring members of Congress, there was an element of injustice in the timing of the dismissal. Only 42 years old, Hemenway had 24 years of military and diplomatic service. He would have been entitled to an annuity after 25 years. The state department had killed these rights.

Therefore, a compromise was suggested. He could be appointed a foreign service reserve officer and shipped over to the department of health, education, and welfare for a year's employment, making him eligible for a small pension. At the end of the year, it was stressed, he would have to leave.

Why couldn't Hemenway be retained in the state department for at least another year? This was "not feasible because of some of Mr. Hemenway's own activities over the past months."

In a memorandum of reply, Hemenway demanded to know what "activities" were referred to.

He didn't get an answer. He was denied permission to inspect the records of a review of his case.

Did the "activities" in recent months refer to the fact that he had fought for his rights and even interested Congress in his case? Or had he offended by candid answers given to Federal Bureau of Investigation agents investigating the background of Alfred Puhan, nominated [and later confirmed] as ambassador to Hungary? A bulky record points to Puhan as Hemenway's major foe in ideological clashes during the last three years.

The terminal date of Hemenway's state department service, at this writing, is tomorrow. But there is reason to believe that the White House [with a different staff aid in charge] is deeply concerned that fair treatment be accorded a dedicated public servant. The eventual outcome in this case could serve notice that honest policy differences with a superior will no longer destroy a state department officer's career.

THE AMERICAN FLAG: SYMBOL AND REMINDER

Mr. TYDINGS. Mr. President, 155 years ago last Friday, September 12, British forces attempting to capture Baltimore were halted at the Battle of North Point. Under the command of Gen. Samuel Smith, American soldiers fought to a standstill 9,000 British regulars on a point of land close to the Patapsco River.

The battle forced the British to attempt to subdue Baltimore by naval bombardment instead. The subsequent naval attack also failed and is popularly remembered because it inspired Francis Scott Key to write "The Star-Spangled Banner."

The failure of the British to capture Baltimore ended their drive to split our young Nation in two. Coming on the heels of the burning of Washington, it destroyed the British momentum and heartened all Americans discouraged by the many military reversals suffered.

Baltimore, then as now, was a maritime and commercial center vital to the United States. Its capture would have had a disastrous impact on the outcome of the War of 1812 and possibly the continued existence of the United States.

In Maryland we celebrate September 12 as Defender's Day.

It is appropriate, therefore, that today we recall the Battle of North Point and pause for a moment to reflect on the meaning of the banner which we so proudly hail.

When Old Glory flew over Fort McHenry, it not only represented the Union of States and political liberty. It meant as well a revolutionary idea—the belief that man should and could govern himself. It stood for an experiment in self-government, an experiment that is continuing today.

The world looked at us then and questioned whether the newly formed Nation of 1776 could survive with dignity and freedom intact. It continues to look at us today. The United States of 1969 is examined by the entire world to see if democracy and individualism can survive in the modern age.

I deeply believe it can and that our flag is a symbol of our commitment to these beliefs. Self-government and equal justice under law must survive in the United States if they are to survive at all.

Yet our flag is also a reminder that this "noble experiment" is neither ended nor totally successful. Intolerance and injustice still stain our society.

Until they are eradicated from both individual and institution alike the ideals which our flag represent will remain rhetoric as much as reality.

In honor of our flag and in remembrance of Defender's Day I have today written the Postmaster General of the United States requesting that on the week of June 14 during the National Flag Week all post office vehicles carry a poster commemorating our flag and recognizing National Flag Week.

I ask unanimous consent that my letter to the Postmaster General be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

September 12, 1969.

Hon. Winton M. Blount,
Postmaster General, Post Office Department,
Washington, D.C.

Dear Mr. Postmaster General: The American flag is both a symbol and reminder of the ideals of self-government and equal justice under law upon which our country stands. Our flag is visible representation of our nation's continuing experiment in democracy.

Today in Maryland we celebrate Defenders Day in honor of the successful defense of Baltimore during the War of 1812. It was this effort which led Francis Scott Key to write the "Star-Spangled Banner."

Next June 14 our Nation will again celebrate National Flag Week. This week is set aside by Presidential proclamation to honor our flag and recall its history.

It would then be most appropriate for Post Office vehicles to carry a poster commemorating National Flag Week. The cost to the Department would be minimal; the recognition of our flag most worthwhile.

I respectfully urge you to have all postal vehicles so marked and hope that National Flag Week can be properly celebrated.

Sincerely,

Joseph D. Tydings.

PUBLIC HEARINGS ON TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, on Thursday, September 11, 1969, the Committee on Finance received testimony from a number of witnesses concerning various features of the House bill H.R. 13270. Generally, these witnesses spoke on several different provisions in the bill. Some witnesses, however addressed themselves primarily to the tax treatment of single persons.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Public Hearings on Tax Reform Act of 1969, Staff Summary of Testimony of Witnesses on Thursday, September 11, 1969

HON. PAUL DOUGLAS, CHAIRMAN, NATIONAL COMMITTEE ON TAX JUSTICE

Tax relief for low- and middle-income families (pp. 3–5–8–9 of committee print)

States that the bill continues to give the rich favored treatment. Indicates that a third of the relief will go to the 10 percent of taxpayers with adjusted gross incomes of more

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than $15,000. Maintains that the $3.1 billion tax relief for this group is almost 2½ times the $1.3 billion to be recouped by tax reform from them. Claims over half of $4.5 billion in general rate reductions goes to this class. Indicates the maximum tax on earned incomes gives $100 million in relief to the less than 0.5 percent which have adjusted gross incomes of over $50,000.

Supports the relief given to low- and middle-income families, but believes there is no tax justice when money gained from tax reform is used to reduce the rates of those who benefited most from tax inequities. Argues that this situation is deplorable when it creates a deficit and would reduce the funds available for much needed Federal programs.

States that elimination of most tax preferences should bring a revenue gain of over $12 billion—a sufficient sum to ease the burden of low- and middle-income wage earner and provide some funds for the country's needs.

Conglomerates (p. 3 of committee print)

Maintains that the tax laws should be revised to avoid encouraging the formation of conglomerates.

Miscellaneous (p. 3 of committee print)

Urges Congress to give prompt attention to ending the present law treatment of the multiple surtax exemptions on corporations, and the unlimited charitable contribution.

Capital gains (p. 5 of committee print)

Urges the elimination of the preferential treatment of all capital gains including gains transferred at death with some provision for averaging over a period of years. States that the House bill ignores unrealized gains transfererd by gift or death. Estimates that this proposal would yield an annual revenue gain of $6 to $9 billion.

Depletion and expensing of exploration and development costs (pp. 5–6 of committee print)

Claims that reduction of the oil depletion allowance from 27½ to 20 percent and correspondingly reductions in other depletion allowances only reduces $1.6 billion subsidy by 25 percent and is not a true reform measure.

Asserts that the House bill did not treat the tax preferences accorded to the oil industry which permits oil operators to deduct in the year of expense most of their costs of exploration for and development of oil wells. Maintains that these costs are comparable to capital outlays which in other industries must be deducted over a perod of years.

Points out that income gained by excess depletion allowances and expensing of exploration and development costs are not subject to the minimum tax.

State and local bonds (p. 6 of committee print)

States that option of a Federal subsidy on taxable State and local bond issues will confuse the bond market and not dispense with the preference. Contends that tax-exempt bond provisions should be eliminated and a subsidy provided to governments issuing taxable bonds.

Taxes on interest and dividends at the source (p. 7 of committee print)

Maintains that withholding taxes should be levied on interest and dividends at the source. Contends that present treatment allows nearly $4 billion of dividend and interest income to go untaxed annually.

Real estate accelerated depreciation (p. 7 of committee print)

Indicates that the bill continues to permit real estate industry to deduct depreciation at a rate faster than the depreciation actually occurs. States that this preference can only be supported in the field of low-income housing.

PHILIP H. WILLKIE, RURAL-SMALL TOWN, SMALL CITY COALITION, INC.

General (p. 13 of the committee print)

Believes the tax reform bill is against the public interest. States that the effort to eliminate many "loopholes" in the present tax structure has resulted in the elimination of many valuable incentives to investment in areas essential to the national interest.

Foundations (p. 14 of the committee print)

Opposes the tax on the income of private foundations and the limitations on the holding of voting stock of a corporation by private foundations.

Capital gains (p. 14 of the committee print)

Opposes the increase in the capital gains tax from 25 percent to 32½ percent, and the extension of the holding period from 6 months to a year in order for capital gains to be realized. Opposes also the elimination of capital gain treatment on lump-sum distributions. States that the curtailment of capital gains of breeding stock will cut down the numbers of breeding stock and will cause an increase in the price of food.

Real estate (p. 15 of committee print)

States that the changes in the depreciation rules on real estate, the increase in the capital gains tax, and the interest limitations will seriously affect real estate development and cause unemployment in the building trades.

Municipal bonds (p. 16 of committee print)

States that a tax on municipal bonds will cripple these markets and cause greater loss to those persons who bought the bonds in the belief that they are tax exempt. Indicates that there will be serious problems for States and communities to finance their business institutions if such changes are enacted.

HON. ABNER J. MIKVA, U.S. REPRESENTATIVE FROM ILLINOIS

Tax reform (p. 17 and 18 of committee print)

Maintains that the need for substantial tax reform is real and urgent and that the case for reform has been made largely in terms of symbolic issues: oil depletion allowance, tax-free municipal bonds, and high-income citizens who pay little or no tax.

Argues that meaningful tax reform to the average American taxpayer means tax relief and that Congress must provide this relief in order to avert the taxpayer's revolt described by former Treasury Secretary Barr.

Surtax (p. 18 and 19 of committee print)

Recommends that the surtax be repealed on October 31 of this year or at least that 5-percent surtax not be extended for 6 months during 1970.

JOEL BARLOW, COUNSEL FOR NATIONAL MACHINE TOOL BUILDERS ASSOCIATION

Reform of the depreciation tax structure (p. 29 of committee print)

Expresses disappointment that Treasury has not recommended overall depreciation reform. Suggests that the amortization provisions for railroad rolling stock and pollution control facilities constitutes recognition of inadequacy of present depreciation policy.

Indicates 1969 survey finds that the United States has the highest percentage of overage and obsolete industrial facilities of any leading industrial nation, and has the "most restrictive and outdated" capital recovery tax structure.

States that United States needs a permanent capital recovery tax structure as liberal, and simple as other industrial nations; for example Canada.

Believes that if investment in productive facilities is not encouraged in the United States, more capital funds for plant expansion will move abroad where tax inducements are greater.

States Treasury persists in the view that capital investment allowances can be used as contracyclical measure in dealing with inflation. Expresses the opinion that effective timing is impossible in this regard.

Specific depreciation reform proposals (p. 35 of committee print)

Elimination of the reserve ratio test (p. 35 and appendix A, p. 54 of committee print).—Recommends that reserve ratio test be eliminated from the depreciation guidelines because it is restrictive and complex. Suggests instead that problems be met in individualized tax depreciation lives and service life auditing.

Depreciable lives of the depreciation guidelines (p. 36 and appendix A, p. 54 of the committee print)

Suggests that the depreciable lives of the depreciation guidelines be included in the revenue code to deter the Treasury from unilaterally extending depreciation lives to increase revenues as it did in the 1930's.

Establishing salvage or residual value for productive equipment (p. 36 of committee print)

Urges elimination of the requirement for establishing such values to preclude adjustments by and controversies with the revenue service.

A $10,000 ceiling on additional first-year depreciation (p. 36 of committee print)

Would amend code to eliminate $10,000 ceiling with a possible reduction in the rate of the additional first-year depreciation allowance from 20 percent to 15 percent.

"Booking" depreciation (p. 37 of committee print).—Indicates that three national trade associations representing the machine tool industry and the tool, dye, and precision machining industry, believe industry should accept the booking of tax depreciation for financial reporting purposes if the Treasury insists upon this as a condition to depreciation reform.

CHARLES STEWART, PRESIDENT, MACHINERY & ALLIED PRODUCTS INSTITUTE

General (p. 69 of committee print)

Objects to tax reform bill because it is being rushed through Congress; is excessively complex; makes certain changes retroactively; is unbalanced with respect to corporations in comparison to individuals; punishes investment in favor of consumption; and ignores the prospect for continued inflation.

Deferred compensation (p. 78 of committee print)

Recommends deletion from the bill. Indicates that the Government appears to be trying to get around "constructive receipt" doctrine for a taxpayer on a cash accounting basis. Believes that the provision would be difficult to administer. Considers the $10,000 exemption to be inadequate. Points out that the bill does not define "deferred compensation."

Restricted stock plans and stock options (p. 81 of committee print)

Proposes that the existing rules regarding restricted stock plans be continued. Proposes that the code provisions relating to stock options be liberalized to extend the period which options may be outstanding from 5 years to 10 years and to reduce the holding period from 3 years to 18 months or 1 year.

Moving expenses (p. 83 of committee print)

Supports the broadening and liberalization of the deduction, but suggests that the 30-day limit on temporary living expenses be increased to 60 days, or at least 45 days; that the dollar limitations be increased; that the mileage test not be increased; that the requirement to include reimbursements in gross income be simplified; and that the related problem of the loss on the sale of a home in a job-connected move be considered.

Taxation of foreign earnings (p. 86 of committee print)

Urges that this section be eliminated. Argues that the "deemed credit" should be made available with respect to foreign taxes paid by any second- or lower-tier foreign subsidiary if there is at least a 10-percent voting stock ownership by a first- or upper-tier foreign subsidiary in which the American taxpayer holds at least a 10-percent interest.

Subpart F (p. 87 of committee print)

Recommends consideration of the interrelationship between subpart F and section 482 regulations with removal of any overlap between the two.

Double taxation of foreign earnings (p. 87 of committee print)

Maintains that existing treaty provisions have not provided an adequate solution to double taxation problems.

Section 367 rulings (p. 88 of committee print)

Recommends that section 367 be amended to drop the advance ruling requirement and substitute an authority for an after-the-fact justification by the taxpayer.

Real estate depreciation (p. 89 of committee print)

Requests that the change to permit only straight-line depreciation on used property and 150 percent accelerated depreciation on non-housing new real property and the requirement for recapture not be applied to industrial real property.

Capital gains and losses (p. 90 of committee print)

Argues that repeal of the alternative 25-percent rate, the lengthening of the holding period to 12 months, and the limitation on capital losses would result in a blunting of incentives to take risks and would decrease fluidity in investment markets.

Contends that the change in tax treatment of lump-sum pension and profit-sharing distributions would be disruptive to such plans, might create severe tax results, and would discourage the establishment and growth of these plans.

Tax accounting problems (p. 94 of committee print)

Advance payments (p. 94 of committee print).—Recommends legislation to overrule misapplication of the Hagen rule involving taxation of advance payments when received, at least with respect to industrial goods, so that the tax is deferred until the sales transaction is completed.

Methods of accounting (p. 96 of committee print).—Suggests that section 481 be amended to authorize a 10-year spread of the tax impact of changes in accounting methods.

Inventory valuation (p. 97 of committee print).—Opposes a proposed Revenue ruling which would disapprove for tax purposes both the "prime cost" and the "direct cost" methods of inventory valuation.

Reserves for estimated expenditures (p. 97 of committee print). Believes that accrual of reserves for estimated expenditures should be authorized by statute.

Accumulated earnings tax (p. 97 of committee print)

Requests a reevaluation of the accumulated earnings tax.

Charitable contributions (p. 98 of committee print)

Considers these provisions to be potentially damaging to the pattern of contributions, and recommends reexamination of the entire area.

JOHN T. HIGGINS, CHAIRMAN, AMERICAN TEXTILE MANUFACTURERS INSTITUTE, INC., TAX COMMITTEE

Foundations (p. 120 of committee print)

Suggests eliminating the stock ownership limitations because of their detrimental effect upon the continuity of ownership and management of many small corporations.

Moving expenses (p. 120 of committee print)

Suggests eliminating the overall dollar limitation of $2,500 on the three new categories of deductible moving expenses. Urges that the 20-mile test of existing law be retained—states that the 50-mile test contained in the House bill assumes an unreasonably long commuting pattern. Recommends that the new rules apply beginning in 1969 rather than in 1970.

Deferred compensation (p. 121 of committee print)

Urges no change in existing rules covering unfunded, nonqualified deferred compensation arrangements. However, if these provisions are not deleted then urges that the minimum tax should apply to deferred compensation payments.

Original issue discount and convertible indebtedness repurchased premiums (p. 121 of committee print)

Recommends that convertible debentures be treated the same as bonds issued without warrants attached in determining the tax effect of original issue discounts and repurchased premiums.

Tax treatment of stock dividends (p. 122 of committee print)

Objects to giving the Treasury Department authority to treat as a dividend an increase in a stockholder's interest in the assets or earnings of a corporation because of a change in a conversion ratio, a change in redemption price, a redemption treated as a taxable dividend, or any similar transaction. Urges, instead, that the rules be provided in the statute. Recommends that the grandfather clause applicable to stock outstanding on January 10, 1969, be expanded to cover holders of rights or convertible securities which were outstanding as of such date.

Earnings and profits (p. 122 of committee print)

Opposes the provision requiring earnings and profits of corporations to be determined by the use of the straight line method of depreciation. If it is to be applied, do not apply to foreign corporations.

Capital gains (p. 123 of committee print)

Recommends that one-half of the capital gains of a corporation be subjected to the regular corporate tax rate, rather than the 30-percent tax rate and that 50 percent portion decrease as the holding period lengthens.

Real estate depreciation (p. 123 of committee print)

Feels that the accelerated depreciation methods should not be denied to the manufacturing segment for their new plants simply because "some high income individuals" have used real estate investments as a tax shelter.

Repeal of investment credit and amortization of certain railroad rolling stock (p. 123 of committee print)

States that these provisions point out the need for more adequate depreciation allowances. Recommends the elimination of the Treasury's "reserve ratio test." Suggests that only taxpayers claiming depreciation lives shorter than the specified life or lives for their industry be subjected to the complications of the Treasury's "depreciable guidelines."

JAMES B. IRVINE, PRESIDENT, ASSOCIATION FOR ADVANCED LIFE UNDERWRITING

Deferred compensation (p. 146 of committee print)

Considers the deferred compensation provision detrimental to the public policy of encouraging adequate retirement programs.

Notes that the bill does not define "deferred compensation." Indicates that some compensation received during the retirement years is at the insistence of the employer and not the employee; thus, it is not "bargained for," but would appear to be includable under the bill. Believes that the statutory language reaches arrangements where compensation is deferred between different years in which the employee is working, but questions that this was the intention of the House bill. Recommends that a workable definition of deferred compensation be developed.

Recommends that the statute explicitly exclude supplementary pension benefits, disability benefits, and death benefits from the deferred compensation concept.

Suggests that the $10,000 annual exclusion is inadequate.

Asserts that the proposal compounds the tax return complexities by requiring tax recomputations.

Restricted property (p. 154 of committee print)

States that the recognition of restricted property arrangements as a form of deferred compensation is helpful. However, feels that the bill can be improved by—

(1) Applying full deferred compensation rules to restricted property;

(2) Removing the reliance on forfeitability considerations;

(3) Emphasizing that the restricted property rules apply to all property (including insurance policies), and not merely stock as implied in the committee report, and to all forms of funding approaches; and

(4) Coordinating the deferred compensation payment deductions for the employer with the taxability of the deferred compensation receipts.

LEONARD E. KUST, VICE PRESIDENT AND GENERAL TAX COUNSEL, WESTINGHOUSE ELECTRIC CORP.

General (p. 181 of committee print)

Considers the emphasis on reducing individual taxes while increasing corporation taxes to be economically undesirable. Questions the advisability of increasing the corporate capital gains tax to 30 percent and repealing the investment credit.

Moving expenses (p. 184 of committee print)

Suggests that the categories of allowable moving expenses be enlarged to cover all normally incurred expenses, including certain miscellaneous expenses of disconnecting utility service and appliances, altering rugs, and so forth, and additional costs related to the sale of a residence, such as "carrying charges" (for example, taxes, insurance, interest, utilities, and so forth, being incurred on both the old and new home). Recommends that the $2,500 limitation on the "indirect" expenses be raised to at least $4,000.

Real estate depreciation (p. 186 of committee print)

Argues that present accelerated depreciation methods should be continued for owner-occupied industrial and commercial buildings, as these do not lend themselves to tax avoidance. Contends that the proposed changes in the recapture provisions are adequate to prevent abuse of double-declining balance or sum-of-the-years digits depreciation.

Restricted stock and other deferred compensation (p. 188 of committee print)

States that provisions in bill will render restricted stock and deferred compensation

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arrangements useless as a means of inducing key employees to remain with the employer. Indicates that qualified stock options have not adequately served this purpose.

States that the exclusion of deferred income from qualifying for the 50-percent maximum tax rate on "earned income" is incompatible with the aims of the limit. Suggests that forfeitable bonuses payable over no more than 5 years and subject to an "earn-out" not be considered as deferred compensation.

MRS. CARYL TERRY, PARENTS WITHOUT PARTNERS, INC.

Joint tax rate for certain parents (p. 212 of committee print)

Urges that the joint tax rate be provided for all single parents who maintain homes for their children. Thus, divorced or separated parents would be accorded the same treatment as widows and widowers.

Medical and child care expenses (p. 214 of committee print)

Recommends that persons living apart pursuant to separation agreements be permitted to elect to treat themselves as widowed, divorced, or legally separated persons for tax purposes.

Medical and child care expenses (p. 142 of committee print)

Suggests that deductions for medical or child care expenses be broadened to:

(*a*) accord such a deduction to a parent who actually pays such expenses regardless of whether or not the child is that parent's "dependent" for tax purposes; and

(*b*) permit the deduction for parents who are separated but who have not yet received a final decree of divorce or legal separation if they maintain separate households and do not file joint income tax returns.

In addition, permit divorced or separated fathers a deduction for child care expenses comparable to the deduction presently available to widowed fathers.

MISS DOROTHY SHINDER, DIRECTOR, PRESIDENT, SINGLE PERSONS TAX REFORM

Tax reform for war singles and other unmarried persons (p. 217 of committee print)

Explains that war singles are single women, or briefly married women, over 35 years of age, whose chances of marriage or remarriage were spoiled by the wars. Indicates that war singles deserve war reparations in the amount of $35,000 plus interest. Recommends that additional benefits for war singles include retirement at age 50 with full widows social security benefits (including the provision to work whenever they wish for additional unlimited income), medicare, tax deductible rents on their living quarters, and two dependency exemptions.

RICHARD W. EDWARDS, JR., WASHINGTON, D.C.

Intermediate tax rate individuals (pp. 213–235 of committee print)

Points out that bill establishes special lower tax rates for single persons over the age of 35 and widows and widowers. Asserts that these sections discriminate against married persons where both have income and elect to file separate returns. Maintains, however, there is no discrimination in cases where one married partner has no income or the taxable income is less than one-fourth of the taxable income of the other partner.

Recommends that if special tax rates are to be given to single persons, then these rates also be made available to married persons over age 35 who file separate returns. Urges as a preferred alternative that the provision be deleted. Argues that "intermediate tax rate individuals" are in the realm of fiction and undermine the original principle of income and expense sharing between husband and wife.

Low income allowance—proposal for minimum tax (pp. 235–237 of committee print)

States that bill will remove 5.2 million taxpayers from the tax rolls in 1970 and an additional 600,000 taxpayers will become nontaxable in 1971. Argues that the responsibility to pay at least something toward the cost of the Government from which he benefits is as basic as the right to vote.

Suggests that a minimum tax be established which would require all adult citizens to pay approximately $50 a year in Federal taxes.

BENJAMIN BOTWINICK, C.P.A., METROPOLITAN TAXICAB BOARD OF TRADE AND EMPIRE STATE TAXICAB ASSOCIATION

Multiple surtax exemptions (p. 230 of committee print)

States that there are sound business practices, such as limited liability, which dictate the organization method chosen and that taxes are only one of many important factors. Indicates that the present law does not create a loophole and does not require any reform. Points out that sections 269 and 1551 of the Internal Revenue Code may be used to prevent the use of sham and shell corporations, or the transfer of property to new corporations, not having good business purposes, to obtain the tax benefit of having a lower tax on the first $25,000 of taxable income. Points out further that section 482 may also be used to assure "arm's length" intercompany transactions.

Notes that in 1964 Congress enacted sections 1561–1563 which impose a penalty tax of 6 percent, in addition to the normal tax of 22 percent, for the privilege of using multiple corporation surtax exemptions; and thus there is no need for the provision in the House bill limiting the surtax exemptions.

Points out that the small businessmen, who use multiple corporations for valid business purposes, lose the opportunity of applying net losses of one company against the profits of another, thereby paying taxes on a higher amount than the consolidated net income.

States that although the reason given in the House Report for the provision limiting the multiple surtax exemption was to continue to help small businesses but restrict large organizations, the impact will be mainly against small businesses and only hurt big business in a very limited number of cases. Urges eliminating the House provision and suggests adopting provisions that will effectively prohibit only big corporations from utilizing undue multiple surtax exemptions. Suggests a requirement limiting multiple corporation surtax exemptions to a maximum of $500,000 of pretax income (or perhaps an even lower amount).

Mr. LONG. Mr. President, on Friday, September 12, the Committee on Finance received testimony from a number of witnesses concerning such features of the House bill as: First, extension of the unrelated business income tax on churches and other exempt organizations which today are not subject to that tax; second, treatment of debt-financed acquisition of business assets by a tax-exempt organization; third, the tax treatment of membership organizations and their relationship with their members; and fourth, the information returns required to be filed by tax-exempt organizations.

We also received testimony on that portion of the bill repealing separate surtax exemption for multiple corporations.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

TAX-EXEMPT ORGANIZATIONS

HON. MORTIMER M. CAPLIN, COUNSEL, NATIONAL TAX EQUALITY ASSOCIATION

Business competition for tax-free organizations (p. 6 of committee print)

Contends that business activities of tax-free organizations result in unfair competition to taxpaying businesses. Notes that the University Hills Foundation had acquired 24 businesses during a 9-year period, the profits from which were ruled to be tax exempt. Points out that churches, fraternal beneficiary societies, and cooperatives are also extensively involved in ordinary business activities. Indicates that cooperatives are not just the small farming cooperatives but also operate in many other areas, and that five cooperatives appeared in Fortune's list of 500 largest business operations.

Indicates that tax immunity of profits enables exempt organizations to pay inflated prices for businesses, and that acquisition of businesses by exempt organizations is increasing as a result of the *Clay Brown* case. Argues that this tax immunity results in substantial losses of Federal revenues. Considers the 1950 unrelated business tax to be inadequate.

Unrelated business income tax (p. 14 of committee print)

Supports House bill to extend unrelated business income tax to churches, social welfare organizations, fraternal beneficiary societies, and so forth, and the tax on debt-financed acquisitions of income-producing property.

Cooperatives (p. 16 of committee print)

Maintains that cooperatives are essentially similar to corporations, and that there is no justification for not taxing the income to the cooperative and to the patron in the same two-tier tax system as for corporations-shareholders. Endorses Senator Ribicoff's bill (S. 2646) to accomplish this goal.

If this approach is not accepted, suggests adoption of the tentative decision of Ways and Means Committee requiring cooperatives to distribute currently 50 percent of earnings in cash and the other 50 percent to be paid out to patrons within 5 years.

Foundations (p. 20 of committee print)

Recommends approval of House provision to require divestiture of holdings in unrelated business to less than 20 percent.

Feels that if specific abuses by foundations are dealt with directly, there is little need to impose a tax on investment income, which would penalize charitable recipients of foundation grants. Agrees with Treasury proposal to impose only a "supervisory fee" for administrative costs.

Advertising income of exempt organizations (p. 21 of committee print)

Urges adoption of House provision to tax advertising income of exempt organizations. Asserts that such income results in unfair competition with taxpaying publishers.

Suggests that Treasury be given authority to prescribe legislative regulations for determination of allowable deductions to arrive at taxable income in order to prevent avoidance of a tax by accounting maneuvering.

Technical correction of unrelated business income tax (p. 23 of committee print)

Considers the House bill relating to taxation of "passive" income from rents, royalties, and so forth, to be inadequate. Recommends that exclusions for rent, royalty, and interest be unavailable for any income which is deductible by the payor and paid to the exempt organization by an entity which exempt organizations, its creditors, or related persons have a significant interest. Suggests that these exclusions also be unavailable for rent, royalty, or interest income whose amount is determined by amount of income (gross or net) realized by payor. Believes that consideration should be given to eliminating the rental exclusion from statute altogether.

Taxation of related business (p. 25 of committee print)

Indicates that some business operations may be considered as related to functions of an exempt organization, and yet be in direct competition with taxpaying business; for example, book or map publishing businesses. Recommends a Treasury study of relationships of "related businesses" and possible abuses in this area.

Clarification of deduction rules (p. 26 of committee print)

Notes that some courts have permitted nonprofit organizations to deduct expenses of nonprofit agencies (generally, furnishing of services to members) from net income from unrelated sources, and that this could result in complete avoidance of tax on unrelated business income. Urges adoption of House provision dealing with clarification of these deduction rules.

VERY REVEREND HOMER R. JOLLEY, S.J., PRESIDENT, LOYOLA UNIVERSITY, NEW ORLEANS, LA.

Extension of unrelated business income tax to churches (p. 29 of committee print)

Points out that Loyola University, which operated WWL–TV and WWL, does not oppose legislative efforts to stop the Clay Brown type transaction. Objects, however, to the extension of the unrelated business income tax to churches.

Indicates that Loyola University will operate at a deficit during the next 5 years which would be increased substantially if it were not for the anticipated revenue to be derived from its television and radio operations.

Believes that there is a middle ground available to Congress which will both curb the abuses to which the House bill is aimed and at the same time retain the traditional tax-exempt status of churches. Recommends as an alternative to the provision in the House bill that churches be required to expend (in the exercise or performance of its religious, charitable, or educational purposes) at least 80 percent of their earnings from commercial operations on an annual basis. Believes that this minimum expenditure approach combined with the inability to borrow imposed by the *Clay Brown* provisions will remove any competitive edge which churches may enjoy.

Proposes that if this approach is not deemed desirable by the committee that methods other than the provisions in the House bill be explored to allow churches an unlimited deduction for earnings distributed to or permanently set aside for the benefit of certain qualified operations or organizations such as schools, hospitals, and charities, which derive their support from the general public. Indicates that another method would be to allow a phase-in period of 10 years to enable churches, including Loyola, to retire substantial long-term indebtedness which in major part is financed by revenues from unrelated activities.

ROBERT E. M'KENNA, ROBERT A. SALTZSTEIN, AND PAUL CONRAD, REPRESENTING AMERICAN BUSINESS PRESS AND NATIONAL NEWSPAPER ASSOCIATION

Tax on advertising income (p. 57 of committee print)

Maintains that advertising is a business unrelated to any tax-exempt purpose, and any profits should be taxed as are profits from other taxpaying advertising. Supports the Internal Revenue Service regulations and House bill provision to tax the advertising income of exempt organizations.

Suggests that each separate publication of an exempt organization be accounted for separately to prevent tax avoidance, and that appropriate regulations be adopted to prevent use of accounting devices to avoid tax.

Argues that taxpaying publishers also perform worthwhile public services as do exempt organizations.

WILLIAM J. LEHRFELD, COUNSEL, NATIONAL FRATERNAL CONGRESS OF AMERICA

Unrelated business income tax (p. 77 of committee print)

States no substantial objection to the extension of the unrelated business income tax in its *present form* to the fraternal beneficiary societies since all other exempt organizations will be subject to this tax. Supports the equivalent treatment of all exempt organizations as to the taxation of unrelated debt financed income. Objects, however, to the singling out of fraternal beneficiary societies for special treatment of "diverted" passive income. Points out that the House bill does not treat equivalent organizations on an equal basis; it does not treat equivalent income on an equal basis. Urges the Senate to reject this treatment.

Public information returns (p. 95 of committee print)

Indicates no substantial objection to the requirement that all exempt organizations file public information returns so long as some provision is made in the statute for an automatic exception for very small organizations, such as local lodges with less than $5,000 in gross receipts and assets.

EDWIN K. STEERS, GENERAL COUNSEL, IMPERIAL COUNCIL OF THE ANCIENT ARABIC ORDER OF THE NOBLES OF THE MYSTIC SHRINE OF NORTH AMERICA

Background concerning the Imperial Council (p. 107 of committee print)

States that the Shrine has been characterized for the color and pageantry of its parades and fund raising activities in support of the Shriners hospitals for crippled children. Notes several of their charitable endeavors in this regard.

Tax on investment income (pp. 112 and 118 of committee print)

Opposes the imposition of a tax on investment income and income derived from nonmember admissions to fund-raising events of fraternity beneficiary societies. States that the effect of imposing a tax on all investment income and income obtained from fund raising activities of the Imperial Council (and other fraternal organizations) would result in drastic curtailment of their further charitable and philanthropic endeavors.

Extension of the unrelated business income tax (p. 113 of committee print)

Supports the provision in the House bill which would encompass fraternal organizations (along with the other exempt organizations) under the existing provisions of the unrelated business income tax. States that this tax should be similarly applicable to all classes of organizations exempt under section 501 of the Internal Revenue Code. Points out that this would prevent a competitive advantage over private tax-paying businesses in cases where exempt organizations are able to generate income from a trade or business.

Exempt status of fraternal beneficiary societies (p. 114 of committee print)

Points out that there is no historical legislative precedent for attempting to treat exempt fraternal beneficiaries societies in the same categorical manner as exempt social clubs. Indicates that the organizational structure and purposes of these two exempt organizations are dissimilar, except that both are a membership form of organization. Maintains that the income sources to fraternal organizations are not now nor have they ever been a matter of unfair competition for private taxpaying businesses.

GEORGE F. KACHLEIN, JR., EXECUTIVE VICE PRESIDENT, AMERICAN AUTOMOBILE ASSOCIATION

Limitation on deductions of certain nonexempt membership organizations (p. 143 of committee print)

Argues that the limitation should not apply to the AAA. Maintains that many of its activities benefit the general public and are in the public interest, and that these activities would have to be curtailed if not eliminated if the limitation applies.

States that AAA competitors (insurance and oil companies with subsidiary motor clubs) apparently will be permitted to deduct membership operation losses while AAA will not.

Contends that the limitation requires an exact matching of dues and membership expenses, since excess dues are taxable, and excess epenses are not deductible, and that an exact matching is impossible because expenses depend largely on unpredictable factors such as weather conditions.

Contends that it is discriminatory to tax investment income from membership dues paid in advance, since newspapers and magazines may invest subscription receipts without being taxed separately on the investment income.

States that AAA receives income from advertising in its tour books and in connection with its system of rating hotels, restaurants, et cetera, and that it would be required to pay taxes on this income without reduction for cost of publication, because it is a nonmember income.

Contends it is impractical to allocate its costs between members and nonmembers.

Maintains that the scope of the limitation is too broad and that it should not apply to organizations such as the AAA whose members do not have direct control over the dues structure.

J. P. JANETATOS, COUNSEL, NATIONAL CLUB ASSOCIATION AND THE CLUB MANAGERS ASSOCIATION OF AMERICA

Unrelated business income tax (p. 167 of committee print)

Urges legislative preservation of present practice of allowing 5 percent of club's receipts to be derived from nonmembers without being unrelated income. Recommends clarification of "directly connected" expenses in relation to gross income, and that all expenses be allowed as deductions which help to produce income.

Objects to the complexity of definition of "exempt function income," and suggests that this be defined as "gross income from amounts paid by members." Requests clarification of concept of "guest" and what is "paid by members."

States that taxation of gains from sale or exchange of property should not be taxed because many clubs would be unable to reinstitute operations elsewhere due to high costs of land and construction. Suggests an exemption from the tax on gain if funds are used within 5 years for reacquisition of new facilities, and an exemption for investment income arising from capital improvement funds set aside for development or relocation.

DENVEL D. ADAMS, NATIONAL ADJUTANT, DISABLED AMERICAN VETERANS

Description of organization (p. 183 of committee print)

Discusses the role of the Disabled American Veterans, a nonprofit corporation chartered by an act of Congress and accountable to Congress, points out that it devotes the major part of its efforts to free assistance to veterans and its dependents, members and nonmembers alike.

Unrelated debt-financed income, self-dealing, full public disclosure (pp. 185 and 186 of committee print)

States that the DAV approves the provision in the House bill taxing unrelated debt-financed income, curtailing self-dealing, and

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requiring full public disclosure of activities of tax-exempt organizations.

Unrelated business income tax (p. 187 of committee print)

Indicates also that the DAV does not oppose the House provisions extending the unrelated business income tax to all exempt organizations. Points out, though, that it believes that in enacting this provision Congress should indicate clearly that the DAV's traditional methods of fundraising should not be taxed. States that the tax on unrelated business income should be confined to commercial transactions in competition with taxpaying businesses. Indicates that if a tax were imposed on the funds of the DAV, it would cause a great reduction in service to disabled veterans.

MULTIPLE CORPORATIONS

JAMES W. RIDDELL, COUNSEL, VOLUME FOOTWEAR RETAILERS OF AMERICA AND COMMITTEE OF CONSUMER FINANCE COMPANIES

Multiple surtax exemptions (p. 193 of committee print)

Opposes repeal of the privilege to claim multiple surtax exemptions. Asserts that it has been the policy of the Congress to encourage legitimate and normal expansion of growing businesses by the allowance of a surtax exemption to every corporation within a controlled group which is established for sound business purposes. Points out that it has also been the firm legislative policy of Congress to deny the surtax exemption and all other deductions or exclusions to corporations which are formed for the purpose of tax avoidance without sound business purposes.

Urges the committee if it is to accept the provisions of the House bill to increase the phaseout period from 8 to 10 years, change the effective date of this provision to December 31, 1969, allow during the phaseout period a 100-percent dividends received credit, and permit members of an affiliated group claiming the benefits of the phaseout the same benefits with respect to intercorporate losses as are accorded to members of an affiliated group who file a consolidated return.

WALTER POZEN, COUNSEL, NATIONAL RETAIL MERCHANTS ASSOCIATION

Multiple surtax exemptions (p. 217 of committee print)

Opposes the proposed elimination of corporate multiple surtax exemptions. Contends that the effect of this proposal would create potentially serious consequences for retailing operations.

States the elimination of the exemptions would cause small marginal stores to be closed, adding that many small stores cannot absorb additional taxes and still remain profitable. Further states that innumerable local communities would suffer from a decline in services, availability and suitability of merchandise, and a decrease in competition and a loss in jobs.

Questions the Treasury's estimates of the additional tax revenue which would be gained by this provision, and suggests those estimates do not take into account the revenue loss resulting from the closing of marginal stores, as well as the loss from stores which never would open as a result of the provision.

Urges the committee to reject the multiple surtax provisions of the House bill.

ROBERT E. THOMAS, PRESIDENT, MAPCO, INC., ALSO REPRESENTING THE LP-GAS INDUSTRY AND THE NATIONAL SMALL BUSINESS ASSOCIATION

Multiple surtax exemption (p. 239 of committee print)

Opposes the House provision that the corporate surtax exemption be eliminated.

Contends the application of the surtax exemption to affiliate corporations is not an unintended tax preference. Disputes the contention that the exemption is the principal reason for businesses operating through multiple corporations. States that another misconception is the allegation that the availability of the exemption to affiliated multiple corporations results in a tax inequity which discriminates against their competitors.

Also, does not believe the elimination of the exemption is necessary to end the practice of some businesses of using multiple separate corporations to take advantage of more than one surtax exemption—because other provisions of the Revenue Code are designed to deal with this problem.

Suggests the "most disastrous effect" of the House provision is its impact on the market price of the stock or assets of small family-owned businesses, noting that in the liquid petroleum gas business alone there are 4,000 small family-owned businesses.

Lump-sum distributions from qualified profit-sharing plans (p. 251 of committee print)

Suggests the Ways and Means Committee apparently believes the benefits of capital gains treatment for lump sums paid from profit-sharing plans are derived only by high-salaried corporate executives. States that low-salaried employees receive proportionately large lump sums at retirement, explaining that only about 1 percent of MAPCO's employees earn more than $20,000 a year, and that it maintains a profit-sharing plan for all its employees. Contends the House provision would diminish the incentive for many employees to provide for their own future security.

Mineral production payments (p. 254 of committee print)

Expresses concern respecting the House bill's provision dealing with one form of mineral production payments; namely, carved-out production payments. States that MAPCO's oil and gas production subsidiary has legitimately accumulated operating losses pursuant to the Code, and that summarily taking away MAPCO's ability to carve out a production payment for the purpose of covering accumulated losses is exceedingly unfair.

Suggests that if such payments are to be outlawed, it seems only fair that they be outlawed with respect to future operations and not with respect to accumulated past losses.

Definition of plant facility, (p. 256 of committee print)

Believes the House bill entitles a pipeline system, on which construction was commenced prior to April 19, 1969, to an investment credit, but is concerned that the phrase "a single site" might be narrowly interpreted to not include a pipeline system. Contends this would lead to unnecessary dispute and litigation, and recommends that the report of the Senate Finance Committee on this legislation expand the list of examples of a single site to include the words "a pipeline route."

Mr. LONG. Mr. President, today the Committee on Finance received testimony from a number of witnesses concerning that portion of the House bill which tightens up on the bad-debt reserve deductions taken by commercial banks, mutual savings banks, and savings and loan associations. The House bill also reduces the tax benefits available to these institutions with respect to their gains and losses on bonds, and other corporate and governmental evidence of indebtedness.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

FINANCIAL INSTITUTIONS

HON. PRESTON MARTIN, CHAIRMAN, FEDERAL HOME LOAN BANK BOARD

Residential real estate loans (p. 1 of committee print)

Urges the enactment of a tax incentive on residential real estate loans: a deduction based upon a percent of gross income from these loans, the so-called Administration proposal. Supports the tax deduction approach because this approach has the virtues of simplicity and clarity in contrast to the complications and ambiguities of the present "bad debt reserve" approach. Suggests the consideration by this committee of a stronger incentive on the same deduction basis, based on gross mortgage income derived from conventional mortgage loans to moderate and low-income households. Requests that if the Administration's "5-percent deduction" approach is accepted that consideration be given to a more liberal tax deduction such as 10 percent to provide incentives in this necessary area.

Tax definition of savings and loan (p. 5 of committee print)

Opposes the tax definition of savings and loan associations contained in the House bill. Points out that the bill *initially* describes a savings and loan as an insured institution or one which is subject to regulatory supervision and examination. States that the bill's definition goes further by describing specifically the business and activities of a savings and loan: "substantially all of the business of which consists of acquiring the savings of the public and investing in loans." Indicates that the definition in the House bill also sets forth an elaborate structure as to the mix of assets which a savings and loan must hold. Believes that the *initial* definition is adequate and to go further, inhibits the ability of the industry to adjust to changing consumer demand structure.

Mergers (p. 8 of committee print)

Maintains that the present application of the tax law to "supervisory" mergers has been in need of revision. States that a "supervisory" merger is encouraged or instituted *in the public interest* by the FSLIC and the FHLBB, involving one or more savings and loans with financial or managerial problems. Indicates that under present law tax deducted reserves *may* be subject to recapture upon merger or acquisition of assets; and if this is the case the tax must be taken from existing net worth. Asserts that this rule effectively bars some otherwise desirable merger candidates or unduly limits the available supervisory solutions. Believes that, at a minimum, "supervisory" mergers or acquisitions or assets instituted by the Board in the public interest should be relieved of this tax effect.

WILLIS W. ALEXANDER, PRESIDENT, THE AMERICAN BANKERS ASSOCIATION

Gains from debt securities (p. 13 of committee print)

Expresses concern that proposal to treat net gains and losses from debt securities as ordinary income that will have an adverse impact on debt securities markets. Asserts that the prospect of change has already decreased demand for low-coupon issues and long- and intermediate-term issues, as well as reducing the liquidity of banks. Contends that termination of present treatment of gains and losses will increase costs of Treasury and municipal intermediate- and long-term financing, even greater than the increase in tax revenue.

Maintains that present nonsymmetrical treatment of capital gains and losses of banks enables banking system to meet changing credit needs. Requests that if present treatment is terminated, if not be made retroactive.

Bad debt reserves (p. 17 of committee print)

States that present bad debt reserve treatment is the result of intensive discussions between Treasury and banks on what constitutes an adequate reserve for loan losses.

Contends that current bad debt reserve provisions for banks provide stability and solvency for banks, and recognizes the need for different treatment from commercial businesses. Argues that public policy requires stepped-up marginal lending with respect to risk and net returns to solve inner city and other problems, and that this calls for strengthened, not weakened, bad debt reserves to avoid impairment of capital.

Asserts that effective tax rate as computed for banks is not entirely correct, as in 1968 insured banks also paid $132 million to the Federal Deposit Insurance Corporation and national banks paid $23 million to the Comptroller of Currency for deposit insurance and bank examination. Argues that these fees are, in effect, "taxes". Questions the relevancy of citing the lower effective tax rate on banks from tax-exempt interest income as an argument to lower bad debt reserves. Indicates that the proper issue is whether present bad debt reserve formula is adequate in relation to public policy objectives at a reasonable cost to Treasury.

Maintains that proposed carryback and carryforward treatment of losses does not provide some degree of protection as an established reserve.

Accumulation trusts (p. 23 of committee print)

Recommends that sections 341 and 342 of bill be eliminated because tax abuse is not a problem and that possibility of tax avoidance is slight.

Split interest trusts (p. 28 of committee print)

Suggests that requiring the establishment of an annuity trust or unitrust to obtain a charitable deduction not be enacted, as it would reduce investment flexibility of trusts and would impose unnecessary burden and expense on trustees.

Lump-sum pension distributions (p. 30 of committee print)

Contends that present system of capital gains treatment is equitable as an averaging device. Maintains that proposal would be highly complicated and administratively cumbersome.

Withholding of interest and dividends (p. 31 of committee print)

Opposes proposed amendment No. 140 to H.R. 13270 by Senator Kennedy to require tax withholding of 20 percent on dividends and interest. Asserts that proposal would place onerous burden of work and expense on private industry. Suggests that the Service use information already submitted on form 1099 to insure that taxpayers are paying taxes on these amounts before requiring withholding.

CHARLES H. OGILVIE, CHAIRMAN, NATIONAL ASSOCIATION OF BUSINESS DEVELOPMENT CORP.

Bad debt reserves for business development corporations (p. 37 of committee print)

Expresses the belief that business development corporations—as contrasted with commercial banks, savings and loans and mutual savings banks, and small business investment companies—are lenders with the least prospect for profit and probably the greatest potential of risk.

Notes that it has been suggested that the bad debt reserves of the business development corporations be established on the basis of actual loss experience, and states that due to the precipitous manner in which loans of these corporations would go bad and due to the size of their loans, they would be out of business before their experience could inure to their benefit. Adds that the 10-year carryback and 5-year carryforward provision of the House bill would not provide an adequate cushion for the typical business development corporation. Believes they should be placed in a separate category with respect to bad debt reserves due to their differences from other lending institutions in purpose, in type of loans made, and in the greater risks involved in their loans.

Suggests that business development corporations be allowed to retain presently established bad debt reserves provided they do not exceed 10 percent of outstanding loans at year-end. Alternatively, recommends they be permitted to deduct from taxable income each year such amounts as would be required to maintain a bad debt reserve in the amount of 10 percent of outstanding loans at year-end.

GEORGE C. WILLIAMS, PRESIDENT, NATIONAL ASSOCIATION OF SMALL BUSINESS INVESTMENTS COMPANIES

Disproportionate distribution of property to shareholders of (p. 46 of committee print)

Express concern with the House provision related to stock dividends; believes it would result in taxable income to shareholders of small business concerns financed by SBIC's where there are "disproportionate distributions" by such portfolio companies. Does not quarrel with present law taxing distributions of property where shareholders can elect between a stock dividend and the receipt of cash or other property, but fears the proposed extension of this principle to convertible securities would add considerable complexity to SBIC financing.

Also, is particularly concerned that the House bill would give the Secretary of the Treasury authority to determine what types of transactions might be treated as disproportionate distributions.

Urges amendment of the House bill to exempt SBIC financing from the provisions relating to disproportionate distributions. Alternatively, and in lieu of the delegation of authority to the Treasury, urges precise language in the bill with respect to such distributions.

Ordinary income treatment for gains on securities (p. 47 of committee print)

Expresses concern with the House provision which would treat gains on securities held by financial institutions as ordinary income. States the House report indicates this provision is designed to accomplish parallel treatment for similar types of financial institutions, but contends that if parallel treatment is to be accomplished the House bill should be amended to give SBIC's, as well as banks, ordinary loss treatment on a debt which is "evidenced by a security."

ARTHUR T. ROTH AND L. SHIRLEY TARK, COCHAIRMEN, BANKERS COMMITTEE FOR TAX EQUALITY

General (p. 51 of committee print)

States that House bill goes a long way toward closing many loopholes that allow partial or complete escape of taxes. Indicates that what we term loopholes today were, in many instances, originally designed to encourage certain segments of the economy. Hopes that in the future, however, that any such "pump-priming subsidy tax legislation" will have a suitable expiration date.

Bad debt reserves of financial institutions (p. 52 of committee print)

Feels that unless savings and loan associations and mutual savings banks are taxed in the same way on earnings as commercial banks, tax equality will not be achieved and an unfair loophole will still exist.

Tax-exempt interest for banks (p. 53 of committee print)

Contends that, in real economic terms, the computation of the effective tax rate on banks as determined by adding the tax-exempt interest received to gross income is incorrect. States that the correct method would be to add to taxable income the amount the bank would have received if the bonds were taxable and to add to the tax paid by banks the benefit realized by municipalities from the tax subsidy. Argues, therefore, that the effective tax rate on commercial banks under the House bill would be comparable to industrial corporations.

Treasury recommendations (p. 54 of committee print)

Agrees with Treasury proposals to place all financial institutions on the same terms regarding bad-debt reserve deduction—i.e., actual loss experience, and to allow a 5 percent special deduction of interest receipts from certain loans determined to be in the national interest.

States that small banks will benefit more than the larger banks under this proposal, and that savings and loan associations and mutual savings banks would benefit even more, as they have a higher portion of assets in residential mortgages. Maintains that major beneficiary will be home buyers and tenants in that proposal will increase competition for mortgage loans and drive down interest rates.

If House bill is followed (p. 56 of committee print)

Recommends that bad debt reserve deduction allowed for savings and loan associations and mutual savings banks be reduced to at least 20 percent, or less, by the end of the 10-year period, rather than the House bill's 30 percent.

Suggests that the bad debt reserve accumulation ceiling for mutual thrift institutions of 6 percent of qualifying real property loans be reduced to 4 percent.

Recommends that both savings and loan associations and mutual savings banks be required to invest 85 percent of funds in qualifying assets to obtain the special tax benefits, instead of 82 percent presently allowed for savings and loan associations and 72 percent for mutual savings banks under House bill.

EDWARD P. CLARK, CHAIRMAN, COMMITTEE ON TAXATION, NATIONAL ASSOCIATION OF MUTUAL SAVINGS BANKS

Administration proposal (p. 59 of committee print)

Contends that proposal fails to achieve either tax equity or an incentive to invest in mortgage markets. States that the removal of the present bad debt reserve provision more than offsets proposed "special tax deduction". Argues that thrift institutions need no special incentives to invest in housing, since they are already heavily invested in this area. Maintains, however, that without a realistic bad debt reserve allowance, thrift institutions must seek less risky investments, and ultimately would convert into commercial banks to gain broader loaning powers.

States that the special deduction proposal is so circumscribed as to limit its usefulness to many savings banks and would fall with varying degrees of impact on individual institutions.

Suggests that administration proposal could be modified but not without altering its basic structure: (1) include a realistic bad debt reserve provision, and (2) eliminate or substantially reduce the 60-percent limitation in the special deduction proposal.

Argues that equality of tax treatment without equality of financial opportunities places a heavier tax burden on thrift institutions. Explains that institutions whose assets

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are dominated by long-term loans require a greater bad debt reserve allowance than do commercial banks with predominantly short-term loans.

Contends that heavier tax burdens than present on mutual thrift institutions would weaken ability to compete with commercial banks and reduce supply of funds for housing and inner city rebuilding.

House-passed proposal (p. 62 of committee print)

Objects to investment standard imposed on mutual savings banks, as being too narrow and restrictive. Notes that a recent study of the Federal Home Loan Bank Board indicated a need for investment flexibility.

Suggests that investment standards, if enacted, be broadened to include all mortgage loans which are essential to residential building and rebuilding of urban centers. Requests elimination of 72-percent investment standard, elimination of provision which denies any percentage of income deduction to savings banks with less than 60 percent of assets in qualifying assets, revision of sliding-scale provision, and retention of 60 percent of income deduction for bad debt reserve allowance.

GEORGE L. BLISS, PRESIDENT, COUNCIL OF MUTUAL SAVINGS INSTITUTIONS

Reserve for losses on loans (p. 93 of committee print)

States that the provision in the House bill revising the reserve for losses on loans for mutual savings banks, savings and loan associations, etc., should be withdrawn and set aside for future study and hearings. Points out that the practical effect of this provision is to nearly double the tax payments required of thes mutual institutions, which they can meet only by either reducing the rate of interest-dividends paid on the accounts of their savings members, or by increasing the rate of interest charged to their borrowing members.

Indicates that the 6-percent ceiling in the reserve for losses on qualifying real property loans is completely unrealistic and should be increased to 10 percent and 5 percent in the case of a reserve for other losses. Notes that the Internal Revenue Code provides that any taxpayer may deduct authorized losses on a strict charge-off basis or by the reserve method, but that all mutual institution must use the reserve method.

States that it is not in the public interest that supervised financial institutions should be subject to inconsistent or conflicting requirements arising out of differing statutes under the jurisdiction of separate branches of Government.

Indicates that "tax equality" should be accompanied by "investment equality." States that these mutual institutions should have equality of investment opportunities in order to make available to them the more lucrative field available to the privately owned financial institutions.

States that the proposal made by the Treasury for financial institutions is a major change in course and warrants widespread study and consideration before legislative action.

Points out that present law does not differentiate between mutual institutions and the nonmutuals. Suggests that the definitions be revised in a manner which recognizes the distinctive character of all mutual savings institutions and accords them comparable tax status to that of other mutual or cooperative organizations.

C. R. MITCHELL, LEGISLATIVE CHAIRMAN, UNITED STATES SAVINGS AND LOAN LEAGUE

Savings and loan taxation (p. 103 of committee print)

Opposes the proposed revision in the 60–40 formula which enables savings and loan associations to set aside 60 percent of their income after expenses and interest payments to depositors into reserves and pay taxes on 40 percent of their net income. Maintains that the alternative Treasury "5-percent deduction" proposal would not lessen the effect of the changes in the House bill. Indicates that both proposals would have about the same practical effect except that the Treasury proposal would double savings and loan taxation over a 5-year phase-in period rather than the 10-year period provided in the House bill. Suggests that both proposals would equalize the effective tax rate for savings and loan associations and for commercial banks which is contrary to historic inducement for thrift institutions to invest in mortgages.

Contends that the 60–40 formula has produced anticipated tax revenues and has enabled savings and loan associations to perform their vital function of residential financing. Believes that a tax increase would add to mortgage costs, reduce the ability to attract savings and impair the reserve position for future growth.

Accepts the elimination of the alternative 3 percent of loan growth formula for computing allowable additions to the reserve for bad debts and the special tax treatment of capital gains and losses in connection with transactions in Government securities.

WILLLIAM J. M'KEEVER, PAST PRESIDENT, NATIONAL LEAGUE OF INSURED SAVINGS ASSOCIATIONS

Bad debt reserves of savings and loan associations (p. 123 of committee print)

States that savings and loan associations are basically subject to the same income taxes as other corporations, and that the only substantial difference in their tax treatment is that in computing their taxable income a more favorable bad debt reserve is allowed. Adds that this is "in recognition of the risks involved in long-term mortgages that constitute most of the investment portfolio of savings and loan associations."

Disagrees with the conclusion of the House committee report that present bad debt reserve provisions applicable to mutual thrift institutions are "unduly generous," and notes that the report also states that the bad reserve provisions were amended to provide assurance that significant tax will be paid by such institutions in most cases on their retained earnings. Believes this argument fails to recognize the "enormous difference" that exists between such associations and other types of corporations.

Suggests the House changes in the bad reserve provisions would absorb a significant amount of new funds that could otherwise go to the home mortgage market. Is of the opinion that the bill's proposal for a 10-year carryback and 5-year carryforward for losses is not an adequate alternative for the present reserve provisions.

FRANKLIN HARDINGE, JR., EXECUTIVE VICE PRESIDENT, CALIFORNIA SAVINGS AND LOAN LEAGUE

Bad debt reserves of savings and loan associations (p. 135 of committee print)

States that the House bill would increase the tax on savings and loan associations, as a percentage of taxable income, from 16.9 percent to 31 percent, while increasing the bank rate only from 23 percent to 27.5 percent—so that for the first time the rate on savings and loans would exceed that on banks.

Contends that the House proposals would accelerate the diversion of money away from family housing. Explains that such associations must place their money only in long-term loans on homes, and states that if they are taxed without regard to this factor they are unfairly taxed and as a consequence become non-competitive. Adds it is not proper to argue that a fair system of taxation can ignore the operational restrictions placed on savings and loan associations.

Believes the Treasury proposal for taxation of financial institutions is more realistic than the House bill. Points out that the 5 percent deduction for both banks and savings and loan associations suggested by the Treasury against interest income from residential mortgage loans recognizes the inherent limitations upon long-term loans as a form of investment.

If faced with the alternative of the House bill or the Treasury proposal, the California Savings and Loan League would support the Treasury proposal with important modifications.

TAX RELIEF AND TAX REFORM

Mr. HATFIELD. Mr. President, the Tax Reform Bill of 1969, now before the Committee on Finance, is one of the most important pieces of proposed legislation that the Senate will consider in the months ahead. The Finance Committee members are now evaluating the various facets of the tax reform bill.

I am committed to a program that coordinates tax relief and tax reform. Our constituents who pay their taxes without benefit of loopholes or lawyers should have their tax burdens lightened.

One aspect of the tax reform bill that troubles me is the effect on our colleges and universities that will come from the proposed 7-percent tax on foundations and alteration of treatment of gifts of appreciated property. I am studying this section carefully and I know that other Senators are doing so also.

The Washington Post of Sunday, September 14, 1969, did its readers a service when it discussed the tax reform bill in a way that is easy to understand. Because I know it will be of interest to all Senators, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX RELIEF AND TAX REFORM

(By Frank C. Porter)

Chairman Russell B. Long (D-La.) of the Senate Finance Committee called the tax reform bill of 1969 "368 pages of bewildering complexity." To Edwin S. Cohen, the Assistant Secretary of the Treasury for tax policy, it was "the Attorneys' and Accountants' Relief Act of 1969"—a description he later regretted. By all odds, however, the bill is the most monumental effort to overhaul the country's income tax since it was enacted in 1913.

It has confounded Capitol Hill skeptics who never dreamed that an assault on entrenched tax privileges could get this far. But in terms of the grandiose hopes some had for it—hopes that Congress might somehow reverse the present drift in income taxation and move in the direction of the basic simplicity and equity of the original law—it doesn't come off.

"The actual result may be to introduce greater complexity and inequity into our tax laws," Rep. James B. Utt (R-Calif.) complained in a dissent at the time the House Ways and Means Committee reported out the bill in early August.

WARS HOT AND COLD

By contrast, the original 1913 law today seems almost too good to be true.

It was based on two simple premises: the need for revenue and ability to pay. It left untouched the incomes of not only the poor but also of the reasonably affluent. No tax was imposed on earnings up to $20,000—a fortune in those days. After that, there was a levy of only 1 per cent up to $50,000 and 2 per cent thereafter. (And yet at the time, there were screams from well-heeled Americans that the law was a Communist plot.)

Not until World War II did the income tax really dip into the middle-income brackets. Since it was everybody's war, nearly everybody should pay for it, the theory went, and Beardsley Ruml made collections practicable by devising the system of withholding a part of wages at the source.

If there were ever any hope after 1945 of returning to the good old days, it was shattered by continued high military expenditures for the cold war and for hostilities in Korea and Vietnam, on the one hand, and by rapidly growing social responsibilities assumed by the federal government on the other.

Meanwhile, the first sustained postwar inflation in history gradually increased inequities as the income tax finally caught up with the poor. In 1942, no tax was due for a family of four on income up to $2200, a modest but adequate living in those days. Today the cutoff for the same size family is $3000, a sum now well below the poverty line. In the interim, consumer prices have gone up 125 per cent.

Simultaneously, there were forces at work that made the progressivity in tax rates nearly self-defeating. The top rate was raised to a confiscatory 91 per cent under the demands of World War II financing and stayed there until cut to 70 per cent in 1964 (the 10 per cent surcharge has since raised it to 77 per cent).

The high rates sent wealthy persons scurrying for all kinds of tax shelters: capital gains, which are taxed at half the rates for ordinary income; municipal bond interest, which is not taxed at all; mineral depletion allowances; synthetic farm losses used to offset other income, and many others.

THE PRINCIPLE OF NEUTRALITY

Most experts believe firmly in the principle of tax neutrality—that different types of income should be treated the same and that taxation is primarily for the purpose of raising revenue, not implementing social policy. But such have been the political and lobbying pressures over the years that Congress has fashioned all sorts of tax incentives (or loopholes, depending on the point of view) to promote what it considers socially or economically desirable goals.

More often than not, the goals are perverted as the incentives are put to uses for which they were never intended. Depletion allowances originally were designed, for example, to encourage the industry to step up its exploration and assure the United States of a strategic supply of minerals. They were not intended as a shelter whereby an obstetrician could cut the tax on his $100,000 practice in half by investing in a wildcat well.

Rep. Wilbur D. Mills (D-Ark.), chairman of the House Ways and Means Committee, likes to cite the classic example of a tax privilege that got completely out of hand. The unlimited charitable deduction was enacted to benefit a single individual: a young heiress of the Philadelphia Drexel family who, having taken vows of poverty as a nun, wanted to give away all of her very considerable income. The unforeseen result is that today more than 100 wealthy Americans use the device, some to escape taxation altogether.

The effect of these cumulative preferences is that hardly any of the rich pay anything near the maximum rates for their bracket. Those with total annual incomes in excess of $1 million a year pay well under 30 percent in taxes, on average, in contrast to the 77 per cent actual rate.

The irony is that millionaires on balance pay a smaller share of their income in taxes than those of lesser wealth. Effective percentage rates of taxation, on average, rise through the first $100,000, then level off and decline gradually after the $200,000 mark.

For many years, the public was either only dimly aware of these inequities or stoically resigned to them. But since the early 1960s, there has been a growing popular restiveness fed by increasingly articulate protest—most notably "The Great Treasury Raid" by Philip M. Stern in 1964.

The swelling demand for tax reform was reflected in Congress. The Kennedy and Johnson administrations both acknowledged the need but put the legislators off on grounds that reform shouldn't be allowed to delay other urgently needed fiscal legislation, first to stimulate a flagging economy (the tax cut of 1964, for example), and then to cool it off (the surtax of 1968).

BARR'S DIRE PROPHECY

So great was the momentum for change, however, that it couldn't be stayed. On Jan. 17, just three days before President Nixon took office, outgoing Treasury Secretary Joseph W. Barr—who held office for only 18 days—ensured himself a niche in fiscal history by warning of "a taxpayers' revolt in this country if we don't do something" about loopholes for the wealthy.

Barr noted that 155 Americans with adjusted gross incomes of more than $200,000—25 of them with incomes that topped $1 million—filed returns for 1967 on which they paid not a penny in income taxes. It was anybody's guess how many other taxless persons with comparable incomes didn't even file returns. And these adjusted gross incomes didn't even take into account such exclusions as municipal bond interest and the untaxed portion of capital gains.

Although the statistics had been used before, Barr's dramatic presentation made both them and his warning of a taxpayer's revolt a rallying point for reformers. What had been largely a groundswell of suppressed resentment broke out in a wave of vehement advocacy.

The incoming Nixon administration was caught flatfooted. Tax reform had not been among its top priorities. Initiative shifted to Capitol Hill, where concerned legislators were becoming inundated by mail from irate constitutents protesting tax breaks for the rich.

Among the most concerned were Chairman Mills and Rep. John W. Byrnes (R-Wis.), ranking Republican on the Ways and Means Committee. They already had something to work with—a monumental four-volume, two-year study by Stanley S. Surrey, outgoing Assistant Treasury Secretary for tax policy in the Johnson administration, and his staff. Barr handed over the voluminous report to Treasury Secretary-designate David M. Kennedy the very day he made his prediction of a taxpayers' revolt.

In deference to the incoming administration, President Johnson took no stand on Surrey's comprehensive recommendations—although an impatient Congress, when it grudgingly enacted the 10 percent income tax surcharge in June of last year, had somewhat peevishly ordered Mr. Johnson to submit specific tax reform proposals by the end of 1968.

CORE OF THE BILL

The Surrey plan was the most sweeping blueprint for tax reform ever to come out of government and it remains the core of the bill presently before the Senate Finance Committee. Unless the measure is completely revamped in the Senate, which is unlikely, it thus forecloses the possibility that the Nixon administration can claim more than minority credit for whatever legislation ultimately goes on the statute books.

It called for a minimum income tax ensuring that no wealthy American can escape making some payment, a reduction of personal deductions in proportion to excluded income, tightening of the rules on contributions including elimination of the unlimited charitable education, restrictions on private foundations, increases in both the standard deduction and the minimum standard deduction, a maximum tax so that no one would have to pay more than 50 percent of his income to Uncle Sam, increased exemptions for the elderly, liberalized moving expense deductions, elimination of deductions for state gasoline taxes, the removal of multiple surtax exemptions for corporations, treatment of mineral production payments, as loans to curb tax avoidance, taxation of capital gains at death as well as other changes in estate taxation, and a number of other reforms.

With this to work with Mills on Feb. 18 began Ways and Means hearings. Some 600 witnesses were heard, the last of whom were Treasury Secretary Kennedy and Surrey's successor as Assistant Secretary for tax policy, Edwin S. Cohen. This was on April 22; it took that long for the Nixon administration to respond to the mounting challenge of tax reform.

Cohen, generally regarded today as among Mr. Nixon's more astute appointments, had put together the new Treasury's own package in the three brief weeks since his confirmation by the Senate. Mostly it consisted of adaptations of, or variations on, the Surrey proposals. But Cohen offered one particularly ingenious innovation: a low-income allowance that would remove substantially all the 2.1 million poor families still on the tax rolls, instead of only half as provided for by Surrey—and at considerably less cost.

Mills and other committee members were generally critical, however, of the Cohen plan as a watering down of the Surrey proposal. The new administration, for example, had omitted municipal bond interest and the untaxed portion of capital gains from the base for a minimum income tax. And it admitted that its proposals were incomplete; its interim package was recommended as a "first step" to be followed by a more comprehensive survey by Nov. 30 and further long-range proposals in 1970.

But Mills bespoke the impatience of Congress. "There is a momentum for change," he said. "I want us to move while this momentum exists and not after the taxpayer has forgotten what he paid on April 15."

MILLS KEEPS TO SCHEDULE

Immediately thereafter, Mills cut off the public hearings and the committee began a marathon series of almost daily sessions in executive session to fashion a comprehensive bill.

Mills amazed friends and foes alike, who had figured a gestation period of at least two years for such a massive piece of legislation, by adhering to his self-imposed schedule and reporting out a bill, guiding it through the Rules Committee and winning House passage all before the Aug. 13 congressional recess. During this time, the committee also disposed of a measure to extend the income tax surcharge a year (later cut back to six months by the Senate so that it could hold further extension as a hostage to ensure a strong reform bill).

Although the grist for what emerged from the House and now faces the Senate is basically Surrey's, the bill had a variety of architects: Mills and the other Ways and Means members, Cohen and his technicians from Treasury and a corps of knowledgeable attorneys and economists on the staff of the Joint Committee on Internal Revenue Taxation led by the indefatigable Laurence N. Woodworth.

(Woodworth, one of the most influential among the vast army of staff professionals who do much of the legislator's thinking for them, is in the difficult position of serving two strikingly different and often competitive masters, the unflappable and deliberative Mills and the volatile and unpredictable Long.)

The House bill would affect all of the 75 million or so Americans who file income tax returns—most of them significantly—as well as all corporate taxpayers. As Long noted at the start of the Senate hearings, it involves $18 billion in revenue: $8 billion in tax increases and $10 billion in tax cuts.

While drawn largely within the Surrey frameworks, it incorporates a liberalized ver-

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sion of Cohen's low-income allowance and two important features recommended by neither Surrey nor Long: a substantial reduction in the mineral depletion allowance and a $4.5 billion cut in individual tax rates.

The 368-page bill will lengthen the Internal Revenue Code by a third, according to some sources, and will definitely make it more complicated, prompting Cohen's crack about the Attorneys' and Accountants' Relief Act of 1969.

But Cohen and Kennedy insist it will simplify it for the great bulk of lower-income Americans. The House version would eliminate taxation entirely for six million who now file returns and cause another eight million to switch from itemizing deductions to the far simpler standard deduction (nearly half of all taxpayers now itemize).

They concede that present tax preferences are made more complicated by the bill. But these are enjoyed almost exclusively by wealthy persons who already hire accountants and lawyers to compute their taxes, they point out.

The rate cut is part of a generous tax relief package rushed through the committee on the last day of deliberations and expanded even further after objections by liberal Democrats and the AFL–CIO that it discriminated against millions of moderate-income taxpayers, Over the protests of those who felt rate cuts had no place in a reform measure and hoped that the bill would show a net gain in revenues (or at least a balance) the tax relief goodies were tacked on not only to redress structural inequities but to make the measure harder to vote against.

INDIVIDUALS VERSUS CORPORATIONS

The net effect is what supporters call a blow for tax justice and what opponents would label class legislation.

The bill provides tax relief for individuals—mostly in the low- and middle-income brackets—of $7.3 billion when fully implemented. This is substantially offset by $4.9 billion in higher corporate taxes—about half of which would come through repeal of the 7 per cent investment tax credit—leaving an ultimate revenue loss of $2.4 billion a year.

None of the above computations include revenue effects of the end of the income tax surcharge, which the bill would extend at a reduced 5 per cent rate through next June 30. When completely phased out, this would mean a further tax reduction from present levels of more than $9 billion annually, nearly 70 per cent of this for individuals.

After the recess and Labor Day, Kennedy and Cohen were back on Capitol Hill again, this time to lay a counterproposal before Long's committee, which is pledged to report its own version out to the Senate floor by October 31.

While approving much of the House bill, the counterproposal would temper the redistribution of the tax burden from individuals to business. It would reduce personal tax relief from $7.3 billion to $4.8 billion and cutback the increase in corporate taxes from $4.9 billion to $3.5 billion (largely by an offsetting cut in the corporate income tax rate of two percentage points).

Surprisingly, the administration backed the depletion allowance cut (despite Mr. Nixon's campaign pledges to maintain it intact) and even recommended tougher tax treatment of the oil industry. In other areas, however, it sought to soften some of the impact of the House bill. It opposed, for example, significant tightening up on capital gains treatment.

Following is a section by section explanation of the House bill with comparisons, where appropriate, with the Surrey plan, the Cohen plan and the current Treasury proposal. The tax relief provisions are treated first as of most interest to a majority of taxpayers.

TAX RELIEF

Rate cuts

The rate cuts would range from a reduction from 14 to 13 per cent in the lowest bracket and from 70 to 65 per cent in the highest, in two equal steps effective in 1971 and 1972. They are designed, when combined with other measures in the bill, to provide at least a 5 per cent reduction in tax liability for all individuals with incomes under $100,000.

For those in the lowest bracket, however, the reduction would be much greater than 5 per cent. And although the top rate would be cut by nearly 8 per cent, high-income individuals would actually pay higher taxes because of loophole limitations elsewhere in the bill.

The following gives the proposed rate changes by income brackets for single taxpayers without giving effect to the present surtax (for joint returns, the rate would apply to double the amount of income):

Taxable income (in thousands of dollars)	Present rate	1971 rate	1972 rate
0 to 0.5	14	13½	13
0.5 to 1	15	14½	14
1 to 1.5	16	15½	15
1.5 to 2	17	16½	16
2 to 4	19	18½	18
4 to 6	22	21½	21
6 to 8	25	24	23
8 to 10	28	27½	27
10 to 12	32	31	30
12 to 14	36	35	34
14 to 16	39	38	37
16 to 18	42	41	40
18 to 20	45	43½	42
20 to 22	48	46	44
22 to 26	50	48½	47
26 to 32	53	51	49
32 to 38	55	52½	50
38 to 44	58	55	52
44 to 50	60	57	54
50 to 60	62	60	58
60 to 70	64	62	60
70 to 80	66	63	60
80 to 90	68	64½	61
90 to 100	69	65	61
100 to 120	70	66	62
120 to 150	70	66½	63
150 to 200	70	67	64
Over 200	70	67½	65

Ways and Means originally left the five lowest rates, ranging from 14 to 19 per cent, untouched on the theory that taxpayers in those brackets would realize sufficient relief from the low-income allowance and a higher standard deduction. But protesters led by Rep. Richard Bolling (D-Mo.) and Nat Goldfinger, research director for the AFL–CIO, pointed out that millions of Americans with gross incomes from $7,000 to $13,000 who itemize their deductions would receive no benefit at all. After the bill had already been reported out, the committee hurriedly amended it by cutting a percentage point off the five lowest brackets and increasing the reduction in two higher ones that otherwise would not have provided a 5 percent cut.

When fully implemented in 1972, the rate cuts would result in a $4.5 billion loss to the Treasury at present levels of revenue. This is a bit more than double the loss from the committee's earlier version.

Neither the Surrey nor Cohen plans offered a general rate cut. But in its counterproposal before the Senate, the Nixon administration endorsed the reduction because "it provides such even-handed nondiscriminatory relief."

Low-income allowance

The bill in effect raises the minimum standard deduction to a flat $1,100 from the present formula of $200 plus $100 for each family member. The sum of this $1,100 and the $600 exemption for a taxpayer and each dependent approximates the Federal poverty standard for each family size. These levels, as updated by Treasury from earlier Department of Health, Education, and Welfare guidelines, are:

Family size:	*Annual income*
1	$1, 735
2	2, 240
3	2, 755
4	3, 535
5	4, 165
6	4, 675
7 or more	5, 755

The result would be to remove practically all of an estimated 2.2 million poor families remaining on the tax rolls and end taxation for a total of six million Americans.

Since combined excmptions and low-income allowance fall a few dollars short of the poverty standard in a few instances, a relative handful of poor people would still have to pay tax but it would be minimal.

The provisions would benefit not only the poor. Since the minimum standard deduction is available to all those who don't itemize deductions, it would benefit anyone in this category with taxable income up to $11,000 (under the present 10 per cent standard deduction).

The revenue loss would be nearly $2.7 billion a year.

The Surrey plan recommended that the minimum standard deduction be raised to $600 plus $100 for each exemption subject to the present overall limit of $1,000. This would have removed 1.2 million of the 2.2 million poor families from the tax rolls, lightened the load for the remaining 1 million and provided some relief for many moderate-income Americans. The revenue loss would be $11 billion.

The Cohen plan sought to zero in directly on low-income groups at lower cost, since Cohen looked on the Surrey plan as somewhat too scattershot an approach. Lying awake wrestling with the problem late one night, the former University of Virginia law professor hit on the $1,100 low-income allowance now contained in the House bill. He then devised a phaseout under which the allowance would be reduced by $1 for every $2 earned above the poverty level. A family of four making $4.035 a year would have its allowance reduced from $1,100 to $850, a reduction of $250 or half the amount that income exceeded the poverty level of $3,535. Although it would end taxation for virtually all the remaining 2.2 million poor families, the formula would concentrate the bulk of its relief on persons with incomes under $5,000. The revenue loss would be $625 million.

The current Treasury proposal would mitigate the high cost of the House plan by restoring the phaseout but at a stretched out rate of a $1 reduction in the allowance for every $4 earned over the poverty level. The revenue loss would be $920 million, more than $1.7 billion cheaper than the House bill.

Standard deduction

When the standard deduction (10 per cent of adjusted gross income up to a limit of $1,000) was introduced in 1944, more than four out of every five taxpayers used it. Rising incomes, medical expenses, housing costs, interest rates, state and local taxes and the like have made it advantageous for increasing numbers to itemize their deductions so that an estimated 42 per cent now do so, greatly complicating the chore of making out returns.

The House bill would raise the standard deduction to 13 percent with a $1,400 ceiling in 1970, to 14 percent with a $1,700 ceiling in 1971 and to 15 per cent with a $2,000 ceiling in 1972.

Ways and Means estimates that the effect would be a 3 per cent tax cut average over all returns ranging as high as 6.3 per cent in the $3,000 to $5,000 class. It would induce an estimated 8.4 million persons who now itemize deductions to switch to the standard deduction and would benefit nearly 34 million taxpayers, or more than half of total returns. The revenue loss would be $1.4 billion when fully implemented.

The Surrey plan proposed a smaller increase—to 14 per cent with a $1,800 ceiling. But it estimated the same revenue loss, $1.4 billion, probably because it foresaw 80 per cent of all taxpayers, rather than the 70 per cent predicted in the House version, as using the new standard deduction.

The Cohen plan made no recommendation on the standard deduction.

The current Treasury proposal would limit the increase to 12 per cent, with a ceiling of $1,400 for an estimated revenue loss of $770 million.

Widows, widowers, and single persons

Under present law, married couples pay far lower taxes than others because the law enables them to split their income and take advantage of lower tax brackets. Widows, widowers and certain other single persons with dependents are taxed at head-of-household rates midway between those for single and married persons.

The House bill would extend head-of-household treatment to all widows, widowers and those single persons over 35. Single persons under 35 would still be taxed at present rates. Widows and widowers with dependent children would be permitted to pay the married rate as if their spouses were still living. The revenue loss would be $650 million.

Neither the Cohen nor Surrey plans contained provisions in this area, although the latter did propose to liberalize tax treatment of the elderly by eliminating the complex retirement income credit and special exemptions in the current law in favor of a flat $2,500 exemption for single persons over 65 and $4,200 for couples where both are over that age. Neither the House bill nor the current Treasury proposal deals with the elderly.

The current Treasury proposal admits the inequity in present rates for single persons but claims that the over-35 provision is too arbitrary. Instead, it proposes a new schedule for single persons regardless of age that would not exceed 20 per cent more than the rate for married persons (single persons now pay an average of about 40 per cent more in the middle brackets).

It would leave undisturbed the present head-of-household provisions and rates for persons maintaining a home for the support of dependents, thus denying joint return treatment for widows or widowers with children except for the presently provided two-year period. The revenue loss of the Treasury proposal would be $445 million.

The following compares Treasury's proposed tax schedule for single persons with present rates (current surtax not included):

Taxable income (thousands of dollars)	Percent rate (percent)	Proposed rate (percent)
1st 0.5	14	13
0.5 to 1	15	14
1 to 1.5	16	15
1.5 to 2	17	16
2 to 4	19	18
4 to 6	22	20
6 to 8	25	22
8 to 10	28	24
10 to 12	32	26
12 to 14	36	28
14 to 16	39	30
16 to 18	42	32
18 to 20	45	34
20 to 22	48	35
22 to 26	50	37
26 to 32	53	42
32 to 38	55	47
38 to 44	58	52
44 to 50	60	54
50 to 60	62	58
60 to 70	64	60
70 to 80	66	60
80 to 90	68	61
90 to 100	69	61
100 to 120	70	62
120 to 150	70	63
150 to 200	70	64
Over 200	70	65

These rates are identical to those under the House bill's general cut on taxable incomes under $4,000 and over $38,000. In between, however, the single rates proposed by Treasury are considerably lower.

Maximum tax

The house bill would fix a tax ceiling of 50 per cent on earned income—mainly wages, salaries and professional fees as opposed to capital gains, dividends and the like.

The main purpose would be to reduce the incentive for using tax loopholes—particularly the conversion of ordinary income to capital gains, which are generally taxed at half the rate of the former. This should "reduce the time and effort devoted to 'tax planning' at the expense of pursuing normal business operations," the committee reported. "This redirection of effort will contribute to maintaining the integrity of our tax system and discourage developments which would undermine the reforms in your committee's bill."

The provision would result in a revenue loss estimated at $200 million in 1970, declining to $100 million in 1972 and subsequent years.

The Surrey plan recommended an alternative maximum tax of 50 per cent on total income, including income presently excluded from taxation such as municipal bond interest, half of capital gains and the like. This was widely regarded as a potential first step in the evolution of a simplified tax structure urged by Sen. Long and Mortimer M. Caplin, former Commissioner of Internal Revenue. Such a system would tax all types of income equally, eliminate present exclusions and credits, drastically reduce or eliminate deductions and exemptions, thereby broaden the tax base and make possible a sharp reduction in rates. The revenue loss from the Surrey proposal was was put at $205 million a year.

The Cohen plan made no recommendations for a maximum tax.

The current Treasury proposal, however, strongly endorses the House provision although Sen. Albert Gore (D-Tenn.) told Kennedy and Cohen, "I will fight you on this," claiming it would make a shambles of the progressivity principle of taxation.

Withholding and reporting

The House bill would incorporate the various rate reductions, the low-income allowance and changes in the standard deduction, as they become effective, in tax withholding tables so that payroll deductions should keep pace with the relief provisions.

But the bill makes no change in the present statutory requirement that individuals with gross income of more than $600 a year ($1,200 in the case of a person over 65) must file a return. This means that some six million Americans who owe no tax would still have to file.

The current Treasury proposal urges that filing requirements be raised to the new nontaxable levels ($1,700 for a single person) so that the six million will be spared the trouble.

State gasoline taxes

The current Treasury proposal advocates repeal of the deductibility of state gasoline taxes on grounds that these are user charges for highway facilities and their deduction shifts part of the burden from those who itemize to those who don't. As a small offset to the tax relief granted individuals, repeal would add $390 million to revenues and cost the taxpayer who itemizes an average $10 to $15.

The Surrey plan made the same recommendation but it is not in the House bill.

Corporate rate cuts

The house bill makes no provision for reduction in corporate tax rates nor were they suggested in either the Surrey or Cohen plans.

The current Treasury proposal, however, would cut the corporate rate by one percentage point in 1971 and another in 1972. The present rate of 52.8 per cent will fall to 49.2 per cent in January if the surcharge is extended at 5 per cent through June and then to 48 per cent when the surcharge is phased out. Under the Treasury proposal, it would be reduced further to 47 per cent in 1971 and to 46 per cent in 1972. The revenue loss would be $800 million in the first year and $1.6 billion thereafter.

Treasury argues that the corporate cut is needed as "an important offset to the provisions of the bill withdrawing incentives to investment, such as the repeal of the investment credit." The cut would recoup nearly half the estimated $3.3 billion lost to business if the credit is repealed.

It is unlikely that the Treasury would have asked for the corporate cut had the $7.3 billion relief package for individuals voted by the House not been so large. Secretary Kennedy complained to the Senate Finance Committee of "the bias in the bill against investment in favor of consumption" and warned that such "overweighting" could impede the nation's economic growth by discouraging productive investment.

Tax relief examples

Effects of the tax relief package would vary greatly for different persons with different incomes in different circumstances. But a few examples will indicate the general impact.

A family of four with $3,500 income a year presently pays $77 in taxes ($70 without the surtax). The low-income allowance would eliminate the tax altogether.

A family of four with income of $10,000 that uses the standard deduction now has a tax of $1,225. When the surtax is completely phased out, the tax bite would be reduced to $1,114. Application of the full rate decreased in 1971 and 1972 would bring it down to $1,048. With the higher standard deduction fully implemented, the family could deduct $1,500 instead of the present limit of $1,000. This would cut the tax further to $958—a total reduction under the House bill of 22 per cent from the present surtax level and 14 per cent from the presurtax level.

Under the House bill, she could not * * * same family would have its ultimately reduced to $1,012—17 per cent down from the surtax level and 9.2 per cent below the level before the surtax went on.

A family of four with a $20,000 income and itemized deductions of 20 per cent would fare the same under both the House bill and Treasury plan—an ultimate reduction of 14 per cent from the potential 1969 tax bite of $2,926 to $2,508, or a cut of 5.7 per cent from present liability without taking the surtax into account.

A Capitol Hill secretary, 30 and single, makes $15,000 a year and itemizes deductions equal to 10 per cent of income, or $1,500. Her 1969 tax would be $3,469, or $3,154 without the surtax.

Under the House bill, she could not make use of the head-of-household rates since she is under 35. But it would be to her advantage to switch to the standard deduction when fully implemented, allowing her the maximum $2,000.

This combined with the full general rate cut effective in 1972 would give her a tax of $2,790. This would be a saving of 20 percent from her present surtax-adjusted return and of 12 per cent from her present tax computed without the surtax.

Under the Treasury proposal, the standard deduction wouldn't be raised high enough to do her any good, so she would continue to take $1,500 in itemized deductions. But the Treasury's reduced schedule for single persons would reduce her tax bill a bit fur-

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ther than the House bill would—to $2,742. This would be 21 per cent under the present surtax level and 13 per cent less than present liability without the surtax.

TAX REFORMS

Minimum income tax

The most important reform—at least symbolically—is the minimum income tax, or "limit on tax preferences" (LTP), supported in some form or another in all four plans.

The theory behind it is that various tax preferences are so embedded in the tax code and so well protected by influential interests and their friends in Congress (many of whom are honestly convinced that the preferences serve the national interest) that a frontal assault on the preferences themselves would be insufficient to cut off tax escape routes.

Under the limit on tax preferences, the bulk of these preferences and exclusions would be lumped together and the individual required to pay tax on at least half of his total economic income, including the preferences.

The House bill would tax at ordinary rates half the amount of otherwise excludable income that exceeds a person's taxable income, provided that these exclusions total more than $10,000. Thus if an individual received $50,000 a year in salary and $150,000 in sheltered income, his tax would be levied on $100,000 rather than on $50,000 as in present law.

The tax preferences to be included in these computations include:

The tax-exempt interest on state and municipal bonds (to be phased in over 10 years; one-tenth the first year, etc.).

The one-half of capital gains otherwise excluded from income.

Appreciation in value of property given to charity.

The excess of accelerated depreciation on real estate over straightline depreciation.

Farm losses to the extent they exceed what would have been the loss under inventory accounting and "capitalized capital expenditures."

That this provision would strike only a glancing blow at tax privilege is manifest from the small amount of added revenue expected of it: some $40 million in the first year and $85 million when it is fully effective.

But Chairman Mills assured the House that to the best of the committee's knowledge, the limit on tax preferences, taken along with other provisions, should prevent any wealthy American from continuing to escape taxation altogether.

Some doubts were raised on this score by the failure of Ways and Means to include mineral depreciation allowances and intangible drilling costs in the limit on tax prefences. (The committee felt it had hit mineral industries hard enough by trimming depletion.) Wouldn't it be possible, it was asked, to escape taxation altogether by utilizing these two shelters? This raises the question of whether all preferences have to be included; otherwise, wealth will almost certainly be channeled into those sanctuaries that remain.

The Surrey plan, which first articulated the principle of a limit on tax preferences, included bond interest, capital gains, appreciation of donated property and the depletion allowances that were left out of the House bill. Surrey was later to testify that excess real estate depreciation should be included as possibly the biggest tax escape route after capital gains.

The Cohen plan covered appreciation of donated property, mineral depletion and drilling expenses, excessive farm losses and excess real estate depreciation. But it omitted two key areas from the limit on tax preferences: untaxed capital gains and municipal bond interest.

The current Treasury proposal presses for deletion of the latter. As for inclusion of untaxed capital gains, Cohen argued it "generally has no operative effect" because the purpose of the limit is to ensure that excluded income doesn't exceed half of total income and half of capital gains is already taxed.

Under questioning, Secretary Kennedy conceded that excepting tax-free bond interest from the limit on tax preferences would still permit the rich to avoid taxation completely by putting all their wealth in such bonds. (Internal Revenue files are replete with cases in which Americans have done just that). But, said Kennedy, this drawback is outweighed by grave questions about the constitutionality of taxing municipals and by the disruption it might cause the bond market.

Treasury also asked deletion of gifts of appreciated property (although Cohen had included it earlier) on grounds that it would unduly restrict public support of charities. It reaffirmed its recommendation for coverage under the limit on tax preferences of mineral depletion and intangible drilling costs (except in the case of the latter, for those whose primary business is oil and gas exploration as opposed to investors) and urged inclusion of three smaller items.

Allocation of deductions

Although not as symbolically arresting as the concept of a minimum income tax, the provision on allocation of deductions—also first proposed formally by Surrey—would add many times the revenue.

The House bill would allocate portions of personal deductions between taxable and excluded income and in proportion to them. In other words, these deductions would be reduced by the ratio of excluded to total income. The same five preferences listed under the limit on tax preferences would be used to compute the allocation plus mineral depletion and intangible drilling expenses. The minimum income tax would be figured first, then the allocation of deductions would be applied in the ratio of taxable to total income as modified by the limit on tax preferences.

By way of example, a taxpayer receives $50,000 in salary, which is his adusted gross income, and $150,000 in tax-free municipal bond interest. He has $50,000 in deductions—which completely offsets his adusted gross income. Thus, he pays no tax under present law.

Applying the limit on tax preferences, his adjusted gross income would be half his total income, or $100,000. His $50,000 in deductions would be allocated—half to the $100,000 in adjusted gross income, the other half to the $100,000 in remaining tax preference. Thus half his deductions would be disallowed and the remaining $25,000 subtracted from adjusted gross income. Thus, under the House bill, $75,000 would be subject to tax.

This provision would raise $460 million when fully implemented.

Capital gains

In addition to the limitation and allocation provisions relating to tax preferences in the aggregate, all four plans seek to whittle down the individual preferences themselves.

The House bill would lengthen from six months to a year the holding period required for the favored tax treatment of capital gains. These currently are taxed at half of ordinary rates, up to a ceiling of 25 per cent. The bill would also do away with the ceiling, thereby permitting a maximum rate of 38½ per cent under present ordinary rates plus surcharge, 35 percent when the surcharge is removed and 32½ per cent after the proposed rate cuts are fully effective. The lengthened holding period would increase revenues by $100 million in 1970 and by $150 million subsequently. Elimination of the 25 per cent ceiling, also called the alternative capital gains tax, would yield an estimated $360 million.

Since only half of capital gains are taxed, the House bill would provide symmetry by requiring that only half of net capital losses can be deducted from ordinary income instead of the full amount now permitted. It would continue the present $1,000 limitation on such deductions and the carryover of unused losses into future years. This would add $50 million revenue, increasing to $65 million in 10 years.

Lump-sum distributions from qualified pension, profit-sharing, stock-bonus and annuity plans are presently taxed at capital gains rates. The bill would limit this treatment to appreciation—the excess of the distribution over the contributions made by the employer. The amount represented by the employer's contributions would be taxed at ordinary income rates. This would raise an estimated $50 million annually after a decade. The bill would extend the ordinary income tax treatment on the sale of books, musical compositions or artistic works by their creator to gains from letters, state papers and the like by those whose personal efforts created them or by the person who received the property as a gift. These now receive capital gains treatment.

The House bill would also raise the capital gains tax for corporations from the present 25 per cent to 30 per cent. Added revenue is estimated at $80 million beginning in 1973.

The current Treasury proposal opposes lengthening the capital gains holding period and elimination of the 25 per cent ceiling, except in certain cases of extraordinary gains.

Natural resources

The House bill would cut the present 27½ per cent depletion allowance for oil and gas wells to 20 per cent and make proportionate reductions in lesser allowances for nearly 100 other minerals. Five metals considered in short domestic supply—gold, silver, oil shale, copper and iron ore—would be kept at their present 15 per cent level.

This is perhaps the most emotionally explosive issue in the bill, stirring great opposition from mineral industries. Of the some 30 votes cast against the bill in the House, the great majority came from representatives of primary oil- and gas-producing states.

Although President Nixon had assured the industry during last fall's campaign that he would seek to keep the oil depletion allowance intact, the administration backs the House provision to cut it and otherwise has suggested tougher tax treatment of the industry than Ways and Means, which has insisted that the industry assume a greater share of the country's tax burden.

Under the oil depletion allowance, 27½ per cent of the gross income can be deducted from the net income before computation of taxes, provided it does not exceed 50 per cent of net income.

The House bill would also end completely the allowance on foreign oil and gas production of American companies.

Ways and Means estimated that the depletion changes will produce $425 million more in taxes in 1970 and $410 million in 1971, with $10 million of the latter attributable to the end of the overseas allowance. (As much as $90 million could be anticipated, the committee said, were it not for unused tax credits and the expectation that foreign governments will raise U.S. firm's taxes, which can be credited against tax liabilities at home.)

The House also acted to curb so-called carved-out and ABC mineral production payments. These are complex devices, similar in effect to mortgages, whereby producers evade the intent of the 50 per cent limitation on depletion allowances, generate synthetic loss carryovers, repay what are essentially loans with before-tax dollars and otherwise minimize taxes by juggling income and expenses among different years.

The bill seeks to halt the practices by treating these transactions as loans. The revenue increase is estimated at $100 million next year, increasing to $200 million by 1979.

Depreciation by public utilities

The House, with support of the Treasury, would require gas and oil pipeline, telephone, gas and electric utility, water and sewage disposal companies henceforth to depreciate new properties by the straight-line method with limited exceptions. This is designed to halt a growing trend toward accelerated depreciation, often encouraged by state regulatory bodies, which Ways and Means estimates could ultimately cost as much as $1.5 billion annually in lost federal revenues.

Depreciation of real estate

Profitable real estate is frequently depreciated at an accelerated rate, producing paper losses as an offset to ordinary income, and then sold at a gain over the depreciated basis with the gain taxed at the lower capital gains rates. Thus taxes are minimized by, in effect, converting ordinary income into capital gains.

The House bill would permit double depreciation only on new residential construction, as a spur to flagging activity in low- and moderate-income housing. Other new construction would be limited to the 150 per cent declining balance method presently permitted for used property, which henceforward would be eligible only for straight-line depreciation under the bill. Rapid five-year depreciation of improvements to low-income housing is offered to encourage upgrading of slum neighborhoods.

The House also tightened up on present recapture rules, whereby the gain on the sale of property is taxed at ordinary rates to the extent that accelerated depreciation exceeds straight-line depreciation. It repealed a phaseout provision that gradually eliminates recapture over 10 years.

The current Treasury proposal hails this section as "a major advance."

These changes would produce an estimated $710 million revenue gain by 1974, partially offset by a $200 million loss on fast depreciation for low-income housing rehabilitation.

Charitable contributions

The House bill increases the present 30 per cent limit on deductions for charitable contributions to 50 per cent of adjusted gross income and gradually eliminates the present unlimited deduction, available to a limited number of wealthy persons whose combined taxes and contributions have totaled 90 per cent of income in eight out of the last 10 years.

In most cases, donors are presently able to deduct the full appreciated value of gifts of securities or tangible property, whereas if they had sold the property they would have had to pay a tax on the difference between the cost to them and the selling price.

The bill would continue this procedure for some gifts. But for others, it would require the donor either to deduct only the original cost of the gift or take the full deduction and include the amount of appreciation in his income.

This rule would apply to gifts (a) to private foundations as opposed to private "operating" foundations (actually engaged in charitable work) and public charities; (b) of property the sale of which would have resulted in ordinary income rather than capital gains; (c) of tangible personal property, such as works of art, as opposed to securities, and (d) of future interest in property.

In addition, there are a number of technical provisions largely governing gifts through estates and trusts. Altogether, the changes would add $5 million of revenues in 1970 and $20 million by 1974.

Foundations

The House bill includes a number of provisions which stemmed from Johnson administration studies prior to the Surrey plan and which received general support from the Nixon administration.

These prohibit self-dealing between private foundations and substantial contributors, require distribution of income or 5 per cent of their asset value (whichever is greater) on a current basis, order phased limitation of a foundation's interest in or divestiture of a business it controls and provide graduated financial sanctions for violations rather than simple revocation of tax-exempt status as at present.

Cohen testified that the provisions "will tend to ensure that (foundations') property is devoted solely to charitable purposes. Private foundations will thus become even more useful as a flexible source of support for achievement of new levels of thought and action, relieving the burdens of government."

The foundations themselves, however, have hotly protested other provisions, which they claim will stifle "new levels of thought and action" rather than encourage them.

The measure tightens up on political activity and prohibits grassroots lobbying. Particularly offensive to the foundations is the bar to "any attempt to influence legislation through an attempt to affect the opinion of the general public or any segment thereof." The foundations claim this would practically put out of business foundations such as Washington's Brookings Institution, whose deep involvement in political, economic and sociological research cannot help but have a bearing on legislative decisions.

On the other hand, the Ways and Means report accompanying the bill assures that "the prohibition on propagandizing or otherwise attempting to influence legislation does permit making available the results of nonpartisan analysis or research."

The Treasury did protest as unjustified a House provision levying a 7½ per cent tax on the investment income of foundations—the first in history. Instead it recommended a 2 per cent "supervisory charge" to finance tightened government audits and regulation of foundations.

The House bill would ultimately pick up an estimated $100 million through its foundation provisions, while the Treasury proposal would provide $25 million.

Other exempt organizations

The House bill generally adopted a broad range of proposals included in the Cohen plan.

Present law that taxes the income of certain organizations from direct operation of a business in competition with tax-paying firms would be extended to churches and other groups. The investment income of social clubs and similar groups would now be taxed. To discourage borrowing by an exempt organization to purchase income-producing assets, the income from those assets would be taxed. Also subject to tax would be rents, interest and royalties from controlled subsidiaries of an exempt organization—this to discourage avoidance of the unrelated business tax. These various measures would raise about $20 million annually.

Farm losses

With the intent of helping small farmers, the government now sanctions the deduction of "losses" in a single year which under normal accounting would be considered capital expenditures to be amortized over a period of years—expenses of raising livestock or orange groves, for example.

But wealthy persons have used such "losses" from sideline farming to reduce taxable income from other sources. When the assets responsible for the losses are later sold, the profit is then taxed at lower capital gain rates.

The House bill would not disallow such losses but require them to be recorded in an "excess deduction account." The amount of capital gains from the later sale of assets equal to this excess account would be taxed at higher ordinary income rates.

The provision would apply only to those with nonfarm income of more than $50,000, and they could exclude up to $25,000 of farm losses from the excess account. It would add $20 million to revenues while stricter limitations proposed by Treasury would produce $50 million.

State and municipal bonds

The House bill would not tax the presently exempt interest of state and municipal bonds directly. Instead, it would seek to discourage what has become a notorious tax loophole by encouraging these political jurisdictions to issue taxable bonds.

Since their present nontaxable feature enables them to be sold at a far lower rate of interest and thus at a substantially lower cost to states and cities, the federal government would make up the difference by paying the issuing jurisdictions an interest subsidy ranging from 25 to 40 per cent of the yeld. The subsidy would be offset by increased federal taxes on the interest from these bonds, and it is predicted that revenue would be unaffected.

Income averaging

The House bill would liberalize a present law that permits a person to mitigate the effects of a sudden surge in income by averaging his income over five years for tax purposes when income in the latest year is 33⅓ per cent or more above the average. The eligibility requirement would be reduced to 20 per cent above the average and unearned income previously excluded from the computation-capital gains, gifts and the like—would be allowed. Supported strongly by Treasury, the change would result in a $300 million revenue loss.

Financial institutions

The House bill adopts a series of complex formulas to help equalize the tax burden among commercial banks, mutual savings banks and savings and loan associations, and to bring the effective tax rate of all three up closer to that paid by other business.

Corporations as a whole pay roughly 44 per cent federal tax on their total net income. In 1966, commercial banks paid 23.2 per cent on average, mutual banks 6.1 per cent and savings and loans 16.9 per cent.

Commercial bank taxes would be raised by reducing gradually the present bad-debt reserve of 2.4 per cent of outstanding loans, based in part on Depression experience, to the far lower level of actual loss experience. For mutual banks, the special deduction of 3 per cent of increases in real estate loans would be repealed and the alternative deduction of 60 per cent of taxable income, which would also apply to savings and loans, would be phased down to 30 per cent.

The current Treasury proposal also suggests a sweetener: an added deduction equal to 5 per cent of the interest from socially desirable loans, such as those for housing and college educations, as an incentive to make such loans. The House bill would ultimately raise $460 million more in revenues, the Treasury proposal $410 million.

Multiple corporations

As a benefit to small business, corporations presently are taxed 22 per cent on their first $25,000 of taxable income (commonly called the surtax exemption) and 48 per cent (not including the income tax surcharge) on income above that.

But big business has taken advantage of the lower rate through the device of claiming a surtax exemption for each of a "controlled group" of corporations that represent a single enterprise.

The House bill would reduce the number of surtax exemptions to one for each controlled group over an eight-year period for an ultimate revenue gain of $235 million.

Corporate mergers

The House bill provides several limitations on the financing of mergers, particularly in

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the formation of conglomerates. The most important would disallow the deduction of more than $5 million in interest payments on debt instruments used to acquire a company when they have equity (stock) characteristics such as their convertibility into stock. (Bonds are often favored for acquisition purposes because the interest payments on them are deductible as a business expense while cash dividends to stockholders come out of after-tax earnings.)

Interest deductions

The House bill would disallow as personal deductions interest in excess of $25,000 on loans to buy investment assets to the extent that it exceeds investment income and capital gains. The revenue gain would be $20 million.

The current Treasury proposal acknowledges the abuse of unlimited interest deductions against ordinary income as a part of acquiring investments on credit. But it argues that the House provision discriminates against earned income and counsels further study.

Moving expenses

The House bill extends personal deductions for moving expenses to three new areas—househunting trips, temporary living quarters at the new site and expenses involved in selling or buying a house. These are subject to an overall limitation of $2500. This section would result in a $100 million revenue loss.

Miscellaneous reforms

The House bill also contains provisions, mostly technical in nature, tightening the tax treatment of restricted stock plans and other deferred compensation, accumulation trusts, stock dividends that increase the recipient's equity in a company in relation to other stockholders, foreign tax credits and cooperatives.

OTHER FISCAL PROGRAMS

Tax surcharge

The House bill would extend the income tax surcharge, presently 10 per cent and due to expire Dec. 31, at a reduced 5 per cent rate through June 30.

Extension of the surcharge through June would cost taxpayers $3.1 billion more than if it expired Dec. 31.

This was part of a fiscal package passed by the House and shelved by the Senate on the demand of its leadership that tax reform be considered simultaneously. When the Senate failed to act—although it did extend the surcharge for six months—Ways and Means inserted the rest of the package in the reform bill. The following items were also part of the package.

Investment credit

The 7 per cent investment credit would be repealed outright for projects begun after last April 18, for an ultimate revenue gain of $3.3 billion. Ways and Means concluded that the stimulus to investment provided by the credit, which permits 7 per cent of the cost of new equipment to be deducted directly from income taxes owed, was actually contributing to the present inflation.

Excise taxes

The bill would postpone for a year a reduction in the auto excise tax from 7 to 5 per cent and the telephone excise from 10 to 5 per cent now scheduled to take effect Dec. 31. The postponement would add an estimated $540 million to revenues in the present fiscal year and $1.07 billion in fiscal 1971.

Amortization

Also included in the package appended to the reform bill are incentives that would permit rapid amortization of pollution control facilities and railroad rolling stock, of which there is a perennial shortage. The provisions are intended to offset, at least partially, the loss of the investment credit in these two areas.

THE 350TH ANNIVERSARY OF FIRST LANDING OF NEGROES AT JAMESTOWN, VA.

Mr. BYRD of Virginia. Mr. President, I invite the attention of the Senate to the fact that on Sunday, September 21, the 350th anniversary of the first landing of Negroes at Jamestown will be commemorated at Jamestown Festival Park in Virginia.

The committee directing the observance has listed these objectives for the commemoration ceremony:

First. To contribute to the development of a healthy pride and respect among Negroes and Americans generally for those of African descent.

Second. To promote historical accuracy as to the struggle of the American Negro to achieve his rights as a person and as a citizen of the United States.

Third. To apprise the public of the contributions of Negroes to the life, technology, and culture of Virginia and of the United States.

Fourth. To stimulate interest in the erection of a suitable marker in honor of the arrival of these persons of African descent.

The commemoration will begin at 3 p.m. The featured speakers will be Dr. Charles H. Wesley, executive director of the Association for the Study of Negro Life and History, of Washington, D.C.; and Dr. Samuel Dewitt Proctor, Sr., dean of the Graduate School of Education at Rutgers, the State University of New Jersey, at New Brunswick.

Dr. Wesley is an eminent historian, an author, and was formerly president of Wilberforce University and later president of Central State College, both in Ohio.

Dr. Proctor is an eminent educator, an author, and was formerly president of Virginia Union University, Richmond, Va., and later president of A. & T. College, Greensboro, N.C. He also served a tour of duty as associate director of the Peace Corps in Washington, D.C.

I am pleased to invite the attention of the Senate to the ceremonies to be held at Jamestown, Va., next Sunday.

TAX-EXEMPT STATUS OF INTEREST ON STATE AND LOCAL BONDS

Mr. BAKER. Mr. President, on several previous occasions I have expressed my strong opposition to any and all attempts to revoke or alter the tax-exempt status of interest on State and local bonds.

In recent weeks there has been considerable editorial comment in the Nation's press concerning this issue. I ask unanimous consent that an article and an editorial published in recent issues of the Nashville Banner be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BRILEY CITES "FISCAL CRISIS" IF TAX-EXEMPT BONDS CUT

(By Dick Battle)

Loss of tax exempt status for state and local bonds can constitute a "fiscal crisis" for many local governments and add "greatly" to the taxpayers' burden, Mayor Beverly Briley said today anticipating next week to the National Governors Conference at Colorado Springs.

Backed by 17,325 city and county governments, an estimated 1,400 municipal and other local public power agencies of the American Public Power Association, the Airport Operators Council International, and the National Municipal Finance Officers Association, Briley will testify as president of the National League of Cities on the proposed bond exemption legislation and on President Richard Nixon's revenue-sharing plan.

As NLC president Briley has presented local government arguments opposing removal of tax exempt status for local government bonds before congressional committees and will be among other municipal, local government and state officials who will appear before the Senate committee when it discusses the now famous HR 13270 which would take away the traditional tax exempt status of local bonds.

Briley will discuss with the governors the proposed revenue-sharing plan (which he strongly supports with most municipal and county officials) with the objective of developing a cooperative and smooth working pattern of procedure between state and local governments as the plan is implemented.

The fact that Gov. Buford Ellington of Tennessee is chairman of the NGC (first Tennessee chief executive to head this powerful organization of the country's governors) will certainly assure the NLC president (and first mayor of Nashville Metropolitan Government) a warm reception and an attentive audience.

It is probable there will be little controversy between the mayors and other local officials on either the President's tax-sharing plan or the strongly organized opposition to H.R. 13270 proposal to snatch the tax exempt status from municipal, state, and county bonds.

Metro Finance Director Joe E. Torrence estimates loss of tax exemption could cost Metro and other municipal governments "as much as two interest points" on the bond market and "might make it virtually impossible in some cases to go to the market with municipal bonds."

Regardless of arguments about a "few wealthy people who get by without paying any income taxes because of their holdings of tax exempt bonds" Torrence said "if this legislation goes through it will create a tremendous tax burden on all local taxpayers.

The finance director said Metro faces the necessity of going to the bond market before the first of the year with an issue of $30 million local bonds. Loss of tax exempt status could mean a required interest rate of 7.75 per cent "or probably 8 per cent" as compared with 5.75 or 6 per cent. Over the life of the bonds (30 years) this could mean an additional cost to the taxpayers of Metropolitan Nashville of $15 million," Torrence said.

Although the revenue-sharing plan which will involve both state and local governments in a cooperative "partnership" role will be a primary topic for the governors (and also a prime concern of Briley in his representative capacity as spokesman for the nation's mayors and municipalities), the tax exempt problem is sure to be well placed on the agenda.

Briley said he anticipated the governors, headed by Gov. Ellington (whose advocacy of the tax-sharing plan has already been firmly established) will be responsible to joint local-state efforts for coordination and implementation of the tax-sharing proposal.

Most local and state officials, Briley pointed out, regard the Nixon plan as a "real breakthrough toward solution of the critical problem of financing the solutions to the pressing problems of urban centers across the United States.

Commenting on the retention of tax exempt status for local bonds, Briley said: "The

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immunity of states and local governments and their agencies from federal taxation in the exercise of their legitimate functions is vital for the preservation of our dual sovereignty system of government. As important as the interest savings may be to local governments and as important as the revenue loss may be to the federal government because of the tax exempt character of municipal bonds, these factors are secondary to the preservation of the sovereignty of our states and the integrity of our local governmental system."

Briley added, indicating testimony he will present to the assembled governors: "This system simply could not survive if the federal government destroys the preferential character of municipal debt or, by some gimmickry, exercise control of local policy-making by the selective taxation of certain categories of municipal bonds."

A CLEAR PRECISE WARNING

Speaking not only as the chief executive of Metropolitan Nashville-Davidson County but as president of the National League of Cities, Mayor Beverly Briley laid it on the line Monday as to the necessity of maintaining the tax-exempt status of state and municipal bonds. Addressing the National Governors Conference meeting at Colorado Springs, the mayor issued an urgent and precise warning: If the Senate follows the House's example and authorizes the removal of state and municipal bonds' traditional tax-exempt privilege, the nation's cities and states will be faced with added fiscal hazards that can be ruinous.

The crux of the problem, Mayor Briley told the governors, is that elimination of the tax-exempt status enjoyed by both state and municipal bonds would add a very substantial burden to already sorely-pressed local taxpayers. The proposal, while aimed at the relatively few investors who have huge holdings in tax-exempt bonds and thereby escape paying an income tax on the investment, would force the over-taxed general public to bear the added costs of financing long-range local construction programs. Additionally, the interest rate at which bonds can be sold might soar by as much as two percentage points tacking up millions of dollars to debt service requirements for Tennessee cities alone.

On the national level, the assault on bonds' tax-exempt status constitutes a threat to President Nixon's proposal of revenue sharing between the states and the federal government. The financial benefits of the revenue sharing program could be seriously depleted by this capricious and senseless attack on state and municipal financial structures.

Mayor Briley has apprised the governors of the threat each of their states faces. The Senate must head this warning and act responsibly to protect the best interests of the cities and their residents.

LEGISLATIVE INACTION TOWARD THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the General Assembly of the United Nations passed a unanimous resolution on December 11, 1946, affirming:

> That genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices—whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political, or any other grounds—are punishable . . .

The Assembly then requested the Economic and Social Council to prepare a draft convention through which the international community could cooperate in preventing and punishing genocide.

After 2 years of preparatory work in various committees, on December 9, 1948, the General Assembly unanimously adopted the Convention on the Prevention and Punishment of the Crime of Genocide. Within 2 days the convention was signed by the representatives of 20 nations. The convention came into force as a treaty between ratifying states on January 12, 1951.

The Genocide Convention consists of a preamble and 19 articles. The first nine articles are substantive; the rest are procedural. "Recognizing that at all periods of history genocide has inflicted great losses on humanity," the preamble expresses the conviction that international cooperation is required "to liberate mankind from such an odious scourge."

Under article III of the convention the following acts are punishable: the crime itself; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; and complicity in genocide. Article IX declares that persons committing genocide shall be punished regardless of their status. Article V states that the parties undertake to enact "in accordance with their respective constitutions" the necessary legislation to implement the provisions of the convention. Article VI states that accused persons are subject to trial in the state in which the offense is committed "or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction." Article VII provides for the extradition of accused persons. Article VIII states that any contracting party may call upon the competent organ of the United Nations "to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III." Under article IX, disputes between the contracting parties relating to the interpretation, application or fulfillment of the convention "including those relating to the responsibility of a state for genocide or any of the other acts enumerated in article III" shall be referred to the International Court of Justice at the request of any of the parties to the dispute.

Mr. President, the convention was signed by the U.S. representative on December 11, 1948. President Truman transmitted the Genocide Convention to the Senate with the request that the Senate give its advice and consent to ratification on June 16, 1949. Since that time, an ad hoc subcommittee of the Senate Foreign Relations Committee held public hearings in January and February of 1950. The subcommittee reported the convention to the full Senate Foreign Relations Committee but since the 82d Congress, no further action has been taken.

Unfortunately, the attention given to this convention by the U.S. Senate has been minimal. But it is not too late to correct our failures. The Genocide Convention is not a treaty-in-force, since treaties require the consent of two-thirds of the Senate and ratification by the President of the United States. Let us correct our failure and take action to ratify this convention.

DEATH OF PUBLISHER HERMAN H. RIDDER

Mr. MURPHY. Mr. President, I have just been informed of the death of one of California's most distinguished citizens, Herman H. Ridder, publisher of the Independent Press-Telegram of Long Beach.

Since Hank Ridder came to Long Beach, 17 years ago, he has championed numerous civic causes which have earned him wide respect and admiration. His untimely death, today, came at a time when he was engaged in the planning of a $1 million art museum for Long Beach. We will all remember him for his crusade to keep tideland oil revenues for that city—a fight which has brought almost $250 million to Long Beach. Herman Ridder, a member of the distinguished nationwide newspaper publishing family, was a serious and extremely able poet. He was a noted art collector, and he served with distinction as a member of the State college board of trustees. He was president and director of Ridder Publications, Inc. Mr. President, this passing of one of California's most respected journalists, and my close personal friend, saddens me deeply.

But he has left legacies to us all throughout his notable career. One of the most important of these, of course, is the integrity which he himself symbolized and which he demanded from his publications, for it was through this emphasis of his on integrity that he strengthened not only his own news media but also the entire philosophy of freedom of the press. His first consideration, always, in his editorial policy was the good of the people. The readership of his publication, myself included, can testify that he served us well in attaining this laudable goal.

THE TENNESSEE WALKING HORSE: ITS WORST ENEMY

Mr. TYDINGS. Mr. President, next Wednesday I will preside over hearings before the Energy, Natural Resources, and the Environment Subcommittee on S. 2543, a bill which I introduced and which is designed to end the cruel and prevalent practice of deliberately making sore the feet of Tennessee Walking Horses in order to alter their natural gait.

Soring, as the practice is known, is not at all necessary. The horse, with proper training, care, patience, and breeding, can be trained "to walk." It does not have to be injured to do so. Soring is in fact a cheap shot, a way to circumvent the difficult and time-consuming training period.

On August 16, 1969, the St. Louis Post-Dispatch published an editorial on the soring of Tennessee Walking Horses, entitled "The Horse's Worst Enemy." It rightly terms the practice "monstrous" and calls it a "disgrace to civilized men." I concur heartily and ask unanimous consent that the editorial be printed in the RECORD.

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There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Horse's Worst Enemy

Senator Joseph D. Tydings of Maryland has returned after two years with new legislation to stop a cruel practice in the development of Tennessee walking horses—the unconscionable mistreatment of a horse's front feet to force the animal to use an artificial gait. This time he has the support of the Department of Agriculture. Instead of prohibiting the interstate shipment of treated horses as proposed in a 1966 measure which the USDA deemed unenforceable, the new bill would prohibit exhibitions of such animals, with a penalty of $500 fine or six months' imprisonment, or both.

The unique gait of the Tennessee walking horse, neither a trot nor a gallop but a quick, high-stepping walk, can be taught through months of careful training. The front feet must barely touch the ground and springing upward take a long striding step forward—elegance for watching, comfort for riding. Some years ago unscrupulous owners and trainers discovered that the walking gait can be induced almost instantaneously by using various cruel methods to make the horses' front feet sore.

The practice has been condemned by the Tennessee Walking Horse Breeders and Exhibitors Association of America and the American Horse Show Association but still it goes on. Judges have admitted winking at it. We hope that Senator Tydings will have no difficulty getting his bill enacted, and that it will end a monstrous practice which is a disgrace to civilized men.

ILLEGAL DRUGS AND NARCOTICS

Mr. MURPHY. Mr. President, I have great hope that yesterday, September 14, may be recorded as D-Day in the war against illegal drugs and narcotics. President Nixon's Task Force Report on Narcotics, Marihuana, and Dangerous Drugs, made public yesterday, represents a virtual battle plan of sweeping proportions. This declaration of war against drugs and narcotics carries out a campaign pledge made to the American people by Mr. Nixon on September 16, 1968, in Anaheim, Calif.

The American people are greatly concerned over the growing drug problem which, according to the testimony before the Committee on Labor and Public Welfare, of which I am a member, has even reached the elementary level. They rightfully demand action. The President and the administration are to be complimented for this timely response to one of the most serious problems confronting our country. I am pleased that many of the recommendations of the Task Force report follow some of the suggestions that I have made to the President and to the administration. I ask unanimous consent that the full text of the Task Force report be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

June 6, 1969.

The President,
The White House,
Washington, D.C.

Dear Mr. President: We submit herewith a report dated June 6, 1969, entitled "Narcotics, Marihuana and Dangerous Drugs Task Force." As you can see, it is the result of the joint efforts over an extended period of time of many persons from not only the Treasury Department and the Justice Department, but also from the Departments of Defense, Health, Education and Welfare, Agriculture, Labor, Commerce and Transportation. The State Department was represented in an advisory capacity. A representative of the Interstate Commerce Commission also participated and a staff assistant to Mr. Ehrichman was present as an observer at all meetings of the full Task Force.

This report is a direct result of your pledge to the American people on September 16, 1968, at Anaheim, California. At that time you stated that you intended to do several things. Among them was your intention to "move against the source of drugs" and to "accelerate the development of tools and weapons to detect narcotics in transit".

In the immediate future, the combined enforcement resources of the United States Government will be utilized in order to make a concerted frontal attack on the illegal importation into and the subsequent illegal sale and use of marihuana, narcotics and dangerous drugs in the United States.

We will keep you advised on a continuing basis of specific programs that will be initiated to implement the recommendations of the report. We will also advise you of the results of such programs.

In this regard, you should also be advised that representatives of our respective departments will be meeting in Mexico City on June 9th, 10th and 11th, with officials of the Government of Mexico to consider all aspects of the illegal traffic between our two countries in narcotics, marihuana, stimulants and hallucinogenic drugs.

The Department of State, which will assume the major burden of obtaining Mexican cooperation on a continuing basis, will participate in these meetings and will coordinate our follow-through efforts with the Mexican authorities. Under Secretary Richardson has assured us of that Department's whole-hearted support for the report.

Because the report concerns itself not only with recommendations as to enforcement matters but also with the dangers and effects which result from the use of marihuana in particular, representatives from the Department of Health, Education and Welfare made valuable contributions to the efforts of the Task Force. We have been authorized by Secretary Finch to inform you that he fully concurs in the report, its conclusions, and recommendations.

Respectfully,

David M. Kennedy,
Secretary of the Treasury.
John N. Mitchell,
Attorney General.

Task Force Report: Narcotics, Marihuana, and Dangerous Drugs, June 6, 1969

INTRODUCION

One of the most serious problems facing the United States today is the marked increase in the use of narcotics, marihuana and other hallucinogenic or "mind-changing" drugs. This problem is especially prevalent among the youth of our nation, who have experimented with these drugs.

Most of the marihuana in the United States today comes from Mexico and is smuggled across the border by various means. Mexico has become by far our largest supplier of marihuana and it is also the source of a substantial amount of other drugs. As the primary sources of supply, free-lance smugglers and organized traffickers are largely responsible for the marihuana and drug abuse problem.

In an effort to find a solution to this problem, the Attorney General requested the formation of an interdepartmental Task Force to conduct a comprehensive study of marihuana with specific emphasis on the Mexican border problem. The objective of the Task Force has been to formulate a plan for positive and effective action to control the illicit trafficking of drugs across the Mexican border. The Task Force has also reviewed the best scientific information now available on the health dangers inherent in the use of marihuana and has endeavored to communicate unequivocally in this report the facts concerning the social implicationse of marihuana use.

It was considered advisable to involve in this study all Government agencies dealing with one or more phases of the problem.

The following individuals represented their departments and agencies on the Task Force and actively participated in its deliberations:

Co-Chairman: Mr. Richard G. Kleindienst, Department Attorney General, Department of Justice.

Co-Chairman: Mr. Eugene T. Rossides, Assistant Secretary, Department of the Treasury.

Executive Secretary: Mr. R. Richards Rolapp, Special Assistant to the Deputy Attorney General, Department of Justice.

MEMBERS

Mr. John J. Caulfield, Staff Assistant to Counsel, The White House.

Mr. Paul Eggers, General Counsel, Department of the Treasury.

Mr. G. Gordon Liddy, Special Assistant to the Secretary, Department of the Treasury.

Mr. Lester D. Johnson, Commissioner—Bureau of Customs, Department of the Treasury.

Mr. John E. Ingersoll, Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

Mr. George H. Revercomb, Associate Deputy Attorney General, Department of Justice.

Mr. Cartha D. DeLoach, Assistant to the Director, Federal Bureau of Investigation, Department of Justice.

Mr. Raymond F. Farrell, Commissioner, Immigration & Naturalization Service, Department of Justice.

Mr. William E. Ryan, Chief, Narcotics & Dangerous Drugs Section, Criminal Division, Department of Justice.

Mr. Henry E. Petersen, Acting Deputy Assistant Attorney General, Criminal Division, Department of Justice.

Mr. Robert E. Jordan, III, Chief Counsel, Department of the Army.

Mr. Frank A. Bartimo, Assistant General Counsel, Manpower and Reserve Affairs, Department of Defense.

Dr. Theodore C. Byerly, Assistant Director, Science & Education, Department of Agriculture.

Mr. Rocco C. Siciliano, Under Secretary, Department of Commerce.

Mr. John Gentry, Executive Assistant to the Under Secretary, Department of Labor.

Dr. Mark Novitch, Special Assistant for Pharmaceutical Affairs, Office of the Secretary, Department of Health, Education and Welfare.

Dr. Stanley F. Yolles, Director, National Institute of Mental Health, Department of Health, Education and Welfare.

Mr. James M. Yohe, Deputy Director of Compliance and Security, Federal Aviation Agency, Department of Transportation.

Commander Frederick J. Lessing, U.S. Coast Guard, Department of Transportation.

Mr. Fritz Kahn, Deputy General Counsel, Interstate Commerce Commission.

The Task Force convened its initial meeting on March 26, 1969. In that first meeting the general scope of the proposed study was discussed, objectives formulated and Subcommittees formed for more specific and detailed research on the various aspects of the overall study. The Subcommittees were:

Health Subcommittee—Dr. Stanley F. Yolles, Director of the National Institute of Mental Health, Chairman.

Resources Subcommittee—Mr. Cartha D. DeLoach, Assistant to the Director of the Federal Bureau of Investigation, Chairman.

Enforcement Subcommittee—Mr. John E.

Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, Chairman.

Each Subcommittee was given direction on the scope and nature of its study and assigned certain questions by the Task Force. The Task Force requested the Health Subcommittee to prepare a comprehensive report on the medical implications of marihuana use. The Task Force was particularly interested in learning by whom and to what extend marihuana is used and the health dangers involved, if any. This Subcommittee was also requested to report on present efforts to educate the public about drug abuse and to recommend particular areas where educational efforts can be increased and concentrated.

The Resources Subcommittee was asked to survey and report on the manpower and facilities available to aid in the control of trafficking in marihuana. This Subcommittee undertook an analysis and comparison of the resource needs of existing law enforcement agencies to enable such agencies to participate effectively in a long-range program for marihuana control.

The Enforcement Subcommittee developed a recommended plan of action, for immediate and long-term implementation, designed to have a significant impact on unlawful marihuana trafficking across the Mexican border. Its study included an examination of existing programs of law enforcement agencies with a view to the improvement of coordination and efficiency. The Enforcement Subcommittee defined the various aspects of the enforcement problem, reached certain conclusions and made appropriate recommendations for implementation.

These Subcommittees devoted considerable time to careful study of the assigned subject matter. As an example of the effort expended, the Enforcement Subcommittee devoted over 25 hours for discussion meetings within a three-week period of time.

The Task Force considered the Subcommittee reports during its second meeting on April 28, 1969. The reports were discussed in detail and Task Force members made suggestions for changes and additions. The final report in draft was submitted to each member of the Task Force for discussion and approval at a concluding meeting on May 19, 1969.

This final comprehensive report is a product of the extensive research and study by the Task Force of an extremely complex problem.

I. THE DANGERS OF MARIHUANA

What is marihuana?

Marihuana (pot, grass, weed, etc.) is a product of the Indian hemp plant known to botanists as *cannabis sativa* (L.). It is derived from the leaves and flowering tops of the female plant which are the source of the psychoactive material. Under federal law, marihuana is defined to mean all parts of the *cannabis* plant except for the stalks and sterilized seeds.

Marihuana contains a number of potent compounds called tetrahydrocannabinols (THC) which affect the mind and body in various ways. Potency of the drug varies greatly depending on growing conditions such as temperature, humidity, soil conditions, and methods of cultivation. Generally, plants grown in sunny, dry climates are most likely to contain the highest proportion of THC. The pharmacologic potency of any preparation of marihuana depends upon the amount of THC which it contains.

The drug is most commonly smoked in hand-made cigarettes (reefers, sticks or joints.) The butt is called a "roach." Marihuana is also smoked in ordinary pipes or water pipes. The effects of the drug are decreased three or four times if it is swallowed rather than smoked.

Various forms of marihuana are prepared from extracts of the plant. Hashish (hash, charas) is the purest and most concentrated of the natural *cannabis* products. It consists of the concentrated resin of the plant and is usually eight times as concentrated as the typical marihuana available in North America. Once rare in the United States, hashish is reported to be increasingly obtainable in response to a rising demand. Relating foreign studies of *cannabis* use to the American scene is difficult because of the generally higher potency of the *cannabis* products used abroad. Marihuana grown in this country is typically of lower potency and is often weakened further by additives such as oregano. However, Mexican grown marihuana has a high potency and is regularly sold in the United States. It should be noted that all marihuana products lose strength over time.

While marihuana contains many ingredients, THC is believed to be the principal psychoactive substance. With the synthesis of THC in 1966,[1] and the demonstration of its psychopharmacological effects in 1967,[2] a basis was finally established for more precise, systematic pharmacological investigation of the drug. At present, THC is being synthesized in research quantities. Along with other natural marihuana constitutents, THC is being made available under appropriate precautions to qualified researchers through the National Institute of Mental Health's Center for Studies of Narcotics and Drug Abuse.

Since marihuana products produce effects similar to other hallucinogens like LSD, and their reactions are often indistinguishable from those produced by other psychedelics, they are pharmacologically classified in that category.

Present evidence of extent of use

Marihuana use has been rapidly increasing in the past five years. Although originally restricted to certain jazz musicians, artists and ghetto dwellers, it has now appeared among the middle and upper class. A conservative estimate of persons, both juvenile and adult, who have used marihuana at least once is about five million.

One of the most alarming aspects of the current drug crisis is the involvement of young people. In California alone juvenile arrests for drug offenses increased from 1,271 in 1961 to 14,112 in 1967. Of the 14,112 juvenile arrests in California during 1967, 10,987 were arrested for marihuana violations. To understand the full significance of this figure it must be compared with the year 1961 in which there were 401 arrests. In 1967 alone there were over 2,000 more arrests for marihuana violations than in the previous six years combined.

Two years ago, surveys in parts of the country where marihuana use is known to be high suggested that twenty percent of the college students in those areas had experience with marihuana. Present evidence, although spotty, suggests that as many as sixty percent of the students on some campuses have used it. Some students feel that official estimates are low, and that the true extent of drug abuse among college students is even higher. There are also many reports of increasing use of marihuana in high schools although there is not sufficient data to establish a countrywide pattern. Significantly, most recent college data indicated that many college users were first exposed to marihuana in high school. However, the bulk of users are more aptly characterized as "triers" rather than habitual "potheads." Two out of three who have tried the drug have used it not more than one to ten times. In the most recent (Fall, 1968) survey based on a geographic area of high use, about one person in ten reported using marihuana regularly for as much as a year's duration. Finally, there is growing evidence that the number of preteenagers who are using marihuana is increasing.[3]

Effects

The use of marihuana produces a variety of mental and physical effects. If active marihuana is smoked effectively (inhaled and kept in the lungs as long as possible) symptoms may appear after one or two puffs and the effect may last from several minutes to several hours.

Dr. Stanley F. Yolles, Director, National Institute of Mental Health, has stated:

"Little can be added to previous reports on the toxicity of marihuana. It is considered to be a mild hallucinogen, taken by the usual route of smoking, occasionally by ingestion. It may induce a mild euphoria and lead to heightened suggestibility and faulty perception, really an exaggerated notion of thinking more clearly, profoundly and creatively. In addition, it is knowr to cause reddening of the membranes of the eyes, rapid heartbeat, muscular incoordination, unsteadiness, drowsiness, and distortion of time and space perception.

"In acute intoxication, especially when ingested, it may also produce visual hallucinations, pronounced anxiety, paranoid reactions, and transient psychoses lasting four to six hours. It generally tends to lessen inhibitions and creates for the user a false reality based on his wants, his motivations, or the situation. In this respect it is similar to LSD, but its effects are not as potent.

"The muscular incoordination and the distortion of space and time perception commonly associated with marihuana use are potentially hazardous, since the drug adversely affects one's ability to drive an automobile or perform other skilled tasks.

"We still do not know enough about the long-term effects of marihuana use. As in the case of tobacco, it is possible that there are serious consequences of chronic use which will only become apparent through careful, longtime studies."[4]

A 1965 report on drug dependence for the World Health Organization describes the nature of marihuana intoxication in the following terms:

"Among the more prominent subjective effects . . . are: hilarity . . . carelessness; loquacious euphoria . . . distortion of sensation and perception . . . impairment of judgment and memory; distortion of emotional responsiveness; irritability; and confusion. Other effects, which appear after repeated administration . . . include: lowering of the sensory threshold, especially for optical and acoustical stimuli . . . and aggressiveness as a possible result of various intellectual and sensory derangements; and sleep disturbances."[5]

In small, low potency quantities marihuana may act as a mild euphoriant and sedative somewhat similar to alcohol. In relatively high doses psychotic-like phenommena, quite similar to those associated with LSD use, have been reported. Recurrences of the marihuana state (flashbacks) without actually taking the drug again have been reported. These recurrences can be anxiety provoking. Unlike the stronger hallucinogens, such as LSD, which produce wakefulness, marihuana tends to be more sedative in its properties. THC in sufficiently high doses can induce psychotic reactions in almost any individual.

Despite marihuana's long history—spanning thousands of years and many cultures—there has been comparatively little sound research on this drug. Only four laboratory studies investigating marihuana's immediate effects on humans have been reported in the American scientific literature. The first of these was done with a group of 34 soldiers in the Canal Zone. A second study, reported in the 1944 LaGuardia Report, is based on 72 prisoners' responses to marihuana extract. In 1946, a small number of chronic using prisoners were studied. A more carefully controlled study recently produced a report

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on some laboratory work with marihuana in humans done partially with NIMH support.[6]

All of these studies generally found loss of inhibitions, and feelings of relaxation and self-confidence together with some mild impairment of thinking and coordinated performance. It has also been demonstrated that THC, when administered in sufficiently high dosage, will cause a psychotic-like state, similar to that induced by LSD.

While no long-term physical effects of marihuana use have been adequately demonstrated in this country, the American experience has been extremely brief and additional studies are needed to resolve this and other issues. Although there is no firm evidence that marihuana use in humans has either teratogenic or genetic implications, this possibility should be explored—particularly in view of some evidence on this point with respect to LSD. It is possible that there are serious consequences of chronic use which will only become apparent after careful, long-term studies. In foreign countries where heavy use of the stronger cannabis preparations is common, a variety of physical ailments supposedly related to marihuana use have been reported—notable conjunctivitis, chronic bronchitis, and certain digestive ailments.

There have also been reports of adverse psychological effects of marihuana both in this country and abroad. Recently a group of some 1500 psychiatrists, psychiatric residents, internists, general practitioners and psychologists in the Los Angeles area reported that they had seen almost nineteen hundred "adverse reactions" to marihuana.[7] It is difficult to interpret this finding since "adverse reaction" was poorly defined, and there has been no follow-up to define just what the reactions to the drug were. However, there have been reports of increased number of hospitalizations following the usage of marihuana.

Considerable concern has been expressed in the United States over the possibility of personality changes and a loss of motivation among youthful marihuana users. The potential effects of a reality distorting agent on the future psychological development and maturation of the adolescent user are of special concern. Normal adolescence is a time of considerable psychological turmoil. Patterns of coping with reality developed in the teen years help determine later adult behavior. Persistent use of an agent which serves to ward off reality during this critical period of development is likely to affect adversely the future ability of the individual to cope with the demands of a complex society. While systematic studies of large numbers of American chronic users are not yet available, a number of clinicians have observed that at least some users show evidence of a loss of conventional motivation. They seem to prefer instead a non-goal oriented life style, which emphasizes immediate satisfactions to the exclusion of ambition and future planning. The "pothead", then, may well retard his own chances for emotional growth by not learning how to deal with life stress. Characteristic personality changes among impressionable young persons from the regular use of marihuana include apathy, loss of effectiveness, and diminished capacity or willingness to carry out complex long-term plans, endure frustration, concentrate for long periods, follow routines, or successfully master new material. It has also been observed that verbal facility is often impaired, both in speaking and writing.

The British *cannabis* report by the Advisory Committee on Drug Dependence (1968) concluded:

"There have been reports, particularly from experienced observers in the Middle and Far East, which suggest that *very heavy long-term* (italics, theirs) consumption may produce a syndrome of increasing mental and physical deterioration to the point where the subject is tremulous, ailing and socially incompetent. This syndrome may be punctuated on occasions with outbursts of violent behavior. It is fair to say, however, that no reliable observations of such a syndrome have been made in the Western World, and that from the Eastern reports available to us, it is not possible to form a judgment on whether such behavior is directly attributable to *cannabis*-taking."[8]

Progression to other drugs

A basic question that frequently arises is the extent to which marihuana use in some sense predisposes users to escalate to stronger and more dangerous drugs. There is little question that most heroin and LSD users have had experience with marihuana. Indeed, 85 to 90 percent of heroin addicts reported that they started their use of drugs with marihuana. There is also a question whether any but a small percentage of marihuana users progress to other drugs, the evidence tending to show that only five percent of the habitual marihuana users progress to heroin addiction.

In discussing the question of progression, it is vital to distinguish between the casual experimenter with marihuana, and the regular and continuous user, and between physical addiction and psychological dependency.

A casual experimenter by definition is not dependent upon the drug. A regular and continuous user, on the other hand, may very well be dependent upon it.

Once he has become psychologically dependent upon one drug as a "crutch" to cope with life stress, the user is substantially more susceptible to the acquisition of a larger crutch through the medium of a stronger drug.

An example of the importance of this distinction is the heroin addict. The most desperately "hooked" of junkies with a "habit" costing hundreds of dollars per day can be "detoxified" in under 8 days, and brought to a point where absence of the drug will produce no physical reaction or withdrawal symptoms. Yet, let that individual be imprisoned for 5 years without access to the drug, and without effective psychiatric treatment, upon release he will seek a pusher. He will do so because he is still psychologically dependent upon heroin. Recognition of the fact is basic to the New York State rehabilitation program which spends years, rather than weeks, treating addicts. Their physical craving is terminated in days—their psychological dependency is the subject of years of treatment.

In view of the foregoing, it must be concluded that regular and continuous use of *cannabis* can and does produce psychological dependency and marked susceptibility to progression to stronger reality concealing drugs.

The progression is, however, probably not a consequence of the pharmacological properties of marihuana, but rather is due to sociological and psychological factors present in a vulnerable minority of users. For example, in ghetto situations where both drugs are freely available, sometimes from the same supplier, a progression based on availability may be likely. Similarly, heavy drug using subcultures may encourage widespread experimentation with a wide variety of drugs. It is generally true that a heavy marihuana user is more likely to be a multiple drug user. In one study, half of the heavy users of marihuana had tried LSD. One in seven had used LSD more than 25 times or had tried heroin. Two out of five heavy users in this same study had abused amphetamines. This trend to multiple drug experimentation may increase in the future. In this connection it is important to point out that use of a combination of dangerous drugs may have a synergistic effect and may result in the death of the user.

There is reason to believe that heavy marihuana users are likely to have considerable interest in the use of the stronger forms of *cannabis* such as hashish. If hashish is available, many would probably use it in preferense to low-potency marihuana. The history of mind-alerting drugs invariably reveals that excessive indulgence increases sharply as more potent preparation of a given drug become available.[9]

Marihuana versus alcohol

Some marihuana users have tried to justify their behavior by claiming that it is no worse than consuming alcohol. It is estimated that the consumption of alcohol is a major problem for some five to six million Americans who are unable to control their drinking. In most cases, excessive drinking of alcoholic beverages causes serious physical, psychological, social and vocational problems for these people and their families. It is well known that one-half of the fatal traffic accidents in the United States are related to excessive drinking.[10]

While alcoholism constitutes a major social problem, surely it is not valid to justify the adoption of a new abuse on the basis that it is no worse than a presently existing one. The result could only be added social damage from a new source. It would not solve our alcohol problem and would only lead to additional numbers of marihuana intoxicated individuals. Moreover, marihuana, unlike alcohol, is nearly always consumed by its users for the express purpose of obtaining a "high," a disorientating intoxication.

Allegations have been made and attributed to government officials that marihuana is no more dangerous than alcohol. When these stories appear in the mass media they often do considerable harm, even when subsequently retracted. Dr. James Goddard, former Commissioner of the Food and Drug Administration, was extensively quoted as saying that marihuana is no more dangerous than alcohol. Dr. Goddard was, in fact, misquoted and never made such a statement. Although the wire service issued a written apology, the retraction has never caught up with the misquote.

The position of the AMA and WHO

The American Medical Association has stated that marihuana is a dangerous drug and, as such, is a public health problem.[11] They reiterate that while no physical dependence develops this does not mean that it is an innocuous drug. Further research is considered essential, and educational programs should be directed to all segments of the population.

The World Health Organization recently reaffirmed its previous opinions that *cannabis* is a drug of dependence, produces public health and social problems, and that its control must be continued.[12] More basic data are needed on acute and chronic effects on the individual and society to permit accurate assessment of the degree of hazard to public health.

Marihuana use and crime

Aside from the fact that marihuana use and possession is in itself a crime, it has not been proven that its use is a direct cause of other types of criminal behavior. Generally, assertions that marihuana plays a casual role in the commission of crime are based on reports from other than scientific agencies. The validity of these impressions is, however, questionable because of the unscientific basis on which such data has been collected. The New York Mayor's Committee (1944) reported that many criminals might use marihuana, but the Committee did not feel marihuana played a casual role in crime. In the United Kingdom, the use of *cannabis* has not been generally regarded as a direct cause of crime.

The President's Commission on Law Enforcement and Administration of Justice has observed:

"One likely hypothesis is that, given the ac-

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cepted tendency of marihuana to release inhibitions, the effect of the drug will depend on the individual and the circumstances. It might, but certainly will not necessarily or inevitably lead to aggressive behavior or crime. The response will depend more on the individual than the drugs."[13]

While perhaps it cannot be statistically proven that marihuana or other dangerous drugs may be the cause of originating crime, nevertheless the use of marihuana or dangerous drugs is related to increased criminal activity.

According to the President's Crime Commission Task Force Report on Narcotics and Dangerous Drugs, page 11, the FBI submitted criminal histories on 7,920 narcotics offenders. These criminal histories, when examined as to marihuana users and heroin users, indicated that the criminal careers of narcotics users, both marihuana and heroin, were longer, and resulted in more frequent arrest activities than the average non-narcotic criminal offender. For the marihuana offender this comparison demonstrated that during the course of his criminal career he was proportionately more frequently involved in violent crimes than the normal non-narcotic criminal offender.

CONCLUSION

There is no question that the widespread use of marihuana represents a significant mental health problem.

There is no known beneficial result from the use of marihuana; there are, on the other hand, definite detrimental effects.

More research is needed to further our understanding of the effects of marihuana use. However, it is clear that, depending on the dose, the active ingredient found in marihuana may have substantial detrimental effects on both the mental and physical well-being of the user. In this connection it is important to point out that use of a combination of dangerous drugs may have a synergistic effect and may result in the death of the user.

Medical evidence neither proves nor disproves that marihuana is a cause of crime. Criminal records do establish clearly an accelerating rate of association between crime and the use of marihuana.

The Task Force recommends:

Continued and expanded research to further our understanding of the causes and effects of marihuana use.

Prevention by wide distribution, among other means, of scientifically accurate information and materials about the dangers of drug abuse.

Provision of resources to treat and rehabilitate marihuana users in need of mental health care.

II. THE MEXICAN BORDER PROBLEM

Among the nations of the Western Hemisphere, Mexico occupies a unique position insofar as traffic in narcotics, marihuana and dangerous drugs is concerned. Large quantities of narcotics, marihuana and dangerous drugs are smuggled into the United States across the Mexican border. Based on our study of the problem, the Task Force enters these findings:

1. *Mexico is the primary source of nearly all of the high potency marihuana seized in the United States*. Seizures of marihuana at the Mexican border have increased tremendously in the past five years. For example, in 1966 there were 10,416 pounds of marihuana seized at the Mexican border; whereas, in 1968 almost seven times this much, or 70,210 pounds were seized.

Most of the marihuana sold and consumed in the United States is grown in Mexico. Mexican marihuana is highly preferred by users and is of more potent content than the U.S. variety. It enters this country at scores of border crossing points and is quickly delivered to the more populous cities where demand is greatest. In recent years, the California border has been a particularly active smuggling point for extremely large shipments of marihuana. San Diego and Los Angeles, California, are the major distribution points for the rest of the country.

Control of marihuana traffic is in the hands of small groups that generally operate independently. Some marihuana is smuggled by individuals for self-consumption or small-scale sales.

2. *A significant percentage of the heroin consumed by addicts in the United States is produced surreptitiously in Mexico*. Mexican heroin is produced from opium grown in small opium fields hidden in normally inaccessible valleys in remote areas of the Mexican interior. The distribution of the Mexican heroin is accomplished by scores of peddlers handling small shipments with great frequency.

Most of this heroin is distributed in states bordering Mexico. Once in the United States, most of the Mexican heroin is moved quickly from border cities to population centers such as San Diego, Los Angeles, Denver, Phoenix, Albuquerque, Houston, Fort Worth, and Dallas. Some of the heroin produced in Mexico has appeared in St. Louis, Chicago, Detroit, and other northern cities. The addict population in the border area is relatively low. However, many addicts living in border cities journey daily to nearby Mexican towns to obtain heroin and some risk smuggling small quantities into the United States for future use or for friends and associates.

3. *Significant quantities of European heroin, produced principally in France, are smuggled from time to time into the United States via Mexico*. Most of the heroin in the United States (approximately 80%) is produced in France from Turkish opium. Some of this European heroin is smuggled into the United States through Mexico. The largest individual heroin shipments seized at the Mexican border were of French origin and were under the control of individuals associated with "organized crime" in New York. The French heroin which passes through Mexico is usually destined for New York City and from this point is distributed to the large metropolitan areas on the Eastern Seaboard and the Middle West.

4. *Mexico occasionally serves as an intransit point for cocaine destined for the United States from the source countries in South America, principally Bolivia and Peru*. No fixed pattern has been detected with regard to cocaine smuggling from Mexico, although there is indication the California border is involved to a greater degree than other areas.

5. *Considerable quantities of dangerous drugs in the amphetamine and barbiturate category are smuggled into the United States across the Mexican border*. This traffic occurs in various ways. These drugs may have been produced legally or illegally in Mexico and smuggled into the United States, or may have been legally produced in the United States for export to Mexico and then smuggled back into the United States or diverted at border cities prior to actual exportation.

Smuggling methods

Smuggling methods are varied. In the case of French heroin, it is sometimes hidden in specially constructed traps in automobiles shipped to Mexico from Europe. In other cases, it may be sent from Europe to Mexico City concealed on aircraft, or by couriers carrying luggage with false compartments. It is then passed northward to the United States.

Mexican heroin is usually carried in relatively small quantities across the border on the persons of individual smugglers or in large quantities hidden in traps or panels of small trucks or automobiles. This same pattern is followed in shipments of Mexican marihuana and other dangerous drugs.

There is increasing use of general aviation aircraft and small boats in the smuggling of heroin and marihuana.

The Mexican program to control illicit traffic

The Mexican Government has participated in three bilateral meetings with the U.S. Government concerning the problems of illicit traffic in narcotics and other dangerous drugs. A fourth such meeting is scheduled for June 9, 10 and 11, 1969.

The atmosphere of these meetings has been friendly and cooperative. Mexican efforts to eliminate illicit opium and marihuana cultivation have been encouraged through these meetings. In the past, the United States has provided the Mexicans with aircraft for use in locating marihuana and opium fields, and for transporting agents to destroy these fields.

Despite this country's encouragement, and the efforts of Mexican authorities to aid in the effective control of illegal trafficking in marihuana and dangerous drugs, Mexican resources and efforts continue to be inadequate in the face of the increasing magnitude of the problem. The control of illicit drugs in Mexico is based on federal statutes which are enforced by the Federal Judicial Police under the Attorney General. Their individual states, unlike our own, do not have narcotic and drug laws. At the present time the Federal Judicial Police, headquartered in Mexico City, is staffed by 264 agents, only a fraction of whom are assigned to drug enforcement activities.

The Task Force was formed to study the acute problem of marihuana drug traffic from Mexico and to develop a plan to bring this situation under control. It is clear that the problem is becoming more serious and of greater magnitude. Smuggling activity at the Mexican border is increasing at an alarming rate.

The problem of illicit trafficking across the Mexican border is bilateral in nature. Neither country can solve it alone. There is need for a concerted, continual and coordinated effort on the part of both countries and at all levels of Government to become more deeply involved in controlling the flow of illicit drugs across the border.

It is reasonable to conclude that the ready availability of marihuana and other drugs from Mexico has significantly affected the increase in drug abuse in this country. It is also certain that more can be done toward solving the entire spectrum of drug abuse problems in the United States by attacking this problem at its source.

For the above reasons, the Task Force is prepared to recommend a plan for immediate action to substantially reduce on a short time basis the illicit trafficking in marihuana and dangerous drugs across the Mexican border.

In addition, the Task Force has considered in depth various methods to be used in the suppression of Mexican drug traffic on a more long-term basis. The problem has been divided, for study, into three main phases: (1) the prevention and control of drug smuggling at the Mexican border; (2) the location and destruction by the Mexican Government of drugs at their source in Mexico and the apprehension of the traffickers involved by the Mexican Government; and (3) the detection and swift prosecution of drug violators in the United States and Mexico. Accordingly, the findings and recommendations of this Committee will be based on analysis of each of these areas. It is anticipated that many of the recommendations of the Task Force may be put into effect, with Mexican Government cooperation, in the future in order to deter the flow of illicit drugs.

III. PREVENTION AND CONTROL OF DRUG SMUGGLING AT THE MEXICAN BORDER

Border crossing restrictions

The suppression of drug smuggling along the border is directly related to the physical and regulatory control of individuals and

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conveyances. The huge volume of vehicle and pedestrian traffic crossing at border points creates serious enforcement problems for Customs officials. The limited manpower available and the enormous volume of traffic make it impossible to inspect adequately each vehicle to determine if it is transporting contraband. Inspectors detain and carefully search only those cars or individuals whose likelihood of possessing contraband merits secondary inspection. Since it is impossible under this method to detect all persons who may have contraband items, many smugglers successfully traverse the border. Any information that could lead to some common denominator as to the kind of person who smuggles contraband articles, should be analyzed. This would aid border inspectors in their discretionary authority to search persons and vehicles.

The Task Force recommends: *Case histories of past and future smuggling operations should be analyzed to determine identifiable characteristic patterns of smugglers to facilitate primary inspection at the border.*

One way to decrease the flow of vehicular traffic would be to encourage those traveling to Mexican border cities for brief visits to leave their cars and enter Mexico by foot. This procedure could be encouraged by providing additional parking facilities at border crossing points. Because of the advantages of parking a vehicle on the U.S. side, many temporary visitors would probably desire to use such parking facilities.

The Task Force recommends: *The United States Government should acquire property at border crossings for the construction of parking facilities.*

The Immigration and Naturalization Service has stressed the effectiveness of fences currently installed near authorized points and is convinced that their extension would enhance efforts to restrict unauthorized crossings.

The Task Force recommends: *Existing fences along the United States-Mexican Border should be extended after careful determinations are made of those areas where such extensions are most needed and would have the most beneficial effect.*

The lack of sufficient easements at the border, particularly at metropolitan points, compounds the problem of choking off traffic at unauthorized entry points. In such areas, an easement of at least thirty feet would be necessary to effectively control these areas.

The Task Force recommends: *Easements up to thirty feet wide at metropolitan border points should be granted to the United States Government to enhance its efforts to restrict unauthorized crossings.*

The large number of military personnel in San Diego produces an economic boost for Tijuana. It also creates many problems with respect to the safety and welfare of these men. Although a relatively small percentage of the military element is involved in the smuggling of narcotics, the social and commercial atmosphere produced by the drug trade in Tijuana greatly affects their activities. Should Tijuana be placed off limits to all military personnel, the effect on the local economy would be substantial. Such action could be considered as an inducement for better drug control along the border.

The Task Force recommends: *A study should be made by the Department of Defense to consider the feasibility of imposing an off-limits restriction on military personnel at Tijuana.*

Aliens are inadmissible to the United States under the Immigration and Nationality Act if they are narcotic drug addicts or if they have been convicted of a violation or conspiracy to violate any law or regulation relating to the illicit possession of, or traffic in, narcotic drugs or marihuana. They are also inadmissible if the Immigration Officer knows or has reason to believe such aliens have been illicit traffickers in narcotic drugs. Furthermore, alien narcotic drug addicts convicted of offenses involving narcotic drugs or marihuana trafficking or possession, are subject to deportation. There is a program whereby the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs furnish the Immigration and Naturalization Service information concerning aliens who are arrested for criminal offenses involving narcotic drugs or marihuana.

Drug detection methods and devices

The Task Force discussed many technical devices presently available and in the experimental state that would aid in the detection of drugs at the border.

Because further study is necessary of the many scientific considerations that are necessary in determining the feasibility of a potential border detection device, a committee should be established to review the devices which may become available for future utilization. The White House Office of Science and Technology should be consulted for assistance in this endeavor.

Dogs, German shepherds particularly, have been trained to detect marihuana, and one such animal is being used by Customs at San Ysidro, California. It has been under test for approximately one year, not only at San Ysidro border points, but also at air cargo sections, mail sections and at other points along the border. Results have not been conclusive but tend to indicate that the dog requires considerable time, manpower and effort to sustain. The dog has assisted in the detection of some marihuana and definitely has a psychological effect on smugglers amounting to a limited deterrent. However, the limited work time of the dog is approximately four hours per day. It requires a trainer-handler who might otherwise be engaged in regular searching activities.

The Army has trained a number of dogs for these purposes. However, there is a problem of Army involvement on the Mexican border because of *posse comitatus* statutes.

There are numerous perimeter detection devices that could be utilized to cover the border area. These would be used primarily by the Border Patrol to cover border areas outside of designated crossing points. The Border Patrol is presently using a sensor device, which when activated, indicates to a centralized unit that an object has crossed the border at the point. Regardless of what devices are implemented, there must be sufficient manpower to back them up. The intrusion device presently used at the border enables the Border Patrol to detect more intruders than could possibly be done with the human eye at night, but its effectiveness in stopping intruders can only be measured in terms of available personnel to follow up each border-crossing detection.

The Task Force recommends:

A committee should be established to study existing means of detection to evaluate their relative effectiveness. The Office of Science and Technology should participate in this study and render technical advice and assistance to the committee.

The United States Government should obtain perimeter detection devices that are economically feasible and practical for use on the border.

Border surveillance of aircraft and vessels

Based on reports submitted to the Task Force, it would appear the use of aircraft in the smuggling of drugs from Mexico is on the increase and it poses a problem requiring more attention. Air smuggling usually involves small rented or leased planes which proceed to obscure airports or makeshift landing fields in Mexico. Upon returning to the United States they either discard their contraband by air drops at secluded locations or they land at small private fields or on roads where their presence is unlikely to be observed. Present efforts to detect these illegal flights must be considered inadequate.

The Immigration and Naturalization Service currently employs 20 planes along the Mexican border. They are primarily used for observation purposes and are not considered to have pursuit capability. In addition, they maintain an Air Intelligence Center at Yuma, Arizona, where data on 73,000 private aircraft and pilots, including pilots suspected of alien smuggling, is catalogued.

The Bureau of Customs has only one aircraft at the present time. It has pursuit capability and is used primarily in the investigation of smuggling at the Mexican border.

The pilots of these government planes have gathered, in the normal cause of their contact within the flying fraternity, considerable information of value relating to smuggling activity. Wider dissemination and exchange of such intelligence is clearly desirable.

In examining the role of the Federal Aviation Administration in relation to illicit flights and the licensing of pilots, it is apparent that existing regulations and sanctions should be reviewed at an early date. For example, at the present time, private pilots of non-commercial aircraft are not required to file a flight plan on a non-instrument flight prior to departure for Mexico. Precedence exists for the promulgation of such requirements. Conviction for smuggling or other felonies is not grounds for the revocation of an airman's license. Only the airman's skill and physical fitness is an issue in such action.

There is some recent evidence to indicate that small pleasure boats are sometimes used in drug smuggling. Smuggling by boat is potentially a very serious problem. It represents a means of smuggling that is very difficult to control. Effective surveillance of the thousands of pleasure crafts operating in the waters off southern California and in the Gulf of Mexico would represent a Herculean task and would not, at this time, justify the expenditure of manpower and equipment necessary to implement a meaningful program. Better coverage might be achieved at various Mexican ports of call and investigative procedures relating to small vessels should concentrate on gathering intelligence on their illegal use.

The Task Force recommends:

FAA regulations should be amended to require the filing of a flight plan prior to departure of all aircraft on international flights between Mexico and the United States.

FAA statutes and regulations should be revised to permit license revocation in the case of pilots convicted of smuggling, or possession of contraband drugs.

Existing radar facilities along the Mexican border should be expanded and improved to conduct greater surveillance of low altitude aircraft and canyon air corridors.

Pursuit-type aircraft should be utilized on an increased basis to combat smuggling by air.

Utilization of enforcement personnel

The Bureau of Customs, the Bureau of Narcotics and Dangerous Drugs, and the Immigration and Naturalization Service need greatly increased manpower to carry out the duties and responsibilities of their respective agencies. Should a manpower increase be granted, the agencies would utilize these additional personnel as follows:

1. Customs would significantly increase its agent personnel, a substantial portion of whom would be assigned to augment the antismuggling drive by increasing information gathering facilities and emphasizing smuggling conspiracy investigations.

2. The Border Patrol would utilize new personnel at border areas other than designated crossing points. This would augment the Border Patrol's current effort to make it more difficult to avoid the ports of entry and to discourage potential smugglers from using unauthorized entry areas.

3. The Bureau of Narcotics and Dangerous Drugs would utilize its additional manpower

to develop intelligence data, form specialized mobile units, and expand undercover operations and conspiracy-type investigations.

IV. THE CONTROL OF MARIHUANA AT ITS SOURCE

There is considerable opium poppy cultivation in Mexico, usually in remote and inaccessible areas in the interior. Generally, it is grown on relatively small plots by individual farmers as a supplemental money crop, primarily in the states of Sinaloa, Sonora, Jalisco and Morelos and to a lesser degree in Durango and Nuevo Leon.

Marihuana presents an even greater problem due to the fact that its prolific growth is both wild and cultivated. It can be found in practically every state in Mexico, although Guerrero, Jalisco, Sinaola and Tamaplipas are the major sources.

Remote sensing

In the absence of specific information from informants, the only practical method of locating these crops is through the use of remote sensing devices. For a number of years, the Mexican Government has employed light observation planes and helicopters on spotting missions, but it would appear that these operations to date have not been of sufficient scope to cover adequately the vast land area where these crops can be found. The use of broad remote sensing techniques in states involved, with subsequent crop identification by agricultural experts, would appear to be more efficient and effective. If the Mexican Government has such a capability at the present time, it is not being used for this purpose. On the other hand, there is no question that the United States is capable of undertaking such missions.

Airborne remote sensing of marihuana may be feasible with a minimum of investment and technical assistance with systems already developed. NASA and the Government of Mexico have already initiated an agreement to develop a Mexican remote sensing capability. As far as we know, remote sensing has not yet been tested specifically for marihuana and poppy detection. This should be done by interested United States agencies. If the results are positive, we should make them available to the Mexican Government and urge it to acquire whatever equipment is required. The question arises as to what extent NASA can commit its resources to this program.

The Task Force recommends:

With the participation of the State Departments, there should be early discussion between appropriate officials of the Mexican and United States Governments concerning efforts to implement effective remote sensing surveys.

The Attorney General should be requested to direct an inquiry to the Director of NASA concerning the participation of NASA in helping to develop a remote sensing capability for marihuana control in Mexico.

The Attorney General should be requested to direct an inquiry to the Secretary of Agriculture concerning the participation of the latter's manpower and resources in development of a Mexican remote sensing capability. Remote sensing priority should be placed on known regions of opium poppy and marihuana cultivation.

Crop eradication

For the most part, the Mexican authorities have relied on manual eradication of opium poppies. This simple but tedious process consists of breaking the stems with a wooden switch or cane, causing the plant to wither and die. As an added measure, the crude irrigation devices and protective fences are destroyed. Marihuana crops are usually burned, sometimes after being uprooted.

There are considerable difficulties associated with crop destruction. These crops are often grown in extremely difficult terrain in some of the most remote areas of Mexico, creating severe problems in transporting men and equipment to the scene. The local growers have, on occasion, resorted to armed resistance against the eradication teams resulting in death and injuries to the personnel involved. This particular problem is serious enough to require escorts of squads of heavily armed soldiers. In view of the foregoing, the Task Force is impressed with the potential effectiveness of chemical crop destruction utilizing aircraft.

The use of chemicals would undoubtedly involve considerable funding, but until the actual crop acreage is known, a realistic cost estimate cannot be made. Before embarking on such a program, it would be necessary to obtain the agreement of the Mexican Government. It is not known whether the Mexican Government would be willing to authorize and finance such programs. Alternative sources of funding might be available, such as grants from U.S. agencies or international organizations, i.e., Pan American Union, the World Bank, or even private foundations in the United States.

The Task Force examined the possibility of crop substitution programs which would encourage the small farmer to abandon the cultivation of opium poppies and marihuana. It would appear for the present at least, that such a program would not be feasible or practical.

The Task Force recommends:

The appropriate Departments should be requested to broaden their current research and experimentation to determine the most effective and practical methods for the destruction of opium poppy and marihuana crops.

The Mexican Government should be consulted by the State Department concerning broad programs for marihuana and poppy crop destruction.

A survey should be conducted of funding sources to support crop eradication programs, said survey to include other than U.S. or Mexican Government agencies.

Flow of traffic in Mexico

Interdiction of the flow of drugs in Mexico presents several unique problems. Elements of the traffic are located in remote areas, removed from adequate transportation and communication facilities. Heroin laboratories are operating in scattered locations, including some in desolate mountain regions and isolated villages. European heroin passing through Mexico enters by ship in the eastern part of Vera Cruz and by air at Mexico City. The capital city is also a transfer point for significant quantities of cocaine en route to the United States from South American sources. Marihuana is gathered at rural points and large consolidated shipments are prepared for movement north to the border.

With the recent increase in dangerous drug abuse in the United States, metropolitan areas in Mexico have emerged as sources of this material, both in clandestine production and diversion from legitimate industry. All of these drugs eventually move northward to the border in vehicles ranging from automobiles with sophisticated traps to tractor trailers.

An analysis of drug seizures clearly indicates that the bulk of this traffic moves to the California and Arizona border points via Mexican Highway #15 to Santa Ana in the state of Sonora. Here it either continues on Highway #15 to Nogales and other Arizona points of entry or moves westward on Highway #2 to western Arizona and California. Alternative routes simply do not exist in that region. Although there are checkpoints on these highways, they are only used for the control of southward traffic. If adequately staffed facilities were established south of Santa Ana on Highway #15 and on Highway #2 west of that city, it would impede the flow of these drugs to the border.

The violator in Mexico can be typed on the basis of his individual role in the traffic. He may be the grower, the laboratory operator, the courier who transports the drugs to the border, or the recipient who employs the actual smuggler. The Mexican authorities should give appropriate attention to each phase of the smuggling operation so that meaningful results can be achieved.

The Task Force recommends:

The Mexican Government should be urged to establish adequate northbound inspection points along Highways No. 15 and No. 2.

They should also be urged to tighten control over the legitimate production and distribution of dangerous drugs, and to monitor the sales and distribution of chemicals essential in the manufacture of heroin, particularly acetic anhydride.

Steps to encourage Mexican cooperation

The United States Government can assist the Mexican Government in establishing better enforcement techniques, especially with regard to narcotics and dangerous drugs. Seminars on this problem should be held, attended by BNDD, Customs, and Mexican Judicial Police to cover all aspects of drug trafficking. This could later be expanded into a school similar to what is available in the United States, with an equal number of students from both countries.

The Mexican Government should be urged to establish a bureau solely for the enforcement of narcotic laws. United States technical and financial assistance could be used to enhance this endeavor.

More specific intelligence information should be made available to the Mexican police. If substantive evidence concerning specific individuals would be presented to the Mexicans for their exploitation, the probability of arrest and prosecution of these violators would be greatly enhanced. Similar efforts with Italian officials concerning the Mafia families produced immensely successful results. The same technique may be effective in Mexico.

The Task Force recommends:

The Mexican Government should be encouraged to establish a Bureau of Narcotics with initial technological and financial assistance from the United States, where necessary and appropriate.

The United States authorities should provide more specific information to the Mexican Government describing the scope of the traffic along with names of drug traffickers known to be operating in Mexico.

Joint seminars should be established between The United States and Mexico for the interchange of information relating to enforcement techniques with regard to narcotics and dangerous drugs.

V. PROCEEDINGS AGAINST VIOLATIONS

Prosecution of violators in the United States

The prosecution of drug traffickers in this country is based on a multitude of statutes. The laws regulating the smuggling of narcotic drugs and marihuana are generally inflexible in terms of minimum mandatory penalties. These penalties are applicable, not only to major violators but also to a broad range of offenders, some of whom are relatively minor offenders. As a result, it has been necessary to bring technical prosecutions under other statutes to avoid the imposition of mandatory sentences and in other cases, a program of deferred prosecution has been used to the same end. As a last resort, it has been necessary to decline prosecution, all in the interest of the fair administration of justice and in consideration of the nature of the offense.

In recent years, we have witnessed a dramatic increase in the number of drug prosecutions. The Administrative Office of the United States Courts reported that there was a 31.9% increase in narcotic prosecutions during the first half of fiscal year 1969 as compared to comparable period in the previous fiscal year. Approximately one-half were commenced in the judicial districts abutting

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the Mexican border. These courts are severely overburdened with a disproportionate number of criminal cases of all types. During fiscal year 1968, over twice as many criminal cases were filed and terminated in these districts than in the five judicial districts located between Connecticut and eastern Pennsylvania, one of the most densely populated regions in the United States. In fact, there were six times as many narcotic cases filed in the border districts compared with those in the eastern districts.

This inordinate situation is also reflected in the heavy case loads assigned to the Assistant U.S. Attorneys in the border districts. The problem is further compounded by the relatively few federal judges available in these districts.

Because of the congestion, there has been a parallel problem regarding bail for drug offenders, which has necessitated the release, pending trial, of violators who might otherwise be held on high bond for early prosecution. The result has been a high incidence of new offenses by persons awaiting trial and bail jumping. In the case of Mexican nationals, the defendants often seek sanctuary across the border.

The Task Force recommends:

Federal statutes relating to the smuggling of narcotic drugs and marihuana should be revised to permit greater flexibility in the prosecution of such violators.

Serious consideration should be given to increasing the number of federal judgeships in border districts.

The staff of U.S. Attorneys in border districts should be enlarged to handle the heavy criminal caseload.

As an interim measure, consideration should be given to the use of visiting and retired judges and Special Assistant U.S. Attorneys from other districts.

There should be an appropriate increase in the staff of the Criminal Division of the Department of Justice to complement any increase in U.S. Attorney staffing and, specifically, to provide assistance in highly complex drug cases involving major violators.

Prosecutions in Mexico

The federal laws of Mexico relating to narcotic drugs and marihuana, in a general sense, are similar to those of the United States. We are informed, however, that Mexico has not enacted laws similar to our laws regulating stimulant, depressant and hallucinogenic drugs.

With regard to narcotic drugs and marihuana, the Mexican Government has assured us that it is within their power to prosecute their nationals in Mexico for violations of the Mexican laws, even though such violations occur in the United States. A recent ruling by the Supreme Court of Justice for Mexico has upheld such a prosecution. The ruling was handed down on January 13, 1969, under Mexican appeal number 4032/968–2a, by the First Cabinet of the Court, in the case of Mario Aguilera-Smith, a fugitive from American justice.

Aguilera, a Mexican national, had been arrested on January 3, 1966, at Tijuana, B.C., Mexico, based upon evidence presented by the United States. On August 5, 1967, Aguilera was convicted of exporting, trafficking and furnishing heroin. He was sentenced to six years' imprisonment and a fine of 1000 pesos. An intermediate appeal to the 4th Circuit Tribunal at Guadalajara had resulted in the affirmance of Aguilera's conviction.

Existing extradiction treaties with Mexico, although listing narcotic violations as extraditable offenses, grant discretion to the parties in respect of requests for their own nationals.[14] The Government of Mexico will prosecute locally persons who are fugitives from justice in the United States. Its present policy is to deny requests for the Extradition of Mexican nationals. The United States Government generally grants extradition requests for its nationals.

The Task Force recommends: *The United States should take immediate steps to present to the Republic of Mexico for prosecution selected cases involving narcotic and marihuana violations by fugitive Mexican nationals.*

VI. ROLE AND RESPONSIBILITY OF STATE DEPARTMENT IN SECURING MEXICAN COOPERATION

The Department of State is the primary representative for communicating to foreign governments the vital interests of the United States and for doing everything necessary to advance those interests through diplomacy. The consumption in the United States of drugs and narcotics produced abroad and illegally imported into this country has reached such proportion as to be in the highest rank of those matters affecting the vital interests of the nation.

Accordingly, the Department of State, in its dealings with the highest officials of Mexico and in the setting of agenda therefore, should give no subject higher priority or greater emphasis than the desire of the United States to realize an eradication of the production and refinement in Mexico of opium poppies and marihuana in violation of Mexican law. The basic responsibility for effecting such control lies with the Government of Mexico and its law enforcement agencies. Nothing should be done which would weaken or shift that burden of responsibility. Only a massive, continuous effort, directed by the highest officials of Mexico, will significantly curtail the production and refinement of marihuana and other dangerous drugs.

The Task Force recommends:

The Department of State must devote its efforts to persuading Mexico to place a program for eradication and control of marihuana and dangerous drugs among the highest of its national priorities.

The United States Ambassador in Mexico should have this problem on his highest priority list on a continuing basis.

FOOTNOTES

[1] Mechoulam, R. et al. *A total synthesis of a 1-Δ' tetrahydrocannabinol, the active constituent of hashish.* Journal of the American Chemical Society 1965, pp. 3273–3275.

[2] Isbell, H. et al., *Effects of Δ^9 Tetrahydrocannabinol in Man,* Psychopharmacologia, 1967, pp. 184–188.

[3] Blum, R. H. et al., *Students and Drugs,* Vol. II, 1969, pp. 31–47.

[4] Hearings before the Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary, Mar. 4–6, p. 4658, 1968.

[5] Eddy, N. B. et al. *Drug Dependence: Its Significance and Characteristics.* Bull. World Health Organization. 32:721, 1965.

[6] Weil, A. T. et al., *A Controlled Study of Cannabis in Humans,* Science, pp. 1234–1242, 1968.

[7] Ungerleider, J. T. et al., *A Statistical Survey of Adverse Reactions to LSD in Los Angeles County,* American Journal of Psychiatry, Sept., 1968, p. 355.

[8] *Cannabis,* Report by the Advisory Committee on Drug Dependence, 1968, pp. 14–34.

[9] McGlothlen, W. et al. *American Journal of Psychiatry,* Sept., 1968, p. 373.

[10] 1968 Alcohol and Highway Safety Report, U.S. Government Printing Office, 1968, pp. 11–21.

[11] Marihuana and Society, Journal of the American Medical Association, June 24, 1968, pp. 1181–1182.

[12] World Health Expert Committee on Drug Dependence, WHO Technical Report Series 407, 1969, p. 19.

[13] Task Force Report: Narcotics and Drug Abuse. President's Commission on Law Enforcement and Administration of Justice, 1967, p. 13.

[14] Treaty of Extradition with Mexico, Feb. 22, 1899, 31 Stat. 1818, T.S. No. 242 (effective April 22, 1899); Supplementary Extradition Convention with Mexico, December 23, 1925, 44 Stat. 2409, T.S. 741 (effective July 11, 1926); Supplementary Extradition Convention with Mexico, August 16, 1969, 55 Stat. 1133, T.S. No. 967 (effective April 14, 1941).

RATIFICATION OF DIRECT POPULAR VOTE APPEARS LIKELY

Mr. **GRIFFIN**. Mr. President, a formidable amount of evidence is being gathered which demonstrates not only wide popular support for a direct election amendment but also a strong likelihood that such an amendment would be ratified by three-fourths of the State legislatures.

In a poll of State legislative leaders conducted by Nation's Business, and released in its September issue, a strong preference was shown for the direct popular vote over various other alternatives. Of the overwhelming majority of State leaders favoring a change in the present electoral system, over two-thirds favored the direct vote. Only 20 percent supported the district plan, while the remainder was split among three other proposals including the proportional plan.

The poll and perceptive analysis in Nation's Business provides further support for two conclusions I arrived at as the result of my recent survey of 27 State legislatures. First, serious opposition from the least populous States is not evident; and second, the popular vote amendment is more likely to be ratified than either the district or proportional plans.

For proponents of electoral reform who have hesitated to support the direct popular vote because of potential difficulty in getting it adopted, the evidence now shows that the most theoretically desirable proposal is also the most practical solution. In fact, the other plans should be considered suspect in light of the relatively small support they have generated.

I ask unanimous consent that the article from Nation's Business and a report prepared by the American Bar Association, showing support for the direct vote from various sources, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From Nation's Business, September 1969]

THE POPULAR VOTE IS POPULAR

An overwhelming majority of the leaders of state legislatures favor a change in the method of choosing a President, with direct popular election the favorite choice by far.

Those are key findings of a Nation's Business survey to determine the thinking of influential figures at the state level, where the final decision will be made, on the various proposals for a constitutional amendment to change the method of selecting the nation's Chief Executive.

While the spotlight remains on continuing deliberations in Congress, a vital question is whether any amendment sent to the states could gain ratification in 38 legislatures.

Nearly 120 of the men who serve in the states as speakers of lower houses, presidents of Senates or majority or mniority leaders voted 6 to 1 in the survey for a change in the Presidential election system. At least one leader from every state participated.

"Any change has to be an improvement," one commented with an air of desperation.

More than two thirds of those advocating a different system endorsed the direct popular vote.

Slightly over 20 per cent supported the district plan, in which one elector would be chosen from each Congressional district and two at-large in each state. Their electoral votes would go to the candidate who won the popular votes in their district or state.

The balance of sentiment in the poll favored:

The proportional plan, in which the electoral vote would be divided in the same ratio as a state's popular vote.

Retaining the present "winner-take-all" electoral system but requiring electors to reflect the popular vote and, in case no candidate gets an electoral majority, giving each House member, instead of each state's delegation in the House, one vote.

No change at all.

Both the district and proportional plans would retain the present allocation of electoral strength—each state with a number of electors equal to the total number of Representatives and Senators it has in Congress.

The extra voting strength smaller states derive from automatically having two electors corresponding to their two Senators regardless of population has been a particular target of the direct vote partisans.

The example most frequently cited is that of Alaska, where each Presidential elector represents 85,000 residents, and California, which has one elector for every 500,000 citizens.

But other critics of the Electoral College argue that giving a candidate all of a big state's elector votes, no matter how close the popular count, works against smaller states.

CITE COLLEAGUES' SENTIMENT

Of the legislative leaders favoring the popular vote system, 75 per cent indicated they felt their respective houses of the legislature would approve, although some conditioned their optimism and said it would take an all-out campaign.

Their strong support for choosing the President by popular vote reflects the broad, grass roots backing for the change evident in various opinion surveys.

An upsurge of interest and concern was generated during the 1968 Presidential campaign. It appeared then that the "constitutional time bomb," as one critic has called the present electoral system, was going to go off and the choice of a President become bogged down in wrangling and dealing in the Electoral College or the House.

The close call was enough to get Congress moving early in this session on legislation to change the system.

The House Judiciary Committee has approved a resolution calling for a constitutional amendment that would put Presidential elections on a direct, popular vote basis and the Senate Judiciary Committee is expected to follow suit.

Despite the high level of interest in change, particularly in the direct vote plan, it is by no means certain such an amendment will be adopted quickly, easily—or at all.

SMALL STATE ISSUE SHRINKS

The Nation's Business poll demonstrated that one of the thorniest problems confronting the framers of the Constitution, protecting small-state interests, has faded in some smaller states, but not in others.

Howard F. McKissick Jr., speaker of the Nevada Assembly, gave one of the most succinct endorsements to the direct vote system: "It is the fairest. It is the most popular and best understood."

Gordon McGowan, president pro tempore of the Montana State Senate, was more eloquent in a handwritten reply on a letterhead bearing the legend, "The Big Sky Country":

"The person receiving the largest number of votes should be the winner. . . . In our American life a team or an individual that scores the most points, as long as it is accomplished within the rules, is the winner. This process is as American as apple pie and I believe the system favored by the majority of voters.

George C. Herring III, speaker of the House in Delaware, one of the smallest states, called for "straight election by popular vote because democratic rule is founded on expression by majority vote."

But Thomas B. Avery, majority floor leader of the Tennessee House, said in endorsing the district system that it would "preserve the additional weight allowed small states by the constitution."

"States and regions need to retain some autonomy," said John D. Vanderhoof, speaker of the Colorado House, who also called for the district plan.

Concern over protecting regional interests is by no means limited to smaller states. Speaker Bob Monagan of the California Assembly expressed "reservations about the wisdom of direct popular election because of the emphasis it puts on a simple majority without regard to a balancing of the various regional interests in the nation."

He added: "Neither a strong majority nor strong regional interests can be ignored if we are to achieve some degree of national harmony and unity and the present electoral system strikes a balance."

And Earl W. Brydges, temporary president of the New York Senate, commented that "the present system, while it has imperfections, has worked well and also preserves the influence of the larger states."

APPENDAGE REMOVAL

But Jess Unruh, now minority leader of the California Assembly, viewed electoral reform this way:

"No modern politician who values his profession dares to argue that the American electorate is incompetent to elect the President of the United States. If this is so, all rational argument against popular Presidential election disappears. The Electoral College is a useless and occasionally dangerous appendage on our body politic. It must be removed."

O. J. Goodwyn, president of the Alabama Senate, said direct election would be "the most democratic way and, in my opinion, would eliminate the division of the nation into minority groups."

Brad Phillips, Alaska Senate president, said the general feeling in his state was that "the present electoral system has the potential of frustrating the popular vote."

Robert F. Smith, speaker of the Oregon House, asserted that "the present system has outlived its usefulness. The only viable alternative which has been proposed, and one which the electorate would easily understand, is the direct popular election of the President.

"It is much more sensible to have an election settled on the basis of the popular vote, regardless of the margin, than to turn an election over to the House of Representatives and kick the door open to the possibility that a candidate not receiving the highest number of votes is elected President."

CITY MACHINES SUSPECTED

On the other side, Dexter H. Gunderson, speaker of the South Dakota House, was emphatic in rejecting the popular vote plan: "The giant city machines seem to vote in peculiar patterns, leading one to believe that these election outcomes could be rigged."

Marshall W. Cobleigh, speaker of the New Hampshire House, said a direct election system involves many pitfalls, including the prospect of an outcome so close a nationwide recount is needed.

William L. Sullivan, temporary president of the Kentucky Senate, said direct popular election "ignores the rights of the states of more sparsely settled areas. I feel that our forefathers meant for such rights to be protected."

While leaders in such larger states as Michigan and Illinois endorsed direct popular voting themselves, they expressed doubt over whether their legislatures would ratify such a change.

"Unfortunately, the development of the new system is not as easy as criticizing the present," wrote W. Russell Arrington, temporary president of the Illinois Senate.

Nevertheless, the issue appears to be shaping up as one between a direct popular vote or no change at all. Capitol Hill sources close to the situation say it would be difficult to rally the two-thirds vote needed in each house for the popular vote plan but altogether impossible to win that much backing for the district or proportional plans, or lesser modifications.

And gaining approval of three-fourths of the states is no easy matter, even with issues far less controversial than that of how a President should be elected, the Congressional experts say.

The most recent constitutional amendment, Article XXV on Presidential Disability and Succession, had little opposition when it was submitted to the states in July, 1965. But it was February, 1967, before it finally was ratified.

That type of delay is a reason why backers of the direct vote amendment are planning to keep the pressure on to get it to the states as soon as possible. They know that, despite the heavy support from many of the legislative leaders, there may be hard going among rank-and-file lawmakers in some states.

(Backers of the popular vote plan were greatly encouraged, however, when a poll of nearly 4,000 legislators in 27 states showed almost two-thirds of those responding favored that method of choosing a President. The survey was made by Sen. Robert P. Griffin (R.-Mich.), who said he was now convinced the direct vote method stood a better chance of gaining state approval than either the proportional or district plans. He had favored the proportional system.)

The various efforts to determine sentiment throughout the country are thus continuing to show that support for a popular vote amendment is far more extensive than had been generally realized.

One reason may be that offered by Montana's Gordon McGowan: "Most people find it hard to believe that the candidate with the largest popular vote might not be President."

WHO FAVORS DIRECT POPULAR ELECTION OF THE PRESIDENT OF THE UNITED STATES?

THE PEOPLE

(Gallup poll, November 1968)

	Percent
Nationally	81
Regionally:	
East	82
Midwest	81
South	76
West	81
Community size:	
Over 1 million population	78
Under 2,500 population	78

CONSTITUENTS

[Percentages rounded off to the nearest tenth. Based on surveys by members of the 91st Congress]

	Percent
Anderson (R-Illinois)	71
Ashbrook (R-Ohio)	74
Beall (R-Maryland)	80
Blatnik (D-Minnesota)	69
Broomfield (R-Michigan)	91
Broyhill (R-North Carolina)	78
Burke (R-Florida)	87
Carter (R-Kentucky)	78
Chamberlain (R-Michigan)	65
Corbett (R-Pennsylvania)	77
Cowger (R-Kentucky)	94
Dellenback (R-Oregon)	85
Denney (R-Nebraska)	66
Devine (R-Ohio)	75
Edwards (R-Alabama)	60

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CONSTITUENTS—continued

	Percent
Eshleman (R-Pennsylvania)	74
Ford (D-Michigan)	85
Frelinghuysen (R-New Jersey)	55
Gilbert (D-New York)	77
Johnson (R-Pennsylvania)	77
Kyl (R-Iowa)	79
Kuykendall (R-Tennessee)	73
Latta (R-Ohio)	85
Mailliard (R-California)	56
Meskill (R-Connecticut)	80
McClory (R-Illinois)	75
McDade (R-Pennsylvania)	76
Minshall (R-Ohio)	86
Mizell (R-North Carolina)	67
Ottinger (D-New York)	74
Pelly (R-Washington)	79
Pettis (R-California)	69
Quillen (R-Tennessee)	80
Ruppe (R-Michigan)	75
Schneebeli (R-Pennsylvania)	84
Smith (R-New York)	85
Springer (R-Illinois)	80
Stanton (R-Ohio)	85
Taft (R-Ohio)	82
Thompson (R-Georgia)	73
Whalen (R-Ohio)	79
Winn (R-Kansas)	85
Wyatt (R-Oregon)	76
Wydler (R-New York)	75
Zwach (R-Minnesota)	69

STATE LEGISLATORS

In July, 1969, Senator Robert P. Griffin (R-Mich.) sent a questionnaire to members of the legislatures in the 27 least populous states. The first question presented was as follows:

"Would you, as a state legislator, vote to ratify a proposed constitutional amendment abolishing the electoral vote and providing for election of the President by direct popular nationwide vote?"

64% of responding legislators answered in the affirmative.

By state, the result was as follows:

	Percent
Alabama	60
Alaska	69
Arkansas	75
Delaware	64
Georgia	56
Hawaii	92
Idaho	47
Louisiana	79
Maine	63
Maryland	70
Mississippi	59
Montana	65
New Hampshire	69
New Mexico	70
Nevada	73
North Carolina	58
North Dakota	37
Oklahoma	53
Oregon	66
Rhode Island	81
South Carolina	62
South Dakota	66
Texas	60
Utah	69
Vermont	77
Virginia	55
Wyoming	55

THE PRESS

A sampling of editorial opinion:

Arizona—Tucson Daily Citizen: "No matter how valid the original reasons for creating the electoral college, it is undeniably true that direct popular election of the president and vice president is the fairest and most democratic way to fill these offices."

Arkansas—Arkansas Democrat: "The first step for a constitutional amendment is approval by two-thirds vote in both houses of Congress. With people like Wilbur Mills behind this campaign—a Southerner and one of the most respected men in Congress—we are certain the Congress will act in time to permit 38 states to ratify it and the people to vote directly for the next President."

California—The Fresno Bee: "Several plans have been offered to reform the electoral college, so that it would more accurately and dependably reflect the popular vote. The ABA's proposal to abolish the entire system is superior and simpler. The bar calls for direct popular election of the president."

Washington, D.C.—The Sunday Star: "It's Time to Elect the President Directly."

Washington, D.C.—Washington Post: "The first essential for correction of this defective system is a constitutional amendment providing for direct, popular election of the President."

Georgia—The Atlanta Constitution: "Overall, the advantages of direct election are overwhelming."

Illinois—Rockford Morning Star: "The constitutional amendment process is slow, but if the Presidents are ever to be elected solely on the basis of the popular vote, the wheels should be set in motion without delay to bring about this reform."

Indiana—The Indianapolis News: "That principle now applies in every other type of direct election for congressional, state or local office. It ought to control in presidential elections as well."

Minnesota—St. Paul Pioneer Press: "Weaknesses of the electoral college system are universally recognized. A switch to direct popular vote, the method used throughout America in other elections, would eliminate the dangers and loopholes of the electoral college."

Missouri—St. Louis Post-Dispatch: "With the ABA commission, we are convinced that electoral college reform would not impair our federal system. Governors would continue to be popularly elected in each state. U.S. Representatives would continue to be chosen by local districts, Senators by popular vote in the states. The only change would be that the highest national office, which deals with primarily national problems, would be filled by the same election process—one man, one vote—we use at the state, district, county and city levels."

New Jersey—Paterson Evening News: ". . . there is a good chance that popular direct vote may become a fact. The President and Vice President would then become the popular choice of all those voting, and perhaps more people will vote for that reason."

New York—New York Times: "The most desirable and simplest reform would be an amendment providing for direct election of the President and Vice President by popular vote. This would eliminate a host of problems inherent in the present system."

North Carolina—The Charlotte Observer: "The recommendation (direct election) has merit. While the Electoral College in this century has luckily avoided plunging the nation into a crisis over presidential succession, the potential is always there. And while the existing machinery sputters along, it perpetuates injustices that ought to be eliminated."

Ohio—The Toledo Times: "But the dilemma of this year's election certainly emphasizes the need for the direct, popular election of president and vice president in the future."

Pennsylvania—Pittsburgh Post-Gazette: "A direct popular vote would rule out the specter of a minority-elected President sitting in the White House."

NATIONAL ORGANIZATIONS

Business: U.S. Chamber of Commerce; National Federation of Independent Business.

Labor: AFL–CIO.

Legal Profession: American Bar Association; Federal Bar Association.

THE PESTICIDE PERIL—XLVIII

Mr. NELSON. Mr. President, earlier this summer Sunset magazine responded to the serious threat to our environment from the use of persistent, toxic pesticides by banning advertisements for all products containing DDT from their publication.

Their concern is so great that the publishers of Sunset have decided that a ban on advertising was not enough. They have followed through with an article entitled, "It's Time To Blow the Whistle on DDT," published in the August issue. The article explains to their readers why DDT and related pesticides should be banned entirely from public use and, of particular significance, what effective and safe alternatives exist for the home gardener.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT'S TIME TO BLOW THE WHISTLE ON DDT

Here is why, and here is what to use instead of DDT and several related chlorinated hydrocarbons.

The DDT furor prompted us to make a *Sunset* survey early this summer. We tallied active ingredients in insect poisons sold for home gardens in the West.

The most frequently packaged ingredient turned out to be pyrethrum (or pyrethrins). An organic poison taken from flowers of a chrysanthemum, it has been widely used for generations. Aside from causing a skin allergy to a few people, it has never backfired upon or surprised mankind. We found it in 36 products.

The second most-packaged ingredient was DDT, active ingredient in 35 products.

You've probably read and heard a great deal about widely used DDT lately. These are the basic points:

DDT became a chemical hero in the mid-twentieth century when it combated malaria-carrying mosquitoes and typhus-carrying lice.

DDT also became a hero to Western gardeners. It is safer for the user than many old and new insecticides because there is no danger of directly poisoning yourself with it. It is especially useful on insects where its lie-in-wait persistence counts.

But we also know now that good old persistent DDT has, in the 27 years since its introduction, spread around our earth—being found now in infintesimal-to-significant quantities in soil, water, air, and organisms almost everywhere.

It has been discovered that many forms of wildlife—brown pelicans, peregrine falcons, and bald eagles, to name a few—(1) have large quanties of DDT in their systems and in their eggs, and (2) are, in some areas, no longer capable of reproducing. Biologists are convinced that *fact 1* plus *fact 2* is enough to indict DDT.

On the other hand, some manufacturers and packagers of DDT and related chemicals, and some scientists and government workers claim that the evidence is inconclusive, that other persistent chemicals could have caused the damage, and that the biologists are merely making allegations instead of supplying proof.

DDT is known to be accumulating in man's tissues, too, but there is no proof (yet) that this accumulation is doing biological damage.

How does it all add up?

Is it DDT in the birds and their eggs that causes the eggs or the embryos to fail—or could it be other chemicals or some unknown manifestation of civilization?

Sunset believes that we cannot afford to debate this question while using DDT any longer. The evidence against DDT as the cause of bird failure is such that we must agree with the biologists.

Other chemicals on the store shelves will do the same garden jobs as DDT.

Therefore, we urge our readers to cease buying DDT right now.

We also urge *Sunset* readers to cease buying most of DDT's close relatives.

DDT and 11 other garden insecticide ingredients are chlorinated hydrocarbons.

All share in varying degrees the troublesome characteristic that scientists call *non-degradability*. Many kinds of insecticides break down or change into harmless substances within hours or days after application. The chlorinated hydrocarbons—with the possible exception of methoxychlor—break down slowly, frequently into chemicals of equal hazard. They retain their chemical potency, wherever nature may take them, for years.

We have put together a dossier on the chlorinated hydrocarbon insecticide ingredients sold to Western gardeners. Wherever we found in scientific literature a documented statement that some chemical had polluted an environment, had been found in non-target organisms, or had caused biological damage to a non-target organism, we noted it on that chemical's dossier card.

All the dozen chlorinated hydrocarbons except methoxychlor have marks against them. They vary in the number of bad marks, and their records, relate rather directly to how much they've been used.

Five chlorinated hydrocarbon insecticide ingredients are as bad or almost as bad as DDT in the degree to which they have spread about the world and to which they are suspected of causing death and failure of wildlife. They are: Aldrin (in 1 product); DDD (in 2 products); Dieldrin (in 10 products); Endrin (in 1 product); Heptachlor (in 3 products).

You should stop using these for anything except under-the-house termite control (the chemicals are likely to stay put there). *Sunset* will no longer recommend garden use of DDT or any of these five; will no longer accept advertising for products containing them; will remove them from future printings of its garden books; and has stopped using them in its demonstration and test gardens.

Three other chlorinated hydrocarbons should be put into the category of "use only when absolutely necessary—use a substitute if possible." Evidence of their damage to wildlife is not as complete as for the six already named, and two of them have uses for which they are unsurpassed (see chart). They are: Chlordane (in 27 products); Lindane (in 28 products); Toxaphene (in 14 products).

Two more appear in our records to be safe enough, perhaps because they are not used as extensively as the others: Kelthane (in 13 products); Tedion (in 3 products).

The 12th chlorinated hydrocarbon has no marks against it at all—for polluting, killing wildlife, or being banned anywhere: Methoxychlor (in 11 products).

What should you do with your present supplies of bottles, cans, and boxes of chlorinated hydrocarbons?

The things you should *not* do are obvious and numerous. Do not put containers in the garbage, turn them in to public agencies that aren't ready to handle them. Dump undiluted contents out on the ground or pour down the drain. By all of those means the contents could simply add to existing pollution.

Attempts to isolate the materials from the world's vapors and juices by burying the containers, putting them in a box under the house, or by any similar method might be wise for the time but would leave to chance the ultimate release of all the concentrated contents.

Government collection has been proposed but not implemented as yet.

Until a better plan is developed and announced, the best available methods is one that may seem strange:

Leave the material on your shelf and use it if there's need for it—at label-recommended dilutions. Then, throw the dry, empty container away.

Regular garden usage puts these chemicals where their slow breakdown becomes hastened—as caused by light, soil adsorption, microbial activity, and other factors. True, your routine spraying of the remainders will contribute one more iota to worldwide pollution, but it will also bring about the fastest kind of chemical deterioration that's at your disposal.

The chart below shows how you can control the common garden pests without using the most condemned chlorinated hydrocarbons. Insecticides recommended are listed under "active ingredients" on the labels, often in very small type. You have to be willing to squint a little.

Most of these recommended insecticides, being degradable, have a short effective period and must be applied more frequently than DDT and its relatives.

Insecticides on this list have their own built-in hazards. Read labels carefully. Use home and garden formulations only.

SUNSET'S 1969 CHART OF ACCEPTABLE INSECTICIDE INGREDIENTS

Ingredients	Nicotine sulfate[1]	Pyrethrum	Rotenone (cube)	Di-systeon granules[2]	Meta-systox-R[1]	Cygon (dimethoate)	Sevin (carbaryl)	Malathion	Guthion[1]	Dibrom	DDVP (dichlorvos)[1]	Diazinon[1]	Methaldehyde	Petroleum oils[2]	Sodium Tuosilicate	Ethylene dichloride	Dichloroethyl ether	Methoxychlor	Kelthane	Tedion (tetradifon)	Lindane	Chlordane
PEST:																						
Leaf chesers:																						
Beetles			X				X	X				X						X				
Weevils							X	X				X						X				
Caterpillars		X	X				X		X	X		X						X				
Earwigs							X	X		X		X			X							
Grasshoppers							X	X	X	X		X										
Oak moths							X			X												
Snails and slugs													X									
Sucking insects:																						
Aphids	X	X	X	X	X	X	X	X	X	X	X	X		X								
Leafhoppers	X	X	X	X	X	X	X	X	X	X		X										
Mealybugs	X				X	X		X	X	X		X		X								
Scale	X			X	X	X	X	X	X	X		X		X								
Spider mites				X	X	X			X	X		X		X					X	X		
Spittlebugs	X			X	X		X	X	X	X		X						X				
Thrips	X	X	X	X	X	X	X	X	X	X		X										
Whiteflies	X			X	X	X	X	X	X	X		X		X								
Soil pests:																						
Cutworms							X			X		X					X					
Grubs							X					X					X					
Lawn moths		X	X				X			X		X					X					
Soil mealybugs					X	X						X					X					
Symphylids							X					X									X	
Wireworms												X						X				
Burrowers:																						
Codling moths							X		X			X						X				
Leaf miners			X	X	X	X		X		X		X										
Corn earworms							X															
Borers							X					X				X		X			X	
Nuisance insects:																						
Ants								X		X		X										X
Houseflies		X	X			X				X	X	X										
Mosquitoes		X	X				X	X		X	X	X										
Termites																						X
Yellow jackets																						X

[1] These are highly toxic. Use extreme care.

[2] Can be used alone or combined with nicotine sulfate, pyrethrum, rotenone, malathion, or diazinon.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RECOGNITION OF SENATOR MURPHY

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from California for 30 minutes.

HIGHER EDUCATION AND THE TAX REFORM ACT OF 1969

Mr. MURPHY. Mr. President, I know that my distinguished colleagues in the Senate share my profound interest in the current hearings on H.R. 13270, the Tax Reform Act of 1969, being held by the Committee on Finance. The desire to correct tax abuses and make firm the flabbiness in our tax laws commands the attention of every concerned American. However, there are points at which an essentially constructive reform effort can lose direction and threaten to destroy the worthwhile. We face this risk when we allow proposed tax legislation to menace the viability of one of our Nation's most productive assets—higher education.

I know that my own great State of California owes an enormous debt for its fantastic growth and prosperity to the existence of a strong State-supported system of education combined with numerous excellent independent institutions. But in California and every other State, it is clear that higher education is already confronted with a financial crisis of monumental proportions. We must not—in our zeal to eliminate abuse and make taxes equitable—let certain sections of the Tax Reform Act add to the burdens on higher education.

I rise today to call these matters to your attention, Mr. President, because our colleagues on the Committee on Finance have before them a very complicated bill. I want to urge you to keep these matters affecting higher education in mind as you follow the progress of the committee hearings, so that they will not be utterly lost in the confusion which may result.

The attacks on higher education contained in the bill—and they certainly were not meant to be attacks, but that would be the result—hit hardest at independent higher education—the independent colleges and universities. Independent higher education is a special concern to me and, I know, to many of my colleagues. It is the form of higher education compatible with the American system. It is the only reliable alternative to what would be an unhealthy total dependence on government for the education of our citizens. And it is the private institution that counts, for the most part, on charitable contributions from the private sector—that great division in our society which has often been stated makes those of us here in this happy land of America different from all the other countries on earth.

The financial stability of independent higher education is precarious at best. Tuition and other sources of income do not match the financial requirements of the growing student population, expanding knowledge and research responsibilities, rising costs of construction and maintenance, and increasing faculty and administrative expenses. We are faced with the dangerous prospect of the extinction of many of our Nation's most valuable independent institutions unless we encourage greater philanthropic activity from alumni, friends, foundations, and corporations who recognize their debt to tomorrow. The encouragement of such gifts has always been a part of our income tax laws.

High taxes today prevent the accumulation of private fortunes that might have been adequate to support many institutions. Tax laws have, nonetheless, provided a notable incentive for large donations. In figures available for the year 1966, in fact, persons with incomes over $50,000 had charitable deductions totaling $1,282,086,000. That is a significant amount of money, but it was only 5.48 percent of their total adjusted gross income, and far below the $7 billion allowable under the 30-percent charitable deduction. These figures say loud and clear that giving should be further encouraged and in no way discouraged. Instead, we find in the Tax Reform Act of 1969 the ingredients with which tax incentives for major gifts to higher education will be destroyed.

No institution will be immune to the shock of lost support from the private sector that this act will make unavoidable. If the private sector decreases its support to private higher education, we as a nation cannot hope to keep pace with our aspirations. There will inevitably be a reduction in the quality and the quantity of educational opportunity. It is evident that to discourage private contributions will increase the responsibility of government in these fields at all levels. With what logic is the public to understand a tax reform bill that increases the citizens' already overwhelming burden? The private sector of this great Nation is a willing and responsive alternative to massive Federal intervention.

This Nation owes its position of eminence to its tradition of free enterprise—a tradition in which healthy competition and the liberty to choose provide the inspiration for our unparalleled progress. Independent colleges and universities reflect the best of this system. They offer the taxpayer an incredible savings of funds that would, otherwise, be necessary for State school expansion.

For example, it was determined a few years ago that if 49 independent institutions in California should close, and if their then 78,014 students should enroll in the University of California, the additional annual cost to taxpayers would be $210,637,800. If only three of California's great independent institutions closed—Stanford, Southern California, and Caltech—the additional cost of enrolling their students in the State university would be $70,391,700 a year. These are annual operating costs only. The physical plants could not be replaced for under $2 billion. These tremendous savings to the taxpayers are accomplished because of charitable gifts and because parents, who also pay taxes, choose to pay tuition at independent institutions. Moreover, independent institutions create the environment in which a freedom of educational choice may flourish. Public and private education have been a source of mutual stimulation, and both must share a concern for maintaining the independence of private institutions. Can the Congress of the United States afford to be less concerned?

It would be inappropriate for me to go into great detail before the committee has had the opportunity to make its report. Moreover, there are a great many aspects of the bill which may affect higher education. Educators I have talked to are not opposed to everything in the bill: for example, they recognize the principle that everyone should pay his fair share of taxes, and thus they do not oppose repeal of the unlimited charitable deduction.

The proposed bill, however, hits hard at several of the best tools available to private higher education in raising funds, and let me cite just a few examples.

Life income trusts would be virtually eliminated by the bill. I am informed that for the year ending June 30, 1968, independent higher educational institutions received nearly $45 million in gifts subject to life income or annuity. Based on the House Ways and Means Committee estimates of additional tax revenue from all the tax reform provisions regarding charitable deductions, the loss to independent colleges and universities alone would be more than twice the additional revenue the Government would receive.

Another extremely popular form of giving to higher education is the gift of appreciated assets. I am told this form of gift accounts for more than half of the dollars in gifts to education, and it is also the life blood of our great nonprofit social welfare agencies including art museums. It would be substantially restricted through the allocation of deductions provisions of the proposed bill.

I was happy to note that the administration announced its opposition to this section, recommending that such gifts not be included in the allocation of deductions or limitation on tax preferences.

Other provisions would eliminate or end the usefulness of major forms of giving such as the donative sale or the short-term trust. I know of one independent institution in my State which will lose a $2 million short-term trust gift created last May, before anyone knew that the House would add retroactive provisions to the bill. But the House made many provisions retroactive, which would thus unfairly penalize donors for having made generous gifts.

A crucial point to remember in your consideration of these provisions is that we should draw a line between the kinds of tax preferences which increase spendable income, such as accelerated depreciation or percentage depletion, and the kind which decreases spendable income—a gift to charity.

This bill has been characterized—unfairly I think—as one which pits the wealthy against the poor and the middle-income, the haves against the have nots. Whether or not that description is accurate, we should remember that higher education is among the have nots. It depends on those who have to make up the difference between mediocrity and quality in education. For some, it is the difference between existence and extinction. If we destroy the incentive of the wealthy to make major gifts to higher education, then the result will be to shift an even greater tax burden to the middle-income taxpayer.

The House of Representatives, of course, had no intention of destroying independent higher education. Many of the provisions in the bill harmful to education were actually aimed at other targets, and their unintended bad effects on higher education were not appreciated.

I do not think the discussions in connection with the bill have been fully carried out so that all the ramifications might be discovered.

Certainly, tax abuses must and can be curbed without destroying one of this Nation's greatest assets.

I urge the members of the Committee on Finance to use great caution and to be carefully discriminating in their deliberations on this bill. I know that they will. I urge the Members of the full Senate not to let our understandable zeal for popular tax reform and equity destroy one of the great bastions of independent thought and action in our country—private higher education. We need to keep independent higher education in this Nation vigorous and, hopefully, expanding. We must continue to encourage charitable contributions to other worthy purposes, as well as to higher education. I believe that we can do that and at the same time achieve a reasonable and equitable tax reform which will spread the tax burden of this great country fairly and equitably among our citizens and at the same time plug up the existing loopholes and weaknesses that have existed in the past.

Mr. President, I give up my right to the floor.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I wish to call the attention of the Senate to a very serious situation.

The PRESIDING OFFICER. The Chair will state to the Senator from New York that it would take unanimous consent to proceed because, pursuant to an earlier order, the Senator from South Dakota is to be recognized.

Mr. JAVITS. Mr. President, I ask such consent.

The PRESIDING OFFICER. For what length of time?

Mr. JAVITS. About 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REDUCED BUDGET FOR THE NATIONAL INSTITUTES OF HEALTH

Mr. JAVITS. Mr. President, I call to the attention of the Senate a very seriout situation involving the National Institutes of Health. I understand the necessity to reduce Federal spending as a curb to inflationary pressures. I believe we must properly shape the dimension of Federal support of medical research and education in terms of ordering our priorities as we reduce Federal spending.

Because we have a very serious health crisis in this country, I am very concerned that the reduced budget for the NIH—culminating in the recently announced NIH warning to medical research centers that they may have to close down for lack of funds and that all research grants up for renewal by NIH will be severely cut back—may be false economy.

I ask unanimous consent that an editorial on this subject in the New York Times, entitled "False Medical Economy," under date of September 10, 1969,, may be printed in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 10, 1969]

FALSE MEDICAL ECONOMY

One of the strategic points in this country's medical system is threatened under the combined impact of rapidly rising hospital costs and efforts to curtail the Federal budget. If tentative plans of the National Institutes of Health are realized, nineteen of the nation's 93 general clinical research centers will be closed during the next year. The N.I.H. administrators apparently fear they will be short some $8 million or $10 million that would be required to keep all 93 of the centers operating on even a minimal basis in the face of hospital inflation.

The decision suggests a curious set of priorities in Washington. The amount of money involved is inconsequential in a total Federal budget of roughly $200 billion. But these clinical research centers have a unique importance in shortening the often lengthy and difficult path between the basic research medical laboratory and the bedsides of the sick. Here is the interface where new drugs, new operations and other therapeutic innovations can be introduced and tested under highly controlled conditions with maximum protection for the sick people who are being used as guinea pigs and with minimum delay in making available for general use new discoveries that turn out to be both safe and effective.

The proposed economy is particularly difficult to understand because it was initiated shortly after revelation of shocking weaknesses in the existing system for testing of new drugs. The Federal Government last month initiated an investigation of the activities of one physician whose organization has conducted between 25 and 50 per cent of the country's initial drug tests, usually on prisoners and apparently often under conditions of inadequate medical supervision. Senator Gaylord Nelson has introduced a bill to give the Federal Government major responsibility for testing new drugs. This is the moment chosen by N.I.H. to begin preparations for closing down 20 per cent of the clinical research centers.

Mr. JAVITS. Mr. President, I believe the general clinical research centers program—a vital testing ground for innovative health care concepts—has made a great contribution to the health of our Nation. It has made possible the conduct of high-quality clinical research in academic institutions throughout the Nation. It has provided the critical interface where benefits of advanced science and technology are effectively incorporated into improved patient care. And it has substantially improved the quality of education for the entire medical community.

The current research and clinical investigation in these centers include: First, drug therapy in patients with advanced cancer; second, kidney homotransplantation in man; third, pharmacology of aspirin toxicity in infants and children; fourth, protein and blood sugar metabolic diseases; fifth, studies on cause and treatment of infants with PKU—phenylketonuria—and sixth, studies on infants; for example, neuroblastoma.

Among the 19 general clinical research centers warned by NIH that they may have to close next year because of a shortage of Federal funds are the Albert Einstein College of Medicine in the Bronx, N.Y.; the Albany Medical College of Union University, Albany, N.Y.; and the State University of New York Medical Centers in Buffalo and Syracuse. Thus, more than one-fifth of the general clinical research centers—responsible for both medical research and manpower education and training—threatened with closure are in New York.

Even this brief exposition of some of the vitally important research projects being conducted at the Albert Einstein College of Medicine, the Albany Medical College of Union University, and the State University of New York Medical Centers makes it quite clear that the termination of these centers' activities represents not only a loss for the affected institution, but also a tragic loss for the medical profession and the American public as well.

The President has forecast a massive crisis in American health care, and medical educators have long told us that teaching, research, and medical care are inseparable. Thus, the President's warning of a massive crisis under already existing deficiencies in the delivery system of health services may well be further compounded by projected NIH cutbacks due to fiscal stringencies.

Mr. President, medical research is not a luxury; it is a very serious investment in the greatest asset we have—the American people. I urgently request of the administration that its priorities be revised to permit the continuance of these research projects, and that other things be cut.

Mr. President, I think there is simply no comparison in importance between this and a slight cut, for example, in hardware for military purposes. Also, the reduced expenditures which will result from a cessation of Federal construction, in my judgment, would be applauded by the people if the savings resulted in filling up the coffers for medical research, instead of reducing them as is now contemplated.

Government medical research represents such a critically important aspect of the totality of medical research that we woulld have a very serious interference with the program. An interference in an ongoing program of this character often means killing it, as men diverted to other purposes and lines of inquiry depart; and at the least there is a general recession and drop-back as far as the program is concerned.

I believe medical research is entitled to the No. 1 domestic priority in our country, Mr. President, and I urge the administration not to put into effect these NIH cutbacks.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

XUM

There being no objection, the Senate proceeded to consider the bill.

Mr. McGOVERN. Mr. President, on last Friday I began a rather comprehensive discussion of the broad question of whether it is essential that we maintain any kind of strategic bomber force, with particular reference to the matter now pending before the Senate, the advanced manned strategic aircraft.

I outlined on Friday the basic roles which such strategic bombers are called upon to play—specifically, the mission of assured destruction of any potential enemy country and, second, the damage-limitation responsibility in terms of our own country's defense. I also indicated on Friday that we have stressed assured destruction because of the impracticality of most defensive systems and because of the likelihood that they can, if they are arguably effective, add a serious stimulation to the arms race we are all seeking to avoid.

In addition, I summarized on Friday the pressures which have greatly increased the vulnerability of our bombers to counterforce attack on the ground and the impracticality of maintaining substantial numbers of them in the air.

BOMBERS VERSUS MISSILES

While bombers have been forced from their preeminent position in strategic policy by advances in Soviet weapons systems, we have, fortunately, developed our own alternatives—first, land-based ballistic missiles; then, missiles launched from submarines.

The debate over the relative effectiveness of bombers and missiles has continued over most of this decade. There is, however, little substantial disagreement with its resolution in favor of missiles, at least for the role of assured destruction. Former Secretary of Defense McNamara summed up this preference in testimony before the House Appropriations Committee in 1966, saying that:

> Given current expectations of vulnerability to enemy attack (before and after launch), and simplicity and controlability of operation, missiles are preferred as the primary weapon for the assured destruction mission. Their ability to ride out even a heavy nuclear surprise attack and still remain available for retaliation at times of our own choosing weighs heavily in this preference.

A similar view was expressed in testimony before the same committee in 1964:

> Secretary McNAMARA. What percentage of that force that destroys the Soviet Union is delivered by bombers? The answer to that is a very, very low percentage.
>
> Mr. FORD. If that is the case . . . why do you keep bombers in force at all until 1968?
>
> Secretary McNAMARA. Because they add some insurance and because certain targets may be more effectively destroyed by bombs assuming the bombers can get there before the targets have been launched against the United States, and that is quite an assumption.

Meaning it is quite an assumption for the bombers to arrive at their targets in the Soviet Union before those missiles could be launched.

I have found no compelling reason to disagree with his conclusions. The vulnerability of bombers on the ground which I have already discussed clearly gives missiles the edge in that category. I explained this on Friday by pointing out that missiles in hardened or superhardened silos in the ground are comparatively invulnerable to anything except a direct hit, whereas bombers stationed on the ground are soft, vulnerable targets. One fairly substantial hit could destroy an entire bomber fleet and make it unflyable. In addition, bombers are comparatively slow to target, requiring some 5 hours to travel 6,000 miles even at supersonic speeds planned for AMSA, compared to roughly 30 minutes in the case of ICBM's. Their drawbacks of speed require, in turn, that they be committed fairly early in war. They are likely to pass beyond the point where recall could be made effectively before missiles aimed at reaching the same targets at the same time would even have to be launched. In other words, we could delay the launching of a missile for 4½ hours after the bomber was on the way to the target and still hit that target with a missile before the bomber would arrive at the end of a 6,000-mile journey.

In light of all factors of comparison, I suspect that even the most ardent of bomber advocates would concede that, if faced with the choice, he would choose SLBM's and ICBM's over strategic bombers in order to maintain a reliable U.S. deterrent.

Notwithstanding these relationships, we have developed a number of justifications for maintaining a substantial bomber force.

THE TRIAD DETERRENT THEORY

As I have noted, it appears to be generally accepted that the ability to deliver 400 1-megaton equivalents should suffice for deterrence of attack by the Soviet Union, assuming that they might otherwise have such an attack in mind. By contrast, we had at the beginning of this year some 4,200 loaded warheads, counting only those based in the United States. We have 1,054 ICBM launchers, 656 SLBM launchers on 41 Polaris submarines, and 646 intercontinental bombers, all in readiness or near readiness for launch. In combination they obviously have the ability to destroy the Soviet Union or any other potential aggressor many times over—if that were a meaningful ability.

The basic theory upon which we have based our retention of manned bombers holds that the United States is best protected when we are able to destroy a potential enemy in three different ways: with bombers, with land-based ballistic missiles, and with missiles launched from submarines. It is argued that each system complements the others by assuring that it will be available as a full deterrent or strike force if the other systems fail or are degraded by defensive developments on the other side.

But if SLBM's and ICBM's are preferred, it seems to me that we must have at least some indication that they will be inadequate before we invest many billions of dollars in a third force. Obviously, deterrence will work with just one force—large, visible and effective enough to convince the Soviet Union that we could retaliate with a society-destroying blow if they should attack. Surely they will not be the less deterred if we cannot destroy them three ways or even two. If we have a system that will work, and that does provide deterrence, one wonders why it is necessary to convince a potential aggressor we can kill him three times, with three different weapons systems.

What, then, are the specific contingencies for which we are planning? How remote are the possibilities that our deterrent will continue to exist only if we have a full bomber force? To what exent is the argument for a triple deterrent made after the fact, to provide a rationale for keeping, protecting, and replacing forces that already exist?

In other words, if we did not already have three existing deterrent weapon systems would there be a logical rationale for the development of three? That is really what we are considering. Do we need a new strategic manned bomber when we have this enormous explosive power in land-based missiles and the Polaris submarine missiles, any one of which is capable of destroying a great city?

Retention of a bomber force of any kind for assured destruction seems to me to depend upon acceptance of the following assumptions as being risks against which it is prudent to plan and for which it is prudent to spend precious resources.

This is, indeed, a long and complicated series of assumptions. But it seems to me one must go through this process before we consider allocating the nearly $12 billion that will be involved in building this new bomber, plus $10 to $12 billion to operate it once the system is built.

First, it must, of course, be assumed that the forthcoming strategic arms limitation talks will fail; that there will be no enforceable agreements limiting new Soviet weapons which might degrade the effectiveness of our ICBM's and SLBM's.

In that connection, it is my understanding that the senior Senator from Missouri (Mr. SYMINGTON) is going to speak tomorrow to the point that the Soviet Union is in fact doing very little in the way of new bomber construction. I do not mean to imply that their military judgments are the ones we should follow, but it is a fact that their military planners have not seen fit to allocate very much in the way of construction for new bombers, even when we have a clear superiority in bomber numbers and capability.

Mr. President, I wish to pause here momentarily while the Senator from Mississippi, the chairman of the committee, is in the Chamber.

I ask unanimous consent that when I have completed my prepared remarks he be recognized for any response that he would care to make at that time before other Senators are recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNIS. Mr. President, I thank the Senator very much.

Mr. McGOVERN. Mr. President, second, it must be assumed, as to Soviet intentions, that they are determined to achieve a first strike capability against the United States, that they believe it can be achieved, and that they have and will use whatever resources are requested to obtain it.

Third, it must be assumed that the Safeguard anti-ballistic-missile system in which the administration has expressed such vast confidence will fail; that the Soviet Union will, notwithstanding Safeguard or other steps to protect our ICBM's, develop the ability to wipe out all or most of our Minuteman force. Otherwise, why the argument for a new bomber if we can depend on our ICBM's?

Fourth, it must be assumed that the Soviet Union will at the same time develop a means of locating and destroying all or most of our Polaris submarines—a fleet expected by Chief of Naval Operations Adm. Thomas H. Moorer to remain invulnerable "with very high confidence."

Fifth, it must be assumed that the Soviet Union will be able to solve the monstrous problems of timing necessary to coordinate a surprise attack upon both our ICBM's and our SLBM's at the same moment—problems some believe are insoluble.

Sixth, it must be assumed that the Russians or any other potential aggressor would not fear our use of a "launch on warning" policy which, after detection of their incoming first strike weapons, would have our missiles in the air before they could be struck in their silos or aboard their underwater launching platforms. In such circumstances their counterforce weapons would, of course, strike empty holes. For purposes of deterrence we would not even have to adopt such a policy, so long as Soviet strategists were left in doubt as to whether it would be employed.

The seventh assumption that would have to be made, as an alternative to several of these developments, it must be assumed that the Soviet Union will develop a ballistic missile defense system so extensive and so effective that it will be able to intercept all or most of our missiles fired from some 1,400 launchers—assuming that one-third of the Polaris fleet is not on station. Their ABM would have to be able to counter such penetration aids as multiple reentry vehicles—MRV's—already in existence, and it would have to limit damage to "acceptable levels"—assuming that any level of nuclear destruction, with associated fallout and other after effects, would be acceptable.

But beyond this, eighth, it must be assumed that their ABM will also be so advanced that it can overcome all, of the new developments which could be incorporated into our missile force to avoid it—including MIRV warheads and a host of other penetration aids of which we are not yet aware. It would have to somehow surmount the inherent advantage enjoyed by the offense—the fact that at some point a decision must be made on the configuration of the defensive system for deployment, locking it into a set of specific capabilities which the offense can then build around.

Ninth, and this is of vital importance, it must be assumed that enemy leaders, having done all of this, would have such enormous confidence in their weapons, and such an overriding compulsion to attack the United States, that they would be willing to carry out a first strike notwithstanding their knowledge that any miscalculation, any human error, any misplaced reliance on complex mechanical devices, would result in the instant incineration of millions of their people and in the literal end of their society. We are, after all, discussing deterrence, essentially a state of mind. Considering the terrible power of even a few nuclear weapons of today's potence—hundreds of times more destructive than those which obliterated Hiroshima and Nagasaki—it is unthinkable that any sane adversary, no matter how evil his intentions, would act without absolute assurance that he could avoid retaliation.

Tenth, and relating specifically to the role of bombers, it must be assumed that manned aircraft will be an effective means of avoiding all of these possibilities—that this single addition, notwithstanding its special vulnerabilities, will be enough to deter an enemy which has amassed the towering financial resources, technical competence and treacherous intent to paralyze our missile forces.

Parenthetically, Mr. President, let me say that if, in view of the enormous striking power we have in our Polaris missile system and our land-based missiles, we have not developed the capacity to convince an enemy aggressor that his society will be destroyed in the event of an attack on the United States, then we must assume that sheer madness and a determination for mutual suicide have taken over in a potential enemy capital. That being the case, one wonders if there is anything that can be done to save the human race. In the last analysis, I think that all of these systems depend on some assumption, however low their intentions might be, that the rational factor, the desire for survival, still exists on the part of the nuclear powers. If that factor ever breaks up, then one wonders if any amount of expenditure on military purposes can save any of us.

Eleventh, it must be assumed that if manned aircraft can make that incremental difference, the Russians will not be deterred in any case by manned systems which will exist regardless of whether we maintain a strategic bomber force—including some 3,000 tactical aircraft loaded with nuclear weapons and capable of reaching major targets from their bases in Europe and elsewhere.

Mr. PROXMIRE. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I congratulate the distingushed Senator from South Dakota for this part of his speech, because I think it is the first time I have seen outlined as expressly and as explicitly the assumptions which have to be made to justify this kind of additional expenditure which the Senator pointed out last Friday will cost eventually $10 billion to $12 billion.

The Senator from South Dakota is being conservative and modest when he states that it is unlikely that the assumptions he lists will work out, and these are the assumptions necessary to justify strategically our going ahead with the advanced manned bomber. I think it is extraordinarily unlikely.

Especially am I struck by the fourth point. I have never seen anyone refute it, that although our submarines—as the Senator has pointed out—have this devastating overkill power, they are not likely to be knocked out by a Russian first strike. They have first to be located, then hit, and hit in such a way that they are all knocked out simultaneously within a matter of a relatively few minutes, with 41 of them scattered all over the world. That, all by itself, it seems to me, seems almost impossible to do.

Mr. McGOVERN. At the same time, the 1,000 and more land-based missiles would also have to be knocked out, if an attacking enemy were not to be destroyed. It would not be enough just to pulverize the 41 submarines, but the attack would have to be so perfectly timed that at that same moment the more than 1,000, widely scattered, land-based missiles would also have to be destroyed, so that there would be no retaliatory capacity left.

Mr. PROXMIRE. It has to be on the assumption that no significant number of the ICBM's would be able to leave their silos before they were hit. Our early warning system is designed for the very purpose of letting us know when this kind of attack would be underway. It would certainly be a terrible decision for any President to have to make, but certainly President Nixon or any President would be willing and able to make that decision if we were under attack from the kind of first-strike capability that the Soviet Union could bring about.

Mr. McGOVERN. I think the Senator's point is well taken. If we could carry that point one step further, what we are talking about here is the capacity to deter another country from attacking us, with or without building the additional bombers. One should keep in mind that if by some completely unpredictable factor all the missiles under the sea and on the land could be simultaneously destroyed, we still have 3,000 tactical airplanes in flyable condition based in Europe and elsewhere, on carriers, and various other places around the world, which are capable of reaching targets in the Soviet Union. They cannot reach them all, but they could deliver an incredibly devastating blow, with or without the operation of our existing missile system, and with or without the addition of airplanes.

Mr. PROXMIRE. Furthermore, in the Senator's amendment, he is not providing that the plane will not be built. All he is providing is that we will not proceed with the fourfold increase in funding required for construction of the prototypes. He would agree to continue at the present research level of $20 million a year; is that not correct?

Mr. McGOVERN. That is correct.

Mr. PROXMIRE. Without any reduction whatsoever in his amendment; is that not correct?

Mr. McGOVERN. That is correct. We would be operating in the research and development area at the same level we were in fiscal 1969.

The amendment would simply hold the spending level at that point. I do not believe we have to build this bomber, but

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the amendment really does not speak to that point. It merely provides for holding the funding at last year's level before we move any further.

The net effect, as I understand it, of the additional funds—that is, the fourfold increase the administration has requested—is that it would make the bomber operational in 1978 instead of 1977. Thus, any Senator who really believes the security of his country depends on getting this bomber into the air in 1977 should vote against the amendment which the distinguished Senator from Wisconsin and I are offering.

If anyone thinks we can survive with reasonable security, with the enormous striking power we have now, all the bombers we presently have, the tactical airplanes, the missiles, and the submarines, then let us stretch this out another year and take a more careful look at it, before we get ourselves into a situation which will eventually cost us upwards of $25 billion for development and operations.

Mr. PROXMIRE. We would still have a large proportion, at least by 1977 or 1978, of the B-52 bombers we have now, which perform the same function this plane would perform.

Mr. McGOVERN. That is correct. Many of the later B-52's will be perfectly operational well into the 1980's.

Mr. PROXMIRE. I thank the Senator from South Dakota very much.

Mr. McGOVERN. Mr. President, at this point, I want to express the appreciation I have felt for many weeks toward the Senator from Wisconsin for the remarkable leadership he has provided all of us in this very helpful overview on military spending. In every sense of the word, he has been a leader in this effort. I want to commend him for the thoughtful scholarship, research, and commitment which he has brought to this effort.

Mr. President, I suggest that there is not even a measurable possibility that the events outlined in these assumptions will occur.

Soviet resources are not endless——

Mr. PROXMIRE. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. This is something not discussed on the floor. I made a speech about it, but it has not been debated. It lies right at the heart of the amendment which the Senator is offering; namely, that Soviet resources are not endless. Not only are they not endless, they are only half as great as ours. Their gross national product is one-half of ours. They have to make some very difficult choices. Right now, they are engaged in an extremely serious and difficult problem with the Chinese, which demands a great deal of their military effort. At the same time, they have the kind of economy which cannot be shifted much further into the military effort without stunting the growth of their military power in the future, and that would be very serious for them.

We had hearings before our Joint Economic Committee a couple of months ago. We had some of the outstanding Russian experts in the country appear before us, including Professors Fainsod and Borbov, of Harvard, and other experts who have devoted their lives to the study of the Soviet Union. The main thrust of their testimony was that there are very strict limits on what the Soviet Union can do from the military standpoint. In the first place, the Soviet Union has such an inefficient agricultural economy that seven times as much of the Soviet Union's population is in agriculture as we have, and the Soviet produces 20 percent less.

At the same time, the Soviet Union has a basic necessity for continuing to grow economically, to shift more and more of her resources into investment. If the Soviet Union fails to do that, it is going to slow down economically, and 10 to 15 years from now it is going to suffer seriously in comparison with this country's military potential.

Furthermore, although some persons think the Soviet Union can, the fact is she cannot make a deep cut in consumer incentives, because that is where the new force or the drive has come from in her economy as compared with China's economy, and as it was under Stalin's leadership. That is the reason for Soviet resources for consumers. The Soviet Union cannot cut back. It must devote more of its resources in agriculture, because agriculture absorbs a great deal of the Soviet Union's manpower.

For all of those reasons, the notion that the Soviet Union is going to develop an overpowering military juggernaut far greater than she now has is plainly unrealistic. To argue this is not to look at the facts. This is not to say that the Soviet Union would not like to overrun this country and the world. I will not dispute that for a moment. But the Soviet Union cannot do it. It does not have the economic power and force to do it. If we examine the record and examine what the experts have said, including persons recommended by the Senator from Arizona (Mr. GOLDWATER) and others who have different ideas on the Soviet Union, there is no question the consensus is that with the Soviet Union's very limited economy, her military challenge perforce must be very limited.

Mr. McGOVERN. I think the Senator's point is very well taken. He is familiar with the argument that is sometimes made by the proponents of increased military spending in this country that one way to work a hardship on the Soviet Union is by forcing her to divert a greater portion of her resources to military outlays—to delay building up her agriculture, to which the Senator referred, and improving her quality of education and health.

I have never understood the logic of that argument. It seems to me one has to be very optimistic to assume that someone who is living in a bad house or suffering from hunger or suffering from the economic tensions of an overly strained society is a safer person to live with than one who is developing a stable economy and moving forward in the field of housing, health, food production, and so forth.

I do not think it is in our interest to develop economic tensions in the Soviet Union. I think it makes them more difficult to control. Experience has been all in the other direction. As they have become more comfortable, they have developed more interest in keeping the peace.

So I do not understand the argument that we serve the interests of this country by making economic trouble for other countries who are potential rivals.

As I indicated earlier, Soviet defense planners are not devoid of rationality; Soviet technology does not even equal our own, let alone surpass it to the point where they can accomplish what we find to be impossible. Maintaining a bomber force against such risks is not "erring on the side of strength." It can be more accurately described as arming to the point of absurdity.

Mr. President, if we let our imaginations and our fears roam freely, we will always be able to find some reason to justify any weapons system. If we had had four methods of delivering nuclear weapons, I have no doubt that we could make a case for a quadrad, instead of a triad deterrent. If the system is feasible, and if we can visualize a danger, then the temptation to move ahead is extremely strong, particularly when we are in an area as supercharged as national security. In the case of bombers, there is the added incentive of their existence and their vast importance in days past.

But at some point we must make a rational judgment on the remoteness of the threat. If Soviet resources are not limitless, neither are ours.

We are a very wealthy Nation, the most wealthy on the face of the earth, but there is a limit to what this country can devote to military purposes without undermining other areas of national strength.

There is competition for funds within the Defense Establishment, and there is competition between that institution and other programs which also involve the vitality and the safety of our society. At this time, on the threshold of a large new expenditure, we simply cannot avoid questioning whether the maintenance of any bomber deterrent is not preparation for threats too remote to justify consideration.

THE REQUIREMENT OF MIXING DEFENSES

Closely related to the concept of a triad deterrent is the suggestion that we can, by maintaining a bomber deterrent, and by improving that deterrent with AMSA, complicate the defensive problems faced by the Soviet Union if they are, indeed, seeking to weaken our ability to retaliate. If they have to defend against bombers as well as missiles, it is reasoned, they will have to spend vastly greater amounts than otherwise to achieve a first-strike capability. They will, in the process, have to divert to bomber defense large sums which might otherwise have been used on counterforce weapons such as the SS-9 or on ballistic missile defensive systems.

It must, of course, be recognized first that where Soviet counterforce weapons—weapons to attack our retaliatory forces before they can be launched—are concerned, the problem of neutralizing bombers does not differ significantly from the problem of neutralizing ICBM's. It is, in fact, much simpler, because they are softer targets and are much more vulnerable on the ground.

In this connection it is not impossible to envision Soviet strategies aimed at maximizing the number of bombers which would be on the ground even though they were maintained on alert. They might, for example, stimulate a false alarm which would result in the launch of our bombers, and then wait until they had to return to their bases with exhausted crews and empty fuel tanks, unable to get back in the air quickly, before launching a real strike. The possibility of such a policy working to seriously degrade our bombers is, of course, quite remote—but I suggest that it is no more remote than the likelihood that our missiles will be made inoperative to the point where we might have to rely upon bombers at all in the event they were needed.

It must also be recognized here that the initial launch of bombers is by no means a certainty. It is always possible that human procrastination or mechanical error will result in critical minutes of delay. There has, in fact, been a case in which the ballistic missile early warning system detected what appeared to be incoming missiles but which were, in fact, reflections from the moon.

Yet, in spite of the indication of the early warning system that missiles were on the way to the United States, our bombers were not even launched.

In any case, it seems clear that the concept of requiring the enemy to mix his defenses must be defined narrowly to exclude Soviet counterforce capabilities. If it is a Soviet first strike about which we are concerned, therefore, the value of the concept is less than what it might appear to be. If they have weapons which can destroy our missiles in their silos, the same weapons could destroy whatever bombers remained on the ground. No mix of counterforce weapons is required.

It is true, however, that our maintenance of bombers requires a mix of purely defensive weapons. Because they can come from any direction, fly low to avoid detection, and change their course in flight, it is a fact that bombers would be able to elude even an advanced anti-ballistic-missile system, and that does give them a somewhat different capability than incoming missiles.

But this returns us to the entire set of assumptions I have discussed in connection with the "triad deterrent" theory. Is it really necessary to have that additional capability?

In addition, it raises serious questions about what we are trying to accomplish with our strategic weapons systems.

Most of us agree that nuclear weapons systems should be maintained in order to prevent wars. Most of us agree that if they can be effective in such roles, they should also be used to limit damage to the United States in the event that nuclear war does occur, although again, Mr. President, I must express my own skepticism that there is any real difference. In the event of an all-out nuclear exchange, I cannot conceive of any combination of weapons that would provide for the survival of our society in any meaningful sense. If they would, I assume we would all want to build them.

But it is a far different matter to suggest that we should construct systems over and above those needed for such purposes in the hope that in the process we can stimulate the enemy to divert resources from other uses.

Is this not a deliberate effort to initiate another round in the offensive-defensive arms race cycle which for the past 25 years has been draining the resources of both the United States and the Soviet Union? Is it our conscious policy to continue on this deadly, dangerous and I think futile path?

I should think we would have learned by now that the arms race is not a zero-sum game. If our worst assumptions about Soviet intentions are correct they are not likely to divert funds from missile defense to bomber defense. They are instead likely to add to their total defense expenditures, taking from programs to meet the needs of their own people. Perhaps there are those, as I have stated earlier today, who feel this is in our interest—who feel, for example, that we are benefited if Soviet efforts to expand food production are neglected. But I cannot number myself among those who draw any degree of consolation from that state of affairs.

Moreover, it is obvious that in order to stimulate such expenditures on their part we must spend funds of our own. Even if the policy were to work as planned—assuming a finite total Soviet military budget—it would mean that we would be diverting billions of dollars from other activities here in order to build and maintain the bomber force. It is conceivable that those funds would come from programs aimed at maintaining the credibility of our missiles, thereby enhancing the chances that the missile force will be weakened or degraded. In any case, we cannot neglect the cost of mixing our offenses as we contemplate whatever value there might be to development of mixed defenses on the other side. In light of the important areas in which missiles are superior to bombers, I should think that we would focus our attention and our resources on advances within the realm of missile technology.

Finally, as I will develop more fully later in my remarks, it is not mandatory that we consider this question in connection with AMSA in any case. This is true because nearly all of the mixing which could be accomplished with AMSA is already required by aircraft which are presently operational or in the procurement line.

THE BOMBER COUNTERFORCE ROLE

In addition to its use as a complement to the missile force, it is argued that the bomber has unique capabilities which could affect the outcome of nuclear war if deterrence fails. As suggested by Secretary McNamara in testimony quoted earlier, certain targets might be more effectively destroyed by bombs, "assuming the bombers can get there before the targets have been launched against the United States, and that is quite an assumption."

His reference was most certainly to the use of bombers in a "controlled counterforce" strategy, in which the bombers would be used aaginst Soviet bomber bases or missile launchers. He noted at the time that the concept was rather impractical or implausible. I fully agree.

To find a counterforce role for bombers we must first assume that there might be a nuclear exchange in which both sides fire at the strategic forces of the other but not at population and industry, following a "no cities" doctrine. After such an exchange, AMSA would be dispatched according to this doctrine on a mission of "damage limitation"—to seek out Soviet weapons retained for later attacks upon our poplation and industry. Air defenses might have been destroyed either by our ICBM's and SLBM's, or they could be neutralized by penetration aid missiles carried aboard the bomber—Hound Dog and the Subsonic Cruise Armed Decoy—SCAD—in the case of area defenses and the Short Range Attack Missile—SCRAM—in the case of terminal defenses. The utility of the bomber in this role derives from the fact that it is manned and can change direction to search out targets.

However, it is exceedingly difficult to envision even a slight possibility that such a scenario would ever occur. In fact, whatever capability we have to act within it almost guarantees that it will not come about. Does anyone really believe that the Soviet Union, having launched against our retaliatory forces, would obligingly hold its remaining forces until our bombers could get there, knowing that if those forces were eliminated the United States could then launch against Soviet population with no fear of retaliation? I submit that we can be certain that they would launch under such circumstances, and that any development of hard target capability on our part simply increases that certainty.

On this point I think an assessment made by the distinguished senior Senator from Georgia in April of 1962 remains entirely valid. Senator RUSSELL, the highly respected chairman of the Senate Armed Services Committee told us at that time:

> There have been some estimates and some so-called mathematical computations of the casualties that would result from a nuclear war under various assumptions, including a positive attempt by the adversaries to limit targeting to military installations and facilities. I have not hesitancy in saying, however, that to me these extrapolations, or projections, or hypotheses are exceedingly unrealistic.

He concluded:

> In my opinion, if nuclear war begins, it will be a war of extermination.

If there are those who still believe there might be such a controlled nuclear war, they should also consider the likelihood that if Soviet ICBM's were vulnerable to bomber attack, the missiles retained could be those based upon submarines which our bombers could not see. They should also confront the problem that our bombers might not be able to tell which ICBM had been fired and which had not. And they should give some indication that missiles cannot be superior to bombers in this realm as well, especially if we incorporate continuing improvements in their accuracy and "real time targeting" through satellites.

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SECONDARY CAPABILITIES

Finally, it has been argued that bombers have secondary characteristics too important to be abandoned. The most complete concise listing that I have been able to find was contained in an article, "The Future of Manned Bombers," which appeared several years ago in Air Force/Space Digest. This article very succinctly summarizes the secondary advantages of the bombers:

> No mention is (being) made of the position that manned strategic aircraft greatly enhance operational flexibility by allowing: recall of an attack; unmistakeable displays of resolve, through stepped up airborne alerts and large scale maneuvers, such as were used in the Cuban crisis; wartime assessment of target damage; location and destruction of mobile targets; a close matching of the weapon to the target; and when the occasion calls for it, the use of very high yield warheads.

Recognizing that those are secondary characteristics or byproducts of bombers, what do they really mean? If one assumes that they are all present, are they worth the price of an additional $12 billion investment.

From what I have been able to discern the ability of the bombers to be recalled from attack is in large measure a favorable way of expressing an unfavorable comparison with missiles. Bombers cannot be recalled when they have gone to within an hour or two of their targets because they are already in Soviet airspace beyond fail-safe points. If they could be recalled through new methods of communication it is doubtful whether the ability would be of much value anyway, since by that time—with our bombers winging toward the Soviet heartland—Soviet retaliatory forces would probably be on their way to the United States. Missiles, on the other hand, can be "recalled" right up until the time they are fired, minutes away from their targets. I use "recall" in quotation marks to point up that we could hold the firing of the missile for several hours longer than the bomber's launching time and still reach the target sooner than the bombers. The control factor would seem to be much greater. In essence, the comparison means that because they are much slower, the decision to launch bombers must be made sooner, they pass out of meaningful control further away from their time on target, and they are therefore less subject to base control.

The "show of force" attribute is just as questionable. The junior Senator from Arizona defended it in a paper prepared as an answer to the AMSA study of Members of Congress for Peace Through Law by saying:

> In past crises we have, at various times, called up reserves, deployed naval, air and ground forces, generated our bombers, and in the Cuban crisis, placed a significant number of bombers in the air. Why did we do these things if the "show of force" concept is not valid?

Presumably we did them because they were available. There is a great gap, however, between the fact that we have generated and launched bombers in past crises, and the assertion that they had a meaningful effect upon the adversary. It is difficult to imagine how bombers in the air can be as threatening to a potential enemy as the simple awareness of the incredible nuclear destructive power awaiting the order of the President, along with other crisis measure he might take.

Surely every enemy involved in a crisis with the United States is aware of the enormous striking power that this country has without its being necessary for us to put bombers in the air to make that point. The Cuban crisis illustration is much less than convincing, particularly in light of Premier Khrushchev's report printed in the Current Digest of the Soviet press in January of 1963:

> Events developed at a swift pace. The American command put all of its armed forces, including troops stationed in Europe as well as the Sixth Fleet in the Mediterranean and the Seventh Fleet based in the Taiwan area, in a state of complete combat readiness. Several paratroop, infantry and armored divisions, numbering some 100,000 men, were allocated for the attack on Cuba alone. In addition, 183 warships with 85,000 sailors on board were moved toward the shores of Cuba. Several thousands war planes were to cover the landing on Cuba.

I read that rather detailed excerpt from Mr. Khrushchev's writings as he looked back on what happened in the Cuban missile crisis because, if one notes the sequence, only after listing this large and alarming buildup in conventional forces—troops, sailors from the 7th Fleet and the 6th Fleet, and reserves—directed mainly against an island which was defenseless by comparison, did he finally report that:

> About 20 percent of all U.S. Strategic Air Command planes carrying atomic and hydrogen bombs were kept aloft around the clock. Reserves were called up. . . .

The reasons why the Soviet Union backed down in 1962 are still open to debate. I suspect that the Air Force we had aloft at that time really played a rather small part in the total equation, if it had any impact at all.

But in any case, we should recognize that the "show of force" idea has another side; that it can also be a destabilizing factor in a time of crisis where we want desperately to avoid the use of nuclear weapons by either side—which I would hope includes almost every time of crisis not involving their use by another country. Is it not possible that an "unmistakable display of resolve" may, because of high tensions and poor communication, be mistaken as a signal that an attack by the United States is underway? Is it in our national interest at a time when crises and tensions are very high to put nuclear-equipped airplanes into the air and have them cruising around without any clear knowledge on our part of how an enemy is going to react to what to him may look to be a very inflammatory situation, if not the initial stages of an attack? I cannot conceive how that can be construed as an advantage on our part. It may very well be a dangerous thing for us to do. In any case, if we subtract the risks from the value, I think most of us would agree that the remainder would not be worth the many billions of dollars required to procure and maintain a full bomber deterrent.

The ability to locate and destroy mobile targets might be an attribute, but it is exceedingly difficult to suggest a plausible chain of events which would have our bombers armed with nuclear weapons operating in a "hunter-killer" capacity. Essentially the same reasoning outlined under the subject of counterforce applies here as well. The same is true of the alleged worth of closely matching the yield of the weapon to the target. What kinds of targets are contemplated? Under what circumstances? Moreover, there are legitimate reasons to doubt whether bombers, flying at low altitudes and high speeds to avoid defenses, would be able to locate and strike small targets such as powerplants and bridges.

Again, the professed ability to use high yield warheads when the occasion calls for it requires that we be advised of some predictable occasions which would call for such strategy. I have also been told that if there were such occasions, the Titan II missile could perform adequately, and that new boosters in the NASA program could carry still larger payloads and reduce substantially the cost per delivered warhead, as over against the cost of building a new bomber fleet.

The bulk of my remarks has focused on whether we need a major bomber force at all. Certainly, that is really the major, broad issue under contention in this discussion. But I would like everyone to understand that our decision on AMSA does not require that we resolve the question of whether we want to continue the research and development on a strategic bomber; nor does this amendment require that we decide that AMSA itself will not be built.

As brought out in the colloquy between the Senator from Wisconsin (Mr. PROXMIRE) and myself, the amendment would not knock out the manned bomber. It simply would hold the research and development level to the 1969 funding level. This is true because existing bomber forces can continue to carry out the missions for which we have retained manned bombers in our strategic forces. In other words, at least a part of the mission that is expected to be assigned to the AMSA can be carried out by the bombers that will remain in force through the 1970's.

ADVANCED MANNED STRATEGIC AIRCRAFT

II. ALTERNATIVES TO AMSA

Mr. President, in connection with our amendment I have discussed at some length the major broad issue involved in our consideration of the strategic bomber program—the question whether we need a substantial bomber force at all. That is the issue which I hope we can open for careful scrutiny and debate.

I have also suggested, however, that it need not be resolved before our vote on the AMSA amendment presently under consideration. On the contrary, what is involved here is the very narrow question whether we want to move ahead this year with an extremely expensive replacement for bombers which already exist and which can last well into the AMSA operational time frame. We do have a formidable bomber force. It is, in fact, four times as large and much more advanced than the best of the long-range bombers in the arsenal of the Soviet Union.

CAPABILITIES OF EXISTING FORCES

I have no doubt that AMSA or the B-1, as it is called, would constitute an improvement, perhaps a substantial improvement, over the bombers we have now, primarily the B-52, B-58, and the FB-111. In other words, if we added unlimited funds and we wanted to make sure that everything in the system had all the latest gadgets, the latest resources, there would not be any argument here. We would go ahead and perhaps replace these existing bombers with something that incorporates a few of the features in the AMSA.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. Mr. President, the Senator is so much closer to this than I am, that I am not sure of my ground on this, and perhaps he can enlighten me.

It is my understanding that in the B-70 we had a real fiscal disaster. I recall debating in the Senate, a number of times, with the advocates of the B-70 prevailing. The B-70 was converted to an RS-70—reconnaissance strike. As I recall, it turned out to be an almost unmitigated disaster, costing $1 billion or $2 billion. Test pilots were lost. Secretary McNamara was never very sanguine on the B-70. At any rate, it did get adequate funding from Congress. The Air Force tried as well as they could but never came up with a satisfactory supersonic bomber.

This Advanced Manned Strategic Aircraft has a different name—but it is roughly the same old mistake. In the intervening period, we have made technical progress; but I wonder if Congress should not be aware of the serious financial cost of our previous adventure in this area, as well as all the other most significant problems the Senator from South Dakota has raised.

Mr. McGOVERN. I think the Senator's point is well taken. It is a fact that all the same arguments—I think I am right on this—that are being advanced now for the new strategic manned bomber were offered a few years ago for the RS-70. To the best of my knowledge, practically everyone who was then arguing for the RS-70 now admits that it was a flop and that we should not have built it. As a matter of fact, several of our colleagues, as the Senator will recall, on the eve of the debate on the anti-ballistic-missile system, in order to underscore the tendency we sometimes have to rush approval of ill-advised systems, flew out to Wright Field, in Dayton, Ohio, and had a ceremony in front of what is now a museum piece, the remaining prototype RS-70. This was done to underscore the folly of that project.

Some $1.5 billion was wasted on it—an airplane that had a mission that it was not capable of carrying out. I think ranking members of the Committee on Armed Services will not admit that that project was ill advised and that we wasted an enormous amount of money.

By raising these questions today, I am suggesting that we slow down this project—not slow it down, but hold it on its present funding level—to reduce the possibility of another financial disaster of that kind, so that we do not come back 4 or 5 years from now and say we have wasted billions of dollars on a bomber we do not need and that will not carry out any foreseeable mission. That is what this discussion is about.

Mr. PROXMIRE. I hope Senators will recognize the latter point and pay attention to it and realize that that is exactly what the Senator from South Dakota is doing. He is saying that we need more research on this. We failed before. It cost us $2 billion. For that $2 billion, all we got was a museum piece, probably the most conspicuous technological flop in the last 10 years, recognized by everyone as such. This is the same kind of objective, the same kind of purpose, to develop a supersonic bomber.

The Senator from South Dakota has done a marvelous job of questioning—even on the assumption that this is going to work perfectly—whether it is worthwhile. On top of that, we ought to recognize that when we worked on this in the past we did not do adequate research, and, as a result, Congress has cost the taxpayer a considerable amount of money. I am one who made a fight against this, and I am sure the Senator from South Dakota did, also. I recall that Senator Engle of California was a champion of this. He was a wonderful Senator and a very fine man, but he was wrong on this. This should have great force to the argument of the Senator from South Dakota on this issue.

Mr. McGOVERN. I thank the Senator for bringing that to the attention of the Senate.

Mr. President, recognizing the logic of what the Senator has just said, it is a fact that a case can be made—at least so far as we can understand at the present time—that the newly proposed bomber does have certain advantages that are not incorporated in all our existing bombers. Every one of the bombers now in operation, whether it is the B-52, the B-58, or the FB-111, has some kind of drawback that doubtless could be corrected if everything goes well in the new bomber. The B-52, for example, is deemed to be too slow and too old, and it requires long runways. The B-58, of which only 80 were produced, has limited range and has been unreliable in various ways. The FB-111 has a restricted payload and it, too, has range limitations.

Yet each also has attributes which I do not believe are exceeded by AMSA in ways that are critically important. Indeed, General McConnell, then Air Force Chief of Staff, told a House subcommittee studying strategic bomber forces in 1966—listen to these words very carefully:

> Essentially what AMSA is, it has the range capability of a B-52 G and H. It has the payload capability of a B-52 G and H. And it will have the speed, the penetrability, and the maneuverability of the, shall we say, B-111. You put those two together, and you take the best points of both of them, and that is what you have got in there.

The FB-111 has, according to the report of that House subcommittee, the ability with tanker support to reach about 70 percent of the targets assigned to SAC. It has avionics comparable to those planned for AMSA, allowing high-speed on-the-deck flight to avoid radar detection and interception. We are purchasing four squadrons of this aircraft.

Our 255 B-52 G's and H's, meanwhile, have the range to reach all targets within the Soviet Union and the bombload capacity to cause terrible damage. These later versions can fly low, although at subsonic speeds.

It seems quite clear to me that the combination of these two aircraft does require, for example, that the enemy mix his defenses nearly as much as would be the case if AMSA were built. Certainly their air defense would have to be much more sophisticated than is presently the case, because the B-52 does have the ability to penetrate those defenses.

The paper inserted in the CONGRESSIONAL RECORD by the Senator from Arizona (Mr. GOLDWATER) on August 11 disagrees with this conclusion. It argues that—

> The technique used here is to argue that the combination of good points of two different systems results in the same effectiveness as a single system having all the same attributes. This is fallacious for the simple reason that the FB-111 and the B-52 both have certain shortcomings which AMSA would not have and which can be exploited to degrade individual effectiveness of the F-111 and the B-52.

But what specific capabilities must the defense have to counter these systems. It would have to defend against high-level flight or either could penetrate. It would have to defend against low-altitude flight at low speeds or the B-52 G and H could penetrate. It would have to defend against low-altitude supersonic flight or the FB-111 would penetrate. All of these capabilities would have to be developed if both aircraft were to be countered. The drawbacks of one could not be exploited against the other.

The enemy would never know which weapon he would be hit with. It seems to me that a strong argument can be made that the strongest point of each of these bombers is that it is the one the enemy would have to expect to be hit with and draw its defense accordingly.

If the Soviet Union seeks to limit damage to acceptable levels, and if either aircraft can inflict unacceptable damage, then they must develop the technical competence to counter nearly all of AMSA's capabilities, short of its smaller radar signature, and they must deploy nearly as extensive a defensive system.

Moreover, this analysis leaves out two extremely important factors. First is the development of penetration aids such as the subsonic cruise armed decoy—SCAD—a nuclear-armed pilotless aircraft carrying a radar reflective mechanism to make it look like a large bomber on enemy radar screens, and the short-range attack missile—SRAM—an air-to-ground nuclear missile which can according to public reports be fired 100 miles beyond the target to destroy terminal defenses—allowing delivery of a gravity bombload—or to destroy the tar-

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get itself. Along with the Hound Dog standoff missile presently carried by the B–52, they make the problem of defending against existing bombers an enormously complex problem.

In addition, if the enemy is planning a first strike, certainly he must devise means of avoiding the great damage which he knows we could cause with some 3,000 high-performance tactical aircraft, including the F–111A, the F–4, and the Navy A–6 and A–7, which also have the ability to fly nuclear missions against a large proportion of the Soviet population, in some cases with abandonment of the aircraft but not loss of pilot. And he must consider other manned systems which we might use to deliver nuclear weapons, including a possible bomber version of the C–5. It may be, in fact, that a bomber with standoff capability, long endurance and a large payload would be much more appropriate than AMSA for the 1980's.

CONVENTIONAL WARFARE ROLES

These same considerations apply to still another reason given for AMSA, although it is described frankly by Air Force spokesmen as a "fallout" benefit. It is the belief that bombers will continue to play an important role in conventional war situations, as exemplified by the use of B–52's in Vietnam.

It is first clear, however, that bombing targets such as those in Vietnam, without sophisticated air defenses, does not require the costly high performance capabilities which AMSA would have. American forces have dropped a total of 1 million tons of bombs during the Vietnam conflict without losing a single B–52 as a result of enemy action. It has obviously performed no less effectively than would a much more advanced aircraft. Even its forerunners long since retired would probably have been as qualified for such missions.

I wish to say parenthetically at this point that one of the reasons I have been questioning more carefully our strategy for additional bombers is because of what seems to me to be the obviously limited role of our bombers in Vietnam. If there has ever been a disappointing and ineffective operation on a large scale that is more dramatic than the failure of our bombers to achieve any worthwhile objective in Vietnam, I am not sure what it would be.

On the other hand, conventional bombing against sophisticated adversaries will probably require aircraft of much higher performance than a plane designed primarily for strategic missions can achieve. Whatever feasibility strategic bombers have against advanced defenses is due to the tremendous nuclear destructive power they can carry. With conventional bombs the probable loss rates could be intolerable because the damage done to targets would be slight in comparison to the costs. In the future we can expect that the performance of aircraft designed primarily for long-distance missions will continue to compare unfavorably with the capabilities of defensive interceptors and surface-to-air missiles, requiring that whatever conventional bombing is done be carried out by tactical aircraft.

The paper prepared for Senator Goldwater, which I have mentioned earlier, does list a number of areas where AMSA seems to compare favorably with fighter-bombers for conventional roles. But if it would have assets, including the ability to carry 10 times the payload, it would also have liabilities, such as having only about one-tenth the targeting flexibility. While a single bomber in place of numerous smaller aircraft might have a better chance of escaping detention, it also poses a less complicated defensive problem once detection is made. The loss upon interception would also be much greater.

THE AMENDMENT—AMSA SHOULD NOT BE ACCELERATED

Mr. President, in the course of my study of this issue—which has included examination of materials from a wide range of sources—and I want to express my appreciation to the Air Force officers who took off considerable time to come to my office for a briefing on this matter—I have been unable to escape the conclusion that the arguments made on behalf of this new bomber, even in combination, cannot support the system.

In addition, I believe it represents a combination of the concerns which have led Members of Congress to scrutinize the requests of the Department of Defense much more closely than we have in the past.

It can cost, counting operation, on the order of $25 billion, measured in today's dollars. It is a long leadtime item which will not be operational at best for 8 or 9 years, after which the shape of the threat we now perceive could easily have changed so drastically that this approach will be obviously unnecessary or completely obsolete, unnecessary, or inappropriate. In one important sense the rationale for the new bomber system is based on a conscious stimulation of the arms race. Its justification is incredibly elusive, with new arguments popping up each time an old one is answered. It is impossible to avoid the suspicion that it is being sought mainly because of the historically important role played by bombers in our national security at some day in the past, with far too little practical thought about their future role in a vastly changed defense environment.

For these reasons I propose, with the other Senators cosponsoring the amendment, as a minimum, that the AMSA program at least not be accelerated as would be the case if the bill were passed as reported. The $100.2 million requested represents an increase of some $75 million over the fiscal 1969 approved program. Part of that amount was added by the Johnson administration to advance the long leadtime avionics and propulsion systems, and Secretary Laird added still more to, in the words of his revised budget statement, "shorten the competitive design phase and permit the start of full-scale engineering development in fiscal year 1970. While no decision on production and deployment must be made now, the accelerated research and development effort could advance the initial operational capability—IOC—of this aircraft by 1 year from 1978 to 1977.

Notice, Mr. President, the use of the word "could." The Secretary is saying that the additional $75 million we are asked to authorize this year "could" not "would" but "could" advance the additional operational capability from 1978 to 1977. The amendment proposes that.

Let me say before I leave that point, Mr. President, that even if I firmly believed at this time that we need to construct such a new bomber system to replace our existing bomber fleet at some point late in the 1970's, I would vote to hold down that development level for another year, until 1978, because of the additional information, additional knowledge, and additional insight that we will have a year from now that we do not presently have because of the pending arms limitation talks, to say nothing of the squeeze on the economy today from the very high level of Federal spending.

If it makes sense to bring about economy cuts in public construction for other purposes, does it not also make sense to provide a little more modest level of funding for this highly doubtful system?

Our amendment proposes that funds be held approximately to last year's level.

Secretary Laird has told me precisely what it means, by stating in response to our questions on what this kind of time table would do, that a level of expenditure of $20 million a year would be enough to support studies and continue advanced development efforts, but would not reduce either the development leadtime of this system or the time required to realize an operational capability. The Secretary is aiming for an operational capability in 1977. Our amendment would allow a thorough examination of the questions I have raised here today and on Friday, and would still allow the aircraft to be operational prior to the end of the 1970's—probably by 1978, if we should decide to go ahead next year.

I have seen no evidence that 1 year will make any difference, even if we accept the view that the B–52's are aging structurally, because it is generally agreed that their operational lifetimes would be extended throughout this decade and into the 1980's.

It seems axiomatic that when a program of this size and scope is placed before us, we should conduct our studies before we accelerate the program, not afterward. Remember our bitter experience with the RS–70.

The rules should apply with special force in a period when the budget is under such heavy pressure that even vital programs like health research, sponsored by the National Institutes of Health, are being reduced to meet the administration's goals for budget cuts.

Mr. President, I very strongly urge adoption of the amendment.

Mr. President, before yielding the floor, I should like to say that on Wednesday, August 13, 1969, Senators Goodell, Hatfield, Proxmire, and I joined in submitting to Secretary of Defense Laird a number of questions relating to the advance manned strategic air program. We asked that those questions be answered in writing and that it be done on an unclassified basis, in order that they could be made part of this debate on our amendment before Senators are asked to cast their votes.

We received a response to our inquiry early last week. I want to express at this point my very great appreciation to Secretary Laird, and to those who assisted in preparing the answers. I must say they have been most helpful in our efforts to understand the position of the administration on this issue.

It is obvious, as anyone who will see who takes the time to read the questions and the responses, that the Department of Defense has made every reasonable effort to be informative, frank, and candid in setting forth its views on this issue.

We have analyzed Secretary Laird's answers with a great deal of care. Those answers have not altered the views of any of the sponsors of the amendment on the question of whether it is necessary or desirable to go ahead with the full funding request for AMSA this year. The very complexity of the answers, in fact, argue strongly for a more complete examination of this entire issue.

Many of the arguments raised in Secretary's Laird's letter are discussed in detail in my statement on Friday and today on the amendment.

In order to obtain the fullest possible consideration of the administration's position, I ask unanimous consent to have printed in the RECORD the Secretary's letter with comments that we have prepared following the initial questions and answers as they appeared. This is a rather lengthy insertion, and so are the answers that we have prepared, but I would strongly urge all Senators who can find the time to do so, to read the entire document.

In all fairness to the administration, it sets forth its case as clearly as I have seen it; I think the answers we have prepared will give the other side considerable force; and it should provide a good basis on which Senators can reach a judgment on this very complicated issue.

At this point I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., August 13, 1969.

Hon. MELVIN LAIRD,
Secretary of Defense,
U.S. Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As you know, we are cosponsoring an amendment to the Military Procurement Authorization bill, S. 2564, which would delete $80 million of the funds requested for research, development, test and evaluation of an advanced manned strategic aircraft.

We believe members of the Senate have, through their attention to other programs covered in the bill, indicated a desire to be much more thoroughly informed about the reasoning and the assumptions which underlie costly new weapons systems. Certainly AMSA is such a program. Accordingly, we are submitting with this letter a list of questions designed to focus upon the issues which we feel should be resolved before we move ahead with an accelerated research and development effort.

Our amendment will be called up following the recess. We would, of course, appreciate having your responses prior to that time so they can be included in the Senate's deliberations on the AMSA program. In addition, to avoid difficulties associated with the use of classified materials, we hope that you will answer the questions to the fullest extent possible on an unclassified basis.

Many thanks for your assistance.

Sincerely,

CHARLES GOODELL.
MARK HATFIELD.
GEORGE MCGOVERN.
WILLIAM PROXMIRE.

THE SECRETARY OF DEFENSE,
Washington, D.C., Sept. 10, 1969.

HON. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

DEAR GEORGE: We welcome the opportunity to provide you with additional information on AMSA. The questions which you have posed show that considerable thought has been devoted to the subject. In this regard, I want to strongly emphasize the seriousness of this issue and the possible adverse impact on our future deterrent posture if we fail to modernize our bomber forces on a timely basis.

In order to provide for an orderly transition from the aging B–52's to a new bomber, we feel strongly that a replacement should be started in FY 1970. This does not represent a commitment for procurement of the new bomber force.

I hope the attached answers that we are providing to your questions will resolve and clarify any uncertainty you may have on the desirability of initiating the development of a new bomber in FY 1970.

If we can be of further assistance by contributing additional data or clarifying the data we have provided, my staff is available to assist in fulfilling your requirements relating to this important program.

Sincerely,

M. LAIRD.

Comment: B. (1) The various capabilities listed are discussed elsewhere.

B. (2) Will not "real time targeting" through satellites give missiles the capability to change targets before launch and to reach most new targets, before bombers could make similar changes?

Answer: Damage assessment of a prior ballistic missile strike can be accomplished by two means, manned aircraft and reconnaissance satellites. First, to ensure real-time sensing of continuing strikes a large number of reconnaissance satellites would have to be in orbit. Assuming the Soviets do not have an anti-satellite capability, the most difficult problem would be development of sensors for real-time bomb damage assessment (BDA) for all-weather operation. The most likely prospect would be a ground mapping radar. The necessary maps would have to be gathered within a few minutes of the detonation and relayed to surviving ground stations in near-real time. After the data is interpreted and a decision is reached to restrike a particular target, another ICBM must be launched, requiring another 30 minutes to reach the target and restart the BDA cycle. Consequently, each strike and BDA cycle would be expected to require one or more hours under the most favorable conditions.

A unique and necessary strategic mission for the manned bomber has been recognized for many years as BDA of prior strikes against the enemy's hardened counter force and prompt restrike using air-to-surface missiles (ASMs). The manned bomber would fly very low in the target area, under or around most of the nuclear debris and clouds, and be equipped with high resolution radar, forward-looking and vertical IR sensors and real-time displays. One unique advantage of the manned bomber is discrimination and decision in real time. Accordingly, the man, assisted by the bombing system avionics, determines the requirement for restrike and if necessary, can immediately launch an air-to-surface missile to destroy the target.

The entire process of BDA and restrike from AMSA if necessary would require less than ten minutes. Overall, the process would be much faster than using satellites, independent of the much greater reliability, lesser cost and greater probability of proper interpretation using a manned bomber.

Comment: (2) The estimate of ten minutes for BDA and restrike is given. But launching for a solid-fuel ICBM is about one minute.

It seems most improbable that the Soviets would hold their ICBMs in their holes long enough for a bomber to arrive, reconnoiter, and destroy. It is more probable that the approach of a bomber would force the Soviets to launch their missiles immediately, rather than risk having them destroyed in the ground. Thus, such a "damage-limiting" attempt would be more likely to increase the damage our country would sustain.

B. (3) For "show of force" purposes to illustrate our determination in periods of tension, is not the President's ability to send thousands of megatons to Soviet targets within some thirty minutes just as meaningful as his ability to put bombers in the air?

Answer: There are many different opinions concerning the best way to convey our intentions to an enemy during a time of crisis. Certainly, however, visible preparation for combat has proven to be effective. In past crises we have, at various times, called up reserves, deployed naval, air and ground forces, generated our bombers, and in the Cuban crisis, placed a significant number of bombers in the air as a "show of force."

The President's ability to launch ballistic missiles is as real as his ability to put bombers in the air, but not as apparent. The bomber provides a visual means to portray national intent to an adversary. Moving a large number of bombers onto an enemy's early warning radar in obvious preparation for a strike is much more convincing than verbal communication or "moving your finger a few inches closer to the launch button." Missiles are always in a strike posture but cannot become more so without being committed. A unique capability of manned aircraft is their recallability under these circumstances.

Comment: (3) Any evaluation of the effectiveness of a "show of force" against the Soviets is pure supposition.

To say that the visibility of a bomber makes it more frightening than a buried missile, is to credit the Soviet Union with very little rationality. We have every reason to think that "moving your finger a few inches closer to the launch button" of thousands of accurate, reliable, unstoppable thermonuclear missile warheads is so frightening an action that it is literally impossible to add to it.

III. COSTS AND STATUS OF THE AMSA PROGRAM

A. What are the current minimum and maximum estimates of the costs of developing and procuring the Advanced Manned Strategic Aircraft at the various force levels being considered?

B. What are the costs of maintaining a strategic bomber program over and above the costs of the aircraft—i.e., manpower, training, bases, operation and maintenance?

Answer: The AMSA cost estimates are based on the use of historical data from past and current programs. These data are used in formulas which are empirically corrected whenever additional cost comparison information becomes available.

The following estimates were made without the benefit of firm contractor proposals and it is assumed for planning purposes that in excess of 200 production aircraft would be procured. (It is emphasized that the current DOD program does not involve commitment to production on the part of the government.) All costs are 1968 dollars. The "spread" emphasizes the uncertainty associated with the cost estimates at this time.

[In billions of 1968 dollars]

	Spread
R.D.T. & E. (includes design, development, test, and 5 test aircraft)	1.7-1.9
Investment (aircraft; includes initial spares, tech data, and support equipment)	6.8-7.2
10 years of operation and maintenance	3.3-3.5
Total system costs	11.8-12.6

These cost estimates do not include inflation factors. If it is assumed, for example, that the inflation rate will be 4% per year throughout the development time period, then the cost for RDT&E could be as much as $2.2 billion instead of about $1.8 billion. However, we do not budget on the basis of projected inflation.

Unit Flyaway Costs is a term used to identify the cost of an airplane complete with all of its installed equipment but not including the costs of ground support equipment, training equipment or any other equipment or capabilities not associated directly with the flying machine. If the question is asked, "What is the cost of an AMSA?" the answer would probably be given in terms of the flyaway cost based on the advantage of a large production buy, e.g., in excess of 200 aircraft. Whenever a large number of identical items are produced (whether aircraft, automobiles, refrigerators, etc.) experience shows that the cost of each succeeding production item is slightly less than that of the preceding item.

Estimate per aircraft

	Million
AMSA average unit flyaway costs	$22–25
AMST average unit production costs (Flyaway cost plus initial spares, tech data and support equipment)	25–30

Another cost figure which is sometimes used as the cost of the AMSA is believed to be derived as follows:

$$\frac{\text{Total system cost}}{\text{Assumed aircraft buy}}=\frac{\$12\text{B}}{240}=\$50\text{ million per aircraft}$$

A comparison of this cost ($55M/aircraft) with Unit Protection cost ($25–30M/aircraft) may be the basis for comments that the AMSA will cost twice as much as the Air Force is estimating. However, it should be recognized that the $50M per aircraft figure includes not only investment cost, but RDT&E and 10 years of operation. This involves an expenditure of funds over about 18 years.

Comment: III A and B Neglecting inflation, costs of sophisticated weapons systems have always run to several times their original estimates. There is no reason to assume AMSA would be an exception.

Nevertheless, I am grateful to Mr. Laird for releasing the current estimates.

C. Is there a specific reason why it became necessary between Secretary Clifford's posture statement and that of Secretary Laird to advance the Initial Operating Capability of AMSA by a full year from 1978 to 1977?

Answer: During the past several years OSD and the Air Force have extensively studied the requirement for an advanced bomber as a replacement for the B–52 in the post 1975 time period. The operational concept and the design and performance specifications have been refined and re-examined in depth on numerous occasions since 1964. Over $140 million has been devoted to system design studies and advanced development in propulsion and avionics in a competitive environment. As a result of several years of intensive study, analyses, and advanced development effort, all the necessary technology required for the proposed AMSA is available now.

The Air Force has attempted each year since fiscal 1965 to initiate weapon system engineering development for the AMSA. The JCS strongly support AMSA development in order to satisfy the force structure requirement envisioned for the latter half of the 1970 decade. Congress has historically supported the AMSA program and has in fact appropriated funds each year specifically for AMSA development. In November 1968 the Secretary of Defense approved a program involving a competitive design development effort. An additional $23 million was requested for FY 1970 to shorten the competitive design phase and to initiate full-scale engineering development, since it is believed that adequate paper studies have been conducted. This revised approach would permit the following: (1) a reduction of the RDT&E costs by about $350 million as a result of shortening the competitive design phase; and (2) an earlier procurement decision and advancement of the initial operational capability, if necessary.

The original program and the revised approach recognize the need to reduce the lead time required to develop and deploy a new bomber and therefore call for the initiation of development in FY 1970. The original program involved about a 2 year competition in each of three major areas (system, propulsion, avionics) prior to completion of development and thus was more costly and by necessity spread out. In view of the extensive effort that has already been conducted on this program in a competitive environment, the competitive design phase was shortened. Consequently, the new program could result in an earlier operational capability if a production decision is subsequently made. The program we proposed to initiate at this time would extend through design, fabrication and flight test of several aircraft and their subsystems but the program does not involve a production commitment on the part of the government.

D. What new steps in terms of contracts with industry are contemplated under the proposed program for fiscal 1970?

Answer: The AMSA procurement concept and contract will depend on two principle management tools for control of costs—management engagement with emphasis on costs and program control based on the demonstration of sequential technical milestones.

We plan to subordinate engineering engagement as normally exercised and concentrate on a combined management/engineering approach with emphasis on cost control. The inherent performance of the air vehicle including the subsystems, components, etc., is largely established early in the design cycle. Control through review of critical technical milestones during this early phase will assure the greatest inherent performance. Therefore, any large expenditure of dollars to meet required performance will be evaluated before the contractor is authorized to proceed. Proposals will be required from the contractor which will include cost and schedule impacts as well as technical considerations. Continuing management reviews will be conducted to assure the submittal and the creditability of this information. Controls will be established to preclude the contractor from spending large sums for redesign, without justification, once the initial design has been approved.

The development program will include a series of technical performance milestones in each of the three major work areas (airframe, propulsion and avionics) for demonstration of progress and to provide the confidence for proceeding with succeeding phases of the program. We propose to control the release of funds to the contractor commensurate with the attainment of critical technical milestones. The purpose of this control is to avoid spending large sums of money to meet a given program plan when a slippage in key milestones makes it impractical from an economic standpoint. The first and most obvious critical point or milestone is the beginning of the development program. At a somewhat lesser level, but still involving a sizable dollar commitment, would be a decision to initiate the fabrication of the first test aircraft or a decision to initiate the fabrication of the test engines which are required for installation in the test aircraft, etc. It will be the intent that the major decisions must be associated with the attainment and demonstration of technical milestones so that a decision can be made based on confidence in technical achievement. If the technical achievement which had been scheduled to support a major decision is not, in fact, realized at the time the decision needs to be made, the total program will be adjusted accordingly in terms of cost, schedule and performance.

E. If Congress were to decide not to go forward with the planned program for fiscal 1970, what level of funding would preserve the option of moving ahead at a later date?

Answer: The amendment proposes to reduce the AMSA funding for fiscal 1970 from $100 million to $20 million. In the event funds are not provided for the initiation of engineering development of the AMSA weapon system in fiscal 1970, the introduction of a new bomber into the inventory would be delayed by one year. A level of expenditure of $20 million per year would be sufficient to support studies and continue advanced development efforts but would not reduce either the development lead time of this system or the time required to realize an operational capability. If we maintain this expenditure level until the need becomes reality (i.e., a discovered ineffectiveness in our strategic forces) we will still be about 7–8 years away from having the system in operationally significant numbers.

It should be emphasized that the proposed AMSA program is designed to maintain a production option rather than one which seeks approval of a production decision. The program reduces the time required to achieve an initial operational capability should it be necessary to move into production. The continued postponement of adequate funds to initiate the required engineering development program increases the risk that the United States will not be in a position to produce and deploy a new bomber when required.

Response: III(e) Mr. Laird says, "the proposed AMSA program is designed to maintain a production option. . . ."

The amendment would maintain this option. I would not cancel the AMSA program. It would give the Congress a year in which to carefully examine the option—to consider whether or not it is needed, effective, and worth the cost.

Rejection of the amendment would make AMSA possible by 1977 instead of 1978. Mr. Laird projects the life of the late B–52s into the early 1980s, the FB–111s considerably longer. Most estimates place the effectiveness of hardened or superhardened ICBM silos as running into the middle 1980s. As far as we know, our SLBM systems will be effective indefinitely. Under these circumstances, it is difficult to imagine that our national security will be effected by a one-year delay of AMSA from 1977 to 1978.

I. NEED FOR A TRIPLE DETERRENT

A. We understand that strategic bombers are retained primarily because of the belief that we are best able to deter nuclear attack when we have three separate deterrent forces—bombers, intercontinental ballistic missiles, and submarine launched ballistic missiles—thereby insuring that we will be able to destroy an adversary after failure or neutralization of at least two of the three. What are the specific contingencies for which this policy has been developed?

Answer: It is entirely possible that the Soviet Union could achieve by the mid-1970s a capability to reduce in a surprise attack, our surviving strategic offensive forces below the minimum level required for "Assured Destruction," and thus gravely weaken our deterrent. The overall strategic balance between the United States and the Soviet Union is much too close to run that risk.

An important aspect of our strategic posture has to do with our ability to withstand any attempt at a disarming first strike by the Soviets. To this end it is essential that we maintain a deterrent posture with a mix of all three elements of our strategic force—bombers, land-based missiles and sea-based missiles.

Such a mix provides the best assurance that the Soviets will not be able to negate the effectiveness of our strategic forces by technological advances in one or more areas. The presence of one force element tends to fortify the viability of another, thereby strengthening the credibility of our total deterrent posture. The survival of bombers is insensitive to improved Soviet missile accuracy and Soviet anti-ballistic missile capabilities. For example, if and when Soviet missiles should have very low CEPs, our land-based missiles would be more vulnerable than at present. In this situation our bombers, along with sea-based missiles, would provide assurance against a crippling Soviet first strike. Should the Soviets make a breakthrough in antisubmarine warfare, our sea-based systems would be affected. Bombers and land-based missiles would provide protection against the consequences of a breakthrough in this area. Bomber survival, in turn, is dependent on adequate warning time of incoming Soviet missiles and its ability to penetrate enemy air defenses; thus land-based and sea-based missiles provide assurance in the event the Soviets find ways of negating our warning systems or offsetting the penetration capability of our bombers.

For operational reasons it is imperative that we continue a mixed force to provide us with an effective deterrent and importantly, in the event deterrence fails, the capability to respond across a broad range of possible conflict situations. We cannot preclude the possibility that the Soviets in the next few years may devise some weapon, technique or tactic which could critically increase the vulnerability of one or two of the elements of our strategic force. To arrive at a single system (missiles or bombers) for our strategic deterrent is a high-risk approach and in view of the consequences is not an approach consistent with our national security objectives.

The requirement for the AMSA is based upon our concept of maintaining a mixed force of bombers and missiles in order to assure our strategic deterrent capability during the foreseeable future.

Comment: 1.A. In theory, one can make a case for the most diversified deterrent possible. If we had four methods of delivering nuclear weapons I have no doubt we could make a case for a "quadrad" instead of a "triad" deterrent. If the system is feasible, and if we can visualize a danger, then the temptation to move ahead is extremely strong. In the case of manned bombers there is the added support from the tradition and bureaucracy that have grown up around them, and the emotional attachment many feel toward them. Nevertheless, while a "multiple system" deterrent may be desirable, a low-confidence system adds little to the deterrent.

Bombers are by far the weakest element in our triad; we need to seriously consider whether money spent on a new bomber might not be better spent on our missile submarine force, or perhaps turned to improving the quality of our society.

Finally, it is misleading to refer to missiles as a "single system." ICBMs and SLBMs are different systems in that they require different defenses.

(1) Is it contemplated that the Safeguard antiballistic system in which the Administration has expressed such confidence will fail?

Answer: We are confident the Safeguard will improve the prelaunch survival of our land-based ICBMs and alert bomber force.

Comment: (1) An infinitesimal improvement is not worth a great deal. It seems most unlikely that the improvement will be of such magnitude as to add significantly to our deterrent, but this is another matter.

(2) Is it believed that the Soviet Union will develop means of neutralizing our Polaris submarine fleet, recently described as "invulnerable" by its commander, Admiral Levering Smith?

Answer: Although we expect our Polaris/Poseidon submarines to remain highly survivable through the early to mid-1970s, we cannot prevent the possible Soviet achievement of a major breakthrough in antisubmarine warfare which could increase the vulnerability of our submarines. While we cannot predict with absolute certainty the degree of national effort the Soviets are willing to concentrate in this area, we do know they are working to counter our forces. Hence, we think it is wise not to place undue reliance on the continuing low vulnerability of the Polaris/Poseidon submarines. Admiral Smith's comment was made in the context that we continue to conduct developments that will ensure the survivability of the Polaris/Poseidon submarines. Examples of such developments in the FY 1970 budget are two new program elements—ULMS and SSBN Defense.

Comment: (2) We should not overestimate the very primitive status of anti-submarine technology. There is no technique in production, under development, or on the remote horizon which promises reliable detection of a missile submarine in the very large volume of water in which it can operate. Secretary Laird is referring to some completely unforeseen, presently inconceivable technological breakthrough. Of course, such a thing is possible, but it is far less likely than evolutionary improvements in existing bomber defenses which might give them great effectiveness. Moreover, I assume that we will not miss any opportunities to improve our SSBN systems.

(3) Is there substantial concern that the Soviet Union will be able to accomplish the degradation of both of these systems at the same point in time?

Answer: It is assumed that the two systems referenced are ICBMs and SLBMs. If so, our land-based and sea-based missiles present unique problems to an enemy attempting to destroy these forces prior to launch. It is not likely that the Soviet Union would be able to critically degrade the prelaunch survival of land-based and sea-based at exactly the same point in time; however, we cannot rule out the possibility that degradation of both of these systems could occur within a time period (e.g., 2 or 3 years) in which it would be difficult for us to respond due to inadequate lead time.

From the standpoint of Soviet defenses, the ICBM and SLBMs present similar problems. Hence, it is more likely that a defense that will degrade one missile system will also be effective against the other. This is yet another reason why it is to our advantage to continue to modernize the bomber force which presents a dissimilar, and in many ways a more demanding, problem to the Soviet defenses.

Comment: (3) Mr. Laird's points are valid, but he is discussing extremely small possibilities. To repeat, we need to consider whether a dollar spent on improving our SSBNs, or on improving our cities, does not do us more good than a dollar spent on a new bomber.

(4) Is it contemplated that these systems can be neutralized notwithstanding internal improvements which might be made in them, such as superhardening or MIRV warheads?

Answer: The possibility always exists that a system can be neutralized. Superhardening of the ICBM silos would improve their prelaunch survival, particularly if under the additional protection provided by Safeguard. Nevertheless, missiles may be vulnerable to countermeasures once they have been launched. MIRV warheads in both the ICBM and SLBM forces will greatly enhance their effectiveness and probability of penetration, as compared to other penetration techniques.

Comment: (4) The possibility of neutralizing a MIRV ICBM–SLBM offensive remains extremely small.

(5) If such counterforce weapons were developed, is it not possible that the Soviet Union would nevertheless be deterred by the possibility that our ICBMs and SLBMs could be launched on warning, and that we could cause such deterrence simply by leaving them uncertain as to what our policy is in this regard?

Answer: The reference to counterforce weapons is not clear; however, superhardening and MIRV were mentioned in the previous question. These techniques were developed to improve our deterrent and not to provide a counterforce capability. If counterforce refers to the development of Soviet weapons, then the Soviet Union may be deterred by the possibility that we would launch our ICBMs and SLBMs on warning. It is just as possible (if not more so) that the Soviets will not be deterred, especially if they continue their rate of advancement in both performance and numbers of offensive and defensive weapons systems. In addition, the possibility of our launch on warning may cause the Soviets to accelerate their rate of improvement of defensive systems to counter what would appear to them a greater threat. In this regard the proper "balance" of strategic offensive and defensive forces is essential to insure our national security.

Comment: (5) The statement, "It is just as possible (if not more so) that the Soviets will not be deterred, especially if they continue their rate of advancement in both performance and numbers of offensive and defensive weapon systems", is difficult to understand. Their offensive systems would give them no protection if we adopted a launch-on-warning policy. All evidence indicates that it is impossible for them to build an effective defense against a heavy attack using MIRV and pen-aids, and it would be foolish of them to waste their resources in an attempt to do so.

Mr. Laird fears that launch-on-warning would cause the Soviets to accelerate their defense. One wishes he were equally aware that our ABM will force the Russians to develop MIRV, that our MIRV will force them to deploy MIRV on a large scale, and that this arms race cycle must be stopped before it is too late.

(6) Alternatively, is there any perceivable risk that the Soviet Union will develop a ballistic missile defense system capable of intercepting enough of our SLBMs and ICBMs to limit destruction to acceptable levels—including interception of improvements which might be made absent agreements; such as MIRV warheads or warheads which can be maneuvered in flight?

Answer: Yes, ballistic missile defense in the last ten years has progressed from what was believed to be an impossible task to where it is now roughly an equal alternative to additional offensive missile systems. We cannot guarantee that in the next ten years defense might not, for a time, be superior to offense, at least in the ballistic missile area. Further, if the Soviets develop an effective first strike against our land-based missiles, then their anti-ballistic missile systems might be very effective against sea-based

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missile forces. This situation illustrates the need for a viable bomber force.

Comment: (6) If the Russians can develop and deploy an effective ABM, which is most unlikely, it seems hard to believe that they would not be able to solve the far simpler problems of aircraft defense.

(7) If the Soviet Union were to find the economic and technical resources to develop and deploy such weapons, is it perceived that they would have such enormous confidence in them that they would be willing to launch a first-strike under any conditions realizing that misplaced reliance could result in the total destruction of their society?

Answer: We cannot predict with certainty how the Soviets will react. Thus far, our strategic forces have been sufficient to deter an all-out Soviet surprise attack against the United States. If we are to continue to deter the initiation of a nuclear war, it is absolutely essential that we make two things clear to the Soviets (or any other potential enemy): (1) our intention to respond to a first strike; and (2) the gain which they might achieve by initiating a war against us will be more than matched by the damage which we will inflict in return. Deterrence could fail if the Soviets miscalculated our intentions to respond or the capabilities of our offensive forces to inflict damage to their military forces and urban-industrial base after sustaining damage from a first strike. It is not clear that the Soviets would be deterred from initiating a first strike, if their estimate showed that they could inflict a high level of fatalities against the United States and suffer a low level of fatalities in return. Such calculations could be made by the Soviets if we allow one or two elements of our offensive forces to deteriorate in strength and our remaining forces are negated (at least in part) through a technological advancement or tactical surprise.

Comment: (7) The fact remains that, before they launch a first strike against a bomber-less United States, they must have very high confidence they can destroy our SSBNs and ICBMs simultaneously, that we will not launch on warning, and/or that their ABM will be sufficiently effective and reliable to protect them from our second strike. It is inconceivable that they could develop anything that would give them this confidence.

It is possible, of course, that the Soviets would place their faith in an unreliable ABM, or an unreliable ASW device, and attack without reason for high confidence in their immunity to our second strike. But such an act would be highly irrational; if they are going to be irrational, the entire concept of deterrence is worthless and a new bomber will not help us.

B. It is our understanding that in 1966 then Secretary of Defense McNamara prepared a study indicating that if it did become necessary to provide further insurance of our missile force, the cost-effectiveness of insuring with additional missiles would exceed the cost-effectiveness of insuring with B–52 bombers, up to the point where missile effectiveness fell below 50 percent. The same study concluded that against improved Soviet defenses, missile effectiveness would have to be lower than 30 percent before insurance with FB–111/SRAM insurance would be more desirable than missiles. What is the current status of these relationships?

Answer: Comparisons of the type you suggest are extremely sensitive to the assumed scenario and there are, of course, a large number of possible war scenarios and a wide range of assumptions associated with each. For example, the number of Minuteman III missiles required to equal the effectiveness of a given bomber force is significantly influenced by the degree of strategic warning assumed and the generation rate of the bomber force during this warning period. For instance, assuming no Minuteman III's destroyed before launch, the ratio of Minuteman III 5-year costs to AMSA 5-year costs to deliver the same number of weapons to target would be about 0.58 for a bomber generation rate of 40 percent. For a fully generated bomber force (90 percent) the ratio would be about 1.34. Similarly, the number of missiles assumed to be destroyed before launch is also a driving factor and this is dependent on a host of assumptions regarding attack timing, warning time, launch doctrine, attacking missile accuracy, etc. To illustrate this point, the above ratios would change to 0.73 and 1.67 if only 20 percent of the missiles are assumed to be destroyed before launch. Further, the described comparisons are relevant to soft targets where delivery accuracy is not a significant factor. If hard targets are considered, the better delivery accuracy of the AMSA would alter the ratios in favor of the AMSA assuming time urgency of the targets is not a deciding factor.

In general, our past studies have shown that the relative cost effectiveness of pure missile and pure bomber forces varies as the scenarios and assumptions are changed. Studies have also shown that a mixed force of missiles and bombers can, against an uncertain threat, provide a more cost-effective deterrent than a pure force of either system. In short, a mix of bombers and missiles compounds the enemy's defense problems and makes him spend considerably more to obtain a given level of defense and diverts his resources that might otherwise be spent on offensive systems.

B. (1) Does not the cost-effectiveness of bombers as opposed to missiles drop still further in light of the potential development of MIRV warheads and in light of AMSA's higher cost?

Answer: First, it should be noted that both bombers and missiles can be "MIRVed." As an example, AMSA can carry many missiles such as SRAM. The results of a comparison of the cost effectiveness of bomber and missile systems depend on the assumptions concerning pre-launch survivability and on the postulated enemy bomber and missile defenses. It can be seen from the example provided in the previous answer that with certain assumptions a case can be made for or against either system.

Comment: 1.B. and (1) As Mr. Laird says, the outcome of these comparisons depends upon one's assumptions. It seems a reasonable assumption, however, that after-launch attrition of bombers will be far higher against a sophisticated defense than will after-launch attrition of missiles.

Regarding Mr. Laird's statement that AMSA's accuracy gives it an advantage against hard non-urgent targets, I find myself unaware of any such targets; perhaps he could cite some examples.

B. (2) Is it not probable that a country capable of developing counterforce, or defensive systems with the ability to destroy or intercept high speed missiles with penetration aids could also develop the ability to counter much slower manned bombers which, on the ground are also much softer targets?

Answer: The Soviets are certainly capable of improving their defenses against all threats and they continue to devote a large portion of their total resources to both offensive and defensive weapon systems. This is a basic reason why we believe it is important to maintain a strategic deterrent force consisting of missiles and bombers.

In many respects to realize an effective air defense against bombers penetrating at very low altitude is much more difficult than an ABM defense. For example, the operational flexibility of bombers permits penetration of the Soviet Union from virtually any direction. This greatly increases the area that must be defended and compounds the command and control problems of the air defense. The Soviets recognize the effectiveness of bombers and they are making significant improvements in their manned aircraft defensive systems. Nevertheless, the AMSA will be able to penetrate the postulated Soviet air defense system with much greater effectiveness than our current bomber force.

The improving Soviet capabilities have resulted in the danger of destruction of our bomber forces. These measures have progressively reduced the warning time for launching the bomber force. Our response has been to disperse the alert bomber force. In this regard, one of the major design objectives of the AMSA is to enhance the system prelaunch survivability through wide dispersal to austere landing sites and quick reaction capability. This is to be accomplished in two ways. First, the system will be designed so that it can be a safe distance away from the base within the very short time available. Second, its take-off and landing characteristics will permit dispersal to a very large number of airfields throughout the country, compounding the targeting problem of the attacker.

Comment: (2) The ability to penetrate from many directions, which is shared to some extent by our SLBMs, is of some value. However, it is universally acknowledged that it is impossible to defend against a heavy MIRV-plus-penaid missile attack regardless of direction of origin.

Much of the advantage of low-altitude penetration is lost as the defense deploys look-down radar.

If "the Soviets recognize the effectiveness of bombers," one wonders why they aren't building long-range types, and why their only existing long-range heavy bomber is a propeller-driven model, inferior to our B–52 in all major parameters.

Mr. Laird implies that AMSA will lend itself to dispersion and quick takeoff better than the present B–52/B–58/FB–111. Why is this? Is it significant, when one considers that getting the bombers off the ground will be of little value unless the tankers also can take off safely?

B. (3) (a) We have been told that maintenance of a bomber force requires the enemy to "mix" his defenses to divert to bomber defenses funds which otherwise might be employed for anti-missile defense. In this connection, does not the maintenance and improvement of bombers also require us to divert substantial amounts of funds which might otherwise be used to develop increased penetration ability for our missiles?

Answer: A mix of bombers and missiles tasks the Soviets' defenses; they must defend all targets against both bombers and missiles. If they did not "balance" their defenses, we could use bombers to attack targets defended against warheads from missiles, and vice versa. Thus a mix of forces on our part makes the Soviets spend considerably more to get a certain level of defense. Alternatively, for a given Soviet expenditure on defense, we do not need as many forces to do the job as if all our forces were either bombers or missiles. Funds we devote to bombers, rather than to additional missiles, also insure against gross failure of our missile systems.

Additionally, there are many uses for the bomber force other than the real and extensive diversion of Soviet funds into air defenses. High performance bombers can provide a capability for selective response and precision delivery where constraints preclude commitment of our missile forces. Bombers can be recovered and reconstituted and used to strike additional targets. Bombers can also provide effective augmentation of our general purpose forces in nonnuclear conflicts (e.g., B–52s in South Vietnam).

Comments: (3) (a) Since we know defense against a heavy missile attack to be futile, why do we desire to force the Soviets to divert funds from missile defense? Moreover, to force the Soviet Union to increase defense spending of any type is undesirable: it increases international tension, and with it the chance of nuclear war. Thus, to whatever extent AMSA would be effective in this regard, it would not be a deterrent but an incitement to war.

The idea of recovering and re-using a bomber in an allout nuclear war is bizarre. It is doubtful that there will be airfields left to land on. It is certain that what happens after the first massive exchange will be of little importance.

B. (3)(b) Do not existing bombers, the B–52, B–58 and the FB–111, possess among them the ability to penetrate any defensive system which AMSA could penetrate, albeit not for all targets in the Soviet Union? Does not this require that the Soviet Union, if it does aim for a first-strike capability, at least develop the technological competence to counter AMSA regardless of whether it is built? Does it not require that for substantial portions of the country such systems also be deployed if our deterrent is to be degraded?

Answer: The combination of good points of the three different aircraft does not result in the same effectiveness as a single aircraft having all the good points. The current strategic aircraft have certain shortcomings which AMSA would not have and which can be exploited by the enemy to degrade the individual effectiveness of the current bombers. For example, the high speed of the FB–111 does not reduce the vulnerability of the slower, larger radar signature B–52 nor does the long range and large payload of the B–52 permit the FB–111 to attack deep targets at high speed while carrying adequate penetration aids against advanced defenses.

The AMSA design combines many of the good features of the FB–111, B–58 and B–52, while minimizing the shortcomings of all three. Such a system imposes a greater strain on defenses than the FB–111/B–58/B–52 combination. An AMSA force would be an economical replacement for the current strategic bomber force (B–52/B–58/FB–111) because of the larger payload capability and improved penetration characteristics of the advanced bomber. That is, a smaller AMSA force can be deployed that will provide the same effectiveness as the B–52/B–58/FB–111 force. It is estimated that the research and development and initial investment costs of an equal effectiveness AMSA force will be amortized about ten years after deployment of the first wing.

Comment: B3b Doubtless it is desirable to have all the advantages combined in a single aircraft. The question is whether it is worth the cost. In his cost comparison, Mr. Laird deals with real costs of the B–52/B–58/FB–111. We have built these planes; we have them in the inventory: we know how much they cost. On the other hand, the AMSA figures are projections from the present predevelopment stage. All experience indicates that these costs will increase by at least 2 to 1, even neglecting inflation. AMSA will not be cheap.

And the thrust of the question remains: If the Soviets are going to attempt a bomber defense, existing aircraft will force them to develop defenses against low-level supersonic bombers, long-range bombers and, pen-aids; in short, against everything AMSA can do, even if we have no AMSA.

B. (3)(c) Will not the development of stand-off capability and penetration aids, including the Short Range Attack Missile and Subsonic Cruise Armed Decoy, further increase the capability of existing bombers to penetrate even the most sophisticated Soviet air defense?

Answer: The development of advanced penetration aids will certainly enhance the capability of existing bombers to penetrate area defenses and permit standoff weapon delivery against terminal defenses when necessary. However, the ability of bombers to penetrate air defenses is a function of both aircraft characteristics and the quality of penetration aids carried on the bomber. Experience indicates that both carefully designed aircraft characteristics and carefully designed penaid qualities are required. The AMSA will incorporate basic design characteristics that will provide significant penetration survival improvement over current bombers. These design features include reduced radar cross section and infrared signatures, speed versatility at high and low altitude, and the capability to penetrate at lower altitudes which not only improve the basic aircraft penetrability, but also make the problem of designing penaids less difficult. The AMSA with its higher speed would be exposed to the defenses for a shorter time; for a given level of protection its ECM requirements are less than the B–52 because of smaller radar signature; and its lower penetration altitude reduces detectability by ground radars. In addition, as defenses improve, a greater portion of the bomber's effective payload may be devoted to advanced penetration aids to enhance effectiveness. The larger payload capacity of the AMSA will accommodate a wide variety of penetration aids and weapons which means more targets killed per aircraft for any given level of defense.

Comment: B–3(c) Again, it is a question of whether the advantages of AMSA are worth the cost.

Moreover, there is much to be said for putting one's eggs in many baskets. Even the smallest of the bombers under discussion carries enough thermonuclear explosive power to destroy almost any target. Using large numbers of cheaper bombers would make it easier to saturate the defense and would decrease the effect of unexpected high performance on the part of the defense. It also permits greater targeting flexibility.

B. (3)(d) If there were no problem of strategic obsolescence, how long could existing strategic bombers be made to last through continuing modifications and restructuring?

Answer: Physical age becomes a problem to the extent that deterioration does occur in the structure, wiring, cables, engine performance, etc. and continuous modifications are required. It is presently expected that the structural life of the newest model B–52s will last, under projected usage, until sometime in the early 1980's with appropriate modifications. However, the extension achieved by these modifications is a calculated estimate and thus the service life of the B–52 force has significant uncertainty.

We cannot predict, as well as we would like, how aircraft structure will respond to usage. The B–52s will spend a large part of the time operating in a low altitude flight environment for which they were not initially designed, thereby increasing the possibility of structural problems. If and when we detect a major structural fatigue in the B–52 force, it may be too late to produce a timely replacement aircraft. This problem is compounded by large uncertainties in the magnitude of the costs that may be required to keep old systems viable. We do know, however, that as age increases so does the risk of incurring large modification costs. As in all complex machinery at some point it becomes cheaper to buy a new system rather than continue to repair.

The Air Force has carefully planned and proposed an orderly, well-balanced and low-risk development program starting in fiscal 1970 leading to the first flight of a new bomber in 1973. No production commitment on the part of the government is currently proposed; however, if a production decision is subsequently made we could achieve an initial operational capability in fiscal 1977 and a fully operational force a few years later. By that time the B–52s will be 17–20 years old. The best B–52, the "H" model, represents the maximum growth economically attainable within the constraints of the basic B–52 design. It would be tremendously expensive to make the B–52 faster, carry more payload, fly lower or have a smaller radar cross section. Additionally, certain improvements such as to provide for B–52 self-sufficiency for wide dispersal to improve prelaunch survivability would involve high costs and excessive fleet downtime. While we would be able to use new weapons or penetration aids on the aircraft against an improving threat, we have reached the point where a sounder investment is to acquire a new bomber rather than to keep modifying the old.

II. SECONDARY CAPABILITIES OF BOMBERS

A. (1) We are told that a "fall out" benefit of AMSA would be its utility in situations calling for conventional response. In this connection, against unsophisticated defenses or no defenses, as has been the case with targets in South Vietnam, would not AMSA be overdesigned? Would it perform with significantly greater effect than the B–52?

Answer: A bomber, including the B–52, designed for nuclear war will be a more sophisticated aircraft than is needed when attacking undefended targets. However, in a permissive air environment, the most important aircraft characteristic is ton-mile economy, that is, minimum cost per pound delivered. AMSA with its large payload capability would have the ton-mile economies of a larger aircraft and regardless of its sophistication, it would be more effective than the B–52.

The AMSA would also have a conventional bombing capability significantly better than that of the B–52. Specifically, the AMSA bombing system would be much more accurate; and accuracy is vital in the type of bombing that the B–52 has usually been doing in South Vietnam. Accuracy is also critical when attacking such targets as bridges, industrial structures, power plants, etc. The second major advantage of the AMSA would be its ability to survive in a hostile defense environment. Because of its higher speed and lower radar and infrared signature, the AMSA would be able to penetrate defenses much better than the B–52. In fact, the AMSA is the only aircraft projected to have the capability to carry large conventional payloads at supersonic speed. This is because its normal payload is carried internally. Finally the AMSA would far exceed the payload capacity of the B–52. In view of the foregoing, the AMSA would perform with significantly greater effect in the conventional role than the B–52.

Comment: II A (1) In Vietnam, for propaganda reasons we have refused to send our B–52s against defended targets; we have not exposed them to SAMs or interceptors. Presumably AMSA would operate under the same restrictions; thus its improved penetration ability would not be used. Improved accuracy is of some value, but it may not be worth the cost.

A. (2) Against sophisticated air defenses, as is the case with targets in North Vietnam where the B–52 has not been used, would not even the AMSA be vulnerable to the point where its use for carrying conventional bombloads would not be worthwhile; i.e., is not whatever cost-effectiveness retained by bombers against surface-to-air missiles and high speed interceptors heavily dependent upon their carrying nuclear warheads with such great destructive power that high attrition rates are acceptable?

Answer: As we saw in North Vietnam, bombing may have to be conducted in a very hostile nonnuclear environment. When this is the case, ton-mile economy is no longer the predominate factor. Probability of survival becomes extremely important even to the point where the relatively poor ton-mile economy of the F–105, as compared to the B–52, is preferred. To exploit these economies the large aircraft must have penetration survival similar to that of small aircraft and must be able to deliver its larger payload efficiently.

The AMSA combines the good ton-mile economy of the large aircraft with much of the performance of a fighter-bomber. The speed and altitude versatility of the AMSA would permit avoidance of concentrated AAA and small arms defenses and would provide better modes for coping with all but very high performance interceptors. Interceptors and nonnuclear surface-to-air missiles can be degraded by electronic countermeasures particularly as detailed knowledge of the defense system is obtained. Because of the advantages which accrue from night, all-weather delivery with high accuracy, the AMSA has greater potential for effective nonnuclear attack of fixed targets in hostile defense environments and could provide much more effective augmentation to the capabilities of our General Purpose forces than can be achieved with the current bomber force.

Destroying large or hardened military targets is intrinsically more expensive using nonnuclear weapons than with nuclear weapons, independent of the attendant aircraft attrition due to the defenses. A severe defense environment will further increase the total cost of destroying the targets. One can postulate nonnuclear scenarios involving sophisticated air defenses where we could not afford to attack on a repetitive sortie basis with any aircraft. Accordingly, the use of AMSA in nonnuclear conflicts would require assessment of the importance of the objectives versus the cost. Certainly an expensive weapon system would not be exposed to high risks unless the objectives were deemed important enough and lower cost options were not available.

However, the existence of the strategic bomber, primarily designed for the nuclear role but possessing excellent nonnuclear capabilities, affords an important choice. The existence of this option is and will be a deterrent to potential enemies across the spectrum of conflict.

A. (3) In a conventional war situation, is it not likely that carrier or land-based tactical aircraft would be available to obviate the need for a larger force of long-range bombers? Is it not true that such aircraft would be much more useful in such roles because of their enhanced maneuverability and ability to penetrate defenses?

Answer: The rate of build-up and location of a nonnuclear conflict influences the relative utility of long-range bombers versus tactical aircraft. For example, if the conflict develops suddenly in an area remote from normal carrier operating stations or major tactical air facilities; a small number of long-range bombers can deliver very large payloads in a few hours. Should the conflict be located near the interior of a large land mass where the range/payload capability of the carrier or land-based tactical fighter is significantly reduced, the long-range bomber may be the only aircraft that could be immediately responsive to the situation.

The use of B–52s in Vietnam is one recent example of how bombers can be used as opposed to tactical fighters. The fighters are used in close air support, interdiction, and air superiority roles and are not free for the saturation bombing that can be accomplished by the large bomber to prevent massing of troop concentrations (e.g., Khe Sahn) and to harass enemy troops. In future nonnuclear conflicts, the AMSA will be a far greater asset to our war fighting capabilities than the current bomber force.

The massive application of aerial firepower early in a nonnuclear conflict would be much more effective at less cost than attempting to destroy the same targets several months after sophisticated defenses have been established. When the tactical air forces are in place, air support can best be provided using the smaller tactical aircraft. However, the large bomber may still be best used when saturation bombing is required for a major ground offensive or when there is a vital need for long-range interdiction missions.

Comment: (2) and (3) One can postulate a scenario in which almost any conceivable weapons system could be used. Once again, the questions are: What is the probability of the situation materializing? If it does materialize, will the advantages of the new system be worth the cost?

B. It has been claimed that bombers are desirable because of their "flexibility" primarily their ability to change targets in flight and to be recalled from attack. In this connection,

(1) Is it not true that ICBMs and SLBMs could be held well beyond the point in time where bombers could no longer be recalled because of penetration of Soviet air space, and that the missiles could then be fired and still beat bombers to their targets?

Answer: Flexibility is attributed to manned bombers because of their utility in a wide variety of conflict situations, both nuclear and nonnuclear, and their versatility within these several applications. By way of illustration, the B–29 in its lifetime was used for delivering high explosives, nuclear weapons, fire bombs, aerial mines, and psychological warfare materials. It attacked cities, industry, troops, airfields and bridges. It was used for weather and photographic reconnaissance. Some of the capabilities which make up the "flexibility" attributed to manned bombers include the following:

Launch to test operational readiness and use as a show of force during periods of tension anywhere in the world.

Return to base prior to commitment of the force, thus enabling authorities to cease military operations if political decisions require.

Use in a conventional role or limited nuclear exchange where extreme accuracy not attainable by ballistic missiles is required.

Assign multiple targets, releasing weapons preplanned or on alternate targets as dictated by the tactical situations, and react to the threat by changing or maneuvering on penetration to the target.

Recovery and reconstitute subsequent to an initial nuclear exchange and use to strike additional targets detected by our reconnaissance and surveillance systems or to strike targets not struck initially.

Such "flexibility" while not readily amenable to cost-effectiveness analyses, is real none-the-less, and is not possessed by ballistic missiles. The manned aircraft still remains the most versatile weapon system yet devised for delivering munitions.

It is true that ballistic missiles provide a quick response to time-urgent targets for possible damage limiting because of their much shorter time of flight. However, once the bomber has been launched under positive control there is no problem of survival prior to the penetration of Soviet air space, whereas the missiles must either be launched or survive an attack to be useful. Further, with satellite communications, bomber weapons could be retargeted or withheld up to the point of weapon release which would only be seconds away from impact.

Mr. BYRD of Virginia. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I am glad to yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, is there not an order under which the Senator from Mississippi was to be recognized at the conclusion of the speech by the Senator from South Dakota (Mr. McGovern)?

The PRESIDING OFFICER. Yes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding that order, and without prejudice to the rights of the Senator from Mississippi under the order, the Senator from Virginia be recognized for not to exceed 5 minutes and that rule VII be waived for the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WAR IN VIETNAM

Mr. BYRD of Virginia. Mr. President, over the weekend President Nixon has been criticized for permitting the use of B–52 bombers against enemy troop concentrations in South Vietnam.

It was only 17 months ago that the then President, Lyndon B. Johnson, restricted and subsequently eliminated all bombing of North Vietnam. President Johnson did this with the expectation that it would bring about productive peace talks in Paris.

Now, what has happened during that 17-month period?

The Paris peace talks have produced zero results. There is no evidence that we are any closer to a negotiated settlement of the Vietnam war today than we were 17 months ago.

What has been the result on the battlefront of President Johnson's decision to restrict and then eliminate all bombing of North Vietnam?

The result on the battlefront has been this: During that 17-month period, April 1, 1968, through September 6, 1969, the United States has suffered 141,045 battle casualties, dead and wounded.

This figure of 141,045 U.S. battle casualties represents 49 percent of all the casualties we have suffered in this long Vietnam war.

From the beginning, Mr. President, I have felt, and have stated many times on the floor of the Senate, that it was a grave error of judgment to become involved in a ground war in Asia. But then we compounded that error by the way the war was conducted. And now, the Paris peace talks have lulled the American people into a false sense of security.

The end is not in sight—and the casualties continue.

The record shows that regardless of the concessions made by the United States, the enemy has given nothing in return—and has continued to demand that North Vietnam and the Vietcong be awarded a total political victory.

In view of the record, I do not join with those Senators who condemn President Nixon for being reluctant to make additional concessions to Hanoi—including the elimination of bombing of enemy troop concentrations in South Vietnam.

Mr. BYRD of West Virginia. Mr. President, notwithstanding the order, I ask unanimous consent that there be a brief quorum call pending the arrival of the Senator from Mississippi on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BYRD of West Virginia. Mr. President, I must object at this time.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the previous order be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I thank the distinguished acting majority leader for the privilege of making this presentation at this time.

THE KING FOOTBALL CONFERENCE

Mr. MURPHY. Mr. President, I had the good fortune to witness on Saturday a spectacular event of great magnitude and significance. I was so deeply affected by it that I want to share that experience with my fellow Senators.

We often hear that the youth of our country are both troubled and troublesome; we hear that they are undisciplined; we hear that they have moved away from the traditional values that made our Nation great. We hear all sorts of strange things about the young people of today. I have never lost confidence in them. I think they are wiser and smarter, and I think by and large they are better than the generation ahead of them. What I viewed on the Downey High School football field on Saturday, September 13, furnished me with new evidence of the true nature of the great majority of the youth of our great Nation.

I saw thousands of boys and girls gathered for the opening of the King Football Conference, which for 17 years has been building sportsmanship and companionship among youngsters in southern California. The 103 football teams, each with 33 boys aged from 9 to 15, play nine games each fall. These boys are cheered in their efforts by 1,800 pom pom girls aged 6 to 15. Volunteering their time are 626 coaches, managers, and officials—all dedicated, all capable, all donating their services—under the dedicated and capable direction of T. J. Sullivan, the conference commissioner. Mr. Sullivan has been with the conference since its inception, and its manager for the past 7 years.

Mr. President, the sports competition has major significance, but equally important is the scholastic achievement encouraged for the youngsters by their participation. They must have a "C" average to qualify at all and they must maintain that average to stay in active competition. In addition, the youths get a special award if they maintain a B-plus school grade average while competing in the football conference. The team with the highest scholastic average is granted a special award.

Mr. President, I cannot recall seeing anything more thrilling or exciting than these thousands of youngsters—of all creeds, colors, and national origins—and we have them in California—gathered on that football field in a massive demonstration of this Nation's real grassroots.

There was full integration. There were those of Spanish ancestry, Mexican ancestry, Japanese, Chinese, Filipinos, Italian Americans, Irish Americans—all shapes, sizes, and colors. Nobody seemed conscious that there was any difference one from the other. That is the kind of America that I grew up in, and the kind of America I think we would all wish to see, among the grownups as well as the youngsters.

Too often our communications media feature only a very small percentage of our youngsters who from time to time seem to get into trouble, or seem bad, or seem to be troublemakers. I think they should also show the side of our Nation's youth which I viewed—strong bodies and strong minds engaged in honest, healthy, rewarding competition. There were no television cameras to record this significant event, though I did ask for some photographs, and I hope that I shall have them in my office within the week, because I would like to exhibit them to my colleagues in the Senate.

I had hoped that television cameras would be present. I believe it would have been most beneficial for the people of my State and of the Nation. In fact I would hope what I saw could be spread over the entire world. Perhaps next year they will be there. I intend to do everything I can to insure it.

Meanwhile, Mr. President, I commend all the officials and participants in this conference, with particular credit to Mr. Sullivan, for their devotion to the American ideal. I told those youngsters and their parents on Saturday and I want to repeat today for my colleagues and the entire Nation that I believe these youngsters demonstrate the true foundation for citizenship, the true spirit of strength and belief in America which will keep this Nation strong, and the voluntary community participation which makes this possible.

This is an example of the characteristic—which has not been published or exposed enough—which has been the true strength behind the progress and success of our great Nation.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. It is my understanding, Mr. President, that the Senate in a body will proceed to the Hall of the House of Representatives at approximately 12:30 for the purpose of hearing the three astronauts address a special joint session of Congress.

Therefore, Mr. President, I ask unanimous consent—and this request has been cleared on all sides—that with the time out for the recess to hear the astronauts' address, there be a time limitation, beginning at 11 o'clock, after the conclusion of the prayer and the disposition of the Journal, the time to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from South Dakota (Mr. McGOVERN), and a vote to occur not later than 4 o'clock tomorrow afternoon.

If I may interpolate here, it would be quite possible that the vote could come before 4 o'clock. It would also be understood that if the distinguished Senator from South Dakota (Mr. McGOVERN) desired to modify his amendment, he would be free to do so.

Mr. SCOTT. No objection.

The PRESIDING OFFICER. Does the Senator also request that the time limit be on this amendment as well as the amendment thereto?

Mr. MANSFIELD. Yes, indeed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous consent agreement was subsequently reduced to writing, as follows:

Ordered, That effective after the prayer and approval of the Journal on Tuesday, September 16, 1969 the time for further debate on pending amendment (No. 130) offered by the Senator from South Dakota (Mr. McGovern), to S. 2546, the military procurement authorization bill, and amendments thereto, shall be equally divided and controlled by the Senator from Mississippi (Mr. Stennis) and the Senator from South Dakota (Mr. McGovern).

Ordered further, That the Senate shall begin voting not later than 4 o'clock p.m. tomorrow, and that the Senator from South Dakota (Mr. McGovern) shall not lose the right to modify his amendment (No. 130) prior to a vote.

Mr. STENNIS. Mr. President, I propose now, on behalf of the committee, to speak rather briefly and give the high points

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of the reasons why the committee included this item in the bill for fiscal 1970. Thereafter, if it is agreeable, I should like for the Senator from Nevada to seek recognition, that he may explain in more detail the nature of this bomber and matters related to it.

The Senator from Maine (Mrs. SMITH), the ranking Republican member on the committee, not wishing to speak particularly today, I ask unanimous consent that when I conclude my remarks, which will be within 25 minutes, the Senator from Nevada be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, the question involved here is rather narrow and rather limited in foundation, at this stage, but it is a very large question for the future, with reference to our preparedness.

This concerns a new, so-called big bomber that would be a successor to the B-52. By the time this weapon becomes available in 1977 to 1978, the youngest members of the B-52 family will be more than 17 years of age. So, the big question is whether we shall have this added choice of deterrence, this alternative choice with reference to the bombers.

Mr. President, the exact amount of money available in what we call the Clifford budget was $72 million. In the last budget the amount was set at $95 million.

The committee reviewed the reasons for the additional funds very carefully because this is a very highly important matter. The committee decided on the whole to recommend the figure of $95 million.

The only money on hand that has already been appropriated for this purpose is $5 million. So, we are not talking about an item involving a great deal of surplus funds.

The total amount appropriated today on the entire project in its earlier research and development stages is approximately $140 million. The amount that has been obligated to date for this purpose is $135 million. The difference of $5 million is what accounts for the old money I have just mentioned.

The Senator from South Dakota and the sponsors of his amendment do not propose to cut the amount entirely out of the budget. They propose, in effect, that there is some need for a further consideration of this weapon. They are not willing to take all funds out of the budget. However, they propose to leave in the budget only $20 million for a further paper study of the project. That is well and good.

I am glad they were willing to do so. However, that shows how narrow the gap is and how narrow the issue is here.

The committee is not proposing that we make an irrevocable decision to proceed with the weapon. We do not even allow for any prototype weapons within the authorization. The authors of the amendment do not propose that we abandon the weapon.

The committee merely proposed that during this fiscal year we continue this research.

The only difference between the committee and the proponents of the amendment is with reference to the rate of progress that we make during this fiscal year.

The committee bill and the report hold the project down this side of production. It does not even permit a prototype, the first run plane of the bomber. That is all postponed beyond this fiscal year and beyond this bill. Production of any kind is postponed beyond this fiscal year.

The committee report on page 9 contains this language:

> The decision on production and deployment of AMSA is not a matter for consideration at this time and as stated above, there are no procurement funds in the authorization bill.

There is no question about funds being cut off this side of production or even this side of a prototype. That was the role of the committee.

The committee, like the proponents of the amendment, was not willing to take the project out of the bill. The committee wanted to leave the project in the bill with the idea that it would move forward if it became necessary.

It is a matter that will bring us face to face with a decision next year as to whether the weapon is to be put in our inventory—not for use at this time, because that could not be done now—for 1977 to 1978.

For the information of the Senate, the committee estimates that something like $300 million will probably be asked for in the 1971 budget by the Air Force and the Department of Defense. That would be a logical figure as we see it. And we expect if the project remains in the bill and the money is appropriated that next year we will be in engineering development to the extent of approximately $300 million in new money.

I will return later to the probable cost of this weapon. In passing, though, the Laird budget—even though an increase in funds for this project is reflected—took $219 million out of the budget for what has become known as the FB-111, the bomber version of the old TFX.

That money would provide for 22 of those bombers. That was in the original budget for this year. But a clear-cut decision was made to go all the way toward eliminating that item and not buying any more of them. Whatever money was to be spent should be spent on the plans for a new and more advanced and more formidable long-range bomber. The FB-111 was not designed as a long-range bomber. It was what we call a fighter bomber.

So, the committee made a clear-cut decision to stop the production of the FB-111 and move toward the production of the other plane. The reason for that will be explained at length later.

The present estimate as to the cost of the research, development, testing, and engineering—and that is all included in what is ordinarily referred to as research and development, and we will try to get those names changed and not let all of it be referred to as research and development—of five aircraft prototypes beginning next year and all the way through that phase of it would run from $1.7 to $1.9 billion.

I do not think any system ever devised could give accurate figures at this stage.

It is one of those things that cannot be known. We do not know what kind of a weapon we will have. We do not know how fast it will move along.

I point out, too, that the figures we are talking about now consist of what they refer to as 1968 dollars. These figures do not take into account the probable inflation rate.

I will come back to that. But all the way through we are talking about 1968 dollars, running from $1.7 to $1.9 billion, and I think it would run more than that. It is not what we call an overrun now, but already we have had inflation, and costs have been going up. I would expect the research, development, test, and engineering in those five test aircraft to run close to $2.2 billion—closer to that than the lower figure of $1.9 billion.

At this stage the committee cannot guarantee these estimates, and I do not think the Air Force or the Defense Department should try to, but something has to be used. On those 1968 dollars, the estimate they make for approximately 240 aircraft, with the initial spares, the technical data, and the support equipment, runs from $6.8 billion to $7.2 billion. Those are 1968 estimates. That does not count inflation spreads and other unknowns.

We are trying to get at this matter to give some idea, and we have added 10 years of operation and maintenance. That really does not go to the vital part. The question is, Do we need the weapon, and what is it going to cost? The figure for 10 years of operation and maintenance is $3.3 billion to $3.5 billion. That makes their total top figure $12.6 billion. I think it probably would run more than that, and it might be 20 or 25 percent more. We might as well be frank about it. Everything is costing more. I hope we can stop the spiraling inflation, but I do not think we will do much more than just stop it. I do not believe we are going to have deflation. It is not very healthful politically for those who are in office. That is one reason. It is not healthful for those who have jobs and who have bought many things on the installment plan and have other debts. I do not think we will have extreme deflation. In fact, we do not want extreme deflation.

Those figures are a beginning of some estimates that do not pretend to figure in the inflation rate. We know that since 1963 the inflation rates have been running from 3 to 4 percent every year. We know the price of it, the penalty of it. Of course, the estimates are not 6 years old, but at that rate inflation has run things up 24 percent in those 6 years.

At any rate, it will be an expensive weapon, and I think that all weapons will be expensive hereafter, for the reasons I have given. In addition, they require more and more electronics; they are required to do more and more things. They have to take advantage of the technology that is available in order to be a modern weapon. So the prices will go up on all weapons. That is why I say we have to reduce our manpower and the operation and maintenance of our military program before we are really going to get to the objective reductions that count.

What is the need for the AMSA? The need for the AMSA is based upon the old idea of needing a mixed force of deterrents. Our bombers, the B-52's, will wear out eventually. A great many of them are on the edge of that now, and the advanced models will be used up and burned out by 1975, 1976, 1977. If we are going to have any available at all, we will have to build more.

So this is a hedge against a breakthrough of some kind by a possible adversary, a breakthrough that would excel us, or a breakthrough in some way against our missiles; and it is an alternative to have in case the missiles show an unexpected high rate of nonoperation or nonresponse.

If we want to continue this multiple force, this multiple deterrent, and not continue to put all our eggs in one basket, we must be on our way toward making that preparation, and this is the issue.

I always think of a manned bomber that is not limited to nuclear weapons. It can carry other weapons, as has been done so effectively during the war that continues in Vietnam. Regardless of what we think about it as a policy, it is continuing today. Last week there were headlines about the B-52's. We stopped them for a while, but we started them again. My point is that we must need them or we would not be using them so much. And they are going to be gone.

I like to think, too, that should there be a threat or should we be on the verge of a nuclear war, if we do have some bombers to use as our first line of protection—our first line of fire, if necessary—it is a weapon that can be recalled after having gone a long way on its mission and hours of time have elapsed.

It is a weapon that can be recalled, and it may prove to be the most valuable weapon we can have under those circumstances.

So, Mr. President, I am delighted that the Senator from South Dakota and his colleagues have debated this matter. I have presented the so-called "other" side and have pointed out the problems in connection with this weapon, as there are problems in connection with every weapon. But I have no doubt that when we get down to the fundamentals, we had better go on—like it or not, we had better go on—and start now, and not delay indefinitely, the basic work on another bomber, which I believe to be a major phase of our best insurance against actually having to use any of them.

Mr. President, with that explanation, I am glad to yield the floor.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Nevada (Mr. CANNON).

Mr. CANNON. Mr. President, for several years I have supported the development of an advanced manned strategic aircraft—AMSA. I would like to discuss briefly, Mr. President, why I believe the AMSA is required.

The primary purpose of our strategic forces is to prevent nuclear war.

Let us be very clear what this means. If we are attacked, it is likely that over half of our people will be killed and most of our cities will be destroyed. We would not have to worry about the unemployed. They will no longer be with us.

Those who feel that we can adopt a minimal level of defense and still avoid attack should look at history. Weakness has always invited aggression. In fact, aggressors have often used an imagined inferiority on the part of an opponent as a reason for going to war.

There must be no doubt at all in any aggressor's mind about our capability to withstand an attack and still strike back. Otherwise an aggressor may conclude that he can attack us successfully while absorbing what he feels are an acceptable number of casualties in return. He must be made to realize that he would have a very high and unacceptable level of casualties inflicted on him if he were to start a war. This, in turn, will stop him, or as we say deter him, from starting a war.

Bombers had the total responsibility for preventing war throughout the 1950's. As land and sea-based missiles entered the force the question was raised: Why should we buy a new bomber that might be caught on the ground or could be destroyed by antiaircraft missiles, when the missile is safe in its silo or under the sea and travels too fast for defenses?

Both the bomber and the missile can be destroyed on the ground and some of both could be intercepted in flight. There is no foolproof deterrent. We must take the necessary actions to help both bomber and missiles penetrate the enemy defenses and destroy the target, if necessary.

The Soviet Union is engaged in a tremendous buildup of strategic forces. They now are approximately equal and will soon surpass us in numbers of ICBMs. They are still building large numbers of both land-based missiles and ballistic missile submarines.

I believe it is essential to maintain a strategic deterrence posture with a mixture of all three elements of our strategic force—bombers, land-based missiles, and sea-based missiles. This has been our official policy as stated by the Department of Defense for several years and I thoroughly agree with it.

It has not been and should not be our national policy to do away with our bomber force. Of equal importance, we should not trade them off for missiles in order to depend upon a single weapon system for our strategic deterrent. To do so would be a high risk approach. It would allow an enemy to focus his resources against our missile systems.

The missile and bomber forces complement each other in providing us with both an effective deterrent force and a tremendous war fighting capability.

This mixed force insures that technical advances on the part of the enemy against one element of our forces will not negate our entire strategic deterrent forces.

Large, high performance bombers can and have provided necessary augmentation of our general purpose forces in nonnuclear conflicts. The contribution of our B-52s in South Vietnam has been of tremendous value. I feel that all Members should recognize this vital role of our B-52's. It is often overlooked or minimized.

The purpose of the AMSA is to replace our aging force of B-52's with an improved bomber that will be more effective and economical in operation. Design of the AMSA will take advantage of the many advances that have been made in airframe and engine technology during the past few years. As compared to the B-52, the AMSA will have a higher penetration speed, reduced radar cross section, a larger payload capacity, the capability to penetrate at lower flight altitudes, and the shorter take-off and landing distance and other characteristics necessary to operate from austere dispersed air bases throughout the country. Moreover, improvements in avionics—better electronic countermeasures, target finding systems, and weapons delivery systems—will further improve the capability of the AMSA to survive and penetrate to enemy targets in all types of wars, both nuclear, and nonnuclear.

The AMSA will be an economical replacement for the aircraft currently in our strategic bomber forces because a smaller AMSA force can be deployed that will provide the same effectiveness for retaliation as our present larger force does because of the larger payload capability and improved penetration characteristics of the advanced bomber.

Any cost estimate for AMSA at this time can only be an educated guess. The cost figures will be greatly refined before we commit ourselves to production. The best estimate at this time, based on a force of between 200 and 300 aircraft, is about $25 to $30 million a copy. However, more precise cost data will be available as engineering development progresses. We have made too many ill-informed guesses on other programs in the past—not intentionally, but because at an early stage of any large complicated weapons program bad guesses always result in great criticism later on when more cost visibility is available. But that does not mean we should stop an essential program because dedicated people are not gifted with foretelling the future.

HISTORY OF THE PROGRAM

During the past several years OSD and the Air Force have thoroughly studied the requirement for an advanced bomber as a replacement for the B-52 in the post-1975 time period. The operational concept and the design and performance specifications have been refined and re-examined in depth on numerous occasions since 1964. Over $140 million has been devoted to system design studies and advanced development in propulsion and avionics, of which $30 million was authorized for the AMSA program in fiscal year 1969. However, only $5 million was new obligational authority and $25 million was a carryover from 1967-68 funds. The Air Force only received approval to spend $25 of the $30 million; hence, there is a $5 million carryover to fiscal year 1970. As a result the technical uncertainties and risk associated with the development of

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a new bomber have been reduced to a minimum.

The Air Force has attempted each year since fiscal 1965 to initiate engineering development for the AMSA. The JCS strongly support AMSA development in order to satisfy the force structure requirement from 1975 to 1980 and beyond. Congress so far has supported AMSA development. It has appropriated funds each year specifically for AMSA development. Recently in November 1968 the Secretary of Defense approved a program for a competitive design development effort. Since adequate paper studies have been conducted, it was decided to reduce the competitive design phase and initiate the engineering development this year. We will save about $350 million in R. & D. costs by shortening the competitive design phase; and in addition we will be able to make an earlier decision on whether we should initiate production. Most importantly we would be able to achieve an earlier operational capability.

REDUCTIONS OF FB-111 PROGRAM AND MONEY SAVED THEREBY

In November 1968 the Defense Department made a decision to reduce the FB-111 program from 263 to 126 aircraft, based on budgetary considerations.

Secretary Laird reduced the force from 126 to 76 FB-111 aircraft in early 1969, in order to concentrate on AMSA.

The savings resulting from reducing from 126 to 76 FB-111's is $444 million—$150 million in fiscal year 1969 and $294 million in fiscal year 1970. The cost implications of reducing from 263 to 76 FB-111's represents the saving of approximately $1.2 billion.

General McConnell, testifying on June 26, 1969, said:

> I recommend the cancellation of those FB-111's. We had bought 76 of them. Then they promised us we could go ahead with AMSA, and I didn't see any sense in buying a mediocre airplane to last us for a period of time until we could get the AMSA, so I recommended that we cut back to where we don't buy more FB-111's, except the ones we have already paid for, which is 76. That is equal to one wing of FB-111 bombers.

Secretary Laird testified on March 19, 1969, before the Senate Armed Services Committee, and said:

> Now after a very careful review of the program, we have decided to cut off the FB-111 program at 4 squadrons (to salvage what we can of the work in process) and concentrate our efforts on the development of a new strategic bomber, ASMA.

I point this out, Mr. President, to show clearly that it has been represented by the Secretary of Defense, and by the Air Force, that they are now giving up the FB-111's in order to secure a speeded-up program on the AMSA. By giving up the FB-111's from the 120 figure down to the 76 figure, we will save, in that program alone, $444 million by doing it on consideration that we should have a stepped-up AMSA program.

BOMBER FORCE MODERNIZATION

The Air Force has spent a great deal of time and effort in preparing an orderly low-risk development program. It will lead to the first flight of a test aircraft in 1973.

I want to emphasize that no production commitment on the part of the Government is currently proposed. If a production decision is made 2 to 3 years from now we could achieve an initial operational capability in fiscal 1977. By that time the B-52's will be 15 to 20 years old. The best B-52, the "H" model, represents the maximum growth economically attainable within the constraints of the basic B-52 design. It would be tremendously expensive to make the B-52 faster, carry more payload, fly lower, or have a smaller radar cross section. We have reached the point where a sounder investment is to acquire a new bomber rather than to keep modifying the old. Additionally, certain improvements such as providing the B-52 self-sufficiency for wide dispersal would involve exorbitant costs and excessive force downtime.

We cannot predict, as well as we would like, how aircraft structure will respond to many years of combat maneuvers. By the time we acquire the AMSA, the B-52's will have spent a large part of the time operating in a low altitude flight environment for which they were not initially designed. This increases the possibility of structural problems. If and when a major structural fatigue in the B-52 force is detected, it may be too late to produce a timely replacement aircraft. Also there are large uncertainties in the magnitude of the costs that may be required to keep old systems working.

IMPACT OF AMENDMENT

The amendment proposes to reduce the AMSA funding for fiscal 1970 from $95 million to $20 million—does not include $5 million authorized in fiscal year 1969. I want to emphasize that if this amendment were adopted, the Air Force would be confined to conducting further paper studies. Engineering development, which is the next essential step in development, could not be started with these limited funds. In the event funds are not provided to initiate engineering development in fiscal 1970, the introduction of a new bomber into the inventory would be delayed at least 1 year. If we maintain a 20 million expenditure level on the AMSA until a serious weakness developed in our strategic forces, we would still be 7 to 8 years away from having operational new bombers. If we make no major improvements in our bomber force, we would have a significant period of time in which we would have to depend on missiles alone. I do not feel that we can afford to adopt such a high-risk, missiles—only national defense policy.

In conclusion, I want to emphasize that the proposed AMSA program will maintain a production option. It does not seek approval of a production decision. The proposed program reduces the time required to achieve an initial operational capability should it be necessary to go into production. The continued postponement of adequate funds to initiate the required engineering development program increases the risk that the United States will not be in a position to produce and deploy a new bomber when the B-52 reaches an unacceptable level of obsolescence.

Mr. President, General McConnell, testifying before the Senate Committee on Armed Services, on April 16, 1969, said:

> We will begin to modernize our bomber force this year by introducing the FB-111, and the phase in of this new interim medium bomber is planned to be completed by the end of Fiscal Year 1971. However, a recent decision has lowered the procurement rate and reduced total procurement from the original 263 to 76 aircraft.
>
> We believe that a new bomber is required to accomplish the strategic tasks of the future and we are very pleased with the recent decision to proceed with full-scale engineering development of the Advanced Manned Strategic Aircraft (AMSA). Our assessment of the tasks assigned to the bomber force, and the capabilities required, indicates that we must continue advanced bomber development in order to maintain a deployment option in the late 1970s.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATHIAS in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 11 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 11 a.m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 41 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 16, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 15, 1969:

DIPLOMATIC AND FOREIGN SERVICE

John P. Humes, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

U.S. DISTRICT JUDGE

Barrington D. Parker, of the District of Columbia, to be U.S. district judge for the District of Columbia vice Joseph C. McGarraghy, retired.

IN THE NAVY

The following-named women officers of the U.S. Navy for permanent promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Bradford, Alice V.
Brooks, Irma J.
Denton, Nancy L.
Donovan, Patricia R.
Hartington, Pauline M.
Hoy, Barbara J.
Hunn, Eleanor K.
Labonte, Nadene B.
Mandt, Maxine A.
McCue, Barbara A.
McQuesten, Ruth B.
Neely, Jean C.
Quigley, Robin L. C.
Way, Evelyn D.
Williamson, Mary L.
Young, Sue E.

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the Medical Corps, subject to qualification therefor as provided by law:

O'Sullivan, Michael J., Jr.
Sechler, Leslie I.

Lt. Richard G. Simms, U.S. Navy, for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law.

Lt. Gary L. Parten, U.S. Navy, for permanent promotion to the grade of lieutenant (junior grade), subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for transfer to and appointment in the Judge Advocate General's Corps of the U.S. Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Brush, James D., II
Ise, William H.
Rapp, Michael D.
Reed, Robert F.
Walker, John A.

The following-named officers of the Supply Corps, U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps of the U.S. Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Granahan, Thomas F.
Neutzet, Dennis R.

David F. Leake, U.S. Navy for transfer to and appointment in the Civil Engineer Corps of the U.S. Navy in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant.

Robert E. Every, U.S. Navy for transfer to and appointment in the Supply Corps of the U.S. Navy in the permanent grade of ensign.

The following-named (Naval Reserve Officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Bauman, John C.
Gustafson, Duane O.

The following-named (Naval Reserve Officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to qualification therefor as provided by law:

Bosley, James E.
Fisk, Bruce D.
Maddox, James A.
Marini, Ronald M.
Tidwell, Eddy

The following-named chief warrant officers to be ensigns in the Navy, limited duty only, for temporary service in the classification indicated and as permanent warrants and/or permanent and temporary warrants subject to qualification therefor as provided by law:

ELECTRONICS

Sears, James A.

COMMUNICATIONS

Flanders, Mack H.

EXTENSIONS OF REMARKS

YOUTH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. MICHEL. Mr. Speaker, an article appearing in September 5 edition of Time magazine sets forth some very interesting and thought provoking theories expressed by a prominent psychoanalyst, Prof. Bruno Bettelheim, of the University of Chicago, regarding some of the underlying causes of the unrest which has featured college campus life all over the country in recent months.

The professor rather effectively debunks the arguments of the apologists for this type of behavior by our young people on the campuses and I believe his analysis of the situation makes a good deal more sense than most of the "gobbledy-gook" we have heard and read on the subject.

I include the article from Time magazine in the RECORD at this point:

YOUTH

CONFUSED PARENTS, CONFUSED KIDS

Psychoanalyst Bruno Bettelheim, 66, who is best known for his innovative studies of children's emotional development, has turned his protean mind to student radicals. He sees some in his private therapeutic practice, and observes others on the campus of the University of Chicago, where he teaches and directs the Sonia Shankman School for psychotic children. His considered conclusion is that American parents and American society have not given today's youth the emotional equipment for engaging in rational and constructive protest. In the September issue of the British magazine *Encounter*, Bettelheim spells out his ideas, which have been raising controversy at academic conferences and press conferences for the past six months. Among them:

"When I see some of these students—'unwashed' and 'unkempt'—I cannot help thinking: 'There goes another youngster who, as an infant, was practically scrubbed out of existence by his parents in the name of good hygiene and loving care.' "

"In most of the small group of leaders of the radical left, intellect was developed at much too early an age, and at the expense of their emotional development. Although exceedingly bright, some remained emotionally fixated at the age of the temper tantrum."

"The political content of student revolt is most of all a desperate wish that the parent should have been strong in the convictions that motivate his actions. This is why so many of our radical students embrace Maoism, why they chant 'Ho Ho Ho Chi Minh' in their demonstrations. They chant of strong fathers with strong convictions."

"We should not overlook the symbolic meaning of the student invasions of the office of the president or dean. Big in size and age, those who sit in feel like little boys with a need to 'play big' by sitting in Papa's big chair."

SELF-HATE

Bettelheim devotes his most careful scrutiny to the activities of the most radical student leaders, and blames their shrillness on parents who raised them with half-baked psychoanalytic theories. "Psychoanalysis has certainly suggested that we should not suppress our inner rages but should face them," Bettelheim writes. "But we were only expected to face them in thought, and only in the safely structured treatment situation. This has been misapplied by large numbers of the educated middle classes to mean that aggression should always be expressed, and not just in thought. Accordingly, many children today do not learn to repress aggression enough."

Yet the same overpermissive parents more often than not make irrational demands for high marks in school and insist on superhygienic cleanliness so that their children reflect well on tnem in public. Such families, says Bettelheim, exploit their children to fulfill their own "narcissistic needs"; they choose to follow Freud where it suits their convenience, and are as demanding of conformity as "the worst Victorian parent" where it does not. For the children, Bettelheim says, the result has been a "senseless" uncertainty about their own identities that turns to self-hate and later to resentment of the world at large.

The claim by radicals that they act out of high motives, Bettelheim believes, and "their occasional on-target attack on real evils have misled many well-meaning people into overlooking their true motif: this is hate, not desire for a better world."

Bettelheim blames the malaise of the majority of student rebels on another oversimplified idea: the national insistence on putting high school graduates indiscriminately into the isolated academic atmosphere of traditional colleges and universities. Students feel "obsolete," he says, because "society keeps the next generation too long in a state of dependence, too long in terms of a sense of place that one has personally striven for and won. To be adolescent means that one has reached (and even passed) the age of puberty, but must nevertheless postpone full adulthood till long beyond what any other period in history has ever considered reasonable. Students want, essentially, those group therapeutic experiences that will help them feel they have at long last come of age." Because providing those experiences is not the chief function of most educational institutions, "colleges must inevitably disappoint the students where their greatest need lies. Campus rebellion seems to offer youth a chance to short-cut the time of empty waiting and prove themselves real adults."

Bettelheim does not deny the existence of injustices within U.S. life. But he insists that the underlying causes of campus unrest lie as much in the way American children are raised and educated as in the Vietnamese war or widespread poverty. His advice is for universities to act like firm but understanding parents. While gladly adopting worthy suggestions, administrators should stop being so "anxious to look progressive" that they shrink from upholding the reasoned guidelines that students need to cope with their inner conflicts. For adolescents who lack a commitment to study and research, Bettelheim proposes a new educational system that will cater to the emotional needs of growing up. It would offer a variety of educational apprenticeships combining work and study, and would be ideal, Bettelheim feels, for the majority of American teen-agers.

1969 IS THE YEAR ONE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. TEAGUE of Texas. Mr. Speaker, an editorial in the August 1969 edition of Industrial Research magazine examines the present and future of our national space effort. Although I do not agree entirely with the comments in this editorial, there is much to be learned from the succinct statement of the benefits and values of our national space effort and what they portend for the future. The editorial follows:

1969 IS THE YEAR ONE

Now that man has landed on another world, scientists, journalists, and historians all will comment on the meaning, significance—and in some quarters—the waste and denial of humanity of the space effort.

It is true that the race to the moon began as a mere prestige gambit and that the Russians and Americans hurried their programs more for this reason than for any other. Yet,

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the fact that the earth now possesses two spacefaring nations need not mean duplication of effort, but different space efforts as has been shown many times in the accomplishments of the two programs. Our accomplishment also means that the door now is open to cooperative programs to eliminate whatever duplication does exist.

As for waste, we suspect there has been far less waste in developing the all-new technologies required to get to the moon than is evident in other areas of large-scale government programs such as those often funded to decrease poverty, improve race relations, or achieve defense.

Had there been television and a global press during the time of Queen Isabella's decision to finance Columbus, surely an uproar would have been heard from the poor, the religiously persecuted, and the military for diverting gold toward such an admittedly speculative venture. A water route to the Indies might be useful, but is it worth the cost? What on earth are we going to do with another 15-million-square-mile continent? The problems at home require our utmost . . .

A maxim bears repeating here: those who forget the past are condemned to repeat it. The history of mankind has shown repeatedly that dramatic improvements in the lot of man are made not by incessant demonstrations, riots, or by diverting funds from other worthwhile efforts, but by implementing new ideas that can engender a renaissance.

July 20, 1969 will go down in history as the day that man matured, the beginning of a new era on more than one planet, the Year One B.E. (Beyond Earth) as Robert Heinlein suggested, the day that other worlds became attainable. What many of the well-meaning fighters against poverty, race hatred, and international tension don't realize is that the space age now truly before us can provide the stimulus and the goal to benefit their own programs in a much more positive manner than a mere divergence of government funds could achieve.

Rather than state all of these benefits here, we refer you to editor & publisher Neil Ruzic's book serialized in these pages five years ago, "The Case for Going to the Moon," which explained many of the technical and other benefits of space travel. He now has written another book to be published shortly. A "future history," it traces the first 75 years on the moon as though they already have occurred. Called "Where the Winds Are All Asleep," we quote from the last paragraph of the book. It is the year 2045:

"We arrive at the top of the story, of what it meant to colonize the moon. Here in the present day, we now have the perspective to accept ourselves as what we can become. Yes, evolution occurs only when necessary. Yes, man, monster of earth, king of the solar system, aspirant to heaven, has evolved as far as he ever will on earth. Yes, further progress, further extension into sentient intelligence will occur—they will in answer to man's need to survive. As for biological or social evolution beyond that, man retains a large part of his brain unused, unidentified for specific function, awaiting something. With that eternal capacity, he has other planets of other stars to explore: 135-billion of them in this galaxy alone."

As historians will view the development of human potentialities, the date July 20, 1969 will go down into history as the Year One.

DR. JOHN BARCLAY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. PICKLE. Mr. Speaker, a dear and wonderful friend marked his retirement from the ministry this month and I would ask unanimous permission to pay him tribute by reprinting an article that appeared in the September 11, 1969, edition of the Austin American.

Dr. John Barclay's colorful career spanned 28 years in one church, the Central Christian Church in Austin. During that time, he was a comfort and a challenge for the people of Austin. His story is an inspiration for all. He is a tremendously warm leader and friend and minister who has the dedication and the courage to measure up to the requirements of a man of God. His story is as follows:

[From the Austin (Tex.) American, Sept. 11, 1969]

DR. JOHN BARCLAY RETIRES SUNDAY WITH FINAL SERMON

(By Phil Skoda)

Dr. John Barclay will mark his 28th year as pastor of the Central Christian Church in Austin Sunday, when he preaches his final sermon before retiring.

His first sermon at the church was given Sunday, Sept. 14, 1941, just one week after he married the former Mattie Belle Stewart of Battleboro, N.C., and moved to Austin.

A dinner will be held in Dr. Barclay's honor at the Terrace Convention Center Friday evening, and a reception has been planned at the church for Sunday from 4 to 7 p.m.

Dr. Barclay reminisced about his 55 years in the ministry, which began when he was a sophomore at Transylvania College in Millville, Ky., in Sept. 1914.

It was common in those days, he related, for young theological students to support themselves in school by pastoring small country churches in the area surrounding their school.

John Barclay went to France in 1917 as an officer in the U.S. Army. He attained the rank of captain in an infantry division. The experience, he says, sharpened his sense of humor and deepened his appreciation of his fellow man.

Returning to his education in 1919, Barclay received his bachelor of arts degree in 1920 from Transylvania College, his bachelor of divinity degree in 1922 from College of the Bible in Lexington, and his master of arts degree from Columbia University in 1924.

The same year, he began a 17-year ministry at the First Christian Church in Wilson, N.C. That pastorate ended in 1941 when he came to the Central Christian Church in Austin.

During the years he has been in Austin, John Barclay has been singled out for honor on many occasions. He has received honorary doctorate degrees from Transylvania College and from Texas Christian University in Fort Worth.

He has served as president of the Austin Council of Churches, was chairman of the board of trustees of Brackenridge Hospital for 10 years, and in 1960 was selected to represent all Protestant churches in the United States when he gave an inaugural prayer at the swearing-in ceremony of John F. Kennedy and Lyndon B. Johnson as President and Vice-President.

Dr. Barclay's interest in both world and church affairs is reflected in his upstairs office at the Central Christian Church. Complete bound editions of Foreign Affairs Magazine line one wall, dating back to 1945, and another wall contains all the bound editions of the World Council of Churches Quarterly since 1948.

Also crowded into his small, wood-paneled office are numerous mementos of his interest in sports. A newspaper clipping from 1922 attests that John Barclay coached the Lexington High School basketball team to the National High School Basketball Championship.

He says that in 28 seasons of University of Texas football, he has missed only one home game.

Dr. Barclay and his wife "B" plan a month-long trip to Europe in October, but Dr. Barclay says he plans to remain active in church activities.

"I'm feeling good and there's no reason for me to stop," he said, explaining his plans to accept interim pastorate assignments following his return from Europe.

Dr. Barclay will be replaced at Central Christian by Dr. Mark Randle, who comes to Austin from Springfield, Mo. Dr. Randle is a native Texan, born in Lockhart.

Summing up his feelings on 55 years as a minister, Dr. Barclay said, "the rewarding thing is that you deal with people during their great moments and also during their tragic moments."

TO PUSH HOUSING

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. BEALL of Maryland. Mr. Speaker, the cutbacks in Federal construction ordered by the President have drawn shortsighted criticism from some of those whose own narrow spheres conceivably will be affected.

However, there is little doubt that the President's actions will provide another much-needed brake on inflation and at the same time will spur construction of private housing which increasingly is in short supply.

An editorial from the Baltimore Sun of September 6, 1969, clearly defines the areas to be most affected by these cutbacks, and the distinct advantages to be gained. I insert this editorial in the RECORD:

TO PUSH HOUSING

The Nixon construction cutback keys into the earlier administration plan to ease private credit by paying down on the national debt. Both aim at stimulating private housing for which the national goal is 26 million new houses in the next 10 years. High credit and construction costs are slowing the program.

A major reason for credit stringency is that the biggest debtor of all—the government—can outbid private credit-seekers. Right now public building (federal, state and local) accounts for one-third of all construction expenditure—again in direct competition with home builders. Reduce federal borrowing and cut 75 per cent of federal construction demand and you obviously ease credit and prices for householders.

Now add the 75 per cent cut in federal grants-in-aid to state and local construction which Mr. Nixon apparently will order if the states and local governments don't. Add the cuts among all-state financed and all-local projects which a decent respect for presidential precept may stimulate. The effect could approach a three-quarter reduction in a third of construction demand. Add, finally, the business cutbacks which Mr. Nixon did not forget to urge, and the net effect would be counter-inflationary.

One of the things the President and his advisers have in mind is, of course, contract construction wages. These have been rising at the rate of some 6 per cent a year—average hourly earnings were $2.93 in 1959 and $4.73 in July, 1969. Construction union leaders warn that the cutbacks Mr. Nixon proposes would narrow job opportunities for the black workingmen whom federal policymakers want to see employed. But administration figures suggest there will be jobs for all available workers at reasonable wages and surely the 25 per cent of federal projects to be continued will reflect concern for blacks.

The withdrawal of 75 per cent of federal demand on short building materials and labor coincides with a new private-industry program led by Roger Blough for firmer management response to construction wage proposals. Here, too, the federal suspensions may well alter the bargaining terrain. All in all, one gets the impression of cool economic strategy deployed through familiar market processes in behalf of housing and against inflation—all without jawbone or other kinds of drama.

CAPITULATE—OR CONTINUE THE QUEST

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. BOGGS. Mr. Speaker, since the triumph of Apollo 11 last summer, culminating this Nation's 10-year effort to land men on the moon, a great national debate has begun to emerge.

One can now begin to see the lines being drawn between those who favor continuing an active role in the exploration of space and those who propose to lower space exploration among our national priorities.

The New Orleans Times Picayune recently published an editorial providing a timely and informative analysis of this issue and making what I consider to be some very pursuasive points.

I am inserting the editorial in the Record and commending it to the attention of my colleagues:

Capitulate—or Continue the Quest

Dean Rusk's publicized letter to a one time member of the Aeronautics and Space Council suggesting that the country drop plans for any early manned space ship visit to Mars, leaving them to another generation, has posed a proposition that will provoke hot argument and, finally a hard decision by the Nixon administration.

His view is that the Mars program would be more burdensome than the nation can well stand at this time and that for a generation most of the money that would be devoted to outer space, he thinks, should be handed to NASA and other agencies for the betterment of air travel, the fight on pollution, and the improvement of man's lot on our own planet. He wants space activities held largely to an instrumental basis with international collaboration.

The former secretary of state has a strong case.

If, however, we increased the NASA appropriation to $6 billion a year for, say, 10 years, we might be ready for the Mars voyage in 1981 for a total of about $52 billion. And there would be other space investigation costs of several billion dollars during the interval.

Tentatively, that seems to be the rough estimate of the head of the space administration. Some less conservative expert opinion argues the cost would be greater. The country faces financial strain without the Mars program. Military expenses, the prospective ABM defense, welfare and city modernization requirements are clues.

But whether all this outweighs the uplift of national spirit, the buoying effect of great exploration and discovery, and the sense of reward for achievement, cannot be lightly resolved. Maybe we should realize that the country is always going to have its "problems;" that modernization, renewal and reform, will continually press; that the demands of welfare and assistance for the poor will persist; that political expediency or popular neglect will not fail to create one mess or another to be cleaned up at great expense.

But shall we allow these ills of more or less chronic character, and a part of the routine of national existence, to bar the nation from discovery, from pushing into the unknown, from expanding the knowledge of and refining the concept of space geography? Shouldn't it be our policy to take our chronic problems in a stride—by more work, the application of intelligence and foresight—leaving enough surplus of resources to accomplish the exceptional which history seems to note as a mark of a great nation?

President Nixon and Congress will say how fast and far the United States will go with the Mars exploration over a given period. They should not overstrain the economy—"bite off more than we can chew." But we should be surprised if they capitulate to the notion that the program must be wholly shelved for a generation. That would be taken as a sign that the richest nation on earth is losing its vigor and its vision; that it has become so embroiled and hog-tied by contemporary problems of living and government that it cannot continue to assert its leadership in the quest of significant knowledge of the planetary system and answers to secrets of outer space.

PRESIDENT NIXON IS SABOTAGING CALIFORNIA'S ECONOMIC FUTURE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. MOSS. Mr. Speaker, President Nixon's announced 75-percent cutback in federally subsidized construction has shocked many Californians because such a cutback will undermine the economic health and welfare of the Nation's most populous State.

The Sacramento Bee sums up the impact of the announced cutback in an editorial dated September 10. I am inserting the editorial at this point in the Record to share this information with my colleagues:

Nixon Cutback Would Hit Basis of Prosperity, Safety of California

The magazine, US News and World Report of Washington, D.C., hardly had hit the newsstand with rosy predictions for the economy of the West when President Richard Nixon acted to undermine the economy.

His sabotage of this area's economic future took the form of an announced 75 per cent cutback in federally subsidized construction. Only last June Ward C. Krebs, Wells Fargo Bank official, said gains in California's economy exceeded the most optimistic forecasts.

Much of this state's boisterous economic health is based upon federally subsidized water projects—such as the great Central Valleys Project and the others built in more recent years.

Now Nixon, in his misguided, ill-informed program to check inflation, kicks at the props of the economies of all the states of the West and Southwest as well as those of the Southeast.

Even United States Sen. George Murphy, senior senator from California and a conservative Republican, said immediately after the Nixon announcement California has vitally needed water reclamation and flood control projects which may fall victim to the Nixon policy.

These federally subsidized water projects, which are self amortizing, make California the single greatest breadbasket in the United States; their construction gives employment; they save huge amounts of wealth. In one year the Army Corps of Engineers estimated flood control works prevented $1.5 billion of loss; this state's future prosperity is predicated upon completing the water systems.

Almost all the California's congressional delegation is opposed to holding up these water projects.

Nixon's whole approach to the inflation problem is cockeyed. Year after year the leaders and people say: "If only the nation could get full production. If only the unemployment problem would disappear." Then when the nation gets close to both objectives comes the piercing cry: "The economy must be cooled, it must be slowed down."

Prosperity does not come from nonproduction or unemployment. If Nixon is serious about wanting a constructive solution to inflation, let him attack monopoly, the admistered price area, and restore true competition which would so enlarge the store of goods that prices would have to fall to clear the shelves.

Only disaster can result from stemming inflation with the disaster of a crippled economy.

PROTEST AGAINST THE TREATMENT BY NORTH VIETNAM OF POW'S

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. BURKE of Massachusetts. Mr. Speaker, I am joining with the Honorable William L. Dickinson and other Members of the House of Representatives in cosponsoring a concurrent resolution to protest North Vietnam's disregard for the provisions of the Geneva Convention and their refusal to release the names of prisoners of war, to permit the regular flow of mail to or from those prisoners, to accord humane treatment to those prisoners, and to permit inspection of the facilities in which those prisoners are held.

There are approximately 1,400 missing or captured servicemen in the Vietnam war. Their wives and families are living in constant worry. Lieutenant Alvarez will be a prisoner 5 years in August. The only child of Mr. and Mrs. William F. Mullen, of Brockton, Mass., Maj. William F. Mullen, Jr., USMC, has been missing in action since April 1966. Major Mullen's parents have written me:

> We the families of these men are deeply concerned for all of them. We are hopeful that North Vietnam will respond to world opinion protesting the inhumane treatment of these Americans, and that most cherished hope of all, that they will be released.

Mr. Speaker, I also wish at this time to register my strong protest against the Mao Chinese Government's failure to release information on all American prisoners of war. Mrs. Maureen Dunn, of

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Randolph, Mass., has been conducting a nationwide campaign focusing on the plight of her husband, Navy Lt. Joseph P. Dunn, who was shot down over the South China Sea in February 1968. That the families of these missing men in action should live in uncertainty is cruel and inhuman.

America will not forget these courageous men. The Secretary of Defense, Melvin R. Laird, has promised that the bulk of American forces in Vietnam will not be withdrawn until the prisoner-of-war question is resolved. Our representatives at the Paris peace talks have demanded satisfactory answers to the POW question. I am hopeful that this resolution will mobilize public opinion against the uncivilized and inhuman treatment of American prisoners of war in Communist prison camps.

DDT: THE UBIQUITOUS POISON

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. MIKVA. Mr. Speaker, there are many examples of how our good intentions of the past have been turned into urgent dangers of the present. No example is more poignant than that of DDT. As time goes on, we find increasing evidence of how our attempts to eliminate one environmental hazard have simply created another—perhaps more serious—threat to our environment. A recent article in the Chicago Sun-Times pointed out the problem as it relates to one particular species, the coho salmon.

The high and rising level of DDT in coho salmon should underline for us in Congress the need for action to limit the sale and use of this deadly pesticide. Recently my colleague from Wisconsin (Mr. OBEY) and I introduced a bill to do precisely that. The bill is H.R. 13340. I commend the following article to my colleagues' attention. I believe it demonstrates indisputably the need for H.R. 13340.

The article referred to follows:

NOW IS THE SEASON TO CATCH COHO—AND LOTS OF DDT

(By Jerry DeMuth)

As fishermen travel to Michigan in the following weeks to catch coho salmon in the streams bordering Lake Michigan, they will be catching the fish as the salmon approach the period when the DDT level in their flesh is at it highest.

"Unfortunately the fishing season coincides with the high pesticide residue level for these fish," said Dr. Norman Leeling, of the departmnet of entomology at Michigan State University in East Lansing.

September and October bring the highest DDT levels, he said.

"When the fish spawn they come up these selected streams and that's when fishermen come out to catch them," explained Leeling, who has been studying DDT residues in coho.

As the fish swim up these streams they eat little. Instead of metabolizing the fat which contains high DDT residues, the residues are absorbed in the fish's flesh, he said.

Although coho flesh normally contains 3 to 7 parts per million of DDT except prior to spawning, coho fat contains 40 to 90 parts per million of DDT, according to Dr. Robert Reinert of the U.S. Bureau of Commercial Fisheries in Ann Arbor.

Leeling said that last year coho averaged 15 parts per million of DDT in their flesh during the spawning period.

"We think it will be the same this year," he said.

Last April the Federal Food and Drug Administration recommended that fish containing 5 parts or more per million of DDT be impounded if shipped between states. The recommendation was made after the FDA seized 22,555 pounds of coho which contained 9 to 22 parts per million of DDT.

To remove the fat which contains the highest concentrations of DDT, coho fishermen must cut off the belly fat well above where the dull, yellowish fat begin to merge with the pinkish flesh. Then similar fatty areas that run along the sides of the fish and across the back must also be cut away.

"These fatty areas (dorsal and lateral) would not normally be removed when cleaning the fish," Leeling said. "The strips of fat along the sides and the dorsal portion have to be specially cut out."

But Reinert warned that there are thin lines of fat running through coho which cannot be removed.

"In perch there is no fat and the only oil which contains the DDT residues is in the viscera, which you clean out of the fish," he explained. "But in coho and other fatty fish and the oil is in the flesh and so you can't get rid of all the DDT."

"The amount of pesticides in Lake Michigan is high, higher than it is in any of the other Great Lakes, and it is likely to remain high for many years," said Dr. Howard Tanner, director of the department of natural resources at Michigan State University who originally conceived the idea of planting coho in Lake Michigan.

Reinert said his studies have shown difference in pesticide levels in different parts of Lake Michigan.

"Fish from the southern part of the lake have more pesticide residues than those from the northern part of the lake," he commented.

"We're concerned about what effect DDT can have on reproduction," Reinert added. "The DDT levels in coho eggs we've found is close to the levels which in laboratory experiments have affected reproduction."

Dr. Howard Johnson of Michigan State University's department of fisheries and wild life, said that "DDT is the most probable cause of mortality among young salmon. There is a relation between excessive mortality in Michigan hatcheries and DDT levels."

However, none of the scientists was involved in research to determine what effect DDT has on man. No one knows for sure.

"It looks like the half-life of DDT is around 14 or 15 years in the Lake Michigan environment," Tanner said. "So we're talking about a long period of time before present pesticide levels go down.

"I see no real reason then to be optimistic about a rapid decline in this amount, even if we were to stop using DDT today. Of course, this is what we must do—stop using it."

AIRLINE STANDBY DISCOUNTS FARES

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. TUNNEY. Mr. Speaker, all around the Nation there has been considerable comment on the subject of airline discount fares. This has been especially noticeable since the January recommendation of Civil Aeronautics Board examiner, Arthur S. Present, that they be discontinued. I, myself, have introduced two bills on the subject—one last session and one this.

Much to my satisfaction, I recently learned of the August 25 decision of the CAB which disagreed with the examiner's recommendation and ruled that these airline discount fares do not discriminate unjustly against adults. However, we can only pause briefly in our struggle to assure retention of these fares; for, as the CAB said themselves, they expect further hearings to develop "a thorough consideration" of promotional fares.

Today I introduce a bill whose passage will solve the problem once and for all; and end the speculation over the legality of these valuable discounts. The bill serves a twofold purpose. It provides an authorization, through law, for reduced-rate transportation. This has been a part of previous suggested legislation; and I feel that it is just as important as ever before to establish that it was not the intent of Congress in the Federal Aviation Act of 1958, to prohibit the existing practices of authorizing standby discount fares in periods of off-peak travel.

The benefits to young people in general, and students in particular, have been tremendous. New vistas, through the experiences of travel, have been opened to the young. Most importantly, reduced rates have been significant in overcoming the often insurmountable obstacle of distance; and have therefore been a deciding factor in making it possible for many students to attend the colleges of their choice.

This increase in student air travel has not been at anyone else's expense. The airlines, too, have benefited. They are one of youth fare's greatest advocates. The standby passengers fill seats that otherwise would go empty; and with the onset of the new, jumbo jet service, there will be even more seats to fill. As the Wall Street Journal reported, youth fares:

> "Have introduced air transportation to a large segment of the public that wouldn't otherwise have been able to afford to travel by air," according to leading proponent American Airlines.

By extending these discount benefits to senior citizens, as my bill would do, we are able to serve older Americans in a similar way. The situation with our senior citizens is much the same as with the young.

Elderly people, too, are at a period of reduced earning capacity. Most are probably retired and they have much more leisure time. Yet, living on a fixed income they can seldom afford air travel. Reduced rates for citizens in their later years would enable them to travel the great distances by which our modern and mobile society may have separated them from their children and grandchildren.

Mr. Speaker, I stated that my bill has a twofold purpose; and now I wish to speak to that second purpose, the new thrust of the legislation I introduce today.

There is a significant segment of this society which suffers from a very grave problem about which we seldom hear very much. It is exemplified by a case recently brought to my attention. It concerns a little 3-year-old girl named Lora Mae. In the darkness before dawn each Tuesday morning Lora Mae's mother awakens her for a weekly 800-mile round trip by bus for treatment at the famous St. Jude Children's Research Hospital in Memphis, Tenn. Until a cure is found for her presently incurable disease, this will be Lora Mae's life. Think how much easier it would be if she could spend 2 hours flying, versus 20 hours in a bus.

I see no reason why such people, along with the young, the military, and the elderly, cannot be served in their air travel needs. My bill provides that:

> Any air carrier or foreign air carrier, under such terms and conditions as the Board may prescribe, may grant reduced-rate transportation on a space-available basis to any person certified by a qualified physician to be suffering from a catastrophic disease requiring such person to perform regular and frequent travel to receive treatment not available at his place of residence. Transportation also may be furnished under this paragraph to an attendant accompanying any person referred to in the preceding sentence when the physician concerned certifies that such a person should be accompanied by an attendant. Transportation furnished under this paragraph shall be on a first-priority basis and shall be furnished only for the purpose of permitting travel to the place of treatment or return therefrom.

The problems of these citizens are particularly acute and passage of this bill could go a long way toward solving them. I urge my colleagues to give this bill their full attention.

NIXON GAINS IN PUBLIC FAVOR

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. UTT. Mr. Speaker, President Nixon's leadership is making itself felt throughout the Nation, as people realize the significant achievements which have come about, without fanfare, in recent weeks. In both domestic and foreign fields, the President has moved forward with bold, innovative programs.

As an editorial in the San Diego Union of September 8 points out, these strides have purposely been taken in an atmosphere of "gradualism," to avoid unfulfilled promises and consequent frustrations. I insert this editorial in the RECORD.

NIXON GAINS IN PUBLIC FAVOR

President Nixon returns to his desk in Washington today in an unmistakably strong position for a season of major decisions in Congress on key national issues.

Both the President and Congress were absent from Washington during most of August. The lull in activity in the capital has given both friend and foe a chance to assess Mr. Nixon's position on domestic and international issues and his role as a leader.

Despite the handicap of Republican minorities in both the House and Senate, the President has shown that he can seize and exercise leadership on issues that weigh heavily on this fall's legislative calendar—and on the 1970 congressional elections, too.

Republicans and Democrats alike credit Mr. Nixon's personal arguments as being decisive in obtaining a 51–49 Senate victory for the Safeguard Anti-Ballistic Missile system. It was a prodigious accomplishment, considering that the original line-up of senators was reported as 46–24 against the ABM, with 30 votes undecided.

The President's bold proposals to restructure welfare programs as a human improvement plan has caught the imagination of the nation.

Gallup polls have shown support running at more than 60 per cent in favor of the new approach to welfare—an equal margin of support for Mr. Nixon's policies toward the vexing problem of Vietnam. The new foreign policy guidelines for Asia, and the hope for better relations with eastern Europe, also have struck popular chords.

With the appointment of Chief Justice Burger and the nomination of Clement F. Haynsworth to the Supreme Court, the President has responded to widespread concern over the direction taken by the court in recent decisions affecting the maintenance of law and order.

He has moved decisively and with deliberation to use the hand of government in efforts to stem inflation, and economists are cautiously optimistic that inflation can be stopped without severe dislocation in the economy.

Washington columnists are beginning to apply the term "gradualism" to the Nixon approach.

Call it what they will, it is in marked contrast to the crisis atmosphere that emanated from the White House in recent years. Mr. Nixon has steered clear of over-advertised federal programs that inflate hopes and lead to inevitable frustration.

Gradualism, if that is a correct description, may well be what the people of the United States of America have wanted all along. The Republicans may be in a minority on Capitol Hill, but there is ample evidence that a majority of Americans are behind the Republican in the White House.

TETONS

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. WOLD. Mr. Speaker, every weekend finds Americans jamming our Nation's highways and transportation facilities in an attempt to get away from it all. The fact is that they seldom really get away. No matter where they go, they find themselves jammed together whether it be a traffic pileup on some freeway or 400,000 youths at a rock festival.

Yet there is an increasing urge and need for solitude—for a period when a person or family can be alone to reflect—to escape the pressures of our urbanized existence.

Fortunately, my district, the great State of Wyoming, is an area that has escaped many of the pressures that plague our citizens in more urbanized areas.

There is no area more beautiful or conducive to inspiration in Wyoming than the Grand Teton area.

I include an article by Ellen Siegelman, which appeared in a recent issue of Contrails, in the RECORD. I would also issue the invitation to everyone who would flee the crush of our cities, to come visit Wyoming and the Tetons.

The article follows:

TETONS

(By Ellen Siegelman)

(The Grand Tetons are filled with a wide range of activities. Skiers can enjoy the longest single vertical drop of any ski area on the continent. Horseback riding opportunities are among the finest in the world. Wherever you turn you'll find a great picture-taking vista.)

Among the most spellbinding of all U.S. mountains is Wyoming's Teton range. Thrusting upward above smaller, pine-covered hills for a total length of forty miles, the Tetons are a range of ruggedly gorgeous block-fault peaks, product of a gigantic upthrust millions of years in the making. Unlike most U.S. mountains, the Tetons are a special alpine type: isolated craggy peaks with sharply dropping, often concave, sides.

In Grand Teton National Park—which includes most of the Teton Range and the valley called Jackson Hole, mountain and valley form a uniquely majestic landscape. There are first, the gigantic peaks themselves. Eleven of them are considered major peaks, and the tallest—the Grand Teton—rises more than 13,000 feet above sea level. The Park also has 8 large lakes, 12 glaciers, a number of small glacial cirques or hollows, and a wide variety of canyons ranging from small gulches to huge bowls.

Not only are the mountains spectacularly different from most peaks in this country, but the atmosphere they engender is also quite special. For in this national park you get a sense of solitude that is often hard to come by in other public forests. The thousands of visitors who come every year appear to be absorbed effortlessly in the vast scene. So even in August, when visitors are lined up bumper-to-bumper in Yellowstone, waiting to catch a glimpse of Old Faithful's thermodynamic highjinks, if you travel a scant 80 miles southwest from Yellowstone, you can find utter tranquility in the Tetons. Take a small boat across Jenny Lake, take the short, secluded trail to Hidden Falls, and breathe deeply. You are light-years away from civilization.

The park seems to be dedicated to the proposition that everyone has his own special way of appreciating mountains. The activist can seek to conquer them by climbing. Climbers must go in groups, never alone. The great thrill is in scaling the major peaks of the range—the Grand Teton, or Mount Owen or Mount Moran. The party sets out with a guide and full alpine equipment—ice axes, ropes and climbing shoes—starting in the afternoon; bivouacs overnight in the saddle of the mountain; and completes the ascent around dawn.

The less determined exercise seeker may want to meander somewhat less strenuously along mountain trails—either on foot or on packhorse. A particularly appealing trip is the three and a half hour breakfast ride originating from Colter Bay and Jackson Lake Lodge during the summer. The trip follows foothill trails in the Tetons to a clearing where bacon and eggs are prepared and eaten in the tangy mountain air. The cost of this bit of equestrian delight is six dollars.

You can also wander briskly or lingeringly through more than 200 miles on marked Teton trails. All wide and smooth, some beckon toward the high passes while others wind gently through the valley.

The pure contemplative (or lazy) type can have his mountaineering made even easier. He can take the absolutely unforgettable float trip on a large raft down the Snake River. Picture yourself for a bit on such a raft: you drift and dream as the mountains slide by. If you are observant you will perhaps see a marmot on the barren rocks, or beavers building their dams along the river, making deep pools for the rainbow trout. If you're here at dawn you may be rewarded by the sight of the rare trumpeter swan or the courtship dance of the sage grouse. Birds

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abound—more than 200 species. Because the Park is a wildlife sanctuary, you may catch glimpses of elk, deer, bison, and moose. The six-hour float trip costs twelve dollars, including lunch, and will be recollected happily.

These are all rural pleasures; but the Tetons also has something for the urbanite who gets nervous on a steady diet of huge vistas and open spaces. The town of Jackson, accordingly, has all sorts of citified pleasures to offer: a big main street with western stores open late at night; rodeos; a children's zoo a museum and four art galleries; the Jackson Hole Fine Arts Festival; two movie theaters and such local color items as old-time melodramas at the Pink Garter theater, and a public pageant every evening featuring the "hanging" of a local desperado. Thus the town recalls its old days, back in the era when fur trapper Davey Jackson named the Valley and when, until the demand for beaver hats declined in the mid-fifties, it was a bustling trapping and trading post.

Again the infinite variety of the Teton area can be seen in the seasonal pursuits possible here. The summer sports—climbing, hiking, riding, bird-watching, fishing are best known. But fall brings the big game hunters out in force. Some 80 outfitters set up camps in the valley each fall and offer tents, meals, horses, guides, and equipment.

And in the winter, the air is alive with the sound of skiers. The Teton Village Corporation has set up a group of richly rustic resort hotels (first rate food, bar, gift shop, heated pool) that cluster in an alp-like community at the foot of an aerial tramway. At the end of its 2½ mile ascent, the longest and highest in America, the view and the skiing are breathtaking. Boasting the largest expanse of skiable terrain on one mountain anywhere in the country, it is comparable to the finest European resorts in excitement of runs and luxuriousness of accommodations.

So whether you like to contemplate mountains or to conquer them, from above or from below, in summer or in winter, in solitude or in company—whatever your pleasure, you'll find it in the Tetons.

HOLIDAY MOBS RUIN BEAUTY OF YOSEMITE, OTHER PARKS

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. BOGGS. Mr. Speaker, during the August congressional recess I had an opportunity to visit—with my wife, Lindy, and my grandson, Thomas Hale Boggs III—several of this Nation's great national parks.

The three of us visited Yellowstone National Park, Yosemite National Park, and the Redwood National Forest in California, and it can be said, without exaggeration, that each visit was an almost spiritual experience. There are few words to describe the grandeur and majestic beauty of this great Nation of ours.

I might add, however, that the Boggs' were not always alone in these wonderful parks. We were joined by thousands and thousands of our fellow Americans who, like ourselves, enjoy nature.

In the past, Congress has shown great foresight and wisdom in preserving large tracts of wilderness for enjoyment of our people.

I submit to my colleagues on both sides of the aisle that to show less wisdom, less vision, than our predecessors in this vital area would be a major failure in our responsibility to the present and future generations of Americans.

I am inserting in the Record an article from the Arizona Republic of September 1, 1969, and calling it to the attention of my colleagues:

Holiday Mobs Ruin Beauty of Yosemite, Other Parks

Yosemite National Park, Calif.—They came in cars and trucks, in buses and campers and trailers, lumbering through the foothills of the Sierra Nevadas, toward a Labor Day weekend away from the agonies of city life.

But by Thursday evening they read this sign at the park entrance: "All campsites are full."

That warning has been sounded with increasing frequency this year, not only at the national parks and forests but at thousands of other recreation areas across the country.

Facilities are staggering under a crush of humanity. Attendance at national parks has been rising at least 7 per cent a year.

One study indicates that even if population growth were discounted, four times as many people are visiting the parks today than 20 years ago.

Park officials agree the figures add up to a major crisis. As Ernst W. Swanson, a professor emeritus of economics at North Carolina State, said in a recent study:

"While we may grant that all Americans should have an opportunity to enjoy the many wonders our natural, historical and cultural assets hold for us, the most pertinent question ensues—can we afford a burden of visits so immense as to threaten the existence of our parks?"

The outlook for the future is bleak.

"Yosemite will still be the same size 50 years from now," said Bryan Harry, the park's chief naturalist. "We can't make it any bigger or build another one.

"The population is not only growing, it is becoming more affluent and more mobile, and this land will become even more precious as other wild places continue to shrink.

"We have to find a way to cope with this problem, and we are open to suggestions."

The roots of the problem are fairly obvious. Affluence has spawned a whole new industry—the camping unit mounted on the back of a pickup truck—and the wilderness is now accessible to people who still like running water and soft beds.

In lodges and cabins run by concessionaires, accommodations with baths and stoves are far more popular than rudimentary units.

Vacations are longer, and new superhighways enable travelers to reach almost any park in the country within a few days.

The growing congestion and lack of green space in urban areas is driving more people out in search of nature. But they wind up creating what they are trying to escape.

Yosemite, only a day's drive from San Francisco and Los Angeles, is generally considered the most overcrowded park.

Congestion reaches its peak on major holidays, and this Labor Day weekend was no exception.

The constant roar in the background was not a waterfall, but traffic. Transistor radios blared forth the latest rock tunes. Parking was at a premium. Dozens of children clambered over the rocks at the base of Yosemite Falls.

Campsites, pounded into dust by incessant use, were more crowded than Watts. Even in remote areas, campers were seldom out of sight of one another.

The whole experience was something like visiting Disneyland on a Sunday.

"People who used to come to Yosemite for the beauty and the serenity stay away," complained Harry. "Those who come now don't mind the crowds. In fact, they like them.

"They are sightseers, and they come for the action. They don't come for what Yosemite really has to offer."

If Yosemite no longer appeals to the pursuit, it has become a "people's park," an enjoyable place for the average family to spend a few days.

"It's so quiet," said one young couple from Oakland as they stood in a crowd at Yosemite Falls. "At least it's quieter than the city."

Gary Yaeck of Bakersfield added: "It sure beats concrete and asphalt. My son caught three fish this morning. That's a pretty big thrill."

MANPOWER TRAINING PROPOSALS EXPLAINED

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, a number of groups concerned about employment and education problems have commented on the technical complexity of comprehensive manpower proposals. Even with a scorecard, it is sometimes difficult to tell the players.

Last week the chamber of commerce performed a valuable public service for all of us when their legislative department published a balanced and straightforward account of the three comprehensive manpower bills which have been proposed during this session. With unusual objectivity and remarkable clarity, the chamber has pinpointed the fundamental questions which must be resolved if we are to develop a successful national manpower policy, and has outlined the legislative alternatives currently proposed to come to grips with those questions.

I would therefore like to include as a part of my remarks the article entitled "Federal Manpower Training Programs" which appeared in the September 12, 1969, chamber of commerce publication, Here's the Issue:

Federal Manpower Training Programs

(Note.—Few people are satisfied with the results being obtained from a multitude of manpower training programs. Congress is considering proposals for a major overhaul.)

The need for achieving increased efficiency and effectiveness in Federal job training programs is generally recognized, both by members of Congress and by the public.

Three major proposals to make substantial changes in the manpower training field are now pending in Congress.

Some of the drive behind all of these measures, of course, is traceable to the fact that large—and increasing—sums are involved.

In his Special Manpower Message, President Nixon said the Federal Government is now spending about $3 billion a year in a wide variety of manpower programs, with about half of that amount directly devoted to job training. Private enterprise, he noted, is spending much more.

The attention now being paid to the whole manpower training effort, however, would seem to be motivated by more than concern over dollar costs—as large as they presently are. It is to be found, rather, in a belief that a lack of job skills which results in unemployment or underemployment is a root cause of many other disturbing social problems.

Effective manpower training can play a

key role in our attempts to alleviate these problems.

President Nixon put it this way:

> Manpower training is central to our commitment to aid the disadvantaged and to help people off welfare rolls and onto payrolls. Intelligently organized, it will save tax dollars now spent on welfare, increase revenues by widening the base of the taxpaying public—and most important—lift human beings into lives of greater dignity. . . .
>
> But the Government's investment has failed to achieve its potential for many reasons, including duplication of effort, inflexible funding arrangements and an endless ribbon of red tape.

He cited some specific examples of failures:

> A big-city Mayor takes the lead in trying to put together a cohesive manpower program for the entire labor market area—tying together jobless workers in the inner city with job openings outside the "beltway". He finds it difficult to assemble a coherent picture of what's going on. Manpower programs, funded by different agencies, follow different reporting rules, so that the statistics cannot be added up. Moreover, there is no single agency which maintains an inventory of all currently operating manpower programs. He knows that help is available—but where does he turn?
>
> A jobless man goes to the local skill training center to seek help. He has the aptitude for training in blue collar mechanical work, but no suitable training opportunities are available. At the same time, vacancies exist in a white collar New Careers project and in the Neighborhood Youth Corps. But the resources of these programs cannot be turned over to the training program that has the most local demand.
>
> A 17-year-old boy wants to take job training. The only manpower program available to him is the Job Corps, but its nearest camp is hundreds of miles away. With no other choice, he leaves home; within 30 days he had become homesick or feels his family needs him; he drops out of the Corps and has suffered "failure" which reinforces his self-image of defeat.
>
> An unemployed high school drop-out in a small town wants to learn a trade in the electronics field. His local employment office tells him that there is not enough demand in his town for qualified technicians to warrant setting up a special training class in a local public school. He is also told that "administrative procedures" do not lend themselves to the use of a local private technical institute which offers the very course he wants. This youngster walks the streets and wonders what happened to all those promises of "equal opportunity."

Analysis of these failures in terms of individual application reveals a common denominator—lack of flexibility. There are apparently too many programs operating under too many different authorities within too rigidly defined boundaries.

HOW THE PROBLEM DEVELOPED

A quick review helps explain how this problem developed—and helps one evaluate the proposals for dealing with it.

The Federal Government entered the field of vocational training for the civilian population in 1917. Basically, this program provided grants to the States for vocational education in public schools and other institutions below the college level. Grants were available to all States and were designed to help the States offer vocational education courses in the high schools to adolescents and in night or special schools for adults. The State programs were open to the entire school population.

A new direction was introduced in the Manpower Development and Training Act of 1962 (MDTA). The announced purpose of this Act was to provide programs that would retrain workers whose skills had been made obsolete by technological and structural changes in the economy and to prepare the vast numbers of young people about to enter the work force—products of the post-World War II baby boom—for jobs.

The Act directed the Secretary to provide for the testing, counseling, and training of unemployed or underemployed workers, including youth 16–21, and workers from farm families with less than $1,200 annual family income.

For the first time, too, the Secretary of Labor was directed to assess the labor needs of the economy and to train workers in types of jobs that were—and would be—most needed.

MDTA programs are still a major part of the manpower training activity, but they have been augmented by one program after another aimed at specific groups.

There are, for example, a number of Federal programs designed to provide jobs and training for youths and adults in the public sector. The New Careers program opens subprofessional jobs through on-the-job training in the fields of health, recreation, and community services. The Neighborhood Youth Corps in-school and summer programs provide part-time work opportunities for disadvantaged youths, thereby enabling them to continue their education.

The Concentrated Employment program is designed to serve pockets of high unemployment in rural and urban areas. The Work Incentive Program is designed to provide job training to potential workers now dependent upon public assistance.

In the past few years, increased emphasis has been placed on the role of private business.

Private businesses contribute through:

(1), the National Alliance of Business, which was created in 1968 to develop 500,000 jobs for the hard-core unemployed in the 50 largest U.S. cities by June 30, 1971, through the Job Opportunity in the Business Sector (JOBS) program which reimburses the employer for expenses incurred in hiring and training the disadvantaged;

(2), the Special Impact program which provides monetary incentives to industry for locating new facilities in economically depressed areas and for hiring and training the disadvantaged; and

(3), the on-the-job training program under the Manpower Development and Training Act.

One difficulty, of course, in any evaluation or discussion of "manpower training" is that, as the President pointed out, it is "one of those phrases with a fine ring and an imprecise meaning." Where does "manpower training" stop and "education" start, for example? How is it related to such things as the Federal-State Employment Service, assistance to public and college libraries, adult basic education, educational research and development and many other Federal programs?

Differences of definition help explain the difficulty in reaching any kind of an agreement on the number of Federal manpower programs now existing. One authority, Rep. William Roth (R-Del.), following an eight months study of Federal assistance programs, reported to the House that he had discovered "at least 69 manpower training and vocational education programs."

In his Special Message, the President said that manpower training should be applied to programs that:

> make it possible for those who are unemployed or on the fringes of the labor force to become permanent, full-time workers;
>
> give those who are now employed at low income the training and opportunity they need to become more productive and more successful;
>
> are designed to discover the potential in those people who are now considered unemployable and to remove many of the barriers now blocking their way.

The President declared:

> The various services people need are afforded in laws already on the books. The need today is to knit together all the appropriate services in one readily available system.

In reading this sentence it is easy to place the emphasis on the need for "knitting together all the appropriate services in one."

In fact, the achievement of a "readily available system" is probably the more challenging part of the task. Certainly, it seems to be the most difficult.

THREE MAJOR PROPOSALS

Some start toward the "knitting together" was achieved in the March reorganization of the Manpower Administration in the U.S. Department of Labor, which was designed "to consolidate the agencies that had fragmented responsibility for carrying out most of the Nation's manpower training program."

All three of the pending proposals would carry this consolidation further.

They are:

The Manpower Training Act of 1969 (S. 2838), which was introduced by Senator Jacob Javits (R-N.Y.) and is generally referred to as the Administration bill. A companion bill (H.R. 13472) was introduced in the House by Representative Ayres (R-Ohio).

The Comprehensive Manpower Act (H.R. 10908), introduced by Representative William Steiger (R-Wis.), commonly referred to as the Steiger bill; and

The Manpower Act (H.R. 11620), introduced by Rep. James G. O'Hara (D-Mich), generally called the O'Hara bill.

All three have essentially the same objective—the achievement of a more unified comprehensive national manpower system.

All three are directed essentially at the same groups. Under the Administration bill, program participants must be unemployed, underemployed, low income, or otherwise disadvantaged persons, 16 years of age or older, not prepared for employment, or others designated by the Secretary of Labor. The Steiger bill would concentrate on the unemployed and underemployed, with special emphasis on persons from low-income families. The O'Hara bill would concentrate on the unemployed, eligibility applying to anyone between the ages of 18 and 65 who was able and willing to work, but who has been out of work five weeks or more or working less than 35 hours a week for 10 weeks.

All three also would authorize the whole gamut of aids and programs, including basic education, literacy, communication skills, counseling, testing, work evaluation and adjustment, health services, child day care, part-time work for students, relocation assistance, incentives to public and private employers to train eligible persons, and related areas.

BASIC QUESTION

A real difference lies in the approaches of the three bills to the question of Federal-State-local responsibility and authority.

President Nixon pointed out that "the idea of creating a set of 'programs' and then expecting people to fit themselves into those programs is contrary to the American spirit." Rather, he said, "we must redirect our efforts to tailor government aid to individual need."

The fact that individuals live in different communities with possibly different problems lies at the heart of much of the controversy over where responsibility for manpower training should be vested and how Federal funds should be channeled to these communities.

On May 13, Representative Steiger told the House:

> If services are to be available to clients in accord with their need, then (Garth) Mangum in *The Emergence of Manpower Policy* is fully justified in concluding:
>
> "National decisions cannot be made which

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arbitrarily fix the combinations of services to be available in States and communities."

Small industrial States may have little use for the on-the-job training but might benefit from an expanded institutional training program. Cities with considerable heavy industry and high demand for semiskilled workers have different needs from those urban areas which are predominantly white collar. In adapting manpower programs to the needs of the particular State, city, and individual there is no substitute for a State and local manpower planning and implementation mechanism.

Most Federal funds are presently disbursed on a project-by-project basis in the belief that unless the Federal Government does act in this way it has "little means of controlling the quality of services and assuring that the target population is served."

At the same time, the project-by-project approach has created many problems, not the least of which are time-consuming red tape and delay.

In his penetrating analysis, Rep. Steiger said:

> Much of the impetus for this proliferation of programs and models stems from the dilemmas which confront a Federal agency, as it attempts to deal with State and local jurisdictions.
>
> On the one hand, disbursement of funds through state governments reduces the number of required Federal contact points and the need to become directly involved in local problems; on the other hand a number of States have proved disappointing in their lack of responsiveness to community, particularly large urban, problems.
>
> On the one hand, funding on a project basis often excludes communities with the greatest need but the least energetic leadership; on the other hand formula allocation may tie up limited funds in the hands of the apathetic while the more capable and aggressive States are neglected.
>
> On the one hand, project-by-project funding provides a Federal agency with leverage to force appropriate action and in some cases to bypass various layers of State and/or local bureaucracy; on the other hand, the vast number of cities, counties, and other jurisdictions far exceeds the limited capacity of Federal agencies to negotiate, monitor, and evaluate contracts.
>
> These dilemmas will not even begin to be resolved until we begin asking the questions: "What can Federal, State, and local governments and related private agencies each do best?" and "How can we strengthen the capacity of each level of government to perform its role more effectively?"

It is in the way that they answer these questions that the principal differences in the bills can be found.

COORDINATION AND RESPONSIBILITIES

The *Administration bill* consolidates the manpower funding sources at the National level by providing what amounts to a block grant to States in the place of the many separate grants-in-aid now available. This would mean the elimination of many current programs, such as MDTA.

For a State to be eligible to receive funds under the Administration bill, the Governor must begin plans to establish a State "umbrella" manpower agency. When fully operational, the agency will determine the utilization resources within the State and will monitor manpower program performance.

Each community will designate a local "Prime Sponsor"* responsible for regional coordination and the establishment of a community manpower plan. The "Prime Sponsor" funnels its program ideas to the State manpower agency, which develops its plans for Federal funding based on the "Prime Sponsor" proposals in the various communities of the State.

If the Secretary of Labor approves the State plan, the Federal Government grants the State a single "block" of funds which, in turn, the State disburses to its communities.

The Administration bill provides for a phasing-in of Federal funds. That is to say, the amount of the "block" grant will depend on the progress being made by the State in setting up its umbrella manpower agency and local "prime sponsors," in developing approved plans, and on other criteria.

Under this proposal, in short, funds would flow as follows: From the Secretary of Labor *to* the State Agency *to* the local Prime Sponsor *to* the specific program.

The *Steiger bill* is based on the same principle of an upward flow of ideas, and local responsibility, but not as many phased stages are required before the money is released to the local levels.

Funds would flow from the Secretary of Labor to the State Agency to the specific program.

In the Steiger version, the State umbrella manpower agency would be required to be broadly representative, with membership required from several agencies which have an influence on manpower programs—although not directly responsible for them—such as education agencies, model cities agencies, and similar organization.

There is no locally designated manpower unit like the Administration's Prime Sponsor. All programs would be run directly by the State.

The *O'Hara bill* retains full authority with the Secretary of Labor. There is no provision for community or State manpower planning agencies. Funds flow directly from the Secretary to the local program sponsor, be this a public or private agency or a private employer.

INDIVIDUAL FEATURES

Economic Stabilizer. The Administration bill contains a triggering mechanism to increase the program authorizations when there is a substantial rise in unemployment. If the unemployment rate reaches 4.5 percent for three consecutive months, the Secretary can spend an additional 10 percent of the appropriated funds.

Neither the O'Hara nor Steiger bills contain such a feature.

Computerized Job Bank. The Administration bill proposes a National Computerized Job Bank to be established in each State and to be run by the State Employment Service. The Bank would catalogue job openings in a given geographical area to expedite job placement. This is patterned on a pilot program being tested in Baltimore.

Neither the Steiger or O'Hara bills contain such a feature; although the O'Hara bill provides for a comprehensive system of labor market information, National, State and local, and for the collection of job vacancy data and for man-job matching system.

"Employer of Last Resort." The most unique feature of the O'Hara bill is that it would authorize the Secretary of Labor to "contract with any Federal, State or local governmental agency, or with any nonprofit organization, to provide useful public service to unemployed persons.

This setting up of the Federal Government as the "employer of last resort" for the unemployed—long sought by labor unions—is regarded by many as the real purpose of the O'Hara bill. It would, in effect, guarantee any eligible unemployed person a job.

COSTS

The *Administration* bill would authorize "such sums as may be necessary to carry out the provisions" of the bill. If the same funds were to be authorized for the bill as the presently authorized for operating programs to be replaced by the bill, the sum would be $1.6 billion.

The *Steiger* bill requests $2.0 billion for 1971, $2.3 billion for 1972, $2.5 billion for 1973 and $3 billion for 1974.

The *O'Hara* bill would also authorize "sums as may be necessary." Obviously, the cost would depend a great deal on the extent of unemployment and utilization of the guaranteed public service employment feature.

THE OUTLOOK

Most observers expect that this Congress—probably in the Second Session—will enact some form of Manpower legislation, following extensive hearings. They expect, too, that the bill that finally emerges will be some form of "compromise" measure.

Its eventual form will depend, among other things, on the interest shown in the legislation by businessmen and others who are concerned with developing manpower at the local level.

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*Under the Administration bill, businessmen could serve on the State's manpower agency and local Chambers could be "prime sponsors."

HO GOES TO HEAVEN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. MICHEL. Mr. Speaker, before the campaign to cannonize Ho Chi Minh gets out of hand, I would call the attention of my colleagues to an article from the Peoria Journal Star of September 5, which gives a clear picture of just what kind of a man he was. Rather than all of these comparisons with George Washington, I think it more appropriate to class him with Adolph Hitler and Joe Stalin.

I include the article in the RECORD at this point:

HO GOES TO HEAVEN

(By C. L. Dancey)

The world is building some strange kinds of "heroes" and legends these days—as reflected in the "tributes" being paid to the deceased "Uncle Ho," many of them by our own American "humanitarian" and "broad-minded" commentators and reporters.

He is supposed to be a great "nationalist" and "patriot" who has done great things for his country.

This has been an era when the French and British Empires melted away, some with violence and some by negotiation—but All Are Gone. It is inconceivable that if there had been no Ho Chi Minh and no war in Vietnam that that country would remain part of the French Empire today. It wouldn't be, of course. Nothing else is.

No, had it not been for Ho and his passion for terror and violence and totalitarian control, Vietnam would be a free land today without the French, without the Chinese, without the Russians, without the Americans, and probably united.

He was the worst plague that ever hit Southeast Asia.

Uncle Ho brought upon his people a new despotism, 25 years of death and destruction, and the present division—when in less than 25 years by less bloody means they could have been free, united, and peaceful . . . like half a dozen African nations from Tunisia south.

(The exception to this in the whole French Empire would have to be Algeria, alone, where the struggle was probably inescapable because of its large French population and close economic and geographic and political integration with France.)

In terms of results, Ho Chi Minh was not a success for his country but a disaster that deprived them of real success.

In terms of the man, what kind of a hero is this?

What kind of a "hero" would George Washington have been, for example, if he had launched the revolt against the British with a widely-organized, secret massacre and mutilation of civilians, mostly women and children—setting up the surprise by engaging in "negotiations" up to the "Night of the Long Knives" itself? What if Washington then proceeded to "organize" the countryside by lopping off the right hands of children of families that refused to join the army and provide it with provisions?

What kind of hero would Washington have been if he had left the "popular front" of all democratic factions until the British abandoned their effort, and then assassinated Thomas Jefferson, Ben Franklin, Sam Adams, John Adams, John Hancock, James Madison, and others in order to establish a nondemocratic, totalitarian despotism over the total life of the populace?

What kind of a hero would Washington have been if he had then sent thousands of men across the Canadian border to murder Canadian officials in every village and town, force farmers by terror and torture to cooperate in guerrilla war against the Canadian authorities, and carry on such endless war to unify the "American colonies" for 25 years?

Have we gone blind, neurotic, or nutty?

If a person's activities are unspeakable—we don't speak. It isn't dignified. It doesn't suit the commentator image to tell the truth when telling it is so unsavory. So . . . we eulogize him, say that such barbarism is only spoken of by propagandists dealing in extreme statements, and paint over the fact that some folks in our world, like Uncle Ho, engage in such extreme acts and such savage barbarism in living, breathing, flesh and bloody reality!

Crimes exist in America. They sure do! Thirteen thousand murders a year—isolated acts of individual criminals or psychopaths, not state policy.

And crimes exist in war zones, also, as isolated acts of confusion, panic, phychological breakdown—not state policy.

But "good old Uncle Ho," planned, preached, trained, organized, and directed mass assassination and murder for the calculated purpose of terrorizing and ultimately tyrannizing his fellow Vietnamese.

And the kind of "war" he preferred is a war against civilians, as he has repeatedly demonstrated.

He started his "war" with attacks on civilians—and climaxed it by using his Russian rocket banks against city residential areas, not military targets.

Some hero!
Some patriot!
Some human animal!

UNIVERSITY PRESIDENT FAVORS ROTC

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. MONTGOMERY. Mr. Speaker, on numerous occasions I have inserted remarks in the RECORD concerning the importance and necessity of the Reserve Officers Training Corps. Today I would like to share with my colleagues the feelings of Dr. William D. McCain, president of the University of Southern Mississippi, on the subject. Dr. McCain made the following remarks concerning ROTC during the orientation session for freshmen and transfer students:

USM PRESIDENT TAKES EXCEPTION TO ROTC OPTION

HATTIESBURG, Miss., September 8—(AP).—Dr. William D. McCain told new arrivals at the University of Southern Mississippi he thought the move to make ROTC voluntary was wrong.

The USM president, in addressing the freshmen and transfer students Sunday, said the college changed to a voluntary Reserve Officers Training Corps program because "we are following a national trend that it's not good to support your country and to be a patriotic citizen . . . if we do not support it, there won't be any country."

McCain said he had "taken on my hands the blood of some of you in this coliseum."

"There will be wars as long as you live and someone is going to have to fight. There's no way to avoid that. The fact that some of you won't take military training means that you won't be prepared and some of you are going to die and your blood will be on my hands."

Southern joined the state's two other universities in dropping mandatory ROTC this year after opinion polls among students and faculty.

INDIANA HOMEBUILDERS ON HOUSING CRISIS

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. MADDEN. Mr. Speaker, the homebuilding industry in northern Indiana is in a crisis.

During our congressional recess I met with homebuilding groups and they all predicted the situation will continue to deepen unless the President and Congress act on the money panic for housing.

I submit for the Members a report, with suggestions, which the northern Indiana builders forwarded to my office today:

NATION'S HOME BUILDERS NEED HELP

As representative of the Home Builders Association of Northern Indiana, Inc., I should like to express my thanks for your kind reception of our committee at our meeting with you on September 2, 1969.

In response to your request for particulars of the Home Builders problems and our suggestions for remedy I submit the following:

FACTS

The housing industry is in, perhaps its most critical period of the postwar era.

The nation desperately needs millions of new and rehabilitated housing units. The industry desperately needs its fair share of capital at reasonable rates to provide these units.

Housing is the first and worst victim of credit tightening.

That's close to 90%, and it is likely that the industry's share of the burden in fighting inflation is almost 90% under present conditions.

Today, housing starts are on a downward slide and could drop to an all time low rate of about 1 million units by the end of the year. This at a time when the nation's housing goals call for production of 26 million new and rehabilitated units in 10 years.

The fact is that only 4 million new housing units were begun in the past three years. That's a million fewer than needed just to serve normal new household formation needs.

HIGH INTEREST RATES

Prices skyrocket and interest rates reach historic highs. Money deserts the four types of savings institutions which provide the bulk of mortgage lending.

THE 1969 HOME BUILDING CRISIS

Commercial banks, for instance, had a new outflow of $5.4 billion in the first seven months of this year compared to an inflow of $9.9 billion in the same period of 1968. Savings and loan institutions had an inflow of only $2.5 billion in the same period as compared to $3.1 billion last year. The story's the same for mutual—down 27% in the savings flow.

TODAY'S HOUSING NEEDS

Some $26 billion is needed annually in new funds to finance new housing construction. To finance annual production of 2.6 million units for 10 years to meet established housing goals will require an average annual addition of $13 billion in new funds.

Can it be supplied? Obviously not under the current structure of the mortgage market. NAHB studies indicate we'll be about $13 billion short of an adequate supply of mortgage funds in 1975.

NEEDS OF LOW INCOME PEOPLE

Of course, there may be enough money for a select group of buyers and renters. But there won't be enough to go around for low and moderate income groups. Once again the nation will have failed on a social and moral commitment, and a dangerous blow will have been struck at a most important element of the national economy—the housing industry.

Corrective action is necessary immediately—corrective action such as contained in the 14 point program embarked upon by NAHB.

Beyond that, if our national resources are to be employed to the most benefit we must work for development of priorities in our nation's housing requirements and in the use of those resources.

The home building industry, itself, is a major national resource—socially and economically—and should so be regarded in policy decisions.

Our nation's financial structure now is not geared to cope with today's problems.

CONGRESS MUST ACT

A complete reexamination of the nation's financial machinery and regulatory system must be begun immediately to overhaul it into the last third of the century in a manner responsive to the nation's requirements.

On Congress devolves the responsibility to fund fully the programs which it has approved to provide low and moderate income housing.

TO REMEDY THE SITUATION

The nation is heading for a housing crisis of epic proportions. Good housing, available for purchase or rent, is scarce and becoming scarcer.

The mortgage money market is excruciatingly tight. Inflation continues its perilous pace. Restrictive monetary policy throttles only housing.

Interest rates are at record levels. Production of low and moderate income housing is reaching the vanishing point.

THE 14 POINT PROGRAM

The housing industry is in a fight for survival. In this situation, NAHB's Executive Committee approved a 14 point program to ease the current crisis. In the main, the program's points can be accomplished by Executive or Administrative action. Some require Congressional action. This is the program:

CREDIT CONTROLS

Credit controls should be authorized by Congress to assure a more balanced distribution of scarce credit throughout the economy.

FEDERAL RESERVE BOARD ACT NOW

The Federal Reserve Board be directed to purchase the obligations of the Federal National Mortgage Association and of the Federal Home Loan Bank Board in order to support, at a reasonable rate, these components of housing financing. The Treasury also should be empowered and directed to support Bank Board obligations.

In 1966, Congress gave the FED *permission* to make such purchases. Thus far, the FED has not exercised that permission. Congress should *direct* it to do so.

U.S. TREASURY ACT NOW

GNMA

The Treasury and the Housing and Urban Development Department should move to make fully operational the authority for the Government National Mortgage Association to guarantee mortgage-backed securities issued by FNMA and private mortgage holders. They have done this only partially.

Special assistance

The President and Congress should authorize full use of all available GNMA special assistance funds to assist the mortgage market. Congress has authorized $2.6 billion of such funds.

USE GI INSURANCE FUNDS

GI funds

Congress should enact immediately the Teague bill (H.R. 9476) which would make use of GI insurance trust funds to aid the VA mortgage market. This would be a more profitable investment of such funds. Congress should also examine other trust funds with similar purpose.

USE PENSION AND RETIREMENT FUNDS

Pension funds

Congress should direct pension and retirement trust funds to invest a substantial portion of their funds into the mortgage market to retain their eligibility for tax exemption. Insurance companies also should be required to live up to public responsibilities by supporting the mortgage market. A tax reward could accomplish this.

FNMA

Urged to continue to expand its current level of support for Federally-backed mortgages.

Business loans

The FED should call on its member banks to slow their loans to business.

CONGRESS ALLOW CREDIT RATIONING

Credit rationing

Financial institutions, including commercial banks, should be urged to ration scarce credit supplies. Such voluntary rationing should be authorized by Congress. The purpose is to assure that funds will be available for home buyers and builders for construction loans and long term mortgages.

Taxes

Interest and dividends on savings deposited in institutions using such fund for mortgage financing should be made tax-free.

ROLLBACK PRIME RATE

Governmental action and public opinion should be used to force a rollback in the banks' prime rate increase.

Regulation Q

The FED should maintain its current rate on time deposits under Regulation Q to forestall any further outflow of savings from S & Ls and mutuals.

Commercial paper

Congress should enact legislation to control commercial paper and other non-bank operations not now subject to governmental regulations, including use of Eurodollars.

GOVERNMENT AS MORTGAGEE

Last resort

The government, if necessary, should become mortgagee of last resort in order to assist in fulfilling housing needs. Congress could enact such legislation.

Rental housing and depreciation

The housing industry, depressed already under the weight of credit and financing problems, faces another dangerous blow—removal of much of the incentive for building rental housing.

This threat is posed in the "tax-reform" bill approved by the House of Representatives. It changes and waters down the depreciation incentives for building apartments.

The depreciation proposal, initiated by the Treasury Department, reflects little understanding of the nature of the housing industry and how it works.

A major solution to the pressing housing shortages rests in the multifamily field, yet the House action would—if let stand—remove any drive to build such housing.

Investment in rental housing depends upon tax incentives which include such features as accelerated depreciation and favorable capital gains treatment on resale.

HOUSE TAX REFORM

The House, in approving the tax bill, voted to continue the 200% "double declining" basis of depreciation for new housing, but to cut it to 150% for all other new real estate.

It cut to the straight-line depreciation method all used real estate property now eligible under current law for a 150% depreciation basis.

It also eliminated the 10 year sliding scale recapture of excess depreciation (as provided in Section 1250) to provide for complete recapture of all excess depreciation, regardless of how long the property is held.

The benefit of retention of the 200% accelerated depreciation rate for residential property retained by the first owner is rendered seriously ineffective by the drastic reduction of the resale market resulting from the straight line depreciation on all used propetries.

Equally devastating, is the change in Section 1250 which provides that, if depreciation is taken in excess of straight line depreciation, all excess depreciation over straight line is to be recaptured as ordinary income to the extent of the capital gain occurring upon sale of the property.

Thus, the temporary benefit of excess depreciation write-offs against other income of the owner builder would be more than offset by the fact that upon sale depreciation previously taken would, in one lump sum, be subject to what would be a higher ordinary income tax rate than the applicable rate in the years in which portions of the excess depreciation had been taken. The scale, therefore, is weighted prohibitively against excess depreciation.

HOUSING TAX

While NAHB is opposed to change in current law it has suggested—if Congress is determined to amend the law—these constructive alternatives which would be least likely to damage the industry:

"Adoption of a limited tax preference plan under which every taxpayer would pay taxes on at least some stated portion of income, regardless of depreciation deductions (and other items). This, NAHB feels, would best accomplish the purpose to prevent undue tax shelter while still preserving a substantial, though diminished, source of needed investment capital for rental housing; or

"Amendment of Section 1250 to lengthen the recapture period on accelerated depreciation in case of sale. The industry could live with a five-year ordinary treatment of excess depreciation with ordinary income treatment on a diminishing scale thereafter. This suggestion would simply lengthen the ordinary income period of Section 1250."

The Northern Indiana Home Builders hopes the President and Congress acts immediately on these recommendations and revive Housing for Millions in America.

MASSIVE WITHDRAWAL BY UNITED STATES WOULD SPARK VIET MASSACRE

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. FLOWERS. Mr. Speaker, an article in this morning's Washington Post by Columnist Joseph Alsop is most relevant to the present discussions regarding further American troop withdrawals from South Vietnam.

Mr. Alsop in his article clearly reminds us all of the events of the last year and a half in the northern provinces of South Vietnam. His short lesson in recent history is accompanied by a grim warning of what our indiscriminate reduction in forces might mean to this particular area of South Vietnam.

I might also add that I visited South Vietnam last month and spent some time in the city of Hue and the surrounding countryside. Mr. Alsop's assessment of the situation is right in line with my own findings and, therefore, I am commending his article to my colleagues and others for their serious consideration:

MASSIVE WITHDRAWAL BY UNITED STATES WOULD SPARK VIET MASSACRE

HUE, SOUTH VIETNAM.—At this juncture, President Nixon had better reflect on what the Communists did in Hue at Tet a year and a half ago.

The President might start by pondering the Communists' method of avoiding needless waste of ammunition. For this purpose, parties of 15 or 20 of their victims in Hue were forced to dig their own burial trenches. Their ankles were tied. Their elbows were also tied behind their backs, and a rope was passed through all their elbows. They were then ordered to squat in line on the brink of the trench.

That way, a sharp tug at each end of the rope was enough to tip the whole line of squatting men, women and children (for there were also children!) into the trench. No doubt they writhed in their ropes; but it was still very easy to bury them alive.

Such was the fate of many, when the Communists briefly seized this lovely little city in the Tet offensive. In Hue itself, about 2,000 civilians were buried alive or sprayed at the trench-side with automatic weapons, or had their heads broken with mattocks. About another thousand civilians were killed in the same manner along the line of march of the retreating North Vietnamese regiments.

When the horrible mass graves were found, the "Liberation Radio" finally reported the massacre but claimed that only "imperialist lackeys" had been executed. Of the bodies that could be identified, however, only 30 per cent had the remotest connection with the American or South Vietnamese government. The rest were mere accidental victims, punished at random for Hue's failure to join the "popular uprising" that Hanoi's strategists had forecast.

Ironically, it is now needful to remember this savage episode because this city, so recently a shambles, is once again the prettiest in South Vietnam. A brilliant province chief, Col. Li Van Than, has not merely rebuilt Hue; he has also led all the people of his provinces far down the road to peace and prosperity.

It is indescribably moving, in truth, to drive by jeep, unescorted and unarmed, through the little villages of this province and its neighbor to the north, Quangtri. The situation here is altogether different from that in Binhtuong and Haunghia provinces, where there are almost no remaining Vietcong but plenty of enemy troops from North Vietnam. In the populated areas of these two provinces around Hue, there are, to all intents, no enemy troops whatever. So there is peace.

Everywhere, the hard crusts of fields three or four years fallow are being broken to put in crops. In Hue's province, the dikes are everywhere beginning to be rebuilt, to keep the salty seawater from the land.

Almost every village and hamlet has its own elected government. Everywhere you run into the men of the Regional and Popular Forces. For these people are ready and eager to defend their peace. And in hardly any hamlet or village of this province do you see American or South Vietnamese soldiers.

In the province, the soldiers are either in the mountains or along the Demilitarized Zone. And that is the crux of the matter, which now makes it needful to recall the Hue massacre at every step and with every decision in Washington.

For the people live in peace, along the fertile coastal strip of these two provinces, because the soldiers of the 1st ARVN Division and the U.S. 101st Airborne and 3d Marine Divisions are in the mountains, or in the Ashau valley, or along the DMZ still fighting the war. The soldiers are in fact the screen for the people's newly found peace.

Over and over again, in heavy force all during the imaginary "lull," North Vietnamese regiments have tried to move south to drive through the screen and reach the populated areas. Let the President ruin this screen by too many troop withdrawals, and one or two or three regiments of North Vietnamese will manage to get through. There is not an American commander here who does not fear it.

Let those regiments get through the screen, moreover, and the Hue massacre will look like a Sunday school picnic. While other enemy units pin down our men and the 1st ARVN, the screen-penetrating regiments of North Vietnamese will surge up and down the coastal strip, killing the Regional and Popular Forces to the last man, murdering the village and hamlet chiefs, staining the whole land with blood. And that blood will be on our hands!

So what about it, Mr. Nixon and Mr. Laird and Mr. Rogers and Gov. Harriman and my dear friends in your editorial ivory towers? Here are a million people, to whom at long last we have managed to bring peace, who have also put their trust in us. At least a hundred thousand of them will be doomed out of hand, if that screen is even seriously broken through. Do you want the responsibility for a hundred thousand deaths, or shall we wait until Hanoi has been finally forced to end the war?

TWO CHAMPIONS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. BURKE of Florida. Mr. Speaker, within the space of just a few short days, death took the lives of two great Americans—both were champions; and yet, while these men typified the American spirit and the dream of all Americans to succeed in their chosen fields, they were as different as day and night.

The people of our Nation admired them not only as men but also for their achievements. One fought his way to the top as a politician, gifted in word and astute in the art of politics; the other fought his way up in his profession by the use of his fists, his brain, and his brawn.

Both were truly outstanding citizens. Both exemplified the opportunity we have in this Nation, if we wish, to move ahead, and to fulfill the hopes we might have to succeed—if success is what is wanted. Success, however, did not come easy to either, for both had to work hard to move out of the poor circumstances to which they were born. They tramped up the hard road to success by hard work, and by the sweat of their brows, while at the same time brushing away the cloud of self-pity, until they reached the pinnacle of their dream.

One was Senator Everett McKinley Dirksen; and the other was Rocky Marciano. On the surface, it would appear that there is little to compare the two. Dirksen was a sophisticated and eloquent Member of the U.S. Senate; Marciano was a "bull-like," strong, heavyweight boxing champion of the world. Yet both started life in almost the same circumstances.

Everett Dirksen was born in a small town in central Illinois. His father died when he was 5 years of age. As a boy he worked hard at many menial tasks—he peddled vegetables from door to door, he drove a truck, and later realizing the need for further education, he worked his way through college and ultimately became a lawyer.

Rocky Marciano's boyhood was quite similar. He was one of six children born of immigrant parents. His father was a shoemaker and money to his parents came hard. Like Dirksen, Marciano worked hard, as a laborer, as a ditchdigger, and at other odd jobs. Although he never attended college or acquired the educational knowledge that Senator Dirksen did, he too, was a proud American. He, like Dirksen, believed that self-improvement came about by self-initiative and by hard work.

Thus, it appears that these two great Americans, as diverse as they might have been in their interests did, nevertheless, have the same desire and drive necessary to bring about the reality of their dreams of success.

From humble beginnings, they pulled themselves up the ladder of success rung by rung but by their own bootstraps.

Senator Dirksen became a national and international figure as a U.S. Congressman, then as a U.S. Senator. Finally he became one of the outstanding leaders of the Republican Party and was named minority leader of the Senate.

He was a straight-talking personable man but not averse to letting his thoughts and feelings be known by direct statements regardless of what the personal consequences might be. On some of his stands he was criticized, while on others he was praised, but in all cases he let his position be known to the American people. He was a fighter for the preservation of our Constitution, and of our free enterprise system. Although he received great publicity by reason of his own "humorous" political style, yet there are few who can deny his achievements or work on behalf of the people.

At times he was accused of representing big business, but then there were those who also accused him of representing minority groups against the interests of big business.

Rocky Marciano chose the fight ring as his road to the top. He was not a big man, but he was rough, tough, and ready. As a prizefighter, he fought the greatest and finally retired undefeated. He was subsequently acknowledged by many to have been the greatest heavyweight champion of all time. This proclamation came during his lifetime and hence Rocky Marciano became a legend in his own time. He became also, a national and international figure.

In his quiet almost humble manner, Rocky was always in the forefront when it came to promoting a worthy cause. In fact, on the day he was killed, he was en route to making a speech before a civic club for a friend who had requested him to be there to help raise money for a charitable cause.

Thus, it is obvious that the thousands of people from all walks of life, who filed past the bier of Rocky Marciano in Brockton, Mass., and in Fort Lauderdale, and to those who walked past the flower-decked casket bearing Senator Dirksen in the Capitol rotunda and at his burial in Illinois, proclaimed in silence their respect and admiration for what these two great Americans had accomplished.

I am sure that they and the rest of us feel pride that we lived during their time on earth, and that each exemplified the spirit of being an American. We who remain should look at their lives and be proud that we have our own right to our American dream, and that the right and hope for improving our lot in life is fact and not fantasy.

These men left as their heritage, living proof of America's offer under our Constitution, to those of poor and humble beginnings, to achieve success if the desire is present.

This right of achievement is the right of all free Americans, but requires an acceptance of the challenge to look it squarely in the face, not with self-pity but the wish and desire to become a champion. They did it by hard work, initiative, pride, and with the gift that God has granted to each of us; namely, the blessing of being born in a free country.

HUGH DUNCAN COMMENTS OVER KTWO-TV ON THE INTERNATIONAL SCENE

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. WOLD. Mr. Speaker, international development in the recent past have led to much talk of a detente between the Soviet Union and the United States. Indeed there are some who say the points of common interest outweigh the points of conflict.

As a result of their faith in these propositions these individuals have advocated measures up to and including unilateral disarmament by the United States.

I believe we should actively seek peace. But I do not believe these measures

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should be taken without a consideration of the very real forces at work in the world.

Hugh M. Duncan, my field representative in Casper, Wyo., has assessed well the continuing dangers on the international scene, in an editorial written for Wyoming television station, KTWO, and I include the editorial in the CONGRESSIONAL RECORD:

The Internationnal Scene

(By Hugh M. Duncan)

In the best of all possible worlds, mutual mistrust between the world's great powers would diminish, and meaningful negotiations would signal an end to the arms race. In such a congenial international climate, America would then be able to reduce military expenditures and turn its attentions to solving the problems of its Negroes, its Mexican-Americans, its Indians, the hungry, the ill, and the untrained.

Unfortunately, the grim reality is that we do not live in such a world. The grim reality of our present world is evidenced in the weekly casualties in Vietnam, in the sabre-rattling by Red China, in the Berlin Wall, in the Island prison of Cuba, in the Czechoslovakian invasion.

Because of present conflicts between Red China and the Soviet Union, there is hope that Communism, as a monolithic structure, has come apart at the seams. As a consequence, a feeling of hope pervades the American people that some accord can be reached with the Soviets, leaving only China as a serious military threat. Or so the columnists would have us believe.

One rather apparent fact seems to be ignored, however. And that is that the Communistic world is still, at least, monolithic in its goals of worldwide domination. The ideological dispute goes only to the means, and not the end.

It seems reasonably apparent that, for a decade at least, it is the Soviet Union which poses the greatest threat to democracy.

It is, after all, Russian technology which fuels the war in Southeast Asia. At the core of the North Vietnamese resistance is Russian financing.

It was Russia—not China—which savagely smothered the kindled sparks of freedom in Czechoslovakia.

It is Russia, not China, which sustains the Mideast crisis with men, material, and money.

It is Russia, not China, which has established a foothold in the Western Hemisphere.

And it is Russia, not China, whose nuclear-tipped rockets are aimed at the heartland of America.

One wonders if the foregoing facts have been forgotten by the Congress in the current debate about deployment of the Safeguard Anti-Ballistic Missile System.

Safeguard is a response to the deployment by Russia of multiple-targeted intercontinental missiles, aimed not at American cities but at American missile installations.

The Russian missiles are patently offensive in nature. They are of no value, of course, if the American missiles at which they are aimed have already been launched. They are designed, therefore, as "first strike" rather than retaliatory missiles.

The best defense to a "first strike" by Russia is a good offense. If, however, our offensive missiles are lost in a surprise attack and our ability to retaliate is substantially diminished, we would have no choice but to capitulate.

It was this choice—the choice between fatal war and outright surrender—to which Presidents Kennedy, Johnson, and Nixon objected.

All indicated a desire for a third alternative—a "safeguard"—which could destroy an airborne "first strike" and leave our retaliatory force intact.

The Safeguard system is inherently defensive. It is designed to shield our retaliatory missiles by destroying in mid-air attacking missiles. The columnist, Stewart Alsop, observed that the Safeguard ABM "could not hurt a single hair of a single Russian head."

Even Russian Premier Kosygin has acknowledged that such defensive weapons are not the cause of the arms race—and backed up his opinion by deploying ABMs in the air corridors surrounding Moscow.

It has been observed that the protest against Safeguard is, in reality, a protest against a tragic, unwon war in Vietnam.

But, as Stewart Alsop observes, it is not logical to protest the war by attacking the ABM. It is not logical to protest the loss of some 37,000 American lives by denying to a future president the option he may desperately need to save 250 million lives.

MR. ANDREW P. LYNCH, SBA HEAD IN NEW JERSEY

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. HOWARD. Mr. Speaker, the Associated Press recently carried a story on Mr. Andrew P. Lynch, head of the Small Business Administration in New Jersey and a resident of Avon which is in the Third Congressional District of New Jersey, which I have the privilege of representing.

Mr. Lynch has made an outstanding contribution to the Small Business Administration, combining his strong administrative abilities with a sense of dedication and of high concern for small business.

Unfortunately, the Small Business Administration does not always have the money it would need to fund all of the projects which are applied for and are deserving of funding. Nevertheless, the Small Business Administration, with the outstanding work of men such as Mr. Lynch, has played a major role in keeping small businesses in business.

The Associated Press story, as carried in the Daily Register of Red Bank, follows:

[From the Red Bank (N.J.) Daily Register, Aug. 29, 1969]

County Man Heads SBA in State

(By Bob Dubill)

NEWARK.—Hurricanes, floods and occasional controversy keep the Small Business Administration before the public eye.

But the agency's main job is to keep small businesses in business. It is expanding a program of free consultation services for those finding it rough to get started or to turn a profit after several years of trying.

"Ninety per cent of all business failures are due to poor management," said Andrew P. Lynch, of Avon, head of the SBA in New Jersey.

"We have a very active management assistance program that offers courses, counseling and a first hand look by knowledgeable and experienced people at any business in trouble."

A key part of the consulting program is SCORE—Service Corps of Retired Executives—which has 120 volunteers.

"We always have two or three of these men in the office and others on call who are willing to sit down with anybody who needs help. All have had successful business careers themselves and they offer their time and services free. Perhaps it is a patriotic gesture or just plain goodwill. But the program has been very successful," said Lynch.

MORE VOLUNTEERS

"We hope to multiply these services through a volunteer corps of active executives. We have contacted large businesses, trade associations and others. The response has been excellent.

"If a men's clothing store, for example, is having problems, we might send in an advertising man, a public accountant and a representative from the Men's Wear Association. They'll spend a day or two on the scene analyzing the problems and making written recommendations. We'll keep following up until the manager is out of trouble and turning a profit."

The SBA opened in New Jersey five years ago. Before that, residents from the Garden State had to go to New York or Philadelphia for financial assistance and advice.

"We now rank in the top 12 offices in the country in the number of loans being serviced," said Lynch, who has been at various times an accountant, businessman and banker.

UP TO $350,000

The SBA guarantees loans up to $350,000 to small businessmen who qualify. The businessman negotiates the loan with a commercial bank. The SBA guarantees to repay 90 to 100 per cent of any loan in default.

Generally, a Small Business is any retailer doing $1 million or less in gross business a year, a general contractor doing $5 million or less for three consecutive years and manufacturers with less than 250 employes.

Lynch said that loans to members of minority groups have accounted for 62 percent of the loans made by the SBA in New Jersey during the past year.

The SBA in Washington has been a center of controversy over whether enough of the program is reaching out sufficiently to the ghettos.

Lynch said that Newark banks gave the program a major boost by agreeing to put up a $1 million pool and that banks in Union, Passaic, Monmouth and Sussex Counties are climbing aboard. He said that banks in Trenton, Camden and recently in Wildwood are also participating.

"We guarantee or back up 100 percent of a loan up to $25,000 and 90 percent above that," said Lynch. "We are currently negotiating three very substantial loans with the Prudential Insurance Company under this phase of the program. These loans will range from $100,000 to $400,000."

NON-BUSINESS PUBLIC

The non-business public becomes most aware of the SBA during periods of disaster.

When Hurricane Donna spread millions of dollars worth of damage along the Jersey Coast more than a decade ago, the SBA approved 1,500 substantial loans from Monmouth County to Cape May at the southern end of the state. Whole houses and businesses were washed out," said Lynch. "Property insurance does not cover damages caused by waves or storms."

Eight counties in New Jersey were declared disaster areas last month in the wake of prolonged flooding. More than 50 persons approach the SBA for financial help in rehabilitating homes, property and businesses.

The loans carry a 3 percent a year interest rate and may run as long as 30 years if Lynch's office gives a stamp of approval.

LET'S STOP KICKING THE SOUTH AROUND

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. EVINS of Tennessee. Mr. Speaker, it is indeed unfortunate that much of the eastern press is so steeped in prejudice against the South that many writers insist on making the South the "whipping boy" for problems that are national in scope.

Certainly the South has its problems, but they cannot compare to some of the difficulties that have developed in many of the great urban and metropolitan areas throughout the Nation.

In this connection, the distinguished columnist James J. Kilpatrick, in a recent article entitled "Let's Stop Kicking the South Around," points out that the South is characterized "by innovation and by solid progress." I am placing this column in the RECORD.

The truth is that the South has made great progress in recent years, providing a better life for millions of our people of all races.

Those who criticize the South cannot truly understand the assets and advantage of a way of life that is based on courtesy and mutual respect. In the South there is a much warmer public relationship between people in the normal interaction of day-to-day life than in many sections of the Nation where people let the rest of the world go by—unheeded and unnoticed.

Because of the interest of my colleagues and the American people in the South, I place in the RECORD herewith the column by Mr. Kilpatrick:

[From the Washington (D.C.) Sunday Star, Sept. 14, 1969]

LET'S STOP KICKING THE SOUTH AROUND!

(By James J. Kilpatrick)

Reconstruction came to an end in the South, or so the history books tell us, during the reign of Rutherford Hayes some 90 years ago. But there are times, honest to Pete, when Southerners wonder if the South ever is to regain an equal standing in the Union.

There is something about the South, apparently, that draws an unrelenting anathema from the North. Old abolitionists never die; they write on for The New York Times. It has only to be said, or hinted, that a particular program or appointment may be pleasing to the South—the conservative South, that is—for the program or appointments to be damned out of hand. As a Southerner, I protest.

We are witnessing the syndrome just now in the nomination of Clement F. Haynsworth to the Supreme Court. It is entirely proper, of course, that the Senate Judiciary Committee inquire into his qualifications. No one is suggesting that the Senate's duty to advise and consent should be treated in perfunctory fashion. But the noxious clouds of complaint against this appointment have little to do with qualifications. The objection, at bottom, is that Haynsworth is a Southerner—a moderately conservative Southerner. That is enough. Lynch him!

Thus, an entirely phony challenge is raised that Haynsworth acted unethically by not disqualifying himself eight years ago when the great Deering Milliken case first came to his Circuit Court. The charge is baseless. The Fourth Circuit's major opinion in the Deering Milliken litigation came in November of 1963. Haynsworth did not write the opinion—Judge Albert Bryan wrote it, and Judge Herbert Boreman concurred. Two other judges dissented. Haynsworth's position on the law and the evidence was in no way irrational; it was a position shared not only by Bryan and Boreman, but also by two members of the National Labor Relations Board and by the board's own trial examiner.

Haynsworth's critics know that their charge of a particular conflict of interests is flimsy. Thus they were seeking, last week, to puff it up to a more general charge that Haynsworth is "Mr. Textile Interests." These are the same critics, by and large, who smiled benevolently in other days upon the nominations of Arthur Goldberg and Thurgood Marshall. There are times, in Washington's political rainy season, when we wallow in tides of hypocrisy; and one of those times is upon us now.

It is not only the Haynsworth nomination that suffers the "Southern stigma." Harry Dent is a skilled and dedicated executive, worth his weight in gold at the White House; but he comes from South Carolina—he formerly was with Strom Thurmond—and his appointment as a presidential assistant brought slurs that were simply anti-Southern. No matter what the administration does about school desegregation in the South—no matter what it proposes on voting rights—a hostile reaction arises.

Even Spiro Agnew succumbs. The vice president appeared on Meet the Press the other day, and was asked about the "Southern strategy" that has been urged on his party. He began his response by denying that he was in any sense a traditional Southerner. Then he got even more defensive: "How could someone seeking to court the forces of reaction propose a welfare program of the magnitude and scope the President has just proposed?"

Aarghh! The South, with the largest racial problems, has demonstrated the greatest racial peace. It has suffered less than its neighbors from strikes, riots, and campus disorders. The South continues to raise daughters who are ladies and sons who are gentlemen. It is characterized not by "forces of reaction," but by innovation and by solid progress. The old Confederacy is part of the Union now; it is a great place; I love it; and it would be pleasant indeed if the damned Yankees who dwell in Washington would stop kicking my South around.

CHANGE AT THE UNIVERSITY OF TEXAS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. PICKLE. Mr. Speaker, with tremors of nostalgia, the University of Texas Tea House must make way for progress. It is to be torn down to make room for—of all things—the automobile. It is being razed to make room for the widening of a street.

The change will be orderly, but it will not be the same, for that tree-shaded lot overlooking Waller Creek.

It was in 1870 that a Missourian named William Garner built a home for his bride there after striking it rich in the gold rush. Sixty years later Miss Mary Gearing, then chairman of the university home economics department, decided this location was perfect for her plan to have a tea house to use as a laboratory for her students, while also serving the university community.

The University of Texas became the first in the Nation to have such a facility. The food was good and the service was quiet and swift, handled by white-jacketed student waiters. Food reflected Texas under-six-flags tastes. French creoles and bumboes, Spanish-influenced Mexican foods, and Dixie dishes with plenty of hot breads were the favorites.

Noreen Ross, with the University of Texas news information service writes:

In September, 1940, Helen Corbitt, nationally recognized food expert, took charge and remained until 1942. Her arrival ushered in the era of her famous potluck delicacies, "stickie buns" and the unforgettable brownie crumble balls.

The history of the early World War II years was reflected in the Tea House one-day-a-week special "Victory" menu, an outgrowth of the Victory Garden project of the Home Economic Department. Then, in 1943, the Tea House was called into "active service" as a mess hall for 300 Navy men stationed on campus.

In September, 1946, having honorably discharged its duty to the nation, the Tea House was reopened to the public, but it was June, 1947, before it again was used as a laboratory for Home Economics Department students.

The immediate postwar years saw the Tea House characteristically reflect the early stages of trends that were eventually to sweep the country. It sponsored (well in advance of the national fixation on all things slimming) a nutritionally sound nine-day diet that helped numbers of faculty and staff shed unwanted poundage, and in 1951 experienced what must have been one of the earliest student protest walkouts. (Faced with a change of policy, some of the student waiters walked out—but the dispute was settled quickly.) As faraway places and strange-sounding names became a part of the public consciousness, the Tea House swung into line with a weekly foreign food night and served, in turn, menus from such countries as Russia, China and Hungry.

A graceful yielding to the demands of changing times has been a hallmark of the Tea House—and in saying goodbye, one is reminded of the voice from the crowd who is said to have called out to Queen Victoria on the occasion of her Diamond Jubilee:

Go it, old girl. You've done it well.

GOD HATES A COWARD

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. GROSS. Mr. Speaker, the editorial which I insert in the RECORD was published in the Omaha World-Herald of the date of January 26, 1949. I emphasize the date: January 26, 1949.

Mr. Speaker, I am well aware that for some 35 years the Republicans have controlled the executive branch of Government for only 8 full years and they have controlled the Congress for only 4 years, 1947–48 and 1953–54. But there has always been the opportunity, both in and out of Congress, for—as the editorial appeals—"a Republican Party to raise high the flag of loyal opposition."

This it has not done. Instead, in too many instances, it has temporized and all too often compromised the principles that brought the Republican Party to greatness.

Read well and ponder the words of this editorial written 20 years ago:

XUM

. . . speaking broadly, the Republican Party consists of men and women who in firm conviction are opposed to the swift trend toward the omnipotent state that is sweeping over every section of the earth. Whether it be defined as communism, fascism, socialism, totalitarianism, statism, the New Deal, the Insurance State, these men and women regard it as a thing of infinite menace, however cunningly disguised, and however ardently supported by good but misguided people.

Through the years, the ever-expanding socialistic welfare state has piled tax upon tax, deficit upon deficit, and debt upon debt, vesting insidious and powerful control in the huge Washington bureaucracy over the lives and fortunes of all citizens.

Says the editorial in a warning that has been ignored:

Here too, in our America, the State is taking control and ownership of the people. It is using the power to tax to destroy their independence and self-reliance. It is converting free men into vassals and dependents. It is devouring the substance of self-supporting people to render them self-supporting no longer, and to establish a condition of universal reliance upon the biased paternalism of a Great White Father—a "Father" corrupted and corrupting, since great power does corrupt and absolute power corrupts absolutely.

And the Republican Party has not dared resist the tide; it has gone along with it. Not out of conviction, but out of cowardice. It has not dared to be a Daniel; to have a purpose and make it known.

What a wonderful thing it would be if the Republican National Committee meeting here (1949) in Omaha, and if other constituted Republican leaders, could realize how desperately these United States need an honest and brave Republican Party—how true Republicans above all others hunger and thirst for it. A Republican Party to raise high the flag of a loyal opposition.

In concluding, the editorial says:

The Republican Party can keep on crawling ignominiously along the dusty trail of an order it abhors but shrinks from challenging. Or it can rise out of the dust of four merited defeats, stand erect and unafraid, proudly to take up the battle for all that free men prize.

If there is not to be a party of loyal opposition—of men and women ready to stand or fall, if necessary, for the great principles enunciated by the Founding Fathers—then this free Government is doomed. The complete editorial of 20 years ago follows:

God Hates a Coward!

That's gospel truth. If any witness were needed to attest it the Republican Party of 1936–1948 would more than suffice.

For 12 years the Republican Party has been a coward; the worst kind of coward—a moral coward. In consequences it begins to take on the appearance of something the cat dragged in.

It is hard to define as an entity the Republican Party or any other large group of people, since however closely banded together all cannot think alike in all respects. But, speaking broadly, the Republican Party consists of men and women who in firm conviction are opposed to the swift trend toward the omnipotent state that is sweeping over every section of the earth. Whether it be defined as communism, fascism, socialism, totalitarianism, statism, the New Deal, the Insurance State, these men and women regard it as a thing of infinite menace, however cunningly disguised, and however ardently supported by good but misguided people.

But the Republican Party has lacked the courage to say what its rank and file believe. Out of hunger for the flesh pots it has lacked the patriotism, the loyalty, to stand up for the free Republic of the founding fathers and to fight for it. Due to that lack of moral courage, of loyalty to the American creed, the United States, almost the sole remaining bulwark against the advancing tide, finds itself without a spokesman, without a champion to proclaim and battle for its traditional, glorious creed. And it finds, the once-so-firm foundations of its temple crumbling.

The fact is known of all men.

Here too, in our own America, the State is taking control and ownership of the people. It is using the power to tax to destroy their independence and self-reliance. It is converting free men into vassals and dependents. It is devouring the substance of self-supporting people to render them self-supporting no longer, and to establish a condition of universal reliance upon the biased paternalism of a Great White Father—a "Father" corrupted and corrupting, since great power does corrupt and absolute power corrupts absolutely.

And the Republican Party has not dared resist the tide; it has gone along with it. Not out of conviction, but out of cowardice. It has not dared to be a Daniel; to have a purpose and to make it known. Its plea for votes has been the shameful one: Give us the offices, the power, and we'll give you as much of what we believe to be wrong as will the Democrats themselves.

Americans do not respond to any such appeal. They, too, hate a coward. They despise hypocrisy. They hunger for a leadership of good faith. They will accept a brave and fighting leadership tainted even with Pendergastism and absolution rather than a leadership that crawls—and trails its flag.

What a wonderful thing it would be if the Republican National Committee meeting here in Omaha, and if other constituted Republican leaders, could realize how desperately these United States need an honest and brave Republican Party—how true Republicans above all others hunger and thirst for it! A Republican Party to raise high the flag of a loyal opposition! Opposition not alone to a misguided and recreant Democratic Party here at home, but opposition tenacious and resolute, brave and unyielding, to all the monstrous wrong and error that today menaces freedom, self-reliance, the courage to adventure, human dignity, in every land and every clime.

How joyously, with what reborn hope, men and women of the ancient faith of this Republic would rally about such a standard! Proud of it they would be in victory. No less proud in defeat!

Surely, surely, it shall not be recorded by amazed historians of a later day, that when the black flag of Absolutism was raised back in the Twentieth Century, when the fate of all mankind was involved, there was nowhere, in any land, not even our own, an organized body of men and women who had the courage, the devotion, the wisdom, the loyalty to God who made men free, to challenge that foul intruder and to dedicate their lives, their fortunes, their sacred honor, to driving him back into the Dark Ages whence he emerged!

Never has there been sounded such a call to service as rings today in the ears of the Republican Party. Never, for men and women of courage, of character, of conviction, has there been afforded such an occasion for rising to the heights of human devotion to imperishable ideals.

The Republican Party can keep on crawling ignominiously along the dusty trail of an order it abhors but shrinks from challenging. Or it can rise out of the dust of four merited defeats, stand erect and unafraid, proudly to take up the battle for all that free men prize.

Courage or corwardice? Loyalty or recreancy? Conviction or time serving?

It is as simple as that, ladies and gentlemen of the Republican National Committee.

ROMANIAN REDS TRY NEW FACE, BUT CANNOT FORGET OLD WAYS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. DERWINSKI. Mr. Speaker, Dumitru Danielopol, the distinguished international correspondent of the Copley Press, has recently returned from one of his periodic factfinding tours of Europe. Mr. Danielopol is especially equipped to diagnose the developments in Romania because of his extensive financial and diplomatic career in the service of the prewar and postwar government of Romania before the Communists took over. I, therefore, direct the attention of the Members to his editorial carried in the Aurora (Ill.) Beacon-News, Thursday, August 21:

Romanian Reds Try New Face, but Cannot Forget Old Ways

Washington.—The Romanian Communists are trying to put on a new face but they can't forget old ways.

They persist in the old Marxist tradition of bending history to suit their purpose.

At a recent press conference at the Romanian Embassy here at the height of the excitement over President Nixon's trip to Bucharest the Reds distributed a little pamphlet which was described as containing "historical" data.

History? Hardly!

It was a collection of distortions, falsifications and outright lies.

Any Romanian who lived through World War II and its aftermath would be shocked at the Reds' effrontery. But those less well-acquainted with Romanian history might swallow it:

The embassy says, for example:

"The Government of broad democratic concentration headed by Dr. Petru Groza promulgated the agrarian reform of March 1945."

What government of "broad democratic concentration"?

The Groza cabinet was a minority puppet regime brought to power by Soviet tanks.

Foreign Commissar Andrei Vishinsky flew into Bucharest in March 1945 and with threats and military pressure forced King Michael to oust the democratic coalition of the National Liberal, the National Peasant and the Socialist parties which represented some 95–98 percent of the country.

It was replaced by a Groza government comprised of a number of hastily organized splinter parties which had no substance, but were formed to give the appearance of a national front.

The government served as a facade for the Communist Party which numbered less than 1,000 in a population of 20 million.

Even Vishinsky admitted to Ambassador W. Averell Harriman, that in free elections the Communists could not get more than 20 per cent of the vote even by "twisting arms very hard."

So much for the embassy's "broad democratic concentration."

Now for the "agrarian reform" of which the Reds boast.

The real Romanian agrarian reform law

was passed by the World War I parliament in Jassy in early summer of 1917. It was introduced by a young liberal member from the district of Olt, George Danielopol, my father.

"It was one of the most drastic and progressive land reforms in the world. Nine-tenths of Romania's arable land was voluntarily distributed to the peasants. Only 10 per cent was left in farms of more than 125 acres.

Soon after the war, the reform was carried out. The peasants who participated represented 80 per cent of the population. They became the most conservative and the toughest anti-Communist class in the country.

When Groza came to power in 1945 without popular support he attempted to win over some of the peasants by telling them to "help themselves" to the 10 per cent that had not yet been distributed. He was also bent on destroying what was left of the landed class in Romania.

The great majority of the peasants refused the grab. They did not trust the Communists even when they carried gifts. They were right, for the so-called land reform was only a ploy.

It wasn't long before the peasants saw their land confiscated by force and swept into collectivization.

Those who resisted were thrown into jails or labor camps. Many were murdered.

The whole mass of the landed peasants was left destitute. Many worked only 150 days a year.

This is one of the major factors why a once-rich Romanian agriculture and economy lags far behind even Communist Yugoslavia and Poland where peasants were allowed to keep their farms.

So much for the embassy's "land reform."

If the Ceausescu regime is serious in its move to rejoin the civilized world, it will have to learn that honesty is still considered the best policy.

You can fool some of the people all of the time; you can fool all the people some of the time, but you can't fool all the people all the time.

LT. COL. (RET.) CHESTER E. WHITING, FOUNDER AND FIRST DIRECTOR OF THE U.S. ARMY FIELD BAND

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. HOGAN. Mr. Speaker, with the opening of school again, I believe that my colleagues will be interested in an article which appeared in the Laurel News Leader, entitled "The Parade of K–12," by Col. Chester E. Whiting who is a resident of my district and is currently serving as vice president of the Prince Georges County Board of Education. Colonel Whiting is eminently qualified to give his observations on education. In his long and distinguished military career and as founder and first director of the U.S. Army Field Band, which brought musical pleasure to countless thousands, these observations on our school youth by Colonel Whiting should be read and digested. They are pertinent to our time. Indeed, they are timeless. I, therefore, commend them to my colleagues:

THE PARADE OF K–12

(By Lt. Col. (ret.) Chester E. Whiting)

(NOTE.—Col. Whiting has again consented to write a guest editorial to mark the reopening of the elementary and secondary schools. A Laurel resident and parent, and vice president of the Prince Georges' County Board of Education, he was formerly founder and first director of the U.S. Army Field Band.)

The greatest parade of the year will get underway next Tuesday. Starting in early September, it will not end until next June . . . the parade of K through 12. There will be but few sidewalk watchers, yet, it will be viewed by thousands from various vantage points. No bands will escort the marchers, although every sound of the band, from the shrillest piccolo to the deepest bass will be heard. And each tune, harmonious or cacophonous, will interpret the zeal or the indifference of your child and mine, depending upon the kind of orchestration we fashion for him.

The parade marshalls, stationed along the route, will regulate the progress of the procession. The cadence and length of step will be regulated by the enthusiasm and the will of the marchers themselves. At every intersection there will be a reviewing stand, and each will be marked "Reserved for parents." Will you and I be in these stands to applaud those that are keeping up—to encourage those who may be faltering?

My use of hyperbole, obviously, is an attempt to make a vivid impression upon our parents, to nudge them gently into a comprehension of their responsibilities.

We know that three of the five R's will be taught and supervised efficiently by a faculty and staff of superior quality. The teaching of the other two, Respect and Responsibility, is largely up to us. But the spoken word fails when our attitudes and actions are in contradiction to it. In other words, we must respect the recently acquired rights of our children to question, to criticize, to express opinions contrary to ours, and, to enjoy the feeling of being our partners, not our subjects. No longer is the admonition appropriate or proper, "Children should be seen and not heard."

Because life always gets harder toward the summit, responsibility increases as we get older. Children must be taught to practice it in its simplest form at an early age. Responsibility, to my mind, is the most important of the five R's; upon it the other four are basically dependent.

The uppermost thought in the minds of all of us is, "What kind of year is this going to be?" Being deeply concerned with this question, I think we have to face up to some facts, all of which are found within the premise that these are not changing times—these are changed times. And these changes, long overdue, are good for our children, good for us. So, my answer to that question is: This is going to be a good year, a better year. My confidence in and respect for our children, their parents, and our teachers dictates my optimism.

The parade is about to start; let's take our places on the reviewing stand.

LAST CALL FOR PEACE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. DULSKI. Mr. Speaker, a constituent of mine, Henry T. Haller, now 81 years of age, is dedicated to the cause of peace. He and two brothers served in World War I and he says if it were not for his age and his poor health now, "I would manage to get over to Vietnam some way to help out in the hospitals over there."

Mr. Haller has written a poem dedicated to our beloved mother of the Prince of Peace. In his foreword, he says:

> All movements for World Peace falleth apart, because so much hatred ruleths man's heart! A third World War endeth in atomic warfare! A fiery world consumingeth death flare!"

Following is the text of his poem:

LAST CALL FOR PEACE

(By Henry T. Haller)

The Messiah came to ths war torn earth
For All Races, All Nations, All Men,
His Rule was to establish World Peace
"On Earth As It Is In Heaven"!
Just think of the wars fought in His Name
Since the Prince of Peace sojourneyed here!
If man persists in ignoring these Rules
The way to Armageddon is clear!

There is no such thing as a civilized war,
War is the Mortal Enemy of all Mankind,
It is inherently vicious to the core,
Defiling the best in the human mind!
War is the chief cause of violent unrest
In this enlightened twentieth century,
A thing all world wide Scholars protest,
A blot on this land of the brave and free!

War is a frightful and immoralized thing
Out of the hoary and gory past ages,
It is that malignant and inhumanized sting
Which bloodied all Histories' Pages!
George Washington warned 'US' to beware
Of foreign entanglements' high cost;
Huge numbers of dead—ruins everywhere,
Through which our Freedom could be lost!

Hate is the leading incitement to war
Used by profiteering war nations;
From remote ages to the near present
This destroyed many Civilizations!
Atlantis' foundering in the Atlantic
Is a lesson for the present—a link:
Hate, fear and greed, wickedness and war
Caused the Continent of Atlantis to sink!

The deeds of the war lords are shameful
All Commandments they twist or discount;
Debased Religions, Reason and Science
Distorted Peace as Taught on the Mount!
Sowed hates and suspicions 'tween Nations
To build up vast war armaments—
Until today their Nuclear Death Weapons
Can lay waste All Earth's Continents!

In place of preparing for a True Peace,
Most Nations prepare for new wars ahead!
Hate, fear and war never cured their likes
But causes their likes to Spread!
They plot more wars while mouthing Peace
Invent more gruesome ways to kill;
The cause of the present war crises—
Their hatreds-spread widely-ill will!

A Peace which depends on armaments
Never did a lasting Peace insure,
Because wars do fear and hate foment
And thereby future wars assure!
Preparing for war to conquer warfare
Brought man two fearful World wars;
If Humanity wants Peace it must prepare
To pursue the Prince of Peaces Course!

This Planet is one of countless billions
In Gods dazzling Infinite Space,
But man makes of it a Charnel House
A Heaven crying immoral disgrace!
Mans vicious slavery foisted on others
In satanic wars of blood and might,
Could lead to world wide havoc again—
For the want of Truth's Foresight:

Real Peace must be based on Moral Law—
Not an eye for an eye Peace by the sword;
The Ten Commandments—not tooth and claw
But Justice and Mercy—Truth and Accord!
Mans frightful inhumanities to man
Through slavery, war, rapine and greed,
Nullifies the Prince of Peaces Plan—
The only one which will ever succeed!

XUM

Fear and hate are the commanding twins
Making Peace on earth so fragile;
Not 'til Love rules out these war king pins
Can True Peace rise out of exile!
Many are Praying for Peace from Above
Among all Races all Nations all Creeds;
Really and Truly men need Divine Love
In Thoughts-Words-Feelings and Deeds!

The Prince of Peace never approved war,
Or have His Rules through warfare expand!
Atom wars threatening all Mankind
Can be traced to the militarist band!
The Missions are blamed by the heathens
For enslavement at the point of the sword!
'Twas militarism—not the Missionaries
That also crucified our Lord!

Militarism is a sinister cancerous disease
Devouring the best blood of all Nations;
In place of saving it shatters World Peace,
And destroyed many high Civilizations!
War profiteers care not whom they corrupt
In mad gambles for Profits' High Sell;
Nor the Nations they force to go bankrupt,
Or the many boys they deliver to hell!

Peace moves not based on Moral Law
Are like the far confounding echoes,
Leading Men and Nations to their doom
Down, down in the fearful shadows!
So long as the Golden Rule is flouted
And its Power for Peace is denied,
In Men's Thoughts, Words, Feelings and Actions
The "Four Horsemen of the Apocalypse" ride!

Wars are defiling the conscience of man
Leading to false notions "God is Dead"!
The Anti-Christ merchants of War and Death
Have put Humanity asleep! Widespread!
Peace thrives on Charity and Compassion
Truth, Justice, Divine Love, Forgiveness;
These above all lead to World Peace—
The Golden Rule's World Wide Success!

If Humanity wants a Heavenly Peace
It must want it more than its very breath—
More than all the Gold on this Planet
Or reap the harvest: War and Death!
True Peace must rest on the Golden Rule—
The Rampart of World Wide Brotherhood,
On the Prince of Peace's "Hallowed Light"
And the Prayerful Might of World Motherhood!

CONGRATULATIONS TO UNIVERSITY OF TENNESSEE ON 175TH ANNIVERSARY OBSERVANCE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. EVINS of Tennessee. Mr. Speaker, the University of Tennessee—one of the great universities in the Nation—is celebrating its 175th anniversary.

From a small college—Blount College—founded on the banks of the Tennessee River at Knoxville in 1794 the University of Tennessee has become an outstanding institution of higher learning, ranked together with the Oak Ridge scientific community as one of the major brainpower centers of the Nation.

The University of Tennessee was one of the original land-grant colleges and in enrollment has grown from a handful of students to almost 35,000 students. Its campus has grown from 40 acres to 1,000 acres and its physical plant, originally valued at $600 is now valued at hundreds of millions of dollars.

The University of Tennessee is a magnificent asset to our State, not only in terms of education but in terms of unity and loyalty. "This Is Big Orange Country" is the sign that greets visitors to our State, referring to the Tennessee football team and its colors. Millions of Tennesseans—alumni and friends—are a part of the University of Tennessee family and they take pride in its victories and its progress in all areas.

I want to join in congratulating the University of Tennessee on its 175th anniversary and to wish President Andrew Holt, members of the board of trustees, the faculty, students, and alumni the very best of good luck as this great institution continues to grow and prosper.

Because of the interest of the American people and my colleagues in education, I place herewith in the RECORD an editorial from the Nashville Tennessean concerning the anniversary observance.

The editorial follows:

CONGRATULATIONS TO UT ON 175TH ANNIVERSARY

The University of Tennessee has begun its 175th anniversary celebration—observing the span of the institution's existence from its first few classes of only a handful of students to its present status as one of the nation's great universities.

UT—now the proud occupant of The Hill in Knoxville—was founded in 1794 as Blount College, before Tennessee had become a state. It was named for William Blount, the territorial governor.

The school was set on a 40-acre tract—costing $600—which its founders said would meet all future space needs. Now the university occupies nearly 1,000 acres on the Knoxville campus alone. In addition, it has large campuses at Martin and Memphis, it has acquired the University of Chattanooga, and owns a large amount of other properties in the state, approximately 35,000 acres in all. Its worth is now figured in the hundreds of millions of dollars.

From its original enrollment of a few local students, UT has steadily grown until it will have almost 35,000 students scattered throughout its many divisions across the state when classes begin later this month. The students now come from many states and several foreign countries.

The name of the school was changed to East Tennessee College in 1807 and to East Tennessee University in 1840. In 1869 it was designated a federal land-grant institution, and in 1879 the name was again changed—for the last time—to the University of Tennessee.

The university has experienced its most phenomenal growth in the last 10 to 15 years—from the standpoints of enrollment, physical facilities and service to the state and region.

A $150 million construction program carried out over the past 10 years has brought about a spectacular change in the university's appearance, especially on the Knoxville campus.

The Hill has been somewhat overshadowed by a cluster of new classroom buildings, dormitories, libraries, and other structures on the surrounding knolls. New athletic facilities—such as the William B. Stokely Athletic Center, the Tom Black Track, and additions to Neyland Stadium—have also gone up, testifying to UT's outstanding position in almost all phases of competitive sports.

The university's expansion has also kept pace with developments in the fields of medicine, social work, nuclear studies, and space science, with facilities at Oak Ridge, Tullahoma, Nashville and elsewhere. A $4 million building is to be constructed here to house UT's Nashville center for expansion of a variety of educational services.

As UT has grown in size and scope, so has it grown in vital services which it provides for the people of the state of all ages and in many fields.

The role of a true university is to involve itself in the everyday affairs of a growing society and to provide leadership in researching modern problems and finding their solutions. UT is performing in this role with increasing skill and effectiveness.

The university and its president, Dr. Andrew Holt—who is primarily responsible for the institution's sudden burst of progress in the last few years—are to be congratulated on UT's 175th anniversary.

POISONS, PROFITS, AND POLITICS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. BROWN of California. Mr. Speaker, much of the recent debate over problems related to various pesticides—usually with most emphasis given DDT—has tended to concentrate on the long-term potential ecological damages which result from continued application of these chemicals; not as much has been said about present dangers of pesticides.

Now, Mrs. Ruth Harmer, a resident of the 29th Congressional District of California and a longtime friend and associate of mine, writes in the August 25 issue of The Nation that the problem today "is to determine to what extent all human beings—who are unwittingly serving as guinea pigs in the vast uncontrolled field tests—have been damaged, perhaps irreversibly."

I believe Mrs. Harmer's article, "Poisons, Profits, and Politics," is an important contribution in the ongoing colloquy about pesticides and environmental quality, and I now submit the article for inclusion in the RECORD at this point:

POISONS, PROFITS, AND POLITICS

(By Ruth Harmer)[1]

California regulates more closely than any other state the use of pesticides—the vast arsenal of "economic poisons" employed since World War II in an all-out attack on the biosphere. For that reason it is instructive to consider the following account by a state public health official of the recent death of a 16-year-old farm laborer assigned to spray a field of strawberries:

"The permit to purchase and apply the pesticide had expired, so that it was purchased and applied illegally. The highly toxic phosphate ester was applied by hand duster, a primitive and entirely unsafe method of application. The container label was not read by anyone until after the illness was discovered. No advance arrangements were made with a physician for prompt, adequate care for an emergency. The worker was not instructed about hazards and precautions for using the pesticide. He was not provided with protective clothing. When the boy was taken to a physician, no one could provide any information about the pesticide the worker had applied. The supplier of the pesticide did not check the number of the permit given by the purchaser to assure that the permit was valid. The product was also misbranded; it contained two-to-four times the phosphate ester pesticide specified on the label."

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[1] Mrs. Harmer teaches at California State Polytechnic College and is the author of The High Cost of Dying (Macmillan) and the forthcoming Unfit for Human Consumption.

In addition, noted Dr. Irma West, coordinator of the Injury Control Project with the California Department of Public Health, the medical instructions on the label could be confusing and needed re-evaluation. "I know of three deaths in which these instructions have proved detrimental," she added, "and I know of no benefit from them in an emergency."

Who was held responsible for the boy's death? No one—yet every one of the series of grave errors was also a violation of laws and regulations, and the avoidance of any one of them might "easily" have saved his life.

Dr. West's carefully documented report of that and hundreds of other cases of injuries and deaths occurring each year to workers exposed to toxic chemicals was part of the testimony presented earlier this year by attorneys for the AFL–CIO United Farm Workers Organizing Committee at a court hearing in Bakersfield. The union was seeking dissolution of a temporary restraining order—a *temporary* order that has been in effect since last August—instructing the Kern County agricultural commissioner to keep secret the records of pesticide applications by crop dusters there. The records are public records.

"We will not tolerate the systematic poisoning of our people," Cesar Chavez, UFWOC leader, has warned growers. "We will be damned—and we should be—if we will permit human beings to sustain permanent damage to their health from economic poisons."

Without information about what is being sprayed, by whom, where and when, the union says it cannot provide workers with adequate safeguards—medically and contractually—against the "ever-increasing danger." Growers have been incredibly lax, it argues, in exposing workers to the battery of economic poisons, some of which are so toxic that a single drop on the skin can kill an adult. State agencies charged with administering and enforcing the regulations have been equally lax, it adds; and offers as evidence sworn statements from field workers describing injuries received after having been sprayed while working in the fields and after having been sent into sprayed fields too soon after spraying.

Jerome Cohen, the union's chief counsel, initiated action last summer after appeals by a group of workers who had been forced to seek medical attention for relatively severe cases of conjunctivitis, nausea, dermatitis and other gross symptoms of pesticide poisoning. The place to begin, he decided, was at the office of county agriculture Commissioner C. Seldon Morley, who is required by law to keep for inspection records of the commercial pest control operators: the date of treatment, material and dosage used, the number of units treated and other pertinent items. Individual farmers, even the corporate ones, are not required to file records.

Commissioner Morley said the records had been given to him "in confidence." The visit, not a particularly sociable affair to judge by courtroom recollections, ended with Cohen's promising to return in a day or two to get what he considered "vital public information."

Within two hours after the union attorney had left Morley's office, three applicator corporations, acting on behalf of themselves and all other members of the county Agricultural Chemical Association, had obtained a temporary restraining order. Mr. Morley, who had been named as defendant, was now enjoined from disclosing the records. Judge J. Kelly Steele, whose anti-union decisions have not endeared him to organized labor, signed the order with remarkable promptness, considering that the trade association's attorney, Stephen E. Wall, had admitted that "in the very limited time available due to the urgency of the situation we have not been able to accomplish much research on the point and we have not found direct authority on the point. . . ." Mr. Cohen petitioned the appellate court in the district for a preemptory writ of mandate. That was turned down on the ground that the issue should be resolved at the trial-court level.

Great changes have occurred since the days of the Joads in Kern County, which lies at the southern end of the San Joaquin Valley—probably the world's most fertile region. U.S. 99, twisting down from the Tehachapi Mountains and leveling north past Arvin, Weedpatch and other towns on the migrants' route, is now a broad highway. Nondescript public buildings in Bakersfield have been replaced by glittering steel and glass rectangles of ultramodern design. The "Okies" and the "Arkies" who survived the great hunger have adopted the attitudes and manners of California farm folk, even to snarling "union" just like the Establishmentarians.

But once inside the handsome paneled courtroom, changes seemed less fundamental. The old issues were still *the* issues, dividing the courtroom and the case right down the center: human values vs. business license, philosophy vs. technology, concept vs. coin. In the spectators' seats to the right of the entrance sat the crop dusters, those technological experts who defy the laws of gravity by their ability to fly "right on the deck" and who challenge the laws of biology at great risk to themselves as they wage chemical war in the fields. Their workday confrontations with nature have given them toughness and arrogance.

In the spectators' seats to the left were the farm workers. They, too, had been stamped by their work. Their faces, more varied in structure and richer in hue, ranging from black to brown, yellow and white, had the settled patience of persons who regard nature as process rather than enemy. With them were a number of young men—well educated, totally engaged—for whom Delano and Cesar Chavez have become the center and symbol of a struggle to redefine justice in our time. From their ranks had come the attorney spokesmen: 25-year-old David Averbuck, who went to work for UFWOC last summer because the job ". . . jibes with my concept of what it's all about," and Jerry Cohen, who became UFWOC general counsel two years ago for similar reasons. Like a good many other young attorneys today, they have rejected the prevailing professional notion that law is an abstract game for the affluent to be lost or won on points. For them, law is a vehicle for delivering justice to all the people.

Beyond the two factions, on the raised bench under the golden state seal, sat Judge George A. Brown. Courteous, grave, interested in the issues, he indicated himself as a man deeply appreciative of the dignity and the proprieties of the law. His task was formidable and of far-reaching consequence. On his decision depended an answer to one of the overwhelming questions of our time: *To what extent can the law and will the law curb the agricultural and chemical entrepreneurs from jeopardizing the health and lives of other men and contaminating, perhaps forever, man's greatest natural resource—the earth itself?*

The union received strong support from experts in its efforts to prove that farm workers and the general public need protection. A first step, the young lawyers said, is to set up a clinical testing program for agricultural workers, similar to the one now used for pest control company employees. Although scientists are still of divided opinion about the effects on human health of the chlorinated hydrocarbons (the other principal category of insecticides, which includes DDT), they are universally aware of the hazards of the organic phosphates. First developed extensively during the 1930s, some proved so toxic that they were immediately turned over to the military as "perfect" weapons of chemical warfare—deadly enough to wipe out the population of an area without damaging property. One of the more commonly known insecticides of this variety, TEPP, is so poisonous that a single ounce of the stuff is enough to kill about 500 men.

Like other nerve gases, the organic phosphates inhibit the action of a neural enzyme, cholinesterase, which regulates the mechanism by which nerves relax and control muscles. The first symptoms parallel those of relatively harmless irritants: the nose begins to run, vision is blurred. Then the chest is constricted, and breathing becomes more difficult. Finally, the victim's respiratory muscles are fatally impaired. He dies by asphyxiation.

Since death follows so quickly upon the first overt symptoms, the cholinesterase level of persons working commercially with agricultural chemicals—manufacturing, formulating, and applicating—is checked frequently. If it is below what is normal for them, they are taken off their jobs until the level has built up again—sometimes they must give up the work, permanently. The need for similar protection for farm workers was underscored by Dr. West's affidavit, which contained the "classic" case of the 16-year-old boy. She described a number of other alarming incidents. In August of 1963, she noted, more than ninety of 6,000 peach pickers in one area became sufficiently ill from parathion (one of the most commonly used organic phosphates) to seek medical aid. Health officials, as a test, checked seventy others in the group who displayed no signs of poisoning. They found that 50 per cent of them showed "significant reduction of red cell and plasma cholinesterase levels, but were either asymptomatic or had not sought medical attention for their symptoms."

Additional evidence of the need to provide safeguards for workers was offered by Edward Lester, director of test laboratories in Fresno and Bakersfield. Contrary to his own financial interests—pest control companies are among his major accounts—he supported the union appeal for tests for farm workers. "Obviously I feel quite strongly about this," he told me later. "I see so many critically ill persons, including children and young people. If proper precautions were taken, people wouldn't die."

The witness who revealed perhaps most clearly the nature and extent of the problem was Dr. Robert Van den Bosch, professor of economic entomology at the University of California. An internationally recognized authority, Dr. Van den Bosch cited economic and biological as well as philosophical and moral reasons for halting the unilateral use of insecticides and substituting an "ecological approach."

"Pest control now," he asserted bluntly, "is largely a matter of merchandising." California farmers are being heavily penalized for the "overkill" program, which has often engendered more serious pest problems than those it set out to control. "Good" insects as well as "bad" ones have been ruthlessly exterminated by broad-spectrum materials, creating an ecological imbalance that has often given many species of parasites "license to explode."

By preserving the complex of predators and parasites that affect the whole chain of life, by promoting intelligent crop management and agricultural hygiene, by using highly selective pesticides and biological con-

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trols, farmers could realize enormous savings in money, land and men's health and lives. In addition to taking issue with the merchandisers, Dr. Van den Bosch expressed concern about the inadequacy of the tests made by the U.S. Department of Agriculture and with the failure of legislators to declare a moratorium on DDT. "What we are talking about," the scientist said, "is a philosphy."

That was not what some people in the courtroom were talking about. From the standpoint of the pest control operators, the duty of the law was clear and simple: to maintain business as usual. Mr. Wall based his case chiefly on the escape clause in the new California code. Although the code holds access to information about the people's business to be "a fundamental and necessary right of every citizen of this state," it also precludes disclosure of records of law-enforcement agencies and—of obvious interest to big businesses—records possessed by other agencies if they contain trade secrets, geological and geophysical data, plant production, marketing and crop reports "obtained in confidence." The records of pesticide applications contain trade secrets. Wall insisted, that had been given to Commissioner Morley "in confidence."

Arguing forcefully to support Wall on the "trade secrets" clause, as on other points, was county counsel Ralph Jordan, attorney for the defendant, Commissioner Morley. It is novel in a courtroom to find the attorneys for plaintiff and defendant on the same side of the table, sharing the same witnesses, citing the same precedents, making the same appeals. And the alliance between public officials and private operators in this instance was rendered more ironic by another "chemical case" going on. At one point, the hearing was recessed so that a jury could bring in its verdict and Judge Brown could pass sentence. Defendants were two rather frayed young women; one very blonde, one very brunette, both looking sadly in need of vitamin D. While working at a place called the Hillbilly Ranch, they had sold—according to the felony charges for which they were given prison terms—$6 worth of second hand amphetamine tablets to a police informer. The prosecuting attorneys, like the jurors, wore expressions of outrage at the violations of public health and safety—to say nothing of public morality.

Mr. Jordan expressed even greater outrage about the union's demand to see the records. In his zeal to protect the trade secrets of Wall's clients, he questioned Dr. Van den Bosch so fiercely that Judge Brown was once forced to ask him "to stand back a little, please." He scoffed about the "somewhat ethereal question of whether the public interest of disclosure outweighs the public interest of confidentiality"; he dismissed affidavits of injured workers as "a pile of garbage."

Commissioner Morley was so solicitous about the applicators' trade secrets that he could have been mistaken for Wall's confidential clerk. Animation is not the commissioner's distinguishing characteristic, but one of the occasions when he seemed more person than portrait occurred in the corridor outside the courtroom after Dr. John Swift, another University of California entomologist, had testified. He had been summoned by UFWOC's opponents chiefly, it seemed clear, to counter the testimony of his colleague. The commissioner was delighted with Dr. Swift's performance: "They were trying to put you on the spot," he thwacked the expert on the shoulder heartily, "but you came through fine, fella."

It was thus easy to understand the passion in Cohen's voice when he talked about UFWOC as public defender. "I think it is inefficient to rely on government agencies," he retorted sharply to a comment by Mr. Wall. "We don't trust government agencies. We rely on ourselves and would rather rely on public law."

That even in best regulated California, laws governing pesticides are not firm enough to warrant anyone's reliance became more apparent in the months that followed. Four weeks after the concluding summaries were presented, Judge Brown formally instructed Commissioner Morley to continue to keep the records secret. Disclosure, he said, "would seriously hamper the essential cooperation existing between all segments of the pesticide industry and the farmers on the one hand with the commissioner on the other."

Supporting his decision, Judge Brown referred to the applicators' argument that if their records were disclosed, unlicensed grower-owners would do the spraying themselves. That they could take on the job is an open question, since commercial application has become a big business in California, which now uses about 25 percent of the nation's agricultural pesticides. Furthermore, if and when growers did indicate that they were willing to get the equipment and manpower, the state could insist that as "commercial applicators" they must obtain licenses and keep records.

The important issue, by-passed in the decision, is that pesticides are no longer anyone's *private* business. Every person in this country and in most others carries within himself appreciable concentrations of economic poisons. There is no hiding place: pesticide residues have been found in creatures at ocean depths and mountain heights from the Arctic to the Antarctic. The milk of some nursing mothers in the United States contains such an intolerable level of residue that if it were cow's milk it could not be sold.

Because of problems of drift and persistence and biological magnification, both Republican and Democratic legislators have been joining Sen. Gaylord Nelson in seeking to ban the ubiquitous DDT. Arizona declared a year-long moratorium last January after its dairy and honey industries were threatened; Michigan acted this spring when the condemnation of coho salmon from its principal lake jeopardized a commercial and tourist boom; California's legislature is considering a bill submitted by state Sen. John A. Nejedly to impose a gradual ban on its use—in his original measure even the possession of DDT would have been outlawed. A formidable case was made in Wisconsin by conservationists working with the Environmental Defense Fund. And early in July, the U.S. Department of Agriculture emerged from its lethargy long enough to order a thirty-day suspension for DDT—time out for "review."

The rising voice of protest occasioned by the speed with which Rachel Carson's "fable for the future" is being translated into current scientific reports is not without danger, however. A ban on DDT—and it should be banned—may lull the country into the comforting delusion that the problem has been solved. Although other chlorinated hydrocarbons are less likely to drift and are less persistent, neither they nor the highly toxic organic phosphates are being employed selectively enough so that people, both workers and nonworkers, can be protected.

Scientists are no longer asking if pesticides pose a health hazard. Their problem now is to determine to what extent all human beings—who are unwittingly serving as guinea pigs in the vast uncontrolled field tests—have been damaged, perhaps irreversibly. Responsible investigators associate the chemicals with a terrifying list of afflictions: toxic hepatitis, many varieties of cancer, disfunctions of the enzyme systems, embryonic malformation, kidney disorders, and other chronic and degenerative diseases. And the toll will continue to mount, according to recent reports about their mutagenicity.

Several weeks ago Charles A. O'Brien, chief deputy in the California attorney general's office, took significant action to support the UFWOC appeal from Judge Brown's decision upholding the sanctity of "trade secrets." Explaining his intervention in a suit filed by a farm worker in Riverside against the county agricultural commissioner. O'Brien said: "We believe there's a constitutional right to know on behalf of the public which transcends the cloak of privilege." At least 1,000 Californians were injured by pesticides last year, he noted, the agriculture files cannot remain closed since "they may involve life and death for future Californians."

He, like others, expressed concern that the regulatory agencies "too often" are oriented toward the regulated rather than the public. It is no secret that they, along with educational institutions, have been too intimately involved with the merchandisers. The thalidomide trial now going on in Germany and other episodes involving the drug industry offer terrible warnings about the risks incurred when chemist-businessmen dictate public policy. With pesticides the risk is even greater. It may well be, as some experts say, that the contamination of the biosphere has passed the point of no return—that the dose already administered has been fatal.

THE JEWISH HIGH HOLIDAYS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, the 13th of September 1969, begins a very important religious period for the Jewish people of the world. On this date falls the holiday of Rosh Hashana, which in 10 days is followed by the holiest of the Jewish holidays Yom Kippur. Recognizing not only the great religious significance of this time, but, the ideals that it symbolizes, I should like to help commemorate these holidays.

Rosh Hashana signifying the beginning of the Jewish religious year, falls on the first day of Tishri, which is the seventh month in the Jewish calendar. According to legend and custom, Rosh Hashana is a time when all the records of one's past actions are opened before God for his careful judgment. No deed nor secret passes by the close scrutiny of the Eternal Being. In carefully weighing the actions of man, God makes no distinctions between religious groups nor between nations. As Supreme Ruler and Ultimate Judge, He deals with all men equally.

The Jewish people believe that by resolving to live better lives, and by praying for forgiveness for past sins they can find favor in the eyes of God. Obtaining the Lord's favor, however, necessitates not only personal repentence, but, forgiveness from those whom one has wronged. In accordance with this ideal, during this holiday a highly commemorative hollowed-out ram's horn called a shofar is blown to symbolically remind the congregation to live a good and virtuous life.

Rosh Hashana is the first of the Jewish high holidays. It signifies the beginning of a period which is devoted to deep meditation concerning one's own life and its relation to the rest of mankind. During this time one prays and is charitable, ultimately preparing for the most sacred day of Yom Kippur.

The "Day of Atonement" or Yom Kippur, occurring on September 22, 1969, is the last day of the period known as the "Ten Days of Penitence." It is the culmination of the individual's thoughts, prayers, and acts of penitence. It is on Yom Kippur that one, after already having proclaimed his faith in God, asks repentance for all the evil that he has done. The entire day is devoted to obtaining forgiveness through prayer and fasting. According to the beliefs of the religion, the fast and offerings of repentance are accepted by God only if all the wrongs committed are righted, and if these acts lead to future good deeds toward one's fellow man. With nightfall comes a single sounding of the shofar indicating that the fast is ended and that the worshippers may return to their homes. The congregations leave the synagogues in anticipation of a year of peace and happiness for both themselves and the rest of the world.

I look forward to the time when all men fulfill many of the ideals symbolized during these Jewish high holidays. The world would be a much happier place if all men would take the time to not only critically look at themselves, but make a sincere effort to treat others with kindness. I, thus, join the Jewish people in their longing for the day when wickedness is driven from the earth, and peace and harmony truly prevails over all of mankind.

CAPTIVE NATIONS ALL-STARS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. HOWARD. Mr. Speaker, Russia co-opts her captive nations' human and institutional resources.

A captive nations athlete wins an international tournament medal and sees it engraved "U.S.S.R."

At the United States-Soviet track and field meet in Los Angeles earlier this year, "Soviets" Janis Luis and Janis Donins placed first and fourth, respectively in the javelin. These "Soviet" ambassadors of sport are actually citizens of captive Latvia.

A captive Estonian, Tonu Lepik, took third place in long jump, but Russia took the credit.

A Soviet draft choice from Lithuania, Viyatautas Jaras, captured fourth place in discus and, of course, Russia paraded him as her countryman.

Juhan Simonson of Lakewood, N.J., vice-president of the Estonian National Committee in the United States and secretary of the New Jersey Council of Estonian, Latvian, and Lithuanian Americans, graciously provided me these facts about the Los Angeles track meet.

Mr. Simonson's report indicates a "Russian" team does not necessarily consist of "voluntary" Russians. A more appropriate name for a "Russian" athletic team would be "Captive Nations All-Stars."

Regardless of which country gets nominal credit for a captive national's athletic prowess, the fact remains of course that Russia's colonies are not free. But sports can be a metaphor for international politics, changing people's perception of their government. For this reason the Olympics might well invite each national unit to enter a team independent of the U.S.S.R. delegation.

Re-Stalinization co-opts captive nations' prestigious literary institutions too. The Information Service of the Supreme Committee for Liberation of Lithuania reports Vytautas Radaitis, "a party hack," replaced liberal poet Vacys Reimeris as editor of Literatura ir Menas—Literature and Art.

The Information Service ridiculed Reimeris' editorial judgment in printing a conservative article that, in the Information Service's opinion, was neither true nor beautiful. The Information Service commented on the article in question:

> Even his style, studded with official cliches, is dull and impersonal (the medium here is also the message).

While Russia parastically crams dull dogma through captive nations' cultural media, she also chills free speech of those who would criticize her. To fool the censor into letting his message get through to an American, a citizen of a Russian satellite felt it necessary to write:

> What rascals these astronauts of yours. Imagine, they dared overtake ours!

In this age of electronic communication, leadership by example may be more effective than leadership by force, Mr. Speaker. No country can blockade news completely; therefore, to the extent Iron Curtain citizens can observe international news, I hope they see America doing right.

Accordingly, while calling for national liberation and free speech within the Soviet sphere, let us assure human rights for our own people too.

Freedom from racial discrimination, freedom from speech-chilling harassment, and freedom from crime are vital to every American, in the same way that these liberties are vital to the captive national who we wish could enjoy the same freedoms America professes.

In 1776 the Yankees did not try to patent the fruits of their political ingenuity. They sought no royalties. Rather they hoped their declaration of human rights would flourish in the public domain, ready to inspire freedom campaigns pending in the future.

Lincoln said a half-slave, half-free America was not viable. Nor will the world be stable until all people—on both sides of the Iron Curtain—enjoy the freedoms proclaimed by America's Declaration of Independence.

THE DIME DOLLAR

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. SNYDER. Mr. Speaker, on August 19, I attended the Kentucky Chamber of Commerce luncheon at the Kentucky State Fair in Louisville, Ky.

During the luncheon, it was my pleasure to listen to an address by Jenkin Lloyd Jones, president of the Chamber of Commerce of the United States and editor-publisher of the Tulsa Tribune.

I think it would be beneficial if each of you, my colleagues, would take time out to read this enlightening and forceful speech.

The text, entitled "The Dime Dollar," follows:

THE DIME DOLLAR

(An address by Jenkin Lloyd Jones, president, Chamber of Commerce of the United States and Editor and Publisher, Tulsa Tribune)

Five score and six years ago a Kentucky boy from what is now Larue County whom his admirers called "Honest Abe" stood upon a battlefield in Pennsylvania and raised an honest question.

Abraham Lincoln wondered whether this government or any government "of the people, by the people and for the people" could long endure. His immediate concern, of course, was a civil war, brought about by the slavery issue and deep convictions over the sovereign rights of states. That issue was decided in blood.

But today we may still ask his question, and the new issue is whether a free people enjoying unprecedented prosperity will not witness the termination of both their freedoms and their prosperity through their own greed and the demagogic dishonesty of some of their elected representatives.

In short, is America going to get a dime dollar, and if it does what will it do to the American people?

A few days ago, in anticipation of this speech, I called upon the economic section of the Chamber of Commerce of the United States to glean from the most reliable government sources a few statistics. I would rather bore you with some figures than leave you with a comfortable impression that perhaps I have overdrawn the problem.

In purchasing power, today's dollar is worth approximately 27 cents compared to the 1913 dollar. If we hold to the present five per cent rate of inflation the dollar 25 years from now will be worth a 1913 dime.

In the past 20 years the Consumer Price Index has gone up 52 percent, despite the fact that business profits have declined from 4.3 per cent of sales to 3.3 per cent. It is true that the average weekly earnings of a factory worker have increased far faster—135 per cent to be exact. But even this most fortunate sector of the American economy has seen its real purchasing power rise only 35 per cent after federal withholding taxes. And swelling state and local taxes have cut this net increase even more.

Productivity has gone up 69 per cent, or about half the increase of factory wages, but the average consumer is spending more and more of his income on services, and services deliver not much more per man-hour than they did in 1949. In other words, the 1969 pants presser is not much more efficient than his counterpart of 20 years ago.

Now let's look at federal spending. From fiscal 1960 through the budget estimate for the fiscal year 1970 total federal spending goes from $92 billion to $195 billion—an increase of 112 per cent.

Non-defense spending is up 163 per cent—from $37 billion to $98 billion.

The government has, naturally, been driven to borrow heavily from the citizens in order to bridge the difference between its income and its outgo. In order to command this money it has had to pay ever-increasing interest. These interest costs are locked in. They cannot be reduced, for they are promised on every government certificate. And

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in the past 10 years they are up 85 per cent—from $9 billion to $17 billion.

In the past 10 years federal payroll costs have gone up 100 per cent. Outlays for community development and housing are up 180 per cent, health and welfare up 200 per cent, and education and manpower spending up 500 per cent.

Congressman Otto Passman of Louisiana has recently pointed out that our national debt exceeds by $43 billion the total national debt of all other nations of the free world. Many have used our foreign aid to keep their debts low. They have, in effect, conned the American taxpayers into providing services normally chargeable to their own taxpayers.

In the past 10 years Uncle Sam has gone in the hole another $55 billion. We roll billions off our tongues easily. But that $55 billion amounted to chucking one $1,000 bill out the window every six seconds, day and night, for the past 10 years. It would be a good way to draw a crowd.

Worse yet, Washington has developed a system of promising a lot more than it actually spends. Thus, future spending allocations are put beyond the reach of even the most economy-minded incoming administration.

There has been gross underestimation of the costs of many of our foot-in-the-door projects, but the theory is that no one will leave a dam half-finished or a bridge half-built.

Aside from a certain amount of guile on the part of those federal empire builders who gain both in salary and prestige from the burgeoning of their departments, it is now a fact that government is so big that it tends to get away from even the most sincere administrators.

Louis Cassels of UPI recently made a month-long study of federal budget and spending practices. He obtained estimates, from within government itself, that a minimum of $10 billion and perhaps as high as $30 billion of the $200 billion federal budget is utterly wasted.

The Senate Government Operations Committee recently found 10 agencies dealing in manpower programs; 18 in improving the natural environment and 20 in health. Congressman William Roth of Delaware interviewed agencies for eight months and found 1,050 separate programs providing money to states, cities, institutions or individuals. For higher education, alone, funds are spent through 21 separate agencies.

Obviously, if we're ever going to get government expenditures under control again we are going to have to cool down this one-upmanship between rival and competing agencies trying to do the same thing. We are going to have to appropriate for functions, to make an estimate of what the nation can afford to spend in such broad areas as defense, housing, medicare, conservation, education, highways, etc., and then divide these outlays among the agencies best equipped to handle them. At the present time we are trying to meet agency requests without sufficient regard for the nation's resources and the performance record of the agencies.

All of us who put a charge on our products or our services cut ourselves in on the incomes of those who buy what we make or hire us for what we can do. Most of us have competition. We are limited in what we can charge by what the competition charges. If our prices or fees get out of line we run up against diminishing returns.

This is as it should be. The antitrust laws were passed, for example, to keep combinations of manufacturers from monopolizing manufacture and setting unreasonable prices. Government regulatory agencies were set up to prevent utilities and transportation companies from over-pricing essential services where there is no competition.

But under the Wagner Act labor unions were exempted from antitrust action. And the National Labor Relations Board, which is supposed to be an impartial body, has behaved more and more like an agency of the unions.

As a result, one part of the checks and balances theoretically inherent in free enterprise isn't working. The tight monopoly of the building trades unions in many areas has kited the price of construction out of sight. We are seeking $9-an-hour plumbers and $10-an-hour brick masons. We see the national economy wracked as the parts of the nation are periodically tied up by dockers and maritime union members. Some of these strikes are designed not to improve wages and working conditions, but to levy penalties against new technologies which would cheapen the cost of shipping for every consumer.

A pistol to the head is not collective bargaining.

The union leadership is not acting irrationally. It is hard for a business agent to counsel moderation if he knows that some member will arise at the back of the hall and say, "Elect me—I can get you more." It is natural that union leadership would press for monopoly, for the right to discipline the membership by levying heavy and capricious fines, for the elimination of state right-to-work laws and the reimposition of the privilege of the secondary boycott.

It does no good to point fingers of scorn at this behavior because a lot of business would behave just about the same way if there were no restraints on cartels, price-fixing and collusion.

But the fact remains that as long as rigged market can be maintained in labor due to special privilege granted for political advantage it will be possible for certain wages to far exceed productivity. This forces up prices and feeds inflation.

Occasionally you hear a cry of anguish that the only solution is to reimpose wartime wage and price controls. These have certainly proven necessary when a nation bends all its effort toward all-out war production. But every nation that has maintained these controls in peacetime has tasted the bitter tea of corruption, black-marketing, idiotic shortages and poor quality goods.

A free market is the only market that is in perpetual adjustment to consumer demands. Free markets are simply weakened by monopoly. And a union labor monopoly is no holier than any other.

While we are looking for parties guilty of hastening the erosion of the dollar let us look at ourselves—we chamber of commerce types—for, alas, we are human, too.

We want good things for our cities and, many of these good things cannot be built without heavy federal subsidies. Over the past 30 years the decision-making process governing major city improvements has gradually gravitated to Washington.

Tick them over. Who gets an interstate highway without federal funds? Who gets an expressway? Who gets urban renewal and slum clearance? See how dependent our local universities and colleges have become on federal grants. And our hospitals. We all want bigger and better airports, and who provides subsidies for longer runways and better navigation aids?

Federal taxes have removed much of any city's wealth to Washington, and chambers of commerce struggle to get some of it back. We are acutely conscious that, if Louisville doesn't rattle the tin cup, Long Beach, Las Vegas or Little Rock will get the dough.

We are inclined to judge the quality of our senators and congressmen, not on how well they have thought out solutions to the nation's problems, but on how much chicken and gravy they've brought home.

We in chambers of commerce are going to have to exercise a little self-discipline ourselves. We are in a poor position to yawp about the destruction of the currency as long as we reward best those public servants who have been most willing to loot the treasury.

If we want to save the dollar we're going to have to stretch out our gimmies. We are going to have to be willing to wait another six months for the new bridge and maybe a year for the new hospital wing. And we're going to have to get the word to Washington.

For we in the business community are supposed to be more sophisticated about economic realities than any other general class of citizens. And if we don't demonstrate some prudent regard for America's future, who will?

I speak of America's future. I mean it. There is no such thing as a bankrupt great nation. There is no such thing as a flowering civilization, in industry, in the arts, in the sciences and humanities, if it has swept away the savings of its people.

One of the cruel ironies of our present crisis is that much of the damage has been done in the name of the "welfare state." They called it the "Great Society"—remember?

What welfare is there in old-age pensions paid off in potato chips? What social security is there in a carefully accumulated life insurance program that matures in dust? What honesty is there in government bonds that you eventually might light your cigar with, if you could find a cigar?

This is no uncharted road. The trail of history is lined with the bleached bones of social systems that imagined that prosperity and a money supply are synonymous. This is Pancho Villa economics. But long before poor Pancho worked the Mexican printing presses day and night in an honest effort to make all peons rich, the fallacies were plain.

And the ruination of workers is the surest result. People with cash reserves can find some hedges while the currency still has value. They can rush to buy lands or diamonds or foreign currencies. It is the man who depends upon his weekly paycheck who goes over the falls first and drops the farthest.

Out of the ruination usually comes a loss of liberties. During the great French inflation of the 1790s the desperate Paris mobs, finding their wages would buy no bread, hurried the original authors of the French Revolution to their own guillotines and welcomed the man on horseback, the dictator from Corsica.

The German inflation of the 1920s destroyed what faith and hope the Germans had in democratic processes. When the gentlemen bearing the swastika blamed it all on the Jews and said that Germans must submit to harsh disciplines in order to gain the glory that was rightly theirs, we all know what happened.

This is a very great country with very great economic strength. It is also a country blessed by rich resources and a skilled and energetic citizenry. America can have a high degree of general prosperity, a generous uplift program for the ignorant poor, and adequate charity for the unendowed. We can have all this and a sound dollar, too. But we must start listening to the Geiger counters.

Our economy is like an atomic pile. The heat is rising. The Geiger counters are growing noisier. But we are still some distance from the runaway, uncontrollable reaction that will produce utter disaster. We still have time to drive in the graphite rods and will control the fission and deliver, not explosion, but useful energy.

The gentleman from what was Hardin County, who made the great speech at Gettysburg, said that government conceived in liberty was being tested.

That government survived the particular test he had in mind. It has surived many great tests since then. But, beginning with Lord Thomas Macalulay, many political philosophies have wondered whether democracy doesn't carry with it the seeds of its own destruction, whether the people will be able to resist indefinitely the temptation to debauch the currency.

This is the great test of 1969. The integrity of Americans is now on trial.

Let no one tell you that the cure for our recent follies will be painless. Let no one tell you that we can turn away from our money jag without withdrawal symptoms, without some squeeze and crunch.

But we must choose between some pain now or agony later.

If we are not honest with ourselves—if we remain carried away by greed—then this great pile could blow.

HEROISM IN CLOSE COMBAT EARNS AWARD FOR MARYLAND GI

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. LONG of Maryland. Mr. Speaker, S. Sgt. Gene Moses, a fine young man from Maryland was recently awarded the Bronze Star with "V" Device for his heroism in Vietnam. I wish to honor his courage by including the following article in the RECORD:

HEROISM IN CLOSE COMBAT EARNS AWARD FOR LOCAL GI

The bravery and devotion to duty of a Bel Air soldier have earned for him the the Bronze Star Medal for Heroism, with 'V' device.

Staff Sergeant Gene W. Moses, the son of Emma Johnson of Bel Air, was cited recently for his actions of May 16 in the vicinity of Bong Son, Vietnam.

His actions in leading a reconnaissance patrol were credited with leading to the deaths of 47 enemy personnel, and a number of wounded. In addition, he shot and killed one enemy soldier himself, and, when his gun suddenly jammed, used his survival knife to kill two other enemy soldiers whom he faced.

In a note to his mother, Sgt. Moses commented, "I got lucky, that's all. I sure hope I keep on having 'luck' on my side."

The official reason for the citation was explained in a Department of Army announcement:

"For heroism in connection with military operations against a hostile force near Landing Zone English, in the vicinity of Bong Son, Republic of Vietnam. On May 16, 1969 SSG Moses was leading Team 3, a six man reconnaissance patrol, when they suddenly spotted nine enemy soldiers all heavily armed approaching their position.

"A closer observation revealed that the nine enemy soldiers were the point element of a NVA reinforced company. SSG Moses instructed the assistant team leader Sgt. Husman to move the other team members further down the trial and to set up a hasty ambush while he stayed in position to call and adjust artillery fire on the advancing NVA company.

"With the artillery fire and the aid of Huey Cobras and gunships the NVA company was surprised and completely disorganized with a devastating and suppressive barrage of fire. Upon seeing that the enemy company was withdrawing with heavy casualties SSG Moses moved back to help his team who had already engaged the point element of the NVA company. Rounding a bend in the trail SSG Moses ran into three fleeing enemy soldiers who had managed to break out of the ambush set up by his team members. SSG Moses shot and killed one enemy soldier right off and then took cover.

"At this time his weapon became jammed and would not fire, he then took out his survival knife, charged and killed the two remaining enemy soldiers. A sweep of the area later on in the day confirmed 47 enemy killed in action to include the nine killed by the small reconnaissance patrol lead by SSG Moses, and numerous blood trails gave evidence of a large number were wounded.

"SSG Moses' complete devotion to duty and personal bravery were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army."

ARE THE CITIES TRAPPED IN THE WATER POLLUTION CONTROL FUNDING GAP?

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. McCARTHY. Mr. Speaker, I would like to call to the attention of the House an excellent publication of the National League of Cities, which describes the difficulties faced by our cities in fighting ing pollution—not only air and water pollution, but also the "audible pollutant"—noise. I refer to the current issue of Nation's Cities, the official monthly magazine of the National League of Cities. I highly recommend the entire issue. Even a glance at the titles of the articles or a quick skim through the magazine makes it clear that our cities are already working hard to combat pollution and are constantly developing new techniques for pollution control.

You may remember that back in 1965 when we passed the Water Quality Act, the National League of Cities was among its strong supporters. Even though this act set water quality standards to be met within a prescribed time limit and thus required local commitment and investment, still the cities were strongly behind it. They recognized the problem, acknowledged their responsibility, and have invested millions of local dollars in water pollution control. But now many of our cities face fiscal crises. Up against their debt limits, paying more in interest than in principal on municipal bonds for pollution control facilities, our cities need our help. They are not demanding new Federal authorizations; they merely ask that we honor the promise we made in 1966 when we passed the Clean Water Restoration Act.

The lead article in September's Nation's Cities, entitled "Art the Cities Trapped in the Water Pollution Control Funding Gap?" points out the dilemma faced by our cities as a result of Congress' unwillingness to appropriate the funds authorized in the Clean Water Restoration Act of 1966. The cities have made—and continue to make large contributions to the effort, but they cannot do it alone. Congress must act. I urge my colleageus to read this article and to support full funding of $1 billion for Federal grants for construction of waste treatment facilities.

The text of the article follows:

ARE THE CITIES TRAPPED IN THE WATER POLLUTION CONTROL FUNDING GAP?

(By Raymond L. Bancroft)

Hopes were high back in 1966 when the Congress approved the Clean Waters Restoration Act. NATION'S CITIES called it "one of the 89th Congress' most sweeping accomplishments."

And indeed it was. The act called for a steady and steep rise in federal assistance for sewage treatment facility construction—from $150 million in fiscal 1967 to $450 million in 1968, $70) million in 1969, $1 billion in 1970, and $1.25 billion in 1971. Financially hard-pressed cities and counties were enthusiastic about the prospects of really being able—with increased federal help—to meet the water quality standards then being drafted by state water agencies under the Water Quality Act of 1965.

While the lofty money authorization levels set in the 1966 act remain intact, however, the appropriations to match them have not been made by Congress. In fact, as the table on page 8 shows, the appropriations from fiscal year 1967 through 1970 (including $214 million asked for '70) total $781 million, only a third of the $2.3 *billion* authorized. Construction grant officials in the Federal Water Pollution Control Administration said in July that applications for non-existent funds continue to pile up. A total of 4,648 applications for construction grants are now languishing in FWPCA regional offices or in state water pollution bureaus.

The result of the lag in federal funds for wastewater construction projects naturally has "put the burden back on the localities" to pay for needed projects, says Robert Canham, acting executive secretary of the Water Pollution Control Federation, a national association representing both industry and government.

1968 MUNICIPAL WASTE TERRITORY[1]

	Primary treatment			Secondary treatment			No treatment	
Size of place, 1960 census	Total plants	Communities identifiable	Population served	Total plants	Communities identifiable	Population served	Communities	Population served
Unknown	112	65	6,284,805	643	302	8,049,603	15	271,725
Under 500	261	239	587,361	1,231	1,117	1,820,942	252	79,640
500 to 1,000	355	338	249,101	1,422	1,344	1,322,214	333	228,444
1,000 to 2,500	623	550	980,302	2,160	1,945	3,422,129	491	685,556
2,500 to 5,000	368	318	1,110,813	1,329	1,103	4,325,341	215	704,898
5,000 to 10,000	279	239	2,532,269	961	781	5,763,512	143	1,649,878
10,000 to 25,000	242	211	3,453,900	771	519	8,875,655	82	1,354,855
25,000 to 50,000	106	83	3,063,100	258	166	6,588,635	25	839,075
50,000 to 100,000	48	41	3,374,220	158	74	6,192,422	14	1,071,710
100,000 to 250,000	35	18	3,419,215	97	39	6,604,168	8	1,224,070
250,000 to 500,000	17	9	3,307,525	76	10	4,200,285	2	858,905
Over 500,000	22	6	15,372,410	77	9	18,620,880	2	2,305,900
Total	2,468	2,117	43,735,021	9,183	7,399	75,785,786	1,582	11,274,656

[1] Includes 1962 rather than 1968 conditions for the States of New York, New Jersey, Pennsylvania, Iowa, and Arkansas.

Source: "The Cost of Clean Water and Its Economic Impact," vol. 1, 1969 (preliminary data). Federal Water Pollution Control Administration.

"This whole situation has tended to lead to a lack of confidence by local and state officials in what federal aid levels will be," Canham adds. "The states are recognizing the problem where it counts . . . through their taxpayers with the expectation of federal assistance later."

The fact that municipalities and states are taking up the slack in waste treatment facility building left by inadequate federal assistance is borne out in a new WPCF publication, *Water Pollution Control Facts*.

"The influence of the federal grants program for the construction of wastewater treatment facilities, even at its $214-million per year level, assures the proper encouragement of construction by municipalities," the report states. "Witness the 1968 increase over 1967; it showed a 20 per cent increase for a total of $1.35 billion, despite the fact that the level of federal grants funds did not increase. Fiscal 1970 continues at the $214 million level, the same as fiscal 1969. At least this will keep up the momentum."

Canham, however, wonders what will happen to the fight against water pollution when the 1966 act's current authorization expires in fiscal 1971, particularly if increased federal appropriations aren't forthcoming.

"The whole effort is bound to suffer," he says.

In advocating that Congress appropriate the full $1 billion authorized for fiscal 1970 construction grants, the National League of Cities has pointed out the bind in which many cities will find themselves if they cannot get federal assistance.

"Local improvements must be made since the act provides for enforcement through the Courts," said NLC President C. Beverly Briley, Mayor of Nashville, in a letter to President Nixon urging his support of the full appropriation.

"Local units will be compelled to proceed with major improvements and expenditures whether or not the federal government meets its obligations. The sad product will be that cities will be forced to clean up the waterways but will do so at the expense of improving housing, education, and other critical local needs which draw upon the same resource base."

Already communities in Pennsylvania, Missouri, Florida, California, and New Jersey have faced state-imposed restrictions on future residential and commercial construction because of water pollution problems.

But many observers, including the NLC, feel it is unfair for cities to be forced to comply with water quality standards while many are not able to financially meet them because Congress has failed to appropriate funds already authorized.

Mayor Briley urged the Administration to either support efforts to get full appropriations or, if this is not possible, to modify the schedule of compliance to permit cities a longer period of time in which to meet water quality standards.

The primary reason for lack of adequate federal financing of the 1966 Clean Waters Restoration Act is the same given for other domestic program appropriation lags: the Vietnam War. Under prodding from the budget cutters, the Administration has sent Congress an alternative plan for financing waste treatment plant construction. Under the plan, the Secretary of the Interior could enter into contracts up to 30 years in length with a local or state government to pay the federal share of the costs of treatment plants. This means larger bond issues would have to be floated and the locality or state would have to pick up the interest on the federal share. Federal payments to the state or local government would be made up to 30 years to cover that U.S. share. The National Leagues of Cities and other groups representing local governments are opposed to the plan. "We think it stinks," said one NLC staffer.

As Joe G. Moore, Jr., the former commissioner of the Federal Water Pollution Control Administration, expressed it at a conference earlier this year:

"Congress . . . will again this year wrestle with the problem of how to provide additional funds for the construction of waste treatment facilities without appropriating money."

David D. Dominick, Moore's successor, expresses disappointment at the length of time it took to get the alternate financing proposal to Congress. But, he adds, "we must make the best of a tight budget situation because right now we are lagging in the fight for clean water."

Dominick's FWPCA is caught in the middle of the financing dilemma. It pushed hard for an appropriation of $600 million for construction grants in the proposed 1970 budget but the Bureau of the Budget chopped that request to $214 million, the same as that appropriated in 1969.

"It is most important that we keep every effort in Washington to keep faith with the states that have already begun construction on their own," Dominick says. "We must keep faith with the municipalities which need additional financial assistance in order to meet the water quality standards to which they have agreed."

FWPCA officials in the field also feel the pinch of congressional promises in the light of funding realities. Richard A. Vanderhoof, director of FWPCA's Ohio Basin Region, notes the "clearly incompatible" nature of water quality standards and the funds available to meet them.

"We're making progress in water pollution control if everyone would stand still," Vanderhoof says. "But we must run faster. The combination of industrial growth and municipal growth almost puts us in a position of status quo, particularly with the level of funds we have available."

Although it is generally agreed that there is a whopping backlog of unmet sewage treatment needs in the U.S. (a 1967 FWPCA estimate put the total at $8 billion to provide secondary treatment for most of the urban population), the 1969 edition of FWPCA's *The Cost of Clean Water and Its Economic Impact* comes up with a much smaller backlog estimate of less than $2 billion.

"Only a fault in basic assumptions or a significant change in circumstances can account for the variation found to exist between various estimates of the cost of water pollution and control," the agency report says.

"It may be argued," the report continues, "that the concept underlying almost every cost estimate that has been made—that is, the idea of a fixed backlog—is no longer a valid assumption in light of the current status of waste treatment as reflected in the 1968 Municipal Waste Inventory.

"Water pollution is a process as well as a condition. It is dynamic in its occurrence; fluctuating in its circumstances. So water pollution control must be flexible in its approaches; and time forms an essential element in estimates of its cost.

"This document [the report], then, views the municipal costs of water pollution control within a context of dynamism. It gropes with the question of determining an *appropriate rate of investment* rather than establishing a final cost of water pollution control. In substituting the dynamic view of the static one, it recognizes the disagreeable fact that pollution control will continue to require expenditures, that pollution cannot be ended by spending any single sum. It loses something in apparent precision. It is felt, however, that the view compensates for any lack of definition by bringing us closer to a manageable statement of real conditions.

"The changed way of looking at things imposes a broader view and forces recognition of problems in relating federal programs to events in such a way that the programs will not be out of date or misscaled by the time they are initiated. While all the ramifications of the approach are not understood, analyses now being undertaken can be expected to yield some insights over the coming year. These may be useful in recasting legislation after the expiration of current authorization in fiscal year 1971."

The FWPCA report also points out that new treatment plant investments are fairly close to the estimated need for construction and that rates of investment for interceptors and outfalls are very close to the level of indicated requirement. "But sewer, replacement, and expansion shortcomings seem to be developing," it adds. "Since 1963 the construction of new waste treatment plants has been declining relative to the other major categories of investment that qualify for FWPCA construction grants—replacements, additions, and installation of interceptor sewers."

But the FWPCA notes that the decline in new treatment projects should not be a surprise. An "enormous number" of new plants—more than 7,500—have been built between 1952 and 1967 and the great majority of the population with sewers now receives some sort of waste treatment.

Since only four cities over 250,000 population (Honolulu, New Orleans, Memphis, and parts of New York City) remain available for *initial* waste treatment investments, the coming investment in new plants is concentrated in small towns. The FWPCA report says communities under 10,000 population now account for almost half of the dollar value of investment for new waste treatment plants, up from slightly more than a third during the 1952–55 period.

Estimates from the states in their program plans indicate that municipal waste handling investments over the 1969 through 1973 period will amount to about $6 billion, roughly equal to that spent over the past five years, the FWPCA report says. It is very likely that spending for upgrading, expansion, and replacement needs in 1969 will exceed the outlays for new plant investments. "There seem to be great expansion and replacement needs in cities of all sizes," the report notes.

Adding to this trend will be the need for advanced waste treatment to meet the stricter state water quality control standards. Tertiary or advanced waste treatment is a state goal for many Indiana communities by 1977, is contemplated for some Ohio towns, is being phased into the Chicago system, and is planned for part of Long Island. Construction costs zoom upward for advanced treatment facilities.

The need for advanced treatment, the increased emphasis on upgrading operational efficiency, and the need to raise operator wages will increase operating and maintenance costs of municipal waste treatment plants "very sharply in the immediate future," the FWPCA report notes. Already these operating and maintenance costs total $150 million to $200 million a year, a doubling in the last decade.

In summarizing its findings, the FWPCA concludes:

"It would appear, then, that there may be a substantial gap opening between the amount the nation expects to spend—as measured by state program plans and by the level of federal construction grant appropriations—and the amount that will be required to complete the connection of all sewered places to waste treatment plants and to expand, replace, and upgrade treatment where it now exists.

"The fact that the states as a group anticipate programs that will involve a level of spending very close to that of the last six years is a cause for major concern, despite the major accomplishments of the last six years.

"The findings of this report show that investment requirements imposed by new plant construction, expansion, replacement and upgrading of plants, accelerating acceptance of industrial wastes in the municipal plant, increasing levels of waste reduction being required, and the fact that a very significant portion of needed new investment occurs in precisely those places where cost experience in the past has been highest, will all result in pressing capital requirements upward significantly for many years."

INFLATION FIGHT DRAWS BLOOD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. DERWINSKI. Mr. Speaker, it is obvious that a great adverse effect of inflation is felt by the situation affecting our domestic scene as well as our international trade relations.

An editorial in the Saturday, September 6 Chicago Daily News very succinctly comments on the fight of the Nixon administration to control inflation:

INFLATION FIGHT DRAWS BLOOD

President Nixon's 75-percent cutback on new federal government construction suggests that the inflation problem remains his foremost concern. The sooner it becomes so to the majority of congressmen, the better will be the chances of building an effective defense.

The explosion of protest in Chicago over an order that will, for example, hold the 45-story federal office building project on dead center illustrates how painful even this small dose of medicine can be. Chicago congressmen promptly—and rightly—wail that the cutback will cost the city money and jobs, including jobs of minority groups who need them badly. They also argue—again rightly—that construction costs next year will probably be substantially higher than they are now.

But that comes around to Mr. Nixon's point: How is it possible, without a painful economic wrench, ever to put a halt to the rising inflationary spiral that threatens to end in a devastating national economy collapse? There is no painless way.

The House of Representatives, of course, should have borne this in mind when it wrote its new bill providing tax relief for millions of citizens. That is precisely the wrong tactic in a situation where a key problem is public buying pressure driving up prices.

Yet the President was bound to invoke opposition jeers and catcalls when (as he has now done) he offered a new proposal to rescind those cuts while giving a bit of relief to corporations to offset the jolt repeal of the 7-percent investment credit will bring.

We hope the returning Congress will leave off grandstanding and turn its serious attention to braking a rampant economy that has so far resisted every effort to slack its pace. Unless this is done, there is disaster ahead for everyone.

A LEAF FROM THE MILITARY BOOK

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. CORMAN. Mr. Speaker, in 1948 President Truman took a significant step toward assuring this Nation's goal of racial equity by issuing an Executive order that henceforth, any and all discriminatory practices in the military would cease. Since that time, our Military Establishment has proceeded to prove quietly and without fanfare that all Americans, whatever their origin, can live and work together in harmony and friendship. As a former marine, I am particularly proud of the record of progress in the Marine Corps.

But the military, some 3,000,000 strong, are drawn from all segments of our society, and inevitably, some of the racial turmoil which has beset us in the past few years has surfaced in the ranks of recent recruits. Young, black Americans entering service are clearly aware of minority rights, and are less patient and more assertive. As a result, some instances of conflict have been occurring at military installations, marring the record of 20 years of peaceful coexistence. In one instance, a life was lost.

Any life foreshorted by needless and misplaced passions is tragic. But by giving disproportionate prominence to the problems that our society as a whole has bequeathed the military, we are doing a disservice to the efforts of enlightened and intelligent military leaders who are dedicated, as few others can claim to be, to the proposition that all men are created equal.

They have been proving for more than a generation what the rest of us have been trying to prove since America was founded, that equality for all really works. We could all take a leaf from the military book.

With this in mind, I call my colleagues' attention to a message recently directed to all marines by their Commandant, Gen. Leonard F. Chapman. Evenhandedly, he notes recent conflicts; evenhandedly, actions are directed to bring about a solution. Above all, evenhandedly, justice is dispensed in the finest traditions of our country and our military.

Marine Gen. Leonard F. Chapman's message follows:

NAVAL COMMUNICATIONS SYSTEM

(Released by L. F. Chapman, Jr.)

During the past several months there have been instances among marines of violence and other unacceptable actions which apparently stem from racial differences. Such problems are almost unheard of among marines in combat. It is when marines move to other areas or return to the United States that these differences arise. And it is there where acts of violence between marines are occurring, acts which cannot be tolerated, and must stop.

I do not believe that the recent events are typical. In fact, literally thousands of marines have quietly made the adjustment from combat, and capably served stern and demanding tours of duty, in a national atmosphere where expressions of appreciation for their services are hard to find. It is evident, however, that despite our substantial progress toward racial parity, difficulties of a significant nature do exist in our corps.

It is now and has long been our policy in the Marine Corps that discrimination in any form is not tolerated. It has similarly been our policy that a fighting organization such as ours must have a solid foundation of firm, impartial discipline. It is in the context of these two basic policies that we must take measures to dispel the racial problems that currently exist.

We may argue that the underlying causes of our racial difficulties parallel those of the Nation at large, but the fact remains that they are real, and they can adversely affect the military effectiveness of our corps. We must seek in every manner possible to improve understanding among all marines, stressing the concept that we are a band of comrades in arms, a loyal fraternity with a traditional esprit that spans an era of nearly two hundred years. The truly integrated spirit that pervades on the battlefield, must pervade in the barracks and on liberty as well. The causes of friction, rather than the symptoms, must be identified by all commanders, frankly and openly discussed, and eliminated where possible. Positive and overt efforts to eradicate every trace of discrimination, whether intentional or not, must be continued. Actions or influences that tend to arouse antagonism between fellow marines must be combatted. Every marine must understand that the Marine Corps does guarantee equal rights, equal opportunity, and equal protection, without regard to race, and will continue to do so. We take care of our own, continuing to recognize, as the foundation of our corps, the importance, integrity, and dignity of the individual marine.

Equally vital, each Marine must understand why the Marine Corps has always demanded the highest standards in military appearance, military courtesy, and proficiency, and why we will continue to do so. These high standards breed pride, and pride, in turn, builds the kind of discipline that is essential to battlefield success with minimum casualties. These qualities have always been the hallmark of Marines and no relaxation in our proven high standards will be condoned. For example, uniforms will be worn correctly with no non-regulation items in evidence; haircuts will conform to regulations, no more, no less; proper military salutes will be rendered on appropriate occasions; the highest quality of professionalism must be exhibited in every assignment; breaches of good order and discipline will be dealt with fairly, expeditiously, and firmly. This is especially true for those Marines who instigate or execute violence against their fellow Marines.

It is the responsibility of the officers and staff NCOs to provide the leadership and set the example for those junior to them, particularly for the combat veterans who have had little experience in other duties. We must demonstrate that leadership responsibilities demand after-hours availability and supervision. I cannot improve upon the expression of principles of leadership and the relations between officers, staff NCOs and men as they are written in the Marine Corps manual. If these were conscientiously carried out, many of our problems would disappear.

Some complaints about discrimination I have heard appear to be valid, but many are based on rumor or misapprehension. Nevertheless, some Marines believe them to be true. Most are concerned with promotions, military justice, duty assignments, and request mast. It is essential that all commanders learn of these erroneous beliefs and systematically and continuously inform their men of the facts. Commanders and staff NCOs must communicate with their men, and see that they get the straight word, so that trust in the corps can be restored to those who doubt.

To come to grips with the problem of racial friction, the following actions will be immediately undertaken:

A. The contents of this message will at once be read and explained to all Marines, except to those in combat, by immediate commanding officers personally.

B. All officers and NCOs will review the complete contents of the Department of the Navy's manual on equal opportunity and treatment of military personnel.

C. All officers and staff NCOs will read, carefully absorb, and practice the contents of that section of the Marine Corps manual dealing with military leadership.

D. Every commanding officer will review his request mast procedures to ensure that all Marines understand clearly their right to air their grievances without hindrance or prejudice. I emphasize that no harrassment, either real or implied, will be permitted to occur at any level between the individual requesting mast and the commander with whom he is requesting mast. Individuals may request mast with any commanding officer/commanding general in their chain of command at their base or location. I want to insure that channels of communications between every marine and his commanding officer are open, that every marine understands that they are open, and that legitimate grievances will receive sympathetic consideration and rapid response.

E. Commanders will permit the Afro/natural haircut providing it conforms with current Marine Corps regulations.

F. No actions, signs, symbols, gestures, and words which are contrary to tradition will be permitted during formations or when rendering military courtesies to colors, the national anthem, or individuals. Individual signs between groups or individuals will be accepted for what they are—gestures of recognition and unity; in this connection, it is Marine Corps policy that, while such actions are to be discouraged, they are nevertheless expressions of individual belief and are not, in themselves, prohibited. However, they are grounds for disciplinary action if executed during official ceremonies or in a manner suggesting direct defiance of duly constituted authority.

G. Each commander will review his promotion procedures to verify their fairness and emphasis on merit and potential, and will correct any errors that may have been made in the past, in accordance with current regulations.

H. Commanding generals and commanding officers will immediately, conscientiously, and persistently execute the general and specific provisions of this message, and report progress to me from time to time through the chain of command. This message is applicable to the Marine Corps Reserve.

BETTER APPROACH NEEDED TO END WAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. BROWN of California. Mr. Speaker, last week's fizzling "peace offensive" by the Nixon administration does not appear to make much sense. Whatever its intent—and that may be something we do not learn about for some time—the slipshod bombing halt-start figures to be a setback rather than a move toward eventual settlement in Vietnam.

Once again, the quick shift on bombing indicates the polarities separating the persons who are interested in achieving peace through mutual compromises and the militarists—both American and Asian—who seek peace only through battlefield victory.

Hopefully, last week's abortive grasp for peace can be shunted aside as just a bad show, and the administration can still attempt some meaningful methods of stopping the needless slaughter in Vietnam. Recent reports do present some evidence that Hanoi might be willing to push on toward settlement if we took some new stances regarding the degree of troop withdrawal and support of the Thieu-Ky regime.

Mr. Speaker, my file continues to thicken with reports detailing the current turmoil over peace maneuvers by both Washington and Hanoi, and I now submit four of those articles for the RECORD:

[From the Washington Post, Sept. 15, 1969]

B-52 HALT WAS "SIGNAL" THAT BACKFIRED AT HOME

(By Murrey Marder)

President Nixon's puzzling on-off halt to B-52 bombing in South Vietnam was intended as a signal of "flexibility" for Hanoi in shaping its post-Ho Chi Minh strategy.

The halt, which the White House officially denies was a signal to achieve a direct response, already appears to have misfired domestically, by arousing bafflement about the President's purposes in ordering the 36-hour suspension. The White House top command, concentrated for weeks on the West Coast and looking at the United States from that perspective, acted stunned by the immediate reaction, in the American press and in Saigon.

Whether the intended signal similarly will misfire or pay off in North Veitnam is still open to question.

The United States has handed North Vietnam at least a short-range propaganda argument to attack U.S. policy. Experts expect that Hanoi and the Vietcong, in any event, are likely to assail the 36-hour bombing pause as another example of American "trickery," which they say was repeatedly practiced by President Johnson.

Administration strategists also may find that they have whipped up just the kind of ferment of domestic attacks on U.S. Vietnam policy that they privately have credited themselves with avoiding throughout the summer.

There were some surface indications yesterday that because of the public bafflement created by the B-52 sequence President Nixon now may feel obliged to speak out quickly on his Vietnam policy, probably with a new decision on additional U.S. troop withdrawals.

Speculation, but no firm evidence, increased that the President may make a Vietnam statement before his scheduled address on Thursday to the United Nations General Assembly.

But the official response yesterday was "no comment" to all further inquiries about the B-52 affair or about the President's extensive policy review Friday with his Vietnam advisers.

There are strong reasons to believe that by the B-52 pause the administration wanted to accomplish something more than simply measure North Vietnam's combat "intentions" following the Communist-called cease-fire to mourn the death of North Vietnam's President Ho. Diplomatic sources generally took that official explanation with a massive dose of skepticism.

UNSTATED GOAL

The unstated U.S. objective is understood to be that President Nixon especially wanted to signal North Vietnam, at this particular time, that all subjects in the war, including the B-52 raids, are negotiable with the sole exception, as he has said before, of the South Vietnamese people's "right to self-determination."

On July 30, the President proclaimed, during his visit to Saigon:

"We have gone as far now as we can or should go in opening the door to peace, and now it is time for the other side to respond."

That statement created an impression of rigidity. There is no sign that the administration wants to retract or amend it. But the administration, it is understood, does want to remove the aura of immobility attached to it, both for domestic and diplomatic purposes.

As far as North Vietnam is concerned, the President evidently wanted to signal Hanoi's leaders that what it repeatedly denounces as "mass massacres" and "terror raids" by the B-52s can be ended—for a so far unstated bargaining price. To have said so directly to North Vietnam, however, could expose the United States to the charge of "ultimatum" or "blackmail."

To have said so aloud also could have exposed the President to intense opposition from South Vietnam's government and the U.S. military establishment, which still privately criticize President Johnson's decision to halt the bombing of North Vietnam last Nov. 1 as an unfortunate giveaway. The four-delegation Paris talks which that action produced are trapped in stalemate.

In addition, there is already some South Vietnamese suspicion that in ordering the B-52 halt, the United States may have received some secret overture from North Vietnam that it withheld from Saigon. U.S. sources deny there was any "signal" from Hanoi to which the President was responding.

Cumulatively, therefore, the risks arising from the brief B-52 halt are large and the returns so far are indistinguishable. The administration, however, is operating on the premise that the returns cannot yet be measured.

[From the Washington Post, Sept. 15, 1969]

VIETNAM REVIEW OPPORTUNE BECAUSE OF EUPHORIC POLICY

(By Joseph Kraft)

The top-level Vietnam review now getting under way at the White House could hardly have come at a more opportune time. For over the past few months, the administration's central lines of policy have sunk from sight in a miasmic atmosphere compounded by unavowed euphoria and the illusion that all things are possible.

In the absence of clear policy lines there has been muddling galore. Far from being in position to react to the death of Ho Chi Minh the administration is in fact back at square one. It needs to block out fundamental policy on Vietnam—especially on the key issue of troop withdrawal.

Part of the euphoria arises from field reports. From Gen. Creighton Abrams on down, the U.S. command in Saigon asserts that the enemy is on the run and is scraping the bottom of the manpower barrel. Ambassador Ellsworth Bunker, back for consultation, has been telling everybody that success in the pacification program is causing the other side's political infrastructure to wither away.

On top of these reports come highly favorable assessments of domestic opinion. The administration does not think the anti-Vietnam students are going to give it a hard time this fall. As one official puts it:

"The kids could call Johnson and Humphrey 'phony liberals' and there would be a reaction. But they can't call Nixon a 'phony liberal.' They don't relate to him at all. So there won't be much of a fuss."

What results from these assessments is a mood of unarticulated confidence easier to feel than to describe. Nobody says flat out that the war is won or even that a little persistence will see it through. The word-eating forced by events upon the Johnson administration has caused officials to hold their tongues.

But actions betray what words do not. And the Nixon administration, in case after case, has been acting as though it did not have to have a firm policy, as though it was enough to let events take their course, as though all options were open, all things possible.

Take the matter of troop withdrawal. There were internal differences when it came time to announce a second cut last month. The command in Saigon did not want to ease pressure. So rather than enforce the issue, the President postponed a decision.

Then there was the matter of the battlefield truce called by the other side after the death of Ho Chi Minh. If only for propaganda purposes, it would have been useful for Washington to accept the truce, and call for extension to a general cease-fire. But since nobody in the administration cared enough to push the issue, President Nguyen Van Thieu of South Vietnam seized the moment to reject the truce. The best the administration could then retrieve was a lame offer to scale down combat activities contingent on reduction by the other side.

Lastly, there has been the matter of the New South Vietnamese Cabinet of Premier Tran Thien Khiem. Instead of reflecting a broadening of political base, it expresses a concentration power in the hands of a tiny, unrepresentative clique. But nobody in the administration was concerned enough even to emit a squeak. On the contrary, Ambassador Bunker blandly promised that the new team would be particularly "effective"—as if effectiveness was interchangeable with broad political support.

In fact, the unspoken optimism behind these inactions is not well-founded. North Vietnam, far from being at the bottom of the manpower barrel, has its regular army virtually intact. Any time the other side wants to take big casualties, it can, in one or two nights of attacks wipe out virtually all the recent progress made in pacification.

As to public opinion, it may well be that the students will not kick up an important fuss this fall. But Mr. Nixon's right-wing supporters are soon going to be pushing him hard on their favorite theme of win or get out. As the President put it in his eulogy of Senator Dirksen: "Friends are not always . . . allies."

Thus there is an urgent requirement—a requirement that goes far beyond the death of Ho Chi Minh—for the President to take the Vietnam issue in hand. There is a need to assert, far more explicitly than ever before, that the United States is not going to fight the Vietnamese war indefinitely.

There are many ways to make that point. But the best way to deliver the message—the way that will be heard in Hanoi, Saigon, Paris and across this country—is to order a troop withdrawal that goes well beyond the trifling figures of 30,000 or 40,000 talked about in the past.

[From the Washington Post, Sept. 15, 1969]

PRESIDENT FACES A WIDENING SPLIT BETWEEN GENERALS, AIDES ON WAR

(By Rowland Evans and Robert Novak)

The quiet but rising pressure by the generals for a military instead of political solution to the Vietnam war was dramatically evident in a recent private luncheon on Capitol Hill.

Guest of honor was Gen. William Westmoreland, formerly top U.S. commander in Vietnam and now chief of staff of the Army. His hosts were several congressmen—headed by Rep. Olin (Tiger) Teague of Texas, Democratic chairman of the House Veterans Committee and a hawk.

Westmoreland was careful to say nothing critical of President Nixon and the Nixon plan to withdraw U.S. combat troops as fast as they can be replaced by South Vietnamese. That plan was the brainchild of Westmoreland's boss, Secretary of Defense Melvin R. Laird.

But when the dishes were cleared and the coffee poured, the general's hosts asked hard questions, specifically whether the war could be won if all restraints were removed from the U.S. military. Westmoreland said that in his opinion the war would be over now if U.S. forces had been unleashed.

More important, Westmoreland—again answering specific questions—raised the horrible specter of hordes of North Vietnamese regulars suddenly descending on the U.S. troops remaining after most of the combat troops have been withdrawn.

To the congressmen present, Westmoreland was conjuring up "a giant Dienbienphu"—a reference to the catastrophic French defeat by Ho Chi Minh in 1954.

Westmoreland's grim words could not be described as any veiled signal for a revolt of the generals. But they were tangible evidence of the rearguard action that Laird, Secretary of State William P. Rogers and the President himself are now fighting to carry out the troop-withdrawal policy.

The words are testimony, too, to deepening fears within the White House of right-wing political reaction against the President's plan to "Vietnamize" the war. To the extent that U.S. casualties remain high as the withdrawals proceed, Mr. Nixon is highly vulnerable to political attack.

This partially explains the long delay in the President's announcement of a second troop pullback, following the first withdrawal of 25,000 troops announced on June 8.

Moreover, in making the decision to delay that second announcement, the President was buying time out of political factors having nothing at all to do with Vietnam. The success of the Apollo moon shot, it was decided in the White House, created so much pro-Nixon euphoria that a delay in the announcement promised for August would be politically acceptable. White House strategists also calculated that a troop pullout would have maximum effectiveness in cooling the campuses if it came after the start of the new school year.

In sum, the White House determined that Mr. Nixon could appease the generals by stretching out the process of de-Americanizing the war without triggering an immediate backfire from the doves.

But despite the euphoria of Apollo, the cost of the long delay has been severe. It has damaged Mr. Nixon's credibility and has revealed the fundamental split between his civilian advisers—Laird, Rogers, and Henry Kissinger, his national security adviser—and the generals.

It isn't generally known, for example, that during the polite, public spat between the State and Defense Departments over the level of North Vietnamese infiltration into South Vietnam, some high military officers in the Pentagon secretly lobbied the press. Their message: That the State Department did not know what it was talking about in claiming a major reduction in infiltration. This lobbying undoubtedly was done without Laird's knowledge.

Furthermore, the delay was deeply resented at working levels of the State Department (it came only four days after Rogers' careful press conference pledge that the U.S. would take major risks for peace).

This is the backdrop to the President's summit meeting Friday. With every major civilian and military official involved in the war present, Mr. Nixon will have to adjudicate growing differences between his generals, more convinced than ever that the enemy is now on the brink of military defeat, and his civilian advisers, who will insist on following the announced plan of withdrawals.

Whichever way Mr. Nixon chooses, the generals, emboldened by their success last month, are not about to give up their flanking attacks on the policy of pulling U.S. troops out of the war. That is the real cost of the President's delay.

[From the Washington Post, Sept. 15, 1969]

DEATH OF HO IS A GRAVE BLOW TO HANOI AND HOPES FOR PEACE

(By Marquis Childs)

The death of Ho Chi Minh is judged in all the assessments as a grave blow to Hanoi. He was father figure who, in the ordeal of 30 years of war and occupation, stood for the independence of the Vietnamese people. However incapacitated he may have been in recent months, there is no substitute.

But it is also very likely to be a blow to the hope of peace by negotiation. Ho alone had the authority to put the stamp of approval on a compromise settlement which might have ended the bloodletting and have made eventual American withdrawal possible. His heirs have nothing like his unifying force or his authoritarian voice.

For Ho death in the midst of a still inconclusive war, taking such a hideous toll in misery and suffering, is the final grim irony. This reporter has a vivid memory of a talk with India's Prime Minister Jawaharlal Nehru in 1951. This was as the guerrilla tactic in the jungles of Indochina had begun to tell heavily against the French colonial army.

At the end of World War II Ho had entered into long and painstaking negotiation in Paris for the independence of the democratic republic of Vietnam, which was his creation. After many months he believed he had obtained agreement insuring his role in an independent nation in which French commercial interests would be respected. Returning home, he stopped in New Delhi for a meeting with Nehru.

Ho told the Indian leader he was confident the agreement was workable. As Nehru reported their conversation, Ho envisaged a form of Socialist gradualism that would mean live-and-let-live in the developing nation.

This may have been a naive view. Nehru tended to look at communism through his own rose-colored glasses. There was, however, at least the hope that the conservatism of the Vietnamese peasant and the centuries-old tradition of resistance to the external enemy would restrain Ho's doctrinaire communism. Watching from afar with dread for the consequences in all of Asia, Nehru saw this hope vanishing in a savage colonial war.

The experiment died aborning. The French colonials, backed by the military, vetoed the grant of independence, if indeed it has been that, by Paris. Ho, as the leader of the guerrilla army, constantly invoked the nationalism of the Vietnamese people.

The French, propping up Bao Dai, the puppet emperor who had no popular following, fought the war with foreign legionnaires officered by the graduating classes out of St. Cyr, sacrified in a hopeless conflict.

This was the first great error, original sin. It has been compounded again and again in the long, agonizing ordeal costing to date 38,000 American lives and at least $100 billion in American treasure.

The first compounding of the error has been for this observer the most difficult to understand. The United States set out to give the French blank-check backing for that colonial war. One reason, of course, was the woefully deficient diplomatic reporting from America's representatives in Saigon. They simply took the optimistic French reports and gilded them with diplomatic verbiage.

In the first years of the Eisenhower administration Washington was pouring $800 million a year into the French treasury to underwrite the cost of the war and sustain the franc. In the never-never-land rhetoric of the day Vietnam was a bastion of the free world against communism. As the French fell at Dienbienphu, armed intervention by the United States hung narrowly in the balance, with the then Vice-President, Richard M. Nixon, hinting at the need to send in American ground troops. President Eisenhower's cooler judgment prevailed.

The compounding of the initial error continued after the country was partitioned in 1954 between North and South. A country tribal and feudal in nature was to be converted into a western-style democracy and provided with a stout army as a contribution

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to the containment of Chinese communism. One by one the steps were taken in a via Dolorosa leading up to the present impasse.

President Kennedy, sanctioning the sending in 1961 of 10,000 armed "advisers" authorized to fire at the enemy, took one of the critical steps. Lyndon Johnson was the grievous compounder, building up the American presence to an extent that overwhelmed Vietnam with an Americanized war.

The hopeful interpretation is that Ho's death open a conviction path to negotiation in the Paris peace talks. But two formidable obstacles stand in the way. One is the conviction underscored in Ambassador Ellsworth Bunker's dispatches that Nguyen Van Thieu can achieve unity and political stability in South Vietnam. The other is the persistent warning of the Joint Chiefs of Staff against any speedier withdrawal of American troops. Short of boldly confronting these two obstacles, and that is not in the cards, there is no exit from Vietnam.

HO CHI MINH AS BLOODY TYRANT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. ASHBROOK. Mr. Speaker, following the death recently of Ho Chi Minh, various comments in the press concerning the North Vietnamese leader provide a shocking contrast as to his record in behalf of the Vietnamese people. Ray Cromley, whose informative column appears locally in the Washington Daily News, commented on one aspect of the press treatment of Ho:

> Most astounding have been the series of editorials in a number of leading American newspapers praising the late Ho Chi Minh as an ardent nationalist and Vietnamese patriot.

Mr. Cromley then proceeded to outline the treachery which the Communist leader used in eventually gaining leadership of the unfortunate North Vietnamese people. The Cromley column dated September 10, 1969, appears in the Congressional Record of September 11.

Another journalist whose appraisal of Ho Chi Minh is realistic and based on the facts is Philip Potter, who, in the Baltimore Sun of September 7, presented evidence of the barbarities inflicted upon the Vietnamese people by Ho and his cohorts. The Potter item, entitled "Ho Chi Minh as Bloody Tyrant," examines statements from various sources describing the extent of the brutal treatment which the people of North Vietnam alone received at the hands of the Ho Chi Minh regime.

Public sources confirm the charge that Ho was a bloody tyrant. With ample evidence available to prove his ruthless record, one can but wonder about the responsibility of journalists who lauded or glossed over Ho Chi Minh's bloodstained record of brutality against the people of North Vietnam alone.

To help set the record straight on this issue, I submit the Philip Potter article of September 7, "Ho Chi Minh as Bloody Tyrant," from the Baltimore Sun for inclusion in the Record at this point:

Ho Chi Minh as Bloody Tyrant

(By Philip Potter)

Washington.—Ho Chi Minh, the father-founder of the Democratic Republic of North Vietnam, is dead, and now becomes legend.

Perhaps the best physical description of the old Communist who sought for 50 years to establish his rule over all Vietnam was that of an American expert in psychological warfare in Saigon who once wrote, "It's damned difficult to tell people to hate a guy who looks like a half-starved Santa Claus."

But there are those who did, and who would take sharp issue with, for example, the message of condolence India's Prime Minister Indira Gandhi sent from New Delhi to Hanoi: "Ho Chi Minh has ceased to live, yet he is indestructible like his own people," she wrote. "His kindliness, simplicity, love of humanity, self sacrifice and courage will inspire generations to come."

Bernard Levin, columnist for the London *Daily Mail*, was one of those who spurned such eulogies.

"The plain truth," he wrote, "is that Ho Chi Minh was a ruthless and bloody tyrant. His first action on completing the conquest of North Vietnam was to slaughter in cold blood some 50,000 men and women who might have opposed his rule. When his campaign to take over South Vietnam began it was waged with a policy of deliberate atrocity, as an instrument of terror, the like of which had not been seen in the modern world.

"From the cases of children literally chopped to pieces before their parents' eyes, in villages temporarily seized by the Viet Cong, to the hundreds of men, women and children who had been clubbed to death and whose bodies were discovered after the Tet offensive, the story was the same—the grossest atrocities, committed in the heat of the battle or the blood-lust of revenge but as a calculated and important part of gentle, witty Uncle Ho's policies."

That wispy-bearded Uncle Ho was butcher as well as poet and lover of children is chronicled by well-esteemed Vietnam authorities, including the late Bernard B. Fall, a one-time French resistance fighter who became a professor at Howard University here, and was kiled on one of his many trips to Vietnam.

In one of these, "The Two Vietnams," published in 1967, he wrote of the "utmost ferocity" with which land reform was carried out in Ho's Democratic Republic—the Communist regime, purged of most of Ho's non-Communist allies in the struggle that drove the French from Indochina—that was established in the northern half of the partitioned Vietnam in 1954.

"While it is obviously impossible to give precise figures," Mr. Fall wrote, "the best-educated guesses on the subject are that probably close to 50,000 North Vietnamese were executed in connection with the land reform and that at least twice as many were arrested and sent to forced labor camps."

Ho finally relented after a popular explosion over the purge and removed Truong Chinh as secretary-general of the Laodong or Vietnamese Workers party, a euphemism for the Indochina Communist party "dissolved" by Ho when he was heading a nationalist front against the French.

It is interesting that Truong is still regarded as one of the four most powerful men in the party politburo that runs the Democratic Republic of North Vietnam.

There are those who claim Fall's figure to be a vast understatement.

One was Hoang Van Chi, a North Vietnamese doctor and chemist who in 1942 joined the Vietminh against the French and was cited by Ho for his contributions in 1948, but fled to South Vietnam in 1954 after his arrest as a member of the landlord class the Communists had marked for later extinction.

He put the slain in one province alone at 90,000 and gave this description of Ho and his ruling circle:

"A party organized by a group of intelligent and passionate youths who opposed French rule and fled to Moscow for studies, who absorbed Bolshevist philosophy and achieving control in North Vietnam pushed the class struggle, slaughtered rich peasants, ruined middle-class peasants and small town bourgeoisie and enslaved the proletariat and intellectuals, having lost their human feelings and developed a tigerish taste for blood."

Hoang, whom this correspondent interviewed in Saigon in 1957, was no admirer of the South Vietnamese regime of then (later assassinated) President Ngo Dinh Diem either accusing it of using the same methods as the Communists and predicting Diem's fall for failure to establish real democracy in the country.

The "Area Handbook for North Vietnam," prepared by the Foreign Area Studies of the American University in 1967, put the killed in the "social transformation" that followed the setting up of Ho's regime after the French defeat as high as 100,000.

Ho had set the stage for it in 1953, the handbook states, by issuing a party decree under which all heads of households in areas controlled by the Vietminh were classified according to alleged personal wealth, with landlords comprising the highest of five strata and landless and wage-earning peasants the lowest.

It was on the basis of this classification, said the handbook, widely used in the State Department that the Ho regime "undertook the systematic elimination of persons in the top strata who were condemned as 'enemies of the people' and imprisoned or executed.

"The victims were mainly Confucian scholars, Buddhist monks, Catholic priests and other traditional village leaders. This show of force and brutality, reminiscent of methods employed by the Chinese Communists in an earlier campaign, took the lives of 50,000 to 100,000 rural inhabitants."

That Ho, a Comintern agent who spent years in China, knew Chinese Communist ways was attested by the Peking regime in its message of condolence to Hanoi after his death.

It called him "close comrade in arms of the Chinese people . . . an outstanding proletarian revolutionary [actually he was the son of a minor mandarin] who applied the universal truth of Marxism-Leninism to the concrete practice of Vietnamese revolution."

BANKING COMMITTEE MEETS TO DISCUSS BANK LOBBYING INVESTIGATION

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. PATMAN. Mr. Speaker, for the benefit of the House, I wish to announce that the House Committee on Banking and Currency will meet in open session to discuss the bank lobbying investigation which the committee will undertake.

The meeting of the committee to discuss this investigation will be held on Wednesday, September 24, at 10 a.m., in the committee hearing room 2128, Rayburn House Office Building.

THE DEFAMATION OF JUDGE HAYNSWORTH

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. MICHEL. Mr. Speaker, from the moment that President Nixon announced his intention to nominate Judge Clement F. Haynsworth, Jr., for the Supreme Court there has been a veritable clamor of criticism from some of our liberal brethren, but as is pointed out in the editorial from the September 5, 1969, edition of the Chicago Tribune, the arguments of these critics have little or no merit. I include the editorial in the RECORD at this point:

THE DEFAMATION OF JUDGE HAYNSWORTH

Professional "civil rights" agitators, labor leaders, and "liberal" columnists have launched a massive propaganda campaign against confirmation by the Senate of President Nixon's nomination of Judge Clement F. Haynsworth Jr., of South Carolina, to be a justice of the United States Supreme court.

Judge Haynsworth is opposed mainly by the same forces that defeated Senate confirmation of President Hoover's nomination of Judge John J. Parker, of North Carolina, for the Supreme court in 1930. Judge Parker was chief judge of the United States Court of Appeals for the 4th circuit, of which Judge Haynsworth has been chief judge since 1964. The National Association for the Advancement of Colored People, the labor unions, and other "liberal" elements attacked Judge Parker as a "reactionary," but some liberal senators who voted against him, notably Borah of Idaho, Wheeler of Montana, and La Follette of Wisconsin, praised him in later years.

Judge Haynsworth has been called a "hard core segregationist" by Joseph L. Rauh Jr., vice chairman of Americans for Democratic Action and prime mover of the Leadership Conference on Civil Rights. Roy Wilkins, executive director of the N.A.A.C.P., has issued a manifesto charging that the judge "has been reversed four times by the United States Supreme court in civil rights cases" and is a "partisan of racially segregated public education."

These pillars of the liberal establishment looked pretty silly when John P. Roche of Brandeis university, former White House intellectual in residence and former national chairman of the A. D. A., came to Judge Haynsworth's defense. Roche remarked that Haynsworth "hardly looks like a red-neck segregationist from the piney woods" and added: "Haynsworth's record . . . was examined with a microscope and, as far as any critic could discover, he has never called for the restoration of slavery, for legalization of torture, or for the abolition of the federal government."

George Meany, president of the AFL–CIO, and some of the liberal columnists are attacking Judge Haynsworth solely on the basis of an alleged "conflict of interest" in a case decided by his court. The judge owned 15 per cent of the stock of the Carolina Vend-A-Matic company, of which he also was an officer and a director. While grossing about $3,000,000 a year, this company received $50,000 a year for the use of its vending machines in the plants of the Deering-Milliken company, a large textile manufacturer.

In August, 1963, on the basis of competitive bidding, Deering-Milliken awarded Vend-A-Matic a second $50,000-a-year contract but turned down two other Vend-A-Matic bids. In February, Judge Haynsworth's court began considering an unfair labor practice charge against the Darlington Manufacturing company, a Deering-Milliken subsidiary, and in November, 1963, Judge Haynsworth wrote the court's opinion in a 2 to 1 decision in favor of Darlington.

Thus the only question is whether 15 per cent ownership of a company that received less than 2 per cent of its gross income from a company which had a subsidiary involved in the litigation amounted to a conflict of interest.

In 1964, when Carolina Vend-A-Matic was purchased by ARA Services, Inc., Judge Haynsworth promptly sold the ARA stock he received for his interest in Vend-A-Matic. He said it might be all right for a judge to hold an interest in a small, local company but not in a national company doing business all over the country. Altho he received $450,000 for his ARA stock in 1964, it is worth more than $1,400,000 today.

The truth, it appears, is that the liberals are against Judge Haynsworth because he is a "strict constructionist" who applies the Constitution as it is written. The liberals believe the Constitution is made of rubber and can be stretched to accommodate their vision of a socialist welfare state.

MAJ. RONALD J. BRITZ KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. LONG of Maryland. Mr. Speaker, Maj. Ronald J. Britz, a fine man from Maryland, was recently killed in Vietnam. I wish to commend his courage and honor his memory by including the following article in the RECORD:

MAJ. R. J. BRITZ DIES IN VIETNAM—PARENTS OF CAREER SOLDIER LIVE IN SEVERNA PARK

An Army major whose parents live in Severna Park has been killed in Vietnam, the Defense Department announced yesterday.

Maj. Ronald J. Britz, 31, of Green Cove Springs, Fla., was killed September 3 when the helicopter in which he was riding was shot down by enemy gunfire. The helicopter crashed and burned in Binh Long province, 60 miles north of Saigon, while Major Britz was on a military mission.

He is the son of Mr. and Mrs. Joseph C. Britz, of 2 St. Ives drive, Severna Park.

Began tour on July 4

Major Britz was the operations officer of the headquarters company of the 8th Engineer Battalion of the 1st Cavalry Division (Air Mobile).

Major Britz began his second tour of duty in Vietnam on July 4.

During his first tour in Vietnam, from 1966 to 1967, he was awarded the Air Medal, for extensive air travel, and the Bronze Star, for the quality of his work. He also received the Army Commendation Medal for the excellence of his work while stationed in Germany in 1966 before going to Vietnam.

Between his two tours in Vietnam, Major Britz taught Reserve Officer Training Corps courses at Clemson University, in Clemson, S.C.

Major Britt was born in Philadelphia. He attended the University of Kansas, where he majored in mechanical engineering. He was a member of the ROTC there and belonged to the Phi Kappa Tau fraternity.

In June, 1960, after graduation, he entered the Army as a 2d lieutenant. He planned to make the Army his career. In June, 1964, he was promoted to captain, and in January, 1968, to major.

In addition to his parents, Major Britz is survived by his wife, the former Ellen Irey; a daughter, Deborah Irey, and a son, Michael Irey, all of Green Cove Springs.

TAX REFORM

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. MONTGOMERY. Mr. Speaker, in a rather hurried fashion, we passed the tax reform bill just prior to our summer recess and sent it to the Senate for their consideration. I voted for the bill, although I was opposed to certain sections such as the one that would alter the tax-exempt status of interest received from State and municipal bonds. My home State of Mississippi, like many other States throughout the Nation, has become concerned, and rightfully so, over the possible effects this section of the tax reform bill will have on providing State and municipal services in the future. I would like to share with my colleagues the following resolution passed by both houses of the Mississippi Legislature while in extraordinary session. I believe the resolution speaks for itself.

The resolution follows:

HOUSE CONCURRENT RESOLUTION 4

(A concurrent resolution memorializing the Mississippi congressional delegation to oppose pending Federal legislation relating to tax-exempt interest on public bond issues because of the increased costs which would accrue to states, counties, and municipalities)

Whereas, the Congress of the United States is considering several proposals whereby the income tax exemption for interest paid on bonds issued by State and local governments would be limited; and

Whereas, it has long been considered unconstitutional for the Federal Government to tax State or local governments; and

Whereas, any plan which would directly or indirectly tax interest paid on State or local government bonds would be an impairment of the previously determined constitutional immunity; and

Whereas, any limitation on tax exemption of interest paid on State and local bonds would result in higher interest rates to be paid by State and local governments in their borrowing; and

Whereas, any increase in cost of borrowing is paid directly by the taxpayers of the community borrowing or by the users of publicly owned facilities; and

Whereas, any limitation on tax exemption of interest paid on State and local bonds would limit the market for such bonds; and

Whereas, any limitation of the market in which State and local bonds are sold would handicap State and local governments in providing funds for urgently needed public improvements:

Now, therefore, be it resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein, That by this resolution we express our opposition to any plan by the Congress of the United States that would in any way limit the tax-exempt status of interest paid on bonds issued by State or local government; and

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Be it further resolved, That the Secretary of State forward copies of this resolution to the President of the United States and every member of Congress from the State of Mississippi.

Adopted by the House of Representatives, September 2, 1969.

Adopted by the Senate, September 11, 1969.

JOHN R. JUNKIN,
Speaker of the House of Representatives.
CHARLES L. SULLIVAN,
President of the Senate.

CLEAN WATER MORE IMPORTANT THAN MOON SHOTS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. OBEY. Mr. Speaker, last month the House voted to spend $256 million more for space exploration than the National Aeronautics and Space Administration had originally requested. Yet during the current year, the Federal Government is spending $486 million less for aid to local units of government for water treatment facilities than it promised in the Clean Water Restoration Act of 1966. These facts show, so starkly, that we are not putting first things first.

In recent years water pollution has become a subject of increasing political attention. Unfortunately, the performance of the Federal Government in the protection of our environment from the effects of water pollution has been much less impressive than its promises.

The Clean Water Restoration Act of 1966 pledged a great deal of money to assist local municipalities in their efforts to reduce the amount of raw and inadequately treated sewage that floods our lakes and streams. But this pledge has been ignored and funds have not been made available. This inaction by the Federal Government has forced local municipalities to assume a larger share of financing pollution abatement projects and has resulted in skyrocketing increases in local property taxes.

The discrepancy between promise and performance has turned into a "credibility gap" of unprecedented proportions. The Clean Water Restoration Act authorized $150 million for sewage treatment facility construction in fiscal 1967. The Congress, however, delivered only $141 million. The "money gap" has widened starkly since 1967. In fiscal 1968, $450 million was promised but only $203 million was delivered. In 1969, $700 million was promised for pollution abatement. Only $214 million will be delivered. The same amount, $214 million, has been requested for fiscal 1970 by both the Nixon and Johnson administrations, despite a promise of a full $1 billion.

The situation is crucial in municipalities throughout the Nation. The Federal Water Pollution Control Administration reports that 4,525 water treatment projects are being developed, which will call for $2.3 billion in Federal aid in constructing water treatment facilities having a total cost of $5.1 billion.

In Wisconsin's Seventh Congressional District alone, 87 projects are undergoing development. These 87 projects will cost an estimated $12,809,553. An estimated $4,688,543 in Federal funds has been requested. These requests total more than will be allowed for the entire State of Wisconsin during the coming year, unless Congress acts to raise the amount the Administration has asked for.

Fourteen of the 15 counties in the Seventh District have one or more water treatment projects undergoing development. Virtually every project is of vital importance to the streams and lakes in the respective counties. There follows a listing of the cost of the development of projects in those fourteen counties and the funds that are being sought from the Federal Government:

County	Total cost	Water pollution control funds requested
Adams	$6, 000	$3, 000
Clark	583, 000	216, 800
Forest	419, 900	170, 500
Langlade	13, 000	6, 500
Lincoln	720, 000	360, 000
Marathon	4, 218, 558	1, 372, 769
Marquette	359, 000	179, 500
Menominee	45, 000	22, 500
Portage	378, 000	189, 000
Shawano	2, 128, 405	666, 657
Taylor	429, 000	214, 500
Waupaca	1, 336, 000	609, 000
Waushara	398, 714	179, 100
Wood	1, 844, 976	548, 217

The inadequate funding of pollution abatement programs becomes ironic when we contemplate the ease with which Congress can supply funds that exceed the budget requests of the administration. On June 10, for example, the House approved a budget which gave the National Aeronautics and Space Administration $256 million more than it had originally requested. It provided for 10 manned space flights to the moon over the next 3 years rather than the six originally planned. I voted against the NASA budget. The $256 million in excess funds which we so generously voted for NASA could have more than doubled the administration's requested funds for aid to local units of governments for water treatment facilities. A widely quoted remark is most applicable here:

> Here we are, standing knee-deep in sewage, trying to land men on the moon.

If a Congress and an administration can levy the taxes we levy, and spend the dollars we spend and still not provide ample money to cleanse our rivers, streams, and air, then we simply do not know how to govern, we do not know how to make intelligent choices and we have no sense of values worthy of mention.

Unless we come to our senses, history will tell that ours was a generation which worked with computers of unimaginable complexity, sent men to the moon and functioned with thousands of devices which are a gadgetmaker's dream, but did not show wisdom, the good sense, or even the good taste to clean up its own habitat.

That is why it is essential that we provide at least the full $1 billion to fund the Clean Water Restoration Act promised for fiscal year 1970. I urge the Congress to respond to the millions of Americans who have joined in the citizens' crusade for clean water. The Moon and Mars can wait. Our water cannot.

FROM THE MOTHER OF A MARINE IN VIETNAM

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. PURCELL. Mr. Speaker, I recently received a copy of two poems written by the mother of a marine who gave his life for his country in Vietnam.

All too frequently the depth of courage and the strength of faith which have been shown by those closest to these tragedies is overlooked. I have read these two poems again and again, Mr. Speaker, and I would like to share Mrs. Hodges' poignant thoughts with the rest of my colleagues and insert them in the RECORD:

FROM THE MOTHER OF A MARINE IN VIETNAM

(By Erma Lea Hodges)

I wonder how my son is feeling today,
He's on the bloody battlefield so far away,
He's in Viet Nam with the U.S. Marines,
They are the world's Greatest Fighting Machines.

I got up last night after I had gone to bed,
I got down on my knees and this is what I said;
"Dear Lord, I'm coming to You right now,
I know You'll help me bear this burden somehow!

My only son is on the battlefield,
I'm sure, Lord, you know just how I feel,
Because Your only Son was spit on and beat,
They hung Him on a cross with nails in His feet.
You turned Your head because You couldn't bear to see,
Your only Son suffer such terrible agony.
So I'm telling You things I can't tell my son,
He would only worry about his mom.

I haven't rested a minute since he's been gone,
My nerves will stay on edge until he comes home.
I cook a good meal and then I can't eat,
When I go to bed I can't even sleep.

It's the rainy season over there now,
I'm sure he misses me saying to him,
"Son, go change your wet clothes right quick,
If you wear those you know you'll be sick."

Please watch over him and give him strength,
Give him plenty of food and good water to drink.
When he comes home then I will bake,
His favorite lemon pie and a big chocolate cake.

I can't tell him, how often I write him all my worries,
Then tear it up because he has more than he can carry.
It seems so long since he's been gone and nights will never end,
I know it's so much worse on him over in a foreign land.

Lord, encourage him when he's low and for this one thing I plead,
That he will never touch strong drink, but always live for Thee.
And I ask this for his buddy, whom he loves with all his heart,
Keep them always close together, never let them be apart.

I can never forget how brave he was,
After You took his daddy home.
He worked so hard and stayed in school,
And always helped his mom.

I can't forget the boys that are there without a mother,
Please take care of them, and help them to comfort each other,
I know they all face death every hour,
Help them to know there is some one who cares.

Lord, there is another thing I want to ask of You,
Please always give me strength, and plenty of work to do,
So I can take care of myself and help my son
Go back to college when the fighting is done.

I feel better Lord since I've been talking to you!
I'll go to bed now and sleep an hour or two.
Put Your loving arms around my boy and draw him close to Thee.
And when they've won the Victory bring him safely home to Me."

THE CONCLUSION

I'm sitting up late again tonight,
Thinking about my son.
I thank you Lord, for bringing him home,
From the terrible war in Viet Nam.

He loved the Marines, so he reenlisted,
He was willing to do his part.
When he got orders to return to Viet Nam,
I cried with all my heart.

I begged and pleaded with him to let me,
Keep him from going there again.
I said, "Son it isn't fair,
When so many have never been!"

He said, "Mom it isn't my choice,
I hate to go you know.
Please don't cry. It is my orders,
So I feel it my duty to go!"

He was there only thirty-five days,
As Squad Leader of the Second Platoon.
Sept. 9th '68, on a search and destroy operation,
He and most of his men met their doom.

I cannot ask you why Lord,
You took my only son.
He told me he was ready to meet You,
And he said, "Don't worry Mom."

Please let me ask another favor,
That I'll always stay sweet in my heart.
And we'll all meet him and his Daddy,
When this life we shall depart.

I'm sure you know Lord, how I feel,
Because you gave your Son to die.
To save the souls of men,
Mine gave his to save their lives.

SENATOR EAGLETON'S FRENCH LICK SPEECH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. HAMILTON. Senator Thomas F. Eagleton, of Missouri, in a speech to the Indiana Democratic Editorial Association meeting in French Lick, Ind., has reminded us that the time has come for new and bold perspectives in facing the Nation's needs.

Senator Eagleton has taken to task the present administration for not exercising more courage and responsibility in meeting domestic issues which face this Nation. He reminds us they promised to solve some admittedly difficult problems and thus far they have not delivered.

The test of American statesmanship in the 1970's, he points out, will be the right and reasonable choice between guns and butter.

I include this excellent speech by Senator Eagleton in the Record:

ADDRESS BY SENATOR EAGLETON

The temptation for a Democrat to entertain a Democratic audience by taking pot shots at a Republican Administration is substantial.

There are plenty of good targets:

The highest rate of inflation since the last Republican Administration in the early 1950's . . . contrasted with Candidate Nixon's promise to control it;

Personnel policies that put the AMA in charge of picking the nation's health chief . . . and the drug industry in charge of naming the top drug evaluator.

That dinner in Los Angeles—you know, the one most of us paid for and didn't get invited to.

There is the new San Clemente style of national leadership, which is really based on the traditional Republican leadership principle identified by Adlai Stevenson: "Don't just do something, sit there." Unfortunately, if you're a housewife spending more and more of the family budget on inflation . . . or a poor man looking for a job . . . or a principal trying to educate more children for less money . . . or a mother with a son in Vietnam . . . leaders who just sit there are not good enough.

It is well to remember, however, that we Democrats lost the White House last year partly because of our own failures of leadership—because of a disastrous war we couldn't end, and because of the inflation it caused. We lost it partly because our message to the American people was not relevant enough. We lost it partly because our party was in disarray.

This doesn't mean we should humbly neglect our obligation to criticize the Republican Administration, and the solace it provides. After all, they promised to solve some admittedly difficult problems and thus far they haven't delivered.

But the fact remains that we Democrats need some better answers and a better record than we had last year when we go to the people in 1970 or 1972. And you can't build a record on criticism alone.

We are off to a good start on record-building with the tax reform legislation now before the Senate.

It was the Democrats in Congress who forced Mr. Nixon to accept tax reform in order to extend the surtax—a surtax he had promised during the campaign to end.

I predict that a Democratic Congress will pass the most sweeping tax reform this country has known in 15 years.

Tax reform is necessary. It is overdue. It is right. And the Democrats will earn—and deserve—credit for it from the average working men and their families who constitute the traditional backbone of the Democratic Party.

Then there are some traditional Democratic issues which need to be taken to the people with a new and bold perspective—issues which matter greatly to the average American family . . . issues on which Democrats have always led . . . and on which the Republicans have always dragged their feet.

Take health, for example. There is difference between the Party of Medicare and the Party of the AMA.

A million Americans die every year from heart disease. But the Republican Administration has recommended a $6 million reduction in the budget for the National Heart Institute.

Cancer kills one American man, woman, or child every two minutes. The Republican Administration has proposed a cut of $5 million for the National Cancer Institute.

When this great nation ranks 17th in the world in infant mortality . . . when we are a dismal 21st in life expectancy for males and 12th for females . . . when two-thirds of the actual cost of health care in America is uninsured and 30 million Americans have no health insurance at all . . . you can be sure that millions and millions of Americans have known the tragedy of unnecessary and preventable illness in their own families.

You can be sure they are looking for answers, and will respond to the Party that offers them.

So too will the more than 20 million senior citizens. Three out of ten Americans over 65 find they have earned a life of poverty after a lifetime of work—an annual income below $1,975.

These retirees find that fixed incomes and lifetime savings are totally inadequate in today's inflationary economy.

They have a right to expect a full measure of financial justice, and the Party that brought them Social Security and Medicare should be the one to give it to them.

There is also the issue of education.

President Nixon, who last year at this time was promising that his Administration would be second to none in education, promptly cut almost half a billion dollars out of the education budget for fiscal 1970.

Nearly two centuries ago, when our nation was very young and not very rich, George Washington said:

"In a country like this . . . if there cannot be money found to answer the common purposes of education, there is something amiss in the ruling political power."

There is not a major city in America today where the common purposes of education by modern standards are being truly realized for the average child.

At a time when every parent knows that education is the first rung on the ladder to success for his child . . . and when every local taxpayer knows that the cost of education is nearly insupportable, American parents will respond, I believe to the Party which offers them a realistic blueprint of excellent education for their child and every child.

But we can never adequately educate and care for ourselves and our children—we can never fulfill the humane promise of our free and prosperous society—until we address ourselves to the fundamental problem of rectifying national priorities.

Something is wrong when our budget for ammunition alone in Vietnam last year equaled our entire federal budget for education here at home.

Something is wrong when we spend $21,600 for each enemy soldier we hope to kill in South Vietnam . . . and 44 federal dollars for each American primary and secondary pupil we hope to educate here at home.

These *are* our national priorities today. They have not been changed. This is the most unforgivable failure of the Nixon Administration and the greatest opportunity for the Democratic party.

It does no good to play games about responsibility for Vietnam, or to trace once more the tragic sequence of accidents and blunders which brought us to our present position in Southeast Asia. Surely Mr. Nixon was not responsible until January 20, 1969.

But he sought and won responsibility for the war in Vietnam with a promise of new leadership to end the war and win peace in the Pacific.

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Where is that leadership now? Where are the new initiatives for peace? What has changed? Like all new Presidents, Mr. Nixon had a chance to change outworn, discredited policies to which he personally had no commitment. But he hasn't.

Two and a half months ago the President announced his intention to withdraw 25,000 troops, with the strong and repeated implication that more would follow. As of today, only 11,000 have been withdrawn, and on top of that comes the announcement that a further decision on troop withdrawals will be postponed indefinitely.

In Saigon, the Thieu-Ky regime still enjoys our unwavering support. It has not broadened its base. Indeed just last week Premier Huong, a moderate civilian with some support among the people, was thrown out of the government and replaced by a four star general who is a close supporter of President Thieu.

The jails are still full of neutralists and others whose participation will be necessary in any government capable of standing on its own feet in South Vietnam.

Averill Harriman, one of our most distinguished diplomats, a man personally familiar with the Paris negotiations, has said, "It is absolutely vital that the President of the United States take the lead in ending the fighting, the killing." But the President of the United States has taken no lead. Since the Nixon Administration took office, there have been approximately 60,000 additional casualties, and today the killing continues. The talks remain on dead center.

But it is not only Vietnam that distorts our national priorities. For years we have watched the military budget escalate as the Pentagon and its suppliers have sold the American public new and costly pawns in a macabre game of overkill. The futile objective of winning the arms race has continually received more attention than efforts to control it.

Who is responsible? We all are.

But once again, President Nixon sought and won responsibility for beginning arms control negotiations . . . to "bring us from an era of confrontation to one of negotiation." And yet, a year after arms control talks were to be started they still have not begun.

President Nixon came in to office with the chance for a fresh start in arms control. He made his start by demanding construction of a new multi-billion dollar anti-ballistic missile system which will add yet another turn to the arms spiral without increasing our security. Testing continues on the MIRV (multiple independently targeted re-entry vehicles), the deadly missile hydra which threatens to push the arms race once and for all beyond the point where talks can control it.

The fact that the Secretary of Defense has grudgingly responded to Congressional pressure by cutting projected military spending for next year by $3 billion is welcome. But it is only a slight constriction of the old priorities, not an assertion of the new.

Yes, we must spend every penny we actually need for defense, but we cannot expect to make our nation what it ought to be with small handouts from the Pentagon.

Today we can ask no more of the American taxpayers.

The President's Urban Affairs Council tells us candidly that even after the Vietnam war has ended we can expect very few additional resources.

So the hard fact is that we must now make responsible and courageous choice between guns and butter. This will be the great test of American statesmanship in the 1970's.

I believe the Democratic Party—in power or out—can and must be the party that leads America in making these choices.

LESSONS OF THE C-5 PROGRAM

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. GUBSER. Mr. Speaker, any Monday morning quarterback can tell you how to win last Saturday's game. This is equally true regarding military contracts when overruns begin to appear. However, despite the sophistication of our computers, many variables in the economics of costing and pricing, still remain and the greatest experts still rely on the educated guess.

In the case of the Lockheed C-5A, there were many such educated guesses, made in good faith and based on the best available data. That some of these guesses proved wrong is unfortunate—unfortunate for the American taxpayer, for the manufacturer, and for the Air Force. Yet to condemn those who had a part in this enterprise without reviewing the case in detail is just as wrong. In the September issue of the Air Force and Space Digest, author Edgar E. Ulsamer does an excellent job of presenting the background and review of the C-5A procurement. In his article, "Lessons of the C-5 Program," he presents a fair and unbiased rundown on the C-5A development.

I am particularly impressed with one paragraph of the article which reports the conclusion of the Special C-5 Review Council "that even at the increased price the C-5 will be a good buy, as well as a good airplane."

I include this article in the CONGRESSIONAL RECORD and I commend it to the attention of my collegues:

LESSONS OF THE C-5 PROGRAM

(By Edgar E. Ulsamer)

The harsh lessons in contract and cost management learned by government and industry from the C-5 program are providing new directions for future weapon systems development and procurement. Secretary of the Air Force Robert C. Seamans, Jr., has acknowledged that these new management policies—with direct impact on internal USAF management procedures, Air Force-industry relationships, and the nature and form of future contracting—are finding their first application in the F-15 air-superiority fighter program.

Underlying these reforms are the voluminous, recently released findings of a special C-5 Review Council, chaired by Air Force Assistant Secretary for Installations and Logistics, Philip N. Whittaker, and composed of eleven USAF review teams and a prestigious civilian advisory committee. In rendering its verdict on the costs and performance of the world's largest airplane, the review, which was requested by Secretary of Defense Melvin Laird in April of this year, attempted "neither a whitewash nor a witchhunt." The Council affirmed the technical soundness of, and need for, the C-5 Galaxy and explained in detail the reasons for its increased costs. The Review Council recommended continuation of the program, subject to revisions of the present contract.

Neither the contractors (Lockheed-Georgia Co. and General Electric) nor the Air Force came off unscathed in the two-month review. The future of the C-5 program (beyond the four-squadron, eighty-one-aircraft buy, which the Air Force considers firm, as opposed to Lockheed, which believes the government is obligated to buy 120 aircraft) is contingent on the government's ability to renegotiate the existing contract satisfactorily with Lockheed, an endeavor currently in progress.

The Council's frank and critical approach was graphically demonstrated by its thorough evaluation of the Boeing 747 commercial superjet as a possible alternative to the C-5. The review found, however, that the commercial jetliner, in spite of adequate payload and range, could not meet many of the requirements peculiar to a military aircraft.

As for the contracting method, Total Package Procurement Concept (TPPC), the Council questioned the wisdom of applying such a new departure, for the first time, to a program of the magnitude and difficulty of the C-5 effort. Nevertheless, it concluded that the contract resulted in cost savings for the government. According to Secretary Seamans, Lockheed stands to lose between $13 million and $285 million on the program, based on the present estimates, an achievement of dubious merit as far as the national interest is concerned but obviously constituting a savings to the taxpayer. Even this saving would appear to be a Pyrrhic victory for, as Dr. Seamans explained, industry cannot be expected to endure such a loss.

Total Package Procurement, essentially authored by Mr. Whittaker's predecessor, Robert H. Charles, provides, as its name implies, a single contract for R&D, testing, evaluation, and production, and stipulates firm cost, schedule, and performance factors. Instead of a fixed-price approach, TPPC contains both cost and performance incentives, limited provision for inflation, and a repricing formula, which provides for either upward or downward adjustments to prevent intolerable loss or excessive profit (above the maximal ten percent). The Review Council termed the repricing formula "well intentioned for poorly structured, and not fully comprehended at the time of award." Repricing has stimulated much of the congressional and press criticism of the C-5 program, earning such headline-begetting appelations as "the golden handshake," the "sweetheart clause," and "reverse incentive."

The Review Council found the repricing provision to be "best with ambiguities, complicating its implementation and raising the prospect of reverse incentive. Under a selected set of conditions, the point can be reached where, for each additional dollar of cost occurring in the production of Run A aircraft (the first fifty-eight aircraft ordered), an increase of total contract target and ceiling of more than a dollar could result. This potential could encourage the contractor to add costs to Run A so as to reduce over-all loss on both Run A and Run B (an additional buy of fifty-seven aircraft)."

Over-all, the review faults the basic contract approach for a lack in flexibility during the development phase with regard to tradeoffs "between costs, performance, and initial delivery requirements."

Another area of deficiency in the contract administration, the review found, was that the "Air Force was either ineffective or deficient" in making clear that the C-5 contract did not include costs of "initial spare parts, depot level aerospace ground equipment (AGE), first destination charges," and certain facilities and necessary military construction. The Air Force also came in for criticism because it "seemingly motivated the contractors to strive for performance exceeding Air Force requirements without, in retrospect, commensurate regard for cost." The basic Air Force philosophy allegedly aimed at having a "tight contract and holding the contractor's feet to the fire," with the importance of cost-effectiveness relegated to a secondary position.

The Council cited as a specific example the Air Force's rejection of a joint proposal by Lockheed and General Electric in 1967 to increase the thrust of the TF39 engine to overcome problems associated with the aircraft's empty weight increase, without degrading basic performance. While admitting to the "wisdom of over two years of 20/20 hindsight," the Council found that the cost-effectiveness of this refusal "can be questioned" because some of the costly and time-consuming redesigns "would not have been required and the expensive and costly use of advanced materials (titanium fasteners, beryllium brakes) and manufacturing techniques (chemical milling) could have been reduced." The Council stated that the actual savings realizable through this proposed relaxation of the contract terms are not known, but added that "a trade-off analysis, recognizing the impact of the schedule slippage, the redesign and the exotic materials and techniques on production would have been valuable."

The over-all job of managing the C–5 program and the Total Package Procurement Concept "seems to have been underestimated by the Air Force," according to the Council, which led to shortcomings in staffing of the System Project Office (SPO) and in contract administration, as well as a lack of defined policies.

While the staffing situation has improved, the "original, and basic, policy and guidance vacuum remains," the Council reported. The shift from the initial "engaged management philosophy [full Air Force control and supervision over the contractor]" to one of "disengagement" a year after the contracts were let, in the view of the Council, caused deficiencies that were not corrected until early in 1969 when a special Cost/Schedule Planning and Control System (C/SPCS) was instituted.

At the nub of the C–5 cost controversy, which with the help of distortion, exaggeration, and sophistry has been magnified into a convenient point of departure for wholesale attacks on the defense community, may well be what the report termed the initial "somewhat optimistic assumption" by both the government and Lockheed-Georgia Co. that the world's largest air-lifter was a "state-of-the-art airplane."

Mr. Whittaker said that, in actuality, "significant advances in the state of the art were required to accomplish the manufacturing of the aircraft." Tooling concepts, which were applicable to the C–141, were found to be totally inadequate for the C–5.

The Council found further that "extensive use had to be made of manufacturing processes, such as chemical milling, which had seen only limited use before. Advanced materials such as titanium and beryllium were called into use. Extremely close tolerances were a necessity. The avionics areas produced major development problems, which caused delays in delivery of the hardware in the early part of the schedule. The engine contains significant advances in technology such as high pressure ratio, high turbine-inlet temperatures, and low drag plug nozzle. The result is a high bypass ratio, turbofan engine with significantly reduced specific fuel consumption."

The report concluded, therefore, that while the C–5 required no major breakthrough in technology, "it is based on an extremely refined design to meet successfully its high-performance operational requirements. Each element for the system must operate at nearly maximum efficiency and little opportunity exists for compromise in manufacturing procedures. This should have been recognized at the outset and greater flexibility provided during development for technical tradeoffs and initial delivery requirements."

Yet, in spite of these difficulties and the need to substantially redesign the aircraft shortly after the contract award to meet necessary weight and payload-range performance factors, the C–5 has slipped only slightly in terms of production schedule, and so far has met all major performance specifications. This fact, in the view of the Council, reflects great credit on the Air Force, Lockheed, General Electric, and their respective subcontractor teams.

The Council summed up the C–5 performance with this statement: "An extensive evaluation by Air Force and NASA experts has revealed no major design deficiencies in the aircraft or engines, and that there is a high probability that all range, payload, take-off, and landing performance requirements will be met. Current predictions also indicate that the contract requirements for maintainability and reliability will be met although, this early in the program, such predictions must still be viewed with caution. Engine performance is considered excellent to date and there is excellent airframe/engine compatibility (which frequently has been a major development problem in previous aircraft systems).

"In conclusion, although there have been forty-six design performance changes to date, none of these changes has degraded the mission performance requirements, e.g., payload/range, takeoff and landing distance, or cruise speed. In addition, consideration was received from the contractor (primarily additional testing) for these criteria changes, to the mutual benefit of both the Air Force and the contractor. It looks as though we'll have a good aircraft."

THE C–5 COST INCREASE

While the report—and Secretary Seamans in his presentation to the press—took great pains to explain that costs as established at this time could increase further until delivery of all Run A aircraft in 1971, the price estimate of the programmed total buy of 120 aircraft was increased from $3.369 billion to $4.831 billion, or forty-four percent. Flyaway cost of the C–5, exclusive of R&D costs, is given at $26.9 million each, and at $36.2 million if R&D is included.

Lockheed's share of the increase, according to the Council, is estimated to have grown from the target price at time of contract in 1965 of $1.945 billion to $3.169 billion. General Electric's contract costs to the government have increased by thirty-one percent from $632 million to $829 million.

In addition to these increases, according to the Council's report, the cost estimates for the C–5 program, premised on 120 aircraft, were upped further through the inclusion of $295 million of spares and ground equipment not included in the original contract. The grand total for the program, as estimated by the Council, stands therefore at $5.125 billion.

The growth in actual and projected costs under the Lockheed contract, according to the Review Council's report, is attributable, in the view of government and industry experts, to these factors:

An unrealistically low Lockheed cost estimate—possibly by as much as ten percent. There is, however, no evidence of "buy-in" (or deliberate underpricing).

Overoptimism in the areas of engineering and fabrication. The contractor considered the C–5 to be essentially a scaled-up C–141.

The sharply increased effect of inflation ($500 million), coupled with the aircraft industry's boom resulting from the acceleration of commercial aircraft production and the tempo of the Vietnamese conflict, created material and labor shortages.

Increased material costs related to efforts to reduce weight (use of beryllium brakes, titanium rivets, chemical milling, and fabrication techniques associated with the newer metals) and plant facilities not fully suitable for production of an aircraft the size of the C–5.

Additional subcontracting brought about by schedule problems and shortages of personnel, and increases in subcontract prices above the levels anticipated, due to sudden shift from a buyer's to a seller's market shortly after contract award; and

Increased overhead because the C–141 production was completed several months before Lockheed was ready to start C–5A production.

THE C–5–A "GOOD BUY" FOR USAF

The Council concluded that even at the increased price the C–5 will be a good buy, as well as a good airplane. Its "outsize" cargo capability, which can accommodate virtually all transportable equipment in the US Army's inventory, is not available in any other existing aircraft. Further, no aircraft in the Air Force's inventory can approach the cost per ton-mile of the C–5. The proposed freighter version of the Boeing 747 jetliner, the report finds, could equal ton-mile costs of the C–5, but some of the military performance features could not be incorporated into the 747 without redesign.

THE LESSONS LEARNED

Regardless of how unjustified, the wild attacks on the C–5 program have caused serious damage to the image of the defense community. Understandably, this spurred the Department of Defense, the Air Force, and industry to think about ways to prevent a recurrence. Fundamental is the question of whether or not cost overruns of programs involving major new aerospace systems are inevitable.

The answer, according to Secretary Seamans, is that overruns can be avoided and that "new management techniques, new methods of measuring performance, based on milestone achievements" currently under examination by the Air Force are designed to achieve this. Some of these measures have already been applied to the F–15 program and result in a streamlining [of] our own Air Force management," Dr. Seamans said.

Secretary Seamans explained that keeping costs down "is not so much a function of a contract as it is a function of having responsible people both in government and industry, with the proper relationship [between each other]." Concerning the C–5 program he said, "the mistake, if you want to call it a mistake, is that there was not really sufficient visibility . . . both performance-wise and cost-wise."

Two principal lessons from the C–5 experience are being applied to the F–15 program, Dr. Seamans explained. The F–15 System Program Office (SPO), while physically located at Wright-Patterson AFB, Ohio, now reports directly to the AFSC Commander, Gen. James Ferguson, who in turn reports directly to the Chief of Staff and the Air Force Secretary. "In that way, we will shorten the lines of communication internally and . . . ensure that the project office has the proper authority to carry out the program within agreed-upon policy," Dr. Seamans stated.

Secondly, Secretary Seamans said, the new management procedure covers what he termed the "software part" of the F–15 program on a cost-plus-incentive-fee basis. This includes "all the work other than the building of the aicraft, including wind-tunnel testing, engine testing on the ground, electronic testing, and test-beds and the like." The actual production phase, involving R&D planes as well as standard operational aircraft, will be awarded on a fixed-price-plus-incentive basis.

In this way, Secretary Seamans explained, "We will be in a position to know where we stand [and] to have the visibility to make appropriate decisions before committing the government to a large production run."

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RECOMMENDATIONS ON OTHER WEAPON SYSTEMS

On the basis of its painstaking analysis of the C–5 program, the Review Council formally presented a ten-point set of recommendations which are "broadly applicable to other programs." They are:

Subject to greater flexibility and "tailored to each case," the Total Package Procurement Concept, "perhaps under a different name," should be retained and refined on a selective basis. "In some cases a cost-reimbursement-type contract may be appropriate for development, coupled with some type of fixed-price contract, placed competitively and at the same time to cover production."

Contracts which combine production with R&D must be structured to "adapt repricing, total system performance responsibility, and corrections of deficiencies to each individual procurement so that the appropriate degree of responsibility will be vested in the contractor." Precise policy guidance concerning concepts and criteria is not to reduce "flexibility in application and implementation," and repricing formulas must not be permitted to lead to reverse incentives. Price and source commitment concerning spares and aerospace ground equipment (AGE), even in the case of total system responsibility, is to be shunned in the absence of "definitive design specifications and parts provisions."

The handling of the economic fluctuation (inflation) clause requires definite standards, applied and understood uniformly by all bidders, and the index by which they are measured must "meaningfully" relate to the contractor's activity, yet retain an industry-wide scope to act as a cost-cutting incentive.

Uncertainties inherent in cost estimates require that such estimates be expressed early in the life of a program in ranges which are periodically updated.

"Cost visibility" must be maintained throughout the contract, even when the extent of the economic risk assumed by the contractor dictates that cost management should be left primarily to him.

The longer the performance life cycle of contracts involving R&D and production, the greater the intrinsic economic uncertainties. Such contracts, therefore, must be preceded by a "particularly careful review . . . to determine that the contract-definition phase has been really complete and effective," an issue to be emphasized by the Defense Systems Acquisition Review Council.

Before committing the government to a production contract, contractual development milestones should be established and critically reviewed. These milestones, covering both the development and production phases of the program, should be the primary tools used by the government in maintaining visibility of the program.

Congress is to be informed rapidly and fully concerning program status and cost estimates of major weapon systems, and there is need "for developing deeper public understanding" of their problems and progress.

Major System Program Offices must be organized early in the system's life cycle and staffed with highly qualified and trained personnel, with staff turnover held to a minimum.

There is excessive layering of activities and independent organizations between the SPO director and the contractor on one hand, and top-level Air Force management on the other. The Air Force should reduce this layering of intermediate agencies and clarify the responsibilities of the SPO director.

The government should develop independent cost estimates prior to source selection to judge the effectiveness of the program and for use in evaluating the contractors' proposals. Once a particular contractor and systems configuration have been selected, the independent cost estimate can serve as a base line to measure performance, as well as for budgetary purposes.

If these recommendations, indeed achieve an improved development and procurement process for future Air Force weapon systems, the ordeal of the C–5 over the past year may have been compensated for, at least in part.

POSTAL CORPORATION QUESTION MARK

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. OLSEN. Mr. Speaker, I call the attention of my colleagues to John Cramer's "9 to 4:30" column that appears in the Washington Daily News today. Mr. Cramer has invited Dave Silvergleid to comment on the Postal Corporation proposal and as Mr. Cramer says:

> Much has been written against the Administration proposal to turn the postal service into a Government Corporation. But no one has done it better than Mr. Silvergleid.

Few people, Mr. Speaker, are in a better position to do this than Dave Silvergleid who is president of the National Postal Union and through the years has gained a full understanding of the postal operation. When a knowledgeable leader such as Mr. Silvergleid speaks up on an important matter such as this it behooves all of us to listen.

The article follows:

[From the Washington Daily News, Sept. 15, 1969]

POSTAL UNION HEAD HAS SAY ON REFORM

(By John Cramer)

Much has been written against the Administration proposal to turn the postal service into a Government corporation.

But no one has done it better than David Silvergleid, president of the independent National Postal Union. So today, I give you Mr. Silvergleid as a guest columnist, telling why he considers the corporation proposal "a Trojan gift-horse."

Mr. Silvergleid:

Americans generally are bewitched by the concept of the Postal Corporation, and the concept is now being peddled as the cure for all that ails the Post Office Department.

The summer of 1969 should be at least somewhat disillusioning regarding the infallibility of the corporation:

Washington heard appeals from the electric utility that serves it to conserve power and shut off air-conditioners lest there be a breakdown of service.

Southeastern Florida experienced a blackout due to power failure;

New York's Consolidated Edison's service deteriorated badly. There were several partial and near-power failures within the city, which sweltered as air-conditioners were turned off to prevent total failure;

The much vaunted efficiency of the Bell System was put to a test and came thru with colors dragging in the dirt. In Washington, there were sometimes exasperating delays due to overload, and in New York, there were disconnects and wrong numbers by the score. So greatly did service deteriorate that one advertising firm ran a full-page ad in the New York Times to assure its clients that it still existed.

And, to add insult to injury, the same utility companies that were unequal to the test of service have filed for juicy rate increases . . .

IT DELIVERED

Much is wrong with the Post Office, but it delivered the mail without failure during the past long, hot summer. Even the Service's most adamant enemies admit that the failure rate is surprisingly low. Far less than one per cent of the mail is not delivered or returned to sender if the addressee cannot be found. A failure rate of one percent would mean a loss of 800 million or more pieces of mail. Small business all over the nation would flounder because of non-delivery of checks, and personal hardship would mount drastically. Few corporations can boast the low failure rate of the Postal Service.

If the record of the Post Office in mail delivery were as poor as that of stock brokerage houses in delivering stock certificates to their customers, the howls of the public would rebound from the heavens. The citizen depositing a check in a mail-box does so with full confidence that it will be delivered within a few days at the very most . . .

There is much more to the proposal than has been publicly discussed by those who would abolish the Post Office, remove it from Congressional control and replace it with a public corporation. The legislation would require the corporation to become self-supporting and prohibit it from incurring deficits. While this sounds commendable enough, the price of self-sufficiency would almost certainly be soaring postal rates and possibly wildcat strikes in the Postal Service.

The alleged heinous crime of the Postal Service is its publicized deficit of a billion dollars annually. That comes to about $5 each year for each man, woman and child in the nation. The deficit is made up from general taxation, meaning that the poor and those in the low and moderate income brackets pay a lesser share of the cost.

There seems to be no sin in subsidy except when it comes to the Post Office. America subsidizes her ships at sea, her defense establishment, her universities, her airlines, her agriculture, her non-taxed religious institutions and many other areas of endeavor. There's nothing wrong with subsidy when it is used for public purposes. Most metropolitan newspapers and the big magazines that support the corporation concept are at least partially responsible for the postal deficit. The Reader's Digest, an almost rabid proponent, receives a postal subsidy of some $17 million annually . . .

First-class mail accounts for 60 percent of the postal load and it pays for itself. Most so-called junk mail is handled in off-hours and because of the way it is handled, it also pays for itself. The deficit grows largely from special rates to publication publishers, educational institutions, non-profit organizations and the blind, and from service to rural and other areas of low population.

Rural America has never been served gracefully by the Bell System and the big utility companies. Only after the Rural Electrification Agency of the Federal government began to move did the utilities even express interest. Many farmers and other rural residents even now must pay for pole lines to get service.

The U.S. domestic postal service delivers the mail to the Nebraska farmer far from the city, to the Eskimo in a frozen village in Alaska, to the teacher on an Indian reservation, to the small businessman who runs the general store in some Wyoming hamlet. If these citizens are to continue to receive the mail, we dare not have a utility approach to the Postal Service.

But the Administration bill has called for changes in rates and services that will eliminate the "cost-service gap." It has also called for a surrender by Congress of the right to establish rates and the substitution of utility rate-making procedures. This could mean the abandonment of delivery in much of rural America, and even zoned postal rates based upon distance between sender and receiver.

TURKISH-AMERICAN FRIENDSHIP

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. SIKES. Mr. Speaker, as I have previously indicated, it was my privilege during the August recess to visit a most interesting part of the world and to include lands where striking developments are in progress. One of these was Turkey. The friendship of the Turkish Government and people for the United States is indeed inspiring. This is a most interesting land where definite progress in democracy and in opportunity is being made. Many of us do not realize that in Turkey can be found many of the famous sites of biblical times. They are protected by the Turkish Government, and a visit to these sites adds to the significance and interest of any trip to Turkey.

In my limited time in that nation, I was privileged to talk with Turkey's distinguished Prime Minister, His Excellency Suleyman Demirel, and with the Minister of Foreign Affairs, His Excellency Ihsan Sabri Caglayangil. I now have the opportunity to offer for reprinting in the CONGRESSIONAL RECORD a statement made to me by the Minister of Foreign Affairs at the beginning of our conference in Ankara. I feel that it speaks volumes which are of interest to the people of our country, and I am glad, indeed, that it is my privilege to include his comments in the RECORD for the benefit of my colleagues in Congress and others who will be interested:

STATEMENT MADE BY HIS EXCELLENCY MR. IHSAN SABRI CAGLAYANGIL, MINISTER OF FOREIGN AFFAIRS OF TURKEY

Your decision to visit Turkey had made me very happy and I am very pleased to meet you. We have come to know you through your activities in the U.S. Congress as a person who has an interest in the problems of our area and towards Turkey. We appreciate your endeavors very much.

We attach in Turkey a great importance to the Turkish-American friendship. This is as well a consequence of our common interest and both countries' espousal of the same philosophy and way of life. The world displays today substantial ideological and political differences. Turkey, taking into account her strategic and geopolitical location, has made her choice.

The fact that Turkey sides with the West is not only a government policy but is also the result of a decision taken by the Turkish people. Our Allies, nevertheless, tend to see today a change in Turkey and they are worried because of this. This change is due to the anti-Western and anti-U.S. attitude adopted by some small factions in Turkey. The reason for this could be explained as follows:

Democracy is a system which has been attained in every country through an evolutionary process and bloody struggles. Turkey, actually, has been struggling for democracy since two centuries. We have achieved in a short time fundamental structural changes in our regime. The new Constitution adopted after the Revolution of May 27th has brought a wide range of liberties. It has recognized many democratic rights and liberties. But the tradition of using these rights and liberties without abusing them has not been yet completely established. The new Constitution almost resembles an over-size suit which does not fit the body. Instead of narrowing the dress to our own size, we are trying, as the party in power, to change ourselves by enlarging the concept of democracy so that we can fit the suit. In order to properly install a free regime, an Administration which displays tolerance and at the same time which wages a struggle against the internal and external antagonists of freedom is required.

When four years ago I was appointed as Minister of Foreign Affairs. I used to sit, during international meetings, far behind the Allied Foreign Ministers. This was due, both to the system of seniority and to the place which Turkey occupies according to the alphabetical order. But during the last four years most of my colleagues have relinquished their office. Now, during international meetings I sit just behind Mr. Luns who is the most senior member of the "Allied Foreign Ministers Syndicate". This is but an example that a politically stable administration is prevalent in Turkey.

I wish to refer in this connection to the regretful incidents associated with the strikes which have taken place in some of the joint Turkish-American installations. It would be irrelevant to consider these acts as an attitude taken exclusively against the U.S. The right to strike has a long past in the U.S., whereas in Turkey this right has been acquired only very recently. If I am not mistaken, there are some 191 unions in the U.S. for approximately 13.5 million American workers. On the other hand, there are about 236 unions (if the local unions are also included the figure is 711) in Turkey for some 950,000 workers. The effects of the strikes—which are the result of the recent unrestricted atmosphere—are felt not only by the joint installations, but also by the Turkish industry itself.

I would also like on this occasion to say a few words about Turkey's position in NATO. Seven (out of a total of eight) political parties in Turkey support her membership in NATO. The single party against NATO enjoyed only 2.6% of the votes cast in the last elections.

As in every country, leftist institutions are very well organized in Turkey. Notwithstanding their very limited membership, they are very clever in finding slogans that spread rapidly all over the country. For the present the leftist propaganda remains superficial and is not effective. But with the future in mind, taking the required measures even from today has a manifest importance.

Now I want to talk about Turkey's defence efforts. One does not choose one's neighbors. In the past, we have fought with our neighbors many times. During those days, neither NATO nor the American military aid existed. But despite this, we have been able to protect ourselves. The fact of sharing a common border with a very powerful country does not, therefore, cause any apprehension in us because we know each other very well and because the present state of our relationship does not warrant any anxiety. We must, however, in the event of a surprise attack, be able to carry out our defence obligation duly. If we cannot accomplish this, even if our Allies come to our aid later on, we shall have to endure great sacrifices in trying to regain what has been lost. For this reason the Turkish Armed Forces must reach the required force levels. We have been very pleased to learn that the American military assistance which was accepted with the McNaughton plan and which underwent some alterations later on, has been presented to the Congress for approval, this time on a more favorable level. We expected that this proposal will be approved by the Congress. I am confident that Your Excellency will support this proposal during its debate in the Congress.

The U.S.A. is a living example of how a country can develop in freedom. But this development took place in a historical evolution phase by phase. As you know, Turkey is also experiencing a development effort with her roughly 300 dollar per capita yearly income and is striving to accomplish this under a free regime. If Turkey becomes successful in this respect, she will prove that developing countries can progress under free regimes. We are determined to demonstrate this.

This is all I have to say to Your Excellency. I thank you for listening to me.

PRIVACY BECOMES FANNIE MAE

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. SNYDER. Mr. Speaker, at a time when postal reform appears imminent and when we are forced to recognize the failure of bureaucratized government, the following article, which deals with the newly acquired private status of Fannie Mae—Federal National Mortgage Association—is didactic.

I would hope that the experience of Fannie Mae will prove instructive to my colleagues and to all Americans—as the Republic moves to consider reforms in the area of conversion of Government appendages to more efficient private operations.

The article, from the August 30 issue of Business Week, follows:

PRIVACY BECOMES FANNIE MAE

(NOTE.—After a year as a private company, the ex-federal agency is a winner, despite tight money and other problems.)

The career of the one-time government girl, Fannie Mae, now that she has turned to private enterprise, is proving an eye-popping success.

Fannie Mae—nickname for the Federal National Mortgage Assn.—is slimmer, more productive, and far richer after one year as a private corporation than she ever was in 30 years as a federal agency. Indeed, her accomplishments since Congress made her a private company in September, 1968, have given heart to those who think that many other agencies—in particular the Post Office—would do better if cut loose from the federal bureaucracy.

Fannie Mae's primary role as a federal agency and now as a private concern is to feed money into the mortgage market—buying government-backed mortgages in the secondary market and in the process providing lenders with funds to use in making new loans.

OPERATIONS

Mortgage money tends to dry up when credit gets tight; even Fannie Mae, despite access to Treasury cash, ran short of funds midway through the credit pinch of 1966. Credit this year is very tight, and Fannie Mae can't even hit the Treasury for money; every dime it gets must be borrowed in the market.

Yet Fannie Mae still will feed $6 to $8-billion into the mortgage market in 1969 against $2-billion in 1966. Moreover, it is moving into new fields. Recently it began buying hospital mortgages for the first time—though only when the hospitals are non-profit institutions and the mortgages insured by the Federal Housing Administration.

At the same time, Fannie May is busy learning to act and look like a private corporation. It hired McKinsey & Co., the consulting firm, to teach the staff management skills and to reorganize it along private in-

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dustry lines. It is well along with cost-cutting schemes—one plan being to pare its staff to less than half the 1,038 employees who worked there when it was a government agency. Only 832 are on the payroll today, and 125 of them already have received dismissal notices.

HOLDING DOWN

Cost-cutting is critical right now, since Fannie Mae must keep borrowing in a money market where interest rates never have been higher. But mortgage rates also are at record levels. Fannie Mae earned $8.5-million in the first half of 1968 (and $15.4-million for the whole year) but $11.3-million in the first half of 1969. Should money rates ever turn down, the corporation's mushrooming portfolio of high-yield mortgages, now about $8-billion against $6.5-billion a year ago, would assure still richer earnings.

This observation hasn't been lost on investors. Fannie Mae doesn't try to woo shareholders. "What's best for the mortgage market may not be what's best for stock market," notes President Raymond H. Lapin, "but if [stockholders] are not happy, they can invest elsewhere." For all that, Fannie Mae's stock has risen from 70 in early 1968 to 245 last June. It slipped to 190 in July as the rest of the market plummeted, but is back over 220 now.

Lapin, the man responsible for Fannie Mae's dashing new look, suggests that other government agencies could get a similar suave appearance. Indeed, he urges private management for such service agencies as the Post Office, the FHA, and the General Services Administration. At Fannie Mae, he says, "We are developing a way to meet the objectives of public policy through the corporate form with the least cost to government and the least disturbance to private business."

SWITCH

Fannie Mae always was a hybrid sort of agency with a rare degree of self-sufficiency. In its government days, as a borrower it was second only to the Treasury itself. The Treasury once owned $216-million worth of Fannie Mae preferred stock—bought back by Fannie Mae when it became a private company. However, Fannie Mae also had some 1.2-million nonvoting shares, held by some 9,000 shareholders and traded over the counter.

The decision to shift from a government to a private corporation made sense from both sides. With its public shareholders, and its unique role as a participant in the mortgage market, Fannie Mae never felt very comfortable as a federal agency.

On the other side, under the revised federal budget adopted two years ago, each dollar that Fannie Mae put into the mortgage market would count as a government expenditure. So in the 1968 Housing Act, Congress directed Fannie Mae to retire its preferred stock and go its own way, with the running of some government subsidized housing programs that Fannie Mae used to handle given over to a new federal agency, the Government National Mortgage Assn. (or Ginnie Mae).

Even now, Fannie Mae isn't totally free of the federal government. It still can buy only government-insured mortgages—those backed by the FHA and Veterans Administration. Its primary chore will continue to be keeping the mortgage market liquid, with a secondary responsibility—not too clearly spelled out—of financing some government low-cost housing programs. But in a pinch, Fannie Mae can sell up to $2.25-billion of its debt securities to the Treasury—a nice cushion that gives Fannie Mae securities extra allure in the marketplace.

GUARDIANS

Fannie Mae still functions under the Housing & Urban Development Secretary—since he appoints a majority of the board. In a year or so, though, it will be run by a 15-member board, five chosen by the President and 10 elected by shareholders. Once the board takes command, it will pick the executive team that will run Fannie Mae—perhaps replacing Lapin, who was named president two years ago by Lyndon Johnson. Lapin, 50, was a highly successful California mortgage banker before he received the Fannie Mae appointment. He's a six-footer with a capacity for talking quietly, but at length, about mortgages. Apart from his appetite for and knowledge of housing finance, Lapin's second obvious asset is a politician's sense for the power relationships in Washington.

The most striking shift at Fannie Mae came even before it became a private company and involves the way it buys mortgages. It once told how much it would pay for mortgages and then kept buying until its money ran out. Now each week it announces how much it can spend on mortgages and lets lenders bid for the money. It just raised the weekly figure from $130-million to $150-million.

What lenders get now is a commitment that Fannie Mae will buy their mortgage at some future date. Lenders pay a fee of 0.5% for this pledge, a nice fillip for Fannie Mae earnings.

CLEAN SWEEP

Now with the help of McKinsey & Co. and of Western Operations, Inc., computer consultants, Fannie Mae is changing more of its operation.

Instead of using many clerks in five regional offices, it is centralizing—and computerizing—its mortgage buying operations in Washington. The old Fannie Mae would check the credit of every home buyer whose mortgages it bought—"rather crazy," says an official of Fannie Mae, "after FHA and VA had already done the same thing." The new Fannie Mae makes an occasional spot credit check but leaves the primary responsibility for credit-worthiness to whomever services the mortgage, usually, the original lender.

Fannie Mae officials claim they have had few serious problems in converting to private corporation status. But one difficulty came in recruiting management talent. Fannie Mae, in common with most government agencies, had a high ratio of lower echelon people to executives.

More disturbing is the debt situation. Fannie Mae has $7-billion in debt outstanding with the average maturity one year and five months. This means Fannie Mae must keep coming back for funds in today's tense financial market. "I am highly critical of our situation," says Lapin, "but nobody thought rates would go as high as they are."

Lapin is trying to stretch out Fannie Mae's debt. Just this week, he announced plans to raise $600-million through a sale of debentures—including $350-million of a 14-month security but also $250-million of a five-year issue. To replace the day-to-day cash it once got from the Treasury, Fannie Mae has opened a $150-million line of credit with a group of banks led by First National City Bank of New York.

TOMORROW

Fannie Mae still sees itself in the early stages of growth toward becoming the nation's central mortgage bank. Looking ahead, Lapin wants it to expand beyond FHA–VA mortgages—which today make up only 20% of all mortgages—into conventional mortgages.

Lapin also keeps in view the low-cost housing sector—"that's the mass market," he says. He would like to see FHA concentrate more than it does now on low- and moderate-income housing. Once FHA moves into an area, of course, Fannie Mae can then follow.

Finally, Lapin wants the Treasury to give a green light to a new kind of security that he thinks will provide the financial base for the housing market of the 1970s. The instrument, approved by the 1968 Housing Act but not yet approved by the Treasury, would be backed by pools of mortgages and guaranteed by the Government National Mortgage Assn. The aim would be to sell these instruments to pension funds and other sources of capital that only buy a few mortgages now.

MARINE MAKES APPEAL TO STAY IN VIETNAM

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. HASTINGS. Mr. Speaker, in these times of sometimes bitter and sometimes unpatriotic fervor over our involvement in Vietnam, I cannot help but be deeply impressed by a letter I received recently from a marine corporal, serving his second tour of duty in Vietnam.

This marine, whose home is in Bath, N.Y., in my 38th Congressional District, heard a report that his unit is due to leave Vietnam and he has asked my help in seeing to it that he be allowed to stay there so he can, as he puts it, "serve my country's needs."

The spirit exemplified by this marine is typical of the devotion to duty that I found in my talks with our soldiers during my recent visit to Vietnam. Their morale, despite the sometimes dismaying reports of beatnick disorders at home, was a source of deep pride to me.

Because the letter from this marine corporal demonstrates a loyalty to country felt by our servicemen in Vietnam but not often stressed enough, I am placing it in the RECORD, so all may share it with me:

FPO SAN FRANCISCO, CALIF.,
August 27, 1969.

DEAR SIR: I am writing hoping you can solve my problem. I am now serving my second tour here in Vietnam. I volunteered to come back after four months of duty in the U.S. I landed here in May and am not due to leave here until June of next year, 1970.

I have about 18 months left in the Marines. I've been in for 2½ years now and have earned the rank of Cpl. The first of September I am to be Sergeant so I was told.

As for my problem, there is the rumor here in this unit that 2nd Battalion 7th Marines is to leave this country. I as for one like this duty here and am willing to serve my country's needs here. There are many others whom would be more than happy to leave Vietnam. I am writing to you Sir to ask for help. I would like to stay here if we (2/7) does leave. Is there any way possible you can help me?

Also, sir, is there any certain address of which I can get to purchase a New York State flag. I am a mechanic and I would love to fly my state flag high of my motor pool.

Thank you for your time, I will understand any reason of yours if it is not possible to remain here.

Sincerely yours,
JOHN K. SINCERBOX,
Corporal, U.S. Marine Corps, 2361430.

DUNDALK JAYCEES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. LONG of Maryland. Mr. Speaker, I recently learned of an outstanding com-

munity endeavor in Dundalk, Md., which is being sponsored by the area Jaycees. In early fall, they will open an activity center for the mentally retarded to provide a program for the retarded who are past school age but who are unable to work because of their handicap. I should like to commend the Dundalk Jaycees and the community of Dundalk by including a description of this program in the RECORD:

PROGRAM DESCRIPTION

The Dundalk Jaycees have recently embarked on a project we feel will greatly benefit the Greater Dundalk Community. In cooperation with the state and county governments an Activity Center will be opened for the Mentally Retarded. The center will be located in the Watersedge Shopping Center.

The Activity Center is the first attempt on our part to provide a program for retarded young men and women who have passed the school age, but are not capable of being placed in private employment nor to cope with placement in the sheltered workshop. Heretofore, the kids graduating from Battle Monument School for example, had no alternative but to sit at home and regress, usually forcing their parents to place them in a residential facility such as Rosewood in preference to nothing. Our alternative provides the opportunity of keeping the young adult in the home where he can be nurtured and sustained by the love of his parents and at the same time, be provided an opportunity to spend his days at the shop in a dignified pursuit.

The work the individual will be called upon to do in the Activity Center will be as close to the activities of his normal brothers or sisters as possible. In other words, the Activity Center program will be work oriented. The Center will take all kinds of unsophisticated sub-contract work and attempt to push each individual to the limit of his capabilities. Some of the work force will become proficient enough to be moved upwards to a sheltered workshop or, in a few cases, even out to private employment, but for the most part, those who are placed in the Activity Center will remain.

Although operating costs have been appropriated by the state and county governments, initial expense for renovation of the facility and purchases of equipment must be assumed by the community.

PROFESSIONAL STAFFS OF CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. HAMILTON. Mr. Speaker, the book, entitled "Professional Staffs of Congress," was written in 1962 by Prof. Kenneth Kofmehl of Purdue University. It is not only an excellent reference for Members of Congress and for staff members, but has become an outstanding text for classroom study of Congress and its work.

It has proved so popular in these respects that it is now in its fourth printing. Professor Kofmehl has written a new preface, bringing readers up to date on the changes and developments in congressional staffs since the book was completed 7 years ago.

The preface itself is worthy of the attention of all of us in the Congress. It reads as follows:

PREFACE TO FOURTH PRINTING

To paraphrase a popular saying from the comic strip *Peanuts*, "Happiness is sustained demand for a book seven years after publication." Besides occasioning such expressions of joy, the fourth printing of this work affords an opportunity to comment on some relevant developments that have occurred since the study was originally completed in January, 1962.

On January 12, 1965, The Senate Republican Conference adopted a rule relaxing adherence to seniority in the making of committee assignments. It provides that no Republican Senator already on one of four committees designated "exclusive"—Appropriations, Armed Services, Finance, and Foreign Relations—may be assigned to another of these four until every other Republican Senator has had an opportunity to go on one of them. However, the force of the rule was weakened by stipulations that Republican Senators currently holding assignments on two "exclusive" committees could continue to do so and that at any time a Republican Senator could transfer from one exclusive committee to another on which a vacancy existed. Because Senator Jacob Javits (R.-N.Y.) had advocated such a change for many years and chaired the subcommittee of the Republican Committee on Committees that formulated the specific proposal adopted by the Republican Conference, this modification in procedure has been appropriately nicknamed the "Javits Rule."

In the 90th Congress, the number of standing committees in the House of Representatives was increased to twenty-one. On April 3, 1968, the House established the Committee on Standards of Official Conduct as a permanent standing committee. This action carried out a recommendation of the Joint Committee on the Organization of the Congress, a brief history of which will be included below.

More recently, another House standing committee was transformed but retained the same membership. After an acrimonious debate on February 18, 1969, the House approved a resolution changing the name of the Un-American Activities Committee to the Internal Security Committee and redefining its jurisdiction. Opponents of the change unsuccessfully attempted to amend the resolution to abolish the Un-American Activities Committee and transfer its functions to the House Judiciary Committee.

A few months earlier, however, a twenty-year-old congressional agency, the House Coordinator of Information, was eliminated. In the Legislative Branch Appropriation Act, 1968, the House cut off funds for this office "not later than October 1, 1967." The accompanying House report noted that the Joint Committee on the Organization of the Congress had recommended abolishing it.

Perhaps even more importantly, since preventing is easier than correcting mistakes, Congress has avoided adopting inappropriate forms of staffing that could have had untoward effects on the whole legislative process. During the spring and summer of 1963 when Congress reached a new high in concern about science policy issues, several bills were introduced to establish a Congressional Science Advisory Staff. While well-intentioned, these proposals were based on faulty assumptions about the nature of science policy questions and the requirements for a congressional staff to handle them. Congress wisely rejected them in favor of expanding and refining extant arrangements for obtaining advice on science-related issues.

Beginning with the Legislative Branch Appropriation Act, 1965, Congress has provided substantial funds for the Legislative Reference Service to hire additional high-grade specialists in science and technology. And a number of congressional committees have imaginatively experimented with the use of consultants, advisory panels, and the National Academy of Sciences for advice on science policy issues.

Both chambers have made it possible for each member of Congress to hire a legislative assistant at a professional staff salary level. On May 26, 1966, the House adopted a resolution authorizing an additional clerk and an increase in the basic clerk-hire allowance of $7,000 ($19,220 in gross salary then) for every member of the House of Representatives. On July 10, 1967, the Senate amended the Legislative Branch Appropriation Act, 1968, to provide an additional $23,400 (gross salary) in clerk-hire allowance for each Senator. When introducing this amendment, Senator Joseph Tydings (D.-Md.) stressed that its purpose was to enable every Senator to hire the legislative assistant authorized by the proposed Legislative Reorganization Act of 1967, S. 355, which had been passed by the Senate on March 7, 1967, but which he felt had poor prospects for speedy approval by the House. Unfortunately, Senator Tydings' foreboding proved justified; for fifteen months later, S. 355 died at the close of the 90th Congress still incarcerated in the House Rules Committee.

As indicated at several places above, the most momentous factor influencing congressional structure and procedures since January, 1962, has been the creation of a Joint Committee on the Organization of the Congress and the continuing efforts to enact measures embodying its recommendations. This action was in response to a demand that had been mounting for a number of years. Increasingly, journalists, political scientists, and members of Congress had voiced the need for a thorough review of congressional structure and functioning. During the early 1960's, numerous resolutions to authorize studies of congressional reform were introduced. On September 19, 1963, one of them, S. Con. Res. 1, was reported favorably by the Senate Rules and Administration Committee but was not voted upon by the Senate. The 1964 election results strengthened elements in Congress pressing for reform, prominent among which was the House Democratic Study Group, an organization of liberal Democratic Congressmen. House DSC leaders won the crucial support of Speaker John McCormack (D.-Mass.). On March 11, 1965, Congress approved S. Con. Res. 2 establishing a Joint Committee on the Organization of the Congress to conduct a comprehensive study of the organization and operation of Congress.

Closely intertwined with this endeavor was the campaign for minority staffing, the beginnings of which are discussed in Chapter XIV "Postscript" (pp. 210–17). In 1962 Representative Fred Schwengel (R.-Iowa) joined Representative Thomas B. Curtis (R-Mo.) and Senator Carl Curtis (R.–Nebr.) as leading proponents of minority staffing, and during that year they concerted their efforts rather informally. On January 24, 1963, then House Republican Conference Chairman Gerald Ford (R.-Mich.) appointed a Subcommittee on Increased Minority Staffing, headed by Representative Schwengel and including Representatives Curtis and Robert Griffin (R–Mich.) among others. The Schwengel Subcommittee propagandized vigorously and coordinated a drive by Republican members of House committees for more minority staff members, which according to them enjoyed significant success. In 1964 Representative Schwengel was defeated for re-election, but the organized effort by House Republicans continued. On March 30, 1965, the House Republican Conference Committee on Planning and Research appointed a Task Force on Congressional Reform and Minority Staffing, with Representative James Cleveland (R.-N.H.) as chairman. House Minority Leader Gerald Ford later explained that this task force "was created in part to assure that every significant aspect of the operation of the House of Representatives would be studied and to serve

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as a reservoir of recommendations should the Joint Committee [on the Organization of the Congress] fail to report out a comprehensive set of proposals for modernizing the machinery and strengthening the role of Congress in the twentieth century."

At its first meeting on March 17, 1965, the Joint Committee on the Organization of the Congress elected as co-chairman Senator Mike Monroney (D.-Okla.), who, as a young member of the House, had been vice-chairman of a similar joint committee that produced the Legislative Reorganization Act of 1946, and Representative Ray Madden (D.-Ind.), a member of the House Rules Committee, to which any bill emanating from the Joint Committee would be referred. The other Democratic members of the Joint Committee, which was evenly divided between the parties and the two chambers, were Senators John Sparkman (Ala.) and Lee Metcalf (Mont.) and Representatives Jack Brooks (Tex.) and Ken Hechler (W. Va.). The ranking minority member from the Senate was Karl Mundt (R.-S. Dak.) and from the House was Thomas B. Curtis. Republican Senators Clifford Case (N.J.) and J. Caleb Boggs (Del.) and Republican Representatives Durward Hall (Mo.) and Robert Griffin rounded out the committee roster. In May, 1966, when Representative Griffin was appointed to the Senate, he was replaced by Representative James Cleveland.

Although many of the Republicans on the Joint Committee had been identified as crusaders for more minority staffing, the Joint Committee launched its undertaking in an aura of bipartisanship. It adopted a rule that forbade making any recommendation that had not been endorsed by a bipartisan majority of the members from each house. The staffs of the Democratic Study Group, the Republican Task Force on Congressional Reform and Minority Staffing, and the Joint Committee cooperated harmoniously in their research efforts. In its *Second Interim Report*, the Joint Committee acknowledged: "The research and presentations of members of the Democratic Study Group and the Republican Task Force, as well as other Senators and Representatives, have been most helpful to the Joint Committee on Organization."

Between May 10 and September 23, 1965, the Joint Committee held forty days of public hearings. The testimony, together with statements submitted for the record and supporting documents, totalled 2,322 printed pages. Along with this material and studies prepared by its own staff (including a computer analysis of the demands made by the committee system on members' time in the 88th Congress), the Joint Committee utilized reports of other committees and state legislatures, published and unpublished works by political scientists, and studies of congressional organization by foundations and other private institutions. All in all, Co-chairman Monroney was able to claim "that no proposal for congressional reform made in recent years—irrespective of source or media—escaped the attention of the joint committee." From January through July, 1966, the Joint Committee met in more than fifty executive sessions to consider what recommendations to make.

On July 28, 1966, the co-chairmen filed the final report of the Joint Committee in their respective chambers. Essentially moderate in the scope of its reforms, this report contained over 100 proposals concerning the committee system, fiscal controls, staffing, research facilities, ethics, housekeeping functions, and the lobby regulation act. In what turned out to be among the most controversial portions, the report recommended a "bill of rights" for committee members to give the majority more control over the chairman and the minority a larger role in committee operations, increased staffing, and realignment of some committee jurisdictions. This last recommendation entailed creating a Senate Committee on Veterans' Affairs and committees on education in both houses with a corresponding redefinition of other committees' jurisdictions, redesignation of the Aeronautical and Space Sciences Committee as the Science and Astronautics Committee in the Senate, expanding the jurisdiction of both science committees, and renaming the banking and currency committees as the committees on banking, housing, and urban affairs with appropriate additions to their jurisdictions.

On August 26, 1966, the Senate established a Special Committee on the Organization of the Congress (consisting of the Senate members of the Joint Committee) to receive, consider, and report a bill carrying out the recommendations of the Joint Committee. The authorizing resolution stipulated, however, that the Special Committee was not to report any bill until it had given the chairmen and ranking minority member of each Senate standing committee an opportunity to appear before it and present their views. At hearings of the Senate Special Committee on August 31 and September 8, 1966, three committee chairmen testified in person while three others and a ranking minority member submitted written statements for the record. In some cases vehemently, they criticized certain recommendations of the Joint Committee and the corresponding provisions of a proposed bill—mostly those involving changes in the jurisdictions of their respective committees. Despite this adverse reaction, on September 21, 1966, the Senate Special Committee reported a bill, S. 3848, incorporating the Joint Committee's recommendations virtually unchanged. On September 29, 1966, Senate Majority Leader Mike Mansfield (D.-Mont.) announced that this bill would not be considered by the Senate prior to adjournment because of the heavy legislative workload but that it would be reintroduced and taken up early in the 90th Congress.

Accordingly, on January 16, 1967, the Senate Special Committee reported out S. 355, the proposed Legislative Reorganization Act of 1967, which had been carefully revised to remove all the Senate committee jurisdictional changes except for the creation of a Committee on Veterans' Affairs and for adding urban affairs to the jurisdiction of the renamed Committee on Banking, Housing, and Urban Affairs. However, S. 355 retained all the recommended modifications in the jurisdictions of the House committees. The accompanying committee report rather plaintively stated:

"The Joint Committee on the Organization of Congress recommended two additional Senate jurisdictional changes which have not been included in this bill. . . . The hearings held by the Senate Committee following the publication of the Joint Committee's Final Report indicated wide opposition to these proposals and a view that sufficient consideration had not been given to potentially detrimental effects on the existing committee operations. After receiving this testimony, the Committee has concluded that these realignments should not be proposed at this time."

After eighteen days of debate between January 25 and March 7, 1967, the Senate approved S. 355 by a vote of 75 to 9. Although forty amendments were adopted, efforts to delete the Senate Committee on Veterans' Affairs and the whole portion on the lobby regulation act were defeated. More importantly, the staffing provisions emerged almost intact with only minor amendments clarifying the status of a proposed legislative review specialist for each standing committee and adjusting the salaries of Senate staff members.

On March 9, 1967, the Senate messaged S. 355 to the House where is was referred to the Rules Committee. Except for a short hearing on April 11, 1967, the Rules Committee took no further public action. Purportedly, strong opposition to the measure centered around the projected changes in House committee jurisdictions and the provisions on committee procedures, staffing, and regulation of lobbying. Through 1967 to the end of June, 1968, various versions of S. 355, revised to remove certain of these objections, were introduced in the House. Besides the House members of the Joint Committee, two members of the House Rules Committee, Richard Bolling (D.-Mo.), long-time articulate advocate of congressional reform and prominent member of the Democratic Study Group, and H. Allen Smith (R.-Calif.), the ranking Republican on the Rules Committee, participated in this endeavor to produce an acceptable bill. On December 31, 1967, after having received several renewals of authorization, the Joint Committee on the Organization of the Congress expired. Likewise, the Senate Special Committee on the Organization of the Congress went out of existence on June 30, 1968.

Meanwhile, in addition to those proposals already mentioned as having been accomplished (legislative assistants for Senators, creation of a House ethics committee, and discontinuance of the House Coordinator of Information), Congress continued to enact particular recommendations of the Joint Committee, such as increased travel allowances for Congressmen, separately in other legislation. This led to widespread speculation that the popular provisions of S. 355 would be extracted in this fashion, leaving the mutilated remains buried in the House Rules Committee.

Periodically between October, 1966 and August, 1968, the House Republican Policy Committee, House Republican Conference, and House Minority Leader Ford issued statements urging favorable action on congressional reorganization bills. The 1968 Republican Platform exhorted:

"Congress itself must be reorganized and modernized in order to function efficiently as a co-equal branch of government. Democrats in control of Congress have opposed Republican efforts for Congressional reform and killed legislation embodying the recommendations of a special bipartisan committee. We will again press for enactment of this measure."

On September 11, 1968, a group of thirteen Republican Representatives led by Donald Rumsfeld (Ill.) and including Thomas B. Curtis and James Cleveland delayed proceedings in the House for over 2 hours by engaging in dilatory parliamentary maneuvers. Their avowed purpose was "to dramatize the need for House consideration, and hopefully, House action" on S. 355 and a campaign spending reform bill (H.R. 11233). Thirteen days later, Representative Rumsfeld made public a letter to Speaker McCormack, signed by 134 of the 187 House Republicans, urging him to schedule the two bills for floor action.

Also in September, 1968, five liberal House Democrats headed by Representative Thomas Rees (Calif.) tried to extricate S. 355 from the House Rules Committee by resorting to a discharge petition, but they failed to get the requisite 218 signatures of House members.

On October 8-9, 1968, the Rumsfeld group again impeded the conduct of House business. By means of forty-five roll calls and other delaying tactics, they kept the House in continuous session for more than thirty-two hours. Although Democrats accused the Republicans of trying to defeat the bill before the House to allow television debates between the presidential candidates, Rumsfeld maintained they were trying to influence the House Democratic leadership to bring S. 355 and H.R. 11233 to the House floor. House Minority Leader Ford publicly endorsed their actions and promised that these bills would have high priority on a Republican agenda for the 91st Congress.

Inescapably, these events gave a partisan coloration to the struggle for House consideration of S. 355, which had been developed under such thoroughly bipartisan auspices. With the adjournment of Congress on October 14, 1968, all pending legislation died. On November 5, 1968, the propects for congressional reform were further worsened when Senator Monroney was defeated for reelection and Representative Thomas B. Curtis left the House in his unsuccessful bid for a Senate seat.

In the months immediately preceding the 91st Congress, some liberal House Democrats continued to advocate congressional reorganization. On January 23, 1969, Speaker McCormack, who the preceding year had steadfastly contended that he was for congressional reform, said he would like to see the House Rules Committee hold hearings on it soon. And House Minority Leader Ford reiterated his desire that Congress take up the subject early in the session.

On February 4, 1969, Senator Mundt introduced S. 844, a proposed Legislative Reorganization Act of 1969, with the four other remaining members of the defunct Senate Special Committee on the Organization of the Congress as co-sponsors. The next day in the House, Representative Rumsfeld introduced a similar bill, H.R. 6278. Both were essentially variations on S. 355 of the 90th Congress. On March 4, 1969, the House Republican Policy Committee again urged enactment of legislation reorganizing Congress. About a week later, Representative Rees announced his intention to introduce a congressional reform bill, which also would be a revised reincarnation of S. 355. By April 3, 1969, when he had aggregated 103 Republican House members as co-sponsors of his bill, Representative Rumsfeld asserted that the chances of obtaining early floor consideration of such a measure by the House were greater than any time in the preceding twenty years.

Whether or not this is an accurate forecast and if so, whether or not that would mean enactment of a comprehensive congressional reorganization bill is difficult to say at the time of writing (April 12, 1969). The loss of Senator Monroney's leadership is an incalculable handicap to moving another omnibus reform bill through the Senate. The extent to which the adoption of various attractive features of the measure as originally proposed has diminished the appeal of the remainder and the amount of bipartisan support that can be mustered in the House are hard to assess.

Whatever the outcome, however, the provisions on committee staffing in S. 355, as approved by the Senate in the 90th Congress, warrant examination. For they have been carried over substantially unchanged in most successive versions of the bill and hence should foreshadow any legislation amending the existing law on committee staffs.

S. 355 adheres to the original philosophy of the Legislative Reorganization Act of 1946 of keeping the permanent professional staffs of the standing committees small in size. It increases the quota for each standing committee (except the appropriations committees) from four to six, with the proviso that the two more professional staff members would be in addition to any other extra staff previously authorized for a specific committee and to a legislative review specialist which all the standing committees (except the appropriations and House ethics committees) would be allowed to hire.

Officially recognizing the practice of supplementing the regular staff with specially-authorized employees, S. 355 requires each standing committee to consolidate all such requests into a single annual authorization resolution that specifies by name and amount every subcommittee to be funded for that year. This has the twofold purpose of enabling the committees to gain greater control over their subcommittees and each chamber to evaluate better the overall requests for such extra staff.

After redesignating "legislative oversight" as "legislative review," S. 355 states in some detail the legislative review responsibilities of each standing committee and requires it to submit an annual report on their performance. Then S. 355 authorizes a review specialist for each standing committee, to be appointed by the chairman with the prior approval of the ranking minority member, to assist the committee in carrying out its legislative review duties.

To permit access to outside experts on a part-time basis, S. 355 authorizes each standing committee to hire temporarily (not to exceed one year) consultants and consultative organizations to be selected by the chairman and ranking minority member acting jointly. Likewise, S. 355 encourages improving the skills of the permanent employees by authorizing each standing committee to provide assistance to professional staff members in obtaining specialized training. In each instance, the committee must get the approval of the administration committee and of a resoluton in the House or Senate, as the case may be, supplying the requisite funds.

With respect to the controversial demands for minority staffing, S. 355 makes the following concessions. In the case of specially-authorized staff personnel, it admonishes that "the minority shall receive fair consideration" in their appointment. For the regular staff of each standing committee, it provides that a majority of the minority members may, if they desired, select two of the six professional staff members for appointment, that these appointees "shall be assigned to such committee business as the minority members deem advisable," and that they shall be dismissed upon request by a majority of the minority members. The rest of the professional staff continues to be hired and fired by a majority vote of the committee. S. 355 retains the language of the existing law assigning the professional staff members "to the chairman and the ranking minority member . . . as the committee may deem advisable" (except where the minority exercises the option to select its own), requiring appointment of all professional staff members "on a permanent basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office," and prohibiting the assignment to them of any work other than committee business.

Likewise, S. 355 provides that a majority of the minority members may, if they desire, select one of the six clerical staff members for appointment. Further, it stipulates that all minority staff members shall be accorded equitable treatment on salary rates, the assignment of facilities, and accessibility of committee records. And S. 355 makes clear that it does not authorize minority members of a committee to select staff members for appointment in any case in which two or more professional staff members or one or more clerical staff members, who are satisfactory to a majority of the minority members, have already been assigned to assist them.

Relatedly, S. 355 establishes an Office of Placement and Office Management, which, upon request, shall assist committees as well as members and officers of the Congress in obtaining qualified staff and shall furnish advice with respect to office management procedures. By placing the use of this office on a purely voluntary basis, S. 355 has removed the principal objections to the creation of such a facility in the past.

For the most part, the committee staffing provisions of S. 355, as passed by the Senate in the 90th Congress, embody the lessons of twenty years experience with professional staffs and probably unavoidable compromises with forces challenging principles incorporated in the Legislative Reorganization Act of 1946. Confining expansion largely to specially-authorized staffs, making possible more effective checks by the House and Senate on their growth, helping to combat the centrifugal tendencies of subcommittees, encouraging resort to outside expertise, and facilitating professional growth of the permanent staffs of committees are all laudable objectives.

The desirability of a review specialist for each standing committee is less obvious. In the process of passage by the Senate, an amendment vesting legislative review functions in the committee rather than in the proposed review specialist helped clarify that he would work under the control of the committee and within its existing staff structure. However, there still remains a potential for conducting legislative review through a more or less independent staff operation, with all the bad effects that could produce.

The procedure of having the chairman and ranking minority member act jointly not only in appointing the review specialist but also in selecting consultants and consultative organizations is questionable. Although in most instances these two individuals might have the main say in making such choices, it would be prudent to retain the safeguard of requiring approval by a majority vote of the committee. Also, this would be more consonant with the pervading philosophy of S. 355, expressed in the "committee bill of rights" and elsewhere, of placing ultimate control over the committee in a majority of the membership.

The departures from the principle of nonpartisanship for committee staffs in S. 355 probably represent the minimum concessions acceptable to the proponents of increased minority staffing, who have constituted such a major element of support for the congressional reform movement in the 1960's. The exhortatory language on according the minority fair consideration in the appointment of specially-authorized staffs merely recognizes prevalent practices, which reflect the results of a more than decade-long crusade. By being couched in permissive rather than mandatory language, the provisions authorizing the minority of each standing committee to select part of the permanent staff as a matter of right, if they so desire, allow the maintenance of nonpartisanship in committee staffs wherever possible while taking care of situations where the minority might otherwise be denied adequate staff assistance. Moreover, the procedure for selection by a majority of the minority members is responsive to a basic desire of many advocates of more minority staffing: that on each committee there be more staff to assist the minority as such and not just the ranking minority member. For to some extent this cause, like many other aspects of the congressional reorganization movement, is but another manifestation of the generation gap, with junior members of Congress assailing the bastions of power manned by their elders.

PORNOGRAPHY IS BIG BUSINESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. DULSKI. Mr. Speaker, pornography is one of the most pressing social problems of the day.

Our Subcommittee on Postal Operations has begun hearings on several measures aimed at controlling the sending of smut through the mails to homes where minors reside.

As anyone who has studied the matter

knows, it is a most difficult one to deal with where first-class mail is used because of the traditional sanctity of first-class mail.

The Buffalo Evening News in my home city of Buffalo, N.Y., has begun a series of articles which starts out as a most comprehensive look at the problem of pornography/erotica.

Mr. Speaker, as part of my remarks, I include the first installment of the series titled "Smut in Buffalo":

SMUT IN BUFFALO—I: PORNOGRAPHY/EROTICA IS BIG BUSINESS HERE AND ACROSS NATION

(By Ralph Dibble)

Pornography/erotica is big business in Buffalo.

It's a business dealing in smut—smut literature, dirty films, erotic still pictures and devices.

Police estimate that pornography/erotica's take in Buffalo is between $1 million and $2 million a year.

And they suspect that sales are closer to the top figure than the lower.

Nationwide, however, sales are estimated at $2 billion a year for all the products of pornography—books, magazines, movie, films, recording, miscellaneous printed materials and devices.

In Western New York, you can buy pornography/erotica in respectable book stores, the corner drugstore, and at corner newsstands.

And they're not kept under the counter anymore. They're right out in plain view.

EVEN ON TV

Conscientious parents find it necessary to monitor even prime time television shows.

Buffalonians can see a "dirty movie" anytime. The dirty records aren't on the countertops (yet), but they're readily available.

Even so, Buffalo is a rather tame middle-of-the-road town in the vast network of the pornography/erotica industry.

The undisputed American capital of pornography is Los Angeles. The pornographic publishing business has 200 companies that take in $500 million a year. And 75% of them are located in the Los Angeles area where one despairing policeman declared: "We are so deep in hard-core obscenity that I feel we will never recover."

SEX BEST SELLER

The head of this pornographic publishing world is Marvin Miller. His annual volume is $10 million. His all-time best sex seller sold 500,000 copies in one year—which put it on equal footing with 1967's best seller, "Death of a President."

Altogether the book's sales have totaled $2.5 million. Mr. Miller's publication costs totaled $2,500, including $1,000 for models' fees.

Los Angeles is not only the major producer of smut. It's also a conspicuous consumer center.

LA barrooms have come up with a latter-day version of the free lunch. They edify their patrons with free movies—dirty, of course.

New York City, a place of contradictions in every field, has one refinement that apparently has escaped West Coast centers—do-it-yourself pornography. In New York, the seeker of truth can rent a model and take his own obscene pictures.

NOT IN PARIS

Foreign cities present strange ironies. Toronto suffers from a trade deficit. It consumes pornography voraciously—and imports it all from the U.S.

Paris—everyone's idea of a "naughty" city—is one of the few places in the world where it's difficult to buy obscene literature.

But in Scandinavia, all laws barring obscenity have been repealed and everything goes. The natives' reaction to the glut of pornography has been massive indifference.

Pornography, which no longer sells in Scandinavia, is being exported by Sweden and Denmark to the U.S.

Some realists think Scandinavia may have found the answer—people soon will sicken of pornography that surrounds them.

But Sweden, the first country to lift bans on filth, leads the world in incidence of syphilis and also has the highest of all suicide rates.

OPPOSITE DIRECTION

In fact, New York State is traveling in the opposite directions. Two new state laws became effective Sept. 1, increasing the severity of the punishment for selling indecent material to minors under 17 and creating degrees of guilt in obscenity cases, one degree for wholesalers and another for retailers.

Buffalo shares a set of ironies with other major cities. Most of its traffic in pornography is legal. But it assigns a policeman to battle the tide of filth—detective Sgt. Frank V. Spano.

Sgt. Spano admits: "I've been on the job for six years and the flood of what I call pornography is worse than ever."

The flood of pornography was loosed by a U.S. Supreme Court decision of 1957.

REDEEMING VALUE

In a majority-approved decision, Justice William J. Brennan wrote:

"All ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of free speech provisions of the Constitution's First Amendment."

Subsequent high court decisions have further widened the channels of free expression.

Something is legally obscene now if its "predominant appeal is to prurient or morbid interest in sex," goes "substantially beyond" customary limits of candor and is "utterly without redeeming social value."

The way it works out is that magazines featuring nude pictures can get under the legal umbrella with almost any kind of text material.

WAY TO REBEL

So America finds itself in a strange, new world. Older citizens find it hard to accept that what used to be sold under counters and seen in backrooms now is out at the street corners.

Probably it was inevitable that some youthful rebels would embrace pornography—another way of rebelling.

That phase of pornography began March 3, 1965, when a young man named John Thompson appeared barefoot on the Berkeley campus of the University of California carrying a big sign which bore a single four-letter word.

The word became almost a campus battlecry. It turned out that Thompson was not a student, but an itinerant exhibitionist who thought the campus would be a good stage. But no one cared by then.

How does pornography affect your life?

Is there a chance the tide will ebb as it has in some parts of Europe?

What do Buffalo policemen think about the law and courts?

How will pornography affect the future of the theater and literature?

The Buffalo Evening News is exploring all the aspects of pornography in this series of articles.

A CITIZEN PETITION

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. John G. Muller, 7818 Calpurnia Court, McLean, Va., has written to me asking that I submit in his behalf a petition to the Congress of the United States.

Mr. Muller's request to me follows:

McLEAN, VA.

Hon. JOEL T. BROYHILL,
House of Representatives,
Washington, D.C.

SIR: I am a forty-eight year old business executive writing a Congressman for the first time in my life.

I would like you to submit in my behalf the following petition to the Congress of the United States:

"The United States of America, one of the world's leading democracies, has been waging a controversial war in Viet Nam without the direct involvement of its legislators. As a citizen I ask that the people's elected representatives in Congress vote on whether or not the United States should continue this war."

I would like to see a vote taken on various suggested solutions including the following:

1. Pull out at once even if it means a blood bath for our Vietnamese allies.
2. Utilize nuclear weapons to bring the war to a speedy conclusion.
3. Continue with the stalemated war as heretofore allowing the Executive Branch to do what it thinks best without direction from Congress.

This vote could be conducted in secret session so that the result would not give aid or comfort to the enemy. It could, however, be of great help to us in clarifying our own policy and deciding on a future course of action.

It seems to me that Congress has both a moral and a constitutional obligation to vote on this major issue.

It is not right that the lives of our young people be sacrificed by the thousands to implement a policy that Congress has never explicitly endorsed or rejected. It is not right that the Legislative Branch should abandon its responsibilities to the Executive Branch. Section 8 of the Constitution states that "the Congress shall have the power . . . to declare war".

To continue the war without ascertaining, recording, and implementing the wishes of the nation's elected representatives in Senate and House makes a mockery of the basic concept of democracy.

I understand that petitions are printed in the Congressional Record and then forgotten. In this case, however, I ask that you use your influence to bring about a vote on this crucial issue.

Thank you.

Sincerely,

JOHN G. MULLER.

EMERGENCY MEDICAL SERVICE GETS HIGH PRIORITY IN JACKSONVILLE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. HOGAN. Mr. Speaker, I am pleased to insert into the RECORD this article which appeared in the August edition of Traffic Safety published by the National Safety Council. I think that this excellent explanation of the problem concerning emergency services and how the city of Jacksonville, Fla., solved it has a lesson for all of us.

In view of the fact that I have introduced a bill to create a separate Ambulance Service Corps for the District and since I have actively participated in an emergency drill with helicopters, I urge my colleagues to read this article. Here is a clear example of the use of the helicopter in solving this ever-increasing and serious problem of transportation for accident victims. We must act now to employ this air vehicle for emergencies and to save lives. The reliability and versatility of the helicopter, plus the experience we have gained through its use in Vietnam should be made available to improve our civilian medical rescue efforts.

The article follows:

EMERGENCY MEDICAL SERVICE GETS HIGH PRIORITY IN JACKSONVILLE

(By John M. Waters, Jr.)[1]

Providing emergency medical services is a growing problem in all areas of the world in which the use of the automobile is increasing. It is a complicated problem in the large cities, where heavy traffic often impedes the transfer of the injured from the scene of the accident to a treatment center.

There are several fundamental differences between the problem in this country and that facing our friends in some other countries.

First, we have an acute shortage of physicians and nurses, and little prospect of remedying this matter in the foreseeable future. The shortage is not merely in numbers but in capabilities, for specialization has greatly reduced the percentage of physicians capable of coping with severe trauma or acute medical episodes outside their specialty. Therefore, we will rarely find a physician treating an accident patient outside the hospital.

Next, we must realize the size of our country, and the millions of miles of roads in it. What might be a practical alerting system on the autobahn between Hamburg and Kiel would prove prohibitively expensive for the highway of more than 1,000 miles between Chicago and Denver. Any suggested general highway improvements are deterred by the very massiveness of the system and the consequent costs of improvements.

Fortunately, our telephone system is widespread and in nearly all cases efficient, and along most roads, we can find homes, and places of business with phones. In a city, it is highly improbable that a crash could occur without someone being aware of it and phoning in.

Lastly, our problem is complicated by the number of cars, now in excess of 100 million and increasing steadily. It has become a deadly race between our efforts to reduce the accident rates and the increasing exposure that raises the number of deaths and injuries.

While there are some basic differences between our situation and that of other countries, there are also mutual problems. I can testify from a recent trip to Europe that their cities have traffic congestion just as we do, though it seldom approaches anywhere in the world what exists in New York City. Likewise, I imagine that cities everywhere are faced with the problems of increasing costs without a comparable increase in tax revenues. Our American cities are caught in what seems to be almost an insolvable dilemma as to how to provide all the services required without bankrupting the taxpayer.

Oddly enough, until less than five years ago, there was no concerted national effort to do much about automobile accidents, which by then were claiming 50,000 dead yearly. In sharp contrast, we, probably to a greater degree than any other nation, have for over 100 years maintained an extensive rescue system for ships at sea, and in later years for aircraft. Cost has not been a deterrent to this complex and efficient rescue system; and, although only 3,000 non-combat people were lost at sea and in the air in our areas of responsibility in the last year recorded, the Coast Guard incurred a cost of $34,000 for every seaman and airman saved, while the Air Force in Viet Nam paid out $48,000 per save. While cheap in terms of human life, the highway victim in comparison had little or nothing spent to rescue him, and thousands died needlessly. It often became literally true that a citizen could be safer on a boat sinking 20 miles at sea than he could in a wreck in the middle of one of our largest cities.

As an example, several years ago a tanker fire occurred in New York harbor. The injured were evacuated in less than 10 minutes by Coast Guard helicopters from the ship. Yet a pedestrian, struck by an automobile in the incurring confusion, could not be reached by an ambulance for nearly 45 minutes due to the traffic congestion.

The National Highway Safety Act of 1966 was a sweeping one, aimed at all facets of highway safety. One of them was the medical care and transportation of those injured on the highway. In early 1967, I was loaned from the Coast Guard, where I had been chief of the search and rescue division, to the newly created National Highway Safety Bureau (NHSB) to see if the methods and techniques of our military system could be applied to our highway problem at the state and city level. We made a great deal of progress in the next 18 months, initiated considerable research and passed out volumes of guidance to the states. In the summer of 1968, I elected to retire from the military, left the NHSB and became director of public safety of Jacksonville, Fla. In this position, I think I am well situated to evaluate the problem from both sides of the hill, compare theory with practice and report on our progress in emergency medical services in a dynamic and forward looking city. Some of our "Ivory Tower" thinking from Washington has been battered a bit, but on the whole, I think we may develop a system which, though not ideal, will be unsurpassed in this country.

At the very outset I ran into realism with a jolt, and the jolt was produced by one main factor—money. We, like every major city in this country, are fighting a desperate rearguard action against rising costs. Most cities are retreating; I like to think that we are holding our own, and in at least one sector, emergency medical services (EMS), are advancing on a fairly broad front. In order to do so, we have had to take a realistic approach, discard the merely desirable and stick to the essentials. This involved not only some hard-nosed management decisions, but a quick separation of facts from myths.

Jacksonville is a city unique in many ways, the most notable being the recent "consolidation" of the City of Jacksonville and Duval County, in which the county was abolished, the city limits extended to the county line and several sets of duplicating governments replaced by one. Now we have one mayor, one police department, one fire department and unified chain of command. The creation of one governmental unity to replace many has not only greatly simplified government and avoided duplication and confusion but has made us into the largest city in the world geographically, with an area of 848 square miles and a population of 525,000 people. It consists of dense urban areas, rural terrain, rivers and ocean, express highways and city streets. The city contains three large military bases and two colleges, with a third university building. The implication of this large group of over 50,000 sailors and students for the auto accident rate is clear. Jacksonville serves as the gateway to the Florida vacationland for the entire East Coast and much of the Midwest, and out-of-state transient traffic is very heavy. As a resort, the city and its beaches draw hundreds of thousands in the summer months. A large retired population contributes to the medical problems. More than 125,000 of the city's population are medically indigent.

In 1967, faced with inadequate ambulance service provided mostly by morticians, the city look over emergency ambulance services. The fire department was directed to operate it, and a federal grant was obtained to assist in purchasing 10 ambulances and operating them for the first year. This has resulted in largely solving the emergency ambulance problem in Jacksonville and has been done at a considerable lower cost than in most other cities of smilar size. With all 10 ambulances deployed, 90 percent of the citizens of Jacksonville are within a seven-minute response time of quality ambulance service.

The National Highway Safety Bureau has stated that an efficient highway EMS system (outside the hospital) consists of communications, emergency care at the scene, transportation and command and control. One more item should have been included here—the physician and hospital team, and their role in definitive medical care. This omission was a calculated policy of the NHSB to avoid any implication that the government was entering further into the world of professional medicine. Yet, we have major problems in our hospitals, and they must be solved before we can have an efficient emergency medical services system.

Communications. The matter of communications in a city EMS system is no great mystery. The simple fact is that most calls for help come by phone into our fire department of police operations centers, and the fire center promptly dispatches an ambulance. Our problem is greatly simplified since we went into a consolidated form of government, abolishing the county and small suburbs. All dispatching is done by one city fire department operations center. It is silly to set up a special center to handle medical calls only. The already established centers in any city, whether they be police or fire, can do a highly effective job of dispatching; after all, that is their 24-hour job. We found that most of our citizens did not know emergency telephone numbers and usually called the telephone operator for help. Delays sometimes resulted. To remedy this, we are sending out in our regular city electrical billings two gummed labels containing the number for fire and ambulance (same), police and suicide control. We are urging that these be stuck on each phone in every home and business. This will give our citizens direct dialing service to the people who can help. In July, 1970, we are installing the "911" universal emergency number, but this does not invalidate the stickers on the phones; in fact, by dialing the number on the sticker, you avoid the screening switchboard used by the "911" number.

We have replaced all the old fire alarm pull boxes with emergency telephones. In our main city area, they are located on every other corner. One simply opens the box, picks up the phone, and talks directly to the fire operations center. A larger wall chart in the center shows a light where the street phone is in use, so our men know the location immediately. When called on these phones, we can dispatch police, firemen, ambulances or auto repairmen to the caller. An interesting phenomena is that our fire false alarm rate has dropped from 90 per cent to less than 5 per cent since we installed these phones. People apparently cannot lie well over a phone while they are being recorded on tape. An equally great advantage is that people can tell us in advance what their trouble is. In the old pull box days, a fire alarm pulled in mid-city required us to dispatch a full assignment of fire equipment adequate to deal with a large building fire,

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[1] Capt. John M. Waters, Jr., is director of public safety, Jacksonville, Fla. This article is adapted from an address given at the Third International Congress on Medical and Related Aspects of Motor Vehicle Accidents.

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even though the trouble may have been only an auto with ignition wires afire. Now, knowing the trouble in advance, we can respond appropriately. We intend to add more of these street emergency phones, primarily in our ghetto areas, where most homes do not have phones, and one on the corner will provide emergency communications for the whole neighborhood in time of trouble. We have these emergency phones at every cutoff from the main expressways. The highway department is putting up signs on the highways pointing out that the emergency phones are at the exists. Furthermore, we have placed large signs over each such phone to let people know they are for public use. Many people thought they were either the old pull type fire alarms, or were for use of police and firemen only.

The placing of emergency telephones at one mile intervals along the highways is a thing we cannot financially afford in this country. I have seen this arrangement on European highways; but, as I pointed out in the beginning, we have many more miles of road. In our city, we have placed emergency phones at the exits from the major express highways and are placing signs on the highways pointing out their locations. Actually, in most cases within the city, crashes are generally accompanied by traffic congestion, and it is amazing how sensitive the people living along the road are to this. We quickly hear by phone from citizens living nearby and dispatch police cars and ambulances. So I don't worry too much about delays in alerting on our highways in Jacksonville.

In a couple of places, notably on Highway 295 around the Maryland area of Washington, D. C., they have placed, at one-mile intervals, push-button boxes, which are cheaper to install than telephones. One can push buttons marked "Police," "Service," or "Fire," and wait until the radio signal is received at a center and a patrol car dispatched. In practice, the motorists, many of whom merely wish information, will not wait, and over 30 per cent of calls are false alarms. The cost in patrol cars running out to investigate is high, and the frustrations of the waiting motorists immeasurable. This is a system that was fine in theory but fell flat in actual application. It has all the drawbacks of the old fire-pull alarm system, which is 50 years behind the new street phone alarm system we are using in Jacksonville.

There has also been a great deal of talk about use of radios in taxicabs, fleet trucks and municipal equipment to broadcast a radio alert in case of wrecks or other trouble. The Motorola Co. sponsored one such program called Community Radio Watch, and we participated in Jacksonville. The results have been mediocre, and the real need for such an organization is doubtful. People traveling with two-way radios in their vehicles will radio in to their own dispatching center of their own free will if they see something, though the chance that a radio vehicle will come along when needed is fairly remote. In eight months, though my car is radio equipped, I have reported one wreck and several stalled motorists who had not been previously reported. With a rising crime rate, and a limited police force, we feel our radio patrol cars are more needed in the high-crime-incident areas than on the highways.

As a result, nearly all alerting is going to be by phone with only a very small minority of cases by radio.

Dispatching. Let me again stress that in a large city, ambulance dispatching should be handled by the fire or police department operations center, depending on which is providing the service. Even where municipal ambulances are not provided, and private ambulances are used, they should be dispatched for emergency calls by the city center. I favor the fire department operations center doing it, because they don't have as many total calls daily as do the police. The use of private ambulances on routine patient transfer calls is no real concern of ours. However, if it is an emergency run, we either dispatch the private ambulance from the fire operations center, or they inform us if they have been called by a private party. The fire department is responsible for emergency ambulance service, but we may need backup from private operators on occasion.

When an ambulance is dispatched, all times are kept on a running card punched by a time machine. All conversations, radio and telephone, are recorded on 24-hour tapes. The center has direct "red phone" connections with every hospital emergency room in the city and can quickly determine load condition and readiness to receive patients. In serious cases, we alert the receiving hospital while the ambulance is still outbound, following this up with an estimated time of arrival when received. All of our ambulances have two-way radio communications, not only with the operations center, but with the emergency rooms of all the hospitals. This was an easily solved problem. We found that the hospitals all had a civil defense radio in each emergency room. We, therefore, put the civil defense frequency crystal on one channel in all of our ambulance radios, and we were in business. We perform a radio check with every hospital at a set time each morning, then the volume of the radio in the emergency room is turned all the way down and the set left on. When an ambulance operator wishes to talk with the emergency room, he asks center, which tells the emergency room by "red phone," "Call rescue seven." The emergency room nurse then merely turns up the radio volume and calls to establish communication. We have actually had little use for this, as our men usually know what to do in first aid, and center can relay needed information quickly to the emergency rooms. However, we expect the use of direct communications with the emergency room to pick up as our cardiac program progresses.

We feel that with our new $600,000 fire operation center, our regular and emergency phone systems, and a flexible and efficient radio system, our communications and dispatching problems are solved. The proof of the matter is the satisfaction of our citizenry, and the average response time in the city area is less than five minutes from call until arrival of an ambulance. In remote areas where ambulance response time may be delayed, we dispatch a fire engine company to render first aid until the ambulance arrives.

I have mentioned that in area we are the largest city in the world, 848 square miles extending 37 miles east and west, and 33 miles north and south. To cover this large an area might seem an insurmountable problem with our resources. However, we have relatively light traffic as it is spread over such a large area, and the fast express highways allow our ambulances to travel at speeds up to 80 m.p.h., nearly as fast as a helicopter. As a result, one of our ambulances may be able to reach a patient 10 miles away faster than one in New York City could arrive at a scene one mile away.

Transportation. Our ambulances are not luxury jobs but practical cabins mounted on one-ton Chevrolet chassis. Complete with equipment, they run about $12,500 each. Our last four are in full conformance with the "Medical Requirements for Ambulance Design and Equipment" of the National Academy of Science, both as to vehicle and equipment; in fact, we have already exceeded the equipment requirements. From an economy viewpoint, these ambulances are winners. Not only are they cheaper initially than the large custom jobs, but every two or three years we simply insert a new chassis and have a new vehicle. We expect the cabin to last through three chassis. These ambulances have plenty of working space and ample stowage space for both medical and extrication equipment. Our ambulance personnel carry out all except heavy extrication. The primary drawback of this type ambulance is that it rides roughly on bad roads, and a fast run can be excruciatingly painful for a person with broken bones. In such cases, we return at a slow speed without lights or siren. In fact, 80 per cent of our return runs are made in this manner, for we emphasize treating and stabilizing the patient on scene and returning at a safe speed whenever possible. Outbound, we seldom have enough information to determine the seriousness of the case, and such runs are made with light and siren; we never forget, however, that running a red light still leaves us as the responsible party should an accident occur, and street intersections are crossed at reduced speeds.

Emergency Care. In Jacksonville we have a long and intensive training program for rescue ambulance personnel, and we have long tenure with little or no turnover. Without the latter, we could not afford the training. The firemen have good pay and exceptionally good working hours. To participate in the rescue program, a fireman must volunteer for the duty; have two years on the department with excellent record, and hold an American Red Cross Advanced First Aid card. He then passes through five stages of training.

Stage One: Review of advanced first aid procedures (20 hours);

Stage Two: Advanced procedures taught by 25 doctors (30 hours);

Stage Three: Extrication from autos, aircraft and trains (25 hours);

Stage four: Hospital training in ER's, intensive care units, and OB (50 hours);

Stage Five: Hospital training in emergency cardiac care (231 hours).

This program is, we believe, the most advanced of any in the country. In the beginning, much of it was done in the men's off time. When this became burdensome and the men began seeking extra compensation, we began basing our ambulances at the hospitals, where training can be obtained on the job while the men are between calls. Our first trials of hospital basing have been an unqualified success, enthusiastically supported by both the medical staffs and the ambulance personnel. If there is one message I wish to give to anyone planning a similar program, it is to *base your ambulances at hospitals,* while at the same time keeping them under control of the operations center for dispatching. Our men sleep at some of the hospitals; at others, they are there during daylight hours, returning to the fire stations at night. The emergency room staffs have been surprised, not only at the ability of the ambulance personnel to help them in the emergency room, but at the rapidity with which the men absorb the training. In a city in which we have a severe shortage of doctors and nurses, the presence of two trained emergency medical technicians in the emergency room, when not on runs, has proved a boon. At the same time, our men are receiving excellent training, and I might add that this is only made possible by the enthusiastic cooperation of our fine doctors and nurses, and the strong support of our medical society.

At a recent meeting of the American College of Surgeons and of the American Academy of Orthopedic Surgeons, it was recommended that this concept of the highly trained ambulance attendant be adopted. It was also recommended that the emergency medical technician be adopted as a full member of the medical team, and that appropriate job description and training courses be prepared. The training recommended was similar to that I have just outlined. It would appear that the training of these men and their acceptance as part of the professional team offers a partial solution to the acute shortage of nurses in our emergency rooms and intensive care units. Certainly, our Armed Forces hospital corpsmen carry out functions even in advance of that allowed nurses in some locations, and the emergency medical technician, with similar training and under supervision of a physician could carry out many functions now required of physicians and nurses when not on ambulance runs.

As a result of this training, I have every confidence in the ability of these rescue ambulance personnel of the fire department to handle nearly any first aid situation. Twenty-nine babies have been delivered without mishap. I have accompanied our ambulances to attempted suicides, to acutely ill patients, heart attacks and many severe auto crashes. At these crashes, it is most satisfying to watch the men work. No one is moved until his airway is checked, he is splinted and bleeding has stopped and backboards have been inserted. Then, in the words of our chief of rescue, "We do not extricate a seriously injured victim, we disassemble the car around him." In most cases, the care at the scene is so complete that the trip to the hospital is at regular road speeds without siren or lights. Once at the hospital, the victims are kept on the special backboards until after x-ray, for x-ray will penetrate the material.

Hospital Emergency Departments. Surveys in a number of our states have indicated gross deficiencies in the emergency departments of many of our hospitals. Long delays in treatment of patients may be common, and the quality of care poor. With an increasingly transient population, many of whom have no family doctor, the emergency room has become the focal point for an increasingly large number of patients, only a minority of whom are actual emergencies. This crowding aggravates an already poor situation, with the result that treatment in the emergency rooms of the nation's hospitals may often be as inept and as backward as is the majority of ambulance service. The need for reform is great. I will go a step further. In the very near future in some areas, highly trained emergency medical technicians manning rescue ambulances are going to be more proficient in doing their job of emergency care and transportation than are some hospital emergency departments in providing the definitive treatment with which they are charged. While we municipal officials are searching for ways to improve rescue, care and transportation outside the hospitals, the medical and hospital professionals need to do some deep soul searching. I think that in our city we are progressing well here, but much still remains to be done, especially in obtaining sufficient physicians and nurses. One trend that is on the increase is the formation of groups of physicians devoted to emergency practice only. Such a group, consisting usually of four physicians alternating on eight hour watches, perform all emergency room services, turning the patient over to his regular doctor or to a specialist after emergency care is administered and the patient stabilized. This system insures the presence in the emergency room of a physician and relieves the rest of the hopsital staff of having to rotate on duty in the emergency room.

Private Ambulances. In our city, we have a number of private ambulance services, including a number of funeral directors. For the most part, they are not interested in emergency service. Some funeral homes haul chronically ill patients to and from hospitals free, realizing that they will get the funeral business later. I see nothing wrong with the practice, especially when it involves indigents. Florida is one of the few states that has an ambulance law, but it is a weak one. We realize that our private ambulance operators can neither afford the salaries nor the equipment to render service comparable to that given by our fire department rescue service. Yet, if they are going to engage in emergency service at all, we must insist on minimum standards. A new city ambulance law is now pending before the city council, and I am confident that it will pass. It will be a major step forward in eliminating marginal and untrained operators, and we intend to enforce it strictly. Those remaining in the emergency business will do so under the supervision of the department of public safety and the health department.

Despite the widespread criticism of private ambulance service, I have seen a number of fine services, well managed, well trained and efficient. Private enterprise can give quality service if it has a franchise to eliminate destructive competition, a subsidy when required, and is under government inspection. However, for sophisticated treatment, such as we describe later for heart attack patients, few private ambulance companies can afford the equipment or retain the highly, trained personnel required. Such procedures must be carried out in our cities by government. We regard emergency ambulance service in the same category as police and fire protection. In fact, we make more ambulance runs yearly than fire runs.

Costs. To operate 10 rescue ambulances, we require 66 men, a chief of the rescue branch, a training supervisor and a secretary. Personnel services, including fringe benefits and pensions, total $595,481 yearly. Each private, for example, is paid $8,357 yearly, including benefits. Commodities total $22,986, and other direct costs about $16,000. Each ambulance costs us $63,447 per year to run, of which 94 per cent is for personnel. The predominance in personnel costs and the great disparity between public and private salaries are what separate private and public ambulance service. Yet, if we are to have quality, we must pay enough to get high type individuals and retain them. Ambulance service costs, like all medical costs, are skyrocketing. We are attempting to defray this in many ways. We charge $17.50 per run, and are going to raise the fee to $22.50, primarily to discourage needless calls. Our collection rate, which is running at about 40 per cent, must be raised, and we are looking for ways to do this. We are receiving a subsidy from the NHSB of $11,890 per ambulance, which helps defray expenses. Lastly, as the number of runs increases, the cost per run decreases. We estimate that by 1970, we will be making 13,000 emergency runs yearly. The cost breaks down as follows:

Cost per ton	$48.85
NHSB subsidy	9.15
Fee collected	9.00
Tax supported	30.70
Total	48.85

In summation, the total cost of operating a first rate emergency ambulance system in our city is 76 cents per capita.

Our figures are considerably below those given for government operated services in the NHSB publication, *Economics of Highway Emergency Ambulance Services*, and well below those of most other cities of similar size. Most of this difference can be attributed to the difference in salary scales for firemen in southern cities as compared with those in the north. In my opinion, the NHSB economics study, while generally an excellent one, errs on the high side in estimating costs of ambulance service and on the low side in estimating the number of ambulances required to service a certain number of persons. Almost certainly more ambulances are required to service the 525,000 people in our 850-square mile city than would be needed for the same number of people in a city of 50 square miles. The number needed and the money the city can afford to devote to the service must vary with the peculiarities of each city.

Helicopters. Despite my continual protests, I have acquired a reputation over the past two years as the man who advocates replacing ground ambulances with helicopters. Nothing could be further from the truth. I see little use for helicopters in a dense urban area, or where adequate and efficient ground ambulance service is available. If a ground ambulance can reach a patient in 10 minutes, there is no need for a helicopter. On the other hand, I do see need for helicopters in remote or inaccessible areas and in transporting critically ill patients of all kinds from outlying community hospitals to major medical centers. To determine the feasibility of this (which the military has long ago determined for their people) for civilian use, I recommend in 1967 that arrangements be made for use of military helicopters from some 200 continental military bases to aid in severe civilian injury cases. Although the various military services were amiable, the proposal was bungled and mishandled by bureaucrats in Washington, with the result that finally only the commandant of the Coast Guard took action, issuing an order to his operational commanders to cooperate whenever possible with state authorities in aiding highway victims. In other cases, agreements have been made between local authorities and nearby military base commanders, though helicopters are in short supply due to the Viet Nam war.

No one doubts that the helicopter can do a superb job of medico evacuation. The problem is one of costs. We cannot justify a helicopter just to evacuate highway injured. We can, however, in certain localities, use one economically (1,000 hours yearly or more) if we use it for highway rescue, sea and land rescue, police and highway patrol, apprehension of lawbreakers, riot control, accident investigation, cardiac and inter-hospital transport, fire control (both urban and forest), photo missions and administrative flying. These missions would be assigned on a priority basis, with rescue as top priority. Until we utilize the helicopter on such a basis, with firm central control, or unless we can obtain use of available military helicopters, I see little prospect of widespread and successful use of these machines in EMS.

Operation Heartbeat—Answer to the Greatest Threat. For the months I was with the NHSB, my attention was devoted to the highway victim and, as a result, trauma. For 20 years before that in the Coast Guard, I had been concerned with aid to the distressed at sea and in the air. Naturally, when I came to Jacksonville, it was with visions of starting up vigorous programs in these fields. But when I asked for the vital statistics for the past year, it caused a realignment of my thinking and a drastic change in perspective.

In 1968, in Jacksonville, 26 persons died in water accidents; 139 in traffic mishaps, and, far overshadowing these, 1,497 of heart disease. Not only was heart disease by far the greatest killer of Jacksonville citizens, but in EKG tests of 10,000 of our citizens made by the Heartmobile of the American Heart Society in February, 1969, one of every three of our citizens tested showed signs of cardiac abnormalities. The greatest single life threat to a citizen in Jacksonville today is not the criminal on the street, not fire in the home, nor death on the highway, it is an acute myocardial infarction. We must consider the cardiovascular "accident" along with traffic accidents.

One cardiologist, in reflecting the prevalent attitude of physicians, recently stated:

"If I suspect a cardiac condition, I will have the patient meet me at the emergency room. If I went to the home, I simply wouldn't have the equipment with me to properly diagnose and treat him. I would have to transfer him to the emergency room anyway."

Logical as this reasoning is, it is cold comfort to the hundreds of thousands of people who will suffer heart attacks to realize that they must make it to a hospital on their own, or rely on an ambulance crew to get them there.

Nationally, due to the poor quality of ambulance services, not only can long delays in response be expected, but the attendants may be poorly trained and incapable of rendering meaningful help. In many cases, they will not have minimum equipment even by present lax standards.

That definitive treatment can be effectively given in the field and in ambulances has been proved in a number of locales, but to date it has been given by physicians and nurses. Belfast, Ireland; Waveney Hospital, North Ireland, and St. Vincent's in New York are among facilities reporting on this procedure. A number of other groups are planning or are experimenting with telemetry of EKG's from the field or ambulance to the hospital so that physicians in the hospital can read an EKG and recommend to the rescue crew further action. One report on telemetry estimates that of 16 patients DOA (dead on arrival) on whom telemetry readings were received, 11 may have been salvagable with proper therapy, which was not available. Waveney reports that of 95 heart attack patients transported, not a single death occurred in transport, due, undoubtedly, in many cases, to the presence of proper equipment and trained medical personnel. In all of these cases, however, physicians with proper equipment were operating in a relatively small area. These conditions do not prevail in Jacksonville, where we are faced with providing care to the largest city area in the world, and with little likelihood of physicians or nurses accompanying the emergency rescue ambulance.

The president of the medical society appointed an advisory committee of some of the city's leading cardiologists to work with us on this matter. A number of alternatives were explored by the committee. From these discussions, a plan was evolved to equip all of our 10 ambulances with necessary equipment and trained para-medical personnel to allow quick access to any place in the city in which one of our citizens suffers a heart attack. An early plan to employ two large cardiac ambulances staffed by physicians and nurses was abandoned when it became evident that the time required for two centrally located vehicles to reach the suburbs would be excessive, and that we could not provide properly qualified physicians for this service due to the acute shortage in the city. It was agreed that if more definitive treatment were to be given cardiac victims outside the hospital, it would have to be by our rescue personnel. They would require not only special equipment but more importantly, special training. This proposal was presented to the executive committee of the county medical society, and after consultation with the American Medical Association, the executive committee has formally endorsed the program, contingent on proper training of the rescue personnel. The training syllabus and methods of training have now been developed by the cardiac advisory committee and planning is already well underway.

The concept is a bold one in medical care. Already, inquiries have been received from many parts of the country. To the more conservative who have doubts about the wisdom of the program, it is well to remember that only two or three years ago grave doubts were expressed as to the feasibility of utilizing nurses in intensive care units to administer treatment to heart patients. Now it is a commonly accepted practice, but its coming was expedited because of the shortage of physicians to carry out these functions. This same shortage makes its imperative that we expedite the training and equipping of our rescue personnel to deal with cardiac emergencies outside the hospital.

At this time, more than 50 of our rescue ambulance personnel are engaged in hospital training. The time required to fully train a man for this type of work is in excess of 200 hours, but it has already become evident that the high type of personnel we are utilizing quickly learn the procedures taught. No man will be allowed to perform any procedure until he has been thoroughly checked out and certified by medical professionals. The amount of responsibility placed on the rescue personnel will be greatly increased as their training progresses.

The extent of treatment will be determined by the patient's condition. In many cases, a cardiac victim can simply be transported to the nearest suitable hospital. In others, his condition may be such that an attempt to transport him would be fatal, and the rescue crew will carry out CPR and defibrillate when necessary. In addition, after consultation with a physician, by radio and telemetry, of EKG, they will administer drugs when directed by the physician. At this point, the rescue crewmen will basically be performing the same function in their portable intensive care (IC) unit, as does the nurse in the hospital IC unit.

The training of the personnel will require time and will be a continuing process. The equipment is being procured now. We believe the number of people saved will be considerable. If we can bring to the hospital, alive, every patient we take into the ambulance with a detectable pulse and breathing our program will be a great success. We believe this goal is attainable. We believe the chance is worth the $51,000 of special equipment for our ambulances and special crew training involved. Compare the cost for this city of over half a million with a heart transplant cost of $30,000. If we save only one person, the equipment will have been paid for.

In summary, hundreds of our citizens are going to suffer heart attacks outside hospitals, and the majority who fail to survive will not have medical help. Due to the shortage of doctors, and their inability to give definitive treatment without equipment and outside the hospital environment, doctors will not go to the scene of the attack. The initial treatment during the critical first hour is going to have to be given by properly equipped and trained emergency medical technicians, and the patient delivered alive to hospital intensive care units, where chance of survival is high. We feel that this is the pattern of the future, and we intend to pursue it vigorously.

Providing emergency care to a large city is a complex and never ending job, and we must be prepared for anything. We feel that our progress has been great. In addition to being known as the Bold New City of the South and an All-American City, we hope that Jacksonville will also become known as the safest place in the country to have an accident or a heart attack.

WIDOW ACCEPTS MEDAL FOR HERO

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp3c. George A. Demby, a fine young man from Maryland, has been awarded posthumously the Bronze Star for heroism in Vietnam. I wish to commend his courage and honor his memory by including the following article in the RECORD:

WIDOW ACCEPTS MEDAL FOR HERO OF VIETNAM

The Bronze Star Medal for heroism has been awarded an Abingdon, Md., soldier posthumously in ceremonies at Edgewood Arsenal.

The decoration—the First Oak Leaf Cluster with "V" Device for valor—was presented to the widow of Specialist 4 George A. Demby, Mrs. Janice L. Demby, by Colonel Walter J. Davies, deputy commander, on behalf of the President.

Specialist Demby was killed in action on March 11, 1969, while on a combat mission with the forces of Company A, 2nd Battalion, 22nd Infantry, 25th Infantry division.

Other awards presented posthumously were the Purple Heart, the Good Conduct Medal, National Defense Service Medal, two Republic of Vietnam Service Medals, the Combat Infantryman Badge and the Sharpshooter's Badge for machine gun, automatic rifle, and rifle.

Specialist Demby received his second award of the Bronze Star Medal for heroism in connection with military operations while on a sweep operation.

According to the citation, his company came under intense enemy attack.

"Immediately, Specialist 4 Demby began to place a devastating fire on the hostile emplacements. As the battle progressed, Specialist Demby, with complete disregard for his own safety, exposed himself to the hail of fire as he threw numerous grenades on the insurgents' positions.

"His valorous actions contributed immeasurably to the defeat of the aggressor force. Specialist Demby's personal bravery, aggressiveness, and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, the 25th Infantry Division and the United States Army," reads the commendation.

Specialist Demby is survived by his wife and an infant daughter, his mother, Mrs. Evelyn Richardson, his step father, Harold Richardson, his father, Alexander Demby, a brother, Alexander Demby Jr., and six half-sisters.

THE LATE HONORABLE HAROLD A. PATTEN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 8, 1969

Mr. ROONEY of New York. Mr. Speaker, it was my privilege to serve in this body with, and be considered a friend of the Honorable Harold A. Patten of Arizona, and so it is sad to note his passing. "Porque," as he was better known, was a warm, gracious, and outgoing man as a host of his friends attest. He led a full life and served well and faithfully the people of Arizona who sent him here for three terms. He was very much a part of the history of the young State of Arizona, having moved there with his family from Colorado just 4 years after the State of Arizona was admitted to the Union. He was an outstanding college athlete and in fact his first job on graduating from the University of Arizona was that of coach and teacher of physical education in the Tucson High School. He went on to be director of recreation for the city of Tucson and in 1939 moved to the same position on the State level. During the war he compiled an outstanding record and list of decorations. He was first elected to the 81st Congress and served in the 82d and 83d Congresses as a member of the Armed Services Committee. He declined to seek renomination in 1954. For the past several years he was ill but it was the measure of "Porque" that he bore it without complaint. To his lovely wife, Mary, and his sons I extend our deepest sympathy.

THE UNANIMITY GAP

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, the following editorial, which appeared recently in the Washington Post, gives, in my opinion, a clear picture of the frustrations which we in Congress and in the Federal Government have been experiencing during the past several months. I thought you might find it interesting reading.

THE UNANIMITY GAP

Although we expressed some considerable reservations about President Nixon when he was running for President a year ago, and some preference for the thinking of his opponent on a number of issues, we never meant to suggest that if Mr. Nixon was elected, he should not serve. In our system of government, as it is presently constituted, somebody has got to be President, and while this may seem elementary, we bring it up at this point for the record, and because of the uneasy sensation we have had of late that nobody is in charge here.

What with one thing or another—and some of it may have to do with the summer doldrums—we have not felt the presence of the President. True, he has been variously sighted by reliable witnesses on an aircraft carrier in the Pacific, in Saigon, in Djakarta, in Bucharest, and more recently driving a curious jeep-like buggy on a golf course on the West Coast. Last night, a man answering the description of Mr. Nixon addressed a conference of the nation's governors in Colorado on the subject of domestic welfare programs, and we will have more to say on this later. For now it is enough to welcome a firm public pronouncement of Presidential policy on anything.

For while there is ample evidence that Mr. Nixon is alive and well and living in San Clemente, California, there is an alarming lack of evidence that he is imposing the powers of his office on the urgent, day-to-day business of the government.

Rather, what we have been hearing and seeing is a cacophony of contradictory pronouncements and even some contradictory action on crucial matters, from assorted departments and agencies, including the White House. The Department of Justice is at odds with itself, and with HEW, which is itself wracked by inner dissension, on the question of how to proceed towards the desegregation of Mississippi schools. State and Defense are quarreling out loud about the importance of the decline in the infiltration rate of enemy forces into South Vietnam, a determination which could bear crucially on any judgment about the next step in our efforts to scale down our involvement in the war. The White House—although we haven't heard a word from the President himself—seems incapable of making up its mind on a further troop withdrawal, and apparently is anxious to see more statistics about the course of the war before making a decision that was due the end of August. Meanwhile the Pentagon offers the official view that the best infiltration statistics are too unreliable to count on while State argues publicly that the current fall-off in infiltration is "significant."

By way of keeping us on our toes, the West Coast White House produced a report which, according to Mr. Daniel P. Moynihan, pretty well punctures any hopes of a "peace dividend" from money saved when the Vietnam War is over and responsible officials here in Washington promptly took vigorous exception to it. Since neither side in this argument has troubled to define what is meant by "after the war"—will it wind down slowly or suddenly stop?—this controversy seems particularly senseless. But it is also a little unsettling, because if Mr. Moynihan is right, and other demands are going to chew up any savings from the $30 billion now being spent annually on Vietnam, then it would seem in all logic to follow that we are going to become increasingly incapable of paying for the war in any event.

Almost as baffling is the dispute involving the State Department and the CIA over the question of whether or not the Russians may be seriously contemplating a surprise strike against Chinese installations at work on nuclear weapons. This is one of those judgment calls about which honest men can differ, but sooner or later somebody will have to furnish the President with some sort of common appraisal on which our strategy can be reasonably soundly based.

In short, there has developed in the Nixon Administration over the summer dog days a good deal more than the usual evidence of what might be called a unanimity gap. A case can be made that this is normal and healthy and even interesting to watch—like a cutaway cross-section of an anti-hill, with all the to-ing and froing laid bare. But a stronger case can be made that the war and the economy and poverty and racial discrimination deserve better than the confusion and paralysis of a continuing, sometimes rancorous, and quite often unnecessary open conflict between the leading power centers in the government. There are decisions that need making and disputes that need reconciling and contradictions that need explaining and nobody can do it under our system except the President.

INCREASES IN THE COST OF LIVING MUST BE ABATED

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. EILBERG. Mr. Speaker, while the House was in recess, the Bureau of Labor Statistics of the Department of Labor made its monthly announcement that the cost of living had increased again. Last year many were led down the primrose path when they bought the idea that the 10 percent tax surcharge was the answer to curbing inflation, easing the tight money situation, and holding interest rates in check. As we all know too well, the surtax has achieved none of these objectives. Who is being hurt by this inflationary spiral which seems to have the Nation so firmly in its grasp? It is the middle-income American who pays more than his fair share of taxes, obeys the law, goes to church, and does not participate in violent demonstrations. Many of these people have written and told me that, while their salaries have increased, their buying power has remained constant since they got out of school. This situation is unacceptable.

Americans are not happy about the way this administration is administering the fiscal affairs of the Nation. They are not happy with the priorities that are being established nor are they happy about the prospect of no relief when the onerous burden of the Vietnam war is lifted from their shoulders. A recent Harris poll indicates that 61 percent of the American people feel that the administration is doing an unacceptable job of keeping down the cost of living; 62 percent do not approve of the surtax extension and the administration's attitude toward tax reform; 59 percent do not approve of the administration's attempts to cut Federal spending; 64 per cent believe that this administration has not acted forcefully enough to hold the line on interest rates; and finally 53 percent of the American people do not believe that the administration is looking effectively to the general economic health of the Nation.

The mood of middle-income America is easy to discern—it is a mood of seething discontent. The system of taxation in this Nation was not established so that the rich could avoid paying their fair share to run the Government of the Nation which has made the opportunities for accumulating wealth so plentiful. Our tax system was established so that each and every citizen pays his fair share to support the Government of these United States. Tax justice is what we must have in this Nation before the overwhelming majority of the American people will accept the heavy tax burden they must bear.

The figures of the Bureau of Labor Statistics give us every indication that the cost of living will increase by at least 7 percent this year. Increases have been most noticeable in food prices and consumer credit.

Every month the Bureau of Labor Statistics compiles a new list of average retail food prices. These prices are checked throughout the Nation—with small corner stores and very large supermarkets included in the average. In June in the Philadelphia area the average price for round steak was $1.45 per pound and the preceding January the price was $1.34—a rise of 11 cents. Frying chicken went from 39 cents per pound in January to 44 cents per pound in June, and bacon went from 84 cents to 88 cents.

During the month of July, the cost of living went up an additional half percent over June. The price of beef and veal increased by 1.6 percent. In the steak category, porterhouse and sirloin increased by over 1 percent. Rump roasts increased in price by 1.5 percent, rib roasts also by 1.5 percent, chuck roasts by 2.4 percent, and hamburger by 1.5 percent. The price of veal went up only a little under 1 percent but this increase, although small, tells us that the price of veal has increased by 61 percent since the base pricing year of 1957. In the pork category, salami and canned ham have increased in price by over 1 percent in July and bologna increased by 2.5 percent. Poultry products increased in price by over 3.2 percent, with frying chickens, chicken breasts, and chicken roasts all showing substantial increases. Fish prices only increased by 0.6 percent during the

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month, but this index is inaccurate because of the wide variations in the types of fish which are available in different areas.

During the month of July, milk prices increased slightly, but it was in the category of fruits and vegetables that substantial increases were noted. On the whole, the prices of fruits and vegetables went up by only 1.5 percent. However, apples increased by 4.1 percent, bananas by 3.4 percent, oranges by 2 percent, grapefruit by almost 10 percent, potatoes by 6.9 percent, onions by 4.8 percent, asparagus by 7 percent, cabbage by 6.4 percent, carrots by over 8 percent, pascal celery by 9 percent, lettuce by 5.5 percent, spinach by 6.9 percent, and tomatoes by 17.1 percent.

The most marked increases in prices have been for meats. High and rising prices for fresh meats are straining the food budgets of families across America and especially in the Philadelphia area. In fact, during the last year, meat prices of the city of Philadelphia have increased by over 10 percent.

Despite words of encouragement from the U.S. Department of Agriculture that the price of choice cattle has eased off by some $4 per hundredweight retail prices are expected to hold up because the full impact of higher prices has not as yet been passed on to the consumer. Word is that retailers will keep prices where they are and even increase them in some instances in order that they can recoup profits which were lost because they had been operating on a smaller margin.

The average American family spends 25 percent of its income on food, and food is the area where families scrimp least when their income is pinched by higher prices. The same Harris poll which I referred to earlier indicates that 61 percent of the American families surveyed feel that they are not getting fair value for their money when the purchase food or beverages; 45 percent feel that they are not getting their money's worth when they purchase clothing; 38 percent do not feel they get proper value of their outlays for transportation and automobile upkeep; and 35 percent feel that credit and installment payments are too high.

Since this administration came into office in January not only have food prices been increasing out of control but the commercial banking industry has been turned loose to prey on the American people as well. Five times since December of last year commercial banks have managed to impose interest rate increases amounting to 36 percent in the cost of money. The administration's attitude toward these increases was clearly demonstrated when Secretary of the Treasury David Kennedy appeared before the House Banking and Currency Committee on June 19. When he was asked by Chairman WRIGHT PATMAN whether he was doing anything to curb these interest rate increases, Secretary Kennedy answered, "Why should I?"

One good reason why he should do something is the tremendous increase in the cost of mortgage money which is necessary so that the average American family can buy a home. For example, if a family buys a $40,000 house with a $30,000 mortgage at 8 percent for 30 years, total interest payments on the loan come to just a little over $49,000. At 7 percent, the interest payments on the same house would be reduced by some $7,300 and at 6 percent the homeowner pays over $14,000 less in interest payments than he does at 8 percent.

As a result of the high cost of mortgage money, interest rates are bumping usury ceilings in a number of States including Pennsylvania. Here interest rates cannot be in excess of 7 percent. As a result the amount of mortgage money in the State is drying up and families will be unable to purchase a home unless they can assume an existing loan or pay for their new home in cash. Either of these situations is very rare.

I believe that the Democratic 91st Congress must move swiftly to take action which will bring down food prices and interest rates. We must move into the leadership vacuum which has been created by the Nixon administration. A democracy cannot avoid chaos over the long run if it cannot discipline itself.

STATE GOVERNORS SHOULD BE NOTIFIED OF MILITARY SHIPMENTS OF TOXIC MATERIALS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. RODINO. Mr. Speaker, today I have introduced legislation that would require the Secretary of Defense to notify the Governor of any State of any shipment of poison gas, infectious agents, or other chemical or biological warfare material which is proposed or planned to be shipped into or through such State by a military department or agency. This bill speaks for itself.

Mr. Speaker, we have been exposed to the dangers of poison gas shipments for too long. And we have already reaped the injurious consequences in a number of accidents. The most recent accident occurred in Mississippi and while substantial numbers of people were injured, thank God, lives were spared.

Mr. Speaker, the time has come when we can no longer allow the military to jeopardize the lives of American citizens by unilaterally shipping highly toxic materials throughout the United States. My bill, while it recognizes the inherent dangers of such shipments, will not in any way restrain the military from carrying out their essential functions. This bill will, however, allow civilian authorities the information vital to them in carrying out their responsibility for the health and safety of their various peoples.

In the interest of public confidence, and military responsibility, I would hope that my bill receives full support and favorable action by legislators who have been awakened to the dread and horrible consequences of poison gas accidents.

A PROPOSAL TO INCREASE THE AVAILABILITY OF MORTGAGE CREDIT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. HANNA. Mr. Speaker, for nearly 4 frustrating years it has been evident to the home purchasing public, the Federal regulatory officials and, of course, most Members of Congress that there was something very seriously wrong with the savings and loan industry. Ever since the credit crunch of 1966 we have observed—with growing concern—two trends: An increasing need for privately financed housing and decreasing capacity on the part of the primary source of private housing financing, the savings and loans, to respond to that need. Efforts to deal with the dilemma illustrated by these trends have been numerous. During the 90th Congress several important remedial measures were considered. Most significantly, the distinguished chairman of the Banking and Currency Committee authored the Federal Institutions Act. The committee spent months on this far-reaching measure and reported it. While this bill ultimately failed to win House approval it did prepare the way for a series of important amendments to the authorities of savings and loans; these provisions became law as part of the Housing and Urban Development Act of 1968.

Before going further, it seems essential to deal with a threshold question: Why should the Congress concern itself with the problems of the savings and loan industry? It would be sentimental and naive to suggest that the business should be granted a legislative sinecure in return for its rich history of meeting the thrift needs of middle-class America. Instead, the answer is disarmingly simple, and necessarily very pragmatic—the savings and loan industry is the only institution which is equipped, by reason of experience and orientation, to help our Nation meet its overwhelming need for privately financed housing. The antecedents of the modern savings and loans, the building societies, were founded over 200 years ago to assist people to finance the homes they wished to build. To this day, savings and loan associations devote nearly all of their resources to financing housing. Around 80 percent of their funds are involved directly in financing one- to four-family homes. The balance of the moneys available to these institutions are devoted to financing multifamily structures or providing loans for reasons related to homeownership. The performance of this industry in the late fifties and early sixties illustrates that when able to acquire a sufficient supply of funds, the saving and loan industry does have the organizational capacity to finance the level of housing activity required to sustain a rate of progress toward meeting the housing needs of our Nation. During that period savings and loans were furnishing about 48 percent of all residential housing financing and were channeling roughly $18.2 billion a year in residential housing financing. In other words, they were, by themselves, financing roughly 560,000 units a year.

Since 1966, the saving and loan industry has been handicapped by an inability to compete effectively with other investment options available to the individual whose dollar it needs if it is to expand its ability to finance housing. Since that time the savings and loans have not had any appreciable rate advantage over the other depository intermediaries—commercial banks, mutual savings banks and credit unions. This, although historically savings and loans had had a significant rate advantage over their prime competitor, the commercial bank. The adoption by the Federal supervisory agencies of rate regulations brought about this result. It is illustrative of the plight of the savings and loans and, therefore, home mortgage credit, that the savings and loans who had most adamantly opposed the regulation of rates in 1966 have become the prime proponents of rate regulation. They take this posture because they—who have a relatively low yielding and ill-liquid loan portfolio—realize they are incapable of engaging in a rate war with commercial banks which have more flexible and higher yielding investments. While the primary reservoirs of residential financing was losing its rate advantage and the ability to reacquire it in the foreseeable future, the Congress was charting ambitious housing goals for the next decade. Twenty-six million units of housing were to be constructed, over 22 million of which were to be financed privately. It was assumed, of course, that the savings and loan industry would play its part in financing over 10 million units. Now, just a year after the goal was set, it is evident that the savings and loan industry cannot shoulder its share of the burden. This is not surprising in view of the fact that the other components of the effort, the building industry and the federally assisted programs have likewise fallen far short of the goal. What is surprising is that while we are moving to shore up our other components through the implementation of an exciting "breakthrough" program for building and by a reordering of Federal program policies, we have yet to put into action the effort to equip the savings and loan industry to meet our projected private home financing requirements.

Today, we will outline legislation intended to strengthen the savings and loan institution so that it will be capable of playing the part it must if we are to see our imperative national housing goals reached. In preparing this measure, we analyzed at length the several recent studies which have been done on mortgage credit and the institutions that supply it. We reviewed carefully the legislative recommendations advanced in responses to requests by this administration and its predecessor. We consulted with industry groups, former regulatory officials and present regulatory officials. All this is offered, not to provide a basis for blaming others for any shortcomings which may appear in the proposal—and there are sure to be some—for the purpose of establishing that there is no pride of authorship associated with this effort. The bill, hopefully, represents an assimilation of the best ideas available from all sources. If it does not, the fault is ours. If it does, the credit belongs to those who first advanced the ideas.

The bill which we have prepared for introduction has four significant and separate titles. They go to five facets of the present inability of savings and loans to meet modern needs for mortgage finance. The bill's first title, "Increasing Funds for Mortgage Credit," proposes to better enable the savings and loan associations to tap secondary sources of funds for mortgage financing. It does in two ways. First, by calling on Federal home loan banks to move more aggressively to provide member institutions needed liquidity. Second, it provides the Federal home loan banks with authority to generate funds for members by engaging in secondary market activity including: purchasing and selling both conventional and government backed mortgages; selling debt or equity securities backed by its real estate portfolio; and, acting for members in issuing securities backed by mortgages held by members.

The second title of the bill is aimed at "attuning Federal savings and loan statutes to modern housing requirements." The provisions of this title aim to update certain statutory limitations last subjected to scrutiny some 5 years ago. It would amend savings and loan powers to recognize the following factors which have become facts of life in housing and home finance: Rapidly rising housing costs; increased emphasis on multifamily development; and maturties of 35 years on home mortgages, and participation in project profits by the financing institution.

The third title of this bill would recognize the savings and loan as a "consumers bank." In the minds of many, including those who would tax the savings and loan as if it were a bank, it already is. If this title becomes law it would have two significant effects. First, it would enable the institutions to engage in activities which promise a rate of return which is sufficiently high so as to enable the savings and loans to—over time—secure the ability to pay attractive rates to savers. Rates which would enable savings and loans to once again attract a supply of funds sufficient to enable them to adequately serve their primary purpose—financing a substantial share of America's housing need. In addition, the transformation of the savings and loans into a consumers bank would insure the savings public of better banking service. It would provide the savings and loan with the power to meet consumer needs which are frequently left unmet because the only institution now empowered to act—the commercial bank—elects to engage in other more lucrative forms of activity. Specifically, the savings and loans would be authorized to: engage in limited consumer lending; act as trustee for trusts up to $100,000; serve as trustee for self-employed retirement funds, stock bonus, pension or profit sharing plans; and, provide credit life insurance.

The fourth title of the bill authorizes the conversion or chartering of Federal capital stock savings and loan associations. Most savings and loan associations are organized in line with the original mutual ownership concept. Recent experience in the few States which allow the capital stock form of organization has illustrated that associations so organized move more aggressively in response to the greater incentives available under this organizational approach.

I include in the RECORD a more detailed summary of the bill:

SUMMARY OF THE SAVINGS AND LOAN ACT OF 1969

TITLE I—INCREASING FUNDS FOR MORTGAGE CREDIT

Section 101. (a) Encourages Federal Home Loan Banks to act liberally on applications by members for funds during times when adequate real estate mortgage credit is lacking in the Bank's district. Lists other criteria to be used by Banks in processing applications, such as need to meet withdrawals and to get members over cyclical drops in savings.

(b) Expressly authorizes Federal Home Loan Banks to make unsecured loans to members.

(c) Removes requirement that System members or nonmember borrowers have creditor liabilities, other than Federal Home Loan Bank advances, not exceeding 5 per centum of their net assets in order to qualify as recipients of unsecured advances up to 1 year maturity. Such advances count as 1 of 4 methods in which Federal Home Loan Banks must invest deposits in the Bank received from its members. The change frees up the ability of System members to borrow from sources outside a Federal Home Loan Bank, under terms and conditions the Federal Home Loan Bank Board may prescribe.

Section 102. Authorizes Federal Home Loan Banks to purchase real estate mortgages from members (or make commitments to do so) and to sell or commit to sell such mortgages. Urges each such Bank to assign high priority to acting as secondary market for members' mortgage holdings in times of lack of adequate mortgage credit in the Bank's district.

Also authorizes each Federal Home Loan Bank to use its real estate mortgage portfolio as backing for debt or equity securities it sells to public.

Further authorizes each Federal Home Loan Bank to act as agent for consortiums of members in issuing debt or equity securities backed by pool of real estate mortgages contributed by members for that purpose.

TITLE II—ATTUNING FEDERAL SAVINGS AND LOAN STATUTES TO MODERN REQUIREMENTS FOR HOUSING

Section 201. Amends Home Owners' Loan Act of 1933.

(a) To qualify individual homesites as security for loans.

(b) To increase to $60,000 from $40,000 the principal of home loans Federal associations can normally make.

(c) To delete the 15% of assets limitation on apartment house loans a Federal association can normally make.

(d) To increase the statutory maximum mortgage maturity on housing for the elderly to 35 years from 30 years (other mortgage maturity limits are set by regulation instead of by statute).

(e) To allow a Federal association to invest up to 5% of assets in loans to individuals to help them acquire homesites; and to authorize Federal associations to act as owner, developer and manager of apartment house projects.

Section 202. Amends Federal Home Loan Bank Act to allow Federal Home Loan Banks

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to accept as security for advances mortgages carrying up to a 35-year maturity and single-family home mortgages carrying a principal amount up to $60,000.

TITLE III—CONSUMER'S BANK

Section 301. Declares the sense of Congress that the authority of savings and loan associations should be adapted to enable them better to serve individuals as consumer's banks.

Section 302. Authorizes Federal association to make secured or unsecured consumer's loan to individual up to $7,500 outstanding at one time.

Section 303. Authorizes Federal Home Loan Bank Board to grant general trust powers up to $100,000 per trust and other fiduciary powers to Federal association upon application. Board is to consider adequacy of capital and surplus, needs of individuals in community and other proper facts and circumstances.

Section 304. Authorizes Federal associations to act as trustee under Keogh Act for self-employed retirement funds and as trustee for stock bonus, pension or profit-sharing plans.

Section 305. Authorizes Federal association to sell to savers insurance paying beneficiaries amount equal to balance in saver's account upon his death. Also authorizes Federal association to sell to borrowers credit life insurance that will cancel the outstanding balance of his debt to the association upon his death.

TITLE IV—FEDERAL STOCK SAVINGS AND LOAN ASSOCIATIONS

Section 401. (a) Amends Home Owners' Loan Act of 1933 to remove requirement that Federal associations be mutual in form and to allow chartering of Federal stock savings and loan associations. Stock issued to organize an association must be paid for in cash at not less than par. Allows conversion of Federal mutual association to Federal stock association with Federal Home Loan Bank Board approval under conditions prescribed. These include preventing "free riders" by cutoff date of 1 year prior to approval of conversion and requiring time-weighting of savings accounts over 5 years or more. To approve conversion, Board must find the plan fair and equitable.

(b) Amends Home Owners' Loan Act of 1933 to remove prohibition against issuing capital stock.

(c) Stock association must maintain ratio of capital and surplus to liabilities that meets Board requirements.

TITLE V—MISCELLANEOUS

Section 501. Permits Federal associations to negotiate exact rate of interest or dividends on same class of savings certificates, all within rate ceiling prescribed by the Federal Home Loan Bank Board.

Section 502. Provides FSLIC insurance up to $15,000 for each "separate use" fund held by a public unit official and deposited in a single savings and loan association. Changes the present interpretation that a single official is generally entitled to a total of only $15,000 for all moneys deposited in one institution, regardless of the fact that the moneys may consist of funds destined for separate uses.

TRIBUTE TO BARRATT O'HARA

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. TAFT. Mr. Speaker, I was saddened to hear of the passing of Representative Barratt O'Hara; yet, I cannot imagine a person who had a more complete and colorful life than our former colleague. There is a good stretch of years between his first and last Federal service—70 to be precise. From teenage military service in the Spanish-American War of 1898 to octogenarian civilian service in the 90th Congress—that was his record.

It is exceedingly rare when a person can set age records at both ends of the life cycle. However, Barratt O'Hara was at 30 the youngest lieutenant governor in the Nation in 1911 and the youngest in Illinois history. Later, much later in fact, he became in 1964 the oldest Member of the House and remained so until his retirement at 86 at the end of the 90th Congress.

Representative O'Hara, whose entire congressional service was spent in the retirement years after 65, wanted to be the oldest active Congressman. He missed by about 3 years the record of Representative Charles Stedman of North Carolina who passed away in September 1930 when he was 89½ years old. Representative Stedman was the last congressional survivor of the Civil War, just as Representative O'Hara was of the Spanish-American War. That was a fitting distinction for the energetic and long-lived legislator from Illinois.

THE DIRKSEN PRAYER BILL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. ASHBROOK. Mr. Speaker, in recent years the late Senator Everett Dirksen was identified with a number of issues of national importance. I would hazard a guess that if the Senator were to be remembered for any one issue dear to his heart, he would have chosen the subject of prayer in the public schools as the issue which he would have liked to have seen resolved. For those who are not familiar with the wording of Senator Dirken's constitutional amendment "with respect to the offering of prayer in public buildings," Senate Joint Resolution 6, the text is as follows:

S.J. RES. 6

Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

The need for a classification of the school prayer issue was recently illustrated by a situation which has developed in Netcong, N.J., where a board of education regulation provided for 30 seconds of "voluntary, silent meditation." Protests were forthcoming from the New Jersey chapter of the American Civil Liberties Union and the former mayor of Netcong in which they charge a violation of existing laws.

The religious news editor of the Washington Star, William Willoughby, in his column, "Washington Perspective," of September 13 gave us an excellent explanation of why Senator Dirksen could not help but be involved in the school prayer issue. The thorough and deep-seated religious training which was an intimate part of his youth and which never left him through all of his illustrious public life would not allow Senator Dirksen to ignore the judicial restrictions placed upon the time-honored custom of American youth speaking to divine providence in their school assemblies.

When our schoolchildren are permitted once again to send heavenward their spiritual salutations, so pleasing to our Creator, no little credit should be given to the late Senator from Illinois whose religiously oriented youth knew not the shackles which silence today this Nation's youth.

I insert at this point the above-mentioned column by William Willoughby in the RECORD:

DIRKSEN PRAYER BILL—DEVILISH PLAN FELL SHORT

(By William Willoughby)

"I don't know all the details yet, but it's going to be devilish," the deep, deliberately theatrical voice declared. Behind the voice was the unmistakable, earthy, impish look in the eyes of Sen. Everett Dirksen—the kind of look he got when he was dead serious about something.

That was about four years ago following a meeting of Sigma Delta Chi, the journalists' fraternity. He was speaking of his intentions to push a prayer amendment through Congress. He wasn't at all pleased that some time-honored practices in the public schools had been altered by the Supreme Court or by what school officials thought the Supreme Court said.

The Illinois legislator who grew out of a childhood background in the Christian Endeavor movement and the grooming of a mother who took her religion very seriously, had lots of "devilment" in him, as any of his legislative friends and foes readily recognized At one time he had almost enough of it in him to pull the stunt off.

In September, three years ago, Dirksen came within six or seven votes of getting enough strength to get his prayer amendment past one of its many big hurdles. Considerably more than half the senators voted in favor of his measure, but in an effort to amend the Constitution, a two-thirds vote is required, and he lost the whole ball game.

Devilish? At one point he tacked his bill onto a measure that probably had more backers than his prayer amendment—a bill to recognize National Baseball Week. At another time he tried tacking it onto a bill recognizing the UNESCO fund—you know, where the little goblins go out trick or treating, only instead, they collect pennies for the aid of the hungry children overseas.

Now that Dirksen is dead and buried in

Pekin, his Illinois homeland, there is a groundswell among those who still believe a prayer amendment is needed. Back-to-God movements headed by Harvard graduate Rufus Webb in Maryland, Dr. and Mrs. L. H. Blevins in Virginia and Mrs. Bennett G. Miller in the District are pressing Congress to pass S.J. 6 as a memorial to the legislator. Similar appeals are coming from across the nation.

"The anti-poverty bills were passed as a memorial to President Kennedy; the civil rights bills as a memorial to Dr. Martin Luther King, why not the prayer amendment as a memorial to Sen. Dirksen?" Mrs. Miller reasoned.

Dirksen was dead serious about prayer. No one ever shook him from his belief that, while on bended knee on a train enroute to Baltimore where he was to have an eye removed, God answered his prayer on the spot and healed his eye.

Imagine the surprise when Dirksen went up to the doctor at Johns Hopkins Hospital and said: "Doctor, I have decided not to have the operation."

"Why did you come here?" the doctor queried.

"I came because other doctors said I should come and see you. But you see, Doctor, I found another doctor."

"Impossible," the doctor said, knowing Dirksen could not have had such an encounter. "You couldn't have."

"But I did . . . He's the Big Doctor way upstairs," Dirksen said in the way few except maybe Al Jolson could have imitated.

That was 21 years ago, when it looked as if the political sun was going to set on him in Pekin. But to the end, he declared that eye was his better one.

In the last article he ever prepared for publication, in his month's Guideposts magazine, Dirksen said he had plenty of opportunity to learn to pray when he was a balloonist during World War I with the United States Army in France.

During service in the "suicide squad" he said, "I can honestly say that I was devoid of fear because of the presence of the Almighty. I knew He was there . . ."

When he was a kid back in Pekin his mother made him promise not to become an actor—he had been flirting with the idea. She thought acting was an evil profession and that he should have no part in it.

But who will question that he did not heed his mother's advice? Some of the real color has gone from Congress with his departure. He knew the tricks of the acting profession well.

Dirksen saw Washington as the stage where another act was being performed—by God.

"I have found the nation's capital to be an incredibly interesting place. It is where history unfolds and discloses a divine pattern if we will only look for it.

"I believe it must be in accordance with His plan. For if there is a creative hand behind this universe, there must be that same creative hand to shape the unfolding and give direction to this good land."

Curtain call has come for Dirksen. Wouldn't it somehow be just a bit "devilish" if a prayer amendment became the final accolade?

DE FACTO FREEDOM OF CHOICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. RARICK. Mr. Speaker, as an advocate of freedom of choice and representing the people of my district who have been denied freedom of choice, I must rise to defend the freedom of our many liberal leaders here in Washington to send their schoolchildren to private schools.

With the HEW appropriations bill (H.R. 13111) under consideration in the Senate, the American people will watch with keen interest the actions of these advocates of freedom of choice for their own children, as they vote on the Whitten amendment which assures freedom of choice indiscriminately for all Americans.

How can Mr. Finch be so hypocritical as to urge the Senate to strip from the House appropriations bill the freedom of choice clause? After all, other Americans are entitled to the right to seek the best possible education for their children—just as Mr. Finch, Mr. Mitchell, and others do for theirs.

Mr. Speaker, an editorial and a column follow:

[From the Chicago Tribune, Sept. 15, 1969]

INTEGRATED SCHOOLS ARE FOR OTHERS

Nick Thimmesch of Newsday reports in his syndicated Washington column that "liberal" officials and politicians in the capital who demand severe punishment of the southern states for refusing to integrate public schools send their own children to private schools or all-white suburban schools in Maryland and Virginia.

Sen. George McGovern [D., S.D.], who yields only to Sen. Edward M. Kennedy [D., Mass.] as a liberal and offers himself as a better Democratic candidate for President, has two children in the Maryland public schools, for whom he pays annual tuition of $1,014 each. Sen. Kennedy himself, Sen. Charles Percy [R., Ill.], Sen. Birch Bayh [D., Ind.], Sen. Eugene McCarthy [D., Minn.], Sen. William Proxmire [D., Wis]., Sen. Clifford Case [R., N.J.], Sen Abraham Ribicoff [D., Conn.], and Sen. Charles Goodell [R., N.Y.], all liberals of purest ray serene, have either sent or are sending their children to high-priced private schools.

Atty. Gen. John N. Mitchell says Negro and white children should attend school together, but his 9-year-old daughter goes to Stony Ridge Country Day school in Virginia. Vice President Spiro Agnew's daughter attends the private National Cathedral school in Washington. Robert Finch, secretary of health, education, and welfare, whose heart bleeds for children in segregated schools, sends his own to a public school in white suburban Virginia. The justice department lawyers who have threatened to resign because the Nixon administration was not forcing schools in the south to integrate rapidly enough, also live in the suburbs, where their children are denied the privilege of attending racially mixed public schools.

Even Justice Thurgood Marshall, the only Negro on the Supreme court, and James Farmer, the Negro assistant secretary of health, education, and welfare, have sent their children to private schools.

The liberal proponents of racially mixed schools for other people's children all say they send their own to private or white suburban schools because they want them to get the best possible education. This is a natural and laudable desire, but, while sending their own children to schools of their choice, they loudly condemn the "freedom of choice" principle in the south as a subterfuge to perpetuate segregation. The United States Commission on Civil Rights, headed by the Rev. Theodore M. Hesbaugh, president of Notre Dame university, condemned the Nixon administration for what it called "a major retreat" on integration, including Secretary Finch's failure to come out against a "freedom of choice" amendment until the House had passed it.

When the Supreme court ruled in 1954 that racial segregation in the public schools is unconstitutional, the school population of Washington was equally divided between Negro and white children. Now it is 94 per cent Negro, because the whites, including the liberals who lauded the Supreme court's decision, have moved to the suburbs of Maryland and Virginia. If the same trend in other big cities continues, only a few integrated schools on the fringes of the black slums will be left and the only whites attending them will be children of working class families too poor to move to the suburbs.

The liberal integrationists cannot be unaware of the obvious effects of their policy. Apparently they feel that integration is good for the yahoos of the south and the ethnic groups of the north but not for themselves.

SCHOOL INTEGRATION BARES HYPOCRITES IN GOVERNMENT

(By Nick Thimmesch)

WASHINGTON.—School integration makes some people mad and others hopeful, but it also reveals human frailities, including hypocrisy. Some of the worst hypocrites on this controversial, yet inevitable, development in our democracy are right here in the capital city.

In its 1954 decision, the United States Supreme Court said that segregated Negro children were not only short-changed in facilities and teaching, but also lost out by not being around white kids when they grew up.

Politicians and government officials of liberal bent in both parties have been hollering ever since at the South to integrate and give those Negro kids a break. But most of these finger shakers don't practice what they preach when it comes to their own children.

The Washington public school population was evenly divided between white and Negro children in 1954. Now it is 94 per cent Negro, because whites, including those who yipe at the South, have either moved to the white suburbs or send their children to private schools, predominantly white or with token integration.

Atty. Gen. John Mitchell says he's for Negro and white children attending school together, but his nine-year-old daughter is carted miles away from his D.C. neighborhood to the stuffy Stone-Ridge Country Day School in nearby Maryland.

Vice President Spiro T. Agnew's daughter attends the private National Cathedral School.

James Farmer, the Negro assistant secretary of HEW, has his two children in private schools to "avoid boredom."

The only Negro on the Supreme Court, Thurgood Marshall, placed his children in a private school. Julius Hobson, a black militant on the D.C. school board, had a child in private school.

"Liberal" senators who live in Washington are the same way. George McGovern has two children he sends across the District line into Maryland public schools, and pays $1,014 annual tuition for each.

Senators Charles Percy, Birch Bayh, Edward Kennedy, Abraham Ribicoff, Clifford Case, Charles Goodell, Eugene McCarthy and William Proxmire have either sent or are sending their children to high-priced (up to $1,900 a year tuition) private schools afflicted with the racial double-standard and status-conscious bickering that privileged folk indulge themselves with.

These folk apparently think integration is for lowbrow Southern whites, the poor and those beer-drinking ethnics in the North whose cars bear bumper stickers reading "support your police."

Integration is a moral as well as a legal matter, and the hypocrites want to unload the moral burden on lower income groups. This thinking, pervasive among affluent, better educated whites and Negroes, betrays a moral failure.

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CONGRESSIONAL FAMILIES

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. TAFT. Mr. Speaker, the August 14 issue of Roll Call carried a detailed historical article on congressional families by L. Robert Davids, a congressional fellow in my office this past summer. This article deals with brothers and fathers and sons who served in the same Congress and with families who represented a State or area one generation after another.

My own family has a modest background in the national Congress, my father having served in the Senate 1939–53, and his uncle and my great uncle Charles having represented the Cincinnati area in the House 1895–97. But, as the article points out, this is short duration compared to the records established by such families as the Muhlenbergs of Pennsylvania, the Bayards of Delaware, the Frelinghuysens of New Jersey, the Bankheads of Alabama, and the Fishes of New York.

My colleagues should find this material interesting and informative. I insert it at this point in the RECORD:

CONGRESSIONAL RELATIONS

(By L. Robert Davids)

The American Congress has no hereditary tradition like the British Parliament—the old House of Lords or even the House of Commons where it has been rather common practice for son to succeed father. The United States has lacked much of that aristocratic tradition, and yet there has been a remarkable number of Representatives and Senators related to previous members of Congress.

Rep. Fred Schwengel of Iowa, who serves as head of the Capitol Historical Society, recently noted that more than 50 of the present members of Congress had antecedents who also served in the House or Senate. There appears to be no special pattern to this legislative lineage except possibly in the case of the women members. Thirty of the 75 women who have served in Congress gained first admission by succeeding their deceased husbands. Another succeeded her father.

It is somewhat surprising to note that the closest thing to a dynasty in Congress was not established by the Adams, Tafts, or Kennedys, but by the Kees of West Virginia. They have had a lock on that state's fifth district for the last four decades. John Kee represented that district 1933–51; he was succeeded upon his death by his wife Elizabeth, who served 1951–65; and their son James then took over in 1965 and is now in his third term. The Long family of Louisiana had a similar record of family service in the Senate with father Huey, mother Rose, and son Russell, but it was not consecutive service like the Kees.

The New York delegation in the current Congress has a familiar name in Hamilton Fish. His father, grandfather, and great-grandfather, all named the same, have represented New York in Congress over widely varying periods of time. Historically, their Congressional careers can be tabulated:

Hamilton Fish I, H 1843–45; S 1851–57.
Hamilton Fish II, H 1909–11.
Hamilton Fish III, H 1919–45.
Hamilton Fish IV, H 1969——.

The Bayards of Delaware also had four successive generations in Congress, all serving at some time in the Senate.

James A. Bayard, Sr., H 1797–03; S 1804–13.
James A. Bayard, Jr., S 1851–64; S 1867–69.
Thomas F. Bayard, Sr., S 1869–85.
Thomas F. Bayard, Jr., S 1922–29.

In addition, Richard H. Bayard, another son of James, Sr., was Senator from Dleaware 1836–39 and 1841–45.

In reviewing Congressional dynasties, one can pose the quiz program question of "what member of Congress was both the son of a President and the father of a President?" It was the forgotten figure of John Scott Harrison, who served in the House 1853–57. He was the son of President William Henry Harrison and the father of Benjamin Harrison, both of whom also served in Congress. The recent Representative from Wyoming, William Henry Harrison, was a direct descendant of the above Harrisons, being a grandson of Benjamin.

On very rare occasions, father (or mother) and son may serve in the same Congress. The present Congress has the unusual distinction of having two father-son combinations in the Symingtons and Goldwaters, bringing to seven the total number of duos who have served. They are listed, parent and son, as follows:

1821–21 Rep. Henry Southard, N.J.—Sen. Samuel Southard, N.J.

1848–55 Sen. Henry Dodge, Wis.—Sen. Augustus Dodge, Iowa.

1917–20 Sen. John Bankhead I, Ala.—Rep. William Bankhead, Ala.

1914–41 Sen. John Bankhead II, Ala.—Rep. Walter Bankhead, Ala.

1957–59 Rep. Frances Bolton, Ohio.

1963–65 Rep. Oliver Bolton, Ohio.

1969—— Sen. Stuart Symington, Mo.—Rep. James Symington, Mo.

1969 Sen. Barry Goldwater, Sr., Ariz.—Rep. Barry Goldwater, Jr., Calif.

As can be noted, most of these periods of joint service were very brief. The second generation Bankheads were together only one month when son Walter resigned his seat. The Southards were together only two months, but in that time, the father in the House and the son in the Senate worked together on the joint committee which reported the Missouri Compromise measure.

Mrs. Bolton and son Oliver served together two separate terms in the House. The Dodges served longest together, seven years, and both in the Senate where they sat side by side for several years. Jefferson Davis presented the credentials of Augustus Dodge and Thomas Hart Benton those of the father. At the swearing in of Henry Dodge, Jessie Benton Fremont said in her winsome way, "General, I am sure you will be the best behaved man in the Senate on the ground that a dutiful son will be exceeding decorous in the immediate presence of his father." But the two senators did not always see issues the same way. Son Augustus voted for the Kansas-Nebraska Bill in 1854 and father Henry opposed what he felt was an extension of slavery. They were both northerners, however, and had no conflict in views when the war started.

While there have been very few fathers and sons serving at the same time, there have been numerous brother combinations. Dating from the first Congress in 1789, there have been occasions where two or more brothers served in the same Congress. On only two occasions have brothers served in the Senate at the same time. They were Edward and Robert Kennedy in 1965–68 and the Fosters, Dwight of Massachusetts and Theodore of Rhode Island in 1800–03. Incidentally, Dwight Foster ran as a Federalist while his brother ran as a Law and Order candidate. This was in the 1790's, not the 1960's.

All the other brother combinations were in the House or the House and Senate. The first brother act started with the first Congress when Frederick and John Muhlenberg of Pennsylvania served. Both were ordained ministers. Frederick became the first Speaker of the House. Almost 160 years later his great-great-grandson Frederick A. Muhlenberg represented Pennsylvania in Congress.

It was not unusual, as in the case with the Muhlenbergs from Pennsylvania, to see two brothers in the same State delegation, and it didn't have to be a large state either. In fact, in the 37th Congress in 1861-63, Maine's delegation of nine was dominated by two families. They included Sen. William Fessenden, and Reps. Samuel and Thomas Fessenden, and Sen. Lot Morrill and Rep. Anson Morrill.

Maine was also the state that produced the biggest Congressional family of all, the Washburns. A total of four brothers served in Congress, three at one time. This was a typical New England family of the 19th century and in some ways resembled the Kennedy family of the 20th century. For as the Kennedys were the only family to have three brothers serve in the Senate, the Washburns were the only family to have four brothers serve in the House or in Congress.

The Washburns were a large family of 7 boys and 3 girls. They were at first not very well off and the boys went off to make their fortune. One became a Navy captain, another a writer and diplomat, another a banker in Boston, and the other four went to Congress. Israel, the oldest, stayed in Maine and eventually became Governor. He was elected as a Whig to Congress in 1851 and was instrumental in founding the Republican Party in 1854. Short, serious, and bespectacled, he served ten years in the House.

Elihu went to Harvard Law School and then went west to set up a law practice in Galena, Illinois. He was elected to Congress in 1853 and after several terms became ranking member of the Appropriations Committee and finally of the House. His efforts to keep down spending earned for him the title "Watchdog of the Treasury," a designation which was later applied to other legislators. He was chided once when he let a bill of his brother's get by calling for needed funds in Wisconsin—"The watchdog never barks when one of the famly passes by."

Elihu was probably the most famous of the Washburns and also stood out otherwise because he added an "e" to the end of his name. He was a close friend of Lincoln and also of Grant through their association in Galena and was present at the surrender of Lee at Appomattox. Grant named him Secretary of State in 1869 but he served only briefly (being succeeded by Hamilton Fish I) before going to France as Ambassador. He rendered capable service there during the Franco-Prussian War and during the strife in Paris that followed.

The third son was named Cadwallader Colden after a Mayor of New York but was better known as C. C. or Cad. He migrated west to Wisconsin where he made a great fortune in lumber, real estate, and banking. He entered Congress in 1855 where he served six years in the House with Israel from Maine, and Elihu from Illinois. The three brothers, to the satisfaction of their respective constituencies rendered each other considerable aid on local matters.

C. C. took part in the Washington Peace Conference of 1861, but when that failed to resolve the sectional dispute, he went home and organized the Second Wisconsin Volunteer Cavalry. He led this unit into some hard fighting during the Civil War, serving as a Major General. After the war, he returned to Congress for two terms and then emulating his brother Israel, who had been Governor of Maine, he became Governor of Wisconsin. This also set a standard for the Governors Rockefeller a century later.

The youngest of the seven brothers was William, who went west to Minnesota. Brother Cad got him started in the milling industry in Minneapolis and later he branched into railroading with all the drive and enterprise that characterized the actions of his other brothers. He became a major figure in the business and financial life of his state and was elected to three terms in the House 1879–85 and then a term in the Senate 1889–95. By that time, all three of his Congressional brothers had passed on.

This remarkable family, which saw its seven sons settle in seven different states, seldom got together for a reunion. Only in 1861 were all of them able to return to their old home in Maine. At that time they voted as to who was the greatest man among them. After a facetious first vote, Cad won 6–1 over Elihu.

The number of brother combinations in Congress in the last century has been somewhat reduced. There are none in the present Congress, but there were two in the previous Congress. In addition to the Kennedys in the Senate, there was Sen. Thruston Morton of Kentucky and Rep. Rogers Morton of Maryland. In the 88th Congress there was Sen. Howard Edmondson and Rep. Ed Edmondson of Oklahoma. Before that there was Henry and John Lodge, Max and George Schwabe, and John and William Bankhead. The Bankhead family was unusual in that it not only had two brothers in Congress but two father-son combinations.

The last two Congresses also have had another family relationship in Senator Everett Dirksen of Illinois and his son-in-law Senator Howard Baker of Tennessee. In fact, about the only family relationship Congress has not had is a husband and wife as members at the same time. The closest to this was the case of Albert Gallatin Simms and Ruth Hanna McCormick, both members of the 71st Congress in 1929–31, who married after leaving office.

LET US STOP KICKING THE SOUTH AROUND

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. SCOTT. Mr. Speaker, yesterday's Washington Star carried a column by James J. Kilpatrick, a fellow Virginian, entitled "Let's Stop Kicking the South Around!" which I believe would make interesting reading for each Member of the House.

In this day when we hear so much about minority rights and equality for all citizens of our land, it seems proper to remind the balance of the country that the Civil War is over, the South has rejoined the Union, and the people of the South are entitled to all rights and privileges enjoy by the remaining citizens of the country. My own congressional district is one of the most northern areas among the southern States, but, of course, is a part of South and one which I am proud to represent. This district was the home of Washington, Madison, Monroe, William Henry Harrison, and John Tyler, all Presidents of the United States, and the home of such patriots as George Mason and Robert E. Lee. It is rich in American heritage and is an area which helped our Nation grow to greatness. Is it not possible that areas of the country which produced these giants of the past might produce men and ideas today that are worthy of consideration by the Congress and the country?

Perhaps in examining our prejudices, it might be good to consider what part sectionalism plays. Do we actually oppose a given proposition because the Member who suggested it comes from a particular area of the country? Or are ideas and suggestions considered on their merits and whether they are in the best interest of the Nation?

The article by Mr. Kilpatrick is thought provoking. I commend it for your consideration. The column is included in the RECORD at this point:

LET'S STOP KICKING THE SOUTH AROUND!

(By James J. Kilpatrick)

Reconstruction came to an end in the South, or so the history books tell us, during the reign of Rutherford Hayes some 90 years ago. But there are times, honest to Pete, when Southerners wonder if the South ever is to regain an equal standing in the Union.

There is something about the South, apparently, that draws an unrelenting anathema from the North. Old abolitionists never died; they write on for The New York Times. It has only to be said, or hinted, that a particular program or appointment may be pleasing to the South—the conservative South, that is—for the program or appointment to be damned out of hand. As a Southerner, I protest.

We are witnessing the syndrome just not in the nomination of Clement F. Haynsworth to the Supreme Court. It is entirely proper, of course, that the Senate Judiciary Committee inquire into his qualifications. No one is suggesting that the Senate's duty to advise and consent should be treated in perfunctory fashion. But the noxious clouds of complaint against this appointment have little to do with qualifications. The objection, at bottom, is that Haynsworth is a Southerner—a moderately conservative Southerner. That is enough. Lynch him!

Thus, an entirely phony challenge is raised that Haynsworth acted unethically by not disqualifying himself eight years ago when the great Deering Milliken case first came to his Circuit Court. The charge is baseless. The Fourth Circuit's major opinion in the Deering Milliken litigation came in November of 1963. Haynsworth did not write the opinion—Judge Albert Bryan wrote it, and Judge Herbert Boreman concurred. Two other judges dissented. Haynsworth's position on the law and the evidence was in no way irrational; it was a position shared not only by Bryan and Boreman, but also by two members of the National Labor Relations Board and by the board's own trial examiner.

Haynsworth's critics know that their charge of a particular conflict of interest is flimsy. Thus they were seeking, last week, to puff it up to a more general charge that Haynsworth is "Mr. Textile Interests." These are the same critics by and large, who smiled benevolently in other days upon the nominations of Arthur Goldberg and Thurgood Marshall. There are times, in Washington's political rainy season, when we wallow in tides of hypocrisy; and one of those times is upon us now.

It is not only the Haynsworth nomination that suffers the "Southern stigma." Harry Dent is a skilled and dedicated executive, worth his weight in gold at the White House; but he comes from South Carolina—he formerly was with Strom Thurmond—and his appointment as a presidential assistant brought slurs that were simply anti-Southern. No matter what the administration does about school desegregation in the South—no matter what it proposes on voting rights—a hostile reaction arises.

Even Spiro Agnew succumbs. The vice president appeared on Meet the Press the other day, and was asked about the "Southern strategy" that has been urged on his party. He began his response by denying that he was in any sense a traditional Southerner. Then he got even more defensive: "How could someone seeking to court the forces of reaction propose a welfare program of the magnitude and scope the President has just proposed?"

Aarghh! The South, with the largest racial problems, has demonstrated the greatest racial peace. It has suffered less than its neighbors from strikes, riots, and campus disorders. The South continues to raise daughters who are ladies and sons who are gentlemen. It is characterized not by "forces of reaction," but by innovation and by solid progress. The old Confederacy is part of the Union now; it is a great place; I love it; and it would be pleasant indeed if the damned Yankees who dwell in Washington would stop kicking my South around.

JAMES HAUGHTON AND 500,000 MORE JOBS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. RYAN. Mr. Speaker, James Haughton, a dynamic fighter for jobs and housing, is, I am sure, known to most Members of the House who will recall that last year the Housing and Urban Development Act of 1968 set a goal of 600,000 units of low- and moderate-income housing for 10 years and included the "jobs in housing" concept requiring that jobs be given to low-income indigenous persons residing in the project area.

As a cosponsor of the original "jobs in housing" bill, I know how diligently James Haughton, Timothy Cooney, and the National Committee for a Confrontation With Congress—now the National Citizens Lobby—worked to insure passage of the bill which it was estimated would generate 500,000 new construction jobs for low-income people.

The connection between housing and construction jobs for black and Puerto Rican workers is clear, and Jim Haughton has been bringing that message to the Congress of the United States.

After the passage of the 1968 Housing Act, Jim Haughton and Tim Cooney understood the need for grassroots pressure in the appropriations process, for we witnessed the gutting of authorized programs through the failure of Congress to provide the necessary appropriations and also the need to pressure the administrations both in New York and Washington to implement fully existing programs.

The goal of the National Citizens Lobby was to serve as a poor peoples' lobby, asking for the kind of money needed to help alleviate the urban crisis in America.

James Haughton believes that the only way to get jobs for black and Puerto Rican workers in the construction trades is to use constant pressure in every urban center.

This example of a man determined to provide better homes and jobs for the people of our cities should be an example of what one individual can do to inspire others to help themselves.

James Haughton is doing the work that must be done if our cities are ever going to become a decent place for all men to live.

I insert in the RECORD an article about

James Haughton which appeared in the New York Times Magazine on Sunday, September 14. I hope that "James Haughton Wants 500,000 More Jobs," by Marion K. Sanders, will make the urgent need for jobs and housing all the more vivid. It follows:

[From the New York Times Magazine]

James Haughton Wants 500,000 More Jobs

(By Marion K. Sanders)

In a muddy five-acre canyon gouged out of lower Manhattan, the steel skeleton of New York's mammoth World Trade Center is beginning to reach skyward. It rests on foundations 70 feet below street level. City planners dispute the merits of this behemoth, with its 110-story twin towers, and displaced local merchants and residents are unhappy about it. But to the men who are building it, the project is exhilarating. Hundreds are already to work here, and over the next five years thousands more will earn good wages, ranging steeply upward from $5.30 an hour for the lowliest laborers. Hopes are particularly high among black men, long barred from the lucrative construction trades by lily-white unions. For the builder of this giant structure is the Port of New York Authority, which has a notable record of compliance with state and Federal civil-rights laws. The Port Authority is not, however, in direct control. Actual hiring is done by contractors, private companies long accustomed to hiring through union halls, where equal-employment-opportunity laws have been either ignored or evaded by the reluctant admission of a "token" handful of Negroes and Puerto Ricans.

Because of the magnitude of the World Trade Center, two concerns share the contract for the concrete work, which will use the largest number of unskilled and semi-skilled workers. This combine—Dic-Underhill—as is usual in the trade, has its nucleus of regular employes. Each day, however, as the work requires, additional men are taken on in the same random fashion in which longshoremen are hired on the city's piers.

This process, known as the shapeup, takes place on the narrow porch of a construction shanty that overhangs the excavation. Here at 7:30 on a recent morning, several dozen white workers are lined up. They have come from Local 6A of the laborers' union, shepherded by their shop steward, Larry Ruggiero. He watches sullenly as 10 black men join the queue. The 8 o'clock whistle blows. The chosen have been tapped; they put on their tin hats and make their way down into the canyon. There are no blacks among them.

A handsome, confident Negro with an Afro haircut pushes open the shanty door and walks in. He is James Haughton, a militant champion of black construction workers who has spent the last five years at shape-ups, on picket lines, in demonstrations and in urgent negotiations with builders, union officials and Government agencies. He is well-known now in the construction trades. Disliked by some for his nagging persistence, labeled a Red by others for his militancy, he is generally respected among union leaders, contractors, public officials and the Harlem community as a black man who has no personal "hustle" but is single-mindedly devoted to his chosen mission: getting "top-dollar" construction jobs for the black men he calls brothers.

Haughton and Nick Forcino, the Dic-Underhill superintendent, exchange back-slapping greetings. Forcino launches into a harangue, saying that the job is behind schedule and he will have plenty of work for the "brothers" a few months hence. Haughton—an eloquent man with a plangent voice and pale eyes that shine like searchlights in his dark face—counters with the story of unemployment and menacing unrest in the ghettos *now*. The encounter is friendly but tense. The 10 men waiting silently on the porch are not a picket line or a demonstration, but they could easily become one. During the summer the frustration of just such black men erupted into violent protests that halted work on some 20 major projects in Chicago, the Three Rivers Stadium in Pittsburgh and a new $650-million campus in a Buffalo suburb for the State University of New York.

The summer was less volatile around New York construction projects, Haughton says, because "we went through that stage back in '63 and '64, when we closed down the Harlem Hospital job and the Downstate Medical Center for three years. Afterward, they took down a lot of names, but not a single black guy got a construction job. We've learned a good many lessons since then."

In the Dic-Underhill shanty, Forcino, on whom the lessons of recent summers were not lost, cautiously says there will probably be some openings tomorrow; Haughton leaves with a careless nod to shop steward Ruggiero, who has been uneasily eavesdropping.

"I don't consider the unions my adversaries," Haughton says later. "They're too pitiful—just looking out for their own guys. We've got to put on pressure where the power is, where the loot is—on the employers. They can hire anyone they want."

And technically, he is right. More than 20 years ago the Taft-Hartley Act outlawed the closed shop. But the threat of strikes by union plumbers, carpenters or other construction workers has been enough to keep most contractors from hiring outside the unions.

Followed by his dark cortege, Haughton heads for the Port Authority field office a few blocks away. While the black men wait silently in an anteroom, he chats with Ray Monti, the authority's top man on the site. There are phone calls back and forth to compliance officers in the authority's headquarthers and to Forcino in the shanty. The authority requires contractors to submit biweekly ethnic reports and says that percentage of "minority" workers has risen from 12.4 to 20.5.

"Paper compliance," say Haughton. "You know as well as I do, Ray, these contractors just keep pulling black guys off other jobs and putting them on here to look good. What I'm after is jobs for the brothers who aren't working anywhere, who'll be walking the streets today."

Four jobs are finally promised for tomorrow—two for carpenters and two for mason tenders.

"You're a pain in the neck, Jim," Monti says, "but I know you have to fight for your guys."

It is 10:30 now, and Haughton is well behind schedule. He will visit two more construction sites during the day; ride over to a Brooklyn sweatshop where some black "sisters" have asked for help; meet with Joe Carnegie, leader of the black transit-workers' caucus, for a strategy session, and speak at a meeting on community control of schools. He hopes to cover a lot of territory today because one of the brothers has offered to drive him on his rounds; Haughton cannot afford a car himself.

Late in the afternoon he arrives at his headquarters, a storefront on Fifth Avenue near 125th Street known as the Harlem Unemployment Center. It is dingy in the style of an old-fasioned union hall, with notices and posters tacked to the peeling walls. By 7 P.M. rows of folding chairs are nearly filled with a hundred or so black men—most of them dressed in neat business suits or sports jackets, but a few in work clothes and mud-caked shoes. They have been recruited over the last four years, mainly from the ranks of the disappointed at morning shape-ups, where Haughton still distributes small blue cards reading:

"Construction workers, join us in the struggle for:

"1. Equal Job Opportunity For All.
"2. Foreman's Jobs Regardless of Race.
"3. Democratic Trade Unionism.
"4. A Slumless America—Now!
"We Meet Every Tuesday at 7:30 P.M."

Some of the men are skilled carpenters, bricklayers, plumbers and electricians who learned their crafts in their native South before migrating to the city. The majority are unskilled men in their middle 30's or 40's with little education but with strong backs and a zest for hard physical work. Strength and willingness are the only necessary qualifications for laborers' work if—and this is the big if—a man has a buddy or a cousin on the job who will help him learn the ropes in the first bewildering days on a strange, often dangerous construction site. This, indeed, is how generations of poor, uneducated immigrants from Italy, central Europe and Scandinavia found decent work virtually on their first day off the boat. But for black men the situation is different. As one of them put it: "We got no one to bat for us. You know, the white guys they got cousins and uncles and nephews; they got the pull. We got no one till we gets this organization here."

As the hall fills up, Haughton sits at a desk near the back of the store, alternately greeting brothers and answering the phone, which jangles with inquiries about job possibilities and reports from men he has referred to specific sites during the day. Tacked to a wallboard is his filing system—a maze of small slips of paper with names, phone numbers and assorted notes.

Promptly at 7:30 he opens the meeting and points to a large attendance chart on the wall. Welcoming new brothers, he reminds them that they are expected to show up every Tuesday evening, sober, and to pay their dues of $3 a month when they are working. "We got no use for in-and-outers," he warns. A sufficient number are now employed to enable the center to make ends barely meet out of members' dues.

As Haughton reports on negotiations under way at building projects around the city, the men seem subdued, tired. They stir when he injects one of the code phrases of militancy—appealing, for example, for volunteers to "picket a well-known racist bastard"; in the slurred accents of rural Mississippi, Alabama, Georgia and Florida, there are cries of "Right, brother," "Yeah, brother."

There is a lively response, too, when he calls for volunteers to work Saturday at Mount Addis Ababa, a tract of land in the Catskills belonging to a lady known as Queen Mother Moore, who hopes to make the place a vacation camp for blacks. Now in her 70's, Queen Mother has been a militant agitator and a Harlem celebrity since the nineteen-thirties. Last winter, she made headlines by leading the local contingent that disrupted the premiere of a Harlem museum. "Can't let Queen Mother down," Haughton says. "Every other national group got a place in the country where they can go to relax. White folks go hunting. How come there's no black hunters?"

A carpenter, two laborers and an electrician sign up to leave by truck from the center at 6:30 Saturday morning. Majestically turbaned, Queen Mother rises from her chair against the wall to beam her thanks. "She's great on a picket line," Haughton says later. "Community sees Queen Mother marching, they know you mean business." (Indeed, Queen Mother is such a well-known fixture around Harlem that the visitor from downtown who inquires about her origins receives an incredulous stare and is told: "Why, Queen Mother she's just *always* been here.")

The main business of the evening is matching men with the openings Haughton has lined up in the last week. First, the four jobs at the World Trade Center—two mason tenders, two carpenters.

"You got your tools, brothers?" Haughton asks anxiously. Like such skilled craftsmen as tool-and-die-makers, carpenters must bring their own boxes of tools to the job. When a man quits he "picks up his box."

The Board of Education needs a painter and a laborer. Scattered openings elsewhere are announced. And good news about the metal-and-wire-lathers. As a result of complex negotiations, the precise nature of which Haughton will not divulge, seven brothers can get union permits and start work tomorrow. Who wants the jobs? Hands go up. Haughton writes down names and tells the men that Brother Edinborough Williams, who is a skilled lather, will conduct an instant training session after the meeting. He has brought along his pliers and metal clippers and rises to assure everyone that it's an easy job to learn, even though the union has been insisting that it takes four years of training.

And now the big item of the evening. Governor Rockefeller's office has signed an agreement for the employment and training of substantial numbers of black and Puerto Rican workers on the 23-story state office building that is planned for Seventh Avenue between 125th and 126th Streets. The agreement, which Haughton calls a major breakthrough, is spelled out in an addendum to the building specifications. An advisory committee will be set up representing contractors, unions and the Harlem community. Haughton, who is widely credited with working out the pact, will, of course, be a member of the committee. Of the anticipated 500 workers on the project, a third are to be from the community, and half of them will be in training for skilled crafts. Haughton has fought the idea of an all-black work force: "They could make a show of it by pulling every black construction worker in the city off his job and we wouldn't have gained a single new job." He is particularly jubilant about the training program on the state project. "The problem is going to be selection," he explains. "For the training program we've got to pick guys who really want to be carpenters or pipe-fitters, who'll stick with it."

There is one white man in the room—Timothy J. Cooney, who quit a $25,000-a-year city post to join forces with Haughton in December, 1967. The two men met when Cooney was working for the city's Human Rights Commission, which Haughton and his men were picketing for its inaction in the building trades.

"Here was this striking-looking black guy, an educated guy, too, with his workmen troops, out there marching rain or shine," Cooney recalls. "We used to talk a little, and one day I asked him for lunch. I convinced him that the way to really lick this problem was to have the country get going on such a tremendous construction program that there would be more than enough work for every able-bodied guy irrespective of color. And at the same time we'd tear down and rebuild all the slums in the country."

Together they organized Haughton's men into a vigorous lobbying organization bent on awakening Congress to the enormous need for and the enormous potential of a vast jobs-in-housing program.

Busloads of black construction workers traveled to Washington to call on Congressmen from urban areas with a specific demand: active support for legislation to build 600,000 new low-cost housing units across the country and in the process create 500,000 new jobs for construction workers. The persistence of these black lobbyists and the explicitness of their program stiffened the spines of friendly but previously inactive Congressmen. Those who refused support were confronted with the jolting spectacle of black picket lines in their home districts. Typical of many were the processions that marched in front of Congresswoman Edna Kelly's Brooklyn home, prior to her defeat, distributing handbills that read:

"We don't want Integration, Public housing in white communities, Welfare.

"We do want to rebuild America's slums, Top-dollar construction jobs, Decent jobs and decent housing for Black and Puerto Rican Americans.

"The question today is rebellion or jobs . . . but Kelly couldn't care less."

Shortly after Martin Luther King's murder a number of Cooney's friends, white liberals eager to "do" something, joined the lobbying effort. Some contributed money, others mounted a nationwide chain-letter-writing campaign. Last year, the otherwise penny-pinching 90th Congress authorized and President Johnson signed the largest public-housing bill in history, the 1968 Housing and Development Act. The Congress adjourned, however, without voting the appropriations needed to get the program fully under way, and so far the 91st Congress has done no better.

"This act is nothing more than a piece of paper if it is not fully funded," Cooney says. He adds that Secretary of Housing and Urban Development George Romney "is beginning to talk the rhetoric of a massive housing program. That's encouraging, but it isn't enough. We've got to get rolling to Washington again and turn plenty of pressure on the Nixon Administration."

As the formal meeting ends, it is time for the "good and welfare," a traditional union-meeting postlude dedicated to camaraderie and the discussion of individual problems. The "good and welfare" at the unemployment center includes an ample supply of beer and bourbon. The scene is convivial but not boisterous. At the back of the store an earnest group is huddled around Brother Williams in a wire-lathing class.

Haughton listens sympathetically but calmly to an assortment of gripes. "They got me doing white porter work and mine, too," one brother complains. "White boy, they put him to passin' up nails. Me, they got me passin' up the jacks to the men on top."

"You gotta remember, Brother, you belong to a union now," Haughton answers. "We're not a union. Complaints like that, you take them to the shop steward."

"I been laid off," another man reports.

"Drinkin' on the job?" Haughton asks suspiciously. "Construction workers all like to drink too much," he continues, sipping his favorite Old Forester out of a paper cup. "Course they got to relax some time. After work, after meeting—that's okay. Back in the old days when we were getting started they'd come in drunk and before the meeting was ended somebody got his head busted and somebody got cut. Liquor bottles were all over the place. The guys were demoralized; it was a jungle out there, like a slave market. The guys who are left standing day after day lose their self-respect and they turn their hostility on each other. Maybe they would take a job dishwashing for a day or pushing a hand truck around the garment district for $50 or so a week. But these guys are construction workers, so it's demoralizing. And there's always welfare. So now they're getting a handout and they're totally demoralized and then the booze takes over. . . ."

Haughton's ideological roots are in the militant labor movement of the thirties and forties—the era of sit-ins and bloody battles for union recognition. Now 39, the son of West Indian parents, he grew up in Brooklyn, where his father was a construction worker. He graduated from C.C.N.Y. and served as a lieutenant in Korea, an experience that made him a zealous pacifist. He spent a few unhappy months on a graduate fellowship at Princeton, which he calls a typical Southern university. Later he acquired an M.A. in public administration at N.Y.U. Qualified for a well-paid job with one of the public agencies or foundations increasingly eager to employ educated Negroes, he chose instead to throw himself into the front lines of the black workers' struggle. The decision was enthusiastically supported by his wife, Dr. Eleanor Leacock, an anthropologist of strong leftist sympathies. He served for a while as a Youth Board street worker and in the Labor and Industry Division of the N.A.A.C.P. In the early nineteen-sixties, he joined A. Philip Randolph in organizing the Negro-American Labor Council with high hopes that it would become a militant black caucus within the labor movement. The organization, however, was soon mired in factionalism and achieved little. Haughton was aligned with a left-wing group that was ousted in 1964. It was then that he decided to strike out on his own in behalf of black construction workers, for whom he feels a peculiar affinity.

A fund-raising party at his Greenwich Village home yielded a month's rent for a Harlem store. A group of black longshoremen produced a desk and some chairs. Already a familiar figure on the streets of Harlem—where he had participated in many protests—he began building his organization. To date, according to his estimate, he has placed more than 800 black construction workers in 6,000 jobs lasting anywhere from two weeks to more than two years. Many of these men have subsequently become union members.

"Even after a black man gets into the union," Haughton says, "he isn't guaranteed a job. He's got no friends in the hiring hall to look out for him. The civil-rights folks who are demonstrating in Chicago and Pittsburgh are showing that we have a weapon, but they aren't construction workers. After the sit-ins, after the barricades are down, the black men need a strong persuasive organization right in the community to deal with the formidable institutions we're up against. I think the pattern we've worked out shows what is needed in every city in the country."

White union men in Pittsburgh and Chicago have staged angry counterdemonstrations against the protests that have kept them off their lucrative jobs. In New York, they tend to be tight-lipped about the black men who are edging their way into the unions. Word has come down from the leaders that racist statements are out of style these days and that the labor movement favors equal opportunity for all; there have been few overt clashes. One New York contractor who has made a particular effort to hire from minority groups says, "On a man-to-man basis, there is no problem when a black man joins a predominantly white gang. Like all middle-class whites, the union men greatly fear and are greatly angered by militant rhetoric. But they have no worries about the qualified black man who may work alongside them."

Another contractor who has a sizable proportion of Negroes in his regular work force agrees. "However," he adds, "by today's standards I guess you'd call my fellows Toms. They know how to stay out of trouble with the white guy."

Many of Haughton's men are so hardened by years of rejection by the white society that they shrug off minor slights or rebuffs. The attitude of the foreman seems to make more difference than the behavior of their co-workers, which they assume will be tinged with racism. The men recently admitted to work as wire-lathers, for instance, were pleased. "That cat—that foreman," said one after a week on the job, "he really treat me good. None of this 'boy' stuff or 'Hey, you.' He knows my name." Said another who had started work at the World Trade Center: "I like it fine. I does my work and no one bothers me. 'Course they wouldn't of taken me on if Jim hadn't shaped-up for me."

Haughton is not discouraged by the fact that the gains he has made are the result of tedious, time-consuming individual negotia-

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tions and pressure. "This is a retail operation," he concedes. "No other way black brother's going to get the job. All the executive orders from City Hall, all the compliance officers sitting in their posh offices won't do anything unless you push and push, day after day. But we've got to do a lot better, especially when public tax dollars are being spent. I'm totally dissatisfied, for instance, with the response of the Port Authority so far. Maybe we're going to have to make the World Trade Center the big civil-rights issue of 1969."

In theory, at least, there are other means of opening up the construction trades to black workers. One of the most logical—and potentially the most valuable in dollars and cents—is through the apprenticeship programs that train skilled craftsmen such as sheet-metal workers, electricians, carpenters and plumbers. An apprentice, who usually must be under 21 when he starts, learns by working on the job for considerably less than union wages as a helper to a journeyman. He also attends evening classes at vocational high schools financed out of state and Federal funds and certified by the Bureau of Apprenticeship and Training of the U.S. Department of Labor. Traditionally, apprentices are the sons or other relatives of journeymen. As of 1968 only 3 percent of registered apprentices were Negroes. And, according to a Bureau of Labor Statistics study, if the Negro share of the construction work force were proportionate to the black share of the population, there would be 37,000 more Negro carpenters, 45,000 more laborers, 97,000 more mechanics, 82,000 more metal craftsmen and 112,000 more construction foremen. In 1964, the Bureau of Apprenticeship and Training was ordered to decertify and thus cut off the funds of any apprenticeship program that did not comply with Equal Employment Opportunity legislation. Although many programs are in open violation of the law, not a single one has been decertified to date.

"The bureau," says Herbert Hill, national labor director of the N.A.A.C.P. and a veteran of hundreds of legal battles against discriminatory unions, "is a rest home for retired A.F.L. business agents, who continue to represent their lily-white craft unions and use the power and authority of the Federal Government to maintain the pattern of Negro exclusion from the well-paid craft occupations."

The Labor Department has announced a plan—to be tried in Philadelphia—under which contractors bidding on Federal construction jobs will be required to employ a certain number of minority workers in the skilled trades—as iron workers, carpenters, plumbers, pipefitters and roofers, for example. Congressional conservatives have objected that such a quota system violates the civil rights act, however, and the success of the Philadelphia experiment will depend upon the zeal and determination of the Labor Department, which has been notably lacking in those qualities in times past. The "Philadelphia Plan" will also undoubtedly be hampered by the Administration's decision to cut back by 75 percent new contracts for Government construction.

Under increasing pressure from the N.A.A.C.P.—which has begun suits to suspend work on several Government-financed projects until qualified Negroes are able to find work on them—and the Justice Department, several unions have fought back by adopting difficult written admission examinations for apprentices. The validity of such tests is being challenged in the courts.

Meanwhile an ingenious counterattack has been mounted by the Workers Defense League, which with the A. Philip Randolph Institute has been conducting in Harlem and Brooklyn tutorial programs for black would-be apprentices. Classes are held four nights a week and on Saturdays and include intensive training in mathematics, mechanical skills, verbal comprehension and union red tape. The project, which has received financial support from the Labor Department and the Ford Foundation, is directed by Ernest Green, the first Negro graduated from Little Rock High School. He reports that the classes have enabled 700 black and Puerto Rican youths to gain admission to apprenticeship programs in the last four years.

These men—who are generally young, bright and aggressive—are challenging a labor aristocracy and have encountered much more overt hostility than blacks who enter construction in the lowlier, traditionally "Negro" jobs. The handful who have battered their way into Local 28 of the sheet-metal workers' union, for example, say that they have had to endure four years of virtual ostracism on the job. This is the union that was forced by law to remove the "Caucasian only" clause from its constitution in 1948 and that this year was finally compelled to accept eight Negroes among its 3,000 members. Through a policy of nepotism, the union has managed to maintain one of the tightest monopolies in the labor market—to the detriment not merely of Negroes but also of white men who don't happen to be the sons of sheet-metal workers. So scarce are qualified journeymen in this field that contractors must frequently pay a premium of 50 cents an hour over the union scale, $6.20.

James McNamara, special assistant to the commissioner of New York City's Manpower and Career Development Agency agrees with Haughton that the possibilities of apprenticeship training are severely limited. Only the young are eligible. And, though such programs are necessary in a few highly skilled mechanical crafts, only one-fifth of the 100,000 white workers who entered the construction trades in 1967 had served apprenticeships. The remaining 80,000 learned on the job—a logical practice as construction techniques become increasingly routine and repetitive.

McNamara sees the one-the-job training program written into the specifications for the state office building as the most hopeful pattern for the future. "It's a real breakthrough," he says. "Otherwise we just keep on shuffling around the same black men who already belong to the union." A practical test for the program is still in the future because the construction of the state office building has been postponed. Militant squatters have occupied the site of the project to demand that it be used for a school, a public-housing development or some other structure more relevant to Harlem's needs. Haughton has stayed aloof from the controversy, but continues to press for on-the-job training. A provision for such training is one of the prime demands in negotiations he is conducting with Gimbel's about a new store to be built at 86th Street and Lexington Avenue.

Haughton is somewhat skeptical about an effort supported by Ford funds that supplies financing and technical aid to minority-group building contractors. To date a $300,000 grant has been used to set up the General and Specialty Contractors Association in Oakland, Calif. The association is made up of small concerns—most of them owned by Negroes, Orientals and Mexican-Americans—which, by joining together, can bid on substantial projects and in the process employ and train large numbers of minority workers. According to Douglas Pugh, who runs the program for Ford, construction unions in the Oakland area have been more amenable than their East Coast counterparts to the prospect of admitting minority workers. Ford has recently joined with the Urban Coalition in setting up a revolving fund to assist similar groups of Negro contractors in New York. Still another effort to encourage black construction concerns is sponsored by the Turner Construction Company and Case Western Reserve University in Cleveland.

Haughton's doubts about these and other attempts to foster "black capitalism" are based in part on the dearth of entrepreneurial talent and tradition in the ghettos. He fears, too, that the black contractor will remain a small-time operator who will undercut union scales. "The black worker needs to get in on the really big stuff," he argues. He also sees little promise in the Black Workers Alliance recently announced by Ben Howard, vice chairman of the Western region of the Congress of Racial Equality. Active mainly in California, the alliance plans to lure members away from the conventional unions and enroll them in all-Negro groups.

In fact, Haughton deplores as impractical all separatist goals—a position that sharply divides him from the more nihilistic black militants. Although he counts such radicals as Jesse Gray, William Epton and numerous black Muslims among his friends, he finds many of their postures absurd. "What good's it going to do a guy to know Swahili when he's looking for work?" he asks. And though he is an ardent collaborator of far-left peace agitators, he is not a man of the New Left. In a guest appearance on a news program last year he proved himself an engaging TV personality and he was subsequently invited to spell out his philosophy in weekly talks on Channel 13, New York's educational TV station.

"As long as the white revolutionary on the New Left is unable to provide a realistic challenge to the existing system," he said recently, "the black man—constituting but 11 per cent of the population—has only one course of action: the hard, unromantic road of reform. He must have a legislative program and a political strategy for putting it across. He must grit his teeth and politely testify before hostile Congressional committees. He must make alliances of convenience with people he doesn't like. He must learn that awful business of compromise. Finally, he must master the art of defeating his political enemies—within the existing political structure.

"This is hard, particularly for the young. But the black man, young or old, has no other choice. Whites on the New Left can afford the luxury of revolutionary rhetoric, knowing that the system will forgive and forget when the time comes and that their sisters and brothers will always enjoy the rich fruits of their American citizenship. But for blacks there is no time to fool around. Their brothers and sisters are wasting away. Whites have reformed the system in the past; blacks must reform it now."

The Channel 13 broadcasts have attracted white supporters to Haughton's cause. Lately a group of businessmen have begun supplying funds to the center, making it possible to hire a badly needed part-time secretary and to open a Brooklyn headquarters at 572 Nostrand Avenue, in the heart of Bedford-Stuyvesant. Others have supplied expert help in accounting and business procedures. A majority of these men are Jewish, and Haughton's companionable relationship with them is an agreeable contrast to the widely publicized phenomenon of black anti-Semitism.

"White and black people *can* work together," Haughton says, "if the white brother has a real assignment, something practical to do. He lost his assignment in the movement because there weren't enough practical goals. We still need his help—more than ever, maybe."

According to the National Home Builders Association, there is a nationwide shortage of such skilled workers as carpenters, plumbers, bricklayers and roofers. New York contractors describe the labor situation as "moderately tight." Said one (who, like virtually everyone else in the building business will not jeopardize his relationship with the powerful craft unions by allowing the use of his name): "I'd say things are just about the way the unions want them to be. If I call the union for a carpenter, they'll send me one. Probably not a very good one. But they can still produce a man—a white man—with a union card." Haughton agrees that there are shortages in some trades. But the problem is not nearly acute enough, he points out, to encourage a major effort to recruit and train black men. This is why he continues to press for a massive publicly supported housing program that would create a huge demand for labor and at the same time rebuild the nation's festering ghettos.

Haughton believes that there will not be justice for the black man until there is genuinely full employment for all workers. In the construction field, he contends, this can come about only through a massive infusion of Federal funds.

"You don't hear me hollering 'Kill the honkies!' 'Hate whitey!' " he says. "What I'm asking for is very moderate. You forget that it's the tax dollar that keeps white America affluent. Thousands of kids are graduating from Harvard and M.I.T. with their engineering degrees every year. So we put them to work in the NASA program and they can make top dollars there. Same thing with defense work and highway construction and the oil-depletion allowance and the farm subsidies. That's all tax money. Only the white folks don't look at their hustle that way. They don't see that the multi-million-dollar programs that pay their rent and send their kids to school and buy their homes in suburbia are really a welfare program on the grandest scale. Now if white folks could see our jobs-in-housing program as a small Government program for black folk who need it most desperately, then maybe they wouldn't feel threatened by it, maybe they'd even support it because this may be a way to work out of the racial mess this country is in."

AIN'T INFLATION WONDERFUL?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. RARICK. Mr. Speaker, for those who have trouble making their money cover their bills and still lay up a little bit for old age, the economics of inflation may be plainly brought home by an editorial which appeared in the Seattle Times, Sunday, July 15, 1951. The editorial follows:

If You Find Yourself Confused by Inflation

For anyone who finds the economics of inflation just too complicated to fathom, one King County philosopher-economist has a handy simplification. He is W. Frank Horne, editor and publisher of The Community Civic News, a semi-monthly publication which serves the countryside around Black Diamond, Hobart, Maple Valley, Morganville, Ravensdale and Lake Sawyer.

In the most recent issue of this journal, Horne expounds the why and wherefore of present economic trends under the heading: "Ain't Inflation Wonderful." The reader can only conclude that it is, indeed.

"If," says Horne, "you find yourself mixed up occasionally about inflation, the following article may clear things up a bit for you.

"Once there was a farmer who raised corn and a man who raised hens, but no corn. The hens said: No corn, no eggs. So the man agreed to work for the farmer for one day a week for $5 a day. And the farmer agreed to sell corn to the man for $1 a bushel.

"They paid each other off every time with the long green. The farmer paid the man $5 and the man paid the farmer back $5 for the five bushels of corn which he wheeled home in his wheelbarrow. After a while, the man said to the farmer: 'Everything's gone up, and I regret intensely to inform you that I can't work for less than $6 a day.'

"The farmer said: 'I understand. But you must understand that everything's gone up with me, too, and I regret intensely to inform you that I can't sell my corn for less than $1.20 a bushel.' The man said he understood. So the man got $6 a day and at $1.20 a bushel paid the farmer $6 for five bushels of corn. Both of them said: 'Happy days are here again.'

"By and by, the man said to the farmer, 'Things have gone up still more and I can't work for less than $7.50 a day.' The farmer agreed that was fair, but told the man things were going up still higher with him. He would have to get $1.50 a bushel for corn. The man agreed that was fair, and both said: 'Prosperity is here.'

"After all, the man was getting $7.50 a day. The farmer was getting $1.50 a bushel for corn, and the hens were getting five bushels as usual. And so things went until the man was getting $10 a day and the farmer got $2 a bushel—and the man gave the farmer $10 for five bushels . . . And the man told his wife: 'Ain't it wonderful—$10 a day!' And the farmer told his wife: 'Ain't it wonderful—$2 a bushel." And the hens kept on clucking away on five bushels of corn.

"And the statisticians down Washington way said: 'Ain't it wonderful—national income at record levels.' And the politicians said: 'Ain't it wonderful,' and bragged that they had done it. And everybody felt so good and prosperous that the man and the farmer voted for the politicians.

"The man got three times as much for the eggs, but paid three times as much for his shoes and everything else he bought. And the music went round and round and is still going that way."

Maybe it all sounds a little corny, but as our philosopher-economist concludes: "That's the way it was, eggsactly."

AN ADDRESS BY THE HONORABLE THEODORE R. McKELDIN TO THE ROTARY CLUB OF LAUREL, MD.

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. HOGAN. Mr. Speaker, I place in the Record an address by a distinguished American and one of Maryland's best-loved public figures—Theodore R. McKeldin, who has served as Governor of my State and mayor of Baltimore. From the perspective of his extensive experience in public life, Governor McKeldin passes on to us his cogent observations about the Presidency and, in particular, the conduct of President Nixon during the first months of his tenure in office. I believe that Governor McKeldin's analysis sheds considerable light on the high office and the man who occupies it. I recommend it to my colleagues:

Remarks of Theodore R. McKeldin

The toughest job ever conceived by the mind of man has to be the Presidency of the United States. Nowhere else is there the collection of responsibilities, demands, tensions, decisions and grueling hours. One often speaks of the loneliness of the Presidency, for here is a job in which, more than in any other mortal job, the man who holds it is alone with the fate of his decisions and the responsibilities of his actions. As the sign on President Truman's desk read—"The buck stops here."

Each man who holds the Presidency must be measured by how he carries the burdens of his office. How wise and firm are his decisions? How does he handle the tensions of his job? How easily does he fulfill his responsibilities?

President Richard Nixon's performance in the Presidency must be weighed against each of these measurements. When done so, his performance bears out remarkably well.

Nine months ago President Nixon entered office with troubles and violence on the home front, a vicious war in Asia, dissension among the races, and inflation ravishing the economy. What would have ruined this country would have been a President who did not move decisively to solve these problems; a President who failed to make new decisions for old problems, who ignored his responsibility to fit the temper of his time.

One thing certainly marks the first nine months of Richard Nixon's Presidency—uncanny understanding of what had sent America into an emotional tailspin. We had indeed been a country too often shouting instead of being heard; a country that needed to lower its voice to be understood.

President Nixon, by his own actions, by the calculated posture of his Administration moved immediately to stamp out the fire of our emotions, to take some of the heat out of the charged air. After the sustained violence in our cities and the summers of racial rioting, America needed more than anything else this decompression of the emotional atmosphere. Thus, Richard Nixon met the responsibility of his office. His success can easily be weighed by a look at this past summer in the American cities. We can now see that the long, hot summer of race relations that was anticipated never came to be; that riots in our big cities were no longer the painful eventuality that we all came to expect. President Nixon had indeed sensed the temper of his time and has made what must be called brilliant decisions to ease, to pacify, to smooth these troubled times. Now, with this foundation to work upon, President Nixon can move to formulate policy and carry out legislation which will capitalize on this surcease and build a strong tomorrow. Indeed, the President has already started to do this. He has come forward with a much needed and long overdue reform of welfare, a program to aid cities, the building or improving of mass transit system, and he has carried a "big stick" on the problem to carry out a crackdown on drugs and crime.

As for inflation, he has "bitten the bullet" as President and instituted a number of necessary directives to slow down our economy and get it back to a more even level. Once again, he has shown his willingness to take unpopular action to bring about what he sees to be in the vast public interest.

President Nixon has also moved to bring an honorable peace to Vietnam, thus removing another sore on the body of this country. Realizing that the past course of action in Vietnam was not bearing fruit, the President has again made a necessary decision—the gradual withdrawal of troops to get peace negotiations off dead center. To have shirked such a decision would have been to fail in his job. President Nixon showed in the Vietnam question—as he is showing in other areas of our economy and our society—that he embraces the opportunity for decision and is using it to shape and to mold a better America.

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PROGRAM TO ASSIST STUDENTS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 15, 1969

Mr. LONG of Maryland. Mr. Speaker, a recent survey in Harford County, Md., showed that approximately 200 students in the June 1969 high school graduating classes want to attend college but are unable to do so without financial assistance. I am delighted to learn that a new program of cooperation among members of the Harford County banking community, the Harford County Educational Foundation, and the Harford Junior College will enable students to borrow money for tuition, fees, and books. I would like to commend these Harford County citizens for their interest in higher education by including the following article in the RECORD:

Seven Banks Agree to Loans for Needy HJC Students—Will Permit Borrowing for Books, Fees, Tuition

A new program, the product of cooperation among members of the Harford county banking community, the Harford County Educational Foundation, and Harford Junior College, is aimed at encouraging those who otherwise would be unable to afford to attend college to do so by borrowing the money for tuition, fees, and books.

According to a state survey approximately 200 students in the June, 1969, graduating high school classes of Harford county indicated that they wished to continue their education in an institution of higher learning, but that they were unable to do so without a scholarship or loan or both.

Following three meetings among representatives of Harford county banks, the Harford Junior College Advisory Board Sub-Committee on Financial Assistance, and College officials, individual meetings of the bank boards, and a meeting of the Harford County Educational Foundation, all held over a period of four months, it was announced Thursday that seven Harford county banks would provide a total of $10,000 to the Harford County Educational Foundation for the purpose of providing financial assistance in the form of loans up to $400 per year (or $200 per semester) to needy students wishing to attend Harford Junior College.

The banks are: Aberdeen National Bank, Citizens National Bank, Commercial and Savings Bank, The Equitable Trust Company, First National Bank and Trust Company, First National Bank of Harford County, and Forest Hill State Bank.

Those interested in applying may receive the appropriate application forms by calling the Harford Junior College Office of Financial Assistance at 734–7171.

In addition to executives of the banks, noted above, those involved in the planning of this program include: Cornelius Cronin of the Harford Junior College Board of Trustees; the members of the Harford Junior College Advisory Board Sub-Committee on Financial Assistance; John Clark, Mrs. Jacob Hecht, Charles Reed, Jesse Rhoads, Pershing Volkart, and Mrs. John D. Worthington, Ill.; and the members of the newly-appointed Harford County Educational Foundation: John Clark, chairman, Melvin Bosely, Brodnax Cameron, Jr., G. Howlett Cobourn, Philip Golbin, Dr. Joseph N. Hankin, Joseph Hinder, Edmund Schwanke, and I. Dale Snodgrass.

SENATE—*Tuesday, September 16, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore.

The Chaplain, Rev. Edward L. R. Elson, D.D., offered the following prayer:

O God, most holy, wise, and powerful Preserver and Governor of all Thy creatures and all their actions, keep us this day in health of body and soundness of mind, in purity of heart and cheerfulness of spirit, in contentment of heart and in charity with our neighbor; and further all our undertakings with Thy blessing. In our labor strengthen us; in our pleasure purify us; in our difficulties direct us; in our perils defend us; in our troubles comfort us; and supply all our needs, according to the riches of Thy grace in Christ Jesus our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 15, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION—MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, the request will be granted, but the Chair must say it is probably out of order, under the unanimous-consent agreement of yesterday.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that that unanimous-consent agreement be amended so that there be a period for the transaction of routine morning business, not to extend beyond 11:20 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES

Mr. MANSFIELD. Mr. President, for the information of the Senate, the Senate, in a body, will leave the Chamber at 12:13 p.m. to proceed to the House of Representatives for the purpose of a joint meeting which will be addressed by the astronauts.

The PRESIDENT pro tempore. The Senate will be cognizant of that statement.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, returned to the Senate, in compliance with its request, the bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Fund Act.

The message announced that the House had passed, without amendment, the following bills of the Senate:

S. 1686. An act relating to age limits in connection with appointments to the U.S. Park Police; and

S. 1766. An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., in paragraph 11, docket numbered 50233, U.S. Court of Claims, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4869. An act to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona;

H.R. 7066. An act to provide for the establishment of the William Howard Taft National Historic Site;

H.R. 12979. An act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia; and

H.R. 13194. An act to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 4869. An act to further the economic advancement and general welfare of the Hopi Indian Tribe of the State of Arizona; to the Committee on Interior and Insular Affairs.

H.R. 7066. An act to provide for the establishment of the William Howard Taft National Historic Site; placed on the calendar.

H.R. 12979. An act to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia; to the Committee on the Judiciary.

OUR NATION AND OUR YOUTH WOULD BENEFIT WHEN GENERAL HERSHEY IS NO LONGER DIRECTOR OF SELECTIVE SERVICE SYSTEM

Mr. YOUNG of Ohio. Mr. President, the administration of our Selective Service System under Gen. Lewis B. Hershey is a repugnant mess.

Unfortunately, General Hershey has an inflated view of his power and authority. His arrogance has been monumental. In the most recent of his arbitrary actions he has attempted to undermine and usurp the authority of the National Selective Service Appeals Board. By law, this three-man board, the final arbiter on draft classifications, is supposed to be independent of the Director in all respects. Until recently, it was.

In July, one of the Board's members, Dr. Kenneth W. Clement, a leading member of the medical profession and one of the outstanding civic leaders in my home city of Cleveland, Ohio, ostensibly resigned for personal reasons. However, at that time he publicly complained that General Hershey "exercises an autocratic military control over the System." Then, a second member, Judge Henry Gwiazda, resigned by White House request.

It appears that General Hershey has taken over the functions of the Appeals Board by force and in a most arbitrary manner. General Hershey has appointed one of his own aides, Col. George G. Wendel, to a post with the Board after unsuccessfully attempting to place him as executive secretary of the Board. Colonel Wendel has assumed supervision of the Board's full-time staff, but it is obvious that General Hershey is completely in control, contrary to the intent of the law. General Hershey has outlived his usefulness, if any, and I hope President Nixon will request his resignation.

Since the Appeals Board has the responsibility for making final decisions on Selective Service classifications, it is for good reason that the law stipulates that the Board should remain independent of the Selective Service Director. It is unconscionable that General Hershey should be permitted to assume such autocratic powers and to usurp the functions of the Appeals Board.

This incident is only the most recent example of General Hershey's lust for power and disregard of the law. Newspaper files are replete with stories of his maladministration of the Selective Service System.

When campaigning for the Presidency last year, Vice President Hubert Humphrey and Senator EUGENE MCCARTHY both asserted that if elected one of their first official acts would be to fire General Hershey. I wish he had been fired.

It is obvious that he does not understand the feelings of young Americans today and is unable to administer the selective service laws fairly. His attempts to use the selective service laws to stifle dissent have been outrageous. His use of the delinquency regulations to suppress freedom of speech among draft-age men has been so questionable that the Solicitor General of the United States, Erwin N. Griswold, has suggested that the Director was probably using these rules outside the law and perhaps even in contravention of the Constitution.

Mr. President, in removing General Hershey from office, President Nixon would be making a dramatic gesture to young Americans signifying that their Government is beginning to respond to their sentiments. It is bad enough that Congress and the President have done nothing to reform the present outmoded and discriminatory draft law and that inequities in that law continue to exist. It is intolerable to maintain in office a Selective Service Director who is oblivious to the legitimate complaints of draft-age youngsters and who openly flouts the democratic process.

That General Hershey should resign is my hope. Having studied his record in this position, I am confident that he will benefit our Nation by voluntarily leaving this position in which he has usurped so much power. Let us hope, if he does not resign, that President Nixon will request his retirement.

Mr. STENNIS. Mr. President, with all deference to the Senator from Ohio—and I do appreciate him as a Member of this body—I will not stand by and be silent in the face of such strong words about a man who I think has been one of the outstanding administrators in high Government affairs, at least in my time. I have no alliance with General Hershey, of course, or any favors to ask, and he does not know me beyond a speaking acquaintance. But I have said many times in the past that I thought he was perhaps the outstanding administrator in Washington.

Whatever he has done must have been within the law because I do not know of anyone who has successfully challenged him for going beyond the law or acting without authority; and by that I mean charged him before some tribunal.

With respect to what President Nixon may have said in his campaign or what he might wish to do now I do not wish to become involved in.

I am merely referring to General Hershey as an outstanding administrator and a fine patriotic man. One always knows where he stands. There are real problems connected with the Selective Service Act. General Hershey has been very helpful to our committee. He has been very frank and full of candor. I think that over the years his work has reflected a performance which has been outstanding.

Whether or not he should continue now in view of his age alone is another matter. He has been of tremendous help to me, as one Member of the Senate, and I believe that by and large he has been fair throughout the Nation. This is not an agency of Goverment that can ge run altogether by what we used to call "parlor conversations" or "parlor methods."

With respect to the law, that matter will be coming up in due course and I am sure it will receive the attention of the Senator from Ohio, as well as my attention.

I congratulate General Hershey for his long and outstanding career.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Ohio.

The PRESIDING OFFICER (Mr. PEARSON in the chair). The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that we may be permitted to proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, I thank my distinguished friend, the chairman of the Committee on Armed Services of which I am proud to be a member.

I have simply asserted that it seemed to me that during the last 6 months the arrogance of General Hershey and the misdirection he has taken have exceeded all bounds. There is an honest difference of opinion between the Senator from Mississippi and me on this subject. However, I might mention in connection with the views which I have strongly expressed this morning, and which I adhere to, that there must be some validity to my contention or else former Vice President Humphrey, when he was campaigning for the Presidency last October, would not have pledged to the American people that one of his first official acts, if elected to the Presidency, would be to fire General Hershey.

Mr. STENNIS. I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. STENNIS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, the time to be equally divided between the respective sides.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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The PRESIDING OFFICER (Mr. ALLEN in the chair). Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED STATEMENT OF THE SECRETARY OF THE SMITHSONIAN INSTITUTION

A letter from the Secretary, Smithsonian Institution, transmitting for the information of the Senate, a proposed statement on H.R. 13270, the Tax Reform Act of 1969 (with accompanying papers); to the Committee on Finance.

PROPOSED REASSIGNMENT OF GOVERNMENT COMPTROLLER FOR THE VIRGIN ISLANDS

A letter from the Assistant Secretary of the Interior for Administration, transmitting, pursuant to law, the information of the planned reassignment of the present incumbent of the position of Government Comptroller for the Virgin Islands, to a position with the Department at the same grade and salary (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENT TO TRADEMARK REGISTRATION ACT

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

Resolutions of the Senate of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS REQUESTING THE DEPARTMENT OF TRANSPORTATION NOT TO PURCHASE FOREIGN-MADE SHIPS

"*Whereas,* There is a possibility that the United States Department of Transportation may acquire, by purchase, ships built in foreign countries to break ice for the new oil fields in Alaska; and

"*Whereas,* The purchase of foreign ships by said Department would be detrimental to the United States and Massachusetts shipbuilding industry, and particularly to the economy of Southeastern Massachusetts; and

"*Whereas,* It is the responsibility of said Department to promote United States shipbuilding and its trade and labor forces; therefore be it

"*Resolved,* That the Senate of the Commonwealth of Massachusetts respectfully requests the United States Department of Transportation not to purchase foreign-made ships to the detriment of the United States and Massachusetts shipbuilding industry and the economy of Southeastern Massachusetts; and be it further

"*Resolved,* That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to John A. Volpe, Secretary of the United States Department of Transportation, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth of Massachusetts.

"Senate, adopted, August 28, 1969.

"NORMAN L. PIDGEON,
"*Clerk.*"

A resolution adopted by the Board of County Commissioners, County of Lake, State of Ohio, remonstrating against proposed legislation to limit the tax-exempt feature of interest paid on public bonds issued by State or local governments; to the Committee on Finance.

A letter, in the nature of a petition, from Sheldon Krizer, of Jersey City, N.J., relating to research in aging; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TALMADGE, from the Committee on Finance, without amendment:

S. 1479. A bill to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services (Rept. No. 91–398).

By Mr. TALMADGE, from the Committee on Finance, with an amendment:

S. 2003. A bill to provide a special Government life insurance program for veterans of the Vietnam era (Rept. No. 91–399).

By Mr. TALMADGE, from the Committee on Finance, with amendments:

S. 1471. A bill to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes (Rept. No. 91–400);

S. 1650. A bill to amend chapter 19 of title 38, United States Code, to provide double indemnity coverage under servicemen's group life insurance for members of the uniformed services assigned to duty in a combat zone (Rept. No. 91–401); and

S. 2186. A bill to amend chapter 19, United States Code, so as to provide dismemberment insurance coverage under the servicemen's group life insurance program (Rept. No. 91–402).

By Mr. SPONG, from the Committee on the District of Columbia, without amendment:

H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employers contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations (Rept. No. 91–403).

By Mr. TYDINGS, from the Committee on the District of Columbia, with an amendment:

S. 2335. A bill to authorize the District of Columbia to enter into the Interstate Compact on Juveniles (Rept. No. 91–404).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.J. Res. 250. A joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben (Rept. No. 91–406).

REORGANIZATION OF COURTS OF THE DISTRICT OF COLUMBIA—REPORT OF A COMMITTEE (S. REPT. NO. 91–405)

Mr. TYDINGS. Mr. President, from the Committee on the District of Columbia, I am today reporting the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes, and I submit a report thereon. The committee thus has become the first in either House of Congress to report for congressional action any part of President Nixon's crime program.

The legislation reported by the committee contains upward of 80 percent of all the proposals contained in President Nixon's crime package. It contains every part of that package which could be reported at this time without further hearings. It contains other innovations added by the committee to insure efficiency in the National Capital's courts and to make them a model court system for the entire country.

The court reorganization bill we have reported contains the heart of the President's District of Columbia crime proposal. By enabling the local courts here to speed the trial of criminal cases, this legislation will do more than any other to meet the National Capital crime crisis. This legislation will drastically reduce the time it takes to get a criminal defendant to judgment. It will get criminals off the street and into jail faster, reduce the amount of new crime committed by criminal defendants awaiting trial, and eliminate the incentive which now exists to commit crime in the belief that one may never be brought to trial because of delay.

Providing speedier trials also means that the innocent can get their acquittals sooner. Likewise, the businessman and average citizen who must sue in the courts on civil matters will be able to get judgments on their cases more rapidly.

In reporting the court reorganization bill, the committee did not delay consideration or reporting of the rest of the President's crime package. Hearings will be held on the rest of the crime package this week and next under a schedule designed to permit reporting that legislation to the Senate by November. This is the fastest possible schedule for consideration of these proposals, particularly in light of the fact that the administration did not submit this bill to Congress at all until a month before the August recess. If we can report these other parts of the President's crime package by November, we will have taken scarcely more than 100 days, including the August recess, to get them to the floor of the Senate for action.

So, what the committee did was not to delay the rest of the President's bill, but rather to accelerate consideration of the court reorganization portions of it. In fact, our committee reported the bill less than 60 days after it was finally submitted to the Congress. I dare say this is close to a record for the consideration of such a major piece of legislation.

At the same time in meeting this timetable, the committee has more than fulfilled its responsibilities to consult the appropriate agencies of Government, the local bar, and the community regarding the provisions of this bill.

The committee staff met for the greater part of 4 full days with the Department of Justice to hammer out the

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provisions of this bill. Every community group which evidenced an interest in the bill was heard. In fact an additional day of hearings was scheduled to make sure that everyone who wanted to be heard on this bill had an opportunity to testify.

In addition, the committee staff met extensively with members and committees of the bar and other concerned local and community groups putting this legislation in shape for reporting. At the same time an extraordinary degree of consultation with the administration and the community have occupied the attention of the staff on every day and on weekends and holidays since the bill was introduced.

I would have preferred to be able to report the entire bill at this time. We did our best to make that possible. Three times the committee scheduled hearings on that legislation in the hopes that the administration could get it to the Hill in time for prompt action before the August recess. Unfortunately, the bill did not reach Capitol Hill until midsummer, precluding the possibility of hearings on all of it before the August recess.

We faced a hard choice. We could have held up the court reorganization portions until hearings on all of it had been held, assuring that no part of the bill could me enacted this year. Or, we could devote our full energies to the task of putting this 300-page piece of legislation on court reorganization in shape to be reported now.

We chose to accelerate court reorganization because, if the Senate can pass it promptly and the House proceeds expeditiously upon it, there is a real chance that it, at least, can be enacted this year.

This is not to say that the committee will not do its best to assure that both parts of the President's bill are enacted this year. Our timetable has always been to get this crime legislation enacted as quickly as possible. As I have frequently said, I personally agree with the objectives of the President's proposal. But, as I also warned in June—weeks before the administration had presented its long promised proposal—the time lost by the administration's delay in getting this bill to Capitol Hill has severely jeopardized the chances for enactment this year. Nonetheless, we will do our best.

Finally, I would like to add a word of caution about what to expect from the enactment of this entire bill. Press reports and the Justice Department's and the administration's own presentations have suggested it is a comprehensive approach to crime in the District of Columbia. I regret to say it is not.

However needed individual parts of it may be, the legislation presented by the administration itself is far from an answer to the District of Columbia crime problem.

The court reorganization it provides is a critical need in our crime fight.

However, no part of this bill addresses the grave deficiency in the penitentiary system, which is in fact a crime factory.

No part of the bill addresses the enormous narcotics crime crisis this city faces and which our hearings indicate accounts for upward of one-half of all the property crime and crimes of violence committed in this city.

No part of this legislation addresses the devastating increase of armed violence in the National Capital.

No part of this legislation or any other part of the President's crime package provides any Federal assistance to the State and local governments in the Washington metropolitan area which share the crime problem which festers in the District of Columbia.

Enactment of all of the President's proposals—which is our immediate goal—will provide important procedural tools in our crime fight. I am disappointed we do not also have the President's recommendations on other serious aspects of the crime fight. However, I will, as soon as our proceedings on the President's proposals permit, be proposing legislation in these other areas to answer the full dimensions of the crime challenge in the National Capital.

The PRESIDING OFFICER. The report will be received and printed; and the bill will be placed on the calendar.

Mr. BYRD of West Virginia subsequently said: Mr. President, S. 2601 was reported to the Senate from the Committee on the District of Columbia, with an amendment in the nature of a substitute. In view of the great length of not only the introduced bill, but also of the committee amendment, and the high cost of reprinting both as reported, I ask unanimous consent that only the committee amendment be reproduced in the calendar print of the bill.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

George S. Ives, of Maryland, to be a member of the National Mediation Board; and

Neil P. Speirs, of New York, to be a member of the Railroad Retirement Board.

By Mr. EASTLAND, from the Committee on the Judiciary:

Richard A. Pyle, of Oklahoma, to be U.S. attorney for the eastern district of Oklahoma; and

Robert McShane Carney, of the Virgin Islands, to be U.S. attorney for the district of the Virgin Islands.

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Vincent de Roulet, of New York, to be Ambassador Extraordinary and Plenipotentiary to Jamaica;

John Patrick Walsh, of Illinois, to be Ambassador Extraordinary and Plenipotentiary to the State of Kuwait;

William C. Trueheart, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Federal Republic of Nigeria;

Joseph S. Farland, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to Pakistan;

William E. Schaufele, Jr., of Ohio, a Foreign Service officer of class 2, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Upper Volta; and

Robert H. B. Wade, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of North Dakota:

S. 2897. A bill to amend section 314(k) of title 38, United States Code, in order to provide for a statutory payment of $47 a month to a veteran who has lost the use of a lung or kidney as the result of a service-connected disability; to the Committee on Finance.

By Mr. RIBICOFF:

S. 2898. A bill to establish within the Executive Office of the President a Council of Health Advisers in order to improve the organization of agencies within the executive branch of the Government concerned with health programs and to strengthen the coordination of health programs; to the Committee on Government Operations.

(The remarks of Mr. RIBICOFF when he introduced the bill appear later in the RECORD under an appropriate heading.)

By Mr. CURTIS (for himself and Mr. WILLIAMS of Delaware):

S. 2899. A bill to amend the Budget and Accounting Act, 1921, so as to require the submission of the budget on an administrative budget, rather than a unified budget, basis; to the Committee on Government Operations.

(The remarks of Mr. CURTIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GURNEY:

S. 2900. A bill to amend the Public Buildings Act of 1959 to provide for the construction of buildings and improvements by a lessor on land owned by the United States, to authorize the acquisition of options to purchase property leased to the Federal Government and for other purposes; to the Committee on Public Works.

By Mr. EASTLAND:

S. 2901. A bill to amend the Housing and Urban Development Act of 1968, 82 Stat. 476, and for other purposes; to the Committee on Banking and Currency.

S. 2902. A bill for the relief of Enrique Quinones; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 2903. A bill to provide relief for Tara Chand Sharma; to the Committee on the Judiciary.

By Mr. HART:

S. 2904. A bill for the relief of Blanca Rosa Juarez Recinos; to the Committee on the Judiciary.

By Mr. DODD:

S. 2905. A bill to authorize the Attorney General to provide financial assistance to States and localities for the construction and modernization of correctional institutions, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. DODD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HOLLAND:

S. 2906. A bill to clarify the liability of national banks for certain taxes; to the Committee on Banking and Currency.

S. 2898—INTRODUCTION OF A BILL ESTABLISHING A COUNCIL OF HEALTH ADVISERS

Mr. RIBICOFF. Mr. President, for almost 2 years, the Subcommittee on Ex-

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ecutive Reorganization has been reviewing the Federal role in health care.

We have examined the health problems of the Nation and studied carefully the health programs of the Federal Government.

And we have come to some very important conclusions.

The $18.3 billion Federal health effort is a planless conglomeration of programs administered by more than a score of agencies and departments.

Moreover, it appears that instead of supporting programs to provide for the health of the people, Federal health expenditures are maintaining a cumbersome, disjointed bureaucracy that even key Government officials have difficulty managing.

All in all, it appears that Federal-health programs, instead of eliminating problems, may be adding to factors such as rising costs, limited access to care and the fragmented organization of health services.

In order to determine answers to some serious questions we had, the subcommittee sent letters to the 23 agencies with health expenditures.

We asked each about their health programs. We asked them what they thought was the Government's overall health policy. And we asked how programs are coordinated among the agencies.

The subcommittee found the agencies knew little about their programs, that there is no national health policy and that interagency program coordination is a hit-and-miss proposition.

There are so many programs administered in such bureaucratic confusion that no one—not the Department of Health, Education, and Welfare, not the Bureau of the Budget, nor any private organization—was able to tell the subcommittee even how many programs there are.

When the subcommittee asked HEW officials just for a list of health training and education programs, it took them 2 months to provide it. They had to assign full-time personnel to pull each program from the health bureaucracy.

We learned from HEW and the Bureau of the Budget that 13 Federal agencies are involved in health manpower training and education including: Health, Education, and Welfare, the Departments of Agriculture, Commerce, Defense, Housing and Urban Development, Interior, Labor, and State.

Agencies involved in health manpower training and education include the Atomic Energy Commission, the Agency for International Development, the National Science Foundation, the Office of Economic Opportunity and the Veterans' Administration.

The sprawl of just health training and education programs reaches the point of the ridiculous.

For example, the Commerce Department is administering programs to train licensed practical nurses and nurse aides.

The Interior Department is also training nurses and giving scholarships to students to become dentists and physicians.

Some agencies have little understanding of programs in fellow agencies. Others act as if they are even unaware that other agencies have the same or related programs.

For example, an assistant secretary of the Department of Health, Education, and Welfare should have known but he did not know that the Small Business Administration and the Commerce Department were financing the construction of hospitals.

Furthermore, the Small Business Administration is helping to build hospitals without the knowledge or consent of HEW's Hill-Burton programs. This happens even though SBA is supposed to clear its hospital projects with HEW before it gives such loans.

The lack of knowledge about health programs and the absence of coordination probably stem from the complete lack of an overall health policy.

At no time have Federal health administrators laid out a plan to the billions of dollars we spend on health.

As a result, duplications of funds and effort and less than adequate management of the health effort appear to be more the rule than the exception.

Meanwhile, needs continue to grow as national health resources are depleted.

One of the major barriers to effective health policy formulation is the fragmentation of the Federal health effort. Health programs administration becomes confused because it falls under the separate and distinct primary missions of each of the 23 health agencies.

Health programs become subordinated to these missions which further remove them from effective coordination.

We must begin to solve the problems posed by health program duplication and the lack of coordination. We must do this so that Federal expenditures result in the delivery of health care instead of a health bureaucracy.

We must begin to establish some overall health policy to guide the administration of these billions of dollars.

We must begin to make the Federal health effort responsive to public need.

To accomplish these goals, some steps must be taken with regard to the organization of the Federal health establishment and some mechanisms must be developed to guide its direction.

We must first, however, begin to consider a broad reorganization of the Department of Health, Education, and Welfare.

HEW will spend $13.6 billion in the current fiscal year on health, 74 percent of all Federal health expenditures.

HEW is the one Government agency with primary responsibility for the Nation's health. Yet within the Department is a microcosm of all the organizational problems we see in the overall Federal Health Establishment.

There is duplication and overlap, a lack of coordination and waste.

Much of this stems from the poor organization of management and policy functions.

For example, the Assistant Secretary for Health and Scientific Affairs is responsible for health program policy.

He has direct management and policy authority over the Public Health Service, which includes the National Institutes of Health, the Health Services and Mental Health Administration, and the Consumer Portection and Environmental Health Service.

Beyond his management responsibility, however, are programs comprising the Nation's largest health expenditures—medicare and medicaid.

Medicare is managed by the Social Security Administration. Medicaid, along with numerous maternal and child health programs, is managed by the Social and Rehabilitation Service, a welfare agency.

According to figures supplied to the subcommittee by HEW, the Assistant Secretary has direct responsibility over only $2.8 billion of HEW's $13.6 billion health budget.

Moreover, this man, who is called the Nation's chief health official, has direct responsibility over only $2.8 billion or 15 percent of the $18.3 billion in total Federal health expenditures.

Within HEW, his policy role over all of the Department's health functions becomes somewhat muddled by the organization of the Department.

Take, for example, what former Assistant Health Secretary Dr. Philip Lee told us not long ago.

The Social and Rehabilitation Service was setting up nursing home standards for its medicaid program. Dr. Lee knew of this work but the first time he actually saw the standards was in the newspapers.

The way in which Government is organized is a matter of policy.

And because of this—because of the way HEW has organized its health functions—the man responsible for health policy is actually precluded from exercising his authority.

To begin to change this situation, we propose as a first step toward reorganization of HEW the creation of the Office of Under Secretary for Health.

This position should comprise line responsibilities over health program policy and management.

Furthermore, we propose that the Under Secretary should have four Assistant Secretaries for the following functions: Budget and planning: science, manpower, and education; health care services; and consumer protection.

We do not propose to introduce legislation at this time to effect this reorganization. Rather, we plan to invite Secretary Robert Finch and Assistant Secretary Roger Egeberg to discuss this matter with us.

A broad reorganization of HEW—even the first steps—must involve jointly the executive branch department and the congressional committees with jurisdiction.

Such a reorganization should not be the result of any unilateral action on the part of either the executive branch or the Congress.

Though the situation at HEW must be corrected, there are broader considerations raised by the spread of Federal health programs across 23 separate departments and agencies.

These are beyond the control of the Department of Health, Education, and Welfare.

We cannot assume that HEW alone can influence the health policy and programs of the Department of Defense, or the Veterans' Administration or even any of the other score of departments and agencies with health programs.

But he can demand that there be some overall health policy. We can give to the executive branch a mechanism to bring about that policy.

We therefore propose the Health Organization Act of 1969.

This legislation would establish in the Executive Office of the President a Council of Health Advisers.

This Council would recommend to the President an overall health policy.

It would suggest to the President means to bring that policy about.

It would maintain an ongoing review of the Federal health bureaucracy and a continuing surveillance of health problems in order to recommend to the President changes that should be made.

This legislation is patterned after the Full Employment Act of 1946, that established the Council of Economic Advisers. But most importantly, it set up a Federal employment policy.

Likewise, the Health Organization Act would make it the official policy of the Government of the United States that all citizens have equal and available access to health care.

For years, we have heard that health care is a matter of right. But at no time has the Congress or the Federal Government placed its intentions and resources squarely behind this principle.

It is high time that we do.

But when we do, we must be sure that the laws and programs that we have passed and will pass relate to that policy.

The Health Organization Act would empower the Council of Health Advisers to recommend to the President procedures to coordinate various Federal health programs across agency lines. It would propose program consolidations. And it would propose where necessary that programs be eliminated.

The Council, would be composed of three individuals, appointed by the President with the advise and consent of the Senate. It would have a staff of specialists to assist it.

Beyond its responsibility of ongoing review of the Federal health bureaucracy, the Council would keep constant watch on developments in the Nation affecting public health.

And it would make determinations as to whether Federal programs are available to effectively deal with problems as they arise.

The Council also would gather timely information on the incidence of morbidity and mortality rates.

Again, this would act as a check against the hundreds of health programs which the Federal Government has established without adequate information.

Furthermore, this legislation would require the President to send to the Congress an annual health report giving an inventory of the Nation's health problems. He would use this vehicle to propose legislation necessary to make Federal programs responsive to the health care needs of the people.

Mr. President, I introduce for appropriate reference the Health Organization Act.

I ask unanimous consent that, immediately following my remarks, the text of the bill be printed in the Record along with a list of Federal health training and education programs to illustrate the number of programs and their spread throughout the bureaucracy.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the Record, as requested.

The bill (S. 2898) to establish within the Executive Office of the President a Council of Health Advisers in order to improve the organization of agencies within the executive branch of the Government concerned with health programs and to strengthen the coordination of health programs introduced by Mr. Ribicoff, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S. 2898

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Organization Act".

THE COUNCIL OF HEALTH ADVISERS TO THE PRESIDENT

Sec. 2. There is hereby created in the Executive Office of the President a Council of Health Advisers (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Federal Government in the light of the policy declared in section 4, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for Level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The President shall designate one of the members of the Council as Chairman who shall receive compensation at the rate prescribed for Level II of the Executive Schedule by section 5313 of such title.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary to carry out its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of Chapter 51 and subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary to carry out its functions under this Act, and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Health Report pursuant to section 3 of this Act;

(2) to develop and recommend to the President procedures for the interagency coordination of Federal health programs, to propose interagency consolidations of programs and elimination of programs to assure the efficient, effective, and economic operation of all Federal health programs and to avoid waste and duplication;

(3) to appraise all Federal health programs in light of the policy declared in section 4 for the purpose of determining the extent to which each such program is coordinated with other Federal health programs and with State, local and private health programs and make recommendations to the President with respect thereto;

(4) to develop and recommend to the President reallocation of funds expended on Federal health programs in order to assure more efficient and effective health care and to avoid waste and duplication;

(5) to develop and recommend to the President a national health strategy for carrying out the policy declared in section 4 and to maintain a constant surveillance of all matters which have or offer the prospect of impairing health;

(6) to appraise and evaluate the various Federal health programs in light of the policy declared in section 4 for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(7) to gather timely and authoritative information concerning health developments and health trends, both current and prospective, to analyze and interpret such information in light of the policy declared in section 4 for the purpose of determining whether such developments and trends are interfering, or are likely to interfere, with the achievement of such policy, and to compile and submit to the President studies relating to such developments and trends and their relationship to the organization and coordination of Federal health programs;

(8) to make and furnish such studies, reports, and recommendations with respect to matters of Federal health policy and legislation as the President may request.

(d) The Council shall make an annual report to the President in January of each year.

(e) In exercising its powers, functions, and duties under this Act—

(1) the Council may constitute such advisory committees and may consult with such representatives of the private health services community—including representatives of health care groups, health care underwriters, health researchers and educators—and other groups, organizations, and individuals as it deems advisable;

(2) the Council shall, to the fullest extent possible, use the services, facilities, and information (including statistical information) of other Government agencies as well as of private research agencies, in order to avoid duplication of effort and expense.

HEALTH REPORT TO THE PRESIDENT

Sec. 3. (a) The President shall transmit to the Congress not later than March 31 of each year a report to be known as the "Health Report", setting forth (1) the actual and current condition of the health of the people of the United States, the ability of the people to acquire health care, the cost of such care and an evaluation of the state of the nation's health in light of the policy declared in section 4; (2) the current incidence of morbidity and mortality attributable to major disease categories by state; (3) the current

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and foreseeable trends in the ability the people of the United States to acquire health care, the cost of such care and state of the nation's health; (4) a review of health conditions affecting employment in the United States and a review of the financial, habitational, industrial, environmental and other conditions affecting the health of the nation and the individual's ability to acquire health care; and (5) a program for carrying out the policy declared in section 4, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the Health Report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 4.

(c) The Health Report, and all supplementary reports, transmitted under subsection (b) of this section, shall, when transmitted to Congress, be referred to duly authorized committees of the Congress having jurisdiction of the subject matter of the report.

SEC. 4. The Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to effect the improved planning, administration, coordination, and operation of all Federal health programs designed to furnish all citizens equal and available access to health care; and encourage the assistance and cooperation of health care groups, underwriters of care, health researchers and educators, consumer groups and State and local government in carrying out such policy; and to promote research on disease prevention, control and eradication, techniques in medical education, and new methods of health care delivery and financing.

SEC. 5. There are authorized to be appropriated such sums, not to exceed $1,250,000, in any fiscal year, as may be necessary to enable the Council to carry out its functions under this Act.

The material presented by Mr. RIBICOFF is as follows:

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES

[See p. 29 for exclusions and footnotes]

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, Consumer Protection and Environmental Health Service Environamental Control Administration			
Legislation	Public Health Service Act, as amended P.L. 78-410, 42 USC 241		Partnership for Health Amendments of 1967 (P.L. 90-174), Section 314(e) of the Public Health Service Act; Radiation Control for Health and Safety Act of 1968 (P.L. 90-602), Section 356 (a) (2) and (b) (2) of the Public Health Service Act.	
	Section 301 (d)	Section 301 (c)		
Program	Environmental Health Research Training Grants at graduate level.	Environmental Health Fellowships at graduate level.	Radiological Health Specialist Project Training Grants.	Radiological Health In-house Training Program.
Type of aid	Project grants to schools for support of graduate or specialized research training in environmental health (water supply, injury control, occupational health, community sanitation, housing hygiene) to increase manpower supply. Also, grants to students thru schools for graduate training of research and teaching personnel.	Direct grants to doctoral and post-doctoral students for specialized research training in environmental health, to increase national competence in the field.	Project grants to schools with programs at the junior college and graduate level of 1 academic year or more offering specialized courses in radiological health and public health, to help meet current and future health manpower needs for specialists and technicians. Also grants to students thru schools.	Short-term training for persons working with radiation or responsible for radiation control, to increpse their competence in radiological health practice in Federal, State, local—public and private—agencies (in U.S. and foreign countries).
Level of education[3]	PD, D, M	PD, D	PD, D, M, AA	C, all levels
Institutions or individuals supported FY 68.	Project grants to 30 schools, 244 students (biology, chemistry, engineering, food science, industrial hygiene, medicine, psychology, social science, urban planning).	Grants to 12 students (engineering, psychology, social science, toxicology, urban planning).	Project grants to 40 institutions, 411 students, all in health occupations (including administration, biology, chemistry, engineerig, health education, industrial hygiene, medical technology, medicine, pharmacy, physics, public health radiological health, sanitary engineering, veterinary medicine).	1,932 persons trained Occupation — Students Administrator — 67 Chemist — 113 Dentist — 74 Engineer — 203 Health Physicist — 111 Physician — 71 Sanitarian — 68 Technician — 451 Other — 774 1,932
FY 68 funds obligated	All for health $2,069,000	All for health $73,000	All for health $2,767,000	All for health $725,000

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, Consumer Protection and Environmental Health Service				
	Environmental Control Administration		Food and Drug Administration	National Air Pollution Control Administration	
Legislation	Solid Waste Disposal Act of 1965 (P.L. 89-272). Sec. 204.	Public Health Service Act	Food, Drug, & Cosmetic Act, as amended.	Air Quality Act of 1967 (P.L. 90-147), Sec. 103(b)(3)(5).	
Program	Solid Wastes Research Training Grants at graduate level.	Environmental Health In-house Training Program.	Food and Drug Administration In-house Training Program.	Air Pollution Training Grants	Air Pollution Special Fellowships.
Type of aid	Project grants to schools for support of graduate or specialized research training for professional health personnel in solid waste treatment, disposal, or management. Also grants to students thru schools, for training of research and teaching personnel.	Short-term training, up to 10 days, for persons concerned with urban and industrial health (solid waste, environmental sanitation, etc.), in Federal, State, local-public and private-agencies, through workshops, seminars, etc.	Short-term training for persons in health agencies at Federal, State, and local levels, to provide comprehensive inspectional techniques (medicated feed mill inspection, food inspection, etc.) through seminars, etc.	Training grants to schools and institutions (public and private) to improve training opportunities for persons interested in careers in air pollution control and related fields.	Direct fellowship grants to qualified individuals thru institutions for continuance of air pollution oriented education.
Level of education	PD, D, M	C, all levels	C, all levels	C, PD, D, M, PB, B, AA, V, HS	C, PD, D, M.
Institutions or individuals supported FY 68.	Project grants to 10 schools, 49 students (chemistry, engineering urban planning).	3,717 persons trained Occupation — Students Administrator — 106 Chemist — 141 Engineer — 433 Industrial Hygienist — 88 Microbiologist — 54 Nurse — 184 Sanitarian — 715 Statistician — 68 Other — 1,928 3,717	440 persons trained Occupation — Students Food and Drug inspector — 440	Training grants, 28 institutions, 289 students. Occupation — Students Biological science — 71 Engineering — 69 Medicine — 9 Meteorology — 17 Physical science — 19 Social science — 30 Technology — 54 Other — 20 289	Special Fellowships to 65 students. Occupation — Students Biology — 13 Chemistry — 19 Engineering — 19 Meteorology — 9 Social sciences and administration — 5 65
FY 68 funds obligated	All for health $443,307	All for health $584,900	All for health $12,000 (excluding faculty salaries).	All for health $3,276,000	All for health $468,000.

Footnotes at end of table.

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service Consumer Protection and Environmental Health Service National Air Pollution Control Administration, Cont.	Health Services and Mental Health Administration Community Health Service	Federal Health Programs Service		National Center for Communicable Disease Control.
Legislation	Air Quality Act of 1967 (P.L. 90–148), Sec. 103(b)(3)(5).	Public Health Service Act, as amended by P.L. 89–749, Section 314(c).	Public Health Service Act.		Public Health Service Act, as amended.
Program	Air Pollution In-house Training Program.	Training, studies, and demonstrations in health planning.	In-house training for employees and others who are trained in PHS facilities.	In-house training in emergency health care for health workers from governmental and private agencies, and the general public.	Communicable Disease Prevention and Control In-house Training.
Type of aid	Short-term training for persons in Federal, State, and local agencies, and in private organizations, to increase their competence in specific areas of air pollution prevention and control.	General support of education and training in graduate schools, health facilities, and professional societies to meet the need for comprehensive health planning. Includes consumer training to increase their knowledge in the area of comprehensive health planning.	Training provided for physicians, dentists, nurses, and allied health personnel for career development.	Training for health professionals, health workers, and the public for health needs resulting from emergencies and disasters.	Short-term training for practicing health professionals to strengthen communicable disease prevention and control in health agencies at the Federal, State, and local levels in the U.S., and in health agencies of foreign countries.
Level of education.	C, all levels.	C, M.	All levels.	C, PD, other.	C, all others.
Institutions or individuals supported, FY 68.	Occupations — Students Administrator — 70 Chemist — 216 Engineer — 481 Health Educator — 6 Industrial Hygienist — 61 Meteorologist — 64 Physicial Scientist — 0 Sanitarian — 171 Statistician — 13 Technician — 64 Other — 118 1,264 Five orientation courses were presented with a total enrollment of 148.	18 institutions and 1,153 students supported.	Occupational Area — Students Dentistry — 52 Dietitics — 12 Hospital Administration — 1 Medical Records librarian — 11 Medicine — 194 Nursing — 2 Pharmacy — 25 Professional Assistant — 369 Purser-pharmacist mates — 27 693	Occupational Area — Students Dentists — 1,350 Health and Medical facilities preparedness — *1,000 Medical self help general public — 2,355,928 Physician and Nurse (CBW Defense) — 86 Physicians — 3,100 Professional schools — 1,450 Staff training — 6,600 2,339,514 *Approximate.	12,434 persons trained at 242 courses; included were 3,013 physicians, 2,471 vector control specialists, and 2,022 nurses.
FY 68 funds obligated	All for health $650,000.	All for health $1,492,494.	All for health $2,959,004.	All for health $562,839.	All for health $1,451,426.

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, Health Services and Mental Health Administration Indian Health Service		National Center for Health Statistics		
Legislation	Public Health Service Act		Public Health Service Act, as amended P.L. 78–410, 42 U.S.C. 241, Section 301		
Program	Training in Public Health Service Indian Health Service facilities and other institutions for the educational advancement of members of Indian groups, PHS Indian Health Service Personnel, and other individuals.	Long-term professional Training	Training for Measurement of Population Change (In-house and University program).	Applied Statistics Training Institute (In-house Program).	Cause-of-Death Coding Workshops and comparability seminars (In-house Program).
Type of aid	In-service training, per diem and travel allowance, salaries, and other forms of aid.	Long-term training in institutions of higher learning and other research oriented institutions.	Training of foreign students associated with government, universities, or research foundations in countries where statistics are insufficient to meet needs; provides a thorough foundation in birth- and death-registration methods, sample surveys or evaluation of family planning programs in the NCHS and the University of North Carolina.	Training in practical applications of registration, management, and statistical methods, primarily for administrators, vital records personnel, health statisticians, and allied members of public health teams in Federal, State, and local health departments.	Training programs on the classification of the cause-of-death according to the International Classification of Diseases; Adapted for use in the U.S. primarily for employees of State and local health departments, to develop or improve competencies of nosologists, medical record librarians, or vital statistics clerks. Funds for student travel and per diem.
Level of education	C, PD, D, M, B, AA, O(LPN), OJT, HS, GC	PD, M	C, PB with graduate credit.	C	C
Institutions or individuals supported FY 68.	Occupational Area — Students In-service short-term training — 4,000 Social work aide — 4 Practical nurse — 87 Advanced LPN — 2 Alaskan community health aide — 66 Medical record technician — 10 COSTEP — 43 Dental internship — 3 Medical residency — 25 Other professional residencies — 5 4,245	42 individuals supported.	AID PASA provided a budget of $49,862 for salaries and travel of the training unit and consultants. Seven statisticians supported by AID participated in the program.	The first ASTI course was presented July 1968, or in FY 1968. At that time 58 students funded by employing agencies were enrolled. In FY 1968 about $1,300 was spent for course development.	100 students from 35 states—34 students funded by NCHS; 66 students funded by employing agency. Occupation — Students Clinical supervisors — 3 Clerks (statistical) and aides — 42 Coders — 4 Nosologists — 22 State registrars — 7 Statisticians and analyst — 9 Vital statistics supervisors — 13 100
FY 68 funds obligated	All for health $1,760,000	$329,000	See above	All for health $1,300	$5,137.37

Footnotes at end of table.

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, Health Services and Mental Health Administration National Institute of Mental Health		Regional Medical Programs		
Legislation	Public Health Service Act, as amended, P.L. 78–410, Section 301(a).		Public Health Service Act, Title IX, Sec. 900 as authorized by Dept. of Labor and HEW Appropriations Act (P.L. 90–557)	Public Health Service Act, Section 314(e)–P.L. 89–749 as amended by P.L. 90–174.	
Program	Mental Health Training Grants Program for Institutional and student support of education and training of physicians, psychologists, nurses, social workers, nursing aides, and other types of mental health workers.	Mental Health research fellowship and research scientist development programs for institutional and student support of education and training of psychologists, psychiatrists, biological and social scientists, and other types of mental health research workers.	Regional Medical Programs	Neurological and Sensory Disease Control Program	Cancer Control Training—Special Procedures Training
Type of aid	Grants to institutions, including graduate and professional schools, senior colleges, junior colleges, hospitals, other health facilities and health agencies to help meet the nation's need for professional personnel in the area of mental health. Includes grants to students thru institutions.	Stipends to students in graduate and professional schools to help meet the need for professional research personnel in the area of mental health.	Project grants to regional medical programs for continuing education and training, to bring to patients the latest advances of heart disease, cancer, stroke, and related diseases.	Project grants to institutions to improve community services by providing additional training of health personnel in fields of neurological and sensory diseases.	Project grants to institutions for short-term training, to increase utilization of procedures important to cancer controls.
Level of education	C, PD, I&R, D, M, B, AA	D, PD	C, V, OJT	C, PD, D, M, V	C
Institutions or individuals supported FY 68.	Number of institutions supported: 630; 9,614 trainee stipends Occupation — Students Nurses 1,377 Physicians (D) 1,362 Physicians (PD) 2,406 Psychologists 1,362 Social workers 1,779 9,614 Institutional support: $49,433,000 Student support $35,358,000	1,100 research fellowships and research scientist awards Occupation — Students Biological scientists 30 Psychiatrists 34 Psychologists 683 Social scientists 318 Other 35 1,100 Institutional support: $2,704,079 Student support $7,347,373	Grants to regional medical programs supporting 152 institutions Occupation — Students Nurse 1,900 Physician 860 Other allied health personnel 188 2,948	Grants to 41 institutions. Occupation — Students Electroencephalographic technician 46 Neurological, neurosurgical nurse 8 Ophthalmic assistant 5 Physician 14 Social worker 14 Speech and hearing pathologist 119 Other trainees 1,071 1,277	Grants to 11 institutions; 592 physicians, dentists, technologists, nurses, and other health workers, trained.
FY 68 funds obligated	All for health $84,791,000	All for health $10,051,452	All for health $9,000,000 est.	All for health $1,313,171	All for health $454,197

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, Health Services and Mental Health Administration Regional Medical Programs				
Legislation	Public Health Service Act, Section 314(e)—P.L. 89–749 as amended by P.L. 90–174				
Program	Cancer Control Training—Cancer Specialty Training.	Cancer Control Training—Short Term Medical Technologist Training.	Cancer Control Training—Cytotechnology.	Cancer Control Training—Senior Clinical Traineeships.	Cancer Control Training—Symposia, Conferences.
Type of aid	Project grants to institutions to provide training in application of their specialties to clinical oncology for graduates in other than medicine.	Project grants to institutions to train medical technologists in advances in laboratory procedures and techniques.	Project grants to institutions to train cytotechnologists eligible for certification by the Registry of Medical Technologists, ASCP.	Project grants to institutions for intensive training in clinical oncology within their specialties for physicians who have completed Board-required residencies.	Project grants to institutions to provide multi-specialty and inter-disciplinary summations of status of research, capability, and practice in phases of clinical oncology.
Level of education	PD, M	C, PB	V	PD	
Institutions or individuals supported FY 68.	Grants to 8 institutions, 29 trained.	Grants to 7 institutions; 416 medical technologists trained.	Grants to 61 institutions; about 437 cytotechnologists trained.	Grants to 60 institutions; 93 physicians trained.	Grants to 5 institutions; symposia and conferences attended by approximately 600 persons.
FY 68 funds obligated	All for health $195,804	All for health $234,991	All for health $1,396,104	All for health $996,538	All for health $60,446.

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, Health Services and Mental Health Administration Regional Medical Programs			
Legislation	Public Health Service Act, Section 314(e)—P.L. 89–749, as amended by P.L. 90–174			
Program	Cancer Control Training—Cancer Detection	Cancer Control Training—Cancer Clerkships	Cancer Control Training—Radiation Therapy Technology	Cancer Control Training—Hospital Clinical Training
Type of aid	Project grants to institutions to increase use of cancer detection procedures on asymptomatic patients.	Project grants to institutions for summer training of medical students, to expose them to high standards of oncologic practice.	Project grants to institutions to train technologists to assist radiation therapists, and to test curricula and entrance qualifications.	Project grants to institutions to strengthen continuing education in cancer control for physicians and others associated with community general hospitals.
Level of education	C.	D.	V.	C.
Institutions or individuals supported FY 68.	Grants to 4 health agencies sponsoring continuing education projects; 1,902 trainees.	Grants to 3 institutions; 11 medical students trained.	Grants to 4 institutions; approximately 34 radiation therapy technologists trained.	Grants to 43 institutions; number of participants in hospital clinical training not available.
FY 68 funds obligated	All for health $122, 980	All for health $9,112	All for health $234,633.	All for health $1,092,159.

Footnotes at end of table.

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health Bureau of Health Professions Education and Manpower Training			
Legislation	Health Professions Educational Assistance Act of 1963 (P.L. 88-129) as amended through FY 69 and Health Manpower Act of 1968 (P.L. 90-490).			
Program	Health Professions Educational Improvement Grants (Basic and Special) in medicine, dentistry, osteopathy, optometry and podiatry; pharmacy and veterinary medicine in FY 70.	Health Professions Educational Facilities Grants in medicine, dentistry, osteopathy, optometry, pharmacy, veterinary medicine, podiatry, and public health.	Health Professions Scholarship Grants in medicine, dentistry, osteopathy, optometry, pharmacy and podiatry; veterinary medicine in FY 70.	Health Professions student loans in medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary medicine.
Type of aid	Basic grants by formula to schools with enrollment increases. Special grants by project to improve the quality of education in the health professions.	Grants to assist in the construction or renovation of teaching facilities. Eligible Federal share is as follows: (a) for major expansion, up to 66⅔%; (b) for minor expansion, up to 50%; and (c) for a school of Public Health, up to 75%.	Scholarship grants to students of exceptional financial need through schools of health professions. Up to $2,500 per 12-month period for costs reasonably necessary for full time attendance.	Loans to students in financial need who need such financial assistance to pursue a course of study through schools of health professions. Up to $2,500 per academic year for costs reasonably necessary for full time attendance.
Level of education	D	D, M	D	D
Institutions or individuals supported FY 68.	Basic and Special Grants. Occupation — Institutions — Students Dentist — 51 — 15,169 Optometrist — 10 — 2,221 Osteopathic Physicians — 5 — 1,876 Physician — 99 — 35,535 Podiatrist — 5 — 1,020 170 — 55,821	Const. Grants to 19 institutions. Occupation — Spaces created — Spaces improved Dentist — 201 — 100 Optometrist — 80 — 198 Osteopathic Physician — 12 — 106 Pharmacist — 60 — 229 Physician — 339 — 1,006 Public health — 5 — 50 Veterinarian — 5 — 100 702 — 1,789	Scholarships to 8,825 students. Occupation — Students Dentist — 1,869 Optometrist — 362 Osteopathic Physician — 316 Pharmacist — 2,330 Physician — 3,811 Podiatrist — 137 8,825	Loans to 23,263 students. Occupation — Students Dentist — 5,944 Optometrist — 745 Osteopathic Physician — 977 Pharmacist — 2,105 Physician — 12,484 Podiatrist — 211 Veterinarian — 797 23,263
FY 68 funds obligated	All for health $42,292,205	All for health $116,616,680	All for health $7,198,176	All for health $26,659,476

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health Bureau of Health Professions Education and Manpower Training			
Legislation	Allied Health Professions Personnel Training Act of 1966 (P.L. 98-751) as amended by Health Manpower Act of 1968 (P.L. 90-490)			
Program	Allied Health Professions Educational Improvement Grants (Basic and Special)	Development Grants for Allied Health Professions	Allied Health Professions Facilities Construction Grants	Allied Health Professions Advanced Traineeship Grants
Type of aid	Basic grants by formula to schools for improvement of curriculums for training in allied health professions. Special project grants not yet awarded, since formula grant entitlements must first be fulfilled at 100%.	Project grants to agencies, institutions, and organizations to develop, demonstrate, and evaluate new methods and curriculums for training health technologists.	Grants to assist in the construction or renovation of Allied Health teaching facilities. Eligible Federal share is up to 66⅔% for major expansion projects and up to 50% for minor expansion projects.	Grants to individuals through the institution to support training of allied health professions personnel to become teachers, supervisors, administrators, or specialists.
Level of education	B, AA (Internships for certain allied health occupations)	PB, B AA	B, AA	D, M, B
Institutions or individuals supported FY 68.	Basic Grants to 230 institutions Occupation — Students Dental hygienist — 835 Dietitian — 1,607 Medical record librarian — 272 Medical technologist — 5,692 Occupational therapist — 1,780 Physical therapist — 2,409 Radiologic technologist — 51 Total Baccalaureate — 12,646 Dental assistant — 478 Dental hygienist — 1,176 Dental lab. technician — 198 Inhal. therapy technician — 1 8 Medical Lab. technician — 394 Medical record technician — 82 Occupational therapy asst — 30 Ophthalmic assistant — 48 X-ray technician — 392 Total Associate Degree — 3,019 Grant Total — 15,665 Special Project Grants — 0	Grants to 16 institutions Occupation Advanced medical technologist Biomedical photographer Child health associate Diagnostic microbiology technician Electroencephalography technician Extracorporeal circulation specialist Health administrator (B) Health care administrator (mid-management) Hospital and medical systems engineer Nuclear medical technologist Occupational therapist (community) Orthopedic assistant Physical therapy assistant Radiopharmacist Toxicologist (B)	Grant to 1 institution Occupation — Spaces created Dietitian — 27 Inhalation therapist — 20 Medical record librarian — 10 Medical technologist — 139 Occupational therapist — 9 Physical therapist — 106 Radiologic technologist — 26 337	Grants to 257 students Occupation — Students Dental assistant — 2 Dental hygienist — 17 Dietitian — 76 Inhalation therapy technician — 3 Medical record technician — 4 Medical technologist — 89 Occupational therapist — 27 Occupational therapy assistant — 4 Optometric technologist — 4 Physical therapist — 29 X-ray technologist — 2 257
FY 68 funds obligated	All for health $9,750,000	All for health $799,507	All for health $1,791,920	All for health $1,203,648

Footnotes at end of table.

XUM

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health Bureau of Health Professions Education and Manpower Training				
Legislation	Nurse Training Act of 1964 (P.L. 88–581) as amended by Part D of the Allied Health Professions Personnel Training Act of 1966 (P.L. 89–751) and by Title II Health Manpower Act of 1968 (P.L. 90–490) effective FY 70				
Program	Payments to Diploma Schools of Nursing (expires FY 69); replaced by Institutional Grants to Schools of Nursing (HM Act, Title II, Part B)	Project Grants for Improvement of Nurse Training (amended by HM Act, Title II, Part B)	Construction Grants for Schools of Nursing (amended by HM Act, Title II, Part A)	Nursing Student Loans (amended by HM Act, Title II, Part C)	Nursing Education Opportunity Grants (expires FY 69); replaced by Nursing Scholarship Program.
Type of aid	Formula grants to reimburse schools for partial cost of educating students whose enrollment is attributable to the Nurse Training Act.	Project grants to help schools of nursing strengthen, improve, and expand their educational programs.	Grants to schools for construction or renovation of teaching facilities. Matching requirement: Federal share up to 66⅔% for major expansion and new schools and up to 50% for renovation.	Loans up to $1,500 per academic year to students in need thru schools of nursing. Up to 100% in shortage hospitals (aggregate of $6,000 to any student for all years). Up to 50% forgiveness of loan for full-time service in nursing.	Grants up to $1,500 per 12-month period for students of exceptional financial need who require such financial assistance to pursue the course of study.
Level of Education	O	M, B, O, AA	D, M, B, O, AA	D, M, B, O, AA	D, M, B, O, AA
Institutions or individuals supported, FY 68.	Formula grants to 382 diploma schools with an enrollment of 47,029 students.	Project grants to 113 institutions: Level — Students Masters and baccalaureate — 11,190 Associate arts — 595 Diploma — 5,065 Total — 16,850	Construction grants: 27 institutions; 1,235 spaces created and 3,032 spaces improved.	Loans to 24,532 students.	Grants to 7,757 students.
FY 68 funds obligated	All for health, $3,000,000.	All for health, $4,000,000.	All for health, $19,382,000.	All for health, $16,380,885.	All for health, $4,120,000.

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health Bureau of Health Professions Education and Manpower Training			
Legislation	Nurse Training Act of 1964 (P.L. 88–581) as amended by Part D of the Allied Health Professions Personnel Training Act of 1966 (P.L. 89–751) and by Title II Health Manpower Act of 1968 (P.L. 90–490) effective FY 70	Public Health Service Act, Section 301 (c) as amended (42 USC 241(c) and (d)) as amended (42 USC 241 (d))		
Program	Professional Nurse Traineeships (extended by HM Act, Title II, Part C)	Special Nurse Research Fellowship Program	Nurse Scientist Graduate Training Program	Faculty Research Development Grants
Type of aid	Traineeships to RN's thru schools of nursing, to prepare for positions as administrators, supervisors, clinical specialists, and teachers.	Fellowships directly to individuals seeking full-time study at the predoctoral or postdoctoral level to prepare nurses to do independent research, to collaborate in interdisciplinary research, and/or to stimulate and guide research of importance to nursing.	Grants usually made to graduate schools of nursing to expand doctoral programs in university departments of basic science and to provide training stipends to nurses who are studying full time towards doctoral degrees in biological, physical, or behavioral science.	To increase research skills and competencies of nurse faculty members.
Level of education	C, M, B	PD, D	PD, D	
Institutions or individuals supported FY 68.	Traineeships to 5,966 persons (2,095 long-term, and 3,871 short-term)	Fellowships to 114 predoctoral students and 1 postdoctoral student.	Grants to 7 institutions and 65 trainees	Grants to 9 institutions
FY 68 funds obligated	All for health $10,000,000	All for Health $520,000	All for health $580,000	All for health $388,210

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health Bureau of Health Professions Education and Manpower Training			
Legislation	Public Health Service Act as amended, Section 422(f)		Public Health Service Act, as amended, Section 301(d)	Public Health Service Act, as amended Section 301(c)
Program	Continuing Dental Education	Dental Auxiliary Utilization Program	Predoctoral Research Fellowships in Dental Health	Special Research Fellowships in Dental Health
Type of aid	Project grants to assist schools of dentistry and other public and nonprofit institutions to establish, expand and improve organized programs of continuing education that will provide the widest possible source of courses in the science of dentistry in as many decentralized locations as possible in order to assure availability to all practicing dentists.	Project grants to dental schools to assist in developing a formal, continuing program of instruction in methodology of team dentistry. Intended to increase dentist productivity through instruction in utilization of dental auxiliaries.	Fellowships through graduate schools, for predoctoral research relevant to dental public health.	Fellowships directly to individuals with 3 or more years of postdoctoral research, in institutions with appropriate research facilities and staff. Fellowships designated to provide advanced or specialized training relevant to dental health research.
Level of education	C	D	D, M	PD
Institutions or individuals supported FY 68.	Grants to 5 institutions	Grants to 49 institutions enrolling 8,810 dentists	3 fellowships (1 each to a psychologist, a sociologist, and a statistician)	5 fellowships awarded Occupation — Students Epidemiologist — 1 Health Administrator — 1 Health Systems Analyst — 1 Psychologist — 1 Sociologist — 1 Total — 5
FY 68 funds obligated	All for health $200,000	All for health $3,000,000	All for health $15,500	All for health $83,962

Footnotes at end of tables.

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health Bureau of Health Professions Education and Manpower Training			
Legislation	Public Health Service Act, Section 301(d) as amended by P.L. 86–798 in 1960			Public Health Service Act, Title VII, Section 704
Program	Biomedical Sciences Support Grants	General Research Support Grants	Health Sciences Advancement Awards	Health Research Facilities Construction Grants
Type of aid	Grants provide funds—complementary to research project system—to be used flexibly by the institutions to advance health related research and research training programs of academic institutions (other than health professional schools).	Grants provide continuing funds to advance health related research and research training programs of health professional schools, hospitals, health departments, and other non-academic research organizations.	Awards assist graduate, academic institutions engaged in biomedical research and research training to achieve specified goals of outstanding national leadership.	Grants to universities or other eligible institutions for construction of facilities for research and research training in sciences related to health
Level of education	PD, D, M	PD, D, M	PD, D, M	PD, D, M
Institutions or individuals supported FY 68.	Grants to 102 academic institutions	Grants to 311 institutions	Grants to 9 institutions	Grants to 41 institutions
	FY 67 awards for Biomedical Sciences Support Grants, General Research Support Grants, and Health Sciences Advancement Awards—the three programs combined supported 3,457 trainees, principally during the summer and off-quarter periods. Occupation — Students Anatomist — 48 Chemist — 111 Dentist — 426 Microbiologist — 36 Pathologist — 28 Pharmacologist — 44 Osteopathic physician — 93 Physician (Other) — 2, 320 Physiologist — 69 Other — 282 3, 457			
FY 68 funds obligated	All for health $7,500,000	All for health $48,174,445	All for health $4,000,000	All for health $39,500,000

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health Bureau of Health Professions Education and Manpower Training		
Legislation	Public Health Service Act (Sec. 309(c)) as amended by the Partnership for Health Amendments of 1967 (P.L. 90–174)	Public Health Service Act (Sec. 309(a)) as amended by Health Manpower Act of 1968 (P.L. 90–490) for FY 70	Public Health Service Act (Sec. 306) as amended by Health Manpower Act of 1968 (P.L. 90–490)
Program	Formula Grants to Schools of Public Health	Project Grants for Public Health Training	Public Health Traineeships
Type of aid	Formula grants to accredited schools of public health to offset a portion of the difference between tuition income and the costs of educating Federally-sponsored students, and to provide for training and services in fields of public health and in administration of State and local public health programs.	Project grants to schools of dentistry, engineering, medicine, osteopathy, nursing, and public health to strengthen or expand graduate or specialized public health training.	Traineeships to support graduate or specialized training in public health for professional health personnel. Grants both directly to individuals and to training institutions for distribution.
Level of education	C, PD, R, D, M	C, D, M, B	C, PD, R, D, M, PB, B; and also apprenticeships in public health.
Institutions or individuals supported FY 68.	Formula grants to 15 institutions enrolling 2,331 students. Occupations trained include dentists, health administrators, health educators, nurses, physicians, sanitarians, statisticians, and others.	Project grants to 91 institutions which provide training in environmental health and environmental health engineering, preventive medicine and dentistry, public health nursing, and public health.	Traineeships to 1,509 long-term trainees Occupation — Long-term trainees Dentist — 47 Dental hygienist — 16 Environmental health engineer — 149 Environmental health, other — 135 Health educator — 132 Hospital & Medical care Adm — 214 Lab. personnel — 24 Nurse — 372 Nutritionist — 60 Physician — 99 Sanitarian — 19 Statistician — 18 Veterinarian — 6 Other — 218 Sub-total — 1, 509 Physician-dentist: Apprenticeship — 547 Residency — 60 Misc. Occup.-short term — 11, 616 Grand Total — 13, 732
FY 68 funds obligated	All for health $4,000,000	All for health $4,498,950	All for health $7,821,000

Footnotes at end of tables.

XUM

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health National Library of Medicine			
Legislation	Medical Library Assistance Act of 1965 (P.L. 89-291)			
	Public Health Service Act, Title III, Section 394	Public Health Service Act, Title III, Section 393	Public Health Service Act, Title III, Section 394	National Library of Medicine, Act of 1956 (P.L. 84-941) Public Health Service Act, Title III, Section 371
Program	Training Grants for Biomedical Communications specialists	Medical Library Construction Grants	Postdoctoral Fellowships in Health Communications	In-house Classes for MEDLARS (Medical Literature Analysis and Retrieval System) Analysts
Type of aid	Project grants to academic institutions to train biomedical communication specialists (including medical librarians). Grants may be for program support and student stipends.	Construction grants to health science schools, hospitals, and other health institutions to construct or renovate medical library facilities. Federal share not greater than 75% of the necessary construction costs.	Direct grants to librarians or information specialists for postdoctoral fellowships in research related to health communications.	Training course for NLM librarians and employees of NLM grant recipients and contractors as MEDLARS analysts (Medical Literature Analysis and Retrieval System Information Specialists)—four month duration.
Level of education	C, PD, D, M, and health library internships	———	PD	C, M
Institutions or individuals supported FY 68.	Grants to 15 institutions Occupation — Students Biomedical communications specialist — 12 Biomedical editor — 3 Medical historian — 8 Medical librarian — 60 83	Grants to 9 institutions in medicine and optometry	Grants to 3 students in health science history	50 individuals received training
FY 68 funds obligated	All for health $893,190	All for health $10,000,000	All for health $29,167	All for health $100,000 (approximate)

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health National Institute of Neurological Diseases and Stroke	Division of Research Grants		
Legislation	Public Health Service Act Title IV, Sec. 433	Sections of the Public Health Service Act establishing the several NIH research institutes, Secs. 301 and 433		Public Health Service Act, Title II, Sec. 301
Program	Direct Traineeships including Special Fellowships and Cerebrovascular Traineeships	NIH Research Fellowships (Predoctoral, Postdoctoral, and Special)	NIH Training Grants (excluding NLM & BEMT)	Grants Associates Program
Type of aid	Direct grants to students in research and academic medicine, in cerebrovascular disease area in graduate schools and hospitals.	In the Predoctoral Fellowship Program, grants for students through educational institutions, whereas in the Postdoctoral (excludes Office of International Research Postdoctoral Fellowship Programs for foreign students) and Special Fellowship Programs direct grants to students in schools, hospitals, and other nonprofit research institutions. These grants promote training for research in health and health related areas.	Grants in support of students and the training institutions (institutions of higher education, hospitals, research institutes, and health agencies) for training for research, teaching, and related services in the health sciences and related fields.	One year in-house training in health science administration of extramural programs of the NIH. Consisting of a formal series of seminars on public administration and management of Federal programs and a series of informal on-the-job assignments to components of the NIH, PHS, and other various Federal agencies.
Leve. of Education	C, PD	C, PD, D, M (Not first professional)	PD, I&R, D, M (Not first professional)	C, (PD)
Institutions or individuals supported FY 68.	Grants to 202 students Occupation — Students Neurologist — 38 Neurosurgeon — 7 Ophthalmologist — 31 Otolaryngologist — 6 Pathologist — 22 Pediatrician — 45 Physiologist — 4 Radiologist — 17 Other — 32 202	Awards to 3,231 students Field of Training — Students Anatomy — 96 Biochemistry — 454 Biomedical engineering — 79 Biophysics — 180 Cell Biology — 208 Chemistry — 546 Genetics — 152 Microbiology — 309 Pharmacology — 81 Physiology — 320 Social sciences — 95 Other — 711 3,231	Grants to 14,997 individuals supported in 1967 Occupation — Students Anatomist — 492 Biomedical engineer — 314 Chemist — 1,473 Dentist — 342 Genetecist — 556 Math./Stat. — 331 Microbiologist — 1,037 Pharmacologist — 578 Physician — 5,484 Physicist — 491 Physiologist — 809 Psychologist — 392 Other — 2,698 14,997	10 individuals
FY 68 funds obligated	All for health, $2,303,000	All for health, $22,812,707	All for health, $134,951,000	All for health, $230,000

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Public Health Service, National Institutes of Health			
	Division of Research Grants	National Institute of Allergy and Infectious Diseases (formerly OD/OIR)	Fogarty International Center	
Legislation	Public Health Service Act, Title II, Sec. 207 (g).	Public Health Service Act, Title III, Sec. 308.	Public Health Service Act, Title II, Sec. 207 (g) and (h).	Public Health Service Act, Sections 301 and 308.
Program	Staff Fellowship Program	International Research Career Development Program	The visiting program of the NIH Visiting Fellows. Visiting Associates. Visiting Scientists.	PHS International Postdoctoral Research Fellowships.

Footnotes at end of tables.

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Type of aid	Two year awards (may be renewed twice for one additional year) to individuals for in-house research training in intramural labs of the NIH. Objective is to strengthen research in the biomedical sciences by insuring a continuous exchange of talented scientists between NIH and other research centers.	Direct appointments of individuals and Commissioned Officers in U.S. Public Health Service for overseas research training in specified health fields.	Awards to individuals (primarily foreign) invited to receive research training and experience in the intramural laboratories of the NIH.	Awards direct and thru institutions, to promote advanced training of foreign biomedical scientists in the U.S. These awards are made to schools, hospitals, health facilities and U.S. Government laboratories provide research training for careers in medical research.
Level of education	PD	C, (PD)	C, (PD)	PD
Institutions or individuals supported FY 68.	63 individuals.	8 physicians.	Awards to 162 individuals: 96 new appointments and 66 extensions.	Awards to 164 individuals Occupations — Students Chemist — 12 Geneticist — 1 Immunologist — 1 Microbiologist — 6 Pharmacologist — 2 Physician — 123 Physicist — 2 Physiologist — 4 Veterinarian — 2 Zoologist — 1 Other — 10 164
FY 68 funds obligated	All for health $640,000	All for health $165,000	All for health $1,554,000	All for health $1,380,000

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Office of Education			
	Bureau of Adult, Vocational, and Library Programs			Bureau of Education for the Handicapped
Legislation	Appalachian Regional Development Act of 1965, P.L. 89-4; as amended in 1967, P.L. 90-103, Sections 211 and 214	Vocational Education Act of 1963, P.L. 88-210; as amended in 1968, P.L. 90-576		Training of Teachers for Handicapped, Act of 1958, P.L. 85-926; as amended in 1963, P.L. 88-164, 42 USC 611-617
Program	Vocational Education Facilities Grants	State Grants for Vocational and Technical Education	State Grants for Construction in Vocational Education	Formula Grants to States: Project Grants to Educational Institutions
Type of aid	Project grants to institutions to provide vocational education facilities in Appalachia (13 States) where such education is unavailable or inadequate. Construction grants for educational facilities with Federal share up to 50% of cost. Grants by Appalachian Regional Commission (Non-Federal) thru OE to applicants in States.	Formula grants to State Boards of Education for use in developing, maintaining, extending, and improving vocational and technical education programs. Federal funds must be matched by at least 50%	Construction grants to schools with a minimum of 5 occupational fields in vocational education. Grants may be used for basic, specialized, or library facilities, either space alteration or new space. Matching requirement: Federal share up to 50% of cost.	Formula grants to States: project grant[S] to colleges and universities, to train speech pathologists/audiologists in senior colleges, graduate schools, and Depts. of Education. Also, grants to students thru institutions.
Level of education	AA V, HS, O	C, AA, V, HS, OJT, B, M, D, for educational personnel	C. AA, V, HS, OJT, O	D, M, B, C
Institutions or individuals supported FY 68.	92 grants: data not available on number of institutions and spaces created or improved. (In 3 years ending 6/30/68, 161 new or expanded vocational education facilities were built, accommodating 98,000 more students.)	Formula grants to each State and territory: 18,447 schools received aid, of which 1,115 conducted health occupations training for 143,550 students FY68 estimates: Occupation — Students Dental assistant — 8,500 Dental hygienist — 2,000 Dental lab. technician — 2,500 Medical lab. assistant — 6,500 Medical office assistant — 5,500 Nurse — 12,000 Nurse's aide — 35,200 Practical nurse — 62,000 Other — 9,350 143,550	371 projects funded	1,727 speech pathologists/audiologist trained Level — Number Doctor's — 34 Master's — 506 Baccalaureate — 59 Other — 1,128 1,727
FY 68 funds obligated	Total $13,657,026 Health not available	Total $255,377,000 (VEA) Health $10,383,000 (Fed. share)	FY67 expenditures: Total $62,485,000 Health not available	Total $24,500,000 Health $3,700,008

Organization	Department of Health, Education, and Welfare Office of Education—Continued Bureau of Higher Education			
Legislation	Higher Education Act of 1965, P.L. 89-329, Title IV; Higher Education Amendments of 1968, P.L. 90-575, Title I			
	Part A	Part C	Part B	Part B (under HEA of 1968, combined with guaranteed Student Loan Program—Higher Education)
Program	Educational Opportunity Grants	College Work-Study Program.	Guaranteed Student Loan Program—Higher Education.	Guaranteed Student Loan Program—Vocational Education.
Type of aid	Grants to students with exceptional financial need thru institutions, to meet any legitimate expenses of higher education in any course of study.	Grants to students with financial need, through reimbursement of educational institutions for part-time employment of such students, at the educational institution or elsewhere.	Student loan insurance programs established at qualified lending institutions such as banks, insurance companies, credit unions, and in some cases States, with interest up to 7% paid by Federal government. After education completed, student repays lender.	Insurance on loans by qualified lenders, or where none is available, by direct loan by the Commissioner of Education. Assistance available to post-high school students in approved programs.
Level of education	B, AA, V	C, PD, D, M, B, AA, V	D, M, B	V, AA, Other
Institutions or individuals supported FY 68.	Grant support of 292,600 students in FY 69; health occupations data not available.	310,000 total students of whom 5,332 worked in health occupations or at health facilities.	All occupations—488,106 students in 3,287 educational institutions; health occupations data not available.	All occupations—27,302 students in 2,884 vocational and technical schools; health occupations data not available.
FY 68 funds obligated	Total $125,608,000 Health not available.	Total $133,750,000 Health $2,600,000.	Non-Federal loan commitments—$412,320,601; Federal expenditures for interest—$20,471,848 Health not available.	Non-Federal loan commitments—$23,528,120; Federal expenditures for interest—$517,689 Health not available.

Footnotes at end of tables.

XUM

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Office of Education		
	Bureau of Higher Education	Bureau of Educational Personnel Development	Bureau of Research
Legislation	Higher Education Act of 1965, P.L. 89-329, Title IV; Higher Education Amendments of 1968, P.L. 90-575, Title I National Defense Education Act of 1958 (P.L. 85-864, Title II, as amended by Part F of HEA Title IV, 1965)	Education Professions Development Act of 1967, P.L. 90-35, as amended in 1968.	Vocational Education Act of 1963, P.L. 88-210, Section 4c
Program	National Defense Student Loan Program	Education Professions Development Act, Parts C, D, and F Grants	Comprehensive and Vocational Education Research
Type of aid	Loan funds established at institutions of higher education, and at approved vocational or technical institutions offering programs of at least one year duration. Needy students may borrow for long term at low interest. Federal share to institutions up to 90%. Forgiveness to students up to 100% for teaching, under set conditions.	Grants to local education agencies, State education agencies, and institutions of higher education to support short-term training and fellowship programs for educational personnel, including some school health personnel such as school psychologists, health and physical education teachers.	Grants to local education agencies, State education agencies, and institutions of higher education to support research and short-term training.
Level of education	D, M, B, AA, V	C, M	C
Institutions or individuals supported FY 68.	All occupations—429,000 loans (210,000 new and 219,000 continuing) health occupations data not available.	Psychology, Health and Physical Education Fellowship Field Fellowships Psychology 58 Health and Physical Education 105 163	Teacher education institute for new health occupations education teachers—20 Workshop on program development for training homemaker-home health aides—40
FY68 funds obligated	Total $178,376,000 Health not available	Total $27,500,000 Health $1,107,775	Health $39,892

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Social and Rehabilitation Service Administration on Aging	Children's Bureau		
Legislation	Older Americans Act of 1965 (P.L. 89-73, Title V) and amendments of 1967 (P.L. 90-42, Sec. 503 (a))	Social Security Act, as amended, (P.L. 90-248) Sec. 503	Sec. 504	Sec. 511
Program	Training personnel for the field of aging including personnel for some health service	Training for Maternal and Child Health Services	Training for Crippled Children's Services	Training for Health Care of Mothers and Children
Type of aid	Project grants to educational and other appropriate institutions to support programs in aging for the training of personnel in planning, administration, specialized services in aging, teaching, and practice. Also traineeships thru institutions.	Project grants to public or other nonprofit institutions of higher learning to support instructional programs for the health care of mothers and children. Also traineeships thru institutions; clinical training includes support of services.	Project grants to public or other nonprofit institutions of higher learning to train professional personnel to give health care and related services to crippled children. Also traineeships thru institutions; clinical training includes supprt of services.	Project grants to public or other nonprofit institutions of higher learning to support instructional programs for the health care of mothers and children, particularly the mentally retarded and the handicapped. Also traineeships thru institutions. The funds support operations of university affiliated Mental Retardation Centers, including staffing.
Level of education	C, D, M, B, OJT	All professional levels	All professional levels	All professional levels
Institutions or individuals supported FY 68.	Grants to 5 institutions and to 632 trainees in these institutions Occupation Students Geriatrician 411 Health educator/nutritionist 22 Milieu therapist 20 Nursing home administrator 103 Nursing home social worker 7 Occupational therapist 0 Registered nurse 69 632	Grants to 39 institutions and to 210 long-term trainees; number of short-term trainees not available Occupation Students Medical social worker 21 Nurse 73 Nutritionist 26 Pedodontist 1 Physical therapist 2 Physician 83 Psychologist 3 Speech pathologist and audiologist 1 210	Grants to 39 institutions and to 110 long-term trainees; number of short-term trainees not available Occupation Students Dentist 5 Medical social worker 17 Nurse 5 Physician 45 Psychologist 4 Speech pathologist and audiologist 34 110	Grants to 12 institutions and to 78 long-term trainees; number of short-term trainees not available Occupation Students Audiologist, speech pathologist 11 Dentist 11 Medical social worker 14 Nutritionist 7 Physician 31 Psychologist 14 78
FY68 funds obligated	Total—$2,221,000 Health, $188,000	All for health $4,004,000 to institutions; $1,143,250 for traineeships	All for health $4,279,000 to institutions; $584,823 for traineeships	All for health $7,000,000 to institutions; $664,725 for traineeships

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Social and Rehabilitation Service Medical Services Administration	Rehabilitation Services Administration		
Legislation	Social Security Act, Title XIX as amended, P.L. 90-248, Sections 1902 and 1903	Vocational Rehabilitation Act as amended by P.L. 90-391, Sections 4(a)(1), 4(a)(2)(c), and 7(a)(2)		
Program	Medical Care Administration Seminars—In-service training of State and local medical assistance personnel	Rehabilitation Teaching Grants (Instructional costs)	Traineeships for Rehabilitation Students	Rehabilitation Personnel (In-house training for State vocational rehabilitation agency personnel—not Federal)

Footnotes at end of tables.

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Type of aid	Training through health agencies and welfare departments for persons employed in the administration of medical assistance.	Formula and project grants to schools or other institutions (a) Grant support to solve problems in State VR agencies; (b) Contract support for short-term training relating to VR services; (c) General support to improve teaching methods, curriculum content, or interdisciplinary functioning of rehabilitation personnel.	Grants to students through institutions with accredited programs to increase supply of rehabilitation personnel.	To develop staff of State Vocational Rehabilitation agencies thru continuing education of State agency employees and other rehabilitation workers.
Level of education	C	All levels	All levels	C
Institutions or individuals supported FY 68.	Grants for 2 seminars training 74 students (Dental care consultant, Medical care administrator, Pharmaceutical consultant, and Social work consultant)	481 grants to approximately 275 different institutions Occupation — Grants Dentist — 3 Nurse — 8 Occupational therapist — 28 Physical therapist — 28 Physician — 98 Rehabilitation counselor — 77 Social worker — 45 Speech pathologist and audiologist — 63 Total health — 350 Other — 131 Total — 481	6,097 trainees of whom 4,547 are in health occupations* Occupations — Grants Dentist — 13 Nurse — 66 Occupational therapist — 514 Physical therapist — 439 Physician — 690 Prosthetist — 76 Recreation — 55 Rehabilitation counselor — 2,106 Rehabilitation facility administrator — 244 Social worker — 344 Speech pathologist and audiologist — 655 Total health — 5,202 Other — 895 Total — 6,097 *Long-term only	Grants in support of rehabilitation counselors, psychologists, medical consultants, and other disciplines; 9,282 individuals received training in short-term programs
FY68 funds obligated	All for health $25,000	Total—$13,137,207 [1] Health—$9,177,642 [1] Includes $254,123 for research training	Total—$15,745,798 Health—$13,009,015	Total—$1,440,741 Health—$1,000,000 (estimate)

Organization	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE	DEPARTMENT OF AGRICULTURE			
	Social Security Administration	Consumer and Marketing Service	Cooperative State Research Service	Agriculture Research Service	Foreign Agricultural Service Foreign Training Division
Legislation	Social Security Act of 1965, Title XVIII P.L. 89-97	Federal Meat Inspection Act as amended 21 USC 601–624; 641–645; 661; 671–680 Poultry Products Inspection Act as amended 21 USC 451–469	Hatch Act 7 USC (361a–361i) Cooperative Forestry Research Act (16 USC 582–582a–7) Grants for Research (42 USC 1891–1893; 7 USC 4506)		Foregin Assistance Act, as amended Section 632(b)
Program	Reimbursement for an appropriate part of approved education activities (Section 405–421 of Social Security Regutions)	Internal Training for Meat and Poultry Inspectors	Payments to State Agricultural Research Stations	Internal training for veterinarians, laboratory technologists, and laboratory scientists.	Training foreign nationals
Type of aid	Reimbursement to hospitals and other facilities for an appropriate part of the net cost of educational activities (i.e.,—the cost applicable to Medicare beneficiaries). Educational activities include programs for interns, residents, medical students, nurses, etc.	Cost for training Federal inspectors paid from Federal funds; cost for training State personnel shared between USDA and State government	Grants are authorized for research aimed at improving the broad fields of agriculture and forestry. The training of graduate students occurs indirectly through their participation in research on specific projects being conducted at the various institutions.	Training relating to consumer, producer, and public health protection is provided to State and Federal employed veterinarians, laboratory technologists, and laboratory scientists.	Tuition, fees, and maintenance allowances in support of participants under Agency for International Development sponsorship for training in consumer protection aspects of agriculture.
Level of education	PD, D, M, B, AA, V	C, V, OJT	C, PD, D, M	OJT	C, D, M, B, OJT
Institutions of individuals supported FY 68.	Under Medicare, reimbursement was made to some 6,900 hospitals, 2,100 home health agencies and 4,700 extended care facilities. There were approximately 750 hospitals with medical residency and/or intern programs among the participating hospitals. The amount of reimbursement for educational activities under Medicare is not available.	413 Federal employees trained in meat and poultry inspection techniques; 200 State and local employees trained in meat and poultry inspection techniques	Precise information on current numbers of students in specific health-related research areas is not available; the best estimate is 350 health-related students under training in 1968	150 employees	17 Project Implementation Orders Participants. 17 students (food technology, nutrition, veterinary medicine, and meat inspection)
FY 68 funds obligated	Not available for training cost	Total $687,000 (estimated) All health	Total Grants $54.6 Million Health $7.6 million	Total $32,000 All health	Total $2,200,000 Health $85,000

Organization	DEPARTMENT OF COMMERCE		DEPARTMENT OF DEFENSE	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	DEPARTMENT OF INTERIOR
	Economic Development Administration		Air Force, Army, and Navy	Urban Management Assistance	Office of Territories
Legislation	Manpower Development and Training Act of 1962 (P.L. 87–415) (42 USC 2571–2620) as amended.	Public Works and Economic Development Act of 1965, (P.L. 89–136) as amended.	National Security Act of 1947, as amended.	Housing Act of 1964 Pt. 1, Title VIII (PL 88–560, 78 Stat. 802; 20 USC 80), amended.	

Footnotes at end of tables.

XUM

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Program	Manpower Development and Training Act, Section 241.	Public Works Program under Economic Development Act.	In-house training in health occupations for military personnel.	Community Development Training Program.	Trust Territory School of Nursing.	Trust Territory Scholarship Program (Medical).
Type of aid	Project grants to non-profit institutions for training unemployed or underemployed residents of EDA-designated redevelopment areas.	Public works grants to provide funds for public facilities in economically depressed areas. Non-Federal share of funds required to be from 20% to 50% of the total project cost, depending on the area.	Training programs to provide military services with professional and nonprofessional medical manpower necessary to meet the medical service requirements of DOD personnel, dependents and facilities. Each of the services has an established training program intended for military personnel only and not designed to be related to programs outside the military.	Matching grants to State and local governments to help upgrade skills of professional and technical persons and those with the capacity to attain these skills in community development fields. The State is required to provide at least 50% of the cost of the training program.	Operational budget for a school with a 2½ year curriculum leading to a certificate as a graduate nurse. (Valid only in the Trust Territories).	Scholarships for training personnel in all areas of health service.
Level of education	V, JS, PKT	———	All levels	C, V, OJT	V	C, IR, D, B, AA
Institutions or individuals supported FY 68,	Project grants for health Occupation — Insts. — Stu. Licensed practical nurse — 10 — 259 Nurse aide — 5 — 128 Prof. nurse (refresher) — 1 — 15 Surgical aide — 1 — 10 Total — 17 — 412	Public Works grants for health facilities Type of Facility — Inst. Vocational school — 15 Hospital — 6 Other health facilities — 1 Total — 22	Not available at this time.	Approximately 150 to 200 persons were trained in the field of environmental health—air pollution specialists, sanitary engineers, sanitarians, sanitarian technicians, and environmental health aides.	One school with 65 students enrolled.	Scholarships to 64 Occupations — Students Dentist — 7 Hospital administrator — 1 Laboratory personnel — 1 Medical record librarian — 1 Nurse — 13 Physician — 35 Sanitarian — 5 Sanitarian engineer — 1 Total — 64
FY 68 funds obligated	Total $22,000,000 Health $988,000	Total $175,000,000 Health $15,748,000	Not available	Total $2,792,000 Health $75,000	All for health $108,200	All for health $151,000

Organization	DEPARTMENT OF INTERIOR Office of Territories	DEPARTMENT OF LABOR Manpower Administration		
Legislation		Manpower Development and Training Act of 1962, as amended in 1965 (P.L. 89-15, Sec. 203 and 231; 42 USC 2583 and 2586).	Manpower Development and Training Act of 1962, amended (P.L. 87-415), Sec. 204; 42 USC 2584).	Economic Opportunity Act of 1964 (P.L. 88-452), as amended in 1967 (P.L. 90-222)
Program	In-house and other special training for health workers in the Trust Territories	Manpower Development and Training Program (Institutional Training)	Manpower Development and Training Program (On-the-job training)	New Careers Program
Type of aid	Training to upgrade health workers in the Trust Territories	Contracts and agreements usually with local employment services and education agencies, for occupational training of unemployed and underemployed persons. Program administered jointly by Department of Labor and Department of Health, Education, and Welfare	Contracts with hospitals, health facilities or other employers, for on-the job training of unemployed and under-employed persons who cannot secure fulltime employment without such training.	Contracts with non-profit agencies to develop career opportunities for low-income, unemployed persons in programs to improve community conditions in areas of health, education, welfare, and other areas.
Level OS education	C, OJT	V, HS	OJT	All Levels
Institutions or individuals supported FY 68.	Training conducted in 6 district hospitals	14,875 persons trained Occupations — Students Home health aide — 326 Medical lab. assistant — 282 Medical records clerk — 127 Nurse aide, orderly — 4,147 Practical Nurse — 4,901 Professional nurse (refresher) — 3,612 Psychiatric aide — 324 Surgical technician — 182 Other — 974 Total — 14,875	2,885 persons trained Occupation — Trainees Cottage parent (medical service) — 216 Dental Lab. technician — 452 Nurse Aide, orderly — 1,476 Professional nurse (refresher) — 200 Surgical technician — 146 Ward Clerk — 100 Other — 295 Total — 2,885	2,392 individuals assisted in all occupations; data not available for health
FY 68 funds obligated	Not available	Total—$202,000,000 Health—$27,000,000 (Est)	Total—$87,000,000 Health—$2,000,000 (est)	Total—$7,500,000 Health—not available

Organization	ATOMIC ENERGY COMMISSION Division of Nuclear Education and Training		
Legislation	Atomic Energy Act of 1954, amended P.L. (86-373)		
Program	Medical Qualifications Courses (Medical Radioisotopes Courses,	Special Fellowships in Health Physics	Special Fellowships in Industrial Medicine.
Type of aid	Cost-type contracts made with Oak Ridge Associated Universities (ORAU) for staff and overhead costs for providing physicians with knowledge and skill needed for AEC license to use radioisotopes.	Fellowships to students to help meet need for health physicists in government, industry, and higher education. Institutional allowances to cover tuition and fees.	Fellowships to students to help satisfy demand for physicians with training in industrial hazards of atomic energy. Institutional allowances to cover tuition and fees.
Level of education	C, PD	D, M	C, PD
Institutions or individuals supported FY 68.	ORAU trained 57 physicians	Fellowships to 70 health physicists	Fellowships to 11 physicians
FY 68 funds obligated	All for health $74,945 (costs)	All for health $488,699	All for health $146,585

Footnotes at end of tables.

INVENTORY OF HEALTH MANPOWER TRAINING PROGRAMS IN THE DEPARTMENT OF HEALTH,[1] EDUCATION, AND WELFARE AND OTHER FEDERAL AGENCIES—Continued

[See p. 29 for exclusions and footnotes]

Organization	NATIONAL SCIENCE FOUNDATION	OFFICE OF ECONOMIC OPPORTUNITY Health Services Office Community Action Program.	Job Corps Health Office
Legislation	The National Science Foundation Act of 1950, as amended (42 USC 1861–1875).	Economic Opportunity Act of 1964, amended. Title II, Sec. 222(a)(4)(A), P.L. 90–222, 81 Stat. 672, 1967, 42 USC 2809.	42 USC 2711, Economic Opportunity Act of 1964, as amended. Title I section 101, P.L. 90–222, 81 Stat. 672, Dec. 23, 1967, 42 USC 2711.
Program	NSF Programs Contributing to Support of Education and Training.	Comprehensive Neighborhood Health Services Program.	Job Corps Centers
Type of aid	Grants to institutions for support of science education and research training, and for the construction of facilities. Grants for students thru institutions and direct fellowships support to students.	Project grants to establish health centers offering care to low-income persons. Training and employment opportunities to be offered these persons.	Project grants to vocational training centers for disadvantaged youth ages 16–21. Training in health occupations included in some vocational training program.
Level of education	PD, D, M, PB	OJT	V, HS, OJT
Institutions or individuals supported FY 68.	College or university students supported in a variety of science programs which may or may not be related to health; continuing education programs for secondary school and college teachers of science.	Project grants in 36 health centers Occupation — Students Clerical/Other 411 Dental aide 52 Family health worker 324 Lab./X-ray/Pharm. aide 31 Medical records aide 30 Nurse aide 131 Social Service aide 82	Calendar year 1968, project grants in 22 Job Corps Centers. Occupation — Students Dental lab. assistant 40 Medical lab. assistant 71 Nurse aide 1,611 Physical therapist assistant 22 Practical nurse 222 Ward clerk 82 Other 922 2,970
FY 68 funds obligated	Total—$148,281,520; Health—not available.	All for health $1,200,000	Not available

Organization	VETERANS ADMINISTRATION Department of Medicine and Surgery	Department of Veterans Benefits		
Legislation	Veterans Hospitalization and Medical Services Modernization Amendments of 1966 (P.L. 89–785)	Title 38 USC, chapter 31	Title 38 USC, chapter 34	Title 38 USC, chapter 35
Program	Medical and Allied Health Services Training	Vocational Rehabilitation for Disabled Veterans	Educational Assistance for Post-Korean Veterans and Servicemen.	Educational Assistance for Families of Deceased or Disabled Veterans
Type of aid	Clinical training is provided in VA hospitals and clinics to physicians and dentists (residents and interns), medical and dental students, graduate students in health fields, students of nursing schools and other professional health schools, students in health fields at community and junior colleges, and to health service trainees in accredited health services programs where college training is not required. Students in some programs receive payments for on-duty training hours	Grants for students, directly or thru institutions, to restore employability lost by a service-connected disability	Direct grants to students to provide educational benefits to qualified persons	Direct grants to students to provide educational opportunities for families of deceased or disabled veterans
Level of education	All levels	All levels	All levels	All levels
Institutions or individuals supported, FY 68.	Occupation — Students Dental intern 66 Dental resident 80 Dental student 421 Medical intern 353 Medical resident 3,754 Medical rehabilitation therapist 906 Medical student 10,300 Nursing student 10,453 Nurse, professional 763 Pharmacy student 150 Practical nurse 1,026 Psychologist 726 Social worker 670 Other 2,091 31,759	13,200 students in all fields, includes 176 in health Occupation — Students Medical and dental technician 97 Nurse 27 Pharmacist 16 Physician 14 Veterinarian 3 Other 19 176	604,600 students in all fields, includes 44,079 in health Occupation — Students Dentist 1,442 Hospital and medical services 3,265 Medical and related technician 26,816 Medical technologists 963 Nurse 1,076 Pharmacist 797 Physician 8,681 Other 1,039 44,079	36,900 students in all fields, includes 2,088 in health Occupation — Students Dentist 78 Hospital and medical services 108 Medical and related technician 56 Medical technologist 274 Nurse 1,076 Pharmacist 123 Physician 206 Other 167 2,088
FY 68 funds obligated	All for health, $60,872,000	Total, $22,350,000 Health—not available	Total, $400,000,000 Health—not available	Total, $37,300,000 Health—not available

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[1] This inventory of Federal health manpower programs is complete in respect to the Department of Health, Education, and Welfare and its programs. Not all Federal health manpower training programs are included from other agenices. Those programs not included constitute a small percentage of the total allocation of training dollars and numbers of individuals in training. The data listed under the category "Institutions or Individuals Supported in FY68" refers only to health occupations, unless otherwise specified.

Key to level of training. The following table lists all abbreviations used in the "Level of Education" section of this inventory:

C	Continuing education at all levels
PD	Post doctoral
I & R	Internships and residencies
D	Doctoral
M	Master's
PB	Post baccalaureate
B	Baccalaureate
AA	Associate of Arts degree/Associate of Science degree
V	Vocational education
O	Other, diploma RN
HS	High school
OJT	On-the-job training
GC	General consumer/general public

S. 2899—INTRODUCTION OF A BILL TO AMEND THE BUDGET AND ACCOUNTING ACT OF 1921

Mr. CURTIS. Mr. President, I introduce for appropriate reference, a bill to amend the Budget and Accounting Act of 1921. I do this in behalf of the distinguished Senator from Delaware (Mr. WILLIAMS) and myself.

The objective of this proposal is to require that the official budget transmitted to Congress shall be made up of the receipts and expenditures of the general fund of the Treasury, commonly referred to as the administrative budget. It would make as the official budget of the U.S. Government that budget which shows whether or not the General Treasury is operating in balance, with a surplus, or a deficit. The official budget, if this proposal is enacted, would no longer follow the concepts of the so-called consolidated budget.

Mr. President, a Commission, made up of men of distinction and ability, recommended the use of a budget which combined all of the receipts and expenditures of the general fund of the Treasury with the trust funds handled by the Government. Their report was made on October 10, 1967. The administration, then in power, adopted the recommendations of this Commission and the outgoing President, in his budget recommendations of January 1969, followed this concept of combining trust funds and general funds. The new administration, which came in on January 20, 1969, adhered to the change that had been made and has continued to follow the pattern of combining general funds and trust funds.

It is conceded that this new budget concept contains some factors that are desirable and helpful in ascertaining the total amount of money that the Government is taking out of our economy in taxes and the total amount that the Government is placing back into our economy as expenditures. As it is working out, however, some very serious defects and objections are evident. These defects outweigh the benefits of this new type of budget. I shall try to illustrate:

When the distinguished Director of the Budget appeared before the Committee on Finance earlier this year, his statement indicated to the Congress and to the people that the Government of the United States was living within its income. The fact is, however, that in the fiscal year that ended on June 30, 1969, the national debt was higher than it was 1 year before. You cannot have a balanced budget and experience an increase in debt as a result thereof.

The distinguished Director of the Budget also conveyed the statement to the Congress and to the country that in the current fiscal year it was expected that the Government would operate with a surplus of some $6 billion. I called his attention to the size of the national debt. I expressed pleasure over the fact that we were going to have a balanced budget, and I pointed out that if we continued with a surplus of that size for 60 years we would pay off the entire national debt. The Director was quick to correct me and point out that that would not be the case, that the figures he was using included trust funds, and that in this current year we would not have a surplus in the general operating funds of the Government. We would not even have a balanced budget but we would have a deficit. As a matter of fact, if we operate on the same basis for the next 60 years that we are operating on this year, instead of wiping out the national debt, the national debt will have increased from its present $361.2 billion to $618 billion.

Mr. President, trust funds are just what the name implies. They are funds held in trust. A prime example of trust funds held by the Federal Government are the social security taxes that are collected. They are held in a special fund and they are dedicated to a special purpose. They are not a part of the funds available for the general running of the Government.

The use of trust funds is common in private life. If a lawyer receives $2,000 as a fee for his services and $5,000 for his client, the amount of money available for spending by that lawyer is $2,000, not $7,000. The lawyer's decision as to spending, his purchases and his contracts, and the obligations which he creates for himself cannot be geared to receipts of $7,000. In such a case, he will find himself badly in debt, in serious financial trouble, and he might be disbarred.

This new budget is not at all workable for the committees of the Congress which have the responsibility of recommending tax laws. For instance, I hold in my hand a memorandum that had to be prepared by the staff of the Committee on Finance so that that committee would know what the tax needs of the country are. According to the consolidated budget we ended the fiscal year of 1969 on June 30 last with a surplus of $3.1 billion. Actually, in the general funds, that is the money available for the ordinary expenses of Government, we ran a deficit of $5.3 billion.

Mr. President, how can we tell the taxpayers of the country that a surtax is necessary if they are officially informed that we had a surplus of over $3 billion? The surtax extension is necessary because we had a deficit of over $5 billion.

Mr. President, how can the Appropriations Committee say "No" to a request for an appropriation or reduce an appropriation if those asking for an appropriation are told that there is a surplus available running into billions of dollars when, in truth and in fact, there is a very sizable deficit?

Mr. President, how can the members of the Committee on Ways and Means and the members of the Committee on Finance resist petitions and requests for lower taxes if the people of the country are told erroneously that we are operating either with a balanced budget or with a surplus?

There are many situations that can be cited to show that if we continue with this so-called consolidated budget we will continue to have confusion, misunderstanding, and even danger of serious financial difficulty. How can it be argued that the investment credit which reduces revenues by about $7 billion should be repealed if the country is told that we are operating at a huge surplus?

A short while ago I had a conversation with a very dedicated public servant in the executive branch. He had received orders to cut his budget and it was necessary for him to let one excellent secretary go and operate with three instead of four. The truth is that we are operating with a deficit. The truth is that the Federal Government is having to borrow a lot of money. The truth is that the national debt is increasing because we are not living within our means. The official budget of the United States should tell the people and the Congress these facts. If this public official must go from four secretaries to three and some qualified young lady goes off the payroll, all parties concerned are entitled to know the true facts about our budget situation. In spite of good intentions, the consolidated budget concept does not give them the true facts.

Mr. President, the national debt on June 30, 1968 was $341.1 billion. On June 30, 1969, it was $354.3 billion. Yet, by following this consolidated budget concept the Congress and the people were told that we operated with a surplus for that very same year of 3.1 billion dollars. It just cannot be. The consolidated budget idea is unworkable. It is deceptive. It adds to the burden of the Congress. It is confusing and it creates a multitude of problems.

Mr. President, the official budget of the United States, if we are to avoid financial chaos, must be the budget that excludes trust funds. It must be what we heretofore have called the administrative budget and the type of budget which we have followed through the years. This will not make it impossible or unlawful for an additional Presidential message to be sent to the Congress informing the Congress and the country of the total amount of taxes taken out of the economy and the total amount of expenditures returned to the economy. The economists and others will then have the figures necessary to make recommendations for the management of our economy.

The consolidated budget method for the every-day job of levying taxes and handling expenditures in a responsible way does not work. We need a budget that shows whether or not we are in balance or running behind or accumulating a surplus in reference to the funds that are available for the ordinary expenditures of the Government. It is just that simple.

I hope that the Congress will quickly approve this measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2899) to amend the Budget and Accounting Act, 1921, so as to require the submission of the budget on an administrative budget, rather than a unified budget basis, introduced by Mr. CURTIS (for himself and Mr. WILLIAMS of Delaware), was received, read twice by its title, and referred to the Committee on Government Operations.

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S. 2905—INTRODUCTION OF THE CORRECTIONAL FACILITIES IMPROVEMENT ASSISTANCE ACT

Mr. DODD. Mr. President, I introduce, for appropriate reference, a bill that will make $1 billion in Federal funds available over the next 5 years for the improvement of State and local juvenile and adult training and correctional institutions.

The bill will provide funds both for construction and modernization of correctional facilities and institutions.

It will encourage the development of open, community-based correctional facilities in the place of secluded and isolated institutions.

It will provide for the improvement of treatment and rehabilitation programs in institutions.

It will provide for the improvement of educational and vocational training programs.

It will provide for better trained institutional personnel.

And it will call for a cooperative effort among all law enforcement, correctional and criminal justice agencies to help the juvenile and adult correctional systems.

This bill is based on a nationwide investigation of institutional problems by the Subcommittee To Investigate Juvenile Delinquency and it is based on weeks of hearings conducted by the subcommittee since March of this year.

I introduce this legislation because the correctional field cannot extricate itself from its floundering condition without the kind of assistance I am proposing. The top experts in the correctional field have asked for, pleaded for, this kind of Federal assistance.

Let me explain some of the needs of our institutions and some of the problems faced by States and localities in meeting these needs. Over 100,000 juveniles are today detained in jails contrary to every accepted correctional standard and in many cases contrary to State and local law. These children are confined in filthy jails with hardened adult offenders because there is no money to build detention homes for them. And there is no money to build regional detention homes that could be used by several localities.

I consider it a crime against society to keep juveniles in the jails that have been looked at by our investigators.

I feel that strongly about this, Mr. President, because many of these children are not even delinquent.

Their only crime is that they have been neglected or abandoned by their parents.

Yet, judges use the jails because 93 percent of the Nation's juvenile courts have no separate juvenile detention facilities.

Overall, by 1975, the States and localities will need over a billion dollars for the construction and renovation of institutions. The need exists in the face of great financial difficulty already being experienced by most States and localities. State and local tax structures are stretched to the ultimate limit. Some cities face the problem of shutting down schools if more funds cannot be acquired.

Yet, further increases in taxation would face these States and localities with a mass exodus of the taxpaying population and business establishments.

At the same time, we have been told that the correctional field, including the institutions, are at the very bottom of the "totem pole" of priorities. When budgets are cut, it is in the correctional field where the first cuts occur.

Perhaps the greatest need in the correctional field is not as much for new institutions as it is for new types of institutions to replace the old ones. The existing institutions, the jails, the large training schools and penitentiaries are detrimental to the inmates. They are detrimental to the process of rehabilitation that should be developed. But few States have the funds to convert the system from outdated penal and correctional programs to modern programs of rehabilitation.

These are some of the reasons for the gross mismanagement and mishandling of the inmate population.

When I opened the subcommittee hearings in this field, I said that the public has never been told of what goes on in the training schools, the reformatories, and the penitentiaries throughout the country. I said then that it would be our task to determine how well these institutions are handling and rehabilitating their inmates. From preliminary investigations we suspected that the rehabilitation of confined offenders was inadequate.

We have now confirmed that inadequacy in full measure.

In fact, we have been told by expert witnesses that rather than rehabilitating the inmates, our institutions release "finely honed" criminals who are more disturbed, more deviant, more hardened, and more dangerous than ever.

The subcommittee was told by administrators of juvenile programs that it would be better if many of the delinquents were never apprehended because they deteriorate rather than improve under the guardianship of the State.

The subcommittee was given case histories of young people who entered juvenile institutions as simple truants and received enough education in criminality to leave with the attitudes of hardened felons.

And we heard testimony given by the inmates themselves that they actually look forward to renewing a life of crime, violence, and revenge upon release from confinement.

One of the most distinguished experts in this field told us that perhaps the only solution was to ask the judges not to commit offenders to institutions because of the atrocious conditions that exist there. The logical conclusion of this serious recommendation was that we are probably giving better protection to the public by releasing offenders back into the streets rather than sending them to institutions where they become more dangerous and more crime prone than before.

Mr. President, it is because we need to protect the public that I propose this legislation.

Too long we have shut our eyes to what happens to confined offenders.

Too long we have deceived ourselves by fostering the belief that correctional institutions correct, that training schools train, and that rehabilitation centers rehabilitate.

Too long we have listened only to those "correctional experts" who told us what we wanted to hear.

Today, we are paying for this apathy and self-deception with a critical crime problem in the Nation, much of which is fostered and encouraged in our penal institutions.

Let me tell you what we found in the subcommittee's inquiry. The first witness who testified, the district attorney from Philadelphia, told us of widespread homosexuality and brutal homosexual attacks on inmates in Philadelphia's prisons. His testimony highlighted not only Philadelphia's problem but the problem across the Nation. His testimony was confirmed by virtually every other witness who has appeared since, no matter what part of the country they were from.

Other witnesses outlined the problems of suicide, torture, sexual exploitation and even murder that characterized our so-called correctional system.

We were told of tragic cases of suicide among the 7,000 juveniles committed to the county jails in Minnesota.

We were told of inmates going insane because of extensive confinement, month after month, in isolation cells in Virginia.

We were told of inmates being tortured and burned to death in jail cells in Chicago.

And we were told unbelievable tales of sexually exploited young girls in New York's Youth House where one young inmate had to deliver her own baby for lack of medical care and facilities.

The subcommittee was also told of the brutal torture, beatings, and solitary confinement of offenders in the Ohio penitentiary.

We were given evidence of even worse torture practiced in Arkansas. While the reaction of Arkansas penologists was "so what else is new," I can report that since our hearings 19 persons have been indicted on 47 counts by a Federal grand jury for brutality and excessive punishment perpetrated on the inmates of that state's penal institutions.

The subcommittee was told of brutal beatings suffered by young boys in the juvenile institutions in Texas. Again, the administrators denied this. But 1 week after the hearings a guard named by our witness was fired for beating a young boy so badly he was confined to a hospital with a broken jaw.

There is evidence in our hearing record that prisoners have been murdered by the guard force or other inmates with no legal action taken.

There is evidence in the record submitted by competent investigators that 75 percent of the guards in some institutions are crooked and corrupt.

There is evidence in the hearing record that in every part of the country, inmates, young and old, are exploited, beaten, and dehumanized in ways that could have been understood in the middle ages, but are hard to believe in the 20th century.

I fully realize that even today the public and the Congress would find it hard

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to believe the horror stories that are enacted within prison walls.

We find it difficult to believe that these conditions exist because this society has for many years confused the concepts of punishment and rehabilitation. We have considered them as one and the same and we have believed that because of punishment, offenders leave the prison walls better citizens.

The truth is the public has been grossly mistaken in this belief.

The truth is offenders do not leave the prison better citizens.

We must, at long last, face the fact that punishment is not rehabilitation; that punishment cannot be confused with rehabilitation; and that the kind of treatment I have described above can in no way turn a criminal into a law abiding citizen.

When we treat men like wild animals we teach them to act like wild animals.

This is our posture today with respect to prison inmates.

Because of public apathy, because of lack of funds and because of the shortsightedness of the public and the Government, we practice custody rather than correction.

The institutions receive the social failures, the misfits and the psychologically disturbed offenders. These are men who come from the bottom of the heap of humanity. These are men who are most difficult to understand and who, in turn, do not understand society. They are confused, frustrated and ridden with anxiety. It is often for these very reasons that they have turned to crime.

They have been punished enough by chance or circumstance or the social conditions in which they developed. These men need treatment and education and the kind of help that could enable them to adjust to life in the community. This kind of help can be provided only by trained professionals. Instead, we have gone in the other direction, we have placed the offenders under the charge of the least competent, the least trained, and the lowest paid personnel. These are the prison guards who often know only one means of controlling the inmate, by brute force.

Because of public apathy and because of the public's irrational fear we are preoccupied with security rather than treatment.

In most cases, from the guard to the warden, institutional personnel have been conditioned to prevent escape as the main justification for their being. This is a system that has developed for over 100 years. It is a system that the public expects and demands but it is a system that does not allow experimentation with innovative programs.

In this regard let me quote from the testimony of one witness who appeared before our hearings:

> We want dedicated, professionally trained individuals to work with these difficult cases, as long as they are willing to be hired for less money than comparable employment would offer them in other vocations. We want to encourage youths to participate fully in beneficial, therapeutic settings, as long as the physical plant is drab and foreboding enough to remind them that they are to be punished and isolated. *We want experimental, innovative approaches utilized, as long as the program is in someone else's backyard. We will back you as long as there are no embarrassing, untoward incidents.*
>
> Why then should program administrators seek to be creative? Why should they not settle for custody and control instead of treatment? Why then should not the goal of institutions be a trouble free tour of duty rather than true attitudinal change on the part of young offenders?

Today we have custody or what has been called warehousing of offenders, but little else.

We have stood by and allowed the development of what I call the "correctional clique" in this field. It is composed of men many of whom are willing to whitewash the prison story. These are men conditioned by the public's naive belief that once a criminal is out of sight behind the high wall, he can be put out of mind. These are men who have learned that the basic requirement asked of a warden is to run a "quiet place" and "keep the lid on." These are men who practice back scratching and protect one another against outsiders.

I do not want to judge them too harshly because there are brilliant and dedicated professionals among this group but most of them have been unable to improve conditions because the total system will not allow it. All of them are victims of inadequate support from the public. All of them have been allowed too long to run a "quiet place."

The men who operate our institutions need help. They cannot run a quiet place forever under the present conditions. This is evidenced by the jail and prison riots that occur periodically. And this is certainly evidenced by the conditions uncovered during our hearings.

The entire system needs to be overhauled.

The public may not understand this need. It certainly has not understood it in the past.

The Congress may not want to understand it.

And the administration may not want to spend the money I am asking in this bill.

But nothing less than a major overhaul of our institutions can serve to protect the American people from the dangerous criminals that are released by the kinds of institutions we have today.

Crime, is today our most serious social problem. There are over 400,000 offenders in our juvenile and adult institutions. And there are new offenders coming in every day.

There will be more such offenders in the years to come because our statistics indicate a drastic rise in juvenile delinquency. There has been a 60-percent increase in juvenile crime since the beginning of the 1960's.

Crime will not go away because of our wishful thinking. Nor will the criminal.

Crime costs our society over $20 billion a year. Operating the criminal justice and correctional systems alone will cost us $9 billion annually by 1975.

My bill calls for $1 billion over the next 5 years to establish reform, to make certain that the billions we already spend in corrections, on the present system of institutions, are not wasted in making worse criminals out of prison inmates. We know today that over 70 percent of ex-inmates do repeat in new crimes.

In times past, you could send the offenders to isolated islands away from civilization. Today, we must deal with them in our urban society.

Over 90 percent of the offenders incarcerated will be released in a few years. If we continue to neglect and abuse these men in institutions, thousands of them will again prey on the public with increased hostility in their hearts and violence in their minds.

To prevent this further criminality, I call for the passage of this legislation. Today our training schools and prisons are the "hotbeds" of criminality in this Nation. It is in the institutions where the most dangerous and deviant criminals congregate. It is in the institutions where new knowledge in the methods and techniques of crime is passed on to the younger inmates. Thus it must be in the institutions where we take our stand and make an effort to turn back the tidal wave of lawbreaking that threatens to engulf us.

Because we have so long considered punishment the real answer to criminality, we have built the dungeons and the cell blocks and the high walls and the iron bars. The wardens and the penologists have paid lip service to rehabilitation but they have not practiced it. I consider my bill the first small step to changing the face of these institutions and to developing the kind of procedures that can achieve correction of offenders.

This is not simply a brick and mortar type legislation. It is not simply paying Federal funds to States and localities to build buildings. This bill is designed to improve the entire correctional system in the Nation.

It will help us get rid of the bastille-like penal institutions and the dungeons, many of which date back to the last century. It will enable the States to build new types of small, decentralized, and community-based institutions.

The bill requires that to obtain Federal money States and localities have to develop systems where treatment and rehabilitation rather than custody and indiscriminate punishment are the basic ingredients.

The bill requires that to obtain Federal funds the States and localities must make an effort to train and procure professionally qualified personnel for the institutions.

The bill requires that to obtain Federal funds the recipients must advance proposals to develop employment and vocational training programs for inmates in cooperation with private industry.

The bill requires that to obtain Federal funds States must develop a cooperative effort in the handling of offenders between all agencies for the administration of justice, law enforcement, and corrections.

One of the problems brought out in our subcommittee hearings time and again was the lack of judicial review of the conditions under which offenders are kept in confinement. This bill will force the judges to be concerned with what goes on in the institutions in which they commit offenders.

I believe the amount of money we ask in this legislation is small in comparison with the benefits that the law can achieve in cutting down recidivism among inmates.

I think it is a small price to pay for reduction in our crime rates and for more effective control of the crime problem.

I hope this bill will receive prompt and favorable consideration by both Houses of Congress.

Mr. President, I ask unanimous consent that a brief analysis of the bill be printed in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the analysis will be printed in the Record.

The bill (S. 2905) to authorize the Attorney General to provide financial assistance to States and localities for the construction and modernization of correctional institutions, and for other purposes, introduced by Mr. Dodd, was received, read twice by its title, and referred to the Committee on the Judiciary.

The material, presented by Mr. Dodd, is as follows:

BRIEF ANALYSIS OF THE CORRECTIONAL FACILITIES IMPROVEMENT ASSISTANCE ACT

Section 1 gives the purpose of the Act—to provide financial assistance to States and localities for the construction and modernization of correctional institutions. The Act is cited as the "Correctional Facilities Improvement Assistance Act".

Section 2 sets forth the findings of Congress that to achieve better crime and delinquency control, Federal aid is needed to eliminate serious inadequacies and defects in State and local institutions.

Section 3 authorizes the total of $1,000,000,000 in Federal funds to be granted between fiscal years 1970 and 1974.

Section 4 authorizes 5 percent of the total appropriations to be subdivided among Puerto Rico, Guam, American Samoa, the Virgin Islands and the Pacific Islands according to need.

It sets forth the proportionate allotment of the appropriations to each State, which would be related to the number of persons confined in correctional institutions in each State.

Section 5 provides that funding under the Act shall be in response to a State Plan and through a State Agency. However, it also provides that a certain proportion of the funds allotted shall be available to agencies of political subdivisions in each State.

It sets forth certain regulations for the granting of funds. It establishes restrictions on funding which require States to establish treatment and other cooperative programs including regional facilities, in order to receive monies under this Act.

Section 6 requires the Attorney General in consultation with the Bureau of Prisons to develop regulations and criteria for the granting of funds.

Section 7 requires that the Federal allotment paid to each State bears a definite relationship to the non-Federal amount of funds allocated by each State.

This is to assure that the States do not use predominately Federal monies for the purposes of this Act and do not withdraw State funds to other areas.

Section 8 and 9 establish administrative and judicial review with respect to the Attorney General's action in disapproving grant funds under the Act.

Section 10 provides that the Attorney General shall administer this Act through the Law Enforcement Assistance Administration (established under the Omnibus Crime Bill).

Section 11 provides safeguards to the States against Federal intervention with respect to the supervision or control of any police or correctional agency of the State. It also prohibits expenditure of funds under this Act for religious facilities or instruction.

Section 12 defines correctional institutions, correctional facilities, construction, modernization and the term State.

The important distinction between construction and modernization is that "construction" pertains to planning and erecting buildings and related facilities, while "modernization" relates to improving programs for treatment, for developing qualified personnel, for training and employment and for other similar purposes.

ADDITIONAL COSPONSORS OF BILLS

S. 60

Mr. COOPER. Mr. President, on behalf of the Senator from Delaware (Mr. Boggs) I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. Percy) be added as a cosponsor of S. 60, to create a catalog of Federal assistance programs, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1142

Mr. SCOTT. Mr. President, at the request of the Senator from Oregon (Mr. Hatfield), I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. Packwood) be added as a cosponsor of S. 1142, to authorize and direct the Secretary of Agriculture to classify as a wilderness area the national forest lands adjacent to the Eagle Cap Wilderness Area, known as the Minan River Canyon and adjoining area, in Oregon, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1362

Mr. JAVITS. Mr. President, on behalf of the Senator from Delaware (Mr. Boggs), I ask unanimous consent that, at the next printing, the names of the Senator from Maryland (Mr. Tydings) and the Senator from California (Mr. Cranston), be added as cosponsors of S. 1362, to provide Federal financial assistance to Opportunities Industrialization Centers.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2035

Mr. MUNDT. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. Percy), the Senator from Alaska (Mr. Stevens), and the Senator from Florida (Mr. Gurney), be added as cosponsors of S. 2035 to amend title 5, United States Code, to authorize consolidation of Federal assistance programs, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2804

Mr. KENNEDY. Mr. President, on behalf of the Senator from Washington (Mr. Magnuson) I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. Bible), the Senator from Nebraska (Mr. Curtis), the Senator from Kansas (Mr. Dole), the Senator from Missouri (Mr. Eagleton), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Hawaii (Mr. Inouye), the Senator from Idaho (Mr. Jordan), the Senator from Wyoming (Mr. McGee), the Senator from Utah (Mr. Moss), the Senator from Kansas (Mr. Pearson), the Senator from West Virginia (Mr. Randolph), the Senator from Alaska (Mr. Stevens) and the Senator from Texas (Mr. Tower) be added as cosponsors of S. 2804, to permit a compact between the several States relating to taxation of multistate taxpayers; to provide a formula for taxing multistate taxpayers for States not entering into this compact to require certain sellers to collect sales and use taxes; and for other related purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2893

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New York (Mr. Goodell) and the Senator from Wyoming (Mr. McGee) be added as cosponsors of S. 2893, to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 150

Mr. SCOTT. Mr. President, I ask unanimous consent that, at the next printing the names of the Senator from Alaska (Mr. Stevens) and the Senator from Indiana (Mr. Bayh) be added as cosponsors of Senate Joint Resolution 150, to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM ACT OF 1969—AMENDMENT

AMENDMENT NO. 161

Mr. McGOVERN. Mr. President, I am today submitting an amendment intended to be proposed by me to the Tax Reform Act of 1969, to delete the language of section 531 regarding the tax treatment of cooperative associations.

This provision, increasing the mandatory cash patronage refunds of cooperatives from the present 20 percent to 50 percent, was adopted by the House without a word of testimony and without notice of any kind to the taxpayers affected.

It is, in my judgment, a punitive measure which would greatly harm the farmers' ability to generate adequate capital investment in their cooperatives. At the very time when farmers need to strengthen their marketing, purchasing, and farm business service cooperatives as a means of increasing net farm income, this ill-advised tax provision would cripple the equity structure of cooperatives and force many to close. I do not think legislation which would further depress farm income in this country is a proper part of tax reform.

Since the Revenue Act of 1962, farmers

through their cooperatives have undertaken long-term financial obligations and made large investments in physical plant in reliance on the 20 percent earnings retention rate. Millions of dollars in loans in credit extension to cooperatives have been let under terms with fixed obligations to pay sums certain on specific dates. To meet these obligations and to finance future retained capital needs under the new proposal, cooperatives would be forced to enter the commercial loan market where prime rates range from 8½ to 10 percent. In many instances, the small- and moderate-sized farm cooperatives will be unable to carry these additional costs and survive.

Mr. President, I know the members of the Finance Committee will review carefully the precipitous action of the House in drafting this punitive regulation. I think they will find the provision inconsistent with the intrinsic financial requirements of cooperative organization. I know they will find it contrary to the goal of strengthening the agricultural sector of our economy.

The **PRESIDING OFFICER**. The amendment will be received, printed, and appropriately referred.

The amendment (No. 161) was referred to the Committee on Finance.

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENT

AMENDMENT NO. 162

Mr. **CRANSTON**. Mr. President, at present, by virtue of section 5(f) of the Peace Corps Act, as amended, former Peace Corps volunteers who later gain Federal employment are credited for purposes of retirement, seniority, reduction in force, and lay-off rights, leave entitlement, and other privileges based upon length of service with their period of service as volunteers—not including any period of training. However, no similar benefit has ever been granted to volunteers serving in VISTA under title VIII of the Economic Opportunity Act. This disparity in treatment between these two very similar types of voluntary, self-help service is one for which I have been unable to discover any substantive justification.

More than 15,000 individuals have served as VISTA volunteers and more than 5,000 of them are now serving—in almost every State and territory, as well as the Commonwealth of Puerto Rico. Approximately 50 percent of all VISTA volunteers are assigned to officially-designated community action agencies and another 30 percent to organizations funded through the Office of Economic Opportunity or other Federal agency. VISTA volunteers serve as lawyers in legal services programs, in Headstart, in Job Corps programs, and in almost every conceivable kind of poverty program at the grass roots level. Under section 811 (a) of the Economic Opportunity Act, as amended, and firm agency policy, they are required to live among and at the economic level of the people they serve. In this respect, the hardships they endure are every bit as great—and may well be more so—than those encountered by Peace Corps volunteers in their service overseas.

When the retirement and other credit provision was enacted in the original Peace Corps Act in 1961, it was explained as designed to encourage volunteers to consider professional careers in Government service. I believe it to be every bit as important to the vitality of Federal service that former VISTA volunteers be encouraged to enter those ranks. The type of fundamental person-to-person experiences they have had and the sensitivities they have developed to the problems of poverty and its victims are very similar to those of Peace Corps volunteers. And these qualities continue to be sorely needed among employees of the Federal Government.

Thus, I intend to propose an amendment to S. 1809, a bill introduced on April 15, 1969, by Senator Gaylord Nelson, chairman of the Employment, Manpower, and Poverty Subcommittee, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, to require notice to Congress prior to delegation of any program to another agency, and for other purposes. The amendment would extend to former VISTA volunteers—including volunteer leaders, volunteers serving in special volunteer programs, community volunteers and volunteer associates—the identical length-of-service credit now accorded former Peace Corps volunteers. Enactment of this amendment would mean that VISTA volunteers would for this purpose be treated the same as former military personnel who transfer to civil service jobs.

The proposed amendment, if enacted, would apply to all former VISTA volunteers who become employed or who are presently employed by the U.S. Government on or after the effective date of this act. In order to secure appropriate full credit toward civil service and other Federal systems of retirement, it would be necessary for a former VISTA volunteer to pay into the retirement system the appropriate amount of employee contribution for the period for which he wishes credit.

Mr. President, I ask unanimous consent that the text of the amendment I intend to propose be printed in the Record at this point.

The **PRESIDING OFFICER**. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 162) was referred to the Committee on Labor and Public Welfare, as follows:

At the end of the bill, add the following new section:

"Sec. 10. (a) Section 833 of the Economic Opportunity Act of 1964, as amended, is amended by

"(i) striking out in subsection (a) 'subsection (b)' and inserting 'subsections (b) and (c)'; and

"(ii) adding at the end thereof the following new subsection:

"'(c) Any period of service of a volunteer who receives a living allowance of a stipened under this title shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

"'(1) for the purposes of the Civil Service Retirement Act, as amended (5 U.S.C. 2251 et seq.), section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

"'(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.'

"(b) The amendments made by subsection (a) shall be effective as to all former volunteers employed by the United States Government on or after the effective date of this Act."

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENTS

AMENDMENT NO. 163

Mr. **PROXMIRE** submitted an amendment, intended to be proposed by him, to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 164

Mr. **HATFIELD** (for himself and Mr. Hartke) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 2546, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 165

Mr. **COOPER** (for himself, Mr. Cook, Mr. Cranston, Mr. Javits, Mr. McCarthy, Mr. Metcalf, Mr. Nelson, Mr. Pell, and Mr. Young of Ohio) proposed an amendment to Senate bill 2546, supra, which was ordered to be printed.

(The remarks of Mr. Cooper when he proposed the amendment appear later in the Record under the appropriate heading.)

NOTICE OF HEARINGS ON REORGANIZATION PLAN NO. 1

Mr. **RIBICOFF**. Mr. President, the Subcommittee on Executive Reorganization will hold hearings on Reorganization Plan No. 1, which would reorganize the Interstate Commerce Commission, at 10 a.m. on October 2, 1969, in room 3302, New Senate Office Building.

NOTICE OF HEARING ON STATE TAXATION OF NATIONAL BANKS

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on H.R. 7491 and S. 2065, bills to clarify the liability of national banks for certain taxes.

The hearing will be held on Wednesday, September 24, 1969, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with this hearing should notify Mr. Hugh H. Smith, Jr., room 5300 New Senate Office Building, Washington, D.C. 20510; telephone 225–7391.

NOTICE OF HEARINGS BY THE AD HOC SUBCOMMITTEE ON SURPLUS PROPERTY LEGISLATION

Mr. ALLEN. Mr. President, I wish to announce that the Ad Hoc Subcommittee on Surplus Property Legislation will hold hearings on Wednesday, September 24, at 10 a.m., on a number of bills which have been referred to the subcommittee. They are as follows:

S. 2583. Mr. McGee, to convey to the county of Washakie, Wyo., certain real property of the United States.

S. 2584. Mr. McGee, to authorize the donation of surplus real and personal property to States and political subdivisions for use in establishing and maintaining public museums.

S. 2591. Mr. Gurney, to authorize the donation of surplus personal property to State and local police organizations.

S. 2563. Mr. Hart, to amend the Federal Property Act, to permit the disposal of surplus real property to public housing agencies for public housing purposes.

Anyone wishing to testify or submit a statement for the record on any of the bills should contact Mr. Glenn K. Shriver, room 3308, New Senate Office Building, telephone extension 7464, as soon as possible.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Duane K. Craske, of Guam, to be U.S. attorney for the district of Guam for the term of 4 years, vice James P. Alger.

Blas C. Herrero, Jr., of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years, vice Francisco A. Gil, Jr.

Edward R. Neaher, of New York, to be U.S. Attorney for the eastern district of New York for the term of 4 years, vice Joseph P. Hoey, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, September 23, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

PRESIDENT NIXON'S ANNOUNCEMENT OF ADDITIONAL TROOP WITHDRAWALS FROM VIETNAM

Mr. JAVITS. Mr. President, I wish to address the Senate on the announcement just made by President Nixon.

The President's announcement of the withdrawal of at least 35,000 additional troops from Vietnam resumes the momentum to his Vietnam peace strategy and should ease the doubts that have arisen concerning the direction of the administration's policy in this regard. Further withdrawals should hopefully be announced so that the President may fulfill his earlier prophecy that he would top the 100,000 figure for troop withdrawals by the end of this year. I urge him to do so and to adopt a timetable for the withdrawal of at least another 100,000 by the end of 1970.

Despite the divided counsel he apparently received, the President has shown that he recognizes the imperative need of moving quickly and decisively forward to a compromise peace settlement and that the phasing in of the ARVN to the main combat responsibility is the most effective course toward that end. His statement that "the time has come to end this war" will find a deep response among the American people—it is the policy they expect of the administration.

Mr. President, I have urged, and I urge again, that the tactic of the phased withdrawal of American troops is the crucial one open to implementation—as part of the Administration's peace strategy—in view of the stalemate in the Paris peace negotiations.

It will test two things: First, whether the government in Saigon can, and will, broaden its base enough to attract sufficient allegiance to assure the survival of a non-Communist government in open competition with the NLF; and, second, whether South Vietnam has the will and the capacity, which it may not recognize now, but will only recognize when faced with this test, of having to stand heavily on its own—especially with respect to shouldering the main combat responsibility.

This does not mean that the United States will not give aid of many kinds, but the fundamental combat responsibility must be transferred, and this is a step in that direction.

One other observation I should like to make: the President, properly, specifies seven items in which his administration has gone forward in an effort to bring about a political settlement. He specified them, as follows:

We have renounced an imposed military solution.

We have proposed free elections under international supervision.

We have offered to withdraw U.S. and allied forces over a 12-month period, if the North Vietnamese did the same.

We have declared that the United States will retain no military bases. We have offered to speed mutual withdrawal under a negotiated and supervised cease-fire.

That we would settle for a de facto removal of the North Vietnamese troops, even if they did not admit they were in there.

And, finally, that we would accept any political outcome arrived at through free elections.

The President properly said the only thing that is not negotiable is the right of the people of South Vietnam to determine their own future.

The question is, Who shall redeem that? They or we? The main argument that people like myself make is that we have shed enough blood and have spent enough of our treasure. It is time to turn that redemption increasingly over to the South Vietnamese themselves.

Finally, these overtures, very real, very substantial, and very creditable, by the United States, deserve more support in the world than they have received. I think the United States ought to initiate appropriate diplomatic actions—and the United Nations meetings, which are starting today, are a good place to begin—to get recognition and support in the world of what we have come forward with. Such support could help materially to persuade the North Vietnamese to adopt a more flexible negotiating position and to join in efforts to reduce, and terminate, the fighting and bloodshed. That, coupled with world disapproval of the harsh prisoner-of-war attitude of the North Vietnamese, upon which the occupant of the Chair (Mr. Cranston) and my colleague from New York (Mr. Goodell) have acted, may result in changing the climate of world opinion, which has been one of the big disadvantages that the United States has faced in the struggle over Vietnam.

I urge our President and our Government to undertake this action. The President's statement today is a fine base for it. I shall do everything I can, as a Member of the Senate, and as a member of the Foreign Relations Committee.

Mr. STENNIS. Mr. President, the Senator has made a very fine statement.

Mr. JAVITS. I thank the Senator.

TRIBUTE TO SENATOR SYMINGTON

Mr. EAGLETON. Mr. President, my distinguished senior colleague from Missouri (Mr. Symington) has spent the better part of his adult life dealing with the crucial problems of national security in the broadest sense.

As a former Secretary of the Air Force and a longtime member of the Committee on Armed Services, he has acquired an intimate knowledge of the military, its procedures, and its requirements. As a member of the Committee on Foreign Relations and more recently as chairman of its Subcommittee on Foreign Commitments, he possesses expertise and knowledge of the intricacies and demands of a responsible foreign policy. As a member of the Joint Economic Committee, he understands the need for a strong American dollar and prudent fiscal policies.

But more important, he possesses a keen intellect capable of bringing his vast experience to bear on the major issues of the day. His advice and counsel during the debate over the military procurement authorization have been invaluable—although unfortunately it was ignored on the ABM and AMSA.

The Columbia Tribune recently published editorially a well-deserved tribute

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to Mr. Symington. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record as follows:

The Emerging Symington

Stuart Symington is the senior U.S. Senator from Missouri. He was Secretary of the Air Force back when the branches of the services were organised into separate cabinet agencies. In the Senate he is on the Armed Services, Foreign Relations, Appropriations (ex officio) and Joint Economic committees.

He has spent his entire governmental career close to the military. His hand has been more or less consistently in the planning of our nation's defense posture. Until perhaps 24 months ago he was considered hawkish—certainly sympathetic to Pentagon programs and a steadily escalating defense configuration.

It is because of this unique combination of past characteristics that Senator Symington has now emerged as the leading antagonist to President Nixon's Anti Ballistic Missile System program.

There are other voices in the Senate just as prestigious and well known which speak forcefully against deployment. But none of them can claim Symington's past or present association with the miltiary aspects of our nation's policy. For this reason the Missouri Senator has steadily assumed a more pivotal role in the debate, and he has been singled out by a variety of national news media as the leading spokesman on the negative side of the question.

Although Symington has always had a distinguished career in public life, it has only in the past couple of years been replete with such a strong projection of leadership. He has previously been more of the solid citizen type, always exuding incredible charm, always presenting the intelligent, urbane image one thinks a Senator should, but seldom rushing into battle like a Mansfield or Fulbright.

Then, beginning with his developing attitude about the Vietnam War (he was among the first to publicly change his mind about de-escalation) he emerged as more of an individual leader. Now, with his posture on the ABM question, the metamorphosis is complete.

There are those who will probably say that Symington is projecting himself now simply because he will be running for re-election in 1970. The six year term of a Senator allows him to be himself most of the time, so this argument goes, and he only has to turn on the steam occasionally.

But this idea is patently silly when applied to Symington's particular case. The Vietnam War and the ABM debate strike us as singularly shaky foundations upon which to build a popular electioneering image. Certainly Symington was in the minority when he first started talking about bombing halts and troop withdrawals in Vietnam, and he is in the minority (though only slightly, it seems) on the ABM issue. Motherhood, the flag, law and order or governmental cost cutting would have been more appropriate for short term personal gain.

No, the truth is that Symington has been performing a distinct public service in his willingness to forcefully join the national debate on sensitive matters of militarism, national defense and the attendant economic and philosophical implications.

He believes that continued escalation of our military budget could destroy the integrity of our economy, and when a man in the U.S. Senate with the background and intelligence of a Stuart Symington comes painfully to such a conclusion, he must speak out if he is to dispatch his duty. If the Senate meets no other national need it must serve as the forum for the most excruciating of these discussions, and it is to the credit of Missourians that they have elected to that body two men possessing the necessary powers of analysis, articulation and personal appeal to positively affect the swirl of public philosophy that is developed there.

Symington has become more than a man to respect. He has become a man to follow.

BILLBOARD REMOVAL

Mr. MOSS. Mr. President, more than 4 years have passed since Congress enacted the Highway Beautification Act of 1965, and we have still found no way to carry out the antibillboard provisions of that act.

A suggestion which is both practical and economical has come from a brilliant young advertising executive of my hometown of Salt Lake City, Utah, Mr. Douglas T. Snarr. The Snarr plan is encompassed in a bill I have introduced—S. 1442. Hearings were held on it early this session by a subcommittee of the Committee on Public Works.

The September issue of Fortune summarized the plan in a succinct and effective way. I ask unanimous consent that the brief article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The "Snarr Plan" for Billboard Blight

Douglas T. Snarr is a 35-year-old artist who loves the scenic beauty of his home state of Utah. His is currently the loudest voice pleading for implementation of the dormant antibillboard provisions of the Highway Beautification Act of 1965. What is curious is that Snarr is also president of Snarr Advertising Inc., of Salt Lake City, a company that has 1,600 billboards hiding the scenery in thirteen western states.

Snarr is not trying to commit business suicide. Most states have been considering carrying out the law by condemning signs one by one, just as they acquire parcels of land for new roads, and reimbursing the owners. This cumbersome approach, involving as many as a million unlawful signs nationwide, might drag on interminably, Snarr fears, and the red tape could push total costs as high as $2 billion—far more than Congress is ever likely to appropriate

Snarr has a far simpler approach, which, he believes, would cost only about $500 million nationwide. Under his plan the states would enter into a relatively small number of contracts with outdoor advertising companies, under which each would take down all of its offending signs and receive compensation for them. Having won over twenty outdoor advertising companies with signs in Utah to this plan, Snarr is now lobbying for a bill by that state's Senator Frank E. M Moss which would authorize $5 million for a pilot sign-removal project in one or more states.

A devout Mormon, Snarr believes billboard blight has got out of hand ("It's awful!" he says). Equally important, he sees small rural outdoor advertising companies, such as his, in limbo because of the stalled beautification program—hesitant to put up new signs, yet uncertain about when and how they will be compensated for existing ones. There's a danger, he says, that the countryside will become filled with abandoned signs, which are even uglier than well-maintained ones. Snarr wants to enter another business if he can recover his investment. Meanwhile, he wryly notes, most of the big outdoor companies, whose signs are mainly in urban areas exempt from the 1965 law, continue to prosper.

UNDER SECRETARY CAMPBELL SPEAKS ON OUR ENVIRONMENT

Mr. PERCY. Mr. President, the U.S. Department of Agriculture has long been concerned about the quality of environment and the people and other living things that depend upon this environment for survival. Farmers need pesticides to protect their crops and livestock from harmful insects, weeds, diseases, and other pests. These chemicals also are required to halt the spread of malaria and other deadly human diseases throughout the world. However, the Department is well aware of the potential hazard to the environment that can result from the misuse of pesticides, and it has acted to avoid such hazards through extensive programs of regulation, research, monitoring, and education.

The Department's concern for our environment was demonstrated by two recent actions. Last spring, it launched an intensive study of the Lake Michigan watershed to determine the extent and source of pesticide contamination of the lake. In July, all USDA pest control operations using nine of the most persistent pesticides were temporarily suspended to permit an intensive review of these programs. Reduction in the use of some of these pesticides already has been announced.

The Department's concern for protecting the environment while continuing to help farmers produce the food, fiber, and timber products all Americans require is expressed well in an address by the Honorable J. Phil Campbell, the Under Secretary of Agriculture, September 15 at the annual meeting of the National Agricultural Chemicals Association at White Sulphur Springs, W. Va. Under Secretary Campbell outlines in some detail the efforts of the Department of Agriculture to assure safety in the use of pesticides and to seek out through research new and better means of destroying the pests of man without damage either to man himself or to the environment man shares with all other living creatures.

Mr. President, I ask unanimous consent that Under Secretary Campbell's speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Address by Under Secretary of Agriculture J. Phil Campbell Before the National Agricultural Chemicals Association, White Sulphur Springs, W. Va., September 15, 1969

I appreciate very much the opportunity to take part in this annual meeting of the National Agricultural Chemicals Association. It's good to see many friends here—many who have been associated with agriculture for most of their lives, just as I have.

We are all deeply dedicated to furthering the progress of American agriculture. We know this is vital to the nation.

We are all keenly concerned with the advancement of agricultural research. We know that research is, and will continue to be, the mainspring of agricultural progress.

And we are all disturbed by what seems to be a growing tendency to make agriculture the scapegoat in the great public awareness over environmental pollution.

That there is environmental pollution is an undisputed fact. That it stems primarily from agricultural use of pesticides and plant nutrients is not a fact. The danger is that too many uninformed people may tie the fact and the nonfact together in one package.

There is a great deal of uninformed talk today about maintaining nature's balance. I'm reminded of a letter I had from a lady about 12 years ago when I was Georgia Commissioner of Agriculture. She wanted to know if there was any State law that would protect the farm she and her husband owned on the Alabama-Georgia line against fertilizers washing and chemicals blowing from a neighboring farm.

I wrote back telling her there was no such law on the books. She replied by return mail that hers was no routine letter and she hadn't expected a routine answer from me. For my information, she had a M.A. degree and her husband was working on a Ph.D. at Auburn, and she was asking a serious question and expected a serious answer. Then she went on for three pages, single-spaced, about how the so-called technological progress of America was unbalancing nature and the dire results that might be expected therefrom.

I carefully considered my reply and then I wrote to her that the only way I knew of to balance nature in the manner she was proposing would be for all mankind to take off their clothes and move out of their houses and go back to the caves, and I didn't see how we are going to bring this about.

I don't think my answer satisfied her, but she evidently gave up on me because I never heard another word.

Now, I'm not downgrading in the slightest the truly fundamental importance of maintaining a balance in nature. The point I'm making is that in assessing our use of natural and man-made resources to make better living possible for the American people, we need to proceed on the basis of facts and on the basis of practicality.

The way to approach any problem is from the vantage point of truth—of facts—not from false premises based on half-truths and myths.

A few years ago newspaper stories attributed major fish kills in the Mississippi to endrin contained in water runoff from fields in which endrin had been used. Subsequently, a team of scientists uncovered convincing evidence that these fish kills were *not* related to pesticides on agricultural lands. Unfortunately, this received little attention in the press.

Mr. and Mrs. American Citizen hear a great deal about water pollution. They read in the press or hear over radio and TV that 14 million tons of plant nutrients are applied to soils in the United States every year.

From there it's an easy jump to the conclusion that these plant nutrients, washing off into streams and lakes and feeding the growth of algae, are making the water unusable for domestic purposes, recreation, or fishing.

Scientific evidence indicates that plant nutrients are quite a minor factor in this development. But rumor has a way of outrunning fact.

Currently, there is a big controversy about the role of DDT and other persistent pesticides.

DDT was first synthesized in 1874, but it was not until 1939 that a scientist in Switzerland discovered its insecticidal properties.

DDT has served the world very well since its perfection for use as an insecticide by USDA and other scientists. By controlling the malaria mosquito and other pests that transmit diseases, it has saved millions of lives. World Health Organization leaders have said there has never been another chemical that has done so much to control pests that carry diseases to people. DDT has also been an important factor in increasing world food production.

Because DDT has been so widely used traces of it have turned up in many places—including salmon taken from Lake Michigan. But it is still far from clear what the long-term implications of DDT pervasiveness may be.

We must determine whether or not DDT and other persistent chemicals pose a threat to the environment and the welfare of man and society. If they do, then we must move quickly to minimize or eliminate that danger.

We would all agree that the American public *should be* concerned about human safety and about the purity of the environment. We would all agree that the American people need to know the true extent of contamination and pollution—and the truth about who and what are responsible.

We would agree also that not only the American public, but people in other countries who buy our agricultural products, have a rightful concern about pesticide contamination.

Within the past two to three years a number of European countries have enacted laws covering the tolerable levels of pesticide residues in foods. Our export markets depend on our ability to meet these requirements.

But the public needs to know also the benefits America and the whole world derive from the efficient, safe use of chemicals.

The public needs to see all aspects of the question in context.

And not only the public but you and I also need to look at this problem from all sides.

From the practical angle there is no question in my mind—as I'm sure there is none in yours—that the vitality of American agriculture will demand the extensive use of chemicals for a long time to come.

We depend very heavily on technology for our standard of living. Much of our agricultural technology is a "package deal." In the package are included mechanization, conservation practices, irrigation, improved varieties of plants, and the most advanced and effective insecticides, herbicides, and fertilizers.

The use of pesticides has risen rapidly since the close of World War II—and is still growing sharply.

U.S. production of synthetic pesticides increased more than 37 percent in the five-year period, 1963 to 1967.

On the other hand, demands for certain pesticides are decreasing. U.S. production of DDT is now less than half what it was was five or six years ago, and three-fourths of our production is exported. It seems quite evident that the popularity of DDT is definitely on the wane in the developed world.

Herbicides are now the largest single category of pesticides used in U.S. agriculture.

In 1949 herbicides were used on 23 million acres of agricultural land. By 1965 there was a five-fold increase to more than 120 million acres—or about one-third of our crop acreage.

Just in passing I might point out that Europe uses herbicides on from 80 to 85 percent of its crop acreage.

The public needs to know how great our dependence on the use of chemicals in agriculture actually is. Some 10,000 species of insects in the United States are enemies of man, agriculture, and natural resources. Several hundred of these are particularly destructive.

Besides these insects there are 600 species of weeds, 1,500 plant diseases, and 1,500 species of nematodes and microscopic worms which are capable of causing serious economic loss.

The cost of controlling these pests was estimated at more than $3 billion a year in the mid-1960's. It is more today. Even with these very large expenditures to curb pests, it is estimated that insects, diseases, nematodes, and weeds cut U.S. agricultural production by about one-fourth.

The public needs to know these facts. The public needs to know also what the effect would be if we were suddenly to stop the use of pesticides in agriculture.

Potato production in the East could be virtually wiped out. Peaches and citrus fruit might well disappear almost completely from food markets.

Total production of U.S. crops and livestock, it is estimated, could drop by as much as 30 percent.

Now suppose that we also cut out the use of chemical fertilizers and lime. I remember some 15 years ago seeing an estimate that fertilizers and lime accounted for at least 25 percent of U.S. crop yields. Since that time the quantity of fertilizers and lime used annually has jumped about two and one-half times.

Without any of the pesticides, herbicides, and fertilizers which we are presently using, I personally doubt that we could provide adequate quantities of food and fiber on our current acreage for more than 40 percent of our population.

Prices of farm products would skyrocket. Instead of getting our diet for 17 percent of our disposable income—easily the lowest in the world—we might be forced to devote 30 or 40 percent, and perhaps even more, for food.

Now this, of course, is a straw man. Nobody seriously advocates the sudden and complete withdrawal of chemicals from agriculture. Yet, I think it is important to point out to the public these facts on the importance of chemicals to our daily living.

These are some of the background facts against which suggestions and recommendations concerning the use of chemicals in agriculture must be considered. What effect will any specific recommendation, if acted on, have on supplies of food and fiber—on food prices—on the cost of living—and on the people's health?

Authorities estimate that 25 million persons in the country have poverty level incomes. What happens to them if their food costs are sharply increased? Many millions of other Americans have incomes not too far above the poverty level. Would they be dragged down into poverty? These questions need to be carefully weighed.

In an even broader context the public needs to consider the role of chemicals in the world food problem.

Two out of three of the world's people live in countries where the average diet falls short of nutritional adequacy. In vast regions of the earth population pressure obviously strains agricultural resources in their present state of development and use. Next to achieving world peace, there is no greater goal facing our generation than to alleviate widespread hunger in the world, and eventually to wipe it out.

But it is important to stress the fact that the world food problem as it presently exists is not primarily a population problem but an economic problem.

People in Belgium are well fed—yet the density of population in Belgium is estimated to be four times that of China. People in the Netherlands have generally good diets—yet their density of population is twice that of India.

Yet, some social scientists, who know little or nothing about agriculture, seem to insist on treating world hunger almost exclusively as a population problem. They arrive at their prognostications by dividing the number of world acres available into the number of people expected at some future date, and on this basis predict mass famine and starvation.

I do not minimize the seriousness of the world food problem. But I strongly believe that research and technology have introduced an entirely new element into the food and people equation. They have developed new breeds of livestock and poultry, new crop varieties, new methods of cultivation, new machines, and many new chemicals and pharmaceuticals.

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The result is that one hour of U.S. farm labor last year produced 7½ times as much food and fiber as it did 50 years ago—4 times as much as it did 25 years ago—and 2½ times as much as it did 15 years ago.

We cannot expect such gains in nations which lack our resources and our ability to develop the "package technology" to which I referred earlier. Nevertheless, research and technology, the coming use of nuclear energy, economical processes to de-salt sea water, and other advances could be the genie which would open wide the doors to more abundant food supplies.

I personally believe that within the Continental United States alone there are natural resources enough when combined with the coming technology to provide food and fiber for a billion people.

This is one side of the picture—a side which has not been adequately told to the public. Research and technology—including the use of chemicals in agriculture—have already brought great benefits to America and the world. The *wise, prudent,* and *safe* use of chemicals can bring even greater benefits in the future.

But I emphasize those words—wise, prudent, and safe.

We *must* use chemicals with just regard for the safety of man, wildlife, and the natural environment.

In 1967 the USDA asked the National Academy of Sciences and the National Research Council to study the problems of pesticide use in the United States. The report of the Committee making the study was released early in June 1969. The report concluded that the present system of controls was providing adequate protection to man for his food supply. But it recommended that further and more effective steps should be taken to reduce the needless or inadvertent release of pesticides into the environment. It recommended further that studies of the possible long-term effects of pesticides be intensified, that research on chemical methods and techniques of pest control be increased, and that regulation and monitoring of persistent pesticides should be strengthened.

With these recommendations in mind and because of a growing concern over environmental contamination, we announced on July 9 the temporary suspension of nine persistent pesticides in our USDA pest control operations. It was determined that with certain exceptions these programs could be temporarily suspended without adverse consequences. We have used this period to make a highly valuable review of our control operations. Last month we arrived at some decisions with respect to certain uses. Further decisions will be announced shortly.

All of our decisions have been, and will be, made on the basis of the need for controlling specific pests balanced against the possible dangers involved and the availability of acceptable alternative control methods. In other words, the total picture must be considered.

Our purpose is to assure maximum feasible protection of our environment consistent with effective measures to halt the spread of destructive pests.

As you know, the Department's scientists for many years have been seeking additional safe and effective control techniques that minimize or avoid environmental contamination.

From past research has come the insect sterilization technique which has virtually wiped out the screwworm parasite in the South, and is being successfully applied to tropical fruit flies.

Other unique approaches being developed include virus insecticides, ultra-violet light and ultra-sonic sound, sex attractants, hormones that interfere with normal insect growth, manipulation of insect genes, and similar highly sophisticated control methods.

Most of these developments, however, are years away from widespread practical use. For example, the USDA has been importing natural enemies of pests for more than 80 years. About 520 species have been imported. Of these, 115 have become established, but only about 20 have resulted in substantial control of the pests they were imported to combat. And they must be used in combination with other methods to be effective.

For the foreseeable future, therefore, pesticides will continue to be our main weapon against pests.

Consequently, USDA's regulatory responsibilities will continue. The outlook is for stricter control over pesticide production, packaging, labeling, and use.

A recent highly significant development is the recalling of pesticide products to insure quality and safety. Previously, USDA was limited to seizing shipments of family pesticides.

Now, if a pesticide is found to be defective the entire batch is withdrawn from the market.

These are some of the things I wanted to bring before you for your consideration at this annual meeting.

I want to assure you that the new team in Washington believes in and intends to support research. We recognize, as I said in the beginning, that research has been, is, and will continue to be the mainspring of our agricultural progress.

We realize that the struggle between man and pest has been going on for centuries. It is only recently that man has gained the upper hand, and in only a few parts of the world. The job of research is to maintain this position and improve it.

While the USDA will do all it can to help, the development of new pesticides has been and will continue to be primarily the responsibility of private industry. The introduction of new and better products by your industry is essential to the continued availability of chemical pest control tools that are *both* safe and effective.

All of us who are concerned with agriculture and agricultural research face a great challenge—and at the same time a great opportunity—to make the facts about the environmental problem known to the American people.

We need to pinpoint with as much accuracy as possible where any environmental contamination is coming from. Last spring, we began an intensive study of the Lake Michigan watershed to see if we could determine the source of pesticides entering the lake. Some 400 chemical plants in Michigan, Wisconsin, Indiana, and Illinois are being checked to see if waste disposal and other manufacturing practices are contributing to pollution.

We must work together on research and in the widespread use of research findings to protect and improve the environment while agriculture produces the food, clothing, shelter, and other products vital to our existence and essential to our high standard of living.

We also must get together in emphasizing the fact that agriculture has a deep concern about the environment and is working to protect it—that agriculture is concerned about a clear, clean, abundant water supply—about clean air—about healthy and plentiful wildlife—and about safe, high-quality food.

We must stress our own personal concern about environmental pollution. We ourselves must insist that every precaution be taken to assure an uncontaminated soil, water, and food supply.

Above all, we must learn to speak with a united voice on these problems.

We must speak up for truth—and we must speak up together.

TENNESSEE WALKING HORSE

Mr. TYDINGS. Mr. President, this Wednesday I will preside over hearings on S. 2543, a bill I have introduced to prevent the "soring" of Tennessee walking horses.

Soring is a barbaric practice whereby the horse's feet are deliberately made sore so that, when they touch the ground, they will hurt and spring up and out in an exaggerated gait. This gait or "walk" can be achieved through patient training and proper breeding, but soring is a cheap way to obtain it. Through soring, a mediocre horse can walk like a champion. What is desired in a Tennessee walking horse is known as "the big lick" where the horse kicks out his front foot as he steps. When the foot is sore, the kick is naturally more pronounced.

Soring is a cruel and inhumane practice. It is condemned by the American Horse Shows Association, the Tennessee Walking Horse Breeders and Exhibitors Association, the Tennessee Walking Horse Trainer's Association, and the organizers of the Tennessee Walking Horse National Celebration, the world series of these horses, recently held in Shelbyville, Tenn. It is even condemned by the State of Tennessee, where it is a misdemeanor to so treat a horse.

However, soring is also condoned by all these groups. They have been either unwilling or unable to stop the practice.

S. 2543 is designed to accomplish what they have not.

During this year's celebration, the Nashville Tennessean published a series of articles on the many problems of the Tennessee walking horse industry. It is an excellent series, and the newspaper's editor, John Sieganthaler, is to be commended for it, as is the author, Wendell Rawls, Jr. One problem given prominence is soring.

I ask unanimous consent that the fourth article of the series, devoted entirely to soring, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Nashville Tennessean, Sept. 3, 1969]

WALKING HORSE SORING AN ART—BUT STRICTLY ILLEGAL

(By Wendell Rawls, Jr.)

Effective "soring" of walking horses is an art . . . strictly an illegal art, but a very widely practiced art.

The delicate practice of this art, designed to persuade the horse to lift its feet in the mincing, professional fashion treasured for exhibition purposes, has been attested to by several Tennessee trainers.

According to them, the most accepted method of soring a walking horse is to deposit a chemical blistering agent called oil of mustard onto the feet of the horse somewhere between the coronet band and the fetlock above the hoof, either in front or in back depending on how the horse reacts.

With the ankle tender from the "scootin' juice" or "hot stuff," as it is commonly called, the horse is then worked with a chain or roller, or both, around the ankle to add weight.

The horse tries to throw off the chain which varies in weight according to the reaction of the horse.

The rubbing of the chain or roller against the hide of the leg can remove the hair and cause a raw sore unless carefully treated after the workout or show.

In the show ring, the horses wear a two-inch boot, supposedly to prevent injury to the front feet from over-striding of the back legs.

In reality, the boots act about the same as a chain or roller, adding weight to the feet while providing something for the horse to attempt to kick off.

The oil of mustard, a liquid, is applied with an eye dropper. The amount used depends on the reaction of the horse. Some horses require only a drop to reach the desired gait. Others require half an eye dropper.

There are other methods rumored, but knowledgeable horsemen agree that the oil of mustard is far and away the most commonly used.

No walking horseman will acknowledge the use of wood screws, nails, needles or any other method more severe than the blistering agents.

According to industry practitioners, even oxide of mercury, commonly referred to as "creeping cream," is no longer employed.

The reason for the use of any soring method is simple.

The sore horse, as a rule, will produce the desire gait much easier than through the arduous long hours required in training without the help of an outside agent. And the horses generally attain a higher "reach" of the front legs and more "man-like walk" of the back legs with the aid of hot stuff.

The problem comes, trainers agree, when the amateur rider and trainer apply the mustard without knowing the proper method or the proper amount.

The amateur won't spend the time, either to take care of the horse properly after a workout or horse show. He leaves the mustard on the leg, and puts the horse up for the night. This is hard on the horse.

The trainers maintain that proper care after using a blistering agent makes everything all right. They contend that the "big lick"—the climbing, reaching stride of the professional walking horse—is demanded by the public, which would leave the stands in droves without the excitement it provides.

There is some reason for this belief perhaps. But the fact is that walking horses can be trained to the proper stride without soring. Reasons for resorting to soring include:

Some trainers don't want to spend the long hours required to train a walking horse without the bottle.

Many trainers feel that they cannot compete with more established trainers unless their horse is sored for an even bigger lick in order to get the attention of the judges.

Unless all trainers stop the practice, no one man will initiate the action and go into the ring against other trainers whose horses have been sored for the big lick.

Vic Thompson, president of the Walking Horse Trainers Association, telephoned The Nashville Tennessean yesterday to complain that some statements attributed to him in this series of articles "have been wrong."

Thompson, who admitted he has been soring horses in order to compete, said he wanted to make it clear he had not volunteered criticism of other horsemen and that news reports attributed to him were taken from a letter he sent to other trainers.

In regard to soring practices, Thompson said, "I'm only talking about myself."

Thompson declined to comment on reports that threats have been leveled at him since this series began.

Even though the rules of every walking horse association forbid soring, not all horse shows abide by the same rules or in the same way.

Many horse show managers fear that to be too strict on soring will cut down on the number of horses appearing in the ring. In fact, there are times when stewards and judges are instructed not to be too severe in the enforcement of such regulations against sore horses.

William C. (Bill) Tune, president of the Walking Horse National Celebration in Shelbyville, tells a sadly amusing story of his experience in Hartselle, Ala.

Tune was invited as the steward for the Hartselle show and as such disqualified about half the first class before it reached the ring.

"The reaction of both the fans and the officials was not one of joy," Tune said.

After Tune disqualified "about half" of the second class, officials of the show came to him and demanded that he stop disqualifying the horses.

Tune said he was there to act as steward and that he would perform his duties until and unless the officials removed him from his function.

They did just that.

Pressures continue to mount from outside the walking horse industry against the practice of soring horses for show purposes. Humane societies and other animal protection agencies have been "writing their congressmen" for years and are stepping up the attack.

Sen. Joseph D. Tydings, D-Md., had reacted to the pressure with the introduction July 2 of legislation to prohibit the interstate shipment and exhibition of sored horses for show purposes.

As introduced, the bill would give the Department of Agriculture a means of enforcing the regulation and would make violations a federal offense.

Tydings, a gaited horse enthusiast, terms soring practices an example of "man's inhumanity to animals," and will commence a Senate subcommittee hearing on the subject Sept. 17.

The bill carefully defines soring and declares it to be a "cruel and inhumane" practice.

The bill provides for a fine of "not more than $500 and-or imprisonment of not more than six months for the act.

Tennessee law is more severe but evidently less effective than most walking horse people think the Tydings Bill would be.

The state statute says:

"It shall be unlawful for any owner or exhibitor of horses to make the front legs and hoofs of such horses sore for the practice of competition in horse shows and other similar events by inflicting burns, cuts, lacerations, or other injury or pain upon the front legs or hoofs of said horses by the use of blistering compounds (commonly referred to as "scooting juice"), sharp-pointed instruments, and other devices or drugs.

"It shall be the duty of all persons designated and acting as ringmaster of any horse show or similar event to disqualify any horse determined by the ringmaster to be suffering from abuse or torture resulting from the causes set out in (above paragraph) from further participation in said show, and to make a report of the same, including the name of the horse, the owner of said horse, and the exhibitor of said horse to the manager or chairman of said show, who in turn shall report the same in writing to the district attorney-general of the county wherein the incident occurred for appropriate action.

"Any violation of (the above two paragraphs) by horse owners or exhibitors, and the failure of any person or persons designated as the ringmaster of any horse show or other similar event, or the failure of the manager or chairman of said show to perform the duties required by such officials shall constitute a misdemeanor punishable by fine and imprisonment in the county jail or workhouse as in other misdemeanors ($50 and 11 months, 29 days maximum)."

If the threat of law is not enough, the economic pressures of being unable to sell a Tennessee Walking horse for exhibition outside the state is expected to have the desired effect of halting the practice of soring horses.

With trainers and exhibitors allowed to go unfettered in many shows in Tennessee, the sored and scarred horse is unable to compete in shows in many other parts of the nation, where the regulations against the practice are rigidly enforced.

Thus, owners will begin to be less interested in paying the high price for a horse they will not be able to show in their locality.

"I want to purchase my horses in Tennessee," said a California buyer, "but if I cannot show them in California, why pay the price even of shipping them there?"

Even after a sore has healed, many times scar tissue developes. That, too, is illegal in most states, and supposedly against the rules for all two and three-year-olds throughout the industry.

There is progress reported on all sides.

The Walking Horse Trainers Association, founded two years ago with the best intentions for cleaning up practices of soring of horses, has been lauded by humane societies across the nation for their efforts.

In truth, however, the practice continues. Only the evidence has been cleaned up.

DEATH OF PAUL H. TODD, SR., KALAMAZOO, MICH.

Mr. HART. Mr. President, headlines and history deal with figures who stand large on the national and world scene. Where history records a period of great success for a nation, one or a few figures appear to be credited with that success. What history too often overlooks, but which each of us should be reminded of every day, is that no one figure, no small group—no matter how well-intentioned and able—can carry a people to success, achieve progress, or avoid disaster. These goals can be won only if there are men and women willing to devote talent and energy to the affairs of each community of the nation. With this kind of community leadership, the nation increases in strength and whoever may be its figures in prominent leadership, their job is being done in large part for them by men and women rarely noted in history.

Three generations of a remarkable family dramatically illustrate this influence. I rise regretfully to announce the death of the distinguished Kalamazoo, Mich., citizen, Paul H. Todd, Sr., the second in this three-generation line of worthy community leaders. Mr. Todd served twice as mayor of Kalamazoo and for 26 years as a member of the Kalamazoo City Commission. In his 81st year, he remained active until the day of his death in the direction of a business that had been founded by his father. His contributions to banking and education in Kalamazoo are as full as his years.

The third generation of this remarkable family, Paul Todd, Jr., represented Michigan's Third Congressional District in the Congress of the United States in the middle 1960's. Former Representative Todd, also active in the business life of Kalamazoo, currently serves as the executive director of Planned Parenthood-World Population, in New York—thus continuing the Todd tradition of service to community and Nation.

To his family I express regret at the passing of this man, of whom any nation has too few.

I ask unanimous consent that an editorial published in the Kalamazoo Gazette of September 5 be printed in the RECORD.

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There being no objection, the editorial was ordered to be printed in the Record, as follows:

Paul H. Todd, Sr.

Few persons contribute to their community to the extent as did Paul H. Todd Sr. who died Wednesday at Bronson Hospital at the age of 81.

A two-time mayor of Kalamazoo, he served on the City Commission for 26 years in addition to carrying on and expanding a successful business founded by his father.

A Democrat in philosophy and action in a community and area Republican by tradition, he was a man of firm views and was not hesitant about expounding them. But he held the respect of those who were in political opposition to him as well as those with whom he was aligned.

Paul H. Todd Sr., veteran of World War I, public official and successful businessman, met the challenge of civic responsibility in full measure. His passing is the community's loss.

POWER OF THE PURSE

Mr. YOUNG of Ohio. Mr. President, the Pentagon spends almost $400 million a year on research and development grants to colleges and universities. In 1967 the Massachusetts Institute of Technology received nearly $95 million making it the 62d largest defense contractor in the Nation. Through these grants the Pentagon exerts a tremendous influence on education. In his farewell address, President Eisenhower warned:

> The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present—and is gravely to be regarded.

Through the power of the purse the military establishment determines what research shall be done and by whom. It has been able to establish criteria by which certain categories of students have been drafted and certain others deferred. It even influences the subjects young Americans are studying in college. There is the danger that colleges and universities will tailor their whole direction to obtain these research grants. Much research is necessary and can only be accomplished by scholars in academic institutions. However, we must be vigilant that the Department of Defense and the military-industrial establishment do not attain complete control of higher education in America.

THE SOUTH IS A PART OF THE UNION

Mr. ALLEN. Mr. President, James J. Kilpatrick is one of the Nation's outstanding nationally syndicated columnists and one whose opinions are highly respected for fairness and objectivity by all thoughtful citizens. In his column entitled "Let's Stop Kicking the South Around!" in the Washington Star on Sunday, September 14, 1969, Mr. Kilpatrick took a hefty poke at those in Washington who resort to double standards and hypocrisy in dealing with the South. The column is interesting and instructive reading on this point alone, but I suggest that it is must reading for anyone interested in the subject of any future southern strategy. The reason is that Mr. Kilpatrick has articulated the feeling of injustice that pervades much southern thinking today, and he captures something of the intangible southern spirit which I believe is destined to play a decisive role in the future national elections. Mr. Kilpatrick's concluding observation reveals the essence of that spirit in these words:

> The old Confederacy is part of the Union now; it is a great place; I love it; and it would be pleasant indeed if the damned Yankees who dwell in Washington would stop kicking my South around.

I heartily concur in these sentiments, and I heartily commend the column as worthy of careful consideration by Senators and by the public.

I ask unanimous consent that Mr. Kilpatrick's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Sunday Star, Sept. 14, 1969]

Let's Stop Kicking the South Around!

(By James J. Kilpatrick)

Reconstruction came to an end in the South, or so the history books tell us, during the reign of Rutherford Hayes some 90 years ago. But there are times, honest to Pete, when Southerners wonder if the South ever is to regain an equal standing in the Union.

There is something about the South, apparently, that draws an unrelenting anathema from the North. Old abolitionists never die; they write on for The New York Times. It has only to be said, or hinted, that a particular program or appointment may be pleasing to the South—the conservative South, that is—for the program or appointment to be damned out of hand. As a Southerner, I protest.

We are witnessing the syndrome just not in the nomination of Clement F. Haynsworth to the Supreme Court. It is entirely proper, of course, that the Senate Judiciary Committee inquire into his qualifications. No one is suggesting that the Senate's duty to advise and consent should be treated in perfunctory fashion. But the noxious clouds of complaint against this appointment have little to do with qualifications. The objection, at bottom, is that Haynsworth is a Southerner—a moderately conservative Southerner. That is enough. Lynch him!

Thus, an entirely phony challenge is raised that Haynsworth acted unethically by not disqualifying himself eight years ago when the great Deering Milliken case first came to his Circuit Court. The charge is baseless. The Fourth Circuit's major opinion in the Deering Milliken litigation came in November of 1963. Haynsworth did not write the opinion—Judge Albert Bryan wrote it, and Judge Herbert Boreman concurred. Two other judges dissented. Haynsworth's position on the law and the evidence was in no way irrational; it was a position shared not only by Bryan and Boreman, but also by two members of the National Labor Relations Board and by the board's own trial examiner.

Haynsworth's critics know that their charge of a particular conflict of interests is flimsy. Thus they were seeking, last week, to puff it up to a more general charge that Haynsworth is "Mr. Textile Interests." These are the same critics, by and large, who smiled benevolently in other days upon the nominations of Arthur Goldberg and Thurgood Marshall. There are times, in Washington's political rainy season, when we wallow in tides of hypocrisy; and one of those times is upon us now.

It is not only the Haynsworth nomination that suffers the "Southern stigma." Harry Dent is a skilled and dedicated executive, worth his weight in gold at the White House; but he comes from South Carolina—he formerly was with Strom Thurmond—and his appointment as a presidential assistant brought slurs that were simply anti-Southern. No matter what the administration does about school desegregation in the South—no matter what it proposes on voting rights—a hostile reaction arises.

Even Spiro Agnew succumbs. The vice president appeared on Meet the Press the other day, and was asked about the "Southern strategy" that has been urged on his party. He began his response by denying that he was in any sense a traditional Southerner. Then he got even more defensive: "How could someone seeking to court the forces of reaction propose a welfare program of the magnitude and scope the President has just proposed?"

Aarghh! The South, with the largest racial problems, has demonstrated the greatest racial peace. It has suffered less than its neighbors from strikes, riots, and campus disorders. The South continues to raise daughters who are ladies and sons who are gentlemen. It is characterized not by "forces of reaction," but by innovation and by solid progress. The old Confederacy is part of the Union now; it is a great place; I love it; and it would be pleasant indeed if the damned Yankees who dwell in Washington would stop kicking my South around.

PUBLIC HEARINGS—TAX REFORM ACT OF 1969

Mr. LONG. Mr. President, today the Committee on Finance received testimony on the general subject of the taxation of capital gains and losses. Included in that testimony were statements concerning restricted stock and lump-sum distributions under pension and profit-sharing plans. The House bill makes a series of changes in this area of the law. The most important of these changes would be extension of the holding period from 6 months to 12 months and repeal of the maximum 25-percent tax rate on long-term capital gains.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that a summary of the testimony be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Witnesses

CAPITAL GAINS

(Changes in the alternative tax, 6-month holding period, and in the treatment of capital losses)

Robert W. Haack, President, New York Stock Exchange, states the House proposals to lengthen the holding period, to elminate the alternative tax, and to restrict capital loss deductions, would have a serious adverse effect on investment incentives, capital mobility, and stock market liquidity.

Asserts that in determining the most suitable length of the holding period, there is necessarily a trade off between the opposing goals of making the necessary distinction between types of transactions and of stimulating market liquidity. Further states that all available data indicate the existing 6-month holding period is more than ample to filter out the majority of noninvestment transactions.

Points out that relatively few individuals qualify for use of the alternative tax rate, but that it is this group which is the prime source of venture capital. Expresses the opinion that eliminating the alternative tax would penalize the group from which the largest proportionate share of the national investment pool is expected to be accumulated.

States that the House proposal respecting capital losses assumes that many taxpayers can manage their investments so as to realize gains and losses in different years, and states this assumption is not valid.

Urges the committee to reject all three provisions. Also, urges that any future proposals to revise the capital gains tax structure be preceded or accompanied by a detailed study of all aspects of capital gains taxation.

Donald T. Regan, President, Merrill Lynch, Pierce, Fenner & Smith, Inc., on Behalf of the Association of Stock Exchange Firms (changes in the alternative tax, with 6-month holding period, and the treatment of capital losses): Opposes the extension of the holding period, the repeal of the alternative tax, and the limitations on the deductibility of capital losses. Believes these changes would impair capital formation by placing a heavy burden on investment, thus diminishing the flow of private capital into new and expanded businesses.

States the present 25-percent alternative tax rate is an appropriate inducement to individuals capable of accepting the largest risks. Approves, however, the administration's proposal to revise the alternative tax. States the Treasury's recommendations would accomplish the desired end without reducing investment incentives.

Contends the proposed changes in the treatment of capital losses would reduce the willingness of individuals to take risks, and in all likelihood reduce funds available to those investors in the lower income tax brackets.

Disagrees with the House report that the 1-year holding period is an appropriate criterion for determining whether an equity purchase was a speculation or an investment. States that no time period can serve to separate speculation from investment, but it can differentiate ordinary business transactions from capital transactions.

Disputes the revenue estimates in the House report dealing with the repeal of the alternative tax and the extension of the holding period. Contends these estimates are based on the assumption that investors would continue to turn over their holdings at the present rate—i.e., that they would not change their investment habits. Expresses the belief that enactment of these provisions would tend to freeze assets and discourage new investment, resulting in less, not more, revenue.

Roland M. Bixler, chairman, board of directors, the Tax Counsel (capital gains proposal): Suggests the enactment of a new system for the separate taxation of long-term capital gains of individuals, with more moderate rates of tax than at present. Proposes the use of a holding-period test for separating gains to be taxed as transfers of capital under his proposed new system, and ordinary income under the income tax system. Suggests a credit against estate taxes of long-term gains of individuals be provided under the new system. Proposes, also, that the tax be eliminated on gains from sale of owner-occupied homes and of other properties not subject to loss offsets.

States that the enactment of a separate system would make clear that these long-term gains are really a part of capital and not the income stream. Points out that this would alleviate the problem of tax burdens on high incomes by lumping together income and their long-term gains. Points out that the revision of rates on long-term capital gains would be related to factors peculiar to capital use and not to factors peculiar to receipt and use of income as at present.

Unrealized gains at death: Indicates that the taxation of unrealized gains at death would mean a double simultaneous impost on a transfer of capital. Recognizes, however, the problem of equity when gains are—or are not—recognized before death. States, though, that all possibilities for solution through decreasing taxes should be considered before contemplating an increase in taxes. Indicates that even with long-term capital gains linked with the income tax system, it would be possible to work out an arrangement by which taxes on gains during like were cumulatively recorded and then credited against estate taxes at death.

Allocation of deductions for interest: Recognizes that interest incurred in realized capital gains is a cost which should be deductible against the gains, recommends that, instead of the provision contained in the House bill limiting the deduction of interest, a taxpayer with long-term capital gains, and interest payments in excess of a figure (e.g. $5,000 annually), the amount in excess of that figure be allocated as follows: first, as a deduction under the income tax system up to the amounts of dividends, interest, and 10 percent of other income; second, as a deduction under the separate proposed capital gains system; and third, the deduction of any remainder under the income tax system.

Individual income tax rates: Suggests rate reductions through the middle brackets be adjusted toward the goal of flattening the curve of graduation. States that it is neither fair nor good economics to impose a sharply ascending scale of tax rates on the more ambitious and successful members of any given generation.

Supports the provision in the House bill providing for a 50-percent maximum rate on earned income.

Corporate income tax: Agrees with the administration's proposal for a reduction in the corporation rate in 1971 and 1972, but recommends that instead of a 1 percentage point cut in each year the total cut be increased to 3 percentage points of 1½ points in each year.

David O. Ehlers, president, Gibralter Growth Fund Inc. (general): States that changes in the capital gains tax structure will create a further shortage of investment capital and contribute to inflation, higher interest rates, depressed securities markets and unemployment. Indicates that the House bill fails to recognize the significant difference between capital and income. Notes that the practical effect of the capital gain changes will be to discourage needed capital investment at a time when such an investment should be encouraged. Points out that domestic equity markets will become less attractive inviting an outflow of investment moneys to foreign markets. Indicates that to the extent investible capital is eroded by the imposition of taxes, and inflationary expansion of credit results, this problem as it exists today will be aggravated by the changes made in the House bill.

States that the repeal of the investment credit will make less funds available internally to industry from profits; thus, industry will become even more dependent on outside sources of capital.

Alternative capital gains tax and holding period: States that the repeal of the alternative capital gains tax and the lengthening of the holding period will result in investors curtailing investments so that expansion of the economy through creation of new or expanded facilities will be sharply reduced.

Indicates that the 12-month holding period proposal contained in the House bill will reduce to a dangerous extent liquidity in the securities markets and the long-term effect will be to reduce, not increase, revenues to the Federal Government.

Points out that the present alternative capital gains tax (25 percent on net long-term capital gains) does benefit the wealthy; but more important it encourages the wealthy investor to make his capital available.

Indicates that these proposed changes will force large investors away from common stocks, venture capital and other capital gains situations in favor of either taking capital abroad or deferring the realization of capital gains.

Indicates also that these proposed changes may very well have an adverse effect on our balance of payments, since foreign investors will look to other forms of their areas for investment.

Proposes a Capital Gains Structure: Suggests a separate, graduated capital gains structure—similar, but not identical to the present income tax structure—to give clear recognition to the distinction between capital increase and ordinary income, which would permit incentives needed to attract capital required to benefit the long-range needs of our economy. States that this progressive scale would reach a maximum rate at some point, possibly $300,000 of capital gains for the year, and thereafter incremental gains would be taxed at a declining rate.

Proposes, also, taxing capital gains of foreign investors. States that this could be done through a kind of withholding tax on foreign investments.

Harley A. Hinrichs, Associate Professor of Economics, U.S. Naval Academy and University of Maryland (capital gains concept): Agrees that capital gains provisions of House bill are an improvement over existing tax law. States that current Treasury proposals are not.

Suggests that further improvement could be made: (a) treating capital gains as ordinary income, with averaging, and lowering top rates (to 50 percent or below) would be the most significant tax reform that Senate could accomplish—generating up to $8.5 billion in new revenues making other reductions and reforms possible, simplifying the tax code (and H.R. 13270), and producing equity and economic growth; and (b) closing $3 billion loophole of allowing $20 billion in capital gains annually to escape taxation by transfer at death—which would unlock capital now frozen in anticipation of tax-free transfer at death and greatly improve equity of tax system. Indicates that, as a minimum, capital gains accrued after 1969 should be included at death.

Thomas L. Waterbury, Professor of Law, University of Minnesota (capital gain tax on transfers of capital assets by gift or at death): Recommends a comprehensive measure for the realization of capital gain or loss on transfers of capital assets by gift or at death, and that unrealized gains in respect of property held in trust be taxed once in each generation.

Points out the inequity in the result which allows an individual to transfer property at death without the payment of an income tax. Recognizes that whereas there is a complete avoidance of an income tax on the transfer of property at death, in the case of inter vivos gifts there is a deferment of tax because of the carryover basis rule. Suggests that this carryover basis rule for gifts is not sufficient and that the capital gains tax should be imposed on such transfers.

Notes that the Kennedy administration presented proposals of this kind to the Ways and Means Committee in 1963, but that the committee did not approve them. Indicates that the reason the Ways and Means Committee did not accept the proposals in 1963 may have been due to errors of judgment made by the administration in developing and supporting the proposal. Feels that the committee may have thought that the realization at death proposal ought not to be enacted until a further case was made for it.

Suggests that gains tax realization at death should become a part of our income tax law because most gifts and transfers at death of appreciated assets are made to, or in trust for the benefit of, members of the transferor's family and that the result of present law is to benefit the transfer of wealth within the family, especially those families which have large appreciated property being transferred at death. Believes that the present practice of forgiving the gains tax upon appreciated assets retained until death is inappropriate because it results in an unjustifiable subsidy to the interests of some families in the inheritance of property, as opposed to the interests of others in such inheritance, and because this subsidy to inheritance seems incongruous in the light of the burdens placed by our mass income tax upon family interests in annual maintenance.

Believes that a capital gains tax at death should not provide an exception for small estates or provide a martial deduction for the purpose of achieving the equality of treatment for surviving spouses in noncommunity property States. Suggests, further, that unrealized gains be realized, periodically, in the case of assets which appreciate in the hands of a multigeneration trustee.

RESTRICTED STOCK

John Seath, vice president and director of taxes, International Telephone & Telegraph Corp. (*Restricted property*): States that it is difficult for large corporations to compete for management talent with small closely held corporations because the small companies can offer managers large blocs of stock at very low prices and therefore create the possibility of very large capital gains when their stock is offered to the public. States that restricted stock plans are one of the principal methods of attracting management to large corporations.

Argues that restricted stock plans meet a legitimate need and are not tax gimmicks, and that benefits to these plans were specifically and favorably called to the attention of the Ways and Means Committee during consideration of the Revenue Act of 1964. Contends that qualified stock option plans cannot meet this need because they are no longer particularly attractive as employee incentives in view of the decline of market prices, higher interest rates, and the restrictions added in 1964.

States that the provision has been hastily considered, and would not provide increased revenue for the Treasury.

John A. Cardon and John M. Skilling, Jr., Lee, Toomey & Kent, New York City (Deferred compensation): Opposes the proposal for taxing deferred compensation.

Contends that deferred compensation is fully taxable at ordinary income rates and in no sense represents a tax loophole.

Argues that deferred compensation serves many corporate purposes: it attracts and holds employees; it provides supplemental retirement income; and, when awarded in the corporation's own stock, it creates additional employee incentive. States that its use is not limited to a few highly paid executives, but is applicable to many employees at many levels.

Contends that the proposal is unduly complex and presents a disproportionate compliance burden.

Argues that adoption of the proposal may cause a loss of tax revenue, and that it will be inflationary by encouraging current payments of compensation rather than deferment.

States that the proposed treatment of deferred compensation modifies radically the fundamental concepts of the cash method of accounting and the annual accounting period, and that no adequate revenue purpose has been demonstrated for so drastic a departure from these basic concepts.

Distributions from qualified plans:

Opposes the proposed method of taxing lump sum distributions from qualified employee plans. States that such distributions represent the accumulation of employer contributions and increment thereon over a period of many years, and that the proposal to tax post-1969 employer contributions on a 5-year "averaging" is neither realistic nor equitable.

States that the proposal would substitute a complex set of rules for a very simple tax computation under existing law. Argues that data needed to compute the tax liability under the proposal is not readily obtainable, nor is it always available to the taxpayer.

Contends that the adverse effects of the proposal will be felt by all plan participants receiving lump-sum distributions and not merely by those whose taxes on such distributions might be increased.

States that the attempt to provide a 5-year forward averaging will result in overpayment of taxes by some retired individuals who can least afford it and yet prevent them from recovering overpayments for a period of 5 years.

LUMP-SUM DISTRIBUTIONS UNDER PENSION AND PROFIT-SHARING PLANS

Arthur M. Wood, president, Sears, Roebuck and Co. (Sears profit-sharing plan): Explains that all regular employees are eligible to join the Plan after 1 year's service; employees contribute 5 percent of salary up to a maximum of $15,000 salary; the company makes contributions to the plan based on a sliding scale of net profit before taxes; company contributions are allocated under a formula according to employee contributions, length of service, and age; about 86 percent of plan assets are invested in company stock; each employee has a separate account to which contributions and investment earnings are credited, showing number of shares of company stock and dollar value of other plan investments; an employee's account is fully vested after 5 years, after which he can instruct trustees on voting his shares; the plan holds about 22 percent of company's outstanding stock; and that the average benefits received on retirement in 1968 of employees with 25 to 30 years service was $100,401 (cash and company's stock).

Lump-sum pension distributions: Opposes changes made by section 515 of House bill to treat employer contributions to pension and profit-sharing plans made after 1969 and received in a lump-sum distribution as ordinary income rather than capital gains. Argues that capital gains treatment should be retained in recognition that an interest in a profit-sharing plan is an investment at risk over a long period and is entitled to such treatment. Maintains that capital gains treatment is fair, workable, and easily understood, and that it is a good method for taxing "bunched" income. Asserts that employer contributions to profit-sharing plans are properly treated as a capital asset.

Contends that House bill changes are extremely complex, difficult for employees to understand, and difficult for the Service to administer. States that the 5-year averaging provision would require employees to overpay their tax at retirement and seek a refund after 5 years under the recomputation provision.

Argues that the bill's averaging provision is unsatisfactory because the one-fifth of post-1969 employer contributions is added on top of all other income in the year of retirement, thus increasing the tax bracket for the computation. Notes that the refund provision attempts to correct this; however, claims that this is much too complex, since records may get misplaced and the Service would have to audit to check accuracy of recomputation.

Unrealized appreciation of employer securities: Emphasis that unrealized appreciation of employer securities should remain untaxed until the employee sells, since other purchasers of securities are not taxed on appreciation until realized through a sale or exchange.

Conclusion: States that if, in spite of arguments against changing current treatment of lump-sum distributions, it is considered desirable to change the tax treatment of employer contributions, "a better averaging device should be found," which should be simple and settle the tax liability at time of retirement so no refund procedure is necessary.

Raymond H. Geisecke, chairman of the board, Council of Profit-Sharing Industries (Taxation of lump-sum distributions under qualified profit-sharing plans): Opposes provisions of House bill which would tax as ordinary income a portion of any lump-sum distribution made under a profit-sharing plan. Believes that this change of law is based upon a misconception as to the nature of profit sharing and the nature of an employee's interest under a qualified profit-sharing plan. Feels that the results which the change in method of taxation would produce are inconsistent with some of the underlying premises of the tax reform bill. Believes that the added cost of administering the revised method of taxation together with other collateral effects which the changed method would produce should be balanced against any estimated revenue gains which would be produced by the change and that when all factors are taken into acount, the relatively modest revenue gain now anticipated would be practically eliminated, or might even result in a revenue loss.

Believes that any change to present law should recognize, as does the House bill, that part of an employee's interest in a profit-sharing plan is clearly risk capital and should be taxed as such. States that any averaging method which is to apply to the balance of a lump-sum distribution which is not treated as a long-term capital gain should not be based upon the recipient's income and marginal rates in a single taxable year. Argues that any averaging method which applies to part of a lump-sum distribution should contemplate payment of taxes due on the distributions once and for all at retirement. Maintains, therefore, that the provisions in the House bill providing for the possibility of refunds following calculation and payment of taxes on lump-sum distributions should be avoided. Indicates that any averaging method should be simple and should not entail complications such as those included in the House bill.

William F. Drake and V. Henry Rothschild, II, American Pension Conference (Lump-sum pension distributions): Argues that the 5-year averaging proposal and refund procedure would involve administrative complexities and heavy burdens on Government and taxpayers, especially on retirees who have not customarily retained tax consultants.

Maintains that rules and procedures would have to be developed for determining portion of lump-sum distribution attributable to post-1969 employer contributions to plans. States that allocation of a distribution into portions representing employer contributions, forfeitures and investment earnings would add administrative burdens, especially in the case of the typical aggregate funded pension plan in which individual determinations are rarely made or records kept of amount of employer contributions (including forfeitures) or investment earnings which could be considered attributable to specific individuals. Asserts that ultimately the added administrative costs of such records would be reflected in amount of employee benefits.

States that most employees would be overpaying their tax since their gross income for years of distribution would be increased by the one-half of capital gain portion, placing him in a higher tax bracket for the computation year.

Notes that the removal of the 25-percent alternative capital gains tax rate and the limit on tax on earned income will remove some of the disparity between the capital gains rate of lump-sum distributions and ordinary income rates on annuity retirement income. Contends that capital gains provides a workable, equitable solution to the bunched-income problem.

MARKET POWER AND DISCRIMINATION

Mr. HART. Mr. President, I ask unanimous consent that a news analysis by Mr. Bernard Nossiter, which appeared in the Washington Post on Tuesday, September 9, 1969, be printed in the RECORD. In this account, Mr. Nossiter presents an excellent summary of a most interesting economic study prepared by Prof. William E. Shepherd of the University of Michigan which appeared in the spring 1969 issue of the Antitrust Bulletin. The study by Professor Shepherd is entitled "Market Power and Discrimination in White-Collar Employment."

The work of the Senate Antitrust Subcommittee has been primarily concerned with the economic effects of economic concentration. But in the course of our hearings, it has become clear that in addition to its economic consequences, economic concentration has certain sociological and political effects which, unfortunately, have thus far received relatively little attention. Among the mitigating sociological consequences is the presumed existence of greater employment opportunities for minority races in higher concentrated industries. The large corporations, it is claimed, are more aware than small firms of their social responsibilities. Indeed, it has been claimed it is simply good public relations to have a progressive employment policy for minority groups.

Professor Shepherd's analysis represents perhaps the first effort to subject this widely held belief to the light of objective inquiry. Surprisingly, he finds that the relationship between concentration and employment opportunities is exactly the reverse of what is commonly assumed. Opportunities for Negroes for employment in white-collar jobs are greatest in highly competitive, low-concentration industries and at their minimum in monopolistic industries.

Professor Shepherd speculates that the reason for this unexpected showing is to be found in economic theory. In competitive industries, producers are under constant pressure to minimize costs. Hence, they will tend to utilize the most efficient employees, regardless of their race, color, or any other consideration. But where the employing concern possesses a significant degree of monopoly power, the pressure to minimize costs is less pervasive and management has greater leeway in which to indulge its prejudices.

I shall quote from the conclusions of Professor Shepherd's argument:

> If the foregoing interpretations are correct, several lessons for policy might be drawn. The most obvious is that most large and/or market-leading firms which *could* apply nondiscriminatory employment policies had not done so by 1966, either voluntarily or in response to various inducements and informal pressures. There might have been marginal changes during 1967 and 1968, but these probably would be mostly at the lower levels of blue-collar jobs. One may hope for a reversal of these apparently natural patterns of employment under market power. But one must surely be optimistic to anticipate that action by large and/or secure firms can substantially solve or alleviate the whole range of minority-group employment problems in major urban areas. Doing so would seem to rub against the corporate grain.
>
> In at least partial contrast, policies to promote competition generally may successfully and appreciably reduce discrimination in employment. This effect alone may not justify a quantum rise in antitrust enforcement, including action to reduce concentration in major oligopolies, to broaden antitrust enforcement to local trade, or to narrow the scope of patent privileges. But it would add to the other possible economic gains from greater competition.
>
> Public regulation by commission has evidently had little or no effect toward open hiring. The few utilities (such as telephones) with high Negro white-collar percentages have apparently acted quite independently, and even they are no more than average in their treatment of upper managerial positions. Such other regulated firms as airlines, railroads and electric utilities are distinctly below average, despite the economic leeway which their franchised positions provide them. The contrast with non-profit and competitive enterprises suggests that it is very stringent pressures on costs, rather than the looser constraints of cost-plus regulation, which may be most effective in encouraging neutrality in hiring. Alternatively, regulatory or other public agencies may need to apply very specific and binding directives, in order to overcome the utilities' internal tendencies to discriminate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDY SCORES BIG BUSINESS ON HIRING

(By Bernard D. Nossiter)

It is part of accepted wisdom that the most sheltered companies—the distinguished law firm, the large automobile manufacturer, the prestige-conscious airline—boast the most enlightened hiring policies.

Freed to a greater or lesser extent from the rigors of competition they are thought to respond most readily to pleas for equal employment.

The names of their officers adorn boards and foundations urging Negro employment. Even national policy is based in part on the prevailing assumption about their conduct. A major element in the federal campaign for Negro jobs has been the program run by the National Alliance of Businessmen, an organization of blue-chip firms.

Now a young economist from Michigan, William G. Shepherd, has subjected the conventional wisdom to some economic tests and, hard fact shatters the belief.

Shepherd has found that there is a direct relationship between economic concentration or market power and discriminatory hiring. The more competitive a given market is, the more open will be its hiring; the less competitive, the fewer the blacks.

SOME EXCEPTIONS

There are exceptions—notably the telephone companies with their armies of Negro clerks. But in general, Shepherd discloses in The Antitrust Bulletin, spring issue: "Open hiring of Negroes is found mainly in competitive industries, in some lesser firms in concentrated industries, and in non-profit entities."

Shepherd, who is 33, was economic assistant to Donald Turner, head of the Antitrust Division in the Johnson administration. From that vantage point, Shepherd was able to comb through Census Bureau records not easily available to outside scholars. He has respected the Bureau's insistence on protecting the privacy of individual concerns.

His method was ingenious. He looked at 51 "industry" groups, ranging from markets as big as oil and autos to brokers and lawyers. He studied nine cities—Atlanta, Chicago, Cleveland, Kansas City, Los Angeles, New Orleans, New York, San Francisco and Washington—and found that there was no essential difference between hiring patterns in the North and South.

EMPLOYMENT SHARE

He then took either the Census Bureau's market power ratios or worked up estimates of his own and measured their relationship to the Negro share of white collar employment for 1966.

Shepherd excluded blue collar hiring patterns on the grounds that they could be affected by union pressure. In other words, his was a test of open employment where management has a relatively free hand.

Plotting the two variables, Negroes as a percentage of all white-collar employment in a given industry group and that industry's concentration ratio, yields a curve showing that highly concentrated airlines, where four firms or fewer control 100 per cent of the market on any given route, rank among the lowest in hiring Negroes for white collar jobs. So do such highly concentrated industries as utilities, law firms and cigarette makers.

COMPETITIVE INDUSTRIES

At the upper end of the curve, where the rate of Negro white collar employment is higher, lie the highly competitive industries—personal services, such as beauty parlors, clothing stores and restaurants. These are also the industries where Negro-owned business is heaviest.

Shepherd ran a similar regression analysis, as it is inelegantly called in the economics craft, for the employment of Negroes as officials, managers and professionals. Once again, the results were the same: the greater the concentration, the smaller the Negro share of the jobs.

In a deadpan style that might have pleased Thorstein Veblen, Shepherd argues that economic theory could have predicted all this.

In effect, he says, a firm bent on maximizing profits and minimizing labor costs will be color blind, hiring anyone available at the lowest possible rate. However, only firms in competitive sectors behave this way.

IMPLICATIONS CITED

Shepherd suggests that his findings have some implications for public policy. One is that it is quixotic to look to big companies—apart from the few in highly competitive industries—to lead the attack on discriminatory hiring.

Another is that an incidental benefit of a vigorous antitrust policy would be increased hiring of blacks.

A third is that regulatory commissions could but don't play any role in hiring of Negroes as is evidenced by the fact that regulated airlines, railroads and utilities—apart from communications—have the whitest payrolls.

A fourth and final point is that the quickest way to open up white collar, managerial and professional jobs for Negroes is to provide more capital for Negro business, a point suggested at various times by proponents of black economic development and also by President Nixon.

SCHOOL INTEGRATION

Mr. ALLEN. Mr. President, on Monday, September 15, 1969, the Washington Evening Star published a thought-

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ful editorial on the pros and cons of school integration. The editorial concludes with this brief paragraph.

> Public officials no doubt can be whipped into line. But whether the same will prove true of large numbers of parents is, we think, doubtful to say the least.

We agree, of course, that the threat of withholding public funds appropriated by Congress, including funds used to buy hot breakfasts and lunches and to improve education opportunities for children of the poor, will whip most public officials into line.

We agree also that the barbaric procedure of hauling locally elected public school officials into Federal courts and slapping them with mandatory injunctions and placing them under threats of confiscatory fines of $300 a day and the threat of having them hauled off to jail, all without benefit of trial by jury, is a most effective means of persuading public officials to accept bureaucratic control of their schools and to accept the racial solution imposed by Federal bureaucrats.

But the question is, are bureaucratic and judicial barbarians prepared to use these weapons of repression to whip parents into line and force them to accept the bureaucratic version of a "humanitarian" racial solution?

I suggest that the issue of means employed transcends the issue of "integration" or "segregation." In this connection, I share the doubt expressed in the editorial that large numbers of parents will submit. I also join in the prayer that the Nation will denounce and renounce the idea that Federal Government has the power to impose racial solutions as they relate to public schools or to any other aspect of our society.

The question of whether or not the Department of Health, Education, and Welfare shall retain the power to use the weapon of deprivation of innocent children in the enforcement of its racial regulations will soon be before the Senate. I therefore ask unanimous consent that the editorial, which sheds some light on the subject, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

School Integration—Pro and Con

The latest verbal shot in the 1969 school integration debate has been fired by HEW Secretary Robert H. Finch. And if he seemed a bit fed up with the attacks on this administration's efforts in the desegregation area, it can hardly be said that there was no justification for his reaction.

The Finch statement, made Saturday at a meeting of the Institute for Black Elected Officials, evidently was a response to criticism by the U.S. Civil Rights Commission and Negro leaders.

Earlier last week, the commission headed by the Rev. Theodore M. Hesburgh, president of Notre Dame, had accused the Nixon administration of beating "a major retreat" in the drive for integrated schools.

This was a reference to the successful move by the administration last month to obtain a delay of three months in imposing integration on 30 Mississippi school districts. Finch was a prime mover in seeking this delay because he thought the additional time was necessary to avoid "chaos, confusion and a catastrophic educational setback" in the 30 school districts. It is worth noting, in passing, that Father Hesburgh said he is sure that Finch "is deeply committed to desegregation." It is also worth recalling, although the fact is generally ignored, that the Fifth Circuit Court in granting the three-month delay expressly conditioned this action on the preparation of a final desegregation plan that "shall require significant action toward disestablishment of the dual school system" during this school year.

Can this fairly be called a "major retreat" on the desegregation front? The answer, one may suppose, comes down to a matter of opinion. In our opinion the charge by the Civil Rights Commission is pure nonsense.

Although many would disagree, we believe a case can be made for the proposition that the Nixon administration is preparing to push too hard for school integration. For example, Finch has said that the administration will oppose in the Senate the House-approved Whitten amendment which would forbid the denial of federal financial aid to school districts which may try to use the so-called freedom of choice plan in assigning pupils to public schools.

This may not be too significant since it is at least very doubtful that any meaningful freedom of choice plan could survive challenge in the Supreme Court. But it is also doubtful that those who condemn freedom of choice can attain their real objective.

That objective is to invoke the power of the federal government to compel children in the name of integration to attend schools which they do not want to attend or to which their parents are unwilling to send them. If this should require that children be taken out of their home areas and bused long distances, the response is: Bus them. If the result should be an impairment of the quality of education, the compulsory integrationists will say that is someone else's problem.

But all of this overlooks an important point. The drive for what Justice Black calls desegregation now is based on the assumption that the opposition spring from the intransigence of public officials in the South. There is some of that, of course. But it also springs from the strong opposition of parents who want to have some say in the education of their children.

Public officials no doubt can be whipped into line. But whether the same will prove true of large numbers of parents is, we think, doubtful to say the least.

NATIONAL EDUCATION ASSOCIATION URGES ENACTMENT OF THE URBAN AND RURAL EDUCATION ACT OF 1969

Mr. MURPHY. Mr. President, on July 15, I introduced a most significant and important bill, S. 2625, the Urban and Rural Education Act of 1969. This measure is a response to the education crises confronting urban and rural America. Basically, the bill authorizes a 30-percent add-on to title I of the Elementary and Secondary Education Act funds to school districts with a large number or a high percentage of disadvantaged youngsters to educate.

The interest and reception that this legislation has received from Senators, educators, and organizations and individuals interested in education has been overwhelming. I have received communications from across the country strongly backing my bill. I am hopeful that the legislation will be enacted this year. To share with my colleagues the great reception the legislation has received, I intend to place in the Congressional Record some of the letters and statements endorsing S. 2625.

I am particularly grateful for the support of the National Education Association who, in testimony before the Education Subcommittee, suggested the percentage overrides that I incorporated in my bill; namely, 30 percent the first year and 40 percent thereafter.

I quoted the following NEA testimony in introducing S. 2625:

> The major problem facing America's public schools today lies in our inner-city areas . . . We suggest a 30 per cent override on the appropriation proposed by the Administration with such funds to go to those cities with large centers . . .

Mr. President, I ask unanimous consent that letters that I have received from the National Education Association, together with a statement in support of the measure, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Education Association,
Washington, D.C., July 24, 1969.

Hon. George Murphy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Murphy: I want to take this opportunity to commend you for introducing S. 2625, the Urban and Rural Education Act of 1969.

As you know, the National Education Association wholeheartedly endorses the intent of this proposal. We are fully aware of the desperate plight of the many schools in disadvantaged urban and rural areas, and we believe that your bill is a necessary and realistic response to the needs of these schools.

NEA President George Fischer, in the testimony from which you quoted in your remarks, suggested the kind of approach which is contained in the language of your bill. We are convinced that such a measure as yours is essential, and we thank you for your continuing concern for education.

Sincerely,

John M. Lumley,
Assistant Executive Secretary, Legislation and Federal Relations.

National Education Association,
Washington, D.C., July 28, 1969.

Hon. George Murphy,
Old Senate Office Building,
Washington, D.C.

Dear Senator Murphy: Enclosed is a brief statement on behalf of the National Education Association in support of S. 2625, the Urban and Rural Education Act of 1969.

May I compliment you personally, not only on your sponsorship of this important legislation, but also on the very complete and informative statement on the bill which you made to the Senate at the time of introduction.

Sincerely,

John M. Lumley,
Assistant Executive Secretary, Legislation and Federal Relations.

Statement of John M. Lumley, Assistant Executive Secretary, National Education Association, in Support of S. 2625

The National Education Association fully supports S 2625 and commends the distinguished Senator from California, Senator Murphy, for his sponsorship of this legislation. We urge that S 2625 be incorporated into the Elementary and Secondary Education Act.

In testimony before the Sub-Committee on June 19, the president of the NEA, Mr. George D. Fischer, urged that at least a 30% override on the appropriation request of the administration for ESEA Title I be made, with such funds specifically designated for urban centers with large concentration of

disadvantaged children. S 2625 makes such a provision for fiscal year 1970, with a 40% override in subsequent years. The bill further provides for similar additional funds for the seriously deprived rural areas, a proposal which the National Education Association also strongly endorses.

S 2625 would answer the concerns of some members of Congress who are not satisfied with the present distribution formula for ESEA Title I funds. By authorizing supplemental funds for the urban and rural schools which are most seriously disadvantaged, S 2625 would provide additional aid to the disadvantaged children in the central cities and poorest rural areas without reducing Title I funds to other districts which also have a need for them. S 2625 can provice immediate relief to the most distressed districts, permitting the school authorities there to more nearly meet the children's needs now. Adjustments to the federal and state formulas for distribution of education funds can be made—as in the case of state formulas they must be made—in an orderly fashion, without serious immediate disruption to the school program.

The formula for distribution of ESEA Title I funds, if implemented to the amount authorized, would provide equitable relief to all districts concerned. In the absence of full funding of the authorization, S 2625, by providing 30% additional funds beyond those appropriated for the present program would bring significant assistance to those districts which have the greatest problems in meeting their responsibilities to disadvantaged children.

We urge favorable action in incorporating S 2625 into the Elementary and Secondary Education Act Amendments of 1969.

THE UNFAIR DRAFT SYSTEM

Mr. MOSS. Mr. President, I am greatly encouraged by news reports that have been appearing with increasing frequency in recent days that President Nixon is planning to take a number of administrative actions to reform the outmoded and grossly unfair draft system of this Nation.

I certainly hope the reports are true and that the President is indeed planning such actions. If he does carry them out, he should be commended.

Draft reform is long overdue in the country. That is why I joined with several other Senators in introducing a bill for that purpose in February of this year.

The President's draft reform message came along a few months later. I commended the President at that time because his measure contained many of the points in the bill we had already introduced.

But then came word from both the House and the Senate Armed Services Committees that no hearings would be held on the subject of draft reform until next year.

I feel that this is a tremendous oversight on the part of Congress, and that a way should be found to hold hearings this year. I have expressed some suggestions to the Senate Armed Services Committee, but apparently they have been rejected.

Now comes word that President Nixon also is unhappy with the delay of Congress and plans to do what he can by Executive order to reform the draft. I have already publicly commended his apparent decision to draft 19-year-olds first. This will remove the 5 or 6 years of uncertainty that now faces our young men who do not know until they are 26 whether they face induction or not. Under the 19-year-olds plan, if it comes about, each young man will know during his 19th year what his military obligation will be. This is the approach I have advocated for years, and I encourage the President to take this action.

Last week, before the Senate, I pointed out that Lt. Gen. Lewis B. Hershey, Director of the Selective Service System for the past 28 years, would become 76 years old on Friday, September 12. I suggested that he retire or be replaced.

I followed that speech with a personal letter to the President. Now I hear news reports that the administration is working on a replacement for General Hershey and an announcement could be made any day.

The drafting of 19-year-olds first, the replacement of General Hershey, and perhaps the lowering of draft quotas will not complete the job of draft reform, but it will be a tremendous beginning, and should demonstrate to our young people that their Government does listen to their urging and does have concern for their ideas on important subjects that affect them directly.

COMPLETION OF REPORT "HAWAII AND THE SEA"

Mr. FONG. Mr. President, I am pleased and proud to tell you that nearly 100 of the leading marine-oriented citizens of the State of Hawaii have just completed a broad study of the marine opportunities in my State. Called "Hawaii and the Sea," this study proposes an action plan for the public and private sectors of our community, as well as some sectors of the Federal Government having interests in the Pacific Basin.

At the request of the Governor's task force, the highly competent study group that prepared "Hawaii and the Sea," was organized and led by Mr. William S. Beller, U.S. Department of the Interior, on loan to the State for this purpose. It is highly significant that this study group included State, Federal, university, and industrial representation.

With this report, Hawaii has become the first State with a report that looks at the marine environment in as broad a fashion as the National Commission on Marine Science, Engineering, and Resources did earlier this year. In addition, it is the first State to publish a report based in part on the findings of this Marine Commission.

As you may recall, the national report is different from others on marine affairs because it deals with broad policy matters rather than questions of technical detail, unless the details have to be acted upon to effect the policy matters. These policy matters in the marine field involve major interests such as recreation, national defense, food from the sea, research and development, and relations with other lands in the Pacific Basin. They necessarily involve all levels of the State government and of the University of Hawaii. Therefore, the Governor's task force sought a "Commission" report for Hawaii. Because of its concern with the assets of the sea, "Hawaii and the Sea" will undoubtedly be of interest to all coastal States.

The measure of the intensive interest in the sea in Hawaii is seen in the fact that the report was completed in a period of 3 months and yet is about 300 pages long and has approximately 75 actionable recommendations in it.

One of the major recommendations is for a 5-year marine science program, in which scientists and engineers would seek the best ways to use and conserve the State's marine environment. Projects involving the shoreline, near-shore environment and ecology, and the State's territorial seabed will receive the greatest attention. The projects will include beach and reef studies, skipjack tuna investigations, and water pollution control studies among many others. An important product of the program will be an atlas of the coastal areas of Hawaii, detailing the locations of living and nonliving resources to be found there.

The report points out that there is a demand in the State for an oceanographic research park where marine-oriented industry and Government could work in close proximity to each other. Hawaii's land area, suitable for major combined scientific-technological and related industrial expansion, is limited and, in the near future, may be prohibitively costly. Therefore, it is necessary for the State to study the precise needs for an oceanographic research park in time for the 1970 legislative session to consider the problem.

Among the other recommendations:

That the State organize and assist public and private oceanographic interests in seeking the establishment of an Environmental Forecasting Center in the islands. The report points out that long-range weather and marine prediction, the ability to forecast biological changes in the ocean, and the accurate forecasting and monitoring of unusual phenomena, such as earthquakes and tsunamis, would be of tremendous help to most people in the Pacific Basin.

That the State support the concept of the International Decade of Ocean Exploration—IDOE. This is a time, presumably starting in 1970, when marine scientists and engineers all over the world will be studying the seas with a goal of deriving practical benefits from them. There is little doubt that studies of the Pacific Ocean will be of great benefit not only to Hawaii but also to the Nation. The pressing need for new technology to master the ocean in order to extract fish and minerals from it and to control or ameliorate erosion effects on the coastline, all depend upon our knowing how the ocean operates. The report, therefore, recommends that the Governor urge the President and the Congress to take appropriate action to bring the decade into being.

That if the national administration does not endorse the IDOE, that the State seek a Pacific decade of ocean exploration in order for the State and the Nation to reap the benefits of an intensive study of the Pacific Ocean as soon as possible.

That the State create a marine extension service to aid the developing nations

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in the Pacific Basin, as well as Hawaii fishermen. This marine extension service would advise on fishing techniques and on setting up conservation rules to prevent the depletion of stock. It also would provide books, pamphlets, and courses which would deal with the problems of aquaculture, pollution, and other coastal zone processes. This service, a Pacific Center for Marine Sciences, would probably be affiliated with the University of Hawaii.

That counties and cities initiate a program to assure their people that beaches are not walled out by buildings, and to develop additional permanent rights-of-way and access routes to Hawaii's shoreline. The report urges counties and cities to inspect present and future access routes on at least an annual basis, in order to insure that they are properly maintained and unobstructed.

That on all publicly owned shoreline lands that are less than fully developed, there be 300 feet of open space, measured from the sea landward, which would be permanently dedicated to public use. Access routes would also be provided; and the combination of a 300-foot corridor plus the routes, would assure the people of Hawaii the use of their shoreline, one of the State's most valuable assets.

That the program of establishing underwater parks and preserves be accelerated and expanded to include the islands of Maui, Molokai, and Kauai.

That the Hawaii Civil Defense Agency be appointed to organize and head a coordinating body of State and Federal agencies to plan and implement the State's response to spills of oil or other hazardous materials into the waters around Hawaii.

That the State give high priority to the rigorous enforcement of State water quality standards.

That the State give increased assistance to industry and encourage the U.S. Bureau of Commercial Fisheries to accelerate their development of new fishing methods that will help Hawaii fishermen increase their catch of skipjack tuna. The central Pacific and eastern Pacific probably could yield thousands of tons of skipjack every year. Yet the total catch in these areas runs considerably less than 100,000 tons per year. Skipjack tuna is a high-priced fish worth between $200 and $265 a ton dockside. At today's prices, a catch of only 100,000 tons of skipjack would bring fishermen almost $25 million, and processors almost $62 million. By comparison, the pineapple crop in Hawaii, in 1968, was worth slightly more than $40 million, and processed value, $133 million. The problem is that the pole-and-line way of catching skipjack is simply not good enough when volume production is needed.

That the State find out why fresh fish are so highly priced on the islands.

That the Federal Government take the lead in sponsoring research that would show how to recycle sewage waste into food through fish farming. The harvest of fish farms, or aquaculture, could give essential animal protein foods to many of the starving peoples of the world.

That the Federal Government dissuade foreign coral fishermen from operating in the waters near the Hawaiian Islands, and that the State conduct a survey of the precious coral resources along the Hawaiian Archipelago. Hawaii could become one of the three major centers in the world working with precious coral; the two others, Japan and Italy, turn out roughly $70 million a year worth of coral jewelry at the wholesale price.

That the University of Hawaii gather the parts of its present program in marine sciences and engineering into a single entity. This new body would have the added advantage of being able to treat, without excessive coordinating effort, entire problem areas, including the economic and sociological implications. The University of Hawaii already has the ideal location and all the other ingredients needed to be one of the leading universities in the Nation in the marine and geophysical sciences. Its overall marine-oriented program is supported by a budget of about $7 million a year. The university considers the entire Pacific basin as its laboratory and as a special beneficiary for its studies.

That the State government focus on marine affairs by designating the heads of State departments having responsibilities in marine affairs as the Governor's cabinet for marine affairs. This cabinet would also have coordinating responsibilities particularly with problems involving multiple demands on the coastal zone.

The report concludes:

> Hawaii can surely gain through the judicious use of the resources in and around the sea; the development of the technology needed to exploit these resources; marine businesses founded and enlarged; safer marine recreational facilities; and programs dedicated to better understanding of the marine environment.
>
> Hawaii can surely lose by damaging its marine environment, perhaps through actions such as dumping excessive pollutants in the water, over-building the shoreline and neglect.

I am happy that Hawaii, as the Nation's only island State, has through "Hawaii and the Sea" looked so perceptively ahead not only to use its marine environment but, more importantly, to preserve it for the enjoyment of other generations.

I commend all the citizens of Hawaii who participated in the study. I particularly congratulate the 23 members of the advisory group which guided the preparation of the report for the Governor's task force, chaired by Mr. Adrian Perry, president of Kentron, Hawaii, Ltd. The caliber and diversity of the advisory group are indicated by the responsible positions held by its members, as listed below:

MEMBERS OF THE ADVISORY GROUP

William S. Beller, Chairman, Office of the Assistant Secretary for Water Quality and Research, U.S. Department of the Interior.

John C. Belshe, Technical Director, Ocean Engineering, Kentron Hawaii, Ltd.

Gene T. Blackburn, Research and Development Coordinator, State Department of Planning and Economic Development.

Charles L. Bretschneider, Chairman of Ocean Engineering, University of Hawaii.

Vernon E. Brock, Director, Hawaii Institute of Marine Biology, University of Hawaii.

Robert T. Chuck, Manager-Chief Engineer, Division of Water and Land Development, State Department of Land and Natural Resources.

Sal Comitini, Associate Professor, Economic Research Center, University of Hawaii.

Andrew Gerakas, Executive Officer, Economic Development Division, State Department of Planning and Economic Development.

Thomas H. Hamilton, President, Hawaii Visitors Bureau.

Richard S. Jones, Planner, State Department of Planning and Economic Development.

Hiram Kamaka, Assistant to the President, Makapuu Oceanic Center.

Leonard I. Knowles, Assistant Director, Hawaii Institute of Geophysics, University of Hawaii.

Richard L. Longfield, Assistant to Vice President, Marketing-Maritime Division, Dillingham Corporation.

Donald Mausshardt, Area Director, Federal Water Pollution Control Administration.

Scott McLeod, General Manager, Bumblebee Seafood Company.

John Thomas O'Brien, Director, Look Laboarory, University of Hawaii.

Morton M. Rosenberg, Associate Dean, Research Fellowships, University of Hawaii.

Richard S. Shomura, Acting Area Director, Bureau of Commercial Fisheries, U.S. Department of the Interior.

Franklin Y. K. Sunn, President, Sunn, Low, Tom and Hara, Inc.

Nils Ueki, Acting Director, State Department of Budget and Finance.

George Wilkins, Acting Head, Undersea Engineering Division, Naval Undersea Research and Development Center.

George P. Woollard, Director, Hawaii Institute of Geophysics, University of Hawaii.

Fred Zobrist, Chief, Civil Works Branch, Corps of Engineers, Fort Armstrong.

THE EARNINGS OF AMERICAN FARMERS

Mr. TALMADGE. Mr. President, the American farmer comprises only 6 percent of the population of the United States. He has been challenged to provide food and fiber for a growing, affluent nation, and his performance is unmatched anywhere else on the face of the earth.

More than this, such is his efficiency and abundant production, the American farmer is primarily responsible for feeding millions upon millions of other people throughout the world.

Yet, in spite of modern efficiency that costs the farmer billions, in spite of his hard work, in spite of his important role in the Nation's economy, the American farmer on the average still earns only about two-thirds of the income of nonfarm segments of our society.

The fact is, the American farmer on the whole has been over the years and still is virtually relegated to second-class citizenship. Of 3 million independent farmers in 1968, according to the Department of Agriculture, some 54 percent—about 1,707,000—made sales before expenses of less than $4,999.

I repeat, that was before expenses. When we take into account the high cost of production, that puts almost 2 million farmers and their families in the poverty level.

Another 14 percent of our farmers made sales up to $10,000. Again, this is before expenses.

We can look at the situation in terms of gross versus net income over the past 20 years. The Department of Agriculture takes 1947–49 as a "base period" in compiling farm statistics.

In 1947, gross farm income was $34.1 billion. Net income was $17.1 billion.

In 1968, gross farm income was $50.7 billion. Net income was $14.8 billion.

This means that net farm income last year was $2.3 billion less than it was 20 years ago. The rising cost of production, of feed and seed, machinery, and labor has eaten away at the farmer's income.

This is an intolerable state of affairs.

Now we are seeing a great increase in the cost of food. And immediately people put the blame on the farmer. Certain people are getting a sizable chunk of the food dollar, but it is not the farmer. As pointed out in a recent column by the noted financial columnist, Sylvia Porter, the farmer is doing "poorly, as he usually has fared in recent years."

Miss Porter's column gives an excellent picture of what has been taking place in the food market and on the farm, and what happens to the cost of food as it makes its way from the farm to the market.

I commend this article to the attention of the Senate and to everyone who tends to blame the innocent farmer for the high cost of food these days.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Atlanta (Ga.) Journal, Sept. 11, 1969]

FOOD PRICES SKYROCKETING BUT FARMERS DOING POORLY

(By Sylvia Porter)

With food costs now rising at an annual rate of more than seven per cent and meat prices alone rocketing at a rate of nearly 12 per cent a year, how's the farmer doing?

Poorly. As he usually has fared in recent years, poorly.

Just chew on these facts:

—Of the $89.5 billion we in the U.S. spend on foods originating on farms, only $28.9 billion goes to farmers, or 41 cents of every food dollar we spend. The rest, $60.6 billion, goes to the maze of middlemen who store, transport, process, package, advertise and sell food to us—and to the government in the form of business taxes and to lenders in the form of interest.

—Specifically, for every $1 we spend on milk, the farmer gets only 50 cents. For every $1 we spend on bread, the farmer gets a scant 14 cents. For every $1 on oranges, he gets 22 cents; for onions, 27 cents; for potatoes, 33 cents; for corn flakes, a tiny 9 cents; for frozen peas, 17 cents; for margarine, 25 cents.

—The average net income on a U.S. farm actually dropped between 1966 and 1967, according to the latest statistics available, to $4,526. And this is in the face of a dramatic increase in farm productivity to the point where today's farm worker supplies enough food to feed 42 people, nearly double the 23 he fed just one decade ago.

—The U.S. farmer's costs of interest, taxes and wages are now rising at nearly 3 per cent a year—almost twice the rate of rise in food prices he is being paid.

—Today, less than 5 cents of every dollar we spend on everything goes to the U.S. farmer for food—vs. 10 cents as recently as 1949.

So who is the winner? The food retailer—the man or woman we see across the counter? Not according to a recent study of profits by New York's First National City Bank. Citibank reports after-tax profits of leading chain food stores at an average of only 1.1 per cent of sales. It shows the percentage among food processors ranging from one per cent for meat packers to 3.2 per cent for bakeries.

Who are the winners in the food industry, then?

Since 1959, our total food marketing bill has risen about 44 per cent to last year's $60.6 billion. The table here, based on Department of Agriculture figures, shows you which of the middlemen got the biggest percentage increases of our food dollars during this period.

The table speaks for itself. The farmer has inched ahead financially in the past several months but he remains in a brutal squeeze between soaring costs for machinery, farm labor, interest and taxes and persistently low returns for his goods and services.

He must grapple with the cruel fact that the number of U.S. farms has crumbled from 7 million in 1935 to fewer than 3 million today and with the chilling prediction that the number will fall to only 1.5 million within the next decade or so.

What you're paying for food is not the product which grew on the farm. What you're paying for is what was done to that product after it left the farm. (c-1969)

Source	1968 share (billions)	Percent rise since 1957–59
Laborer	$27.3	53
Transporter	4.6	15
Corp. after-tax profits	1.8	71
Depreciation	2.2	57
Business taxes	2.3	92
Advertising	2.0	67
Rent	1.7	55
Interest	.5	150
Repairs, bad debts	1.2	71
Other (including packaging)	15.0	22

HOUSING AND INFLATION

Mr. PROXMIRE. Mr. President, in the past, housing has been the "fall guy" in the fight on inflation. Housing, and the institutions connected with it, have borne the brunt of countercyclical policies.

The present inflationary situation is no exception to that tradition. Once again, housing is bearing almost the entire burden in the fight on inflation. As a result, residential construction has dropped 30 percent since the beginning of the year. As a result, it may be impossible to meet our national housing goals. As a result, the 7 million dilapidated and the 4 million overcrowded units will not be replaced and will continue to spawn poverty, crime, and social despair.

If housing were the cause of the inflation, or if cutting housing would stop inflation, one might possibly argue for the present policy.

But housing is not the cause of the inflation. Cutting housing starts will not stop the inflation. The administration and the Federal Reserve are fighting the wrong enemy with the wrong weapons.

Military spending is causing inflation. Excessive expenditures on plant and equipment are causing inflation. The present policies which tighten money, bid up interest rates, but put no real damper on the root causes of inflation and may once again lead to a situation where we have both rampant inflation and excessive unemployment.

One has to work hard to achieve both inflation and unemployment at the same time. But that could well be the result of the present policies.

I ask unanimous consent that an article written by Mr. Hobart Rowen, which addresses itself to these matters—housing squeeze, the lack of pressure on price and wage decisions, and the possibility of more inflation and excessive unemployment—be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 14, 1969]

CREDIT SQUEEZE HITS RESIDENTIAL HOUSING HARDEST

(By Hobart Rowen)

Selective credit controls, says Federal Reserve Chairman Bill Martin, have "unfortunate effects." Thus, despite "all of its imperfections, general monetary restraint seems clearly preferable."

But the facts, as adduced by his own staff, seem to contradict Mr. Martin. For all practical purposes, the most visible impact of the credit squeeze has been on residential construction, where starts have dropped 30 per cent since the beginning of the year.

The rest of the economy is generally unaffected. As a matter of fact, there is good reason to believe that the capital investment boom—which tight money is intended to short-circuit—will roll merrily on in 1970.

But so far as housing goes, the word is recession—and things are bound to get worse before they get better.

Two out of every three builders in a survey just completed by the National Association of Home Builders say they are unable to obtain future financing. Nearly 9 out of 10 are cutting their actual construction plans (38 per cent by more than half).

Michael Sumichrast, economist for the association, predicts that the annual rate of housing starts will drop below 1 million by the end of the year. (It had been nearly 1.9 million at the beginning of 1969, then dipped to a rate of 1.3 million at mid-year.)

The home builders, who have a well-organized and articulate lobby, are naturally making themselves heard on this issue. But the public doesn't have to take the housing industry's word for it that tight money—so far as they are concerned—is a "selective" control.

Just this past week, FRB Governor J. Dewey Daane revealed the first results of a long-term official study of the impact of monetary policy—and they confirm the fact that housing gets hit first and hardest by tight money.

Daane pointed out that the "first noticeable effects of a monetary policy designed to brake inflationary pressures is an increase in short-term rates." Soon, these higher rates affect the long-term markets, as well as thrift institutions normally feeding the mortgage market.

Indeed, why should pension funds and life insurance companies tie up money for 20 and 30 years in home mortgages, when they can do better elsewhere? Some of the actual data are startling. For example, since 1967, life insurance companies have been liquidating their investments in single-family mortgages, rather than putting new money in. In 1967, their net positions was reduced by $470 million; in 1968 by $733 million, and in the first quarter of 1969 by an annual rate of $572 million.

The consequence of this pattern, as Daane said, "is a rise in mortgage rates and a reduction in the availability of mortgage credit to borrowers—and hence . . . a relatively prompt and significant effect on housing starts."

It is difficult to understand where Mr. Martin could find a more "selective" impact

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than that. In fact, although the real goal of monetary policy has been to choke off an inflationary business investment boom, the Fed study shows that the effects "on plant and equipment expenditures, and expenditures for state and local construction, are somewhat milder (in contrast to housing) and take place with a longer lag."

The Government is not having any real success in cooling off that volatile sector of the economy through tight money. Business decisions to invest in new or improved capacity are not easily changed, especially when doubts persist that wage-price inflation will be contained any time soon. Businessmen tend to conclude—after a shrewd appraisal of Washington policy-making—that they might as well put money into buildings and equipment. With Mr. Nixon staying out of price and wage decisions, expansion delays could be costly.

This hands-off policy was and is a mistake. It encourages excesses (witness General Motors' big increase on 1970 models or construction wage bargains calling for a 14.7 per cent annual increase over the life of the contract.)

Many competent observers fear that if the administration and the Fed persist in the classic approach—a tough fiscal-monetary squeeze—with no intervention in price and wage decisions—it will finally succeed in provoking a general recession without ending inflation.

Achieving the worst of both worlds—higher unemployment and continued inflation—is a difficult trick, last accomplished by President Eisenhower. It would be unfortunate if Mr. Nixon, who in 1960 learned the political consequences of even a small recession, lets it happen again in 1970.

THE PESTICIDE PERIL—XLIX

Mr. NELSON. Mr President, the waters of New York State are in serious jeopardy. Pollution from an increasing number of sources has built up over the years so that now many of the fish in these waters are no longer fit to eat. In addition, there are areas where the water is so polluted that a diver literally cannot see his hand in front of his face.

One of the major sources of this pollution has been found to be persistent, toxic pesticides which are threatening the marine fisheries of the world. In an article by Osborn Segerberg, Jr. in the September 1 issued of New Yorker Magazine, Dr. George Woodwell, chief ecologist at Brookhaven National Laboratory is quoted:

> In another decade there will be drastic changes in fish populations. If we go on for another 25 years, 50 years at most, we will certainly lose our oceanic fisheries.

Fish in inland waters have already suffered astonishing loss due to pesticide residues. According to the article, the reproductive process of Lake George trout has been halted, and the State health department has warned fishermen against eating trout and other fish in a dozen upstate lakes because of extremely high DDT residue levels.

The New York State Legislature is just one of many State legislatures throughout the Nation sufficiently alarmed about the dangers of pesticides and is now considering measures to regulate their use.

I ask unanimous consent that Mr. Segerberg's article be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From New Yorker magazine, Sept. 1, 1969]

WHERE HAVE ALL THE FISHES GONE?

(By Osborn Segerberg, Jr.)

Why should a smart sophisticated New Yorker like you care what some upstate farmer is laying down on his back forty? Or that a cotton planter is spraying a chlorinated hydrocarbon in Mississippi? Or that DDT was used in a well-meaning battle against Dutch elm disease in New Hampshire? Why care that single-minded officials in Suffolk County applied so much persistent pesticide to a Brookhaven marsh in trying to extirpate mosquitoes that they damned near killed everything else?

Well, if you are one of those knowledgeable businessmen who cut over to Sweets for a civilized lunch . . . or you work in midtown and prefer Oscar's or King of the Sea . . . if you are a hostess who likes to launch cocktails with sprays of cold, coral shrimp . . . if you are a Catholic, or non-Catholic for that matter, who enjoys a fish dinner—if you are any one of these New Yorkers, what those nice unsophisticated other people are doing threatens your seafood pleasures.

Dr. Charles Wurster Jr., a biochemist at State University of New York at Stony Brook who has experimented with DDT and photosynthesis in phytoplankton, states flatly: "The DDT in the ocean directly threatens the marine fisheries of the world."

Dr. George Woodwell, chief ecologist at Brookhaven National Laboratory, who has worked intensively with DDT for a dozen years, concurs. Says Dr. Woodwell: "In another decade there will be drastic changes in fish populations. If we go on for another 25 years [DDT has been used for a quarter of a century], 50 years at most, we will certainly lose our oceanic fisheries." It is conceivable, he says, that destruction of marine fish populations already has begun and we just don't know it.

For an amazing fact in this age of scientific wonders is our ignorance of oceans. Little is known about habits, life cycles, spawning grounds of ocean fishes. "Marine biology," says diverbiologist Robert Wicklung, "still is in its infancy." Federal scientists are just now amassing the statistics to draw what fishery research biologist Dr. Russell Earnest calls "lethal profiles." Dr. Earnest leads a unique project at the Fish Pesticide Laboratory at Tiburon, California: first, to determine lethal levels—those at which pesticides kill fish outright; then to determine sub-lethal levels—those at which chronic pesticides residues interfere with reproduction. The sub-lethal threshold, say Dr. Earnest, is the crucial one.

His project in San Francisco Bay follows alarming discoveries that pesticide residues now are found through the range of ocean life. In the smallest organisms, the plankton, and the largest, whales. In fish that never rise within more than 300 fathoms of the surface. In birds which live on the open ocean and never come directly into contact with man. The Food and Drug Administration has examined a barracuda containing a staggering amount of DDT residue: 19 parts per million—the approximate amount in 14 tons of Lake Michigan salmon seized by the FDA as contaminated.

"I have to laugh," says Dr. Ross Nigrelli, director of the New York Aquarium and a fish pathologist, "when I hear fishermen boast of catching a big game fish with no fight. Why, those fighters are sick from pollution."

Actually, pesticide contamination of oceanic life should come as no surprise. It stems directly from the fact that DDT, dieldrin, aldrin, endrin and five other marketed chlorinated hydrocarbons are *persistent* pesticides. They last. No one really knows how long. They do a lot of killing per treatment. That, combined with the fact that no one has found them harmful to man, has made them an attractive agricultural buy.

But now the question is the same one asked by another generation: how're you gonna keep'em down on the farm?

"You can't," answer Wurster and Woodwell. Wurster, who is championing the fight against DDT, says, "DDT can either get into the air as a gas or as a particle and fly around the world in the normal circulation patterns of the atmosphere and come down in the precipitation, or it can move downstream in the watershed and by river systems drain into the oceans." In reply to people who contend that current troubles result from improper use of pesticides and who recommend controlled application, Woodwell says, "Under no circumstances can DDT be controlled out of doors."

DDT has an affinity for fatty tissue and concentrates as it moves up a food chain, a phenomenon ecologists call "biological magnification." What is one one hundredths part-DDT, let us say, in the phytoplankton becomes one tenth-part in crustaceans, one part in fish and 10 parts or more in birds which feed on the fish.

When the chronic pesticide residue load reaches a certain level, it interferes with reproduction. As studies of trout and salmon have documented, the DDT accumulates in the yolk sacs of eggs and kills the fry after the eggs hatch. Reproductive failure is the nearest way to commit fish genocide. No stinking corpses to offend (or alert) anyone.

In birds, DDT residue interferes with calcium metabolism. Eggshells become too thin and break, preventing the successful production of chicks. This phenomenon now is widespread in birds at the top of their food chains. A few springs back, ornithologists called a meeting to see what could be done to save the peregrine falcon; they came away from the meeting knowing that nothing could be done east of the Rockies. The breeding peregrine falcon disappeared from the eastern two-thirds of the United States before virtually anyone knew what had happened! Many types of hawks are dwindling rapidly in North America and Europe. Bermuda petrels in the Atlantic Ocean . . . bald eagles in the Midwest . . . brown pelicans off the Pacific Coast: all appear doomed. The eagles and pelicans even have been observed laying eggs with no shells, just a coating of membrane.

Perhaps such an image will not galvanize a city resident into action. Still, fish is a big industry in New York City, a big pleasure for its visitors, a big necessity for feeding its people. And fish in New York waters are in big trouble.

The Hudson River is freighted with oil, sewage, a dash of thermal pesticides. Years after various authorities were supposed to start doing something about the river, Manhattan's Congressman William Ryan recently asked, "Why are we still facing the possible death of the Hudson?" Ryan quoted from a report by Dr. Gwyneth Howells, director of a Hudson River ecology study, that the biological balance "may tip between a healthy river and a noxious one."

Abe Haymes of Lockwood & Winant is a veteran of commercial fishing hereabouts, and a connoisseur of devouring as well as catching fish. "Hudson River shad was the most delicious shad in the world," he told me with a ring of finality. The quality of the river's shad began to be corrupted by pollution 15 years ago. Five years ago, Lockwood & Winant stopped selling Hudson River shad at the Fulton Fish Market, the quality had deteriorated so badly. The firm still takes shad from the river, but only for the roe, and Haymes doesn't know how much longer that will last. The rest of the fish is sold for crab bait at one penny a pound.

Haymes says that the shad now are caught from as far away as the Georgia coast, and he envisions the day when local fishermen will have to forage off Canada's shores to make a livelihood. He points to the fact that commercial weakfish, butterfish and sea bass have all but disappeared from Long Island Sound.

Why aren't fishermen aroused by this, writing their congressmen, out demonstrating someplace? The answer seems to be that commercial fishermen may be the last great body of individual entrepreneurs in our society. They have no powerful national organizations, as farmers do, nor lobbies, as does the chemical industry. They want to be left alone. And talk of DDT together with fish makes them nervous, fearful that the public will be scared away from buying their product.

Only sport fishermen have some sense of common cause, and it is the pressure from that industry which forced the flap in Michigan. A thriving sport fishing industry sprouted around Lake Michigan after West Coast coho salmon were implanted in the lake in 1966. But the seizure of DDT-contaminated salmon jeopardizes the whole enterprise. In response, Michigan banned DDT. Upstate New York is hardly better off. Trout are unable to reproduce in Lake George. The State Health Department has warned fishermen against eating trout and other fish in a dozen upstate lakes because of extremely high DDT residue levels.

Fishery biologist DeWitt Myatt says that pollution affects inshore Atlantic waters from "about 15 miles to the southward, about Shark River, New Jersey, and to the northward, well, you don't find unaffected waters until you get to Fire Island Inlet."

Fishery research biologist Stuart Wilk, Myatt, oceanographer David Hansen and Bob Wickland formed a pollution research team aboard the research vessel *Challenger*, which serves the Marine Laboratory at Sandy Hook.

This team studied pollution around and beyond Ambrose Light tower. On a morning mission with the young scientists the sky and the ocean to the east gleamed with sunlight. To the west, the refulgence turned the slender, graceful Verrazano Bridge to an orange ribbon and delineated the remarkably high apartment houses of Coney Island, today's landmarks for the transatlantic voyager. Even the pall over Manhattan was gilded by the morning's radiance.

We were hardly past the Sandy Hook lighthouse when this sheen of beneficence was pierced. A big, rusted tanker glided by to port, riding high out of the water. "That," said Wicklund, who led the small task force, "is Titanium Lead Company's tanker returning from an acid drop." Twice a day the tanker goes to an area about seven miles east of the Ambrose tower to deposit the dregs of the factory's operations. So far, no one has found the discharge to be injurious to aquatic life.

In fact, Ed King, the *Challenger's* deckhand-chef-assistant skipper, said that bluefish are attracted to the acid waters. Later I learned at the fish market that the blue denizens of the acid community bring only 40 per cent of the normal price because, a worker said, "they taste strange."

That acid drop, Wickland explained, and more importantly, the dumping of New York City sewer sludge about three or four miles southeast of Ambrose—21 miles from Manhattan—are objects of the current pollution study by the Fisheries Bureau. New York City has been dumping sewage and now treated sewer sludge in this same spot since the 1930s. The bureau has been mapping the underwater mound and has found that in a rectangle four by five miles—20 square miles—nothing lives.

The study was begun last October with the placing of 100 markers in the sludge area to chart ocean bottom currents. During the winter, 63 of the sea-bed drifters were recovered, 61 of them on Long Island beaches from East Rockaway to Fire Island. One bureau official found as a useful guide to pollution drift what he calls a "Tampax Index."

With the warmer months the surface currents from the "big brown stain that smells" also ran into Long Island, but the bottom currents from the sludge area began swinging westward into New Jersey, thus maintaining a balance of trade for the air New Jersey exports across the Hudson.

Wicklund says that when these studies are completed, his bureau hopefully will be able to show the least harmful place to dump sewage and chemicals.

As Wicklund prepared to dive into this Atlantic slum—water so filthy that a submerged diver literally cannot see his hand in front of his face—I suggested that most people imagine the ocean as so big that you can dump and dump . . . well, for God's sake, how can you pollute a whole ocean? (This question was posed before explorer-scientist Thor Heyerdahl reported navigating his papyrus raft through five days of heavily polluted open ocean that he said "looked like a sewer.")

Wicklund's answer was: "The ocean is not as big as people think it is. At least the ocean along the continental shelf." The continental shelf extends at most 200 miles off our Eastern shore: about 120 miles off New York City, only 15 miles off Florida. It supports the most important part of oceanic life.

The muscular biologist said that during dives this summer off Fire Island and New Jersey he has seen fish with fin rot. The rot begins at the edge. When the fins are gone, the fish dies. The theory is that the fish are victims of their polluted environment and are being attacked by some still unidentified bacteria.

Wicklund first noticed fin rot last summer, but not out in the ocean, only in bays. Bays and estuaries are the nursery grounds for Atlantic shelf life. Dr. Philip Butler, one of this country's leading authorities on estuary life, said two years ago: "I feel that pesticides are causing significant changes now in estuaries that are only moderately polluted. The interaction of the many physical and biological factors makes the net effect unpredictable at this time. Despite the fact that the pollution load does not now constitute a human health hazard, the evidence is clear that changes from pesticides may have long-lasting deleterious effects on marine productivity and our food supply."

Ever since Rachel Carson's *Silent Spring*, any legislation proposed in Washington to regulate persistent pesticides has gone to the agricultural committees, and died. But now some action has been taken or is being considered in 17 states. In New York State this summer, investigations were begun in the Assembly by a Subcommittee on Environmental Health; in the Senate, at a joint hearing of the Agriculture and Conservation Committees—a curious combination, since the constituency of one is being victimized by what is held as a boon to the constituency of the other.

President Samuel Rotrosen of the Montrose Chemical Corporation in Newark, the nation's foremost producer of DDT, says three-quarters of the DDT made in the United States is exported. DDT's major assignment, he says, is to fight malaria in India and other Asian nations. Clearly, those countries will be reluctant to stop using DDT.

Today's complaint is that list of what industry spokesmen euphemistically call "non-target" victims. Someday, you or your children may be on that list. While persistent pesticides so far have not been found harmful to humans, there isn't an authority on earth who knows the long-term effects of living with these chemicals, particularly on youngsters who start out in life getting their dose of DDT in their mother's milk. The average American carries from eight to 10 parts per million of DDT . . . appreciably more than the Food and Drug Administration permits in marketable foods.

Strangely, no citizen in this constitutional democracy has been asked if he *wants* this burden of poison. It has occurred to no official to wonder if anyone's rights are being violated by this invasion of his body.

But anyone who feels he has a stake in this world now can summon an argument why agricultural poisons are too important to be left to Agriculture officials. And muster an answer to the question: Why clean up the Hudson?

If we don't, the price is the Atlantic Ocean.

ALL ARGUMENTS FAVOR RATIFYING THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, so much has been said in detail of the argument in favor of ratification of the Genocide Convention that I would like to take this opportunity to summarize the position in favor of ratification.

The matter of preventing and punishing genocide is clearly within the necessary objectives of a sound foreign policy. First, it is a powerful weapon in the moral war; second, it is an effort to prevent aggression and an essential step toward preserving peace; third, it deals with the vital question of the dislocation of peoples with attendant international consequences; fourth, it represents our national participation in the suppression of what has been universally condemned by the family of nations; and fifth, it is a strong deterrent to heads of government, warning them that even they can be punished by successors.

The Convention on Genocide is in keeping with our already highly developed system for the protection of human rights. The American experience with the Bill of Rights weighs heavily in favor of the belief that instruments such as these are significant in the advancement of human rights.

Nor is there any obligation upon the United States, under the Genocide Convention, to take any action in the form of intervention, although this has been vaguely hinted by its opponents. By article I the contracting parties confirm that genocide, whether committed in time of war, is a crime under international law which they undertake to prevent and punish. The form of the undertaking is, however, clearly restrictive by the specific obligations undertaken in the convention itself.

I hope that it will be clear to all of us that the Genocide Convention is not aimed at the United States; that it has nothing at all to do with discriminations against racial or other groups or denials of elementary human rights to individuals. Genocide relates exclusively to mass exterminations involving thousands of human beings as members of groups, and is characteristically committed, instigated, or condoned by governments.

The heart of the convention is in its provisions for international cooperation through the organs of the United Nations for the prevention and suppression of a crime which strikes at the roots of our civilization by denying our common humanity.

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MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the joint resolution (H.J. Res. 775) to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious, in which it requested the concurrence of the Senate.

AWARD OF CONGRESSIONAL SPACE MEDALS OF HONOR TO ASTRONAUTS

Mr. ANDERSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Joint Resolution 775.

The VICE PRESIDENT laid before the Senate House Joint Resolution 775, to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious, which was read twice by its title.

Mr. ANDERSON. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The joint resolution (H.J. Res. 775) was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I am delighted that the joint resolution has been sponsored by the distinguished senior Senator from New Mexico, the chairman of the Committee on Aeronautical and Space Sciences. I compliment the Senator for seeing to it that such expeditious action has been taken on the measure.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The PRESIDING OFFICER. Under the previous order, morning business is concluded, and the Chair lays before the Senate the unfinished business which the clerk will state.

The Assistant Legislative Clerk. S. 2546, to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Under the unanimous-consent agreement providing that the Senate shall begin voting not later than 4 o'clock today, the time is to be equally divided between the Senator from Mississippi (Mr. Stennis) and the Senator from South Dakota (Mr. McGovern).

The question is on agreeing to the amendment offered by the Senator from South Dakota.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Nebraska and such additional time as he may see fit to use.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes and for such additional time as he may see fit to use.

Mr. CURTIS. Mr. President, I thank the Senator from Mississippi.

Mr. President, during this prolonged debate on the Department of Defense authorization bill, we have witnessed a new phenomenon never seen before in the Senate. This phenomenon is an attempt to block the production, on an item-by-item basis, of all of the new and modern military hardware resulting from research and development in the past few years. Let us briefly review some of the weapons that the group calling itself the Members of Congress for Peace through Law has chosen to attack—see, for example: the Congressional Record of September 3, 1969:

First. The AMSA manned bomber.

Second. The nuclear-powered aircraft carrier.

Third. The new Navy and Air Force fighters.

Fourth. The main battle tank.

Fifth. The C–5A transport airplane.

Sixth. The new anti-submarine-warfare airplane.

The arguments raised against proceeding with production of these modern weapons systems generally can be distilled down to two basic tenets: First, it cannot be proven that we need the weapon today so, second, let us delay for a few more years until the potential enemy has a weapon in service and proves that we will have to build a counter to him.

Now I am surprised that this rationale for holding up production of modern military hardware, the new equipment reflecting the advancements in technology resulting from the billions invested in research and development over the last 8 or so years—I am surprised that this rationale has not struck a familiar note to those of us who have been alarmed observers of deterioration of our national defense power over the last few years. I would submit that the arguments we are seeing used on the floor of the Senate against modern military hardware are the very ones that held sway when Mr. McNamara and his whiz kids had supremacy in the Pentagon for seven long and nearly disastrous years.

Let us look back just a year and a half ago, to the spring of 1968, when the Preparedness Subcommittee of the Senate Armed Services Committee held thorough and extensive hearings into our strategic and tactical air postures. Under the excellent leadership of the chairman of the subcommittee, the distinguished Senator from Mississippi (Mr. Stennis), it was brought out in those hearings that for years a long list of new weapons was needed by the military services, endorsed by the Joint Chiefs of Staff, and overruled by Mr. McNamara and his band of amateur military theorists in the Office of Systems Analysis. Included in this list of projects being blocked year after year were AMSA, nuclear carriers, new Air Force and Navy fighters, antisubmarine aircraft, and so forth. As the knowledgeable and experienced Senator from Missouri (Mr. Symington) pointed out back in 1968, we were spending billions on researching blueprints but were not getting any actual hardware to show for the money.

During those 7 nearly disastrous years under Mr. McNamara, a "defense deficit" began building up—a deficit in funding of hardware projects that needed to be started but were delayed and delayed by the Whiz Kids. Some press observers have commented on this fact and have estimated this "deficit" as amounting to as much as $25 billion by the time the new administration inherited the management of the Pentagon this January. The idea here in this so-called "deficit" is that had these weapons systems been put into development and production as their technology matured and become ready, then these many projects we are debating this year would have been spread out in orderly fashion over the last 8 years, many of them now would be past their peak spending needs, and we would not today be faced with the need to initiate procurement of a number of new programs in a relatively short period of time.

M'NAMARA'S LAST STAND

I have brought this subject into the debate today for two reasons. First, I think it is important that the American public, as well as the Members of Congress, be reminded of Mr. McNamara's responsibility for what appears to be a sudden surge in new military hardware projects but is in reality caused by the release from his delaying tactics when he was Secretary of Defense. Second, I think it is important that we recognize the source of the basic philosophy behind the peace through law arguments against these many projects. What we are witnessing is in reality "McNamara's last stand," with the same old "Whiz Kids" arguments having been transferred from the private confines of the Secretary of Defense's office to the public forum of the floor of the U.S. Senate.

Again to review some recent history, soon after Secretary McNamara was replaced by Secretary Clifford, the absolute power of the Systems Analysis Office, where the "Whiz Kids" hold forth, began to wane as the factor of seasoned military judgment began to gain more weight in the decisionmaking process. At that time, in the spring of 1968, we began to see leaks to some of the press of arguments against proposed new weapons developments. The Navy F–14 fighter replacement for the F–111B, the Navy TFX, was one such example. Unnamed sources in the Pentagon, in reality the Systems Analysis Office, were quoted as the authority for grossly distorted cost and effectiveness figures purporting to show the old Navy TFX would be superior to the F–14. Despite these attempts to stop that fighter development, the program was approved as the Systems Analysis Office lost their first skirmish. Recognizing that their power in the Pentagon was swiftly declining, and would be doomed with a change in administration, their next move was a broadside attack against a wide spectrum of defense military hardware programs. This came out in mid-1968 under the general headline that there was $10 billion of fat in the already deficient McNamara defense budget. This claim, since it was attributed in the press to "high Pentagon sources," naturally was accepted as authoritative by many who were unaware of the existence of an "anti-Defense" element in the Pentagon.

Among the specific programs attacked in the "$10 Billion of Defense Fat" articles were the following:

First. Nuclear attack carriers.

Second. The new Navy fighter plane.

Third. The new antisubmarine warfare airplane.

That list, by now, begins to have a familiar ring, does it not?

After the change in administration this last January, McNamara's band of "Whiz Kids" found that their specious arguments against these defense projects would not stand up to the scrutiny of rational debate. The long list of deferred programs finally attained full go-ahead. The "Whiz Kids" then transferred their arguments against a strong defense program over to the Congress, where they found some supporters of their general philosophy of unilateral disarmament. In fact, most of the arguments raised against the military programs used by the peace through law group have been supplied by the "Whiz Kids," even though they are still officially employed by the Department of Defense. In other words, they are actively lobbying against their own employer.

THE AMSA PROGRAM

Let us turn now to consider the subject of the current debate, the AMSA program. This new strategic bomber was first requested by the Air Force in 1964 and has been funded by the Congress in each ensuing year. Secretary McNamara refused to allow the appropriated money to be spent, however, to start engineering development of the plane. He limited expenditures to "continuing R. & D. studies" on the design of the plane. A go-ahead finally was allowed in November 1968 by Secretary Clifford after the national elections. The program was accelerated to full development status by Secretary Laird after he had a chance to revise the early Clifford budget. This action was fully approved by the Senate Armed Services Committee in the bill we are now debating. Many members of that committee have been supporting AMSA for the last 5 years—this is certainly no off-the-cuff decision by these knowledgeable members when they authorized this program.

WHAT IS AMSA?

That is, what are its general capabilities as compared to the other bombers in SAC's existing force? Roughly speaking, AMSA has the high-speed penetration capability of the B-58 and FB-111 for the sea-level, on-the-deck "run-in" necessitated by modern air defenses. However, it can sustain that high speed over B-52 type of penetration distances. This means that AMSA has more than double the penetration range of the B-58 and FB-111 at the same high speed. In addition, it will have a greater payload of weapons than the B-52, and it will carry the most modern electronic countermeasures. Its radar reflectivity will be much less than the B-52, making it harder to detect and shoot down. Thus, to answer the question of what is AMSA, it is a true strategic bomber in the sense of the B-52, but it has vastly improved capability to penetrate enemy territory and survive modern antiair defenses.

To give a specific example of the advantage of AMSA over the B-52, it will have the speed capability to fly at 550-plus miles per hour at the treetop altitude forced by SAM defenses and radar evasion techniques. This compares with the roughly 350 miles per hour top speed of a B-52, and I can assure you that that extra 200 miles an hour will make SAC's pilots mighty happy. If anyone does not believe me all he needs to do is ask some of our pilots who flew tactical bombers over Hanoi and Haiphong how important that extra speed is to survival.

So in a capsule description, that is what AMSA is. In terms of size, we are talking of an aircraft that is estimated to weigh in the neighborhood of 380,000 pounds, or slightly larger than the largest Boeing 707. By comparison a B-52 grosses 480,000 pounds, a B-58 is a 160,000-pound airplane, and an FB-111 runs 110,000 pounds. We can surmise from these figures that AMSA will be appreciably smaller than a B-52 and nowhere near the size of the SST, which is a 750,000-pound airplane.

Another point to mention is costs. Air Force estimates of flyaway cost, that is, the cost of the airplane itself, are from $22 to $25 million per plane. Considering costs of other large airplanes today, these estimates appear reasonable. For example, the Boeing 747 which is a 710,000-pound airplane sells at $18 to $29 million and the SST is estimated to cost $40 million. It appears reasonable, then, that the AMSA cost should fall into the general ball park of the price as given above. It definitely will not be costing anything like the $40 to $80 million that the opposition sometimes purports.

Now what purpose is served by my giving this general description of what the AMSA is and what it will cost. The reason is that I want it understood exactly what AMSA is—a true modern strategic bomber that will replace our only other true strategic bomber. AMSA is a B-52 replacement, plain and simple, and any arguments over the need for it should not be confused by bringing in the short-ranged B-58 and FB-111 medium bombers.

THE NEED FOR STRATEGIC BOMBERS

The true debate on this amendment, over whether or not to allow development of AMSA, centers on the point of whether the manned bomber serves a useful and effective role in deterring an enemy from launching a nuclear attack on the United States or any of its allies. Now that one sentence covers a lot of points thrown into the anti-AMSA argument, and I want to elaborate on it somewhat.

In the first place, there should be no mistake about the intent of the amendment. It has only one purpose and that is to block development of AMSA again, as has been done every year since 1964 by McNamara and his fellow antibomber cohorts. Let us not be sidetracked by any rhetoric from the anti-AMSA side that they are only trying to prevent an "accelerated" AMSA program. Their intent is to block a go-ahead on engineering development of the airplane, and, I might add, if their amendment should pass then the $20 million they would retain for continuing development will be largely wasted since there have been 5 continuous years of such engineering studies as they would get for the $20 million. Since that is true, I am puzzled why they do not offer an amendment for what they really want—to cancel the AMSA program entirely.

Let us face the real issue here instead of hiding behind the facade of authorizing $20 million on "more blueprints." I might note parenthetically that we saw an interesting example last Friday of strategic retreat from the real issue when it came time to vote for or against the Navy's aircraft carrier.

To return now to the basic question that I say this debate is really about—the utility of manned bombers—I would point out that the able Senator from South Dakota (Mr. McGovern), in his initial speech last Friday on his present amendment, made a very cogent observation when he stated, and I quote:

> The only real defense against a nuclear war is not to have one.

I am sure that there is unanimous agreement on that point within the Pentagon, among the Peace through Law Advocates, all of the Congress, and indeed the whole world. That is what deterrence is all about. Within that context, let us examine how manned bombers can contribute uniquely to that deterrence of nuclear war.

What can the bomber do that missiles cannot do? The arguments for the bombers have been elucidated clearly and well many times here on the floor. Their major virtue, of course, is their flexibility since they are under human control at all times until the time of actual weapon release. This gives the United States the capability to take many short steps during times of crisis in demonstrating its intent and resolve short of actually launching missiles. These steps include dispersal of the bombers from their home base, putting part of the force on airborne alert, orbiting bombers on stations near the periphery of a saber-rattling enemy, all of these being steps of increasing readiness which can be taken should some potential adversary start to threaten us overtly with a superiority in megatonnage for purposes of nuclear blackmail. Compared to that flexibility, the ballistic missile has just two positions, fired or not fired. As a current expression puts it, "How do you show an enemy that you have moved your finger a little closer to the button?"

Now there is another point I would like to make that favors the manned bomber as a deterrent to nuclear war. If any potential enemy military or political planners are going to contemplate nuclear war, are actually going to consider

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using such a devastating form of destruction to attain their international goals, then there is one paramount question that they have to think about and that is: How do you win the peace after the missiles have been fired and after a large part of your civilizations have been destroyed? I submit that the side that still has manned bombers left after a nuclear exchange, after the missiles are gone and the holes are empty, that side will still retain a nuclear power status and will control the peace and the world—or what is left of it. To me that is one of the strongest arguments of all in favor of the manned bomber as a deterrent to nuclear war. Our potential adversaries will have to consider very carefully the fact that even if they felt they could destroy a preponderance of our Minuteman and Polaris missiles before launch with a surprise attack, and even if they could limit the damage done to their population by the remaining missiles with their ABM system, if they began to be tempted to try a surprise strike on us, they still would have to consider that our manned bombers would get through to their targets and many would survive to return home afterward.

These bombers then would have the capability of returning time and time again if necessary while our enemy sat there with empty holes and no followup nuclear capability.

As I said before, any potential enemy would not even contemplate initiating nuclear war unless he felt confident he could obtain a long-range advantage after the war was over. For this reason, I am convinced that retaining a strong and capable manned bomber force provides us with a guarantee that we would win any war and we, not they, also would control the postwar peace, and I think that that is the ultimate in deterrence.

SUMMARY OF THE CASE FOR AMSA

To summarize my position in favor of full development of the AMSA, I have stated that this bomber is a B-52 replacement, a true strategic bomber in terms of range and payload. It will have the high speed and modern countermeasures necessary for survival against modern air defenses. It will keep our manned bomber deterrent viable in the decades of the mid-1970's through the 1980's and beyond.

I believe I have given convincing reasons for maintaining that viable bomber deterrent to nuclear war, both because of flexibility in showing force and demonstrating intent before a nuclear war can start and also in maintaining a postwar power status should such a war occur.

Now one final word on the excellent job done by the Senate Armed Services Committee in preparing the basic Defense authorization bill this year. They have, I believe, done outstanding work in examining all programs proposed by the Pentagon and in cutting many back and eliminating others that were marginal in priority. The committee deserves our praise for its outstanding service.

Although the Armed Services Committee is being castigated in some quarters as a Pentagon rubberstamp, let us not forget that that attack is made by the proponents of the McNamara philosophy on defense. Those unilateral disarmers are now fighting their battle where it should be fought, in the public forum, rather than veiled in secrecy in the Office of Secretary of Defense. I welcome the debate and I urge my colleagues to follow it carefully. I also urge them to support the AMSA bomber program and to defeat the present amendment.

Mr. President, I claim no insight into technical matters of defense. However, I know that when the members of the highway patrol cruise along the highways of the country, they slow everyone down and prevent reckless acts.

Such is the case here. The manned bombers can be called back at the last second. Their very presence is a force for peace and a means of saving human life. I am thoroughly convinced that while the intent in the minds and hearts of all Senators is to do the very best for our country, the real effect of knocking out AMSA would be not only to endanger our country, but also to endanger the lives of those who defend our country and thus invite greater bloodshed.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. STENNIS. Mr. President, I certainly thank the Senator from Nebraska for his very fine speech. He has made a very definite contribution to the debate on this highly important question. His speech will certainly be a worthy monument to him and will be reflected in the CONGRESSIONAL RECORD.

I think the Senator is so correct in all of his points about the deterrent effect of this weapon. It is a weapon that we can call back if need be.

Mr. CURTIS. Mr. President, I thank the distinguished chairman of the Armed Services Committee, the Senator from Mississippi.

We have all observed the hard work that the distinguished chairman of the committee has performed over many weeks in managing the pending bill on the floor. This work, of course, follows many long weeks and months of difficult and tedious hearings.

We appreciate what the Senator has done. The Senator may be criticized in some places. He may lose some battles. However, the RECORD will look very good 5 years from now, 10 years from now and 100 years from now.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Nebraska.

The VICE PRESIDENT. The Senator from Nebraska is recognized for 2 additional minutes.

Mr. McGOVERN. Mr. President, the Senator has made an eloquent presentation of his views on the matter. However, I have some questions to direct to his attention.

I believe I heard the Senator say that the impact of the pending amendment would be to block the AMSA project and, in effect, kill off the AMSA bomber.

Mr. CURTIS. I think that is the practical effect of it; yes.

Mr. McGOVERN. The Senator from Mississippi, the distinguished chairman of the committee, has a different view of the amendment. I do also. I call the attention of the Senator to the interpretation that the distinguished committee chairman, the Senator from Mississippi, placed in the RECORD yesterday. He said:

> The only difference between the committee and the proponent's amendment is with reference to the rate of progress we make during this fiscal year.

Mr. President, I share the view of the Senator from Mississippi in that respect. That is the impact of the amendment, to hold the research and development and progress of this bomber in the fiscal year 1970 to the same level at which we were operating in 1969.

Mr. CURTIS. That is substantially what I said. It would prevent the making of any progress. We would be treading water as we have been doing for the last several years.

Mr. McGOVERN. The estimate of the Department of Defense—calling attention to the material I had printed in the RECORD on yesterday from Secretary Laird—is that the amendment would have the effect of slowing down the operational capability of the plane by 1 year, and that instead of achieving our goal in 1977, we would achieve it in 1978. The amendment does not cover the funding processes for 1971, and beyond.

The VICE PRESIDENT. The time of the Senator has expired. Who yields time?

Mr. McGOVERN. Mr. President, I yield myself 5 minutes on my own time for the purpose of continuing the discussion.

The VICE PRESIDENT. The Senator from South Dakota is recognized for 5 minutes.

Mr. McGOVERN. Mr. President, the thrust of the amendment relates only to the funding for the fiscal year 1970.

Mr. CURTIS. The Senator is correct. This would cover only 1 year. So, when we say that the effect would be to stop AMSA, the only year it could refer to would be the coming year.

Mr. McGOVERN. The word "stop" is not the correct word. A more accurate description is the one given by the Senator from Mississippi when he said that we are talking about the rate of progress we would make during the current fiscal year. I think that is the correct way in which to look at it.

We would be permitting $20 million to be spent on the research and development of this bomber. This is what we would spend in the fiscal year, and that should be set against a figure of $100 million.

There is nothing magic about either of these figures. It is a question of whether we have enough doubts about the bomber so that we ought to question the committee's proposal that we accelerate the program.

Mr. CURTIS. If there were an area in which disastrous floods had occurred and the engineers had been studying and studying the area for years and the Senator were to come in and offer an amendment not to build the structures necessary to hold back the floods but to continue studying the matter, he would be in effect preventing progress in the project. This would not cover all of the funds. There would still be some paper shuffling. However, it would be knocking out the progress of AMSA.

The VICE PRESIDENT. Who yields time?

Mr. McGOVERN. Mr. President, I should like to be recognized for 5 minutes.

Mr. President, in the brief time that we have before the Senate recesses for the joint meeting, there is some material that has come to my attention which I would like to place in the RECORD and call to the attention of those Senators who are in the Chamber. It is a series of comparative tables showing the force levels of various types of bombers between the United States and the Soviet Union.

Of the bombers classified as heavy bombers, at the present time the table shows the United States with a force of 450 late model B–52's. We have a total B–52 force of some 646; slightly more than two-thirds of these are late model bombers, with a maximum speed of 630 miles per hour at 40,000 feet, and a range far longer than any Soviet bomber. B–52H's have flown more than 12,000 miles unrefueled.

The interesting comparison here is that, as against our 646 B–52's, 450 of them being late models, the Soviet Union has only 90 of the Bear bombers, the propeller-driven Russian counterpart. It is true that they have another 50 tankers that could be converted to bombers, for a total heavy bomber force of 140. Even those 140 are operationally inferior to the B–52. There is a maximum speed of 550 against 630 for the B–52, a maximum range of 9,000 against 12,000 miles for the B–52, and a bomb payload of 20 tons as against 37.5 tons for the B–52.

Mr. President, I ask unanimous consent to have printed in the RECORD a table showing a comparison of U.S.-U.S.S.R. bombers.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF UNITED STATES–U.S.S.R. BOMBERS

PART I: HEAVY BOMBERS

	Speed [1]	Range [1]	Payload [1]
United States: B–52 (450 late models).[3]	Maximum 630 miles per hour, at 40,000 feet.[3]	12,000 miles [3] (maximum) (B–52H).	37.5 tons.[4]
U.S.S.R.: Bear (about 90, but 50 Bear tankers can be converted to bombers).[3]	Maximum 550 miles per hour, at 36,000 feet [5] over-target speed: 500 miles per hour, at 41,000 feet.[5]	9,000 miles [5] (maximum).....	20 tons.[4]

PART II: SUPERSONIC BOMBERS

	Speed [1]	Range [1]	Payload [1]
United States: B–58 (78 deployed)[2]..	Maximum 1,385 miles per hour, at 55,000 feet .[3]	Tactical range: 2,400 miles [3] (Mach 2 over target. Range considerably longer if entire mission were at same speed as Blinder.)	6 tons.[4]
United States: FB–111A (none now but 76 planned by early seventies).[2]	Maximum 1,400 miles per hour [5] (this is conservative estimate) sea level: 900 plus miles per hour [5]	3,800 miles [5]...............	18.75 tons.[5]
U.S.S.R.: Blinder (over 700 Badgers and Blinders combined).[3]	Maximum 925 miles per hour, at 40,000 feet. [3]	Tactical range: 2,800 miles [3]..	6 tons.[4]

PART III: TACTICAL BOMBERS

	Speed [1]	Range [1]	Payload [1]
United States: F–4B (over 2,000 F–4's built).[5]	Maximum 1,300+ miles per hour (with bombs) [5] sea level: 900+ miles per hour.[5]	2,300 miles [5] (maximum).....	8 tons.[5]
United States: A–4F (over 2,600 A–4's built).[5]	Maximum 675 miles per hour [5]............	2,000+ miles [5]..............	5 tons.[5]
U.S.S.R.: Bison (60 deployed)[2]......	638.75 with payload of 59,525 pounds [5].....	6,050 miles [1] (maximum).....	10 tons.[4]
U.S.S.R.: Badger (over 700 Badgers and Blinders combined).[2]	Maximum 587 miles per hour, at 35,000 feet [5].	3,000 miles [5] (with maximum payload).	Do.

[1] London Institute for Strategic Studies.
[2] Department of Defense.
[3] William Green, "The World's Fighting Planes," 1964.
[4] House Armed Services Committee, July 1967, "The Changing Strategic Military Balance, United States of America versus U.S.S.R."
[5] John W. R. Taylor, ed., "Jane's All the World's Aircraft 1968–69."

Mr. McGOVERN. Mr. President, regardless of what else might be said about these bomber levels, no one can speak seriously about a bomber gap when we have the Soviets outnumbered four to one.

It is my understanding that the senior Senator from Missouri (Mr. SYMINGTON), the former Secretary of the Air Force, is going to elaborate a little later on, on the very dramatic gap in our favor that exists on the bomber front at the present time.

Perhaps even more significant is the lack of any indication that the Soviets are moving to build additional bombers, at least on any significant scale. I think that is a situation Senators should keep in mind.

When one turns to the supersonic bombers, in connection with the B–58 we have 78 presently deployed. We expect to have 76 of the FB–111 by the early 1970's.

Mr. President, in view of the time factor, I yield the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate resumes its business after the recess, the distinguished Senator from South Dakota be recognized.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

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Mr. MANSFIELD. Mr. President, the Senate will now proceed in a body to the Hall of the House of Representatives for the purpose of a joint meeting which will be addressed by the Apollo 11 astronauts.

Therefore, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The VICE PRESIDENT. Is there objection? The Chair hears no objection, and it is so ordered.

Thereupon (at 12 o'clock and 13 minutes p.m.) the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1:12 p.m., when called to order by the Presiding Officer (Mr. GRAVEL in the chair).

AMERICAN FLAG PRESENTED TO SENATE BY ASTRONAUTS ARMSTRONG, ALDRIN, AND COLLINS

The PRESIDING OFFICER. On behalf of the Vice President, the Chair wishes to state that the Senate has received the flag which was presented to it by the astronauts during the joint meeting today. Without objection, the flag will be turned over to the Secretary of the Senate, who will deliver it to the Curator of Art and Antiquities of the Senate, who will be the custodian of the flag for the Senate.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. McGOVERN. Mr. President, I yield such time as he may require to the Senator from New York (Mr. GOODELL).

Mr. GOODELL. Mr. President, I thank

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the Senator from South Dakota for yielding to me the time.

Mr. President, the amendment on the advanced manned strategic aircraft—AMSA—which I am cosponsoring along with the Senator from South Dakota (Mr. McGovern), the Senator from Oregon (Mr. Hatfield), and the Senator from Wisconsin (Mr. Proxmire), is a modest amendment.

It would reduce by $80 million the amount authorized in S. 2546 for work on a new strategic bomber, AMSA. It would permit continued research on AMSA with expenditures of $20 million plus $5 million in carryover funds. This $25 million for fiscal year 1970 represents the same level as the approved program for AMSA in fiscal year 1969.

The Senator from South Dakota (Mr. McGovern) has previously pointed out that we are at the threshold of a major new expenditure; and he is quite certainly right. Estimates for per unit cost of AMSA have ranged from $20 to $80 million. Total cost of the AMSA program is estimated at a minimum of $12 billion.

Mr. President, the need for further review of AMSA before increases in funding is clear.

At the beginning of this debate on advanced manned bombers, the Senator from South Dakota (Mr. McGovern) observed that where AMSA specifically is concerned, we should settle at the outset whether strategic bombers have any meaningful role to play in the maintenance of our nuclear deterrent or counterforce capabilities. Do they add something we must have and which cannot be supplied by the massive destructive capabilities of land-based and sea-based ballistic missiles?

I would agree that we must address ourselves to this question. We must take precautions here today lest funds be spent on a costly weapons system of questionable defense utility, while still not facing this larger issue.

Another point which has been raised in this debate is whether AMSA is really needed given existing strategic bomber forces and tactical aircraft. The legitimacy of Defense requests for increased funds for AMSA must be viewed in the context of alternative weapons, including the existing strategic bomber forces and other bombers in the procurement line, including the B–52, the B–58, and the FB–111. If the case for strategic bombers is made more effectively than it has been made to date, still the question remains as to whether the costly new aircraft, AMSA, is required. Another dimension in arriving at a decision on advanced manned bombers is whether existing and planned tactical aircraft can play a significant part of the role assigned to the strategic bomber force, hence, making the new aircraft, AMSA, unnecessary.

Since 1956 the Air Force has been examining replacement for the B–52 as part of strategic bomber planning.

Regardless of developments in missile defense, the Air Force has insisted on the urgency to invest funds in strategic bomber for added deterrence. Typical of the Air Force's case for bombers over the years, is the statement made in 1963 by Secretary of the Air Force Zuckert in testimony before the House Appropriations Committee. He said:

> We believe, as the General (LeMay) has pointed out, that our proper strategic posture demands some kind of a manned system because of the flexibility it gives you. If the B–70 proves to be a blind alley for any reason we have to explore all the other methods because we have to come up with a manned system, in our opinion.

He then referred to the B–70—2,000 m.p.h. supersonic bomber for reconnaissance—Dromedary—a long-endurance, large, slow airplane designed to fly up to 48 hours, but not to penetrate defenses at all—and a low-altitude penetrator. (House Appropriations Committee Hearing on the Department of Defense Appropriations for 1964, 88th Congress, first session, 1963, part II, p. 530.)

Typical also of the case for bombers, is the point made in 1964 by General LeMay, then Chief of Staff, U.S. Air Force, in testimony before the House Armed Services Committee. He said:

> I still think that we would be able to complete and get a usable weapons system out of the B–70 program . . . We have gone on with our studies and are proposing something else. If not that manned weapons system, then what can be procured?

Mr. President, the B–70 which was also called the XB–70 since it was experimental, did prove to be a "blind alley." It was obsolete by the time it was built. It added nothing to our Nation's security.

Still, the Air Force appears determined to come up with a new manned strategic bomber. It does seem that the principle of strategic bombers overrides incisive review of the practical utility of bombers.

Today, the B–70 is on display in the Air Museum in Dayton, Ohio. From defense to display, the B–70 cost the American taxpayer $1.4 billion.

In April of this year, the Senator from Kentucky (Mr. Cook), the Senator from Ohio (Mr. Saxbe) and the Senator from Oregon (Mr. Hatfield) joined me in a statement of concern over the B–70. We stated that the museum piece B–70 underscores the point that military estimates of what is needed to protect our security are not infallible. The Military Establishment can make mistakes.

The B–70 was one of those mistakes.

There is only one way to avoid this sort of billion-dollar mistake. Members of Congress and independent, unbiased experts must exercise the most searching scrutiny of military spending projects. This process of inquiry will guard against B–70's of the future. It will help prevent billions from being wasted that are needed to meet domestic social needs. It will help assure that the weapons systems that pass the test of impartial, intelligent examination are the best in the world.

In support of our concern over military spending, Senator Cooper and my colleague from New York (Mr. Javits) joined in supporting our objective to focus public attention on the need for incisive review of defense spending requests.

Mr. President, hopefully, we have learned a lesson in economy and gained insights in defense planning from the B–70 fiasco. Hopefully, AMSA will not end up as another piece in the Air Museum.

The Armed Services Committee has acknowledged that there is a need for further study of AMSA.

The special Ad Hoc Subcommittee on Tactical Air Power of the Armed Services Committee emphasized that funding this year for AMSA does not commit us either to full-scale development or to production and deployment of AMSA.

What the additional funds are designed to do is to accelerate the engineering program and to advance the Initial Operating Capability—IOC—of AMSA by 1 year, from 1978 to 1977.

The question remains as to the basis for urgency to accelerate the AMSA program. Indeed, last year, in his 1968 defense posture statement, McNamara said that more important than a new aircraft were new weapons and penetration aids. Since the B–52 with such new equipment could be operational well into the 1970's, the question of urgency appears to be nonexistent.

In addition, and with regard to the perceived manned bomber threat, the Armed Services Committee notes on page 8 of its report on S. 2546 that there is a wide difference of opinion between the national intelligence estimate and the Air Force with respect to the gravity of the Soviet manned bomber threat.

Mr. President, there are simply too many questions raised about the feasibility of AMSA. Answers have yet to be convincing. Questions raised throughout this debate simply must be answered persuasively by the Pentagon before we accelerate the AMSA program.

As long as the Pentagon fails to establish a clear and convincing case for AMSA, we cannot and must not authorize increases in the funding level. Congress must not abdicate its reason and judgment simply in view of the power and prestige of the Military Establishment.

Mr. President, if I may, I would like to ask the Senator from South Dakota a question with reference to the whole justification of the AMSA program. The point has been raised that we need AMSA to supplement our ICBM's and our submarine-launched ballistic missiles, the implication being that in the future our ICBM's and our Polarises and Poseidons will be insufficient for deterrence.

How does the Senator from South Dakota evaluate the specific reason for which the proponents say we need AMSA?

Mr. McGOVERN. Mr. President, before commenting on that specific question, I want to commend the Senator on the statement he has delivered today, because it is a succinct and compelling overview of the issue before us. The Senator from New York, for a number of years, has informed himself very thoroughly on the B–70 controversy. He has followed that through very carefully and has spotlighted the tragic and expensive mistake that was made in moving too quickly on the construction of that plane.

As he pointed out here today, and as he has pointed out at earlier times, at a cost of well in excess of $1 billion, we built a large bomber, somewhat along the lines of the one that we are debating here today, which proved to be inadequate and which now resides in a museum in Ohio.

The Senator's question really goes to the heart of the issue before the Senate on this amendment. It is whether or not we really need to accelerate the construction of a new weapon system to provide for the maintenance of our present deterrent against enemy attack.

Let me just say to the Senator that, in order to make the argument that the United States must now move forward on an accelerated basis with the construction of a new bomber, one would have to make a whole range of assumptions no one of which seems to me to be very likely.

It is generally said—and I think this is a conservative estimate—that if we had the capacity to deliver 400 1-megaton warheads on the Soviet Union, that would certainly be enough to deter any conceivable attack on this country.

I frankly cannot imagine any condition under which we would need 400 warheads landing on any country to deter it. Any one of those 400 would be at least 50 times as powerful as the bomb that destroyed Hiroshima a quarter of a century ago. The actual landing of 400 weapons of that kind on any country would result in its utter devastation, doubtless to the point where those who survived would be in a less envious position than those who had been killed in the initial attack.

But assuming that is the fact, assuming that deterrence requires some 400 warheads that are capable of landing on the Soviet Union, let us look at what we have in our present arsenal without the construction of another enormously expensive new bomber.

We have, first of all, a bomber fleet in force today of 646 B-52's, 255 of which are the latest type of B-52, the G and H models.

As the Senator from New York knows, in replying to the letter he and I sent to Secretary Laird, the Secretary assured us that these late model B-52's can remain in operation until the end of the 1980's.

But beyond that, we have a bomber force of 3,000 tactical aircraft, capable of striking a substantial proportion of the targets in the Soviet Union, based either in Europe or on aircraft carriers—tactical bombers that are already in place.

Beyond that, we have over 1,000 land-based missiles in hardened sites that would be very difficult to destroy, any one of which is capable of striking targets in the Soviet Union.

As if all that were not enough, we have built, at considerable expense, some 41 Polaris submarines, each one of which is armed with 16 tubes capable of launching weapons at targets in the Soviet Union—some 656 missiles in the submarine fleet alone.

All of this is before the conversion process, which now promises to change each one of those 16 individual warheads into as many as eight or 10, under the so-called MIRV system.

So what we are talking about here is an existing bomber force several times larger than the Soviet Union's. As the Senator from New York knows, the Soviets are not building new bombers on any significant scale. We have our land-based missile system; we have our submarine-based missile system; we have our tactical aircraft and our aircraft carriers, all capable of carrying nuclear weapons, plus the construction that we have authorized in this session of Congress on a new anti-ballistic-missile system, for whatever additional security that may afford, for protecting our missiles.

One would have to assume that the Soviet Union is so accurate that they have the capacity of simultaneously knocking out all of these forces, to find that we somehow now need an additional weapons system in order to maintain our deterrent. I submit to the Senator from New York that that is a series of assumptions that goes beyond comprehension, and that we do have the capacity to unleash a society-destroying blow against the Soviet Union without the construction of one additional bomb.

Mr. GOODELL. I thank the Senator for his answer. I should like to, with the Senator's permission, explore one other aspect of this matter.

Mr. COOPER. Mr. President, before the Senator proceeds, will he yield to me?

Mr. GOODELL. I yield.

Mr. COOPER. I direct my question to both the Senator from New York and the Senator from South Dakota.

I have read with great interest the speeches of the Senator from South Dakota, and have listened to the very good speech of the Senator from New York.

I know that a great deal is said about the possibility of conflict between the Soviet Union and the United States—of course, that is always on our minds—and the situations in which this bomber would not be effective.

Is there any other mission, other than one which might be necessary in a conflict between the Soviet Union and the United States, which would necessitate, in the Senator's view, going ahead with this program at full speed? Is there any other possible enemy, or any possible conflict?

Mr. McGOVERN. The other major mission that is assigned to every bomber of this kind, I say to the Senator from Kentucky, is the so-called damage limitation function.

Mr. COOPER. That would be a factor in the unhappy event of war between the United States and the Soviet Union. But what I am asking is, is there any other possible enemy or situation in which the United States could become involved in war, as we are now involved in South Vietnam, which, in the Senator's view, would make it rational to go ahead full speed with this system?

Mr. McGOVERN. I would have to say no. I cannot think of any other function.

One thinks of possible danger from mainland China; but it would seem to me that to whatever extent there is cogency in the argument that our present bomber force can take care of any needs we would have for bombers against the Soviet Union, that argument would be even stronger with reference to mainland China, which is in a much less secure position to defend itself or to launch offensive operations in the event of a war between our two countries.

Mr. COOPER. That is what I would think, also, but I thought it would be well to cover this point.

Mr. GOODELL. Mr. President, will the Senator yield on that point?

Mr. COOPER. I yield.

Mr. GOODELL. I think there is one other point that should be made. Allegations have been made about AMSA that it could be used for conventional warfare roles such as the B-52's are handling in Vietnam now. I think it should be emphasized that the B-52 was really not designed for the kind of mission for which it has been employed in Vietnam, and we could have, had we built a bomber force for that kind of mission alone, done it at much less expense than the cost of the B-52, which was primarily designed for the strategic nuclear deterrent.

We now have B-52's and B-58's, and the FB-111. Although they do not carry the payloads anticipated for AMSA, they will carry tremendous destructive power. Even our so-called tactical air force, the F-4, A-6, A-7, and F-111, can carry more destructive power than all the bombs dropped in World War II. They can reach many Soviet targets from carriers, and European land bases; and they certainly could reach many of the other targets that might be anticipated in terms of conventional warfare more easily than they could reach Soviet territory.

All of these aircraft are far cheaper than AMSA. Many are in the inventory today, in large numbers. I think there is much to be said for not putting all our eggs in one basket, but putting them in many baskets, such as attacking with large numbers of cheaper bombers, with a view of striking a breakthrough that could lead to large numbers of widely dispersed targets.

I think the arguments for AMSA in terms of conventional warfare are even weaker than those for AMSA in a nuclear deterrent capacity.

Mr. COOPER. As I understand it—and I should like to know if I am correct—an affirmative vote on this amendment, in the event it were successful, would mean, if Congress should later decide to go ahead with the development of this advanced bomber, a delay of 1 year?

Mr. McGOVERN. Yes, that is the estimate of the Secretary of Defense. The impact of providing the full amount requested by the committee has the effect of quadrupling the 1969 approved program. The effect of that would be to move up the operational level to 1977 instead of 1978, which is the present target date.

Mr. COOPER. I know that both the distinguished Senator from South Dakota and the distinguished Senator from New York have had discussions with the Department of Defense, and I know they have had correspondence with the Secretary of Defense. Has there been, in any of those discussions, briefings, or corre-

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spondence, any strong argument, in the Senator's view, that a delay of 1 year, if Congress should later decide to go ahead in this field, would create any period of peril for the United States, in the event of a nuclear exchange with the Soviet Union?

Mr. McGOVERN. I will say to the Senator, speaking only for myself—perhaps the Senator from New York might wish to add to this—that I cannot conceive of any circumstance under which anything we could call a bomber gap, or a bomber deficiency, would develop prior to the 1980's.

In the reply that Secretary Laird sent to Senator GOODELL, Senator HATFIELD, Senator PROXMIRE, and me, he said that the latest B-52's, of which we now have about 450, or three times the level of the comparable Soviet bomber, can be operational until into the 1980's, and that even then, their life could be extended if we reduced the flying time somewhat.

But beyond that, as the Senator from New York has pointed out, we have all these tactical bombers that are capable of striking major targets in the Soviet Union. We have some 3,000 planes in that category. So it is very hard for me to imagine any gap that would develop by 1980; and if, after passage of this amendment, next year, upon further study by the Armed Services Committee, or if the strategic arms limitation talks should fail, or the situation should become more dangerous, or for whatever reason, we decide to accelerate it, I cannot see any reason why we could not then reassess the situation and provide additional funds next year.

The question is why we should authorize these funds now for an accelerated schedule. The Soviet Union has no bomber even remotely comparable to AMSA. There is no bomber gap except the one in our favor. And we have these weapons which constitute the front line of our deterrent, in any event.

Mr. COOPER. Mr. President, I thank the Senator from New York and the Senator from South Dakota.

Mr. GOODELL. Mr. President, on that particular point we are talking about a possible bomber gap in 1977, 8 years from now. We are talking about that bomber gap under circumstances in which we have an overwhelming preponderance of power in bombers today vis-a-vis the entire world—not just the Soviet Union—and in which the Soviet Union from every indication has deemphasized the bomber and is not undertaking any massive program to build bombers that could create a so-called bomber gap with reference to our power vis-a-vis the Soviets.

I think in this instance that the Soviets are being very wise in setting their priorities. There is great question about the utility of the bomber in any nuclear war today, to say nothing of any projected nuclear war 8 years from now when presumably there will be other new developments in strategic weaponry.

I do not find myself persuaded by the argument that we need this extra money now to move our capability up from 1978 to 1977 when the case has not been made persuasively that we need the AMSA at all, to say nothing about 1977 or 1978.

As the Senator from South Dakota has said, if and when a convincing case is made for our need for AMSA, we can then undertake the program and we can fund the money that is necessary to construct this weapon as quickly as it is needed.

Mr. McGOVERN. Mr. President, the Senator from New York knows that the Senator from Kentucky. (Mr. COOPER) raised a question about the second proposed function for the advanced manned strategic aircraft, which is the so-called damage limitation mission. It is sometimes argued, as the Senator knows, by proponents of the bomber that it has an advantage over a missile in the event of a nuclear war in that after an initial exchange of missiles or bombardment, the bombers could take off and seek out those missiles that had as yet not been fired.

Can the Senator imagine any enemy country in a wartime situation, after there had been an initial exchange, that would stand by and permit their missiles to remain in their silos without firing them once they were aware that bombers were on the way to knock out the remaining missiles?

Mr. GOODELL. I certainly cannot. Under the circumstances described, it seems to me that the damage-limiting function of a bomber is of questionable utility, particularly when we consider that the bomber's arrival time is measured in hours while the solid fuel ICBM launch time is measured in seconds.

I think this is one of the lesser persuasive arguments that has been made for AMSA.

I also point out, since we are discussing the matter of 1977 and 1978, that Secretary McNamara in the 1968 defense posture statement said that it was more important that we develop our weapons and penetration aids than that we develop new aircraft. And he said that the B-52 with such new equipment could be operational well into the 1970's.

Secretary Laird estimated in his testimony that they could be operational into the 1980's.

Secretary McNamara said there is no urgency on the production and deployment of new bombers.

His Assistant Secretary on Systems Analysis, Alain Enthoven, stated in his testimony in 1968 before the Senate Preparedness Subcommittee:

> When the Soviets consider the B-52 threat, they are not going to look at the nameplate to see how old it is. . . . It has been hard to figure out how to build a bomber that is significantly more effective than the B-52 except the respects that I have described, the penetrations aids and the standoff (short-range) missile, and they are going on the B-52.

I also point out, since we have talked about the XB-70, that the XB-70 is not the only white elephant in our arsenal.

For the past 15 years we have terminated more than $8 billion in major military hardware that never became operational. Of this amount, about $3 billion was spent on aircraft, of which the XB-70 accounted for about one-third. About $4 billion more was spent on missiles, Snark, Maverick, and Navaho, which were abandoned before they were deployed.

We wonder if we are not going down that same road again. We can understand that in the years past there may have been reasons for our making these mistakes. However, have we learned by these mistakes? Obviously, there is need for research and development into new weapons. New, theoretical concepts are now off the drawing board. However, we must ask why we build equipment that is obsolete before coming off the assembly line, military hardware that we neither need nor can use.

How much can we afford to spend and then abandon? Significantly, the F-111 plane, the TFX, is a painful case in point. Ever since the design for fighter planes for the Navy and Air Force was proposed in 1961, we have been throwing good money after bad.

Congress has appropriated $6.5 billion for the system through fiscal year 1969. However, the taxpayer does not get very much for his money.

The Navy version of the plane was cancelled last year because of the cost and technical difficulty.

The Air Force will receive fewer of its version of the plane this year than originally planned. Its cost is too high and other types of aircraft can do the job.

The development of the FB-111, an interim strategic bomber version of the TFX, has often been considered. Nevertheless, too often we forge ahead with the production and deployment of planes despite the cost and technical difficulties.

On March 17 of this year Secretary Laird told the Armed Services Committee that the FB-111 program will be cut back. However, the program will be continued "to salvage what we can of the work in process."

Meanwhile, we will concentrate our efforts, quoting Secretary Laird, on the development of the new strategic bomber, AMSA. As the Secretary put it, the FB-111 will not meet the requirements for a new intercontinental bomber, and the cost per unit has reached a point where AMSA must be considered to fill the void.

It seems to me that we have heard this story before. Certainly Secretary Laird is to be commended for his action in cutting back the FB-111. It was not his responsibility that we went as far as we did.

As a Member of Congress and a member of the important House Defense Appropriations Subcommittee, Mr. Laird opposed the FB-111 and the TFX. He raised many questions about it.

Now we wonder, with one XB-70 housed in the Air Museum in Dayton, Ohio, if there will be enough museums to house the FB-111's we are producing.

We ask, "How did we agree to spend so much money in the past on these dead-end projects?" It was largely through the exaggerated estimates of our opponents' capabilities and inaccurate surveys of our own defense needs.

Under those circumstances, I believe it would be a wise, reasonable, and intelligent action of the Senate, and of Congress as a whole, to refuse at this point to accelerate the AMSA, to refuse to say that we are convinced of its value sufficiently to move up the deployment date from 1978 to 1977.

I thank the Senator for his generosity in yielding.

Mr. McGOVERN. Mr. President, I congratulate the Senator from New York on his statement.

There is one question I want to direct to the Senator for any comment he would care to make.

The argument sometimes made for the advanced manned bomber—and I have tried to look at all those arguments very carefully—is that you have more control over a bomber of that kind than you have over missiles. Once the missiles are launched, you cannot call them back. But is not that contention somewhat cancelled out by the fact that you can hold the missile on the ground—we are talking about a 6,000-mile mission to the Soviet Union—while you evaluate any given crisis situation, for 5 or 6 hours, and still can hit any target in the Soviet Union ahead of a bomber that might have been launched 5 or 6 hours earlier? So that you give yourself a period of evaluation time before weapons systems are engaged. It might, in fact, just avert that argument and give us a better control situation with missiles than we have with bombers.

Mr. GOODELL. Yes, I agree with that.

Of course, when you are playing the war games on the drawing board, you want to provide for every contingency. This country could commit all of its resources, of every nature, to the military and still not provide for all contingencies.

I think that in all these situations we must provide a reasonable, secure measure of security, anticipating the potential situation we would face vis-a-vis an enemy. It does not make very much sense to me to say that a bomber that takes anywhere from 4 to 6 hours to reach a point of launching weapons, missiles, or whatever else, gives us a more effective option when we can wait longer with a missile that will reach that target in 15 minutes. The assumption of that argument is that we would not want to hold back pushing a missile button. In a given war game scenario, perhaps there is a rain of missiles coming through the air from the Soviet Union toward the United States. Under those circumstances, any sizable launching of missiles that might destroy our deterrents would be recognized immediately, and we would have no choice but to push the button.

Then we come to a consideration of perhaps one or two missiles, unidentified, coming through the air. Clearly, we do not push the button and send our missiles irrevocably on their way when that is the case. Those missiles, if they are in the air in such small numbers, can be permitted to strike without any danger that they would destroy our deterrent capability, our hardened missiles, or our Polaris and Poseidon roaming the seas.

I do not believe that the bomber, the AMSA, gives us any greater flexibility under foreseeable circumstances in a presumed attack on the United States.

I am sure the Senator from South Dakota would share my sentiments when I say that I would have no part in cutting one sinew of needed military muscle. We must remain secure. We must have a sufficiency of power in the critical areas, strategic and tactical, to insure the security of our country. When we are talking about the security of our country in military terms, we must anticipate, whether or not it turns out to be true, that we have an enemy, given a particular power relationship with us, who would want to destroy us. That assumption undergirds our whole approach to defense, and it must be continued—tragically, I fear—for the foreseeable future.

That means that this country must be extremely rational in its choice of military weapons. Each strategic system is fantastically expensive; and if we are to pose ourselves vis-a-vis the Soviet Union, I think we must recognize that our society can spend what is necessary to meet a reasonably potential threat, but that our society suffers much more than the closed Soviet society when we spend excessive proportions of our resources on the military. We suffer more in the divisiveness that prevails in our Nation, on the streets of our cities, with the hungry, with the poor, with the urban crisis generally, with the problems of pollution of our environment.

No one is saying that these problems take priority over what is truly necessary for our national security. We do say that today this country has a controllable Federal budget expenditure in the neighborhood of $145.5 billion a year, and of that amount we are spending over $80 billion on defense. It is ample. It is more than ample. We must revise our priorities to cut back on the excessive expenditure.

The most important place we can cut back without any danger to our country whatsoever is in strategic weapons systems like AMSA where we are talking about having it available 1 year earlier, in 1977 rather than in 1978. Clearly projections of 8, 9, or 10 years are less reliable than projections of 2, 3, or 4 years. This projection on which the Department of Defense bases its request for AMSA, the 8 years hence, is among the least reliable projections they have given to us in defense of a weapons system.

Mr. McGOVERN. I thank the Senator. I think the Senator from New York has come right to the heart of the basic issue that has been before the Senate for several weeks throughout this entire debate. The Senator properly said that no Member of the Senate is indifferent to the security needs of the country. I have felt for a long time that we need to develop a new, broader, and more realistic definition of what constitutes national defense. It certainly has to go beyond the size of our weapons stockpiles, as important as that is.

The Senator may recall that in the other body, near the end of debates relating to funding proposals for education, conservation, health, housing, and programs of that kind, one of the senior Members of that body would always conclude his argument against spending in the health, education, and welfare field by saying that this is a threat to the Nation's security, and he had a quotation which supposedly had been made by Lenin in which Lenin was supposed to have said that they will not destroy the United States by open attack but by making us spend ourselves to death. I have never found where Lenin actually said that. However, to whatever extent the quotation has validity, that a nation could destroy itself by extensive expenditures, I think the Senator is correct in putting his finger on the enormous budget that goes for military purposes.

Without weakening our defense posture or our military security, we can bring about certain savings in that part of the Federal budget. Far from weakening our defenses, we are making a useful contribution in the defense and security of our country by savings to be used either to reduce tax levels or perhaps more likely for other urgent areas of our national life.

I do not have any doubt that a good case can be made that there are greater dangers to this country in 1978 if we do not face up to what needs to be done—greater dangers to us from other quarters in 1978 than from any expected nuclear attack from the Soviet Union. The entire problem of our environment, the purity of the air we breathe, the purity of the water we drink, the livability of our cities, the painful problem of malnutrition.

Last year, the Senator from New York was a member of the Select Committee on Malnutrition and Human Needs. All of those problems are problems that cry out for solution. I would like to see us consider on an accelerated scale problems of that kind and use this sum of money we are trying to save on this very doubtful bomber system for those problems.

Now, $75 million in Pentagon language is not very much money, but it is $75 million that could make the difference in some of our other programs. I have read accounts of the cuts made in medical research programs in NIH and the alarm that medical research people have expressed on the reduction of funds in some of the medical programs dealing with the chief killers of mankind. Here again, while $75 million is not a lot of money in terms of weapons systems, it can be the crucial difference in some of the needs of our national life.

I commend the Senator on the points he made today both with respect to that issue and the other points he touched upon so effectively this afternoon.

Mr. GOODELL. I thank the Senator. I believe the Senator from South Dakota would join me in saying that, if we were presented with a persuasive case that this country had to increase substantially military spending in order to preserve our security, we would vote for those funds.

Mr. McGOVERN. There is no question at all about that in my mind.

Mr. GOODELL. We do not have that situation today. All authorities, whatever their views on future systems may be, agree this country is secure and that we have sufficient retaliatory power to cope with any conceivable situation today. We are providing the money necessary to sustain that power vis-a-vis the Soviet Union or any other conceivable opponent.

We are talking here about those projects that have marginal justification from the Pentagon. People often ask how

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we can substitute our judgment for the judgment of the military when those who serve in the military have devoted their entire lives to the military and to defense. The answer is really quite simple. On the technical points we ask them to come to us and justify rationally the various types of challenges that this country might face in the future and our capability to meet those challenges. I fully recognize that in all sincerity the men in the Pentagon, either in the Air Force, Navy, or Army, would like to have and would say it is necessary that we have $10, $15, $20 billion more spent each year on the military. But they are not infallible. They have made many, many mistakes in the past.

Understandably those who work in the military in the Pentagon are not so concerned about the waste of taxpayer's money as we are because we represent the people who pay those taxes and we have to answer to the people who pay those taxes. We also represent the people who desperately are seeking solutions today for our social problems, our urban problems, or the many other problems that divide the people of our country and which truly endanger our society if they are not met effectively in the years ahead.

I agree with the statement of the Senator from South Dakota that unless we set these priorities sensibly today we may have a far greater challenge by 1978 than would be represented by any mythical bomber gap that occurs at that point. We might find ourselves in the position of saying: What does it profit us to have an overage of strategic security in 1978 when we have lost our system as we have known it throughout the years of this Republic? That is the challenge each of us faces in public office today; namely, to assess the rightful demands and meet the rightful demands of the military, but not to give them one penny more than is truly needed for our defense.

I thank the Senator from South Dakota for his leadership on this issue.

Mr. McGOVERN. I thank the Senator from New York.

(At this point Mr. CRANSTON assumed the chair.)

Mr. STENNIS. Mr. President, I yield 9 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, just last year the Preparedness Investigating Subcommittee of the Senate Armed Services Committee conducted hearings and issued a report on the status of U.S. strategic power.

The present chairman of the Committee on Armed Services, the distinguished Senator from Mississippi (Mr. STENNIS), was chairman of the Preparedness Subcommittee at that time and presided over these hearings. The report was issued by the subcommittee on September 27 and signed by all subcommittee members except for the distinguished senior Senator from Missouri (Mr. SYMINGTON). The reason I mention these points, Mr. President, is that amendment No. 130 now under discussion runs counter to one of the two main recommendations made in the subcommittee report on the status of U.S. strategic power.

This amendment, offered by the distinguished Senator from South Dakota (Mr. McGOVERN), would strike from the military procurement bill $95 million for engineering development of the advanced manned strategic aircraft and substitute $20 million for continued studies on this project.

Mr. President, this project has been studied in detail, not only by the Defense Department and the Air Force, but by a subcommittee of the Senate. In recent weeks it has been inferred the Armed Services Committee has not examined closely enough the requests of the military, but today we are talking about a project on which intensive hearings were conducted just last year.

These hearings were comprehensive and in depth. The subcommittee explored the entire U.S. strategic power picture, where we are now, and where we need to go if the continued safety of our people is to be assured.

The hearings resulted in testimony and questioning on this subject from all of the top military and civilian authorities. To give my colleagues an idea about the thoroughness which the subcommittee applied in these hearings, I would like to list the witnesses who appeared and their titles. They included: Gen. Earle G. Wheeler, Chairman, Joint Chiefs of Staff; Dr. John S. Foster, Jr., Director of Defense Research and Engineering; Dr. Alain C. Enthoven, Assistant Secretary of Defense for Systems Analysis; the Honorable Harold Brown, Secretary of the Air Force; Gen. Joseph J. Nazzaro, commander in chief, Strategic Air Command; Gen. James Ferguson, commander, Air Force Systems Command; Adm. Thomas H. Moorer, Chief of Naval Operations, U.S. Navy, and Gen. Harold K. Johnson, Chief of Staff, U.S. Army. The Director of the Central Intelligence Agency, the Honorable Richard Helms, was also heard.

Mr. President, these men represent the best military and civilian brains in the business. Their testimony was heard by the subcommittee. In the wide-ranging review of our U.S. strategic power posture, the subcommittee came up with two key recommendations—one of which called for the acceleration of the advanced manned strategic aircraft program which had already been in research and development.

The Preparedness Investigating Subcommittee made a number of specific recommendations in this report which covered the full range of our present strategic power and the steps needed to maintain it. On the last pages of the report, the subcommittee reiterated its belief that we must have a mixed and balanced force of land-based and sea-based ballistic missiles, plus long-range manned bombers to give us flexibility to respond no matter how an enemy chooses to initiate an attack.

Therefore, in addition to urging deployment of the sea-based Poseidon missile system, the subcommittee listed the two following major recommendations for emphasis, and I quote from the report:

> (1) Prompt development and deployment of a new long-range advanced manned strategic bomber; and (2) accelerated research and development to keep open the option for deploying an advanced ICBM.

Now, Mr. President, it is obvious the subcommittee was doing its job well before there were any signs that practically all major weapon systems would be challenged in the 1970 military procurement budget. In all these hearings on strategic power the recommendations made in the report listed AMSA and advanced ICBM's as the key to maintaining our ability to deter a nuclear attack.

The effect of the McGovern amendment would be to reduce the funds to a level which would permit only more study. The amendment does not say strike the AMSA program out of our defense picture, but rather puts off until tomorrow what you should do today. It appears to me the question which we should be considering is whether to go forward with the engineering development of AMSA called for in the bill or drop the program outright.

In the event this amendment is approved, we would be putting $20 million into studies not needed and delaying by 1 year the initiation of this vital weapon system.

Mr. President, it should also be noted that passage of the AMSA provision presently in the bill will merely get us started toward developing a new bomber in time for inventory introduction in 7 or 8 years. Furthermore, the allocation of the $95 million only amounts to a production option rather than an irrevocable production decision.

Once again we are talking about a long-term program, one which will develop an airplane for operational use about the time our present bomber force reaches an age where further use or modification would be impractical and expensive. The proposed AMSA would have greatly improved capabilities for both strategic nuclear and contingency nonnuclear operations, supersonic speed, improved penetration aids and enduring survivability. The latter point means the ability of AMSA to operate from shorter, dispersed airfields with a high degree of reliability.

In this case the Secretary of Defense has recommended to the Congress an accelerated development program for AMSA which is the same recommendation made by the Preparedness Investigating Subcommittee last year. The Joint Chiefs of Staff have strongly endorsed AMSA and the Congress has historically supported it.

Continued delay in the AMSA program increases the possibility the United States will not be in a position to produce and deploy a new bomber when necessary. There has been enough delay in this program. Now is the time for positive action.

Mr. President, I urge my colleagues to study the report and hearings on U.S. strategic power issued last September by the Preparedness Investigating Subcommittee of the Senate Armed Services Committee. After doing so, I believe they will agree with the subcommittee recommendation of 1968 and the full committee's recommendation in 1969 to accelerate development and deployment of an advanced manned strategic aircraft for the protection of our citizens in the late 1970's and beyond.

Mr. President, I thank the distinguished Senator from Mississippi for yielding me this time.

Mr. MANSFIELD. Mr. President, the distinguished Senior Senator from Washington (Mr. MAGNUSON) has been in the forefront on all issues that concern the air power of our Nation. Regrettably he has been absent from the Senate on official business during the consideration of this amendment involving the advanced manned strategic aircraft. However, he has prepared a statement on the issue—a statement that, in my opinion, presents a splendid analysis not only of the pending amendment but of many features of our defense posture as we face the 1970's. I commend these thought ful remarks of Senator MAGNUSON to all Senators and accordingly, ask unanimous consent that his statement appear at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

Mr. President, several weeks ago I criticized the "no think" attitude toward military spending that has too often characterized the Pentagon and the Congress. That this attitude has been largely reversed—at least in the Senate—is, I believe, one of the truly historic accomplishments of the 91st Congress. The Senate has shown that it does have the will and the ability to examine a broad range of strategic assumptions and weapons systems. The result has been a promising and rational reduction of some areas of military spending, as well as a general clarification of much of our military policy.

Each member who has sponsored an amendment to limit some aspect of military spending, and each member who has spoken on either side, has made an enormous contribution to our ability to understand and discuss complex issues of national defense.

The current amendment—to reduce from $100.2 million to $20 million the authorization for continued research engineering funds on the Advanced Manned Strategic Aircraft (AMSA)—is a particularly important one, and even though I oppose this amendment, I commend the distinguished Senator from South Dakota (Mr. McGOVERN) for his rational and carefully-researched criticisms.

My own view—in contrast to the views of the bomber's opponents and proponents alike—is that we cannot decide either for or against construction of the bomber at this time, and that under the circumstances, our most prudent policy is to keep open the option of producing the bomber at the earliest possible date. If the Senate rejects this amendment—as I hope it will—we will still be keeping development of the bomber on schedule, while deferring a production decision for several years.

Having stated my position, let me clarify it by discussing in necessarily brief terms the basic issues raised by this amendment. There are, it seems to me, three major questions that must be answered with respect to AMSA, although the first is clearly the most important and has been the center of controversy:

1. Do we still need to maintain a bomber force as part of our national defense?

2. If so, does our existing bomber force need to be modified?

3. If the bomber force does need modification, why build AMSA and not some other aircraft?

Let me discuss each of these questions in turn.

Do we still need to maintain a bomber force as part of our national defense?

1. The "triple deterrent" argument.—Our current bombers—the FB–111, B–52 and B–58—are one-third of the United States' "triple deterrent," which also includes land-based ICBMs (Minuteman) and sea-launched ballistic missiles (Polaris and Poseidon). At the present time, the latter two deterrents are "credible," meaning that no potential aggressor today has the capacity to destroy these missiles before launch or to intercept them in flight.

A crucial rationale—but by no means the only one—for maintaining a bomber force as a third deterrent is the *potential* threat to the credibility of our missile deterrents, a threat that some experts believe is contained in the pattern of Soviet weapons development today. These two missile deterrents could be "degraded" under one of two circumstances: if the Soviets develop the capacity to destroy our Minuteman sites and nuclear-armed submarines simultaneously, or if the Soviets develop a missile defense system that can be relied upon to stop both Minuteman and Poseidon in flight.

In the absence of an American bomber force, or so the pro-bomber argument runs, the Soviets might be tempted to launch a "first strike" attack against us once they developed the capacity to neutralize both our land- and sea-based missiles. Obviously this is a capacity well beyond the reach of the Soviets at the present time, but their current military build-up creates doubt as to their intentions. The deployment of SS–9 rockets, development of attack submarines, and construction of missile defense systems—do these actions by the Soviets represent a "catch-up" effort, or are they a prelude to a first-strike capability? And if the Soviets are in fact trying for that first-strike capability, is it realistic to assume they can achieve it?

The President and the Secretary of Defense have interpreted Soviet actions as an effort to gain this first-strike capability. That was the prime justification for the ABM. Others have examined similar evidence and come to the opposite conclusion as to the Soviet intent.

There is, in addition, a great deal of evidence to suggest that the Soviets cannot attain a first-strike capability even if they are attempting to do so. Herbert York, a man of distinguished scientific and military credentials, has argued this point persuasively in a recent issue of *Scientific American*. Recent research by Dr. Ernest Sternglass, widely published, suggests that a first strike cannot be safely launched by the Soviets, because the radioactive fallout from such a massive attack would seal the fate of the Soviets themselves.

In short, we simply do not know—surrounded as we are by conflicting scientific evidence and intelligence reports—whether or not the "first strike' can ever become a reality. Faced with this uncertainty, it seems to me prudent, as stated above, to keep our options open. Since a bomber force would act as a deterrent if "first strike" became possible against our missiles, we should continue the current AMSA development schedule while continuing to examine the evidence that might make a bomber unnecessary.

There is nothing magical about the number "three" when speaking of deterrents. We can and should reduce or expand the number of our deterrents in response to technological change, scientific evidence, and international agreement. My point is that any reduction in deterrent at the present time, when so much uncertainty clouds Soviet intentions and capabilities, would clearly be premature.

2. The "flexibility" argument.—One claim made on behalf of the bomber as an arm of our nuclear force is that a manned aircraft, as opposed to a missile, has greater flexibility in the event of actual combat. This flexibility consists of the ability to be recalled, to change targets at any time, to mix warhead sizes, and to participate in limited and conventional war.

Critics of the bomber have disputed the meaningfulness of this flexibility, and have expressed doubt that the scenarios described to demonstrate such flexibility would be likely to occur in the event of nuclear war.

I do not share the sentiments of the critics on this point. The particular scenario that the Senator from South Dakota has taken issue with—a sequence that begins with a limited Soviet attack on our military, but not on our urban targets—is worth discussing. In the event our deterrent has failed, and such a strike has been launched, a massive response by the United States could only lead to another salvo by the Soviets, and so on until all civilization has been destroyed.

The bomber, however, would allow us another option in response to this attack. We would retaliate, not with massive destruction by missiles (even the launch of missiles would increase the incentive for immediate, all-out war), but by selective destruction of certain non-urban targets within the Soviet Union. This would demonstrate two things: first, that we do *not* desire all-out war, and second, that it would be insane for the Soviets to continue the nuclear exchange in the face of assured destruction.

Despite the views of the bomber's critics, this is an option the President might very well wish to exercise before accepting the destruction of America or launching the destruction of the world.

3. The "leverage" argument.—According to its military and civilian advocates, the bomber creates "leverage" by forcing the Soviets, in response to our building a bomber, to spend billions of dollars on air defense—billions that might have gone into the production of offensive weapons or into the civilian sector of the Soviet economy. Thus, for an expenditure of perhaps ten billion dollars, we may divert perhaps forty or fifty billion dollars worth of Soviet resources to the construction, operation and maintenance of air defenses.

Although I believe that such leverage may in fact result from our building a new bomber, I do not regard it as an argument in the bomber's favor. Forcing the Soviets to spend more on military expenditures, I believe, it is not a commendable objective of American military spending. It represents, in fact, the most cynical aspect of the arms race.

There is, however, a more useful type of "leverage" that continuation of the manned bomber program gives us. That is leverage at the Strategic Arms Limitation Talks (SALT). I am reminded of a somewhat analogous "leverage" applied by the United States at another important arms limitation talk nearly fifty years ago—the Washington Naval Conference. At that time, our Secretary of State Elihu Root astounded the emissaries of the assembled naval powers by announcing the willingness of the United States to scrap huge amounts of naval tonnage under construction, in return for an agreement limiting fleet sizes.

That agreement was in fact reached, largely because Root's offer was dramatic testimony to the desire of the United States for peace and an end to naval construction races. Many American vessels under construction—including the virtually-completed battleship U.S.S *Washington*—were sunk or scrapped under the terms of this agreement. The Washington Naval Conference may not have brought peace—only men can do that—but for over a decade the major nations of the world enjoyed a needed respite

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from the economic drain of naval construction.

The arms race is even more crushing today than at the time of the Washington Naval Conference, and the dangers of war are infinitely greater. The need to negotiate an end to the arms race is compelling, and offensive weapons are the only credible trading stock today. In return for Soviet renunciation of first-strike ambitions—which must center in agreements on MIRV, attack submarines, depressed trajectory missiles, and fractional orbital bombardment—the United States should consider a renunuciation of the new manned bomber and other weapons. The value of the bomber program in this situation will be lessened considerably unless it is proceeding on schedule.

Thus, if the Soviets are willing to foreswear the potential for a first-strike, and if they stick to that agreement, the bomber will have to be reconsidered. If, however, they persist in their arms development without renouncing the first-strike, the need for the bomber becomes more apparent. In any event, our best choice is to continue the program on schedule.

Does our existing bomber force need to be modified?

In the above section, I have discussed several reasons why I believe the United States should retain the option of having a bomber force, at least in the immediate future. Since we already have such a force today, the question becomes whether or not that force needs to be modified.

This question is almost exclusively a matter of cost—particularly the relative cost-effectiveness of different force components—and unfortunately, many of the costs and much of the effectiveness cannot be predicted with certainty. There comes a time, obviously, when it is cheaper to buy a new car than to continue trying to keep up the old one. Similarly, it is obvious that at some point it is cheaper to build a new bomber than to continue maintenance, operation, and repair of the old one. The question is, have we reached that point?

Our existing bomber force is made up largely of B–52's—surely one of the most successful and most extraordinary airplanes ever built. And yet, to maintain the B–52 into the 1980's is a difficult task, for strategic as well as mechanical reasons. On the mechanical side, the cost of maintenance and repairs, modification and operation, will continue to rise due to wear and fatigue. The B–52 has been flying at low altitudes, which are quite demanding on the airframe, and yet it was designed for use at more benign upper altitudes. At some point, even the newest of the B–52's will simply wear out.

The cost of maintaining the B–52's will be billions of dollars. Critics of a new bomber often forget that it is our commitment to bombers in general—not to a particular aircraft—that forces us to spend such huge sums. A new bomber might in fact be a more economical weapon than the existing ones.

In addition, the B–52 has strategic limitations—limitations that will become more glaring as Soviet air defenses become more sophisticated. In order to penetrate those defenses, a bomber in the coming decades will have to carry a large variety and quantity of "penetration aids"—missiles, decoys, and electronic devices designed to neutralize the Soviets' ability to detect and destroy the aircraft in flight. Every pound of "pen-aids" that are added to the B–52 diminishes by a pound the payload the B–52 can carry, thus reducing its cost-effectiveness.

What is needed, of course, is an aircraft inherently more effective in terms of penetration; an aircraft that can carry a larger payload and that contains "growth potential" for adding "pen-aids" as these become necessary in the future. To continue the AMSA program is to give ourselves the option of having such an aircraft by 1977 or 1978, assuming no delays in research or production. To postpone that capability still further is to run the risk of severe added costs in B–52 maintenance, because the ability of the B–52 to remain operational in the period of 1980 and beyond is most uncertain.

If the bomber force does need modification, why build AMSA and not some other aircraft?

Assuming we decide to maintain a bomber force, and assuming that force needs modification, does AMSA represent the most desirable new bomber in terms of cost-effectiveness? This, too, is a question I do not believe we can yet answer, for AMSA has not yet progressed to the stage where we can judge it as against other alternatives. There are other alternatives, of course, including a subsonic bomber with a greatly increased capacity, and these are alternatives that may be resorted to ultimately. But these are alternatives whose development and production time are considerably shorter than that of AMSA—particularly since most involve the conversion of existing military and commercial aircraft—and AMSA must be developed further in order to be evaluated in comparison.

The AMSA program should continue, therefore, but it is worthwhile, in light of previous experience with weapons systems development, for the Senate to attach some provisions.

AMSA is a weapons system first, and an aircraft second. We are seeking to add to our security, not to the technology of aviation. Our goal is not "to advance the state of the art", but to preserve least-cost procurement in pursuit of national defense objectives. We do not want a weapon whose capabilities exceed its mission requirements, for such excesses have negative value in terms of cost-effectiveness.

Above all, it is important for the Air Force and for the Senate to remember that we will be considering AMSA and the bomber question again—not once, but many times. We will have the opportunity—the responsibility—of reviewing this program before any production decision is made.

At the present time, AMSA program officials appear to understand the need for an austere aircraft that fulfills these criteria. The Air Force is aware of the increasing scrutiny being devoted to military expenditures, and they are aware of the growing concern over waste and overruns. Since final Congressional approval of this aircraft is some time in the future and by no means certain, AMSA program officials have a tremendous incentive to be realistic and efficient.

The essence of civilian control over the military lies in the retention of decision-making within the Congress. We cannot escape the responsibility of judging programs such as this at every major decision point, and we must not abdicate continuing review in the course of a single decision. To do so would be to undo all the good that has been done in this year's debates on military procurement.

In approving a full continuation of bomber research engineering, we are not giving a "green light" to production of a multi-billion dollar system. In the past, our decision might have been interpreted that way, but today each Senator knows that we have begun to look very closely at military spending, and that this trend will continue. Next year we will have new evidence—how the arms talks are progressing, how feasible different offensive and defensive systems are, how AMSA itself looks during advanced research engineering.

Next year, on the basis of that new evidence, we will have to decide what the next step in the manned bomber program should be. This process of continuing review, evaluation, and decision is a difficult one, but in it lies the only hope for rational policies of national defense.

THE REQUIREMENT FOR A NEW BOMBER

Mr. MURPHY. Mr. President, on behalf of the distinguished Senator from Colorado (Mr. DOMINICK), I ask unanimous consent that a statement prepared by him relative to the requirement for a new bomber be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOMINICK

I have listened to and read with keen interest the dialog concerning the requirement for a new bomber. There have been some very interesting and formidable questions posed that require the deepest understanding of our national policies and the strategic forces required to carry out these policies.

I have attempted to reduce this very complex issue into comprehensible terms. In doing so, it seems to me that there are three questions that the Senate must address in arriving at the decision to initiate the development of the AMSA at this time, as recommended by our Armed Services Committee. They are in the order in which they should be considered.

First, do we need a mixed force of bombers and missiles? Secondly, if we do need a bomber force, should the bomber force be modernized for the post-1975 time period? And finally, if we are to improve the bomber force, should engineering development of AMSA be initiated at this time?

Now it seems to me, with regard to the first question concerning the requirement for both a missile and a bomber force, that it makes good sense to have a strategic force that presents to a potential enemy defense planner the necessity to cope with entirely different problems. I would like to make the point here that although we talk about having sub-launched ballistic missiles and land-based intercontinental ballistic missiles, in terms of *defense* these two systems present the same problem to the enemy. Therefore, a missile defense that would be effective against one system would also be effective against the other. Fortunately, however, the pre-launch survival of the two missile systems present quite dissimilar, but not insoluble, problems to the enemy.

From the standpoint of defending against a bomber that could penetrate at very low altitude at high speeds from any direction around the periphery of the Soviet Union, the problem of defense is in many ways more difficult than against ballistic missiles. And I believe we should present both of these problems to the Soviet defenses for the foreseeable future.

The discussion on the ABM system and the offensive and defensive missile capabilities of both ourselves and the Soviet Union only tends to strengthen my position in this regard. The ABM defense has progressed from what was thought to be an impossible task (at the time we initially deployed ballistic missiles) to where ABM defense now appears to be a very attractive alternative to buying more missiles. The point being that with any offensive system, given time and resources, an enemy will find a way to reduce its effectiveness. In this regard the Soviets are improving their air defense in an attempt to counter our bomber forces.

I would like to digress a moment prior to addressing the second question that I have posed, and speak a little about cost-effectiveness studies. I have listened, to my amusement at times, to the arguments for the C–5 and other systems, and invariably, the individuals who use cost-effectiveness as a rationale for taking or not taking a position on an issue, use the results of systems analyses and cost-effectiveness studies in unequivocable terms. To me, this is bordering on the ridiculous. When one considers that we are talking about forces for the 1975 time period and one contemplates the uncertainty associated with such prognostications, I cannot help but discern that things are not as clear cut as they are sometimes made out to be. Any cost-effectiveness study or analysis that deals 8–10 years in the future must by necessity make assumptions, and a lot of assumptions. These assumptions are based on judgments—judgments that can greatly influence the conclusions that are reached in the study. The point being that there is large room for uncertainty in any of these analyses, and in the end, one must make a judgment.

It is the judgment of the Joint Chiefs of Staff, Secretary Laird, and his immediate predecessor, Secretary Clifford, that a mixed force is required to maintain our strategic deterrence beyond the 1980's. And after careful consideration of the arguments for and against a mixed force, I am convinced this is a sound judgment. To do otherwise, would be to take unwarranted risk with our national security.

Let me now briefly address the second question. Given that the continued pursuance of a mixed force is a sound policy, should the bomber force be modernized for the post-1975 time period? Obviously, modernization of our strategic forces must be accomplished if we are to maintain a viable and effective deterrence in the face of continuing improvements in Soviet defenses. The B–52 force has been effective for a long time and by the time we could have a new bomber force, the B–52 will have been around for about 20 years. More importantly though, it will be based on a design that was initially laid out in the early 1950's. Technology advancements have been significant since the development of the B–52. In this regard one of the comments suggested was that we must show the Soviets are taking steps that would "end" the usefulness of the B–52 force before we could make the judgment that we needed to replace it. I am sure someone can come up with a cost-effectiveness study that will show just that. I would not believe it though. But I do believe we must modernize our strategic forces, and I fully recognize that it is going to cost a lot of money.

Certainly there are steps that can and must be taken, such as adding advanced bomber penetration aids and other improvements, to permit the B–52 to operate until we can replace it with a new bomber. There are, however, many characteristics, such as speed and payload, the B–52 lacks and a new bomber could possess by taking advantage of the advances in technology that have been recognized in the past 20 years. I personally believe that steps should be taken to modernize the bomber force so that we can provide for an effective strategic bomber force in the 1980's and beyond. As a result, we will have greater confidence that we won't have to depend entirely on the assurance provided by the missile force that our strategic deterrence will not fail.

Turning to the last question, why do we need to start development of AMSA at this time? Now let me make this clear—there is only one way that we can reduce the time to realize the deployment of a new bomber, that is to initiate the first step—start development of the aircraft. Now this does not imply that you have to make a procurement decision or deployment decision at this time, but what it says is that there are certain things that have to be accomplished before you can get to that decision and the accomplishment of these steps reduces the time required to realize an operational force.

The previous administration, as well as the current administration, recognized that the time to take this initial step is in fiscal 1970. Both administrations proposed the initiation of design and development in fiscal 1970, the only difference being in the duration of competition for the development program. Secretary Laird proposed to reduce this competition based on the fact that over $140 million has been devoted to competitive studies and advance development programs during the past few years. Incidentially, the currently proposed program will now allow the R&D to be accomplished for about $350 million less than under the previous program.

The Department of Defense has examined and reexamined the manned bomber concept for several years. The technology to support the development of the advanced bomber concept resulting from these efforts is available today. As a matter of fact, the Congress has wisely provided funds so that we would be in the best position to make the decision we are facing today.

In summary, I feel the answers to the basic questions I have presented are clearly in favor of the initiation of the development of the AMSA at this time. In my judgment, we do need a mixed force. That bomber force should be modernized and the first step is to start an orderly development program *now* to provide for the option to deploy a new bomber in a timely manner.

We have reached the point where we should make a decision to initiate engineering development and eliminate further needless study. This action will provide us with a modern bomber force that will be needed to cope with the many challenges to the security of the free world in the post-1975 time period.

Mr. HATFIELD. Mr. President, I have previously expressed my views on the proposed level of authorization for the advanced manned strategic aircraft during earlier debate on the defense authorization bill. On September 3, I stated:

> The bill before us includes authorization of $90.2 million for the Advanced Manned Strategic Bomber. The total costs of these bombers could run anywhere between $8 and $23 billion, depending upon the eventual unit costs of each plane and the number that are procured. We remain unconvinced of the need for this weapons system. Underlying the proposal is the assumption that we need a triple deterrent—bombers, land-based missiles, and sea-based missiles—to preserve our security against any possible nuclear strike. We believe this assumption should not go unexamined. There are serious doubts that in this age of missiles, bombers remain a necessary component of our strategic forces.
>
> Even if one does conclude that bombers have some useful strategic role, questions remain about the need for a new bomber such as the AMSA. We have a present force of B–52s and B–58s, and are acquiring FB–111s. This current force is able to deliver enormous megatons of bombs upon targets in the Soviet union even against their extensive air defense system. Why is it that these planes, when equipped with such technological innovations as SRAMS (Short Range Attack Missiles) and SCADS (Subsonic Cruise Armed Decoy) cannot effectively perform any strategic mission of bombers against even greatly improved defenses?
>
> Senator McGovern, along with Senators Goodell, Proxmire, and myself, are offering an amendment which would limit the funds authorized for the AMSA to $20 million. In his speech on the floor of August 13, Senator McGovern outlined in great detail the questions and considerations which would justify withholding the full amount of the requested authorization. We are not proposing the immediate termination of the AMSA program; we are simply suggesting that full approval of requested funds would begin the commitment to an expenditure of several billion dollars for a system which is likely to be strategically unnecessary and not required for the defense of our country.
>
> Since that time, we have been able to study the answers to the questions that were submitted to Secretary Laird by us as cosponsors of this amendment. During the course of this present debate, Senator McGovern has made it abundantly clear that there is no sound justification for accelerating the AMSA program at this time. Issues have been raised regarding the need and urgency of this weapons system, and they have not been resolved.
>
> I am convinced, therefore, that the most advisable course of action for us to take is that proposed by this amendment: maintain only the current level of funding for the AMSA of $20 million, rather than substantially increase that amount as has been proposed. This amendment will allow for careful study to be undertaken regarding the need for this weapons system before we begin committing ourselves to a nearly irreversible expenditure possibly billions of dollars. I commend the Senator from South Dakota (Mr. McGovern) for the comprehensive and incisive analysis of this entire question which he has offered before this body.

AMSA—THE PRECISE ISSUE

Mr. McGOVERN. Mr. President, the issue involved in our amendment has been outlined quite precisely over the past several days. As the distinguished chairman of the Armed Services Committee (Mr. Stennis) pointed out yesterday, the proponents of this amendment are not pressing for abandonment of the advanced manned strategic aircraft. Instead, and I quote the Senator from Mississippi:

> The only difference between the committee and the proponents of the amendment is with reference to the rate of progress that we make during this fiscal year.

That is an exact description of our amendment. Last year the approved program for AMSA was $25 million dollars. Before the recess the cosponsors of our proposal, Senators Proxmire, Goodell, and Hatfield and I sent Secretary of Defense Laird a series of questions on this issue and we asked specifically:

> If Congress were to decide not to go forward with the planned program for fiscal 1970, what level of funding would preserve the option of moving ahead at a later date?

The Secretary responded:

> The amendment proposes to reduce the AMSA funding for fiscal 1970 from $100 million to $20 million. In the event funds are not provided for the initiation of engineering development of the AMSA weapons system in fiscal 1970, the introduction of a new bomber into the inventory would be delayed by one year.

At most, therefore, we propose only that the program not be accelerated this year—by the expenditure of $75 million more than the fiscal 1969 figure. The only negative result would be a 12-month delay in operational capability.

But the Secretary went on to say:

> A level of expenditures of $20 million per year would be sufficient to support studies and continue advanced development efforts—

Our amendment, therefore, would be fully adequate for those purposes—

> but (it) would not reduce either the development lead time of this system or the time required to realize an operational capa-

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> bility. If we maintain this expenditure until the need becomes a reality (i.e., a discovered ineffectiveness in our strategic forces) we will still be about 7–8 years away from having the system in operationally significant numbers.

Mr. President, I stress, and it is important that all Senators recognize this fact, that the last sentence in the statement I have just quoted and I read it again: "If we maintain this expenditure until the need becomes a reality," is very clearly not what we propose to do. We are obviously not touching the fiscal 1971 authorization, the fiscal 1972 authorization, or any authorization but the one included in this bill. Our amendment would allow operational capability by 1978 instead of by 1977.

THE NEW BOMBER GAP PROBLEM

Now it has been argued quite strenuously, particularly in Secretary Laird's answers to our questions, that the AMSA development program placed before us this year is necessary because of the long lead times associated with this system—some 7 to 8 years—and because of the structural obsolescence of the B–52. In a sense it is argued that there might be a period of time in which we will not have a full bomber deterrent.

It should be clear that this is not an assertion that the Soviet Union will have something which we will not. As I have noted, their intercontinental bomber force is composed of some 150 aircraft.

Its primary components are the Bison and the Bear, and both are distinctly inferior to our B–52's. The Bear, in fact, is not even a jet. It is a turboprop with a top speed of 550 miles per hour.

In fact, the Armed Services Committee has eliminated three-fourths of the bomber defense funding authority requested in this bill on the grounds that the threat from Soviet bombers is not "sufficiently clear and imminent" to justify a full go-ahead on the air defense program. Citing the limited nature of the threat found by the national intelligence estimate, the committee also directed the Secretary of Defense to study the possibility of phasing down bomber defenses which already exist.

So obviously, if our Armed Services Committee, is very dramatically decreasing funds for the bomber defense programs, it is convinced that the Soviets have made a judgment not to go ahead with the construction of a significant number of new bombers.

There is apparently no danger that the Soviets will overtake us in this field—even if we stand absolutely still.

Instead, it is argued that there might be a gap in time at the beginning of the 1980's when our own bomber force will not be fully operational.

In response it is, of course, necessary first to consider the precise terms of our amendment. I emphasize again that we do not propose to kill the AMSA program for all time. The amendment deals with this year's funds. It will, at most, result in a delay of only 1 year in the time when AMSA could be operationally ready, moving it back to 1978.

I presume this means that the AMSA could have an initial operational capability by 1978, instead of by 1977 as made out in the Secretary's revised budget statement. The question on structural age, therefore, is whether the B–52 can be made to last until 1978 or a few years beyond, until the new bomber—if we decide we need it—could enter the force.

I must cite conflicting reports on how long the B–52 G's and H's can continue to operate. Most of the argument for AMSA is based on the contention that the B–52 is strategically obsolete rather than structurally unsound.

Mr. President, I would like to know how much time the proponents of the amendment have.

The PRESIDING OFFICER. Nineteen minutes remain for the proponents.

Mr. McGOVERN. Mr. President, I find no difference of opinion over the contention that the B–52 can last beyond 1980. In fact, again quoting from Secretary Laird's letter:

> It is presently expected that the structural life of the newest model B–52's will last, under projected usage, until sometime in the early 1980's with appropriate modifications.

Moreover, the same letter tells us:

> The B–52's will spend a large part of the time operating in a low altitude flight environment for which they were not initially designed, thereby increasing the possibility of structural problems.

This must refer to the B–52 C through F models still in operation, since it is my understanding that the later versions, the 255 G's and H's, were built to fly at low altitudes. But in any event it suggests one way in which the B–52 operational life could be extended still further—by simply reducing the amount of flying time. I cannot see, therefore, how the question of physical age has any direct relationship to our amendment.

Beyond this, I think it is important to look at the actual period of time in which it is feared that this new bomber gap might exist. Earlier in my remarks I noted that, in order to justify the need for any bomber force at all, we have to accept a whole series of untenable assumptions about the insufficiency of our ICBM's and SLBM's to provide a deterrent against attack. I suggested a long list of technological breakthroughs which the Soviet Union would have to achieve in order to degrade our deterrent.

To be concerned about a possible gap in our own bomber capabilities we have to add still another assumption to that list. We have to assume that they can not only destroy or intercept all or most of our ICBM's and SLBM's—plus improvements which could be made in those systems, including MIRV warheads—but that they can also accomplish this enormous technological feat by 1980, and that they can get all of those systems operational by that time.

Mr. President, they simply cannot do it. There is not a shred of evidence that they can.

Therefore, if there is any concern about a bomber gap, it should be completely dispelled by the fact that it will be meaningless even if it does come to pass.

THE B–70 EXPERIENCE

Mr. President, the amount of money involved in our amendment is comparatively modest. We are talking about roughly $75 million.

I think most Senators would agree, however, that the principle we seek to establish is vitally important. We have had some experience to implant the lesson that we should study first and accelerate later on these costly weapons systems.

Earlier this year, prior to the vote on the Safeguard ABM system, several Senators made the trip to Dayton, Ohio, on a sort of pilgrimage, to look at one of the most prominent mistakes we have made in voting through military authorization and appropriations bills. They looked at the last remaining RS–70, now a museum piece.

The original XB–70, when first conceived in the 1950's, was supposed to be the ultimate in winged aerial warfare. Plans called for a fleet of 200, each capable of carrying hydrogen bombs anywhere in the world at speeds and altitudes beyond the reach of fighters then flying. The first made its maiden flight in April of 1964. Within 13 months it was flying at a speed of 2,000 miles per hour and at 70,000 feet in the air.

Two were built. The other was lost in June of 1966 when it collided with a jet escort plane. In January of this year the death notice was finally delivered for the first, when it was consigned to the air museum. Total cost was $1.5 billion.

Mr. President, in this connection I think it is entirely pertinent to quote from the recommendations of the Preparedness Investigating Subcommittee in July of 1960, at the end of a 2-year investigation of the B–70 program.

The chairman of that subcommittee, Senator Lyndon Johnson, said in his letter of transmittal:

> Our findings in substance conclude that the B–70 should be developed as a weapon system; that unless an operational supersonic bomber is developed now there will be no replacement for the B–52 at the time at which it enters its period of obsolescence (mid-1960's) and that experience has demonstrated that stretching out an essential military development program not only increases ultimate total costs but loses valuable time.

The recommendations of that report, which I have here, were that—

> The Secretary of Defense, in realization that a mixed force will be required for some time to come, take such action as is necessary, within his area of responsibility, to provide this country with a manned bomber force embodying the latest "state of the art" developments and one capable of successfully performing the strategic strike mission.

Mr. President, how familiar those arguments sound. They are being made again today in connection with AMSA. Is there not a strong possibility that we may be heading down the same mistaken course?

The B–70 was canceled, after $1.5 billion was spent, because it was concluded that surface-to-air missiles could intercept it. We decided then that a low-flying aircraft would be the proper configuration. We went through the TFX, four squadrons of which are being acquired. But that was also unsatisfactory. Now the Air Force is back with another version, which will not be operational until the 1980's, when the environment will doubtless have changed again.

THE AMENDMENT

Mr. President, the simple principle for which we are contending is that we ought to satisfy ourselves that costly new weapons systems are necessary and appropriate—or at least that there is some perceivable chance that they are—before we accelerate them.

I do not expect today to convince a majority of the Senate that we will not need a manned bomber in the 1980's. But I submit that the proponents of this system have not yet convinced a majority that we will. I suggest, further, that the burden of satisfaction should be upon those who advocate that such expenditures be accelerated. This amendment will not block the new bomber; it will only prevent a new acceleration beyond our present research and development level.

That is what our amendment is about.

Mr. President, I want to hold some time for the Senator from Missouri, who is on his way to the floor.

Mr. **STENNIS**. Mr. President, how much time remains for those in opposition to the amendment?

The **PRESIDING OFFICER**. Sixty-nine minutes remain to the opponents.

Mr. **STENNIS**. Mr. President, I yield myself 15 minutes.

Let me point out, with all the emphasis I can, that virtually everyone who has spoken so far during this debate, on whatever subject, has emphasized that he favors research, that he is strongly for research in the field of weapons.

With great deference to our friend from South Dakota, I submit that the $20 million that his amendment leaves in the bill, under the heading of research, does not, as a practical matter, add any meaning or does not add anything to the problem here that goes to getting the necessary research done with reference to the probability or possibility of such a bomber.

I say that because this part of it has been researched over and over and over again. This matter has been pending over there and has been postponed from year to year. As they have strongly represented to us, this is just a rerun of this paper matter. The research that we are talking about in this bill is getting beyond that paper work and will really have an additional meaning.

So I submit the real, live question here is, Are we going to continue constructive, effective, additional needed research on this project?

The new research we are talking about, Mr. President, fits hand in glove with the kind of research that has been done in past years on military planes, and particularly on bombers, that has overflowed so successfully, and with great profit, into civilian aviation. Every time a rider or passenger gets on a modern passenger plane, he reaps the benefits of long years of unending, highly successful and productive research and development that have been done on those planes, starting with the B–17, and continuing through the B family. The B–47 was the first major jet. The B–52 was the one in the military field. Right along behind all that has been this tremendous advancement of our bombers and the ultramodern jet plane.

When we stop getting into this on these larger bombers, then we have the SST come in, and there we are carrying out a very special kind of research which requires Federal money to make it go.

So I think that I can assure every Senator that there is a profit, a benefit, and constructive fallout here in this money we are talking about, for the benefit of civilian research and development in the future.

Now, Mr. President, I wish to more formally address myself to this $95.2 million in the bill that the committee approved.

I am sure everyone agrees that it is folly to take unnecessary risks with our defense posture. We must make decisions now which will give us adequate protection when and if the need arises. Paper studies and plans are useless in fighting a war. A strong posture decreases the likelihood of confrontation and, thus, aids in preventing war.

Since we must not overlook the current Soviet development and deployment of new military systems at a very rapid rate, I believe that these critics who urge further major cuts in and elimination of major programs from this bill are advocating a very dangerous course—a course which could be counterproductive. History is replete with examples proving that it is not an arms race, but the loss of an arms race, which triggers wars. Under such circumstances, and in the absence of a credible defense posture on the part of his adversary, the prospects of success becomes too inviting for a would-be aggressor to resist. This is a fact of life which should be clearly recognized.

As I have said, the McGovern amendment would reduce the fiscal year 1970 authorization for the new big bomber, or AMSA, to $20 million. With the $5 million left over from fiscal year 1969, this would provide 1970 funding of $25 million, an amount sufficient only for the continuation of more paper and advance design studies. More such studies are absolutely unnecessary, since the operational concept and the design and performance specification has been refined, defined, and reexamined by the Air Force and the Department of Defense in depth on numerous occasions since 1964. There is no reason whatsoever to repeat this process.

Each year since fiscal year 1965 the Air Force has sought approval of weapon systems engineering development for AMSA. It has been supported in this by the Joint Chiefs of Staff. The Congress itself historically has supported AMSA development and, in fact, has appropriated funds each year specifically for AMSA development. When Secretary Laird revised the fiscal year 1970 budget, an additional $23 million was included in the AMSA request to shorten the competitive design phase and to initiate full-scale engineering development, if that was the will of Congress. His reasoning was that adequate paper and design studies have already been conducted He has stated that this revised approach would permit: First, a reduction of the R.D.T. & E. cost by about $350 million as the result of shortening the competitive design phase; and second, an earlier procurement decision and advancement of the initial operational capability if necessary and if the decision is made to go into production and deployment.

Let me emphasize that the AMSA program approved by the committee is designed to create and maintain a production option and that it is not a production decision.

Yesterday, I read from page 9 of the report, which unmistakably and fully cuts off the funds at this research level, and does not permit entering into the production at all, not even to the extent of a prototype. I read that key sentence from the committee report once more:

> The decision on production and deployment of AMSA is not a matter for consideration at this time and as stated above, there are no procurement funds in the authorization bill.

The program, if followed, will reduce the time required to achieve an initial operational capability. Should it be decided later to move into production, the postponement of adequate funds to initiate the required engineering development as proposed by the McGovern amendment increases the risk that the United States will not be in a position to produce and deploy a new bomber when necessary.

We are still talking about that time here, of 1977 or that area. For many years I have supported the development and deployment of such an aircraft for many reasons, some of which are now outlined.

Mr. President, we are very proud of our successful ICBM. We are very proud of Polaris. But as year follows year, I have decided that even though we do have continuing wars, the great probability is that those nuclear weapons will never be intentionally fired. There might be an accidental or unintentional firing, but I believe, as time goes on, it is more and more remote that mankind will ever resort, on a massive scale, to that weaponry.

At the same time, it is very apparent, in the present wars and threats of wars that we have been having the last 10 years—and we are in one now—that we are not going to be living in a millennium; we are going to have strife and turmoil, conflicts of interest, and conflicts between nations.

Here is a weapon that does not have to reach the point of ultimate and final decision after it has been started into operation. It can be called back; and I believe right there is a very vital point in the thinking of humanity, and in our planning for our effective defense.

If the conditions should exist which seemed to indicate we were going to have to defend with ICBM's, if we have sufficient bombers, with effective range, capability, and capacity, we could put them in motion, and there would be relatively a great deal more time to explore and make that final decision. I think the fact that

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we had them would be a very powerful factor in our own thinking as well as that of an adversary.

Another thing that I shall not enlarge upon, though I know it is a part of the picture and I think it ought to be mentioned: No one knows to what extent our ICBM's will operate.

It is believed they will operate effectively, or a great percentage of them will; but that is an unknown quantity. The same is true as to the Polaris, and as to the Soviet ICBM's. That is just not a field of exact science. No one knows what would be the situation should they be called on.

But here is a weapon, a manned weapon with this additional capability of the power to think, which can be called back, can be put into maneuver, can be put on alert, and it can be moved closer to the trouble spot in advance, with all the advantages that go with all these different kinds of choices; and I simply do not believe, yet, in totally abandoning to computers and to science all the choices of human reasoning that go into the making of decisions. That is why I have thought all the time that we should not let time run out on us with reference to having some big bombers. We are almost letting that time run out. We have more advanced models, our B–52's, which have been highly successful weapons, as were their predecessors; but they have been used up, so to speak, in this war. Perhaps some of them were used in raids that may have proved useless, and this weapon might have been overused, but nevertheless, they are burning up, being consumed, and wearing out; and in the course of these intervening years from now until 1977, they will become a thing of the past.

So I think time has already been running. We have been burning daylight. We have delayed longer than we should have. Others have shared that belief. Virtually all the members of the committee shared it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 2 additional minutes.

That is why we are here, as a hedge against the future, as an additional option to be at our command should we need it. We have put this money in the bill, which will be the final figure for this major preliminary research.

Most of you are aware of the fact that I am not a newcomer to the ranks of those who believe that the orderly development of a new long-range strategic bomber is very much in our national interest. For many years I have supported the development and deployment of such an aircraft for many reasons, some of which I will discuss later.

At this point, however, I would like to remind the Senate that last year the Preparedness Investigating Subcommittee, which I chair, conducted an exhaustive and detailed study into the status of our strategic power vis-a-vis that of the Soviet Union and held extensive hearings on the subject. On September 27, 1968, we issued an extensive report and, among other things, we said:

> We feel that the prompt development and deployment of a new long-range advanced manned strategic bomber is essential to assure that we retain this flexibility into the late 1970's and 1980's when the aging B–52's and the interim FB–111's may be incapable of coping with the sophisticated defense environment which is expected during that time period.

This conclusion was subscribed to by seven members of the subcommittee including in addition to myself, Senators JACKSON, CANNON, BYRD of West Virginia, SMITH, THURMOND, and MILLER. Only Senator SYMINGTON declined to join in this recommendation.

Having said that, I emphasize again that the pending bill does not go nearly as far as the subcommittee recommended. The approval of research and development funds for fiscal year 1970 and the authorization for engineering development will not in any way commit us to procurement or deployment. There will be a number of significant measurable milestones in the program, and each year we will be in a position to assess its progress and make a decision as to whether it should continue as planned. I do believe, however, that it is very important that we get the program off the ground to the extent proposed by Secretary Laird.

Now, what is the requirement for AMSA? In other words, why do we need it?

AMSA is intended to replace our aging force of B–52's with a bomber possessing superior survivability, effectiveness, and capability. The advances in airframe, engine technology, and avionics during the past few years will greatly improve the capability of the AMSA to survive and penetrate to enemy targets in all types of war, both nuclear and nonnuclear.

The requirement for AMSA is based upon our concept of maintaining a mixed force of bombers and missiles in order to insure that our strategic deterrent capability during the foreseeable future will truly be credible. An important aspect of our strategic posture and deterrent capability has to do with our ability to withstand any attempt at a disarming first strike by the Soviets. To this end, it is essential that we maintain a deterrent posture with a mix of all three elements of our strategic forces—bombers, land-based missiles, and sea-based missiles.

Such a mix provides the best assurance that the Soviet will not be able to render our strategic forces ineffective by technological advances or breakthroughs in one or more areas. A mix of bombers and missiles burdens the Soviets' defenses and resources. They must defend against both bombers and missiles. If they do not "balance" their defenses, we will be able to use bombers to attack targets defended against warheads from missiles and vice versa. Thus a mix of forces on our part compels the Soviets to spend considerably more to get the same level of defense.

Our missile and bomber forces complement each other in providing us both with effective deterrent forces and a war-fighting capability against a broad range of possible conflict situations, nuclear or nonnuclear. This mixed force provides assurance that a technological breakthrough on the part of the enemy against any one element of our deterrent would comprise only a part of our forces. For example, bombers and land-based missiles provide assurance against an enemy breakthrough in antisubmarine warfare which would threaten our sea-based missiles. Sea-based missiles and land-based missiles provide assurance against an enemy breakthrough negating our warning systems which would make our manned bomber force vulnerable. Bombers and sea-based missiles provide assurance against an enemy breakthrough in yield/accuracy which would threaten our land-based ICBM's.

The AMSA requirement is based upon the mixed force concept and on studies and expert military and civilian judgment which establish that such a mixed force of bombers and missiles is necessary in order to assure our strategic deterrent capability during the late 1970's and 1980's. For operational reasons it is imperative that we continue a mixed force to provide us with the required deterrent and, importantly, in the event deterrence fails, the capability to respond against a broad range of possible conflict situations.

There are many other requirements for a long-range manned bomber which, in my opinion, justify the decision to initiate full-scale engineering development. For example, the requirement for selective response and precision delivery may exist in a nuclear conflict where constraints preclude the commitment of our missile forces. We all know that large high performance bombers can provide effective augmentation of our general purpose forces in nonnuclear conflicts. For example, the contribution of our B–52's in South Vietnam has been of tremendous value. With the aging and growing obsolescence of the B–52's, modernization of our bomber forces is essential if our strategic forces are to remain a credible deterrent to an enemy who continues to devote a large portion of his total resources to both offensive and defensive weapon systems. Initiation of the development of AMSA will place us in a better position to modernize our aging bomber forces in order to maintain our deterrent posture.

Let me point out that, if the development of AMSA is initiated as proposed, the very earliest that we could have initial operational capability would be fiscal year 1977 and a few years later before we could have a full force. At that time the B–52's would be 17 to 20 years old. The suggestion has been made that we can continue a credible bomber threat by additional modifications and replacements of the structures of the B–52's. However, the latest model B–52, the "H" model, represents about the maximum growth obtainable within the basic B–52 design. While we would be able to use new weapons and penetration aids on the B–52 against an enhanced threat, we have now reached the point where the sounder investment is to acquire a new bomber rather than to keep modifying the old.

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Further, improvements necessary to provide for B–52's self-sufficiency and for wide dispersal to improve prelaunch survivability involves large costs and excessive fleet downtime. Equally important, we still cannot predict as well as we would like how aircraft structure will respond to long usage. The problem here is that by the time we detect structural fatigue, it may be too late to acquire replacement aircraft on a timely basis. We do know that as age increases so does the risk of incurring modification costs, and at some point in time the cost of modifying and beefing up the B–52's will become prohibitive. The entire problem is compounded by large uncertainties in the magnitude of the cost that may be required to keep the old B–52's operable.

I believe that we are now ready to move forward with AMSA. The Air Force has studied extensively the requirements for an advanced bomber as a replacement for the B–52 in the post-1975 time period. The operational concept and the design and performance specifications have been refined and reexamined in depth on numerous occasions. The AMSA characteristics that have evolved satisfy the objectives for a modern and sophisticated bomber force. These include: First, prelaunch survivability through wide dispersal and quick reaction capability; second, ability to be withheld from immediate execution through the capability to operate from austere landing sites; third, aircraft characteristics—reduced infrared signature and radar cross section—to increase penetration capability; fourth, large payload capacity to accommodate a wide varity of penetration aids and weapons; fifth, speed and altitude versatility to provide a broad range of operational tactics in the fact of future threat uncertainties sixth, long useful operational life; and seventh, high utility across the spectrum of conflict.

The approach recommended by the committee would reduce the production and deployment leadtime for AMSA by 1 year. The level of expenditure and the approach proposed by the McGovern amendment would delay it by at least a year, and we will still be 8 to 9 years away from the capability of having a new bomber in operationally significant numbers. In that case, we would have two equally unattractive alternatives: First, attempt to adapt "off-the-shelf" systems to fill the gap; or second, accept the risk that our reduced effectiveness will continue to be a credible deterrent.

In conclusion, I point out that during the past several years, our development and production of new strategic weapons systems has been deemphasized partly on the basis of hope for reciprocal and comparable Soviet action. Instead the Soviets have accelerated significantly the buildup of their strategic weapon delivery capability during the past 3 years to the extent that their ICBM forces are currently about equal in number and collectively much greater in total megatonnage of warheads. Intelligence estimates are that they will continue to modernize and expand their forces.

I believe, therefore, that we must take the necessary steps to modernize both our strategic offensive and defensive forces. Initiation of full scale engineering development of a new strategic bomber is one of the actions which I believe is important to maintain our strategic deterrent.

Before concluding I should says a word about the question of AMSA costs. Any estimate of costs at this time is but an educated guess because it is made without the benefit of a firm contractor proposal, and without any decision upon the number of production aircraft to be procured. Assertions have been made that AMSA would cost about $50 million per aircraft, which is about twice as high as the Air Force is estimating. I can say that there is absolutely no validity to this $50 million figure unless there is included, not only the investment cost, but R.D.T. & E. costs and the cost of 10 years of operation. This, of course, will involve an expenditure of funds over about 18 years.

Since the adoption of the McGovern amendment would entirely nullify the purpose of the recommendation of the Committee on Armed Services and would result only in further unneeded, unnecessary, and useless paper studies, I sincerely hope that it will be defeated. I believe that the further postponement of adequate funds to initiate the required engineering development program is not in our national interest and increases the risk that we will not be in a position to produce and deploy a new bomber if and when it should become necessary. I urge that you vote against the amendment.

I do not see how anyone could have much serious objection to this. Next year is when we will make the final decision, the real decision, as to whether we will go further with this weapon. If things look then as they do now, I am certain that my opinion will be as it is now. Anyway, it will be a new start and a new day. And everyone will have the chance at that time to make his decision. In the meantime, this relatively small amount of money that is being spent on research in this field will by no mean be thrown away or lost or wasted. We just cannot call it a loss or a waste when it contributes so much, as it has done in past years, to our civilian aviation.

Mr. President, how much time remains?

The PRESIDING OFFICER. Fifty-two minutes remain to the opponents.

Mr. STENNIS. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. JACKSON. I ask unanimous consent that the time be divided equally between both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I yield 10 minutes to the senior Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. SYMINGTON. Mr. President, in a way it is with a feeling of sadness that I rise to support the amendment currently offered by the able Senator from South Dakota.

For many years it was my privilege to have worked with and for the Air Force; and the formative years of that great service, with which I was somewhat involved, were perhaps the most pleasant and rewarding years of my life.

But one has to call them as one sees them, else there is no true satisfaction in this work; and I believe the time has come to recognize, based on these serious—to the point of being critical—financial problems which are now faced by the United States, that if we are to continue as the world's greatest nation, we must use the same type and character of discrimination in the choosing of our weapons systems as we do when considering all other requests for Federal funds.

That is not a new position on my part, because for some years there has been developing in the back of my mind the thought that we were substituting "bigness" for effectiveness in new weaponry; and this at some sacrifice to full recognition of the new technologies which have become known to us in this nuclear space age. It was for this reason that I opposed the last suggested big bomber, the B–70, in which latter case the cost of 150 planes would have been between $8 and $10 billion; and each and every one of them could have been shot down in flight by a missile which in turn could cost less than 1 percent of the cost of the plane.

How many people realize that no B–52, except possibly through error, has flown over North Vietnam? We had testimony that possibly 50 percent of all the B–52's on one raid would be lost as they made their bombing run; and one who had great expertise on this subject said later, "It would probably be more."

The negative answer to these large and relatively very slow proposed new weapons can be summed up in one word—missiles.

Let us not forget that the Sam–2's which the Soviets have given the North Vietnamese are relatively obsolescent; and remember that if in the future a new big bomber attempted to penetrate the territory of a hostile aggressor, it would be certain to run into various forms of missilery which would make the Sam–2 look like a model T.

When it comes to new weaponry, therefore, I am certain in my own mind that "bigness" no longer automatically connotes "betterness."

The Soviet Union obviously now recognizes that fact. They have never laid down a single carrier, even though that country is now the second strongest naval power in the world; but today it is a fact that they have a great number of smaller surface ships; also hun-

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dreds more attack submarines than does the United States.

The Soviets also have thousands more modern fighter planes than do we; but they have not built any modern long-range bombers for a number of years. In other words, they have never adopted the concept of the big combat ship; and, in effect, have abandoned the concept of the big combat plane.

The reasons would now appear clear. Except for their recognition of the importance of air superiority fighters and small fighter bombers—the latter now reinforced in range by the standardized art of refueling—the Soviets are putting their money on missiles: ground to air, ground to ground, air to ground, which means ground to sea, sea to sea, and air to sea.

It would appear they have abandoned bigness in favor of modernity and mobility.

They know, as does the rest of the world, that the Israel destroyer *Eilat* was first crippled and then sunk by missiles which came from what was hardly more than a big motorboat.

At the same time, the Soviets have built 18 new fighter plane models since 1954. We have not built one.

These are but a few of the thoughts which run through my mind as so many other pressing problems increase the demands on our limited resources.

Actually, if it was determined that we still need large long-range planes to be utilized as missile-launching platform, it would be equally effective, and many billions of dollars less expensive, to build more of the latest model B–52's; and then use them as perhaps the Soviets would use the relatively old medium-range bombers which they now have stationed in the Mediterranean area—that is, for air-to-ground or air-to-sea missile attack.

If we are to maintain the integrity of the dollar, on which depends not only our future prosperity and well-being, but also our security, it is becoming ever more clear that we should utilize all possible discrimination in the choice of new weapons systems.

We must be careful to put up the tens of billions of dollars required for what we do need. But let us be equally careful not to put up tens of billions of dollars for anything we do not need.

I have read the remarks of the able Senator from South Dakota; and although I do not agree with everything he says, I do believe that in the main it is the cogent and well-reasoned argument of an able, courageous, and experienced bomber pilot, whose outstanding record in air battle speaks for itself.

It is for these reasons, Mr. President, that I shall support the amendment in question.

Mr. McGOVERN. Mr. President, I should like to add a word of commendation to the Senator from Missouri. I think every Member of the Senate recognizes that the Senator speaks with special force on the matter of bomber strategy, on the issue that is before us.

I think I can appreciate the feeling that is in his mind, as a former Secretary of the Air Force, and one thoroughly conversant with the arguments pro and con on this issue, when he says he speaks with some sadness in urging that we not accelerate plans at this time for another advanced manned bomber. His judgment on that was right at an earlier time, when he stood up against the RS–70 a plane that we built at a cost of some $1.5 billion, which has never been put into service and now has no useful purpose.

So I think that the points of the Senator from Missouri are extremely well taken, and I am tremendously encouraged and fortified in my own views on this issue by his support.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, I yield 10 minutes to the senior Senator from Maine.

Mrs. SMITH. Mr. President, I will be very brief, but there are some matters relating to AMSA, the follow-on bomber, that must be said.

I believe this item is very high on the list of priorities in the research and development portion of the bill. It is very high indeed when we consider that the Congress has unsuccessfully pressed the Defense Department to proceed with development of a follow-on bomber to the aging fleet of B–52's. Since 1965 the congressional appropriation has exceeded the budget request except for fiscal year 1969.

In fiscal year 1965 the Department of Defense requested $5 million and the Congress appropriated $52 million. In fiscal year 1966 the Department request was $15 million and the Congress appropriated $22 million. In fiscal year 1967 the request of $11.8 million was doubled by the Congress and we appropriated $22.8 million. In fiscal year 1968 the amount requested was $26 million and the Congress appropriated $47 million.

Mr. President, I will not dwell on the past. It is the future that concerns me and that should be the concern of everyone. Those of us who are charged with the responsibility of scrutinizing our defense needs have long recommended development of a follow-on bomber to continue to provide credence to our strategic deterrence.

Today the Nation remains strong with our land- and sea-based missiles and our modified B–52's. But I must emphasize that these aging aircraft will see our strategic deterrence deteriorating at a rapid pace in the immediate years ahead.

Mr. President, there are no funds in this authorization bill for procurement, nor would its approval in any way commit our Government to the production of this aircraft. The funds in the bill are for vitally needed research and development which will be used to continue the competitive design phase. A decision at this time to approve the research does not represent a decision to deploy.

I will make my position clear. I strongly endorse a military posture that preserves our options.

During this debate, doubts have been expressed on the reliability of our missile forces. This would add support to my view that we must have absolute reliance on our retaliatory capability.

I am not suggesting that there be a tradeoff of missiles for bombers. In my view these forces are complementary. A technological breakthrough by the enemy against any element of our force would not eliminate nor neutralize our entire force.

I do not hold with the theory of placing all our eggs in one basket.

I favor talks on arms limitation with the Soviets. But I would hope that such talks would be meaningful and productive. An AMSA in our gun holster would provide a position of strength that the Soviets understand.

I think it imperative that we move promptly with this vital research and development on the AMSA program.

We are all understandably weary with the subject of arms and weapons, but we cannot deny that in the world of tomorrow much depends on the precautions we take today.

By approving this item in the bill we preserve not only the options for the future, we preserve also our own integrity and credibility. It is we in the Congress who have pressed for the development of the follow-on bomber for 5 years. Now that the executive branch has agreed to our often voiced recommendations—the least we can do is add our support.

The studies have been completed. The demonstration programs for the engines and electronic equipment have been successfully completed. All of the preliminary work has been completed.

Now the proposed amendment would reduce the AMSA funding for fiscal year 1970 from $95 million to $20 million, a savings of $75 million in the name of economy. The $20 million would supposedly be used to proceed slowly, while we study the problem some more.

The AMSA program obviously does not need any more "studying." In fact, the Congress has spent a very large sum of money—over $140 million for these studies and development.

Therefore, I submit we have reached the time where we must decide whether to fish or cut bait.

We have reached the point where we will get very little in return for any further moneys spent for studies or for preliminary development.

The proposed amendment does not so much save $80 million as it recommends wasting $20 million for studies not required.

The amendment, therefore, does not address the central issue of whether we should, or should not, proceed with the orderly development of the AMSA or forget the whole thing.

It would be far more direct for those who oppose the AMSA and feel it is a waste of funds to propose deleting all funding for the AMSA instead of spending another $20 million to study something which has, if anything, been overstudied. This would be a far truer test of opposition to AMSA by those who do not believe in it than the amendment before us.

Mr. President, the distinguished Senator from South Dakota has performed outstanding service to the Nation and the Congress. His scholarly presentation reflects painstaking research and a thorough understanding of his subject matter. I would like to take this opportunity to commend Senator McGovern for his enlightening presentation.

But, Mr. President, I must continue to support this program. I believe that a modern manned bomber represents the "clincher" for our future deterrent posture.

I firmly believe that our B-52 strategic bomber force was the principle instrument of peace in our time. I think the generation of the next decade should have a deterrent in their time that has a reliability our ICBM's may not have.

Finally, Mr. President I will make a further observation. The tasks on strategic arms limitation have been heralded for months as the panacea for reducing the Defense budget. It has been urged that we are on the threshold of an agreement with the Soviets which would see the end of costly weapons systems.

Mr. President, it is my understanding that our Government informed the Soviets that we were prepared to begin the strategic arms limitation talks between August 1-15 of this year. It is also my understanding that the Kremlin remained silent.

I know that President Nixon's efforts in this field are sincere and I think also that it is his earnest hope that meaningful agreement can be reached. But, Mr. President, without demonstrable action on the part of the Soviets we have no choice but to remain steadfast in maintaining the security of this Nation.

The decision lies with the leaders of the Kremlin who have not even bothered to acknowledge the overtures of President Nixon which were made in June of this year.

I will vote against this amendment and I urge my colleagues to join me in its rejection.

Mr. JACKSON. Mr. President, will the Senator yield?

Mrs. SMITH. I yield.

Mr. JACKSON. Mr. President, I wish to commend the able senior Senator from Maine for making such a well-reasoned and well-balanced presentation of this weapons system. I know that over the years she has made it her business to follow very closely the research and development for follow-on aircraft. Her presentation today is one of the finest made on this subject.

Mrs. SMITH. Mr. President, I would like to express my appreciation to the distinguished Senator from Washington, my colleague on the Committee on Armed Services, and say that it has been my association with such people as Senator Jackson; Senator Stennis, the chairman; Senator Russell, and others that I have been able to come up with such thinking.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER (Mr. Cranston in the chair). The Senator is recognized.

Mr. STENNIS. Mr. President, I thank the Senator for the very fine speech she made. She always has something constructive; she never fails to have a fine suggestion as well as a challenge to our thought. This is another illustration of the very earnest consideration and high obligation she has toward her duty. I thank her for the committee as well as for myself.

Mr. JACKSON. Mr. President, will the Senator yield to me for 10 minutes?

Mr. STENNIS. I yield 10 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, I wish to speak in opposition to the pending amendment which would reduce the funding for a new manned bomber—the AMSA—in the fiscal year 1970 Department of Defense authorization bill from $95 million to $20 million.

My opposition to this amendment stems from five principal factors:

First. In designing a second strike nuclear force, there are convincing reasons for making it a substantial mixture of vehicles of several different types: land as well as sea based, manned as well as unmanned. Bombers, land-based missiles and sea-based missiles have differing limitations, are subject to distinctive uncertainties, require varied modes of attack, and, if each type is protected, complicate the problems for any enemy attack. This mixture offers the best hope of discouraging and deterring Soviet assault. It also provides the best assurance that the Soviets will be unable to negate the effectiveness of our strategic deterrent by technological breakthroughs and advances in one or more fields. Furthermore, a mixture of bombers and missiles compounds the adversary's defense problems, making him spend much more to get a given level of defense and causing him to divert substantial resources that might otherwise be spent on more offensive capability.

In short, to rely on a single strategic system—missiles or bombers—is a dangerously high-risk approach to deterrence. I, for one, intend to do what I can to see that Congress does not take the country down that garden path.

Second. For the foreseeable future the manned aircraft is the most versatile weapon system for delivering munitions. High performance bombers have many important uses for a wide variety of conflict situations, both nuclear and nonnuclear:

They can provide a capability for selective response and precision delivery where political or other constraints preclude committing our missile forces.

They can be recovered and reconstituted and used to hit additional targets detected by our assessments and surveillance systems or to hit targets not struck initially.

They can be used as a tool of crisis management and launched as a show of force to evidence our determination at a time of international tension. In the Cuban crisis, for example, we placed a significant number of bombers in the air as a "show of firmness;" and

They can be used to augment our general purpose forces in conventional conflicts.

It would not make sense to deny this country—in the post-1975 time period—the flexibility inherent in high performance manned bombers.

Third. The hard fact is that changing adversary forces and technologies have resulted in the danger of destruction of our bombers. The improvements in Soviet capabilities—especially sea-launched ballistic missiles and FOBS—have progressively reduced the warning time for launching our bomber forces. We have responded by a dispersal of the alert B-52 bomber force. But what is further needed, and what is one of the chief design objectives of the AMSA, is to increase the chances of pre-launch survivability through very wide dispersal to austere landing bases and very quick reaction capability. This objective is being sought in two ways. First, the new system's takeoff and landing characteristics will allow dispersal to a very large number of airfields throughout the country, further complicating the targeting problem of an attacker. Second, the plane will be designed so that it can be a safe distance away from the base within the very few minutes available.

Fourth. The Soviets continue to make significant improvements in their manned aircraft defense systems. Looking ahead, therefore, we need to take full advantage of advanced aircraft design and advanced penetration aids to assure that we could reach the targets in the post-1975 period. This, too, is one of the main objectives of the AMSA. Its design features include speed, versatility at high and low altitude, smaller radar and infrared signatures, and the capacity to penetrate at low altitudes thereby reducing detectability by ground radars and also making easier the problem of designing penetration aids. The larger payload capacity of the AMSA should make room for a wide variety of penetration aids and weapons, including many missiles such as the short-range attack missile—SRAM—and the subsonic cruise armed decoy—SCAD.

Fifth. The suggested AMSA program has been thoroughly reviewed by the Department of Defense and is recommended by the Secretary of Defense and the President. The Armed Services Committee has again looked into it this year and a great majority of the committee believe we should proceed with it on the basis proposed.

The program does not involve a commitment for production or procurement of a new bomber force on the part of the Government: it maintains a production option and it would keep the program moving steadily ahead.

The recommended program recognizes a basic problem in lead times. The leadtime to develop and produce a new manned bomber is about 8 years. The leadtime for intelligence on the specific threat is about 3 or 4 years. It follows that once a specific threat is known there is no way to develop a new bomber system in time to meet it. Therefore, we have to make the best guess we can as to what the threat will be and get ourselves into a position to tailor the system to the threat as it emerges.

Under the proposed program the basic plane would be configured and the avionics options available in time to adapt

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the production of the plane to the threat as we see it about 3 years from now. This is the fundamental reason why we need to initiate engineering development of the new system at this time, while not yet making a production commitment.

In the event the pending amendment were adopted—in effect striking out of the bill the funds for the initiation of engineering development of the AMSA weapon system in fiscal 1970—the introduction of an advanced bomber into the operational inventory, if we later decide we must have it, would be delayed by at least 1 year.

Given our dangerous and unpredictable world situation and given the unabated Soviet advances in nuclear offensive and defensive systems, I see no point in taking the unnecessary risk involved in the pending amendment. I shall vote against it.

Mr. STENNIS. Mr. President, I certainly thank the distinguished Senator from Washington for his remarks. They are so pertinent, so conclusive, and so logical.

The Senator from Washington, as always, is thorough. He has done a lot of splendid work on this bill in all its phases.

Mr. JACKSON. I thank the able Senator from Mississippi for his kind comments.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Nevada.

Mr. CANNON. I thank the distinguished Senator for yielding to me.

Mr. President, on August 11, Senator GOLDWATER filed a detailed response to the Hatfield committee report on the ASMA bomber program. On September 3, Senator HATFIELD responded to Senator GOLDWATER's comments. The distinguished Senator from Arizona is away at this time and has asked that I present his comments on the response to Senator HATFIELD's committee. I ask that they be made a part of the RECORD at this point, on behalf of the Senator from Arizona.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

COMMENTS ON THE SENATOR HATFIELD RESPONSE TO SENATOR GOLDWATER'S PAPER ON THE REPORT ON MILITARY SPENDING

(1) It is agreed that it is quite difficult to understand why the figure 263 is used. As pointed out previously the number the Air Force has planned for order is not 263, nor has the number 263 been used by the Air Force in making program cost estimates.

(2) It is entirely possible that the Soviet Union could achieve by the mid-1970s a capability to reduce in a surprise attack, our surviving strategic offensive forces below the minimum level required for "Assured Destruction", and thus gravely weaken our deterrent. The overall strategic balance between the United States and the Soviet Union is much too close to run that risk.

An important aspect of our strategic posture has to do with our ability to withstand any attempt at a disarming first strike by the Soviets. To this end it is essential that we maintain a deterrent posture with a mix of all three elements of our strategic force—bombers, land-based missiles and sea-based missiles.

Such a mix provides the best assurance that the Soviets will not be able to negate the effectiveness of our strategic forces by technological advances in one or more areas. The presence of one force element tends to fortify the viability of another, thereby strengthening the credibility of our total deterrent posture. The survival of bombers is insensitive to improved Soviet missile accuracy and Soviet anti-ballistic missile capabilities. For example, if and when Soviet missiles should have very low CEPs, our land-based missiles would be more vulnerable than at present. In this situation our bombers, along with sea-based missiles, would provide assurance against a crippling Soviet first strike. Should the Soviets make a breakthrough in antisubmarine warfare, our sea-based systems would be affected. Bombers and land-based missiles would provide protection against the consequences of a breakthrough in this area. Bomber survival, in turn, is dependent on adequate warning time of incoming Soviet missiles and its ability to penetrate enemy air defenses; thus land-based and sea-based missiles provide assurance in the event the Soviets find ways of negating our warning systems or offsetting the pentration capability of our bombers.

For operational reasons it is imperative that we continue a mixed force to provide us with an effective deterrent and importantly, in the event deterrence fails, the capability to respond across a broad range of possible conflict situations. We cannot preclude the possibility that the Soviets in the next few years may devise some weapon, technique or tactic which could critically increase the vulnerability of one or two of the elements of our strategic force. We cannot rule out the possibility that degradation of our ICBMs and SLBMs could occur within a time period (e.g., 2 or 3 years) in which it would be difficult for us to respond due to inadequate lead time. Moreover, from the standpoint of Soviet defenses, the ICBMs and SLBMs present similar problems. Hence, it is likely that a defense that will degrade one missile system will also be effective against the other. This is yet another reason why it is to our advantage to continue to modernize the bomber force which presents a dissimilar, and in many ways a more demanding, problem to the Soviet defenses.

To arrive at a single system (missiles or bombers) for our strategic deterrent is a high-risk approach and in view of the consequences is not an approach consistent with our national security objectives.

All indications today are that the Soviets are working to negate our missile capability with an ABM defense and improvements in missile accuracy. The Soviets are continuing to make great improvements in their air defense capability. We will undoubtedly continue to use bombers in conventional conflicts to augment the capabilities of our general purpose forces. And finally, we have reached the point where it is more prudent to acquire a new bomber rather than to keep modifying the old force. In short, bombers are and will continue to be an important element of our strategic forces because they effectively contribute to our country's nuclear deterrent and provide unique capabilities at lesser levels of conflict. These factors are developed more fully in subsequent comments.

(3) The development of advanced penetration aids will certainly enhance the capability of existing bombers to penetrate area defenses and permit standoff weapon delivery against terminal defenses when necessary. However, the ability of bombers to penetrate air defenses is a function of both aircraft characteristics and the quality of penetration aids carried on the bomber. Experience indicates that both carefully designed aircraft characteristics and carefully designed penaid qualities are required. The AMSA will incorporate basic design characteristics that will provide significant penetration survival improvement over current bombers. These design features include reduced radar cross section and infrared signatures, speed versatility at high and low altitude, and the capability to penetrate at lower altitudes. These characteristics not only improve the basic aircraft penetrability, but also make the problem of designing penaids less difficult. The AMSA with its higher speed would be exposed to the defenses for a shorter time; for a given level of protection its ECM requirements are less than the B–52 because of smaller radar signature; and its lower penetration altitude reduces detectability by ground radars. In addition, as defenses improve, a greater portion of the bomber's effective payload must be devoted to advanced penetration aids to enhance effectiveness. The larger payload capacity of the AMSA will accommodate a wide variety of penetration aids and weapons which means more targets killed per aircraft for any given level of defense.

(4) A mix of bombers and missiles does task the Soviets' defenses; they must defend all targets against both bombers and missiles. If they did not "balance" their defenses, we could use bombers to attack targets defended against warheads from missiles, and vice versa. Thus a mix of forces on our part makes the Soviet spend considerably more to get a certain level of defense. Alternatively, for a given Soviet expenditure on defense, we do not need as many forces to do the job as if all our forces were either bombers or missiles. Funds we devote to bombers rather than to missile offense or defense, also insure against gross failure of our missile systems.

Additionally, there are many uses for the bomber force other than the real and extensive diversion of Soviet funds into air defenses. High performance bombers can provide a capability for selective response and precision delivery where constraints preclude commitment of our missile forces. Bombers can be recovered and reconstituted and used to strike additional targets. Bombers can also provide effective augmentation of our general purpose forces in nonnuclear conflicts (e.g., B–52s in South Vietnam).

It should be recognized that in a general war, there would be targets other than those in the Soviet Union (such as satellite countries) which might have to be attacked with nuclear weapons. Tactical fighter aircraft are ideally suited to strike these other targets because their range/payload capability is compatible with target distance. The tactical fighter aircraft do not meet the range/payload requirements for a true intercontinental bomber such as the B–52.

With respect to the B–52 force there is of course the question of how long they can be made to last through continuing modifications. Physical age becomes a problem to the extent that deterioration does occur in the structure, wiring, cables, engine performance, etc. and continuous modifications are required. It is presently expected that the structural life of the newest model B–52s will last, under projected usage, until sometime in the early 1980's with appropriate modifications. However, the extension achieved by these modifications is a calculated estimate based on, for example, such factors as the impact of vibration during taxi on structural fatigue. Thus the service life of the B–52 force has significant uncertainty.

We cannot predict, as well as we would like, how aircraft structure will respond to usage. The B–52s will spend a large part of the time operating in a low altitude flight environment for which they were not initially designed, thereby increasing the possibility of structural problems. If and when we detect a major structural fatigue in the B–52 force, it may be too late to produce a timely replacement aircraft. This problem is compounded by large uncertainties in the magnitude of the costs that may be required to keep old systems viable. We do know, however, that as age increases so does the risk of incurring large modification costs.

The Air Force has carefully planned and proposed an orderly, well-balanced and low-risk development program starting in fiscal 1970 leading to the first flight of a new bomber in 1973. No production commitment on the part of the government is currently proposed; however, if a production decision is subsequently made we could achieve an initial operational capability in fiscal 1977 and a fully operational force a few years later. By that time the B–52s will be 17–20 years old. The best B–52, the "H" model, represents the maximum growth economically attainable within the constraints of the basic B–52 design. It would be tremendously expensive to make the B–52 faster, carry more payload, fly lower or have a smaller radar cross section. Additionally, certain improvements such as to provide for B–52 self-sufficiency for wide dispersal to improve pre-launch survivability would involve high costs and excessive fleet downtime. It is reemphasized that while we would be able to use new weapons or penetration aids on the aircraft against an improving threat, we have reached the point where a sounder investment is to acquire a new bomber rather than to keep modifying the old.

(5) Basically, AMSA is viewed as an economical replacement for the current strategic bomber force because it would incorporate improved capabilities made possible by the advances in technology during the 20 years since the B–52 was in the design phase. The AMSA would have a larger payload capability and improved penetration characteristics. Thus, a smaller AMSA force can be deployed that will provide the same effectiveness for assured destruction as the current strategic bomber force for less cost over the 1969–1987 time period. AMSA costs include R&D, investment and O&M versus O&M costs for the current bomber force during the time period specified. Or alternatively, an equal cost (1969–1987) AMSA force could provide much greater effectiveness across the spectrum of conflicts than the current strategic bomber force. In short, it will be less costly in the long run to proceed with development of the AMSA now.

Comparisons of the type suggested are extremely sensitive to the assumed scenario and there are, of course, a large number of possible war scenarios and a wide range of assumptions associated with each. For example, the number of Minuteman III (MIRVed) missiles required to equal the effectiveness of a given bomber force is significantly influenced by the degree of strategic warning assumed and the generation rate of the bomber force during this warning period. For instance, assuming no Minuteman III's destroyed before launch, the ratio of Minuteman III 5-year costs to AMSA 5-year costs to deliver the same number of weapons to target would be about 0.58 for a bomber generation rate of 40 percent (60 percent assumed to be destroyed). For a bomber force generation of 90 percent the ration would be about 1.34. Similarly, the number of missiles assumed to be destroyed before launch is also a driving factor and this is dependent on a host of assumptions regarding attack timing, warning time, launch doctrine, attacking missile accuracy, etc. To illustrate this point, the above ratios would change to 0.73 and 1.67 if only 20 percent of the missiles are assumed to be destroyed before launch. Further, the described comparisons are relevant to soft targets where delivery accuracy is not a significant factor. If hard targets are considered, the better delivery accuracy of the AMSA would alter the ratios in favor of the AMSA assuming time urgency of the targets is not a deciding factor.

The improving Soviet capabilities have resulted in the danger of pre-launch destruction of our bomber forces. These measures have progressively reduced the warning time for launching the bomber force. Our response has been to disperse the alert bomber force. In this regard, one of the major design objectives of the AMSA is to enhance the system pre-launch survivability through quick reaction capability and wide dispersal to austere landing sites. This is to be accomplished in two ways. First, the system will be designed so that it can be a safe distance away from the base within the very short time available. Second, its short take-off and landing characteristics will permit dispersal to a very large number of airfields throughout the country, compounding the targeting problem of the attacker and thus minimizing the requirement for airborne alert.

(6) Many calculations have been made to assess the desirability of a mixed force of missiles and bombers on the basis of the "cost-effectiveness" of each system. We know enough about the results of these calculations to make the judgment that none of the systems should be ruled out on the basis of "cost-effectiveness." Generally, these calculations are made in cases where each system is weighed against an unknown and totally different threat. While one can make reasonable judgments on systems that are subject to the same threat, it is next to impossible to get real truths from analyses about systems that operate against quite different threats. The results are simply too volatile. There are not large differences between the cost-effectiveness of missiles and bombers in the first place, and one can change the relative ranking in the "cost-effectiveness" scale by simply changing our estimate (guess) as to the character and level of the Soviet threat against each system in the uncertain future—1975 and beyond. Sometimes it is shown that the system that is added last in the calculations of Soviet fatalities contributes few Soviet fatalities—assuming the other systems operated as advertised. On this basis the "tail-end" approach is sometimes used, illogically, as a basis for ruling out or decreasing the level of some particular system. On the other hand were this system applied first, it would produce approximately the same fatalities as the other systems. It is submitted that any differences in "cost-effectiveness" between missiles and bombers are swamped by the uncertainties in the analyses.

In general, past studies have shown that the relative cost effectiveness of pure missile and pure bomber forces varies as the scenarios and assumptions are changed. Studies have also shown that a mixed force of missiles and bombers can, against an uncertain threat, provide a more cost-effective deterrent than a pure force of either system. In short, a mix of bombers and missiles compounds the enemy's defense problems and makes him spend considerably more to obtain a given level of defense and diverts his resources that might otherwise be spent on offensive systems.

(7) Quite obviously, the Soviets do believe that bombers are necessary since they continue to improve, develop and produce them. Further, the Soviets now have a much larger bomber force than the 155 figure cited. Moreover, the Soviet bomber threat is even greater, when consideration is given to "one way" missions as suggested for our tactical forces.

Thus far, our strategic forces (bombers and missiles) have been sufficient to deter an all-out Soviet surprise attack against the United States. If we are to continue to deter the initiation of a nuclear war, it is absolutely essential that we make two things clear to the Soviets (or any other potential enemy): (i) our intention to respond to a first strike; and (ii) the gain which they might achieve by initiating a war against us will be more than matched by the damage which we will inflict in return. Deterrence could fail if the Soviets miscalculated our intentions to respond to their military forces and urban-industrial base after sustaining damage from a first strike. It is not clear that the Soviets would be deterred from initiating a first strike, if their estimate showed that they could inflict a high level of fatalities against the United States and suffer a low level of fatalities in return. Such calculations could be made by the Soviets if we allow one or two elements of our offensive forces to deteriorate in strength and our remaining forces are negated (at least in part) through technological advancement or tactical surprise.

During the past several years, our development and production of new strategic weapon systems have been deemphasized with the hope of comparable Soviet actions. However, the Soviets have instead accelerated a major build-up of their strategic weapon delivery capability during the past three years to the extent that their ICBM forces are currently about equal in number and collectively, greater in total megatonnage of warheads. They continue to modernize and expand their forces. Accordingly, we must take certain steps to modernize our strategic offensive and defensive forces. In this regard, the initiation of the development of a new strategic bomber is an important step required to maintain our strategic deterrent.

(8) Flexibility is attributed to manned bombers because of their utility in a wide variety of conflict situations, both nuclear and nonnuclear, and their versatility within these several applications. Some of the capabilities which make up the "flexibility" attributed to manned bombers include the following:

Launch to test operational readiness and use as a show of force during periods of tension anywhere in the world.

Return to base prior to commitment of the force, thus enabling authorities to cease military operations if political decisions require.

Use in a conventional role or limited nuclear exchange where extreme accuracy not attainable by ballistic missiles is required.

Assign multiple targets, releasing weapons preplanned or an alternate targets as dictated by the tactical situations, and react to the threat by changing or maneuvering on penetration to the target.

Recovery and reconstitute subsequent to an initial nuclear exchange and use to strike additional targets detected by our reconnaissance and surveillance systems or to strike targets not struck initially.

It is reiterated that such "flexibility" while not readily amenable to cost-effectiveness analyses is real none-the-less, and is not possessed by ballistic missiles. The manned aircraft still remains the most versatile weapon system yet devised for delivering munitions.

The President's ability to launch ballistic missiles is as real as his ability to put bombers in the air, but not as apparent. The bomber provides a visual means to portray national intent to an adversary. Moving a large number of bombers to a higher state of readiness in obvious preparation for a nuclear strike, if required, is much more convincing than verbal communication or "moving your finger a few inches closer to the launch button." Missiles are always in a strike posture but cannot become more so without being committed. A unique capability of manned aircraft is their recallability under these circumstances.

(9) It is true that ballistic missiles provide a quick response to time-urgent targets for possible damage limiting because of their much shorter time of flight. However, once the bomber has been launched under positive

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control there is no problem of survival prior to the penetration of Soviet air space, whereas the missiles must either be launched or survive an attack to be useful. Further, it is true that with satellite communications, bomber weapons could be retargeted or withheld up to the point of weapon release which would only be seconds away from impact.

Damage assessment of a prior ballistic missile strike can be accomplished by two means: manned aircraft and reconnaissance satellites. First, to ensure real-time sensing of continuing strikes a large number of reconnaissance satellites would have to be in orbit. Assuming the Soviets do not have an anti-satellite capability, the most difficult problem would be development of sensors for real-time bomb damage assessment (BDA) for all-weather operation. The most likely prospect would be a ground mapping radar. The necessary maps would have to be gathered within a few minutes of the detonation and relayed to surviving ground stations in near-real time. After the data is interpreted and a decision is reached to restrike a particular target (not necessarily withheld ICBMs), another ICBM must be launched, requiring another 30 minutes to reach the target and restart the BDA cycle. Consequently, each strike and BDA cycle would be expected to require one or more hours under the most favorable conditions.

(10) A unique and necessary strategic mission for the manned bomber has been recognized for many years as BDA of prior strikes against the enemy's hardened military targets (e.g., command and control centers, nuclear storage facilities, missile sites, etc.) and prompt restrike using air-to-surface missiles (ASMs). The manned bomber would fly very low in the target area and be equipped with high resolution radar, forward-looking and vertical sensors and real-time displays. One unique advantage of the manned bomber is discrimination and decision in real time. Accordingly, the man, assisted by the bombing system avionics, determines the requirement for restrike and if necessary, can immediately launch an air-to-surface missile to destroy the target.

The entire process of BDA and restrike from AMSA would require less than ten minutes. Overall, the process would be much faster than using satellites, independent of the much greater reliability, lesser cost and greater probability of proper interpretation using a manned bomber.

Our planning must provide for a range of attack options and execution choices including countries and tasks to be performed under varying conditions of war outbreak. These options range from the capability to execute selective strikes on targets to full execution of strategic forces. We would be remiss if we did not plan for the capability to respond across a broad range of possible conflict situations.

(11) It is certainly important to recognize the specific character of the enemy's defensive problem against our strategic bomber force. The FB–111 and the B–58 are range limited to such an extent that only a small portion of the Soviet Union need be postured for defense against these systems. Even the B–52, with its significantly greater range must still approach deep targets from a limited azimuth. The greater range/payload capability of the AMSA will permit penetration of the Soviet Union from virtually any direction. The AMSA will also penetrate faster and at a lower altitude than the B–52 and thus, will be much more difficult for enemy radars to detect. These factors greatly increase the area that must be defended and compound the command and control problems of the air defense. In short, notwithstand the assumption that this would not require significantly greater technological capability, the AMSA will create a problem for the Soviet air defense several times greater than that created by the current strategic bomber force.

(12) In a permissive air environment, the most important aircraft characteristic is ton-mile economy, that is, minimum cost per pound of munitions delivered. However, as we saw in North Vietnam, bombing may have to be conducted in a very hostile nonnuclear environment. When this is the case, ton-mile economy is no longer the predominant factor. Probability of survival becomes extremely important even to the point where the relatively poor ton-mile economy of the F–105, as compared to the B–52, is preferred. To exploit these economies the large aircraft must have penetration survival similar to that of small aircraft and must be able to deliver its larger payload efficiently.

The AMSA combines the good ton-mile economy of the large aircraft with much of the performance of a fighter-bomber. The speed and altitude versatility of the AMSA would permit avoidance of concentrated AAA and small arms defenses and would provide better modes for coping with all but very high performance interceptors. Interceptors and nonnuclear surface-to-air missiles can be degraded by electronic countermeasures particularly as detailed knowledge of the defense system is obtained. Because of the advantages which accrue from night, all-weather delivery with high accuracy, the AMSA has greater potential for effective nonnuclear attack of fixed targets in hostile defense environments and could provide much more effective augmentation to the capabilities of our General Purpose forces than can be achieved with the current bomber force.

The rate of build-up and location of a nonnuclear conflict influences the relative utility of long-range bombers versus tactical aircraft. For example, if the conflict develops suddenly in an area remote from normal carrier operating stations or major tactical air facilities, a small number of long-range bombers can deliver very large payloads in a few hours. Should the conflict be located near the interior of a large land mass where the range/payload capability of the carrier or land-based tactical fighter is significantly reduced, the long-range bomber may be the only aircraft that could be immediately responsive to the situation.

The use of B–52s in Vietnam is one recent example of how bombers can be used as opposed to tactical fighters. The fighters are used in close air support, interdiction, and air superiority roles and are not free for the saturation bombing that can be accomplished by the large bomber to prevent massing of troop concentrations (e.g., Khe Sahn) and to harass enemy troops. In future nonnuclear conflicts, the AMSA will be a far greater asset to our war fighting capabilities than the current bomber force.

The massive application of aerial firepower early in a nonnuclear conflict would be much more effective at less cost than attempting to destroy the same targets several months after sophisticated defenses have been established. When the tactical air forces are in place, air support can best be provided using the smaller tactical aircraft. However, the large bomber may still be best used when saturation bombing is required for a major ground offensive or when there is a vital need for long-range interdiction missions.

One can postulate nonnuclear scenarios involving sophisticated air defense where we could not afford to attack on a *repetitive* sortie basis with any aircraft. Accordingly, the use of AMSA in nonnuclear conflicts would require assessment of the importance of the objectives versus the cost. Certainly an expensive weapon system would not be exposed to high risks unless the objectives were deemed important enough and lower cost options were not available.

However, the existence of the strategic bomber, primarily designed for the nuclear role but possessing excellent nonnuclear capabilities, affords an important choice. The existence of this option is and will continue to be a deterrent to potential enemies across the spectrum of conflict.

(13) The O&M costs for an AMSA force are not neglected in the economical replacement argument that has been presented. Obviously, there is uncertainty associated with the cost estimates made at this time for a weapon system to be developed and deployed over the next 10 years. Just as there is uncertainty associated with the cost of modify an aging bomber force in the next 20 years. However, as with all complex machinery at some point it becomes cheaper to buy a new system rather than continue to repair the older system.

(14) The economical aspects of bomber force modernization to replace the aging bomber force and also to provide improved capabilities are discussed earlier in this response. (See (5)). The argument does not neglect the research and development costs of the AMSA.

Mr. CANNON. Mr. President, yesterday the distinguished Senator from South Dakota (Mr. McGovern) and the distinguished Senator from Wisconsin (Mr. Proxmire) made some reference to the B–70 program and derogated that program very materially. I think I should set the record straight. These gentlemen stated that the AMSA is "roughly the same old mistake" as the B–70 and, further, that the B–70 "turned out to be an almost unmitigated disaster." Senator McGovern stated that "some $1.5 billion was wasted on it—an airplane that had a mission that it was not capable of carrying out."

Nothing could be further from the truth than those statements. I would like to place the B–70 and the AMSA program in better perspective.

It is true that the B–70 program cost $1.468 billion. Two B–70's were built. The aircraft requirement was to be capable of mach 3 flight at 70,000 feet. It did reach these performance characteristics. There was no failure on the part of the aircraft to meet its performance characteristics. The Department of Defense subsequently canceled the B–70 program because it felt that ICBM's and subsonic bombers carrying missiles would offer a better solution to the strategic strike problem.

I must point out that the B–70 program was a research and development program. It was not a production program approved by the Congress nor undertaken by the Congress.

The basic B–70 mission was for a high altitude, high-speed penetration of enemy airspace. Subsequently the Soviets developed and deployed large numbers of the SA–2 high altitude bomber interceptor defense missile system. This system, utilizing high altitude-burst nuclear warheads, had the potential of defeating the B–70 as a high altitude penetrator. The electronic state of the art at that time did not allow sufficient countermeasures for high altitude penetration to be carried without unacceptable weight penalties.

Most importantly, the design of the B–70 did not permit the flexibility necessary to adapt to the changing enemy threat. It was not known what ground-to-air missile developments the Soviets would initiate and pursue to deployment. I think this is an extremely important fact, Mr. President—that it was the dramatic change in the Soviet threat that brought about the demise of the B–70 and not any performance inadequacies on the part of the B-70 itself. As a result of the increasing Soviet threat which made the B-70 more vulnerable, it was determined by our highest decisionmakers that an aircraft to survive enemy airspace must penetrate at low altitudes. The B-70 not having a design capability for this mission, was, therefore, canceled as an ongoing program.

I might point out that the B-52, when it was designed, was designed for high altitude penetration capability; and when the threat changed, as I have described here, the attempt was then made to change the mission of the B-52 to give it a dual capability—a high altitude penetration capability and a low altitude penetration capability, at a reasonably high speed—of course, less than supersonic speed, because the B-52 is not a supersonic airplane.

When that program was undertaken, we found it necessary, through a modification program, to beef up the wings, to add structurally, very materially, to the B-52, in order that it could carry out a low altitude penetration mission.

What did we learn from the B-70? The B-70 had many technological challenges which it met. Many of these technical developments have proven to great merit on other more recent military programs.

The B-70 flight research program yielded vital information required in the design and evaluation of large supersonic cruise aircraft, including both the SST and AMSA. It provided valuable information on design and operational characteristics of systems, structures, and equipment.

The major objectives of the flight research program were to gain new and essensial knowledge in the areas of flight dynamics, stability and control handling qualities, effects of gusts and dynamic loads, performance of engine and inlet combination, sonic boom investigation and the collection of supersonic data in the mach 2 to 3 region.

The Air Force provided over 1,400 technical documents to the Department of Transportation and Industry for the supersonic transport program.

In addition to the many valuable contributions realized from the flight test program, there were hundreds of new developments made during the design and manufacturing phases of the B-70 program. These involve the development of new materials and new manufacturing methods. For example, totally new metallurgical concepts were developed to form titanium. New stainless steel alloys were developed to meet critical strength and temperature requirements. New techniques of heat treating, machine welding, processing, and forming stainless steels were developed. Special high temperature metals and air-cooled turbine blades were developed, enabling much higher engine turbine temperatures. These are only a few of the hundreds of benefits flowing from this program.

I would now like to say a few words, Mr. President, about the key distinctions between the B-70 and the proposed AMSA program.

First and foremost is the fact that the AMSA program will not be confined to a supersonic, high-altitude penetration of enemy airspace. It is specifically designed for a low-altitude penetration—at high speeds, I might add—and at the same time has the capability to penetrate supersonically at high altitudes if it is required.

The AMSA will have a greatly improved and smaller radar cross-section than the B-52, thus reducing its vulnerability to enemy radar detection. This is a very important part of the program.

The B-70 required lengthy runways for takeoff and landing. The AMSA will have the capability to operate from short runways, thus permitting the use of many runways in the United States which provides a key capability to disperse them. This adds dramatically to their prelaunch and survivability.

The AMSA will be able to carry a significantly greater payload than the B-70 and even the B-52.

The AMSA will also be capable of making very valuable contributions in the delivery of conventional or nonnuclear ordnance which mission the B-70 could not perform.

In conclusion, Mr. President, I want to assure the Senate that the AMSA is not in any sense of the word a "warmed-over" B-70.

Mr. President, the distinguished Senator from South Dakota stated today, as I understood him, that we have 650 B-52's, and 450 are of the latest type.

I do not know where the distinguished Senator gets his information, but that simply is not a fact from the standpoint of accuracy. We do not have anywhere near that number of B-52's, and nowhere near the number of B-52's he has noted are of the latest type. We have less than 500 B-52's today, and only 280 are of the latest type.

The suggestion has also been made here today that we should initiate construction of B-52's again, and add to the B-52 fleet we now have.

Mr. President, when I spoke on this subject yesterday, I pointed out that the B-52 will be 15 or 20 years old at the time the AMSA comes into being. That means that it is based on a technology of approximately 5 years earlier than that. So we are talking about a technology that is 20 to 25 years old, in the mid-1970's time-frame, to meet a threat that may exist at that time—a current threat, Mr. President—to give us the options that are desirable as an alternative, and as an added burden to impose on the Russians if they are going to attempt to meet a threat that may confront them.

So I submit, Mr. President, that the amendment of the distinguished Senator from South Dakota should be defeated, and we should proceed with the development of the AMSA on the basis that has been suggested, which, I again point out, is not a production go-ahead. That option could be retained open for a couple of years, to make a decision, but at least we would save 1 year's time. If we eventually need that aircraft, we would save 1 year's time from the time that we commenced to develop a prototype until the time it would come into an actual production-type model.

Again I point out, as I have already stated, Mr. President, that the deletion of the FB-111 from the program this year was on the basis that the AMSA would be speeded up. We are saving approximately $444 million by deletion of the FB-111 from the program as initially requested this year; so the saving is substantially that over what the military has recommended if we do not go ahead with a speeded up program for the AMSA.

So I would respectfully submit, Mr. President, that the amendment should be defeated.

Mr. McGOVERN. Mr. President, will the Senator yield for one or two questions, since he has mentioned statistics that I put into the RECORD?

Mr. CANNON. I am happy to yield.

Mr. McGOVERN. I am not sure that I caught the exact correction that the Senator was making. Did I understand him to say that I had listed the level of the American B-52 force at a higher figure than is actually the case?

Mr. CANNON. The Senator's statement, as I understood it, was that we have 650 B-52's, and 450 are of the latest type.

Mr. McGOVERN. Yes.

Mr. CANNON. If I understood the Senator correctly, we do not have 650 B-52's, and we do not have 450 of the latest type, either.

Mr. McGOVERN. I think there may have been a misstatement there, to this extent: It should have read "intercontinental bombers," which would include the rest of the B-52's and the B-58, both of which, I think the Senator will agree, are superior to the Soviet intercontinental bomber, the Bear, which is not even a jet aircraft, but a turboprop, as the Senator knows, similar to our old B-36, which we now have discarded.

Mr. CANNON. I would certainly agree that both these aircraft are superior to that; but you do not pit a bomber against a bomber in a comparison of this kind; you pit a bomber against the defenses that would be put up against it, or a bomber against a fighter.

But I would submit that the Senator's figures are still wrong. We do not have 650——

Mr. McGOVERN. I think 646 is the figure I quoted, including both types.

Mr. CANNON. Even so, that would mean we would have to have 146 B-58's, and we never did build 146 B-58's. I think the total figure was 86 B-58's that we built.

Mr. McGOVERN. The figures were based on tables prepared by the House Armed Services Committee, and another study by a reputable authority that appeared in a recent issue of Jane's "Fighting Ships."

But I shall not quibble with the Senator. Whether it is 500 or 600, the point is that at the time I was talking about, the total mix of our weapons systems was far superior.

I drew attention to the fact that the Soviets had some 90 intercontinental bombers. So, let us take a round figure of 500 for the United States; we would still have them outnumbered better than 5 to 1 on bombers; and we have a superior bomber, as the Senator himself readily agrees.

XUM

In Secretary Clifford's posture statement, he used the figure 646.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield the Senator from South Dakota 3 additional minutes.

Mr. McGOVERN. But I do not think that is the point, whether it is right at 646 or whether it is 546. The point is that we have an overwhelming superiority. What I was stressing at the time I used those figures was the total mix. I cited over a thousand ICBM's that we have, the 656 warheads that we have mounted on our submarine force, our 3,000 tactical aircraft that are capable of striking targets in the Soviet Union, and then, on top of that, a bomber which the Department of Defense tells us can be completely operational into the 1980's. I think in view of the overwhelming nature of that strike force, a principal argument on our strike capacity is not to question whether there is a dispute about the exact number we might have. I defer to the Senator on that, if that is of concern.

Mr. CANNON. Mr. President, I point out that it is not a matter of comparing the number of bombers we have against the number of bombers the Russians have. It is not a matter of bomber against bomber. The question is whether we are strategically superior so that we could accept a first strike and inflict unacceptable damage on them in return.

I have no doubt today in my mind that we could do that.

I am concerned about the mid-70's, 1975 through 1977. As we know, the Russians are practically even with us on ICBM capacity and ICBM's. True, they have less capacity to inflict damage on us with bombers than we have to inflict damage on them.

The PRESIDING OFFICER. The additional 3 minutes have expired.

Mr. STENNIS. Mr. President, I yield an additional minute to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 additional minute.

Mr. CANNON. Mr. President, we have to keep in mind that we are talking about the mid-70's with respect to the airplane we are talking about. Of the less than 500 B-52's we have now, a lot of them are older models. I believe there are 280 G and H models.

I find it very difficult to believe that an airplane based on a technology 25 years old could keep ahead with the defenses that could be put against it. That is my objection against an airplane that could be overwhelmed by other defenses.

Mr. McGOVERN. The Senator's argument would carry more force if we were solely dependent upon the bomber. But we have an enormous striking power from submarines and from land. This involves an enormous expenditure. Then there would be an additional system on top of that recognized superiority. Our missile power is not for defense. I thank the Senator for yielding.

Mr. CANNON. Mr. President, that would not give us one bit of added capability. It would merely add to the capability we have today for the bombers. It is a logical development. Just as the talk now is about the follow-on with the Poseiden, for the Polaris, it is a continuation to give us the capability which would make the Russians defend against three possibilities, and not merely have to worry about one, if they have a surprise attack.

Mr. STENNIS. Mr. President, I understand that the opposition has only 2 minutes. I shall use that time to cover quite briefly for the benefit of those who have come to the Chamber that the amount that the committee put in the bill is altogether and exclusively for research. It would not start production of even a prototype plane. However, it will bring us up to the real decision to be made next year.

Mr. President, certainly we have heard a great deal about surveys. I point out that this is not anything that has mushroomed up lately. A year ago our Preparedness Subcommittee conducted an exhaustive and detailed study into the status of our strategic power as compared to that of the Soviet Union. We held extensive hearings on the subject.

In September of 1968 we issued an extensive report. Among other things, we said:

> We feel that the prompt development and deployment of a new long-range advance manned strategic bomber is essential to assure that we retain this flexibility into the late seventies and eighties, when the aging B-52 and the interim FB-111 may be incapable of coping with the sophisticated defense environment which is expected during that time.

That report was concurred in by all members of the subcommittee at that time with the exception of the Senator from Missouri. The membership of the subcommittee at that time included the Senator from West Virginia (Mr. BYRD), whom we regret losing to another committee.

Mr. President, I rest the case upon the showing that has been made here. I yield the floor.

Mr. McGOVERN. Mr. President, I should like to use my few remaining minutes to summarize the arguments that have been made.

I stress in the first instance that the pending amendment would not kill the advanced manned strategic aircraft program. I cite the words of the Senator from Mississippi, the distinguished chairman of the committee, on yesterday when he said:

> The alternative between the committee and the proponents of the amendment is with reference to the rate of progress that we make during this fiscal year.

That is an exact statement of the thrust of the amendment which would reduce the $100 million listed in the bill for continued research and development and testing and evaluation of this bomber to $20 million, for a practical saving of some $80 million in fiscal 1970.

That would have the effect, if we move at that level in fiscal 1970, of delaying by 1 year the availability of the plane. They will come in, according to the Department of Defense, in 1978 instead of in 1977.

Mr. President, I can find no compelling need to move ahead on an accelerated scale this year. The B-52's presently in force, in combination with the FB-111's and the B-58's, are expected to last into the 1980's.

If we need any bomber capability in our offensive or deterrent mix, we will have it well after the time it is expected that this bomber under consideration today will become operational, even if the amendment under consideration is agreed to.

In light of the experience with the B-70 which was canceled after an expenditure of nearly $1.5 billion and the construction of two prototype planes, I think the Senate should satisfy itself that programs of this kind are clearly needed before they are accelerated.

Keep in mind that the committee is calling for a fourfold increase of funds for the research and development phases of this bomber, unless the amendment is agreed to. I think the Senator from Missouri made a most persuasive point in reminding us that the preeminent role of the bomber in our strategic role has been assumed by the missiles, both land-based and submarine-launched ballistic missile, which are superior from the standpoint of speed, reliability, penetrability, and certainty of the probe.

There are other factors to be taken into consideration before we accelerate this very costly bomber program.

I hope that Senators will ask themselves why the Soviets have made a decision not to move ahead with any significant expansion of the bomber.

I hope that they will keep in mind that this project, fully funded, will cost up to $12 billion by the time the operation of the plane is made possible, and that one would have to double that figure in terms of operational cost over a 10-year period.

We are talking about weapons systems here on which the cost is similar to that of the ABM that we debated here for many weeks.

I strongly urge the Senators to support the amendment which would not only save some $80 million in fiscal 1970 that we urgently need for other purposes, but would also give us a little more time to look thoughtfully and critically at what could prove to be a very costly and disastrous mistake.

I strongly urge the adoption of the amendment.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. STENNIS. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on the adoption of amendment No. 130, offered by the Senator from South Dakota.

Mr. STENNIS. Mr. President, a point of order. The hour of 4 o'clock has arrived.

The PRESIDING OFFICER. All time has expired.

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the senior Senator from Washington (Mr. Magnuson). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. SPARKMAN (when his name was called). On this vote I have a pair with the junior Senator from Arkansas (Mr. Fulbright). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

The bill clerk resumed and concluded the call of the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Hartke) and the Senator from Washington (Mr. Magnuson) are absent on official business.

I further announce that the Senator from North Dakota (Mr. Burdick), the Senator from Arkansas (Mr. Fulbright), the Senator from Iowa (Mr. Hughes), and the Senator from Indiana (Mr. Bayh), are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. Hughes), would vote yea.

On this vote, the Senator from North Dakota (Mr. Burdick) is paired with the Senator from Colorado (Mr. Dominick). If present and voting, the Senator from North Sakota would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from Indiana (Mr. Hartke) is paired with the Senator from Arizona (Mr. Goldwater). If present and voting, the Senator from Indiana would vote "yea" and the Senator from Arizona would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Dominick) and the Senator from Arizona (Mr. Goldwater) are necessarily absent.

The Senator from Vermont (Mr. Prouty) is detained on official business.

On this vote, the Senator from Colorado (Mr. Dominick) is paired with the Senator from North Dakota (Mr. Burdick). If present and voting, the Senator from Colorado would vote "nay" and the Senator from North Dakota would vote "yea."

On this vote, the Senator from Arizona (Mr. Goldwater) is paired with the Senator from Indiana (Mr. Hartke). If present and voting, the Senator from Arizona would vote "nay" and the Senator from Indiana would vote "yea."

The result was announced—yeas 32, nays 56, as follows:

[No. 88 Leg.]

YEAS—32

Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Eagleton
Goodell
Gravel
Harris
Hart
Hatfield
Javits
Kennedy
Mathias
McCarthy
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pell
Proxmire
Randolph
Ribicoff
Saxbe
Symington
Tydings
Williams, N.J.
Young, Ohio

NAYS—56

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Cannon
Cotton
Curtis
Dodd
Dole
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Griffin
Gurney
Hansen
Holland
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McGee
McIntyre
Metcalf
Miller
Montoya
Mundt
Murphy
Pearson
Percy
Russell
Schweiker
Scott
Smith
Spong
Stennis
Stevens
Talmadge
Thurmond
Tower
Williams, Del.
Yarborough
Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mansfield, for.
Sparkman, against.

NOT VOTING—9

Bayh
Burdick
Dominick
Fulbright
Goldwater
Hartke
Hughes
Magnuson
Prouty

So Mr. McGovern's amendment (No. 130) was rejected.

Mr. STENNIS. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE obtained the floor.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, so far as the chairman knows, the amendment just rejected was the last major amendment that relates to what we call the weaponry or hardware of the bill. There may be another amendment that will affect one of the weapons, but I understand that it is not proposed to strike out any of the money authorized.

There are several additional regulatory amendments, which I shall mention quite briefly.

The Senator from Wisconsin (Mr. Proxmire) has an amendment regarding research, a matter as to which, perhaps, the committee and the Senator from Wisconsin can make a joint recommendation to the Senate.

Another amendment relates to military foreign aid, which was before the Senate at one time, and which will be offered by the Senator from Kentucky (Mr. Cooper).

Another amendment relates to outside reports and will be offered by the Senator from Arkansas. I think we can now agree upon language with reference to that amendment.

The Senator from Massachusetts may offer an amendment with reference to creation of a committee.

So far as the chairman knows, that is a summary of the amendments that may be offered.

There is another amendment that relates to an inquiry by the GAO with reference to profits on defense contracts. We will work on that some more with the Senator from Connnecticut, who is holding hearings on the GAO now.

That is a quick summary of the situation.

If we can move along now, I do not see why we should not be able to finish up the bill, with a little luck, tomorrow.

AMENDMENT NO. 123, AS MODIFIED

Mr. PROXMIRE. Mr. President, I should like to call up my amendment. I withdraw amendment No. 123 and send to the desk another amendment designed to take its place, an amendment we worked out with the chairman of the committee.

I ask unanimous consent that the amendment not be read. I shall explain it.

The PRESIDING OFFICER. Amendment No. 123 is withdrawn, as requested by the Senator.

The amendment offered by Mr. Proxmire is as follows:

> At the end of the bill, add a new section, as follows:
>
> "Sec. 402. Funds authorized for appropriation under the provisions of this Act shall not be available for payment of independent research and development, bid and proposal, and other technical effort costs in a total amount in excess of $468,000,000. The foregoing limitation shall not apply in the case of formally advertised contracts or to other firmly fixed price contracts competitively awarded."

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I expect this will take just a short time, less than half an hour.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation on the pending amendment of 30 minutes; 15 minutes under the control of the Senator from Mississippi (Mr. Stennis), and 15 minutes under the control of the proposer of the amendment, the Senator from Wisconsin (Mr. Proxmire).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I yield to the distinguished Senator from Idaho. Provided I do not lose my right to the floor.

VISIT TO THE SENATE BY MEMBERS OF THE CANADIAN HOUSE OF COMMONS

Mr. CHURCH. Mr. President, if I may have the attention of the Senate, we have with us in the Chamber today seven Members of the Canadian House of Commons who are our guests. It is my privilege at this time to introduce them to the Senate.

As all of us know, we have no better friends in the world than the Canadians. They have been good and stalwart neighbors in every way. I consider it an honor today to present to the Senate the group of gentlemen now standing in the far corner of the Chamber. If they will remain standing while I introduce them by name, we will give them our cordial greeting.

Robert Douglas George Stanbury, Member from York-Scarborough; member of Broadcasting Films and Assistance to the Arts Committee, and Official Languages Bill C-120 Committee.

Mr. Jean-Pierre Goyer, Member from Saint-Laurent; member of External Affairs and National Defence Committee.

XUM

Mr. Marcel Prudhomme, Member from Montreal; member of External Affairs and National Defence and Library of Parliament Committees.

Mr. Warren Allmand, Member from Montreal; member of External Affairs and National Defence and of Transport and Communications Committees.

Mr. Lincoln MacCaulay Alexander, Member from Hamilton; member of Justice and Legal Affairs and of Labour, Manpower and Immigration Committees.

Mr. John Edward Broadbent, Member from Oshawa-Whitby Riding; member of Labour, Manpower and Immigration and Regional Development Committees.

Mr. John Michael Forrestall, Member from Nova Scotia; member of External Affairs and National Defense and of Printing Committees.

[Applause, Senators rising.]

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes, so that Senators may meet our distinguished guests, with the time not to be taken out of the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 4 o'clock and 24 minutes p.m., the Senate took a recess until 4 o'clock and 26 minutes p.m.

During the recess, the distinguished guests were greeted by Members of the Senate.

On the expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. PACKWOOD in the chair).

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1686. An act relating to age limits in connection with appointments to the U.S. Park Police; and

S. 1766. An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Montana, in paragraph 11, docket numbered 50233, United States Court of Claims, and for other purposes.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time not be taken out of either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will please be in order.

Mr. STENNIS. Mr. President, we must have quiet so that the Senator from Wisconsin (Mr. PROXMIRE) may be heard. This is a highly important matter and concerns about $600 million.

The PRESIDING OFFICER. The Senate will please be in order.

The Senator from Wisconsin may proceed.

Mr. PROXMIRE. Mr. President, the Department of Defense spends billions of dollars each year on research and development contracts. Many persons have questioned the high level of military spending in this area, and the Armed Services Committee made a significant reduction in the funds authorized this year, a reduction which I certainly applaud and support.

There is another, lesser known R. & D. program, however, distinct from the multibillion-dollar contract program which goes by the name of Independent R. & D. It is an apt title for this program, for the contractors who receive I.R. & D. funds are free to spend them independent of any contracts they may have with the Government, and independent of almost all Government controls.

Last year $685 million was spent by the Department of Defense for I.R. & D. In view of the fact that no contractual controls were exercised over these public funds, and very little administrative controls of any kind, very serious questions need to be raised about the management of this program.

But in view of the fact that the Pentagon is already spending billions of dollars on its R. & D. contracts, an even more serious question must be asked: What is the justification for this program? How do we justify spending about $8 billion a year on military R. & D. contracts, and another $685 million on noncontracted Independent R. & D.? Does this not represent duplication of effort of the most extreme kind?

Independent R. & D. represents one of the most serious and little known problems in Government procurement. It is a disturbing fact that the Department of Defense exercises little or no control over the amount of public money paid to contractors for Independent R. & D. and related expenses. What is even more disturbing is the fact that Department of Defense is now planning to completely eliminate the little control it now exercises and instead to substitute a formula to pay such costs.

In order to fully understand the magnitude of the problem, a full explanation of independent research and development and its related costs is necessary.

Let me point out first of all that Independent R. & D. is not the same as research and development. It is essential that the two programs be clearly distinguished. In contrast to federally contracted research and development, I.R. & D. is not sponsored, or administered directly by the Government. Under an I.R. & D. program, as distinguished from a Government contracted R. & D. program, the contractor is free to decide whether to perform I.R. & D. in the area of military products or commercial items. Under I.R. & D. programs, the initiation, control, and direction of I.R. & D. projects rests with the independent contractor, not the Government, as under normal R. & D. of crucial importance under an I.R. & D. program is the fact that the work done does not have to be directed toward the completion of government contract work. It can be totally unrelated to government business.

Closely related to I.R. & D. are two other technical cost items normally considered with I.R. & D. The first of these are bidding and proposal expenses. These costs result from the technical effort involved in preparing bids and proposals for Government contract work. These costs are always underwritten 100 percent by the Government. The significance of this fact will become clear shortly. The second related area of technical expense is known as Other Technical Effort—OTE. Despite repeated efforts, I have been unable to obtain a clear and satisfactory definition of this category of expense from the Pentagon. No one seems to be able to precisely define the nature or purposes of this expense item. The Government Accounting Office, in an extensive study released last July, suggests that other technical effort should be considered along with independent research and development since "it appears that a substantial portion of this amount involves technical effort similar to I.R. & D." Like bidding and proposal expenses, other technical effort expenses are always underwritten 100 percent by the Government.

Essential to an understanding of independent research and development and these two related areas of technical costs is the fact that the Government does not contract for the work. In effect, the Government is presented a bill for services rendered which it never specifically requested. The usual justification for this astonishing practice is that I.R. & D. provides the broad technical capability needed by a company to meet future Government contract needs. Exactly what capabilities are being developed has never been clear. The term "technical capability" is so broad and so vague that literally anything has been accepted. Current armed services procurement regulations state:

> An I.R. & D. project, to be acceptable, must be related to the product lines for which the government has contracts.

The interpretation of the term "product lines" has been unclear since the publication of the armed services procurement regulations. Just exactly what type of I.R. & D. work has been accepted in the past is shown by the following examples:

EXAMPLES

A report issued by the General Accounting Office in March 1967 contains several interesting examples of technical efforts undertaken by a contractor for private purposes which were charged to the Government. For instance, the contractor spent funds on an analysis and commentary on a proposal by Eurospace, a nonprofit, nonpolitical organization whose members were from European industry. The purpose of Eurospace was to promote space activities in Europe. The contractor, as a corresponding member, had been invited by Eurospace to undertake a study. However, the contractor charged the cost of the study to bid and proposal expense and ultimately allocated these costs to Government contracts.

In another example, the same contractor claimed reimbursement under Government contracts for studies pursued after it had been notified that the Government was not interested in the proposals. While part of this cost was disallowed by the Government, more than half was not questioned even though the work was not desired by the Government.

In still another case, the same company charged to Government contracts what it termed "contract capability costs." These were costs incurred in support of four major proposals after they had been submitted. Some of these costs were incurred after the company was informed that contracts had been awarded to other companies. Some of the work involved was reported by the company to have been company funded but nevertheless the cost was charged to contract capability work orders and ultimately was passed to Government contracts.

What is more frightening is the fact that a recent "clarification" of the term "product lines" issued by the Defense Department would seem to condone such practices. Defense Procurement Circular No. 7 specifically states that the quoted ASPR requirement does not mean that the I.R. & D. project must directly benefit, or be related specifically to products for which the Government has contracts. Perhaps the most astonishing result of all of this is that under the proposed amendment to the armed services procurement regulation, the Government would appear to give up all hope of controlling such expenditures. The proposed ASPR revision does not require a showing that independent research and development bears any relationship at all to Government contract product lines. The inescapable conclusion is that the Defense Department, faced with widespread abuse of I.R. & D. provisions, has decided to throw in the towel completely and let the contractor decide how much the Government should pay him.

Faced with a rising crescendo of protest over the abuses of the I.R. & D. program, the contractors involved have rallied in justification of I.R. & D. expenditures. Recently, I received a letter from Mr. Thomas Rogers of the Mitre Corp. Mr. Rogers, former Deputy Director of Defense Research and Engineering in the Office of the Secretary of Defense, also served for a short time with the Department of Housing and Urban Development. In his letter to me, he makes a very interesting point in support of continuing I.R. & D. programs. He first of all quotes a letter from Secretary Weaver to Secretary of Defense Clifford, in which the Housing Secretary suggests that a broad interpretation of the Armed Forces procurement regulations applicable to I.R. & D. could encourage Defense contractors to address a larger fraction of their I.R. & D. work to domestic related areas. Mr. Rogers is completely in favor of this idea, and enthusiastically endorses "technological progress made by Defense contractors in such areas as low-cost military housing, more efficient hospital design, and so forth."

Mr. President, I could not agree more with Mr. Rogers that this country needs better low-cost housing and improved hospital design. But the question may be asked: Why should funds appropriated to the military be used for nonmilitary purposes? Would it not be more proper and efficient to appropriate funds to civilian agencies to manage civilian programs? Mr. Rogers, in his own way, has presented us with the crux of the I.R. & D. problem. More and more the continued justification for the provision of I.R. & D. has rested on arguments such as those advanced by Mr. Rogers. The expenditure of I.R. & D moneys is going for research activities totally unrelated to military needs. Defense contractors are encouraged to use DOD funds to expand their commercial business and on projects designed to assist in the solution of our domestic problems. Mr. President, if we need better housing, why should not the money be given to the Department of Housing and Urban Development which specializes in this area? Does it make sense to use our military program to support nonmilitary projects in order to justify an outmoded form of expenditure known as independent research and development? If the Government really needs increased research into our domestic problems, let us give the money to those who are best equipped to spend it—those people who are specialists in the field who can give the taxpayer the most for his research dollar.

The almost total lack of control over independent R. & D. by the Government is dramatically shown by a review of recent expenditures for this work. A recent DOD audit covering 94 of the Department's major contractors shows that from a total of $459 million in 1963, I.R. & D. and related costs have skyrocketed to $685 million in 1968. Although sales by the contractors to DOD have increased by only 28 percent between 1963 and 1968—$17,916,000,000 to $22,875,000,000—for those covered by the study, the amount of combined I.R. & D. and related costs reimbursed by the Government to these same contractors has increased by 49.2 percent—$459,000,000 to $685,000,000—a percentage increase almost double the percentage increase in sales to DOT. The problem has become especially acute in the past year. Although contractor sales to DOD increased by only 7.4 percent between 1967 and 1968, the amount of I.R. & D. and related costs reimbursed by the Government for the same period increased by 14.3 percent, a percentage increase almost twice the percentage increase in Government contract work. All of this in spite of the fact that the Government is already spending over $8 billion a year for regularly contracted research and development.

What this amounts to is that the public is being asked to support uncontrolled spending.

Contrary to the practices of the Atomic Energy Commission, the Pentagon does not know how much it will pay and does not control the amount it will pay for independent R. & D. On occasion, advanced agreements with contractors are made by the service branches for future I.R. & D. in defense work. But this is the exception, not the rule. The Government does not normally know even the programs for which it will end up paying the costs. In other words, the Department of Defense often does not even know what kind of programs or even the areas in which independent R. & D. money will be applied by the contractors.

Furthermore, the Government obtains no rights whatsoever to any inventions arising from the hundreds of millions of dollars of public spending in the Pentagon I.R. & D. program.

The general Government policy expressed in the Presidential memorandum of October 10, 1963, provides that the Government should receive at least a nonexlusive royalty-free license in any case where an invention or discovery is made under a Government contract for research and development. Yet, the Government does not obtain even a license to use inventions which it has paid the contractor to invent with independent R. & D. funds. In one case, a single contractor received 23 patents during a 3-year period, 22 of which were supported by I.R. & D. funds.

The bizarre result is that the public first subsidizes the invention through the independent R. & D. program. The contractor then obtains a patent for the invention and, in effect, has a Government-guaranteed monopoly which he can market to the consumer at monopoly prices, or sell back to the Government; that is, if the Government wants to use the invention brought about through Government funds, it may actually have to pay a royalty to its contractor.

Last week Senator FULBRIGHT referred to military procurement as a degenerate form of capitalism. Some may think that a somewhat harsh description of the overall program, but there is no more accurate way to describe I.R. & D. in my judgment.

The I.R. & D. program is an uncontrolled Government subsidy and an unjustified public dole. The funds expended represent an extreme form of waste, mismanagement, and a misallocation of public resources.

Perhaps the best way to understand the wasted money resulting from the DOD policy is to look at the policy of the Atomic Energy Commission on I.R. & D. AEC does not allow a contractor to charge to the Government the cost of independent R. & D. unless it is specifically set forth in a contract. In addition, costs are allowed only to the extent that they provide a direct or indirect benefit to contract work. The pertinent AEC regulation states the following:

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> AEC does not accept a general allocation of independent research and development costs. Such costs are considered unallowable except to the extent specifically set forth in the contract. Research and development costs may be made allowable only to the extent that they provide a direct or indirect benefit to the contract work.

The regulation specifically describes the nature of unallowable projects. For example, individual I.R. & D. projects are not accepted when: First, they are primarily of a promotional nature, that is, projects directed toward the development of new business unrelated to the Government contract; second, they are studies or projects which are undertaken in whole or in part for other customers; third, they duplicate R. & D. work that AEC has sponsored.

The difference in cost to the Government under the two different policies, that of DOD and that of AEC, is illustrated by the following example: A recent AEC survey indicates that for 77 contracts with contract costs totaling $150 million, AEC allowed about 1.4 percent of contract costs for I.R. & D.—$2.1 million. Had DOD principles been applied, AEC estimates that 2.15 percent of contract costs would have been reimbursed for I.R. & D., a percentage almost double the amount for I.R. & D. expenses allowed under AEC policy.

As I mentioned earlier, some contractors enter into advance agreements with the Government with respect to the projects for which I.R. & D. funds will be spent over the following year. If we are to have an I.R. & D. program at all, advance agreements certainly give to the Government a degree of control over it that it does not presently have. Advance agreements at least give the Government an opportunity to decide whether proposed expenditures by a private contractor will in any way benefit the Government.

However, contractors have resisted even this modicum of government control. Many contractors have been unwilling to negotiate advance agreements. And in a case decided by the Armed Services Board of Contract Appeals on August 8, 1967—ASBCA No. 11931—it was ruled that where an advance agreement is not reached between the contractor and the Government, the Defense Department is still authorized to allow 100 percent of the contractor's I.R. & D. costs. Under the present policy, therefore, the contractor actually has an incentive not to enter into advance agreements.

Even if advance agreements were entered into in every case, however, the major question surrounding the I.R. & D. program would not be answered. Why do we need to spend $685 million for an I.R. & D. program when we are already spending billions of dollars on R. & D. contracts?

I believe this question needs to be asked and answered. From the study I have made, I can frankly see no justification for this program. If there is any justification for it, that fact needs to be demonstrated.

But even if the program is justified, it is not justified in its current, uncontrolled condition.

I have felt for a long time that this program should not only be questioned but deleted, but I have discussed this issue with the distinguished Senator from New Hampshire (Mr. McIntyre), who is the expert on the Armed Services Committee on R. & D. work, and with the distinguished chairman of the committee. I have concluded, in view of the fact that this is an extraordinarily complicated area and there are very sincere and able people who contend that the program should continue, that a compromise would be more logical. For that reason I have agreed to an amendment which places a ceiling on I.R. & D. funds authorized to be spent in the current fiscal year in the amount of $468 million.

This will reduce the amount by about $117 million below what it otherwise would be.

In addition, I intend to introduce further proposed legislation on this matter, and I have been informed that the Committee on Armed Services will hold hearings on it next year, and have been told that if I did this, I would be invited to appear as a witness for that bill.

Mr. President, I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I think this is an important matter. It involves an item in the bill for a special kind of research that has been described by the Senator from Wisconsin. The sum for this year was $585 million. Last year it was $685 million. It varies according to the number of contracts we have, especially for weaponry.

In this connection, I do not like that word "compromise" too much; I simply could not agree to the Senator's original amendment, far reaching as it is, being adopted without hearings. So we agreed that the Senator would introduce the main part of his amendment as a bill, and the Committee on Armed Services would give full hearings on it, because it is something that ought to be developed with a better formula, a better understanding, and a better rationale. I do think, however, that there is great merit in some of this research.

We talked about reducing it somewhat this year, and we agreed on a 20-percent reduction, as the Senator stated; and his amendment, modified to carry that point only, will be supported by the members of the committee who have had a chance to look at it, including the chairman.

Mr. President, I wish to yield some time to the Senator from New Hampshire, who has held some very important hearings for us on the subject of research and development. I shall yield to the Senator from California (Mr. Cranston), later. I now yield 5 minutes to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I believe our colleague from Wisconsin has done the Senate a service in bringing up this amendment. It directs itself at business practices which are not well understood and yet are of a critical nature to the DOD overall mission. We need to understand these activities.

These are not carried as line items in the Defense Department budget but are part of the overhead costs of DOD contractors. This means that they are treated as part of the normal administrative costs of running a business, just like the contractor's accounting department or the salary of the company president. It is estimated that these expenditures are now running in the neighborhood of some $600 million a year.

As the chairman of the committee, the Senator from Mississippi (Mr. Stennis), has stated, no hearings have been held in the Senate directly related to this subject.

I am not suggesting, Mr. President, that because we have not had the chance to look at this in detail means that these activities are running slipshod or out of hand. I think the record will show that they have been well managed to date and have made an enormous contribution to the Defense effort. This does not mean that their management cannot be improved—indeed the DOD jointly with NASA are currently working on an improvement in these areas.

I.R. & D. is that research and development function of Department of Defense contractors which is not directly tied to a specific contract, grant or other item of the budget or precise function of the Department, but consists of projects undertaken independently by contractors to increase their technical knowledge and capability and to develop products for future sales. The purpose of the I.R. & D. effort is to assure the continuation and growth of the company by improving the contractor's technical competitive position and giving him new products and technology of value to the Department of Defense.

So, with the concurrence of the Senator from Mississippi, we have not only agreed with the Senator from Wisconsin (Mr. Proxmire) on this 20-percent reduction, but also, as chairman of the Subcommittee on Research and Development, I have assured the Senator from Wisconsin that we will commence hearings on his amendment, which, as I understand, will be introduced as a bill, before the end of this year; and next year when we come back, we will all have a better grasp of it and can work more intelligently on it.

Mr. STENNIS. I thank the Senator for a very fine statement.

Mr. President, I am authorized to say also for the Senator from Maine (Mrs. Smith), the ranking minority member of the committee, that she is in support of this amendment.

I yield now to the Senator from California, who has expressed an interest in this subject matter and is concerned about it also.

Mr. CRANSTON. Mr. President, I wish to express my pleasure in the agreement that has been worked out between the Senator from Wisconsin and the chairman of the committee. Senator Proxmire has stimulated some very productive discussions in this body, and I think has performed a great service.

However, I did have some grave reservations about his amendment, and I am delighted that he and the chairman have worked out a compromise that will permit hearings and very careful study before the matter is acted upon.

I believe that delaying technological research could have a grave ill effect upon national security. Back in the 1930's, a young physicist named Enrico Fermi went to the Defense Establishment of that day—I believe it was specifically to the Navy Department—and explained to them the concept of chain reaction and of nuclear developments.

They thought that he was not talking sense and did not follow the matter up, and a great deal of very valuable time was lost. I would hate to see a situation where every research project relating to national defense would have to be reviewed before it could be undertaken. We need innovative research in national defense matters. We will have to pay for it, one way or another; but we may get less research, and we may get less value for our dollar, if we circumscribe independent research and development.

Another aspect of independent research and development is that it stimulates and encourages the competitive bidding that we want in relation to defense contracts. Independent research and development led to the S–64 helicopter, the so-called flying crane. The independent R. & D. cost something like $12 million. The DOD estimates that under normal prescribed and supervised R. & D., the cost in terms of research would have been $30 million to $40 million.

I am delighted that a compromise has been worked out. I look forward with interest to the hearings where this matter can be explored in greater depth, and I support the modified amendment of the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, the amendment as modified now simply provides that not more than $468 million out of all this research money may be used for the purposes we have been talking about. That is a reduction of 20 percent. All that money does not have to be used this year, but it applies to the sum that is in the bill and may be appropriated this year.

I trust that is satisfactory. I support the substitute amendment, and I believe that all members of the Armed Services Committee do also.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Packwood in the chair). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Wisconsin, as modified.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. Hartke) and the Senator from Washington (Mr. Magnuson), are absent on official business.

I also announce that the Senator from Wyoming (Mr. McGee), the Senator from Montana (Mr. Metcalf), the Senator from Georgia (Mr. Russell), the Senator from Minnesota (Mr. McCarthy), the Senator from North Dakota (Mr. Burdick), the Senator from Arkansas (Mr. Fulbright), the Senator from Iowa (Mr. Hughes), and the Senator from Indiana (Mr. Bayh) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from North Dakota (Mr. Burdick), the Senator from Arkansas (Mr. Fulbright), the Senator from Indiana (Mr. Hartke), the Senator from Iowa (Mr. Hughes), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from Montana (Mr. Metcalf), and the Senator from Georgia (Mr. Russell) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Dominick) and the Senator from Arizona (Mr. Goldwater) are necessarily absent.

The Senator from Vermont (Mr. Prouty) and the Senator from North Dakota (Mr. Young) are detained on official business. If present and voting the Senator from Colorado (Mr. Dominick) and the Senator from Arizona (Mr. Goldwater) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 89 Leg.]

YEAS—85

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hatfield
Holland
Hollings
Hruska
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McGovern
McIntyre
Miller
Mondale
Montoya
Moss
Mundt
Murphy
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NAYS—0

NOT VOTING—14

Bayh
Burdick
Dominick
Fulbright
Goldwater
Hartke
Hughes
Magnuson
McCarthy
McGee
Metcalf
Prouty
Russell
Young, N. Dak.

So Mr. Proxmire's amendment, as modified, was agreed to.

AMENDMENT NO. 165

Mr. COOPER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3)".

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. COOPER. I yield.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL VON STEUBEN MEMORIAL DAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 250, reported today by the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, this is a matter of a deadline that must be complied with, because it is a resolution which would set aside a day to commemorate the exploits and the life and the meaning of General von Steuben.

This resolution was presented to the Committee on the Judiciary by the late Senator from Illinois, Mr. Dirksen, and in a special executive meeting this morning it was reported favorably. If it is in order, I should like to ask unanimous consent that the Senate proceed at this time to its consideration.

The PRESIDING OFFICER. The resolution will be stated.

The Assistant Legislative Clerk. A resolution (H.J. Res. 250) authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered, ordered to be read a third time, was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 85. An act for the relief of Dr. Jagir Singh Randhawa;

S. 348. An act for the relief of Cheng-huai Li;

S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army; and

S.J. Res. 149. A joint resolution to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4658) for the relief of Bernard L. Coulter.

XUM

AMENDMENT OF THE HIGHER EDUCATION ACT OF 1965

Mr. PELL. Mr President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13194.

The PRESIDING OFFICER laid before the Senate H.R. 13194, amending the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary, in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, which was read twice by its title.

Mr. PELL. I ask unanimous consent that the bill be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PELL. Mr. President, I move to strike out all after the enacting clause of H.R. 13194 and to insert the language of the Senate passed version of S. 2721, which was passed by the Senate on August 12, 1969.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

Mr. JAVITS. Mr. President, the amendment cannot be agreed to with the Senator having the floor. He loses the floor when the Chair puts the question. I make that point of order.

The PRESIDING OFFICER. The point of order is well taken.

Mr. JAVITS. Mr. President, we are about to act on something that we better understand, because it is a serious matter. I agree with the Senator from Rhode Island but we do not want to whisk this matter through silently.

The Senate passed a bill to help students who had to get student loans for colleges and universities for this term. Unfortunately, the House did not go along with the Senate because of various things we put in the bill—which I disagreed with but that is neither here nor there—relating to student loans generally rather than just high interest rates. The House passed the bill without certain provisions which were contained in the Senate bill.

Mr. President, what is being sought is how to get to conference at the earliest possible moment, in view of the fact that the majority, represented by the Senator from Rhode Island (Mr. PELL), who is chairman of the subcommittee, feel they cannot take the House bill. If it were left to me, I would take the House bill in order to get the legislation enacted. However, if I am made a conferee, as I probably will be, I would, as I am sure would the Senator from Rhode Island, sustain the position of the Senate. On balance, everything considered, and notwithstanding the views I have expressed, I believe the course now laid out for us through these procedural moves is most likely to bring about enactment of the legislation most quickly. That is why I told the Senator from Rhode Island I would go along with him. I thank the Senator.

Mr. PELL. I thank the Senator from New York for his cooperation in this regard.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. PELL. Mr. President, I move to amend the title of H.R. 13194 to read as follows:

> A bill to increase funds for college student loans by increasing the authorization of appropriations for the national defense student loan program, and by providing for an incentive allowance for insured loans under title IV–B of the Higher Education Act of 1965 on a temporary basis, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. COOPER. Mr. President, it is my understanding that the amendment I have offered will not be called up for a vote this evening but that after the morning hour tomorrow it will be the pending business and will be the subject of debate.

I remind the Senate that on August 12 I offered an amendment almost identical to the one I have sent to the desk today. During that time it was late in the evening and the amendment had not been printed. A lively debate ensued. Several Senators said at that time they would like to have time to consider it. I withdrew the amendment then and announced that when Congress reconvened I would again introduce it. I shall speak more at length in connection with the amendment tomorrow so that interested Senators will have an opportunity to read my explanation of the purpose of this amendment.

Section 401 of title IV on page 5 of the bill before us concerns itself with appropriations authorized under the bill, or any other act, for the use of the Armed Forces of the United States which may be allocated, in clause (1) to the support of the Vietnamese and other free world forces fighting in Vietnam; and in clause (2) to the support of local forces in Laos and Thailand.

On August 12 an amendment was offered by the Senator from Arkansas (Mr. FULBRIGHT) and was modified by an amendment offered by the manager of the bill, the Senator from Mississippi (Mr. STENNIS). By agreement it was voted upon that the amount that could be provided under this section to these two clauses should not exceed $2.5 billion.

If one reads this section it will be seen that no distinction is made in the language of section 401 between the types of aid that can be provided to the Vietnamese and allied forces fighting in Vietnam, and the types of aid which can be provided to the local forces who, I assume, are fighting against insurgents in Laos and Thailand.

It could be said that the legislative intent was that the same types of aid provided in Vietnam could be provided to the local forces in Laos and Vietnam. We are at war in Vietnam. We know we are providing to those forces in Vietnam not only equipment and materiel and supplies and everything necessary to conduct the war, but we are also providing something much more important, the young men of this country and many women who serve the wounded. There is much debate yet over Vietnam but we know we are at war. My amendment is intended to make a distinction between the types of aid which can be provided to the forces fighting in Vietnam, where we know we are at war, and to the local Laotian or Thailand forces which are fighting in those countries. It would restrict the provision of aid to those local forces, to which aid I would class generally as equipment supplies, materiel, and training that are necessary for them to carry on a war.

Some may object to that. If so they can offer an amendment upon that subject. But I assume we have been doing that for many years. I know that we have, first in the form of military aid provided through the regular foreign aid bill and, lately, through the Defense authorization bill.

I want it to be clearly understood that my amendment is intended to prohibit absolutely the use of our Armed Forces in combat to support the local forces in Laos and Thailand. It is intended, if it is possible, to do at least all that Congress can do to prevent the United States from moving step by step progressively into a new war, either in Laos or Thailand.

In my view, it does not invade the constitutional powers of the President of the United States. This question has been raised in debate. I shall answer it tomorrow, but I say now that we have the constitutional right, under section 8 of article 1 of the Constitution. It is one of the certain constitutional rights which Congress has; that is, to limit the appropriation of funds to carry on a war which at least we do not believe is in the interests of or is essential to the security of this Nation.

Mr. President, I think the amendment has some importance. Recently, we passed the national commitments resolution by a vote, as I recall, of 70 to 16; that resolution states the sense of the Senate. This amendment, dealing as it does with appropriations, is within our constitutional power, and Congress can do what we think proper to assure that we shall not move into a war in Laos or Thailand as we moved slowly, step by step—unintentionally, I am sure, at first—into war in Vietnam.

Mr. President, I have sent a copy of the amendment to every Senator, together with a short statement in explanation of it.

I ask unanimous consent to have printed in the RECORD at this point, first, the amendment which I have submitted; second, section 401 as the bill would read if my amendment were to be adopted; and, third, a copy of the letter which I sent to every Senator as a brief explanation of the amendment.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT

On page 5, line 14, strike out "to support: (1)" and insert lieu thereof "(1) to support".

On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3)".

Mr. COOPER. Title IV, section 401 would read as follows if the amendment were adopted:

(a) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes: (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under presidential regulations as the President may determine.

The letter follows:

U.S. SENATE,
Washington, D.C., September 15, 1969.

DEAR SENATOR: On August 12 I offered an amendment to clause (2), Section 401, Title IV of S. 2546, now pending before the Senate. Its purpose was to restrict the use of the funds appropriated under Section 401 in support of "local forces in Laos and Thailand" to equipment, materiel, supplies and training of such local forces and, to prevent the use of the armed forces of the United States in combat in support of local forces in Laos and Thailand.

After some debate, I withdrew the amendment as several members had suggested they wanted additional time for its study. I stated that I would introduce such an amendment when the Congress reconvened in September. The debate may be found on pages 23511–23518 in the Congressional Record of August 12.

I will introduce the enclosed amendment, or one substantially similar on September 17 and will ask that it be made the pending business at the first opportunity. The amendment would not affect clause (1), or restrict the support of Vietnamese or other free world forces fighting in Vietnam. It would prohibit the use of funds for the engagement of the armed forces of the United States in combat in Laos and Thailand in support of local forces of Laos and Thailand. Its purpose is to prevent, if possible, the United States from becoming involved in a domestic war in Laos and Thailand, without the authority of the Congress.

If you should desire to become a cosponsor of the amendment, I would appreciate very much if you would advise me or have a member of your staff contact Mr. Will Haley on telephone extension 2542.

With kindest regards, I am
Yours sincerely,
JOHN SHERMAN COOPER.

Mr. COOPER. Mr. President, that is all I shall say this evening, but I will do my best tomorrow to see that this argument is made to as many Senators as possible. I shall ask for a yea-and-nay vote on the amendment. We can then make our decision as a body whether in this first test of the national commitments resolution, we intend to follow it. Most important, we shall decide, while we have an opportunity, and while there may be time, whether we will take the necessary step to prevent this country's becoming involved step by step, in a new war either in Laos or Thailand.

Mr. STENNIS. Will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. STENNIS. Mr. President, I have listened with interest to the Senator from Kentucky. As I understand it, the Senator proposes by his amendment to prevent the use of funds in Laos and Thailand that would be spent in connection with helping the troops of those countries engaged in war, and that the amendment would apply only to the $2.5 billion in the bill, in this section of the bill.

Mr. COOPER. No. This section provides that the funds be authorized for appropriation "under this or any other act." We do not change that language. This would reach, as I understand it——

Mr. STENNIS. That is the way to get at it.

Mr. COOPER. It would reach, as I believe and intend, not only the funds provided under the bill but, as the language in section 401 provides, "under this or any other act."

Mr. STENNIS. So the Senator's amendment, then, would be sweeping in application——

Mr. COOPER. Yes, sweeping in application——

Mr. STENNIS. And would apply to any other funds under any other act.

Mr. COOPER. Except, as I pointed out, it only restricts the funds to the assistance designated by my amendment which, I believe, covers what is generally believed to be the types of assistance we are furnishing. There may be other types I do not know about, and I would like to be informed about them. But it is intended—and this is the thrust of the amendment—to prevent the funds appropriated to our Armed Forces to be used to put our Armed Forces in combat in Laos or Thailand to assist local forces. It does not involve the war in Vietnam in any way. I wish it were possible but we cannot do that.

Mr. STENNIS. The act here states "any other funds—in this act or any other funds." I think the Senator is correct in his interpretation, under this or any other act.

Mr. COOPER. That is the language of section 401.

Mr. STENNIS. Yes. I want to comment here that I think the aid should be handled in a separate bill. I am not talking about the Senator's amendment. I am talking about the whole concept of this kind of aid. The bill we have here is what we call the hardware bill for tanks, guns, submarines, and so forth. This section applies to the whole military foreign aid program, for those countries, and takes in all the other acts.

Mr. COOPER. That is right. As the Senator knows, prior to 1967, this aid to Laos and Thailand, was provided for through the foreign aid bill.

Mr. STENNIS. Yes.

Mr. COOPER. Then the request came from the Department of Defense, agreed to by the Department of State, to put the aid previously provided in the foreign aid bill for Vietnam into the defense bill. One year later, they requested military assistance for Laos and Thailand be placed in the defense bill and the language in the letters addressed both to the Armed Services and the Foreign Relations Committees bears that out.

Mr. STENNIS. My point is that it should be a separate bill.

Mr. COOPER. I agree.

Mr. STENNIS. And handled with regard to the Senate, to come in here where it can be debated. The language as it reads now in the bill, even though it refers to this act or any other act, there is a limit of $2.5 billion, a ceiling on it. It could not apply beyond that. So we have another——

Mr. COOPER. We have another problem——

Mr. STENNIS. We have another problem there to straighten out.

Mr. COOPER. If it is in the bill that comes along with money provided for this same purpose, I would expect to offer an amendment to that bill.

Mr. JAVITS. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. JAVITS. I am honored to be a cosponsor of the amendment. Will the Senator confirm to me that what he is seeking really to do is to pass a Gulf of Tonkin resolution in reverse; that, instead of permitting the President to use the Armed Forces of the United States for the given purposes which got us into Vietnam, we would prohibit the President from using the Armed Forces of the United States for purposes of defending with American troops whatever the President may think are our American interests?

Mr. COOPER. Yes. I do not assume the President wants to involve us in any war in Laos and Thailand. I assume he does not and I believe he does not. But the Senate has its responsibility. I believe this is the way to insure, as far as we can, that we do not become so involved.

Mr. JAVITS. This helps measurably to clear the way for another bill which would set out the affirmative policy. The real problem in the distinction between the Commander in Chief's power and the power of the Congress is that it gets blurred in its assertion. The Senator

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may not have found the perfect way, but he is reaching for a way to assert our authority, not after the fact—and that is why he and I could not vote against appropriations to supply our troops in Vietnam—but before the fact, because this is advanced funding of precisely the kind of operations that could get us into another Vietnam.

Mr. COOPER. The Senator is correct. I never have, and the Senator never has, voted against appropriations for our Armed Forces in Vietnam needed for fighting there, but, as he has said, we were dealing with that matter after the fact. So far there has been no declaration by the President that we are at war in Laos or Thailand. Neither has Congress so declared. So this is before the fact. This is an opportunity to prevent it through the exercise of our constitutional processes, in our control over the money.

The Senator from New York has stated the purpose clearly, as he always does.

Mr. JAVITS. One other point which I think is very essential in this matter: This is not trying to anticipate a problem without our already seeing that the problem has substance and certain delineations. For example, I have had correspondence with the State Department going back to January 1968.

I ask unanimous consent that parts of that correspondence and certain other material may be made a part of this colloquy.

There being no objection, the material was ordered to be printed in the Record, as follows:

January 22, 1969.

Hon. William B. Macomber, Jr.,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

Dear Bill: I believe you will recall from past correspondence my interest in the situation in Thailand and the evolution of United States policy and involvement in that nation. I am particularly concerned over the continuing possibility of the United States slipping by almost imperceptible steps—steps which have not received Congressional and public sanction—into another Vietnam-type situation.

A rather disturbing article concerning United States involvement in Thailand, written by Stanley Karnow, was published recently in the Washington Post. A copy of the article is attached. I would appreciate receiving the Department's comments on Mr. Karnow's article, and especially on the statement in the last paragraph: "One of the shortcomings of American policy here over the years has been its military rather than political orientation."

With best regards.

Sincerely,

Jacob K. Javits.

[From the Washington Post, Jan. 20, 1969]

Americans Are Trying To Feed Thai Culture Into a Computer

(By Stanley Karnow)

Bangkok.—The profusion of stylish American research outfits currently operating here under Pentagon auspices has lent a kind of Doctor Strangelove quality to the extensive U.S. military presence in this Southeast Asian kingdom.

There is a good deal of doubt, however, whether these outfits are producing anything worth the amounts of money they are spending—or, indeed, whether they are producing much of value at all.

It has even been suggested by knowledgeable sources that the effort to study and computerize almost every aspect of Thailand may be positively harmful in ways that are not immediately apparent.

About a dozen different research firms employing nearly 200 American specialists spend some $11 million a year in Defense Department subsidies on various projects here.

Among these firms are the Stanford Research Institute, which has no connection with Stanford University; the Cornell Aeronautical Laboratories, which has no connection with Cornell University, and Associates in Research, or AIR, which evaluates the findings of the other groups.

Also present are Michigan State University, which used to function under the aegis of the Central Intelligence Agency in Vietnam, and Booz-Allen, a major U.S. management consultant company engaged here in what it calls "applied research." These and other outfits operate under contract to an organization known as the Advanced Research Projects Agency, or ARPA, which coordinates with the Military Research Development Center, whose initials form an acronym locally referred to as "Murdoch."

This elaborate structure burgeoned about four years ago when the State Department, unable to find funds to increase the U.S. Embassy staff in Bangkok, accepted a Defense Department offer to set up a research apparatus here.

The growth of this apparatus since then has paralleled the American military buildup in Thailand. In the process, the availability of Pentagon money has led to the mania for research that is, as one senior U.S. diplomat here described it, simply a "big boondoggle."

Some of the research outfits have undertaken such high-cost projects as the publication, for an estimated $100,000, of a study entitled "The Blue Book of Coastal Vessels"—which is merely a book filled with pictures of Thai fishing boats.

Among other projects, an American specialist earning $36,000 a year has spent the past two years trying to develop local "research capabilities" at Chiengmai University in the pleasantly cool hills of northern Thailand. The project is said to be still in the "organization stage."

A somewhat embarrassing situation arose not long ago when a former Oakland policeman working for the Stanford Research Institute undertook a $280,000 project to test the use of infra-red photography to detect Communist guerrillas in southern Thailand.

But instead of concentrating on his experiments, this researcher befriended Laotian General Phoumi Nosavan, the one-time CIA protege living in exile in southern Thailand. Soon the ex-cop was engaged in promoting Phoumi's plans to recapture Laos and, despite official sanctions against him, he is reported to be still acting as a free-lance adviser to the Laotian general.

In many respects, informed sources here submit, the cost to the American taxpayer of these activities is less significant than their effect on the Thais as well as the U.S. establishment here.

For one thing, members of these research outfits are unfamiliar with the intricacies of Thai culture and appear to believe that here, as back in the United States, large inputs of money and know-how are the key to progress. But just the reverse is often true.

An American education expert who has worked here for years points out, for example, that these outfits are disrupting Thai universities by handing them more money than they can absorb for programs they are unprepared to carry out.

As in Vietnam, moreover, the research groups here operate largely on the dubious thesis that "systems analysis" can measure local attitude. As a result, they are creating the illusion that they really know how Thais feel because they have fed data into a computer.

Perhaps more important, the proliferation of these outfits functioning with Defense Department support has given the Pentagon a large role in gathering and analyzing intelligence and making policy decisions for Thailand.

One of the shortcomings of American policy here over the years has been its military rather than political orientation. And at this time, as the United States seeks diplomatic solutions for Southeast Asia, subduing the influence of the military establishment may be more imperative than ever.

Department of State,
Washington, D.C., February 20, 1969.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: I have received your letter of January 22, 1969 concerning a recent newspaper article about the research activities of the Department of Defense in Thailand.

The Advanced Research Projects Agency Field Unit (ARPA) in Bangkok, which is the organization conducting the research, is responsible to the Department of Defense and we believe questions concerning the details of the operation should be directed to that agency. However, knowing of your interest in U.S. policy in Thailand, I am pleased to comment on the broader issues your letter raises.

I note that you have expressed particular concern about a statement in the article that U.S. policy in Thailand has had a military rather than political orientation. Given the situation in Southeast Asia at present, the United States has necessarily had to undertake a number of significant military measures in Thailand: the deployment of substantial U.S. forces, large-scale military construction and increased assistance to the Thai armed forces. However, and particularly in our support for Thai counter-insurgency activities, we have made special efforts to ensure a balanced mixture of civil development programs, intelligence, police and information activities. There is, of course, a proper role for the military in a counter-insurgency program, but we believe that one of the lessons the Thai have learned from the Malayan and Vietnam experiences (thanks in part to some ARPA studies) has been the need to keep civil and police officials in the forefront of the counter-insurgency effort; and avoid "militarization" of the program. The balance of our Military Assistance Program and also the AID, and USIS programs in Thailand is designed to reflect this.

We are also mindful of the importance of political development in this situation, and you have no doubt seen reports in the press about the national elections which were held throughout Thailand on February 10. The decision to move toward political liberalization through promulgation of a Constitution and holding elections has, of course, been one for the Thai to make for themselves, and we have made this quite clear to them. However, numerous Thai leaders have been educated in the United States and Western Europe and are well aware of American views on these matters. It is from this group that the impetus for constitutional rule and elections has come.

In summary, then, we believe our policy has had the proper political balance and, as I hope the foregoing information makes clear, we have sought to avoid a number of the problems raised in the article.

If I can be of further assistance to you, please do not hesitate to call on me.

Sincerely yours,

William B. Macomber, Jr.,
Assistant Secretary for Congressional Relations.

MAY 6, 1968.

Hon. WILLIAM B. MACOMBER,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR BILL: I refer to my letter to you of February 6, 1968, and your thoughtful reply of February 23, concerning the situation in Thailand and U.S. involvement there.

I enclose an article from the New York *Times* of May 5, entitled "Thai Insurgency Raises Fears of a New Vietnam". I would appreciate receiving the State Department's comments on this article. I am particularly interested in the Department's assessment of the article's assertions, for instance, that: "More often than not, the (Thai) Government has met the challenge with a heavy-handed conventional response that has caused more problems than it solved"; and "The parallels to the early, clumsy stages of the allied effort in South Vietnam were uncomfortably apt. But with few exceptions, the American advice was ignored."

I would also appreciate the Department's comments on the accuracy of the report that the Thai government is considering the employment of Chinese Nationalists mercenaries in the anti-insurgency struggle, as well as the Department's view of the wisdom of such a course, if it is actually being considered.

Finally, I am also enclosing a copy of a colloquy I had with Senator Stennis on April 19, regarding U.S. involvement in Thailand, which expresses my concern that far reaching strategic decisions ought not be made on the basis of ad hoc tactical situations in the field, without appropriate consideration by the Senate and the nation.

With best regards,
Sincerely,
JACOB K. JAVITS.

THAI INSURGENCY RAISES FEARS OF A NEW VIETNAM

(By Terence Smith)

CHIANG KLANG, THAILAND, May 2.—Early one misty morning in February, an eight-man team of Communist terrorists slipped into the peaceful village of Meo Maw in the jungled mountains of northern Thailand.

Moving quietly between the thatch-roofed huts, they closed in on a shack where five members of the Government's Border Patrol Police lay sleeping. They opened fire with carbines and automatic weapons, pouring more than 300 rounds into the hut, killing four of the men inside and wounding the fifth.

Before the terrorists left the stunned village, the leader of the team told the headman: "The Thai Government claims to be your friends. Wait and see what they do about this. They will bomb your village and burn it."

Four days later, the Thai Government fulfilled the leader's prediction, thereby accomplishing more for the terrorists' cause than the terrorists could ever have achieved by themselves. Presumably convinced that the village was a Communist stronghold despite evidence to the contrary, the Thai Air Force sent three T-28 bombers to level the place.

Except for the school and three rice grainaries, Meo Maw is now ashes. The villagers, who previously harbored no ill will toward the Government, are scattered in the neighboring villages, dispossessed and disaffected.

THIRD FRONT OPENS

The tragedy of Meo Maw has been repeated dozens of times in the last five months as an ominous third front has opened in Thailand's flickering war with Communist insurgents.

More often than not, the Government has met the challenge with a heavy-handed conventional response that has caused more problems than it solved.

The new wave of assassinations, ambushes and violent jungle clashes broke out in December in the provinces of Nan and Cheangrai, just to the south and east of the intersection of the Thai, Burmese and Laotian borders.

Though it is only five months old, the terrorism has already become the most pressing military problem of the Government in Bangkok. The efforts to combat the insurgency, which in themselves have aroused bitter debate, are costing more than $250,000 a month.

The action in the north is a classic case study in how to start an insurgency movement from scratch and how to capitalize on the blunders of the Establishment. The terrorists in the north probably total no more than 300, but they have managed to produce results vastly out of proportion to their number and armed strength.

Government forces have been battling insurgents on two other fronts for the last three years. In a major effort assisted by more than $100-million in United States military and economic aid, they have managed to contain terrorists operating in the drab, neglected provinces of the northeast, and in the tropical Kra Peninsula, to the south of Bangkok. In both cases, Government troops seem to be holding their own.

CHINA ANNOUNCED TARGET

The insurgent movements first broke to the surface, in 1965, shortly after Communist China announced Thailand as a target for a "people war of revolution."

The new campaign in the north has the same ideological bent, but it poses a far more difficult military problem. The jungled, mountainous terrain provides the insurgents with nearly impenetrable cover, and the presence of a large and disaffected group of hill tribesmen offers them a potential source of intelligence, food and manpower.

The tribesmen are largely Meo and Yao and there are about 250,000 of them scattered throughout the northern section of Thailand. Seminomadic and ethnically apart from the Thais, they have long been wary of the Government in Bangkok, though not openly hostile.

The relationship was strained in recent years when the Government outlawed the tribesmen's favorite crop, opium, and ordered them to cease their "slash and burn" farming technique, which was denuding the forests of the north.

Into this area of discontent came the original bands of Communist terrorists last year. Composed largely of Meos, with some Thais, they had been trained in leftist ideology and insurgency techniques by the North Vietnamese in Hoabinh, 50 miles southwest of Hanoi.

The terrorists spent most of the year seeking recruits in the remote Meo villages and preaching their gospel. In enforced propaganda sessions, where the villagers listened at gunpoint, they would harangue about the perfidy of the Thai Government and the imperialist United States presence in Thailand.

By the end of the year, they were ready to come into the open. The first incident occurred Dec. 2 in Houi Kon, a mountain village near the Laotian border. An eight-man patrol of the paramilitary Border Patrol Police was ambushed by a band of terrorists. Two policemen were killed and four were wounded, but two escaped to tell the story at provincial headquarters. In a pique, the police command ordered the village where the terrorists supposedly had been based evacuated and burned.

AMBUSH RATE ROSE

The rate of ambushes and engagements rose sharply during the next several weeks and the Government responded by rushing heavy concentrations of troops and firepower to the area.

Unfamiliar with the territory and unaccustomed to the terrain, the regular forces were decimated by booby traps and cut down in confused jungle battles. Again they responded with force. Meo villages that were suspected of harboring Communists were evacuated and the air force was called in to drop bombs and napalm on wide swatches of the angled, green hillsides.

After five months of fighting, and more than 60 engagements, the Government's forces have killed about 200 terrorists and captured about 60, according to Col. Sima Panigbutra, the chief of staff of the Thai Third Army. Most of these, he concedes, are probably not from the basic group of trained Communists, but rather Meo sympathizers. The figure of 200 dead is an estimate, since the terrorists have carried away nearly all their casualties.

The Government forces, who number about 4,000 in the area, have suffered 150 casualties, according to Colonel Sima. Fifteen others were killed last week when a terrorist band wiped out a police outpost in Chiangrai Province.

MAY 24, 1968.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your comments in your letter of May 6 regarding our reply to your February letter about Thailand. I sincerely regret the delay in responding to your latest inquiry.

The newspaper article to which you refer is correct in its general import, that initial Thai suppression efforts against tribal insurgency along the northern border were indiscriminate and unduly harsh. However, rather than a quarter million Meo and Yao tribesmen, there are probably fewer than 75,000, and the number of armed tribal insurgents is estimated at 250. More important, is the fact that the northern insurgency is in part an outgrowth of long-standing antagonism between the hill tribes and the Thai plains population. For this reason, Communist activity among the tribes is likely to arouse a negative reaction among the Thai majority, and as a result will probably prove self-limiting.

Fortunately, the unimpressive results of initial suppression campaigns coupled with the continuing efforts of American advisors have led the Thai authorities to reassess the tribal insurgency problem and abandon their earlier harsh tactics. Showing a commendable willingness to acknowledge their mistakes, the Thai have now abandoned relocation plans in favour of permitting tribal villagers to remain where they are. Civic action measures are under way to improve living conditions for the tribes and thus encourage better relations with the Thai Government, and the Army and Police are forming security units of tribal volunteers for service in the insurgency-threatened areas.

No one expects the Thai Government's new approach to show immediate results, particularly in view of the traditional lack of communication and understanding between the lowland Thais and the Meo and Yao tribesmen. However, we believe that the new policy is a hopeful development and will in time win and retain for the Thai Government and people the friendship and loyalty of the tribes.

As for the report that the Thai Government is considering the employment of Chinese Nationalist mercenaries, our information is that the "troops" involved are the so-called "KMT" irregulars, who have been in the Thai-Laos-Burma border area since 1950. The degree of control over these forces exercised by the Government of the Republic of China is very tenuous indeed. The Thai Government is not in a position to expel or resettle these irregulars and, recognizing this fact, has been willing to tolerate their presence as a potential anti-Communist force in relatively inaccessible border areas.

There have been reports of contacts with the "KMT" irregulars by local officials suggesting that they might take over the role of the Border Patrol Police and Thai Army forces, which have been deployed away from the border area to meet the Communist threat elsewhere in North Thailand. However, we have seen no confirmation that the Thai Government has entered into any agreement with the "KMT" or proposes to use them in military operations.

We have read with interest your exchange with Senator Stennis regarding U.S. involvement in Thailand and your concern that we may be slipping inadvertently into another Viet-Nam-type situation in Thailand. In this connection, I invite your attention to the joint communique issued by President Johnson and Prime Minister Thanom on May 9 in which the latter noted that "while welcoming foreign assistance in the form of training, equipment and advice, the Royal Thai Government regarded defeating the insurgency as a Thai responsibility to be carried out by its own forces. The President made clear the intention of the United States to continue its assistance to Thailand to help the Royal Thai Government with the means of meeting illegal Communist activities."

All U.S. advisors in Thailand, both civilian and military, operate under instructions from the Ambassador which strictly enjoin them from becoming involved in any combat situation in connection with the insurgency. This reflects the wishes of the Thai Government as well.

If I can be of further assistance to you, please do not hesitate to let me know.

Sincerely yours,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

FEBRUARY 6, 1968.

Mr. WILLIAM MACOMBER, Jr.,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR BILL: Attached is a recent article from the New York *Times* which maintains that "the underlying hostility" of many Thais has "exploded into the open" in recent weeks.

In view of the extent of our involvement of Thailand, its central role in our whole strategy in Southeast Asia and especially Vietnam, I would appreciate receiving the State Department's comments on Mr. Gruson's article and the basic issues it raises. What I especially desire is the Department's assessment of the viability of our strategy in Thailand, which must rest upon the assumptions that the Thai people welcome our assistance wholeheartedly and that the Government of Thailand is willing and able to institute reforms which will effectively combat the communist insurrection now taking place there.

With warm regards,
Sincerely,
JACOB K. JAVITS.

THAIS VENT ANGER OVER U.S. BUILD-UP—AMERICAN OFFICIALS PUZZLED BY RECENT PUBLIC HOSTILITY

(By Sidney Gruson)

BANGKOK, THAILAND, February 3.—The underlying hostility felt by many Thais to the build-up of United States military and civilian personnel in Thailand has exploded into the open in recent weeks, causing official American concern and also bafflement over how to meet the problem.

Relations at the official level remain proper. In many individual cases they are close and good. But the American impact on the Thai society and economy is beginning to be felt at nearly all levels as Thailand's commitment in the Vietnam war increases.

There are about 43,000 American military men and about 7,000 civilians in Thailand on a more or less permanent basis, four-fifths of them involved in the air war against Vietnam. There are also about 5,000 American soldiers from Vietnam on rest and recreation each month.

IMPACT IS EVIDENT

The American impact is easy to see in Bangkok, with a population of more than two million, but it is even more evident in the small towns near the huge Air Force bases on which most of the 33,000 Air Force personnel live.

Thailand's need to line up firmly on the United States in Vietnam does not seem in question in the increasingly public debate over the American presence here. The Government recently committed itself to raising the number of Thai combat troops in Vietnam from 3,000 men to a full division, or 12,000 to 13,000.

A critical book about Thailand by Louis Lomax, a free-lance writer and a radio and television commentator in Los Angeles, sparked the current criticism of the American presence. As read by the Thais, the book, entitled "The War That Is, the War That Will be," insulted King Phumiphol Aduldet and indicated that Thailand was ripe to become another Vietnam.

IRKED BY NEWSWEEK ITEM

An item in the magazine Newsweek, which the Thais felt impugned the King's courage on a visit to the northeastern insurgency area, sharpened the hostility. But many Americans here feel that the violence of the reaction disclosed deep feelings that had only awaited an excuse to be aired.

The most violent hostility was expressed in the writings of a respected journalist, Kukrit Pramoj, who had never been considered anti-American but is distantly related to the royal family. Some Americans here try to dismiss Mr. Kukrit's outburst as a momentary fit of temper, but he has deliberately refrained from taking anything back in the exchanges with readers that his attack provoked.

Writing last December in his paper Siam Rath, Mr. Kukrit blamed the Americans for practically every evil in Thai social and economic life and referred to them as "mung," a word of contempt in Thai used instead of "they" or "you."

If the Americans were not careful, he said, the Thais might one day "smash down your embassy and burn down the United States Information Service." He concluded his lengthy article: "You American beasts, return to your holes."

ACCUSED OF EXPLOITATION

According to Mr. Kukrit, the Americans detest the Thais because the United States has only relatively recently freed itself from colonial status while Thais have always been independent. "It is a characteristic of slaves to prefer fellow slaves," he said.

He accused the United States of economic exploitation of Thailand, of seeking to destroy Thai independence and of destroying the nation's economy. He said American troops were not only creating vast numbers of prostitutes but were also teaching Thai boys "to indulge in sexual perversion."

"It is frankly admitted," he wrote, "that every one in six American men is a sexual pervert."

The Thai press is strictly controlled by the Government, an authoritarian military-led administration. No one in the Government sought to correct the impression that Mr. Kukrit's article might have spread.

READERS DISPUTE VIEW

Some readers did, however, pointing out that an economy that was moving ahead at an annual growth rate of 8 per cent was not being destroyed. They also criticized him for generalizing about Americans because of the possible bad behavior of a few soldiers.

When the few Thais who have regular social contact with Americans are asked what it is they dislike about the American presence here, they usually lead off, as Mr. Kukrit did, with criticism of soldiers holding girls' hands or kissing girls in public. Next there usually is comment on the proliferation of euphemistically called "massage" parlors, as though Americans and not Thais ran the parlors.

No one seems to know why the Thais do not forbid the parlors.

The outburst by Mr. Kukrit and others led the American Ambassador, Leonard Unger, to issue a statement that the people writing books and articles about Thailand were definitely not speaking for the United States Government or for the American people.

In a speech to the American Chamber of Commerce last month, the Ambassador warily took up the issue again.

SERIOUSLY TROUBLED

"In the crossfire of political battles over Vietnam," he said, "many Americans naturally want to examine our commitments elsewhere in the area."

"I do not quarrel with the usefulness of responsible free debate," he added. "I am seriously troubled, however, when I see certain facts about Thai-United States cooperation misread in ways that damage Thai-American interests, and encumber the Vietnam problem with negative and discouraging implications which do not actually exist."

"Having governed themselves for over 700 years," Ambassador Unger continued, "the Thais feel no need to adjust their way of doing things to meet foreign concepts of how things should be done. Moreover, having decided that defending Vietnam is in Thailand's own best interests, they do not want their actions interpreted—or misinterpreted—in lights cast by the clash of conflicting views over similar United States policies."

"Understandably, they resent the bland assumption that the pattern of events in a neighboring state inevitably will be repeated in their own," he said.

DEPARTMENT OF STATE,
Washington, D.C., February 23, 1968.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I have received your letter of February 6, 1968 in which you raise questions about the viability of American policy in Thailand.

There is no question that the presence of nearly 45,000 American servicemen in Thailand raises problems in U.S.-Thai relations. Basically, the presence of these forces is welcomed by both the Thai Government and its people as evidence of the United States determination to defend Thailand and Southeast Asia against Communist expansion. Also, the incidents record for American servicemen in Thailand is one of the lowest in the world. This reflects the firm discipline exercised by the commanders and the excellent behavior of our troops, in which I believe we can all take considerable pride.

However, the very size of our forces has inevitably resulted in friction because of differences in standard of living and cultural patterns between American servicemen and Thais in the areas where our forces are stationed. The problems arising from the presence of these forces are clearly recognized by all elements of the United States Mission in Thailand and extensive efforts are being made through joint Thai-U.S. committees in the base areas, indoctrination programs, and close supervision on the part of base commanders to reduce these inevitable frictions to an absolute minimum. Our Embassy's overall assessment of this problem is that so far there are no meaningful indications of anti-Americanism although we are experiencing a loss of pro-Americanism in Thailand.

While U.S. press coverage of Thailand by and large has been fair and favorable, there have been a number of critical articles in recent months to which the Thai have taken strong exception. Unfortunately, both in these articles and in Thai rebuttals, the basically separate issues of (1) U.S. troop presence and problems arising therefrom, and (2) U.S. press criticism of Thailand, have tended to become mixed together. Late last year our Ambassador in Bangkok issued a statement in which he sought to set the record straight on the latter point and put the critical press articles in proper perspective. The statement was widely publicized by the Thai press, and reports reaching the Department indicate that it had a salutary effect.

The increased Thai sensitivity to the press criticism is also a reflection of the increasingly political atmosphere in Bangkok resulting from growing anticipation of an early return to Constitutional rule. An attendant feeling of greater nationalism is to be expected in these circumstances, and results in strong reactions against foreign criticism. This is a problem in U.S. foreign relations that is not unique to Thailand. Both we and the Thai Government are seeking to explain our policies as clearly and openly as possible, but there are obvious (and proper) limits to governmental influence on a free press.

You have also raised the question of whether the Thai Government is willing to institute measures which will effectively combat the Communist insurgency now taking place there. We believe there is considerable evidence that the Thai are doing so. There are increasing signs that the new Constitution will be promulgated soon. In addition, Thailand has just held the first municipal and provincial elections in ten years. It is the view of our Embassy and other observers that these were conducted fairly and honestly. The Thai Government, with U.S. support, is engaged in a wide variety of programs designed to raise the standard of living and provide greater security for its rural population in areas threatened by Communist insurgency. These programs include not only economic measures, but also provide for considerable decentralization of power to the local authorities. Systematic programs are being carried out to train local leaders to ensure that the government's economic measures respond to the needs of the local population.

For all of these reasons, we believe that our policies toward Thailand do rest on a viable basis. However, both we and the Thai Government are keenly aware of the problems which you have high-lighted in your letter and these matters are receiving continuing high-level attention.

If I can be of assistance to you at any time, please do not hesitate to let me know.

Sincerely yours,

William B. Macomber, Jr.,
Assistant Secretary for Congressional Relations.

Mr. JAVITS. Mr. President, the correspondence deals with concern as to what kind of arrangements and agreements have been entered into, arrangements and agreements negotiated by the executive branch without the concurrence of the Senate. What is this contingency plan that we hear so much about with respect to Thailand? What are our troops actually engaged in there? What might they be engaged in? U.S. troops are in there, as we all know. So, acting in a forehanded way, as the Senator is, is he not rather than imagining an alarm, actually seeing a state of facts which might lead in that direction?

Mr. COOPER. Absolutely. We have had the example and experience of almost 20 years in our association and connection with the war in Vietnam. Now in looking back we can see the path, step by step, that we moved into that war. As I said, and as the Senator from New York said, we were sure that neither President Eisenhower nor President Kennedy nor President Johnson intended it to come to this stage of war, but it did. Some of the things that happened in Vietnam in the beginning are beginning to happen in Laos and Thailand.

Mr. JAVITS. Another thing I know the Senator would wish to make very clear is that this represents no derogation or denigration of the very strong, high-level, self-dependency which has been shown by the Thais and their passionate attachment to their own national integrity and independence. I am sure the Senator, like I, would want to do everything to shore that up, to support it and to help it, and not that we in any way entertain any doubts about our stout ally.

Mr. COOPER. I agree. I have been in Thailand. I have never been in Laos. I have talked with some of the leaders in Thailand. The Senator is correct. The amendment does not limit in any way the types and kinds of aid I understand we are furnishing both Laos and Thailand. The amendment does not derogate or denigrate the Thais or their country or the Laotians or their country in the struggle they have underaken. We are supporting them. The amendment would reserve to the Congress its control over the aid so that, if we were approaching a war in those countries, we could insist that we make our judgment, along with the President, as to whether it was essential to our national interest.

Mr. JAVITS. Will the Senator yield just once more?

Mr. COOPER. Yes.

Mr. JAVITS. Is it a fact also that what we are seeking is a better accommodation between the legislative and executive power in this area of vital national concern? This is an effort to protect the legislative power, but we would continue to welcome the more effective and precise articulation of the executive powers so that we may come to a much more perfect arrangement than what we feel has been the source of the difficulty in these last few years. Somehow or other, the inherent authority of Congress has slipped from its hands by the ad hoc authorities which it has surrogated to the President from time to time, which it thought was essential to the national security under the conditions prevailing.

Mr. COOPER. Absolutely. I am very glad to raise the level of this proposal to that scale, because, in a sense, we are saying that in the future we expect to assure a better relationship between the legislative and executive branches of the Government in this field which is so vital. The Senator has raised it to a high level.

Mr. JAVITS. I thank my colleague.

Mr. PROXMIRE. Mr. President, for the information of Members of the Senate, it is my hope that when we conclude with the debate over the Cooper amendment, which is the pending amendment, I will call up a revised "defense profits study amendment."

My amendment would call for a single study by the GAO of defense profits.

The amendment has the support of the Comptroller General, who has written me that such a study needs to be done, that he is willing to do it, and that he has the staff to do it.

The study would be made as soon as practicable, but a report on it to Congress is called for by December 31, 1970. If additional time is needed, it can be asked for.

My amendment provides that any additional studies of profits could be made by the GAO, under the authority of this amendment, at the direction of either the House or Senate Armed Services Committee.

My amendment gives the Comptroller General the authority to examine the records of defense contractors which he must have, but prohibits him from making public any information about a company's commercial profits or commercial business data which is confidential.

I may point out that this amendment has the unanimous support of the Subcommittee on Economy in Government of the Joint Economic Committee, including Republican and Democratic members alike.

This amendment differs from my previous amendment in that it provides for a single, rather than a continuing, study. It has the support of the Comptroller General. It was called for by a unanimous report, as I said, of the Subcommittee on Economy in Government of the Joint Economic Committee. Confidential commercial information cannot be made public.

We need a profits study. We do not now have one. I hope the Senate will support my amendment when I call it up, hopefully after we complete work on the present amendment.

Mr. President, I ask unanimous consent that my amendment be printed at this point in the Record. This is a revised amendment, not the one that was printed a week or so ago.

I ask unanimous consent that the letter which I received from Mr. Staats and to which I have referred, concerning the amendment, be printed in the Record.

There being no objection, the amendment and the letter were ordered to be printed in the Record, as follows:

AMENDMENT

At the end of title IV of the bill add a new section as follows:

"Sec. 402. (a) The Comptroller General of the United States (hereinafter in this section referred to as the 'Comptroller General') is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later

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than December 31, 1970. The Comptroller General is further authorized, upon request of the Committee on Armed Services of the Senate or the Committe on Armed Services of the House of Representatives, to conduct a study and review regarding the amount of profit which has been or may be realized under any contract referred to in the first sentence of this subsection. The Comptroller General shall submit to the committee which requested such study and review a written report of the results of such study and review as soon as practicable.

"(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

"(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

"(d) The Comptroller General, or any officer or employee designated by him for such purpose, may sign and issue subpenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

"(e) In case of disobedience to a subpena, the Comptroller General or his designee may invoke the aid of any district court of the United States in requiring the production of books, accounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor is found or resides or in which the contractor or subcontractor transacts business may, in case or contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor or subcontractor to produce books, accounts, and other records; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

"(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any non-defense business transaction of any contractor or subcontractor.

"(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any non-defense business transaction of such contractor or subcontractor."

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., September 15, 1969.
Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Reference is made to your amendment to the Military Procurement Authorization Bill which would direct the Comptroller General to make a present study and review of profits made by defense contractors and subcontractors and to make future studies of defense profits when directed to do so by either the Senate or House Committees on Armed Services.

As we have previously testified before your Subcommittee on Economy in Government, we think a study of profits of defense contractors and subcontractors is desirable. We are willing to undertake this task in the event Congress should adopt your amendment, and we believe we can make at least the initial study within our present staff capability.

Sincerely yours,
ELMER B. STAATS,
Comptroller General of the United States.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLLUTION AT CAPE COD

Mr. KENNEDY. Mr. President, it has just come to my attention—in the past 4 hours, as a matter of fact—that a barge named the *Florida* has run aground just off the entrance of the harbor at West Falmouth, Mass. The barge, carrying 147,000 gallons of oil, has sprung a number of leaks, and at the present time oil is spilling out at a rapid rate. There is a strong wind down there on Buzzards Bay this evening, and in spite of the fact that the Coast Guard is on the job, as well as the Federal and State Water Pollution Control Administrations, and they are all attempting to work together at trying to provide a barrier around the leak and stop it, or control it, it still appears that, as the tide runs out in Buzzards Bay, there will be thousands of gallons of oil spreading all over the shore areas. This will cause serious damage to the coastal area, not to mention the damage caused to the marine sanctuary areas and the wildlife that exist on that part of Cape Cod, Martha's Vineyard, the Elizabeth Islands, and southeastern Massachusetts.

Anyone who is familiar with the area knows that the Elizabeth Islands are a preserve for many of the birds which will be migrating about this time of the year; and this kind of disaster will bring great suffering and loss of much wildlife, as well as severely damaging a considerable amount of property and number of boats in the area.

I think all of us are aware of the problems of the sea and of the natural disasters associated with it. For example, we have heard only in the past few days statements by those who represent Mississippi, who talked about the hurricanes which have come through that part of our country and wrought tremendous disasters.

We could all agree that it is about time, Mr. President, when we have seen in this country the extraordinary kinds of disasters that the spillage of oil has wrought in such places as Santa Barbara, Calif., and 2 years ago when there was a considerable amount of spillage in the lower part of the Cape when some seagoing vessel spilled oil at Nauset Beach on Cape Cod.

In hearings before the Committee on Interior and Insular Affairs, we have learned that even since Santa Barbara, there have been a series of other incidents—for example, in the Gulf of Mexico and in Cook Inlet in Alaska, three incidents under U.S. jurisdiction, involving oil spillage. Still, Mr. President, whether it is oil gushing out of a well at the bottom of the sea, or whether the cause of the damage is, as in this case, some of these coastal carriers, we still do not have an intelligent, concise policy as to what will be done and what should be done in terms of providing some protection not only for those who live along the sea, but for the many people who live in our urban areas and enjoy the national parks which abut the sea.

I strongly feel, first of all, Mr. President, that at least the carriers of oil along the coast certainly ought to carry some kind of bonding, which all transporters of oil would be required to have. Furthermore, the burden of proof should be shifted. They would have to demonstrate that there was no negligence or fault in order that the cost of any cleanup in such cases—and that is about the best we can do—will not be borne by either the Federal Government, the State government, the local government, or the private citizen.

We are not talking in the same terms, when we speak of transportation of oil along the coastal areas, as when speaking of transportation of lumber or bricks. If ships carrying such commodities go aground, and the bricks sink to the bottom of the ocean, that certainly is a loss to those who have an investment in them, but that is not the kind of damage to others we have seen caused far too often by those who make a profit by traveling along the sea.

At the present time, such coastal shippers are civilly liable for damages. We realize that the burden of proof is not severe, but nevertheless, the penalties, even under civil liability, are extremely inadequate. We are talking about a few thousand dollars, when the damage can be in the millions of dollars.

Therefore, Mr. President, I hope that we can, and I intend to, introduce legislation which would reach this problem, to provide some kind of bonding mechanism to assure that those who live along the coastal areas will be afforded some assurance that when damage is done, and it is not the fault of natural disaster, but is due to fault or negligence, there will be some kind of procedure to insure it will be effectively cleaned up by those at fault.

Second, Mr. President, I intend to propose an amendment to the Water Pollution Control Act, directing the Federal Water Pollution Control Administration to set standards for emulsifiers and dispersants. At the present time, it is problematical whether the Water Pollution Control Administration will develop any firm standards. I think we should obviate that, and that information should be made available to State and local authorities so the various States will have a very clear idea as to the most effective measures that they could take in a given kind of situation, and the various State authorities would then be able to be equipped with various kinds of emulsifiers, to assure at least that the problem could be handled expeditiously.

So I intend to offer, in due course, such an amendment to the Water Pollution Control Act.

Mr. President, I certainly hope, in spite of the extraordinary efforts which I know are underway at this very moment by the Corps of Engineers, the Coast Guard, and various other Federal agencies, that we can establish at least some centralized emergency task force—within, perhaps, the Corps of Engineers, which has an extensive responsibility in this area, on perhaps within the Department of Interior.

This concept is sufficiently flexible so that under it a community or State would be able to make one call to one authority and receive the latest information, the best kind of assistance, and the most expeditious kind of action that could be taken to meet the peculiar fact situation that a community faces, instead of relying upon Members of Congress to do it.

I had the opportunity this afternoon to call the Secretary of Transportation, the Secretary of the Interior, and various other agency representatives who would be interested in this matter to try to alert them. They acted quickly, but it does seem to me that we could have a group of officials which could fly to the immediate scene of an oil spill, with the latest information and techniques at their fingertips. We have a similar technique for aircraft accidents, and we should have the same for oil spill disasters.

We have learned a great deal in the recent past, and we have a great deal of knowhow and technology in this area. That information should be made available to any of the communities involved.

I am hopeful that the administration—and I am sure they will—will give this matter the first priority. We are in desperate need there of this kind of help and assistance. And there is every indication that this will be a priority item.

I wanted to draw this matter to the attention of the Members of the Senate this evening, because I feel that once again we have suffered a considerable tragedy in our coastal areas. And no matter how much we know or how skilled we are—the oil is spreading, now, over beaches, boats, and wildlife. And much of the damage will be permanent.

ADJOURNMENT

Mr. KENNEDY. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 54 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 17, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate September 16, 1969:

Executive Director, Inter-American Development Bank

Henry J. Costanzo, of the District of Columbia, to be Executive Director of the Inter-American Development Bank for a term of 3 years and until his successor has been appointed.

U.S. Attorney

Bert C. Hurn, of Missouri, to be U.S. attorney for the western district of Missouri for the term of 4 years, vice Calvin K. Hamilton.

U.S. Marshal

John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri for the term of 4 years, vice Francis M. Wilson, term expired.

In the Air Force

Judge Advocate General

Brig. Gen. James S. Cheney, SSAN 261–09–3779FR to be the Judge Advocate General, U.S. Air Force, and appointment to the temporary and permanent grade of major general under the provisions of section 8072 and chapter 839, title 10 of the United States Code.

HOUSE OF REPRESENTATIVES—*Tuesday, September 16, 1969*

The House met at 12 o'clock noon.

Rev. James H. Weber, St. Joseph Church, Oil City, Pa., offered the following prayer:

Almighty God, bless our Nation and keep it faithful to the ideas of freedom, justice, and brotherhood for all which make it great. Lord, You claim that if You are lifted up, You will draw all men to Yourself. Our astronauts have demonstrated literally and successfully this principle. Be close to our President and our Congress. Give them vision and courage as they ponder decisions affecting peace and the future of the world. Give all of us the wisdom to listen and to understand and not to judge. Keep us compassionate toward our fellow citizens who are struggling for an identity. Help us Americans humbly to be aware not just of our human limitations and weaknesses but also of our extraordinary potential. Reawaken personal confidence in ourselves as individuals and in our beloved country. Make this great land and all its peoples know clearly Thy will so that we live vigorously, courageously, and uprightly. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 3 minutes p.m.) the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS TO RECEIVE THE APOLLO 11 ASTRONAUTS

The SPEAKER of the House presided.

At 12 o'clock and 19 minutes p.m., the Doorkeeper (William M. Miller) announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort our distinguished visitors into the Chamber the gentleman from Oklahoma, Mr. Albert; the gentleman from Louisiana, Mr. Boggs; the gentleman from Louisiana, Mr. Hébert; the gentleman from California, Mr. Miller; the gentleman from New Jersey, Mr. Rodino; the gentleman from Michigan, Mr. Gerald R. Ford; the gentleman from Illinois, Mr. Arends; the gentleman from Pennsylvania, Mr. Fulton; and the gentleman from Ohio, Mr. McCulloch.

The VICE PRESIDENT. On behalf of the Senate the Vice President appoints the following Senators to escort our distinguished astronauts into the Chamber: Senator Richard Russell, of Georgia; Senator Mike Mansfield, of Montana; Senator Clinton Anderson, of New Mexico; Senator Edward M. Kennedy, of Massachusetts; Senator Robert C. Byrd, of West Virginia; Senator Hugh Scott, of Pennsylvania; Senator Margaret Chase Smith, of Maine; Senator Milton R. Young, of North Dakota; and Senator Gordon Allott, of Colorado.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 34 minutes p.m., the Doorkeeper announced the Apollo 11 astronauts.

Mr. Neil A. Armstrong; Lt. Col. Michael Collins, U.S. Air Force; and Col. Edwin E. Aldrin, Jr., U.S. Air Force, accompanied by the committee of the escort, entered the Chamber and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My distinguished colleagues of the Congress, we are honoring today three men who represent the

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best in America and whose coordinated skill, fantastic daring, and visionary drive have made history that constitutes a turning point of paramount importance in the journey of mankind. I have the high honor and official and personal pleasure of presenting to you the crew of Apollo 11, who successfully made the historic journey to the moon, Neil A. Armstrong, Col. Edwin E. Aldrin, Jr., and Lt. Col. Michael Collins.

The Chair recognizes Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, Mr. President, Members of Congress, distinguished guests, we are greatly honored that you have invited us here today. Only now have we completed our journey to land on and explore the moon, and return. It was here in these Halls that our venture really began. Here the Space Act of 1958 was framed, the chartering document of the National Aeronautics and Space Administration. And here in the years that followed the key decisions that permitted the successive steps of Mercury and Gemini and Apollo were permitted.

Your policies and the marvels of modern communication have permitted people around the world to share the excitement of our exploration. And, although you have been informed of the results of the Apollo 11, we are particularly pleased to have this opportunity to complete our work by reporting to you and through you to the American people. My colleagues share the honor of presenting this report. First, it is my pleasure to present Col. Edwin Aldrin.

Colonel ALDRIN. Distinguished ladies and gentlemen, it is with a great sense of pride as an American and with humility as a human being that I say to you today what no men have been privileged to say before: "We walked on the moon." But the footprints at Tranquillity Base belong to more than the crew of Apollo 11. They were put there by hundreds of thousands of people across this country, people in Government, industry, and universities, the teams and crews that preceded us, all who strived throughout the years with Mercury, Gemini, and Apollo. Those footprints belong to the American people and you, their representatives, who accepted and supported the inevitable challenge of the moon. And, since we came in peace for all mankind those footprints belong also to all people of the world. As the moon shines impartially on all those looking up from our spinning earth so do we hope the benefits of space exploration will be spread equally with a harmonizing influence to all mankind.

Scientific exploration implies investigating the unknown. The result can never be wholly anticipated. Charles Lindbergh said, "Scientific accomplishment is a path, not an end; a path leading to and disappearing in mystery."

Our steps in space have been a symbol of this country's way of life as we open our doors and windows to the world to view our successes and failures and as we share with all nations our discovery. The Saturn, Columbia, and Eagle, and the extravehicular mobility unit have proved to Neil, Mike, and me that this Nation can produce equipment of the highest quality and dependability. This should give all of us hope and inspiration to overcome some of the more difficult problems here on earth. The Apollo lesson is that national goals can be met where there is a strong enough will to do so.

The first step on the moon was a step toward our sister planets and ultimately toward the stars. "A small step for a man," was a statement of fact, "a giant leap for mankind," is a hope for the future.

What this country does with the lessons of Apollo apply to domestic problems, and what we do in further space exploration programs will determine just how giant a leap we have taken.

Thank you.

Mr. ARMSTRONG. Now I should like to present Col. Michael Collins.

Colonel COLLINS. Mr. President, Members of Congress, and distinguished guests: One of the many things I have very much enjoyed about working for the Space Agency, and for the Air Force, is that they have always given me free rein, even to the extent of addressing this most august assemblage without coaching, without putting any words in my mouth. Therefore, my brief remarks are simply those of a free citizen living in a free country and expressing free thoughts that are purely my own.

Many years before there was a space program my father had a favorite quotation: "He who would bring back the wealth of the Indies must take the wealth of the Indies with him." This we have done. We have taken to the moon the wealth of this Nation, the vision of its political leaders, the intelligence of its scientists, the dedication of its engineers, the careful craftsmanship of its workers, and the enthusiastic support of its people. We have brought back rocks. And I think it is a fair trade. For just as the Rosetta stone revealed the language of ancient Egypt, so may these rocks unlock the mystery of the origin of the moon, of our earth, and even of our solar system.

During the flight of Apollo 11, in the constant sunlight between the earth and the moon, it was necessary for us to control the temperature of our spacecraft by a slow rotation not unlike that of a chicken on a barbecue spit. As we turned, the earth and the moon alternately appeared in our windows. We had our choice. We could look toward the Moon, toward Mars, toward our future in space—toward the new Indies—or we could look back toward the Earth, our home, with its problems spawned over more than a millennium of human occupancy.

We looked both ways. We saw both, and I think that is what our Nation must do.

We can ignore neither the wealth of the Indies nor the realities of the immediate needs of our cities, our citizens, or our civics. We cannot launch our planetary probes from a springboard of poverty, discrimination, or unrest. But neither can we wait until each and every terrestrial problem has been solved. Such logic 200 years ago would have prevented expansion westward past the Appalachian Mountains, for assuredly the eastern seaboard was beset by problems of great urgency then, as it is today.

Man has always gone where he has been able to go. It is that simple. He will continue pushing back his frontier, no matter how far it may carry him from his homeland.

Someday in the not-too-distant future, when I listen to an earthling step out onto the surface of Mars or some other planet, just as I listened to Neil step out onto the surface of the Moon, I hope I hear him say: "I come from the United States of America."

Mr. ARMSTRONG. We landed on the Sea of Tranquillity, in the cool of the early lunar morning, when the long shadows would aid our perception.

The sun was only 10° above the horizon. While the earth turned through nearly a full day during our stay, the sun at Tranquillity Base rose barely 11°—a small fraction of the month-long lunar day. There was a peculiar sensation of the duality of time—the swift rush of events that characterizes all our lives—and the ponderous parade which marks the aging of the universe.

Both kinds of time were evident—the first by the routine events of the flight, whose planning and execution were detailed to fractions of a second—the latter by rocks around us, unchanged throughout the history of man—whose 3-billion-year-old secrets made them the treasure we sought.

The plaque on the Eagle which summarized our hopes bears this message:

> Here men from the planet earth first set foot upon the moon July 1969 A.D.

We came in peace for all mankind. Those nineteen hundred and sixty-nine years had constituted the majority of the age of Pisces, a 12th of the great year. That is measured by the thousand generations the precession of the earth's axis requires to scribe a giant circle in the heavens.

In the next 20 centuries, the age of Aquarius of the great year, the age for which our young people have such high hopes, humanity may begin to understand its most baffling mystery—where are we going?

The earth is, in fact, traveling many thousands of miles per hour in the direction of the constellation Hercules—to some unknown destination in the cosmos. Man must understand his universe in order to understand his destiny.

Mystery however is a very necessary ingredient in our lives. Mystery creates wonder and wonder is the basis for man's desire to understand. Who knows what mysteries will be solved in our lifetime, and what new riddles will become the challenge of the new generations?

Science has not mastered prophesy. We predict too much for next year yet far too litite for the next 10. Responding to challenge is one of democracy's great strengths. Our successes in space lead us to hope that this strength can be used in the next decade in the solution of many of our planet's problems. Several weeks ago I enjoyed the warmth of reflection on the true meanings of the spirit of Apollo.

I stood in the highlands of this Nation, near the Continental Divide, introducing to my sons the wonders of nature, and pleasures of looking for deer and for elk.

In their enthusiasm for the view they

frequently stumbled on the rocky trails, but when they looked only to their footing, they did not see the elk. To those of you who have advocated looking high we owe our sincere gratitude, for you have granted us the opportunity to see some of the grandest views of the Creator.

To those of you who have been our honest critics, we also thank, for you have reminded us that we dare not forget to watch the trail. We carried on Apollo 11 two flags of this Union that had flown over the Capitol, one over the House of Representatives, one over the Senate. It is our privilege to return them now in these Halls which exemplify man's highest purpose—to serve one's fellow man.

We thank you, on behalf of all the men of Apollo, for giving us the privilege of joining you in serving—for all mankind.

[Applause, the Members rising.]

(Thereupon, the flags were presented to the Speaker and to the Vice President.)

The **SPEAKER**. I think we would be remiss on this occasion if we did not, in paying the highest honor that the Congress can pay to any person—to invite them and receive them in joint meeting—also honor what might be termed the unseen astronauts, the wives of our distinguished friends. I am going to ask the wives of the astronauts to rise: Mrs. Armstrong, Mrs. Collins, Mrs. Aldrin.

[Applause, the Members rising.]

The **VICE PRESIDENT**. On behalf of the Members of the Senate, we are very grateful for the presentation of this flag. We watched with great interest the Apollo program proceed and are conscious of the thrust of the need, in the words of the gentleman who spoke here this morning, the primary need being balance and the need to meet the problems of our society wherever they arise.

I can assure you that this memento will not fall into that category but will be kept and appreciated with the dignity that it deserves.

Thank you very much.

The **SPEAKER**. On behalf of the House of Representatives I want to express our sincere thanks to the members of the Apollo 11 for the thought and for the action in carrying this flag, presented to the House, to the moon and flying it on the moon. These two flags are probably two of the most precious flags, not only of our own country, but of any other country. We extend to you the deep thanks of the Members of the House of Representatives and assure you that every care and caution will be taken, because this will be forever one of the most treasured possessions of this great Chamber.

[Applause, the Members rising.]

At 12 o'clock and 59 minutes p.m., Mr. Neil A. Armstrong, Lt. Col. Michael Collins, U.S. Air Force, Col. Edwin E. Aldrin, Jr., U.S. Air Force, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The **SPEAKER**. The Chair declares the joint meeting of both branches of Congress hereby dissolved.

Accordingly (at 1 o'clock and 2 minutes p.m.) the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The **SPEAKER**. The House will continue in recess until 2:30 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 30 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

> H.J. Res. 775. Joint resolution to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the Record.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. **COLMER**. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE 29TH ANNIVERSARY OF ELECTION OF THE HONORABLE SAM RAYBURN AS SPEAKER

Mr. **ALBERT**. Mr. Speaker, 29 years ago today, on September 16, 1940, the late Honorable Sam Rayburn was elected Speaker of the House of Representatives for the first time. This is an important anniversary although one which might have been overlooked in the rush of business. It is good occasionally to look back and at such times to thank providence for our good fortune in having had the leadership of great and able men during critical periods of our history. Speaker Rayburn's lifetime spanned an era of great transformations, great decisions, great achievements and great ordeals. He served in 25 Congresses, more than a quarter of the total number of Congresses in our Nation's history. He served with eight Presidents, from Woodrow Wilson through John F. Kennedy. As Congressman, leader, and Speaker, his service in this House stands as one of the pinnacles of history. He served as Speaker longer than any other man; no man ever served better.

Mr. Rayburn once said:

> It is a dangerous world we live in, more dangerous to the civilization we know and love than people ever sought to exist in.

He understood the dangers and he set a legislative course to guide America safely through the many crises and challenges which occurred in his time. He believed and stated that we would come through "in a fashion that would make us all proud."

The judgment of history will confirm and document what we now know—that the principles of liberal democracy which San Rayburn held dear beyond price, were expanded and preserved by his great legislative genius. The programs secured by his leadership benefited the United States and the entire free world.

"Mr. Sam" truly made the world a better and less dangerous place in which to live.

EXTENDING FOR 3 MONTHS AUTHORITY TO LIMIT RATES OF INTEREST OR DIVIDENDS PAYABLE ON TIME AND SAVINGS DEPOSITS AND ACCOUNTS

Mr. **PATMAN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate joint resolution (S.J. Res. 149) to extend for 3 months the authority to limit rates of interest or dividends payable on time and savings deposits and accounts, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, to what does this apply? Is this a broad-scale proposition?

Mr. **PATMAN**. No, it is not. It is to give us a little time. It was unanimously passed by our committee this morning, upon motion made by the gentleman from New Jersey (Mr. Widnall).

This joint resolution would extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts.

This law—Public Law 89-597, of the 89th Congress—expires September 21 of this year, in just a few days. Unless this resolution is agreed to, the authority granted by this act to the various financial regulatory agencies will terminate.

Your Committee on Banking and Currency will be considering this legislation in the immediate future, as will our counterpart committee in the Senate.

I trust the resolution will be agreed to.

Mr. **GROSS**. May I ask the gentleman if this was unanimously agreed to?

Mr. **PATMAN**. Yes. It was unanimously

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agreed to by 35 Members of the Banking and Currency Committee.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 149

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966, as amended (Public Law 89-597), is amended by striking out "September" and inserting in lieu thereof "December".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE 140TH BIRTHDAY OF THE SYRACUSE POST STANDARD

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANLEY. Mr. Speaker, this is a historic day in my congressional district, for we are celebrating the 140th birthday of one of our oldest and finest institutions, the Syracuse Post Standard. Long a family tradition in our area, the Post Standard is one of the most respected opinion makers in upstate New York.

Over the years, Mr. Speaker, the Post Standard and I have, on occasion, had differences of opinion. But the essence of good journalism, as indeed the essence of the democratic process itself, is the fair, objective discussion of vital issues.

It has been my distinct pleasure and privilege to meet and know personally almost every member of the Post Standard staff. I am particularly proud of my friendship with J. Leonard Gorman, the paper's distinguished and highly esteemed editor.

Len Gorman is a mild, soft-spoken gentleman whose manner belies the tough sense of fairplay, indignation, inquisitiveness, and direction which boils up inside him and every other good newspaperman. He has steered the Post Standard with the skill and precision of a riverboat captain.

Mr. Speaker, I know all my colleagues here in the House join with me in extending a warm congratulations to the Post Standard and in wishing them at least another 140 years of success.

HURRICANE CAMILLE

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, we are all aware of the death and destruction caused last month by Hurricane Camille as it roared through the gulf coast of Mississippi and Louisiana and other sections in the South. Of those who survived, many were left homeless and all faced overwhelming hardship. However, in times of tragedy the American people always respond. I rise today to relate to this body one such example of help from Berkshire County in my First District of Massachusetts.

In a superb example of public service, radio station WBEC in Pittsfield earlier this month donated 1 full day of broadcasting for a telethon appeal to Berkshire County residents. From 6:30 a.m. to 6:15 p.m., the station dropped all its normal programing, including commercials, and devoted its resources and its staff toward aiding the Berkshire County chapter of the Red Cross raise funds for those hit by the storm.

The station's operations manager, Huck Hodgkins, and general manager, Ronald Stratton, emceed the program. When it was over, the telethon had raised $10,803.

Mr. Speaker, more is involved here than simply the raising of money. The important factor is the spirit of cooperation and generosity evident in this effort. I extend my most sincere congratulations to Richard S. Jackson, president and owner of WBEC, Inc.; William Furey, chairman of the county's Red Cross chapter, and to all who took part in this noble exercise in charity.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REFERENCE OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called the resolution (H. Res. 86), referring the bill (H.R. 1691) to the Chief Commissioner of the Court of Claims.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

YAU MING CHINN (GON MING LOO)

The Clerk called the bill (S. 1438) for the relief of Yau Ming Chinn (Gon Ming Loo).

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CAPT. MELVIN A. KAYE

The Clerk called the bill (H.R. 1453) for the relief of Capt. Melvin A Kaye.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ROBERT G. SMITH

The Clerk called the bill (H.R. 3723) for the relief of Robert G. Smith.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. RUTH BRUNNER

The Clerk called the bill (H.R. 9488) for the relief of Mrs. Ruth Brunner.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TO INCORPORATE THE PARALYZED VETERANS OF AMERICA

The Clerk called the bill (H.R. 1783) to incorporate the Paralyzed Veterans of America.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DR. JAGIR SINGH RANDHAWA

The Clerk called the bill (S. 85) for the relief of Dr. Jagir Singh Randhawa.

There being no objection, the Clerk read the bill, as follows:

S. 85

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jagir S. Randhawa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 4, 1957.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHENG-HUAI LI

The Clerk called the bill (S. 348) for the relief of Cheng-huai Li.

There being no objection, the Clerk read the bill, as follows:

S. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Cheng-huai Li shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 7, 1962.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. IRENE G. QUEJA

The Clerk called the bill (S. 564) for the relief of Mrs. Irene G. Queja.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the concurrent resolution (S. Con. Res. 33) favoring the suspension of deportation of certain aliens.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ALFREDO CAPRARA

The Clerk called the bill (H.R. 1695) for the relief of Alfredo Caprara.

There being no objection, the Clerk read the bill, as follows:

H.R. 1695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Alfredo Caprara may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DELILAH AURORA GAMATERO

The Clerk called the bill (H.R. 2817) for the relief of Delilah Aurora Gamatero.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. SABINA RIGGI FARINA

The Clerk called the bill (H.R. 3629) for the relief of Mrs. Sabina Riggi Farina.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PLACIDO VITERBO

The Clerk called the bill (H.R. 3955) for the relief of Placido Viterbo.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WILLIAM PATRICK MAGEE

The Clerk called the bill (H.R. 9001) for the relief of William Patrick Magee.

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CERTAIN CIVILIAN EMPLOYEES AND FORMER CIVILIAN EMPLOYEES OF THE BUREAU OF RECLAMATION

The Clerk called the bill (S. 83) for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each of the following employees, former employees, and estates of deceased employees of the Bureau of Reclamation who received the overpayment of compensation listed opposite his name for the period from March 30, 1952, through August 13, 1966, inclusive, or any portion or portions of such period, which overpayment resulted from administrative error, is hereby relieved of all liability to refund to the United States the amount of such overpayment:

Name	Overpayment
Adriance, Mary S	$40.00
Albee, Stanley	10.96
Anderson, E. L	15.99
Chavex, Nicolas	15.08
Emmett, Wyllis L	9.62
Fife, Rowland W	1,324.62
Gallegos, Joseph M	50.60
Gallman, W. Brooks	10.96
Guerra, Ciro	14.34
Guiterrez, Ely E	19.65
Johnson, C. P	401.60
Marmon, Walter	14.42
Moss, R. A	12.80
Peavy, Patrick	1.44
Sanchez, Ernest G	1,534.77
Torres, Sinesio	429.60

Each such employee or former employee who has at any time made any repayment to the United States on account of any such overpayments made to him (or, in the event of his death, the person who would be entitled thereto under the first section of the Act of August 3, 1950 (5 U.S.C. 5583)), shall be entitled to have an amount equal to all such repayments made by him refunded if application is made within two years after the date of enactment of this Act.

(b) For purposes of the Civil Service Retirement Act and the Federal Employees' Group Life Insurance Act of 1954, each overpayment for which liability is relieved by subsection (a) of this section shall be deemed to have been a valid payment.

Sec. 2. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for any amounts for which liability is relieved by the first section of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. RICHARD L. SCHUMAKER, U.S. ARMY

The Clerk called the bill (S. 728) for the relief of Capt. Richard L. Schumaker, U.S. Army.

There being no objection, the Clerk read the bill, as follows:

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Richard L. Schumaker, United States Army, is hereby relieved of all liability for repayment to the United States of the sum of $2,268.48, representing the amount of overpayments of basic pay and allowances received by the said Captain Richard L. Schumaker for the period from May 21, 1966, through July 31, 1967, as the result of administrative error in determining his years of service for pay purposes. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Captain Richard L. Schumaker the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

(b) No part of any amount appropriated in this section shall be paid or delivered to or

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received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YVONNE DAVIS

The Clerk called the bill (S. 757) for the relief of Yvonne Davis.

There being no objection, the Clerk read the bill, as follows:

S. 757

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Yvonne Davis of Old Town, Maine, the sum of $586.05. Such sum represents the amount of hospital and medical expenses incurred by the said Yvonne Davis in connection with an ear operation performed on her in a civilian hospital in Bangor, Maine, after having been erroneously advised by medical personnel at Dow Air Force Base, Maine, that she was, as a dependent parent of a member of the Armed Forces, entitled to hospital and medical care in civilian facilities at the expense of the United States.

With the following committee amendment:

On page 2, line 4, insert:

"No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM D. PENDER

The Clerk called the bill (S. 901) for the relief of William D. Pender.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2302) for the relief of Mrs. Rose Thomas.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MILOYE M. SOKITCH

The Clerk called the bill (H.R. 3571) for the relief of Miloye M. Sokitch.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CAPT. JOHN T. LAWLOR (RETIRED)

The Clerk called the bill (H.R. 8694) for the relief of Capt. John T. Lawlor (retired).

There being no objection, the Clerk read the bill, as follows:

H.R. 8694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain John T. Lawlor (United States Army, retired) of Lake Charles, Louisiana, is relieved of liability to the United States in the amount of $4,705.84, representing overpayments of retired pay received by him for the period beginning May 26, 1958, and ending August 31, 1967, as the result of an administrative error and through no fault of his own. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John T. Lawlor an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 9, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAUL ANTHONY KELLY

The Clerk called the bill (H.R. 8904) for the relief of Paul Anthony Kelly.

There being no objection, the Clerk read the bill, as follows:

H.R. 8904

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the time limitations of section 2733(b)(1) of title 10 of the United States Code, or of any other statute of limitations, the claim of Paul Anthony Kelly, a minor, of Troy, North Carolina, for physical injuries he suffered on or about February 1, 1964, as the result of the explosion of a device left after an Army maneuver in the Uwharrie National Forest which was filed on or about July 7, 1966, shall be held and considered to have been timely filed and the claim of said Paul Anthony Kelly shall be considered and, if found meritorious, settled and paid in accordance with otherwise applicable provisions of law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HANNIBAL B. TAYLOR

The Clerk called the bill (H.R. 9910) for the relief of Hannibal B. Taylor.

There being no objection, the Clerk read the bill, as follows:

H.R. 9910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hannibal B. Taylor of New Haven, Missouri, the sum of $964.93 in full settlement of all his claims against the United States arising out of the failure of the United States Air Force to compute his retirement pay for the period October 1, 1949 to September 23, 1958 at the rate to which he was entitled as a second lieutenant who served in the United States Army during World War I.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 9, strike "September 23, 1958" and insert "September 22, 1958".

Page 2, line 2, strike "in excess of 10 per centum thereof."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONFERRING JURISDICTION UPON THE U.S. COURT OF CLAIMS IN RE CLAIM OF PHILIP J. FICHMAN

The Clerk called the bill (H.R. 10658) conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Philip J. Fichman.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LT. COL. SAMUEL J. COLE, U.S. ARMY (RETIRED)

The Clerk called the bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army (retired).

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LUDGER J. COSSETTE

The Clerk called the bill (S. 499) for the relief of Ludger J. Cossette.

There being no objection, the Clerk read the bill, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ludger J. Cossette, of Gonic, New Hampshire; a retired employee of the Post Office Department, the sum of $84.96, in full satisfaction of all claims of the said Ludger J. Cossette for additional ocmpensation for emergency services performed by him for such Department at its request, payment heretofore received by him for such services having been limited, by reason of his retired status, to the difference between the amount earned and the amount payable to him for the same period as retirement annuity: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 4, strike "in excess of 10 per centum thereof".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD VIGIL

The Clerk called the bill (S. 620) for the relief of Richard Vigil.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RAYMOND C. MELVIN

The Clerk called the bill (S. 632) for the relief of Raymond C. Melvin.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CAPT. WILLIAM O. HANLE

The Clerk called the bill (S. 882) for the relief of Capt. William O. Hanle.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without preudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REFERENCE OF CLAIMS OF BRANKA MARDESSICH AND SONIA S. SILVANI

The Clerk called House Resolution 498, to refer the bill (H.R. 4498) entitled "A bill for the relief of Branka Mardessich and Sonia S. Silvani" to the chief commissioner of the Court of Claims pursuant to sections 1491 and 2509 of title 28, United States Code.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REFERENCE CLAIM OF EMMA ZIMMERLI

The Clerk called the bill (H.R. 2260) to confer jurisdiction on the U.S. District Court for the Western District of Wisconsin to hear, determine, and render judgment on the claim of Emma Zimmerli against the United States.

There being no objection, the Clerk read the bill, as follows:

H.R. 2260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby conferred on the United States District Court for the Western District of Wisconsin to hear, determine, and render judgment on the claim of Emma Zimmerli of Monroe, Wisconsin, against the United States arising out of injuries she sustained on April 24, 1964, allegedly as a result of her falling over a parcel placed by a postal employee inside her premises on steps leading to her kitchen.

SEC. 2. Suit upon the claims referred to in the first section of this Act may be instituted at any time within the one-year period which begins on the date of enactment of this Act, and all defenses of the United States based on laches, lapse of time, or any statute of limitations are hereby waived. Proceedings (including settlement by compromise or otherwise) for the determination of such claims, appeals therefrom, and payment of any judgment thereon, shall be in the same manner as in actions brought under chapter 171 of title 28 of the United States Code, over which the court has jurisdiction pursuant to section 1346(b) of such title. Nothing in this Act shall be construed as an admission of liability on the part of the United States.

With the following committee amendment:

Page 1, line 7: After "on" insert "or about."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELBERT C. MOORE

The Clerk called the bill (H.R. 2407) for the relief of Elbert C. Moore.

There being no objection, the Clerk read the bill, as follows:

H.R. 2407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elbert C. Moore, of Clearwater, Florida, the sum of $24,910 in full settlement of all his claims against the United States for his expenses arising from the salvaging on April 24, 1963, in the Gulf of Mexico of an Air Force Ryan Firebee drone: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike "$24,910" and insert "$1,500.".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK J. ENRIGHT

The Clerk called the bill (H.R. 2458) for the relief of Frank J. Enright.

There being no objection, the Clerk read the bill, as follows:

H.R. 2458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank J. Enright of Stockton, California, the sum of $100 in full settlement of his claim against the United States for not paying, by reason of lapse of time, a $100 United States postal money order held by him, numbered 65041, dated February 15, 1944. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMDR. JOHN N. GREEN, U.S. NAVY

The Clerk called the bill (H.R. 2477) for the relief of Comdr. John N. Green, U.S. Navy.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

XUM

MRS. BARBARA K. DIAMOND

The Clerk called the bill (H.R. 2963) for the relief of Mrs. Barbara K. Diamond.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LAWRENCE BRINK AND VIOLET NITSCHKE

The Clerk called the bill (H.R. 4634), for the relief of Lawrence Brink and Violet Nitschke.

There being no objection, the Clerk read the bill, as follows:

H.R. 4634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) except as otherwise provided in subsection (b) of this Act, the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Violet Nitschke the sum of $6,700 in full settlement of all her claims against the United States and against Lawrence Brink arising out of an accident which occurred in the vicinity of Pierre, South Dakota, in 1959 when the said Lawrence Brink was operating a Government motor vehicle in the course of his duties as an employee of the Corps of Engineers, Department of the Army, and in full satisfaction of the judgment and costs entered against the said Lawrence Brink in the courts of South Dakota.

(b) Such sum of $6,700 shall be reduced by the amount of any payments made by the said Lawrence Brink to the said Violet Nitschke on account of the judgment and costs entered against the said Lawrence Brink in the courts of South Dakota.

(c) No part of the amount appropriated in this section in excess of 25 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Lawrence Brink the sum of any amounts paid by the said Lawrence Brink to the said Violet Nitschke on account of the judgment and costs referred to in the first section of this Act. Such payment shall be in full satisfaction of all claims of the said Lawrence Brink against the United States for reimbursement of amounts paid by him to the said Violet Nitschke on account of the judgment and costs referred to in the first section of this Act.

(b) No part of the amount appropriated in this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 5000) for the relief of Pedro Irizarry Guido.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

BERT N. ADAMS AND EMMA ADAMS

The Clerk called the bill (H.R. 7567) for the relief of Bert N. Adams and Emma Adams.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. IRIS O. HICKS

The Clerk called the bill (H.R. 10356) for the relief of Mrs. Iris O. Hicks.

There being no objection, the Clerk read the bill, as follows:

H.R. 10356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the survivor annuity of Mrs. Iris O. Hicks (formerly Mrs. Iris O. Brosky), Jacksonville, Florida, which was paid to her commencing January 1, 1956, from the Civil Service retirement and disability fund as the widow of Robert H. Brosky and which was terminated by reason of her remarriage on November 5, 1968, is hereby restored to her, effective as of the effective date of the termination of such annuity. Such remarriage was entered into by her in good faith on the basis of erroneous information given to her by Government authority prior to her remarriage that such annuity would not be terminated by reason of the remarriage.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

VICTOR L. ASHLEY

The Clerk called the bill (H.R. 11060) for the relief of Victor L. Ashley.

There being no objection, the Clerk read the bill as follows:

H.R. 11060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Victor L. Ashley, of Green Cove Springs, Florida, is relieved of liability to the United States in the amount of $2,717.76, representing an overpayment of compensation from January 27, 1957, through October 1, 1961, received by him while employed with the Florida group, Atlantic Reserve Fleet, Green Cove Springs, Florida. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Victor L. Ashley an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike "October 1, 1964" and insert "June 30, 1960".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WYLO PLEASANT, DOING BUSINESS AS PLEASANT WESTERN LUMBER CO. (NOW KNOWN AS PLEASANT'S LOGGING & MILLING, INC.)

The Clerk called the bill (H.R. 11503) for the relief of Wylo Pleasant, doing business as Pleasant Western Lumber Company (now known as Pleasant's Logging and Milling, Incorporated).

There being no objection, the Clerk read the bill, as follows:

H.R. 11503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wylo Pleasant, doing business as Pleasant Western Lumber Company (now known as Pleasant's Logging and Milling, Incorporated), the sum of $12.000 in full satisfaction of his claim against the United States for losses sustained in performing sales contract numbered 12–11–092–29, dated November 17, 1959, with the Forest Service, by reason of performing work elsewhere at the urging of Government personnel.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11500) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee (Mr. DUNCAN)?

There was no objection.

ROSE MINUTILLO

The Clerk called the bill (H.R. 12089) for the relief of Rose Minutillo.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee (Mr. DUNCAN)?

There was no objection.

T. SGT. PETER ELIAS GIANUTSOS, U.S. AIR FORCE (RETIRED)

The Clerk called the bill (H.R. 11890) for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired).

There being no objection, the Clerk read the bill, as follows:

H.R. 11890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Technical Sergeant Peter Elias Gianutsos, United States Air Force (retired) (AF16065530), of Cincinnati, Ohio, is relieved of liability to the United States in the amount of $291.91, representing overpayments through administrative error of active duty pay and leave allowances as a member of the United States Air Force in the years 1951 through 1964. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the said Technical Sergeant Peter Elias Gianutsos (retired) an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 6, strike "$291.91" and insert "$390.65".

Page 2, line 11, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. LOUIS A. DEERING, U.S. ARMY

The Clerk called the bill (H.R. 11968) for the relief of Maj. Louis A. Deering, U.S. Army.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee (Mr. DUNCAN)?

There was no objection.

IRVING M. SOBIN CO., INC., AND/OR IRVING M. SOBIN CHEMICAL CO., INC.

The Clerk called the bill (H.R. 1782) for the relief of Irving M. Sobin Co., Inc., and/or Irving M. Sobin Chemical Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee (Mr. DUNCAN)?

There was no objection.

OPPOSING THE GRANTING OF PERMANENT RESIDENCE IN THE UNITED STATES TO CERTAIN ALIENS

The Clerk called House Resolution 422, opposing the granting of permanent residence in the United States to certain aliens.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee (Mr. DUNCAN)?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

BERNARD L. COULTER

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4658) for the relief of Bernard L. Coulter, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 2, line 4, strike out "Cooke" and insert "Cook".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SUPPORT OF STUDENT LOANS

(Mr. BURLISON of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURLISON of Missouri. Mr. Speaker, yesterday the House passed under suspension of the rules the bill H.R. 13194, to amend the Higher Education Act of 1965 to authorize Federal incentive payments to lenders with respect to insured student loans. As was clearly exposed in yesterday's discussion, the suspension of the rules procedure was followed for the purpose of preventing amendment to the bill. The prospective amendment which most troubled the legislative committee chairman was one to prevent Government subsidy of student rioters. There was much opposition to the procedure expressed in yesterday's debate. It is ironic to note many of those then proceeded to vote for the suspension. Apparently, this paradox is explained by the fear of those Members that a "no" vote would be distorted and cited to show their opposition to education.

It was brought out clearly in the debate by the Rules Committee chairman that a rule could be readily obtained and the bill reported back to the floor within the matter of just a few days. This very brief delay could not conceivably impair the program.

Mr. Speaker, I find reprehensible both the procedure here used and the lack of courage of the Members in disapproving the procedure but then proceeding to vote for it.

Had the bill been reported under an open rule, the bill also could have been amended to lower the interest rate authorized for the student loans. The prime interest rate in the past few months has spiraled upward by 36 percent to 8½ percent. The bill passed would authorize an interest rate of 10 percent, another bonanza for the banks.

Mr. Speaker, I want this RECORD to show my support of Government subsidy of interest on student loans as contained in H.R. 13194. At the same time it should be made clear that I vigorously oppose student rioters receiving Government subsidy. I also oppose needlessly and unnecessarily inviting further increases in our present unconscionable interest rates.

SOVIET UNION PURCHASES WHEAT FROM CANADA

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remark.)

Mr. EDWARDS of Alabama. Mr. Speaker, it has now came to light that the Soviet Union has defaulted on its contract with Canada for the purchase of some $700 million worth of wheat. The Canadians stand to lose as much as $200 to $300 million as a result.

A number of years ago, when the question of U.S. wheat sales to Russia was being considered, I argued that such an arrangement would be a hazardous undertaking since in the past the Soviets only kept their word when it suited their purposes. It seems that this prediction has come true. The Russians have not changed a bit. Fortunately more enlightened minds prevailed then, and this country has been spared another embarrassment at the hands of the Soviet Union. But today we are hearing another proposal from the "bridgebuilders to the East." They are saying, "If only we would deescalate our defense procurement, the Soviets would surely do likewise. All we have to do is show that we trust them." Well, the Canadians trusted the Soviets' written word and all they have to show for it is 135 million undelivered bushels of wheat and a worthless contract. How safe could we consider ourselves to be if we followed the advice of these bridgebuilders and trusted the mere anticipation of Soviet words and deeds?

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

XUM

[Roll No. 171]

Abbitt
Anderson, Tenn.
Ashley
Aspinall
Baring
Blanton
Bolling
Bow
Brademas
Brown, Calif.
Byrnes, Wis.
Cahill
Carey
Clark
Clay
Culver
de la Garza
Dickinson
Dorn
Fascell
Fulton, Tenn.
Gettys
Griffiths
Hollfield
Hosmer
Kirwan
Landgrebe
Lipscomb
Lukens
Moorhead
Murphy, N.Y.
Nix
Obey
O'Konski
Ottinger
Pollock
Powell
Price, Tex.
Purcell
Rivers
Rostenkowski
Roybal
Scheuer
Sisk
Staggers
Steiger, Wis.
Teague, Calif.
Teague, Tex.
Tiernan
Udall
Weicker
Whalley
White

The SPEAKER. On this rollcall, 377 Members have answered to their names, a quorum.

(By unanimous consent, further proceedings under the call were dispensed with.)

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681) with Mr. MILLS in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose on yesterday, there was pending an amendment in the nature of a substitute offered by the gentleman from Texas (Mr. DOWDY).

For what purpose does the gentleman from Michigan (Mr. GERALD R. FORD) rise?

Mr. GERALD R. FORD. Mr. Chairman, I move to strike out the last word.

(Mr. GERALD R. FORD asked and was given permission to proceed for 5 additional minutes.)

Mr. Chairman, there is a very high degree of unanimity, although it is not completely unanimous—that we should do away with what I label as the archaic, outdated, outmoded method that we have been using for the last 180 years or thereabouts for electing the President of the United States.

Although there is this high degree of unanimity, there are differences of opinion—honest differences, between Members on both sides of the aisle as to which of three, basically three, methods we should turn to in selecting our President in the future.

I happen to believe, based on polls, and based on sentiment, that I have analyzed, that if the House in the final analysis has to vote "yes" or "no" on the direct or popular vote method of selecting the President, there will be more than two-thirds of the Members voting for this change in the Constitution.

I have some doubt that if we end up, in the final analysis, with the district plan or the proportionate method of selecting the President, there will be an adequate number, two-thirds of those present and voting, for this change in the Constitution. This possibility causes me some concern.

I should say at this time that I strongly favor the direct method of choosing the President of the United States. I support the committee bill.

But I should add this postscript: If we come down to the final vote and we have either the district or the proportionate plan as the alternative in place of what we now have in the Constitution, I likewise will vote for either one of those propositions.

Mr. Chairman, my interest in the method of selecting a President goes back to 1950 when we had a vote on this issue. But more recently, in 1967, I became very concerned about the possible constitutional crisis this country might face in 1968 with the emergence of a third party of some strength. The concern I had was that under the present method of selecting the President of this country, the world at large might well have been faced with the prospect of ourselves not knowing who the next President of the United States would be from November to January 20. This uncertainty, in my judgment, would have been harmful to the United States and detrimental to the world at large.

I made a speech before the Republican Governors in Florida on December 9, 1967, and pointed out at that time the possibility of the constitutional crisis in the 1968 presidential election. As we all know, that crisis almost arose. Fortunately, it did not. But in the process of studying the problem I went to the Library of Congress, read a good bit of the history of previous presidential elections, and I got the Library of Congress to take some of the important excerpts from historical works telling what had happened in this Chamber in 1800 and 1824, when the House of Representatives was called upon to make the choice for President.

As has been stated before in this debate, in 1800 there was a tie between Thomas Jefferson and Aaron Burr, and, I say parenthetically, both running on the then Republican ticket. The vote was 73 to 73. So the House of Representatives met in February of 1801, and between February 11 and February 17 35 ballots were taken by Members of the House of Representatives without reaching a decision. Finally, after much conniving, and I say with deference probably skulduggery, on the 36th ballot the decision was made. The person who really tipped the scales, according to history, was Alexander Hamilton. In reading the history I ran into a comment made by Alexander Hamilton which might be somewhat enlightening. He in effect was the leader of the Federalist Party. According to this historian, this is what Hamilton decided and tipped the scale for Thomas Jefferson:

> But Hamilton, in the unhappy role of choosing between two men he thoroughly disliked, differed with his party colleagues. There was for him but one choice. Burr was the "Catiline of America," a man devoid of scruples and possessed an inordinate ambition and the "boldness and daring necessary to give success to the Jacobin system." Jefferson at least had "pretentions to character" though he was unscrupulous, not very mindful of the truth, and was a contemptible hypocrite.

That is what Alexander Hamilton said. Yet he voted for Thomas Jefferson, and how fortunate this decision was. But leaving that aside, the fact is the present system we are using today and have used from the day of the first presidential election is unsound. It takes away from the people the right to make the choice and turns the role over to the politicians if there is no majority in the electoral college.

In 1824 we had another crisis. This time Andrew Jackson had 152,899 popular votes, John Quincy Adams had 105,321, William Crawford had 47,265, and Henry Clay had 47,087. Jackson was the person with the plurality. He did not have enough electoral votes. On this occasion again the decision came to the House of Representatives. On this occasion the politicians did not take 36 ballots to make the choice. They got together at the outset. I do not understand and history does not record precisely how they made the decision, but on the first vote John Quincy Adams, who finished second in the electoral votes and second in the popular votes, became President.

It is interesting if we go back to history again. Apparently the New York delegation was the key and apparently, according to history, Van Buren was the man who was most in favor of the deal that put Adams over the top. But let me read from one of the history books on the situation:

> Van Buren's weak point in New York proved to be General Stephen Van Renssellaer . . . As the vote was about to be taken (in the House of Representatives) Van Renssellaer bowed his head in prayer, seeking divine guidance. It came at once. On the floor in front of him was a ticket someone had dropped with the name of John Quincy Adams written on it. His startled eyes rested on the bit of paper. A few minutes later it was in the ballot box: New York had cast eighteen of its thirty-seven votes for Adams, and the New Englander was elected President by thirteen of the twenty-four states.

Any system that relies on this kind of decisionmaking in this kind of constitutional crisis is wrong. It ought to be changed.

Now, starting from there, I think we ought to take a look at the alternatives. As I said initially, on the basis of the merit, on the basis of the substance, I am for the direct election. Furthermore, I think it is politically the right thing to do.

In 1950 those of us who were here at that time had a choice whether to vote for the proportionate method. It was called the Lodge-Gossett proposition. It had passed the other body by the necessary two-thirds vote, and it came to this body, where we had a debate. Unfortunately we did not get the two-thirds vote. Regrettably the method of choosing the President was not changed at that time.

I voted for the proportionate system in 1950. When this matter came up on the public agenda again in 1968, it was discussed and it was written about, and my initial sympathies were for the proportionate method. Since then I switched to the direct method.

The American Bar Association, through a very outstanding committee, came forth with this analysis and its recommendation for the direct method of selecting the President. I have a copy of it in my hand. It is a very persuasive document. It is well reasoned. I think it is completely sound and in my honest opinion it is the format we should use in writing this change in the Constitution.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, I hope all Members have taken the time to read this document. It was an outstanding group that worked on it. They represented the political spectrum from the far left to the far right.

In my judgment, it is a sound recommendation that we should follow.

The Committee on the Judiciary of the House, by an overwhelming vote, has in effect adopted the plan recommended by the American Bar Association study group.

We are also familiar with the wide range of organizations from all over the land that have endorsed the committee recommendation.

The question has been raised by some: What does the President of the United States recommend? I have in my hand the President's message that came to the Congress February 20, 1969. Let me quote from that message if I might.

The President says:

> I have not abandoned my personal feeling, stated in October and November 1968, that the candidate who wins the most popular vote should become President.

The President goes on to say, and again I quote:

> I have in the past supported the proportional plan of electoral reform. Under this plan the electoral vote of a State would be distributed among the candidates for President in proportion to the popular vote cast. But I am not wedded to the details of this plan or any other specific plan. I will support any plan that moves toward the following objectives: first, the abolition of individual electors; second, allocation to Presidential candidates of the electoral votes of each State and the District of Columbia in a manner that may more closely approximate the popular vote than does the present system; third, making a 40 percent electoral vote plurality sufficient to choose a President.

Then he goes on, and again I quote:

> Next, I consider it necessary to make specific provisions for the eventuality that no presidential slate receives 40% or more of the electoral vote in the regular election. Such a situation, I believe, is best met by providing that a run-off election between the top two candidates shall be held within a specified time after the general election, victory going to the candidate who receives the largest popular vote.

The net result is, in my judgment, the President of the United States endorses substantially—substantially—the recommendation of this committee of the House.

Let me make one other observation. I know there are some of the most conservative Members of this body on both sides of the aisle who are apprehensive about the direct election procedure. For the benefit of those who feel that way, who served in this body with Ed Gossett, they know very well he was one of the most able, and probably one of the most conservative, Members in the House of Representatives during his many terms of office. He was highly respected by Members on my side of the aisle, and I believe equally by those on the other side, whether they were conservative or liberal. Ed Gossett, who is now a practicing lawyer in Texas, was one of the members of the American Bar Association study group that recommended the ABA plan, which is the direct method of selecting the President of the United States. Any conservative can follow Ed Gossett's recommendation.

Some Members in this body are apprehensive about the situation confronting the small State, the small State in population. One of the distinguished members of this ABA task force was the Governor of a State with a relatively small population, Oklahoma. Gov. Henry Bellmon was on this group, and Gov. Henry Bellmon wholeheartedly endorses the American Bar Association plan, which is the direct method of electing the President of the United States.

No one can challenge Henry Bellmon's dedication to Oklahoma or States of that size. Henry Bellmon believes after thorough analysis that this plan is in the best interests of the United States and does no harm to small States.

Now, Mr. Chairman, it seems to me that we are down to the final effort, because shortly we will vote as between the district plan and the direct election plan. It is my judgment that this is the real contest and the real ball game.

Mr. Chairman, the allegation is made that the other body will not accept a direct method of selecting a President. I cannot prejudge that. In the Senate there is strong sentiment for direct election, and there are views that are contrary. The allegation is made that the State legislatures will not approve the direct method or that there will be a sufficient number that will block ratification. I cannot judge that, either, although I think the evidence that has been accumulated, the polls, clearly points out that State legislatures could very well ratify the direct method of selecting the President. Senator ROBERT GRIFFIN, for one, conducted a survey which convinces me it is possible. I understand that the magazine The Nation's Business conducted a survey of State legislatures and their judgment is based on this survey; namely, that a sufficient number of State legislatures will approve the direct method of selecting a President.

Mr. Chairman, let me conclude with this observation: We have a responsibility ourselves to do what at least two-thirds of the Members of this body believe is forward movement, constructive movement, and meritorious change. When you put on the scales the present system and each of the three alternatives, in my honest opinion, the scales weigh most heavily for the direct method.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(Mr. GERALD R. FORD asked and was given permission to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. I think everybody agrees, based on the Gallup poll and based on individual questionnaires sent out by Members on this side and on that side, that the public, when they are given the choice between the present system and the three alternatives, in every instance I have seen has overwhelmingly voted for the direct method of selecting a President. In some of the most conservative districts in this country represented by bona fide, legitimate, and dedicated conservatives, the polls show that the people, the people, want the direct method of selecting the President of the United States. I have yet to see a questionnaire to the contrary.

Now, my final point is this: I believe that we ought to pass the direct method of selecting the President of the United States. If we do not, it is my honest opinion that the people will be let down. If ratification fails, either by action in this body or in the other body or by action of the State legislatures, the people will be let down. I hope that the House of Representatives, which I think is the people's House, the people's House will face up to the issue and will vote in accord with what the American people by every poll have indicated they want. The people's House has even a greater responsibility than the other body or the respective State legislatures. So when the vote comes today on the district vis-a-vis the direct method or on the motion to recommit, which I suspect will be the district plan, I hope that we reject others and support in the final analysis the direct method of selecting the President of the United States.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I shall be glad to yield to the distinguished chairman.

Mr. CELLER. With reference to what the gentleman so very eloquently quoted concerning the attitude of the smaller States, there has just come off the press a magazine called Nation's Business, an official organ of the U.S. Chamber of Commerce. It has this to say with reference to the attitude of the smaller States in regard to the resolution now pending before the committee and the provision dealing with the direct popular vote for President:

> Nearly 120 men of the men who serve in the States as Speakers of lower houses, Presidents of Senate or majority or minority leaders voted 6–1 in the survey for a change in the presidential election system. At least one leader from every State participated. Any change has to be an improvement.

They indicated that more than two-thirds of those advocating a different system endorsed the popular direct vote:

> THE POPULAR VOTE IS POPULAR
>
> An overwhelming majority of the leaders of state legislatures favor a change in the method of choosing a President, with direct popular election the favorite choice by far.
>
> Those are key findings of a Nation's Busi-

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ness survey to determine the thinking of influential figures at the state level, where the final decision will be made, on the various proposals for a constitutional amendment to change the method of selecting the nation's Chief Executive.

While the spotlight remains on continuing deliberations in Congress, a vital question is whether any amendment sent to the states could gain ratification in 38 legislatures.

Nearly 120 of the men who serve in the states as speakers of lower houses, presidents of Senates or majority or minority leaders voted 6 to 1 in the survey for a change in the Presidential election system. At least one leader from every state participated.

"Any change has to be an improvement," one commented with an air of desperation.

More than two thirds of those advocating a different system endorsed the direct popular vote.

Slightly over 20 per cent supported the district plan, in which one elector would be chosen from each Congressional district and two at-large in each state. Their electoral votes would go to the candidate who won the popular vote in their district or state.

The balance of sentiment in the poll favored:

The proportional plan, in which the electoral vote would be divided in the same ratio as a state's popular vote.

Retaining the present "winner-take-all" electoral system but requiring electors to reflect the popular vote and, in case no candidate gets an electoral majority, giving each House member, instead of each state's delegation in the House, one vote.

No change at all.

Both the district and proportional plans would retain the present allocation of electoral strength—each state with a number of electors equal to the total number of Representatives and Senators it has in Congress.

The extra voting strength smaller states derive from automatically having two electors corresponding to their two Senators regardless of population has been a particular target of the direct vote partisans.

The example most frequently cited is that of Alaska, where each Presidential elector represents 85,000 residents, and California, which has one elector for every 500,000 citizens.

But other critics of the Electoral College argue that giving a candidate all of a big state's electoral votes, no matter how close the popular count, works against smaller states.

CITE COLLEAGUES' SENTIMENT

Of the legislative leaders favoring the popular vote system, 75 per cent indicated they felt their respective houses of the legislature would approve, although some conditioned their optimism and said it would take an all-out campaign.

Their strong support for choosing the President by popular vote reflects the broad, grass roots backing for the change evident in various opinion surveys.

An upsurge of interest and concern was generated during the 1968 Presidential campaign. It appeared then that the "constitutional time bomb," as one critic has called the present electoral system, was going to go off and the choice of a President become bogged down in wrangling and dealing in the Electoral College or the House.

The close call was enough to get Congress moving early in this session on legislation to change the system.

The House Judiciary Committee had approved a resolution calling for a constitutional amendment that would put Presidential elections on a direct, popular vote basis and the Senate Judiciary Committee is expected to follow suit.

Despite the high level of interest in change, particularly in the direct vote plan, it is by no means certain such an amendment will be adopted quickly, easily—or at all.

SMALL STATE ISSUE SHRINKS

The Nation's Business poll demonstrated that one of the thorniest problems confronting the framers of the Constitution, protecting small-state interests, has faded in some smaller states, but not in others.

Howard F. McKissick Jr., speaker of the Nevada Assembly, gave one of the most succinct endorsements to the direct vote system: "It is the fairest. It is the most popular and best understood."

Gordon McGowan, president pro tempore of the Montana State Senate, was more eloquent in a hand-written reply on a letterhead bearing the legend, "The Big Sky Country":

"The person receiving the largest number of votes should be the winner. . . . In our American life a team or an individual that scores the most points, as long as it is accomplished within the rules, is the winner. This process is as American as apple pie and I believe the system favored by the majority of voters."

George C. Herring III, speaker of the House in Delaware, one of the smallest states, called for "straight election by popular vote because democratic rule is founded on expression by majority vote."

But Thomas B. Avery, majority floor leader of the Tennessee House, said in endorsing the district system that it would "preserve the additional weight allowed small states by the Constitution."

"States and regions need to retain some autonomy," said John D. Vanderhoof, speaker of the Colorado House, who also called for the district plan.

Concern over protecting regional interests is by no means limited to smaller states. Speaker Bob Monagan of the California Assembly expressed "reservations about the wisdom of direct popular election because of the emphasis it puts on a simple majority without regard to a balancing of the various regional interests in the nation."

He added: "Neither a strong majority nor strong regional interests can be ignored if we are to achieve some degree of national harmony and unity and the present electoral system strikes a balance."

And Earl W. Brydges, temporary president of the New York Senate, commented that "the present system, while it has imperfections, has worked well and also preserves the influence of the larger states."

APPENDAGE REMOVAL

But Jess Unruh, now minority leader of the California Assembly, viewed electoral reform this way:

"No modern politician who values his profession dares to argue that the American electorate is incompetent to elect the President of the United States. If this is so, all rational argument against popular Presidential election disappears. The Electoral College is a useless and occasionally dangerous appendage on our body politic. It must be removed."

O. J. Goodwyn, president of the Alabama Senate, said direct election would be "the most democratic way and, in my opinion, would eliminate the division of the nation into minority groups."

Brad Phillips, Alaska Senate president, said the general feeling in his state was that "the present electoral system has the potential of frustrating the popular vote."

Robert F. Smith, speaker of the Oregon House, asserted that "the present system has outlived its usefulness. The only viable alternative which has been proposed, and one which the electorate would easily understand, is the direct popular election of the President.

"It is much more sensible to have an election settled on the basis of the popular vote, regardless of the margin, than to turn an election over to the House of Representatives and kick the door open to the possibility that a candidate not receiving the highest number of votes is elected President."

CITY MACHINES SUSPECTED

On the other side, Dexter H. Gunderson, speaker of the South Dakota House, was emphatic in rejecting the popular vote plan: "The giant city machines seem to vote in peculiar patterns, leading one to believe that these election outcomes could be rigged."

Marshall W. Cobleigh, speaker of the New Hampshire House, said a direct election system involves many pitfalls, including the prospect of an outcome so close a nationwide recount is needed.

William L. Sullivan, temporary president of the Kentucky Senate, said direct popular election "ignores the rights of the states of more sparsely settled areas. I feel that our forefathers meant for such rights to be protected."

While leaders in such larger states as Michigan and Illinois endorsed direct popular voting themselves, they expressed doubt over whether their legislatures would ratify such a change.

"Unfortunately, the development of a new system is not as easy as criticizing the present," wrote W. Russell Arrington, temporary president of the Illinois Senate.

Nevertheless, the issue appears to be shaping up as one between a direct popular vote or no change at all. Capitol Hill sources close to the situation say it would be difficult to rally the two-thirds vote needed in each house for the popular vote plan but altogether impossible to win that much backing for the district or proportional plans, or lesser modifications.

And gaining approval of three fourths of the states is no easy matter, even with issues far less controversial than that of how a President should be elected, the Congressional experts say.

The most recent constitutional amendment, Article XXV on Presidential Disability and Succession, had little opposition when it was submitted to the states in July, 1965. But it was February, 1967, before it finally was ratified.

That type of delay is a reason why backers of the direct vote amendment are planning to keep the pressure on to get it to the states as soon as possible. They know that, despite the heavy support from many of the legislative leaders, there may be hard going among rank-and-file lawmakers in some states.

(Backers of the popular vote plan were greatly encouraged, however, when a poll of nearly 4,000 legislators in 27 states showed almost two thirds of those responding favored that method of choosing a President. The survey was made by Sen. Robert P. Griffin (R.-Mich.), who said he was now convinced the direct vote method stood a better chance of gaining state approval than either the proportional or district plans. He had favored the proportional system.)

The various efforts to determine sentiment throughout the country are thus continuing to show that support for a popular vote amendment is far more extensive than had been generally realized.

One reason may be that offered by Montana's Gordon McGowan: "Most people find it hard to believe that the candidate with the largest popular vote might not be President."

Mr. GERALD R. FORD. I thank the distinguished chairman.

Now, I promised earlier to yield to the distinguished gentleman from Texas.

Mr. DOWDY. I thank the gentleman for yielding.

I know that the gentleman would not want to mislead the members of the committee and I know the gentleman thinks he is right. But Mr. Gossett, who serves on this American Bar Association committee that approved this bill, is not Ed Gossett. Ed Gossett is a district judge in Dallas. I talked to him during the recess. He is bitterly opposed to this bill that has been brought out here by the committee for a 40-percent election. I talked to him—well, it was during the recess in August, and it is not Ed Gossett that approved it. There is another Gossett, and I think the gentleman from Michigan ought to know it and that the members of the committee should know it.

Mr. GERALD R. FORD. My understanding is that Ed Gossett, a former Member of the House from Texas, was on the ABA study group.

Mr. DOWDY. He was at one time, but this is a different Gossett.

Mr. GERALD R. FORD. That is William Gossett, who was formerly general counsel for the Ford Motor Co., and he is also listed. But in this ABA pamphlet it lists Ed Gossett of Texas, as a member.

Mr. DOWDY. But you stated that Ed Gossett is for this resolution. He is not. I talked to him directly about it, and he is opposed to it.

Mr. GERALD R. FORD. He is for the ABA plan, which, in effect, is the same thing. At least Ed Gossett did not file a dissent on minority views.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank my distinguished friend from Michigan for yielding.

The gentleman from Michigan has made a statement and similar statements have been made by a number of others during the 4 days we have been considering this legislation, and that is that some 80 or 81 percent of the people, at least an overwhelming majority of the people across the country, support the plan which calls for the direct election of the President.

The gentleman is not going to say, is he, that a survey has been made wherein the people were asked the question: "Would you support the direct election plan for the high office of President, if a man could be elected with a plurality of 40 percent of the votes," is he?

Mr. GERALD R. FORD. I cannot remember precisely how the question was phrased in the Gallup poll. However, I have carefully scrutinized every poll that has been taken by a Member that the Member sent out to his own district, and if my recollection is accurate those individual congressional questionnaires, in the main, presented the alternatives very accurately, and very fairly. When the results came back, the results in every instance were overwhelmingly for the direct method of electing the President.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(By unanimous consent (at the request of Mr. WAGGONNER) Mr. GERALD R. FORD, was allowed to proceed for 2 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield further?

Mr. GERALD R. FORD. Surely.

Mr. WAGGONNER. I believe it needs to be said that the questions which have been propounded as to whether or not people will support the direct election plan or not have been very general, and people have been led to believe that the direct election plan would require a majority vote. With this misunderstanding, I have had a number of people tell me that they thought they supported the direct election plan until they found out it did not require a majority vote. They said they felt it was inconsistent to supposedly advocate following a democratic process and letting the people elect the President and, then, on the other hand say that the election would not require a majority of the votes of the people, and in my opinion, too, this is misleading.

Mr. GERALD R. FORD. Mr. Chairman, I can recall some of the questionnaires that included the entire recommendation in summary form of the Committee on the Judiciary, and on those questionnaires the answer was still overwhelming.

Mr. WAGGONNER. But if the gentleman will yield further, the chamber of commerce poll that the gentleman has referred to did not so state.

Mr. GERALD R. FORD. Well, I am not relying exclusively on that poll.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

I think that the point the gentleman from Michigan, the distinguished minority leader, is making is well taken, and that is, it is only under the direct, popular-election plan that the person receiving the highest number of votes is always going to be the winner. Under the district plan, the proportional plan, and the existing plan, the popular winner could be the loser. That is one of the evils we want to overcome in writing a constitutional amendment.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Chairman, before we get too carried away with polls, I recall in 1948 that the bettors on Wall Street were betting $50 to $1 that Dewey would be the next President of the United States. I also know that every poll in the United States, big or little, showed Dewey to win the Presidency.

I also recall in the last election the polls, before the campaign started, showed Nixon overwhelmingly a winner of the Presidency, and after the campaign started and the issues were drawn and the people found out what it was all about he just barely got in by a fraction of 1 percent.

Now, it may be possible that when you sent out these questionnaires some of the opinions have not been pointed out on these various proposals. I know that a lot of the legislators in the 35 States which are going to have to go back and face their people do not want to say "I voted away the strength that we had in this State to New York and Chicago." I know legislators well enough to know that they are not going to stand by this, because they answered some Congressman's questionnaire by saying that they approved it.

Mr. GERALD R. FORD. Mr. Chairman, I can simply say this in response to the comments made by my beloved friend, the gentleman from Oklahoma (Mr. BELCHER), that I think the polls are accurate in this situation involving the method of selecting the President. But even if they are not, on the basis of substance and on the basis of merit, the direct popular method for selecting the President, in my judgment, is the best.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Minnesota.

Mr. MACGREGOR. Mr. Chairman, I thank the gentleman for yielding. I would like to add, when you talk about the polls and about the 40-percent minimum requirement, that I do not remember that there was any hue and cry raised against Harry S. Truman or John F. Kennedy or, more recently, Richard M. Nixon because they were not majority-vote Presidents but only plurality Presidents.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. COLMER. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. COLMER was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Mississippi is recognized for 10 minutes.

Mr. COLMER. Mr. Chairman, I have listened with great interest to the minority leader, my good friend, the gentleman from Michigan (Mr. GERALD R. FORD) and I have listened to most of this debate, and I should first like to congratulate the Members upon the high tone of the debate up to this point, and I certainly would not endeavor to change that tone.

Mr. Chairman, we often hear it said that this issue, whatever it may be, is the most important issue that will come before this Congress. I do not think there is any question about it. This is the most important question—the most important matter to be settled by this Congress.

When you realize that the man who will be elected the President under any change, or for that matter under the present system, that you are electing the man to lead the destiny of the greatest and the most powerful nation in the world. Therefore, we should approach this matter with the greatest interest, with the greatest devotion, and with the greatest patriotism of which we may be capable.

As one who has occupied one of these coveted seats here in this House for a number of years, and as one whose political future is largely in the past, I think I can truthfully say that the prime objective I have in the consideration of this important matter is what is for the best interest of the United States of America in the election to this important office.

For over 170 years or so—and I have not checked on it—this system we have heard criticized here for the past several days has functioned pretty well. There were a couple of times when it failed to elect a President on the first ballot. Under that system we have enjoyed the greatest degree of freedom that any people have ever enjoyed. This country has prospered as no other country in the history of the world has prospered.

In other words, we have the best country in the world today and I want to keep it that way. I want to keep it that way for my children and for my grandchildren.

Now do not misunderstand me. I do not say that there is not room for reform. There is. I think that this Congress should adopt the necessary reform. But I cannot agree—I cannot bring myself to agree—with the majority of the Committee on the Judiciary who reported this bill.

Sure there is room for reform. Incidentally, this may not be politically wise to say it—but I am going to say what everyone of you know to be the truth—if it had not been for a man down in Alabama seeking the Presidency, we would not be debating this bill today.

Now I am not holding any belief for the candidate from Alabama. I am just making a statement of fact. You know, we have a way here in this Congress, and I have seen it over the past 37 years—that something happens—we get a few letters from home, and then we get into a spirit of hysteria and we legislate under a condition of emergency.

This is no exception. I repeat. We have done pretty well under the old system. But I am not only willing but ready to go along with some reform, some change. I want to repeat what I said to a few of you here the other day. I do not want to spin my wheels. I do not want to see the Congress spin its wheels merely because someone thinks there is popular appeal in the proposed measure. I admit there is. I admit that to those who have not studied this question the popular appeal is there. So if you are thinking about that aspect of the question, I would have to say I think possibly the thing for you to do is to go ahead and vote for the committee resolution.

But I do not think it is the best bill. As has been pointed out repeatedly here in the colloquy between the gentleman from Michigan and other gentlemen on this side as well as on the other side, polls are not the most accurate gage of public opinion, and certainly they are not the criteria of what is the best course for this country to take.

My good friend from Michigan—and that is not merely something pleasant to say; I do regard him as my good friend—has spoken. Frankly, I was a little surprised, as I said to him privately, that he would run off at a tangent from the sentiment that his President has expressed, and that was that he favored the proportionate plan. I would accept the proportionate plan, but I think the district plan is the better one.

But my friend here is carrying the ball in a different direction. I think if there is anything clear from the statements he has read and from those we have read on the present issue, it is that the President favored the proportionate plan, although he would take one of the other plans. But it is not up to me. I am not the leader of the minority in the administration designated to carry the ball for the President. I am only quoting the facts. I know the gentleman is very popular. I know he is a strong leader over on the other side as well as an affable gentleman. But I do not think that under these circumstances, with the statement of the leader of the party of record, you other Republicans over there have to follow him in his leadership on this occasion.

Now, why do I favor the district plan? Maybe I am one of those conservatives of whom my friend speaks. Maybe I do not believe in radical changes and emergency legislation in amending the Constitution, undoubtedly, the finest document of human liberty ever devised.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

(By unanimous consent, Mr. COLMER was allowed to proceed for 5 additional minutes.)

Mr. COLMER. Mr. Chairman, I hope I shall not take all of that time. If you are going to pursue that method, then why do you not go "whole hog," as they say in my State, and go for the "50 percent plus one" plan rather than stopping with 40 percent? You are talking about splinter parties, and that is what you really will create. You are going to have more splinter parties under the committee's proposal than you have ever had under the old system, because a candidate has to get only 40-percent plurality in order to be elected president. You are going to find splinter parties coming up in every direction.

I think if this system had been in effect the last election, we would have had many splinter parties. We might have had several of them. We know several gentlemen who were candidates for the Presidency had substantial following.

So if we are going to go this route, then why do we not go all the way and say that in order to be elected the President of the United States, a candidate must receive 50 percent or more of the vote?

Now there is another angle of this thing that disturbs me. The Founding Fathers, jealous of the rights of the States, said we are going to have a Federal-State system where the States will select the electors who will elect the President. We are going to do away with all that now, which is another step in the centralization of the power of Government over the governed in the Federal system. We are going to do away with and abolish the rights of the States.

As to the practicality of the matter, we say we want reform. Everybody seems to be for reform and they want some revision. As the able gentleman from Virginia (Mr. POFF) said here the other day, whether the small States have an advantage or not, they think they do. I think they do. So if we get by now with two-thirds vote in this House—and that is two-thirds of the Membership, a quorum being present and voting, remember—then the proposal has to run the gauntlet on the other side of the Capitol, where there are more than 13 of the so-called smaller States who think they enjoy some advantage here, and I doubt very seriously if they will pass the committee resolution. But, assuming they do, then we have to run the gauntlet of the ratification by three-fourths of the States, and again these practical politicians in the States are going to be slow to give up what they regard as an advantage under the present system.

So my plea is if Members want to change the present system, if Members really want to accomplish something instead of trying to appease the pollsters and to verify their opinion, then Members had better pass the district plan, which retains at least a part of the present system and will not deprive the smaller States of the advantage they enjoy.

Just one final word. I had a gentleman from my congressional district here a couple of months ago, a judge, a man who is far from the average, I would say, in intelligence and knowledge. He was a very knowledgeable person. He came in to see me. The gentleman from Texas (Mr. DOWDY), one of the sponsors of the district proposal, was coming down to see me to discuss his measure. I asked my friend, the judge, to remain with me for a few moments, since he might be interested in the discussion. He said, "you are not opposed to the popular or direct election, are you?" I told him I was, that I preferred the district system. And he said, "I am amazed that you would take that position." He stayed there. We discussed the legislation for 30 or 40 minutes. He thanked me for permitting him to get into this discussion, and he went back home a strong believer in the district plan.

Why do I say that? It is because here was a man, although learned in the law, who had never given serious thought to this matter, just as most of our constituents back home have not. But they are relying upon you and me to do the job for them. This man now has changed his position.

Mr. Chairman, I doubt that I have added anything to the debate. I doubt it very seriously. But I have said what is in my heart and what is in my mind for the best interests of the continuation and perpetuation of the most perfect embodiment of human government ever conceived by the minds of men.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

(On request of Mr. DOWDY, and by unanimous consent, Mr. COLMER was allowed to proceed for 1 additional minute.)

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Texas.

Mr. DOWDY. I feel I would be derelict in my duty to a friend if I did not call the attention of this House to the fact that Mr. Ed Gossett would not want any intimation in the mind of anyone he is for the direct election plan here.

Mr. COLMER. That is my understanding.

Mr. DOWDY. I talked with him during the recess in Dallas in his office. He is a district judge in Dallas. I would not want anyone to disabuse his mind of any statement to the contrary. He is completely opposed to the direct election.

Mr. COLMER. I thank the gentleman.

Mr. MACGREGOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say at the outset that I am sure the distinguished chairman of the Committee on Rules meant no offense when he looked to the Republican side of the aisle and referred to ordinary fellows. I should like the distinguished chairman of the Committee on Rules to know that with the exception of the gentleman from Minnesota now in the well there are no ordinary Members on my side of the aisle. There may be differing degrees of extraordinary capacity and ability, but there are no ordinary Members.

I am sure, Mr. Chairman, that not only our most distinguished leader, the gentleman from Michigan (Mr. GERALD R. FORD), but also each of the Members on our side of the aisle does his own individual thinking and has reached his own individual conclusion on this measure.

I was particularly interested in the assertions by the chairman of the Committee on Rules that it was only those people who have not really studied this issue and given a lot of thought to the various proposals for reform who are in favor of the direct popular election. On the contrary, I say to my good friend from Mississippi, a number of the members of the Committee on the Judiciary on both side of the political aisle entered into our deliberations and hearings this year convinced that the proportional plan or the district plan were the optimum reform proposals. After a most exhaustive and careful study, they changed their minds, and they are now advocates of the direct popular vote plan.

I heard the chairman of the Committee on Rules refer to this proposal of 80 percent of the members on the Committee on the Judiciary as "radical" or "emergency." He suggested that we are here debating in a mood of hysteria and emotion.

No, this is no sometime thing or sudden development.

As the distinguished minority leader (Mr. FORD) indicated, he has been speaking out about the need to amend the Constitution and provide for direct popular election of the President for a period of approximately 2 years. Others of us on the Committee on the Judiciary and others in this Chamber have been speaking out on the need for reform along the lines that we now recommend for a period of more than a year and a half. It was about a year and a half ago when I took the floor of this Chamber every day for a week to urge that we give consideration in the spring of 1968 to the direct popular election of the President of the United States.

No. I think those who attended the hearings of the Committee on the Judiciary, as did the distinguished columnist David Broder, reached many of the same conclusions he did when he wrote in the Washington Post on September 9, as follows:

> The committee recognized no change as fundamental as it proposed is without its uncertainties, but the overwhelming weight of the testimony of legal scholars and political scientists and practiced politicians who came before the Judiciary Committee was that direct election of the President would strengthen, not weaken, the two-party system and would reduce, not increase, the hazard of fraud and error in the vote count.

No, Mr. Chairman, 80 percent of the Republicans and of the Democrats on the House Committee on the Judiciary do not believe that our direct popular vote proposal will produce splinter parties. Our conviction is to the contrary.

Finally let me say to the gentleman from Mississippi when he asserted with probably great accuracy that we would not be here today if it were not for George Wallace, it does not prove we should not be here today amending the Constitution of the United States to provide for direct popular election of the President. This proposal is right on its merits, whether we ever have a third or a fourth party challenge again as we had in 1968.

When you say that this issue is important for the United States, let me amend that to say that this issue is of primary importance for the people of the United States as well as for each and every one of their elected representatives in this body.

I urge you to vote down the Dowdy amendment and to vote approval of the direct popular plan for electing the President.

Mr. BOGGS. Mr. Chairman, I rise in opposition to the substitute.

Mr. BELCHER. Mr. Chairman, will the gentleman yield for a unanimous consent request?

Mr. BOGGS. I yield for a unanimous consent request.

Mr. Chairman, I rise in support of House Joint Resolution 681 and in opposition to the substitute.

This matter, in my judgment, is by far the most important subject that we will consider in this Congress. And, in the words of the great French writer, Victor Hugo, "This is an idea whose time has come."

It has been a long time coming. We have had three elections thrown into the House of Representatives, all three of which created national crises.

We have had 20 elections that could have been thrown into the House of Representatives.

At the same time, we have seen men use this device, this anachronistic device, of the electoral college to attempt to deny the will of the people, particularly in my part of the country.

They have sought first, to tamper with the electoral college—they really believe that the faithless elector in North Carolina this last time, in 1968, and the one in 1960—were right.

And the Congress proved, in truth and in fact, they were right when we voted here in January this year after a very stimulating constitutional debate, that the vote of the faithless elector from North Carolina was properly cast against President Nixon.

Now, Mr. Chairman, I had hoped that we could come to a solution of these two evils—the faithless elector and House election of the President—and maintain the federal system. I had proposed an approach to the matter, but my proposal was rejected by the committee, that proposal was that we abolish the electoral college but keep the same number from each State for voting purposes. That is, a State such as New York would continue to have 43 votes, but they would not be electoral votes. They would simply be votes. Delaware would still have 3 votes but no one could tamper with them and there would not be any personalities involved so that that device of the faithless elector would be abolished.

No. 2, I proposed just as is proposed in the amendment contained in this resolution, that we adopt a runoff procedure, thereby eliminating again the Russian roulette of throwing the election into the House of Representatives where the State of Delaware—and I say this with no reflection upon the State of Delaware—would have the same vote as the State of California or that the State of Alaska would have the same vote as the State of New York, and where for a period of time we would have no President.

Mr. Chairman, in truth and in fact, the Senate has the power under the Constitution to name the Vice President. It is not inconceivable that the Senate could meet and name the Vice President—in the Senate that is done by a majority vote and not by a State vote as we do it here—and the Vice President having assumed the Presidency with the House of Representatives wrangling over who might become the President could result in a constitutional crisis the likes of which all of us dare not contemplate.

So, my amendment would have dealt with those two fundamental evils, and they are evils.

The Judiciary Committee, in its wisdom sought to go further and to make the election of the President and Vice President a popular election. I heard the statement made a minute ago by the able gentleman from Minnesota (Mr. MACGREGOR), 80 percent of the Democrats and 80 percent of the Republicans on the committee voted for the popular election of the President. Well, they were reflecting what the country reflects. Eighty percent of the people in the Gallup poll say they favor it, so we are united on a positive change fundamental to our country.

In closing, let me ask you this one question: What is wrong about letting the people decide? That is the way you, my colleagues, are elected; that is the way I am elected; that is the way every Governor is elected, and that is the way every legislator is elected. The President and the Vice President of the United States are the only national officers that we have. They should be elected nationally. Therefore, Mr. Chairman, this substitute should be defeated. The substitute lends itself to gerrymandering of the worst kind. To so arrange districts so that they will control the presidential elections. Everyone knows it has been done by Republicans and Democrats alike. Let us not be fooled by this district idea.

It would really make the election of the President and Vice President more complex and would lead to further corruption in the electoral process.

So, Mr. Chairman, I trust that the substitute will be defeated, and that House Joint Resolution 681 will be adopted by the necessary two-thirds majority.

Mr. Chairman, I yield back the balance of my time.

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Mr. CELLER. Mr. Chairman, I am desirous of asking unanimous consent to invoke cloture, but before doing so I should like to know how many Members would desire to speak on this amendment in the nature of a substitute offered by the gentleman from Texas (Mr. DOWDY)?

I would also like to refer to the ranking minority Member on the committee, the gentleman from Ohio (Mr. MCCULLOCH) to ask if he has any views on this suggestion.

From the number of Members who have arisen it would appear that we have so many desiring to speak that we may not be able to finish tonight.

Mr. McCULLOCH. Mr. Chairman, if the gentleman would yield, in view of the fact that 24 or 25 Members are on their feet I would suggest postponing a request to fix a time limitation for a further period, and then do it again later.

Mr. CELLER. Mr. Chairman, I withhold my unanimous-consent request.

Mr. BIESTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered in the nature of a substitute.

Mr. Chairman, I believe this debate has helped Members who have followed it to understand perhaps better why it was that the Committee on the Judiciary, after deliberating on this matter for some period of time, determined to recommend to this Chamber and to the American people the direct election of our President.

With respect to the specific issue before us this afternoon, I believe it is the key question in this entire debate with respect to the substitute amendment offered by the gentleman from Texas, and the gentleman from Indiana—the district plan. I must say that that plan is our present cumbersome, undemocratic system, writ small. It is the same system writ small because, instead of having large States which conform to a unit rule, we go into smaller congressional districts which still abide by the same evil unit rule, and instead of discounting the minority votes of 1 or 2 million in a State, we discount the minority votes of 50 or 100,000 in a congressional district. The evil remains, although the scale may be smaller.

With respect to 108 electoral votes, the district plan is precisely the same as our present system.

Mr. Chairman, we went through, in the course of our hearings, a number of discussions listening to various esoteric analyses of political power with respect to what the consequences might be if we were to go from our present system into direct election, or a proportional plan, or a district plan. We heard distinguished political scientists, mathematicians, and practicing politicians tell us that if we went one way or another big States with big cities or small States and rural areas would attain or retain some special political clout.

Mr. Chairman, I submit that the American people are tired of talking about our Constitution and the power it provides in terms of interest groups in big States and small States, cities or rural areas, towns or farms.

They are interested it seems to me, the average American is interested, in the political clout of only one vote; his vote. He wants his vote to have the same clout as every other single American; no more, and not one bit less. The only way that can be guaranteed in the election of the President and Vice President of the United States is to approve the committee bill and give that average American his absolutely equal political clout with every other average American.

With respect to the likelihood of the success of the various plans, it seems to me a plan such as the district plan, which is complex in nature and difficult to understand, is not readily salable to the American people, and unless we make a tremendous mistake in our analysis of what is going on in America today, the old time politics division of power attitude is not going to obtain forever in our State legislatures.

We are going to need the American people enthusiastically behind any new plan in each of the individual 50 States and the one plan, the one change which the American people can get behind with all of their energy is the direct election.

But in a very real sense, the American people do not want a new scheme. They do not want a more modern filter between them and their President. They want direct enfranchisement and I respectfully submit that the American people will not soon forget nor soon forgive if we in this Chamber frustrate once again this most recent chance for full enfranchisement in the election of their President.

The gentleman from Mississippi charged that we were acting in hysteria. The first time the American people realized that they made a mistake in the electoral college system was before the turn of the 1800 century and they have been working at it ever since and frustrated by politicians ever since. We dare not frustrate them again.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I compliment the gentleman on his eloquent and excellent statement in support of the direct election plan and in opposition to the pending amendment.

I join with the gentleman in his opposition to the amendment and salute him for his contribution to the debate on this historic occasion.

Mr. BIESTER. I thank the gentleman very much.

Mr. Chairman, I urge the defeat of the district plan and a favorable vote for the committee bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUNGATE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to oppose the proposed district plan, the substitute amendment.

The proposal is made by many men of considerable ability, who suggest the district plan amendment, men for whom I am sure we all have considerable respect.

I think there are men also who oppose the district plan, men on the Committee on the Judiciary in opposition to the district plan whose credentials as conservatives are beyond question.

Someone said that a good many of the people who oppose any change in the electoral college at all is limited to this sort of change, the district plan, are the sort of people who have both feet on the ground.

Someone said if anyone could show him a man with both feet on the ground, he would show him a man who could not take his pants off.

But it is natural, I think, when we have anything that is supported by the American Bar Association and the U.S. Chamber of Commerce and the AFL-CIO that some of us will want to question rather closely this rather unusual alinement.

When you have a plan that is criticized because 40 percent of the people could elect a President, as they could under the proposed direct election plan, I think you want to realize that under the district plan the same thing could happen—only it could happen with a vengeance.

I suppose if you could carry the 218 smallest congressional districts, each by one vote, you could elect the President theoretically under this system. So the danger that we all would see in receiving a minority President, one below 50 percent of any level, is present in almost all of these plans. But the one that assures that the winner is the winner and the one with the most votes is the direct election of the President.

Earlier speakers adverted to the fact that there is immense opportunity for gerrymandering in the congressional district system.

In the State of Missouri, through the 1972 election, those who had the privilege to be in the House at that time faced seven elections in six different congressional districts. So through all of those times there have been at least six opportunities to gerrymander the State. I see my good colleague, Dr. HALL, here. He knows what I mean. Members from his party suggest that in a State like Missouri, when the Republicans get 45 percent of the vote, they get 10 percent of the Congress, and they attribute this to something they call gerrymandering. Others might attribute it to good judgment. Nonetheless, it is a system that, under the district plan, would give you 9 to 1, and under the direct election plan I must say Nixon carried Missouri. Others argued that have been very much for one-man, one-vote, and we got our sixth redistricting in one election.

Now they think we are not ready for it. They do not think the country is ready for it on the presidential scale. I find this very discouraging.

Some argue that under the present system a change can be made of a particular group. You can appeal to a special-interest group, nationality, race, or make it what you want to, changing 50 or 100,000 votes in the city, and you can change 43 electoral votes, 26 votes, or 38 votes. I think that is outrageous right now.

I do not see why my friends from the South, some of whom criticize the direct election plan, do not see that situation. It seems to me, even though the argument is made that under this system, if we went to the direct election system, that 9 or 10 million minority votes in the cities would be canceled by 9 or 10 million votes for George Wallace, why not in this country? You do not have to agree with either group. If they can get the votes, that is the way they do it, and it is the right of the majority in this country to make their own mistakes.

The people in the small States argue concerning this plan over the district plan. The fact that you have one Congressman, you still get three electoral votes, and if you have four Congressmen, you get four votes, and if you get direct election, they will never come to see you. The last time a President was in my district was in 1935, and that was to dedicate a bridge. If you have a small area or a small State, they will not come to you except by television, unless their plane is forced down in those places. These are facts of life, and all of you in politics understand them.

I would hope that the Congress would say, as has been earlier suggested, that we should elect our President in the same way that we elect our Governors, our mayors, and, in my State, the coroner, through a majority of the votes.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. HUNGATE was allowed to proceed for 2 additional minutes.)

Mr. HUNGATE. We have had contests over congressional seats. So we do represent congressional districts, and we are not getting away from the problem we face in a contest.

I urge this body to defeat the proposal to go to the congressional district plan and favor the direct election plan. Frankly, I say if you are going to make a change, let us go to the direct election. I submit it is the best possible plan. The winners will be winners and the losers will be losers. If you are not going to do that, I think we already have a plan that has been successful, and I would prefer to stay with that than to experiment with any other plan. I urge defeat of the amendment.

Mr. HUTCHINSON. Mr. Chairman, I move to strike the last word.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, yesterday, the gentleman from Illinois (Mr. PUCINSKI) raised an interesting question concerning the relationship of the equal protection clause of the 14th amendment to section 4 of House Joint Resolution 681, which allows States to make rules determining who may be included on the ballot. The gentleman made particular reference to the Supreme Court decision in the case of Williams against Rhodes. That decision concerned a complex of Ohio laws which made it more difficult for third-party candidates to have their names printed on the ballot. Ohio contended that a State had plenary power to determine the manner in which its electors were appointed and that consequently a State had plenary power to determine what presidential candidates would have their names printed on the ballot. The Supreme Court held that the State power to determine placement on the ballot which was derived from article II of the Constitution was subject to the equal protection clause of the 14th amendment.

If House Joint Resolution 681 were in its present form to become the 26th amendment to the Constitution, the question arises whether the effect would be to overrule the decision of Williams against Rhodes. As one member of the Committee on the Judiciary, I submit that it was not the intention of the committee to hold the equal protection clause in abeyance in connection with this amendment. For example, if a State were to determine that the names of redheads could not be printed on the ballot, I think that we would all expect and hope that the equal protection clause would be employed to hold such legislation unconstitutional.

It is my understanding that the same result would occur if Congress would enact such arbitrary legislation. Although the 14th amendment does not in itself apply to the Federal Government, the Federal Government must accord equal protection of the laws under the fifth amendment.

Mr. HUTCHINSON. Mr. Chairman, this is a fundamental question, and in my view, at least, there is a very fundamental issue of political philosophy involved. The proponents for direct election of the President in this country, as I see it, conceive that when the American people vote for President they vote as citizens of the United States. I take issue with that. When we go to the polls to vote in this country, whether it be for Members of this body, Members of the other body, or to vote for President under our present system we do not vote as citizens of the United States.

We vote as citizens of our States. That is wholly in accord with the philosophy of a federal structure in this country. The Federal Government is fed by the decisions of the people of the States. If the people of the States in that capacity, as State citizens, vote to determine how the electoral vote of their particular State shall be kept, the people who come up on the losing end in that State have not lost their vote any more than the people who vote against me in my Congressional district and for my opponent in the general election lose their vote. I suppose it could be said, since I won in my congressional district, that I took all. But that does not seem to disturb anybody.

The same thing is true in this country when we go to the polls and determine who is going to be entitled to the electoral vote of our States. Those in my State who come up on the losing end have not lost their vote. They have not lost their vote. They participated as citizens of the State to determine how the electoral vote of that State should be cast. This is a matter of course, I agree, of political philosophy.

Those of us who would throw that concept overboard and destroy that philosophy of federalism and adopt a direct election system in effect, of course, believe in nationalism, a unitary system of government. I greatly fear that, if this comes about, we are going to see very great changes in the political structure of this country and in the relationship of the people to their Government and certainly in the role of the States in our system.

Consequently I rise in support of the district system, the substitute proposal before us, simply because this is an alternative which would preserve our Federal concepts in this country.

I have another substitute which I may or may not offer, which would not go this far, because I recognize that there is room for and need for some reform, but as I said the other day in this debate, and I repeat it now, in order to accomplish needed reforms it is not necessary completely to abolish the system. We should preserve what we have, preserve the good in our past, improve upon it, of course, but as I view it, at least, and in my philosophic opinion on this issue, our adoption of a direct system such as the committee proposes will abolish our whole Federal structure.

For that reason, Mr. Chairman, I hope the substitute now before the House will be adopted.

Mr. JACOBS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the 1968 election, Richard Nixon voted for Hubert Humphrey. This is true because Richard Nixon voted in the State of New York and all the votes cast in the State of New York were in turn cast for Hubert Humphrey. Had Hubert Humphrey voted in the district in which my father resides, Hubert Humphrey's vote would have gone to Richard Nixon.

I commend my colleague on the House Committee on the Judiciary, the gentleman from Pennsylvania (Mr. BIESTER), for his clear remarks on this subject. What makes the winner-take-all system wrong in a State and right in a congressional district? Some States of this Union are smaller than a congressional district.

As I understand the theory of government in the United States of America, and indeed the American dream and the experiment in democracy here, we want a government of the people, not of the districts; by the people, not by the districts, and therefore, for the people—not the districts.

Mr. MAYNE. Mr. Chairman, I rise in support of the Dowdy-Dennis amendment which embodies the district plan.

Mr. Chairman, I am concerned that some Members seem to be laboring under the erroneous impression that the American Bar Association has voted unanimously in favor of direct popular election and against the district plan, and that there is no support at all for the district plan among members of the organized bar of this country. A careful reading of the blue leaflet which has been furnished each Member by the director of the Washington office of the ABA shows that the vote in the house of delegates of the ABA was by no means unanimous. The house approved the recommendations of the special committee

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on electoral reform by a margin of 3 to 1, after being told by the immediate past president of the ABA, Edward W. Kuhn of Tennessee, that they should vote for the direct election plan because it was the only reform which had any chance in Congress. I read from page 113 of the official ABA report of the house of delegates proceedings at the 1967 midwinter meeting during which this debate and vote took place.

> The only issue—

Mr. Kuhn went on to say—

> Was whether we want a reform of the electoral college or not.

He said in closing:

> I think the considered opinion of this country is that we need and we want reform . . . This is the only reform which has any chance in Congress . . . You might as well forget the proportional or the present Administration proposal because neither of them has a chance in Congress.

In other words the delegates were told that they had to take this one particular reform proposal or be considered as against any reform even though they might prefer an alternate proposal such as the district plan. Notwithstanding this argument, the proceedings show that substantial opposition to direct elections was voiced by a number of prominent leaders of the bar. I was present as a voting member of the house of delegates during that session on February 13, 1967, and remember that strong arguments were presented for the district plan and other alternate plans as well as for the direct plan. A motion to refer the matter to committee for further study was defeated by the rather close vote of 130 to 102. The report of the special committee was then adopted 171 to 57 which is the vote referred to in the blue pamphlet. But let no one mistakenly think that the proceedings in the house of delegates that day demonstrated anything like a solid front for direct popular elections among the lawyers of this country. Very substantial support was demonstrated for alternate plans, including the district plan, which I support today in the form offered by Congressmen DOWDY and DENNIS.

The district plan abolishes presidential electors as individuals, but retains the electoral votes of the several States.

The district plan provides basically the same system for the election of our President and Vice President as is now provided in our Constitution for the election of U.S. Senators and U.S. Congressmen. If adopted, the district plan's emulation of this system would inherently strengthen and add to the prestige and dignity of the Senate and of the House of Representatives. The district plan would also provide an additional safeguard against election irregularities. Congressmen and congressional candidates keeping a vigilant lookout for irregularities in congressional district elections would also serve to keep election officials honest and alert with reference to presidential voting in identical or very similar districts. This is a major advantage over the direct popular election, which would be especially vulnerable to voting and counting frauds in large cities. I, therefore, urge all Members to vote for the Dowdy-Dennis amendment proposing a district plan which is now pending.

House Joint Resolution 681, which provides for direct elections, calls for a very drastic departure from the basic formula of government provided in the Constitution. Electoral reform is desirable and necessary, and the present anachronism of the electoral college system should not be continued—but the resolution does not provide "reform," it is a totally complete break with our constitutional history and framework.

That which has made our constitutional system distinctive has not been the fact that it is a "democracy" or "representative republic," for certainly other governments before ours and since have had these earmarks. What has made our Government so unique and what has contributed so much to the success of the Great American Experiment has been the federal system. Our federal system has made the American Constitution the envy of most of the world. Numerous other countries have emulated our model in their own constitutional systems.

An important element of the great compromise which the founders of this Nation has arrived at in our Constitution was the method of bringing this federalism into the system of electing our national executives. Through the electoral system each State in the federation was awarded a role in the election of our executives—the direct election of the President and Vice President was rejected.

To provide now for direct election would reject the wisdom of our constitutional framers and would take another giant step in the erosion of our federalism. It would tend to produce splinter parties, and to render ineffective the two-party system. It would have unfavorable impact upon our whole political system including party structure, and it would inevitably result in the Central Government assuming power to regulate election procedures and voter qualifications at every level.

The answer is not to "throw out the baby with his bath water," but to provide real reform, using the scalpel and not the ax. The district election plan provides such an answer and solution. It provides the best proposal for preserving our unique federal system, the greatest single strength of our American form of government. It is in keeping with our history and our political institutions as they developed.

The district plan abolishes presidential electors as individuals, but retain the electoral votes of the several States. Two of these voters are assigned automatically to the presidential candidate carrying the State as a whole, and the remaining electoral votes of each State would be assigned to the presidential candidacy which carries each separate electoral or congressional district within the State. Unlike, the direct vote system, the district plan would give weight to the entire country and would not unduly favor the large metropolitan areas.

Mr. MOSS. Mr. Chairman, I rise in opposition to the substitute and in support of the action recommended by the great Committee on the Judiciary, because the action they have recommended is right and because I have a reverent regard for the right of free people to govern themselves and to elect those who speak for them. They elect each of us. Early in this century the Constitution was amended so that they elect each Member of the other body by popular vote. It is of the utmost importance that the people have the right to elect the most important office not only in this Nation but in the entire world. I share very strongly the concern voiced by the majority whip in this well a few moments ago when he said he can think of so many frightening prospects that could evolve following a presidential election under the present circumstances. We have indeed been given the greatest break any nation ever had. We have had sheer good luck on our side on a number of occasions when chaos could have been the substitute. I do not think it wise for us to continue gambling.

To those others who say that we are acting emotionally or that we are rushing I can think of no issue that has been deliberated longer—180 years. I can think of no issue more carefully considered. Congress after Congress has discussed it. The American public is willing and ready and sufficiently sophisticated to assume the burdens of directly electing the President of the United States. I think above all that high office should be able to have a man speaking from it with the full knowledge that he is there by the choice of a majority of the free electors of his Nation.

The idea that I am not a citizen of the United States I find repugnant to me. I was shocked when the gentleman from Michigan said that we are not citizens of the United States—we are citizens of the States. I believe the Constitution says that we are citizens of the United States and of the States.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield to me?

Mr. MOSS. I will be very happy to.

Mr. WAGGONNER. Did I understand the gentleman to say that he believed under the present system the President should be elected by a majority of the States?

Mr. MOSS. I believe that I said a majority of the vote.

Mr. WAGGONNER. Then, why does the gentleman support a plan which requires only 40 percent?

Mr. MOSS. I think the 40 percent will fill my needs as it does when you have a three-way race for Congress in many, many districts of this Nation.

I find nothing inconsistent with the views I have expressed here. Perhaps the gentleman from Louisiana does. And, if he does then, of course, on his own time he can point out the inconsistencies. Perhaps, plurality might be a better term, but at least we will be able to control the machinations of a district system which can be carefully contrived to frustrate the will of the people. It has been through the gerrymandering process that time and time again has been employed to frustrate the will of the people. Also, there have been many efforts on the part of condidates of the minority groups aimed at frustrating the will of the people. They cannot do it and they could not do it if we do what the Committee on the Judiciary has recommended we do here today.

Therefore, Mr. Chairman, I hope that the substitute will be voted down and that the committee proposal will be adopted.

Mr. COUGHLIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute and to support House Joint Resolution 681, providing for the direct popular election of the President and Vice President.

Throughout this debate, we should not lose sight of four overriding questions:

First. Should the people of the United States elect their President?

Second. Should every vote be counted in ultimately determining the President?

Third. Should each voter be given an equal voice in determining the President?

Fourth. Should the candidate with the most votes be declared the winner?

These questions seem so basic—and an affirmative answer so automatic—that to dwell at length on the principle involved would appear ludicrous. The American people answer "Yes," as evidenced by the Harris poll showing 78 percent favoring direct election, and the Gallup poll showing 81 percent.

Major organizations across the country have actively endorsed and supported direct election, prominent among them the AFL–CIO, the American Chamber of Commerce and the American Bar Association.

The present system has offered some dark moments in our Nation's history, as we recall that three times a President has been elected who had fewer popular votes than the defeated candidate: 1824, Jackson-Adams; 1876, Hayes-Tilden; and 1888, Harrison-Cleveland. Eleven other victorious candidates were elected without having a majority of the popular vote.

Under this system, it is possible for a candidate to win a majority of the electoral votes with approximately one-fourth of the total popular votes.

Examination of constitutional provision reveals several inequities: there is no provision binding electors to vote for the candidate of their parties; the college does not reflect whether one person or several million voted within a State; if both the presidential and vice-presidential candidates are residents of the same State, that State could not cast its electoral votes for both candidates; third-party candidates have power far surpassing the number of popular votes they receive; too much discretion to the States is given to determine which candidate may be on the ballot and who may vote; the system encourages the selection of the vice-presidential candidate with primary attention to regional and other considerations rather than his ability to govern; and finally, the system does not provide for selection of the President should the President-elect die between election day and the day in December when electors cast their votes.

The alternative proposals offered hold basically that geographical territories, not people, should elect the President; that a vote should count more or less depending on where it was cast; and that it should remain feasible in some elections for the winner to become the loser and the loser to become the winner. Only the direct election proposal embodied in House Joint Resolution 681 guarantees the elimination of such inequities, while simultaneously guaranteeing the realization of the principle that the right to vote includes the right to have that vote accorded equal weight with a vote cast by any other citizen of the United States.

The people of the Nation have expressed themselves vocally, articulately and overwhelmingly in favor of a change to the existing system, and have indicated a strong preference for the direct popular election of their President.

Only under such an election will the American people for the first time be permitted to take a direct and personal part in selecting their President.

As our Nation strives to afford equality to all its citizens, it is imperative that the Congress recognize the one-man, one-vote principle as an integral part of our philosophy of government. Nowhere can this principle be rendered greater justice than in electing the President. By direct popular election, each voter is certain that on election day his ballot carries as much weight as that cast by any other individual in any of the 50 States. Equality of the ballot box will be assured.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the distinguished gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I wish to associate myself with the remarks of the gentleman who has made an excellent statement which gets to the heart of this issue.

Mr. COUGHLIN. I thank the distinguished gentleman.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I think the gentleman has made a very sincere statement also, but I wonder as we watch the debate unfold on this particular amendment that we ought to give some consideration to perhaps reaching some compromise or a fallback provision rather than a runoff election?

As I listened to the debate here it seems that the hangup is not on the direct election of the President, the hangup is what happens if any candidate fails to get 40 percent or more of the total vote cast.

I wonder if the gentleman would have any views on that subject?

Mr. COUGHLIN. I would say that the problem with the present substitute amendment, at least in my opinion, is the fact that you are dividing the vote according to geographical districts. By apportioning the vote that way, you do not allow each voter to have the same effect as every other voter.

Mr. PUCINSKI. I think the gentleman makes a good point, but I was wondering if perhaps rather than the runoff we could not reach some compromise on the proposal made by the distinguished majority whip here who talked about a proportional apportionment of the vote in the State in the event that a candidate fails to get 40 percent.

Mr. COUGHLIN. That is not the question before the committee at the moment.

Mr. PUCINSKI. I thought I might get some opinion from the gentleman as a member of the committee.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I shall not consume the full 5 minutes, but I think the debate has been very healthy because it has focused attention on the proposal that has been brought out by the committee.

Many searching questions have been asked, and I think it has been extremely healthy for the entire body.

Now, I know that the amendment pending is one which affects the district plan. I have reservations about that particular approach just as I have reservations about the popular direct election method. I have the feeling that many of the Members are in that unsettled state of mind at this time. I therefore have asked for this time to recommend to the Members that they give serious consideration to the proportionate plan. Not a great deal has been said about that up to this point.

I understand that the gentleman from Virginia (Mr. Poff) will have this amendment to offer in the event he is given that opportunity. I hope that the Members overnight have a chance to look closely at the proportionate plan. I think it is the sleeper here before the Congress at this time. As I move around the floor and talk to the Members on both sides of the aisle I find that they have reservations about the two proposals that have been primarily discussed. I have the feeling that they could buy the proportionate plan.

What the proportionate plan really does is to give every vote a chance to be counted. It says to the State that you get the number of electors in proportion to the popular vote. Now, that is fair. Every vote is counted, no vote is lost. I think that brings in the whole of the popular vote.

On that basis we then can also retain the electoral college system that has served us well for 180-some odd years. Therefore it seems to me that it has a great deal to offer. I hope the Members do not lose sight of that fact when they have the opportunity to vote on the district plan and/or later on the popular plan; indeed the best proposal could well be the proportional plan.

Mr. McCLORY. Mr. Chairman, would the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Illinois.

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Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding. I think what the gentleman has said is correct provided, of course, that the proportional vote on electors were to reflect the popular vote in the State in which the popular vote was counted. But I want to point out to the gentleman that the proportional plan which will be submitted, as I understand it, will take into account the two bonus votes, and therefore will give those bonus votes an advantage to the small States. This is an inequity which we are trying to correct. The committee's proposal aims to give equal voting power to each American voter, when he votes for President of the United States. This could not be accomplished under the proportional plan.

Mr. PICKLE. I wish that the gentleman from Virginia (Mr. POFF) were on the floor, because he would be in a position to discuss the merits of the plan he probably would present.

I would say to the gentleman from Illinois that, yes, the proportional plan would have two at-large electors. I believe basically that is fundamentally the very practice that we have been following for some 180 years now.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, I would also like to point out that if you eliminate the two bonus votes, then you have what is in substance the direct popular vote plan. And that also came to my thought as I sat as a member of the committee, that perhaps a proportional plan would be a simple mechanism for resolving this. But when you take into account the bonus votes that are involved in the proportional plan that will be presented, as I understand it, you destroy the objective of providing equal voting power to all individual voters regardless of the State or district where they reside.

Mr. PICKLE. I did not know that there is such a serious question actually, as the gentleman has pointed out. You are saying then that the U.S. Senate is based on a false premise by the very fact that we give them two votes over there. We have lived well with that system for many a year.

Mr. McCLORY. I would point out that in our authority to amend the Constitution we are limited or restricted or prevented from doing anything to upset the representation in the Senate which is granted to the States.

So that is one reason there is nothing being done about that even though we are adhering to the principle of one-man, one-vote in our representation in our State governments and in this House of Representatives.

Mr. PICKLE. I submit to this body again that this question of equity is involved and it seems to me that the proportional system would give credence to the popular vote and still retain the electoral college. If you have a contest, the States then would get the total number of votes in the joint session that they had both Senators and Representatives.

I would think it is a good plan and we should give a great deal more thought to it.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. WAGGONNER. The gentleman from Illinois (Mr. McCLORY) is a learned lawyer. I am not an attorney. But the gentleman says the Constitution prevents anything—and that word is all inclusive—from being done to the representation of the Senate. The Constitution does not forbid the votes being weighted in the Senate; does it? I know equal suffrage cannot be destroyed.

Mr. PICKLE. It does not.

Mr. WAGGONNER. Then that takes care of the word "anything;" does it not?

Mr. PICKLE. I would think so.

Mr. WAGGONNER. I think the gentleman had better read the Constitution.

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, I think the debate since it began last week has proceeded in the very finest traditions of the House of Representatives.

Truly, we do not lightly embark upon the task of amending the fundamental law of our land. When you look back and consider the relatively few times that we have taken that action during the more than 180 years of our Republic, I think it indicates that we do well to examine very carefully, as we have done throughout this debate, the proposition that we now make this fundamental change in the manner of electing a President and a Vice President of the United States.

It was said, I think, by one of those who preceded me in the well that we are considering a very fundamental question of political philosophy. You can go back some 2,000 years to the time of Aristotle and you will find, and I think these are his words, that he said:

> If liberty and equality, as is thought by some, are cheaply to be found in democracy, then it will be best attained when all persons alike share in the government to the utmost.

So we do indeed consider the very fundamental question of philosophy of our Government when we attack this problem of the electoral college.

I too listened with a great interest to the remarks of the gentleman from Michigan who spoke earlier, when he suggested that in casting our ballots as individual citizens we vote not as citizens of the United States but rather as citizens of our respective States. Implicit in the argument that he made was the thought that if we abolish the electoral college—if we adopt the direct popular election of a President and Vice President—that we somehow do violence to the Federal structure of our Government and that we somehow, almost unwittingly, are going to be responsible for changing the fundamental nature of the system that was born 180 years ago.

Mr. Chairman, of course I am one who speaks as the author, very early in the session, of legislation providing for the direct election of the President of the United States. Therefore, I can scarcely claim that my mind has been changed by anything I have heard in this debate. But I can say, on the basis of what I have heard from the learned gentlemen of the Committee on the Judiciary who form the vast majority of the committee and who believe we should adopt the direct popular method, that we are far from destroying our federal system and we are giving it new life and we are going to give it new vitality such as it never had before.

Mr. Chairman, almost everyone agrees that the existing electoral college is in need of reform. Many alternatives have been proposed and all have some merit, including the district and proportional plans. But the Committee on the Judiciary, after conducting extensive hearings on some 80-odd resolutions, has decided in all its wisdom, to report to the House, House Joint Resolution 681 which calls for the abolition of the electoral college and the substitution of a system for the direct popular election of the President and Vice President. I commend the Judiciary Committee on its final decision and lend my full support to the bill which it has reported. I have long been an advocate of an amendment that would abolish the electoral college and institute the direct popular vote. And I think it should be pointed out that an overwhelming majority of the American people also favor such a change. A Gallup poll taken in November of 1968 revealed that 81 percent of the American people favored a direct popular vote; and a Harris poll showed 78-percent support. In my own congressional district, the 16th of Illinois, a poll taken early this year revealed that 71.4 percent of the people favor the direct popular vote, while 14 percent favor the proportional plan and 7.5 percent favor the district plan. It should be surprising to no one that the American people feel they are quite capable of responsibly and directly choosing their own President and Vice President.

Mr. Chairman, I am aware of the argument that the direct election plan would not receive the necessary approval of three-fourths of the State legislatures, despite the overwhelming popular support it has. This is an argument which we must consider as a practical matter in our attempts to reform the electoral college through a constitutional amendment. It would be foolhardy for us to pursue a course which did not stand a chance of receiving the required endorsements in the State legislatures. It would seem more practical and advisable to instead agree upon a compromise reform that would have the approval of three-fourths of the States. Some have suggested that the proportional or district plans of dividing electoral votes would be compromises acceptable to the smaller States which they claim stand to lose from a conversion to the direct popular vote.

In answer to this most persuasive argument, I would like to call to the attention of my colleagues a survey conducted by Senator ROBERT P. GRIFFIN of Michigan. Senator GRIFFIN describes his own earlier predisposition on this matter as follows:

> While I was inclined to favor the direct election proposal as a theoretical proposition,

> I have been reluctant in the past to advocate its adoption in Congress in preference to other reform proposals because of an intuitive concern that it could not be ratified by three-fourths of the States.

Consequently, Senator GRIFFIN decided to poll the State legislators in the 27 smaller States where opposition was thought to be the greatest to the direct election proposal. He sent his questionnaires to 3,943 State legislators and received an amazingly high response of 44 percent. Each legislator was asked to respond to the following four questions:

One, would you, as a State legislator, vote to ratify a proposed constitutional amendment abolishing the electoral vote and providing for election of the President by direct popular nationwide vote?

Two, do you believe your State legislature would approve such a proposal?

Three, if the direct popular election proposal should fail, would you favor an alternative which would abolish the electoral college but retain the electoral vote of each State, and which would: (a) apportion the State's electoral vote on the basis of the popular vote within the State? (b) Award 1 vote for each congressional district on the basis of the popular vote within that district, with two additional electoral votes awarded according to the statewide popular vote?

The results of this poll revealed that 64 percent of the State legislators from these 27 small States favored the abolition of the electoral college and the institution of a direct popular vote for President and Vice President, while only 34 percent expressed opposition. And 50 percent of the State legislators thought the direct vote amendment would receive the approval of their State legislatures while 41 percent thought it would be rejected. The survey indicates that only two States, Idaho and North Dakota, would definitely oppose the proposition.

Senator GRIFFIN draws the following conclusions. In his words:

> My survey strongly suggests that there is more support for the direct vote amendment among State legislators—even in the smaller States—than is generally believed to exist. . . . As a result of my survey, I have come to the conclusion that I should work for approval by Congress of the direct popular vote amendment. Not only does it appear that there is a good chance for ratification by three-fourths of the States, but I have been impressed by the indication that it stands a better chance than either of the other two reform proposals.

I do not think there are many left in this body who would defend the existing electoral system, especially after the near constitutional crisis of the past election. It is obvious to most that the present electoral college system is dangerously inadequate. There are several instances from our history when the will of the majority has been thwarted by these archaic procedures. As recently as last year we were treated to the spectacle of an elector exercising his right to completely disregard the mandate of the election in his State by casting his vote for another candidate. We are all aware of the fact that the existing winner-take-all electoral system completely cancels out the votes of all who voted in a minority in a particular State. On two occasions the election of President was thrown into the House of Representatives where each State delegation has just one vote. Under the present system, the President and Vice President could conceivably be of different parties. All these factors in combination tend to make a joke of the democratic process we are all so fond of espousing.

The Committee on the Judiciary put it this way in their final report:

> These factors, separately and in combination, contribute to the most serious potential flaw of our present system—the possible election of a President who is not the first choice of the voters. The only electoral reform proposal which would eliminate all of the principal defects in the present system, and guarantee that the popular winner is elected President is provided by the direct popular election of the President and the Vice President. Adoption of this proposal will eliminate the possibility of electors repudiating the will of the people.

Mr. Chairman, I find myself in full agreement with this statement. If we are to truly eliminate existing inequities in the electoral system we must do more than give the old vehicle a new coat of paint. The time has come to trade it in on a model which will run smoothly and safely and take us directly to our destination without being stalled or sidetracked. The American investors in this machine have a right to expect that it will perform in accordance with their will.

I find it strange indeed that the President of the United States would say as he did—and he has made it clear—that if the Congress of the United States in its wisdom adopts this legislation providing for the direct election of the President, that he is in favor of that. I find it strange indeed that the President would send up a message, as he did in August of this year shortly before our recess, talking about the new federalism, in which he proposed to clothe our States with new power and with new majesty and with new ability to carry out their role within our federal system, and that he would at the same time countenance an action that would be destructive of that federal system.

I would suggest that the electoral college is scarcely the keystone in the arch of our federal system, that it is not the linchpin, that if we remove it, we will scarcely cause this entire magnificent edifice of the States embraced within a federal system to collapse. I believe instead that this amendment, providing for the direct election of the President and Vice President, will do much to restore the faith of the American people, and particularly the young people of our country, and we can no longer ignore the fact that the median age is declining steadily, until something like 50 percent of our population today is under 25. If you take any public opinion poll of the young people of our country, I think you will find that they are going to support the action of the House Judiciary Committee on House Joint Resolution 681 calling for the direct and popular election of the President of the United States.

It was a great President, the 16th President of the United States, Abraham Lincoln, who told us that we ought to have government of the people, by the people, and for the people. And I shall at this point borrow the very apt expression of the gentleman from Indiana who sits on the other side of the aisle. He did not say government of and by and for the district, but of the people. There is not a single proposition before this Chamber today which I think really gives expression to that principle better than the principle that is embodied in this House joint resolution.

I urge defeat of the substitute and the adoption of the bill reported by the committee.

Mr. WAGGONNER. Mr. Chairman, I rise in support of the amendment to the resolution.

Mr. Chairman, arguments of this sort are generally and too often left to those learned in the law, and those of us who are not members of the legal profession perhaps take too little part in debate on issues such as this. But I believe we, those of us who are not lawyers, can make some contribution to debate such as this, whether we are members of the legal profession or not. Surely this is so because of the magnitude of the issue and the principle involved.

A number of things perhaps can be recapped here as time permits. It has been said that this is a serious matter, this matter of changing the system of electing the President of the United States, and it is. It has been said that almost everyone favors some sort of a change. And I would agree. Most of us do. I do. But I do not think sufficient emphasis has been placed on the fact that what has been proposed by the House Committee on the Judiciary is as radical a departure from what we presently do as should be and as is the case.

The gentleman from Illinois (Mr. ANDERSON), who preceded me in the well, is truly one of the eloquent speakers in this House of Representatives, and he made much to-do over his statement that the electoral college was not in itself the cornerstone of our system of government. To this extent I agree. But he failed to take recognition of the fact that the States are the cornerstone of our federal system of government. In talking about the "new federalism" he proposes to give and share with one hand but takes away with the other.

And it is that system with the States as the cornerstone which is going to be destroyed by the proposal which has been sent to us by the House Committee on the Judiciary.

Earlier today a philosopher was quoted as having said that "there is nothing like an idea whose time has come." We lost a distinguished Member of one branch of our U.S. Congress a few days ago who used to utilize this quotation quite a bit himself. If we take it at face value, if it is a properly presented idea, I would agree. But the very idea that the people believe in a direct vote and the manner in which it has been presented to the people is misleading, because it is a cruel hoax to perpetrate on the people and lead them to believe something is going to happen that cannot happen within the framework of the proposal, because the idea has been misrepresented. It would be more appropriate today to say: "There is nothing like a misrepresented idea whose time has come."

I have asked some members of the press to try to tell the people we are not talking about a majority vote, but a plurality of only 40 percent. They say they do not know, wait and see. They do not want the people to know we are not talking about a majority vote. They will not talk about 40 percent.

Let me tell you something and let us talk about this thing seriously. It seems to me we are fortunate to have come this far if our system is as bad as some have described it during the course of the debate on this resolution. I would agree with the gentleman from Mississippi (Mr. COLMER), who spoke earlier and said if it had not been for George Wallace, we would not be debating this proposal here today. The Members know it and I know it.

There is no basis in the Constitution and no basis under Federal law for the two-party system. But the Members know this resolution is intended to strengthen the two-party system. This is the basic purpose of it. Partisan politicians have been shaken to their eyeteeth because of the 1968 election. The two-party system has served us well. Strengthen it if you will, but do not destroy or stifle this sort of dissent in a free land.

To those who say they advocate dissent, if they support this resolution or this proposal, they are stifling dissent. They are perpetrating a hoax on the people with the misrepresented idea of the direct election of the President by 40 percent of the people without a runoff, that it will be in the best interests of democracy. They are talking about raw democracy. Misrepresentation? What am I talking about?

A number of people have talked about what the polls show. Let us first talk about the one referred to earlier by the National Federation of Independent Business, and I hold in my hand a letter from those people dated September 10, saying that they support House Joint Resolution 681, but reading their question, if Members do not believe there is misrepresentation, their question was in these words and in these words alone:

> Do you favor Presidential election by majority popular vote of the people?

Certainly this is the reason the polls have produced the results they have. The questions have been misleading and misrepresented. People do not know this resolution does not require a majority vote.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 5 additional minutes.)

Mr. WAGGONNER. Mr. Chairman, I hold in my hand also a newsletter from the UAW—United Auto Workers—dated a day later than the letter from the National Federation of Independent Business, the newsletter from UAW is dated September 11. On the subject of the importance of having a majority President—these are Mr. Reuther's words and not mine—Mr. Reuther says:

> Direct popular election would give victory to the majority candidate and is the only forthright, foolproof answer to this problem.

But still we misrepresent the issue and hide the fact that 40 percent will suffice. Who is trying to mislead whom?

The UAW Washington Report of September 15 says:

> Certainly an overwhelming majority according to polls agree on the majority approach to Presidential elections.

Reference is only made to a majority.

But we continue to misrepresent the will of the majority and say we are following the interest of the majority when we talk about electing a plurality President with only 40 percent of the vote. It is a cruel hoax. We will destroy the States, the cornerstone of the federal system of government, and we will destroy every prerogative of the States in this proposal with respect to presidential elections except one, for the only prerogative remaining to the States will be to allow the States to establish the minimum age at which a citizen might be eligible to register and to vote.

This proposal is worse than that. We are destroying not just the geographic protection given to the States, but to the districts within a State when we destroy the electoral system in its entirety. In principle this is no different than it would be to elect 435 Members of the House of Representatives nationwide without regard to where they live. It was intended to be part of our system of checks and balances that some protection be given to the smaller States with fewer people to protect them against the onrush, the selfishness, and the greed of the bigger States with a great many people. I will tell you in part what you are going to do: you are going to benefit the urban areas and the areas where bloc voting occurs. The sparsely populated areas and States will not get much attention when campaign time rolls around and even less after the election.

To those who sit on the minority side, on the Republican side, hear me and hear me well. I am going to make a prediction. The day is going to come when the Republican Party is going to regret having given support to a proposal that is going to benefit my party, the Democratic Party to your detriment.

I am not talking about it from a partisan point of view. I am talking about what is going to happen, because you know, and history records—and this is the only yardstick to the future—that you have never in the Republican Party had sufficient appeal in the urban areas to the bloc voting masses, and you are going to be further weakened, and put in a worsened position, if you support this proposal. To begin with you do not have the registration.

Remember that prediction, not for the next election in 1972, but for the years which lie ahead.

Yes, you are going to insure, if you pass this proposal, if the Senate does, and if it is ratified by three-fourths of the States, as required, that every time—not just occasionally—there will be a plurality President, insure every time that we elect a plurality President.

Certainly, the district plan does not provide everything everybody would like to have, but it will serve the best interests of the people and it will serve the interests of the people of all our States in a better fashion than this misrepresented direct vote proposal which has come from the House Committee on the Judiciary.

You know that is the case.

Consider the problems which might arise from the direct election of the President. This debate shows the committee has not.

I have here in my pocket a telegram from a man who has been secretary of state in Louisiana for so long I cannot remember. For 25 years at least he has been the chief election officer in the State of Louisiana. In part he says:

> I would oppose the direct vote because it is impossible, even for us who have spent a lifetime in the conduct of elections, to foresee all of the possible complications, evils or inequities that might eventually flow from such a system. Such a procedure would require a complete change in methods of qualifying candidates, and without appropriate elaborate safeguards which would become the subject of interminable litigation, could make it so easy to become a candidate that ballots would be so large as to be impractical and unworkable. In close elections with a direct vote, election contests could be expected, in so many places with such long delays, that many months might elapse without a determination of the successful winners. A direct election would probably necessitate a "runoff" election in the event of small pluralities. A runoff election for president and vice president without other federal, state or local candidates would certainly produce a disappointing vote to this country and the world in terms of the number of votes cast.

My friends, you had better think about what you are doing. What we have been doing has weaknesses and flaws, but it is not as bad as the picture you have attempted to paint here.

Why has this country survived as it has? Why has this country developed to be the greatest Nation in the world? In my opinion it is not because of the U.S. Congress and these misrepresented appeals but in spite of the U.S. Congress. Do not buy a pig in a poke and wind up with a raw Democracy. Do not erode unnecessarily any further our system of checks and balances.

Mr. KUYKENDALL. Mr. Chairman, I rise in support of the Dowdy-Dennis substitute, the so-called district plan for election reform.

First, let me say with great feeling that the faults of the present system are so great that they must be corrected. These faults include the problem of the faithless elector who can disenfranchise thousands of voters. The problem of the "winner take all" situation in large States, and the problem of the electoral deadlocks which could possibly create a constitutional crisis, leaving the country without leadership for an indefinite time.

My State, Tennessee, is fortunately a "center State." We are about one-half way down the list in population. Our State itself would neither gain nor lose influence appreciably in the election of a President, regardless of the system used. Our State has voted Republican four times and Democratic four times in the last eight elections and our congressional delegation is now balanced 5-4, in favor of the Democratic Party. So we are not in a position of having any crow to pick in this matter.

Mr. Chairman, the fact that there are some glaring faults in the electoral system which must be corrected does not mean that the American presidential election process should abandon all its checks and balances, leaving it with no protection for minorities—be they States or individuals.

More damaging, Mr. Chairman, would be a system which takes a giant step away from the republic which is the basis of this Nation's greatness and which Benjamin Franklin warned immediately after the writing of the Constitution that there was a danger of losing.

The democratic republic, may I remind all my colleagues, is different from a pure democracy basically in the length of time that it takes the will of the majority to prevail. The checks and balances built into our Republic are not designed to thwart the will of the people. They are placed there to prevent the momentary whim of the people from prevailing. And this is what I feel is most dangerous in the direct election of a President of the United States. The long and tedious process of recognition throughout party circles; the quest for delegate strength across our Nation; the process of being nominated by one of the great parties; the process of qualifying for the ballot in our several States, all guard our Nation against the "man on horseback" who has, throughout the history of mankind, contributed to the downfall of all the past democracies of this world.

If you will, imagine with me in this day of mass communication and this moment in history when the emotions of our people run so high, an unscrupulous man emerging as late as the spring of an election year, a man with unlimited funds, a man with appealing television manner, a man with all of the answers momentarily that the people want to hear, and with just a few minor changes in the popular election bill as before this House, that person could be elected President of the United States that fall.

Our forefathers saw this danger and built safeguards to insure that it could not happen.

I am told by some of my colleagues that nothing in our history indicates the possibility of this happening. And I agree with them—that nothing in our past actions so indicates. But let me remind each of you that our Founding Fathers did not found the two-party system. Our Founding Fathers did not create the present system of electing a President, except that part of it that takes place on election day and thereafter. Our present system of checks and balances, including the great two-party system, was created as a result of the foresight of true patriots, and, for that reason, there is little evidence in our past of the likelihood of the knight in shining armor becoming President of our great Nation in a fit of temporary emotion on the part of the voter.

In the days to come, we will decide whether to wipe out these safeguards. I hope and pray that we do not set the stage for the man on horseback, a stage that it would be impossible to reverse.

I feel strongly that two very, very harmful results of the straight popular vote are almost certain to emerge. First, and almost immediately, will be a proliferation of political parties and second, and not so quickly, will come the man on horseback who, with mass appeal, unlimited funds, and a message to give the people that they want to hear, a message he has no intention of following up with deeds, will create such havoc in our Nation and there will be no pleasure in saying "I told you so," because it will be too late.

(Mr. ADAIR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ADAIR. Mr. Chairman, I rise in very strong support of the Dowdy-Dennis proposal.

Mr. Chairman, it is imperative that we approach the matter of electoral reform in a careful and thoughtful manner. It is agreed by most that electoral reform is needed. However, as initiators of the constitutional process for changing the present system, we should vote out a plan that corrects the essential inequities in the electoral college system, but one that will not destroy or damage the federal system. Moreover, only the most carefully considered and drawn proposal will have any possibility of adoption by the required number of States. There are a great many more States than 13 which are unwilling to give up recognition of their statehood in a presidential election.

Thus, I support the amendment offered by the gentleman from Indiana (Mr. DENNIS) and the gentleman from Texas (Mr. DOWDY). This amendment cures the fundamental inequities of the present plan. It obviates the problem of a faithless elector by abolishing the elector as an individual, but retaining the electoral votes. In addition, this reform plan remedies the essential unfairness in the present system which allows the winner of the popular vote to take all the electoral votes of a State and, thereby, totally disregard the votes of the minority.

The district plan is to be preferred over the direct election plan because it preserves the federal system and also prevents the tyranny of the majority that Jefferson and Madison were concerned about. A President elected under the district system would still be a representative President. As my colleague from Indiana (Mr. DENNIS) pointed out:

> Political machines in 12 cities and nine large States can pile up pluralities so big that the votes of the rest of the country would not matter in a nationwide popular election.

This would result in the tyranny of the majority that Madison spoke of: The President would overrepresent the urban interests at the expense of three-quarters of the geographical area of this country. Proper sectional differences would be preserved in the election of a President by adoption of the district reform plan. Balance and compromise which are inherent in the federal system would be reduced as important ingredients in the election of the President if House Joint Resolution 681 is adopted without amendment.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the outset, I wish to commend the gentleman from Texas (Mr. DOWDY) as well as all other members of the Judiciary Committee, especially the chairman and the distinguished minority member, for their exhaustive research and thoughtful deliberation which has brought us to this moment of historic debate. The thoughtful consideration of a distinguished committee and the conscientious concern evidenced by Members of this body are indeed fitting when the issue at stake involves a change in our Nation's Constitution.

The need for a decisive change in our electoral procedures has been acknowledged by Members of all persuasions. Because I believe they have been thoroughly discussed, I do not propose to detail the defects of the present electoral college. However, I do not believe that today's need for effective change can be made by halfway measures or halfway reforms. As was stated in an exhaustive study of the Congress, the first branch of Government: "It is in the matching of the institutions to the changing issues of the times that the genius of this generation is tested."

The challenge before this honorable body is in the matching of the mechanism by which the American people select their President to the changing needs and issues of our time. It is a compelling argument for electoral reform to observe the rapidity of population growth across the Nation and the increasing migration of people from one State to another—yet to realize that our electoral system bases allocation of electoral votes on a census taken every 10 years.

It is a compelling argument for reform to note that our system disenfranchises millions of voters through the "winner take-all" feature whereby all of a States' electoral votes go to the winner of the popular vote.

In fact, the existing electoral system is not predicated upon the realities of growth or upon the will of the actual majority. As is quite obvious. My position on this issue spelled out by legislation which I introduced on the first day of this session favors the direct popular election of the President. I believe all of the alternatives which have been suggested contain flaws equal to the defects in the electoral college system.

In my judgment, the district plan which is the subject of the particular amendment that we are now considering contains a subtle but very serious flaw. It is this plan which I oppose most strongly. Embodied in the district plan is a system wherein the presidential candidate would gear his campaign to the congressional districts. My objection to this lies in my strong belief in the concept of Congress as an independent branch of our Government. The inevitable and practical result of the district proposal would create on the campaign trail an interdependence and an interrelationship between the campaign of the executive and legislative candidates, which in the long run could seriously impair the independence of the Congress as a separate branch of Government. Scholars of Government have written volumes about the declining power of the legislative and the increasing dominance of the executive.

While individual members of this party might espouse with enthusiasm the programs of a particular President, looking down the long road of history a system which makes the interrelationship between the executive and legislative closer damages our national interests. The Founding Fathers had good reason to enunciate the doctrine of the separation of powers, as one of the cornerstones of our Government.

I submit that we should take no action that would tend to erode this separation.

Do we not threaten the concept of the separation of the powers of the executive and legislative branches of our Government by a plan which so closely ties the campaign of a presidential candidate to each congressional district?

Mr. Chairman, during this lengthy debate it seems to me in conclusion that the really serious objection to the direct election of the President is the question of its ratification by the other body and by the State legislatures.

And, I say, is it not a desirable objective to introduce the one man, one vote principle into our national electoral procedures—and is there reason to deny to any American the right to elect his President?

Have we not learned that approximately 80 percent of the people want the direct popular election plan? I believe it is significant to add that the Gallup poll of November 1968 showed nearly uniform support in every region of this Nation: East, 82 percent; Midwest, 81 percent; South, 76 percent, and West, 81 percent.

Should the Congress attempt to prejudge the people's will? When the direct election plan is presented to the legislatures of the several States, will not, then, the people's voice be heard and the question of ratification answered? Should we not, therefore, simply proceed with the proposition?

Experience has shown that the electoral college is riddled with defects which operate to frustrate the will of the people. Shall we continue, by halfway means which merely increase but do not entirely satisfy the right of full enfranchisement, to frustrate this will?

As we conclude these consequential and vital deliberations, Mr. Chairman, I urge my colleagues to reflect upon and give careful thought to the words of the great Greek philosopher, Aristotle, who wrote:

> If Liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost.

And may I also commend to the attention of my colleagues these words of Abraham Lincoln, which are so applicable to today's events:

> Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?

And let us act to give reality to the truth that there is wisdom and gain in the full exercise of the people's will.

Mr. MADDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I commend the chairman and the members of the Judiciary Committee for bringing in the only fair and honest and practical method of electing a President of the United States.

Mr. Chairman, this Joint Resolution 681, now under consideration, providing for a more equitable and fair system of conducting the popular vote for electing the President and Vice President has been debated off and on for almost a week. It was President Nixon who stated in his remarks pertaining to the popular election of the President that the candidate who got the most votes should be the "winner." The chairman and members of the Judiciary Committee of the House should be commended, for after many days of hearings in executive session, to report out the present joint resolution which provides for the election of the President by a popular vote of all qualified voters throughout the Nation. Eliminating national partisan politics from arriving at a decision on this legislation, there could be only one result. That result should be to eliminate the present electoral college system and disregard the so-called district or apportionment proposals and accept the proposals outlined by President Nixon that "the candidate who receives the most votes should be the next President."

President Thomas Jefferson, back in 1823, stated that our system of electing a President and Vice President was the most dangerous mistake made in our Constitution. His statement has proven correct on at least three different occasion in the intervening presidential elections when the candidate who got the least votes was sworn in as President of the United States.

In addition to the above-mentioned disgraceful and unfortunate violations of our Constitution's watchword "let the people rule," in six other presidential elections the change of a few thousand votes would have thrown the election into the House of Representatives. If that occurred the wheeler-dealer politicians would connive and in all probability place the loser as the victor or vice versa.

Only the direct popular election plan can eliminate all the basic contingencies and deficiencies in the present electoral system. It will eliminate the political control over electors who, in many cases in the past, have not expressed the peoples' choice majority for President. It will conform the presidential election to the system of plurality voting used throughout the Nation in congressional elections and in statewide and local offices.

It is interesting to note that 15 of our Presidents have been elected President by less than 50 percent of the votes cast. Only as recent as the last presidential election in 1968, change of approximately 20,000 votes in two different states might have thrown the election into the House of Representatives. The machinery had already been started to make a deal with either one of the candidates of the two major parties.

Support for the pending resolution and for a direct peoples' vote throughout the Nation for President and Vice President has been endorsed by many of the most outstanding nationally known organizations of the Nation. To mention but a few—the U.S. Chamber of Commerce, the American Federation of Labor, the CIO, the American Bar Association, the Federal Bar Association, and many other prominent groups have endorsed this resolution to elect the President by a direct vote.

The Gallup poll of November 1968 showed that 81 percent of the Nation favored the direct vote system. They broke the poll down regionally as follows: East, 81 percent; West, 81 percent; Midwest, 81 percent; South, 76 percent, favor the direct election system.

Considering the trend in recent years we can expect more splinter political parties to spring up and secure sufficient support in many states to place their candidates for President and Vice President on the ballot. This trend will greatly add to the hazard of trying to secure an honest and just recording of the presidential voting as it will multiply the possibility of the election being thrown into the House of Representatives which now as such a great hazard under the electoral system.

I do hope that the House will vote down all amendments, including the pending so-called district system and any other systems that will add further hazards in throwing our presidential election into a political turmoil and might bring about a constitutional crisis that would jeopardize the very citadel of our National Government.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I thank the gentleman from Indiana for yielding.

I also rise in opposition to the substitute. I believe that the debate has demonstrated time and time again the efforts of the committee to try to find the most effective way of addressing itself to this whole problem of electing the President. Certainly, it does take into consideration the fact that what we do here today is really going to take us into the 21st century in our effort to try to meet and solve some of the problems of this country. That is why it is my intention to support this bill.

But, it is my hope that before this debate is concluded we will find some better way to resolve the runoff question.

I believe the proposal made by the committee in the first instance in trying to elect the President by a direct vote of the people is the only way we can do it.

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The hangup, in my judgment, comes when any candidate fails to get 40 percent or more of the total vote cast.

Look at the figures for the last election: there were 31,770,000 votes cast for the Republican candidate and 31,200,000 votes cast for the Democratic candidate, as well as 10,137,000 votes cast for the Independent or the other candidates. In other words, had there been 4.5 million more votes cast throughout this country for independent candidates the election would have been thrown into a runoff if the committee's formula had been in effect.

Mr. Chairman, I believe there is a great deal of merit in what the gentleman from Louisiana, the distinguished minority whip, said when he said we should try to work out some proposal to take care of this situation. I hope we can adopt the committee's amendment in the first instance on the direct election of the President. But I hope if in the event the top candidate fails to get at least 40 percent or more of the votes, we can write in a "fallback" position that would call for distribution of the electoral votes within the State on a proportional basis in direct proportion to the total number of votes each candidate received within the State.

Under a fallback position we would assure election of a President on election day and we would not require the two runner-up parties to go into another costly political campaign as the result of a runoff. No one has mentioned where the funds are going to come from for these runoffs. Each one of us who observed the 1968 election know that both political parties were hampered as a result of the lack of funds. What we are saying here under the committee's "runoff" proposal is that we are going to have a big national primary and if there is a runoff, the political parties have to raise funds again for that runoff.

If this body fails to find an acceptable alternative to the runoff, it is my hope that the other body will find some solution for a fallback position so that if we fail to elect the President in the first vote as is contained in the amendment reported by the Judiciary Committee, there will be a fallback position that will not require a runoff election.

Mr. SCHWENGEL. Mr. Chairman, we are engaged in an historic debate. Amending the Constitution is something we must carefully and only after congressional deliberation decide upon. That is why I am gratified the House is debating the question of electoral reform very carefully.

It is clear to me that our present mechanism for electing a President is out of date. It is possible now for a presidential elector to vote against the popular vote of the people in his State. In fact, a Republican elector from North Carolina did just that last year, casting his vote for George Wallace when Richard Nixon carried his State.

While there are several proposals, all of which improve our present system, I have come to the conclusion that direct popular election is the most desirable. The congressional district plan has gained substantial support. But with significant disparities in the population of congressional districts, this plan carries with it the risk that a candidate who won the most popular votes would not be elected president.

The direct popular vote proposal has gathered wide support. Polls show 81 percent of the people favor it. The American Bar Association, the U.S. Chamber of Commerce, and the AFL-CIO support it. This week it was also endorsed by the House Republican Policy Committee.

It is imperative that we modernize our Presidential election machinery. The will of the people must be protected. That is why I am, after careful study, supporting the recommendation of the House Judiciary Committee for the direct popular election of the President.

Mr. Chairman, the Davenport Times-Democrat editorialized on September 2 in favor of the direct popular election of the President.

I place it in the RECORD at this point:

DIRECT VOTE GETS SUPPORT

A proposal to provide direct election of the President and vice president of the United States is making headway in the Congress. The measure passed the House of Representatives Judiciary Committee in May and the House Rules Committee reported it July 24 to the House for consideration.

It provides three guarantees—that the person who receives the most popular votes is elected President, that voters have equal voice in the presidential choice, and that the people have a direct, personal part in the action.

These are precisely the criteria employed in election of other public officials. Only the election of President and vice president involves an intermediary group, the Electoral College.

Originating in colonial days when transportation and communication were slow or non-existent between the scattered colonies, the Electoral College is no longer needed. It can, in fact, circumvent the desires of a majority of the voters, particularly when combined with the unit rule.

Under the unit rule, by which the entire vote of one state must be cast for one candidate, 38.7 percent of the Arkansas voters in the 1968 election prevailed over the 61.3 percent who voted for either Nixon or Humprey. The entire state vote went to Governor Wallace.

The electoral College also violates the one-man, one-vote principle. In Alaska, one electoral vote represents 75,000 persons, while in California one electoral vote represents almost 400,000.

Under the unit rule a President could be elected by carrying the 11 largest states and the District of Columbia by even the slightest margins, even if he were soundly defeated in the rest of the nation.

The U.S. Senate committee has completed hearings on the joint resolution calling for amendment of the Constitution. If both houses were to approve the resolution this year, the necessary three-fourths of the state legislatures could approve it in time for the 1972 election.

A recent public opinion poll throughout the country showed 81 percent supporting direct popular election of the President. With that kind of public support, it would seem reasonable that legislators at both the national and state level would act promptly. The archaic Electoral College system should be ended, the sooner the better.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Dowdy amendment in the nature of a substitute and all amendments thereto close in 30 minutes with the last 5 minutes being reserved to the chairman of the Judiciary Committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. DENNIS. Mr. Chairman, reserving the right to object, in view of the number of Members who stood a moment ago—about 34—and in view of the fact that only about four have spoken, I make the suggestion as to whether it might not be appropriate to limit the time to 45 minutes instead of 30 minutes in order to give everyone an opportunity to be heard.

Mr. CELLER. Mr. Chairman, I will extend the unanimous-consent request to make it 45 minutes—that all debate on the Dowdy amendment and all amendments thereto conclude in 45 minutes with the last 5 minutes being reserved to the chairman of the Committee on the Judiciary.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Chairman, is it within the rules of the House to reserve time by unanimous consent on such a request, any portion of the time?

The CHAIRMAN. The Chair will state to the gentleman from Missouri that it is, by unanimous consent.

Mr. HALL. Mr. Chairman, then I object.

The CHAIRMAN. Objection is heard.

Mr. CELLER. Mr. Chairman, I move that all debate on the Dowdy amendment and all amendments thereto conclude in 45 minutes, and that the last 5 minutes be reserved for the committee.

The CHAIRMAN. The Chair will state to the gentleman from New York that that cannot be done. One cannot reserve in a motion to limit time any portion of the time for any specific purpose.

MOTION OFFERED BY MR. CELLER

Mr. CELLER. Then, Mr. Chairman, I move that all debate on the Dowdy amendment and all amendments thereto close in 45 minutes.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Chairman, will those who are presently standing and asking for recognition at this time be recorded if such a motion should pass, and then be recognized in accordance with the custom of the House?

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the Chair is endeavoring to make a list of the Members who are standing, and that the Chair will endeavor to recognize those Members who were on their feet at the time the motion was adopted, if it is adopted, and that the Chair will then divide the time among those Members.

Mr. HALL. Mr. Chairman, I thank the Chairman, because many of us have waited for days to speak pending the Committee on the Judiciary relieving itself.

The CHAIRMAN. The Chair will endeavor to divide the time among the Members observed standing.

The question is on the motion offered by the gentleman from New York (Mr. CELLER).

The question was taken; and on a division (demanded by Mr. WATSON) there were—ayes 31, noes 24.

So the motion was agreed to.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair (Mr. MILLS) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States, relating to the election of the President and Vice President, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

> H.J. Res. 250. Joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben.

A QUESTION OF PRIORITIES: A CUT IN SCIENCE FUNDING

(Mr. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCARTHY. Mr. Speaker, the administration's decision to sharply cut budget requests for science in fiscal year 1970 is a glaring indication of how this country has once again muddled its national priorities. Dr. Phillip Handler, the new and dynamic president of the National Academy of Sciences, speaking on September 10 before the American Chemical Society in New York, warned that the proposed budget cuts would bring "panic" to many of our research institutes in this country. Dr. Handler warned that denying funds to our young scientists and doctors "is false economy. It's selling our future short." He argued that whole university departments would be hurt by the cutback in Federal funds.

I cannot help but sense the frustration that the Nation's scientists must feel when the National Science Foundation research budget of $1.3 billion is pared considerably in the name of economy, while at the same time the annual military budget is approaching the $80 billion mark.

This sense of frustration was amplified by the remarks of another noted scientist who also took part in the American Chemical Society symposium. Dr. George Wald, the Nobel Prize-winning biologist claimed that the United States was becoming guilty of "frightfulness." Dr. Wald said:

> As far as I can see, there is no weapon and no means of war that our American Army is not prepared to use.

The motivation behind both of these statements reflects a conflict that exists, not only in this country, but in every major industrialized country in the world. The problem that all such nations must resolve is whether or not they are willing to commit their men and resources to the development of a world fit for all mankind through achievements in education and science rather than continuing an unlimited and irrational escalation of the arms race which can only sap the energies that are so necessary in waging an effective fight against poverty and privation in the world.

The solution to this problem must be an attempt by all nations of the world to seek the proper balance between military spending and socioeconomic development which includes scientific research and education.

The administration's budget cutting action has apparently shortchanged the educational and scientific side of the equation. According to Dr. Lloyd Mintz, Columbia University astrophysicist and distinguished president elect of the New York Academy of Science which also met in New York on September 10, physical science research in the United States is down 20 percent over last year. Dr. Irving Selikoff, also appearing before the New York Academy noted that budget cutting was not a new phenomenon. He stated that it had been going on for years, and "damage is now being built into American science." Dr. Albert Szent-Gyorgyi, another noted American Nobel Prize winning scientist, and a third member of the New York Academy symposium argued that:

> There will be no need of budget cuts if we stop conversion of scientific results into instruments of death. One of the many places of such conversion, the Edgewood Arsenal, spends twice as much yearly as the NSF spends on basic research. We spend through NIH, $1.3 billion on health while on chemical and biological warfare, we spend $2.6 billion. While we continue to spend more money on conversion of our knowledge itself, we must remain in deep trouble. Governments which have greater appreciation for violence than knowledge and neglects our real values should have no place in the 20th Century.

Dr. Szent-Gyorgyi, who discovered Vitamin C, went on:

> Budget cuts are numbers which make little impression so I would like to finish by telling you in a few words, how these budget cuts really look, in reality. As a preamble I must tell you that cancer is a terrible disease and every third member of this audience has a chance to die of it after protracted agony. It kills one man every two minutes in this country alone. I have collected through my long life an enormous research experience which I wanted to utilize in cancer research. Owing to the budget cuts, the NIH disconnected by support against the opinion of the scientific panel, and the NSF could give me only enough to work alone with my two hands. Unfortunately, such problems cannot be solved with two hands, and I have to refuse all young scientists who want to start cancer research in Laboratory. For the amounts of money assigned to the doubtful BM, thousands of research groups like mine, could have worked for a hundred years.

The doctor concluded his statement with the following remarks, I believe they are worth pondering:

> The standing of a nation is decided by its ethics, morals, and by its science, by its gifts to mankind, and not by the size of its Army. With our science we have achieved a first place among nations from which we are gradually slipping and we will go on losing that position while we give killing preference over healing.

I urge my colleagues to consider the remarks of these distinguished American men of science when we vote on appropriations. I am including in the RECORD articles that appeared in the New York Times of September 10 and 15, and the Washington Post of September 11, 1969 as well as a Washington Post editorial of today, for the information of my colleagues:

[From the New York Times, Sept. 10, 1969]

U.S. HEALTH UNITS REDUCING GRANTS FOR RESEARCH 20 PERCENT

(By Walter Sullivan)

All research grants up for renewal by the National Institutes of Health since the first of this month are being cut 20 per cent.

Furthermore, the budget of one of those institutes, that of General Medical Sciences, has been reduced so drastically that, of 130 five-year grants coming up for renewal this year, all but about 10 will be rejected.

This was reported yesterday at a meeting of the American Chemical Society here. The curtailment of grants was then confirmed by a spokesman for the National Institutes of Health.

Dr. Philip Handler, president of the National Academy of Sciences, predicted that when the impact of these developments was felt in the universities and medical schools during the final months of this year, "panic" was likely to prevail in some of these institutions.

RESEARCH CENTERS NOTIFIED

Earlier in the week, 19 clinical research centers across the country received letters from the National Institutes of Health, notifying them that funds for their continued operation might not be forthcoming.

Behind these cuts in research support are two developments.

First, the National Institutes of Health, warned to anticipate a possible cut of $3.5-billion in the Federal budget before the end of the year, is curtailing its spending.

Second, funds available to the institutes and the parent agency, the Department of Health, Education and Welfare, are being shifted to increase support for medical training and large-scale experiments in the delivery of medical care to those not now receiving it.

Dr. Handler, a distinguished biochemist, discussed the curtailment of the grants at a symposium on the relationship of science and society held at the New York Hilton as part of a national meeting of the American Chemical Society.

Several other participants joined him in expressing dismay at the sudden curtailment.

They included Dr. Philip H. Abelson, the

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editor of Science, and Dr. Daniel E. Koshland, professor of biochemistry at the University of California in Berkeley, who was chairman of the session.

The spokesman for the National Institutes of Health said the 20 per cent cuts were not being applied until a grant came up for renewal. He added that the institutes were making "practically no new commitments."

He noted that the total N.I.H. budget for research grants stood at $634-million, which is $10 million greater than that for the fiscal year ending last July and $8-million less than the budget proposed by the last Administration before it went out of office early this year.

However, in anticipation of curtailment later this year, not all of this money is being committed.

SPENDING SHIFTS

On the other hand, the institutes' proposed expenditures for increasing and improving health manpower has jumped from $206-million for the last fiscal year to $247-million for the current one. Spending by the Department of Health, Education and Welfare for research and development in health services is to rise from $41.9-million to $44.9-million.

The same department's budget for comprehensive health plans and services would go from $187-million to $212-million. For regional medical programs, it would rise from $83-million to $120-million.

Dr. Koshland remarked after yesterday's session that a shift in the direction of medical spending, such as that reflected in the above figures, could be justified if it were planned ahead of time and carried out in a less abrupt manner.

Dr. Handler said whole university departments—for example, in microbiology—would be catastrophically affected by the sudden termination of Federal support for their graduate students and some of their professors.

In an unrelated presentation, Dr. Abelson dealt with this country's increasing dependence on imported raw materials.

He predicted that, within a decade, the centers of world finance would have shifted from the United States to Germany.

[From the New York Times, Sept. 14, 1969]

Institute to Kill Cancer Monkeys: Shortage of Funds Blamed in Death of 380 Animals

(By Harold M. Schmeck Jr.)

Washington, September 14.—A major research program at the National Cancer Institute has been forced to order 380 valuable monkeys killed because of a shortage of funds.

The monkeys were born about five years ago, they were inoculated with material from human cancers suspected of being caused by viruses. The animals were to be kept alive for at least seven years while scientists studied them for any signs of cancer development.

From what scientists know of cancer, they would not suspect malignancies to develop in any of the animals within five years. Thus, the monkeys are being killed just at the point at which they might have helped scientists to learn whether viruses cause cancer in humans.

$2-MILLION INVESTMENT

Besides their value to research, the monkeys represent a considerable financial investment to the institute, one of the National Institutes of Health. It costs about $3 a day to care for each animal. Over a span of five years, this totals more than $2-million.

Early this year, the institute had to give away about 500 other monkeys to research centers that could afford to keep them. These animals represented about half of a breeding colony that was considered particularly important to the research program.

Dr. Frank J. Rauscher Jr., an associate scientific director of the institute and head of its cancer virus program, confirmed in a recent interview that he had ordered the cutback in the size of the monkey colony. He added that a shortage of funds had curtailed some current projects and had limited the program's ability to explore new fields.

Dr. Rauscher also said he believes it is proper that the program should have to compete with other research efforts for Federal funds. And he suggested that the program ought to be in a good position because of the progress it has made in recent years and because of the importance of cancer as a health problem.

GRANT FROM CONGRESS

The multimillion-dollar search for human cancer viruses was started about five years ago with an initial grant of $10 million from Congress.

Viruses are known to be the causes of many types of animal cancer and circumstantial evidence has suggested that this is also true of some cancers in humans.

Doctors close to the program believe the search for human cancer viruses is coming to fruition. The search for these still-hypothetical villains has involved a broad spectrum of research studies. Research with primates is only a part of it, but an important part.

Although few types of virus have been suspected of contributing to cancer in humans, the final proof has been difficult to obtain. This is partly because it is morally impossible to inject human beings with suspected cancer viruses.

BENEFITS SEEN

To get around that problem, research workers have turned to man's close relatives in the animal kingdom. If monkeys infected with viruses from human cancers developed the same type of cancer themselves, this would be impressive evidence.

Furthermore, the growth of such viruses in the animals could help provide large quantities of viruses for further research and development of experimental vaccines.

Dr. Rauscher said research in the last several years has all but erased suspicion about a group of viruses called adeno-viruses, and has fixed it on other types, some of which were not suspected when the program began.

Among these are viruses of the herpes type; they are related in structure and chemistry but are not identical to a virus that causes cold sores.

[From the Washington Post, Sept. 10, 1969]

Fund Cut Dismays Scientists

(By Victor Cohn)

New York, September 10.—The president of the National Academy of Sciences, today predicted "panic in medical schools all over the country" because of a new and sudden 20 per cent cut in all National Institutes of Health research grants up for renewal this month.

The cutback—which NIH disclosed to medical schools with little fanfare several weeks ago—is effective immediately and will save "something under $100 million," according to an NIH source.

The reductions were forced by President Nixon's recent order to cut $3.5 billion from federal agencies' fiscal 1970 budget requests, which have not been acted on by Congress.

These cuts come on top of news that NIH may shut off financing soon on 19 clinical research units, advanced medical care projects in major medical centers, to save some $4 million.

The new, far more drastic and definite action is just one part of what the National Academy's president, Dr. Philip Handler, called a "crisis facing all American science" because of cuts in federal financing for education and research.

That crisis concerned two bodies here today, the American Chemical Society, where Handler spoke, and the New York Academy of Sciences, which held a special meeting on the subject.

Budget-cutting has been "going on for three or four years," said Dr. Irving Selikoff of Mount Sinai Hospital, N.Y., president of the New York Academy, "and damage is now being built into American science."

The main effect, many speakers agreed, is on young men and women who want to start careers in physical, biological or medical sciences.

"The cuts are having a demoralizing effect, shutting the way to science for many," said Nobelist Dr. Albert Szent-Gyorgyi, director of the Institute for Muscle Research at Woods Hole, Mass. Working on cancer, he himself has lost NIH support because of the cuts, and now has a National Science Foundation grant letting him work "only with my two hands. I have to refuse all young students who want to start cancer research in my laboratory."

Shutting off training of young scientists and doctors "is false economy, it's selling our future short," Handler said. "Take the NIH cuts. If a microbiology department has 40 graduate students getting stipends, and all of a sudden it has zero, it's panic today."

The cuts, said Selikoff, are severely damaging both the training of doctors and improvements in medical care.

"I read about Secretary Finch talking of the need for doctors and improvements in training and care," he said. "Then I turn around and find funds for medical education, medical facility construction and more are all cut. There are medical residency programs in institutions from New York to California that are no longer being funded."

Dr. Lloyd Mintz, Columbia University astrophysicist and the New York academy's president-elect, estimated that U.S. physical science research is down 20 per cent in the past year "if the experience in our laboratory is typical and I think it is."

Speakers said the National Science Foundation, key federal agency supporting basic science, has received "little encouragement" from congressional sources in its drive to restore some of its fiscal 1970 funds. The House Independent Offices Appropriations Subcommittee, headed by Rep. Joe Evins (D-Tenn.) recently cut NSF's $500 million request by $80 million, leaving the agency at about its 1969 level—but not coping with inflation.

Szent-Gyorgyi, with Mintz, blamed "huge military spending and military control over the economy" for science and higher education's plight.

But industry has failed to support new methods too, said Dr. Philip Abelson, editor of Science. Because of lack of development of new industrial processes—as well as aggressive selling—the United States is "in danger of losing industrial leadership and facing national insolvency," he said.

Two Scientists Assail Military, Arms Studies

New York, September 10.—Two Nobel Prize-winning American scientists made blistering attacks on militarism and chemical warfare today and called for a fresh look at national priorities.

The charges were leveled by Dr. George Wald, a renowned Harvard biologist and recent spokesman for turned-off youth, and Dr. Albert Szent-Gyorgyi, who discovered vitamin C and is credited with major contributions in biology.

Wald called on scientists to stop working on the "technology of death and destruction" and America's "chemical chamber of horrors"—napalm, chemical and biological weapons, defoliants and herbicides.

Speaking to an American Chemical Society

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audience, Wald said he was asked by the Army's Edgewood Arsenal in Maryland a year ago to work on temporary blinding agents.

"I was called and told, 'You know a lot about the chemistry of vision. (Wald got his Nobel Prize in this field). You're just the man we want to consult with us."

He said he answered that he wouldn't work on agents to harm people and was told: "Wouldn't you rather blind them than kill them?"

But, Wald said, "The weapons would just be used to blind, then kill by other means, just as tear gas is used in Vietnam to smoke people out so they can be attacked by other weapons."

(At Edgewood, an information officer said: "We have no blinding agents period. Any tear gas would render one temporarily incapacitated as far as the ability to see is concerned. It's irritating to the eye, naturally. In a matter of minutes, the eye is back to normal.

Wald—never a political figure—came to national attention last spring when he addressed Massachusetts Institute of Technology students at a "research stoppage" called to protest military work on campuses.

Yesterday he described napalm, used in Vietnam, as "the most brutal and destructive weapon that has ever been created."

"The only reason I think people use it is that they aren't in position to watch its consequences," he commented.

The United States, he added, is now guilty of what World War I anti-German propaganda called "schrecklichkeit"; frightfulness. "As far as I can see, there is now no weapon and no means of war that our American Army is not prepared to use. I know of no restraints on the ground of humanity or sparing of civilians that now guide our American policy.

"And our students and children and young people everywhere are telling us about it. Our children don't like the world we have prepared for them and they don't see a future ahead."

Most of Wald's audience stood and applauded wildly although there were few listeners under 30.

The meeting's chairman had called Wald "one of the few people who's clearly a member of the scientific establishment who's also trusted by those under 30."

Szent-Gyorgyi spoke to a conference called by the New York Academy of Sciences.

"Armies always tend to grow and become more powerful," he said. "In the end, they serve their own interest more than that of their country, swallowing up half of the national income and creating incidents which make them needed.

"Armies are afraid of one thing only: peace, which makes them superfluous. So they spread the spirit of distrust and hostility.

"Armies tend to transform the whole world into a garrison. They are the curse of mankind, a blot on the face of human culture, an inherent threat to peace."

"The basic trouble is that the Army converts all results of science into means of destruction," he continued. "We scientists have achieved a wonderful knowledge of nervous activity; the Army makes nerve gases with it. We achieved wonderful knowledge of the nature of infectious diseases; the Army makes bacterial warfare of it. We disclosed the hidden energies of the atom, and the Army has brought us to the brink of extinction with it, and the great public blames us scientists for all this.

"If there is anything we have to tell urgently to the public it is that this conversion of scientific results into means of mass slaughter and destruction must stop."

THE FISCAL KNIFE ON NIH RESEARCH

The fiscal knife which the administration says it is forced to wield because of inflation and Vietnam cut into medical research last week. Taking its place among the agencies whose funds are either being cut or pared by President Nixon's call for a $3.5 billion reduction in 1970 budget requests is the National Institutes of Health. Total spending on medical research—in hospitals, universities and the NIH Bethesda labs—will be down from $1.93 billion to $1.64 billion, a cut of $290 million.

Although medical and scientific researchers are often inclined to be a wolf! wolf! crowd whose sheep are not only under no attack but are often overfat to begin with, the abruptness of the present NIH cut does suggest that a wolf is near. Most immediately affected by the cut will be 19 clinical research centers. In a style similar to its closing of 59 Job Corps centers earlier this year, the administration expects to save money. But havings aside, where will the doctors go who have been conducting the research at the 19 centers? What about the diseased patients who will be phased out because money has run out? Or the millions of future sick people who will not benefit tomorrow because research into their particular disease was cut off today? In one area alone, an estimated 30,000 infants die every year in the period immediately surrounding delivery because basic research is not fully advanced in this area.

Aside from the research that is to be stopped without waiting for results, medical schools—with a heavy leaning on the government for research grants—will also be hit, both students and faculty. The danger of turning off the medical research motor is that it is not so easily started again. It is true, the 19 centers to be closed have only a handful of patients, but this is where basic biomedical research begins. It then fans out to advance research and, often, eventual use in the medical community.

It has long been a question whether medical schools and research clinics should have let themselves become so dependent on federal funds in the first place; but few other resources exist, either among foundations, which generally do not support medical research, or the drug companies, which by the nature of things are in the business more for profit than public service.

Although the Senate can appropriate more money for NIH than the administration requests, this does not mean the administration must or will spend it. Aside from the medical research programs themselves, what suffers also in this abrupt fund cut is the administration's sincerity in facing the health crisis. "The nation is faced with a breakdown in the delivery of health care," it said only two months ago in a major White House report. Now, it seems, in order to save money that could be saved in, say, cutting back on aircraft carriers or bombers, the administration is helping, not relieving, the breakdown. In putting the fiscal knife to medical research, the recovery may take a lot longer than the original cutting.

FORTY-THREE HOUSE MEMBERS CALL FOR MANDATORY EXTRADITION OF HIJACKERS

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, 43 Members of the U.S. House of Representatives today introduced a concurrent resolution urging the United States to seek bilateral agreements with as many nations as possible for mandatory extradition of airplane hijackers to the flag country of the hijacked aircraft for prosecution.

The resolution states that hijacking of commercial aircraft will cease only when an international agreement is reached that recognizes hijacking as a "vicious international crime" and provides effective machinery for prosecution of the hijacker.

The resolution notes that the Tokyo Convention signed by the United States and 34 other nations condemns hijacking but does not provide for extradition of the hijackers.

The Air Line Pilots Association of America and the International Federation of Airline Pilots Associations, which has its headquarters in Paris, have endorsed the resolution.

There have been 70 attempted hijackings of domestic aircraft in the United States since 1961.

Of these 51 have been successful with all but one going to Cuba. Forty-three of the 51 hijackings involved American commercial carriers and eight involved general aviation.

There have been 26 foreign air carriers hijacked to Cuba during the same period and another 25 air carriers were hijacked to foreign countries other than Cuba.

This call for House action was prompted by the recent hijacking of a Trans World Airlines Boeing 707 to Syria by Arab guerrillas. The resolution condemns Syria for continuing to detain two Israeli passengers taken from the American hijacked ship.

It urges mandatory extradition of all hijackers—including those who seek political asylum but stipulates that prosecution can be only for the crime of hijacking under such extradition.

Besides myself, Mr. Speaker, the sponsors of the resolution are:

Representatives JOSEPH P. ADDABBO, of New York; GLENN M. ANDERSON, of California; MARIO BIAGGI, of New York; GEORGE E. BROWN, JR., of California; JOEL T. BROYHILL, of Virginia; JOHN W. BYRNES, of Wisconsin; FRANK M. CLARK, of Pennsylvania; JAMES J. DELANEY, of New York; JOHN N. ERLENBORN, of Illinois; SAMUEL N. FRIEDEL, of Maryland; JAMES G. FULTON, of Pennsylvania; NICK GALIFIANAKIS, of North Carolina; SEYMOUR HALPERN, of New York; JAMES F. HASTINGS, of New York; MARGARET M. HECKLER, of Massachusetts; CRAIG HOSMER, of California; JAMES J. HOWARD, of New Jersey; HASTINGS KEITH, of Massachusetts; EDWARD I. KOCH, of New York; JAMES R. MANN, of South Carolina; SPARK M. MATSUNAGA, of Hawaii; ABNER J. MIKVA, of Illinois; ROBERT N. C. NIX, of Pennsylvania; THOMAS P. O'NEILL, JR. of Massachusetts; RICHARD L. OTTINGER, of New York; THOMAS M. PELLEY, of Washington; CLAUDE PEPPER, of Florida; BERTRAM PODELL, of New York; HOWARD W. POLLOCK, of Alaska; THOMAS M. REES, of California; FRED B. ROONEY, of Pennsylvania; CHARLES W. SANDMAN, of New Jersey; JAMES H. SCHEUER, of New York; ROBERT O. TIERNAN, of Rhode Island; JOHN V. TUNNEY, of California; JOSEPH P. VIGORITO, of Pennsylvania; G. WILLIAM WHITEHURST, of Virginia; LAWRENCE G. WILLIAMS, of Pennsylvania; JOHN WOLD, of Wyoming; LESTER L. WOLFF, of New York; JOHN W. WYDLER, of New York; and LOUIS C. WYMAN, of New Hampshire.

LEGISLATION TO ASSIST SECRET SERVICE IN PROTECTING THE PRESIDENT

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCULLOCH. Mr. Speaker, I am today introducing legislation proposed by the Secretary of the Treasury to assist the Secret Service in its assigned task of protecting the President of the United States.

The bill would prohibit unauthorized entry or disorderly or disruptive conduct in or near any temporary Presidential residence, such as the Western White House in San Clemente, Calif. The bill would also make it a misdemeanor to knowingly and willfully obstruct or interfere with a Secret Service agent in the performance of his protective duties.

By making these acts Federal crimes, the Secret Service would have the authority to arrest violators without having to rely on State and local law enforcement officers operating under the myriad of criminal codes in the 50 States and innumerable localities.

Mr. Speaker, I feel very strongly that the Secret Service—to whom our President's life is entrusted—must be given this much needed authority to do its job.

AUTO MECHANIC LICENSING ACT OF 1969

The SPEAKER pro tempore (Mr. PUCINSKI). Under previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, every automobile on the highway is a potential instrument of death. Senseless as it seems, more Americans are killed in auto accidents than in Vietnam. The protests of an indignant public have resulted in new tire safety standards and some grudgingly conceded automobile safety features. But in a nation of 100 million cars, the burden of responsibility for a vehicle's safety lies just as much with the mechanic who services it as it does with the manufacturer or the driver.

Yet evidence suggests that one out of every three autos sent into repair shops is not coming out properly fixed. Wheel alinements, brakes, transmission trouble—it does not matter what the needed repair is: either it is not being fixed or it is being fixed unsatisfactorily. And the public is being gouged in the process—paying $25 billion annually for repairs.

Who are these mechanics at gas stations or in dealer service centers? Are they reliable? competent? legitimate? Are auto mechanics even trained?

In almost every phase of life we protect the consuming public by demanding that those who service them qualify to practice their trade—through rigorous testing and training. Its just as commonplace for a plumber or beautician to be licensed as it is for a doctor or dentist.

We would not dare allow airplanes to be fixed by anyone other than thoroughly trained, licensed mechanics. Yet anyone with a monkey wrench can call himself an auto mechanic and hire himself out—even though the risk from auto accidents is 400 times greater than risks from air travel.

To remove further suspicion of chicanery, incompetence, and shoddy repair work among the Nation's 800,000 auto mechanics, I am today introducing legislation aimed at encouraging the States to license motor vehicle mechanics and set up training programs so individuals can attain specified levels of competence.

There are no standards or guidelines at present for allowing the public to distinguish the skilled mechanic from the incompetent one, and the honest mechanic from the unscrupulous chiseler.

Where the mechanic is skilled there should be no question as to his ability to meet the standards that would be set by my proposal. It sets minimum amounts of training and levels of skill which mechanics would have to meet in order to be licensed.

In addition, the bill would require the establishment of grievance procedures so that the public would have recourse against unscrupulous or incompetent mechanics.

And what about the mechanic's employer—the owners of the Nation's 400,000 auto service centers? Are they completely honest and without blame? Many mechanics are also owners, but often the service center is operated by a businessman trying to make a dollar by any means possible. The owners of the 33,000 dealerships, 115,000 auto repair shops, 212,000 gasoline stations, and 11,000 small repair outlets must also be licensed to guard against malfeasance. Consequently, I am presently considering alternative approaches for the licensing of service station owners.

The licensing would be done by the States, as they now register motor vehicles. However, since so much auto traveling today is between States, the Federal Government should play an active role in advocating the establishment of stringent licensing requirements in the 50 States.

QUALITY OF REPAIRS

The widespread existence of unsafe autos is no figment of the imagination. Stories abound about how mechanics usher cars in and out of service centers, frightening consumers with their dearth of know-how when perhaps what ails a vehicle could be fixed with a 25-cent gasket.

Repairs are simply not being made, and usually the consumer pays for them, assuming the work has been done.

A recent Automobile Association of America study in St. Louis surveyed over 6,500 repairs done on 2,000 vehicles, and found that over a third of all needed repairs either were not done or were done unsatisfactorily. It was found that 50 percent of the latest model cars had at least one serious defect, and up to 75 percent of older cars were defective. See table I.

Repair work on the vehicles in the St. Louis survey was incredibly lax, with shocking variations in quality and consistency. On headlamp adjustments, 72 percent of the repairs were not acceptable by AAA standards; on front-end work, 57 percent of the repairs were not acceptable; between 20 and 26 percent of steering repairs were not acceptable; and 17 percent of all brake work was not acceptable.

When the AAA's Missouri affiliate rechecked hundreds of the unacceptable repairs, the results were still not satisfactory. Only 33 percent of the rechecks were now acceptable, while 36 percent were poor and 31 percent were bad. See table II.

The story is the same in other cities. A diagnostic center president, Glenn F. Kriegel, of Denver, told the Senate Subcommittee on Antitrust and Monopoly, that in Colorado it is more than likely repair work just is not done, even if the consumer pays for a mechanic's services.

In Denver, Kriegel testified before Senator PHILIP A. HART's committee:

> Ninety percent of the autos processed just after clearing their semi-annual Colorado inspection, do not meet regulation headlight aim, over 50 percent have alignment or suspension defects, and over 25 percent have brake system defects.

And he explained:

> Of some 5,000 to 7,000 vehicles returned to his shop for a recheck, only a very minute percentage . . . has been repaired per manufacturers specification for which the owner has a paid repair order.

REPAIR COSTS

Paying for auto repairs that are not done may appear an unusual form of chicanery, although numerous complaints attest to its prevalence. But repair costs in general are often fraudulently manipulated or tied to a ruthlessly monopolistic pricing system rigged by the auto manufacturers.

The Department of Transportation reported last year that evidence is mounting that many car owners are being victimized by poor or unnecessary auto repair work and excessive charges. This practice is commonly known as "scalping." In New York City, a study of 19 garages showed that five diagnosed a motor engine defect at costs from zero to $40 and 11 garages turned in completely false diagnoses.

The pricing system I referred to is the anachronistic flat-rate system, a relic of the past which encourages mechanics to work faster so they can earn more. Under this decades-old pricing system, mechanics are paid piecework for each repair they do, which leads to time-saving devices, low quality, and cutting corners so the mechanic can increase his salary.

These piece rates are established through manufacturer's manuals, which set times and dollar values for specific repairs.

There are all sorts of abuses built into this so-called incentive system. For instance, manufacturers insist that mechanics adhere to the manual rates even if an honest, conscientious mechanic feels a repair needs additional work to guarantee its performance. And insurance companies have become notorious in their abuse of the system, often insisting that mechanics discount

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their prices if they want the carrier's business.

It is a vicious cycle, one which has caused auto repair prices to rise almost 30 percent in less than a decade.

William W. Winpisinger, general vice president of the International Association of Machinists and Aerospace Workers, says:

> The customer is charged not for what he receives—and the mechanic is paid not for the length of hours he actually works—but according to the rate set in the book.

The system, the union official explains, leads to shoddy work and often exorbitant prices for the customer. He says:

> The flat rate system does not allow the mechanic any time to do the checking, diagnosing or trouble-shooting on the customer's behalf.

MECHANICS' PROBLEMS

This dilemma for the honest, skilled mechanics is compounded by the strange salary formulas different shops pay them. Very few shops pay weekly salaries or even hourly wages. Most pay mechanics at 50 percent of the flat-rate price for work done, or combinations of flat rates and hourly rates.

Only 14 percent of the Nation's 800,000 mechanics are unionized—making decent wages comparable with what their level of skills command in allied industries today. Most are lucky to earn $6,500 yearly—and if they work in the neighborhood gas station, earnings may be less. It is only the mechanic with an eye on the dollar who is hustling customers and seeking time-saving devices who earns upwards of $10,000 yearly.

Auto mechanics are also overloaded with work—and often speed up repairs to keep abreast of incoming cars.

Motor Age magazine estimates that before the automobile boom, in 1950 the ratio of mechanics to vehicles was about 1 to 80; the ratio is now 1 to 130, and the situation is getting worse.

It is also disturbing to think that only 35 percent of all auto mechanics were trained in programs approved by Federal or State departments of labor.

The International Association of Machinists reports that of the relative number of shops it has organized, only 30 percent of the owners have agreed to establishing apprenticeship programs.

Some auto manufacturers have mechanic training programs to assist their franchised dealers in meeting their needs for mechanics—but their impact has been minimal. For example, Ford has 40 training centers and General Motors maintains 30 centers in populated areas.

Estimates suggest that by 1975 there will be close to 120 million vehicles in America, a demand that would require another few hundred thousand mechanics to service them.

Where will this labor supply come from? Youth has long been fascinated by automobiles, and there is no reason why auto mechanic training schools could not be geared for today's unemployed youth. Unemployment among boys 18 and 19 years of age is particularly high—running to 20 percent for black and 8 percent for white youth.

These young men's latent skills could be carefully utilized if the 400,000 auto service centers are going to serve the Nation's motorists.

Anything less than an all-out effort to license the Nation's auto mechanics and service center owners then, making them responsible for the safety of auto repairs and the soundness of their charges, would be a blatant omission that Government does not recognize its obligation to the Nation's consumers who rely on auto mechanics for necessary services.

The inertia of government must be overcome. It is imperative that we recognize the need to license auto-repair mechanics and promptly set reasonable standards of training and performance.

LEGISLATIVE ANALYSIS

Following is a detailed legislative analysis of the proposed Motor Vehicle Licensing Act:

First, the legislation recognizes the importance of the States by leaving to them the actual design and implementation of licensing examinations and training programs. But it assumes Federal responsibility for insuring the safety of our highways and the right to involve National Government in an instrument of interstate commerce such as the automobile.

The bill would provide Federal financial assistance to the States up to 80 percent of the cost of State licensing programs. However, it would emphasize the vital need for action in this area by withholding a portion, 10 percent, of the highway trust funds, if a State made no effort to develop this safety program. The creation of more and more highways would be an activity the Federal Government could not sanction if these roads were only to be traveled by unsafe, incompetently repaired motor vehicles.

A State accepting Federal aid for its licensing program would be required to submit its plan to the Secretary of Labor for approval. The Department of Labor is particularly suited to oversee these activities because of its ongoing program of developing voluntary training and licensing guides with States, private dealers, truckers, and others. The Bureau of Apprenticeship and Training has developed a wide expertise in this subject matter and has proved most effective.

Several standards for State programs are incorporated in the legislation, but it is envisioned that the State will feel free to innovate and experiment in the creation of the programs.

A minimum amount of 3 years' training is set out with the understanding of the complexity of the automobile and the need for extended instruction on both a theoretical and practical level.

A requirement for some type of ongoing training for those already licensed derives from the ever changing nature of automotive design. A competent professional in any field must keep up with the state of the art.

A specific examination should be required, to assure a uniform standard of qualification has been achieved by individuals regardless of the number of course hours recorded to their credit.

Although a grandfather clause is tempting, to assure the continual availability of mechanics in our time of shortage, we cannot escape the need to examine existing professionals to assure a general level of competence. However, a practicing professional need not undergo any training program if he can pass the examination within 1 year.

Finally, the bill provides a procedure through which the consumer may register grievances against licensed mechanics and subjects the accused to penalties. The mere accreditation of a student cannot assume his competent behavior once he is on the job. It is hoped, as well, that this mechanism will be encouraged by those in the field in order to develop a new feeling of respect and mutual trust which has been lacking in the extreme between the consumer and the repairman in recent times. Rather than engaging in the usual war of threats or a costly court proceeding, both parties to a dispute can immediately and simply have a competent, objective third party, who can hear their dispute. Such a grievance board would equally represent qualified experts of both labor and the public to insure fairness.

The need for a program of periodic motor vehicle inspection is also recognized as an integral part of such legislation. The consumer must do his part to keep up his automobile if he is to demand equally high standards from the mechanics who work on his car.

COMPLEX PROBLEM

I believe the scheme of State action I have outlined is responsive to the problem, but it is not a panacea. The safe and inexpensive repair and maintenance of automobiles is not an easily obtained goal. The complexities of the auto industry require the active interest and involvement of many parties beyond the mechanic. The dealers, the manufacturers and the driving public itself bear considerable responsibilities. My legislation, therefore, approaches one facet of the problem, albeit a vitally important one. More significantly, I hope my bill will be a first step in the search for solutions on all fronts and the initiating spark in a wide campaign to insure the highest standards of care for the machines which carry this highly mobile Nation.

I would like to insert the text of the bill in the RECORD, as follows:

H.R. 13824

A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Mechanic Licensing Act".

SEC. 2. Congress hereby declares that the purpose of this Act is to promote public safety, and to protect consumers and to that end the States shall be encouraged to establish programs for the licensing of motor vehicle mechanics.

SEC. 3. As used in this Act—

(1) "Motor Vehicle" shall mean any vehicle driven or drawn by motor power manufactured for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(2) "State" includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(3) "Motor vehicle mechanic" means any individual who repairs motor vehicles, either on a full-time or part-time basis, and who receives monetary compensation for such repairs.

(4) "Secretary" means the Secretary of Labor.

SEC. 4. (a) Each State shall have a motor vehicle mechanic licensing program approved by the Secretary and designed to carry out the purposes of this Act.

(b) The Secretary shall approve a State motor vehicle mechanic licensing program under this Act only if such program—

(A) requires appropriate examination of all individuals operating as motor vehicle mechanics on the effective date of the motor mechanic licensing program in such State in accordance with examinations approved by the Secretary, and permits any applicant under this paragraph who fails such examination, upon request, to be given appropriate training and reexamined within one year of the date of the first such examination, and requires any applicant who fails such reexamination to be considered as an applicant subject to the provisions of paragraphs (B), (C), and (D) of this section.

(B) requires a minimum of at least three years' training as a condition for licensing as a motor vehicle mechanic for any individual who, on the effective date of the motor vehicle mechanic licensing program in such State is not operating as a motor vehicle mechanic on such date.

(C) requires the establishment and operation of an apprenticeship and training program approved by the Secretary designed to provide the training required by paragraph (B) of this subsection and the establishment and operation of a program of advanced training for persons licensed under such program.

(D) requires appropriate examination of all applicants for licenses in accordance with examinations approved by the Secretary.

(E) establishes procedures for the proper consideration and disposition of allegations concerning the competence of any individual holding a license or who is an applicant for a license. Such procedures shall require that the initial disposition of any such allegation be made by a board, commission, or similar body, who shall contain (among others) members representing the public and members who are licensed motor vehicle mechanics in that State.

(F) provides for appropriate disciplinary action in the case of any individual holding a license who is determined not to meet standards of competence.

(G) requires that failure of a licensee to actively operate as a motor vehicle mechanic for any extended period of time may result in the revocation of such license.

(H) provides for the establishment of criminal or civil penalties, or both, for individuals operating as motor vehicle mechanics without a license.

SEC. 5. The Secretary is authorized to pay not to exceed 80 percent of the cost of any State motor vehicle mechanic licensing program approved by him under section 4 of this Act (including personnel and administrative costs).

SEC. 6. Federal aid highway funds apportioned on or after January 1 of the third calendar year beginning after the effective date of this Act to any State which is not implementing a State motor vehicle mechanic licensing program approved by the Secretary in accordance with this Act shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of title 23, United States Code, until such time as such State is implementing an approved motor vehicle mechanic licensing program. Any amounts so withheld from apportionment shall be reapportioned to other States in accordance with the applicable provisions of law.

SEC. 7. No State shall receive any Federal assistance under this Act if it is not implementing a program of periodic motor vehicle inspection approved by the Secretary of Transportation in accordance with section 402 of title 23, United States Code.

SEC. 8. Nothing in this Act shall be construed to prevent any State from establishing differing classes of licenses for motor vehicle mechanics if such differing classifications are based on standards which are uniformly applied with respect to each such class and if such classifications and such standards are consistent with the provisions of this Act.

TABLE I.—CARS WITH 1 OR MORE POTENTIALLY DANGEROUS DEFECTS [1]

	1963	1964	1965	1966	1967	1968	1968 (less than 500 miles)
Cars tested	991	1,373	1,827	1,780	1,195	597	41
Cars with 1 or more defects	818	1,135	1,491	1,355	725	300	18
Percent	92	82.6	81.6	76.1	60.6	50.2	43.9

Total cars tested	7,804
With 1 or more defects	5,842
Percent	74.8

[1] Prepared by the Auto Club of Missouri of the American Automobile Association.

TABLE II.—QUALITY OF REPAIRS CLASSIFIED BY TYPE OF REPAIRER AND CATEGORY OF REPAIR [1]

[In percent]

Garage type and repair classification	Brakes	Alinement	Lights (aim)	Engine	Ball joints	Steering	Other	Totals
Dealers:								
Satisfactory	83.0	43.6	28.2	70.3	84.5	74.3	85.0	63.3
Poor	14.4	41.0	29.2	27.0	8.3	21.8	11.1	24.4
Bad	2.6	15.4	42.6	2.7	7.2	3.9	3.9	12.3
Repair garages:								
Satisfactory	88.0	39.8	30.2	75.2	96.6	84.3	84.0	68.4
Poor	7.5	47.7	21.4	22.6	3.4	14.6	14.8	21.1
Bad	4.5	12.5	48.4	2.2	0	1.1	1.2	10.5
Service stations:								
Satisfactory	78.0	44.6	24.8	71.3	96.3	80.6	83.0	66.0
Poor	14.6	39.8	31.4	26.1	3.7	15.5	13.0	22.9
Bad	7.4	15.6	43.8	2.6	0	3.9	4.0	11.1
Specialists:								
Satisfactory	89.0	52.3	25.0	62.3	100.0	92.0	91.0	73.1
Poor	6.6	34.3	29.2	29.6	0	4.6	9.0	18.5
Bad	4.4	13.4	45.8	8.1	0	3.4	0	8.4
Miscellaneous:								
Satisfactory	100.0	0	0	100.0	100.0	100.0	100.0	75.0
Poor	0	100	100.0	0	0	0	0	25.0
Bad	0	0	0	0	0	0	0	0
Total:								
Satisfactory	83.0	43.5	28.1	71.3	92.3	78.2	84.9	65.4
Poor	12.5	41.9	28.4	26.2	5.6	18.7	11.9	23.3
Bad	4.5	14.6	43.5	2.5	2.1	3.1	3.2	11.3

[1] Prepared by the Auto Club of Missouri of the American Automobile Association.

SAN JUAN'S YOUNG KING WHO CLIMBED TO THE MOON

The **SPEAKER** pro tempore. Under previous order of the House, the Resident Commissioner from Puerto Rico (Mr. CÓRDOVA) is recognized for 5 minutes.

Mr. CÓRDOVA. Mr. Speaker, in the saga of astronaut Michael Collins, is a poignant chapter of a boy carnival king in San Juan, P.R. I am sure that today is an appropriate occasion to recount that tale and I am privileged to include the translation of an article which appeared in the August 7, 1969, edition of El Imparcial, of San Juan, P.R., as follows:

SAN JUAN'S YOUNG KING WHO CLIMBED TO THE MOON

(By Miguel A. Yumet)

What I am about to tell you could very well fit a fairy tale. It all started in January 1942, in San Juan, Puerto Rico. Our characters, a small and very pretty blonde girl and a young and handsome boy, proudly paraded through the crowds arm in arm. The girl, Queen Marymac Malcolm, the king, Michael Collins. These two youngsters were to preside and represent the younger generation at the 1942 San Juan Carnival. Marymac was the daughter of the then Attorney General for Puerto Rico and his lovely wife. Michael was the son of General Collins, head of the Armed Forces in Puerto Rico, and Mrs. Collins. The latter couple and their family resided in historical Casa Blanca, quarters for the Commanding General of the Antilles, near equally historical Morro Castle, in San Juan.

Angelina Silva de Besosa a most distinguished lady in San Juan's society circles and social director of the Escambrón Beach Club, was responsible for the election of the young king and queen of this social club. Along with Jack Bolivar, also very well known in the San Juan circles, she visited Marymac and Michael's parents to get their approval of this honor to their children.

Since 1942 was the middle of the war, they decided to contribute the benefits of the coronation ball to the Civil Defense general fund.

To add to the year's carnival splendor, every other social club in the capital city agreed to have Michael and Marymac preside over their Carnival celebrations. Hence, they were proclaimed king and queen of the San Juan Carnival, as well as of the two leading social clubs: "La Casa de España" (The House of Spain) and The Puerto Rican Club.

I am proud to say that the 1942 Children's Carnival has been one of the most colorful

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and better-attended in the city's history. Michael Collins wore a white uniform, while his Queen Marymac, dressed also in white, represented peace. The court was composed of handsome Puerto Rican and stateside children, who majestically added to the splendor and authentic flavor of the Carnival.

Who would have foreseen then, that this young and handsome boy with the passing of years was to become an international hero, who, in 1969, with two other brave men would set out to conquer successfully the unknown world of the moon.

The Sunday before the heroic trip, Michael Collins with his wife and children attended Mass in his local parish church and received Holy Communion. The priest, because of the dangerous space mission ahead and knowing of Collins christian devotion, gave him the Sacred Host, that he might take Holy Communion in space the following Sunday.

Michael Collins, the young king of the San Juan Carnival in 1942, became a part of the history of man. We as Puerto Ricans are proud of his great feat. We experience a share of his great glory. How thrilled we would be if Michael Collins were to come back to his old playground! To see once again the place where he lived and shared the joys of his youth, his playmates, his old school house, the Academia del Perpetuo Socorro, the old walls that encircled his home.

This family was dearly loved in this Island. In that same year, his older sisters participated in the Carnival festivities as much as their brother. One of them, Virginia, was maid of honor to the Condado Beach Queen, Gloria Carrión. She represented the Navy and was escorted down the aisle by several ladies in waiting.

Michael Collins, the leading character in this fairy tale that started in 1942, climbed to the moon in 1969, now more than a junior carnival king, he is a hero. The world bows before him. The heroic feat by him, Neil Armstrong and Col. Edwin Aldrin, Jr., his companions of the Apollo 11 mission, has marvelled humanity. Because of them, the world has become closer knit—all human beings, regardless of race and creed, have united in singing praise to them.

We ask God's eternal blessing on this extraordinary man, whom we shall always remember as San Juan's boy Carnival King.

Our young king, the world's great hero.

CRISIS IN WORLD STRATEGY: PROGRAM FOR A VIETNAM VICTORY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, as a former soldier in the U.S. Army during World War II in Europe with experience as a prisoner of war, I have watched our country's military involvement in the Vietnam war on the mainland of Southeast Asia and its lengthening casualty lists with deep concern over what seems to have been its futility.

While the situation facing the United States and its allies has called for a strategy that would end that bloody conflict with victory, I have read of nothing reflecting the strategic insight that General MacArthur so brilliantly exhibited in the conduct of the Korean war.

It was, therefore, with keen interest that I have read a most perceptive address by Gen. Cao Van Vien, Chairman of the Joint Staff of the Armed Forces of the Republic of Vietnam, given on December 18, 1968, before the delegates and observers of the World Anti-Communist League Conference in Saigon.

During the administration of President Ngo Dinh Diem of South Vietnam, Gen. Cao Van Vien was the head of the military office of the President at the Independence Palace in Saigon. He has had extensive training under experienced French officers and is a helicopter pilot.

Mr. Speaker, because of the quality of the indicated address, I quote it as part of my remarks and commend it for study by cognizant Members of Congress and officials of the executive branch of our Government:

ON THE NECESSITY OF A VIETNAM STRATEGY

(By Gen. Cao Van Vien)

For reasons beyond my control, I am faced tonight with the great honor and also the great challenge of speaking to you. I consider it a great honor, for at no time in my long career as a soldier and a military leader have I been given the task of addressing such a distinguished audience.

The topic, which I have chosen for tonight, of course, has something to do with my profession. It is the problem of a proper strategy, which we of the Free World should devise and adopt to bring the Vietnam conflict to an end, successfully.

In the olden days, when war was still the monopolistic concern of emperors and kings and a small number of captains with political ambitions, Strategy enjoyed an incomparable reputation as a science. It was considered as an essential instrument of victory or the very cause of defeat in all military conflicts.

Again this context, one easily understands why the name of Karl von Clausewitz (1780–1831) became a household word, and Suntze's grew to be venerated in both East and West. Also against this context, one appreciates why Liu Pei, one of the scions of the famed Han dynasty, humbled himself three times to win the services of Kwon Ming, the most remarkable strategic mind of the Three Kingdoms period.

With the great scientific strides made by man in the past hundred years, however, the nature of war itself appears to have changed. Instead of a confrontation of wills, it seems to have grown into a contest basically involving such material means as industrial capabilities, production of weapons, and others. In the present day, war also has become total in character, encompassing all aspects of a nation's life and bringing about a radical change in principles guiding its conduct.

On the basis of history-making developments in the recent past, one can say that such notions as military doctrines, strategies and tactics have given way to technical inventions and scientific discoveries as potential solutions to the problems created by the state of war. Contemporary history includes many examples pointing to the bankruptcy of Strategy as the primary war-winning factor.

It is my view that France defeated Germany in World War I *not* because of a better strategy and, thus, its strategically inexplicable victory over the German armies in 1918 includes the very seeds of its debacle twenty years later. I am also of the opinion that the Angelo-U.S. Alliance of the early forties, after saving Western civilization from the prospects of a new Dark Age made more protracted and terrible by novel scientific inventions, forfeited one third of mankind to Communism in the decade following V-Day simply because of the non-existence of a proper strategy.

Let me also tell you of my view that the Korea and Indochina wars ended in conditions unfavorable for the Free World simply because it did not have a proper global strategy to counter the new perils engendered by that of the Communists, which is based on "revolutionary" wars and "limited" conflicts.

In the case of the present Vietnam crisis, too, the many great difficulties encountered by the forces of Freedom should not be traced to our lack of manpower or material resources or to our unwillingness to endure hardship. They should instead be attributed to the absence of a doctrine that should encompass, as the enemy's does, all fields of activities—political, military, economic and diplomatic—out of which a proper military strategy may be developed.

It is a matter of course that if such a strategy may be devised, the initiative would be ours in all respects, and one of its natural consequences would be the reduction of the enemy to the defensive and the limitation of his freedom of action. But before I may venture a few ideas on the proper strategy to be adopted for the Vietnam conflict, let us first have a look at the various strategic tenets that were developed and formulated through the ages, and some of the main points of the most important and lasting doctrines.

In the words of nineteen-century author Karl von Clausewitz "Strategy is the art of making use of a nation's military capabilities to realize its political objectives." Many years later, in 1939, an English military student by the name of Liddell Hart and a French writer by the name of Raymond Aron also gave similar definitions.

In my opinion, such a definition is rather narrow in scope as it gives too much importance to the purely military aspects of a conflict and too little consideration to what Napoleon Bonaparte (1768–1821) referred to as the "sacred part" of strategy. Without this, strategy would be nothing but the totality of war techniques at a given time and, thus, would include such immovable rules as may be applicable to any army, anywhere and at any time. If such is the case, there cannot be more than a strategy. Indeed, strategy cannot be so very simple.

Before going any further, let me try first to define strategy as *the art of influencing the outcome of a conflict of wills, especially through the use of force.* It thus ensues that any strategy should be made up of three separate parts: (a) the planned objective, (b) the means available for its realization, and (c) the plan according to which the said means are used for its attainment.

In the course of the long history of human conflicts, there have been devised many strategies and strategic doctrines. I shall not mention them all, though. What, I think, is of interest to us the present moment is the strategic approach the Communists have been using—rather successfully—in their avowed conquest of the world.

Communist theoreticians are, of course, many. But leading them all are Vladimir Ilyich Oulianow alias Lenin and Josef Vissarionovich Djugashvili alias Stalin. Both men were known to consider revolutionary wars at the principal means of realization of their global objectives and they have proposed the three following concepts: unity among the people and armed forces, primary importance of the rear, and psychological preparation before any military action of importance.

The first of these principles has had its clearest reflection in the war opposing the Communist and Nationalist forces over 20 years ago on the Chinese mainland. In other revolutionary wars, which take place in smaller geographical contexts, the second principle is of the greatest importance. A winning counter strategy must therefore include measures to eliminate base areas, as they are havens Communist troops may rest and recuperate to prepare their next moves under the safest conditions. So far as the psychological preparation is concerned; it should be noted that this is nothing new as it has been implemented by the armed forces of every country but the Communists have on the whole attached more importance to the practice than non-Communist countries.

China's Mao Tse-tung was to expand and adapt these principles to the particular conditions of Asian and African countries in the late forties and fifties. Through his many writings, Mao proposes six principles: withdraw when the enemy advances, attack when the enemy withdraws, strategy of the few against the many, tactics of the many against the few, live on the enemy's supply, and let the army live among the people as fish in water.

But, still in Mao's view, one of the prerequisites for a successful prosecution of revolutionary wars is the ability of the leaders to mobilize the people politically. Said he: "What is political mobilization? Political mobilization of the masses requires that the people and the armed forces be well aware of the political objectives of the struggle. Each and every soldier and citizen must fully grasp the necessity of prosecuting the war effort and how it affects him personally."

It thus is evident that Mao pays great attention to the problem of mobilization of the masses, allying the masses closely with the armed forces and using man as the main instrument of struggle. Lin Piao was to develop the Maoist theory and use it as the main principle guiding the conduct of the many wars Communist China has been a party to.

Lin is not exactly a military strategist as his contribution to martial literature consists merely of interpretative articles of Mao's thoughts, especially since the Chinese Communist leader stopped writing on military affairs in 1941. As Minister of Defense, however, Lin once sketched Peking's strategy in a long newspaper article that stressed the importance of the two following principles: unity among the people and the armed forces, and encirclement of the townships by the countryside.

In the Vietnam war, the insurgents have constantly tried to apply Lin's principles. Thus, if we are to resist them successfully, we have to give careful consideration to these two strategic points in our attempt to devise a proper counter-insurgency approach.

Against Mao's and Lin's strategic thoughts, military leaders the Free World over, it must be said, have not come up with anything effective enough to counteract them. What are known as gradual dissuasion and flexible response have proved to be inadequate and their deficiencies have led to many limited conflicts. Such conflicts as the wars in Korea, Indochina, North Africa, the Middle East, and the Congo, and such crises as the ones in Hungary, Cuba, and Berlin, are more than adequate proof that these deficiencies may very well gradually erode the military posture of the Free World and tip the balance in favor of the Communists.

Indeed, for nearly a quarter of a century, the Moscow-Peking axis has been rather successful in nibbling away at the free nations of the world. In their effort to enslave mankind, they have consistently refused to directly challenge the U.S. but have tried with different degrees of success to convert wars of independence into anti-American struggles. For whoever knows that this indirect strategy has been instrumental in the elimination of the West from continental China and a considerable part of Southeast Asia, and also should be viewed as the cause of so many of the Free World's headaches in the Middle East, Latin America, and Vietnam, its efficiency seems beyond question.

At the base of this indirect strategy is the idea of establishing a security margin and of attempting to enlarge that margin while trying to reduce that of the enemy. The larger this security margin, also called freedom of action or initiative, the more varied the tactics one may employ. Let us look at the Vietnam conflict and the security margin respectively enjoyed by Washington and Hanoi.

For many years, the U.S. has had but two choices: either to continue to fight with self-imposed restraints or half-heartedly as it is now doing, or bring the war to North Vietnam and be ready for a much broader conflict that may lead to World War III. Meantime, North Vietnam and the National Liberation Front (NLF) of South Vietnam may assault the American embassy in Saigon, encircle Khe-sanh, attack South Vietnamese cities, mine such internationally frequented waterways as the River of Saigon, pound at merchant ships, raid and mortar hospitals, murder hundreds of innocent civilians, and kidnap third country nationals, without precipitating a decisive counterblow.

Why is that so? An answer to the question may be found in the very nature of the Communist strategy, which is one encompassing the entire world and whose success or failure definitely depends on certain external and internal factors.

Vis-a-vis the outside world, the Communists resort to all forms of peaceful struggle. For whoever may not be convinced of their effectiveness, a quick look at present-day America and the immense domestic problems created by the Vietnam war, would be enough to make him revise his opinion. Communist agents the world over have repeatedly appealed to the American people not to support "this dirty war" and by doing so, they have been rather successful in giving the average American a complex of guilt that has its clearest reflections in anti-war movements and the number of U.S. draftdodgers.

In addition to the above, international public opinion has also been maneuvered to create as many difficulties as possible for the American administration within the U.S. through what may be called the political and psychological front. This, as a rule, takes the form of continued psychological warfare actions that aim at the erosion of popular confidence in Washington in the handling of the simplest domestic development which ostensibly has nothing to do with the Vietnam conflict.

In the implementation of the indirect strategies, however, the real decision is sought more often than not at the level of the local conflict where three decisive elements are clearly distinguished: material capabilities, moral strength, and duration of the fighting period.

If one's material strength should exceed that of the enemy to a considerable extent, the other two factors need not be substantial. If not, one should be well motivated and prepared for a long struggle. These factors influenced Russian strategy in Czechoslovakia and in Korea but results varied greatly from one case to the other because the U.S. reacted differently in each instance.

In so-called revolutionary wars, the rebels, as a rule, do not have strong military means. They, therefore, have to think of their struggle in terms of years and decades, hoping to demoralize their opponents. In this context, it seems only a matter of course that such a conflict always is fought on two equally important planes: the military plane and the psychological plane.

In the present situation in Vietnam, all these elements are clearly in evidence. The lowering morale of the Communist troops, which was very high in the early years of the insurrection, is being offset by an increasing reliance on material means. And although the Hanoi leadership still speak of continuing the fight for another decade or two, indications are many pointing to their desire to reach a decision much earlier than the end of this century.

With all of these points in mind, I have sketched a Vietnam strategy that does not claim to be the only one possible at this time. For all its imperfections, let me enumerate its main points before setting to the task of discussing its merits and limitations. This strategy, which I would call one of isolation, includes seven steps:

(1) Separation of the guerrillas from the local population so that their infrastructure may be eliminated; (2) Isolation of the local and regional troops from Main Force units so that they may not rely on one another and be more easily destroyed; (3) Neutralization of in-country base areas; (4) Neutralization of base areas in neighboring countries; (5) Establishment of an anti-infiltration barrier along the 17th Parallel from Dong-ha to Savannakhet; (6) Separation of the enemy's front and his rear by an amphibious landing in the area of Vinh or Ha-tinh; (7) Formulation of a Thai-Lao-Viet-Khmer alliance.

Most of the measures enumerated are purely military in character and cannot be expected to solve the Vietnam problem entirely. Prior to discussing them in detail, let me once again emphasize the total character of this our conflict, for the solution of which there must be a set of social, economic, and political measures likely to strengthen our military position and consolidate our gains on the battlefield.

At the base of the Strategy of Isolation should be our unmitigated adherence to the principle of service to the people. Only if the average person is convinced of the Government's good intentions, can he be expected to keep away from the Communists, thus depriving them of the opportunity to live among the people as fish in water. Only then can the legitimate administration succeed in eradicating the Communist infrastructure in the villages and, in so doing, wreck the enemy's strategy of encirclement of the urban areas by the countryside.

In order to isolate the enemy from the people, the administration must constantly make a many-pronged effort which should not only result in better security and well-being for the masses but also must seek their approval and allegiance, thereby reducing popular grievances and depriving the insurgents of the condition *sine qua non* for fostering subversive warfare in hiding among a discontented people. At this point, I should like to recall the observations of a French writer by the name of Roger Trinquier, author of *La Guerre Moderne* (Modern Warfare), where he shows himself to be a very shrewd observer of military developments in modern times. Trinquier suggests among other things that the problem of revolutionary wars can only be solved by meeting the people's aspirations with the help of a system of cadres imbued with the spirit of public service.

Before going further, let me once more go back to Lin Piao's principle of encirclement of the townships by the countryside, which, I think, is the basis of the Communists' global strategy as well as the one they follow in limited conflicts. Possibly the single exception, which confirms the general rule, is their *Tet* assault on the cities of South Vietnam but they might have embarked on that road with the hope of gaining control of the countryside as a bonus payment for their bold attacks on the cities.

Against such a strategy, ours also should place the emphasis on the countryside. We Vietnamese should devote all our time, energy and resources to the Revolutionary Development program so as to liberate the countryside. In this undertaking, the Malaysian experiment can supply us with many valuable lessons. Like the Kuala Lumpur government, ours should not shirk from strong

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measures, especially when these constitute the only answer to the difficult problem of population control, without which nothing may be undertaken to improve their standard of living and make them positively loyal to the Republic.

Militarily, however, the liberation of the countryside is inadequate as a counter insurgency measure. It is a matter of common knowledge that the Communist military strategy is one combining guerrilla and classical warfare, using local troops for small harassing actions and large units infiltrated from North Vietnam for their major operations. If those forces should be permitted to complement one another, the Vietnam conflict may last for a very long time, indeed.

For this reason, if we should simply work toward the elimination of guerrilla elements without containing the flow of infiltrators, the result would not be hard to predict. Infiltration from North Vietnam must be checked completely if the Communist threat is to be brought under control in the South. It is my view that air raids over North Vietnam cannot completely interdict the constant flow of arms and men into South Vietnam. Something else must be attempted.

Let us now look at a map of Asia and consider the geographical position of the Philippines, Malaysia, and the Republic of Korea, which at one point or another in their recent histories, have been faced with a Communist-sponsored insurrection. These countries are either archipelagoes or peninsulas connected to the Asian continent by a narrow neck of land. As Communist infiltration naturally came from the sea, the anti-infiltration task was made much easier than in Vietnam.

In the case of our country, which has a long land frontier to the West as well as an equally extensive coastline to the East, there are many natural sea and land corridors of infiltration, through which the Communists have been able to carry the materials of war to their South Vietnamese acolytes much more easily than to their comrades in Korea, the Philippines and Malaysia.

After trying many formulas to curb North Vietnamese infiltration, the allies have found none to be adequate. It is my view that a barrier cutting through all the main corridors of infiltration should be established South of the 17th Parallel, going from Dong-ha in Quang-tri Province to the Laotian city of Savannakhet on the Lao-Thai border. Let me also tell you that this defensive system should not be a Maginot or Siegfried-type line or a curtain of barbed wire. Rather, it should be a system of operational bases manned by about three divisions of troops, whose task would be to eliminate Communist elements presently warring in Southern Laos and threatening South Vietnam and Thailand.

This project of a barrier, however, would not be welcomed by the neutralist government of Laos as it can be construed as a violation of the 1962 Geneva Agreement. Should the difficulties encountered in this undertaking be insurmountable, the allies in Vietnam would have yet another option: an invasion of the southern panhandle of North Vietnam.

Of course, as the Republic of Vietnam does not nurture any territorial ambition, such an action would not result in the occupation of North Vietnamese land. The landing of troops North of the present demarcation line between the two Vietnams should simply aim at imposing a solution on Hanoi.

If this option were to be selected, the landing could be made just North of the 18th Parallel and South of the Song-ca river, in the area of Ben-thuy from where allied troops could push through to Linh-cam and Nape or from Linh-cam to the Mu-gia Pass, where the enemy is known to concentrate his troops for the Southward March. In short, the plan would secure the occupation of the general area where the Ho Chi Minh trail begins, thus interdicting Communist infiltration at its very source. Such a plan would probably be feasible with the deployment of three infantry divisions and two armored divisions.

The suggested course of action would per force be construed as a violation of the 1954 Geneva Agreements on Vietnam but the time may come when consideration of such subtleties of international law will have to give way to the requirements of the battlefield, especially if the truth should dawn on policymakers in allied countries that limits imposed on military commanders may forever deprive them of the victory they deserve.

However, with or without such an approach to a solution to the problem of war in Vietnam, the security of Indochina in the years to come can only be assured by a combination of military and political measures that should ultimately result in a Thai-Lao-Viet-Khmer alliance. Such an alliance will sooner or later come into being, for all these Indochinese states are presently threatened by Communist imperialism, and regardless of their political systems, will some day recognize that a united front is the only effective course to counter Hanoi's aggression.

In other words, the Thai-Lao-Viet-Khmer alliance is a strategic measure that could put an end to North Vietnam's territorial and ideological ambitions by isolating the Hanoi régime from their local communist henchmen. South Asian stability will then be on much safer ground and the Chinese threat much less serious.

Before concluding this talk, let me reiterate that the present Vietnam conflict is total in character, that it demands a solution which should not only be politico-military but also should not neglect such other aspects as diplomacy, culture, education and economy.

The war in Vietnam has lasted long enough to convince us that a totally new approach should be devised to successfully counter the Communist danger. Successful we must be, for otherwise there will be more Vietnams in the years to come. The current disturbances in Thailand constitute, I think, the most eloquent proof that the Reds have not in any way abandoned their final aim of world conquest—in spite of their loud protests of adherence to the notion of co-existence.

So long as poverty prevails in the world, Communist agents can easily start subversive wars and so long as there is a big difference between have and have-not nations, Lin Piao's "encirclement of the townships by the countryside" still stands the chance of leading Communism to a global victory. For, on a global plane, "the townships" are the industrial nations of Europe and North America and "the countryside" consists of the underdeveloped countries of Asia, Africa and Latin America. World domination by Peking, thus, is a definite possibility we have to counter at any cost.

The Free World, just in order to survive, should demonstrate unity and determination. United, we are very strong, and determined to be free, we will remain free. But we have to close ranks *now* and stop bickering among ourselves for petty causes. A united front is our sole road to salvation, for we must remember that the enemy is still pretty much alive and waiting for a propitious moment to strike what may be the *coup de grâce* for our cherished Liberty.

If we are united, it will not be very difficult to devise an effective global strategy to counter the Communist peril. It is my humble view that anti-Communist fighters should drive this point home to their governments and peoples, for realization of this verity is the prerequisite for the crystallization of an anti-Communist strategy that may contain the Reds and convince them of the necessity to leave free nations alone.

Thank you for your attention.

JEWISH HOLY DAYS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, on September 13, the members of the Jewish faith marked the first day of Tishri, the beginning of their new year. It is now the year 5730 according to the Jewish calendar, which dates back from 3761 B.C., the date traditionally given for the creation.

I join with my colleagues, constituents, and friends who are Jewish to mark these high holy days, culminating in Yom Kippur, the Day of Atonement, on September 22. The ram's horn, the Shofar, is blown in the temples, and all who hear know that it is a holy sound. World Jewry will join in common bond on this day, when the Lord judges each individual. For Jews everywhere it is a day of fasting, confession, and repentance. It is also a day of forgiveness, of starting anew.

We are reminded during this time of the bounty ethnic Americans enjoy in America. Let me take this occasion to hope the new year brings good will to all men.

THE PETROLEUM SITUATION

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, in spite of the valiant efforts of the petroleum industry to inform those outside the industry of the serious problems it faces, there is still great misunderstanding as to the basic facts with which the industry must concern itself every day.

Although it is an industry whose operations involve a substantially higher degree of risk than most others, obstacles continue to be placed in the way of its search for new reserves of both oil and natural gas.

An excellent discussion of supply and demand and the industry's need for incentives and additional capital outlays is contained in the June 1969 issue of a monthly review from the Energy Division of the Chase Manhattan Bank.

I insert this brochure entitled "The Petroleum Situation," in the RECORD so that my colleagues may have the benefit of the interesting statistics set forth therein:

THE PETROLEUM SITUATION IN JUNE, 1969

(By John G. Winger)

DEMAND

Averaging 13.6 million barrels per day, the demand for petroleum products in June registered a strong 6.5 percent gain over the year earlier level. But, as is often the case, the increase reflected in part a recovery from a relatively weak demand last year. Both gasoline and distillate exhibited a lack of strength at that time. This year, they were both back on trend—the call for gasoline was 7.1 percent higher and distillate was up

13 percent. Kerosene and residual fuel also conformed to the historical growth patterns with gains of 15.4 percent and 1.0 percent respectively.

The over-all demand for petroleum products in the first half of 1969 averaged 5.3 percent higher than in 1968—somewhat better than expected. It was the demand for gasoline and residual fuel that proved stronger than we had anticipated.

SUPPLY

Reflecting gains in Texas and Louisiana, domestic production of crude oil and other petroleum liquids reached the record rate of 11.1 million barrels a day in June. At that level, output was 461 thousand a day—or 4.3 percent—more than a year ago. Imports, on the other hand, declined. But at 2.9 million barrels per day, they were still 3.9 percent higher than a year earlier.

Refinery runs also set a new record in June, reaching a level of 10.9 million barrels a day. For the first half of the year, runs have averaged 2.6 percent higher than a year earlier—despite the refinery strike in January.

INVENTORIES

The petroleum industry added somewhat more oil to storage in June than is customary. But, even so, over-all inventories at midyear were substantially lower than at the beginning of the year—a comparatively rare development. And at 971 million barrels, they were only 11 more than a year earlier—a modest gain in view of the expansion of demand.

PRICE

Gasoline prices continued to fluctuate in the Mid-Continent wholesale market. June saw a reduction of ½ cent per gallon which brought the price down to the level of a year ago and ½ cent below two years ago. At the Gulf Coast, a ¼ cent increase brought the price in that market up to the level of two years earlier. For other major petroleum products the price remained unchanged in all the wholesale markets.

CAN'T WE EVER LEARN?

Last year the United States consumed 50 percent more oil than the domestic petroleum industry added to its proved reserves. It was not the first time the industry has been unable to keep pace with the nation's growing needs. Indeed, 1968 was the ninth consecutive year in which reserve additions of crude oil and other petroleum liquids were below the level of consumption. For the entire nine year period, the new reserves represented little more than four-fifths of the accumulated consumption in that time.

Ideally, the new reserves added each year should not only match consumption but should exceed it. Proved reserves are in the nature of underground inventories. And, as such, they should expand in reasonable proportion to the growth of market demand—if the market's needs are to be fully and continuously accommodated. If that goal had been achieved over the past nine years, the petroleum industry would have had to find 1.4 barrels of proved reserves for each barrel consumed instead of the 0.8 barrel it actually did find. In other words, it should have discovered a total of 51 billion barrels in the nine year period—two-thirds more than the 30 billion actually found.

It is not absolutely essential, of course, that the ideal situation be achieved. To a degree, the nation's domestic reserves can be supplemented with oil imported from foreign sources. And the United States now relies upon imports for nearly one-fourth of its needs. But the nation would incur a very grave risk indeed if it became heavily dependent upon outside sources. As the record forcefully demonstrates, reason does not prevail throughout the world. And there is no real assurance that oil from abroad would be continuously and fully available. The economy of the United States is much too dependent upon oil to tolerate an inadequate supply. And in the unfortunate event of another international war the nation's position would be perilous if it had to rely upon a high proportion of imported oil. Prudence and common sense, therefore, require that the nation remain largely self-sufficient.

But it won't be much longer, if the trend of the past nine years continues. By 1980, the annual consumption of oil products in the United States is expected to reach 19 million barrels per day—nearly 50 percent more than the 13 million a day consumed in 1968. Between 1968 and 1980, the accumulated consumption is expected to amount to 70 billion barrels. If the United States is to maintain a minimum safe inventory of proved reserves and not become more dependent upon outside sources than it now is—obviously a desirable goal from the standpoint of the nation's well-being—the domestic petroleum industry will need to find and develop a total of 87 billion barrels between 1968 and 1980. Against that requirement, the recently reported discoveries in Alaska do not loom large—and we should be mindful that they are not yet in the category of proved reserves.

To find such a tremendous amount of oil will require an equally enormous capital expenditure. For the past two decades there has been a consistent relationship between the amount of money spent in the search for oil and natural gas and the proved reserves actually found. And if this relationship continues, the petroleum industry will need to spend approximately 116 billion dollars to find and develop 87 billion barrels of oil. That would necessitate an average outlay of 9.7 billion dollars a year between 1968 and 1980—well over twice as much as the industry has been spending in recent years.

In the past nine years—the period during which domestic reserve additions were less than consumption—the petroleum industry spent as much as 40 billion dollars trying to find and develop new sources of petroleum in the United States. By any standard, that was a huge financial effort. But, obviously, it was not enough. To have found sufficient oil to match market needs and maintain a satisfactory level of proved reserves, a capital expenditure of about 68 billion dollars would have been required—70 percent more than was actually spent. Why—if there was a need—did the industry fail to spend that much? The answer hinges primarily upon two factors: (1) the incentive to spend, and (2) the ability to spend.

Insofar as the search for oil and natural gas in the United States is concerned, the petroleum industry may be divided into two basic groups—the major companies and the independent producers. For a decade following World War II, both groups spent nearly identical amounts of money. And they both increased their levels of spending year after year, keeping pace with market expansion. By the mid-fifties, each group was spending approximately 2.5 billion dollars a year—more than three times as much as they were a decade earlier. But since that time, their pattern of capital spending has changed to a marked degree. Th major companies have sharply curtailed the rate of growth of their expenditures. And the independent producers have progressively reduced their annual outlay. Currently, the independents are spending only half as much as they were a dozen years ago.

These developments provide clear evidence of damage to the incentive to spend. Obviously, if the rate of return on their investment had been more attractive relative to other investment opportunities, both groups would have spent more than they did in their search for additional domestic reserves of oil and natural gas.

But neither group had financial resources sufficient to support a fully adequate expenditure. The petroleum industry is far-more capital intensive than most others. And the scope of its activities creates vast capital needs. It is also an industry whose operations involve a substantially higher degree of risk than most others. And, for that reason, it has had to generate most of the funds for its capital and other financial requirements from its operations. Historically, about 45 percent of the money needed has been derived from net earnings, another 45 percent from the various provisions for capital recovery, and only 10 percent from the capital markets. But in recent years the industry has been unable to generate enough from operations and has had to depend much more heavily upon borrowed capital. Currently, its use of borrowed funds is well over twice as large as the historical proportion. Had the industry chosen to spend all the money required to maintain a satisfactory level of proved reserves over the past nine years, it would have been forced to borrow far more than it actually did. And we must be mindful, of course, that all borrowed capital eventually must be repaid with funds generated from operations.

Clearly, the availability of sufficient petroleum from domestic sources is vital to the welfare of the United States. And, obviously, if the petroleum industry is to satisfy the nation's needs and also maintain a safe margin of proved reserves, it must have enough capital to perform that function. It must also have sufficient incentive to use its capital for that purpose. In the face of these demonstated needs, it would be logical to think that nothing would be done to prevent the industry from accomplishing its essential purpose. Yet, incredible as it may seem obstacles are indeed placed in the industry's way.

For the last decade and a half, the industry's generation of capital funds has been severely limited by governmental regulation of the price of natural gas. Carried on without sufficient regard for economic and competitive circumstances, the regulation forces the industry to accept a price for gas that is much too low. Since various oil products must compete in the market with the low priced gas, their prices are indirectly affected also by the regulation. These circumstances limited both the generation of capital and the incentive to invest the funds that actually were available. Significantly, the cutback of capital spending devoted to the search for new oil and gas reserves was initiated shortly after the imposition of the price control. And, as a result, the nation is now faced with a shortage of both oil and natural gas. How, we might wonder, could anyone ever have believed the United States could continue to have adequate supplies of oil and natural gas, if the petroleum industry were denied sufficient funds to search for them? Yet, that denial has persisted, despite repeated warnings of the consequences.

And there exists today a situation that demonstrates further how poorly the lesson has been learned. As noted earlier, the petroleum industry derives a large proportion of its capital funds from the various provisions for capital recovery. Together, amortization, depreciation, depletion, etc. rank equally with net income as a source of capital. Until recently, they satisfied as much as 45 percent of the industry's over-all financial needs. All private industries, of course, have provisions for capital recovery—otherwise they could not survive. But they all do not have the same provisions. A factory or a piece of machinery can be depreciated over its lifetime. And when they are worn out, they can be replaced. But when oil and natural gas

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have been extracted from the earth and consumed they cannot be replaced—new sources must be found instead. And that can be an exceedingly costly and risky undertaking. The record abundantly demonstrates that vast sums of money can be spent without any oil or gas being found. Since, in fact, the production of oil and gas represents a depletion of its capital assets, the petroleum industry is permitted by law to recover a portion of this capital by means of a depletion allowance.

This procedure, however, has been subjected to increasing attack. And there are mounting demands that the allowance be reduced or eliminated. Some of the attacks obviously are politically motivated. But there is also criticism that reflects a lack of understanding of the true role played by the depletion allowance. There is a failure to recognize that the allowance applies only to revenue generated by the industry's successful producing properties—and the benefits derived do not offset the large sums spent on the search for petroleum that proves unsuccessful. Most often, the allowance is labeled by its critics as a tax loophole—conveying the impression that the money thus obtained is utilized for some nonessential purpose. But regardless of what its detractors choose to call it, the depletion allowance is today what it always has been—a source of capital. And if that source is reduced or eliminated, it must be replaced by another.

There is only one practical alternate source. If, for example, the industry's generation of capital funds were reduced 10 percent by a change in the depletion allowance, net income would have to be increased by an equal amount. And that could be achieved only with an increase in gross revenue—which, of course, would necessitate higher prices for petroleum products. Thus, a cut in the depletion allowance would, for all practical purposes, be the equivalent of a tax increase to consumers. And, as such, it would carry all the inflationary force of any other rise in their costs.

Clearly, a reduction in the depletion allowance—or any of the other provisions for capital recovery—would not be in the best interests of the United States. The nation's dependence upon petroleum, its tremendous needs, the vast amount of capital required by the petroleum industry to satisfy those needs, the industry's decreasing ability to generate enough capital and mounting dependence upon borrowed funds, and the developing shortage of both oil and natural gas are all reasons why such an action would be ill advised. Rather than inhibit the generation of capital and thereby discourage its use, the interests of the United States would be far better served by positive actions designed to achieve the opposite results. If we are to have enough oil and gas, we have to pay enough for them—there simply is no other way. Why is that elementary fact so difficult to understand?

U.S. PETROLEUM STATISTICS SUMMARIZED

[In thousand barrels daily]

	June			3 months ended June 30			Year to date		
	1969	1968	Change (percent)	1969	1968	Change (percent)	1969	1968	Change (percent)
Demand:									
Gasoline	5,942	5,549	+7.1	5,781	5,478	+5.5	5,468	5,204	+5.1
Kerosene	892	773	+15.4	860	760	+13.2	960	877	+9.5
Distillate	1,805	1,598	+13.0	1,990	1,807	+10.1	2,696	2,577	+4.6
Residual	1,694	1,677	+1.0	1,809	1,655	+9.3	2,145	2,051	+4.6
All other	3,220	3,129	+2.9	3,121	3,002	+4.0	3,159	2,990	+5.7
Total demand	13,553	12,726	+6.5	13,561	12,702	+6.8	14,428	13,699	+5.3
New supply:									
Crude oil production	9,509	9,146	+4.0	9,365	9,159	+2.2	9,153	9,188	−.4
Natural gas liquids production	1,590	1,492	+6.6	1,595	1,512	+5.5	1,596	1,505	+6.0
Crude oil imports	1,344	1,340	+0.3	1,443	1,210	+19.3	1,375	1,123	+22.4
Residual fuel imports	1,008	1,032	−2.3	1,109	1,004	+10.5	1,298	1,270	+2.2
Other products imports	525	398	+31.9	449	367	+22.3	519	380	+36.6
Primary supply	13,976	13,408	+4.2	13,961	13,252	+5.4	13,941	13,466	+3.5
Net processing gain	325	328	−.9	306	299	+2.3	309	312	−1.0
Total new supply	14,031	13,736	+4.1	14,267	13,551	+5.3	14,250	13,778	+3.4
Crude runs to stills	10,924	10,339	+5.7	10,602	10,261	+3.3	10,462	10,200	+2.6
Stock change in million barrels	+22.4	+29.7		+65.7	+78.2		−29.2	+15.8	
Stocks (end of period):									
Gasoline	200	201	−.4						
Kerosene	43	38	+12.5						
Distillate	130	139	−6.5						
Residual	63	68	−7.5						
Other products	253	249	+1.5						
Total products	689	695	−.9						
Crude oil	282	265	+6.3						
Total, all oils	971	960	+1.1						

Sources: USBM, API, and CMB.

MEDICAL RESEARCH BITES THE DUST

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, one of our national claims to pride has been America's maximum, consistent efforts in the fields of medical research, pure science, and physician training. Working with constantly increasing Government support, all across the Nation our scientific and medical leaders have been pushing the frontiers of knowledge outward to decrease pain, human suffering, and the curses afflicting mankind. Presidents Kennedy and Johnson championed such programs. President Nixon has taken another course, cutting such grants for research significantly.

Although the worst of the major cuts will be partially rescinded, the damage has been done. Panic spreads among the ranks of our research faculties. A menacing precedent has been set. Few acts could have done more harm. None poses greater potential damage to so many people. We are well on the way to being first in war, last in peace, and anywhere but first in upgrading the health of our countrymen. New grant money to replace expiring projects will be cut 11 percent, in addition to the average 5-percent cut. NIH's total spending will be down 290 million. Medical schools, which get 60 percent of their total support from NIH, are hard hit already.

Originally, it was announced that all research grants up for renewal by the National Institutes of Health since the first of September would be cut 20 percent. One of these institutes, General Medical Sciences, was slated for such drastic reduction that, of 130 5-year grants up for renewal this year, all but about 10 would be rejected. Last week, 19 clinical research centers across the Nation received notification from the National Institutes of Health, telling them funds for their continued operation might not be forthcoming.

Four of these centers that may lose their Federal support are in my home State of New York. They are Albert Einstein College of Medicine in the Bronx; Albany Medical College of Union University in Albany; and the State University of New York Medical Centers in Buffalo and Syracuse. The others are in 12 other States. Seven of them specialize in clinical research on diseases of children. Is this sense? Can one drive nails in a snowbank? The administration's rhetoric fills the air like strings of wet sponges, plopping back to earth in the form of broken promises and disastrous policies, we shall pay horrible penalties for in years to come. How many children will die? How much suffering will be unalleviated?

What will be the long-range effect of all this, even if the cuts are to be partially rescinded, as has been announced? We are building damage into America's science and technological advancement. The administration squeezed the moon flight like a sponge for unearned and undeserved credit. Now it attacks the very principle which made such a flight possible. What will happen to thousands of eager, bright young Americans who seek careers in science and medicine? While Russia builds science cities, the administration declares war on Government's commitment to such activities at home. Already, demoralization is spreading through medical research ranks across the land, striking in scores of facilities and medical schools.

Brilliant researchers will have to do without young assistants who themselves would someday fill their places. What will happen to our supply of doctors and hoped-for improvements in medical care. All plunge down the administration drain labeled "sewer for essential social projects." We can only dread the future when such Neanderthal thinking can even dare come through as official national policy.

Let us remember this attempt to throttle these endeavors. It is being perpetrated by those who bellow like thirsty cattle for Federal largesse for special interests, and who then cry "socialism" when we try to aid the elderly, the poor, and struggling students. Aid the dispossessed, and they shriek "communism" from the housetops. Touch unlimited farm subsidies and swollen military budgets, and they react as if we have attacked grandma, danced on the flag, and repealed the Ten Commandments. Raise a voice for the taxpayer, the consumer, or the environment, and it is a devious plot against the Republic, apple pie, and the Founding Fathers. These are the people who, in their warped wisdom and temporary power, are ready to disembowel basic medical research, training programs for physicians, and work aimed at curing children's diseases.

Where is the stentorian voice of the American Medical Association that citadel of reaction and nefarious political activity? Where is the voice of the profit-swollen drug industry, which fights like a trapped panzer division to prevent the elderly from receiving low-cost drugs in their generic form? Where is the voice of the professional patriot, wrapped in our flag like a bathrobe, who is ready to exile every college student to the Dry Tortugas and cut off all students loans. Invincible in peace. Invisible in war. All are notable in their silence.

Such a policy is reprehensible in the extreme. It must be reversed.

THE ELECTORAL QUESTION

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, as debate progresses on this vital question, I have been reminded of an editorial which appeared in the Shreveport Times earlier in the year, "The Electoral Question." I believe the commentary of the writer to be particularly worthy of every Member's consideration and would like to make it available herewith. Certainly I subscribe with the writer's point of view.

The editorial follows:

[From the Shreveport (La.) Times, Mar. 3, 1969]

THE ELECTORAL QUESTION

Maybe this will be the year of the change in election of U.S. Presidents. Maybe not. But the signs are abundant and multiplying that Congress is thinking of alternatives to the present system. The signs aren't lacking either that those who care less about reform and more about change in the interest of "plebiscitary" democracy are using the current ferment to promote a direct election for President.

Make no mistake about it. Direct election isn't reform—it's a radical revision of federalism into something approaching "raw democracy." A direct vote sounds fair on its face, but that's because "one man, one vote," which isn't the same thing at all, has a simplistic appeal to those who don't understand the federal system. One-man-one-vote applies only within states.

Those who do understand federalism and don't like it because of the restraints it imposes on the teeming electorates of the north and east, would trade federalism any day for the direct vote that would elect presidential candidates catering to the wishes of those who want Washington providing all the social and economic solutions to the country's problems.

Direct election would put the power in the centers of population—largely Democratic in makeup—and diminish the states as meaningful political entities. Federalism means the constitutional relations of states and their citizens to the federal government. Direct election of Presidents would take the states entirely out of presidential elections and very likely substitute federal voting precincts with federal poll-watchers for state control.

Such precincts, if they bore state names at all, would do so only as an aid in locating them. More likely, a Caddo precinct in a presidential election would bear a certain federal number—say 10,622 for ready computer reference. What the total vote of a state were would be only a statistical curiosity drowned in a federal total of perhaps 80 million popular votes.

Direct election of Presidents is more of a bugbear than anything else. Polls show the majority of people favor it but that is because the question is put by the pollsters without explanation of its disastrous impact on federalism. It looks and sounds simple and democratic—and that suffices.

But even if Congress mustered the necessary two-thirds vote to submit the proposal to the people, it is doubtful that three-fourths of the legislatures would ratify. The majority have nothing to gain and quite a lot of strength politically to lose under the plan, and when the political equations become known the polls would show quite a different story.

For this reason, there is much more sentiment for keeping the Electoral System, which gives each state as many electors as it has representatives and senators in Washington. The most reasonable way of averting the feared possibility of a deadlock in Electoral Votes would be to make each Congressional District in each state worth one Electoral Vote. Whatever candidate carried each district would earn its vote. The two extra Electoral Votes (representing each state's two senators) would go to the candidate taking a majority of the state's entire vote.

That proposal would satisfy the clamor for a fairer division of Electoral Votes within states. Nobody would lose his vote on the basis of one candidate getting all of a state's electoral votes simply by carrying the majority of its popularity votes.

That proposal wouldn't satisfy entirely the possibility of a deadlock in the Electoral College, which calls for the winner's taking a majority of the Electoral Votes of all the states. Three candidate elections make that nearly impossible. It has been suggested that 40 per cent of the Electoral Vote should suffice. Americans, though, love majorities. They are the teething ring for instructions in the Democratic process. So a better system would be the runoff between the two high men, proposed by President Nixon, in cases where no one get a majority.

Consistent with federalism, there couldn't be a fairer way. But the runoff should be held within weeks of the main election. A jet-age presidency demands smooth, quick transition.

THE ADMINISTRATION DISCOVERS AND LOSES CONCERN FOR DRUG NEEDS OF 20 MILLION OLDER AMERICANS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, yesterday was a red-letter day for America's 20 million older citizens, for seemingly, the Secretary of Health, Education, and Welfare acknowledged not only their existence, but the fact that their drug needs were constant and growing. He spoke of what so many know; that more and more of them live in poverty and pain daily, and their drug needs are all too often unmet. This was in itself surprising in light of the fact that the President has not lifted a finger on their behalf since assuming office.

The Secretary was even reported to have endorsed the concept of extending medicare to cover their drug needs while ailing but not hospitalized. Admirable, murmured many, although late in the game for our older citizens. We might have known better, for this morning he disavows any such recognition of this principle, much less any plans for making it a reality. Well, at least he and his mentors are running true to form, and our illusions about them can be banished permanently.

We shall have to wait for another President to push for a bill I and other Members have introduced. Last year, Mr. Finch's own party played the major role in defeating it in the Senate by just two votes. This simple bill called for extension of medicare to extend regularly provided prescription drug coverage to outpatients in the same manner as to those now covered by existing legislation. It also requires that only drugs prescribed by their generic name be covered, an initial attempt to provide guidelines for doctors and drug companies in pricing drugs more equitably.

We shall have to wait for a more progressive HEW outlook in order to enact another bill I and other Members have offered here and in the other body. This would establish a Federal drug compendium listing all prescription drugs under their generic names. It would provide doctors and pharmacists with brand name, manufacturer, suppliers, and prices for each drug. Neither of these measures inhibits the prescribing physician or pharmacist in any way. Both taken together would go far to redress the appalling state of affairs existing in regard to our elderly and drug costs.

Mr. Speaker, in 1966, more than half our elderly citizens living alone had incomes of less than $1,500; 11 percent of elderly families and 53 percent of older individuals received less than $30 weekly; another 30 percent of each category had incomes of between $30 and $60 weekly.

Private insurance is dismally failing to meet their needs. A Task Force on Prescription Drugs established by HEW in 1967 found that only 9 percent of our elderly had any private insurance protection. They also found private plans met only 2.8 percent of all nonhospital and nonphysician medical care expenditures. The situation is critical, as inflation wreaks havoc on their limited incomes.

Mr. Speaker, the commitment of this entire administration to the entire range of health, medical, and research programs is questionable, to say the least. Already, expenditures by the National Institutes of Health to ongoing medical research and for clinical research centers is being cut. Panic reigns in our medical schools as news of these cuts spreads. No effort is being made to raise social secu-

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rity payments, which is the only effective method immediately available to alleviate effects of inflation. The administration hears a pin drop at General Motors, United States Steel, or in the textile industry. But 20 million senior citizens can cry out in agony, and the Government makes no move to adjust its hearing aid.

That is why so many greet Secretary Finch's denial today with knowing looks, mingled with disappointment. We already know that Mr. Finch plans and the President decides. All these gentlemen will do is dash at already open doors with loud cries and beat already dead horses with large sticks from very respectful distances. How cruel it was to raise hopes and then dash them.

In the meantime, the elderly sit in silent pain everywhere, waiting for relief that they know will now not be forthcoming. Certainly not from these gentlemen. For the elderly, the watchword can be Bismarck helped the elderly in the 19th century, but President Nixon and Secretary Finch will not do the same in 1969.

ATTORNEY GENERAL SUPPORTS PROPOSAL FOR COMMISSION ON MARIHUANA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, yesterday Attorney General John N. Mitchell, testifying before the Senate Juvenile Delinquency Subcommittee, stated his support of a proposal for the creation of a commission to study marihuana, in his words, "so we can get to the bottom of this." Whenever the subject of marihuana is raised it causes extraordinary controversy with the opinions offered being ofttimes disparate and at total odds with one another.

There are fundamental questions which must be answered if we are to rationally legislate in this area. Among those questions are the following:

First. Does the use of marihuana cause violent crime or aggresive antisocial behavior?

Second. Does the use of marihuana produce conditions of dependence, psychosis, or other harmful effects requiring medical treatment?

Third. Does the use of marihuana lead to the use of heroin?

Fourth. Are the current criminal penalties for the possession of marihuana appropriate?

Nine of my colleagues and myself have cosponsored a bill, H.R. 10019, to establish a presidential commission comparable to the Warren and Kerner Commissions which would take testimony on all aspects of marihuana use and render a report. That report rendered by a blue ribbon commission would in my judgment be accepted by the American public and in particular the youth of today which refuses to accept the undocumented statements and mythology of the past. Marihuana may indeed be harmful or as some say no worse than liquor. I do not know the answer nor I suspect can Members of this House be certain of that answer. The public and its legislators are entitled to the truth.

With the thought that it would be of interest to our colleagues I am annexing to my statement a copy of the New York Times editorial dated September 15, 1969 on this subject:

THE FACTS ON "POT"

The question of whether "taking pot" is a step toward self-destruction or merely an innocent diversion is being debated as though it could be decided by majority vote. Few young people concede any danger whatever in the practice, many of their elders are genuinely alarmed, and medical men, predictably, are divided. The argument might be a harmless pastime were it not for two glaring circumstances: If marijuana is indeed harmful, then a staggering percentage of the rising generation is headed for disaster and drastic curbs are in order. If it is not, then hundreds of innocent users, police, school officials and parents, are being put through an ordeal as useless as it is psychologically damaging.

Given these alternative possibilities—both deplorable and both based on ignorance of the facts—Representative Koch of New York makes the sensible suggestion that something be done to diminish that ignorance. He proposes a Presidential commission, comparable to the Kerner and Warren Commissions, to establish authoritatively how many Americans, and what kind, smoke marijuana; how effective the laws against it are; its psychological and physiological effects, taking the most exhaustive and reliable testimony; its relationship, if any, to crime; and, not least, its possible encouragement to the use of other drugs.

Other studies have, of course, been made. A committee appointed by Mayor La Guardia, in response to lurid charges about the prevalence of "reefers" in the schools, came up in 1944 with some reassuringly unsensational findings. A British Advisory Committee on Drug Dependence only a year ago found no evidence that marijuana-smoking led to violence or serious dependence. Beyond these studies and others like them a body of literature on "grass," "pot," "Acapulco gold," "weed" and "tea" goes back through the centuries.

Yet the fact remains that none of these studies, putting aside entirely the ancient and the legendary, is entirely applicable to the American situation today. The number of smokers, their degree of indulgence, and the potency of the drug—all these vary greatly from country to country and from time to time. There has been nothing in the United States comparable to the investigation proposed by Mr. Koch, either in scope or in the stature of the investigators. It is time the American people had the hard facts on a possibly soft drug.

ENVIRONMENTAL QUALITY IMPROVEMENT ACT OF 1969

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, of the many threats to civilization, deteriorating environmental quality must be placed among the major concerns of civilized man, along with war, hunger, disease, poverty, and crime. There are environmental rights to much the same degree as there are social, economic, and civil rights.

Environmental degradation has long been associated with the misuse and abuse of resources. Slashed forests, polluted streams, overgrazed grasslands, belching smokestacks, and open dumps have been visual reminders of our carelessness.

Any concept of the environment—air, water, or land—as an infinite reservoir, with an infinite capacity to dilute, disperse, and assimilate waste is outmoded and irresponsible. Our resources are limited, and we have overdrawn our bank account.

As we have pushed back the frontiers of scientific knowledge and devised technologies to apply that knowledge, we have multiplied our opportunities for material wealth and comfort. We have increased our capacity to manipulate the environment. In the process we have multiplied our impact on the environment and through the misapplication of technology we have disrupted the environment.

We need to use political, economic, and social leadership to improve the quality of life, not to destroy it. We need to make technology serve man, not endanger him. We need to conserve our planet and the complex life systems which make it habitable, not disturb its balances for the sake of short term economic gains.

For these reasons, the concept of man's total environment has emerged in the last few years as a new focus for public policy. Not long ago, the idea of a governmental responsibility for the health of the individual, for the state of the economy, for consumer protection and for housing was considered revolutionary. Today we have come to take these responsibilities for granted. We must now proceed to make the concept of governmental responsibility for the quality of our surroundings an accepted tenet of our political philosophy.

It is time that we examined our national goals and purposes in managing the environment. New goals and new policies which are in the long-range public interest are clearly required. Their successful development will require the active participation of the States and private enterprise as well as the Federal Government.

In the Federal Government, and I suppose this may also be true of State government, we have sometimes indulged ourselves in the illusion that we are doing a grand job of environmental management. But the facts do not support this. Many of our approaches and programs have involved merely a cosmetic approach—clean up, paint up, and fix up. The conditions we are dealing with, however, are not to be cured by cosmetology. Many will require major surgery.

Our responses have been too narrow, too limited, and too specialized. In the past, we have established costly programs without a clear enough perception of the objectives and the goals we seek to attain. We have reached the point in our national life where this country can no longer rely on the time-worn method, every time there is a new environmental crisis, of simply convening ad hoc study groups and task forces to make recommendations which are easily filed away and forgotten. We are still reacting only to crisis situations in the environmental field. What we should do is set up institutions and procedures to anticipate environmental problems before they reach the crisis stage.

We need to know what the risks are, and we need to know what options and alternatives are available in the development of our resources and in the administration of our environment. It is far cheaper in human, social, and economic terms to anticipate these problems at an early stage and to find alternatives before they require the massive expenditures which we are now obligated to make to control air, water, and land pollution.

It is my judgment that the bill I am introducing today will go a long way toward giving the Federal Government the capacity to anticipate and deal with environmental problems.

Title I of the Environmental Quality Improvement Act of 1969 would create a Council of Environmental Quality in the Executive Office of the President to oversee the programs of the Federal, State, and local governments to determine to what extent these activities are contributing to the achievement of environmental quality and to gather, analyze, and interpret conditions and trends in environmental quality.

The principal task of the Council will be to develop within a 5-year period comprehensive national policies and programs to improve and maintain the quality of our environment.

Under title II of the bill, the Secretary of the Interior is authorized to conduct studies of natural environmental systems in the United States, to document and define changes in these systems, and to develop and maintain an inventory of natural resource development projects which may make significant modifications in the natural environment.

Further, the Secretary of the Interior is directed to establish a clearinghouse for information on ecological problems and studies to disseminate information about progress in the field and to establish a program in which representative natural environments on Federal lands can be set aside for scientific study and preservation. Also, the Secretary of the Interior will assist and encourage the establishment of similar natural preserves on State and private lands.

Title III of the bill would establish under the Secretary of Health, Education, and Welfare a comprehensive waste management program, coordinating all such research now being done under a number of different Federal programs. The Secretary of Health, Education, and Welfare is also directed to compile a national inventory of waste management needs and problems and of waste management technology.

In addition, the bill would establish a clearinghouse for information on all aspects of air, water, and soil pollution and waste disposal. This information would be made available to business, industry, municipalities, and the general public.

ENCOURAGING PROGRESS OF IRAN

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, last week I commented on the progress being made by Iran, and I emphasized the value of the stable government which Iran has enjoyed under the Shah. Now let me go a step further.

The close and cooperative relations between Iran and the United States in the postwar years have yielded significant benefits, not all of them readily apparent. Iran is, first of all, a success story, a visible demonstration to a sometimes doubting world that cooperation with the United States has paid off. In the early years after the war Iran's economy was weak and shaky, still suffering from the consequences of occupation and struggling to get development underway. Its political structure was rent by deep divisions and dissensions. The country turned to us for direct help for its military equipment, for financial and economic resources, and for technical capacity. We extended something less than $2 billion in assistance, about half military and half economic. Iran used our help well. It is now booming along at a 10-percent annual economic growth rate, it buys considerable quantities of military equipment from us on credit terms repayable in hard currency, and it does a good job of managing its own economy with the impressive talents of highly competent Iranians.

This is a particularly notable performance among developing countries. In the process Iran has, of course, become more self-reliant and independent. We have welcomed this and our relations with Iran have continued to be strong and cordial, proving the validity of our position that we wish to help other countries to stand on their own feet and deal with us as independent equals.

Profiting from this economic strength and the able and farsighted leadership of the Shah, Iran has enjoyed a period of political stability almost unique among developing countries. With her domestic house in order her territory has been denied to any Communist intrusion and her continued participation in the CENTO organization has been significant. This stability has also made Iran something of a rock in the turbulent sea of the Middle East from which Iran has reached out to forge meaningful ties with her neighbors, not only her allies Turkey and Pakistan, but India and Afghanistan as well. Now in the Persian Gulf, as the British plan to leave, she faces increased responsibilities and has begun to develop with the moderate Arab States of the gulf area, particularly Saudi Arabia, cooperative and constructive relations. We have ample room for hope that the Persian Gulf will become one area where the regional powers will do a good job of avoiding serious conflicts and of building and maintaining their own peace and security. From his firm domestic base the Shah's counsel of restraint and moderation also carries weight with those countries seeking grounds for settlement of the difficult Arab-Israel dispute.

Notably, it is useful also to the United States to have the free and frank dialog it does have with Iran. As a developing country in touch with other developing countries and conversant with their problems but sharing much of our outlook and aspirations and seeking areas of cooperation, the views and counsel of friendly Iran gives an added dimension to our understanding of world affairs.

Iran, of course, has problems but the significant thing to me is that Iran has been able to move in little more than a generation from a feudal society into the accomplishments and responsibilities of a modern state. Education has made significant progress, and illiteracy is rapidly being reduced, even in remote villages. The lot of the individual has been improved very considerably through land reform, irrigation, and better farming methods. The Government recognizes that there is still much work to be done, and it is facing up to its responsibilities.

FLOOD INSURANCE SHOULD BE MADE AVAILABLE NOW

(Mr. ST GERMAIN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, last year's housing act created an important new program to provide federally aided flood insurance to help protect property owners from the disasters of hurricanes and other flood damage. This proposal had the strongest kind of support in the Congress but unfortunately because of the complex and time-consuming mechanics is now available only in three communities in the entire country. In other programs, such as mass transit and water and sewer grants, we recognized the necessary start-up time by providing an initial simplified procedure. It is obvious that this needs to be done for the flood insurance program as well. Therefore, it is my intention to offer an amendment when the Committee on Banking and Currency meets in markup session on pending housing legislation which will make flood insurance promptly available throughout the country.

My proposed amendment is very simple. It will provide that for a 2-year period the Secretary can make flood insurance available without waiting for the detailed work necessary to set the actuarial rates contemplated by the long-term program. Under the flood insurance program, losses are funded initially by the income from the premiums paid by the property owners and the Federal equalization payment. In the case of exceptionally bad years, further losses would be paid by the capital committed by private insurance plus Federal reinsurance. In the long run it is expected that these unusual losses would average out so that there would be no net use of the private capital. My amendment would provide that for an initial 2-year period the insurance coverage would be financed from the premium income and the Federal equalization payments. As in the basic program, the Secretary could provide this coverage only for communities which requested it and which agreed to meet the land use planning controls

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provided for in the permanent program. It would not be expected that private companies would participate in this emergency provision but as the actuarial rates are set, the machinery would be there for them to come in under the long-term program.

Mr. Speaker, Hurricane Camille was a painful reminder that we have delayed too long for making flood insurance protection available. My proposed amendment will meet that need.

U.S. WITHDRAWAL IN VIETNAM—A CALCULATED RISK

(Mr. WYMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **WYMAN**. Mr. Speaker, we have got to watch it in Vietnam. It must never be forgotten that we are still facing a fanatically dedicated Communist enemy who is not reducing his forces but increasing them. This business of withdrawal of American forces is all well and good as long as there are competent South Vietnamese forces to take their place and perform the military protective tasks the Americans have been engaged in. We in this Congress, and the American people whom we represent, are assuming that those in a position to know the answer to this question are assuring our Commander in Chief that this is the case to the extent American troops are being withdrawn.

All thoughtful, concerned Americans want to see us disengaged from this unfortunate and tragic war so far away just as soon as we can responsibly disengage. But we simply cannot leave either the South Vietnamese people or remaining American forces unprotected against the slaughter that will assuredly come if there is insufficient power left in Vietnam to protect them.

In this connection the following recent column by the noted columnist Joseph Alsop is significant. He stresses the importance of our remembering what happened during the Tet offensive before we walk away.

Lacking any firm commitment on the part of North Vietnam and the Vietcong arrived at by negotiation it may be that at some point President Nixon will have to make it plain that unless aggression and slaughter of civilian populations is prohibited that areas heretofore considered off limits to aerial attack will be removed from the restricted list. In any event no matter how much we long to get out, complete unilateral American withdrawal until and unless South Vietnam forces are able to defend themselves would be a baseless sellout the world would remember longer than the tremendous effort that the United States has made to deter aggression in this faraway land. It also would debase the supreme sacrifice of untold thousands of valiant Americans.

The column by Joseph Alsop follows:

MASSIVE WITHDRAWAL BY UNITED STATES WOULD SPARK VIET MASSACRE

(By Joseph Alsop)

HUE, SOUTH VIETNAM.—At this juncture, President Nixon had better reflect on what the Communists did in Hue at Tet a year and a half ago.

The President might start by pondering the Communists' method of avoiding needless waste of ammunition. For this purpose, parties of 15 or 20 of their victims in Hue were forced to dig their own burial trenches. Their ankles were tied. Their elbows were also tied behind their backs, and a rope was passed through all their elbows. They were then ordered to squat in line on the brink of the trench.

That way, a sharp tug at each end of the rope was enough to tip the whole line of squatting men, women and children (for there were also children!) into the trench. No doubt they writhed in their ropes; but it was still very easy to bury them alive.

Such was the fate of many, when the Communists briefly seized this lovely little city in the Tet offensive. In Hue itself, about 2000 civilians were buried alive or sprayed at the trench-side with automatic weapons, or had their heads broken with mattocks. About another thousand civilians were killed in the same manner along the line of march of the retreating North Vietnamese regiments.

When the horrible mass graves were found, the "Liberation Radio" finally reported the massacre but claimed that only "imperialist lackeys" had been executed. Of the bodies that could be identified, however, only 30 percent had the remotest connection with the American or South Vietnamese government. The rest were mere accidental victims, punished at random for Hue's failure to join the "popular uprising" that Hanoi's strategists had forecast.

Ironically, it is now needful to remember this savage episode because this city, so recently a shambles, is once again the prettiest in South Vietnam. A brilliant province chief, Col. Li Van Than, has not merely rebuilt Hue; he has also led all the people of his province far down the road to peace and prosperity.

It is indescribably moving, in truth, to drive by jeep, unescorted and unarmed, through the little villages of this province and its neighbor to the north, Quangtri. The situation here is altogether different from that in Binhtuong and Haunghia provinces, where there are almost no remaining Vietcong but plenty of enemy troops from North Vietnam. In the populated areas of these two provinces around Hue, there are, to all intents, no enemy troops whatever. So there is peace.

Everywhere, the hard crusts of fields three or four years fallow are being broken to put in crops. In Hue's province, the dikes are everywhere beginning to be rebuilt, to keep the salty seawater from the land.

Almost every village and hamlet has its own elected government. Everywhere you run into the men of the Regional and Popular Forces. For these people are ready and eager to defend their peace. And in hardly any hamlet or village of this province do you see American or South Vietnamese soldiers.

In the province, the soldiers are either in the mountains or along the Demilitarized Zone. And that is the crux of the matter, which now makes it needful to recall the Hue massacre at every step and with every decision in Washington.

For the people live in peace, along the fertile coastal strip of these two provinces, because the soldiers of the 1st ARVN Division and the U.S. 101st Airborne and 3d Marine Divisions are in the mountains, or in the Ashau valley, or along the DMZ still fighting the war. The soldiers are in fact the screen for the people's newly found peace.

Over and over again, in heavy force all during the imaginary "lull," North Vietnamese regiments have tried to move south to drive through the screen and reach the populated areas. Let the President ruin this screen by too many troop withdrawals, and one or two or three regiments of North Vietnamese will manage to get through. There is not an American commander here who does not fear it.

Let those regiments get through the screen, moreover, and the Hue massacre will look like a Sunday school picnic. While other enemy units pin down our men and the 1st ARVN, the screen-penetrating regiments of North Vietnamese will surge up and down the coastal strip, killing the Regional and Popular Forces to the last man, murdering the village and hamlet chiefs, staining the whole land with blood. And that blood will be on our hands!

So what about it, Mr. Nixon and Mr. Laird and Mr. Rogers and Gov. Harriman and my dear friends in your editorial ivory towers? Here are a million people, to whom at long last we have managed to bring peace, who have also put their trust in us. At least a hundred thousand of them will be doomed out of hand, if that screen is even seriously broken through. Do you want the responsibility for a hundred thousand deaths, or shall we wait until Hanoi has been finally forced to end the war?

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURKE of Florida) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 10 minutes, today.

Mr. CÓRDOVA, for 5 minutes, today.

(The following Members (at the request of Mr. MANN) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. RARICK, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. MINISH, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. COLMER and to include extraneous matter.

Mr. ICHORD and to include extraneous matter.

Mr. ALBERT to extend his remarks prior to the call of the Private Calendar.

Mrs. GREEN of Oregon in five instances and to include extraneous matter.

Mr. HALL and to include extraneous matter.

Mr. MACGREGOR, his remarks made today in the Committee of the Whole.

Mr. KUYKENDALL to extend his remarks immediately following the remarks of Mr. WAGGONNER on the electoral reform bill.

Mr. GERALD R. FORD (at the request of Mr. MCCULLOCH) to include an article appearing in Nation's Business on page 29 and ending on page 31, to follow his remarks.

(The following Members (at the request of Mr. BURKE of Florida) and to include extraneous matter:)

Mr. BUSH in three instances.

Mr. UTT in two instances.

Mr. FINDLEY.

Mr. WYMAN in two instances.

Mr. DUNCAN in two instances.

Mr. ZWACH in two instances.

Mr. COUGHLIN.

Mr. Broyhill of Virginia.

Mr. Broyhill of North Carolina.

Mr. Michel.

Mr. Denney.

Mr. Whitehurst.

Mr. Wampler.

Mr. Taft in two instances.

Mr. Carter.

Mr. Reid of New York.

Mr. Ashbrook in two instances.

Mr. Burke of Florida.

Mr. McEwen.

Mr. Steiger of Wisconsin.

Mr. Gude.

(The following Members (at the request of Mr. Mann) and to include extraneous matter.)

Mr. Dent.

Mr. Matsunaga in two instances.

Mr. Rooney of Pennsylvania in three instances.

Mr. Gaydos in three instances.

Mr. Moss in two instances.

Mr. Dingell.

Mr. Kyros in two instances.

Mr. Rooney of New York in two instances.

Mr. Long of Maryland in three instances.

Mrs. Chisholm.

Mr. Ashley.

Mr. McFall in two instances.

Mr. Thompson of New Jersey in two instances.

Mr. Scheuer in two instances.

Mr. Friedel in two instances.

Mr. O'Neill of Massachusetts in two instances.

Mr. Kastenmeier.

Mr. Jacobs.

Mrs. Sullivan in three instances.

Mr. Rarick in four instances.

Mr. Mikva.

Mr. Shipley.

Mr. Tiernan in two instances.

Mr. Yatron in two instances.

Mr. Pickle in four instances.

Mr. Hathaway in two instances.

Mr. Gonzalez in two instances.

Mr. Brown of California in two instances.

Mr. Boland.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 775. Joint resolution to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1686. An act relating to age limits in connection with appointments to the United States Park Police; and

S. 1766. An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Montana, in paragraph 11, docket numbered 50233, United States Court of Claims, and for other purposes.

ADJOURNMENT

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 17, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1153. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act entitled "An act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes," approved July 5, 1946, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG: Committee on Rules. H. Res. 543. A resolution providing for the consideration of H.R. 850. A bill to designate the Desolation Wilderness, Eldorado National Forest, in the State of California (Rept. No. 91–491). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. H. Res. 544. A resolution providing for the consideration of H.R. 12549. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes (Rept. No. 91–492). Referred to the House Calendar.

Mr. O'NEILL of Massachusetts: Committee on Rules. H. Res. 545. A resolution providing for the consideration of H.R. 12884. A bill to amend title 13, United States Code, to assure confidentiality of information furnished in response to questionnaires, inquiries, and other requests of the Bureau of the Census, and for other purposes (Rept. No. 91–493). Referred to the House Calendar.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.J. Res. 224. Joint resolution to change the name of Pleasant Valley Canal, Calif., to "Coalinga Canal"; without amendment (Rept. No. 91–494). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 13811. A bill to amend section 358a (a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer peanut acreage allotments; to the Committee on Agriculture.

By Mr. ANNUNZIO (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Brasco, Mr. Brown of California, Mr. Diggs, Mr. Dingell, Mr. Feighan, Mr. Hanna, Mr. Hawkins, Mr. Horton, Mr. Leggett, Mr. Matsunaga, Mr. Minish, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nix, Mr. Patten, Mr. Pepper, Mr. Podell, Mr. Price of Illinois, Mr. Rees, Mr. Rodino, Mr. Scheuer, and Mr. Whalen):

H.R. 13812. A bill to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such programs, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; to the Committee on Banking and Currency.

By Mr. CELLER:

H.R. 13813. A bill to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.R. 13814. A bill to regulate the use of the mails with respect to the sending of material which is sexually oriented, to prohibit the sale of mailing lists for the illegal dissemination of such material, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FISHER:

H.R. 13815. A bill to amend the Internal Revenue Code of 1954 to clarify the status of motor vehicles under section 4041; to the Committee on Ways and Means.

By Mr. GARMATZ (for himself and Mr. Clark):

H.R. 13816. A bill to improve and clarify certain laws affecting the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. HANNA:

H.R. 13817. A bill to better enable savings and loan associations to serve the public; to the Committee on Banking and Currency.

By Mr. McCULLOCH:

H.R. 13818. A bill to prohibit unauthorized entry into any building or the grounds thereof where the President is or may be temporarily residing, and for other purposes; to the Committee on the Judiciary.

By Mr. MELCHER:

H.R. 13819. A bill to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS of Florida:

H.R. 13820. A bill to amend section 4171 of the Revised Statutes to allow the endorsement on certificates of registry of alternate masters; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHERLE:

H.R. 13821. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. SHIPLEY:

H.R. 13822. A bill to amend title 38 of the United States Code so as to entitle veterans of World War I and their widows and children to pension on the same basis as veterans of the Spanish-American War and their widows and children, respectively; to the Committee on Veterans' Affairs.

By Mr. WHALEN:

H.R. 13823. A bill to establish the calendar year as the fiscal year of the U.S. Government; to the Committee on Government Operations.

By Mr. HALPERN:

H.R. 13824. A bill to establish a grant-in-aid program to encourage the licensing by the States of motor vehicle mechanics; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts:

H.R. 13825. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 13826. A bill to provide for the formulation of a national policy for environmental quality, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself, Mr. Barrett, Mrs. Sullivan, Mr. Reuss, Mr. Ashley, Mr. Moorhead, Mr. Stephens, Mr. St Germain, Mr. Gonzalez, Mr. Minish, Mr. Hanna, Mr. Annunzio, Mr. Rees, Mr. Hanley, Mr. Brasco, Mr. Chappell, Mr. Widnall, Mrs. Dwyer, Mr. Del Clawson, Mr. Brown of Michigan, Mr. Halpern, Mr. Williams, and Mr. Beall of Maryland):

H.R. 13827. A bill to amend and extend laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. ESHLEMAN:

H.J. Res. 903. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. PUCINSKI (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Biaggi, Mr. Brown of California, Mr. Broyhill of Virginia, Mr. Byrnes of Wisconsin, Mr. Clark, Mr. Delaney, Mr. Erlenborn, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Galifianakis, Mr. Halpern, Mr. Hastings, Mrs. Heckler of Massachusetts, Mr. Hosmer, Mr. Howard, Mr. Keith, Mr. Koch, Mr. Mann, Mr. Matsunaga, Mr. Mikva, Mr. O'Neill of Massachusetts, and Mr. Ottinger):

H. Con. Res. 340. Concurrent resolution expressing the sense of the Congress with respect to international agreements providing for mandatory extradition of aircraft hijackers; to the Committee on Foreign Affairs.

By Mr. PUCINSKI (for himself, Mr. Nix, Mr. Pelly, Mr. Pepper, Mr. Podell, Mr. Pollock, Mr. Rees, Mr. Rooney of Pennsylvania, Mr. Sandman, Mr. Scheuer, Mr. Tiernan, Mr. Tunney, Mr. Vigorito, Mr. Whitehurst, Mr. Williams, Mr. Wold, Mr. Wolff, Mr. Wydler, and Mr. Wyman):

H. Con. Res. 341. Concurrent resolution expressing the sense of the Congress with respect to international agreements providing for mandatory extradition of aircraft hijackers; to the Committee on Foreign Affairs.

By Mr. KUYKENDALL:

H. Con. Res. 342. Concurrent resolution relative to airline hijacking; to the Committee on Foreign Affairs.

By Mr. ABERNETHY:

H. Con. Res. 343. Concurrent resolution expressing the sense of Congress that reduction in certain imports shall be effected through trade agreement negotiations; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H. Con. Res. 344. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. PERKINS:

H. Con. Res. 345. Concurrent resolution providing for printing as a House document "A Guide to Student Assistance"; to the Committee on House Administration.

By Mr. PICKLE (for himself and Mr. Jarman):

H. Con. Res. 346. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. WOLFF:

H. Con. Res. 347. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

267. By the SPEAKER: A memorial of the Legislature of the State of California, relative to the Intergovernmental Cooperation Act of 1968; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 13828. A bill for the relief of Genisco Technology Corp.; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 13829. A bill for the relief of Joseph H. Bonduki; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 13830. A bill for the relief of Genisco Technology Corp.; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H. Res. 546. Resolution to refer the bill, H.R. 13828, entitled "A bill for the relief of Genisco Technology Corp." to the chief commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

246. By the SPEAKER: Petition of the Honorable Hector Valenzuela Valderrama, President of the Chamber of Deputies, Santiago, Chile, conveying the congratulations of the Chamber of Deputies of Chile on the successful flight of Apollo 11 and mans' first lunar landing; to the Committee on Science and Astronautics.

247. By the SPEAKER: Petition of the Honorable Achille Peretti, President of the National Assembly, Paris, France, conveying the congratulations of the National Assembly of France on the successful flight of Apollo 11 and mans' first lunar landing; to the Committee on Science and Astronautics.

248. By the SPEAKER: Petition of the Honorable Ha Sjaichu, Speaker of the House of Representatives, Djkarta, Indonesia, conveying the congratulations of the House of Representatives of Indonesia on the successful flight of Apollo 11 and mans' first lunar landing; to the Committee on Science and Astronautics.

249. By the SPEAKER: Petition of the Honorable Takechiyo Matsuda, Speaker of the House of Representatives, Tokyo, Japan, conveying the congratulations of the House of Representatives of Japan on the successful flight of Apollo 11 and man's first lunar landing; to the Committee on Science and Astronautics.

250. By the SPEAKER: Petition of the Honorable Kul Shekhar Sharma, Ambassador of Nepal, Washington, D.C., conveying the congratulations of the Rashtriya Panchayat of the Kingdom of Nepal on the successful flight of Apollo 11 and mans' first lunar landing; to the Committee on Science and Astronautics.

251. By the SPEAKER: Petition of the Honorable Isjp Mazure, President of the First Chamber of the Netherlands States General, and the Honorable F. J. F. M. Van Thiel, President of the Second Chamber of the Netherlands States General, The Hague, conveying the congratulations of the Netherlands States General on the successful flight of Apollo 11 and mans' first lunar landing; to the Committee on Science and Astronautics.

252. By the SPEAKER: Petition of the Honorable J. Augusto Saldivar, President of the Chamber of Deputies, Asuncion, Paraguay, conveying the congratulations of the Chamber of Deputies of Paraguay on the successful flight of Apollo 11 and mans' first lunar landing; to the Committee on Science and Astronautics.

253. By the SPEAKER: Petition of the Honorable Hugo Batalla, President of the Chamber of Representatives, Montevideo, Uruguay, conveying the congratulations of the Chamber of Representatives of Uruguay on the successful flight of Apollo 11 and mans' first lunar landing; to the Committee on Science and Astronautics.

EXTENSIONS OF REMARKS

ROGERS SAYS SCHOOL STUDY STOPS RADIATION HAZARD

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. ROGERS of Florida. Mr. Speaker, I am pleased to note that the Environmental Control Administration has taken steps to halt the manufacturing of three types of electronic tubes now being used in high schools and junior colleges.

These tubes, used primarily as teaching devices in schools, have been found to be a potential radiation hazard. A survey conducted by the Public Health Service in 181 high schools in nine States found 27 of the 175 of these tubes to be emitting X-rays at rates ranging from 100 to more than 5,000 milliroentgens per hour at a distance of 12 inches. This is far above the recommended level of 120 milliroentgens per 5 minutes.

I have been told that there have been about 500 of these tubes produced since the Radiation Control Act, which I introduced, became effective on October 18, 1968. In addition, it is estimated that there are between 15,000 and 35,000 produced before that date. The company making the tubes has said that some of the tubes made in 1910 are still in use.

But through cooperation between the

company and the Environmental Control Administration, the company has agreed to contact all those schools which now have them and recall the tubes for correction, and has also agreed to halt sale of any of these tubes.

The survey included inspections in 11 Florida cities, including Jacksonville, Gainesville, St. Petersburg, Clearwater, Dunedin, Fort Lauderdale, Plantation, Pompano Beach, Miami, Miami Beach, and Coral Gables. From these 11 cities, 20 high schools were sampled.

I commend ECA and Electro-Technic Products of Chicago, Ill., for bringing this potential hazard under control.

ADDRESS GIVEN BY SENATOR YARBOROUGH TO STATE CONVENTION, TEXAS DEPARTMENT, VETERANS OF WORLD WAR I

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 16, 1969

Mr. CRANSTON. Mr. President, on July 26 the distinguished chairman of the Committee on Labor and Public Welfare, the Senator from Texas (Mr. YARBOROUGH), delivered an address to the State Convention of the Texas Department, Veterans of World War I, in San Antonio, Tex.

Senator YARBOROUGH's views on veterans' matters are deserving of the most careful consideration. For he has been a consistent and valiant champion of providing equitable and appropriate returns for those who have rendered military service to our country.

As chairman for 7 years of the Labor and Public Welfare Committee's Veterans Affairs Subcommittee, of which I now have the honor to be chairman, Senator YARBOROUGH battled mightily for and eventually in 1966 achieved the enactment of a Vietnam era GI bill providing numerous forms of readjustment allowances and assistance for our most recent group of veterans.

In his San Antonio speech, Senator YARBOROUGH proposes providing all World War I veterans with a service pension—that is, a pension without either a needs test or a requirement of disability—such as is now provided for veterans of the Spanish-American War. Senator YARBOROUGH argues that living veterans of all wars other than World War I have been accorded either extensive readjustment assistance or service pensions both as a clear recognition of the hardships which have been imposed upon their future lives by their fulfillment of their military obligation, and in order to provide them with financial or other means of living and working successfully in a civilian economy.

I believe that Senator YARBOROUGH's proposal should be carefully considered by the Committee on Finance, which has jurisdiction over the veterans' pension program. In view of the great cost of providing such a service pension—as much as $1 billion in the early years—at this time of fiscal austerity and budgetary ceilings, such an expenditure certainly raises serious questions. However, I do not believe that high cost alone should preclude close scrutiny of proposals to correct such inequities.

Mr. President, I ask unanimous consent that excerpts from Senator YARBOROUGH's address be printed in the Extensions of Remarks.

There being no objection, the excerpt from the address were ordered to be printed in the RECORD, as follows:

"LET US EQUALIZE ASSISTANCE TO VETERANS"

It is an honor for me to address again the convention of the Texas Department of the Veterans of World War I. I welcome this opportunity to meet with the men who sacrificed their time, their health, and their safety in the military service of the United States in the first great foreign war in which our nation engaged.

You men, unlike veterans of any other war before or since, have not received the consideration you deserve from a grateful nation.

Only one million, six hundred and seventy-five thousand of you survive, of the four million who donned the khaki in the war to make the world safe for democracy.

Seven hundred and sixty-five thousand receive some type of a so-called pension, based on a means test, or better named, a dire poverty test. Forty-six percent, in other words, have incomes so low they are eligible for the poverty pension for non-service-connected disability.

I asked the Veterans Administration recently what the total income of these men is, including their pension. I was advised that the median annual income for those qualifying for benefits is $2,500 a year. That is the pension, plus all other income.

At the average age of 74, the surviving veterans of World War I generally lack the wages and salaries of people still in the mainstream of the American economy. Their sources of income are static, their economic condition is deteriorating in the face of steady inflation. Yet by the laws of the land, they continue to be the neglected veterans.

They are unfortunate victims of a common belief that readjustment programs are the best way to compensate veterans, not pensions, and that we ought not return to an "outmoded" system.

This view mistakenly assumes that the GI Bill of World War II was the first veterans program directed toward compensating veterans for time and skills lost, by preparing them immediately for the future instead of pensioning them later for the past.

A little review of history tells us that this is not so new a concept. The idea was first applied by Congress to veterans of the American Revolution, who were awarded free public land on which to settle after mustering out. That was a serviceman's readjustment policy in a class with the home loans and business loans of the GI Bill, and even with the education and training benefits.

For the men who fought in the Spanish-American War, we have the traditional pension, similar to pensions granted veterans of the Civil War. For men and women who served during World War II and the Korean conflict, we have the GI Bill. For the Cold War and Vietnam veterans, we also have GI Bills. I am proud of the part I was able to play in providing that legislation for veterans of the Cold War and the Vietnam War. In fact, I am proud that I served longer than any other man as Chairman of the Veterans Affairs subcommittee of the Senate, and that I led the long campaign that finally restored the GI Bill after it was terminated by Presidential Order in 1955.

But there is no means test in any of these benefits, no poverty requirement. There is no mention of outside sources of income, or income ceilings after which entitlement disappears, and no lengthy tables showing a declining benefit as the veteran's income goes up, such as you veterans of World War I have to submit and submit to. There are no sworn statements of net worth, of spouse's income, of returns from personal savings and investments, such as you veterans of World War I must submit and submit to.

GENERAL PENSION NEEDED

These trappings of a misnamed welfare system in practice apply mainly to the men of World War I. It's really a poverty poor house system rather than a welfare system. The World War I veterans never had a readjustment program; they never had a general pension for their later years. They have fallen between the general pension of the Spanish-American war and the generous readjustment program of World War II. The World War I Veterans are the lost veterans, the lost generation of veterans insofar as the federal veterans laws are concerned.

It is no longer practical to apply the principle of the GI Bill to the World War I veterans. But it *is* practical, reasonable, and timely to apply the principle of the Spanish War pension system to this group. That is what I propose, and that is what my bill, S. 2658 which I introduced last week and which is now pending, would do. It adds men with service during World War I to those eligible for the Spanish-American pension program. It lifts the means test, the poverty label, and the federal inquisitor off the backs of the World War I veterans and adds dignity plus a pension to your declining years.

In introducing it, I strongly urged upon Congress that it drop the obnoxious and degrading welfare standards for pension eligibility. I urged that instead, we carry out in our national policy the recommendation of the U.S. Veterans Advisory Commission on the Veterans Benefits System, when it said:

"The Commission recommends that pension, as a benefit for war veterans and their survivors, should be maintained as a federal program providing financial aid above and beyond the levels of public assistance and that, within reasonably improved limits, increases in other forms of income should not adversely affect veterans pension benefits.

Because existing law restricts pension eligibility to poverty level income ceilings and submits you to a degrading poverty type inquisition, I have also introduced legislation making veterans in these income levels eligible automatically for federal programs operating with a means test. These are the rent supplement and food stamp programs. Those whose financial circumstances are so limited as to qualify them for an insignificant pension certainly should be entitled to these additional programs.

President Johnson once said:

"Our government and our people have no greater obligation than to assure that those who have served their country and the cause of freedom will never be forgotten or neglected."

Let us remember that in enacting reasonable veterans programs it is not just respect and dignity of veterans we honor, but the respect and dignity of the Nation for which they fought.

You are the only veterans in our history who fought a poison gas war. Its after-the-war effects were so bad on the surviving veterans that no nation has dared use it since World War I. There were no sulfa drugs or penicillin when flu and blood poison and pneumonia decimated your ranks. Modern hospitals for veterans were unknown when broken and wounded, you came home. There was no GI education, home loans, farm loans or business loans. Instead there were only apples and pencils to peddle on street corners.

As a 15-year-old high school youth then, I remember your plight, and I want the nation to remember you now.

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Of the brave four million who went forth in the springtime of your youth, only two out of five remain with us, averaging more than three score ten years each. In your declining years this government should no longer remain as bleak and cold as the surface of the moon to your plea and your plight. I pledge my continued efforts for justice for the veterans of World War I, our first global war.

DRIVING IS TOUGH ENOUGH NOW

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, as we know, the House Public Works Committee has before it a bill that would allow bigger and heavier trucks to use the Interstate Highway System. Much to the astonishment of many of us, the bill has been endorsed by Federal Highway Administrator Turner. I have taken issue with Mr. Turner's position. In addition, our State commissioner of transportation, Mr. David Goldberg, has advised the Public Works Committee that this bill is not in the best interests of the people of New Jersey. I am pleased to place before the House an editorial in the September 15 issue of the Trenton Times which concurs with my judgment and that of Commissioner Goldberg. The editorial reads as follows:

DRIVING IS TOUGH ENOUGH NOW

Lately the American Trucking Association has been waging an ingenious national advertising campaign to convince motorists that bigger trucks are good for them.

It has apparently convinced the Nixon administration. Maybe it did that without the ads.

Mr. Nixon's Federal Highway Administrator, F. C. Turner, has told a House subcommittee he supports a bill to allow bigger and heavier trucks to use the Interstate Highway System.

He took issue only with the maximum length permitted under the bill, saying it ought to be 65 feet rather than 70. But he endorsed the proposed increase of single axle weights from 18,000 to 20,000 pounds and of width limits from 8 to 8½ feet.

This would produce "economies" that would outweigh the estimated $300 million cost of modifying highways to handle the monsters, Mr. Turner suggested.

Safety? Well, there isn't much data available, Mr. Turner admitted, but what there is indicates to him that larger trucks wouldn't be involved in any more accidents.

But the trucking industry's own figures show that while heavy trucks comprise only 1.54 percent of total vehicle registrations and drive only 5.33 percent of vehicle miles, they are involved in 11.6 percent of fatal accidents—and the fatalities are usually in the small cars that get in their way. Will larger trucks mean a better record than this?

A double-trailer combination requires 440 feet to stop at 60 m.p.h., compared to 182 feet for a passenger car. The heavier the truck, the greater its inertia. No provision in the bill would repeal that law.

Mr. Turner said he "doubted" that increased truck size could be detected by motorists and cause them additional apprehension when passing or overtaking them. It certainly won't increase their feeling of security.

The administrator suggested that the effective date of the legislation be postponed three years so the Department of Transportation could develop "safety standards" for the bigger trucks. We suggest that the effective date be postponed indefinitely. Despite cute advertisements and promises of economies, bigger trucks would be dangerous, intimidating—and anything but good for us.

THE CASE FOR MUNICIPAL BONDS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 16, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Case for Municipal Bonds," published in the Norfolk Ledger-Star of September 2, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASE FOR MUNICIPAL BONDS

Norfolk's Mayor Martin quite properly expresses concern with the municipal tax feature of the tax bill that the House has sent over to the Senate.

Mayors, governors and other officials depending upon the present tax-free status of bonds issued by states, cities and counties or their agencies are indignant about the changes called for by the tax reform bill, and it's easy to see why they're firing off letters to their Senators and Congressmen.

Changes that result in taxes on the "municipals," as those bonds are known in investment parlance, will certainly make them more difficult to market. Yet almost every city and county in the country depends upon the sale of these bonds for their progress. They are of all sorts and kinds—bonds for street improvements, schools, sewerage systems, water systems, bridges, tunnels, you name it and generally a bond issue that is tax-free plays a part in the construction.

As it's now written, the tax reform bill retains the tax-free feature of these bonds. But it would authorize a federal subsidy to be paid to cities or states to induce them to issue bonds that are not tax-free; the subsidy would be absolutely necessary, for if the bond to be issued were to be a taxable bond, the interest paid on it would have to be considerably more than the interest municipals ordinarily pay in relation to the rest of the bond market which is taxable. (For example, Duke Power Company marketed some bonds the other day that will yield 7.95 per cent, whereas the Virginia bonds issued last spring yield about 4.5 per cent.)

So it's pretty plain that if municipals are going to be taxed, then the states, cities and counties issuing them are going to have to up their yield. Upping the yield means the taxpayers will pay more for the street improvements, schools, sewerage and water systems and bridges and tunnels. And never mind about the federal government reimbursing states and cities for the difference between the yield on a tax-free bond and a taxed bond; for that comes, too, from the taxpayer.

As we read the bill now, the House hasn't ended the tax-free feature. But it went to work on it and chipped away at it and the more protests, the sooner made, the better off the states and cities will be. Congress ought to realize that the states and cities and counties need to raise money, too, and whittling away at their ability to market bonds is to whittle away at their civic well-being.

THE 350TH ANNIVERSARY OF THE LANDING OF NEGROES AT JAMESTOWN

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. WAMPLER. Mr. Speaker, as a Member of the Congress from the Commonwealth of Virginia, I would like to mention that the 350th anniversary of the landing of Negroes at Jamestown, Va., will be celebrated in appropriate ceremonies at 3 p.m., Sunday, September 21, in the Jamestown Festival Park.

Many distinguished guests and talented artists will be on the program. Featured speakers will be Dr. Charles H. Wesley and Dr. Samuel Dewitt Proctor, Sr. Dr. Wesley is executive director of the Association for the Study of Negro Life and History, Washington, D.C. Dr. Proctor is dean of the graduate school of education at Rutgers State University, New Brunswick, N.J.

Dr. Wesley is also a former president of Wilberforce University and of Central State College, both in Ohio. Dr. Proctor is also a former president of A. & T. College in Greensboro, N.C., and a former Associate Director of the Peace Corps in Washington, D.C.

I would like to submit for reprinting in the CONGRESSIONAL RECORD the four objectives of the commemoration of the 350th anniversary of the landing of Negroes at Jamestown and the names of the officers and members of the committee in charge of this commemoration:

OBJECTIVES OF THE COMMEMORATION OF THE 350TH ANNIVERSARY OF THE LANDING OF NEGROES AT JAMESTOWN

1. To contribute to the development of a healthy pride and respect among Negroes and Americans generally for our forebears of African descent.
2. To promote historical accuracy as to the struggles of the American Negro to achieve his rights as a person and as a citizen of the United States.
3. To apprise the public of the contributions of Negroes to the life, technology and culture of Virginia and of the United States.
4. To stimulate interest in the erection of a suitable marker in honor of the arrival of these persons of African descent.

STEERING COMMITTEE

W. Lester Banks, P. B. Boone, Oliver W. Hill, Esquire, Mrs. Helen Howard, Dr. Walker Quarles, Rev. Melford Walker, S. W. Tucker, Esquire and Dr. J. Rupert Picott.

COMMITTEE MEMBERS

W. E. Barron, Paul S. Bell, Raymond H. Boone, John M. Brooks, Charles E. Brown, Theodore N. Burton, C. Clayborne Bush, Mrs. Virginia Carrington, Miss Elaine Carthly, John Culver, Mrs. Mary E. Culver, J. H. Dillard, A. G. Edwards, Melvin W. Elliott, Mrs. Willa Elliott, Rev. Egbert J. Figaro, Rev. L. Francis Griffin, Sr., David E. Gunter, Rev. Curtis W. Harris, Sr., Linwood Harris, Dr. John B. Henderson, Dr. Thomas Henderson, Dr. Robert M. Hendrick, Jr., Mrs. Beresenia Hill, Mrs. Bertie Huggard, John Q. Jordan, Joseph A. Jordan, Jr., Rev. Calvin C. Knight, Moses D. Knox, David E. Longley, Henry L. Marsh, III, Esquire, M. C. Martin, William T. Mason, Esquire, Rev. Raymond S. Mitchell, David Muckle, Mrs. Bernetta West Munford, J. Jay Nickens, Jr., Royal A. Patterson, Mrs.

Bessie Pryor, Dr. W. L. Ransome, Dr. Wm. Ferguson Reid, R. L. Scales, H. H. Southall, Mrs. Helena Stools, Rev. J. B. Tabb, Bernard E. Taylor, Dr. J. M. Tinsley, Clarence Townes, Jr., Mrs. Ruth Valentine, Franklin Waller, Mrs. Pauline F. Weeden, J. B. Williams, Dr. Philip Y. Wyatt.

COLLEGE FOOTBALL OBSERVES CENTENNIAL—WEST VIRGINIA UNIVERSITY PLAYS FIRST GAME OF SECOND CENTURY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 16, 1969

Mr. RANDOLPH. Mr. President, anniversaries of events both great and small are regularly observed, but this autumn brings with it an anniversary that surely will be noted by millions of Americans.

This year, Mr. President, marks the 100th anniversary of college football competition in this country, and celebrations will be held throughout the Nation as this very popular sport enters its second century.

It is fitting that on this landmark season the experts are predicting that West Virginia University may have the best football team in the 78 years of intercollegiate competition. This may well be true judging from the performance of the Mountaineer team last Saturday in its opening day victory over the University of Cincinnati by a score of 57 to 11.

And for the record books, West Virginia scheduled the start of this game 5 minues earlier than the usual kickoff time to claim the distinction of playing the first game in college football's second century.

West Virginia football, like that played at other institutions, has had its good years and its bad years. But we remember most the golden years when our university produced such outstanding players as Ira Rodgers, selected as an All-American shortly after World War I, and Sam Huff, a more recent West Virginia star athlete who went on to fame as a professional football player.

The prospects are indeed good for college football at West Virginia University. Interest is high throughout the State, and there are strong hopes that the Mountaineers may be on the threshold of another golden era of football.

The Morgantown Dominion-News, the hometown newspaper of West Virginia University, has provided thorough coverage of both the university's new season and college football's centennial. On September 13 several articles took note of the occasion. I ask unanimous consent that excerpts from a Dominion-News editorial, from a column written by Ray Martin, associate editor, and from another written by Bill Hart, former sports editor and editor, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EDITORIAL FROM THE DOMINION-NEWS

The Mountaineers of West Virginia will make history today when they meet the University of Cincinnati Bearcats on the gridiron at Mountaineer Field. The 1969 season marks the centennial of college football and the kickoff here at 1:25 p.m., will signal the start of the second century of collegiate pigskin classics. Since all other games today begin at 1:30 or later, the Mountaineer-Bearcat confrontation will be in the record books for all to see at the time of the second centennial.

With excusable prejudice, we hope, of course, that the Mountaineers wind up in the win column at the end of today's memorable event.

Over the last 100 years, millions of Americans have played, coached, watched or worked in college football, strengthening the foundation on which the sport is built, enriching its traditions and continuously reshaping and polishing the game to make it a mirror of "modern" society.

It was on a windy afternoon of Nov. 6, 1869, that Princeton played at Rutgers in New Brunswick, N.J., and that first intercollegiate football game reflected the era's uncomplicated society. There were few rules, no uniforms and almost as many players on the field as spectators watching. While the couple hundred onlookers sat on their buckboards or on a wooden fence, the 25 players on each team simply peeled off their coats and waistcoats and began kicking and butting the round ball (throwing or running with it was forbidden) toward the goal posts set 25 feet apart at each end of the 120-yard-long field. Rutgers won the soccer-style game, 6 goals to 4.

Today, a century after the first game, college football continues to keep pace with modern wonders. There are things like artificial turf, Gatorade, shockproof helmets and sophisticated computers plotting play probabilities.

Yet, despite all the increased skills of the players and all the advances of modern science and technology, every game between two college football teams comes down to solving one simple mathematical problem: Who's No. 1?

It's a question that's been asked millions of times during college football's first century, and one that hopefully will be asked for many centuries to come.

(By Ray Martin)

A tip of the pipe to Jim Carlen and West Virginia University's Mountaineers for the feat they are about to etch into the record books later today; the distinction of inaugurating the second century of intercollegiate football—with an assist from the Cincinnati Bearcats.

In some ways, the century separating 1869 and 1969 seems more like a thousand years. Yet in other ways, the more the nation has changed, the more it seems to have stayed the same. For example, in 1869:

A Republican President (Ulysses Grant) replaced a Democratic President named Johnson (Andrew), a Southerner who had been a U.S. senator and a vice president who moved up when a President (Lincoln) was assassinated.

A story in "The Nation" magazine described the Russian student type as "much the same as in our Western and smaller colleges; he wears long hair . . . and lets his beard grow, when he has any; moreover, he is generally dirty and careless in his dress."

Political unrest and revolution were prevalent throughout the world, particularly in South America.

The New York Stock Exchange panicked about gold prices.

The Union Pacific Railroad began advertising a 12-day tour (by rail and Wells Fargo) from New York to San Francisco.

By 1969, another group of American transportation pioneers had really raised their sights and bodies—all the way to the moon.

So much for comparative events across the span of a century. Now let's take a look at some of the people who have played football.

Grantland Rice was only partly right. It certainly matters not whether you win or lose. But how you play the game really doesn't seem to matter either—at least in later life.

For example, Richard Nixon was only a substitute on the Whittier College football team and John Kennedy merely a junior-varsity player at Harvard.

The greatest presidential player was Dwight Eisenhower. As a sophomore at West Point, he starred at halfback and linebacker before his football career was ended by a knee injury a week after playing against Jim Thorpe and the mighty Carlisle team of 1912. Other presidents close to college football were Woodrow Wilson (Wesleyan coach), Calvin Coolidge (Amherst coach) and Herbert Hoover (Stanford manager).

A list of 428 current and former college football players who reached a high level of national distinction in non-athletic fields includes 28 U.S. senators, 45 congressmen, 13 ambassadors, 17 top government officials, 20 governors, 76 college presidents, 18 full generals and admirals, 17 actors, 18 authors, newsmen and publishers, and 36 board chairmen or presidents of giant corporations.

The finest former player currently in public life is Supreme Court Justice Byron (Whizzer) White, a consensus All-America halfback at Colorado who in 1937 won four national statistical championships—total offense, rushing, scoring and kick-scoring—a feat never equaled.

The current secretary of labor, George Shultz (Princeton) and his predecessor, Willard Wirtz (Northern Illinois), are two of 11 cabinet members who played college football. Others include Robert Kennedy, former attorney general, and Gen. George Marshall, former secretary of state and defense.

Among 16 current corporation leaders, two were all-America football players—Ed Bock (Iowa State), president of Monsanto Chemicals, and Ellmore Patterson (Chicago), president of Morgan Guaranty Trust.

Not everyone makes it in college football. Among those who tried and failed were Bing Crosby, F. Scott Fitzgerald, Herbert H. Lehman and Franklin D. Roosevelt. Crosby and Fitzgerald played in high school but failed to make their college teams, Gonzaga U. and Princeton, respectively. President Roosevelt failed to make the grade at Harvard and the late Senator Lehman was rejected by Yale. At the Yale-Harvard game in 1893 Lehman was so excited that, leaping to his feet in the bleachers, he fell through to the ground below.

The name of this writer must be added to the list of those who didn't make it. It seems that I was swift enough for the neighborhood sandlot team, but not heavy enough or tall enough, or something like that, to warrant a berth on the more prestigious high school and college teams. I have lots of excellent company in this regard and I think the whole lot of us are pretty good sports, too.

It would get pretty lonesome on those gridirons if there weren't a few people around to do some cheering and some others to chronicle the exploits of the weekly challenges during the fall months each year. One might say there are active heroes in the sports world and the passive heroes who furnish the spotlight for the former.

I can't begin to list everybody who ever played college football. These names, however, should go into any potpourri listing: Astronauts John Glenn and Alan Shepard, Explorer Richard Byrd, Sen. Edward Kennedy, Sen. J. W. Fulbright and the late Sen. Estes Kefauver. The present House minority leader, Gerald Ford, played at Michigan. Former Vice President Hubert Humphrey played for Doland High School as a guard.

XUM

Other categories of personalities:

Governors—Endicott Peabody, Joe Foss and Ronald Reagan.

Top Government Officials—Federal Trade Commission Chairman Paul Dixon; OEO Director Donald Rumsfeld, Atomic Energy Commission Chairman David Lilienthal, and Bud Wilkinson, consultant to the President.

(By Bill Hart)

Just as football has changed over the years, so have the habits of the crowds who attended them . . . before good roads, of course, those who came had to come by train and there were few people, relatively speaking, who did not usually stay for the weekend . . . then, with good roads and the airplane the crowds became larger and the fans came a few hours before the game and departed immediately thereafter—that is most of them do just that . . . we do not know if this is good or bad for Morgantown business—we presume it is bad but that is the way it is and we assume today will be no exception . . . in other words, there will be, relatively speaking no one here two hours before the kickoff and then bing, bang everybody will try to get into Morgantown, park the car and run for the stadium.

Whatever the method or how large the crowd there is nothing quite like an opening football game for any college town and we certainly hope we qualify as an average American college town . . . we hope those coming here will enjoy themselves, see a victory and get out of our village as quickly as they desire or stay as long as their money holds out or their friends will allow them to visit with them . . . in other words. on the opening day of a football season, doesn't everybody love everybody?

ESCHATOLOGY AND HISTORY VIA THE NEW YORK WAGNERS

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. SHIPLEY. Mr. Speaker, Dr. George S. Reuter, Jr., was in Albany, N.Y., recently for a conference. He presented the paper "Eschatology and History Via the New York Wagners." Because I wish to share Dr. Reuter's thoughts with my colleagues, I include with my remarks in the RECORD this paper:

ESCHATOLOGY AND HISTORY VIA THE NEW YORK WAGNERS

(By Dr. George S. Reuter, Jr.)

INTRODUCTION

Dean Merrill C. Tenney of Wheaton College, Weaton, Illinois, has defined eschatology as "a division of systematic theology dealing with the doctrine of last things such as death, resurrection, the second coming of Christ, the end of the age, divine judgment, and the future state. It properly includes all that was prophetic of future events when recorded in Scripture." The term eschatological is familiar to theologians, but it is not to the general public. The writer is concerned with a secondary contribution that laymen follow in enriching the world by thoughts and deeds that improve society and work toward a better tomorrow. In no way, however, is the primary contribution of the theologian de-emphasized. Certainly American religion has been marked by a somber eschatological depth.

Late in the nineteenth century, Frederick Jackson Turner published his essay, *The Frontier in American History*. He inaugurated an epoch in American historiography and he called attention to all the previous perspectives from which the events and the patterns of American life has been presented. These perspectives were generally oriented to the European continent. Classical Christian eschatology has been Americanized. The journals of the Mathers, the Cottons, the Endicotts in New England, the travel diaries of Crevecoeur, the novels of James Fenimore Cooper and Herman Melville, the essays and public addresses of Ralph Waldo Emerson, etc. thus help to explain the reflections of the open frontier.

Several decades later Walt Whitman shattered the reigning forms of poetical expression. He brought forth a deep and powerful feeling for America's national character and promise. Finally, in the 1930's, Thomas Wolfe was concerned about the vastness of the American land under the enormous sky at night and the great trains plunging through the scattered villages—the very realization of the difference between the yearning of life for satisfying order and the frightening boundlessness of open space.

THE CHARACTERS

It is easy to cite many outstanding characters as leaders of mankind in America. A few of these are Franklin D. Roosevelt, his charming wife, Eleanor, his son, Franklin D., Jr.; Herbert H. Lehman; Fiorello H. LaGuardia; George W. Norris; Robert M. LaFollette, his outstanding sons, Robert M., Jr., and Phillip F.; and William J. Bulow. Mayor LaGuardia, who was born in New York City on December 11, 1882, and who died on September 20, 1947, aided mankind as a Congressman, as New York City's Mayor, and as Director-General of UNRRA. Senator Norris of Nebraska, who was born on a farm in Sandusky County, Ohio, on July 11, 1861, and who died on September 2, 1944, aided mankind as a Congressman and U.S. Senator from 1903 to 1943, as co-author of the Norris-LaGuardia Anti-Injunction Act and the Muscle Shoals Act, as "father" of the Twentieth Amendment and the unicameral legislature in Nebraska, and the leader who overthrew "Cannonism" in Congress. Senator LaFollette, Sr., who was born in Primrose, Wisconsin, on June 11, 1855, and who died on June 18, 1925, aided mankind as a Congressman, U.S. Senator, and Governor of Wisconsin. Senator LaFollette, Jr., who was born on Feburary 6, 1895, and who died on February 24, 1953, succeeded his father in the U.S. Senate and served mankind greatly. Senator Bulow, who was born in Moscow, Ohio, on January 13, 1869, and who died on February 26, 1960, was a great U.S. Senator and Governor of South Dakota.

The American epic came to a turning point in the spirit of the leadership of these great lay leaders. These statesmen led in solving many of the major problems. They led in fashioning a society and an industrial order that was near perfect. The magnificence of our endowment has been cleverely established. The character of a people's life-experience in a particular place profoundly influences their permeability to the eschatological reality proclaimed by biblical faith—that life in historical time has problems that cannot always be fulfilled by sheer movement in space. Ambassador Chester Bowles thinks of American history built around three periods—the bitterly contested victory of Thomas Jefferson in 1800, the election of Abraham Lincoln in 1860, and the time when there developed substantial public acceptance of governmental responsibility for minimum standards of living and opportunity.

THE WAGNERS

Robert Ferdinand Wagner was born in Nastatten, Hesse-Nassau, Germany, on June 8, 1877. He was brought to the U.S. as a child. He was American educated—B.S. from the College, City of New York, 1898 and LL. B., New York Law School, 1900. He served in the N.Y. Assembly from 1905 to 1908 and the N.Y. Senate from 1909 to 1918. While in the Senate, he was Lt. Gov. of N.Y. in 1914. He was N.Y. Supreme Court Justice from 1919 to 1926. It was in the U.S. Senate, where he served from 1927 to 1949, that he became famous. He was author of the Wagner Labor Relations Act, Chairman of the Committee on Banking and Currency, Democratic leader of the 1938 N.Y. Constitutional Convention, and sponsor of the National Industrial Recovery Act, the National Labor Relations Act, the Railway Pension Law, and the U.S. Housing Act of 1937. When he died on May 5, 1953, the nation mourned.

Robert F. Wagner, Jr., who was born in New York City on April 20, 1910, was reared by his father because his mother died early in his life. He was educated at Yale (A.B., 1933, LL.B., 1937) and Harvard School of Business Administration. Young Bob served in the assembly, on the city tax commission, on the commission on housing and buildings, as chairman of the city planning commission, and as President, Borough of Manhattan, 1949–1953. Also, he had an outstanding record in the Eighth Air Force from 1942 to 1945. His outstanding service was, however, as Mayor of New York City for twelve years starting in 1954. He would have sought another term as Mayor and been elected but his charming wife, Susan Edwards, was dying and he promised her he would not seek another term. His marriage was an ideal one in every way, but, by honoring her wish, this brought about the election of Congressman John Lindsay who has destroyed the unity of the people of New York. Later, Mayor Wagner married Barbara Joan Cavanaugh and he served as Ambassador to Spain.

EXTENDING PROGRESS

If any of the statesmen mentioned in this paper were President of the U.S. today, progress would be extended. All of them would address themselves to a series of critical national problems that are now being largely ignored. Among these suggestions are:

1. We should review our national priorities. The division of our gross national income should be more closely related to the urgent needs for modernization and change.
2. We should review our tax system. Loopholes should be closed. For example, the oil depletion allowance should be reduced.
3. We should review our national security policies. When peace comes, we should reduce our military expenditures.
4. We should extend our medical care program. The program should be broadened to help all citizens.
5. We should revise the relationship of federal, state, and local goverments. This will better serve the people wherever they are.
6. We should revise our seniority legislative system. It is just as proper to limit the terms of Congress as it is the U.S. President.
7. We must plan our nation so as to live effectively in an increasingly integrated world.

CONCLUSIONS

The eschatological reality of grace given within the bounded possibilities of earth and time and history is a reality that has not been evaded by our leaders. There are evidences that the facts and events of the moment are leading some of our nation's thinkers into new and real encounter with the deep moral issues. The realities of limit and boundary, the spirit-educating forces that operate when one cannot move on or start afresh but must come to terms with life where it is and where it is bound to remain, give us hope that reconstructing blessedness may prevail. The simple way to achieve this progress would be to elect Robert F. Wagner, Jr., or Franklin D. Roosevelt, Jr., President in 1972.

JAPAN'S MYOPIC VIEW OF OKINAWA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 16, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an article entitled "Japan's Myopic View of Okinawa," published in the Chicago Tribune of September 10, 1969.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JAPAN'S MYOPIC VIEW OF OKINAWA

Japan's foreign minister, Kiichi Aichi, will arrive in Washington Friday for discussions on the future of Okinawa, the most difficult problem in United States relations with Japan. Continued use of a 2-billion-dollar military-naval complex by the United States and the security of the whole western Pacific area are at stake in these critical talks.

The United States has governed Okinawa since its capture in one of the costliest battles of World War II, and the 1951 peace treaty formally recognized our position as the "sole administering authority." Altho all Presidents since 1951 have recognized Japan's ultimate sovereignty, no firm date for reversion can be set until the two countries agree on the future use of our military bases on the island.

In the 1951 treaty, the United States undertook primary responsibility for the defense of Japan, but a new treaty of mutual cooperation, concluded in 1960, restored full sovereignty in defense matters to Japan and obligated each country to come to the defense of the other in case of attack on any territory under Japan's administration. The United States retained bases in Japan, but agreed that any change in their use, such as the introduction of nuclear weapons or the launching of combat operations, would require prior consultation with Japan.

Both the United States and Japan are committed to the 1960 treaty, which will be extended automatically, subject to one year's notice of abrogation, after June 23, 1970. The two countries differ. however, on the application of the treaty to Okinawa. If Okinawa should be returned to Japan, without a separate agreement on the bases, the 1960 treaty would apply and the United States would be severely restricted in its uses of the bases. The United States wants a guarantee of continued "free use" of the bases. Japan has indicated that it might permit "free use" in "serious emergencies," but the United States objects to any such ambiguous formulation.

Altho Japan depends upon the United States nuclear umbrella for its defense, it insists that all nuclear weapons must be removed from Okinawa after its reversion to Japanese administration. This position seems irrational, now that communist China has nuclear weapons, as well as unlimited plans for imperialist expansion. Premier Eisaku Sato's Liberal-Democratic government is under tremendous pressure from communist, socialist, and ultra-nationalist elements, however, and his political future would be uncertain if he granted unrestricted base rights on Okinawa to the United States. This puts the Nixon administration in a delicate position, for the Sato government undoubtedly is more favorably disposed toward the United States than its successor would be if it should fall.

The United States has 120 bases on Okinawa. It is the only Asian strategic position in which the United States has a totally free hand. Our B-52 bombers operate from the island on missions to Viet Nam, and it is a major supply and staging center for other operations in the war. South Korea and Nationalist China regard its unrestricted use by the United States as essential to their security. Limitations demanded by Japan on the use of the bases would encourage other Asian nations to demand further concessions from the United States for continued use of their territories.

It may be, however, that "it is on the sea, and on the sea alone, that we are assured of the right to operate," as Sen. John Stennis (D., Miss.), chairman of the armed services committee, has said.

THE LIBERTY BELL'S FLIGHT FOR SAFEKEEPING

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, 192 years ago this month our Nation's foremost symbol of liberty was transported on a secret journey to save it from seizure by advancing British troops. A group of Pennsylvania farmers organized a wagon train to transport the precious cargo north from Philadelphia through Bucks County to Bethlehem and on to its ultimate destination, Allentown.

History records that a convoy of 700 wagons, escorted by 200 soldiers, made the trip which carried the "State House Bell," better known to all Americans as the Liberty Bell, from Philadelphia.

The Liberty Bell was but one of many bells removed from churches and public buildings and carried aboard the wagon train to keep them from the hands of the British who were desperately in need of the metal to produce shot for their weapons.

The trip lasted 8 days. En route the wagon carrying the Liberty Bell broke down in Bethlehem in front of the Moravian Church, known today as the Old Chapel. From there the bell was transported to Zion's Reformed Church in Allentown where it was concealed beneath the church floor on September 25, 1777, 1 day before the advancing British Army occupied Philadelphia.

Today, the spot in Zion's Church, Allentown, where the Liberty Bell was safeguarded from September of 1777 to June of 1778 has been set aside as the "Liberty Bell Shrine." A full-size replica of the bell reminds visitors of the daring journey which preserved the original bell, the foremost symbol of a new nation's liberty.

Support and maintenance is provided through the organization, Liberty Bell Shrine of Allentown, Inc., which, on September 24, will commemorate the bell's historic concealment in Allentown. The occasion will be a dinner in Fellowship Hall of Zion's Church with Mr. Chester Brooks, superintendent of Independence Hall, the former Pennsylvania State House in Philadelphia, as a guest.

It is particularly noteworthy that a voluntary citizen effort proposed, planned, and developed Liberty Bell Shrine in tribute to a moment in American history when another voluntary citizen effort had preserved for future generations a bell which symbolizes the basic element of our American heritage—liberty.

THE NIXON ADMINISTRATION—AN INTERIM APPRAISAL

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. MOSS. Mr. Speaker, almost 8 months have passed since a new administration assumed the responsibility for governing this Nation.

One-sixth of a Presidential term has become history—a history of delayed appointments, deferred policy decisions, prolonged travels—one might say an administration on a road show tour.

I take no solace from the absence of timely recommendations on ways and means of solving our complex problems.

I find no comfort in the failure to submit definitive proposals to the Congress.

I am alarmed at the continuing evidence of serious domestic inflation and the acceleration of deterioration in our cities and urban areas.

I am distressed over the failure to recognize the high priority which should be assigned the education of our youth.

I am concerned over the accelerated growth of rate of serious crime throughout our Nation.

I am concerned over the confusing picture emerging from the Nixon administration's actions—a concern I find well expressed in the following editorial from Life magazine of September 19, 1969, entitled "The Coherence Gap":

THE COHERENCE GAP

For a bigtime Wall Street lawyer who prides himself on clarity of presentation and orderliness with facts, Richard Milhouse Nixon has done a rather deplorable job of imparting those qualities to his Administration. On key issues, high-level Nixon appointees have been talking out of so many sides of so many mouths that the Administration seems to be replacing the Credibility Gap of the L.B.J. era with a Coherence Gap of its own.

The Administration's major intramural match (though hardly the only game in town) is the traditional clash over national security. As the 1969 season began, a small disagreement arose over whether the U.S. is seeking "superiority" or only "sufficiency" in the nuclear arms race with Russia. Reassuringly, Defense Secretary Mel Laird eventually accepted the President's word that sufficiency would suffice—and went on from there to the ABM debate. While Laird flatly insisted "there is no question" that Russia was building a nuclear first-strike capability against America, Secretary of State William Rogers maintained that "I have difficult in believing" it. The next time Laird and Rogers dined out on intelligence reports, the subject was a decrease in Communist troop infiltration into South Vietnam, which struck the State Department as "significant" and the Pentagon as "not significant." Finally, Laird and Rogers managed to mesh on White House plans for an August announcement of a 35,000-man Vietnam U.S. troop withdrawal. Only President Nixon unexpectedly decided not to have any announcement at all, until after his return to Washington.

Domestic pronouncements have been equally perplexing. Attorney General John Mitchell and HEW Secretary Robert Finch, of course, have aired their differences over the Administration's now-you-see-it-now-you-don't civil right program. When White House Urbanologist Pat Moynihan wrote off

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prospects for a domestic budgetary "peace dividend" at the end of the Vietnam war as "evanescent like the morning clouds," White House Counsel Arthur Burns countered that there would indeed be a peace dividend amounting to no less than $8 billion.

And so it goes. Chief Economic Adviser Paul McCracken says Administration measures are beginning to lick inflation; Assistant Commerce Secretary William Chartener proclaims that inflation is still licking the Administration. A White House spokesman says the anti-hunger Food Stamp program will be retired as part of welfare reform; the President's adviser on nutrition says it won't. President Nixon proposes a tax-reform measure that would affect tax-exempt bonds; Vice President Agnew feels it will adversely affect municipal bond sales and privately urges state and local officials to oppose it.

There was great merit in Nixon's campaign pledge that his Administration would maintain "a candid dialogue with the people"—but this is hardly it. The Administration seems to be not only mixing its signals but changing them. Now that President Nixon has returned to White House East, we trust he will insist on clearer signals all around.

PROTECTING OUR ENVIRONMENT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. GUDE. Mr. Speaker, Secretary Hickel has again demonstrated the administration's concern for the preservation of the precious physical environment when progress in our transportation technology has threatened the wildlife of a national park. The Interior Secretary's commitment to protect the Everglades National Park and Transportation Secretary Volpe's indicated cooperation are evidence of the governmental and public interest in maintaining a high quality of the physical environment. I commend to my colleagues today's Washington Post editorial which follows:

A CHEER FOR HICKEL AND VOLPE

The Dade County Port Authority argument for locating Miami's planned jetport on the edge of the Everglades National Park was sound in all respects except one. It decided to ignore the fact that locating the world's largest commercial airfield there would lead directly to the destruction of the very things the park was established to protect. Now, after having spent $13 million on one runway and having indicated to the entire country that it has no interest in conserving natural resources, the authority is busy seeking another site. Secretary of Interior Hickel has promised to do everything in his power to block construction of the 39-square-mile airport (with runways 6 miles long) and Secretary of Transportation Volpe has strongly indicated that he will do likewise.

Unfortunately, the federal government has been slow in taking a stand on this situation. Since one runway is already under construction, the two secretaries agreed to permit the use of it as a training strip for jet pilots. While they indicated their consent was predicated on actions by the port authority to protect the water supply of the Everglades from pollution, it is difficult to believe that the wildlife in the Everglades will not suffer from 500 or so daily landings and takeoffs.

The lesson in this unfortunate situation for airport (and other) planners everywhere, not just in Dade County, is that people are getting fed up with "progress" that impinges on the quality of daily life by introducing noise where there has been quiet, pollution where there has been clean air and water. The world is difficult enough to live in now without eliminating any more of its redeeming virtues.

THE MACHIASPORT PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. HATHAWAY. Mr. Speaker, on Saturday, September 13, the Machiasport oil refinery project was the subject of discussion at the meeting of the New England Governors Conference in Springfield, Mass., and at the annual Maine Sugar Beet Growers Association meeting in Easton, Maine. At each of these meetings, the president of Occidental Petroleum, Dr. Armand Hammer, spoke on Occidental's plans to build a refinery. Mr. Hammer paid particular attention to the conservation aspects of the proposed refinery and outlined the commitment Occidental Petroleum has made to the Governor of Maine and the other five New England Governors, to preserve the beauty of Maine and New England.

Since conservation has been an issue in regard to the Machiasport refinery, I commend Dr. Hammer's statement to the attention of my colleagues together with a statement issued by the Governor stating some of the problems Maine has encountered with its application for a foreign trade zone which is a prerequisite to the construction of an oil refinery at Machiasport, Maine:

RELEASE FROM OFFICE OF GOV. KENNETH M. CURTIS, SEPTEMBER, 14, 1969

EASTON, MAINE.—"The Machiasport project is very much alive and the New England Governors have never been more determined to win this long struggle to bring a refinery to New England" Governor Curtis said following the meeting of New England Governors at Eastern States Exposition, Springfield, Massachusetts. Speaking for the New England Governors and as Chairman of the Conference, Curtis said, "We wish to reconfirm our strong support for a foreign trade zone and an oil refinery at Machiasport, Maine. The valid application of the State of Maine for a foreign trade zone has been delayed long enough. We still have no refinery in New England and as a result, we repeat our protest that we pay unnecessarily high prices for oil to heat our homes and fuel our industries. New England consumers need and demand fairer consideration from the Federal Government's oil policy.

"President Nixon's Cabinet-level Task Force studying our nation's oil import control policies is nearing the completion of its work We have made our views known to that group. We have urged many changes in oil policy to give consumers in New England and elsewhere more equitable prices. We shall continue to urge these changes, but as a minimum step, we call upon President Nixon to approve the Machiasport proposal. Such approval would terminate the cycle of near run-outs, inadequate stopgap relief, and raising prices which currently characterize the New England fuel oil situation."

Dr. Armand Hammer, Chairman of Occidental Petroleum Corp., who was presented to the New England Governors by Governor Curtis, made the following statement:

"Eighteen months ago, at the invitation of the State of Maine, Occidental committed itself to building a refinery in a foreign trade zone at Machiasport. The project has been opposed by most of the large oil companies, and the most powerful lobby in Washington.

"Every argument made by and on behalf of the opponents to this project was made at full hearings of the Examiners Committee of the Foreign Trade Zones Board, held in Portland, Maine, and Washington, D.C. in October, 1968. The arguments were fully presented in written briefs and testimony before representatives of the Department of Commerce, Department of Treasury, Department of the Army, and their counsels. The published record of these hearings numbers approximately 1400 pages. Among those who testified, or who submitted written material in opposition to the project were Esso, Shell, Gulf, Sinclair, Standard of Indiana, Tidewater and Continental.

"In January, 1969, under the Johnson Administration, the Examiners Committee unanimously recommended approval of the application of the State of Maine for a Foreign Trade Zone in Portland and a subzone at Machiasport. In February, 1969, under the Nixon Administration, the Committee of Alternates of the Foreign Trade Zones Board, consisting of the Assistant Secretaries of Commerce, and Treasury, and a Representative of the Army, reviewed this recommendation and unanimously approved it, leaving only the final stamp of approval by the Foreign Trade Zones Board, made up of the Secretary of Commerce, Secretary of Treasury, and Secretary of the Army. In 27 years, there has never been a case where the members of the Foreign Trade Zones Board have failed to affirm the recommendations of their alternates.

"Stripped of pretense about national security interests, the oil company opponents to Machiasport are really motivated by strictly economic considerations. They do not want to move over and share part of the oil import quota subsidy with a new competitor. They do not want to give up control of prices, and they do not want to lose any share of their market position. All this is understandable, but it should be labeled for what it is, and not paraded as concern for the national security."

Following the Governor's conference in Springfield, Massachusetts, Governor Curtis and Dr. Hammer flew to Easton, Maine to address a group of farmers assembled at the annual Maine Sugar Beet Growers Association. Close to 2,000 farmers and trade people attended the dinner meeting.

In his remarks to Easton, Governor Curtis said, "Maine is on the threshold of dramatic industrial and agricultural growth." He hailed the sugar beet industry development in Maine and noted that two other projects were "close to fruition" namely the proposed Bath Iron Works expansion and the Machiasport Foreign Trade Zone Oil refinery project.

STATEMENT OF DR. ARMAND HAMMER

I am pleased that Governor Curtis and Fred Vahlsing Jr. have invited me to be with you today, for it is always a pleasure to come back to Maine. I have spent much of my life here and, as many of you know, many enjoyable years at the former Roosevelt family home near Eastport on Campobello Island, which I donated in 1964 to the United States and Canadian Governments so that its beauty and historical significance would be preserved for the use and enjoyment of generations to come.

Perhaps I can sum up my feelings about the State of Maine by saying that I love its beauty. This was one of the reasons why I was happy to accept the invitation of Governor Curtis more than 18 months ago to become active in the Machiasport project. Machiasport has become a famous place since that time—it is the symbol of controversy and the symbol of change in the American oil industry. I should like to say a few words today about what it will do for this state as well as for New England.

As I have indicated, I have spent a great deal of time in this beautiful state. I know of the difficult times many of its residents have been experiencing. I know of the shifts in the American economy that have taken jobs and the hope for a better future away from the people of this state. I do not believe that this has to be the case, for I believe that there can be progress and there can be jobs—and we can preserve the beauty of Maine.

Occidental Petroleum Corporation has joined with the Governor, your two Senators, your two Congressmen and all the political and business leaders in New England in attempting to make the Machiasport refinery a reality. You are familiar, I am sure, with benefits it would bring—an end to the threat of shortage of home heating oil each winter, lower prices for consumers, a support for a natural resources foundation, low-sulphur fuel to aid in the fight against air pollution, jobs and economic progress for the State of Maine and for all New Englanders. In short, the impact of an oil refinery and the petrochemical complex which would grow up around it can mean a great deal to every single person in New England—every worker, taxpayer and consumer.

Many people have fought hard and long for this project—but no-one has given more of his time, his energy and his courage than Governor Ken Curtis. At the time of great crisis last December and January, when it appeared that the project had been successfully killed, he, along with your two Senators, Senator Smith and Senator Muskie, and Congressmen Hathaway and Kyros, rallied the entire New England Congressional delegation and the other five New England Governors. Together they joined in pushing the project forward. I have been pleased to work with him and, because of the efforts of so many who had advanced this project so far, I think we are going to get a refinery in Machiasport. I believe that New England will soon break from the unfair economic bondage under which it has been placed by government regulations for the past ten years, and I believe that New England will soon see a new day of progress and prosperity.

Progress and prosperity do not come easily, as we all know—it does not come without some pain. One of the most difficult aspects of building a great facility like an oil refinery is, of course, to measure and limit its impact upon the environment. I well know what poor planning and hasty construction can do to an area. I would have no part in any project which would do anything to destroy the beauty of this State. This is why Occidental is pledged to build a refinery which meets the highest standards of air and water pollution control and spillage prevention.

To this end, we have worked closely with Governor Curtis, Mr. Gardiner Means and conservation leaders in Maine and New England. We have pledged to meet their legitimate concerns. I am convinced that we can build a refinery that will meet the objectives of every concerned citizen and conservationist in Maine, and I again emphasize the desire of Occidental and myself to achieve this goal.

I am proud of the record of Occidental in the area of conservation. It is not a new concern to us. Indeed, one of the most constructive features of the project is our agreement to contribute part of the value of oil import rights to the establishment of a natural resources foundation. Based on our quota application, we shall pay some $7.3 million annually to this foundation, which will be administered by your six New England Governors. These funds will be used to do such things as acquire wetlands, develop aquaculture, provide research to aid the fishing and shell-fish industries and clean up lakes and rivers which are polluted, while keeping forever clean those which are not. In brief, we are pledged to do more than just talk about conservation—we are putting our money where our mouth is.

Let us not forget either that the Machiasport refinery is now designed to produce some 153,000 barrels daily of low-sulphur fuel oil. That's enough to cover half of New England's total requirements. There are no legal limits on the amount of sulphur contained in the heavy fuel New England burns today. New Englanders living in cities see their air growing more polluted every day. We believe this condition can be changed. The air we breath must be cleaned up. Again, we are not just talking about air pollution—we plan to do something about it.

I should like to say one final word about the impact of recent events in Libya upon the refinery plans. I am sure that some of you have been concerned that the change in Libya's government would somehow affect the future of Machiasport. Let me state emphatically that it does not, for three reasons.

First, the new government made it clear almost from the first day that it intended to honor its international commitments, including its oil arrangements with American oil companies. As a result, it has received recognition from virtually all the major countries of the world, inclduing our own.

For its part, Occidental has confidence in the new government. As I have already publically stated, we intend to continue our investment program there. We look forward to continuing good relations with the government in Libya. We know that a period of rapid further growth is in store for the oil industry in Libya, and we intend to participate in that growth.

Second, while we initially planned to import a large percentage of crude oil from Libya at Machiasport, our current plans are to use up to 70% Venezuelan oil. As I explained to Senator Hart's committee at public hearings in Washington last month, it makes more economic sense for us to sell Libyan oil to the rapidly growing and nearby European markets than to Maine, and to use largely Venezuelan supplies for Machiasport. Venezuela is as close to Maine as ports on the United States Gulf Coast.

Third, the United States currently imports foreign crude oil from some 40 different countries. Even if supplies were cut off from one or more of these countries, it is extremely unlikely that we would lose all sources simultaneously. In the modern history of the United States oil industry, I can't think of a single case where an oil refinery had to close down because of lack of adequate supplies. So long as we continue to have a great many diversified supply sources from abroad, coupled with a healthy viable oil industry here at home, I am confident that our nation's refineries, including Occidental's proposed refinery at Machiasport, will continue to function without interruption. Such a refinery, among other things, will bring benefits to make your agriculture more competetive by giving you lower cost petroleum products for your tractors and other equipment. In addition, the industries processing Maine produce will be on the same competetive basis with respect to fuel cost as their competitors in other states.

Fred Vahlsing Jr. tells me you grow the finest potatoes and sugar beets in the nation. As you probably know I and my company are closely associated in business with Maine Sugar Industries and F. H. Vahlsing Inc. You may rest assured that I will do whatever is possible to help promote the welfare of people of this state and our enterprise to the maximum extent of my ability.

Again, let me thank you for the opportunity of being with you here today. I look forward to returning many times and, in particular, look forward to being with you at the dedication of the Machiasport refinery in the not-too-distant future.

A TRIBUTE TO SENATOR DIRKSEN

HON. ROBERT C. McEWEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. McEWEN. Mr. Speaker, the death of Senator Everett McKinley Dirksen was a great shock and loss to all of us in Congress, just as it was for all Americans. He was a colorful public figure and a skillful legislator.

Alan S. Emory, distinguished Washington correspondent of the Watertown, N.Y., Daily Times; the Palladium Times of Oswego-Fulton, N.Y.; and the Schenectady, N.Y., Gazette, has written a column catching the spirit and colorful personality of the man. I would like to share it with you.

The column follows:

FROM WASHINGTON: HIS ABILITY TO LAUGH AT HIMSELF MADE DIRKSEN A CAPITAL FAVORITE

(By Alan S. Emory)

"Dear Alan," the note began, "I will try to quit falling out of beds or doing other mischievous things that will absent me from those delightful gallery meetings week after week. To me they are as a tonic and I hope the gallery gods may find a little stimulus themselves."

You'd better believe it. The note was from Everett McKinley Dirksen, and no one will miss the supremely colorful, marvelously funny Senator from Illinois more than the members of the press. Dirksen's Tuesday afternoon seances with newsmen—his "gallery gods"—perched atop a press release table, sipping coffee from a paper container and bumming cigarets from reporters, were classics of their type.

In 1965, from a hospital room, Dirksen wrote me, "How good it will be to get back and especially to return to the press gallery and sit cross-legged on my accustomed table and carry on the thrust and parry which is always a delightful exercise with the Fourth Estate."

It was Dirksen's wonderful ability to laugh at himself that made him such a favorite in the capital. Once he declared, "Far be it from me to pass judgment on my frail fellow-mortals. We all have frailties and foibles, and this includes your humble servant sitting on the table."

One of his favorite stories was—illustrating the exact meaning of words—about how Mrs. Noah Webster found her husband kissing the maid and declared, "I'm surprised, Noah!" "No, my dear," Webster replied. "You are astonished. I am surprised."

Sen. Richard Russell of Georgia called Dirksen the greatest thespian ever to tread the Senate boards. Former Sen. Paul Douglas of Illinois called him "the professional of all professionals . . . a magician par excellence."

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Dirksen in the Senate was often a delight. At one point in a debate on ending filibusters, the seamy-faced Midwesterner recalled the "fuss" over Arizona's being admitted to the Union. He intoned dramatically, "Had there been a cloture vote, there would have been no Arizona. Had there been no Arizona, there probably would have been a thumping Republican majority in 1964." The Senate was convulsed with laughter.

"One man clothed in righteousness is a match for all the hosts of error," he rumbled one Summer afternoon.

Then there was this masterpiece: "If I lose the first battle, I must fight on and on until victory is won. This is only the first battle. If, perchance, destiny will let the laurels of success perch upon my lamps and my shields, I shall be happy. If not, I must gird myself again and get the energy reservoir filled with what it takes to drive one on. I must look at the arensal of weapons, take my choice and continue the fight in the only way that I know . . ."

"I am not so blind as not to know when I am up against a stacked deck," he said once. "I don't sit around and waste energy trying to beat a stacked deck. I've been around these diggings too long."

A vintage Dirksen bit was telling the Senate a ham sandwich had been waiting for him 90 minutes in the cloakroom and, "being an old baker, I am sure the bread has lost all its hydration and will not taste so good. A boiled egg is out there, and probably it has shrunken by now. There is some custard there. It has probably gone to water." So the Senate stopped debating to let Dirksen eat his lunch "without having to go back to the hospital."

But for all his love of a good floor debate, it was the give-and-take with newsmen that Dirksen relished most, especially in his leadership years.

It was a photograph of him on the press gallery table showing a short sock above his shoe that led to his being deluged with gifts of long stretch socks. As the dozens of pairs kept arriving, Dirksen complained, "I'll never wear them out."

Two years ago Dirksen threatened to tone down his press sessions. He observed, "Every time I indulge in a little balderdash or twaddle it appears in the papers as a major crisis of some sort. I'm going to be insufferably dull. I'm going to be a bore."

The "new Dirksen," he said, would have "no more wisecracks, no more jokes."

"Then you won't be up in the gallery this afternoon?" a reporter asked.

"Oh, I'll be there," replied Everett McKinley Dirksen.

Sadly, for all of us, he won't be there any more.

OHIO TO DECIDE IN NOVEMBER ON WHETHER 19-YEAR-OLDS MAY VOTE

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. TAFT. Mr. Speaker, in November, Ohio voters will decide whether they will extend the franchise to 19- and 20-year-olds.

I have long supported giving them the right to vote and am hopeful that the voters will see fit to do so on November 4.

The following editorial from the Cincinnati Post and Times-Star presents an excellent analysis of the reasoning behind the growing support for extending the vote:

Vote for 19-Year-Olds

Ohio's 19-year-olds and 20-year-olds will know in less than two months if they can vote in future elections. Their elders can give them that right by approving an amendment to the State Constitution in November.

Voting is a right and privilege and it carries responsibility. It seems to us that the 19-year-olds of today, by and large, have earned that right and privilege and have demonstrated responsibility.

Today's youth are still kids, to be sure, but they are not the kids of the old days who merely whistled from the drugstore corner or sneaked under a circus tent. They are junior-grade adults, grown-up.

If given a right to vote, these sub-adults will have to take on all the legal responsibilities that now apply to those 21 and older. The Legislature will have to amend existing laws reducing the age of responsibility to 19. The 19-year-olds are well aware of that and they welcome it.

Today's youth has at times struck out against the system that requires them to live by the laws of their elders, laws in which they had no voice in making.

A voice in the system will give them an opportunity to say what they feel—and to be heard—at the ballot box. We believe the majority of 19-year-olds will think just as one of our young friends who put it so simply:

"If young people had the opportunity to honestly express their views within the system, they'd be less likely to go outside it."

SHOULD THANK FARMERS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. ZWACH. Mr. Speaker, we are constantly hearing about the increase in the cost of living and rising food prices.

Many people, unthinkingly, believe that the farmer is the recipient of these increased prices. That is far from the case. Farm parity today is but 75 percent. The farmer has only a three-quarter share in our affluent society.

An editorial by Russell E. Austreng in the Cold Spring (Minn.) Record, graphically illustrates what is causing food prices to increase.

Mr. Speaker, in an effort to broaden our understanding about the rise in food prices, with your permission, I would like to insert Mr. Austreng's editorial in the RECORD to share his thinking with my colleagues:

Should Thank Farmers

Many consumers in the United States gripe about the cost of food and price increases which have taken place in recent years. Many even remember when prices were so low one could buy a T-bone steak at 25 cents a pound and other prices were comparably low. They minimize or even forget to consider the increases in personal income and other changes in living standards during the same period. And, we tend to forget the numerous items that are now on grocery store shelves that a few years ago one could get only at the hardware or drug store that too many now think of as part of the food cost.

The consumer forgets the fact that the demand today is for prepackaged or frozen food items ready to cook. These, of course, are a time saving feature for the housewife in comparison with buying potatoes, apples, etc., by the bushel, flour by the sack, beef by the "side" and other bulk food purchases. Someone has to pay for these processing features—and it has to be those who benefit most by them—the consumer. In spite of the increased costs, the consumer is still getting a bargain in his food purchases. In the United States in 1968, consumers spent 17.2% of personal income for food, compared with 25.7% in 1947.

Incidentally . . . instead of griping about food costs, which have not risen as fast as our personal income, perhaps we should take the time to extend a vote of thanks to the American farmer for producing foods in abundance at such reasonable prices.

GOD HATES A COWARD

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. UTT. Mr. Speaker, under unanimous consent I wish to include an editorial from the Omaha World-Herald of January 26, 1949. It could just as well have been written yesterday, as there has been no change in the situation, at least, not for the better.

The editorial follows:

God Hates a Coward

That's gospel truth. If any witness were needed to attest it the Republican Party of 1936–1948 would more than suffice.

For 12 years the Republican Party has been a coward; the worst kind of coward—a moral coward. In consequence it begins to take on the appearance of something the cat dragged in.

It is hard to define as an entity the Republican Party or any other large group of people, since however closely banded together all cannot think alike in all respects. But, speaking broadly, the Republican Party consists of men and women who in firm conviction are opposed to the swift trend toward the omnipotent state that is sweeping over every section of the earth. Whether it be defined as communism, fascism, socialism, totalitarianism, statism, the New Deal, the Insurance State, these men and women regard it as a thing of infinite menace, however cunningly disguished, and however ardently supported by good but misguided people.

But the Republican Party has lacked the courage to say what its rank and file believe. Out of hunger for the flesh pots it has lacked the patriotism, the loyalty, to stand up for the free Republic of the founding fathers and to fight for it. Due to that lack of moral courage, of loyalty to the American creed, the United States, almost the sole remaining bulwark against the advancing tide, finds itself without a spokesman, without a champion to proclaim and battle for its traditional, glorious creed. And it finds the once-so-firm foundations of its temple crumbling.

The fact is known of all men.

Here too, in our own America, the State is taking control and ownership of the people. It is using the power to tax to destroy their independence and self-reliance. It is converting free men into vassals and dependents. It is devouring the substance of self-supporting people to render them self-supporting no longer, and to establish a condition of universal reliance upon the biased paternalism of a Great White Father—a "Father" corrupted and corrupting, since great power does corrupt and absolute power corrupts absolutely.

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And the Republican Party has not dared resist the tide; it has gone along with it. Not out of conviction, but out of cowardice. It has not dared to be a Daniel; to have a purpose and to make it known. Its plea for votes has been the shameful one: Give us the offices, the power, and we'll give you as much of what we believe to be wrong as will the Democrats themselves.

Americans do not respond to any such appeal. They, too, hate a coward. They despise hypocrisy. They hunger for a leadership of good faith. They will accept a brave and fighting leadership tainted even with Pendergastism and absolutism rather than a leadership that crawls—and trails its flag.

What a wonderful thing it would be if the Republican National Committee meeting here in Omaha, if other constituted Republican leaders could realize how desperately these United States need an honest and brave Republican Party—how true Republicans above all others hunger and thirst for it! A Republican Party to raise high the flag of a loyal opposition! Opposition not alone to a misguided and recreant Democratic Party here at home, but opposition tenacious and resolute, brave and unyielding, to all the monstrous wrong and error that today menaces freedom, self-reliance, the courage to adventure, human dignity, in every land and every clime.

How joyously, with what reborn hope, men and women of the ancient faith of this Republic would rally about such a standard! Proud of it they would be in victory. No less proud in defeat!

Surely, surely, it shall not be recorded by amazed historians of a later day, that when the black flag of Absolutism was raised back in the Twentieth Century, when the fate of all mankind was involved, there was nowhere, in any land, not even our own, an organized body of men and women who had the courage, the devotion, the wisdom, the loyalty to God who made men free, to challenge that foul intruder and to dedicate their lives, their fortunes, their sacred honor, to driving him back into the Dark Ages whence he emerged!

Never has there been sounded such a call to service as rings today in the ears of the Republican Party. Never, for men and women of courage, of character, of conviction, has there been afforded such an occasion for rising to the heights of human devotion to imperishable ideals.

The Republican Party can keep on crawling ignominiously along the dusty trail of an order it abhors but shrinks from challenging. Or it can rise out of the dust of four merited defeats, stand erect and unafraid, proudly to take up the battle for all that free men prize.

Courage or cowardice? Loyalty or recreancy? Conviction or time serving?

It is as simple as that, ladies and gentlemen of the Republican National Committee.

RAILROAD TECHNOLOGY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. PICKLE. Mr. Speaker, last week I took one of the most interesting 30-mile trips on a train ever and never left Union Station. I was aboard the Santa Fe locomotive and train simulator, the first such training device in the Nation. An actual 30-mile trip was recorded by a computer and is fed back into this simulator.

It is similar to a simulator used by the Air Force in training pilots, except this one is experienced from the cab of a locomotive. It gives you all the sensations of riding in a train, the sounds, sights, and movement. Through this training device, an engineman can "handle" a 10,000-ton train down a 3-percent grade before he is actually faced with that responsibility. This simulator holds the promise of a breakthrough in training engineers in record time while instilling proper safety features in handling the big trains. Prior to the simulator, an engineer learned on-the-job during a 3- or 4-year hitch. After 38 hours of training in the simulator, a man can move to the actual train and his hands and reactions will already have been grooved to the throb of the engine.

Another prototype was on display at Union Station; this was the coaxial train, a strange duck-billed creature that potentially could change the looks, the speed and the safety of the Nation's trains. This is a diesel-power generator car, with electrical current distributed down the length of the train. This model would eliminate standard coupling devices and get rid of the slack action.

This may be one of the first high-speed freight trains. No top speed has been pinpointed, but early tests of the model indicate speeds of 100 miles an hour are within reach. The train is designed to haul freight; but, with modification, it could be converted to passenger service.

Mr. Speaker, I think these two technological innovations represent significant advances by an embattled industry. Railroads should be encouraged to continue their research and development. The Penn Central Metroliner is a good example of what can be accomplished when the Government joins hands with the railroads in an effort to find another solution to our mass transportation problems.

I believe the railroads could enjoy an up-swing in passengers in the future if they can find the means with which to continue their research. The high-speed passenger in Tokyo is a living example of the potential of railroad passenger service.

INGALLS SHIPBUILDING SPEARHEADS MASSIVE RECOVERY

HON. WILLIAM M. COLMER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. COLMER. Mr. Speaker, we in Mississippi are blessed with an abundance of resources, among which our industry ranks high on the list. At this particular time, we are most conscious of the concerted effort being put forth by all of these industries—from the small operations to the large subsidiaries—in recovering from the devastating effects of Hurricane Camille.

Mr. Speaker, in my hometown of Pascagoula is located the largest industry in our State—Ingalls Shipbuilding Corp., which is a subsidiary of Litton Industries. I want to note an outstanding example of how one large corporation, out of its own concern for the local community, went far beyond the call of duty in preparing for and recovering from the destructive forces that visited our Mississippi Gulf Coast on August 17. In citing this, I enclose the following article from the Baltimore Sun of September 8, 1969:

AROUND THE WATERFRONT: SHIPYARD HELPS VICTIMS OF DESTRUCTIVE HURRICANE

(By Helen Delich Bentley)

PASCAGOULA, MISS.—This is a story about how a shipyard served as the economic backbone to help a devastated State rise up from the mud and destruction of a furious lady named Camille and get on its feet (or near on its feet) as fast as possible.

It involved the president of this giant shipyard flying over the surviving homes along the 55-mile front slashed and lashed by the strongest winds (up to 200 miles an hour) ever to hit the mainland to drop brightly colored leaflets directing the survivors where help was available.

It involved sending payroll data to Atlanta so people could receive their sorely-needed checks on time; and armored car from New Orleans laden with $300,000 in $20 bills, the erection of special day nurseries, and establishment of special counseling teams.

The yard, of course is Ingalls Shipbuilding and Dry Dock Company, Mississippi's largest employer with some 10,500 persons on the payroll.

Its president is Ellis B. Gardner, whose years with Litton Industries prepared him and his people to apply their management techniques rapidly in a time of dire emergency to help the thousands of victims in the three-county area which was in the path of Hurricane Camille when she unleashed all of her fury on this Gulf coast last month.

Mr. Gardner was prepared—if anyone can ever be prepared—for the visit of the lady. He had followed her course on his own chart for about four days before she smashed into Pass Christian, Gulfport, Biloxi, and ripped through the rest of the Mississippi coast.

When he saw that she was heading in this general direction, he launched a program to get all vulnerable materials out of the way. Electrical materials were removed from the outside yard to the second floor of buildings; corrosive pipe was moved up to the higher land on the high end of the yard.

Trucks and flatcars were run on an ant-like chain basis transporting more than 6,000 tons worth of materials from near the waterfront to as secure areas as were available.

Finally as time began to run out, other materials were stacked on the flatcars which stood at least a few feet above the ground and the flatcars were welded to the rails so even the hurricane winds couldn't move them.

On Sunday just before the storm hit, 600 persons were kept busy just relocating vulnerable materials. And when the fury of the storm hit, moving giant ocean-going ships from their moorings to become grounded, and knocking over a 50-ton gantry crane whose own weight was 250 tons and standing 150 feet in the air. Forty persons including Mr. Gardner remained on the site ready to begin cleaning up as soon as possible.

In preparation for the storm, one submarine was even battened down and lowered into the water as deeply as possible. She was hardly damaged.

Across the Pascagoula and Singing Rivers, at the Ingalls Shipyard of the Future—built some 10 feet higher in order to avoid being flooded and hurricane-damaged—an incomplete section of the outshore end of the wall was gapping. Bulldozers were rushed in to fill it up with sand and block it in.

The next morning the yard looked like an impossible task or at least impossible as far as getting back to work was concerned. But

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the impossible was accomplished and by the following Monday, some 8,500 persons—more than on the usual Monday—were on the job.

While the yard was being whipped into shape, the Ingalls people also began a great community effort with each executive assigned specific tasks at the twice-daily meetings. Every task had to be completed without any ifs, ands, or buts or effort to switch things around.

A 30-man team of counselors composed of insurance people, attorneys, nurse and payroll experts, was sent around to set up "self-equipped areas" and advise people about being careful in regard to typhoid and hepatitis.

Mr. Gardner and A. C. (Skeeter) Weeks, the yard's public relations director, were given special permission from the Federal Aviation Administration to fly at a height of 200 feet to drop leaflets.

The first time the leaflets caught in the tail of the plane and a second try was made with two planes. The brightly-colored leaflets advised the people where counseling services and money were available, opening of the shipyard, and other important information needed to help them come back.

The armored car from New Orleans had $20 bills available at pay stations to tide the people over. Parents who were busy all day trying to get their houses in shape found day nurseries set up to take care of their children.

And then as the towns and State struggled to their feet, they took over the counseling centers and other civic duties that had been performed by the shipyard staff during the height of the crisis when help was so sorely needed.

NATIONAL HISPANIC HERITAGE WEEK, 1969

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. BROWN of California. Mr. Speaker, cries of "Viva, Mexico"! resound today not only throughout Mexico, but in many parts of the United States where citizens of this country who are of Mexican ancestry honor the memory of this day in history.

In my own district, in the area commonly known as East Los Angeles, a huge, colorful parade highlights the day's events.

Last year Congress chose to recognize the contributions which persons of Hispanic heritage have made to the progress of the United States, passing a resolution which I authored authorizing the President to proclaim the week which includes September 15 and 16 as National Hispanic Heritage Week. On this past Friday, President Nixon carried through with this proclamation. I would like to call that proclamation to the attention of my colleagues on the occasion of this important holiday being celebrated by our good neighbors to the south:

NATIONAL HISPANIC HERITAGE WEEK, 1969

By the President of the United States of America a Proclamation:

One of America's great strengths is her diversity. A wide variety of peoples have made contributions to our nation; each has added its own strength and charm to American life, and each provides an ongoing link between our culture and those of other countries around the world.

The Hispanic culture is one to which this nation is particularly indebted. Men of Hispanic origin were among the first Europeans to explore this hemisphere. For four centuries men and women of Hispanic descent have provided distinguished leadership in our country and in other New World countries, both in government and in other walks of life.

Today the people of the United States are reminded of this rich heritage in many ways. Millions of our citizens speak Spanish, and Hispanic names and traditions grace many parts of our landscape, including both the town where I was born and the place where I am making my new home.

This country's Hispanic heritage is particularly important because it reminds us of the great traditions we share with our neighbors in Latin America. In fact, when the Congress, just a year ago, requested the President to issue annually a proclamation setting aside one week as Hispanic Heritage Week, it designated the week which includes the dates of September 15th and 16th, when five Central American nations and the Republic of Mexico celebrate their Independence Days.

This Hispanic culture is one of depth, excitement, and beauty. It has crossed borders and mountains and oceans, and has made its influence felt in all parts of the globe. In honoring it, we give strength to that international understanding which is indispensable to world order.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim the week beginning September 14, 1969, as National Hispanic Heritage Week. I call upon all of the people of the United States, and especially the educational community, to observe that week with appropriate ceremonies and activities.

In witness whereof, I have hereunto set my hand the twelfth day of Sept., in the year of our Lord nineteen hundred sixty-nine, and of the Independence of the United States of America the one hundred ninety-fourth.

RICHARD NIXON.

ELECTORAL REFORM

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. WHITEHURST. Mr. Speaker, I would like to identify myself with the comments expressed by Congressman RICHARD POFF of Virginia in the Committee report on House Joint Resolution 681, to change the method of electing the President and Vice Preisdent of the United States.

Although this is not the bill I would have preferred, I believe that it constitutes a workable solution to the problem of electoral reform that is superior to our present system.

I ask to insert Mr. POFF's remarks in the RECORD at this point for the benefit of my colleagues and those who may not have access to the report—House Report 91–253:

SEPARATE VIEWS OF HON. RICHARD H. POFF

I voted "No" on the motion to report House Joint Resolution 681 from committee. I am anxious that my vote not be misinterpreted. It is misinterpreted if construed to be a vote against electoral reform. I favor electoral reform. My vote is properly understood only when it is construed to be a mechanism to preserve my options during floor debate. I want to be free during floor debate to offer amendments perfecting the committee bill or substitutes for the committee bill or amendments to substitutes offered by others.

I want to keep these options open for two reasons: first, because every effort to alter the basic structure of government as originally designed by the architects of America deserves nothing but the fullest and fairest debate in the greatest open forum the Nation has: because each House of the Congress, if it is earnest in its desire to achieve electoral reform rather than simply erect a monument to an unsuccessful effort, must strive to write a proposal which can win ratification of 38 States.

One of the amendments I want to be free to offer is an amendment in the nature of a substitute similar to one I proposed during committee consideration. The language is printed in full as an appendix to these views. By way of skeleton summary, my substitute would structure the presidential election system so that—

(1) the electoral vote of each State and the District of Columbia would be apportioned automatically among the several presidential—vice-presidential candidacies in proportion to the popular votes received;

(2) the candidacy which received a majority of the electoral votes would become President-elect and the Vice-President-elect;

(3) if no candidacy earned a majority of the electoral votes, then the candidacy which won the greatest number and at least 40 percent of the popular vote would be elected; and

(4) if no candidacy earned either a majority of the electoral vote or 40 percent of the popular vote, then the election would be decided from the top two candidates by the two Houses of Congress sitting jointly with each Member of each House casting one vote.

This substitute is not perfect. It is a joinder of parts. It partakes in one part of the proportional plan; in another part of the popular plan; in another, of a modified district plan. It is a hybrid. It is possible that the plan may by some chance elect a candidate who did not receive the most popular votes, although if the plan is applied to the facts of the elections of the last one hundred years (the extent of the data presented to the committee), in no election would the plan have made the popular winner a loser.

When compared with the present system, all must agree that in its total impact, the plan involves substantial, meaningful reform. It does this:

(1) It abolishes the electoral college but preserves the electoral system which many regard as one of the vital components of the federal system;

(2) It solves the problem of the defecting elector;

(3) It reflects popular will more accurately than the winner-take-all system;

(4) It provides for the problems of the death, withdrawal, or disability of a candidate as well as for the death of both the President-elect and Vice-President-elect, problems left unresolved in the Constitution; and

(5) it contains two contingency mechanisms when no candidate in the general election receives a majority of the electoral votes:

(*a*) the first contingency adopts the popular vote concept and decides the election when one candidate earns as much as 40 percent of the popular vote;

(*b*) the second contingency (patterned after a part of the District plan) changes the present clumsy, mischiefmaking apparatus which provides (1) for election among the top three candidates in the House, (2) that each State have one vote, and (3) that the Senate choose the Vice President.

It should be noted that the second contingency is unlikely ever to become operative. Only twice in all our history has a President failed to win a majority of the electoral votes. But if under the substitute no candidate should receive a majority, then so long as the two party system remains strong, it is extremely unlikely that one of the major candidates will fail to receive 40 percent of the popular vote. Indeed, there has been only one presidential election where no candidate reached 40 percent and that was in 1860 when 10 States failed to include Lincoln's name on the ballot. But even if the second contingency mechanism should be triggered, remote as such an eventuality might be, the people's President and Vice President would be elected by the people's elected representatives. And since these representatives in both Houses of Congress, voting individually, would be required to elect from the two top candidacies, the identity of the new President and Vice President would become apparent to the Nation and the world as soon as the results of the general election had been certified.

As the Congress begins its labors on the constitutional amendment, its objective must be to produce a product which can be merchandised. More particularly, the product of our labors must be sold to 38 State legislatures, each of which must assume the initiative and act affirmatively. In our 50 States, there are 99 legislative bodies. If only one body in each of 13 of these States should simply fail to act or act negatively, then our labors will have been in vain.

Smaller States are convinced that they enjoy a power advantage in the present electoral system. They look upon the two bonus votes in the electoral college as the power equivalent of their two votes in the Senate. They feel that their sovereignty entitles them to equality of power with all other States both in the Senate and in the electoral college. Whether in fact the present system affords them a power advantage is altogether irrelevant; they are convinced that notwithstanding contrary conclusions of sophisticated, mathematical formulae, they do enjoy such an advantage.

Indeed, by selecting their own formula, they can prove that the popular vote system will cause them to lose voting power in presidential elections. That formula is one which compares the ratio of the popular vote cast in each State to the total vote cast in the Nation in the 1968 election with the ratio of the electoral votes of each State to the 538 national total. By that formula, 33 States (the smaller States) would each suffer a loss in its share of votes for President. In all probability, among those 33 States, there are 13 in which one body of the legislature will be so jealous of its present advantage as to reject a new system which seems to deprive it of that advantage.

The substitute which I offer will not offend the small States, primarily because it will preserve the electoral system and whatever vote advantage the small States may feel they enjoy under that system. Perhaps some of the States with the largest populations and which benefit most from a popular vote plan would prefer the popular vote plan to my substitute. But these same States would also prefer my substitute to the present system. For these two reasons and because it contains some of the most attractive reform features of the several alternative plans, it seems to me that the work product which I propose is more salable than any other.

Respectfully submitted.

RICHARD H. POFF,
Member of Congress.

The undersigned concur in the foregoing views.

EDWARD HUTCHINSON,
Member of Congress.
DAVID W. DENNIS,
Member of Congress.

TO WEAKEN AMERICA

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. UTT. Mr. Speaker, under unanimous consent, I would like to include in the RECORD two editorials from the Altoona Mirror of August 23, 1969, and August 28, 1969, on the subject of our military posture. These editorials were prepared by Mr. Bob Boyer, who possesses a very keen faculty for discerning the signs of our time.

The articles follow:

ARE WE BEING "SET UP" TO WEAKEN AMERICA?

Reductions in the national defense budget, which the government admits are critical, deserve a close examination by every American. Secretary of Defense Melvin R. Laird announced cuts in the military budget of $1.5 billion, first steps in plans to cut a total of $3 billions from the defense program by next June 30. He also said 100,000 men will be taken off the armed forces rosters.

Mr. Laird made it plain that this action by the Department of Defense is due to Congressional demands. He made it equally plain that "there are some risks involved."

Mr. Laird pointed also to stepped up Soviet activities in both strategic offensive and defensive military fields. He warned that Soviet Russia has about 125 ships now at sea and that Soviet naval forces are developing "deep sea mobile striking forces" in the Caribbean, where Russia naval forces never operated before; in the Mediterranean and Indian Oceans and even in the latter two, seldom has Russia naval powers been more than a passing cruise. Mr. Laird said Russia is engaged in a "crash" naval power expansion program. "The Soviet Navy," he said, "has more ships deployed away from the Soviet Union than ever before."

Then, Americans must ask, why has the Congress put pressure on the Defense Department to weaken this nation militarily?

It seems plain enough that Congress is reacting to vast minority pressure to the detriment of the United States, and perhaps to our jeopardy.

Why is this happening at the very time that Soviet militarism is growing steadily despite our moves to level off or end the arms race?

A strange policy made itself apparent during the Johnson administration: that this country should begin to disarm, that by unilaterally acting to give up superior military power, we should remove provocation and allow Moscow to do likewise. Under the damaging guidance of former Secretary of Defense Robert McNamara this policy made such headway that every official report showed Russia with military equality with this country and rapidly forging ahead of us in total strategic military power.

In April, the Institute of Strategic Studies in London announced, "The Soviet Union must now be treated as a full equal in terms of both of strategic power and ability to control conflict in the developing world."

In March, Secretary Laird told the Senate Armed Forces Committee that Russia has "in being and under construction" more ICBM (intercontinental ballistics missiles) than the 1,048 possessed by the United States."

The New York Times, April 14, in an analysis of Soviet weaponry, published "Qualified sources say that new evidence gathered by high-flying satellites shows the Soviet Union has about 150 more land-based ICBMs than the U.S."

The significant thing is that Soviet Russia has not followed our lead, has not cut back in any military department, but to the contrary has speeded up its military spending, and has vastly increased its lead in development of strategic weapons, research into which was virtually dropped by the U.S. in the Johnson-McNamara administration.

All of this makes unbelievable nonsense of the cry that we must disarm lest we provoke Russia. It is, in fact, one of the most dangerous, if not downright trecherous doctrines, which ever has been sold to a gullible nation.

Had Russia, at the outset of our beginning military cutbacks under Johnson and McNamara evinced any reciprocal interest, had even slowed its own military expansion, one perhaps could have found some support for such a doctrine. But, in view of the facts, that Russia has continued its military programs, our continued disarming is nothing short of the risk of betrayal of the American people.

Since we started this slow unilateral disarmament under Johnson and Secretary McNamara, notice the course of events: The arming of North Vietnam by Soviet Russia and implementation of Hanoi's attacks upon South Vietnam; Communist seizure of the U.S.S. Pueblo, shooting down of a U.S. plane by Communist Korea; invasion and subjugation of Czechoslovakia; new pressure and threats against West Berlin; Soviet naval forces building up in the Mediterranean, formerly British territory, and in the Caribbean, until now, the domain of the United States Navy; the rapid arming of Egypt, and stepped up internal Communist pressure in America.

Compare this to the period, in the Eisenhower administration and early in the Kennedy regime before we began to cut back, and when we had unchallenged military superiority. Moscow backed off when challenged directly by the United States, led by President Kennedy, and the establishment of atomic missile bases aimed at the U.S. from Cuba was balked.

Today, notice how our waning military posture weakens us. The Paris Vietnam "peace" conference has had over a year of obdurate insults from the Reds from Hanoi.

And, what about this deadly pressure on Congress, and on America to disarm?

Look at it—the American pacifists, the American Reds, the American leftists and radicals, our political demagogues and congressional publicity hounds have been busily engaged in selling us down the river with talk about our "military-industrial complex," efforts of the campus nuts and leftists to force the ROTC, a major source of officers for America's armed forces, out of business. Efforts to disarm America are a major objective of every radical propagandist in the land.

We are being sold down the river. We shall have to come awake and read facts instead of propaganda.

What makes this all so frustrating is that these people who run down our country, and theirs, speak the language, speciously, of freedom, while trying to set us up, deliberately or unintentionally, for communism.

Let them look at communism, at freedom in the land of the Communists. In Moscow, a fellow was given eight years at hard labor for distributing pamphlets criticizing the Soviet government. If these detractors of America get what they are aiming at, the "new government" has a pattern to follow—Cuba's "To the Wall!" Moscow's execution squads, prisons and Siberia.

TIME FOR NIXON TO SPEAK UP

History indeed repeats itself. Announcement by Secretary of Defense Melvin Laird that the nation's national defense budget is being cut back critically, a cut which will "affect our defense posture around the

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world," as Mr. Laird said, has a too familiar sound.

The pressure has been put upon Congress to cut back, to destroy our military power, and Congress, said Mr. Laird, is putting the pressure on the administration to reduce our defense establishment.

Forces inimical to our country are trying to lead us down the graden path again—that old familiar byway. A look at this century's history shows America complacent, engrossed in our own affairs, eager to live our own lives in 1915 and 1916. President Woodrow Wilson campaigned, as did Franklin D. Roosevelt in 1940, on a peace platform.

But, as the forces of Kaiser Wilhelm invaded neutral lands, took over the high seas with unrestricted submarine warfare, and sank the passenger liner Lusitania, the nation came rudely awake to the kind of world we should face alone if Imperial Germany conquered Europe, and dominated the Far East.

President Wilson threw away his peace talk, and led the nation into war, a nation unprepared, with no standing army, no equipment. New troops drilled with broomsticks in hastily built barracks in which many sickened and died, and we had to arm many of our first combat troops with British Lewis machine guns, Enfield rifles, and French "75" field guns. Our men were not trained to react defensively when under fire, and we had few officers who knew what to do in a war.

In 1940, in his famous Boston speech, President Roosevelt promised not to let "your sons die on a foreign battlefield." But within little more than six months, we were at war, attacked at Pearl Harbor by the Japanese. And, again, we were not prepared adequately. The crash program to build our armed forces was accomplished at a cost far in excess of what it would have been had we built our defenses over the years.

After World War II, we demobilized most of our 13 million men in uniform, stored our fleet, our airplanes and our guns. Congress in 1945 had no more foresight than the querulous, unwise Congress of 1916. Even when Soviet Russia announced a postwar reorganization of its military strength little below what we used to fight the war, American leaders ignored the obvious Soviet menace, and did not awaken to it until we were confronted with the Red ultimatum on Berlin which only the costly Berlin airlift solved.

But, we still did not learn a lesson. When we were precipitated into the Korean War, our national defense budget had been cut to about $12 billion, and windy spellbinders in Congress assured us that only the "fat" was being trimmed out of the defense spending. But, when the Reds of North Korea drove south into free South Korea, then under our protection, once again we were forced into a crash re-armament program that cost us dearly in waste and duplication in the frantic speed of the military crisis.

Laird tells the nation frankly that these cuts "are accomplished by a certain risk." He says in candor our military position in the world is weakened. The news reports fighting, a new crisis in the Middle East; it reports the Reds in Vietnam fighting us more viciously then ever; it reports that the Communists from North Vietnam have pushed deeper their invasion of Laos, Cambodia and Thailand. The Soviet fleet has been built into a first class power for the first time in Russian history; its submarines are growing in number; Soviet warships now plow the seas of the Mediterranean, the Indian Ocean, the Caribbean; they maneuver off the American East coast. Czechoslovakia is under tight military control by Russia, and West Germany looks uneasily at the Red Army "maneuvers" on its border—and Congress, American's doubtful liberal press, our strange pacifists and the parlor pinks and Reds in this country have convinced our government to disarm partially!

They have done this through student riots, increasing propaganda, infiltration of once respected circles with Red propaganda against the ROTC, source of much of our officer corps, and nonsense about our "military-industrial" complex.

We are being led down the garden path by subversives, Reds and a minority of confused Americans who have convinced themselves they hate their country—even while they can't stand any other. Congress has fallen for it—And, where are Mr. Nixon and Mr. Laird?

Why, doesn't Mr. Laird fight this cut, since he thinks it will endanger us?

Why does not Mr. Nixon oppose it, instead of weakly retreating before the onslaught of a Congress with a record that is historically bad? In fact, Mr. Nixon could cite the history of this century to prove his point that America cannot afford to disarm in today's warlike world.

It is shameful for a great nation to have not only its integrity but its common sense held up to scorn before a wondering world.

Mr. Nixon should ignore the loud minority who shout for us to destroy our military power while the enemy applauds. He should take his effort to protect the national defense right over Congress, and straight to the American people. He would find plenty of hearers besides the screaming minority.

METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO URGES STRONG PROGRAM TO COMBAT WATER POLLUTION

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. PUCINSKI. Mr. Speaker, on August 29, 1969, the board of trustees of the Metropolitan Sanitary District of Greater Chicago adopted a resolution supporting a $1 billion appropriation for the Clean Water Restoration Act. The resolution is typical of the sentiment now being expressed by most Governors, municipal water pollution control authorities nationwide, by a growing number of our colleagues with whom I have associated myself, and by more than 40 respected citizen and professional organizations. If there is to be any progress in cleaning up America's waters, statutory commitments must be matched by a commitment of adequate resources.

No doubt new and imaginative solutions to the mounting problem of waste water purification will have to be found and many new ideas for financing these works are in fact being proposed. But until Congress has the opportunity to examine them thoroughly, our long standing promise to assist State and city efforts under the 1966 act should be kept. Consideration of "alternate financing plans" still in the future should not be dragged out as an alternative to responsibility.

Mr. Speaker, I include the resolution adopted by the sanitary district in the Record, along with a list of other organizations, known as the Citizens Crusade for Clean Water, which support the $1 billion appropriation:

American Federation of Labor.
American Fisheries Society.
American Forestry Association.
American Institute of Architects.
American Institute of Landscape Architects.
Association of Interpretive Naturalists.
Association of State and Interstate Water Pollution Control Administrators.
Citizens Committee on Natural Resources.
The Conservation Foundation.
Consumer Federation of America.
Izaak Walton League of America.
League of Women Voters of the United States.
National Association of Counties.
National Audubon Society.
National League of Cities.
National Wildlife Federation.
The Sierra Club.
Sport Fishing Institute.
United Auto Workers.
U.S. Conference of Mayors.
U.S. Conference of City Health Officers.
United Steelworkers of America.
The Wilderness Society.
Wildlife Management Institute.
The Wildlife Society.
National Recreation and Parks Association.
American Association of University Women.
National Association of Soil and Water Conservation Districts.
Monsanto Chemical, Monsanto Biodize Systems, Inc.
American Paper Institute.
National Rifle Association.
Society of American Foresters.
South Jersey Shellfishermans Association.
American Institute of Planners.
Trout Unlimited.
Lake Champlain Committee, Vermont.
Long Island Environmental Council.

Resolution

Whereas, there is pending before the House of Representatives of the United States, a Bill to "secure full funding of One Billion Dollars for fiscal year 1970 construction grant operations authorized by the Clean Water Restoration Act of 1966", and

Whereas, the best interests of the Metropolitan Sanitary District of Greater Chicago will be vitally served upon passage of said Bill,

Now, therefore, be it resolved that the Illinois Delegation to said House of Representatives be forthwith advised that the Board of Trustees of The Metropolitan Sanitary District of Greater Chicago supports said Bill, and respectfully requests said delegation to vote in favor of the passage of said Bill; and that the Clerk of The Metropolitan Sanitary District of Greater Chicago promptly forward to every member of said delegation a certified copy of this Resolution.

Adopted at Chicago, Illinois, this 29th day of August, 1969.

John E. Egan,
President.
Earl Strayhorn,
Valentine Janecki,
Nickolas Melas,
Chester Majewski,
Eugene Dibble,
Abe Eiserman,
George Theim,
Trustees.

LETTER FROM A CHICAGO JAIL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. MIKVA. Mr. Speaker, many of the most eloquent statements of human purpose which have been made throughout the years have been made from prisons and jails. Thus Gandhi, leader of the Indian independence movement, directed and defended his cause while incarcerated in British jails. Perhaps the most moving statement of purpose to come out of the American civil rights movement was the letter of Dr. Martin Luther King, Jr., written while he was imprisoned in Birmingham, Ala. Last week a similarly eloquent statement of purpose was made from a Chicago jail. It was in the form of a letter from the Reverend Jesse Jackson, head of the Southern Christian Leadership Conference in Chicago and director of Operation Breadbasket, to explain "Why We're in Jail."

Reverend Jackson points out that those who are seeking entry into the building and construction industry in Chicago are simply:

> Seeking participation in the American economy . . . not just a minimum wage but a liveable wage.

What Reverend Jackson is calling on America to do is to redeem promises made over the years that every American deserves a decent job and a chance to earn a decent living. In many respects this question of fulfilling America's promises to its citizens is what the civil rights movement and student dissatisfaction are all about. We have talked for years about what America means in terms of opportunity; now we are being called upon to deliver.

Jesse Jackson, as the preeminent leader of black self-help efforts in Chicago, is the ideal figure to make this statement of purpose. He has shown that blacks are willing to undertake efforts to help themselves; he now tells us that they must be given an opportunity to show what they can do, an opportunity to obtain the kind of high-paying jobs which have long been closed to them.

The letter referred to follows:

[From the Chicago Sun-Times, Sept. 11, 1969]

Why We're in Jail

We are seeking meaningful participation in the American economy . . . not just a minimum wage but a livable wage.

It is significant that a period of despair and hopelessness, characterized by the slogan, "Burn, baby, burn," has been transformed into a period of hope with new possibilities characterized by the slogan, "Build, baby, build, earn while you learn."

We do not seek to take white jobs. But neither do we intend to allow whites to keep black jobs while we are passively quiet and docile. There will be no more rest and tranquility until our just pleas are heeded. Many of the whites are employed upon the prerogatives of discrimination and exclusionary procedures.

We realize that our protest creates a counterprotest. We seek jobs. The whites seek to maintain their jobs. It is understandable that they would want to remain employed. It should be just as understandable that we seek jobs which offer security, protection, opportunity, food, clothing, shelter, education and the necessities of life. Both groups are frightened that they may be deprived of these necessities.

White insecurity is expressed by an exclusion of the out-group and a ratio of trained workers to jobs that allows the law of supply and demand to enable them to bargain for higher wages. Black insecurity is expressed by direct challenge to the in-group's exclusive hold upon public policy. Blacks are saying we need to declare a state of emergency because of unemployment and underemployment. We need to create a crisis to deal with the emergency. We need training programs.

We'll march, protest, break injunctions, boycott and use other forms of creative protest in order to be heard, recognized, respected and allowed to participate.

Ironically, both groups are right. But each group is hardly able to see beyond achieving security for itself. Both think that the elimination of each other is the solution. The real solution is the expansion of the economy to the extent that it can absorb or employ both whites and blacks.

Every American deserves a job or an income. A government is responsible for the welfare of its people or it forces its people to say farewell to it. People develop disloyalty and disinterest in a government that will not rise to the occasion of providing basic opportunities for its people to survive.

Chicago, the scene of historic labor battles and organization, where the eight-hour day was initiated, can be the scene of another creative adjustment in men's search for liberation beyond the throes of poverty, ignorance and disease.

The labor fight we are engaged in now threatens to further devide the poor black and just recently removed poor white into greater racial polarity, with intensified racial antagonisms. Each group develops programs of race glorification or chauvinism locking up their jobs, schools, sons, daughters, families and churches.

This division of the races and the pending fight between the poor must be avoided. This horizontal fight between the have-nots must shift into a vertical fight—if there is to be a fight—between the have-nots and the haves.

These fights between poor blacks and poor whites will inevitably occur if our economy maintains its present collision course. Everyone has a stake in this not occurring. But as long as there is surplus on one hand and starvation on the other, this gap will create tension in our nation.

Our economy has the economic elasticity and capacity. Hopefully it will develop the moral capacity to adjust its priorities and make the dream of full employment a reality.

BATH IRON WORKS PRODUCT AT FOREFRONT OF NORTHWEST PASSAGE BREAKTHROUGH

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. KYROS. Mr. Speaker, it appears that the experimental icebreaking tanker, *Manhattan*, is successfully proving the feasibility of the Northwest Passage as a trade route, through which Alaskan oil may be only the first of many products to be transported. I am proud that, as the *Manhattan* smashed through the heavy ice north of the Arctic Circle to finally hit open water at the mouth of the Prince of Wales Strait, the bow of this ship was a specially constructed product of the Bath Iron Works, Bath, Maine. Maine's nautical craftsmen are thus continuing their unprecedented record of quality workmanship, and it is a privilege to provide further details on Maine's contribution to another of our Nation's historic voyages.

The so-called MIT bow, constructed by the Bath Iron Works Corp., is of radically new icebreaking design. This bow—which is 69 feet long, 76 feet wide at its widest, 35 deep, and weighs close to 800 tons—had to be completed with utmost speed to beat the project's strict deadline. Beginning on the 9th of May and working around the clock, Bath Iron Works crews completed and delivered the bow on schedule by June 23. Fabricating steel up to 4 inches thick, and moving individual components weighing as much as 79 tons, the final assembly of the 800-ton bow was accomplished on the after end of an old T–2 tanker, which would serve as a transporting barge. Resting partly on the T–2 section's deck and extending out aft, the new bow was secured for its trip to Philadelphia by I-beam braces. Towed by tugs to Sun Shipbuilding Corp., the bow, still on the T–2 deck, was backed up to the rest of the *Manhattan*, alined and welded on. Then the securing braces were cut off and the T–2 transport barge was hauled away.

Shaped like a long, curving knife blade, the Bath-built bow has enabled the 115,000-ton *Manhattan* to ride upon the ice until its weight broke down through the frozen packs. En route communications coming from the Arctic have reported that the *Manhattan*, with its Bath-built prow leading the way, has smashed through ice ridges twice as thick as the usual 4- to 12-foot ice commonly encountered. At one point she ripped through a 15-foot-thick ridge, almost from a dead start.

That Bath Iron Works completed the complicated bow-building job in such a short period of time, and on schedule, was a tremendous accomplishment, typical of that shipbuilding firm's unparalleled record for on-time deliveries.

TRIBUTES TO SENATOR DIRKSEN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. MICHEL. Mr. Speaker, as President Nixon said in his eulogy to Senator Dirksen during the services in the Capitol Rotunda, the Senator belonged to everyone in the country and the tributes pouring in from all over the country confirm the President's words.

His loss is felt the most, however, by the folks back home in the Pekin-Peoria area and as evidence of that sentiment it is my privilege to place in the RECORD the following tributes:

An article by Bill O'Connell, political writer for the Peoria Journal Star from the September 8th edition.

An article by staff writer, Richard O. Kasten, appearing in the September 8, 1969, edition of the Peoria Journal Star.

An editorial by Mr. Charles L. Dancey, editor of the Peoria Journal Star appearing in the September 9th edition.

A column from the September 19th edition of Life magazine written by Mr. Richard B. Stolley, writer for Life magazine, a native of Pekin and a longtime friend of the Dirksen family:

[From the Peoria Journal Star, Sept. 8, 1969]

Dirksen Kept Humor, Feeling for Home Folks, Says Newsman

(By Bill O'Connell)

Covering politics doesn't pay particularly well. But the memories it provides from oc-

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casions to meet and know the politically great and near great are a compensation.

Everett Dirksen was one of the great.

A confidant of presidents and foreign leaders too, a political kingmaker and, when necessary, an arm-twister, a man known, admired and hated throughout the world, he was somewhat bigger than life.

There will be a veritable avalanche of "I remember Ev" stories ploughing through the mills in the days and months to come.

Here are a couple of my own.

I remember Everett Dirksen after his 16 years in Congress and his election to the Senate; after he had suffered from and recovered from that dread disease "presidential fever."

He laughed a lot about presidential fever—and vice presidential fever too.

He said on any number of occasions he overcame the malady, or it overcame him, the night in 1952 when he pointed that angry finger at Thomas E. Dewey and thundered, "You led us down the road to defeat."

Having survived the fever, Sen. Dirksen became, to me, one of the most relaxed men in public life I've ever known. He knew his power, and his limitations, and enjoyed both.

"Back home," he never took himself too seriously around friends.

He especially enjoyed news stories around home that poked a little fun. Maybe because they lacked the venom of the "national" treatment he sometimes encountered.

He took no offense at all to the repeated telling and writing of a story of how, as a congressman in the late 1940's, he had bent to one knee on the stage of Peoria's Shrine Mosque and solemnly declared that if Richard Lyons didn't make the greatest U.S. Senator ever, he hoped the Lord would strike him blind—and how he retired from the House the following term because of failing eyesight.

Nor was he even a mite upset when kidded about his "diet." He laughed about a story from this typewriter that suggested he shed some pounds after "glancing surreptitiously at a propitious moment at the scales" and scrawled a note saying that's probably exactly the way he would have described it.

He knew, as the writer suspected and was later told, the diet was the end result of a mild heart attack, not any real concern about a growing waistline.

Despite his great national prominence and the pressing demands upon his time, Everett Dirksen was never too busy, once the "fever" burned out, for his friends and the press back home.

During the most heated point of the Army-McCarthy hearing in the ornate Senate caucus room of the capitol complex in Washington, he took time to guide this reporter through a maze of security guards to a seat behind him for the hearings.

Casually, and within the reporter's earshot, he calmly discussed with McCarthy the day's strategy for "Getting you off the hook, Joe."

On this occasion, he also took a moment to introduce the young reporter from "back home" to another young man seated behind the imposing panel of the select committee hearing the McCarthy case, a young staff aide named Robert F. Kennedy.

"You just sit down here with Bob. He'll help you and you help him," he laughed.

Later, when the young staff aide had become famous—as famous as Everett McKinley Dirksen—and his brother had become the President of the United States, this writer went to Pekin on a promise that the then Republican minority leader of the Senate would sandwich in an interview despite a heavy Christmas holiday schedule.

The interview came at 9 in the morning in his cluttered study while Mrs. Dirksen fretted because the writer's wife and kids stayed out in the car instead of coming on in.

Like every Dirksen interview at home in Pekin, it was constantly interrupted by the jangling of the telephone with calls from Washington, New York, Chicago and other key centers.

Each time the reporter would begin to rise from his chair to leave the room so the senator might have the privacy to speak freely to important personages on the other end of the phone, he would wave his hand, which clutched a dark brown toddy, and whisper "Sit down."

In one of these calls, Dirksen clearly and without reservation, committed himself firmly to support President John F. Kennedy's pledge to back a United Nations bond issue considered crucial to the survival of the U.N.

Knowing how much the national press was speculating on what course he might take on the UN bonds issue, and enjoying every minute of it, Dirksen laughed and said to the local newsman, "How's that for a scoop?"

On another occasion the senator flew home for a few days rest and a birthday celebration. This reporter missed his arrival at the airport and phoned the house in Pekin to catch up.

The senator wasn't taking any calls, however, and it was necessary to make an indirect approach—through his trusted Chicago aide, Harold Rainville.

Once Rainville had cleared the path via a long distance call, Sen. Dirksen accepted the reporter's call.

"I know, Bill," he said, "that you're going to say how sorry you are to bother me at home and you know I'm not going to believe you. Go ahead and ask your questions. But first, tell me, what the hell favor does Harold Rainville owe you?" he joked.

The reporter replied that he had indeed told Rainville this would even the score for a past favor, but really couldn't think of one, if pressed, and Dirksen laughed even harder.

The senator's birthday parties were something else again. Whether they were held in Washington or back home in Pekin or Peoria, the big and the powerful, as well as the home folks were there.

For example, the guest list for his last birthday celebration here two years ago—arranged by long time friends Walton Sommer and Walter McAdoo—included such guests as Harris Perlstein, chairman of the board of the Pabst-Blatz beer empire; Sam Dean of the milk empire; and Col. Henry Crown, former head of Materials Service Corp. and then chairman of General Dynamics, builder of the controversial TFX fighter plane.

All of these out-of-town guests had two things in common: they were old, old friends of the Senate minority leader and they had current problems with the federal government.

And while Dirksen was comfortable among the mighty, he still never forgot those constituents back home who had no other influence than a friend who knew him way back when.

Only recently, after receiving a letter from David H. Cummings of Washington, Dirksen interceded to help a young Vietnam veteran get a new pair of legs after efforts through regular channels had resulted in mounds of red tape and interminable delays.

Politicians come and go and no one is irreplaceable. But it will be a long, long time before another Everett Dirksen comes along. And a lot of us will be a little better for having known him even a little.

[From the Peoria Journal Star, Sept. 8, 1969]

PEKINITES REMEMBER "EV" ORATORY

(By Richard O. Kasten)

PEKIN.—As Sen. Everett M. Dirksen's political career rose through the years, the one thing that many of his former schoolmates and friends remembered about him was his oratorical powers.

"It all began in his high school days, when everybody said he must have swallowed a dictionary," says John Goar, a local insurance and real estate agent.

"He was fantastic in his speech and often used a lot of big words," Goar said.

"Whatever he got he made by himself. After he worked in the bakery business with his brothers, Tom and Ben, he saved enough to put himself through college."

The house on Buena Vista street in Pekin, which has been the Senator's official residence in Illinois for years, is occupied by the senator's 94-year-old mother-in-law, Mrs. Lillie Carver. Goar was the real estate agent who handled the transaction by which the Carvers bought the property years ago.

Goar recalled hearing Dirksen give monologues and speeches at various public functions years ago. "He liked to talk but it was not just to be talking. Usually he had something important to say. His first political job was on the Pekin City Council in the late 1920's and one of the things he tried to do was get a zoning ordinance passed. I remember that some people were critical that the council had copies of the ordinance printed, because of the expense of the printing.

"When he spoke, a person had the feeling he had some ambitions in mind," Goar said. "This was before he got elected in politics."

Ralph Goar, John's older brother, recalls that Dirksen has been interested in legion affairs.

"One of the first jobs that Everett had was working for C. L. Cook, a farmer who had an excavating company. They built a dike across the river. After that job was finished, Everett then went into the bakery business, as I recall.

"He was a natural born talker back in high school," Ralph Goar said.

The senator grew up in the northeast part of Pekin that was known as Bonchefiddle, low German for Beantown. It was a section of many German families who, tradition says, were so frugal they planted beans in their front yards.

George Eldridge, now retired, was a coowner of the bakery in which the three Dirksen boys worked for about 15 years before they started their own bakery in Pekin.

The bakery was known as the A & E Bakery at the corner of Elizabeth and Fourth streets, in the present Pekin Daily Times building. It was named for Henry Ailts and Eldridge, who owned it. Ailts was an older half-brother of the Dirksen boys. After the three Dirksen boys left A & E, they set up their own bakery shop on lower Court street and named it the Dirksen brothers bakery.

Eldridge recalls that Everett Dirksen saved enough money from the bakery to go to college.

Mrs. Eldridge, the former Edna Albertson, said she lived at 1001 Hamilton St., as a girl when the Dirksen family grew up at 12th and Hamilton.

"I remember often seeing the three Dirksen boys going barefoot around the neighborhood, carrying pails of milk to customers of their mother. She milked cows at the home place and the boys made the deliveries," Mrs. Eldridge said.

"Everyone knew then that Everett was a brilliant lad and his mother often said he would be president. When he was born his mother said he would be president of the United States. She was very ambitious and hard working," Mrs. Eldridge said.

J. Norman Shade, former mayor of Pekin, said today, "the passing of Sen. Dirksen is certainly a loss which will sadden many, many people. During my years in politics so many friends of mine would make requests which I was not in a position to fill. It was then I would either see the senator or write him and relay the request to this good man. Never once did he refuse to offer his assist-

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ance. Whatever was brought to his attention he considered in his humanitarian and gracious manner."

Shade said many of the requests he was referring to concerned naturalization papers and helping a veteran get into a soldier's home.

The incident that it pleases Shade to remember most is the occasion several years ago when a Japanese girls' ball team came to Pekin to play a game with the Pekin Lettes. Sen. Dirksen attended and then-mayor Shade pulled the senator to the ball diamond in a rickshaw. "Don't tip me the wrong way, mayor," Sen. Dirksen warned Shade.

Mayor William L. Waldmeier was in Chicago attending an Illinois Municipal League Convention when he heard of the senator's death. "Everyone is shocked at the loss of Sen. Dirksen," he said. "He is one of the greatest statesmen of our time and one of the greatest Americans. I held him in the highest esteem and he will be missed very much."

Judge Robert Morgan, who went from Davis, Morgan and Witherell—the law firm with which Sen. Dirksen has been connected in Peoria—to the federal bench with Dirksen support, recalled knowing the senator since Dirksen made his first bid for Congress in 1932.

"He was a mighty good friend of mine," said the judge, "and a good U.S. Senator. His death is a loss to the nation."

Judge Morgan said he is canceling all federal court proceedings Thursday afternoon for Senator Dirksen's funeral.

[From the Peoria Journal Star, Sept. 9, 1969]

Everett Dirksen: Man Of Good Will

(By Charles L. Dancey)

Everett M. Dirksen was neither superman nor villain, and certinly not the caricature to which modern "image" reporting seems to reduce political figures. He was a man.

That "wrecked face" was once the handsome visage of the tall, curly-haired lead in the class play. Its lines eventually recorded the soul-wrenching personal experiences of the first war in France, the threat of blindness, a heart ailment, of a thousand political battles, and a hundred national crises.

The oratory, about which so much is being said, was a tool but the real passion and real genius of the senator was in his capacity for hard work, his total tenacity, and his superb craftsmanship as a legislator.

He did not burst on the scene overnight with the civil rights bill of 1964.

He was the youngest councilman elected in his hometown of Pekin, and "Jack, The Giant Killer" when he won a seat in Congress against a veteran, powerful "unbeatable" opponent.

He learned the business of national legislation then, "laboring hard in the vineyard" as he would say, and developing the "unseen power" that went with becoming the most skilled parliamentarian and superb legislative craftsman of his time.

He learned other things too.

In 1941, a veteran of the shambles that was World War I, Congressman Everett Dirksen was totally opposed to the U.S. getting involved in another European war. He was a leader in a fight to abolish the draft, and cut out from under Franklin Roosevelt any sizable army with which to "interfere." He wanted no war for America passionately, and he ridiculed the possibility of a Japanese attack.

LEARNED FROM PEARL HARBOR

Indeed, the Congress came within one vote of abolishing the draft just weeks before Pearl Harbor was suddenly smashed with heavy loss of life.

Pearl Harbor's news came as a shattering shock to all who heard it then—but to no one more violently than to Dirksen.

He knew and hated war, but never again did he let that knowledge and passion lead to wishful philosophy that could risk disaster to the basic security of the country.

Out of such experiences of policy, of politics, and of personal crisis, we came to know a man with three major characteristics.

One of these was a deep and dedicated concern for this country and its people based on a "longer view" than he took in his youth.

Another of these was his unflagging tenacity as a craftsman that confused many superficial observers. People have logged the "causes" he is supposed to have both "voted for and against" many times. They ignore the fact that Dirksen's passion was for the details, wherein he had discovered the real effective action of law is determined. He did not vote for labels or slogans. He was interested in the functional effect of every single paragraph in a proposal—and a "good law" or a "bad law" was not decided by the label given it or the political claims of its authors. Not to him. He got down to the "nitty gritty."

His third characteristic is that which I happened to have written about and published the day of his death.

He was a man of good will. He was never vindictive even with those who gave him vicious provocation. It wasn't worth it. He was tolerant, good humored, understanding of others—and his tolerance was fortified by real toughness. He could take it. He didn't bother to dish it out.

TOOK THE LONG VIEW

When he fought it was to accomplish something, and even then he had learned to take the longer view and be sure that when this battle was over, he was in good position for the next one. He always figured there would be another one.

In that sense, certainly, he understood the future far better than those who throw themselves off the cliff in the absolute finality of their passion for today's issue.

It was not oratory that made Everett Dirksen the friend and most powerful ally of President Dwight D. Eisenshower after the senator had done everything in his power to get Robert Taft as president instead of Ike. (Taft was a craftsman, too, and Dirksen feared that Eisenhower simply didn't know the earthy skills of Washington.)

It wasn't oratory that made him loved and trusted and respected, all three, by John F. Kennedy and Lyndon Johnson.

Sen. Dirksen in these later years was the product of a long, busy, and full life, rich in experiences both "good" and "bad," soul-ripping and sublime, wins and losses, being "right" and also discovering when he'd made a mistake.

These make for a whole man.

And Ev Dirksen followed a mighty good rule: He took his work in deadly seriousness—but not himself.

That's what confused a lot of people.

It's a rare quality these days . . . especially in Washington.

We could certainly stand to have a few more like him in politics, in the newspaper business, on the TV—and you name it.

But it doesn't seem likely to happen.

If the essence of such a person can be lost in the age of the superficial image, the chances of any even learning from the example seem slim.

It looks as if, "they broke the mold," after Ev.

It's our loss as a country and as a people, and if we don't find that combination of toughness, tenacity, and good will—strong enough to have a sense of humor about ourselves—the loss may prove to be very serious indeed.

They are what gives a man, a society, or a nation its ability to endure.

[From Life Magazine, Sept. 19, 1969]

"A Pretty Good Place To Be From, and Go Back To"

(By Richard B. Stolley)

Representative Everett Dirksen came home to his 18th Congressional District one summer day in 1944 to meet with a group of irate duck shooters in the dining room of the lesser of Pekin's two hotels, the Illinois. What they wanted—and right then—was federal relief of some sort for a nearby lake.

As a very young reporter for the Pekin *Daily Times*, it was my first intimate look at Dirksen the politician, and I was overwhelmed. His performance—for there was a combination of tone and timing in all his moves that was distinctly theatrical—was superb. Before the fried catfish lunch all I could foresee was an angry, insoluble confrontation. But Dirksen first-named those men, soothed their anger, passed the rolls and butter, and left them smiling without having made a single promise he knew he could not keep.

The techniques he used on the Tazewell County duck hunters, Everett Dirksen years later used on Presidents of the United States.

When I arrived in Washington, he was reaching the peak of his power and fame. He greeted me with "Well, look who came out of the woodwork," and from time to time afterward invited me to share a quiet moment with him. It was tacitly understood that we were not reporter and senator then, but rather what we also were, neighbors from Pekin having a backfence chat. (Our family homes were a couple of blocks apart, his being on Buena Vista—or "Beeyoona Vista," as we pronounced it. A small plaque was installed in the front yard a few years ago, marking it as the senator's home.)

We met usually in the back room of his Senate chambers: dim and cool, with big chairs and a refrigerator. Dirksen would take a drink or Sanka (sometimes preceded by a tablespoon of Maalox, for his perpetually upset stomach) and puff on his filters. There was often a parade of visitors, usually other senators, mostly Republican but enough important Democrats to reflect the political friendships Dirksen had so carefully and lovingly built up.

He would graciously introduce me, often as the onetime boyfriend of his daughter Joy (now the wife of Tennessee Senator Howard Baker, Jr.), and because he was never under any circumstances able to use small words when big ones were available, he would explain: "Yes, this boy spent a good deal of time in the old parental establishment." (In his high school yearbook, under "Senior Diseases" Dirksen was listed as having "Big Worditus" Diagnosis: Absolutely Hopeless.")

He reminisced frequently, once recalling the advice he had given a young man who wanted to run for Congress in Illinois: "Get 100,000 cards, with a decent likeness and your name in big print so the old folks can read it without their glasses. Then start out on shoe leather and push those cards—to farmers, potluck suppers, PTA meetings. Give 'em a card and a handsake, make a little conversation, then move on. Don't get into any arguments. Come Election Day, people will see your name on the ballot, and say, 'Why, that fellow looked pretty good to me.' " He could not resist adding that the "fellow" was indeed elected, and became one of the ranking House Republicans, Representative Leslie Arends.

Sometimes Dirksen would talk about the man under whose spirit we all grow up in that part of the land—Abraham Lincoln. Judge Lincoln had once sat in our courthouse. Dirksen collected portraits of him, books about him, even needlepoint depicting scenes in his life.

XUM

I once mentioned to Dirksen an argument of his critics: that his on-again-off-again support of civil rights legislation did little justice to the memory of the Illinois President. He was unruffled. Nobody, he suggested, would ever have had to explain to Lincoln the conservatism of his own home state—a conservatism that he admitted and he shared more often than not—and, even more important in a democracy like ours, faithfully represented.

Occasionally our sessions were interrupted by telephone calls from the White House—nine of them once in a single day. Lyndon Johnson was calling to ask for votes, or advice, or sometimes just to gab with a man who understood his kind of politics. Always, of course, I was gently shooed from the room, but never before being reminded again of the immense power wielded by my aging, ailing friend.

Dirksen's nomination of Barry Goldwater for the Presidency at the 1964 convention was a great moment for him. And yet afterward, I found him in his hotel suite gazing wearily down upon the glorious bay, drained emotionally, curiously untriumphant. He told of reading his speech in advance to Goldwater, and looking up at one point to find "this peddler's son" in grateful tears. His mood, even then, indicated that he sensed the futility of the Goldwater candidacy, but he had done what he could for a friend.

In his later years, Dirksen said that he had found the freedom that every politician dreams of. His political debts were paid—"even to the Chicago *Tribune*." He was no one's man but his own, free to cultivate his roses, to make political mistakes, be inconsistent. In spite of his health, he felt comfortable, at peace with himself.

Dirksen always tried to be in Pekin for his mother-in-law's birthday. This year it was her 94th, but he was already in the hospital. In 1948, when he had to resign from the House because of eye trouble, the Washington *Post* wanted to hire him to write a column. He said no thanks, he would return to "that little old town."

We talked about that once, about the squeezing of so much of America into the cold and colossal urban centers, and this man who had traveled the world said of Pekin: "It is a pretty good place to be from, and to go back to."

He was buried in the flat prairie out east of town, in a new cemetery which runs alongside Milo Miller's dairy farm. The Vice President of the United States led the mourners. But Editor McNaughton and Logan Unland, the insurance man, and "Peach" Preston, the former postmaster—all old friends—were there too as Everett Dirksen went back to that "pretty good place," for the last time.

INHUMANE TREATMENT OF AMERICAN PRISONERS OF WAR

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. PICKLE. Mr. Speaker, speaking for myself and my colleague, Mr. JARMAN, I have today introduced a resolution which has been supported by many Members of Congress. More than 110 have risen to speak against the insane, the inhumane treatment of Americans held prisoner by the North Vietnamese and by their Communist supporters in South Vietnam. Our colleague, Hon. WILLIAM DICKINSON, has introduced a similar bill with which we can all agree.

We do not ask for a policy decision regarding the U.S. military position in Southeast Asia. Our resolution, like those before us, is a simple declaration of concern for several hundred young men who we know are receiving unfair and in some instances barbaric treatment at the hands of their captors.

Our goal is clear; we want to forge public opinion to the point of outrage. Hanoi daily reads the pulse of American public opinion. Hopefully, they will react and abide with the Geneva Convention.

INTERIOR DEPARTMENT'S FIRST EFFORT AT POLLUTION ABATEMENT ENFORCEMENT

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. ASHLEY. Mr. Speaker, on Wednesday, September 3, the Department of Interior declared its intention to prosecute municipalities, industrial firms, and others guilty of polluting interstate waters.

While Federal enforcement unquestionably is necessary if the water resources of our country are to be preserved, the announcement of the Interior Department raises questions of procedure which I believe are important to the entire Congress.

In his September 3 press release, Secretary Hickel stated that hearings on charges against a municipality, four steel companies and a mining firm accused of polluting interstate waters are only "the first in a series of actions to be taken against firms and municipalities charged with violating applicable water quality standards." He went on to emphasize that—

> This is just a beginning. We intend to continue the identification of polluters all over the nation, followed by the enforcement of schedules for prompt clean-up and pollution elimination.

If individual cities, industrial firms and others are to be exposed to the national publicity which attends Interior Department "identification" and to subsequent hearings and possible Federal prosecution, it would seem reasonable to expect the adoption of uniform procedures and specific criteria for determining whether sufficient grounds exist for public exposure and use of the remedial action provided for in the Federal Water Pollution Control Act of 1965.

According to the New York Times, investigation leading to the identification last week of a major city—Toledo, Ohio—and a number of industrial firms was done by the Department of Interior study group on pollution enforcement that was created by Secretary Hickel on July 25. No information is available on what guidelines, if any, were followed by this unnamed group in the study which led to public indictment 5 weeks later.

There is considerable evidence, however, that the Department of Interior proceeded on the basis of misinformation and superficial impressions, if not political motivation. When inquiry was made by my office as to the basis upon which Toledo was named, Assistant Secretary of Interior, Water Quality and Research, Carl L. Klein, replied:

> Toledo has done nothing. Detroit has put in a primary and is working on a secondary system but we are watching them very closely because we've heard they're going to ask for a two-year delay and just as soon as they do, they will get a 180-day notice. Cleveland was very close to the line but they have just hired a consultant firm to go ahead and they at least look like they are doing something. But Toledo has had a date for plans to put in a new treatment plant and they have done nothing. They got a year's extension from the State without any notice or approval from the FWPCA and still no plans. Now they've got a new date from the State, June, 1970, and again without prior notice or approval from the FWPCA. We were told everything was going to be fine when Toledo got its bond issue but they haven't funded the bond issue and don't intend to and now we understand they want to use the Ohio Water Development Authority plan. Well that's a fine idea. But this is why Toledo was selected. It wasn't simply a matter of singling them out but they have done nothing and have not met their deadline and will undoubtedly be joined by other cities, primarily those on rivers and bodies of water which supply our drinking water.

Mr. Speaker, the truth of the matter is patently contrary to this jumbled explanation.

Last November the city of Toledo voted a $17 million bond issue to fund the modernization and expansion of its secondary treatment facility. Detailed plans for this $24 million project are near completion and the city expects to advertise for construction within 1 month's time.

Under the formula—approved by the Department of Interior's own FWPCA—established by the Ohio Water Pollution Control Board which sets priority for federally assisted pollution abatement projects, Toledo's was ranked No. 51 out of 100 Ohio projects. Federal matching funds at 30 percent of project cost would have to total $51,106,860 in order to reach Toledo's treatment facility. At the current level of Federal funding, however, Ohio will only receive $9,556,000 for fiscal 1970. Thus there has been no possibility of obtaining promised Federal assistance in financing the expansion of Toledo's secondary treatment plant.

Last November the State of Ohio passed a $450 million bond issue, earmarking $120 million for pollution abatement through the Ohio Water Development Authority. However, this authority, which also is empowered to issue bonds for an additional $350 million, did not receive final approval to proceed from the State legislature until less than a month ago. It was for this reason that Toledo was permitted limited extensions of time by the Ohio Water Pollution Control Board.

Under present Ohio law, State and Federal matching funds for pollution abatement facilities will only be available to those municipalities and other agencies that contract with the Ohio Water Development Authority. Thus the choice facing Toledo is either to proceed to construction without State or Federal assistance, as apparently suggested by Mr. Klein, or to participate with the Ohio Water Development Authority. Toledo has chosen the latter course and will have the first project financed through the authority.

When Mr. Klein says that Toledo has done nothing, he ignores the fact that the city recently completed a $1.3 million improvement in sludge handling facilities at its treatment plant, an improvement that was accomplished without long-sought Federal assistance. He also overlooked Toledo's Clear Water, Inc., a widely based nonprofit agency that has spearheaded pollution abatement efforts throughout northwestern Ohio and which was largely responsible for creation of the Ohio Water Development Authority.

According to Dr. E. W. Arnold, State health director and also chairman of the Ohio Water Pollution Control Board, the action by Interior Secretary Hickel was taken without consultation with Ohio pollution control authorities and "totally ignored agreements made between Ohio, the Federal Government and four other Lake Erie States."

Dr. Arnold described the Department of Interior decision to single out Toledo as "inappropriate, inconsistent, and poorly advised"; inappropriate, since it comes within a period of time schedules for construction of pollution abatement improvements and is totally disproportionate when related to "the outstanding efforts that have been made by Ohio municipalities and industries within the program to clean up Lake Erie"; inconsistent because Federal Water Pollution Control Act stipulates that State and interstate action to abate pollution should be encouraged, rather than displaced by Federal enforcement action; and poorly advised because Toledo is prepared to go ahead with its expansion in sewage treatment facilities, even if promised Federal aid is not available, while Detroit has stated that it will not proceed with vitally needed improvements unless it gets Federal financing.

Finally, the "Lake Erie Report, Plan for Water Pollution Control," issued by the Department of Interior in August 1968, makes it clear that Detroit and Cleveland contribute nearly 90 percent of the pollution to Lake Erie, that their treatment facilities are totally inadequate, and that the major industrial polluters are located in these two areas.

I cite this record, Mr. Speaker, to show how the reputation of a city can be blackened by a policy of deliberate public exposure which is carried out without procedural safeguards and otherwise in an irresponsible manner. Because Federal enforcement of water quality standards is to be national in scope, I submit that this Congress has the jurisdiction and responsibility to assure that such remedial action as may be taken by the Department of Interior is in fact fair and impartial.

I believe it is also the responsibility of this Congress to inquire into the inconsistency of administration policy which finds Secretary Hickel insisting that cities accelerate facilities to abate pollution on the very same day that President Nixon is urging municipalities to postpone public projects jointly financed with Federal funds.

If the new enforcement policy is to be accepted as evidence that the Department of the Interior is serious about curbing pollution, then certainly this Congress should seriously explore the possibility of increasing Federal funds for this purpose from the low level set by the administration earlier this year which would make available an average contribution of less than $5 million per State for pollution abatement during fiscal 1970.

Finally, Mr. Speaker, we hear much talk of this administration's concept of new Federalism based on mutual sharing of responsibility between Washington and the States. The action in question, however, would indicate that in practice this only means that cities must ignore the directives of their State water pollution control agencies which are not consistent with Department of the Interior orders. It further suggests that cities and States are meant to rely on their own overburdened resources to construct abatement facilities while the Federal establishment only accepts responsibility for enforcement, with its attendant publicity.

Mr. Speaker, I submit that these matters are worthy of immediate congressional attention.

PRESIDENT NIXON'S NEW FEDERALISM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, in the last month since President Nixon rolled out his New Federalism editorial writers all over the Nation have been busy commenting on it, and what it can mean to our citizens.

To date, more than 400 editorials have been written on the New Federalism.

Not surprisingly, more than 90 percent have been favorable. Or to put it another way, only 30 have been negative.

A survey of the editorials shows that the inclusion of a work requirement in the family assistance plan was by far the most praised aspect of the total package.

Interestingly, not one newspaper argued that the present welfare system is anything but a complete failure.

Mr. Speaker, there is one discouraging aspect of these editorials, however. If there was a common theme running through them, it was that the Congress would drag its feet in passing the legislation needed to implement the President's proposals.

Mr. Speaker, the President's proposals are designed to help men and women become self-supporting, reliable, responsible members of society.

I urge the Members of both parties to view them in that light and that together we enact legislation that will indeed implement the President's proposals and in the process make this a better America for all of us.

RALPH NADER CRITICIZES CONSENT DECREE IN SMOG CASE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. BROWN of California. Mr. Speaker, last week the Justice Department took a giant backward step in the crucial struggle to maintain the quality of this Nation's atmosphere when it asked for a consent judgment in the antitrust suit brought against automobile manufacturers who were accused of conspiring to retard development of effective smog controls.

My view of the Justice Department action is that the Nixon administration sold out our right to have clean air so that automobile manufacturers can maintain sizable profit margins. Over the past weeks, I have attempted to impress both Attorney General Mitchell and Antitrust Division Chief Richard W. McLaren with the importance of holding an open public trial in this vital case.

Certainly I have not been alone in this effort. Many other concerned Members of the House, along with numerous individuals and organizations, also urged the Justice Department to call for an open trial. In two instances, there were interventions into the case from a large government unit, Los Angeles County, and a private group, ASH, as indications of the importance of the overall issues at stake. But, so far, all have been of no avail.

Under court proceedings employed in antitrust suits, the final decision by the district court will not be made until 30 days after the decree was requested, and during this period, the ledger is open for all concerned parties to attempt and contest awarding of the decree.

Major drives already are underway to try and sway the court and the Justice Department to reverse last Thursday's move, and instead ask for the open trial.

Today, I have received a letter written to Mr. McLaren by Ralph Nader in which Mr. Nader takes a deep and quite critical look at the consent decree itself, and at the larger issues which pervade this case.

I believe this letter serves as a penetrating blow to the Department's allegations that the decree contains all that the Government desired in its original complaint.

Therefore, I would like to put into the RECORD at this point three items: First, the Justice Department press release telling about the consent judgment; second, the consent judgment; and finally, Mr. Nader's letter:

DEPARTMENT OF JUSTICE RELEASE,
SEPTEMBER 11, 1969

The Department of Justice filed today a proposed antitrust consent decree prohibiting the four major auto manufacturers and the Automobile Manufacturers Association from conspiring to delay and obstruct the development and installation of pollution control devices for motor vehicles.

The decree also requires them to make available to any and all applicants royalty-free patent licenses on air pollution control devices and to make available technological information about these devices.

XUM

Attorney General John N. Mitchell said the decree, filed with the United States District Court in Los Angeles, would be submitted to the court for final approval in 30 days. Its provisions would become effective immediately thereafter.

The proposed decree, signed by General Motors Corporation, Ford Motor Company, Chrysler Corporation, American Motors Corporation, and the Association, would conclude a civil antitrust suit filed by the Department on January 10, 1969.

Mr. Mitchell said that the proposed decree "represents strong federal action to encourage widespread competitive research and marketing of more effective auto anti-pollution devices."

Mr. Mitchell said that a continuation of the suit—which may have taken years in court litigation—would have delayed Justice Department efforts to end the alleged conspiracy and its efforts to encourage immediate action by the automobile companies.

The Attorney General said that the consent decree should spur aggressive competitive research and development efforts by each auto company and by other companies, and therefore should prove to be a substantial benefit to the health and welfare of all metropolitan area residents—especially those in the Los Angeles Basin which has the most serious smog problem in the nation.

The Attorney General also said that the judgment is in line with the massive anti-smog program announced two weeks ago by Dr. Lee A. DuBridge, President Nixon's science advisor, at a meeting of the President's Environmental Quality Council.

Dr. DuBridge said, "Nowhere is there a greater need for urgency than in the field of air pollution, which affects directly the health and comfort of our people. I think speedy resolution of this case will promote competitive research and development in the design and installation of smog control devices and represents an important step forward in the fight against pollution."

The Department of Health, Education, and Welfare, which administers the Clean Air Act, and the representatives of the Air Resources Board of the State of California, have expressed satisfaction with the terms of the proposed consent decree.

Assistant Attorney General Richard W. McLaren, head of the Department's Antitrust Division, said the judgment represented a successful conclusion to a suit filed only eight months ago. He pointed out that the Government had achieved all significant relief sought in the complaint and all that could have been obtained after a full trial. In addition, he said, the Government had obtained certain relief pertaining to auto safety.

Moreover, Mr. McLaren noted that the public benefits of the decree will be realized immediately, instead of after protracted and uncertain litigation.

Main provisions of the proposed judgment are:

The auto manufacturers and the Association are prohibited from restraining in any way the individual decisions of each auto company as to the date when it will install emission control devices, and from restricting publicity about research and development in this field.

They are prohibited from agreeing not to file individual statements with governmental agencies concerned with auto emission and safety standards, and from filing joint statements on such standards unless the governmental agency involved expressly authorizes them to do so.

They are required to withdraw from a 1955 cross-licensing agreement and to grant royalty-free licenses on auto emission control devices under patents subject to the 1955 agreement to all who may request them. The Association is also required to make available all technical reports exchanged by the four auto producers in the past two years under the 1955 agreement.

They are prohibited from agreeing to exchange their companies' confidential information relating to emission control devices or to exchange patent rights covering future inventions in this area.

They are ordered to discontinue their joint assessment or patents on auto emission control devices offered to any of them by outside parties as well as their practice of requiring outside parties to license all of them on equal terms.

The original suit, charging violation of the Sherman Act, said the defendants and others delayed the manufacture and installation of auto emission control devices by agreeing to suppress competition among themselves in the research and development of such devices.

To this end, the suit asserted, they agreed that all industry efforts in this field should be undertaken on a noncompetitive basis; that each would install such devices only simultaneously with the others; and that they would restrict publicity about research efforts in the auto air pollution field.

The complaint charged that on at least three separate occasions the defendants agreed to try to delay the installation of auto emission control devices.

The suit also charged the defendants with having agreed not to compete with each other in the purchase of patent rights covering such devices from outside parties. The suit asserted that the defendants and others had agreed in 1955 to share their patents in this field with each other on a royalty-free basis. In addition, the suit said, they agreed to appraise jointly any patent for an emission control device offered to any one of them by an outside party, and each agreed not to accept a patent license from any outside party without insisting on equal treatment for the others.

Named as co-conspirators in the suit, but not as defendants, were Checker Motor Corporation, Diamond T Motor Car Company, International Harvester Company, Studebaker Corporation, White Motor Corporation, Kaiser Jeep Corporation, and Mack Trucks, Inc.

[United States District Court, Central District of California]

STIPULATION FOR ENTRY OF CONSENT JUDGMENT—CIVIL ACTION NO. 69-75-JWC

United States of America, Plaintiff, v. Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, Defendants

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court at any time after the expiration of thirty (30) days following the date of filing of this Stipulation without further notice to any party or other proceedings, either upon the motion of any party or upon the Court's own motion, provided that plaintiff has not withdrawn its consent as provided herein;

(2) The plaintiff may withdraw its consent hereto at any time within said period of thirty (30) days by serving notice thereof upon the other parties hereto and filing said notice with the Court;

(3) In the event plaintiff withdraws its consent hereto, this Stipulation shall be of no effect whatever in this or any other proceeding and the making of this Stipulation shall not in any manner prejudice any consenting party in any subsequent proceedings.

Dated: September 11, 1969.

For the Plaintiff:

Richard W. McLaren,
Assistant Attorney General.
Baddia J. Rashid
Lewis Bernstein
William D. Kilgore, Jr.,
Bernard M. Hollander
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For the Defendants:

Lloyd N. Cutler,
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Marcus Mattson,
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Carl J. Schuck,
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Philip K. Verleger,
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Allyn O. Kreps,
Attorneys for Defendant, American Motors Corporation.

[United States District Court, Central District of California]

(Civil Action No. 69-75-JWC)

(*United States of America, Plaintiff, v. Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, Defendants*)

FINAL JUDGMENT

The plaintiff, United States of America, having filed its complaint herein on January 10, 1969, and the plaintiff and the defendants by their respective attorneys having severally consented to the entry of this Final Judgment without trial or adjudication of or finding on any issues of fact or law herein and without this Final Judgment constituting evidence or an admission by any of them in respect to any such issue;

Now, therefore, before any testimony has been taken and without trial or adjudication of or finding on any issue of fact or law herein, and upon consent of the parties as aforesaid, it is hereby

Ordered, adjudged and decreed as follows:

This Court has jurisdiction of the subject matter herein and of the parties hereto. The complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," commonly known as the Sherman Antitrust Act, as amended.

II

As used in this Final Judgment:

(A) "Devices" means air pollution emission control designs, devices, equipment, methods, or parts thereof, for motor vehicles.

(B) "Restricted information" means all unpublished information of the type usually classified as company confidential concerning applied as distinguished from basic research in, or concerning the development, innovation, manufacture, use, sale or installation of Devices. It includes trade secrets, unpublished company policy, and other unpublished technical information for developing, making, improving, or lowering the cost of, Devices by a motor vehicle manufacturer. "Restricted information" shall not mean (i) information concerning basic research in gaining a fuller knowledge or understanding of the presence, nature, amount, causes, sources, effects or theories of control of motor vehicle emissions in the atmosphere, or (ii) information relating primarily to equipment, methods or procedures for the testing or measurement of Devices, or (iii) information for or resulting from the testing or measurement of production prototypes of Devices of an advanced stage exchanged solely for such purposes. Information shall be deemed to be published when it is disclosed without restriction to the public, or to media of general circulation, or to the trade press, or to meetings of stockholders, dealers, or financial analysts, or to meetings of professional, scientific or engineering societies, or committees thereof, the membership of which is not limited to persons employed by defendants or by motor vehicle manufacturers, or to meetings called by representatives of Federal, state or local governments or agencies authorized to issue motor vehicle emission control regulations.

III

The provisions of this Final Judgment shall be binding upon each defendant and upon each of its subsidiaries, officers, directors, agents, servants, employees, successors and assigns, and upon all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise, but shall not apply to any transaction between or among a parent company, its subsidiaries, officers, directors, agents, servants and/or employees. Nothing in this Final Judgment shall have any effect with respect to any activities outside the United States which do not adversely and substantially affect the foreign commerce of the United States.

IV

(A) Each defendant is enjoined and restrained from:

(1) Combining or conspiring to prevent, restrain or limit the development, manufacture, installation, distribution or sale of Devices;

(2) Entering into, adhering to, enforcing or claiming any rights under any provisions of any agreement, arrangement, understanding, plan or program (hereinafter "agreement") with any other defendant or manufacturer of motor vehicles or Devices:

(a) to exchange restricted information;

(b) to cross-license patents or patent rights on Devices which cross-license includes patents or patent rights acquired subsequent to the date of any such cross-license;

(c) to delay installation of Devices or otherwise restrain individual decisions as to installation dates;

(d) to restrict publicity of research and development relating to Devices;

(e) to employ joint assessment of the value of patents or patent rights of any third party relating to Devices;

(f) to require that acquisition of patent rights relating to Devices be conditioned upon availability of such rights to others upon a most-favored-purchaser basis;

(g) to file, in the absence of a written authorization for a joint statement by the agency involved, with any governmental regulatory agency in the United States authorized to issue emission standards or regulations for new motor vehicles or Federal motor vehicle safety standards or regulations, any joint statement regarding such standards or regulations except joint statements relating to (i) the authority of the agency involved, (ii) the draftsmanship of or the scientific need for standards or regulations, (iii) test procedures or test data relevant to standards or regulations, or (iv) the general engineering requirements of standards or regulations based upon publicly available information; provided that no joint statement shall be filed which discusses the ability of one or more defendants to comply with a particular standard or regulation or to do so by a particular time, in the absence of a written agency authorization for such a joint statement, and provided also that any defendant joining in a joint statement shall also file a statement individually upon written request by the agency involved; or

(h) not to file individual statements with any governmental regulatory agency in the United States authorized to issue emission standards or regulations for new motor vehicles or Federal motor vehicle safety standards or regulations.

(B) Nothing in this Final Judgment shall prohibit any defendant:

(1) from furnishing or acquiring any restricted information for the defense or prosecution of any litigation or claim;

(2) from entering into or performing under any otherwise lawful agreement with any other person or conducting *bona fide* negotiations looking to any such agreement:

(a) for the purchase or sale of specific commercial products;

(b) for the license of specific existing patent rights or from including in any such agreement provision for a nonexclusive grant-back of patent rights on improvements obtained by the licensee during the term of the license or a reasonable period thereafter; or

(c) for the purchase, sale or license of specific existing restricted information or specific engineering services relating to Devices or from including in any such agreement provision for a nonexclusive grant-back of patent rights on improvements obtained by the licensee during the term of the license or a reasonable period thereafter;

or from furnishing or acquiring any restricted information directly relating thereto;

(3) from entering into, renewing or performing under any otherwise lawful agreement with any nondefendant person, firm or corporation that does not account for more than 2% of world production of motor vehicle passenger car, truck and bus units in the calendar year preceding the entering into or renewing such agreement (See Appendix A); or

(4) from entering into, renewing or performing under any agreement which is submitted in writing to the plaintiff and to which plaintiff consents in writing.

(C) Nothing in Section IV(A)(2)(a) shall prohibit any defendant from engaging in any activity outside the United States reasonably necessary:

(1) to the development of, response to, or compliance with existing or proposed vehicle emission laws, regulations or standards of a foreign governmental body, or

(2) to the performance under any otherwise lawful agreement for the production of motor vehicles outside the United States with any person, firm or corporation not engaged in the production of motor vehicles in the United States at the time of entering into or renewing such agreement.

V

(A) Each manufacturing defendant is ordered and directed to exercise its right to withdraw from the AMA cross-licensing agreement of July 1, 1955, as amended, and to take such steps as are necessary to accomplish said withdrawal within one hundred twenty (120) days from the date of entry of this Final Judgment. Notwithstanding such withdrawal defendants may continue to exercise those rights and claims relating to royalty-free licenses under the cross-licensing agreement which have accrued up to the date of entry of this Final Judgment.

(B) Defendant AMA is ordered and directed to relinquish its responsibilities under the AMA cross-licensing agreement of July 1, 1955, as amended, within sixty (60) days from the date of entry of this Final Judgment.

VI

(A) Upon written request therefor and subject to the conditions set forth herein:

(1) Each manufacturing defendant is ordered and directed to grant to any person to the extent that it has the power to do so a nonexclusive, non-transferable and royalty-free license to make, have made, use, lease or sell Devices under any claim of any United States patent or any United States patent application owned or controlled by said defendant or under which it has sublicensing rights, which patent was issued or application was filed prior to the date of entry of this Final Judgment and licensed under the AMA cross-licensing agreement of July 1, 1955, as amended, provided that if the manufacturing defendant is obligated to pay royalties to another on the sales of the licensee the license under this paragraph may provide for the payment of those same royalties to the defendant;

(2) Each manufacturing defendant shall grant to any licensee under (1) above, to the extent that it has the power to do so, an immunity from suit under any foreign counterpart patent or patent application for any product manufactured in the United States under the license for sale abroad or for any product manufactured abroad and sold in the United States, provided that if the manufacturing defendant is obligated to pay royalties to another on the sales of the licensee the license may provide for the payment of those same royalties to the defendant; and

(3) Defendant AMA is ordered and directed to make available for examination and copying by any person the technical reports in its possession or control prepared or exchanged by defendants pursuant to said cross-license within two years prior to the entry of this Final Judgment, which are identified in Appendix B;

provided that such person agrees to offer each signatory party to the AMA cross-licensing agreement of July 1, 1955, as amended, and any subsidiary thereof a nonexclusive license for a reasonable royalty and upon reasonable terms with respect to any patent or patent application, domestic or foreign, thereafter obtained or filed by such person or under which licensing rights are obtained by such person which is based upon or employs Devices licensed or about which information is supplied pursuant to such license or otherwise under this Section VI(A).

(B) Any existing licensee of any manufacing defendant shall have the right to apply for and receive a license or licenses under this Final Judgment in substitution for its existing license or licenses from any manufacturing defendant, insofar as future obligations and licenses are concerned. Any licensee shall be free to contest the validity and scope of any licensed patent.

VII

Defendant AMA is ordered and directed to mail a copy of this Final Judgment to all signatories to the AMA cross-licensing agreement of July 1, 1955, as amended, and to all known domestic manufacturers of motor vehicles and motor vehicle engines within thirty (30) days from the date of entry of this Final Judgment, and to issue a press release to the domestic trade and business press relating the substance of the Final Judgment.

VIII

For the purpose of determining or securing compliance with this Final Judgment, duly-authorized representatives of the Department of Justice shall, upon written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege, access during the office hours of said defendant to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of said defendant relating to any matters contained in this Final Judgment, and subject to the reasonable convenience of said defendant and without restraint or interference from it, to interview officers or employees of said defendant, who may have counsel present, regarding any such matters. Said defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such written reports with respect to any of the matters contained in this Final Judgment as from time to time may be requested. No information obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

IX

Section IV(A)(2) (a) and (g) of this Final Judgment shall expire ten years after the date of entry hereof, provided that plaintiff may apply to this Court for the continuation of one or both of said provisions, such application to be made not later than nine years after the date of entry of this Final Judgment.

X

Jurisdiction of this cause is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate in relating to the construction of or carrying out of this Final Judgment, for the modification or vacating of any of the provisions thereof, and for the purpose of the enforcement of compliance therewith and the punishment of violations thereof.

JESSE W. CURTIS,
U.S. District Judge.

APPENDIX A

Section IV(B)(3) of this judgment was prepared in reliance on the motor vehicle production statistics set forth in the following tables contained in Wards 1969 Automotive Yearbook (31st edition) published by Powers and Company, Inc., Detroit, Michigan, at page 14:

1968 WORLD MOTOR VEHICLE PRODUCTION

[20 leading countries]

	Passenger cars	Trucks and buses	1968 total	1967 total
United States	8,843,031	1,950,713	10,793,744	8,992,269
Canada	900,527	277,649	1,178,176	943,992
Total	9,743,558	2,228,362	11,971,920	9,936,261
Japan	2,055,821	2,030,005	4,085,826	3,146,486
West Germany	2,535,433	571,525	3,106,958	2,482,319
United Kingdom	1,815,000	409,300	2,224,300	1,937,119
France	1,833,047	242,570	2,075,617	2,009,672
Italy	1,544,933	118,716	1,633,649	1,542,669
Argentina	127,965	53,011	180,976	175,318
Australia	340,000	75,000	415,000	390,119
Austria	2,200	2,350	4,550	4,383
Brazil	158,863	118,371	277,234	225,300
India	37,000	41,000	78,000	69,000
Netherlands	60,000	7,000	67,000	56,566
Mexico	102,907	37,192	140,099	123,751
Poland	40,500	39,600	80,100	61,400
Spain	311,531	81,902	393,433	362,906
Sweden	223,330	21,361	244,691	214,560
Czechoslovakia	126,000	50,200	176,200	164,000
Yugoslavia	50,400	13,680	64,080	60,000
U.S.S.R.	250,000	550,000	800,000	728,900
Total	11,614,930	4,462,783	16,077,713	13,754,468
Grand total	21,358,488	6,691,145	28,049,633	23,690,729

Note: Data for above tabulation drawn from best sources available. Statistics for some Red-bloc countries based upon monthly averages and are subject to slight change. U.S.S.R. for 1968 is an estimate based upon final 1967 counts.

WORLD MOTOR VEHICLE PRODUCTION—1968

[26 leading manufacturers]

Ranking	Manufacturer	Country	Cars	Trucks	Total 1968	Total 1967
1	GM	United States	4,592,077	828,978	5,421,055	4,798,301
2	Ford	do	2,396,924	623,272	3,020,196	2,122,841
3	Chrysler	do	1,585,591	173,769	1,759,360	1,505,561
4	Volkswagen	West Germany	1,448,533	100,400	1,548,933	1,162,258
5	Fiat	Italy	1,301,751	89,470	1,391,221	1,312,215
6	Toyota	Japan	659,189	438,216	1,097,405	832,130
7	BLM	England	807,067	179,204	986,271	646,318
8	Nissan	Japan	571,614	408,220	979,834	726,067
9	Renault	France	731,000	76,000	807,000	777,468
10	British Ford	England	553,701	108,017	661,718	526,987
11	Opel (GM)	West Germany	646,718	10,000	656,718	549,281
12	Toyo Kogyo	Japan	178,115	282,994	461,109	388,323
13	Citroen	France	383,000	77,600	460,600	500,030
14	Ford	Canada	287,286	157,815	445,101	295,779
15	GM	do	338,016	86,288	424,304	384,919
16	Peugeot	France	377,725	29,980	407,705	405,314
17	Mitsubishi	Japan	130,253	229,723	359,976	317,378
18	GM Vauxhall	England	244,918	97,222	342,140	290,706
19	Ford Cologne	West Germany	306,232	28,923	335,155	396,646
20	Honda	Japan	186,560	132,257	318,817	149,289
21	Chrysler Simca	France	317,248	0	317,248	248,574
22	Daimler-Benz	West Germany	216,000	68,837	284,837	254,138
23	AM Corp	United States	268,439	0	268,439	229,058
24	D. Kogyo	Japan	89,296	171,059	260,355	225,490
25	Chrysler	Canada	219,151	16,573	235,724	202,812
26	Chrysler Rootes	England	189,102	27,066	216,168	203,312

Note: Because both production and factory sales are used in the above tabulation, the above rankings are not absolute and could vary slightly. Data used represents vehicles produced in the indicated locations. Fiat excludes Autobianchi. Volkswagens excludes Auto Union. BLM was formed in 1968, hence its 1967 total represents BMC.

It is contemplated by the parties that Ward's Automotive Yearbook or any successor publication will be the source of the statistics necessary to the future interpretation of the provisions of Section IV(B)(3).

APPENDIX B

Pursuant to Section VI(A)(3) of the Final Judgment the following technical reports are identified:

SUBCOMMITTEE REPORTS TO THE VEHICLE COMBUSTION PRODUCTS COMMITTEE, JANUARY 1966

1. Atmospheric Chemistry Panel Report

2. Diesel Emission Panel Report

(a) Proposed Standards for Motor Vehicle Exhaust Odor and Irritation—California Department of Public Health Bureau of Air Sanitation—March 1, 1966—8 pages

(b) Proposed Additions to the California Administrative Code—Standards for Motor Vehicle Emissions, State Board of Public Health Meeting June 10, 1966—prepared by the State of California Department of Public Health—May 4, 1966—6 pages

3. Ad Hoc Engine Deposits Panel Report

(a) A Proposed Program to Establish the Effect of Combustion Chamber Deposits on Exhaust Emissions—prepared by Engine Deposit Panel—January 3, 1967—19 pages

(b) Proposed Joint AMA—API Engine Deposits Program—September 14, 1967—7 pages

4. Engine and Vehicle Modification Panel Report

5. Exhaust Emission Measurement Panel Report

(a) EEMP—Status Report on Future Exhaust Emission Standards—undated—8 pages

6. Ad Hoc Group on Exhaust System Heat Report

7. Fuel System Emission Panel Report

(a) FSEP—Report of Fuel System Emission Panel to VCP—July 20, 1967—9 pages

(b) AMC Evaporation System—undated—6 pages

(c) Chrysler Closed Vent System—C.V.S.—prepared by Chrysler—undated—8 pages

(d) Crankcase Storage of Evaporative Emissions—prepared by General Motors Corp—October 25, 1967—9 pages

(e) Charcoal Canister Evaporative Emission Control System—prepared by General Motors Corp.—October 25, 1967—9 pages

(f) History of Evaporative Control Studies—prepared by Ford Motor Company—December 1, 1967—12 pages

(g) Crankcase Storage System for Control of Fuel Evaporative Emissions—prepared by Ford Motor Company—December 1, 1967—14 pages

(h) Carbon Air Cleaner Evaporative Control System—prepared by Ford Motor Company—December 1, 1967—9 pages.

8. Ad Hoc Health Committee Report

9. Heavy Vehicle Panel Report

(a) Differences between California and HEW Truck Test Cycles—prepared by Heavy Truck Panel—June 6, 1967—3 pages

10. New Devices Committee Report

11. Ad Hoc Traffic Survey Panel Report

(a) Comparison of General Durability Schedules—prepared by Ad Hoc Traffic Survey Panel—undated—1 page

12. Vehicle Emission Surveillance Panel Report

(a) Analysis of California Surveillance Data—prepared by the Auto Club of Southern California and Scott Research Laboratories—dated April 20, 1967—8 pages

SUBCOMMITTEE REPORTS TO THE VEHICLE COMBUSTION PRODUCTS COMMITTEE, MAY 23, 1968

1. Atmospheric Chemistry Panel Interim Report

2. Engine and Vehicle Modification Panel Interm Report

3. Exhaust Emission Measurement Panel Interim Report

(a) State of California Air Resources Board—Specification for Simplified Instrument Console for Emission Measurements—13 pages—December 27, 1967

(b) State of California Air Resources Board—Test Procedure for Approval of Instruments for Garages, Vehicle Assembly Line and Field Station Use—March 6, 1968—8 pages

4. Fuel System Emission Panel Interim Report

(a) Laboratory Crosscheck Charts—undated—5 pages

5. Heavy Vehicles Panel Interim Report

(a) 1969 California Exhaust Emission Standard and Test Procedure for Heavy Trucks contained in the Federal Register publication of January 4, 1968—23 pages

6. Ad Hoc Traffic Survey Panel Interim Report

(a) Considerations in Traffic Survey and Test Cycle Development—NCAPC Meeting of March 29, 1968—prepared by the Ad Hoc Traffic Survey Panel—April 5, 1968—2 pages

7. Vehicles Emission Surveillance Panel Interim Report

(a) Hot vs. Cold Start Surveillance Testing—prepared by VESP—March 27, 1968—2 pages

(b) VESP Future Surveillance Program—undated—2 pages

(c) Summary of Analysis—undated—5 pages

(d) VESP reply letter (draft) to Mr. John Raymond of CMVPCB—May 7, 1968

(e) Effect of Tune-Up—undated—2 pages

8. Engine and Vehicle Modification Panel Reports

(a) 1970 California Evaporative Control Standard and Test Procedure for Passenger Cars contained in the Federal Register of January 4, 1968—23 pages

(b) Intake Valve Throttling (IVT)—A Sonic Throttling Intake Valve Engine—prepared by General Motors for the SAE meeting—May 20–24, 1968—11 pages

(c) EVMP—Present Status of Steam Power for Road Vehicles—May 8, 1969—11 pages

(d) Preliminary Test Results with Non-Flame After Burner Exhaust Manifold F4–134 cu. in. Engine—prepared by KAISER Jeep CORPORATION—May 8, 1968—5 pages

(e) Ad Hoc Subpanel—Valve Timing Proposal Submitted to EVMP—April 9, 1968—2 pages

SUBCOMMITTEE REPORTS TO THE VEHICLE COMBUSTION PRODUCTS COMMITTEE, SEPTEMBER 27, 1968

1. Atmospheric Chemistry Panel Interim Report

2. Diesel Emission Panel Interim Report

3. Engine and Vehicle Modification Panel Interim Report

(a) Report on New Engine Idle Stability—prepared by EVMP members—September 10, 1968—18 pages

(b) Driveability Procedure—August 6, 1968—8 pages

(c) Vehicle Inspection Procedure for Emission Control Systems and Devices, Gasoline Powered Vehicles—Inspection Old Format—August 1, 1967—5 pages; Inspection—New Format—5 pages

(d) Mass Flow Data—prepared by Chrysler Corporation—September 10, 1968—11 pages

(e) EVMP Panel Report on 1968 Engine Idle Setting Procedures—July 10, 1968 Revision including Shop Manual Instructions Furnished by several member companies

(f) EVMP Valve Timing Proposal—undated—2 pages

(g) Excerpt from EVMP Memorandum Report dated June 11, 1968 on Catalytic Converters and Afterburners—1 page

(h) Catalytic Converters for Emission Control—prepared by Toyota Motor Company—August 6, 1968—8 pages

(i) Ceramic Exhaust Manifold Reactors—prepared by Ford Motor Company—August 5, 1968—7 pages

4. Exhaust Emission Measurement Panel Interim Report

(a) Status Report on Assembly Line Testing by EEMP—August 5, 1968—2 pages

(b) Report on Measurement Procedure for Nitric Oxide for California—1970 by EEMP—August 5, 1968—16 pages

(c) Report on Exhaust Emission Reactivity Criterion from the Atmospheric Chemistry Panel and the EEMP—July 30, 1968—6 pages

(d) Proposal—Exhaust Emission Correlation Program HEW—AMA Laboratories—prepared by EEMP Panel member—October 24, 1967—4 pages

(e) Fast Response Flame Ionization Instrument—letter prepared by Chrysler Corporation—dated June 19, 1968—2 pages

(f) Bay Toll Crossing Letter—answer sent to Mr. E. R. Foley by Mr. Sherman—August 21, 1968 with attachments—7 pages

5. Fuel System Emission Panel Interim Report

(a) Fuel System Emission Panel report on Proposed Test Procedure for the Determination of Liquid Fuel Losses from Vehicle Fuel Tanks—September 27, 1968—8 pages

(b) Fuel System Emission Panel report on Proposed Program for Circulation and Cross-Check of 1970 Evaporative Cars—September 27, 1968—2 pages

6. Heavy Vehicle Panel Interim Report

(a) Recommended Application Procedure for Certification of New Gasoline Engines for Use in Heavy Duty Vehicles 1970 Model Year—prepared by the National Air Pollution Control Administration—dated September 23, 1968—19 pages

7. Ad Hoc Traffic Survey Panel Interim Report

8. Vehicle Emission Surveillance Panel Interim Report

SUBCOMMITTEE REPORTS TO THE VEHICLE COMBUSTION PRODUCTS COMMITTEE, DECEMBER 10, 1968

1. Atmospheric Chemistry Panel Interim Report

2. Engine & Vehicle Modification Panel Interim Report

(a) Driveability Demonstration—prepared by the Driveability Subpanel of EVMP—November 4, 1968—14 pages

(b) Summary—1969 Emission Control Systems as presented by the companies to the Engine and Vehicle Modification Panel—undated—12 pages

(c) Comments to ESC by the EVMP on the Feasibility of a Two Minute Emission Inspection System—October 14, 1968—3 pages

(d) AMA Recommendations in *AMA Inspection Handbook,* Section IX Vehicle Control Systems—5 pages—dated September 10, 1968

(e) Report of visit to New Jersey Inspection Station November 21, 1968—by the EVMP—7 pages

(f) Comments to ESC from EVMP on California Proposals for Emission Control Standards on 1970 and Later Model Vehicles—October 21, 1968—5 pages

3. Exhaust Emission Measurement Panel Interim Report

(a) EEMP comments and Recommendations to AMA ESC on California AB 357 Requirements for Assembly Line Testing for Vehicle Emissions—December 2, 1968—10 pages

(b) Letter from EEMP of September 6, 1968 to Mr. K. D. Mills at Willow Run and Mr. Mills answer of October 14, 1968 re AMA Exhaust Emission Measurement Correlation Program

(c) Fuel System Emission Panel and Heavy Vehicle Panel report to the Emission Standards Committee on Measuring Evaporative Losses—undated—4 pages

(d) Recommended Application Procedure for Certification of New Gasoline Engines for Use in Heavy Duty Vehicles—1970 Model Year—prepared by National Air Pollution Control Administration—September 23, 1968—19 pages

4. Fuel System Emission Panel Interim Report

5. Heavy Vehicle Panel Interim Report

6. Ad Hoc Traffic Survey Panel Interim Report

SUBCOMMITTEE REPORTS TO THE VEHICLE COMBUSTION PRODUCTS COMMITTEE MARCH 27, 1969

1. Engine & Vehicle Modification Panel Interim Report

2. Exhaust Emission Measurement Panel Interim Report

(a) Report from Exhaust Emission Measurement Panel on California ARB proposed Assembly Line Test Procedure for Motor Vehicle Exhaust—January 28, 1969—6 pages

(b) Effect of Engine Intake Air Moisture on Nitrogen Oxides Emissions—prepared by Ethyl Corporation, March 14, 1969—23 pages

(c) Humidity Correction K Factor—prepared by Nissan Motor Company—undated—16 pages

(d) Mass Emission Test Procedures—undated—4 pages

(e) Effect of Fuel Composition (%Aromatics) on Exhaust Hydrocarbon Concentration—Based Upon DuPont data and a Report by GM dated January 22, 1969—5 pages

(f) Report on Measurement Procedure for Nitric Oxide for California—1970—prepared by EEMP—August 5, 1968—16 pages

(g) Critique—California AB 690 Test Method for Measuring Vehicle Exhaust Emissions on a Mass Basis—undated—4 pages

3. Fuel System Emission Panel Interim Report

4. Health Committee Interim Report

5. Heavy Vehicle Panel Interim Report

6. Ad Hoc Traffic Survey Interim Report

SUBCOMMITTEE REPORTS TO THE VEHICLE COMBUSTION PRODUCTS COMMITTEE JUNE 19, 1969

1. Heavy Vehicle Panel Interim Report

2. Atmospheric Chemistry Panel Interim Report

(a) Exhaust Emission Reactivity Criterion—prepared by the Atmospheric Chemistry Panel and the EEMP—May 28, 1969—6 pages

3. Vehicle Emission Surveillance Panel Interim Report

(a) Surveillance Data Summary—prepared by VESP—June 9, 1969—5 pages

4. Exhaust Emission Measurement Panel Interim Report

(a) Proposed Items of Discussion on May 12, 1969 at Willow Run—Prepared by Messrs. Mick, Fagley, and Hagen—8 pages

(b) Analysis of AMA data for HC Emissions during the Federal Cycle—prepared by Ethyl Corporation—June 2, 1969—8 pages

(c) Analysis of AMA data for HC Emissions during the California Cycle Tests—Changes to improve Response Time—prepared by Chrysler Corporation—April 29, 1969—3 pages

(d) Proposal Exhaust Emission Correlation Program HEW—AMA Laboratories—prepared by Ford Motor Company—April 7, 1969—4 pages

5. Engine & Vehicle Modification Panel Interim Report

(a) Transmission Controlled Spark—An Evaluation of NOX Emissions—prepared by General Motors Corporation—April 15, 1969—10 pages

(b) Presentation on the Effect of Valve Overlap on Oxides of Nitrogen Emissions—prepared by General Motors Corporation—undated—6 pages

(c) IH Spark Advance Monitoring System—prepared by International Harvester Company—March 4, 1969—4 pages

(d) Performance of a Catalytic Converter on Non-leaded Fuel prepared by General Motors Corporation and published in SAE—undated—13 pages

(e) Comments on Performance of a Catalytic Converter on Non-leaded Fuel—prepared by Ford Motor Co.—presented before the SAE mid Year Meeting May 22, 1969—18 pages

(f) Panel Charge—prepared by J. P. Charles—dated May 27, 1969—1 page

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(g) Engine Tune-up Data for 1970 Year Model Toyota Vehicles—prepared by Toyota Motor Company dated June 10, 1969—2 pages

(h) Engine Idle Setting Procedure—prepared by KAISER Jeep CORPORATION—undated—1 page

(i) Committee Correspondence re New Jersey Vehicle Emission Inspection—dated April 7th, May 8th, June 9th, 1969 describing telephone conversation with Mr. Elston

(j) Inspection Handbook Distribution—dated June 4, 1969

(k) Quality Car Care Schedule—prepared by Toyota Motor Company—undated—3 pages

(l) Layman's Nomenclature—undated—2 pages

6. Fuel System Emission Panel Interim Report

(a) Laboratory Cross-Check Program—prepared by Fuel System Emission Panel—May 5, 1969—11 pages

(b) Fuel Tank Heating Methods—prepared by Fuel System Emission Panel—May 5, 1969—22 pages

(c) Emission Control Calculations on Total Motor Vehicle HC & CO Emissions—dated June 17, 1969—3 pages

ADDITIONAL SUBCOMMITTEE REPORTS TO THE VEHICLE COMBUSTION PRODUCTS COMMITTEE, IN PREPARATION AND TO BE COMPLETED BY OCTOBER 31, 1969

1967 annual report of Engine & Vehicle Modification Panel

1. Status Report No. 5 of the Engine & Vehicle Modification Panel to the Vehicle Combustion Products Committee—1967—27 pages

2. Tables I and II on 6 Cylinder and 8 Cylinder Camshafts

Figure 1. American Motors Report on 6 Cylinder Camshafts—1 page

Figure 2. Field Survey of Combustion Testers

Figure 3. Response to Exhaust Gas with and without Air Injection using a Johnson-Williams Combustibles Analyzer

Figure 4. Variable Dilution System—Exhaust Gas (missing)

Figure 5. Blow-by Emission Measurement—prepared by New Jersey State Department of Health

Figure 6. 1968 Engine Information Decals

Figure 7. Cross Section of 199 C.I.D. Combustion Chamber—Quench and Low Quench

Figure 8. Cross Section of 232 C.I.D. Combustion Chamber—Quench and Low Quench

Figure 9. Head Gasket Bore Configuration user with Low Quench Engines 199 and 232 C.I.D.

Figure 10. Effect of Air-Fuel Ratio on Exhaust NO Concentrations for Various Speed-Load Combinations

Figure 11. Effect of Spark Timing on Exhaust NO Concentrations for Various Speed-Load Combinations

Figure 12. Effect of Intake Manifold Vacuum on Exhaust NO Concentrations for Various Air-Fuel Ratios

Figure 13. Effect of Coolant Temperature on Exhaust NO Concentrations for Duplicate Runs

3. Appendices:

(A) Camshaft and Valve Timing—EVMTG Proposal

(B) Proposed AMA Engine Idle Setting Procedures—EVMPTG June 27, 1967

(C) Reply to New Jersey Regarding State Vehicle Inspection by VCP—November 10, 1967

(D) Reply to Air Pollution Control Administration—December 22, 1966

(E) Bibliography of Papers on Emission Control Devices Submitted to EVMP by Member Companies

9168 annual report of engine & vehicle modification panel

1. Status Report No. 6 of the Engine and Vehicle Modification Panel to the Vehicle Combustion Products Committee—1968—23 pages

2. Appendices:

(A) Control of Oxides of Nitrogen—Chrysler Study Curves, data, and Sketches Illustrating Chrysler Studies in NO control.

(B) Exhaust System Devices for Emission Control—International Harvester Company.

(C) Vehicle Inspection Procedures

(D) 1969 Emission Control Systems

(E) Mass Flow

(F) Idle Setting Procedures—A detailed description of the shop manual procedures for each manufacturer

(G) Manifold Reactors—Preliminary Test Results with NonFlame After Burner Exhaust Manifold, F4–134 cu. in. Engine

(H) Air Injection Modifications—Toyota Motor Co., Ltd. Nippon Denso, Co., Ltd.

(I) Steam-Powered Road Vehicles—Present Status

(J) Valve Timing Proposal

(K) Driveability—Driveability Demonstration

(L) Comments on California 1970 Proposals

ENGINE AND VEHICLE MODIFICATION PANEL REPORTS

Date of presentation	Subject	Prepared by	Number of pages
1. Oct. 17, 1967	Combustion chamber quench changes, 1968 models.	Chrysler Corp	1
2. Oct. 17, 1967	1968 Ford emissions systems	Ford Motor Co	1
3. Oct. 17, 1967	Idle adjustments	Chrysler Corp	1
4. Oct. 17, 1967	Idle mixture, effect of miles on idle speed, and timing changes.	General Motors Corp	3
5. Oct. 17, 1967	Emission control by engine design and development.	American Motors Corp	17
6. Nov. 15, 1967	New Jersey emissions inspection program.	EVMP	10
7. Nov. 17, 1967	Engine idle-setting procedures	American Motors, Chrysler Corp., Ford Motor Co., General Motors Corp., International Harvester Co., Kaiser Jeep Corp.	37
8. Dec. 5, 1967	Changes in idle speed re. mixture.	Ford Motor Co	2
9. Dec. 5, 1967	Emission-control labels	Kaiser Jeep Corp	1
10. Dec. 5, 1967	AMA–HEW exhaust flow equations.	EVMP	5
11. Jan. 2, 1968	Idle service instruction—CAS	Chrysler Corp	1
12. Jan. 2, 1968	Exhaust volume measurements on cycle tests.	do	1
13. Dec. 5, 1967	Survey of emission control devices in use of 1968 models.	American Motors, Chrysler Corp., Ford Motor Co., General Motors Corp.	17
14. January 1968	Exhaust emission-control devices.	Kaiser Jeep Corp	2
15. Jan. 4, 1968	Idle mixture, speed and spark timing adjustments.	General Motors Corp	6
16. Jan. 2, 1968	Exhaust system devices for emission control.	International Harvester Co	1
17. Jan. 2, 1968	Exhaust manifold reactors	do	3
18. Jan. 2, 1968	Heavy truck emission-control systems.	do	2
19. Dec. 15, 1967	Adjusting idle mixture	Ford Motor Co	7
20. Feb. 13, 1968	Changes in idle tune during first 1,000 miles 1968 G.M. cars.	General Motors Corp	1
21. Feb. 2, 1968	Decal code	Chrysler Corp	3
22. Feb. 9, 1968	Test data on catalytic system	Kaiser Jeep Corp	3
23. Feb. 13, 1968	Ceramic exhaust manifold reactors.	Ford Motor Co	4
24. Feb. 13, 1968	Test data exhaust emissions	Kaiser Jeep Corp	1
25. Mar. 12, 1968	Air control valve to improve running stability after starting on an air injected gasoline engine.	Toyota Motor Co. Ltd Nippon Denso Co. Ltd.	7
26. Mar. 12, 1968	Engines for Toyota 1968 models	Toyota Motor Co., Ltd	1
27. Mar. 12, 1968	Engine stalling on deceleration	Nissan Motor Co., Ltd	7
28. Mar. 12, 1968	Surface to volume ratio 4 cylinder vehicle.	Kaiser Jeep Corp	1
29. Apr. 4, 1968	Data on idle stability and exhaust gas volume of Toyota vehicles.	Toyota Motor Co., Ltd	5
30. Apr. 9, 1968	Mass flow data	Nissan Motor Co., Ltd	1
31. Apr. 4, 1968	Idle settings 4,000 miles or under.	Chrysler Corp	1
32. May 8, 1968	Report on present status with steam powered road vehicles and their emission characteristics.	EVMP (attachments A5, B3, C2, and D1).	-------
33. May 8, 1968	Preliminary test results with nonflame afterburner exhaust manifold F-4—134 cubic inch engine.	Kaiser Jeep Corp	5
34. May 8, 1968	Valve timing proposal submitted to EVMP.	Kaiser Jeep Corp., General Motors Corp., Ford Motor Co.	2
35. June 11, 1968	1968 engine idle setting procedures.	American Motors Corp., Chrysler Corp., Ford Motor Co., General Motors Corp., International Harvester Co., Kaiser Jeep Corp., Nissan Motor Co., Toyota Motor Co.	7
36. June 11, 1968	Vehicle inspection procedure for emission control systems and devices, gasoline powered vehicles.	American Motors Corp., Ford Motor Co., General Motors Corp., International Harvester Co., Kaiser Jeep Corp., Toyota Motor Co., Ltd.	5
37. July 10, 1968	1968 idle setting procedures shop manual instructions.	American Motors Corp., Chrysler Corp., Ford Motor Co., General Motors Corp., International Harvester Co., Kaiser Jeep Corp., Nissan Motor Co., Ltd., Toyota Motor Co. Ltd.	35
38. Aug. 6, 1968	Driveability procedure	EVMP	8
39. Aug. 6, 1968	Valve timing proposal	EVMP	2
40. Aug. 6, 1968	Catalytic converter for emission control.	Toyota Motor Co., Ltd	8
41. Aug. 5, 1968	Ceramic exhaust manifold reactor	Ford Motor Co	7
42. Aug. 6, 1968	Throttle positioner	Toyota Motor Co., Ltd	20
43. Aug. 21, 1968	Valve timing	EVMP	2
44. Sept. 10, 1968	Report on new engine idle stability.	Ford Motor Co., American Motors Corp., General Motors Corp., Toyota Motor Co., Ltd., Chrysler Corp., International Harvester Co., Nissan Motor Co., Ltd	25
45. Aug. 27, 1968	Emission inspection presentation to AAMVA on vehicle emission inspection.	ESC Chairman	18
46. Sept. 10, 1968	Mass-flow data	Chrysler Corp	12
47. Aug. 22, 1968	Rating idle quality	International Harvester Co	8
48. Aug. 16, 1968	Vehicle evaluation rating system.	Ford Motor Co	2
49. Aug. 9, 1968	Idle quality evaluations	American Motors Corp	2

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50. Sept. 7, 1968	Engine idle stability evaluation procedure.	Nissan Motor Corp	2
51. Sept. 10, 1968	Exhaust manifold reactors	International Harvester Co	4
52. September 1968	do	Nippon Denso Co., Ltd	3
53. Oct. 8, 1968	1969 emission control systems	Toyota Motor Co., Ltd	2
54. Oct. 10, 1968	AMA drivability demonstration.	EVMP	12
55. Oct. 7, 1968	1969 emission control systems	American Motors Corp	1
56. Oct. 8, 1968	1969 Chrysler cleaner air system compared to the 1968 system.	Chrysler Corp	3
57. Oct. 8, 1968	1969 emission control systems	Ford Motor Co	3
58. Nov. 1, 1968	Summary of 1969 G.M. exhaust emission control systems.	General Motors Corp	1
59. Nov. 12, 1968	1969 emission control systems	International Harvester Co	1
60. January 1969	Exhaust emission control systems.	Kaiser Jeep Corp	1
61. Dec. 17, 1968	Control systems for 1970	American Motors Corp	5
62. Dec. 17, 1968	Chrysler 1970 emission controls	Chrysler Corp	5
63. Dec. 17, 1968	1970 emission-control systems	Ford Motor Co	7
64. Dec. 17, 1968	Summary of proposed 1970 emission-control systems.	General Motors Corp	4
65. Dec. 17, 1968	1970 light duty vehicle prototype emission control systems.	International Harvester Co	11
66. November 1968	Projected vehicle emission control system for Toyota 1970 model vehicles.	Toyota Motor Co., Ltd	27
67. Dec. 17, 1968	Control of oxides of nitrogen	Chrysler Corp	9
68. Dec. 17, 1968	Inspection of emission-control systems.	General Motors Corp	3
69. Dec. 17, 1968	Supplementary information on 1969 emission-control systems.	International Harvester Co	7
70. Jan. 7, 1969	Investigations of NO_x control systems.	Ford Motor Co	35
71. Jan. 7, 1969	Oxides of nitrogen from smaller gasoline engine.	Toyota Motor Co., Ltd	63
72. Jan. 7, 1969	Summary of proposed 1970 emission-control systems.	Kaiser Jeep Corp	5
73. December 1968	The effects of the ignition system on exhaust emissions.	Mitsubishi Electric Corp	26
74. Mar. 24, 1969	Engine idle quality test procedure of Toyota.	Toyota Motor Co., Ltd	6
75. Mar. 27, 1969	Reduction of nitrogen oxides in automobile exhaust	Nippon Denso Co., Ltd	11
76. Mar. 11, 1969	Description of ignition advance monitoring systems	International Harvester Co	5
77. June 10, 1969	Engine idle setting procedure	Kaiser Jeep Corp	
78. May 13, 1969	Quality car care schedule	Toyota Motor Co	3
79. May 19, 1969	Performance of a catalytic converter on nonleaded fuel SAE paper No. 690503.	General Motors Corp	10
80. May 22, 1969	Comments by J. H. Jones & E. E. Weaver—car systems research on SAE paper No 690503.	Ford Motor Co	18

EXHAUST EMISSION MEASUREMENT PANEL REPORTS

Date of presentation	Subject	Prepared by	Number of pages
1. Sept. 8, 1967	A proposal for an interim mass exhaust emission test procedure.	Ford	3
2. Sept. 8, 1967	A proposal for 1970 studies based on mass equivalents.	General Motors	4
3. Sept. 7, 1967	Calculations of exhaust mass emissions.	do	2
4. Sept. 8, 1967	Interim mass emission test procedure (Sept. 21, 1967) EEMP to VCP.	EEMP	8
5. Oct. 25, 1967	Proposal—exhaust emission correlation program for EEMP.	Ford	4
6. Nov. 20, 1967	Curves and tables emissions vs. vehicle weight.	Chrysler	17
7. Nov. 20, 1967	Interim mass standards for 1970.	General Motors	4
8. Nov. 20, 1967	Assumptions for 1970 certfication based on mass.	Ford	3
9. Nov. 20, 1967	Curves—F^3/cycle vs. engine displacement—inertia weight.	American Motors	3
10. Jan. 18, 1968	EEMP notes to ESC on HEW studies published Jan. 4, 1968.	EEMP	18
11. Jan. 31, 1968	EEMP proposed revision of Cal. specifications for assaying line instrument.	EEMP	14
12. Mar. 13, 1968	Computer print-out of best fit equation for Cal. gases.	General Motors	4
13. Mar. 13, 1968	Propane response	do	1
14. Mar. 13, 1968	FIA of propane Cal. gases using olson gravimetric standards.	EEMP	1
15. Mar. 13, 1968	Daimler-Benz response to HEW 1970 standards dated Jan. 4, 1968.	Mercedes-Benz	11
16. Mar. 29, 1968	Considerations in traffic survey and test cycle development.	TSP	3
17. Apr. 17, 1968	Effect of emission control system on reactivity.	Ford	3
18. Apr. 17, 1968	Relative efficiencies of control systems—table.	Chrysler	1
19. May 9, 1968	Report on variable dilution sampling—Clark.	General Motors	8
20. May 9, 1968	Report on NO_x measurement—Lang.	General Motors	13
21. May 9, 1968	Production line test—instrument and test procedure.	American Motors and California ARB staff.	1
22. May 28, 1968	Table—spread between NDIR and FID analyses.	American Motors	2
23. May 28, 1968	Comparison between 7-mode and 10-mode cycle NDIR vs. FID.	International Harvester	5
24. May 28, 1968	Whittaker method of measuring NO—strip chart.	Chrysler	2
25. May 28, 1968	Proposed answer to Cal. Bay Toll Crossings Division.	EEMP	7
26. June 5, 1968	Strip chart of NO measurement using Whittaker method—letter from Whittaker to W. Fagley, Jr.	Chrysler	4
27. July 23, 1968	European consideration of atmospheric pollution problems.	AMA	3
28. July 17, 1968	Comparison of emission reactivities—table I.	General Motors	1
29. July 17, 1968	Number of hydrocarbons evaluated under controlled conditions.	do	1
30. July 17, 1968	Graphs plus computer summaries—HC reactivity versus conc. by C. G.	do	15
31. July 17, 1968	Comparison—HC conc. by C. G. versus FID.	do	3
32. July 17, 1968	Correlation—reactivity and gas chromotography.	Ford	1
33. July 17, 1968	SAE paper 680419—FID technique—HC in diesel exhaust.	International Harvester	15
34. July 17, 1968	Correlation between 7-mode and USPHS 10-mode cycles—Clark.	General Motors	9
35. July 17, 1968	Schematic diagram—NO and O_2 instrument console.	do	1
36. July 17, 1968	Relative sensitivity—FID analyzer.	Chrysler	2
37. July 30, 1968	Measurement procedure—NO for California, 1970.	EEMP	16
38. July 30, 1968	Background data for calculating NO_x for California.	Chrysler	3
39. July 30, 1968	Correlation program—HEW-AMA Labs—Westveer.	EEMP	4
40. July 30, 1968	Report on reactivity to ESC from joint ACP and EEMP.	EEMP	6
41. Aug. 5, 1968	Report on measurement procedure for NO California, 1970.	EEMP	15
42. Sept. 11, 1968	Continuous Trace—Rate of exhaust flow, 10-mode cycle.	Chrysler	3
43. Sept. 11, 1968	Mass flow data—Fagley (7-versus 10-mode cycles).	do	14
44. Sept. 11, 1968	Letter—Jensen to Maga—Mass emission measurement technique.	AMA	3
45. Sept. 11, 1968	Table—Fuel measured mass compared with calculated Federal standard mass.	Chrysler	1
46. Sept. 11, 1968	Repeatability of no measurement technique—9 vehicles.	General Motors	6
47. Dec. 3, 1968	Comments to ESC on California law AB 357—Assembly-line test.	EEMP	11
48. Jan. 27, 1969	Report on NOx humidity factor—Maeda.	Nissan	16
49. Jan. 27, 1969	EEMP to ESC report on California ARB assembly line test.	EEMP	6
50. Feb. 5, 1969	European driving cycle—Report by F. Louis.	Renault	
51. Feb. 18, 1969	Exhaust-flow method of mass measurement—Fagley.	Chrysler	19
52. Feb. 18, 1969	Mass emission program—Nick	General Motors	33
53. Mar. 4, 1969	Comments on California proposed assembly line test procedures.	Toyota	5
54. Mar. 18, 1969	Effect of moisture on NO_x emissions.	Ethyl	24
55. Mar. 20, 1969	Effect of fuel composition—on FID/NDIR ratio—Campau.	Ford	11
56. Mar. 26, 1969	Reduction of NO_x manifold reactor—Tanaka et al.	Nippon Denso	12
57. Apr. 11, 1969	Exhaust emission measurement correlation program—Westveer.	EEMP	4
58. Apr. 14, 1969	Supplement—moisture on NO_x-RK factor calculation.	Ethyl	2
59. Apr. 21, 1969	Comments on foreign cycles—Lombardi.	EEMP	3
60. Apr. 30, 1969	HC measurement by FID—improved response—Teague.	ACP/EEMP	3
61. May 29, 1969	Diagrams of sampling and analytical systems—proposed.	EEMP	4
62. June 5, 1969	Effective and economic control of auto emissions—Sarto.	EVMP	7
63. July 1, 1969	Preliminary evaluation of NO_x analyzer—Jackson.	General Motors	3

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64. July 1, 1969	Determination of CO_2 at Wahnsdorf, Germany—published.	Mercedes-Benz	2
65. July 1, 1969	Comparison of 3 dynamometers in Germany.	do.	2
66. July 1, 1969	Dynamometer effects on emissions using CVS.	Nissan	2
67. July 23, 1969	Foreign cycle evaluation—Lombardi.	EEMP	4
HEAVY VEHICLE PANEL REPORTS			
1. Mar. 7, 1969	Evaluative control procedures for heavy trucks.	HVP	4
2. Mar. 26, 1969	Reduction of nitrogen oxides in automobile exhaust.	Nippon Denso	11
3. May 22, 1969	Outline for research program for heavy vehicle emission data.	HVP	2
AD HOC TRAFFIC SURVEY PANEL REPORTS			
1. May 24, 1967	Comparison of Chrysler 50,000 mile and AMA durability schedules.	Chrysler Corp	4
2. May 24, 1967	Comparison of durability schedules.	General Motors Corp	1
3. Mar. 27, 1968	Consideration in traffic survey and test cycle development.	General Motors Corp., Chrysler Corp., Ford Motor Co.	3
4. Sept. 30, 1968	Background of vehicle exhaust gas text procedures in Japan.	Toyota Motor Co. Ltd	4
5. Feb. 5, 1969	European driving cycle	Renault	4
ATMOSPHERIC CHEMISTRY PANEL REPORTS			
1. Mar. 4, 1969	Nitrogen oxides in the atmosphere.	ACP	34
2. July 8, 1969	HEW meeting—Cincinnati reactivity criteria.	ACP	6
VEHICLE EMISSION SURVEILLANCE PANEL REPORTS			
1. Oct. 11, 1967	1967 surveillance program on high mileage exhaust emission equipped vehicles.	Ford Motor Co	23
2. Mar. 27, 1969	Hot versus cold start surveillance testing.	VESP	9
3. June 9, 1969	Surveillance data summary report to ESC.	VESP	5
FUEL SYSTEMS EMISSION PANEL REPORTS			
1. Oct. 18, 1967	Letter from AMA to NAPCA outlining available data on evaporative control systems.	AMA-VCP, General Motors	10
2. Oct. 25, 1967	Charcoal canister evaporative emissions control system.	General Motors	9
3. Oct. 25, 1967	Crankcase storage of evaporative emissions.	do.	10
4. Dec. 1, 1967	Carbon air cleaner evaporative control.	Ford	10
5. Dec. 1, 1967	Crankcase storage system—Evaporative control.	do.	15
6. Dec. 1, 1967	History of evaporative control studies.	do.	13
7. January 1968	Chrysler closed-vent system	Chrysler	8
8. January 1968	AMC evaporative systems	American Motors	6
9. Apr. 24, 1968	Results of lab cross program	FSEP (charts)	5
10. June 14, 1968	Evaporative loss data	FSEP (charts)	7
11. July 1968	Absorption of HC vapor by charcoal.	Toyota	15
12. Aug. 23, 1968	Proposed test procedure for determination of liquid fuel losses from vehicle fuel tank.	FSEP	9
13. Sept. 27, 1968	do.		8
14. Oct. 15, 1968	Joint (FSEP and HVP) report to ESC on test procedure for heavy truck losses.	FSEP	4
15. Mar. 18, 1969	Preliminary progress report of Shed test procedure.	FSEP	3
16. Mar. 24, 1969	Fuel temperature versus vapor temperature.	Kaiser Jeep	2
17. Mar. 24, 1969	Comparison of evaporator test procedures.	Ford	9
18. Mar. 24, 1969	GM test on effect of heating test on evaporator emission.	General Motors	2
19. Mar. 25. 1969	Deterioration factor of evaporator emission data.	Toyota	7
20. Mar. 8, 1969	Comparative shed tests	General Motors (charts)	2
21. Apr. 18, 1969	Report of evaporator testing	Ford, General Motors, Chrysler, American Motors.	7
22. Apr. 23, 1969	Effect of heating method of fuel tank on evaporator emission.	Nissan	4
23. Apr. 23, 1969	Heating pad installation v. fuel tank emissions.	Kaiser Jeep	3
24. Apr. 28, 1969	Review of shed testing data	Ford, American Motors, Chrysler.	6
25. May 5, 1969	Fuel tank heating methods	FSEP	23
26. May 6, 1969	Laboratory cross check program	FSEP	11
27. May 18, 1969	Shed test on control equipped cars.	General Motors	2
28. July 1, 1969	Comparison of evaporation test sequences.	FSEP	6
29. July 18, 1969	Proposals for engineering acceptance of evaporation control systems.	FSEP	3

SEPTEMBER 15, 1969.

Hon. RICHARD W. MCLAREN,
Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C.

DEAR MR. MCLAREN: I have your letter of September 11, 1969 indicating that the Antitrust Division preferred to propose a consent decree with the four major auto manufacturers and the Automobile Manufacturers Association (AMA) instead of proceeding to full trial. The Department's press release, but not the full text of the consent decree proposal, was enclosed. There is a significant difference between the two—the press release was an optimistic gloss that could and did mislead the press into reporting that the Division had obtained a victory for the people in achieving a stipulation from the domestic auto industry that they will obey the antitrust laws in the future in return for the Division's forgetting the past and keeping past records about the industry's conspiracy confidential.

What the domestic auto companies conspired over a period of at least 16 years to do—restrain the development and marketing of auto exhaust control systems—is a crime under the Sherman Act. Collusive, anti-competitive agreements which result in seriously jeopardizing the capacity of citizens to breathe air without carcinogenic and other lethal and violent pollutants would, under the most normal of expectations, be prosecuted by the Division as a crime. That course of enforcement was indeed initiated by your predecessors, Donald Turner and Edward Zimmerman in mid-1966. Grand Jury proceedings for 18 months resulted in the Division's trial attorney's request to Mr. Turner for permission to ask the Grand Jury to return an indictment. The Grand Jury was even willing to return an indictment regardless of what instructions were forwarded from Washington—so convinced was it of the criminality of the behavior detailed during these 18 months. Mr. Turner dropped the criminal case, without any public explanation, and had the Grand Jury discharged. One year later, in January 1969, a civil complaint was filed. Nine months after that, the civil complaint was in effect dropped in favor of a porous, proposed consent decree, stripped to the minimum of what the legitimate impact of the law should have been.

Is this where five years of Antitrust Division involvement and expenditure of numerous man-years is to end? I should like to detail some reasons why the answer to this question must be "no."

Over the years, a large proportion of the civil actions brought by the Antitrust Division have been terminated by consent decrees. The criteria employed have rarely been made clear. However, it is known that scarce manpower and judicial delay are important factors. Year after year, those who have lead and supervised the Antitrust Division have undermined or weakened antitrust enforcement by simply referring to those two conditions. At the same time, there has been no sustained effort to obtain more funds for the Division or to develop procedures (with the exception of the CID development earlier in this decade) which will accelerate any judicial recourse or at least improve the bargaining power of the government that more expeditious trial reflects.

It seems to be relevant to suggest a number of questions which should be asked in the automobile smog case before a consent judgment is considered or approved:

1. Are there important and unresolved issues of law which merit judicial determination?

2. Are there important rights of public and private institutions and citizens which can be eroded or erased by a consent judgment as proposed?

3. Does the seriousness of the antitrust violation in this case argue for the greater deterrent and public educational purposes achieved by a civil trial or the resumption of the Division's criminal action?

4. Does the proposed consent decree achieve the announced objective of Attorney General John N. Mitchell who described it last week as representing "strong federal action to encourage widespread competitive research and marketing of more effective auto anti-pollution devices?"

Matters of fact and law point to clearly affirmative responses to questions (1) (2) & (3) and a negative response to question (4).

The present case offers an excellent opportunity for the Antitrust Division to establish judicially two important principles which would have enormous replicative value over the behavior of modern industry striving to restrain the rate of innovation to the detriment of competition and human welfare. As you know, the Department's complaint of January 10, 1969 requested that the defendants be restrained from making joint responses to government regulatory agencies concerned with air pollution control. For years the Automobile Manufacturers Association has been the instrument of precise collusion by the auto companies to develop common positions on questions of pollution and safety and to head off or suppress any potential diversity of response. Even after the Department commenced its investigation into this conspiracy, the AMA was developing and using a stock speech on air pollution—a speech which was given, for example, both by Dr. Fred W. Bowditch, Chief Engineer for General Motors and Mr. Donald A. Jensen, Ford's executive engineer in charge of vehicle emissions. Collusive trade association activity continues to be a prime anti-competitive practice in this country. Such activity is long overdue for authoritative judicial resolution and the emergence of judge-made law that would give pause to other trade associations which exert similar, if not greater control, over their members and enforce the dominant firm(s)' policy over smaller industry firms. The proposed consent decree loses this opportunity.

The second principle requiring case law development relates to "product fixing." The automobile industry has restrained competition among manufacturers in the area of product quality. The consumer movement can produce numerous instances of such lowest common denominator quality throughout an industry. The auto companies' activities in the motor vehicle emissions field are in this sense symptomatic of a disease which affects wide areas of the economy. By not moving against this sort of collusion, the Division has relinquished an opportunity to formulate a crucial, new precedent that is rooted in old antitrust doctrine. The instant case is ripe for this determination and the Division has the benefit of five years of investigation as well.

Because the antitrust laws recognize the rights of persons or groups to initiate private antitrust actions, the Division is in a trusteeship position thereto. Any decision made must take into some account how the final resolution will affect the rights of private and public parties under the antitrust laws. In this case, municipal and other public bodies have displayed a strong interest in antitrust enforcement vs. the auto conspiracy as well as recovering in separate actions damages which they have incurred as a result of auto pollution. The possibility that local governmental bodies, business firms and individual citizens may wish to adjudicate their rights is severely limited by the proposed consent decree. As you know, Section 5 of the Clayton Act provides that consent judgments, unlike other final judgments in cases brought by the United States, shall not be considered prima facie evidence against the defendant in a treble-damage suit. The practical effect of this provision is that potential treble-damage plaintiffs would have to duplicate the investigative process which took the Department several years and several hundreds of thousands of dollars even with its extraordinary discovery powers. Los Angeles County already has filed a one hundred million dollar suit against the automobile manufacturers, seeking to recoup some of the loss to the County resulting from this corporate conspiracy to hold back on pollution controls. Further, the California Attorney General, acting on behalf of the State, has been denied access to the Justice Department's information about the auto pollution case. The evidence of the conspiracy exists in the Justice Department's possession and the Department seems determined not to have any of it surface in a public trial. In a critical treatment of the Department's consent decree program ten years ago, the House Antitrust Subcommittee described precisely this effect:

"The almost inevitable consequence of the acceptance of a consent decree by the Department of Justice . . . is to deprive suitors, who have been injured by the unlawful conduct, of their statutory remedies under the antitrust laws."

The Department's complaint charges the auto industry with collusive behavior having devastating consequences for the peoples' health in this country. At least 50% of the nation's air pollution comes from the motor vehicles' internal combustion engines. Medical and other epidemiological studies have linked these pollutants with diseases ranging from cancer to emphysema. Property damage from corrosive pollutants is estimated at $13 billion annually by federal officials. Half of this amount is a very substantial cost inflicted on this nation by the auto industry's intransigent refusal to innovate over the past generation. Can anyone deny the need and benefit for the public to learn about the nature and depth of this colossal corporate crime? The citizens of this country, who are the customers of this industry, have a right to know the extent to which the auto companies are deliberately responsible for the enormous health, economic and aesthetic damages caused by the internal combustion engine. One of the purposes of a public trial is deterrence; the Division has chosen to lose a grand opportunity to bring these companies and their harmful practices into the public arena of a courtroom. This aspect of the Division's case alone would have a greater deterrent effect than the tightest of consent judgments. Since it is not any longer the practice of antitrust enforcement to pierce the corporate veil and hold the culpable officials responsible, a public trial would at the least have shown that such corporate officials are holding far greater power over citizens in this country than they can exercise responsibly or even legally.

What of the proposed consent decree? The proposal can hardly be stronger than the complaint which itself is the result of a process of enforcement erosion which began with an intended criminal prosecution and ended with a meek request for injunctive relief. The complaint did not even contain a request for the imposition of civil damages pursuant to the antitrust laws. (Like the drug cases, the federal government has incurred damage to its property and personnel from this conspiracy.) The process of secret, ex parte type negotiations with representatives of corporate defendants, in particular Lloyd N. Cutler, counsel for the AMA, discourages confidence in antitrust enforcement and facilitates sloppy or political decision-making. When decisions can be made without prior citizen access or without criteria publicly displayed on which such decisions are rendered or without adequate explanation, abuses, distortions and laceration of the public interest can occur with greater frequency than would be the case otherwise.

The following weaknesses can be cited in the proposed consent decree:

1. There is no provision requiring the keeping of records by the defendants. For example, the Department has no assurance that minutes or transcripts will be kept of AMA committee meetings on pollution matters or that there will be records kept of informal discussions between executives and representatives of various auto companies. A section of the proposed decree requires written reports concerning any matters contained in the decree, but only "upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division. . ." If the Department is serious about its surveillance responsibilities over the consent judgment, why doesn't the proposed decree place an affirmative responsibility on the companies to make periodic reports concerning the matters covered by the decree? Why, for instance, are not the companies required to report the terms of all licenses granted and purchased? Why are there no reports on the status of research relating to motor vehicle emissions?

The task of surveillance, effective surveillance, is so formidable that it raises a question whether the Division is even less equipped to monitor compliance with the decree than it is to engage in complicated litigation which would permit other parties to have the information on which to base their vigilance against antitrust violations by the auto industry. Certainly the terms of the decree proposed last week do not facilitate surveillance. Neither does the fact that the Divisions Judgment Section is composed of only 12 professional personnel with no more than half that number having the burden of trying to see that the many hundreds of consent decrees are being complied with. Judged on any basis—cost benefit, importance of the case etc., the resources which the Division can devote to litigation are greater than those devoted to compliance.

2. Section VI(A)(3) of the proposed decree requires defendant AMA to make available for copying or for examination by any person the technical reports in its possession or control prepared or exchanged by defendants pursuant to said cross-license within two years prior to the entry of this Final Judgment. Why only two years when the Department alleges the conspiracy to have begun at least in 1953 and when the Department alleges specific conspiracies to delay installations in 1961, 1962–3 and 1964. There is also the onerous additional proviso that any person who requests such information agrees to offer each signatory party to the AMA cross-licensing agreement of July 1, 1955, as amended, and any subsidiary thereof, nonexclusive license rights with respect to any patents or patent applications based upon information obtained from AMA or its members who are defendants in this case. This

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proviso can vitiate the purpose of the aforementioned section VI(A)(3) since it requires firms or individuals to become entangled in a serious risk of harassing litigation where the richest firm wins. What small firm is going to take the risk? Consequently, the purpose of this section to encourage proliferation of information collusively obtained or possessed so as to promote competition fails.

3. Two provisions which the Department emphasized in its September 11, 1969 press release were the restraint against exchanging confidential information (IV A 2 a) and the restraint against filing joint statements (IV A 2 g) to regulatory agencies on matters pertaining to pollution or automotive safety are scheduled to expire quietly in ten years under Section IX of the proposed decree unless the Department applies for a continuation after nine years. Why, if these two practices are considered anticompetitive—and indeed they go to the base of the conspiracy—will they be any less anticompetitive in ten years?

In the case of the proposed restraint on joint statements, the qualifications make the restraint mere paper in impact. These exemptions to the ban on joint statements via the AMA are: statements relating to (1) the authority of the agency involved; (2) the draftsmanship of or the scientific need for standards or regulations; (3) test procedures or test data relevant to standards or regulations; or (4) the general engineering requirements of standards or regulations based upon publicly available information. In addition, the proposed decree (IV (A) (1)(g)) permits joint filing on the critical point of ability to comply with a particular standard or regulation if there is a written agency authorization for such a joint statement. What kind of naivete or incompetence does this draftsmanship reveal on the part of the public's representatives in your Division? Mr. Cutler has probably drafted a form request to the various agencies on behalf of the AMA to take advantage of just that blatant loophole, and will approach the agencies at the appropriate time.

4. There is no provision for requesting the Court to release the Grand Jury transcript and other documents in order that third parties have the opportunity to adjudicate their rights. Even in the case of U.S. vs. Harper and Row et al (the book conspiracy case), the Division had a information release provision. There is also no ban on the destruction of corporate or AMA documents re the conspiracy since 1953.

In the light of the foregoing and other arguments made to your staff by concerned public representatives, I urge you to withdraw your consent to this proposed decree, as provided for on page 1 of the stipulation, and reconsider the necessity to initiate criminal action against the defendants or at the least a civil action with broader relief than requested by the January 10, 1969 complaint. In the most unsatisfactory alternative, the proposed decree should be amended to take into account and eliminate the aforementioned deficiencies and to incorporate a strong information disclosure provision so that third parties, such as Los Angeles County, can do the job that your Division failed to do. Better a trial sought and lost than a consent decree gained in the form of a legal fiction and propped up by a compliance capability that is beyond pathos.

During your reconsideration, if you so undertake one, may I suggest that you take note of the following commentary on the infirmity of the consent decree and its continuing ludicrous-tragic infrastructure:

"When a corporate official knows that the probabilities are that, if his activities are detected, antitrust attack on a proposed economic program can be concluded amicably, with no notoriety, and with little danger of resultant private antitrust actions, there is virtually nothing to lose and everything to gain from undertaking a questionable program. Large scale use of the consent decree to conclude antitrust suits instituted by the United States, therefore, amounts to an invitation to corporate officers to undertake activities which may violate the law." (1959 House Antitrust Subcommittee Report)

In conclusion, I should like to ask the following questions:

1. What allocation of compliance manpower do you envision necessary for even the minimal provisions of the proposed consent decree? What compliance program has been developed?

2. The reason given, among others, for resorting to the consent decree resolution was the protracted delay in the courts and the manpower drain. How do you envision responding to this state of affairs—by relying more heavily on consent decrees as your case load builds up or by constructing the case for doubling or quadrupling your staff and resources if the remnants of the competitive enterprise system are to be preserved and taking that case to the Congress and to the public? As you realize every day, the Antitrust Divisions budget, in real terms, has not increased over the past six years—once pay increases etc. are accounted. This year, the entire budget for the Antitrust Division permits a manpower base of about 170 practicing attorneys (about the size of the largest private law firms) and in dollar terms is equivalent to approximately 3 hours gross revenue (on a 24 hour basis year around) of General Motors. Is it not time to unveil the farce of antitrust enforcement and proceed to substance?

3. Do you intend to set forth your philosophy on consent decree uses and procedures in the near future? Do you believe that the public should have access, in terms of input and commentary on Departmental proposals, *before* the consent decree agreement is announced. A few years ago, the Department adopted the 30 day rule to give interested parties time to file their objections; but this is late for many interested parties and by this time the Department has made up its mind. What is necessary is to give the public at least a partial access to persuade the Department instead of the present secret negotiations between the Department and the defendants.

4. Your predecessor, Donald Turner, looked dimly on private antitrust efforts as unduly disruptive of the Department's public policy on antitrust. Do you share this reservation? Do you think the proposed consent decree is adequate to permit third parties to adjudicate their rights?

5. Do you not concede the likelihood of anticompetitive effects flowing from grantback provisions (such as in IVB2b) which run counter to the announced thrust of the consent decree proposal?

By including the comments of Dr. Lee A. DuBridge, President Nixon's science advisor, and the approval of the Department of Health, Education and Welfare, in your September 11, 1969 press release, you recognize the broad policy significance of this auto smog antitrust case and the proposed consent decree. Others in Congress and in local governments agree. There is every indication that this is going to be the most widely contested decree in antitrust history. In order to have the opportunity for timely intervention, within the 30 day limit, I would appreciate receiving your responses on the aforenoted requests for more stringent legal action against the auto industry and, alternatively, for stricter relief in the consent decree.

Thank you for your consideration of the above suggestions.

Sincerely yours,

RALPH NADER.

RABBI JOSEPH SHUBOW PASSES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I was deeply saddened by the untimely passing of my good and dear friend, Rabbi Joseph Shubow, one of the foremost spiritual leaders of the Boston community, and a man of immeasurable integrity and character. A pall has fallen over Boston at the passing of this noble and compassionate man who devoted so much of his life to the service of others. He was an intellectual of great stature, not only in matters of theology, but in all aspects of life, and a humanitarian of remarkable generosity.

Joseph S. Shubow was born in Lithuania 70 years ago, and came to this country in his early childhood. He received his bachelor's and master's degrees from Harvard by the time he was 22, he graduated from Harvard Law School, and in 1959, he returned to Harvard for his doctoral degree at the age of 60. In 1933 he founded Temple B'nai Moshe in Brighton, Mass., and served as its rabbinical leader until his death. Israel and Zionism were perhaps the two causes which were closest to his heart and he zealously dedicated his efforts to the realization of their goals. In World War II, while serving as chaplain in the U.S. Army, he brought hope and comfort not only to our boys overseas, but also to the displaced persons in the miserable camps of war-torn Germany. His accomplishments in behalf of the tormented survivors of the concentration camps, who so badly needed his encouragement and assistance, are testimony to his extraordinary goodness.

I often thought of Rabbi Shubow as the personification of charity in the best and rarest sense of the word. By charity, I do not mean that misused label which people give to an occasional act of kindness in behalf of another, for Rabbi Shubow's charity was not an occasional thing, it was continual. His love for his fellow men was boundless, and he gave selflessly and unstintingly of his time, his possessions, his ability, his comfort. I shall always remember with fondness the long discussions we had on issues facing the Nation and his unfailing support and encouragement.

During his lifetime, Rabbi Shubow received countless academic and social service honors as tributes to his brilliance and his love for mankind. But of all these titles, and acknowledgments, the one which he seemed to cherish the most was the simple designation of rabbi. In Hebrew this word signifies teacher; but the true definition of rabbi is bound up in the timeless tradition of the Jewish faith of the rabbi as teacher not only of religious truths, but also as an inspirer of moral action. None who knew him can deny that he fulfilled his task as rabbi splendidly and impressively, and it is indeed an honor to have known a man of his nobility of spirit.

A LETTER FROM SGT. DON ALEXANDER, USMC, RETIRED

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. HALL. Mr. Speaker, as a member of the Committee on the Armed Services, it is often my sad duty to review the latest casualty figures compiled from the conflict in Vietnam.

As I ponder the grim statistics, I am well aware that many other Americans will read these same figures and ask themselves the age-old question, "Have these men died in vain?"

To answer that question, I should like to offer a letter that I recently received from Sgt. Don Alexander, USMC, retired, of Ash Grove, Mo.

Sergeant Alexander, a father, and a former member of the 1st Marine Division, wounded in action in Vietnam, has written with such simple eloquence, that I sought and received his consent to have the letter printed so that it might be shared with others.

The letter follows:

ASH GROVE, MO.

Congressman DURWARD G. HALL,
Washington, D.C.

DEAR SIR: I take this time to write you a letter of appreciation for the job you are doing in Washington. I pray for guidance for you in the decisions you help make that have such a great effect on our country. As I think about these things, my mind goes back to times and places that have real significant meaning for me personally. I know that you are fully aware of the uncountable sacrifices American men have made for this country, but I just want to share with you my appreciation that I have for the untold sacrifices our fellow countrymen have made and are making right now.

I served with the First Marine Division in Vietnam and was wounded and partially disabled while serving with them. The memories I have sometimes haunt me and when I see people laughing and enjoying themselves I want to go up to them and ask them, "Do you remember so and so; were you there when he died? Do you remember how he loved life and wanted to live?" I certainly don't want to inject any unneeded sorrow into anyone's life. All I ask is that they please remember the sacrifices that others have made and are making right now, so that they are privileged to laugh and hold their children in their arms. I have children too, but I am never able to hold my children in my arms without thinking of the boys who will never be able to hold a child in their arms, or I never look upon my little boy's face without picturing in my mind the face of a young Marine as he lay dying, and thinking to myself that sometime, somewhere, that young man was little and loved and was loved in return and here I am alive and enjoying life and there he is, silent and in a grave with only his loved ones and acquaintances to carry on his memory. I ask myself, "Did he die in vain?" I don't think so. You might say he lives in me, because when I think of him and others, I am filled with gratitude and appreciation and it pushes me on to take advantage of every privilege I have, but at the same time never forget the cost of those privileges. You are in a position to make decisions that affect many of our lives and I know that when you read the weekly casualty figures you too are haunted by the sight of more young lives tragically ended. I must say to you, and that is the reason for this letter, they did not die in vain, because the price they paid, the total of which is beyond our means to calculate, purchases for others all the possibilities that are open to man to learn about himself and his world. This has become almost a covenant or you might say a conviction with me.

As I said at the beginning of this letter, this is a letter of appreciation, but it also might be called an installment payment for a debt I owe to ones who will never directly receive any compensation for the tremendous expenditure they made.

Respectfuly yours,
Sgt. DON W. ALEXANDER,
USMC, Retired.

ENVIRONMENTAL IMPROVEMENT

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. BUSH. Mr. Speaker, as chairman of the House Republican Task Force on Earth Resources and Population, I was very much encouraged by the remarks of Dr. Lee DuBridge, Science Adviser to the President, made before the American Chemical Society Symposium on Public Policy Aspects of Environmental Improvement on September 9.

Dr. DuBridge said:

> In recent years the people of America have become keenly and somewhat belatedly aware of the inroads which our kind of living makes upon our environment. As we breathe polluted air, as we observe and use polluted water, as we observe colossal mountains of junk and waste, and as we see the rapid disappearance of open spaces and recreational areas, we have realized that the earth's environmental resources are limited, and that the further deterioration of the environment must be brought to a halt.

The truth of this statement must be recognized. The American citizen is very much aware of our failure to manage our environment. Our young adult citizens are frustrated and anxious over our inability to cope with this ever-increasing deterioration in the quality of our lives.

The National Broadcasting Co. had an excellent program last Friday evening entitled "Who Is Killing Lake Erie?" Anyone viewing this program had to be sick at heart in seeing how badly we have treated the resources that God has provided for us to sustain our lives.

We have the manpower, the technology, and the finances to attack and correct this abuse on the environment. Now we need the willpower and the courage of Government at all levels, industry, and our educational institutions to exert the leadership necessary to solve these problems and to commit ourselves to excellence in the execution of action.

For the benefit of the Members, I submit Dr. DuBridge's statement for the RECORD:

REMARKS BY DR. LEE A. DUBRIDGE, SCIENCE ADVISER TO THE PRESIDENT, AT THE SYMPOSIUM ON PUBLIC POLICY ASPECTS OF ENVIRONMENTAL IMPROVEMENT—AMERICAN CHEMICAL SOCIETY, SEPTEMBER 9, 1969, NEW YORK, N.Y.

I am delighted that the American Chemical Society has arranged this symposium on one of the most important complex of problems that faces not only America, but the entire world at this time. And I want to congratulate you most enthusiastically for the magnificent report on the environment that you have recently published. It will be a guide book for our efforts in this field for years to come. I prepared the following remarks before I had received a copy of the report. You will forgive me, I hope, if they now seem a bit redundant.

The human race has evolved on a planet which provides the kind of environment which makes possible those physical and chemical reactions which have given rise to life. As we look at the moon and at the other planets in our solar system, we see indeed that the earth has provided a very unusual environment, and it now seems probable that it is the only planet in the solar system which can support life.

The earth possesses, among other things, approximately the right temperature so that complex molecules can be built, will be reasonably stable, and will undergo chemical reactions at reasonable rates. These things are not possible at very low or very high temperatures.

The earth also possesses great quantities of water, a viable atmosphere and many available forms of the essential chemical elements and compounds which go to make up living things.

Within this environment, life has evolved over a period of a billion or more years, and the number of living things has multiplied so rapidly that it seems as though life itself is destined to despoil or render unuseable the very things in the environment that have made life possible.

Clearly, the human being is the one form of life that is making the greatest inroads on the environment. In the industrial society which man has built he uses the natural resources of the earth at a colossal rate, and to a large extent converts these resources to unuseable forms, thus producing vast quantities of waste materials which must go into the atmosphere, into the water or onto or beneath the surface of the land. In recent years the people of America have become keenly and somewhat belatedly aware of the inroads which our kind of living makes upon our environment. As we breathe polluted air, as we observe and use polluted water, as we observe colossal mountains of junk and waste, and as we see the rapid disappearance of open spaces and recreational areas, we have realized that the earth's environmental resources are limited, and that the further deterioration of the environment must be brought to a halt.

This, of course, is easier said than done. In order to live at all, and especially to live in the way to which we have been accustomed, we must use oxygen and convert it into carbon dioxide to maintain life and to provide, through combustion of fuels, the energy that we require in such huge quantities for domestic and industrial purposes.

We must also use water in huge quantities, and although we do not normally destroy the molecules themselves, we contaminate the water with all sorts of organic and inorganic waste materials. Our civilization cannot get along without coal and oil and copper and iron and a host of other materials which we extract in huge quantities from the earth's crust. We must plant crops for food, we must grow and cut trees, and we must, over an ever-larger fraction of the earth's surface, replace the natural environment by a man-made one.

To ask human beings to stop altering their environment or using it, would be to ask them to cease living. Human beings evolved because of the earth's environment, they live off the environment, and in living they inevitably change it. The question, therefore, is not how shall we cease to use or change our environment, but how can

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we avoid despoiling and degrading it, and how can we reverse those habits and procedures which now contaminate our air, our water and our landscape. This is not a simple matter. I recently received a letter from a very earnest, but very angry, woman who demanded to know why the President did not insist that Congress pass a law prohibiting anyone in the country from polluting the air or the water. I was forced to inform that good lady that if such a law were passed, she would have to immediately: (a) stop driving her car; (b) stop turning on the furnace in her home when cold weather arrived; (c) stop buying many chemicals, domestic appliances or industrial products because most of the companies which make such products would automatically be closed down. Our whole economy would, in fact, be brought to a halt.

Nevertheless, I do not wish to suggest that the problem is a hopeless one. I do suggest that it will take the best resources of science and technology and the best instruments of economics, finance and government to slow down and eventually reverse the processes which do degrade the environment.

The national concern over this problem is reflected in most state legislatures, most city and county government agencies, and certainly in the Federal Government, both in the Legislative and Executive branches.

Reflecting the national concern, as well as his own concern, President Nixon as one of his first acts after the Inauguration, requested me as his Science Adviser to develop machinery for establishing at Cabinet level an Environmental Quality Council of which he would be the active chairman. The net result was that on May 29th of this year the President issued an Executive Order establishing this Council consisting of himself as Chairman, the Vice President, and several of the most cognizant Cabinet officers as members. He asked me to serve as the Executive Secretary and directed my office to provide staff support for the Council, collaborating with the staffs of other government agencies and departments. The Council is now hard at work. It has had two meetings, the most recent one being at the Western White House in San Clemente, California.

The Environmental Quality Council has a number of important functions: 1) to stimulate and coordinate activities in all branches of the Federal Government aimed at halting the degradation of the environmental and improving its quality; 2) to enlist the cooperation of state and local government agencies and to stimulate their activities toward these same ends; 3) to carry out studies and formulate recommendations to the President, to the Congress or to state and local governments aimed toward environmental improvement; 4) to study the budgetary problems inherent in carrying out these functions.

At its first meetings the Council has decided to give attention to the following matters: 1) air pollution; 2) water pollution; 3) avoiding contamination and dispoilation of the land; 4) enhancing facilities for outdoor recreation; 5) maintaining and enhancing natural beauty in our cities and our rural areas; 6) a reduction of unwelcome or harmful noise; and such other matters as improve the healthfulness and pleasantness of the environment.

Obviously, the Council will not suddenly find sweeping solutions to all these problems. We must focus one by one on the issues that are important and try to evolve solutions that are both effective and feasible.

One of our first efforts has been in the field of air pollution produced by automotive vehicles. Automobiles are not, of course, the sole source of air pollution, but they are a large source, and in many cities such as Los Angeles they are the principal source. Automobiles powered by gasoline internal combustion engines emit into the atmosphere unburned hydrocarbons, nitrogen oxides and carbon monoxide, which in various combinations react in the atmosphere under the influence of sunlight to cause a typical smog blanket.

California has taken the lead in stimulating the development of mechanisms to reduce the emission of these polluting substances from automobiles. Cars now produced and sold in California must emit not more than 180 parts per million of unburned hydrocarbons compared to the 900 parts per million emitted by cars produced before 1966. The Federal Government will impose these standards nation-wide in 1970. In the meantime, California has provided that after 1972 the hydrocarbon emissions shall be reduced to 120 parts per million. I would expect that federal standards would follow the California lead.

Unfortunately, imposing such standards on new automobiles does not instantly solve the problem. The average life of a car is 10 to 12 years before it is consigned to the junk pile. Thus, it would be 1980 before the new regulations take full effect in reducing smog.

However, it is already clear that these standards do not go nearly far enough. The number of automobiles is increasing and the number of miles driven per car per day is increasing. Hence the total tonnage of pollutants emitted to the air by the automobile will after 1980 start to increase again. Wholly new technologies are now being sought to take care of this situation. There must be radical improvements in the gasoline engine eliminating not only hydrocarbons but also nitrogen oxides and carbon monoxide or else quite new forms of automobile engines will have to be developed which have non-polluting qualities.

At the San Clemente meeting of the Environmental Quality Council about two dozen vehicles built by various companies were demonstrated which moved substantially in this direction. Some of these involved modification of a substantial nature to the standard gasoline engine. Others involved the use of steam turbines, gas turbines and various forms of electric propulsion. The Federal Government plans to provide additional funds to finance the more rapid development of these technologies. Unfortunately, again the time constant is long. Even if a well-engineered, reliable and economic unconventional automobile were available today, it would take years before the industry could be producing the ten million a year which the American market is or soon will be absorbing. And again it will take another ten years to get the old cars off the roads, streets and highways.

However, progress is being made, and I hope that every research and development laboratory in the country concerned with propulsion devices or fuels will accelerate their research in this area.

The problem of water pollution is also high on our agenda. Pollution of our streams and lakes comes from many sources such as sewage, garbage, flood and drainage waters and the effluents from industrial plants.

A committee of the Environmental Quality Council is studying the problem of how to stimulate all local communities to install more adequate sewage treatment facilities. We are studying ways to stimulate regional action in such areas as the Mississippi Valley, the Great Lakes, the Hudson River Valley, the Chesapeake Bay and other areas where many communities and even several states are involved.

In most water pollution problems no brand new technology is necessarily involved. It is easy to say that all we need to do is simply "pass a law." However, no federal or other law will compel a community to impose taxes and issue bonds to build sewage treatment plants. The citizens of all parts of the country must be aroused and insist that their local governments do precisely this. A suddenly imposed law prohibiting the discharge of any industrial wastes would put a host of industrial companies out of business. In some cases the cost of adequate treatment of industrial effluents may be very high indeed. Clearly we must consider the problem which arises if local regulations require one company to stop its effluents while a competing company in another jurisdiction on the same river or lake is not subject to a similar regulation. Clearly, to be good citizens, every industrial company in the country which discharges wastes into a stream, river, or lake, or even into the ocean, must at once begin investigating ways to remove harmful or polluting or dirty materials from its liquid effluents. The Environmental Quality Council will study ways by which this process can be accelerated through federal criteria and through local, state and federal regulations.

Obviously, time does not permit me to decribe other studies and activities under way in the Environmental Quality Council. I can assure you that many major national problems are under intensive study, and we hope as the months and years go by that through research, through public opinion, through legislation at all levels, this nation can begin to bring its environmental problems under more adequate control.

At the same time, we must continuously emphasize that the environment is everybody's business. Practically everyone drives a car and everyone produces waste products which must be disposed of. Millions of citizens still vote against bonds for improving sewage treatment facilities or they protest an increase in taxes for the purposes of more effective disposal of garbage, junk and other solid wastes. We have always in the past adopted the cheapest method of disposing of wastes, discharging them into the atmosphere or the water, or strewing them on the surface of the land. The cheapest way is no longer the best way and no longer a tolerable way. Make no mistake about it, billions upon billions of dollars of private, municipal, state and federal funds will be required to cope fully with environmental problems.

The American Chemical Society has taken the lead in setting forth the technical problems in this area. You have recognized that the political and economic problems are universal. Our Environmental Quality Council will work hard on these problems, but it will need the understanding and collaboration of every segment of our society.

THE LATE HONORABLE EDWARD A. KELLY OF ILLINOIS

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. ROONEY of New York. Mr. Speaker, I was indeed saddened to learn of the passing of my friend, the Honorable Edward A. Kelly of Chicago, who for 14 years represented the people of the Third Congressional District of Illinois. Although we served only one term and part of another here together, Eddie and I became fast friends and that friendship continued over the many ensuing years. Unfortunately, his late years were marked by serious illness but they were softened by the warm care of his wonderful wife, Rosemary. Thinking back over all the good times we had to-

gether I can only say that I will sorely miss a truly good friend. Mrs. Rooney joins me in extending to his loving wife, Rosemary, and his family our prayers and deepest sympathy.

TRASH: OUR $3 BILLION PROBLEM

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. TIERNAN. Mr. Speaker, there are few more important problems that we will deal with in this, or any future Congress, than that of devising new and more effective means of solid waste disposal. I have spoken out many times with regard to the potential impact that this problem could very well have on our way of life.

Three excellent newspaper articles have recently appeared which touch upon the seriousness of this critical area of environmental control. Two of the articles are from the Boston Globe. These articles point out the problems that smaller governmental units face with regard to trash collection, its costs and effectiveness.

The other article is from the New York Daily News and it pinpoints the growing problems of litter in the countryside.

I urge my colleagues not only to read these articles, but to focus more of their energy in this problem-laden area:

TRASH: OUR $3 BILLION PROBLEM; COLLECTION AND DISPOSAL FAR BEHIND THE TIMES

(By James B. Ayres)

Waste collection and disposal cost the American public $3 billion each year, with the people of eastern Massachusetts alone shelling out $15 million.

Although this figure continues to rise as Americans toss out more refuse, collection and disposal methods remain woefully out of date.

About 80 percent of the $3 billion goes for collection where present techniques "are little better than horse-and-buggy systems with gasoline driven engines." A report to the Federal Council for Science and Technology declared.

The remainder of the cost is for disposal, which today is practiced on a 19th century level with obnoxious open dumps and air-polluting incinerators, according to a recent Massachusetts Institute of Technology report on solid waste disposal.

Although experts continually stress that costs can be cut only through regional disposal programs, no regional waste disposal districts have been set up in Massachusetts since legislation was passed in 1965 authorizing their formation.

Support for regional programs was declared in the M.I.T. study presented in a September 1968 meeting chaired by Prof. John F. Collins, former mayor of Boston, which stated "in solid-waste management there appears to be overwhelming cost advantages in being big."

"Facilities of several types which handle 2000 tons per day seem capable of bringing the treatment or disposal cost to below $5 per ton, after collection and delivery. Urban areas handling 200 tons per day have difficulty in disposing of their waste at a real cost of less than $10 per ton. These are the economic incentives to the loss of some sovereignty into larger groupings," the report stated.

Speaking before a Federal subcommittee on air and water pollution chaired by Sen. Edmund Muskie (D-Maine) last April in Boston, John C. Collins, director of the state Health Department's Division of Environment Health said:

"Generally, municipal officials have chosen to delay action leading to appropriations necessary for acquisition and operation of modern sanitary facilities for solid waste disposal, waiting for someone else to shoulder their responsibilities or for technology of the year 2000."

"As a result," Collins warned, "the time of crisis is at hand, we have no further time to delay, action must be taken to provide the rapid but orderly development on a regional basis of solid waste disposal facilities to replace the overfilled insanitary open dumps and some of the underdesigned and now antiquated municipal incinerators now in use.

"There is doubt that regional disposal facilities rather than individual facilities are more economical. The economies which go along with increase in size of these facilities cannot be ignored."

A $200,000 study of waste disposal in Eastern Massachusetts by the Metropolitan Area Planning Council concluded that construction of nine regional incinerators and eight sanitary landfills would cost the 79 participating communities almost $4 a ton less than if they continued to go it alone building separate facilities.

This would mean an annual cost saving to the communities for disposing the present 2,650,000 tons of waste generated in the area of $10,600,000. The saving when refuse is expected to climb to 4,900,000 tons in 1990 comes to $19,600,000.

With experts pointing out the lower costs of regional disposal programs and elected officials such as Gov. Sargent warning that eastern Massachusetts "today faces the literal possibility of being buried in its own trash by 1970," why do communities continue to drag their feet?

The reasons appear to be: fear of the loss of taxable land by the community selected for the site of a regional disposal facility; fear of fumes and rats; fear of children's safety along the truck routes serving a regional facility; fear of the loss or dilution of home rule.

A classic example of the failure of communities to get together when faced with a public health emergency involved eight cities and towns north of Boston.

In October 1967, Chelsea, Everett, Malden, Melrose, Revere, Saugus, Stoneham and Wakefield were among the 15 communities dumping some 900,000 tons of refuse each year in a Saugus salt marsh owned and operated by the M. DeMatteo Construction Co. of Quincy as a dump.

Following the picketing of the dump that Summer by mothers wheeling baby carriages who protested the stench and rats from the dump, Saugus officials notified the state Dept. of Public Health—which itself had declared the dump a public health menace as early as 1963—of their intention to revoke DeMatteo's permit to operate the dump.

Due to the lack of available dumping space in the eight, highly-developed communities and restrictions on further filling of the salt marsh by the state Dept. of Natural Resources because of its importance as a breeding ground for commercial and sport fish, the state health department "held a conference with officials of all agencies using the dump to discuss plans or alternatives for solid waste disposal in the various communities using the dump," Vartkes K. Karaian, a department senior sanitary engineer said.

"The communities were advised of the serious nature of their problem and the need to seek out solutions," Karaian added.

However, on Sept. 6, 1967, the Saugus health board held a public hearing and voted to close the dump by Oct. 7. The Solid Waste Association of Massachusetts, representing commercial waste haulers, ran large ads in Boston's newspaper addressed to "The Citizens of Greater Boston and to Our Busy Legislators:"

"On Oct. 7, by order of the Saugus Board of Health, the only public dump in the Metropolitan Area will be closed. As of Monday, Oct. 9, there will be no place to dump the privately contracted rubbish of the Metropolitan Area. Greater Boston will be on its way to becoming one giant dump."

Gov. John A. Volpe, acting on this plea and a petition from the communities using Saugus dump, declared a public emergency existed with the lack of dumping space posing a health threat to the people of metropolitan Boston, the first emergency of its kind declared in Massachusetts.

Acting on Volpe's declaration, the Suffolk Superior Court issued a preliminary injunction against the Saugus health board and ordered the dump to be kept open under the supervision of the state health department.

Several extensions for the operation of the Saugus dump have been granted since that time, the latest on May 19, 1969, when another extension was granted by the court until Nov. 19, 1969.

But what regional action has the communities using the Saugus dump taken since the local health board moved to close it two years ago? None.

On July 20, 1968, the legislature passed a law directing the state Dept. of Public Works to construct a $6 million incinerator in Melrose serving a regional solid waste disposal district comprised of Chelsea, Everett, Malden, Melrose, Revere, Saugus, Stoneham and Wakefield.

The law required the consent of an advisory board of representatives from each of the eight cities and towns before ground could be broken.

After months of debate, Melrose withdrew from the plan in April 1969, because * * * reach agreement over Melrose's two conditions: that the city receive $250,000 annually from the other cities and towns to compensate for the land being taken off the tax rolls, and that Melrose be allowed to control the growth of the plant.

Before Melrose withdrew from the plan and killed the incinerator—at least, for the present—Daniel S. Horgan, chief engineer of the D.P.W. declared: "It may well be the pioneer project for future programs."

He pointed out that the law directed the D.P.W. to construct the incinerator in Melrose as a result of "regional study which ascertained that Melrose was not only suitably located for this purpose but also agreeable to making a site available."

Horgan said that once the D.P.W. completed the $6 million incinerator, it would be turned over to the eight-community district which would "assume responsibility for its future operation and maintenance."

He said that, under the law, "the cost of operating, maintaining and amortizing the debt incurred for the construction of the facility shall be apportioned among the cities and towns which are serviced by it—and charges shall be in direct proportion to the extent to which they are used. No part of any deficit is to be borne by the Commonwealth in the language of this bill."

Horgan said, "the enormous cost to build such an incinerator system, even for the smaller suburban regions would seem to preclude the likelihood that any city or town would 'go it' alone. The foregone conclusions are that communities will need to band together in order to stay in the lead in their unceasing race against trash. Systematic rubbish disposal has become an expensive part

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of our every day lives, and the problems it presents must be faced—and solved—for they are constantly becoming more acute."

But, despite Horgan's optimism over the future of the regional approach to solid wastes, until this year, several bills calling for the D.P.W. to set up regional districts statewide and for the Metropolitan District Commission to establish a district including 79 cities and towns in eastern Massachusetts have failed.

Both bills were defeated largely because of the debate over whether the D.P.W. should do the job across the state or the M.D.C. should do it in eastern Massachusetts. Involved in this debate was the sensitive question of a community's voice in a regional program concerning site selection and budgeting.

In December 1967, Robert L. Yasi, then commissioner of the State Dept. of Natural Resources and now a top aide to Gov. Sargent, tried to persuade representatives of the Metropolitan Area Planning Council to drop their support for a regional program in which an advisory board made up of the cities and towns in the district would approve the location of disposal facilities and the district's budget.

"A two-page bill has been drafted which gives the state Dept. of Public Works a full and free hand to dispose of waste. We propose it this way only in order to get something done," Yasi said.

"We are concerned about setting up another layer of government," Yasi declared, adding that an advisory board would complicate the already difficult problem of site selection.

Supporting the advisory board concept was Robert G. Davidson, executive director of the planning council, who said:

"We do believe that the cities and towns who are paying for it should be part of the decision-making process. It has worked in the case of the M.B.T.A. (Massachusetts Bay Transportation Authority) and we think it will work here."

Compromise legislation, which included many of the provisions of the Melrose incinerator law cited by the D.P.W.'s Horgan earlier, was pushed through the legislature this year.

It gives the D.P.W. an almost free hand in site selection in establishing regional disposal districts, but allows a participating community to have budget approval authority.

The new law also requires the Dept. of Public Health to approve the site selection and the plant design to ensure that it incorporates the latest air pollution control technology.

Site selection also must be approved by the state Dept. of Natural Resources which is particularly concerned with a sanitary landfills' impact on open space and wetlands.

It also provides for payment in lieu of taxes to the community in which a facility is located.

Although it has only received an initial funding of $10 million, conservationists have hailed the new law as a start to reverse the trend of the state slowly being buried in its own trash.

The new law, however, leaves the problem of collection up to the local communities.

To solve this problem, the 1968 M.I.T. study recommended that paper sacks be substituted for metal and plastic trash cans, and "speedier and quiet" trucks now used in Germany replace the noisy compactor trucks now used in this country.

The report called for garbage and trash to be dumped in the same container, the reverse of present collection practices in Metropolitan Boston where most communities collect garbage separately which is then trucked to hog farms on the outskirts of the metropolitan area.

It recommended the following collection operation: "Householders are supplied with two paper bags of about 30-gallons capacity per week and are also either supplied with, or purchase themselves a bag support. The bags are closed when full and taken to the curb much as is done with the present trash cans."

"Collection is greatly speeded up because the sacks can be simply thrown into the vehicle hopper, frequently with one hand, while the loader is standing on the rear or side platform," the report said.

The report declared that studies have found the special paper bags resistant to water, prevent flies from being attracted to the refuse and are "fairly resistant to rats."

Further, "there is no spillage so that streets are cleaner; the householder does not have to return his empty trash can after collection; the presence of empty trash cans and, sometimes, lids which have been blown by the wind all over the streets after collection is obviated; and the health hazard provided by the foul conditions of most trash cans is eliminated."

The report concluded that economic studies "have shown that the cost advantages of the speedup in collection systems alone more than pays for cost of the bags, so that the other benefits are free."

SUBURBS' PROBLEM: MORE TRASH, FEWER DUMPS, HIGHER COSTS

(By Rachelle Patterson)

Along with inflation and school expansion, trash collection and disposal continue to be a major concern of officials in Greater Boston communities.

Land for municipal dumping is decreasing as rapidly as the rubbish increases, and for some cities and towns the situation is regarded as critical.

Collection costs have doubled, and in some instances tripled, over the past five years.

Committees to study waste disposal methods such as high-heat incineration and sanitary land fill are sprouting up in most communities. Officials are aware that trash collection and its disposition are services that must be constantly improved.

Recently, Gov. Sargent signed a bill authorizing the State Department of Public Works to dispose of solid waste, a measure aimed at helping communities which suffer from a lack of adequate facilities.

The bill allows latitude in selection of the type of facility and mode of operation and permits each municipality to review and approve budgets.

Provisions are made for the payment in lieu of taxes to the community in which the facility would be located.

The legislation received mixed reactions.

Assistant Supt. of Public Works in Stoneham, William Reed, commented that "any solution is better than none—maybe the state has the answer."

Stoneham is one of 16 north-of-Boston customers of the DeMatteo Construction Co. dump in Saugus, which threatens to close by the end of the year.

Mayor Walter Kelliher of Malden is more reserved about the measure and feels that the state-operated regional incinerator, would create a traffic problem by attracting trucks through local thoroughfares.

He also maintains that it would be more costly to the cities and towns than a privately-owned operation.

Melrose Mayor Thomas Sullivan said a state-run incinerator would undoubtedly be very large. He expressed "sympathy to the city or town that would be burdened with a monster which could consume 1200 tons daily."

In an effort to beat out any state plan to locate an incinerator in his community, which also faces a crisis if the Saugus dump closes, Mayor Sullivan headed a delegation of local officials that went to Dearborn, Mich., last week to investigate a waste-melting operation reputed to swallow "even engine blocks," leaving a minimal residue.

Making the trip were Mayors Kelliher of Malden, George McCarthy of Everett, George Colella of Revere, Medford Town Manager Howard Reed, Boston Public Works Commissioner Joseph Cosazza, Earl Anderson, regional program representative for the Health, Education and Welfare Agency, and George Winters of the Melrose Department of Public Works.

A plan to locate a 450-ton, eight-community regional incinerator in Melrose, made possible through pioneer legislation last year, fell through several months ago after officials failed to agree on site expansion control and remuneration to the city.

"Costs for trash collection in Melrose have tripled in the past two years—we've got to do something, and fast," Mayor Sullivan said.

At present, trash in this city of 33,000 is picked up by a private firm every two weeks and transported to the Saugus dump.

Ideally, the mayor would like to construct a small incinerator and invite contiguous communities as customers on a long-term basis.

Methods for handling trash vary among communities surveyed this week.

Towns such as Andover, Reading, Weston, Wayland, Lincoln, Sudbury, and Cohasset provide a dumping area but no municipal collection service.

Residents may either take their rubbish to the dump or privately contract to have their trash removed.

Community dumping facilities in these towns are usually very busy on weekends and a spokesman for the Andover Department of Public Works commented that "more people can be seen at the town dump on a week-end than at any town meeting."

Tom Christopher in this town will pick up trash for $.35 per average-sized barrel and transport it to the 25-acre sanitary landfill area now reportedly half full.

In Reading, there are 10 acres remaining to be filled in a dump which currently costs $45,800 annually to operate and has been open since 1932.

Recent town meeting action approved $900,000 for a two-unit incinerator which would accommodate 144 tons per 24 hours.

In the early years, nearby communities will be invited to participate on a short-term contract basis.

In Wayland, Executive Secretary Norman Taylor estimates that the town dump is "good for another two years."

He said there is a committee at work to study a plan for future rubbish disposal and the cost to operate the present dump is $40,000 per year.

Both Weston and Lincoln report incineration plans still at the talking stage. In Sudbury, the town dump is augmented by a "stump dump" located several miles away, which serves as a repository for brush, wood, and other non-household debris.

The size of the community does not necessarily determine the extent of service.

In the town of Manchester, which has a population of 4000, trash is picked up once a week by private collectors on contract with the town at a cost of $104,700 for three years.

Collectors will go to the rear of the property or into garages, remove the rubbish, and transport it to the 20-acre town dump.

Eight barrels per family are allowed, and the town is charged $20 for each new dwelling per year.

Fred Lane, assistant to the selectmen, commented that "we believe in providing a good service for our residents—we do not like trash barrels out by the curb."

In Sharon, where the population is approximately 12,000, trash is picked up once a month by a private collector under town contract.

Residents are allowed four barrels or 100 pounds of rubbish and they can take trash to the town dump by displaying a sticker on their automobiles.

"We've had a lot of trouble with outsiders using our dump, therefore residents are required to show credentials before disposing rubbish," said Mrs. Josephine Amorosino of the public works department.

In Weymouth, Arthur Bilodeau, director of public works, explained that town trucks pick up rubbish and garbage together and whisk them off to a four-year-old incinerator which leaves 10–20 percent residue.

Located on 25 acres of land, the dump area will be adequate for "50 more years" according to Bilodeau.

"We provide excellent service, stoves and refrigerators can be picked up by telephoning our office and salvagers take these items out of town," he explained.

Bilodeau said items such as sofas are reduced in size by machine and then buried in the ground.

"There isn't any burning permitted at the dump," he said.

The Weymouth disposal operations, including collection, cost $320,000 annually, according to Bilodeau. He pointed out that the tonnage as well as the cost is escalating.

In 1966, 20,000 tons were disposed of at a cost of $244,000. In 1968, 26,400 tons were collected.

A $2.8 million incinerator consisting of two units, each with a 120-ton capacity, is slated to become operational in May, 1970, in the town of Braintree.

At present, the 33-acre town dump receives trash collected by municipal trucks once a month.

In Revere, rubbish is collected once a week at curbside under a three-year contract with a private firm which costs the city $165,000 per year, a 15–20 percent increase over two years ago.

There are no restrictions on curbside collection, and even cardboard cartons will be picked up.

In Lynn, trash is deposited in a four-acre sanitary landfill facility, "good for another five years," according to Department of Public Works Commissioner David Phillips.

Residents may have up to four barrels collected once a week by municipally operated trucks.

Hopes are high in this city for a unique incineration project in conjunction with the General Electric Co.

An initial joint grant to both the City of Lynn and General Electric in the amount of $51,000 was awarded in July by the U.S. Health, Education and Welfare Agency, to determine the feasibility of industry cooperating with municipalities for refuse disposal purposes.

Phillips said the awarding of this grant takes the project, talked about for two years, out of the "concept stage."

The objectives of this special type of incineration used in some European countries, is to burn trash in combination with coal, oil or gas, and produce electric power.

During the burning process, steam is produced which would drive turbines and, in turn, produce electricity.

Neighboring communities such as Saugus would be invited to participate, according to the Lynn official.

John Spencer, chairman of the Saugus Board of Health, said trash is picked up once a week from residents by a private collector under contract to the town.

"We encourage the use of plastic trash bags but urge meat wrappers not be included," Spencer said.

"We do not have a leash law, but there has not been any serious problem of dogs ripping bags."

Saugus has its own dump which is open one and one-half days per week. The DeMatteo dump is located here and the town seeks to close it at the end of the year since it has long reached its lateral boundaries and is heading skyward at a rapid rate.

The City of Quincy has adapted its trash problem to local resources and converted two quarries into sanitary landfill operations.

The present facility, constructed last Summer, is 300 feet by 250 feet and 170 feet deep. Pumping water from another quarry, located off Willard street near the Southeast expressway, will start in two weeks, according to John Browne, commissioner of the department of public works.

The facility, measuring 400 by 250 feet and 150 feet deep, is slated to be operational by December.

The city contracts with a private collector for rubbish-disposal at a cost of $400,000 per year.

There are no limitations on the number of barrels a resident may put out, but commercial establishments must make arrangements for their own rubbish removal.

In Peabody, trash is collected once a week by a private firm under contract to the city.

Residents as well as the collector may use the sanitary landfill facility as long as automobiles display stickers.

The city of Newton collects rubbish in municipal trucks once a week for residents and twice a week for commercial establishments.

A two-furnace, 500-ton, 24-hour incinerator has been operational since 1967 and the disposal site for residue is adequate for 15–20 more years, according to D.P.W. spokesman.

COUNTRY FOLK BLAMING LITTER PILE-UP ON THOSE CITY SLICKERS

(By Donald Singleton)

It's a narrow two-lane country road, and it twists tortuously as it tries to follow the ruggedly contoured shoreline of Lake Hopatcong, and it rises and falls sharply as it drops down into beautiful Berkshire Valley in the rural northwest corner of New Jersey.

In summer, the road carries thousands of vacationers to and from sun-splashed days at the lake, one of Jersey's most popular recreation areas; in winter, the road is a quiet main street to the 1,246 permanent residents of tiny Mount Arlington Borough, Morris County.

But look beneath the leaves down there in the grass, over among the tree trunks . . . look closer, and you'll find it . . . one Coca Cola can . . . one beer bottle without a label . . . one soggy Kool cigaret pack . . . one Pepsi Cola throw-away bottle . . . one Ballantine beer can . . . one Budweiser beer can . . . one Coca Cola bottle . . . the tuner from a television set . . . one man's sneaker . . . .

Nearly all of the dozen or so year-round businesses in Mount Arlington are along the road, together with the Mount Arlington Volunteer Fire Department, the Mount Arlington Road Department Garage and the Mount Arlington Public School. But for most of its five mile length, the road, named Howard Blvd. after one of the oldest families in that part of New Jersey, winds along through sparsely settled areas—a cluster of summer bungalows or a group of new homes here, a hot dog stand or a gas station there—or through peaceful woods and fields.

One clear plastic soda straw . . . one piece of galvanized half-inch mesh screening, about one foot by three feet . . . two Pepsi-Cola bottles . . . one Dad's Root Beer can . . . one cardboard beer container . . . three plastic coffee containers . . . one Chevrolet hub cap . . .

Near its northern end, Howard Blvd. has the look of a typical country road, passing serenely through a stand of virgin woodland that somehow has escaped the attentions of home-builders, businessmen and farmers across the years. The road is shaded by massive oak, maple, ash, poplar and black walnut trees, some of their trunks three feet thick, with vines as thick and sinewy as a stevedore's forearm trailing up into their upper reaches. At the shoulder of the road is a riot of vegetation, from mandrake and tiger lily and duck-weed to Virginia creeper vines and tangled brambles of raspberry.

One auto tire . . . six old, rusty beer cans, labels obliterated . . . several sections of the Aug. 17 edition of the Newark Sunday News, scattered over several yards . . . Dairy Queen container, with plastic spoon folded inside . . . one quart Johanna Farms chocolate milk container . . . one Pepsi Cola no deposit bottle . . . one Coca Cola can . . .

When you look down, below the leaves at the side of Howard Blvd., you find the litter, the cans and bottles tossed from windows of passing cars, the bags of trash dumped from auto trunks and pickup trucks in the night.

To demonstrate just how filthy some country roads really are, I picked through the underbrush along a 100-yard stretch of Howard Blvd. In two and a half hours, I had gathered together just under 15 bushels of cans, bottles, papers and other assorted debris, weighing a little less than 200 pounds and filling five enormous plastic sacks.

Heading up the list of the items were the flip-top type aluminum cans—117 Pepsi Cola cans, 93 Coca Cola, 27 Budweiser Beer, 23 Schaefer Beer—329 beer and soda cans in all, including one unopened can of Scnaefer.

Second were bottles of all kinds—soda bottles, beer bottles, wine bottles and liquor bottles. There were 76 unbroken bottles, including three which carried 2-cent deposit refunds. And there were scores of broken bottles.

There were several car parts, including a rusted-out muffler, a hub cap, a section of tail pipe, a broken tail light lens and several bits of metal springs and other hardware.

There was paper in all stages of disintegration, and seemingly hundreds of scraps of aluminum foil from cigaret, chewing gum and candy wrappers.

Robert J. Rooney is the tall, rawboned, Republican mayor of Mount Arlington, and his first reaction when queried about the problem of litter on his town's roadways was to blame it on "city people" passing through Mount Arlington. Rooney commutes to New York to work; but he doesn't like the city.

"I see people all the time, walk right past a litter basket and heave paper right in the street, sometimes standing right next to the basket," he said. "That place is filthy—did you ever see it on a rainy day, with umbrellas and things blowing around?"

"But that man who threw the paper on the street, where do you suppose he came from?" Rooney was asked.

"Well, I guess he came from the metropolitan area . . . yeah, I see what you mean," Rooney said. "He could have come from here . . . of course not many of us do travel in from this far out (45 miles) but they do come from smaller towns.

"Yeah, I don't know that there's too much difference, city or country, people can be slobs either place," he said.

The problems of litter in the country are complicated by several factors, some of them the same as the problems of keeping city streets clean, some of them totally different:

First, more and more items are being packaged in throw-away containers. Take a drink of soda or beer and you're left with a can or a bottle. Carry home an ice cream sundae and you're left with a plastic or cardboard container, a spoon, perhaps a straw.

Second, more and more of the containers are being made of aluminum, glass and plastic. These materials do not disintegrate and return to the soil in the way that paper will. The bottles, cans and plastic drink containers piling up on America's roadsides will be there for generations, not merely months or years.

Third, there is the difficulty of preventing littering in the country. In the city, potential litterbugs always have to worry about being observed and possibly reported to police—but on a country road, where hours pass between cars, a person could dump truckloads of trash without being seen.

Finally, there is the problem that litter in the country is almost impossible to pick up. In the city, mechanical brooms can clear

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blocks and blocks of streets (providing parking regulations are observed), but no machine has ever been devised to retrieve the trash from the underbrush.

"It seems to be this way all over America today," Rooney said. "I traveled in Europe a few years ago and, by gosh, that's one thing you don't see over there. But here, it's all over, in just about every state.

"I don't know, it seems that people are getting sloppier and sloppier. It's one of the things of prosperity, you know, it's throw-away this and throw-away that.

"And I guess it doesn't make too much difference whether you're talking about the city or the country, either."

One Pepsi Cola no-return bottle . . . one Cracker Jacks box . . . two beer bottles, without labels . . . one large cardboard carton . . . one Coca Cola can . . . one Rheingold beer can . . . one Canada Dry ginger ale can . . .

EFFORT TO DEFEAT INFLATION

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. BLACKBURN. Mr. Speaker, President Nixon's determination to end inflation demonstrates his willingness to put the good of the Nation's economy—and therefore of the Nation—ahead of special, limited interests.

I refer to the proposed cutbacks in Federal construction, criticized in some circles, but hailed by many as an essential step toward ending the inflation which has caused our dollar to decline at the rate of 4 to 6 cents a year, or even faster.

I insert in the RECORD an editorial from the Atlanta Journal of September 6, 1969, discussing this subject at this point:

HOLD THAT LINE

During the National Governors Conference the word was leaked that President Nixon planned a 75 per cent reduction in new federal construction. The reaction was mixed.

On Thursday the President formally announced his plans. The cutbacks apply only to projects which are totally financed by the federal government, but the President urged local government and industry to come along with him and hold up on capital expenditures for awhile.

The idea is to defeat or at least mitigate inflation.

Inflation already is a serious matter. The cost of new homes and apartment buildings which are privately financed soon may approach the can't touch level for low and middle income citizens.

Costs of living are soaring. Food takes an increasing large part of the family budget.

Inflation, in short, is an extremely serious problem and a real threat to the stability of this country. We have come so far along this road that there no longer is any comfortable way to halt inflation.

Whatever is done is going to inconvenience and hurt some people.

Nevertheless the good of the country demands something be done.

The President's holdback order certainly is the result of study and its effects have been calculated. The effects of holdbacks in other fields such as welfare, probably have been calculated too. Certainly the President went for lesser evil.

It is good to see somebody in Washington do something about inflation besides deplore it.

It also is good to realize the new administration places such a high priority on human needs. There must have been advocates of cutting welfare and maybe even increasing funds for capital expenditures instead.

LIFE'S "NEW MATH OF INFLATION" INCORRECT; HARMFUL TO NATION

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. McFALL. Mr. Speaker, inflation has been especially harmful to low- and middle-income families in recent months—especially those living on fixed incomes such as social security and interest from their accumulated savings.

Almost from the beginning of the current year, there has been an accelerated growth in the cost of living, one of the factors leading to early development of the House-approved tax reform-reduction bill to correct some of the inequities which have forced low- and middle-income families to bear disproportionate shares of the cost of operating the Federal Government.

The new administration has recognized the need for action to reverse the worsening inflationary trend, and has taken several steps in an effort to bring prices down. Many Members of Congress do not agree with all of the decisions made, feeling that certain actions—or lack of actions, in some cases—have increased inflationary pressures rather than reduced them.

I was not surprised, therefore, to note that Life magazine in its August 15 issue devoted several pages to the twin problems of inflation and taxes in an article entitled: "The New Math of Inflation."

The conclusions drawn about the effects of inflation on "disposable dollars" using 1959 as a base year, however, were rather startling. In fact, the conclusions seemed rather far afield from those of other studies.

For this reason, I requested the Library of Congress Legislative Reference Service to have its Economics Division conduct a study of the article and provide me with a report on its findings.

The study shows that Life magazine has indeed discovered a "New Math of Inflation," and has applied it in such a way that the recognized degree of inflation from 1959 to 1969 has grown from 25.7 percent to more than 35 percent. In other words, on something as basic as determining the inflation rate, Life has erred by more than one-third.

While Life admitted the formula it used in preparing charts computing real gain in income was wrong, it did so in hushed tones and small type. The magazine printed a letter to the editor from Fabien Linden, manager of the Consumer Economics Department of the National Industrial Conference Board, pointing out the boner, together with a revised chart in accord with the correct formula.

Considerable damage was done, however, through flamboyant display of totally incorrect statistics which cannot help but shake the confidence of Americans in the ability of governments at all levels and the entire economic system which has made the United States the most prosperous Nation in the world.

Hoping to offset some of the mischief created by this giant of the publishing field, I am inserting in full the report prepared at my request by Mr. George K. Brite, economist in industrial organization and corporation finance of the Library of Congress:

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., September 8, 1969.

The following information is furnished in reply to your request for an examination of the data presented in Life Magazine article of August 15, 1969, entitled: "The New Math of Inflation".

Attached as enclosure 1 is a copy of the cited article. The article states that inflation for the last ten years has amounted to 26 percent. The degree of inflation is commonly determined by relating the change in the Bureau of Labor Statistics Consumer Index for a given period. The consumer price index is based on the average prices for the three years, 1957 through 1959, as representing 100. The consumer price index average for the year 1959 was 101.5. The consumer price index for the month of June 1969, the latest available at the time this article was published, was 127.6. By dividing 101.5 (the average index for 1959) into 127.6 (the index for the month of June 1969) the index for percentage change is 125.7. Thus the degree of inflation for the period is 25.7 percent and rounded to the nearest full percentage point it becomes 26 percent.

In the specific example of comparing the family with $10,000 gross income in 1959 and assuming the family's gross income has increased by 50 percent to a level of $15,000 in 1969, apparently the writer of the article used the following mathematical approach for the calculation:

Gross income	$15,000
Less total taxes	3,135
Disposable income (1969 dollars)	11,865
Inflation ($11,865 multiplied by 26 percent or 0.26)	3,085
Equivalent 1959 income (74 percent of $11,865)	8,780

This computation overstates the actual effects of inflation and understates the disposable income in 1959 dollars because the 26 index points are subtracted from the base of 100 thereby rendering an inflationary factor in excess of 35 percent rather than the actual inflation factor of 26 percent. The correct mathematical approach for this computation would be:

Gross income	$15,000
Less total taxes	3,135
Disposable income (1969 dollars)	11,865
Disposable income 1959 dollars ($11,865 divided by index of 126—26 percent increase over base of 100) amounts to	9,417
Inflation	2,448

Thus the increase in disposable income in 1959 price levels should be $1,212 instead of the $575 as indicated in the Life article. There are not sufficient details provided in the article to make any calculations for other income levels cited; however, it seems reasonable to assume that the same erroneous mathematical approach was employed and thus the stated results are substantially incorrect.

Attached as enclosure 2 is a tabulation from the August 1969 issue of Economic Indicators which show that from 1959 to the second quarter of 1969 the per capita disposable (after taxes) personal income increased from $1,905 to $3,065 or an increase of 61 percent over the 10-year period and even after adjustments for inflation the increase amounted to 33 percent for the period. The unemployment rate is lower now than it was in 1959. This would account for some of the increase in per capita personal income because the lower the number of persons earning no income then the higher is the average income for the entire population.

Other enclosures are attached which show the general rise in personal income.

The last sentence of the article reads:

"For those many families on fixed incomes the result has been disastrous: a 'middle-class' family with an income of $6,000 in 1959 had $5,215 left after taxes. With the same income today, its real (1959 dollar) disposable income is $3,890—only $555 above the government's definition of poverty."

While no details are provided as to how the writer calculated the above data, it is presumed that the same incorrect mathematical approach was used for this computation as in the other example examined above, thereby understating the 1959 dollar equivalents. Furthermore, this statement has a second inconsistency inasmuch as the comparison is made between 1959 dollars and the government's definition of poverty level. The government's definition of the poverty level being $3,335 (implied in this comparison) was based on 1966 price levels. Thus the statement ignores the difference in purchasing power of 1959 and 1966 dollars.

The article does not present any of the bases or assumptions upon which the taxes have been calculated other than a family of four. However, the amounts allocated to taxes in the example shown appear to be reasonable. Even with the 10 percent tax surcharge now in effect on Federal individual income taxes the tax rate schedule today is lower than it was in 1959 because of the tax reduction act of 1964. However, the average current income of the public has increased substantially since 1959 because of economic growth and also because of inflation; this increase in income levels has resulted in individuals being subject to higher tax rates because of the graduated tax schedule. Many excise taxes that were in effect in 1959 have now been terminated though most of these taxes did not represent significant sums. But the amount of taxes the public is paying in the form of social security taxes has increased significantly since 1959.

The rate has been raised as well as the base salary level upon which the tax is levied, and also there has been added the percentage rate to cover the costs of the medicare program which has been enacted since 1959.

The level of State and local taxes has been rising substantially over the entire period since the end of World War II.

MY DAYS IN VIETNAM

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. YATRON. Mr. Speaker, an interesting account of a serviceman's experiences has been published recently in a book entitled "My Days in Vietnam."

It is the diary of a soldier from my district from the time he left the United States to the day he was killed in action in Vietnam.

The boy, Michael Anthony Mangiolardo, was born in Reading, Pa., on July 4, 1946. He was the son of Mr. and Mrs. Charles Mangiolardo. After his death his parents received the Purple Heart Medal and the Bronze Star of Valor which were awarded to their son posthumously.

I have read the interesting and well-written diary and hope my colleagues in the Congress will have the opportunity to read it. The book, "My Days in Vietnam," is published by the Vantage Press, 120 W. 21st Street, New York, N.Y. 10001.

SOYBEANS AND THE COMMON MARKET

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. FINDLEY. Mr. Speaker, recently the delegates to the North Atlantic Assembly convened in Brussels to begin a tour of certain NATO military installations. Prior to commencing our journey, I had the opportunity to talk with several Common Market officials concerning agricultural policies. The following statement, which I issued at that time, summarizes my view of this important subject:

SOYBEANS AND THE COMMON MARKET

From here in Brussels, it appears that the most immediate threat of war is an economic one between the European common market and the United States. The primary purpose of my mission in Europe is as a member of the North Atlantic Assembly Inspection Tour of NATO military bases; my primary anxiety is over the darkening clouds of economic conflict.

As a member of Congress from Illinois—the nation's leading soybean producing state and the state which in total exports more products to world markets than any other—I find myself in a position where nothing but absolute candor will suffice.

The European Economic Community's proposed internal consumption tax of $60 per metric ton on vegetable and marine oils and $30 per ton on oil cakes would have disastrous effects on U.S. exports of soybeans to Western Europe, which today takes half of all of our soybean exports. I would like to underscore the observation made by Assistant Secretary of Agriculture Clarence Palmby that such a proposal places the EEC and the U.S. on a "collision course." This type of protectionism can undo more than twenty years of laborious efforts to move toward freer trade for the benefit of all mankind.

In a number of European common market countries, food accounts for more than twice the percentage of spendable income as in the United States. This fact alone should point the direction toward policies which can raise the standard of living in the Common Market—and increase prosperity there and among all the Community's trading partners. Tariffs and taxes on imported agricultural products can only lead to higher food prices in the common market countries, loss of markets to those who supply those commodities, and the threat of retaliatory trade practices.

The internal tax proposal has been presented to the EEC Council of Ministers by the EEC Commission. So far, I understand it has not been approved by the Council for ratification by the six governments. Thus, there is still time for constructive action to be taken. The countries of the EEC should recognize their common interest with other countries of the world in providing for—not restricting—the opportunity for expanded trade.

We have many trade problems in the United States, and the next several months may be looked upon as among the most critical in the future course of trade in the United States and throughout the world. Soon President Nixon will send his trade message and recommended legislation to Congress. Among his proposals may well be a commitment to press for the repeal of the American Selling Price, a customs valuation policy which permits especially high tariffs on imported benzenoid chemicals, rubber footwear, canned clams, and knit gloves. Some leaders of trade in the United States believe that the American Selling Price caused the EEC to erect its own "variable levy," which the Common Market uses against many U.S. agricultural products. Each of these restrictive practices makes it possible to price any of these items out of U.S. and European markets.

Most farm leaders in the United States support the repeal of the American Selling Price, and I am confident they will be working hard again to enact final passage of this legislation.

However, recent meetings on trade expansion demonstrate to me that it is not solely the agricultural community in the United States, nor is it likely to be one segment of the economy in the Common Market, that will be able to determine future trade policy. The most effective course appears to be for all those who favor the expansion of trade to join together and find new ways to accomplish their objectives. In some instances, this might mean automobile manufacturers talking to farm leaders. On other occasions, it might mean farm leaders cultivating allies in the electronics industry, or labor leaders in those industries benefiting by exports supporting and being supported by soybean producers.

My point is that new alliances are needed; alliances which will promote trade expansion. Presently, the primary areas of cooperation seem to exist amongst those segments of our respective economies which would benefit from restrictive trade practices. Without forward-looking alliances of trade expansionists to act as a counterbalance, trade protectionists may lead us back to the grim era of Smoot-Hawley tariffs.

In the United States, I am proud to say that soybean producers are among those seeking allies from all segments of our society to develop new positions of strength so that trade will grow and with it prosperity and the hope of a more peaceful world. I am hopeful that action by the European Economic Community will not discourage this progressive attitude.

THE COST OF LIVING

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. TIERNAN. Mr. Speaker, we must soon begin to master some control over our environment before we have nothing left to control. The despoliation of the world around us is a constant source of worry to me. I shudder to think of what might be 10 years from now if we do not begin to take appropriate steps now.

There have recently appeared several fine newspaper articles which have dealt

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with the problems of the environment. I urge my colleagues' attention to these excellent accounts of the several problem areas that have gone unattended for so long:

THE COST OF LIVING

(By Alan L. Otten)

WASHINGTON.—Like hemlines and hair styles, the fashion in political issues keeps constantly changing.

A while back, everyone was talking about housing and urban renewal. Then the spotlight shifted to "human resources"—job training and health and welfare. Consumer protection had its run: Auto safety, food inspection, the truth-in bills. Now our environment is the hot topic.

Probably it's highly beneficial to focus the attention of the nation intently on a special subject. There is, though, a major danger: Immersion in a particular issue or group of issues can create a superficial familiarity that breeds oversimplified answers. An attitude develops that if only a few bad men or greedy corporations were brought into line, all would be well. And there's the even more treacherous corollary that the price of setting the situation straight is quite minor and manageable—a tricky tendency to obscure the real costs and just who, ultimately, would probably pay them.

The current environmental vogue is all-pervasive. Every paper, magazine, television network features some aspect of an "environmental crisis." Daily stories ring the alarm over respiratory diseases and eye irritations from polluted air, the hazards of foul-smelling streams and mountains of garbage, the time and money lost due to congested streets, the perils of pesticides, the physical and nervous strain from ear-splitting noise levels. They dramatize citizen fights against a jetport in the Everglades, atomic tests in the Rockies, power projects in mountain streams, oil drilling off the coasts.

Politicians eagerly enlist in the crusade—perhaps out of conviction, perhaps because they sense votes. The President creates an Environmental Quality Council, a Cabinet-level group to "coordinate Government action against environmental decay at all levels." The Senate passes a proposed "National Environmental Policy Act," spelling out grandiose goals for Washington to "encourage productive and enjoyable harmony between man and his environment," and setting up a Board of Environmental Quality Advisers to counsel the President on achieving these goals.

Today's concern about environment is easy to explain, of course. Buses and trucks, factory smokestacks, jet planes, gas storage depots all belch forth pollution—and we not only see it but our eyes and lungs feel it. Walk or drive along a river and the sight and smell of pollution, from factories and garbage-dumping and other causes, is palpable enough to turn the stomach. Bumper-to-bumper traffic clogs our way into and out of town; city and suburb sprawl over our recreation areas. Newer industrial plants and offices become architecturally more appealing, but new eyesores obscure them: Auto junk yards, garish shopping center signs, box-like housing developments, unsightly utility lines.

At the same time, as outreaching cities gobble up the countryside, many Americans become more possessive about the outdoor spaces still left. Even to confirmed city-dwellers it seems vital to fight off despoilment of a single square yard of precious green space—to preserve national parks and scenic rivers and rolling landscapes along the highways—and to create new green islands in and near the city itself.

Just because all this is so much part of everyday life, though—something we all see and hear and breathe every day—solutions may appear a good bit simpler than perhaps they are. Examples: If buses and trucks and jets and smokestacks pour hydrocarbons and sulphur and nitrogen oxides into the air, merely make them use cleaner fuel or install better exhaust devices. If factories foul our streams, require waste treatment apparatus. If utility lines are unsightly, put them underground. If jackhammers and combustion engines build the noise level too high, force them to muffle down to an acceptable level. If a jetport would be too close to town, or if a new power plant would despoil the scenery, put it somewhere else.

Technologically, most of these solutions are attainable with relative ease. Industry has the know-how to produce more efficient devices to control air and water pollution, to bury utility lines, to make the best of less-favorable plant sites. It may take a little time, but it can be done. The problem that tends to be obscured or oversimplified in the environmental debates is the matter of cost—whether the public, the minority actively fighting for a better environment and the majority who don't care much one way or the other, is willing to foot the bill.

For it *does* cost to carry on ambitious research into major pollution problems. It *does* cost to use cleaner coal, or to add better exhaust systems to cars and trucks, or install waste treatment or noise abatement devices, or put utility lines underground. Land may be cheaper for a jetport farther from the city, but the traveler will pay in time and money going between airport and town. A power plant in a less efficient location may save a scenic spot elsewhere, but it will also produce more expensive electricity.

The prospect of having to absorb some of this extra cost is one reason so many companies fight so hard against anti-pollution and similar legislation and are often slow to take advantage of technological breakthroughs. But most of the cost will be borne by the public—either in higher taxes to sustain expensive Government programs, or in higher prices as industry passes along most of its extra outlays.

And there's the rub. Is the nation really willing to pay what's needed to get cleaner air and water, less noise, more beautiful landscapes, more parks and open spaces? Both the Johnson and Nixon Administrations, for example, actually budgeted less than one-fourth the $1 billion already authorized for Federal grants to build local waste treatment plants last year and this year; state and city officials are predictably perturbed, but there's been no outcry from the citizenry at large.

Almost surely, a good part of the public, if it knew all the facts, would settle for dirtier air or less beautiful scenery or whatever, rather than pay higher taxes or higher prices. Even the knights who lead the environmental crusade rarely volunteer their readiness to pay higher electric or gas bills, steeper air fares, higher auto prices.

Maybe even, when the full costs were known, environmental issues might become just a shade less fashionable. One has to hope not, but they just barely might.

CONSERVATION LAWYERS DEFEND "QUALITY OF LIVING"

(By Gladwin Hill)

WARRENTON, Va., September 12.—Do people have a constitutional right to freedom from air pollution and other environmental hazards and annoyances?

This and other legal defenses against the increasing number of assaults on "the quality of living" were explored by 75 of the nation's leading conservation lawyers at an unusual meeting in Warrenton this week.

For two days, lawyers concerned with the new field of "environmental law" discussed their special problems, and possible strategic responses, in a closed-door conference designed not for public consumption but, rather, as orientation for themselves.

The principal conclusion of the lawyers was that some radical changes in the traditional patterns of jurisprudence are necessary to accommodate growing public dissatisfaction with the deteriorating environment.

The meeting, with only invited participants, was sponsored by the Conservation Foundation—a Washington-based organization financed by the Ford Foundation and other donors—and the Conservation and Research Foundation of New London, Conn.

NADER IN ATTENDANCE

The participants included Ralph Nader, the consumer advocate; Victor J. Yannacone Jr., who has been in the forefront of a nationwide campaign against persistent pesticides; lawyers for prominent conservation organizations; faculty members of leading law schools, and scientists.

Until the last few years, they noted, mass public complaints against environmental conditions have had a hard time in the courts, because the law was geared to the old concept of offenses by one individual against another, the tradition that governmental discussion was unchallengeable, and a presumption that public inconvenience was acceptable in the cause of private enterprise.

A landmark in a new direction was New York's Storm King, Mountain case, involving a proposed power plant on the Hudson River. The United States Court of Appeals for the Second Circuit ruled in 1965 not only that conservationists had a right to challenge a Federal Power Commission permit granted for the plant, but also that the commission had erred in not considering the environmental impact of the plant.

Since then, environmental suits have proliferated. But the conservation lawyers agreed, they still face a formidable array of problems, including the following:

In general, the burden of proof is still on plaintiffs that a glue factory is obnoxious or that a beautiful valley should be preserved rather than flooded for power generation.

Expert witnesses are hard to get. In the Santa Barbara, Calif., oil slick case, it was noted, corporations and other opposing interests pre-empted the talent.

Environment cases usually develop only after the damage is done or when it is imminent; characteristically, the initiative is on the other side.

While many government administrative agencies are now under formal orders to take into consideration the environment and ecological consequences of their actions, there is still some question about the extent to which such orders are enforceable by the courts.

Money Depositions, trial transcripts, expert-witness fees and other unavoidable expenses—along with standard lawyers' fees—put the cost of a full dress suit beyond the resources of most conservation groups.

"I think that capitalism and conservation are essentially incompatible," said William M. Bennett, a former California public utilities commissioner, who has been leading a drive against large pipeline interests. "Corporate management's prime responsibility legally is to make money for stockholders, and the management can be challenged on any 'nonproductive' expenditure, such as for pollution controls."

Mr. Nader, whose Center for the Study of Responsive Law in Washington is extending his attacks on automotive hazards to other consumer and governmental fields, questioned whether the prevailing American system was capitalism.

"I think it's more corporate Socialism," he said.

Mr. Yannacone chided his colleagues for being naive in trying to fit conservation action into traditional legal patterns.

"It's about time the legal profession got some ecological sophistication," he said. "We have to invert causes of action. We have to find new legal rules to overcome traditional government secrecy. Administrative agencies are the abortive offspring of modern legislation.

"Every bit of progressive social legislation of the last 50 years has come about only after litigation," he continued. "It's the highest use of the courtroom—even when we lose—to focus public attention and disseminate information about intolerable conditions."

There was a discussion about establishing a nationwide conservation legal organization, patterned after the American Civil Liberties Union, with a national center coordinating regional branches where talent could be systematically mustered on a semivolunteer basis.

Sidney Howe, president of the Conservation Foundation, was selected as chairman of an ad hoc committee to proceed with this and other suggestions for group action.

The conferees agreed that the following methods of legal strategy would be pursued in conservation causes.

The fundamental concept of suing to abate a "nuisance."

The mass-action suit.

Another line of action is based on the doctrine that much, if not all, land and other resources are essentially held in trust by government and the delegated representatives, to be used for the public good. Therefore, they are legally protected from transitory and arbitrary abuses of their pristine condition.

In addition, the conferees agreed, there is the concept that several sections of the Constitution—particularly the Ninth Amendment, reserving to the people all powers not explicitly given to the Government—guarantee the people protection from the mounting number of encroachments on their privacy, peace and pursuit of happiness.

Noise Pollution: And One Expert Says It Could Become Lethal

(By David Taylor)

Man, whose expertise in the field of defiling the environment seems to reach new heights each day, is presently distinguishing himself by an ever increasing capacity to make noise.

Simply defined, noise is "unwanted sound" and there is so much of it around today that many scientists and doctors believe that it not only threatens our capacity to hear but can affect us in a variety of other physiological, psychological and emotional ways.

One pessimistic acoustical physicist, who has served as consultant for the construction and design of some 500 auditoriums, believes that noise, like smog, is a slow agent of death.

"If it continues to increase for the next 30 years as it has for the past 30, it could become lethal," says Vern O. Knudsen, former chancellor of U.C.L.A.

TROUBLE CONTROLLING NOISE

Although few experts subscribe to Knudsen's extreme view, most realize—unlike a large portion of the public—that noise as another negative by-product of the man-made industrial and high density urban society is more than a mere nuisance.

And while these experts argue whether the term "noise pollution" is a misnomer or not, they are in full agreement that man is having as much trouble controlling the levels of noise in the environment as he is reducing the huge quantities of filth and waste he pumps into the air and waterways.

Noise related problems are not new. The first side effects of noise on humans was recorded in 1831 when Fosbroke of England reported hearing loss in blacksmiths. Some 30 years later E. H. Weber recorded the first hearing loss in boilermakers and railroad men.

But today, while industry is still the number one cause of noise-related hearing loss, there are a seemingly infinite number of sources which add to the general urban din.

In fact, it was noisy enough in Boston in 1931 for Mayor Curley to set up the Boston Noise Commission which discovered through a questionnaire that residents of the city were most irritated by automobile traffic noise.

With Detroit producing more and more cars each year since 1931, this type of noise has increased dramatically as has air traffic noise, construction and demolition noise, garbage collection noise and countless other noise sources.

According to the American Medical Association, there have been recent reports that overall loudness of environment noise is doubling every ten years.

HOME NOISE DOUBLES OVER DECADES

Even the home—the legendary citadel of peace and quiet—has proven susceptible to noise. The A.M.A. has cited further reports that the noise level in the average American home has more than doubled in the past four decades.

The average suburban home sports as many as 20 motorized utilities which whirr and buzz in the name of progress, and, according to the Massachusetts Audubon Society, noisy power lawn mowers generate levels of loudness formerly found only in boiler factories.

Dr. Leo L. Beranek of the Cambridge firm of Bolt, Beranek and Newman, one of the leading acoustical research oufits in the country, believes that with the increasing population and proliferation of machines, noise will invade the few remaining "havens of silence in the world." "A century from now, when a man wants to escape to a quiet spot, there may be no place to go."

Scientists measure the loudness or intensity of a sound in decibels. The lowest audible sound is defined as one decibel and louder sounds are measured on a logarithmic scale according to the intensity with which the sound assaults the ear.

The actual sound pressure on the ear increases 10 times with each 10 decibel (db) increase. Therefore a 20 db sound is ten times as loud as one of 10, and 80 is a million times louder than 20.

As the low end of the scale, rustling leaves in a quiet environment would be close to the one db figure, or the threshold of audibility. A whisper produces 30 db while ordinary conversation registers at about 60.

The clatter of garbage collection, the roar of traffic, the whoosh of a vacuum cleaner, a barking German Shepherd, and a whirring food blender all register in the 80s.

At this stage, not only does it become impossible to use the telephone, but doctors start to worry about the health and well being of those exposed to these decibel levels for long periods of time.

Above this, 98 db are emitted by a farm tractor, 95 by a screeching subway, 100 by a power lawn mower, 110 by both a riveting gun and a reving motorcycle.

A siren can reach 120 db, the point at which it actually becomes painful to the ear, and a jet plane taking off registers somewhere in the vicinity of 140.

SAFE WORKING LEVELS

The Massachusetts Eye and Ear Infirmary says that hearing conservation measures should be taken when exposure is habitual to a continuous noise of 85 db for a working day of five hours or more or else permanent damage to hearing can result.

At higher levels, the safety margin drops off rapidly from the five hour figure. For a continuous noise of 90 db, the safety margin for non-protected ears is 120 minutes; for 95 db, the margin is 50 minutes; for 100, 25 minutes; for 110, 12 minutes; for 120, less than five minutes.

The intermittent thrust of a noise level over 125 db alone is hazardous, according to the Mass. Eye and Ear.

Industrial workers are still the most prone to these noise levels and thus more subject to noise-related hearing loss. But many experts believe that just living in a large urban area can deprive one of his capacity to hear well.

The Audubon Society reports that the mean average decibel level of city traffic at a Boston playground during recess was 78 db.

A 1967 study showed an increase ranging from 4 to 9 db since 1954 in average sound levels in residential areas while intrusive, obnoxious noises increased 16 db.

Inside the home, a typical kitchen with several appliances running at the same time can reach a decibel level of 90 or higher.

In contrast to this, studies have been made of extremely quiet environments which reflect a superior quality of hearing on the part of the inhabitants.

STUDY OF QUIET ENVIRONMENT

In 1960, Dr. Samuel Rosen, a New York otologist, conducted a study of the Mabaans, a Sudan tribe living in an extremely noise free environment. Rosen found that Mabaans in their 70s showed very little loss of hearing commonly associated with old age and could hear as well as most American teen-agers.

The significance of this revelation, however, can not be entirely tied to the low noise environment since other factors, such as a fat free diet, may affect the quality of hearing.

Commenting on Rosen's study, a staff physician at Mass. Eye and Ear said: "It proves that the Mabaan's chance for exposure to traumatic noise is small, and we must remember that we are all different and that the cochlea (a snail-like apparatus in the ear containing 24,000 delicate keyboards of hair cells which respond to sound) is effected differently depending on genes heredity factors, and even pregnancy."

"You can take 10 people and put them to work on jet motors and expose them to 120 db," he said. "At the end of four weeks, you might have four who experienced a degree of hearing loss, but that would be it. The others would be unaffected."

Dr. Collin Karmody of the Ear, Nose and Throat Department of the New England Medical Center said that Dr. Rosen's study on the Mabaans raised the possibility that a general noisy background might be causing deterioration of hearing that previously was thought to be normal and attributable to old age. But he said that other factors may be involved.

But neither disputed the theory that high decibel levels over certain periods of time can impair hearing.

DISAGREEMENT OVER NOISE EFFECTS

There is far greater disagreement about the other physiological and psychological effects of noise. Some have claimed that ulcers, hives and even high cholesterol can be traced to the decibel din.

And while no experiments on humans have been conducted, for obvious reasons, to test Dr. Knudsen's view that noise if left unchecked can prove to be lethal, the Audubon Society reports that a noise level of 160 db is lethal to mice and similar small animals.

"Lethal, is a little strong to describe or postulate on the possible effects of increased noise in the environment," says Dr. Hubert Gerstman, an audiologist at the New England Medical Center with a Ph.D. in speech and hearing.

"But on the other hand it's not sufficient to term noise as merely a nuisance or an irritation," he says. "Looking at the more drastic of the immediate effects, you do see people going pre-psychotic and this is an extremely serious problem."

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According to Dr. Rosen, the short term physiological effects of a loud noise cause a "chronic noise syndrome. The pupils dilate, skin pales, mucous membranes dry, there are intestinal spasms and the adrenals explode secretions, the heart beats rapidly, the blood vessels constrict. The biological organism, in a word, is disturbed."

Dr. John Anthony Parr, an expert from Great Britain, says that this type of internal upheaval if repeated again and again is "exhausting physically and mentally and ultimately can cause a nervous breakdown and then it is but a step to contracting one of the stress diseases."

STEPS TAKEN TO CONTROL SOUND

Dr. Beranek expresses a somewhat more conservative view: "The noises of daily life have been blamed for increases in the divorce rate, social conflict, indigestion, inability to perform tasks with the limbs or eyes, nervous breakdowns, high blood pressure, heart failure, and even insanity."

"Most of these allegations are the products of vivid imaginations. Of course, one cannot rule out the possibility that a few people are particularly sensitive to noise.

"But controlled social observations have indicated that the most important biological effects of loud noises are: hearing impairment, interference with speech communication, interference by distraction with mental or skill work, interference with sleep and a feeling of general annoyance."

The annoyance factor of noise is very difficult to measure since a man who falls asleep inside a jet liner with a noise level of 70 decibels or so may be kept awake in his own bedroom by the incessant hum of a mosquito.

However, successive surveys conducted in Europe showed that the percentage of people disturbed by noise increased from 23 percent in 1948 to 50 percent in 1961.

Dr. Charles W. Dietrich, who works with Dr. Beranek at Bolt, Beranek and Newman, believes that annoying noise is harmful in that it can distract one from his job by disturbing speech communications and concentration.

Furthermore, a loss of sleep due to noise causes fatigue and cuts down on one's efficiency. Some doctors say that when sleep is disturbed, thus not permitting normal dreaming, a person may develop psychoses, hallucinations, suicidal and homicidal impulses and nightmarish memories.

Only in the past few years has the Federal government recognized noise as a legitimate problem and taken the first steps toward controlling it.

The first Federal attempt to legislate acceptable noise levels was the Walsh-Healey Act, passed in the closing days of the Johnson administration. This established a maximum of 90 db as a standard for all contractors doing business with the government.

Last year Congress passed a bill requiring the Federal Aviation Administration to establish and enforce regulations to control aircraft noise.

In accordance with this bill, the FAA will release restriction standards in September for all new planes and is presently researching methods to muffle the roar of jets now in service.

The Nixon administration has taken an initial step towards noise abatement by giving a half million dollar contract to an Arlington, Va., firm to study noise and its cures.

"Transportation noise is a form of environmental deterioration of major concern to this administration," said Secretary of Transportation John A. Volpe on that occasion.

Volpe also awarded a $50,000 contract to a Delaware firm to study the feasibility of using auxiliary launch systems to lessen aircraft noise in the vicinity of airports.

And even consumer advocate Ralph Nader has gotten into the act by urging rock-and-roll noise level restrictions and ear protection for musicians and dance hall workers. Nader said he had measured decibel levels as high as 138 in discotheques around the country.

Despite these first few steps, the United States is still far behind other countries in setting up noise abatement procedures. The Swiss Federal Anti-Noise Commission, for example, has established maximum day and night time decibel levels for various types of areas and these have been adopted by the courts.

But our technological proficiency, which experts say could easily be redirected towards solving the noise problem, at the moment is headed in the opposite direction.

The obvious example of this is the supersonic transport (SST) which, if developed, would make the seldomly heard but tremendously startling sonic boom on everyday experience.

William Shurcliff, a Harvard researchist who is director of Citizen's League Against the Sonic Boom, says that the sonic boom carpet will be 50 to 80 miles wide and will follow the plane the entire length of the flight except for 100 miles after takeoff and before landing.

For a typical overland SST flight, such as from New York to Los Angeles, 10 to 20 million people would normally be within the carpet.

Shurcliff says that statistical evaluations of paid out compensations for structural damage during various boom tests indicate that extensive SST operation over the United States would result in boom damage payments of about $3 million per day.

But technology is not the only culprit. People in general associate noise with certain standards of power, effectiveness and quality and thereby encourage the production of needlessly noisy items.

SOME PEOPLE "WANT" NOISE

A silent vacuum cleaner which is technically feasible will not sell with the housewives who demand a reassuring "whoosh" from their cleaners.

In a similar vein, truck drivers often remove mufflers because they believe that they are not getting sufficient power from their engines, an idea that is more psychological than factual.

Detroit works long and hard to make sure car doors close with a solid "clunk" which is one of the first things a cagy car buyer looks for.

And young people not only like their music at full volume but have found that impaired hearing isn't always such a set back, especially when it comes time for a draft physical.

The list is infinite and the problem is a growing one. But what few people realize is that noise, like smog and waste, is deteriorating the environment, a fact that makes noise everyone's problem, not just those who live near airports and freeways.

William H. Stewart, who resigned as Surgeon General at the beginning of August, has compared present attitudes concerning noise as a health hazard with attitudes toward air pollution in 1958.

"Then there were a number of voices saying in effect: 'Air pollution problems'? what air pollution problem? I don't smell anything.' Today there are apologists for some of our noisier phenomena in our society saying: I don't hear anything."

A POEM WRITTEN BY PFC. GARY EVANS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. CARTER. Mr. Speaker, I have opposed the war in Vietnam while at the same time I have voted for all measures which would support our young men there. It remains inevitable, however, that all of us will continue to be touched by the cold realities of casualty lists.

On September 3, Pfc. Gary Lee Evans of Pebworth, Ky., was killed in Vietnam. Shortly before Private Evans departed from the United States to commence his tour of duty in Vietnam, he wrote a poem expressing his views on the social upheavals existing in our society and the effects they have on young men like himself who are entering the scene of battle for the first time.

I submit a copy of that poem in the memory of Private Evans and for the reading of my fellow colleagues:

A Letter to "Peace Boys" and Draft Card Burners

Take a man, then put him alone;
Set him 12,000 miles from home;
Make his heart of all but blood;
Make him live in sweat and mud;
And why my soul to those devils give;
You "Peace Boys" rant from your chairs;
But you don't know what it's like over there.

You have a ball without never trying;
While over here boys are dying;
You burn your draft cards, march at dawn;
Plant your signs on the White House lawn;
You call you want to ban the bomb;
There is no war in Viet Nam;
You use drugs to have your fun;
And then refuse to lift a gun.

I'll hate you till the day I die;
You made me hear my buddy cry;
I saw his arm, a bloody shred;
I heard them say, "This one is dead!"

It's quite a price he had to pay;
Not to live another day;
He had the guts to fight and die;
He paid the price he had to pay;
Not to live another day.

He had the guts to fight and die, he paid the price,
But what'd he buy?
He bought your life by losing his . . .
But who gives a damn what a soldier gives?

JEWISH NEW YEAR A TIME OF JOY BUT SADNESS IN THE SOVIET UNION

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. TAFT. Mr. Speaker, this past Saturday marked the beginning of the new Jewish year.

Throughout the world, Jews celebrated Rosh Hashana with traditional services. It was a time of joy and a time of hope.

In Moscow, however, only 2,000 Jews out of a population estimated to be over 500,000 participated in the holy services.

Crowded into the Central Synagogue, the worshipers again faced a severe shortage of prayer books.

As I reported in 1967, following a Foreign Affairs study mission to Moscow, the oppressive attitude of the Soviet Government is taking its toll. The age of most of the congregation attending this year's services was over 45, and Soviet disfavor, as we said in 1967, limits attendance at services almost entirely to those elderly.

It is a tragic fact that while attempting to give the impression of religious freedom, the Soviet Government appears to be aiming at complete elimination of those freedoms.

The following article, from the September 15, 1969, Cincinnati Enquirer and the New York Times, gives an interesting picture of the Jewish New Year in Moscow. It is a story of brave men and women who are willing to risk persecution to practice their religion. I admire their courage.

Mr. Speaker, I include this article as a part of the Record:

Jewish New Year a Time of Joy but Sadness in the Soviet Union

Moscow.—More than 2,000 Jews were crowded into every corner of Moscow's central synagogue Sunday for the concluding Rosh Hashanah services marking the start of the Jewish new year.

Another 500 overflowed onto the steps and street that run past the white-columned buildings on Arkipov Street in one of Moscow's oldest downtown neighborhoods.

The fine weather and the fact that the holiday fell this year on a weekend brought large, spirited crowds to the services that began Friday night.

Inside the synagogue the male worshipers, mostly in the over-45 generation, chanted and swayed to the traditional orthodox Jewish prayers. From time to time they left their seats to pass a few minutes gossiping in Yiddish or Russian.

The women were shunted to the balcony and many an older grandmother was seen dabbing the tears from her eyes during some of the mournful-sounding prayers.

A special room off of the main hall was set aside for Sephardic Jews from Tashkent in central Asia who had their own service, their oriental features contrasting with the European visages of the Moscovites.

The synagogue was freshly painted and looked better than it had for years. But prayer books were still in short supply and only about three out of five worshipers seemed to have them. Some were of ancient Russian origin, others were printed in Vienna and had German translation of the Hebrew, some were from Israel or the United States.

Several worshipers had new prayer shawls and the ark in which the Torahs are kept was covered with a silk curtain given as a gift from the U.S. Rabbi Yahuda Leib Levin, the 75-year-old chief rabbi, was in charge of the worshiping, his white, flowing beard giving him added reverence in the eyes of his congregation.

The synagogue's regular cantor was sick so a substitute who usually handled only the Sabbath prayers was pressed into service.

The central synagogue is one of two in Moscow—the other is a small one that lacks a rabbi—that serve Moscow's population of about 500,000 Jews. A small group of Americans who had come for the services were surrounded often by local Jews on the street outside. They asked how Jews fared in the U.S.

"How many synagogues do you have in New York?" a grandmother asked.

"I don't know exactly," the American answered. "But I'd estimate at least 500."

"How many did he say?" someone asked. "Five?"

"He said 500," several said in correction.

A man wearing a chauffeur's cap asked: "Rockefeller, is he a Jew?"

When told he was not, the Soviet Jew shrugged and said "I heard he was. What about Roosevelt?"

Everyone wanted to know if American Jews spoke Yiddish and if they could read Hebrew. Were Jews in U.S. Government and how many Jewish astronauts are there and do Jews marry late in the U.S. and do they marry non-Jews.

"What about Israel?" a young man asked. "Will she survive?"

Waiting outside for the shofar to sound, an American tourist asked a stout man how many bar mitzvahs there are each year in the synagogue.

"Very few. Maybe one a year at the most," he said.

"There are none," his wife interjected firmly.

"The young boys have no Hebrew school. They have no interest in learning about being Jews until they're about 20 or 30," the husband said.

A dark-haired biologist who spoke English said she was an atheist but came to the synagogue often with her friends simply to meet other young Jews.

"It's our club," she said, pointing to the synagogue. "We have nothing else. I would like to get a Jewish husband, but so far no luck."

DEMANDS DISCIPLINE

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. DENNEY. Mr. Speaker, the numerous disturbances and violence on our college campuses have prompted new analyses of our higher education system. Quite obviously we are disturbed by students whose conviction is anarchy, and whose methodology is dislocation. But we are likewise concerned about shortcomings in our institutions of higher education, and are eager to make education relevant to the demands of our fast-changing society.

Some college and university administrators would placate those students unwilling to live within the rules of the institution, and in doing so only sow the seeds of further agitation; others would punish students who might have legitimate grievances without effort toward needed reform.

Between these extremes are college and university presidents who are taking a wiser middle course: listening and changing when student suggestions are worthy, yet firmly dispelling the notion that anarchy and dislocation are a part of university life.

One of these forward-looking educators is Dr. Vance D. Rogers of Nebraska Wesleyan University in Lincoln, Nebr. Realizing that many students are sincerely interested in the kind of education they are receiving, his door is always open to them for frank discussions of learning at NWU. But he has communicated the demands for discipline in no uncertain terms to those who would foment unrest rather than build a better university.

Dr. Rogers said the following to students and parents at the beginning of this school year:

> Nebraska Wesleyan will guarantee freedom of inquiry and will embrace intellectual controversy. But if any students are here to start a riot, you may as well go home today. We will not tolerate the burning of buildings or taking over of offices . . .
>
> You need to begin right now to study and discipline yourself. College is an expensive, serious and important undertaking and the individual must produce to succeed.

Mr. Speaker, such an attitude is needed by more of our leaders in education today.

A NECESSARY INSPIRATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. TEAGUE of Texas. Mr. Speaker, today, the day when our Apollo 11 astronauts, Neil A. Armstrong, Michael Collins, and Edwin E. Aldrin, Jr., appeared before the Congress is another milestone in the flight of Apollo 11. Just as these outstanding Americans distinguished themselves in the epic-making journey to the moon they have equally distinguished themselves on their return to earth. The Apollo 11 astronauts exemplify the exceptional in achievement not only of the United States but of the world in a new environment. As we honor these men today, they honor us by their presence. An excellent editorial in the Tuesday, July 22, issue of the Boston Herald Traveler does much to place in prospective the success of Apollo 11 and the Apollo program as a whole. This editorial, written during the flight of Apollo 11 expresses well the contributions being made by our manned space flight program to our Nation and to the world. As this editorial points out:

> Wise use of our resources should make possible sensible exploration of space without pushing aside society's needs. In fact, the kind of inspiration that the past few days have provided may be essential to give man the heart to do all that must be done.

The complete editorial follows:

The Odyssey of Apollo 11—A Necessary Inspiration

The wonder of the journey to the moon grows. Now the American astronauts have not only landed and walked on it, but departed from it flawlessly and rejoined the command module. The last lap of the incredible odyssey of Apollo 11 is beginning.

No one can rest completely easy until the men and the spacecraft are safely returned to earth. Yet even at this penultimate stage, it is tempting to total the successes of the mission.

The accomplishments have been so many. Most striking is the sense of triumph and exaltation that Apollo 11 has imparted not only to Americans but to men the world over. The mission has proved to be one of these rare events in history that lends grandeur to human existence.

There are a host of more practical scientific achievements, of course. Our nation's capability for space travel has been further tested, expanded and refined. Technology has been pushed forward, and the advances will be seen in many fields of earthly endeavor as well as in space ventures. Astronauts Armstrong and Aldrin have demonstrated that men can move and work in an alien environment without excessive difficulty.

Eyewitness accounts from the two men, together with television coverage and still photographs, will give scientist and laymen alike a greater and more accurate knowledge of the satellite that has circled the earth through time, tantalizingly near yet defying close scrutiny. And the seismic station they left behind, if it has not been damaged, should continue to inform man about the nature of the moon.

XUM

Most important of all, no doubt, are the samples from the surface which the astronauts are bringing home with them. If these samples reach earth intact and uncontaminated, men of science will be better able than ever before to inquire intelligently into the history of the moon, our own planet, and the solar system.

More significant than all of these scientific gains, we suspect, is the sense of confidence and might that the moon mission has given to mankind, and to the society of this land in particular. The psychological value is immeasurable, but probably will surpass that of any other event within the recollection of humanity.

It has been said often in the past few hours and days, but it bears repeating: more than any other exploit that human intelligence could conceive, a successful landing on the moon gives man an assurance that what he sets his mind on doing, he can do.

There are those, of course, who even as they share the wonder that all men feel today say that we have chosen to do the wrong thing. More than exploration or exploitation of new worlds, they contend, what we need is to make our earth more livable.

The debate over priorities in this country will by no means be ended because of the triumph of the mission. Some will argue for expanding our space program, building success on quick success, while others will advocate a pause or slowing in our journey to other worlds while we concentrate on unfinished business in our own.

Apollo 11's success may in fact assist in an intelligent and moral ordering of our priorities. We are not likely to back away now from the beckoning space frontier, but it does not necessarily follow that we will at the same time neglect earth the more.

Only in the last decade has man considered seriously the possibility of going to the moon, or of eliminating poverty and hunger, or of rebuilding cities. At the start of the decade, most Americans would have said landing on the moon was the goal least probable of attainment.

Yet the moon has indeed been reached, and with seeming ease. This does not mean that the wrong goal was chosen or the easiest, but that perhaps discouragement and despair about problems close at hand led man to underestimate his own capacity to solve them. Surely other goals, if approached with the same imagination and energy that has been devoted to space, would also yield to man.

Perhaps Apollo 11 will bring to our society the pride, optimism and awareness of prowess that will inspire a fresh and final assault upon the ills that long have diminished earthbound man. It is not required that a nation as great as ours must choose between moon and man, between frontier and fireside. Wise use of our resources should make possible sensible exploration of space without pushing aside society's needs. In fact, the kind of inspiration that the past few days have provided may be essential to give man the heart to do all that must be done.

DODGING SAFETY ISSUE

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. McCARTHY. Mr. Speaker, as a member of the Subcommittee on Roads of the House Public Works Committee and an opponent of attempts to allow larger trucks on our Nation's highways, I was shocked by Highway Administrator Francis C. Turner's qualified support of H.R. 11870, a bill that has been called "antisafety" legislation by the American Automobile Association. As proposed, the bill would permit raising the weight limits on single axles from 32,000 to 34,000 pounds and the overall weight limit from 73,280 to 108,500 pounds and permit widening trucks from 8 to 8½ feet. It would also set a length limit of 70 feet on the total length of any truck.

The most disturbing aspect of Mr. Turner's testimony was his admission that insufficient information prevented a diagnosis of the effect on safety that larger trucks have with respect to the motoring public. At the same time, Mr. Turner maintained that economics obviously support such legislation. I cannot help but sense a "public be damned" attitude in this statement. Can the administration actually be taking the position that as long as the proposed legislation is "dollar wise" then the safety of hundreds of thousands of innocent motorists is immaterial?

An editorial in the Buffalo Evening News of September 8, 1969, points out this glaring weakness in the administration's position. I am including it in the RECORD for the information of my colleagues:

DODGING SAFETY ISSUE

The compromise position of the Department of Transportation on the controversial issue of oversize trucks on the interstate highways looks all too much like an effort to appease the economic interests of the trucking lobby at the expense of safety considerations.

The economic benefits of relaxed size and weight limitations, says Federal Highway Administrator Francis C. Turner, "would outweigh the economic costs to the public in terms of wear and tear on the highway network . . ."

But even if this is so—and even if these assurances satisfied the public concern about the additional wear and tear on local connecting roads—the administration's posture is a dismally inadequate response to opposition arguments on the score of safety hazards to motorists.

Mr. Turner recommends that if Congress relaxes present restrictions, it delay the effective date pending the adoption of amended regulations to strengthen safety and road repair provisions.

While these certainly will be in order if bigger trucks get a green light, it is just begging the basic safety question to confess that transportation officialdom doesn't have enough "sufficiently reliable evidence" for a judgment.

If pinning down the validity of safety objections isn't their job, whose is it? Mr. Turner acknowledges that, while larger trucks are not involved more frequently in accidents, those mishaps that do occur more often result in fatalities. And as to the psychological impact of larger trucks on many motorists, it is doubtful, he says, "that many motorists could detect the incremental change in truck dimension or weight" permited by the bill.

Sorry, but that kind of double talk won't do. Motorists who have had behemoths cut in on them, or play tag down the middle of the Thruway or other federal interstate links, need no tape measures or scales to calculate their psychological sense of defenselessness against highway Queen Marys. Their fears should be warning enough before Congress subordinates compelling safety considerations to pressures for still bigger road giants on already crowded highways.

CERTIFICATE OF APPRECIATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. DINGELL. Mr. Speaker, we in Congress are conscious that we work hard and do our best; it is heartening to find someone outside of this body who thinks so too. Recently the National Association of Wholesalers bestowed a certificate of appreciation upon the Select Committee on Small Business of the House of Representatives, with kind words for the chairman, Representative JOE L. EVINS of Tennessee.

I think Congressman EVINS richly deserves praise for his direction of Small Business Committee affairs, and I think his industry and acumen have brought encouraging rewards. Under Chairman EVINS' wise guidance the committee is making a meaningful contribution to the work of this Congress and to the welfare of small business in this country.

The Biddle Survey, a publication of the Biddle Purchasing Co. of New York, on August 26, 1969, commented upon the Wholesalers' Award as follows:

"NEVER TOO BUSY"—A COMMITTEE OF THE HOUSE GETS A TRIBUTE FROM DISTRIBUTION TRADES LEADERS

Writing in his journal, around the middle of the 19th century, Henry Thoreau, the American naturalist, once observed that nobody ever erects a statue to a committee. He was a strong advocate of individuality, of action by personal initiative rather than by conference. Yet in our complex society, with its intricate political structures, businessmen have been pretty well forced to put increasing dependence on group action.

One active business group, the National Association of Wholesalers, has recently tossed a bouquet into the lap of a committee: The Select Committee on Small Business of the House of Representatives. This committee is headed by Rep. Joe L. Evins of Tennessee.

The association gave it a Certificate of Appreciation for "distinguished service to the wholesale distribution industry." It ctied the fact that the records of hearings held by this Committee on Small Business "are often used by the Executive Departments and regulatory agencies as the starting point for *corrective or remedial* action." The NAW added that without such a forum as the House committee, there would have developed no remedy.

The wholesalers said that despite the committee's heavy schedule, it was "never too busy to give us its valuable attention." Congress and many of its committees are frequently in the line of flying brickbats; it is reassuring to learn of this recognition of group action for business which fulfills a purpose.

OKLAHOMAN IS NEW NATIONAL COMMANDER OF THE AMERICAN LEGION

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. EDMONDSON. Mr. Speaker, it was a great pleasure for me to recently attend the 51st Annual National Convention of the American Legion, and to participate in the nomination and election of an outstanding Oklahoman, J. Milton Patrick, to the post of national commander of the American Legion.

Commander Patrick is a long-time resident of my congressional district and has established an excellent record of service in both the American Legion and other community affairs. It is a tribute to both the American Legion and all Oklahomans that a man with such an outstanding record of public service and remarkable leadership qualities has assumed this position of international responsibility. The new national commander has begun his term in office by starting a goodwill tour of American Legion activities in various countries around the world.

Commander Patrick set out the Legion's new theme of "USA—Unity and Service for America" in his acceptance speech at the convention, and at this time I include his fine speech in the CONGRESSIONAL RECORD:

ACCEPTANCE MESSAGE OF NEWLY ELECTED NATIONAL COMMANDER OF THE AMERICAN LEGION

It is with great pride and deep humility that I come to this platform to accept the honor you have just given to me—the office of National Commander of The American Legion.

This moment will stand forever as one of the true highlights of my lifetime, for few experiences in my past, and nothing which at this time I can visualize in the future, can measure up to this single honor you have conferred upon me.

The vote of confidence of one's comrades of a lifetime—the confidence of those with whom one has shared the searing reality of warfare—cannot help but arouse deep and mixed emotions, and such are the emotions which now consume me.

You have placed before me a monumental challenge to lead The American Legion during this crucial year when we embark upon our second half century of service to God and country. So, I am humble in the knowledge that the task confronting me is great; I am gratified that I approach this task with the loyal support of so many dedicated men and women of The American Legion and the American Legion Auxiliary, and I must confess to a certain amount of personal pride in the knowledge you have entrusted the mantle of leadership to me.

In return for your expression of confidence, I pledge to you my ceaseless, untiring and total effort to see that the obligations of this office are carried out in such a manner as to benefit this great organization and the nation which it serves.

My prime purpose will be to discharge the obligations of this office in a manner which will best serve the interests of America in promoting her unity and stability, and which will best serve the interest of The American Legion in the tradition of my predecessors who have served so selflessly to make and to keep this organization honored and respected.

On behalf of all Legionnaires, I take this opportunity to salute our retiring National Commander, William C. Doyle, for his efforts in the service of the Legion and in the service of the nation for The American Legion year now ending.

There have been great accomplishments during this past year as we have observed the golden anniversary of The American Legion, and we now must pledge ourselves to build upon the achievement of this year and to make it serve as our launching pad into a new era of golden service to America.

The first half century of the life of the Legion was concluded in a magnificient manner, and as we concluded it we witnessed with reverent prayer and awe the thrilling and inspiring spectacle of men—our fellow Americans—setting foot for the first time upon another planet.

Here on this convention platform we have been honored with the presence of one of America's daring space pioneers and privileged to present, through him, a token of our appreciation to these brave men who help to keep alive the spirit of adventure in which America was born, and by which she has grown and prospered.

Even for those who felt it necessary to express dissatisfaction with America's space program on that historic occasion, it must have been difficult, if not impossible, for them to suppress their pride in being a citizen of the country that made this feat possible.

That is our country, my fellow Legionnaires. It is the country you and I served, and it is the country which stands today in need of our continuing services—not as soldiers, but as concerned citizens alert to the demands of our citizenship and responsive to those demands.

As concerned citizens, we are the keepers of a dream born nearly 200 years ago when the leaders of the young and struggling colonies realized their strength was in their unity. They pointed the way for us to follow and they did, in fact, incorporate the word which was the key to their success in the very name of the nation which they created. That word, of course, is "United".

The United States of America, the beloved U.S.A., is the nation that grew from the patriot's dream, and it is the intent of The American Legion this year, to bring new emphasis to those meaningful letters "U.S.A.", for during my term of office as National Commander we will pursue the theme, "Unity and Service for America," the principal letters of which are "U.S.A."

This theme, I will emphasize at every opportunity. This theme, I would ask you to live with and give emphasis to at every opportunity, for we visualize that this will become more meaningful than just a set of words, and that they will become words of positive action and fulfillment for you and for me, for The American Legion and for America during the year ahead.

With your help, and I am confident I shall have it, we can join forces with committed civic organizations in a truly substantial effort to unify this nation. Through the dedicated service of each of you, we can make the proud initials, "U.S.A.", the banner and the rallying cry of all Americans. We can, by united effort, persuade our fellow citizens that their personal involvement is essential if we are to serve our communities, our states, and the nation effectively.

Unity and Service for America! It had to be this spirit—bolstered by an unshakeable faith in a supreme being—which enabled the founding fathers to create a self-governing nation. That same spirit, and that same faith, are needed today to perpetuate and enlarge upon that which the founding fathers and all of our forebears insured for us by personal sacrifice, through love of country.

It was from the spirit of Unity and Service for America that you in this audience took the strength and the courage to accept the Spartan life of the armed forces to turn back the ambitions of power-mad dictators and totalitarian governments to preserve the freedoms, not only of Americans, but of America's free world allies. It is in that spirit that our men serve today in Vietnam.

Even as man has reached the moon and continues to reach for the stars, we recognize the need here on earth for a renewed sense of unity of purpose; of dedicated service; of love of country, and faith in God to help us find the answers to our more mundane problems of crime in the streets, riots that rock our major cities and campuses, and poverty, illiteracy and despair which hold sizeable segments of our population in bondage.

We will, under this program, continue to evidence our concern for that small segment of young citizens who are rebellious, ill-informed, ill-trained and often mislead. Some of them mistake license for liberty, and some of them reject the moral values of our society but fail to offer anything in place of those values.

The philosophy that rioting, mob action and anarchy are justifiable means to an end never has been acceptable to Americans, and it is not acceptable today. We dare not surrender the intangible restraints stemming from religion, and which prevent us from violating the laws of society, for this is a vital element of maintaining a government of self-rule.

F.B.I. Director J. Edgar Hoover, writing in a recent issue of the Knight Templar magazine, reminds us: "That when man forgets God and ignores the inexorable laws by which He rules the universe, he opens the door to license followed by chaos and anarchy with tyranny grinding along in their wake."

Mr. Hoover continued to say that all Americans share the obligation of proving that man is capable of continuing self-rule, and The American Legion accepts its share of that responsibility. We will, this year, continue to discharge our responsibility under the theme of Unity and Service for America, and will seek to teach our young the value of the great gift of liberty and the worth of the heritage that is theirs.

Volunteering is not unknown to America's veterans who have offered their lives in the service of God and country. I challenge you now to volunteer once more. I challenge you to do more than your share to bring a new unity among the people of these United States, and the best place to start is among the people you know back home.

I challenge you to do more than your share to help eliminate the breeding places of crime and delinquency and to restore kindness and decency to daily living. I challenge you to help your local post become the motivating source for improving conditions in your home communities. I challenge you to join me in making "Unity and Service for America" the theme of our daily lives as The American Legion moves into its second half century of service to God and country.

BOSTON, PA., TEA PARTY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. GAYDOS. Mr. Speaker, over the past weekend I attended a tea party. But it was no social event. Tea was not served, although there was plenty of "hot water" available. You might even say the event was a little hair raising.

It was a re-creation of the famous "Boston Tea Party." Only this one was not held in Massachusetts but in Boston, Pa., a small community in my 20th District.

Several hundred persons attended it, some of them wearing war bonnets and war paint, symbolic of the original Boston braves. Gentlemen, they were protesting the tax program of Pennsylvania in general and a proposed State income tax in particular.

XUM

They made it obvious they are after the scalp of any State legislator who supports such a measure. They emphatically declared they will not stand for further increases in State taxes. They are demanding a cutback in the State's operating expenditures.

As I said, their targets were State legislators. But, I have no doubt Pennsylvania delegates of this House and the other body can expect to have their hair lifted at the polls if meaningful tax reforms are not soon forthcoming to their constituents.

The warning signs have been around for some time, just as they were in the days of the Pennsylvania Whisky Rebellion. Now the taxpayers have taken to the warpath en masse. Since Congress reconvened this month many of us have brought back scouting reports that other Americans also are demanding a stop to the tax take at any level of government.

They are thirsting for leadership from Washington, and the 1969 tax reform bill this House passed in August does not quench that thirst. The public wants to drink deeply, not wet their lips.

Some of us apparently have not yet read the signs. The tax reform bill, I admit, was a beginning, but it left much to be desired. Furthermore, the scant benefits the bill did give the moderate income taxpayer is being tomahawked at hearings before the other body's Finance Committee.

True, the Secretary of the Treasury did not call for a complete scalping of the bill. He merely said: "Take it off the top and trim the back and sides."

The House reform bill has been described as the major piece of such legislation to come out of Congress since before World War II. It did, I agree, try to ease the burden on most Americans. It did try to plug, to some extent, a few of the gaping holes through which some privileged individuals managed to escape paying their fair share of the tax freight in the past.

But, it was weak and if the Senate heeds the recommendations of the Secretary of the Treasury, its strength will be sapped even more. That half loaf of tax reform will be reduced to crums.

The Treasury is recommending removal of $2.5 billion in tax relief for individual taxpayers provided in the House bill. At the same time, it is restoring $1.6 billion back to business which the House had cut.

This could touch off smoke signals from every tepee in the Mon-Valley region of western Pennsylvania. It would create a byproduct of a controversy already raging there—air pollution.

However, as a seer once said, it is an ill wind that blows no good. In this instance, the additional smoke might be the ingredient necessary to have the Pennsylvania Air Pollution Commission adopt safer standards of air quality control.

Pennsylvania is rich in Indian lore. Perhaps that is why I got the message earlier than some Members here. In January of this year, I cosponsored a bill to increase personal income tax exemptions from $600 to $1,200. I did this after getting the signal from tens of thousands of my constituents. I even called their request to the attention of the man Indians used to call the Great White Father in the great white wigwam across the way.

Nothing happened. The bill passed without this provision and now is in the Senate, ready for carving like the turkey it is. I fear the bones may be picked clean. I foresee nothing to make the tribe of taxpayers smoke the pipe of peace.

ARCHBISHOP BERNARD J. SHEIL

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. KASTENMEIER. Mr. Speaker, I was saddened to learn of the death, this weekend, of Bishop Bernard J. Sheil, former auxiliary archbishop of Chicago.

Bishop Sheil was a truly remarkable clergyman. At a time when few were involved in the urgent social questions of our time, Bishop Sheil was a leading social activist, being an outspoken critic of racial and religious discrimination. His interest in youth led to his founding the Catholic Youth Organization in 1930.

During the era of Joseph McCarthy, Bishop Sheil was one of the first church officials to denounce the phony brand of anticommunism practiced by McCarthy and his followers.

McCarthyism—

Bishop Sheil said—

> mocks our way of life, flaunts our traditions and democratic procedures and our sense of fair play.

Mr. Speaker, an editorial in the September 16, 1969, Washington Post eulogizes the distinguished life of Bishop Sheil, and I commend it to the attention of my colleagues.

The editorial follows:

[From the Washington Post, Sept. 16, 1969]

ARCHBISHOP BERNARD J. SHEIL

One might say that Archbishop Bernard J. Sheil who died Saturday at 81 was born 30 or perhaps 60 years ahead of his time. He was a militant cleric who involved himself in the pressing social questions of our time when it was not considered good form for men of the cloth to be so engaged. He fought against racial and religious discrimination, he battled for organized labor when labor was still the underdog, and he took on Joseph R. McCarthy while the Wisconsin Senator was still riding high. He gave his support to Saul Alinsky's Back-of-the-Yards movement in Chicago and thereby helped in the improvement of that working-class slum community, providing a prototype for the community action program of today's antipoverty effort. An active worker on behalf of youth, he was the founder of the Catholic Youth Organization.

We believed that to accomplish things, "you have got to slug it out." In deciding to speak on behalf of the CIO drive to organize the packing-house workers in 1939, he was warned by a banker that "the minute you step on that platform, you lose your chance to become archbishop." He replied that he "wasn't ordained a Catholic priest in order to become an archbishop." He did not become an archbishop during his active ministry, but was given the personal title by Pope John XXIII in 1959.

Months following his denunciation of Joe McCarthy in 1954, he stepped down as head of his beloved youth organization in effect reprimanded for having spoken out too plainly. Senator McCarthy, he said, was a headline hunter, an advocate of "phony anticommunism that mocks our way of life." The McCarthy era is so long gone that many of us may have forgotten the intensity of feeling that the Wisconsin Senator's blasts aroused. Here's how Bishop Sheil put it:

> I can't imagine what would please the Kremlin more than to turn America into a frantic, hysteria-ridden place, full of suspicion of an American for an American. If the Kremlin masters wanted to weaken us—and they do—I suppose that they would be delighted to see Americans lose confidence in the integrity of their political leaders, lose confidence in the stability of their Army, suspect clergymen and teachers. I imagine they would delight in seeing us lose faith in our Constitutional privileges, in seeing us ape their courtroom procedures and hound innocent little government clerks who are blown up to important spies and saboteurs as long as it is good for a front-page story. Congressional committees have done good work, are doing good work, and will do more. But when they are cynically used to trap headlines rather than spies, they mock themselves and they mock us too.

On racial and religious discrimination, Bishop Sheil told a public forum in the mid-forties, "No one but a naive child or an adult fool would claim that Negroes, Mexicans, Filipinos or Jews have the same opportunities as their fellow white Americans."

When Bishop Sheil started speaking out, he did not have as much company or support as he would have today. In his courageous and direct way, he helped prepare the way for those men of the cloth who have accepted the challenge to do something about the shortcomings of our society. Bernard J. Sheil did it at a time when it was much harder to do.

RULE OF LAW IN SOUTH AFRICA

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. REID of New York. Mr. Speaker, There is a very important and interesting struggle going on in South Africa over the preservation of the position of South Africa's traditionally strong and independent judiciary and the rule of law. Unfortunately, there has been clear and serious erosion of the rule of law, and the cooperation and support extended to those defending the rule of law in South Africa by groups in this country such as the Lawyers' Committee for Civil Rights under Law cannot be overemphasized.

Of particular interest in recent months has been the removal of the passport of a South African attorney, Joel Carlson, who at the time was acting on behalf of the Lawyers' Committee for Civil Rights under Law in an inquest into the cause of death of a detainee in the hands of the police and also on behalf of the International Commission of Jurists in observing the trial of Laurence Gandar, editor of the Rand Daily Mail. In addition, the Prime Minister has just established a commission of inquiry to look into South Africa's security framework in the light of widespread opposition on the part of members of the bar and the judiciary to the so-called boss legislation concerning the Bureau for State Secu-

rity. I believe that this is the first commission of its kind since the Nationalist Party came to power in South Africa in 1948.

I think that my colleagues will find of interest a report from the Johannesburg Star on this commission along with a very perceptive analysis of the legal situation in South Africa by George N. Lindsay, Esq., a distinguished New York lawyer who has just returned from a visit there on behalf of the Lawyers' Committee. I ask to include these articles in the RECORD at this point as well as reports from the South African press attesting to the widespread interest taken there in the visits of Mr. Lindsay and Mr. Edward Lyons, a member of the British Parliament who visited South Africa at the same time and for similar reasons.

In seeking in some small measure to help the bar and bench in South Africa continue to defend the legal rights of the individual and to put the facts to the courts, our own legal community fulfills an important and urgent professional responsibility for mutual support increasingly recognized by independent lawyers throughout the world.

The articles referred to follow:

[From the Johannesburg Star, Sept. 16, 1969]

Boss Law Probe

(By Our Political Correspondent)

The Prime Minister's unexpected decision to appoint a commission of inquiry into South Africa's security framework is almost certainly a reaction to the unprecedented opposition to certain aspects of Bureau for State Security legislation on the part of South Africa judges, retired judges and Bar Councils.

Mr. Vorster announced last night that with the approval of the State President he had decided to appoint Mr. Justice H. J. Potgieter of the Appellate Division as a commissioner to inquire into South Africa's security framework.

"I do this because it is of vital importance that the Republic should have the best machinery at its disposal to guarantee its security and, secondly, to give all persons who have recently expressed misgivings or have launched attacks upon the Bureau for State Security and the legislation concerned the opportunity to lay their points of view and objections before the commission."

NEXT WEEK

The Prime Minister said Mr. Justice Potgieter would start his work next week, that the full terms of reference of the commission would be released next week and that the terms of reference would include permission to Mr. Justice Potgieter to make public as much of his report as "in his judgment does not conflict with the security of the Republic."

Political observers believe that the commission's report—which will reflect some of the most widespread criticism ever levelled at a piece of South African legislation—could lead to an amendment to at least one of the two controversial BOSS clauses.

[From the Christian Science Monitor, Aug. 22, 1969]

U.S. Lawyers Check Reports of South African Legal Deterioration

NEW YORK.—"The widespread and increasing deterioration of the rule of law in South Africa" is of deep concern to many American lawyers.

This is the view of George N. Lindsay, noted corporation and international lawyer, and brother of New York's Mayor John V. Lindsay. His recent visit to South Africa was designed to articulate this concern.

He represented the Lawyers' Committee for Civil Rights Under Law, a private, self-supporting group of lawyers. The group was formed in the early 1960's at the suggestion of the late President Kennedy to involve itself with legalities of civil-rights problems in the United States.

It has extended its purview to rendering financial support for legal defense of civil-rights victims in South Africa as well.

Among the Lawyers' Committee members are Arthur J. Goldberg, Cyrus R. Vance, Secretary of State William P. Rogers, and Eugene V. Rostow.

SEIZURES WITHOUT EXPLANATIONS

Mr. Lindsay, during his South African sojourn, appeared before government ministers, bar councils, and law societies to express the American legal community's intense shocks at some South African practices. He also met with beleaguered lawyers who have begun to feel intimidated by government actions.

Mr. Lindsay traveled in the company of Edward Lyons, a member of the British House of Commons, who was representing the similar interest of the International Commission of Jurists, a Geneva-based legal organization with consultative status to the United Nations.

In an interview, Mr. Lindsay said that his group's main point of concern is that a large number of extralegal actions have been authorized by the South African Legislature. These can be performed by government officials outside the jurisdiction of the courts, he said.

As an example, Mr. Lindsay asserted that a provision of the Terrorism Act permits the special branch of the security police to take persons into custody for examination for unlimited periods, often on no specific charge, without explanation, and without access to a lawyer, to his family, or to any person.

REPORTS OF TORTURE

He added that often the "prisoner" is allowed no reading matter and is placed in solitary confinement.

Mr. Lindsay drew attention to recent cases handled by liberal lawyers which have indicated, he said, that torture has been used. He also said the Legislature has ruled that courts cannot order the release of any person for any reason.

Under another act, he affirmed, the chief executive has the power to order a person placed under house arrest without a specific charge against him, without the duration of arrest being specified, and without the arrested man being permitted to see more than one person at a time.

Mr. Lindsay said that what shocks many U.S. lawyers is the General Amendments Law of 1969. He contended that it makes any action against the interests of the Bureau of State Security a crime, including publishing any material considered adverse to state security.

The Amendments Law also gives the prime minister power to exclude from the courts any information which he deems to be against the interest of the state.

HARSH PRACTICES

The catalyst of Mr. Lindsay's trip to South Africa was the removal some time ago of the passport of Joel Carlson, a South African lawyer who has led in the defense of political prisoners.

Removal of Mr. Carlson's passport, which makes difficult his leaving or returning to the country, is considered by some U.S. lawyers as another step of governmental intimidation against lawyers who dare to defend politically unpopular clients.

The U.S. Lawyer's Committee points out that several other lawyers who have defended political prisoners have had their passports removed or subsequently been exiled. It feels this type of government action is bound to have an intimidatory effect.

Mr. Lindsay cited other harsh practices. In one instance, he said, some prisoners were loaded into vans so tightly that three suffocated to death in transit. Shortly thereafter, he continued, the widows of those who died were evicted from their homes.

Mr. Lindsay asserted that all the South African lawyers with whom he talked agreed that these measures were contrary to any lawyer's concept of the rule of law. The conservative group of lawyers, and particularly Afrikaner groups, he said, defended them, as does the government, on grounds the measures were temporary and probably necessary.

He said the Afrikaner groups accept the judgment of the government when it says the measures are necessary for reasons of state security for which it cannot give details.

"Some of the liberal lawyers have protested a good deal of this legislation as it has come into being as unquestionably wrong, and that it should be fought. I'm afraid they are in the minority. Let me strengthen that statement. I know they are," he said.

Mr. Lindsay offered the opinion also that economic, trade, or investment boycotts against South Africa would not be effective.

"Nor are they wanted by the liberal core in South Africa," he maintained. "They feel they would be ineffective and would cut back valuable contacts.

"Support of liberal elements within a country is far better than disassociation," he concluded.

[From the Johannesburg Star, July 24, 1969]

Rule of Law Probe in South Africa

Representatives of two famous legal organizations, the International Commission for Jurists and the American Lawyers' Committee for Civil Rights Under Law, arrived in South Africa this week because of recent South African legislation "adversely affecting the rule of law."

Mr. Edward Lyons of the I.C.J. and Mr. George Lindsay of the American Lawyers' Committee, have had talks with the Minister of Police and of the Interior, Mr. S. Muller, and the Deputy Minister of Justice of Mines and of Planning, Mr. G. P. van L. Froneman.

In a statement last night, the two men pinpointed three recent events which seemed particularly to contravene basic principles of law: "the Terrorism Act, the BOSS Act and the removal of the passport of Mr. Joel Carlson, a Johannesburg lawyer who has been active in the defence of political prisoners."

Referring to the withdrawal of Mr. Carlson's passport, the statement says: "This action against him, taken without any explanation, is considered to endanger the right of lawyers to represent clients without fear."

Mr. Lyons, a British M.P. and barrister-at-law, said today that it was to South Africa's credit that the Government had allowed both Mr. Lindsay and him into the country and had agreed to see them.

Mr. Lyons said that what perturbed the I.C.J. was not only the recent events mentioned in the statement, but the whole trend of increasing the State's power over the individual without giving him access to the courts to seek redress.

He mentioned banishment, banning and detention without trial, arbitrary confiscation of passports, and the extension of terms of imprisonment after the sentence imposed by the courts had lapsed.

Mr. Lindsay, brother of the Mayor of New York, Mr. John Lindsay, and vice-chairman of the Afro-American Institute, ex-

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plained that the Lawyers' Committee was disturbed particularly by two facets of the Terrorism Act: the power to hold people in isolated detention for an unlimited period, and the provision which made the powers of the Act retroactive for five years.

In the statement last night, Mr. Lindsay said the Lawyers' Committee had supported Mr. Carlson's work for the defence during the South West Africa Terrorism Trial, the Mbindi case (in which Gabriel Mbindi alleged assault by the police and in which the State paid R3,000 towards the costs of the application without admitting that the allegations were true), and the inquest into the death of a political detainee, Mr. James Lenkoe.

"The committee intends to continue to instruct and support Mr. Carlson . . . and hopes he will not be interfered with and that his freedom to travel, particularly while engaged in counselling clients, will not long be infringed."

The committee includes Mr. Arthur Dean, United Nations peace negotiator during the Korean War, Mr. Louis Oberdorfer, former Assistant Attorney-General and Senator Bobby Kennedy's personal lawyer, and Mr. William P. Rogers, United States Secretary of State.

[From the Johannesburg Star, July 24, 1969]

A Reminder From the World

One cannot help being rather pleased that a section of Nationalist opinion is reacting sensitively to the visit to South Africa of two distinguished lawyers from, respectively, England and the United States.

Mr. Edward Lyons, M.P., represents the International Commission of Jurists and Mr. George Lindsay of New York represents the Lawyers' Commission for Civil Rights.

They have come here to investigate at first hand—which is surely preferable to doing it by hearsay—reports of invasions of the rule of law in this country.

Their inquiry is, nonetheless, being represented as an "attack" on the South African legal system and it is being asked why they do not turn their unwelcome attention to, for example, Zambia where there is a serious clash between the Government and the courts.

At first sight it is difficult to see why there should be this resentment at their visit. The reputation of our judiciary is high. We are constantly assured that the invasions of the rule of law by the security legislation are justified by the threat of subversion. There should be much to boast of and nothing to hide. The fact that these lawyers were allowed to come (Mr. Lyons has been refused permission to visit Russia on a similar mission) and were received by a Minister and a Deputy Minister, are surely compliments in themselves to our judicial reputation.

It is, in any event, the conventional job of the bodies these men represent to keep track of the erosion of rights all over the world, and they have by no means neglected Zambia.

But, on second thoughts, one can see that a visit of this kind does serve to make Nationalists aware of the international anxiety with which their treatment of the rule of law is being watched. And to that extent their sensibility is welcome. Nationalists are fond of vindicating their invasions of rights by saying that the people cannot be free if the State is not safe. A visit like this reminds us all of the converse, which is equally true: the State is not safe if the people are not free.

[From the Rand Daily Mail, July 24, 1969]

Overseas Barristers Talk to Muller

Two top-ranking overseas lawyers—one from the United States, the other a British M.P.—this week had talks with the Minister of the Interior and of Police, the Deputy Minister of Justice, and leading members of the Bar, about recent events viewed overseas as "adversely affecting the Rule of Law in South Africa."

Their visit, they said in a joint statement last night, "reflects the deep concern widely felt by lawyers in America, Europe and elsewhere at what is regarded outside South Africa as the removal of essential legal safeguards."

The two lawyers are Mr. George Lindsay, of New York, and Mr. Edward Lyons, a British barrister and Labour M.P.

Mr. Lindsay, whose brother John Lindsay is the Mayor of New York, is in South Africa on behalf of the prestigious Lawyers' Committee for Civil Rights Under Law.

CONFERENCE

Members of this committee—formed after a conference called in 1963 by President John Kennedy—are distinguished lawyers from all parts of the United States who have been concerned with civil rights, primarily in the United States but also internationally.

Mr. Lyons is representing the International Commission of Jurists, the Geneva-based organisation which works to uphold the Rule of Law throughout the world and which has consultative status with the United Nations.

Revealing what they call their "separate missions with a common purpose," they list as recent South African events which seemed particularly to "contravene basic principles of law":

The enactment of the Terrorism Act.

The so-called "BOSS" legislation.

The removal of the passport of Mr. Joel Carlson, the Johannesburg lawyer who has figured prominently in the defense of political prisoners.

"FEAR"

This action against Mr. Carlson, taken without any explanation, was considered to endanger the right of lawyers to represent clients without fear, they said.

"The International Commission of Jurists was distressed that such action was taken against Mr. Carlson at a time when he was its appointed observer at the Gandar (Prisons Act) trial," said Mr. Lyons.

"The Commission fears also that other South African lawyers might draw the conclusion that it is safer not to defend too vigorously certain cases."

Mr. Lindsay said the American Lawyers' Committee had supported Mr. Carlson and the work of the defence in last year's South West Africa trial, the Mbindi case and the recent inquest into the death of a detainee, James Lenkee.

(The Mbindi case involved an urgent application in 1967 for a court order to protect a detainee, Gabriel Mbindi, from alleged assaults by the police. A month before oral evidence was to have been heard, the matter was settled. The State paid R3,000 towards the legal costs of the application without admitting to the truth of any of the allegations.)

"The Committee intends to continue to instruct and support Mr. Carlson in carrying out his professional responsibilities," Mr. Lindsay said.

"The Committee hopes that he will not interfere with and that his freedom to travel—particularly while engaged in counselling clients—will not long be infringed."

The two visiting lawyers had a lengthy talk earlier this week with the Minister of the Interior and of Police, Mr. Muller, and the Deputy Minister of Justice, Mr. Froneman.

The Minister of Justice, Mr. Pelser, is overseas at present.

They also met officers and leading members of the Bar Councils of Johannesburg and Pretoria and of the Incorporated Law Society of the Transvaal.

While not revealing any of their discussion with the Minister, they said in their statement that they were grateful for the courtesy extended to them by the Minister and Deputy Minister, and by the lawyers they met.

The American Lawyers' Committee which Mr. Lindsay has been representing, is headed by Arthur H. Dean and Louis F. Oberdorfer.

Mr. Dean was the United Nations negotiator in Korea and negotiated the peace settlement for the Eisenhower Administration.

Mr. Oberdorfer is a former Assistant Attorney-General on civil rights and acted for the late Senator Robert Kennedy.

Other eminent members are:

William P. Rogers, the present Secretary of State in the Nixon Administration.

Whitney M. Seymour, former President of the American Bar Association.

Erwin N. Griswold, the present Solicitor-General and a professor of law.

Eugene V. Rostow, former Under-Secretary of State for Political Affairs and Dean of the Yale Law School.

[From the Sunday Express, July 27, 1969]

Foreign Lawyers Slate Withdrawal of Passports

Recent political legislation in South Africa and the withdrawal of lawyers' passports were condemned in Johannesburg this week by two prominent foreign lawyers, representing the International Commission of Jurists and the American Lawyers' Committee for Civil Rights Under Law.

In interviews just before they left the Republic yesterday, Mr. Edward Lyons, a British Labour M.P. and barrister, and Mr. George Lindsay, brother of the Mayor of New York, expressed concern at the possible effect of passport withdrawals on lawyers and their duties.

"The major matter which got the Lawyers' Committee interested in sending someone to South Africa was the Terrorism Act," Mr. Lindsay said.

"It has features which are quite shocking to us because it provides for unlimited detention without any charge. This we consider an extraordinary violation of what lawyers stand for.

"We are also completely against the retroactive action of the law, as well as a lot of other features we won't go into.

HIGH REGARD

"People in America relate this to exposures of maltreatment of detainees. I am told this was not the purpose of the Act, but it is my impression it can be used in this way."

Mr. Lindsay, who represents the American lawyers' association, and Mr. Lyons, who represents the International Commission of Jurists, saw the Acting Minister of Justice, Mr. G. F. Froneman, and the Minister of Police and the Interior, Mr. S. L. Muller. They also met prominent representatives of the legal profession.

"I think your lawyers were interested in my views and to hear how very much our lawyers are concerned," Mr. Lindsay said. "We have a high regard for your Bar and your courts. Our complaint is not against these but against legislative action which takes away their powers."

Mr. Lindsay said his association—which has as members the United States Secretary of State, Mr. William P. Rogers, and Erwin N. Griswold, American Solicitor-General—was deeply disturbed by the withdrawal of passports of lawyers whose cases were of a political nature.

OBSERVER

The association has instructed and supported in such cases a Johannesburg attorney, Mr. Joel Carlson, whose passport has been withdrawn.

"The withdrawal of passports may have an intimidatory effect on lawyers," he said. "They would continue to take the 'unpopular' cases, but whether they would be prepared to continue taking the initiative to dig up these things is another matter."

Mr. Carlson was official observer for the International Commission of Jurists at the Prisons Act case. The withdrawal of his passport during the trial was the primary reason for the commission sending him, Mr. Lyons said.

"There is concern that lawyers may be deterred from fighting these cases courageously by the treatment meted out to Mr. Carlson and indeed other attorneys in similar cases," he said.

"There is an increasing number of punishments which can be given administratively, without recourse to the courts." These included passport withdrawal, 180-day detention, detention after completion of a prison sentence and detention before a trial under the Terrorism Act.

Mr. Lyons added: "We have asked why Mr. Carlson's passport was withdrawn, but we have not been told."

He denied the commission was attacking the South African courts, or that it was singling the Republic out for attack. "I am here really as a result of the concern of Mr. Sean MacBride, the secretary-general. He has a link with South Africa as his father was leader of the Irish-Boer contingent.

"He was Irish Foreign Minister for four years and is certainly not a Communist or Left-orientated.

"What concerns us in South Africa is not what happens in court but what is happening outside the court. We would love the courts and judges to have more power. We want all these matters to go before them.

"Our visit is in defence of the South African judiciary. Our interest has nothing to do with apartheid or the South African Government's policies. We are lawyers and our interest is in law in all countries, not just South Africa."

Mr. Lindsay and Mr. Lyons will report their findings to their organizations.

NIH RESEARCH CUTS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. JACOBS. Mr. Speaker. May God forgive.

[From the Washington Post, Tuesday, Sept. 16, 1969]

THE FISCAL KNIFE ON NIH RESEARCH

The fiscal knife which the administration says it is forced to wield because of inflation and Vietnam cut into medical research last week. Taking its place among the agencies whose funds are either being cut or pared by President Nixon's call for a $3.5 billion reduction in 1970 budget requests is the National Institutes of Health. Total spending on medical research—in hospitals, universities and the NIH Bethesda labs—will be down from $1.93 billion to $1.64 billion, a cut of $290 million.

Although medical and scientific researchers are often inclined to be a wolf! wolf! crowd whose sheep are not only under no attack but are often overfat to begin with, the abruptness of the present NIH cut does suggest that a wolf is near. Most immediately affected by the cut will be 19 clinical research centers. In a style similar to its closing of 59 Job Corps centers earlier this year, the administration expects to save money. But savings aside, where will the doctors go who have been conducting the research at the 19 centers? What about the diseased patients who will be phased out because money has run out? Or the millions of future sick people who will not benefit tomorrow because research into their particular disease was cut off today? In one area alone, an estimated 30,000 infants die every year in the period immediately surrounding delivery because basic research is not fully advanced in this area.

Aside from the research that is to be stopped without waiting for results, medical schools—with a heavy leaning on the government for research grants—will also be hit, both students and faculty. The danger of turning off the medical research motor is that it is not so easily started again. It is true, the 19 centers to be closed have only a handful of patients, but this is where basic biomedical research begins. It then fans out to advance research and, often, eventual use in the medical community.

It has long been a question whether medical schools and research clinics should have let themselves become so dependent on federal funds in the first place; but few other resources exist, either among foundations, which generally do not support medical research, or the drug companies, which by the nature of things are in the business more for profit than public service.

Although the Senate can appropriate more money for NIH than the administration requests, this does not mean the administration must or will spend it. Aside from the medical research programs themselves, what suffers also in this abrupt fund cut is the administration's sincerity in facing the health crisis. "The nation is faced with a breakdown in the delivery of health care," it said only two months ago in a major White House report. Now, it seems, in order to save money that could be saved in, say, cutting back on aircraft carriers or bombers, the administration is helping, not relieving, the breakdown. In putting the fiscal knife to medical research, the recovery may take a lot longer than the original cutting.

IN PURSUIT OF DOMESTIC PEACE

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mrs. CHISHOLM. Mr. Speaker, on September 4, 1969, our distinguished colleague from Washington, Mr. ADAMS, addressed a meeting of the International Association of Chiefs of Police.

Mr. Speaker, this speech was notable in that, despite the popular use of phrases such as "law and order" and wars on everything from "rats to crime," Mr. ADAMS did not once resort to negative phrases of that ilk. He did this in spite of the fact that he was addressing an audience that might have been extremely receptive to such phrases. Mr. ADAMS chose to speak in positive terms, "In Pursuit of Domestic Peace."

Second, Mr. ADAMS made another comment that is quite appropos to this august body; one that many of our colleagues in their zeal would do well to heed. Mr. ADAMS reminded us that "Fighting for human rights is not inconsistent with fighting crime."

Mr. Speaker, I would like to introduce both the speech itself and an editorial based on it that appeared in the Washington Post newspaper on Thursday, September 11, 1969, as inserts in the CONGRESSIONAL RECORD:

IN PURSUIT OF DOMESTIC PEACE

(Keynote address by Congressman BROCK ADAMS at a meeting of the International Association of Chiefs of Police, Dupont Plaza Hotel, Washington, D.C., September 4, 1969)

One of the greatest problems we face in our cities today is fear. Not fear of economic failure as it was in the 1930's, but fear of personal attack on the streets and in our homes. This fear, which has already led to increased apprehension and hostility even among neighbors, undermines the very quality of our lives. It has mushroomed so rapidly and spread so widely as to create a wall—as real and as terrifying as any Berlin Wall—around our central cities, isolating and separating the rich from the poor, and the black from the white. Each day the poor within this wall find life a tougher battle and escape more elusive. Penetration of this barrier by the affluent outsider becomes increasingly difficult and infrequent.

To break down this wall—to break this cycle of fear—is a task infinitely greater in scope than a journey to the dark side of the moon. Not alone an advancement in technology, this is in reality a voyage into man's soul. And the challenge confronts not only law enforcement officers, but all public officials and concerned citizens.

In our zeal to improve human conditions within the city, many of us have overlooked the devastating impact that crime and fear of crime have had, and will continue to have, in undercutting the social programs which we have so long championed. How meaningful is federal assistance to education when fear drives whites out of our cities and their children into geographically-segregated schools. What use are health programs to the elderly when they are afraid to travel the streets and sidewalks for medical treatment. And how realistic is the attempt to launch a low-cost housing program when vacant ghetto housing is ransacked by narcotics addicts for the resale value of the plumbing and fixtures.

But to say that we have been silent on crime is not true. In 1965, through the Law Enforcement Assistance Act, we in Congress passed a pilot program for federal assistance to local law enforcement agencies. In 1967 and 1968 we passed two comprehensive measures designed to attack lawlessness at all levels: the Omnibus Safe Streets Act and the Juvenile Delinquency Prevention Act. We have lent considerable support to the recommendations of the President's Crime Commission Report. Yet it is my personal feeling that we have not yet realized the extent to which lawlessness undermines our values and erodes our daily lives. It is my hope that we can use these legislative enactments—as well as the guidance and support which you gentlemen can offer—as a launching pad for the pursuit of domestic peace.

It is readily apparent that demagoguery provides no answer. Demagogues are too visible when the chance arises to shout about crime but too scarce when it is time to make the hard decisions on the financial and social commitment necessary to control crime.

Nor will slogans deter or arrest lawbreakers. To damn the Supreme Court, to call for repression of minority groups, or to see wholesale wiretapping as a solution for all crime is simply unrealistic. On the other hand, lawlessness will not be eradicated by condemning all police action as "brutal", looking the other way when campus violence strikes, or extending leniency to all youthful offenders simply because of their age.

What is needed is a total commitment of resources—energy, finances, and manpower—toward the eradication of fear, control of crime, and restoration of domestic peace. In this effort we need both your support and the support of all elements of the community.

Let me make it very clear that those of us who have carried the torch of social justice will be no less zealous in our pursuit of domestic peace. We do not intend to sit by while those who wistfully dream of a time gone by snuff out the light of human progress with their slick slogans and oppression-bent solutions. Fighting for human rights is not inconsistent with fighting crime. I hope we can embark together on the pursuit of domestic peace. Our proposals—some of which I intend to sketch here—are not the

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first nor the last recommendations for improvement in the criminal justice and law enforcement systems. We intend to open, not close, the door for future proposals.

In this effort, we intend to deal particularly with the problem of fear caused by violent crime. We include in this category such crimes as burglary, assault and purse-snatching as well as the traditional crimes of violence. While we must not overlook nonviolent crime, our concern must be primarily with the protection of the lives and well-being of our citizens.

A VISIBLE AND MOBILE POLICE

The first answer to violent crime in or around our homes is to produce a visible and mobile police force—visible enough to reassure and protect our citizens, mobile enough to deter and apprehend criminals. This will, of course, require many more officers in our major cities as well as greater use of improved techniques. This means money. Here in Washington, D.C., where we have recently authorized 1,000 more police officers, it will cost roughly $10 million per year in salary, equipment, uniforms, quarters, and supporting services. This cost is similar in other cities.

This expanded police presence will mean a greater use of the foot patrolman, especially in areas of high crime. In the District of Columbia the entire increase in authorized strength will go toward provision of footmen and the use of motorized scooters. I would hope this trend will be continued elsewhere.

Getting more police officers into the central city requires that our departments place top priority on improved community relations. This means both better recruitment of inner-city residents and better training for the entire force. Our record in the nation's capital has not been especially impressive in local recruitment. The force here is composed of only 25% District residents and is only slightly better than 25% black. While we have in the last three years started to improve this—and I am especially encouraged by such programs as the Adams-Morgan project for local recruitment—we must do better.

To insure that our police officers demonstrate a presence in, and relate to, the community, we must constantly review the relevance of recruitment standards to society's need. Should we necessarily exclude all applicants under the age of 21 or over 29? Should we refuse to consider applicants simply because of childhood histories of viruses or allergies? And should limitations on height of 5′7″ or 5′8″, in cities with heavy concentrations of Puerto Ricans or Mexicans who are thereby excluded, continue to persist in the face of attempts to recruit more minority group members?

Today police work is highly technical and complex. It requires professionals. Yet to recruit and retain professionals we must be willing to pay salaries commensurate with professional status. This means that starting salaries for patrolmen must be at least $8,000. I would hope that in a city like Washington, where the crime problem is so pressing and our law enforcement officials so harried, we could do even better—and I fully support proposals currently pending for an increase to the $8,500 to $9,000 range. To retain professionals we must be willing to offer incentives for college credits and a chance for early promotion and fair retirement.

As crime rises the citizens who have supported social progress and human betterment will begin to withdraw while those who would destroy a cultured civilization will take over. No policy of social reform, no checklist of domestic programs, alone can now stop this process of social decay.

THE JUDICIAL SYSTEM

No matter how many police officers we have and no matter how many arrests are made, criminals will not be deterred unless speedy justice is dispensed. This means that the entire criminal justice system—including prosecution, defense, bail supervision, and the supportive functions, as well as the courts themselves—must escape from the bonds of tradition and move to keep pace with what has apparently become a "crime explosion."

That our courts have not been able to keep pace with the growth of criminal activity is obvious. In the nation's capital, for example, the Court of General Sessions, despite an increase in output over last year, reported this July it had over 1,500 criminal defendants awaiting trial. In the U.S. District Court for the District of Columbia there are 1,795 criminal cases pending, of which 1,236 involve defendants currently awaiting trial. The average time elapsing between indictment and disposition in the District Court is 254 days and in the Court of General Sessions an estimated 17 months. The average time consumed by criminal cases through completion of appeal in the U.S. District Court is an astonishing 22.7 months.

Too often we talk about court backlogs solely in terms of how these backlogs result in a great number of criminals loose on the streets. Yet we overlook the equally harmful effect which this development has on the lives of the innocent. How can we expect inner-city youths to respect laws when those they see around them are lawbreakers who somehow seem not to be punished. How can we expect citizens to break the cycle of poverty through legal means when it is more profitable, and sometimes less risky, to engage in criminal activity. And how do we combat growing resentment and hostility by the innocent when the guilty seem to go free.

Court logjams will not be eased, as some have argued, by simply increasing manpower. Too many continuances are granted to lawyers. Too many out-of-date motions are filed, especially by civil lawyers eager to assist but unskilled in criminal law. And too many witnesses, suspects, and even policemen arrive late, or not at all, at trial each day. As you gentlemen well understand, when policemen fail to arrive, charges are often dismissed and suspects freed.

The answer is not a temporary patch-and-bandage-job on a system beleaguered with basic ills. This is one of the reasons why so many of us cannot support proposals, such as preventitive detention, which do not go to the root of the problem of our failure to provide swift justice. Neither detaining nor freeing suspected felons will have the deterrent effect which a speedy trial, with appropriate conviction or acquittal, brings.

Nor can we see the solution to crime control in wholesale wiretapping or greater reliance on confessions. In the U.S. District Court, D.C., only one major case in the last few years has involved wiretapping. That one, breaking just two weeks ago, dealt with a heavy volume of narcotics traffic. And although confessions, along with statements and admissions-against-interest are used in the preparation of many criminal cases presented in District Court, confessions are seldom relied upon in court. Other, more reliable evidence is generally used.

The answer lies in full support, through additional manpower and resources, together with improved administrative management in the courts, for all elements in the criminal justice process. We must be willing to pay the necessary price for improvement of the component parts of the criminal justice system.

Let it be understood that court reform and increased judicial manpower will not, without assistance, eradicate crime. And let it be clear that the court serves as neither a rehabilitative agency nor a trap for the unwary. Nor is it an institution designed to discipline the police department. It must be counted upon simply to carry its share of the burden which is to determine guilt or innocence and then sentence the guilty and free the innocent.

THE INSTITUTIONS FOR REHABILITATION

Most penologists will agree that there are very few institutions which actually "correct" criminals. Most are mere "holding tanks" or "graduate schools" for future criminal behavior. Some are so adept at serving as breeding grounds for crime that they mix juveniles in cells with hardened offenders. Some institutions are as troubled with the distribution of narcotics within their walls as are other agencies with such distribution on the outside.

Nor are our alternatives given a fair chance to succeed. Probation, that extra chance to avoid a life of crime, is seemingly regarded as a joke, rather than the serious matter that it is. Here in Washington, for example, the seventeen Court of General Sessions probation officers with supervision responsibilities carry an unbelievable caseload of 122 probationers each. The sixteen officers attached to the District Court fare little better, each carrying a caseload of approximately eighty probationers.

The parole system wallows under similar conditions. Parole officers in the D.C. Department of Corrections average 130 inmates within the institution, for guidance and counseling, and 51 parolees out on the streets.

The capacity of the D.C. Jail is 593. Its current population is a startling 1,033. The Youth Center at the Lorton Correctional Complex has a capacity of 340. It is populated by nearly 400 youths. The Women's Detention Center holds 80. It now has slightly over 100.

Does anyone wonder why criminals return to the only life they know?

Yet alternatives to incarcerating all offenders do work. One of our judges in the King County Superior Court, in the State of Washington, has recently claimed "at least 85 per cent success" with probationers. Deferred or suspended sentences for first offenders have demonstrated their success. And part-time residential supervision of offenders in small centers within their own communities has helped to break the physical and psychological isolation of institutional life. This is being successfully demonstrated by the Bureau of Rehabilitation's half-way houses here in Washington, D.C.

There is no doubt that we need an expanded use of community-based corrections. For youthful and early offenders, greater provision must be made of personal and group counseling, therapy, tutoring, and perhaps occasional short-term confinement. For those who have served time in correctional institutions, additional emphasis must be placed on securing pre-release centers or half-way houses. Graduated release and furlough programs should be expanded.

This will require determined effort and hard cash. In Washington, D.C., it is estimated that it will take $25 million for a new jail and $10 million for a new correctional institution. It will take additional finances to expand the half-way houses and to reduce the parole caseload.

Yet we must take these steps. To stop the revolving door which merely returns hardened felons to the streets will take more than rhetoric. I think we are willing to make that commitment.

CONCLUSION: THE COSTS OF CRIME

The personal and social costs of crime are staggering—and too often unacknowledged. The personal anxiety caused by fear and the personal suffering from being a victim of crime are costs for which there can be no dollar figures. The millions of dollars spent by businesses and individuals for protection through insurance, and the expenses required by added security guards and burglar alarms, go largely unrecognized. And the pennies which merchants continually add to the price of goods and services to cover losses incurred through shoplifting, or the costs of "protection" imposed by organized crime, amount to millions of dollars. We may complain about the costs necessary to provide additional policemen or probation officers but we ignore the hidden costs which we everyday are forced to pay.

The costs of incarcerating offenders are generally estimated at double or even triple the costs of community-based supervision. In Washington, D.C., it costs twenty dollars a day to incarcerate an offender at the Youth Center, twenty-three dollars at the Women's Detention Center, and thirteen dollars at the main Correctional Complex. For a man on work release, it costs $9.80 per day. And that man, in addition, contributes to the tax base. As the Bureau of Prisons has estimated, inmates from these institutions—once released—have earned a total of over five million dollars in salaries during the last three years. Yet we are reluctant to spend money on half-way houses and pre-release programs.

It is time in this nation's history that all of us realize, as I hope I have pointed out we do, that immediate action must be taken to deter crime and restore domestic peace before any of our social programs can truly succeed. We must spend more than the $5 billion per year which is the current estimated expenditure for police, courts and corrections at all governmental levels. If we can spend $24 billion to put a man on the moon we can certainly afford to spend the amount necessary to provide safety and security in our own homes.

If we fail, the urban culture of America will darken, asphalt jungles of anarchy will spread through our cities, and our citizens will be nothing more than armed warriors.

The fear that exists in our communities has created a limitless void between human beings. I would hope that this great nation, founded in adventure and matured in exploration, will again find purpose and unity by charting the unknown in the pursuit of domestic peace.

THE WAR ON CRIME (CONTINUED)

An attack on crime, akin in magnitude and determination to the launching of a major campaign in the course of a war, is more than ever a domestic imperative. The need for such an attack, mobilizing all the resources at the community's command, has long been evident. But despite the sounding of an alarm by President Johnson and an equally insistent call by President Nixon, the necessary nationwide sense of urgency simply isn't evident except perhaps in the trenches, where outnumbered, under-equipped police forces battle on against impossible odds. In the command posts however—in Congress, in the federal bureaucracies, in many statehouses and city halls—the war is still being waged, in the main, rhetorically; the needed resources are not being mobilized on anything like the necessary scale.

The inadequacy of the effort is nowhere more evident, or more deplorable, than in the District of Columbia, not only because this is the Capital of the United States but because violent crime in the streets has grown here to appalling proportions. The official police disclosure that 714 armed robberies occurred in this city during the month of August gives a grim foundation to the fear that has become an epidemic in the community. Washington is a city under siege. It must be liberated.

"What is needed," Congressman Brock Adams said in a most distinguished speech last week to a meeting here of the International Association of Chiefs of Police, "is a total commitment of resources—energy, finances, and manpower—toward the eradication of fear, control of crime, and restoration of domestic peace." But the congressman is not content to attack crime with the crude, cheap weapons of demagogy—slurs on the Supreme Court, contempt for civil liberty and for the rights of privacy, sheer sloganeering. "Fighting for human rights," Mr. Adams observed wisely in defense of his libertarian colleagues, "is not inconsistent with fighting crime." Indeed, it is not. Respect for human rights is the indispensable condition of a respect for the law.

Some of the sensational proposals in the Justice Department's crime bill—wiretapping, for example, or the wresting of confessions from ignorant suspects—have little to commend them save theatricality. They are expressions of panic. One might as sensibly suggest combating crime by declaring a state of martial law or imposing a permanent curfew on the community. Such remedies entail prohibitive social costs.

Mr. Adams' approach is more pragmatic. He begins with advocacy of an enlarged, more mobile, better-educated and better-paid police force for the District—and with a willingness to face and foot the bill for such a force. Congress, as he observes, has not been entirely inactive on this subject. It passed comprehensive anti-crime bills in 1967 and 1968 providing assistance to local law enforcement agencies. But it takes time to recruit and train police professionals. The process needs the utmost acceleration now. Visible police officers unmistakably deter crime.

But this isn't the only answer by any means. "No matter how many police officers we have and no matter how many arrests are made," Mr. Adams went on to say, "criminals will not be deferred unless speedy justice is dispensed. This is why the proposed court reorganization and expansion now pending in the House is of such vital importance. The District Court of General Sessions acknowledged recently that it had more than 1,500 defendants awaiting trial in July. The U.S. District Court here has more than 1,700 criminal cases pending. It is an appalling fact—an appalling reproach to the conscience of the community—that the average time between indictment and disposition of a case in the District Court, as Mr. Adams has pointed out, is 254 days, and twice as much in the Court of General Sessions If time for the completion of an appeal in criminal cases is added to this, the average span of a criminal proceeding comes to almost two years.

This is a travesty on justice. There is no good reason or justification for such delay. It is unknown in the criminal courts of England. It can be abated in part by increased personnel throughout the judicial system here—not on the bench alone but in the U.S. Attorney's office, in the defense services available to indigent defendants, in the marshal's staff—and, perhaps above all, in the parole, probation, counseling and correctional forces.

The whole correctional system is in disrepair—antiquated, overloaded, operating to corrupt rather than to cure the offenders consigned to it. "Holding tanks," Brock Adams calls the city's jails. What kind of supervision and guidance can the 17 probation officers of the Court of General Sessions give the offenders assigned to them when they carry a caseload of 122 probationers apiece?

In the costly correction of these dramatic defects—and not in assigning policemen to sit for hours on end monitoring telephone conversations at random on the chance of picking up something juicy—lies the real hope of effective attack on crime. Justice delayed is triply destructive. It breeds a sense of helplessness and hopelessness in beleaguered citizens. It breeds cynicism and disheartenment in conscientious police officers who see the offenders they risked their lives to arrest set free by lags and loopholes in the law; see them intimidating witnesses; see them continuing to prey on the community. It breeds contempt and derision in criminals, especially in young punks, who see the forces of law and order frustrated and demoralized. The very heart and center of a realistic attack on crime must be a determination to make the law take its course swiftly and sternly—and with the goal not of sterile retribution but of redemption.

When all this is done—and it all must be done to meet the realities of a condition caused by persistent neglect—it remains essential to remember that such measures deal only with the consequences, not with the causes, of crime. These causes—slums, inadequate schools, squalor, human wretchedness, poverty—will continue, until they are ameliorated, to breed criminals faster than cops can catch them, faster than courts can condemn them. The cost of ignoring these causes is far greater, in terms of money and public safety and human happiness, than the cost of conquering them.

HAWAII YOUNGSTERS SHOW CLASS AND SPIRIT TO WIN BASEBALL CHAMPIONSHIP

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. MATSUNAGA. Mr. Speaker, we of the 50th State have much to be proud of—our breathtaking scenery, our ideal climate, our splendid heritage of aloha, and our progressive institutions. But now the Nation's youngest State can also boast of another unique achievement—its first international baseball championship.

This world championship was won by the Honolulu All-Star PAL Americans who returned home victorious from the annual PONY World Series, held last month in Washington, Pa.

The title game for the islanders, the Pacific region representatives in the eight-division tournament, was a "come-from-behind" affair. The youngsters trailed 4 to 3, before winning the crown sought by teams from the United States, Canada, and Latin America.

I know that you, Mr. Speaker, and the other Members of Congress, would wish to join me in applauding these outstanding teenaged boys and in commending them on their championship spirit which reflects such great credit on their parents, their State and the Nation.

A recent editorial from the Honolulu Star-Bulletin summed up our feeling of pride in the world series winners this way:

> It was a representative Hawaiian team—made up of that glorious mixture of the Islands' races. And, as seems to be the case with all teams we send to these athletic competitions abroad, it was as much a winner in the fans' hearts as it was on the field.
>
> Warmest congratulations to these players and their proud parents, their coaches, and the estimable Police Activities League, which sponsored the team as part of its productive youth sports program.

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The editorial from the Honolulu Star-Bulletin of August 30, 1969, and a related article from the August 28 issue follow for the CONGRESSIONAL RECORD:

WORLD CHAMPIONS!

Through scores of seasons and thousands of games, with teams of elementary school boys up to the Triple A professional Islanders. Hawaii tried without success to win a baseball championship.

This week success came when the PAL Americans of Honolulu won the PONY League World Series at Washington, Pa. These boys of 13 and 14 swept through four games undefeated in the final series among eight teams from the United States, Canada and Latin America.

It was a representative Hawaiian team—made up of that glorious mixture of the Islands' races. And, as seems to be the case with all teams we send to these athletic competitions abroad, it was as much a winner in the fans' hearts as it was on the field.

Warmest congratulations to these players and their proud parents, their coaches, and the estimable Police Activities League, which sponsored the team as part of its productive youth sports program.

PONY TEAM WINS HAWAII'S FIRST BASEBALL TITLE

WASHINGTON, PA.—Hawaii can now boast of its first international baseball championship, thanks to the PAL Americans, who defeated Arcadia, Calif., 8-5, last night and won the annual PONY World Series.

The victory was the fourth straight for the unbeaten PAL team from Honolulu in the double-elimination series, while Arcadia had been defeated once going into last night's final.

The title game for the Islanders, the Pacific Region representative in the eight-division tournament, was a come-from-behind affair. They trailed, 4-3, before clinching the crown sought for by teams from the United States, Latin America and Canada.

Three home runs, two by Mosilua Tatupu, who drove in four runs, and the fine relief pitching of Keith Tamayoshi, who relieved starter Craig Nakagawa in the third inning, were the major factors in the victory.

After the California team scored a run in the second, Hawaii scored three runs in the top of the third, two on Tatupu's first home run of the game.

Arcadia then regained the lead in the bottom of the third with three runs before Tamayoshi came in to strike out an Arcadia batter with two out and runners on second and third.

Hawaii settled the contest in the fourth with four runs. Neal Ane singled, Howard Nakata doubled in Ane, Bill Barrett singled in Nakata and Tatupu, a 5-10, 175-pounder, who is headed for Farrington High School, crashed his second two-run homer.

Ane, grandson of former Honolulu Mayor Neal S. Blaisdell, hit a solo homer in the sixth inning to cap the game's scoring.

"The kids are just overjoyed," said Hawaii Coach Ed Higa in a telephone interview with the Star-Bulletin today. The players (13–14 year-old All-Stars from the American League of the Honolulu PAL) were just great. I told them Hawaii is proud of them.

"The home runs were really hit. I'd say Tatupu's first one traveled about 280 feet and his second over 300. Ane's was a sharp 280-footer. We're real proud of the boys. Their spirits were high and they had the confidence and will to win."

Pep Toyofuku, Pacific Region director of PONY baseball who accompanied the team to Pennsylvania for the series, told the Star-Bulletin:

"I'm so happy for the boys. After trying for nearly a decade, we're the champions of the world in our class. The way the kids fought back after being behind is something I'm writing home about."

Toyofuku said the Hawaii contingent will return home Monday after visiting with Hawaii's Congressmen in Washington, D.C.

The victory was the second for lefty Tamayoshi, a 5–8, 140-pound Kawananakoa School student. He and Nakagawa were credited with all Hawaii's victories.

The Islanders collected 11 hits and Arcadia 10. Nakawaga allowed seven hits and was charged with four runs.

Tamayoshi was touched for only four hits in his relief role. He struck out four and walked three as he relied on his cracking fastball.

GREECE: A COMMUNIST GOAL

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. BURKE of Florida. Mr. Speaker, the Pan Arcadian Society of America, an American-Greek organization, invited Mrs. Burke and myself, together with nine other Congressmen and their wives, to be their guests to tour Greece during the 2-week congressional recess period which just ended.

This being a trip which would not cost the Government anything, I accepted for several reasons. First, because it gave Mrs. Burke and myself the first opportunity to have a vacation with our younger daughter, Kelly, since I was elected to the Congress. During the past several summers, Congress has remained in session during the summer vacation period when Kelly was out on school vacation.

Second, I accepted because I felt it would give me an opportunity to see Greece first-hand and to make a determination regarding conditions under the present Greek military government.

Although there have been recent stories of the Greek people being harassed and their rights being suppressed by the existing military government, my experiences in traveling in Greece and mixing with the people seemed to belie this.

Everywhere I traveled, from Athens to the rural towns, to most of the Greek islands including Rhodes, Crete, Santini, Hydra and others, the people seemed busy, happy, and even prosperous in comparison to other nations I have visited.

The Greek economy, with the city of Athens leading the way, appears to be on the rise, and the recordbreaking number of tourists traveling there this summer was much in evidence.

I can truthfully say that one of the most striking observations during my visit was the lack of crime in the streets. Although there is a military government in power, I saw less soldiers or police in public than I do in Washington, D.C., or any of our large cities.

This element of safety stuck with me as I contrasted the major cities of Greece with cities in our country such as Washington, D.C. and New York where crime is running rampant.

I do not condone any dictatorship whether it be the paternal style of Franco in Spain, the heavy suppression of the Communists, or the military dictatorships that exist in many countries of the world. Yet to me, I would rather have a dictatorship friendly to the United States than a Communist regime such as we have in Cuba today.

As I sat through talks by some Greek government officials I kept in mind the fact that it is a dictatorship that controls the Greek people, but I also kept in mind the fact that Communists are itching to cause trouble and to gain a foothold in this strategically located country that borders three seas in southern Europe and is only a few miles from Bulgaria, Hungary and other Iron Curtain countries.

Those in our country, who are calling for the overthrow of the present Greek Government, do not point out in their speeches of criticism that Greece underwent a disastrous civil war in 1947–48, which the Communists instigated, and which brought it perilously close to being taken over by a Communist regime. The truth of the matter is that this threat still exists today.

There are those that would like us to forget that during the 1940's, the Soviet Union stepped up its revolutionary activity in Europe and elsewhere, and brought its boot down on nations such as Czechoslovakia and others that were weak and reeling from the effects of World War II.

History now shows that Greece would have gone under communism had it not been for the tremendous military and other aid given to it by the United States.

The threat of communism in Europe was so strong that all the freedom-loving nations of the Western Hemisphere joined, as a matter of mutual defense, the North Atlantic Treaty Organization, which was created for the sole purpose of fighting communism.

Greece has always been a member nation of NATO and at this time it might be wise to note that the 20th anniversary of this organization just passed recently—August 24—without fanfare, and with many critics still talking of disbanding the anti-Communist force.

Through the years, America has invested literally billions for the upkeep of NATO and foreign aid programs to rebuild Europe and keep the pro-Western nations free.

It would seem to me that those who propose the disbandment of NATO and those that propose ultraliberals take over Greece forget too easily the perilous positions of some European nations in regard to Communist takeovers.

Is not the lesson of Czechoslovakia and the other eastern bloc nations clear enough? Why cannot the ultraliberal critics and "do gooders" see the Communists for what they really are?

All Communist nations are dictatorships, but for some reason the Government in Greece is painted as a horror story which simply is not true.

I said previously that I do not condone dictatorships, including the one in Greece, but on the other hand, I am sure that for the time being at least, the present leadership in Greece is needed if the Greek people are to eventually have a free government.

From all I can detect, economic and educational advancement have been made under the present Greek regime and it is a capitalistic nation where free enterprise still exists.

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Greece is the cradle of democracy and the Greek people have always cherished freedom, and after visiting and seeing the Greek people, I feel they will ultimately select their leaders through democratic processes without a hammer and sickle hanging overhead and ultimately without the fear of a uniformed dictator tribunal checking the balloting.

CONDEMNATION OF SDS AT SOCIALIST CONFERENCE

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. ICHORD. Mr. Speaker, the current investigation of Students for a Democratic Society by the House Committee on Internal Security has already produced considerable evidence of violent disruption by SDS members for antidemocratic goals.

It is interesting to observe that individuals closely associated with SDS in the past are today uttering rather harsh judgments with respect to the nature and orientation of SDS activity.

A New York Times correspondent, covering a Socialist conference held in Hopewell Junction, N.Y., recently, interrogated Socialist Party Chairman Michael Harrington on the subject of SDS. The correspondent observed in his account in the Times of September 8, 1969, that Harrington had attended the 1962 national SDS convention at Port Huron, Mich., which is often referred to as the founding conference of the youth group.

That convention, by adopting a set of principles largely written by Tom Hayden and also electing Hayden president, actually served as a kind of rebirth for an organization which had a long and not too successful history as the youth section of the Socialist-Liberal League for Industrial Democracy.

Harrington was chairman of the board of the league in 1965 when the parent organization severed the umbilical tie with SDS. Policy differences at that time included LID disapproval of an SDS decision to admit Communists to membership.

SDS today, Harrington told the New York Times, is "suicidally moving into a sectarian Maoist-Leninist cul de sac."

Harrington was also in agreement, the Times reported, with a blistering condemnation of SDS delivered at the conference by the national chairman of the Young People's Socialist League. The assessment of SDS in the speech of YPSL Chairman Josh Muravchik is quite revealing.

Muravchik declared that "what has been known as the New Left—S.D.S., its fellow-travelers and hangers-on—has now completely established itself as the Old Left."

SDS has adopted all "the most grotesque stupidities which have characterized the failure of American radicalism," the Socialist youth leader explained "It was bad enough when the Communist Party tried to apply to America the revolutionary program of the Soviet Union," he said," but to apply to America the revolutionary program of China and North Vietnam just staggers the imagination."

The entire text of the New York Times article detailing the views of the Socialist leaders is as follows:

YOUNG SOCIALISTS DENOUNCE S.D.S.; LEAGUE LEADERS CALL STUDENT GROUP "STUPIDLY IRRELEVANT"

(By William E. Farrell)

HOPEWELL JUNCTION, N.Y., September 7.—Leaders of the youth wing of the Socialist Party, U.S.A., today denounced the faction-ridden Students for a Democratic Society as "stupidly irrelevant" and said the campus organization's "physical and mental ill health make it unattractive to socially idealistic students."

As an alternative, the leaders of the Young People's Socialist League, which numbers about 1,000 members in 25 chapters, most of them on the East and West Coasts, called for the league to recruit more members to "radically transform America in a democratic way."

Standing at an outdoor lectern at the Workmen's Circle Lodge here, Josh Muravchik, a 21-year old senior at City College, who is national chairman of the league, told 275 Socialists that "what has been known as the New Left—S.D.S., its fellow-travellers and hangers-on—has now completely established itself as the Old Left."

He accused the S.D.S. of having adopted "all the most grotesque stupidities which have characterized the failure of American radicalism."

"It was bad enough when the Communist party tried to apply to America the revolutionary program of the Soviet Union," Mr. Muravchik said, "but to apply to America the revolutionary program of China and North Vietnam just staggers the imagination."

DELEGATES RECEPTIVE

The receptive throng of delegates—middle-aged teachers and trade unionists, young couples, and youths of high school and college age—laughed when the youthful leader said of S.D.S. "Their mission is completed; they've abolished classes—at Columbia City and California."

He said liberal parents and the mass media had accepted S.D.S. and black nationalists groups as the chief spokesmen of students and Negroes, without bothering to ascertain that they did not reflect the views of the majority who wanted social change.

The criticism of S.D.S. as well as a plan for the league to try to recruit many of the students who were active in the campaigns of Senator Eugene McCarthy and the late Senator Robert F. Kennedy received affirmative nods from most of the delegates, including Michael Harrington, the author, who is chairman of the Socialist party.

Mr. Harrington was interviewed just before the two-day conference—which mingled discussions on tax reform and environmental pollution with swims and a cocktail party—drew to a close.

One of those present at Port Huron, Mich., in 1962 when S.D.S. was formed, Mr. Harrington said it was now "suicidally moving into a sectarian Maoist-Leninist cul de sac."

Speaking generally about the Socialist party, whose most famous member was the late Norman Thomas, Mr. Harrington said that it no longer posed as "an electoral alternative."

"We retain the name Socialist party because it's a historic identification," he said, but putting candidates on the ballots was no longer "the way to move America to the left."

The party, which numbers about 3,000 active members, now seeks to form "a majority coalition out of the liberal wing of the Democratic party," Mr. Harrington, who is vice president of the New Democratic Coalition steering committee said.

One of the last speakers was Bayard Rustin, director of the A. Philip Randolph Institute, who told the assemblage that he was "pessimistic" about the next few years.

The Young Socialists were making "grave mistake if they think something's going to happen quickly," the civil rights leader and pacifist said.

"We're in a period like the Red Queen described to Alice in Wonderland—it takes a great deal of running to stand still here."

WHAT MAKES A "BARGAIN"?

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. DENT. Mr. Speaker, in all the discussion which has taken place in recent months with regard to the impact of textile and apparel imports on our domestic economy, there is one aspect of this problem which has not received as much attention as it deserves.

I am referring to the stake the women of this country have in reasonable regulation of imports.

Because so many jobs in the textile and apparel industry can be performed by women, this industry has become a haven for the hundreds of thousands of women who are the full or partial breadwinners in their families.

One of the Nation's leading women columnists, Margaret Dana, recently explained why regulation of textile and apparel imports is so important to the women of this country. She pointed out that 80 percent of the employees of the garment industry are women and that their jobs are being threatened by so-called bargain garments which are flooding this country from low-wage nations in the Far East. She warned that if the present uncontrolled flood of imports continues the women employed in the apparel industry will be the first to suffer through lost jobs, lost income, and deterioration of the standards of the apparel products they buy.

Her thought-provoking column, which appeared in the Sharon (Pa.) Herald, is well worth reading, and I ask that it be printed at this point in the RECORD:

BEFORE YOU BUY: WHAT MAKES A "BARGAIN?"

(By Margaret Dana)

Almost the first thing the experienced shopper learns is that a bargain is more than a low price. And the more competent the buyer becomes, the more critically she asks how that low price got that way.

Is it low because the merchandise is left over, undesirable for some reason to the majority of shoppers? It can still be a real bargain. But if that low price is there because the goods were "specially bought" for the sale, the quality may have been badly cut along with the price.

There are other reasons, some of them international, for low prices on some things. One area getting a lot of attention these days is textiles and garments. There has been an astounding growth in recent years of imported fabrics—by the yard and as clothing. Some of it is of good quality, some is poor, but the prices are low. The question is: Are they bargains? Shall we continue to welcome unrestrained floods of foreign fabrics and garments, especially from countries

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whose standards of living are very low and whose wage scales are incredibly below those in the United States? Responsible consumers should be asking themselves: Who gets hurt to make these bargains?

If the wage scales were competitive, only fair competition would probably result, even if inferior goods managed still to come through. As it is, many a garment worker, whether in Hong Kong or in some other area, may be paid around 17 cents an hour, as compared with $1.83 an hour in this country, with about 30 cents in fringe benefits an hour. The garment industry here has raised its wages 21 per cent in the last three years, which was right and proper. But it brings serious problems of competing with increasing floods of merchandise produced at the primitive wages of some other countries.

There are various ill-advised spokesmen, some purporting to speak for the consumer, who insist there should be no quotas set on fabrics or garments and no restraints on this competition. Some say that if imports were controlled, the textile and garment industries in this country would immediately have a field day, inflating prices further and generally taking a bite out of the hard-pressed consumer.

The actual facts do not justify any such conclusions. When cotton apparel and textile controls were set, back in the early 1960s, to regulate orderly marketing, there was no increase in cotton apparel prices as a result. If wool and man-made fibers and their products were similarly controlled to prevent a runaway flooding of our markets, there is no reason to suppose there would be any more of a price increase.

The fact is the textile and the garment industries are and always have been highly competitive within themselves. The garment industry is one of the largest employers in our manufacturing industry, with 24,500 plants competing against one another. Many of the companies are tiny, and struggle constantly to keep afloat. They need no outside prodding to keep their prices competitively low.

As a matter of plain fact, the garment industry has managed somehow to keep the increase in prices for their goods below just about every other segment of the economy. In the past 10 years, for instance, while nondurable product prices rose 18.4 per cent, and food prices rose 19.3 per cent, while health and recreation costs rose 30 per cent, apparel prices rose the smallest percentage—16.8 per cent. At that the manufacturer's price increase was lower than the retailer's, even while he absorbed increased wages, overhead, taxes, etc.

Women should also look carefully at this fact about employment in the garment industry: 80 per cent of the personnel in garment factories are women. If uncontrolled imports force a competition that is unfair, women will be the first to suffer—through lost jobs, lost income, and a deterioration of standards.

Shall we let imports continue to rise without any controls whatever, or shall we ask our Congressmen to support reasonable, orderly marketing to prevent further damage to fair competition? This is one "bargain" area where women's voices are needed.

THE ARMS TRADE—PART V

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. COUGHLIN. Mr. Speaker, the Soviet Union, like the United States, Britain, France, and other industrialized nations, is deeply involved in the international trade in the weapons of war.

Since 1955, when it first entered the arms trade in a significant way, the Soviet Union has distributed nearly $7 billion worth of arms to some 35 nonbloc countries.

Egypt alone has received approximately $2 billion of this total, and Indonesia—before the fall of Sukarno—another $1 billion in arms. The remaining $4 billion worth of weapons has gone to such countries as Algeria, Guinea, Somalia, Syria, Iraq, Iran, Pakistan, India, and Morocco. The last four countries named also receive arms from the United States.

One of the better newspaper articles describing the Soviet postwar arms aid program appeared on Sunday, September 14, 1969, in the Washington Star.

I believe that it deserves to be reprinted in full for the benefit of my colleagues. It points out, as I have tried to do in the past, the desperate need for a conventional arms control agreement between the world's great industrial powers.

Fueling regional arms races and catering to the weaknesses of unstable and unsophisticated nations, as the Soviet Union has been doing with its arms aid for the past 14 years, will inevitably lead to a rise in the incidence of conflict and in the spread of de facto wars. Eventually, one of these conflicts or wars will lead, as several have in the past, to a confrontation between the world's two super-powers from which there may be no escape.

A nuclear war could break out as the result of a conventional war escalating out of control, yet there are absolutely no international control agreements in force. Once again, I call on the United States to take the lead and seek to have the question of conventional arms control included on the agenda of the forthcoming strategic arms limitation talks in Geneva.

The article follows:

EXPANDING SOVIET MILITARY AID REACHES 35 STATES

(By Howard C. Reese)

Since 1945 trends in international politics have resulted in an acceleration of foreign policy by nondiplomatic means. The reason lies in the sudden appearance of 61 newly independent states and 93 less developed countries, none of whom possessed the techniques of modernization in any definitive form.

To enable these states to reach acceptable standards of national proficiency required economic, technical, and military assistance from countries more advanced or at least more fortunate than the recipients. The United States, Britain, France, Israel, Canada, West Germany, and the Soviet Union as well as East Germany and Czechoslovakia became involved and continue to participate in this process.

Economic and technical assistance are reasonably straightforward. More complex because of self-evident political overtones, and often difficult to distinguish because of corollary economic use is military aid of which the United States and the Soviet Union are the chief donors. The United States started its program in 1946; the Soviet Union did not begin its counterpart until 1954. Until 1967 the United States gave military assistance to 29 countries in the amount of about $19.9 billion. Russia provided the equivalent to 35 incumbent governments and numerous insurgent movements at a cost of about $6 billion from 1955 to 1967, the latest year for which figures are available. The aid is continuing on an increased scale.

To some extent what has followed has been a competition between the United States and the Soviet Union in extending this kind of aid. The existence of the newly independent countries have provided incentives and opportunities for the two major powers.

Smoldering issues such as the Arab-Israeli dispute and the Kashmir question between India and Pakistan cause the protagonists to look for arms to fight or to replenish weapons lost in seeking resolution of these problems. When the suppliers seek to maintain equilibrium in a critical area, as the United States tried to do vis-a-vis Egypt in 1955 and Iran in 1967, both countries turned to Russia.

Military assistance, therefore, has become a sensitive instrument of foreign policy. As for the United States there also are difficulties for the Soviets. Active in the Middle East, Africa, South and Southeast Asia and Cuba, the Soviets are not only concerned with the United States, but also with Communist China, a competitor, as in Pakistan and Tanzania. A survey of Soviet military assistance in these regions can be useful to determine the nature of this kind of aid, and whether it constitutes a threat, actual or potential, to the United States.

Military assistance is a nonrestrictive category. Under its heading come such items as weapons and weapons systems, logistical support, spare parts and production plants for the manufacture of arms and ammunition, and the provision of advisers, training personnel and facilities.

Military aid, however, can also assume an economic character with port and airfield construction, because projects of this type are frequently used by civilian agencies as well as military. The port of Hodeida in Yemen, built under Soviet military auspices, is an example.

TWO MAIN FUNCTIONS

Military assistance serves two main functions. One, along with economic and technical aid and cultural exchanges, it seeks to promote a framework of trust between the donor and the recipient. The military adviser is one more element in the involved and continuous process of political communication.

Through him another channel is available to the donor for projection and emphasis of policies whose support by the client government at critical junctures in world affairs can be useful. In countries where the military rules the country, as in many less developed states, the close ties which the military mission can expect to establish with the host government has obvious advantages.

Two, military assistance sometimes allows the suppliers to test their weapons in actual combat.

At little cost in material and with no commitment of manpower, the Arab-Israeli wars of 1956 and 1967 provided the French and the Soviets with opportunities to learn about the performance of weapons furnished to their respective clients. In the more recent conflict, for example, the French were able to find out about firepower and maneuverability of the Mirage 3–C and the Super Mysteries against Soviet-built MIG–21s. The Israelis recommended changes in the Mirage 3–C that were later useful in designing the Mirage-5. Significant recommendations were made for improving aircraft cannon and the MATRA air-to-air missile mounted on the Mirage.

The prolonged combat conditions in Southeast Asia also enable the Soviet to gain information about their equipment in the hands of the North Vietnamese, including the AK 47 automatic rifle, latest designed

PT–76 tanks, surface-to-air missiles, and 37 mm to 100 mm radar-directed antiaircraft guns.

Military assistance cannot avoid certain problems in common with its sister medium, economic aid, particularly in such matters as obsolescence of equipment. To be sure, most less developed states recognize that they cannot have everything they want, but when their officers study abroad, it is perhaps natural that they press for purchases of these items.

Keeping abreast of regional rivals is the reason given to justify these expenditures. Experience, however, has amply revealed the incongruities between economic means and political realities with unrestricted arms sales.

Under Stalin, the Soviets remained aloof from giving military assistance, but his successors began to see the opportunities in this component of foreign aid. In it they perceived a vehicle to conform to the independent spirit of the new states and a device to encourage their nonalignment from any Western-inspired bloc.

With Soviet military assistance recipients could avoid temptations to join the Baghdad Pact (the Central Treaty Organization since 1958) and the Southeast Asia Treaty Organization. In acceptance of Soviet aid some new states saw a chance to snub the former colonial powers.

The Soviets also found that military aid could be useful in advancing Soviet political goals through the support of so-called wars of liberation.

The wars in South Vietnam, Korea, Laos, and the revolts in Angola and Mozambique are illustrations. The positioning of medium-range ballistic missiles in Cuba showed how the recipient of Soviet military aid could be used as a forward strategic base for Soviet objectives.

Once given, military assistance continues as long as political conditions permit.

The Middle East is the main effort of the Soviet program, and has remained so since it started in September 1954 with a shipment of reconditioned World War II tanks to Syria. A year later this assistance was overshadowed by the sale of $200 million worth of tanks, aircraft, and naval vessels through Czech channels to Egypt (United Arab Republic). In so doing the Soviet Union had outflanked the Baghdad Pact, organized to defend the Middle East against Soviet encroachment and composed of Britain, Turkey, Pakistan, Iran (and, until July 1958, Iraq). At the present time the Soviet Union can count 7 clients of its military aid in the Middle East. Besides the United Arab Republic, Afghanistan, Cyprus, Iran, Iraq, Syria, and Yemen are included.

CRITICAL REGION

From a U.S. and Western point of view generally the Middle East is the most critical region in the distribution of Soviet military assistance for at least two reasons. One, along with Southeast Asia, this aid has been used in actual conflict. In the Arab-Israeli Wars of October 1956 and June 1967 Soviet weapons in Egyptian hands played a significant, if inglorious role. Before the June 1967 War, Soviet assistance to the United Arab Republic amounted to $2 billion.

On the eve of that conflict the arsenal of Soviet equipment gave the United Arab Republic the appearance of a formidable, even a superior striking capability over the Israelis. The poor use of this equipment is one purpose for the current stationing of nearly 3,000 Soviet advisers at battalion and squadron level. By the late spring of 1969 the Soviets sent approximately $700 million worth of tanks, aircraft, and missiles to replace what had been destroyed in the brief war two years before.

Two, in addition to this aid for the UAR, Moscow's assistance to Iraq, consisting of late model ground weapons, aircraft, and advisers, is a potential threat to Western access to oil fields in that country and to the Western oil supply route in the Persian Gulf.

Soviet military assistance in the Middle East has also been extended to Syria, the Republican forces in the civil war in Yemen and Iran. Syrian troops took part in the June 1967 War using Soviet artillery and tanks. In a rare instance the Israelis captured (and quickly released) a small number of Soviet advisers serving with the Syrians in the field.

In May the Syrians sent a military mission to Peking, headed by Major General Mustafa Talas, the army chief of staff, to discuss assistance from that quarter. This move was motivated by a desire to put pressure on the Soviets whose shipments of antitank guns and aircraft were disappointingly slow according to Syrian needs. The Chinese turned down a request for rockets which the Syrians said were required to protect Damascus and Aleppo against Israeli planes. On the other hand, the Chinese promised more weapons for Palestinian guerillas operating from Syria against Israel.

Aid to the Republican side in the civil war in Yemen is another example of the interrelationship of military and economic assistance. To this small and backward country close to the southern terminus of the Suez Canal, the Soviets have furnished modern ground arms, and Soviet pilots have flown occasional combat missions.

ATTITUDE REVISED

In certain instances, a combination of political, economic and military factors can modify the original source of military aid, as illustrated by Iran. In 1965 the Soviet Union began to be the major importer of Iran's non-oil exports, taking about 20 percent of the total.

Two years later, in late 1967, the nearly $1 billion U.S. economic aid program ended. The circumstances seemed to suggest a revision in Iranian attitudes toward the Soviets.

The tenseness of the Stalinist era that had embittered Soviet-Iranian ties had long since passed. Moreover, the Iranians began to be worried about President Nasser, whom they began to look on as a threat to Iranian interests in the Persian Gulf. Cairo, Baghdad, and Damascus called for the "liberation" of Khuzestan in northern Iran as part of the Arab homeland, and insisted that the Persian Gulf was, in fact, the Arabian Gulf.

The Iranians asked the United States for more military aid, but were refused on the grounds that additional assistance would disturb whatever regional equilibrium was being maintained. When the Soviets offered $100 million worth of antiaircraft guns, armored personnel carriers, and trucks in exchange for national gas, the Iranians became interested.

From the military point of view, reliance on a single source of supply risks interruptions of shipments because of changes in political trends. The stoppage of French aircraft to Israel is an example. On the other hand, additional sources of supply runs counter to the old military axiom of standardization of equipment and parts. A variety of materiel means stockage of parts for more than one type of truck, tank, or aircraft with appropriate records and maintenance procedures to go with them.

The Soviet Union gives military aid to India and Pakistan, and until the fall of President Sukarno in February 1967, provided assistance, largely air and naval, to Indonesia. Through this experience the Soviets have probably come to recognize the almost unavoidable difficulties associated with military assistance programs.

In the case of India and Pakistan military aid cannot be separated from the suspicions between the two countries, engendered by the territorial disptue over Kashmir and persistent Hindu-Moslem enmity. The Kashmir quarrel resulted in a 17-day war in August 1965 that opened an eventual door to Soviet military assistance to Pakistan. Soviet aid to India began during the brief Indian-Chinese conflict of October 1962.

When the Chinese attacked in force in the high altitude regions of Ladakh and the North East Frontier Agency in October 1962, the United States, Great Britain and the Soviet Union responded to India's need for arms much to Pakistan's displeasure. Initially, however, the Soviets paid lip service to Peking, but soon demonstrated support for India by furnishing aircraft and other equipment. After hostilities India took advantage of the developing Sino-Soviet rift to negotiate an arms agreement with Moscow that included the manufacture of the MIG–21 jet fighter under license (thus far, the Soviets have denied permission to build the more modern MIG–23 version, surface-to-air missiles, SU–7 bombers, light tanks, and naval craft.

SALE SUSPENDED

Some of this equipment was used during the Indo-Pakistan War, in which the Indians fired only two surface-to-air missiles.

The United States suspended the sale of lethal weapons to both sides after the war to prevent an arms race from developing between India and Pakistan. Pakistan felt this move acutely, because of high tank losses involving U.S. M–47s. Having only minimal relations with the Soviet Union at the time, Pakistan turned to China for replacements for aircraft as well as armor.

The Chinese, anxious to embarrass India, took advantage of the situation, sending enough Chinese-built Soviet T–54 tanks to equip two divisions and about 50 MIG–19s. Interestingly enough, Pakistan received no help from its sister Moslem states.

The Chinese, however, were unable to furnish the necessary spare parts to keep the equipment they had furnished in good working order. One of the reasons why former President Ayub visited Moscow was to be assured of a supply of not only the Chinese-built weapons of Soviet design, but to explore possibilities of getting newer arms. For their part, the Soviets were concerned about increasing Chinese influence in Rawalpindi. Moreover, they were anxious to woo Pakistan from its commitments to the Central Treaty Organization and to the Southeast Asia Treaty Organization, the U.S.-inspired regional alliances to contain communism in northwest and southeast Asia, respectively. Pakistan's technical needs and Soviet political necessity had found common ground.

The Indians made known their fears about anticipated Soviet deliveries of late model tanks to Pakistan to Marshal Andrei A. Grechko, Soviet Minister of Defense, when he visited New Delhi in April of this year. Grechko said that the tanks would not be used against India, and that Soviet arms to Pakistan were meant to limit Chinese influence in the subcontinent.

His hosts reminded him that the same promises had been made with respect to the U.S. tanks that the Pakistanis had employed in the war of August 1965. The Soviets were not deterred, however, from moving ahead with their military assistance to Pakistan by Indian protests, flaunting Soviet criticism of the United States for giving military aid to Pakistan in the 1950s.

After all the Soviets were in a position that had been denied to Russia for two centuries. Soviet mediation scored a diplomatic success at Tashkent in ending the Indo-Pakistan War. Now they had two grateful recipients of Soviet arms. The political effects were demonstrated in late 1968 when neither India nor Pakistan voted to condemn the invasion of Czechoslovakia in the United Nations. Pakistan's acknowledgement of Soviet assistance could be noted even before, when in May 1967 Rawalpindi decided that the U.S. lease on the Peshawar air base would

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not be renewed. Due to close in July of this year, the base was used for high altitude reconnaissance flights of the Soviet Union.

BEGAN IN 1961

Soviet military aid to Indonesia began in 1961 and focused on the navy with the apparent aim of making the country a naval power of some standing to accommodate Soviet regional interests in case of need. Soviet assistance to Indonesia increased steadily; in 1963, a third of Soviet arms exports reportedly went to this largest Moslem state. Until 1967 Soviet military assistance amounted to about $1.34 billion.

The naval component of this program entailed the transfer of about 60 Soviet warships to Indonesia.

Russia extends military aid to 11 African countries in amounts varying from $250 million to Algeria, to $10 million to Tanzania and to Uganda, and to less than $5 million to Mali and the Congo (Brazzaville). Of interest is the geographical distribution of this assistance.

With programs to Algeria and to Morocco, it is possible to suggest that the Soviets have been able to establish military influence in the western Mediterranean. The impact is difficult to gauge, but certain inferences can be made, particularly with respect to Algeria whose military connections with the Soviet Union had their origin during the Algerian war of independence with France (1954–62). During that period Russian arms to the National Liberation Front (FLN) were a significant factor in the combat operations of the Algerian rebels. The psychological framework was therefore laid for Soviet military assistance when it was instituted in 1963. Large numbers of Algerian officers have been sent to Soviet service schools, and about 3,000 Soviet advisers have assignments with the Algerian armed forces.

Soviet aid to Morocco antedated military assistance to Algeria, having begun in 1960. Shipments of T–54s enabled Morocco to take a strong stand in a boundary dispute with Algeria in 1963.

To the southeast the Soviets began a military aid program to Sudan in 1963. In 1968 the Soviets reportedly negotiated assistance valued at about $60 million. With influence in the United Arab Republic and also in Sudan, the Soviets could be in a favorable position to press for military privileges in case of need.

On the Horn of Africa, Somalia, a triangular-shaped country, with one shoreline astride the Indian Ocean, another along the Arabian Sea, has received Soviet aid since 1963. For the five-year period 1963–1967 this program has amounted to about $30 million.

This objective, however, was not easy for at least two reasons. One, the Chinese were there and had made political inroads. Two, Ethiopia was concerned because of a dispute with Somalia over the Ogaden area. Nevertheless, the Soviets proceeded with their program which initially comprised 65 T–34 tanks, 65 armored personnel carriers, quantities of infantry weapons and antiaircraft and field artillery pieces, and a squadron of MIG–15s.

PORT MODERNIZED

The Soviets modernized the port of Berbera and later shipped about 150 MIG–17s and provided 1,200 military advisers. Reportedly, Somalia has received more aid per person than any other country in Africa.

Soviet military aid to Guinea, Mali, and Nigeria illustrates promptness in adjusting means to policy. When Guinea became independent in 1958, the Soviets at once offered help to train the state's armed forces. Assistance has come to about $10 million. In doing so, the Soviets could demonstrate that they had the basic interests of the newly independent countries at heart.

The same could also be said for Mali which achieved independence in 1960: Soviet military assistance began the following year. The military connection with Guinea enabled the Soviets to tranship arms to the Congo during the crisis of 1960 and thereafter; it also allows the Soviets presently to assist the insurgents in Angola.

In the civil war between Nigeria and Biafra, the Soviets have sold MIG–21 jet fighters as well as SU–7 and Ilyushin bombers to the former. These aircraft, on occasion with Egyptian pilots, have been used in combat operations. In Tanzania, the Soviets are overshadowed by the Chinese who have sent Chinese-built 14 T–54 tanks and have helped with the development of a marine police force. The Soviets did not begin their activities until 1964, and are apparently only working with the security forces.

Soviet military aid to North Vietnam is largely a continuation of the assistance that was granted to the Viet Minh during the long war against the French (1946–54) that resulted in the independence of the former states of Indochina, Laos, Cambodia, Annam and Cochin China (South Vietnam) and Tonkin (North Vietnam). When French rule ended, both the Soviet Union and the United States undertook military assistance to North and South Vietnam respectively. In 1966 the Soviets sent five MIG–17 jet fighters, part of a small assistance program.

Economic and military assistance to North Vietnam comes from the Communist bloc generally, but it is the Soviet Union that provides the heaviest share. Military aid constitutes 60 percent of the total assistance received by North Vietnam, but in 1968, for the first time in four years economic assistance made up more than half of the total aid. From 1965 to 1968 Communist aid amounted to $3 billion, of which Moscow furnished two-thirds; Peking took up most of the remainder. It is estimated that 12,000 military and other technical bloc specialists are in North Vietnam.

Most of the Communist economic aid is seaborne; all of the military equipment is shipped, it is believed, via rail across China.

Virtually all of the advanced weaponry in the North Vietnamese armed forces is Soviet-made.

The air defense of North Vietnam, considered to be the most formidable system yet encountered in war, consists of an aggregation of Soviet radar-controlled automatic guns (reportedly in the thousands) and surface-to-air missiles modified to counter U.S. electronic jamming techniques and to be more effective against low-flying aircraft. As a consequence of this heavy assistance and having demonstrated the ability to use it effectively, North Vietnam is a formidable enemy.

AID TO CUBA

Soviet military aid to Cuba began some time in 1960. Since that time the 90,000 man army, 6,000-man navy and smaller air force have improved in quality and are presently thought to be the best trained armed forces in Latin America.

Soviet equipment includes about 200 T–54 tanks, some of which took part in the Bay of Pigs operation, upwards of 130 MIG–17, 19, and 21st and about 60 assorted ex-Soviet Navy craft, including 18 Komar-type guided missile boats. Large numbers of Cuban officers have received specialized training at Soviet service schools and Soviet advisors have been on duty with the Cuban armed forces.

Is Soviet military assistance a threat to U.S. security? In that it is competitive with its U.S. counterpart, the answer is yes, but more so because of the use to which this aid can be put. There are the examples of Cuba in allowing itself to be a Soviet forward strategic base in 1962 and the United Arab Republic as a transshipment point for Soviet arms to the Congolese rebels in the early 1960's. Soviet military aid to Cyprus, about $30 million since the program began in 1965, is suggestive of possible demands the Soviets could make on this strategically located island in the eastern Mediterranean. Whether the national pride of the recipients could resist such demands without outside support has yet to be demonstrated.

The question of military assistance must ultimately be reckoned with the capacity of the two major powers to extend this kind of aid. Obviously, there are limits in manpower and materiel resources despite the usefulness perhaps of fobbing off obsolete equipment on second class military forces. The complex nature of military assistance suggests that some form of restraint would make a useful item on an arms control agenda.

On the other hand, the desire to satisfy the parochial aims of many newly independent states promises only limited success for such an altruistic aim. Now in its fifteenth year, Soviet military assistance has given impressive evidence of its ability to furnish equipment and training to countries seeking this form of aid. For the indeterminate future, it can be expected to be a continuing instrument in support of Soviet regional objectives.

JOB CORPSMAN A HERO

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. PICKLE. Mr. Speaker, with the Gary Job Corps Center in my district, I have more than a passing interest in the future of the entire Job Corps program. Continually, I get reports from the Gary personnel of success stories that have great emotional appeal. It is very rewarding to know that these young men are winning in an uphill struggle for an honest living. They are largely a bunch of scrappers who have finally had someone direct their energies and emotions into worthwhile work.

A recent report from Camp Gary, I think, should be shared in Congress.

Mrs. Robert Mitchell of Port Huron, Mich., this year lost her heroic son in combat in Vietnam. He was a Gary Job Corps graduate, a fact which Mrs. Mitchell points out so well in this letter to Gary officials. I commend this wonderful mother's letter to all Members for it shows the courage and dedication of our citizens. The letter is as follows:

PORT HURON, MICH.,
August 22, 1969.

MY DEAR SIR: I am using some of the stationery my son had in Basic Training. I use it with reverence in memory of my boy.

I lost my son last March 5 as he gave his life very heroically for his country.

David Paul Jacobs was one of your boys in Welding. He was there in 1966.

David was very seriously wounded on Feb. 3, 1968 and was returned to the United States where he was hospitalized in Valley Forge Hospital, Phoenixville, Penn. In October of 68, he volunteered and returned to Viet Nam. Again, 1 year to the day, he was wounded again in the eye. He was in the hospital at Cu-Chi Base for a short time. Upon recovery and returning to duty, they were caught in a fire-fight while on night defensive duty and he was killed by penetrating wounds to the abdomen by missile and mortar fire.

In my letter from the Army it stated that he had gone directly to the danger perimeter and was checking enemy movement, going from position to position, with no regard to his own safety.

I am enclosing a picture from our paper that tells of David's Medals. It did not mention the V for valor that can be seen in the upper left corner on the Bronze Star.

Please excuse the lengthy letter. It is difficult to speak about my wonderful son in less words.

I felt you would like to know about one of your former boys who died so bravely.

Sincerely,
GWENDOLYN (JACOBS) MITCHELL.

Mr. Speaker, David Paul Jacobs very eloquently repaid the faith that his parents and that Job Corps had in him.

UNION SUPPORTS REPEAL OF EMERGENCY DETENTION ACT

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. MATSUNAGA. Mr. Speaker, more than one-fourth of the membership of this great body has joined with me and Congressman CHET HOLIFIELD in sponsoring legislation to erase one of the most repugnant laws ever to appear on our statute books—title II of the Internal Security Act of 1950, the so-called Emergency Detention Act.

In addition to this strong support, there is a growing national awareness of the need for expeditious action on this important legislation. This is evidenced by a resolution unanimously adopted at the August 20, 1969, meeting of the Office & Professional Employees Union, Local No. 29, AFL–CIO, endorsing my bill, H.R. 11825, and similar legislation pending in both bodies of Congress.

I have requested the House Internal Security Committee to schedule early hearings on the title II repeal legislation, in order that this legislation may be brought before the House for consideration during the present session of Congress.

The resolution adopted by the Office & Professional Employees Union, Local No. 29, of Oakland, Calif., is submitted for inclusion in the CONGRESSIONAL RECORD:

RESOLUTION TO REPEAL TITLE II OF INTERNAL SECURITY ACT BY PASSAGE OF SENATE BILL 1872 AND HOUSE RESOLUTION 11825

Whereas: The Internal Security (McCarran) Act of 1950 was enacted in the McCarthy era, over the veto of President Truman, who declared "the Act would strike blows at our liberties"; and

Whereas: Title II of the Act, known as "The Emergency Detention Act" gives power to the President or his agent to detain persons "if there is reasonable ground to believe that such person will engage in or *probably* will with others engage in acts of espionage or sabotage"; and

Whereas: A person so detained will not be brought to trial, but must prove his innocence before a Hearing Officer, however the government is NOT required to disclose or produce witnesses to justify the detention; and

Whereas: With the knowledge of the experience of the more than 110,000 citizens and non-citizens of Japanese ancestry, who were incarcerated, in 1942, in 10 concentration camps without hearing or due process of law because of racism and war hysteria; and

Whereas: Senator Daniel Inouye of Hawaii, at the behest of the National Japanese American Citizens League (JACL) Committee To Repeal Title II, has introduced Senate Bill #1872 to repeal the Emergency Detention Act, and 23 Senators, including Alan Cranston and George Murphy, are co-sponsors; and

Therefore be it resolved that Local 29, Office and Professional Employees Union, AFL–CIO go on record to support passage of SB 1872 which eliminates Title II—the Emergency Detention section; and

Be it further resolved that we make public this action through every means at our command; and

Be it further resolved that copies of this resolution be sent to the Senate Committee on Judiciary and Senators Inouye, Cranston and Murphy; and

Be it further resolved, that the Senate consider SB 1872 and enact as separate legislation and not attached to pending and/or contemplated legislation; and

Be it finally resolved that similar resolution be sent by our Local on HR 11825, similiar legislation introduced by Congressmen Matsunaga, Holifield and many other Congressmen.

APOLLO 11 REPORT TO UNITED NATIONS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following report on the flight of Apollo 11 on September 8, 1969, by Dr. Thomas O. Paine, Administrator of the National Aeronautics and Space Administration, to the United Nations Committee on the Peaceful Uses of Outer Space, September 8, 1969:

REPORT BY MR. PAINE

Mr. Chairman, members of the United Nations Committee on the Peaceful Uses of Outer Space, distinguished guests:

I am particularly appreciative of the remarks by the distinguished representatives of Sweden, the Union of Soviet Socialist Republics, India and Brazil at the meeting this afternoon.

It is an honor and a pleasure to have this opportunity to report to this distinguished committee at your opening session. This occasion is especially appropriate because this most dramatic extension of man's capabilities in space is indeed an achievement by and for all men everywhere.

This event has implications for mankind far richer and more meaningful than a landing on the moon in the narrowest technical sense. If men properly develop and exploit these advanced capabilities, they can surely be directed to a great expansion of those practical benefits which we have only just begun to reap in space in the fields of communications, weather prediction, navigation, earth resources and other fields.

And man will be able, in time, to extend his domain beyond the confines of his home planet earth. From our small 8000 mile diameter planet we have set forth in this first step upward and outward into the 8000 million mile solar system around us.

When I say that the success of Apollo 11 is a step forward of all mankind, I do not use these words without thought. The variety and extent of foreign contributions to the Apollo 11 flight are real and they are impressive and they are appreciated by all Americans.

It is most appropriate that we express our appreciation in this forum to so many of the countries represented here for accommodation and, in many cases, operation of tracking facilities: Australia, the Malagasy Republic, Mexico, Spain and the United Kingdom.

And particularly we are grateful for the use of a special 210-foot diameter radio astronomy facility in Australia which made it possible to bring back the movies of the surface of the moon to all television watchers everywhere.

We appreciate the cooperation in the staging of our search and rescue aircraft and range instrumentation aircraft from Australia, Brazil, Chile, Japan, Libya, Mauritius, Netherlands, Peru, Portugal, South Africa, Spain and the United Kingdom. And we appreciate the overflight privileges which were granted to these aircraft by 47 different nations.

And we appreciate the cooperation in the scientific experiments that were carried on Apollo 11 to Switzerland for Professor Geiss' solar wind detector; and to Australia, Belgium, Canada, Finland, Germany, Japan, Switzerland and the United Kingdom for supporting the work of 36 scientists who are now receiving lunar surface samples for analysis in their laboratories.

Brazil has cooperated in a sounding rocket program that was coordinated with Apollo to monitor radiation hazards to our astronauts in space.

Other countries, including France, are now utilizing the laser reflector left on the moon for scientific experiments.

Sweden and Germany furnished the Hasselblad cameras which brought back the magnificiently detailed photos of the lunar topography.

And we are grateful to 73 different nations who sent a memorable series of messages which we etched onto a small disc and carried to the moon and left behind.

And, finally, I want to acknowledge the United Nations Outer Space Committee's constructive work in confirming in the Outer Space Treaty the status of astronauts as envoys of all mankind; and for providing for the safe return of astronauts who might land under emergency conditions.

I know that you are all interested in the preliminary scientific results which even at this early date have provided extremely valuable insights into the lunar surface. There will be a more detailed report in a press conference in about a week but the following can already be said in a tentative fashion:

The passive seismometer experiment operated within a few minutes of its deployment. It recorded astronaut footsteps and the lunar landing module and possible surface slides on the moon. It was successfully commanded to a standby mode during the lunar night and then switched back on. The long-period seismic element lasted until August 26 and the short period element until August 28. None of the long-period seismic data resembles earth data, but it is not certain whether the signals are caused by instrumentation changes or natural phenomena. If natural, the moon would be structurally very different from the earth, a far more heterogeneous body than our home planet. This we will explore further in the next landing which is now scheduled to set forth on November 14 when additional seismic instruments will be deployed.

We have found as yet no evidence of any previous life on the surface of the moon. But all of you have seen men walking on the surface, men who will be the precursors of terrestial life as it moves outward to our twin planet.

The minimum age of the Sea of Tranquility area in which we landed is about three

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billion years, much older than believed earlier and possibly indicating that the moon formed at the same time as the earth.

The length of time that the materials had been lying on the surface which we collected as our samples indicate that the surface of the moon is very ancient and has changed very slowly.

The average density of the rocks is very high, 3.2 to 3.4 grams per cc. This is near the average density of the entire moon.

The lunar material that we collected shows an igneous origin, possibly volcanic, but it is chemically different from volcanic material here on earth with a higher percentage of heavier elements.

We have detected no evidence in any of the samples examined to date of the presence of water. In fact, it appears likely that the rocks were formed under conditions with little oxygen or water present. They are typically crystalline and glass. The lunar surface dust is composed of a very high percentage of small round glass spherules, apparently the product of impact by meteorites.

The laser experiment which is still being conducted has already refined our measurement of the lunar distance down to a few tens of meters and we hope in time to get it down to within a few centimeters.

If man's reach should exceed his grasp, the fact that we have been able in the Apollo program to grasp the moon shows that man has perhaps not been reaching far enough. We can dare and we can win far more for man than we have ever thought possible. And, we should not only in science and technology but in all the affairs of men.

It is very proper that men everywhere around the world are asking us if man can indeed go to the moon, why can't we do a far better job here on our planet earth in ordering the affairs of man? This is a question which is indeed appropriate and a question which those of us concerned with space programs should welcome.

There is much to be learned in space and it is relevant to our total environmental knowledge here on earth. We are opening a whole new field—that of planet ecology. We should not assume that an environmental fact close at hand here on earth is necessarily more significant to us than an environmental fact at lunar distances or even at the surface of the sun or in the atmosphere of Venus or the surface of Mars. We may find the most critical facts and conditions that determine our terrestial environment in the atmospheres and conditions of other planets, perhaps at the boundary of the earth's magnetosphere or in the surface of the sun. We may find critical insights into our own atmospheric processes in the atmosphere of Jupiter or other planets. We can and we must pursue this increased knowledge and we must turn it increasingly to the benefit of man.

To equip ourselves for this task, we should continue the work we have begun and should increase our capabilities still further, but above all we should do it as much as possible together.

After the Apollo program we see a very rigorous opportunity to press forward. We believe that the Apollo 11 astronauts have opened a trail that many men will follow. Their flight is a beginning, not an end. We stand at the start of a new era which will see space flight become as safe, as reliable and as economical as aircraft flight through the atmosphere is today.

We see lying ahead of us now the task of developing reusable spacecraft and permanent space stations in orbit that will greatly reduce the cost of space operations and will open space travel to men and women of all nations. The future space programs will consist of equipment that will be multipurpose, it will be used many times and will bring back in many areas far more information than we have been able to acquire in the first dozen years of space.

These future programs can and should be carried forward with far greater international participation than has yet been the case. That participation will be as rewarding to all nations who take part as it has been to those nations which have started down this trail. The character of the space effort in the name of all mankind will surely be more rewarding to every person on this planet and will well repay the energies and the resources required. Certainly, we in the United States will, as we have in the past, make increasing opportunities available to people of all nations who wish to join with us in the pressing forward of this great human endeavor.

The great explorations of history, carried out by many nations, have always opened up new vistas of the possible. And the sights of all men have been raised and their hearts inspired. The exploration of space is in that great tradition, and yet it extends by orders of a magnitude the past explorations. Where before Apollo exploration was a challenge in itself, its successful beginnings now stand as a challenge for our children and for all future generations as we open up this limitless frontier. Certainly the greatest challenge of all is that the world which is seen as one from space, should also be seen as one from the earth itself.

Mr. Chairman, this concludes my remarks, and with your permission I would like to present to you for this committee during the recess a lunar globe which contains all of the lunar features which have been mapped by the lunar probes to date.

SUPPORT GROWS FOR CONSUMER PROTECTION ACT OF 1969

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mrs. DWYER. Mr. Speaker, yesterday I introduced the Consumer Protection Act of 1969, H.R. 13793, which would establish by law a permanent Office of Consumer Affairs, in the Executive Office of the President, create an independent Consumer Advisory Council, and provide in numerous ways for more effective consumer protection, representation, and information at the Federal level.

A detailed explanation of my bill, together with the text of the legislation, appears in the CONGRESSIONAL RECORD of September 15 at pages 25407–25411.

I have been greatly encouraged, Mr. Speaker, by the fact that within these first 24 hours considerable support has been evidenced for H.R. 13793. Not only have several of our colleagues expressed an interest in cosponsoring the legislation, but at this morning's opening of hearings on H.R. 6037—to establish a Cabinet-level Department of Consumer Affairs—and on H.R. 13793 before the Subcommittee on Executive and Legislative Reorganization of the Committee on Government Operations, two distinguished former Federal officials indicated strong support for my proposal.

Dr. James Goddard, the highly effective and very consumer-minded former Commissioner of the Food and Drug Administration, specifically stated his endorsement of H.R. 13793, and Mrs. Esther Peterson, the first Presidential Assistant for Consumer Affairs, clearly expressed her preference for the approach embodied in my bill.

In her testimony before the subcommittee, Mrs. Peterson said, in part:

> I do not think a single Department could withstand the combined opposition of the powerful economic forces which would be marshalled against it. More could be accomplished by well-administered programs in different agencies coordinated by a single office with statutory mandate and a will to do the job.
>
> There is also the time element. The consumer can't wait for a major administrative reorganization to solve his problems. He needs help now. A consumer office with statutory authority should have the responsibility to propose new legislation. It should be a think-tank for the consumer, anticipating needs. It should oversee enforcement of existing legislation and coordinate existing consumer programs, open dialogues between business and consumers, and build community consumer organizations.
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> * * * * *
>
> The consumer office should restore the consumer's presence before regulatory agencies and be his voice before committees of Congress. It should intervene in the consumer interest whenever and wherever the consumer voice needs to be heard.

Obviously, Mr. Speaker, I wholeheartedly subscribe to Mrs. Peterson's views, and I am delighted to know that this very wise and talented champion of the consumer interest is in accord with the major purposes and provisions of my proposed legislation. For H.R. 13793 would do precisely what she has contended should be done.

Mr. Speaker, I invite others among our colleagues who share a concern for the needs of American consumers to join me in sponsorship of this legislation.

As a part of my remarks, I include the text of my testimony this morning before the Subcommittee on Executive and Legislative Reorganization:

STATEMENT OF REPRESENTATIVE FLORENCE P. DWYER (REPUBLICAN, 12TH DISTRICT, NEW JERSEY) IN SUPPORT OF HER "CONSUMER PROTECTION ACT OF 1969" BEFORE THE SUBCOMMITTEE ON EXECUTIVE AND LEGISLATIVE REORGANIZATION OF THE COMMITTEE ON GOVERNMENT OPERATIONS, TUESDAY, SEPTEMBER 16, 1969

Mr. Chairman, I greatly appreciate this opportunity to appear before the subcommittee on behalf of my proposed "Consumer Protection Act of 1969."

Inevitably, Mr. Chairman, my bill will be seen as an alternative to the other legislation pending before the subcommittee, the bill to create a Cabinet-level Department of Consumer Affairs. And this is appropriate, for my bill is intended to be such an alternative.

But more important, this bill is a positive effort to meet a problem which is recognized by the sponsors of both bills: the problem of inadequate Federal attention to the needs of American consumers in a highly complex, rapidly changing technological society.

I am greatly encouraged by the apparent awareness of most people and most Members of Congress that more effective consumer representation and protection is necessary at the Federal level. This objective is not seriously disputed. Our purpose, therefore, is to determine the best means of safeguarding the legitimate interests of consumers—their right to safety, quality, honesty, and maximum freedom of choice, with only the minimum necessary restrictions on the suppliers of goods and services.

I believe very strongly that the basic approach of my "Consumer Protection Act of 1969" provides a more effective means of achieving this objective.

It does so for this reason: it recognizes the basic facts that consumer protection requires commitment, coordination and leadership, and that these qualities can only be made effective, ultimately, at the Presidential level. My bill, therefore, would institutionalize this responsibility in the Executive Office of the President. It would place leadership for consumer protection, permanently and by statute, where it belongs. It would unite the President and the Congress in a new determination to assure consumers that their rights will be recognized and enforced.

My bill, Mr. Chairman, consists of four major provisions:

First, it would create in the Executive Office of the President a permanent, statutory Office of Consumer Affairs, equipped with broader jurisdiction and strengthened authority to lead, to coordinate, to initiate, to educate, to intervene, and to assure enforcement.

Second, it would establish an independent Consumer Advisory Council empowered to provide the critically important component of fresh ideas, detached evaluation, and practical recommendations from *outside* the Government, from those most directly concerned with consumer protection—consumers themselves and their representatives.

Third, it would authorize Federal departments and agencies which test consumer products for the Government's own use to make public the results of such tests, and it would further authorize the National Bureau of Standards to conduct tests on other consumer products which are voluntarily submitted for this purpose by their manufacturers, on condition that the manufacturers pay the cost of such testing and publicize the results truthfully and completely.

Fourth, it would heighten the consumer-mindedness and strengthen the accountability of the 33 or more departments and agencies which have consumer responsibilities by requiring each such agency, in taking any action substantially affecting consumer interests, to report publicly the extent to which it considered the consumer interest and the manner in which its action would advance the consumer interest.

By implication, Mr. Chairman, there is a fifth major provision to my bill, though it appears nowhere in the text of the legislation. It would retain the operating and regulatory responsibilities for consumer protection in the agencies to which they have historically been entrusted, agencies which possess, at least potentially, the experience and expertise required for an effective job—but under conditions which will provide more vigorous leadership and stimulate a higher level of performance.

It is evident, Mr. Chairman, that the central feature of my bill is the proposed Office of Consumer Affairs. The broader powers and responsibilities which I propose to give this Office, in addition to its permanent status, will demonstrate its significance.

Under the bill, the Office would:

Coordinate Federal consumer programs and resolve agency differences;

Present consumer viewpoints before appropriate agencies and represent consumer interests in agency proceedings;

Receive, evaluate and transmit complaints about practices harmful to consumers;

Coordinate the collection and dissemination of information, test results, data, etc. of value to consumers;

Initiate hearings on its own motion, and collect consumer information itself where such functions are not duplicative;

Establish offices in major population centers to receive complaints, render assistance, and disseminate information;

Encourage and coordinate research leading to improved products, services and information;

Encourage, initiate and participate in consumer education programs;

Cooperate with and assist State and local governments and private enterprise in the promotion and protection of consumer interests.

Given these powers, Mr. Chairman, I suggest that the advantage of a White House Office of Consumer Affairs rests in the unique character of consumer protection. Unlike housing, or transportation, or health or education, consumer protection is not a separate commodity which can be regulated or promoted by a separate agency of government. Consumer protection is virtually all pervasive. The consumer interest is present and involved in almost all that the Federal Government does, including housing, transportation, health and education. But consumer protection is only one aspect—though a most important one—of these and other programs. It cannot be separated from other, equally important, aspects.

For example, the consumer's interest in reasonably priced air travel is dependent on the rate-making functions of the Civil Aeronautics Board. But the Board is also responsible for promoting an economically healthy air transportation industry, and this, too, involves a rate-making function. The two responsibilities cannot be separated. A single rate decision affects both. They must, therefore, be kept in balance and the consumer interest represented at the point of decision if the public interest, which includes the consumer interest, is to be advanced.

The same principle, I believe, applies to most of the programs and functions which would be transferred to the proposed Department of Consumer Affairs by the bill, H.R. 6037. The Department approach would either separate consumer protection from related functions or would upset the necessary balance between those functions.

In brief, it makes more sense to me to strengthen consumer protection where consumer decisions are being made, and to do this in the two places which count most: the agency which makes the day-to-day decision and the White House where basic policy is established and where the required leadership and coordination can be exercised.

Despite its laudable purposes, Mr. Chairman, a Department of Consumer Affairs would only complicate—indeed, weaken—the Government's task of protecting consumers. On the other hand, the weakness of the Department approach reflects the strength of the White House Office approach. For example:

Where an Office of Consumer Affairs could coordinate *all* Federal consumer protection activities, a Department could coordinate only those, at most, which came within its own jurisdiction. As we have seen, notably with the Department of Housing and Urban Development, one department or agency cannot successfully coordinate another. That job must be done at a higher level.

Where the Office could provide needed leadership and policy direction throughout the Executive Branch, the Department, again, would be limited to its own domain, thereby tending to downgrade consumer protection activities outside the Department.

Where a new Department would predictably become prey to the pressures of special interests, the Office—having no operating responsibilities—would be better able to preserve its independence.

Where a new Department would bring into being a new and costly bureaucracy, the Office would entail only a modest added expense.

Where the proposed Department could be expected to increase duplication, arouse inter-agency antagonisms, and stimulate wasteful competition, the proposed Office would clarify responsibility and encourage superior performance.

Mr. Chairman, there is no easy way to protect consumers. Advances in technology and marketing and the proliferation of consumer products and services have made the consumer's right to quality and safety, to truthfulness and choice, more difficult to assure. The appearance of protection, therefore, without the substance would only make matters worse.

Consumer interests are too varied to be centralized in a single operating Department. It would solve nothing to force agencies with consumer responsibilities to give them up or transfer them or downgrade them. They need to be improved where they exist. And, at the same time, consumers need one central place in the Executive Branch entrusted with the sole function of protecting, informing, speaking for, representing and listening to consumers.

My "Consumer Protection Act of 1969" will do both. It will provide the leadership, and it will place a new spotlight on agencies' consumer activities, make it easier to evaluate their performance, and serve as a challenge to greater effectiveness. It will make consumers and their interests more visible than ever before and, as a result, better served.

With the subcommittee's consent, Mr. Chairman, I should like to append to this statement the text of my remarks in Monday's Congressional Record which provides a more detailed explanation of my bill.

Thank you very much.

GENOCIDE IN UNITED STATES INDICATED BY WORLD OPINION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. RARICK. Mr. Speaker, busing of schoolchildren to impose racial balance, forced race-mixing, and assignment of schoolteachers according to race are being inflicted upon an unwilling American people to obliterate racial, religious, national, and ethnic identities.

The act of forced busing to break down minorities as groups is clearly denounced by the Genocide Convention in article 2, subsection (e) which provides that one act of genocide is "forcibly transferring children of the group to another group" with "intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such."

The Genocide Convention further indicts destructive acts "causing serious bodily or mental harm to members of the group."

Irrefutable examples of such mental harm are manifest in the tragic denial of freedom of choice in the schools growing out of destruction of dual school systems under a program to eliminate a multiracial society.

In New Iberia, La., with the opening of school, hundreds of Negro youths demonstrated against closure of their school and being compelled to attend the previously white school, protesting what they called attempts to "de-Africanize" them.

At Amite, La., a Negro youth confessed to a $500,000 arson of a formerly white high school believing that the Federal judge who had abolished his school would then re-open the all-Negro school so he could play football.

Elsewhere in my area, which had been harmonious under freedom of choice,

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such extremist measures as forced compliance to busing and to other involuntary race-mixing has provoked homicide, lock-up of schools, demonstrations, and a general breakdown in community relations. All of these chaotic conditions can only be regarded as outward manifestations of mental harm—genocide—occasioned by the thoughtless efforts of those in Government determined to destroy ethnic, national, religious, and racial groups as such.

Ironically, the Genocide Convention, ratified by 67 foreign nations, is pending before the U.S. Senate where many of the Senators expected to favor ratification—based upon their previous public statements of enthusiastic endorsement—have already violated the principles and language contained in the convention, condemning the horrors of genocide.

Especially of concern is the possibility that under the Genocide Convention, Robert Finch, Secretary of Health, Education and Welfare, is guilty of complicity by calling upon the Senate to kill that portion of the HEW appropriations bill known as the Whitten amendment, which expressly prohibits the use of taxpayers' money for that form of genocide, "transferring of children of one group to another group."

If the world opinion is in any way reflected by the United Nations Organization, then these punitive acts are not only immoral and unjust but are criminal under the Genocide Convention treaty.

No perpetrators of heinous crimes against humanity can expect to be absolved of personal culpability. Article 4 of the convention provides for punishment, "whether they are constitutionally responsible rulers, public officials or private individuals."

Nor can the HEW guideline writers, Federal judges, and Justice Department enforcers hope to escape their guilt with a plea that they were simply obeying orders from the power structure. The convention definition of the crime of genocide includes "complicity" or "conspiracy."

Ratification of the Genocide Convention would have the effect of repealing the Civil Rights Act and other similar genocidal legislative enactments. Still, I would not support it. For I have confidence that Americans, left to their own political devices, can right these wrongs and solve our own problems.

Mr. Speaker, so that our colleagues may be apprised of the extent of the international crime of genocide, I include the full text of the treaty and news clippings in the RECORD following my remarks:

TEXT OF THE CONVENTION

THE CONTRACTING PARTIES,

HAVING CONSIDERED the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

RECOGNIZING that at all periods of history genocide has inflicted great losses on humanity; and

BEING CONVINCED that, in order to liberate mankind from such an odious scourge, international co-operation is required:

HEREBY AGREE AS HEREINAFTER PROVIDED:

Article I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(*a*) Killing members of the group;

(*b*) Causing serious bodily or mental harm to members of the group;

(*c*) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(*d*) Imposing measures intended to prevent births within the group;

(*e*) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

(*a*) Genocide;

(*b*) Conspiracy to commit genocide;

(*c*) Direct and public incitement to commit genocide;

(*d*) Attempt to commit genocide;

(*e*) Complicity in genocide.

Article IV

Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or of any of the other acts enumerated in Article III.

Article VI

Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article VII

Genocide and the other acts enumerated in Article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III.

Article IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article XI

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article XII

Any Contracting party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a *procès-verbal* and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in Article XI.

The present Convention shall come into force on the ninetieth day following the date of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article XV

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in Article XI of the following:

(*a*) Signatures, ratifications and accessions received in accordance with Article XI;

(*b*) Notifications received in accordance with Article XII;

(*c*) The date upon which the present Convention comes into force in accordance with Article XIII;

(*d*) Denunciations received in accordance with Article XIV;

(*e*) The abrogation of the Convention in accordance with Article XV;

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(*f*) Notifications received in accordance with Article XVI.

Article XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in Article XI.

Article XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

[From the Washington Post, Sept. 12, 1969]

Finch Asks Senate To Kill "Freedom of Choice" Bill

The Nixon administration announced its opposition last night to a controversial bill supporting "freedom of choice" school desegregation.

The measure, now pending in the Senate, passed the House as an amendment to the Health, Education and Welfare Department's appropriations bill. It was drafted by Rep. Jamie Whitten (D-Miss.). Whitten was not available immediately for comment last night. HEW Secretary Robert H. Finch pronounced the administration's first formal word of opposition to the amendment, which forbids the federal government from withholding aid to school districts that have freedom of choice plans.

Finch said in a statement that the Whitten amendment would prejudice the ability of the department to carry out its mandate.

The administration voiced no opposition when the amendment passed the House.

Finch said in the statement that HEW is currently completing a "thorough report" on its civil rights activities since the administration took office last Jan 20.

"I am confident that this report, which I expect to release shortly, will show that remarkable progress has been made during the past eight months," Finch said.

HEW has a broad range of responsibilities, he said, adding, "We are proud of the progress made in all these areas, even as we recognize the job still to be done.

"Since January, we have taken significant new strides, including greatly increased use of the courts through the Department of Justice to end segregation in schools," Finch said.

He said the report is expected to show significant progress in ending racial discrimination in higher education, health and social services, and employment.

[From the Morning Advocate, Sept. 12, 1969]

Tangipahoa School Fire Suspect Held

(By John Morris)

Amite.—A youth who felt his act would lead to his being able to return to another school and play football this fall set fire to Amite High School last week, Sheriff Frank Edwards said Thursday.

Another youth was also arrested as an accomplice.

Carl Randolph, 17, Amite, was booked with the "arson of Amite High School" Thursday, Det. Capt. Charles Bender told a press conference in Sheriff Edward's office. Bond on the charge had not been set yet, he added.

Randolph, the sheriff said his investigation revealed, played football for West Side High School in 1968. This summer, he was one of the students assigned to Amite High under the new full integration orders of the federal courts.

Randolph's grades at West Side last spring, however, did not come up to minimum standards to allow him to join the Amite High squad.

Edwards said the youth told his department—and polygraph operators from the state fire marshal's office—he thought if Amite High was closed he would be allowed to return to West Side, where academic standards were not as high and he could play football this year.

Randolph "conned" Hill into entering Amite High with him last Friday night, said Edwards, on the pretense of burglarizing coin machines in the school. Instead, Randolph went straight to the auditorium, where he set fire to the stage curtains, Edwards said.

Randolph allegedly entered the school through a restroom window and opened an outside door for Hill to come in. Proceeding to the auditorium—located almost in the center of the bulding—Randolph then told officers he set the curtains aflame. He stated he did not use any inflammable liquids or such, only matches.

The fire started slowly and the youths left.

Randolph then re-entered the building via the same route as the first time to see if the fire was still lit. However, he told officers, he was unable to get back to where he started the fire because of heavy smoke.

Hill apparently did not re-enter the building, according to Bender, and went on to Perry's Drive-In—one of the business establishments the boys are accused of burglarizing.

Randolph is supposed to have arrived at the drive-in about 10 minutes after Hill.

Bender said Randolph said in a statement the thought of burning down the school first came to him about 1:30 p.m. Friday during school. After classes were out, he eventually went back to the school stadium and stayed there until the football team departed for a game in Franklinton.

Ironically, Friday was the day of the team's first football game of the 1969 season.

It was after going several places during the early evening that Randolph, Hill and the others, who were not involved in destroying the school, were passing back in front of Amite High that the two suspects entered the school.

Following setting the fire, the pair allegedly burglarized Schumacher's Drive In after leaving the school.

The blaze was discovered about 10:40 p.m. Friday and a call went out from the Amite fire department to other firefighting units in the parish.

Students returning from the ballgame at Franklinton hurried into the building, coming out carrying books, desks, trophies and other school belongings until authorities stopped them for fear of being injured by falling debris.

Saturday, schools Supt. Dewitt Saulis estimated the damage would reach $500,000. Amite High students were sent to West Side High to attend classes, with that group and the ones previously assigned to West Side platooning under a plan worked out by Ward 3 boardmen.

[From the Washington Star, Sept. 10, 1969]

Allen Fears Unrest of Younger Pupils

(By John Mathews)

U.S. Education Commissioner James E. Allen Jr., today warned school administrators that student unrest this year may be centered more in the nation's junior and senior high schools than in its colleges.

In an unusual message to the chief education officials of all the states, Allen endorsed "black, brown and other ethnic studies" programs as one immediate method for dealing with the causes of student disaffection.

He also detailed ways of involving students in decisionmaking—including the drafting of dress codes and student bills of rights.

TRACK SYSTEM PROBE

In long-range terms, Allen said that school systems should examine grouping and track systems that can result in "racial and socioeconomic segregation" of students. School systems also should eliminate inequities in allocation of resources such as teachers, books and equipment," he said.

"Educational leaders have an obligation to confront the issues which underlie unrest and to plan actions which reduce avoidable tension in our school districts," Allen said. "We can bemoan current conditions or we can seize upon them to improve the educational opportunities for all of our young people."

The education commissioner appears to be taking the same approach to unrest in secondary schools that he has taken toward college disturbances—namely that punitive measures do not confront the basic causes of the problem.

PUBLIC DANGER ADMITTED

But he did acknowledge that student unrest in the schools can become a public safety problem. He suggested establishment of committees, including students, administrators and members of the community, to set up guidelines on personal safety and to "spell out carefully how and under what conditions law enforcement agencies will be used during disorders."

In a message earlier this week to the nations school principals, made at the request of the National Association of Secondary School Principals, Allen said that high school unrest has attracted less attention than in the colleges, but it is likely to increase this year.

"The potential is there," the commissioner said. "Just in terms of numbers, there are approximately 26,000 public secondary schools in the country compared to 1,600 four-year public and private colleges and universities, and these secondary schools enroll three times as many students of a younger, more volatile age."

MORE THAN 340 INCIDENTS CITED

During a four-month period last school year, Allen said, more than 340 secondary schools in 38 states experienced "serious student disturbances." Incidents will probably increase, he added, "as junior and senior high school students join in the general activism which has become so characteristic of our times."

Lack of communications with students and student distrust of disciplinary systems are among the causes of unrest, Allen said.

He suggested establishing "ombudsmen" in the schools and "provisions of appeals or review procedures on disciplinary actions as a means to increase confidence both in schools and in the community."

CHEERLEADER SELECTION

If school administrators feel dress codes are necessary, Allen said, students and parents should participate in designing the codes to "promote intergroup respect rather than conformity to a single value system with its implied superiority."

Black or other minority group studies, incorporated in existing courses or as new curriculum offerings, would "increase understanding, rather than fear of cultural differences," Allen said.

In another suggestion for short-range action, Allen noted a common source of friction between white and black students, and said that policies for special recognition such as the selection of cheerleaders and prom queens, should be "equitable and unifying of school spirit rather than divisive."

Schools should also widen their extracurricular activities to make certain no students are excluded, he added.

[From the Washington Post, Sept. 4, 1969]

White Pupils Bused to School in Boston Ghetto

(By Nancy L. Ross)

Boston, September 3.—For the first time in this city's history, white pupils were brought into the predominantly black sec-

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tion of Roxbury today to achieve racial balance in a public school.

More than 1,000 black neighborhood children had sought entry into the $4 million William Monroe Trotter Elementary School—the first school built in this section in 32 years. But a majority had to be turned away to meet the requirements of a 50–50 racial balance required under a 1965 state law.

A minor incident marred the otherwise peaceful first day at school. A fist fight between a handful of black militants and two white parents and their children broke out in the cafeteria.

On the national level the Roxbury experiment will be watched as one method to end inner city school racial imbalance caused by segregated housing patterns.

The new school building stands scarcely four blocks from the only partially reconstructed center of Roxbury, damaged in the 1967 riots.

Trotter is the first in a series of racially balanced new schools planned in a multimillion-dollar school construction program.

This morning, at a sometimes angry meeting in the auditorium, some Negro parents complained about an administrative mixup that resulted in 64 black children being refused admission to Trotter. The children had been accepted for the new school last June, only to be informed a few days ago that they could not attend because the black quota was filled. Parents of 90 additional children, who wanted to attend the new school, joined the meeting.

Trotter's capacity is 740 pupils. Today, 370 blacks and 290 whites registered. The 80 empty seats will be held for white students until Monday and then assigned to blacks if more whites do not apply.

Failure of the 80 whites to show up today was attributed in part to parents' second thoughts about transportation to Roxbury (suburbanites must provide their own), fear of violence, and hesitation at taking away "black seats."

Under the 1965 state law, funds can be withheld for construction if a school does not meet the racial balance requirement. The Boston School Committee, under the leadership of plump ex-mayoral candidate Louise Dayl Hicks, fought the law, but it finally was forced to submit a plan for integration.

At Trotter, white students are being bused from the center of Boston and from the suburbs. Some black parents felt the white children are occupying space that should go to their children. Some students who live within walking distance of Trotter are forced to attend older schools in the neighborhood.

Black residents also pointed to the new school which opened today in neighboring West Roxbury. It is a predominantly white school in a predominantly white community. Because it was constructed with only 40 per cent state funds as compared to the 65 per cent state funds for Trotter, it does not have to comply with the racial balance law.

Parents taking part in the project speak about the value of interracial experience for their children. For others the attraction of the school is its new facilities, curriculum and low pupil-teacher ratio.

"We have done a lot of thinking about it over the weekend and have really mixed feelings about it," said Dr. James R. Mahoney, a Harvard faculty member, who entered four children at Trotter.

"If integration can't work here, I don't think it's going to work anywhere. We have chosen to live in the city, not the suburbs, and we hope our children will grow up in the new city."

[From the Baton Rouge (La.) Morning Advocate, Sept. 12, 1969]

FBI ARRESTS THREE IN SCHOOL DELAY

Three Livingston Parish men were arrested by FBI agents Thursday on Justice Department complaints that they interfered with federal court school desegregation orders.

U.S. Dist. Judge E. Gordon West also issued orders late Thursday for the West Baton Rouge Parish School Board to re-open schools no later than Friday morning, and ordered West Baton Rouge Parish school officials to explain why they should not be held in contempt of court for closing the schools.

Judge West also signed another order denying Iberville Parish school officials permission to open two elementary schools for Negroes, explaining that "freedom of choice" would not apply to either white or Negro parents and students.

The temporary restraining order Judge West issued to West Baton Rouge Parish school officials was similar to one in which he ordered Ascension Parish school officials to reopen schools in East Ascension earlier this week.

After the order was distributed by deputy marshals, school officials rushed to notify teachers and other school personnel to report Friday morning. Supt. L. C. Lutz announced the schools will open at the regular time, and school buses will operate as in the past.

Lutz was served with the restraining order at 3:30 p.m., and summoned school board members to a meeting at 5:30 p.m., where the board voted to comply with West's order.

The three Livingston Parish men—Eugene Ballard, Jimmy Sims and Edward Lynn McDowell—were escorted to the federal court building in Baton Rouge late Thursday, where they posted bonds of $2,500 each before deputy commissioner Hubert Banta.

The Justice Department complaint accused them of interferring with a Negro teacher at the Live Oak School in Watson. The complaint alleged the three threatened to pull the teacher, Pleasant Self Jr., out of his car twice, and blocked Self's entrance to the school before they were ordered away by a Livingston Parish deputy sheriff.

The complaint said one of the men—McDowell—was seen to bend down near the left rear tire of Self's car as Self entered the school. The tire was cut with a knife.

In the Iberville order issued last Thursday, Judge West denied a joint motion by the Iberville Parish School Board, the Justice Department and the NAACP to re-open the two predominantly Negro elementary schools.

In a brief explanatory note, the judge explained he could not deny white parents the right to send their children to the school of their choice, and then turn around and grant Negro parents the same right he denied white parents.

The desegregation plan for Iberville Parish approved last month by Judge West calls for the closure of Seymourville Elementary School and Iberville Elementary School this fall.

The Seymourville school may be used later for special education purposes—adult education purposes—adult education, and possibly a year-around Head Start center, according to the school board's plan. The plan calls for Iberville Elementary to be used as a storage facility for educational materials.

U.S. Marshal Tom Grace confirmed Thursday he dispatched deputy marshals to five parishes in the Baton Rouge area in connection with school integration strife.

Grace said the deputy marshals will be present in West Baton Rouge Parish schools Friday when schools reopen.

Other parishes where marshals have been dispatched are Washington, St. John the Baptist, Ascension and Pointe Coupee.

Judge West Thursday signed an order removing a petition for an injunction against the West Baton Rouge Parish School Board to his court, and continued the case indefinitely, annulling an order signed by state Dist. Judge Daniel P. Kimball setting a date for a hearing on the petition.

The order issued on a petition filed by attorneys of the Civil Rights division of the U.S. Justice Department.

ROSEDALE

A school teacher was arrested on the complaint of white pickets at Shady Grove High School in Iberville Parish at the end of the school day Thursday.

Marshal Curtis Hendricks said he arrested J. W. Perry, a white teacher at the integrated school, on a complaint charging reckless driving.

The Rev. Don Turner, a Citizens for Quality Education official, said the teacher intentionally ran into a woman picket at the school. He said there were no men picketing at the time. He said several witnesses would testify the teacher "did not intend to stop."

Hendricks said about 15 women pickets were at the school and as the teacher started to leave, the women ran to his car saying they wanted to ask him something. "He kept going and brushed into one," Hendricks said. He said the picket, identified as Mrs. Hubert Blanchard, was not injured.

VACHERIE

Community Organization on the Move for Equality, a civil rights group in St. James Parish, petitioned the sheriff Thursday for protection of members who plan to attend football games Friday night.

The petition referred to the game between St. James High School and the Louisiana School for the Deaf Friday night at St. James High, which will be the first home game for the Wildcats since St. James schools were integrated.

The group also asked citizens to use common sense and restraint at the game. A spokesman said the organization was trying to keep the schools open at all costs.

OPELOUSAS

A permit for Concerned Citizens of Evangeline Parish and Citizens for Quality Education of St. Landry Parish to parade in Opelousas Monday between 8 and 11 a.m. was issued Thursday by Mayor Wilford Cortez.

Route of the parade, stipulated by Cortez, completely bypasses the federal court building where a hearing is scheduled for 10 a.m. for the Evangeline Parish School Board to defend against contempt of court charges.

The Evangeline board closed schools in that parish Sept. 2.

The hearing was scheduled to be in Lafayette and was changed to Opelousas by Judge Richard Putnam.

Area of the parade, as designated by the mayor, is from South City Park to Court Street to Belleview Street, east to Main Street, south to Jefferson, then to Court and back to South City Park.

Mayor Cortez said the permit was issued under a city ordinance that provides for any peaceful parade.

"We hope we won't have any problems with this parade but we will be prepared," he warned.

Meanwhile, an uneasy calm settled over St. Landry Parish Thursday as it geared itself for opening of 40 public schools under court order Friday.

The St. Landry Parish School Board last week was pressured into closing the schools by a crowd of 2,000 which attended a board meeting.

Tuesday night, Judge Putnam, who presides in U.S. District Court for the Western District, ordered the schools open not later than 9 a.m. Friday.

Judge Putnam, on Aug. 8, ordered guidelines devised by the Health, Education and Welfare Department for complete integration implemented.

Dist. Atty. J. Y. Fontenot of St. Landry Parish said Thursday Jeris Leonard, assistant attorney general of the United States, promised there would be adequate federal marshals in St. Landry Friday to see court orders are implemented.

Fontenot said there is no doubt that the federal government is going to see that the orders of the court are carried out.

In addition to federal prosecution, violators will be prosecuted at the local and state levels, he said.

This does not mean that peaceful picketing is prohibited, the district attorney said. Persons cannot block, roads, driveways or walkways and cannot interfere with persons going to and from the schools, he continued.

Leslie Schiff, U.S. Commissioner in Opelousas, announced that he had been instructed by the marshal's office and the attorney's office to make himself available Friday in the event of possible arrests in connection with carrying out Putnam's orders.

LAKE CHARLES

The Westlake Citizens Committee Thursday canceled a meeting in which it was to have proposed a white boycott of two Westlake schools.

The committee issued a statement which not only called off the Saturday meeting but also dissolved the committee.

"After carefully reconsidering and upon the advice and counsel of responsible citizens in our community, it is the opinion of the majority of the citizen's committee that to call a boycott of the Westlake schools would not only be ineffective but would also serve no useful purpose.

"Therefore for the sake of our children's educations we have decided to abide by the school board proposal, even though we consider it unfair," the statement said.

The Calcasieu Parish School Board Tuesday bypassed the request of some 100 Westlake Citizens to redraw districting lines in the area. The citizens wanted the dividing line between Sulphur and Westlake high schools moved so as to take Mossville Negro students from Westlake and reassign them to Sulphur.

The board said it proposed to redraw the line for the 1970–71 school year. The board proposed to leave students where they are this year except to force about 10 Westlake students, who should have registered at Sulphur, to attend that school. Westlake High School was closed for two days last week because of disciplinary problems in connection with the integration of students from the closed Mossville High School.

[From the Dan Smoot report, Aug. 4, 1969]

PARTICIPATORY DEMOCRACY

On March 11, 1969, the Faculty Council of Ohio State University (Columbus) announced an "open housing" rule, prohibiting students (on pain of being suspended or put on probation) from living in discriminatory off-campus housing. *Discriminatory* means refusal (on the basis of race, religion, color, or national origin) to rent housing to *any* OSU student.

The rule created an Open Housing Panel as a "tribunal" to decide what off-campus housing is discriminatory. The panel will consist of six faculty members (selected by the Faculty Council) and five students. Its decisions to blacklist off-campus housing will be made on the basis of investigations conducted by designated student investigators.

The Faculty Council submitted its open-housing rule to the Board of Trustees for approval.

Negro militants, the pro-communist Students for a Democratic Society (SDS), and other leftwing radicals (supported by students who call themselves "moderates") demanded immediate approval. The trustees, uncertain about the legality of the open-housing rule, sent it to the Ohio attorney general for his official opinion.

It .took the attorney general (Paul W. Brown) almost two months to make up his mind. Radical leftists, on and off campus, were so noisy and insistent in their demands for instant approval of the open-housing rule that tensions mounted and riotous conditions developed. SDS was rumored to be planning a major uprising at Ohio State if the trustees did not approve the open-housing rule.

Ohio attorney general Brown gave his opinion on May 2, 1969: the OSU Board of Trustees had "the requisite authority" to adopt the open-housing rule.

On May 8, OSU trustees met to make up their minds. About 200 leftwing militants (and a considerable number of their "moderate" followers) gathered outside the meeting place to exert pressure for approval. They shouted threats and obscenities, and one 19-year-old male student performed a nude rain dance. Members of Young Americans for Freedom (an organization of conservatively-oriented students) gathered to register opposition to the open-housing rule and to the leftwing demonstrators. A few fist fights occurred, and a full-scale riot seemed imminent.

The trustees yielded to the leftwing pressure and approved the Faculty Council's open-housing rule, without a dissenting vote.[1]

Robert R. Soltis, a Cleveland attorney, has prepared and mailed to the Ohio attorney general, and to all members of the OSU Board of Trustees, a brief on the open-housing rule. Citing Ohio and U.S. statutes, and state and federal court decisions, Mr. Soltis shows that the OSU open-housing rule violates U.S. laws and Ohio laws as well as U.S. and state constitutions; that it is arbitrary, tyrannical, and ridiculous; that it violates not only the rights of OSU students, but also the rights of off-campus homeowners who have no connection with OSU; and that it will intensify rather than decrease ill will and racial tensions on the OSU campus and in the surrounding community.

OSU faculty members, administrative officials, and trustees, who have imposed the illegal and dictatorial open-housing rule on students, are themselves exempt from it. The president of OSU can continue living in his exclusive (and, of course, "segregated") mansion. Other administrative officials, faculty members, and trustees can continue enjoying the freedom to live where they please.

Before OSU trustees approved the open-housing rule, attorney Soltis, in an open letter to all of them, asked some cogent questions which the trustees never answered.

Is it not insulting to Negroes as a racial group (as well as being constitutionally and legally repugnant) to *compel* whites (by force, threats, and economic pressure) to associate with Negroes?

Advocates of compulsory "open housing" (and other forms of forced racial mixing) intemperately condemn as a "racist" everyone who opposes the use of force to make whites mingle with Negroes; but are they not themselves guilty of what Bayard Rustin condemns as "reverse racism"? Rustin (a Negro civil-rights activist with a communist-front record) says "reverse racism" is a conviction that Negroes are inferior to whites and will, therefore, benefit from forced association with the "superior" white race.

Academicians, who imposed the open-housing rule on OSU students, claim to be passionately devoted to what they call "participatory democracy"; but are they not actually holding themselves up as elitists"? Elitists, according to Bayard Rustin, are people who "think they have the right to make decisions for thousands of people when no vote has been taken." The thousands of vitally affected OSU students (and off-campus homeowners) were given no voice (no "participatory" role at all) in making forced-housing decisions which do not apply to the "elitists" who made the decisions.

By exempting themselves from rules imposed on students, has not the OSU official heirarchy given credence to violent student protestors who accuse the university "establishment" of hypocrisy because it does not practice what it preaches?

Concerning the OSU trustees' behavior in adopting the open-housing rule, in surrender to the demands of a mob of obscene and violent left-wing militants, attorney Soltis said (in a memorandum to the trustees):

Concerned Americans with an awareness and sense of history will see many parallels between an event which occurred on March 23, 1933, in Berlin, Germany, and an event which occurred on May 8, 1969, in Columbus, Ohio. To be sure there are differences, but in degree rather than in essence and kind.

While a mob of brown-shirted totalitarians were creating an aura of tension and fear by assembling outside, on March 23, 1933, the Reichstag passed an edict euphemistically called an "Enabling Act" for "Removing the Distress of People and Reich." By that Act, the Weimar Republic was killed.

While a totalitarian mob of about 200 leftwing militants were gathered outside the OSU administration building in Columbus on May 8, 1969, creating an aura of tension and fear, the Board of Trustees passed an edict euphemistically called the "Open Housing" rule. By that action, freedom of choice and the right of association were killed at OSU.

In both instances, reason and faith in democratic principles and processes gave way in the presence of the threat of force—only the language spoken and the color of the uniform (except for one young man who was completely "out of uniform") were different.

How do I answer people who, knowing of my devotion to the Constitution, ask me what we can do to prevent our cherished rights from being taken away from us by those who use threats and force to get their own way? Perhaps there is a pervasive, inbred sense of freedom in the major portion of the American spirit which will eventually peacefully reject the current orgy of neo-fascism.

But remember Dryden's warning: "Beware the fury of a patient man." Will those whose rights are taken away at the behest of obscene-talking subversives and their dupes be patient and pursue peaceful resistance when they see threats and force getting results?

The following analysis of the Ohio State University open-housing rule is adapted from (or suggested by) attorney Soltis's brief:

The people vest judicial power in courts created by the Constitution and in courts created by law. Legislative bodies cannot legally confer judicial power upon a private citizen or upon a group of citizens dubbed, or calling themselves, a tribunal. The only tribunal upon which judicial power can be lawfully conferred is a *court* created by statute or by the Constitution. The OSU Board of Trustees, therefore, has arrogated to itself authority to do what the Ohio state legislature or even the Congress of the United States could not lawfully do: it has given an Open Housing Panel (comprised of 11 OSU faculty members and students) judicial power over home-owning, tax-paying citizens of Ohio.

The Open Housing Panel will presume to conduct public hearings to determine whether private homeowners, landlords, or their agents, discriminated against OSU students because of race, religion, color, or national origin. No rules of evidence are prescribed. The homeowners can be found guilty and blacklisted, without even being represented at the hearing. Since the tribunal is not legally constituted, there is no way to appeal its decisions. The Open Housing Panel

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[1] Cleveland, Ohio, *Plain Dealer*, May 9, 1969.

XUM

at Ohio State University is, in short, a kangaroo court.

Any OSU student living off campus with friends, guardians, godparents, stepparents, relatives other than parents, or his own spouse, can be forced to move if the Open Housing Panel blacklists his place of residence. This could impose a heavy financial burden on some students.

Suppose a white girl is living off campus in the home of an aunt who charges the girl only a fraction of the rent anyone else would be charged. The aunt has one other room for rent, but refuses to let a Negro girl student have it, in order to reserve it for a white girl who is the niece's closest friend. The Open Housing Panel could (and no doubt would) blacklist the aunt's home, and make the niece move. The niece would be forced to leave family and take up lodgings with strangers—lodgings which might not be nearly as desirable as those she left, but which would cost her a great deal more.

Suppose an Ohio State student marries a woman (not a student) and moves into an apartment she is already occupying. The woman manages the apartment building and, for her services, gets her own rent free. A Negro student tries to rent an apartment but is refused, not because he is a Negro but because he is a known trouble-maker. He alleges, however, that he was refused because of his race. Student investigators (selected as such *because* they believe in forced housing) support the Negro's false allegation. The Open Housing Panel holds a hearing attended only by the complaining Negro, the student investigators, and witnesses (who consist of SDS revolutionaries and other violent radicals). The housing-panel tribunal blacklists the apartment house, and orders the newlywed white student to move. He then has three choices: leave the university, leave his wife, or force his wife to leave the apartment with him and take up quarters where he must pay rent and where his wife will have no gainful part-time employment.

It is pertinent to note that the OSU Faculty Council which proposed this open-housing rule, providing harsh discipline against students for choosing to live with their own friends and relatives, is the same Faculty Council which, not long ago, passed a resolution urging amnesty for OSU students who rioted and interfered with the rights of others. It is also pertinent to note that the Warren Court (in *United States vs. Robel*) held that a communist may not be excluded from a defense facility because he believes in communism or associates with others of like belief.

Is a white student preferring to live with white friends, or with his own wife, more reprehensible in the academicians' "participatory democracy" than a rioter or a communist?

Technically, the same kind of stupid injustice could be imposed on an Ohio State Negro student; but everyone knows it would not be. Remember the case at Northwestern University in 1968 (and many similar cases at other universities). Northwestern faculty members and administrators force "open other universities). Northwestern faculty and lobby for laws to enforce it on all residents of the surrounding community; but they granted Negro students' demands for segregated housing and other facilities. The Negroes enforced their demands by seizing Northwestern's administration building and holding it 36 hours. When surrendering to the demands, Northwestern officials praised the Negro militants for not destroying property during the illegal occupation of the building.[2]

Ohio State academicians are obviously the same kind of totalitarian liberals as those at Northwestern. They are doubtless among the lobbyists for Ohio H.R. 432 (already passed by the House of Representatives and pending in the Senate), which will enable the state to fine or jail a citizen for insisting on his right to choose who lives in his own home.

Attorney Soltis says:

"Since OSU adopted open housing, the situation in Ohio has deteriorated rapidly. A new forced-housing law (covering all housing—even a single sleeping room in a private home) has passed in the House of Representatives and is expected to pass handily in the Senate.

"Most disturbing of all is the appalling apathy of the people, complacently playing golf, and, like lemmings, dashing into the water, oblivious to the death of their freedoms."

A MODEL LETTER FROM A MAIL CARRIER'S WIFE—FULL OF INFORMATION AND PERSUASIVE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mrs. SULLIVAN. Mr. Speaker, citizens are constantly urged to "write to your Congressman," and with good reason. Most of us read all of our mail from our districts, looking for information which will help us do a better job on legislation.

I recently received a letter from the wife of a St. Louis mail carrier who expressed, in a remarkably effective manner, some of the problems in the Post Office Department which I think deserve the attention of every Member of Congress. It is one of the best letters I have ever received on this subject. I believe it is also the first letter she has ever sent to me. She asked that she receive no publicity and, of course, I respect that request. But the facts she called to my attention deserve the widest possible publicity.

I urge my colleagues to read this letter because I know they will be as impressed as I was by its contents. The letter is as follows:

ST. LOUIS, MO.

DEAR MRS. SULLIVAN: "I think we must hear from every postal worker, his neighbor and everyone on his route", says Rep. Leonor K. Sullivan. For many years the postal employees and wives have been urged to let their representatives know how they feel. Several times I *have* taken the time to do so only to receive a polite reply. Condensed its answer is "Yes, you are right and we sympathize but what can we do?" About 2 weeks ago my husband contributed $5 for 2 ads—one in the Globe, one in the Post Dispatch—to educate the public. As if you could! No one wants the true facts. It seems to be a national pastime to complain about the Post Office. There is a difference between healthy criticism and blind brainwashed prejudice. Last month in New York the telephone company suffered the same dilemma the Post Office does when the volume is too heavy for the equipment, manpower and facilities available. For some reason the papers were strangely silent about the situation. The telephone company—that paragon of private corporations—was suffering exactly the same kind of crisis that we have been told could *never* happen to the mails if the Post Office were only transformed into a corporation. The American people's criticism is based on what they hear and read not what they have personally experienced. The mail service is not good. The service can be improved only through thoughtful reformation such as that proposed in the Dulski Bill (H.R. 4).

In commenting on the lack of opportunity for upward mobility in postal jobs, the President's Commission on Postal Organization said in its report of June 1968 that a single startling statistic postal career prospects: 8 out of every 10 postal workers enter and retire from the service at the same grade level. It further pointed out that about 85% of all postal workers are in the lowest 5 levels with top annual pay of $8,094 after 21 years of service. That the letter carrier has even fewer opportunities for upward mobility. Well over 90% begin and end their career as letter carriers.

Recently charts showing the salaries and length of time to reach maximum salary appeared in the Postal Record. It dealt with truck drivers, policemen, firefighters, airline passenger ticket agents, railroad ticket agents, newspaper delivery drivers in major cities, REA Express drivers, office employees, unskilled workers and semi-skilled workers. *None* were as low salaried as the letter carrier. None took as long to reach maximum. Where it takes the mail man 21-25 yrs. to reach top pay the airline ticket agent reaches his at 4-6 yrs, and 10 yrs. at the most. If you will glance at the names of the new 15 regional directors appointed by the new administration perhaps some light will be shed on why the post office is run so badly. Are these political debts marked paid? *One* director was taken from the postal ranks. What company would like to reach in and pick a postal employee to run their company? Is this what we can expect if the great Postal Reform as suggested by the administration takes place? Are you aware of the new computer clocks that were installed for greater efficiency? It is of course a coincidence Secretary Laird's interests lie in computers? This is the second change of time clocks, the third change in uniforms in my husband's nineteen years of service. We secretly believe "some one up there" acquired a clock factory or a uniform company. Why weren't these computer clocks installed in government offices? Why isn't the Department of Agriculture, which is a service as is the postal service, attacked for going in the red? Several years ago 2 surveys consultants were hired, at a goodly sum, to cut expenses in the post office. Each time the answer was cut salaries. My husband makes $7800. We have five children—one in college. Would you suggest I invest even $500 to find out why it doesn't supply our needs? May I also suggest anyone, caring enough, ought to do some field work alongside the carrier before they judge the post office.

Experience and dexterity and knowledge of the route scheme is needed 3 hours before he reaches the street. He manages to deliver misspelled names, partially addressed and almost illegible handwritten mail. Friendliness—an important characteristic. A carrier is obviously a great asset to the post office and government because he represents the most tangible contact they have with the government. Carrying mail also demands good physical condition. If you accompanied the carrier up and down those steps and hills you'd think you were being introduced to the President's Physical Fitness Program. On the other side of the coin—some people leave the snow heaped up until it melts. Sometimes it melts and freezes, leaving a thin almost invisible strip of ice on painted steps. Consequently the mail carrier, if he is lucky, falls clear, the mail cascading up in the air in every direction. He could fall and break his back. Last week the station had 2 would be experts on how to get more work done in less time. Now the carrier can't leave any change of address tags etc. on his case. He now spends 5 minutes to walk over to get one—5 minutes later he gets another and another. Any office worker would be far behind schedule on outgoing mail if they had to travel to the supply room for one piece of typing paper, one paper clip, one rubber band, etc. I find I must close this long letter although I could write thrice this amount very easily.

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[2] *Dan Smoot Report*, Aug. 5, 1968.

If by chance, you do read this letter, I hope I receive no publicity as my husband is unaware of this letter. It was prompted by your quotation in the Post-Dispatch. I have followed your political career with interest—your concern for better food for the poor and your "fight" for the "Truth in Lending" bill—a true victory over big lobbies.

Sincerely,

——— ———.

HIGHWAY SAFETY

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. FRIEDEL. Mr. Speaker, the National Governor's Conference at its 1969 annual meeting recently held on August 31 through September 3, 1969, at Colorado Springs, Colo., adopted a resolution sponsored by the Committee on Transportation, Commerce, and Technology, which is of vital importance to the Nation. This resolution contained language requesting consultation by the National Highway Safety Bureau with the vehicle equipment safety commissioners of the States when determining minimum standards for vehicle equipment. This resolution was initiated by Mr. Ejner Johnson, executive assistant to the commissioner of the department of motor vehicles from the State of Maryland.

As a member of the Special Subcommittee on Traffic Safety originally authorized by the Congress in 1957, I was happy to bring about the creation of the Vehicle Equipment Safety Commission which has made tremendous contributions to the cause of highway safety.

I wish to especially commend Mr. Johnson for his initiative and foresight in introducing this noteworthy resolution.

The resolution is as follows:

HIGHWAY SAFETY

The National Governors' Conference views with alarm the tragic increase in preventable highway and traffic accidents. To further strengthen the intergovernmental effort to make our highways and streets safe, we urge the following action:

1. The Congress should resolve to give its full support to this national, intergovernmental program of highway safety by appropriating the funds necessary to accomplish the mandate of the National Highway Safety Act.

2. The Congress should amend the Act so that funds for Highway Safety will be allocated in a block grant directly to the appropriate State agency designated by the Governor.

a. This State agency should seek the views and recommendations of local general governments and traffic control and highway safety agencies in determining statewide priorities for action projects.

b. Funds shall be allocated to each State through its State agency after the National Highway Safety Bureau has approved a comprehensive highway safety plan developed and endorsed by the State agency (board and staff).

3. An incentive program should be developed, rewarding States with progressive highway safety programs. This would replace the present ten percent penalty clause of the Act.

4. The President should seek the advice and consent of the Governors when selecting representation from individual States for his National Highway Safety Advisory Committee.

5. There should be greater coordination of research conducted by the National Highway Safety Bureau, the Highway Research Board, the States and private industry. The Bureau should act as the clearinghouse and information source for such an exchange of information. The Bureau should consult with the Vehicle Equipment Safety Commissioners of the States when determining minimum standards for vehicle equipment.

6. The Bureau, together with the Governors, should encourage the efforts of the private sector within each State to develop public consciousness of highway safety.

7. Each State should act with full faith and good will to enact legislation that will provide for its citizens a sound, complete and effective program for highway and motor vehicle safety.

ADDRESS BEFORE NATIONAL PRESS CLUB

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address by Dr. Thomas O. Paine, Administrator of the National Aeronautics and Space Administration, before the National Press Club in Washington, D.C., on August 6, 1969:

ADDRESS BY DR. PAINE

The significance of man's first landing and exploration of the moon will take months, and even years to comprehend. History will be the final judge.

Everyone who witnessed the event has his own personal reaction. Each individual saw the first extraterrestrial step of man from his own perspective. What precisely it portends for mankind we cannot yet say, but Apollo 11 was clearly not an end, but a beginning.

We have answered the age-old question of life on the moon; whether life exists there turned out to be the wrong question. You have all now seen life on the moon: you've seen two very lively Americans leaping and cavorting on the lunar surface. Whether life in any other form was ever there or not, we know now that man can extend the domain of terrestrial life out to our twin planet, the moon, and eventually beyond that to more distant new worlds. Men working together with modern science and technology have thus opened a new era in the evolution of life. This is perhaps the most far-reaching significance of Apollo 11's dramatic voyage. But it has many other messages for mankind.

One of the question that we in NASA are delighted to hear asked increasingly now is: "If man can go to the moon, why can't we ——?" (You fill in your own thing in the blank, like better peas at the Press Club luncheons.) You have all heard this non-sequitur sentence.

It seems to me that this dissatisfaction with substandard performance in other parts of our society is something worthwhile that the Space Program is contributing to the United States. I hope we have spurred our society and our people to be less satisfied with the status quo, to demand higher performance, to set bolder goals, and then to have the gumption to stand up before the whole world and demonstrate whether or not the goals are achieved. President Nixon has spoken of the need for the "spirit of Apollo" in other areas; this is a contribution that we are very proud of.

How did NASA succeed in this bold program in the face of such great odds? This question is important, because I am convinced that Apollo has significant implications for other parts of our society. The need for leadership with the courage and vision to set very bold goals is certainly one lesson. NASA's successes are the direct result of leadership of Dwight Eisenhower, who established the principle of a peaceful open space program, and, working with Congressional leaders, like George Miller, Chairman of the House Space Committee and Speaker McCormack, who helped write the Space Act that has so well withstood the test of time.

We had the leadership of Jack Kennedy, who boldly set NASA's course to the moon—a goal that put a feeling of vigor, excellence and high aspiration behind NASA's programs.

This attracted to the space program some of the finest minds of our generation—not only in the United States, but around the world—to participate in this great adventure of mankind.

We had the leadership of Lyndon Johnson, who, first in the Senate, then as Vice President, and finally as President, vigorously supported a strong National Space Program in good times and bad. And we have now the leadership of Richard Nixon, who upon coming to office was willing to hazard the chance of failure, and allowed us to proceed as rapidly as we were able to mount this Apollo 11 mission to the Moon. His confidence was certainly essential to NASA's performance. I should also mention two other people that we're fortunate enough to have with us today. One of these is Senator Clinton Anderson—Chairman of the Senate Space Committee, whose leadership over the years has meant so much to this program. He is one of the unsung heroes, the kind of people that don't get the medals, or the notices in the press. Every one of the people in NASA and our associated contractors have enormous gratitude for the vision and persistent leadership that we have had in the Congress.

I would also like to single out for special mention the man here who led the Apollo Program through its vicissitudes, who got it on the track and kept it there to bring the program in on time—General Sam Phillips.

Jim Webb isn't with us today, but his skillful leadership of NASA as it was built up to today's capable organization is the other example of outstanding leadership that has been the great hallmark of America's space program.

The very boldness of the goal that leadership set was important to NASA's success. Some of our problems in other areas of society today may well relate to the fact that uncertain leadership has set goals too low without clearly defined measurable objectives whose attainment brings pride to the entire organization. Goals are needed to attract people and get popular support. NASA's bold goals inspired its people, focussed its efforts, and provided understood measures of performance for all to see.

Another lesson of the Space Program is the need for broadly enlisting not only American capability, but the best people from around the world willing to throw their competence and a portion of their careers into challenging endeavors.

XUM

NASA has benefitted from some of the finest talents in American industry and universities. It was a sound decision to enlist industry in our Space Program in a major way. Less than 10 percent of NASA's workers are civil servants on the government payroll. More than 90 percent are people who participate and contribute from universities and from industry. The best talents of our society worked in a smooth team under NASA direction to reach the moon. The first experiment that you saw deployed on the surface of the moon was from a Swiss university—the solar wind experiment. We literally went out and sought the very best ideas and scientific experiments that we could find around the world.

Our world-wide tracking stations, our global communications network, and the way in which the world press interacted with our open public affairs policy to bring this story to all mankind was certainly an important factor in its total impact.

Another vital ingredient in NASA's success was America's willingness to accept and sustain a national commitment to land men on the moon. Except in wartime, few programs have had such a strong national will to succeed as this endeavor. This didn't come easily; it takes a lot to jar this country into accepting a major commitment to press forward. In the space program we had our "Pearl Harbor" with Sputnik. We should be grateful to the Soviets for jarring us out of our complacency, and for challenging us to develop and carry out the excellent space program in the last decade that has benefitted all mankind. Once the United States is challenged, it's indeed a formidable nation, but our democracy often needs something dramatic to get it moving. Sputnik provided this, and our response was a national commitment, a national will, a national allocation of resources, not just monetary resources, but the talent and competence that was certainly primarily responsible for attaining our goals.

The space program unleashed in the 1960's the talents and energies of a technological generation. We must continue to put together bold programs that will release the creative energies of our people in productive channels. That is the challenge NASA's leadership now faces. We must not let NASA lower its sights and become bureaucratized.

The Space Agency owes a great debt to the press—not only to the American press, but to all media around the world. Through press coverage and satellite TV hundreds of millions of people around the world were able to ride down to the moon aboard our Eagle spacecraft, look over the shoulders of our astronauts, and share the wonder of those first tentative steps on the lunar surface. This human participation in a historic scientific event was unprecedented. Neil Armstrong and Buzz Aldrin's moon exploration was seen by the largest audience ever known. This world-wide participation was certainly appropriate for an event so meaningful for all men everywhere. Space exploration is indeed, a venture of, and for all mankind—a venture which it is my hope will become increasingly international in scope. The world's press has made an enormous contribution to help us move in this direction, as well as bringing to people everyhere a message of human aspiration and progress.

Finally, I would like to say a few words on where we're going.

There are nine planets in the solar system, and some 32 known satellites. The space program has brought man to the threshold of a new era—an era in which man will expand his domain from the tiny 8,000-mile-diameter earth on which he was born, outward into the eight billion-mile-diameter solar system, and beyond that perhaps some day to the stars. Modern space technology is opening a new frontier for man of infinite extent, an endless frontier. Our pioneering astronauts have blazed a trail for all future generations of men who want to set forth to conquer new worlds. I think history will record this as the great contribution of our generation. Through man's brains, energy and resources life can—and life will—extend itself throughout the solar system.

Turn your minds back ten years, to 1959, when the United States had labored mightily to put a little 30-pound grapefruit-sized satellite into low-earth orbit. Consider where we stand today with our ability to launch 250,000 pounds into earth orbit and 100,000 pounds to the moon. After one decade men can voyage to the moon across a quarter of a million miles of space land on that distant shore, explore the lunar surface and return. Certainly the 1960s have been a decade of remarkable progress. Yet we are still at the beginning. We can, in the 1970s, make even greater progress than we made in the first decade, our opportunities are limitless.

The question is always raised whether we should set the goal of traveling to Mars. There is no question that, just as the first decade of space has been the chemical decade, with chemical rockets, chemical fuel cells and solar cells—the second and third decades of space will be nuclear decades. We will use nuclear rockets and nuclear power sources, which will make it possible to plan a trip to Mars with a reasonable degree of safety, comfort and economy. We will have the technology in another ten years; when we choose to undertake a voyage to Mars will depend upon national will, not technical feasibility.

Another frequently asked question relates to the future of commercial space flights. Will men be able to buy tickest to fly into orbit? This will surely come to pass sometime. We can foresee reasonable prices (several thousand dollars) with a reusable rocket plane shuttle able to fly to orbit and back. Indeed, it should be possible for passengers to fly back and forth to the moon by the end of the century, if that becomes an attractive place for the jet set to visit.

I would remind you that only 40 years after Lindbergh's historic flight across the Atlantic 20,000 people a day are routinely making this flight. Space flight should be no more complex or demanding in the 1980's than air transport today; the space program is really creating a practical new transportation system.

The question of the immediate future of the American Space Program now lies before us. In my view it is a question of pace. The directions are clear. NASA will move ahead on several fronts in a balanced program, including science, application, exploration and new technology.

But how vigorously we want to pursue the space program is the question that is now the subject, very properly, of national debate.

We have many things to undertake and to accomplish in America today. But we are a mighty nation, the wealthiest and most powerful that has ever existed. The free world can and should look to us to take on major challenges, such as the exploration of space and to assume responsibility and leadership for this in the name of all mankind. I think that this is a responsibility that we should welcome, and a challenge that we should be proud to accept. And, if we do continue to move forward vigorously, America can indeed, in the second decade of space, even outdo our great space achievements of the 1960's. We should not aim at less.

Thank you.

QUESTION. First question, Dr. Paine: Do you think that the Russians, after having lost the race to the moon, will try to be the first to land upon Mars? And when can we expect a landing on Mars?

Dr. PAINE. It is difficult to say what the Soviet reaction is going to be to the American landing on the moon.

There is no question in my mind but that they are disappointed that Soviet Cosmonauts were not there first.

Chairman Khrushchev put it very well early in the space age during the initial Soviet triumphs when he said that space was serving as an international testing ground which would demonstrate to the world which society provided the better launch pad for science, technology, exploration, and human aspirations. Would it be capitalism? Or would it be the Soviet socialist system? He was satisfied that the winner would always be the Soviet system.

It has not come out that way. I think that we have demonstrated that the open American space program, which has enlisted the broad capabilities of the Free World, is now out-performing the closed Soviet program.

But I would be the last to take the position that we have "won the space race" in any permanent sense. The Soviets have undoubtedly experienced difficulties and setbacks in their program. So have we. We have painfully faced up to ours and recovered from them. The Soviets, in my opinion, are still in this process. But once they overcome their difficulties, I think we will see a vigorous Soviet space program. It will pursue bold, but unannounced goals. The question that they must answer for themselves is what direction they should now take.

In my opinion, they will put up a major space station in the not too distant future. Before most people now predict, they will first circumnavigate and then land on the moon and establish a lunar scientific station. And beyond that—someone has presented me with a record of a song now popular in Moscow, the title of which is: "And Little Apple Trees Will Bloom on Mars." The Russians make no secret of their interest in interplanetary travel. Within the next 10–15 years they will have the capability to do this, and they will exercise their capability.

The 1980's are very clearly the decade in which both we and the Soviet Union, with reasonable-sized space programs in the 1970's, will develop a technological capability for landing on Mars.

The question is really one of national wills. Do the Soviets wish to devote their talents and resources to a Mars landing in the 80's? With all the other problems facing America, will we want to press ahead toward this goal? This is not a question we must answer today, but what kind of a nation will we be in the mid '70's when we must decide? That men will eventually land on Mars, there is no question. But what will be America's national will in the early or middle or late 1970's—this is the subject of our present national deliberation.

QUESTION. This is a direct question, Dr. Paine: What will the Presidential Task Force recommend on space goals in the next decade? What are you, as a member of the Panel, recommending?

Dr. PAINE. The President's Space Task Group, which includes the Secretary of Defense, the Secretary of State, the Chairman of the AEC and myself, with the Vice President as Chairman and the President's Science Adviser as Secretary, is now in its final weeks of deliberations.

We will present our recommended alternative programs to the President on September 1st. The President will review these, and it is our hope that we will have a sound program for the 70's to lay before the Congress and the people not long thereafter.

How bold a program this will be depends not only on my own personal view that we should press forward vigorously in space, of course, but also where the space program fits into our national priorities and aspirations.

The President is faced with many difficult problems. The demands of Vietnam, the problems of inflation, our fiscal program very clearly must be fitted into the spectrum of our total national endeavors. I believe it should rank high; its achievements have earned continuing strong support.

We will be recommending several program levels, all of them vigorous, forward-looking and exciting. They will be well balanced, promising immediate returns as well as long-range benefits. But the final selection as to how rapidly we move ahead in space must be integrated into the total picture in the United States, as the President and the Congress see it. This is their leadership responsibility.

QUESTION. Aren't you depressed—says a questioner—by the Mariner 6 and 7 photographs of Mars? Why should we spend billions more to send men to this moon-like rock, when we have our own moon so much closer?

Dr. PAINE. Not only am I not depressed—I'm elated by the pictures and data from Mars. This has been an extremely successful mission. Dr. Naugle, here, who has headed our planetary effort, shares with me this feeling. As we analyze more thoroughly the scientific data which are coming back, it appears likely that we will be able, for the first time, to make definitive statements on the composition of the polar caps, the components of the atmosphere, and even what is behind these "canals" that have been so much in the forefront of astronomical thought for many years. We could not detect life on Mars from two thousand miles in space, but Mariners Six and Seven are telling us a great deal about the red planet's characteristics.

Now, why should man be interested in such a "desolate rock?" Principally because it is a vast exapnse of unexplored territory—a new world. I could cite Daniel Webster's complaint about the Louisiana Purchase—that the west was a howling wilderness, completely impossible for Americans to ever occupy; fit for nothing but howling savages. I could cite the purchase of Alaska from Russia, which was derided at that time as "Seward's Icebox." In the last few years, however, Alaska has brought in petroleum reserves equal to all the rest of the United States. I could even cite the exploration of electricity, which Faraday said was as worthless as a new-born babe. By most standards the moon and Mars are indeed inhospitable areas. And yet, with modern technology, we could make these barren deserts hospitable to terrestrial life—far more comfortable and safe, in fact, than the "new world" of America was to our ancestors with the crude technology of the sixteenth century.

I think in the broad sweep of time, men will undoubtedly travel to, explore and even found permanent settlements on the moon and Mars. But this is very clearly in the distant future; a task for future generations of pioneers.

APOLLO 11 ASTRONAUTS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. BOLAND. Mr. Speaker, I am sure my colleagues join me in welcoming the three Apollo 11 astronauts—Neil Armstrong, Edwin Aldrin, Michael Collins—to Washington for today's joint session of Congress.

Their mission to the moon truly staggers the imagination—a mission that realizes a dream man has entertained for thousands of years. The success of Apollo 11 signals the opening of the space age, pointing the way toward the exploration of the entire solar system. The mission, even more significantly, demonstrates what astonishing feats we are capable of once we set a goal and strive to achieve it. It demonstrates that the major problems of earth—war, hunger, injustice—can be solved if we want to solve them. The three Apollo 11 astronauts, thoughtful and humane men, have already cited this parallel.

Their courage, their endurance, their coolheadedness cannot be overemphasized.

Their appearance before the Congress is one of its greatest experiences.

LET US STOP KICKING THE SOUTH AROUND

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, James J. Kilpatrick is a respected writer and author, one of the best in the business in fact, whose column is published in the Washington Evening Star, without doubt one of our more noteworthy daily newspapers.

Recently Mr. Kilpatrick, in a column entitled "Let's Stop Kicking the South Around," touched on a subject that repeatedly galls those of us who claim with honor and pride a fragment of southern heritage for ourselves.

The South, in my judgment, Mr. Speaker, has been used as an international football long enough. The people of the South are good people, intelligent people, concerned people. If all of those whose veins carry the proud blood of the South were to walk from the floor in a body, the Congress of the United States would be unable to function until they returned. The whole gamut of national achievement is laced with southern intelligence, accomplishment, and integrity.

Yet the glib tongues and typewriters of this Nation, Mr. Speaker, cannot see the forest of southern virtues for the trees of their vitriol. It is pretty sickening, day in, day out, month in, month out, year in, year out, to see and hear the literary and communication carpetbaggers deride the South for no reason, apparently, except that their intellectual capacities are limited to rote recitations and, like a cage full of parrots, they repeat and repeat the slander.

The big hang-up of these journalistic toadies is that the South is, to them, a cesspool of poverty. This is a gross prevarication, Mr. Speaker. It is just as false and phony as the exaggerated cries that the Nation as a whole is totally beset by ragged urchins, undernourished children, starving grownups and pellagra-ridden elders.

An ounce of poverty is too much in America, Mr. Speaker. But not all of it is in the South. Not even a majority of it is there.

Most Americans, long bombarded by antisouthern propaganda, have forgotten that poverty in the Nation reached its peak in 1900 when 90 percent of our people were poor. Slowly it has evaporated under a struggling economy until today it represents less than 15 percent of our total population, and far less of it is in the South, by any yardstick you care to use.

The New York Times, the Washington Post, the TV and radio network moguls, could well look into the back alleys of their penthouses and plastic havens on Madison Avenue, for the bulk of the poor in America. Mr. Speaker, that is where they are—the majority of our poor—crushed victims of broken welfare promises and phony programs touted by social bleeders who have been going to eradicate poverty from the face of the Nation for the past 40 years. They are big city dwellers, northern city dwellers.

Oh, yes, the South makes mistakes, Mr. Speaker. Its people are not all perfect, and not everybody there dines high on the hog like they do at the watering troughs on Fifth Avenue. But the South is trying to do better, just like the rest of the decent people in America—trying hard, trying constantly, and trying successfully, despite the social welfare "Gogolaks" who love to kick us around.

I am fond of the South and proud of my southern heritage, Mr. Speaker. And I am proud that a man of Jim Kilpatrick's stature is proud of it, too, and anxious to say so. I commend his article to all who read this RECORD:

LET'S STOP KICKING THE SOUTH AROUND

(By James J. Kilpatrick)

Reconstruction came to an end in the South, or so the history books tell us, during the reign of Rutherford Hayes some 90 years ago. But there are times, honest to Pete, when Southerners wonder if the South ever is to regain an equal standing in the Union.

There is something about the South, apparently, that draws an unrelenting anathema from the North. Old abolitionists never die; they write on for The New York Times. It has only to be said, or hinted, that a particular program or appointment may be pleasing to the South—the conservative South, that is—for the program or appointment to be damned out of hand. As a Southerner, I protest.

We are witnessing the syndrome just not in the nomination of Clement F. Haynesworth to the Supreme Court. It is entirely proper, of course, that the Senate Judiciary Committee inquire into his qualifications. No one is suggesting that the Senate's duty to advise and consent should be treated in perfunctory fashion. But the noxious clouds of complaint against this appointment have little to do with qualifications. The objection, at bottom, is that Haynesworth is a Southerner—a moderately conservative Southerner. That is enough. Lynch him!

Thus, an entirely phoney challenge is raised that Haynesworth acted unethically by not disqualifying himself eight years ago when the great Deering Milliken case first came to his Circuit Court. The charge is baseless. The Fourth Circuit's major opinion in the Deering Milliken litigation came in November of 1963. Haynesworth did not write the opinion—Judge Albert Bryan wrote it, and Judge Herbert Boreman concurred. Two other judges dissented. Haynesworth's position on the law and the evidence was in no way irrational; it was a position shared not only by Bryan and Boreman, but also by two members of the National Labor Relations Board and by the board's own trial examiner.

Haynesworth's critics know that their charge of a particular conflict of interests is flimsy. Thus they were seeking, last week, to puff it up to a more general charge that Haynesworth is "Mr. Textile Interests." These are the same critics, by and large, who smiled benevolently in other days upon the nominations of Arthur Goldberg and Thurgood Marshall. There are times, in Washington's political rainy season, when we wallow in tides of hypocrisy; and one of those times is upon us now.

It is not only the Haynesworth nomination that suffers the "Southern stigma." Harry Dent is a skilled and dedicated executive, worth his weight in gold at the White House; but he comes from South Carolina—he formerly was with Strom Thurmond—and his appointment as a presidential assistant brought slurs that were simply anti-Southern. No matter what the administration does about school desegregation in the South—no matter what it proposes on voting rights—a hostile reaction arises.

Even Spiro Agnew succumbs. The vice president appeared on Meet the Press the other day, and was asked about the "Southern strategy" that has been urged on his party. He began his response by denying that he was in any sense a traditional Southerner. Then he got even more defensive: "How could someone seeking to court the forces of reaction propose a welfare program of the magnitude and scope the President has just proposed?"

Aarghh! The South, with the largest racial problems, has demonstrated the greatest racial peace. It has suffered less than its neighbors from strikes, riots, and campus disorders. The South continues to raise daughters who are ladies and sons who are gentlemen. It is characterized not by "forces of reaction," but by innovation and by solid progress. The old Confederacy is part of the Union now; it is a great place; I love it; and it would be pleasant indeed if the damned Yankees who dwell in Washington would stop kicking my South around.

THE HONORABLE CHARLES S. JOELSON

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. ROONEY of New York. Mr. Speaker, on the 5th of September the Honorable Charles S. Joelson of New Jersey was sworn in as a member of its superior court of his State. I must sadly note that the people of the State of New Jersey are now one up on the House Committee on Appropriations. "Chuck" Joelson was a member of the Appropriations Subcommittee on the Department of State, Justice, Commerce, the Judiciary and Related Agencies, of which I am chairman. "Chuck" will be sorely missed. He was a hard working, extremely capable member of the committee and his help in getting out the huge and intricate appropriation bill for the abovementioned agencies was invaluable. I shall miss seeing my friend here and in the committee day after day but I am sure all my colleagues join me in wishing him every success in his new career.

WHY WON'T SOME PEOPLE WORK—AN INQUIRY TO THE SECRETARY OF LABOR

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mrs. SULLIVAN. Mr. Speaker, newspaper articles in St. Louis recently reported on the disappointing results to a prospective employer of a saturation advertising campaign by a local employer to fill jobs, mainly in the unskilled labor category, at salaries reportedly between $100 and $150 a week, plus fringe benefits.

According to the news articles, of 141 who applied, only 38 actually went on the payroll for more than a day or so. Four quit after 1 day. Thirty-one who were hired never did show up for work. The employer in this instance was disgusted, and expressed the belief that we have a "no-work movement sustained by various governmental giveaways, welfare checks, laziness, and indifference."

The St. Louis Globe-Democrat, whose news article on this incident I am quoting, followed the article a day later with an editorial, "What About the Lazy?" which attributed at least part of the lack of motivation of those "allergic to work" to the ready availability of welfare.

One of the things which struck me about this incident is that in Missouri, families with an employable male in the household are not eligible for welfare. So why would not these 31 people, who are presumably not eligible for welfare, accept jobs offered to them? Do we really know? I think we should try to find out, in order to know better how to solve what is, indeed, a national problem.

Hence, I have addressed the following letter to the Honorable George P. Schultz, Secretary of Labor:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, September 15, 1969.

HON. GEORGE P. SHULTZ,
Secretary of Labor, Department of Labor, Washington, D.C.

DEAR MR. SECRETARY: I am sure you are familiar with the problem reflected by the two clippings I am enclosing, but I am wondering if work your Department is now doing in this field offers any hope of a solution. One of the biggest problems in training hard core unemployed for jobs has been in instilling some understanding of the responsibilities which go with holding a job, including the basic requirement of showing up for work on a regular basis. The Job Corps, as I understand it, made this one of its main assignments, and tried to teach career unemployed people how to hold a job, and to *want* to be employed enough to put up with the personal inconveniences that all of the rest of us experience in having to get up in the morning and report to the job.

These clippings reflect a common feeling in the country—not just in St. Louis—that people who won't work don't have to, because welfare takes care of them. However, the families of employable males are not eligible for public assistance in Missouri. But this news article and the accompanying editorial imply that 27 people who were hired and then never showed up for work and the 4 others who worked one day and then quit, probably are receiving welfare. I doubt very much that such is the case. On the other hand, I am certain that we have a typical problem here of poorly motivated individuals who never really learned to cope with the idea of regular employment.

I am not satisfied merely to write these people off as incorrigible. If we could find out what *actually* was behind the decisions of 31 individuals who were hired at "salaries of $100 to $150 a week plus fringe benefits" who either did not show up at all or worked only one day, possibly we could find some way to deal with this kind of situation. Perhaps you already have studies underway into the motivation of individuals who won't work or won't accept regular employment. If you are making any studies in this field, as I hope you are, then I think this specific experience of Diversified Metals Corp. in St. Louis would supply excellent research data.

Therefore I would like to suggest that arrangements be made to obtain from Diversified Metals Corp. in St. Louis the identities of the 31 reluctant job applicants who couldn't face the fact that they had been hired. I think if qualified people in your manpower program, perhaps with the assistance of the social service agencies of St. Louis, could follow up on each of those 31 individuals—interview them; find out how many, if any, are supported by any form of public assistance or charity, or how they live; and find out why they quit or didn't show up for jobs for which they were hired—we would know better what we are dealing with in this kind of situation. Have any of those 31 been in manpower training programs operated by the Department? What kind of people are they?

It is not just the fact that this incident has been so widely publicized in St. Louis that leads me to suggest a study of this specific event; rather it is the fact that the jobs were offered without regard to race, creed, color, or anything else—including police records, other than for convictions of burglaries, larceny or thefts. How many of these individuals were men with police records which might prevent their employment elsewhere?

We will never solve this problem until we know exactly what we are dealing with in this kind of situation. If the facts in the news article and editorial are not correct, and the pay was substandard and the work excessively hard, I would want to have the public so advised; but I suspect the facts as given are true, and that we don't know how to combat this problem and need some solutions. Do you think that your Department could investigate this specific incident with that in mind?

Sincerely yours,
LEONOR K. (Mrs. John B.) SULLIVAN,
Member of Congress.

[From the St. Louis Globe-Democrat, Sept. 9, 1969]

JOB ADS BY DIVERSIFID NET ONLY 38 WORKERS

Diversified Metals Corp. Monday expressed disappointment with the results of its recent blockbuster "jobs available" ads in six St. Louis area newspapers.

Of 141 persons who applied for the jobs, mainly in the unskilled labor class, with salaries of $100 to $150 a week, plus fringe benefits, only 38 persons (24 white and 14 black) have been put on the payroll.

More disappointingly, the company said, 27 other persons (14 white and 13 black) who were given jobs failed to show up for even one day's work while four other persons (three white and one black) worked for a day or so and then quit.

Of the 141 who applied 76 were white and 65 black.

The newspaper ads, entitled "Diversified Metals tells it like it is—we give a damn" said the company was tired of hearing people constantly complaining that they can't find a job, or if they do have one there's no chance for advancement . . . and they must live forever in a poverty area, waiting for the mailman with their next welfare check.

The ads called for those willing to work to step forward.

A spokesman for the company said, "It is apparent from these results that too many people, both black and white, just do not give a damn about working."

He added that these figures only reflect what is now a growing national disgrace, namely, a no work movement that is sustained by various governmental giveaways, welfare checks, laziness and indifference.

"We are delighted to have found 38 persons who give a damn and who want to work and work hard to help themselves and their families," the spokesman said.

There were several reasons, the company said, for not hiring other persons at this time. Some job seekers wanted wages that were too high. Others were not seriously looking for work. Some men refused to work nights, while others were not physically able to perform the tasks the jobs demanded.

Some persons who applied had police records, but this did not eliminate them unless they had been convicted of burglary, larceny or thefts.

"Diversified will hire persons who have been convicted of other major crimes, even murder, if it is determined that the person has been rehabilitated and can take his place in society as a useful citizen," the spokesman said.

Letters from businesses and private individuals praised Diversified for having had the guts to take a stand on this delicate issue.

"We have told it like it is and have no regrets," the spokesman said. "And we still have openings and are hiring."

WHAT ABOUT THE LAZY?

It has long been suspected that many people are allergic to work. They are, to put it bluntly, lazy.

Diversified Metals Corp. can offer proof.

The firm, tired of hearing people complain they couldn't find a job and were doomed to waiting for their next welfare check, saturated the area with blockbuster ads offering work—mostly unskilled labor. The jobs paid $100 to $150 a week, plus fringe benefits.

Although 141 applied, many wanted too much money, weren't seriously looking for work or refused to work nights. Only 38—24 white and 14 black—finally went on the payroll.

Most disappointing were the 31 others who were hired, but either didn't show up for work at all or only lasted a day or two before quitting.

Industry can do no more than offer jobs. The question remaining is what can be done to trim the lazy off the relief rolls, allowing people who really need welfare checks to benefit.

PRAYERS FROM THE CONGRESSIONAL RECORD

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. ASHBROOK. Mr. Speaker, in yesterday's CONGRESSIONAL RECORD in commenting on the late Senator Dirksen's prayer bill, I made mention of the current controversy over the issue of school prayers now going on in Netcong, N.J. Today's New York Times reports further on the determination of the people in this community to resume a custom which has ever been a part of this Nation's heritage. The Netcong Board of Education has announced that it will read from the CONGRESSIONAL RECORD a prayer offered by the Chaplains of the U.S. House and Senate during a session of Congress. The readings will be held in the high school gymnasium 5 minutes before the start of classes each day with attendance being strictly voluntary.

The superintendent of schools, Joseph Stracco, stated that the first reading wold be from the August 8 CONGRESSIONAL RECORD, on which day only the Senate met. The prayer for that day, offered by the Reverend Edward L. R. Elson, D.D., the Senate Chaplain, reads:

Eternal Father—

"May Thy Spirit which is eternal be within
us to refresh us,
Above us to bless us,
Around us to protect us,
Before us to lead us on,
Beneath us to hold us up."

In the Redeemer's name, we pray. Amen.

In effect, this approach of the officials of Netcong seeks to provide for the students the same privilege enjoyed by Members of Congress. The advocates of school prayer have long protested the inconsistency which allows the benefits of daily prayer to Members of Congress while at the same time discriminating against America's schoolchildren. If school prayer violates the first amendment, then why not congressional prayer? Perhaps the American Civil Liberties Union could clarify this matter by drafting legislation to fire the congressional Chaplains and eliminate congressional prayer. It would be interesting to see how many congressional sponsors of their legislation would be forthcoming.

The battle of Netcong should prove to be an interesting one. If the case goes to court, perhaps clarification of the school prayer situation will result. If this new practice continues, the RECORD could well become a best seller. The number of beautiful and edifying prayers from the CONGRESSIONAL RECORD is, of course, copious. For instance, Senate Document No. 86 of the 81st Congress, first session, contains the prayers of the former chaplain of the U.S. Senate, the Reverend Peter Marshall, D.D., offered in Congress from 1947 to 1949. I do not know if it is still available, but at one time it was procurable from the Government Printing Office at the nominal cost of 45 cents. This document contains 70 pages of short, inspiring prayers, and is but one of a number of collections of prayers offered by congressional chaplains.

Hats off to the school officials and parents and students of Netcong who realize that in these times the necessity for school prayers to help produce responsible citizens and leaders is a "must" today more than ever before. Their experience with this issue demonstrates once again the need for legislation to clarify this all-important issue.

I include the article, "School To Evade Ban on Prayer by Using CONGRESSIONAL RECORD," from the New York Times of September 16 in the RECORD at this point:

SCHOOL TO EVADE BAN ON PRAYER BY USING CONGRESSIONAL RECORD

NETCONG, N.J., September 15.—Sections of the Congressional Record quoting prayers recited by chaplains in the United States Senate and House of Representatives will be read to students in the Netcong public schools starting tomorrow.

Palmer Stracco, president of the Netcong Board of Education, announced plans for the readings today. He said they would be held in the high-school gymnasium five minutes before the start of classes each day. Attendance will be "strictly voluntary," he said.

Mr. Stracco conceded that the readings were an effort to circumvent the United States Supreme Court's 1963 ban on school prayers.

But he contended that there was no essential difference between the recitation of prayers in Congress and the recitation by school children of those same prayers.

"Congress has a chaplain recite a prayer and they are supported by taxpayers, too," Mr. Stracco said.

Sessions in Congress are customarily opened with five-minute prayers recited by the Rev. Dr. L. R. Elson, the Senate chaplain, and the Rev. Edward G. Latch, the House chaplain. Their words, like all official statements in the two chambers, are entered in the Congressional Record.

However, few Senators or Representatives are ever in attendance when the prayer is read.

The prayer readings in the Netcong schools will supplant a controversial program of daily "silent meditations," which was dropped by school authorities last Thursday.

The change was ordered by the Board of Education in the face of a court challenge by the New Jersey chapter of the American Civil Liberties Union, which charged that the meditation violated the Supreme Court's ban on school prayers.

That ban was based on an interpretation of the doctrine of the separation of church and state in the First Amendment to the Constitution, which says in part that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The readings will begin at Netcong High School tomorrow and in the elementary school here on Wednesday, according to Joseph Stracco, the Superintendent of Schools, who is a nephew of the board's president.

POPULATION MOSTLY CATHOLIC

The first reading will be from the Congressional Record of Aug. 8, the Superintendent said, adding that the school district would renew its $18-a-year subscription to the periodical for the purpose.

The prayers in the Congressional Record will be read by students and faculty members who volunteer. "We have lots of volunteers, so they'll have to take turns," the Superintendent said.

Emphasizing that no one would be forced to listen or pray, the Superintendent said students and faculty members who want to attend will go to the school gymnasium five minutes before the start of classes. Attendance will be taken in the classrooms afterward, he said.

There are 340 students enrolled at the high school in this western Morris County community, half of them from neighboring Stanhope, in Sussex County. The elementary school has an enrollment of 435.

Netcong, which has a population of 3,500, is predominantly Roman Catholic, with a heavy concentration of residents of Italian descent.

The controversy over the school-prayer ban began anew here with the start of classes last week. For the first four days, students were asked each morning to remain in their

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seats before classes for 30 seconds of "voluntary, silent meditation."

The meditation was ordered by the Board of Education as an interim measure while a group of local clergymen negotiated a prayer acceptable to all faiths here. But the clergymen failed to agree on such a prayer and said they wanted to "study the matter further."

In the meantime, a committee composed of three high-school students and three faculty members offered the idea of reading from the Congressional Record. The school board accepted it, according to Mr. Stracco, the board president, in the hope that the Supreme Court's ban could thus be circumvented.

In Sayreville, in Middlesex County, students in the public schools paused for five minutes of silent meditation today for the first time. The school board there maintains that the meditation does not contravene the Supreme Court ruling.

SANCTUARY FOR INTERNATIONAL GANGSTERS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. RARICK. Mr. Speaker, while our leaders continue to barter away American lives at so-called "peace talks" in Paris, the Communist cancer in the Western Hemisphere—Cuba—continues to create trouble among our friends to the south.

I discussed the matter of Soviet influence in Latin America at length before this body on June 12, 1969, begining on page 15768.

The recent kidnaping of the U.S. Ambassador to Brazil can be traced indirectly to the Soviet Union by way of its Red satellite just 90 miles off our shores.

Not only is it regrettable that we allow the export of communism in this hemisphere, but it is a menace which will—if allowed to continue—threaten the very existence of our Nation.

The 15 Red agents freed by Brazil to protect the life of our Ambassador will undoubtedly continue as activists in the Communist movement, and almost surely will return to the scene of their earlier crimes against the people of Brazil.

A most timely editorial on this subject appeared recently in the Chicago Tribune. I insert it following my remarks:

THE SOURCE IS CUBA

The United States was doubly humiliated by the kidnaping in Rio de Janeiro of Ambassador C. Burk Elbrick by communist terrorists, who threatened to kill him and released him only when their demands were met by the government of Brazil. One demand was for the release of 15 prisoners, including a Brazilian accused of directing the machine-gun assasination of Capt. Charles R. Chandler of the United States army, who was studying at the University of Sao Paulo in preparation for a teaching assignment at West Point.

The other demand was for publication of a statement by the terrorists boasting that the abduction of Ambassador Elbrick was aimed as much at the United States as at Brazil's new military government. The statement said the ambassador "represents in our country the interests of imperialism" and symbolizes exploitation of the Brazilian people.

The terrorists also boasted that the kidnaping outrage was not an isolated act but was part of a continuing campaign of terorism, including bank holdups, to get money for the revolution; raids on barracks and police stations, for arms and ammunition; invasion of jails, to liberate prisoners; burning up buildings; and "the execution of hangmen and torturers."

This is the familiar pattern of urban terorism to which the communist revolutionaries have resorted in Brazil and other Latin American countires since the failure of their efforts to foment peasant' guerrilla movements in Guatemala, Colombia, Venezuela, and particularly Bolivia. Che Guevara, lieutenant of Fidel Castro in the Cuban revolution, was captured by the army and killed when he tried to organize a revolution in Bolivia.

The government of Brazil acted immediately and successfully to effect the release of the American ambassador. There is little the United States can do to prevent such outrages in the future except to provide greater security for its ambassadors, and the state department says this is being done. To withdraw the ambassadors from countries which cannot protect them would benefit only the Communists; soon we would have diplomatic relations with few if any Latin American countries.

The source of all the trouble in Latin America is communist Cuba. In the Soviet missile crisis of October, 1962, President Kennedy gave "assurances against an invasion of Cuba" and said he was confident that other western hemisphere nations would do likewise. Nikita Khrushchev, without contradiction by the President, interpreted this as a guarantee that the United States would neither invade nor permit an invasion of Cuba.

Having obtained this guarantee for the security of a base for revolution in the western hemisphere, the Russians organized the so-called Tricontinental conference of communist countries in Havana in January, 1966, which was quickly followed by the organization of Castro's Latin American Solidarity organization [LASO], for the export of revolution throughout the hemisphere. This organization trains thousands of agents each year, including students and black militants from the United States, and then infiltrates them into their homelands for action.

Paul Bethel, former United States foreign service officer in Havana, advocates [in "The Losers"] a counter-offensive to overthrow Castro, including recruitment and training of exiles to be infiltrated into Cuba for sabotage and assistance to resistance movements. The Nixon administration, however, has continued the Kennedy-Johnson policy of patroling the waters between the United States and Cuba to prevent any hostile act against this volcano of revolution for export.

NEED FOR RATIONAL CAPITOL HILL ARCHITECTURE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. SCHEUER. Mr. Speaker, because of my long-term interest in architecture, planning, and, specifically, the architectural fate of the U.S. Capitol Building and its surrounding area, I rise to oppose the appropriation of moneys that will enable the Capitol Architect to generate prebid construction plans for a proposed extension of the Capitol's west wall.

I am expressing the interests of most professional architects, historians, and the responsible national press in opposing the allocation of any moneys for any piecemeal addition to the Nation's most prominent edifice. I make my opposition on three grounds: First, there is a painfully obvious need for comprehensive master planning of the Capitol region; therefore, it is architecturally and economically unsound to make ad hoc space additions like the west wall extension; second, there is a need for basic revision of the current practices of the Capitol Architect; and third, the proposed addition disregards important considerations of American history.

Let me state at the outset that it is apparent to me, no doubt to the 11 million tourists who this year came to visit their Nation's shrines, that the west front of the Capitol is in need of attention. It should be a source of shame to the Capitol Architect that basic, inexpensive, regular, normal, cosmetic, and structural maintenance has been so neglected. Before setting out on new, expensive building endeavors, the Capitol Architect should perform his regular, routine maintenance responsibilities.

NEED FOR COMPREHENSIVE PLANNING

The proposed appropriation would, if granted, allow moneys to produce prebid plans for the extension of the west front. By opposing the appropriation I am not advocating that we neglect the condition of the Capitol. On the contrary, my opposition is based on the well-accepted principle that piecemeal attempts to solve complicated, many-faceted problems in the long run are inevitably wasteful and self-defeating.

The west wall which, indeed, is in need of repair, stands only as a part of the total architecture and planning picture of the Capitol Hill complex. The Capitol, as the seat of the Nation's Government, is under complex demands from a great variety of constituencies—the Senate, the House, the growing congressional staff, the public, the press. Yet, to date, the Capitol Architect has made no effort, nor is it apparent that he is likely to make an effort, to assess the total current and future needs for space, facilities, and equipment, with a view of achieving maximum congressional effectiveness in an economical, efficient fashion. Although it is customary practice in virtually all Government building, and, indeed, in all intelligent modern corporate planning, the architect has made no effort to generate a survey of needs and a master plan for development from which informed architectural planning and development decisions affecting the capitol can be made. Without a master plan, extension of the west front is like playing a game of dominoes where we add a piece at a time with no idea of the final design.

It should be obvious, and is obvious to professional architects and planners, that a unique building like the Capitol, a building which is both a cherished monument and a highly utilitarian structure should not be altered in a random fashion, on a piece-by-piece basis.

If new space is needed in the Capitol—and we know it is—how can it best be employed? In response to this question, Mr. Campioli, the Assistant Architect, testified that 25 offices anticipated under the proposed extension would have the following use:

> Mr. CAMPIOLI. Some of them (Offices) would be used in connection with this committee. Some would be used to serve other functions as may be allocated by the Speaker of the House side or the Rules Committee on the Senate side.

Tell me, Mr. Speaker, is this informed, intelligent, long-term planning?

Mr. Speaker, I ask if new construction projected to cost $45 million, affecting the most famous building in the country can be seriously considered by a responsible legislative body, based on such nebulous and unscientific information? Mr. Speaker, we are all aware that the electronic age offers new and highly specialized facilities and systems which Congress urgently needs, and which any planning for new space in the Capitol ought to contemplate. What will be the electronic and computer needs, the personal and committee staff needs, of Members of Congress in 10 or 20 years hence?

It is unthinkable that we could even begin to plan major alterations without exploring these and other technical questions which affect the vital, long-term liveability and workability of the Capitol Hill complex. Let us plan systematically, let us master plan, in the jargon of the architect, so we may identify our future needs before taking major and perhaps irrevocable steps.

NEED FOR REVISION OF PRACTICES OF CAPITOL ARCHITECT

Next, Mr. Speaker, I would like to note briefly that even if an extension of the Capitol Building were at some point in the future called for under a master plan, the current practices of the Capitol Architect do not allow for selection of the most imaginative, high-quality architects of this Nation. It is well documented that over the years, the Capitol Architect has seen fit to select time and again, a small coterie of architectural firms to carry out Capitol Hill building projects. As a result, we in Congress have faced personal embarrassment with our constitutents, not only—in the view of many authoritative observers—because of the ugliness of some of the work, but also because consistently and repeatedly the estimated costs have enormously exceeded the final costs. In recent years, Congress has had to face embarrassment in the public press because of tens of millions of dollars in added costs to the east wing extension, the Rayburn Buildings, and the Capitol underground garages. Before undertaking any project so sensitive as alterations of the Capitol, procedures for obtaining the best and most economical architectural consultants and the most realistic cost estimates must be assured.

CONSIDERATIONS OF HISTORY

Finally, I oppose extension of the west wing for historical, perhaps sentimental reasons. The west wall is the last vestige of the original Capitol Building. It seems beyond our mandate in 1969 to bury the last wall which was publicly acclaimed by the first two critics of the Capitol, President George Washington and then Secretary of State Thomas Jefferson. The west front is the only original section of the Capitol remaining with direct ties to Washington, Jefferson, and the endurance of this country through the British attack in 1814. The endurance of this Capitol Building during great stress was noted by Daniel Webster, expressing the concern of millions of Americans, when he said:

> And all here assembled, whether belonging to public life, or to private life with heads devotedly thankful to Almighty God for the preservation of the liberty and happiness of the country, united in sincere and fervent prayers that . . . the walls and arches, the domes and towers, the columns and entablatures, may endure forever.

Mr. Speaker, I cannot express strongly enough that Webster's immortal words express my profound feelings. To millions the visual impressions of the Capitol Building and its very mortar convey symbolically the history, thus the values and endurance of the values of this country. There is a place for modernization and progress, but progress is not always achieved by indelible alteration of the noble monuments and structures of the past. Let us through our monuments be reminded of from where we came and to what we owe our most noble ideals. Preservation of the original section of the Nation's most important building is a debt we owe to posterity. It is beyond my comprehension why Mr. J. George Stewart in 1969 would wish to destroy the west wall and finish the job the British could not do in 1814. Why would Mr. Stewart destroy the wall gallantly defended, the wall where flames were heroically extinguished by citizens and soldiers of an earlier day?

Mr. Speaker, I hope this body will see fit to deny funds for the piecemeal venture proposed by the Architect. In place of appropriating $2 million for development of plans which will most likely damage the Capitol Building and embarrass the Congress, I urge all Members of the House to support Congressman SAM STRATTON's substitute amendment which allocates $100,000 for sensible planning to restore the west front of the Capitol. After that job is done, we should restore the building and commission the Nation's best architects to produce a master plan of the long-range needs of Capitol Hill, and of the Members of this distinguished body.

Mr. Speaker, there follows, for the interest of my colleagues, an article from the authoritative Congressional Quarterly of July 7, 1967, giving the history of this proposed extension, and outlining some of the dubious practices and procedures of the Architect of the Capitol:

CONGRESS DIVIDED ON CAPITOL HILL CONSTRUCTION PLANS

Haunted by the presence of the $100-million-plus Rayburn House Office Building, Congress faces with deeply divided feelings the prospect of two new Capitol Hill construction projects.

Authorized and only needing funds to move ahead are a $34 million extension of the West Front of the Capitol (the central portion facing the Mall and the Washington Monument and a $75-million annex to the Library of Congress, to be known as the James Madison Memorial Library.

No appropriation for either project has been requested yet for fiscal 1968, but some funds may be sought for at least one project in a supplemental request later in the session.

Both undertakings are a frequent topic of conversation on Capitol Hill and have stirred acrimonious debate in the House and Senate.

The debate goes beyond merely a dispute over the merits of two specific building projects. Instead, some Members have sharply attacked the basic way architectural decisions are reached on Capitol Hill, strongly hinting at wrongdoing or political impropriety.

On the other hand, defenders of the status quo claim that most criticism aimed at Capitol Hill architecture is inspired by either professional jealousy or partisan politics.

CAPITOL HILL DEVELOPMENT

Before discussing the West Front controversy and the new library, it is necessary to look first at the larger debate.

The major indictment of the current approach to developing Capitol Hill, voiced most vigorously by the American Institute of Architects, is the lack of a long-range master plan for the area.

Currently the development of the Capitol grounds is in the hands of the Congressional leadership and under the day-to-day supervision of the Architect of the Capitol, J. George Stewart, a former Representative (R. Del. 1935–37). Stewart conceives, commissions and executes his own plans for Capitol Hill, restricted only by his need to obtain Congressional approval of funds for particular projects or to bow to the wishes of a small core of influential Members of Congress. Neither the National Capital Planning Commission nor the Fine Arts Commission, both responsible for reviewing architectural and development plans elsewhere in the nation's capital, has any jurisdiction on Capitol Hill.

As a result, the AIA, in an April report, was prompted to say: "We move from crisis to crisis under present procedures for approval and construction of Capitol Hill buildings . . . Congress owes it to the people of the United States to have an orderly plan for the development of the Capitol grounds and contiguous areas. The cost of creating an excellent plan would be far less than the amount which will be spent unnecessarily without one."

Noting that advance long-range planning is a prerequisite for all federally aided urban renewal programs. Rep. James H. Scheuer (D. N.Y.), a real estate developer before coming to Congress, has asked: "Why should this 131 acres known as Capitol Hill be excluded and denied the benefits of comprehensive master planning which Congress in its wisdom . . . felt was an indispensable condition to their spending a dime of federal funds to help any city?"

Senate action

The Senate May 18 passed S.J. Res. 74 which directed the Capitol Architect, in consultation with the National Capital Planning Commission, to select a firm to prepare a "comprehensive plan for the future development of the U.S. Capitol grounds and the contiguous and influencing areas." The bill was introduced by Sen. Jennings Randolph (D. W. Va.).

In reporting the bill May 16 (S. Rept. 236), the Senate Public Works Committee criticized the "piecemeal" approach to Capitol Hill development. Said the Committee: "The environs of the Capitol have a unique importance and their future development is a matter of concern of the entire nation." Planning for the future is dictated by esthetic, functional and economic concerns, the Committee said.

A spokesman for the Capitol Architect, Philip I. Roof, executive assistant to Stewart, acknowledged there was no master plan for the area and said Stewart firmly believed long-range planning was both desirable and necessary. However, Stewart opposed S.J. Res. 74, Roof said, because of its provisions altering the method by which architects are

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chosen. The bill provided that the National Capital Planning Commission, Fine Arts Commission and architectural profession participate fully in the selection process.

Selection of architects

Stewart's objection to the Randolph bill points up another general issue that has emerged from the planning-architecture debate.

Prominent among those attacking the status quo is Scheuer, who last year and again in the 90th Congress proposed the creation of a Commission on Architecture and Planning with exclusive jurisdiction over Capitol Hill to promote first-class design in all Hill projects. This would be done, Scheuer says, by basing selection on competitive design rather than political influence. He contended in an interview with CQ that "an unbreakable monopoly" had done all of the work on the Hill in the last dozen years, and the product of the monopoly "is uniformly dismal, a program of planned ugliness."

Roof, again speaking for Stewart, hotly denies the existence of an architectural monopoly. He told CQ the selection process on all Capitol Hill projects is rigorous and scrupulously fair. He points out that the New Senate Office Building (conceived and designed before Stewart took office), the East Front extension and the Rayburn Building were designed by different architects.

The AIA strongly supports the Scheuer proposal, saying "The Capitol grounds should no longer be excluded from the accepted process of examination and review. Indeed, Capitol Hill is so important as to merit its own review body."

WEST FRONT EXTENSION

In 1955, under PL 84-242, a five-member Commission on the Extension of the U.S. Capitol was established, consisting of the House Speaker, the Vice President, the House and Senate Minority Leaders and the Capitol Architect. Headed by the late Speaker Sam Rayburn (D Texas 1913-61), the Commission approved the East Front extension in 1957 and had plans drawn up for the West Front expansion as well.

In a surprise announcement on June 17, 1966, the Commission—then made up of Speaker John W. McCormack (D Mass.), Vice President Hubert H. Humphrey, Sen. Everett McKinley Dirksen (R Ill.), Rep. Gerald R. Ford (R Mich.), and Stewart—approved a $34-million plan to extend the West Front, adding 4.5 acres of new space including two auditoriums, two cafeterias, four dining rooms and 115 offices as well as a tourist center. The center section of the Capitol would be extended westward toward the Mall 44 feet, the two original wings 88 feet and the corridors connecting the House and Senate wings 56 feet. The changes would bury the last vestiges of that portion of the Capitol designed by William Thornton in the 1790s and Charles Bulfinch in the 1820s and would replace the steps and terrace designed by Frederick Law Olmstead in the 19th Century.

The Commission said its decision to proceed with the extension was based on a recommendation made in 1964 by the Brookline, Mass., engineering firms of Thompson and Lichtner Co. Inc., which said the original west wall was so gravely deteriorated the best solution would be to rebuild the West Front completely. "An extended building is recommended as the least hazardous and as causing the least interference with the occupancy of the present structure," the firm told the Commission. Restoration of the existing West Front was specifically not recommended. In October 1965 the Commission had obtained $300,000 for architectural plans for the West Front extension and engaged the firm of Dewitt, Poor and Shelton for the work.

In its June 17 announcement, the Commission said the architects had presented three proposed extension plans. After reviewing each, the Commission decided on the $34-million scheme, the most expensive of the three.

A storm of Congressional protest erupted when the details of the extension and Stewart's intention to seek $34 million in a supplemental request were made public.

The objections were based on economic, historical and architectural grounds. Strenuous opposition developed in the Senate where 30 Members, led by A. S. Mike Monroney (D Okla.) and William Proxmire (D Wis.), sponsored bills to block the extension. It was the Senate which had fought vainly eight years earlier to scuttle the East Front plan. A small but vocal House protest was organized by Samuel S. Stratton (D N.Y.). Stewart was criticized almost daily in both House and Senate.

Stewart never made good his intention to seek the $34 million in 1966, apparently because of the clearly hostile reception the extension proposal had met.

PROS AND CONS

But the debate continues in the 90th Congress.

Opposing extension

Opposing the extension and favoring instead restoration of the west wall, the AIA said in a special April report. "The West Front of the Capitol can be restored and its structural weaknesses corrected." While restoration would be costly and "would entail some inconvenience," the AIA said it "is unlikely that the cost of the restoration would approach the total cost of extension." The AIA, stressing the historical importance of the present West Front, also called for a "permanent policy prohibiting any further major alteration to the Capitol."

In the absence of the master plan for Capitol Hill, the AIA also argued it was unwise to draw up plans for new office space in the Capitol which might be totally inadequate in terms of actual need.

Stratton contended that Stewart had consciously allowed the West Front to deteriorate as part of a campaign to drum up support for its extension. Stewart has blamed Congress for failing to provide sufficient maintenance funds. Stratton also said more study should be given to alternatives before proceeding with the extension.

Favoring extension

Arguing for the extension project, Speaker McCormack, June 1, said: "It will improve the esthetic quality of the west side, while at the same time preserving its essential characteristics." Furthermore, it will provide critically needed new office space, he said. On the other hand, he contended, restoration could cost anywhere from $10 to $50 million and would require that the entire west central section of the Capitol be vacated for 5 to 10 years.

Discussing the AIA-backed restoration plan, Stewart's office told the House Legislative Branch Appropriations Subcommittee this spring: "What a shame it would be to butcher this old building in the manner they propose. Their program, if it can be called that, . . . is an open invitation to endless expense, . . . continued admittedly poor structural conditions, . . . a scabby appearance . . . and stifling any further space growth for Congressional operations in the Capitol."

Outlook

All that stands between the extension plan and its completion is the lack of money. In the light of current economic conditions it is unlikely the extension will come to fruition in the next few years, but as was the case in 1958 when the East Front extension was approved, with the Congressional leadership solidly behind the plan, odds for its eventual success are good. Even the beleaguered Architect's office says the current controversy is mild compared to the East Front fight in 1958.

MADISON LIBRARY

The construction of the Madison Library was authorized in 1965 by PL 89-260. Also authorized was a $75-million appropriation for the library, which would be built on land bounded by Independence Avenue, C Street and First and Second Streets SE. Supervising the building of the library are the Capitol Architect, the House and Senate Office Building Commissions and the Joint Committee on the Library. Congress further, in an effort to involve the architectural profession in the planning of the building, directed these committees to consult with advisory architects picked by the AIA (1965 Almanac p. 633).

Although the AIA named a five-member committee of consultants, the architects for the project were selected without the participation of the AIA panel. Chosen was Dewitt, Poor and Shelton, the same firm which designed the East and West Front extensions.

The AIA group later did meet from time to time with Dewitt, Poor and Shelton during the planning stages but evidently had little impact on the final design.

In a report made public June 1, the AIA committee said the library design would result in a building that would be "inhuman and overpowering." The "present design would produce an environment which would be esthetically and psychologically unsatisfactory as a place to work," said the AIA. Essentially, the AIA said the building as designed was too large for the site.

The report immediately touched off new Congressional debate, with some Members suggesting another Rayburn Building was in the making.

A spokesman for Dewitt, Poor and Shelton said the requirement of 1.7 million square feet of floor space dictated a large building, which, at the same time, had to conform to the limitations placed on it by the site. He dismissed the AIA criticism as that of a handful of "fledgling" architects. He also pointed out that the AIA-approved design for its own new Washington headquarters had been overwhelmingly rejected June 21 by the Fine Arts Commission.

The final Madison Library design has not yet been reviewed by all of the Congressional committees, according to Roof. However, it is unlikely the AIA critique will alter the final design in any significant way.

Outlook

Again armed with the necessary authorization and only lacking the funds, the Madison library seems likely to materialize in the next few years. It may even be that some additional architectural and engineering funds will be sought later in this session to move the project further along.

HOUSTON, TRANQUILLITY BASE HERE—THE EAGLE HAS LANDED

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. BUSH. Mr. Speaker, "there are some events that are beyond the power of words to describe, and landing on the moon by earthlings who return to earth to tell us about it falls into this category." Marvin Hurley, executive vice president of the Houston Chamber of Commerce, recently expressed the pride and the spirit that most Houstonians feel toward this historic event in a speech that contained these words. I would like to submit for the RECORD Mr. Hurley's remarks so that we might all share them:

"HOUSTON, TRANQUILLITY BASE HERE . . . THE EAGLE HAS LANDED"*

(By Marvin Hurley)

Now that the Apollo 11 Astronauts have landed on the Moon and returned safely to Earth, a national commitment to greatness, made early in the decade, has been met.

This, then, is a time of achievement. It is a time when people of good will around the world applaud the pioneers of space. And, the people of Houston, especially, are deeply committed to the conquest of space.

We have profound admiration for the entire space team—the administrators, the engineers and the technicians as well as the Astronauts and their families.

We have worked with them and played with them. We have studied with them and worshipped with them. We have shared the crisis of tragedy and the triumph of achievement with them.

We have found them deeply dedicated, highly capable, and intensely human.

Ten years ago, the exploration of space existed for most of us only in the realm of science fiction. But increasingly, during the decade, we have experienced the exciting possibilities along that fantastic frontier that floats above us.

To the genuine revolutions in human achievement that are honored in history's hall of fame, we can already add with assurance the exploration of space.

Every age has its world of tomorrow, and ours in found in the ocean of space. Today's Marco Polos and Christopher Columbuses and Charles Lindberghs ride millions of pounds of thrust beyond the Earth's influence to the unfriendly terrain of the Moon.

Not all, of course, have recognized the significance of this new adventure. The same type of people who questioned Galileo, Columbus, surgery, the steam engine, railroads and the airplane are now questioning space exploration—simply because their minds do not comprehend its portent.

The engineering basis of heavier-than-air flights was laid in the early 19th century, but in 1896, Lord Kelvin, great British research physicist, said, "I have not the smallest molecule of faith in aerial navigation other than ballooning."

After the Wright brothers had been making successful airplane flights for five years, the British Secretary of War said, "We do not consider the airplane will be of any possible use for war purposes."

We should remember that history has dealt harshly with the doubters of human progress, whether it be in surgery, wireless communication, aviation or other fields of achievement.

The full impact of the space program will unfold over a period of time. Now that man has slipped the leash on his earthly environment, the future holds promise for completely new frontiers for pioneering.

The search for knowledge and the development of complex skills which the space programs has motivated cannot be adjourned. This interdisciplinary exploration is revealing secrets at the heart of the universe as well as out in the skies. The new knowledge can be applied to some of the age-old needs of man as well as to some of his more recent dilemmas, as the thoughts and actions of mankind are being led into new channels of great wisdom.

It is impossible for us to think of so signal a victory in space and not reflect upon our outlook on the more mundane challenges here on Earth.

Our urban crisis as well as other pressing domestic issues, our international tensions, will be solved only as men's thinking is opened to a more perceptive recognition of these problems and to the possibilities of settling them. No man, no nation, no race, can fail to think of such problems more deeply and with greater confidence and understanding as a result of men having visited the lunar surface.

To find solutions to our complex and interrelated problems of today and tomorrow, we can draw increasingly upon data processing and the systems approach of the type that management technical groups have developed in our space program.

There are some events that are beyond the power of words to describe, and landing on the Moon by earthlings who return to Earth to tell us about it falls into this category. When this is linked to the miracles of television and all the other sciences and technologies involved, we stand in awe at mankind's application of his intelligence.

In the long run it may well be that the chief contributions of space pioneering and exploration will not be the fields of science and technology at all but rather in the fields of human relations and of the spirit. It may well be that we are developing channels of understanding and unification far deeper and more important than politics or diplomacy.

This was expressed by Archibald MacLeish in his comments on the Apollo 8 success, when he said, "To see the Earth as it truly is, small and blue and beautiful in that silence where it floats, is to see ourselves as riders on the Earth together, brothers on that bright loveliness in the eternal cold—brothers who know now they are truly brothers."

Time after time during the Mercury, Gemini and Apollo flights, and more particularly during the more recent flights as the Astronauts have looked across the lunar distance toward the agate Earth, our thoughts have turned to God, and each of us has found new spiritual meanings in our own lives.

Now that dauntless Astronauts have strolled the Moon's desolation, and, as man's ancient dream of direct contact with this celestial body is transformed into reality, human life, inescapably, will take on new dimensions.

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*Astronaut Neil Armstrong (Landing on the Moon, 7–20–69).

SENATE—*Wednesday, September 17, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou Infinite and Eternal Spirit, whose presence fills the universe, we open our hearts to Thy spirit. Make us aware of Thee in all we do this day. When we are right confirm us. When we are wrong correct us. When we are uncertain guide us.

We pray especially for the youth of this land, in schools and colleges, on missions of mercy, and in the Armed Forces, that they may be guarded in moments of temptation, and strengthened in times of peril, and in every way grow in the image of the Divine Master. Be near the unloved, unfed, and unrewarded, and let justice and grace flow from compassionate hearts to assuage their hurt and provide for their needs.

Guide all who confer for the peace of the world. Give Thy higher wisdom to the President and all our leaders that they may know and do Thy will.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 16, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, with the consent of my colleagues, I would like to yield briefly at this time to the distinguished senior Senator from Colorado (Mr. ALLOTT).

The PRESIDENT pro tempore. The Senator from Colorado (Mr. ALLOTT) is recognized.

VISIT TO THE SENATE BY A MEMBER OF THE BRITISH HOUSE OF COMMONS

Mr. ALLOTT. Mr. President, I am very happy today to introduce to the Members of the Senate a very distinguished Member of the British House of Commons, a former Minister of the British Government, who is paying us a brief visit today. He is the Right Honorable Geoffrey Rippon.

I would like to have him stand and have the Senate greet him and perhaps say hello to him.

[Applause, Senators rising.]

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

XUM

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NATIONAL MEDIATION BOARD

The bill clerk read the nomination of George S. Ives, of Maryland, to be a member of the National Mediation Board.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

RAILROAD RETIREMENT BOARD

The bill clerk read the nomination of Neil P. Speirs, of New York, to be a member of the Railroad Retirement Board.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The bill clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

AMBASSADORS

The bill clerk proceeded to read sundry nominations of ambassadors.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of ambassadors will be considered en bloc and are hereby confirmed.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The bill clerk read the nomination of Robert H. B. Wade, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

There being no objection, the Senate proceeded to the consideration of legislative business.

SENATOR MANSFIELD INTERVIEWED ON "ISSUES AND ANSWERS"

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the Record the transcript of a television program on which I appeared last Sunday, "Issue and Answers."

There being no objection, the transcript was ordered to be printed in the Record, as follows:

ISSUES AND ANSWERS, SEPTEMBER 14, 1969

Guest: Senator Mike Mansfield (D., Mont.), Senate Majority Leader.

Interviewed by: Bob Clark, ABC News Washington Correspondent; John Scali, ABC News Diplomatic Correspondent.

Mr. Scali. Senator, welcome to "Issues and Answers."

Do you share the feeling of some critics that the Nixon Administration in this past week has botched up, either through indecision or confusion, an opportunity to take a new initiative toward ending the war in Vietnam?

Senator Mansfield. No one can tell until the President gives us an explanation of the zigs and zags which have occurred over the past several days. So far as I am concerned, I am curious and confused. I thought there was an opportunity to do something to speed withdrawals of American troops, but I am sure the President has his reasons and I would anticipate that he would explain them to the American people shortly.

Mr. Scali. Do you feel the "on again—off again" halt in the B–52 bombings perhaps reflects conflicting advice the President is receiving from his top advisors?

Senator Mansfield. Yes.

Mr. Clark. There is a widespread impression that Mr. Nixon is going to announce within the next few days a new troop withdrawal. Would you like to see any such withdrawal announcement coupled with a new cease fire offer, or an offer to halt B–52 bombings?

Senator Mansfield. No, I think that opportunity has been passed by and to make such an offer of that nature at this time would be, I think, counter productive.

I would like to see a very substantial withdrawal of American troops and on a time basis. I think that we have got to get out of Vietnam over a period of time and to use Secretary Laird's phrase, the war should be more and more Vietnamized but we should lay down the procedure and the policy which we intend to follow so that President Thieu will know what we are going to do and be prepared if he wants to survive, to act accordingly.

Mr. Clark. Some Republican leaders of Congress are talking openly about a withdrawal of something in the neighborhood of 35,000 to 45,000 troops. Would that meet your definition of "very substantial?"

Senator Mansfield. It would be better than no withdrawal. I would like to see a more substantial withdrawal.

Mr. Clark. Would you like to see the so-called timetable for withdrawal, the phased withdrawal where we would announce that we will go ahead and withdraw up to 200,000 troops or something in that neighborhood?

Senator Mansfield. Yes. Not necessarily officially, but I think President Thieu ought to be informed so that he can act, as I have said, accordingly.

Mr. Scali. Senator Mansfield, you have been very sympathetic toward Mr. Nixon's approach on Vietnam. Is your patience beginning to wear a little thin now? Is there anything else, for example, that you believe Mr. Nixon should do in addition to what you have already mentioned here?

Senator Mansfield. Well, my patience began to wear thin with the start of this tragic, useless, barbaric war, some years ago. I have never been in favor of it. I think that it is in an area where we have no vital interests. It is not tied to the security of the United States.

I would like to see in South Vietnam a coalition government; the neutralists, the Viet Cong and all the rest of the people in that area get together so that they could decide among themselves on the basis of self-determination, and we have advocated that for years, what kind of a government they want there. If that could be done, then I think it might be more possible for us to get together with Hanoi.

Mr. Scali. Well, Senator, one of the big barriers to a coalition government is obviously the attitude of the leaders in Saigon. Today, for example, Vice President Ky says in an interview with the New York Times that if there is a new government formed in Saigon which seeks to bring about a coalition with the Communists, there would be a coup in ten days by members of the South Vietnamese Army.

Now, what do you think of that attitude?

Senator Mansfield. That is Marshall Ky's judgment; one man's judgment. I think that we ought to have a coalition government there regardless of what Vice President Ky thinks or what he says.

Mr. Scali. Well, how do you impose a coalition government?

Senator Mansfield. I didn't say "impose."

There ought to be elections there within a reasonable length of time, as President Thieu advocated some months ago. I thought then that he was advocating a free election among all people of South Vietnam in a period of three to six months and a few days later he said it wouldn't be until two years after the end of hostilities. Well, that is no answer and if President Thieu and Vice President Ky are going to be the tail which wags us, then I think it is time for us to take a look at our relations with them.

Mr. Clark. Well, do you think President Thieu and Vice President Ky should both step down if that appears to be the only way to achieve a coalition government.

Senator Mansfield. If that was the only way in which a coalition government could be arrived at and peace brought to Vietnam and the eventual withdrawal and the solution to the difficulties in which we find ourselves there, that ought to be given every consideration.

Mr. Clark. Do you think the tail is wagging——

Senator Mansfield. Not to say that it will.

Mr. Clark. Do you think the tail is wagging the dog; that the Nixon Administration is being influenced too much by the Thieu Government?

Senator Mansfield. I would say that pressure has been applied by the Saigon Government on us which places us in a very embarrassing position from time to time.

Mr. Scali. Well, do you think that Mr. Nixon is being influenced unduly by the views of President Thieu and Vice President Ky?

Senator Mansfield. No, I wouldn't say so. I think that President Nixon is very desirous of bringing this war to a close. He is walking a tightrope trying to solve a situation which he inherited. He is trying to do what he thinks is right and in a way which will bring about a responsible solution. So far his efforts have been thwarted because the checkers haven't fallen in line as anticipated.

Mr. Scali. Vice President Ky goes on to say in this same New York Times interview that "President Thieu cannot afford any more concessions with the Communists. It is a matter of his survival."

Senator Mansfield. Well, we can't afford any more casualties or costs either. I think we ought to look after our own interests for a change and give them primary consideration.

Mr. Clark. Senator, if we can move on to a thought for a moment about South Korea, do you have any views about the constitutional amendment that the supporters of President Park of South Korea pushed through yesterday that would permit him to run for a third term?

Senator Mansfield. Oh, that is a Korean internal question. I would have no comment on it.

Mr. Clark. You wouldn't be disturbed about the charges that this is going to extend what his opponents regard as a dictatorship?

Senator Mansfield. If it has been a dictatorship so far, it has evidently been a willing one because President Park has had the votes to serve two terms. Now he wants to serve a third term, but that is something for the Koreans to decide and not for me to comment on.

Mr. Scali. Senator, to get some of the domestic questions out of the way here, you made a promise to Senate liberals that there would be speedy action this year on a meaningful tax reform bill.

Senator Mansfield. I did not make a promise to the Senate liberals. I made a promise to the Senate that there would be a tax reform bill reported out of the Finance Committee by October 31. That promise was made in the open. I expect that promise to be kept.

Mr. Scali. Well, I was going to ask whether in view of the fact that some critics are saying that you will be unable to keep that promise, whether we could expect a tax reform bill this year?

Senator Mansfield. As far as I am concerned, we will have a tax reform bill this year.

Mr. Clark. Well, Senator, as you know there is a great deal of talk in town and among some of the lobbyists who are working on various parts of that tax bill that there is not going to be a tax reform bill until spring. Can you really promise action by the end of this year?

Senator Mansfield. No, I can't promise definitive action. I can only give you my point of view and reiterate the promise made to the Senate when this matter was referred to the Finance Committee. I would point out that I think that Senator Russell Long, the Chairman of the Finance Committee, who was in on the meetings with the Policy Committee and with whom I had a dialogue on the Floor, is a man of his word and I would expect Senator Long to keep his word. That is a very important factor in the affairs of the Senate.

Mr. Scali. Do you feel the Nixon Administration is backtracking on the whole principle of tax reform by suggesting that the House-passed bill be amended to reduce tax relief for middle income groups and give some of this to corporations instead?

Senator Mansfield. No, I do not. They are presenting their views to the Finance Committee. It will not be up to the Administration but the Finance Committee in the Senate to decide what sort of a tax bill will be considered in our body and the Administration has the right to present its views whether we agree with them or not.

Mr. Clark. Well, Senator, on this question of timing, do you feel that your pledge was a promise to push for enactment of a tax reform bill by the end of this year?

Senator Mansfield. No. To get a tax bill out of committee and on the calendar by October 31. I cannot foresee what the Senate will do. It will carry on extended debate. There may be filibusters. There will be special interests which various people will be interested in—myself included—but the promise was to get it out by October 31. Hopefully I would like to finish it before the end of the year, but whether or not we can depends on a number of factors. We have, I believe, 13 Appropriation Bills to consider.

Mr. Scali. Senator Mansfield, inflation continues to be quite a national problem. This week the automobile companies jacked up prices on new models, even as William McChesney Martin, the Chairman of the Federal Reserve Board, was predicting that inflationary pressures were abating. (A), are you unhappy that the Administration made no outcry against the increased prices in automobiles, and do you think that the Administration generally should be blamed for letting inflation go as long as it has?

Senator Mansfield. I would have preferred that they had raised their voices at the time the GM auto raises were announced, but then I would point out while we are singling out the auto industry on this particular occasion, that a good many other industries have likewise raised their prices and nothing was said.

The previous Administration did raise its voice. Sometimes it was successful; sometimes not.

President Nixon is operating on a low key basis. He is hopeful that the economy will even itself out. I have been encouraged by what William Martin of the Federal Reserve Board has said because I have great confidence in his judgment and usually he is a pessimist. Maybe they know what they are doing, but I certainly hope that we will watch this inflationary spiral which hits into the pocketbooks of every American, and take whatever steps are necessary to curb it.

Mr. Scali. Among these necessary steps would you include the possibility of wage-price controls?

Senator Mansfield. I would indeed, and I have been advocating them for the past three years, and across the board. And also profits would be included in that category.

Mr. Clark. Senator, you had a very close personal relationship with the late Senator Everett Dirksen, and a relationship that was very important in marshaling bipartisan support behind programs in Congress.

What is Senator Dirksen's death going to mean in terms of getting programs through Congress and getting remaining parts of the Nixon program through Congress?

Senator Mansfield. Well, my relationship with Everett Dirksen was a dream relationship. He was a man of his word. I always informed him what I was going to do and he kept me informed of his moves.

I anticipate that whoever succeeds him will carry on in the Dirksen tradition. At least I hope he will, and I assume he will. And as far as the program is concerned, I think we have been doing fairly well so far because a Congress should not be judged on quantity but rather on quality and I think we have made some sizable advances in this short session.

Mr. Clark. I would like to call your attention at this point to a comment made today on another panel program by Senator Scott, who is one of the three candidates seeking to succeed Senator Dirksen as Minority Leader, and he said the Democratic Congress is foot-dragging at this stage and he also said "I am most dissatisfied with the failure of the Democratic Congress to achieve anything of importance."

Senator Mansfield. Well, I would imagine it if I were in Hugh Scott's shoes I would probably say the same thing, but I would suggest to my good friend Senator Scott, that he look at the calendar. It is pretty well clear and he recognizes the fact that it isn't quantity but quality which counts, that the Democratic controlled Congresses over the past five years did pass a tremendous amount of legislation and that it is time to shake it down, make it more effective, see that there is less money spent for administration and more money spent as the Congress intended, and to just look at the record, as Al Smith would say, and I think he would come to a different conclusion.

Mr. Scali. Senator Mansfield, you know the other two contestants for the post of Republican leader are Senator Hruska and Senator Baker. Does it make any difference to you who wins out?

Senator Mansfield. Oh, no. They are all good men and just as Bob asked me about the situation in Korea and I replied that was a Korean problem, this is a Republican problem.

Mr. Scali. Well, if either Senator Baker or Senator Hruska wins out, it will be regarded as victory for the Republican conservatives over the liberals. You have worked very closely with the moderates and the liberals in your time in office here.

Senator Mansfield. And the conservatives.

Mr. Scali. Won't this, however, strengthen the conservative trend in Congress?

Senator Mansfield. Well, I wouldn't think so. Any of these three men would do a good job in that position and I would work very well with any of them.

Mr. Clark. Well, Senator, on your side of the aisle doesn't it make any difference whether the Democratic leader is a liberal, moderate or conservative, as they all do the same kind of job?

Senator Mansfield. Both parties have their differences. The Republicans are getting more and more a party of split personalities as time goes on. We have been that way for decades and it is all right.

Mr. Clark. There is also in this struggle already raging the element of a battle between youth and age.

Would you like to see the infusion of more youth in the leadership of the Senate?

Senator Mansfield. Well, speaking for the Democrats only, yes.

Mr. Clark. Senator, there are reports that President Nixon is planning to announce major draft reforms in the near future in an effort to diffuse some of the campus demonstrations against the Vietnam War. Would you favor this as an executive move without referring it to Congress in view of the fact that Congress has been dragging its feet on draft reform for several years?

Senator Mansfield. Yes, on that basis I would.

Mr. Clark. Do you have any reason to believe that Mr. Nixon does plan to move in this direction?

Senator Mansfield. None at all, but I hope he would because he does have some executive authority which I believe he could put into effect to dampen down the situation which has developed around the draft question, which, incidentally, I did not vote to extend the last time.

Mr. Scali. Would you be in favor of suspending the draft for the time being?

Senator Mansfield. I couldn't say at the moment. You caught me off base on that one. I hadn't thought about it.

Mr. Clark. Senator, what has been the reason for the foot-dragging on the draft? There have been draft revision bills before Congress for the last two or three or four years. Senator Edward Kennedy had a rather lengthy one this term.

Senator Mansfield. I would imagine the Armed Services Committee has gotten so involved on the Military Authorization Bill and other matters that are coming up which will take the time of a good many of the members, in appropriations and in defense matters, that they feel they cannot give it the proper consideration this year.

I know that it is the intention of Senator Stennis, who has been on the floor now for well over two months handling this particular bill under consideration, to take it up at the first opportunity and if he could he would do it this year, but he feels it may not be possible. But, if it is possible, he will take it up this year in the Senate.

Mr. Clark. I know he has indicated that it is not possible.

XUM

Do you think draft reform is a problem than can safely be deferred until next year with all the unrest, the—

Senator Mansfield. Oh, no, I have been very much disturbed about the draft law. As I said, I did not vote for its extension the last time because I think it is too inequitable and something has to be done to bring about a facing-up to this situation which becomes more significant each passing day.

Mr. Scali. This all ties in, Senator, with President Nixon's hope for an all-volunteer army. Do you think this is a goal which can be achieved or is it more a dream?

Senator Mansfield. Well, I think we ought to look into it very carefully, read the fine print, calculate the cost and I would hope that the President's proposal would be given consideration as soon as possible.

And, incidentally, Senator Hatfield and others have advanced the same proposal.

Mr. Scali. On Tuesday of this week the Senate Judiciary Committee is going to begin hearings to determine whether Judge Haynsworth should be promoted to the Supreme Court. In your view, have the charges of conflict of interest which have been directed against him placed any cloud on his nomination?

Senator Mansfield. I would think there would be some opposition to his nomination. I am not prepared to render a judgment yet. I think the Judiciary Committee ought to hold the hearings which, as you say, will start tomorrow. I am sure that all these questions will be brought out at that time and then, on the basis of these hearings and the conclusions of the Judiciary Committee, I will make up my mind.

Mr. Clark. Senator, do you see the Haynsworth nomination as a priority matter before the Senate? Of course, the Supreme Court starts its fall term October 6th. Would you expect to act by that time?

Senator Mansfield. It would all depend on what happens in the Judiciary Committee when the nomination is reported out and what the situation is on the floor.

Mr. Clark. As of now would you think the prospect is that it will be acted on before the start of the fall term of the court?

Senator Mansfield. Again I couldn't say, Bob, until we see what happens in the committee and, as you know, in the Judiciary Committee it is my understanding that any member can ask for—when the hearings are concluded, that is—for an extension of a week or ten days before reports are filed. So it might be running up against a pretty thin deadline and my curbstone opinion at the moment would be that he probably wouldn't make it by that time.

Mr. Scali. Senator Mansfield, the Arab-Israeli War escalated another notch or so this week with all of these air battles and raids across the Suez Canal. Do you see any sign at all that the Soviets are really interested in agreeing with the United States on some formula for bringing peace to this area?

Senator Mansfield. Well, they are still meeting with us from time to time. The matter will be discussed next week when Secretary Rogers meets Gromyko in New York. The United Kingdom and France are trying to do what they can, but the Israelis seem to think that it is a matter of direct confrontation or negotiations with the Arabs. I think they are right but they can't seem to get that basis for negotiating so it appears to me that it is up to the Big Four, really, rather than the Big Two, to try and continue to see what they can do to bring this war to a close.

Mr. Scali. But do you see any sign that the Soviets are willing to stop encouraging the Arabs; willing, perhaps, to stop their shipments of vast quantities of arms into this area?

Senator Mansfield. No, but in all fairness, it must be pointed out that we are shipping jets to Israel while the Soviet Union is shipping jets, tanks and other armaments to the various Arab states.

Mr. Clark. Senator, you and your fellow Democrats in the Senate face some rather mean arithmetic in next year's congressional election. I believe there are a total of 25 Democratic seats which are up and only nine Republicans. The Republicans are already claiming very much out loud that they have an excellent chance of winning control of the Senate. Are you worried about all this?

Senator Mansfield. Well, the Republicans are saying that I think as we would in their situation, with their fingers crossed.

Yes, it is going to be tough, but I think we will be able to maintain control of the Senate and we will do it on the basis of the record made not only in the Senate itself, but by the individual Senators concerned.

Mr. Clark. Some political observers are saying, as you know, that Senator Kennedy's unfortunate accident has destroyed his chances of becoming the Democratic nominee, not only in 1972, but possibly forever. Would you agree with that?

Senator Mansfield. Well, that is hard to say. I said before the tragedy that in my opinion he would not be a candidate in 1972. What happens beyond that is too far into the future for me to conjecture on at this time.

Mr. Scali. Do you think the next Democratic nominee for President will come from the Senate?

Senator Mansfield. Yes, I do, and I would say that Senator Muskie is in the lead at the present time. Former Vice President Humphrey is right behind him. There is Senator Fred Harris to consider, and there will be others and it is my belief that the trend which has developed in recent years will continue and that probably the Democratic nominee will be selected from the Senate.

Mr. Clark. I believe you just assumed Senator Humphrey will be elected back to the Senate from Minnesota in 1970, is that——

Senator Mansfield. No, whether or not he is elected, he will be a contender, and I assume he will be elected.

Mr. Scali. Senator, to go back to foreign affairs for a moment——

Senator Mansfield. If he runs. He hasn't announced yet.

Mr. Clark. I believe you have just announced for him.

Mr. Scali. Senator, there are some advance predictions that Foreign Minister Gromyko will finally say when he meets with Mr. Rogers in New York next week that, yes, Russia is interested in meeting with the United States to see whether or not the deployment and perhaps the number of missiles can be controlled.

Do you think that the first order of business in any such talks should be to halt the deployment of the so-called MIRV, the multiple warhead weapon?

Senator Mansfield. I most certainly do, and I hope the SALT talks do finally get under way. They are way overdue. Much damage, through delay, has been done in the meantime. It is partly our fault, as well as that of the Soviet Union because we have been playing games back and forth and I don't think it has done either of us any good and certainly as far as the cause of disarmament is concerned, which is both expensive and deadly, it has been retarded.

Mr. Scali. How have we been playing games, Senator?

Senator Mansfield. Well, I understand there were feelers by the Soviet Union unofficially during the last months of the previous administration and the first months of this administration and it took us a long time to react to those feelers and when we did it took the Soviet Union a long time to react and we started playing games and nobody benefits by it.

Mr. Clark. Senator, on a rather detached subject this is the week that the Congress does honor to the astronauts in a joint session of Congress, but there are strong demands in Congress both among Republicans and Democrats to cut back space spending. Where is future space exploration going to fit in the national priorities?

Senator Mansfield. I think it should be cut back. I think that we ought to pay more attention to the difficulties, the ills and the evils on earth rather than the projections which we have towards the moon and other planets. We have spent over $25 billion, I believe, on the Apollo mission so far. We finally got a man on the moon. The moon seems to have nothing of value up to this time, but these problems down on earth have to be faced and we better think of our own people down here rather than what might be up there.

Mr. Scali. Would you favor landing a man on Mars?

Senator Mansfield. No.

Mr. Clark. Senator Mansfield, I am sorry, our time has run out. It has been a great pleasure having you with us on "Issues and Answers."

Senator Mansfield. Thank you.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I should like to comment that the majority leader's excellent presentation was applauded, by all of us who saw him, for his fairness, his restraint, and his statesmanship. I know that millions of people like myself must have enjoyed the program.

Mr. MANSFIELD. I thank the minority leader.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Government Operations:

"ASSEMBLY JOINT RESOLUTION 66

"Relative to the Intergovernmental Cooperation Act of 1968

"Whereas, In enacting the Intergovernmental Cooperation Act of 1968 (P.L. 90-577), the Congress of the United States has declared its intent to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society; and

"Whereas, The California Legislature concurs in and supports this objective; and

"Whereas, The Congress of the United States is presently considering amendments to the Intergovernmental Cooperation Act of 1968, including certain provisions designed to improve the system of grants-in-aid to the states; and

"Whereas, Within the federal system the states have unique capabilities in terms of innovating and serving as a testing ground for possible solutions to critical public problems; and

"Whereas, The California Legislature has demonstrated its willingness and ability to take the initiative in seeking new approaches to problems such as air pollution, crime prevention, transportation, education and other pressing problems;

"Whereas, Such efforts on the part of state legislatures will advance the objectives of the Intergovernmental Cooperation Act of 1968 and therefore merit endorsement and support at the federal level, including the provision of financial assistance; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact amendments to the Intergovernmental Cooperation Act of 1968 to permit state legislatures to receive funds for research, demonstration and feasibility purposes under existing federal grant-in-aid programs; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **JORDAN** of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 246. Resolution authorizing the printing of additional copies of Senate hearings on "Riots, Civil and Criminal Disorders" (Rept. No. 91–407);

S. Res. 247. Resolution authorizing the printing of additional copies of Senate hearings on "Riots, Civil and Criminal Disorders" (Rept. No. 91–408);

S. Res. 248. Resolution authorizing the printing of additional copies of Senate hearings on "Riots, Civil and Criminal Disorders" (Rept. No. 91–409); and

S. Res. 250. Resolution authorizing the printing of additional copies of part 1 of the hearings entitled "Economics of Aging" (Rept. No. 91–410).

By Mr. **JORDAN** of North Carolina, from the Committee on Rules and Administration, with amendments:

H. Con. Res. 193. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Capitol," and providing for additional copies (Rept. No. 91–412); and

H. Con. Res. 309. Concurrent resolution, second listing of operating Federal assistance programs compiled during the Roth study (Rept. No. 91–413).

By Mr. **SPARKMAN**, from the Committee on Foreign Relations, with amendments:

H.R. 11039. An act to amend further the Peace Corps Act (75 Stat. 612), as amended (Rept. No. 91–414).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. **SPARKMAN**, from the Committee on Foreign Relations:

Joel Bernstein, of Illinois, to be an Assistant Administrator of the Agency for International Development; and

Ernest Stern, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

By Mr. **ELLENDER**, from the Committee on Agriculture and Forestry:

Thomas K. Cowden, of Michigan, to be a member of the Board of Directors of the Commodity Credit Corporation.

BILLS INTRODUCED OR REPORTED

Bills were introduced or reported, read the first time, and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. **SCOTT**:

S. 2907. A bill for the relief of Johanna George; to the Committee on the Judiciary.

By Mr. **YOUNG** of Ohio:

S. 2908. A bill to amend the Military Selective Service Act of 1967 so as to reduce from 24 months to 18 months the period of time persons inducted into the Armed Forces under such act may be required to serve; to the Committee on Armed Services.

(The remarks of Mr. Young of Ohio when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. **MATHIAS**:

S. 2909. A bill to provide for the expansion of the Antietam Battlefield in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Mathias when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. **JORDAN** of North Carolina:

S. 2910. A bill to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building; to the Committee on Public Works.

By Mr. **CRANSTON**:

S. 2911. A bill for the relief of Trinidad O. Tenefrancia; to the Committee on the Judiciary.

By Mr. **TYDINGS**:

S. 2912. A bill for the relief of Quenia Uychinco (A17345880); and

S. 2913. A bill for the relief of Jose B. Teneza (A17646859) and Adelaida R. Teneza (A14332026); to the Committee on the Judiciary.

By Mr. **MONDALE**:

S. 2914. A bill for the relief of Russell Arthur Ward, wife Wilna Irene, sons Lyle Russell, Peter Edward, Brian, and Craig Charles; to the Committee on the Judiciary.

By Mr. **RIBICOFF**:

S. 2915. A bill to improve railroad safety; to the Committee on Commerce.

(The remarks of Mr. Ribicoff when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. **KENNEDY**:

S. 2916. A bill to establish the Plymouth-Provincetown Celebration Commission; to the Committee on the Judiciary.

(The remarks of Mr. Kennedy when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. **WILLIAMS** of New Jersey:

S. 2917. A bill to improve the health and safety conditions of persons working in the coal mining industry of the United States; placed on the calendar.

(The remarks of Mr. Williams of New Jersey when he reported the bill appear later in the Record under the appropriate heading.)

S. 2908 INTRODUCTION OF BILL TO AMEND THE MILITARY SELECTIVE SERVICE ACT OF 1967 TO REDUCE THE PERIOD OF SERVICE TO 18 MONTHS

OUR DISCRIMINATORY AND UNFAIR DRAFT LAW MUST BE SCRAPPED, DRAFT SHOULD BE FOR 18 MONTHS ONLY

Mr. **YOUNG** of Ohio. Mr. President, I introduce for appropriate reference a bill to amend the Military Selective Service Act of 1967 to reduce from 24 months to 18 months the period of time young men inducted into the Armed Forces may be required to serve.

The **PRESIDENT** pro tempore. The bill will be received and appropriately referred.

The bill (S. 2908) to amend the Military Selective Service Act of 1967 so as to reduce from 24 months to 18 months the period of time persons inducted into the Armed Forces under such act may be required to serve, introduced by Mr. Young of Ohio, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. **YOUNG** of Ohio. Mr. President, while there unfortunately remains a continuing need for conscription to meet our military manpower requirements during our involvement in the immoral undeclared war in Vietnam, the need for a 24-month term of service no longer exists, if indeed it ever did.

The present tour of duty of men in our Armed Forces in Vietnam is 1 year. Even assuming that an inductee were given 6 months of training instead of the present 4 months before being assigned to combat duty overseas it is obvious that our military manpower needs could be fulfilled with an 18-month draft. In my judgment, it is unfair and unnecessary to require these young men to serve for 2 years. Why disrupt the lives, education, and careers of our youngsters for any longer period of time than is necessary?

Furthermore, in recent years, nearly 1,900,000 young men have annually attained the age of 19. Next year that number will probably exceed 2 million. Under current standards, three of 10 will probably be disqualified for physical reasons, or deferred for reasons of hardship or unfitness. Therefore, approximately 1,300,000 19-year-olds will be qualified and available for conscription in our Armed Forces each year. May I state that I utterly abhor the idea of conscription of our youth into the Armed Forces except in time of a declared war or grave national emergency.

According to a former Assistant Secretary of Defense in charge of Manpower, in a typical post-Vietnam year—which we all hope will be very soon—it is estimated that 110,000 inductees will be required annually. These men would be selected from the residual pool of draftees available, exclusive of those who had already volunteered.

If shortening the tour of duty to 18 months should conceivably result in a need for more young men, they could be drawn from the additional hundreds of thousands of available men who otherwise would be exempted.

Furthermore, it is unfair to continue to draft young American boys for 24 months when our allies, Great Britain and Canada, have no draft laws whatsoever. New Zealand and Belgium conscript for only 12 months. France and Norway conscript for 12 to 15 months; Denmark from 12 to 14 months; West Germany for 18 months. I wish to emphasize that we are sending thousands of men, some of them draftees, to protect these nations, some of which have no draft laws whatever.

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In South Vietnam, where more than 40,000 young Americans have died and 250,000 others have been wounded in our involvement in an immoral, undeclared war, Vietnamese nationals of 18 and 19 have been able to buy exemptions from the draft upon payment from $600 to $800, depending upon the greed of the provincial leaders and of those generals of the Saigon militarist regime.

In 1965 and again last year when I was in Saigon I saw thousands of young Vietnamese youth on motorcycles, out at night, in bars, on the streets, and emptying out of movie theaters at 10 o'clock. There were thousands of them who should have been in the armed forces of that militarist regime.

My bill would remove at least one of the gross inequities in our present Selective Service System. Apart from General Hershey's maladministration of the system and his crude attempts to use the draft to suppress freedom of speech, the law itself has many defects.

I am cosponsor of legislation to reform our draft laws. This would, among other things, institute random selection, whereby a young man at age 20 could plan his future accordingly. It also provides for induction of the youngest first, administrative reorganization of the Selective Service System, mandatory national standards for classification and elimination of occupational deferments except where the President may determine them justified in the national interest.

While I strongly support these proposals, I believe that they do not go far enough in that they do not shorten the outmoded 24-month service requirement for draftees.

We in Congress should review the Selective Service System very thoroughly, and enact into law a greatly improved Selective Service Act.

It is bad enough to go about conscripting youngsters into our Armed Forces. It is absolutely and totally unfair, arbitrary, and capricious to continue the present discriminatory system without adopting guidelines to achieve decency and fairness in operation of draft boards throughout the country. Even in my home city of Cleveland one draft board in one ward operates directly opposed to the decisions of a board in a neighboring ward.

Any law that compels some young men to sacrifice their freedom and even their lives in the Armed Forces of our country while others remain free to pursue normal lives is inherently unfair. Unfortunately, in this grim period of international anarchy and throughout our involvement in a miserable civil war in Vietnam, whether our fighting in this country 10,000 miles distant and of no importance whatever to the defense of the United States should end this year or continue into future years, it may continue to be necessary for our Nation to maintain an army composed in large part of draftees. However, there is no reason for any selective service law that contains as many inequities as the one under which young Americans are now being called to military duty

Reform of the draft is long overdue. No draft law will please everybody, but it is surely high time that we enact into law a Selective Service System designed to meet the realities of 1969 and not a world war that ended in 1945.

S. 2909—INTRODUCTION OF A BILL TO PROVIDE FOR THE EXPANSION OF THE ANTIETAM NATIONAL BATTLEFIELD AND CEMETERY

Mr. MATHIAS. Mr. President, I am today introducing legislation (S. 2909) to provide for the expansion of the Antietam National Battlefield and National Cemetery in Washington County, Md.

Identical legislation is being introduced in the other body by Congressman J. GLENN BEALL, JR., and GILBERT GUDE.

Today is the 107th anniversary of the Battle of Antietam on September 17, 1862. The fearsome struggle which exploded that day around the quiet little town of Sharpsburg, Md., was the great confrontation between the Grand Army of the Potomac, commanded by Gen. George B. McClellan, and the Army of Northern Virginia, led by Gen. Robert E. Lee. It was the bloodiest single day in our Nation's entire history, with over 23,000 Union and Confederate casualties.

The significance of Antietam was vast. As James B. Murfin wrote in his foreword to "The Gleam of Bayonets," his excellent study of the battle:

> Few battles in which Americans died have left such a mark on history as did Antietam. Few battles have held in their final moments of victory and defeat the vast political, economic, and military implications that did this bloodiest single day of the Civil War. Antietam was the turning point in the history of the Confederacy; it was, diplomatically speaking, one of the decisive battles in the world; on it hinged the very existence of the United States . . .
>
> On September 4, 1862, General Robert E. Lee began crossing the Potomac River with the Army of Northern Virginia. His sojourn in Maryland lasted only 14 days, but they are 14 days we can ill-afford to forget. Lee brought with him the hopes and fears of a newborn nation; an undefeated nation on the verge of foreign recognition and independence. When he returned to Virginia on the night of September 18, he left on record one of the most gallant struggles in military history; a battle which brought neither victory nor defeat, but which opened the door for the ultimate downfall of his government.

As Prof. James I. Robertson, Jr., has summarized:

> Tactically, Antietam was a draw. Strategically, politically, diplomatically and morally, it was a Union victory of high magnitude. The Confederates were forced back to the battle-scarred fields of Virginia. Southern morale received a stiff blow. Even worse for the Confederates, the stalemate at Antietam cut short the prospects of foreign intervention at a time when it seemed most likely to materialize in behalf of the South. Lastly, and in many respects most importantly, Lincoln used the springboard of the Antietam "victory" to issue his preliminary Emancipation Proclamation, a document which crystallized liberal opinion around the world in support of the Northern cause.

The Battle of Antietam thus was a crucial mark in the evolution of the Civil War from a political and economic battle into a moral cause. This tragic day of slaughter was also the beginning of two humanitarian movements. The field hospital which Clara Barton maintained on the battlefield became the birthplace of the American Red Cross. And the memorial services which began at Antietam National Cemetery near the end of the Civil War have been regarded by many authorities as the precursors of Memorial Day.

Much of the site of this tremendous struggle has been preserved as the Antietam National Battlefield, originally established by the then War Department in 1890 and maintained as a unit of the National Park Service by the act of April 22, 1960. Public holdings now total 1,087.7 acres, including the 11-acre national cemetery. The National Park Service has built a handsome visitor center and has provided excellent interpretive exhibits and signs, including a self-guiding tour. With highway access via Interstate 70 and other routes improving, the area becomes more popular every year. Almost 400,000 people registered at the visitor center in 1968.

Since the beautiful Sharpsburg area is still primarily agricultural, few visitors to Antietam realize that the national battlefield itself embraces only a portion of the actual battle scene. Many of the most important battlegrounds, in fact, are outside the present Federal holdings. These include the cornfield, scene of tremendous slaughter; the west woods behind the Dunkard Church; the probable site of Clara Barton's field hospital; the locations of much of the Union lines opposite the sunken road, now called Bloody Lane; and much of the fields south and east of Sharpsburg where A. P. Hill's forces rebuffed the afternoon advance of Union troops under General Burnside to end the battle.

Like so many other historically important sites in the Potomac Basin, these portions of the battlefield have been preserved in much the same status for over a century by private citizens, who appreciated their significance and have a real commitment to conservation and historic preservation. However, more intensive development is spreading in Washington County as elsewhere in this region, and we cannot rely on the best of private intentions indefinitely.

Accordingly, I am introducing legislation today to authorize the expansion of the Antietam National Battlefield to a maximum of 2,800 acres, 1,712.3 more than currently held. This additional land would include 400 acres to be set aside for the expansion of the Antietam National Cemetery in an appropriate location. It would enable us to preserve virtually all of the important fields of the actual battle, and to insure that this historic and beautiful environment would remain as it is now, essentially as it was when the two armies faced each other there 107 years ago.

In addition to authorizing the battlefield's expansion, the bill provides for archaelogical investigations and research to determine the actual site of Clara Barton's field hospital. It also directs the Secretary of the Interior to work closely with State and local governments and interested groups on historic preservation, environmental protection, and interpretation of the area's history for the benefit of the public.

The battle of Antietam was so important in our Nation's history that its site should not be only half preserved. I view the bill I am introducing today as a starting point and a stimulus for discussion with all concerned, including public officials and interested historical, conservation, and veterans' groups. Toward this end, I will encourage the Committee on Interior and Insular Affairs to seek comments on the bill from executive agencies and to hold public hearings as soon as possible.

Mr. President, the battle of Antietam was one of the most inhumane days in our Nation's history. Ironically, its result was to advance humanitarian interests, including the Red Cross and the cause of individual liberty. There was no victor on the bloody fields on Antietam, but the battlefield stands today as a monument to human courage and a reminder of the horror of war. Its true meaning may be summed up in the words of one Union survivor, who described his thoughts on the night of September 17:

> There was no tree over our heads to shut out the stars, and as I lay looking up at these orbs moving so calmly on their appointed way, I felt, as never so strongly before, how utterly absurd in the face of high Heaven is this whole game of war, relieved only from contempt and ridicule by its tragic accomplishments, and by the sublime illustrations of man's nobler qualities incidentally called forth in its service. Sent to occupy this little planet, one among ten thousand worlds revolving through infinite space, how worse than foolish these mighty efforts to make our tenancy unhappy or to drive each other out of it.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2909) to provide for the expansion of the Antietam Battlefield in the State of Maryland, and for other purposes, introduced by Mr. MATHIAS, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in furtherance of the purposes of the Act entitled "An Act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland", approved April 22, 1960 (74 Stat. 79), and other Acts relative thereto, and additionally to provide for the protection and preservation of the historic Clara Barton field hospital site and birthplace of the American Red Cross, and for expansion of the Antietam National Cemetery, the Secretary of the Interior is hereby authorized to acquire in fee, by purchase, exchange or donation, additional lands over and above the limitations as previously authorized: *Provided,* That the total of lands previously acquired and currently included within the Antietam National Battlefield Site and Antietam National Cemetery, plus such lands as may be acquired under authority of this Act, shall together not exceed 2,800 acres: *Provided further,* That within the total acreage as herein authorized, 1,800 acres shall be identified by the Secretary of the Interior as comprising the historic battlefield scene and the same shall be protected and preserved solely as such for the cultural benefit and inspiration of the public; and the remaining 1,000 acres as may be acquired under this authorization shall be contiguous to the historic battlefield and shall provide environmental protection thereto, and shall be utilized in part for National Cemetery purposes up to a limit of 400 acres therefor at such location as is conducive to cemetery use, and for such other public uses as may be compatible to the purposes of this Act.

SEC. 2. The Secretary of the Interior is further authorized to accept through donation and to assume responsibility for administration and maintenance of the Mumma Graveyard located within the Antietam National Battlefield Site and those cemetery sites within the corporate limits of Hagerstown, Maryland, and Shepherdstown, West Virginia, that contain composite burials of Confederate soldiers killed during the historic Battle of Antietam: *Provided,* That such transfer of jurisdiction of cemetery sites shall be consummated only if the trustees or commissioners concerned so desire, and that area contained within such historic cemetery sites shall, if such jurisdiction is so transferred, become detached sections of the Antietam National Cemetery but shall not be included within the acreage limitation as provided under the first section of this Act.

SEC. 3. The Secretary of the Interior is hereby authorized to undertake such research as is necessary to define those lands actually comprising the historic Antietam Battlefield scene and to identify them as such for protection and preservation within the purposes of this Act; to undertake research, including archeological investigations, as necessary, to identify actual site of the historic Clara Barton field hospital and birthplace of the American Red Cross for purpose of acquisition and protection and preservation as provided herein; to undertake geological studies as necessary to determine lands within the environmental protection area suitable for cemetery use under the purposes of this Act; and to enter into such agreements with affected property owners as may be necessary to carry out such research and field studies.

SEC. 4. The administration, protection, preservation and such minimal development as is necessary to provide for public use and enjoyment of the Antietam National Battlefield Site shall be exercised by the Secretary of the Interior in accordance with provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the National Cemetery enlargement, as provided herein, to be known as the Antietam National Cemetery Annex, shall be administered and maintained by the Secretary of the Interior in accordance with provision of the Act of Congress entitled "An Act to establish and preserve National Cemeteries," approved February 22, 1867, and within current national cemetery regulations as issued by the Department of Defense in conjunction with the Veterans Administration.

SEC. 5. To carry out the purposes of this Act, those lands situated in Washington County, Maryland, and identified as "Fort Ritchie—Site B" as indicated on county tax maps numbers 67 and 72 and currently under the jurisdiction of the Department of Defense and administered by the Commanding Officer at Fort Ritchie, Maryland, containing 289 acres more or less, are hereby transferred to the jurisdiction of the Secretary of the Interior, and shall be utilized in acquisition of lands as authorized by this Act, either through exchange upon the basis of equal value, or sold under sealed bid at not less than a fair market value as shall be determined through appraisal, with monetary proceeds therefrom to be applied directly towards purchase of land as herein authorized.

SEC. 6. In carrying out the purposes of this Act, including historic preservation and restoration, environmental protection, and historical interpretation for the benefit and enlightemnent of the public, the Secretary of the Interior is hereby authorized and directed to consult and cooperate with appropriate agencies and officials of the State of Maryland Washington County, Maryland, and interested local governments, and with interested organizations, groups and individuals.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

S. 2915—INTRODUCTION OF A BILL TO IMPROVE RAILROAD SAFETY

Mr. RIBICOFF. Mr. President, today I introduce legislation designed to halt the tragic increase in railroad accidents.

Between 1963 and 1968, the number of railroad accidents increased from 4,821 to 8,028. An average of 20 train accidents occur every day.

Thousands of persons have been killed and injured in these accidents, many of which could have been prevented had proper safety precautions been taken. For instance, the most deadly accidents occur at rail-highway grade crossings, where 1,547 people were killed and 3,807 were injured in 1968. Although such accidents account for 65 percent of train fatalities and rank second only to aviation mishaps in severity, only 20 percent of the 225,000 crossings in this country are protected with automatic devices.

Railroad accidents assume an additional deadly dimension when dangerous materials such as chemicals, gases and explosives are being transported. The increased shipment of such hazardous materials has complicated the railroad safety problem and has created a greater threat to public safety. Only last week, a train carrying phosphates derailed, caught fire and threatened thousands of residents with death from the phosgene gas created.

We cannot stop all accidents. But we can improve the accident record of our railroads.

Present State and Federal laws are inadequate to meet this problem. The States are unable to regulate effectively our intricate, national railroad system. The Department of Transportation has broad authority over highway and air safety. At present however, it has only limited piecemeal control over the safety of our railroads. It has been estimated that 95 percent of railroad accidents in this country are caused by factors beyond the Department of Transportation's present jurisdiction. The steep increase in railroad accidents is forceful testimony that further Federal safety regulations are needed to govern our Nation's railroad activity.

The legislation I am introducing today will give the Secretary of Transportation authority to set safety regulations for operating rules and procedures, employee

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qualifications, railroad equipment, rail-highway grade crossings, bridges, tunnels, railroad tracks and roadways, and such other matters as the Secretary determines to be in the public welfare.

This bill also provides for a Railroad Safety Advisory Commission of 15 members, including representatives of railroad labor and management, to advise the Secretary of Transportation in his preparation of railroad safety regulations.

This legislation gives the Secretary of Transportation power to issue a cease and desist order calling for the immediate termination of any violation of the regulations promulgated under this act.

This bill also provides for the participation of a representative nominated by the Governor of the State in which a railroad accident occurs to the investigating board of the Department of Transportation carrying out the investigation of that accident.

My distinguished colleague, the senior Senator from Indiana, is chairman of the Commerce Committee's Surface Transportation Subcommittee and has scheduled hearings to begin next week. The Senator has expressed his concern about these problems and has introduced his own bill. I hope that the differences in our bills will be considered by his subcommittee and that a comprehensive railroad safety bill will be reported out this year for Senate floor action.

I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2915) to improve railroad safety, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2915

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Safety Act of 1969."

PROMULGATION OF FEDERAL RAILROAD SAFETY REGULATIONS

SEC. 2. (a) The Secretary of Transportation shall promulgate safety standards for common carriers (as defined in the first section of the Act of February 17, 1911 (45 U.S.C. 22)), relating to—

(1) operating rules and procedures:

(2) employee qualification;

(3) equipment design, construction and maintenance;

(4) rail-highway grade crossings, bridges, tunnels, railroad tracks and roadways; and

(5) such other matters as the Secretary determines to be in the public welfare.

(b) In carrying out the provisions of this Act, the Secretary shall provide fair and equitable arrangements, to protect the interests of employees who are affected by any action of the Secretary authorized by this Act.

Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs.

(c) The Secretary shall establish an inspection program, and a staff of railroad safety inspectors. He shall also provide such other staff personnel as are necessary for the enforcement of regulations established pursuant to subsection (a) within the Federal Railroad Administration.

RAILROAD SAFETY ADVISORY COMMISSION

SEC. 3. (a) The President, with the advice of the Secretary of Transportation, shall appoint a Railroad Safety Advisory Commission consisting of 15 members which shall include, but not be limited to, representatives of railroad management and labor. Such members shall serve for six years and shall not be eligible for reappointment. The President shall also appoint a chairman for such commission.

(b) Such commission shall advise the Secretary in the preparation and revision of standards pursuant to this Act and the Secretary shall revise standards established pursuant to this Act as necessary from time to time.

(c) Such Advisory Commission shall inform the Congress yearly of the standards it has proposed to the Secretary of Transportation and the Secretary's comment and action thereon.

(d) Members of such commission who are not regular full-time employees of the United States, shall, while serving on the business of the commission, be entitled to receive compensation at rates fixed by the Secretary of Transportation, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(e) The Secretary of Transportation shall engage such technical assistance as may be required to carry out the functions of such commission, and the Secretary shall, in addition, make available to the commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Transportation as the commission may require to carry out its functions.

(f) In carrying out its functions pursuant to this section, such commission may utilize the services and facilities of any agency of the Federal Government, in accordance with agreements between the Secretary of Transportation and the head of such agency.

EFFECT OF STATE SAFETY STANDARDS

SEC. 4. (a) No State standard providing a more stringent regulation of common carriers in the interest of safety than regulations established pursuant to this Act shall be superseded by such regulations established pursuant to this Act unless for the purposes of safety the Secretary of Transportation shall find that such state regulation adversely affects regulations established pursuant to this Act.

(b) The Secretary may grant such exemptions from any regulation established under authority vested in him by this Act as he considers to be in the public interest after a public hearing in which any party of interest will be heard.

PENALTIES

SEC. 5. (a) Any common carrier which violates any regulation established pursuant to this Act shall be subject to a civil penalty of not less than $1,000 for each violation. Each day of such violation shall constitute a separate offense.

(b) The civil penalties provided by subsection (a) may be compromised by the Secretary, when deemed in the public interest.

INJUNCTIVE RELIEF

SEC. 6. (a) The United States district courts shall, upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States, have jurisdiction, subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of regulations established pursuant to this Act.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

CEASE AND DESIST POWERS

SEC. 7. (a) Whenever the Secretary of Transportation finds that any common carrier or employee in carrying out their functions are in violation of regulations established pursuant to this Act, he may immediately issue an order providing for the immediate termination of such violation.

(b) Any common carrier which violates an order of the Secretary pursuant to this section shall forfeit and pay to the United States a civil penalty of not less than $5,000 for each violation. Each day of such violation shall constitute a separate offense.

(c) The United States district courts shall have jurisdiction to enforce any order of the Secretary under this section, and any person aggrieved by such order may obtain review thereof by such courts.

STATE PARTICIPATION IN ACCIDENT INVESTIGATIONS

SEC. 8. The Secretary of Transportation shall provide for the participation, in any railroad accident investigation carried out by the Department of Transportation of a representative nominated by the Governor of the State in which such accident occurred.

AUTHORIZATION

SEC. 9. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

S. 2916—INTRODUCTION OF A BILL TO ESTABLISH THE PLYMOUTH-PROVINCETOWN CELEBRATION COMMISSION

Mr. KENNEDY. Mr. President, I introduce, for appropriate reference, a bill to provide for the establishment of a Special Commission to plan for the observance of the 350th anniversary of Plymouth and Provincetown, Mass. I ask unanimous consent that the bill be included in the RECORD at the end of my remarks.

On July 20, 1969, two courageous Americans became the first men to land on the moon and to begin the exploration of this new and vast territory. Our Nation's pride in this unparalleled achievement is shared by every citizen of this great country—and by citizens of the world who viewed, via a worldwide communications network—the long and successful journey of these men into the unknown.

Certainly, one can predict that future generations will mark well this most significant date and the events it recalls.

Next year, this Nation will celebrate an anniversary which recalls the courage of men who explored an earlier unknown—the New World. On September 6, 1620, the square rigged English merchant vessel *Mayflower* cleared Plymouth, England, carrying 101 passengers bound for America. No one was there to record their journey as it occurred and no one shared in the trials and joys of that arduous trip. And yet, every American on Thanksgiving Day recalls the triumph of these first Americans and honors their memory.

Two months after setting sail, the *Mayflower* dropped anchor for the first time in the New World. Provincetown, located inside the "hook" of Cape Cod, offered the first protected anchorage and safe harbor to the vessel and its passengers. From here, scouting parties were sent onto the mainland and up the coast to select a site suitable for a permanent settlement. During this month of exploration, the Pilgrims drafted and signed a document of self-government—the Mayflower Compact.

Today, Provincetown continues to provide safe harbor to one of Massachusetts' fine fishing fleets. The people of Provincetown retain a pride in the history of their land and harbor. And so, today, they are actively planning a suitable celebration for next year's anniversary.

Plymouth is the oldest continuously occupied English-speaking settlement in the United States. The story of this settlement—the hardships, the hunger, the sense of isolation in a vast wilderness, the illness, heartbreak, death, and the indomitable courage of the Pilgrims, are too well known to bear repetition here. But, despite the passage of time, all Americans cherish the tale and the history it began.

Three-hundred and fifty years have passed since the landing of the Pilgrims. And, in that time, the Nation they helped to found has become the leader of the free world. Much of its success as a nation can be traced directly to an adherance to the principle of freedom—the principle which brought the Pilgrims to America in search of a new world.

The diversity of religious belief we enjoy today in America, which is unique in the world, is a natural outgrowth of the Pilgrims' own search for a land in which to practice their religion free from hierarchical dictates.

The origins of our American constitutional government can be traced, in part, to the Mayflower Compact, in which the Pilgrims established one of the world's first civil governments based on the principle of consent of the governed.

The fortitude the Pilgrims demonstrated in the face of cruel adversity as they struggled to maintain their settlement is a continued inspiration to all of us.

Plymouth, today, is a town proud of its heritage. The people of Plymouth have taken great care to preserve its historic sites—not only those dating to the original colony, but others which reflect the course of early American history. However, since the economic stability of the community has not been constant, many of the areas adjacent to historic sites have been given over to commercial exploitation.

As they approach their 350th anniversary, the citizens of Plymouth hope, with our assistance, to be able to remove all evidence of commercialism from these environs. They wish to make their community a welcome site to those many Americans who will travel from all over this land to come to the town of this Nation's birth.

Thus, it seems more than fitting that the Congress should involve the Nation in the planning of the 350th anniversary of Provincetown—the site where the Mayflower first anchored and where the historic Mayflower Compact was drafted—and Plymouth, Mass.—the first settlement in English-speaking America. It is my hope that next year's celebration will be one in which every American participates and on which the Nation focuses.

The legislation I introduce today, to establish the Plymouth-Provincetown Celebration Commission, would create a 15-member commission for the purpose of developing suitable plans for the celebration of the 1970 anniversary.

I have already reintroduced legislation to establish Plymouth Rock as a National Memorial. I would hope that the Congress would consider favorably both of these measures and that plans for this most significant celebration will get underway in the very near future.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2916) to establish the Plymouth-Provincetown Celebration Commission, introduced by Mr. Kennedy, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 2916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the three hundred and fiftieth anniversary, in 1970, of the landing of the Pilgrims at Provincetown and Plymouth, which led to permanent settlements whose influence on our history, culture, law and commerce extends through the present day, there is hereby established the Plymouth-Provincetown Celebration Commission (hereafter referred to as the "Commission"), for the purpose of developing suitable plans for, and conducting the celebration of, such anniversary in 1970.

Sec. 2. (a) The Commission shall be composed of 15 members as follows:

(1) Five Members of the Senate, to be appointed by the President pro tempore of the Senate;

(2) Five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

(3) Five members to be appointed by the President.

(b) The President shall, at the time of appointment, designate one of the members appointed by him to serve as chairman.

(c) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(d) Within 90 days after the termination of such celebration, the Commission shall furnish a report of its activities, including an accounting of funds received and expended, to the Congress. Upon submission of such report to the Congress, the Commission shall terminate.

Sec. 3. In order to carry out the purposes of this Act, the Commission is authorized—

(1) to appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed $100 per diem;

(3) to accept and to utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(4) to solicit and to accept gifts of money or property;

(5) to procure supplies, services, and property, and to make contracts, without regard to the laws and procedures applicable to Federal agencies;

(6) to request the assistance and advice of, and to cooperate with, civic, historic and patriotic bodies, institutions of learning, and State and local governments;

(7) to request the cooperation and assistance of such Federal departments and agencies as may be appropriate;

(8) to invite the participation of such other nations as may be appropriate, with the assistance and advice of the Department of State; and

(9) to make such expenditures as it may deem advisable from funds appropriated or received as gifts.

Sec. 4. Any property acquired by the Commission remaining upon termination of such celebration is the property of the United States and may be used by the Secretary of the Interior for purposes of the National Park system, or may be disposed of as surplus property. The net revenue, after payment of Commission expenses, is the property of the United States and shall be deposited in the Treasury of the United States.

Sec. 5. There is hereby authorized to be appropriated the sum of $100,000 to carry out the purposes of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 2004

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Rhode Island (Mr. Pastore), I ask unanimous consent that, at the next printing, the name of the Senator from Florida (Mr. Gurney) be added as a cosponsor of S. 2004, to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses.

The PRESIDENT pro tempore. Without objection, it is so ordered.

S. 2482

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. Anderson) be added as a cosponsor of S. 2482, to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 139

Mr. SCOTT. Mr. President, on behalf of the Senator from Kansas (Mr. Dole), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. Tydings) be added as a cosponsor of Senate Joint Resolution 139, providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week."

The PRESIDENT pro tempore. Without objection, it is so ordered.

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SENATE CONCURRENT RESOLUTION 37—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO TREATMENT OF PRISONERS OF WAR

Mr. SCOTT. Mr. President, I submit a concurrent resolution for appropriate reference.

The PRESIDENT pro tempore The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 37) relating to the treatment of prisoners of war, submitted by Mr. SCOTT, was referred to the Committee on Foreign Relations.

Mr. SCOTT. Mr. President, I applaud the administration's decision to again reduce the number of Americans in Vietnam. I have repeatedly urged such action, when appropriate, and I am pleased that developments have now made the announcement of a further return of our Armed Forces possible. I join with the President in the prayerful hope that his latest decision will be interpreted as another significant indication of our sincere desire to achieve the honorable and lasting peace which all Americans so earnestly seek.

But what of those Americans whose return, at best, is indefinite because of their unfortunate status as prisoners of war? One of the greatest tragedies of Vietnam has been the arrogant, persistent refusal of both the Government of North Vietnam and the National Liberation Front of South Vietnam to observe the humane requirements of the Geneva Convention Relative to the Treatment of Prisoners of War. The fact that the Government of North Vietnam has itself endorsed this international agreement makes this refusal particularly distressing. This callous response, which strikes blatantly at the most basic human values, is in marked contrast to the behavior of our military forces and those of the Republic of Vietnam.

The enemy's adamant refusal to release the names of Americans held captive, to allow the inspection of facilities where prisoners of war are held, or even to permit a regular flow of mail to and from these prisoners, is well known, and has been properly the subject of public outrage. I have the deepest sympathy for their families and those members of our military services, now estimated at 1,300, who must bear the added burden of uncertainty that comes from being a prisoner of war.

Mr. President, this situation demands that we pursue with renewed vigor every possible effort to mobilize the force of world public opinion to focus on the Government of North Vietnam and the National Liberation Front. Therefore, I introduce a concurrent resolution through which Congress can make its determined will known. My resolution calls not only on the President and all concerned departments and agencies of this Government, but also on the United Nations, and on all the people of the world, to appeal for the humane treatment and prompt release of our prisoners of war. This resolution is fully in keeping with the purposes of the newly formed Association of Wives and Families of Captured and Missing American Military Men. I am truly hopeful that the weight of congressional opinion, expressed concretely through specific action, may help resolve this issue, and I urge prompt consideration of my resolution.

I ask unanimous consent to have printed in the RECORD the text of the concurrent resolution.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 37) is as follows:

S. CON. RES. 37

Whereas the United States Government and the Republic of Vietnam have continuously honored the requirements of the Geneva Convention relating to the treatment of prisoners of war;

Whereas the United States Government has repeatedly appealed to North Vietnam, and the National Liberation Front of South Vietnam to respect the requirements of the Geneva Convention, which North Vietnam has endorsed;

Whereas the North Vietnamese and the National Liberation Front of South Vietnam have disregarded the provisions of the Geneva Convention and refused to release the names of prisoners of war who are members of the Armed Forces of the United States, to permit the regular flow of mail to or from those prisoners, and otherwise to accord humane treatment to those prisoners, and to permit inspection of the facilities in which those prisoners are held; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the United States Government, the United Nations, and the peoples of the world to appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war and to take such steps as may be appropriate to obtain the prompt release of all members of the Armed Forces of the United States so held as prisoners of war.

SENATE RESOLUTION 256—RESOLUTION RELATING TO COMMITTEE ASSIGNMENTS

Mr. SCOTT submitted a resolution (S. Res. 256) relating to committee assignments, which was considered and agreed to.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 257—RESOLUTION TO SECURE HUMANE TREATMENT FOR PRISONERS OF WAR HELD BY THE NORTH VIETNAMESE GOVERNMENT

Mr. TOWER. Mr. President, today I submit for myself and for 22 other Senators a resolution to express the sense of the Senate with regard to the treatment of Americans held captive by North Vietnam. On June 2 of this year I spoke out against the inhumane treatment of American prisoners of war by the Government of North Vietnam. Since that time little has changed. There remain over 1,400 U.S. servicemen classified by the services as either missing in action or prisoners of war. There is reason to believe that a large percentage of those reported as missing are, in fact, prisoners. And yet we have no certain information regarding these men, and their families are consequently forced to bear a tremendous burden of anxiety unnecessarily.

The Government of North Vietnam has repeatedly refused to provide a list of Americans being held prisoner, to repatriate the sick and wounded, to permit neutral inspections of the places of detention, and to allow the free flow of mail between prisoners and their families as required by the Geneva Convention.

I would like to point to a dramatic example of the suffering going on in the families of American servicemen who have been missing in action for long periods of time. These families suffer the anxiety of receiving no word whatsoever as to whether their loved one is alive or dead. Four young Texas women have become so anxious about their husbands that they have flown to Paris in hopes of talking with the North Vietnamese negotiators there.

I want the North Vietnamese to know that the entire U.S. Senate, regardless of our individual views on the Vietnam war, stand as one voice on this issue of humane treatment for prisoners of war. This is a matter which concerns us all. In recent weeks many Senators have expressed their strong protests against this clear breach of international law and outrage to human decency. Several resolutions similar to the one which I introduce today have been proposed. It is time for the Senate to speak with a single voice on this subject, and I feel that it is important that we find language for a resolution which will have the wholehearted support of all Senators. It is for this reason that I introduce the present proposal for the consideration of my colleagues.

The PRESIDENT pro tempore. The resolution will be received and appropriately referred.

The resolution (S. Res. 257), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 257

Resolved, That it is the sense of the Senate that the illegal and inhumane practices of the North Vietnamese Government with regard to prisoners of war must necessarily be condemned and that the various signatories to the Geneva Convention, recognizing their interest in the preservation of the prescribed standards in that agreement and acknowledging the basic principles of human decency which they have ratified, should bring all pressure within their power to bear on the Government of North Vietnam to compel that government's compliance with those principles.

SENATE RESOLUTION 258—RESOLUTION TO PAY A GRATUITY TO DOROTHY S. ANDERSON

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 258); which was placed on the calendar:

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S. Res. 258

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Dorothy S. Anderson, widow of Leeman Anderson, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 259—RESOLUTION TO PAY A GRATUITY TO LUCIE C. DOWNER AND JANE C. OSTERLOH

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported the following original resolution (S. Res. 259); which was placed on the calendar:

S. Res. 259

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lucie C. Downer and Jane C. Osterloh, sisters of Hugh A. Cunningham, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum to each equal to three months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 166

Mr. ALLEN. Mr. President, I submit an amendment, intended to be proposed by me to the income tax reform bill, H.R. 13270, the purpose of which is to increase the amount of the deduction for each personal exemption from $600 to $1,200.

Mr. President, I am aware of the arguments advanced against an amendment of this nature.

Some will say that tax relief of this scope will cost the Federal Government too much. I say that it will cost the Federal Government nothing.

It costs nothing to cut taxes. The word "cost" is simply not appropriate in the context of reducing Federal taxation and any effort which associates tax reduction in the public mind with "costs" of Government, indicates confused thinking on this subject.

What the proposed amendment would involve, as a matter of fact, is a reduction in Federal spending. It would involve getting the Federal Government out of many areas and activities where it has no rightful place and no appropriate responsibilities. It would require cutting back on authorizations and appropriations. It would involve a reversal of the trend toward concentration of powers in the Federal Government.

Yes, Mr. President, it would require a tightening of the Federal belt, cutting out waste and extravagance in every department and agency of the Federal Government. It would require an emphasis on efficiencies and better management and more effective leadership, initiative, imagination, and determination on the part of every department and agency head in the Federal Government.

I suggest, Mr. President, that the taxpayer wants and will insist on a Federal efficiency dividend. He wants and will insist on a Federal contraction dividend. He wants a reorientation of the Federal Government recognizing the average taxpayers' problems and the burdens and difficulties of maintaining home and family and providing for the education of his children at a time when his income is seriously eroded by inflation and increased taxation. And I think that Congress must recognize the fact that the average taxpayer is not willing to accept a Federal priority that imposes on him the added responsibility of supporting the family of another at a time when the taxpayer is so hard pressed to provide adequate support for his own family.

Then, of course, this proposed amendment must face the argument that to reduce taxes is inflationary.

Mr. President, I submit that this argument is utter nonsense. Why is it more inflationary to let the taxpayer spend his own money for his own needs and the needs of his family than it is to let the Federal Government spend it for him? Or to let the Federal Government give it away, or waste it in half-baked, hopped-up, disordered, extravagant, and wasteful boondoggles and impractical schemes cooked up by utopian dreamers from modern academies of Lagado?

Mr. President, what is inflationary about taxpayers paying cash for their necessities rather than having to charge them?

What is inflationary in cutting down Federal expenditures?

What is inflationary about an individual having a few dollars to put aside for a rainy day in savings banks, or in life insurance, or in retirement funds?

What is inflationary about savings banks, and insurance companies, or commercial banks, putting these savings to use in building homes and providing jobs in the homebuilding industry?

Mr. President, the inflation argument in support of higher taxation will not hold water. Sure we must have a balanced budget. But we can get a balanced budget just as effectively by reducing expenditures as by increasing revenues through increased taxation. The man in the street knows that and he wants relief from crushing taxation.

Mr. President, a personal exemption from taxation of income in a mere amount of $600 is no longer realistic in this day and time. It results in frightful inequities and particularly in its effects on the average family and the single person and the aged. Something must be done. A modest increase in the personal exemption from $600 to $1,200 is a step in the right direction. This proposed amendment takes that step.

Mr. President, I ask unanimous consent that the proposed amendment be printed at this point in the Record.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred; and, without objection, the amendments will be printed in the Record.

The amendment (No. 166) was referred to the Committee on Finance, as follows:

On page 366, after line 19, insert the following new section:

"PERSONAL EXEMPTIONS

"Sec. 805. (a) Increase to $1,200.—The following provisions are amended by striking out '$600' wherever appearing therein and inserting in lieu thereof '$1,200':

"(1) Section 151 (relating to allowance of deductions for personal exemptions);

"(2) Section 642(b) (relating to allowance of deductions for estates);

"(3) Section 6012(a) (relating to persons required to make returns of income); and

"(4) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

"(b) Conforming Amendments.—The following provisions are amended by striking out '$1,200' wherever appearing therein and inserting in lieu thereof '$2,400':

"(1) Section 6012(a)(1) (relating to persons required to make returns of income); and

"(2) Section 6013(b)(3)(A) (relating to assessment and collection in the case of certain returns of husband and wife).

"(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1969."

On page 366, line 20, strike out "805" and insert "806".

On page 367, line 18, strike out "$600" and insert "$1,200".

AMENDMENT NO. 170

Mr. GOODELL (for himself and Mr. Javits) submitted an amendment, intended to be proposed by them, jointly, to House bill 13270, which was referred to the Committee on Finance and ordered to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH—AMENDMENTS

AMENDMENTS NOS. 167 AND 168

Mr. BROOKE. Mr. President, at an appropriate time I intend to call up two amendments to the pending bill (S. 2546). I will not take the time of the Senate to explain them now. However, copies have been placed on every Senator's desk. In addition, I ask unanimous consent that the text of the amendments, as well as a brief explanation of their contents and purpose, be printed for the convenience of my colleagues at this point in the Record. At this time, I submit the two amendments, intended to be proposed by me, to the bill.

The amendment (No. 168), submitted by Mr. Brooke (for himself and Mr. Cranston) is as follows:

At the end of the bill add a new title as follows:

"TITLE VI—SPECIAL RESEARCH GRANTS

"Sec. 601. (a) There is hereby established an interagency advisory council to be known as the Interagency Advisory Council on Domestic Applications of Defense Research (hereinafter in this title referred to as the 'Council').

"(b) The Council shall be composed of the following members:

"(1) One member from the Department of Defense, to be designated by the Secretary of Defense.

"(2) One member from the Department of

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Health, Education, and Welfare, to be designated by the Secretary of Health, Education, and Welfare.

"(3) One member from the Department of Housing and Urban Development, to be designated by the Secretary of Housing and Urban Development.

"(4) One member from the Department of Transportation, to be designated by the Secretary of Transportation.

"(5) One member from the Office of Economic Opportunity, to be designated by the Director of the Office of Economic Opportunity.

"(c) The member of the Council designated by the Secretary of Housing and Urban Development shall serve as Chairman of the Council.

"(d) Three members of the Council shall constitute a quorum; and a vacancy in the Council shall not affect its powers but shall be filled in the manner in which the original appointment was made.

"Sec. 602. (a) It shall be the function of the Council to study and evaluate proposed research programs and projects submitted to it pursuant to this title. The Council shall accept for consideration research projects that are of mutual interest to the Department of Defense and one or more of the participating departments or agencies, and such other categories of research bearing on important national needs as the Council may specify, including physical and social aspects of cities, housing, education, transportation, and other domestic problems.

"(b) The Council shall advise the Director of Defense Research and Engineering of the Department of Defense regarding research proposals submitted to it for consideration pursuant to subsection (a) and shall make such recommendations to the Director as it deems appropriate as to the merits of proposals submitted to it for consideration.

"(c) The Council shall review the results of research conducted under its auspices and shall advise the Director of Defense Research and Engineering of the Department of Defense as to the desirability of continuing, modifying, or terminating such research activities.

"Sec. 603. (a) The Secretary of Defense is authorized to make grants to colleges, universities, and other not-for-profit institutions engaged in research and/or development activities sponsored by the Department of Defense for the purpose of supporting selected research programs and projects promising significant domestic benefits. Proposals for such research shall be submitted to and reviewed by the Council. The decision of the Secretary of Defense with respect to which, if any, research proposals approved by the Council will be sponsored shall be final.

"(b) The total amount in grants made under this title in any fiscal year shall not exceed an amount equal to 5 per centum of the total funds expended in such fiscal year by the Department of Defense under contracts entered into with colleges, universities, and other not-for-profit institutions for the performance of defense research.

"(c) In no case shall any one institution receive more than $5 million under this title in any one fiscal year.

"Sec. 604. Research grants made by the Secretary of Defense under this title shall be made subject to such rules and regulations as the Secretary may prescribe after consultation with the Council."

The PRESIDENT pro tempore. The amendments will be received, printed, and will lie on the table; and, without objection, the amendments and explanations will be printed in the Record.

The amendment (No. 167), submitted by Mr. **Brooke** (for himself, Mr. **Anderson**, Mr. **Eagleton**, and Mr. **Schweiker**), is as follows:

At the end of the bill add a new title as follows:

"TITLE VI—COMMISSION ON NATIONAL SECURITY POLICY

"ESTABLISHMENT OF COMMISSION

"Sec. 601 (a) There is hereby established a commission to be known as the Commission on National Security Policy (hereinafter referred to as the 'Commission') which shall be composed of fifteen members as follows:

"(1) Five appointed by the President of the Senate from among persons recommended by the Majority Leader of the Senate with the concurrence of the Minority Leader of the Senate, the Chairman of the Committee on Armed Services and the Chairman of the Committee on Foreign Relations of the Senate;

"(2) Five appointed by the Speaker of the House of Representatives from among persons recommended by the Majority Leader of the House of Representatives with the concurrence of the Minority Leader of the House of Representatives, the Chairman of the Committee on Armed Services and the Chairman of the Committee on Foreign Affairs of the House of Representatives; and

"(3) Five appointed by the President of the United States.

"(b) Of each class of members not more than three members appointed under subsections (a) (1), (a) (2), or (a) (3), of this section shall be from the same poliitical party. Members shall be appointed from private life from among persons who are specially qualified by virtue of experience or training to serve on the Commission.

"(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(d) The Commission shall elect a Chairman and Vice Chairman from among its members.

"(e) Eight members of the Commission shall constitute a quorum.

"DUTIES OF THE COMMISSION

"Sec. 602(a) The Commission shall make a full and complete study and investigation of national security policy and programs for the purpose of making recommendations with respect to—

"(1) the nation's international commitments and responsibilities;

"(2) the strategic policy options available and related manpower and equipment requirements needed to carry out such commitments and responsibilities;

"(3) the costs, capabilities, preferred types and numbers of military systems for offensive and defensive purposes, specifically including but not limited to missiles, aircraft, aircraft carriers, missile-launching and attack submarines, and other major systems.

"(4) the organization, management, procurement practices and other administrative arrangements of the Department of Defense and other agencies responsible for the support, formulation, and implementation of national security policies and programs;

"(5) the development and implementation of programs permitting economies and the identification of programs demanding priority expenditures; and

"(6) Such other matters as the Commission deems appropriate to a realistic and strengthened national security.

"(b) The Commission shall submit to the President and to the Congress an interim report with respect to its study and investigation not later than March 15, 1970, and a final report, not later than December 31, 1970, containing its findings and recommendations.

"POWERS AND ADMINISTRATIVE PROVISIONS

"Sec. 603. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act as such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

"(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information, including classified data, as the Commission deems necessary to carry out its functions under this title.

"(c) All members and employees of the Commission having access to classified information shall be subject to established security requirements.

"(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

"(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level IV of the Executive Schedule in title 5, United States Code, and

"(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

"COMPENSATION OF MEMBERS

"Sec. 604. Members of the Commission shall receive compensation at the rate of $125 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

"EXPENSES OF THE COMMISSION

"Sec. 605. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums, not to exceed $5,000,000, as may be necessary to carry out the purposes of this title.

"EXPIRATION OF THE COMMISSION

"Sec. 606. The Commission shall cease to exist ninety days after the submission of its report."

The explanation, presented by Mr. **Brooke**, is as follows:

A Commission on National Security Policies and Programs

In our efforts to deal critically with the defense authorization bill many of us have been anxious to develop a more systematic and comprehensive analysis of the Nation's strategic options, weapons needs and budgetary alternatives. A number of us have been apprehensive about dealing with these complex issues on a piecemeal basis.

A large factor in the present pressure on military expenditures is not only the soaring costs of modern weapons, but the widespread dissatisfaction in the Senate and in the country with the recent record of Executive recommendations in this field. There is a very grave need to re-establish national confidence in the wisdom and justification of the Nation's military programs and even more in the process by which decisions on those programs are made.

For these reasons I have drafted a proposed amendment to S. 2546 to create a 15-member commission on national security policies and programs, primarily responsive to Congress and authorized to report its findings and recommendations by the end of next year. Five members of the commis-

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sion would be appointed by the Senate, five by the House and five by the President.

The special appointing procedure is designed to insure a most distinguished membership for the commission would constitute the most far-reaching inquiry into the Nation's international commitments, military requirements and related matters. The nation needs a demonstrably objective review of these issues on which Congress can later act. A well staffed, competent commission could provide a solid basis for a renewed consensus on these vital issues in future years.

The explanation of amendment No. 168, presented by Mr. **Brooke**, is as follows:

Domestic Applications on Defense Research

This amendment to S. 2546 is designed to increase the possibility that defense research will have domestic benefits as well. It will create an interagency advisory council on domestic application of defense research and would authorize the Department of Defense to use some of its funds to support research of mutual interest to it and other agencies (e.g. HUD, HEW), with promise of significant domestic benefits. There are a number of examples of such work:

Spin-off of military radar and computer technology to domestic air traffic control, experimental work on housing on military bases, certain categories of manpower training and educational research, and many others.

Many institutions doing defense research are seeking an opportunity to apply their skills to the Nation's domestic problems. Presently, there is no good mechanism for encouraging such domestic applications. This amendment seeks to create such a mechanism, and to insure that the large sums expended for defense research include a special effort to realize useful applications outside the strictly military area.

This proposal is compatible with other efforts under way in the Department to employ the large resources it commands in ways which assist other sectors of our society. Discussions with prominent members of the research community revealed substantial interest in this kind of idea, both as a means of realizing important short-term benefits and as a method of re-allocating over a period of time some fraction of our defense capabilities to non-defense applications. The intent would be that, as non-defense research programs expand in the coming years, sponsorship and supervision of work begun under the auspices of the proposed council would shift to other departments.

AMENDMENT NO. 169

Mr. **MOSS**. Mr. President, I submit an amendment which expresses for the Senate a simple but meaningful desire.

I think it is the Senate's desire that the burden of military spending be reduced wherever possible. We have disagreed about the need and efficacy of some weapon systems, but I think we would all like to see fewer men in uniform.

This resolution does not have the force of law, but it does put the President on notice that as he withdraws troops from Vietnam and other places overseas, the Senate wants a corresponding reduction in the Armed Forces or an explanation why not.

I am, of course, aware of the amendment sponsored by Senators **Cook** and **Bayh**, which contains a statutory requirement that manpower be reduced. I plan to support their amendment, but I suspect the Senate will want the President to retain more flexibility in determining manpower levels than their amendment provides.

Reasons for reducing the size of our Armed Forces are numerous and obvious. Manpower cuts have a very immediate and significant impact on the defense budget. Just the President's 60,000-troop withdrawal could be translated into a savings of at least $600,000,000. And it would take effect now—we would not have any leadtimes and contract commitments that so frustrate us in dealing with weapons systems.

But more important than money are the lives of the men who would be discharged from the service. Many of them would have a much more rewarding and enriching life outside the military. Or at least with lower draft calls, more would have the choice. Certainly in terms of the gross national product they would be more productive in civilian life.

Less directly this resolution implies the Senate's desire that our commitments be reduced. Today the United States has more men in uniform than any other country in the world. Military involvement is far less tempting if the President must call up the Reserves or ask Congress for more troops.

The **PRESIDENT** pro tempore. The amendment will be received, printed, and will lie on the table.

CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENTS

AMENDMENTS NOS. 171 THROUGH 174

Mr. **KENNEDY** submitted four amendments, intended to be proposed by him, to the bill (S. 1809) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, to authorize advance funding of such programs, to require notice to Congress prior to delegation of any program to another agency, and for other purposes, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, September 17, 1969, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 85. An act for the relief of Dr. Jagir Singh Randhawa;

S. 348. An act for the relief of Cheng-huai Li;

S. 1686. An act relating to age limits in connection with appointments to the U.S. Park Police;

S. 1766. An act to provide for the disposition of a judgment recovered by the Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., in paragraph 11, docket numbered 50233, U.S. Court of Claims, and for other purposes; and

S.J. Res. 149. Joint resolution to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts.

SENATOR COOK ADDRESSES TRADEWATER RIVER AREA RESOURCE CONSERVATION AND DEVELOPMENT PROJECT

Mr. **PACKWOOD**. Mr. President, last Saturday night, the junior Senator from Kentucky (Mr. **Cook**) delivered a very excellent speech on the subject of environmental control and pollution control. I ask unanimous consent that the text of his speech be printed at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Remarks by Senator Marlow W. Cook

"It had to happen eventually. We couldn't go on the way we had. At last someone has stopped us."

So went a recent editorial in the Washington *Evening Star* reporting that the Quinault Indians in Washington state have closed down 25 miles of scenic Pacific coast to all but members of the tribe. It seems that they grew weary of the white man's ways of littering, defacing and generally vandalizing the tribal grounds.

While the real problem is decidedly more complex, this recent action does illustrate what we have known for years—that the new technological man is slowly, but effectively, wasting and depleting the remaining resources and contaminating the environment.

At first blush, environmental alteration is a deceptively simple problem—man's interaction with his natural habitat.

However, upon closer examination the real problem confronting us today is man's constant tampering with the delicate, yet complex, chemical and ecological balance in nature—the full consequences of which we still do not fully comprehend.

Complete and comprehensive knowledge of our actions and the resulting reactions in nature is a desirable, yet a realistically distant goal. We know comparatively little about the fate of pollutants in our environment. We know even less about the interaction of these contaminants with one another.

Let us pause here for a minute and speculate upon the increase of one apparently harmless gas, carbon dioxide into the atmosphere. Doctor Lamont C. Cole, Professor of Ecology at Cornell University, estimates that in New York City alone our commercial jets in burning petroleum hydrocarbon release into the air approximately 36 million tons of carbon dioxide in one year.

Professor Cole theorizes that carbon dioxide and water vapor are more transparent to shortwave solar radiation from the earth to space. Thus the increased proportion of these substances in the atmosphere tends to bring about a rise in the earth's surface temperature, and thus altering earth's climates.

While the scientific community generally agrees with this "Greenhouse" theory, everyone does not agree on the effects. One school of thought holds that an increase in temperature will melt the Arctic icecaps, raising the sea level by as much as 300 feet and engulfing the world's major cities. Another theory is that this will bring about an increase in precipitation, additional snow and the beginnings of a new Ice Age.

No one is absolutely sure what change this one example may bring. However, what we can and must understand are our immediate technological, industrial and agricultural actions and their immediate effects on what the ancient Greeks termed the basic elements—air, water and soil.

Ironically, one of the tributes to man's scientific advancement is also a prime contributor toward one of his most serious problems. This is the conversion of the fossil fuels, petroleum, gas and coal into energy

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resulting in the waste products of carbon monoxide, hydrocarbons, sulphur and nitrogen oxides.

The Public Health Service only recently reported that toxic material is being released into the air over the United States at a rate of over 142 million tons per year. This amounts to three fourths of a ton per American per year.

It is estimated that in a single day the 90 million motor vehicles in the United States emit 180 thousand tons of carbon monoxide, 33 thousand tons of hydrocarbons and 27 thousand tons of nitrogen oxide.

That such a voluminous discharge endangers our welfare and adversely affects our health has been amply demonstrated by a number of experts in many fields.

In March of this year, the United States Department of Health, Education, and Welfare issued a summary of the Federal Abatement Conference on Interstate Air Pollution involving a six county area in Kentucky, Ohio, and West Virginia.

The report states that air pollution while not only being harmful to health, also caused an economic loss to the communities involved. The loss involves frequent cleaning of filters in air conditioning systems, and in general, internal and external maintenance and cleaning. Besides the individual homeowner's own cost, he is required to pay, indirectly, for commercial and government buildings through increased prices and higher taxes.

Damage from deterioration and soiling of materials has been conservatively estimated to be $20 million annually. This figure represents the cost of only loss by soiling, and is based only on the number of people living in this six county area.

In the entire United States, the cost of air pollution damage to clothes, metals, buildings and agricultural crops is between 11 and 12 million dollars a year.

In South Ironton, Ohio, a local realtor testified that pollution causes an average reduction of $1,000 in the appraised value of homes as compared to similar structures in other parts of the area.

Physicians in that area have been concerned wih the rising rate of occurrence of respiratory diseases, especially Emphysema, among the urban population. The report states that respiratory diseases are the main cause of visits to physicians.

Unfortunately, our water resources do not escape contamination. The continued disposal of raw sewage and industrial wastes into our streams and rivers presents an immediate threat to our health.

The Department of Health, Education and Welfare has stated that about 8 million people are drinking water from municipal water systems that contain more bacteria than the maximum level recommended by federal standards. A preliminary study by the Department indicated that this sanitary deficiency is likely to become worse before any improvement is achieved.

It is little wonder that the nation's water supplies are becoming increasingly unsafe for both man and wildlife.

A recent report of the Senate Public Works Committee points out that in January of 1968 a spill of chemicals into the Buck Creek in Indiana caused a large fish killing in 65 miles of the stream. Just a month ago 450 thousand gallons of an acid leaching material was spilled into the San Francisco River killing over 50 thousand fish in the first ten hours. In 1968, the largest fish kill on record occurred in the Allegheny River, Bruin, Pennsylavnia. In this instance, a petroleum refinery lagoon overflowed and toxic chemicals killed over 4 million fish.

The report also said that the discharge of acid and akali pollution by drainage of abandoned mines poses an additional problem. It is estimated that over 3.5 billion tons of acid finds its way into the 6,000 miles of our major waterways.

Unfortunately, nuclear energy, one of the alternatives to fossil fuels, is itself fraught with potential danger. Because nuclear plants are less efficient and are therefore 50 percent hotter than conventional power plants, thermal pollution is also a problem. Atomic Energy Commission member, Wilfred E. Johnson, observed that by 1990 more than half of all the river run-off in the United States will be required for cooling if the nuclear plant expansion continues at the present rate. Super heated water discharged into a bay, river or ocean can drastically affect the water and marine life cycle.

All human life depends upon a thin layer of fertile topsoil in which the average depth is estimated to be a little more than 8 inches.

And yet since the arrival of the Pilgrims over 300 years ago, one third of this productive topsoil in the United States has been eroded away. The United States Conservation Service estimates that we are losing the equivalent of 500 thousand acres of farmland every year. Wasteful clearing and burning, strip mining, overuse and misuses of our lands have resulted in serious erosion problems. We are faced with a rapid advancement of the Mississippi Delta due to the accumulation of silt washed down from once fertile and productive land.

As Huck Finn so aptly stated,

"There is nutritiousness in the mud, and a man that drank Mississippi River water could grow corn in his stomach, if he wanted to."

The remaining land which is not washed into the oceans is increasingly under attack by the latest and most sophisticated tools of modern man. We constantly expose ourselves and our soil to powerful chemical pesticides. While reaping short term benefits, we are only starting to evaluate some of the possible less obvious side effects and potential risks.

The preceding are but a very few of the problems created by our ever increasingly effluent society. When man was fewer in number, when he was confined to limited portions of the planet, and more important, when life was simpler—nature's own self cleansing powers removed many of the pollutants from the environment. However, this self renewing ability has been exceeded in many areas, and is dangerously close to becoming so in the remainder.

If there is a message here, it is that man in the process of seeking a better standard of living is endangering the environment which sustains any kind of human life.

There are two major contributing factors to our environmental problem. First, is the rapid increase in population. In the year 2000 in the United States the population will rise from the present 200 million to 300 or 340 million. During that time the world population will rise from 3.3 billion to between 6 or 7 billion.

A recent study conducted by the Committee on Resources and Man of the National Academy of Sciences—National Research Council indicated that as population rises there will be a reduced availability of natural resources resulting in a lowering of the quality of life and individual freedom.

A second factor is the increased amount of pollution per load, per person resulting from the use and disposal of our relatively new conveniences wrought by the industrial and technological revolutions.

Unfortunately, the simple solution employed by the Quinault Indians is not practical in terms of protecting the environment of an expanding industrial and agricultural society. There is only so much land, water and open areas that we can put aside for limited recreational use. The problem lies in the orderly development of the remaining resources with a proper regard to its effect on the overall balance in nature.

The entire problem is certainly a very complex one involving the interrelated factors of biology, chemistry, ecology, economics and technology. Improving the quality of the environment requires bold and imaginative thinking, and the development of effective programs. Much systematic and comprehensive research remains to be done in many areas. Equally important is the governmental coordination of this research, of the solutions discovered, and finally of the necessary planning.

Most important of all, the solution lies in the understanding and support of the people that our system of government requires. In the final analysis, it is the people who must decide what quality of life they prefer and what value they place upon that quality.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TESTIMONY OF SENATOR JAVITS BEFORE FINANCE COMMITTEE TODAY ON TAX REFORM BILL

Mr. JAVITS. Mr. President, this morning I had the privilege of testifying at considerable length before the Finance Committee on the tax reform bill.

I made this testimony because of the tremendous concentration of various elements of the economy, and of philanthropy both on the giving and the receiving end, in New York State and particularly New York City. Hence, I went into considerable detail and made many recommendations with respect to the tax reform bill.

As I believe that this is a matter of great interest not only to my own State but to all the States of the Union, and that considerable expertise is reflected in the presentations which have been made to me by many diverse interests in New York, I ask unanimous consent to have this testimony printed in the RECORD.

These being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR JAVITS

Before appearing before the Finance Committee today, I have made a careful study of the House-passed tax bill, which represents an enormous effort by the House in an area where reform is long overdue. I also have reviewed the Administration's proposed changes as so ably presented by the Secretary of the Treasury David Kennedy and Assistant Secretary for Tax Policy Edwin S. Cohen, and I find much wisdom in many of the suggestions made by the Administration. I have had numerous conversations with tax experts, business leaders and philanthropic leaders and I have been impressed by my voluminous constituents mail and by the lively tax debate raging in the press.

In my testimony today, I have two principal purposes:

I. To offer specific amendments to correct inequities in the tax reform bill (H.R. 13270) or to offer other tax reform measures which should be included; and,

II. To consider the propriety of the eco-

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nomic effects of the bill in view of the current inflationary situation and to consider the revenue effects of the bill, given the choice of reducing revenue by cutting taxes or by being able to meet more adequately the acceptable demands on the Treasury for desirable appropriatons.

At the outset, we must remember that the most important thrust of the bill we are considering is its reform provisions. I am convinced that the citizens of our nation will support legislation which makes a serious attempt to tackle the abuses of our present tax system—even if this legislation does not make any changes in the tax rate structure. Most Americans, I am sure, concur with Justice Holmes when he said that taxes are the way in which one buys civilization. Right now the American people are demanding justice within our tax system by means of the tax reform bill—even more than they are demanding lower federal tax rates—and it is this equity of treatment that we should work towards.

I, therefore, fully support those reform provisions of the bill which would (1) provide for a minimum income tax through limitations on tax preferences and allocation of deductions, (2) remove 5,000,000 of our poorest taxpayers, whose incomes are below the poverty level, from the tax rolls, (3) reduce oil depletion allowances and intangible drilling costs, and (4) prohibit tax avoidance through the improper use of tax provisions affecting foundations. I also support the Administration's recommendations on increasing the minimum standard deduction.

However, in working toward the equity of tax reform, we must be exceedingly careful that we do not throw out the baby with the bath water. It is in this respect that I am seriously concerned about certain of the proposals contained in H.R. 13270 and also about certain reforms that are omitted both from this bill and the Administration's proposals.

I. SPECIFIC AMENDMENTS TO H.R. 13270

At the earliest possible opportunity, I will offer amendments to this bill or co-sponsor amendments by some of my Senate colleagues in the areas of particular concern to me. Those amendments will include proposals on: (1) special tax exemptions for the handicapped; (2) revisions relating to philanthropy and foundations; (3) revision of the proposed changes in the tax treatment of small business; (4) repeal of the investment credit; (5) elimination of the repeal of tax exemption of municipal bonds; (6) treatment of capital gains; (7) those sections dealing with real estate depreciation as it affects housing, in particular the recapture provisions; (8) accelerated amortization of pollution control equipment; (9) oil depletion allowances and intangible drilling costs; (10) incentives for banks to participate in redevelopment and other socially desirable projects; (11) the establishment of new reporting requirements under the jurisdiction of the Secretary of the Treasury.

Equitable treatment of the taxpayer is therefore my principal concern for appearing today.

II. H.R. 13270—ECONOMIC AND REVENUE EFFECTS

It is of the highest importance that this Committee and the Senate carefully examine the economic effects and revenue effects of this legislation. The Chairman of the Federal Reserve Board last week eloquently stated a fact that has become apparent to us all. Chairman Martin said that our economy is going through a "very, very difficult and unpredictable period"—referring to the surprisingly stubborn inflationary forces plaguing our economy and our pocketbooks. In an effort to dampen these forces our authorities have adopted highly restrictive monetary and fiscal policies—and it appears that the upward thrust of the inflationary spiral has been dampened. It is in the interest of every citizen of this nation that the tax bill passed by this Congress not upset the economic applecart just at the time when our hard anti-inflationary labors are begining to bear fruit.

To illustrate what I mean, the magnitude of the change in purchasing power which the bill contemplates would add two percent to total personal consumption expenditures. Some $7.3-billion more (in addition to those amounts made available by the expiration of the surtax) would flow to the consumer market. Generally speaking, these sums would accrue to those income groups which spend, rather than save, their income. In other words, most of the $7.3-billion to which I refer would show up as additional consumer demand. Would this not just add additional fuel to the inflationary fires burning a hole in all our pockets? I ask what benefit the average taxpayer would receive if an additional 3 percent tax rate reduction would almost certainly guarantee that he would continue to lose 6 percent a year on the value of his dollar because of inflation. I also ask how would this help our elderly living on fixed pensions.

Would it not be the wise course to accept the smaller tax rate reductions as proposed by the Administration—reductions that still would average in excess of 6 percent for the taxpayer in the $7,000-to-$15,000 income class and in excess of 10 percent for those in the $3,000-to-$7,000 class—if this would help insure that the purchasing power of our dollar does not continue to erode at a 6 percent rate per year?

I have asked the Internal Revenue Service to prepare a table outlining the income tax paid by the average family with two children over the past five years. This table clearly indicates that federal tax levels—even with the surtax—have remained at fairly constant levels over this period. The table shows that the federal income-tax burden of our middle income families is at exactly the same level it was in 1964. In my opinion, these figures—which I ask unanimous consent to insert in the record—clearly show that higher federal income taxes are not an important contributing factor to the so-called "tax revolt." One must look elsewhere, and I strongly suspect the principal culprit would be found in the inflationary spiral—and in local taxes.

INCOME TAX AS A PERCENT OF ADJUSTED GROSS INCOME

[Individual income tax returns]

Income classes	1964		1965		1966		1967		1968		1969	
	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns	Standard deduction returns	Itemized deduction returns
$7,000	9.5	8.0	8.6	7.3	8.6	7.3	8.6	7.3	9.3	7.7	9.5	8.0
$8,000	10.5	8.9	9.7	8.1	9.7	8.1	9.7	8.1	10.4	8.7	10.6	8.9
$9,000	11.3	9.7	10.5	9.0	10.5	9.0	10.5	9.0	11.3	9.6	11.5	9.9
$10,000	12.1	10.6	11.1	9.8	11.1	9.8	11.1	9.8	12.0	10.6	12.3	10.8
$11,000	12.7	11.1	11.9	10.4	11.9	10.4	11.9	10.4	12.7	11.1	13.0	11.4
$12,000	13.5	11.6	12.6	10.8	12.6	10.8	12.6	10.8	13.5	11.6	13.9	11.9
$13,000	14.3	12.3	13.3	11.5	13.3	11.5	13.3	11.5	14.3	12.4	14.7	12.6
$14,000	14.9	12.9	13.9	12.0	13.9	12.0	13.9	12.0	15.0	12.9	15.3	13.2
$15,000	15.5	13.3	14.5	12.4	14.5	12.4	14.5	12.4	15.6	13.4	15.9	13.7

It is for these reasons that I also support the Administration's proposals as they relate to raising the present standard deduction of 10 percent with a $1,000 ceiling to 12 percent with a $1,400 ceiling, instead of 15 percent with a $2,000 ceiling as proposed by the House-passed bill.

The story of the corporations over the same period is quite different. Between 1965 and 1969, corporate tax liability has increased 38.3% while corporate taxes after profits increased 11.6%. To put this 11.6% gain in profits in better perspective, personal consumption expenditures (the money that is available to individuals for spending after taxes) increased 30.9% over the same period. The undistributed profits of corporations were running at a lower level in 1969 than they were in 1966. The money needed to finance expansion plans came increasingly from borrowings—which means upward pressure on interest rates—and the excess of investment over gross retained earnings rose to $38.1-billion in 1969. This excess was only $23,400,000 in 1965.

This does not present a very encouraging picture. For this reason I introduced an amendment last Friday providing for a two year phase-out of the investment credit and requesting prompt Administration action on instituting permanent investment incentives in the form of revised depreciation schedules. If the Administration does act promptly and institutes revised depreciation schedules, I would see no need for a 2 percent tax reduction for corporations.

The overall revenue effect of the bill is another item which concerns me. In discussing this effect, we must consider not only the $2.4-billion revenue loss which the House bill is expected to bring, but also the estimated $9-billion which the government will lose when the tax surcharge expires. This reduction in revenues would not only put a crimp in Federal spending programs, it would also affect substantially the amount of investment money which could go into such important areas as housing mortgages.

We have heard a lot in recent weeks about the "peace dividend," and the long range "fiscal dividend" which we can expect over the coming decade. Despite the controversy over the amount of the dividend, one point remains clear: the claims upon the Federal budget in the foreseeable future will be immense. A comprehensive welfare plan, revenue sharing, aid to urban mass transit and the expansion of existing social programs are all activities which people generally agree should be undertaken by the Federal government in the near future. Add to this the claims made by our national security needs, and one can see that revenue cuts cannot be made without considering our long-range national goals.

This tax-cut proposal, moreover, comes at a time when responsible economists are urging that we maintain substantial budget surpluses in order to keep interest rates down

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and release investment money for housing mortgages. Last year, Congress solemnly declared a ten-year national housing goal of 25,000,000 new units. But this goal can only be met if the resources exist to finance this gigantic construction project. If mortgage brokers—especially those who deal in FHA and VA financing—must compete with the Federal government and with cash-starved businesses for investment funds, then I predict we may never see the end of exorbitantly high interest rates.

I therefore recommend that we accept the changes in the tax-rate schedules for individuals as recommended by the Administration. By doing so, a great deal will have been gained since in my judgment, the changes proposed in the House bill (1) are inflationary, (2) will put additional upward pressure on interest rates, (3) will make it more difficult for the federal government and private investors to fund important social programs, and (4) will not produce the budget surpluses sufficient to release investment funds into the mortgage market and thus prevent us from meeting our national housing goals.

Mr. Chairman, I now return to a more complete discussion of the specific areas of amendment of the tax reform bill that are of particular concern to me.

(1) *Special tax exemptions for the handicapped*

Legislation is already on the floor of the Senate (S–1069) and the House (H.R. 424) which would give cognizance to the special needs of our handicapped citizens. H.R. 424 was introduced by the distinguished chairman of the House Ways and Means Committee as the companion bill to S–1069 which I introduced in the Senate.

This legislation would provide the disabled an income-tax deduction of up to $600 to cover transportation to and from work and would also allow the disabled the same additional $600 income-tax deduction now given to the blind.

It is estimated that some 300,000 disabled persons would qualify under this legislation, at a maximum cost to the Government of about $130 each, or $40,000,000 per year. This cost seems small when we consider the average cost of from $480 to $545 per year to rehabilitate a disabled person. What we will be doing through this measure is helping these people to help themselves and enabling them to achieve some person independence from institutions, from overburdened families, and from local and state governments.

Our handicapped citizens are capable of being productive workers, contributing to the nation's economy instead of being dependent upon it. But their disabilities impose upon them additional expenses in pursuit of their livelihoods which are not otherwise tax deductible. Such expenses include special orthopedic devices; extra travel costs because they are unable to utilize routine methods of transportation; expensive additions to office, shop or home to facilitate their movements; special prosthetic devices; higher insurance costs; and the costs of hiring help to perform simple tasks which the nonhandicapped perform for themselves. In addition, rapidly rising costs are particularly burdensome to the handicapped—for example, the prices of some special orthopedic shoes required by the disabled have doubled in the past year.

Under the bill, the disabled taxpayer, in order to qualify for the additional $600 exemption, must suffer from a loss of one or more extremities or 40% or more loss of ability as defined under the Schedule for Rating Disabilities of the Veterans Administration. In addition, both the blind and the disabled would qualify for the tax deduction of up to $600 for expenses of going to and from work.

Hundreds of thousands of Americans have endeavored valiantly to transform their physical handicaps from stumbling blocks to building blocks. They wish to use their crutches to move on, not to lean on. This legislation will help them to do just that. It is as practical in economic terms as it is humanitarian. It is, in effect, a practical bill to benefit those who have no alternative than to be practical.

(2) *Philanthropy and foundations*

In view of the growing role of government, I believe that it is essential to the pluralism of our society that the activities of private philanthropies be proportionately increased—not decreased as the House bill and to a lesser extent the Administration's proposals would do. Basically, I see in many of the features of both measures a two-pronged attack on the viability of our private philanthropies. First, charitable giving is likely to be seriously restricted and secondly, our philanthropic institutions are likely to be so curtailed in their activities and have their resources affected in such a manner that they will not function with the flexibility and innovativeness that we should have a right to expect.

a. *Philanthropic Giving*—The problems of our philanthropic institutions cannot be properly considered without also considering the means by which these institutions receive their major source of revenue—through the charitable concern of our citizens. We have heard considerable talk in the last several years about how a very few of our higher-income taxpayers have dramatically reduced their federal income-tax liability—despite their substantial incomes—by use of certain provisions of our Internal Revenue Code respecting charitable contributions. I am not in favor of abusing the intent of these provisions to the extent that a taxpayer's obligation to his government is unfairly reduced. However, it is also an indisputable fact that philanthropic activities have been the source of considerable good and insuring the access of worthy foundations to funds of individual donors is in the interest of us all.

President Nixon, in announcing the start of the national fund raising campaign for the United Community Chests, was very careful to stress the importance of philanthropic activity, characterizing it as a sacred American tradition of private initiative. Enough has already been said about the need for and the desirability of private philanthropic activities. Therefore, I wish to direct my attention to certain of the specific provisions of the House bill which in my judgment will unwisely stifle this individual initiative. In all fairness to the great effort of the House, I also believe that the House bill has done much to correct abuse and provide greater incentives to some taxpayers to support philanthropic activities.

I agree wholeheartedly with the principle of increasing the size of the charitable deduction limitation from the present 30% to the proposed 50% of adjusted gross income and support this provision of the House bill. However, in my opinion, this increase to 50% in the charitable deduction would not result in the very large contributions being made today to educational institutions, hospitals, etc.

We must, therefore, make certain that the provisions which encourage the very large contributions which are being made today are not written out of our tax laws. The only alternative to the anticipated reduced services from such institutions would be government intervention—this is a step which I hope we would all wish to avoid. I therefore recommend that we continue the unlimited charitable deduction so long as we properly circumscribe it with minimum income tax provisions such as I proposed in my tax reform bill, S. 1522.

I am also concerned about the proposed treatment of gifts of appreciated property. This represents not only a major source of the very large contributions but also is one of the major inducements for gifts of valuable works of art and literature to our libraries, universities, and museums. Frequently, these provisions are the very reason why such works become available to the public rather than remaining in private collections where they can be enjoyed by only a few. In the case of fungible appreciate property, such as securities, having a readily determinable market value, it may be possible to sell a portion to generate sufficient funds to satisfy the additional tax burdens imposed by the House bill. But how does one sell a corner of a painting or a few pages from a rare book? For these reasons, I will support the Administration proposal to continue the charitable deduction for appreciated property subject to the 30% limitation as an acceptable compromise.

In my judgment, the provisions of the House bill respecting charitable income trusts and remainder trusts, and gifts of partial interests to charity, are unnecessarily severe. These provisions offset what are in most instances substantial benefits to charity without providing a commensurate return. I believe that the Administration does not go far enough in reducing the severity of the House provisions and I ask this Committee to reject both the House position and the Administration's proposal and retain the current tax treatment of these items.

Since the provisions of the House bill and the Administration proposals will have impact on gift and estate taxes, in addition to affecting the income tax treatment of many charitable dispositions, I urge the Committee to give careful consideration to the effective dates of these provisions. In my judgment, we should allow at least one full tax year to elapse before such provisions become effective.

b. *Philanthropic Institutions*—I find serious problems with the proposed treatment of foundations by the House bill. Many of these problems are only partially corrected by the Administration proposals. First, I can support the Administration's proposed reduction in the House proposed tax on foundation investment income from 7½% to 2%. It is estimated that at 2% the amount of tax will approximate the additional administrative costs in policing foundation activities, and this is acceptable as a compromise. However, I would much prefer to see some upper limit placed on the amount of this "user fee." I might add parenthetically that a very good case can be made to eliminate such a tax altogether and I would not be adverse to such a decision if the Senate made that choice.

I believe that our first duty in accomplishing tax reform with respect to foundations is not to curtail drastically the activities of the great bulk of these institutions which are functioning as we would wish merely because of the sins of a few. Our first duty is rather to sharpen our understanding of the abuses we are trying to correct. In this regard, I have grave reservations about the broad provisions of the House bill which go far beyond the principle that philanthropic institutions should not operate principally as vehicles for tax avoidance.

For example, many foundations own more than 20% of several businesses. In some cases where the amount of the business owned represents control and the balance is widely held, there is no alternative but total divestiture since there is virtually no market where control is not being sold. However, there must be some flexibility in this regard. I will, therefore, be offering in the immediate future an amendment to H.R. 13270 which would basically provide that where a foundation owns effective control of a business, there would be a rebuttable presumption that the needs of the business take precedence over the exempt purposes of the foundation. If a foundation has owned effective control of a business for ten years or more, then there would be a rebuttable presumption that the needs of the business do not take precedence over the exempt purposes of the foundation. Where a business is owned for 25 years or more the latter presumption would be conclusive.

The position of the House bill regarding the current distribution of income is, in my judgment, too inflexible. The House itself recognizes this since they allow the accumulation of income with advance permission, and also there is a permanent exemption for those foundations which are prohibited from distributing income by a charter which cannot be judicially changed. I believe an approach similar to that provided by Sec. 531 of the Code is appropriate here. My amendment also will provide that accumulations up to a certain amount or percentage of assets would be more or less automatic. Accumulations in excess of such amount or percentage would be subject to tax only if found to be unreasonable in light of the charitable purpose for which they were accumulated. I would retain the House provisions with respect to unamendable charter documents.

While I support in principle the provisions which would limit activities which are political in nature on the part of foundations, again in my judgment, the House bill will deprive us of much needed and valuable information and services. We must be certain that our foundations can properly investigate and report on problems which confront our society and which may presently be or which may become the subject of legislation.

For example, legislation which would prevent a philanthropic organization from giving to a congressional committee the benefit of its expertise on a child daycare center, or in conducting a recreation center for the aged on the grounds that it will have some influence on the decision of any governmental body, is carrying regulation too far. We must have a more carefully worded provision consistent with our true intent—the prevention of so-called lobbying and the furtherance of special interests.

I am greatly troubled by the definitions of private foundation and private operating foundation contained in the House bill. My amendment will also provide for a new category, the public service foundation and will greatly broaden the House definitions to among other things include a longer base period to account for year to year variations.

More information is needed concerning philanthropic activities before we can be prepared to offer conclusive solutions. Some foundations have abused their privilege, and this cannot be permitted. However, the sweeping comprehensive measures contained in the House-passed bill take too much for granted the good that the great bulk of our foundations provide.

Perhaps the most important part of the House bill is the increased reporting requirements. We need greater knowledge in order to approach this important area with intelligence. I would hope that the Committee in considering these areas will recognize how little we know, and will not adopt positions which, with a broader perspective, we will later regret. The amendment I intend to present in the very near future attempts to balance needed reforms while maintaining the philanthropic activities which have been such a source of innovation, pluralism, freedom and creativity in American society.

(3) *Tax treatment of small business*

Small businesses represent in terms of numbers approximately 95% of all the businesses in this country. I need not remind the Committee of Congress' concern over the years for the small businessman and for the development of healthy small businesses. One measure of the House bill will have severe impact upon small business. As ranking Minority member of the Select Committee on Small Business, I feel that I must bring this matter to your attention and ask that you restore the benefits of the multiple surtax exemption to small business.

The House Ways and Means Committee in adopting this measure noted that the multiple surtax exemption was designed to aid small business but that large organizations had been deriving substantial, unintended benefits, and therefore recommended its elimination. It is inconceivable to me that we would want to injure small business because of an abuse of a small-business provision by big business. I believe that this Committee can and should devise a means whereby the benefits of the multiple surtax exemption can be retained by small business without, at the same time, permitting big business to abuse those benefits.

I am also saddened that of all the recommendations regarding Subchapter S corporations proposed by the Treasury last April that the only thing to appear in the House bill was the provision dealing with retirement plans. I concur fully with the recommendation of the Administration that this measure be deleted and that the entire area of the taxation of the small business corporation receive separate attention.

(4) *Repeal of the investment credit*

I have previously mentioned that last Friday I introduced an amendment calling for a two year phase-out in the investment credit in order to provide a transition period during which permanent investment incentives in the form of revised depreciation schedules are phased in. I will not dwell on this matter at greater length now since I am aware that this Committee is not hearing testimony on the investment credit at this time. Suffice it to say that in the long run, I do not believe that we can afford to operate our economy without some sort of major equipment incentives—the soundest of which are modernized depreciation schedules. The level of business investment is closely tied with those social and national goals which we—liberals and conservatives alike—can agree upon: increased production; an improved competitive position in the world economy; increased purchasing power; and a full level of employment.

(5) *Elimination of the repeal of tax exemptions of municipal bonds*

The financial health of our states and municipalities are of vital concern to me, and I cannot support those provisions of H.R. 13270 as they relate to federal taxation of interest paid on municipal bonds. The Administration has now indicated that it plans to recommend to the Congress different proposals than those contained in H.R. 13270 at an early date. I feel that it is particularly important that any tax changes in this area be consistent with the revenue sharing proposals that this Congress will be considering in the near future.

The facts are incontrovertible—many of our state and local governments, and particularly our cities, are caught in a financial crisis. These governments have traditionally relied on rather limited tax bases and these bases are now, in many cases, taxes as heavily as prudence will allow. In addition, when we consider the total tax burden placed upon our ctizens, the component which represents state and local taxation is rising far faster than all others.

In light of the prevailing conditions, I do not consider it wise to entertain measures which are likely to impose greater burdens on these governments without careful study as to the consequences. As a case in point, we already have witnessed the almost complete deterioration of the municipal bond market as a result of the proposed imposition of a tax on the presently exempt interest on the obligations of state and local governments. Simultaneous with this deterioration has been an increase of approximately 36% in the market rate of return on such investments. Ultimately this must be translated into higher interest costs to these governments with resultant higher taxes.

Now is not the time to remove the tax exemption of interest on state and municipal bonds. Until such time as alternative means of Federal support have been enacted and are available to states and localities, this important means of raising capital should not be made exorbitantly expensive—and, thereby, unavailable—to them. The inevitable result wolud be a contraction of action at the state and local level in dealing with important community and social problems and an increasing burden on the Federal government to devise and operate such programs.

(6) *Treatment of capital gains*

The changes proposed in HR 13270 are too drastic and would seriously impede investment and the flow of investment capital in our economic enterprises. They also probably would have adverse revenue effects by slowing the capital gains turnover of stock issues. On the other hand, the limited changes proposed by the Administration in the treatment of capital gains provide meaningful reform by providing that unusually large capital gains will be taxes at higher rates while at the same time captial gains which are not excessive in relation to a taxpayer's usual income continue to be taxed at present rates. Similar treatment is also accorded corporate capital gains. This reform will not seriously affect the important revenue flows accruing to the Federal government from stock market activity and will not drastically change the rules of the game for the more than 26,000,000 U.S. investors in stocks and bonds.

(7) *Real estate depreciation*

Section 521 of the House-passed tax reform bill would amend those provisions of the Internal Revenue Code dealing with real estate depreciation in several ways: it reduces real estate depreciation except as to new residential housing; it provides that accelerated depreciation taken in excess of allowable straight-line depreciation is to be recaptured as ordinary income; and it recommends a new section under which rehabilitation expenditures of low-cost rental housing are to be permitted to be written off over 60 months.

The House Ways and Means Committee noted in its report that existing law provides a real estate "tax shelter" which often bears little relation to true economic loss. The report states: "The present treatment creates a tax environment favorable to frequent turnover which tends to discourage long-range 'stewardship' and adequate maintenance; it also encourages thin equities and unsound financial structures which could topple if the market for real estate and rental housing weakened."

The Ways and Means Committee concluded, "The present tax treatment of real estate does not efficiently stimulate investment in low- and middle-income housing."

Mr. Chairman, unquestionably, tax reform in this vital area is needed, but the elimination of present tax incentives, which the Ways and Means Committee describes as "inefficient,"—without the enactment of alternative incentives for increasing the supply of housing for low- and moderate-income persons—would have the most serious possible effect on this sector of the economy.

The fast "write-off" for rehabilitation of older rental housing represents an improvement over existing law and I support this provision, but it alone will not provide the necessary alternative incentives to housing.

Section 521 of the bill—in particular that portion of it dealing with present recapture provisions—could have a disastrous effect on the achievement of the national housing goals as articulated in the Housing Act of 1968. The 1968 Act was premised upon a major contribution by private capital to the achievement of adequate rental housing. Yet, the proposed tax reform contained in the House bill will significantly reduce yields and the profitability of investment in real estate and will thereby drive private equity capital away from residential rental construction and into other areas where the yields are competitive and more attractive. In other words, at a time when we must promote new investment in housing, this bill would provide a disincentive to such financial commitments.

It may be expected that Federal programs to involve private investors in low- and moderate-income housing will be particularly hard-hit. It should be emphasized that the 1968 Housing Act contained several programs which were based upon such a heavy involvement by the private sector—the homeownership program (section 235), rental assistance program (section 236) and the National Corporation for Housing Partnerships. Investment in low- and moderate-income housing is more risky and less profitable, and under these new programs tax benefits provide the main source of yield on private investment. Inevitably, then, if this section of the tax reform bill is enacted in its present form, there will be a fall-off in the production of housing for low- and moderate-income families at the very same time that the Congress has established greatly increased production of such housing as a national goal.

Mr. Chairman, at the present time, inflation and increasing interest rates have hit the housing market particularly hard. Investment capital is increasingly difficult to find. Nevertheless, the need for rental housing, particularly in our major cities, has never been greater. Vacancy rates are below one percent in New York and Chicago; rents are spiraling upward and production is not adequate to meet the demand. In these circumstances, we should be considering new incentives, not eliminating them.

In light of this situation, I recommend that this committee consider, and I am prepared to support, an additional provision in this bill which would offer a specific incentive to investment in housing for low and moderate-income persons. I do not recommend any changes in the bill's provisions with regard to depreciation—that is, accelerated depreciation would be permitted for new residential housing and straight line depreciation for used buildings. However, in the specific case of low- and moderate-income housing projects, which have been constructed or rehabilitated with public assistance, which are sold or transferred to a nonprofit or tenant group, or to a cooperative, which will operate the project as low-cost rental housing—there would be no recapture of the depreciation previously taken. In effect, the gain or income recognized in such dispositions would not include depreciation. Such a provision should also distinguish between short-term and long-term investors—favoring the latter.

Such a provision would be an important incentive to private investment capital in the sector in which it is most needed—that is, housing for persons of low or moderate-income. By reducing the tax on the disposition of such projects, this provision would lower the debt-service requirements of the subsequent owning group or cooperative and would thereby permit it to set and maintain low rents. Lest it be thought that such a provision would afford too great a possibility of abuse, it should be noted that the limited number of prospective buyers in such dispositions would restrict the potential gain which might be achieved by a taxpayer.

Moreover, any abuses could be met by increasing the burden on the individual taxpayer, rather than on the housing industry as a whole. Thus, the preferences which an individual taxpayer might obtain under such a provision should be subject to the limited tax preference which is contained in this bill.

Mr. Chairman, it is critical that the interests of tax reform and the production of housing for persons of low- and moderate-income be harmonized. I believe that it is incumbent upon this Committee and the Senate to insure that the tax reform bill will be enacted with this objective in mind.

(8) *Accelerated depreciation of pollution-control equipment*

I basically support the concept of Section 704 of H.R. 13270, a section which would accelerate the amortization of pollution control facilities. The question of pollution of our environment has become one of the major issues of the day, and this problem must be attacked by every resource available—including the use of our tax laws.

I would suggest, however, Mr. Chairman, that the law that allows for the amortization of pollution control facilities should be made consistent with the aims and procedural design of other existing federal laws in this field—particularly with the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.

These laws have established procedures which emphasize the States' responsibility in setting the standards and enforcement regulations to combat pollution. It is the procedures and standards established pursuant to these Acts that should determine whether a pollution facility should be "certified" for an accelerated depreciation. In addition, the effect of these laws, which have had initial success, would be seriously delayed if there were a requirement that new minimum standards be developed by the Federal government as a basis for "certification".

(9) *Oil depletion allowance and intangible drilling costs*

I have long been on record that we cannot achieve satisfactory tax reform in this area without first making adjustments in the magnitude of these tax advantages. Let me emphasize from the very beginning that I am not in favor of eliminating these advantages altogether but rather, I feel that they should be reduced somewhat. I do not believe that the oil and gas industries should be allowed to retain their present tax advantages at a time when all other taxpayers are being asked to carry such a heavy burden. These industries should share in this burden-carrying by assuming a somewhat heavier burden themselves.

The history of the oil depletion allowance dates back to 1926 and has remained at 27.5% of the gross income from the property since that date (subject of course to a maximum limit of 50% of the taxable income from the property.) The tax rates in 1926 were substantially lower than today with the result that this allowance now provides for greater tax inducements. An argument can therefore be made in favor of reducing this allowance substantially below the 20% level. However, I am not in favor of reducing the oil depletion below 20% because I believe that these industries, which are vital to our national defense, need an incentive if their continued viability is to be insured.

While I agree with and will support the House bill on the reduction of the allowance I must concur with the Administration with respect to the elimination of the allowance for foreign deposits. In my judgment, this would needlessly increase the foreign tax burdens of American business without substantially increasing federal tax revenue.

I do not believe that the House bill or the Administration proposals adequately deal with intangible costs. These costs often represent a greater tax preference than the depletion allowance and should be subject to reasonable limitations. I will therefore introduce an amendment to HR 13270 which will over a five year period limit the deductibility of these costs to 50% of actual expenditures.

(10) *Redevelopment and social incentives for banks*

The tax code as it relates to financial institutions should provide for two things: (1) the ability to weather both good times and bad; and (2) incentives for activity in socially desirable areas which might be underfunded if these incentives did not exist.

For these reasons, I strongly urge the Committee to leave in effect the bad-debt provisions of financial institutions as they presently stand. I support the very imaginative proposals of the Treasury Department as they relate to the granting of a special deduction to encourage financial institutions to make loans in certain socially desirable areas such as residential housing, student loans, and SBA guaranteed loans, et cetera. The proposals of Mr. Preston Martin of the Federal Home Loan Bank, for tax deductions of 5 and 10 percent respectively of the income derived from loans in housing and other areas and inner city projects are also very commendable.

While in concept the limitation of bad debt reserves to actual experience is very appealing, we should not lose sight of the reasons why it has in the past been deemed desirable to permit such reserves in excess of experience. Reserves limited to experience are no doubt sufficient in rather stable times. However our concern for a sound banking industry has taught us to allow prudently for those times when conditions are not stable. I would submit that we may even now be on the verge of such times if we are unable to bring inflation within reasonable limits and interest rates remain at such high levels. In addition government has been making every effort, and the banking industry is responding, to encourage more receptivity to socially desirable projects such as increased loans within the inner city. I would hope that maintaining reserves at present levels would serve as encouragement to increase activity in such areas.

This brings me to my second recommendation in the financial institutions field: incentives for certain kinds of investment. Mr. Martin on Monday very correctly pointed out that there is no incentive in our tax code for financial institutions to invest directly in inner city projects. The same could be said of the loans of which Assistant Secretary Cohen spoke. Partly because of market factors and partly because of anticipated risk, many loans in inner-city areas carry an interest rate which makes the enterprise or borrower hard-pressed to make a reasonable return. Nevertheless, this country is committed to promoting private activity in funding urban renewal, in housing construction, in education and in other kinds of socially oriented activities. This is not only proper but it is often the more efficient alternative. I realize that the kinds of loans which would qualify for the 5 and 10 percent deductions would have to be carefully defined, in order to prevent abuse. However, I believe that this is mainly a problem of administration and careful drafting of the code, and I look forward to Assistant Secretary Cohen's more detailed statement.

(11) *New reporting requirements*

I will offer a bill in the near future which would call for two new types of information to be provided as a regular part of the Secretary of the Treasury's annual report:

1. Estimates of the losses in revenues resulting from income presently excluded from tax under the Internal Revenue Code, from deductions allowed under the Code, from the deferral of the imposition of the taxes imposed by the Code and other such special tax provisions of the Code and other laws as the

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Secretary of the Treasury considers appropriate.

2. Estimates of how much the government subsidizes such areas as housing, agriculture, and natural resources through the income-tax laws as compared to direct expenditures through the Federal budget.

This phenomenon—known as the tax expenditure budget—gives rise to claims upon Federal resources just as real as the claims made by direct budgetary outlays. Publication of the first type of information is therefore needed to make the public aware of the cost to the Treasury of tax preferences. In this way, the public can intelligently call the attention of the Congress to take appropriate action where needed.

The second type of information would be extremely valuable to Congress, and to the Executive Branch, by permitting a clearer insight into the allocation of public resources. The Treasury made a first attempt in this direction when Secretary Barr provided some of this data in his testimony before the Joint Economic Committee on January 17, 1969. The Treasury is to be commended for this, and my bill would ensure that such information will be made a regular part of its annual report.

SENATOR GOODELL'S FIRST YEAR IN THE SENATE

Mr. JAVITS. Mr. President, if I may have the attention of the Senate, as this is not routine business, I would like to take a few minutes of the time of the Senate to refer to the fact that this month will see the completion of the first year of service to the Senate by my colleague, Senator Charles Goodell.

Senator Goodell came to us by appointment of Gov. Nelson Rockefeller of New York after the terribly tragic passing of my former colleague, Robert F. Kennedy.

With very big shoes to fill, Senator Goodell came up from the House of Representatives. I am very proud to say, and it deserves saying, after 1 year of service, that rarely have the citizens of any State had so skilled and experienced a legislator represent them as a freshman Senator. For Charles Goodell brings to the Senate an educational and political background equal to any. A Phi Beta Kappa graduate of Williams College, he went on to earn a master's degree in government and a law degree from Yale. A former college teacher, Sunday school teacher, and semipro baseball player, he became chairman of the Chautauqua County New York Republican Committee in 1958, and was elected to the House of Representatives the following year. There he rose to a leadership position as chairman of the House Republican Committee on Planning and Research, and thus was able to bring with him to the Senate the accumulated background of years of effective educational and political activity and leadership.

I, personally, had great experience with him, as I held a senior position on the Committee on Labor and Public Welfare while he was on House Education and Labor Committees, in drafting manpower and other critically important legislation.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, it was once thought customary for a junior Senator to spend his first year quietly learning the ropes, saying little, doing little, and leaving matters of national importance to his elders. But, as I said before, Bobby Kennedy's shoes were very big and Charlie Goodell did not have the privilege of just sitting by for awhile to learn the ropes. He had to have the courage of his convictions and the determination to speak out and to act forcefully.

His first year, therefore, has been a year of accomplishment and augurs well for him, his party, and the country.

The breadth of Senator Goodell's legislative interests is revealed in the bills he has sponsored and cosponsored, including such wide-ranging subjects as conservation, consumer protection, defense, foreign affairs, education, manpower, government operations, health, poverty, race relations, and transportation. Mr. President, I ask unanimous consent to have printed in the Record a list of his legislative proposals.

There being no objection, the list was ordered to be printed in the Record, as follows:

CONSERVATION AND NATURAL RESOURCES

Environmental Quality Improvement Act of 1969—provides more effective coordination of Federal air quality, water quality and solid waste disposal programs, for the consideration of environmental quality in public works programs and projects, for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration;

Endangered Species Bill—prohibits the importation of any species of fish, wildlife or product thereof that is threatened with extinction;

Legislation which directs the Secretary of the Interior to order a cessation of all drilling in the Santa Barbara Channel until he has completed a study of the effects of such drilling;

Legislation to enlarge the boundaries of the Grand Canyon National Park to encompass adjacent lands of scenic and scientific value;

Resolution requesting the President of the United States to convene an International Conference on Problems of Human Environment;

Resolution under which the Federal government consents to and enters into the Mid-Atlantic States Air Pollution Control Compact, creating the Mid-Atlantic States Air Pollution Control Commission as an intergovernmental, Federal-State agency;

Legislation to continue the National Council of Marine Resources and Engineering Development.

Legislation authorizing a new program of loan guarantees for land development under the Housing and Urban Development Act of 1968 for recreational development;

Legislation consenting to the Susquehanna River Basin Compact.

CONSUMER PROTECTION

Youth Camp Safety Act—provides for the development and enforcement of Federal standards of youth camp safety;

Consumer Protection Assistance Act—authorizes the Secretary of Commerce to make grants for the purpose of assisting States to develop, establish, and strengthen their consumer protection programs;

Wholesale Fish and Fishery Products Act—authorizes the Secretary of Health, Education and Welfare to formulate, issue, and enforce standards of good manufacturing practice for fish processing establishments and vessels. Extends the provisions of the Federal Food, Drug and Cosmetic Act to products derived from shellfish and imposes continuous inspection for fish and fishery products;

Toy Safety Act—provides for the labeling under the Federal Hazardous Substance Act of toys and other articles intended for use by children and which are hazardous due to the presence of electrical, mechanical or thermal hazards.

DEFENSE AND FOREIGN AFFAIRS

Resolution making it the sense of the Senate that the President of the United States undertake negotiations, alone or in concert with other heads of state, to secure and facilitate the emigration to acceptable lands of refuge of the Jewish remnant in Iraq;

Legislation to promote the foreign policy and security of the United States by providing authority to negotiate commercial agreements with Communist countries.

Legislation providing that no member of the armed forces be assigned to a combat zone if his father, brother or sister has been killed as a result of military service or whose father, brother or sister is serving in a combat zone;

Legislation providing for a medal to be known as the Supreme Sacrifice Medal to be presented to the widow or next of kin of members of the armed forces who have lost their lives as the result of armed conflict;

Legislation providing for the procurement and retention of judge advocates and law specialists in the armed forces through pay incentives;

Resolution urging the President of the United States to suspend testing of MIRV systems and seek immediate negotiations with the U.S.S.R. on limiting both offensive and defensive strategic weapons;

Amendment to the Military Procurement Authorization to ban deployment of the Anti-Ballistic Missile system.

EDUCATION AND MANPOWER

Manpower Training Act of 1969—establishes a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment;

Human Investment Act of 1969—provides tax credits to businesses that hire and train individuals who ordinarily would be unable to have steady and remunerative employment;

Comprehensive Community College Act—provides assistance to the States for the development and construction of comprehensive community colleges;

Veterans Employment and Relocation Assistance Act—establishes a Veteran's Employment Center to compile and maintain a comprehensive list of available job opportunities throughout the nation and to provide the education for such opportunities;

Legislation encouraging universities to engage in urban problem-solving by setting up a special fund.

GOVERNMENT IMPROVEMENT

Legislation requiring the Comptroller General of the United States to make quarterly reports to Congress on all government contracts in which substantial cost overruns or late deliveries have been recorded;

Legislation requiring all legislative, executive, and judicial officials who earn in excess of $18,000 per year to file a complete statement of their liabilities, gifts, and earnings. This also applies to candidates for Congressional office;

Judicial Reform Act—provides for establishment of a Commission on Judicial Disabilities and Tenure within the Judicial Branch of government empowered to remove a judge for misconduct, poor health, or men-

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tal disability. Provides retirement benefits for judges and requires them to disclose all their major gifts, liabilities, income sources, etc.;

National Economic Conversion Act—establishes a commission which will convene a national conference in order to define policies and programs to facilitate, encourage, and improve the Nation's ability to convert its industry from military to civilian uses;

Program Information Act—directs the President of the United States to transmit to Congress a catalog of Federal assistance programs which would aid persons in determining whether particular assistance is available to them.

HEALTH

National Kidney Disease Act of 1969—establishes an Office of Kidney Disease and Kidney-Related Disease in the Department of Health, Education and Welfare and provides incentive grants for the construction, equipment, planning, and operation of cooperative medical programs for research and patient care in the field of kidney disease;

Alcoholism Care and Control Act—establishes a division of alcoholism and alcohol problems within the National Institute of Mental Health and provides grants to public alcohol education and regional centers for research on alcoholism;

The Neighborhood Health Center Act—authorizes funds for construction or modernization grants to nonprofit or public medical centers. Also allots to States, by formula, funds to aid the medically indigent;

Legislation directing the Federal Aviation Administration to prohibit nonmilitary aircraft from creating sonic booms over the United States and to conduct research and report to Congress regarding possible health or other hazards created by sonic booms;

Resolution creating a National Advisory Commission on Health, Science and Society to undertake an investigation of the legal, ethical, and social implications of medical research.

POVERTY AND HUMAN NEEDS

Legislation to amend the Equal Opportunity Act of 1964 to authorize an appropriation of $2,048 million for the fiscal year ending June 30, 1970, and for such amounts as may be necessary for the following fiscal year;

Resolution to extend the life of the Senate Select Committee on Nutrition and Human Needs to December 31, 1969, and authorizes expenditures by the Committee of $250,000.

Legislation to advance medical knowledge of malnutrition by providing funds to the appropriate schools for instituting courses of study in this area. Also provides grants-in-aid to those who research malnutrition;

Appalachian Regional Development Act Amendments—authorizes expenditures for the Appalachian Regional Development Act and for the Appalachian development highway system;

Legislation establishing a National Institute of Building Sciences which would advise the housing industry and local authorities as to the latest technological developments in building materials and construction techniques and to propose nationally-acceptable standards for local building codes.

RACE RELATIONS

Omnibus Civil Rights Act—prohibits discrimination in the selection of juries; broadens and strengthens the enforcement powers of the Equal Employment Opportunity Commission; removes the appropriations ceiling placed on the Civil Rights Commission; and extends the Voting Rights Act of 1965 until 1975;

Legislation creating a Commission on Negro History and Culture to study all proposals on how to create a better understanding of Negro history and culture which would make recommendations to Congress and the President;

Legislation providing that South Africa, where racial policies are anathema to the conscience of the world, should not enjoy the privilege and benefit of a quota under the Sugar Act of 1948.

TRANSPORTATION

Air Traffic Congestion Relief Act—establishes a formula and fund to facilitate construction of new airports; provides for systematizing service schedules;

Legislation establishing an Advisory Commission on Air Traffic Control to make a study of air traffic control and the duties and responsibilities of air traffic controllers;

Legislation to reduce or eliminate hazards at road crossings of new high-speed passenger train tracks and authorizing the Secretary of Transportation to pay each State the cost of such projects with certain restrictions;

Legislation authorizing Congressional ratification of a compact between New York and Connecticut that would permit the two States to receive Federal money to modernize facilities and purchase equipment to revitalize the operations of the Penn-Central's New Haven division;

Public Transportation Act of 1969—provides long-term financing for expanded urban public transportation programs.

DISTRICT OF COLUMBIA

Legislation authorizing a Federal contribution for the effectuation of a transit development program for the National Capitol region and to further the objectives of the National Capitol Transportation Act of 1965;

District of Columbia Court Reorganization Act of 1969—restructures the D.C. courts, transferring jurisdiction from the Federal courts in the District to the District of Columbia Courts, revising the District's code of criminal procedure and making conforming changes throughout the D.C. Code;

Constitutional Amendment giving Congressional representation to the District of Columbia as if it were a State.

MISCELLANEOUS

Resolution revising Senate Rule XXII so as to provide that debate may be shut off by a vote of three-fifths of those present and voting (now requires two-thirds);

Constitutional Amendment abolishing the Electoral College and providing for the direct popular election of the President and Vice President. In the event that no candidate receives more than 40% of the vote, a runoff election will be held;

Legislation authorizing the Small Business Administration to provide financial assistance to certain small businesses suffering from substantial economic injury as the result of the current work stoppages at east and gulf coast ports;

Legislation amending the Rural Electrification Act of 1936 to provide an additional source of financing for the rural telephone program;

Legislation authorizing the Civil Aeronautics Board to extend half-price air fares on a standby basis during off-peak travel hours to young people, elderly people, military personnel, and the handicapped;

Constitutional Amendment providing that equality of rights under the law shall not be denied or abridged by the U.S. or any State on account of sex;

Legislation to repeal the emergency detention provision (Title II) of the Internal Security Act of 1950;

Horse Protection Act—forbids the transportation in interstate commerce of Tennessee Walking Horses whose feet have been deliberately made sore so as to force the animal to assume a prancing gait. This practice, known as "soring," is further declared to be cruel and inhuman;

Legislation incorporating the Catholic War Veterans of the United States and the Jewish War Veterans of the United States.

Mr. JAVITS. Mr. President, we all well know, however, that introduction of legislation is but a part of effective legislative work. In his committee assignments and on the floor, my colleague has been a steady and consistent force for progressive legislation. His committee assignments are the Banking and Currency Committee, including its Subcommittees on Financial Institutions, Housing and Urban Affairs, Production and Stabilization and Small Business; the Commerce Committee, including its Subcommittees on Communications, Energy, Natural Resources and the Environent, Merchant Marine, Consumers and St. Lawrence Seaway; and the Committee on the District of Columbia, including the Subcommittee on Judiciary. His work in these committees has afforded him an opportunity to support effectively the many forward-looking measures he has sponsored and cosponsored. Mr. President, I ask unanimous consent to have printed in the RECORD a summary of that work.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

GOVERNMENT ORGANIZATION

Senator Goodell has introduced the "Executive Reorganization and Management Improvement Act" (S. 66) to establish a bipartisan commission on Economy and Efficiency in Government. This commission would make a full study and evaluation of all federal programs and activities in order to recommend to the Congress ways to better organize the structure of our Federal Government and to bring about a consolidation of the proliferation of federal programs.

HOUSING

The Senate Banking and Currency Committee adopted three "Goodell" amendments to the 1969 Housing and Urban Development Act. The amendments will provide significant assistance to New York in meeting its housing needs.

Goodell introduced an amendment which would replace the present inflexible cost limits for public housing—which have seriously impeded public housing construction in New York City—by more realistic and flexible limits. Under this amendment:

The existing statutory cost limit of $2,400 per room could be increased by the Secretary of HUD to reflect increases in nationwide construction costs since 1965, on the basis of cost indices approved by the Secretary.

The limits as adjusted by this sliding scale could be *further* increased by the Secretary in high cost areas such as New York City by the amount of 45%.

Another "Goodell" amendment would preserve the non-cash credits of cities such as Schenectady which converted from conventional urban renewal to neighborhood development programs and are now facing loss of these credits because of HUD's freeze on the NDP program. The amendment would allow any community which applied under the NDP program before August 11 of this year to have the duration of the non-cash credits for public facilities extended from three to four years. This amendment was introduced in the Senate as S. 2812 on August 8. If approved by the Congress, this amendment could save the city of Schenectady over two million dollars, and provide similar benefits to a number of other communities including Syracuse and Glens Falls.

Senator Goodell and Senator Walter Mondale of Minnesota successfully urged the Committee to remove the unrealistically low income limits from the Section 312 rehabilitation loan program. Due to these loan limits, tenants are now barred from getting the benefits of this rehabilitation program because the landlord's income is not low enough to qualify.

LIMITING FARM SUBSIDIES

Senator Goodell introduced an amendment to the 1970 Agriculture Appropriations Act to eliminate excessively large farm subsidy payments.

The amendment was developed in cooperation with former Undersecretary of Agriculture John A. Schnittker, who completed an extensive and authoritative study of payments limitation last November. Covering only the 1970 crop, the amendment:

Limited the payment made to an individual farmer to $10,000 for each of the 1970 crops of cotton, wheat and feed grains.

Repealed the so-called "snapback" provision in the present law. Under this provision, if payment limitations are imposed on cotton producers, the cotton would still have to be supported at no less than 65% of parity.

Allowed for some adjustment in the amount of acreage allotments to permit increased planting.

Because Senate rules do not allow legislation to be amended to an appropriations bill, vote on the merits of Goodell's amendment was not taken. Goodell first had to move to suspend the Senate rules for consideration of his amendment. Although defeated, both the Republican and Democratic Whips and 23 other Senators supported Goodell's motion to suspend the rules.

GATEWAY NATIONAL RECREATION AREA IN NEW YORK HARBOR

Senator Goodell and Senator Javits have been closely involved in the initiation of federal legislation to create an urban recreation area in New York Harbor. Last April, they requested that the Department of the Interior prepare draft legislation to establish a national seashore comprising Sandy Hook, New Jersey, Riis Park, Staten Island beaches, Breezy Point, Fort Tilden, and other parcels of publicly owned waterfront property around the New York harbor area.

In May, Secretary Hickel announced that the Department of the Interior would consider the establishment of a national park incorporating Breezy Point and Jamaica Bay, New York, and Sandy Hook, New Jersey to be known as the "Gateway National Recreational Area." A Department task force is currently reviewing plans for the introduction of legislation to bring about the transfer of city, state, and Federal properties and the development of the area.

Goodell has been instrumental in advocating this type of legislation in order to preserve unutilized park land within large metropolitan areas and allow for easy, inexpensive access to recreation areas for the residents of the central city.

REVENUE SHARING WITH STATE AND LOCAL GOVERNMENTS

Senator Goodell has introduced two major bills on revenue sharing in the 91st Congress. He proposed revenue sharing legislation since entering the House in 1959.

The Goodell "Federal Revenue Sharing Act" (S. 50), introduced on January 15, distributes federal funds to states, cities, and urban counties without limitations on their use. A specified portion of payments must be "passed through" by the states to cities and counties having more than 50,000 population. States and urban governments that make the greatest tax effort are rewarded with bonuses, and there is a special allocation for the 17 poorest states (those having the lowest per capita income).

The formula as it relates to metropolitan governments is based upon recommendations made by the National Advisory Commission on Urban Problems—The Douglas Commission—headed by former Senator Paul Douglas of Illinois.

On June 25, Senator Goodell and Senator Edmund Muskie of Maine introduced the "Intergovernmental Revenue Act" (S. 2483).

The objective of this proposal is to help redress the fiscal imbalance of our federal system of government by:

Supplementing the tax base of States and localities through a system of Federal revenue-sharing payments;

Encouraging States and localities to adopt stronger tax systems of their own, by establishing Federal tax credits for State and local income and estate taxes.

This combination of revenue sharing with tax credits to reinforce the fiscal independence of State and local governments is unique. Revenue-sharing supplements the tax base of States and localities. Tax credits help strengthen the tax base of States and localities, by creating an effective incentive for improving their tax systems.

The bill was prepared in cooperation with the Advisory Commission on Intergovernmental Relations. The system of revenue sharing in this legislation is closely analogous to Senator Goodell's proposals in S. 50.

The Subcommittee on Intergovernmental Relations of the Committee on Government Operations will hold hearings on the Muskie-Goodell bill in the third week of September. Senator Muskie, Chairman of the Subcommittee, has personally invited Senator Goodell to take part in these hearings.

Senator Goodell has also worked closely with officials of the Nixon Administration in drawing up the President's revenue sharing plan.

WELFARE AND EDUCATION

At the request of Governor Nelson A. Rockefeller, Senator Goodell introduced two bills on April 15 to improve our system of providing funds for education and welfare.

The Federal Public Assistance Act (S. 1806):

Creates a national system of public assistance for needy individuals.

Provides Federal grants to states for nonmedical services, such as child welfare services, to these individuals.

Would bring about increased Federal support of state medical assistance for the needy and medically indigent.

The Federal-State Education Act of 1969 (S. 1807):

Establishes a new program of federal block grants to the states for education. The amount of each state's block grant would be based on population, need and tax effort. The grants would be available for elementary, secondary, higher, vocational, technical, preschool and adult education.

Leaves each state wide discretion to develop the educational programs it needs.

REFORMING OUR ELECTION SYSTEM

Campaign financing

Senator Goodell has reintroduced legislation he sponsored in the House to reform our laws on campaign fund raising and spending in federal elections. "The Federal Clean Elections Act" (S. 77) requires:

Meaningful and timely public disclosure of the sources of a candidate's financial support;

Eliminates the loopholes in existing disclosure requirements;

Creates an independent, bipartisan Federal Elections Commission with adequate organization and powers to administer the law.

Lowering the voting age

Senator Goodell has introduced a constitutional amendment (S.J. Res. 105) to lower the voting age to 18 in all elections at the Federal, State and local levels.

Direct popular election

As an active supporter of direct popular election of the President, Senator Goodell testified before the Senate Subcommittee on Constitutional Amendments of the Senate Judiciary Committee.

RAT CONTROL

Senator Goodell joined Senator Javits in sponsoring legislation (S. 576) to authorize $20 million for rat control programs in the 1970 fiscal year. The measure extends the rat control programs instituted under the Partnership for Health Amendments of 1967 for an additional year.

Although Congress in 1967 authorized $20 million for rat control for the succeeding two years, nothing was spent in 1968, and only $15 million was spent in 1969 for this purpose. It is necessary to continue the program for at least another year to catch up our lagging efforts.

HOME RULE FOR THE DISTRICT OF COLUMBIA

Senators Goodell and Charles Mathias introduced legislation (S. 1991) to bring about Home Rule for the District of Columbia. The Mathias-Goodell bill would enable District residents to elect their own Mayor, an eleven member City Council, and a non-voting delegate from the District in the House of Representatives, a new position.

The bill would grant the people of Washington local self-government, while at the same time preserve the Constitutional power of the Congress to oversee the operations of the District Government and to legislate directly for the District. It also provides for a Presidential veto of local acts which adversely affect a Federal interest.

PRESERVATION OF HISTORIC SITES

Senators Goodell and Javits and Congressman Hamilton Fish, Jr. joined in sponsoring legislation (S. 2098 and H.R. 10165) to establish "Lindenwald," former home of President Martin Van Buren in Kinderhook, New York, as a National Historic Site.

President Van Buren occupies a unique and significant place in our history. Lindenwald, his home, is of genuine historical importance in its associations with our eighth President and with the whole tradition of the scenic Hudson River Valley.

BLACK CAPITALISM

On January 15, Senator Goodell reintroduced the Community Self-Determination Act of 1969 (S. 33) legislation he originally sponsored in the House.

The bill provides for new, locally controlled Community Development Corporations (CDCs) to promote development of low-income urban and rural areas. Concepts basic to the bill are community action, popular control, local leadership, individual ownership of property, and private enterprise.

The bill provides for the creation of Community Development Banks (CDBs) and for tax incentives to encourage private business to enter "turnkey agreements" with Community Development Corporations (CDCs).

COMMON-SITE PICKETING

Senator Goodell has reintroduced a bill (S. 1365) he sponsored in the House which would amend the National Labor Relations Act with respect to strikes at the sites of construction projects.

MEDICAID

Shortly after coming to the Senate, Senator Goodell joined Senator Javits and other Senators in staging a Senate debate—called by the press a "minibuster"—to prevent passage of an amendment cutting $130 million in Federal matching funds from New York State's Medicaid program. The Federal Government had made a commitment to the states to pay for a share of Medicaid costs. Pulling back on this commitment at the expense of New York taxpayers and the medically needy would have been an intolerable situation.

CIGARETTE ADVERTISING

As a member of the Subcommittee on the Consumer of the Commerce Committee, Senator Goodell took part in the recent hearings on the Public Health Cigarette Smoking Act of 1969. At the hearings, Goodell made known his concern over the apparent lack of success of the cigarette industry to regulate its advertising, particularly with regard to youth. Senator Goodell, therefore, made a

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special request that Robert Meyner, the Administrator of the Cigarette Advertising Code, appear before the Committee at a future hearing. Senator Frank Moss, Subcommittee Chairman, agreed to Senator Goodell's request.

FAIR-BIDDING OPPORTUNITY ON NAVY CONTRACTS

Last fall, Senators Goodell and Javits unsuccessfully offered an amendment to open ship repair contracts of the Navy to competitive bidding. This amendment would have reversed Navy regulations which allocate ship repair contracts on a geographic basis of "Naval district lines," the consequence of which discriminates against New York.

PLACING RESTRICTIONS ON GAS AND GERM WEAPONS

Senator Goodell working jointly with Senator Gaylord Nelson of Wisconsin introduced on August 5 three amendments to regulate chemical and biological weapons (CBW). These amendments were incorporated into the Omnibus Anti-Chemical and Biological Warfare Amendment. The Senate passed the Omnibus Anti-CBW Amendment on August 11 by a vote of 91–0.

Senator Goodell has emphasized that the Omnibus Anti-CBW measure represents "a significant first step" in placing Congressional control over a spiraling gas and germ arsenal. He has urged that the Senate Armed Services Committee hold hearings in the near future to give full review of CBW from the standpoints of deterrence, proliferation, use in combat, and targets for further disarmament.

Recommendations made by Senator Goodell for additional steps to control chemical and biological weapons include:

Presentation of the Geneva Protocol by the President to the Senate for ratification. The United States signed, but never ratified, the 1925 Protocol outlawing use of gas and germs in war.

Review by the Senate Armed Services Committee of the Pentagon's foreign officer training program in CBW. Since 1951 officers from over 35 foreign countries have come to the United States for study of chemical and biological weapons. United States contributions to CBW proliferation cannot be ignored. Some serious questioning is in order as to whether this program is reasonable or mere folly.

Report by a non-governmental Scientific and Medical Advisory Committee on Chemical and Biological Warfare. This report could focus on scientific, medical and arms control aspects of chemical and biological weapons. The report should be presented to both the President and to Congress. Paralleled with Congressional examination and that of the National Security Council, such a report could be an important contribution in options for charting a long-range course of action on gas and germ weapons.

SLOWING DOWN THE MANNED BOMBER PROGRAM

Senator Goodell is a major co-sponsor with Senator George McGovern of South Dakota and Senators Mark Hatfield of Oregon and William Proxmire of Wisconsin of an amendment to the Military Procurement Authorization bill to reduce fiscal year 1970 funds by $80 million for an advanced manned strategic aircraft (AMSA). This amendment would hold the 1970 AMSA authorization to the fiscal 1969 spending level, thereby halting any accelerated work on the system during the next year. It would leave $20 million in the authorization level which would be combined with $5 million in carryover authority in fiscal 1969.

Although no final decision on production and deployment must be made now, without this amendment the research and development phase on the system would be accelerated by one year. It is estimated that the total AMSA system will cost a minimum of $12 billion, at least $2 billion of which will be on research, development, test and evaluation. It is Senator Goodell's view that a thorough review of our strategic bomber program is needed before spending larger sums.

WATER RESOURCES MANAGEMENT

Senator Goodell joined Senator Javits in introducing legislation (S. 2831) designed to help smaller cities and towns provide additional water storage facilities. Senator Goodell sponsored this legislation in the House; he and Senator Javits were joined by Senator Edward Brooke of Massachusetts as a co-sponsor.

Passage of this bill would:

Help to minimize water pollution problems in smaller rivers and streams during periods of drought and to construct reserve water storage facilities in anticipation of future industrial and community needs.

Fill a gap in recent legislation by allowing Federal assistance to water quality control projects on the smaller rivers and tributaries which are the lifelines of so many of our smaller cities and towns.

Help to prevent the contamination of larger rivers caused by the passage of concentrated pollutants in small streams during times of drought, thereby assisting our larger water pollution projects.

Mr. JAVITS. Mr. President, following this and other legislation to the Senate floor, Senator GOODELL has compiled an impressive voting record, including support of such legislative initiatives as the proposed revision of rule XXII—the cloture rule—support of ratification of the Nuclear Nonproliferation Treaty; increased funds for the Neighborhood Youth Corps; extension of the income tax surcharge as an anti-inflationary measure; and a number of important votes on military procurement. Mr. President, I ask unanimous consent that a compilation of the voting record of Senator GOODELL be printed in the RECORD.

There being no objection, the voting record was ordered to be printed in the RECORD, as follows:

VOTING RECORD OF SENATOR CHARLES E. GOODELL, 91ST CONG., 1ST SESS. (THROUGH AUG. 13, 1969)

Issue	Answer	Senate vote	Goodell vote
Electoral vote challenge: Shall the Senate sustain the Muskie-O'Hara objection to the vote of Elector Dr. Lloyd W. Bailey.	Yes No	33 58	---------- No.
Size of Senate standing committees:			
Fong amendment to retain the numerical size of the Committees on Appropriations and Foreign Relations instead of reducing their size.	Yes No	36 51	Yes ----------
Senate adoption of resolution changing the size of 10 of the 16 standing committees of the Senate.	Yes No	56 35	---------- No
Rule XXII—Proposed revision:			
Church, et al., motion to invoke cloture on Hart motion to proceed to the consideration of S. Res. 11, to provide for bringing debate to a close by a vote of 3/5 of those Senators present and voting, rather than the existing requirement of 2/3.	Yes No	51 47	Yes ----------
Is the decision of the Chair to stand as the judgment of the Senate?	Yes No	45 53	Yes.
Walter J. Hickel nomination	Yes No	73 16	Yes.
David Packard nomination	Yes No	82 1	Yes.
Rule XXII—Proposed revision: Church, et al., motion to invoke cloture on Hart motion (as above).	Yes No	50 42	Yes.

VOTING RECORD OF SENATOR CHARLES E. GOODELL, 91ST CONG., 1ST SESS. (THROUGH Aug. 13, 1969)—Continued

Issue	Answer	Senate vote	Goodell vote
Salary increases for top officials of the legislative, judicial, and executive branches of the Government: Senate adoption of resolution disapproving President Lyndon B. Johnson's recommendations for salary increases for top officials of the legislative, judicial, and executive branches of the Government, including an increase in the salaries of Members of Congress from $30,000 to $42,500 annually.	Yes No	34 47	 No.[1]
Treaty on the nonproliferation of nuclear weapons:			
Pastore motion to table Ervin reservation No. 2 to Nuclear Non-proliferation Treaty.	Yes No	61 30	Yes.
Tower reservation to treaty	Yes No	17 75	 No.
Dodd executive understanding No. 2 to treaty.	Yes No	15 81	 No.
Dodd executive understanding No. 3 to treaty.	Yes No	15 79	 No.
Thurmond executive understanding No. 5 to treaty.	Yes No	17 77	 No.
Ervin executive understanding No. 4 to treaty.	Yes No	25 69	 No.
Senate adoption of resolution of ratification of the treaty on the nonproliferation of nuclear weapons.	Yes No	83 15	Yes.
Public debt: Senate passage of the bill providing a permanent debt limitation of $365,000,000,000 and a temporary limitation of $377,000,000,000 to expire June 30, 1970.	Yes No	67 18	Yes.
Vice President, legislative and judicial salary increase:			
Williams (Delaware) et al., amendment to repeal the Presidential Commission on Executive, Legislative, and Judicial Salaries.	Yes No	49 36	 No.
McGee motion to recommit the bill to the Senate Post Office and Civil Service Committee.	Yes No	64 21	 No.
James E. Allen, Jr., nomination	Yes No	55 15	Yes.[1]
Convention on offenses committed on board airlift: Senate adoption of resolution of ratification of the Tokyo Convention which established international rules providing for continuity of jurisdiction with respect to crimes and other offenses committed onboard aircraft engaged in international aviation.	Yes No	93 1	Yes.
Agreement with Canada on Niagara River diversions: Senate adoption of resolution of ratification of the agreement with Canada to provide for the temporary diversion of water from the American Falls on the Niagara River for power production purposes.	Yes No	94 0	Yes.
Job Corps:			
Prouty motion to recommit S. Res. 194 to the Senate Committee on Labor and Public Welfare.	Yes No	46 47	Yes.
Javits, et al, amendment (in the nature of a substitute) expressing as the sense of the Senate, that (1) equivalent training shall be provided for any trainee affected by Job Corps closings; and (2) aggregate opportunities for job and related training for disadvantaged youth under Federal manpower training programs shall be no less than that for fiscal 1969.	Yes No	40 53	Yes.
Senate adoption of S. Res. 194, expressing as the sense of the Senate that any action to shut down Job Corps centers and camps should be deferred until Congress has an opportunity to review the Job Corps program and decide upon the legislation extending the Economic Opportunity Act and authorizing appropriations for that program.	Yes No	40 52	 No.

Footnotes at end of table.

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VOTING RECORD OF SENATOR CHARLES E. GOODELL, 91ST CONG., 1ST SESS. (THROUGH AUG. 13, 1969)—Continued

Issue	Answer	Senate vote	Goodell vote
International Development Association: Senate passage of the bill to provide authorization for a U.S. contribution of $480,000,000 toward a 3-year replenishment of the International Development Association funds.	Yes	49	Yes.[1]
	No	34	
Warren E. Burger nomination....	Yes	74	Yes.
	No	3	
Second Supplemental Appropriations, 1969:			
Williams (Delaware) modified substitute (for committee provision) to force, in effect, a reduction in the budget (expenditure and net lending) for fiscal year 1970 (as proposed in the revised budget) of not less than $5,000,000,000 instead of $1,900,000,000 as reported by the Senate Appropriations Committee.	Yes	16	
	No	80	No.
Yarborough, et a.., amendment to exempt the Office of Education programs from statutory budget cuts.	Yes	52	Yes.
	No	43	
Magnuson amendment to exempt the health programs of the Department of Health, Education, and Welfare from statutory budget cuts.	Yes	45	Yes.
	No	47	
Committee amendment, as amended, to limit expenditures and net lending (budget outlays) for fiscal year 1970 to $187,900,000,000, with certain exemptions.	Yes	80	Yes.
	No	9	
Committee amendment to repeal sec. 201 of the Revenue and Expenditure Control Act of 1966, to limit and maintain the number of civilian employees in the executive branch at the June 30, 1966 level.	Yes	61	Yes.
	No	24	
Javits' motion to table the Byrd (West Virginia) substitute amendment to reduce funds for summer jobs for Neighborhood Youth Corps to $10,000,000.	Yes	46	Yes.
	No	44	
(Note: Goodell was a cosponsor of Javits amendment to provide $55,000,000 additional funds for Neighborhood Youth Corps summer jobs).			
Allen motion to reconsider the vote by which Byrd substitute amendment was tabled.	Yes	52	
	No	40	No.
Byrd (West Virginia) substitute amendment of $10,000,000 for Neighborhood Youth Corps summer jobs.	Yes	73	
	No	18	No.
Javits amendment to increase from $7,500,000 to $10,000,000 in funds for Neighborhood Youth Corps summer jobs as amended by Byrd substitute amendment.	Yes	89	Yes.
	No	1	
Final passage of 2d supplemental appropriations bill.	Yes	87	Yes.
	No	2	
Ratification of radio broadcast agreement with Mexico.	Yes	89	Yes.
	No	0	
Otto F. Otepka nomination:			
Motion to recommit the nomination.	Yes	35	Yes.
	No	56	
Will the Senate advise and consent to the nomination of Otto Otepka to the Subversive Activities Control Board?	Yes	61	
	No	28	No.
National commitments resolution:			
Mundt amendment in nature of substitute.	Yes	36	(2)
	No	50	
Modified Fulbright-Cooper resolution.	Yes	70	(2)
	No	16	(2)
Authorization of appropriation for Padre Island National Seashore, Tex.	Yes	57	(2)
	No	4	(2)
Fiscal year 1970 agriculture appropriations bill:			
Committee amendment to delete $20,000 payments limitation as passed by House.	Yes	53	
	No	34	No.
Motion to suspend Senate rules to take up consideration of Goodell amendment to limit farm payments to $10,000 per crop. (⅔ vote necessary for passage).	Yes	26	Yes.
	No	65	
Final passage of fiscal year 1970 Agricultural Appropriations Act.	Yes	88	
	No	2	No.
Release of lead from national stockpile: Amendment to strike Williams (Delaware) amendment which required sale of lead to "highest responsible bidder," and authorizing sale by negotiation or otherwise.	Yes	58	Yes.
	No	32	
Nomination of Carl Gilbert.......	Yes	61	Yes.
	No	30	
Extension of income tax surcharge:			
Long amendment to extend surcharge to Dec. 31, 1969, at the rate of 10 percent	Yes	51	Yes.
	No	48	
Williams (Delaware) amendment to extend the surcharge at the rate of 5 percent from Jan. 1 to June 30, 1970.	Yes	41	Yes.
	No	59	
Motion to table Williams (Delaware) amendment to repeal the investment tax credit.	Yes	66	Yes.
	No	34	
Senate vote on final passage of amendments to extend the surcharge.	Yes	70	Yes.
	No	30	
Authorizations of appropriations for fiscal year 1970 military procurement:			
Smith amendment to delete all funds for ABM.	Yes	11	
	No	89	No.
Modified Smith amendment to delte all funds for safeguard ABM system.	Yes	50	Yes.
	No	50	
Cooper-Hart amendment to ban deployment of safeguard ABM system.	Yes	49	Yes.
	No	51	
McIntyre amendment to permit installation of ABM system but no deployment of missiles.	Yes	27	Yes.
	No	70	
Stennis motion to table Schweiker amendment to increase audit of Department of Defense contracts by Government Accounting Office.	Yes	44	
	No	51	No.
Senate passage of Schweiker amendment.	Yes	47	Yes.
	No	46	
Motion to lay on the table the motion to reconsider Schweiker amendment.	Yes	46	Yes.
	No	45	
Vice President and other legislative salary increases:			
Williams (Delaware) amendment to repeal the Presidential Commission on Executive, Legislative and Judicial Salaries.	Yes	47	
	No	50	No.
Dirksen motion to table Williams (Delaware) amendment to eliminate all salary increases except those of the Vice President.	Yes	68	Yes.
	No	25	
Authorizations of appropriations for fiscal year 1970 military procurement:			
Goodell-Nelson omnibus anti-CBW amendment.	Yes	91	Yes.
	No	0	
Tydings amendment to cut $25,000,000 from Department of Defense emergency fund.	Yes	94	Yes.
	No	0	
Emergency insured student loan Act of 1969:			
Dominick amendment to strike out regulations regarding bank lending procedures.	Yes	21	
	No	72	No.
Dirksen amendment to delete Committee increases in authorizations for student assistance programs.	Yes	38	
	No	56	No.
Senate passage of S. 2721, Emergency Insured Student Loan Act.	Yes	92	Yes.
	No	1	
Authorizations of appropriations for fiscal year 1970 military procurement: Fulbright amendment to cut $45,000,000 in Department of Defense social science research funds.	Yes	49	Yes.
	No	44	
Motion to adjourn for August recess.	Yes	76	Yes.
	No	14	

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[1] Absent—Announced position in Congressional Record.

[2] Absent—Position not announced in Congressional Record

Mr. JAVITS. Mr. President, I am also very proud that a very distinguished and forward-looking organization of college students, teachers, and other interested intellectuals, called the Ripon Society, thought so well of Senator Goodell that they did a profile of him of a most interesting, informative, and favorable kind. I ask unanimous consent to have it printed in the Record.

There being no objection, the profile was ordered to be printed in the Record, as follows:

Will They Love Him in Gotham as They Did in Chatauqua?

Charles Goodell, the 43-year-old ex-Congressman from Jamestown, New York, selected by Governor Nelson Rockefeller to complete the term of the slain Robert F. Kennedy, does not look like a man in crisis. Although his days always seem one stop from chaos, ("We're pretty much on a full campaign schedule here," he says, "and we will be until after the 1970 election"), he moves from place to place with steady deliberation. McLuhan would call him "cool"—he plays with his unlit, but ever-present pipe, and leans forward to speak in measured, even tones. Driving from his office in the New Senate Office Building to the State Department one morning soon after his trip to Biafra, he is already twenty minutes late; but he shifts the battered, family VW sedan slowly. He answers questions in rambling, thoughtful phrases, almost talking to himself at times. If a question amuses him, the Senator may prevent the interviewer from moving on to other areas for long minutes.

His mind is top notch—incisive, analytical, quick (at Williams he was Phi Beta Kappa; he has both a law degree and a M.A. in government from Yale). His political skills within the House were well known in the Washington inner circle. (Goodell was one of the progenitors of the "Ford Rebellion" in 1965, for which he was given the chairmanship of the spanking new Policy and Research Committee for Republican House members). His legislative talent is sound—(his maneuvering with Minnesota's Albert Quie during the mid-sixties to present a Republican "alternative" to the War on Poverty was the high point in this regard). He is athletically built (he turned down a professional baseball contract for Law School and although he plays rarely, boasts a 9 handicap in golf); has an attractive family (tall, blonde wife and five sons); and prides himself on his self-development through the past ten years (he has inconspicuously visited almost every large ghetto in the country, for example). In a normal state, Charles Goodell, after two years of exposure as United States Senator, would be a good bet for election in his own right.

A MATTER OF DEFINITION

But New York is not a normal state. It is a political jungle of the first rank. And Charles Goodell is in trouble. In a State which elects state-wide figures like Nelson Rockefeller, Robert Kennedy and Jacob Javits, Goodell is saddled with a past record which is relatively conservative. He smarts a bit when questioned about it; contending, with some justification, that the press tends to over-classify. "I was never as conservative as most make me out to have been," he explains, "and my development to more constructive positions has been gradual and steady through all the years I've been in Washington." He points to the fact that by 1962 he was taking independent approaches on many issues. He was one of the first House Republicans to begin the search for constructive alternatives ("back in 1962, you know, 'constructive alternative' was a dirty word among Republicans and it was pretty lonely sometimes").

Thus, he concludes, by the time he was selected to fill the Senate slot, he was already a progressive Republican with modern approaches and with an outlook amenable to the large urban centers in New York State. But while he may have been "over-classified" in his early House career, Goodell in turn oversimplifies his posture during the past four years.

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The Goodell who campaigned almost recklessly during the summer of 1968 for Nelson Rockefeller with full knowledge that that same Rockefeller would soon be naming a Senator was not quite the same Goodell who six months earlier was whispered about by Rockefeller campaign personnel as one of the few House Republican members in New York who might be questionable in his loyalty. The Goodell who celebrated the first weeks of his Senate position by sniping at Richard Nixon was not the same Goodell who voted against the stronger House bills in education, poverty, rent supplements and food inspection. And the Goodell who flew to Biafra in February and returned with urgent pleas for more efficient and concentrated assistance to save hundreds of thousands of starving Africans was not the same Goodell who joined other Republicans and Southern Democrats in ignoring the original effort to pass a comprehensive program to control rats.

There are good reasons why the two Goodells are not identical. The Goodell in the House was a man whose ambition it was to be Speaker; and no one becomes a Republican Speaker by rocking the boat inordinately. The Goodell in the Senate now has very different ambitions to pursue and a dramatically different constituency to please. In any event, the changes make good political sense. Jacob Javits was winning the state by a million votes in November, while Richard Nixon was losing by 500,000. The lesson is clear enough. But it does create strains.

SOME THINGS TO ALL PEOPLE

These strains are implicit in his schizophrenic posture since the appointment. In his office there are pictures of African kids, strewn casually on desks, and over the receptionist's desk is a picture of the Beatles. The Washington Office is "with it." But his newsletter, geared to an upstate Republican mailing list, has Goodell ponderously puffing on his pipe and pictures him shaking hands with Richard Nixon and introducing his son to Everett Dirksen. In the Senate, he speaks of the "protein crisis" in Biafra and warns of potential genocide. He introduces legislation on "clean elections," community self-development and federal revenue-sharing; on the Senate floor he urges fine points about the Commodity Credit Corporation and urges strong restrictions on the military's use of chemical biological warfare weapons.

But in a pre-election speech before the Women's National Republican Club in New York City, Goodell comes across like a high school orator in an American Legion speaking contest: "With positive priorities as our program, with party harmony as our banner, with victory as our goal, let every Republican woman and every citizen who cares about our country make this election a crusade for a new and better day in America." And at an upstate GOP dinner in mid-March, the Senator began his speech by saying: "Isn't it great to be meeting here tonight with a Republican administration in Washington!", and via complaints about taxes, interest rates, inflation, and disregard for God and country, proceeded to go downhill from there.

The problem is not merely trying to pacify upstate Republicans while trying to build bridges to Democratic New York City in a state where Democrats hold a substantial registration edge. Every name Republican in New York State has to make that effort and Rockefeller, Javits and Keating made it successfully (it took Robert Kennedy, a force unto himself, to defeat Keating). The more basic problem is that Goodell has moved almost too quickly—he has yet to find his personal niche. The psychological aspect of taking the seat of his predecessor contributes to this. How does someone react who is trying to pick up broken dreams left behind by a slain Kennedy? Efforts are made to be accepted in the same places where Robert Kennedy, and few other white men, could walk safely. Efforts are made to appeal to the young—by capitalizing on the almost McCarthy-like coolness of the man.

Yet one of his staff complains openly of the self-consciousness of it all. Waving a recent press release, she exclaimed, "He's trying to sound like McCarthy. It just isn't him. When will he realize that he's better than McCarthy? He doesn't have to apologize to anyone for his seat!" In an emotional moment, she was getting at the core of it all. Goodell's strengths are much different from those of a Kennedy or a McCarthy. He is not an ideologue; he lacks the gut appeal of a Kennedy. But he is an incredibly hard-working, open problem-solver with limitless potential for growth. The rub is that sometimes this feature does not sell with an electorate which, like all others, often prefers form to substance.

NEW VIEWS ON OLD JOKES

There are other difficulties for the new, pressured Senator as well. A Senator from a large, urbanized state has to have a considerably different personal focus from a Congressman from a generally rural area, such as Chatauqua County, from which Goodell comes. He looks back at his House career with some affection and enjoys dividing up the House conceptually into four groups—those who are representatives (who come to Washington to mirror their district and serve their constituents only); those who are legislators; those who are politicians; and those who come to the House to retire. Goodell looks upon himself as having been a legislator (others point out that he was also very much a politician)—these divisions do overlap after all. He talks with pride of the legislative work that he was able to do personally while in the House. Now he finds little or no time for such luxuries ("There used to be a joke when we were in the House that in joint conferences we never met with Senators, we always met with their staffs; now I see that it has to be that way . . . I really miss digging into the things I vote on") Goodell recognizes that one of the major problems is that new members of the Senate simply are not adequately staffed for the job. Senior Senators are assigned considerable staff help from their committees, but the newer members must rely on their office staff itself. Goodell does not have the resources to remedy this himself. ("I use my salary to live on; a lot of Senators use it to hire more staff") and his committee preparation suffers as a result. ("Sometimes four or five subcommittees meet at the same time here, and you are on so many more committees than in the House . . . you just can't keep up with things . . . there is so much more legwork to do in the Senate.")

And this, in itself, is only one small part of the problem. A Senator has many more political demands on his time than a House member. Goodell receives some 200 speaking requests every week (twenty times what he received during his last year in the House) and harsh reality demands that he be in New York two, three or even four days during the week. Goodell freely comments on all this and knows more staff would help but refuses to be unnerved about it. He views staffing as a practical problem, not a theoretical one.

The same pragmatic approach is revealed when Goodell turns his attention to other areas. While some are suggesting that federalism itself is failing, the Senator suggests that different stresses are necessary. ("This Administration will be helpful in this regard," he insists. "We are saddled now with horribly anachronistic tax structures and the most regressive taxation is conducted on the local level, where the need is biggest. State government has to be revitalized, following New York's example. County governments have to be strengthened. We're going to have increasing reliance on regional approaches among states in a particular area of the country. And most of all, we have to develop a much more sophisticated way to compute federal aid formulae.") Goodell becomes almost excited, in his steady way. He is talking about big problems and that is very much "his thing." He'd certainly rather be doing that than digesting chicken dinners on the circuit and going through the motions at innumerable county meetings.

ROOT OF ALL CAMPAIGNS

But he also has to win a statewide election in 15 months. To do so he needs to surmount large obstacles. The biggest is money. Goodell needs lots of it; he has almost none. The situation cries out for a state-wide organization in the field *today;* Goodell is so strapped for finances that he cannot even afford to have a staff member accompanying him on many of his trips from Washington to New York.

Very recently, efforts were begun to piece together a group of individuals residing in various parts of the state to act as eyes and ears on a part-time basis for the Washington office; but even this modest effort is taking painfully important months to organize.

Another problem is recognition. After his trip to Biafra in February, Goodell made a major speech to the National Press Club—reporting his findings and announcing the Nixon Administration's promise of future transport assistance to starving civilians there. In the *Washington Post* it was front page news. In the *New York Times,* where, for him it really counts, there was not even a one-line mention of the story.

Fortunately, the dry season may be coming to an end. A minor, but perhaps significant victory occurred last month when the *New York Times* referred to Goodell as a "liberal Senator" in the midst of a front-page story. One casual mention does not create a new image, but when the mention comes on the front page of the *Times,* it sure helps. And as an escape from Summer doldrums, the Senator took on none other than the venerable Everett Dirksen; a ripple which was highlighted in the Evans-Novak column and resulted in some meaty stories over the wire services on three or four different days. Just as important as the actual publicity was the fact that Goodell clearly came out on top; his criticisms serving as the catalyst for numerous complaints from other Republican Senators about Dirksen's erratic, grumpy leadership this year. But there are still millions in the State who don't recognize Goodell's name. Partially because of this, polls show him far below others in popular recognition state-wide (and, not without definite connection, show him running 2–1 behind Arthur Goldberg in popularity).

Thus, almost inevitably, there are rumblings about a primary battle. State Senator Edward Speno has expressed possible interest, Congressman Ogden Reid is conducting polls, and some State leaders have even suggested pushing Lt. Gov. Malcolm Wilson into the 1970 contest. But such ideas are speculation at best. It can be argued at least as persuasively that the Party will go to some extreme to avoid a bitter primary.

The last thing in the world Governor Rockefeller needs on the eve of his bid for an unprecedented 4th term (which comes along next year as well) is a bloody and divisive primary, which, especially if the Conservative Wilson opposes Goodell, could turn into a free-swinging replay of the Lindsay-Marchi fight in New York City. The Governor has worked mightily over the past year to straddle the State Party's middle (thus the 1969 State Legislature's veer to the right and Rockefeller's reluctant endorsement of Marchi in the New York City mayoralty race); and he can hardly desire that the wounds be reopened over the Senate seat held by the man he himself appointed.

But even if no serious primary opponent does appear, well known Democrats are on the horizon. Besides Arthur Goldberg, potential nominees Theodore Sorensen, Howard Samuels, Stephen Smith and Robert F. Wagner are being mentioned.

But things will get better. Goodell may be having some trouble getting together with himself, but he also is a gifted man with extraordinary personal talent. And importantly, he is a decent individual with the potential to be a dynamic source of ideas and energy in the Senate.

One close associate summed him up this way: "Charlie will be a creative legislator if he can get elected in 1970. He doesn't have the time now, but if he can get returned, he'll be dynamite. Everywhere he has gone in his adult life he has given life to a new corps of leadership. With time, he'd even make a superior candidate on the national ticket. But right now, he needs all the help in the world just to survive." Another associate added glumly, "no one north of Westchester County can make it on his own, and he is going to be very much on his own for the next year and a half."

But, then again, problems are not alien to Charles Goodell; and if New York Republicans will wake up to the calibre of their newest Senator he may not be alone much longer.

Mr. JAVITS. Mr. President, these are only some of the highlights of CHARLES GOODELL's first year in the Senate. I know my colleagues who serve in committee with him or know him in the many other contexts in which he works are equally or even more familiar with this record of accomplishment than I am.

I take this opportunity simply to say what a pleasure it is to have him here beside me as my New York colleague, to wish him well in the challenging days ahead and to tell him of my satisfaction with his first year's record and my hopes for a brilliant future.

Mr. AIKEN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. AIKEN. I have been interested in the remarks of the Senator from New York regarding his colleague, Mr. GOODELL. I must confess that when Senator GOODELL first came to the Senate, I did not know much about him. I have since become intrigued by the speed with which he has acquired his knowledge of the workings of the Senate and winning the respect of his colleagues.

I think that Senator GOODELL has been notable for two traits—all of us wish we could have them—that is, courage and conscience. They have stamped his career in the Senate so far, rather indelibly.

Thus, I am glad to take this opportunity to join the senior Senator from New York in commending his junior partner for the work he has accomplished since he became a Member of this body 1 year ago.

Mr. JAVITS. I am so grateful to the Senator from Vermont, whose standing and repute in the Senate, in the country, and throughout the world are of the highest, for his commendation of Senator GOODELL.

I am also cognizant of the fact that in a very large part of northern New York, Senator AIKEN is regarded with the same respect—which I hope I can attain in due course—because of the tremendous services he has rendered to the people of our Nation.

Mr. AIKEN. Let me add that there is a large part of northern New York which, I am afraid, never yet has fully recognized the jurisdiction of Albany, but still considers itself to be a part of Vermont. [Laughter.]

In fact, I believe there are about 40 towns in northern New York who were insistent upon becoming a part of Vermont about 1789 or 1790, I believe.

I think we made a mistake in not taking them on.

Mr. JAVITS. I hope we will win their allegiance back.

Mr. AIKEN. We had to give them up in order to become the 14th State of the Union.

Mr. CASE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. CASE. If I may speak for a State on the other side of New York, a close neighbor, and one much interested in what goes on in the Empire State, not only out of necessity but also because it is so instructive, I join my colleagues from New York and Vermont in expressing the satisfaction I have increasingly felt at the quality of the service rendered by Senator GOODELL.

We are fortunate in this Chamber to have had his services for this year and the anticipation of them for another year. I am confident that the quality of the service he has rendered will so commend itself to the electorate of the great State that both Senators JAVITS and GOODELL represent that this may be just the beginning of a very long and satisfying service.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for an additional 5 minutes.

Mr. MANSFIELD. Mr. President, in view of the situation which has developed, I ask unanimous consent that they may proceed for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank my colleague from Montana.

Mr. CASE. I join my colleagues in expressing satisfaction and confidence that the valuable services rendered by Senator GOODELL will be continued for many years to come, as they should be.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from New Jersey for his comments. It is symptomatic of the service of Senator GOODELL that he has commended himself to the Senator from Vermont and the Senator from New Jersey who, by mandate of the citizens of their States, stand so high in their esteem as to earn long-continued tenure in this body and a measure of respect to which any other Senator can only aspire as it is so great and so well merited.

I yield now to the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I thank the Senator from New York for yielding. I commend him for taking this time today to observe the completion of 1 year of service in this body by the junior Senator from New York. Unlike our most senior Republican, the distinguished Senator from Vermont, who earlier indicated that he had not known Senator GOODELL before he came to this body, I have known CHARLIE GOODELL for a number of years, and I served very closely with him in the House of Representatives.

His was a significant voice and was a significant influence throughout his service in the House of Representatives. Accordingly, it has not been surprising that he has been a very significant influence in the Senate from the very day he was sworn into this body.

I had the opportunity to work closely with Senator GOODELL on the Education and Labor Committee of the House of Representatives. He is a superb attorney, extremely able and very objective in his approach to some of the most difficult and complex problems facing our society.

Particularly in the field of education, he was a force which often brought divergent views together in working out honorable compromises—compromises which were substantial factors in enacting the vitally important and significant Federal education legislation. Indeed, much of that critical legislation might not be on the books today if it had not been for the work of Representative GOODELL.

In the field of labor, his concern for workingmen provided leadership in the House of Representatives in such matters as manpower training and development. He is truly an expert in these fields, and he provided the kind of leadership that has made it possible for thousands of Americans to benefit from our existing manpower training and development programs.

And in civil rights as well as many other areas, he was a leader in the House.

Now in the Senate it is obvious that he has already demonstrated his capacity to lead. He is articulate, brilliant, an astute politician, and an excellent parliamentarian. I think this body is very fortunate that we have him serving with us. And I have great confidence that he will continue to serve with us for a good many years to come.

I thank the Senator from New York for yielding to me.

Mr. JAVITS. I am very grateful to my colleague from Michigan. I had the privilege of helping him in his own campaign in Michigan and, in other ways, working closely with him in many other matters.

I yield now to my colleague from Oregon (Mr. HATFIELD).

Mr. HATFIELD. Mr. President, I am grateful to the Senator from the State of New York for providing us with the opportunity today to recognize the first year anniversary of the service of the junior Senator from New York in the Senate and to his constituents in New York.

I join in my colleagues' tributes to Senator GOODELL. In his first year here, he has done much to earn the respect of everyone in the Senate. I think that he has seen the true role of a Senator in today's Congress and in today's world.

My distinguished colleague, CHARLIE GOODELL, saw the path he felt he should

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follow here in the Senate: He knew he must act—not merely react. He has spoken words that have needed to be said; he has stood to be counted when he knew he should; he has taken positions he knew he must. Such a man is welcome in this Senate, and I am happy to join in this colloquy.

Two examples with which I am most familiar come to mind. The first concerns his fine staff, and the second concerns our work together as Members of Members of Congress for Peace Through Law.

It is one thing to state that young people should be involved in the political process, and still another to provide channels for their access to our political system. At the end of the summer, I met many of the young people who had come to Washington to work as interns for Senator GOODELL. Those 29 students returned to their respective campuses with a better knowledge of how they can contribute from within our system. Senator GOODELL gave them constructive work to do, and they responded to a leader who they knew would listen to their views. These summer interns—the largest number of any Senator—will carry the word across their campuses that "CHARLIE GOODELL is a man we can talk to; a man who will listen to us; a man who will stand up for us."

Senator GOODELL's permanent staff has an average age of 30—even more proof of his belief that younger Americans should be heard on today's issues.

Another example of how I have come to respect CHARLIE GOODELL and his views has resulted from our work in Members of Congress for Peace Through Law. Even those who do not agree with the findings of this group have welcomed the focus by this Senate on the broad question of military spending and the proper roles of the Senate, the Pentagon, and the Department of Defense.

In particular, his leadership in the chemical biological warfare amendment was a factor in the overwhelming acceptance of the compromise amendment. His research assisted us as we studied this grave issue. CHARLIE GOODELL was one of the two Republican Senators who joined to sponsor the amendment concerning AMSA. His contributions in these specific areas, as well as his support for the overall question of military spending cutbacks, was welcomed by all of us who are concerned over our mammoth defense budget.

CHARLIE GOODELL sees that the problems of urban America cannot be postponed by giving dollar priority to areas of defense spending that do not merit these funds. He realizes that, in order to come to grips with problems like decent housing, good schools, and a clean environment, a reordering of national priorities is in order.

Mr. President, in closing, I want to add a personal word. I think Senator GOODELL has done a fine job representing his State. He has sensed what the people felt, and acted in their behalf. In addition, I have enjoyed getting to know him as a person, and I always will value our friendship. As the man who sits at the desk next to him, I have been exposed to the Goodell wit and charm. In addition, his legislative expertise and his warm sense of humor, coupled with his sincere concern for others, make him a man I am proud to call my friend.

I thank the senior Senator from New York for permitting me to make these comments at this time.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Oregon, who is not only a Senator but a former Governor of his State, for the generosity of his statement and for his appreciation of the worth, to the Senate and to the country, of my colleague from New York.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Kansas.

Mr. DOLE. I speak as one of the junior Members of the Senate who had the privilege of serving with Senator GOODELL in the House of Representatives.

Let me say at the outset that the fact I have high regard for Senator GOODELL, though he and I disagree philosophically from time to time, indicates his initiative, his resourcefulness, and his concern for the State of New York and the people who live in that great State.

As the Senator from Michigan (Mr. GRIFFIN) has said earlier, CHARLIE GOODELL was a leader in the House of Representatives. As chairman of the Committee on Planning and Research, CHARLIE GOODELL brought about significant Republican changes with respect to programs and planning, and the direction we should take.

As a former Member of the House of Representatives and a junior Member of the Senate, I believe many of these programs, plans, and ideas have brought about gains for the Republican Party, not just in the State of New York, but all across our Nation.

As a more conservative Member of the Senate, my respect for Senator GOODELL is proof, again, that we have a broad-based party. It proves to me, and I hope to many Americans, and especially to the people of New York, that we can have differing views and still respect one another's opinions.

So I join other Senators in paying tribute to the junior Senator from New York. I hope we will have Senator GOODELL with us for many, many more years; and that I shall be here with him.

Mr. JAVITS. Mr. President, may I say, in thanking the Senator from Kansas, that I have heard his statement with great interest. I think it is a matter of great importance not only that we should have an amalgam of views here, of a conservative, liberal, and progressive character, but that my own constituents, notwithstanding how I vote or what I advocate—and the same, of course, would be true for Senator GOODELL—should hear those points made with effect. We want Senators here who will make their points with the greatest effect, just as we hope to make our own effectively, because they reflect not only sound opinions, but the opinions of the people of the Nation. And just as I hope to have an effect on the people in your State, I want you to have an effect on the people in mine.

So I accept what the Senator says with the greatest appreciation and understanding, and thank him for joining in this colloquy.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from Maryland.

Mr. MATHIAS. I appreciate the opportunity that the senior Senator from New York has afforded me to say a few words about his distinguished colleague in the Senate, Mr. GOODELL.

I have shared with the Senator from Kansas the privilege of serving with CHARLIE GOODELL in the House of Representatives and in the Senate, and I share also with the Senator from Kansas that high regard for CHARLIE GOODELL's qualities—his probing mind and inquisitive intellect which led him to adopt sound and thoughtful positions which are not based on any kind of ideological dogma.

As the Senator has just stated, it is most important that we have people around here who have the ability to view the whole spectrum of opinions and make the right decisions as they ought to be made.

All of us in the Senate, I think, are aware of the currents which surround each of us; and I have not been unaware that CHARLIE GOODELL has been subjected to some criticism. One quotation which has come to my attention stated that he "rapidly and dramatically converted to liberalism." I suspect, in view of the fact that next year is an election year, that this kind of quotation might be propagated by some who aspire to sit in the seat he now occupies. But it seems bizarre to me, who have had a long time and intimate acquaintance with Senator GOODELL. As a matter of fact, I think it reflects a misunderstanding of his approach—a misunderstanding which only demonstrates the fact that he was so far ahead of some of his critics that they did not understand exactly how thoughtful and how progressive his positions were.

The PRESIDING OFFICER. The Senator's additional 15 minutes have expired.

Mr. JAVITS. I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. I think the facts speak for themselves; I do not have to embellish them.

In the House of Representatives, he was a progressive activist who was dissatisfied with the situation that existed on our side of the aisle, and he did something about it. He moved forward to establish a new leadership, with a new progressive impetus. He not only helped to engineer the change—a rebellion that turned into a revolution—but he became a part of the new leadership.

His career has maintained several key themes. He has been a stalwart proponent of civil rights legislation. He has long been concerned with the imbalance in Federal revenue distribution. Here we are, talking in 1969 about revenue sharing as a new liberal concept. But he was talking about it in 1959, when he went on record and introduced revenue sharing legislation. The great New York Times recognizes revenue sharing now as potentially the most important governmental reform in a generation. If you look at the dates, you will see that the Senator from New York was about half a generation ahead of the New York Times in proposing it. On many occasions, to my personal recollection, he called the last administration to account for failing to support it.

So I think CHARLIE's record has been a consistent record of progress, of independence, of constructive and positive positions, and I hope it is the type of record he will continue to create for many more years in this body.

Mr. JAVITS. I thank the Senator from Maryland, who is himself a leading progressive thinker and activist in the Senate and in the country.

Mr. SCOTT. Mr. President, it is my great pleasure today to add a few words to the tributes already paid our distinguished colleague from New York. Senator CHARLES GOODELL has been a dedicated and tireless advocate for the people of his great State.

Like my own Commonwealth of Pennsylvania, New York is a cross-section of America. Although I have served Pennsylvania in the Congress for 27 years, I still marvel at the diversity of her citizens. That same diversity—urban and rural, industrial and agricultural—has made Senator GOODELL's first year in the Senate an extraordinary challenge. He has met the challenge well.

My affection and respect for our distinguished colleague reflects more than our service together in the Senate. For he and I have shared many other experiences. We are both veterans of the Navy in World War II; we both served in the Korean war; we are lawyers and former teachers; we have worked for our party and our President; we even share a fondness for pipes.

I am proud to have cosponsored with Senator GOODELL bills to protect our environment and the endangered wildlife which we both treasure. Our shared concerns are also reflected in our efforts to encourage development of the Appalachian region.

And so today I offer my congratulations to a friend, a colleague, and a fine man.

Mr. BROOKE. Mr. President, what is the measure of a man? Surely it is not to be found solely in his public positions or his private thoughts, in his travels, in his friends and supporters, in his good works or his involvement with his fellow men, in his accomplishments alone or in his goals. Rather, it is found in all of these attributes combined, and in all of these CHARLES GOODELL stands tall indeed.

I have known CHARLIE GOODELL for many years, first as a thoughtful, careful Congressman, eager to learn and open to all men and their ideas. But it has been since he came to the Senate a little over a year ago that our friendship and our mutual concerns have grown and taken shape.

We have worked together to impose greater congressional and public supervision on an often reluctant military, and to pare back those programs which our studies led us to believe were unnecessary. CHARLIE GOODELL led the fight himself this year to prohibit open-air testing and other irresponsible or questionable methods of handling chemical and biological weapons. In this he was eminently successful, and for this he deserves our country's lasting gratitude.

In his public life, CHARLIE GOODELL has consistently adhered to the philosophy that the Nation's ills are closely interrelated. His commitment to individual issues and his dedication in the pursuit of particular goals has not obscured his view that a multitude of areas require our prompt and constructive attention. In this year alone, Senator GOODELL has introduced or cosponsored legislation to improve the quality of our air and water and thereby better the health of all Americans. He has cosponsored the Manpower Training Act to provide job training and employment to those who previously lacked the skills for a constructive role in our economy. He has cosponsored an alcoholism care and control bill, a neighborhood health center proposal, and is soon to introduce legislation pertaining to the control and cure of drug addiction.

Senator GOODELL is concerned with the problems which puzzle all America: How to alleviate racial tension, how to provide adequate jobs and housing, how to improve the quality of our educational system, how to make our highways and our airways safer and more efficient. He is anxious to improve the responsiveness and the flexibility of government, to make it possible for all citizens to play a greater role in determining the laws and the precepts by which they are governed. Within the Senate itself he has sought committee reform and revision of Senate procedures in order to speed the process by which legislation is considered and passed.

Senator GOODELL's interests and travels, his statements and public policy recommendations, have ranged from Asia to the Middle East, from Watts and Harlem to South Africa, from Lake Erie to the Hudson and all the pollution problems in between. With his own commitments and energies, coupled with a concerned and competent staff, it may truly be said of CHARLES GOODELL that he is a man for all men. He stands tall for his time; with the support of the people of New York, he and his State and his country may hope to grow taller still.

Mr. PEARSON. Mr. President, I wish to speak in praise of the very able junior Senator from New York (Mr. GOODELL). He has been a Member of this body for only a year, but in that short time he has distinguished himself as a man of courage and compassion.

He has been active in support of legislation which he considers meritorious, and he has shown a much needed willingness to investigate and emphasize to the American people the human problems of suffering faced in Biafra and Nigeria.

Senator GOODELL has already made positive contributions to legislation in this body, including amendments to the defense appropriation bill now before us. We who have come to know and respect Senator GOODELL during the past year are confident that he has in abundance the qualities of intelligence, imagination, and perserverence to make increasingly valuable contributions to the activities of the Senate.

Mr. SCHWEIKER. Mr. President, I am pleased to join Senators in paying tribute to CHARLES GOODELL as he marks the first anniversary of his tenure as a Senator from New York. I wish him well.

He came to this body after distinguished service in the House of Representatives, bringing with him energy and experience.

When he was named to this position, a year ago, he said:

> I shall bow to no special interest but I will work with all who have a legitimate cause.

He has hewed to that philosophy all during the past 12 months, and he can take pride and satisfaction in that fact.

Senator GOODELL has accomplished much in his year of service in this Chamber. The specifics have been detailed today by my fellow Senators. Allow me to add only that Senator GOODELL has worked hard and faithfully for his country, his State, and his party.

I salute him.

Mr. BENNETT. Mr. President, I am happy to join with Senators to congratulate the junior Senator from New York (Mr. GOODELL) on the completion of his first year of service in this body. Of course, this is by no means a measure of the extent of his service in Congress. He has had many years of experience in the other House, and we are fortunate that he has been able to bring this experience with him to the Senate.

My opportunity to observe the value of Senator GOODELL's contribution to the Senate legislative process began when, in January of this year, he became a member of the Committee on Banking and Currency. I think I can understand the problems that one faces on this committee because I have served on it for 17 years, and Senator GOODELL moved into the committee's problems like a veteran. While he and I have not always been in agreement on the decisions the committee has made, I know that his judgments have always been arrived at after careful consideration of the problem and in light of his experience in representing the great State of New York, in which many of our most serious housing and credit problems exist.

On the basis of the record of his first year, I know that Senator GOODELL will be able to make an even greater contribution, both to the committee and to the Senate as a whole, in the years that lie ahead, and I look forward to the privilege of working with him on an even closer basis.

Mr. JAVITS. Mr. President, I am sure that the people of my State are deeply interested in the appraisals of his colleagues which have been earned by Senator GOODELL. This is critically important. One man in 100 has to have a leadership faculty and the prestige and respect of his colleagues, if he is to be truly effective. So this is very important to the life and future of Senator GOODELL, which I look forward to being brilliant and tremendously useful to his

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country, our country, and the world, as well as to my own and his State of New York. I am very pleased, Mr. President, that we have signalized his first year in the Senate in the way that we have this morning, and I hope very much that it will be a source, not only of satisfaction, but incentive to him in going on and on in his work, and that it also may be a source of very deep satisfaction to Mrs. Goodell, their children, and his family, who have every reason to take pride in the esteem in which he is held, and in his achievements.

Mr. GOODELL. Mr. President, I rise with great humility to thank my colleagues for their tributes. As I listened to them, I almost felt as though I had passed away. I assure my colleagues, however, that I shall be here as long as I am able to be here. I believe very deeply in the things which I have been working to accomplish in the U.S. Senate, as I worked to accomplish them in the House of Representatives.

This has been a convulsive year for our country. It has been a challenging and rewarding year for me, and I cherish the friendships that I have gained in the U.S. Senate. I particularly cherish the tradition of this great body. Here, men can differ without distemper, and here men can debate and still respect each other's views and integrity.

It has been the most challenging and rewarding year of my life. And I thank my senior colleague from New York (Mr. JAVITS) and all other Senators for their encouragment and support which will help me to go forward and to do my best in the year ahead.

STATE TAXATION OF NATIONAL BANKS

Mr. SPARKMAN. Mr. President, the Committee on Banking and Currency has announced hearings to consider legislation in connection with the taxation of national banks by the various States. At present, two bills are pending before the committee dealing with this subject matter. These are H.R. 7491 and a bill introduced by the Senator from Florida (Mr. HOLLAND) S. 2906. Meanwhile, I have a letter, with enclosure, dated September 16, 1969, from the American Bankers Association which suggests another matter for consideration in reaching the aims now desired in connection with the taxation of national banks by States.

I ask unanimous consent that the letter with enclosure that I have received from the American Bankers Association be printed in full in the RECORD at this point, so that all who are interested in this matter will have the opportunity to study the proposals being made by that association, and indeed of all of these three different approaches to this matter.

I add, Mr. President that I do this so that all who may be interested may have this information. My doing so is not to be deemed as my support of any of them.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE AMERICAN BANKERS ASSOCIATION,
Washington, D.C., September 16, 1969.
Hon. JOHN J. SPARKMAN,
Chairman, Senate Banking and Currency Committee, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: In its testimony before the Committee at the hearing on H.R. 7491, "an Act to clarify the liability of national banks for certain taxes", The American Bankers Association will support a substitute proposal. A copy of this is attached.

The A.B.A. bill would leave unchanged the basic structure of R.S. Sec. 5219 (12 USC 548), authorizing States to tax national banks by any one of four specified methods (in addition to real estate taxes). It would make three changes in the present situation:

1. The home State of a national bank (the State where its head office is located) and the political subdivisions of that State would also be authorized to impose on the national banks taxes generally imposed on State banks and business firms, subject to three exceptions: sales taxes on purchases contracted for before September 1, 1969, taxes based on the same general factors as the four specified methods, and taxes in lieu of which other taxes, or increased rates, are already imposed. The provision does not set forth a "laundry list" of taxes which would be authorized—instead it uses general language, which would clearly cover, for example, state and local sales and use taxes, documentary stamp taxes, and motor vehicle taxes.

2. A State other than the home State of a national bank would be authorized to impose on tangible personal property of the national bank located in the State, ad valorem taxes, sales and use taxes, and motor vehicle taxes. (The tangible personal property of an insured State bank so located would be subject to the same taxes, and of course real property would be subject to tax by the locality in which it is situated.)

3. Insured State banks would be given the same privileges, protections, and immunities as national banks now have with respect to States other than the ones in which they are chartered. (This provision is based on S. 2364, 90th Congress, introduced by you on August 30, 1967, at the request of the New York State Superintendent of Banking.)

The A.B.A. bill would give full and clear authority (with only the three exceptions specified above) for national banks to pay sales and use taxes—and other similar taxes—to the States and cities in which they are located.

In addition, where a national bank owns tangible personal property located in another State, the customary taxes on such property could be levied by that State.

These provisions would give to the States and municipalities the additional sources of revenue they need and seek. National banks which belong to the A.B.A., and State banks too, recognize that banks should contribute to the financing of their States and localities through the payment of sales and use taxes and similar special excise taxes, as well as through the four methods specified in R.S. Sec. 5219 and through real estate taxes. In fact, in many States national banks are now paying sales taxes directly or indirectly, and in such cases the bill would clarify and simplify the situation.

At the same time the A.B.A. proposal would fit in with the complex and involved constitutional and statutory bank tax structure which has been developed in the States over the 40 years since the last substantive amendment to R.S. Sec. 5219 and the 100 years years since the first version of the provision was written into the National Bank Act.

In this respect, the A.B.A. considers that its proposal is far superior to the apparent simplicity of H.R. 7491, which would in fact have the most widely varying results in different States, ranging from probable double taxation in some States, to legislation and litigation in other States. The A.B.A. fully supports the principle of equality, as between State banks and national banks, as between commercial banks and other financial institutions and as between financial institutions and other business corporations. However, equality is not necessarily achieved by simplistic methods, and we feel strongly that in this case, brevity would not necessarily result in equality.

The A.B.A. also considers that its proposal is superior to that of H.R. 7491 with respect to taxation by States other than those in which the home office of the bank is located. The House bill would provide equality by eliminating exemptions and privileges which national banks have as Federal instrumentalities, exemptions such as relief from doing business taxes and licensing under such statutes. This provides equality but at a cost to national banks and to their customers by authorizing the imposition of restrictions on such transactions.

The A.B.A. proposal on the other hand would eliminate the inequality by giving to insured State banks—the State branch of the dual banking system—the privileges, protections and immunities which national banks now have. The A.B.A. in other words would provide equality by improving the situation of State banks and their customers rather than by impairing the situation of national banks and their customers. And since national banks, and by derivation State banks, would pay ad valorem, sales and use, and motor vehicle taxes on tangible personal property located in these other states, this equality would be achieved with little, if any, loss in revenue to these other states

Since the A.B.A. proposal is a substantial departure from H.R. 7491, and since the subject matter is extremely complicated and involved, we would appreciate it if you would make the A.B.A. proposal available to the members of the Committee and to other interested parties and organizations so that careful consideration can be given to it at the Committee hearings on September 24.

Sincerely yours,
CHARLES R. MCNEILL,
Director, Washington Office.

A BILL TO CLARIFY THE LIABILITY OF NATIONAL BANKS FOR CERTAIN TAXES AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5219 of the of the Revised Statutes (12 U.S.C. 548) is amended by adding at the end thereof new subparagraphs (5) and (6) reading as follows:

"(5) In addition to the method of taxation which a State may elect under the first four forms of taxation under this section, a State or political subdivision thereof may impose upon a national bank having its principal office in such State any tax other than one of such four forms of taxation to the same extent and in the same manner that such other tax is imposed generally upon State chartered banks and business corporations having their principal offices within such State, except that no sales or use tax complementary thereto shall be imposed upon purchases, sales and use within such State or political subdivision of tangible personal property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969, and except that no tax authorized hereunder shall be levied upon or measured by cash, intangibles (except taxes on sale, the execution or recordation of documents, and other similar single-incident transactions), capital, surplus, undivided profits, reserves, or bank indebtedness, and except that no such other tax may be imposed by a State which imposes any tax, or imposes an increased rate of tax, in lieu of such other tax.

"(6) The legislature of each State (includ-

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ing the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam) may impose, or may authorize any political subdivision of such State to impose, the following taxes, if generally imposed throughout such State or political subdivision on a non-discriminatory basis, upon tangible personal property located within the borders of such State or political subdivision and owned by a national bank not having its principal office located in such State: (i) ad valorem taxes; (ii) sales and use taxes complementary thereto shall be imposed upon purchases, sales and use withing such State or political subdivision of tangible personal property which is the subject matter of a written contract of purchase entered into by a national bank prior to September 1, 1969; (iii) license, registration, transfer, excise or other fees or taxes imposed on the ownership, use or transfer of motor vehicles.

Sec. 2. The Federal Deposit Insurance Act is amended by adding after section 22 (12 U.S.C. 1831) a new section 23 reading as follows: "Sec. 23. Notwithstanding any State law to the contrary, an insured State bank, and the shares, evidence of debt and other securities of such bank, shall enjoy the same privileges, protections, and immunities in a State other than the one in which it is chartered, as a national bank whose principal office is located in the same State as such insured State bank, and the shares, evidences of debt and other securities of such national bank, would enjoy in such other State. This section shall not be construed to grant an insured State bank greater powers than those granted by the laws of the State in which such bank is chartered."

Sec. 3. This act shall take effect on January 1 of the year following the year in which it was enacted.

PUBLIC HEARINGS ON TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Senate Finance Committee received testimony from witnesses concerning the tax treatment of charitable contributions. Statements were directed toward repeal of the unlimited charitable contribution deduction. Testimony was also received concerning other significant changes which involve new restraints on the deduction for gifts of appreciated property, for gifts of papers and documents created by the donor, and for so-called split gifts.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be inserted in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

CHARITABLE CONTRIBUTIONS—WITNESSES

JOHN D. ROCKEFELLER, 3D, NEW YORK CITY

General

Maintains that philanthropy must be increased, not cut back. Contends that the House bill would penalize philanthropy, and thus upset the delicate balance of our pluralistic system of private nonprofit voluntary organizations.

Tax on foundations

States that this is a dangerous precedent, as its effect would be to tax the recipients of charitable giving.

Gifts of appreciated property

Contends that the change in tax treatment of gifts of appreciated stock to foundations would constitute a major deterrent to the creation of new foundations and growth of existing ones.

Limit on tax preferences

Maintains that requiring the untaxed appreciation on gifts of property to be included in tax preference income would be a disincentive to charitable giving.

Allocations of deductions

Asserts that the allocation of deductions proposal would reduce the incentive for charitable giving through eliminating a portion of the charitable deduction.

Unlimited charitable deduction

States that elimination of unlimited charitable deduction would primarily affect large givers whose contributions are essential to major capital campaigns.

Political activity of tax-exempt organizations

Argues that the language of the bill is not certain in that it will be very difficult to determine objectively what is nonpartisan analysis and what is not. Considers the penalties to be too harsh. Maintains that the real need is to enforce existing law to prohibit political activity.

DR. ERNEST L. WILKINSON, PRESIDENT, BRIGHAM YOUNG UNIVERSITY, ON BEHALF OF AMERICAN ASSOCIATION OF INDEPENDENT COLLEGE AND UNIVERSITY PRESIDENTS

Financial crisis of private colleges and universities

Maintains that there is a critical need for special tax treatment for charitable gifts in view of current financial crisis of private colleges and universities. Notes that several private colleges of considerable size have gone public.

Complexity of House bill

States that we need a simplified tax bill, rather than one more complicated and more difficult to understand.

Limitation on tax preference and allocation of deductions

Supports Treasury recommendations to remove the unrealized appreciation in gifts of property from the limitation on tax preferences and allocation of deductions proposals. Otherwise, contends that Government will be forced into greater expenditures in areas not served by private charity and education. States that bulk of all gifts by universities are in appreciated property, and are made by substantial contributors. Asserts that the combined effect of the LTP and allocation of deductions will critically penalize contributors so that substantial gifts will no longer be made.

Increase in limit on charitable contributions

Contends that the increase from 30 to 50 percent is virtually meaningless to higher education because gifts of appreciated property are still held to the 30-percent limitation. Recommends that appreciated property also be eligible for the 50-percent rule.

Gifts of appreciated property

States that many properties have both ordinary income and capital gains elements. Indicates that many deferred giving programs would no longer be possible under the House bill.

Set-aside trusts

Believes that present law allowing tax exemption on sales of assets by nonexempt trusts or estates should be continued.

Present gifts of fractional interests

Argues that bill prevents the present gift of a fractional undivided interest in a property. Recommends that sections 201(a)(3), 201(b)(1), and 201(c)(4) of the bill be eliminated in order to allow present gifts of fractional interest and creation of future interest gifts without penalty.

Split-interest trusts

Maintains that section 201(e) of the bill could be disastrous to universities holding such property in trust, as assets would have to be sold in order to meet the guaranteed payout. Claims that annual value determinations would be very costly and uncertain.

Suggests that the solution to the abuses would be to require the gifts to be made to an independent trustee or to the university itself as trustee or cotrustee.

Pooled split-interest trusts

Asserts that the proposed charitable remained annuity trust and unitrust requirements coupled with the present set-aside provisions will effectively eliminate the pooling of trust funds.

Reserved legal life estate to donor

Believes that the new 170(b)(8) subsection should be amended to clarify the fact that it only applies to the mere use of property by the donee.

Bargain sales

States that "bargain sales" to universities would no longer be advantageous from a tax standpoint. Suggests that the solution is to merely disallow a portion of the charitable contribution deduction to the extent that the donor made a "profit" by giving "ordinary income" property.

Gifts of income interests

Agrees with the Treasury that provision is unduly stringent. Considers the solution to all gifts of income to be through the disallowance of a portion of the deduction to the extent the donor "makes a profit" from the gift. Feels that the trustee should be independent or else the university itself should be a trustee or cotrustee.

Information returns—Publicity

Oppose requirements for filing information returns under section 101(d) of this bill. Contends that this will be burdensome and costly with no offsetting revenue to Government.

Taxation of passive income from controlled corporations

Argues that there is no good reason for the taxation of passive income such as rent and interest if the amounts paid are reasonable.

DR. ROLAND C. MATTHIES, COCHAIRMAN, COMMITTEE ON GIFT ANNUITIES

Gifts of appreciated property

Advocates retention of a deduction for the fair market value of appreciated property with no capital gains on the appreciation. States that appreciated property gifts often comprise over 50 percent of a charity's support from the private sector, and believes this support would be greatly reduced if the law is changed.

Allocation of deductions

Suggests the charitable deduction should not be one of the deductions subject to allocation. Believes a donor would delay his gift until he knows the sources of his income and the amount of his capital gains. Suggests that a postponed gift is often a lost gift.

States that appreciation on contributed property should not be considered a tax preference which would reduce a donor's other itemized deductions. Indicates support for the Treasury's position. Contends that such a provision penalizes the generous individual, and that it is an indirect way of taxing appreciation.

Limit on tax preferences

States that appreciation on contributed property should be deleted from the limit on tax preferences provision of the House bill. Claims that it is an indirect tax on appreciation and will inhibit charitable gifts.

Life income (deferred) gifts

Claims the contribution of property to a charity with retention by the donor of the income from the property for life is an important source of support for most charities. Indicates these gifts are mainly made by older individuals who are comfortably situ-

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ated but by no means wealthy. States that capital gains should not be realized when charitable remainder trusts and life income contracts are funded with appreciated property, and that the deduction should be based on fair market value, not the cost basis.

WILLIAM P. THOMPSON, STATED CLERK, UNITED PRESBYTERIAN CHURCH IN THE U.S.A., ON BEHALF OF THE NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE U.S.A.

Tax exemption of churches

States that the reference to "churches and associations and conventions of churches" in H.R. 13270 are satisfactory and appropriate. Approves ending of the exemption of churches from the unrelated business income tax.

Suggests certain changes: (1) exception of churches from the mandatory and public disclosure requirements; (2) limitation of *Clay Brown* application—at least for churches—to taxing debt-financed *rents* rather than all passive or investment income; (3) define "unrelated business income" in such a way that it does not include any activity related to the tenets and traditional functions of churches; and (4) tax as income the cash housing allowance paid clergymen in lieu of a parsonage or rectory.

Private foundations

Maintains that certain restrictions placed on private foundations would inhibit or eliminate some of the most creative social pioneering, which has been done by private foundations.

Opposes the restriction on support by foundations for nonpartisan voter registration drives, and the restriction on foundation financed studies or recommendations that might affect legislation.

Urges that the proposed 7½ percent tax on investment income of foundations be eliminated, and a "user fee" of no more than 2 percent be substituted to cover cost of regulation.

Charitable contributions

Feels that the new policy in portions of H.R. 13270 does not encourage charitable giving, but makes it more difficult. Contends that large, pace-setting gifts will be discouraged. Recommends that: (1) the tax code be simplified so that donors are not hindered in understanding the tax effect of contributions; (2) charitable contributions be excluded from both the "allocation of deductions" and "limit on tax preferences;" (3) charitable contributions be allowed by users of the standard deduction, above some possible level, such as 2 percent of adjusted gross income; and (4) charitable contributions of appreciated property or of an interest in, or portion of, property be encouraged by exclusion from taxable income *or* deduction as a charitable contribution (at the option of the taxpayer), but not *both*.

WILLIAM R. CONSIDENE, GENERAL COUNSEL, U.S. CATHOLIC CONFERENCE

General principles

States that this testimony rest on three general principles: (1) tax reform must respect and reflect the principle of separation of church and State as it has been developed in this country; (2) the objective of tax reform legislation should be the elimination of inequities and abuses, not the reduction of the income of exempt organizations, much less the reduction of the income of churches, or the imposition of unnecessary burdens; and (3) the vitality of voluntarism in the social welfare field should be preserved.

Information returns

Maintains that religious organizations should not be required to file annual information returns. Asserts that only if a church engages in unrelated business activities should it be required to make the appropriate report with respect to these activities.

Tax on debt-financed passive income

Agrees that the Clay Brown loophole and the variations of it should be closed but this does not necessarily require a tax on the endowment income of churches.

Definition of unrelated business income

Indicates that churches should pay taxes on unrelated business income—and the United States Catholic Conference has agreed to this change in the law. Maintains, however, that the definition of unrelated business income of churches should be clarified to insure that the tax does not include any activities related directly or indirectly to the tenets and traditional functions of a church, including operation of cemeteries, printing and distribution of religious publications with or without advertising, fundraising activities and the sale under church auspices of religious articles and pamphlets.

Moratorium for churches

States that the Senate should retain the provisions of the House bill which give churches until January 1976 to dispose of an unrelated business or place it in a tax status.

Limit on audits of churches

Emphasizes that the Senate should retain the provision of the House bill that a church would be subject to audit only upon determination by the Secretary or his delegate (not below the level of the regional IRS Commissioner) of reason to believe that the church owes a tax.

De Minimus rule

Suggests that no tax be assessed in the event the unrelated business gross income does not exceed $5,000 in the case of a single congregation or $50,000 in the case of a diocese, religious order or convention or association of churches.

Acquisition of indebtedness

Indicates that this term was defined in the House bill in such a way to make it difficult to determine whether a church is actually engaged in a transaction which involves acquisition indebtedness. Believes that the definition should be clarified to insure that an indebtedness must be directly connected with income-producing property owned by a church and to insure that related indebtedness would not be attributed to acquisitions of unrelated property.

Fifteen-year rule relating to real estate acquisitions

States that the Senate should retain provisions in the House bill that rentals from property on debt-financed land acquired by a church for expansion within or without the church neighborhood will not be subject to taxation if the land is converted to an exempt use within 15 years.

Private foundations

Asserts that private foundations should not be taxed on investment income. Maintains that the Treasury proposal to reduce the 7½-percent tax in the House bill to 2 percent and consider it in the nature of a service or regulatory assessment is just as surely a tax on funds and income permanently set aside for a tax-exempt charitable purpose as would be a 7½-percent levy, or a 10-percent or a 50-percent levy.

Limit on tax preferences

Urges that appreciation on contributed property should be deleted from the items of tax preference income that would be subject to the provisions in the House bill.

Allocations of deductions

States that the appreciation on contributed property also should be deleted from the list of preferences which would reduce a donor's other itemized deductions. Argues that if charitable contributions are to be subject to allocation, this should be done only to the extent such deductions exceed $10,000.

Gifts of partial interest

States that if the Senate decides to abolish the deduction for gifts of the use of property (fair rental value), it is suggested that the House bill be clarified so present tax treatment is continued for gifts subject to a retained life estate and for gifts of undivided interest in property.

Life income (deferred gifts)

Argues that the life income gifts should retain their present tax treatment. Maintains that these gifts would be unduly restricted by the House bill by failure to make provision for *gift annuity, life income contract* and *charitable remainder trust* plans currently in use.

Increased standard deduction

States that there should be a provision for charitable contributions outside of the standard deduction. Contends that families using the increased standard deduction provided for in the House bill should be allowed a deduction for gifts in excess of 1½ or 2 percent of adjusted gross income.

Minimum standard deduction

Supports this provision, particularly the decision to end the "low income phase-out" after 1970. Maintains that the Senate should provide for continued sharing of the poor in the tax relief contemplated for 1972 and beyond by H.R. 13270. States that the $100 minimum standard deduction for each dependent should be retained and added to the basic allowance of $1,100 provided in 1971 and thereafter. Recommends that the ceiling should be raised to $2,000 so large families get full benefit from the increased minimum standard deduction.

Head of household treatment for single persons

States that there are a significant number of single persons (aside from widows and widowers) who have children under their care and custody but who may not under the terms of the current tax law claim head of household treatment since the children have not been adopted or do not have a close blood relationship. Maintains the head of household treatment should be extended to single persons described in the above circumstances.

LEONARD S. SILK, PRESIDENT, THE NATIONAL ASSEMBLY FOR SOCIAL POLICY AND DEVELOPMENT INC.

Description

Indicates that the National Assembly for Social Policy and Development is an independent organization of individuals representing a broad spectrum of citizen and organizational interest and concern whose primary purpose is to contribute to the development of sound national and social planning, policies, and programs; to develop strategies for action and implementation in both governmental and voluntary sectors; and to strengthen citizen participation in such activities.

Low-income allowance

Supports the provisions in the House bill for the relief of millions of low-income families of the necessity to pay Federal income taxes.

Charitable contributions, in general

States that there has never been a greater need to strengthen voluntary organizations as a complement to the role of government. Believes that the objective should be to strengthen rather than to weaken reserves to voluntary philanthropy giving.

Points out that the Federal and State governments have adhered consistently to the principle of tax exemption for charitable organizations. Indicates that the deductibility of contributions is an inherent aspect of tax exemption, since without it most of our tax-exempt institutions would cease to exist.

Charitable contribution deduction distinguished from other deduction

Suggests that charitable contributions should not be grouped or considered with other deductible items. Indicates that the other deductions are economically mandated whereas charitable contributions are voluntary. Points out that the other deductions benefit the individual but that the charitable contributions benefit our committees.

Inclusion of charitable contributions within the allocation of deduction provision

Suggests that charitable contributions be deleted from items subject to the allocation of deductible provisions contained in the House bill. Points out that the discretionary charitable contribution is not comparable to the expenditures comprising the balance of the itemized category.

Limitation of gifts of future interest in appreciated property

Indicates that the proposed limitation of gifts of future interests in appreciated property will effectively eliminate major sources of funding for religious, educational, and charitable organizations. Suggests that it be deleted from the House bill.

Inclusion of appreciated property contributions in the limit on tax preference and allocation of deductions

Supports the concept of the limit on tax preference and allocation of deductions, but suggests that the part including appreciation in value of property contributed to charity be eliminated. Indicates that the inclusion of this item in the computation will substantially depress the level of many charitable contributions which now are relied on as "leadership gifts" in major fund raising drives by publicly supported fund raising organizations.

Limitations on contributions of appreciated tangible personal property

Suggests that gifts of appreciated property to charity should not be treated differently from gifts of appreciated securities and recommends the deletion of this provision from the House bill.

Limitation on deductions on a charitable trust income

States that the deduction of charitable trust income interests should not be limited. Urges the committee to accept the administration's suggestions in this regard.

Tax on investment income of foundations

Opposes the tax on investment income of foundations as violating basic principles of tax exemption and as representing, in reality, a tax on those nonfoundations, nonprofit organizations that the House intended to leave tax exempt.

States no objection to the imposition of an annual filing or audit fee sufficient to defray the cost of Federal supervision.

WALTER H. WHEELER, JR., PRESIDENT, UNITED COMMUNITY FUNDS AND COUNCILS OF AMERICA

General

Agrees with the reform measures contained in the House bill which will remove the poor from the tax rolls, give relief to the middle taxpayer and require that everyone pay his fair share in taxes.

Opposes the tax revision proposals which would curtail, lessen or discourage charitable contributions. Does not believe that tax reform should be realized at the expense of the poor and the needy. Indicates that Government encouragement of voluntary action in meeting health and welfare needs should be increased and strengthened by retaining the present and adding more incentives for charitable contributions.

A 7½-percent tax on foundation income

States that no tax should be levied on the income of foundations. Indicates that a tax on foundation income would be a direct cut for the United Fund because in many cases the United Funds have been receiving some or all of the income realized annually by foundations as a regular contribution to their yearly campaign.

Charitable contributions of appreciated property

Believes that no tax should be imposed, either directly or indirectly on appreciated property contributed to charity.

Inclusion of charitable contributions within allocation of deductions provision

Argues that the charitable contribution deductions should not be included as an item subject to allocation under the allocation of deductions provision in the House bill.

Definition of a private foundation

States that the definition of a private foundation, as contained in the House bill, is ambiguous and should be clarified or revised so that United Funds and their member agencies are clearly excluded from the definitions of private foundations.

Increase in the limitation of the charitable contribution deduction

Favors the increase in the allowable deduction from 30 percent to 50 percent for the individual contributor, but believes that its income producing potential for charitable organizations is minimal and would not make up for the harmful effects of the other provisions relating to charitable contributions contained in the House bill.

KYRAN M. M'GRATH, DIRECTOR, AMERICAN ASSOCIATION OF MUSEUMS

Appreciated value of donated tangible personal property

Notes the House bill applies a tax consequence on the appreciated value of donated tangible personal property. States that 90 percent of museums are barely able to meet operating costs and have no funds left over for acquisitions, and that they depend on donations and gifts for acquisition of the objects exhibited to the public.

A 7½-percent tax on private foundations

States the House bill would apply a tax of 7½ percent on private foundations, and notes that the definition of a private foundation would include many museums; that is, those receiving most of their income from private endowment income. States the tax, or even a 2-percent tax as proposed by the administration, on the investment or endowment income of these museums would work a very severe hardship. Expresses concern that the House bill looks to the source of funds of museums rather than to the educational and cultural services they offer to the public.

Charitable contribution limitation for privately supported and publicly supported museums

Notes that privately supported museums must compete with universities, colleges, hospitals, as well as publicly supported museums. Expresses concern regarding the definition of an operating foundation in the House bill and is disturbed that many privately supported museums would not be so classified.

PERRY T. RATHBONE, PRESIDENT, ASSOCIATION OF ART MUSEUM DIRECTORS

Charitable contributions of works of art

Contends the House proposals would cancel the existing tax incentives to giving works of art, although tax incentives for gifts of intangible property (stocks, bonds, securities) would be preserved and reaffirmed. States that while this would quite properly preserve the lifeblood of universities and colleges, the lifeblood of equally deserving educational institutions, museums, would be summarily cut off. Contends that in the world of art and culture the damage would be prolonged and catastrophic, and out of all proportion to the relatively small fiscal return to the Government.

Disagrees with statements to the effect that while stock values may be readily verified, values of paintings or antiques are not. Contends that works of art are just as susceptible to valuation as are stocks. Notes the existence and operation of the Advisory Panel on the Evaluation of Works of Art, and the aid it has given to the Revenue Service in identifying and controlling the minority of abuses that have given the donation on works of art an occasional bad press, and an ill-deserved reputation.

H. STEWART DUNN, JR., ON BEHALF OF LONGWOOD FOUNDATION, INC.

Description

States that the Longwood Foundation owns and operates Longwood Gardens, which is a 1,000 acre-park and horticultural garden open to the public throughout the year without charge, and will be visited by approximately 1 million persons during its current fiscal year.

Definition of an operation foundation

Indicates that the Longwood Foundation apparently would not be an operating foundation under the House bill. Points out that operating private foundations are not subject to the penalty tax on the failure to distribute income or 5 percent of principal, whichever is higher; whereas other private foundations are subject to this tax. Indicates that the problem with the House bill is that it apparently does not include as an operating asset the investments held by the foundation to produce the income needed to maintain a foundation's public operations; consequently, it is practically impossible for new self-sustaining private operating foundation to meet the definition of a private operating foundation in the House bill. Points out that the House bill, as applied to Longwood, would annually erode its endowment and would ultimately make it impossible to operate Longwood Gardens.

Feels that this was not the intention of the House or of the Ways and Means Committee. Notes that the Ways and Means Committee report expressly states that the assets test in the definition of an operating foundation was to protect organizations such as museums, Calloway Gardens, Colonial Williamsburg and Jackson Hole. Believes that Longwood Gardens is engaged in the same type of activity as the organizations referred to in the House report.

Suggests that the definition be clarified to include in operating assets the portion of the endowment fund of a foundation which is required to provide the income expended in the active operations of the foundation. Suggests, also, that the Senate Finance Committee report make it clear that an existing foundation be divided into two separate foundations so that the operating portion may meet the dual test for an operating foundation.

Excess holdings requirement

States that the provision in the House bill contains an ambiguity regarding the tax on excess business holdings when the stock held by the foundation is in a passive holding company. Indicates that there is no reason why the restrictions should be applied to a holding company provided the stock held by the holding company is proportionately attributed to the foundation, its managers and its major contributors in determining whether the foundation has an excessive or a underlying business.

Points out that the House bill uses the term "business enterprise" and indicates that this should not include a corporation which

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conducts no business, but only holds a minority stock interest in operating companies. Feels that this portion of the House bill is clear and suggests that the committee report define a public enterprise so that it does not include a holding company.

JOHN J. SCHWARTZ, EXECUTIVE VICE PRESIDENT, AMERICAN ASSOCIATION OF FUND-RAISING COUNSEL, INC.

General

Indicates that the House bill would have a very detrimental effect on the development—and probably the continued assistance—of many of our social institutions which rely on voluntary private contributions for a share of their support. Maintains that tax incentives have encouraged private support which now stands at $15.8 billion annually. Indicates that in 1968 these funds were distributed to the major philanthropic areas approximately as follows:

	Percent	Amount (billions)
Religion	46.8	$7.4
Health and hospitals	17.3	2.7
Education	16.7	2.6
Human resources	7.0	1.1
Civic and cultural	4.5	.71
Other	7.7	1.2

Points out that several provisions in the House bill will have a significant effect on voluntary giving: (1) allocation of deductions; (2) limitation on tax preferences; (3) 7½ percent tax on foundations; and (4) treatment of capital gains in gifts of property to private foundations.

Gifts of appreciated property

Claims that a recent survey indicates gifts of appreciated property comprise 48 percent of total giving to educational construction, 27 percent of annual gifts to colleges, 38 percent of gifts to hospital construction and 35 percent of annual gifts to hospitals. Indicates that although recent surveys have not been conducted in other areas, our experience has proven that these gifts are equally important to fund-raising programs for youth and welfare agencies, churches, and civic and cultural projects—particularly those for capital expansion. States that it is obvious that these gifts, in a monetary sense, are important to the success of programs to maintain, expand, or improve the Nation's social resources.

Foundation proposals

States that some of the proposals in the House bill affecting private foundations would also weaken support of our philanthropic institutions. Maintains that imposition of the 7½-percent tax the House bill proposes would reduce funds available for distribution by just about the same percentage. Indicates that another harmful provision is that gifts of appreciated property to private foundations must be distributed by the foundation within 1 year if the donor is to deduct the appreciated portion of the gift. States that if this provision had been in effect in the past, many of the large foundations which now exist might never have been formed.

Recommendations

Urges that the committee consider at least the following changes to the House bill: (1) exclude charitable deductions from those which must be allocated between taxable income and tax preference income; (2) exclude appreciation in the value of property contributed to charitable institutions in computing tax preference income; (3) delete provisions for imposition of a 7½ percent tax on net investment income of private foundations; and (4) continue present treatment of appreciated property gifts to all foundations.

LLOYD W. TUPLING, WASHINGTON REPRESENTATIVE, SIERRA CLUB

Tax-exempt status

States that the Sierra Club's loss of its tax-exempt status illustrates the shortcomings of existing law as it affects broadly supported public, charitable, and educational groups. Points out that the Internal Revenue Service denied tax exemption on grounds that the club had engaged in the propaganda and influenced legislation in a manner that violated the limitations of the Internal Revenue Code. Asserts that only an insubstantial part of its activity was involved with opposition to the construction of dams or to other legislative matters. Believes that the Internal Revenue Service misunderstood the facts and that its decision cannot be squared with the Internal Revenue Code, with first amendment freedoms or with sound public policy.

Maintains that the core problem is the amount of legislation activity which present law allows to exempt organizations is so vague as to deter any such activity by many organizations. Asserts that the distinction between "private foundations" and traditional, publicly based charitable organizations now makes feasible reconsideration of limitations imposed by present law on broadly based charities falling outside the "private foundation" category.

Recommendations

Urges that the present unworkable, unnecessary, discriminatory limitation on activities of broadly based, public charitable organizations which affect legislation be removed. Points out, however, that two limitations should remain: (1) permissible legislative activities must be related to legislation affecting the continued existence of the organization or to legislation involving the objectives that this organization was formed to pursue; and (2) there must be no intervention in elections.

Suggests an amendment to section 501(c)(3) which is closely related to that proposed by the American Bar Association Committee on Exempt Organizations be adopted. Indicates that the Sierra Club proposal differs in one respect from the American Bar Association proposal in that the club's proposal recognizes that appeals to the general public respecting legislation is part of the same process as is a direct representation to the legislature.

Maintains that it is important in liberalizing the tax treatment afforded nonprofit membership organizations that allowance be made for both *indirect*, and direct, lobbying by such charitable organizations. Argues that while there is a distinction between communication directly with Congress and communicating to the public at large for the purpose of urging them to contact Congress, these two approaches are not easily separated and practiced. Asserts that all organizations interested in legislation engage in both operations simultaneously.

Contends there is no reason why charities, unlike private business and their associations, should be precluded from receiving any tax deductible gifts merely because a small part of the charity's funds were used for influencing legislation.

BRONSON P. CLARK, EXECUTIVE SECRETARY, AMERICAN FRIENDS SERVICE COMMITTEE

Charitable contributions

Opposed to the following provisions of the bill:

(1) The inclusion of appreciation on gift property as a "tax preference" and gifts to charity in the "allocation of deductions" formula.

(2) Limitations on "deferred giving arrangements."

(3) Increase in the standard deduction.

(4) Tax on foundation income, because it is really a tax on charitable organizations that receive foundation grants.

(5) Limitations on foundation activities related to legislation.

Contends that the adoption of any of these provisions would seriously hurt the organization financially, and the adoption of all of the proposals would require the drastic curtailment of its present programs and prevent expansion of its charitable activities.

THE MINIMUM WAGE

Mr. EAGLETON. Mr. President, the July 1969 issue of the American Federationist contains a timely article on the minimum wage. "Up From the Sweatshops—50 Years of Minimum Wage," written by Francis X. Burkhardt, presents a brief social and legislative history of the fight for fair labor standards. The article also pulls together the employment impact reports prepared by the Secretary of Labor after each increase in the minimum wage; these findings, as reported in the article, demonstrate the absence of any negative effects on aggregate employment and the very inconsequential effects on industries once thought to be most affected by minimum wage improvements.

The most noteworthy discussion in the article is that involving minimum wage and teenage unemployment.

Mr. Burkhardt points out that there has always been opposition to the concept and practice of a statutory minimum wage. At first there was the legal opposition—but that has been put to rest by the 1941 Supreme Court decision of the Darby case. The economists and businessmen who feared disaster have been proved wrong, the adverse effects on unemployment never occurred. Now there is a new focus of opposition. Opponents of the minimum wage have charged that the minimum wage causes teenage unemployment. Frequently, I have seen this allegation in the press and academic journals.

The author reminds those who make this charge that the unemployment rate for teenagers has always been high, in fact, it was as high in 1950 as it was in 1968. The real problems are the worsening rate for teenagers relative to adults and the abnormally high rate for Negro teenagers. But as the article points out, the types of occupations using the majority of teenagers were not covered under the Fair Labor Standards Act until after teenage unemployment relative to adults had already worsened. The author also draws attention to the increasing number of teenagers seeking employment, as a result of the World War II baby boom, and the fact that the type of unskilled jobs usually employing teenagers has not kept pace with their growing demand for jobs. He also notes the high quit rates for teenagers and the increasing participation of older women in the work force as being additives to the problem. He concludes that the minimum wage has not been responsible for the worsening teenage unemployment situation relative to adults.

The article also discusses some of the problems that can be expected if a lower minimum wage for teenagers is enacted.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UP FROM THE SWEATSHOP—50 YEARS OF THE MINIMUM WAGE

(By Francis X. Burkhardt)

Fair labor standards legislation has had strong opposition from the very beginning. There are those who have opposed any attempt by federal or state law—or even by collective bargining between unions and employers—to establish minimum rates of pay. They cried "disaster," when the Fair Labor Standards Act was passed 30 years ago and they have repeated their predictions of general disaster whenever any improvements of FLSA have been discussed.

Other opponents of fair labor standards legislation have concentrated their predictions on increased unemployment. Every increase in the minimum wage has been greeted by predictions of rising joblessness.

Some opponents have increasingly concentrated their dire forecasts on specific groups—the minimum wage according to them will result in rising unemployment of young people or Negroes.

Yet the Fair Labor Standards Act and its improving amendments have raised the wages of most of the nation's lowest-wage workers—raising the standard of living and helping to bring them and their families into America's mainstream. Employment has increased and business has prospered. Reports to Congress by the Secretary of Labor on the effects of increases in the federal minimum wage—required by law—show that there have been substantial benefits and only rare isolated instances of adverse effects, involving a few small firms and very few employes.

The unceasing opposition has resulted in denying the protections of the law to all workers. There are 13 million non-supervisory workers who are not protected by FLSA. Many of these workers earn less than the present minimum wage. And many of them and their families live in poverty. Their incomes from work are so low that welfare payments are often needed to supplement them.

Early advocates of minimum wage laws understood that workers have a right to a living wage. Monsignor John Ryan, one of the early leaders in the fight for minimum wage laws, wrote:

"The goods and products of the earth are controlled in our industrial system by the employer. If it were the state that managed and operated the right of the laborer would be against the state, because the state would then have control of the means out of which wages must come. As a matter of fact, it is not the state that controls in our system; it is the employer. Therefore, the laborers' right to a decent livelihood from the fruits of the earth becomes a right against the employer for a living wage. The employer is bound to pay that because he is the paymaster of society."

In the U.S., changes in the economy after 1870 had disastrous effects on wages. The scarce labor supply before 1870—in an economy of farms, small shops and small factories—had caused a generally favorable level of wages. But the growth of big industry and the flood of immigrants after 1870 quickly changed the picture.

By the turn of the century, immigration to the U.S. reached more than a million persons a year. Many of the immigrants considered a wage of a dollar a day a sharp improvement over their "old country" level.

The competition for jobs was intense and, in most industries, unions were weak or non-existent. It was necessary for women and children to go into the factories to work. Since many of the factory jobs at that time required little or no skill, it was not uncommon for a boy of 10 or 12 to be working in the same factory as his father or mother. In a sense, he was competing for their jobs and thus driving down their wages even further. It was not surprising, then, that the first efforts of labor-legislation advocates, in the early 1900s, included a campaign to curb child-labor.

By 1909, all but six states had adopted some limitation on the age of employment in factories. And by 1913, most states had established 14 years as the minimum age for factory work. Also by 1913, 19 jurisdictions had succeeded in passing an 8-hour law for working children under 16. But these standards were undermined by many exemptions.

During this same period the health of women working in factories created great concern. Professors Harry A. Mills and Royal E. Montgomery, in their study of the economic problems of the period, reported: "Virtually all other studies of women's earnings during the prewar period (before 1917 point to the same fact: that at least 60 percent did not receive wages sufficient for decent existence." Professor C. E. Persons, in 1915, estimated that 75 percent of women workers were paid less than the $8.00 a week which he regarded as necessary for a decent existence.

National attention was drawn to the need for minimum wage laws for women workers by such early advocates of labor legislation as Florence Kelley, Secretary of the National Consumers League. Monsignor John Ryan and the Women's Trade Union League, led by Rose Schneiderman.

In 1912, the Massachusetts state legislature passed the first minimum wage law for women. Eight other state laws followed in 1913. However, most of these early state laws provided no effective means of enforcement. Consequently, their effects were minimal. But these early laws did provide a valuable beginning in the fight for the right of workers to a living wage. For example, the Oregon minimum wage law of 1913 declared: "It shall be unlawful to employ women in any occupation within the state for wages which are inadequate to supply the necessary cost of living and to maintain them in health." The Industrial Welfare Commission set the minimum wage at $8.64 per week.

Although these early laws establish the right of women workers to a minimum living wage, this right had to be reconciled with the U.S. Constitution and the interpretations of the federal courts. One of the chief reasons these state laws had not been made applicable to adult men was the virtual certainty that such legislation would have been held unconstitutional as abridging the "freedom of contract" that was considered to be implied by the word "liberty" in the Fourteenth Amendment to the Constitution.

The Oregon law was upheld by the Oregon Supreme Court as a justifiable police measure in protecting the health of women. The U.S. Supreme Court upheld the state court's decision by a four-to-four vote in 1917, but no opinion was written. So the matter was far from settled.

In 1923 the U.S. Supreme Court held that the District of Columbia minimum wage law was unconstitutional. It was held to be in contravention of the Fifth Amendment, as violating the implied freedom of contract. This time, the ruling was five against the legislation, three for it and one not participating (Justice Brandeis, because he had defended minimum wage legislation before the Oregon Supreme Court when he was a practicing attorney). The case, Adkins v. Children's Hospital, involved a woman elevator operator who had been discharged, because the employer would not pay the wage set by the Washington, D.C., Minimum Wage Board, as necessary to safeguard health and morals. The job was given to a man who was willing to work for less and men were not covered by the law. The court felt that the moral right of an individual to a living wage was outweighed by the moral right of the employer to refrain from paying more than a "just wage," and it was assumed that whatever wage the employer paid was a just wage.

But this was not the universal opinion of the times. In his dissenting opinion in the Adkins case, Chief Justice William Howard Taft stated:

"Legislatures in limiting freedom of contract between employe and employer by a minimum wage proceed on the assumption that employes, in the class receiving the least pay, are not upon a full level of equality with their employer and in their necessitous circumstances are prone to accept pretty much anything that is offered. They are peculiarly subject to the overreaching of the harsh and greedy employer . . . it is not the function of this court to hold congressional acts invalid simply because they are passed to carry out economic views which the court believes to be unwise or unsound."

In the two years after the 1923 Supreme Court decision, five more state minimum wage laws were declared unconstitutional on the basis of the decision in the Adkins case. It was not until the depression of the 1930s—a period of mass unemployment and wage cuts—that the minimum wage fight received new impetus. The National Consumers League, which had played an important part in the early drive, helped to rebuild the movement for fair labor standards.

To get around the objections of the Supreme Court majority in the Adkins case, the National Consumers League wrote a model bill, supplementing the living wage or health and decency standard by the "reasonable-value" or "fair-value" principle. This approach was based on a sentence in the court's opinion in the Adkins case: "A statute requiring an employer to pay in money, to pay at prescribed and regular intervals, to pay the value of services rendered, even to pay with fair relation to the extent of the benefit obtained from the service, would be understandable."

Seven states—Connecticut, Illinois, New Hampshire, New Jersey, New York, Ohio and Utah—enacted minimum wage laws in 1933, and all except Utah followed the model bill of the Consumers League. In 1934 Massachusetts repealed its original law and substituted a new one, based on the Consumers League model. Between 1933 and 1936, sixteen states had minimum wage laws, eight of these being holdovers from the earlier period.

However, this was not the only activity. On the federal level, in 1933, following the inauguration of President Franklin D. Roosevelt, the National Industrial Recovery Act was passed—a key part of the early New Deal legislation. One section of this act required that employers "shall comply with the maximum hours of labor, minimum rates of pay, and other conditions . . . approved or proscribed by the President."

The goals of the NIRA went further than the social-welfare purposes of the old minimum wage laws. The NIRA declared that increased wage rates would revive employment by increasing the purchasing power of the people. Moreover, the NIRA as a federal law, was nationwide in application, and it applied to men as well as women and children.

But once again the Supreme Court stepped in. The court decided, in 1935, that the NIRA was invalid because it, like the early state minimum wage laws for women, supposedly violated individual freedoms.

In June 1936, the Supreme Court also held that the New York State minimum wage law was unconstitutional.

For the second time, the fair labor standards movement faced an apparent impasse.

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In the fall of 1936, the Supreme Court agreed to hear a case, involving the Washington state minimum-wage law, which was identical with the District of Columbia statute, invalidated by the Adkins case decision of 1923. This case, West Coast Hotel Co. v. Parrish, involved Elsie Parrish, a former chambermaid who claimed she had been paid less than the state minimum wage and demanded $216.19 in back pay. On March 29, 1937, the Supreme Court upheld the Washington state minimum-wage, overruling the Adkins decision of 1923.

Chief Justice Charles E. Hughes, writing the Parrish decision, put to rest the "implied" doctrine of "freedom of contract." Hughes asked, referring to the interpretation of the Fourteenth Amendment that had blocked fair labor standards legislation for many years: "What is this freedom? The Constitution does not speak of freedom of contract." The court majority had returned to the opinion of the court minority in the 1923 decision. It was now possible for the states to protect workers against starvation wages. And the decision made possible a reconsideration of federal legislation.

President Roosevelt moved fast. On May 24, 1937, he sent a message to Congress, requesting legislation to establish federal fair labor standards. It declared:

"All but the hopelessly reactionary will agree that to conserve our primary resources of manpower, government must have some control over maximum hours, minimum wages, the evil of child labor, and the exploitation of unorganized labor."

Senator Hugo S. Black, of Alabama, and Representative William P. Connery, of Massachusetts, immediately introduced bills to establish a fair labor standards law. These bills were amended, before adoption by both houses of Congress and on June 25, 1938, the Fair Labor Standards Act was approved by the President and became Public Law No. 718.

Although the Fair Labor Standards Act was subjected to court tests, its constitutionality was definitely established in the Darby case of 1941. The Supreme Court's landmark opinion in the case of U.S. v. F. W. Darby Lumber Co., written by Justice Stone, said:

"Since our decision in West Coast Hotel Co. v. Parrish, it is no longer open to question that the fixing of a minimum wage is within the legislative power and the bare fact of its exercise is not a denial of due process under the Fifth more than under the Fourteenth Amendment. Nor is it any longer open to question that it is within the legislative power to fix maximum hours.

"Similarly the statute is not objectionable because applied alike to both men and women."

The central ideas of the Fair Labor Standards Act of 1938 were: (1) To set "a floor under wages," (2) a "ceiling over hours" and (3) to "give a break" to children. Its main objectives were to eliminate "labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers," as well as to avoid unfair competition.

Section 6 of the act set up the following minimum wage schedule for employes covered by the law: 25 cents an hour from October 24, 1938 to October 23, 1939; 30 cents an hour from October 24, 1939 to October 23, 1945; 40 cents after October 24, 1945.

The law was to be administered by the Administrator of the Wage and Hour Division. It also provided for the establishment of tri-partite industry committees, representing labor, management and the public, with the authority to speed up the pace of minimum-wage increases to 40 cents an hour. All of the industry committees moved to the 40-cent an hour rate by 1943.

The act also set up the following maximum work-week schedules, and work above the maximum would be paid at the rate of at least one and one-half times the employe's regular rate of pay. 44 hours a workweek from October 24, 1938 to October 23, 1939; 42 hours a workweek from October 24, 1939 to October 23, 1940; 40 hours after October 24, 1940.

The 1938 act also prohibited the employment of "oppressive child labor" in the production or distribution of goods and services. "Oppressive child labor" was defined as (1) employment of minors under 16 years of age in manufacturing and mining (2) employment of minors under 18 years of age in occupations found to be hazardous. Exceptions could be made for minors, between 14 and 16 years, in industries other than manufacturing and mining, if employed outside of school hours under certain conditions to be certified by the Wage and Hour Division.

The estimated number of workers, covered by FLSA, was 12.6 million in April 1939, or about 23 percent of the total civilian labor force. About 60 percent of the covered workers were in manufacturing, and most of the others were in transportation, commerce, wholesale trade and mining industries.

The first improvement of the act came in 1949 when covered employes received an increase in the legal minimum wage. The new rate was raised from 40 cents to 75 cents an hour, effective on January 25, 1950. It was estimated that this increase brought direct pay raises to 1.3 million low-wage workers in 1950. Unfortunately, Congress coupled the increase with a reduction in the scope of the law's coverage.

The 1949 amendments also dropped the industry committees, except in Puerto Rico and the Virgin Islands.

In 1955, FLSA was improved for the second time. The statutory minimum wage was increased from 75 cents an hour to $1.00 an hour effective March 1, 1956, bringing additional gains to some of the lowest-wage workers in the country. There was no change in the coverage provisions of the act.

In 1961, Congress approved increases in the legal minimum wage for jobs covered under the act and the first extension of the law's coverage to workers who were not previously protected by the act.

For those previously covered, the minimum wage was set at: $1.15 an hour effective September 1, 1961; $1.25 an hour from September 1, 1963.

The minimum wage for newly covered workers, as a result of a shift to annual dollar volume of sales as the criterion of interstate commerce, was set at: $1.00 an hour effective September 1, 1961; $1.15 an hour effective September 1, 1964; $1.25 an hour effective September 1, 1965.

Congress decided in 1961 that a fair test of coverage was the scope of the employer's engagement in interstate commerce. In order to limit the law's coverage to larger establishments, the Congress adopted a sales-volume test: $1 million dollars, except in construction, where the test was set at $350,000.

An additional 3.6 million workers were covered by FLSA, primarily in large retail trade and service establishments, local transit and construction firms. As a result of the 1961 improvements, there were 27.5 million workers under FLSA—34 percent of the total civilian labor force—but there were still many nonsupervisory workers left unprotected.

By 1966, with the expansion of employment, there were 32.3 million workers holding jobs covered by FLSA. Under the amendments adopted in 1966, coverage was extended substantially, to an additional 9.1 million workers, bringing the total covered to 41.4 million workers or 54 percent of the civilian labor force.

This extension of the law's coverage resulted in part from congressional action to include public schools, nursing homes and laundries. The annual sales figure for covered retail establishments was lowered to $250,000. Large farms were covered, for the first time, if they used 500 man days of labor in a peak quarter. Also, the entire construction industry was covered.

The minimum wage for the 32.3 million workers covered prior to the 1966 amendments was set at: $1.40 an hour effective February 1, 1967; $1.60 an hour effective February 1, 1968.

For 8.6 million newly covered workers, excluding farm workers, the minimum wage was set at: $1.00 an hour effective February 1, 1967; $1.15 an hour effective February 1, 1968; $1.30 an hour effective February 1, 1969; $1.45 an hour effective February 1, 1970; $1.60 an hour effective February 1, 1971.

For the over 400,000 newly covered farm workers, the minimum wage was established at: $1.00 an hour effective February 1, 1967; $1.15 an hour effective February 1, 1968; $1.30 an hour effective February 1, 1969.

In 1950, when the minimum wage went to 75 cents an hour, total employment grew 1,300,000. Reporting on the effects of increasing the minimum wage from 40 cents to 75 cents an hour, the Secretary of Labor concluded: "Though causing significant payroll increases, the 75 cent rate had only very minor determinable effects on employment and other non-wage variables in the five low-wage manufacturing industries surveyed. Even within a selected group of establishments as those with reported adjustment problems, the non-wage consequences of the 75 cent requirement were on a whole not very substantial."

In 1956, when the minimum wage was raised to $1.00, total employment again increased, by 1,600,000 workers. The Labor Department studied the effects of this rise of the minimum wage in seven low-wage, small-city areas. The Secretary of Labor concluded, "Few employers in subject industries indicated that they found it necessary to discharge workers in adjusting to the higher federal minimum."

In 1962, after the $1.15 minimum wage had gone into effect in late 1961, total employment increased 1 million, following a slight decline during the recession of the previous year.

The Report of the Secretary of Labor stated: "The 1961 minimum wage increases had no discernible effect on the nation-wide level of employment in the industries affected. On an overall basis employment has risen in these industries since the 1961 amendments took effect."

In 1966 after evaluating the effects of the $1.25 minimum wage, which became effective in September 1965, the Secretary of Labor reported: "On balance it would appear that the $1.25 minimum wage was adjusted to without adverse employment effects in these low-wage, high impact areas. . . ." This conclusion was based on a study of 15 low-wage areas particularly affected by changes in the minimum wage.

As for total employment in the nation, it expanded 1.8 million in 1966, after the $1.25 an hour minimum wage became effective. And it rose 1.5 million in 1967 and another 1.5 million in 1968, as the 1966 amendments went into effect.

After trying to find a possible disemployment impact from the increase in the minimum wage to $1.40, which went into effect on February 1, 1967, the Labor Department could find only 63 people in the whole country whose layoffs may have been related in some form or other to the higher minimum wage.

However, the opponents of fair labor standards legislation continue to make vague charges of its disemployment effects. They have ignored the available facts—for the economy as a whole, and for those industries which have been primarily affected by minimum wage—and the facts repudiate their dire predictions.

One of the major blindspots of opponents of fair labor standards legislation is their failure to understand that the national economy, industries and firms are constantly changing in response to numerous changes in consumer demand, technology, output per manhour of work and various other factors. Professor Richard Lester of Princeton University pointed out in his textbook Economics of Labor:

"Some of the evidence does seem to support a conclusion that even in relatively small, low-wage firms, managements have some latitude of adjustment and can, therefore, adapt to a new minimum in a variety of ways, including better utilization of labor and efforts to improve the workforce."

He added: "Because legal minimum wages have a restricted application and an uneven application and an uneven impact firm by firm, they serve to stimulate improvements in managements and in worker performance." He also noted the beneficial impact on business, itself, from the elimination of low wages: "Experience with minimum-wage legislation has demonstrated that managements, even in highly competitive industries, may be inefficient and wasteful in some respects, perhaps partly because low wages permit them to be."

Thus, almost all firms, with a few rare exceptions, have adjusted to the increased wage costs of improved fair labor standards legislation, while the entire national economy has benefited from the increased buying power of low-wage workers and their families.

What are the "special problems" that opponents of minimum wage laws claim to occur? Some opponents of fair wage legislation allege that minimum wage legislation puts young people out of work.

To understand the employment problems of youth it is important to remember that teenage unemployment has always been higher than the national average for all workers. This is because teenagers are new jobseekers, they often seek only part-time employment near home, they look for temporary summer jobs and then return to school. Out-of-school teenagers tend to have very high quit rates.

The unemployment rate for 16-to-19-year-olds in the labor force increased from under 10 percent in 1947 and 1948 to about 16 percent and 17 percent in the recession years 1958 and 1961, and was equally high in 1963 and 1964 when the general employment situation had begun to improve. With the continuing improvement in employment, it declined to slightly less than 13 percent in 1966 and remained at about that level in 1967–1968—after the 1966 amendments went into effect.

The real problem of teenage unemployment in the 1960s is that it has not dropped as fast as the decline of joblessness among adults 25 years of age and older. In the early years after World War II the teenage unemployment rate was about three times greater than the unemployment rate among adults. In 1963, it moved to four times higher and by 1966–1968, it was five times greater.

This worsening of teenage unemployment in relation to adults could hardly have been caused by FLSA when it began to show up in 1963 or in the years that immediatley followed. For from 1938, when the law was passed, until February 1, 1967, most typical teenage occupations were not covered by FLSA—such as medium-sized and small retail stores, restaurants, service establishments and farms. Such business activities that typically employ teenagers were not covered substantially by FLSA until 1967.

The roots of the teenage unemployment problem of the 1960s can be found in the sharp rise of the birthrate after the end of World War II. The great increase in births in the years after World War II resulted in a sudden, sharp rise of teenagers, looking for employment, in the 1960s. And although teenage employment increased considerably in the 1960s, it was not enough to match the influx of youngsters.

During the decade 1948–1958 there was actually a slight decline in the number of teenagers in the labor force—reflecting the low birthrate of the depression years of the 1930s. But in the 10 years, 1958–1968, the number of 16-to-19-year olds in the labor force skyrocketed 53 percent, from 4.3 million to 6.6 million. The average yearly increase of teenagers in the labor force was about 230,000 in 1958–1968, in sharp contrast to the slight decline in the previous 10 years. One would expect that such massive change in the numbers of teenagers in the labor force could create problems, particularly if the demand for teenage workers did not keep pace.

Many of the part-time farm jobs, once held by teenagers, disappeared, with the growth of large industrial-type, mechanized farms and the general decline of farm employment. The rapid decline of small neighborhood stores eliminated many other jobs once held by teenagers. The expansion of less-skilled jobs in retail stores and the various services has not been as fast as the skyrocketing supply of teenagers in the labor force. Harold Goldstein of the Bureau of Labor Statistics has estimated that employment in the kinds of jobs, typically employing three out of four teenagers, increased 20 percent in the past decade—in contrast to the over-50 percent rise in the supply of teenagers in the labor force.

In addition, there has been the increasing participation in the labor force of married women, 35 years of age and over, which results in some degree of job-competition with teenagers. Many married women, with no small children at home, are now at work on part-time or full-time jobs that often employ teenagers—for example, in supermarkets, restaurants, retail stores and movie theaters.

Nevertheless, employment of teenagers increased sharply in 1958–1968 in contrast to a small decline of teenage employment during the previous decade. In response to the massive influx of teenagers into the labor force in 1958–1968, teenage employment increased from 3.6 million to 5.8 million—an average of about 220,000 a year. This turn-around in teenage employment, from a small decline in 1948–1958 to a sharp rise in 1958–1968, occurred despite the improvements in FLSA, which minimum-wage opponents claim result in denying jobs to teenagers. But this great expansion of teenage employment was insufficient in the face of the even-greater growth in the numbers of teenagers in the job markets.

Despite the clear record, some opponents of fair labor standards laws—including Professor Milton Friedman of Chicago University, the leading conservative economist—claim that the federal floor for wages results in all kinds of supposed troubles, particularly Negro teenage unemployment. This assertion is as far from the facts as other attempts to blame fair labor standards legislation for the economy's ills.

The causes of higher unemployment rates among Negro teenagers—about twice as high as among white teenagers—are similar to the problems confronting teenagers in general, except for two major differences: 1) racial discrimination in education and hiring has had adverse effects on Negro teenagers in the job markets: 2) the migration of a large proportion of Negroes from the rural South to the cities, as well as the mechanization of farming has resulted in a decline of teenage farm employment.

In 1958–1968, the non-white teenage labor force rose even somewhat faster than the total teenage labor force. The number of non-white 16-to-19 year olds in the labor force rose from 504,000 in 1958 to 780,000 in 1968—about 27,600 per year. But the migration of the Negro population to the cities and the mechanization of southern agriculture sharply reduced farm employment of Negro teenagers.

Educational opportunities for Negro youngsters have been inferior—in both the rural South and in urban slum areas, and the preparation of many Negro youngsters for employment was also inferior. In addition, there is discrimination in hiring. For example, in 1966, non-white high school graduates had a somewhat higher unemployment rate than white high school dropouts. And Negro high school graduates, between 16 and 24 years of age, had only a slightly lower unemployment rate than Negro dropouts in the same age-group—indicating employer discrimination in hiring, with only little regard for high school graduation.

Despite these difficulties, non-white teenage employment increased sharply—from 366,000 in 1958 to 585,000 in 1968, or nearly 22,000 per year. However, this sharp increase in employment was less than the sharper rise of the non-white teenage labor force. The result was increased unemployment.

These are the real problems that have caused high unemployment rates for 16-to-19 year olds, in general, and for Negro teenagers, in particular. The Fair Labor Standards Act and its improvements are not among these causes and reducing wages for teenagers cannot be expected to solve their job problems.

The solution to teenage unemployment, generally, and especially Negro teenage joblessness, requires a growing economy and full employment. For the major solution to teenage unemployment is increased jobs. And when there are insufficient job opportunities in the regular job markets, there should be a federal program of public service employment—for both adults and teenagers—to create jobs for the long-term unemployed and seriously underemployed in providing badly needed public services in parks, recreation centers, hospitals, schools and other public and private non-profit facilities.

The Neighborhood Youth Corps—a part-time public-service employment type program for both in-school and out-of-school youth—should be expanded considerably to provide young people with regular work-experience, training and encouragement to remain in high school through graduation.

The Job Corps program for unemployed out-of-school youth should be maintained to provide them with basic education and skill-training for entry into the job market.

Improved vocational training is needed in the school systems, to prepare young people for the skill-requirement of the job markets. Manpower training programs should be geared to meeting actual requirements in the labor market. Outreach programs—such as those sponsored by the building trades unions in many areas—should be expanded, to motivate and assist young people for entry into apprenticeship programs and skilled occupations. And federal law should be enforced to wipe out racial discrimination in hiring.

The solid base of increasing teenage employment of the 1960s and the start of federal aid for education, manpower training and youth employment programs should be continued and improved.

Such continued progress and the expected leveling off of the rise of teenagers in the labor force in the coming years could begin to solve the teenage unemployment problem. But what should *not* be done is to establish a special, lower minimum wage for teenagers.

Opponents of the federal minimum wage often advocate that teenagers should be covered by lower minimum wage rates than adults, because they are supposedly less productive. The effects of such special lower minimum wage for teenagers would have four clear social disadvantages: displacement of working family heads, discrimination against young workers, a loss of dignity in the work performed by teenagers, and increased profits to those employers who would discriminate against teenagers by paying them lower wages than adults for the same work.

Many employers would be more than happy to hire teenagers at a lower wage than adult workers, especially since low-wage employers are those most affected by minimum wage legislation. On February 1, 1968 there were about six million workers who required wage increases to bring them up to the new federal standard of $1.60 an hour. Many of these six million are adults and some of them would have lost their jobs if employers had the choice of raising their wages to $1.60 an hour or firing them and hiring teenagers for a lower wage. Such potential displacement of heads-of-families by lower-wage teenagers would be socially undesirable.

Also, most lower-wage jobs are unskilled or semiskilled and require little training. Hence, the volume of work in these occupations, regardless of the age of the worker, is approximately equal. To pay a lower wage to teenagers for the same job as a higher-wage adult would be clearly discriminatory against teenagers.

It should also be remembered that many teenagers measure the dignity of a job by the amount of money the employer is willing to pay. Work would hardly seem worthwhile to a teenager doing the same job as an adult if he were receiving a lower wage than his adult counterpart.

The advocates of a two-step minimum wage—lower for teenagers—use the high unemployment of teenagers to plead their case. They do not seem to realize that what they would achieve by lowering the minimum wage for teenagers, relative to adults, is to attack the effect of the problem and not the cause. Providing the basis in federal law for teenagers to work for less than adults on the same job does not create more jobs; it only decreases the wage costs of those employers who would displace adults and hire teenagers, thereby raising their profits.

The need is to provide more job opportunities for both teenagers and adults—with FLSA as a uniform wage floor—rather than to encourage low-wage employers to displace adults and hire lower-wage teenagers.

The Fair Labor Standards Act's protection against unduly low wages and long working hours should now be extended to all workers. Today, 13 million non-supervisory workers are still not covered by the law's provisions. Still excluded from the protection of the Act are over one-third of the retail trade workers or 4,000,000; about one-third of the service workers or 2,300,000; one-fourth of the employes in finance, insurance and real estate or 750,000; one-fourth of wholesale trade employes or 800,000; 700,000 hired farm workers or two-thirds of all hired farm labor; and all household domestic workers, who number over two million; in addition, over two million state and local government employes are not protected by FLSA.

Many of these workers are paid much less than the federal minimum wage and their working hours, in many cases, amount to 60 or 70 hours per week.

The minimum wage standard should be raised from $1.60 to $2 an hour. A $2 minimum wage would allow a worker, employed full-time year-round, to earn an income of $4,000. This would mean that work could be a real incentive and would give a full-time worker a bit more than the government-defined poverty level for a family of four.

The 1966 Amendments to FLSA were a major instrument in helping several million low-income families to improve their living standards. The benefits of FLSA must be extended to those workers who are still outside of the law's protection.

While improved minimum wage legislation is not the sole answer for meeting all the problems of poverty, it is a major tool in alleviating the poverty of over half of the 22 million poor, by the government's definition of poverty, who are in the labor force—particularly the one-third of the poor who are in families headed by a full-time, year-round, low-wage worker. Most of the sweatshops and child labor of the early part of this century have been eliminated by legislation, collective bargaining and general improvement of living standards.

The working poor are the people who are trying to make it out of poverty, but can't. They are the men and women who work and try to eke out a living in the cities, rural areas and farms. They do not seek charity—they want decent wages. They are not impressed by promises—they want better wages for the jobs they have. And they do not need economic theorists to tell them about "pay according to productive contribution." They need more pay in their paychecks for the work they are doing. Paying a worker less than is needed for an adequate standard of living degrades his work. And it tends to degrade him as a person.

The Fair Labor Standards Act has gone a long way in providing protection to low-wage workers. It has lifted millions of workers and their families out of poverty. These have been the purposes of fair labor standards legislation from the beginning—since the early efforts of Msgr. John Ryan, Florence Kelley and their associates, the Massachusetts minimum wage law of 1913, the 1938 Act and its improvements.

UNPAID CAMPAIGN DEBTS AND THE FEDERAL INCOME TAX

Mr. WILLIAMS of Delaware. Mr. President, the Washington Post of May 15, 1969, contains an article entitled "Kennedy Campaign Debts Still Total $1 Million," written by Mr. William Greider.

Since that article was printed I have received considerable correspondence as to whether or not unpaid campaign debts could be deducted as a business loss for Federal income tax purposes.

To clarify this point, under date of July 21 I directed a letter to Dr. Laurence Woodworth, chief of staff of the Joint Committee on Internal Revenue Taxation, calling this to his attention and asking for an official interpretation of section 271 of the Revenue Code which deals with this problem.

As pointed out in this correspondence, in 1952 a similar question had arisen wherein a considerable amount of funds were being diverted into national campaigns under the guise of loans and then being written off as bad business debts. Following this disclosure, the Revenue Code was amended to prohibit this practice.

In order that this point may be clear to all concerned, I ask unanimous consent to have printed in the RECORD:

First. Three articles, the first of which was written by Mr. William Greider and published in the Washington Post of May 15, 1969, followed by two from the Associated Press dated May 12 and May 19, 1969, all dealing with these campaign debts.

Second. My letter of July 21, 1969, addressed to Dr. Laurence Woodworth, and his reply thereto under date of September 2, 1969. The correspondence with Dr. Woodworth makes very clear that the law does not permit unpaid campaign debts to be written off as bad debts for Federal income tax purposes.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 15, 1969]

KENNEDY CAMPAIGN DEBTS STILL TOTAL $1 MILLION

(By William Greider)

When Sen. Robert F. Kennedy began his ill-fated campaign for the Presidency last year, he told his brother-in-law Stephen Smith, "I think I'm going to cost you a lot of money this year."

The Kennedy campaign was indeed expensive and Smith, the business manager in the family, is still grappling with the debt left behind after the Senator's assassination.

Even though the Democratic National Committee is expected to help and the family held five fund-raising dinners across the country, the outstanding obligation will be about $1 million, according to a rough calculation by a former Kennedy campaign aide.

This deficit is subject to the usual negotiations which follow losing political efforts, when managers try to pare down their bills before settling. In this case, the family's great wealth might make hotels or airlines or print shops less eager to bargain.

In California, the state organization set up separately for the Kennedy campaign, has offered creditors 33 cents on the dollar as a settlement of the $600,000 in outstanding bills, according to Stanley Caidin, a Beverly Hills attorney.

Fund-raising dinners were not as successful as they had hoped, Caidin said, but many creditors are accepting the settlement without complaints.

"We incurred these debts independent of the Kennedy family," he said. "They had nothing to do with these obligations. They were incurred by local people. Obviously, if the Kennedys had had any connection with what we were doing out here, the bills would have been paid."

In other states, creditors will also probably be asked to pare bills, depending on the claim, according to the former Kennedy aide.

An aide to Sen. Eugene McCarthy's rival for the Democratic nomination, reported that the McCarthy campaign debt has virtually been liquidated now, through the same process.

"The winners pay their bills, the losers negotiate," he said. "That's the way it is."

The McCarthy managers, he said, offered 50 cents on the dollar for many of the larger bills. But this often meant more than that because the original deposit was included in the payment.

"Nobody trusted us," he said, "so we had to make substantial deposits." Campaign managers frequently bargain with people like hotel managers, pointing out that setting up a campaign headquarters in the hotel brings in extra business.

In the Kennedy campaign through five state primaries, the debt left after his death has been estimated at $3.5 million.

His brother, Sen. Edward M. Kennedy, and the rest of the family hosted five fund-raising dinners earlier this year which produced close to $1.5 million. According to a Kennedy associate, the proceeds were approximately: New York, $375,000; Washington, $375,000; Los Angeles, $225,000; San Francisco, $115,000; and Boston, $375,000.

Although final approval has not been given yet, the Democratic National Committee expects to absorb $1 million of the outstanding Kennedy debt as well as $1 million in debts left from Hubert Humphrey's pre-convention campaign. This will leave the National Committee with approximately $8 million to pay off before the next national campaign in 1972.

The National Committee's interest in helping to liquidate the Kennedy debt is not purely sentimental. The understanding is that Edward Kennedy, a top attraction on the political circuit, will help out the National Committee by appearing at its fund-raisers. The first big one is scheduled for next month in New York City.

Kennedy Campaign Debts

Los Angeles.—Debts from the California presidential campaign of the late Sen. Robert F. Kennedy, are being settled at 33 cents on the dollar, a spokesman said Wednesday. Stanley R. Caidin, an attorney and trustee of Kennedy's campaign committee, said about 250 creditors are owed a total of about $500,000. He said debts smaller than $100 are being paid in full. The debts belong to the campaign committee and not the Kennedy family, Caidin said.

Los Angeles Hotel Sues for Kennedy Bill

Los Angeles, May 19.—The Ambassador Hotel, where Sen. Robert F. Kennedy was assassinated last year, has sued his campaign committee for his unpaid $85,000 hotel bill—plus 7 per cent interest.

The suit was filed in Superior Court here April 18, as a closed attachment and made public today. A report indicated the county marshal's office had attached a Kennedy campaign bank account at the United States National.

The suit, directed against the national Kennedy-for-President committee, Kennedy national headquarters, Kennedy campaign committee and its trustees, said no part of the bill had been paid, despite payment demands. Attorney Stanley R. Caidin acknowledged two weeks ago that the campaign committee had been unable so far to raise sufficient funds to pay off all debts and creditors had been asked to accept settlement at 33 cents on the dollar.

July 21, 1969.

Dr. Laurence Woodworth,
Chief of Staff, Joint Committee on Internal Revenue Taxation, Longworth House Office Building, Washington, D.C.

Dear Larry: Enclosed are copies of three newspaper articles concerning the possibility that certain campaign debts will be written off as uncollectable.

On April 29, 1952, a similar situation developed wherein this write-off of campaign debts developed into a roundabout procedure whereby campaign contributions were being taken as deductible business expenses. A copy of my statement of that date, with which are included the Treasury rulings, is also enclosed.

On a subsequent date, I do not have this exact, an amendment was adopted to the Internal Revenue Code. As I recall it this was my amendment, but it was attached as a rider to some bill. The purpose of this amendment was to prohibit loans or advances to campaigns which were not subsequently collected from being treated as deductible items for tax purposes.

There is no rush to this inquiry, but I would appreciate your checking this out to see whether or not this is another potential violation of that Act.

Yours sincerely,
John J. Williams.

Congress of the United States,
Joint Committee on Internal Revenue Taxation,
Washington, D.C., September 2, 1969.

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: In your letter of July 21, you sent me copies of three newspaper articles concerning the possibility that certain debts incurred in the course of the 1968 campaign of the late Senator Robert F. Kennedy will not be paid. You inquire whether the amendment you offered in 1952 (now section 271 of the Inernal Revenue Code of 1954) would apply to the Kennedy campaign debts.

Setcion 271 of the Code provides that no deduction shall be allowed under section 166 (relating to bad debts) by reason of the worthlessness of any debt owed by a political party. (This provision does not apply to banks but applies to any other creditor. The definition of political party is broadly defined in section 271 and it would cover the Kennedy campaign committees.

I might point out that the regulations under section 271 provide:

"* * * it is immaterial that the debt may have arisen as a result of services rendered or goods sold or that the taxpayer included the amount of the debt in income."

Thus, in the case of the Los Angeles hotel bill, it is quite likely that the bill of $85,000 was included by the hotel in gross income in its return for 1968, since nearly all hotels report their income on the accrual basis rather than the cash basis. Under the regulations, no deduction could be claimed for the worthlessness of the debt if it turns out that it is uncollectable even though the full amount was included in income in the tax return filed for 1968.

If I can be of further assistance, please let me know.

Sincerely yours,
Laurence N. Woodworth.

PROBLEMS AND CHALLENGES OF PARTY REFORM

Mr. McGOVERN. Mr. President, an article published recently in the Los Angeles Times analyzes some of the problems and challenges of party reform.

I commend it to the attention of the Senate and to everyone who shares a concern for the future of democratic institutions in America.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Political Party Reform Is Risky

(By D. J. R. Bruckner)

Chicago.—This summer in Chicago has been cooler and wetter than any in a decade. Lake Michigan has already turned to the deep blue color it takes on in autumn, and the lakefront parks are dark green and bright with flowers. It is hard to believe that only a year ago the Democratic Party was gathering in Chicago for its convention, or to recall the heat, the odor of gas, the singing and screaming and the sounds of running in the night.

There is a tendency, as time passes, to think of that pandemonium as a weird television show put on by former President Lyndon Johnson and Chicago's Mayor Richard J. Daley. The truth is probably closer to Daley's discomfitting pronouncment that "the convention mirrors the state of the society." At least, it exposes the insides of the party.

There is also now a growing reluctance among many Democratic officeholders to make the kind of structural changes in the party which last year's convention demanded when it set up the commission on party structure headed by Sen. George S. McGovern (D–S.D.). Coolness to reform has grown markedly in the last few weeks since Sen. Edward M. Kennedy (D–Mass.) fell into a political limbo. Now, some other national figures who think they have a chance of their party's presidential nomination in 1972, are beginning to fear that extensive party reform could create a convention they could not sway.

Yet, systematic reform would seem to be the only way for the party to maintain itself as a national political force. The alternative is not necessarily a repetition of the violence of last year; it might be simply a drifting away of the people from the party, until the party would seem as remote to the people as last year's convention seems from this August. Not long ago a majority of Americans identified with the Democratic Party. A steep slippage started during the Johnson years and it continues. National polls indicate clearly that a rapidly growing number of Americans consider themselves independents, especially the younger voters.

The McGovern Commission has completed 17 regional hearings, interviewing 500 witnesses from 48 states. On Aug. 28, the first anniversary of the Battle of Grant Park, the commission's executive committee will meet to give its staff directions on drawing up a report for the state Democratic parties, with recommendations for reform. Later, a similar report will go to the Democratic National Committee, before the McGovern Commission goes on to its next task, recommending reform of the national party's structures and procedures.

Reform of this kind is always a dangerous undertaking. The McGovern Commission has already spawned reform commissions in the party in 30 states and territories. Two states have revised state laws governing elections of delegates and party officials. In one state, the party is rewriting its entire constitution. In Missouri, where the party has never had any written rules, a reform commission is at work. And, indeed, this is where reform must happen, at the local level, for the constituency of the national party is formed at local levels and it is locally that the party gains its power.

Some party regulars see the end of all reform movements as New York, where the Democratic Party is little more than a mess of factions without ideals or loyalties. That could happen to the party nationally, but it need not, and the old system of political discipline and rewards is dying anyway. The politics of this country is becoming continually less a politics of party or person and more a politics of issues. In an age of widespread discontent, such politics is bound to be turbulent, and it is possible that many future political conventions will be as angry as the Democrats' meeting last year.

McGovern has said he wants to open up the party structure so that his party will become a national forum for the battles over issues in the future. This is a risky business. But one suspects that the alternative is a shrinking of the political parties and an elevation of the ideological battles into the national election campaigns to be resolved only at the polls. And, after all, national elections conducted on the model of the 1968 Democratic Convention are probably not desirable.

MANDATORY OIL IMPORT PROGRAM

Mr. HANSEN. Mr. President, I am confident that President Nixon will not be misled by those who advocate the abolishment of the mandatory oil import program in favor of the uncertainties of more cheaply produced foreign oil.

We are now importing about 25 percent of our total domestic needs to supplement our own production and help maintain U.S. self-sufficiency for a national emergency we hope may never develop. But if recent threats by some Middle East nations to use oil as a lever or instrument for implementing certain policies of their own materialize, we certainly would not want to be dependent upon those nations for any substantial amount of our petroleum requirements.

The British are well aware of the risks involved in dependency on such sources. An article published recently in the Financial Times, of London, pointed out:

> The fundamental instability and political unreliability of the countries on which Britain and most of the rest of the industrialized world, apart from the U.S., depend.

Let us keep the United States apart from those other countries of the world which now depend on sources that could be withdrawn, curtailed, or exorbitantly priced at the whim of a new regime.

I ask unanimous consent that the article entitled "Oil Priorities After Libya" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL PRIORITIES AFTER LIBYA

The news of the Libyan coup caused a few anxious moments in both official and oil industry circles throughout Europe. Since the closure of the Suez Canal and the outbreak of the Nigerian civil war Libya has assumed a crucial role in Europe's supply pattern. This is less true of Britain than of some continental countries. But in the first six months of 1969 Libya was second only to Kuwait as a source of supply, and provided about 18 per cent of our imports. Moreover Libya's importance is greater than even this substantial proportion implies. Unlike Kuwait crude, its oil is largely sulphur free, and so produces a relatively clean burning fuel oil. With the increasing attention being paid to clean air this is a significant factor since the cost of desulphurising crude to meet modern standards is considerable.

WISE DECISION

So far, at least, the change of regime seems to have been carried through peacefully and the British Government's speedy decision to recognize the new government was a wise one in circumstances where the Arab radicals have been trying to associate Britain with the deposed King Idris. The oil has also continued to flow. It is to be hoped that this state of affairs continues. However, the coup has once again demonstrated the fundamental instability and political unreliability of the countries on which Britain and most of the rest of the industrialized world, apart from the U.S., depend for their oil.

This fact would not justify a decision to use less oil and more indigenous coal. Oil is now so much the cheaper that to displace it in favour of coal would make as much sense as paying out more in insurance premiums than the paid-up value of the policy. But in moderation insurance is always a wise policy. Last week's events confirm the wisdom of preventing the oil companies from reaping the full benefit of their cost advantages to dominate completely the British fuel market. They confirm the rightness of the Government's policy to maintain a viable coal industry based on the most economic pits. The decision to press ahead with the development of nuclear power despite its cost, and despite the fact that nuclear power stations are more expensive to run than would be those fired by untaxed oil, is also right. So is the rapid exploitation of the North Sea gas reserves.

However, there is no getting round the fact that imported oil will be the country's most important single source of fuel throughout the 1970s. In 1975 it is expected to account for about 40 per cent of Britain's total fuel consumption. The need therefore is to be clear about the principles on which an oil policy should be based.

The first is that Britain will do better if it continues to rely on the international companies than if it becomes involved in direct dealings through a state-owned concern, such as the proposed exploration subsidiary of the Gas Council. Only the international oil companies have the spread of reserves in different parts of the world to withstand the shock of the closure of any one supply point, or combination of supply points.

SUPPLY PRIORITY

Secondly, security of supply should be given a higher priority than cheapness. In the short run this means that no one country should be allowed to secure a dominant position among Britain's suppliers. In the longer run it may mean that if relatively expensive oil is discovered either in Europe's offshore water, or elsewhere—the Canadian Arctic, for instance—in a politically secure country, it should be exploited to our advantage if at all possible, even if it is more expensive than oil from the Middle East and North Africa.

DETECTION OF POTENTIAL DROPOUTS

Mr. EAGLETON. Mr. President, conscientious educators in our country are directing their efforts to solve hard-core problems of the public educational system. Chief among them is the dilemma of the dropout student. From the point where a student leaves school, the downward spiral of his personal goals and achievements is too easily predictable. This is not merely a personal saga of failure; the entire Nation becomes poorer with the loss of the creative resources of every high school dropout.

The public school system of my home city of St. Louis has initiated a program to conserve the creativity of youth before it is stifled into patterns of failure. Entitled "Project Stay," this federally funded program is aimed at detecting potential dropouts. The energies of teachers and local businesses are then pooled to plan work-study programs and curriculums pertinent to the individual needs of the student.

I ask unanimous consent that an article explaining Project Stay, published in the September 10, 1969, issue of the Christian Science Monitor, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ST. LOUIS TRIES TO FIND POTENTIAL DROPOUTS

ST. LOUIS.—A federally funded program that will seek to discourage student dropouts at two St. Louis schools is being introduced this fall by the city's board of education.

Called Project Stay, the program has one of the largest single grants ever received by the St. Louis Public School System.

A total of $770,000 was approved by the Office of Education for the first year and, depending on the project's success this year, the five-year program could receive $5 million.

Explaining the objectives, Rufus W. Young Jr., project director, said:

"What we're trying to do is create changed attitudes in students early enough in life to make them see the value of education and the need to stay in school.

"Our eventual goal is to work on pupil attitudes in the middle grades [fourth through sixth] of the elementary schools. At that time, teachers can predict with pretty good accuracy which students might drop out of school later on."

Mr. Young and his associates will attempt to identify the potential dropouts among 3,700 students in grades seven through 12 at Soldan High School and Enright Middle School. The latter enrolls grades seven and eight.

Steps then will be taken by project workers to determine the needs of these students and develop preventive measures to keep them from dropping out of school.

REASONS PINPOINTED

Under Missouri law, pupils must attend school until they are 16 years old. The experience of schoolteachers in this state has shown that the potential dropout frequently can be identified in the eighth grade when his absences from school begin to show a marked increase, and he declines to participate in extracurricular activities.

The St. Louis Board of Education has found through studies that "the dropout is frequently the student who goes unnoticed, whose problems are not fully understood by school personnel, or who receives only limited attention or counseling from school personnel."

The major reasons for leaving school are the desire to earn money and a lack of interest in classroom work, the board has reported. Pregnancy and emotional instability are among other reasons mentioned.

A high-school dropout is most often a Negro male who leaves school in the 10th grade at the age of about 16, school officials here have determined. The dropout usually has low scores on intelligence tests, is behind in his grade level, and is likely to be failing in his classroom work.

As a general rule, he is a member of a low-income family, and financial difficulties play a major role in his decision to quit school.

"These young people are not only unskilled when they leave school, but most of the unskilled labor jobs which were available three or more decades ago in our economy have disappeared with automotive and technological advances in industry and the steady decrease in unskilled jobs in agricultural areas," the board of education noted in a study.

JOBLESSNESS CALLED LIKELY

Youths who leave high school today before gratuation "may well remain jobless" and will therefore have to be supported by society in some way, the study adds.

A work-study program will be given particular emphasis in Project Stay. It will be directed primarily toward those students who leave school because they do not believe it is advantageous to their present or future.

About 325 pupils will participate in the work-study program, which will include part-time employment with local businesses, service stations, hospitals and home-remodeling companies.

More guidance services will be provided for students in Project Stay. The number of social workers will be increased, and teachers will assume a larger part in counseling pupils.

"The key to this whole program is the teachers," Mr. Young commented. "They must be willing to do everything to meet the goals we have set."

Applications for a dropout prevention program were submitted to the federal government by 360 school systems in all parts of the nation. Grants for the first year were approved for only nine school systems. The largest grant was made to St. Louis.

THE PESTICIDE PERIL—L

Mr. NELSON. Mr. President, the naturalist writer for the Washington Post, Irston R. Barnes, in a number of recent columns, has expressed his concern about the threat to our environment from the continued use of persistent, toxic pesticides. In a recent issue of the Post, he again focuses attention on this crucial matter.

Conservationists and ecologists are primarily responsible for alerting the public to the grave dangers of these chemicals and waging the battle against the chemical industry and agricultural community to establish a ban on DDT and related pesticides. According to Mr. Barnes, wildlife specialists at the Patuxent Wildlife Research Center at Laurel, Md., first began experiments with DDT in 1945, and have since accumulated vast amounts of scientific evidence which are now the "basis of understanding of the chemical pesticide disasters—of its catastrophic effects on wildlife, of its worldwide contamination of all environments and all forms of life, and of its threat to man."

I ask unanimous consent that Mr. Barnes' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THAT INFAMOUS BUG-KILLER

(By Irston R. Barnes)

The Wall Street Journal recently gave first-page attention to the search for safer insect controls, heading the article, "Replacing DDT." This is a most hopeful augury of wider recognition that the dangerous contamination of the environment by powerful, persistent pesticide chemicals must be stopped.

"The famed bug-killer DDT is losing its deadly wallop (with the appearance of resistant insect strains) and falling into disfavor as a threat to wildlife and mankind. But even if DDT fades from use, the insects will hardly take over the world, for potential replacements are on the way." Thus Burt Shorr introduces a quick overview of the promise of biological methods of insect control.

The major credit for the solid scientific basis of understanding of the chemical pesticide disaster—of its catastrophic effects on wildlife, of its worldwide contamination of all environments and all forms of life, and of its threat to man—belongs to the wildlife specialists, most notably to work carried on at the Patuxent Wildlife Research Center at Laurel, Md.

The first experimental uses of DDT in the summer of 1945 alerted wildlife specialists to the large kills of birds, fish and amphibians, as well as insects, that followed applications of as little as 2 pounds per acre to woodland areas. Further study reduced the application rates for forest, orchard and farm uses, but still extensive mortalities were reported.

The fire ant fiasco, where massive applications of heptachlor as advocated by the Department of Agriculture and the chemical industry were used despite widespread public protests, demonstrated that only irrefutable scientific evidence could prevail against bureaucratic and industrial chemists with no interest in biological realities.

In addition to field observations of the immediate consequences of chemical pesticides, the Fish and Wildlife Service began careful laboratory investigations to determine what levels of DDT and other pesticides caused death to various forms of wildlife.

Then, as universal environmental contamination became a fact, a new and more difficult problem was posed—that of the cumulative effects of sub-lethal ingestion of pesticides. Some of the most important of the Patuxent studies on low level, long-term exposure established the loss of reproductive capability among birds as a clear consequence of exposure. These results confirmed the hypothesis of ornithologists that the wiping out of extensive populations of bald eagles, ospreys and falcons, as well as sharp declines among other predators, were attributable to pesticides in wildlife food chains.

The refined research techniques developed at Patuxent, far beyond anything undertaken in industrial research laboratories, are now capable of detecting not only the presence of the pesticide chemical applied, e.g., DDT, but also the metabolites of such chemicals, e.g., DDD and DDE. These techniques become critical in distinguishing the cumulative effects of different contaminants.

A phenomenon that was slow to be recognized, but that is now known to be one of the most serious aspects of the use of chemical pesticides, is the biological concentration of poisons in successive stages of various food chains. The most publicized example relates to the way in which the spraying for Dutch elm beetles leads to concentrations of residues and metabolites in earthworms, so that robins, eating the earthworms, quickly accumulate lethal doses.

The same biological concentration mechanism wipes out predatory game fish while leaving food fish surviving in the same pond. Similarly sub-lethal accumulations in fish and pray species end the reproductive lives of eagles, ospreys, peregrines, and other raptorial birds.

The investment in developing the chemistry laboratory at Patuxent, with its union of the expertise of chemists and biologists and with its super-refined and tested technologies, is now about to pay out in even larger benefits to the public. Environmental contamination arises from many sources other than chemical pesticides—notably from industrial wastes, from PCB's (polychlorinated byphenyl solutions) and other synthetics, and from automobile exhausts and other combustion.

With wildlife as sensitive indicators of the quality of the environment, the Patuxent Wildlife Research Center can now broaden its scope to examine all sorts of environmental pollution. And mankind will be the ultimate beneficiary.

PUBLIC AID TO PAROCHIAL SCHOOLS

Mr. ERVIN. Mr. President, one of the most enduring problems which faces our Nation is working out the proper relationship of church and state. The Constitution lays down the fundamental principles that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In other words, the complementary ideas of "separation of church and state" and "free exercise of religion" are the basic touchstones of church-state relations.

The importance of maintaining strict adherence to these constitutional principles should never be forgotten. Religion touches the roots of men's beings, and so religious disputes are always hotly conducted. The Founding Fathers recognized this, and sought through the words of the Constitution to free our country as much as possible from the destructive nature of religious discord. Their efforts have been largely successful. Our country has so far been spared the religious dissension that has torn so many other nations throughout history. However, we must always remember that politics and religion is a dangerous mixture. The tragic situation that has occurred in Northern Ireland is a reminder, if we need one, that we should never be complacent about the necessity for abiding by these constitutional rules.

The principles of the first amendment are now being tested by growing Federal and State aid to sectarian education and by the public school prayer issue. Public aid to private, sectarian schools has been increasing yearly in quantity and in diversity. And despite the Supreme Court's unequivocal decisions to the contrary, school districts in many parts of the country have disregarded the Court's ruling that the Constitution forbids prayer in public schools.

These two issues demonstrate that the application of the first amendment is always fraught with difficulty. First, the principles of "separation" and "free exercise" may sometimes be in conflict. What is "separation" to one person may appear to be infringement of "free exercise" to another. Second, what is meant by separation and what is meant by free exercise are not always evident, and rarely free from dispute.

Thus, to many Americans, the need to provide an excellent education to all children means that public aid to sectarian schools should not be prevented because of fears of violating the Constitution. Indeed, many citizens argue that such aid is mandatory if we are not to penalize parents economically for their religious convictions. Similarly, critics of the Supreme Court's school prayer decision see no harm and much good in simple, nondenominational prayer at the start of a school day.

These are difficult constitutional problems. They perplex and disturb Americans who are looking for guidance in resolving them.

On questions of the first amendment, as on so many areas of constitutional law, there is no more learned and lucid voice than that of Prof. Paul Freund of Harvard Law School. In a recent article in the Harvard Law Review, Professor Freund discusses the recent case of *Board of Education* v. *Allen*, 392 U.S. 236 (1968), which deals with the question of whether public funds may be used to buy textbooks for loan to parochial school students.

The Allen decision is a milestone on the question of public aid to religion, but it is by no means a landmark. The case presented many questions, but the decision raises many more than it settled. It leaves the proper dimensions of public aid to religious schools as much in doubt as before. As Professor Freund points out, public assistance in the form of providing free transportation, or even the giving of other benefits such as free lunches and medical examinations, may well be constitutionally permissible when it is offered to children attending religious schools. But the "child benefit" theory is no great help in resolving the difficult constitutional question presented when public aid to religious schools involves the content of education in the form of providing textbooks. The theory is more a rationalization than a justification for aid to religious institutions. Whatever benefits a school may always be categorized as benefiting the child, just as it is always possible to say that whatever benefits the child, benefits the school.

Rather than basing constitutionality on a matter of semantics, we must look to the consequences of such aid to determine whether it infringes upon the Constitution. If the textbooks are chosen by the religious school, and then provided by public aid, they may well contain religious matter. If they are chosen by public officials, then the school may have to accept books which lack the religious content the schools desire. In the one case, public funds will be used to aid religious education—a violation of the establishment prohibition. In the second case, we have infringed upon the religion's right to free exercise through the seductiveness of governmental assistance.

Professor Freund's discussion of the Allen case and the question of public aid to religious schools is an important contribution to public understanding of this crucial question. His analysis of the constitutional principles and their meaning is also helpful in understanding the other church-State issues that are yet to be resolved. For these reasons, I believe that his article should be given wider circulation and brought to the attention of Members of Congress and the general public. Therefore, I ask unanimous consent that the article "Public Aid to Parochial Schools," published in Harvard Law Review 1680, 1969, be printed in the RECORD. For the further information of the Senate, I also ask unanimous consent to have printed in the RECORD an article entitled "School to Evade Ban on Prayer by Using CONGRESSIONAL RECORD," published in the New York Times of September 16, 1969.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Public Aid to Parochial Schools

(By Paul A. Freund*)

(NOTE.—Taking the recent Supreme Court decision in *Board of Education* v *Allen* as his starting point, Professor Freund examines the constitutionality of state support for church-related schools in light of three policies behind the first amendment's religious guarantees: voluntarism, mutual abstention, and governmental neutrality. He concludes that the interests of both Church and State would best be served were the Court to constrict the future operation of Allen.)

Since June 10, 1968, a discussion of state aid to parochial schools can profitably start with the Supreme Court decision of that date in *Board of Education* v. *Allen*.[1] The case was brought by members of a local school board to enjoin the Commissioner from enforcing a law of New York, enacted in 1965 and amended in 1966, that requires them to lend textbooks, under stated conditions, to students enrolled in grades seven to twelve of parochial and private, as well as public schools.[2] The statutory conditions are that the book be required for use as a text for a semester or more in the particular school and that it be approved by a board of education or similar body, whether or not designated for use in any public school. By judicial interpretation in New York, this duty embraces the loan of "secular," not "religious" textbooks. On cross-motions for summary judgment on the pleadings the trial court held the statute unconstitutional under the first and fourteenth amendments; the appellate division reversed on the ground that the complainants had no standing to raise the question.[3]

The New York Court of Appeals, differing from both courts below, held, in a four-to-three decision, Judges Van Voorhis, Fuld and Breitel dissenting, that the law does not contravene either the state or federal constitution, "merely making available secular textbooks at the request of the individual student and asking no question about what school he attends."[4] It is hard to accept this bland description literally since under the law a loan is limited to books prescribed as texts in the school attended by the borrowing student. Moreover, pursuant to its statutory authority, the state Department of Education has provided forms for textbook requisition, to be filled out on behalf of students and sent to the local school board by an official of a parochial or private school.

On appeal to the Supreme Court, the decision was affirmed, Justice White writing for the majority, with a concurring opinion by Justice Harlan and dissenting opinions by Justices Black, Douglas, and Fortas.[5] The majority opinion is in terms a guarded one. There is repeated reference to the lack of a factual record. As there was no evidence concerning the nature of the books requested or concerning the character and practices of the parochial schools involved, these matters were taken most favorably to the defense. The opinion is a narrow one, too, in its stress on the formal aspects of the arrangements, namely, that the books were loaned, with title remaining in the state, and that the requests were made by and on behalf of the students, not the school. "So construing the statute," said Justice White, "we find it in conformity with the Constitution, for the books are furnished for the use of individual students and at their requests."[6]

How crucial were these limiting factors? The case is obviously the beginning, not the end, of constitutional litigation—now fostered in the case of federal programs by the decision in *Flast v. Cohen*,[7] recognizing federal taxpayers' suits—to determine the bounds of public aid to parochial schools. Suppose, for example, that the Court is ready to pursue its negative pregnant and to inquire into the nature of textbooks and the character of teaching in parochial schools. That prospect might understandably offend parochial school authorities, and pressures would mount for unconditional grants of funds, free from the textbook strings, for certain curricular fields. This is precisely what has occurred in Pennsylvania, where a statute was recently enacted appropriating a fixed annual amount, to be derived so far as possible from the public proceeds of horseracing, for the support of the teaching in parochial schools of mathematics, modern foreign languages (Latin is evidently too obsolete or too explosive), and physical training.[8] The funds could presumably be used for books, equipment, buildings, or teachers' salaries, in the discretion of the schools. Gone is the elaborate minuet of the individual student's request for specific books and its approval by the public school board; all is now modern ballet, bold and muscular.

Will the Court re-score its composition to accommodate the new movement? Indeed, the movement may develop even more vigorously. Arguing that the aid in the New York case was sustained because it was available neutrally to pupils in all accredited schools, the proponents are likely to insist that such aid is not merely permissible, but is mandatory, since the first amendment enforces just this standard of neutrality among religions and between a religious and a secular promotion of a common public purpose. Later I will turn to this question of mandatory aid as an issue of principle. Meanwhile it can be said that whatever the force of this logic, to make public aid mandatory would seem as a matter of prediction to call for more than a re-scoring of the Court's composition; it would, more probably, require a re-composition of the Court itself.

The decision in the New York case purported to rest on the principle of *Everson* v. *Board of Education*,[9] a 1947 decision upholding state reimbursement of bus fares for school children regardless of the school they attend. *Everson* was a five-to-four decision, which Justice Black, writing the majority opinion, was at pains to say went to "the verge."[10] It in turn rested on the analogy of police and fire protection for church buildings: a general safety measure could be applied for the benefit of the community—indeed might have to be so applied—irrespective of the religious or non-religious character of the beneficiaries. Thus it could be said that an ordinance permitting schoolchildren to ride for half fare might (or must) encompass all, whatever school they attend. The same principle would, in my view, support free medical examinations or hot lunches for all schoolchildren, wherever they might be found. It is true that buses and nurses and lunches may well benefit the parochial school by making it more attractive to parents or less expensive for the church; the sharp dichotomy between pupil benefit and benefit to the school seems to me a chimerical constitutional criterion. It is akin to the ineffectual effort in the mid-nineteenth century to classify such local measures as pilotage laws as either regulations of safety or regulations of commerce, and to make their validity turn on the classification. It was the beginning of wisdom when the Court candidly recognized that such measures were regulations of both safety and commerce, and that before a sensible judgment could be made, a closer look had to be taken at their consequences for both, as well as their exigency, in light of the policies underlying the commerce clause.

Now buses and nurses and lunches are not ideological; they are atmospherically indifferent on the score of religion. Can the same be said of textbooks chosen by a parochial school for compulsory use, interpreted with the authority of teachers selected by that school, and employed in an atmosphere deliberately designed through sacred symbol to maintain a religiously reverent attitude? Perhaps if the atmosphere had been so delineated in the record, the result would have been different. If so, as I have suggested, either the actual significance of the decision for parochial schools is very limited or on a case-by-case basis such schools will confront what they would regard as a highly unwelcome and impertinent secular intrusion into their internal affairs.

In the realm of books, the apt analogy to bus fares would be the public library, accessible to every schoolchild, aiding the pupils and no doubt the schools themselves, but managed by public authorities not delegating responsibility for selection of books or personnel or symbolic decor to any religious group, and certainly not engaged in the business of supplying instructional materials, the staple requirements of denominational schools. It is hardly surprising that Justice Black, the author of the bus decision, was a fierce dissenter in the textbook case. Of course a bridge that carries you to the verge is apt to be burned behind when you discover that the verge is farther ahead after all. The judicial process resembles the episode that began when the King of England visited the White House during World War II. Both the Chief Justice and the senior member of the foreign diplomatic corps, then the British Ambassador, were invited to a state dinner for His Majesty. There had long been an unresolved issue of precedence as between those two offices, and the matter was put before President Roosevelt. Displaying more of his Columbia Law School training than was his wont, the

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Footnotes at end of article.

President reasoned that the Ambassador's claim rested on his representing his sovereign; and since the sovereign himself was to be present, the Ambassador should be subordinated to the Chief Justice. Thereafter, when the same issue of precedence again arose (no sovereign being present) the protocol officer was able to announce happily that President Roosevelt had determined that the Chief Justice outranks the head of the diplomatic corps, and so the rule of law was settled—by precedent.

It is not enough, to be sure, to maintain that precedent was reinterpreted in the New York case. After all, the newer majority may have read the Constitution more recently, or they may have read further in Robert Frost than "Good fences make good neighbors"—may in fact have reached the lines:

> *Why* do they make good neighbors? Isn't it
> Where there are cows? But here there are no cows.
> Before I built a wall I'd ask to know
> What I was walling in or walling out,
> And to whom I was like to give offense.
> Something there is that doesn't love a wall,
> That wants it down.

To translate Frost into legal prose, why does observance of the ancient religious guarantees of the first amendment continue to be important? Beyond ancestral voices, are there now any grounds of policy or polity that are threatened? Three, such grounds need to be considered: voluntarism in matters of religion, mutual abstention of the political and the religious caretakers, and governmental neutrality toward religious and between religion and non-religion. In a large sense, both of the guarantees of the first amendment—the free-exercise and the non-establishment clauses—are directed harmoniously toward these purposes, though in the context of specific governmental measures the two guarantees may point in different directions and the purposes themselves may be discordant.

The policy of voluntarism generates least tension between the free-exercise and non-establishment clauses. Religion must not be coerced or dominated by the state, and individuals must not be coerced into or away from the exercise or support of religion. The school-prayer decisions [11] reflected the principle of voluntarism on both counts; taxpaying families could not be required to support a concededly religious activity; nor could pupils, by the psychological coercion of the schoolroom, be compelled to participate in devotional exercises. When the state provides textbooks, taxpayers are forced to finance books selected by sectarian authorities for instruction in denominational schools maintained at considerable expense to preserve and strengthen the faith. Of course those schools serve a public purpose; that is why the loan of textbooks was held valid in the early *Cochran* case,[12] before the religious guarantees were thought to be embodied in the fourteenth amendment.

It will be argued that if the general taxpayer is coerced for an improper purpose where public funds buy parochial school books, the parochial school families are similarly coerced into paying taxes to support public schools, which, to be sure, their children are legally free to attend but which they regard either as an enemy of all religion, or, if "secularism" itself be deemed a form of religion, then as a friend of a repellent kind of religion. Note that this argument does not deny that the principle of voluntarism is violated by aid to parochial schools; the argument pleads rather by confession and avoidance, relying on an argument of reciprocity or fairness or neutrality. Note too that if it is indeed the case that public schools are an enemy of religion, or a fountainhead of an obnoxious kind of religion, then the argument, it seems, should call for the abolition of the public schools as being themselves in violation of the first amendment. I will return presently to these arguments of avoidance on the score of government reciprocity.

If textbooks were selected by the public school authorities to be used in public and parochial schools alike, the problem of voluntariness for the taxpayer might be mitigated somewhat, but by no means removed. It was this aspect of the New York case—the selection of books by the parochial schools—that particularly troubled Justice Fortas, who, like Justices Black and Douglas, dissented. But consider the position if the selections were in fact to be made by the public authorities. The parochial schools might well consider their own autonomy—their voluntarism—compromised. In certain school districts the reverse might obtain: for the sake of uniformity the school authorities would be pressured into selecting books for the public schools that were particularly desired by the parochial schools. In that event there would be a double loss of voluntariness by the general taxpayer.

This risk of intrusion from one side or the other points up a second policy embodied in the religious guarantees—mutual abstention—keeping politics out of religion and religion out of politics. The choice of textbooks in any school is apt to be a thorny subject; witness the current agitation over the recognition of the Negro, his contributions and his interests, in the books assigned in public schools. For the identity and integrity of religion, separateness stands as an ultimate safeguard. And on the secular side, to link responsibility for parochial and public school texts is greatly to intensify sectarian influences in local politics at one of its most sensitive points.

The third policy—in addition to voluntarism and mutual abstention—is governmental neutrality, among religions and between religion and non-religion. It is this policy that is chiefly relied on by proponents of public aid. The concept of neutrality is an extremely elusive one, generally raising as many questions as it answers, because it depends on sub-concepts like comparability and on definitions (whose?) of religious and non-religious activities, on a determination whether it overrides the policies of voluntarism and mutual abstention, and on a decision whether in any event it requires or only permits public aid. Let me illustrate one difficulty of definition. One might suppose that "neutrality" requires the law to deal even-handedly with Jehovah's Witnesses and Unitarians. Yet in the school prayer cases Unitarians (speaking generally) succeeded in eliminating all ceremonial prayers from the public schools, while in the flag-salute case Jehovah's Witnesses succeeded only in getting themselves excused from a ceremony that to them was at least as unacceptable and religious in nature as the prayers were to the Unitarians.[13] In fact, the Witnesses regard the flag-salute as the profanation of a religious gesture, a bowing before idols, a Black Mass in the schoolroom. And yet their claim was recognized only to the extent of excusal exposing them to the repugnant ceremony. Why? Because the prevailing, dominant view of religion classifies the flag salute as secular, in contravention of the heterodox definition devoutly held by the Witnesses. Neutrality, that is, does not assure equal weight to differing denominational views as to what constitutes a religious practice.[14]

Nor is there any general principle that requires the state to compensate those who out of religious conviction incur a handicap under law. Pupils in public schools may (perhaps must) be excused on their religious holidays; but it scarcely follows that those pupils are not responsible for the work they miss, even if they must resort to the expense of private tutoring. Businesses that close on Saturday as a religious observance and must close on Sunday under the law are disadvantaged materially because of religious faith; but exemption from the Sunday laws is not required.[15] The state requires a certain formal ceremony to render a marriage valid in law, and provides magistrates at public expense who are available to satisfy this requirement. For those couples, however, whose religious faith compels them to hold an ecclesiastical ceremony, additional expense is involved, either to the couple or to their church or both. Must the state therefore compensate the minister or the bridegroom and bride? Would it help their case to insist that no true marriage can be celebrated without churchly blessing and that a ceremony before a judge is anti-religious, a profanation subsidized with public money? Would not the answer be: If your religion prevents you from availing yourself of the public facility and impels you to make a financial sacrifice for the sake of your faith, surely the spirit of religion is the better served by your act.[16]

At this point account must be taken of *Sherbert* v. *Verner*,[17] which held that eligibility for unemployment benefits cannot be denied to a man who is not willing to accept a job calling for Saturday work, where his refusal is based on religious conviction. Proponents of public aid would generalize this holding to establish the principle that a public benefit (unemployment compensation or subsidized secular education) cannot be withheld where the claimant's ineligibility derives from his pursuit of a religious calling (refraining from work on Saturday or attending parochial school). Several points should be made in response to such a proposition. First, it is entirely too broad, as the *Sherbert* opinion indicates. Suppose the claimant's religious belief required him to abstain from all work, or to work only one day a week, or only in a church. The opinion points out that in the case before them, to recognize the claim would not materially affect the working of the secular program; only two of the more than 150 Seventh Day Adventists in the area had been unable to obtain suitable employment. On this ground the case was distinguished from the question of exemption from Sunday closing laws.[18] Moreover, the case did not involve subsidy to a religious institution, but dispensation from a general regulatory law or condition. Dispensation granted under the free-exercise clause is quite distinct from disbursement challenged under the non-establishment clause, the very kind of measure that precipitated the historic struggle for religious liberty and disestablishment in Virginia. Finally, the *Sherbert* case at most would relate to a shared time arrangement, that is, to a plan making the public educational program available to those whose religious convictions inhibit them from full-time attendance at a public school. Whether such an arrangement can be maintained without detriment to the concept of a unified school day, like that of a unitary day of rest, would seem to lie in the judgment of those administering the secular program. I do not argue at all that shared time is unconstitutional, but only suggest that it is the limit, under precedent and principle, to which the policy of neutrality carries us; and at present the parochial school authorities do not seem, on their part, to regard it as an acceptable solution.

Their reluctance may stem from a rejection of the premise of separability of education into a religious and a non-religious component. That premise clearly underlies the Court's thinking in *Allen*, and it has been presupposed thus far in this discussion. Ironically, the premise is incompatible with the philosophy that largely fosters the maintenance of parochial schools.[19] They do, to be sure, perform a public function and satisfy state-imposed standards for compulsory education; but, their proponents insist, they do so with a difference that is of central im-

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portance for religion. Suppose a state were to require bus transportation of school pupils over long distances and made buses available to all. If a church-related school chose to maintain its own bus in order to conduct religious services during the journey, the secular interest in safety would be satisfied perfectly, and yet a serious question would surely remain whether the transportation could be publicly subsidized.

We turn, then, to this alternative thesis of public aid: that there is a religious element in education that is pervasive, inescapable, and inseparable. This position, in turn, may take either of two forms—that public school education is empty of religious content and therefore not genuine education at all, or that it inculcates a religion of its own, secularism, and hence the parochial schools are entitled to equal support for their brand of religious education.

Consider now each of these positions and its consequences—first, that public school education is not true education. If it is deficient because under the Constitution public schools cannot impart religion (as they cannot provide devotional prayers), then the argument is simply that since by reason of the first amendment the state cannot subsidize religion in common schools, it must by reason of the first amendment subsidize religion in church schools—surely an incongruous result. Or the meaning may be that the public schools are wanting in a religious atmosphere that they could constitutionally create but that they fail to provide. Here the concept of "religious" is being employed in a different and non-constitutional sense, to mean what I have described on another occasion as concern for moral reasoning and a quality of teaching that conveys a sense of reverence for knowledge, humility in the face of the unknown, and awe in the face of the unknowable.[20] To these attributes of an educational process the Constitution sets no barriers, and I earnestly trust that they are embodied in public school teaching, as I am sure they are in the classrooms of the best teachers. But if parents find these attributes lacking, their first recourse is to seek to improve the quality of education offered in their school, or seek a transfer to another school, or move to another district. Failing that, they may be so dissatisfied that they will send their children to a school of better quality outside the public school system, whether it be a private non-church school or a parochial school. But in seeking this superior quality of inspiration they surely lay no basis for a constitutional claim to be reimbursed by the state, any more than in the case of an ecclesiastical wedding. And so I conclude, taking the ambiguous premise that education without religion (whether in the constitutional or nonconstitutional sense) is not true education, it by no means follows that education in parochial schools must or may be subsidized by the state.

Now we are ready to consider the alternative view of inseparability—that public school education is itself necessarily religious, but in a perverse sense, as so-called secularism is itself a form of religion, however degraded a form. If a state school worships the Anti-Christ, equal support is due to a school that worships Christ. But we must be careful not to construct a syllogism out of a metaphor of this kind, any more than out of the countervailing metaphor, "wall of separation." To say that Americans worship what William James called the bitch-goddess Success, is not to assert anything relevant to the usage of "religion" in the first amendment. To say that the absence of Crucifixes or Torahs in a public school is itself a religious statement is either a play on words or an idiosyncratic characterization, like the Jehovah's Witnesses' view of the flag salute, which is not controlling as a definition of religion. To say that moral training cannot be separated from religious training in a constitutional sense is to contradict the judgment underlying the one reference to religion in the constitutional text prior to the Bill of Rights—that no religious test "shall ever be required" for "any Office or public Trust under the United States."[21] For if good moral character is relevant to holding a position of public trust, and if religious training is essential to sound morality, it would have been reasonable to allow a religious test as at least a presumptive assurance of moral qualification.

Actually the confrontation between so-called secularism and the religion of parochial schools is not as stark as I have here assumed in order to meet the proponents of public aid on their own ground. In point of fact most parents who avail themselves of the public schools are anxious that their children shall receive religious training, but outside the community of the school, in the home and the church or in an after-hours church school or a Sunday school. Taking this into account, the idea of reciprocity or neutrality becomes more complex. Public aid to parochial schools maintained by Catholics or Lutherans or Orthodox Jews would in some measure benefit the religious mission of these faiths, because religion, on our present hypothesis, permeates all their instruction. As a counterpart, the Baptists and other separationists could fairly insist that equalization would require some contribution by the state to their own churches or Sunday schools which perform the same mission that would be subsidized in the parochial schools of other denominations. It would be ironic if the Baptist separationists, who triumphed over the Anglican theorcrats in the historic struggle against establishment in Virginia, should find themselves disadvantaged in the name of a Constitution that repudiated establishment.

Are there, then, any forms of public aid to parochial schools that should be sustained? I would enumerate the following, which are general non-religious state activities that operate in effect to mitigate certain costs borne by parochial schools or their patrons:

1. General welfare services for children, wherever they may be located, including medical examinations and hot lunches.

2. Prizes and awards in general academic competition, usable by the recipients as they please, like veterans' benefits that constitute deferred compensation.

3. Shared time instruction in the public schools, treating participating parochial school children as part-time public school children.

Institutions of higher learning present quite a different question, mainly because church support is less likely to involve indoctrination and conformity at that level of instruction.

One final observation. In facing the issues that will soon be raised—provision of textbooks not on loan or not in form requested by pupils, or books of a character or for use in schools different from the circumstantial presumptions in the New York case; unconditional grants for specified areas of learning; lump-sum grants—three courses are open constitutionally: to hold the aid mandatory, to hold it permissible, and to hold it impermissible. The mandatory result seems least pre-figured, notwithstanding the logical course of the argument from "neutrality." A choice between the permissible and the forbidden is in essence a choice whether to leave the issue to the political process in each state or locality, or to defuse the political issue. Ordinarily I am disposed, in grey-area cases of constitutional law, to let the political process function. Even in dealing with basic guarantees I would eschew a single form of compliance and leave room for different methods of implementation, whether in pre-trial interrogation under the privilege against self-incrimination, or libel of public figures under freedom of the press, or exclusion of evidence under the search and seizure guarantee. The religious guarantees, however, are of a different order. While political debate and division is normally a wholesome process for reaching viable accommodations, political division on religious lines is one of the principal evils that the first amendment sought to forestall. It was healthy when President Kennedy, as a candidate, was able to turn off some of the questions addressed to him on church-state relations by pointing to binding Supreme Court decisions. Although great issues of constitutional law are never settled until they are settled right, still as between open-ended, ongoing political warfare and such binding quality as judicial decisions possess, I would choose the later in the field of God and Caesar and the public treasury. This basic preference may help to account for what otherwise may seem a too rigid, and not sufficiently permissive, view of constitutional commands.

FOOTNOTES

[*] Carl M. Loeb, University Professor, Harvard University. A.B., Washington University, 1928; LL.B., Harvard, 1931, S.J.D., 1932.

This article is based on a paper read before the Section on Individual Rights and Responsibilities, American Bar Association, August 4, 1968.

[1] 392 U.S. 236.

[2] N.Y. Educ. Law § 701 (McKinney Supp. 1968).

[3] 51 Misc. 2d 297, 273 N.Y.S.2d 239 (Sup. Ct.), *rev'd*, 27 App. Div. 2d 69, 276 N.Y.S.2d 234 (1966).

[4] 20 N.Y.2d 109, 117, 228 N.E.2d 791, 794, 281 N.Y.S.2d 799, 805 (1967).

[5] Board of Educ. v. Allen, 392 U.S. 236 (1968).

[6] *Id.* at 244 n.6. The unsatisfactory abstractness of the record for purposes of a definitive decision is reminiscent of Times Film Corp. v. Chicago, 363 U.S. 43 (1961), which has become a derelict in the field of motion picture censorship.

[7] 392 U.S. 83 (1968).

[8] Pa. Stat. Ann. tit. 24, §§ 5601–09 (Supp. 1969).

[9] 330 U.S. 1 (1947).

[10] *Id.* at 16.

[11] Abington School Dist. v. Schempp, 374 U.S. 203 (1963); Engel v. Vitale, 370 U.S. 421 (1962).

[12] Cochran v. Louisiana State Bd. of Educ., 281 U.S. 370 (1930). The decision in Pierce v. Society of Sisters, 268 U.S. 510 (1925), though it involved a parochial school, was placed on the ground of liberty to direct the upbringing of children and to pursue a lawful occupation; the opinion also encompassed a companion case involving a private military academy not church-related. Illinois *ex rel.* McCollum v. Board of Educ., 333 U.S. 203 (1948), was the first application of the non-establishment clause to the states, although a dictum in Cantwell v. Connecticut, 310 U.S. 296, 303 (1940), had stated the proposition. It has been argued with much cogency that the first amendment guarantee against a federal law "respecting an establishment of religion" was essentially a shield of federalism, and that neither historically nor textually does it lend itself (as contrasted with "free exercise of religion") to absorption into the guarantees of liberty and property in the fourteenth amendment. *See* Corwin, *The Supreme Court as a National School Board*, 14 Law & Contemp. Prob. 3 (1949). Since, however, the Court has continued to treat the non-establishment guarantee as embracing both federal and state laws, the present discussion does not differentiate the sources of public aid.

[13] *Compare* West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943) *with* Abington School Dist. v. Schempp, 374 U.S. 203 (1963).

[14] It may be suggested that a conventional definition of religion or religious practice is

controlling in applying the non-establishment clause, while a heterodox version is entitled to protection under the free-exercise clause, which safeguards the nonconformist conscience. This analysis is indeed useful, and indicates that the apparent discrepancy in definition is not unprincipled; but from the point of view of an idiosyncratic sect the sense of non-neutrality cannot but remain.

[15] *See e.g.*, Gallagher v. Crown Kosher Super Market, 366 U.S. 617 (1961).

[16] A realistic appraisal of financial burdens from the standpoint of neutrality would have to take into account tax exemptions for the property of church-related and other private schools, including an inquiry into the correlation between the extent of property holdings by the respective churches and their maintenance of separate schools.

The traditional tax exemption of church-related property is sometimes advanced as a legal argument for subsidies, which are viewed as an economic equivalent. The argument, however, proves too much, since church buildings themselves are exempted, and it would hardly be argued that therefore subsidies for the building of churches would be valid. Moreover, the symoblism of tax exemption is significant as a manifestation that organized religion is not expected to support the state; by the same token the state is not expected to support the church. Psychologically, too, the exemption differs from subsidy; the former is viewed as an entrenched status, the latter as a recurring political issue.

[17] 374 U.S. 398 (1963).

[18] *Id.* at 399 n. 2, 408–09.

[19] *See, e.g.*, Drinan, *Does State Aid to Church Related Colleges Constitute an Establishment of Religion?—Reflections on the Maryland Colleges Cases*, 1967 UTAH L. REV. 491, 510:

"The exclusion of nonsecular ideas and forces from education, even if it were possible, is absurd. Neither the secular nor the sacred is comprehensible if one is isolated from the other; for the state to try to isolate them in its schools is to attempt a task which educators, believers, and nonbelievers must all agree is impossible.

"* * * * *

"The crucial question, therefore, is this: what is the state to do with those individuals and groups whose basic religious convictions forbid them to separate the 'secular' and 'sacred' in education?

"A valuable compendium of views on the issue of public aid is THE WALL BETWEEN CHURCH AND STATE 55–116 (D. Oaks ed. 1963)."

[20] P. FREUND & R. ULICH, RELIGION AND THE PUBLIC SCHOOLS 19–22 (1965).

[21] U.S. CONST. art. VI.

[From the New York Times, Sept. 16, 1969]

SCHOOL TO EVADE BAN ON PRAYER BY USING CONGRESSIONAL RECORD

NETCONG, N.J., September 15.—The Netcong Board of Education said today that its students would not use the Bible to pray in school in defiance of the United States Supreme Court ban. They will use the Congressional Record instead.

Palmer Stracco, president of the board, said that he could see no difference in the right of Congress to say a prayer and the right of students in school to do the same thing.

He said that beginning tomorrow, each morning, five minutes before the start of classes, a student moderator will recite a prayer from the Congressional Record, quoting the official chaplain to Congress.

Mr. Stracco said he hoped the plan would circumvent the High Court's ban on school prayer.

He said students and faculty members who wanted to attend the prayers would arrive at school five minutes early, adding that no one would be forced to pray.

Meanwhile, in Sayreville, students in schools paused today for five minutes of silent meditation for the first time. The school board maintains the meditation period does not defy the Supreme Court ban.

But the New Jersey branch of the American Civil Liberties Union said today that both school boards were in defiance of the High Court's ban on prayer in schools and added that it would take them to court.

The plan to read from the Congressional Record in Netcong was formulated by a committee composed of three students and faculty members formed to find a prayer when the school board earlier this month voted to institute prayers in school.

TREATYMAKING POWERS OF CONSTITUTION CONSISTENT TOWARD RATIFICATION OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a contention made in conjunction with the Genocide Convention that there is some conflict in this treaty with the power given by the Constitution to Congress to define and punish an offense against the law of nations. In the first place, that power is not exclusive. If it were, we could not have entered into treaties having to do with various international matters previously. This convention is in strict conformity with that provision of the Constitution, because it does put it to the Congress of the United States to define and punish an offense against the law of nations. It does that in article 5 of the Genocide Convention. Article V states that the parties undertake to enact "in accordance with their respective constitutions" the necessary legislation to implement the provisions of the convention.

The argument is advanced that, under article I, section 8 of the Constitution, Congress shall have the power to "define and punish offenses against the law of nations," and that, therefore, the President and the Senate may not make treaties of that kind. No authority has been cited in support of that proposition. Article I, section 8, states:

> The Congress shall have Power. . . . To define and punish Piracies and Felonies committed on the High Seas, and Offenses against the Law of Nations. . . .

Article II of the Constitution states:

> He (the President) shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur. . . .

Therefore, the treatymaking power in article II of the Constitution is concurrent with the congressional power in article I.

HIJACKING OF TWA JET AIRCRAFT

Mr. CRANSTON. Mr. President, on September 15, 1969, I sent to Secretary of State William P. Rogers a letter regarding the recent hijacking and destruction of a TWA aircraft in the Middle East. Forty-two Senators joined me in cosigning the letter.

In the letter, we propose that the United States bring this wanton case—including the detention of two private Israel citizens by Syria—before the United Nations Security Council.

We also propose that procedures be established to insure the lives and safety of airline passengers and crewmembers, and to prevent unlawful seizures of commercial and private aircraft in the future. In this regard it is necessary to strengthen the Tokyo convention at the September 23 meeting, at Montreal, of the International Civil Aviation Organization by a new protocol providing for the apprehension, extradition where applicable, and punishment of air pirates.

I ask unanimous consent that the letter and the names of the Senators who cosigned it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 15, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: We condemn the recent hijacking of a TWA jet aircraft in which passengers and crew were detained and the airplane was partially destroyed. This is the first time a hijacker has exploded a bomb on an American-owned airplane, causing serious property damage. We are also deeply concerned that two private Israeli citizens are still being detained in Syria.

We strongly urge you to bring this criminal and wanton act before the United Nations Security Council immediately so that the full facts of the case can be heard publicly by this international tribunal. On August 30, 1969, you said that condoning this unlawful act by Syria, a United Nations member, could only have the most serious implications for international air travel and world peace. This condition remains.

We believe that actions must be taken—the immediate release of the detainees and appropriate criminal prosecution of the individuals responsible for this illegal act—to right a dangerous situation.

We also believe that procedures must be established to ensure the lives and safety of airline passengers and crew members, and to prevent unlawful seizures of civil aircraft in the future.

In this regard we are gratified that the United States has ratified the Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft. The United States should propose at the upcoming Montreal meeting of the International Civil Aviation Organization a new convention, or a protocol to the Tokyo Convention, providing for the apprehension, extradition where applicable, and punishment of air pirates. This would be, we believe, a vital step toward solution of the problem of air piracy.

Sincerely,

ALAN CRANSTON.

COSIGNERS

James O. Eastland, B. Everett Jordan, Albert Gore, Gordon Allott, Frank E. Moss, Richard S. Schweiker, Joseph D. Tydings, Robert W. Packwood, Harold E. Hughes, Clifford P. Case, Abraham Ribicoff, Fred R. Harris, Philip A. Hart, Howard W. Cannon, Hugh Scott.

Edward W. Brooke, Warren G. Magnuson, Henry M. Jackson, Mike Gravel, Robert Dole, Stephen M. Young, Vance Hartke, George Murphy, Daniel K. Inouye, Thomas J. McIntyre, Gaylord Nelson, Birch Bayh, Charles E. Goodell, Charles Percy

William Proxmire, Alan Bible, Gale McGee, Harry F. Byrd, Jr., Walter F. Mondale, Ralph W. Yarborough, Russell B. Long, Jennings Randolph, Jacob Javits, William B. Saxbe, Ernest F. Hollings, George McGovern, Richard B. Russell.

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INHUMANE TREATMENT OF PRISONERS OF WAR BY NORTH VIETNAM

Mr. BELLMON. Mr. President, American citizens have long been appalled and angered by the cruel and inhumane treatment accorded our prisoners of war by the Communist Government of North Vietnam. While our Government and the Government of South Vietnam have religiously abided by the rules of the Geneva Convention, there is abundant evidence that the North Vietnamese have used methods that are little short of inhumane.

There is a deep and growing national resentment against the North Vietnamese Communists because of their mistreatment of our prisoners of war. There is now evidence that this feeling is becoming international.

On September 13, the 21st International Conference of the Red Cross, held at Istanbul, Turkey, adopted a resolution relating to the protection of prisoners of war. This resolution passed by a vote of 114 nations for the resolution and no votes against. It is obvious that the representatives of these nations feel as we do that abuses of helpless and injured prisoners of war are beneath the dignity of any civilized country which aspires to be a respected member of the international family of nations.

Also, on September 13, in Paris, U.S. Ambassador Henry Cabot Lodge again requested humane treatment of prisoners of war at the 33d plenary session of the Paris meetings on Vietnam. In his statement, Ambassador Lodge summarized the evidence regarding the North Vietnamese abuses of prisoners of war as contrasted to our own methods.

On September 10, Ambassador Graham Martin, chairman of the U.S. delegation to the International Conference of the Red Cross, issued a similar statement at Istanbul, Turkey. These statements clearly point up the differences between the methods used by the North and South Vietnamese Governments in the treatment of prisoners of war. As these facts become more and more clearly understood, I believe the international community of nations will join in efforts to require that the provisions of the Geneva Convention of 1949, on the protection of prisoners of war, be strictly followed by the Government of North Vietnam.

I ask unanimous consent that the resolution adopted by the 21st International Conference of the Red Cross, Istanbul, Turkey, September 13, 1969, and the statements of Ambassador Lodge and Ambassador Martin be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Protection of Prisoners of War

Resolution adopted by the 21st International Conference of the Red Cross, Istanbul, Turkey, September 13, 1969

The XXIst International Conference of the Red Cross,

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war.

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatmet for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals,

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention.

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

Adopted by vote of 114–0.

(Note.—The International Conference of the Red Cross is held every four years and is the highest governing body of the Red Cross. Its membmership consists of governments which have signed the Geneva Conventions of 1949, national Red Cross Societies, the International Committee of the Red Cross and The League of Red Cross Societies.)

Statement on Prisoners of War by U.S. Ambassador Henry Cabot Lodge

At the last Plenary Session, I repeated our request for the humane treatment of Americans held prisoner in North Vietnam, stating that international custom, the Geneva Convention, and humanitarian considerations all require that there be impartial inspection of the prisoner of war camps, a guarantee of a regular flow of mail to and from the prisoners and a release of the sick and wounded prisoners on both sides. In addition, a minimum regard for the peace of mind of the prisoners' next of kin requires that a list of names of the prisoners be made available so that the next of kin—who are assuredly innocent of any warlike act—at least know whether their relative is alive or dead.

To this request, the representative of the Democratic Republic of Vietnam at our last session responded—and I quote—"The question of captured American military personnel will be settled at the same time as all the other elements of the overall ten-point solution, it cannot be separated." End of quotation.

Let us now consider this answer.

In the first place, it is unresponsive. Our request at the last meeting was concerned solely with the treatment of prisoners during captivity—not with the broader question of the repatriation of prisoners. You repeat your statement that you give humanitarian treatment. But you refuse to talk about camp inspection, flow of mail, release of sick and wounded, and lists of prisoners.

In the second place, your answer is not only unresponsive; it also partakes of the irrelevant. I say this for the following reason: You say that you will not discharge your responsibilities regarding prisoner treatment until you are willing to repatriate the prisoners. But, ladies and gentlemen, when that time comes, your policy concerning treatment of prisoners will be largely academic since the prisoners will have either been repatriated or will be awaiting repatriation. The point is that prisoners are entitled to humane treatment under the protection of the Geneva Convention at all times and under all circumstances—and particularly during the period before repatriation. That is the time that counts. The point is so obvious that it should not require any statement. But your declaration at the last Plenary Session requires us to state it.

While I am on the subject, let me add that we have long been concerned by your refusal to permit impartial inspection of your prison camps. Frankly, this refusal inevitably brings up the thought that you fear that an inspection would not confirm your claims of humane treatment.

This concern has now been deepened by statements which have recently been made by two of the Americans recently released from captivity in North Vietnam. One of these Americans, Seaman Douglas B. Hegdahl, said on September 2nd—and I quote—"I was kept in solitary confinement for over a year—7 months and 10 days at a stretch. I was made to stand with my hands over my head for trying to talk with other prisoners of war." Seaman Hegdahl said—and I quote—that "many of the prisoners of war have been in solitary confinement for years"—end of quotation—and he also said—and I quote again—that "many prisoners of war do not write or receive mail." End of quotation.

Another prisoner of war, Navy Lieutenant Robert Frishman, on the same date, pointed out your failure to make available the best medical treatment and to repatriate immediately the sick and wounded. He said that the removal of his elbow had been done in a professional way, and that he was thankful still to have the right arm. However, he also pointed out—and I quote—"They failed to remove the fragments of the SAM missile in my arm. It took six months just for my incision to heal over." End of quotation. He also indicated Lieutenant Commander John McCain will require further medical treatment as soon as he returns to the United States. His remarks underline how important it is for sick and wounded prisoners to be repatriated as soon as possible.

Let me also quote what Lieutenant Frishman said about the condition of Lieutenant Commander Richard A. Stratton, another prisoner of war. He said—and I quote—"The North Vietnamese tried to get Lt. Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He's been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed and put in solitary, but the North Vietnamese insisted that he make the false 'humane treatment statement' and threw him into a dark cell alone for 38 days to think about it." End of quotation.

Lieutenant Frishman also said—and I quote again—"Stratton knows that I have been released. He told me not to worry about telling the truth about him. He said that if he gets tortured some more, at least he will know why he is getting it and will feel that it will be worth the sacrifice." End of quotation. We certainly hope that neither Commander Stratton nor any of the other prisoners will suffer as a result of Lieutenant Frishman's statements.

Lieutenant Frishman further indicated that prisoners of war have been made to sit on a stool for days in a hot room until they make statements conforming to the wishes of their captors.

I can do not better than to repeat the words of Lieutenant Frishman, when he said—and I quote—I don't think solitary confinement, forced statements, living in a cave for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, and not allowing exchange of mail to prisoners of war are humane. End of quotation. Any impartial observer—and even you yourselves, who do not consider your selves to be impartial—must agree with this statement.

You should cease this inhuman treatment. You cannot escape the responsibility therefor.

You should also realize that your failure to act in accordance with humane practice flies in the face of world opinion as a whole.

Just this week, 101 Members of the Congress of the United States, including both Democrats and Republicans, have presented in the House of Representatives a resolution condemning your side—and I quote—for violating the fundamental standards of human decency and grossly deviating from civilized concepts of international accords and agreements on prisoners of war. End of quotation. In addition, 96 Members of the House of Representatives have signed a statement protesting your—and I quote—inhumane and inexcusable—unquote—conduct with regard to the Americans you hold prisoner.

The Twenty-First International Red Cross Conference composed of the parties to the Geneva Conventions of 1949 and Red Cross and Red Crescent Societies, is now meeting in Istanbul, Turkey. The International Humanitarian Law Commission of that Conference has adopted without dissent a resolution calling for humane treatment of prisoners of war. The resolution states that the Geneva Prisoner of War Convention—and I quote—"applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized." End of quotation. The resolution also calls up—and I quote—"all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are accorded the humane treatment and the full measure of protection prescribed by the Convention, including free access to the prisoners of war and all places of their detention by a protecting power or by the International Committee of the Red Cross.

If I may, I will depart from my prepared statement for just a moment to say that I have just received word during the recess that the International Red Cross Conference in Istanbul this morning passed this resolution without dissent by a vote of a hundred fourteen to nothing.

In contrast with your treatment of the prisoners whom you hold, consider the many thousands of your military personnel held in prisoner of war camps administered by the Republic of Vietnam. In accordance with the Geneva Convention, the Government of the Republic of Vietnam has provided lists of prisoners' names to the International Committee of the Red Cross. The prisoners are allowed to correspond with their families. These camps conform to the standards established by the Geneva Convention, and they are visited frequently by representatives of the International Committee of the Red Cross, who inspect them thoroughly and hold private interviews with prisoners. A number of sick and wounded prisoners have been released, and our side has expressed willingness to make arrangements for the release of all seriously sick or wounded prisoners.

STATEMENT BY AMBASSADOR GRAHAM MARTIN

Those of you who were present at the Twentieth International Conference of the Red Cross in Vienna in October 1965, will recall that the Conference expressed its concern for the treatment of prisoners of war whose confinement removed them from combat and whose presence presented no threat to their captors. The armed conflicts that existed at that time and the conduct of some governments who have acceded to the Geneva Conventions in failing to honor their obligations under the Conventions to provide humane treatment to prisoners of war, showed the need for the resolution which the Conference passed four years ago.

Now four long years have passed since the adoption of that resolution, which called "upon all authorities involved in an armed conflict to ensure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva Convention of 1949. . . ." In the case of the Communist authorities in southeast Asia, the solemn appeal of the last conference fell on deaf ears. North Vietnam and the Viet Cong have refused consistently to observe even internationally recognized minimum standards of humanitarian treatment for prisoners they hold as a result of the armed conflict in Vietnam.

The concern of the United States about these prisoners as been expressed by President Nixon and also by Ambassador Lodge at the Paris Peace Talks. Secretary of State Rogers and Secretary of Defense Laird also have repeatedly publicly expressed urgent concern about the failure of the Communist authorities in Vietnam to live up to the humanitarian standards of the Convention and to treat humanely personnel who have fallen into their hands.

The concern of these highest officers of the United States is universally shared by all the American people. I am glad to note that we are not alone in our concern. Speaking in London on March 19, Jacques Freymond of the ICRC, said concerning the work of the committee:

"In Vietnam, it has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war.

"The Hanoi authorities have, it is true, assured the ICRC that these prisoners are treated humanly by them. The committee has therefore had to contend itself with sending medicines, medical equipment and, more recently, two field hospitals to the Democratic Republic of Vietnam.

Mr. Freymond went on to say:

"On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners."

I might add that the Government of the Republic of Vietnam, in cooperation with its allies, has placed great emphasis on proper treatment of prisoners of war captured by allied forces.

Today, in September 1969, I have the sad duty to report to you that we have seen that the Communist authorities in southeast Asia have refused to cooperate with the ICRC. We also know as a fact that North Vietnam is violating every basic provision of the prisoner of war convention it signed and is in fact seriously mistreating our men it holds as prisoners. We are deeply concerned and outraged by this grave affront to human dignity and international responsibility.

When I said that we know that our men who are captured in Vietnam are being mistreated, I spoke with the assurance of unmistakable evidence—a touching witness provided by one who had himself actually been subjected to this savage and inhuman treatment. Since the time of the last conference we have known that North Vietnam was refusing to provide the names of all the men it held as prisoners, and that they have refused to permit impartial inspection of its prisoner facilities by the ICRC or any other impartial intermediary. It has long been obvious that prisoners have been denied or severely restricted in their right to communicate with their families. The hundreds of waiting families who do not even know if their man is alive today are sad witnesses to this fact. We also have seen the North Vietnmese release photographs of seriously sick or wounded prisoners who should be repatriated immediately.

Today we have confirmation of what has been an even greater concern for us—our men are being seriously physically and mentally mistreated. The men whom North Vietnam recently chose to release have, in spite of threats by their captors, felt duty bound to tell the world how North Vietnam treats its prisoners. Their story is not a pleasant one and it pleads for prompt and strong action by this Conference. North Vietnam denies universally accepted standards of humanitarian treatment for prisoners and violates the provisions of the Geneva Convention to which it acceded by:

(1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

(2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

May I ask you to hear the actual words of Lt. Robert F. Frishman, USN, one of the prisoners recently released by North Vietnam. On September 2, 1969, less than a fortnight ago, from our Naval hospital in Bethesda where he is recovering from his ordeal, he had this to say:

"My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

"Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts."

Lt. Frishman was addressing his own people in America. But it is time for the world to know these facts. Therefore, I share Lt. Frishman's words with you gathered here in this Conference.

In the most recent provisional activity report submitted to this Conference by the ICRC, it is stated that "on 3 June 1969 the ICRC again wrote the Government of the Democratic Republic of Vietnam reminding it of the obligations incumbent on it in accordance with the 1949 Geneva Conventions for the protection of war victims." And at our opening session the distinguished new President of the ICRC reported to us that North Vietnam had not yet allowed any representative of the ICRC to enter its territory.

Each of us has a moral duty to see that signers of the Convention honor the interna-

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tionally accepted principles of humane treatment of prisoners of war. We trust that this conference, which has a fundamental and abiding interest in the Geneva Prisoner of War Convention will declare itself clearly and unequivocally concerning the humane treatment of prisoners—all prisoners in all parts of the world. The resolution before us was carefully drafted by the co-sponsors to insure the universality of its coverage to all prisoners of war wherever held, by whatever nation, great or small. We hope, therefore, that all national delegations and all national societies will join those nations and national societies which have already sponsored this resolution. We believe, Mr. Chairman, it should be supported unanimously.

DEVELOPMENT OF AN ADEQUATE COMMUNICATIONS SYSTEM FOR ALASKA

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated September 16, 1969, from me to Mr. James McCormack, Chairman, Communications Satellite Corp., Washington, D.C., and an article entitled "Satellite Communication System for the State Still Is in Doubt," published in the Anchorage, Alaska, Daily Times of Saturday, August 30, 1969.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 16, 1969.

Mr. JAMES MCCORMACK,
Chairman, Communications Satellite Corp., Washington, D.C.

DEAR MR. MCCORMACK: The *Anchorage Daily Times* of August 30th quoted William Miller of your organization as advising Alaska that an "optimum solution" for satellite communications would cost between $10 and $20 million" annually just for the satellite and the earth stations.

This is an outrageous statement, and I am surprised that you permit such statements by a purported expert. Certainly there is no limit to the amount of money that can be spent on communications. But the "optimum solution" is far below the $10–20 million annual range. Considering the number of meetings we have had on this point I cannot excuse Comsat's public insistence on an inflated figure as a case of simple misunderstanding. Comsat appears to be engaged in a deliberate campaign to undermine the immediate application of satellite communications in Alaska for the full range of intra-Alaska communications services.

The cost figures that I have, confirmed by the highest authorities in the field, indicate that Alaska could have a comprehensive communications system within a price range that would make immediate economic sense. In meetings with your representatives, these cost figures have never been denied.

Since February I have been attempting to secure from your organization a cost effectiveness study that has been repeatedly promised as forthcoming. I trust that its eventual appearance will withstand the light of public examination.

Comsat's regressive position is seriously impairing the development of an adequate communications system for Alaska. I challenge Comsat to publicly justify the $10–$20 million annual program Mr. Miller so blithely talks about in print.

Sincerely,

MIKE GRAVEL.

SATELLITE COMMUNICATION SYSTEM FOR THE STATE STILL IS IN DOUBT

A vast amount of expert information on satellite communications for Alaska was aired in the past two days, but at the close of the first Alaska conference on satellite telecommunications, it was still doubtful when the state could expect such things as live television and educational television.

The proposed satellite communication network for the state was described as the "optimum solution," by William Miller, project manager for the Communications Satellite Corp.

However, he said the network would cost some where between $10 to $20 million annually for just the satellite and earth stations.

The smaller price he quoted would provide limited service to a limited area, while the higher cost would bring greater service to a larger area.

At the close of the conference Friday afternoon, Chairman George Sharrock, also chairman of the Alaska Federal Field Committee, said the meeting provided a "better perspective of our problems" in communication and "better ideas on how to solve them."

He said committees organized during the course of the conference would continue to look into such aspects as the realistic requirements of the state, the amount of revenues needed and sources for these revenues, possible use of a commercial system by the conventional and satellite systems and a realistic timetable for full satellite communication.

Committee reports were the last item on the agenda Friday.

The committees had been formed primarily to investigate aspects of the satellite demonstration program. Sharrock said, however, that until "we know where the money for this is coming from," he could not state definitely that the demonstration, using television as an educational medium, would go ahead.

The cost of this demonstration, according to Dr. Charles Northrip of the educational broadcast commission, who headed the requirements committee, would be in excess of $2 million. Although the state would obviously participate in the funding of this program to some extent, he said, "it is premature at this time" to outline full funding. More exploration, said Northrip, was needed in this area.

TOWARD A CLEANER COUNTRY

Mr. RIBICOFF. Mr. President, I invite attention to a campaign begun by a leading company located in the State of Connecticut which could be an example for the entire Nation.

More and more Americans now have sufficient leisure to travel the country's highways and to explore the countryside. Unfortunately, increased travel has meant increased litter. All too few travelers recognize their responsibility to help preserve the beauty and cleanliness of the areas they visit.

It is gratifying to note the positive steps the makers of Schweppes—U.S.A.—tonic water have taken to help keep America beautiful.

Schweppes has begun an antilitter campaign through the use of a public service message on the reverse side of its bottle labels. The label reads:

> Keep America Beautiful. Please Dispose of This Bottle Thoughtfully.

The message is simple. But when we multiply the message by the number of Schweppes bottles distributed through out all the States, we have a far reaching contribution toward a cleaner country. The campaign can serve as an example to business and industry in all of our States and should encourage them to cooperate in insuring a more beautiful America.

ANTIETAM CREEK: BATTLE AND LESSON

Mr. TYDINGS. Mr. President, 107 years ago today one of the bloodiest battles ever fought on Maryland soil came to an end. On September 17, 1862, some 50 miles northwest of Washington near Sharpsburg, Md., Lee and his invading Army of Northern Virginia met the Union troops under McClellan along Antietam Creek.

The resulting blood bath ended Lee's first invasion, postponed England's threatened recognition of the Confederacy, and gave Lincoln the opportunity to issue the Emancipation Proclamation.

There are those today who romanticize history and see the Civil War as a time of glory. I view it otherwise. The War Between the States pitted American against American. Both sides "lost the war" and the years 1861–65 mark a sad chapter in our history.

The war resulted from a tragic failure of our political institutions to respond to deepseated social and economic changes.

It reflected a disastrous rigidity in our law and judicial system as only a few years before the shooting started a court of law ruled that a man who happened to be black was a piece of property rather than a person.

It became inevitable when intolerance and injustice predominated and men became more interested in shooting and killing than reasoning and listening.

We might pause for a moment now, honoring the dead of Antietam and remind ourselves that, in one sense, the problems of the 1850's are with us today.

Our political institutions including the Congress, are too slow in responding to change. Our way of life is undergoing heavy social pressures as more of our young men and women become a force in American politics. Our economy is changing as technology and science post unbelievable advances. At the same time our social sciences and institutions of civilization have failed to achieve similar progress. Finally, violence at times has replaced reason as a means to effect change.

Unless we recognize the changes today confronting us, unless we seek sound and reasonable solutions to our problems, our society and its institutions will not be judged a success.

I now ask unanimous consent that the moving introduction to the Interior Department's pamphlet on Antietam now be reprinted in the RECORD.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

"The night after the battle . . . was a fearful one. . . . The dead and dying lay as thick over [the field] as harvest sheaves. The pitiable cries for water with appeals for help were much more horrible to listen to than the deadliest sounds of battle. Silent were the dead, and motionless. But here and there were raised stiffened arms; heads made a last effort to lift themselves from the ground; prayers were mingled with oaths, the oaths of delirium, men were wriggling over the earth; and midnight hid all distinction between the blue and the gray. . . ." So wrote an officer on "Stonewall" Jackson's staff. The view from Union headquarters was equally sobering. "The night . . . brought with it grave responsibilities," reported the commander of the Army of the Potomac. "Whether to renew the attack on the 18th or to defer it . . . was the question. . . . After a night of anxious deliberation, and a full and careful survey of the situation and condition of our army . . . I concluded that the success of an attack was not certain. . . . I should have had a narrow view of the condition of the country had I been willing to hazard another battle with less than an absolute assurance of success."

All the next day the two armies eyed each other uneasily across the slopes of Sharpsburg ridge. Pleasant and tranquil today, the fields then were so strewn with dead and unattended wounded that the sight seared in Gen. James Longstreet's memory was "too fearful to contemplate." The Confederates, although "worn and exhausted," prepared for a renewal of combat, but Gen. George B. McClellan lacked the heart to attack. By late afternoon the threat had passed on and Gen. Robert E. Lee began issuing orders for the withdrawal. That night, as the glare of campfires belied their intentions, his men pulled out of their lines, filed to the river ford, and recrossed the Potomac. "Thank God," muttered Lee when at last his proud army stood in comparative safety upon the [West] Virginia bluffs overlooking the river.

THE 350TH ANNIVERSARY OF THE ARRIVAL OF THE FIRST NEGROES IN THE ENGLISH COLONIES

Mr. BROOKE. Mr. President, 350 years ago an event occurred in this country which has had lasting implications for the well-being of our society and its people. In August of 1619, the first black men were brought to America.

I believe it is particularly instructive at this time to look at the purpose for which they came. They were brought aboard a Dutch slave ship to the English colony at Jamestown, Va., to relieve an acute labor shortage in that small but thriving town. In the process, they were treated no differently from 100 young English lads who were also imported as laborers in the same year. Both groups of immigrants, blacks and whites together, were classed as indentured servants. They worked for the number of years required by their contract and, to a man, they were freed. In both groups of immigrants were men who eventually became landowners, and even slaveholders themselves once that despicable institution was legalized in the colony.

On September 21, 1969, a ceremony will be held in Jamestown, Va., commemorating the arrival of these first black citizens, and noting the important contribution which Americans of African descent have made to this country since its founding.

I ask unanimous consent that a statement of objectives of the committee which has planned this celebration be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Objectives of the Commemoration of the 350th Anniversary of the Landing of Negroes at Jamestown, August 1969

1. To contribute to the development of a healthy pride and respect among Negroes and Americans generally for our forebears of African descent.
2. To promote historical accuracy as to the struggles of the American Negro to achieve his rights as a person and as a citizen of the United States.
3. To apprise the public of the contributions of Negroes to the life, technology and culture of Virginia and of the United States.
4. To stimulate interest in the erection of a suitable marker in honor of the arrival of these persons of African descent.

STEERING COMMITTEE

W. Lester Banks, P. B. Boone, Oliver W. Hill, Esquire, Mrs. Helen Howard, Dr. Walker Quarles, Rev. Melford Walker, S. W. Tucker, Esquire and Dr. J. Rupert Picott.

COMMITTEE MEMBERS

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PROPOSALS TO IMPROVE PRESIDENT'S WELFARE PROPOSALS

Mr. RIBICOFF. Mr. President, I am pleased to present a statement by the National Association of Social Workers on President Nixon's welfare proposals.

This association, with 50,000 members, has chapters in every State and in all our metropolitan areas. Since many of its members are employed in voluntary and governmental social welfare fields, their association speaks with knowledge and authority with respect to issues in the welfare area. The association's suggestions for improving and making more effective, equitable, and adequate the President's welfare proposals therefore deserve the fullest consideration.

I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of the National Association of Social Workers on the President's Welfare Reform Proposal

The National Association of Social Workers welcomes this opportunity to endorse the principle of the President's family assistance proposal, namely, the assumption of federal responsibility for financing and administering of a program of assistance to families with no income or low income. We endorse further the use of declarations instead of detailed investigations, the inclusion of families with unemployed fathers, and the assumption by the Social Security Administration of the administration of the program. The Association has long held that only federal assumption of responsibility for assistance to the poor and the near poor can assure an equitable and adequate level of income for all Americans. We gather this is also the conclusion reached by the President with respect to families with children.

Although we endorse this family assistance proposal in principle, we have strong objections to a number of phases of this program and urge their reconsideration.

For a family with no income the formula which would provide $1,600 for a family of four is less than half of the generally acknowledged inadequate poverty floor of $3,555 developed by the Social Security Administration. We appreciate that when introducing new concepts such as this family assistance program political and economic factors frequently require a limited beginning, but urge that this proposal be just the first step in a planned approach over a short period of time to assure that no family in the United States shall be without the resources that provides them with an adequate level of income. This proposal addresses itself inadequately to the problems of families in the urban ghettos where the substantial number of assistance families and working poor are located. We recommend, therefore, that the President clearly indicate his support for a program that progresses significantly toward an adequate level of income.

Furthermore, if the family assistance program is to be consistent with the principle of federal responsibility for needy families, the goal should provide for an early phasing out of State supplementation. Regrettably, we do not have the confidence the States have either the resources and, in many instances, the desire to supplement the family assistance payment to an adequate level of living.

We urge that the family assistance proposal be amended to provide a formula which will protect its recipients against the rising cost of living, noting that in a relatively short period the poverty floor for a family of four has risen almost 8%.

We object to the language in the message that "it will make it more attractive to go to work than to go on welfare" as continuing to support the myth that the poor are lazy and won't work. The truth is that opportunities for rewarding work have not been provided to welfare recipients, with all evidence indicating that like the rest of us the poor share our ethical convictions about the importance of work. The manpower proposal put forward on Tuesday, August 12, again fails to provide a program of jobs at, at least, the minimum wage or better level. We recommend that this manpower proposal be amended to include legislation similar perhaps to the Manpower Act—H.R. 11620—introduced by Congressman James O'Hara and 105 bipartisan co-sponsors. This legislation, among other matters, establishes a system of public service employment designed to open, up job opportunities in a wide range of community health, welfare and education programs. We can testify to the need for hundreds of thousands of jobs in this services sector, but to develop and supply them federal leadership and funds are required.

We are concerned that, while the family assistance proposal does eliminate the coercive work requirements for mothers with pre-school children of the 1967 Public Welfare amendments of the Social Security Act, it still demands training and work for mothers of school age children. We argue that the decision to go to work should rest with the mother whether on assistance or not on assistance. Certainly for many mothers on assistance employment may be as important to her psychologically and economically as it apparently is to other mothers in the present working force, but this must be the mother's decision and not a require-

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ment for eligibility. In this connection, we note that the plan to set up child care facilities for something in the order of 450,000 children is completely unrealistic unless funds are also made available for the construction of or for the rebuilding of physical facilities. Experience to date with a similar authorization in the 1967 Public Welfare amendments indicates that lack of construction funds has been a serious block to the development of day care programs. If, as the President's proposal suggests, this is to be a child development program rather than custodial care, adequate facilities are just as essential as qualified staff.

The President's manpower message proposes that State Employment Services be the key resource for recipients of family assistance for training and jobs. Over the years the record of these Employment Services with respect to finding employment for assistance recipients and in the instance more recently of the WIN (work incentives) program is such as to suggest that a heavy investment of federal leadership and guidance and high standards will be required if the Employment Services are to deliver effectively in the area of training and jobs. The most realistic approach would be a federalization of the Employment Services.

We are further concerned that the Administration has indicated that it intends to phase out the food stamp program. This seems to us completely unrealistic and undesirable when the federal standard for a family of four is $1,600.

Further, we note that no provision is made for several million adults who are also poor, childless couples and other adults whose only recourse for help is the inadequate and frequently non-existent locally and/or State financed general assistance program.

Now that the President has recognized the national character of the problem of poverty, the next step must be a policy declaration that the general welfare and security of the nation and health and happines of its people require the provision of income at a uniformly adequate level and as a matter of right, and translation of this policy into a comprehensive and integrated system of income assurance. It is the judgment of our Association that a fundamental requirement for such a system is the provision of jobs at adequate wages. Equally fundamental is a social insurance program with a minimum benefit of at least $100 a month and a 50% increase in social security benefits, and a significant upgrading of unemployment compensation. Then, finally, to assure that all Americans shall have some modest share in our affluence, some supplementary system of income provision like the children's allowance or the negative income tax or federalized assistance is required.

Our Association further holds that there is an obligation on government to assure that essential social services will continue to be provided to individuals and families who need them and request them but under a system that separates the provision of money payments from the social services.

Such social services as:

Information, advice and referral;

Personal counselling;

Homemaker and other personal services for the aged, the handicapped and the ill;

Child development programs;

Social and recreational centers; and

Protective and foster care services for children and the aged, and a wide range of other programs designed to contribute to the enhancement of individuals and strengthening of family life which are an essential part of the life of a civilized and concerned community.

ENVIRONMENTAL QUALITY: PESTICIDES

Mr. TYDINGS. Mr. President, on July 31 I introduced wide-ranging legislation to protect our people and ecological system from the growing accumulation of toxic residues in the environment, stemming from the widespread use of persistent pesticides.

As is the case with so many examples of our technological progress, the amount of pesticides is a mixed blessing. On the one hand they eradicate disease and help provide pest-free food. On the other they poison our natural resources and threaten wildlife and possibly man himself.

Unfortunately, by indiscriminate use and failure to use nonpersistent chemical combinations, pesticides today do far too much harm. The balance between blessing and curse leans too far to the latter. My bill, S. 2747, is intended to restore the balance.

It places a 4-year moratorium on four of the more persistent and powerful pesticides. It transfers the pesticide regulatory functions from the Department of Agriculture to the Department of Health, Education, and Welfare. It removes the exemption from registration and labeling of those pesticides intended solely for export. Finally, S. 2747 directs the Secretary of Health, Education, and Welfare to make a comprehensive study of the use and effects of pesticides.

A good article on the dangers of pesticides is found in the International Union of Electrical, Radio, and Machine Workers, AFL–CIO, CLC's newspaper, IUE News, dated August 14, 1969. Written by Mat Amberg and entitled "Danger: Pesticides," the article warns of the ever-increasing threat to our environment from the growing use of pesticides. I ask unanimous consent that it be printed in the RECORD following my remarks.

Should anyone doubt that persistent pesticides are a danger to health, I commend to them an article entiled "U.S. Impounding Pesticide—Tainted Cheese Imports," in the New York Times of September 12, 1969, and ask unanimous consent that it be printed in the RECORD following Mr. Amberg's article.

Finally, I ask unanimous consent that the text of my pesticides bill, S. 2747 be printed in the RECORD after the Times article.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the IUE News, Aug. 14, 1969]

DANGER: PESTICIDES

(By Mat Amberg)

Pollution, the by-product of our highly technological society, takes many forms. Pollution is industrial waste oozing into our waterways, it is radioactive contamination resulting from the use of nuclear energy, it is the combination of poisonous gases emitted into the atmosphere from smoke stacks and exhaust pipes. In these instances, pollution is the undesirable, and seemingly unavoidable, price we pay for the convenience of a modern, industrial society. Another deadly form of pollution, however, is not unavoidable, and indeed seems to be an example of man willfully fouling his own nest.

Today we are loading the air, the land, the waters, our food and our bodies with chemical compounds that never existed in nature—some of which individually have the potential to do us grave damage, and some of which, working together in combination, can damage us into the grave.

High on the list of the chemicals man is injecting into his environment are the pesticides, used by the agriculture industry and the backyard gardener to prevent plant disease and increase the available food supply. Approximately $1.7 billion worth of these insecticides, fungicides and herbicides were used last year.

There is evidence that pesticide elements are getting into our body tissues, and though we don't yet know all that they can do to us, we know that some can cause serious illness and that some can be fatal.

And though some pesticides may not be harmful by themselves, they could well prove destructive in combination with the other chemicals that find their way into our body tissues. Some examples of these:

We are given all sorts of complex medications by doctors when ill, or to avoid having babies, or to relieve tension; we wash with complex detergents; we use hair sprays and anti-perspirants; we eat foods into which all sorts of chemicals are put to preserve the appearance or enhance flavor, or cover up poor quality, or change the color, or which are synthetic to start with; we work in the plant with chemicals or inhale fumes and dusts; we often drive in bumper-to-bumper traffic, inhaling carbon monoxide as we go.

"Synergism" and "potentiation" are fancy words used to describe what occurs when two agents create an effect greater than what they'd do separately. In some cases, each of two or more chemicals can be harmless alone but harmful when combined.

For example, as Dr. Barbara Moulton (former Food & Drug Administration official) told Congress, "even well-known chemicals can produce unexpected results when used under new conditions; they may combine with other substances to produce new chemicals with very different properties; they produce different results in different species of animals. A substance may be harmless to an adult and extremely dangerous to new-borns, or vice versa."

Food and Drug scientists found one pair of pesticides whose combined toxicity was 1,000 times that of either alone.

EFFECTS MAY YET BE UNKNOWN

Even by themselves, at least some of the pesticides are known to be poisonous to people. Others, which are said by their makers and users and by the experts to be harmless to people, or relatively harmless, are known to be poisonous to fish, birds and other lower forms of life. The suspicion is that perhaps they can or do have harmful effects on man which are as yet unknown.

In a study in "Archives of Environmental Health," January 1966, copyright by the American Medical Assn., at least 111 accidental deaths of persons in the U.S. are attributed to specific pesticides (there were additional deaths that could have been pesticide-caused but the survey team couldn't say for sure). Of these, 58 were caused by various of the inorganic and botanical pesticides, 24 by the organic phosphorous insecticides, 6 by the chlorinated hydrocarbon insecticides, 17 by certain other solid and liquid pesticides, and 6 by gases and vapors. Seven of the 111 cases were open to question, the authors said.

Pesticides can harm people whether they have been breathed into the lungs and then absorbed into the blood with the oxygen, whether they get on the skin and are absorbed through the skin, or whether they are taken by mouth. Some are long-lasting (such as the chlorinated hydrocarbons); some tend to break down after a certain number of days (such as the organophosphates).

The organophosphate group, developed by the Nazis and working like nerve gases, are being used in increasing amounts. They include diazinon, demeton, malathion, methyl parathion, parathion, azodrin, phosdrin, mevinphos, TEPP, and many others. In greater or lesser degrees, these tend to be very dangerous to people for a certain period after use. When they break down they usually become innocuous, so that contact with them after a long enough period has elapsed may be safe. There are exceptions: dipterex breaks down into DDVP which is 10 times as toxic as dipterex, according to Dr. Robert Van den Bosch of the University of California. During the period before they break down, some of them can be deadly.

A few examples:

In 1967, a truck, which had been used in California to haul parathion, later was used to haul bread flour in Tiajuana, Mexico. Somehow, the flour was contaminated by the parathion. Hundreds of people were stricken and many died.

A 22-year-old worker sprayed peach trees in California with parathion for one and a half days (though nauseated by morning of the second day). He died seven days later.

A 3-year-old Mexican-American girl and her brother were playing near a spray rig where their mother was working. The girl took the cap of a gallon of TEPP, put her finger in the can, and sucked it. She lost consciousness immediately and was dead on arrival at the hospital.

Under California state law, after a field has been sprayed with these pesticides, workers are supposed to stay out of the field for a certain number of days. But the Farm Workers union can point to cases where the growers don't see things that way. This February, for instance, a family of five people including a 2-year-old baby were in a peach orchard near Madera, where the older members of the family were working. They were sprayed with parathion (though neither people nor livestock should be present during spraying except properly masked and clothed) and temporarily blinded. They became sick but the owner became angry when they left the field for treatment and he threatened to fire them!

The chlorinated hydrocarbons, of which DDT is the best known and most used, commonly are said by the authorities to be safe for humans, or relatively safe, and they have a characteristic that tremendously commends them to growers and to people seeking to get rid of disease-carrying insects—they are very long-lasting. This characteristic also makes them anathema to conservationists and now has brought them into line of some health authorities' condemnation. It is cheaper to use a long-lasting spray (cheaper both as to human effort and equipment costs and for the chemicals used) but the chemical remains potent for years.

Inconclusive (thus far) studies at the National Cancer Institute indicate that cancer may be caused by some 50 of 130 widely used pesticides, including DDT, the weed-killer 2-4-D and others, according to the March 14, 1969, *Medical World News*. This publication quotes pathologist Wilhelm C. Hueper, former chief of the environmental cancer section of NCI, as saying: "These limited studies were a waste of taxpayers' money—they weren't long enough or thorough enough. But they found tumors all right—in both dieldrin and DDT studies. Only the pathologists were meek about it in ruling them nonmalignant."

On May 1, Sen. Philip Hart (D-Mich.) inserted in the *Congressional Record* the NCI preliminary report on this experiment, which was to have been given before a scientific organization and then suddenly pulled back for "more study." This report shows that DDT and 10 other pesticides which were tested definitely were associated with a significantly higher rate of tumors in the mice they were used on, 19 other pesticides may have been so associated, and 90 were not. In other words, while it wasn't proven for sure, the finger definitely points at 11, 19 more are suspects, and 90 are "not guilty." So far. And the test was only for tumors, which might be cancerous—not for other diseases.

Humans are said to be able to throw off excessive amounts of DDT, above a tolerable quantity, unlike the fish and birds which are killed by it. But some experts wonder whether, if it is so deadly to birds and fish, as well as the insects it is aimed at, perhaps it does things to humans that haven't yet been discovered. Cancer is only one possibility. Genetic changes affecting future generations is another.

THE CASE AGAINST DDT

DDT is perhaps the best example of a pesticide once considered a boon to mankind, and then later branded a menace. To quote *Environment* magazine, publication of the Scientists Institute for Public Information:

"When DDT first came into wide use, its potential for public health and comfort and for agriculture seemed almost unlimited. An industrial research scientist told the *New York Times* on August 29, 1946, that ultimately it could eliminate all flies and mosquitos in the United States. Ten years later, it was clear that DDT had some limitations—insect strains that were resistant to it were beginning to develop, and warnings of DDT damage to wildlife were increasing."

"But it was not until Rachel Carson's *Silent Spring* that the pesticide was exposed to the public as no great miracle and no small hazard.

"Little by little, new evidence about DDT and the other pesticides in the chlorinated hydrocarbon family has been piling up . . . DDT moves around until it is found almost everywhere, and it accumulates and builds up in various forms of life."

Indeed, it is the accumulation effect that adds to the worry. It may be true that the human body can tolerate a certain amount of DDT (though in time we may discover this isn't true, either) and that when additional DDT enters the body above the tolerated amount, it is thrown off, as the defenders of DDT say.

But what happens when a human with his body already up to the tolerable mark takes in a large amount of DDT at once? This needn't occur as a result of getting in the way of a DDT sprayer, or of eating a fruit with some DDT residue on it. Just as DDT accumulates in our bodies, it does in the bodies of animals lower in the food chain.

Robins die when they eat enough earthworms which have eaten DDT, even though each worm contains less than a lethal amount.

What happens if a human eats fish or fowl which similarly have been accumulating DDT from lower in the "food chain"?

FDA CONDEMNS SALMON SHIPMENT

The Food and Drug Administration has seized thousands of pounds of coho salmon taken from Lake Michigan and destined for interstate shipment and sale, because of DDT contamination ranging up to 19 parts per million. Sen. Gaylord Nelson (D-Wis.) notes that a quarter-pound serving of this fish would give a person three times the maximum daily intake under World Health Organization standards.

But if those fish had not been destined for shipment across state lines, FDA would not have had authority to seize them. Same for farm crops with pesticide residues on them. Says Charles C. Johnson, Jr., Administrator of HEW's U.S. Consumer Protection and Environmental Service, of which FDA is a part: "Most states are not doing enough to protect their consumers against ingesting toxic pesticide residues on food."

Only 20 of the 50 states have an agency responsible for doing something about pesticide residues on food, according to a January 1969 FDA compilation. They are: Calif., Conn., Fla., Hawaii, Ill., Kan., Ky., Mich., Mont., Neb., N.H., N.Y., N.D. Ore., Pa., Tenn., Tex., Utah, Wash., Wis. Some may be better equipped to do the job than others.

The case of the coho salmon as well as other cases in which DDT has been found in the body tissues of various creatures across the globe, has been cited widely as evidence of the way the persistent types of pesticide have spread around the world and the way they have been concentrated in the bodies of animals after being diluted and dispersed in large bodies of air or water.

The tiny plants and animals down at the bottom of the food chain—the one-celled or slightly bigger than one-celled creatures—may absorb a chemical, whether it be pesticide or radioactive substance or some other chemical. These organisms, in turn, are eaten by larger ones, and the small amounts of the chemical that each one took in are added together. The larger animals in turn are eaten by still larger ones, and the accumulation or concentration of the chemical grows. In some cases, the accumulation continues until it gets to man.

Foods grown within a state and sold in that state can be overloaded with dangerous pesticides and sold to you to eat; if your state doesn't have a pesticide law you are unprotected. No one controls how much nor what type of pesticide your neighbor sprays on his garden and—incidentally—in your window and on your children, your pets and you.

The federal government itself is a big sprayer; recent controversy has occurred over the spraying of airports with dieldrin, which is more toxic than DDT, to prevent insect infestation from aircraft coming from overseas.

Lately, certain states such as Wisconsin have moved toward following Sweden's lead in banning use of DDT—but this is not the case in much of the country.

The World Health Organization has been grappling with the pesticide issue, because some nations depend on insecticides and other pesticides for disease control. Brazil's WHO delegate says the concept of malaria eradication depends "completely" on continued use of DDT.

Scientists note that as pesticides continue in use, the more resistant strains of various insect species learn to survive the pesticides that were used, and soon man will have to use more and more toxic pesticides or switch to other weapons, such as introducing natural enemies of the pest one seeks to get rid of.

And we also learn that pesticides are 2-edged swords in another respect—they kill things we don't want killed and open the way for new and worse infestations. Former Interior Secy. Stewart Udall reports the case of San Joaquin, Bolivia, where DDT malaria-control aimed at mosquitos also killed off the village cats, whereupon a wild mouse-like mammal, harboring black typhus virus, invaded the village—and more than 300 villagers died.

A more fundamental menace to all mankind—and indeed, to all life—may be posed by pesticides, by radioactive wastes, by detergents and other chemicals which we are creating. These pollutants get into the oceans, either by being brought down directly by rain or by being washed into the streams and rivers and then into the oceans.

Very little is known about whether, and to what extent, the pesticides and the other pollutants affect the plankton of the sea. Among the plankton are diatoms and other plants which carry on photosynthesis (making starch by use of energy from sunlight). In the photosynthesis process, oxygen is liberated and carbon dioxide is used.

If we kill off enough of the plankton in the sea, or sufficiently reduce their photosynthesis activity, we all will die. This is because an estimated 70 percent or more of the oxygen we breathe is produced by these plankton, Cornell University ecology professor LaMont C. Cole warns. The rest of the oxygen we need we get from other plants, largely green-leafed land plants, and we are busily cutting down on the land area covered by greenery, what with road-building, building construction, defoliations by herbicides (which also are pesticides), etc.

Up until recently, the outcry against overuse of pesticides came largely from conservationists. Lately, a new force has joined the battle—one which is poor in money and manpower, and composed of people who are very low on the social and political totem pole—but which may mobilize America's conscience to act.

FARMWORKERS FIGHT PESTICIDE USE

The AFL–CIO United Farm Workers, led by Cesar Chavez, have been fighting against growers' use of pesticides that are making the farm workers sick. The grape growers have refused to discuss pesticides with the union. The Kern County agricultural commissioner has refused to tell the union what pesticides are being used, although under state law the users must file such information with him. He bases his refusal on the right of the growers to protection of their trade secrets.

The union has been battling this issue in court, undeterred by the ruling of Kern County Superior Court supporting the agricultural commissioner and the growers. The Farm Workers also are suing to compel seizure of all crops sprayed with the pesticide.

In a letter to the grape growers earlier this year, Chavez wrote, about pesticides or economic poisons: "We have recently become more aware of this problem through an increasing number of cases coming into our clinic. We will be damned—and we should be—if we permit human beings to sustain permanent damage to their health from economic poisons. . . . We are willing to meet with your representative on the sole issue of pesticides, even if you are not prepared to begin full-scale collective bargaining at present . . ."

The growers have rejected this and all other approaches.

The Farm Workers also are warning consumers that DDT, one of the pesticides used on grapes, does not wash off. "In May, 1969, the California Farm Bureau, voice of the farmers in the state, recognizing the grave dangers to the health of consumers resulting from the use of DDT, called for a moratorium on the use of DDT in the fields," the union notes. "Still the grape growers have used more than 100 tons of DDT on California grapes! This is four times as much as in any previous year. DDT residues retain their potency for 10 years. Once DDT is taken into the body it is stored in the fat cells."

The grape workers are carrying their case to Congress and to the public.

Legislation has been introduced, to suspend or ban or further regulate the use of pesticides, or certain ones. Studies are being made of some of these problems, and a commission or commissions may be making studies of the impact of pesticides on the whole environment.

Hopefully, this is not too late.

[From the New York Times, Sept. 12, 1969]

UNITED STATES IMPOUNDING PESTICIDE-TAINTED CHEESE IMPORTS

(By Peter Millones)

Large amounts of imported cheeses—primarily from France, Italy, Rumania and Argentina—are being barred from the country by the Food and Drug Administration because the cheeses contain pesticides.

Since the beginning of the year, 1,782,000 pounds of imported cheese, valued at $2.5 million, have been impounded by inspectors in the Port of New York, to be returned or destroyed. This is about 10 per cent of all the imported cheese that enters New York and, according to inspectors, is a "whopping" increase over previous years.

The ban has meant that specialty cheese shops are switching domestic cheeses to more prominent shelf space and that the prices of some imported cheeses are increasing for consumers.

POPULAR TYPES AFFECTED

Among the cheeses that have been barred are Camembert, Brie, Roquefort, Port-Salut, Parmesan, provolone, Sardo (from Argentina) and Pecorino Romano (from Rumania).

Some batches of these cheeses have passed inspections, inspectors emphasized, and they are perfectly safe to buy, as are other imported cheeses being sold. John J. Zaic, an international trade specialist with the regional office of the Food and Drug Administration, said that the appearance of the pesticide appeared to have more to do with the locality it came from rather than the kind of cheese.

He, and Weems Clevenger, regional director of the F.D.A., said a study was being made by foreign officials with the assistance of F.D.A. specialists to determine why the pesticide, benzine hexachloride, began to appear only this year in the foreign cheeses.

Benzine hexachloride, they said, is similar to DDT, and may only recently have been adopted for use by some foreign cheese makers or others near them.

DOMESTIC PRESSURING SEEN

The Cheese Importers Association of America, Inc., which represents all the major importers here, has its own view of what has happened. It sees the long arm of domestic cheese makers pressuring officials in Washington to tighten standards governing the importation of cheese.

F.D.A. officials here said there was no plot. They said that the residue of pesticides permissible legally in cheese, both foreign and domestic, was the same—none. But, as a practical matter, the officials said, scientists have decided it is absolutely safe to allow 0.3 parts per million.

The imported cheese that has been barred showed evidence of between 0.4 parts per million of pesticide residue to 0.11 parts per million, according to George Boone, chief here of the food and general chemistry section of the F.D.A.

He noted that the port of New York handled 85 to 90 per cent of all cheese imported from abroad. He said there had been no evidence of pesticide in domestic cheeses arriving here.

THEORIES ON CONTAMINATION

Mr. Zaic said there was some indication that the Rumanian cheese, Pecorino Romano, had been contaminated in one plant by workmen who used the pesticide to kill flies near the cheese vats.

In France, he said, there is also a suspicion that one cheese maker had used a whitewash that contained the pesticide on barn walls and in other areas. Cows, it is thought, may have licked the walls or eaten chips from the walls in their grain, and thus contaminated the milk used for the cheese.

Many specialty cheese shops here said they were concerned about the ban, although they did not think the average customer was aware yet that many kinds of foreign cheese were in short supply.

"ROUGH ABOUT CHRISTMAS"

"It's going to be rough about Christmas," said a manager of Cheese of All Nations, 153 Chambers Street. "By then everyone will be aware of it."

A spokesman at Cheese Village, 3 Greenwich Avenue, said that its ability to purchase some French and Italian cheeses was "very erratic" and that wholesalers had taken advantage of the situation to raise the prices of other cheese.

At Cheese Unlimited, 1263 Lexington Avenue, the manager criticized the F.D.A. for allegedly responding to domestic pressures and added.

"I know a salesman who has an order for 30,000 pounds of provolone and can't find any; it's like gold. You know what the commission is on 30,000 pounds? It's more than your salary and mine for a year."

S. 2747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health and Environment Protection Act of 1969."

NATIONAL PESTICIDES STUDY

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall conduct a comprehensive study and investigation of the use and effects of pesticides on man and other animals, on other life forms, and on man's environment. In carrying out such study and investigation the Secretary shall, among other things, give special consideration to—

(1) the necessity and desirability of using pesticides;

(2) the advisability of permanently prohibiting the use of certain pesticides or classes of pesticides;

(3) the effectiveness of existing Federal regulation of pesticides;

(4) the length of time that pesticides continue to remain in effect in man's environment after application; and

(5) laws and regulations of other countries relating to the use of pesticides and the international consequences of such laws and regulations or the absence thereof.

(b) In carrying out the study and investigation provided for in subsection (a) of this section, the Secretary shall seek the assistance and cooperation of the Secretary of Agriculture and the Secretary of the Interior. He shall also seek the advice and counsel of persons outside the Government who are eminently qualified to assist in carrying out such study and investigation by reason of their education, training, and knowledge in the various fields of science related to such study and investigation.

(c) The Secretary shall submit a report to the President and the Congress on the results of his study and investigation not later than thirty months after the date of enactment of this Act and shall include in such report such recommendations for administrative and legislative action as he deems appropriate.

TRANSFER OF ADMINISTRATION OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SEC. 3. (a) All powers, duties, and functions of the Secretary of Agriculture relating to the administration of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) are hereby transferred to and vested in the Secretary of Health, Education, and Welfare.

(b) So much of the assets, liabilities, contracts, commitments, property, records, personnel, and unexpended balances of appropriations, allocations, and other funds (including authorizations and allocations for administrative expenses), available or to be made available, of the Department of Agriculture as the Director of the Bureau of the Budget shall determine relates primarily to the administration of the Federal Insecticide, Fungicide, and Rodenticide Act (on the day before the effective date of this section) shall be transferred from the Department of Agriculture to the Department of Health, Education, and Welfare on the effective date of this section or as soon thereafter as practicable.

(c) Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director of the Bureau of the Budget shall prescribe.

(d) Any transfer of personnel pursuant to this section shall be without change in classification or compensation, except that this requirement shall not operate to prevent the adjustment of classification or compensation to conform to the duties to which such transferred personnel may be assigned. All orders, rules, regulations, permits, or other privileges, made, issued, or granted by any agency or in connection with any functions transferred personnel may be assigned. All orders, time of transfer shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed by the Secretary of Health, Education, and Welfare. No suit, action, or other proceeding lawfully commenced by or against the Department of Agriculture, or any officer or employee of the United States acting in his official capacity shall abate by reason of any transfer made pursuant to this section.

(e) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended as follows:

(1) Sections 3.u., 6.b., and 10 are each amended by striking out "Secretary of Agriculture" wherever it appears therein, and inserting in lieu thereof "Secretary of Health, Education, and Welfare;" and

(2) Sections 3.c., 4.c., 5, and 6.c. are amended by striking out "United States Department of Agriculture" wherever it appears therein, and inserting in lieu thereof "Department of Health, Education, and Welfare."

(f) This section shall become effective 90 days after the date of enactment of this Act.

REQUIREMENTS FOR AND PROHIBITION OF THE EXPORT OF ECONOMIC POISONS TO CERTAIN FOREIGN COUNTRIES

SEC. 4. Section 3.b. of the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135a) is amended to read as follows:

"b. Nothing in this act shall be construed as exempting any economic poison exported to a foreign country from complying with all the requirements of this act. Further, it shall be unlawful for any person to ship or deliver for shipment to any foreign country any economic poison if the Government of such foreign country has indicated in writing to the Secretary that such country prohibits the import of such economic poison and the Secretary has published a notice to that effect in the Federal Register."

MORATORIUM ON THE USE OF CERTAIN CHEMICAL COMPOUNDS

SEC. 5. (a) The Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163; 7 U.S.C. 135–135k) is amended by adding at the end thereof a new section as follows:

"SEC. 17. Notwithstanding any other provision of law, for a period of four years following the effective date of this section, it shall be unlawful for any person to distribute, sell, or offer for sale in any Territory, the District of Columbia, or the Commonwealth of Puerto Rico, or to ship or deliver for shipment from any State, Territory, the District of Columbia, or the Commonwealth of Puerto Rico to any other State, Territory, the District of Columbia, or the Commonwealth of Puerto Rico, or to receive in any State, Territory, the District of Columbia or the Commonwealth of Puerto Rico from any place outside thereof the economic poison dichlorodiphenyltrichloroethane, commonly known as DDT, dieldrin, aldrin, or endrin."

(b) This section shall become effective 150 days after the date of enactment of this Act.

GRAZING FEES

Mr. METCALF. Mr. President, on August 7, 1969, the Committee on Interior and Insular Affairs adopted a resolution on grazing fees which is an outgrowth of the hearings held by the committee in February and Secretary Hickel's appearance at the hearings on the confirmation of his nomination.

The resolution merely affirms that the Secretary of Agriculture and the Secretary of the Interior, along with other officials of the executive branch, will report on a timely basis the results of the review of the grazing fee schedule as they plan their action for 1970. The Secretary of Agriculture and Secretary of the Interior have been requested to first consider if the public interest and equity are being properly served and second, if the purpose and intent expressed in the National Forest Acts, the Taylor Grazing Act and the 1952 Appropriation Act are being reflected in the new fee schedules.

The issue of a proper grazing fee has been the subject of numerous congressional hearings. I can recall 1,038 pages of testimony in 1963 when the fee was raised 10 cents. This year in the Senate we had 534 pages of testimony.

Ranchers are hard-working, honest people. I know they are willing to pay a reasonable grazing fee but like all people they seek to hold down costs. Ranchers know that the grazing fees, particularly on public lands, have been below fees on comparable private and State land.

The most recent fee study completed in 1968 took 2 years and cost over $1 million. It was the most comprehensive ever undertaken. It used industry records and data. The study produced a basis for a 10-year schedule of increases to reach a fee lower than is charged on private and State land but comparable when pertinent factors are considered. The resulting fee schedule will not reach a fair market value based on the forage consumed by a permittee's livestock for 10 years. For example, this year's fee on public lands was 44 cents to graze a cow and its calf, if under 6 months, for 1 month. This is the charge for an estimated 800 pounds of browse on a dry weight basis. In the case of sheep this is the fee for 5 sheep plus their lambs or an average of 12 or 13 animals for 44 cents. Nowhere else can the feed for an animal be purchased for 44 cents a month. A rancher cannot feed his 50-pound dog for so little.

Data developed by the Wildlife Management Institute indicates the range of fees on State and private lands in the West. Of course, in some Western States statutory or constitutional requirements define the pricing goals which will be followed on State lands and the purpose of State administration may differ from Federal lands.

I ask unanimous consent to have printed in the RECORD a table showing the data.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Lessor and current 1969 grazing rentals on some western lands

Montana:	
Corps of Engineers (Fort Peck)	$1.50
Northern Pacific Railway	[1] 3.50
Valley Mining Co	1.00–1.30
Anaconda Mining Co	1.15
State lands	0.76
Nevada: Southern Pacific Railroad	[2] 0.90–1.75
Utah:	
State Fish & Game Department	[3] 1.50–3.33
Southern Pacific Railroad	[4] 0.85
Colorado: State school lands	1.50–2.00

[1] Until 1966 the N.P.R.R. leased land on a variable basis with the minimum grazing fee per AUM calculated to return 1½ times the tax rate which averaged around $0.80 per AUM. In 1966 it began to increase the fees on the basis of taxes plus a fair return to reach a flat rate of $3.50 per AUM on all N.P.R.R. lands over a 3-year period.

[2] Lease rates charged by the S.P.R.R. presently range from a $0.90 to $1.75 based on tax rates throughout the State. The minimum rates are being increased to reach $1.25 by 1970. All leases have annual rental determinations and are interspersed with public land.

[3] Native and seeded ranges vary from a low of $1.50 per AUM to $3.00 per AUM. Native meadow (both wet and dry) vary from $2.50 per AUM to $3.33 per AUM.

[4] An average of $0.85 per AUM is presently charged but will be increased to a minimum charge of $1.00 by 1970. Charges are based on recapturing tax rates only. S.P.R.R. leases some 100,000 acres in Utah.

Mr. METCALF. Mr. President, the average fee on State lands in Montana, as the table indicates, is 76 cents per AUM. On below average lands the fee is a dime less; on the better lands it is a dime more. Next year the fees will increase by 4 cents, to an average 80 cents per AUM.

I ask unanimous consent to have printed at this point in the RECORD an article published in the Great Falls Tribune, in which the Montana State land commissioner Ted Schwinden discusses the fee increase.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GRAZING FEE ESTABLISHED AT 80 CENTS

HELENA.—The grazing rental on state-owned lands of average quality will be set at $.80 per animal unit month in the coming year, Ted Schwinden, state land commissioner, said Thursday.

Schwinden made the announcement following receipt from the Montana Crop and Livestock Reporting Service of average beef prices for the year immediately preceding Sept. 1, 1969.

He said the grazing fee is set annually by a statutory formula which calls for a base fee of $.32, plus two times the average price per pound of beef of the preceding year.

The 1970 fee, he said, is four cents above the 1969 level.

The law provides the $.80 fee be reduced $.10 per animal unit for poorer quality grazing lands and increased $.10 for better quality lands.

Total receipts from grazing rentals in fiscal 1969 amounted to $987,657, he said.

Mr. METCALF. Mr. President, the grazing fee charged by the State of Montana and other Western States, and by railroads and mining companies operating in the West, is above that charged by the Federal Government. The Northern Pacific Railway has been charging ten times as much per AUM as the Federal Government has. For 1970, under the schedule presented to the Senate Interior Committee in February, the Federal fee would go up to about 55 cents per AUM,

XUM

Following the Secretary of Agriculture and Secretary of the Interior's promise to review, some ranchers elected to take the Secretaries to court in Utah and New Mexico. Both cases were decided against them. The New Mexico case has been appealed.

It could be argued that the decision to sue and the resultant outcome to date eliminate the need for the Secretaries to make the review they promised the committee they would make. I do not share this view. Every Executive action ought to be given review by the Secretary from time to time to assure it fits current conditions. It is in this spirit of constructive cooperation that Secretaries Hardin and Hickel and the Budget Director promised a review. The main goal of our committee resolution is to produce this review prior to the Secretaries acting to set the 1970 fee level.

It is indeed significant to recall that it was the Bureau of the Budget—not the Secretary of Agriculture or Interior—who announced the grazing fee increase on January 14, 1969. The Bureau of the Budget stated:

> Both Departments will study closely and continuously the effects of the new fees.

To me this was a commitment and a sensible recognition that the outgoing administration was not dumping something on a new administration's doorstep.

The fact is that the grazing fee question is not one that suddenly surfaced last year. It had come under intensive study in the 1950's under the Eisenhower administration. It, along with Congress, had directed that a user charge policy be adopted and developed by the Bureau of the Budget. It was Budget Circular A–25 in 1959 on user charge policy and the studies performed then by the Bureau of the Budget and the Comptroller General which focused attention on the grazing fee issue. The joint study undertaken in 1966 was a direct outcome of this 1959 user charge policy.

In 1954 the fee on public land was 12 cents per AUM. Three increases in that decade raised it to 22 cents by 1959, in accordance with fee formulas then in effect.

Between 1960 and 1961 it was raised to 33 cents where it remained while the new study was in process.

The forest service fee is a more complex topic—well outlined in the Senate hearings. For quick comparison, the average fee was 35 cents in 1954, 51 cents in 1960, 42 cents in 1965, and 51 cents in 1968.

For years grazing fees have been well below market value. Under the current schedule, the fees will not reach market value for 10 years. Public land grazing fees never have been related to the value of the forage the livestock consume. Every administration for the last 16 years has expressed the desirability of having a fee representing the worth of the forage.

There should be little doubt that the question of a proper fee was approached with care in the professional studies commenced in 1966.

I would hope that in the continuing review promised by Secretary Hardin, Secretary Hickel, and Under Secretary Train, all relevant facts will be examined.

In the February hearings some witnesses expressed concern that a fee increase would produce ranch liquidation and bankruptcy. Some similar statements have been made in the meetings of the Public Land Law Review Commission. I would hope that the Secretaries will ascertain whether or not there is any evidence that the level of grazing fees has in fact produced such damage.

At present only one-third of the current Bureau of Land Management fee, 14.6 cents per AUM, is reappropriated for range improvement. However, on some Federal grazing areas it takes 40 acres to make an AUM and the plowback is less than 3.7 mills per acre for conservation. Even on the best range, where 5 acres make an AUM, a mere 2.94 cents per acre is available for conservation. There are, in addition, regular appropriated funds provided for range, watershed and wildlife conservation, but even when these funds are included, the conservation work is far below that needed. Five-sixths of the public range is in fair or bad condition. Even worse, five-sixths of the range is rated as not improving. This is because the investments have not been made in needed conservation work. The conservation condition of this public asset is a national tragedy.

On the national forests there has been a lag in funding the comprehensive conservation investments first outlined by the Secretary of Agriculture in 1959. Plans to meet these needs ought to be reviewed.

I would urge that the Secretaries assess these unfilled conservation needs. I want the Secretaries to know I intend to question them closely on whether the funds available for resource conservation permit the kind of progress that makes the public range—which protects watersheds and wildlife and affords recreation—able to make its multiple use contributions to the area and the Nation.

Finally, I would point out the concern that is being expressed over the committee's resolution—concern that the resolution means what it does not. If one examines the resolution as presented to the committee members by the livestock industry spokesmen and the product that the committee unanimously reported, the resolution states its goals clearly. The committee expressed no judgment on the action the Secretary of Agriculture and the Secretary of the Interior took in 1969. The committee made no finding that the fee for 1969 produced hardship or inequity. The committee expressed no judgment that the Secretaries erred in the factors they considered. While two district courts affirmed the Secretaries' actions, the committee's resolution does not express a view on whether the letter or spirit of the applicable laws were met. The committee merely asked the Secretary of Agriculture and the Secretary of the Interior to present to it and to the public the review they promised in February by a date certain—December 1, 1969.

Mr. President, I ask unanimous consent to have printed at this point, in order that the RECORD may be complete, the text of the resolution approved by the Senate Interior Committee, the New Mexico decision, and the comment on the verbal opinion in the Utah case from the March 28 Outdoor News Bulletin.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE

Whereas, the Department of the Interior did on January 14, 1969 under the authority of the Taylor Grazing Act (Act of June 28, 1934; 43 U.S.C. 315 et seq.) promulgate a schedule raising grazing fees substantially for the grazing year beginning March 1, 1969 and providing for further accelerated, progressive increases in such fees for each of the next 10 years (F.R. Doc. 69–527);

Whereas, the Committee on Interior and Insular Affairs, by its Subcommittee on Public Lands, did on February 27, and 28, 1969 hold open public hearings on the announced schedule of increases, and at these hearings representatives of grazers and persons directly affected by the fee increases, as well as spokesmen for the administrative branch of the Federal Government, and other interested citizens, did make oral and written presentations to the Committee;

Whereas, testimony presented to the Committee raised questions as to whether the January 14, 1969 fee schedules do conform with the criteria established by Congress in the Taylor Grazing Act and in Title V of Public Law 137, 82nd Congress (65 Stat. 268,290);

Whereas, there are pending before the Interior Committee of the Senate two bills, S. 716 by Senators McGee and Moss, and S. 1063 by Senator Montoya, both of which would have direct effect upon the January 14, 1969 grazing fee schedule;

Now therefore, be it resolved that the Committee on Interior and Insular Affairs of the Senate of the United States requests and calls upon the Secretary of the Interior and the Secretary of Agriculture with other officials of the Executive Branch of the government, to undertake and complete not later than December 1, 1969 a comprehensive review of the grazing fee schedules imposed by the order of January 14, 1969. Said review shall include consideration of whether the public interest and equity, as well as the purpose and intent of the Congress as expressed in the Acts cited above, are reflected in the criteria and methods which were used in the setting of said fee schedule.

——— ———

Chairman, Senate Committee on Interior and Insular Affairs.

Approved this 7th day of August 1969.

Attest: ———, *Chief Clerk.*

[In the U.S. District Court for the District of New Mexico]

PANKEY LAND & CATTLE CO., ON BEHALF OF ITSELF AND ALL OTHERS SINGULARLY SITUATED, PLAINTIFF, V. WALTER J. HICKEL, THE SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA, DEFENDANT, NO. 7869 CIVIL

PANKEY LAND & CATTLE CO., ON BEHALF OF ITSELF AND ALL OTHERS SIMILARLY SITUATED, PLAINTIFF, *v.* CLIFFORD M. HARDIN, THE SECRETARY OF AGRICFLTURE OF THE UNTIED STATES OF AMERICA, DEFENDANT, NO. 7870 CIVIL

MEMORANDUM OPINION

The plaintiff Pankey Land and Cattle Company filed these actions on behalf of itself and the other members of the class it represents against the Secretary of the Interior and the Secretary of Agriculture, seeking declaratory and injunctive relief against each department's newly-promulgated regulations which establish a uniform fee schedule to be charged grazing permittees on the public and forest lands subject to the respective department's jurisdiction.

The two actions were consolidated for purposes of the hearing held upon the plaintiff's demand for a preliminary injunction and the hearing held upon its demand for a permanent injunction and declaratory relief, inasmuch as there is an identity of issues presented in these two actions.

This Memorandum Opinion will therefore be a consolidated opinion, applicable to and decisive of the claims presented in both actions.

The plaintiff seeks to have the challenged regulations, 34 Fed. Reg. 504–05, 506–07 (January 14, 1969), set aside on the basis that both Secretaries acted illegally or beyond their statutory and constitutional authority in promulgating regulations which purport to establish grazing feed based upon the fair market value of forage without attributing a capital cost to the permits and to improvements placed upon the public grazing land by permittees.

The plaintiff attacks the new fee schedule as a violation of the requirement that grazing fees be reasonable, imposed explicitly upon the Secretary of the Interior by the Taylor Grazing Act, *42 U.S.C. § 315(b)*, and imposed implicitly upon the Secretary of Agriculture by *16 U.S.C.A. § 580(l)*. It is claimed that the new fee schedules, based as they are upon the fair market value of forage without taking into account the capital investment in the permit and in range improvements, are confiscatory and unreasonable.

The plaintiff further argues that, even if the new fees do not violate statutory mandates and do not amount to a taking without compensation in contravention of the Fifth Amendment, the new fees are still illegal in that they violate the Secretaries' own regulations.

Finally, the plaintiff claims that the fees are discriminatory, in that flat fees are set for all permittees without regard to the fact that grazing costs vary from district to district so that a national uniform fee cannot reflect fair market value in all districts.

In answer to all the plaintiff's claims, the defendants point out that the lands involved are committed to administration by the respective Secretaries and that each has authority to issue regulations with regard to these lands, subject only to judicial review for acting illegally or abusing the discretion thus vested in him. It is asserted that no abuse of discretion or illegal action was involved in failing to include the capitalized value of the permit as a cost of operating on the public lands.

The defendants reply to plaintiff's claim that the new fee schedule is confiscatory by pointing out that a permit is not a property right and that its tenure is uncertain and subject to withdrawal or to drastic curtailment (in the number of A.U.M.s) at any time that forage conditions may so require.

The plaintiff's claim is premised upon the findings of the Western Livestock and Grazing Survey of 1966. The Survey was the culminating step in a series of events undertaken to comply with the General Appropriations Act of 1952, *65 Stat. 290, 5 U.S.C. § 140,* and with Bureau of the Budget study "National Resources User Charges."

The statutory authority enabling the Secretary of the Interior to establish and charge grazing fees is found in the Taylor Grazing Act, 43 U.S.C.A. *§ 315(b)*, which directs him to charge reasonable fees for grazing permits issued by him, taking into account in fixing such fees the public benefits over and above those accruing to permittees. Grazing permits on national forest lands may be issued by the Secretary of Agriculture upon conditions and terms deemed by him to be proper. *16 U.S.C. § 580 (l)*.

Pursuant to this statutory authority and regulations issued thereunder, the Interior Department had charged a uniform fee for Bureau of Land Management grazing permits, while Forest Service permit fees varied from area to area. In 1952, in passing the General Appropriations Act, *supra*, Congress expressed the policy that permits such as these should be self-sustaining to the fullest extent possible and that, in establishing fair and equitable fees to accomplish this purpose, direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, should be taken into consideration.

It was after the passage of this policy declaration that the Bureau of the Budget recommended that studies be undertaken with a view to implementing the policy declared in 1952 Act. The final such study was the massive 1966 Survey.

The survey disclosed that a value was present and attributable to a grazing permit. Nevertheless, in calculating operating costs on public lands so as to determine a new fee schedule, no item was included in such costs representing a return on or the capitalized value of a permit.

It is the failure to include such an item upon which plaintiff bases its claims of confiscation, unreasonableness, and alternatively, violation of the new regulations. While plaintiff's claims are stated in different manners and are presented with varying approaches, in reality they are all one basic claim, namely that the actions of the Secretaries were beyond any discretion committed to them by Congress and hence contravened the statutory standards and were illegal.

Thus viewed, the claim is based upon what the plaintiff asserts will be the end result of the fee increases. Prior to the new schedules, the BLM charges were approximately 35c and the Forest Service charges approximately 50c. The new fee schedules will increase the charges for both BLM and Forest Service lands over a ten year period to $1.23.

Plaintiff claims that these fee increases and the resulting loss of the permit value by the denial of a return on investment therein are illegal because, (1) they will destroy net profits of many ranches and, hence, allow no return on investment on permit value, range improvements, base lands, buildings and equipment and, therefore, most or all of the capital value of a ranch, and (2) they will reduce the rancher's ability to service debt and jeopardize the security for ranch loans by the reduction of the capital value of a ranch.

It is obvious that any increase in the cost of operation of any business has an adverse effect on its profits and value. Regardless of the reason for or the method of computation used, any fee increase for permits on public lands would, in some degree, adversely affect the profits and value of any ranch which includes such lands.

The provisions of the Taylor Grazing Act and the enabling Agriculture act must be read together with the 1952 Act. So viewed, the Secretaries are directed by Congress to establish fees which must be reasonable, fair and equitable, taking into consideration direct and indirect cost to the Government, value to the permittee, the public policy or interest served, and which fees shall be self-sustaining to the full extent possible. In addition, as to the BLM lands, the Secretary shall take into account the extent to which such districts would yield public benefits over and above those accruing to the users of forage resources for livestock purposes.

The record clearly indicates that exhaustive studies and evaluations preceded the fee schedule changes. The 1966 Western Livestock Survey was a comprehensive effort. It cannot be said that the Secretaries did not seek information on which to base their judgments or that they did not consider the various policy factors as directed by the Congress.

That in their conclusions the Secretaries do not agree with one item which plaintiff claims should have been considered as an element of cost in operating on the public domain cannot be held as a matter of law to reflect an action in excess of statutory authority. They view the permit values which have built up over the years to be the result of government largesse in charging extremely low grazing fees as compared to private leasing costs. Further, they maintain that to require the capitalized cost of permits to be included in cost of operation would automatically freeze the grazing fees at their present level, prohibiting any increase based on comparison of costs of operating on private versus public lands. On the record in this cause their view cannot be held as a matter of law to be arbitrary.

The statutes clearly indicate entrustment to the Secretaries of wide areas of judgment and discretion in setting fees which would fall within the range of the various factors which the Congress directed should be considered. See *Secretary of Agriculture v. Central Roiz Refining Co.,* 338 U.S. 604 (1950).

The fact that the cost of private forage for the years 1960 to 1965 was $1.82, whereas the new fees will result in a charge of $1.23 at the end of a ten year period, while not determinative, indicates that the Secretaries have not gone beyond any bound of reason.

What has been said is decisive of all the claims of plaintiff in this case. It has not been shown that the Secretaries have failed to consider all of the factors as directed by Congress. They have acted within the area of discretion and judgment committed to them by law in promulgating the new regulations, see *Rigby v. Rassmussen*, 275 F. 2d 681 (10th Cir. 1960), and thus there is no legal remedy here available to plaintiff. The relief which it desires can only be obtained through congressional or executive channels.

This opinion shall constitute the Findings of Fact and Conclusions of Law of the Court. A judgment binding on the class represented by plaintiff will be entered dismissing the actions.

——— ———,
U.S. District Judge.

[In the U.S. District Court for the District of New Mexico]

Pankey Land & Cattle Co., on Behalf of Itself and All Others Similarly Situated, Plaintiff *v.* Walter J. Hickel, the Secretary of the Interior of the United States of America, Defendant, No. 7869 Civil

Pankey Land & Cattle Co., on Behalf of Itself and All Others Similarly Situated, Plaintiff *v.* Clifford M. Hardin, the Secretary of Agriculture of the United States of America, Defendant, No. 7870 Civil

JUDGMENT

The actions filed in Nos. 7869 and 7870 seeking declaratory and injunctive relief having come on for hearing, and the Court having filed a consolidated Memorandum Opinion finding the issues in favor of the defendants and against the plaintiff; Now, Therefore,

It is ordered and adjudged that Judgment be, and it hereby is rendered in favor of the defendant in each action, and the plaintiff's complaint in each action is dismissed on the merits.

It is further ordered that this judgment is binding on the class represented by plaintiff in these actions, to-wit: all holders of permits to graze livestock on B.L.M. or Forest Lands in the state of New Mexico.

It is the further order of the court that each defendant recover his costs of action from the plaintiff.

——— ———,
U.S. District Judge.

[From Outdoor News Bulletin, Mar. 28, 1969]

JUDGE FINDS IN FAVOR OF GRAZING INCREASE

The Federal Government's determination to receive fair market value for forage taken from public lands by the livestock of grazing permittees passed a critical test with the recent ruling of a federal judge upholding the new grazing fee schedule imposed this year, the Wildlife Management Institute reports.

In setting aside a suit of Utah livestock interests, Federal Judge Christenson of Salt Lake City ruled that the plaintiffs did not show cause of action, that the Secretary of the Interior had acted within his authority, and that he could find no cause that the Secretary had been unreasonable.

A ruling is expected shortly on a similar case in New Mexico. House and Senate subcommitees also have been holding hearings to collect information on the grazing fee situation, but, aside from a few statements apparently made for political consumption, there seems to be no strong push to upset the new grazing fees that were put into effect this year.

Under the plan, fees will be increased gradually over the next nine years until the government begins to receive from grazing permittees a fee comparable to that which the livestockmen are willing to pay for comparable forage on private lands. The 1968 rate for grazing on the public domain was 33 cents and 55 cents on national forests. A comprehensive study shows that the fair-market price of the forage should be $1.31 and $1.50 respectively.

Conservationists support the new grazing fees schedule, believing it to be a necessary step toward bringing grazing use of national forests and the public domain into balance with other appropriate uses of the lands.

DEATH OF LT. GEN. FRANK A. ARMSTRONG

Mr. GRAVEL. Mr. President, on August 20, Lt. Gen. Frank A. Armstrong died in Tampa, Fla. Frank Armstrong was a legendary figure in the U.S. Air Force. He led the first daylight air raid on German-held territory, and the last air raid against Japan. The story "Twelve O'clock High" was based on the general's exploits in the early part of that war.

But he was more than a heroic wartime aviator. Frank Armstrong was a noted polar explorer and he had strong views on national defense that often ran counter to national military policy. But he expressed those views not withstanding the risk to his personal career.

Alaskans knew Frank Armstrong well. He served two tours in Alaska, the last as commander of the combined Army, Air Force, and Naval Command. He was a strong commander and an excellent one. The force of his personality forged an association between the military and civilian communities in Alaska which exists even to this day to the benefit of each community.

Before Frank Armstrong was laid to rest in Arlington Cemetery a man who knew him well and who had served under him wrote a eulogy, "A Thunderstorm in Heaven." I can think of no more fitting tribute. The author is Bill Kelley, of Anchorage, who is well known in Alaska in his own right as a fair and thorough newsman. Mr. Kelley is at present serving as public relations director for the Anchorage Borough School District.

Mr. President, I ask unanimous consent to have printed in the RECORD "A Thunderstorm in Heaven."

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

A THUNDERSTORM IN HEAVEN: A EULOGY FOR LT. GEN. FRANK A. ARMSTRONG JR.

(By Bill Kelley)

The old man has flown away. He lives now among his friends—and his enemies. In the hearts and minds of many men who will always remember.

His was a life not easily forgotten.

Slight of stature: he was a giant among men.

Brave men followed him. Even unto death; but because of him, more brave men survived.

In the great war they numbered "Two", he fought his way. Through vicious flak-filled skies in fragile gray-green birds of war with bellies full of death.

He swore and sweat,
And cursed and bled,
And died a little when a bird was lost or a flyer hurt.

He paid the price of leadership in loneliness and pain. He hated war; but needed it to be alive. And prove that he was him.

He was born to fight. And he was brave; but more than that—

He was just. And true.

And his passion for truth and justice sustained his flight through life.

Thus, he was no match for the
Barricades of bureaucracy
which would follow the Age of the Tiger.

Still, he fought with bluntness and with truth until at last when he had reached his zenith, he was forced to fold his wings and glide to rest upon a peaceful pasture.

He lost a wife. Then gave a son in a battle he could not fight.

And he died a little more.

He found new love, and it made the days of lost command a little easier to bear.

But then it was time for the final flight. And he fought it until his strength was gone—and the Reaper won the day.

But as he left the earth—grown men wept. Men who had served him and men whom he had served.

He left behind a sterling record—enviable, yet unenviable. For in his time, he had been loved, hated, admired, scorned, praised and degraded. He had lived and loved and won and lost, but he was always fighting until he died.

He lived according to a philosophy—one stated by his mentor—another leader of men called Ira Eaker. Of leadership he had said, "Why anyone should seek military leadership seems to me an anomaly, for the rewards are slim indeed. Lincoln was shot. Lee came away from Appomattox with nothing but his horse and his sword. Churchill was rewarded for saving Britain by being defeated at the next election. Political leadership may pay better. I suppose it does. But it would seem the ultimate rewards for leadership of either kind are a plot in Arlington and a paragraph in history, usually written long after its subject has ceased to read."

Now General Frank has ceased to read. But his paragraph has already been written. It is written in the hearts and souls of those who loved him and respected him—and those who feared him, too.

There is no caste system in heaven and hell is not exclusively populated by privates and lieutenants. Generals can go there, too.

But General Frank had his hell on earth, and if God is indeed good, the old man flies this day with Angels.

Here on earth, he loved rough weather. For it posed more fights to battle. So with God's good grace, there'll be a thunderstorm in heaven, and Frank will be easy to find.

He'll be the Angel in the darkest cloud. And he'll be smiling.

STUDENT DISORDER

Mr. ALLOTT. Mr. President, Barnet Nover, the dean of the Washington press corps, has acquired a reputation over the years for outstanding reporting and perceptive analysis.

There is little doubt why he has such a reputation when he has the opportunity to write an in-depth report such as that which appeared in the Wednesday, September 3, 1969, edition of the Denver Post entitled "Crisis at Cornell Shocks Alumni."

I have long been interested in the subject of student disorder, and Mr. Nover's piece provides an excellent insight into the effect that campus anarchy has had on the alumni of one of the Nation's leading universities.

I commend this piece to Senators, and I commend Barney Nover for this outstanding feature, as well as the Denver Post, for whom Mr. Nover is Washington bureau chief, for providing expanded coverage on this vital subject.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OLD GRAD'S VIEW: CRISIS AT CORNELL SHOCKS ALUMNI

(By Barnet Nover)

(EDITOR'S NOTE.—Barnet Nover, chief of The Denver Post's Washington Bureau, returned to his college, Cornell University, for a summer reunion. His observations as an old grad returning to a strife-torn campus have relevance as a new college season opens.)

WASHINGTON.—Cornell alumni who returned to their alma mater for class reunions this summer decovered to their chagrin that much had changed on the campus where they had spent so many happy days.

They found, for instance, that in this Ivy League university there was less ivy on the walls (many of the new buildings are of glass and concrete construction and resemble factories) and more ivy on student faces.

There is nothing the average old grad hates more than to find his college changed in any major particular. He prefers to see it remain exactly as it was—unchanged like a fly in amber.

But the alumni had come back to a Cornell which in April had been hit by a tornado of student dissent and even rebellion, a cataclysm which resulted in deep and bitter divisions within the faculty, the administrative personnel, the board of trustees, and the students. And it had resulted in the resignation of Dr. James A. Perkins, who for seven years had been president of the university.

It was little comfort that the disturbances at Cornell were, except in one particular, similar to disturbances elsewhere in academia.

The one difference, a very frightening one, was that the major incident of the April upheaval at Cornell had been produced by armed black students with whom the college administration had negotiated and to whom it had capitulated.

What had happened in April on the Cornell campus was the subject of three alumni round tables.

These round tables permitted the expression of varying and even sharply conflicting views by administrative personnel and members of the board of trustees; by student representatives; and by members of the faculty.

The round tables were extremely well attended by the returned almuni. But all the explanations in the world couldn't destroy or alter the sense of bewilderment and disgust among Cornellians as to what had happened.

It was certainly outside the experience of the older alumni.

They represented classes covering a range of well over 60 years. Collectively, they had lived through at least four wars—the First and Second World Wars, a prolonged economic depression of grim dimensions, and innumerable other national and international crises.

Cornell had been affected by all of them. But never before had it found itself besieged by its own students.

These events had included: A vociferous demand by some students, white as well as black, for the firing of a visiting professor because, allegedly, he had expressed "racist" views; forcible interference with a representative of a bank who had sought to recruit graduates for employment in his firm, the objection being that the bank had business relations with South Africa; and a violent physical assault on Perkins while he was making a speech.

Also: The occupation of campus buildings including the student union, Willard Straight Hall.

Willard Straight was taken over by some 100 black students who, alleging they needed them for their own protection, had had guns brought to them and they emerged flaunting these guns and bandoliers.

SURRENDER DENOUNCED

The picture of this event went around the world and infuriated the great majority of alumni.

Perkins and other spokesmen of the administration had justified the surrender to the black students (to get them to withdraw from Willard Straight) on the ground that only in this way had bloodshed been prevented.

This may well have been the case. But Perkins didn't help his cause, or endear himself to the infuriated alumni, by hailing what might well be described as the Far-Above-Cayuga's-Waters Munich Pact as a great accomplishment.

The alumni mean a great deal to Cornell, which ranks 4th among the nation's top universities in the total volume of gifts received.

In 1967–68 the Cornell Fund received a record-breaking $2,404,472 in gifts from 24,482 alumni, parents, and friends.

The fund goal for 1968–69 had been set at $3 million; it fell below that, probably for reasons not unconnected with the April troubles. The overwhelming majority of alumni who had written Perkins were highly critical of the way he and the university had handled the crisis and many threatened to cut their contributions. Their letters and telegrams were undoubtedly a major factor in his decision to give up the university presidency.

Alumni found some unexplained and puzzling aspects in the chronology of events in the April crisis.

The black students who had occupied Willard Straight gave as one of the major reasons for this action that it was in protest at the burning of a flaming cross on the grass fronting a house where 12 black women students lived. This shocking development (stirring up bitter memories of the Ku Klux Klan) had followed threatening and obscene telephone calls.

But some accounts insist that the black students, members of the Afro-American Society (later renamed the Black Liberation Front), had made plans to occupy Willard Straight Hall for other reasons even before the burning of the cross.

The group had been insisting that judicial procedures taken against three black students involved in incidents in December 1968, be nullified. To this the university finally agreed and that was why Willard Straight was evacuated.

SMALL MINORITY

During the April events a very large number of Cornell students got caught up in the crisis. But the activists, black and white, never numbered more than a small minority.

Among the whites the activists were largely members of the Students for Democratic Society (SDS).

The SDS at Cornell, as elsewhere, continues to breathe fire and threaten destruction. But there are signs that this motley collection of disturbed, largely middle class, Marxist cum anarchist cum anti-establishment youth is beginning to disintegrate. The Chicago convention taken over by Trotzkyists suggests what is happening to the SDS.

The SDS played only a secondary role in the April crisis at Cornell, its principal activity then being to applaud and support the black activists who couldn't care less whether those whites were with them or against them.

The black activists are another matter.

They are tough and bitter, and angry. Significantly, not one came to Perkins' defense when he was attacked for his surrender to them or when he resigned. And yet it was Perkins, determined to show his good will to the blacks and perform an act of Justice, who four years ago started the so-called COSEP plan to make it possible for more than a handful of blacks to come to Cornell.

Cornell had always had a scattering—but never more than a scattering—of Negroes.

In my own senior year a Negro woman student had been elected to Phi Beta Kappa.

But it was Perkins who persuaded the board of trustees to approve a plan under which 250 black students, of better than average intelligence but without the financial means or the academic qualification that would have enabled them to enter Cornell under normal conditions, would be admitted and helped in every way to finish their studies.

The program (the initials represent Committee on Special Educational Projects) was partially financed by the Rockefeller Foundation.

Altogether about 250 black students have been admitted to Cornell under this program. Few have dropped out for academic reasons. Of the 25 in the 1969 graduating class, the first under COSEP, five have been admitted to leading medical schools, five given jobs by major industrial firms, five admitted to graduate schools, five to professional schools.

BLACK DEMANDS

But this attempt to overcome the educational handicaps from which black students suffer failed to take into account that, as the difference between these black students and their white classmates were overcome, the blacks would feel all the more keenly their separateness from the college community as a whole.

At Cornell, as in so many other colleges and universities, this led to a demand for a Black Studies program so far as possible under black direction with black teachers and with the curriculum determined by the black students and faculty.

Perkins and the board of trustees of the university approved this program which will be housed at the headquarters of the Afro-American Society.

Among institutions of higher learning, Cornell would be least likely to take objection to a Black Studies program as such.

"I would found an institution where anyone can find instruction in any study," said Ezra Cornell.

When Cornell came into being in the 1860s it broke the classic mould of university education then prevalent by providing courses in agriculture and engineering, doing away with compulsory chapel, and pioneering in other ways.

Subsequently, the same pioneer spirit was manifested in the founding of the School of Hotel Management, the School of Labor Relations, a School of Music, and the Theatre Arts, a School of Nutrition, and others.

Certainly there is a vast need for scholars to delve objectively and with scholarly decorum into the history of African lands and the contributions made by black persons to the United States.

But there is a vast difference between the scholarly approach—with its aim of widening the frontiers of knowledge— and the evangelical approach so that the program serves chiefly to feed the black man's pride. And many members of the Cornell faculty (the same must be true elsewhere) are offended by the reverse integration reflected in so many Black Studies programs.

In one of the forums held for benefit of the alumni, Prof. Allen P. Sindler, dean of the department of government, said he had handed in his resignation because his fellow professors had been so craven in not coming to the defense of the principal of academic freedom when black students demanded the resignation of the visiting professor who, they had alleged, had expressed "racist" views.

Instead, said Sindler, they had begun, out of fear, editing their own lecture texts.

Regardless of Perkins' announcement that he was giving up his presidency, the Cornell faculty remains bitterly divided.

The fact that it had originally, and by a vote of 726 to 281, passed a resolution condemning seizure of Willard Straight Hall, the carrying and the use of weapons on campus and had refused to approve the dismissal of penalties on three students (but under pressure had later agreed to the terms of the capitulation agreed to by the president) only intensified the faculty malaise.

They could say as did a French friend of mine at the time of Munich: "I feel personally unclean."

CLOUD REMAINS

Some of them decided, despite their qualms, to remain on the Cornell faculty and work from within against the forces of anarchy. Three have resigned. The events of April 1969 and what preceded them will remain a cloud over what had been a highly distinguished body.

One reason Cornell and so many other colleges and universities are in trouble arises out of the fact that the challenges they had to face have been unique in their history. When the crisis came they had no guidelines and their instincts and consciences were not always the best of guides.

Cornell was never exactly an ivory tower in the past.

Always, it touched life and the world of affairs at many points. But it found no useful precedents in coping with student revolts, white and black, of the kind it never had to face in the past. And while the emotional steam behind these revolts could be understood (particularly in view of the vast distempers produced by the Vietnam War and by the ferment among the blacks), the actions taken by the militant students made no sense. Nihilism never does.

In a recent article in Commentary, Walter Laqueur, director of the Institute of Contemporary History in London and a visiting professor in the History of Ideas at Brandeis University, pointed out that student movements of the kind troubling the United States (and by no means this country alone) aren't new.

In fact, they go back to the Middle Ages. Some of them, he notes, the Sturm and Drang movement in the early 19th Century for instance, are strikingly modern. That youth revolt, he says, "combined opposition to social conventions with a style of life that is familiar enough today: wild language, long hair, and strange attire."

Most of the student movements of the past were the products of deep pessimism about the way the world is going, coupled with a state of affluence. This is certainly the case today.

There were no student revolts at Cornell in the good old days when one out of four Cornell undergraduates was working his (or her) way through college and the going rate for odd jobs was 20 cents an hour.

There were no student revolts during World War I when the idealism of youth (and misdirected or not there is plenty of it today) was pinned to the idea that we were fighting "a war to end war," or in World War II which began with an attack on the United States on "the day of infamy," and patriotic fervor was stirred up.

Laqueur cities a scholar, Prof. Lewis Feuer, who has made an in-depth study of student movements as saying that many disasters in modern European politics have been caused by students and youth movements.

Laqueur isn't ready to go so far. But he feels the present American youth movement has missed the boat.

"It is therefore doubly sad," he declared, "that in its extreme form it (the student movement) has taken a destructive course, self-defeating in terms of its own aims. It seems fairly certain at this point that the American movement will result in a giant hangover, for the more utopian a movement's aims, the greater the disappointment which must inevitably ensue. The cultural and political idiocies perpetrated with impunity in this permissive age have clearly gone beyond the borders of what is acceptable for any society, however liberally it may be structured."

INTERNATIONAL RED CROSS COMMITTEE ADOPTS RESOLUTION ON PROTECTION OF PRISONERS OF WAR

Mr. MONTOYA. Mr. President, I have spoken before of measures we might undertake to mobilize world public opinion to the need for continued efforts and intervention in behalf of proper treatmet of American and other prisoners of war.

On August 22, I directed a letter to Secretary of State Rogers urging that the International Committee on the Red Cross be approached about pursuing the prisoner release and exchange matter during the course of the ICRC's 21st International Conference in Istanbul during the first 2 weeks of September.

I was greatly heartened to learn from the Department of State recently that the U.S. delegation to the conference, led by Ambassador Graham Martin, was able to win support for a formal resolution calling for the protection of prisoners of war. The resolution was adopted and passed by the ICRC on September 13 by a vote of 114 to 0, with seven abstentions.

Ambassador Henry Cabot Lodge, during his September 13 statement at the 33d plenary session of the Paris Vietnam peace talks, announced that the resolution had been adopted. He also commented that the resolution stated that the Geneva Prisoner of War Convention "applies to each armed conflict between two or more parties to the convention without regard to how the conflict may be characterized," and that the resolution also calls up "all authorities involved in an armed conflict to insure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are accorded humane treatment and the full measure of protection prescribed by the convention, including free access to the prisoners of war and all places of their detention by a protecting power or by the International Committee of the Red Cross."

Mr. President, these and other efforts appear to reflect a growing concern and consensus of world opinion that more must be done as rapidly as possible to bring about implementation of the 1949 Geneva convention agreements on treatment of war captives. I am confident that each of my distinguished colleagues in both Houses of Congress will continue to explore every avenue of approach in dealing with this very real problem. I again invite each of them to join me in cosponsorship of my resolution, S. 245, calling for the use of all means of peaceful persuasion to accomplish these ends.

For my part, I intend to continue my attempts to marshal world public opinion against Hanoi's outrageous and brutal treatment of our boys in North Vietnam, and to continue to assist other concerned individuals in their efforts to press for proper treatment of prisoners of war.

Mr. President, I ask unanimous consent that the following items be printed in the Record:

First. My August 22 letter to Secretary of State Rogers.

Second. The Department of State's September 5 response to my suggestions.

Third. The resolution adopted and passed by the 21st International Conference of the Red Cross, in Istanbul, Turkey, September 13, 1969.

Fourth. Statement by Ambassador Graham Martin, chairman of the U.S. Government's delegation to the 21st ICRC conference, introducing the above resolution and inviting all nations to support it.

Fifth. Copy of the August 22 letter to His Holiness, Pope Paul VI, signed by myself and others of my colleagues, suggesting that a papal appeal in behalf of POW's would be extremely influential in helping crystallize world opinion.

Sixth. Translation of an article in the September 9, 1969, issue of the French newspaper, Le Figaro, on prisoners of war in North Vietnam.

There being no objection, the material was ordered to be printed in the Record, as follows:

August 22, 1969.

Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: It has come to my attention that the International Committee on the Red Cross will be holding its international conference in Istanbul during the first two weeks of September, and that an item which is currently on their provisional agenda is that of "protection of victims of non-international conflicts."

In my judgment, it would seem most timely and appropriate for the entire Prisoner-of-War issue—including the release and exchange of prisoners of War in North Vietnam, Laos, and others wrongfully detained in Communist-held territories—to be pursued by delegates at the Conference.

I should therefore like to suggest that you consider our U.S. Representative to the Conference approaching Mr. Marcel Naville, President of the ICRC, in Geneva, Switzerland, on the matter, with a view to seeking release of U.S. and other prisoners currently in Communist hands, or minimally with a view to implementation of the 1949 Geneva Convention—i.e., securing a list of U.S. prisoners now in their custody, immediate release of sick and wounded prisoners, a free flow of mail between them and their families, and the opening of their prison camps to international inspection.

In this connection, there are enclosed for your information: (1) S. 245, a Resolution which I introduced in the United States Senate on August 13th, together with my remarks on the Senate Floor, on the Prisoner of War issue; and (2) a copy of a letter which I and a number of my colleagues have directed to His Holiness, Pope Paul VI, enlisting his efforts in helping to mobilize world opinion in behalf of proper treatment of prisoners of war.

Your prompt attention to this request will be personally appreciated, and I look forward to your early response.

Cordially,

Joseph M. Montoya,
U.S. Senator.

Department of State,
Washington, D.C., September 5, 1969.

Hon. Joseph M. Montoya,
U.S. Senate,
Washington, D.C.

Dear Senator Montoya: Secretary Rogers has asked me to respond to your letter of August 22 suggesting that we raise the subject of our prisoners of war at the International Red Cross Conference which takes place in Istanbul September 6–13, 1969.

I am glad to report that our delegation to the Conference, which is led by Ambassador Graham Martin, intends to do all it can to pursue this subject at the Conference. They are under instructions to work with other delegations to see what can be done through private contacts to aid the prisoners, and they will work to win support for a formal resolution calling for humane treatment of prisoners of war, as required by the Geneva Convention of 1949.

Our delegation will be in direct touch with President Naville of the ICRC, as you suggest, and will work closely with him and other ICRC officials to explore new steps to gain North Vietnamese observance of the Geneva Convention. However, it must be recognized that North Vietnam has persistently rebuffed efforts by the ICRC to gain access to the prisoners, just as they have spurned our initiatives in Paris and elsewhere, so it is not likely that they will respond positively to appeals of this Conference or the ICRC. At the same time there is reason to believe Hanoi is sensitive to world opinion, and we intend to do all we can to make them aware of the concern felt by people everywhere about their treatment of our men.

This concern is all the greater in light of the testimony September 2 by two of the released prisoners, who graphically described the harsh treatment that they and other prisoners received.

Thank you for sending a copy of your Resolution, S. 245, on this subject, and the copy of your letter to the Pope. We share your hope that such efforts will help mobilize public opinion to press for proper treatment of prisoners of war.

Sincerely,

William B. Macomber, Jr.,
Assistant Secretary for Congressional Relations.

RESOLUTION ADOPTED BY THE 21ST INTERNATIONAL CONFERENCE OF THE RED CROSS, IN ISTANBUL, TURKEY, SEPTEMBER 13, 1969

(Note.—The International Conference of the Red Cross is held every four years, and is the highest governing body of the Red Cross. Governments who have signed the

Geneva Conventions of 1949 relative to the Protection of War Victims, all national Red Cross Societies, the International Committee of the Red Cross and The League of Red Cross Societies make up the membership of this Conference.)

RESOLUTION NO. 3—PROTECTION OF PRISONERS OF WAR

The XXIst International Conference of the Red Cross.

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals,

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

Adopted without dissent by vote of 114–0 (with seven abstentions).

STATEMENT BY AMBASSADOR GRAHAM MARTIN, CHAIRMAN OF THE U.S. GOVERNMENT DELEGATION TO THE 21ST INTERNATIONAL CONFERENCE OF THE RED CROSS, ISTANBUL, TURKEY, SEPTEMBER 10, 1969

Those of you who were present at the Twentieth International Conference of the Red Cross in Vienna in October 1965, will recall that the Conference expressed its concern for the treatment of prisoners of war whose confinement removed them from combat and whose presence presented no threat to their captors. The armed conflicts that existed at that time and the conduct of some governments who have acceded to the Geneva Conventions in failing to honor their obligations under the Conventions to provide humane treatment to prisoners of war, showed the need for the resolution which the Conference passed four years ago.

Now four long years have passed since the adoption of that resolution, which called "upon all authorities involved in an armed conflict to ensure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva Convention of 1949. . . ." In the case of the Communist authorities in southeast Asia, the solemn appeal of the last conference fell on deaf ears. North Vietnam and the Viet Cong have refused consistently to observe even internationally recognized minimum standards of humanitarian treatment for prisoners they hold as a result of the armed conflict in Vietnam.

The concern of the United States about these prisoners has been expressed by President Nixon and also by Ambassador Lodge at the Paris Peace Talks. Secretary of State Rogers and Secretary of Defense Laird also have repeatedly publicly expressed urgent concern about the failure of the Communist authorities in Vietnam to live up to the humanitarian standards of the Convention and to treat humanely personnel who have fallen into their hands.

The concern of these highest officers of the United States is universally shared by all the American people. I am glad to note that we are not alone in our concern. Speaking in London on March 19, Jacques Freymond of the ICRC, said concerning the work of the committee:

"In Vietnam, it has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war.

"The Hanoi authorities have, it is true, assured the ICRC that these prisoners are treated humanely by them. The committee has therefore had to content itself with sending medicines, medical equipment and, more recently, two field hospitals to the Democratic Republic of Vietnam.

Mr. Freymond went on to say:

"On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners."

I might add that the Government of the Republic of Vietnam, in cooperation with its allies, has placed great emphasis on proper treatment of prisoners of war captured by allied forces.

Today, in September 1969, I have the sad duty to report to you that we have seen that the Communist authorities in southeast Asia have refused to cooperate with the ICRC. We also know as a fact that North Vietnam is violating every basic provision of the prisoner of war convention it signed and is in fact seriously mistreating our men it holds as prisoners. We are deeply concerned and outraged by this grave affront to human dignity and international responsibility.

When I said that we know that our men who are captured in Vietnam are being mistreated, I spoke with the assurance of unmistakable evidence—a touching witness provided by one who had himself actually been subjected to this savage and inhuman treatment. Since the time of the last conference we have known that North Vietnam was refusing to provide the names of all the men it held as prisoners, and that they have refused to permit impartial inspection of its prisoner facilities by the ICRC or any other impartial intermediary. It has long been obvious that prisoners have been denied or severely restricted in their right to communicate with their families. The hundreds of waiting families who do not even know if their man is alive today are sad witnesses to this fact. We also have seen the North Vietnamese release photographs of seriously sick or wounded prisoners who should be repatriated immediately.

Today we have confirmation of what has been an even greater concern for us—our men are being seriously physically and mentally mistreated. The men whom North Vietnam recently chose to release have, in spite of threats by their captors, felt duty bound to tell the world how North Vietnam treats its prisoners. Their story is not a pleasant one and it pleads for prompt and strong action by this Conference. North Vietnam denies universally accepted standards of humanitarian treatment for prisoners and violates the provisions of the Geneva Convention to which it acceded by:

(1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

(2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

May I ask you to hear the actual words of Lt. Robert F. Frishman, USN, one of the prisoners recently released by North Vietnam. On September 2, 1969, less than a fortnight ago, from our Naval hospital in Bethesda where he is recovering from his ordeal, he had this to say:

"My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

"Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts."

Lt. Frishman was addressing his own people in America. But it is time for the world to know these facts. Therefore, I share Lt. Frishman's words with you gathered here in this Conference.

In the most recent provisional activity report submitted to this Conference by the ICRC, it is stated that "on 3 June 1969 the ICRC again wrote the Government of the Democratic Republic of Vietnam reminding it of the obligations incumbent on it in accordance with the 1949 Geneva Conventions for the protection of war victims." And at our opening session the distinguished new President of the ICRC reported to us that North Vietnam had not yet allowed any representative of the ICRC to enter its territory.

Each of us has a moral duty to see that signers of the Convention honor the internationally accepted principles of humane treatment of prisoners of war. We trust that this conference, which has a fundamental and abiding interest in the Geneva Prisoner of War Convention will declare itself clearly and unequivocally concerning the humane treatment of prisoners—all prisoners in all parts of the world. The resolution before us was carefully drafted by the co-sponsors to insure the universality of its coverage to all prisoners of war wherever held, by whatever nation, great or small. We hope, therefore, that all national delegations and all national societies will join those nations and national societies which have already sponsored this resolution. We believe, Mr. Chairman, it should be supported unanimously.

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U.S. SENATE,
Washington, D.C., August 22, 1969.
His Holiness, the POPE,
Vatican City,
Rome, Italy.

YOUR HOLINESS: Knowing of your Holiness' labors on behalf of world peace, and your devotion to justice, may we take the liberty of calling to your attention the plight of American and other prisoners of War in North Vietnam and adjoining Communist-held territories.

According to official statements of the United States Government, over 1300 men are listed as missing in North Vietnam. Their fate is unknown, although many, and perhaps most of them, are prisoners either of the North Vietnamese or the National Liberation Front. An additional 114 men are missing over Laos, and it is presumed that a number of these men are prisoners of the Communist Pathet Lao.

By the terms of the Geneva Convention of 1949, to which North Vietnam is a party, detention camps for prisoners of war must be open to international inspection. The detaining power must release the names of the prisoners it holds; it must give proper treatment to all prisoners, release the sick and wounded, and permit a regular flow of mail between the prisoners and their families.

The Government of North Vietnam has done none of these things; nor have the National Liberation Front or the Pathet Lao. Of the 1300 men listed as missing, less than 100 have been heard from in the past five years. More than 200 of the men listed as missing have been in that status for over three and one-half years. Only a tiny handful of prisoners have ever been released.

The families of most of the men held by the Communists do not know whether they are alive or dead. And their names do not appear on any list of prisoners, for no list has been issued. The conditions under which they are being held have not been inspected by any appropriate international body. From films released by North Vietnam and from the appearance of some of the few who have been released, there is reason to question whether those still in captivity are in fact being treated humanely.

All appeals for information concerning these prisoners, and for their immediate release, have been turned aside by the Communist authorities. Indeed, the North Vietnamese representative at the Paris negotiations has said that the United States would get no list of prisoners until it "ceased its aggressive war" in Vietnam and withdrew its troops. The National Liberation Front has coupled a proposal for the release of the prisoners with a demand that the United States pay reparations for the war's devastation

The actions of North Vietnam and the National Liberation Front in this matter are clearly violations of the Geneva Convention. They cause needless anguish and suffering both for the men who are being held, and for their families. The treatment of these captured men is all the more reprehensible in view of the fact that both the United States and South Vietnam have opened their Prisoner of War Camps to international inspection and complied with other requirements of the Geneva Convention.

It has occurred to us that an appeal from Your Holiness, with your unrivaled moral authority, would be extremely influential in helping to crystallize world opinion against arbitrary imprisonments under the conditions described above, in securing the release of the prisoners, and in enhancing chances that others who are wrongfully detained without trial and on dubious and trumped-up charges might be released or have their sentences reduced.

We feel that it is as much to the advantage of the Communist nations as it is to Western countries to abide by and respect these basic humanitarian values. In this shrinking and profoundly changing world, more and more men are groping for and demanding common values and guiding principles which transcend national frontiers and will lead us to a new and better world. While nations often do not see themselves as obliged to explain or report reasons for their decisions, still it is significant that they do feel compelled to justify what they do according to principle. Certainly the principles advocated here would appear to be guiding forces in the lives of peoples everywhere. Political ideologies notwithstanding, when a nation places its political actions outside of and ignores these basic values, and refuses to abide by interntaional agreements, the effect must be to bring the pressures of world opinion on those who would choose to flaunt global policy.

May we, therefore, most respectfully request that your Holiness intercede with the Government of the Peoples Republic of North Vietnam, and the Communist authorities in adjacent territories, with a view to securing the release of United States and other prisoners currently in Communist hands. May we further request that if the Communist authorities are unwilling to agree to a prisoner release and exchange, that they be approached with a view of securing a list of U.S. prisoners now in their custody, immediate release of the sick and wounded prisoners, a free flow of mail between them and their families, and the opening of their prison camps to international inspection.

There is enclosed for your information a copy of a Resolution introduced in the United States Senate, together with remarks made by United States Senator Joseph M. Montoya at the time the Resolution was introduced. Should you or your representatives desire further information, we will be most pleased to see to it that it is provided you at the earliest opportunity.

Your Holiness' most humble servants,
ALLEN J. ELLENDER, RUSSELL B. LONG, FRED HARRIS, MARGARET CHASE SMITH, HOWARD W. CANNON, ALAN CRANSTON, JACK MILLER, JOSEPH M. MONTOYA, ALBERT GORE, GEORGE MCGOVERN, JENNINGS RANDOLPH, HARRISON A. WILLIAMS, JR., JOHN SHERMAN COOPER, EDWARD W. BROOKE, *U.S. Senators.*

ANXIETY IN UNITED STATES CONCERNING FATE OF AMERICAN PRISONERS HELD IN NORTH VIETNAM

(Translation of article in Sept. 9, 1969, issue of French Newspaper Le Figaro)

We have received during these last weeks a certain number of letters from American families with relatives who are prisoners in Vietnam and who have been without news of them for long months. The letters these families send have received no response.

Here, for example, is what one American woman has written us: "As the wife of a prisoner of war in North Vietnam. I beseech you to help me and those who are also in my situation. My husband has been a prisoner since June 17, 1966. As you know, the North Vietnamese have never published lists of prisoners they hold, and they have never given any information on the treatment of these prisoners."

An American man whose brother was taken prisoner in October 1965 has written us: "Hundreds of families have been without any information for years as to whether their relatives who are prisoners are still alive and are most anxious concerning their state of health . . ."

The signers of these letters asked us to make this situation, the pain of which one can guess without difficulty, known to international opinion.

We do it all the more willingly because this state of affairs is completely abnormal. The Government of North Vietnam in 1957 signed the Geneva Convention which defines the treatment that must be accorded to prisoners of war and combatants. This Convention prescribes among other things: the publication of the names of the prisoners, the immediate liberation of those who are seriously ill or wounded, inspections to verify the living conditions of the prisoners, the exchange of letters between the prisoners and their families.

The number of American prisoners is about 1,350, of whom 350 to 400 are held in North Vietnam. Fewer than 100 of them have been authorized to write to their families. This situation has led to the establishment in the United States of a "National League of Families of American Prisoners in Southeast Asia."

It is inconceivable that a government which claims to fight for justice and liberty would violate rules that are designed to insure that a certain degree of humanity is respected for the well-being of those who have ceased being combatants.

REDUCTION OF TROOPS IN VIETNAM

Mr. ALLOTT. Mr. President, I have, in the past, had occasion to disagree sharply with the editorial policy of the Washington Post. Notwithstanding this fact, however, I have continued to follow this editorial policy with rapt attention, hoping to find that semblance of balance which is so critical in these times. Recognizing that a moderate is really nothing other than a Republican who happens to agree on a specific issue of importance with a liberal newspaper, I believe that the Post's editorial board has taken a most moderate view with regard to the President's announcement yesterday that at least 35,000 more American troops will be withdrawn from Vietnam by December 15.

The editorial, I believe, sets the right tone and offers words of encouragement to a President who, I know, is trying to lead this country in the right direction in Vietnam. As the Post observes:

> It is a tough and narrow line to walk, this business of trying to mollify opinion at home while seeking to play it very cool vis-a-vis the North Vietnamese. The President is obviously walking it with great care, and so far with considerable success. He has managed to move in a direction and at a pace which have so far proved acceptable to the war critics at home, even if it has not yet convinced Hanoi that it is now time to negotiate.

Mr. President, I ask unanimous consent that the entire editorial, entitled "Vietnam: The Right Direction," published in this morning's Washington Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VIETNAM: THE RIGHT DIRECTION

Never mind whether the latest withdrawal of American troops from Vietnam adds up to 35,000 or 40,500, because you can apparently add it up almost any way you like; the fact of the matter is that the removal of a total of 60,000-plus troops from the war by mid-December is, as the President said, "a significant step." The only question about it is whether Hanoi will see it that way, whether the President's conclusion that "the time for meaningful negotiations has *therefore* arrived" will be accepted by the North Vietnamese.

Naturally, the hope here is that it will be.

It would simplify everything if Ho Chi Minh's successors would read into the performance of the administration in recent weeks a capacity to play it either way, hard or soft, long or short, without regard to domestic pressures. That, clearly, is the impression that the President has been seeking to convey by delaying the decision for a month; by putting it about that it could well have taken weeks instead of days for the President to do or say something about the war after his return from the White House West in San Clemente; by holding a high-powered policy review; and by deciding in the end on a withdrawal figure that is modest and just a cut or two below what some had been predicting. It is a tough and narrow line to walk, this business of trying to mollify opinion at home while seeking to play it very cool vis-a-vis the North Vietnamese. The President is obviously walking it with great care, and so far with considerable success. He has managed to move in a direction and at a pace which have so far proved acceptable to the war critics at home, even if it has not yet convinced Hanoi that it is now time to negotiate.

So this is probably a good time for waiting and seeing, for not quibbling about the numbers, for not pushing too hard or too fast, because only time will tell whether the North Vietnamese will read into the latest unilateral American withdrawal the same significance that the President sees. It is entirely possible that the war strategists in Hanoi will put 25,000 and 35,000 together, and do their own projections, and conclude that all they have to do is wait. If that happens—and history suggests that it could well happen because it is difficult, as the President noted yesterday, "to communicate across the gulf of five years of war"—then it will be more than ever necessary to face up to the really hard questions about South Vietnam's capability to take on a heavier share of the burden of fighting the war. It will be more than ever necessary to ask whether our concept of a reasonable settlement is realistic, whether there isn't more that we could do in the way of refining our bargaining position. Because one thing seems inescapable: only the pace of American withdrawal is any longer in serious question; the direction in which we are headed has been fixed by yesterday's second and somewhat longer step towards American disinvolvement and it is the right direction.

SENATOR GOODELL'S REPORT ON THE MIDDLE EAST

Mr. JAVITS. Mr. President, my distinguished colleague from New York (Mr. GOODELL) recently returned from an intensive 9-day visit to the Middle East. He had long talks with Israel's Prime Minister Golda Meir, Foreign Minister Abba Eban, military and governmental leaders, and—most interestingly—with prominent members of Arab communities. His extensive and authoritative report on this visit is important reading for all of us who are concerned with the conditions of tension and danger in that part of the world. Senator GOODELL's conclusions about the prospects for peace, and his recommendations concerning the peace talks, command careful attention.

Senator GOODELL emphasizes the historical development of the Mideast conflict; the long standing effort of the Soviet Union to gain a paramount position for itself and its communistic ideology in the Mediterranean area; and the strategic importance of the Mideast; and he adds a major dimension to the continuing conflict.

Senator GOODELL says:

Until that Arab objective (to destroy Israel) changes, peace in the Middle East can only be preserved through a balance of power, both actual and apparent, that favors Israel. That is the Balance of Peace in the Middle East under present conditions.

This means at a minimum, as my colleague states, the completion of the shipment of the 50 Phantom jets, 10 of which have already been delivered, to Israel.

Mr. President, I ask unanimous consent that Senator GOODELL's complete report, along with a press release which provides a good summary and introduction, be printed in the RECORD, and I urge all who are interested in the Mideast situation to read this noteworthy report:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GOODELL REPORT ON THE MIDDLE EAST

The following is New York Senator Charles E. Goodell's report on his nine day journey to the Middle-East. It was prepared with the assistance of Dr. Dankwart Rustow, professor of International Social Forces at Columbia University. Dr. Rustow accompanied the Senator on his trip to Israel.

The report is in two sections. The first, for the benefit of the press is a summary statement, while the second is the full text.

"As far as sheer value of territory, there is no more strategically important area in the world than the Middle East." *Dwight D. Eisenhower*.

This report is based on an intensive nine-day stay in Israel during which I had occasion to speak to the country's top leadership, including Prime Minister Golda Meir and Foreign Minister Abba Eban, ranking military figures, government officials, intellectuals and other persons in private life. I visited kibbutzim, universities, schools, hospitals, youth centers, and agricultural stations. I also inspected at first-hand some of the trouble spots along Israel's old and new borders and had occasion to confer at some length with prominent members of the Arab communities in Israel—both those Arabs who since 1949 have been full citizens of Israel and those in the territories occuped by Israel since 1967.

I am convinced that the time has come for a basic reassessment of our Middle East policy with reference to the big power talks on the Middle East and the role of the United States in preserving a Balance of Peace in the Middle East. I therefore submit the following recommendations, with a brief summary of the reasons for each.

1. The United States should break off the four-power and the formal two-power talks on the Middle East which have been taking place intermittently over the past seven months.

The big power talks on the Middle East were undertaken at the urging of President DeGaulle of France and the Soviet Union. In those talks we have conveyed unmistakably to the Soviet Union the grave consequences, in terms of confrontation of our two nations, if the Soviet Union should intervene directly with its own military personnel in the Middle East. That has been accomplished and can be reaffirmed continuously through normal diplomatic channels, or if necessary on the hot line.

The United States has conveyed to the Soviet Union in the big power talks our grave concern over the unilateral arms escalation undertaken by the Soviet Union in the Middle East. The talks have had no apparent effect, whatsoever, on Russian arms supplies to Egypt, Syria, and other Arab nations. We can and should continue to strive for an arms control agreement with the Soviet Union in the Middle East through normal diplomatic channels.

It was hoped that through the big power talks the Arab and Israeli leaders could be brought to the conference table for direct negotiations. It is now apparent that the Soviet Union either cannot, or will not, persuade the Arab leadership to negotiate directly with Israel. On the contrary, continuation of the formal big power talks merely encourages the Arab world in the belief that somehow the big powers will intervene and impose a settlement without direct negotiation by the parties concerned. Although the United States has firmly stood by the position that there must be direct negotiations unconditionally between the Arab leadership and Israel, further continuation of the talks strengthens the false hope that the present United States position may be negotiable and that we might be persuaded to try to impose preconditions on Israel.

In breaking off the formal big power talks on the Middle East, the United States should make it abundantly clear that we stand ready at any time to negotiate an end to the arms race in the Middle East and to assist in bringing Arab and Israeli to the bargaining table. While we have sincerely pursued the potential of big power talks for the past seven months, the Soviet Union has been pouring arms into the hands of Arab leaders committed to destroy Israel.

2. In response to the unilateral arms escalation of the Soviet Union, the United States should accelerate delivery to Israel of the 100 Skyhawks and the 50 Phantom jets to which we are now committed. In addition, we should now pledge to Israel that, in the absence of a binding Middle East arms agreement with the Soviet Union, we shall deliver, by 1971 or 1972, 100 more Skyhawks and 25 to 50 more Phantom jets.

We live in a world of hard choices. While the United States desires arms control in the Middle East, we must realistically recognize when arms control is unattainable by agreement. There are situations in which the giving of arms is the only way to preserve a peace and hopefully to induce future arms control by showing the other side that it cannot obtain its objectives through arms. The Soviet Union has replenished Arab planes and other weaponry destroyed in the 1967 war to the point where Nasser has a greater numerical superiority today than he did at the start of the 1967 war. The Arab superiority in aircraft before the war was about three to one. It is now about five to one. The replacement aircraft is sophisticated weaponry, including MIG 19's and MIG 21's. In spite of the numerical superiority of Arab weaponry, the superior training and skill of Israeli military personnel preserves for Israel today the preponderance of military power in the Middle East.

Given Nasser's avowed objective to destroy Israel by war, it is obvious that Nasser wants a war as soon as he can win it—or thinks he can win it. Until that Arab objective changes, peace in the Middle East can only be preserved through a balance of power, both *actual* and *apparent*, that favors Israel. That is the Balance of Peace in the Middle East under present conditions. While the United States strives for negotiations that will produce a real peace, we must provide the arms to Israel to match Soviet military transfusions to Nasser, thereby preserving the Balance of Peace.

3. The United States should provide military aid to Israel in the form of grants and long-term loans.

Up to now, Israel has been allowed to *purchase* arms from other nations and *pay for them in hard cash*. The Soviet Union has given Egypt and Syria vast amounts of military aid in the form of grants or liberal long-term loans.

Israel today spends 20% of its gross national product on defense. It is facing an imminent balance of payments problem. Without doubt, Israel will continue to sacrifice as necessary for survival, but it is not

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fair for us to allow Israel to carry this burden alone.

The Soviet Union for many years has been striving to penetrate into the Middle East. Immediately after World War II it was turned back in Turkey and Iran. In the past three years the Soviet Union has successfully accomplished an end run around Turkey and Iran by exploiting the frustration of Arabs and the demagoguery of militant Arab leadership. Tiny Israel has stood alone against this gargantuan threat. It has done so at great cost and great sacrifice. While doing so, Israel has found the Western world continually reluctant even to *sell* necessary arms to Israel. Without Israel, the United States, Great Britain and France would almost certainly have to face the Russian threat in the Middle East themselves. How long will we require Israel alone to hold the shield in the Middle East for the entire free world?

The recommendations I am making are presented in an effort to move the Middle East into a realistic power context that will produce a productive peace to benefit Arab and Jew alike. Many Arabs cynically observe that any U.S. politician, especially one from New York State, will ignore Arab claims and embrace totally the claims of Israel. When I was in Israel, I intensively sought out Arab spokesmen in an effort to understand their problems and their concerns. Moslems, Jews, and Christians all have deep roots in the Middle East. The Arabs are a proud people with a rich cultural and religious heritage. Once unified by the doctrine of their great prophet Mohammed some 1200 years ago, they spread their faith within a century to the far corners of the world. But in politics and in economics, the Arabs have been beset by an almost incessant series of misfortunes for the last one thousand years, including invasions by Mongols, by Europeans and by the Turks, who ruled over them for 400 years. The Middle East has been a pawn of the imperialist expansion and power conflicts of 19th Century Europe and colonialist domination in the 20th Century.

The Arabs have legitimate claims in the Middle East, and so do the Jews. These claims can only be worked out, with justice, when Arab leaders and Jewish leaders face each other with mutual respect and a willingness to compromise. I found that respect toward Arabs and that willingness to compromise in every Israeli leader to whom I talked. There must be compensation for Palestine refugees. That burden for the world is not insoluable, considering the much larger number of refugees that were assisted throughout the world after World War II.

It is sad to note that very episode in the Middle East, however innocent, is used by President Nasser and the El Fatah to further inflame the passions of hatred and bitterness. The fire at the El Aqsa mosque is a prime example. I was in Old Jerusalem the morning of the El Aqsa fire and I saw the reaction of Arab and Jew alike. The Jewish people have a great reverence for holy places of every religion. They shared the sorrow of their Arab brothers at the desecration of the mosque. They responded quickly and with miraculous efficiency in apprehending the accused perpetrator. Having witnessed this, I was shocked by the extreme and irresponsible reaction of President Nasser and King Faisal. These impatient leaders committed *oral arson* by passionately distorting this tragedy to inflame and mislead their own people.

The question must be asked, how long the Arabs of the Middle East will let the False Prophet Nasser lead them down the path of hatred and demagoguery? Yes, the Arabs have a legitimate cause and legitimate grievances. That is acknowledged, first and foremost, by the leadership of Israel. The Jewish cause and the Jewish grievances are acknowledged and understood by many responsible Arab leaders—in Jordan, on the West Bank, and in Israel.

Israel is demonstrating, for Arab and Jew alike, the potential for development in the Middle East. That miraculous demonstration must be carried forward because here, truly, is the long term hope for peace in the Middle East. When rational Arab leadership comes to the fore and pursues its rightful objections in comity with Israel, all parties can prosper. Under the present circumstances of terrorism and retaliation, one can only shake his head in disbelief and ask: How long will such irrationality prevail?

Nine Days in August—A Report on the Middle East

I. INTRODUCTION

This report is based on an intensive nine-day stay in Israel during which I had occasion to speak to the country's top leadership, including Prime Minister Golda Meir and Foreign Minister Abba Eban, ranking military figures, government officials, intellectuals and other persons in private life. I visited kibbutzim, universities, schools, hospitals, youth centers, and agricultural stations. I also inspected at first-hand some of the trouble spots along Israel's old and new borders and had occasion to confer at some length with prominent members of the Arab communities in Israel—both those Arabs who since 1949 have been full citizens of Israel and those in the territories occupied by Israel since 1967.

The most dramatic impact on a person visiting Israel today is that Israel is not eroding or collapsing, despite the hopes of her Arab antagonists and the fears of some outside observers. On the contrary, her progress and prosperity continue at an astounding pace. Israel is a vibrant and vigorous young nation, able as long as necessary to face the tremendous risks and to shoulder the tremendous burdens that the current situation implies.

My contacts and my first hand observations of the Middle Eastern situation have convinced me that the time has come for a basic reassessment of our Middle East policy in two regards—first with regard to the Big Power talks that have continued intermittently since the beginning of this Administration, and second with regard to the amounts and the conditions of our assistance to Israel. I shall make specific recommendations on each of these two points in the course of this report.

II. DESCRIPTION OF MIDDLE EAST SITUATION

Israel is a small country at the very center of the Middle East, itself a focal region that connects the three continents of the old world and branches of two of the world's oceans. In the words of General Eisenhower, "As far as sheer value of territory is concerned, there is no more strategically important area in the world than the Middle East." To the United States the region is important because it supplies about ⅗ of the free world's petroleum, because it is a major hub of world communications by land, sea and air, and because it is on the Southern flank of NATO. It also is important because of our friendship of long standing with nations such as Turkey, Iran, Lebanon, Jordan, Saudi Arabia and above all with Israel.

Israel, like the United States, is a country of immigration, of pioneering, of pragmatism and technology, of unity and diversity, of roots in the past and of promise for the future. Israel is a country of democracy, of free expression, and of political stability—achievements almost unheard of in that part of the world. In short, Israel is important to the United States as a part of the Middle East, but also and above all for its own sake.

The Middle East is also important to us for what it means to the Soviet Union. In the context of the Communist bid for world power it is remarkable that Russia's Middle Eastern frontier from Turkey to Afghanistan is the only major direction in which direct Communist control today remains confined within the old borders of the pre-1917 Czarist empire. Significantly, the Middle East, particularly since the 1950's, has been the prime target for Soviet attempts at expanding Communist control and influence indirectly. The Soviets have in recent years vastly increased their fleet in the Mediterranean. There is reason to believe that a naval buildup in the Indian Ocean is one of their prime long-range policy targets. Not only would Soviet control of the Middle East make it possible for the Russians to disrupt the free world's communications at a most crucial link, but it also would enable them to tamper with the free world's oil supplies and to outflank NATO from the South.

A. Soviets in the Middle East

Russian interest in the Middle East thus is of long standing, and we are witnessing now only the latest of several phases of Russian activist involvement in the area. For example, in the situation immediately after the Second World War, the Russians made territorial demands on Turkey, proposed the establishment of Soviet naval installations along the Turkish straits, and sougth a part in administering the former Italian colonies such as the Dodecanese and Libya. In Iran at the same time they refused to relinquish their wartime occupation of the northern provinces, and instead installed puppet regimes in Iranian Azerbaijan and Kurdistan while seeking to force the entry of communists into the government and pressuring for an oil exploration concession that would have enabled Soviet agents to roam freely the breadth and length of the country. Greece during those same years was plunged into a bloody and costly civil war, precipitated by an uprising of Greek communists, and liberally supplied across the frontier from communist Yugoslavia.

But a second lesson is worth learning from this history. Not only is Soviet interest of long standing; Soviet penetration was prevented through a combination of local opposition and American firmness. The Turks flatly rejected Soviet territorial demands and proposals for a Soviet part in the defense of the Straits. Turkish-American relations became closer. A large-scale program of American military, technical, and economic assistance strengthened democracy and industrial enterprise. Turkey supported actively the U.N. action in Korea and in 1952 joined NATO—and two years later the Russians solemnly withdrew the territorial demands they had pressed for close to a decade. In Greece the communist guerrilla uprising was suppressed with active British and American support, whereas Tito's break with the Soviets in 1948 cut off an important line of communist supplies. The Iranian government, with moral support from the United States, resisted all the various Soviet pressures and demands, and a Soviet attempt at takeover by coup was thwarted. Greece, Turkey, and Iran became among the Free World's most reliable allies in the subsequent years.

The current phase of Soviet Middle Eastern policy began in the mid-fifties as an attempt to leap over this hurdle of the Turkish-Iranian "Northern Tier." Through a dramatic program of arms to Egypt and through financial support for the ambitious Aswan Dam project, the Soviets ensured the good will of the "revolutionary" regime of President Gamal Abdul Nasser. The military coup of 1958 in Iraq replaced a regime closely allied with the West with one friendly to Nasser and the Soviet Union. As a result of a series of coups, the communists and Soviet sympathizers gained an increasingly stronger position in Syria. Algeria emerged from its prolonged war of independence in a similarly neutralist if not pro-Soviet mood.

In the decade between 1956 and 1967, the Soviet Union began a gigantic and reckless program of arming Arab states such as Egypt, Syria, and Iraq against Israel—including delivery of some of the most advanced aircraft ever used outside the direct control of the major powers. Soviet and Nasserite propaganda at the same time were beginning to spread the allegation that Israel was a neocolonialist, expansionist, puppet of the West.

One major aim of Soviet policy, both before and even more since the war of 1967, has been to establish a Soviet naval presence in the Mediterranean. But even during this period of the late fifties and early sixties, Soviet sights were beginning to extend further. Soviet programs of military and technical assistance to such countries as Yemen and Somalia—on either side of the passage leading from the Red Sea to the Indian Ocean—clearly indicated their long-range naval ambitions in the Indian Ocean. The withdrawal of the British from Aden (now part of Southern Yemen) opened a new field of activities for the Soviets and their Egyptian and Yemeni sympathizers. There are some indications that the Soviets, at least before the 1967 Arab-Israeli war, had hopes of taking similar advantage of the impending withdrawal of British military forces from the oil-rich Persian Gulf.

The closing of the Suez Canal since 1967 obviously has seriously delayed any such long-range Soviet plans. Aside from hopes for a Soviet naval presence in the Indian Ocean, there also is the fact that, for geographic reasons, the Russians lose more from the closing of the Canal than any other maritime power. The Canal cuts nearly in half the shipping distance from Odessa to Hanoi with traffic now re-routed through Gibraltar and around the Cape of Good Hope. By contrast, the saving of distance, due to use of the canal, from the Persian Gulf to London or New York is far less. The availability of the new supertankers for oil, moreover, means that the most important part of the traffic out of the Persian Gulf has been bypassing the Canal in any case.

In short, it seems clear that Russia would stand much to gain by a re-opening of the Canal—and this presumably was reflected in their specific proposal published in Pravda in January, which foresaw a phased Israeli withdrawal beginning with positions at the Canal as the first step in a big-power solution for the Middle East. But whatever hope there was that concern for the re-opening of Suez would induce the Russians to take a reasonable view in the Big-Power talks, let alone to bring Nasser around to such a more reasonable or conciliatory view, have by now clearly been disappointed. Although the Russians would gain from Suez re-opening, they appear either unwilling or unable to get the Egyptians to the negotiating table so as to insure such a re-opening in an overall framework of Middle Eastern peace.

It is my assessment that Russian immediate intentions with regard to the Middle East are neither to help bring about direct negotiations and peace, nor to encourage a new fourth round of open Arab-Israeli warfare—a contingency that could only result in a further humiliating defeat for their friends in Cairo and further severe losses of Soviet military equipment. Their immediate aim seems to be to keep the crisis at the present level of continual, sporadic belligerency.

In the broader and longer perspective, the Russians are building up their presence wherever they can throughout the Middle East and the Mediterranean. Their present course is one of maintaining constant pressure and tension without provoking any final confrontation between Russia and the United States.

The experience in the days preceding the 1967 Arab-Israeli war shows how easily Soviet intentions can miscarry in the volatile climate of Arab politics. Amidst the constant and heightening tensions of the Middle East the Soviet armament program and Soviet support for the Arabs creates a very real risk of a new Arab-Israeli war starting through miscalculation. An even riskier set of miscalculations might make of the Middle East the tinder box that would set off a global third world war.

The apparent Soviet reluctance to get involved in any direct Russian-American confrontation over the Middle East implies for the United States a serious responsibility and a major opportunity to work for peace.

B. United States posture on Middle East

To rise to this challenge the United States must do its part to try to strengthen the factors of rationality and to dispel the factors of irrationality and miscalculation at 3 levels: in our own relations with the Soviet Union, in Arab-Soviet relations, and in relation between the Arabs and Israel.

In our own direct relations with the Soviets we must continue to make it clear that direct Soviet military intervention in the Middle East would be viewed by us as a grave matter. We must leave no doubt that any such action of theirs would bring into play a resolute and appropriate American response. It is conceivable, for example, that Egypt or perhaps Syria through a shortsighted repetition of the events of 1967 might plunge into another disastrous military defeat. The defeated Arab Government might then appeal for Soviet Military intervention to reverse the misfortune of battle. In such a contingency the Russians must know that they will not have a free hand in the region and that any attempt to inject their power directly into the Middle East would not be countenanced by the United States.

For the same reason we must continue to make it clear to the Arab government, to the Soviets, and anyone else that we simply will not allow the destruction of the State of Israel—which Nasser and other Arab leaders from time to time claim as the grand aim of their policy.

In American-Soviet relations with regard to the Middle East, there is every reason to believe that such a clearcut American position will continue to act as an adequate deterrent. Our reaction, precisely because it is earnest and credible, will not in fact have to come into play.

Russia's policy toward the Middle East traditionally has been expansionist—but it has been extremely patient, and rarely if ever adventurous. We owe it to ourselves, to our friends in the Middle East, and to the Russians, to define, clearly and in advance, the limits of Soviet adventurism that can be tolerated by the United States. The introduction of Soviet combat forces into direct conflict in the Middle East would veer the world to the brink of nuclear disaster.

We should continue to make it clear to the Soviets that we disapprove of the massive infusion of deadly weapons in their lavish shipments to Nasser and other Arab governments, and equally clear that we are ready to seriously talk about agreed arms limitation for supplies to the Middle East—as soon as they are ready to seriously talk about it.

Otherwise we should not be overly nervous at the limited Soviet naval build up and other manifestations of long-range Soviet presence in the Mediterranean and the Middle East. There is no early danger that their Mediterranean fleet would even be remotely a match for ours. We will of course not allow them to make the Mediterranean into a Russian lake. But it never has been and never will be an American lake. It is big enough, in short, like any other open sea, for naval units from all nations operating in competitive but peaceful coexistence.

Just as we must make our position clear enough to restore or maintain an atmosphere of rationality in American-Soviet dealings, so we must try to help dispel the elements of gross irrationality in the attitude of local Middle Eastern governments. The most flagrant such irrationality is the vain hope on the part of the UAR and other Arab governments that the Soviet Union by some sort of diplomatic magic might reverse the military defeat that they suffered through their own aggressive folly in 1967. Arab leaders must realize that the only mutually satisfactory way in which the protracted Middle Eastern crisis can be settled is by Arab governments taking up Israel's offer for direct peace talks. Hard and honest bargaining alone can be the basis for a hard and durable agreement. In the absence of such direct negotiation, perhaps some form of de facto accommodation will gradually emerge. The thriving trade that now is taking place between the East Bank and the West Bank of the Jordan, as well as the new trade since 1967 between the West Bank and Israel, are encouraging examples of de facto accommodation.

Arab governments, however, are not likely to change their attitude and shift to a more peaceful and constructive course while they can cherish the illusion that the Soviet Union, through Big Power negotiations, can somehow deliver them all the lost territories on a silver platter. In short, it is my considered judgment that continuation of the formal Big Power talks under present circumstances is a disservice to the short-range stability and the long-range prospects for peace in the Middle East.

Let me make myself clear. My criticism is not directed at the considerations that prompted us at the beginning of the new administration to explore the possibilities of constructive major power diplomacy with regard to the Middle East. The talks about the Middle East that were conducted on a four power and later on a two power basis in New York, and then in Washington and Moscow, were useful at the time they opened. The Russians had been pressing for several months for such contracts and conversations, and it was necessary that we test the seriousness of their intentions with regard to the Middle East. The French had been pressing for talks on a four-power basis, and our desire for closer relations with France spoke in favor of trying the four-power approach so dear to them.

The talks, particularly those between ourselves and the Soviets, would indeed have been useful if they had revealed Soviet willingness or ability to bring their Arab friends to the negotiating table to sit down with the Israelis to talk peace. The American-Soviet talks also would have been extremely useful if they had revealed any Soviet desire to limit or reverse the deadly flow of arms which, since the 1950's and at an accelerated pace in the last two years, they have been injecting into the Middle East. The United States has made clear time and again that we are concerned about this constantly escalating arms race in the Middle East and that we are eager to work out a scheme by which this deadly flow of arms and this constant escalation can be stopped.

Unfortunately the Soviet Union has by now made it clear enough that it does not intend to bring such talks to fruition. It is abundantly clear that the Soviets either cannot or will not persuade the Arabs to talk peace with Israel. The Soviets have made it equally clear that, on the contrary, they intend to continue arming Arab governments such as the UAR and Syria on an unprecedented scale.

My first recommendation is, therefore, that there be an immediate end to the formal Big Four and Big Two conversations about the Middle East that we have been conducting since February. We should continue, through normal diplomatic channels, to make it clear to the Soviet Union that we take a grave view of their continued arms shipment and that we will not allow any overt Soviet military intrusion. We can also make it clear once again through normal diplomatic channels

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and through appropriate action at the United Nations that we are ready to help bring the parties to the peace table or to discuss limitations of the arms flow to the Middle East as soon as there is any corresponding willingness on the other—Soviet or Arab—side. To continue with the Big Four power talks, with all their attendant publicity beyond this point serves to encourage Arab governments to continue on their present unrealistic course. Nasser is shouting war instead of talking peace. He is hoping somehow that Soviet power and big four diplomacy will make up for the unrealism of past Arab policy. Continuation of the big power formal talks would increase the psychological burden imposed on Israel. A public cessation of the big power talks over the Middle East could shake Arab leadership back into the real world and help defuse the present situation.

Let me turn then to a review of the current military tensions and to an assessment of the long-range prospects for peace.

In the immediate situation and in the short run the Middle East remains precariously suspended between war and peace. There are two fundamental factors in this situation that must be understood. First, Arab extremist leaders such as President Nasser and the military rulers of Syria, Iraq and Algeria have repeatedly declared their intentions to destroy Israel and to push her into the sea. Despite all their preaching of hatred and despite all their bellicose and inflammatory talk, they have not had the military strength or the organizational capacity to make the deed follow the word. Second, Israel, which has three times proven its ability to ward off all Arab aggressive intentions does not intend to destroy any Arab government. Israel does not intend to drive anyone into the sea; Israel does not, indeed, intend to extend her present area of control. On the contrary, the territories occupied by Israel, as a result of the 1967 war, particularly the West Bank of the Jordan and the Gaza strip, have added substantially to the Arab population under Israeli control. No responsible voices in Israel have been raised in favor of absorbing all this territory and all this population. That would mean an enormous additional burden on Israel which is based on the principles of political equality and of a planned egalitarian economy. It would also drastically change the long-range population balance between Arabs and Jews. In short, it would undermine the Jewish national character of the Israel state and society. Israel therefore has proclaimed its eagerness to sit down in direct peace talks with her Arab neighbors and in those talks to negotiate secure and permanent frontiers as envisaged in the November 1967 resolution of the United Nations Security Council.

Critics and even friends of Israel have often considered it unreasonable that Israel so single-mindedly insists on direct peace talks as the only way to a solution—a condition seemingly to repugnant to the Arabs. What can such talks achieve, it is often asked, except a written piece of paper which might prove of no greater value than previous pieces of paper containing the various armistice or cease-fire agreements of 1949, 1956 and 1967. This criticism, however, disregards a fundamental psychological reality of which Israeli leaders are fully conscious. It is not the piece of paper emerging from the peace talks that is the essential point; it is rather the process of sitting down and of talking. By such a public act the Arab leaders (either the present ones after a fundamental change of mind or a more peaceful set of leaders that might be replacing them in the future) would in effect be proclaiming solemnly that they no longer do intend to push Israel into the sea, and that they do mean to live peacefully in the future. It is this kind of publicly acknowledged reversal that the Israelis consider the most viable basis of future peaceful relations and the most hopeful basis for a security that is not based on arms but on the beginnings of mutual understanding.

It is of great importance for Americans to understand the depth and also the complexity of the Arab reaction to Israel. The Arabs are a proud people with a rich cultural and religious heritage. Once the bedouin tribes of Arabia were unified some 1,200 years ago under the pure and simple doctrine of monoteism brought to them by their prophet. Muhammed—and incorporating the traditions of the Old and New Testament, they spread that faith within a century to the far corners of the then known world; from Morocco and Spain at one end to India and Central Asia at the other. The Arab courts at Damascus, at Baghdad, at Cairo, and at Sevilla and Cordoba were known not only for the splendors recorded in the Arabian nights but also for thriving trade and for tolerance of subjects, whether of the Islamic, the Jewish, or the Christian faith. Arab philosophers and mathematicians preserved the classical Greek Medition and retransmitted it to Europe at the beginning of the Renaissance.

When the catholic rulers of Spain in the sixteenth century drove out the Jews from that peninsula, it was a Muslim ruler, Sultan Suleiman, who invited them to his capital at Constantinople.

But in politics and in economics, the Arabs have been beset by an almost incessant series of misfortunes for the last one thousand years—including invasions by Mongols, by European crusaders, and by the Turks who ruled over them for 400 years. The trade of the Middle East declined, once fertile areas of Iraq, Syria, and other countries became barren steppe or dessert. Arab pride became mixed with resignation and at time bitterness. The intellectual, industrial, and technological revolution which began to transform the West for many centuries bypassed the Arab East.

The first direct Western impact, Napoleon's invasion of Egypt (1798–1801) had an electrifying effect. The Egyptians soon learned from their temporary, unbidden guests. Hospitals were built, irrigation canals were dug, the growth of cotton was introduced, students were sent to Europe for new training. But soon once again a note of bitterness entered into Middle Eastern relations with the West. The area became a pawn in the imperial expansion and the power conflicts of nineteenth century Europe, and this imperialist practice seemed to contrast starkly with the ideals of liberalism, of constitutional government, of national pride and solidarity that nineteenth century Middle Easterners had begun to learn from their Western teachers.

Although European power penetration—from Britain, France, Germany, Russia, continued throughout the last century, its culmination took a strangely hypocritic and half-hearted form. "Temporary" military occupations were proclaimed as in Egypt in 1882—but were continued in one form or another for seventy-odd years. Mandates were proclaimed in Syria, Lebanon, Iraq, Jordan, and Palestine on something that sounded very much like a theory of foreign technical assistance and training for self-government—even though the imposition of the mandates required military action not clearly distinguishable from colonial conquest. It was the great misfortune in the Middle Eastern relations with the West that the area's imperialist penetration came late—at a time when leading elements in Western opinion had turned sharply critical of imperialism, and hence apologetic about its latter-day manifestations.

Thus the collapse of the Ottoman Turkish Empire in 1918 brought to the Arabs not self-rule but foreign rule under another guise. Above all it brought to them not unity but partition into a dozen or more separate units—colonies, mandates, protectorates, sultanates, etc. The fine visions of Arab nationalism had run up against rude realities, and it was the West that had administered the shock.

Palestine soon became one of the open sores in this festering situation. The British in 1917 had promised their support in helping establish in Palestine a national home for the long-dispersed and persecuted Jewish people. The barbarities of the Hitler *holocaust* that swept over Europe in the 1930's and 40's made that program seem all the more urgent—indeed it seemed the least that a stunned and shocked free world could do for the survivors of a *holocaust* that took six million lives.

Of course there could be no other place for a national home, for such an ingathering of the exiles than Palestine, than the land of Israel—the land which had inspired ever new hope in millions of dispersed people over the ages.

But what, in a Western context, might seem like a high-minded, tragically belated and inadequate humanitarian gesture, had a rather different aspect in Arab eyes. It seemed to Muslims and Arabs, with a historic record of religious tolerance far superior to that of Europeans, that they were made to foot the bill for centuries of Western anti-semitism and more recently for the barbarities of Hitler's Nazis.

Thus the stage was set in Palestine in the 1920's and 1930's for suspicion, for violence, and for grand human tragedy in subsequent decades. The Palestine mandate was the only part of the Middle East where colonialism came to mean colonization—and hence the inevitable gradual displacement, however peaceful, of an indigenous Arab population. When colonialism was in full retreat after the Second World War an independence was proclaimed on all sides, it was these Jewish, Zionist colonists who proclaimed their independence in the new site of Israel—even while Arab countries such as Iraq, Syria, Lebanon, Egypt, and Jordan had attained little more than nominal independence. Utterly convinced of the rightness of their cause—and sure of their numerical strength to the point of disregarding the most elementary rules of common strategic or political planning—the Arab Governments, particularly Egypt and Jordan, took up arms to prevent Israeli independence. The military verdict they so eagerly sought turned against them. And here begins a second distinct element of the contemporary Arab tragedy.

The United Nations General Assembly in 1947 had resolved a partition plan for Palestine—a crazy quilt patchwork that would have defined five or six separate bits of territory alternately under Arab and Jewish control within an economic unity for which no political basis had been prepared. The Arabs had roundly rejected this partition plan, even before they took to the military solution. But now in the defeat of 1948 it turned out that Israel emerged within somewhat more viable de facto lines, in control of substantially more than the area that the U.N. had allotted for the Jewish part of Palestine. Arab leaders now began to refer to the 1947 partition, which they had then rejected, as some kind of legal document defining their supposed rights.

This pattern has been broadly repeated in 1956 and 1967. Rejection of one solution, however hard on Israel, by the Arabs; headlong rush toward hostilities so as to destroy Israel or drive her into the sea; defeat of the Arab side; and then a legalistic claim on the basis of the solution earlier rejected by the Arabs themselves. Thus in both 1956 and 1967 Arab governments after their defeat insisted that Israel withdraw behind the armistice lines of 1949 which Arabs leaders had then rejected as worthless and illegitimate and which they violated with systematic guerrilla infiltration.

The third and most overwhelming element of the Arab tragedy is the wholesale suffering of Arab peoples caught in this conflict and abused by the short-sighted and patently abortive policies of their most prominent leaders. There is first of all the suffering of the Palestine Arab refugees of 1948—many of them encouraged by fellow Arabs to leave their homes on the overconfident promise that they would march back, in days or weeks, in the train of victorious Arab troops. The Palestine Arabs were always among the most cultured, the most literate and the most highly educated Arab populations. The educational program of the UNRWA (supported with contributions of which that of the United States Government always has been the largest) heightened further this educational level. Many individual Palestine Arab refugees indeed have found prominent employment in the thriving oil economies of Saudi Arabia, Kuwait, and other Persian Gulf states. Their monthly remittances indeed had by 1967 come to be a major item in Jordan's balance of payments.

The vast majority of refugees, however, grew up in camps, crowded together in conditions that were, physically, kept scrupulously sanitary but, mentally and humanly, were dangerously unhealthy. They were fed on minimal rations of nutrition and excess rations of propaganda and hate—hate of Israel, hate of the Jews, hate often of the West generally and of the United States most specifically. The most glaringly inhumane conditions prevailed in the Gaza Strip, a tiny area into which 300,000 refugees were crowded. This area was administered for 18 years by Egypt, but no one was given Egyptian citizenship and no one was allowed to travel to Egypt. Since Jordan formally annexed the part of Palestine it came to administer after the 1948 war, conditions there were slightly better. The West Bank Arabs were given Jordanian full citizenship, and indeed they contributed to an enormous growth of the East Bank capital of Amman into a large metropolis. In the government of Jordan, too, Palestinian Arabs played a prominent role. Yet the mainstay of the monarchy remained the poorly educated bedouin of the East who seemed far more reliable as soldier and as civilian supporter than the frustrated and restless and highly cultured Palestinians.

The knowledge that Israelis had made a thriving orchard out of once-largely barren land only increased Arab resentments within this prevailing negative and hostile setting. The prospect of Israeli-Arab peaceful economic competition in the future was likely to inspire self-doubt and fear. [A whole new generation has thus grown up in refugee camps and it is from this bitter and frustrated generation that the fedayeen of al-Fatah are drawn.]

Yet the fact remains that Arabs and Jews are fellow, brother semite peoples. Among Israelis it is most remarkable that there is no trace whatever of the hatred of the Arab as Arab—even toward the present Arab governments in their misguided policies such as Nasser there is more contempt and pity or exasperation than hate. The Jews of Israel are too impatient with the positive tasks of construction and of building for the future to allow themselves time out for hate. They have been victims of hate long enough in Nazi Germany and elsewhere to know the destructive force of hate. They also know that whatever the fate that diplomacy and warfare may hold for them in the future they will have to live among Arabs. Since they want to live in peace, it is Arabs with whom they are ready to live in peace.

On the Arab side, in official and public proclamations, and too often in genuine, passionate emotions, it is hatred that prevails. This hate is part of the unrealistic, not to say psychopathological, course into which tragedy has propelled so many Arabs over the last two generations. The first change that can reverse this psychological constellation is the recognition by Arabs that Israel, for better or worse, is here to stay. Talk about driving it into the sea is no more than wanton, idle talk.

Even within the present tragic situation there are important nuances among Arab attitudes. Those Arabs who have known Israel best have come to accept her—the hundred thousand Palestine Arabs who remained behind after 1948 in cities such as Nazareth, who came to enjoy on equal terms the benefits of a thriving and growing, and staunchly egalitarian economy, who enjoy their Arab-language educational system, and the privilege of free democratic elections (among the very few Arabs anywhere who have had that privilege ever!), I saw at first hand that highly educated Arab women have come to preach an enlightened brand of feminist in that setting.

It was not that these resident Israeli Arabs liked the idea of a Jewish state or did not grieve at the Arab defeats. They accommodated themselves to imposed political realities whether in the time of Alexander the Great, of the crusaders, or of the Ottomans. On the basis of that realistic accommodation, mutual trust now has a chance to grow.

Next there are the Arabs of the occupied territories—West Bank, Old Jerusalem, Gaza Strip (the Sinai peninsula and Golan being hardly populated). Here searing memories of defeat are recent and sharp. Yet there is little love for Jordanian or Egyptian rules who too often made these people into pawns. Even among these there is some growing appreciation of the economic realities of Israel. There is hope that more employment can be provided and appreciation of the thriving trade over the "open bridges." There is also the hope expressed by these Arabs that Arabs and Israelis can sit down and start to talk peace.

Third, there are those Arab peoples and governments closest to Israel in geography, and closest to Palestine in historic tradition—Jordan and Lebanon—where a much more realistic and moderate attitude has prevailed. Lebanon stayed out of the 1967 war and does its best to discourage the fedayeen. Jordan is in a more precarious situation and of course miscalculated woefully in entering the war. But Jordan and Israel are geographic twins and, just as there are innumerable points of friction, there also are innumerable points of latent common interest. These include coordinated use of the Jordan waters (tacitly being implemented according to the Eric Johnston formula that Jordan publicly could not accept), potential Jordanian direct outlet across Israel to the Mediterranean and, above all, relief from the insecurity and suffering of constant belligerence. These latent common interests might come to the fore if Jordan and Israel or Lebanon and Israel were left to themselves. One ever present desire of U.S. policy should be to enhance the de facto independence of these governments.

Fourth, there are the Arabs most decidedly hostile and most implacable toward Israel. Aside from the active combatants of al-Fatah—the crop of the dragon seed of the hate-choked refugee camps—these most hostile Arabs ironically are the furthest away from Israel and have suffered little if at all from the Palestine tragedy. This is Syria, which only has the shortest of borders with Israel, whose claims to Jordan water always were pro forma, and where anti-Israeli posturing serves as an outlet for the frustrations of the most unstable and turbulent political system (or non-system) in today's world. This is Egypt—whose populated areas are separated from Israel by hundreds of miles of desert, which does not need the Tiran strait except to deny it to Israel. This is Iraq, without any common border. This is also distant Algeria. And of course occasional holy-war noises emanate from oil rich, but backward Saudi Arabia.

Arab actions and proclamations over the last two years have made it amply clear that the militants and extremists still set the pace. The recent and tragic fire at the al Aqsa Mosque in Jerusalem led to another round of vituperation and scurrilous accusations against Israel. It brought on another round of saber rattling and of inflammatory threats by Nasser, by Faisal of Saudi Arabia and others. The more moderate and rational Arab leaders, including the leadership of Lebanon and including King Hussein, have been muffled. King Hussein's actions over the last years indicate the precariousness of any rational Arab position in the present context. It would be illusory to expect any instant change in this hostile and belligerent Arab mood. Even the cessation of the Big-Power talks, which is our most urgent order of business, can only make a beginning pressing Arabs to reassess their course and to formulate, step by step, a more rational alternative for the future.

III. MIDDLE-EAST MILITARY SITUATION

We should not let any illusory notion of evenhandedness obscure the fundamental differences between the position of Israel and the position shortsightedly espoused by Arab leaders such as President Nasser, King Faisal, and President Boumedienne. The Arab leadership preaches hatred of Israel; Israel knows that she must live at peace with their neighbors. The official Arab dream is one of destruction and revenge; the Israeli dream is one of transforming deserts into orchards and restoring a long persecuted people to dignity and quiet pride. The Arab governments demand the destruction of Israel; Israel has no desire to destroy the Arab nations. Arab leaders pretend to see in Israel a symbol of imperialism and aggression; yet it is those same Arab leaders who harbor expansionist plans at Israel's expense and who have allowed themselves to become the tools for Russia's imperialist designs on the Middle East. The Arab governments look to the past and fight for redress of wrongs, some real and some fancied; Israel looks to the future and fights for survival. The Arab governments would like to change the present status quo by diplomatic pressures, by acts of belligerence or by military threats; Israel would transform the present status quo into a stable and negotiated peace. In short, the present-day militant rulers in Cairo, Damascus, Baghdad, and elsewhere indulge in the grossest and most irresponsible irrationality, whereas Israel is making her plans on a sober and reasoned assessment of the contingencies imposed upon her.

Since the prospects of negotiated peace seem, right now, remote at best, it is appropriate to examine the current military situation in some detail. The de facto belligerence has now reached higher levels than it did at any time except in the actual wars of 1948, 1956, and 1967. Along the Suez Canal there are intermittent rounds of artillery duels, occasionally escalating into minor aerial skirmishes and forays to destroy enemy emplacements. Along the Jordan and on the Northern frontier of Israel, there is a pattern of guerrilla incursion or bombardment launched by Arab Palestinian groups such as al-Fatah, and Israeli retaliation by artillery or air against the terrorist bases mainly in Jordan and Lebanon. Occasionally this pattern expands into acts of violence far from the center of the conflict—such as the various Arab acts of aerial piracy, the Israeli raid on Beirut airport and the several deep incursions by helicopter-borne forces into Central and Southern Egypt.

This constant belligerency poisons the diplomatic atmosphere and thus makes even more remote the prospects of peace negotiations. Yet, by themselves, these acts of war neither are likely to be decisive in weakening one or the other antagonist, nor are they necessarily the prelude to open warfare.

Even in the most densely populated parts of the territories occupied since 1967 (the

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West Bank and the Gaza Strip) there has not developed anything remotely resembling the classical guerrilla or preguerrilla situations of the 1950's such as in Malaya, Algeria, Cyprus, or Viet Nam. The level of incursions has not gone up, and the internal security situation in the West Bank and the Gaza Strip seems to be stabilizing gradually. The Israeli retaliatory bombardments, while they cannot put a stop to the well-financed and well-armed Fatah activity, have already had the effect of forcing the Fatah to pull its bases back from the immediate vicinity of the de facto frontier and to disperse their bases into smaller units, thus slowing down their operations. Also, the Jordanian and Lebanese governments are less than pleased about this military activity that is conducted from their soil but outside their effective control. King Hussein, depending on his tactical estimate of the situation from week to week, alternately tries to work out an accommodation with the Palestinian terrorists or to chip away at their power. The Lebanese government has given Israel to understand that it does not really object to Israeli retaliation against guerrilla bases in the Syrian border area beyond the Litani river on the slope of Mt. Hermon—even though it may see itself compelled to denounce Israel in the Security Council.

Along the Suez Canal, the Israelis were able, during a lull following one of their helicopter attacks on power lines along the Nile, to fortify their positions so as to withstand any subsequent artillery attacks.

The reason that these current incidents of belligerency are not likely to escalate into full-scale ground war is implicit in the nature of the 1967 cease fire lines. Israel's new de facto frontiers, along the Suez Canal, the Jordan River, and the crest of the Golan Heights are excellent strategic frontiers—and the new cease fire lines, in total perimeter mileage, are substantially shorter than the tortuous armistice lines of the 1949–1967 period. It has been rightly observed that the Suez Canal (even in its non-navigable state) and the Jordan River are far better than any tank traps that could have been designed by the most skilled of military engineers.

IV. ROUND FOUR?

Whether or not there will be a fourth round of fullscale Arab-Israeli war depends therefore not on the current land skirmishes but rather on the balance of aerial forces. The experiences of 1956 and of 1967 show that a full scale war will very likely start and be fought primarily in the air. The Arab countries, mainly Egypt, Syria, Iraq, and Jordan, had a heavy numerical superiority in combat aircraft before 1967, and they have an even heavier numerical superiority in combat aircraft now. Where the ratio in the Arabs' favor was three to one before the war, it now is about five to one. Egypt (alone) has about 60% more fighter aircraft and Syria (alone) has twice as many planes as before 1967. This arsenal that Russia has so lavishly replenished, and over-replenished, also is of far more modern design, including MIG 19's and 21's.

Nonetheless, this balance of equipment in favor of the Arabs does not translate into any similar balance of power in their favor. Egyptian airfields now are considerably farther from Israeli targets, and Israeli airfields conversely are closer to the Egyptian targets. The Egyptians, to be sure, have dispersed their aircraft and hardened their airfield installations, as they had not done before 1967. They are also receiving intensive training from Russian pilots, and among the ground forces Russian advisors are now present down to battalion level. Yet even with Russian training, the Egyptian pilots are no match in skill, tenacity or imagination for the superbly trained Israeli pilots.

Israel is receiving from the United States 100 Skyhawks—a badly needed replacement for outdated equipment dating from the 1950's or earlier, and delivery of 50 Phantom jets has begun this month, to be completed by the end of 1970. The delivery of French Mirage jets for which Israel had contracted and paid to the tune of $60 million has been held up indefinitely by the Paris government, and there seems to be no prospect of reversal of that decision by Pompidou—even though spare parts for planes already in Israel have recently been released. (Note that Israel has not asked for a refund, even though she can ill afford the tying up of large amounts of precious hard currency reserves.)

The aircraft now in Israel, combined with the superior training of Israeli forces and their more favorable disposition since 1967, is enough to hold the balance against Arab rearmament at the present. But Israeli planners naturally think—and US policymakers must think—of the future. The need, moreover, is not only for the Israelis to keep matching Egyptian and other Arab aerial strength, but rather to preserve a situation where even the most bellicose and irresponsible Arab leaders know that the Israelis overmatch their strength. An apparent balance of military power would encourage Arab adventurousness and perhaps Russian irresponsibility. It might convert the present precarious balance of peace into a balance of war—with all the perilous implications that accompany a fourth Mid East conflict.

We, therefore, must take steps even now to anticipate the situation as it will be in 1970, 1971, and 1972. If the present balance of peace is allowed gradually to erode, it is my assessment that it will reach the peril point in about two years' time.

This brings me to my second major recommendation. To preserve the current balance for peace in the Middle East, we must make a public commitment this year to furnish Israel with 100 more Skyhawks and with 25 to 50 more Phantom jets at the end of the delivery period for those currently committed.

We also should quietly but decisively use what influence we have with our British and French friends to reverse their ill-considered policies with regard to military deliveries to Israel. It is incredible that democratic countries, who only a generation ago valiantly survived an aggressive onslought, should try now to take narrow political or commercial advantage to the aggressive perils facing another valiant democracy. It is incredible that governments in London and Paris should hold up Chieftain tanks and Mirage jets duly contracted for—and all this in the illusory hope of currying favor with volatile and irresponsible Arab governments, which need their European markets for oil at least as much as Europe needs its sources of supply.

It might be objected that such a promise of additional delivery is a further contribution to an arms race or that it could easily be outmatched by new Russian deliveries. We should reemphasize in publc that it has been the Russians who since 1955, and in higher gear since 1967, have carried on the nefarious and senseless arms race. We should emphasize that we are ready now, as before, to discuss with the Russians a workable arms limitation arrangement—as soon as the Russians are willing to engage in such a discussion. Above all, we must emphasize that the Russian deliveries have gone to irresponsible governments that have cried hatred and revenge and ours are going to a responsible government struggling for peace and survival.

Nor is there much danger that the Russians would escalate their deliveries by giving the Egyptians any MIG 23's. The present amount of arms in Egypt is already straining that country's absorptive capacity. Besides, any use of MIG 23's in the intermittent aerial encounters along the Suez-Sinai frontier would mean that the designs of this most advanced type of plane would fall into Israeli, i.e. Western, hands as soon as the first of them is shot down. This clearly is a risk the Soviets are unlikely to take. On the other side,the Skyhawks and Phantoms are aircraft of the type already given to Israel. The new deliveries would simply insure that the delivery pipeline would not dry up, thus leading to a peril point by 1971 or 1972.

My third recommendation is that our government fundamentally review the terms on which Israel obtains the necessary assistance from us. We have so far allowed our Israeli friends only arms purchases, even of those weapons they admittedly and desperately, needed whereas we have given arms needed by Jordan on a grant basis. Above all, we must face the ugly fact that Russia's Arab clients are not purchasing their weapons outright, but are obtaining them either as gifts or on credit terms so lavish as to amount to gifts. The Israelis have consistently shown and are now showing their determination to face all risks and sacrifices to keep more of their young men and women under arms, to slow down their economic growth, to deplete their foreign exchange reserves, in short to do what is needed for survival and to maintain the peace. There is a limit however, to the sacrifice that can be demanded of even so gallant a nation as Israel. Just as the military situation would reach the peril point if the balance of peace shifts to a balance of war by 1971, so Israel's economic and foreign exchange balance is headed for the peril point of mounting deficits by that same year. It would be a niggardly offering to allow Israel the means of military survival at the price of economic ruin. We must not demand that extra ounce of blood and sweat. We must not thwart the economic growth that is so healthy and promising and that is the visible promise, to Israeli and Arab alike of what peaceful effort and application can do in a once barren land.

V. CONCLUSION

Let us not forget that the Israeli government and the Israeli people are sorely taxed and tried, and that the present heavy burdens are keeping them from always facing the situation with that extra reasonableness, that extra generosity that would enable them to carry out their own long range policy and interest of peace, that would counterbalance the current hostility and suspiciousness of Arabs both within and beyond the cease fire lines. Israel does not seem to have given serious consideration to compensating refugees of 1948 as a partial or unilateral program. Perhaps there are good and weighty arguments to defer this until there is Arab willingness to discuss all other aspects of peace. It is likely now too that in the present atmosphere of suspicion and terror few refugees, individually, would be able to accept such an offer for fear of retaliation. But the grim fact is that Israel also now does not have the economic resources to afford any such compensation program.

Only within a restored, prolonged, assured balance of peace and balance of economic survival can the current situation gradually settle down so that Arabs may come to a more realistic assessment. Only then can Arabs within cease fire lines take advantage of the economic possibilities of cooperation with Israel. Only when it is clear that the arms supplied by Soviets to Egypt, and other distant countries, cannot reverse the present balance of peace, will the Arabs closer to the scene—Jordan and Lebanon with their moderate governments, the Palestinians inside and outside the cease fire line with their interest in rejoining families—come to the fore. Only then can we expect a step-by-step enlargement of the pragmatic cooperation that miraculously goes on even now, as illustrated by the thriving trade between West Bank and Israel, as well as West Bank and Jordan, and the Palestinian students returning for summer vacations under Israeli occupation with their families.

The folly and callous irresponsibility of Nasser policy may some day become fully apparent to Arab audiences. It is a policy that has preached war for 17 years and led to defeat twice. It is a policy that concentrates such massive efforts on armaments that they dwarf the expenditures on the Aswan dam. It is a policy that holds no realistic hope for anything but senseless Arab and Israeli suffering in the years ahead. The alternative is a policy of mutual respect and cooperation. Even with small beginnings of de facto accommodation, it could produce a gradual increase of understanding between two long divided Semitic border peoples each proud of their ancient religion and literature, each with an economic challenge of a better future in a desert that human skill and dedication can convert into a garden of growth for Arab and Jew alike.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House has passed the bill (S. 757) for the relief of Yvonne Davis, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 2260. An act to confer jurisdiction on the U.S. District Court for the Western District of Wisconsin to hear, determine, and render judgment on the claim of Emma Zimmerli against the United States;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 2458. An act for the relief of Frank J. Enright;

H.R. 4634. An act for the relief of Lawrence Brink and Violet Nitschke;

H.R. 8694. An act for the relief of Capt. John T. Lawlor (retired);

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation;

H.R. 9910. An act for the relief of Hannibal B. Taylor;

H.R. 10356. An act for the relief of Mrs. Iris O. Hicks;

H.R. 11060. An act for the relief of Victor L. Ashley;

H.R. 11503. An act for the relief of Wylo Pleasant doing business as Pleasant Western Lumber Co. (now known as Pleasant's Logging & Milling, Inc.); and

H.R. 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired).

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 85. An act for the relief of Dr. Jagir Singh Randhawa;

S. 348. An act for the relief of Cheng-huai Li;

H.R. 4658. An act for the relief of Bernard L. Coulter;

S.J. Res. 149. Joint resolution to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts;

H.J. Res. 250. Joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben; and

H.J. Res. 775. Joint resolution to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 2260. An act to confer jurisdiction on the U.S. District Court for the Western District of Wisconsin to hear, determine, and render judgment on the claim of Emma Zimmerli against the United States;

H.R. 2407. An act for the relief of Elbert C. Moore;

H.R. 2458. An act for the relief of Frank J. Enright;

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H.R. 11060. An act for the relief of Victor L. Ashley;

H.R. 11503. An act for the relief of Wylo Pleasant doing business as Pleasant Western Lumber Co.) now known as Pleasant's Logging & Milling, Inc.); and

H.R 11890. An act for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired); to the Committee on the Judiciary.

H.R. 9477. An act to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation; to the Committee on Interior and Insular Affairs.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

Mr. STENNIS. Mr. President, I ask unanimous consent that the Chair lay the unfinished business before the Senate notwithstanding the hour.

The PRESIDING OFFICER. The clerk will report.

The LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 165 of the Senator from Kentucky (Mr. COOPER).

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. COOPER. Mr. President, I have consulted with the majority and minority leaders, and after consultation I make this motion.

I move that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 1 o'clock and 20 minutes p.m., the Senate took a recess, subject to the call of the Chair.)

At 1 o'clock and 56 minutes p.m., the Senate reassmbled, when called to order by the Presiding Officer (Mr. CANNON in the chair).

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOPER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 165 offered by the Senator from Kentucky.

Mr. COOPER. Mr. President, on August 12, I offered in the Senate an amendment to clause (2) of section 401, title IV of S. 2546. After some debate, I withdrew the amendment, as it had not been printed, and as several Members of the Senate expressed a desire to have more time for its consideration and some wished to join as cosponsors. The record of the debate may be found on pages 23511–23518 of the CONGRESSIONAL RECORD, August 12, 1969. I gave notice that I would introduce again the amendment when the Senate convened after recess.

The amendment I offered on August 12 was directed to clause (2) of section 401. Its purpose was to prohibit the use of the Armed Forces of the United States in combat in support of local forces in Laos and Thailand.

Title IV—General Provisions of S. 2546, as reported by the Senate Committee on Armed Services, reads as follows:

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

On August 12, section 401 was modified by amendments offered by the Senator from Arkansas (Mr. FULBRIGHT) which were agreed to by the Senator from Mississippi (Mr. STENNIS), the manager of the pending bill, and the Senate. Its present text is as follows:

> Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions under Presidential regulations as the President may determine.

The Senate will note that the present language of section 401 provide that—

> Funds authorized for the use of the Armed Forces of the United States under this or any other act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand, and for related costs.

The words "to support" are of operative importance. They apply and are directed equally to Vietnam, where the United States is engaged in war, and to Laos and Thailand, where we are not informed that we are engaged in war. Section 401 makes no distinction as to the kinds of support which are authorized to the forces in Vietnam and to the local forces in Laos and Thailand.

The United States is at war in Vietnam. The United States provides equipment, material and supplies, training—billions of dollars—everything necessary for the conduct of war to support South Vietnam, its forces, and other allied forces in South Vietnam. But the United States has provided far greater support. It has sent over 500,000 of its men and many women to fight, to suffer wounds and injury, and to die.

The language of section 401, as modified, speaks for itself. Its literal meaning is clear, and the language itself is the first and decisive source to provide interpretation of the legislative intent of section 401. Under this test, section 401 can be interpreted to direct that the kinds of support provided to: First, Vietnamese and other free world forces in Vietnam can be provided to local forces in Laos and Thailand.

The amendment which I offer reads as follows:

> On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".
>
> On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3)".

The amendment would provide and make a distinction between the kinds of support that the United States shall give to South Vietnam and the kind of support we would make available in Laos and Thailand.

If the amendment is adopted, section 401 will read as follows:

> TITLE IV—GENERAL PROVISIONS
>
> SEC. 401. Subsection (a) of section 401 of Public Law 89-367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:
>
> "Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes: (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under presidential regulations as the President may determine."

I desire to make the purpose and the interpretation of the amendment specific and clear. It draws a distinction between the use of funds authorized to support Vietnam and other free world forces in Vietnam and funds authorized to support local forces in Laos and Thailand. It would limit strictly U.S. support of local forces in Laos and Thailand to the types of aid designated by the amendment and for related costs.

The amendment is intended to declare that funds authorized under this or any other act shall not be used to engage or commit the Armed Forces of the United States in combat, hostility, or war in support of local forces in Laos or Thailand. It is intended to prohibit specifically such use of funds authorized. Congress has this constitutional authority under article I, section 8 of the Constitution. It is perhaps the only clear authority which Congress has to deal with such a situation.

It is estimated that 45,000 of our Armed Forces are stationed in Thailand. I do not know that our forces are now engaged in combat in Laos or Thailand in support of local forces. I hear from various sources that some are engaged in combat in Laos and Thailand against insurgents, but I must say I have no personal knowledge, that it is correct. As I recall from hearings I have attended, both in the Committee on Foreign Relations and the Committee on Armed Services, I have not heard any official of this country say that we are engaged in hostilities in Laos or Thailand. If they are so engaged, the amendment is intended to deny their continued use in combat in support of local forces in those countries.

In bluntest terms, the amendment is offered with the purpose of preventing, if possible, the United States from moving step by step into war in Laos or Thailand, as it did in Vietnam.

During the course of the debate on August 12, objections were raised to the amendment, and since that time questions have been directed to me concerning its full meaning.

The distinguished Senator from Texas (Mr. TOWER) suggested that the amendment would prohibit U.S. forces in Thailand from engaging in combat for their self-defense or the defense of U.S. air bases or other U.S. facilities. I assume the same argument would be directed to U.S. forces in Laos. This argument is patently incorrect, on its face. Of course, the U.S. forces, wherever they are, can defend themselves as a matter of right, as a matter of commonsense, and as a matter of international law; and, constitutionally, the President, as Commander in Chief, has the authority to take whatever measures are necessary to assure the defense of U.S. forces.

I am sorry the Senator from Texas is not in the Chamber at this time. I wish to emphasize again that this amendment in no way would prevent our forces, wherever they are, from defending themselves.

I have been asked if my amendment would prohibit the use of U.S. Armed Forces stationed in Thailand from continuing combat support of U.S. forces in Vietnam and other free world forces in Vietnam, such as bombing operations which originate in Thailand and are directed against enemy forces in Vietnam and in Laos along the Ho Chi Minh trail. My answer is that the amendment would not prohibit such combat activities of U.S. forces. Whatever one's views may be about Vietnam, we are at war in Vietnam. The Commander in Chief, the President, has control of that situation, as a constitutional matter, and if in fact operations originating in Thailand were used to assist our Armed Forces and other forces fighting in Vietnam, my amendment would not prevent such operation, clause (1) of section 401, would not be affected by the amendment I offer. But with respect to clause (2), it must be clear that the amendment is intended to prohibit absolutely the engagement of U.S. Armed Forces in combat, in support of Laos or Thailand local forces, fighting in Laos and Thailand.

The distinguished Senator from Arizona, Senator GOLDWATER, in a very valuable contribution to the debate, asked if the amendment I offer would prohibit U.S. forces in the installation of radar and other facilities to assist local forces in Laos and Thailand. My answer is "No." The amendment is intended to prohibit the use of our Armed Forces in combat in support of local forces in Laos and Thailand. But I make this point. The stationing of large U.S. forces in Thailand—estimated at 45,000 and their use in many types of military activity, logistic and otherwise—even though short of actual combat, increase the possibility of the United States becoming involved in a local war without the authority of the Congress. Our troops in Thailand and in Laos should be withdrawn as early as possible.

It was said in the debate on August 12 that there is no intention to use our Armed Forces in Laos or Thailand in combat in support of their local forces. There is no reason, then, why it should not be spelled out in section 401, as I propose.

The distinguished Senator from Mississippi (Mr. STENNIS) said that it would be a monstrous act for the Executive to use the language of section 401 as authority to engage our forces in war either in Laos or Thailand. I am sure that it is the purpose of the President of the United States that the United States shall not become engaged in war in Laos or Thailand. He has outlined his policy for Southeast Asia—that the countries of the area must assume greater responsibility for their defense. He has said "no more

Vietnams." I would think it would be helpful to the President, and his administration, if Congress would make this policy clear to give him support on the policy he has announced.

Just a short time ago, on June 25, the Senate adopted by a vote of 70 to 16 the national commitments resolution, a resolution which Senator FULBRIGHT and I had prepared as a substitute for his original resolution. I shall read the resolution.

> Whereas accurate definitions of the term "national commitment" in recent years has become obscured: Now, therefore, be it
>
> Resolved, That (1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the armed forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the Executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

While it had no constitutional effect, it expressed the sense of the Congress that constitutionally the Armed Forces of the United States should not be used abroad, or their use promised, in support of the forces of other countries, except by the joint authority of the President and the Congress.

It may be argued, and I have read some articles to that effect, that the United States is bound by the terms of the SEATO Treaty to engage in the defense of Laos and Thailand. If this argument suggests that the United States is bound to engage in combat activities in either of these states in their support, I answer by saying that the terms of the treaty do not so provide. Article IV of the treaty, which deals with aggression by means of armed attack against a party or "in any way other than by an armed attack," requires a determination by each party as to the action that it will take "in accordance with its constitutional processes." These words "constitutional processes" are controlling, so we must ask what does the term "constitutional processes" mean?

In accord with our national commitments resolution—and in accord with the testimony of the late Secretary of State John Foster Dulles, given at the time the SEATO Treaty was being considered—except in case of emergency or immediate attack—I insist that in situations such as exist in Laos and Thailand where we are not at war, as far as any constitutional determination by the Executive or the Congress is concerned, "constitutional processes" means the joint action of the Executive and the Congress. If we are not to be committed in many places throughout the world to engagement in armed conflict, which can lead to war as it has in Vietnam, the Congress must assert its authority.

The war in Vietnam is a fact. We cannot affect it constitutionally except by cutting off appropriations for its support or repealing the Gulf of Tonkin Resolution. I do not believe the Congress is ready to do so when the young men of our country are fighting loyally and bravely. But, surely we do not want to move, or rather back into, war in Thailand or Laos step by step as occurred in Vietnam. We have the constitutional power now to forbid the use of funds under this bill or any other act for the engagement of the Armed Forces of the United States in combat, in hostilities, in armed conflict, in war, in support of local forces in Thailand and Laos.

Mr. President, I do not degrade the efforts of the people of Laos or Thailand to maintain the type of government they want in their countries, but I do say that no President of the United States, nor the Secretary of Defense, nor military commanders have the right to send this country into war, another war, except in those cases where the constitutional authority is clear. I am sure that President Nixon wants no new war but the Senate and the Congress must discharge its responsibilities.

It may be said that I am giving too great importance to the language of section 401. I do not think so. It is the first test of the attitude of the Senate toward the national commitments resolution approved this year almost unanimously. In a larger sense, it is the duty of the Congress, which represents the people, to prevent the engagement of the United States in war unless it is essential to the security of the United States.

Mr. STENNIS and Mr. PEARSON addressed the Chair.

Mr. COOPER. I yield to the Senator from Mississippi first.

Mr. STENNIS. Mr. President, I appreciate the Senator from Kentucky yielding to me.

Mr. President, may we have order? May we have the attention of all Senators, Mr. President?

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senate will be in order.

Mr. STENNIS. Mr. President, I believe it is important that Senators understand the issue that I think is being presented by this amendment; and it is technical, in a way, Mr. President. I ask the attention and indulgence of Senators.

First, I wish to commend the Senator from Kentucky very highly for the work he has done on this matter, which also represents my sentiments and my position. So I do not have any conflict with him on that at all.

I do believe, though, that, because of the nature and history of this section of the bill, that the Senator's amendment would not affect our support of our troops. With the knowledge I have about this matter, I am inclined to agree to the amendment as it is now worded, but let me make an explanation first.

I direct the attention of Senators to title IV of the bill and remind them that this is the old foreign military aid. In the old days it came out of the Foreign Relations Committee and was handled by them in the form of a broad authorization bill. The Foreign Relations Committee still handles the regular foreign-aid bill. But this item here got into the bill just a few years ago as a special foreign assistance that goes to the Southeast Asian countries.

Frankly, I think and I hope that next year, if it is still in the Armed Services Committee, and it can well be there, that it can be handled as a separate bill where the issues will be clearer, with hearings held on it, and then it can come to the Senate for debate on its own merits.

But now it is stuck in here as a brief section of the authorization bill. It relates to the $2.5 billion, but only about $150 million of that $2.5 billion is really for items found in the bill now before the Senate. It authorizes that much hardware for these purposes. In the other part of the $2.5 billion, that will come through the regular DOD appropriation bill—items that do not require any authorization except the authorization we find in the appropriations bill itself. It authorizes the program and authorizes the expenditures of the money at the same time.

Thus, we keep those two items in mind. Then, also, this program which originated in 1950–51, in all the years of history and even down to this minute, the money that goes to support our troops, wherever they are throughout the world, comes from the regular authorization bill for our troops. They have never been paid or supplied out of this special military aid bill that goes to the various foreign countries. I do not think that relationship is disturbed one bit.

At the expense of repetition, it has always been true, through all these years down to now, including last year, that the language was as it was when we brought the bill in here. Foreign aid for local troops has always been kept separate, and our military forces, wherever they are, are paid altogether from another fund.

The reason I say that I am willing to take the amendment as written now is that I do not believe the language disturbs that situation about our troops in whatever country they are found.

Now let us get right down to the language. As the amendment reads now with the present Cooper amendment written into it, it states "not to exceed $2.5 billion."

> Funds authorized for appropriation for the use of the Armed Forces of the United States—

The reason that is termed there is that they will take this money, except for $180 million, out of the money bill that goes to support our troops, but it leaves our troops supported by that fund just the same.

> For the use of the Armed Forces of the United States under this or any other act—

"This act" means exactly what it says in the bill we are debating. "Any other act" means the appropriation bill. There are a lot of items in that appropriation bill that do not have to be expressly authorized except by the terms of the bill. So those words there "or any other act" refer to our regular appropriation bill and the language is:

> Authorized to be made available for their stated purposes, to support one, Vietnamese and other free world forces in Vietnam—

That is in Vietnam—

> Support Vietnamese and other free world forces—

XUM

I suppose that means the Philippines, Korea, and Vietnam.

> Two, local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces. Three, for related costs—

That is what it means—items directly related there.

> during the fiscal year 1970 on such terms and conditions . . .

That is under Presidential regulation as the President may determine.

Now it is inescapable to me that that leaves the funds applicable strictly to those local forces, that anything that goes to U.S. forces in those countries, or anywhere else around the world, are paid out of regular appropriations for those purposes.

I just add this: The Senator from Kentucky is a very good man with language and he can write well. I have had some experience in drafting legislation, but there is just a basic difference here as to our conclusions. I believe that this language was debated a day or a week and I would have this conclusion. Perhaps I would have what he has now. The Senate would be divided on it. I would like to see the language taken to conference, with the understanding that we would have the language experts and those familiar with the history of the legislation to really grind it down and come up with a memorandum as to just what it may or may not mean.

So I am glad to submit that to the distinguished Senator from Kentucky.

Mr. COOPER. I think the Senator would agree that section 401 applies to the kinds of support that can be provided the two categories of countries designated in clauses (1) and (2); is that not correct?

Mr. STENNIS. I beg the Senator's pardon?

Mr. COOPER. Section 401. Its purpose is to provide means whereby, one, forces fighting in Vietnam can be aided and, two, local forces in Laos and Thailand.

Mr. STENNIS. That is correct.

Mr. COOPER. That is the purpose.

Mr. STENNIS. That is correct.

Mr. COOPER. That is the purpose of section 401. On August 12 when the Senator from Arkansas (Mr. FULBRIGHT) offered an amendment to limit, funds authorized for the two purposes, to $3 billion, the Senator from Mississippi modified the Fulbright amendment by providing $2.5 billion.

Is the $2.5 billion available to support the forces in Vietnam, and local forces in Laos and Thailand?

Mr. STENNIS. It will be available if appropriated.

Mr. COOPER. If appropriated is correct.

Mr. STENNIS. Yes, just for the purposes outlined here.

Mr. COOPER. How would the Senator define the purposes outlined here? In other words, what will the conferees be talking about in conference? I shall not be there, as I am not a member of the Armed Forces Committee.

Mr. STENNIS. To support the local forces in Vietnam, Thailand, and Laos.

Mr. COOPER. Yes, the section is designed to provide support to those countries. Clause (1) says nothing about the kinds of support provided to Vietnam. The language of section 401 would make available to Laos and Thailand the same kinds of support that are being provided in Vietnam. Is that not correct, from the language?

Mr. STENNIS. Yes, just looking at the language. It is a part of the cost of the war, but the war as a whole is costing us $29 billion a year, which I think includes the cost of the support of their local forces.

Mr. COOPER. Section 401, as reported from the Armed Services Committee, speaks of funds authorized by this or any other act.

Mr. STENNIS. Yes.

Mr. COOPER. I have drawn my amendment to provide that funds under this or any other act which may be made available for Laos and Thailand must be restricted to the kinds of aid I have designated.

Mr. STENNIS. The limitation put into effect by this amendment would apply to this bill. "Any other act," as the Senator said, would be the appropriation bill, but it would be subject to this very language here—to be available for the stated purposes, and these are the stated purposes, as drawn here now.

Mr. COOPER. On August 12 I spoke at some length. I provided the Senator with a copy of the amendment. The Senator understands that what I am trying to do is to prohibit the use of our Armed Forces fighting in support of Laos and Thailand. Of course, we know that in Laos government forces and the Pathet Lao have been fighting. The Pathet Lao may be assisted by North Vietnam or China, but is an example of local forces fighting in Laos.

We know that insurgent forces have been harassing government forces in the northern part of Thailand for some time, and the local forces in Thailand are trying to defend against and defeat them.

My amendment is designed to prohibit the use of our Armed Forces in combat support of local forces in Laos or Thailand, and to keep them out of situations in which they might become engaged in combat which could lead into war in Thailand or Laos, as it did in Vietnam.

The language means our forces cannot be used in combat in support of local forces, unless an emergency arose where the President's constitutional authority would come into play, except by the joint authority of the executive and Congress? If the Senator agrees that we are not in difficulty on the language—what is the problem? Are we fighting in Laos and Thailand?

Mr. STENNIS. Let me answer the Senator "Yes" and "No." In my mind, I am certain the Senator's language would not prohibit the United States, if it saw fit, to otherwise permit U.S. troops to fight in Laos and Thailand, because this act does not relate to it. If they fought with the Thais, they would be paid for and supplied out of our regular appropriation bill. U.S. soldiers anywhere are supported through these other channels.

Mr. COOPER. I ask the Senator if he opposes the proposal I am making insofar as this bill is concerned. Would he oppose my proposal that our forces should not be fighting in support of local forces?

Mr. STENNIS. Let me answer that in two prongs. The first is that the Senator's language just does not go to the point of cutting off funds for the soldiers of the United States of America. Second, I frankly think that, if we are going to pass an act that involves such a marked policy and a limitation on the President—I think we have the authority to do it, but if we are going to do it—it ought to have the careful study of the appropriate committees, the Foreign Relations Committee for one, and hearings in which the executive branch of the Government would be entitled to be heard and all sides considered. On the military aspects of it and the money for it, if the Senator wanted a recommendation out of the Armed Services Committee, that would be applicable. But when such policymaking is involved, I think we ought to consider the recommendations, have a bill, debate it here, and then make a decision. I shrink from its just coming out of the floor here with such a far-reaching policy in the form of an amendment to this bill, in spite of the ability of the Senator and his great dedication and experience.

Mr. COOPER. It has not come out of the floor. This subject has been debated.

Mr. STENNIS. It came up on the floor, then.

Mr. COOPER. Yes. It has been debated whenever treaties, executed and developed by the executive branch, have come to the Congress.

When the Korean treaty came before the Congress, I remember the valuable and proper questions the Senator raised. The Senator and I asked, in 1954, what the words "constitutional processes" meant. The Senator expressed the same opinion as I, that, except in case of an emergency, "constitutional processes" means that the executive shall come to the Congress for authority. My amendment does not affect the emergency powers of the President. If the troops are in another country and the President of the United States believes a situation has arisen which demands their defense, of course he has the constitutional power to provide for their defense. If our soldiers defend themselves, they are within international law. It is the right of self-defense.

I do not know that we will engage in a war in Laos and Thailand, but while there is the possibility that we might become engaged, and before we become engaged should we not take steps to reduce that possibility by declaring that only through the constitutional process of joint authority, shall John Jones in Company A of the 10th Infantry Regiment, in whatever army, be sent into battle in Laos and Thailand, in support of local forces, against insurgents?

I cannot go back into all the details. I have read the testimony of Secretary Dulles before the Senate at the time the SEATO Treaty was being considered. The report of the Foreign Relations Committee on the SEATO Treaty states that Secretary Dulles said that it was not intended to put land forces on the mainland of Asia, and that the Executive would come to the Congress for authority if it became necessary to engage in war.

He said what the Senator has said and what I have said: In case of an emergency affecting the security of our forces, the President has the constitutional authority to defend them.

Why do we not learn the lesson of Vietnam? I voted for the Tonkin Bay resolution. I said on the floor that day in substance that the resolution would give the President great power, and that "He might take actions which lead us to war." I voted for it, nevertheless because I believed he would be judicious and I have supported appropriations. But I do not intend to vote for another such proposal whether by resolution, treaty or statute unless we have sufficient facts to show that the security of the United States is threatened.

This bill will become a statute. It does not have the great impact of a declaration of war, but it has legal authority. I do not believe President Nixon will do anything reckless. I believe he wants the United States out of war in Vietnam, but we have also our responsibility to do what we can to prevent new wars. Why will we not do it? Has the Secretary of State or the President of the United States, or his Office, or the Secretary of Defense, said, "Do not pass such legislation, we have people fighting in Laos and Thailand, and we do not want to endanger them"? If our Armed Forces are fighting in Laos or Thailand in support of local forces, in domestic conflicts—we should be told.

If they are fighting in Laos or Thailand in support of local forces, I want to say there has been no authority given by the Congress for such fighting; and I have never heard a President of the United States, President Kennedy or President Johnson, and certainly not President Nixon, say we are engaged in some kind of hostilities in support of local forces in Laos or Thailand.

On August 12 we raised this question. A great many members of the Armed Services Committee took part in that debate including the distinguished Senator from Mississippi. The Senator from Texas (Mr. TOWER) and the Senator from Arizona (Mr. GOLDWATER) and others also took part in that debate.

Is the administration against this amendment?

Mr. MILLER. Mr. President, will the Senator yield?

Mr. COOPER. I promised to yield first to the Senator from Kansas.

Mr. STENNIS. Does the Senator from Kentucky want me to answer that question?

Mr. COOPER. Yes.

Mr. STENNIS. Mr. President, I have not discussed this with the Secretary of State. I have not discussed it with the President of the United States, nor with the Secretary of Defense or any of his representatives. We have a memorandum here from the Department of Defense on all these amendments. We need it, generally, on all amendments, for our information.

But here I am standing on the language. I understand the language better than I did on August 12. I feel the same way about not wanting to get into war, but I am satisfied here that the Senator's language will not touch the point, as I see it, that he expects it to touch. I am willing to take it to conference, and have additional men consider what the language means.

Mr. COOPER. The Senator knows my respect for him; I do not have to tell him that I am not trying to harass the Senator in any way.

Mr. STENNIS. No, I know that.

Mr. COOPER. But I have stated what I intend for it to mean. It is my amendment, and I can state the intention of its legislative effect. What does the Senator from Mississippi consider it to mean?

Mr. STENNIS. I have a very brief prepared statement here, and on my time I shall read that statement. I could read it now; it is brief. It deals with the language, as I have said, and the Chief of Staff here tells me that the memorandum we have from the Department of Defense is along the same lines as to the language.

But I do not have to have anyone advise me on the way this thing looks, as to this language. I am just being frank with the Senator.

Mr. COOPER. I thank the Senator and I am being frank.

I have promised to yield to the Senator from Kansas.

Mr. PEARSON. I thank the distinguished Senator from Kentucky. I listened to his speech and his very helpful colloquy with the Chairman of the Armed Services Committee.

I should like, just in a capsule manner, to ask the Senator from Kentucky whether or not my understanding of his amendment is correct, which would be that U.S. forces which are now in Thailand and Laos may remain there under the Senator's amendment; and that they, particularly the Air Force units in Thailand, may participate in the war in South Vietnam. Is that correct?

Mr. COOPER. That is correct, and I say it for this reason: The war in South Vietnam is a fact.

Mr. PEARSON. Yes.

Mr. COOPER. I do not think we can constitutionally override the Commander in Chief from doing what he considers best in the conduct of the war such as the direction of troops, the support of the troops that are fighting, or the use of troops in other countries to support our forces and allies in South Vietnam.

Mr. PEARSON. Yes.

Mr. COOPER. Once we got into war, the President is Commander in Chief; I do not think we have any constitutional authority except by refusing appropriations, or rescinding the Tonkin Bay resolution.

Mr. PEARSON. And those troops in Laos and Thailand may defend themselves, is that not correct?

Mr. COOPER. Of course.

Mr. PEARSON. And we may, under this amendment, furnish materiel and costs and related aid to local forces; but, under the amendment, those U.S. troops aiding local forces would be withdrawn, and no further U.S. involvement by troops would be permitted, under this amendment, in controlling the costs for local forces in those two countries?

Mr. COOPER. The Senator's statement is correct.

Mr. PEARSON. That leads me to put the question to the Senator as to whether or not the words "local forces"—and I address this question to the distinguished chairman also—are military words of art, and whether they have a precise meaning. Does the term include constabulary, police, regular forces, or what is the Senator's interpretation of the term "local forces"? I think that goes to the heart of the real meaning of what the Senator from Kentucky intends to do.

Mr. COOPER. Yes. Let us speak of Thailand, for example. I would consider them to be Thai forces, fighting in Thailand against insurgents who are attempting, I assume, to overthrow the Government of Thailand.

Mr. PEARSON. And our involvement is therefore contingent upon authority of Congress, pursuant to the Constitution?

Mr. COOPER. That is correct; and the same would apply in Laos: Laos forces fighting in Laos, against insurgents in Laos.

I might say, the report of the committee when SEATO came before the Senate spells this out perhaps better than I can do it. It quotes the language of Secretary Dulles, and I shall put it in the RECORD. Dulles testified before the Foreign Relations Committee on January 25, 1955. Section 15 of the report, entitled "Constitutional Processes," reads as follows:

> 15. CONSTITUTIONAL PROCESSES
>
> In the course of the hearings on January 13, the committee gave consideration to a suggestion by one of the witnesses that a reservation be attached to the treaty which would prohibit the use of United States ground, air, or naval forces in any defense action unless Congress, by a declaration of war, consented to their use against Communist aggression. "This proposal led to a searching discussion in executive session. It was finally rejected as throwing open the entire controversial topic of the relative orbit of power between the executive and the legislative branches. It had been for this very reason as noted above, that the executive branch adopted the "constitutional processes" formula. When pressed for an indication of what the phrase comported, Mr. Dulles assured the committee that those words were used with the understanding that the President would come to Congress in case of any threat of danger—
>
> > unless the emergency were so great that prompt action was necessary to save a vital interest of the United States.
>
> Except in that event—
>
> > the normal process would be to act through Congress if it were in session, and if not in session to call Congress.
>
> The committee ultimately resolved that it would serve no useful purpose to seek to develop the meaning of "constitutional processes" beyond this statement of Mr. Dulles.
>
> In that connection, it is recalled that the committee, referring to the use of the same phrase in the North Atlantic Treaty, observed in its report:
>
> > The treaty in no way affects the basic di-

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> vision of authority between the President and the Congress as defined in the Constitution. In no way does it alter the constitutional relationship between them. In particular, it does not increase, decrease, or change the power of the President as Commander in Chief of the Armed Forces or impair the full authority of Congress to declare war (Ex. Rept. No. 8, 81st Cong., 1st sess.).

Mr. President, that was the statement of Mr. Dulles as to the constitutional procedure intended by the SEATO treaty.

He made several statements—public statements, reports to the country, and reports to Congress—to that effect.

In Vietnam, we did not follow that procedure. I do not want to see us make a mistake in Laos or Thailand. Thailand is a party to the treaty. Laos comes under its protection by the protocol. However, Laos has said at one point that it does not want to be under the protection of the treaty.

What is wrong, I again ask, with trying to make sure that in this bill we use our constitutional power, and responsibility to prevent, if possible, another awful war?

Mr. PEARSON. Mr. President, does the Senator mean by "local forces" any international armed forces within the jurisdiction of the Government of Laos or Thailand?

Mr. COOPER. The Senator is correct. That is within the jurisdiction. The treaty has no application according to an understanding of the United States except against Communist forces.

Mr. PEARSON. "Local forces" may be words of art.

Mr. STENNIS. Mr. President, does the Senator from Kentucky mean to say that his use of the term "local forces" in Thailand includes United States of America forces in Thailand?

Mr. COOPER. No, not at all.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MILLER. Mr. President, I should like to have the attention of the Senator from Mississippi, because I think my question may bear on some of his concern.

Let me point out to the Senator from Kentucky that there is nothing at all wrong with what he is trying to do. The Senator asks what is wrong with trying to do this. There is nothing wrong at all.

I would guess that most of us share his objective. I can understand the reluctance of the Senator from Mississippi to agree to the language as it is, because the mere fact that we share the objective does not mean that we would use the same language.

I shall ask some questions which I think will bring out what I am talking about.

As I understand the Senator, if his were adopted, it would not prevent us from continuing our bombing activities in Laos.

Mr. COOPER. The Senator is correct. My amendment would go only to clause (2). It would not affect clause (1).

Mr. MILLER. I point out that the bombing activities in Laos can have a two-pronged effect. The bombing of a logistical supply point in Laos could have the result of helping the South Vietnamese situation, or it could have the result of helping the Laotians in their fight against North Vietnamese aggression. It could be a mixed result.

Mr. COOPER. I understand that complication and possibility. No one would suggest that we would have the bombers operating over there as they are if it were not to aid our forces and other forces in Vietnam.

If the Air Force or the commanding general maintains operations in connection with supporting forces in Vietnam, it would not be affected.

Mr. MILLER. In other words, the fact that there might be a mixed result would not affect this situation.

Mr. COOPER. The Senator is correct.

Mr. MILLER. I do not know whether the Senator has visited our bases in Thailand. I have.

Mr. COOPER. I have not visited them.

Mr. MILLER. It is not hard for me to visualize, in the case of some of them, that our troops and our Air Force personnel on those bases could be threatened by guerrilla or insurgent action, either by guerrillas or insurgents of the North Vietnamese or action of another character. Further, as I understand it, the security of those bases is left primarily to the local forces in Thailand. Therefore, in providing that security, if there were a guerrilla or an insurgent attack, the local forces would be fighting against the guerrillas or insurgents.

I wonder if in a situation like that we should not be permitted, as far as the protection of the U.S. forces is concerned, to conduct bombing or strafing attacks. I hope that the Senator would agree that we should be able to do that.

I am concerned that perhaps the language as it is may not permit that action. I point out that in such a situation, it is a very real possibility.

Mr. COOPER. The Senator is correct.

Mr. MILLER. Mr. President, the Senator certainly would not say that we should not be permitted to support local forces which were providing security for our own forces.

Mr. COOPER. Mr. President, I will answer the Senator in the same manner as I answered a similar question with respect to what action our Armed Forces should take to provide for their own security or to provide support for the forces of Laos and Thailand. Obviously that airbase is an American facility. Our bombers leave from there.

I was surprised when the Senator from Texas (Mr. TOWER) suggested we could not defend our troops. Of course our troops could defend themselves and defend that base. And if Thais were fighting in defense of the base, of course our troops would continue to fight.

That is not what I am talking about. I am talking about whether we have made a decision to engage our forces in a new war, against an insurgency, or insurrection.

The record of the SEATO Treaty states that it was not to be intended for the parties under the treaty to enter domestic situations. I ask the Senator from Iowa: If the governmental forces of Thailand were fighting insurgents, it would be a local conflict, would it not?

Mr. MILLER. If insurgents or guerrillas were seeking to attack one of our bases, and they ran up against Thai guards who were providing security for that base, it would seem to me that the situation would be such that if we wanted to protect the security of our base, we had better go in and help the guards.

Mr. COOPER. We could do that without question. I do not think any Senator would not agree that we could do that. Of course we could.

I am glad the Senator asked the question, and I respect him for it, but I do not want to have attention diverted—I am sure the Senator does not so intend—from the purpose of the amendment, which I explained on August 12, and about which I am speaking about today.

Mr. MILLER. No one is trying to divert attention any more than anyone might believe that the Senator from Kentucky is inclined to believe that such a situation could not happen. There is nothing wrong with what he is trying to do. He is to be commended for what he is trying to do.

All I am seeking to do is to make sure of the intention of the amendment, and I have already indicated my general agreement with it.

The Senator from Mississippi has said that he is willing to take the amendment to conference and let the language be worked out, if there are problems. I thought I could be helpful in reconciling the two viewpoints by pointing out that there could be a problem in the language as drawn. I do not see why reasonable men cannot get together in the Chamber or in conference and bring about that result.

Mr. COOPER. I thank the Senator from Iowa. He has been very courteous and helpful.

Mr. CASE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. CASE. I should like to think that the Senator from Kentucky and the Senator from Mississippi are differing only upon a relatively minor or peripheral manner suggested by the Senator from Iowa. I do not think they are. I think the difference goes deeper. I not only support the objective of the Senator from Kentucky, but I support his attempt to accomplish his objective on this subject.

I think there is that difference between the Senator from Mississippi and the Senator from Kentucky. The Senator from Mississippi, I think, agrees with the objective, but not on this bill. I would not want us, who have to vote on this matter, to have any doubt about what we are voting on.

May I ask this of the Senator from Kentucky and have the Senator from Mississippi agree or disagree: If we adopt the amendment of the Senator from Kentucky, we are saying to our Government, "You cannot use any money provided by this bill or by any other bill—appropriation bill, authorization bill, or anything else—for the support of American Armed Forces in local conflicts in these two countries."

Mr. COOPER. That is correct.

Mr. CASE. And the Senator from Mississippi would rather have it understood that, because of the historical way in which the foreign-aid military appropriation came into this bill, the Senator from Kentucky's amendment would have a lesser effect. I think I am correct in my understanding. The Senator from Kentucky wants to go the whole way, as he has just indicated, applying not only to the money authorized by this bill but also money provided by any other bill.

Mr. COOPER. Of course. Otherwise, the amendment would have no meaning at all.

Mr. STENNIS. I think the Senator from New Jersey put the question aptly.

The position of the Senator from Mississippi is that, regardless of our intent or purposes or wishes, the language before us does not carry out the objective as stated by the Senator from Kentucky and the Senator from New Jersey, and it will not accomplish the purpose.

Mr. CASE. I would argue that.

Mr. COOPER. I would be willing if the Senator would produce language which would accomplish this purpose, which would prohibit our forces from becoming engaged in local war in Laos or Thailand.

Mr. STENNIS. Mr. President, if it is going to be done, it certainly should be done in language that by no means is uncertain. So, when the time comes for me to obtain the floor, even though I will be brief, and partly in repetition, I will put one, two, three, or four points I have in mind to back up my position.

Mr. COOPER. I should like the Senator——

Mr. STENNIS. The Senator from Kentucky has been very kind to yield.

Mr. COOPER. I should like the Senator to spell out, if he will, why the language is not effective. If he agrees with me on the purpose—of Congress using its constitutional authority to prevent the use of our troops in combat in Laos or Thailand—I should like to have his views upon the principle; and if he has a better method of providing us with the means, we will be in agreement.

Mr. STENNIS. Mr. President, I respond to the last part of the Senator's question. Regretfully, there is not a large attendance of Senators in the Chamber at this time. What I say is not important, but what someone says about this bill is important. I believe we are reaching the last stages of the debate, and this amendment raises one of the most far-reaching questions that have been raised. It is a highly important and involved question.

My point now, however, is that this language is not sufficient to reach the Senator's objective. I make the further point that, to me, it is tragic for a matter of this kind to be settled by the Senate without the benefit of any recommendation before it of any committee that studied the matter, or without the suggestions of the President of the United States and others. But if the Senate wants to do that, I have no further complaint.

Mr. President, if it is the intent to prohibit money in this bill or any other bill from being used to support our troops in any country, anywhere, it will just take positive, direct language that says so, and these are the reasons why I have reached that conclusion. Let me make the following points regarding the pending amendment of the Senator from Kentucky to title IV of this bill.

First, it is important that there be an explanation of the legislative background of this entire matter. As Senators know, prior to 1966, the support for countries in Southeast Asia as contemplated in this amendment was a part of the military assistance legislation and, of course, was handled by the Committee on Foreign Relations. Beginning in 1966, however, military assistance for Southeast Asia has been funded as set forth in title IV, under which any funds authorized to the Department of Defense may be used for the stated purposes.

It should be kept in mind that this is the present authority under which all assistance in terms of supplies, gas, oil, and so forth, is extended to the South Vietnamese Army and the other free world forces in Vietnam. In addition, it is the authority under which we support local forces in Laos and Thailand—local forces. That is the entire subject matter of this section. This section is a child of the old legislation before the Committee on Foreign Relations on Military Aid for Foreign Countries. It was transferred to the Committee on Armed Services solely because the war took on such importance and it became such an appreciable part of the military budget. When we say "the other free world forces in Vietnam," as already stated, that means other forces, such as Koreans and others, who are fighting for our side.

As reported by the committee, the language in the bill this year is identical to that reported in prior years. When this matter came up before, I stated that it had been discovered that this was open-end legislation, and the committee wanted to put a ceiling on it and proposed a ceiling lower than did the Senator from Arkansas. He adopted the committee's substitute, and it became known as the Fulbright amendment.

We already have had one floor amendment, as Senators may recall, when, on August 12, an amendment which I supported limited this assistance to $2.5 billion. That amendment was adopted.

The important fact of this amendment is that the funds under this title in the past—and as I interpret in this amendment—always have been limited to funds for the support of forces in Vietnam or other local forces. To me, it is impossible to read any other meaning, into these words, as proposed by the Senator, especially in view of this historical background.

This title never has been a limitation on the use of funds for the U.S. forces. This amendment does not say that it is a limitation on funds for the U.S. forces. The law and the logic and the system and the reason are that our forces are supported, wherever they are, by our direct appropriations. If you are going to change that, the Senator is going to have to change it to direct language. We do not have that direct language before us.

Mr. President, on August 12, I had printed in the RECORD a table showing expenditures for fiscal year 1968, fiscal year 1969, and anticipated expenditures for fiscal year 1970. The total for this year was slightly over $2.2 billion.

Mr. President, I ask unanimous consent that that table be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. GURNEY in the chair). Without objection, it is so ordered.

The table, ordered to be printed in the RECORD, is as follows:

ESTIMATED AMOUNTS INCLUDED IN MILITARY FUNCTIONS BUDGET FOR SUPPORT OF FREE WORLD MILITARY ASSISTANCE FORCES IN VIETNAM, LAOS, AND THAILAND AND RELATED COSTS, FISCAL YEAR 1970 BUDGET INCLUDING THE AID/DOD REALINEMENT

[In millions of dollars]

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970
Military personnel:			
Army	118.0	114.2	116.3
Navy	.8	.6	.1
Marine Corps	15.0	14.8	14.2
Air Force	.2	.2	.2
Total, military personnel	134.0	129.8	130.8
Operation and maintenance:			
Army	605.8	708.0	632.8
Navy	43.3	47.5	53.7
Marine Corps	6.1	10.7	10.3
Air Force	55.0	131.8	157.1
Total, operation and maintenance	710.2	898.0	853.9
Procurement:			
Army	552.5	1,243.5	927.3
Navy:			
Other procurement	5.8	10.2	4.2
Shipbuilding and conversion	4.5	6.5	3.4
PAMN—Navy aircraft and missiles			.2
Marine Corps	68.5	50.8	88.3
Air Force:			
Aircraft procurement	36.1	88.1	103.9
Missile procurement	.1		
Other procurement	67.4	85.4	114.4
Total, procurement	734.9	1,484.5	1,241.7
Military construction:			
Army	1.7	10.7	
Navy	1.9	3.3	
Air Force	9.0	1.5	
Total, military construction	12.6	15.5	
Grand total	1,591.7	2,527.8	2,226.4

Mr. STENNIS. Mr. President, not a dime of that money went to support U.S. forces, wherever located, and not a dime of this money is going for that purpose, according to the way the language is written now. I refer to the money we are talking about in this bill. Commonsense says that; the Senator from Mississippi does not have to say it. That is the situation. If we are going to change the rule about U.S. Armed Forces support money it will have to be spelled out.

This title has never been a limitation on the use of funds for the U.S. Armed Forces. As I interpret the matter, the purpose of the amendment of the Senator from Kentucky is to make certain that within this limitation of $2.5 billion the support for the local forces will be limited to the purposes stated in his amendment which would be only for supplies, equipment, materiel, facilities, training, and related costs.

I think the amendment is unobjectionable since it spells out the type of local support which would be authorized. I again emphasize, however, that the entire title IV with its legislative history

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and purpose does not operate with respect to funds used for U.S. forces which, of course, are provided for elsewhere in the Department of Defense appropriations.

When this language came in from the Senator from Kentucky (Mr. COOPER), in my capacity as chairman of the committee I asked that the Senator's language and a very good letter that he wrote each Senator be sent to the Department of Defense for comment.

I now have before me a letter which I did not have before me when I was making my remarks awhile ago. I refer to the comment that we received from the Secretary of Defense when I sent to him the latest amendment and letter by the Senator from Kentucky.

In order to identify it, the memorandum states:

> On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

Then, here is the language of the Department of Defense:

> Under the terms of this amendment and within the amount specified ($2½ billion limitation imposed by the Fulbright amendment) current activity in support of the local forces in Laos and Thailand could be continued.
>
> It is our considered opinion that in line with the language, legislative history and intent of this entire section, such amendatory language would have no impact on the use of funds for the support of U.S. Forces in Laos and Thailand.

Mr. President, so that all the material may be before the Senate, I ask unanimous consent to have printed in the RECORD the letter from the Senator from Kentucky dated September 15, 1969, together with a copy of the proposed amendment and the statement from the Secretary of Defense.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 15, 1969.

DEAR SENATOR: On August 12 I offered an amendment to clause (2), Section 401, Title IV of S. 2546, now pending before the Senate. Its purpose was to restrict the use of the funds appropriated under Section 401 in support of "local forces in Laos and Thailand" to equipment, materiel, supplies and training of such local forces and, to prevent the use of the armed forces of the United States in combat in support of local forces in Laos and Thailand.

After some debate, I withdrew the amendment as several members had suggested they wanted additional time for its study. I stated that I would introduce such an amendment when the Congress reconvened in September. The debate may be found on pages 23511–23518 in the Congressional Record of August 12.

I will introduce the enclosed amendment, or one substantially similar on Monday, September 15 and will ask that it be made the pending business at the first opportunity. The amendment would not affect clause (1), or restrict the support of Vietnamese or other free world forces fighting in Vietnam. It would prohibit the use of funds for the engagement of the armed forces of the United States in combat in Laos and Thailand in support of local forces of Laos and Thailand. Its purpose is to prevent, if possible, the United States from becoming involved in a domestic war in Laos and Thailand, without the authority of the Congress.

If you should desire to become a cosponsor of the amendment, I would appreciate very much if you would advise me or have a member of your staff contact Mr. Will Haley on telephone extension 2542.

With kindest regards, I am
Yours sincerely,
JOHN SHERMAN COOPER.

PROPOSED AMENDMENT

On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and providing of training for such local forces, and (3)".

PROPOSED NEW READING OF TITLE IV

(a) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes: (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under presidential regulations as the President may determine.

STATEMENT OF COOPER AMENDMENT ON DEFENSE CLAUSE (2), SECTION 401 OF S. 2546

"On page 5, line 14, strike out "to support: (1)" and insert in lieu thereof "(1) to support".

"On page 5, line 15, strike out "(2) local forces in Laos and Thailand; and", and insert in lieu thereof "(2) to support local forces in Laos and Thailand, but support to such local forces shall be limited to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3)".

Under the terms of this amendment and within the amount specified ($2½ billion limitations imposed by the Fulbright amendment) current activity in support of the local forces in Laos and Thailand could be continued.

It is our considered opinion that in line with the language, legislative history and intent of this entire section, such amendatory language would have no impact on the use of funds for the support of U.S. Forces in Laos and Thailand.

Mr. STENNIS. Mr. President, in view of that situation, and my only purpose is to try to get the meaning of the language before the Senate, I submit again to the Senate that the language does not go far enough to carry the point.

I am willing, as I have said, to take it to conference, and if anyone can get any stronger meaning or get something different out of it I would be glad to consider it although I hesitate trying to write such a policy as this on the floor of the Senate with six or eight Senators present in the waning part of the bill that is not directed primarily to the Southeast Asian war. I think it would be a poor time to do it and really it should not be done at all.

I have the greatest respect for the Senator's proposal. I call to the attention of the Senator from Kentucky that a few days ago he was kind enough to give to me and he had printed in the RECORD language that is much more specific. I do not have the page number of the RECORD. It was on Friday of last week.

At that time the Senator asked that it not be offered as an amendment; he did not expect to call it up at that time. He then proposed language as follows:

> On page 5, line 17, strike out quotation marks and insert in lieu thereof the following:
>
> The foregoing provision shall not be construed as authorizing use of the Armed Forces of the United States to engage in battle in support of local forces in Laos and Thailand.

Now, there is a positive negative.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I have quoted that language for the purpose of illustrating that I think the Senator must have language that goes at least this far.

I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, as in the case of a great many other provisions in the defense bill, it is difficult to prepare an amendment that will reach the matter effectively.

I considered the types of amendments—one of interpretation or one dealing with authorizations. The Senator is correct. I did at first intend to submit the amendment placed in the RECORD.

The Senator will remember I came to him a few days ago, and gave him a copy of the language I have introduced. I told him that after studying the first amendment placed in the RECORD, I believed that it raised constitutional questions.

Mr. STENNIS. Yes.

Mr. COOPER. I could attach that language at the end of the amendment before us. If the Senator thinks it is needed, I will offer it to be attached to this amendment. However, it is an entirely different matter.

The Senator knows we can provide statements for the bill spelling out our legislative intent, but then the Executive can say, whatever the Senate said was its intent, I have my constitutional powers which I will exercise."

The Senator knows the constitutional way, where we have authority, is through authorizations and appropriations.

If the Senator would prefer, I could offer this language and then we could vote on them together or separately.

Mr. STENNIS. The Senator can offer his language and I will comment on it after he has offered it.

If the Senator puts in the language "or go to war in any circumstances in these two countries without a declaration of war by Congress" that will bring it to issue and there would not be any question about it.

Mr. CRANSTON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. CRANSTON. I have been repeatedly startled during the course of this debate, which began on August 12, to hear the Senator from Kentucky repeatedly state that he does not know whether we are in combat presently in Laos and Thailand.

It would seem to me that whether we are in combat in Laos and Thailand, other than the bombing type of combat referred to, would not be a matter of military security as to our safety, because certainly the Communists know whether we are involved in combat with them there. Also, rather obviously, this would not be a partisan matter, at least from my point of view since, if we are in combat there, it began before President Nixon entered the White House and it was not started by him.

I would therefore like to ask the chairman of the committee, first, if he, in his capacity, knows whether we are in combat in those places and, second, whether he can share that information with us, if he has it.

Mr. STENNIS. Well, I say this to the Senator, that if there is any combat there on any scale at all, or any reasonable scale, I know nothing about it. No, I do not know anything about it. There might be some skirmishes or something like that going on, but it is not anything that has been recognized that I know anything about. We are there, as the Senator knows, in some of those places, but I do not have anything that I can report. I do not have anything on it, I am sorry.

Mr. President, just one word further. This is what I lay before the Senate. This is the best I can do with it. I shall support the language of the Senator as he has presented it in his amendment, and as it is now written, for the reasons I have stated. I do not think that I can support any direct language here, though, because it raises so many points—I mean, in the form of an amendment. I cannot support that, because it involves, really, so many complicated points that I would want the counsel, frankly, of others who have even more responsibility. I would want to know what the President of the United States thinks about it, for one thing. I am not putting him on the spot, of course. But this thing is so sensitive and so serious over there. I would like for us to be out of there entirely. I know that is the Senator's hope, too. His purposes are the highest, but on a bill like this, with limited debate and consideration, I could not support the amendment.

Mr. COOPER. The Senator is speaking to the amendment which we——

Mr. STENNIS. Yes. I support the amendment as presented by the Senator in its present form. This other language, though, does raise constitutional questions, as the Senator says. The one he had last Friday.

Mr. COOPER. Then I must ask a few questions of the Senator. I do not understand his position. It is probably my fault. I am sure that it is. Does the Senator say he is willing to support the language which I placed in the RECORD; is that correct?

Mr. STENNIS. No. I said that if that language put in last Friday and also the positive declaration here that the President is not to authorize any activity there except by a declaration of war by Congress, I think those will just have to be debated more and considered more before I would vote for them. I am sure that I will wind up voting for one of them, perhaps.

Mr. COOPER. I did not say declaration of war——

Mr. STENNIS. I said that.

Mr. COOPER. I know.

Mr. STENNIS. I said that.

Mr. COOPER. It could be done in other ways but I want to go back to the amendment which I have introduced and ask the Senator, what is his trouble with it? Is it because the amendment is written to apply to all other acts or is it——

Mr. STENNIS. I am talking about the amendment now before the Senate.

Mr. COOPER. Yes.

Mr. STENNIS. I am agreeing to that amendment and I will vote for it; but it is my duty to point out what I thought the limitations were on the meaning. I will vote for it. I will ask other members to vote for it.

Several Senators addressed the Chair.

Mr. COOPER. Just one moment. The Senator stated that in his view it would not accomplish its purpose and that I should state what its purpose is? It is to prevent our Armed Forces from getting into a war in Laos and Thailand. Why does it not accomplish that purpose?

Mr. STENNIS. The language does not go far enough. It does not prohibit the use of funds there—appropriated money—to our Army or our other Armed Forces in those countries. To cut it off, we have to be more specific.

Mr. COOPER. The Senator understands, does he not, that this amendment does not in any way interfere with the use to which our Armed Forces may be put in these countries, other than combat, in support of Laos and Thailand. The Senator does not say that this amendment is trying to limit——

Mr. STENNIS. No. I do not think that it—I think the Senator wants it to do that and expects it to and believes that it will. But I do not agree with him. I do not think it has any effect in that field.

Mr. COOPER. In what field?

Mr. STENNIS. In the field of our troops and their activity there.

Mr. COOPER. The language of section 401 deals with funds authorized in this bill or any other acts to the Armed Forces of the United States; does it not?

Mr. STENNIS. Yes, with the ceiling on it of $2.5 billion.

Mr. COOPER. I will repeat. Section 401 provides for the authorization of funds to the U.S. Armed Forces, whether in this bill or any other bill.

Mr. STENNIS. No.

Mr. COOPER. If we cannot agree on that, I do not know what we can agree on. If we cannot agree to the language of the title itself, which spells out clearly that that is what it is for——

Mr. STENNIS. May I call the Senator's attention to the first line of that amendment, which says, "not to exceed $2.5 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States."

That refers to the huge appropriation bill which will come before the Senate in a few weeks, providing for $77 odd billion, and that is all appropriated for the use of the Armed Forces of the United States. This act would let some of it go for these purposes.

Mr. COOPER. But section 401 refers to all the funds that may be appropriated by this bill or other acts to the Armed Forces of the United States. It refers to that, does it not?

Mr. STENNIS. Yes; $2.5 billion worth of it.

Mr. COOPER. It refers to all acts.

Let me retrace what happened on the Fulbright amendment, with the assistance of the Senator from Mississippi and his consent, as a parallel to this situation. The Senator from Mississippi and the Senator from Arkansas (Mr. FULBRIGHT) agreed, and the Senate agreed, that only $2.5 billion under this or any other bill could be used for the purposes of clause 1 and clause 2.

Mr. STENNIS. That is correct.

Mr. COOPER. The Senator from Mississippi found it a very good vehicle to prohibit the funds under the use of this bill or any other bill, execpt the $2.5 billion, to those forces. Now, logically, I am following the Senator's precedent. That is, that with respect to local forces in Laos or Thailand, the funds authorized under this act or any other act—just as the Senator from Mississippi used—cannot be used for combat in support of Laos or Thailand.

What has mystified me is that the Senator from Mississippi has used this vehicle section 401—and I say it with respect—for the purposes for which he agreed. I go further and provide that, under this or any other act, any funds authorized to the U.S. Armed Forces cannot be used to put them in battle in Laos or Thailand in support of those forces.

It is absolutely logical. The Senator from Mississippi used the method. I say that with great deference. Now when I proposed to use it by amendment, the Senator from Mississippi says it is ineffective; it does not mean what it says. Yet he is willing to accept it. I say this with great respect.

I simply cannot see how the Senator from Mississippi used this method on August 12 and now says it cannot be used for the purpose I propose. I would like the Senator to tell me why he could use this method on August 12 and why he objects to it today when I offer an amendment?

Mr. STENNIS. Mr. President, I think the answer is simple. We were using it on August 12 to authorize the use of this money for the local forces in countries in Southeast Asia, but we limited the amount that could be used that way to $2.5 billion and it is limited further by saying it had to be for stated purposes. Then we set forth the purposes. So those are two limitations there.

I read a sentence that is a part of the history of this act, which was sent to us before the bill was written up.

> Title IV, Section 401. The section (meaning 401) is needed because otherwise there would be no authority to use funds appropriated to the Department of Defense to support other than U.S. forces.

This language is necessary in order to authorize the use of funds appropriated

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for the U.S. forces in support of those in Vietnam and Laos and Thailand.

That is why there has to be some language here. This is spelled out more or less in what I call military language. It could have been written in a different form, but it has a clear and distinct meaning and history. However, the Senator from Kentucky believes that his language is broad enough to cover his purposes, so he can vote for it. I do not believe it is broad enough, so I am going to vote for it.

As I said, if it can be pointed out where either one of us is clear or wrong, I shall be glad to hear it.

Mr. President, that is all the service I can render to the Senate at this time. In its present form, I support the amendment for the purposes stated.

Mr. COOPER. Mr. President, I have stated what my purpose is. I believe the language of the amendment shows clearly that it intends that purpose; but I can see that the Senator from Mississippi disagrees with me. The Department of Defense is more likely to follow his views than mine. I see on the floor Senator COOK, Senator CRANSTON, and Senator JAVITS, who are cosponsors of the amendment. What I say and what they say is the proper source of interpretation that can be provided to the amendment. The Senator can question our interpretation, but we can speak with the purpose and legislative intent of our amendment. Of course, it could be only academic, because if we get into a war, it would not make much difference and would do very little to help.

I stand on the amendment. I will ask for a rollcall vote. I want it clearly understood that I consider its purpose is to prohibit, to prevent, the use of any funds appropriated by the Congress of the United States to the Armed Forces of the United States, for sending our Armed Forces into war, armed conflict, combat—whatever it may be called—in Laos and Thailand. That is my intent, and I stand on it, and I know my cosponsors will support me.

A few minutes ago the Senator from California said he did not understand why I did not know we were fighting in Laos and Thailand. I know only rumor. I do not recall that anyone from the State Department or the Defense Department came before the Foreign Relations Committee, or any other committee I have been associated with, and said, "We are engaging in combat in Laos against the Pathet Lao," or, "We are engaging in Thailand against the insurgents."

To make my point, if we are engaged in war and combat in those two countries, the Executive has the duty to tell Congress and tell the American people. If we are not now engaged in war, or have not proceeded to the point where it would be difficult to disengage ourselves, then I say again, it is my belief, at least, that no President of the United States has the constitutional authority to put us into war there without the authority of Congress.

The President has great constitutional powers. If our troops are attacked, he has the right to defend them. If our facilities are attacked, he has a right to defend them. But unless an emergency situation arises, we have no right to be engaged in war without the consent of Congress.

I have tried to draw upon the experience of the war in Vietnam, one which has caused this country great anguish, and has caused Members of this body anguish. Many have lost loved ones in the war; but the fact that any in the Senate have lost loved ones is of no greater importance to them than any other individual in this country may experience in the loss of ones he held dear.

If Congress never intends to do anything about these situations, why make all this protest after the fact? Why all the speeches about it? Why all the hopes expressed that we want to get out of Vietnam; and yet, when we have a chance, if there is danger of another war, to prevent it, we do not stand together on it?

I thank the Senator. I am willing to yield back the remainder of my time.

Mr. MILLER. Mr. President——

Mr. STENNIS. Mr. President, I believe I have the floor.

For the reasons I have already stated, and for those that have been expressed, that this language offered by the Senator from Kentucky clearly, in my mind, does not go to the issue that he argues about, support for U.S. troops in Thailand or Laos. I do not believe it would have any effect, but I am willing to take the amendment to conference and seek such additional light as may come from any other source in considering it there.

Mr. President, in conclusion, I ask unanimous consent to have printed in the RECORD a short statement comprising the legislative history of title IV. I yield the floor.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LEGISLATIVE HISTORY OF TITLE IV—SUPPORT OF FREE WORLD FORCES IN VIETNAM

Section 401—This section authorizes separate and later appropriations action that would make Department of Defense appropriations available for the support of South Vietnamese and Other Free World Forces in Vietnam, including local forces in Laos and and Thailand, and for related costs. This authorization permits such appropriation action whether the funds are authorized for appropriation under this or any other act. For instance, it authorizes the Procurement and RDT&E funds authorized under this act to be made available for these purposes and it also authorizes the military personnel and operation and maintenance type funds (the appropriation of which is authorized under other permanent law) to be made available for these purposes.

This authorization is not new. Similar language has been carried each year in the authorizations and appropriations acts for the Department of Defense beginning in fiscal year 1966. The section is needed because otherwise there would be no authority to use funds appropriated to the Department of Defense to support other than U.S. forces. This limited merger of funding of support of allied forces in a combat area with that of United States forces engaged in the same area is similar to the practice followed during the Korean War.

There is an additional provision of permanent law related to this section which requires the Secretary of Defense to report to the Congress the value of support furnished under these authorities at the end of each quarter.

RELATED COSTS

Within the following policy is identified the types of costs that are contemplated to be charged to military functions appropriations under the provisions of this section including "related costs".

1. *Basic Policy*. Each proposed agreement will be approved by the Secretary or the Deputy Secretary of Defense, and costs can be charged to military functions appropriations only when (a) they are provided for in such an agreement, and (b) they meet the criteria described in paragraphs 2 and 3 below.

2. *Costs in Vietnam*. All costs incurred in Vietnam for the support of Vietnamese and other Free World Forces, except regular pay and allowances, may be charged to military functions appropriations. These costs are the same types as those incurred in Vietnam for the support of U.S. Forces and, in addition, may include reasonable allowances for hazardous duty pay or other entitlements that are incurred for personnel in Vietnam but that would not be incurred if the personnel were not in Vietnam.

3. *Related Costs*. "Related" costs are those costs directly related to Free World Forces deployed or to be deployed to Vietnam, but incurred wholly or substantially outside of Vietnam. These costs would be charged to military functions appropriations.

Examples of related costs

a. Specialized training to prepare for operations in Vietnam, e.g., jungle training.

b. Specialized individual and organizational clothing and/or equipment required for operations in Vietnam but not normally provided for in allowances authorized in home country, and which would be deployed with the units to Vietnam or provided in Vietnam.

c. Standard individual and organizational clothing and/or equipment required to fill shortages to authorize allowances, which equipment would be deployed with the units or furnished after arrival in Vietnam.

d. Equipment and supplies and out-of-home country costs (training) for establishment or improvement of LCC's directly related to the support of forces deployed, but excluding improvement or expansion of facilities (operational, maintenance, supply, or training) within the home country.

e. Preparation for shipment, and transportation of supplies, materials and equipment of the forces to be deployed, including resupply that is provided only from the home country.

f. Transportation of forces deployed to Vietnam, and transportation of replacement, rotation or evacuation of such forces.

g. Overseas duty allowances, death gratuities, and wounded-in-action benefits according to the practices of the country involved.

h. Hospitalization and other medical treatment of Vietnam casualties in U.S. military facilities outside Vietnam except that in home country present arrangements for treatment of non-U.S. patients in U.S. medical facilities would remain in effect with the respect to costs chargeable to MAP funds.

i. When the forces return to the home country, costs of replacing lost equipment and supplies so that the forces are as well equipped as, but no better equipped than, when they arrived in Vietnam.

j. Reconstitution of the forces deployed in Vietnam.

k. Increase in readiness levels of forces remaining in the home country through added equipping levels, strength or equipment modernization.

GENERAL PROVISIONS

"SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, during the fiscal year 1970 on such terms and conditions as the Secretary of Defense may determine."

LEGISLATIVE HISTORY

A. Authorization

1. Fiscal Years 1966–1967

This authorization was included as section 401 of Public Law 89–367, 89th Congress, March 15, 1966, at the request of the Department of Defense.

Senate Report No. 992 dated February 10, 1966, pp. 11–12.

House Report No. 1293 dated February 18, 1966, pp. 2 and 4.

Senate Hearings before Senate Armed Services and Appropriations Committees on S. 2791 and S. 2792, January and February 1966, pp. 7, 35, 44–45.

House Hearings before House Armed Services Committee H.R. 12334 and H.R. 12335, pp. 4875, 5241.

2. Fiscal Year 1968

Section 301 of Public Law 90–22, 90th Congress, June 5, 1967.

Senate Report No. 76, March 20, 1967, pp. 24–25.

House Report No. 221, May 2, 1967, pp. 37–38.

3. Fiscal Year 1969

Section 401 of Public Law 90–500, 90th Congress, September 20, 1968.

Senate Report No. 1087, April 10, 1968, pp. 23–24.

House Report 1645, July 5, 1968, pp. 21–22.

B. Appropriations

1. Fiscal Year 1966

This language was included as section 102 of Public Law 89–374, 89th Congress, March 25, 1966 as requested by budget amendment included in House Document No. 362 submitted by the President January 19, 1966.

House Report No. 1316, March 11, 1966, p. 14.

Senate Report 1074, March 17, 1966, pp. 26–27.

Hearings—Supplemental Defense Appropriations for 1966 on H.R. 13546, pp. 10, 27, 50, 119–121, and 150.

2. Fiscal Year 1967

Section 640(a) of Public Law 89–687, 89th Congress, October 15, 1966.

House Report No. 1652, June 24, 1966, p. 32.

Senate Report No. 1458, August 12, 1966, p. 55.

3. Fiscal Year 1968

Section 639(a) of Public Law 90–96, 90th Congress, September 29, 1967.

House Report No. 349, June 9, 1967, p. 60.

4. Fiscal Year 1969

Section 537(a) of Public Law 90–580, 90th Congress, October 17, 1968.

House Report No. 1735, July 18, 1968, p. 60.

Mr. MILLER. Mr. President, I send to the desk an amendment to the pending amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Iowa (Mr. MILLER) proposes an amendment to Cooper Amendment No. 165 as follows:

> On page 2, line 2, after the word "limited," insert the following: "except where protection of United States personnel is directly concerned,".

Mr. MILLER. Mr. President, I have discussed this amendment with the primary author of the amendment, Mr. COOPER. I wish to emphasize again that I think he speaks for most of us, if not all of us in the Senate, in stating the objective. I certainly share it, and I believe the Senator from Mississippi shares it. Our problem is whether or not the language would achieve the objective.

I recognize the desirability of having this matter considered in conference, with many conferees looking at it. The only thing that concerns me as of now is that we do not face up to the problem that could arise from the standpoint of providing security for our bases in Thailand. It is a real problem, and the security, as I understand it, is to be provided by local forces.

My amendment would cover that situation. I think if we are dealing with something like this, that is as sensitive as this is, it must be related to what is the reality over there, not what it was 10 years ago or what it may be 10 years from now, but what it is today.

I think we would not want the Senate to go on record in such a fashion as to cause members of our Armed Forces serving in Thailand to think that we have forgotten about them.

I suggest to the Senator from Kentucky that this language squares exactly with what his policy is, as developed during our colloquy. I believe it squares with the position of the Senator from Mississippi as well; and it may help get this problem resolved to the satisfaction of both Houses.

Mr. COOPER. Mr. President, I am perfectly willing, if the Senator wishes, for him to offer it himself and have it voted on. I am willing to make it a part of my amendment, but I think he should offer it. I shall support his amendment.

Mr. MILLER. We could have a separate vote on it, or, the Senator from Mississippi maybe is agreeable. Is the Senator from Mississippi agreeable to the amendment?

Mr. STENNIS. What is the position of the Senator from Kentucky?

Mr. COOPER. I said it was all right. The Senator from Iowa has inserted, on the second page, I believe, after the word "limited," the words "except"——

Mr. MILLER. Let me read the language for the Senator from Mississippi; perhaps he did not hear the clerk read it.

On page 2 of the Cooper amendment, after the word "limited," would be placed the following language:

> ", except where protection of the United States personnel is directly concerned,"

That covers the situation at the Thai bases that the Senator from Mississippi heard discussed between the Senator from Kentucky (Mr. COOPER) and myself.

Mr. STENNIS. Has the Senator from Kentucky accepted it?

Mr. COOPER. I will accept it——

Mr. STENNIS. I see no objection.

Mr. MILLER. Mr. President, I move the adoption of the amendment.

Mr. MANSFIELD. Is it an amendment or part of the original amendment?

The PRESIDING OFFICER. This is an amendment to the amendment.

Mr. MANSFIELD. Accepted by the author of the amendment?

The PRESIDING OFFICER. That is right.

Mr. MANSFIELD. Does the Senator from Kentucky wish to modify his amendment to that effect?

Mr. COOPER. It is his amendment. I think he wants a voice vote on it.

Mr. HOLLAND. Mr. President, a point of order. I understood the distinguished Senator from Kentucky had accepted this amendment.

Mr. COOPER. I said I would support it. I do not know whether I said I would accept it.

The PRESIDING OFFICER. The Chair will state that unless the Senator from Kentucky has modified his own amendment, the Senate must take action upon the amendment to the amendment offered by the Senator from Iowa.

Mr. MILLER. May we have the question, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment of the Senator from Kentucky offered by the Senator from Iowa.

The amendment to the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Will the Chair state the question?

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Kentucky, as amended by the amendment of the Senator from Iowa.

Mr. DOMINICK. Mr. President, I just want to make sure that I understand what is going on here, and I am not sure that I do, even as a member of the committee, after having been here and listened to this colloquy.

What we are doing, as I gather, is amending the general provisions on page 5 of the bill.

What page 5 does is authorize funds which have been appropriated for the use of the support of American troops, to be able to put those in one fiscal system, so we can support local troops.

I am frank to say I cannot see any difference between the wording in the bill as it is now constituted and the wording of the bill as it would be if the amendment of the Senator from Kentucky were agreed to. What I am trying to find out is, what is the difference?

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. DOMINICK. I am happy to yield.

Mr. STENNIS. If the Senator is asking me, I do not think there is any difference.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. DOMINICK. I might say also that we have the additional factor that there is a limitation of $2.5 billion, which does not show up in the wording of the bill, but which is apparently part of the act under Public Law 89–37.

So what we are saying is that we are renumbering the paragraphs numbered 1, 2, and 3, and saying that our own

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troops in Laos and Thailand can protect themselves against that, and that the other funds in the measure are going to be used for supplies, facilities, and training, all of which, I thought, came within the wording of the stated purposes of support of local forces.

So, with all due respect, I wonder why we have to have a rollcall vote on it.

Mr. COOPER. Mr. President, the Senator and I differ on the interpretation, and I stand by my own views, purposes, and interpretation. I think my amendment would apply not only to this act, but to other acts that may involve money for such purposes.

The Senator from Mississippi says he is ready to vote and that he will vote for the amendment. I welcome his support.

Mr. DOMINICK. Mr. President, I am also ready to vote.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MANSFIELD. Mr. President, there is one thing that the Senator from Kentucky does not do, and that is to speak with a forked tongue.

I think the intent of the amendment is very well known and very clear to the membership of the Senate. The main purpose of the amendment is to see that we do not back into another Vietnam by way of Laos or Thailand.

Mr. STENNIS. That purpose is unchallenged all the way throughout the debate.

Mr. COOPER. Mr. President, I do not want to delay the vote. However, with reference to the long debate had on another amendment which the Senator from Michigan (Mr. HART) and I, along with other Senators, sponsored and also with reference to the debate on the amendment today, and in all respects, I pay my tribute to the Senator from Mississippi. He does not need my tribute. He has been fair and just. As always, I am grateful for having worked with him.

Mr. MANSFIELD. Mr. President, I join the Senator from Kentucky in what he has to say about the Senator from Mississippi who has had a grueling job in connection with the pending bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also announce that the Senator Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. GOODELL) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent on official business.

The Senator from Vermont (Mr. PROUTY) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. PERCY), the Senator from New York (Mr. GOODELL) and the Senator from Vermont (Mr. PROUTY) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 90 Leg.]

YEAS—86

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Mansfield
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—13

Fulbright
Goldwater
Goodell
Hart
Long
Magnuson
Mathias
McGee
Murphy
Percy
Prouty
Randolph
Yarborough

So Mr. COOPER's amendment (No. 165), as amended, was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOPER. Mr. President, I ask unanimous consent that the names of the Senator from Kansas (Mr. PEARSON), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Maryland (Mr. MATHIAS) be shown as cosponsors of the amendment, as modified, just voted upon by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 499) for the relief of Ludger J. Cossette, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S.J. Res. 26) to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for the purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mrs. GREEN of Oregon, Mr. BRADEMAS, Mr. CAREY, Mr. HATHAWAY, Mr. BURTON of California, Mr. THOMPSON of New Jersey, Mr. SCHEUER, Mr. STOKES, Mr. CLAY, Mr. AYRES, Mr. QUIE, Mr. REID of New York, Mr. ERLENBORN, Mr. ESCH, Mr. DELLENBACK, Mr. SCHERLE, and Mr. STEIGER of Wisconsin were appointed managers on the part of the House at the conference.

COMMITTEE ASSIGNMENTS

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 256.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

Resolved, That the Senator from Oklahoma (Mr. Bellmon) is hereby excused from further service on the Committee on Labor and Public Welfare; that the Senator from Kentucky (Mr. Cook) is hereby excused from further service on the Committee on Agriculture and Forestry; that the Senator from Wyoming (Mr. Hansen) is hereby excused from further service on the Committee on Commerce; that the Senator from Michigan (Mr. Griffin) is hereby excused from further service on the Committee on Government Operations and the Senator from Maryland (Mr. Mathias) is hereby excused from further service on the Committee on Aeronautical and Space Sciences; and be it further

Resolved, That the Senator from Oklahoma (Mr. Bellmon) be and he is hereby assigned to service on the Committee on Agriculture and Forestry; that the Senator from Kentucky (Mr. Cook) be and he is hereby assigned to service on the Committee on Commerce; that the Senator from Wyoming (Mr. Hansen) be and he is hereby assigned to service on the Committee on Finance; that the Senator from Michigan (Mr. Griffin) be and he is hereby assigned to service on the Committee on Judiciary, and that the Senator from Maryland (Mr. Mathias) be and he is hereby assigned to service on the Committee on Government Operations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 256) was considered and agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 163

Mr. PROXMIRE. Mr. President, I call up my amendment No. 163 and send a modification of it to the desk. The modification provides that on page 2, line 1 of the amendment, after the word "contracts" the following language be inserted: "on which there is no formally advertised competitive bidding."

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The bill clerk proceeded to read the amendment as modified.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment, as modified, will be printed in the RECORD.

The amendment (No. 163), as modified, is as follows:

AMENDMENT 163

SEC. 402. (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970. The Comptroller General is further authorized, upon request of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives, to conduct a study and review regarding the amount of profit which has been or may be realized under any contract referred to in the first sentence of this subsection. The Comptroller General shall submit to the committee which requested such study and review a written report of the results of such study and review as soon as practicable.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to makes copies of any books, accounts, or other records of any such contractor or subcontractor.

(d) The Comptroller General, or any officer or employee designated by him for such purpose, may sign and issue subpenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(e) In case of disobedience to a subpena, the Comptroller General or his designee may invoke the aid of any district court of the United States in requiring the production of books, accounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor is found or resides or in which the contractor or subcontractor transacts business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor or subcontractor to produce books, accounts, and other records; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to costs, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committe on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor.

Mr. PROXMIRE. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

FEATURES

Mr. PROXMIRE. Mr. President, my amendment to the bill would authorize and direct the Comptroller General to make a study of the profits made by contractors on Army, Navy, Air Force, and Coast Guard contracts and on those NASA and AEC contracts entered into to meet requirements of the Department of Defense.

The amendment authorizes and directs a single study to be submitted to Congress as soon as practicable, but no later than December 31, 1970. Additional or future studies could be made at the direction of either the House or Senate Armed Services Committee.

SELECTIVE STUDY

It does not call for a continuing and comprehensive study. There would be no need to review in detail the profits of thousands of contractors. Instead it calls for one study on a selective basis. The purpose is to determine what defense profits are. This should be determined both as a return on investment as well as a percentage of costs.

It gives the Comptroller General the authority he needs to make such a study, including the right to examine the books and records of such companies as necessary to make a selective study. However, the amendment prohibits the Comptroller General from disclosing or making public information either about a company's commercial profits or commercial business.

We give the Comptroller General the right to look at the information he needs to look at for the purpose of determining defense profits. But he is prohibited from making public information about the private profits or commercial aspects of the company's business. Only financial information about a company's defense work and defense profit can be made public.

Such a study is precisely the kind of work the General Accounting Office is equipped to do. The GAO can make this study. They are equipped to make this study.

The proposal for a profitability study arises from a unanimous recommendation of the report of the Subcommittee on Economy in Government of the Joint Economic Committee last May. Both Democrats and Republicans, House and Senate Members recommended unanimously that the GAO make a comprehensive study of profitability in defense contracting.

The amendment I have drafted, however, directs the GAO to make only a single study. Additional studies on profitability would be made only when one of the Armed Services Committees requested them. I envision that the committees may well wish to request updating from time to time. This amendment gives the GAO the authority needed to make such studies now and if requested in the future.

COMPTROLLER GENERAL SUPPORTS AMENDMENT

I have a letter from the Comptroller General stating that he believes a study is desirable. He states that he is willing to undertake it. He wrote me that he can make the initial study called for in my amendment with his present staff capability.

Let me read the letter I have from the Comptroller General supporting this amendment and a study of defense contract profits:

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C., September 15, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: Reference is made to your amendment to the Military Procurement Authorization Bill which would direct the Comptroller General to make a present study and review of profits made by defense

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> contractors and subcontractors and to make future studies of defense profits when directed to do so by either the Senate or House Committees on Armed Services.
>
> As we have previously testified before your Subcommittee on Economy in Government, we think a study of profits of defense contractors and subcontractors is desirable. We are willing to undertake this task in the event Congress should adopt your amendment, and we believe we can make at least the initial study within our present staff capability.
>
> Sincerely yours,
>
> ELMER B. STAATS,
>
> *Comptroller General of the United States.*

The precise language of the recommendation made by the subcommittee in May is as follows:

> The GAO should conduct a comprehensive study of profitability in defense contracting. The study should include historical trends of "going-in" and actual profits considered both as a percentage of costs and as a return on investment. Profitability should be determined by type of contract, category of procurement, and size of contractor. Information for the study should be collected pursuant to the statutory authority already vested in the GAO. The GAO should also devise a method to periodically update and report the results of its profits study to Congress.

The members of the subcommittee are most distinguished and knowledgeable group. Members taking part in this report include Senator JOHN SPARKMAN, Senator LEN B. JORDAN, and Senator CHARLES PERCY.

On the House side the membership at the time of the report included Congressman WRIGHT PATMAN, Congresswoman MARTHA GRIFFITHS, Congressman WILLIAM S. MOORHEAD, and the then Congressman Donald Rumsfeld.

As I said, this recommendation was made unanimously. It is precisely the kind of work the GAO is equipped to do. Let no one argue that the watchdog agency of the Congress of the United States is not equipped to determine the rate of return on costs and investment of defense contractors.

Mr. President, I may speak more briefly on this report a little later.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. STENNIS. I have a few questions which I should like to ask and then I hope that the Senator from Connecticut (Mr. RIBICOFF) will make some remarks on this subject.

First, may I make just a limited statement preparing to go into these points.

This amendment, as I understand it, authorizes and directs, really, the GAO to make a study of certain contracts which the Department of Defense has had. I have asked the Senator, why would he not make this apply to all the Government; or was there some good reason not to?

Mr. PROXMIRE. The reason is, this is a defense procurement bill and I did not think it would be relevant, in this bill, to provide an amendment to make a study of the procurement practices of other agencies, although they are important.

The second point is that the Defense Department has a great deal more noncompetitive, negotiated contracts than any other agency. As I understand it, the GSA is the principal procurement agency for the rest of the Government. Something like 75 percent of their procurement is by formally advertised competitive bids. This does not mean that we should not require studies in this area, but this is where the principal interest lies and where the principal problem is.

Mr. STENNIS. That brought us to the negotiated contract. Does the Senator's amendment cover competitive bid contracts?

Mr. PROXMIRE. No; it does not. I specifically modified it so that they would be excluded.

Mr. STENNIS. So that the limitation is clear and written in that this is limited to contracts that were negotiated, and the Senator says the GAO will make the study. What does the Senator mean by "study"?

Mr. PROXMIRE. I mean by study, an investigation of defense contracts based on a selection of some of the 100,000 contracts. Obviously, if the GAO tried to make a comprehensive study, it would not have the manpower to do so, no matter how much personnel it had. But a sufficiently adequate sample is what we want, so that we can get some notion of what the defense profits are. There are many people who feel they are excessive and there are others who feel that they are not adequate. Some competent people, including former Secretary of Defense McNamara, have stated that they are not enough to get the kind of resources into defense production to give us the kind of defense production we really need.

I think whichever is the case, Congress can act much more wisely in procurement practices of the future if they know what defense profits are now.

Mr. STENNIS. Who would make the selection of the companies to be investigated?

Mr. PROXMIRE. It would be made by the GAO on the basis of trying to get a representative group and would, I presume, include certainly the four or five largest firms, at least—perhaps more—and have a sufficient sample of other defense contractors, so that it would be representative.

Mr. STENNIS. They would not have to show cause or have reason to believe there was any wrongdoing or excessive profits. The plan would be to take a cross section, in a way——

Mr. PROXMIRE. Exactly.

Mr. STENNIS (continuing). Of the contractors and make a full audit or just a study as to those problems.

Mr. PROXMIRE. In my view, it would be necessary to make a comprehensive audit of particular contractors investigated, to be sure it is accurate. It would not be sufficient, obviously, simply to ask them what their profits were. This study would be difficult. The GAO would have to separate commercial business from defense business for particular firms, so the report would be accurate. I would not pretend to say it would be easy. They say it would take them perhaps until December of 1970. It would be a substantial study. It would not include an unlimited number of defense contracts.

Mr. STENNIS. What time limit does the Senator put on the first report?

Mr. PROXMIRE. December 31, 1970. It must be in by then.

Mr. STENNIS. Did the Senator say the GAO could do this without any additional manpower?

Mr. PROXMIRE. Mr. Staats said—and I put his statement in the RECORD—that he could make the initial study by December 31, 1970, within his present staff capability—that is, without additional personnel.

Mr. STENNIS. What would be the situation, under the Senator's amendment, after that initial study?

Mr. PROXMIRE. Further studies could be made at the direction and request of the Armed Services Committee of the Senate or the Armed Services Committee of the House. They would be authorized to do so; but only those committees, under this legislation, would be authorized to make such a request or direction.

Mr. STENNIS. Would that be a study more or less across the board, like the first one?

Mr. PROXMIRE. That would be my presumption, but I would leave it to the Armed Services Committees to decide. If they decided it should be more or less comprehensive, it seems to me we should be satisfied with that requirement, but the intention of my amendment would be to require one somewhat along the same line.

Mr. STENNIS. The Senator would require making a finding as to general applicability? He would want a determination, for the information of the Government, of the profit level in these different types of industry?

Mr. PROXMIRE. There is great concern that the profits are excessive in some areas. Admiral Rickover, who is one of our great experts in this field, feels that this kind of study could be useful and that we have not had anything like an objective, comprehensive, and accurate study. He feels this kind of study would be right. I would think it would mean the Government would be able to get more for its money, and it would also end what some persons believe are unjustified, irresponsible criticisms of profiteering where there is none.

Mr. STENNIS. Mr. President, I note that the Senator from Connecticut (Mr. RIBICOFF) is on the floor. I have conferred with him about this matter. He has held hearings. He is chairman of a very important subcommittee. I hope the Senator will either seek recognition or that a Senator will yield to him so he may proceed to make a complete statement on this matter.

Mr. PROXMIRE. I am happy to yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, during the discussion that has taken place on this bill, Senator after Senator has requested the GAO to undertake studies in fields that, while within the competence of the GAO, it has not gone into in the past.

As a result of discussions and many conversations I have had on the floor with the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Wisconsin (Mr. PROXMIRE), and other distinguished Senators, it became very obvious that we were trying to place a burden on the shoulders of GAO as to what the responsibility of its personnel is. As a consequence, I have already started hearings concerning what the authority of the GAO is and what it should be.

The Comptroller General appeared before our committee and pointed out that there is much more that the GAO could do as an arm of the Congress, and should do. It will require a considerable additional amount of personnel and also the authority to contract with outside contractors to make many of these studies.

Naturally, when we consider that the Defense Department accounts for about half of all the appropriations, most of the problems would zero in on the Defense Department. The Defense Department has not testified before our committee concerning the problem. Mr. Staats has told us that he has had cooperation from the Defense Department, that his agency has never had any difficulty in getting information it desired, although in the field, there has sometimes been difficulty with the lower echelons of the Defense Department.

Questions have been raised by the Senator from Wisconsin concerning the element of profits. The question was asked by the Senator from Mississippi: Why the Defense Department? I do not suppose there is any other agency of the Government in a similar situation, with the possible exception of NASA. NASA similarly has contracts with outside contractors that are negotiated. The Atomic Energy Commission may have similar contracts, but they are basically under the cost-plus arrangement. Other agencies of the Government have contracts with the Government, but most of them as a result of competitive bidding.

As a consequence of what has transpired on the floor of the Senate with respect to the bill and of my discussion with the Comptroller General, I, as an individual Senator and as chairman of the subcommittee conducting the hearings, would certainly approve the acceptance and adoption of the Proxmire amendment.

Mr. PROXMIRE. I thank the distinguished Senator from Connecticut for his remarks. All of us recognize his remarkable experience, background, and competence. Certainly in this area he has developed a great expertise. His support of the amendment is especially welcome.

I was most desirous of drafting an amendment that would be workable and practical, one whose provisions could be followed by the GAO with its present staff and its competence, an amendment which would enable us to receive the kind of information about defense contracts that almost everyone has been asking for, that all of us should have, and that we have a responsibility to provide.

Mr. RIBICOFF. It should be recognized that what is proposed will not be a complete overview of every contract at present. There would be a singling out by the GAO of the typical cases, so that there would be an understanding by Congress and the country of just what the profits of defense contractors may be. Of course, if the study develops information, the information would be available to Congress and to the chairmen of the Committees on Armed Services, who then could delve further.

I think we have started something worthwhile, and there should develop from this set of hearings an authorization and an understanding of how the GAO can better serve Congress.

I would not want it to be understood that the Department of Defense is the only department that is being singled out. The authority of the GAO should extend to other departments, other problems, and other programs. The GAO should have authority to submit alternatives and to propose studies to evaluate many of the programs.

The Senate and the other body continue to pass bill after bill providing authorizations and involving huge sums of money, but then we tend to forget about the programs we initiate.

The Senator from Wisconsin has restricted the impact of his amendment to negotiated contracts. It is basically a one-shot overview with the right of the Armed Services Committee to ask for further extensions. I think it is proper. I do not think the GAO should have an open-hunting license to go into every contract concerning every bit of profit without some authorization from the committees that are involved.

When we go into the question of the type of legislation that is needed to make GAO more responsive to the Congress, I would like to go into the question of how extensive the authority of GAO should be. At the present time the GAO does not have sufficient powers to get information that it may find necessary. This power is necessary because there are some 40 agencies of the Government that have various subpena powers in their investigations. It would seem to me that the GAO should have subpena power.

The Senator from Wisconsin has proposed a subpena power that is restrictive and fair. He has hedged it so as to make sure it would not provide a fishing expedition, and it provides that any contractor who feels that the GAO is going beyond the authority of the act may make application before a court of proper jurisdiction for a hearing and for a restriction.

As a result of the proposal of this amendment, I have talked with the Comptroller General, Mr. Staats. He has told me he feels there is competence within the GAO to make this study. It can do it within the present personnel and its present appropriation, and it could be done expeditiously. He tells me having the study made would have a salutary effect.

Then we are shocked, 2 or 3 or 4 years later, to find that these programs do not work. I have felt for a considerable period of time that we should have an ongoing agency which is part of the legislative branch to evaluate not only the work of the executive branch, but the programs that we pass, to find out if they are actually working before we become involved in expenditures of not only hundreds of millions, but actually billions of dollars, and then, to our chagrin, find out years after the passage that our programs have not achieved their objectives.

I think the Senator from Mississippi is absolutely correct, and rightfully concerned that we not single out the Defense Department to be a whipping boy, because I think that would be absolutely wrong. But the studies we are making are part of the responsibility of the Senate in utilization of the GAO to the fullest extent of its capacity and responsibility, to be answerable to us, because they are our arm, and we have only the GAO as against the executive branch, which has such a large staff to do the work which we find that we cannot do as individual Senators, even with our own and committee staffs.

Mr. STENNIS. Mr. President, will the Senator yield to me? I do not know which Senator has the floor.

Mr. PROXMIRE. I am happy to yield to the Senator from Mississippi. Mr. President, I yield the floor.

Mr. STENNIS. I wish to respond to the Senator from Connecticut.

I thank the Senator very much for the attention he has given to this matter and other matters concerning the GAO. I have thought for a good long time that perhaps we ought to extend somewhat the authority of the GAO. When I came here, as I recall, we had about a $50 billion budget. Now we are nearer $200 billion, and so many larger and larger negotiated contracts seem to be necessary.

As I understand the Senator from Connecticut, he is holding hearings now and bringing under review the present authority and responsibilities of the GAO, and also the broad question of whether or not those authorities and responsibilities should be increased; is that correct?

Mr. RIBICOFF. That is correct. To give an example, I note that the Senator from West Virginia (Mr. BYRD) is here. He made some very significant studies, as chairman of a subcommittee of the Appropriations Committee, as to the welfare situation in the District of Columbia. If my memory serves me right, he relied heavily on the GAO to make those studies for the Senate, when it became obvious that the Senator's own personal staff or the committee staff could not possibly make the studies.

There has been a request by the administration for a new welfare program. The question of poverty, and whether manpower is working, are increasingly important.

I have presently under review the whole scope of the health programs of our Nation. Some $18.3 billion is being spent by the Federal Government in the health field; yet we have no overall Federal policy on health. We have some 23 agencies in the health field. Tomorrow I shall make a speech on the floor of the Senate to indicate abuses in the health field, and I shall ask the GAO to review the entire field.

I believe, with proper use of the GAO, we as Congress can save hundreds of millions of dollars in expenditures that are being wasted because of overlapping, lack of concentration, and inefficiency, because our personal and committee staffs cannot go into those fields.

I give great credit to the Senator from Mississippi and other Senators who have started this discussion, because it alerted

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me and the Senator from Arkansas (Mr. McClellan) to the necessity to update the GAO.

When the GAO was started, as the Senator has said, we had a $50 billion budget. Now our budget is close to $200 billion. Our programs keep multiplying beyond our capacity to keep pace with them.

I believe the Senate has the absolute obligation and responsibility to overview the programs we pass. The GAO is the agency—because it is our agency, responsible to us—concerning which we must make sure that they have the staff and the authority, and also make sure the legislation we enact gives them the authority they need.

The GAO should be brought up to date. I hope that after these hearings I shall have a recommendation for the Senate to make the GAO much more meaningful, not only in the defense field, but in all fields upon which we are required to act.

Mr. STENNIS. And does the Senator mean by the word "recommendation" that he would hope to put together a bill?

Mr. RIBICOFF. That is correct.

Mr. STENNIS. That would find its way here for consideration and possible enactment, in this very field?

Mr. RIBICOFF. I would say that as soon as our hearings are over, I would address myself and the committee immediately to trying to bring forth a bill that we could act upon very shortly.

Mr. STENNIS. I would want the further assistance of the Senator in passing on this amendment. That is no indication of lack of confidence in the Senator from Wisconsin, but the Senator from Connecticut has a staff that is prepared in this field.

I do not know how long this bill will be in conference, but it may be a rather rushed conference. I do not know what the attitude of the House of Representatives about it will be. You cannot bring back all the amendments you take to conference; so if this one does not pass, I would hope the matter would be pursued further by the Senator and his committee, and that they would give us the benefit of their counsel before that conference.

Mr. RIBICOFF. Along that line, I do not know if the Senator is aware of it, but the chairman of the Committee on Armed Services of the other body, after the adoption of the Schweiker amendment, made inquiry of the Comptroller General concerning the Schweiker amendment, and the reply that the Comptroller General sent back was against the applicability of the Schweiker amendment. He did not feel that he had the necessary authority or capacity at this time.

All those things will be taken into account, because I think the Senator senses that the Senate wants to make sure that the programs are correct, and that they are being run effectively and efficiently and at the least possible cost; and all the matters that have been under discussion here by other Senators, irrespective of what may happen in the conference, will be taken into account during the consideration and markup of any legislation we may propose concerning the GAO.

Mr. STENNIS. I thank the Senator. I think he has rendered a very fine service here in passing on these matters. I know he has to me, and I am sure he has to the Senator from Wisconsin, and to all of us.

I have great respect for the Senator from Connecticut, and for his judgment. On any matter that he sets himself to master, he does so.

Mr. RIBICOFF. I thank the Senator very much.

Mr. STENNIS. May I ask the Senator from Wisconsin, now—or I believe we can get at this better by way of question and answer—I have never opposed the GAO having subpena powers under reasonable rules and restrictions and safeguards for the individual citizen. I know the Senator has worked on this phase of the matter, and has modified his original amendment on this point. I wish the Senator would outline his amendment as it reads now, and give us his interpretation of it.

Mr. PROXMIRE. So far as the subpena power is concerned, Mr. President, let me say two things:

In the first place, before we modified the amendment, we made sure that this is a restricted subpena power. It is not a general subpena power, with which they can range far afield. It provides that the information the Comptroller General requests under the profitability amendment must be "necessary" and "appropriate"—these are the words in the amendment—to conduct the study and review called for.

His request for information must meet that test.

Consequently, the subpenas authorized to get information not voluntarily given must be for the production of books, accounts, records, and so forth, as may be "necessary" and "appropriate" to conduct the study and, as section (d) states, must be "material to the study and review."

This presents the subpena from being used for a fishing expedition or for information other than is needed and is material to the conduct of the study on profits.

For this reason the provision is narrowly drawn.

In addition, the amendment limits the disclosure of information so that no confidential information related to the nondefense business of the company may be disclosed.

Furthermore, the subpena power here is very much more limited in nature than that which the Internal Revenue Service has, for example.

Additionally, both the general counsel's office of the GAO—Mr. Keller—and the legislative counsel in the Senate—Mr. Evans—have told us that this provision follows in general form the provisions for subpena powers provided elsewhere. It is not possible to say that it is identical because each one differs.

But it is similar and, on the whole, it not only does not go beyond but is more restricted than many such provisions for subpena power—such as IRS.

Finally, the legislative counsel's office has drawn up an additional provision to give further protection to a contractor in case there is any serious questions about the Comptroller General's use of the authority.

That is a modification I included which provides that a contractor may go to court within 5 days to set aside the authority of the subpena to secure this information on a showing by the contractor that it is not related to a proper study or is not properly related to it. We, therefore, protect the right of the contractors.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. STENNIS. Mr. President, the practical effect of that section means that they cannot use one of these subpenas if he thinks there is not sufficient cause or if it is not well founded or if there is not at least a prima facie case. A man would have an immediate remedy by going before a judicial officer. Is that statement correct?

Mr. PROXMIRE. Five days after the service upon any person of any subpena issued under this subsection relating to any contract or subcontract, such person may file in the district court of the United States for the judicial district in which such person transacts or has transacted business relating to that contract or subcontract, and serve upon the Comptroller General, a petition for an order of such court modifying or setting aside that subpena or demand.

Mr. STENNIS. That brings into issue then the basis for this inquiry or audit or investigation or whatever we may call it.

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. And if there is not sufficient cause, the subpena power in that event is terminated.

Mr. PROXMIRE. The Senator is correct. I believe I would be on better ground, because it is quite brief, if I were to read what happens at that point.

The contractor goes to court and serves upon the Comptroller General a petition for an order of such court modifying or setting aside that subpena or demand. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any constitutional or other legal right or privilege of such person. Such court shall have jurisdiction to hear and determine any matter presented by such petition and to enter thereon such order or orders as it shall determine to be just and proper.

As I understand it, this is an unusual provision. However, I think it is proper to provide it because we are interested in a very limited and distinct sector of inquiry here. I think we should provide all safeguards possible.

Mr. STENNIS. Mr. President, I am glad the Senator added that provision. That means that if a contractor desires, he can get a judicial determination before they can ever see his books.

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. There is at least some cause or some reason for them to see books.

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. Mr. President, that is the point I made with reference to the Schweiker amendment. There must be general grounds for this authority or no cause would be shown.

What is the recommendation of the Senator with reference to the matter of manpower?

It is inconceivable to me that they would be able to make very much of a survey of any appreciable number of contracts without having to have some extra manpower.

What was the testimony on that point?

Mr. PROXMIRE. The GAO said they could make this inquiry provided they had until the close of next year—that is 15½ months' time—in order to make the inquiry, that they had personnel available to make it on a selective basis. It would not, of course, include all contractors, but they did have the personnel among the 2,000 or so professional people in the GAO to make this kind of inquiry and that they would not have to hire additional personnel to do it.

Mr. STENNIS. I think that in the beginning at least the GAO should have additional discretion to make these selections, because they are supposed to get a kind of a cross section, as I understand it.

Mr. PROXMIRE. The Senator is exactly correct. If they do not have this discretion, it means that they will be prohibited from getting a proper sample. It will be worthless if it is a distorted sample. They must be given the opportunity to make this kind of sample.

Mr. STENNIS. After they have made the first survey, the authority is limited thereafter, except that the survey may be requested by the Armed Services Committee of the Senate or the House.

Mr. PROXMIRE. The Senator from Mississippi is correct.

Mr. STENNIS. And on the point of the Armed Services Committee specifying what companies to examine or not to examine, I do not think that is an authority that we particularly need or want.

If we were to say that Company X should be examined, but not Company Y, it would lead to complications. I should think there ought to be some professional discretion. However, the Armed Services Committee ought not to be precluded or prohibited from calling for any specific information that it desires.

Mr. PROXMIRE. I agree wholeheartedly with the Senator from Mississippi. I think the Senator has framed that statement properly. It should be within the discretion of the Armed Services Committee to act after Congress has acted in this first study. They could act by having a followup study to bring it up to date in the event that in 1973, 1974, or 1975 they believe too much time had passed by and they wanted another study to see how the defense profit situation is.

Mr. STENNIS. Mr. President, a great deal more light would be shed on the subject by that time than has been shed on the subject at this time.

Mr. PROXMIRE. Mr. President, let me simply add two points here. I point out that objections to this kind of approach in the past have been on the basis that there have been studies.

The Defense Department says they had a study. The Logistics Management Institute made a study. They are composed of defense contractors and Defense Department personnel. However, the feeling on the part of many is that the study was not adequate.

Admiral Rickover in testifying before the committee said that the information was on the basis of unaudited information that was volunteered and not subpenaed and not collected. For this reason the study did not show a fair selection of contractors to make a proper sample. The information was volunteered by defense contractors who elected to participate in the study.

The feeling of many was that those with low profits would reveal that information, and those with high profits would not volunteer the information.

Admiral Rickover testified that 42 percent of the contractors provided no data when asked whether they would provide data. The profit figures were without audit. I think that ought to be fully understood.

I think that one other argument should be met. That is the argument that the Renegotiation Board is set up to handle excessive profits and that the Renegotiation Board should be able to give us the picture on profits and whether they are excessive.

The Renegotiation Board is a small fraction of what it was during the Korean war. It consists of 200 employees now as compared to 700 at that time. They have been restricted. The Renegotiation Board's annual report specifically cautions against the use of the figures it publishes on defense profits for generalizations about the profitability of defense business as a whole. This is stated by the Board in its own report. In other words, we cannot use that data or come to any conclusion about the adequacy or inadequacy of the report.

SENATOR MAGNUSON PRAISES REPORT

The profitability study recommendation was only one of several made unanimously by the subcommittee. Others, such as an effort to get at overruns and the disclosure of the work done by former military and civilian Pentagon officials, are now embodied in amendments to this bill. Still others can be and are being carried out by the GAO and others without further legislation.

The report had a major impact, I believe, and the committee was especially pleased to learn that its work was valued by some of the most experienced Members of the Senate. I ask unanimous consent that a letter from Senator WARREN MAGNUSON to the Comptroller General commenting favorably on the report be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON COMMERCE,
Washington, D.C., June 10, 1969.

Hon. ELMER STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: I have just read what may well be one of the more important documents submitted to Congress this year: "The Economics of Military Procurement," a report of the Economy in Government Subcommittee of the Joint Economic Committee.

This report is significant because it is not an "attack" on the Pentagon. It does not concern itself with the strategic debate over force levels or particular weapon systems. Its sole concern is the elimination of waste in military procurement—waste that the report states may run to billions of dollars every year.

As a member of the Defense Subcommittee of the Senate Appropriations Committee, I have learned that present military procurement policies thwart rational Congressional contol over defense spending. The Subcommittee and Congess as a whole simply do not have access to the critical information—cost data, profit reports, source selection procedures, rates of progress in production, and so on—needed to make consistent and enlightened decisions about which programs are on schedule and which need investigation.

For years, we have accepted these limitations on our access to information because we believed that Defense Department procedures were geared to efficiency and least-cost procurement. Today, it is clear that that is frequently not the case. The current military procurement procedures, far from insuring the best buy for the taxpayer dollar actually result in the waste of several millions every year. Some of the largest and most respected, American business firms take advantage of contract loopholes, while we in Congress are kept ignorant of contract terms and cost data alike.

The report of the Economy in Government Subcommittee does more than catalogue the waste in military producement. It also makes positive, practical recommendations for promoting efficiency in procurement, returning civilian control over military spending to Congress, and consequently saving billions of needed dollars.

As you know, the report's recommendations are in several sections. But the most crucial changes the report recommends involve a dramatic new role for the General Accounting Office: Obtaining the relevant cost and production data on major defense contracts and presenting this information to Congress.

In this time of urgent national needs, certainly few tasks for the GAO can be more important than this move to eliminate waste and inefficiency in military procurement. I would like to hear from you what plans GAO has for implementing the Report's recommendations in this particular.

Sincerely yours,
WARREN G. MAGNUSON,
U.S. Senate.

GAO NEEDS AUTHORITY

Mr. PROXMIRE. There is, however, some question as to whether or not the GAO has the statutory authority to do the job. Because of these questions, this amendment is being submitted.

After the recommendation was made, the Comptroller General did express publicly to our committee his doubts as to the extent of their existing authority. As a result, this amendment was drafted. It has the support of the GAO. It is the language which they agree is necessary to carry out a unanimous recommendation of a committee of Congress.

I think that background information is important information for Members of the Senate.

Now let me turn to the more general arguments.

NO ONE KNOWS FACTS

The shocking fact about defense profits is that nobody in the Government has any precise and up-to-date knowledge of what they are. There never has been a comprehensive investigation of defense profits based on audited, certified, and

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verified data taken from the books and records of defense contractors themselves. All that is known today is based on incomplete and sometimes questionable sources of information.

The amendment that I have offered would authorize the Comptroller General of the United States to conduct a study and review of defense or defense-related profits.

We should not kid ourselves about defense profits. If defense profits are not in excessive amounts now, while we are fighting an undeclared war and making large proportion of our defense expenditures under wartime conditions, it will be the first time in the history of this country that there has been no such problem. This country has always been burdened by the problem of excessive profits or by profiteering in such periods. There was profiteering during the American Revolution; it was a serious problem to a young nation trying to survive while getting out from under the yoke of colonialism. There was profiteering during the War of 1812. There was war profiteering during the World War I and during World War II. Some of the darkest chapters in our history were written in the congressional investigations that probed the war profiteering that was conducted during these periods.

TRUMAN COMMITTEE

Most of us still recall the investigations of the Truman Committee which disclosed abuses of defense contractors and profiteering during World War II. The work of that committee was instrumental in preventing worse abuses. Only a few years ago, the McClellan Committee looked into the pyramiding of profits in the aerospace industry. These hearings uncovered some of the most blatant and outrageous forms of profiteering.

That is one side of the picture.

SOME SAY PROFITS LOW

On the other hand, former Secretary McNamara has stated that defense production is not profitable enough to attract industry to enter into the competition and to make the huge investment often necessary to produce defense weapons.

This view is buttressed by a partial, limited, and subjective study done by the Logistics Management Institute. This study is considered grossly inadequate by many competent critics and is questioned by the General Accounting Office and others.

In a recent issue of Fortune magazine devoted to the military budget, the charge was also made that defense profits may not be adequate to secure the kind of capital investment in defense contracting necessary for the national security.

We have no way of knowing whether defense profits are excessive or inadequate. Until a study called for by this amendment is made, we will continue to be in the dark.

WHY NOT GET FACTS?

What possible arguments can there be against a study? We should get the facts, the truth, and the evidence. Either way, we need facts. Why not get them?

Unfortunately, no committee of Congress has conducted a study of these matters. Such a study is more than justified, in my opinion. I believe the findings of such a study would provide answers to the many questions that have been raised, particularly in light of the McClellan investigation and the enormous rise of defense spending and defense contracting that has occurred since that investigation.

At the present, time, there is an appalling absence of accurate, up-to-date information on the level of defense profits. Furthermore, the investigating arm of Congress, the General Accounting Office, says it is unable at the present time to make a useful study into the defense profitability question because of its lack of adequate authority and congressional guidance in this area.

IMPORTANT TO DO

In November 1968, the Subcommittee on Economy in Government began hearings on the economics of military procurement. Our first witness was Elmer B. Staats, Comptroller General of the United States on the subject of defense profits. Mr. Staats said the following:

> With respect to actual profits realized, we feel it is important that information on the trends as to profits realized by different industries on various types of contracts be available for study and for use in evaluating the effectiveness of the types of contracts used. In this connection, we know of no complete and comprehensive study that has ever been made on profits actually realized by defense contractors.

I think that last sentence is of crucial importance, because it points up the absolute necessity for the amendment that I have proposed; and I will therefore repeat the Comptroller's considered judgment:

> We know of no complete and comprehensive study that has ever been made on profits actually realized by contractors.

My amendment would arm the Comptroller General with the authority he needs to make a study and to make it possible for him to make further studies of defense profits when directed by the appropriate congressional committee.

I then asked the Comptroller General whether he was asserting that we just do not know what the realized profits of defense contractors are, and that no study has ever been made that would provide Congress and the public with that information. The Comptroller General replied that no such information exists.

INADEQUATE LMI STUDY

Specifically, Mr. Staats commented on a study that had recently been completed in this area. It was performed by the Logistics Management Institute, known as the LMI. This group is a federally sponsored defense research, nonprofit corporation. It does almost 100 percent of its work for the Department of Defense, on whom it depends for its existence. Without defense contracts LMI would go out of business.

The Comptroller General indicated that the LMI study was not a complete, comprehensive study of defense contracts. It was not the kind of limited study contemplated by his remarks, or this amendment.

LMI's study of defense profits, which was recently undated, is often cited by the Defense Department for the proposition that defense profits are falling and are relatively smaller than profits in the nondefense industries.

After reviewing the evidence presented to my subcommittee, I have a serious problem reconciling the result of the LMI study with the facts which have been produced from other sources. Adm. Hyman G. Rickover also has difficulty with the LMI study. He testified that the LMI study "was based on unverified and unaudited information volunteered by defense contractors who elected to participate in the study." The fact is that the LMI study was based not on audited and on an up-to-date examination of the books and records of the contractors but was conducted with questionnaires which were sent out to a number of contractors with requests for information. Admiral Rickover testified that 42 percent of the contractors who were approached provided no data.

LACK OF UNIFORM STANDARDS

Admiral Rickover added that the costs of the profits reported to LMI were not based on any uniform standards of accounting. This is a key point because without on-the-spot audits and without any requirements that the contractors comply with uniform cost accounting standards, how can the Congress or the public be assured that the information that it is getting through a Pentagon-subsidized agency like LMI is reliable, factual, and accurate? Here is what Admiral Rickover had to say to the Subcommittee on Economy in Government:

> It has been my experience that the data reported for contractors are generally quite different from the actual data found on government audit.

And he later added:

> In short, the approach used by the Logistics Management Institute does not appear to provide a sound basis for determining the profitability of defense contracts.

I do not mean to imply that all contractors intentionally supply misleading or wrong information to Government agencies, or to research centers supported by the Government. I do not attack the honesty and integrity of the Logistics Management Institute. But it is my judgment that the Congress cannot afford to come by information about the expenditure of public funds through secondhand or thirdhand sources.

The Congress has the clear responsibility for public expenditure policy. The amount of profits taken on defense contracts are a part of public expenditures in the area of defense. Congress needs to be able to obtain information about defense profits from an objective and independent source. In my view, the General Accounting Office is the agency upon which Congress ought to be receiving this kind of assistance because it is an agency of Congress.

RENEGOTIATION BOARD NOT AGENCY TO DO IT

It is sometimes asserted that the Renegotiation Board looks after defense profits and therefore the Congress does not have to worry about them. The Renegotiation Board is a fine agency, trying

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to do an effective job in this area. However, the Renegotiation Board is faced with certain limitations both in its size and in the appropriations made to it, as well as the scope and the nature of its authority.

First the Board suffers from an understaffed condition. It has approximately 200 total personnel scattered around the country to do the work within its jurisdiction. This number is substantially less than what the Board has had in the past. For example, during the Korean war period the Board then had over 700 employees.

Second, the Board looks at defense contracts of individual contractors on a fiscal year basis. This means that there is a considerable timelag between the awards and performance of defense contracts and their review by the Renegotiation Board. In addition, the Board looks at contractors the Government chooses for an entire year, and will make a determination of whether or not excessive profits have been taken on the basis of the average profits from all the contracts performed during that year. There is also a 5-year carryforward loss provision in the law which permits a company to carry any losses it may have suffered on a contract with the Government for as long as 5 years to offset high profits it might take on future contracts.

Third, the Renegotiation Board does not look at all defense contracts. It looks only at a certain range of contracts. Excluded are a whole variety of subjects and kinds of products which are purchased by the Government.

TOO MANY EXCEPTIONS

For example, among the mandatory exemptions provided in the acts are raw materials or agricultural commodities, contracts with common carriers, public utilities and tax-exempt organizations, and certain construction contracts. Contracts for the sale of new, durable productive materials are partially exempt from renegotiation as well as the sale of commercial articles or services under certain circumstances.

The Renegotiation Board has been the first to admit the limitations on its capabilities and especially its authority.

BOARD URGES CAUTION

The annual report of the Board specifically cautions against the use of the figures it publishes on defense profits for generalizations about the profitability of defense business as a whole or even the profitability of the renegotiable sales reviewed by the Board.

I have studied the activities of the Renegotiation Board and the results it has produced. I have the highest regard for the manner in which the Board has attempted to fulfill its original purposes. However, I must say that the Renegotiation Act does not prevent overpricing or excessive profits on defense contracts. The larger firms have a great advantage and can average out profits over the fiscal year and can carry forward their losses, if there are any, for five years. It is possible for a large contractor to overcharge the Government where competition is slight, and then overbid on another contract where there might be more competition. A firm's ability to average out their profits in these two types of situations becomes very important. A firm might make excessive profits in one division and low profits in another division and average them out.

SOME SAY PROFITS HIGH

In the hearings conducted last November the Subcommittee on Economy in Government heard testimony on profits from several other persons. For example, Murray L. Weidenbaum, who is now an Assistant Secretary of the Treasury, testified about a study he recently conducted comparing the profits of defense- and nondefense-oriented corporations. Weidenbaum's study showed that during the period of 1962 to 1965 the average profits of a sample of defense firms was 17.5 percent as a return on net investment. At the same time, the average profits of a sample of nondefense industrial firms during the same time period was 10.6 percent. Thus, the Weidenbaum study showed a much higher rate of profits measured as a return on investment for defense contractors than for nondefense companies. The two samples of companies, by the way, were of similar size.

Weidenbaum also pointed out that the trend toward conglomerate mergers within the aerospace industry and among the large defense contractors has had the effect of obscuring the real level of defense profits. This is because conglomerate corporations with many divisions do not actually report their profits division by division. A corporation reports its profits for the company as a whole. Thus, if a conglomerate has one or several divisions doing defense work, and has other divisions doing commercial work the profits it reports will be an average of all the divisions, and would be very difficult to learn what the defense profits of that firm really are.

RESERVATIONS ON LMI STUDY

I might add that Mr. Weidenbaum also has reservations about the LMI study based on the fact that LMI used information gathered from a sample that included many small and medium sized companies, many of whom do most of their work in commercial, industrial consumer markets. But Mr. Weidenbaum's sample consisted of the large specialized military contractors who do more than three-quarters of their work for the Government over extended periods of time.

Weidenbaum's conclusion was that the large defense contractors realize substantially higher profits than do the commercially oriented corporations of similar size. My amendment would give the General Accounting Office the authority and duty to find out the facts.

TESTIMONY THAT COSTS ARE EXCESSIVE

Some of the other testimony that we heard on the subject of profits included the testimony of Mr. Buesking, a retired Colonel from the U.S. Air Force, who up until August 1968 worked in the Pentagon in the procurement area. Colonel Buesking testified that in his opinion the costs of weapons programs was from 30 to 50 percent in excess of what they might be under conditions of competition and that there is no correlation between profits and performance. Further Colonel Buesking testified that profits based on return investments in the Minuteman missile program from 1958 to 1966 were 43 percent.

STUBBING'S STUDY CONFIRMS RESULT

Colonel Buesking's testimony on the lack of correlation between profits and performance has been amply supported by the study of Richard Stubbing, a defense profits analyst employed at the Bureau of the Budget. It may be recalled that this study first used in the November hearings before the Subcommittee on Economy in Government showed that of a sample of 13 Air Force and Navy aircraft and missile programs, initiated in 1955 at a total cost of $40 billion, less than 40 percent produce systems with acceptable electrical performance. Mr. Stubbing found that the more expensive and complex electrical systems resulted in lower systems performance. More important, for our discussion today, is Stubbing's finding that there is no correlation between contractor performance and contractor profits. That is to say that the contractors who had been found to give the worst performance on their defense contracts also earn the highest profits.

DEFENSE SAYS PROFITS NOT EXCESSIVE

The Department of Defense has conceded the point that contract profit rates have been increased in the past several years. This means that the Defense Department has been allowing higher rates of profits in their contracts. The Pentagon, however, also argues that the rate of profit they allow is not necessarily the same profit that is realized by the contractor. The Pentagon thus distinguishes between the contract rate, which they call the going-in profit, and the actual profit realized after the job is completed by the contractor, which they call the coming-out profit.

My point is that there is no way for the Pentagon or anyone else to know exactly what profits are realized by contractors because no one has done a study to see what contractors' books and records show about profits. The study my amendment calls for could determine this kind of fact.

Another extremely important point to keep in mind is the difference between the various ways of figuring profits. One way is to figure profits as a percent of sales. Thus, on a weapon that costs $1 million a 10-percent profit rate will amount to $100,000.

SHOULD JUDGE PROFITS ON INVESTMENT

Another way to figure profits is as a return on investment. The return on investment method for figuring profits takes into account the amount of capital which a contractor uses on any given contract. In private enterprise investors use their capital in order to make a profit, and the return that an investor is able to earn from his capital is generally acknowledged to be the best measure of real profit. It makes a vast difference on any given contract whether the contractor has invested a substantial amount of his own capital or a very small amount. Thus on a $1 million contract, where the contractor invests $500,000 for plant and equipment, a $100,000 profit would be

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equal to a 20-percent return on investment. If the contractor used only $200,000 worth of plant and equipment a $100,000 profit would be equal to a 50-percent return on investment.

MISLEADING EXAMPLE

We had an extreme example of how profit as a percentage of sales or costs can be very misleading. In one case the contract provided for an 8-percent profit, figured as a percentage of costs. But it was later found, after it was learned what the contractor had actually realized and what his capital investment was, that the real profit, figured on a return on investment, amounted to from 600 to 800 percent.

FORTUNE CITES LACK OF EVIDENCE

In the August 1, 1969, issue of Fortune magazine, Allan Demaree, on "Defense Profits: The Hidden Issues," had an article which makes some important points regarding the state of knowledge of defense profits. For example, Mr. Demaree wrote:

> Considering the long history of debate over war profiteering, it is surprising that little solid evidence has been compiled on how high defense profits really are. Finding out is a formidable task.

The article then points out one of the problems involved in determining profit rates for the vast majority of prime contractors of diversified businesses. It says:

> Since they lump their military and commercial operations together in financial reports, it is impossible for outsiders to discern how much they're making on defense.

Mr. Demaree also wrote:

> Critics charge, justifiably, that the Defense Department's profit policy provides a perverse incentive to perform inefficiently. Because profits are computed as a percentage of costs, contractors are tempted to employ more engineering labor than is necessary, produce overly complex systems, invest less in cost-reducing equipment than they otherwise would, and lease equipment rather than buy it.

GAO NEEDS AUTHORITY

These summarize part of my argument for a defense profit study. This argument is further buttressed by the lack of authority that now exists within the General Accounting Office to conduct a profit study. My amendment would correct this absence of authority and would also direct the General Accounting Office to conduct the study. The legal question on the General Accounting Office's statutory authority is set out in a memorandum which was prepared for me in connection with this issue. The memorandum explains the need for this subpena power in order to make a timely examination of defense contractor books and records. In one case involving the Hewlett-Packard Co., GAO first attempted to have access to the contractor's records in November 1962. The contractor opposed the General Accounting Office's effort to look at its books, and because of resort to the courts to settle the question, the General Accounting Office did not get access to the books and records until June 1966.

It is therefore essential, in my judgment, that GAO's legal authority be enlarged to have resort to the subpena power when it is necessary. Further, Congress can no longer afford to remain in the dark and be ignorant about defense profits. My amendment would provide the legislative branch with the first comprehensive investigation of defense profits by an independent agency.

NEED AUTHORITY FOR PROFITS STUDY

Some question has been raised, because of the adoption in this bill of the Schweiker amendment relating to the GAO reports on the cost of selected weapons systems, whether any of the provisions in that amendment may conflict with the provisions in the amendment I am proposing today.

First, I supported the Schweiker amendment. It was a good amendment and will contribute greatly to the information that Congress receives about the costs of larger weapons programs, and will enable Congress to make more informed judgments about requests for authorizations and appropriations. I might add that the substance of the Schweiker amendment was contained in the recommendations of the report on "The Economics of Military Procurement" by the Subcommittee on Economy in Government.

Second, I have studied the language of the Schweiker amendment and I am convinced that there is no conflict with my amendment today.

The Schweiker amendment covers only those contracts of the DOD which are determined by the Secretary of Defense to be "major contracts." It does not cover any NASA or AEC contracts done for defense work. Further, and more important, it does not provide for a determination of contractor profits under those contracts it does cover. So far as costs are concerned, the Schweiker amendment addresses itself only to costs incurred and estimated to be incurred by the United States, without regard to costs incurred or profits made by contractors. Thus, it would not give Congress the kind of information on the profitability of defense related contracts which would result from amendment.

It should be clear that the objectives of the Schweiker amendment, to provide information on the costs of weapons systems, is not the same objectives of my amendment to provide information on defense profits. The use of the subpena power contained in the Schweiker amendment would therefore be limited, in my opinion, to the purposes set out in that amendment and only for "major contracts" as defined by the Schweiker amendment.

Let us get the facts. We need to know whether profits are high or low, excessive or not enough. What arguments can there be against getting information and the truth?

I ask unanimous consent to insert in the RECORD at this point the text of the "Memorandum on the Adequacy of the Legal Authority of the General Accounting Office To Conduct a Comprehensive Study of Profitability in Defense Contracting," prepared by the General Accounting Office.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON THE ADEQUACY OF THE LEGAL AUTHORITY OF THE GENERAL ACCOUNTING OFFICE TO CONDUCT A COMPREHENSIVE STUDY OF PROFITABILITY IN DEFENSE CONTRACTING

The right of the General Accounting Office to examine records of defense contractors is *limited to negotiated contracts* and is based on the provisions of the Armed Services Procurement Act now codified in title 10 U.S.C. 2313(b) which reads as follows:

"Each contract negotiated under this chapter shall provide that the Comptroller General and his representatives are entitled, until the expiration of three years after final payment, to examine any books, documents, papers, or records of the contractor, or any of his subcontractors, that directly pertain to, and involve transactions relating to, the contract or subcontract."

The present provisions in title 10 are derived from Public Law 245, 82nd Congress, approved October 31, 1951, 65 Stat. 700. At the time of enactment of Public Law 245, Congressman Porter Hardy, Jr., who had introduced the House version, indicated on the floor of the House that the major purpose of the legislation was to "enable the agency of the Congress to check the transaction both from the Government's and the contractors' books." 97 Congressional Record 13198.

At the time the 1951 legislation was considered on the floor of the House, Congressman Hoffman offered an amendment to add th word "directly" before the words "pertinent records." In explanation of this amendment, Congressman Hoffman stated: "The purpose is to limit the 'snooping' that may be carried on under this bill which we do not have the votes to defeat."

In carrying out our audit of defense contracts we have taken the position that the words "directly pertinent" were intended only to limit GAO's right of access to records pertaining to Government work as distinguished from non-government work. For example, company internal audit reports and other internal management documnts are sometimes denied. The argument is made that the documents do not "directly pertain" to the contract. Also, GAO has been denied records where "competitive negotiation" has taken place.

A study of defense profits on a return on investment basis would necessitate a determination as to capital employed on specific defense contracts. This is a very difficult task and would require examination of the contractor's total capital investment and the proper allocation thereof as between defense and non-defense work. We think that contractors would argue that records of this nature which relate to commercial work are not "directly pertinent" to any particular defense contract.

GAO's right of access to contractors' records has been litigated in one instance. This case involved a request for access to records involving four fixed-price contracts negotiated by the Department of the Air Force with the Hewlett-Packard Company. GAO auditors sought access to records of costs experienced under the contracts. This request was denied by the company on the basis that the only "directly pertinent" costs were those which were considered in the course of negotiating the contracts and since the contracts in question were negotiated on the basis of catalog prices less discount costs of production were not directly pertinent.

At GAO's request the Department of Justice brought a suit against Hewlett-Packard in the United States District Court for the Northern District of California requesting the Court to issue an order declaring that the GAO had a right to examine all books, documents, papers or records directly relating to the pricing and cost of producing the items under the contracts including, but not limited to, records of experienced costs of producing the items, records in support of prices charged the Government, and all other data and records of the company concerning its activities and operations involved in any way with current costs in furnishing the items produced pursuant to the contract. The District Court issued an order on June 27, 1966, enjoining the company from preventing access by GAO to the firm's books, documents, papers, and records relating to the cost of producing the items under the contract including the costs of the direct material, direct labor and overhead costs. The case was appealed to the United States Court of Appeals, Ninth Circuit, which on November 15, 1967, affirmed the lower court's judgment. *Hewlett-Packard Company* v. *United States*, 385 F. 2d 1013. On March 18, 1968, the company's petition for a writ of certiorari was denied by the United States Supreme Court. The opinion of the Court of Appeals held in effect that the term "contract" as used in the statute embraced not only the specific terms of the agreement but the general subject matter as well. Therefore, the Court stated, costs of production directly pertain to and involve transactions relating to the contract because "they encompass business arrangements made by the contractor in obtaining the materials, labor, facilities, and the like" required to fulfill the contractor's commitment under the contract. The Court also determined, either specifically or by not adopting arguments presented in support of the contractor's position, that:

(1) The right of access by GAO to records of costs of production is not limited to that necessary to determine whether the contracts were performed in accordance with their terms and whether the contracting officer had been defrauded or misled in entering into the contracts.

(2) GAO's right of access is not affected by the applicability of Public Law 87-653, "Truth in Negotiations", or the Renegotiation Act of 1951, as amended, 50 App. U.S.C. 1191(a)(7).

(3) GAO's right of access is not limited by what the parties may have considered or not considered in the course of negotiations.

(4) GAO's right of access is not affected by the fact that the contract was performed by the delivery of "off-the-shelf" items not specially manufactured for the contract.

(5) GAO's right of access is not defeated on the basis that the information sought is confidential business data which the company has a vital interest in protecting.

However, the court did not decide how far GAO's right of access extends beyond right of access to books and records pertaining to direct labor, direct material, and overhead costs.

While GAO's legal authority would permit it to perform some of the work necessary in making a profit study, we do not think that our authority is adequate. For example, contrast the present GAO authority with the procedures available to the Internal Revenue Service and the Renegotiation Board who can require that contractors furnish reports which are then subject to verification by audit. GAO has no equivalent authority to require reports and must rely on our audits alone, a much more time-consuming procedure. Secondly, GAO's access to contractor records may be delayed considerably by a contractor's refusal to comply with GAO's requests except pursuant to a court order. In the *Hewlett-Packard* case GAO initially was refused access to the contractor's records in November of 1962. It did not obtain a court order enjoining the contractor from refusing access until June 1966. However, the right of access to the records was suspended during the appeal process. Such right was not actually obtained until March of 1968 when the petition for a writ of certiorari was denied by the Supreme Court. It took five and one-half years to obtain access to the records.

Also, as previously indicated, GAO has no right of access to records under an advertised fixed-price contract nor to records concerning the commercial business of a defense contractor.

GAO is of the opinion that to do a meaningful study of profitability in defense contracting, legislation should be enacted broadening its right of access to records of defense contractors. Such legislation should give GAO authority to:

(1) Examine any records relating to a defense contract deemed necessary in making a profit study.

(2) Require defense contractors to compile and furnish such data as may be considered necessary by GAO.

(3) Take sworn statements from contractors or their officers and employees.

(4) Issue subpenas with authority of a United States District Court to require compliance.

(5) Examine records pertaining to:

(a) Formally advertised contracts.

(b) The records of second or lower tier subcontracts.

Mr. PROXMIRE. Finally, I might add that Fortune magazine, which has a very realistic and competent understanding of American industry—it is considered a spokesman for big business—has said that our information is seriously missing in this area. Their conviction is like McNamara's—that defense profits are not high enough, but that we do not have enough information to know. We do not have the information. Until we do have it, it seems to me that we cannot come to proper conclusions.

I might say that if the profits are inadequate, it would be the first time in American history. We know there was profiteering in the Civil War, in World War I, in World War II, in the Korean war, and even in the Revolutionary War, for that matter, But this has been disclosed in some cases long after the fact.

I think the American people need and deserve assurance on this ground, so that we can know what the problems are and adapt our solutions appropriately.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PRIME MINISTER OF NEW ZEALAND

Mr. SPARKMAN. Mr. President, I wish to announce that we have a very distinguished visitor in the Senate Chamber at this time. Those Senators who could be present have just had a session with him in the Committee on Foreign Relations. He represents one of the great friends of the United States, and we are delighted to welcome him to the Senate. I refer to the Right Honorable Keith Holyoake, who is the Prime Minister of New Zealand.

[Applause, Senators rising.]

Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes so that Senators may have the privilege of speaking with the Prime Minister.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Thereupon, at 5 o'clock and 5 minutes p.m., the Senate took a recess until 5:07 p.m.

During the recess, the Prime Minister of New Zealand was greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Senator from New Hampshire (Mr. McINTYRE).

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, I will address the Senate briefly on this amendment in its present form. I think it has merit, and it has safeguards that it did not have before as to the subpena power. It is now converted into a survey to be made by the GAO by the end of 1970; and, thereafter, if either the Armed Services Committee of the Senate or of the House request another survey, they can get it.

I think that our law with reference to the General Accounting Office should be revised. I do not think it should be done as to one department, and it ought not be done on the floor of the Senate without any hearing. But we are up against a practical situation now with regard to this amendment. It does have some merit in it. As I have said, I like the way the Senator has revised it.

I have talked with several Senators about amendments and have reached agreement with them, and they insist on a rollcall vote, anyway. I think the main question is as to whether or not the Senate conferees are going to try to get the amendment adopted in conference. Those of us who have been here a while know that we cannot get all the amendments adopted in conference. It does not make any difference how many rollcall votes we have. We are going to do the best we can. I do not know what will be the attitude of the House on many of these amendments. I do not think the language of the Cooper amendment went to the meaning that the Senator from Kentucky thought it had.

We cannot bring everything back. This is one item that, even though I am going to try to bring it back, I want it understood that I may desire some revision in this language myself when we get into it further and receive some advice on it.

XUM

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I have complete confidence in the chairman of the committee. On the basis of the colloquy we understand each other fully. We have the same objective and I am sure if the amendment is revised in conference the Senator can still accomplish the objective we wish to achieve.

Mr. STENNIS. I am not particularly addressing my remarks to the Senator from Wisconsin but to the problem, and it is a problem.

I think the power of the GAO should be extended and used more definitely; and I believe that good will come, especially from a rewriting of that law by the subcommittee and the committee headed by the distinguished Senator from Connecticut. I am going to support this amendment. I think it has safeguards. I want to emphasize that. It has safeguards for the public and at the same time it gives some responsibility to the committee that will pass on it.

Mr. President, with that understanding I am going to vote for the amendment.

The PRESIDING OFFICER (Mr. Hughes in the chair). The question is on agreeing to the amendment (No. 163), as modified, offered by the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. Magnuson) is absent on official business.

I also announce that the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from West Virginia (Mr. Randolph), the Senator from Texas (Mr. Yarborough), and the Senator from Georgia (Mr. Russell) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from West Virginia (Mr. Randolph), the Senator from Texas (Mr. Yarborough), and the Senator from Georgia (Mr. Russell) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from South Dakota (Mr. Mundt), and the Senator from California (Mr. Murphy) are necessarily absent.

The Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from Vermont (Mr. Prouty) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. Goldwater), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 91 Leg.]

YEAS—85

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goodell
Gore
Gravel
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McCarthy
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—14

Eagleton
Fulbright
Goldwater
Hart
Magnuson
McClellan
McGee
Mundt
Murphy
Percy
Prouty
Randolph
Russell
Yarborough

So Mr. Proxmire's amendment (No. 163), as modified, was agreed to.

Mr. STENNIS. Mr. President, I move that the vote, by which the amendment as modified was agreed to, be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 126, AS MODIFIED

Mr. COOK. Mr. President, I call up my amendment No. 126, and send to the desk a modified version of the proposal and ask that it be stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The Assistant Legislative Clerk read as follows:

Sec. 402. Notwithstanding the provisions of the Act entitled "An Act to suspend restrictions on the authorized personnel strength of the Armed Forces, and for other purposes", approved August 3, 1950 (64 Stat. 408), or any other provision of law, the total actual active duty personnel strength of the Armed Forces of the United States exclusive of personnel of the Coast Guard, personnel of reserve components on active duty for training purposes only and personnel of the Armed Forces employed in the Selective Service system shall not exceed 3,461,000 on the last day of the fiscal year 1970. In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after July 1, 1969, this limitation of 3,461,000 shall be reduced by a like number. Nothing in this section shall be construed as requiring the reduction of the active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law. The foregoing provisions of this section shall not apply during any national emergency declared by the President or the Congress after the date of enactment of this section.

Mr. COOK. Mr. President, I ask unanimous consent to have added as cosponsors of the amendment the names of Senators Bayh, Fong, Hatfield, Mathias, Packwood, Percy, Saxbe, Schweiker, Cranston, McGovern, Mondale, Moss, Nelson, Proxmire, Tydings, Yarborough, and Young of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. COOK. Mr. President, one of the basic underlying reasons for the recent passage of the national commitments resolution by the Senate was a growing concern about what the Washington Post has aptly labeled "our excessive military presence abroad." The realization of the vast number of potential foreign commitments this country has acquired since World War II, aside from Vietnam, is staggering.

According to the State Department, we are definitely committed to defend 42 nations as a result of treaties and agreements given approval by the Senate. Defense agreements, agreements of cooperation, policy statements, and U.S. military installations in some 30 foreign nations make further additions to the list of countries we might feel obligated to defend. And as a signatory to the U.N. Charter some might even go so far as to argue that we might be called upon to come to the defense of all 121 member nations.

Presumably, out of a feeling that these commitments might have to be kept some day, our manpower has grown correspondingly. The Pentagon informs me that the latest figures, accurate as of 6 months ago, show that we are currently maintaining 395 oversea major bases, and 2,809 oversea minor bases for a total outside the United States of 3,204. Our total active duty military personnel as of that time is listed at 3,489,588 with 2,269,769 within the United States and its territories and 1,205,695 on foreign soil.

Total costs of retaining this force level is estimated at $35 billion annually with $21 billion going into pay and allowances and the remaining $14 billion in related expenditures. The Vietnam buildup added approximately 800,000 men to our 1964 manpower level. Obviously, even before the Vietnam escalation we were well over the 1950 statutory ceiling which had been set at 2.3 million men but had been suspended periodically since that time.

Fortune magazine, in its excellent August 1 issue, quotes a former State Department official in the Johnson administration as saying:

> Our commitments and force goals associated with them, both for NATO and the Far East—excluding Vietnam—account for about two-thirds of our defense costs today. These commitments stem from history and not from any clear analysis of whether or not the threat that led to troop deployments in the late 1940's and 1950's is still valid.

Support of our worldwide commitments and related costs, Fortune reports, requires general purpose forces amounting to around 60 percent of the current defense budget, the other 40 precent going for our strategic nuclear force. The rationale as the magazine sees it, and I quote, has been that:

> These forces are designed to allow the U.S. to control a land or sea area or deny it to the enemy in a limited war or counterinsurgency situation, as opposed to destroying an enemy's population or industry. The size and deployment of these forces are not so much related to the defense of U.S. territory as they are to defense of other countries. This is underscored today by the fact that seventeen of the nation's thirty-two and two-thirds active and reserve divisions are stationed in Europe, Korea and Vietnam; and that nearly half of our 5,000 tactical and attack aircraft in fighting units are based overseas, along with nearly a third of the Navy's 700 general-purpose ships.

Our current concept of commitments bred of a kind of paranoia which interprets any insurgency abroad as a threat to our shores requires massive troop deployments abroad ready to plunge into local conflicts on a moment's notice.

It is because we question the validity of this concept and the necessity of the large active duty troop level to support it that the junior Senator from Indiana and other Senators and I are offering an amendment to the military procurement authorization bill dealing with the subject of manpower reduction. Given the current wartime conditions we feel it is extremely prudent and reasonable. It, simply stated, would require overall active duty troop reductions equal to the number withdrawn from Vietnam. But before we go into the detailed arguments for the adoption of our amendment, which is limited in scope and tied to Vietnam withdrawals, I think it important to have an overview of our major manpower commitments around the world and the underlying assumptions upon which the maintenance of this posture is predicated. Even though our amendment does not concern itself with force levels outside of Vietnam, I shall make recommendations which I hope the appropriate committees of the Congress will consider which deal with the much broader topic of troop withdrawals at various places around the world.

The most in-depth examination of our current manpower commitments and also the most persuasive arguments for their reduction are found in a recent article by Carl Kaysen in the excellent Brookings Institute publication, "Agenda for the Nation."[1] He breaks down our commitments around the world by major geographic areas and gives a realistic appraisal of our actual needs not based upon the outmoded assumptions of 20 years ago.

Second only to our strategic forces, our commitment to NATO is our most important overseas military commitment. Within the context of the contingency of a conventional war in Europe, NATO forces on the central front are roughly in balance with the Warsaw Pact forces west of the Soviet Union. The NATO forces have a qualitative edge in terms of aircraft. In addition, total forces and military budgets of the NATO group are superior to those of the pact.

In the most highly sensitive central region the German part of the NATO force is the largest, followed by the United States, in tactical airpower we have the largest force followed by Italy and Germany. On top of this, U.S. NATO forces have approximately 7,000 tactical nuclear weapons. To counter this the Soviets, of course, have a sizable tactical nuclear capacity of their own which, taken together with the U.S. potential, could destroy most of Europe without the use of any strategic forces. It is also important to note that, contrary to some contentions, the balance in Europe has not been changed significantly by the Soviet invasion of Czechoslovakia.

If any advantage lies in the roughly balanced situation in Europe it is with NATO. As Kaysen points out:

> If we consider not only the statistics of military deployment but also the less easily measurable but more important factors of political will, the advantages on the side of NATO in terms of its defensive purposes are even stronger. For all their disagreements and divisions, there is a clear will to self-defense among European members of NATO. By contrast, it is difficult to conceive of enthusiastic Czech, Hungarian and Polish participation in offensive operations directed westward across the frontiers of the Federal Republic of Germany. Of course, the same could be said of a corresponding move by the West; but it is the essence of a wise NATO policy to emphasize the treaty's defensive purpose and to present the Soviet Union with the alternatives of peace or the offensive.

Our large NATO troop deployments are a result of two basic concerns:

First. The desire of Germany to repulse any attack at its border, and

Second. A growing anxiety about the possible use of tactical nuclear weapons in Europe.

The first policy has been essential to lessen German fear of invasion which has remained since the beginning of the cold war. The second, represents a turning away from the emphasis of the 1950's on the use of tactical nuclear weapons because we now realize what our allies in Europe knew all along—that the use of such a force by ourselves and the Soviets would destroy Europe. It is understandable that our European allies were somewhat less than enthusiastic about that possibility.

During the 1960's Western European governments have become less convinced of the likelihood of a Soviet attack. Fortune says, "Europeans regard the possibility of a Russian-initiated conventional war against NATO as an American fantasy." Consequently, they have not been willing to increase their military budgets, even though we agree that the Soviet invasion is a remote possibility the need for deterrence remains in the form of meeting three basic troop commitment requirements:

First. The American commitment to the NATO treaty.

Second. A number of American troops deployed sufficient to make it apparent that the NATO commitment will be honored and that no military action is possible in Europe without running the risk of a confrontation with the United States, and

Third. A strategic striking force that will continue to make irrational a choice of major war by the Soviets.

In addition to helping to rule out a Soviet invasion, no matter how unlikely, U.S. troops in Germany serve three other important functions. First, they assist in maintaining ground access to West Berlin and serve as a reminder to the Soviet Union of our commitment to maintain at least the status quo in Germany. Second, it serves to reassure Germany and the rest of Western Europe that our commitment remains resolute. And finally, it assures other members of NATO that immediate management of a confrontation with the Soviet Union is not solely in the hands of the Germans.

A reasonable assessment of the situation indicates that the tasks we might be required to undertake in West Berlin call for only about two and one-half divisions; one-half in Berlin, one for deployment at the Autobahn approaches, and one as a general reserve. An additional division deployed in Southern Germany bringing the total U.S. force in that country to three and one-half divisions would be sufficient to apprise both sides of our continuing commitment. However, we now have almost twice this large a force in Germany. Given the sufficiency of our support forces and air forces, a responsible and realistic estimate is that our forces in Europe could safely be reduced by about 30 to 40 percent. It would be the height of folly to continue to deploy force levels which the Europeans themselves obviously feel are not necessary. It is now important that our revitalized European allies provide more for their own defense. This can be done only by forcing them to reach that decision by our cutback in troop levels, since earlier less dramatic efforts have not been persuasive.

The distinguished majority leader, Senator MANSFIELD, has recognized these changed conditions in Europe and has proposed a sense of the Senate resolution to the effect that the current situation not only allows but requires a significant troop reduction in Europe. I am an enthusiastic cosponsor of this resolution.

Now let us move from Europe to consideration of other areas of the world. The only place outside of Southeast Asia where we have recognized anything more than a highly unlikely possibility of American military action is the Middle East. An increase in Arab-Israeli hostilities to the level of the June 1967 war, might generate a strong demand in the United States for some sort of intervention. However, the sizable naval force we maintain in the Mediterranean should provide a sufficient show of force, hopefully only symbolic, to force the parties to deescalate the conflict to the political and diplomatic level.

And what of the situation at home? In the United States, prior to the Vietnam conflict, we maintained about 10 active divisions in addition to forces occupied in logistic training and administrative functions. Over four of these divisions were specifically designated as NATO reinforcements with the rest constituting a general strategic reserve. Within this reserve were tactical air and naval units. The size of this force has previously been rationalized on the basis of the highly unlikely prospect of meeting, on short notice, the contingency of three military involvements at once—two on a substantial scale, one in Europe and one in Asia, and one on a smaller scale elsewhere.

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[1] Carl Kaysen, "Military Strategy, Military Forces, and Arms Control". *Agenda for the Nation,* the Brookings Institution, 1968.

Moving to a general discussion of the current Asian situation shows approximately 500,000 men in Vietnam and 50,000 in Thailand. This represents about 20 percent of the Armed Forces. Also, we have two divisions in South Korea, one division somewhere else in the Pacific, some Air Force units in Japan, Okinawa, and the Phillipines and, of course, the 7th Fleet.

One division in South Korea would certainly suffice for the purpose of deterring North Korean aggression. The other division actually serves essentially as a trade for South Korean troops in Vietnam.

For the foreseeable future considerable naval and air deployments will still be needed in the Western Pacific for deterrence purposes and for some minimal support of neutral and alied countries in this area against threats of Communist aggression. These forces are also needed to continue to protect Taiwan. These functions require not only the direct presence of the seventh fleet but at least some additional visible show of U.S. deterrence. This level of force should be effective in protecting Taiwan, Japan, the Phillipines, Austrialia, New Zealand, and Indonesia in view of the low capability of Asian Communist countries for any overseas efforts.

India probably can defend herself. The logistical problems of the Chinese in mounting an invasion of India are rather formidable. In any event our forces, unless massively committed, could not help in India anyway.

The value of the peripheral deterrent I have outlined for the Asian area would be less effective in regard to Thailand, Burma, Malaysia, and Singapore, as the lesson of Vietnam has shown. Bearing this lesson in mind Kaysen astutely notes:

> We have learned from Vietnam that even a very large and more immediately present force may be incapable of restoring a political balance once it has tipped far enough in favor of insurgent forces of the left, especially when they can draw on outside encouragement and support. A further lesson from Vietnam is that the American people do not believe we have a vital interest in trying to redress such a balance, regardless of the means. To say this is not at all to condemn the countries of the Southeast Asian peninsula to Chinese or north Vietnamese domination or even to communist governments. It is merely to recognize the limitations on the instruments available to the U.S. to affect political events in one way or another and, above all, the weakness of military force for this purpose.

In summing up our current manpower commitments including an evaluation of modern contingencies which we might be required to meet. I suggest that it is most realistic to structure our forces to provide the capability of meeting on short notice a large troop requirement in Europe and one smaller one elsewhere.

If these considerations I have mentioned are an accurate appraisal in realistic terms of the contingencies of the modern world, I would suggest we set a goal of returning approximately to the statutory ceiling of 2.3 million men as soon as is practicable after the Vietnam war. Such a level would, I believe, be entirely consistent with a realistic assessment of the world condition and the American role in it.

A major argument for the reduction is, of course, budgetary, with our current fiscal and monetary crises including the balance-of-payments problem made daily more severe by our excessive presence in Europe. The reductions which I have been suggesting would seem to be of the greatest urgency. An indication of the kinds of savings which might be forthcoming with significant manpower reductions is shown by the example of an Army division. Such a division of 15,000 combat and 30,000 support troops costs around $680 million to equip and maintain. The total estimated savings of the reductions in other parts of the world which I have suggested and those made available to us by termination of the Vietnam war could be at least $11.9 billion annually. Considering our overwhelming domestic needs this would be a most welcome savings.

Fortune's summation of the effects of manpower reductions similar to those I have recommended is excellent and I endorse it. It argues and I quote:

> The major cutback would be in Army ground divisions that have been deployed in forward positions around the world for a generation like the twentieth-century equivalent of the Roman legions. Changing political conditions and the greatly increased capability in airlift (which allows 11,000 combat-equipped troops to be moved from the U.S. to Vietnam in forty-eight hours) argue in support of manpower reductions. Such reductions, moreover, would lessen the great disparity between relative defense efforts of the U.S. and its allies. Japan, for example, spends only 1 percent of its gross national product on defense, and the NATO countries 5 percent, while the U.S. spends nearly as much on the defense of Europe as the rest of the NATO allies combined.

Certainly, our allies should care at least as much and probably more about their own defense as we. It could be argued, I think conclusively, that their expenditures for their own defense will increase proportionately as our expenditures are cut back. If this does not occur then one can be fairly certain that the threat which we have been geared up to meet is a figment of our hyperactive national imagination. Even such an authority on subversion and revolution as our old adversary, Joseph Stalin, could not verify our concern that somehow every insurrection and unstable condition in the world was the result of any masterminded Soviet or Chinese international conspiracy. He said of the concept of revolution in 1936:

> The export of revolution is nonsense. Every country makes its own revolution if it wants to and if it does not want to, there will be no revolution.

In addition to the personnel reductions I have recommended, many of the other savings might be otained by implementing some of the recommendations of the military spending committee of the Members of Congress for peace through law. Although many of these suggestions are of a highly technical nature, we laymen in the Senate can recommend that experts in the Pentagon seriously consider any or all of these programs which would seem to be feasible and would certainly save money. Some of their recommendations are:

First. Integrated manpower management. Manpower management by the separate services is extremely inefficient because much of their personnel performs the same function.

Second. Project Prime and the Hubbell report. Project Prime is a streamlined accounting system for the Defense Department. The Hubbell report is a proposal to simplify the military pay system. It is designed to bring military salaries in line with civilian salaries for the same jobs. By increasing enlistments the adoption of the report might lower costs, reduce training needs, and slow turnover.

Third. Five-year defense plan. This would detail plans for manpower requirements. Training, recruiting, inductions, and promotions would be programed on this basis.

Fourth. More single-manager training programs. For example, all communications technicians who work on the same equipment should be trained by one service, just as journalism training is done by the Army for all the services.

Fifth. Abbreviated basic training. The Army should implement this for men who will never see combat.

Sixth. Reduction in assignment changes by 25 percent. This could save as much as $360 million annually in transportation and moving expenses.

Seventh. Standardized manpower and personnel information. A similar system was adopted for supplies 10 years ago.

There is great evidence that some, if not all of these innovations are desperately needed. The most dramatic example available is the inadequacy of information procedures. Critics within the Pentagon have stated that because present information procedures are so undependable, 125 men have to be given orders to Vietnam in order to get 100 there.

President Nixon has already recognized the excessive wastes caused by our overcommitment of men about the world and has taken initial steps to improve this situation. On July 9, he announced a reduction of 14,900 military personnel overseas, on August 9, the administration reported that the Army's Ninth Division would be deactivated at a savings of $40.4 million this year. This was further indication that a New York Times story of August 1 speculating that the administration planned a 50,000 to 200,000 reduction in manpower over the next year had some validity. The Times story alleged that the reductions would be tied in large part to the expected Vietnam troop withdrawals.

On August 22, Secretary Laird announced further manpower reductions of 100,000 men in uniform and 50,000 civilians. These reductions are evidently not tied to Vietnam withdrawals, but I applaud them as necessary and long overdue.

These first steps by the administration in the area of manpower reduction are important but we should not stop there.

Senator BAYH and I endorse the concept of tying further manpower reductions to Vietnam withdrawals and believe it is a matter of such import that Congress should express its will at this time. Because our current fiscal crisis and our mounting domestic needs are growing worse daily with our inattention, we feel the time has come for Congress to act in this vital area. We do not recommend that Congress act immediately to require reductions in our manpower levels outside of Vietnam although the evidence is, as I have previously indicated, overwhelming that significant cuts could and should be made as rapidly as possible. It is apparent that such reductions as I have suggested we consider, outside of Vietnam, could be made in the very near future. This would provide tremendous savings to the taxpayer while not affecting, in the least, our national interests.

What we do feel can be done immediately is to require overall active duty personnel reductions as troops are withdrawn from Vietnam. However, under our amendment it is important to emphasize that no overall troop reductions are required unless and until withdrawals are made from Vietnam.

The question might be raised, why do you seek to require the manpower reduction now rather than when the shooting stops? There are several answers to this question. First, we fear that the Military Establishment will seek to maintain a higher level of manpower than our commitments require after the war is over. Therefore to insure against this it would be better to require the reductions as we disengage. Certainly no one has seriously contended that our troop level outside of Vietnam is inadequate and therefore the addition to it of men freed from Vietnam service would seem to be totally unnecessary. As I have already pointed out, I believe world conditions are such as to allow significant reductions in manpower outside of Vietnam so certainly redeployment of Vietnam troops elsewhere would be unnecessary and unwise. Due to our financial and domestic crises, it is important to realize a "peace dividend" from the disengagement in Vietnam as it occurs rather than sometime later when it is determined that the shooting has stopped.

Further, redeployment of these forces elsewhere other than back within the United States would seem to violate at least the spirit and possibly the direct mandate of the national commitments resolution which prohibits future commitments of men, or financial resources abroad without affirmative action by the Congress.

Our amendment would be effective as of July 1, 1969, and would therefore take into account the first 25,000 men which have been withdrawn from Vietnam. Under our proposal an overall reduction of active duty troop levels in that same number would have to be effectuated as soon as possible. To show the significance of the saving that could be realized from these reductions alone, let me point out that using the average salary of military personnel as supplied by the Pentagon, $5,947, and multiplying that by 25,000 suggests a savings of, at least, $148,675,000. And this does not include the cost of food, housing, training facilities, procurement, or transportation for this number of troops. As I said earlier, one estimate of the cost of a combat division for 1 year is $680 million. Since 25,000 men approximates one division, it is apparent that the savings could go even this high.

Our amendment requires only a 1-for-1 reduction, that is, for every one man withdrawn from Vietnam, only one man is required to be reduced from the overall troop level. As a practical matter it has been asserted that there are at least two support troops for every man in Vietnam and consequently a greater reduction in overall force level would be entirely likely. However, our amendment, in the spirit of reasonableness, would require only a 1-for-1 reduction.

This amendment would further require that once a new overall troop level was reached, for example, 100,000 men are withdrawn from Vietnam and the overall troop level becomes 3,389,588, this new level would become permanent, subject only to the declaration of a national emergency by the President or the Congress. Some may assert that this ties the President's hands in that it makes him declare the reasons for an increase in manpower. This is true in the sense that it does require some official explanation to the Congress and the American people before troop levels are again raised to their current levels. But under our amendment the overall troop level would only be potentially lowered by the number of men currently serving in Vietnam if and when they were withdrawn. This would still leave a standing active force of almost 3 million men, well over the levels projected for post-Vietnam by the Pentagon. We feel that before troop levels are again raised to their current level, Congress and the people deserve an explanation and Congress, consistent with the national commitments resolution, should endorse the commitment which made necessary the additional manpower.

There have been several reports recently that the "peace dividend" all of us had been expecting with the termination of the Vietnam conflict might not, after all, be available for application to our domestic problems. I question that conclusion. Congress, the elected representatives of the people, has the power to reorder priorities in this country, if only it has the will. Passage of the amendment we offer today will render a peace dividend during the process of disengagement from Vietnam. A wise Congress should, and I predict will, apply this dividend to the task of attempting to solve our mounting problems at home.

And the lesson that must be learned and benefited from before making future commitments is a lesson learned by many Presidents. Some the hard way. The most recent Chief Executive to speak of it was President Kennedy when he said:

> Every nation has its own traditions, its own values, its own aspirations. Our assistance from time to time can help other nations preserve their independence and advance their growth, but we cannot remake them in our own image.

Mr. President, in summary this is an amendment which sets the troop level of the Armed Forces at 3,461,000. In substance, the amendment requires that, as troops are withdrawn from Vietnam, the overall reduction of troops throughout the military forces be consistent with the number of troops that are withdrawn from Vietnam.

In essence, it would mean that with the 25,000 troops that have already been designated as being withdrawn and the 35,000 that were stated as of yesterday, the 60,000 would constitute a reduction of the overall troop level of 3,461,000 and would, for the benefit of the taxpayers, call for a reduction in expenditure of some $600 million with this current reduction.

Mr. President, I have worked out the language with the Defense Department. They were agreeable with this language. They said they could live with this kind of amendment.

I yield the floor to the Senator from Mississippi.

Mr. STENNIS. Mr. President, may I ask the Senator if it is the revised form of his amendment that we are being asked to pass on now?

Mr. COOK. Yes, and I have already sent the revised form of the amendment to the desk.

Mr. BAYH. Mr. President, I commend the Senator from Kentucky for the leadership he has exhibited.

Mr. President, I am pleased that the distinguished chairman of the Armed Services Committee, Senator STENNIS, is willing to accept the amendment offered by my colleague from Kentucky, Senator COOK, and myself. We welcome the support of the distinguished chairman.

This amendment, it seems to me, marks a significant first step in Congress battle to reassert the constitutional powers granted to it under article I, section 8 of the Constitution. Those powers are: The power to declare war; to raise and support armies; to provide and maintain a Navy; to make rules and regulations governing the land and naval forces; and to provide for the calling of the militia. In passing this amendment, which establishes an authorized overall strength level for the Armed Forces and further provides that withdrawals from Vietnam will automatically trigger identical reductions in the overall authorized strength level, Congress will be reasserting its constitutional authority to raise and maintain armies. That is the most crucial point at issue in this debate. It is not the precise force level that we set because we have taken the beginning year strength on the recommendation of the Department of Defense; nor is it the fact that we can immediately realize a dividend from our Vietnam disengagement. The central issue is Congress desire to set an authorized strength level, a level beyond which we cannot go unless the President declares a national emergency.

The Gulf of Tonkin Resolution is no longer open ended. The blank check has been canceled.

In order to fully appreciate the importance of Congress' willingness to take this important first step in the reassertion of its constitutional role, it is only necessary to recall that since 1950 the statutory ceilings on military force levels have been suspended. While the congressionally authorized force levels have been suspended, an overall maximum of 5 million has been in effect. It is fair to argue, I agree, that the 1948 levels authorized by Congress are inadequate. By the same token, however, one can legitimately question the value of a 5 million maximum in the absence of a declaration of war by the Congress.

Not since 1948, therefore, has Congress authorized a specific force level for the Armed Forces. And since 1951 there have been five occasions in which we acquiesced in these suspensions—in 1954, in 1959, in 1963, and most recently in 1967. In any one or all of these instances it might very well have been vital to our national interest to suspend the 1948 limitations. But why did not we take it upon ourselves to set more realistic levels. These 4-year suspensions, in effect, are an abdication of congressional responsibility. And for that Congress has no one to blame but itself. This amendment gives us the opportunity, once again, to bear the responsibility that is ours under the Constitution. I believe Congress must and will accept that responsibility.

Mr. STENNIS. Mr. President, the primary objection that the Senator from Mississippi had to the amendment originally has been removed, and the Department of Defense says they can live with it.

I favor strongly every reduction in personnel, far beyond what this amendment proposes, just as soon as possible. I do think this matter is primarily a Presidential responsibility. He ought to have the first chance. But since the Department of Defense has agreed to it, I am not going to object to it.

The Senator from Maine (Mrs. SMITH) has done some work on this matter. I wonder if she would care to make a comment.

Mrs. SMITH. Mr. President, I concur with the chairman entirely and support the revised amendment proposed by the Senator from Kentucky and appreciate his study and work on the revision. I can see no reason why the Defense Department cannot live with it.

Mr. STENNIS. Mr. President, under these conditions, I support the amendment.

Mr. ALLOTT. Mr. President, I have studied the original amendment of the Senator from Kentucky. Of course, he has a very lengthy and prestigious list of cosponsors. I do not have a copy of the revised amendment in my hands at the present time.

Now I have been furnished a copy of it. I am concerned about the amendment, and I do not care if the Defense Department does say it can live with it. I do not agree it is that simple. I think we are taking a terrible chance, frankly, in just putting a meat ax to our Defense Department.

No one has more respect for the distinguished Senator from Kentucky and the distinguished Senator from Maine, and certainly the distinguished chairman of the committee, than the Senator from Colorado; but as I read the amendment, it says that the total Armed Forces employed in the Selective Service System shall not exceed 3,461,000 on the last day of the fiscal year of 1970. In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after July 1, 1969, this limitation of 3,461,000 shall be reduced by a like number.

Then it goes on to say that it shall not require the reduction of the active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law, nor shall it be applicable in the event there is a national emergency declared by the President or the Congress.

I would like to pose this question to the distinguished chairman of the committee—and I am just as anxious to leave the Chamber at this late hour in the evening as is anyone else. Does the chairman of the committee believe this is a wise form of legislation? We do not know what we are going to face tomorrow—literally, tomorrow morning. This amendment would mean, as I see it, that the President would have to declare a national emergency or that Congress would have to declare war in order to provide the troops that might be necessary for this country in Vietnam or anywhere else. While this proposal is very appealing, particularly in this day and age when the Vietnam war has become so onerous to all of us, frankly I think we may be doing a rather dangerous thing here.

Mr. STENNIS. Mr. President, in response to the Senator's question, I read the last sentence of the amendment:

> The foregoing provisions of this section shall not apply during any national emergency declared by the President or the Congress after the date of enactment of this section.

The President always has the right to declare a national emergency and send troops in as he sees fit, or Congress has. That has been used more than once since I have been here.

Mr. ALLOTT. I thank the Senator for his reply, but I would say also we have a requirement that Congress shall adjourn by a date certain unless we are in a state of national emergency. Of course, the state of national emrgency under the Korean war has never been terminated, to my knowledge, so now we are in a state of national emergency.

But suppose we were in a situation where it would be inadvisable for the President to declare a national emergency just to increase our troops. Are we not just going with the clock in passing an amendment like this? I feel that we should be cautious. I feel, despite whatever the Defense Department may have agreed to—and I know, as the distinguished chairman of the committee has said, this provision will have to be rewritten and reconsidered, in conference, as will the whole bill—I am very much concerned about the implications of the amendment.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ALLOTT. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. I have two questions. First, does this amendment involve the National Guard?

Mr. STENNIS. No.

Mr. ALLOTT. No, it does not.

Mr. CURTIS. My second question is, Is there any evidence that it will save $600 million?

Mr. ALLOTT. I do not know. The Senator would have to ask the author of the amendment.

Mr. COOK. Mr. President, I can only say to the Senator that it requires that, as troops are withdrawn from Vietnam, we have an overall reduction of the force level throughout the world.

Mr. CURTIS. Of the ceiling?

Mr. COOK. That is right.

Mr. CURTIS. Does the Senator have any evidence that that will save any money?

Mr. COOK. I have evidence that, in this fiscal year, if no more than 60,000 troops that are proposed are brought out, the total troop level of 3,461,000 will be reduced by 60,000 men, and that will represent a saving.

Mr. CURTIS. Are they up to the ceiling now?

Mr. COOK. No, the ceiling is 5 million, but the present level is 3,461,000.

Mr. CURTIS. The reduction will come about by the withdrawal of troops?

Mr. COOK. That is correct.

Mr. CURTIS. Not by the Senator's amendment?

Mr. COOK. No; this calls, not for the reduction of troops in Vietnam, but a reduction of the overall force level by the number withdrawn.

Mr. ALLOTT. I should like to ask the distinguished Senator from Kentucky a question. Does this mean, with the announcement of yesterday, which represents a total reduction of less than 65,000, mean that the force level of all troops will be reduced beyond that level, unless the President declares a national emergency or Congress declares war?

Mr. COOK. Not beyond it, but by that number.

Mr. ALLOTT. By that number.

Mr. COOK. Yes.

Mr. ALLOTT. So that this is a requirement that the Armed Forces of the United States be reduced?

Mr. COOK. That is correct. Only if troops are withdrawn. If troops are not withdrawn, then there is no requirement for a reduction whatsoever.

Mr. STENNIS. Mr. President, here is one additional fact that has quite a bearing on the matter. The Navy has already announced that they are going to reduce their number by 72,000. That has not yet been done, but in the course of the months ahead it will be done. That would be a reduction that would apply here.

In other words, the Defense Department would take credit for that reduction of 72,000 in the Navy, as a part of the requirement of this act.

The troop level is now more than 800,000 men above what it was when the Vietnam buildup started; so there is quite a margin here. As to the $600 million, I do not know where that figure came from, unless the Senator counts these naval reductions I have already mentioned.

Mr. COOK. It is estimated that the overall cost of one military person per year is $10,000.

Mr. ALLOTT. Mr. President, I shall just add this: Of course, I shall rely upon the committee and the conference. I think anyone who has not sat through the hearings is not really competent, unless he has done a great deal of study, to form a proper judgment on the matter. But frankly, as it appears to me in the few moments I have had to examine the matter, I am not sure but that it is a serious mistake.

I am seriously concerned about the almost panic in some areas to denigrate and downgrade the military service. I suspect most Senators have served in the armed services, and we all have the same common pride; and when I hear the denigration and vituperation poured upon our armed services from all over the country, I must say that I get a little nauseated and a little sick. It seems to me that this is a sort of panic button reaction to show that we are going to retract ourselves into a cell of isolationism.

We had that in 1930, and we paid dearly for it at the beginning of World War II. We paid very dearly for it, and I hope we do not return to it.

I cannot say anything of an absolute nature, since I have just received the modified amendment, but frankly, I think the Defense Department has made an error in agreeing to this amendment. If they agree to it and the chairman and ranking member of the committee agree to it, is is satisfactory to me, but I think it is wrong. I hope it will be seriously reconsidered by the conference committee with this note of caution.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. JAVITS. I was taken by the remark the Senator just made. I have been voting pretty consistently for these amendments, with some exceptions, as on the carrier where I voted the other way. I take to heart very seriously what the Senator said. It has worried me that a tide can sweep over the military people, sweep away their morale, and so forth. I think it would be an error if they came to that conclusion, and I hope the Senator will rethink his own point of view, for this reason: I think we were derelict for a long time in considering their judgment sacrosanct. They are now being challenged. We are accustomed to being challenged, and I believe that high officers in the Army, the Navy, and the Air Force need to become accustomed to the same thing.

I state affirmatively that I have the highest admiration for these dedicated men. I have worked with them, and have served in the military service on the highest level. I have great respect for their expertise, their professional skill, and their patriotism, and I think they believe in the American system as much as we do. I hope they do not—and I rise only for this purpose—assume that we are denigrating them, that we are against everything they stand for, and so on. I hope, on the contrary, that they will accept this as a challenge, and will be smarter, wiser, more able, and more concerned about advising us and taking us, as it were, into their confidence; then perhaps the balance will be better adjusted.

I love my colleague from Colorado, as he knows. I do not believe we should permit to stand unchallenged the idea that those of us voting for these amendments—at least I do not feel that way—have any desire to denigrate the military people, or serve notice that we are not going to have confidence in them hereafter, or anything of the sort. I affirm precisely the contrary.

I think our action should put them to the proof; and that, I think, represents a righting of the balance. But I shall do by utmost to cooperate with my colleague from Colorado to see that the tide does not go too far the other way.

Mr. ALLOTT. I appreciate the Senator's assurance. I have felt, during these past several weeks and months, in fact, that we were moving in that direction in the Senate. On some occasions, the situation has given me grievous concern.

I would simply respond—I know the good intentions of my colleague from New York, and I am sure that he means exactly what he says when he says that he will not permit the military to become a whipping boy in this situation—by reminding him and the other Members of the Senate that the situation in Vietnam today is not the result of decisions made by the military and cannot be blamed on them. They were basically decisions made by Robert McNamara, and there is in the files of the Defense Appropriations Subcommittee, if anyone wishes to read it, testimony by chiefs of staff in direct opposition to the decision and the will forced upon them by Secretary McNamara. Let us be frank about it: No other man in the history of this country has achieved such complete control of the Pentagon.

On the other hand, I will admit that the military are usually not very economical in their operations. Their primary concern is defense.

But we must realize that the decisions and circumstances we are talking about today to support amendments proposed by various Senators, were not the decisions of the military. They arose out of the last 4 or 5 years of decisions made by Robert McNamara. This fact should never be forgotten.

If I serve no other purpose, I have served my purpose this evening, in saying that I have sided with the military. That does not mean I will not watch the dollars when they come before us in the Appropriations Committee, because I will do so. But I reiterate the situation in which we find ourselves today and which causes everyone so much distress is not a decision of the Joint Chiefs of Staff over the last 8 years. It is the result of the decisions of Robert McNamara to the extent that no one in the Pentagon dared go before a press officer or the press corps and make a statement without having a man from the press office of the Pentagon clear the statement.

One of the most distinguished fighting men this country has ever had had to have his speech cleared by a lieutenant colonel serving under the orders of Secretary McNamara.

I think we ought to make the record straight. The things which have alarmed everybody and have created the flood of amendments here—and I do not say that they are not without some merit—were not the result of the Joint Chiefs of Staff. In the main, over the last 5 years, their advice was contrary to that given by Mr. McNamara, who actually controlled the war in Vietnam and involved us in it.

Mr. MILLER. Mr. President, I should like to raise two other points with the distinguished chairman of the committee to clarify the amendment.

Reference was made to the total number of active military personnel. The figure of 3,461,000 was given as of the end of the current fiscal year.

Can the chairman tell us whether that is approximately the number today?

Mr. STENNIS. That is approximately correct. The exact figure on the personnel as of July 1, 1969, is 3,461,190. And the program for July 1, 1970, would be a total of 3,451,878.

That is in a memorandum dated yesterday. That is a budget figure, too. That does not relate to Vietnam.

Mr. MILLER. Mr. President, I appreciate that information. What that means is that since we subtract from the 3,461,190 the total that would be withdrawn by the end of this year—which we understand will be at least 60,000—that would make it about 3,400,000 as of July 1, unless further reductions are made.

Mr. STENNIS. That is a good illustration. The Senator is correct. However, as I have said, the point is that this does not weaken the military. They have already announced they will dismiss 72,000 from the Navy alone. That is more than the 61,000. They are planning to make those reductions apart from the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky (Mr. COOK), as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. MAGNUSON), is absent on official business.

I also announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), the Senator from Arkansas (Mr. MCCLELLAN), the Senator

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from Wyoming (Mr. McGee), the Senator from West Virginia (Mr. Randolph), and the Senator from Georgia (Mr. Russell), are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Washington (Mr. Magnuson), the Senator from West Virginia (Mr. Randolph), the Senator from Maryland (Mr. Tydings), and the Senator from Texas (Mr. Yarborough), would each vote "yea."

I further announce that, if present and voting, the Senator from Georgia (Mr. Russell), would vote "nay."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. Goldwater) and the Senator from California (Mr. Murphy) are necessarily absent.

The Senator from Illinois (Mr. Percy) is absent on official business.

The Senator from Vermont (Mr. Prouty) is absent because of illness.

The Senator from Ohio (Mr. Saxbe) and the Senator from South Dakota (Mr. Mundt) are detained on official business.

If present and voting, the Senator from Illinois (Mr. Percy) would vote "yea."

The result was announced—yeas 71, nays 10, as follows:

[No. 92 Leg.]

YEAS—71

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cranston
Dodd
Dole
Dominick
Eastland
Ellender
Fannin
Fong
Goodell
Gore
Gravel
Griffin
Harris
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McGovern
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Ribicoff
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—10

Allen
Bellmon
Cotton
Curtis
Ervin
Gurney
Hansen
Holland
Jackson
Tower

NOT VOTING—18

Eagleton
Fulbright
Goldwater
Hart
Jordan, N.C.
Magnuson
McCarthy
McClellan
McGee
Mundt
Murphy
Percy
Prouty
Randolph
Russell
Saxbe
Tydings
Yarborough

So Mr. Cook's amendment (No. 126), as modified, was agreed to.

Mr. COOK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS subsequently said: Mr. President, I have just one further statement about the amendment which has just been agreed to. Time was precious to so many Senators before that I did not wish to extend the argument.

In the first place, the amendment is no diminution of support as long as our men are in battle in the war going on in Vietnam now. There is no lack of confidence or support of the President. I think that primarily that decision rests with the President. But at the same time they have already announced that 72,000 men are going to be released from the Navy. I know some announcements are in the mill as to some others in other services. I do not know how many are involved. The Secretary of Defense has already announced he is going to reduce $1.5 billion more, in addition to the one he gave details for. I know some of that is going to come through personnel reductions. I think I can doubly assure the Senate and the country that the amendment has very little meaning as a practical matter and certainly it is not backing up in support of the military needs of our Nation.

I yield the floor.

LEGISLATIVE PROGRAM

Mr. SCOTT. Will the distinguished majority leader state to us what is the further order of business for this week?

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, at the conclusion of the pending business it is the intention of the joint leadership to move to the consideration of Calendar No. 273, H.R. 11271, the National Aeronautics and Space Administration authorization bill. With the progress we are making so far, it is hoped that we will be able at least to lay the NASA bill before the Senate tomorrow. Our guess is that it will take at least 1 day, possibly 2, to finish consideration of that measure.

Following the NASA bill, it is the intention to take up calendar No. 276, S. 1857 the National Science Foundation authorization measure, and then—not necessarily in this order—calendar No. 386, S. 2864, a bill to amend and extend laws relating to housing and urban development; then, possibly, calendar No. 283, S. 2547, a bill to amend the Food Stamp Act of 1964, and calendar No. 346, S. 7, a bill to amend the Federal Water Pollution Control Act, as amended.

That is about as far as I can project at this time. But in view of comments which have been made lately by certain Republicans leaving the White House and on TV, I would point out that the calendar is pretty clean. With their cooperation, we will keep it very clean; and, with their cooperation, we will do our very best to get the President's program through with reasonable dispatch.

Mr. SCOTT. Mr. President, if the distinguished majority leader will yield, I want to thank him for his statement, and agree that if the calendar is clean, it is as clean as it is because there is not a single appropriation bill before the President.

Mr. MANSFIELD. That is true. We did not know until today what the President meant by red, blue, and amber. But we understand that finally the administration has indicated that legislation which has a red light attached to it is of prime importance; that which has a blue light attach to it may be brought up next year; and that which has an amber attachment may never be brought up.

But I remind the acting minority leader that while the President proposes, sometimes he does not propose very fast, and that may be a good thing.

Mr. SCOTT. I thank the distinguished majority leader. I think he has the color scheme a little reversed but I do not want to argue traffic lights with him. All I want is a green light for all the legislation we can get.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 164

Mr. HARTKE. Mr. President, I call up my Amendment No. 164, and ask that it be made the pending business.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

Amendment No. 164

At the end of title IV of the bill add a new section as follows:

"Sec. 403. (a) Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the requirements to be fulfilled by future carrierborne aircraft and the projected capability of the F–14 to fulfill these requirements in the most effective and efficient manner. The results of such study and investigation shall be considered prior to any authorization or appropriation for the production of procurement of any F–14 aircraft in addition to those aircraft authorized by this Act.

"(b) In carrying out the study and investigation authorized by subsection (a) of this section, the Congress shall, among other things, specifically consider—

"(1) the specific nature of the airborne threat to an attack carrier fleet;

"(2) the capabilities of Soviet aircraft which are likely to be operational in the 1975–1985 period against a carrier fleet;

"(3) the cost-effectiveness of the F–14/Phoenix system and its ability to protect a carrier fleet against the threat which is likely to exist in the relevant period of time;

"(4) the question of whether significant performance in any specific mission requirement is compromised by the multimission capability of the aircraft; and

"(5) the feasibility of alternative programs including:

"(A) do not authorize the procurement of more than the twelve F-14 aircraft authorized in this Act and authorize the procurement of the F-14B when the 'advanced technology engine' for such aircraft becomes available; and

"(B) termintae the F-14/Phoenix program in favor of a less costly air superiority fighter aircraft and alternative plans for fleet air defense."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, with the concurrence of the Senator from Indiana (Mr. HARTKE), the chairman of the committee, the Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Maine (Mrs. SMITH), the acting majority leader (Mr. SCOTT), I ask unanimous consent that tomorrow, beginning at the close of routine morning business, there be a time limitation of 2 hours on the pending amendment, the time to be equally divided between the Senator from Indiana (Mr. HARTKE) and the Senator from Mississippi (Mr. STENNIS). There will be no further votes tonight.

The **PRESIDING OFFICER.** Without objection, if it is so ordered.

The unanimous-consent agreement, reduced to writing, is as follows:

Ordered, That effective at the close of routine morning business on Thursday, September 18, 1969, further debate on the pending amendment No. 164 offered by the Senator from Indiana (Mr. Hartke) to S. 2546, the military procurement authorization bill, be limited to 2 hours to be equally divided and controlled by the Senator from Indiana (Mr. Hartke) and the Senator from Mississippi (Mr. Stennis).

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

FUNERAL SERVICE AND GRAVESIDE SERVICE FOR SENATOR EVERETT McKINLEY DIRKSEN

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the funeral service for the late Senator Everett McKinley Dirksen, held on September 10, 1969, at the National Presbyterian Church, and at the graveside service held for him on September 11, 1969, in Pekin, Ill. The first services were conducted by the Reverend Edward L. R. Elson, the Chaplain of the Senate, assisted by the Reverend Charles H. Reckard; the second services were conducted by the Reverend Edward L. R. Elson, and assisted by the Reverend Charles H. Reckard and the Reverend Ralph H. Cordes, the latter being from Pekin, Ill.

There being no objection, the transcripts were ordered to be printed in the RECORD, as follows:

FUNERAL SERVICE OF SENATOR EVERETT McKINLEY DIRKSEN IN THE NATIONAL PRESBYTERIAN CHURCH, WEDNESDAY, SEPTEMBER 10, 1969, 1 P.M.

The Rev. Edward L. R. Elson, D.D., officiating, assisted by The Rev. Charles H. Reckard.

The United States Army Chorus, Captain Allen Crowell, Director.

Sentences from Holy Scripture, Dr. Elson:

"Blessed are the pure in heart, for they shall see God.

"The Lord gave, and the Lord hath taken away; blessed be the name of the Lord.

"I know that my redeemer liveth, and that he shall stand at the latter day upon the earth; and though this body be destroyed, yet shall I see God; whom I shall see for myself, and mine eyes shall behold, and not as a stranger.

"Bless the Lord, O my soul, and all that is within me. Bless His Holy Name."

Prayer, Mr. Reckard:

"Eternal Father, in whom we live and move and have our being, draw us close to thee this hour; and let thy light and job fill our souls as we offer unto thee the praise and thanksgiving of our hearts for the mystery and wonder of life here and hereafter. We thank thee for the revelation of thyself in Jesus Christ, and for the everlasting hope set before us in the gospel. Speak to us thy living word, that we may have thy comfort and strength and walk henceforth in newness of life. Through Jesus Christ our Lord. Amen."

Hymn, "How Firm A Foundation" to the tune of Adeste Fideles, The United States Army Chorus:

"How firm a foundation, ye saints of the Lord,
Is laid for your faith in His excellent Word!
What more can He say than to you He hath said,
You who unto Jesus for refuge have fled?
You who unto Jesus for refuge have fled?

"Fear not, I am with thee, O be not dismayed;
For I am Thy God, and will still give thee aid;
I'll strengthen thee, help thee, and cause thee to stand,
Upheld by My righteous, omnipotent hand,
Upheld by My righteous, omnipotent hand.

"When through the deep waters I call thee to go,
The rivers of woe shall not thee overflow;
For I will be with thee thy troubles to bless,
And sanctify to thee thy deepest distress,
And sanctify to thee thy deepest distress.

"The soul that on Jesus hath leaned for repose,
I will not, I will not desert to his foes;
That soul, though all hell should endeavor to shake,
I'll never, no, never, no, never forsake,
I'll never, no, never, no, never forsake."
Amen.

Psalm 46, Mr. Reckard:

God is our refuge and strength, a very present help in trouble.

Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea;

Though the waters thereof roar and be troubled, though the mountains shake with the swelling thereof.

There is a river, the streams whereof shall make glad the city of God, the holy place of the tabernacles of the most High.

God is in the midst of her; she shall not be moved: God shall help her, and that right early.

The heathen raged, the kingdoms were moved: he uttered his voice, the earth melted.

The Lord of hosts is with us; the God of Jacob is our refuge.

Come, behold the works of the Lord, what desolations he hath made in the earth.

He maketh wars to cease unto the end of the earth; he breaketh the bow, and cutteth the spear in sunder; he burneth the chariot in the fire.

Be still, and know that I am God: I will be exalted among the heathen, I will be exalted in the earth.

The Lord of hosts is with us; the God of Jacob is our refuge.

Psalm 23, Mr. Reckard:

The Lord is my shepherd; I shall not want.

He maketh me to lie down in green pastures: he leadeth me beside the still waters.

He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies; thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.

Poem, "The Traveler," by James Dillet Freeman, Mr. Reckard:

"He has put on invisibility.
Dear Lord, I cannot see—
But this I know, although the road ascends
And passes from my sight,
That there will be no night;
That You will take him gently by the hand
And lead him on
Along the road of life that never ends,
And he will find it is not death but down.
I do not doubt that You are there as here,
And You will hold him dear.

"Our life did not begin with birth,
It is not of the earth;
And this that we call death, it is no more
And he will find it is not death but dawn.
And in Your house how many rooms must be
Beyond this one where we rest momently.

"Dear Lord, I thank You for the faith that frees,
The love that knows it cannot lose its own;
The love that, looking through the shadows, sees
That You and he and I are ever one!"

Dr. Elson: "Hear the reading of God's word, being excerpts from the Letters of Paul, the Apostle, and the words of our Lord Jesus Christ.

"Romans 8: 14, 35, 37-39: As many as are led by the Spirit of God, they are the sons of God.

"Who shall separate us from the love of Christ? shall tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword?

"Nay, in all these things we are more than conquerors through him that loved us.

"For I am persuaded, that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come,

"Nor height, or depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord.

"I Thessalonians 4: 13, 14, 18: But I would not have you to be ignorant, brethren, concerning them which are asleep, that ye sorrow not, even as others which have no hope.

"For if we believe that Jesus died and rose again, even so them also which sleep in Jesus will God bring with him.

"Wherefore comfort one another with these words.

"II Corinthians 4: 5: For we know that if our earthly house of this tabernacle were dissolved, we have a building of God, an house not made with hands, eternal in the heavens.

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"I Corinthians 13: 9–13: For we know in part, and we prophesy in part.

"But when that which is perfect is come, then that which is in part shall be done away.

"When I was a child, I spake as a child, I understood as a child, I thought as a child: but when I became a man, I put away childish things.

"For now we see through a glass, darkly; but then face to face: now I know in part; but then shall I know even as also I am known.

"And now abideth faith, hope, charity, these three but the greatest of these is charity.

"I Corinthians 15: 57, 58: Thanks be to God which giveth us the victory through our Lord Jesus Christ.

"Therefore, my beloved brethren, be ye steadfast, unmovable, always abounding in the work of the Lord, forasmuch as ye know that your labour is not in vain in the Lord.

"Ephesians 6:10–18: Finally, my brethren, be strong in the Lord, and in the power of his might.

"Put on the whole armour of God, that ye may be able to stand against the wiles of the devil.

"For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places.

"Wherefore take unto you the whole armour of God, that ye may be able to withstand in the evil day, and having done all, to stand.

"Stand therefore, having your loins girt about with truth, and having on the breastplate of righteousness;

"And your feet shod with the preparation of the gospel of peace;

"Above all, taking the shield of faith, wherewith ye shall be able to quench all the fiery darts of the wicked.

"And take the helmet of salvation, and the sword of the Spirit, which is the word of God:

"Praying always with all prayer and supplication in the Spirit.

"Matthew 5: 3, 4: Blessed are the poor in spirit: for theirs is the kingdom of heaven.

"Blessed are they that mourn; for they shall be comforted.

"John 14: Jesus said: 'Let not your heart be troubled: ye believe in God, believe also in Me. In My Father's house are many dwelling places: if it were not so, I would have told you. I go to prepare a place for you. And if I go and prepare a place for you, I will come again, and receive you unto Myself; that where I am, there ye may be also. And whither I go ye know, and the way ye know. I am the way, the truth, and the life: no man cometh unto the Father, but by Me.

"'These things have I spoken unto you, being yet present with you. But the Comforter, which is the Holy Spirit, whom the Father will send in My name, He shall teach you all things, and bring all things to your remembrance, whatsoever I have said unto you. Peace I leave with you, My peace I give unto you; not as the world giveth, give I unto you. Let not your heart be troubled, neither let it be afraid.'

"Let us pray.

"Eternal Father, in whom we live and move and have our being, draw us close to Thee and let Thy light and joy fill our souls as we offer unto Thee the praise and thanksgiving of our hearts; for the mystery and wonder of life here and hereafter. We thank Thee that deep in the human heart is an unquenchable trust that life does not end with death, that the Father who made us will care for us beyond the bounds of vision even as He has cared for us in this earthly pilgrimage. We praise Thy name that our hope has been so wondrously confirmed in the life, the words and resurrection of our Lord Jesus Christ.

"Almighty God, Father of mercies and Giver of all comfort, deal graciously, we pray Thee, with all those who mourn this day, that casting every care on Thee, they may know the consolation of Thy love, the healing of Thy grace, and the companionship of Thy presence. Through Jesus Christ our Lord.

"O Thou who art from everlasting to everlasting, come upon us this day with a vivid and intimate awareness of Thy presence, that we may know that with Thee the temporal and the eternal have no distinction. Surround us with Thy love, impart to us Thy healing grace and bring to us the ministry of hallowed memory and sacred recollection.

"We thank Thee for Thy servant and our comrade, Everett, who has fought a good fight, kept the faith, finished his course and is at rest with Thee. For the nobility of his manhood, the magnanimity of his spirit, the hospitality of his mind, and the inclusiveness of his friendship we give Thee thanks. For his massive mind, his matchless speech, his powers of persuasion, and his parliamentary skills we give thanks to Thee. For his elevated patriotism and his manly piety, for his grace and dignity in public service we give thanks to Thee. For his prodigious energy spent in self-sacrificing public service, for his fortitude in suffering, and his witness to values which are everlasting, we give thanks to Thee. May the integrity of his manhood, the radiance of his character, the warmth of his personality, his gentle but subtle humor and his sense of the divine in all things human, remain as an abiding legacy for all generations. May his golden voice now silenced on this side be lifted in everlasting praise with choirs invisible on the other side of the great divide May the land he loved and the nation he served become more and more a foretaste of the Kingdom whose builder and maker is God. In Thy Holy Name we pray. Amen.

"O Eternal Father, suffer us not to miss the glory of this hour. May a new spirit arise in us this day. Give us eyes to see and hearts to feel the undaunted courage, the invincible faith, the unconquerable love of Thy servant, Everett, that we may be true as he was true, loyal as he was loyal; that we may henceforth be good enough and great enough for our times. Through Jesus Christ our Lord. Amen.

"And now, O Father, who doest all things well, with thankful hearts that Thou has given him to us for a season, we give Thy servant, Everett, back to Thy tender care, until the shadows flee away, and the brighter day dawns, when the visible and invisible are as one in Thy higher Kingdom. Through Jesus Christ our Lord. Amen."

The Lord's Prayer, by Albert Hay Malotte, the United States Army Chorus, Specialist 7 Kenneth B. Corcoran, Soloist:

"Our Father, who art in heaven; Hallowed be Thy name. Thy kingdom come. Thy will be done; On earth as it is in heaven. Give us this day our daily bread. And forgive us our debts; As we forgive our debtors. And lead us not into temptation; But deliver us from evil; For Thine is the kingdom, and the power, and the glory, for ever. Amen."

Benediction: The peace of God, which passeth all understanding, keep your hearts and minds in the knowledge and love of God, and of His Son Jesus Christ our Lord; and the blessing of God Almighty, the Father, the Son, and the Holy Spirit, be upon you, and remain with you always. Amen.

Recessional.

Graveside Services for Senator Everett McKinley Dirksen, Pekin, Ill., Thursday, September 11, 1969

Conducted by the Rev. Edward L. R. Elson, D.D., Chaplain, U.S. Senate, assisted by the Rev. Charles H. Reckard, Pastor, Woodland Presbyterian Church, New Orleans, Louisiana, the Rev. Ralph H. Cordes, Pastor, Second Reformed Church, Pekin, Illinois.

Procession to grave, hymns played by The 505th Air Force Band, Chanute Air Force Base, Illinois.

Sentences from Holy Scripture, Dr. Elson: "In the Name of the Father, and the Son, and of the Holy Spirit. Amen.

"I am the Resurrection and the Life, saith the Lord: he that believeth in me, though he were dead, yet shall he live: and whosoever liveth and believeth in me shall never die.

"Thou wilt keep him in perfect peace whose mind is stayed on Thee for he trusteth in Thee."

Commital statement, Dr. Elson: "The last march is ended; a mighty man of God has answered the last roll call.

"His battles are all fought, his victories all won; and he lies down to rest awaiting the final bugle call.

"What is mortal of thy servant, Everett, we commit to this hallowed place.

"What is immortal we comit to the tender care of the Eternal Father who doeth all things well.

"Earth to earth, ashes to ashes, dust to dust, in hope of a glorious and eternal resurrection through Jesus Christ our Lord. Amen."

Prayer, Dr. Elson: "Let us pray. Almighty God, with whom do live the spirits of those who depart hence in the Lord, and with whom the souls of the faithful after they are delivered from the burden of the flesh, are in joy and felicity; we give Thee hearty thanks for the good examples of all those Thy servants, who having finished their course in faith, do now rest from their labors. And we beseech Thee, that we, with all those who are departed in the true faith of Thy Holy Name, may have their perfect consummation and bliss both in body and in soul, in Thy eternal and everlasting glory; through Jesus Christ our Lord. Amen."

Prayer, Mr. Cordes: "Let us pray. Almighty and everlasting God, creator and giver of life, we give thee humble thanks for Thy divine providence that is over life, that brings order out of chaos, light out of darkness and life out of death. We give thanks that through Jesus Christ we may know Thee, love Thee and serve Thee. We are grateful to Thee for the life of Everett Dirksen. Thy divine providence was over his godly nurture and Christian training. Thou didst call him out of humble background to serve his nation in the military, and in national leadership. We give Thee thanks for the purpose and goal of his life, for his tireless efforts, for his unselfish service and for his deep compassion to help those in need, and to truly serve his country and his God. As of old Thou didst seek a man to build a wall and to stand in the breach for Thee in the land, and we are glad that this has been his place of service and that Thou didst enable him to fill it well. Inspire us by the power of Thy Holy Spirit, that in commitment to Thee, we may serve without the desire to be served, that we may love without asking to be loved, that we may give without counting the cost, and that we may work without asking for reward, doing that which is our duty to do that we may finally hear of Thee, 'Well done, good and faithful servant, enter thou into the joy of thy Lord.' Through Jesus Christ, our Lord. Amen."

Benediction: Let not your heart be troubled: ye believe in God, believe also in Me. Peace I leave with you, My peace I give unto you. Let not your heart be troubled, neither let it be afraid.

The God of peace, that brought again from the dead our Lord Jesus, that great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do His will, working in you that which is well-pleasing in His sight; through Jesus Christ, to whom be glory for ever and ever. Amen.

Firing of Three Volleys.

Taps.

Ceremonial Folding of the Flag.

Withdrawal of Pall Bearers.

Presentation of Flag to Mrs. Dirksen by Lt. Gen. Vernon P. Mock, U.S.A., Commanding General of the Fifth Army.

The Vice President Presented His Respects to Mrs. Dirksen.

The Governor of Illinois Presented His Respects to Mrs. Dirksen.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. 91-411)

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of the Committee on Labor and Public Welfare I send to the desk an original bill (S. 2917) unanimously reported by the committee which repeals the 1952 coal mine safety statute, as amended. The proposed new statute is entitled "The Federal Coal Mine Health and Safety Act of 1969."

Mr. President, I ask unanimous consent to file the committee's report on the bill, together with individual views.

The **PRESIDING OFFICER.** The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed as requested by the Senator from New Jersey.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADJOURNMENT

Mr. KENNEDY. Mr. President, I move in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Thursday, September 18, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate September 17, 1969:

INTERNATIONAL ATOMIC ENERGY AGENCY

Glenn T. Seaborg, of California, to be the Representative of the United States of America to the Thirteenth Session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be alternate representatives of the United States of America to the Thirteenth Session of the General Conference of the International Atomic Energy Agency:

Verne B. Lewis, of Maryland.
James T. Ramey, of Illinois.
Henry DeWolf Smyth, of New Jersey.
Theos J. Thompson, of Massachusetts.

DIPLOMATIC SERVICE

Idar Rimestad, of North Dakota, a Foreign Service Officer of Class one, to be the representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

STATE DEPARTMENT

William D. Macomber, Jr., of New York, to be a Deputy Under Secretary of State.

Francis G. Meyer, of Virginia, to be an Assistant Secretary of State.

FEDERAL COMMUNICATIONS COMMISSION

Dean Burch, of Arizona, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1969, vice Rosel H. Hyde, term expired.

Robert Wells, of Kansas, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964, vice James J. Wadsworth.

MARITIME COMMISSION

James V. Day, of Maine, to be a Federal Maritime Commissioner for the term expiring June 30, 1974. (Reappointment.)

NATIONAL TRANSPORTATION SAFETY BOARD

Isabel A. Burgess, of Arizona, to be a Member of the National Transportation Safety Board for the remainder of the term expiring December 31, 1969, vice Joseph J. O'Connell, Jr., resigned.

U.S. ATTORNEY

James H. Brickley, of Michigan, to be U.S. attorney for the eastern district of Michigan for the term of 4 years, vice Lawrence Gubow, resigned.

U.S. MARSHAL

Leon B. Sutton, Jr., of Tennessee, to be U.S. marshal for the eastern district of Tennessee for the term of 4 years, vice Harry D. Mansfield.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 17, 1969:

NATIONAL MEDIATION BOARD

George S. Ives, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1972.

RAILROAD RETIREMENT BOARD

Neil P. Speirs, of New York, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1969.

U.S. ATTORNEYS

Richard A. Pyle, of Oklahoma, to be U.S. attorney for the eastern district of Oklahoma for the term of 4 years.

Robert McShane Carney, of the Virgin Islands, to be U.S. attorney for the district of the Virgin Islands for the term of 4 years.

AMBASSADOR

Vincent de Roulet, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

John Patrick Walsh, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

William C. Trueheart, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Joseph S. Farland, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Pakistan.

William E. Schaufele, Jr., of Ohio, a Foreign Service officer to class 2, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Upper Volta.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Robert H. B. Wade, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

HOUSE OF REPRESENTATIVES—*Wednesday, September 17, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

And He hath put a new song in my mouth, even praise unto our God.—Psalm 40: 3.

O Thou Creator of the World and the Sustainer of Life everywhere, hear the song of our hearts as we sing with gratitude for the accomplishments of our astronauts whom we delighted to honor yesterday. We thank Thee for their achievements in landing on the moon, for their safe return, and for the doors to a new future they have opened for us. May we have the courage and the faith to continue our technical and astronautical research for our own good and for the good of all.

God bless our country, the land we love with all our hearts. Lead her into the new unity of a common faith and a common endeavor that we may be makers of goodness in men even more than makers of goods for men. Grant that our gratitude to Thee for Thy goodness to us may find its fruit in good will for one another.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13194. An act to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education.

AN IMMEDIATE WITHDRAWAL FROM VIETNAM

(Mr. KOCH asked and was given permission to address the House for 1 minute.)

Mr. KOCH. Mr. Speaker, yesterday President Nixon announced another token withdrawal of American troops from Vietnam. Though any withdrawal deserves support, it will still leave 484,000 American troops in that war-torn country.

The President has said that our troop withdrawals will be predicated on three conditions: First, the level of enemy-initiated combat; second, the rate of progress in the Paris peace talks; and third, the increased capacity of the South

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Vietnamese forces to assume a greater share of the combat burden. And yet, the fighting continues, the peace talks stall, and the Saigon regime remains unwilling or incapable of assuming the full combat burden of their own war.

Almost every week that passes, more than 150 Americans are being killed in Vietnam. If withdrawals remain predicated on the conditions outlined by the President, thousands more American lives will be lost.

It is clear, without assessing blame, there appears to be no prospect of a cease-fire taking place in Vietnam. I believe that the American public will no longer accept a slow, tactical withdrawal if the price for such delay is the continuing loss of our finest young men on the battlefield.

Let the President announce that total American withdrawal is to commence immediately. Let our policy be committed to saving lives rather than saving face. Every American life lost until our troops are finally withdrawn is an unnecessary tragedy and one which no family should be required to bear.

COLLEGE LOAN PROGRAM

(Mr. SMITH of Iowa asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, thousands of students in this country will not get a college loan this week and next week when they want to go to college.

It causes great problems. I fear too many people blame failure to secure a loan upon the bill to permit a higher interest rate not having passed, when that in fact has little to do with the problem.

The fact is that there are other things that would have to be changed before banks would make enough loans to fill the void. Bankers will not make loans just because they get another percent or two on the interest rate. But one thing could be done by the President in 5 minutes, if he would, and that is to send up a request for $35 million additional for NDEA loans. The budget request this year was $35 million under last year's program. Last year we appropriated $190 million but this year's administration request was for only $155 million.

Under the continuing resolution, the program can be funded at the lower of two levels, the President's request or last year's program, so merely by sending up a request for last year's level the money would be available this afternoon, and that would be meaningful help for these college students.

PEACE IN VIETNAM—BUT PEACE WITH HONOR

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, President Nixon's statement yesterday concerning further troop withdrawals makes it abundantly clear that the President intends to have peace in Vietnam, but that it will be peace with honor.

Although the emphasis in the press is on the new troop withdrawal, the emphasis in this administration is that it will not negotiate away the right of the people of South Vietnam to determine their own future, free of outside interference.

In other words, we will not abandon South Vietnam.

However, we will continue to work diligently for peace.

I think, Mr. Speaker, that it would be well to go over the steps this administration has already taken in that effort:

We have renounced an imposed military solution; we have proposed free elections under international supervision; we have said we will retain no military bases; we have offered to negotiate an internationally supervised cease-fire; we are willing to settle for de facto removal of North Vietnamese troops so long as there are guarantees against their return; we are prepared to accept any results of a free election and we are prepared to discuss the 10-point program put forward by the North Vietnamese.

Mr. Speaker, the President is indeed walking the extra mile in the quest for peace. It is up to the North Vietnamese to see that he does not walk it alone and in vain.

Mr. ARENDS. Mr. Speaker, the road to peace with an implacable, fanatic foe is a long one. But it is one President Nixon has been walking determinedly for 8 months.

During this time he has made it clear to the enemy that we will meet him more than half way along that road.

At the same time he has made it equally plain to the South Vietnamese that he will not desert them in their hour of need and he will never negotiate away their right to self-determination, free of outside interference.

Yesterday the President listed eight steps he has taken in 8 months to bring that peace about.

At the same time he signified our sincerity by ordering the withdrawal of another 40,500 troops bringing to 60,500 the total number of troops that will be brought home this year.

In doing so, he said that he realizes "that it is difficult to communicate across the gulf of 5 years of war."

But certainly the withdrawal of 60,000 troops is language easily understood in any country, even in the Communist world. Such actions spell out unmistakably our desire for peace.

Let us hope that this time—having understood—they will respond.

Mr. RHODES of Arizona. Mr. Speaker, President Nixon has taken another meaningful step toward ending the war in Vietnam, but it is a step that in no way lessens his determination that peace must not come at the expense of the South Vietnamese people.

That step, of course, is to reduce to 484,000 the ceiling on American troops in South Vietnam by December 15. That is a reduction in authorized troop strengths of 65,500 since last January and a reduction of 40,500 since the end of August.

Incidentally, Mr. Speaker, I would hope that this time political opponents of the President will give him until December 15 to complete the withdrawal before accusing him of not living up to his commitments.

Those who charged him with failing to reduce the number of troops without waiting for the August 31st deadline were somewhat less than responsible in their haste to make political hay out of a terrible war.

Regardless, Mr. Speaker, the President's record speaks for itself. He is living up to his commitments, not only to remove troops, but also to seek the road to peace.

In his statement yesterday he declared:

> The time for meaningful negotiations has now arrived.

He has shown his sincerity. It is time now that his opponents at home pledged their full support to that effort, and that our enemies abroad became aware that this Nation is united behind him.

Mr. TAFT. Mr. Speaker, most Americans of both parties, and in all walks of life are relieved that there will be 60,000 fewer American troops in South Vietnam at the end of this year than there were at the beginning.

They are relieved because it signified the President is determined to deescalate and eventually end the war.

And properly so.

But many of us are also relieved because the President has made it clear that his desire for peace does not conflict with his belief that America, as always, must stand by its allies.

Equally as important as the troop withdrawal, and maybe more important in the history of our time, is the President's accompanying statement that "the right of the people of South Vietnam to determine their own future, free of outside interference," is not negotiable.

Peace, yes. But peace with honor for us and justice for those we have sworn to help.

This is the kind of peace most Americans want. And I am proud to say it is the kind of peace this President is determined to have.

AMERICAN PEOPLE OPPOSE SURRENDER IN VIETNAM

(Mr. STRATTON asked and was given permission to address the House for 1 minute.)

Mr. STRATTON. Mr. Speaker, I should like to second the tone of the remarks of the minority leader a moment ago and say I was a little amazed to hear, in the first 1-minute speech this morning, the gentleman from New York (Mr. KOCH) suggest that we ought to bring all our troops back from Vietnam regardless of what the North Vietnamese do or do not do.

I want to commend the President for his very cautious approach to troop withdrawals from Vietnam. I do not know how any responsible Member of this

body could suggest anything else, when one picks up the newspaper yesterday and sees that even the modest withdrawals already undertaken have involved a real degree of risk in the delta area, and when Mr. Joseph Alsop reports the blunt fact that any sweeping, indiscriminate withdrawals from the demilitarized zone would jeopardize the lives of people living in that area and the gains our forces have already made.

If the North Vietnamese are to be told that every time they stall the deliberations in Paris we are prepared to make additional concessions to them, that is not negotiation, that is surrender.

Of course, all Americans want to see an early end to the Vietnam war. But I do not believe the President wants to preside over the first war that this country has ever lost. I certainly do no believe the majority of this House wants to do that, and I do not believe the American people want to surrender, either.

STUDENT LOAN AMENDMENTS

(Mr. LENNON asked and was given permission to address the House for 1 minute.)

Mr. LENNON. Mr. Speaker, I strongly support the student guaranteed loan program. My recorded vote on Monday against H.R. 13194 was in protest of the parliamentary closed-rule procedure under which this important measure was considered and not a vote in opposition to student loans. As indicated in floor discussion, there would have been only a day's delay in bringing the bill before the Rules Committee, as is the usual procedure for legislation of this type, and there would have been an opportunity to offer appropriate corrective and limiting amendments for decision by a majority of House Members. I considered the suspension procedure eliminating full debate and amendments a course of unsound action. Amendments to cut off loans to students guilty of rioting and misconduct and to assure equitable loan interest rates were favored by many Members and should have, in my judgment, been considered in connection with the loan program.

ANNOUNCEMENT OF HEARINGS ON MISBEHAVIOR IN THE PRESENCE OF CONGRESSIONAL COMMITTEES

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled a public hearing on H.R. 7213, to amend sections 102 and 104 of the Revised Statutes of the United States to provide that misbehavior in the presence of either House of Congress, or any committee or subcommittee thereof, shall constitute a misdemeanor. This hearing will be held on October 2, 1969, at 10 a.m., room 2237, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

EQUAL OPPORTUNITY TO VOTE—AMENDMENT TO HOUSE JOINT RESOLUTION 681

(Mr. CONYERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, I am taking this time at the beginning of the session to inform the House that at the appropriate time I will offer an amendment to House Joint Resolution 681 which would reserve to the Congress the power to establish uniform national qualifications for voting for President.

The text of the amendment is quite simple:

> On page 2, beginning on line 16, strike out "residence."

The purpose of this perfecting amendment is to insure that Congress will be able in the future to implement the basic rationale of this much needed constitutional amendment—to guarantee equal opportunity to vote for President to all Americans.

Without this change, we would still have 50 different requirements for voting. Under the present electoral college system, that does not make that much difference since each State has the same number of votes regardless of their voting qualifications. But with direct popular elections there would be a new significance to each individual vote. Whether some States are either more restrictive or more liberal in their voting qualifications could significantly affect the outcome.

Why should an 18-year-old vote in one State but not in another? Why should literacy be required in order to vote in one State, but not in another?

The committee proposal already reserves to Congress the power to establish uniform residence qualifications. My amendment would extend that reserved power to all voting qualifications which the Congress, in its wisdom, might decide to make uniform throughout the country.

Only in this way can we ensure equality among the States in choosing a President, and more importantly, among all the people of the United States.

U.S. DISTRICT COURT LONG ISLAND ANNEX

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, 2 years ago the Congress gave its approval for the U.S. eastern district court in Brooklyn, N.Y., to establish an annex in Mineola, N.Y., because of the growth of Long Island and the clear need for Federal court facilities in Nassau County, which has a population of 1.5 million.

Unfortunately there are no Federal office facilities in Mineola and the court convened in borrowed space that it soon had to vacate because of local needs.

Thus the Long Island annex of the U.S. district court has not been meeting despite its authorization by the Congress. There are simply no adequate facilities available for lease in Mineola.

However, I have received word from Ernest Friesen, Jr., director of the administrative office of the U.S. Courts, that adequate facilities, endorsed by the chief judge for the eastern district, are available nearby in Hempstead, N.Y.

Mr. Friesen has reasonably requested that legislation be introduced and passed to permit the Long Island annex of the eastern district court, now empowered to sit in Mineola, to also sit in Hempstead so that the available facilities might be leased by the General Services Administration and the pressing need for Federal court facilities on Long Island satisfied.

I am today introducing legislation to accomplish this goal, and respectfully request prompt action, so that the intent of the Congress in establishing the Long Island annex 2 years ago can be met.

PROTEST AGAINST THE TREATMENT OF AMERICANS BY NORTH KOREA AND NORTH VIETNAM

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, all three crewmen aboard a U.S. Army helicopter shot down by the North Koreans August 17 when it strayed over Communist territory are alive, as has been admitted by the North Koreans themselves, yet they remain in Communist hands. Two of these men are reported seriously injured.

The inhumane treatment by the Communists on American servicemen is well documented. The manner in which Americans have been beaten and harassed offends the minds of all thinking men of the world. Yet, we have the cases in North Vietnam, the crew of the U.S.S. *Pueblo*, and now this helicopter crew as well as all those Americans who suffered during their confinement by North Korea during the Korean war.

I have joined, Mr. Speaker, with other Members of the House in cosponsoring a concurrent resolution to protest North Vietnam's disregard for the provisions of the Geneva Convention and their refusal to release the names of prisoners of war, to permit the regular flow of mail to or from those prisoners, to accord humane treatment to those prisoners, and to permit inspection of the facilities in which those prisoners are held.

But, more than this, I call on all men of conscience in the world to protest to North Vietnam and North Korea their treatment of prisoners. America certainly will not forget these courageous men. We must mobilize public opinion against the uncivilized and inhuman treatment of prisoners in Communist prison camps. I strongly urge all steps be taken in the meanwhile, to obtain the release of Capt. David Crawford, of Pooler, Ga., Sp.4c. Herman Hoffstatter,

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of Lowpoint, Ill., and WO Malcolm Loepke, of Richmond, Ind., now being held by the North Koreans.

WITHDRAWAL OF TROOPS IN SOUTH VIETNAM

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, on Monday, my distinguished colleague, the gentleman from California, Representative Waldie, said in a speech:

> It does seem to me that the President of the United States has the obligation to the people of the United States and to the Congress of the United States to announce the policy of this Nation so that we do not read on the wires and in the newspapers that the Vice President of South Vietnam is telling the people of this country what our policy will be in South Vietnam.

Mr. Speaker, I am amazed at the naivete of the distinguished gentleman from California.

Surely he knows that before the President withdraws troops, he must consult with those other nations that have troops in South Vietnam and that he has, to say the least, a moral obligation to tell the South Vietnamese of his intentions.

Surely he knows that the President has no control over what Vice President Ky might say, any more than he has control over what the honorable gentleman might say.

Certainly, we would rather hear decisions on American foreign policy announced by our President.

At the same time, we would also rather hear criticism based less on pique and politics and more on merit.

It might also be helpful in view of another speech made on this House floor by this first speaker today to take stock of a famous quotation. Some years ago, Lt. Gen. Sir Wm. F. Butler of the British Army, who said:

> The nation that will insist on drawing a broad line of demarcation between the fighting man and the thinking man is liable to find its fighting done by fools and its thinking done by cowards.

TAFT DECRIES NORTH VIETNAMESE TREATMENT OF AMERICAN PRISONERS OF WAR

(Mr. TAFT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAFT. Mr. Speaker, I am today joining with a number of my colleagues in condemning North Vietnam for its inhumane treatment of American prisoners of war.

Over 300 U.S. servicemen are known to be prisoners of North Vietnam.

Intelligence reports, and statements by prisoners who have escaped or have been released by Hanoi confirm that North Vietnam continues its barbaric and uncivilized treatment of these prisoners of war.

War is ugly. But the malicious, harsh, and cruel treatment of prisoners is an outrage which cannot and must not be allowed to continue.

Not only do the men suffer unbelievably, but their families and loved ones are forced to endure hardships and pain that so easily could be eliminated.

Hanoi has denied cruel treatment of its American captives. We ask that North Vietnam permit an immediate and impartial inspection of its prisoners, to veritfy Hanoi's claim.

We ask that North Vietnam release a list of names of the prisoners it is now holding, so that families who today do not know the fate of their loved ones, listed as "missing in action" may learn whether these men are dead or alive.

We ask that North Vietnam permit the free exchange of mail between POW's and their families, as provided for in the Geneva convention, which Hanoi signed in 1957.

We ask, in the name of simple humanity, that North Vietnam release the seriously ill or injured prisoners.

Mr. Speaker, whether we are in agreement on the future conduct of the war, whether we are in agreement over past policies in Vietnam, we can all agree that we are firmly united in support of humane treatment of U.S. prisoners of war.

WE MUST HAVE AN HONORABLE END TO THE WAR

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I find myself in general agreement with the minority leader and the gentleman from New York (Mr. Stratton) on the proposed withdrawal of troops in Vietnam. And if I understood the minority leader correctly I am glad to know that the President has made a decision not to surrender and not to allow the South Vietnamese to be taken over willy-nilly by the communistic regime of North Vietnam.

The first speaker of the day, the gentleman from New York (Mr. Koch), if I understand him and his numerous speeches on this subject, is for a quick Communist victory. I would advise the gentleman that the American public opinion, however he may view it, is extremely mercurial and, while American public opinion is for ending the war in Vietnnam, it is for ending it honorably. If the gentleman had his way and we surrendered to the Communists and allowed them to murder—which they would do—a few hundred thousand people in South Vietnam who disagreed with them, I believe the gentleman's constituents who sent him here might find his philosophy unacceptable. At least, I hope they would.

The SPEAKER. The time of the gentleman has expired.

ACCOMPLISHMENTS OF THE 91ST CONGRESS

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, it is not surprising every autumn to find the football season is here. It is a little surprising on off years, however, to read the morning paper and realize that it is the political season.

I was astounded this morning, Mr. Speaker, to read the charge in the Washington Post by Members of the other party with regard to the "do-nothing 91st Congress."

Mr. Speaker, I would like to take this opportunity to point out that the two major accomplishments, in addition to a lot of other accomplishments of the 91st Congress, have been carried out despite and in opposition to the requests of the administration. The Tax Reform Act of 1969 which passed this House was solely the property and the product of the great House Committee on Ways and Means led by the Democratic majority. I would like to point out further that the great advance made in adding funds for the education of the young people of this country, and for the libraries of this country, was taken on the initiative of the Democratic Party over the opposition and over the cries and over the chiding of the administration.

As a Member, I would like to point out what has happened to this Member in attempting to get legislation considered and to get recommendations from the administration. I have had four or five bills in the various departments of this administration and have not gotten reports on them; or I have asked for reports and I have been told they would be forthcoming in a short time—and they have not been forthcoming—or when they have been forthcoming they have been negative.

So it seems to me, Mr. Speaker, if there is any doubt where the 91st Congress is going and how much it is accomplishing, perhaps the reason ought to be laid at the door of this administration—at the door of the architect, if you will, of the "no, no not now—go slow—too much, too soon administration."

The SPEAKER. The time of the gentleman has expired.

CALL OF THE HOUSE

Mr. EDWARDS of Alabama. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 172]

Arends
Ashley
Belcher
Bolling
Brock
Burton, Utah
Cahill
Carey
Chamberlain
Clay
Culver
Edmondson
Fascell
Feighan
Fraser
Fulton, Tenn.
Gallagher
Gray
Griffiths
Hanna
Hansen, Idaho
Kirwan
Lipscomb
Lukens
Morton
O'Konski
O'Neill, Mass.
Ottinger
Patman
Pollock
Powell
Purcell
Reid, N.Y.
Rhodes
Roybal
Scheuer
Sisk
Teague, Calif.
Teague, Tex.
Tiernan
Utt
Waldie
Whalley
Wright

The SPEAKER. On this rollcall 386 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PENDING VOTE ON DISTRICT PLAN OF ELECTING PRESIDENT AND VICE PRESIDENT

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, under a motion carried in the Committee of the Whole House on the State of the Union yesterday, debate on the substitute amendment offered by the gentleman from Texas (Mr. Dowdy) containing the district plan for the election of President and Vice President, will be concluded in 45 minutes. The substitute will be voted on immediately thereafter.

Mr. Speaker, I yield back the balance of my time.

WE MUST INCREASE SOCIAL SECURITY BENEFITS

(Mr. VANIK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, it has been just announced that President Nixon has recommended a 10-percent increase in social security benefits, effective April 1970. This is too little and too late. Congress can do better.

Mr. Speaker, I believe that this Congress can do better than that. I believe we can act in this session of this Congress. I certainly hope that this Congress will take the initiative and give the retirees and the beneficiaries of the social security system a chance to survive the escalating cost of living and the inflation which has occurred during the past year.

APPOINTMENT OF CONFEREES ON H.R. 13194, AMENDING THE HIGHER EDUCATION ACT OF 1965

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mr. Perkins, Mrs. Green of Oregon, Messrs. Brademas, Carey, Hathaway, Burton of California, Thompson of New Jersey, Scheuer, Stokes, Clay, Ayres, Quie, Reid of New York, Erlenborn, Esch, Dellenback, Scherle, and Steiger of Wisconsin.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681), with Mr. Mills in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose on yesterday, there was pending the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. Dowdy).

It was agreed that all time for debate on that amendment, and all amendments thereto, would be limited to 45 minutes. When this arrangement was agreed to, the Chair observed Members who were on their feet and seeking recognition yesterday when the debate on the pending amendment, and all amendments thereto, was limited.

Each Member whose name appears on the list will be recognized for 1⅓ minutes.

The Chair recognizes the gentleman from Virginia (Mr. Poff).

(By unanimous consent, Messrs. Gerald R. Ford, Don H. Clausen, Sebelius, Thompson of Georgia, Gross, and Waggonner yielded their time to Mr. Poff.)

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. Poff).

Mr. POFF. Mr. Chairman, first let me express my profound gratitude to those who have been generous enough to ask that their time be allocated to me. I hope I shall be able to justify your confidence. I am afraid, however, that no person is equal to the challenge of this occasion.

I begin by saying that I am the first to recognize that technically it is unwise to assume a defensive posture in debate, just as it is in a campaign. I prefer the positive. But the time available permits only rebuttal, and I must undertake to defend the district plan against the attacks that have been leveled against it.

Principally, only two attacks have been made against the Dowdy substitute. First, it is said that requirements for compactness and contiguity will somehow become the predicate for litigation. Second, it is argued that the district plan will become a "winner take all" in miniature, with the minority in each district disenfranchised, and with the possibility that the winner may become the loser.

I hope that is a fair statement of the attacks that are now being pressed against the plan. Language requiring compactness, contiguity, and equality of population was added to the district plan to forestall the evil of gerrymandering. Additional language guarantees that districts—and I quote from the language of the bill—"shall be apportioned following each decennial census and shall not thereafter be altered until another decennial census."

Yes, that language does authorize judicial oversight. But is the risk of litigation any greater than the risk we run today with respect to congressional apportionment? And more to the point, is the risk as great as the risk posed by the runoff mechanism of the direct plan?

Consider with me for a moment the potentialities. While the district plan fractionalizes vote fraud and restricts its impact to localities, the district plan nationalizes the impact of vote fraud, and in a close popular election, if the total votes involved in fraud contests throughout the Nation could affect the result in determining either a 50-percent majority or a 40-percent plurality, the demand for litigation in every challenged district would be utterly irresistible. And once the litigation following the general election was resolved, we would face the prospect of new litigation following the runoff election.

Mr. Chairman, if it is true that the district plan is a miniature "winner-take-all" plan, it is also true that the direct plan is a national "winner-take-all" plan. And if it is true under a district plan that the minority votes in each district will be cancelled, it is also true that under a direct plan the minority votes in the Nation at large will be cancelled, even if that minority is only one less than 50 percent of the total votes cast in the Nation. Surely under the direct plan those who supported the dropout candidate in the general election will "lose their votes" in the runoff election in the sense that they will not have an opportunity to vote for the candidate of their choice.

The district plan, they say, could make the winner the loser, and they point to the 1960 election. There you will remember Kennedy, although the popular winner, would have been the loser under the district plan, and that is because Nixon won more of the rural districts than Senator Kennedy.

But things are not always what they seem. Consider two factors. First, had the district plan been in effect in 1960, the emphasis and the geography of the 1960 campaign would have been different. Both candidates would have spent more time and effort in the rural districts and the result, measured by districts, might have been substantially different.

Second, Senator Kennedy won the 1960 election by less than 50 percent of the popular vote. That is a plurality, not a majority, and if the direct plan had been in effect in 1960 and if the Kennedy plurality had been less than 40 percent, then it is possible that Mr. Nixon might have won the runoff election. Thus, if it is true that a district plan could make the winner the loser, it is also true that a direct plan could make the general election winner the runoff loser.

In summary, Mr. Chairman, here is why I favor the district plan. I want to reform the electoral college. I want to

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revise the federal system as little as possible. I want a new system which will better reflect the popular will than the present system.

Finally, I want the Congress to propose a system that the States will accept.

It does no good for us to spout rhetoric in this body if the fruits of our efforts are unacceptable in the other body, and it does no good for both bodies to agree if the product they fashion cannot be merchandised among the States.

I suggest that the direct plan cannot be sold to three-fourths of the States, and here are the mathematics of it. We have 99 legislative bodies in this country. It requires only 13 of the 99, each in a different State, to frustrate whatever proposition the Congress presents to the States. I remind Members it is not necessary that both houses of the 13 States act negatively. One house is sufficient. Either may act negatively or simply fail to act at all.

The proposition must be ratified, if it is to be ratified, by the affirmative initiative taken in 38 State legislatures. I suggest that in their 99 legislative bodies, there will be 13, each in a different State, which will be so convinced that their State under the present system enjoys a political voting power advantage that they will simply be unwilling to take the initiative.

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield?

Mr. Chairman, I ask the gentleman to yield solely for the purpose of asking a question on procedure.

Mr. POFF. I yield to my colleague on the committee, the gentleman from Minnesota (Mr. MacGregor).

Mr. MacGREGOR. Mr. Chairman, I am grateful to the gentleman for yielding.

Mr. Chairman, should the Dowdy-Dennis amendment carry here on a teller vote, what will be the next procedural step?

Mr. POFF. If the Dowdy-Dennis amendment fails—and I earnestly trust it will not—I will seek recognition to offer the substitute which the gentleman and I have jointly worked out.

Mr. MacGREGOR. Mr. Chairman, should the Dowdy-Dennis amendment succeed on the teller vote, what will be the next procedural step?

Mr. POFF. The Committee of the Whole would rise and we would go into the House, and I assume a separate vote would be demanded on the action taken in the Committee of the Whole.

Mr. MacGREGOR. Let us assume that in a rollcall vote in the House the Dowdy-Dennis amendment carried by more than 50 percent, but less than 66⅔ percent; what would be the next step?

Mr. POFF. We would then proceed to a vote on passage of that amendment.

Mr. MacGREGOR. And that vote would require 66⅔ percent?

Mr. POFF. It would.

Mr. MacGREGOR. And should it fail to attain 66⅔ percent, even though it attains 50 percent of the teller and rollcall votes, then we have no reform whatever?

Mr. POFF. The gentleman is correct.

Mr. MacGREGOR. Mr. Chairman, I thank the gentleman from Virginia.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

The Chair recognizes the gentleman from Texas (Mr. Dowdy).

(By unanimous consent, Mr. Dowdy yielded his time to Mr. Poff.)

Mr. POFF. Mr. Chairman I should like to make one final point. I am fearful that what we are about to do here, if successful, may unhinge the two-party system. I am afraid that a direct vote system would tend in that direction more than any other system which has been or will be proposed.

I realize that those who drafted the direct vote system are of the opinion that the 40-percent factor will prevent that unhappy result, but I am not as sanguine as they. On the contrary, I am fearful that the temptation will be well nigh irresistible for every small voting group which can persuade a candidate to offer himself for presidential election to seek, if nothing else, to deny the front-runner the majority or the plurality he needs. If successful in denying him 40 percent, they will achieve part of their purpose, namely, to force the election into a runoff. And surely there will be a great incentive to combine the efforts of all minority groups in that effort, and, just as soon as the general election is concluded and all of the vote fraud contests have been settled, then will begin the wheeling and dealing looking toward the runoff election. There can be no mistake about it.

Mr. DOWDY. Mr. Chairman, I had thought I would have no further comment to offer in support of my substitute.

However, in yesterday's debate, the minority leader, the gentleman from Michigan (Mr. Gerald R. Ford), stated that Mr. Ed Gossett, a former Member of this House, was a member of the ABA group who recommended the direct election plan for selection of the President, and that any conservative can follow Ed Gossett's recommendation.

I knew that Ed Gossett is not in favor of the direct election plan, and does not recommend its adoption, and so advised Mr. Ford, during the debate, as shown by the Record. Nevertheless, he persisted in insisting that Mr. Gossett is for the plan.

I have followed the debate on our district plan substitute very carefully. None of us who support the district plan have misrepresented a single fact, as far as I know, during the debate. Were I to unintentionally misrepresent something, I would be happy to be corrected. Therefore, since Mr. Ford was so persistent, I called Mr. Gossett last evening, just on the chance he had changed his position since the latter part of August, and advised him of Mr. Ford's allegation. He told me again that he is not for the direct election. He said that I could quote him:

> I am opposed to the direction election of Presidents. I favor either the district plan or the proportional plan. The direct vote system would be worse than our present system.

If Mr. Gossett had told me the contrary, I would be here telling you that. I am not going to try to mislead the Members of this body at any time; and that is even more emphatic on a question of such importance as the resolution before us.

Mr. DON H. CLAUSEN. Mr. Chairman, it has been my contention from the outset that our archaic electoral college system must be changed and that the method of electing America's national leaders must be updated and improved.

In times past, when America was broadening its frontiers and settling its people and its institutions within the framework of a democracy—the electoral college system made sense. Today, however, with the advances made in education, transportation, and communication—it does not.

Over the years, a vast majority of the people in this country have become understandably concerned over the fact that we, the people of the United States, do not elect our President. We never have. And unless the Constitution is changed to give us that right—we never will.

There are some basic and inherent faults with this so-called winner-take-all system. It gives large States excessive and unprecedented power in presidential elections. In fact, the electoral votes of the 12 largest States could elect a President even though the combined votes of the remaining 38 States went to his opponent. In addition, the electoral college system openly invites vote fraud. Since a State's total electoral vote hinges on a simple majority of the votes cast, just a few votes can, in fact, determine the outcome. This encourages the kind of fraud that can influence the few votes needed to swing the election to one candidate or another.

One of the underlying principles on which all of the proposed plans for reform are based is the notion that people are entitled to have their votes counted for the person to whom it was given. This notion, certainly, is not novel. It is, in fact, the very system by which Members of the House of Representatives are elected within their respective congressional districts. And they are, moreover, the very ideas that our Founding Fathers had in mind when they adopted the electoral approach.

Of the many proposals which have been advanced for election reform in this country, we are now faced with two basic approaches—the so-called district system and the direct election plan.

The direct plan would abolish the electoral college system entirely and would substitute therefor the election of the President and Vice President by a majority of the total popular vote. The district system would abolish the electoral college, as such, but would retain part of its provisions. Under this plan, the will of the whole people would be more accurately ascertained by consulting them in 400 or 500 congressional districts of equal numerical size—each with one vote—rather than in 50 States each with an unequal number of votes, as is now the case.

The framers of our Constitution were deeply concerned, as some of us still are today, that whatever system evolved for electing our national leaders—included checks and balances so that the will of the people would not be denied or eroded through fraud.

This remains my primary concern today. I want a system whereby the predominant political parties in every

State, large and small, are compelled by the Constitution to come into the contest fairly and to compete for the vote of all the people. I want a system that is concerned more about individuals than it is about masses of people. For it is the people and not the States that must, in the final analysis, become the fountain of power in electing the President and Vice President of the United States. Above all, we must guard against any movement or trend toward "mobocracy."

As a Member of this body, I have been subjected to the district plan on five occasions. I believe it is eminently fair and that it embodies the checks and balances vital to any election plan. I believe it would accurately reflect a President most favored by the Nation at large and the true preference of its people. And, most important, I believe its adoption would tend to promote and enhance what the Constitution calls "a more perfect union" among the people of the United States.

Therefore, I shall initially support the district plan. Should it not prevail, however, and because of my firm conviction that we must bring about meaningful election reform this year, I will support the direct election plan. But, here again, I will predict that the final recommendation that will evolve in the conference between the House and the Senate, ultimately will be a compromise plan similar to the Poff amendment. I believe it will be the only election reform plan that will be acceptable to the entire Congress.

The basic question at stake here, as I see it, is whether we in the Congress are going to nationalize or federalize our election system for President and Vice President—without running the risk of a serious judicial rejection. Our total national interest will best be served by strengthening the federal system and its procedures.

I am certain that the Senate, in its deliberate wisdom, will carefully weigh our determination here today on this issue of vital concern and utmost importance to the American wisdom. In addition, since this is a constitutional question, congressional approval of this legislative initiative will then send this measure to the States where it will be decided by the representatives even closer to the people.

In the final analysis, if the Congress does not act favorably on this proposal during this session, then the time needed in the process of ratification would mean that the battle to achieve election reform before the 1972 elections, will have been lost.

I am hopeful that such a delay can and will be avoided and that we will respond today to the strong voice of the people in seeking election reform for ourselves and future generations of Americans.

Mr. SEBELIUS. Mr. Chairman, I would like to go on record as supporting the substitute district election plan amendment.

Much has been said regarding the public's support for the obvious need to reform our present electoral system and the following assumption that the public therefore supports the direct popular election plan. I submit the public is understandably concerned and supports needed reform—we are all in agreement on that point—but I also submit the public has not had the opportunity to fully discuss and consider the alternative district election plan or to consider the merits and disadvantages of both proposals.

I have found that the citizens of my district, when queried about the direct popular election of our President and Vice President, invariably say they support the plan and additionally state we should solve the problem of the faithless elector and the much publicized problem of a contingency election. But, when these same citizens become aware of the inequities in favor of the big city States, the awesome problems of vote recounts and runoff elections, and the giant step we are taking in regard to constitutional change, the clamor and support for the direct election plan disappear.

Since discussing this issue personally with many constituents during the recent recess, and via press release and newsletter, my mail has reflected a big change in attitude. The issue has become rather simple. The district plan will solve the problem of necessary reform with the least amount of constitutional change.

Moreover, I should like to point out the district plan will likely be accepted by the other body and by the necessary three-fourths of our State legislatures.

This plan, it seems to me, is most representative. It will protect minority groups and interests from any possible election fraud in that should any fraud occur, its effects would be limited to that congressional district and to the State vote affecting the State's two electors bound to that decision.

Mr. Chairman, the district election plan would, as my colleague, the gentleman from Indiana (Mr. DENNIS) has already pointed out, elect our President and Vice President in the very same manner and method by which our current Congress was elected. I think this method is a proven success. I do not think we should radically depart from that concept and embrace a plan that could place us on yet another treadmill of constitutional change.

Mr. GROSS. Mr. Chairman, I rise in strong support of the Dowdy-Dennis substitute for I am unwilling to vest in the big cities of this country the power to elect future Presidents and Vice Presidents.

Adoption of the committee resolution, without some dilution or weighting of the votes in the few States where there are heavy concentrations of population, will mean that the voters in the smaller States will be penalized beyond belief. I am for reform of the present electoral college system but not on the basis of reform that does violence to the voters of Iowa and other less populous States.

I am vigorously opposed to the provision in the committee resolution providing for a runoff election in the event the first election does not produce a majority vote for any candidate. It would be fantastically expensive for the presidential candidates to conduct two campaigns. It could produce far more chaos than the present system which, after all is said in denunciation of it, has served the Nation well for some 180 years.

But the major point is that I want the candidates for President and Vice President to campaign for election throughout the Nation, not merely in some 37 of the largest cities where the mass of population resides and votes.

Unless some method of balancing the vote is provided, I must vote against the installation of a system of direct voting which I am convinced will never be ratified by three-fourths of the legislatures of the several States.

Mr. SCHADEBERG. Mr. Chairman, I rise in support of the Dowdy-Dennis amendment. The debate on this issue thus far has been on a level befitting the responsibility of this body and the seriousness of the issue before us. What we do here is more than the making of a mere legislative ripple on the sea of our national history. We are charting a course which may well change the basic character of our present political structure and whatever change is made must not be made lightly.

I am of the conviction that the present system of electing our President and Vice President needs reform. That is why if this amendment fails, I shall vote for some other type of change.

I doubt there is a single Member of this House who in supporting his position is not sincerely convinced that the position he holds is in the best interest of the people not only in our day but in the decades to come. There is room for an honest difference of opinion and it is commonly accepted that each plan proposed as a change from our present system has its merits and its disadvantages. I happen to believe that the district plan does most to protect our historic political philosophy. Yet, while not making rash changes in the Constitution it removes the objections to the present system as expressed by the people of our districts.

Why do I believe that the district plan best protects the will and welfare of the people we represent?

The economic, political, and social welfare of those we represent are more closely tied up with the area in which they reside than they are in the total mass of the United States, including Hawaii and Alaska. To be sure no individual citizen or State or congressional district is an island. Our interests and welfare are interrelated and we must not ignore our responsibilities to and concern for others. The fact is, however, that a man's job, his income, his social and recreational life, his possessions, his future are closely interrelated to the specific area in which he has dug his roots. As such I believe that his vote for President and Vice President better reflects and represents his interest and welfare as an individual citizen under the district plan than if his vote is lost in the anonymity of some 75 million votes.

I support the district plan because I do not wish the votes of the people of my district—and those in a majority of the congressional districts in the country to become meaningless when it is possible that in the not too distant future the mere mass of numbers residing in eight or 10 probable megalopolae will decide the destiny of this Nation without due regard to the hard-working people who will be living in the relatively rural areas and who will be asked to do the paying.

XUM

I would hate to see the Midwest become the pawns of the population centers of the east and west coasts.

Mr. PRICE of Texas. Mr. Chairman, it is clear that the electoral college is in bad need of reform. It is a system ill designed and ill equipped to fulfill the needs of 20th-century politics in America.

The weaknesses of the electoral college system have been well summarized by the six fundamental propositions outlined by the House Republican policy committee:

1. It has permitted a candidate with fewer popular votes than another candidate to be elected President.

2. It has allowed electors to disregard the mandate of their election in casting an electoral ballot.

3. The winner of the plurality of the popular vote in a state wins all of the electoral votes in that state regardless of the vote received by the other candidate.

4. It has required the House of Representatives to decide elections when no candidate received a majority of electoral votes. In this process, each State, regardless of population, is given one vote.

5. Under the present system, the President and Vice President who are finally chosen can be from different political parties.

6. There is no provision made in the present law for the selection of a successor in the event of the death of a Presidential or Vice Presidential candidate in the 41-day period between election day in November and the meeting of the electors in December. Similarly, the situation that would be presented by the death of a Presidential or Vice Presidential candidate after the meeting of the electors but before the counting of the votes, is not specifically covered by law.

Mr. Chairman, in the 90th Congress, three major plans for electoral reform have been advanced. The direct election plan would abolish the electoral vote altogether and provide for the election of the President and Vice President by a majority of the total popular votes cast in the United States. The proportional plan would abolish the electoral college, but would retain the electoral vote. The electoral vote in each State would be apportioned among the presidential candidates in accordance with the number of popular votes they received. The candidate who received merely a plurality of the popular votes cast would not receive the State's entire electoral vote as he would under the present system. The district plan would preserve the electoral college but would eliminate the present procedure of giving a State's entire electoral vote to one candidate. Electors would be chosen by the voters, each district would be entitled to one elector, and an additional two would be chosen to represent the State at large. The State districts would be compact and adjoining, and would generally contain the same number of persons as the congressional districts within the State. Before being elected, the electors would be required to make a binding pledge to support their party's candidate. These electors would vote, and the candidate who received the highest number of such electoral votes would be President, providing he had a majority. Failing a majority, the Senate and the House, meeting in joint session, would elect a President from among the three candidates receiving the most electoral votes.

Mr. Chairman, philosophically, I favor the district plan. I think this plan would provide the most effective and realistic overhaul of our antiquated electoral college while retaining the traditional balance between Federal and State relationships.

As a duly elected representative of the 18th Congressional District of Texas, however, I am bound by the wishes of my constituents on this matter. According to the results of a recent opinion survey I conducted, 64 percent of the residents of my district favor the direct plan, 7 percent prefer the district plan, 15 percent favor the proportional plan, and 14 percent want to retain the present system.

National surveys polling popular opinion on the issue of electoral reform indicate that my constituents agree with much of the Nation. According to the most recent Gallup poll, 81 percent of the American people are in favor of choosing the President and Vice President by direct popular vote.

From a practical viewpoint, one of the most damaging criticisms that has been leveled at the direct plan is that it would not be ratified by the necessary three-fourths of the State legislatures. This criticism has been significantly diluted by a formidable array of evidence to the contrary.

The most recent piece of evidence on the subject comes from a poll of State legislative leaders conducted by the well-respected magazine, Nation's Business, and reported in its September issue. The poll concluded that there is a strong nationwide preference for the direct plan over various other alternatives. Of the overwhelming majority of State leaders favoring a change in the present electoral system, over two-thirds favored the direct vote plan. Only 20 percent supported the district, while the remainder was split among three other proposals including the proportional plan.

The poll by Nation's Business clearly indicates that the direct plan stands a better chance of being ratified than either the district or the proportional plan.

Mr. Chairman, at the heart of the direct plan lies representative government—government by the people and of the people. It is this fact, coupled with the ever increasing ground swell of popular and political support springing from State and local levels, which causes me to add my support to the direct election plan.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. MANN).

Mr. MANN. Mr. Chairman, in the short time allotted to me I would like to pursue the idea just expressed by the the gentleman from Virginia (Mr. POFF). I found it very interesting on yesterday when the gentleman from Illinois (Mr. PUCINSKI) called our attention to the Supreme Court case of Williams against Rhodes. He pointed out how our Supreme Court has made it fairly simple for additional political parties to be included on the ballot, thus increasing the possibility that the direct popular vote amendment proposed by the Judiciary Committee would result in a proliferation of parties and a strong possibility that no candidate could achieve the "minority" elected status of even 40 percent of the vote. The chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER), responded by indicating that Congress could pass a law controlling the question of inclusion on the ballot. Although in the first place it is clear that Congress could pass no effective law abrogating other provisions of the Constitution with reference to the right of citizens to vote, and so forth, it is equally clear that we can expect centralized Federal control of elections under the current direct popular vote proposal.

Yes, Mr. Chairman, Congress can pass a law. Congress will pass many laws—laws regulating the time, place, and manner of holding the elections, laws relating to entitlement to inclusion on the ballot, laws providing for vote challenges, laws providing for recounts, and laws on the many other details surrounding an election. And that is just what we are asking for if we support the committee resolution—Federal control of elections—one more surrender of rights by local governments and by the States, one more step toward an overwhelming, all-powerful Central Government.

The gentleman from Illinois (Mr. ANDERSON) on yesterday referred to the new federalism that this administration has promised. I do not detect in this new federalism any effort to return to the States their most vital privilege, that of raising money from sources heretofore preempted, and daily being usurped, by the Federal Government. I assume that it is proposed under this new federalism to return to the States certain funds previously collected from the States and their citizens, no doubt with some guidelines, or by categorical block grant.

I would prefer to call this a new centralism, one that merely makes of the States administrative branches of the Central Government, using Federal funds, under Federal direction. Thus it is that I deplore the effect that this direct popular vote proposal will have upon our Federal Republic, inevitably depriving the States of yet another right, that of determining its own method of conducting elections and of determining the qualifications of its voters.

Our Nation is a union of States, containing land as well as people. I think it greatly desirable for a country as large and diverse as ours for people in all areas of our land to have a meaningful voice in the election of their President, and to prevent a consequence which this proposal would permit, a President elected by a few urban centers in this country.

Since I believe that the President is an executive to administer the affairs of this Nation within the framework of our federal system, in which the States should and can play a vital and continuing role, I also believe that the States should have a role in his election.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, the action

by this body on the question of electoral college reform may well be the most important alteration of the body-politic in our generation. I say this because I believe a drastic restructure of our political system such as the adoption of the direct or so-called popular vote plan of presidential selection will have dire and irreparable results upon our political institutions, form of government, and upon our society.

To digress for a minute, I certainly agree that the present system is not the epitome of perfection. However, I would not kill the "patient" in order to heal its "maladies." I would prescribe a remedy or "cure" such as the so-called district electoral plan. I believe it will accomplish that which we need, and preserve our representative republic as well as the union of the States.

Before going into the merits of this plan, I would like to discuss the dangers of the direct election plan when the Founding Fathers debated and finally drafted the Constitution they devised a plan of presidential selection whereby they thought that the leading citizens of each State would use independent judgment in choosing a President. Their intent as stated by John Jay was to create electors as "select assemblies for choosing the President." This concept soon disappeared when political parties emerged. I think that it would be redundant to state the subsequent history up to the present day. But, I do think it is vital that some of the political concepts and theories that guided the Founding Fathers in their creation of the electoral college be brought to light.

These illustrious gentlemen conceived a document which, up to that time, contained a political idea untried in human history; the placing of limitations on the power of Government or the State. Prior to that, tyrants and kings possessed unlimited powers. The Constitution destroyed the absolutism and devine right theories, and planted the seed for the tree of "ordered liberty." How unique and how marvelous. What a lesson here, versus the modern counterparts of tyranny—dictatorships.

Yes, the Constitution placed limits upon the actions of the national and State governments. It established our system of checks and balances whereby no one branch or one man would possess or exercise a disproportionate amount of power. In addition it geographically dispersed power to the States and local government through the federal system. One cannot prudently disregard the successes of the proved principles of the doctrine of separation of power.

In addition to limiting and widely distributing the power of government, the Founding Fathers felt that the power of the majority should not be absolute, and that it must be tempered by the protection of minority rights. So it was in the choosing of our "Chief Magistrate," that the electoral college was adopted and his direct election was rejected. The learned group of patriots that met prayerfully in Philadelphia, knew that the majority might not always possess the right judgment, and that this same majority could well usurp the rights of the minority. History has indeed proved this to be a correct observation of human nature and politics. I might add that like conditions prevail today.

Not only were the framers of the Constitution concerned about the relationship between the majority and the minority, but they were equally concerned about the relationship between the large States and the small States. They sought to create a presidential selection system that would give the large States power and influence because of their size, but would also give the small States leverage, so that their existence and voice in the National Government could be protected. They sought a finely tuned balance between the large States and the small States and between the majority and the minority.

Now, Mr. Chairman, I will be the first to admit that the balance has not been achieved by the present system. However, I do not believe that the abolition of the electoral college to be replaced by a direct election plan will achieve greater equity or a more responsive government. History shows that Napoleon Bonaparte and Napoleon III came to power through a direct national plebiscite. Even more horrifying and more recent many of us can remember when Hitler was elected Chancellor of Germany in their direct election of 1933.

So, what I would propose is the adoption of the district electoral plan. Under this plan electors, equivalent to the number of Representatives in Congress of each State would be chosen by the voters, one for each congressional district, and in addition, two for each State at large, which are equivalent to the State's two U.S. Senators. Each candidate for elector would be required to declare the persons for whom he would vote for President and Vice President, and this would be a binding declaration, thus eliminating the unfaithful elector. The electors in each State would meet and vote and the tallies for all persons voted for would be sent to the President of the Senate. The candidate receiving the highest number of the total votes from all the States and the District of Columbia would be elected providing he had a majority when tallied before the House and Senate. If a candidate failed to obtain a majority of the votes the Senate and the House, meeting in joint session, would elect the President from the top three candidates.

I base my support for this proposal on the following reasons: First. A more accurate reflection of the popular vote would be forthcoming if electoral votes were divided within each State, so that the electoral vote in each district designated for that purpose, was determined by the popular vote result in that district alone.

Second. The district selection process would be in harmony with the present system of district election of Representatives so it would not create a precedent for proportional representation as does the automatic division of electoral votes in exact proportion to the popular vote in each State. This is the essence of a representative government in a Republic under a limited Constitution, which is just what we are, and should remain.

Third. The district electoral vote plan should promote establishment and maintenance of effective two-party systems in every part of the Nation inasmuch as party success in any district would be worthwhile. We Missouri Republicans could elaborate at length on this subject.

Fourth. To the extent electoral districts were made coterminous with congressional districts, the plan should produce a close relationship in the vote for President and Congress in each district, and so contribute to responsible government by promoting control of both executive and legislative branches by the same party, simultaneously. This would avoid overwhelming control of the big cities, and by the "corridor" of most populous States.

Fifth. The district plan would reduce the present disproportionate influence of the large population or so-called doubtful States in the presidential elections by ending the windfall that comes with the "winner-take-all" approach.

Sixth. The district elector system should encourage greater voter participation, by making the individual's vote seem more important in the selection process.

Seventh. The district system would give every voter an equal voice in the selection of a President by giving him the same voting weight everywhere. Every voter would be voting for three electors, instead of for the entire State total.

Eighth. Awarding electoral votes by districts would maintain a fair balance between rural and urban forces and allow minorities to make their weight felt where they have strength, without giving excessive influence to any group or interest. It preserves the function and federation of the States of the Union.

Mr. Chairman, I talked earlier about the finely tuned balance the Founding Fathers attempted to achieve in creating the electoral college and how this has not been fully achieved. I am quite confident that my plan will not reach the high state of perfection, but I feel equally as confident that the direct election proposal could bring us to the brink of disaster. A multiparty system might well be the Frankenstein monster created by the direct election method and I do not have to tell this distinguished body the political instability and chaos it has brought to many so-called Western democracies. On the other hand, Mr. Chairman, I believe that the district plan could greatly assist us in that never-ending quest to achieve a better and more perfect representative system of government. Let it be clearly understood, this Nation is a confederation of States, bound into a representative Republic. We are not and have never been a democracy. Therefore, the district plan would bring greater equality and voting justice to both the large States and the small States, to both the minorities and the majority, to both the urban and the rural, and both to the strong and the weak. In addition, it will preserve our basic constitutional tenets, while adjusting them to new and ever-changing times.

XUM

Finally, Mr. Chairman, I say this great bodies' watchword should be: "Electoral college reform—yes; electoral college abolition—no."

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. Lennon).

Mr. LENNON. Mr. Chairman, what do I believe the majority of the people of our Nation desire in presidential election reform? First, the abolition of the so-called electoral college. Second, the abolition of our present system that provides for the winner take all at the State level. Third, the abolition of our present system that provides for each of the 50 States to have only a single vote in the event that no candidate received a majority of the electoral votes.

Our vote today, my friends, for the substitute now pending will accomplish these three basic objectives. On the other hand, I sincerely believe that the committee bill will encourage many, many splinter parties, something which in years to come—and remember this—would do irreparable damage to our country, just as it has to other nations of the world.

I urge support of the substitute.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. Watson).

Mr. WATSON. Mr. Chairman, I rise in strong support of the substitute—the district plan.

Certainly those who have spoken in behalf of it, primarily, the gentleman from Virginia (Mr. Poff), have most adequately and eloquently stated the compelling reasons for what the House or the committee should do, that is, adopt this amendment. I think it is the only practical thing we can do, because, after all, it is not just to the moment we must look, but, as the gentleman pointed out, we must look at what would probably happen in the other body as well as what will probably happen in the various States. Let us not have an exercise in futility. If you look at the long-range picture—that which is likely to bring meaningful reforms, then I am sure you will conclude the substitute amendment now under consideration and which we shall be voting upon momentarily is the only practicable, workable, and reasonable thing for us to do.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Lowenstein).

(By unanimous consent, Mr. Lowenstein yielded his time to Mr. Celler.)

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Biester).

(By unanimous consent, Mr. Biester yielded his time to Mr. McCulloch.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Ryan).

(By unanimous consent, Mr. Ryan yielded his time to Mr. Celler).

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Fish).

(By unanimous consent, Mr. Fish yielded his time to Mr. McCulloch.)

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Sandman).

Mr. SANDMAN. Mr. Chairman, I rise in support of the committee resolution and against the substitute. However, I do want my friend, the distinguished gentleman from Virginia (Mr. Poff), to know that I am also prepared to vote for his substitute in deference to the present law. I think either system is better than what we have today.

Mr. Chairman, I would like to address myself to some Members who may have some illusions to the effect that the district plan is going to favor one party or another. However, in just a few seconds permit me to tell you what happened at another constitutional convention which was held in my own home State, the State of New Jersey, in 1965. I was a member of the 1965 constitutional convention in New Jersey. After many days of wrangling, they finally decided that both Houses should be redistricted under the district plan. However, when we left the convention hall, the Democrats came out with the broad statement that they were sold out and that the Republicans forever after would run the great State of New Jersey. Yet, when every member was up for reelection, for the first time in 50 years the Democratic Party took both Houses of the legislature by a margin of 2 to 1. However, they did such a terrible job during the next 2 years that lo and behold under the same plan, Mr. Chairman, when it was submitted to the people by a plurality of votes, lo and behold, the party which had been defeated in the first election won the second election by a margin of 3 to 1 in both houses of the State legislature.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Steiger).

(By unanimous consent, Mr. Steiger of Wisconsin yielded his time to Mr. McCulloch.)

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Mikva).

(By unanimous consent, Mr. Mikva yielded his time to Mr. Celler.)

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, if the substitute fails and the direct popular election plan is adopted we will have taken one more long step away from the federal-representative Republic of our fathers, and toward a unitary democracy in which government will be conducted by blocs, pressure groups, and organized minorities.

To those Members of the House who look with favor on that development I have nothing to say except that I disagree, but to those more conservative-minded Members of the House who in their heart do not favor such a development, I say, with all respect, if you do support the direct, popular-vote plan, you are making a grave mistake, and I seriously urge you to consider and think before you take so radical and so fateful a step.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. Rogers).

(By unanimous consent, Mr. Rogers of Colorado yielded his time to Mr. Celler.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Chairman, I am sure it is no surprise that I rise in opposition to the substitute amendment.

When we began the debate on House Joint Resolution 681 last Wednesday, I outlined some major flaws in the present system. No one has denied that the direct plan will not remedy those flaws. No one has claimed that the district plan will remedy those flaws.

Will the district plan remedy the evil that winners may lose and losers may win? The proponents of the district plan candidly admit that the district plan will not.

Will the district plan refer the choice in a runoff to the people, or will it perpetuate the evil of referring the choice to a smoke-filled room, closed off to the people? The district plan still allows the highest office in our Republic to be awarded without the vote of the people. That is not republican government.

Will the district plan remedy or perpetuate the evils of the unit rule? Under the district plan, 108 electoral votes are cast under a statewide unit rule just as they are today. Under the district plan, the other 430 electoral votes are cast under a smaller unit rule. The proponents of the district plan rightly condemn the unit rule. But the district plan, nevertheless, perpetuates that evil.

Will the district plan eliminate the two bonus votes for every State? The proponents of the district plan embrace the bonus votes as the hallmark of federalism. But I have yet to hear what they think federalism is and precisely how it is impaired by the direct plan. To me, federalism is a form of government designed to allow the popular will to be more precisely expressed and effectuated by an allocation of responsibility to various levels of government. Just what federalism has to do with the way we count votes, I do not know.

We sometimes forget in the heat of debate that under both the direct plan and the district plan, the people vote. The difference is how the votes are counted. To me, it is truly federalism and truly republicanism to count every vote and to elect the man with the most votes. To defend distortion of the popular will in the name of federalism and republicanism, is incomprehensible to me.

The district plan leaves unfinished the task of reform. Our task is to devise a plan for electing the President which the people can trust. It is my humble opinion that only in adopting the direct plan do we fulfill our responsibility.

Mr. ROGERS of Colorado. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 178]

Ashley
Belcher
Bolling
Cahill
Clark
Culver
Diggs
Fascell
Fraser
Frelinghuysen
Gallagher
Gibbons
Gonzalez
Gray
Griffiths
Hanley
Helstoski
Kirwan
Lipscomb
Lukens
Murphy, N.Y.
O'Konski
Ottinger
Pepper
Poage
Podell
Pollock
Powell
Purcell
Quie
Reid, N.Y.
Roybal
Sisk
Slack
Stuckey
Sullivan
Teague, Calif.
Tiernan
Utt
Waldie
Whalley
Wilson, Bob
Wilson, Charles H.
Zablocki

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROONEY of New York) having assumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution, House Joint Resolution 681, and finding itself without a quorum, he had directed the roll to be called, when 386 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CELLER) to close debate on the pending substitute amendment for 6⅔ minutes.

Mr. CELLER. Mr. Chairman, we must remember that the House on one other occasion rejected the so-called district plan, a plan of the type offered by the gentleman from Texas (Mr. DOWDY). I would say that if this district plan prevails a constitutional amendment on electoral college reform is dead—deader than a dodo. It will be utterly impossible to get a two-thirds vote in the House for the district plan. All our efforts, therefore, will have been aborted.

Furthermore, it would be useless to go on. It would be as useless as your appendix; as useless as a cock without a comb—such a cock is absolutely useless.

Therefore I do hope that the popular direct plan will gain the votes of this House.

Mr. Chairman, the direct popular election system provides that the individual, the individual voter, shall vote directly for President—and his vote shall be counted without any intermediary. The voter needs no agent. He needs no intermediary to vote for him. He is intelligent. He knows what the issues are, and he can differentiate among the candidates. He needs nobody to act for him.

What better method is there than having the individual vote for himself? That is what the direct popular election plan provides. All these other plans—the district plan, the proportional plan, and the other plans—perpetuate many of the evils of the present system. And we are all agreed, all the speakers are agreed, that the present system is indeed a blot upon our escutcheon.

It is something that must be changed. Changed to what?

Now the district plan which is now before you in the amendment in the nature of a substitute contains the evil of the unit rule, the "winner-take-all" system. It contains the evil of the "bonus" electoral vote. It contains the possibility that the unwelcome loser may become the winner. It contains the danger of the election being thrown, into a joint session of the House and Senate.

These evils still remain in the substitute. We would be jumping from the frying pan into the fire.

As to the election being thrown into the Congress, we had an experience of that nature in 1870, in the Tilden-Hayes contest. Tilden won the election by a quarter of a million popular votes. But he lost the majority of the electoral votes by a great deal of political skullduggery and dastardly intrigue. The man who was duly elected was euchred out of office.

Once bitten, twice shy. We do not want the contingency provided in this Dowdy substitute—we do not want the election of the President and Vice President thrown into a joint session of the House and Senate.

Beyond that there is the great possibility of gerrymandering. We have that now with respect to congressional districts. The spoils would be even greater because here there is involved the presidency and vice presidency of the United States. There would be an invitation and motive for the various State legislatures to gerrymander their electoral districts.

There are also some weasel words in the Dowdy substitute. They are imprecise and impractical and would not accomplish what it is said they would.

Beyond peradventure of doubt you will be encouraging gerrymandering in presidential election under this Dowdy substitute.

We can only live our lives forward. But we can only understand our lives backwards. We can only understand what goes on before us if we understand our history. We know that the electoral college system has bad features. It is beset with evils. We do not want to continue those evils.

Therefore, to understand what life is and what life may be, we must judge and we must profit by our past experience. But we would be ignoring our past experiences if we embrace anything like the district plan or the proportionate plan or if we accept anything other than the so-called popular plan.

The plan that has been put forward by the Committee on the Judiciary is not perfect. Nothing in this life is perfect. If you want the rose, you have to put up with the thorns. We give you the rose. But there are some thorns or bristles. We cannot help that. But we have some perfectionists in the House who want to have a perfect bill. You just cannot get a perfect bill. We give you the least objectionable of all the proposals and we hope you will embrace it as a constitutional amendment.

With reference to the perfectionists and the idealists, when they come down from their ivory towers on high and come into our mundane existence, they go into dark alleys. That is what is happening to some of the perfectionists in this House who complain here and complain there.

Mr. Chairman, we give you the best that you can get with reference to this constitutional amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. CELLER) has expired.

All time for debate on the pending amendment has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. DOWDY).

Mr. McCULLOCH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. DOWDY and Mr. ROGERS of Colorado.

The Committee divided, and the tellers reported that there were—ayes 159, noes 192.

So the substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment as a substitute for the joint resolution.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT as an amendment in the nature of a substitute for the pending joint resolution: Strike out all after the resolving clause, and insert the following:

"That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

" 'ARTICLE —

" 'The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President and Vice-President by the persons in their respective States who shall have elected them; they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; if a vote by an Elector is not cast for President or Vice-President in accordance with the vote of the persons in the State who shall have elected such Elector, such vote shall be counted as if it had been so cast;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no persons have a majority, then from the two highest numbers on the list, the House of Representatives shall choose the President; a quorum for the purpose shall consist of two-thirds of the whole number of the House of Representatives; and a majority of the whole number, each member casting one vote, shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed.

" 'And if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no per-

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> son constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.'"

Mr. ECKHARDT (during the reading). Mr. Chairman, I ask unanimous consent that we may dispense with the further reading of the amendment and that it be printed in the RECORD, and I will explain it.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. POFF. Mr. Chairman, reserving the right to object—and I shall not object—I believe it would be helpful to the minority if we were furnished a copy at the desk.

Mr. ECKHARDT. I have no objection, if I can get hold of one quickly.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ECKHARDT. Mr. Chairman, the amendment tracks exactly article XII of the Constitution, except in three very precise particulars.

First, it provides that the electors shall name in their ballots the persons voted for as President and Vice President by the persons in their respective States who shall have elected them. Those latter words are added to the language of the Constitution so that the electors are mandated to cast their votes in accordance with the votes of those who elected them.

The second change in article XII occurs in this language:

> If a vote by an elector is not cast for President or Vice President in accordance with the vote of the persons in the State who shall have elected such elector, such vote shall be counted as if it had been so cast.

This of course further sews up the curing of the problem of the faithless elector.

Then it is provided:

> If no person have a majority, then from the two highest numbers on the list, the House of Representatives shall choose the President.

You know, there is an anomaly in article XII of the Constitution that permits the House to choose from among the three highest persons. My amendment would limit it to resolving selection of the Presidency between the two highest if no majority of the electoral vote were obtained.

And then it provides that the election shall be from the entire House of Representatives voting each man one vote instead of voting by States.

There is no other change. The Senate still selects the Vice President, just as the Constitution now provides. The House resolves the situation with respect to the Presidency just as it does now with the sole change that the election is by individual votes and not by States.

So all this does is very precisely to correct the major objections to article XII. It avoids the faithless elector problem and it also avoids the vote by States in the House. And, of course, this only occurs when no person receives a majority of the electoral votes.

I want to suggest to the House that this is the most conservative and most limited change in the Constitution that has been offered. It in no way affects the electoral college except to cure the faithless elector question and to require that the House vote on the basis of one man, one vote, among the two highest candidates instead of three.

That is all this amendment does.

Mr. CORMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. ECKHARDT. I yield to the gentleman from California.

Mr. CORMAN. Does the gentleman anticipate any possible problem if we wound up with a President of one party and a Vice President of the other party?

Mr. ECKHARDT. We have exactly the same problem under the present system, and I do not attempt to change it in any way in this respect.

That is possible, and it is possible under the present system.

Mr. CORMAN. I recognize it is possible under the present system, but it would not be possible under the committee's proposed amendment.

Mr. ECKHARDT. That is correct.

Now, I believe strongly that a system that has worked for 180 years without a serious flaw occurring, and which has worked in such a way that on only three occasions could it be said by any stretch of the facts that whether the electoral vote or the popular vote was the deciding vote would have resulted of the election—that such a system is a good one.

Mr. Chairman, I want to point out that the Tilden-Hayes election is not a good example, because there certain States electors were counted out in order to come to a result which was decided to be desirable by the side that won.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. ECKHARDT asked and was given permission to proceed for 2 additional minutes.)

Mr. ECKHARDT. In the Tilden-Hayes election the matter was entirely artificial. The Cleveland-Harrison election is actually the only election in which our electoral system failed. I believe a system which is so carefully balanced as to achieve success over that number of years, a system which has not only the wisdom of the Founding Fathers behind it but also has been hewed out by an intelligent pragmatism, a system which has preserved the political party system, a system which achieves an elected President which the people accept as the bona fide President, even in the case of a narrow popular difference, is a system that we should not overthrow lightly.

Mr. Chairman, I urge an "aye" vote on the amendment.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, I have the highest respect for the gentleman from Texas who just addressed the House. He is a painstaking and a most dedicated lawyer and colleague. I fear, however, he is on the wrong track with reference to this amendment. His proposal is not really a reform; it is a piecemeal effort. He continues the present system practically as it is, with all of its attendant evils—the evil of the winner-take-all; the "bonus" electoral vote; the possibility of the unwelcome loser becoming the winner; the danger of the election being thrown into the House. The only change that he makes concerns when the election is thrown into the House. Instead of the Congress voting by States, each Member would vote individually. He also does away with the turncoat elector; that is, the faithless elector. Those two are reforms, but they are slight reforms comparatively. Certainly and assuredly we did not wait 180 years to get this mere pittance, and that is what it is—a mere pittance. If we are going to reform the electoral system, let us go wholeheartedly about it and not just take one or two little bites off the cherry. That is exactly what this amendment does.

Mr. Chairman, I hope the amendment will be defeated.

Mr. RUTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had intended to offer an amendment similar to the one which is now pending before the Committee but shall not do so, and rise in favor of the amendment which has been offered by the gentleman from Texas (Mr. ECKHARDT).

Mr. Chairman, I do not question the wisdom of the Committee on the Judiciary. I am not in disagreement with all of the philosophy that has been presented in the Chamber for the past few days.

However, I cannot lose sight of the fact that our decision is relative to changing the Constitution.

The people of the United States, the Congress, and, yes, the State legislators will be very deliberate in such a change.

We have been focusing upon whether we should change our system of voting for the President to a popular vote or by electoral vote by districts. I, for one, do not feel we have been wrong for nearly 200 years in our method of electing a President.

I am not too concerned about how we have been voting for our President, but I am very concerned about what happens if one of the candidates does not receive a majority. Back in November I can remember that there was sincere fear as to what might happen if one of the candidates did not receive a majority. I can recall a lot of people discussing whether or not our electoral college, our electoral system or winner-take-all system was as bad as it was pictured to be. We were concerned that the election would be followed by two choices which could bring about complete chaos. We were concerned that members of the electoral college would become independent and usurp too much power. We were concerned that the law requiring that the House choose among the top three candidates would bring about a tremendous delay which would not be good for our country.

Therefore, I say if we want ratification, we must not lose sight of the fact that it should be on the basis of reform and that is reform of those things which cause the problems and not changing our way of selecting the President. In other words, we are about to ask 50 State legislatures to agree on something on which there is general disagreement in the House of Representatives as indicated by this debate.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on February 6 this year I discussed in the House seven defects of the present system of electing the President and Vice President of the United States. Each of those defects are most serious and could thwart the will of the people of this country.

Although the amendment now pending before the committee has resulted from much searching thought, and while the gentleman from Texas is really one of the most able Members of the House, his proposed substitute amendment reaches only two of those seven defects which were discussed at length on February 6.

The seven defects of the present system which I recounted to the House last February are these—

First, it allows winners to lose and losers to win;

Second, the unit rule;

Third, bonus votes;

Fourth, the present system does not feature a fail-safe method for determining and counting electoral votes;

Fifth, the present system does not provide for the case of the death of the "winning" candidates before the electoral college meets;

Sixth, the faithless elector; and

Seventh, a one-State, one-vote rule prevails when the election of the President devolves upon the House.

The amendment reaches only the last two defects. We can do better.

I, therefore, urge the Members to not agree to the substitute amendment now pending before the committee.

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment which has been offered by the gentleman from Texas (Mr. ECKHARDT). The amendment of the gentleman from Texas will continue the present plan but eliminate the deficiency of the "faithless elector" and the clumsy method of voting which exists in the House under the present contingency mechanism. Mr. Chairman, I have deep reservations about the direct popular election plan and especially the 4070 provision.

The more I have listened to the debate in this House, the greater my reservations concerning the popular election plan have become. The thing that worries me about the direct election plan is that I fear it will promote the development and growth of splinter political parties in this country. Perhaps, it may not encourage the growth of such splinter parties as much as the present system discourages the formation and the growth of third parties.

I think we have to admit that the present electoral college system does discourage the proliferation of splinter parties, and this to me has been the real stability of the United States of America. The growth of splinter parties with the resulting inability of any party to muster a majority has plagued so many democracies that have risen and fallen in the past. We are a nation of many races and many cultures with so many differences, it is indeed surprising that we have not experienced the same problem. The reason why we have not is due to the manner in which our present system has developed and operated.

Mr. Chairman, I believe the gentleman from Texas (Mr. ECKHARDT), has a good amendment. I hope that the Members of the House will see fit to support this amendment, and continue substantially the same system that has served this country so well in the past.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. ECKHARDT and Mr. ROGERS of Colorado.

The Committee divided, and the tellers reported that there were—ayes 64, noes 98.

So the substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. POFF: Strike out all after the resolving clause and insert the following:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'SECTION 1. The President and Vice President shall be chosen by the electoral votes of the several States and the District constituting the seat of government of the United States (hereinafer referred to in this article as the District). Each State shall be entitled to cast a number of electoral votes equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress and the District shall be entitled to cast a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State. Such electoral votes shall be cast upon the basis of an election in which the people of such State and of such District shall cast their votes for President and for Vice President. In such election, each voter shall cast a single ballot for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President and who are then not both inhabitants of the same State or of the District. No candidate shall consent to the joinder of his name with that of more than one other person.

" 'SEC. 2. The voters for President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for such voters (1) the legislature of any State may prescribe less restrictive residence qualifications and (2) Congress may establish by law uniform residence qualifications.

" 'The times, places, and manner of holding such an election and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations.

" 'SEC. 3. In each State and in the District the official custodian of election returns shall make distinct lists of all persons joined for the offices of President and Vice President for whom votes were cast, and of the number of electoral and popular votes in such State for each pair, which lists he shall sign and certify and transmit to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the electoral votes shall be computed in the manner provided in section 4.

" 'SEC. 4. The persons joined as candidates for President and Vice President shall be credited with such proportion of the electoral votes of a State or District as they receive of the total vote of the voters for such offices in each State and in the District. Such persons shall be the President and the Vice President if such number be a majority of the total number of electoral votes. In making the computation, fractional numbers less than one one-thousandth shall be disregarded. If no pair of persons joined as candidates for President and Vice President receives a majority of the total number of electoral votes, the pair receiving the greatest number of popular votes in the several States and in the District shall be the President and the Vice President. But if no pair of persons receives at least 40 per centum of the total number of popular votes cast for such offices, then the Congress sitting in joint session shall on or after the 3d of January following the election choose from between the two pairs of persons joined as candidates for President and Vice President who receive the two highest number of popular votes. A quorum for this purpose shall consist of a majority of the Members of each House of the Congress, and a majority of the whole number of Senators and Representatives present and voting shall be necessary to a choice.

" 'SEC. 5. The Congress may by law provide for the case of the death, withdrawal, or disability of any candidate for President or Vice President before the day on which the President and the Vice President have been chosen.

" 'SEC. 6. The Congress shall have power to enforce this article by appropriate legislation.

" 'SEC. 7. This article shall take effect 1 year after the 21st day of January following ratification.' "

Mr. POFF. Mr. Chairman, if the vote on the Dowdy-Dennis substitute indicates anything, I suggest that it indicates that what this Congress ultimately agrees upon and proposes to the States will be something other than the two reform proposals which we have heretofore had under consideration. The plan which I have just submitted—and I pause parenthetically to say that it is my second choice—the plan I have just submitted probably fairly could be classified as salable compromise between the direct plan and the district plan.

Let me explain, if I may, the details of what I hope may eventually become a vehicle for a compromise acceptable to both Houses of Congress, and one which can command the support of the legislatures in three-quarters of our States. Essentially, it is a proportional system. Under the plan, the electoral vote of each State and the District of Columbia would be apportioned automatically among the several presidential and vice presidential candidates in proportion to the popular votes received. The candidacy which received the majority of the electorial votes would be-

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come the President-elect and the Vice-President-elect. If no candidacy received a majority of electoral votes, then potentially either or both of two contingency mechanisms might become operative: The first contingency mechanism would look to the popular vote in the election just held, and if no candidacy earned a majority of the electoral votes under the proportional system, then the candidacy which won the greatest number, and at least 40 percent of the popular votes, would be elected.

If no candidacy prevailed under the initial test, and no one prevailed under the first contingency mechanism, then the election would be held in the two Houses of Congress sitting jointly with each Member of each House casting one vote, with their choice confined to the two top candidacies, a majority of each House being necessary to a quorum, and a majority vote of both Houses present and voting necessary to a choice.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. POFF. I yield to the gentleman from Texas.

Mr. WHITE. I would like to ask the gentleman from Virginia if his proposal does not have these points superior to the popular vote: Under the popular vote, if a State lowers the qualifications of voting to 18 years, does not that give extra weight to that particular State?

Mr. POFF. It does, and I suggest in that connection that if the direct plan is approved, there will be a race in the legislatures both to lower the residence requirements and to lower the age requirements in order to increase the electorate, and thereby increase the State's proportionate voting power in the Nation at large.

Mr. WHITE. Under your plan each State would carry the same weight according to its electoral vote?

Mr. POFF. The gentleman is correct.

Mr. WHITE. Regardless of the voters who come to vote.

Mr. POFF. The gentleman is correct.

Mr. WHITE. Is it not true that under the poular vote scheme weight is given to the State that has the most or the greatest number of votes, with some disadvantage to the State with patterns of less percentage voting?

Mr. POFF. There can be no doubt that the large States will have under the direct system, as indeed they have under the present system, a disproportionate part of the total voting power, and that this disproportionate part will be largely affected by the tightly organized, highly disciplined voting blocs in the urban areas of the large States.

Mr. WHITE. Mr. Chairman, it has been discovered some States vote 80 to 85 percent in the presidential election and some States only vote 60 to 65 percent, and therefore under the committee system it gives an advantage to the States voting more heavily and under the gentleman's proposal it helps to equalize the votes.

Mr. POFF. The gentleman has graphically explained what I understand to be one of the advantages of my plan, and I thank him.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(By unanimous consent, Mr. Poff was allowed to proceed for 2 additional minutes.)

Mr. POFF. Mr. Chairman, it will be said that the proportional plan, like the district plan, may possibly make the winner of the popular vote the loser in the election. I would be foolhardy to dispute that. Mathematically and theoretically, it is possible. But I will say that if the three mechanisms in my substitute were applied to all the elections in the last 100 years—and these are those elections for which pertinent statistics have been assembled—my plan would not have made any difference whatever in the results. Yet my plan, if it had been in effect, would have given better voice to the popular will in each.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. POFF. Mr. Chairman, I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, is this also true of the Nixon-Kennedy election, that the gentleman's plan would not have changed that election?

Mr. POFF. The gentleman is correct. It would not have changed that election.

Mr. ECKHARDT. It would not have?

Mr. POFF. It would not have changed that election.

Mr. Chairman, I earnestly urge that those who are seeking a fair compromise around which hopefully two-thirds of both bodies can assemble, will study the details of the amendments as they are incorporated in House Joint Resolution 778, copies of which are at the desk. I invite most respectfully the attention of the Members to my separate views, which appear in the committee report, which also is at the desk.

AMENDMENT OFFERED BY MR. HUTCHINSON TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. POFF

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment to the Poff substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. Hutchinson to the substitute amendment offered by Mr. Poff: On page 4, line 1, strike out "one-thousandth" and insert "one-tenth."

Mr. HUTCHINSON. Mr. Chairman, the Poff substitute amendment providing for a proportional distribution of the electoral vote provides that the electoral votes shall be divided into thousandths. It provides that in making the computations the fractional numbers less than thousandths shall be disregarded. So the effect of it is, if in any State a particular candidate should receive as much as one-thousandth of an electoral vote, that is if he received a popular vote equal to one-thousandth of the popular vote, he would be awarded that fraction.

It seems to me to divide the electoral vote into thousandths would greatly encourage the proliferation of parties, the breakdown of our two-party system, and the proliferation of minor parties. It seems to me that in order to strengthen and maintain a two-party system in this country, it would be better public policy to take the position that if a candidacy cannot garner at least a sufficient popular vote within a State to get at least one-tenth of the electoral vote in that State, that it should not be awarded any fraction.

Therefore, my proposal is simply to amend Mr. Poff's one-thousandth of an electoral vote into one-tenth of an electoral vote. Under my amendment it would be necessary for a ticket in a State to get a popular vote which would entitle it to at least one-tenth of one of those electoral votes in the State before it could win anything at all.

Mr. POFF. Mr. Chairman, will my colleague yield?

Mr. HUTCHINSON. I yield to the gentleman from Virginia.

Mr. POFF. I must say I am always impressed by the logic of the distinguished gentleman from Michigan. I chose the figure of one-thousandth with the thought in mind that it might allay the fears of those who felt that some candidates might not receive any recognition for the popular-vote received if the fraction was greater. Yet I am compelled to the view that the gentleman has expressed, and as a matter of policy I would prefer the gentleman's amendment.

Without the power to accept the amendment I can simply say I will support the gentleman's amendment to my own substitute.

Mr. HUTCHINSON. I thank the gentleman for his support of this amendment to his substitute.

Mr. DENNIS. Mr. Chairman, I rise in support of the substitute amendment.

Mr. Chairman, I would of course be less than candid if I said the substitute of the gentleman from Virginia is my favorite amendment, because, as the Committee already knows, that is not the case.

But his proposal does cure the problem of the faithless elector. It does provides a remedy for the winner take all. It does provide a definite contingency mechanism without what I regard as the vice of a runoff national election; and it does preserve our federal system.

For those reasons I urge its acceptance by the Committee.

Mr. MIKVA. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Mr. Chairman, the proposal offered by the distinguished gentleman from Virginia seeks to try to find some common grounds between what he feels are different points of view not only within the Congress but also within the country.

I would point out to him the problems he and others have stated about ratification would be compounded by the proposal he makes, for one very important reason, and that is the complication, the undue complication that is presented in his proposed electoral system.

I leave it to all of you who have tried to explain even simpler matters to the voters, to the electorate, to try to go through all of the ramifications of each of the fall-back positions in this proposed substitute.

Indeed, it is properly called, as it was by the sponsors and others, a hybrid position. It is more hybrid than it is purebred. What we would leave with the electorate is a system where they would be very confused as to what would happen historically or what would happen in the future.

As an example, I have been poring over the statistics of the 1960 election. For the life of me I cannot figure out what would have happened when one takes into account the votes given to the unpledged slate in Alabama that year. I think it might well have brought about the stalemate the gentleman from Virginia insists would not have come about in 1960.

More than that, for those who have expressed concern over preservation of the two-party system, I can assure you there is nothing which would bring about greater encouragement to splintering than a system such as this. Such splinter parties could hope that one of the fallback systems would come into play if enough of the splinter parties were able to siphon off a big enough portion of the vote.

The most important thing, I believe, is that in going back to the very beginning of the debate about how political power in this country would be redistributed, we find that only one ox is being gored, while others stay fat. If we start with the premise that the present system has a series of inequities in it and a reasonable reform is supposed to remove the entire series of inequities, then I suggest that this substitute must once again fall victim to the arguments which have been made against the district system. This proposal similarly removes some of the inequities but leaves others. It would remove those inequities that deal with the winner-take-all principles but do nothing about those brought about by the bonus votes which are allowed to every State regardless of population. So, in effect, it is asking the populous regions and the populous States of the country to vote for a system which takes away some of their undue influence but does not at the same time take away any of the undue influence of the smaller States.

Finally I would like to congratulate the sponsor of this proposal for his candor in answering questions. He stated something which points up the very unfairness of this proposal in terms of not only a constitutional precedent but also in terms of what the people think should happen in this country. When asked by the gentleman from Texas as to whether or not this proposal would reflect the voting percentages of States, he admitted it would not in that a State with a large population but a small voting population would get the equivalent vote in the electoral system as if all of their people had voted, whereas a State in which a larger percentage of the people voted would get no greater percentage in their proportional vote. What he is saying, in other words, is that there will be a bonus for nonvoters. They will get a larger portion of the electoral votes than in those States where the voters vote. This kind of inequity is something that I believe should be removed from the present system, and not included in a reform proposal.

Mr. POFF. Mr. Chairman, will my colleague yield?

Mr. MIKVA. I will be glad to yield to the gentleman.

Mr. POFF. May I ask the gentleman if he does not in his own congressional district represent many thousands of nonvoters?

Mr. MIKVA. Yes. And the President of the United States also represents many thousands of nonvoters.

Mr. POFF. And this is inherent in the reform that the gentleman just criticized.

Mr. MIKVA. No. It is not a question of representation but of whether the nonvoters are counted. When I am elected to the Congress the nonvoters are not counted for my opponent, whereas under your proportional system the nonvoters are given an influence on the outcome of the election.

In summary I would say to the gentleman from Virginia that this system, like the district system, would still permit the loser in the popular vote to be the winner in the proportional vote. This is not reform.

Mr. CEDERBERG. Mr. Chairman, I rise in support of the Poff substitute.

Mr. Chairman, I have listened to a majority of the debate on this issue. The statement by the distinguished chairman of the Committee on the Judiciary is a correct statement when he says that none of these plans are absolutely perfect. Therefore I think it is incumbent upon us, as we try to do something in the reforming of the electoral college, to try to arrive at a plan that has an opportunity to complete the rocky road on its way to the safe harbor of the Constitution.

I do not believe, if I understand the sentiment here, that the district plan would do this, nor do I believe that the direct plan would do it. Therefore I think it is important that we analyze the plan that has been promoted by the gentleman from Virginia, Mr. Poff.

As I see it, it is very simple. First it is a proportional plan whereby the electoral votes within a State will be proportioned among the candidates in the way they were cast. What is wrong with that? This preserves the Federal aspect of our national elections.

Under this substitute, if no one receives a majority of the electoral votes, then the candidate that receives the greatest majority over 40 percent will be elected. What is wrong with that? That is in the direct plan.

Now, you have a further provision to the effect that if no one of the candidates receives 40 percent of the vote then it goes to a joint meeting of the House and Senate, with each Member of the House and Senate having an individual vote to determine who the winner will be.

Now, here, you have I think an ideal situation. The substitute preserves the Federal aspects of our national elections. It contains part of the provisions contained in the direct plan supported by the committee, and has a greater opportunity of actually becoming a part of the Constitution.

Now, I want to say very clearly that I will support the direct proposal that came out of the committee. I have no problem in doing that at all. But I do believe that what we ought to consider is that we have been here debating this matter and as I observed the teller vote on the district plan, there is an indication in my own mind that the direct plan may not get much more than a two-thirds vote when the roll is called on this direct plan here in the House. Now, if this is going to be the case, what will happen when it gets in the other body? What will happen when it goes to the legislatures of our several States?

So, as a practical matter—I think the thing to do is to support the Poff substitute. I say this because I believe it is a good reform of the electoral college, one of which we can be proud and one that can become a part of the Constitution as well as one which I believe is equitable, equitable in the light of the history of the United States in the kind of preservation that we want to give to the States in their processes of handling our Federal elections.

So, Mr. Chairman, I would urge every Member of this body, regardless of whether he prefers the district plan or the direct plan which has come out of the committee which I say I can support, to give serious consideration to this plan as being an honest and legitimate compromise that I believe can become a part of the Constitution and result in the badly needed reform of our electoral system.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the substitute amendment which has been offered by the gentleman from Virginia (Mr. Poff).

Mr. Chairman, I have listened with a great deal of interest to the remarks of the distinguished gentleman from Michigan (Mr. Cederberg) and in my opinion he has made a very eloquent and a very forceful appeal for the adoption and the correctness of this compromise plan. I commend the gentleman from Virginia (Mr. Poff) for offering it.

Now, Mr. Chairman, it seems to me we ought to try to preserve the right that each person can expect his vote to be counted. One can argue that the popular method might be the proper approach. But in my judgment under this plan the vote of the individual would count. Under the proportional plan, each candidate then can know that he will receive a certain number of electoral votes based upon the popular vote cast within the State. At the same time it preserves the system under which we work today. You may disagree with the present system when you think of it in terms of what this or that might happen, but that really has not taken place but in three instances and in only one where it was a true example of harshness.

Mr. Chairman, it seems to me that this plan is a good compromise. It is my opinion that it does not give any advantage to any section of the country. If you take the popular vote, it certainly can be argued that the big cities or the big blocs, or those States that cast large numbers of votes would have the advantage, and this can certainly be argued at length because in my opinion it does give a State or section that advantage. It could be argued under the proportional plan that there would be some advan-

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tage to several States by the principle of allowing the popular vote to be distributed in relation to the electoral vote, but in my opinion is sound as it can be. The gentleman from Michigan could not be more correct when he said that the proportional plan is the only plan probably that has a chance of getting a two-thirds vote over in the other body.

It certainly would follow that the popular vote approval would be a difficult thing to do to get three-fourths of the vote in the various States. It seems to me that this proportionate is a good compromise. It has a chance of passing not only this body, but the other body, and it has a chance to be ratified by the States.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I would ask the gentleman in the Well if it is not true that under the Poff substitute it would be a stimulant for the presidential candidates to campaign in every section of the United States?

Mr. PICKLE. That is correct. Otherwise they might just single out 12 of the States. Thus, 12 States could be making the choice for the other 38 States.

Mr. JONAS. If the gentleman will yield further, is it not desirable for the citizens of each section of the country to see the presidential candidates?

Mr. PICKLE. It certainly is desirable, and this would be brought about under this proportional plan.

So, Mr. Chairman, I urge the Members to support the substitute. It is a good compromise. We can all live with it, and we can get it passed.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Chairman, one of the questions that occurs to me is the fact that under this plan each State determines who among their citizens shall vote for President. So then if a State permits everybody above the age of 18 years to vote, and another State does not so do, the State that permits the 18-year-olds or older to vote is going to have a greater voice in electing the President of the United States.

Now, I have not found out whether, in case the States started competing against each other, and decided that if one State reduced the voting age to 18 years, and another State, in order to get a better chance to elect the President, might reduce the age limit to 16 years, and this could start a competition between the State legislatures where they would be competing with each other insofar as influencing who was to be the President.

What I would like to know, Mr. Chairman, is, Does the Congress of the United States have the authority under this legislation to correct the situation in which the various State legislatures determine different eligibility requirements for their voters?

Mr. PICKLE. I would yield to the gentleman from Virginia to answer that question.

But in response, first of all, I would say to the gentleman from Oklahoma——

Mr. BELCHER. Mr. Chairman, if the gentleman will pardon me and yield further, I would say that I am asking the question of the chairman—the question:

If the various States competed with each other in determining eligibility requirements for their voters, and the Congress determined that this was a bad situation, does the Congress under that plan have the authority to determine the eligibility of all people who can vote for President?

Mr. PICKLE. I would yield to the chairman of the committee, or to the gentleman from Virginia, to answer that question.

Mr. JONAS. Mr. Chairman, if the gentleman will yield further, the situation the gentleman from Oklahoma describes could certainly arise under the committee plan, but it would not under the Poff substitute.

Mr. BELCHER. Mr. Chairman, if the gentleman will yield further, I know that is correct under the Poff substitute, but what I am interested in finding out from either the chairman of the committee, or the ranking minority member, is whether in the case of a bad situation arising the Congress of the United States has the authority to correct that and determine who shall be eligible in each State to vote for the President?

The CHAIRMAN pro tempore. (Mr. BURLESON of Texas). The time of the gentleman from Texas has expired.

(On request of Mr. BELCHER, and by unanimous consent, Mr. PICKLE was allowed to proceed for 2 additional minutes.)

Mr. PICKLE. Mr. Chairman, I will yield to the chairman of the committee to answer the question posed by the gentleman from Oklahoma.

Mr. CELLER. Mr. Chairman, if the gentleman will yield, I would like to read a section of the joint resolution, House Joint Resolution 681, on page 2, section 2:

> SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

Mr. Chairman, that seems to be quite clear.

Mr. PICKLE. The gentleman is saying that under the committee recommendation a State could establish less qualifications, and could get into this regular reduction of the number of years to constitute eligibility to vote for the President.

I again appeal to the Members of the House to support the proportionate plan.

Mr. WIGGINS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I would ask unanimous consent that all time on the pending amendment, and all amendments thereto, conclude at 4 o'clock, if that is agreeable to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Chairman, reserving the right to object, if all those Members standing are seeking recognition on the amendment and expect to use the time, it may be a little unrealistic to close debate at that time.

If a lesser number of Members want to speak, then I think it would be a fair time to close debate.

Mr. CELLER. Would the gentleman suggest a time himself?

Mr. POFF. I am just saying to the chairman I believe the timing suggested would be fair if we could be sure who of the Members standing expect to speak on the amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the so-called Poff amendment, and all amendments thereto, conclude at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Chair has noted the names of the Members standing and seeking recognition under the limitation of time.

The Chair has recognized the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I rise in opposition to the Poff substitute.

I would commend the gentleman from Virginia, however, for his usual capable way of bringing these difficult and complicated issues before the House.

Like all compromises, and that is what this measure is, it contains many of the disabilities of each alternative proposal before the House. The most that has been said, in my opinion, for the Poff substitute is:

First. It in some small measure reflects the popular vote.

Second. It may be adopted and it can be ratified.

Third. It preserves the Federal system better than any other proposal.

I would like to treat with each of these arguments briefly within the time allotted.

First, the argument that it may be ratified. What makes you think so? Is there any statistical evidence to the effect that it can be ratified? Indeed, all of the evidence is to the contrary. All of the evidence is that there is only one proposal that can get three-quarters of the States of this Union, and that is the direct popular election.

In my view the evidence that I have seen reflects that the proportional plan is a poor second to the direct popular-election plan in terms of popularity among the States.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman briefly.

Mr. POFF. The gentleman is familiar with the fact that the poll conducted by the distinguished gentleman from Michigan shows that the proportional system would command the support of 55 percent of the legislators polled?

Mr. WIGGINS. I will review the poll. But the results are far short, however, of sustaining the assertion made that the present proposal will garner three-quarters support of the State legislatures.

Second, does it reflect the popular will accurately? Of course, it does not.

Does the proportional system reflect in any realistic, accurate way the direct vote of the people? Of course it does not. I do not believe it was ever intended to. First, it gives no consideration to the great relocation of people over a 10-year period—in Texas, in California, for example. We have hundreds and hundreds of thousands of new voters whose weight is not reflected in the electoral vote assigned to that State. We have to live with a number of electors assigned over a 10-year period. Accordingly, those new voters are not given weight under the proportional plan, nor, may I add, under the district plan. The direct popular election is the only plan which permits their vote to be counted, and they are entitled to it—in Texas, in California, in Arizona, in Nevada—in all of these greatly expanding States.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Michigan.

Mr. CONYERS. I wish to commend my colleague on the Judiciary Committee, and I join in his opposition to the amendment. Might I ask if he does not feel that the emphasis put on the fact that the 18-year-old age requirement might be triggered off is a little bit overstated in this case?

Mr. WIGGINS. I think it does not do credit to the State legislatures around this country to think that they would permit or hasten the enactment of legislation to get 17-year-olds, 16-year-olds, or whatever, to vote in their States in order to give some undetermined advantage to their State. But more than that, those who espouse the federal system here should recognize that States have the right under that system to determine voter qualifications as to age, and under the committee resolution the right of the Federal Government to take that power away from them is specifically denied. To that extent we are preserving the federal system.

Mr. CONYERS. I thank the gentleman. I appreciate his point that there will not be any last-minute race among the legislatures to lower the age to 18. However, there are some Members here who happen to think that the age of 18, or at least an age of less than 21, does not necessarily work a disability on the intellectual ability of one in that group to pick a presidential candidate. I wonder if the gentleman would feel that perhaps that kind of question might be secondarily reserved to the Congress, that is to say, the States would have the initial right, but the Congress might be able to establish uniform qualifications as a secondary rank.

Mr. WIGGINS. Under the committee resolution, the Congress would not have that power to fix the age qualifications of voters.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, I rise primarily in response to the remarks of the gentlemen from Virginia, Texas, and Michigan, who have told us how close to perfection the Poff plan comes. However, they have retained the Congress as the final arbiter in the absence of an electoral majority. They have retained a system which, in 1824, produced a President who not only failed to get a plurality of the popular vote but who was a poor second in the electoral college vote; and the House of Representatives elected the loser President of the United States. The only other time a vote has been thrown into the House of Representatives was in 1800, when the people of this country were held in suspense, through 37 ballots on the floor of the House of Representatives, waiting to see who would become President, and that was Thomas Jefferson by the margin of one vote.

The unfortunate result of these two instances has not been the wisdom, or lack thereof, exercised by the Congress. The tragedy has been that our people have been deprived of their voice and vote in the selection of their President; not the President of the States or a federation of States, but the President of the people.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I do not suppose there has ever been an issue before this House over which I have agonized more than the question of reforming our method of choosing a President and Vice President. My main concern has been involved with the question of reducing the power, the sovereignty and the proper place of the States in the election of the President and Vice President.

We must maintain a proper sense of balance between the rights of the several States and the rights of each individual. We must be careful not to sacrifice the rights of one in favor of the other, since it is this proper balance that makes our federal system of government operate.

Historically, the electoral college was set up so that the people of each State could choose electors who would then sit down and attempt to pick the best qualified persons for President and Vice President. This was at a time when the candidates were unable to communicate their ideas to the people. The mass media we know today just was not available. It was felt that by choosing a set of electors known to the voters, these men would be sure to reflect the needs and desires of their people back home in casting their vote. This apparently worked for a brief period until the advent of the party system. The parties served as the vehicle of communication for dissemination to each voter of the candidates' ideas on the Presidency. The voter then cast his vote for the electors who voiced the opinions and ideas of a certain party and who were pledged to that party's candidate. The net effect since about 1832 has been that the electors while constitutionally free agents were in fact committed to certain candidates. Since about 1832 then, the people have been casting their votes for electors because they knew, or in most cases thought they knew, who the electors would vote for in the electoral college.

Since the electoral system has now developed into this posture, the result has been that the minority, and in some cases the majority, of the voters have not really had their votes counted. For example, if candidate A gets 40 percent of the vote in a State, and candidate B gets 35 percent, and candidate C gets 25 percent, candidate A gets all of the electoral votes and the 60 percent of the people of the State who voted for the other two candidates have in my view been disenfranchised. Literally, their votes have no effect on the outcome of the election. There is no way this can be justified.

Under the present system, it is possible for 12 large States to control the election of the President, even though the winning candidate may only carry these States by a small margin of the popular vote and even though he may lose all of the other 38 States. This is an extreme example, but it shows the very excessive influence that a few large States can have on the election. And it shows why most of the campaigning is done in these 12 States.

It becomes necessary then to weigh the absolute right of the people to choose their President against the need to protect the historical system whereby the President is chosen by the States. Perhaps there is a compromise so that the votes of citizens are indeed counted and at the same time proper weight is given to the relationship between the Federal Government and the 50 States of the Union. I have concluded that either the district plan or the proportional plan meet this criteria in some respects, and certainly better than the present winner-take-all system. I say this, recognizing that whatever plan is finally adopted, no system is perfect.

Since the district plan has just failed by a teller vote of 159 to 192, it is now my intention to support the amendment just offered calling for the proportional plan. This plan likewise protects the Federal-State relationship while allowing all voters of the State to have their influence felt in the choice of the President. It does not disenfranchise any vote. I urge its adoption.

But what if this plan, too, fails to pass? And what if we finally come to the point where the choice is either the direct popular vote or the present electoral college system. Then the opportunities for compromise are gone and the stark choice is there. Shall we return to a system which in effect disenfranchises a substantial portion of the citizens of this country, or shall we move on to a system which in fact assures the right of the people to choose their own President.

Back in 1968 when I was running for reelection on the Republican ticket, the former Governor of Alabama, the Honorable George Wallace, was running for President. Coming from south Alabama, you might imagine this was quite an issue in my campaign. Many people expected

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Governor Wallace to throw the election in the House of Representatives, and so the question was put to me time and time again: "Who would I vote for if the election were thrown into the House?" My reply was that I would cast my vote for the presidential candidate who carried my district because I felt that the people—not the politicians—should elect the President of the United States.

Mr. Chairman, it is fair to say that this was one of the most discussed issues in my campaign. Apparently my position was right, for I was returned to the House by a substantial majority. But the point is this, Mr. Chairman. The people in my district felt very strongly that they and not the politicians should elect the President. This was later confirmed when I asked the following questions on the questionnaire which goes to every household in my district. The questions and responses by percentage of the total are as follows:

[Figures in percentage]

Should the electoral college system of electing the U.S. President be changed?

Yes	68.3
No	10.5
Undecided	21.2

If your answer is "Yes," how would you change it?

Abolish it and elect the President by direct popular vote	59.5
Apportion electoral votes of each state according to the ratio of popular vote	13.2
Chose electors by congressional districts	8.6
No response	18.7

I do not know how we can condone a system whereby the voice of the people is not effectively heard in the election of the President and the Vice President of this country. Yes, Mr. Chairman, the people want to be heard. Oh, it might be different if the electoral system was working the way the drafters of the Constitution envisioned it. But it does not work that way. And I am not sure I would want to go back to that approach in any case. The voter today is too intelligent to ask someone else to cast his vote for him.

It is also true that the present system allows small groups voting as a bloc in a close election to throw the whole electoral college vote of a given State to a particular candidate. When this is done, and it occurs frequently in some of the larger States. It is no wonder that the NAACP the votes of the people of the small States. It is no wonder that the NAACP and other such organizations want to keep the present plan.

It has been argued that the small States have a slight advantage because of the two electors each State gets for its Senators, although I cannot for the world see what real good it has done for my State of Alabama. But look at it another way. Under the present system, the voter in Alabama can vote for 10 electors, and so he can influence these 10 individuals in their choice for President. But the voter in New York can vote for 43 electors and, therefore, he has considerably more influence on more electors than the voters in my State will ever have.

Mr. Chairman, the popular vote plan assures that the choice of the people will be elected as President. But the proportional plan preserves the spirit of the Constitution in regard to individual and States' rights while at the same time preserving the letter of the Constitution in that the will of the people shall decide the President of the country.

Mr. Chairman, it appears obvious that the basic arguments in favor of retaining the present system all are tied in one way or another with special interests. In some ways the small States have an advantage—in some ways the large cities control the elections in the large States—in some ways the bloc vote has more power—in some ways it is easier for fraud to control an election. But in the final analysis, the most important special interest of all is the individual citizen of this country. I believe the time has come to make sure that each individual vote is counted for President. Arguments have been made that one system will help the South, that another system will help the Democrats, that another system will assure the election of a Republican, that this candidate or that candidate would have won if this system or that system had been in effect. But when you come right down to it, no one wins if the choice of the people is not sitting in the White House.

It is imperative, therefore, that we adopt a system which will assure that the choice of the people is in fact elected. There is no such assurance under the present system. I have great faith in the collective will and desire and determination of the people of this country. This is in fact the people's government. As Lincoln said:

> A government of the people, by the people and for the people.

If we cannot trust the election of the President and the Vice President to the people, then this Government of ours shall not long prevail.

Consequently, I urge a favorable vote on the proportional plan. If that fails, and if the final vote is whether we shall continue the present electoral college system with all its confusion or go to the direct popular vote plan. I shall cast my vote for the direct popular vote.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Davis).

Mr. DAVIS of Wisconsin. Mr. Chairman, I enthusiastically support the Poff substitute. The only point at which I disagree with him is in the fact that it is his second choice, but I have favored the plan dating back to the days when Judge Lea of California was the main proponent and main developer of that plan here in the House. I have always felt that the proportional plan very nearly reflected the popular vote, and would avoid some of the problems of differences in voting qualifications, the problems of ratification that will be created if we disturb the present plan of allocating electoral votes among the States, the problems that will be created by making it a national election rather than a Federal election, which has been the traditional and constitutional way of doing it in the past. So I hope the House will accept this amendment, not necessarily as a compromise, but as the best means of resolving this problem.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I do not want my vote to be filtered by any device however cleverly contrived.

As far as the adherence to the federal system, any student of the Constitution knows that the evolution of the federal system has been uninterrupted. Perhaps the most radical departure was the very nature of the electors themselves. They were not supposed to be partisans. They were supposed to be an elite party.

A further change of great significance was made to the so-called federal system when the Nation amended the Constitution to provide for the direct election of the Members of the other body.

This is a logical step in a democracy. This is a logical step by self-governing self-respecting men and women.

Mr. Chairman, I hope the substitute is voted down and that we come out and speak straightforwardly here in favor of popular government.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Patten).

(By unanimous consent, Mr. Patten yielded his time to Mr. Celler.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Lowenstein).

Mr. LOWENSTEIN. Mr. Chairman, the discussion for the last several days has swirled in many directions, and we have heard sophisticated arguments in support of various proposals that have one central purpose in common: to deny the people of the United States the right to be sure that they will always have as their President the candidate who obtained the most votes.

We have heard lots of fancy theories about which States, or which ethnic or political blocs, or which political points of view would gain the most from this or that electoral contrivance. All of these theories seem to me to be beside the point, the simple, overpowering, unanswerable point. I will put that point as a question: Should the United States at this time in its history, with so many of its people already questioning the fairness and responsiveness of its system of government—does it make sense for the United States to continue to take the great risk of having a President take office who received fewer votes than his opponent? What State, what bloc, what group that cares about preserving and strengthening this Republic could gain from that kind of a situation? Who gains if the Republic itself is damaged? And does it make any sense at all to continue taking so grave a risk when there is nothing to gain, when the risk is avoidable and totally unnecessary?

It seems to me that that is the central question in all these votes, and that question remains totally unanswered after these several days of debate. And that is why I hope we will continue to reject this and all other amendments that would gut the basic principle of the committee bill—the principle that the people will henceforth choose their

President without benefit of intermediaries or distorting prisms.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I would like to state I support the amendment offered by the gentleman from Virginia (Mr. POFF). I think it is truly a reform. It provides for real improvement in the present plan, yet it avoids the complete change that is being advocated, in House Joint Resolution 681, with its unknown problems.

I would like to remind my colleagues that this is yet a representative republic. I subscribe to retention of the electoral college in some form as our best hope for stability of the future.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. BELCHER).

Mr. BELCHER. Mr. Chairman, I again want to point out the thing that bothers me is the fact that it is up to the States to determine the eligibility of the voters who will vote for President. I know legislatures well enough to know—contrary to what the gentleman said a while ago, that he did not believe that any legislature would take advantage of any other legislature—the gentleman is a little bit naive about legislatures, because I know at the present time there are States that now permit 18-year-olds to vote while other States do not permit 18-year-olds to vote.

Under the particular committee bill, I still think there ought to be some way in which the Congress of the United States would determine who shall vote for President, and we should not leave it up to the legislatures of the various States to bid against each other.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I might say, in response to the gentleman from Oklahoma, we will have an opportunity on this floor to vote for an amendment which would place the responsibility to set uniform voting qualifications in the hands of the Congress.

On the merits of the substitute amendment, I rise in opposition to it, as I did the district plan.

Direct popular election is the only truly democratic method. It is the only way to insure that the candidate who receives a plurality of the votes becomes President. Under the proportional plan, as under the district plan, the popular will be frustrated.

Under the proposed Poff substitute the so-called countervailing inequities which now exist in the present electoral college system would be unbalanced. It would retain the three vote minimum—one vote plus the two bonus votes—for each State, an advantage to the small States, yet it would eliminate the winner-take-all feature, which is an advantage to the large States, leaving the balance tipped in favor of the small rural States. In other words, the present electoral college system is a balance of inequities, which would be unbalanced by the proportional plan.

Another inequity which would not be cured is the advantage to the States with low voting participation since the allocation of electoral votes would be on the basis of population—not voter turnout.

Moreover, the electoral vote of each State would be frozen and would not reflect increases or decreases in population except after a census.

Under the proportional plan it may be anticipated that the vote in the large States would be closely divided, whereas in the one-party States the vote would be cast more heavily in one direction.

Furthermore, there is a greater possibility under the proportional plan than under the present system for a presidential candidate, who did not receive a plurality of the popular vote, to be declared elected.

The fairest plan, the plan which gives not special advantage to any State or region, is direct popular election.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I rise in support of the Poff amendment.

(By unanimous consent, Mr. CARTER yielded his remaining time to Mr. BELCHER.)

Mr. BELCHER. Mr. Chairman, I will state I feel that the Poff amendment has the better chance of being passed by the Senate and of becoming law.

The gentleman from Illinois a while ago spoke about the fact that this particular substitute did not give more power to the big States. That was the thing he was complaining about.

Senators who represent 35 States who are going to be handicapped by this committee bill will discuss this. I doubt very seriously if they are going to vote it out of the Senate. I believe the Poff substitute has a better chance of being adopted than the committee proposal.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I rise in support of the Poff proportional substitute. I do so for the many reasons previously stated by other supporters of the substitute, but in addition to that I want to stress that this proposal does not do violence to the federal system. It does preserve the integrity of the States. In preserving the integrity of the States it insulates those States wherein vote fraud is not a common practice against vote fraud in a number of our large States where vote fraud is an everyday practice in every election. One cannot get that protection under the proposed direct system.

I urge the Members, for this and all the other reasons already stated, to support the Poff proportional substitute as the better plan.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I rise in opposition to the substitute amendment. It seems to me what we are endeavoring to do by the substitutes, by the district plan and the proportional plan, is to more accurately reflect the popular vote. Of course, the only way we can accurately reflect the popular vote is to let the people vote for President.

In this amendment now before us, the sponsors want to count the vote down to one-thousandth or one-tenth of the electoral vote.

This amendment also gives effect to the bonus votes, which is one of the inequities we are trying to eliminate through our direct popular election plan.

In my district 14 percent of the people favor the proportional plan, which is substantially more than those who favor the district plan. However, over 75 percent of the people—and they do understand the direct popular vote concept—support essentially the committee proposal.

Another difficulty in the pending amendment is that it includes a 40-percent requirement in order for a candidate to avoid the contingency method of naming the President and Vice President. As the committee knows, I will offer an amendment to the committee bill to reduce the requirement to 35 percent, which will give greater assurance that a runoff may be avoided with all of the complications and dangers inherent in such a general nationwide runoff election.

It is my hope that the pending substitute may be rejected, and that the House will give a resounding two-thirds vote in favor of the direct popular election plan as recommended by the Judiciary Committee—with the two amendments to the committee bill which I will offer at a later stage of these proceedings.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, to recapitulate, I think that the Poff amendment as an amendment to the Constitution has the greatest chance of passage in the respective States because it preserves the federal system, whereas the popular vote will erase it.

Further, I want to point out that under the direct vote system each State can change their qualifications and thereby gain greater weight to their voting.

The Poff amendment does not give that opportunity to gain an advantage by change of qualifications.

I want to point out also under the system of popular or direct voting you are counting votes and not population. This House represents population, not how many went to the polls. By the direct vote plan what the proponents are saying is we want to elect the President strictly by how many people you can get to the polls to vote, and not by the representative strength of this Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. DOWDY).

Mr. DOWDY. Mr. Chairman, I am supporting the Poff substitute as being superior to the pending resolution. I am still of the firm opinion that a President-elect should have a majority mandate. The first contingency in the Poff substitute permits a 40-percent election—I would change that to 50 percent in order

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to assure a majority somewhere down the line—but again, I support the substitute as more desirable than House Joint Resolution 681. It preserves the electoral vote and isolates fraud. I have preferred the district plan, and still do, but the proportional plan is a close second choice with me.

(By unanimous consent, Mr. DOWDY yielded the remainder of his time to Mr. POFF.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I take this time to call attention to a provision in the contingent election provisions of the Poff substitute and to state that the gentleman from Virginia (Mr. POFF) and I have discussed the matter. I would report on the record the results of our discussion.

In the contingency provisions of the Poff substitute it is provided that in the unlikely event that neither an electoral majority nor 40-percent popular plurality was obtained, the Congress sitting in joint session should act. Remembering what happened last January when the House and Senate counted the electoral votes and the Senate went over to its own Chamber to vote, it is the intention of the author of this proposal that the House and Senate should sit as a single body and as a national assembly for the purpose of electing a President and a Vice President.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, I support the Poff substitute.

The people of this Nation want, expect, and are entitled to, presidential electoral reform.

I believe a majority of the people of this Nation prefer electoral reform which would authorize the direct popular election of our President and Vice President. I think I would prefer a direct popular vote under standards protecting the uniformity in exercise of the franchise. But I have doubt as to whether a majority of the electors of 38 of the States prefer direct election; I doubt seriously that both houses of 38 State legislatures will support ratification of a direct election amendment; and, I would allege with greater certainty that 38 State legislatures will not ratify a direct election amendment after the impact of the 1970 census is known and the anxiety in anticipation of the further impact of the 1980 census is felt.

These are not idle unfounded concerns that I voice. I regret that my research is incomplete, but I am attempting to project present trends in population, political sentiment, and elector reaction into the 1970's when ratification will be before the States of whatever amendment we pass here today or this week.

And, Mr. Chairman, it is essential that we consider what is possible as much as we consider what is desirable. And, it is equally essential that we view what is possible at the time action on ratification is required as best we can anticipate it, rather than what we may think is possible now.

I need not remind all of you—more expert in the profession than I—that politics, legislation, and government involve the art of the possibile.

I have examined with interest all of the polls of legislators which have come to my attention and which tend to establish that a direct election proposal would be ratified by the necessary number of States. Frankly, I am not impressed, much less convinced.

The study I have made of the potential for ratification of a direct election proposal at the time that question will be before the legislatures, has convinced me that those States which would probably not ratify today are much less likely to ratify tomorrow and that there will be more States tomorrow than there are today which will be so negatively disposed.

Time does not permit a recitation of the population trends and other factors which have caused me to reach this conclusion; suffice it to say I have deep concern that our passage of a direct election proposal will result in no electoral reform at all.

I believe the apportioning of the electoral vote as proposed by Mr. POFF's substitute is good electoral reform. It would reflect the popular vote for President and Vice President better than any plan other than direct election. It is a proposal which I believe would be ratified by the States. It eliminates many of the inadequacies and defects of the present system and is the best plan for electoral reform that can be enacted under the very system which our Founding Fathers established.

The CHAIRMAN. The Chair recognizes th gentleman from North Carolina (Mr. LENNON).

Mr. LENNON. Mr. Chairman, I rise in support of the Poff substitute, as amended. However, I cannot fail to use this opportunity to commend my distinguished friend from New York for his frankness in now admitting that the so-called popular vote plan would inure to the benefit of the 15 States where you have the large metropolitan centers. I appreciate the gentleman's frankness and I am confident that that is the reason for his opposition to the proportional system.

Mr. RYAN. Mr. Chairman, will the gentleman yield?

Apparently the gentleman from North Carolina misunderstood my remarks. The fair plan, the equitable plan, is direct election. If the principle of one-man, one-vote is applied, no State or region will benefit.

I said that the proportional plan would upset the balance of inequities which now exists under the present system. By eliminating the winner-take-all feature but retaining the bonus votes, the least populous, low-voter turnout States would have a distinct advantage.

Mr. ROGERS of Colorado. Mr. Chairman, a point of order.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Permit the Chair to ask the gentleman from Colorado if he desires to insist upon his point of order in view of the fact that if it is determined that a quorum is not present and that a rollcall must occur, no one else will be heard on this amendment.

PARLIAMENTARY INQUIRY

Mr. ROGERS of Colorado. Mr. Chairman, do I understand that the Chairman stated that if a rollcall is required, no one else will be able to be heard on this matter?

The CHAIRMAN. The Chair will state to the gentleman from Colorado that the time was fixed on the amendment and all amendments thereto to expire at 4 o'clock. It would be impossible to have a rollcall within that time.

Mr. ROGERS of Colorado. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

(By unanimous consent, Mr. KASTENMEIER yielded his time to Mr. CELLER.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, this afternoon we have had unusually interesting legislative developments. First we went through the district plan and it was rejected. Then we went to the Eckhardt plan and that was turned aside. Finally we are now considering the Poff or the proportional plan. I hope that that too will be turned aside and that we will return ultimately to the committee proposal of letting the people vote directly, which most Americans want, and which I hope that we will permit them to do.

May I comment also as to the great concern which has been expressed as to what we are doing here to the federal system and that we are in the process of changing it. Well, it has been changed across the years and many of those changes were needed.

The changes we are now considering would finally insure equal influence by all American citizens, regardless of their State, as to who should be the President and Vice President of the United States. Certainly that is how it should be.

Much has been made of the distinctions between the rights of State citizenship as contrasted to the rights of National citizenship. I would point out that the basic thrust and effect of House Joint Resolution 461 is to definitely make a vote for President and Vice President a right of national citizenship. But is not that what it really is anyway under the American system of government? The President and the Vice President are the only officials for which all citizens of the United States vote. Those offices directly and immediately affect the lives of each and every citizen of the United States—often more immediately and directly than State and local officials. Therefore the votes of each and every citizen of the United States should be counted equally.

The same rationale means that the qualifications for voting for President and Vice President should be the same throughout the Nation. It is to fully implement this underlying thrust of House Joint Resolution 461 that I have announced that I will offer an amendment which will specifically authorize the Congress to establish uniform national voting qualifications, not just for residency, but also for age, literacy, and the other types of qualifications. What more basic application is there of the 14th amendment's guarantee of "equal protection of the laws" than equal qualifications for voting for the officials which help to make the laws? Only with uniform national voting guidelines could we claim true equality for all American citizens.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

The Chair recognizes the gentleman from Colorado (Mr. Rogers).

Mr. ROGERS of Colorado. Mr. Chairman, if anything is clear, the people of this Nation desire an electoral college reform. The hearings conducted by the Judiciary Committee and the debate here reflects the fact that the people do not want an intermediary to represent them in the selection of the President of the United States.

I am, therefore, opposed to the substitute which has been offered by the gentleman from Virginia (Mr. Poff) for the simple reason that the intermediary as provided in this proposal exists in the House of Representatives and in the U.S. Senate in the event that the candidates do not receive a majority of the electoral votes or 40 percent of the popular vote.

Therefore, Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

The Chair recognizes the gentleman from Virginia (Mr. Poff).

Mr. POFF. Mr. Chairman, I would like to use a part of this time to allay some concern that seems to have arisen from an omission in my original comments. I neglected to say in those comments that the District of Columbia would be awarded three electoral votes under my substitute, even as it is today under the 23d amendment.

Second, Mr. Chairman, I would like to address a point that has arisen with respect to the direct plan; namely, the possibility that individual States might be tempted to lower the voting age of their voters in order to increase their relative voting strength in the Nation at large. The distinguished chairman of the committee has conceded that this is possible. I agree. I would anticipate that there might be a race to the legislatures in order to achieve that particular advantage first. No such advantage could be achieved under the proportional feature of the substitute which I have just offered, and I submit, Mr. Chairman, that this is one of the reasons why the substitute is more likely to be accepted by the required 38 State legislatures.

Mr. Chairman, I respectfully request that you give careful consideration to the substitute as the one most likely to be adopted in this House, and the other body, and ratified by the requisite number of States.

The CHAIRMAN. The time of the gentleman has expired.

The Chair recognizes the gentleman from Minnesota (Mr. MacGregor).

Mr. MacGREGOR. Mr. Chairman, the pending substitute proposal has been referred to as a compromise, and it does smack of a compromise, but more accurately it is an amalgamation. In the words of its author, it is a joinder of parts, partly in one part the proportional plan, and another part the popular plan, and in another part the modified district plan.

In my judgment, Mr. Chairman, this proposal is better than the district plan, but less desirable than the direct choice by the American people. It is preferable in one respect to the district plan, because it represents an honest effort by the gentleman from Virginia to build bridges between the adherents of the proportional vote plan, the direct popular plan, and the district plan. But it still has, although preferable to the district plan, two glaring defects: First, it does violence to the broadly accepted doctrine of the right to cast equal votes for President of the United States; second, in my State where we normally get a large turnout in voting, it would penalize us particularly in diminishing the value of each citizen's vote.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

The Chair recognizes the gentleman from Michigan, the minority leader (Mr. Gerald R. Ford).

(By unanimous consent, Mr. Gerald R. Ford yielded his time to Mr. McCulloch).

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Chairman, I oppose the pending substitute amendment.

The plan is too complex and would be, if adopted, far more confusing to the general electorate than is the present plan. Its complexity would make it difficult for any electorate to generate enthusiasm for reform, and enthusiasm is necessary for ratification. On the other hand, the direct plan is both simple and capable of generating the enthusiasm necessary for eventual ratification.

In addition to the plan's complexity it is, let me say, tricky. It imposes two criteria which are contradictory—the proportional standard and the popular standard. Thus, under the plan, the popular winner could lose when the other candidate had achieved a proportional vote majority. Conversely, the proportional vote winner could lose to the popular vote winner, when no proportional vote majority has been achieved. Is there any reason for this possibility? Why does the popular standard lose its force above 50 percent, and why does the proportional standard lose its force below 50 percent?

Furthermore, Mr. Chairman, I would like to comment about this alleged race for States to reduce the voting age of their electorate.

Since 1965, Mr. Chairman, 18 States have considered legislation or constitutional amendments to reduce the voting age of the electorate. In all 18 States those measures were defeated.

Mr. Chairman, I repeat, I trust the Committee will reject the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. Dickinson).

(Mr. DICKINSON asked and was given permission to proceed out of the regular order.)

Mr. DICKINSON. Mr. Chairman, I am taking this 1 minute to advise the House that I have asked for a special order and by agreement it will commence at 5 o'clock since it is anticipated that the Committee will rise around 5 o'clock.

At that time all Members are urged to be here on the floor and to participate in speaking on the subject of our prisoners of war and our American servicemen who are missing in action in Vietnam.

I hope as many colleagues as possible may be here at 5 o'clock.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Celler) to close debate on the pending amendment.,

Mr. CELLER. Mr. Chairman, it is really difficult to follow the reasoning of the gentleman from Virginia (Mr. Poff). He told us that he favored the district plan. When the district plan failed, he said he favored the proportional plan. I understand if the proportional plan fails, he will support the popular direct election plan.

Now I do not know what criteria the gentleman is applying. He cannot be for three plans all at one time. Certainly, he does not want the pending substitute amendment. Surely, he is not in favor of that because heretofore he said he was in favor of the district plan, and if the proportional plan fails, he is going to vote for the popular direct election plan.

The proposal the gentleman from Virginia has submitted to us now has no constituency behind it. We held long hearings and we heard no organizations which indicated support for this proposal. It is apparently self-generated. I say that in all kindliness and with the highest respect for the gentleman from Virginia.

Also I should point out that the proportional plan which is the first test applied in the substitute amendment would give rise to splinter parties. We have a two-party system in our country and it has operated for the general welfare of our Nation.

But splinter parties are something to be abhorred, and the proportional plan would undoubtedly encourage the growth of splinter parties.

Some say that the proportional plan is second best. I do not want second best—I want first best and the first best is the popular direct election system.

Mr. Chairman, since the plan of the gentleman from Virginia is so complex and intricate, and since we want the very best reform, I hope the gentleman's substitute amendment will be defeated.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I make the point of order that a quorum is not present.

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The CHAIRMAN. The Chair will count. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 174]

Baring
Barrett
Bell, Calif.
Bolling
Brock
Broomfield
Cahill
Clark
Corbett
Culver
Diggs
Fallon
Fascell
Griffiths
Hébert
Kee
Kirwan
Lipscomb
Long, Md.
Lukens
McDade
May
Montgomery
Morton
O'Konski
Pollock
Powell
Purcell
Roybal
Ruppe
Sisk
Steiger, Wis.
Sullivan
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Utt
Waldie
Whalley
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681), and finding itself without a quorum, he had directed the roll to be called, when 389 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HUTCHINSON) to the substitute amendment offered by the gentleman from Virginia (Mr. POFF).

The amendment to the substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. POFF and Mr. ROGERS of Colorado.

The Committee divided, and the tellers reported that there were—ayes 147, noes 179.

So the substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Substitute amendment offered by Mr. WYLIE: Strike out all after the resolving clause and insert in lieu thereof the following:

"That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within three years from the date of its submission by the Congress:

" 'Article —

" 'SECTION 1. If a method of electing the President and Vice President described in subsection (a), (b), (c), or (d) of section 2 is approved by the legislatures of three-fourths of the States in the manner provided in section 4, then such method (and the provisions of section 3) shall apply to any election of the President and Vice President for any term beginning more than one year after the approval of such method (but in no event shall such method apply to an election for a term beginning less than one year after the date of ratification of this article).

" 'SEC. 2. The methods of electing the President and Vice President referred to in section 1 are as follows:

" '(a) The President and Vice President of the United States, shall be chosen in an election by the people of the several States and the District of Columbia. In such election a vote may be cast only as a joint vote for a presidential candidacy (as defined in section 3(b)). If a presidential candidacy receives a plurality of at least 40 per centum of the popular votes cast, the persons comprising such candidacy shall become the President-elect and the Vice-President-elect. In the event that no candidacy receives a plurality of at least 40 per centum of the popular votes, a runoff election shall be held (in such manner as the Congress shall by law prescribe) in which the people of the several States and the District of Columbia shall choose between the two candidacies receiving the largest number of popular votes.

" '(b) (1) The President and Vice President shall be elected by the people of each State, and by the people of the District of Columbia. In such an election, a vote may be cast only as a joint vote for the election of a presidential candidacy. The results of the election in each State and in the District of Columbia shall be ascertained and the electoral votes for each presidential candidacy shall be computed in the manner provided in paragraph (2) of this subsection.

" '(2) Each State shall be entitled to a number of electoral votes for President and Vice President equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The District of Columbia shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which the District of Columbia would be entitled if it were a State, but in no event more than the least populous State. The presidential candidacy which receives the greatest number of popular votes in a State shall receive two of the electoral votes of such State. The presidential candidacy which receives the greatest number of popular votes in the District of Columbia shall receive all of the electoral votes of such District. The presidential candidacy which receives the greatest number of popular votes in any electoral district in a State shall receive one of the electoral votes of such State. For purposes of this paragraph, an electoral district is (A) the State, in the case of a State which is entitled to only one Representative; (B) a congressional district, in the case of a State which has established a number of congressional districts equal to the number of Representatives to which such State is entitled; or (C) an electoral district established under paragraph (3) in the case of any other State. If a presidential candidacy receives a plurality of at least 40 per centum of the electoral votes, the persons comprising such candidacy shall be the President-elect and the Vice-President-elect. If no presidential candidacy receives a plurality of at least 40 per centum of the electoral votes, a runoff election shall be conducted, in such manner as the Congress shall by law prescribe, between the two presidential candidacies which received the greatest number of electoral votes. The persons comprising the candidacy which receives the greatest number of electoral votes in such election shall become the President-elect and the Vice-President-elect.

" '(3) Each State entitled to more than one Representative in the Congres for which there has not been established a number of congressional districts equal to the number of its Representatives shall (for purposes of elections of the President and Vice President) establish by law a number of electoral districts equal in number to the number of its Representatives. Such districts shall comprise in the aggregate the entire State and shall be substantially equal in population.

" '(c) The President and Vice President shall be elected in the manner provided in subsection (b), except that (1) each presidential candidacy for which popular votes are cast in a State or the District of Columbia shall receive a number of the electoral votes of such State or District which bears the same ratio to the total number of electoral votes of such State or District as the number of popular votes cast for such candidacy in such State or District bears to the aggregate number of popular votes cast in such State or District for all presidential candidacies; and (2) in a runoff election, the electoral vote of a presidential candidacy in a State or the District of Columbia shall be computed in the manner provided in clause (1). In making computations under this subsection, the electoral vote for a presidential candidacy in any State or the District of Columbia shall be rounded to the nearest one-thousandth.

" '(d) The President and the Vice President shall be elected in the manner provided in subsection (b), except that (1) the presidential candidacy which receives the greatest number of popular votes in a State or the District of Columbia shall receive all of the electoral votes of such State or District; and (2) in a runoff election, the electoral vote of a presidential candidacy in a State or the District of Columbia shall be computed in the manner provided in clause (1).

" 'SEC. 3. (a) The provisions of this section shall be applicable only if a method of electing the President and Vice President described in section 2 is approved by three-fourths of the States.

" '(b) In any election held under section 2, a vote may be cast only as a joint vote for the election of two persons (referred to in this article as a 'presidential candidacy') one of whom has consented that his name appear as candidate for President on the ballot with the name of the other as candidate for Vice President, and the other of whom has consented that his name appear as candidate for the Vice President on the ballot with the name of the said candidate for President. No person may consent that his name appear with that of more than one other person or as a candidate for both offices.

" '(c) An election held under section 2 shall be held on a day which is uniform throughout the United States, determined in such manner as the Congres shall by law prescribe.

" '(d) The law of each State shall govern within such State as to the places at which and manner in which any election is held under section 2, but only to the extent that such State law is not inconsistent with any Act of Congress in effect pursuant to this subsection. In the case of any election under section 2, the Congress shall have power to provide by law for the manner in which the candidates to appear on the ballot shall be determined, and the manner in which the outcome of such election shall be ascertained. The Congress shall prescribe by law the places at which and the manner in which an election under section 2 shall be held in the District of Columbia.

" '(e) The qualifications for voters in any State in any election under section 2 shall be the same as apply in the case of voters in such State in elections of Senators. Congress shall prescribe by law qualifications for voters in the District of Columbia.

" '(f) The Congress shall by law provide procedures to be followed (1) in consequence of the death or withdrawal of a candidate on or before the date of an election under section 2, and (2) in any case of a tie which affects the result of an election under section 2.

" 'SEC. 4. (a) For the purpose of this section:

" '(1) A State may give its approval of any one method of electing the President and Vice President specified in section 2 of this amendment in the manner, and only in the manner, which was called for by Congress for the ratification of this amendment.

"'(2) A State may withdraw its approval in the same manner it has given it, at any time prior to the approval under this amendment by three-fourths of the States of one method of electing the President and Vice President. After having withdrawn its approval, a State may act again to approve any one eligible method.

"'(3) References to the first, second, third, and fourth years respectively refer to the first, second, third, and fourth calendar years which begin after the ratification of this amendment by a sufficient number of States.

"'(4) If at the end of any year two or more methods do not have the approval of any State, each such method shall be deemed to have been approved by the smallest number of States.

"'(5) If at the end of any year two or more methods each stand approved by the same number of States, then of those methods, the one approved by the State or group of States having the lowest aggregate population as of the end of that year as estimated by the Bureau of the Census shall be deemed to have been approved by the lowest number of States.

"'(6) When a method becomes ineligible for approval, any approval thereof theretofore given by any State shall be deemed to have been withdrawn, and the State may act again to approve any eligible method.

"'(b) At any time prior to the expiration of the first year, any State may approve any of the four methods described in section 2 of this amendment. If, at the end of the first year, no method has the approval of any State, then this amendment shall become of no effect.

"'(c) At the end of the first year, the method having the approval of the lowest number of States shall become ineligible for approval.

"'(d) If, at the beginning of the second year, more than one method remains eligible for approval, then at the end of that year the method having the approval of the lowest number of States shall become ineligible for approval.

"'(e) If, at the beginning of the third year, two methods remain eligible for approval, then at the end of that year the method having the approval of the lower number of States shall become ineligible for approval.

"'(f) If, at any time after the ratification of this amendment by a sufficient number of States and prior to the end of the fourth year, any one method has the approval of three-fourths of the States, that method shall become the method of electing the President and Vice President. If, at the end of the fourth year, no method has the approval of three-fourths of the States, then this amendment shall become of no effect.'"

Mr. WYLIE (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the substitute amendment be dispensed with and that it be printed in the RECORD. I believe I can explain the amendment sufficiently.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WYLIE. Mr. Chairman, I realize that much time has elapsed since the debate began on this very important House joint resolution before us. I know the Members are very anxious to vote on the resolution. I will respect their feelings and request their indulgence as I present my amendment.

Mr. Chairman, the debate on House Joint Resolution 681 marks a historic moment in the deliberations of this most powerful legislative body in history.

I truly feel privileged that I may stand here and have the opportunity of even offering an amendment to the Constitution affecting the election of the President and the Vice President of the United States. We have had some of the greatest debates I have heard during my short tenure in Congress. I do not mean to be pretentious as I offer this amendment, but it is because of the debate which has occurred here and the variance of opinion between some of the ablest Members of this body that I presume to suggest an idea which came to me some months ago as I anticipated the possibility or fear of an impasse.

I presented my proposal, incorporated in House Joint Resolution 530, to the House Committee on the Judiciary, the Senate Subcommittee on Constitutional Reform, and to Members of this body in the form of a letter. I must confess there has been no mad scramble to fall in line in support of my amendment. Yet even if constrained, I offer it here as a way by which we can avoid the pitfall of not submitting any amendment to the States should a stalemate develop.

It is the idea rather than the words of the amendment which I now offer. Basically the idea is to submit to the States the four proposals—I repeat the four proposals—or modifications thereof which have been offered by Members of this body.

Mr. Chairman, the four proposals or modifications thereof which have been offered by various Members of this body are incorporated in my proposal. The combination of the votes for each plan would add up to near unanimous approval of all the Members of this body and of the other body.

The four plans are, as Members know:

One. A direct popular vote plan.

Two. A district plan.

Three. A proportional plan.

Four. A winner-take-all plan, eliminating the office of the elector.

In each case a runoff election is provided.

My amendment could be modified to provide for the submission of only three plans or of only two plans to the States.

This idea presented by my amendment came to me after President Nixon in his message to Congress on February 24, said:

> I doubt very much that any constitutional amendment proposing abolition or substantial modification of the electoral vote system could win the required approval of three-quarters of our fifty states by 1972.
>
> For this reason, and because of the compelling specific weaknesses focused in 1968, I am urging Congress to concentrate its attention on formulating a system that can receive the requisite Congressional and State approval. . . .

His statement followed an earlier article by the UPI press service in which it was reported that 46 Senators favored a direct popular vote plan, 26 favored a district plan, 18 favored a proportional plan, and 10 were undecided. Even if the 10 who were undecided voted for the direct popular vote plan, 11 more would have to switch to attain the 67 votes required for adoption.

However, the combination adds up to 90. Those apparently favoring a direct popular vote plan or a district plan add up to 72, or 5 votes more than the 67 votes required for approval in the Senate.

There appears to be little argument, Mr. Chairman, that a change in the method of the election of the President and Vice President is not only wanted by the people of this country but needed to avoid the type of constitutional crisis we faced last November.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. WYLIE was allowed to proceed for 2 additional minutes.)

Mr. WYLIE. As I say, Mr. Chairman, we all want to avoid the type of constitutional crisis we faced last November.

Congress must, of course, provide the vehicle for the necessary change. We all want to avoid the consequences of not providing that vehicle, if possible. I fear we will not be excused if we say no plan could receive the two-thirds vote of the House or the Senate and we have nothing to submit to the American people.

Then, too, I felt if there is a way by which we could allow the States to be partners in the decisionmaking process we would have a better chance for success.

It is this idea which I am offering, and the suggestion that there is a way, that we do not need to rise or fall on only one plan, if we reach the decision that we are about to fall. With that in mind, I offer the amendment for your consideration.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes in opposition to the amendment.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

I do indeed admire the ability and the enthusiasm of the gentleman from Ohio, although I fear that enthusiasm is a bit misguided. The purport of the so-called Wylie amendment is to the effect that Congress would say to the various States here are four different proposals—the automatic plan, the direct plan, the district plan, and the proportional plan. You of the States select one of those plans. Then, after three-fourths of the States have selected one of those plans, that one plan is again, in the second stage of the proceedings, submitted to all of the States all over again for their ratification. In my humble opinion, Congress would abdicate its constitutional responsibility, which is the responsibility to propose amendments. If the Wylie amendment is adopted, it would be an abnegation of that responsibility which lies with the Congress. The proposal departs from the amendment process now contained in article V of the Constitution and would place the burden on the State legislatures to propose as well as to adopt a constitutional amendment. All the Wylie amendment does is to prepare, for want of another term, I would say, a sort of shopping list. It is a shopping list containing four proposals to the various States. Congress would say to them, "You select one of those four proposals." After three-fourths of the States have selected one of these proposals, then again that one proposal would have to be submitted to the various States for ratification. But how in thunder could three-fourths of the States make a selection of those four and get any degree of uniformity among the States themselves? It would be quite impossible, and it would bring about a rather chaotic condition.

With all humility, I say as far as the gentleman from Ohio is concerned, that the amendment should indeed be rejected.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Ohio (Mr. WYLIE).

The substitute amendment was rejected.

Mr. WOLFF. Mr. Chairman, there is urgent need for reform to make our presidential electoral system totally responsive to the popular will. If we fail to do this, we will continue to tempt two sirens: either in some future election we will fail to satisfy popular will, or should a third party create a deadlock and the election be thrown into the House of Representatives, we could fail to elect a President.

For nearly 200 years we have pondered these two possibilities. And the near chaos of 1968's presidential election warned us that our archaic electoral system must be updated.

Do we intend to close our eyes to this and make minor repairs where major improvements are necessary? Or will we accept the fact that the system created by our Founding Fathers has more than fulfilled its obligations and now it is time to replace it with an electoral approach suitable to the realities of this century?

The wisdom and logic for the direct election of the President is clear and abundant. This congressional session has seen more than 40 bills introduced for the purpose of electoral reform. I myself have introduced legislation to reform our electoral methods and have been among those who have championed this essential activity for some time.

Moreover, I think that the Harris survey, which came at the close of the 1968 election demonstrates how our citizens feel about this matter. It noted, if you will recall, that 79 percent of those polled wished to abolish the electoral college system.

Throughout our history there have been 46 presidential elections, of which three popular vote losers have been elected President, while 12, including Mr. Nixon have failed to gain the popular majority. These facts, I feel, point toward a possible path riddled with citizen frustration and rebellion.

The immediacy of instituting reform, has also been heightened by the understanding that an elector is not compelled to vote for the particular candidate.

We in the United States call for freedom of choice, but are we providing an atmosphere for the development of free electoral choice? Surely an electoral collge system which discourages the growth of a second party in a predominately one-party State is not conducive to this goal.

We call for candidates to present their platform to all citizens. Yet the electoral college by virtue of its existence compels our presidential candidates to focus on the key states which will provide the needed majority of electoral votes.

Both of these and a wealth of other reasons necessitate reform. By accepting the House resolution for the direct election of our Nation's President, we will have furthered national goals and heeded the rising voices of our voters before it is too late.

Mr. ROBISON. Mr. Chairman, nearly every Congress—and sometimes even just a congressional session—has its distinctive character, due more often to surrounding circumstances and unforeseen conditions than to deliberate intent.

Thus, we may remember having had, in recent times, education-minded and conservation-minded Congresses, a "consumer-conscious" Congress, and the like as well as, a few years back, a "do-nothing" Congress according to one of its critics, at least, and then, not as long ago, a Congress that had performed so well that Lyndon Johnson proudly called it "my Congress."

It is still a bit early, insofar as this, the 91st Congress, is concerned to begin passing out tags and labels; but it may well be that, before we are done, we will have earned the name of being the "reform" Congress.

Surely, the tax-reform bill that this House has already passed and deposited on the other body's doorstep was a measure of historic proportions, no matter how much or little change may yet be made in it. Other "reform" proposals are pending before us, now, including the opportunities for Selective Service reform, a basic overhaul of the public welfare system, and that recent White House proposal involving revenue sharing with our States and cities that, to my mind, would constitute the beginnings, at least, of a reformed brand of federalism.

It fits, therefore, that we should now be considering electoral reform—whether the result here eventually be approval of the committee majority's proposal, as embodied in House Joint Resolution 681, for substituting a direct, nationwide, popular vote for the electoral system we have so long been following for presidential elections, or one of the major variations thereof that are under consideration as substitutes for that majority position.

Mr. Chairman, this is a subject that has long been of interest and concern to me, as it should be to every American citizen. There is no more important cog or gear in our whole system of governmental machinery than the method we use to select our national leaders and chief executive officers—our President and Vice President. In the most elemental sense, the election procedure we follow for such purposes is our method of conferring legitimacy to the peaceful transfer of the greatest power and responsibility a free people have at their disposal. It follows, therefore, that such procedures must—within the limits imposed by the fact that no such procedure can be wholly perfect—confer on the winners the greatest possible legitimacy as such, well within the American tradition and ideals of fairness and openness, so that there will be that peaceful acceptance of the result by the losers and their followers that has marked our society as unique in a world still so marked by political cabal and violence.

It is in that sense of the importance of our task that I have sought to approach the issues now joined.

Reform for the mere sake of reform can never be justified. The touchstones of the true reformer should be: Is such reform necessary? And will the substituted procedure work more effectively than that we now have?

It is far easier to answer that first question affirmatively than it is the latter.

Reform of the electoral system on which we have relied for so long is, I submit, necessary; and nothing is really taken away from that finding by acceptance of the fact that such reform is indicated less because of the present system's failures than because of its potential failure. Indeed, though the electoral college procedure is a clumsy mechanism, the supposed, original reasons for which have long since become anachronisms, it can be argued that it has served us fairly well since only once in our history—in the 1888 contest between Grover Cleveland and Benjamin Harrison—did the presidential candidate receiving the most popular votes fail to receive the highest number of electoral votes, and only twice in our history—in 1800 and again in 1824—has a presidential election been thrown into the House.

Nevertheless, such untoward—and disruptive—events could again happen under the existing procedures. And it is the memory of such recent narrow escapes therefrom, as in the Truman-Dewey contest in 1948, the Kennedy-Nixon election in 1960, and last year's Nixon-Humphrey race—in all of which contests, so I understand, a shift of a mere 1 percent of the vote in a few key States would have thrown the final resolution therein into what Chairman CELLER, a few days ago, called the cockpit of the House, as he said "with the probability of political wheeling and dealing that always accompanies such election in the House for President"—that lends urgency to our task.

Mr. Chairman, one does not need to dwell on the nature of such a "probability" to know that, given the crucial character of the days in which we live and the buffeting all our institutions have endured of late as a result thereof, this Nation could ill afford such an unhappy, divisive and uncertain event—and to know, further, that the possibility thereof must be erased from our Constitution.

This is the prime defect, as I see it, in the existing system—with the problem of the "faithless" elector assuming a secondary importance that could, possibly, be dealt with separately.

However, if we are to make basic corrections in a Constitution that has endured so long with remarkably little change, I think it behooves us to now adopt the best possible, overall substitute procedure available to us.

After much study, and due consideration of the possible alternatives, I have become convinced that the committee majority's proposal—as embodied in House Joint Resolution 681—is that best possible, overall substitute, and I therefore intend to support that proposal without substantive amendment.

What would its enactment and ratification as a constitutional amendment accomplish?

Well, as we all know, the electoral college—clumsy, obsolete, expensive anachronism that it is—would be abolished. I believe there to be near unanimity—both here in the Congress and among the people—that this is a desirable change. Looking back to those occasions over the years when I have spoken to young audiences—high school and junior high school classes, especially—I can scarcely remember a time when one such student did not raise his or her hand and ask me why Congress clung to the electoral college. All I could do at such times was to explain why the Founding Fathers thought—though with some notable exceptions such as Thomas Jefferson—it necessary to interpose an electoral "elite" between the people—for whom this grasp at self-government and at something approaching a true democracy was still an experiment—and the final choice of a man to lead them. Valid as those reasons might once have seemed—and, aside from the philosophical questions, there was some validity for them—they are no longer valid, and we might as well do away with the "faceless" and "faithless" electors, it seems to me, in one stroke.

But what do we substitute in their place?

Under the uncomplicated provisions of House Joint Resolution 681, we would substitute—provided, of course, that the same clear both Houses of Congress by the requisite two-thirds vote and are then ratified by the necessary three-fourths of the State legislatures—the direct, nationwide, popular election of the President and Vice President.

In doing so, we would automatically do away also with the present so-called unit rule, under which the winner takes all electoral votes now in each State—that unfairly discards all votes cast for the losing candidate or candidates—along with the so-called bonus electoral votes, on which I shall comment further in a moment, and, most-importantly, we would end for all time that alarming possibility of having presidential elections finally settled in Congress.

I believe I have already said enough about that last achievement to make further comment thereon unnecessary, and I believe the evils inherent in that winner-take-all mechanism to be sufficiently apparent—since they are equally attacked by the proponents of the alternative proportional or district plans—as to fall through their own demerits. But the elimination of the bonus electoral votes—that give Alaska, for instance, with its 226,000 people, three electoral votes or one for every 75,000 people, while New York, with its population of 16,782,000, has only 43 electoral votes or one for every 390,000 people—is sufficiently drastic a change, and difficult of political projection, as to require some further attention.

It is being argued here that such a change—which would not occur if either the proportional or district plan were adopted instead—will adversely affect the distribution of political power—and influence—as between large States and small States, and as between urban voters and rural voters. Thus, we have heard from representatives of the so-called small States—though it is difficult to know where one draws that particular line—that such bonus votes represent such things as "the only effective hold on power that the small States have"; but at almost the same time we are told that such bonus votes are also "the only effective hold on power that the urban population centers have on the Federal Government, today."

In such a "tweedle-dee" and "tweedle-dum" argument, it is almost impossible to determine who is right and who is wrong—and probably the only possible conclusion is that, depending on the surrounding circumstances, both sides can be right in claiming some temporary advantage from the present system.

And, then, when one throws in such extraneous but obviously present questions as whether or not such a change would benefit the Democrats or the Republicans, one has what the King of Siam supposedly once called a puzzlement.

Having duly puzzled over all aspects of such arguments—and all such fears as to the result of any change—I have concluded, as all of us must, that such arguments and fears all rest on the thought that certain voters now have, and ought to continue to have, a stronger voice than other voters in the selection of the American President and Vice President.

And, Mr. Chairman, if one looks at this puzzle in that light, it surely seems to me that the only valid answer is that this is, in essence, wrong—and that what we ought to seek to do is to assure every American the right to the same power at the polls as every one of his fellow Americans and, if that is right in principle, then the political consequences, whatever they may prove to be, will in the end also be right.

The best—perhaps the only—way, then, of putting that principle into practice, it seems to me, is to provide as House Joint Resolution 681 does for the direct, nationwide, popular election of the President and Vice President and this, by every available sampling of public opinion, is what the American people want and demand of us.

Before touching on the nagging question of whether or not reform so far reaching is attainable, I would like to also comment on the problem of runoff elections and how best to avoid them, and also on the equally nagging question of whether or not the changes proposed by the committee majority would magnify existing problems with vote frauds and the uncertainties and delays involved in recounts.

Clearly, runoff presidential elections—though we have had no experience with them—ought to be avoided; and, as a corollary, if one believes in the stability our two-party system has unintentionally brought our political system, "splinter" parties ought not to be encouraged.

The question, then, is: Will direct, nationwide, popular elections for President and Vice President result in runoffs and the stimulation of "splinter" parties to the detriment of the two-party system?

Again, we are dealing in conjecture—and one cannot be positive in his answers.

Some support here exists for requiring a President to obtain a majority of the popular vote—in order to furnish unequivocal evidence of his national "mandate."

I believe that to be unnecessary—and undesirable, because it would almost surely require run-off elections and, equally surely, stimulate the formation of "splinter" parties that, however, insignificant their support relatively speaking, could prevent a majority election in a closely divided contest.

As others have stated, we are searching for a system that has the maximum credibility and certainty—and doing so with the understanding that none can be also perfect. As a Nation, we have become accustomed to Presidents receiving less than a majority of the popular vote—examples being Wilson, Truman, Kennedy, and Mr. Nixon. No one ever seriously questioned their "mandate" and—though Mr. Nixon has yet to establish this, perhaps—all of them were effective Presidents who developed and enlarged upon their elective mandates.

Beyond this, as Chairman CELLER pointed out earlier in this debate, 15 of all our Presidents—or one-third of them—received less than 50 percent of the votes cast in their elections. Some were obviously more effective than others but, where they were not, nothing in history points to their lack of an elective mandate as the reason for their comparative ineffectiveness.

So, if it is unnecessary and undesirable to require a majority, then what is to be required? Whatever choice we make is an arbitrary one. Some say it ought to be just a simple plurality, whatever the percentage, of the total vote cast—and that would, of course, end the worries about runoffs with their delays and uncertainties—but then it would be possible for us to really elect a President with such a minority of support as to place in question his credibility, and his capacity to effectively govern, whatever his other qualifications.

Well, then, 45, 35, or 40 percent as House Joint Resolution 681 provides? Each suggested figure has its supporters, and arguments of some validity can be made in either direction from that 40-percent compromise. But I have decided to stick with the 40-percent plurality as about the best we can do. Again, it is not perfect; it can, conceivably, force a runoff, even though—skipping the John Quincy Adams case—only Abraham Lincoln, whose name was left off the 1860 ballot in 10 States heading toward secession, of all our Presidents received less than 40 percent of the popular vote, Lincoln's percentage being 39.8 percent.

Since 1860, at least one of the presidential candidates has always received more than 40 percent of the total popu-

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lar vote cast—Mr. Nixon, last year, getting 43.40 percent in a three-way race, and Wilson only 41.85 percent in a similar contest. So, unless the trend changes drastically, there should be few—if any—runoffs under the 40-percent requirement, and a President so elected would enjoy a national "mandate" both adequate and worthy of the name.

And with respect to this requirement's effect on formation of "splinter" parties, such a party to be viable would have to prevent either major party from winning in the original election, which means it would have to capture at least 20 percent of the vote—an unlikely event unless, again, political trends change drastically.

Now, finally, a good deal is being said against direct elections in this fashion on the grounds that the possibility of vote fraud and of endless recounting on a national basis would tend to delay the early certification of a President's election, and promote long periods of national and international uncertainty. Some of my upstate New York colleagues have expressed their especial concern about this. However, I believe their fears to be unwarranted. The trend toward machine voting has already substantially reduced the chance for errors, questioned ballots, and recounts in most States. It has also speeded up the counting and reporting process. We have little trouble, now, with recounts in statewide elections, such as for Governor or U.S. Senator, even in such populous States as New York and California.

Under a direct election procedure, each State would, of course, have the responsibility for conducting its own recount if one were needed. And, thus, we would have not a national recount of 70 million votes, let us say, starting from vote one and checking all the way through to vote No. 70,000,000—as some critics mistakenly seen to envision—but recounts only in those States where the same was indicated, with the balance of the States' vote tallies standing unchallenged and safely in the eventual winner's column, where that was the case, and I believe we would be able to adjudge the actual winner about as soon as we now do. Adoption of the so-called district plan might, to be sure, somewhat reduce all this as a problem by further dividing the recount areas—from State down to district size—but this, alone, is not enough to cause me to support a district plan with what I consider to be its other defects.

And, as for vote frauds, direct elections, it seems to me, would reduce the importance of that ever-present political temptation, if for no other reason than that the present winner-take-all feature would have been erased. It was, supposedly, in Illinois in 1960, with its charges and countercharges of a "stolen election," that Mr. Nixon bowed to the late John F. Kennedy when a few questioned ballots swung Illinois full number of electoral votes into the Kennedy column.

Another example of this exists in the analysis of the direct election plan as made by Senator BAYH, in the other body. On this point he says:

> Suppose it were possible to procure 25,000 fraudulent votes in California. These **illegal** votes could hypothetically carry the State and thus win 40 electorial votes in the electoral college. Thus 25,000 fraudulent votes could affect the choice of almost 7 percent of the 538 electoral votes cast. (But) **under** direct popular vote these same 25,000 votes would be commingled with the national total of some 73 million votes—an effect on the outcome of less than 0.0004%.

So, there we are, Mr. Chairman, with perhaps only that question some raise about the effect of direct elections on what we call federalism.

Will direct, popular elections of our Presidents promote or destroy that concept?

Despite the fact that such a change would be true—or sweeping—reform, I believe the same would have little, if any, effect on the dual existence and relative importance of the States and the National Government as separate entities. As Senator BAYH also points out, the Presidency is a national office within this constitutional framework—along with the Vice-Presidency, the only national office we have. As Chief Executive of all the people, the choice of a President should rest with all the people. As we this week celebrate the 182d anniversary of the signing of our Constitution, let us remember that the "great compromises" embodied therein—that both established and sought to preserve a federal system through that celebrated system we think of as "checks and balances"—relate not to the Presidency but to the structure of Congress, itself, and that such structuring will be untouched by this proposed constitutional amendment.

It is true that, in the past, I have tended to favor the so-called district plan. I did so because it then seemed the only measure of reform probably attainable. Perhaps it still is—as to that, no one can say.

But, should we tailor our ideas of what we believe to be right to that which, by conjecture only, may now be attainable reform in either the other body or at the hands of the various State legislatures?

This is a most difficult—and serious—question. We who favor reform must seek to avoid that kind of deadlock between the two Houses of Congress that will, again, postpone reform. That is our first concern, after which we will have to worry about ratification.

Let us cross these two bridges one at a time.

Let us who here favor direct, popular elections for the reasons I have stated or such others as may apply, vote for such a proposal; and then let us see what the other body does with it. If, then, we have to compromise for something less, let us wait until then to worry about what that something less should be.

I believe this to be the way to proceed.

I believe also that the people of this Nation clearly support direct, nationwide, popular elections for their Presidents.

And I believe we, as the originating body of Congress, should grant the people that wish, if we possibly can.

Mr. MONAGAN. Mr. Chairman, a pertinent and well-expressed editorial concerning the proposed constitutional amendment on presidential elections which we are presently discussing in the House appeared in the September 10 issue of the Danbury, Conn., News Times.

This editorial states the basic question very well and for this reason I include it here with my remarks.

I agree with the position taken in the editorial and to me the "fairness" argument set forth in the basic reason for backing the direct popular vote approach.

The editorial referred to above, follows:

DIRECT ELECTION IS BASIC QUESTION

> When the U.S. Chamber of Commerce, the American Bar Association and the AFL–CIO unite in support of a bill before Congress, there must be some merit in that bill.
>
> When polls show that 81 per cent of the American people support the aims of that bill, again there must be considerable merit in it.
>
> The House of Representatives is taking up such a bill in Washington—the proposed constitutional amendment providing for the direct election of the president and vice president.
>
> In spite of this strong support, advocates of retaining the Electoral College may succeed in amending the bill so that the direct election feature is dropped.
>
> There is no reason it should be.
>
> Nor is there any substantial reason why the Electoral College should be retained under a modified selection system, district or otherwise, instead of being abolished completely.
>
> The president and vice president hold the only two national offices which the American people as a whole have the say in filling.
>
> All other federal officials are either appointive, in the executive and judicial departments, or elective on a state or district basis, in the legislative department.
>
> There is more than just the danger in the present system of having a presidential election decided in the House, or having a minority president elected to office.
>
> A basic question remains the right of the American people to choose directly, without any intermediary, their president and vice president.
>
> The House bill provides the right answer. That is why the constitutional amendment should be adopted by a two-thirds vote as it has been proposed and, after similar action by the Senate, sent to the states for the necessary steps in ratification.

Mr. STOKES. Mr. Chairman, I rise to urge passage of House Joint Resolution 681, providing for election of the President of the United States directly by the voters of this country. I do so fully mindful of the awesome historical ramifications of the decision currently facing the House. The present method of selecting our Chief Executive has been an important part of our Constitution for 180 years. Any changes which the Congress and the various State legislatures now choose to make are likely, God willing, to prevail an equal amount of time. Consequently, I have endeavored throughout the past week, indeed throughout the entire session, to critically analyze the relative merits of selection proposals. Yet the more evidence I examined, and the more shibboleths I saw and heard exposed, the more my original determination was reinforced—that the present system for changing our Presidents was outdated, unsafe, and undemocratic, and that the only truly just alternative was direct election.

The defects of the electoral college system are numerous and grave. The first, and most obvious, is that in a great majority of States a presidential elector is in no way bound to follow the dictates of the voters who selected him. This is no mere theoretical concern. Six times during our history an elector has actually betrayed the trust of the people who appointed him and voted for whom he pleased. One need only go back to December 1968 to find the latest example of such dangerous and unethical conduct. There, an elector from North Carolina, completely ignoring the mandate of his fellow citizens, cast his vote for George Wallace, even though he had been pledged to Richard Nixon, and in spite of the fact that Mr. Nixon had carried the State by over 8 percent. Conduct of this nature is totally unacceptable, and must be eliminated.

A second reason why the college must go is that it creates unnatural and unfair disparities in both individual voting power and in the results of the election. These are caused by the awarding of an elector for each Senator, regardless of State population; by the granting of a whole elector to the smallest States; and by the failure of the system to account for voter turnout. Ohio's 10 million people are represented by 26 presidential electors. But the Nation's 16 smallest States, which have a combined population of 10 million, get 58 electoral votes. Similarly, in the 1968 election, Ohio's 4 million voters were represented by 26 electors, while the 4 million voters of South Carolina, Alabama, Mississippi, Louisiana, and Arkansas were given 42. Outcomes are equally distorted. In 1912, Woodrow Wilson's 42 percent of the popular votes gave him 84 percent of the college; in 1936, Franklin Roosevelt's 60 percent was transformed to 98 percent; and Dwight Eisenhower's 55 percent majority in 1952 was inflated to 83 percent of the electoral votes.

A third serious defect is the automatic referral of any election in which no candidate receives a majority of the electoral votes to the House of Representatives. Each State there gets one vote, regardless of population. Thus five Members of the House representing a majority of the five smallest delegations—Alaska, Delaware, Nevada, Vermont, and Wyoming—and 1.7 million people would have voting strength equalling that of 154 Members—California, New York, Illinois, Pennsylvania, and Ohio—representing 64 milion people; 59 of the 435 Members could actually elect the President. As my good friend and colleague, the gentleman from Ohio (Mr. VANIK), stated before the Judiciary Committee:

> It is hard to conceive of a more undemocratic process for electing a national leader.

Moreover, the two historical occasions upon which elections have reverted to the House are not exactly the brightest points in our political heritage. Even though the principals in those contests were men of such enormous stature as Thomas Jefferson, John Quincy Adams, and Henry Clay, both periods were marked by favoritism, bitterness, and unbecoming cloakroom chicanery.

Another flaw in the present method is that it continuously creates the possibility of a minority President. Three times this has happened—in 1824, 1876, and 1888. There is nothing to prevent it from happening in 1972. In fact, with less than a 1-percent switch in voting patterns, it would have happened twice during this decade—the 1960 Kennedy-Nixon and 1968 Humphrey-Nixon races. The problems which such a result would raise are only too apparent. A President elected by a slight majority is always faced with immense difficulties in harnessing the energies of the Congress and the voters. These would likely be multiplied tenfold. In addition, no one can safely project how our politically active, late 20th-century society would react to such an outcome. At best, it would instill a pernicious mistrust of the democratic system. At worst, it would precipitate a first-rate constitutional crisis.

And there is a final defect in the present system—one which might be of less practical import, but which may, nevertheless, be the most serious of all. The electoral college was based on a premise which has long outlived its validity—that is, that the task of selecting our country's Chief Executive was too important a matter to be left to "commoners." In no other facet of our democratic voting system does this anachronism remain. We now recognize—at least legally—that the very foundation of our democracy is equal voting rights for all Americans. Exclusive voting by the "landed gentry" is long since gone. Women are now afforded full and equal voting rights. And continued efforts are being made to insure those same rights to the nonwhite minority groups of this Nation. Thus, the very existence of this idea in the Constitution is out of step with the trend of our history. For that reason alone, it should be removed.

Once one realizes and accepts the inadequacies of the present way we choose our President, the logical leap to direct election is less difficult to make—for no possible alternative plan eliminates all of the fallacies of the electoral college except direct election. All other proposals do solve the "faithless elector" problem, and most remove the unnatural voting power disparities to some degree. Yet none eradicate all discrepancies in voting strength. All would be plagued with the "minority President" specter, and all would retain vestiges of the 18th century "partrician voting" mentality. Just as an example, under either of the two most popular alternative reform plans, the "district" plan or the "proportional" plan, Richard Nixon would have defeated John F. Kennedy for the Presidency in 1960, despite Kennedy's victory in the popular vote.

Direct election, on the other hand, would erase all traces of the above-enumerated dangers and inequalities of the electoral college system. No President could be elected with fewer votes than his opponent. No vote would be "more equal" and have more weight than any other. And no results would be distorted by faithless electors, fluctuating voter turnouts, outdated census figures, or by an undemocratic vote in the Congress. The President would be elected by all the people—and thereby be made more responsive to all the people—as he should be.

Direct election would not only eliminate all the problems of the present system, but it also has several redeeming merits in its own right. By insuring that one's vote would never be "wasted," it would encourage full election participation in traditional one-party States. The fear of facing a runoff, and the requirement that any candidate must obtain at least 40 percent of the popular vote to be elected, will force the major parties to devote more attention to their noncentrist wings—thereby both making the parties more responsive to their memberships and also giving the voters a more meaningful choice at the polls. Finally, by eliminating the winner-take-all aspects of the present selection method, direct election should remove the permanent temptation of ballot stuffing and other forms of corruption. As the system works now, a few well-placed fraudulent votes can change one-tenth of the vote—a 20-percent shift. Under direct election, however, the same number of "stuffs" would be virtually innocuous.

In calling for passage of this joint resolution, I do not ignore those who oppose direct election on the grounds that the present system favors "big-city" States or minority voting groups. Nor could I be unaware that my close friend, Mr. Clarence Mitchell of the NAACP, while academically favoring direct election, has taken the position that it should not become a part of our Constitution until all Americans are granted complete and equal voting rights.

To those who favor retention of the present system because it is advantageous to urban and minority voters, I would note several points.

First, there is a distinct split of opinion as to whether this is truly the situation. Many liberal politicians and political scientists, pointing to disparate figures like the ones I have cited earlier, believe that in any given election the natural, built-in advantages of the electoral college system which accrue to the smaller States far outweigh any theoretical advantages to the larger ones.

Second, that theory assumes that progressive voting blocks, like minority groups and labor unions, are the only such blocks extant in urban areas. My observations of the 1968 presidential election and more recent mayoral elections would cast serious doubt on that premise.

Third, the theory assumes that these voting blocks can be used as bargaining tools and political levers, and then herded to the voting booths like great masses of cattle to do their leaders' bidding. Do we not wish it were so easy. It would seem to be obvious from the difficulties encountered by the unions along these lines during the past election that the day of the "deliverable" votes are numbered.

Similarly, the "advantage" theory seems to assume that black voting strength would not be transferable to a national level. I find this quite difficult

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to believe. For example, if all eligible black voters in New York, Pennsylvania, Ohio, and so forth, could join hands with those in Alabama, Mississippi, Louisiana, and so forth, they would form a solid national phalanx of almost 11 million voters. That number of potential votes—approximately 30 percent of those needed for election—would be extremely dangerous for any candidate to ignore. The same would be true for a "union block," assuming one still exists.

Finally, on an issue of such vast political importance and historical magnitude, I simply find it quite difficult to base my opinion on what I perceive as "advantages" or "disadvantages" to a particular philosophy. We are here deciding how several generations of future American voters will go about performing their single most important task—selecting the leader of this country. It would seem that if ever a question called for the setting aside of partisan thoughts and for statesmanship of the first order, it would be this one.

As for Mr. Mitchell's point, I am certain that I need not say to him or to any Member of this body that no one is more interested in providing full voting rights for black Americans than I. On several occasions I have spoken out in vociferous opposition to the President's decision not to extend the 1965 Voting Rights Act, and in praise of the distinguished chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER), and my distinguished colleague, the gentleman from Ohio (Mr. MCCULLOCH), for their leadership in opposition to Mr. Nixon's position. And I will continue to support this or any other measure aimed at providing equal voting opportunity.

Yet, I am equally concerned that once all citizens have the right to vote, that they also have the incentive to do so. Eight hundred thousand black people have been registered in the South since the passage of the Voting Rights Act. But very, very few of these have ever cast a vote for President of the United States. It is a well-known fact that an overwhelming majority of these voters favored Mr. Humphrey in the 1968 election. But since Mr. Humphrey did not carry a single State covered by the act, those black votes were not only never counted, but were actually represented by a substantial number of electoral votes for George Wallace. And since I cannot see either blacks or blacks and progressive whites becoming a majority in these States for some time to come, I think direct election is essential to insure both that the blacks have reason to go to the polls and that their votes do in fact become a part of the national tally.

I need not say that it is deplorable that all black people in America today do not have the right to vote. This situation, however, is primarily limited to black residents of seven Southern States. In light of the strides made in correcting this inequity since 1965, I must assume that vigorous application of the Voting Rights Act will eventually cure this situation.

What occurs then—once the right to vote has been extended to these disenfranchised black people? Is the voting power of this large group of people to be saddled with an outmoded, outdated, antiquated electoral college system which will still systematically invalidate their vote, State by State; or will their collective voting power be of more significance when measured, vote by vote, in a national tally? I choose to believe the latter.

As a legislator I have the responsibility to analyze not only the position of black people in America today—but for generations to come. It seems to me that I will do an injustice to future generations if I do not today provide them with the wherewithal to not only enjoy the incentive to vote—but to give them the satisfaction of knowing that their vote counted.

I would make one final point on the question of ratification. Several persons, the President being the most prominent, have stated that while they really prefer the direct election system, they would settle for more minimal reforms because they fear a direct election amendment would not be ratified by the requisite three-fourths of the States. I find two things wrong with this analysis. First, I believe it is a gross misreading of the thinking of the American people. The Gallup poll conducted earlier this year showed 81 percent of those questioned favoring direct election. A Harris poll found 80 percent. Senator GRIFFIN's poll of State legislators found an appreciable majority in favor of the proposal. Moreover, direct election has been endorsed by virtually every major newspaper in the country, and by such diverse groups as the U.S. Chamber of Commerce, the International Ladies' Garment Workers Union, the American Bar Association, the AFL–CIO, and the National Federation of Independent Businessmen. Even more importantly, however, the President's position is not a courageous one. As the New York Times has editorially commented:

> Inadequate reforms must not be submitted to the States out of fear that sounder measures would never win ratification. Such an approach violates duty and insults both the States and the voters.

This is a vitally important issue—one of the most essential of the decade. It is not a time to cower before the unknown. It is the time for strong and determined leadership—leadership from both the President and the Members of Congress.

The test of time has demonstrated to the American people that this constitutional measure is needed in order to respond to change and to bring this Nation into the 20th century. As representatives of the people, we have a responsibility to give them nothing less.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 6508, CALIFORNIA DISASTER RELIEF ACT OF 1969

Mr. JONES of Alabama submitted the following conference report and statement on the bill (H.R. 6508) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters:

CONFERENCE REPORT (H. REPT. No. 495)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6508) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That Congress hereby recognizes that a number of States have experienced extensive property loss and damage as a result of recent major disasters including, but not limited to, hurricanes, storms, floods, and high waters and wind-driven waters and that there is a need for special measures designed to aid and accelerate the efforts of these affected States to reconstruct and rehabilitate the devastated areas.

"SEC. 2. The President is authorized to allocate funds hereafter appropriated to carry out this section to those States affected by a major disaster for the permanent repair and reconstruction of those permanent street, road, and highway facilities not on any of the Federal-aid systems which were destroyed or damaged as a result of such a major disaster. No funds shall be allocated under this section for repair or reconstruction of such a street, road, or highway facility unless the affected State agrees to pay not less than 50 per centum of all costs of such repair or reconstruction.

"SEC. 3. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster in an affected State a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost as determined by the appropriate Secretary (1) of more than $1,000 for sales under one million board feet, or (2) of more than $1 per thousand board feet for sales of one to three million board feet, or (3) of more than $3,000 for sales over three million board feet, such increased-construction cost shall be borne by the United States.

"(b) Where the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangement authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding provisions therein.

"(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the reconstruction of any area of an affected State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such affected area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

"(d) The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof, for the purpose of removing from privately owned lands timber damaged as a result of a major disaster and such State or political subdivision is authorized, upon application, to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, but not to exceed the amount that such expenses exceed the salvage value of such timber.

"Sec. 4. The Secretary of the Interior is authorized to give any public land entryman such additional time in which to comply with any requirement of law in connection with any public land entry for lands in any State affected by a major disaster as the Secretary finds appropriate because of interference with the entryman's ability to comply with such requirement as a result of such major disaster.

"Sec. 5. The last paragraph under the center heading 'Administrative Provisions' in title II of the Public Works Appropriation Act, 1967 (Public Law 89–689), is hereby repealed.

"Sec. 6. In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(p)), in the case of property loss or damage in any affected State resulting from a major disaster the Small Business Administration—

"(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments.

"(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of one per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

"(3) may in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

"Sec. 7. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), in the case of property loss or damage in any affected State resulting from a major disaster the Secretary of Agriculture—

"(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments.

"(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of one per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

"(3) may in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

"Sec. 8. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for assisting individuals suffering losses as the result of a major disaster. For the purposes of this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(b) The President is authorized to make grants not to exceed $250,000 to any State, upon application therefor, in an amount not to exceed 50 per centum of the cost of developing the plans and programs referred to in subsection (a).

"(c) Any State desiring assistance under this section shall designate or create an agency which is specially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President not later than December 31, 1970, which shall (1) set forth a comprehensive and detailed State program for assistance to individuals suffering losses as a result of a major disaster and (2) include provision for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer required by section 9 of this Act.

"(d) The President shall prescribe such rules and regulations as he deems necessary for the effective coordination and administration of this section.

"(e) Upon the submission of such plans the President is authorized to report and recommend to the Congress, from time to time, programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

"Sec. 9. The President shall, immediately upon his designation of an area as a major disaster area, appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area. Such officer shall be responsible for the coordination of all Federal disaster relief and assistance, shall establish such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs, and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

"Sec. 10. (a) The President is authorized to provide on a temporary basis, as prescribed in this section, dwelling accommodations for individuals and families displaced by a major disaster.

"(b) The President is authorized to provide such accommodations by (1) using any unoccupied housing owned by the United States under any program of the Federal Government, (2) arranging with a local public housing agency for using unoccupied public housing units, (3) acquiring existing dwellings through leasing, or (4) acquiring mobile homes or other readily fabricated dwellings, through leasing, to be placed on sites furnished by the State or local government or by the owner-occupant displaced by the major disaster, with no site charge being made. Rentals shall be established for such accommodations, under such rules and regulations as the President may prescribe and shall take into consideration the financial ability of the occupant. In cases of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed twelve months, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) which is in excess of 25 per centum of the individual's or family's monthly income.

"(c) Dwelling accommodations may be made available under this section only to an individual who, or family which, as certified by such authority as may be designated by the President, had occupied a dwelling, as owner or tenant, that had been destroyed, or damaged to such an extent as to make it uninhabitable, as a result of such major disaster.

"Sec. 11. (a) Whenever, as the result of a major disaster, the President determines that low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 3 of Public Law 875 of the Eighty-first Congress.

"(b) The President is authorized to continue through the Secretary of Agriculture to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

"(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as it relates to a Presidential determination regarding availability of food stamps in a major disaster.

"Sec. 12. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payments under the unemployment compensation program of the State in which the disaster occurred and the amount of

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assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance available to such individual for such period of unemployment.

"Sec. 13. The President is authorized to make grants and loans to any State to assist such State in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster.

"Sec. 14. The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof for the purpose of removing debris deposited on privately owned lands and on or in privately owned waters as a result of a major disaster, and such State or political subdivision is authorized, upon application, to make payments to any person for reimbursement of expenses actually incurred by such persons in the removal of such debris, but not to exceed the amount that such expenses exceed the salvage value of such debris.

"Sec. 15. (a) As used in this Act the term 'major disaster' means a major disaster as determined by the President pursuant to the Act entitled 'An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes,' approved September 30, 1950, as amended (42 U.S.C. 1855–1855g), which disaster occurred after June 30, 1967, and on or before December 31, 1970.

"(b) This Act, other than sections 5, 8, 9, and 13, shall not be in effect after December 31, 1970, except as it applies to major disasters occurring before such date.

"Sec. 16. This Act may be cited as the 'Disaster Relief Act of 1969'."

And the Senate agree to the same.

That the title of the bill be amended to read as follows: "An Act to provide additional assistance for the reconstruction of areas damaged by major disasters."

Robert E. Jones,
Harold J. Johnson,
Jim Wright,
Ed Edmondson,
William C. Cramer,
Don H. Clausen,
Robert V. Denney,
Managers on the Part of the House.
Birch Bayh,
Stephen M. Young,
Thomas F. Eagleton,
W. B. Spong,
Howard H. Baker,
Robert Dole,
Edward J. Gurney,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6508) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

PROVISIONS IN THE HOUSE BILL

The first section of the House bill is a recognition by Congress of the extensive property loss and damage in the State of California as a result of storms, floods, and high waters during the winter of 1968–69 and the spring of 1969 and of the need for special measures to assist in the reconstruction and rehabilitation of these devastated areas.

Section 2 of the House bill authorizes $30 million to be available to the State of California for the period between the enacting date of the legislation and June 30, 1970, for the permanent repair and reconstruction of the permanent street, road, and highway facilities not on any Federal-aid systems which were destroyed or damaged as a result of the storms, floods, and high waters during the winter of 1968–69 and the spring of 1969. The section requires 50 percent participation by the State.

Section 3(a) of the House bill provides that the Federal Government will bear the cost of repairing timber roads damaged in California as a result of this disaster under certain conditions:

(1) If the timber sale was under 1 million board feet, the contractor would bear the cost of the damage if the additional construction work required by the storm amounted to less than $1,000. If it was more than $1,000 the Federal Government would bear the cost.

(2) If the timber sale was between 1 million and 3 million board feet, the figure would increase $1 per 1,000 board feet.

(3) If the timber sale was over 3 million board feet and damage over $3,000, the Federal Government would bear the cost.

Section 3(b) of the House bill would authorize the cancellation of timber purchase contracts where it is determined that the damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangements authorized by section 3(a).

Section 3(c) of the House bill would authorize the Secretary in the case of the California disaster to reduce from 30 to 7 days the minimum time required to advertise the sale of national forest timber in the affected area.

Section 4 of the House bill grants the Secretary of the Interior authority to suspend the time limits established in certain public land laws for the performance of acts where the entryman's ability to comply has been interfered with as a result of the California disaster.

Section 5 of the House bill would repeal a provision of the Public Works Appropriation Act for fiscal 1967 which requires appropriations expended by the Bureau of Reclamation in connection with disaster relief under Public Law 81–875 shall be reimbursed in full by the OEP to the Bureau of Reclamation.

Section 6 of the House bill applies to Small Business Administration disaster loans for property loss or damage as a result of the California disaster to the extent such loss or damage is not compensated for by insurance or otherwise. At the borrower's option on that part of any loan in excess of $500 SBA would be required to cancel up to $1,800 of interest, principal, or any combination thereof. In addition, SBA would be authorized to defer any or all interest or principal payments during the first three years of a disaster loan made as a result of the California disaster, and such deferral could be made without regard to the borrower's ability to make these payments.

Section 7 applies to Farmers Home Administration disaster loans the same benefits as section 6 provides for SBA loans.

Section 8 of the House bill provides for a termination date of June 30, 1970, except for the repeal contained in section 5 which would be permanent.

Section 9 of the House bill provides a short title of the "California Disaster Relief Act of 1969."

PROVISIONS OF THE SENATE AMENDMENT

The first section of the Senate amendment provides a short title of the "Disaster Relief Act of 1969."

Section 2 of the Senate amendment defines a major disaster as one which has been declared by the President under the act of September 30, 1950 (42 U.S.C. 1855–1855g). No provisions of the Senate amendment would be operative except in those instances and areas where the President has declared that a major disaster exists.

Section 3 of the Senate amendment authorizes the SBA to make disaster loans for homeowners up to $30,000 and for business concerns up to $100,000 without regard to whether or not the required financial assistance could be provided by private sources.

Section 4 of the Senate amendment would encourage the formulation by States of comprehensive plans and practicable programs for assisting individuals suffering losses as the result of a major disaster. Grants up to $250,000 could be made by the President to any applicant State on a matching basis for no more than half the cost of developing a comprehensive State plan. To be eligible for a planning grant, a State would have to establish or designate a State agency which would be responsible for developing and administering its disaster relief plan and program. Each participating State would have to submit its plan to the President no later than December 31, 1970, and within 6 months from that date the President would in turn make recommendations to Congress for implementing and funding the plans, and, if he deems it warranted, make other suggestions about Federal participation in disaster relief programs. The President would prescribe such rules and regulations as he deems necessary for the effective administration of the planning grant program.

Section 5 of the Senate amendment authorizes the President to provide necessary shelter for owners or tenants whose places of residence have been made uninhabitable by a major disaster and who are unable to provide suitable accommodations for themselves and their families. Dwelling accommodations necessary for this purpose, including mobile homes, could be either purchased or leased, and in turn would be rented to disaster victims, for such period as necessary until they can obtain other suitable housing. Rentals for emergency shelter could be adjusted for a period not to exceed 1 year according to the financial ability of the occupants, but in no case would the family's monthly housing expense be required to be more than one-fourth of the family's monthly income.

Section 6 of the Senate amendment authorizes the President to distribute food-stamp coupons and surplus commodities to low-income households which are not able to purchase adequate amounts of nutritious food because of a major disaster. Such distribution of food stamps and commodities would be done pursuant to laws now governing the handling of these matters, except that the President would be free to disregard conflicting eligibility requirements in order to bring quick aid to disaster sufferers.

Section 7 of the Senate amendment would authorize the President to provide assistance to those individuals unemployed as a result of a major disaster who are not receiving unemployment compensation or private income protection insurance. Any assistance provided under this section could not exceed the number or amount of payments such an individual would have received if he had been qualified for State unemployment compensation payments.

Section 8 of the Senate amendment authorizes the President to make grants to any State or political subdivision for assistance in clearing lakes of debris which is hazardous to public health and safety.

Section 9 of the Senate amendment would authorize the President to make grants and loans to States for the purpose of assisting in the suppression of fires on either public or private lands which threaten to become major disasters.

Section 10 of the Senate amendment would authorize the President to make grants to any State or political subdivision to assist in the removal of debris which has been left on privately owned lands as the result of a major disaster and which has created conditions hazardous to health and safety.

Section 11 of the Senate amendment would authorize the Secretary of the Interior and the Secretary of Agriculture to reimburse timber sale contractors or to arrange for road and trail construction and restoration costs incurred for restoring of roads, previously authorized by contracts for the purchase of timber, which have been damaged by major disasters. On any roads not accepted before damage has been caused by a major disaster, the timber purchaser would assume 15 percent of all costs of restoration up to a maximum of $4,500, and the Secretary of the Interior or the Secretary of Agriculture would assume the rest. However, this arrangement would not apply if the cost of restoring or reconstructing a road is less than $500, or if the increase in the cost of new road construction is less than $500, because of a major disaster.

Section 12 of the Senate amendment provides that the act would apply to all major disasters occurring after December 31, 1968.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

The first section of the conference substitute is a recognition by Congress of the extensive property loss and damage suffered by a number of States as a result of recent major disasters as well as of the need for special measures to assist in the reconstruction and rehabilitation of these devastated areas.

Section 2 of the conference substitute authorizes the President to allocate funds to States affected by a major disaster for the permanent repair and reconstruction of permanent street, road, and highway facilities which are not on a Federal-aid highway system and which are destroyed or damaged as a result of a major disaster. These funds are to be allocated on the condition the State pay at least 50 percent of the cost of the repair or reconstruction.

Subsections (a) and (b) of section 3 of the conference substitute are the same as the provisions of section 3(a) of the House bill extended, however, to cover all States affected by a major disaster.

Section 3(c) of the conference substitute is essentially the same as section 3(c) of the House bill, except that the reduction from 30 to 7 days of the minimum time required to advertise the sale of national forest timber in the affected area can also take effect if the Secretary determines that the sale of the timber is necessary to salvage the value of timber damaged in the major disaster or to protect undamaged timber.

Section 3(d) of the conference substitute authorizes the President, to the extent he determines it to be in the public interest and acting through the Director of OEP, to make grants to States or political subdivisions for the purpose of removing from privately owned land timber damaged as a result of a major disaster and in turn the State is authorized to make payments to persons for reimbursement of expenses actually incurred by that person in the removal of damaged timber but such payments are not to exceed the amount that removal expenses actually exceed the salvaged value of the timber.

The salvage and cleanup of timber damaged by hurricanes or other diasters is necessary to reduce or prevent further losses from insects, fire, disease, or other causes and to facilitate the restoration of the land to a productive condition. Removal of downed and damaged timber in stream courses and flood plains to prevent building of debris in water courses is also necessary. Therefore, the conferees have agreed to the inclusion of the provisions of section 3(c)(3) and section 3(d) in this conference substitute. The grants authorized by section 3(d) are to be made for payment of expenses actually incurred in the removal of damaged timber with the limitation that these removal expenses are to be offset by the salvage value of the timber. Thus, the owner of the timber would normally salvage what he could and then apply for the difference between what he received for such salvaged timber and his actual cleanup costs to the extent such costs exceed the salvage value. If, however, the owner decided to burn or otherwise dispose of the damaged timber instead of salvaging it, his entitlement under this provision would still be limited to the difference between what he would have received if he had salvaged the timber and his actual cleanup costs to the extent such costs exceed the value of the timber if it had been salvaged.

In the administration of this provision it is the expectation of the conferees that the following guidelines, among others, would be considered:

1. A comprehensive action plan should be prepared by the State to tailor the cleanup and timber salvage operation to fit the specific situation.

2. Priorities for fund allotment should be established to guide efforts to areas where damage and pest and wildfire hazards are concentrated.

3. Approved practices and a scale of acceptable unit costs (per acre or otherwise) should be established.

4. Preexpenditure examinations of the land to be treated should be made by a qualified representative of the State to insure explanation and approval of work to be done.

5. The landowner should either show evidence of a bona fide attempt to salvage the timber through commercial timber sales or otherwise, or in the case where such timber is not to be salvaged, the salvage value of such timber should be established through an approved method for making that determination.

6. Claims for reimbursement should be verified before payment by on-the-ground, postcleanup inspection by a representative of the affected State or political subdivision.

7. States should be able to use grant funds to help organize, equip, and train work crews if necessary to expedite salvage and cleanup operations and to provide the technical assistance necessary to assist landowners in their cleanup and salvage efforts.

8. The establishment of appropriate limitations with respect to these grants which shall be based, among other factors, upon the financial capacity of the person suffering such damage to sustain such damage.

Section 4 of the conference substitute authorizes the Secretary of the Interior to give any public land entryman additional time to comply with requirements of law in connection with a public land entry in any State affected by a major disaster if the Secretary finds that because of such major disaster the entryman was unable to comply with such requirement.

Section 5 of the conference substitute is the same as section 5 of the House bill.

Section 6 of the conference substitute provides that in the administration of the disaster loan program under section 7(b)(1) of the Small Business Act the Small Business Administration to the extent the loss or damage is not compensated for by insurance or otherwise would, at the borrower's option, be required to cancel up to $1,800 of interest, principal, or any combination thereof, and, in addition, would be authorized to defer any or all interest or principal payments during the first 3 years of the term of the loan without regard to the borrower's ability to make these payments. In addition, the SBA will be authorized by paragraph (2) to grant loans to repair, rehabilitate, or replace lost or damaged property without regard to whether the financial assistance is otherwise available from private sources, except that (A) a loan made under this authority would bear interest at a rate equal to the average interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of one per centum and (B) any such loan would not be eligible for cancellation or deferral as otherwise authorized in paragraph (1) of this section. In addition, the SBA is authorized by paragraph (3) in the case of total destruction or substantial property damage of a home or business concern to refinance mortgages or liens outstanding against the destroyed or damaged property if the refinancing is for the repair, rehabilitation, or replacement of that property with any such refinancing loan subject to the provisions of paragraphs (1) and (2) of this section.

The conferees do not intend, however, in the case of any refinancing loan made under paragraph (3) of this section to permit a cancellation or deferral as authorized in paragraph (1) of this section if the loan being refinanced was originally made under paragraph (1) and a portion of such loan already was canceled in accordance with such paragraph. Thus, no borrower shall be entitled to cancellation under paragraph (1) in the case of any refinancing loan made under paragraph (3) if he already received cancellation under paragraph (1) with respect to any loan being refinanced. This would not prohibit, however, a person from receiving two such cancellations if each such cancellation was the result of damage or destruction from a different disaster.

Although there is no statutory limitation in the Small Business Act at the present time with respect to disaster loans, the SBA has imposed administratively limitations of $30,000 in the case of a home and $100,000 in the case of a business. After examination of this problem the conferees are strongly of the opinion that these limitations are presently unrealistic and should be administratively withdrawn and either not replaced with dollar limits of general applicability or if dollar limitations of general applicability are reimposed that they be made more realistic. Failure of the agency to do this should, in the estimation of the conferees, result in a statutory solution being imposed by Congress.

The Small Business Act does not prohibit loans to owners of secondary homes damaged or destroyed in a major disaster. It is, however, the policy of the Small Business Administration to restrict their loans to primary homeowners. Therefore, there is no need to change present law to allow loans for secondary homes, and no language for such purpose is included in this conference substitute. It is the intention of the conferees that this policy of SBA be revised to permit loans to be made to owners of secondary homes destroyed or damaged by a major disaster.

Section 7 of the conference substitute authorizes in the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961 the same benefits subject to the same conditions and limitations as are provided in section 6 in the case of SBA loans.

Section 8 of the conference substitute is essentially the same as section 4 of the Senate amendment with two changes. First, the State program for assistance must include a provision for appointment of a State coordinating officer to cooperate with the Federal coordinating officer required by section 9 of the conference substitute. It is the intention of the conferees that this requirement can be fulfilled through the use of existing State officials and does not necessarily require the creation of any new or additional positions. The second such change is that in lieu of requiring the President to make certain reports to the Congress he is authorized to do so from time to time thus granting the President greater flexibility in carrying out these requirements.

Section 9 of the conference substitute requires the President, immediately upon his designating an area as a major disaster area, to appoint a Federal coordinating officer who

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shall be responsible for coordinating all Federal disaster relief and assistance and who shall be required to establish field offices to the extent necessary for the rapid and efficient administration of Federal disaster relief programs and otherwise to assist local citizens and State and public officials in obtaining the assistance to which they are entitled under the laws of the United States as promptly as is possible. This Federal coordinating officer is to operate under the OEP. It is the intention of the conferees that whenever possible the designation of this officer shall be made from among existing Federal officers and employees and shall not be deemed to require the appointment of new or additional personnel.

Section 10 of the conference substitute authorizes the President to provide dwelling accommodations for individuals and families displaced by a major disaster. These accommodations are to be made available only to individuals or families certified as having occupied as owner or tenant a dwelling destroyed or damaged to such an extent as to make it uninhabitable as a result of a major disaster. These accommodations are to be provided on a temporary basis and the President is authorized to provide these accommodations by (1) using unoccupied housing owned by the United States, (2) arranging for the use of unoccupied public housing, (3) acquiring existing dwellings through leasing, or (4) acquiring mobile homes or other readily fabricated dwellings, through leasing, and placing them on sites furnished by the State or local government or by the owner-occupant upon condition that no site charge be made. Rentals for these accommodations are to be established by the President under such rules and regulations as he may prescribe and these rentals are to take into consideration the financial ability of the occupant. In the case of financial hardship rentals may be compromised, adjusted, or waived for not more than 12 months. However, no individual or family is to be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) in excess of 25 percent of the individual's or family's monthly income.

Section 11 of the conference substitute is the same as section 6 of the Senate amendment.

Section 12 of the conference substitute is essentially the same as section 7 of the Senate amendment with clarification to insure that the assistance the President is authorized to provide to an individual unemployed as a result of a major disaster is not to exceed the maximum amount and the maximum duration of payments under the State unemployment compensation program and that any amount of assistance to an individual under this section will be reduced by any amount of unemployment compensation or of private income protection insurance available to him for that period of unemployment.

Section 13 of the conference substitute is essentially the same as section 9 of the Senate amendment.

Section 14 of the conference substitute is an amalgamation of the provisions of sections 8 and 10 of the Senate amendment and authorizes the President whenever he determines it to be in the public interest and acting through OEP to make grants to a State or political subdivision for removing debris deposited on privately owned lands and in or on privately owned waters as a result of a major disaster. The State or political subdivision is authorized to make payments to persons for reimbursement for expenses actually incurred by such persons for the removal of such debris except that such payments are not to exceed the amount that the removal expenses exceed the salvage value of the debris.

The application of this provision with respect to grants for the removal of debris from privately owned lands and waters is comparable to the provisions for grants for the removal of timber from privately owned lands authorized in section 3(d) of the conference substitute, and it is the intention of the conferees that the general terms, conditions, limitations, and guidelines which are referred to in the discussion in this statement of section 3(b) shall, to the extent that they are applicable, also apply to the administration of this provision. In his determination of what is in the public interest for the purposes of this section, it is the intention of the conferees that in addition to the usual concepts of health, welfare and safety, the President take into consideration the economic recovery of the affected communities.

Section 15(a) of the conference substitute defines a major disaster as one which has been determined by the President pursuant to the act of September 30, 1950, as amended (42 U.S.C. 1855–1855g), with respect to those disasters which occurred after June 30, 1967, and on or before December 31, 1970.

Section 15(b) of the conference substitute provides that except for sections 5, 8, 9, and 13, which will be permanent, the remainder of the act will not be in effect after December 31, 1970, except to the extent necessary to apply these provisions to major disasters occurring before that date.

In providing for a limited application of this bill the conferees agreed that prior to the expiration date established in this bill of December 31, 1970, the affected interested committees of the Congress should hold hearings and act as expeditiously as possible upon legislation designed to be of permanent application with respect to the Federal aid and assistance for areas suffering major disasters.

The experience gained as a result of the administration of the provisions of this legislation will be of undoubted value in making the determination of the type and content of permanent legislation.

Section 16 of the conference substitute provides a short title which is the same as that in the first section of the Senate amendment.

ROBERT E. JONES,
HAROLD T. JOHNSON,
JIM WRIGHT,
ED EDMONDSON,
WILLIAM C. CRAMER,
DON H. CLAUSEN,
ROBERT V. DENNEY,
Managers on the Part of the House.

AMERICAN PRISONERS OF WAR IN NORTH VIETNAM

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRIEDEL. Mr. Speaker, in the United States we believe in rule by law and in honoring our international commitments. Beyond these laws, however, we believe that there is a higher law of humanity that puts a value on the individual human being. Therefore it is grievous to observe a nation that not only does not abide by international law but also ignores the law of humanity. I refer to North Vietnam's treatment of American prisoners of war.

The Geneva Convention was established to prevent the very abuse and exploitation of prisoners that North Vietnam has carried out. Despite their protestations of humane treatment for prisoners, the North Vietnamese have committed many known violations of the convention.

The convention provides for the repatriation of the seriously sick and wounded, as well as the bodies of the dead, but the International Red Cross has asked by name for the return of several men known to be seriously ill and has received no response at all.

The convention sets standards for food, clothing, and medical care, all to be verified by a neutral body, but photographs and reports of the prisoners themselves belie Communist promises of good treatment, and neutral observers have never been permitted to confirm the truth.

The convention provides that prisoners be protected against public curiosity, but American pilots have been put on public display and subjected to harassment in city streets, even when wounded.

The convention regulates labor and discipline, prohibiting torture and providing for enforcement of a "protecting power"; instead the North Vietnamese have extracted so-called "confessions" and apparently brainwashed and otherwise mistreated helpless prisoners. They have kept prisoners isolated from all human company for many months as well.

The convention guarantees communication between prisoners and their families, but in the past 5 years less than 100 have been allowed to write home, and even then the frequency of writing averaged less than two letters per year. Packages and letters sent by families have been returned unopened or have simply disappeared, apparently intercepted.

Finally, and most basically, the convention calls for identification of all prisoners. The other side has not only refused to comply with this elementary and nonmilitary request, but has even refused to give the total number of prisoners, calling these facts military secrets. Of over 1,300 men who are missing in action, less than 400 are known to be held prisoner, and the Communists will not reveal which of the others are living and which are dead. Their adamant refusal of such simple and humane requests leads to the suspicion that they do not wish to be held accountable for the fate of their captives. They prefer instead to cause worry and indecision to the families of the prisoners.

Thus, not only the prisoners themselves but also their families are the helpless victims of the intransigence of the North. They wait for word, unable to plan their futures, without knowing if husband or son is alive or dead, forced to wait for a chance bit of news that might provide some clue to his fate of their loved ones.

I have listed only the most essential humanitarian provisions of the convention, most of which the North Vietnamese have made a pretense of honoring. But too many conflicting reports attest to the falsity of their claims. Too many prisoners have appeared gaunt, pale, and listless, with visible evidence of lack of medical care and proper food. The Geneva Convention was demanded by world opinion because prisoners are unable to defend themselves. I call upon North Vietnam now to heed world demands for application of the convention.

There can be no possible benefit to Hanoi in refusing, other than to divide the American people in their opinion on prosecution of the war in Vietnam. The American public can only draw the conclusion that Hanoi does not desire peace and mutual agreement if it delays in acting humanely on such a basic issue. World opinion can only doubt Hanoi's intention to uphold all international agreements if it refuses to meet one of its first.

Mr. Speaker, I would like to express my admiration for the courage and patience of the families of American prisoners of war. I urge our Government to ease their burden by reviewing all possible steps to guarantee free flow of mail and humane treatment with international supervision, as well as to work toward the prompt release of our men. In order to impress Hanoi with the views of the Congress, I joined with 100 of my colleagues in sponsoring House Concurrent Resolution 333, condemning the treatment of American prisoners of war by the Government of North Vietnam. I also signed a joint communique to our Secretary of State urging that he use every avenue available to him to have North Vietnam abide by the Geneva Convention with respect to prisoners of war. And I protest Hanoi's violations of the standards of Geneva and humanity while calling upon North Vietnam's leaders to heed our efforts for prisoner supervision and exchange by taking the first step of making public the names of those held prisoners.

ELDERLY WOULD BENEFIT FROM PRESCRIPTION INCLUSION IN MEDICARE

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I was pleased to read certain aspects of the Secretary of Health, Education, and Welfare's Review Committee on Prescription Drugs. I am also concerned to see that the Secretary himself has apparently not yet had time to review this report, as was reported when it was issued earlier this week.

There are, of course, many recommendations covering the entire field of prescription drugs, ranging from the manufacture of these drugs, to the sale of medical devices.

There is one point, however, which I think should be given immediate attention, by the Congress and by the Secretary.

That deals with the inclusion of prescription drugs in the medicare program. Earlier this year, and indeed in the last session of the Congress, I introduced legislation which would allow those citizens over 65 to deduct all medical expenses on their personal income tax returns. But we need to do more.

The Secretary's report favors adding out-of-hospital prescription drugs to the medicare program. This would serve two purposes.

First, it would offer relief for the millions of elderly who now labor under financial burdens because of their need for prescription drugs.

Second, it would mean that many of those people who are sent into hospitals because doctors know they cannot afford treatment unless they receive it under medicare, can be treated in part at home. This would ease the tremendous burdens under which all our hospitals are staggering because of overcrowding.

The cost of prescription drugs for the elderly has risen from an average of $36.15 per year in 1964 to $54.15 in 1967. This represents about 3 percent of a person's income in the over-65 class, where the individual has about $1,500 per year.

Needless to say, those over 65 have a greater need than the rest of our population. In fact, the need is almost three times as great. The average elderly person will need about 11.4 prescriptions per year to four per year for the total population.

And yet, only 9 percent of the over-65 population has insurance which helps pay for drugs when they are out of the hospital.

There are many administrative details to be worked out on this proposal, including the methods needed to put it on a sound financial basis.

But this is a pressing problem for more than 19 million elderly Americans and their families.

I hope Secretary Finch will review the report in the very near future and see fit to comment favorably on this portion of the report.

The unfortunate situation which has arisen over who, within the Department, gave approval for the release of the report, indicates to me that HEW is not paying proper attention to the health aspects under its jurisdiction.

THE 30TH ANNIVERSARY OF RUSSIA'S INVASION OF POLAND

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, today marks the 30th anniversary of one of the most infamous and brutal pages of history when the treacherous Soviet Union troops invaded Poland on September 17, 1939, while the gallant and beleaguered Polish armies were valiantly defending themselves against the Nazi invasion.

Let there be no mistake. The invasion of Poland by Soviet troops made the Soviet Union a full partner in launching World War II.

The tens of thousands of American boys who were killed in World War II and the millions of other victims of that great tragedy could have been spared and the war itself could have been avoided if the Soviet Union had not entered into the infamous, secret Molotov-Ribbentrop agreement which gave Hitler an assurance that Russia would not invade Germany while the Nazis were tearing up Western Europe.

The Soviet Union should have been tried at Nuremberg with the same thoroughness that the Allies prosecuted the Nazis, for the Soviet Union can never purge itself of its own culpability in launching World War II and all of the tragedy that followed in its consequence.

The 30th anniversary of the treacherous invasion of Poland by Soviet troops which we mark today should renew our dedication that we shall not become victims of Communist treachery again.

As chief investigator of the Katyn Massacre Committee, I had occasion to view thoroughly the full scope of Soviet infamy in stabbing Poland in the back on September 17, 1939, as Poland tried to fight off the Nazi hordes.

Mr. Speaker, the Communists stormed into Poland on the 17th of September 1939, under the guise of helping the beleaguered Polish troops.

In an act of unprecedented treachery, Soviet troops distributed tens of thousands of pamphlets to the people of eastern Poland assuring them that Soviet troops were coming into Poland to help Poland defend herself against the Nazis, when, in fact, the Soviet Union knew full well that it was moving into Poland as a loyal ally of the Nazis and in keeping with the Molotov-Ribbentrop agreement for the division of Europe between the Nazis and the Communists.

In a proclamation issued to Polish soldiers on September 17, 1939, by Marshal Timoshenko, Soviet commander in chief, after the crossing of the Polish frontier by the Red army, Timoshenko said:

> Do not fear us, come over to us, to your brethren, to the Red Army. Here you shall find care and esteem. Remember that only the Red Army will deliver the Polish nation from this unfortunate war and you shall have an opportunity to restart your lives anew. Believe us—the Red Army is your only friend.

The order was signed by S. Timoshenko.

What a mockery of honesty.

During the lightning invasion of Poland's eastern borders, Soviet troops urged all the officers of the retreating Polish armies to report to the Soviet command for indoctrination toward reorganization and integration of Polish and Soviet forces for a common defense of Poland.

When these Polish officers did indeed report for their new assignments, they were promptly arrested and more than 15,000 of these brave Polish officers were taken to the Katyn Forest near Smolensk, Russia, where they were barbarically massacred and dropped into mass graves by Soviet soldiers.

The Katyn massacre stands as a blazing monument to Soviet infamy and treachery and any American who today is still naive enough to think you can work with the Soviets in any manner or form is deserving of the highest contempt by his fellow Americans.

Out here on Pennsylvania Avenue there are two monuments in front of the National Archives Building. One proclaims, "What Is Past Is Prologue," and the other urges us to "Study the Past."

This 30th anniversary of the Soviet Union's invasion of Poland was the beginning of man's greatest tragedy.

Since September 17, 1939, the Communists have conspired against all the institutions of human dignity and continue to this day to keep the world in a state of constant turmoil.

The 30th anniversary which we observe today would be of no avail if we Americans fail to recognize that in these last 30 years the Soviet Union has forced

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the United States to expend in excess of $2 trillion on all forms of national defense—not to mention the tragic loss of human life in three wars that the Soviet Union started.

And I stress, let no man forget that it was the Soviet Union which made World War II possible; the Korean tragedy and our present conflict in Vietnam.

The great defenders of the liberal cause who claim that they have compassion for freedom and human dignity ought to look at the treacherous record of the Soviet Union and then in clear and unequivocal tones denounce this treachery in the loudest tones.

We are today witnessing again the same kind of Soviet treachery.

The Soviets are continuing to supply North Vietnam with arms to wage aggression against the South Vietnamese.

The Soviets have meticulously armed every one of the Arab States and are keeping the fires of turmoil going in the Middle East.

The Soviet Union has announced the Brezhnev doctrine which proclaims that 180 million people in East-Central Europe are slaves of the Communists and that any efforts to liberate these people will be repelled by Soviet forces.

The Soviet Union is now sowing its seeds of turmoil in Africa and South America.

One needs to look in any corner of the world today and he will find Soviet treachery—the same kind of treachery that created the Molotov-Ribbentrop agreement.

This tragic 30th anniversary which we observe today should remind us again that you cannot separate the barbarism of nazism from the barbarism of communism.

Over these last three decades the Soviet Union has tried to purge itself of its own infamy in launching World War II by blaming the whole holocaust on the Nazis.

I say here today in unequivocal terms a plague on both their houses. No one can ever forget the brutality and barbarism of the Nazis, but neither can anyone forget that the Nazis could never have gotten off the ground in launching World War II without the full support, cooperation, and encouragement of the Kremlin.

It would be my hope, Mr. Speaker, that on this 30th anniversary of Soviet infamy, we Americans can gain a new insight into the Communist conspiracy and rededicate ourselves that it shall not happen again.

AIRCRAFT SAFETY

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SYMINGTON. Mr. Speaker, yesterday's joint session celebrated an achievement of American technology backed by centuries of science and surmise. A decade ago a selected few scientists and engineers were asked to design a craft which would carry earthmen safely to the moon and back. They were cautioned to consider all the perils to be encountered, from blast off to reentry, from meteorites and extreme temperatures, to the dangerous Van Allen radiation belt. They did. The craft was designed, and built, and flown. From drawing board to immortality. Now what if those scientists and engineers had been asked instead to design an aircraft to carry ordinary taxpaying citizens, children and grandmothers, from New York to Los Angeles, in such a fashion that airborn mishaps would cause only inconvenience, perhaps, but not necessarily harm? Who is to say that the geniuses of aerodynamics who created Apollo 11 and its gentle Eagle would find the task insurmountable? Expensive, challenging, yes, as was the moon mission, but less rewarding? In this same decade 3,295 passengers on U.S. commercial flights together with their hopes, plans, and potential services were dashed to the ground. Multiply their loss by their unfinished work and the suffering of those they left behind.

Mr. Speaker, I raised the question mindful of the forthcoming increases in air fares, as well as the recent Allegheny flight which did not make St. Louis with a close friend aboard. The other day I picked up a questionnaire asking how we passengers would like the new air bus configured, the one which will carry 350 or more human beings, that is to say—three or two seats abreast. I thought of the recent book, "It Doesn't Matter Where You Sit," and decided most of us would like all commercial aircraft to be configured so we can see our families again. But we seem to be satisfied to settle merely for the redesign of the radar, traffic control, rules, licenses, and airports to accommodate the admitted continuing imperfection of the plane itself, which as it grows will keep lumbering over trees, wires, homes, and schoolyards at a hundred or more miles per hour to one prayerful landing after another. So should it encounter phenomena in the air which incapacitate its controls or its power, despite improved radar, and so forth, it and all the souls aboard may be condemned by the one law the moon mission should have tempered, the law of gravity. But we are reassured that we are protected by a higher law, the law of averages, and as the number of passengers increases, the graph of passenger miles increases more steeply, making disaster per passenger less likely. This may be a source of relief, but certainly not pride, to a society capable of choosing whether such disasters are inevitable per se, or merely the inevitable consequence of being "practical" and "cost conscious." I think this House should encourage, Mr. Speaker, in any way it can, the scientific community to come forward with suggestions for the stabilization and soft return to earth of imperiled or disabled aircraft, or at least the portion thereof with human life aboard. We know this must be done some day if we are to avoid a Titanic in the air. Why wait?

ARMED ROBBERIES IN AUGUST TOTAL 714, SET NEW DISTRICT HIGH

(Mr. BERRY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BERRY. Mr. Speaker, I have asked unanimous consent to insert in the CONGRESSIONAL RECORD, a news item which appeared in the September 9 issue of the Washington Post which demonstrates without any shadow of a doubt that the 1968 Gun Control Act is a dismal failure and it should be repealed.

The headline of the article reads: "Armed Robberies in August Total 714, Set District High."

This, I might add, were only those robberies which were reported to the Washington police, and there were probably many more which went unreported. Yet, this total, 714 armed robberies, including four banks, was the highest total for any month on record in the District of Columbia.

I should add that these statistics do not include the crimes of purse snatchings and yoke robberies.

It is readily apparent that there is no shortage of weapons in the underworld because the 1968 Gun Control Act restricts only those honest, law-abiding citizens who live within the letter of the law. In fact the 1968 Gun Control Act, with its restrictive provisions makes a criminal out of the honest law-abiding citizen and sportsman if he neglects to have his guns registered.

In addition, the bureaucratic redtape which makes it difficult, and in some cases impossible to purchase ammunition is of no value as a deterrent to crime. It serves only as an infringement and burden on law-abiding hunters and sportsmen, who now in order to buy a box of ammunition must give his name, address, date of birth, show adequate identification and have the number of the identification recorded with the dealer or merchant.

If the enthusiasts, who fought so hard to get this legislation passed, had been practical in their thinking, they would have known it could not be made to work.

I suggest that the advocates of the 1968 Gun Control Act have put the proverbial cart before the horse. Our crime problem will never be solved as long as the bulk of our attention is focused on gun control.

Consequently, I am today introducing a bill to repeal the Gun Control Act of 1968. Its function has been nothing more than a misguided effort to remedy effect rather than cause.

The news item follows:

ARMED ROBBERIES IN AUGUST TOTAL 714, SET DISTRICT HIGH

(By Alfred E. Lewis)

Washington police reported a record 714 armed robberies in August, the highest total for any month on record.

The previous record was 707 reported last January.

While police officials hesitate to pinpoint the cause for the August increase, they point to the large narcotics raids during that month as a possible reason.

With the arrest of more than two dozen persons, narcotics now are harder to come by, Capt. Ralph L. Stines, head of the robbery squad, said yesterday. The pushers are lying low, he added.

MORE ARE ADDICTS

He said detectives find that more and more addicts are turning from shoplifting to robbery to finance their habits and that more and more robbery suspects are found to be drug addicts.

Addicts also have faced another problem, possibly leading to desperation. Even before the narcotics raid, the price of drugs had started going up, Stines said. After the raids, the price of heroin went up to $2 a cap, he said.

When the earlier peak in armed robberies was reached in January, Mayor Walter E. Washington ordered the police department in February to pay overtime so that 170 extra uniformed men would be on foot patrol on the streets.

But funds ran out and this plan was discontinued in June. In that month, the number of armed robberies had dropped to 312.

Without the extra men on the street, armed robberies again began to soar, with 534 reported in July. The situation became so alarming last month that on Aug. 28, the mayor again ordered the police force to start paying overtime.

ABOUT 150 EXTRA ON STREETS

About 150 extra uniformed policemen are on the streets. It is expected that enough new policemen will finish training school to replace them by Oct. 1.

Detectives also blame the increase in armed robberies in part on what they feel is the leniency of the courts.

Lt. Sam Wallace, of the robbery squad, said yesterday, for example, that he saw four juveniles on the street. He said all four had been arrested last week in the armed holdups of eight truck drivers.

Another detective said that a man arrested Aug. 22 when he was chased by an off-duty policeman after the $10,000 robbery of a credit union office was found to be an addict. He said the suspect, who has not yet come to trial, is free on a work-release plan.

"How can you expect robberies to go down, when you have men like that on the loose?" he asked.

The robbery picture for this month is shaping up as dismal, police officials say. During August, there were holdups at four banks. So far in September there already have been three bank holdups. There have been 35 so far this year, with 19 of them reported last January.

The armed robbery statistics do not include the crimes of purse snatchings and yoke robberies.

REPRESENTATIVES GOODLING AND DEVINE INTRODUCE LEGISLATION TO PROVIDE DISTRIBUTION TO SEVERAL STATES SAMPLES OF LUNAR ROCKS BROUGHT BACK BY APOLLO 11 MISSION

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, yesterday this Chamber was privileged to entertain three remarkable young men, voyagers to the moon. I take great pleasure in informing my colleagues that today Congressman DEVINE and I introduced legislation designed to provide for the distribution to the several States and various territories samples of the lunar rocks and other lunar materials brought back by the Apollo 11 mission. These materials are symbolic of a first for all mankind, and I think all citizens throughout our various States and territories should be able to have a first-hand look at these materials from this other planet which for the first time, was touched by men from earth, Americans.

Under the terms of the bill, the Administrator of the National Aeronautics and Space Administration would make the lunar materials available for display in museums or other public institutions. The distribution would be accomplished through agreement between the Administrator of NASA and the Governor of a State or the head of an American territory.

We have decided to introduce this legislation because as we have gone around our congressional districts, we have been impressed by the number of individuals, institutions, and organizations who have registered a keen interest in possessing an actual piece of the moon. Many individuals would like to have a part of the moon for a souvenir, while a multitude of institutions and organizations would appreciate a moon parcel for educational and historical purposes. The simple truth of the matter, however, is that there just are not enough moon pieces to go around—the likely compromise is to make moon substances available in public places throughout the States and territories for close-range viewing by all who would like to see them.

Mr. Speaker, I would like to point out that the moon substances would, under my bill, be distributed to the States and territories only after there were no scientific or space needs for them. The Smithsonian Institution here in Washington, D.C., just recently received a moon rock portion for display purposes, and this could very well signal that the time is right for distribution of moon rocks and dust to the States and territories.

There will, of course, be other jaunts to the moon in the future, and while they will undoubtedly be exciting and challenging, they will not have the high drama associated with the first trip to the lunar surface. It is my deep feeling that each of the States and territories should have a meaningful memento of this historical and sensational event when, as Neil A. Armstrong said as he stepped on the moon, "That's one small step for man, one giant leap for mankind."

THE 107TH ANNIVERSARY OF THE BATTLE OF ANTIETAM

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BEALL of Maryland. Mr. Speaker, today marks the 107th anniversary of the bloodiest day in American history, the Battle of Antietam, which occurred near Sharpsburg, Md., in 1862. On that day over 23,000 Americans from North and South became casualties in the conflict that tore our Nation apart. It was a tragic day for our country; one that today has more meaning than ever before we again contemplate the voices and acts of those who now press to divide us as we strive to extricate ourselves from another tragic war.

Antietam today is commemorated by the national park at the site of the battle. Unfortunately the land area that comprises the park area does not take in much of the ground over which the historic battle was fought. Today Congressman GILBERT GUDE and I are introducing a bill which would authorize the Department of the Interior to expand the present Antietam National Battlefield from 1,087.7 acres to 2,800 acres. Of the new acquisition, 400 acres would be reserved for the expansion of the national cemetery.

Senator CHARLES MATHIAS is introducing a companion bill in the Senate. We have released a joint statement concerning this new significant legislation explaining in detail the bill, as follows:

ANTIETAM NATIONAL BATTLEFIELD

Legislation to expand the Antietam National Battlefield and National Cemetery was introduced in the Senate and House of Representatives by Senator Charles McC. Mathias, Jr., (R-Md.) and Congressman J. Glenn Beall, Jr., (R-Md. 6th) on Wednesday, the 107th anniversary of the Battle of Antietam.

In a joint statement, Sen. Mathias and Rep. Beall said that the battle, which occurred near Sharpsburg, Maryland, on September 17, 1862, "was so crucial in our nation's history that its site should be fully preserved. Our bill is offered as a starting point and a stimulus for public discussion."

The bill, co-sponsored in the House by Rep. Gilbert Gude (R-Md. 8th), would authorize the Department of the Interior to expand the present Antietam National Battlefield from 1087.7 acres to 2800 acres. Of the new acquisitions, 400 acres would be reserved for expansion of the historic Antietam National Cemetery.

The bill provides for archaeological explorations to determine the exact site of the Clara Barton field hospital, which was the birthplace of the American Red Cross. The legislation also directs the Secretary of the Interior to consult and cooperate with state and local officials and interested groups and individuals on programs of historic preservation, environmental protection, and historical interpretation for the benefit of the public.

"The Battle of Antietam was the bloodiest day in American history, with over 23,000 Union and Confederate casualties," the joint statement noted. "Antietam was also the turning point in the Civil War. There was no military victor in the tragic confrontation between the Grand Army of the Potomac, under General McClellan, and the Army of Northern Virginia under General Lee. But the military stalemate ended Lee's first invasion of Maryland. It ended Southern hopes for recognition of the Confederacy by European governments. It caused President Lincoln to issue the Emancipation Proclamation, which converted the war from a political and economic struggle to a moral cause.

"The Antietam area attracted about 400,000 visitors last year. Few of them realized that the present National Battlefield actually embraces only a portion of the total battle scene. Many of the most famous sites are in fact outside the current Federal holdings. Such include the Cornfield, scene of tremendous slaughter; the West Woods behind the Dunkard Church; the probable location of Clara Barton's field hospital; the Union lines opposite the Sunken Road, Bloody Lane; and the fields southeast of Sharpsburg where A. P. Hill's men rebuffed the afternoon advance of Burnside's Union troops to end the battle.

"These historic areas, still primarily in agricultural use, have been preserved for over a century by private citizens who appreciate their significance and have a real commitment to conservation and historic preservation. However, more intensive land development is spreading in Washington County as elsewhere in this region, and we cannot continue to rely indefinitely on private action.

"Expansion of the National Battlefield and Cemetery would be in accord with other public efforts to protect historic sites in Western Maryand, such as the C & O Canal, Fort Frederick, and the old homes and stone

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bridges of Washington County. These are all resources which enrich the area and, if lost, could not be replaced.

"We want to discuss this legislation with elected officials, interested groups such as historical societies and veterans' organizations, and the general public. The Antietam Battlefield stands today as a memorial to human courage and a reminder of the horror of war. We believe that it should be preserved as a crucial scene in our nation's history."

THE 50TH ANNIVERSARY OF SCHOOL OF FOREIGN SERVICE, GEORGETOWN UNIVERSITY

(Mr. STANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STANTON. Mr. Speaker, World War I, as we know, brought the United States into a position of world leadership. With this new role came many new responsibilities in both Government and foreign trade. It was in response to this need that Father Edmund A. Walsh, S.J., created the School of Foreign Service in 1919 at Georgetown University here in Washington.

In dedicating the school, Father Walsh, the well-known Jesuit priest, educator, and diplomat, affirmed that, "Unprepared as we were for war, we have highly resolved that we shall not be unprepared for peace."

The school, which is celebrating its 50th anniversary, is responsible for educating men who have served our Nation well, both in the public and private sectors. Included among its alumni are such well-known diplomatic names as U. Alexis Johnson, Willard Beaulac, Aaron Brown, and Benjamin Cohen. The late President Dwight D. Eisenhower visited the school in 1958 and praised it for "educating soldiers of peace."

As an alumnus of the school, I can testify to the fact that throughout these 50 years the school has lived up to Father Walsh's original design to offer "a broad and liberal education combined with the bracing air of individuality."

The school is currently engaged in the selection of a new dean to replace Father Joseph Sebes, S.J., who resigned to return to teaching. Dr. Jesse Mann, former chairman of the philosophy department at Georgetown, is serving as interim dean. In recognition of the past achievements of this school and its promise for the future, I know my fellow Members of Congress will join with me in wishing success to Georgetown University in its search for a dean capable of continuing the tradition of excellence set forth by the students and faculty of the Edmund A. Walsh School of Foreign Service.

The university welcomes the names of candidates for this important position. Your suggestions should be sent to the School of Foreign Service Decanal Search Committee, President's Office, Georgetown University, Washington, D.C. 20007.

YOM KIPPUR

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, the Jewish high holy days of 1969 commenced with the Jewish New Year Rosh Hashana 5730 on Friday evening, September 12, and will continue until sundown, Monday, September 22, Yom Kippur, the Day of Atonement. This 10-day period of introspection is important to Jews the world over as they pray and greet each other with the wish that they may be "inscribed in the Book of Life" for the ensuing year. This wish must be understood in a spiritual sense. It is their belief that their fate for the year 5730 will be sealed between the start of Rosh Hashana and the close of Yom Kippur.

No Jew knows what the future holds. Therefore, to avoid a possible severe decree, the Jewish people are encouraged to be repentant, prayerful, and perform acts of charity, good deeds, and righteousness.

Yom Kippur may be regarded as the culmination of an individual's thoughts, his prayers, and his acts of penitence. It is also a time when, through fasting and repentance, one seeks forgiveness from the Almighty for wrongs committed during the preceding year. Finally, it is also a fervent plea to God for peace throughout the world, and for a year of health and happiness for themselves, their families, and all of mankind.

I believe the world would be a much happier place for all of us if nations and peoples everywhere would only take the time, at least once a year, for sincere soul searching and self-criticism, for repentance and forgiveness, and for prayers for genuine peace and better understanding. Certainly mankind can learn a lesson of benefit to all from the ideals symbolizing this holiest of days in the Jewish religion.

In this spirit—the spirit of kindness, peace, and understanding—I wish to extend my greetings to all my constituents of the Jewish faith and to join with them in prayer on this day for a year of good health, happiness, and prosperity.

RESTORATION OF GOLDEN EAGLE PASSPORT PROGRAM

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, today I am introducing legislation to provide for the restoration of the popular golden eagle passport program. If enacted this would continue the program of annual fee permits to our national parks and forests which expires in March 1970.

Support for reinstatement of the program is evident in the number of bills which have been introduced in the House, similar legislation which is under active consideration in the Senate, and the fact that the Department of the Interior has recommended a 1-year extension of the golden eagle fee at the present price of $7 until March 31, 1971.

Substantial support for this legislation has come in the form of numerous letters received not only from constituents in my own State of Oregon, but from citizens throughout the Nation urging that this Congress reconsider its action of 1968 when it terminated the golden eagle and other fee programs. Many, if not the majority of the persons writing are retired citizens living on fixed incomes who as a result of this program have been able to spend many leisure hours in the beauty of our national parks and forests and to participate in recreational activities they might not otherwise be able to afford. They have been permitted to do so because of the reduced cost in admission provided by the golden eagle program. If the golden eagle passport is not continued, many who wish to visit our parks and recreation areas will be prevented from doing so, and these are the very people who have long supported and contributed to these parks.

A further benefit derived from this program is that a family is admitted at a fixed fee, and thus family vacations are encouraged at reduced costs.

There is great support in my own State of Oregon for continuing this program, and I would like to share with my colleagues the comments of several who have written:

Prof. JAMES R. CARY, Oregon College of Education, Monmouth, Oreg. As director of our Outdoor Education Program at Oregon College of Education, I am deeply concerned about the conclusion of this program. In addition to providing funds for many recreation projects, the program has gotten many thousands of families into the recreational areas. We feel that this is important. It is our purpose in our Outdoor Education to train teachers in the greater utilization of our natural resources and to encourage the public to make use of these facilities.

M. B. ELTON, Portland, Oreg. On our limited retirement income our only chance to enjoy the beauty of our natural resources is by travel trailer. We meet, visit and enjoy the company of hundreds of other retired trailerists and we all leave our parks as clean or cleaner than when we arrived.

BILL BAUGHN, Portland, Oreg. Inflation bites deeply into the resources of our older citiezns. Lets give them a break and keep the yearly pass. Daily camp fees may make the difference between a hot miserable summer at home or an enjoyable jaunt on the open road.

R. I. BEBEE, Portland, Oreg. As annual habitues of our State and National recreational areas, we have had the opportunity of talking with hundreds of fellow campers and have found that for the most part, they are a group that would be unable to afford the pleasure and leisure afforded by the Golden Eagle Pass, were it not available. Too, we have found that a majority of them are retired pensioners or people with large families.

In closing, Mr. Speaker, I would like to take this opportunity to compliment my colleagues, the gentlemen from California (Mr. WALDIE and Mr. ANDERSON) for their leadership in the House to reinstate the golden eagle, and to urge that Members of this body who share our belief will support passage of this legislation.

GOVERNOR OGILVIE OF ILLINOIS ANNOUNCES APPOINTMENT OF RALPH T. SMITH TO FILL VACANCY CREATED BY THE DEATH OF SENATOR EVERETT M. DIRKSEN

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, Governor Ogilvie of Illinois has announced today his appointment to the vacancy created by the death of Senator Everett M. Dirksen, my longtime friend and speaker of the Illinois House of Representatives—RALPH T. SMITH of Alton.

Senator-designate SMITH is a man of great ability and wide legislative experience in the State of Illinois. He is a forceful and persuasive person in debate, and a careful student of government and the complex problems which confront our Nation today.

I extend to Governor Ogilvie and to Senator SMITH my congratulations and best wishes. As the junior Senator from Illinois, Mr. SMITH will be contributing his unusual talents, his broad experience, his energy and his dedication to the welfare of the State of Illinois and of the Nation.

EXPENDITURES FOR THE FEDERAL-AID HIGHWAY SYSTEM

(Mr. MILLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLS. Mr. Speaker, I have today introduced a bill (H.R. 13831) the purpose of which is to provide that the imposition of taxes the proceeds of which are appropriated to the highway trust fund shall be suspended during any period when amounts in that fund are impounded or otherwise withheld from expenditure. As Members will recall, when we enacted the Interstate and Defense Highway Act of 1956 which provided authorizations for the completion of an interstate and defense highway system by designated dates, and when we enacted the Highway Revenue Act of 1956 to support that system through the dedication of certain taxes to the highway trust fund, we envisioned and intended that that program would be completed in accordance with the objectives included in the legislation itself and within the specified dates which we set forth. Of course, there have been amendments to each of those acts since the original 1956 act, in order to insure that there would be sufficient revenues to keep up with increasing costs due to inflation and so forth and to keep the apportionment part of the program up to date.

However, Mr. Speaker, it was never our intention that the highway trust fund should be used or manipulated by any administration as either an anti-inflation device by turning it off, or as a temporary pump-priming device to increase economic activity during slack periods. Because of the leadtime necessary for the development of plans, the writing of contracts, and all the many factors that go with such long-term planning to meet our urgent highway needs, the use of the highway trust fund as an anti-inflation device or as a pump-priming device to be turned on and off creates very serious problems for orderly highway development.

The bill which I have introduced is intended to insure that expenditures for the Federal aid highway system are apportioned as required by the statute and are not impounded or withheld from obligation by unilateral action of the executive branch.

Mr. Speaker, the bill is intended to accomplish this result by providing that for any such periods during which a part of the sums authorized to be appropriated for expenditure for Federal-aid highways are not fully apportioned, or when any part of the sums available in the highway trust fund are impounded or withheld from obligation, we will in effect suspend the liability for the taxes which go into the highway trust fund. This simply means that if funds are withheld, impounded, or not apportioned, then during such periods the taxes which go into the highway trust fund shall not be imposed.

GILBERT COMPREHENSIVE SOCIAL SECURITY ACT

(Mr. GILBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GILBERT. Mr. Speaker, the need to substantially raise the general level of social security payments becomes very clear to anyone who looks at the level of payments and considers the fact that most social security beneficiaries have very little in the way of continuing income other than what they get under social security. For almost all beneficiaries, social security payments are the main source of continuing income. For about half the beneficiaries the social security payment is virtually the only source.

Furthermore, by Government definition 20 percent of America's poor people are aged 65 and over.

BENEFIT INCREASES

The bill I am proposing today would help alleviate the income plight of the elderly by providing three across-the-board increases in social security benefits. The first increase of 10 percent would be effective for January 1970. The minimum benefit would be increased from $55 to $80. The second step, a 12-percent across-the-board increase with a $90 minimum benefit would be effective January 1972. The final step, a 14-percent across-the-board increase with a $103 minimum benefit would be effective January 1974.

Monthly benefits for retired workers now on the social security rolls who began to draw benefits at age 65 or later now range from $55 to $179.70. When all three steps of the benefit increases probided by my bill are effective, they would range from $103 to $378.50. The benefit amount payable to workers with average monthly earnings of $650, the highest possible under present law, would be increased from $218 to $306.20. For a survivor family consisting of a widow and two or more children getting benefits on the basis of $650 of average monthly earnings, total monthly benefits of $511.60 would be payable where $434.40 is now payable.

A retired worker now getting the average benefit of $99 a month would get about $140 a month, and the average benefit for an elderly couple would be increased from $166 a month to about $233 a month. Thus the increase in benefits provided by my amendment would represent a really significant step forward in our efforts to alleviate the problem of poverty among our elderly retirees.

The three-step benefit increase would also apply to the special age-72 payments, from the present $40 a month to $44 in January 1970, to $50 in January 1972; and to $57 in January 1974.

In addition to increasing regular monthly benefits and the special age-72 payments, we also need to increase the lump-sum death payment. This bill would nearly double the maximum lump-sum payment by increasing it to $500, effective in January 1970. This increase is long overdue. The $255 ceiling on the maximum lump-sum death payment has been in effect since 1952.

Benefits under present law will eventually be based on average monthly earnings in covered work over the person's entire working lifetime, omitting only 5 years of low earnings. Since a person's earnings generally rise over his lifetime, earnings averaged over many years will be only remotely related to the level of earnings just before retirement.

This bill reduces, in two steps, the number of years used in computing benefits. First, beginning in December 1970, the number of years counted under present law would be reduced by one-third, but not to less than 10 years. Second, effective in December 1972, the bill would provide for basing benefits on an individual's highest 10 years of earnings out of any 15 consecutive years after 1950. Coupled with this provision is a regularity-of-service factor, which takes into account the length of time the person worked under the program. This ensures that a person who worked in covered jobs over his full working lifetime would get a higher benefit than a short-term worker.

These changes would realistically relate benefits to the standard of living which the worker achieved just prior to his retirement.

Widows' benefits would also be increased under my bill. Under present law, the amount of a widow's benefit, payable at age 62 or later, is 82½ percent of the benefit that her husband would have gotten if he started getting benefits at age 65 or later. The bill provides widows' and dependent widowers' benefits equal to 100 percent of the worker's benefit where the survivor's benefits begin at age 65, with reduction down to 82½ percent at age 62, effective January 1970.

A special problem of low benefits for early retirees is developing, due to a high percentage of early retirements, and this bill would provide meaningful retirement income for these people.

This improvement, to become effective January 1970, would provide that the benefit for workers who come on the rolls at age 62 would be 14 percent less than what they would have gotten at age 65, rather than 20-percent less. The benefit for a wife who comes on the rolls at age 62 would be 17½ percent, rather than 25 percent, less than what she would have gotten at age 65.

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RETIREMENT TEST

Increases in wages and prices have occurred since the last change was made in the retirement test. I believe the amount of earnings a person can have in a year and still get full social security benefits should be updated. This bill would increase this amount from the presently allowed $1,680 to $1,800, effective January 1970. The bill provides a corresponding increase, from $140 to $150, in the monthly exempt amount—the amount a person can earn in a month and still get benefits regardless of his earnings for the year.

I am also proposing that the test be changed to assure that a person will not suffer a reduction in disposable income as a result of his working. There should be no change in the $1-for-$2 withholding for the first $1,200 of earnings above the annual exempt amount, but above that only $3 in benefits would be withheld for each $4 of earnings. There would be no point at which $1 in benefits would be withheld for each $1 of earnings.

The bill would provide for automatic adjustment of the annual exempt amount of earnings under the retirement test to increase in earning levels, effective beginning in January 1973. This provision would insure that beneficiaries dependent on earnings from work would be able to maintain their economic level to a significant degree.

DISABILITY PROVISION

Mr. Speaker, social security disability benefits are now payable only if the disability is expected to last at least 12 months and only after the worker has been totally disabled throughout 7 consecutive calendar months. Throughout this period, of course, the regular expenses of the family and the extraordinary medical and related expenses must be met, even though the worker's earnings have stopped. I believe that it is unreasonable to delay much-needed benefits until after 7 full months of disability. This bill would make disability benefits payable after the fourth month of disability by substituting a 3-month waiting period for the present 6-month period, effective July 1970. It would also eliminate the requirement that the disability must be expected to last for 12 months or end in death.

Another improvement the bill would make in the disability provisions is also urgently needed. To be considered disabled under present social security law, a worker must be unable to engage in any type of substantial gainful work. Many older handicapped workers do not qualify for disability benefits even though they are unable to do any of the types of work they performed before their handicap.

Effective in July, 1970, the bill would fill the gap in the disability protection for older workers, by providing monthly disability benefits to handicapped workers age 55 and over, who can no longer do their regular work or any other work they have done in recent years. The 3-month, rather than 6-month, waiting period would also apply to these older handicapped workers.

The 1967 social security amendments provided benefits for the first time to totally disabled widows and widowers. But the benefits are not payable until the disabled widow or widower has reached age 50, and they are substantially reduced depending on the age at which the benefits begin.

The need of totally disabled widows below age 50 for benefit protection is at least as great as that of the widow between age 50 and 62. This bill would eliminate the age-50 limitation, effective January 1970.

Additionally, under present law, a disabled widow whose benefits start at age 50 gets only 50 percent of her deceased husband's benefit. The widow who has suffered the dual tragedy of the death of her lifelong partner and helpmate and of a severe impairment that destroys her working ability has a need for an adequate benefit.

Under this bill the benefit for a disabled widow or disabled dependent widower would be payable at the rate of 8½ percent of the deceased spouse's benefit amount.

In addition to the improvements designed to bring the social security program up to date, we should write into the law a provision for keeping benefits automatically up to date with increases in the cost of living. This bill does so, beginning in January 1975.

COST OF LIVING INCREASE

A provision in the law for automatically keeping the regular social security benefits and the special age—72 payments in line with the cost of living, would contribute greatly to the sense of security of the beneficiaries and the workers who are earning protection for themselves and their families. The Federal Government now provides for such adjustments in their retirement systems for its own employees—civilian and military—and we should do the same for social security beneficiaries.

INCREASE AND ADJUSTMENT OF WAGE BASE

Another automatic adjustment provision needed in the social security program involves the amount of annual earnings that is counted toward benefits and is subject to contributions. This bill would increase the contribution and benefit base from $7,800 to $15,000 in three steps: to $9,000 in 1970; to $12,600 in 1972; and, to $15,000 in 1974. Beginning in January 1976, the base would be automatically adjusted.

MEDICARE

I turn now, Mr. Speaker, to improvements in the medicare program. It is clear that medicare has brought about a very great improvement in the welfare of older Americans. But soaring medical care costs continue to burden Americans of every age and they especially hit hard those who are retired and dependent upon income from social security. It is time now to expand the program to enhance its protection and promise.

The basic concept of social security is that a worker makes contributions during his working years to pay for benefits during his retired years. This bill gives high priority to the idea of financing the medical insurance part of medicare through contributions paid during the beneficiary's working years, just as hospital insurance and cash benefits are financed.

Under the plan provided in this bill, to become effective in 1972, both the hospital insurance and the medical insurance parts of the program are financed with contributions paid by employees, employers, and the self-employed and with a matching contribution by the Federal Government from general revenues. By combining the two parts of the medicare program, the existing enrollment and coverage provision for the supplementary medical insurance program would be eliminated. Everyone then, who qualified for hospital insurance would also qualify for supplementary medical insurance. However, the benefit provisions and the different methods of reimbursement under the two parts of the medicare program would remain unchanged.

Another improvement in medicare incorporated in this bill is the extension of health insurance protection to the disabled. The disabled person, like the retired person, incurs high health costs concurrent with decreased income. Hospital and medical costs per person for the disabled are two to three times higher than for the aged. In addition, the proportion of severely disabled people with any form of health insurance is lower than the proportion of the aged who had health insurance protection before medicare was enacted.

Therefore, this bill includes a provision that hospital insurance and supplementary medical insurance protection be extended, effective January 1972, to social security disability beneficiaries. This protection would be financed in the same manner proposed for health insurance for the aged: Payroll contributions by employees, employers, and the self-employed, along with a Federal matching contribution from general revenues.

The bill would also provide coverage of prescription drugs under medicare. Drug costs account for about 30 percent of private expenditures for health care by the aged and represent the largest sgement of the aged person's health-care dollar. Yet very few health insurance plans offer protection against the cost of drugs.

A provision contained herein extends medicare coverage, beginning January 1972, to legend drugs—drugs which are available only by a physician's prescription—plus some nonlegend drugs, such as insulin, which are of a life sustaining nature or whose use is essential to maintenance of the beneficiary's health, and Secretary of Health, Education, and Welfare, with the advice of an expert committee established by this bill, would prescribe and annually review a list of legend drugs and certain nonlegend drugs for which reimbursment could be made under the program. A one-dollar deductible for a prescription and refill would be required and payment would be based on the "reasonable drug charge," consisting of an acquisition allowance plus a dispensing allowance.

Mr. Speaker, I am concerned about unnecessary costs of drugs purchased by brand name, when much cheaper generic drugs of equal quality are available. At this time, the prescription drug provisions of my bill do not provide for reimbursement based on actual cost to the ultimate dispensers of the least expensive, available drug product of proper quality. However, it is my intention to have this complex subject explored thoroughly when the bill is considered by the House Ways and Means Committee. And I intend to devise an approach that will utilize savings from the use of low cost generic equivalents.

FINANCING

The cost of the improvements this bill would make in the social security program would be met out of the $15,000 contribution and benefit base and automatic adjustment of the base; the current favorable actuarial surplus of 0.53 percent of payroll; rounding out the contribution rate from 5.9 percent each to 6 percent each, and a gradually increasing Government contribution eventually equal to approximately one-third the total cost of the program.

On the basis of 1968 wage assumptions now being used by the Social Security Administration in making cost estimates, this bill is in actuarial balance. If 1970 wage levels were used in making the actuarial assumptions, this bill could include a number of other improvements with the same contribution rates. For this reason, I am contemplating using a 1970 wage level assumption and including additional improvements and may so recommend when this bill is considered by the House Ways and Means Committee.

Certainly wage levels in 1970 will be higher than in 1968. Moreover, two of the provisions of the bill, the 12-percent and the 14-percent benefit increases, would not become effective until 1972 and 1974, respectively. There is no doubt that wages will continue to rise as they have throughout history and by the time these two benefit increases go into effect, the program would be financed on an actuarially sound basis if 1970 wage levels were used.

Mr. Speaker, social security has long been accepted as an important part of American life. Nearly 93 million people will have earnings from work covered by social security this year and are building protection for themselves and their families. Currently, 24.5 million Americans are receiving benefits totaling over $2 billion each month.

Try to imagine America without social security. Mr. Speaker, only about 5 percent of our retirees would have continuing incomes above the amount needed to maintain what the Department of Labor has defined as a "moderate" living standard—$3,900 a year for an aged couple with social security. Ten million people are kept above the poverty line. Another 3 million would exist only a notch above the poverty level were it not for social security.

We have not used the social security program to its full potential. It can do much more toward providing economic security and preventing poverty. The bill I am introducing today would go a long way toward maximizing the potential benefits of social security for the benefit of more people and for the benefit of the Nation as a whole. I look forward to its early consideration and adoption.

MONTHLY CASH SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER THE GILBERT BILL FOR A WIDOW AT AGE 62

	Benefit amounts			
		Gilbert bill		
	Present law	Effective January 1970	Effective January 1972	Effective January 1974
Minimum benefit	$55.00	$80.00	$90.00	$103.00
Average monthly earnings:[1]				
$150	73.00	80.30	90.00	103.00
$250	94.90	104.40	116.90	133.40
$350	115.90	127.50	142.90	162.90
$450	136.20	149.80	167.80	191.30
$550	156.70	172.40	193.10	220.20
$650	179.90	197.90	221.60	252.70
$750		221.10	247.70	282.40
$850			273.90	312.30
$950			300.30	342.40
$1,050			326.70	372.50
$1,150				402.60
$1,250				432.30

[1] Although the highest average monthly earnings possible under the present $7,800 base is $650, aged widow's benefits based on this amount will generally not be payable for many years to come. For example, the highest average monthly earnings possible under the law for a man age 45 or older who dies in 1970 will be $446. The bill provides for a 3-step increase in the base to $9,000 in 1970, $12,600 in 1972, and $15,000 in 1974, and also liberalizes the method of figuring average monthly earnings. These 2 changes will make higher average monthly earnings—and thus higher benefits—possible much sooner than under present law. For example, under the bill a man age 45 or older who dies in 1974 could have average monthly earnings of as much as $547, whereas under present law they could be no higher than $491. Benefits based on average monthly earnings higher than $547 will become payable gradually over the years after 1974.

MONTHLY CASH SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER THE GILBERT BILL FOR A RETIRED COUPLE (MAN AND WIFE) AT AGE 65

	Benefit amounts			
		Gilbert bill		
	Present law	Effective January 1970	Effective January 1972	Effective January 1974
Minimum benefit	$82.50	$120.00	$135.00	$154.50
Average monthly earnings:				
$150	132.60	146.00	163.50	186.50
$250	172.50	189.80	212.60	242.40
$350	210.60	231.80	259.70	296.10
$450	247.50	272.30	305.00	336.00
$550	284.90	313.40	339.00	371.80
$650	323.00	344.80	373.60	411.20
$750		373.00	405.20	447.30
$850			437.00	483.50
$950			469.00	520.00
$1,050			501.00	556.50
$1,150				593.00
$1,250				629.00

MONTHLY CASH SOCIAL SECURITY BENEFITS UNDER PRESENT LAW AND UNDER THE GILBERT BILL FOR A RETIRED WORKER AT AGE 65

	Benefit amounts			
		Gilbert bill		
	Present law	Effective January 1970	Effective January 1972	Effective January 1974
Minimum benefit	$55.00	$80.00	$90.00	$103.00
Average monthly earnings:[1]				
$150	88.40	97.30	109.00	124.30
$250	115.00	126.50	141.70	161.60
$350	140.40	154.50	173.10	197.40
$450	165.00	181.50	203.30	231.80
$550	189.90	208.90	234.00	266.80
$650	218.00	239.80	268.60	306.20
$750		268.00	300.20	342.30
$850			332.00	378.50
$950			364.00	415.00
$1,050			396.00	451.50
$1,150				488.00
$1,250				524.00

[1] Although the highest average monthly earnings possible under the present $7,800 base is $650, retirement benefits based on this amount will generally not be payable for many years to come. For example, the highest average monthly earnings possible under the law for a man reaching age 65 and retiring in 1970 will be $446. The bill provides for a 3-step increase in the base to $9,000 in 1970, $12,600 in 1972, and $15,000 in 1974, and also liberalizes the method of figuring average monthly earnings. These 2 changes will make higher average monthly earnings—and thus higher benefits—possible much sooner than under present law. For example, under the bill a man reaching age 65 and retiring in 1974 could have average monthly earnings of as much as $547, whereas under present law they could be no higher than $491. Benefits based on average monthly earnings higher than $547 will become payable gradually over the years after 1974.

ANALYSIS OF SOCIAL SECURITY (OASDHI) BILL INTRODUCED BY REPRESENTATIVE JACOB H. GILBERT

Item	Existing law	Bill
1. Benefit amounts:		
(a) Basic amounts	Benefits for a worker beginning at age 65, or when disabled before age 65, range from $55 to $218. Benefits for dependents and survivors are based on these amounts.	Benefit amounts for the worker would be increased in 3 steps: Beginning and range: January 1970, $80 to $268. January 1972, $90 to $396. January 1974, $103 to $524. Benefits for dependents and survivors would be increased proportionately.
(b) Automatic adjustment	No provision	Benefit amounts would be automatically adjusted annually for each 1 percent or more of increase in the cost of living.
(c) Actuarial reduction	Benefits for workers, and their wives or husbands, who start getting benefits before age 65 are payable at reduced rates. The benefits are reduced to an amount that will on the average give the same total lifetime benefits that would have been paid if the benefits had not begun until age 65. A worker's benefit at age 62 is 80 percent of the benefit he would have gotten at age 65; a wife's or dependent husband's benefit is 75 percent of the amount payable at age 65.	Smaller reductions would be made. A worker's benefit at age 62 would be 86 percent of the unreduced amount; a wife's or husband's, 82½ percent.
(d) Widow's and widower's	Benefits beginning at or after age 62 are equal to 82½ percent of the benefit amount that would be payable to the deceased spouse.	The amount payable where benefits begin at or after age 65 would be equal to 100 percent of the benefit amount that would be payable to the deceased spouse. Benefits beginning before age 65 would be reduced; where benefits begin at age 62 the benefit amount would be equal to 82½ percent of the benefit of the deceased spouse.
	Disabled widows and widowers can get benefits at or after age 50. Where benefits begin before age 62, the benefit amounts are reduced.	Benefits would be payable to a disabled widow or widower at any age. No reduction would be made in benefits that begin before age 62; the benefit amount would be 82½ percent of the deceased spouse's benefit, the amount payable under present law and under the bill to a widow who begins getting her benefits at age 62.

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ANALYSIS OF SOCIAL SECURITY (OASDHI) BILL INTRODUCED BY REPRESENTATIVE JACOB H. GILBERT—Continued

<table>
<tr><th>Item</th><th>Existing law</th><th>Bill</th></tr>
<tr><td>1. Benefit amounts—Continued
(e) Special age-72 payments</td><td>Certain people who reach age 72 before 1972 and who have not worked under social security long enough to get regular benefits can get special payments of: $40 for an individual; $60 for a couple.</td><td>The special payments would be increased in 3 steps:
<table>
<tr><th>Beginning</th><th>Individual</th><th>Couple</th></tr>
<tr><td>January 1970</td><td>$44.00</td><td>$66.00</td></tr>
<tr><td>January 1972</td><td>50.00</td><td>75.00</td></tr>
<tr><td>January 1974</td><td>57.00</td><td>85.50</td></tr>
</table></td></tr>
<tr><td>(f) Lump-sum death payments</td><td>Equal to 3 times the worker's benefit amount but not more than $255. Range: $165 to $255.</td><td>The $255 limit would be increased to $500.</td></tr>
<tr><td>2. Benefit computations</td><td>All social security benefit amounts are based on the insured worker's average monthly earnings. Nearly all benefits are now based on average monthly earnings after 1950—figured over 5 less than the number of years after 1950 and up to the year the worker reaches age 65 (62 for women), becomes disabled, or dies.</td><td>The number of years used in figuring the worker's average monthly earnings would be reduced by ⅓ beginning in December 1970, and to his best 10 years out of any 15 consecutive years beginning in December 1972. The average monthly earnings figured over the shortened periods would be adjusted to take account of the length of time the person worked under social security.</td></tr>
<tr><td>3. Earnings test</td><td>No benefits are withhheld on annual earnings of $1,680 or less. For earnings up to $1,200 above $1,680 (i.e., $2,880), $1 is withheld for each $2 of earnings, and for additional earnings $1 is withheld for each $1 of earnings, except that no benefits are withheld for any month in which a person does not earn more than $140 in wages nor render substantial services in self-employment.</td><td>No benefits would be withheld on earnings of $1,800 or less. For earnings up to $1,200 above $1,800 (i.e., $3,000), $1 would be withheld for each $2 of earnings, and for additional earnings $3 would be withheld for each $4 of earnings, except that no benefits would be withheld for any month in which a person does not earn more than $150 in wages nor render substantial services in self-employment.</td></tr>
<tr><td></td><td>No provision for automatic increases</td><td>Beginning in 1973, the $1,800 and $150 amounts specified above would be automatically increased as average earnings levels rise.</td></tr>
<tr><td>4. Disability provisions:
(a) Definition of disability</td><td>Benefits cannot be paid until after a 6-month waiting period, and are payable only if the disability is expected to last for at least 12 months or to result in death.</td><td>The waiting period would be reduced from 6 to 3 months, and the requirement that the disability must be expected to last 12 months or to result in death would be eliminated.</td></tr>
<tr><td>(b) Alternative definition for older workers</td><td>Workers must be unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment.</td><td>Workers aged 55-64 could qualify if unable to engage in substantial gainful activity (by reason of a medically determinable physical or mental impairment) in their regular work or in any other work in which they have engaged with some regularity in the recent past.</td></tr>
<tr><td>5. Medicare:
(a) Financing both hospital insurance and supplementary medical insurance on the basis of payroll contributions and general revenues.</td><td>Hospital insurance is financed by contributions from employers, employees, and the self-employed. Supplementary medical insurance is financed by monthly premiums paid by enrollees and matched by the Federal Government. Moneys are deposited in, and benefits and administrative expenses are paid from, 2 separate trust funds. Eligibility for hospital insurance is based on eligibility for cash benefits (except for a special transitional provision) while medical insurance is available to virtually all those over 65.</td><td>Would eliminate supplementary medical insurance premiums and provide for financing both hospital and medical insurance programs through contributions of employers, employees, and the self-employed, and a matching contribution by the Federal Government. All moneys would go into a combined trust fund, which would pay the benefits and administrative expenses of both programs. Eligibility requirements for both hospital and medical insurance would be identical to that required under existing law for hospital insurance.</td></tr>
<tr><td>(b) Medicare for the disabled</td><td>Medicare is available only to people age 65 and over (without regard to disability).</td><td>Would extend medicare, under the combined financing approach described above, to people under age 65 entitled to monthly cash disability benefits. Benefits would begin with the 1st month for which the individual is eligible for cash benefits and end 12 months after cash benefits cease.</td></tr>
<tr><td>(c) Coverage of drugs</td><td>Generally, drugs are covered only if they are provided in a hospital or an extended-care facility. Drugs are covered on an outpatient basis only if the drug is one which cannot be self-administered.</td><td>Would extend coverage of out-of-hospital prescription drugs under hospital insurance program. Drugs covered would be selected by the Secretary with the advice of an expert committee provided for by the bill. Reimbursement would be made to providers of drugs (pharmacies, etc.) on the basis of acquisition and dispensing allowances. The beneficiary would be required to make a $1 copayment per prescription or per refill.</td></tr>
<tr><td>6. Contribution and benefit base</td><td>The amount of annual earnings on which social security contributions are payable and that can be counted toward benefits is $7,800.</td><td>The amount of annual earnings to be counted for contribution and benefit purposes would be increased as follows:
to $9,000 for 1970 and 1971,
to $12,600 for 1972 and 1973,
to $15,000 for 1974 and 1975, and—</td></tr>
<tr><td></td><td>No provision for automatic increases</td><td>for years after 1975, the annual earnings amount would be automatically increased (in even-numbered years) as average earnings levels rise.</td></tr>
<tr><td>7. Contribution rate schedule</td><td>Employer-employee, each (percent)
<table>
<tr><th>Year</th><th>OASDI</th><th>HI</th><th>Total</th></tr>
<tr><td>1970</td><td>4.20</td><td>0.60</td><td>4.80</td></tr>
<tr><td>1971-72</td><td>4.60</td><td>.60</td><td>5.20</td></tr>
<tr><td>1973-75</td><td>5.00</td><td>.65</td><td>5.65</td></tr>
<tr><td>1976-79</td><td>5.00</td><td>.70</td><td>5.70</td></tr>
<tr><td>1980-86</td><td>5.00</td><td>.80</td><td>5.80</td></tr>
<tr><td>1987 and after</td><td>5.00</td><td>.90</td><td>5.90</td></tr>
</table>
Self-employed (percent)
<table>
<tr><th>Year</th><th>OASDI</th><th>HI</th><th>Total</th></tr>
<tr><td>1970</td><td>6.30</td><td>0.60</td><td>6.90</td></tr>
<tr><td>1971-72</td><td>6.90</td><td>.60</td><td>7.50</td></tr>
<tr><td>1973-75</td><td>7.00</td><td>.65</td><td>7.65</td></tr>
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<tr><td>1971-72</td><td>4.80</td><td>.65</td><td>5.45</td></tr>
<tr><td>1973 and after</td><td>5.10</td><td>.90</td><td>6.00</td></tr>
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<tr><td>1971-72</td><td>6.90</td><td>.65</td><td>7.55</td></tr>
<tr><td>1973 and after</td><td>7.10</td><td>.90</td><td>8.00</td></tr>
</table></td></tr>
<tr><td>8. Federal contributions</td><td>No provision</td><td>General revenue contributions gradually increasing over a 10-year period to an amount equal to approximately ⅓ the total cost of the program.</td></tr>
</table>

ADMINISTRATION POLICY ON BUSING

(Mr. HOGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. HOGAN. Mr. Speaker, I would like to call to the attention of my colleagues, Vice President Agnew's speech before the Conference of Governors in Williamsburg last night.

The Vice President enunciated administration opposition to the use of busing to artificially achieve racial balance in our schools.

In light of his statement, I have today called upon the White House to communicate this policy to those in HEW who are responsible for devising school plans.

Judging from the dissension in my congressional district, HEW is not yet in accord with this guideline. HEW policies to achieve school integration in Prince Georges County, Md., which I represent, have been the subject of a continuing dispute.

In April of this year, the Health, Education, and Welfare Regional Office in Charlottesville, Va., issued an ultimatum to the Prince Georges County School Board to integrate all schools in the county or lose nearly $12 million in Federal aid. At that time, I opposed the proposal because I failed to see how the proposal could be implemented without busing.

After a series of discussions between HEW and our local school board, I find that my earlier apprehensions are proved correct. While some of the points of disagreement seem to have been resolved, the board of education still feels that total compliance with HEW requirements will necessitate busing of students.

Mr. Speaker, to me, this is a highly unacceptable solution. It makes absolutely no sense to bus children from an all-black school to an all-white school for the purpose of bringing the races together when, at the end of the school day, the Negro children are bussed back into an all-black neighborhood.

In view of the reiteration by Vice President Agnew of the administration policy, I have today called upon the White House to withdraw the totally unrealistic and unacceptable plan which is being foisted upon the Prince Georges County school system by HEW officials who are flagrantly flaunting this enunciated administration policy.

I realize that this is a highly sensitive and complex area which requires extreme delicacy in its handling. For this reason, I would like to make it clear that while I am vigorously opposed to school segregation—as President Nixon is—I still feel that the time is long overdue for the President to make clear to HEW officials what his policy is on busing and to make sure that they conform to it.

I invite my colleagues who are encountering similar school desegregation problems in their districts to join with me in urging HEW officials to formulate an alternative solution to the use of busing to achieve integration.

TREATMENT OF AMERICAN PRISONERS BY THE NORTH VIETNAMESE

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 60 minutes.

(Mr. DICKINSON asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. DICKINSON. War is hell, Mr. Speaker, so said General Sherman almost a century ago, and few who have experienced its scourge will disagree.

I know that everyone in this Chamber joins me in hoping and praying for the day when a just and honorable peace can be achieved in Southeast Asia. We have no greater problem facing the U.S. Government—its cancerous tentacles have reached deeply into many aspects of even our domestic affairs.

War has many unfortunate byproducts—the wounded, the sick, the dead, and—that which I want to discuss today—the prisoners and the missing in action.

There are 1,355 brave American servicemen either in enemy hands or are listed as missing in action. The Department of Defense has reason to believe that 401 of these men are prisoners of war—the other 954 are carried as missing because no information is available about them. Some of these brave men have been missing or captured for over 5 years—longer than any of our servicemen were held captive during World War II. Only nine have been released by the Communists during this 5-year period.

For the most part, Mr. Speaker, these are the forgotten Americans—or at least it appeared so until earlier this year when this problem began to be publicized. These are the forgotten men who responded to their Nation's call in time of need and who now cry out to their Government, Mr. Speaker, through their valiant wives and families for our help and our consolation.

Since 1964, when we committed combat troops to South Vietnam, until early this year, our forgotten men have not been talked about. It seems that we took the attitude that, if we did not discuss the problem, it would be resolved. But it did not vanish, Mr. Speaker, and over a thousand Americans languish in North Vietnamese and Vietcong prisons.

I think it is time we talked about this grave situation, and I know we have hundreds of wives and families—many of them present in the House gallery today—who concur with me. Increasing numbers of House and Senate Members have spoken out against the barbaric, inhumane treatment being received by American servicemen in North Vietnam prisons. This special order and the resolution I have introduced are for a twofold reason—to show that Congress is aware of and concerned about the problem and the missing and captured are not forgotten men, and, second, to arouse world opinion and universal support to secure compliance by North Vietnam with the Geneva Convention. I hope that after today's session in the House Chamber, the voice of the Congress will be heard around the world and that other nations will recognize Hanoi as an uncivilized country, unworthy of a place in the community of nations if she continues to refuse to abide by the Geneva Convention dealing with POW's.

If North Vietnam continues on its present course and does not abide by the terms of the Geneva Convention—which she has ratified—may I suggest that the failure of North Vietnam and the Vietcong to comply with the Geneva Convention casts serious doubts on the validity of any agreement that might be reached at the Paris peace talks. Either the North Vietnamese will honor their formal commitments and keep their word, or else they are without honor and their word is no good.

I call upon every department of Government and every international organization to use all means available to let the rest of the world know of the failure of the so-called Democratic Republic of Vietnam—North Vietnam—and the National Liberation Front to abide by accepted, civilized practices regarding prisoners of war.

Now I realize that there is little the Congress can do directly to recover our forgotten men. But we can put the world on notice of the failure of North Vietnam and the Vietcong to treat prisoners humanely and to furnish us a list of the captives. Our adversary's failure in this area is in direct violation of the Geneva Convention.

My concern for our servicemen increased 2 weeks ago as a result of certain disclosures made by two recently-released prisoners—Navy Lt. Robert Frishman and Seaman Douglas Hegdahl. Mr. Speaker, Lieutenant Frishman and Seaman Hegdahl are also present in the House gallery today. I salute both of them for their bravery and dedication to the very best of our American ideals. They—not the long-haired, flag-burning, draft card-burning characters—represent American youth. They withstood the hell of Communist prisons and conducted themselves as patriotic American servicemen. For this, I salute them.

Lieutenant Frishman and Seaman Hegdahl outlined the inhumane treatment inflicted on them and the lack of adequate medical care, food, quarters, and contact with the outside world during their imprisonment. This refutes—in a graphic way—the propaganda disseminated by North Vietnam that prisoners are treated humanely.

The Communists claim that the Americans they have captured are war criminals and, therefore, they are not bound by the Geneva Convention. This propaganda claim will not stand up under close inspection.

What we refer to as the Geneva Convention actually is a series of four separate treaties covering prisoners of war, sick and wounded soldiers on land, the sick and wounded and shipwrecked at sea, and civilians. Article 2, which is common to all four conventions, specifically provides that "the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting parties, even if the state of war is not recognized by one of them." Therefore, Hanoi is committed to abide by the treaty, which she has ratified.

The 21st International Conference of the Red Cross—the highest governing body of the Red Cross—meeting in Istanbul last week—unanimously adopted a resolution completely rejecting North Vietnam's contentions and calling on all parties to abide by the obligations set forth in the convention. The resolution clearly states that the Geneva Convention applies to each armed conflict between two or more parties without regard to how the conflict may be characterized. It is interesting to note, Mr. Speaker, that representatives from the Soviet Union and other Iron Curtain countries were present for this Red Cross conference.

I suggest that the failure of North Vietnam and the Vietcong to comply with the Geneva Convention casts serious doubts on the validity of any agreement that might be reached at the Paris peace talks. Either the North Vietnamese will honor their formal commitments and keep their word, or else they are without honor and their word is no good.

Mr. Speaker, all prisoners captured by U.S. forces are turned over to South Vietnam for detention, and the International Committee of the Red Cross regularly inspects the prisoner facilities. Not only are the South Vietnam prisoner-of-war camps inspected, but also the collecting points, and it is my understanding that this is done on a "no notice"

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basis. Human decency—in addition to the Geneva Convention—requires it.

As I mentioned before, the prisoner of war problem has been swept under the rug until only a few short months ago. Fortunately for our forgotten men, the Defense Department has now taken the ball and is attempting to secure the release of our American servicemen. Defense has quite a few personnel assigned to this mission, and the team is headed by Assistant Secretary Warren Nutter and Deputy Assistant Secretary Richard Capen. Col. Milton Kegley and Col. Al Goodson are Mr. Capen's competent assistants, and they are doing an excellent job in keeping the wives and families of our missing and captured servicemen informed of any developments in this area.

Mr. Speaker, I commend the Secretary of Defense, our former colleague, Mel Laird, for his taking the initiative and publicizing this problem. I consider my efforts today in the Chamber of the House of Representatives to complement what the Department has already done, and I urge the Secretary, Assistant Secretary of Defense Dr. Warren Nutter, and Mr. Capen to continue their efforts. And I call upon the State Department to leave no stone unturned in its quest for a solution to this most serious problem. I personally am going to send copies of today's CONGRESSIONAL RECORD to our chief negotiator in Paris, Ambassador Henry Cabot Lodge, and request that copies be made available to the representatives from Hanoi. They can see for themselves what the Congress of the United States thinks of their claims of "humane" treatment of Americans they hold captive.

Mr. Speaker, I would be extremely remiss if I did not recognize today the wives and families of our POW's and MIA's, many of whom have traveled thousands of miles in order to be present here today. They display a courage that I admire tremendously, and Americans everywhere would do well to maintain a strength equal to that displayed by them. They are the ones who are sacrificing, Mr. Speaker, and I know all Members of the House join me in paying tribute to them today.

I would like to especially recognize the work being done by Mrs. Pat Mearns, who represents the organization, Association of Wives and Families of Captured and Missing American Military Men. Her husband, Maj. Arthur S. Mearns, was shot down over North Vietnam almost 3 years ago, and no word has been received of his whereabouts. Mrs. Mearns first came to see me over a month ago and asked for my help in bringing this problem to the attention of the House. I am pleased to have played a small part in this arrangement.

Mr. Speaker, I want also to pay tribute to the Fairchild Hiller Corp. and its president, Mr. Edward G. Uhl. Mr. Uhl, in a special newsletter to Fairchild Hiller employees, urged them to write directly to the President of North Vietnam requesting that humane treatment be afforded the prisoners it holds and that other provisions of the Geneva convention be followed. Fairchild Hiller Corp. has also placed full-page advertisements in several leading newspapers today, urging the American public to correspond with the North Vietnamese in this connection.

Mr. Speaker, before I yield to other Members who want to speak, I want to mention the concurrent resolution I have introduced today. This measure is cosponsored by 174 Members of the House and it calls upon the President, the Department of State, the Department of Defense, other concerned departments or agencies, the United Nations, and the people of the world to appeal to North Vietnam and the National Liberation Front to comply with the requirements of the Geneva convention.

Mr. Speaker, I ask permission to insert into the RECORD copies of the resolution adopted by the 21st Conference of the Red Cross and a resolution adopted by the 51st Annual National Convention of the American Legion, which met in Atlanta last month. I also ask permission to include at this point a translation of an article which appeared in the September 9, 1969, issue of Le Figaro, one of the leading French newspapers.

PROTECTION OF PRISONERS OF WAR

The XXIst International Conference of the Red Cross,

Recalling the Geneva Convention of 1949 on the protection of prisoners of war, and the historic role of the Red Cross as a protector of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provisions of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick or wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals,

Requests each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are treated humanely and given the fullest measure of protection prescribed by the Convention; and further calls upon all parties to provide free access to the prisoners of war and to all places of their detention by a protecting Power or by the International Committee of the Red Cross.

Adopted by vote of 114–0.

(The International Conference of the Red Cross is held every four years and is the highest governing body of the Red Cross. Its membership consists of governments which have signed the Geneva Conventions of 1949, national Red Cross Societies, the International Committee of the Red Cross and The League of Red Cross Societies.)

FIFTY-FIRST ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

Resolution No. 35

Committee: Foreign Relations.

Subject: American Servicemen imprisoned by North Vietnam and the Viet Cong.

Purpose: To reaffirm American Legion concern for U.S. prisoners of communists.

Whereas, The American Legion, at 1968 National Convention, New Orleans, Louisiana, called upon the United States to make plans to insure the full and prompt release of all American servicemen now held by North Vietnam and the Viet Cong; and

Whereas, The American Legion deems it essential that the United States make the release of prisoners of war the first order of business in any negotiations with North Vietnam and the Viet Cong; and

Whereas, North Vietnam and the Viet Cong have completely ignored the request of the United States for the release of or information concerning U.S. servicemen held as prisoners of war; therefore, be it

Resolved: That The American Legion insists it is essential to any settlement of the Vietnamese War, at or prior to the time such arrangements are agreed to, that all parties involved in that war demonstrate their good faith in the search for peace by providing for the safe, prompt, and full return of all prisoners of war desiring repatriation, and by also providing a complete accounting for and identification of all persons who at any time during the hostilities had been taken as a prisoner of war.

[From Le Figaro, Sept. 9, 1969]

ANXIETY IN UNITED STATES CONCERNING FATE OF AMERICAN PRISONERS HELD IN NORTH VIETNAM

We have received during these last weeks a certain number of letters from American families with relatives who are prisoners in Vietnam and who have been without news of them for long months. The letters these families send have received no response.

Here, for example, is what one American woman has written us: "As the wife of a prisoner of war in North Vietnam, I beseech you to help me and those who are also in my situation. My husband has been a prisoner since June 17, 1966. As you know, the North Vietnamese have never published lists of prisoners they hold, and they have never given any information on the treatment of these prisoners."

An American man whose brother was taken prisoner in October 1965 has written us: "Hundreds of families have been without any information for years as to whether their relatives who are prisoners are still alive and are most anxious concerning their state of health. . . ."

The signers of these letters asked us to make this situation, the pain of which one can guess without difficulty, known to international opinion.

We do it all the more willingly because this state of affairs is completely abnormal. The Government of North Vietnam in 1957 signed the Geneva Convention which defines the treatment that must be accorded to prisoners of war and combatants. This Convention prescribes among other things: the publication of the names of the prisoners, the immediate liberation of those who are seriously ill or wounded, inspections to verify the living conditions of the prisoners, the exchange of letters between the prisoners and their families.

The number of American prisoners is about 1,350, of whom 350 to 400 are held in North Vietnam. Fewer than 100 of them have been authorized to write to their families. This situation has led to the establishment in the US of a "National League of Families of American Prisoners in Southeast Asia."

It is inconceivable that a government which claims to fight for justice and liberty would violate rules that are designed to insure that a certain degree of humanity is respected for the well-being of those who have ceased being combatants.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I am happy to yield to my distinguished chairman, the gentleman from South Carolina (Mr. Rivers).

Mr. RIVERS. Mr. Speaker, I want to commend the gentleman from Alabama for the effort that he has taken in this program to bring to bear on the bestiality of the savages of North Vietnam and what they are doing to human beings representing a civilization of kindness, of truth, of hospitality, and a generosity unknown and unparalleled in the history of the world.

Here is a nation, Mr. Speaker, which has not even practiced the simplest precepts of humanity to Americans in their own country. Prisoners of war—a constant parade of these men have come before our committee and borne mute testimony to the treatment that they have received at the hands of these savages. No names given—no report given—no nothing given of their conditions and their treatment, or anything—bringing heartaches, bringing tears—bringing troubles in the loneliness and the wantingness of their loved ones at home to see the last of their men who went off to war.

Mr. Speaker, if we can do one thing today to bring world opinion to bear on this nation known as North Vietnam to report to the world some semblance of civilized treatment of these men and some report of their conditions, we will have done a good job.

To the gentleman who is a member of the great Committee on Armed Services of which I have the great privilege of being the chairman, I promise to this Congress and to this country that we will keep up our efforts to bring to the American people every vestige of information that we can bring home to these loved ones.

Today I met two of these young men and heard their stories. You just do not know—it would make your heart burn and your hair curl and would bring out the kind of sympathy and commiseration such as no one has ever experienced, for our fellow countrymen.

So, Mr. Speaker, I want the gentleman to know that our committee will continue in the name of this Congress and the name of this House of Representatives, and as a spokesman for the House of Representatives, that we will continue our efforts to back up the efforts of this distinguished member of our committee.

We have had the assurance today from the Secretary of Defense that everything will be done—no stone would be left unturned and that the removal of the troops in Vietnam would be contingent in the final analysis—now get this—would be contingent in the final analysis on what Vietnam does to these men who are kept incommunicado and imprisoned in that savage part of the world.

So it is heartening to know that the President and the Secretary of Defense have given us this hope. I know the Congress applauds it and we will continue our efforts to try to free these men and bring home information as to their condition.

I applaud what the gentleman is doing and pledge him my continued support.

Mr. DICKINSON. Mr. Speaker, I thank the most distinguished and illustrious gentleman from South Carolina (Mr. Rivers). His words ring with a sincerity that no one can doubt.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I am very pleased to yield to the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts (Mr. McCormack).

Mr. McCORMACK. Mr. Speaker, I too join with the gentleman from Alabama and congratulate him for bringing this matter to the attention of the House of Representatives.

This is one of the great forums of the world of free people, where freedom, and freedom of expression exists.

The experiences of our prisoners of war are indeed intolerable. They violate not only international agreements but they violate the moral law and they violate the law of decency.

Not only are they treated under conditions that are inhuman but the failure in many cases to disclose the names of those who have been captured and whether or not they are living is an additional punishment for their loved ones in America.

This is a forum, as the gentleman from Alabama and the gentleman from South Carolina have well said, where public opinion on a world scale could be developed, and out of this special order today I hope there will be transmitted throughout the free nations of the world, and even penetrating Communist-controlled nations, the message that North Vietnam in the handling of these men should be humane, that they should treat them as human beings, and that they should live up to the international agreements that exist among the nations of the world. This is nothing but an illustration of what the Communist mind does.

Today we read in the newspapers a report that Vietcong contingents entered a small village yesterday in South Vietnam and cruelly killed some men, some women, and some children. We remember what happened at Hue not so many months ago, where over 3,000 human beings, women, men and children, civilians, were cruelly murdered. We know of the experience of the people of North Vietnam under Ho; tens of thousands—in fact, hundreds of thousands of persons have been murdered. We know of the migration of well over a million persons from North Vietnam to South Vietnam seeking safety. We know of the tens of thousands of persons in South Vietnam who have been murdered and kidnapped by the North Vietnamese and by the Vietcong. That is a part of the brutality of the Communist mind, and America should now realize that communism today is still bent on its purpose. Its tactics may change, but its purpose and intent of world domination never changes, because if that should change, then communism itself would change, and there is no evidence of any change in connection with international communism.

So we are dealing with a cold and vicious killer state of mind, and this is another illustration of that type of mind in practical operation.

But in this case we might by our voices today bring hope to the loved ones and the neighbors of those who are prisoners through the arousing of an enlightened public opinion. The presence today in the Chamber of so many Members shows the deep interest that is manifested in this important subject. I congratulate my friend and I congratulate my colleagues for being here in such large numbers on this occasion.

Mr. DICKINSON. Mr. Speaker, I want to thank my friend, my colleague and my Speaker, the most respected and eloquent Member of this chamber, for the comments which he has just given to us.

I would be very pleased at this time to yield to the minority leader, the gentleman from Michigan (Mr. Ford).

Mr. GERALD R. FORD. Mr. Speaker, I join with the Speaker and others who have spoken before and those who will be speaking subsequently to commend the gentleman from Alabama for taking the initiative, the leadership in obtaining this special order for this occasion today. Without his leadership I doubt we would have marked this occasion at this time. The attendance here today demonstrates that this is a most deserving and worthwhile cause.

In this Chamber we can, as we have in the past, help to mold public opinion both at home and abroad. We must let the world at large know that the Communist leaders in North Vietnam are violating the Geneva Convention as to the treatment of American prisoners of war.

We all recognize that the leadership in North Vietnam is dominated by dedicated Communists. We know from history that any nation that has such leadership—dedicated Communists—does not even provide for the safety of its own citizens. They are not safe.

As I was listening to the distinguished Speaker and the gentleman from Alabama, I recalled a Korean war incident. It was my privilege to accompany the then Secretary of State, Mr. Dulles, the then Secretary of the Army, Mr. Robert T. Stevens, and Gen. Maxwell Taylor in August of 1953 to Panmunjom to see the first return of American prisoners of war from North Korea. I stood on a hill and saw the first trucks come down from enemy territory bearing young Americans who had been held as prisoners of war.

Sad to relate, these young Americans who had served their country and had saved our cause had been badly mistreated. I watched their physical examination and I talked to some who had been prisoners of war for a long time. I came away completely convinced that Communist-dominated governments would be inhumane in the treatment of their own citizens, and would be inhumane as well in their treatment of prisoners of war.

Obviously, the record of treatment of our young men from the Army, Navy, Air Force, and Marines has been the same under the North Vietnamese as it was under the North Koreans.

I earnestly hope and pray that, as the result of this discussion in the House of Representatives, we can arouse world

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public opinion to demand that the enemy in North Vietnam change its policy, release American prisoners of war, meantime treat them more humanely, and give us the information that would be consoling to those in this country who know not now whether their loved ones are dead or are held by the enemy.

I call here and now for North Vietnam to be tried in the court of world opinion on the charges which have been detailed in the resolution now before this House.

It is not only deplorable but despicable that North Vietnam, a signatory of the Geneva Convention, refuses to identify American prisoners they hold, refuses to release the sick and seriously wounded, refuses to permit impartial inspections of their prisoner of war facilities and refuses to permit the free exchange of mail.

The crimes against humanity of which the North Vietnamese are guilty make a mockery of their propaganda statements claiming that American prisoners of war are being given humane treatment by them.

The sins of omission and commission of which North Vietnam plainly is guilty stand as incontrovertible evidence that North Vietnam has violated even the most fundamental standards of human decency.

Conditions within North Vietnamese prison camps are shocking. We know it, and Hanoi knows it. The world also must know it, and the world must call North Vietnam to account at the bar of international justice. The pressure of world opinion counts for something, even among Communist nations. In this there lies a ray of hope.

The world must recognize and take full cognizance of the fact that more than 200 of our unidentified prisoners of war—POW's unidentified by their captors—have been held by the enemy for more than 3½ years. That is longer than any U.S. serviceman was held prisoner during World War II. In fact, some of our men have been in Communist prison camps for more than 5 years.

What kind of treatment are they receiving? We have the shocking experiences of three U.S. servicemen recently released by Hanoi as clear evidence of the torture to which they are being subjected.

Mr. Speaker, the pain and suffering not only of our prisoners of war but of their families and dear ones now speak to the world, and the world must hear that cry. If the United Nations were ever to justify its existence, then that organization must now move to have North Vietnam honor the Geneva Convention and accord our imprisoned men humane treatment.

I call on the world to speak out in the name of American prisoners of war and in the name of all humanity.

Mr. DICKINSON. Mr. Speaker, I certainly thank the minority leader for those very true and very stirring words and for his contribution to our discussion here today.

Before yielding to my very good friend, the majority leader, I would like to say that following the special order today, from 6 to 8 o'clock there will be a reception in the Caucus Room of the Cannon House Office Building, on the third floor, where the wives and families of those who are being held prisoners of war or are missing in action will be able to meet and mingle with the Members of the House and our leadership in the House and members of the Joint Chiefs of Staff, all of whom have indicated they will be there or will be represented.

At this time I am pleased to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I thank the gentleman for yielding. I thank him for the work he has done in making this hour possible in this Chamber.

We have played the low key for a long time on the matter of trying to reach the ears of the enemy with respect to the treatment of the boys who have been taken captive by North Vietnam in the Vietnam war. Not one single note, so far as any evidence has come to us is concerned, has been heard in Hanoi. The time for the low key is past.

The time for Americans to rise in indignation, to rally their own conscience and the conscience of decent men around the world, has come.

The time has come when we, through every avenue at our disposal and for whatever price it may cost, should insist and insure that our captured prisoners are treated like human beings in accordance with the Geneva Convention, and that families are notified.

If we fail, we fail the families who have given these men to the service of our country, we fail the men themselves, and we fail in our own responsibilities.

Mr. DICKINSON. Mr. Speaker, I should like to thank the majority leader for those stirring and eloquent words which have a ring of sincerity no one can doubt. He is a man whose opinions, once voiced, bear great weight. I certainly appreciate his contribution here.

I am very pleased to yield to the gentleman from Texas, a most august and revered member of the Veterans' Affairs Committee and of this House.

Mr. TEAGUE of Texas. Mr. Speaker, last Sunday four young ladies from Texas, after numerous wires to the North Vietnamese delegation, flew to Paris. These young ladies are not "sob sisters" and they are not critics of our Government. They would merely like to know, "Are we wives or are we widows?"

This trip was not a Government trip. This trip was sponsored by the Veterans of Foreign Wars in our country and by a private company in Texas.

Mr. Speaker, two of these young ladies have children 4 years old, who were born after their husbands were shot down. The other two have three children and two children.

These young ladies are very attractive, very articulate, and very wonderful representatives of our country.

I talked with them yesterday afternoon about this time. They had just met with members of the North Vietnamese delegation, and they were very encouraged and very enthused that they were invited back today and it was intimated they would receive some very good information.

I talked with them about an hour ago, in Paris. They went back today and met with the North Vietnamese delegation. They were served tea and cookies and propaganda for 2 hours. They were promised that they would get a report on their husbands. They were told that the North Vietnamese would see anybody who came from this country as long as they were not representing our Government.

Mr. Speaker, these young ladies were most disappointed this afternoon.

I believe this just further proves that the North Vietnamese Government is the cruelest government which ever existed in the history of this world.

Mr. DICKINSON. I thank the gentleman from Texas.

I will be very pleased to yield to the distinguished gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I thank my friend from Alabama (Mr. DICKINSON) for yielding at this point in time so that I may express my personal appreciation to him for the leadership he has demonstrated by bringing into sharp focus at this hour, at this crucial point in our destiny, the crisis which faces us in a moral way as Americans. Really, we as Members of the Congress here in the House of Representatives and in the other body ought to be ashamed of ourselves for having possibly been negligent and somewhat silent this long. The inhumanity of the North Vietnamese to our fellow Americans who have borne the flag of this country abroad and who have worn so proudly the uniform of this great land is something which should disturb every man who has an ounce of moral integrity within him.

My remarks are brief but no less sincere. There are others who want to make an expression of their opinion. I want to confess my negligence for having waited so long to have taken the public position which we all take here today, but in confessing my negligence it does not mean I have been indifferent. I do beg and pray for forgiveness. I do not think any of us have really been indifferent, but have only wondered in our frustration what we ought to do. We have truly wanted to help and not endanger the welfare or lives of these great Americans. This effort to try to influence the conscience of the world in a matter involving American citizens I pray will succeed. It will have my wholehearted support. Every American who serves this country will always have my support as long as he wears the uniform of this country; and those we remember today, whether they are dead or alive, still wear, at least in memory in our hearts and minds, the uniform of this country. I am proud to acknowledge the service they have rendered me. I ask God's help for them and their loved ones who live in fear and doubt.

Mr. DICKINSON. Mr. Speaker, I thank the distinguished gentleman from Louisiana (Mr. WAGGONNER) for those heartfelt remarks.

I now yield to the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from Alabama for yielding to me. I want to congratulate him on the fine job he is doing as a member of the Committee on Armed Services and for bringing this matter so courageously before the Members of this House and the people of America.

Mr. Speaker, I am honored to pay tribute to the gallant fighting men who so courageously have and are defending our heritage. To those on the battlefield, to those as prisoners of war, and to those missing in action, we salute you.

I want to pay a special tribute, too, to the brave, loving wives, children, mothers, fathers, sisters, brothers, and other members of the families, who have so heroically and relentlessly continued to have hope. We know that they do have hope, for their presence here expresses their patriotism and faith. I want them to know that my heart is with them and that I, too, have faith and hope.

One of these courageous, loving wives and her understanding mother from my district are with us. They are Mrs. Grace Avery, the wife of one of these gallant fighting men listed as missing in action, and her mother, Mrs. Marion Carr, wife of the county court clerk of Washington County, Tenn.

The Averys have a lovely 2½-year-old daughter who is not here with her mother today, but she also has hope that her daddy will return.

Capt. Robert Douglas Avery began his service to his country in January of 1966. He was reported as missing in action on May 3 of 1968. This date corresponds with his last letter home which was written during that period of time. For the sake of Captain Avery's family and every other American family like his who have been long suffering, the North Vietnamese Government must be made to adhere to the provisions of the Geneva Convention.

For according to the Geneva Convention's provisions, prisoners of war who are members of the Armed Forces of the United States are to have their names released, to be able to receive and send mail, and to have the facilities inspected by the proper authorities.

The release of the names of the prisoners is the very common denominator of decency. How can the North Vietnamese Government be so cruel as to inflict misery and suffering upon innocent families of these men? How can they be so unsympathetic and unmerciful? Would a captured man be less of a prisoner if his name were released? No.

The release of the prisoners' names would ease the anxiety of the families, as would knowing that their well-being has been protected to as high a degree as possible under the Geneva Convention.

Furthermore, the free flow of mail should be allowed in order that the servicemen and their families can establish basic communication. People cannot survive without the minimum of hope and comfort. Think of the reassurance of a letter from home—it could mean the difference between estrangement and adjustment upon release—or the difference between the will to live or the willingness to die.

The human condition requires certain basic treatment commensurate with the dignity of the soul. It seems only fair to ask that our prisoners be given humane treatment. It is hard for us at home to realize the way of life which would not accord these rights without question, for that is the basic premise of our Constitution and Bill of Rights.

In any case, let it be known that the situation of these men and their families will not be forgotten. Their bravery and courage in these most trying of times is admired greatly. We, in this Chamber, as well as the whole Nation, share your burden of anxiety and grief. I only hope and pray that soon our gallant men can be reunited with their families.

Mr. DICKINSON. I thank the distinguished gentleman from Tennessee, Mr. Speaker.

Mr. Speaker, as anomalous as it may seem to some people and unknown as it may be to some within the hearing of my voice, it is nevertheless the rule of this House that it is improper for a person in the gallery to be recognized from the floor of the House. That being the case, Mr. Speaker, I shall not attempt to recognize two heroes of our country who were just until 3 weeks ago prisoners of war but who were released just recently by the North Vietnamese and who did speak out about the conditions and their treatment and torture while prisoners of the North Vietnamese. Of course, I refer to Lt. Robert Frishman and Seaman Douglas Hegdahl who are with us today.

Mr. Speaker, I have today introduced a resolution. It is introduced on this side of the Capitol and it will be concurrently introduced on the Senate side.

The resolution reads as follows:

> Whereas the United States Government and the Republic of Vietnam have continuously honored the requirements of the Geneva Convention relating to the treatment of prisoners of war;
>
> Whereas the United States Government has repeatedly appealed to North Vietnam, and the National Liberation Front of South Vietnam to respect the requirements of the Geneva Convention which North Vietnam has endorsed;
>
> Whereas the North Vietnamese and the National Liberation Front of South Vietnam have disregarded the provisions of the Geneva Convention and refused to release the names of prisoners of war who are members of the Armed Forces of the United States, to permit the regular flow of mail to or from those prisoners, and otherwise to accord humane treatment to those prisoners, and to permit inspection of the facilities in which those prisoners are held: Now, therefore, be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the United States Government, the United Nations, and the peoples of the world to appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war and to take such steps as may be appropriate to obtain the prompt release of all members of the Armed Forces of the United States so held as prisoners of war.

Mr. Speaker, there can be no doubt of the humanity and the feelings of the Members of the House of Representatives, and I am very pleased and extremely proud to report that this resolution is cosponsored by 175 Members of this House as of the time I dropped the resolution in the hopper today.

May I say further, Mr. Speaker, that I can think of no instance when we have gotten more cooperation and enthusiastic support for any endeavor than we have from this administration and from the Department of Defense in our efforts in this venture. Not only has the Secretary of Defense been present on the floor today during the debate, and has spoken to many of the people who have flown here from all over the country to be with us, but I am in receipt of this telegram today, signed by the Secretary of Defense, which reads:

> SEPTEMBER 17, 1969.
>
> The Department of Defense shares your concern for the welfare of the more than 1350 United States servicemen who are listed as prisoners of war or missing in action in Southeast Asia. The fact that the Members of Congress are focusing attention on the inhumane treatment of American prisoners held by North Vietnam and the Viet Cong is a source of encouragement to the hundreds of wives, children and parents who have lived for five years not knowing the status of their loved ones.

And he is speaking for the President of the United States.

Mr. Speaker, I am very pleased at this time to yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I certainly want to associate myself with the work that has been done in regard to this subject and on the statements that have been made. Some of the statements bear repeating. I particularly would like to reiterate what I feel is one of the most penetrating and searing statements made, that by the able and distinguished minority leader, and possibly expand on it.

Mr. Speaker, the minority leader pointed out that any nation or any group like the Communists who would treat their own people so inhumanely could probably not be expected to treat our prisoners any better. I believe sometimes we overlook the fact that the Communists treat their own people inhumanely. That is their way of life. That is the way they have always operated.

I myself have carried on correspondence for the past 5 years with the State Department and with the Defense Department regarding prisoners, and prisoners of war in Red China, not just in Vietnam and not just in Korea.

We still have prisoners of war who we believe are in the hands of the Red Chinese. We have reason to believe there is one Catholic priest still in the hands of the Red Chinese. They will not tell us this. We glean these reports from people who come from China. That is the way they have operated historically during the past 20-odd years.

Mr. Speaker, I will say to the gentleman who has led this wonderful fight for more humane treatment for prisoners of war, I am what is considered a hard-core anti-Communist. I plead guilty to that charge—I am a hard-core anti-Communist.

I would tell a little story which I think is typical as to why so many of us are duped throughout the country.

It was 20 years ago next month that I entered Harvard University. I well recall one day in class when a very prominent professor told those of us in the class that we ought to go that night and hear a speech on campus by a very well-known person in the country. It was said that this man was a Communist. Of course, he was not a Communist. We were urged to go out. I went out and

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listened to that gentleman. He made a lot of sense. I was a very impressionable young man.

You know, some 2 months later this particular speaker of the evening had smuggled away on a Polish ship—I remember the name—it was the *Batory*, and he went behind the Iron Curtain and assumed a leadership position in the Communist East German Republic until he died about a year ago. That man was Gerhardt Eisler.

Many people were duped. I, myself, was duped. I think from that point on, I became interested in communism. I think many in our country are at the present time unaware of the true nature of communism. From that time, I would say, I have maintained my interest in communism and a thing that interested me the most and I would reiterate what was said here—why we do not come to the conclusion that we cannot expect much more from the Communists? We are not dealing with civilized people and it is only going to be through influencing public opinion and through the efforts that we are making here today in this type of work that we can possibly bring to the attention of this country and to the world the true nature of communism.

I am certainly appreciative of everything that has been said. What happens in North Vietnam is not unusual. It is not hard to explain. It is the logical result of communism. I think, if nothing else, maybe we can shatter the myth today and show just the way that the Communists operate and possibly hold out hope for more humane treatment for our prisoners.

Mr. DICKINSON. I thank the gentleman.

Mr. SCHERLE. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Iowa.

Mr. SCHERLE. Mr. Speaker, I rise proudly in support of the resolution proposed by my distinguished colleague, the gentleman from Alabama (Mr. DICKINSON).

The recent release of three American prisoners of war by Hanoi has confirmed our fears regarding the quality and humanity of the treatment they received at the hands of their North Vietnamese captors. It reinforces the torment of all those American families whose sons and husbands are missing in action and known, or feared, to be captives.

The standards of treatment described by returning servicemen have been far below the standards prescribed by the Geneva Convention, which has been signed by the North Vietnamese:

Prisoners are subjected to cruel and inhuman treatment.

Their injuries are not given proper medical care.

Meals are insufficient to maintain health.

The mental and physical abuse they receive defies any definition of "humane."

We have negotiated with the Communists long enough in Hanoi and earlier in Korea to know they are master psychologists. They place no value on that which Americans hold most dear—human life. They brazenly use the uncertainties of the welfare of American prisoners of war to make their families pawns in a cruel game of international psychological warfare. Because of our compassion, Hanoi is able to force an impotent America to negotiate in the human interest against our national interest. Hanoi can conduct the war this way because it is contrary to our principles to retaliate in kind. Hanoi places no value on the lives or welfare of her own prisoners of war.

The families and friends of American servicemen missing in action or prisoners of war have good cause to be concerned about their husbands, sons, and neighbors. They have heard the testimony of returned POW's. They have heard the testimony of the 82 members of the *Pueblo* crew, their callous treatment, their battles to retain their health and sanity. They have seen their loved ones on Hanoi's propaganda films.

Hanoi has refused to release the names of all the prisoners she holds.

Hanoi has refused to confirm the number of American prisoners she holds.

Hanoi has refused to admit which known captives are still alive.

Hanoi has refused to permit Red Cross or other international inspection of POW camps.

Families write regularly; letters returned undelivered from Hanoi.

Wives send photos of sons their fathers have never seen; returned from Hanoi.

Warm clothing is shipped to ward off the bitter Asian cold; returned from Hanoi.

Foodstuffs and Christmas packages are sent through the International Red Cross; returned from Hanoi.

When will the names of Americans held captive be returned from Hanoi?

When will evidence of humane treatment for American prisoners be returned from Hanoi?

When will American servicemen be returned from Hanoi?

We think the time is now.

Mr. Speaker, I would like to read to you a statement that I received at 3 o'clock this afternoon from Comdr. Lloyd Bucher of the U.S.S. *Pueblo:*

STATEMENT FROM COMDR. LLOYD BUCHER, CAPTAIN OF THE U.S.S. "PUEBLO", SEPTEMBER 17, 1969

> I cannot talk to the legal aspects of the treatment of prisoners by North Vietnam. Nor do I know more than has been reported in the news concerning the treatment received by those servicemen who are presently there. However, if the North Vietnamese accord prisoners the same treatment that is meted out by their sister regime in North Korea, then I can discuss the subject knowledgeably. More U.S. prisoners of war died in the Korean war than in any war in which we have been engaged. But this was the first time we directly engaged a country whose basic premise is the communist military dictatorship. North Vietnam is under the rule of the same type of Communism. In past wars, the enemy were basically people in the ranks, soldiers and sailors who bore us no individual personal hatred. That is not true with the average Communist soldier. From the cradle they are fed the most fantastic lies imaginable about the people of the United States. They have no other source of information, and no one dares to question. Then what treatment can we expect from them? Remember, it is the highly indoctrinated soldier that is guarding their prisoners, preparing their food, seeing to sanitation and administering medical treatment. Brutality can be expected and brutality is what the prisoner will receive in most instances. People under Communism are continuously indoctrinated and believe that only when we as a nation cease to exist, will there be happiness in the world. The man on the street in North Korea believes this with all his being. In short, any treatment that the usual guard in North Korea inflicts on a prisoner less than brutal murder, he considers humane because, after all, hasn't he been told from his very beginning that cruel death is all any American deserves.
>
> On the positive side, I have an overwhelming faith, generated from my own experiences, that our servicemen can and will survive. The American serviceman is endowed with the peculiar quality of being able to find enough humor in the worst of situations to buoy him over the toughest imaginable circumstances. His humor, together with his faith in his God and his Country, and his love of family and friends produce in him as tough a man as has ever been born on this earth. To all the wives, children, parents and friends of servicemen who are prisoners of the North Viet I ask you to have faith in him and his ability to survive. Remember, too, that he is more concerned about your suffering and mental anguish than he is about his own problems.

Mr. DICKINSON. I thank the gentleman for bringing us this, I am sure, inspiring, reassuring, and comforting message from Lloyd P. Bucher, and I would like to say—not belatedly, because I did say so at the time—that his efforts were in a very large part responsible in securing the release, through such public interest and world opinion, of the crew of the *Pueblo*.

I am pleased to yield to the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Speaker, because of the time situation, I can only underscore and associate myself with everything that has been said here this afternoon. In my judgment—and I am sure that is shared by all the Members of this body and of the entire Congress—I feel confident that practically all the American people agree that the most important one thing facing this Nation today is the recognition of this need for disclosure of information withheld by the Communists with respect to the prisoners of war, and the matter of the treatment that those prisoners are receiving. That is first, foremost, and paramount on the agenda of the issues facing this Nation today, and I think here in this forum this afternoon at least there has been a start, at least there has been an effort. The alarm has been sounded. The bell has been rung in an effort to direct world opinion in this forum of public opinion in America that may result in the realization of some progress in this No. 1 objective before the Nation today.

I commend the gentleman from Alabama for bringing this matter to the attention of the Congress and the Nation, and I hope and pray that it may bear fruit.

Mr. DICKINSON. I thank the gentleman.

I am pleased to yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I thank the gentleman from Alabama for yielding.

Mr. Speaker, on Tuesday, August 12, I

introduced in this Chamber a resolution concerning the treatment of prisoners of war by the Government of North Vietnam, and requested that my colleagues join me in giving it unanimous consent. The resolution expressed deep concern over the inhumane and deliberately cruel treatment accorded to American prisoners of war by the Hanoi regime, and requested President Nixon to convey the sense of the Congress on this matter to the Communist regime in North Vietnam, to the participating states of the Geneva Conferences of 1954 and 1962, to the states adhering to the 1949 Geneva Conventions, and to the member states of the United Nations.

Up to this time, the Hanoi government has publicly stated that American prisoners of war receive adequate and proper care. But they have refused to permit impartial inspection of prison facilities which would verify such claims. This refusal is in direct violation of the Geneva agreements, and it is only one of several such violations.

Article 122 of the Geneva agreements states specifically that both parties in the conflict shall establish information bureaus to inform governments and families of the status and condition of prisoners. As you all know, Hanoi has persistently refused to establish any such bureau, or even to identify those men who have been captured and are being held as prisoners of war. At present there are more than 1,300 American servicemen listed as missing in action. Of these, less than 350 have been identified as prisoners through news photos released by the North Vietnamese and neutral press. We cannot even be sure that all those identified in the photographs are still alive, for some of the pictures showed severely wounded men.

Mr. Speaker, I feel, and I am sure that every Member present in this Chamber agrees with me, that there can be no excuse for the purposeful and deliberate cruelty of the Hanoi regime in this matter—not only to the prisoners themselves, but to their families and loved ones who receive almost no word of them. They must live in doubt from day to day, and Hanoi has clearly made no effort to alleviate this doubt.

On July 3, when Radio Hanoi announced that North Vietnam would release three American prisoners in recognition of Independence Day in the United States, hundreds of families began to hope that their sons or husbands would be among the three to be returned. Their anxieties were prolonged for 32 days, and then tragically shattered for all but the relatives of these three men. We can be thankful for the return of these three men, but let us not forget the heartlessness inflicted on the families and friends of so many others.

These are not the only examples that could be cited. Hanoi has shown time and again that it is willing to use captured American servicemen as propaganda tools, but not to accord them the basic dignity and decency which are due them as human beings and prisoners of war covered by the Geneva Conventions. The U.S. Government has done all in its power to render just and fair treatment to captured enemy soldiers in the Vietnam conflict. The Hanoi regime and the National Liberation Front of South Vietnam have not reciprocated this respect. This is more than a matter of honor among governments. It is a matter of decency among men.

Mr. Speaker, I urge unanimous passage of this resolution, and pray that the Government of North Vietnam will heed the still, small voice of conscience speaking through the wind and fire of war.

Mr. DICKINSON. Mr. Speaker, I thank the gentleman from Illinois for his comments.

Mr. Speaker, may I say for the information of those who are here to participate that while I do have only 60 minutes, I took the precaution of getting a backup 60 minutes to enable everybody who is here to express himself and participate in this special order. So if my time expires, I will be followed on the scene by my colleague, the gentleman from Alabama (Mr. EDWARDS), who has an additional 60 minutes, so all Members will be recognized and given an opportunity to participate in this most important and vital function of our Congress.

Mr. Speaker, at this time I yield to the gentleman from Florida (Mr. GIBBONS).

(Mr. GIBBONS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, I appreciate the gentleman yielding. I shall be brief, because I know a great many other Members in this body wish to speak.

Mr. Speaker, I commend the gentleman from Alabama (Mr. DICKINSON) for his leadership in taking this special order in order to bring this issue before the Congress and the world, and to dramatize this issue before Congress and world opinion.

Many of us in this body are old soldiers and all of us know that war is cruel. We know many cruel things are done in war and in the heat of battle that would not be done otherwise. But we are not now talking about the heat of battle. We are talking about people who are perhaps prisoners of war. They are removed from the heat of battle, where rational decisions can be made by those who are in contact with them.

I can think of nothing that is more irrational, nothing that is more cruel than to withhold from another government simply a list of the names of those people, where they are held, and what their immediate physical condition is. I can think of no way for the people of North Vietnam to present themselves to the rest of this planet as civilized human beings, wishing admission into the family of nations of this planet, when North Vietnam will not do that simple and direct act. I am shocked and appalled by it.

Mr. Speaker, there are 14 ladies who have come to Washington today from my congressional district, who represent 14 families, and there are really more than that who have come from my district who are here to help out in this cause. At this time I insert a list of the names of these women from Tampa who are in the House Gallery:

Deborah Herr, Mary Brennan, Patricia Goodrich, Lynda Gray, Kathleen Karl, Hazel Keirn, Phyllis Kline, Patricia Lund, Sue MacCann, Laura Robinson, Patricia Scharf, Margaret Smith, Patricia Trier, and Donna Wilson.

Mr. Speaker, I have little hope that the North Vietnamese Government is going to listen to this plea for human decency, however vividly we may phrase or vehemently we may press our condemnation of their inhumane treatment of our fighting men who are now their prisoners. But I think we should pass this resolution and resoundingly, so that world opinion may note it even if the North Vietnamese do not.

They, the North Vietnamese, have violated every canon of international law, and the Geneva Convention in particular.

Under the patent evasion that this is something less than a war, they claim such provisions do not apply. They claim that they do not have to allow an impartial inspection of their prison camps, they do not have to admit mail from distressed families, release the injured or severely wounded, or, worst of all, even identify the men they hold. Only a civilized conscience could compel them, given the present situation, and they obviously do not have that.

Yet, we should speak and I join my colleagues in this attempt to halt the barbaric and uncivilized mistreatment of our captured men. I hope that current peace efforts will succeed. I hope that the maltreatment of our soldiers will likewise cease.

Mr. DICKINSON. Mr. Speaker, I thank the distinguished gentleman from Florida.

Mr. Speaker, at this time I yield to the distinguished gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I commend my distinguished colleague from Alabama for his meritorious leadership in this important matter. Our hearts go out to the wives and other loved ones of American prisoners of war and of those listed as missing in action. Our efforts here shall be matched by our prayers for the safety, the welfare, and the ultimate safe return of these brave men.

It is with very grave concern that I join my colleagues in the House of Representatives today in denouncing North Vietnam and the Vietcong for the utterly inhumane treatment which prisoners of war have received at their hands. We call the attention of our fellow citizens of the United States and of the entire free world to North Vietnam's blatant and continuing disregard for the Geneva Convention's prisoner of war provisions in the sincere hope that an aroused world public opinion can result in sufficient pressure to change this terrible situation.

I know that all those who heard the testimony of the two American Navy men recently released from prison by Hanoi already share our shock and indignation over the brutal treatment of prisoners which they described.

While the testimony of these two men has dramatized such treatment recently, it has apparently been going on since the beginning of the conflict in Vietnam. In further disregard for the provisions of the Geneva Convention the North Vietnamese have consistently refused to re-

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lease the names of prisoners of war, to permit the regular flow of mail to or from those prisoners, and to permit inspection of the facilities in which those prisoners are held. The families of most of our prisoners of war there literally do not know whether they are dead or alive. In response to last spring's public request by Secretary of Defense Melvin Laird for a free flow of mail between prisoners and their families and for a list of prisoners, without which it is impossible to even know the fate of many who are missing in action, Hanoi refused to promise anything until U.S. troops are withdrawn. A similar refusal was given to Ambassador Lodge's request this past week for impartial international inspection of the prisoner of war camps.

Mr. Speaker, war is always a terrible and a tragic thing which brings grief to the families of those who make sacrifices such as are being made by our gallant fighting men in Vietnam. But the nations who endorsed the Geneva Convention expressed their conviction that neither the inhumane treatment of prisoners or the endless heartbreak of families who do not know the fate of a loved one listed missing in action due to information withheld by such a barbaric government as that of North Vietnam have to be or should be among the horrors of war.

The U.S. Government and the Republic of Vietnam have continuously honored the requirements of the Geneva Convention relating to the treatment of war prisoners and have repeatedly appealed to North Vietnam, which also endorsed the Geneva Convention, to do likewise.

On this day we again join in a fervent appeal to North Vietnam and the National Liberation Front to comply with the Geneva Convention tenets and afford humane treatment to prisoners of war. So that there will be no question as to the deep concern of the U.S. Congress about this critical matter, we have also joined in sponsoring a concurrent resolution which formally states our hope that all concerned persons in the U.S. Government, the United Nations, and throughout the world will join in this appeal. I respectfully urge prompt and favorable consideration of this concurrent resolution by the Congress.

(Mr. CONABLE (at the request of Mr. BUCHANAN) was granted permission to extend his remarks at this point in the RECORD.)

Mr. CONABLE. Mr. Speaker, I have little to add to the many eloquent expressions of support today for our missing and our captured comrades in Vietnam. No thinking American would not wish them well and reunited with their families. They are beyond our control, but it is reasonable to hope that the concerns we express today will reach the ears of their tormentors and help to persuade them that the road to peace cannot be built on disregard for the most basic tenets of humanity and international law.

I would like to add one anecdote from my personal experience to underscore the inhumanity of the policy of the North Vietnamese with respect to American prisoners. Shortly after I was elected to this body the family of a downed American military pilot asked me to confirm a report that he was dead. I checked with the service involved and was advised that the missing man's plane had been hit by a Russian-built Sam missile and that he could not possibly have survived the resulting explosion. A search for the body had been to no avail, but the service decided he was dead. More than a year later that family received a letter from the man in a North Vietnamese prison, saying that he was alive and had largely recovered from his wounds. I do not believe that family has heard from him since that letter. What are they to think? Do they have hope? My heart goes out to them, and to the many families like them for whom grief and despair can be assuaged only by the kind of information any civilized nation would make available as a matter of course about prisoners of war within its control. Certainly we can deal with reliance and good will only with civilized nations, and I pray that North Vietnam will receive this message from our meeting here today. The quest for peace cannot ignore inhumanity such as has been here described.

Mr. DICKINSON. I thank my colleague from Alabama for his very worthwhile contribution.

May I say, before yielding to any other Member, right now we have more than 200 cosponsors of my resolution. We still have room for more. I have a copy of the resolution. Any Member who wishes to contact me, who would like to cosponsor this resolution, should know it is still open for signatures.

Mr. Speaker, I now yield to the gentleman from Virginia.

Mr. DANIEL of Virginia. Mr. Speaker, I desire to commend the gentleman in the well for the leadership which he has exhibited, and to associate myself not only with the remarks which he has made but also those of others who have spoken prior to this time.

Five of these 1,300 missing men or prisoners of war are from the Fifth District of Virginia which I have the honor to represent. Their families, as is the case with the others throughout this great country, pray and hope and wait.

We in this Congress and others throughout the free world must not fail these young men, because if we fail them we fail our country, we desecrate our heritage, and we betray our posterity.

Mr. DICKINSON. I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I am indeed grateful to my colleague from Alabama (Mr. DICKINSON) for taking the lead in bringing this matter of the treatment of American prisoners of war by North Vietnam to the attention of the Congress and the Nation. In my judgment, Mr. DICKINSON is to be commended for his initiative and concern in this matter.

In this regard, I am both pleased and proud to join my colleague and the more than 90 Members of the House of Representatives who have agreed to cosponsor this resolution today and to speak out in behalf of those American prisoners and men who are listed as "missing in action," many of whom are thought to be captives.

As we all know, the Geneva Convention extends to prisoners of war certain rights so that, in captivity, they might retain a measure of human dignity and survive such an ordeal. Those of us who have ever served in the armed services also know that, for a serviceman, being captured by the enemy is one of the most traumatic, demoralizing, and degrading experiences that can ever occur to a man in a combat situation.

During the time the United States has been engaged in the war in Vietnam, this fate has fell on more than a thousand U.S. fighting men. But, because of the Government of North Vietnam's steadfast refusal to abide by any of the provisions of the Geneva Convention or to otherwise cooperate in any way on this question, we have no way of knowing for certain just how many Americans they are actually holding.

On the other side, the United States and the Government of South Vietnam have made every attempt to abide by the Geneva Convention with regard to the processing and treatment of the prisoners taken by them.

Recently, we had the opportunity to hear from two released Navy men who had been held captive in North Vietnam, on just how our men are being treated in captivity. Their stories of cruel and inhuman treatment are shocking—shackled in chains, poor and insufficient food, inadequate medical care, and barbarism to the extent of even tearing out their fingernails.

As a result, North Vietnam's image has been badly tarnished in the "court of world opinion," but I seriously doubt that this has had any effect on the treatment of those I call "the forgotten men of the Vietnam war." While our purpose today is primarily directed toward stirring public and world opinion so that our fighting men might receive their full rights under the Geneva Convention, I believe far more can and should be done to correct this basic injustice and secure the release or exchange of all prisoners held by both sides in Vietnam.

Both the present and the previous administration have made strong efforts to negotiate the question of prisoners of war, but the Government of North Vietnam and the National Liberation Front have flatly refused. I think the time has arrived for concerned people throughout the world to start asking "Why'"?

Certainly, if North Vietnam is genuinely concerned about reaching a settlement, they should agree to demonstrate their good faith by arriving at a mutual arrangement to at least exchange information regarding the prisoners held by both sides. Is this too much to ask of the Government of North Vietnam? Or, are they more concerned about perpetuating their past record of cruelty and degradation on those human beings who have been caught up in the agonies of war?

In the final analysis, this resolution which is before us today is an expression of faith that these American fighting men have not and shall not be forgotten.

And, in addition to urging its passage, I urge every concerned American and every representative body in this Nation to go on record supporting it as well.

Mr. FEIGHAN. Mr. Speaker, on February 5 it was my unfortunate task to advise Members of this House that the road to peace at Paris would be long, difficult, and, at times, frustrating. Taking this view, I insisted that the subject of repatriation of U.S. prisoners, then in the hands of Hanoi, be given early priority. In addition, that if there was any sincerity on the part of Hanoi to discuss peace, it be tested by the prisoners-of-war issue.

At this time, we have no definite count on survivors, and no information concerning their health. In view of what happened in Korea, and from what little information there is available on the present situation, we are led to believe the worst.

In Korea, the prisoners-of-war issue was left as the last item on the agenda for discussion, and it took over 2 years to resolve. Admiral Joy, our chief negotiator at Panmunjom, Korea, has stated that throughout the long arguments over the exchange of prisoners, the Communists engaged in every nefarious practice known to them. They lied; they blustered; they became vindictive; they twisted, distorted, and denied the truth; they delayed; and, they threatened. In the end, Admiral Joy concluded that the enemy was using the almost endless negotiations to screen the preparation and occupation of almost impregnable defensive positions. Only when it became apparent the United States was running out of patience in negotiations did the enemy abandon their deceitful and dilatory tactics and address themselves to the issue at hand: prisoners of war.

Mr. Speaker, I strongly endorse this concurrent resolution calling for all concerned departments or agencies of the U.S. Government, the United Nations, and the peoples of the world to appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war and to take such steps as may be appropriate to obtain the prompt release of all members of the Armed Forces of the United States so held as prisoners of war.

The passage of this resolution may help to prevent the recurrence of the mistake made in Korea of considering the issue of prisoners the last item on the agenda.

Mr. BINGHAM. Mr. Speaker, the treatment of American prisoners of war at the hands of the North Vietnamese is a matter which continues to sadden and disturb all Americans. I am shocked at each new bit of evidence which emerges indicating the inhumanity and callousness of the North Vietnamese leaders, and I want to take this opportunity along with so many of my colleagues in the House to express my sympathy with the friends and families of our men believed held by the Vietnamese. The very fact that we do not know how many Americans are alive in North Vietnam, who those men are, and what their conditions are, is mute testimony to the painful and deplorable limbo in which American prisoners of war and their families are being held by the North Vietnamese. Less than 100 American prisoners have been permitted to write to their families—and then only once or twice a year. Only a fraction of the remaining prisoners have been identified—many of those through their appearance in North Vietnamese propaganda films which are, themselves, clear violations of accepted international standards of humane prisoner-of-war treatment.

Numerous appeals have been issued by the Secretary of Defense and the Secretary of State for improved treatment of these American prisoners. These very same officials, however, also devise and implement our continuing "maximum military pressure" attitude in seeking negotiated settlement of the hostilities. The North Vietnamese have responded with little more than—in the words of Defense Secretary Laird—"a series of contrived broadcasts" representing "feeble gestures" that are "no substitute for the humanitarian guarantees that we are seeking." While there can be no justification for such attitudes on the part of the North Vietnamese, demands coming from the very officials in our Government who are directing American military actions in Vietnam are not the most compelling.

I think it is high time that those of us in the Congress and elsewhere who have long and vociferously opposed American involvement in this war take up the appeal to North Vietnam on behalf of our POW's. I would certainly place myself in that category. I have opposed the strategy of maintaining maximum military pressure on North Vietnam as a means of inducing a settlement. I have taken the position that the only way to bring this unfortunate war to a close is to halt the killing, and to move in that direction the United States should declare an immediate cease fire.

I am pleased to say that an increasing number of Americans, both within and outside the Government, support this general point of view. We have and will continue to exert every pressure and influence we can upon responsible officials of the executive branch who are conducting the American role in this war to follow the course we support.

The leaders of North Vietnam could make a real contribution to efforts by our own people to end American military involvement in the affairs of Vietnam by immediately revising its policies and actions regarding the treatment of American prisoners of war in its custody. The first step by the North Vietnamese should be to release immediately a detailed list of all American prisoners in their custody and to permit them to communicate freely with their families by letter. Thereafter, it would hopefully be possible to negotiate ground rules for the regular inspection of prisoner-of-war facilities in North Vietnam by impartial international teams.

In 1968 North Vietnamese leaders called off scheduled trials for several downed American flyers. It is interesting to note that they did so after several American and international "doves" urged them to. I am hopeful that they will respond in a similar manner now with regard to their treatment of all American prisoners. I understand that, in 1968, the Secretary General of the United Nations, U Thant, played a very significant role, and I hope he will again use his considerable influence to assist in obtaining more humane treatment of American prisoners of war in North Vietnam. Along similar lines, I strongly agree with a view expressed some weeks ago by the London Times that it would also be helpful for the neutral nations of the world to use their influence with Hanoi in this regard.

As an expression of my deep concern over this problem, and my sympathy for the men involved and their families, I am submitting the following resolution:

CONCURRENT RESOLUTION

Whereas the North Vietnamese and the National Liberation Front of South Vietnam have disregarded the provisions of the Geneva Convention and refused to release the names of prisoners of war who are members of the Armed Forces of the United States, to permit the regular flow of mail to or from those prisoners, and otherwise to accord humane treatment to those prisoners, and to permit inspection of the facilities in which those prisoners are held;

Whereas the United States Government has repeatedly appealed to North Vietnam, and the National Liberation Front of South Vietnam to respect the requirements of the Geneva Convention, which North Vietnam has endorsed; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the United States Government, should appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war, should take such steps as may be appropriate to obtain the prompt release of all members of the Armed Forces of the United States so held as prisoners of war, and should appeal to the peoples of the world and to the Secretary General and appropriate bodies of the United Nations to support these objectives.

Mr. FOREMAN. Mr. Speaker, I commend and compliment the distinguished gentleman from Alabama, (Mr. DICKINSON) for his leadership in the introduction of this concurrent resolution today condemning North Vietnamese treatment of American prisoners of war. Even though I introduced a similar resolution in this body on September 11, I am pleased indeed to join in cosponsoring this resolution expressing the outpouring of indignation across this country, and in fact around the world, over the barbaric and uncivilized treatment afforded the prisoners of the North Vietnamese Communists. It is encouraging and reassuring to me, and to the families of the valiant and brave Americans who have given their lives, those who are now serving, and those who are prisoners, to see this overwhelming congressional expression and demonstration of our concern and plea for the compliance with the Geneva Convention Provisions on Prisoners of War, which was agreed to and signed by North Vietnam in 1957.

Mr. BUSH. Mr. Speaker, as I strongly believe it necessary that Vietnam and

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the Vietcong provide more humane treatment for American captives, I fully concur with the spirit of the resolution introduced by my distinguished colleague (Mr. Dickinson).

It is through such forthright actions, I think, that we can arouse public concern across the country and create an even greater awareness amongst the American people as to the uncivilized and barbaric treatment now tendered American POW's and MIA's. It is unjust; it is unjustifiable. Certainly it is not in accord with specific provisions of the Geneva Convention.

In inflicting inhumane treatment on American prisoners, the Government of North Vietnam and its allies in South Vietnam have violated fundamental standards of human decency and have grossly deviated from recognized concepts of international agreements on prisoners of war.

I commend my colleague (Mr. Dickinson) for his effort in bringing the plight of our prisoners to the attention of all thinking Americans. Truly it is a plight on which the attention of all Americans should now be focused.

Mr. CARTER. Mr. Speaker, it is my feeling that all Members of Congress should be concerned with the 1,329 men captured, or missing in action in the Vietnam war. Most of these men are probably prisoners of war.

I submit that we, as representatives of the people, should bring to the attention of governments throughout the world that North Vietnam does not release the names of the prisoners it has, and that we do not feel these prisoners are treated as the Geneva Convention requires.

We should bring the harsh treatment accorded our prisoners before the bar of public opinion throughout the world in order that they be informed of the mistreatment rendered to our captured soldiers by North Vietnam.

The impact of the power of world opinion may well force North Vietnam to give humane treatment to our unfortunate men, and not only that, but it could well influence them to list the names of our men who have been captured.

I enclose an open letter from concerned Americans for the perusal of the Members:

Reunite Our Families Group,
Downers Grove, Ill., September 17, 1969.

To the Members of Congress:

Concern over the 1,329 lost men of the war, Prisoners of War and Missings in Action, is expressed each day across this country. Letters from fathers, mothers, sons, and daughters reach the desks of newspapers and Congressmen, all carrying the same message, speaking of the suffering of the families of these "lost" men. For over 900 families hangs the dark curtain of not knowing—not knowing whether a husband or son or brother or friend is alive, let alone well; the vacuum that exists for a two year old child who has never seen his daddy but prays some day to find him.

It is time for an accounting. It is time now that all America speak forth to the rest of the world and demand that North Vietnam give an accounting of these men. Only when the rest of the world shares the anguish and tears of these families will Hanoi be swayed to change its course.

On behalf of these men who fought so valiantly for their country, and their families, we urge you, as a representative of the American people to speak out publicly, and inform the American public of the tragic plight of POWs and MIAs. We urge you to take the lead in helping stimulate the world opinion to help these men. We urge you to exert all your powers in at least securing a list of names of prisoners. Most of all, we beg you *"Don't Let Them Be Forgotten."*

Concerned Americans.

Mr. BROCK. Mr. Speaker, if there is one responsibility that the Members of the Congress ought never to forget, it is our obligation to American prisoners of war.

Today, men who have served bravely under our flag in Southeast Asia are languishing in prison behind enemy lines, cut off from friends, families, and fellow countrymen. Denied the basic rights accorded to prisoners of war under the terms of the Geneva Convention, some of them have completely lost contact with their families for as long as 5 years, their condition and status unknown.

The North Vietnamese regime has made a practice of intentionally withholding information on their whereabouts and physical welfare, in clear violation of basic international law.

It is the duty of the Congress to prevent the fate of these brave men from being shelved and forgotten. They have served too well and sacrificed too much to deserve such a fate. As a cosponsor of the Dickinson concurrent resolution, I urge my colleagues to join me in insuring that the Congress act with honor and integrity toward a group of men who have sacrificed much in our defense.

Mr. MILLER of Ohio. Mr. Speaker, for some 1,300 American families the Vietnam conflict is a deep and continuing tragedy. These are the families who have a father, a husband, or a son known or believed to be held prisoner of war in North Vietnam. Some of our men have endured in Communist prison camps for more than 5 years.

Two recently released American Navy men have revealed the torture and brutality experienced and witnessed by them in prison camps. Their accounts shocked the country and verified the inadequate and degrading treatment that the Communist captors have imposed on their prisoners.

Efforts to help our servicemen held in North Vietnam have been pursued with vigor by U.S. officials. Secretary of State Rogers, Secretary of Defense Laird, and Ambassador Lodge in Paris have all pressed North Vietnam in recent months for compliance with the provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war. In particular, they have urged such basic steps as repatriation of sick and wounded prisoners and the furnishing of a list of men actually in North Vietnamese hands.

These requests have been rejected by North Vietnamese representatives in Paris, who have refused even to identify the American prisoners held in their country. This refusal to even disclose the names of the prisoners is an extreme cruelty for the anxious families who must exist from day to day not knowing whether a loved one is alive or dead.

I have joined with a large number of my congressional colleagues in cosponsoring the concurrent resolution calling on Hanoi to honor the Geneva accords guaranteeing the rights of prisoners of war.

Along with the administration, we are asking Hanoi to name the men in captivity, to immediately repartriate the sick and wounded, to permit impartial inspection of prison facilities, to assure proper treatment of all prisoners, to make possible a regular flow of mail, and to undertake serious negotiations for the prompt release of all American prisoners in their custody.

This is not a political or ideological issue, but a matter of basic humanitarian decency. Whatever one's beliefs on the conduct of the war itself, American and world opinion should be united in support of a policy of humane treatment for prisoners of war.

Mr. PETTIS. Mr. Speaker, I am joining with the Honorable William L. Dickinson and other Members of the House of Representatives in cosponsoring a concurrent resolution to protest North Vietnam's complete disregard for the provisions of the Geneva Convention dealing with the treatment of prisoners of war. I am hopeful that this resolution will mobilize worldwide public opinion against the uncivilized and inhumane treatment of American prisoners of war in Communist prison camps.

This matter is one of daily concern to many of my constituents. The city of Victorville recently recorded its feelings in a resolution adopted by the city council which I insert at this point in the Record together with the letter of transmittal from David A. Brownell, mayor of the city of Victorville:

Victorville, Calif.,
September 12, 1969.

Congressman Jerry L. Pettis,
House Office Building,
Washington, D.C.

Dear Congressman Pettis: The enclosed resolution is the voice of the people of the City of Victorville expressing their feelings to the Hanoi Government. This matter is brought closer to our attention through our daily contact with the seven wives and 20 children living in our great Victor Valley who are victims of living under the cruelty of not knowing whether their husbands and fathers are alive or dead. It is very heartsickening to have a three or four year old child ask you "What does my daddy look like as I have never seen him."

On behalf of the citizens of the City of Victorville, we strongly urge that you do all within your power to bring this to the attention of the Congress and to whatever world organization might be able to gain some answers for these families.

Kindest personal regards.

Sincerely,

David A. Brownell,
Mayor, City of Victorville.

Resolution

A resolution of the City Council of the city of Victorville expressing their deep concern over the welfare of the missing in action military personnel in Southeast Asia

Whereas, the City of Victorville has daily contact with the military personnel stationed at George Air Force Base; and

Whereas, the citizens of the City of Victorville have deep and lasting friendships with the officers, airmen and their families; and

Whereas, the citizens are constantly reminded of the continual anxiety of the families of these men listed as missing in action; and

Whereas, now word has reached the citizens through prisoners returning from North Vietnam of atrocities endured by our military men while in prison camps in and around Hanoi; and

Whereas, this community and its citizens feel a deep personal responsibility to bring to the attention of the world the plight of these men, their wives and young children who wait for them:

Now, therefore, this City Council, on behalf of all of the citizens of the City of Victorville, urges that through every way and means the government of North Vietnam be strongly urged to exercise their consciences and to display a more responsible regard for the dignity of life by advising some world organization of the status of our missing in action military men.

Passed, Approved and Adopted this 15th day of September, 1969.

David A. Brownell,
Mayor of the City of Victorville.

Attest:

F. W. Baxter,
City Clerk.

Mr. CORMAN. Mr. Speaker, I would like to take this opportunity to add my support to Mr. Dickinson's resolution and express my concern for our servicemen who have been captured and are being held as prisoners of the North Vietnamese.

As participants of the Geneva Convention, the North Vietnamese agreed to accord the men taken captive certain privileges including the release of their names, the right to send and receive mail and the decency of receiving humane treatment. During the course of the war, these rights have been constantly denied and, for the most part, the actions of the Vietcong have gone unquestioned. No longer do I feel that we can allow this inhumanity to continue. No longer can this situation be ignored—action is long overdue. We as members of the Government must face the problem head on and initiate the action that is recognized as the power of our elected positions.

Wives and families all across this Nation wait anxiously through long agonizing days, months and, for many, even years to hear some news that their husbands and fathers are still alive and safe. The United States has an obligation to these wives and families to insist that the identification of our men be made known and that their safety is insured. Greater still, is our obligation to our servicemen who risked their lives by being willing to fight for those noble principles on which America was built and has been developed. We cannot forget the meaning of their lives and the strength of their commitment to peace and freedom and justice.

North Vietnam cannot relinquish its obligation to the Geneva Conference by use of semantics. The men they have captured are prisoners of war and the National Liberation Front cannot evade their responsibility to the Geneva Conference by referring to them as war criminals. The wives of our captured men should not have to plead their cases alone at the Paris peace talks. The President, the Departments of State and Defense as well as the United Nations and all the Members of Congress should be working hand in hand to see that North Vietnam and the National Liberation Front be made not only to comply with the provisions of the Geneva Conference but to release all members of the Armed Forces of the United States so held as prisoners of war.

Mrs. DWYER. Mr. Speaker, it is a very special privilege to be associated with so many of our colleagues in the joint sponsorship of the resolution proposed by the distinguished gentleman from Alabama (Mr. Dickinson).

This is truly a humanitarian effort of the highest order. It is designed to arouse the consciences of people everywhere to appeal to the Government of North Vietnam to adhere to the very minimum requirements of the Geneva Convention of 1949 regarding the humane treatment of prisoners of war.

The resolution we are introducing today should be promptly considered and resoundingly approved. Such action will place the Congress of the United States forthrightly and unmistakably behind an appeal which no decent human being can deny.

We ask only that North Vietnam and the Vietcong take the following immediate actions:

First. Identify the prisoners whom they hold.

Second. Release the seriously sick and injured.

Third. Permit impartial inspections of all prisoner-of-war facilities.

Fourth. Permit the free exchange of mail.

We are, of course, deeply concerned that all American prisoners of war be released as promptly as possible, but the four points above are fundamental humanitarian requirements imposed on all signatories of the Geneva Convention—of which the Government of North Vietnam is one.

Despite its obligations, however, North Vietnam has consistently refused to honor them. Only nine men have been freed by that Government during the past 5 years, all from the same prisoner-of-war camp. Many hundreds of others continue to be imprisoned there and elsewhere. How many we do not know. Neither do we know who they are. The evidence we do have, however, proves conclusively that American prisoners of North Vietnam and the Vietcong are not being treated humanely. The experience of the three U.S. servicemen recently released by Hanoi have confirmed the earlier evidence.

Our appeal, Mr. Speaker, is not ideological. It is not political. Whatever our people may think about the war in Vietnam, or about the conduct of that war, we are all united in our concern for the suffering of American prisoners and for the burden of fear and tension that suffering has placed upon their families. War is terrible enough even under the most favorable of conditions, but it is unthinkable that a civilized government anywhere in the world should compound the suffering of war by refusing to treat humanely those most victimized by war.

Some of our men have been in Communist prison camps for more than 5 years. Over 200, according to the Defense Department, have been there longer than 3½ years. There is reason for deep concern that so many months of captivity could have long-term adverse effects upon the well-being of these Americans.

Meanwhile, Mr. Speaker, both our own Government and that of the Republic of Vietnam have recognized and fulfilled the requirements of the Geneva Convention. Sick and wounded prisoners have been released and repatriated, and Vietnamese prisoners-of-war camps have been regularly inspected by the International Committee of the Red Cross.

Having one son myself, who has served his country in Vietnam, I know a little of the anxiety which all parents of servicemen there must face. But most of us have been spared the ordeal of months and years of not knowing where our sons or husbands or brothers or sweethearts may be, or under what conditions they are held, or even whether they are alive.

Among the many relatives of American servicemen who are prisoners of war or who are classified as missing in action, some have come to Washington today to add their voices to our appeal. Among them is Mrs. James T. Egan of Mountainside, N.J., whose son, Marine 1st Lt. James T. Egan, has been missing for nearly 4 years in Vietnam.

Our hearts all go out to mothers like Mrs. Egan. Their magnificent courage and patience and the persistence of their faith in the face of such cruel uncertainty has been truly remarkable.

But the more fortunate among us cannot rest. We have an obligation to do everything possible to end the doubt and to prevent despair. The resolution we introduce today is one step in meeting that obligation. It calls, with all the conviction of a united Congress, on those in positions of influence—the President, the Departments of State and Defense, the United Nations, and the governments and peoples of the world—to intervene with North Vietnam in the cause of decency and humanity. We can do no less.

Mr. MIZELL. Mr. Speaker, I would like to take a moment to join with my colleagues in urging the President to take all courses of action available to him to assure the decent and humane treatment of American prisoners of war. I urge the President to call on Communist North Vietnam to live up to the terms of the Geneva Convention, and to release the names of those American servicemen being held prisoner in that country. This is the humane thing to do for there are hundreds of loved ones who are presently undergoing the stress and strain of not knowing the whereabouts or conditions of these men. The President can be assured that he has the backing of Congress in this vital effort.

Mr. RHODES. Mr. Speaker, the cruel and inhuman treatment that American servicemen have received at the hands of their North Vietnamese captors has been recognized by all Americans—the public displays, the political exploitation, the physical and psychological terror—these are not new to us.

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But perhaps the cruelest act of them all is the failure of the North Vietnamese to acknowledge the names of the American servicemen who they now hold as prisoners of war. It is difficult for me to understand many of the enemy's actions in this nightmare of a war, but it is impossible for me to understand this callous and meaningless disregard of the burden they continue to impose on the relatives and loved ones to whom these soldiers are so important.

Of the more than 1,200 American servicemen now missing in action in Vietnam, only a handful are known to be alive and imprisoned by the North Vietnamese since the enemy refuses to disclose the names of the Americans they hold in captivity.

An appeal based on international law has proved meaningless. The 1949 Geneva Convention relative to the treatment of prisoners of war specifically requires that the names of prisoners of war be released. The North Vietnamese pledged themselves to adhere to that convention in 1957.

We now call upon the people and governments of the world to appeal to North Vietnam to comply with the Geneva Convention today as it so pledged itself in 1957.

Mr. GONZALEZ. Mr. Speaker, I join my colleagues today in sponsoring the concurrent resolution representing the strong sentiment of the American people, the United Nations, and the concerned peoples of the world, requesting that "the North Vietnamese and the National Liberation Front of South Vietnam comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war, and to take such steps as may be appropriate to obtain the prompt release of all members of the Armed Forces of the United States so held as prisoners of war."

The situation as it stands now is disgusting: The provisions as stipulated in the Geneva Convention relative to the treatment of prisoners of war have been breached by the North Vietnamese quite openly and systematically. Under the agreement, the obligations of the country that has under its custody captured war prisoners have been specifically set forth. Among other things, article 122 states that within the shortest possible period upon the outbreak of a conflict each of the "parties" to the conflict shall give information referred to in the articles pertaining to its prisoners to a specified information bureau. In addition, article 126, section 1, specifically grants "representatives of the protecting powers" permission to go to all places where prisoners of war may be, and enables them to interview prisoners. Other means of communication with the POW's is authorized by section 7, allowing them to receive letters, cards, and packages.

Stipulations as to quarters, food, and clothing are set forth in chapter II beginning with article 25:

> Prisoners shall be quartered under conditions as favourable as those for the forces of the Detaining Power who are billeted in the same area. The said conditions shall make allowances for the habits and customs of the prisoners and shall in no case be prejudicial to their health. The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies.

In addition, article 13 of the treaty provides:

> Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention.

Although the Geneva Convention agreement cites that "the High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances," this very obviously is not the case in respect to North Vietnam's actions which have so insolently breached these agreements. Hanoi has never given the precise number of how many American servicemen they have in possession—much less an account of the names of the prisoners. Further, they have ignored all U.S. requests for proof that American prisoners of war are being properly treated and are receiving adequate medical care. Time and again Hanoi has remained silent to requests for neutral representatives to reciprocal inspections of detention camps.

Instead, the North Vietnamese have played with the emotions of the relatives of POW's by sending propaganda pictures, and releasing a total of nine American prisoners to date in somewhat a callously teasing manner. Close to mind, of course, is the recent release of three American prisoners, seemingly with the motive to placate the mounting criticism they—North Vietnamese—have been receiving recently, including from groups normally friendly to them. But this token "benevolence" is not sufficient to placate concerned persons. The physical condition in which the three men released were in, and their reluctance to openly discuss their treatment for fear of jeopardizing other POW's, simply raises more questions. Their pale, thin, and weak appearance cannot but lead to speculation as to the treatment received, in view of Hanoi's reluctance to permit inspection of their detention camps.

Mr. Speaker, it is time the U.S. House of Representatives voiced its position openly and loudly. The United States has thus far done its part in fulfilling the terms of the Geneva Convention. Detailed lists of the names and conditions of the captured North Vietnamese are regularly sent to a Hanoi embassy in Cambodia, and there has even been extended an offer to repatriate about 100 seriously sick and wounded North Vietnamese prisoners if Hanoi would agree in advance to accept them. Neither the lists of names nor this offer have ever been acknowledged.

Some observers attribute North Vietnamese attitude on prisoners to their basic philosophy that prisoners are "assets" with which they can bargain for their wishes; but it should not be too much to expect of any human being the most elementary evidence of decency and humanity and the honor of keeping an agreement. And if this is too much to expect—as seems apparent in the case of Hanoi—and if their motives are to gain some sort of favorable position in the Vietnam conflict, then the rattle of public opinion must impress upon them that their current policies cannot but hurt them. Accordingly, I urge my colleagues to take note of this injustice and make their stand vocal.

Mr. FUQUA. Mr. Speaker, deep concern is being expressed today at the plight of American servicemen who are being held captive by the Communist forces operating in Vietnam.

The stories which we have heard from the few men who have been returned are revolting—the treatment these brave men are receiving is both barbaric and uncivilized. The horror perpetrated on these prisoners by their captors is like a story out of barbaric days or the systematic extermination of human beings by the Nazis.

Civilized man has attempted to prevent the atrocities of the past with regard to prisoners of war with certain conditions as set forth by the Geneva Convention. This resolution demands that North Vietnam and the Vietcong abide by these basic tenets and provide humane treatment for these captives.

I can only hope that passage of this resolution will bring out such indignation that the entire Communist world will feel the shame which they should rightly feel.

The Defense Department lists 342 servicemen as known captives in Communist POW camps. Some 1,200 are listed as "missing in action" and could be captives. The Vietcong or the North Vietnamese have never officially released the names of the prisoners they hold.

We have a right to demand that these prisoners be identified, that mail from their families be freely exchanged, that POW camps be impartially inspected, and the seriously ill and injured prisoners released.

This is a simple act of humanity and a condition which all signers of the Geneva Convention are bound to abide by.

I further urge immediate action on the part of the Congress in the passage of this resolution. If we are successful in saving the life of one of our servicemen, if we are successful in having these suffering prisoners receive at least humane treatment—then our efforts will have been well worthwhile—and a great many families will be eternally grateful.

Mr. DONOHUE. Mr. Speaker, in deep concern for all the members of our Armed Forces who have served or will serve in Vietnam, their wives and families, I am pleased to join with my colleagues in this appeal and expression of our sentiments about the inhumane treatment of our American prisoners of war by the North Vietnamese.

The purpose of this discussion is to graphically demonstrate that, whatever other differences may exist among us, the Congress of the United States and the American people are completely united in their conviction and appeal that the North Vietnamese Government and allies, in accord with international agreement, will promptly provide full information about the names, condition, and whereabouts of all American prisoners of war and furnish all other knowledge they may have about American servicemen who have been reported missing in action.

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It is a matter of the most grievous dismay and disappointment to the U.S. Congress and the American people that North Vietnamese officials have thus far shown an utter disregard for the provisions of the Geneva Convention covering the control and treatment of war prisoners and particularly so in their refusal to permit them to correspond with their families.

It is nearly impossible to conceive that there are any people on this earth who are so removed from ordinary human experience, conscience, understanding, and motivation that they will not respond to the anguish and grief of fellow human beings who suffer continuing uncertainty as to whether their beloved serviceman husband, father, son, or brother is dead or alive. Even the sad news of death can be more acceptable, under such circumstances, than the prolonged agony of doubt.

Global history reveals that, with all its admitted evils, there is still the highest individual honor and courage in war and a mutual respect and esteem for the bravery and loyalty of the opposition. To engage in war differences cannot and will not justify any suspension or departure from the commonly accepted rules and procedures of the civilized world.

We have reason to believe that the North Vietnamese and their allies are especially interested and impressed by the weight of American public opinion. We would hope they may be equally and rightfully concerned about world judgment.

If this is so, and we pray that it is, we trust that the North Vietnamese Government and her allies will promptly respond to this united and universal appeal for them to provide complete information about and to ensure the most complete medical and humane treatment of the hundreds of American prisoners of war they are now holding. It is only by this humane action that they can yet, and I hope they will, historically escape condemnatory judgment before the bar of united American and world opinion.

Mr. MONAGAN. Mr. Speaker, I am cosponsoring a concurrent resolution which urges the North Vietnamese Government and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war. This concurrent resolution also urges the President, the Department of State, the Department of Defense, and all other concerned departments and agencies of the U.S. Government to take such steps as may be appropriate to obtain the prompt release of all members of the U.S. Armed Forces held as prisoners of war.

I wrote President Johnson on March 30, 1968, more than 18 months ago, and urged that he completely review the Vietnam situation in order to estimate the appropriate risks necessary to bring peace. At that time, I expressed my firm belief that a satisfactory solution to the POW problem must be treated as a major factor in any Vietnam peace equation. I am more convinced than ever before that this problem must be solved and that its solution must be included in the steps which are now being taken to de-Americanize the war.

The POW problem is not confined to the issue of prisoners receiving their full rights as guaranteed under the Geneva Convention, though the need for humane treatment is in my view an absolute imperative. It is a first step without which others can never be taken. I am particularly dismayed by the persistent and barbaric refusal of the North Vietnamese Government to inform the wives and the relatives of the condition of missing servicemen or to provide information as to numbers and identities of prisoners.

The U.S. Government and the Republic of Vietnam have continuously honored the requirements of the Geneva Convention relating to the treatment of prisoners of war. The North Vietnamese Government has endorsed the requirements of the Geneva Convention. Thus the time has come, especially in view of the steps recently taken by the U.S. Government to reduce the violence and to bring about peace, for the North Vietnamese Government to conform to civilized procedures regarding the treatment of prisoners of war. These procedures are: Providing information as to numbers and identities of prisoners; permitting the regular flow of mail to or from prisoners; permitting inspection of the facilities in which prisoners are held; and otherwise according humane treatment to prisoners.

As to the long-range aspect of the problem, we have clearly demonstrated our fervent desire for peace in Vietnam; we must make it equally clear that any real peace must include a satisfactory resolution of the POW issue.

Mr. HALPERN. Mr. Speaker, the presence today in Paris of four gallant American women symbolizes the plight of the families of over 900 American servicemen missing in Vietnam. These families do not know whether their husbands, fathers, and sons are dead in a remote Vietnamese village or alive in a North Vietnamese prison camp, or whether they are healthy or suffering from illness or wounds. They do not know because the North Vietnamese have callously refused to identify their prisoners or to provide any reports of their physical condition.

Over 400 other families have the assurance that their men are indeed alive in prison—but what kind of assurance is it? There is no verification from a neutral international body, nor even from Hanoi itself. There is no inspection of food or living conditions in the camps. There is virtually no mail, and no guarantee that mail sent from home is ever received.

Rather, there is substantial reason to doubt that the prisoners are receiving good treatment, and even some evidence to conclude that they are being deliberately mistreated. Recent reports have cited instances of torture, which is strictly forbidden by the Geneva Convention and by all standards of humanity. Such abuse has been compounded by inadequate medical care, total isolation, and lack of activity, and public exploitation for propaganda purposes. Such deplorable conditions belie Hanoi's statements that prisoners are treated humanely.

By any standards such treatment is not humane, it is also illegal according to international law. The North Vietnamese should consider themselves morally and legally bound by the Geneva Convention on the treatment of prisoners of war, which they themselves signed in 1957. The Geneva Convention was endorsed by the majority of the world's nations in order to protect the rights of military and civilian prisoners in any armed conflict.

World opinion can no longer endure so flagrant a violation of law and of standards of basic humanity as Hanoi's cruel mistreatment of American prisoners.

I wish to express my indignant opposition to the abuse of these helpless men and to add my voice to those in this Congress and in the world who demand an end to such behavior toward prisoners of war and the immediate restoration of their rights according to the Geneva Convention. In consequence, I strongly endorse the resolution currently before the House of Representatives and am privileged to be among its sponsors.

Mr. BROYHILL of Virginia. Mr. Speaker, we are told that there are at least 340 and possibly as many as 1,200 Americans now in the hands of the Vietnamese Communists who are being starved, threatened, and beaten into brainwashed submission. Unless I wrongly read the signs of distress and anger on the part of the American people, these 340 and possibly 1,200 Americans may be the most important soldiers we ever sent to foreign wars.

I say so, Mr. Speaker, because our people are tired, sick and tired, of Communist arrogance, Communist deceit, Communist torture and killing.

They are tired of un-American activities on the part of a noisy segment of our people.

They are tired of repeated breaches of treaties and agreements and the ineffectualness and lack of action on the part of the United Nations.

And, Mr. Speaker, they are sick and tired of our own submission to threats and outright violations of international law, lest we anger and frustrate the very international bandits who are already perpetrating the atrocities.

Mr. Speaker, this is not the time to remain silent. It is the time for the Congress of the United States, and particularly the House of Representatives, which is closest to our people, to take an official stand in protest over the treatment of American prisoners in the hands of the Communist North Vietnamese.

We can do no less for their parents, their wives, their children.

We can do no less for the thousands of other American soldiers still fighting in Vietnam, any of whom at this moment may be facing imprisonment.

If there are no standards of decency among the Communists, it is time to teach them some.

If there are no qualities of mercy among them, it is now time to cease dealing with them as equals among humankind.

We can begin here and now to do so.

We can do so by officially serving no-

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tice now that we have had enough, and by urging the President of the United States to use every possible means at his command to insure that the tenets of fair and humane treatment, as expressed in the Geneva Convention of 1949, signed by the Government of North Vietnam in 1957, are accorded American prisoners of war.

This may not be enough, Mr. Speaker, for the hour is late. But it will be a start. It will be a welcome start, for our people and our soldiers who know in their hearts that we are dealing with something outside the ordinary ken of human behavior.

I have some personal knowledge of the plight of a prisoner of war, Mr. Speaker.

Not many years ago, while I was serving as a company commander in the 106th Infantry Division in the Battle of the Bulge, my entire division was wiped out and those of my company who survived and I were taken prisoner. The memory of the disease, the dirt, the starvation, and the fear lives with me yet.

We were marched away from the front lines, herded into boxcars like cattle, and twice bombed by allied planes. During one bombing in Nuremberg, half the group were either killed or wounded, but we were proud of those bombers, and of the men who were still fighting for us and our country.

I escaped from a POW marching column, by the grace of God and because of the courage of my cellmates, whose will to live and to fight again stemmed from an inner conviction that our country was worth fighting for.

I still know our country is worth fighting for, Mr. Speaker, but I wonder if those American soldiers who have been jabbed by Communist bayonets, jeered, and ridiculed by Communist puppets, believe in their hearts at this moment that it is.

For what is there to sustain their hope? The United Nations? The Geneva Convention? The firmness and pressure for decency from most of our allies? The unity of purpose and united pursuit of peace at home?

War becomes a personal thing when you are fighting it.

It becomes even more personal if you are a prisoner of it.

There is a loneliness about it that surpasses reason; the hours of it erase time and the misery of it dissolves hope.

Unless there is a certainty that you are not forgotten; that you are not to become a victim of some higher policy or some grand strategy that leads to half-victories and uncontrollable stalemates, it is unendurable.

I would be ashamed as an American if this is the only hope, the only heritage, we leave with those in the darkness of their cells in North Vietnam today.

I do not believe it is.

If Communist North Vietnam can find a legal basis to treat our captive fighting men worse than common criminals, then surely we can find a legal basis for guaranteeing their safety and securing their freedom.

To ask where to look for help as a nation is an admission of weakness.

We can look to ourselves—to the elected leaders of this Nation—to this Congress and this Government, and we can act now or admit our lack of ability or will to do so.

In the days ahead the air will be filled with cries of alarm, with organized protests against America doing anything to antagonize the Communists, and, if previous patterns prevail, with street protests and sit-ins against any decision we may make toward decisive action. But, for the sake of our men in North Vietnam prisons, for the safety of those still free to fight for us on the battlefied, I, for one, will ignore the cries of alarm; the marching protests and the banners of surrender.

I will do so, Mr. Speaker, because I believe it is my duty not only as a Congressman but as an American to do so—and, in addition, to take whatever action is necessary to guarantee their safety.

If we must choose humane treatment for those we send to fight against the risk of greater conflict, I shall choose humane treatment.

If we have to chose between nations with courage to stand with us in these demands as against those who pay only lip service to decent human behavior, I shall stand with the courageous, whatever the risk.

If we must choose as Americans, between might as against sniveling threats, abject fear and weaseling, I shall stand with what is right and the might that makes it so.

So, I am sure, will this Congress. So will our people.

I welcome the opportunity to join today with my friend and colleague the Honorable WILLIAM L. DICKINSON, of Alabama, in offering a resolution condemning the North Vietnamese for their uncivilized conduct and calling on the President of the United States the Secretary of State, the Secretary of Defense, the members of the United Nations and the heads of all civilized nations to utilize every means at their command to insure that American prisoners are accorded humane treatment at the hands of the Communist North Vietnamese.

Mr. MAHON. Mr. Speaker, I have been most impressed with the interest and compassion which have been expressed here today in behalf of American servicemen who are prisoners of the North Vietnamese. We must spare no effort in seeking to find ways to bring about the release of our men who are in enemy hands and we must spare no effort in seeking to be of aid and comfort to distraught families who wonder daily about the welfare of loved ones.

I wish to associate myself with the sentiments of the Speaker and Mr. FORD and Mr. ALBERT and others who have expressed concern and compassion and a determination to be of maximum assistance to our servicemen and their families.

I have today read a plea from a fine west Texas family in regard to a husband who is a prisoner of war. By telephone I have reported to the wife of the missing officer the details of this meeting of the House now in progress and assured her of our determination to be helpful in seeking the release of her husband.

We owe a great debt of gratitude to these men and the families of whom we speak today and we must do all in our power to discharge that debt.

Mr. LANGEN. Mr. Speaker, in this time when the people of the United States take solace in the reports of progress in the war in Vietnam and hear encouraging news of a reduction in the hostilities in that war, it is important that we take note of a situation which persists. I refer, of course, to the attitude of the North Vietnamese with respect to prisoners of war.

I have heard estimates that the Hanoi government holds 600 Americans in rotten jails where food is poor and medical treatment deplorable by any standard. The reports by prisoners who have been released or who have escaped these jails indicate the worst we fear is painfully true. The history of the Communist governments substantiates the stories of brutality and torture. The television account we have seen of Americans handcuffed and dragged through streets in Hanoi before cheering, jeering throngs is very like only one example of such treatment.

We all realize that war at best is perhaps the antithesis of civilization. We realize that pretending the war is fought according to rules is a contradiction of terms. We realize that destruction of human life on the battlefield is hardly defensible on grounds that it is done with honor.

However, never in history has there been an ideology that prescribes atrocity such as we witness in this modern day. Never have governments used human misery as a weapon in the way it is being used by the Hanoi government. Never has outright murder and overt punishment been calmly perpetrated for its own sake as we see it done nearly 2,000 years after the birth of Christ.

More important than these shocking bits of information is the fact that never before has world opinion been so ambivalent to the treachery of a government as it is today. Never before have the nations of the world so willingly turned their backs on the tactics of crime and sadism that characterize the Communist government of North Vietnam.

I join with my colleagues in urgently requesting that the free men and free governments of the world take note of what is happening behind the Iron Curtain. To be aware of the methods of the Communists can only arouse the fiercest indignation among civilized men. To ignore those methods or to turn away is to repudiate civilization. To know and to refuse to act is to invite further atrocities in Southeast Asia and around the world.

Mr. MORSE. Mr. Speaker, I am glad to be able to join my colleagues today in speaking out on the matter of the treatment of prisoners of war by North Vietnam and the National Liberation Front of South Vietnam—treatment which is not only in total and direct disregard of the provisions of the Geneva Convention on prisoners of war, but unconscienable to every humane instinct of the civilized world.

What political purpose is to be gained by denying to the families and friends of the approximately 1,400 American servicemen missing or captured in Vietnam the knowledge of whether these men are dead or alive? Can allowing the regular flow of mail to or from these prisoners, according them humane treatment, and permitting inspection of detention facilities do anything but assure the world that North Vietnam is willing to honor the international principles of common decency to which most nations give credence?

War is not humane to either side. We cannot expect it to be. But if this world is ever to be able to make progress away from the brutality of warfare to solve its problems and differences, there must be respect for the basic humane standards which Hanoi has consistently violated.

Mr. HORTON. Mr. Speaker, efforts to de-Americanize the war in Vietnam are moving along. President Nixon has withdrawn 25,000 of our combat troops and plans to pull out another 35,000 by mid-December.

But one disturbing aspect of the conflict, is the tragic fate of the 1,400 American men who are listed as prisoners of war or missing in action.

I joined today with other Members of this House in a resolution calling upon North Vietnam and the Vietcong to comply with the humane requirements of the Geneva Convention in dealing with prisoners.

I would like to express my deep concern over the treatment being accorded American prisoners of war in North Vietnam.

Since 1964, when the first American pilot was captured, the Communists have stubbornly refused to reveal any information concerning the prisoners they hold. They have even refused to make public the number of Americans they have imprisoned.

Reports that we have recently heard make is obvious that American prisoners are being subjected to severe physical and mental abuse. We know that they are denied free communication with their families and that at least some of them have been kept in total isolation for long periods of time.

There is evidence that they do not receive adequate food or medical care. Exploitation of prisoners for public propaganda purposes has been shameful to behold. And such behavior causes unnecessary suffering to the gallant families of those helpless men.

This kind of treatment is in direct violation of the Geneva Convention, which was ratified by over 61 countries of the world in order to ensure correct treatment for all prisoners, in all armed conflicts.

The international community has so overwhelmingly adopted the standards expressed by the Convention that all belligerents should consider themselves morally bound by its provisions, including the North Vietnamese and their allies in the South.

The United States and South Vietnam have faithfully honored the Convention, and it is impossible to accept as a full member of the family of nations a country that so blatantly ignores a basic law of humanity. The North Vietnamese, who signed the Convention in 1957, are legally as well as morally bound.

The other side should realize that brutality and cruelty in the treatment of prisoners will not aid in the coming of peace, nor will it weaken the resistance of the allied side. It can only open the eyes of the American public to the true intentions of the North Vietnamese and the National Liberation Front, causing us to doubt their sincerity in the search for peace.

If the North is serious in its efforts to bring the war to a peaceful close, and if it is honest in its assertion of humane behavior to prisoners, let it prove it to the world.

I join in this resolution to call upon North Vietnam to immediately comply with the Geneva Convention and allow Red Cross inspection of prisoners and prison camps; permit the prisoners to write regularly to their families and to receive in return letters and parcels sent from home; allow the prisoners to have proper medical care and food, and repatriate those who are seriously ill or badly injured.

All such humanitarian provisions are contained in the Convention.

Our Government has many times offered to work toward exchange or release of prisoners through any means and on any occasion. Regardless of the state of hostilities, the other side should consider our requests and take immediate steps toward liberation of all prisoners.

Mr. GUDE. Mr. Speaker, I should like to join with my colleagues in drawing attention the refusal of the North Vietnamese and the National Liberation Front to abide by the provisions of the Geneva Convention and refusal to release the names of prisoners of war who are members of the Armed Forces of the United States, to permit the regular flow of mail to or from those prisoners, and otherwise to accord human treatment to those prisoners, and to permit inspection of the facilities in which those prisoners are held.

Hopefully by dramatizing to the civilized nations of the world the barbaric disregard of the Vietcong for even the most basic standards of humane treatment of their fellow man we will gain for our men the treatment to which they are entitled.

Mr. GRAY. Mr. Speaker, I want to sincerely thank my distinguished friend and colleague the gentleman from Alabama for taking this time to call to the attention of everyone the disappointments, frustrations, and downright disgust at the attitude of the North Vietnamese in not revealing names of the prisoners of war being held captive or anything about their treatment, condition or anything else. The Geneva Accords were signed for this very reason. We should rise up in arms and demand action. I certainly will support such a move. I thank my friend and the others who have spoken here today for bringing this matter to the attention of the public.

Mr. RIEGLE. Mr. Speaker, evidence now available shows that the North Vietnamese are subjecting American prisoners to brutal and inhuman treatment. This is wrong—it is reprehensible and the North Vietnamese deserve the condemnation of all humanity for the abuse of defenseless persons.

Prisoners of war should always receive humane treatment—as set forth in the Geneva Accords.

It is appropriate then, that we express our outrage and urge others in the world community to do likewise. About 200 of my colleagues here in the House are now sponsoring legislation condemning North Vietnam for her inhumane treatment of American prisoners of war. We call upon our own Government and foreign governments and peoples to pressure North Vietnam into compliance with the standards of prisoners of war treatment as set forth in the Geneva Accords.

Mr. LUKENS. Mr. Speaker, I join with many of my distinguished colleagues today in protesting the cruel and inhuman treatment of American prisoners of war held in captivity by both North Vietnam and North Korea.

Recently Hanoi released three servicemen from their captivity. Yet, even as I share the happiness of their families for their return, my gratification is overshadowed by the knowledge that more than 1,300 U.S. servicemen are classified by the Defense Department as either missing in action or prisoners of war. As of June 1969, more than 200 American servicemen have been listed as either prisoners of war or missing in action for more than 3½ years. This period of time is longer than any U.S. servicemen held prisoners during World War II. In the past 5 years, less than 100 prisoners have been allowed to write their families. I share the anxiety of the hundreds of families who do not know the fate of their young men.

The simple and most elementary information as to whether those missing servicemen are dead or alive will not be divulged by the Communist regimes of North Vietnam or North Korea.

There are many tragic ramifications of the Vietnam war, but one of the most disturbing and inexcusable aspects is that Hanoi refuses to abide by the tenets of the Geneva Convention. The State Department and the Department of Defense, as well as the Red Cross, have attempted to learn the whereabouts and conditions of missing servicemen. But all their efforts have been thwarted because Hanoi refuses to identify U.S. prisoners in captivity, refuses to permit neutral inspection of confinements, refuses to repatriate the sick and wounded, refuses to allow the free flow of mail and refuses to divulge the treatment of captives. In summation, North Vietnam refuses to abide by the international legal and humanitarian tenets of the Geneva Convention which they endorsed in 1957.

The United States has abided by their pledge to the Geneva Convention. Those North Vietnamese captured are taken to camps where there is regular inspection by the Red Cross. Sick and wounded prisoners have been returned to North Vietnam. In recent months, the South unilaterally released 103 prisoners in hopes of reciprocity from the North. The results were sadly negative.

Not only has the United States honored its commitment to the Geneva Conven-

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tion, but demonstrated its desire to bring the war to an end. The bombing of the North has been stopped. President Nixon announced earlier the withdrawal of 25,000 combat troops and just yesterday announced another troop reduction of 35,000 men.

Yet, there has been no reciprocity in either the battlefield of Vietnam or the peace talks in Paris. It is long overdue time that the North Vietnamese and North Koreans uphold the Geneva Convention. It is indicative of the Communist hypocrisy and lack of commitment that they have refused to do so to date.

If the refusal to even name the prisoners of war is a propaganda ploy by the North Vietnamese to influence U.S. public opinion to withdraw from the war, it is not working and never will. What testimony to the world of their cruel and barbaric effort to sway world sympathy to their side. Such behavior by North Vietnam and North Korea is inexcusable and cannot be tolerated.

I strongly emphasize and protest that the issue is not political, but humanitarian—that Hanoi respond to U.S. prisoners of war with respect for human decency and the law.

Mr. BOLAND. Mr. Speaker, American prisoners of war held by the Vietcong and the North Vietnamese live under the most opprobrious conditions. Reports from released prisoners—very few released prisoners—indicate that American POW's are routinely beaten—in many cases, even tortured. Ill-fed, ill-clothed, ill-sheltered, Americans living in Vietcong and North Vietnamese prison camps need the help of an aroused world opinion. The resolution I am cosponsoring today, calling on the community of world leaders to urge North Vietnam to honor the Geneva Convention, will help stir the kind of worldwide sentiment needed to make Communist forces in Vietnam alter their POW policies.

The Geneva Convention plainly and explicitly demands that the names of POW's be promptly released. Yet North Vietnam adamantly refuses to do so, maintaining that the Geneva Convention does not apply to a war engineered by "imperialist aggressors." Thousands of American families—wives and children—endure what can only be described as emotional agony every day they remain unaware of their husbands' or fathers' condition. Indeed, many wives do not even know whether their husbands are dead or alive; thousands of soldiers reported missing in combat are suspected to be prisoners of Communist forces, yet American officials cannot find out which ones were captured and which ones were not.

North Vietnam further violates the Geneva Convention by permitting only sporadic mail deliveries, by refusing inspection by Red Cross teams, by ignoring minimum standards of health care and living facilities, by not releasing the sick and the injured.

The chilling tales of brutality and deprivation in North Vietnam prison compounds are enough to shock even the most callous person—indeed, enough to shock a generation of Americans already inured to the horror stories of Nazi Germany during World War II. President Nixon and Secretary of State Rogers, of course, are exhausting all possible diplomatic channels in an effort to help improve POW conditions. But they need help. They need help from the Congress, from the average citizen, from leaders of other nations.

Highly sensitive to world opinion—indeed, relying on world opinion for what they consider an eventual "victory"—North Vietnam's leaders would be forced to honor at least the rudimentary principles of the Geneva Convention if enough public opinion demands it.

I genuinely hope this resolution will help achieve that goal.

Mr. WRIGHT. Mr. Speaker, war itself is and ever has been a thoroughly uncivilized and uncivilizing process. But even in war, where the disparate paths of national antagonism cause humble men to die, there has grown up among civilized people a recognition of the need for certain restraints in the interest of common decency.

Thus, men have come to accept a few basic principles—that poison gases will not be used, for example, and that prisoners of war are entitled to certain fundamental and irreducible rights as human beings.

We call upon world opinion, and we call upon those who hold prisoners today, to treat them with the rudimentary decency that is required by the Geneva Convention. I am pleased to join my colleagues in this plea. I earnestly hope and pray that this appeal to the fundamental humanity which must repose in every human heart will not go unheeded.

None can appraise the prolonged agony of uncertainty which afflicts only those with loved ones missing in action. May their heartfelt pleas evoke the humanitarian response which they so richly and fully deserve.

Mr. DEL CLAWSON. Mr. Speaker, not only are the families and loved ones of American boys held prisoners in North Vietnam grateful to the gentleman from Alabama, but the entire Nation responds to his plea as is evidenced by the attendance of Members of this House during his special order. The concern and serious interest is demonstrated by the largest number of House Members that I have ever witnessed during my short years as a Member of this House remain on the floor to participate in the appeal for humane and fair treatment of our men who are held prisoners by the enemy. All of our lives have been touched to a greater or lesser degree through the cruelties of the enemy inflicted on men of personal acquaintance or sons, husbands, and family members of friends whom we know. A young friend of mine has been held for over 4 years. His wife and small son have endured the suffering and heartache that tears at their very being, sustained only by their faith, not just in the spiritual values of their belief in God, but their faith in our Nation and its leaders to deal with these international situations in such a way that they can be united as a family. This same faith and desire is also shared with this young man's parents who are longtime personal friends of the Clawson family.

This special order today should be a clarion call to the free nation's of the world to exert every possible pressure upon North Vietnam and the Communist enemy for a humane and civilized response. The names should be released. Treatment should be in harmony with international agreements. Early release should be a matter of immediate negotiation together with sincere and honorable efforts for peace. Let the Communist nations hear this call. Let them also share the burden of responsibility for bringing powerful pressure upon the military and governmental leaders of North Vietnam. This responsibility rests heavily upon their shoulders even more so than the free-world nations. It is my personal hope and plea that the worldwide communications media will dramatize our demonstration today, recognizing that this great deliberative body has spoken in words that are loud and clear with no room for equivocal interpretation and almost one-half of its membership has shared in the sponsorship of the resolution that calls for action. Let us not fail in this effort.

Mr. MORTON. Mr. Speaker, the cost of the Vietnam war to this great Nation of ours have been many and varied, but none has hurt us more deeply than the death and suffering of our servicemen. To many Americans the weekly lists of killed, wounded, and missing are no more than sets of idle statistics; however, to one group of wives and families they are a constant symbol of fear and frustration. Over 1,300 American servicemen are now carried on the rolls as missing or captured; some have been in that status for over 5 years

Many of the servicemen in this group are alive and are prisoners of the North Vietnamese or the National Liberation Front. Yet because of callousness and disregard for human values on the part of the captors we are not allowed an accurate record of the living and the dead. This denial of simple information can have no constructive purpose—it serves only to hurt further the families who daily hope that their husbands or sons are among the living.

If the enemy thinks he is going to weaken our resolve on the battlefields of South Vietnam or at the negotiating table in Paris by causing these unfortunate Americans further suffering, he is sadly mistaken. Even the most rudimentary procedures of humane treatment in warfare would require a sharp change in the prisoners of war policies of the enemy.

Mr. Speaker, I join my colleagues in the House of Representatives in this concurrent resolution calling upon the government of North Vietnam and the National Liberation Front of South Vietnam to respect the standards of prisoner of war treatment contained in the Geneva Conventions.

Mr. ANDREWS of North Dakota. Mr. Speaker, it is an honor for me to be a cosponsor of this resolution.

The people of North Dakota who I serve in the Congress have a deep concern in this matter, and I know they would want me to speak for them here in Washington in this regard.

There are many aspects of the Vietnam war which are controversial and which have divided the people of our Nation. At the same time, however, you will find unanimous agreement among Americans and certainly among citizens throughout the free world that the North Vietnamese should honor the tenets of fair and humane treatment, as expressed in the Geneva Convention of 1949, which was signed by the Government of North Vietnam in 1957.

Latest figures say that at present, there are 342 American servicemen being held captive in Communist prisoner of war camps and more than 1,200 servicemen are listed as "missing in action" and could be captives. Hanoi has never officially released the names of these prisoners and intelligence reports say that treatment in these POW camps is harsh and cruel.

If for no other reason than for the good of humanity, I would hope and pray that the North Vietnamese and Vietcong would stop this barbaric and uncivilized treatment of American prisoners of war and accept our appeal so that these servicemen and their families can at last know that they will be cared for.

Although the burden of suffering is with these men and their families, let them know that we, too, feel this burden and are willing to do all we can to correct this inhumane condition.

Mr. WHALLEY. Mr. Speaker, I heartily agree with my good friend the gentleman from Alabama (Mr. DICKINSON), in his resolution calling on the North Vietnamese to honor the guidelines established at the Geneva Convention in their treatment of prisoners of war.

I have from time to time received numerous letters protesting the inhuman treatment given to our servicemen, and I would like at this time to include three letters I recently received on this subject.

As one of the sponsors, I hope that this resolution is passed unanimously by both Houses of Congress:

JOHNSTOWN, PA.,
September 8, 1969.

The Honorable J. IRVING WHALLEY,
House of Representatives,
Washington, D.C.

DEAR IRV: I have been quite concerned with the position of the North Vietnamese with regard to the prisoners of war which they have been holding. As you know, we have received very little in the way of assurance from them regarding the treatment they have received.

I feel that our government has been very lax and passive in trying to deal with the North Vietnamese relative to prisoners of war which they have. I can appreciate that a lot of backyard and underground diplomacy probably dictated this position. However, since this has not worked, I feel that we should begin publicizing our demands that the North Vietnamese release the name of prisoners of war, allow a free flow of mail, release the sick and wounded, and allow for neutral inspection of the POW camps.

If nothing else, this will certainly give the families of those prisoners of war some measure of relief until their sons can be returned to them. I feel that the voice of all Congressmen and Senators should be heard in helping to publicize this fact.

I would be very interested in your opinion regarding the above.

CAMBRIA EQUIPMENT CO.,
Johnstown, Pa., September 5, 1969.

The Honorable IRV. WHALLEY,
House of Representatives,
Washington, D.C.

DEAR SIR: As a concerned American and parent, I feel very strongly for those families who have sons and husbands listed as missing in action and prisoners of war in North Vietnam.

You must know that the North Vietnamese have refused to release a list of the prisoners held by them, or to give any assurance that those held receive humane treatment.

I feel that North Vietnam might reverse its policy if world opinion would emphasize, loudly and clearly, that a responsible and respectable government in the world community must treat its war prisoners humanely, and must abide by the Geneva Conventions.

I feel further that if our representatives in the Congress and Senate would lend their voice to the growing demand that North Vietnam release the names of prisoners of war, allow the free flow of mail, release the sick and wounded, and allow neutral inspection of the POW camps, that this might fan world opinion to the point where Hanoi would have to capitulate.

Hundreds of families, who have not known for years whether loved ones are dead or alive, will be deeply gateful for any help you can give them.

Sincerely yours,
CHARLES S. PRICE,
President and General Manager.

CAMBRIA EQUIPMENT CO.,
Johnstown, Pa., September 5, 1969.

The Honorable IRV. WHALLEY,
House of Representatives,
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I would be very interested in your opinion regarding the above.

Very truly yours,
WILLIAM V. PRICE,
Vice President.

Mr. McCLORY. Mr. Speaker, a tragedy which accompanies our military involvement in Southeast Asia concerns the plight of prisoners of war and Americans listed as missing in action. The anguish and suffering which the families of these "lost" men are experiencing is almost beyond human belief and endurance.

Recently, a number of wives of the more than 1,300 lost men traveled to Paris in order to urge the negotiators for North Vietnam at the "peace" talks to supply information regarding their husbands and others who are included in the categories of, first, prisoners of war and second, missing in action.

It is hard for citizens of our Nation to understand the cruel indifference of the North Vietnamese leaders to this basic responsibility to extend humane treatment and essential care to such lost men, and to report on their welfare and condition to our Government or to relatives who seek information about them.

Mr. Speaker, I join in support of the movement to encourage wider public understanding of this problem and to induce support on the part of our governmental representatives to help eliminate the tragic conditions which have prevailed in many American homes and families where "lost" men are involved.

Among those listed as missing in action over Vietnam is Maj. Crosley J. Fitton, Jr., U.S. Air Force, brother of my constituent Mrs. Patricia Fitton Stone, 1112 Regency Lane, Libertyville, Ill. Major Fitton was shot down in February 1968, while on a mission over North Vietnam. However, neither his parents, his wife, children, nor his sister, nor other relatives have had any information regarding his condition or welfare. While he is reported to have ejected from his plane several miles from Hanoi and his parachute was seen to open, he has not been heard from since that time.

Mr. Speaker, I can assure my many constituents who support this effort that my colleagues and I have not forgotten these "lost" men, nor will we forget the loved ones who are seeking an explanation of the incredible condition that exists and who want honest information regarding the whereabouts and the welfare of the husbands, sons, and brothers who have disappeared behind territory controlled by the government in Hanoi.

I congratulate my colleague from Alabama (Mr. DICKINSON) for his initiative and leadership in this great effort in behalf of decency and humanity.

Mr. PIRNIE. Mr. Speaker, I have joined in introducing legislation expressing the sense of the Congress that our Government appeal to the North Vietnamese Government and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating the the treatment of prisoners of war and to take appropriate steps to obtain release of our prisoners of war.

Our Government has always and will continue to abide by the Geneva Convention relative to the treatment of war prisoners. Our tradition and heritage, as well as our value of human life demand that we do no less. Unfortunately, we have no assurance from the other side that it does likewise. In fact, recent statements from released POW's indicate that the treatment of prisoners is less than humane. Of course, all of us find these reports incredible and we are angered by the thought that other countries do not abide by the minimum requirements of the Geneva Convention.

Unfortunately, there are at least 340 and possibly as many as 1,300 American servicemen interned as prisoners of war by North Vietnam and the NLF. Some have been captive for as long as 5 years. Sources indicate that in many cases these brave men have been subjected to physical abuse, mental torture, and insuffi-

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cient medical treatment. I am familiar with one case which serves to underscore the terrible difficulties attendant to the family of a POW.

Navy Lt. Paul Galanti is 30 years old now. On June 17, 1966, then 27 years old, he was shot down by North Vietnamese antiaircraft during a bombing run over Vinh in North Vietnam. An Annapolis graduate of 1962, Lieutenant Galanti had flown several bombing missions over North Vietnam and had received several air medals. His wife, Phylis, did not know whether he was dead or alive until October of 1966 when his picture appeared in L'Humanite, a French Communist newspaper. Considering that many of the wives and families of these prisoners have waited as long as 4 years to learn of the fate of their husbands or loved ones who have been captured, Mrs. Galanti thinks she is lucky. She points out that she has received three letters from her husband since that time, one in February of 1967, the second in April of 1969, and the last in June of 1969. Here again, she has been relatively fortunate in light of the fact that of the possible 1,300 American POW's in North Vietnam, only 100 families have received mail from their husbands or sons. Yet, according to the Geneva Convention, the prisoners are supposed to be able to send and receive one letter per month.

In December of 1967, Mrs. Galanti sent a Christmas package to her husband. It went all the way to Hanoi and was returned—unopened. In a supposedly friendly gesture, Hanoi made it known that the prisoners would be able to receive a package for the 4th of July this year. Mrs. Galanti sent another package but has received no word whether her husband received it.

This fine young lady considers herself very fortunate to have as much information about her husband as she has been able to obtain. She points out that her husband's picture on the front cover of Life magazine on October 20, 1967, revealed that he looked reasonably well considering what he had obviously undergone. However, she adds that there are hundreds of other wives and loved ones of American servicemen in Vietnam who know nothing about the condition of these men, who have received no letter, no picture, nothing.

This is a frightening existence for these young wives and these mothers and fathers. North Vietnam's failure to provide a simple list of prisoners or to allow an impartial agency such as the Red Cross to inspect the prison camps is inhumane. In my view, it merely reflects the failure of the North Vietnamese leaders to place any value on the individual human life. They are violating more than an agreement—they are guilty of inhuman treatment which should be stopped. This is a terrible tragedy and all humanity should call upon the North Vietnamese to recognize the spirit and the law of the Geneva Convention. We appeal to them to do so now.

Mr. HANLEY. Mr. Speaker, the recent revelations by two Americans released from Communist Vietnamese prison camps caused a shudder of horror to run through the entire civilized world. War itself can be both inhuman and inhumane; but when its belligerents engage in the subhuman, a cry of outrage is not only appropriate, it is expected as well. The testimony of these American prisoners would curdle your blood. It is a sad commentary that in this day and age, barbarianism still stalks the world, yet the accounts of, abuse, mistreatment, torture and human indecencies related by the ex-POW's leave little doubt that this is the case as far as the Vietnamese Communists are concerned.

If these were only isolated incidents, they would still reflect a totally repugnant situation. The fact of the matter is, however, as we have learned from escaped prisoners and our intelligence apparatus, these are not isolated cases. They are the rule rather than the exception.

Common decency alone should proscribe such treatment, Mr. Speaker. Beyond that, of course, legal restrictions are imposed by the 1949 Geneva Convention on Prisoners of War, which was signed by the Government of North Vietnam in 1957.

Mr. Speaker, I am offering for the consideration of Congress today a concurrent resolution formally condemning Communist Vietnam's treatment of prisoners of war and urging the President of the United States to pursue every channel of endeavor to end this treatment. I offer this at the very time when several American wives of POW's are petitioning the North Vietnamese delegation in Paris for assistance in determining the fate of their respective husbands. I offer this at a time when worldwide attention and worldwide indignation are focused on the uncivilized behavior of the Communist Vietnamese. Other resolutions have been introduced in the past and, in all likelihood, others will be introduced in the near future. It is my sincere hope that every Member of the House and Senate will eventually sponsor or cosponsor such a resolution. Each and every man and woman in this Chamber today prays that our military involvement in Vietnam can soon be concluded. Until that time, however, we have both a moral and a legal right to demand proper, decent, civilized treatment for American prisoners of war.

Mr. MICHEL. Mr. Speaker, it is my privilege to join with my colleagues in cosponsoring this concurrent resolution calling upon the Government of North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war and to take such steps as may be appropriate to obtain the permanent release of all members of the Armed Forces of the United States so held as prisoners of war.

It is really a sad commentary on our times when it becomes necessary for the Congress to dramatize an issue of this kind when we are supposed to be dealing with so-called civilized nations who have signed the Geneva Convention and should really take the action called for in the resolution as a matter of decent and humane policy.

While our comments today are directed primarily to our men being held prisoners by North Vietnam and the Vietcong, I would like to also add that a constituent of mine is presently being held prisoner by the Government of North Korea. He is Sp4c. Herman H. Hofstatter, of Lowpoint, Ill., who is one of a three-man helicopter crew taken prisoner last month when their helicopter accidently intruded into North Korean territory.

In spite of the fact that Specialist, Fourth Class Hofstatter and one of his companions were gravely wounded, the Government of North Korea has adamantly refused to return these men and have also not allowed any representatives of the Red Cross or any other international organizations to visit with the men.

I hope our efforts today will result in a change of heart and policy on the part of the National Liberation Front of South Vietnam and the Governments of North Vietnam and North Korea.

Mr. BELL of California. Mr. Speaker, hundreds of families across the United States must live daily with the terrible anxiety of uncertainty about the welfare of their loved ones.

I refer to the wives and parents of American servicemen who are now prisoners of war or missing in action in Vietnam. Some do not even know if their husbands or children are alive or dead.

As Representatives in Congress we must speak out publicly about this tragic situation.

North Vietnam has consistently claimed that our men are being treated humanely. Yet its Government refuses to allow impartial inspection of North Vietnamese POW camps. Stories continue to come to our own Department of Defense indicating that North Vietnam has violated even the most basic standards of human decency.

Hanoi and the Vietcong must be made aware that such utter disregard for human dignity is not acceptable to civilized men and women throughout the world. North Vietnam must be held accountable for its outrageous refusal to abide by the articles of the Geneva Convention which that Government signed in 1957.

Four women are now in Paris seeking information about their loved ones from delegates from Hanoi and the NLF. Their pleas have been ignored. These women and the Association of Wives and Families of Captured and Missing American Military Men must not stand alone.

I have joined today in cosponsoring a resolution calling upon the President, the agencies of our Government, the United Nations, and the people of the world to appeal to North Vietnam and the NLF to comply with the requirements of the Geneva Convention and to take steps for the prompt release of American prisoners of war.

A voice must be raised against the unwarranted treatment of our men who are held prisoners in Vietnam. And our plea must be so strong that it can no longer be ignored by North Vietnam and the National Liberation Front.

Mrs. MAY. Mr. Speaker, the gentleman from Alabama (Mr. DICKINSON), I am sure, has the everlasting gratitude of the many hundreds of relatives of our servicemen listed as missing in action in Southeast Asia. The distinguished and able gentleman has effectively brought to the floor of the U.S. House of Representatives a discussion and a resolution dealing with an unpleasant but urgent subject: the treatment of prisoners of war by North Vietnam.

I wish to associate myself with the gentleman's effort and with the concurrent resolution he is offering. It is my hope that our strong concern in the House of Representatives will stir world opinion to the point that our missing servicemen can and will receive their full rights under the terms of the Geneva Convention.

Mr. Speaker, our Secretary of Defense, the Honorable Melvin R. Laird, in a statement released just 2 weeks ago, said:

> There is clear evidence that North Vietnam has violated even the most fundamental standards of human decency. It consistently has claimed through propaganda statements, that our men are being treated humanely. Information the Defense Department has received clearly refutes those contentions.
>
> It may be that top government officials in Hanoi are unaware of the shocking conditions within North Vietnamese prison camps. Nevertheless, North Vietnam is accountable to every human being for these flagrant violations of human decency. North Vietnam also is accountable for its failure to release sick and wounded prisoners and for its failure to permit the men to correspond freely with their families. Hanoi knows about these violations.
>
> Some of our men have been in Communist prison camps for more than five years. Over 200 have been there longer than three and a half years. We are concerned that the passage of so many months of captivity could have long-term adverse effects on the well-being of our men.

Secretary Laird, in his statement, outlined four humanitarian actions required by the Geneva Convention of 1949, which North Vietnam signed in 1957. They must immediately, first, identify prisoners whom they hold; second, release the seriously sick and injured; third, permit impartial inspections of all prisoner of war facilities; and, fourth, permit the free exchange of mail.

The U.S. Government has repeatedly appealed to North Vietnam and the National Liberation Front of South Vietnam to respect the requirements of the Geneva Convention, which North Vietnam has endorsed. These appeals have been brutally rebuffed by the North Vietnamese.

World opinion must be marshaled now against such inhumanity, Mr. Speaker. As the most immediate result of this forum today, I pray that it will be.

Mr. DERWINSKI. Mr. Speaker, I believe this special order conducted this afternoon by the gentleman from Alabama (Mr. DICKINSON) is of utmost importance in that it effectively emphasizes the legitimate concern that Americans have over the treatment of American prisoners of war by the North Vietnam Communists and their official arm in South Vietnam, the so-called Vietcong movement.

I join with other Members this afternoon in calling upon the North Vietnam Communist dictatorship to specifically comply with the Geneva Convention provisions pertaining to POW's. They clearly have failed to comply with the provisions providing for identification of prisoners, free exchange of mail between prisoners and their families, proper and impartial inspection of prisoner of war camps, and release of seriously ill or injured prisoners.

The conduct of the North Vietnam Communists in their treatment of American POW's has properly been described as barbaric and uncivilized.

I commend Secretary of Defense Laird for the efforts he has instigated to bring the spotlight of world attention to bear upon this issue, hopefully to provide proper treatment of POW's.

May I point out, Mr. Speaker, that on September 11 I cosponsored House Concurrent Resolution 333, introduced by our distinguished colleague the gentleman from Tennessee (Mr. BLANTON). In addition I have kept in constant contact with the Defense Department relative to servicemen from my district and neighboring Illinois areas who are listed as missing in action or are known to be POW's.

It is imperative that we continue our efforts through all possible channels, including world public opinion, so that our POW's in North Vietnam receive the treatment to which they are entitled under international law. I regret that the United Nations has failed to act on behalf of our POW's. It must be observed that the world body remains paralyzed as a result of opposition by Communist governments to any undertaking that does not fit into the Communist scheme of things.

Mr. Speaker, the parents, wives, and children of our POW's must also be considered. The inhumane policies of the North Vietnam Communists must not be allowed to continue. We do have the leverage in world diplomatic circles to bring sufficient pressure to bear upon the dictators of North Vietnam to abide by the Geneva Convention in the treatment of American prisoners of war.

Mr. WAMPLER. Mr. Speaker, it is my privilege to be one of the cosponsors of the concurrent resolution introduced today by the Honorable WILLIAM L. DICKINSON to urge North Vietnam and the National Liberation Front to comply with Geneva Convention tenets and provide humane treatment of American captives.

North Vietnam is flagrantly disregarding the provisions of the Geneva Conference. The names of the prisoners of war are not released; the regular flow of mail to or from these prisoners is not permitted; inspection of the facilities in which the prisoners are kept is prohibited; inhumane and barbaric treatment of the prisoners is common.

As a result, an outrageous amount of long-term, heartbreaking, and unfair suffering plagues the relatives and friends of the nearly 1,400 missing or captured servicemen. I am familiar with such suffering in my own Ninth Congressional District of Virginia, for 1st Lt. Jefferson Scott Dotson, of Pound, Va., was shot down August 9, 1969, while on a misty mission in an F-100F from Tuy Hoa Air Base in Vietnam. Neither he nor his aircraft has been identified.

As a Member of Congress, I feel a moral obligation to make the Nation and the world aware of what is happening to some of the men fighting for us. By stirring world opinion, I hope we will be taking a step toward securing the fair treatment our men and our country rightfully deserve.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of the concurrent resolution expressing the sense of Congress that an appeal be made to the North Vietnamese Government to comply with the Geneva Convention in the treatment of prisoners of war, and to take steps to obtain the prompt release of all prisoners of war.

All of us, Mr. Speaker, have been shocked at the recent revelations by returned prisoners of war, who told of cruel mistreatment at the hands of their captors. The wives, mothers, sweethearts, and families of American servicemen imprisoned in North Vietnam endure unbelievable heartache daily, not knowing of the conditions of their loved ones 10,000 miles away.

Today, Mr. Speaker, my office was visited by the wife and the mother of Air Force Capt. Jeffrey Thomas Ellis, of Madison, N.J., in my congressional district. Mrs. Ellis and Captain Ellis' mother, Mrs. Laura MacLean, have not heard from Captain Ellis in nearly 2 years. When he left for his assignment in Thailand, his daughter was 3 months old. She is now 2 years old.

The captain was leading a mission over North Vietnam, near Hanoi, in his F-105 fighter plane when it was shot down in December 1967. Captain Ellis suffered a broken leg when he ejected from his aircraft and was captured by North Vietnamese troops.

Since that time, Mrs. Ellis' letters to her husband have gone unanswered, and her attempts to send packages to him have come to nothing.

Many of us know, Mr. Speaker, the commander in chief of our naval forces in the Pacific, Adm. John McCain. His son was also shot down and captured by the North Vietnamese. Althoughly badly wounded, Commander McCain is reported to have been put in solitary confinement for an extended period of time. Such inhumane treatment of our fighting men is outrageous and totally unjustified.

Mr. Speaker, I urge strongly that the House give quick approval to this concurrent resolution and extend some measure of comfort to the families of these men.

Mr. HARSHA. Mr. Speaker, in cosponsoring this resolution I seek to assure the American people that the sacrifices of their men in Vietnam have not been ignored nor, indeed, forgotten by a concerned and appreciative Congress.

I seek immediately to convey that assurance to the distinguished delegation with us today representing the wives and families of men captured and missing in Vietnam.

I seek, in turn, to convey that assurance to the people of the world, whose assistance I seek to enlist in the essential task of impressing Hanoi with the far-reaching gravity of the statement by Secretary of Defense Melvin Laird that there is "clear evidence" that, in mistreating U.S. prisoners of war, "North Vietnam has violated even the most fundamental standards of human decency."

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I appeal to the court of world opinion to impress Hanoi that, in such violation of the Geneva Convention to which Hanoi is a signatory, Hanoi violates not just the morally and legally guaranteed rights of one human being, but those of all humanity; that is the real impact of that convention, that is the full significance of Secretary Laird's reminder that—

> North Vietnam is accountable to every human being for these flagrant violations.

In cosponsoring this resolution, in endorsing Mr. Laird's urgent demand that North Vietnam and the Vietcong undertake "humanitarian actions required by the Geneva Convention," my intentions, at once, are identical to those of Navy Lt. Robert Frishman who, as one of only nine U.S. prisoners freed by Hanoi in 5 years, has said:

> My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.
>
> Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised to tell the truth. I feel it is time people are aware of the facts.

Mr. Speaker, this is the precise purpose of this resolution: To tell the truth, to make the people of the world aware of the facts, and, in turn, to flood Hanoi with a Niagara of opinion which must compel North Vietnam and the National Liberation Front, at last, to afford American prisoners of war the humane treatment to which they have been entitled from their moment of capture.

Mr. BRAY. Mr. Speaker, in his poem "Lepanto," G. K. Chesterton wrote of the misery and torment of prisoners of a foreign, enemy power, and from what we know of Hanoi's treatment of U.S. prisoners of war, Chesterton's words are grimly appropriate today:

Captives sick and sunless, all a labouring race repines
Like a race in sunken cities, like a nation in the mines.
They are lost like slaves that sweat, and in the skies of morning hung
The stairways of the tallest gods when tyranny was young.
They are countless, voiceless, hopeless as those fallen or fleeing on
Before the high Kings' horses in the granite of Babylon.
And many a one grows witless in his quiet room in hell
Where a yellow face looks inward through the lattice of his cell,
And he finds his God forgotten, and he seeks no more a sign

Whether what we say here today will ever reach our fellow Americans in their quiet rooms in hell is doubtful. Radio Hanoi announced just yesterday that American prisoners will be regarded as war criminals, and the Geneva Convention will not be applicable to them. But at the very least, let us reassure the families of these men that their Government has not forgotten them, that, as these men kept faith with their country and the oath of service they took, their country will through the Congress of the United States keep faith with them.

We do not meet here today to give sanction and quasi-legitimacy to our enemies, the men in Hanoi who continue this grim war and are directly responsible for the continued mindless and brutal torment of our men in their prisons. You will hear no suggestions that U.S. representation be made at the next funeral of a leading North Vietnamese. You will not hear indirect comparisons of Communist dictators with men whom generations of Americans have come to revere as heroes and true patriots of this Republic.

Let us make it quite clear to the rest of the world, and to Hanoi as well: we do not view our captured fighting men as hapless pawns, who, once captured, are to be forgotten and ignored.

We now call on world opinion—this same world opinion so often invoked against us—this world opinion cited by some as being such a powerful force, able to move governments—to aid us, the United States, in what can be nothing more nor less than a humanitarian gesture for its citizens held captive abroad.

I must say, I do not have much hope that world opinion will be able to alleviate the problem to a great degree. But I do say this: if our request for aid today is ignored by the rest of the world, then the flagrant, two-faced hypocrisy of other nations will be self-evident.

For awhile, at least, let us hear no more talk about the "legitimate aspirations" and national aims" of tyrannical dictatorships. Let the anti-U.S. voices be silent; let the anti-American signs come down, and the demonstrations cease. If these people are so truly concerned with humanity, and man's treatment of his fellow man, then let them devote their energies to exerting all the influence they can bring to bear upon Hanoi, for the sake of American captives.

Yes, our fellow countrymen languish today in these "quiet rooms in hell," and as we ask the rest of the non-Communist world for support in easing their plight, and attaining some small measure of comfort for their families, let the rest of the non-Communist world remember that were it not for these men, held captive today, and for the United States of America, there would be more Communist aggression, more Communist slaughter, and more Communist "quiet rooms in hell" filled in every corner of the globe.

Mr. ANDREWS of Alabama. Mr. Speaker, the stories of terror and barbarism recounted recently by two American servicemen, finally released from a North Vietnamese prisoner-of-war camp, again underline the small regard held by the Communists for human life.

They also underline the need for action on the part of the United States, as well as other civilized nations, to end this inhumanity to which American POW's are being subjected.

Based on intelligence reports and the testimony of servicemen who have escaped or been released, we know that our men are suffering physical torture, psychological terror, public display, insufficient medical care and treatment, neglect of health, dietary and sanitary necessities, denial of correspondence with relatives, and forced compliance with propaganda and political exploitation.

I have introduced a resolution, along with other House Members, calling on North Vietnam and the Vietcong to comply with Geneva Convention provisions and provide more humane treatment of American captives. To date, they have ignored all civilized concepts of international accords and agreement on prisoners of war.

I am urging the President to initiate through diplomatic, military, and any other available channels, such action as may be necessary to insure that the 1949 Geneva Convention provisions on POW's, which North Vietnam signed in 1957, are accorded all American servicemen being held in North and South Vietnam.

The President should especially urge that the Government of North Vietnam and its allies identify prisoners whom they hold, release seriously sick or injured prisoners, permit impartial inspections of all prisoner-of-war facilities, and permit the free exchange of mail between families and prisoners.

Success in dealing with the Communists can never be safely predicted, but we must do something about our men in the enemy's prisons. This administration, like that before it, has obviously given up any thought of rescuing them through offensive drives into North Vietnam.

If this administration is so determined to lose the war in Vietnam through the continuation of a demoralizing and self-defeating noninvasion strategy, it at least should see that Americans imprisoned by the enemy are saved from death by slow torture.

Mr. BROYHILL of North Carolina. Mr. Speaker, I have joined in sponsoring this resolution today because of my deep and continuing concern for our prisoners of war in North Vietnam. It is obvious to the American people and to the world that our captured servicemen are not receiving treatment in accord with the Geneva Convention or by any acceptable standards of simple human decency. The deplorable conditions in which our men are forced to live and their treatment by the North Vietnamese are indeed shocking to us and to the rest of the world.

It is reasonable and urgent that we call upon the Government of North Vietnam to adhere to the requirements of the Geneva Convention of 1949, to which it is one of the signatory nations. As a first step, we call for the identification of all prisoners either to our government at some appropriate place or through the International Red Cross. This gesture of good faith on the part of the Gov-

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ernment of North Vietnam would end the continuing uncertainty which the families of these men have suffered day after day. We also urge that the sick and injured prisoners be released and that impartial inspections of all prisoner-of-war facilities be permitted. Our men should also be allowed to exchange mail with their families. Above all, we urge that all prisoners be released and allowed to return to the United States.

Hanoi in the past has responded to such pleas for humane treatment of prisoners of war by releasing staged photographs and propaganda broadcasts purporting to demonstrate the well-being of our men. Such propaganda is no proof of the actual treatment they are receiving and the conditions in which they are are living. Neither are these transparent "shows" in accord with such facts as we have been able to ascertain from various sources.

It is my sincere hope that the widespread public support which this resolution is receiving will demonstrate to the Government of North Vietnam the strong feelings of the American people about its actions. There should no longer be any doubts about the unanimity of our feelings on this matter.

Mr. BELCHER. Mr. Speaker, I want to commend my colleague from Alabama for taking this time today to provide the opportunity for a concerted expression of concern over the condition and treatment of American prisoners of war being held by North Vietnam.

The wives and families of a number of these heroic—yet all but forgotten—men live in my congressional district, and the letters I have received can only be described as heart-rending. These gallant wives, children, and parents are forced to wait in tormenting helplessness for months on end—indeed, some of them for years—knowing that a loved one is a prisoner of the North Vietnamese but unable to learn anything about his condition or to communicate with him in any way. Others know only that a loved one is missing and can only hope that, if he is a captive somewhere in North Vietnam, he is not ill or injured, that he is not being tortured, starved, or otherwise abused.

And the tragedy of this situation is that it is in direct violation of the Geneva Convention provisions on prisoners of war, which North Vietnam signed in 1957 and to which it therefore supposedly agreed.

Included in the Geneva Convention are provisions requiring the identification of all prisoners of war by their captors, free exchange of mail between POW's and their families, impartial inspection of POW camps and the release of seriously ill and injured prisoners.

Yet, today, we are confronted with a situation in which a signer of the convention is obviously violating all of those provisions. The Defense Department lists 342 American servicemen known to be prisoners of the North Vietnamese, but there are more than 1,200 others listed as "missing in action" who may be captives. And the information provided by men who have been released or who have escaped indicates that some of those 1,200 are, indeed, captives. But they have never been identified as such by their captors.

I want, if I may, to quote briefly from a letter I received recently from the wife of one of these POW's:

> My husband has been a prisoner (in North Vietnam) for nearly 3 years; he was shot down on November 11, 1966. I have never heard a word from my husband and I am deeply concerned for his health and his treatment.

Here is indisputable evidence that the free exchange of mail between POW's and their families, as required by the convention is being violated.

I do not need to describe the cruel and inhumane treatment which many of these prisoners have endured at the hands of their Communist captors. It has all been documented too well and too often by the press in the reports of men who have been released or who succeeded in escaping alive from their tormentors.

Mr. Speaker, I deplore the blatant violation by North Vietnam of an international agreement to which they make the pretense of having subscribed. It is mute testimony to the fact that, for all our wishful thinking, we have not yet entered fully into an era of civilized international relationships.

I am aware of the phony excuse recently issued by the North Vietnamese officials stating that American prisoners are not subject to the provisions of the Geneva Convention because they are guilty of crimes against humanity. It is the typical lame excuse which Communist dictators make when it does not suit their purposes to abide by treaties or conventions or honor their pledges. In my view, it should not even be dignified by a response from nations or people who believe in the rule of law.

In an effort to bring to bear whatever pressure I possibly can to correct this situation, I join today with my good friend, the gentleman from Alabama, and other Members of this House in introducing a concurrent resolution expressing the sense of Congress that the President, the Departments of State, Defense, and all other concerned departments or agencies of the U.S. Government, as well as the United Nations and all people of good will throughout the world appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention, and that appropriate steps be taken to obtain the release of all American prisoners of war.

I urge the Committee on Foreign Affairs to give this resolution its favorable consideration at its earliest opportunity. Action on this measure is imperative in the interest of justice, humanity, and progress toward the goal of dependable international relationships for which all civilized people everywhere strive and yearn.

Mr. STEED. Mr. Speaker, all armed conflict, whatever the purpose and wherever staged, imposes untold suffering and hardship on some of our fellow men. This has been true throughout history and it is true now.

But to me there is no anguish and agony that war imposes more difficult to bear than those who bear the burden of the casualties of war, and especially the loved ones who must remain at home and suffer in silence.

This penalty of war is bad enough under the best of conditions, and it stands as a shocking indictment to the world when it is compounded by the cruelties of war such as now is being imposed by the North Vietnamese on American prisoners of war. The opinion of the civilized world is entitled to descend upon the leaders of that vile nation in all its force and I pray that it does.

I join with my colleagues here today in this effort to impose upon all mankind the cruel facts of guilt on the treatment of our American men, and the inhuman suffering their loved ones are forced to bear.

Mr. WOLD. Mr. Speaker, I have just returned from a factfinding tour to Vietnam. One of my objectives was to check the morale of our troops, to find out if they have everything they need.

But there was one group of our fighting men that I could not meet with—a group that is suffering hardships without enough food, clothing, shelter, or proper medical care; men to whom torture has become a way of life. They are American prisoners of war, held captive in North Vietnam.

Unfortunately, there was nothing I could do to ease their situation while I was in Vietnam. North Vietnam refuses to abide by the terms of the Geneva Convention, to which it was a party. There is little physical action we can take to help these men.

There is one type of vital aid we can provide. I am cosponsoring a resolution deploring the treatment our men are receiving at the hands of those in Hanoi, and calling for a more humane attitude on the part of the North Vietnamese. They do not abide by even the most elementary rules of treatment for prisoners—one of which is to provide a list of the prisoners they hold. For this reason, scores of American women do not know if they are widows or wives.

Like any other nation in the world today, North Vietnam is conscious of public opinion. They do not want their country's name etched into history by the blood and tears of American prisoners.

We hope this resolution will make the men in Hanoi open their eyes, because it can be the spark to cause a world outcry against the cruelty of North Vietnam.

We pray that this resolution will be the means to make prison life easier for our men, who have shown remarkable fortitude and endurance under the most unbearable conditions.

I urge every Member to support this resolution, for unanimous approval will make it the strongest weapon we can wield against the senseless abuse of the North Vietnamese.

Mr. WOLFF. Mr. Speaker, all of us in this Chamber have become increasingly aware of the fact that most of what is said here about the conduct of the war in Vietnam is closely monitored by the North Vietnamese and the Vietcong for

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indications of American sentiment on the war. As one who has spoken out often in opposition to some of the policies of our Government, I have always been acutely aware of the responsibility placed upon me to choose my words most carefully in order to say only what I mean—no more or less. Accordingly, I hope that when the leaders of North Vietnam read the transcript of today's proceedings of the House of Representatives they will be struck by the sincerity of my words as I condemn their treatment of American servicemen taken captive in battle. I hope that they become fully cognizant of the indignation with which all Americans learned recently of the barbaric treatment which has been visited upon our soldiers who have found themselves prisoners of war.

I know I speak for all Americans when I join with my colleagues in calling upon the President to use all political and diplomatic means available to him in order to elicit cooperation from the North Vietnamese and the National Liberation Front in reporting the whereabouts and condition of all American prisoners to insure that the tenets of fair and humane treatment, as expressed in the Geneva Convention of 1949, which was signed by the Government of North Vietnam in 1957, are accorded to American servicemen held as prisoners of war in North and South Vietnam.

I am sure that there is no cause in which we, as Members of the House of Representatives, are more unanimously joined than this which would insure fair and humane treatment for the brave men who have been called upon to serve this great land of ours.

Mr. DOWDY. Mr. Speaker, I have the greatest sympathy for the wives and families of missing servicemen in Vietnam, or anywhere else. I have urged and continue to urge that all departments and agencies of our Government make every attempt to obtain a list of those who may be prisoners of the North Vietnamese, together with a report of the health and welfare of such prisoners. It is inhuman for the enemy to withhold those names, that their families, their wives, children, and parents do not even know whether they are alive or dead.

Surely our State Department and our negotiators can take additional steps, through our representation in nations over the world, to get this information. I hope and pray that the remarks made here in this House today will aid in that respect, and that world opinion will be aroused, to add to our own judgment, to bring such pressure to bear as will attain this end, pending the day this war can be brought to an honorable end, and all may return to their homes and loved ones.

I personally appreciate the efforts of the gentleman from Alabama (Mr. DICKINSON) in bringing this matter before the House.

Mr. HUTCHINSON. Mr. Speaker, I too commend the gentleman from Alabama (Mr. DICKINSON) for his efforts to bring about a recognition of the rights of prisoners of war under the Geneva Convention by the North Vietnamese. Certainly the House of Representatives of the United States would do everything possible within its authority to accomplish that recognition. Of course, we recognize that our legislative power does not reach those American soldiers who have been taken prisoner and those who are missing in regions under North Vietnamese control. But our concern is there. We express the overwhelming public opinion of our fellow citizens in this great land. I am honored to join the gentleman in the well, the gentleman from Alabama (Mr. DICKINSON), in his efforts today.

Mr. DENNIS. Mr. Speaker, like my colleagues I heartily support the effort of the gentleman from Alabama (Mr. DICKINSON) to bring all possible pressure to bear upon the Government of North Vietnam to induce that Government to extend ordinary humane treatment, in accordance with the law and customs of civilized nations, to those brave Americans now held by North Vietnam as prisoners of war. War, under any circumstance, is grim enough, but it is a sad commentary on the mind and attitude of our Communist foe that, by its medieval attitude toward these brave men, it is returning warfare to savage barbarism and stripping it of such civilized amelioration as, over the years, most nations have managed to attain. No purpose, military or otherwise, is served by this attitude on the part of the Communists, and the simple dictates of human decency and common humanity unite to condemn it in the minds and hearts of God-fearing and right-thinking men of all faiths and all nations throughout the civilized, and indeed even the uncivilized, world.

Mr. FREY. Mr. Speaker, there are over 1,400 missing or captured U.S. servicemen in North Vietnam. In most cases, their families have no idea if these men are alive, or if captured, what shape they are in. The Government of North Vietnam and the National Liberation Front have not only ignored the provisions of the Geneva Convention, but more importantly have disregarded even the basic standards of human conduct. There is no excuse for their actions.

These men accepted an obligation to serve our country and carried out their part of this obligation. In turn, this great Nation owes an obligation to these brave men, their families, and even men who might someday be in the same position.

During the recent congressional recess, I had the privilege of visiting our troops in Vietnam. These men are performing their duty in a way to make each and every one of us proud—no matter what our particular view on Vietnam may be. They are naturally concerned about this situation—as they could be in a similar one someday. Questions naturally arose as to the treatment of POW's. There is no question Vietcong prisoners are afforded the rights guaranteed by the Geneva Convention. There is no question the same treatment should be afforded American prisoners of war.

I join with my colleagues in urging North Vietnam and the National Liberation Front to comply with the Geneva Convention. I urge that the necessary action be taken to release these prisoners. This is the least we can do to help pay our obligation to these brave men and their longsuffering families.

Mr. SANDMAN. Mr. Speaker, mail received at my office and those of many other Members of Congress indicate that there is a rising crescendo of feeling, bordering on absolute hatred, against the leaders of the North Vietnamese Government.

There are two primary reasons for the outbreak. One is the well-noted actions—and often the lack of them—of the North Vietnamese at the Paris peace talks. There is a strong feeling, and I share it, that if the north would come part of the way in the so-called negotiations that a cease-fire could be brought about promptly.

It would be the humane and commonsense thing to agree to a cease-fire and then proceed with honorable peace negotiations. In my opinion, our Government has moved well along the path to that goal, while the North Vietnamese have thrown every roadblock possible into preventing a cease-fire and ultimate peace.

The second inhumane situation that is arousing the American public is the treatment of military war prisoners by the North Vietnamese. The treatment not only concerns those held captive, but also their loved ones at home.

Right now, there is a national campaign being started to build American and worldwide opinion against the North Vietnamese for its cruel and inhuman handling of the war-prisoner situation. In many cases, it is being pushed forward by the prisoners' mothers and wives, such as my constituents from Alloway, N.J., Mrs. Joan Abbott, her seven children, and mother, who are in the House gallery today.

Mrs. Abbott is the wife of Maj. Joseph S. Abbott, who was shot down over North Vietnam on April 30, 1967.

On that day Mrs. Abbott and her seven children who range in age from 3 to 12 years old received word from the Air Force that Major Abbott was missing in action.

Since this time the family has received no communication, mail, or response from Major Abbott, who has been in active service for 15½ years.

On May 19 of this year, over 2 years later, Major Abbott's voice was recognized by his family on a tape sent from Hanoi which stated the date he was shot down and that he was a prisoner of war.

Following comparative tape analysis, the U.S. Air Force changed Major Abbott's status from missing in action to that of prisoner of war. Hanoi has yet to verify. Mrs. Abbott and her seven children have no idea as to whether Major Abbott is in good health or even alive at this time.

People such as Mrs. Abbott want their husbands back as soon as possible. In the interim they are fighting to shape world opinion so the North Vietnamese will allow families in the United States to know who the prisoners are and a free flow of mail to them as stated at the Geneva Convention.

Congress is deeply concerned about the treatment of war prisoners. I was pleased to include my name on a statement circulated among Members of Congress protesting the "inhumane and inexcusable" treatment of American prisoners in North Vietnam, which President Nixon has been asked to place before the North Vietnamese delegation in Paris.

I have also joined with many of my distinguished colleagues in cosponsoring two resolutions condemning the Vietnamese Communists for their uncivilized conduct.

My feeling about this situation is a deep-rooted one for during World War II, the Germans held me a war prisoner, I know of the mental suffering my family went through during that period.

Mr. SHRIVER. Mr. Speaker, it is of growing concern to Members of Congress and to all Americans that the rights of prisoners of war and the feelings of their loved ones are being so grossly abused and ignored by the Government of North Vietnam and the National Liberation Front in South Vietnam.

Some 1,336 American families, including approximately 35 in Kansas, do not know whether their sons or husbands in Vietnam are dead or alive, physically well or sick. Their fate remains unknown because North Vietnam continues its cruel refusal to abide by the 1949 Geneva Convention relative to the treatment of prisoners of war.

They refuse to provide lists of the men they hold, and they will not permit them to communicate with their families.

Parents and wives of servicemen in my congressional district have appealed to me to bring to the attention of proper officials their concern and desire for some word about their loved ones.

I have communicated with the President regarding the plight of these brave Americans, and only last week received a reply indicating that this matter has a very high priority and is receiving continuing attention by the administration. Following are excerpts of the letter, dated September 9, 1969, which was signed by William E. Timmons, Deputy Assistant to the President:

> The President, Secretary of State Rogers, and Secretary of Defense Laird, as well as our team at the Paris talks, are doing all in their power to bring public and world attention to the lack of humanitarian considerations by the Government of North Vietnam in their treatment of missing and captured Americans and their families. They, the International Committee of the Red Cross, and private officials have repeatedly urged the enemy to comply with the Geneva Convention and to respect the rights of prisoners of war. The enemy's refusal to provide lists of the men they hold and to permit all the prisoners to communicate with their loved ones, and their failure to identify prisoner of war camp locations are only a few of their many violations of the Geneva Convention relative to the treatment of prisoners of war.
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> As recently as August 21, the American delegate at Paris presented to the other side a statement signed by 42 American Senators and published in the Congressional Record condemning Hanoi as "cruel" and "callous" in its handling of prisoners. This action followed a number of public statements in the same vein by our leaders in Government and other officials.
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> . . . we will continue to bring pressure on Hanoi to comply with the Geneva Convention and to respect the rights of prisoners of war. Recently, Secretary Laird summarized our attitude toward this important matter. He said:
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> "We will not relax our efforts to ensure humanitarian treatment for all American servicemen while they are in captivity and to secure their release. These brave men and their families shall not be forgotten."

Today I join with others in the House in introducing a concurrent resolution which calls on our Nation's leaders to continue their efforts to obtain the prompt release of all members of the Armed Forces of the United States held as prisoners of war, and appealing to North Vietnam and the National Liberation Front of South Vietnam to comply with the Geneva Convention relating to the treatment of prisoners of war.

I urge the President to have the American delegate at Paris bring to the attention of the other side the action and deep concern of House Members, as well as the growing indignation and anxieties of the affected families and all the American people.

Finally, I want to commend the distinguished gentleman from Alabama (Mr. Dickinson) for his leadership and interest in reserving this time in order that world attention can be focused upon this urgent problem.

Mr. CASEY. Mr. Speaker, thousands of young Americans in Vietnam are still locked in fierce and bitter battles in answer to their Nation's call to duty.

Some will fall victims to the savagery of war, and carry the scars of their wounds throughout their life. Some will carry only mental scars inflicted by the unbelievable horror they have witnessed. Some will give that last full measure of devotion in making the supreme sacrifice for their country and their fellow man.

Some of our fallen, Mr. Speaker, we may never know about. And this is the bitterest fruit that blossoms on the hideous tree of war. To force the next-of-kin to live daily with the fear, the uncertainty of not knowing the fate of a loved one lost in a war a world away, is to inflict cruel and inhumane punishment upon the innocent. And for any nation such as North Vietnam to pursue such a deliberate course of action is to show to the world its contempt for the human values we hold so dear.

Daily, the wives, the children, parents, relatives, and friends of some 1,400 young Americans go through the torment and agony of uncertainty, of having their hopes raised at a brief glimpse of a photograph of a captured American taken by some foreign newsman—only to have them dashed when positive identification cannot be made.

Perhaps, by our action here today, we can show to the world our concern for the health and welfare of these men and their families. Perhaps the message will get through—if not to Hanoi—at least to those dubious allies who trade so freely with it, that we do mean business. And that we expect them to join with us in a strong effort to see that our prisoners of war are accorded the rights and privileges set forth under the Geneva Convention, and that full information is made available immediately on the status of their health and welfare.

Perhaps, by our action here today, we can show to the loved ones of these valiant men that we have not forgotten them—and that we will demand the officials in our own Government renew with added vigor efforts to obtain full information on the status of our men missing in action.

Perhaps, even, some official at the United Nations may take notice of America's growing concern for the safety and well-being of her sons, and express an interest in our behalf. For surely, Mr. Speaker, what we ask here today we ask for all humanity—not just as a nation.

Because I believe that a strong concerted effort, a united world opinion forcibly expressed, could cause North Vietnam to change its cruel and inhuman policy concerning prisoners of war, I am proud to join with my colleagues today in sponsoring this concurrent resolution. It is my sincere hope that the leadership of this House call it up for vote at the first opportunity, and that our action here be followed by similar expressions by the great legislative bodies of the free world.

Mr. FINDLEY. Mr. Speaker, the resolution which is being introduced today is the clearest and most concrete expression of the concern which the American public feels over the reported treatment of many prisoners of war by the North Vietnamese. This treatment violates not only the provisions of the Geneva Convention, but also basic tenets of human decency. Rather than having a debilitating effect upon the American public's attitude toward the war, recent reports of cruelty have only served to harden American attitudes toward those who would act in such a barbaric manner.

Many hundreds of Americans are presently held captive in North Vietnam and it is clear that the release of some information about them would be viewed by the American public as evidencing a desire on the part of the North Vietnamese to move toward peaceful settlement of the conflict in that country. Beyond this, certain information about POW's is required to be released by the Geneva Convention, which North Vietnam signed 12 years ago. At a minimum, the identification of prisoners and the free exchange of mail between captives and their families is required. Also, inspection of POW camps and the release of seriously ill or injured prisoners is called for.

Basic principles of humanity, as well as international law, call upon the North Vietnamese to give some sign as to the status of those Americans who are held captive as a result of this unfortunate war. I am hopeful that the forthrightness of the Nixon administration, this strong expression of the Congress, and the sincere concern of the American people will convince the North Vietnamese to live up to their commitments under the Geneva Convention.

I speak with special concern because several of my constituents are among those believed to be prisoners in North Vietnam.

The wife of one of them, Mrs. Ruth Ann Perisho, is in the gallery here today. To her and the others go my prayers.

In the same connection, I voice concern over an incident outside North Vietnam. One of my constituents, Capt. Phillip Smith, of Greenfield, Ill., has been held prisoner by the Chinese Communists for nearly 4 years. Serving in Vietnam, he lost his bearing while piloting his aircraft and was shot down over Hainan Island, China. He has been held without trial ever since.

His plight is like those held in North Vietnam, and therefore by this means I broaden the appeal to Peking as well as Hanoi.

Mr. NICHOLS. Mr. Speaker, I am pleased to join with my colleagues in this most worthwhile effort to bring about better treatment for American prisoners of war being held by North Vietnam. Our Government has sent U.S. soldiers and airmen into Vietnam in an effort to stop the spread of communism. It is only right and proper that these men should expect and receive every ounce of protection that we can give them. This includes seeing to it that they are treated like human beings by their captors.

From what little we know about conditions in North Vietnamese POW camps, Americans there are treated little better than animals. They are not given medical treatment, proper food, or exercise. They are not allowed to communicate with their families, many of whom do not know if their loved ones are alive or dead.

It is hard to understand how the people of North Vietnam can allow our people to be treated so badly. Perhaps it is because they have so little regard for human life. Or perhaps it is because they have no say in how their leaders conduct the affairs of government.

I was pleased to notice in the paper this morning an ad by the Fairchild Hiller Co. asking Americans to write to North Vietnam. While I hope that many thousands of Americans will do so, I would hope that citizens of other countries of the world would also do likewise. American public opinion alone will not bring about this goal, but if the North Vietnamese leaders knew other people of the world felt the same way, I believe we would see an improvement in the treatment of American POW's.

I also want to join today in paying tribute to the wives, children, mothers, and fathers of men who have made this sacrifice in the service of their country. The poet John Milton wrote in "On His Blindness," in 1652:

> They also serve who only stand and wait.

Nothing could be truer about the families of these men. Their service to our country is just as great as that of their servicemen. We must not forget them and we must not forget those gallant Americans who are in the hands of the North Vietnamese. I know each Member of the Congress and, indeed, every American joins me in pledging that every effort possible be made on their behalf.

Mr. BOB WILSON. Mr. Speaker. I sincerely hope that my colleagues will support my request to the Chaplain of the House and the ministers of the Washington area to sponsor a "pray-in" on the steps of the Capitol to dramatize the plight of the American prisoners of war held by North Vietnam and their wives and families.

Someone must speak for the 1,000 or more prisoners who cannot speak for themselves. Within the clergy of America—Protestant, Catholic, Jewish—there are different convictions about the war. But I am certain all clergymen will want to unite in prayer for compassion for our servicemen who have been held captive for periods ranging to over 4 years.

I propose that prayer services be conducted on the Capitol steps and in churches all over the free world on behalf of American prisoners of war in North Vietnam.

If it please the Congress, Mr. Speaker, may I also respectfully request that the distinguished clergymen who lead us in the daily opening prayer consider a voluntary reference to the American POW's.

I happen to serve on the Armed Services Committee. It is my honor to represent San Diego, the home of many service families. Many women in my district saw their husbands off to war. Some now ask me, following endless months of heartbreaking waiting, to help them determine if they are wives or widows.

And how do we answer a child's question: "When is my daddy coming home?"

The "pray-in" that I envisage arises from our sacred responsibility to the young men who responded to the call of the U.S. Government. They are people, not pawns in the power politics of this long and tragic war.

We would be justified in asking, since Hanoi signed the Geneva Convention but ignores its humane requirements, whether Hanoi would honor other agreements signed in the course of negotiations currently proceeding in Paris. But the plight of the prisoners and their families is such that I will not in this context pursue that very relevant question.

The North Vietnam Communists have proclaimed all U.S. prisoners "war criminals." But they are not even accorded the rights provided the Nazis tried by the International Tribunal at Nuremberg after World War II. Hanoi will not state whether the accused are living or dead, well or sick, or list their names.

Hanoi has imposed a cruel and unusual punishment not only on the captives but on their families. The families are tortured by a calculated refusal to permit any information or communication.

Clergymen may differ on Vietnam as an issue. But I am sure they agree that Hanoi has failed to meet the most rudimentary humanitarian requirements as pertains to the American prisoners.

It is my hope that the religious organizations of this country, individual clergymen, and the laity will see merit in my appeal. It is directed in the first instance, however, to our own beloved chaplain, the Reverend Edward G. Latch.

My letter to the distinguished reverend follows:

> It is with the utmost respect that I ask you to consider a plan to assist some of our citizens in tragic circumstances. I refer to the young Americans who are prisoners of war in North Vietnam. I refer also to their families.
>
> The Government of North Vietnam has rejected all entreaties for compliance with the Geneva Convention as relates to prisoners of war. Some prisoners have been held more than four years. Many are sick and wounded. The Hanoi regime refuses even to provide a list of captives so that anxiety-ridden families may know the fate of their loved ones.
>
> As you know, dear Chaplain, the President of the United States has just announced an additional withdrawal of troops from Vietnam. Regardless of their attitude toward the war, I am confident that our spiritual leaders will now join in a fervent Judeo-Christian humanitarian effort to rescue the U.S. prisoners. I have respectfully asked this on behalf of the next-of-kin, whose anguish will be mitigated by knowing that powerful moral persuasion is being brought to bear.
>
> I would like you to consider the propriety of a "pray-in" to be held on the steps of the Capitol, led by ministers of the Washington area. This could be joined by special prayer services in churches all over the Free World.
>
> May I propose that clergymen of the Protestant, Catholic, and Jewish faiths be invited to lead prayers of compassion for the prisoners and their next-of-kin. Let us pray for the release of all prisoners with priority for the sick and wounded, for Hanoi to abide by the Geneva Convention, identify captives, assure proper treatment, and permit neutral inspection and regular flow of mail.
>
> I am faithful that our nation's clergy will mobilize to impress upon Hanoi that all civilization is united in a demand for basic decency for these helpless prisoners and their families. More than 1,000 prisoners are held, we believe, but we know the identity of only 396. Our hearts were saddened in the midst of our joy at the return of the three prisoners recently released. The account of man's inhumanity to man added new anxiety to the ordeal suffered by the families of the remaining prisoners.
>
> It would be a source of great comfort to the next-of-kin were they to take part in such devotional services.
>
> In addition to the pray-in, I wish to suggest, with deepest respect, that visiting clergymen offering the opening prayer to the House each day be asked to include some suitable reference to the plight of the prisoners. This, too, would stir the conscience of the world.
>
> These prisoners, exploited by Hanoi for radio and television propaganda, may well be reciting from the Psalms: "They that carried us away captive required of us a song; and they that wasted us required of us mirth, saying, sing us one of the songs of Zion."
>
> I thank you, Reverend Latch, for your consideration of this plea for mercy on behalf of those who cannot plead for themselves.

Mr. SAYLOR. Mr. Speaker, the basic tenets of the Geneva Convention concerning prisoners of war in which the North Vietnamese signed in 1957 are simple enough. The provisions provide for the identification of prisoners, free exchange of mail between POW's and families, impartial inspection of POW camps, and the release of seriously ill or injured prisoners. Even without the formality of an international agreement, common decency and normal humanity would require belligerent powers to exchange information about prisoners of war.

To date, the North Vietnamese have shown no inclination to abide by any commonly accepted standards of international conduct. It is my hope that with the introduction and passage of the concurrent resolution before the House that those in North Vietnam who flaunt world opinion with their reprehensible treatment of POW's will learn that such action is detrimental to the goal of achieving an acceptable settlement of the war in Vietnam.

Leaders of North Vietnam are reputed to be sensitive to American public opinion, but continuation of their cruel and barbaric treatment of our servicemen who are their prisoners could be counterproductive in terms of that opinion. What our resolution says in spirit, if not in words, is that this Nation demands simple humanity. If our Nation is to be denied justice on an issue as basic as the treatment of our prisoners of war, how can North Vietnam expect to find a just cessation of hostilities?

In this resolution, the United States is stating a fundamental tenet: human beings count before territory and ideology. Such a concept may be alien to the leaders of the North, but understanding that principle would be the first step in comprehending this Nation's perseverance in an unwanted conflict.

I shall not appeal to the conscience of those North Vietnamese leaders because of anguish and suffering of the families of our men missing in action—we have learned that such appeals are twisted and used for propaganda. With the passage of this resolution we appeal only to commonsense and dignity. We ask the North Vietnamese to consider that which could produce peace.

President Nixon says:

> It is time the "other side" responded to our initiatives toward peace.

Were that response to take the form of an exchange of prisoners, perhaps we could get on with the business of ending this war.

Mr. DOWNING. Mr. Speaker, like all Americans who have been deeply concerned over the task that our men in arms have been given on foreign shores, I have grown increasingly conscious in recent months of the plight of the more unfortunate of these men who have fallen prisoner to the enemy and especially to the most trying of circumstances which have befallen their loved ones here at home who can only sit and wait, hope, and pray.

Untold hundreds of these people know nothing at all about the men who have disappeared. I have asked myself a thousand times. I have sought the answer from anyone who might know, and I have beseeched our God in Heaven to tell me why. There is no answer. Worse of all there is no answer from Hanoi to the pleadings of those who ask only are their sons, husbands, fathers, and brothers in captivity? Are they well? Are they alive?

We are all aware of the Geneva Convention even if we may not as individuals know everything that it specifies concerning the treatment of prisoners of war. We know, however, that these men are entitled to humane treatment. The same is true of their loved ones at home. It is inhuman to deny a guiltless child the knowledge that he has a father. Yet there are hundreds of children in America today who know not whether their father lives or is dead. This is utterly senseless. It is without comparison in the history of civilized nations.

How can the Government of North Vietnam send representatives to Paris in a proclaimed effort to find peace when they act with such a lack of reason concerning their prisoners. How can they ever hope to gain worldwide respect as a nation when they show no respect for the rights of individuals.

The time has come for civilized people throughout the world to speak, in compassion if they desire, in anger if they must, but certainly in outrage regardless of their other feelings. I call upon everyone who hears or sees my words to join the rallying cry of those who have a right to know. I call upon all of you to stand at the side of those gallant women and children who ask only that they be told the ruth.

Worldwide criticism should be heaped upon the North Vietnamese. Universal concern must be expressed that the Government of North Vietnam, which in 1957 became a party to the agreements of the Geneva Convention of 1949: First, identify the prisoners whom they hold; second, release all seriously sick or injured prisoners; third, permit impartial inspections of all prisoners of war facilities; and, fourth, to permit the free exchange of mail between families and prisoners. If they are sincere in their desire for peace, let them show a little humanity.

Mr. McDONALD of Michigan. Mr. Speaker, I can appreciate the feelings of the ladies in the gallery today whose husbands are held by the Vietcong and North Vietnamese.

I would like to take a few minutes to bring to the attention of the House another case, a different case, involving a young Navy pilot who has been missing more than 18 months after being shot down by the Chinese Communists.

The story of Lt. (jg.) Joseph P. Dunn is one of frustration for both his friends and his lovely, devoted wife, Maureen.

Mrs. Dunn, whose home is in Randolph, Mass., brought this case to my attention through mutual acquaintances. I will briefly summarize the events.

Lieutenant Dunn was flying an unarmed propeller-driven A–1 Skyraider from Subic Bay to the Gulf of Tonkin. The plane had been repaired and was being returned to the carrier Coral Sea on February 14, 1968. He was flying wing on an A–1E radar plane used to guide propeller-driven craft on flights to detect enemy approaches.

According to the pilot of the lead plane, a Lieutenant Stoddert, they were about 90 minutes out of the Philippines when they lost their way in extremely bad weather. Winds were about 125 knots and the clouds were very heavy.

Radio messages were not answered from any of the appointed checkpoints. This was not considered unusual for such a flight.

The A–1E had a pilot, navigator, and crewman. Lieutenant Dunn was alone in his Skyraider.

According to the account later given by the A–1E's pilot, Lieutenant Stoddert, they were completely lost.

About 3 hours outside Subic Bay, Stoddert heard his emergency UHF radio. He thought nothing of it at first because he had been speaking with Lieutenant Dunn only 5 minutes before.

There was more static on his UHF radio. He looked back and saw Lieutenant Dunn's plane nose down with a small trail of white smoke coming from the tail.

He looked again and saw Lieutenant Dunn above the plane with his chute fully open. He remained in the area long enough to hear Dunn use his beeper once and turn it off. Dunn tried to speak to him, but the drone of his A–1E's engine drowned him out. Dunn turned his manually operated beeper on once more.

A Mig 17 came out of the clouds and drove the A–1E away.

However, Stoddert radioed May Day and was answered that it was received by the code name of Ranger, Danger, or Granger in the 7th Fleet. But there was no such code name, leading to the belief the message was answered by the Chinese Reds.

It was determined later that Lieutenant Dunn had been shot down off Hainan Island, which belongs to mainland China.

His beeper was heard 8 hours later for 20 minutes by the destroyer *McCord*.

Rescue and electronic surveillance continued for 48 to 72 hours but the ships and aircraft were ordered to stay 20 miles out in international waters.

Apparently these orders resulted from fear of the previous administration about another *Pueblo* incident. The *Pueblo* had been seized only 3 weeks earlier.

Since this incident, Mrs. Dunn has been in correspondence and personal contact with people in both the State and Defense Departments.

The responses she has received have been routine.

I believe this is an extremely serious matter.

An American naval aviator flying a routine peaceful mission was shot down by a Chinese Communist aircraft. Orders were later given that rescue operations could not take place within 20 miles of the area.

Lieutenant Dunn may have been picked up by the Chinese. He may have died. But the interesting point is that his beeper, which was manually operated, was heard for 20 minutes some 8 hours or more after he went down. This suggests that he may still have been alive at that time.

The Defense Department and the State Department should at all times do their utmost to protect the lives of American citizens held illegally by a foreign power.

There has been much discussion in recent months about easing relations between our country and Peking.

I suggest the case of Lieutenant Dunn—and any other American civilians or service personnel held illegally by Red China—should be brought to the attention of Peking.

We are always talking about "signals" from the other side.

Let Peking release Lieutenant Dunn, if he is indeed a prisoner, as a "signal" to us of interest in improving relations.

If Lieutenant Dunn is not a prisoner, and was lost at sea, then at least Mrs. Dunn's long, cruel vigil will be over and she can turn all her energies to the task of rearing her little son, Joe.

Mrs. REID of Illinois. Mr. Speaker,

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my heart goes out to the wives and families who have loved ones listed as missing in action or known to be prisoners of war, and particularly to those who are with us today to focus the attention of the American people as well as people of the entire world on the behavior of the North Vietnamese in the treatment of prisoners.

I join my colleagues in protesting the inhumane and inexcusable treatment of American prisoners of war by North Vietnam and its allies in South Vietnam, and I am pleased to join in sponsoring a resolution expressing the sense of Congress on this important matter and urging North Vietnam and the Vietcong to comply with Geneva Convention tenets and to provide more humane treatment of American captives.

More than 300 Americans are known to be captives of the North Vietnamese and Vietcong and some 1,000 of our men are missing and thought to be prisoners. Some of these Americans have been held captive for as long as 5 years. Intelligence reports and reports from American servicemen who have been released or escaped from such imprisonment indicate that American servicemen, while so imprisoned, are subjected to unusual, cruel, and inhumane treatment. By inflicting such treatment on these men the Government of North Vietnam has grossly deviated from civilized concepts of international accords and agreements.

In 1967, the United States formally protested mistreatment of American prisoners and urged North Vietnam to observe the provisions of the 1949 Geneva Convention, which it signed in 1957. In recent months Secretary of State Rogers, Secretary of Defense Laird, and Ambassador Lodge in Paris have all pressed North Vietnam for compliance with the provisions of the Geneva Convention. In particular, they have urged such basic steps as repatriation of sick and wounded prisoners and the furnishing of a list of men actually in North Vietnamese hands.

I support the administration in its efforts on behalf of the American servicemen held captive in North Vietnam and urge that those efforts be continued and increased. Every possible step should be initiated through diplomatic, military, and any other available channels to insure that the tenets of fair and humane treatment are accorded to American servicemen held as prisoners of war in North and South Vietnam and especially to urge the Government of North Vietnam and its allies to identify any prisoners whom they hold; release seriously injured or sick prisoners; permit impartial inspections of all prisoner-of-war facilities; and permit the free exchange of mail between families and prisoners.

These actions are required by the Geneva Convention of 1949. The convention calls for nothing more than humanitarian conduct on prisoner matters. Certainly world opinion should be brought to bear on the North Vietnamese and the Vietcong to honor these principles.

Mr. DANIEL of Virginia. Mr. Speaker, as frustrating as the Vietnam war is, it does not compare with the vexation and frustrations experienced in efforts to negotiate with the Vietcong and North Vietnamese concerning Americans held captive. Continuing efforts by those whose loved ones are believed to be held as prisoners prove fruitless. A graphic description of this frustrating situation is presented in an article in the August 10, 1969, issue of the Danville, Va., newspaper, "The Register," written by staff writer Mary Carter Stone. I urge my colleagues to read this timely article and insert it in the RECORD:

PERSONAL OR OFFICIAL CONTACT WITH POW'S IN NORTH VIETNAM IMPOSSIBLE

(By Mary Carter Stone)

Remember, a few weeks ago, the jubilation that accompanied the arrival on the West Coast of the first troops withdrawn from Vietnam? The emotions of that event were felt the length and breadth of the nation.

There was elation for the parents, wives, families of those troops . . . joy at their return.

There was anticipation for the parents, wives, families of men still serving in Vietnam . . . because this was a first contingent, more men would be returned home soon.

But there were other parents, wives, families who could be happy only that others were happy. For themselves, instead of a quickening personal response, there was only a larger and larger-looming question: when and how will there be a homecoming for the men who are prisoners of war of the Viet Cong or North Vietnamese?

What, they keep asking themselves, can be done about these men when everyone—all the way up to the Department of Defense and Department of State—admits that it's impossible to establish any communications with prisoners, impossible even to identify with certainty those who are being held as enemy prisoners.

"That's where I am very fortunate," Valerie Kushner asserted, "My husband is confirmed captured." Other families in Danville are in a worse position, she noted, for all they have heard is "missing in action," and since then, nothing.

This "good fortune" is why she found herself one of a small group—only about 10 families in all—invited to Washington recently to attend an informal Pentagon meeting, a frank discussion by the Secretary of Defense and State Department officials on the failure of all efforts in behalf of prisoners of war, along with assurance of the government's continuing concern.

"They have had 17 area meetings like this around the country for the families of confirmed captured," she related. "I think this administration is trying to show us that it cares, but what can it do? The Secretary of Defense expressed his concern over the absolute inability to do anything to communicate with the prisoners, or to alleviate the harsh conditions under which they live. I feel he is personally concerned, but there are no channels of communication."

There are 1,350 men listed missing as of now, she noted, "and only about a third of that number are confirmed captured because the Viet Cong and the North Vietnamese will not release the list."

They have also refused to allow Red Cross inspection or letters and packages to prisoners or letters from prisoners to families, as guaranteed under terms of the Geneva Convention, which North Vietnam has signed.

"My husband is the only military doctor who has been captured," Valerie declared, "so there is no trouble identifying him." There was a time when she thought this might be another good fortune. She hoped his profession would provide a way for her personally to establish communication of a sort with him where government efforts had been of no avail: she would try to send him drugs and light surgical instruments through international medical channels.

"His life is dedicated to healing," she asserted. "He went to Vietnam for one purpose, to alleviate suffering. If he had better drugs and surgical instruments, he could at least accomplish his purpose where he is."

Early in 1968 two POWs—Spanish-speaking Puerto Ricans—were released from the camp where he was a prisoner—"somewhere in the nothernmost provinces of South Vietnam. They were able to tell us he was alive and in good condition, although he had been wounded," she said.

Their identification was made doubly positive when they not only recognized him in family photographs but noted that the doctor—who speaks Spanish—was the only person in the camp with whom they could really talk." They said there had been several American wounded brought in, and that he had dressed their wounds and tended them the best he could,' she related.

Their report on prison conditions, she continued, indicated that "apparently there are very few cases of purposeful brutality. The prisoners get the same food as the VC, but the diet is very marginal. And they have access to drugs or medication when the VC have them, but drugs many times are completely unavailable."

That is why she wanted to provide medicine parcels. But the two released men said that while they were prisoners, not a single letter or package had reached the POW's in the camp.

The International Red Cross is a worldwide relief agency; could medicines get through to the doctor and his fellow prisoners under its auspices? When the answer finally came, it was No.

Perhaps a neutral nation's physicians would be able to find a way. That led to visits to officials of the Swedish Medical Society, not once but several times, by members of her family when business trips took them to Europe. But each time the answer was No.

Perhaps the VC's accredited representatives in Paris? No again.

Then there was an article in a medical journal by a French doctor who had traveled through Vietnam helping the Viet Cong train their medics. Surely he was the very person to help. But when he was contacted, the answer was another No.

"They preach such great humanity," she exclaimed about the Hanoi government and its supporters, "and yet they are unwilling to let a doctor have full use of his craft by means of any drugs and other things I could send."

Sometimes she feels that the fate of the prisoners is of as little concern to the people of the United States as it is to Hanoi. "That's the way I feel when they talk about withdrawing 100,000 men. I'm glad for the other families, but it hurts every time, because one percent of the men—the prisoners—will continue to be there."

Her husband's released prison-mates said he had broken his glasses, "and he can't see very well at all without them," she said. So, four different times, separated by intervals of months, she has had his glasses prescription refilled and has mailed a new pair, hoping that maybe—with luck—one of the packages might get through to him.

Maybe they all have; maybe none have. She doesn't know, because there has been no direct word from her husband at any time since his capture back in early December, 1967, less than two months before the pair of Puerto Rican prisoners were released from the camp.

"My husband volunteered for duty in Vietnam," she related, "and he went into it with his eyes wider open than most—he felt more strongly about it than most. You see," explained, "he had interned at Tripler

Army Medical Center in Honolulu. It's an air-evac hospital—the wounded are brought right in from the battlefield. He would work sometimes 30 or 35 hours at a time trying to save lives and limbs.

"And before he was captured, my husband would work in the Vietnamese villages at volunteer health clinics two or three days a week—I have several pictures of him with his medics in the villages. That is what he went for—he felt the greatest good to his country was being there helping to save lives.

"My husband realized it would be a sacrifice, that he might be killed or wounded or captured—he was prepared for that, and I was prepared too." For just a moment, she let down her guard and exclaimed, "But this is like a kind of Limbo—my son is 16 months old and my husband doesn't know he exists. . . . Besides the physical privation (all the prisoners who have come out have been debilitated, suffering from malnutrition and intestinal parasites), there is the terrible emotional privation, not having any communication."

Communication—always the same blank stone wall, the complete lack of any means of contact with prisoners.

The Washington gathering last month, she related, brought her and the other POW families together with Frank Sieverts, special assistant to the Secretary of State—"he is very involved in prisoner affairs"; Richard G. Capen, Department of Defense deputy assistant secretary for public affairs; G. Warren Nutter, who heads the Department of Defense prisoner of war policy committee; and the Secretary of Defense.

"It was a hand-patting meeting," she declared, "because there are absolutely no channels of communication. The Department of Defense are trying to introduce the subject of prisoners in the Paris talks, but the VC won't discuss it."

In Washington, she said, "they assured us that the bulk of the forces will not be withdrawn until some understanding is reached. Of course policies can change . . . But still." she reiterated, "I am very fortunate—my husband is confirmed captured."

A MOTHER'S ANGUISH

Mr. Speaker, a mother's anguish over the fate of her son held captive by the North Vietnamese is eloquently expressed in a letter from one of my constituents to the Vice President of the United States. The writer is Mrs. Robert Kushner of Danville, Va., mother of Maj. Floyd Harold Kushner, a dedicated doctor and loyal, patriotic American who volunteered for duty in Vietnam to help heal and save lives, not to kill. I urge my colleagues to read this poignant appeal for action in behalf of all prisoners being held in Southeast Asia and insert it in the RECORD at this point:

DANVILLE, VA.,
August 28, 1969.

Hon. SPIRO AGNEW,
Vice President of The United States,
Washington, D.C.

DEAR SIR: Truly, we rejoiced with you and your family when your son returned from Vietnam safely and whole.

As yet, my family has not been so fortunate. My son, Major Floyd Harold Kushner, O2320775, has been a prisoner of the Viet-Cong since November 1967. Since that time, we have had no direct communication with our son. In March of 1968, we were informed, from information based on two men who had been released, that our boy had been captured.

We understand that he is the only military doctor to have been captured during the entire Vietnamese conflict. He volunteered to go to Vietnam because he is a dedicated doctor as well as a loyal, patriotic young American. His purpose being to heal and save lives, not to kill.

There is no point in elaborating on the anguish and torment of a situation such as this. You are a parent.

For almost two years, we have tried (with the sanction of various departments of the government) unsuccessfully to establish some line of communication. Now, we are asking our friends, relatives, etc. in all parts of the country to write or telegraph their Senators and Congressmen to press for release of all POW's and missing men. We were gratified to read in the Aug. 13 "Congressional Record" that this matter was being discussed in the Congress.

Sir, as presiding officer of the Senate and as second in command of the Executive branch of the government, I implore you to keep this matter uppermost in the minds of the "powers that be" and get these men back home.

Already, there has been a withdrawal of 25,000 troops with a projected plan to continue to withdraw even more. What is to happen to the 1365 men who are virtually unaccounted for? Will they just be forgotten men? They who have suffered so much for so long? With all the concessions that we have made, why has not the release of the POW's been a bargaining power or part of some negotiations?

With the magnificent, unbelievable Lunar Landing of the Apollo 11, it proves, once again, that the United States is capable of doing anything she really puts her mind to wholeheartedly. The goal is always attained. Please sir, get these men home. It appears that we are just going to phase out of Vietnam, and so, I beg, whatever concessions are necessary, to have these men released. With the loss of over 37,000 men plus hundreds of thousands of wounded, the price of this indecisive, no-win, undeclared war has already been too high.

My son has a lovely wife, a five year old daughter, and a sixteen month old son who is completely unknown to him. We want our family whole and reunited again. War is not new in our family. This same son was a five month old infant living on Hickam Field when the Japanese attacked on Dec. 7, 1941. We are all flag-waving, patriotic 100% Americans with implicit faith and confidence in our government and our country.

I appeal to you for the immediate release, not only of my son, but for all the Americans who are being held by the Viet Cong or the North Vietnamese.

We trust that you will.

Sincere gratitude,

JEAN F. KUSHNER
Mrs. Robert L. Kushner.

REMEMBER THE 1,400

Mr. Speaker, the prompt release of the American Ambassador to Brazil as a result of meaningful pressure from the U.S. Government on the Brazilian authorities to meet the demands of the abductors proves we can accomplish our objectives if sufficient determination is displayed.

Those who are aware of the heartache and anguish of the relatives and friends of those brave Americans held prisoner in Southeast Asia are seeking to rally public support of efforts to persuade the Government to exert this kind of pressure to break down the barrier of silence thrown up by the enemy in regards to information about the estimated 1,400 American captives.

Johnnie Johnson, editor of the Danville, Va., newspaper, "The Bee," calls attention to the need for widespread public support of these efforts on behalf of the "Forgotten 1,400." His editorial comments place the situation in discerning perspective and I include the editorial in the RECORD at this point:

REMEMBER THE 1400

The answer may have been provided this week as to why the Viet Cong and the North Vietnamese have prevented any measure of communication between the men they hold as prisoners of war and their families and friends at home, despite international law and agreements.

Accounts given by two recently released prisoners, detailing torture and hunger in the enemy's POW camps, should set off a public outcry that would make "Remember the Pueblo" seem but a whisper by comparison.

If it doesn't, every decent American is guilty of having betrayed and abandoned "The Forgotten 1400"—the number of Americans currently believed to be prisoners of the Viet Cong and the North Vietnamese.

In Washington this week, two recently released prisoners—among less than a score returned in the "noble" acts of kindness by the communists throughout these growing years—told a different story.

Immediately upon their return, Navy Lt. Robert F. Frishman and Postal Clerk 3C Douglas B. Hegdahl—like the other very lucky ones before them—faced the cameras and said routinely that they had been "treated well," or "adequately." Their emaciated bodies, paled faces and obvious aging-beyond-years belied this.

After a month of recuperation, Lt. Frishman—fully backed by Hegdahl—became the first to really "blow the whistle" on their captors.

Frishman revealed that, before being released, he asked fellow-prisoners whether he should tell the world the whole truth. Knowing full well that this might result in severe retaliation against them and certainly would reduce any chance they might have of being released before the hostilities terminate, they urged him to do so—in the faint hope the world would sit up and take notice . . . and react.

Frishman did: He told of prisoners being kept in solitary confinement for months in stifling hot brick rooms virtually without ventilation; of beatings; of being suspended from the ceiling on ropes . . . their flesh burned with cigarettes . . . fingernails ripped out. The purpose: to eliminate resistance, to obtain statements, to punish.

This must be terrifying to the families and friends of some 400 American servicemen who have been confirmed as captured—despite all the efforts of the enemy to keep their imprisonment from becoming known. Among these, as an example, would be the kin and friends of Maj. Floyd Harold Kushner of Danville, reported missing in action 21 months ago, but known to have been a captive six weeks later. No word since, despite, literally, worldwide efforts by the parents, Dr. and Mrs. Robert L. Kushner; wife, Valerie, and hundreds they have contacted.

It shouldn't remain merely a lagging burden on others. All should join in demanding "Remember the Forgotten 1400."

And what about the renewed agony for those so close to some 1,000 other Americans missing and possibly captured but, of course, never confirmed by the communists? As one local example: the son of Mr. and Mrs. Lee Harley—Capt. Dufford Harley—whose plane was shot down in May, 1966, over Laos and was burning when last sighted, with a second plane shot down in an attempt to get to him and enemy fire too heavy for another search party to get through.

The kin and kith of these truly are the pitied ones. Their hopes and their fears are intensified anew: "Is he alive? Is he a pris-

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oner? Is he well? Will he ever come home again?"

The Viet Cong and the North Vietnamese will not answer a single one of these questions nor will they answer any regarding the "confirmed captured"—despite terms of Geneva Conventions in which they pledged to do so, the United Nations constitution, the rulings of the World Court and absolutely everyone in-between.

To the communists, this barrier of communications is as much a part of the war as an all-out attack on Saigon. Probably more so. They hope to break the morale and spirit of those close to "The Forgotten 1400" by convincing them that the rest of the nation is willing to ignore them . . . if not forget.

But, what can be done by you . . . a little fly caught into the spider's nest?

Plenty.

And today is the time . . . perhaps the last chance for you to "Remember the Forgotten 1400."

On Thursday of the coming week, efforts will be made in Congress to focus attention on the plight of "The Forgotten 1400." Rep. W. C. Daniel of this, the Fifth District of Virginia, will be among those calling attention to this inhumane travesty. He will not be alone. And those like the Kushners, the Harleys and others will be lending support.

The support of the families of "The Forgotten 1400" will not be enough. There must be a great outcry similar to that of "Remember the Pueblo"—which finally worked. The world's conscience must be searched . . . and it must respond.

Congress must be convinced that the American public demands that the illegal sound-barrier be broken: Who are the prisoners? Their condition?

Or, as columnist Henry J. Taylor asked recently: "Are we to forget the ghastly, horrible plight of American prisoners rotting, tortured and anguished in Vietnam and their kith and kin?"

But what can you do? After all, the UN, the World Court and others have failed!

What can you do?

You can demand of your Senators, your Congressman and others you may know on Capitol Hill that "The Forgotten 1400" be remembered—that, since nothing else has come from the Paris "peace talks," this be made the current order of business.

YOU can help. Write today. Each postcard, letter or telegram is ammunition. And enough of these little missiles can blast down a barrier.

Let's make the world remember and account for "The Forgotten 1400."

HUSBAND AMONG MISSING

Mr. Speaker, much has been said—but not nearly enough—about the plight of Americans missing in action or held prisoner by the enemy in Southeast Asia. We must continue to do all that we can to publicize the frustrating predicament of these dedicated Americans and exert every effort to bring about their release.

And we must not forget the heartbreak and anguish of the loved ones—relatives and friends—who must suffer through the uncertainties of a situation unparalleled in our Nation's history. They wait, and hope, and pray.

Typical of these who wait, and hope, and pray, is Mrs. Marian Blair, wife of Air Force Col. Charles Edward Blair, of Pittsylvania County in the Fifth Virginia District. A recent article in the Chatham, Va., newspaper, Star-Tribune, written by Mrs. Preston Moses, aptly describes Mrs. Blair's dilemma. I insert the article in the RECORD at this point:

HUSBAND AMONG MISSING—MRS. EDWARD BLAIR WILL GO TO WASHINGTON TO ASK AID FOR POW'S

With the glad news of men being returned from Vietnam under the government policy of reducing the armed forces over there—there is one group being forgotten—the 1,300 prisoners of war or missing.

In the group of "missing" is a native of Pittsylvania—Lt. Col. Charles Edward Blair of Climax.

Col. Blair was a pilot of a plane on a visual reconnaissance mission March 19, 1968, in Vietnam.

He did not return to base on time—and no word has been heard from him since. The Air Force notified Mrs. Blair "He may have been captured."

After a search the Air Force listed him missing in action.

For 18 long months, his wife, Mrs. Marian Blair, has kept quiet as directed hoping and waiting for some word. Until recently she was instructed not to discuss her husband's status with anyone, not even her nearest relatives. To this day she does not know whether her husband is dead or alive.

The Air Force has had no communication. All available means to get word through International Red Cross, or direct with the leaders of the National Liberation Front or Hanoi have been futile.

Mrs. Blair, along with other wives of POWs, or those listed as missing, are going to Washington next week, when an effort is being made to get Congress to direct that the government take some steps or further publicize to the world the plight of our men held by North Vietnam.

She said people have been so kind, especially her neighbors, offering to help in any way they could.

Now she says there is something they can do . . . write to your congressmen—pleading with them to do what they can to bring to the attention of the world—for humane reasons—the plight of the POWs.

"Everyone, please write today," she begs.

The address: Senator Harry F. Byrd, Jr., U.S. Senate, Senator William B. Spong, U.S. Senate, Washington, D.C., and Congressman Dan Daniel, House Office Building, Washington, D.C.

It has been a long 18 months since Mrs. Blair received the message that her husband was missing. Her heart has a double beat with each telephone ring, or each mailman's visit on the days and days of hoping.

Mrs. Blair and her four children, Nancy, age 21, employed in Chatham; Margaret, 19, in college; Eddie, 15, in high school, and Kitty, 8, in grade school, have made their home in the Climax community among Col. Blairs relatives, neighbors and friends.

Mrs. Blair says her husband was proud of his Pittsylvania heritage, and before he left for Southeast Asia purchased the Blair homeplace, and wanted his family to live in the community that he loved. His parents were the late William L. Blairs, Sr., and Lucy Isabell Anderson Blair.

Col. Blair attended Hargrave Military Academy and received a B.S. degree in agriculture in 1949 from VPI. He was commissioned in 1945 by direct appointment. Col. Blair served in World War II, and the Korean War. He has received numerous Air Force medals for meritorious achievement during military flights through the year. He was cited for his airmanship and courage in the successful accomplishment of important combat support missions under extreme hazardous condition.

During all the 18 months of waiting, hoping and praying Mrs. Blair has kept in close communication with the Air Force, and has done exactly everything they have recommended. She has written to her husband at the addresses suggested by the officials, including the Paris Peace Conference.

None of her letters have been returned, nor any word received whatsoever from her husband, or about her husband.

Mrs. Blair is typical of the wives and other relatives of some 1,300 captured and missing American military men.

They are now asking elected government officials to speak out and back the administration's pleas for humane treatment of POWs in Southeast Asia; tell about the refusal of North Vietnam and the NFL (National Liberation Front) to give a list of captured men and abide by other articles of the Geneva Convention, such as the release of the sick and wounded, allowing of neutral inspection of POW camps and the free flow of mail.

They ask of elected officials "What are you going to do while heads of families just waste away—if not being mistreated and mutilated—in some dingy prison camp?"

"We can put a man on the moon; but can't do a think for our POWs!", she said helplessly.

A YOUNG PATRIOT

Mr. Speaker, in recent years much publicity has been accorded the draft card burners, draft dodgers, and other young punks who refuse to serve the Nation that provides them sustenance and sanctuary from enslavement under a tyrant's heel. Little is said of the millions who dutifully and patriotically make the sacrifice to insure this freedom that shelters this group.

In marked and refreshing contrast is the story of a young patriot who falsified his age in order to enter the service of his country, and who now is among those listed as missing in action in Southeast Asia and presumed to be held prisoner by the North Vietnamese. He is Army Sfc. Robert Duval Owen of Chatham, Va.

Sergeant Owen will be 31 years of age on December 21, but more than half of his young life has been devoted to the service of his country. His saga began some 17 years ago when, at age 14, he entered the service and served for 2 years before his true age was uncovered. He, of course, was discharged, but promptly enlisted in the Navy when he attained the proper age and served for 4 years.

The desire to serve still burned brightly, even after his discharge from the Navy, so he enlisted in the Virginia National Guard. Finally, in 1962, after a year of National Guard duty, he entered the Army.

Assigned to duty in Vietnam on May 1, 1968, Sergeant Owen was sent to Saigon. Just 22 days later, on May 23, 1968, he was listed as missing in action.

Born in Lynchburg on December 21, 1938, he attended Callands High School before his entry into military service. He is married to the former Miss Trudy Smith of Callands and they they have two children—Robin Sunshine Owen, age 8, and Susan Tracy Owen, age 5.

This young wife and mother works part-time at a business firm in Danville as she holds together her young family and prayerfully waits and hopes for word from—or about—a dedicated young patriot.

Mr. Speaker, because of the anguish and heartache of thousands like Trudy Owen, we must make every possible effort to break down this communications barrier the Communists have placed around those being held captive.

Mr. HASTINGS. Mr. Speaker, for more than 8 years now, American families have borne a special burden of mental torment while their loved ones fought in Vietnam. It has been a time of constant prayer against that dreadful moment when officialdom is compelled to notify them that a son, a brother, a husband, or a father has been killed, captured, or wounded by the enemy.

For those families of captured or missing servicemen, the anguish of wondering, worrying, and waiting for word has been made almost unendurable because a ruthless enemy refuses to recognize the terms of the Geneva Convention, which requires that prisoners are to be treated humanely; that their identity is to be made known; and that the sick and injured are to be repatriated.

The Red Cross is to be permitted free inspection of camps and prisoner mail is supposed to be allowed to be delivered. The North Vietnam Government signed the Geneva Convention in 1957, but so far have almost totally ignored its provisions. In the past 5 years, only nine prisoners have been freed and for the most part captured servicemen have not been permitted to write home.

I am told that approximately 1,300 U.S. servicemen are listed as missing in action, but the North Vietnamese have refused to give out any information regarding their well-being. For their families back home this is the grossest kind of cruelty.

I urge this body give its strongest support to the resolution presented by Congressman William L. Dickinson, so world opinion may be mobilized so that our captured servicemen can receive the humane treatment to which they are entitled under the Geneva Convention.

Mr. BROCK. Mr. Speaker, if there is one responsibility that the Members of the Congress ought never to forget, it is our obligation to American prisoners of war.

Today, men who have served bravely under our flag in Southeast Asia are languishing in prison behind enemy lines, cut off from friends, families, and fellow countrymen. Denied the basic rights accorded to prisoners of war under the terms of the Geneva Convention, some of them have completely lost contact with their families for as long as 5 years, their condition and status unknown.

The North Vietnamese regime has made a practice of intentionally withholding information on their whereabouts and physical welfare, in clear violation of basic international law.

It is the duty of the Congress to prevent the fate of these brave men from being shelved and forgotten. They have served too well and sacrificed too much to deserve such a fate. As a cosponsor of the Dickinson concurrent resolution, I urge my colleagues to join me in insuring that the Congress act with honor and integrity toward a group of men who have sacrificed much in our defense.

Mr. DELLENBACK. Mr. Speaker, this week four wives of missing American servicemen traveled to Paris in search of some word as to the condition of their husbands and other missing or captured servicemen, some of whom have not been heard from for 5 years. This morning the news media reported the Vietcong's professed willingness to meet with these brave women and hear their pleas. We can only hope this report indicates the North Vietnamese will finally disclose full information regarding all prisoners of war.

I do not think any of us can fully comprehend the terrible suffering which families of prisoners of war experience during this time. Worse yet is the anguish facing the families of American servicemen who are reported as "missing in action"—the daily horror of not even knowing whether one's husband, father, or son is dead or alive.

Regardless of one's convictions about the war in Vietnam, no American can overlook the blatant inhumanity reflected by this policy of the North Vietnamese. I cannot understand the reasoning behind the mistreatment of American prisoners. Certainly it can only serve to unite concerned citizens in the United States in condemnation of Hanoi's cruelty. I commend the National League of Families of American Prisoners in Southeast Asia for trying to let the North Vietnamese know that public opinion, which is apparently a major concern to Hanoi, is clearly appalled by their inhumane policy with prisoners of war.

As one of my colleagues stated so eloquently on the floor last week, this is not a political issue—it is a humanitarian issue of the utmost concern to our entire Nation. For these reasons, I join Mr. Dickinson and my other colleagues in appealing to North Vietnam and to the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention of 1949 regarding the treatment of prisoners of war, which they signed in 1957. I call on the North Vietnamese and the NLF to identify the prisoners they hold, release the seriously ill and injured, permit impartial inspection of all prisoner-of-war facilities, and permit the free exchange of mail between families and prisoners.

Mr. BROWN of California. Mr. Speaker, I am deeply concernd about the plight of American prisoners of war, and I believe that appropriate congressional action can be a positive move in the drive to make sure that all captured Americans receive humane treatment.

Last month I met with the wife of one North Vietnamese-held American soldier—Mrs. Pat Mearns—who is a constituent of mine in California's 29th Congressional District, and I have offered the services of my Los Angeles office to be available to her and to the Association of Wives and Families of Captured and Missing American Military Men. I am sure that every Congressman wants to assist in resolving the problem faced by the members of this organization.

Already a number of resolutions relevant to the problem have been introduced in the House, and today, I am sponsoring my own resolution because I believe there are some aspects of this issue which need further clarification and analysis.

At this point, I would like to include the wording of my resolution in the Record:

> Whereas universal concern exists over the safety and care of all prisoners of war;
>
> Whereas all nations should comply with the regulations for treatment of war prisoners as established by the Geneva Convention;
>
> Whereas the Government of The People's Republic of North Vietnam and the National Liberation Front of South Vietnam have disregarded provisions of the Geneva Convention by not releasing names of all captured prisoners of war, have not allowed regular communications to be established with prisoners of war, and have not permitted inspection of facilities in which prisoners of war are held;
>
> *Resolved* by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the United States Government, the United Nations, and the peoples of the world to appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war and to take such steps as may be appropriate to obtain the prompt release of all members of the Armed Forces of the United States so held as prisoners of war.

The main reason I make these remarks today is because I am bothered by several aspects of the large scale campaign aiming to ensure humane treatment for American prisoners of war.

Let me say at this point that I reject outright the North Vietnamese claims that captured Americans cannot be treated as war prisoners because no official state of war exists between Hanoi and the United States. The reality of the Paris peace talks undercuts that argument.

But, at the same time, I consider the apparent attitude of the Thieu-Ky regime to regard captured members of the National Liberation Front as traitors—rather than as war prisoners—to be one of the major stumbling blocks in dealing with the NLF and the North Vietnamese. What must be called for here is symmetry, and whatever applies to the North Vietnamese and the NLF should apply to our side as well.

It is inconsistent for us to demand humane treatment for our men without simultaneously calling for equivalent measures in South Vietnam. Reliable sources, including on-the-scene correspondents and American soldiers themselves, have reported gross violations of the Geneva Convention by allied troops—especially by the South Vietnamese army.

I have seen the reports of inhumane treatment of war prisoners by the NLF. Yet, I am saddened by noting parallel reports of similar atrocities perpetrated by our side.

I suggest that we make it clear that all parties must abide scrupulously by the Geneva Convention, and, certainly, we cannot evade the point by explaining that the South Vietnamese treatment of

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prisoners can be condoned because of cultural differences while we ask simultaneously that the North Vietnamese stick to American ideals. The most positive immediate step we can take to aid Americans who are prisoners in North Vietnam is to clearly establish an example for treatment as a basis for negotiation on this point.

I also question whether a public campaign and outcry of condemnation can be of major value, regardless of the case's merits, when we are dealing with opposing forces at war with each other. It is unfortunate that neither the Johnson nor the Nixon administration has been able to utilize the quieter, more traditional methods of diplomacy in order to resolve these problems, tending instead to seem to rely on public clamor as the main tool for action.

The condition of war prisoners cannot be left to political rhetoric. It is not partisan. Rather, it is an issue of humanity. Only when we treat it so, and without regard to whether it is "our" side or "their" side who are the victims of inhumanity, can we hope for the relief we seek.

Mr. HICKS. Mr. Speaker, a few days ago I received a letter which included this statement:

> I don't know whether I write as a prisoner's wife or as an Air Force widow.

The writer is Mrs. Robert W. Hagerman, wife of an Air Force lieutenant colonel shot down nearly 2 years ago over North Vietnam. She is but one of the many hundreds such wives in this country.

The strain and anguish with which these women live every moment is appalling.

Their courage, if Mrs. Hagerman is any example, is almost beyond belief.

Her letter was dated August 25—3 days before her husband's birthday; the last time they celebrated his birthday together was in 1966. He has been missing in action since November 6, 1967. And in all those nearly 2 lonely years his wife has not been able to determine whether he is alive or dead.

Despite the efforts of our Government, Mr. Speaker, Hanoi has refused to provide any information on captured American servicemen, even a list of those who are alive. Despite North Vietnam's continuing refusal to provide this basic information required under the Geneva Convention, Mrs. Hagerman retains her faith that our Government will do everything possible to obtain such information. And so, Mr. Speaker, do their four sons, one of whom is himself serving in the Air Force and two others are soon to be in military service of our country.

It is my understanding that there are more than 1,300 Americans either missing in action or prisoners of war. Forty of them are from the State of Washington. At least eight are from Washington's Sixth Congressional District, which I am privileged to represent; only one of those eight is known to be a prisoner of war.

To help express my concern for all of those men, and to affirm my sympathy and admiration for women such as Mrs. Hagerman in their faith and hope, I am joining the gentleman from Alabama (Mr. DICKINSON) in sponsoring a concurrent resolution. This resolution expresses the sense of the Congress that North Vietnam and its NLF accomplices in South Vietnam comply with the requirements of the Geneva Convention with regard to treatment of prisoners of war.

I feel that this resolution will provide a vehicle for registering support for our men and to rally world opinion against the barbarous treatment which all reports indicate these prisoners are receiving. This will, in my opinion, Mr. Speaker, help to keep faith with these men and their families.

Within days after writing me, Mrs. Hagerman sent me a column by Henry Taylor entitled "Remember Our Forgotten Men" which is most pertinent to this discussion. I set this column forth as follows:

> Thousands of grieving kith and kin of captured and missing American fighting men deserve to hear a demanding voice at the Paris truce talks that they have not yet heard.
>
> Surely they await in anguish our country's demand that for each percentage of American troop withdrawals from Vietnam, the Red enemy liberate a proportion of the U.S. prisoners of war. If anybody considers this a risk to our withdrawal plans, he should be asked: Does that entitle us to allow these prisoners to be so mercilessly held—our forgotten men?
>
> On June 22, 1968, more than a year ago, Vietnam became the longest war we ever fought. Many Americans have suffered imprisonment longer than any war prisoners in our history. Moreover, to allow the Reds to think they need not worry too much just now about these prisoners is, of course, self-defeating to us in our Paris purposes. Hanoi should be encouraged to worry by every means.
>
> Even the 1929 Geneva Convention governing the treatment of war prisoners was not signed—and is still not signed—by the Soviet Union. And although all signatories of the United Nations 1948 Declaration of Human Rights, of which Russia was one, solemnly contracted to publish this agreement in each of their countries, it has never seen the light of day in Soviet Russia.
>
> This is the heritage of Hanoi. The U.S. prisoners are not ever allowed Red Cross packages. They are caught in a ghastly Calvary that they can climb only on bent and bleeding knees. They are released only by twos and threes.
>
> The Paris truce talks began May 13, 1968—a year and three months ago. Earlier, the Reds consumed 15 months talking about the Laos truce and two years talking about the Korean truce.
>
> The Korean truce was signed July 27, 1953. This was 16 years ago. Yet on July 2, 1963, six years ago, the State Department confirmed in writing to Senator Philip A. Hart, D-Mich., that North Korea was demanding (still) that we abandon the Republic of China on Formosa to North Korea as payment of the Reds' price for even discussing the further release of American prisoners.
>
> The Korean Reds held, and still hold U.S. prisoners for blackmail. As of today, there remain from the Korean war 389 cases of U.S. prisoners, once known to have been alive, that were swept under the rug.
>
> Then, when the North Korean Reds further disgraced the United States by seizing the Pueblo, what happened? Our country abandoned the Pueblo crew to a full year of ghastly Red torture—and so what? Meanwhile, the murder by North Korea of 31 of our men this year in an unarmed plane has gone unavenged.
>
> If the Americans fighting who stood encircled at Khe Sanh or stand on Hill 102 get no loyalty from the top down in our Government and from our people safely here at home, how can we expect them to fight and die for us?
>
> If our fighting men lose faith in our Government's determination to remember and support those caught in the enemy's hands—our forgotten men—who can conceivably expect the GI, the Marine, the sailor and airman and their kith and kin to keep any faith whatever?
>
> Are we to forget the ghastly, horrible plight of American prisoners rotting, tortured and anguished in Vietnam and their kith and kin? In all good conscience, it is high time their agonized call reaches Paris. To remain silent in this demand is morally intolerable and nationally indefensible for the No. 1 power in the world and the people of the United States.

Mr. BELCHER. Mr. Speaker, I want to commend my colleague from Alabama for taking this time today to provide the opportunity for a concerted expression of concern over the condition and treatment of American prisoners of war being held by North Vietnam.

The wives and families of a number of these heroic, yet all-but-forgotten, men live in my congressional district, and the letters I have received can only be described as heartrending. These gallant wives, children, parents are forced to wait in tormenting helplessness for months on end, indeed, some of them for years, knowing that a loved one is a prisoner of the North Vietnamese but unable to learn anything about his condition or to communicate with him in any way. Others know only that a loved one is missing and can only hope that if he is a captive somewhere in North Vietnam he is not ill or injured, that he is not being tortured, starved or otherwise abused.

And the tragedy of this situation is that it is in direct violation of the Geneva Convention provisions on prisoners of war, which North Vietnam signed in 1957 and to which it therefore supposedly agreed.

Included in the Geneva Convention are provisions requiring the identification of all prisoners of war by their captors, free exchange of mail between POW's and their families, impartial inspection of POW camps and the release of seriously ill and injured prisoners.

Yet today, we are confronted with a situation in which a signer of the convention is obviously violating all of those provisions. The Defense Department lists 342 American servicemen known to be prisoners of the North Vietnamese, but there are more than 1,200 others listed as "missing in action" who may be captives. And the information provided by men who have been released or who have escaped indicates that some of those 1,200 are, indeed, captives. But they have never been identified as such by their captors.

I want, if I may, to quote briefly from a letter I received recently from the wife of one of these POW's:

> My husband has been a prisoner (in North Vietnam) for nearly 3 years; he was shot down on November 11, 1966. I have never heard a word from my husband and I am deeply concerned for his health and his treatment.

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Here is indisputable evidence that the free exchange of mail between POW's and their families, as required by the convention, is being violated.

I do not need to describe the cruel and inhumane treatment which many of these prisoners have endured at the hands of their Communist captors. It has all been documented too well and too often by the press in the reports of men who have been released or who succeeded in escaping alive from their tormentors.

Mr. Speaker, I deplore the blatant violation by North Vietnam of an international agreement to which they make the pretense of having subscribed. It is mute testimony to the fact that, for all our wishful thinking, we have not yet entered fully into an era of civilized international relationships.

I am aware of the phony excuse recently issued by the North Vietnamese officials stating that American prisoners are not subject to the provisions of the Geneva Convention because they are guilty of crimes against humanity. It is the typical lame excuse which Communist dictators make when it does not suit their purposes to abide by treaties or conventions or honor their pledges. In my view, it should not even be dignified by a response from nations or people who believe in the rule of law.

In an effort to bring to bear whatever pressure I possibly can to correct this situation, I join today with my good friend, the gentleman from Alabama, and other Members of this House in introducing a concurrent resolution expressing the sense of Congress that the President; the Departments of State, Defense and all other concerned departments or agencies of the U.S. Government, as well as the United Nations and all people of good will throughout the world appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention, and that appropriate steps be taken to obtain the release of all American prisoners of war.

I urge the Committee on Foreign Affairs to give this resolution its favorable consideration at its earliest opportunity. Action on this measure is imperative in the interests of justice, humanity, and progress toward the goal of dependable international relationships for which all civilized people everywhere strive and yearn.

Mr. TAFT. Mr. Speaker, I am today joining with a number of my colleagues in condemning North Vietnam for its inhumane treatment of American prisoners of war.

Over 300 U.S. servicemen are known to be prisoners of North Vietnam.

Intelligence reports, and statements by prisoners who have escaped or have been released by Hanoi confirm that North Vietnam continues its barbaric and uncivilized treatment of these prisoners of war.

War is ugly. But the malicious, harsh, and cruel treatment of prisoners is an outrage which cannot and must not be allowed to continue.

Not only do the men suffer unbelievably, but their families and loved ones are forced to endure hardships and pain that so easily could be eliminated.

Hanoi has denied cruel treatment of its American captives. We ask that North Vietnam permit an immediate and impartial inspection of its prisons, to verify Hanoi's claim.

We ask that North Vietnam release a list of names of the prisoners it is now holding, so that families who today do not know the fate of their loved ones, listed as "missing in action" may learn whether these men are dead or alive.

We ask that North Vietnam permit the free exchange of mail between POW's and their families, as provided for in the Geneva Convention, which Hanoi signed in 1957.

We ask, in the name of simple humanity, that North Vietnam release the seriously ill or injured prisoners.

Mr. Speaker, whether we are in agreement on the future conduct of the war, whether we are in agreement over past policies in Veitnam, we can all agree that we are firmly united in support of humane treatment of U.S. prisoners of war.

Mr. ZWACH. Mr. Speaker, there is no aspect of the conflict in Vietnam that is not distressing, but among the most heart-rending are the conditions regarding persons missing in action and prisoners of war.

The North Vietnamese absolutely refuse to give out any information in regard to prisoners held in captivity, their condition, or their whereabouts.

They do not abide by the rules of war in regard to prisoners as outlined in the Geneva Conference to which they are a signatory.

Over 1,300 of our boys are either missing in action or being held prisoner. Some of these have been missing for a longer period of time than any other Americans have ever been held prisoner in the entire history of our country.

Think of the anguish and doubt in the minds of the families, the wives and sweethearts of these soldiers. They wait and pray and hope. There are lonely days and lonely nights. Are their loved ones still alive? Are they well or are they suffering torture and privation?

The Defense Department has been trying to get information about these prisoners but obtains very little. Probably not even Hanoi has a true picture because many of the prisoners are held in small isolated stockades by the guerrillas.

Very occasionally, a prisoner will escape and he will be thoroughly questioned by Defense personnel, but because of the dispersal of prisoners, he usually has little information to offer except to tell the conditions under which he, himself, lived.

My heart bleeds for the families, the friends, and sweethearts of those who must live in this doubt and uncertainty. This is a condition which we must not allow to continue. We must bring world opinion to bear to end this disgraceful episode in the history of man.

Mr. Speaker, I wholeheartedly concur in this resolution.

Mr. COUGHLIN. Mr. Speaker, a little over 5 years has passed since the first American pilot was shot down over North Vietnam and taken prisoner. Since then, nearly 400 other Americans are known to have been captured by the North Vietnamese and Vietcong. The families of over 900 more lack even the slightest assurance that their husbands, brothers, or sons are alive in prison. Over 1,300 innocent families wait in anguish for a rare letter or for a shred of information in propaganda reports.

The Hanoi government states that American prisoners are treated humanely, yet it has prevented impartial inspections. It has exploited prisoners for propaganda purposes in direct violation of the Geneva Convention. It has not allowed the repatriation of the seriously sick and wounded as provided by the convention. It has obstructed the flow of mail, despite the faithful correspondence of thousands of relatives. And, worst of all, it has refused to reveal even the names or number of prisoners.

The North Vietnamese have rejected appeals by two administrations to discuss prisoner of war exchanges despite the U.S. bombing halt and the beginning of unilateral troop withdrawals.

Such intransigence cannot aid Hanoi's cause; callousness toward helpless prisoners must only incense the world and the American public, causing us to doubt the good faith and honorable intentions of the North Vietnamese regime.

There is no military justification for the mistreatment of members of Armed Forces who have fallen into enemy hands and no longer present any military threat. There is no political justification for causing grave suffering to their families by withholding information. Because prisoners are unable to help themselves, international law demands that their persons and honor be respected and that they be protected from physical and mental abuse. The Geneva Convention of 1949, to which North Vietnam is now a signatory, provides such protection. Universal standards of humanity require such respect.

The Department of Defense has repeatedly expressed serious concern over the welfare of those Americans in North Vitnamese hands. There are indications that prisoners have been mistreated and have suffered extreme weight loss. Many have been denied the companionship of any other human beings. They are not allowed regular exercise, and packages from home are returned or never acknowledged. Too many wives and parents have waited years with no information at all. If Hanoi wants the world to accept its public declarations of rectitude, the solution is simple and obvious.

I call upon the North Vietnamese regime to honor the international commitment it made in signing the Geneva Convention.

I urge Hanoi to release the names of its prisoners and to allow the free flow of mail and packages.

I implore the North Vietnamese to provide decent living conditions and medical care for these prisoners and to to allow inspection by impartial observers.

And I ask Hanoi to head the White House's willingness to discuss the release of American prisoners at any time, in any way, and through any means.

Mr. ANDERSON of California. Mr. Speaker, one of the disturbing elements

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of the Vietnam war, in addition to the conflict, is the withholding by North Vietnam of information regarding prisoners of war. This is especially disturbing since North Vietnam in 1957 signed and agreed to the requirements of the Geneva Convention of 1949 and has now violated the minimum humanitarian provisions of conduct on prisoner matters.

Apparently, our Government's efforts thus far to aid our prisoners of war, to achieve their early release, and even to obtain their names have not been effective. I, therefore, on August 25, 1969, called upon President Nixon as our Chief Executive to exercise further efforts and stressed that the challenge is his to find means and ways so that the stalemate will not continue. It is with the above in mind and my sincere conviction that renewed effort must be taken by our executive branch of Government that I have cosponsored a resolution offered by the Honorable WILLIAM L. DICKINSON, Congressman from Alabama.

Mr. BENNETT. Mr. Speaker, our country should do everything possible to free prisoners of war now held by North Vietnam; and further to minimize the suffering of those still held; and further to secure full disclosure of all the facts concerning those listed as missing or as prisoners. We must here in Congress do all we can to accomplish these objectives; and I am glad to join this day with others here in an expression of our convictions in this and our determination to see that something is done and done promptly.

Mr. REIFEL. Mr. Speaker, on August 7 of this year Seaman Douglas Hegdahl of Clark, S. Dak. was released from a North Vietnam prison camp. He had been a prisoner of war for 28 months.

After returning to the United States Doug felt compelled to tell about some of his experiences in hopes that his description of life in the POW camp might in some small way stir U.S. action and world opinion so that the North Vietnamese would more closely "abide by the Geneva Accords regarding prisoners of war."

I would like to share with you some of the statements made by Seaman Hegdahl regarding his confinement.

During his imprisonment and especially while in solitary confinement it was necessary to establish a routine. As Doug stated:

> I spent my time trying to keep my mind occupied, trying to keep from losing my mind. . . . I would recite the Gettysburg address or the names of the state capitals. . . . I did a lot of pacing, keeping track of the paces. . . . I fed rats that came into the room.

While refusing to comment on any possible torture to himself, Doug stated that he had "known people who have been burned with cigarettes, who have had broken arms tied and then were dropped into bomb shelters, and people spending months or years in solitary."

Statements such as these, together with other sources of information, continue to point out the inhumane mental and physical treatment American POW's are receiving in North Vietnam.

We can be thankful that some of our fellow Americans have been released and others are receiving at least a subsistance diet. Nevertheless, POW conditions in North Vietnam can and should be improved for those who remain captive.

The names of all prisoners of war who are members of the Armed Forces of the United States should be released.

A regular flow of mail to and from prisoners should be established.

Humane treatment to all prisoners should be accorded.

Full inspection of the facilities in which prisoners are being held should be possible.

Prompt release of all U.S. citizens now being held should be sought.

It is my hope that action will be taken by the Congress to assist in mobilizing world public opinion to bring about improved living conditions for prisoners of war and to ease the minds of their loved ones at home.

Mr. RUPPE. Mr. Speaker, in a resolution introduced today, we appeal to the North Vietnamese to abide by the Geneva Convention in their treatment of our prisoners of war. We wish, simply, through this resolution, to secure for our prisoners fair treatment, to secure for our brave men the rights that should be accorded them.

The North Vietnamese, in their propaganda films and press statements, would have us believe that they have treated our men fairly. We have feared otherwise. Because the North Vietnamese will issue no "captured" list, we have witnessed the anguish of families who know not if their husbands, their sons, their fathers are living or dead. Because the North Vietnamese will not allow the free flow of mail, we share the sorrow of men totally cut off from their faraway homes. Because the North Vietnamese will not permit neutral inspection of prison camps, we hear of malnutrition, of poor medical treatment, and of torture from the all-too-few prisoners who have been returned. The North Vietnamese have told us of fair treatment, but we know otherwise.

Our Nation has tried, quietly, to alleviate the plight of our imprisoned men. We ceased bombing North Vietnam, and hoped that our action might foster a substantial prisoner exchange. But there has been none. We unilaterally released over 100 prisoners, and hoped for reciprocation. Again, there has been little. Finally, our Secretary of Defense asked simply for the names of our prisoners, so that we might know, at least, if our missing men were alive. But, unless we withdrew our troops from Vietnam, we were told that no list would be forthcoming. It is shockingly evident that the North Vietnamese do not know the bounds of war.

In this resolution, which I am proud to cosponsor, we appeal to the North Vietnamese before all nations. We ask only that North Vietnam abide by the rules of the Geneva Convention, and that it take such steps as may be appropriate to obtain the prompt release of our men. We ask only for humanitarianism.

At the Paris peace talks, Ambassador Lodge has given a high priority to the settlement of the prisoners-of-war problem. Today, in Paris, the wives of several missing men await word from North Vietnamese officials on their husbands' fate. With this resolution, we make clear to the North Vietnamese, and to all men, that the people of the United States stand behind the Ambassador, and these long-suffering families. We simply will not tolerate this barbaric treatment of our prisoners of war.

If the North Vietnamese cannot act with humanitarianism, then it must be implied that they do not truly seek peace among men. If they cannot treat men with respect, then all must question their good will at the Paris talks. If the North Vietnamese expect the nations of the world to believe they sincerely desire peace in Paris, then they will comply with our appeal.

Mr. ICHORD. Mr. Speaker, I want to add my voice to those of my colleagues who have expressed concern, alarm, and indignation over the deplorably inhumane treatment being given our gallant servicemen who are held captive in North Vietnam. Of all the major problems and difficulties now confronting us in Southeast Asia none is more agonizing and frustrating. The recently released reports of atrocities cited by returning prisoners give a graphic picture of the enormity and seriousness of this problem.

Only the enemy knows how many Americans have been taken prisoner in Southeast Asia. The Department of Defense estimated last month that the North Vietnamese hold 336 American prisoners, and that 967 other American servicemen are listed as missing under circumstances suggestive of capture by the North Vietnamese. Exact figures are unavailable since Hanoi has not provided names and serial numbers of prisoners of war as required by the Geneva Convention.

INHUMANE TREATMENT

Recently returned prisoners have vividly portrayed the cruel and inhumane treatment given American prisoners of war in North Vietnam, prisoners living in a cage for 3 years, prisoners being hung from the ceiling by straps and ropes, prisoners with cigarette burns over their bodies and fingernails pulled out, torture employed to force prisoners to sign statements testifying to good treatment. There is also evidence that some prisoners have been subjected to diabolic psychological torture in order to extort false confessions from them. The enemy has shown us what happens to a man held in isolation for long periods of time. Such isolation in some cases reduces a man to a state of half animal, half human, battered with lies until the truth is wholly unreal. This was the fate of Navy Lt. Comdr. Richard Stratton, for one, who when put on display by his Communist captors, behaved like a robot, bowing deeply on command, otherwise standing motionless, eyes blank. These atrocities are primarily aimed at disrupting the morale of our Armed Forces. While our brave men fighting in Southeast Asia seldom mention the fact, all are keenly aware that the specter of torture and inhumane treatment, if taken prisoner, rides at their side during combat.

CAUSE FOR CONCERN

I am gravely concerned as to whether officials of our State and Defense Departments have done all they could in their efforts to obtain better treatment for American prisoners in enemy hands. I am aware that some of these officials have indicated a reluctance to detail incidents of brutality for fear of jeopardizing the chances of an early release of prisoners. This I believe has been a great mistake despite the good intentions. World opinion should have been brought to bear against these atrocities long ago.

GENEVA CONVENTION DISREGARDED BY THE NORTH VIETNAMESE

The Geneva Convention provides for a neutral third nation to serve as a "protecting power" to inspect the conditions under which prisoners of war of both sides are held. Hanoi rejected initially an offer of the United Arab Republic to serve in that capacity. In May 1966, the International Committee of the Red Cross offered to act as a substitute for the "protecting power." That offer too was turned down by the North Vietnamese who claimed they were affording humane treatment to prisoners of war.

The humane treatment claim of the North Vietnamese is a travesty. There is abundant evidence to show that the North Vietnamese are subjecting our prisoners to torture, starvation, even murder. In 1965, three of our servicemen held captive by the North Vietnamese were executed in stated reprisals for the execution of terrorists by the South Vietnamese Government. The United States protested these "acts of wanton murder" to the International Committee of the Red Cross which adopted a resolution condemning the reprisals and calling for the North Vietnamese to abide by the provisions of the Geneva Convention. This appeal was completely ignored by the North Vietnamese.

North Vietnam, a signatory to the 1949 Geneva Convention, obviously has no respect for the provisions of the Convention and has nothing but contempt for those who question its actions. In a feeble attempt at explanation, the North Vietnamese have insisted that captured American servicemen are not war prisoners but war criminals" and as such are not subject to the provisions of the Geneva Convention. This claim is patently absurd. Article 4A(1) of the Convention defines prisoners of war as members of the armed forces of a party to the conflict." Article 2 specifically states:

> The Convention applies in all cases of a declared war or of any other armed conflict which may arise between two or more of the contracting parties . . .

In contrast, the U.S. Government and the Government of South Vietnam have carefully complied with all provisions of the Geneva Convention. North Vietnamese forces captured in South Vietnam by the allies are detained in prisoner of war camps which are inspected regularly by the International Committee of the Red Cross. In accordance with the Geneva Convention, sick and wounded prisoners have been released and repatriated to North Vietnam. We have provided such treatment not only because it is required by the Geneva Convention but also because it is the civilized thing to do. Regrettably, the North Vietnamese have not followed our example. Many months have passed since the bombing of North Vietnam was halted as a humane act. However, during that period the North Vietnamese have released almost no information on American prisoners of war.

ENEMY PROPAGANDA

Important propaganda victories are being won by the antiwar forces in the United States whose leaders have taken custody of American prisoners released by the North Vietnamese. This procedure is utilized by the enemy to lower the morale of the American people by showing that the antiwar forces in the United States have been more successful in negotiating than our State Department. In addition, the North Vietnamese have sent propaganda films to the antiwar forces in this country. These films indicate that our prisoners were being well treated and were permitted to correspond freely with their families. Available information, of course, reveals that the opposite is the case and the provisions of the Geneva Convention are being flagrantly violated. I am particularly concerned that Rennie Davis, one of the founders of the revolutionary Students for a Democratic Society, who accompanied three American prisoners of war home from North Vietnam last month endeavored to use some 50 letters from other imprisoned Americans as propaganda for the antiwar movement in this country. Davis was thwarted in his attempt to get some propaganda value from the letters when Time magazine refused to publish them.

HARDSHIP ON FAMILIES OF AMERICAN PRISONERS OF WAR

The persistent refusal of the North Vietnamese to furnish a list of all U.S. prisoners of war, to release those who are sick and wounded, to permit impartial inspection of prison facilities and to permit the regular flow of mail to prisoners has caused untold grief for thosuands of American families. Their grief is further aggravated by reports of released American prisoners who have described the poor diets and lack of medical care in North Vietnamese prison camps. The refusal of the Hanoi Government to disclose the names of prisoners of war evidences a callous disregard of the provisions of the Geneva Convention. It not only causes needless uncertainty and anguish to the families of the missing servicemen, but it also provides a basis for suspicion that the North Vietnamese do not wish to be held accountable for the prisoners they capture.

As attention is directed to peace overtures, the American servicemen imprisoned in North Vietnam appear to be forgotten. For their families at home who go their quiet way there continues to be no word; just continued anxiety. Nothing short of knowing with certainty that their men are alive and being treated decently will relieve the anxiety of these families. The Department of Defense should insure that the families of these servicemen are receiving all possible assistance.

NEED FOR ACTION

The deplorably inhumane treatment of our captive servicemen must be brought to an end. I do not agree with those who contend that any people barbaric enough to commit such acts of atrocities against our prisoners of war cannot be forced to engage in acts of humanitarianism. I am certain that the North Vietnamese are sensitive to world opinion. I favor an immediate public appeal to all nations of the world in an effort to bring incidents of gross brutality against our imprisoned servicemen to the judgment of the world community. I recall that in 1966, North Vietnamese authorities paraded captured American pilots through angry crowds in the streets of Hanoi. At that time the North Vietnamese declared their intention of putting the captured pilots on trial as "war criminals." World opinion was outraged. A number of governments and statesmen as well as the International Committee of the Red Cross spoke up in protest. Both Secretary-General U Thant of the United Nations and His Holiness Pope Paul VI made pleas against North Vietnam's proposed action. As a result of the pressure of world opinion, the late President Ho Chi Minh of North Vietnam announced there was no "trial in view." I strongly urge the Secretary of State and the Director of the U.S. Information Agency to immediately take the necessary steps to bring to the attention of the world community the deplorably inhumane treatment being given American prisoners of war in North Vietnam.

In addition, I call upon the Secretary of Defense to make new and vigorous efforts to bring about the speedy release of our captive servicemen, particularly the sick and wounded. Further, I call upon the Secretary of State to see that the cruel and inhumane acts against our prisoners of war are forcefully brought to the attention of the North Vietnamese negotiators in Paris. I know that this proposed course of action will not be popular with those who favor peace in Vietnam at any cost. However, this is a matter that has been overlooked too long. We must not permit the American prisoners of war and their families to become the forgotten people of the war.

Mr. ZION. Mr. Speaker, North Vietnam stands condemned before the eyes of the free world and all those who champion human decency.

That tiny handful of young American fighting men who have found their way back to us from the confines of Communist prison camps north of the DMZ relate a tale of unimaginable savagery and cruelty. The Hanoi government and their puppet arm of the south, the National Liberation Front, refuse to recognize the moral precepts laid down in the Geneva Convention of 1949 regarding prisoner-of-war treatment. While the parents, wives, sweethearts, and friends of American POW's suffer the long agony of uncertainty, the cruel Government of North Vietnam refuses to reveal the names or even the very existence of their prisoners. This Government will neither confirm nor deny the names of those missing in action tendered to it;

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will not at least set the sad hearts of these loved ones at rest on the matter of the existence of life or death.

Mr. Speaker, I rise to join with many colleagues in condemning this conduct, this wanton disregard of human decency. I have enthusiastically added my own name to legislation condemning the reported atrocities being practiced on our young men who suffer the agonies attendant on Communist imprisonment. Hopefully, Congress will respond to the fervent prayers of the families who wait. Let us now assert the demand of this Nation for some minimal response from North Vietnam. Let us call forth some deep, lingering spark of humanity that must exist even in godless Hanoi. Let us marshal the opinion of an outraged world against a government, a power so callous that it would deny to the families of these men the simple knowledge of the continued existence of a human life.

I call today upon this common humanity which I believe does exist in all men. I implore North Vietnam to show some degree of care and concern for the American servicemen in their custody.

Mr. CHAPPELL. Mr. Speaker, the shocking conditions that prevail today in North Vietnam with regard to prisoners of war has caused a great stir in my district of Florida.

Within our State, 81 families sit waiting for some word about a husband, a son, a brother, a father—who has been cast into a world that lies between the living and the dead. The torment of this situation is thrust not only on these fighting men, but on their families who must live and dream and hope in the midst of their agonies of suspense.

Through the President we are urging, under House Concurrent Resolution 332, that every possible step be taken to require the North Vietnamese Government to abide by the Geneva Convention in their treatment of prisoners. Specifically, we ask that they give us a list of the prisoners that they hold and that they release sick prisoners. It is inhumane to hold these men for long months and years and not allow them to correspond with their loved ones—and so we ask that there be a free exchange of mail. Another requirement would be the impartial inspection of prisoner camps.

The other resolution I am cosponsoring, which is being introduced today, calls for an appeal to North Vietnam to comply with the terms of the Geneva Convention in their treatment of prisoners of war and an effort by our Government to obtain the release of these prisoners.

The families of these men who are prisoners of war and who are missing in action are looking to us for support in the most cruel situation imaginable for both the men and their families. We cannot fail them.

I urge the support and passage of both these resolutions.

Mr. BARING. Mr. Speaker, the figures available today show that there are some 1,400 American soldiers either missing or being held as prisoners of war by the North Vietnamese in connection with the Vietnam war. The best figures from the Pentagon and American Red Cross indicate as many as 350 to 400 are known prisoners.

I join with several of my colleagues today in urging the President of the United States to instruct our military and diplomatic corps, or any other channel of communication to begin an immediate drive to insure the safety of those American prisoners according to the Geneva Convention of 1949 which the Government of North Vietnam signed in 1957.

I have numerous letters from my State of Nevada from parents and wives who are deeply concerned for their sons' or husbands' welfare while retained as prisoners. The entire American public has concern for the well-being of our servicemen held as prisoners.

An announcement by the North Vietnamese Red Cross this past weekend was deeply irritating to me. It stated, according to the news reports, that North Vietnam does not recognize the Geneva Accord on the treatment of prisoners of war and notably, not to the American airmen who are being held by the Communists in North Vietnam and South Vietnam.

Furthermore, two of the three American servicemen miraculously released by North Vietnam recently were allowed to hold a press conference at which time the two told of inhumane treatment to themselves and to other American prisoners by the Communists.

The House Concurrent Resolution 332, which I speak in support of at this time, must be initiated by the American Government.

I wish to point out that the resolution requires North Vietnam and its allies to identify prisoners they are holding, release seriously sick or injured prisoners, permit impartial inspections of all prisoner of war facilities and to permit the free exchange of mail between families and prisoners.

I urge that while we are pulling our troops out of Vietnam in hopes for a peaceful settlement, we must not allow the Communists to keep America in the dark regarding the whereabouts and welfare of those men who were captured, some as long as 5 years ago.

Mr. ADAIR. Mr. Speaker, today we are discussing the problem of our prisoners in North Vietnam. Here with this issue Americans are face to face with the barbarity of communism. Some of these men have been prisoners for 5 years. As our concurrent resolution states, we can only estimate how many men are imprisoned in North Vietnam. Their poor treatment is a matter of record. The treatment of our men, in violation of the Geneva Convention of 1949, is not a new thing. The fact that the Government of North Vietnam signed this convention in 1957 and does not abide by it is shocking, but not surprising.

For just a moment let us look at the history of the treatment of prisoners of war by the Communists. For the record, it should be recalled that Communist nations have a consistently poor record as regards the treatment of anyone they capture as well as a distinct lack of concern for their own people who are captured. After the Russo-Finnish war of 1939, we are told that the Soviets shot or imprisoned every returning soldier that had been held prisoner by the Finns, no matter what the circumstances of his capture were. During World War II, the Soviet Union would not admit that any Red Army men were prisoners of the Germans. In fact, when they were confronted with the evidence by the International Red Cross, the Soviet authorities would not even give permission for the Red Cross to send their men either food or medicine. As regards the Japanese and Germans they captured, their treatment was poor, and some of these people are still unaccounted for. Thousands of them were held for as long as 10 years after hostilities ended to perform forced labor on Soviet projects. We also need to recall the Korean conflict and the ill treatment of our prisoners during that time. The term "brainwashing" received wide publicity at that time as the Communists beat and starved our prisoners in order to have them make propaganda statements. The *Pueblo* incident also proved how little the North Koreans have changed since that time. After the Korean conflict, as after World War II, thousands of these Communist soldiers did not wish to return to the "Socialist motherland." However, we sent many Russian soldiers back at the point of a bayonet, but having learned this lesson, thousands of Chinese and Koreans were permitted to stay in the free world, following the Korean conflict.

Thus, nothing has changed with the Communist world. Life is cheap and a prisoner of war is a cipher—a cheap labor unit and a propaganda instrument, in the eyes of a Communist government. Therefore, I am convinced that only a worldwide outcry against the barbarous treatment of our men in North Vietnam can help these men and their suffering families. I strongly urge the passage of this concurrent resolution.

Mr. BYRNES of Wisconsin. Mr. Speaker, the failure of North Vietnam and the Vietcong to adhere to the Geneva Convention relating to the treatment of prisoners of war should be condemned by all humanity.

Refusal even to release the names of those being held has brought untold anguish to the families and loved ones of those missing in action.

Refusal to permit prisoners to receive and send mail on a regular basis can only be considered cruelty for cruelty's sake.

Refusal to allow inspection of prison facilities only reinforces belief in the stories of inhuman treatment now being brought to light.

I join in this plea to the leaders of North Vietnam and the Vietcong to live up to the Geneva Convention and, even more basically, to their responsibility as human beings. The cruel, inhuman treatment of men captured in combat serves no military purpose. Deliberately adding to the misery of their families invokes only the hate of civilized men everywhere.

I urge prompt action on the resolution I join in sponsoring today asking the world to appeal to North Vietnam and the Vietcong to comply with the Geneva Convention and to cooperate in steps leading to the prompt release of American prisoners of war.

Mr. PIRNIE. Mr. Speaker, I have joined in introducing legislation expressing the sense of the Congress that our Government appeal to the North Vietnamese Government and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war and to take appropriate steps to obtain release of our prisoners of war.

Our Government has always and will continue to abide by the Geneva Convention relative to the treatment of war prisoners. Our tradition and heritage, as well as our value of human life demand that we do no less. Unfortunately, we have no assurance from the other side that it does likewise. In fact, recent statements from released POW's indicate that the treatment of prisoners is less than humane. Of course, all of us find these reports incredible and we are angered by the thought that other countries do not abide by the minimum requirements of the Geneva Convention.

Unfortunately, there are at least 340 and possibly as many as 1,300 American servicemen interned as prisoners of war by North Vietnam and the NLF. Some have been captive for as long as 5 years. Sources indicate that in many cases these brave men have been subjected to physical abuse, mental torture and insufficient medical treatment. I am familiar with one case which serves to underscore the terrible difficulties attendant to the family of a POW.

Navy Lt. Paul Galanti is 30 years old now. On June 17, 1966, then 27 years old, he was shot down by North Vietnamese antiaircraft during a bombing run over Vinh in North Vietnam. An Annapolis graduate of 1962, Lieutenant Galanti had flown several bombing missions over North Vietnam and had received several Air Medals. His wife, Phyllis, did not know whether he was dead or alive until October of 1966 when his picture appeared in L'Humanite, a French Communist newspaper. Considering that many of the wives and families of these prisoners have waited as long as 4 years to learn of the fate of their husbands or loved ones who have been captured, Mrs. Galanti thinks she is lucky. She points out that she has received three letters from her husband since that time, one in February of 1967, the second in April of 1969, and the last in June of 1969. Here again, she has been relatively fortunate in light of the fact that of the possible 1,300 American POW's in North Vietnam, only 100 families have received mail from their husbands or sons. Yet, according to the Geneva Convention, the prisoners are supposed to be able to send and receive one letter per month.

In December of 1967, Mrs. Galanti sent a Christmas package to her husband. It went all the way to Hanoi and was returned—unopened. In a supposedly friendly gesture, Hanoi made it known that the prisoners would be able to receive a package for the Fourth of July this year. Mrs. Galanti sent another package but has received no word whether her husband received it.

This fine young lady considers herself very fortunate to have as much information about her husband as she has been able to obtain. She points out that her husband's picture on the front cover of Life magazine on October 20, 1967, revealed that he looked reasonably well considering what he had obviously undergone. However, she adds that there are hundreds of other wives and loved ones of American servicemen in Vietnam who know nothing about the condition of these men, who have received no letter, no picture, nothing.

This is a frightening existence for these young wives and these mothers and fathers. North Vietnam's failure to provide a simple list of prisoners or to allow an impartial agency such as the Red Cross to inspect the prison camps is inhumane. In my view, it merely reflects the failure of the North Vietnamese leaders to place any value on the individual human life. They are violating more than an agreement—they are guilty of inhuman treatment which should be stopped. This is a terrible tragedy and all humanity should call upon the North Vietnamese to recognize the spirit and the law of the Geneva Convention. We appeal to them to do so now.

Mr. WHITE. Mr. Speaker, I am proud to have joined with many of my colleagues and with 40 Members of the U.S. Senate in a statement protesting the inhumane and inexcusable treatment of American prisoners in North Vietnam. I am proud, also, to be a cosponsor of a concurrent resolution being presented to the House stating it to be the sense of Congress that the President, the Department of State, the Department of Defense, and all other concerned departments or agencies of the U.S. Government, the United Nations, and the peoples of the world should appeal to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war.

Mr. Speaker, the stories of cruelty and inhumane treatment of our prisoners have been well documented, as have the failures of the North Vietnamese and the National Liberation Front to abide by even the most fundamental principles of the Geneva Convention. In view of this situation, some of the most cruel treatment imposed upon the families of imprisoned American servicemen consists of silence. Not even the names of prisoners held are being announced. There is no information as to their food or medical care, nor even the names of those who may have died while in captivity. There is nothing but silence.

These families have tried in every way possible to secure some news of the fate of their loved ones, but their appeals go unanswered. I am sure the sentiments of more than 1,300 families throughout the Nation are reflected in a letter I have received from my constituents, Mr. and Mrs. Howard Hill, 8835 Mount Elbert, El Paso, Tex.

Their letter reads, in part:

We are taking this means of requesting your assistance. Our son, an Air Force F–4 pilot, Howard John Hill, was shot down in North Vietnam on 16 December 1967. We have never had any mail from him, and though we write as we have been instructed, we are not certain that he has been able to receive the mail directed to him.

The United States Air Force has been wonderful in trying to furnish us with whatever information they can, and we have no complaints to voice against them. We can honestly say that we are not "forgotten" and the people in Randolph are some of the finest in the world.

Actually, our complaint (if such it would be called) is that Hanoi has not been more strongly pressed to obey the Geneva Convention. We only want that our men be furnished proper care, i.e., food, medical care, mail from home and first and foremost, a list of the men that they hold prisoners.

How can you help, and what can you do? Won't you please speak up in Congress and get other Senators and Representatives to voice their ideas and see if Hanoi won't follow through and adhere to the rules of the Geneva Convention? It would lighten the hearts of many of us who wait if we knew that our men were, indeed, receiving humane treatment. Thank you again.

Sincerely,

Mr. and Mrs. HOWARD HILL.

Mr. and Mrs. Hill enclosed with their letter a copy of a letter that was addressed to the chief negotiator for North Vietnam at the Paris peace talks. A copy was sent to Ambassador Henry Cabot Lodge, chief negotiator for the United States. I would like to include that letter in the RECORD at this time:

CHIEF NEGOTIATOR FOR NORTH VIETNAM,
Paris Peace Talks,
Paris, France.

DEAR SIR: I am directing this letter to you as I believe you represent the Government of Hanoi there at the peace talks in Paris. The following is a letter that I would like for Hanoi to be aware of:

"HELLO, HANOI: May we hear from our son, Howard John Hill? We know that he has been a prisoner of war for over 19 months and that he is there with you. Why can't you let us hear from him? Are you giving him the mail and medicine that we send? We have followed your instructions and have directed our letters to him through you, Hanoi. We trust the mail service in the United States, but if you do not deliver the mail there how can we trust the Hanoi post office?

"Another question we are asking is why aren't you letting the relatives know when you capture one of our men? Are you afraid of what the mothers, fathers, wives, and children will do to you? How could we possibly hurt you in any way by knowing that our loved ones are there?

"Also, how can we believe you when you tell us that you are giving them humane treatment? Why won't you allow the Red Cross to inspect your prisoner of war camps?

"As Howard's parents, we ask no special favors, but only that you allow us to hear from our son—the same request that anyone else who has a loved one in Hanoi would ask.

"We worry about Howard's health, Hanoi, because he is bothered by a skin fungus which requires medication during the hot weather. Is he getting medicine for the ailment?

"We were so happy when you announced to us that we could send one package per prisoner and that it could contain medicines. Elizabeth, our son's wife, recently sent a package to Howard with medicine for the fungus included. Would you please see that he gets the medicine?

"Hanoi, would it be possible for you to release the list of American men that you are holding as prisoners? If you won't allow Howard to write to us, won't you please let him write to Elizabeth, his wife. She misses him very much."

Sincerely,

Mr. and Mrs. HOWARD HILL.

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Mr. Speaker, the representatives of North Vietnam and of the National Liberation Front have tried to indicate at the Paris peace talks that they are modern, civilized nations, deserving of respect and recognition among the nations of the world. If they would ask support for such a viewpoint, then let them demonstrate in this most fundamental manner, by adherence to the rules of the Geneva Convention, that they are deserving of respect. Failing this, they should be considered as international brigands and outlaws.

Mr. SCHADEBERG. Mr. Speaker, the current conflict in Southeast Asia, known to history as the Vietnamese war, has been the source of much personal, national and international suffering. War is, by its basic nature, the degradation of all that man stands for as a human being. But, there is one aspect of this conflict that is especially repugnant—North Vietnamese treatment of prisoners of war.

As an effort to make war a bit more tolerable, and in order to create rules of conduct for the nations which fight over basic principles, the 1949 Geneva Convention Relative to the Treatment of Prisoners of War was formulated. This Convention was conceived as an international agreement designed to protect the integrity and the well-being of the individual through whom a war is fought. Under international law, each nation which signs this treaty is bound to adhere to its principles.

This Convention was signed by the Government of North Vietnam in 1957, thereby signifying its acceptance of the following international obligations: Prisoners are to be humanely treated and identified, the sick and injured are to be released, the International Red Cross is to be allowed to inspect prison camps, and the prisoners are to be allowed to receive and read their mail.

It has recently come to the attention of the people of this Nation, and to the peoples of the world, through the release of three of the more than 1,300 prisoners currently held by North Vietnam, that this Government of North Vietnam is intentionally violating the provisions of the agreement to which they are a signator. Hanoi has refused to give definite word of whether a loved one of an American family is dead or alive, and is subjecting those in its custody to inhumane, illegal, and severe emotional and physical duress.

Efforts to reach these captured Americans have been pursued with vigor by the past and present administrations. All efforts to secure compliance with the terms of international law have been rebuffed by North Vietnam on the grounds that these men have no rights since they represent the aggressor in the war.

While most citizens of the world are naturally appalled by this ill-conceived conduct, I have had the experience of personally knowing the torment of a family whose son is a presumed captive of the North Vietnamese, officially listed as missing in action.

The parents of this young American, who reside in my congressional district, were first apprised of their son's disappearance in September of 1967. They were told that their son was on a search and destroy operation when his company became engaged in combat with an enemy force, and that because of the intensity of the battle, many casualties were suffered. A thorough and extensive search of the battle area for the dead and wounded was made later that day. Although the search continued for 3 days, their son was not found. The hospitals in the area were checked to determine whether any unreported wounded personnel had been admitted, but their son was not among the hospitalized personnel.

In a letter later that month, the parents stated to me:

> We will never give up hope. With the faith and prayers which have kept us going, we know and feel our son will come home one of these days.

Twenty-one months went by without any word from the Government of North Vietnam as to whether the son was a captive.

Then, in July of this year, the parents recognized, from a photograph taken by a foreign news correspondent, the face of a prisoner they feel is their son. This had the effect of lifting a great load from the hearts of these wonderful people, but not entirely, since they must now live with the half-comfort that a thin and sickly looking person could be their son. If he is fortunate enough to be alive, then they know that he has not been treated properly.

This fine American family still lives on hopes and half-truths, not knowing if their son is alive or not, injured or not. Why? Because the North Vietnamese refuse to release a listing of the names of the prisoners, and to allow those who are held captive to receive the basic necessities of life as guaranteed prisoners by the Geneva Convention.

Mr. Speaker, it is with my firmest determination to resolve this untenable situation that I join in strong support of the congressional resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President of the United States to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment. By this action I hope that world opinion will be sufficiently stirred so that our servicemen can soon receive their full human rights, and that peace can be brought to the more than 1,300 American families who live in the twilight zone between hope and despair for the safety and well-being of their sons.

Mr. Speaker, the Government of North Vietnam is conducting itself with callous self-righteousness, believing that they are morally right in their actions. We in the United States and the world know otherwise.

Let it be known, that through this congressional display being undertaken today, warning is given the North Vietnamese that their actions will not be tolerated by this august body, by this Nation, or by this world.

Mr. PRICE of Texas. Mr. Speaker, I rise today to join with the distinguished gentleman from Alabama in sponsoring a concurrent resolution on the treatment of U.S. prisoners of war by North Vietnam. I strongly believe that this resolution is a timely and a much needed one.

Both our Government and the Government of the Republic of Vietnam have placed great emphasis on the proper treatment of prisoners of war interred in South Vietnam. This emphasis was motivated partly by our adherence to the terms of the 1957 Geneva Convention dealing with the treatment of prisoners of war, and partly by our belief in basic principles of decency and humanity.

Neither North Vietnam nor the Vietcong have followed the example that has been set for them on this matter. On numerous occasions the United States has unsuccessfully appealed to the enemy to respect the terms of the 1957 Geneva Convention, which North Vietnam endorsed; however, despite repeated attempts by the U.S. Government and neutral organizations, the North Vietnamese and the Vietcong have consistently refused to release even the names of the U.S. prisoners they hold. In fact, Xuan Thuy, chief of the North Vietnam delegation in Paris, has declared that he would never release a list of American prisoners, "as long as the United States continues its aggression and does not withdraw its troops from Vietnam."

At present, there are more than 1,350 U.S. servicemen classified by the respective services as being either prisoners of war or missing in action. Of this number, nearly 800 were downed over North Vietnam. Most of these individuals are pilots and it is believed that a substantial number are prisoners of war.

With each passing month the situation has deteriorated. There are at present more than 250 U.S. servicemen listed as prisoners or missing in action who have been listed as such for more than 3½ years. This is longer than any U.S. serviceman was held a prisoner during World War II. In addition, there are now more than 650 American servicemen who have been listed as POW's or missing in action for more than 2 years.

The families of our missing servicemen live in daily torment and anxiety. The information they receive regarding the missing is skimpy at best, and nonexistent at worst. In the past 5 years, approximately 100 captured servicemen have been allowed to write to their families; however, letters have only trickled in at the average rate of two letters a year per prisoner. If these few writers had been allowed to write the number of letters and cards as permitted under the Geneva Convention, their families would have received 18,000 letters and cards, as opposed to the less than 800 pieces of correspondence they actually received from their captured husbands and fathers.

On an official level, most information regarding the status of American prisoners has come in the form of propaganda films and photographs which the North Vietnamese have sold or made available to various news outlets throughout the world. The distortions and misrepresentations made by the North Vietnamese are obvious, but it still does not resolve the question of just what is happening to our captured fellow Americans.

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Although we regrettably do not have all the facts, according to the Department of Defense, clear evidence that North Vietnam has violated even the most fundamental standards of human decency in its treatment of our captured American servicemen. U.S. News & World Report has published a compelling article on this subject, which I would like to insert in the RECORD at this point.

Even more compelling is the firsthand testimony provided by two of the three U.S. servicemen who recently were released by the North Vietnamese. This testimony was given in news briefings held at Bethesda Naval Hospital earlier this month. I know the transcript of the proceedings will be of great interest to my colleagues and the American people, for this is what is happening to our countrymen.

Mr. Speaker, the concurrent resolution I am cosponsoring would call upon North Vietnam to observe its solemn commitment to the tenets of the Geneva Convention, and would call upon it and the National Liberation Front of South Vietnam to take the appropriate steps to obtain the prompt release of all American prisoners of war.

Our need is great and our cause is just. I urge my distinguished colleagues to support this proposal. Our Nation and our people will be the beneficiaries.

The U.S. News & World Report article and the news briefings follow:

New Moves To Help Captive GI's in Vietnam

(NOTE.—The full story of how Communists in Hanoi mistreat American POW's is now coming to light—

(Men are denied medical care, held in solitary, used for propaganda stunts. Reds will not even tell which of 1,300 missing GI's are still alive.

(U.S. officials, deeply worried, are determined to get action.)

Deep official concern is starting to break into open over 1,300 "forgotten Americans," missing in the Vietnam war and presumably in enemy hands.

More than three years of negotiations, carried on through "normal" diplomatic channels, have failed to produce even a list of names of those held as prisoners. No one in Washington knows even roughly how many of the missing Americans have survived and are living in captivity.

Now a change in U.S. policy is under way. Responsibility for getting action on these captured servicemen has been shifted from the State Department to the Pentagon, where officers are prodded by the Pueblo crewmen's description of their brutal captivity in Communist Korea.

Defense Secretary Melvin Laird, on May 19 and again on June 6, made an open appeal for the North Vietnamese to release names of their American prisoners, repatriate the wounded, permit inspection of prison camps, and begin to abide by the Geneva Convention on prisoners. Hanoi immediately refused. But more steps are in the offing, with a resort to world public opinion to be tried next.

INCREASING EVIDENCE

Behind this growing U.S. concern is evidence, accumulating from several sources, that the American captives of this war are not receiving the humane treatment spelled out in the Geneva Convention and "endorsed" by North Vietnam with reservations. Many are reported to be undernourished, denied adequate medical care, kept in solitary confinement for long periods, refused communication with their families, and often used for trumped-up propaganda stunts.

Says Secretary Laird: "There is clear evidence that the enemy is treating the U.S. prisoners it holds inhumanely."

No inspection of the Communist prison camps in Vietnam has been permitted by non-Communists. Only six pilots, of the 800 shot down over North Vietnam, have been returned in the past two years. A few U.S. prisoners have escaped from Viet Cong hands in South Vietnam, but none from compounds in North Vietnam.

Little real information has come from the heavily censored letters received so far from about 100 U.S. prisoners who have been permitted to write home. These have averaged about two letters a year, most of them of postcard length. They total roughly 600.

From propaganda films and magazine articles in the Communist press, some information is available about the physical setup of the main prison camp used for Americans, evidently located on the outskirts of Hanoi.

This is called the "Hanoi Hilton" by its inmates, and houses an undetermined number of captured U.S. pilots. It is surrounded by a red wall, topped by several strands of barbed wire, with an entrance gate on a "quiet street" of the North Vietnamese capital.

Inside is a large courtyard, and a long, low building that houses the camp staff and a special "interview room." That is where most of the endless propaganda films are made and interviews conducted by Red journalists from Poland, East Germany, Cuba and elsewhere.

There are clusters of "houses" inside the compound, each containing cells for one or two of the Americans. Every "house" has a loudspeaker that broadcasts English-language "news" and propaganda lectures.

In the "Hanoi Hilton," according to these reports, American prisoners are fed twice a day, and are permitted to wash six times a week and shave twice a week. Many Communist-line books and articles are available, translated into English.

Over all, the evidence thus far points to treatment not much different from that given to members of the Pueblo crew, held for 11 months in Communist North Korea. Pentagon officials say, however, that there is some reason for hope that at least beatings such as those inflicted in North Korea are not so common in the case of North Vietnam.

Heightening the official U.S. alarm over the prisoners in Vietnam is the lengthy period of captivity that many have endured. The first American shot down over North Vietnam was captured in August, 1964. At least 200 Americans have been missing for more than three and a half years—or longer than any U.S. serviceman was held prisoner in World War II. About 500 have been missing for two years or more.

At least some of the 1,300 missing Americans are known to have died of the treatment received as prisoners—particularly those who were wounded or injured when captured. A few such cases have been documented by Communist troops who have turned themselves in to the Allies.

PRIMITIVE MEDICINE

Medical treatment given to American prisoners apparently varies widely but is generally primitive. Recent propaganda photographs show that some prisoners still suffer from injuries incurred at the time they were shot down. Many appear on crutches months later. Some are pictured with badly set bones, shrunken arms or legs as a result of poor medical aid. Dysentery and stomach ailments are reported to be common.

In one case in recent weeks, a repatriated GI died shortly after he was returned to U.S. custody, and an autopsy revealed that his head wound had been treated with the crudest type of surgery.

How many Americans have survived of the 1,354 listed officially as missing is said to be a genuine mystery. Only 342 Americans actually are listed as "captured or interned." Each of these was either seen captured soon after he bailed out, or identified in a Communist film or propaganda report.

PROFITING FROM MISERY

There is evidence that the North Vietnamese may be making a substantial dollar profit from the propaganda films and pictures of their American PW's. Film footage of captured U.S. airmen, much of it obviously staged, has been distributed widely in Iron Curtain countries, and also sold to Western outlets through East German and Japanese firms.

The East German film agency "Deutsche Film Agentur," for example, offered U.S. television networks several hours of film of captive Americans for $500,000. Other film has been bought by American magazines and TV for undisclosed amounts.

In most of these films, the same prisoners seem to show up time after time—being paraded through the streets, behind bars in solitary, listlessly playing table tennis, carrying trays of suspiciously large portions of food, even attending church services.

Of the treatment actually accorded most of the American captives, this much appears certain:

Solitary confinement seems to be imposed on nearly all, for at least some weeks or months. All six of the U.S. fliers repatriated thus far, for example, had been kept in solitary cells for months.

Undernourishment is common. Reports and pictures of U.S. prisoners indicate that most have lost from 10 to 40 pounds each, and some much more. Only one repatriate emerged at the same weight he had been captured. Food of the U.S. captives all seems to be Vietnamese, to which many Americans cannot adjust, and in portions that are small by U.S. standards.

Mail sent to and from their families, highly important to captive Americans, is either forbidden entirely or permitted capriciously.

Last October, for instance, all letters from prisoners to their families were cut off completely for six months. Delivery of the delayed letters was resumed gradually in April, possibly because of approximately 200 telegrams of complaint that were sent by wives of prisoners to Xuan Thuy, North Vietnam's representative in Paris.

Parcels sent by the families of prisoners are rarely, if ever, delivered. The Geneva provision for monthly packages is ignored. Last Christmas, Hanoi hinted that it would pass some Yuletide parcels, so 714 of them were mailed by hopeful families. Six months later, there had been no confirmation that any had actually reached the men.

No one knows how many letters get through to the prisoners. And the Pentagon reports that only 1 in 13 of the missing Americans has been able to get a message back to his family. Those who have all use the same return address: "Camp of Detention of U.S. Pilots Captured in the Democratic Republic of Vietnam." No stamps are used.

UNCERTAIN WHEREABOUTS

The actual location of most of the missing Americans is far from clear, even though much of the skimpy information appears to center on the "Hanoi Hilton." One pilot, recently returned, refers to a whole "Hanoi prison system." An article by a Hungarian correspondent tells of a number of "Hiltons" scattered around North Vietnam. A Cuban writer, in an article last month, describes a camp for U.S. prisoners, "composed of small clusters of houses without fences."

Captives of the Viet Cong in the South, fewer in number than the pilots captured in the North, usually are kept constantly on the move, rarely held in camps with more

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than four other Americans. At least one prisoner of the Viet Cong escaped after being held for a year in a camp on Ca Mau Peninsula, near the sourthern tip of South Vietnam.

EFFORTS FOR EXCHANGE

As a consequence of secret negotiations with Hanoi in 1968, Washington had expected to begin talks with the North Vietnamese about a mass exchange of prisoners, soon after the U.S. ended the bombing of North Vietnam last November 1. But since then, Hanoi has consistently refused to discuss the issue further.

Until he was replaced at Paris, all attempts to deal with Hanoi about the missing Americans were handled by W. Averell Harriman, who had "responsibility for prisoner affairs" for the U.S. His negotiations were carried out largely through third countries and organizations with pipelines into Hanoi.

On one occasion the Swiss Ambassador to Red China visited the State Department in Washington and then took a trip on his own to Hanoi, a visit since presumed to be an effort to get Ho Chi Minh to abide by the Geneva Convention. It, like others, was unsuccessful.

Dissatisfied with State Department results, the Pentagon itself asked—and received—White House permission to take over efforts to make contact with the missing Americans, to find out who is alive, and try to get them back.

A straight swap of prisoners with Hanoi is ruled out. U.S. forces have captured some 5,000 North Vietnamese troops, but all have been turned over to the South Vietnamese—for imprisonment supervised by the International Red Cross. Hanoi, thus far, has shown no interest in getting back any of its imprisoned troops.

In past months, the Allies have released 103 of the PW's to North Vietnam, in the hope of getting some reciprocity. This has brought no action from Hanoi except a propaganda blast at the U.S. for its "piratical acts."

Defense officials make it clear that they continue to plan to press hard for a breakthrough on the issue of the missing 1,300 Americans. Most, they believe, are still alive in compounds like the "Hanoi Hilton."

One senior officer emphasized:

"Nothing short of knowing with certainty that their men are alive and being treated decently will relieve the growing anxiety of their families."

News Briefing, Bethesda Naval Hospital

Spokesman: Ladies and gentlemen, we have had queries in the past few weeks regarding the three U.S. servicemen who recently returned from having been captured in North Vietnam. This is the first opportunity, this afternoon, that we have had available for the men to meet with the news media. We have had numerous requests along the way. Lt. Robert Frishman on your right, and Seaman Douglas Hegdahl on your left, are stationed here at the Bethesda Naval Hospital and are continuing to receive medical observations.

Captain Wesley Rumble, the third U.S. serviceman returned several weeks ago, is stationed at Travis Air Force Base Hospital and is on convalescent leave at this time.

As you know, Secretary Laird and the Department of Defense have expressed deep concern for the welfare of the 1,355 U.S. servicemen who are listed either as prisoners or missing in action. This afternoon, Secretary Laird as part of his continuing interest and concern issued the following statement:

On numerous occasions I have expressed deep concern regarding the welfare of the U.S. servicemen who are prisoners of war or missing in action in Southeast Asia.

I also have been concerned about the anxiety of the hundreds of families who have lived up to five years with this most difficult problem. Steps have been taken to assure that the family members of these prisoners and missing in action personnel receive all benefits to which they are entitled.

In addition, Defense officials personally have met with nearly 1,400 wives, parents, and other family members to assure them that I have assigned the highest priority to the prisoner matter.

The Department of Defense has undertaken a continuing review of information received regarding prisoner treatment, including the experiences of the three U.S. servicemen recently released by Hanoi.

There is clear evidence that North Vietnam has violated even the most fundamental standards of human decency. It consistently has claimed, through propaganda statements, that our men have been treated humanely.

Information the Defense Department has received clearly refutes those contentions.

It may be that top government officials in Hanoi are unaware of the shocking conditions within North Vietnamese prison camps. Nevertheless North Vietnam is accountable to every human being for these flagrant violations of human decency. North Vietnam also is accountable for its failure to release sick and injured prisoners and for its failure to permit the men to correspond freely with their families.

Hanoi knows about these violations.

Some of our men have been in Communist prison camps for more than five years. Over 200 have been there longer than three and a half years. We are concerned that the passage of so many months of captivity could have long term adverse effects on the well being of our men.

The nine men freed by North Vietnam in the past five years all have been released from the same prison camp. They personally have seen only a limited number of other prisoners.

We in the Department of Defense continue to be concerned for the hundreds of others believed to be held elsewhere. North Vietnam repeatedly has refused to identify these other prisoners, compounding the anxiety and despair of the hundreds of families who have now lived up to five years not knowing whether their loved ones are dead or alive.

We urge that North Vietnam and the Viet Cong release all prisoners. They must immediately:

1. Identify prisoners whom they hold.
2. Release the sick and injured.
3. Permit impartial inspections of prisoner of war facilities.
4. Permit the free exchange of mail.

These humanitarian actions are required by the Geneva Convention of 1949, which North Vietnam signed in 1957.

This convention calls for nothing more than minimum humanitarian conduct on prisoner matters. We call on the North Vietnamese and the Viet Cong to honor these principles.

At this time, Gentlemen, I would like to introduce two of the gentlemen who have just recently returned from having been captured in North Vietnam.

The procedures, I will introduce, both of these gentlemen. Lt. Frishman has a brief statement that he would like to make and he will be immediately followed by Seaman Douglas Hegdahl who also would like to make a statement and then, following that, these men are available for your questions.

Lt. Robert Frishman, USNR, 28, is a native of Long Beach, California; after graduating from Long Beach City College he attended the University of California Dental School and San Francisco State College.

He was commissioned an Ensign in the United States Naval Reserve in June, 1964, and was designated a naval officer in October, 1965.

Lt. Frishman reported to Fighter Squadron 121 in November, 1965, and was captured when his aircraft was shot down over North Vietnam on 24 October 1967.

Lt. Frishman's wife, Janet Lynn, has been living in Santee, California. Lt. Frishman has received the Distinguished Flying Cross, two Naval Commendations Medals and the Purple Heart.

Seaman Douglas Hegdahl, USN, is 22 years old, and was born in Watertown, South Dakota. He enlisted in the Navy on 28 October, 1966 and was assigned to the U.S.S. Canberra in February, 1967.

He was captured on 6 April, 1967. His parents are from Clark, South Dakota. Douglas Hegdahl on 28 August was promoted to Postal Clerk Third Class and he also has received the Navy Unit Commendation.

At this time I will turn the news conference over to Lt. Frishman.

Lt. Frishman: I'm Lieutenant Robert Frishman, one of the released prisoners of war from North Vietnam. Hanoi says the best proof of their treatment to American prisoners will come from those they have released.

I am here today to tell of the type treatment that I and other American prisoners of war have received. I feel a deep obligation to the other prisoners of war still in Vietnam to express myself straightforward and to tell the truth. What I say will be refuted by the North Vietnamese.

If they don't have statements of humane treatment, they have ways of getting them. They threaten that if I embarrass them in any way they have ways of getting even with me, and told me not to forget that they still have hundreds of my buddies in their hands.

I would like to relate some of my experiences and those of others and leave you to your own opinion.

I had two meals a day—pumpkin soup with pig fat in it and some bread. It may not sound good but you can live on it. Sometimes we would sweep the leaves and occasionally sit in the sun. They would give me some magazines and books, which, of course, were slanted along the North Vietnamese party line propaganda. But for the most part, I would just have to use American ingenuity to keep my mind busy and fight the isolation.

What about medical treatment?

The Doctors at Bethesda tell me that if you have to remove an elbow, the way they did seems to be professional. I still have a right arm and I'm thankful for that. However, they failed to remove the fragments of the SAM missile in my arm. It took six months just for my incision to heal over. I would wake up and find my arm stuck to the blankets by the dried scab. When I took the blanket off, the scab would come off and the wound would drain again. During the operation, they put serum in my left leg with a needle, and left string behind which resulted in a seeping sore which drained until my return to this country. In a few minutes at Bethesda, the Doctors removed the foreign object, and now it is healing.

I believe the North Vietnamese are capable of giving good medical care, but they are basically willing only in doing what is necessary to keep us alive. My case is not unique. I've seen LCdr McCain and others who have received this basic treatment to keep them alive but will require further treatment before they are in good shape again. I hope they get home in time for our doctors to effect a recovery.

The North Vietnamese told me that John McCain was the worst wounded pilot. He has many broken bones but he can walk with a very pronounced limp and a stiff arm. He has been in solitary confinement since April of 1968. It's hard enough just being in solitary confinement but when you're wounded like John is, it's even more difficult because you don't have anyone to help you wash yourself, or your clothes, or keep your room clean.

Are rebreaking broken bones in solitary confinement humane? Is sitting on a hot stool in a hot stuffy room with no sleep and mosquitoes biting you until they make their lousy statements humane? I know what it's like.

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In two days your feet swell up and then it creeps up your legs until they're numb. Weather and your physical condition are determining factors on how long you can last. Some have gone for 150 hours. Others passed out from heat exhaustion in 48.

The North Vietnamese tried to get LCdr Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his finger nails removed and put in solitary, but the North Vietnamese insisted that he make the false humane treatment statements and threw him into a dark cell alone for 38 days to think about it.

Facing future torture, Stratton did what I considered to be a very patriotic act. He got up before the press and intentionally walked around glassy-eyed, bowing as we are forced to do in camp, trying to give the impression that he is brainwashed and hoping that the Americans would get the message. They did and the rebound hit Hanoi right between the eyes. Since then they have forced Stratton to make appearances, statements saying that he wasn't tortured or brainwashed. He goes to those delegations but it makes him sick every time he does. He tells the North Vietnamese not to believe for one minute that he's cooperating with them. He then rolls up his sleeves and shows them the cigarette burns and rope scars and says this is the reason. While I'm in your hands I have to be obedient, but the first chance I get I'm going to blow the whistle and tell the truth.

I feel like I'm Stratton's chance to blow the whistle and get the facts out. Actually, I've seen Stratton and he's in fair shape despite the torture. He's a real example for me to follow. Stratton knows that I have been released. He told me not to worry about telling the truth about him. He said that if he gets tortured some more at least he'll know why he's getting it and he will feel that it will be worth the sacrifice.

You may ask why do we resist. I'll tell you why. It's because of pride. Not only your own self pride that you have resisted, but because the enemy has had to lower itself to such inhumane levels of conduct that you know that you are still resisting them even while you are in their hands.

I actually feel that possibly that the higher ups in North Vietnam may not know about the truth about our treatment. They only see the results of the phony statements and confessions forced out of us by their subordinates' labor. I noticed that when the really big men, I mean the Generals have come to the camp, things have gotten better. There were times that my physical treatment was good, especially that last month before my release. But you are still always under the mental strains of abuse and future reprisals.

My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts.

I am Seaman Hegdahl.

I am very happy to be home after 28 months in captivity. The Navy provided transportation for my folks to come to New York to meet me and then go to Washington.

When I arrived at the hospital, I saw many doctors and underwent many tests. Except for ringworm and being underweight the doctors told me that I was in good health considering where I had been. I had my teeth taken care of and received new glasses.

I know that many people are wondering how I could fall from a 17,000-ton ship. The fact of the matter is I just don't know. Before dawn on April 6, 1967, I came up on the deck to watch the ship. The next thing I remember I was in the water. After five hours of swimming I was picked up by North Vietnamese fishermen. Of course I was hoping for a helicopter but beggars can't be choosers. I think I have the distinction of being about the only POW that cost the North Vietnamese more money after capture than before.

I did get two blankets, toothpaste and soap most of the time. I had two meals a day and we did get to wash. I was kept in solitary confinement for over a year—seven months and ten days at one stretch. I was made to stand with my hands over my head for trying to talk with other POW's, etc. The camp was infested with rats and mice but after I got used to it wasn't too bad.

Many POW's do not write or receive mail. But I did get about 16 letters from my folks and my folks got four from me. Many POW's have been in solitary confinement for years. In most cases POW's are not allowed to read western books or make or receive games. Since my return I have found out that the government shares my anxiety over the fate of the POW's still in Southeast Asia and is working for a speedy return of all POW's, especially the sick and wounded. Thank you.

Question: Lieutenant, why did they let you three go?

Lt. Frishman: I am wounded and I believe that they had pressure on them to release some of the wounded.

Question: Was there any attempt, as the Koreans did during that war, to divide you between the progressives and conservatives, that sort of thing?

Lt. Frishman: I don't know. They kept us mostly in isolated situations, although I did know some of the other people there, I really can't answer that truthfully, sir.

Question: Lieutenant, you mentioned from your statement that they hung you from the ceiling and you were in a small room.

Lt. Frishman: No, this was not related to me. Although these were related to some of the things which happened to the other men.

Question: My question is what were the conditions? Could you describe the room? Did you say pumpkin soup?

Lt. Frishman: Yes, they take a pumpkin, boil it and put a little bit of flour in it. But I tell you after you eat pumpkin soup for 90 days in a row it gets pretty tiresome.

Question: What were they after? Were you being punished on a whim or were they trying to get you to write up confessions? What was the pattern of punishment?

Lt. Frishman: At the beginning the real rough treatment came at first when they were trying to get military answers from you. After that they tried to force you into appearing before these delegations to say that you had received humane treatment.

Question: Was there any way to resist that or did everyone break down?

Lt. Frishman: I will tell you, you can only resist so long. If they want you to make a statement, you're going to make it.

Question: Having said that, do you think the code of conduct for American servicemen is viable and really makes sense?

Lt. Frishman: Yes, I do. I feel like it is a guideline. What you try to do is resist to the best of your ability. That is exactly what we've all done, I feel. I do not feel at any time that I did anything to endanger any of the other prisoners of war or my country.

Question: Were either of you exploited publicly after capture?

Lt. Frishman: I don't really know.

Question: Were either of you paraded or carried through cities?

Lt. Frishman: No, I wasn't.

Question: Mr. Hegdahl, were you?

Seaman Hegdahl: No.

Question: You were both at the same camp?

Lt. Frishman: Yes, we ended up in the same camp. I went in one other camp before I was in the second camp.

Question: I take it these camps are not the same as in Korea or World War II; a compound status where you are allowed to have any sort of military organization.

Lt. Frishman: No, you are kept in rooms. Generally speaking, some people are kept in solitary, some other rooms have two or three men in it, but you're kept in an isolated type of situation.

Question: Were there any attempts at indoctrination?

Lt. Frishman: Yes.

Question: Formal indoctrination.

Lt. Frishman: I consider it formal indoctrination, trying to convince you that they are right and you are wrong.

Question: I understand you were considered for release in previous years.

Seaman Hegdahl: Yes. I was considered as long ago as August, 1967. I think the reason they released me is because I was only a seaman, I did not threaten the country in any way after release.

Question: Do you feel that you had to cooperate in any way in order to get released?

Seaman Hegdahl: No, sir. I did not cooperate with them.

Question: Lieutenant, you mentioned that your treatment was a little better during the last month of captivity. Did they try to fatten you up a little bit?

Lt. Frishman: Yes, they did. On July 4 they took me out of my room and said I was going over to get an X-ray. They took me into what we call the big house. The camp commander was there and he had a real nice table with some fruit on it, things like that, and said I was going to be released and there was a chance I might be released. I knew then that I was going home.

Question: Lieutenant, did you say that you talked to other prisoners and told them that you were going to tell about the treatment or they said it was all right if you did?

Lt. Frishman: Yes, exactly.

Question: More than one?

Lt. Frishman: Yes.

Question: You do not feel that your buddies will suffer reprisals because of this?

Lt. Frishman: Like I said, I felt a strong obligation to get the truth out and I feel a strong obligation to the men back there. They know I am going to come back here and tell the truth and that is what they want.

Question: Lieutenant, in the camp where you were ultimately located, do you know its approximate location?

Lt. Frishman: Yes, I do. It's in Hanoi.

Question: Within Hanoi?

Lt. Frishman: Within Hanoi.

Question: Did you at any time either of you, were you visited by Red Cross representatives or ever contacted by the Red Cross at any time?

Lt. Frishman: No, we had no contact with the Red Cross.

Question: Were there any U.S. bombing raids near the camp?

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Lt. Frishman: Yes. I was shot down on the 24th of October and they had some big raids around the Hanoi area at that time. It kind of made us feel pretty good because the bombs were going off all around us. We were not supposed to watch but we would look outside and watch the Vietnamese running around like they were really scared.

If you were never there it is funny feeling because the walls just shake. You don't see the bombs but you could feel them. It was a big morale booster for us.

Question: Lieutenant, how much weight did you lose?

Lt. Frishman: I lost about 50 pounds.

Seaman Hegdahl: I lost about 60 pounds.

Question: Could you give us an idea of what your feelings are now about pursuing the war, particularly since the American public is generally pressing to pull back troops and get out?

Lt. Frishman: To tell you the truth, I do not know too much about the truth. What I am trying to do here today is to see that the prisoners up there get some humane treatment and I would really like to see some of the sick and wounded get home while they still have a chance to effect some type of recovery. It is really hard on the men up there being in solitary confinement for as long as some of them have.

Question: Would you like to see us get out of Vietnam, United States withdrawal?

Lt. Frishman: No, but I would like to see the end of the war come.

Question: Could you describe the size of your room and specifically that point you made earlier about the temperature, that you could only hold out so many hours?

Was this a purposeful act to put you in a hot place or was it the climate?

Question: Could you describe the room, Lieutenant?

Lt. Frishman: The first room I was in was about 10 feet by 11 feet and it was brick and it had a tile roof. The second place I was in was a much bigger room. It was 14 feet by 26 and about 13 feet high, and was brick walled also and it had a galvanized tin roof. It had a few vent holes in there to let some air in.

The bad thing about it is during the summer time that hot tropical sun beats down on there and it is just kind of like an oven and it just retains the heat. You are covered from head to foot during the hot months with heat rash. All you do most of the day long is sit on your bed. You have kind of a hand fan and fan yourself but it doesn't do any good. You have the heat rash all over you.

During the winter time it only gets down to about 45 degrees but that's really cold if you try to live in 45 degree weather and I got pretty cold. I got shot down just as the winter was coming on and that is when I was real sick. I had a hard time with my arm because every time I put my arm under the blanket the darn scab would adhere to the blanket.

Question: Lt. Frishman, can you tell us about the type of interrogation to which you were subjected, particularly as to what kind of pressures they wanted to know about your equipment or your bombing techniques or anything like that? Could you tell us about the interrogation?

Lt. Frishman: I would rather not go into that right now.

Question: Could you tell us what kind of description you were given of the course of the war while you were captive and what you were told here, the comparison between the two?

Lt. Frishman: Yes, occasionally we would listen to the voice of Vietnam, which is the Hanoi Radio. We call it Hanoi Hannah. Of course they said we were losing all the time and in all that time I can't remember how many people they claimed that we had lost but they only lost two Viet Cong in all the time that I was up there.

Question: Sorry to zero in on this same point but to get it straight. Were those tortures which you described, applied to you directly and why they were imposed and also could you explain whether this tin roof and the heat—is that the way that they live ordinarily or was this a purposeful kind of confinement to make it as uncomfortable on the Americans as possible?

Lt. Frishman: In answer to your last question first, the brick walls and tin roof—that was pretty good accommodations but the bad thing is that it's all closed off and there are just a few vent holes. If you could have open doors or something like that it would be not too bad but it is just like an oven.

Question: What was the connection, the linkage in your torture, no rhyme or reason to it?

Lt. Frishman: No, sir. Maybe there is. I never did catch any though. You were talking about the type of tortures which I specifically received. When I first got shot down—I am sorry, you mentioned something about being paraded around. I forgot about this. When I was shot down they had me in a truck and they were carrying me around in this truck.

They would get me out at the missile sites and gun sites. I was blindfolded but I could tell, your nose sticks out like this and I could see beneath the blindfold.

I could tell that I was in a gun site. They would throw rocks at you and hit you. One of the little ones came up and hit me on the side of the mouth and dislodged a filling. Then once I got to the camp they refused to give me medical treatment, saying I was going to die in four hours if I didn't give them information. I just finally passed out and they took me to a hospital.

Then even with my bad arm they tied me up with ropes. I was made to sit in a chair—you sit on a stool in this hot room and you just sit there and sit there and sit there. For punishment or for something that they would want you to do. After awhile you just pass out. It is really rough on you.

Question: Did they discuss with you why they would not provide a list of the sick and injured prisoners and why they would not provide any other list?

Lt. Frishman: They said that is something the United States Government wants to have and they are going to keep it from them. They came right out and said that.

Question: Did they attach any conditions to that, such as if the United States stopped the bombing or the B–52 flights that they would then provide such a list?

Lt. Frishman: Not to me.

Question: Have there been any escapes?

Lt. Frishman: I don't know of any.

Question: Seaman Hegdahl, there was a photograph in a Japanese newspaper showing you reading "Christmas Mail," yet the letter that you were reading and a blow up showed April 2, 1968, date at the top of it?

Seaman Hegdahl: That's about average.

Question: Do you recall the specific time that photograph was taken?

Seaman Hegdahl: Yes, I did get that letter that day.

Question: When was that photograph taken?

Seaman Hegdahl: That was taken December 24, 1968.

Question: You received a letter——

Seaman Hegdahl: I did receive that letter.

Question: You received that that day, the day before Christmas?

Seaman Hegdahl: They took pictures of me reading Newsweek Magazine, just long enough for them to take the picture and then they took the magazine away.

Question: Did they take the letter away also?

Seaman Hegdahl: No, sir, I got to keep it that day.

Question: Did they ordinarily take your mail away from you after you read it or had seen it?

Seaman Hegdahl: They read it of course, first. My mother sent money and cool aid and things like this, and I never received it. I did get a Christmas package but a great deal of it was missing.

Question: A great deal of what?

Seaman Hegdahl: A great deal was missing.

Question: Were either of you interrogated by anyone other than the North Vietnamese?

Lt. Frishman: No, sir.

Seaman Hegdahl: They could have been some Chinese, I could not tell.

Question: Did they require either of you to sign a confession or apology for bombing or in your case for participating in the war?

Lt. Frishman: I had to sign a statement asking to be released.

Question: Nothing else?

Lt. Frishman: It was a general statement of a request. It is a request to Ho Chi Minh to ask for release.

Question: Did you have to confess that you were wrong, that you were in error?

Lt. Frishman: No, but they do have, like I say, they have lots of statements. They force people into making all of these things and they've got them.

Question: Could you summarize the attitude and the morale of the men left behind? What is their feeling in general?

Lt. Frishman: I think the morale is still high but when the bombing stopped and we still remained up there, it was hard on them. There is no doubt about it, it is rough on you. You do get very depressed and you try to do things you can to occupy your mind and keep yourself going but it's real hard on the men. That's what I am trying to do, to improve things for the men and get the sick and wounded back.

Question: How many men did you become acquainted with or know were in your immediate vicinity who were Americans?

Lt. Frishman: I have seen around 150.

Question: In this one camp?

Lt. Frishman: No, sir, in all the two camps I have been in.

Question: Where was the first camp you were in?

Lt. Frishman: Hanoi.

Question: They were both in Hanoi?

Lt. Frishman: Yes, sir.

Question: Is this a fair summation, the first few days or first few weeks it was really rough treatment because they were trying to extract military information from you, but from then on it was a matter of solitary confinement under very uncomfortable conditions but a minimum of feedings and interrogations or was it different from that?

Could you give us the pattern?

Lt. Frishman: What you said was a very good summary, but I'll tell you this. I remember when I was a little kid and I did something wrong and my dad would ask, "Do you want to have a beating or you can't go out with the boys in the afternoon?" I would always take the beating. The isolation and that solitary confinement is the worst on you.

Question: Do you sleep good? Do they have a light on at night?

Lt. Frishman: They do have a light on. It's not a bright light and you accustom yourself to it. In the hot weather it's so hot, when it gets hot you can't even sleep at night.

Question: Can you give us one typical day, what you did in a typical 24-hour period?

Seaman Hegdahl: In the summer time you get up about five and in the winter time about 5:30. You take out your waste bucket and you come back to the room. Sometimes you hear the Voice of Vietnam, Hanoi Radio. That is at six o'clock or 6:30. They come around and give you three cigarettes every day.

The first meal is about ten o'clock in the morning. The second meal is about four o'clock, and that's all of your activity.

Question: Can you go to bed any time you want or do you have to sit in the chair?

Seaman Hegdahl: When I was first there, they were real strict, but later on they didn't care—it depended a lot on the individual guard.

Question: Is there a guard standing outside your door?

Seaman Hegdahl: No, sir, they had a moving guard to check on you every so often.

Question: What kind of a layout is it? Was it two or three floor building?

Seaman Hegdahl: In the camp I was in, there were four or five different buildings.

Question: Of two stories and a guard patrolling the hall?

Seaman Hegdahl: No, just one story building. The interrogation building was a two story building.

Question: Was there a big fence around it? What was the escape possibilities?

Seaman Hegdahl: There was a fence around it.

Question: With guards and barbed wire fence?

Spokesman: I think we have time for two more questions and then we should conclude.

Question: Since you were one of the prisoners who was allowed to be interviewed by the foreign press, could you tell us what kind of ground rules they set down for you prior to the interviews?

Lt. Frishman: They would write out what you were going to say and then you practiced it with them. You try to do what you can to resist that thing, but like I say, they have ways of forcing you into doing that stuff. I thought that that interview I had with Mrs. Fallachi—I thought she had a sincere feeling about my problems. She realized the circumstances that the entire thing was under.

Question: What is the immediate future, both of you gentlemen? Are you going on leave? Are you going to remain in the Navy?

Lt. Frishman: Like I say, I feel like I have a real obligation to bring the facts out as to what is really going on up there. I plan on taking a tour of the country, seeing some of the wives and after that, I will be stationed at San Diego to have my arm worked on.

Question: Seaman Hegdahl?

Seaman Hegdahl: I am stationed here at Bethesda now. I am going on leave tomorrow, and then I will be stationed at Bethesda.

Question: Could we see your arm?

Lt. Frishman: I don't have an elbow. I have about four inches of bone missing.

Question: Do you have use of it?

Lt. Frishman: I can move my fingers and move my arm a little bit. There are quite a few possibilities. It is quite a unique kind of deal, missing an elbow. They have artificial elbows, plastic things like that. I am sure our doctors will do the best they can. They say I will never have a real whole arm again, but chances to get partial use out of it look real favorable.

Question: Lieutenant, they officially say 1355 total POW's, of which they estimate 950 missing, 401 possible actually prisoners. How accurate are those figures and do you have any idea of the missing, what percentage might still be alive?

Lt. Frishman: I didn't see all of the prisoners up there. Just personally there are hundreds. You know, 600 or so like that. I hope there's more but I really don't know.

Spokesman: Thank you very much, ladies and gentlemen.

Mr. SATTERFIELD. Mr. Speaker, I wish to take this opportunity to congratulate the gentleman from Alabama (Mr. DICKINSON) for reserving this time and for his remarks and efforts on behalf of American servicemen who are held captive by Hanoi.

It is indeed time for action by every available means to urge the North Vietnamese to fulfill their obligation under the Geneva Conventions to which they have subscribed.

Recent reports about the treatment of American prisoners of war in Vietnam are indeed shocking. This total disregard for the right of human dignity demonstrated by Hanoi constitutes a direct challenge to all of the people of this Nation and to the fundamental rights of U.S. citizenship and should not be permitted to continue.

This Congress should make it abundantly clear that it reflects the views of the citizens of this Nation in condemning this action by Hanoi. It should likewise make it abundantly clear that it not only supports but urges every effort by our Government to obtain for American prisoners that degree of treatment to which the nations of this world have subscribed.

To that end I wholeheartedly endorse the resolution which the gentleman has introduced and which I am happy to cosponsor, for its passage would eloquently voice the convictions of the people of this Nation.

Mr. SNYDER. Mr. Speaker, at this point there is little I can add to the remarks that my colleagues have spoken here today. I support and commend the gentleman from Alabama for his efforts today—in the past and in the future—in regard to prisoners of war and the missing in action in Vietnam.

There is one thing, however, that we can do affirmatively in the days ahead. I hope that my words now will fall on fertile ground here in the House. Every year when the foreign aid bill comes before this body—an amendment is offered to prevent aid being given to any country trading with or supplying the North Vietnamese. Thus far, such a provision has failed to be enacted into law. I urge this House to unanimously support that amendment and to insist upon its inclusion into any bill from conference with the other body.

Mr. COUGHLIN. Mr. Speaker, a little over 5 years has passed since the first American pilot was shot down over North Vietnam and taken prisoner. Since then, nearly 400 other Americans are known to have been captured by the North Vietnamese and Vietcong. The families of over 900 more lack even the slightest assurance that their husbands, brothers, or sons are alive in prison. Over 1,300 innocent families wait in anguish for a rare letter or for a shred of information in propaganda reports.

The Hanoi government states that American prisoners are treated humanely, yet it has prevented impartial inspections. It has exploited prisoners for propaganda purposes in direct violation of the Geneva Convention. It has not allowed the repatriation of the seriously sick and wounded as provided by the convention. It has obstructed the flow of mail, despite the faithful correspondence of thousands of relatives. And, worst of all, it has refused to reveal even the names or number of prisoners.

The North Vietnamese have rejected appeals by two administrations to discuss prisoner of war exchanges despite the U.S. bombing halt and the beginning of unilateral troop withdrawals.

Such intransigence cannot aid Hanoi's cause; callousness toward helpless prisoners and their families should cause other nations and peace-seeking groups in this Nation to question the sincerity of the North Vietnamese and bring pressure on Hanoi for inspection and exchange.

There is no military justification for the mistreatment of members of armed forces who have fallen into enemy hands and no longer present any military threat. There is no political justification for causing grave suffering to their families by withholding information. Because prisoners are unable to help themselves, international law demands that their persons and honor be respected and that they be protected from physical and mental abuse. The Geneva Convention of 1949, to which North Vietnam is now a signatory, provides such protection. Universal standards of humanity require such respect.

I call upon the North Vietnamese regime to honor the international commitment it made in signing the Geneva Convention.

I urge Hanoi to release the names of its prisoners and to allow the free flow of mail and packages.

I implore the North Vietnamese to provide decent living conditions and medical care for these prisoners and to allow inspection by impartial observers.

And I ask Hanoi to heed the White House's willingness to discuss the release of American prisoners at any time, in any way, and through any means.

But our voices raised here may not be enough to obtain the humane objective we seek.

In the name of humanity, I call upon the ambassadors of nations maintaining relations with North Vietnam to assist us in this cause. And I urge others to contact these ambassadors.

If Hanoi is, in fact, sincere in its claim to humanity, it should abide by spirit of the Geneva Convention. There can be no excuse for failing to release the names of prisoners or refusing to permit impartial inspection. Perhaps the voices of other nations would be heard in Hanoi.

In the name of humanity, I also call upon those groups in this Nation which actively seek an end to the war also to undertake actively the cause of our prisoners and their families. And I urge others to contact those groups.

If they seek an end to the war, in the name of humanity, they should seek to assist our prisoners in that same name. Perhaps, their voices would be heard in Hanoi.

The cause of our prisoners and their families is, in fact, the cause of all people of good will.

Mr. WINN. Mr. Speaker, today, in the United States, a feeling of anxiety and frustration hangs over the people.

The feeling is brought about because of a war in which our Nation has found itself and from which our Nation is now fervently trying to separate itself.

Standing far above the politics and policies of the war, is a strictly human dilemma. That is a problem of prisoners and what to do with them.

The first reaction is to keep all prisoners locked up until the war's end—then turn them loose. But this is no real solution.

Especially this is no real solution when you realize that the two sides of this bloody game of war are not playing by the same rules.

I have every reason to believe that American treatment of North Vietnamese prisoners is at least 2,000 percent better than the way in which our men are treated.

Recent facts concerning treatment of our men compel the American people to once again unite on the matter of humanitarian treatment of prisoners.

More than that, we are compelled to call for the immediate repatriation of American prisoners being held by Hanoi.

President Nixon, through the recent announcements of troop withdrawals, has demonstrated the good faith of the American people.

The leaders in Hanoi could show their good faith by immediate repatriation of American prisoners they hold.

The acts of cruelty which we know are going on in the Communist prisoner-of-war camps demand the return of our soldiers as a minimal sign of good faith.

Let us in Congress and throughout the country show Hanoi that we are united in our resolve toward an honorable peace and united in our demand of the return of American prisoners.

Mr. DANIEL of Virginia. Mr. Speaker, all Americans were gratified over the recent release of three servicemen who had been held captive by the North Vietnamese and we rejoiced with the families of these men over their safe return. But such happiness of necessity must be tempered with the stark, tragic fact that 1,300 other Americans could be in the hands of this callous enemy who refuses to extend even the basic tenets of a civilized country in this deplorable situation.

Repeated requests for a simple list of the names of those being held captive are arrogantly ignored, thus denying even this small measure of reassurance to the relatives and friends of the hundreds who have been listed as "missing." Since it is impossible to establish any sort of communication with the enemy in this matter, all these loved ones can do is to continue to wait—and hope.

Among such as these is the family of a young Army physician from Danville, in the Virginia district I have the honor to represent. They have a little something more tangible on which to base their hopes than most, however, for at least they have had official word that he is being held prisoner.

This young Army doctor is Maj. Floyd Harold Kushner, son of Dr. and Mrs. Robert L. Kushner, longtime residents of Danville. His lovely wife, Valerie, and their two children, are citizens of my district.

One of Major Kushner's children, a daughter, is 5 years old. The other child is a 16-month-old son whom the captured doctor has never seen.

Major Kushner was born in Honolulu 28 years ago—just a few months before the Japanese attacked Pearl Harbor. He returned to Honolulu, after graduating with honors from the Medical College of Virginia in 1966, to serve as intern at Tripler Army Medical Center.

This center is an air-evacuation hospital where the wounded are brought directly from the battlefield. He volunteered for duty in Vietnam, feeling he could better serve his country and his fellow man there.

Before he was captured, Dr. Kushner, as do other American medics, often worked in volunteer health clinics in Vietnamese villages, giving of his talent and training to the villagers.

Dr. Kushner was serving as a flight surgeon with the 1st Air Cavalry when the helicopter on which he was traveling crashed in Vietcong territory. He was reported missing in action on December 2, 1967. Subsequent investigation of the crash enabled military authorities to determine that the helicopter pilot apparently had been killed on impact and that the injured copilot, who had been professionally splinted, apparently by Dr. Kushner, had not survived the night. Still later, it was found that another occupant of the helicopter had died of drowning some distance from the crash site.

It was not until March 5, 1968, however, that the Army confirmed to Major Kushner's family that he was a prisoner of the Vietcong. This information was gained from two prisoners—Spanish-speaking Puerto Ricans—who had been released in January from a Vietcong camp where Major Kushner had been taken. But there has been no news from him since.

Like the Kushners, another who waits, and hopes and prays, is Mrs. Marian Blair, wife of Air Force Lt. Col. Charles Edward Blair of Pittsylvania County in the Fifth Virginia District.

Colonel Blair was the pilot of a plane on a visual reconnaissance mission in Vietnam on March 19, 1968. He never returned to the base and the Air Force has listed him as missing in action. As in the case of hundreds of others, all efforts to get word through the International Red Cross or direct with the North Vietnamese leaders have been futile.

Proud of his Pittsylvania County heritage, Colonel Blair purchased the Blair homeplace so that his family could live in the community he loved. It is there that Mrs. Blair and the four children now await some word of husband and father.

Colonel Blair attended Hargrave Military Academy and received a bachelor of science degree in agriculture from Virginia Polytechnic Institute. He was commissioned in 1945 by direct appointment. The missing Air Force officer served his country in World War II and the Korean war as well as in Vietnam. He has been highly decorated by his country for meritorious achievements.

Mr. Speaker, equally as pathetic and heartrending is the plight of another wife and mother of my district who waits and prays. She is Mrs. Trudy Smith Owen, wife of Army Sfc. Robert Duval Owen.

Sergeant Owen, a career soldier, was assigned to Vietnam on May 1, 1968. Twenty-two days later—on May 23—he was listed as missing in action. Mrs. Owen works part time at a Danville business firm as she keeps her young family—two children, one 8 and one 5—together, waiting and hoping for word from husband and father.

This dedicated young American has devoted half his life to military service. At 14 years of age he falsified his birth date in order to enter the military. After 2 years, when his true age became known, he was promptly discharged—but, just as promptly, when he attained the legal age for enlistment, he volunteered for the Navy and served 4 years. After a brief period as a civilian, he once again turned to the military, this time the Army, where he has served since 1962. Even as a civilian his affinity for the military regime exerted itself and he served for a year in the Virginia National Guard unit in his hometown.

Another from my district whose family and friends agonize over the uncertainty of his fate is Capt. Dufford Lee Harley, son of Mr. and Mrs. Lee Harley of Danville. Captain Harley's plane was shot down in May 1966 over Laos and was burning when last sighted. A second plane also was shot down when it attempted to get to Captain Harley's plane and enemy fire was so heavy other attempts at rescue could not be made.

Captain Harley was born January 21, 1940. He graduated from Virginia Polytechnic Institute in June 1961 and had been in service for 5 years when his plane was downed in 1966. He is married to the former Miss Patricia Jackson. Mrs. Harley and their daughter, Guida Virginia, 5, reside in Tacoma, Wash.

Capt. James R. Berger, whose father resides at Rustburg in Campbell County, Va., has been a prisoner of the North Vietnamese since his plane was shot down over Hanoi on December 2, 1966. After being notified that his son was missing in action, Captain Berger's family suffered 10 long months of tortuous uncertainty before finally hearing that he was alive.

Captain Berger is a graduate of Virginia Military Institute, getting his degree in 1961. He entered active duty in the Air Force in the fall of that same year. He is married to the former Miss Carol Wright of Lexington, Va. Mrs. Berger and their two children, William Howard, 6, and Scott Daniel, 4, reside in Lexington.

Current figures show more than 300 American prisoners in Southeast Asia. Another thousand are listed as missing in action and it is presumed that a great majority of these are indeed being held as prisoners.

The fate of these men is a matter of paramount importance to all of us and the callous disregard by Hanoi for the humane standards of treatment for prisoners of war is a matter of great concern to every American, as well as to civilized people everywhere.

The double standard of prisoner-of-war treatment which exists in the Vietnam war is both frustrating and infuriating. On the one hand, we recognize as legitimate prisoners of war all captured Vietcong, in spite of the fact they habitually conceal their identities as combatants in flagrant violation of the Geneva Convention. On the other hand, the enemy refuses to recognize our captured servicemen as prisoners of war who are entitled to the protection of the Geneva Conventions—a protection we unhesitatingly extend to the captured Vietcong. On the contrary, Hanoi brands as "war criminals" our captured servicemen, especially our airmen.

At least three American prisoners have been executed, as the enemy characterizes it—"in reprisal"—an act expressly forbidden by the Geneva Convention. Others have been tortured and murdered. Some appear to have been brainwashed in a manner reminiscent of Korea.

The enemy has adamantly refused to repatriate seriously sick and wounded prisoners. Hanoi has even denied prisoners the solace of packages or even mail from home. The enemy has disdained replying to requests that neutral observers, such as members of the International Red Cross, be permitted to inspect the prisoners and their places of confinement, all part of the provisions of the Geneva Conventions.

Actually there are four separate agreements included in the Geneva Conventions of 1949. The first and second deal with treatment of the sick and wounded of the armed forces in the field and at sea. The third Convention—agreement—relates to the treatment of prisoners of war. The fourth deals with protection of civilian persons in time of war.

This provision relating to civilians was prompted by the crimes against noncombatants which were perpetrated during World War II. Thus, anyone—combatant or noncombatant—falling into the hands of the enemy supposedly is protected under these conventions.

There are 20 articles common to all four conventions. One of these articles, No. 2, specifies that the conventions will apply in case of an armed conflict among those who have signed the conventions, even though a state of war may not have been recognized by one of them. Article 3 spells out certain minimum standards of treatment to be afforded prisoners taken in a war "not of international character."

Just as all efforts to persuade the enemy to extend the humane provisions of the Geneva Conventions to the prisoners they hold meet with little or no success, so do the efforts to effect an exchange of prisoners. It is frustrating, yet we must continue our efforts in behalf of these disciples of freedom who answered their country's call to service.

In recent weeks I have received much mail on this subject—prisoners of war. Nearly 100 percent of these communications have stressed that no more American troops should be withdrawn from the combat zone until Hanoi agrees to abide by the Geneva Convention.

With humanitarian appeals ignored and all other avenues apparently exhausted, our sole remaining course of action is to exert the greatest pressure possible in the hope of convincing our adversary of the futility of his continuing the course he now pursues. Certainly we can do no less.

These noble young men went to Southeast Asia, filled with pride and patriotism. They thought they had the full support of their Government. They thought they were going forth once again to save the world for representative democracy.

They should—and must—have the unyielding support of the Government they represent.

These gallant young men must not be abandoned to a fate worse than death.

Mr. PICKLE. Mr. Speaker, our hearts go out today in tribute to the wives and loved ones of those who are reported missing in action. It is inhumane not to abide by the Geneva Conference. It is uncivilized not to inform the world about the conditions of prisoners of war.

The gentleman from Alabama is to be commended for arranging for this special order.

The agony of worry and fear, the frustration of uncertainty, the cruelty of silence, and the gnawing pain of loneliness tear at our heartstrings.

We demand that North Vietnam abide by rules of common decency. We want North Vietnam to know that a continuation of this brutality cannot be countenanced and that it can be expected that the United States with the full support of world opinion consider means to force the reporting of this information.

We urge our Defense Department to be firm and determined to be certain that North Vietnam knows of our intention to obtain the information—to change the present policy of the Vietcong.

The question is: What can we do to force this information? That is the frustrating question.

I am glad to hear the chairman of the House Armed Services Committee say that the Secretary of Defense has indicated that proposed U.S. troop withdrawals be contingent on an agreement by North Vietnam to abide by the Geneva Conference.

For 3 years I have tried to help wives of servicemen from my district, whose husbands were considered prisoners of war, obtain information of their conditions. We have met with nothing but silence. Three of these ladies are with us today and one is deeply impressed with their quiet courage and determination. We owe them all the help possible. We ought to do all we can to force this cooperation—primarily by world opinion—but to take some positive action.

Mr. WHITEHURST. Mr. Speaker, I am honored to join with my colleagues this afternoon to call attention to the brutal treatment of those brave Americans who are now held prisoner in North Vietnam. Although the Hanoi government has pledged itself to abide by international standards of humanity, the recent testimony of two of our released men indicates quite the contrary. We need not review here the details of their mistreatment. Too long we have remained silent about what is taking place within Communist prisons. Too long we have kept silent about the hundreds of men whose families have waited through agonizing months with little or no word of their loved ones.

President Nixon has just taken the second step toward deescalation of the conflict and what can only be looked upon as ultimate withdrawal from South Vietnam of U.S. Armed Forces. Whether or not these steps will bring Hanoi to a point where its representatives will negotiate meaningfully, no one can say. I frankly have little hope in this respect. Like many Americans, our failure to prosecute the war in its initial phase has left me pessimistic that we will win any political objectives. But, the United States will commit the grossest breach of faith if it does nothing to secure the release of the men who are now held prisoner in North Vietnam. To me, their fate represents a paramount point in any settlement. Our responsibility is not only to these men and to their families, but to those fighting men who took the soldier's oath when they were sworn into uniform. A remarkably low percentage of Americans have ever been turncoats when taken prisoner. Even in the Korean war, with all of the subtle, diabolical methods of persuasion used by the Communists, only a tiny fraction of our prisoners defected to the enemy or betrayed our national honor. All reports indicate that the men currently languishing in Communist prisons have kept the faith traditional with our military forces. Can we do less, those of us who breathe the air of freedom and exercise responsibility for so many?

In order that the anxiety of those families whose husbands and loved ones are missing might be eased, I am asking the Department of State to seek through those governments that have official representation in Hanoi a list of those men who are currently held prisoner.

Mr. Speaker, I also recently communicated to the President my wish that he would declare a national day of prayer and concern on behalf of these men. The American people need to be aroused to the plight of these prisoners. We must show them and their families that we have not forgotten, that we will not turn our backs, that we will continue to insist that the Hanoi regime give these men humane treatment and, above all, Mr. Speaker, that this Nation will work to secure their release as an integral part to any settlement to the Vietnam war.

Mr. BLANTON. Mr. Speaker, on September 11, 100 of my colleagues joined with me in sponsoring concurrent resolutions condemning the treatment of American prisoners of war held by the Vietnamese Communists. Several other Members of this House have introduced the same resolution this week, because they were unable to join us last Thursday. I understand another resolution on this subject has been introduced today by more than a hundred other colleagues.

I would like to inform the sponsors of our resolution last Thursday that Ambassador Lodge presented the resolution to the Communist delegates at Paris last Saturday. In his formal statement, he informed the Communists of the wide bipartisan support these resolutions have in the House, and the impact they have had on public opinion both here and abroad.

Regretfully, the Communist delegations have denounced this resolution. They deny any ill treatment of American servicemen held in their prisoner-of-war camps. However, in what I deem an obvious contradition, the Communists went to great length to explain that the American captives are not viewed as prisoners of war, but as war criminals. This is their obvious attempt to justify the cruel and barbaric treatment of the American captives. This is their feeble attempt to justify the obvious disregard for the Geneva Convention of 1949 on war prisoners, which they signed in June of 1957. The Communist delegate at Paris told Mr. Lodge that they view the American captives as war criminals in the sense of the Nuermburg trials, rather than in the sense they are concerned with in the Geneva accords.

I interpret this reply to our resolution as an outright admission that our POW's are indeed being treated cruelly.

The justification the Communists have given for violating their own pledge to the world community has already fallen on deaf ears. The International Red Cross met last weekend at Istanbul, and adopted resolutions calling for compliance with the Geneva accords. They made mention of the fact that the United States and the Government of South Vietnam were complying with the terms of this accord.

In light of recent statistics which show that in the first 8 months of this year alone, the Communist terrorists have slaughtered 4,283 South Vietnamese citizens, it is no wonder then that they have little reason to be decent to captives they hold who fought against them on the battlefield. For it is clear in their indiscriminate terror tactics and cruelty to even innocent people, that they have little regard for treaties or agreements which they pledge their word to, or to any civilized concepts of humanity. Their savagery, their cruelty, and their utter contempt for human life and decency depicts them as uncivilized barbarians.

I urge this administration to assure the Congress and the American people, that any peace agreement in Vietnam shall not be instituted before we know fully the names and condition of all prisoners of war held by the Communists, and that such a list be procured from the Communists as a condition before any meaningful settlement of this war can be achieved. It is not enough to have prisoners released after a peace treaty is signed—for if we do not know whom they hold as prisoners, then in light of their past falsehoods, can we truly trust them to turn over all prisoners they hold. Korea offers us a good example in point. The Communist side failed to satisfactorily account for 944 U.S. servicemen whom we had good reason to believe were at one time prisoners of war.

We owe an obligation to the families of the prisoners of war in Vietnam now, and to every serviceman in Vietnam now and who can expect to be there in the future, to make sure that we protect their interests in this regard. Let there be no repeat of the Korean situation. The only way to make sure there is no repeat of this situation is that the question of prisoners of war should be settled before all other questions are settled at Paris.

Mr. Speaker, I insert at this point in the RECORD the following material, which I ask my colleagues to give careful attention to.

A letter dated January 16, 1969, from the Department of State addressed to me, concerning the failure of the Korean Communists to account for prisoners of war after the Korean truce agreement was signed.

A letter from the Provost General of the United States, addressed to me, verifying that the United States and her allies do give humane treatment to our prisoners, and abide by the provisions of the Geneva Convention of 1949.

The full transcript of a recent news conference by two of the three recently released American POW's, verifying the cruel and inhumane treatment the Communists afford our servicemen who are at their mercy.

The article from Parade magazine of September 14, 1969, which describes the ordeal the families of our POW's must endure, as they await word on their husbands, fathers, and brothers.

Mr. Speaker, I believe it is the duty of this House to insist that this Nation be constantly informed of the tragedy of our servicemen who are captives of the Vietnamese Communists. While we dramatize their plight today, we must diligently pursue this matter, and see that these servicemen are not forgotten in the mad rush for a quick settlement to the horrible war which has engulfed Asia for so long.

The material follows:

DEPARTMENT OF STATE,
Washington, D.C., January 16, 1969.

Hon. RAY BLANTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BLANTON: I have received your letter dated January 9 requesting on behalf of a constituent information as to whether or not North Korea still holds as prisoners a number of United Nations servicemen who fought in the Korean War.

The question of United Nations servicemen who remain unaccounted for since the end of hostilities in Korea has been a matter of deep and continuing concern to the United States Government and to the Government of the Republic of Korea. The issue arose when, after hostilities ended in Korea, the Communist side failed to give a satisfactory accounting for 944 United States servicemen and 2,400 other United Nations Command personnel who we had reason to believe had at one time been alive in the hands of the Communist forces. Every possible effort has been made to ascertain the fate of these individuals. We have demanded of the Communists the accounting they were obligated to give, and we have sought information through all other available channels.

During the Geneva Conference of 1954 the United States delegation requested the assistance of the International Committee of the Red Cross on behalf of the missing men. The Central Tracing Agency of the International Red Cross made inquiries, on behalf of relatives of over a thousand missing military personnel, of the Chinese Communist and North Korean authorities, but without result. The American Red Cross, which is aware of our continuing interest in this matter, was informed in 1961 that the Department of State would be very grateful for any further inquiries the International Committee of the Red Cross might find itself in a position to make.

Largely as a result of the work of United States Graves Registration units working in Korea, the number of Americans remaining unaccounted-for has been reduced to 389.

Neither the United States Government nor the Government of the Republic of Korea has ever received any reliable information or intelligence to indicate that any of the men listed as unaccounted-for may yet be alive and held prisoner by the Soviet Communists, the Chinese Communists, or the North Korean Communists.

The Department of Defense and the Department of State continue to seek from the Communists the accounting which they are obligated to provide under the terms of the Military Armistice Agreement. The United States representatives have pressed the question at the ambassadorial-level talks (at Geneva, and more recently at Warsaw) with the Chinese Communists, as have the United Nations Command representatives at meetings of the Military Armistice Commission in Panmunjom. Although the Communist side has consistently rejected such approaches, our efforts to obtain a satisfactory accounting will continue.

I hope the above information will be helpful to you.

Sincerely yours,
WILLIAM B. MACOMBER, JR.,
Assistant Secretary for Congressional Relations.

SEPTEMBER 15, 1969.

Hon. RAY BLANTON,
House of Representatives,
Washington, D.C.

DEAR MR. BLANTON: The following and attached information concerning the treatment of enemy prisoners of war and detainees in Vietnam is provided in response to a request by Colonel Work of the Office of the Assistant Secretary of Defense (International Security Affairs).

The Department of State document at Inclosure 1 includes general information concerning the prisoners of war situation, including U.S. and allied policies and practices through August 1967. At Inclosure 2 are extracts from monthly reports by the International Committee of the Red Cross (ICRC) reporting on their inspection activities in the Republic of Vietnam.

For purposes of contrasting U.S. and allied prisoner of war/detainee policies and procedures, with those of the North Vietnamese and the Viet Cong, the following information is provided.

a. *Lists of PW:* The Government of Vietnam regularly transmits timely lists of prisoners of war held by the Republic of Vietnam to the Central Tracing Agency in Geneva for transmittal by the ICRC. (See extract from April 1969 International Review of the Red Cross, attached).

b. *Release of Sick and Wounded:* Medical commissions from the Government of Vietnam and the ICRC have identified over 800 enemy PW who qualify for direct release and repatriation as sick and wounded; for almost two years, a group of 40 sick and wounded POW have been provided special internment facilities at Bien-Hoa, RVN awaiting repatriation to their homes in North Vietnam. The enemy has refused to negotiate in public or private regarding the repatriation of these sick and wounded PW and refuses to acknowledge that they do exist. (Note extract from March 1969 International Review of the Red Cross, attached).

c. *Neutral Inspection:* Delegates of the ICRC in the Republic of Vietnam continue recurring inspection visits to detention centers, collecting points, hospitals, and other facilities operated by the ARVN, U.S. or

Allied Armed Forces wherein enemy POW are in custody. The ICRC formally reports the results of such visits to Geneva and the governments concerned on a regular basis. (Note attached extracts from the International Review of the Red Cross).

d. *Humane Treatment:* Enemy PW are humanely treated at all times, strictly in accordance with the standards of the Geneva Conventions of 12 August 1949, as verified by the ICRC.

e. *Mail:* Enemy PW are afforded the opportunity to exchange mail with their homes, and in the month of June dispatched some 1,718 pieces of mail; in addition, special visitation arrangements are provided PW and their families.

Further, in the 19 May 1969 press release, the DOD stressed that "the U.S. Government and the Government of the Republic of Vietnam have placed great emphasis in the proper treatment of enemy prisoners of war held in South Vietnam. We have recognized the requirements of the Geneva Conventions relative to the treatment of prisoners of war. At the same time, we repeatedly have expressed our desire that the enemy honor its obligation under the Convention and that it properly treat U.S. personnel captured by them".

If this office can be of further assistance, please feel free to contact us through Colonel Work, OASD(ISA), or Colonel Reid, Office of the Chief of Legislative Liaison, United States Army.

Sincerely yours,

JAMES C. SHOULTZ, Jr.

NEWS BRIEFING, BETHESDA NAVAL HOSPITAL, BETHESDA, MD., SEPTEMBER 2, 1969

SPOKESMAN. Ladies and gentlemen, we have had queries in the past few weeks regarding the three U.S. servicemen who recently returned from having been captured in North Vietnam. This is the first opportunity, this afternoon, that we have had available for the men to meet with the news media. We have had numerous requests along the way. Lt. Robert Frishman on your right, and Seaman Douglas Hegdahl on your left, are stationed here at the Bethesda Naval Hospital and are continuing to receive medical observations.

Captain Wesley Rumble, the third U.S. serviceman returned several weeks ago, is stationed at Travis Air Force Base Hospital and is on convalescent leave at this time.

As you know, Secretary Laird and the Department of Defense have expressed deep concern for the welfare of the 1355 U.S. srvicemen who are listed either as prisoners or missing in action. This afternoon, Secretary Laird as part of his continuing interest and concern issued the following statement:

On numerous occasions I have expressed deep concern regarding the welfare of the U.S. servicemen who are prisoners of war or missing in action in Southeast Asia.

I also have been concerned about the anxiety of the hundreds of families who have lived up to five years with this most difficult problem. Steps have been taken to assure that the family members of these prisoners and missing in action personnel receive all benefits to which they are entitled.

In addition, Defense officials personally have met with nearly 1400 wives, parents, and other family members to assure them that I have assigned the highest priority to the prisoner matter.

The Department of Defense has undertaken a continuing review of information received regarding prisoner treatment, including the experiences of the three U.S. servicemen recently released by Hanoi.

There is clear evidence that North Vietnam has violated even the most fundamental standards of human decency. It consistently has claimed, through propaganda statements, that our men have been treated humanely. Information the Defense Department has received clearly refutes those contentions.

It may be that top government officials in Hanoi are unaware of the shocking conditions within North Vietnamese prison camps. Nevertheless North Vietnam is accountable to every human being for these flagrant violations of human decency. North Vietnam also is accountable for its failure to release sick and injured prisoners and for its failure to permit the men to correspond freely with their families.

Hanoi knows about these violations.

Some of our men have been in Communist prison camps for more than five years. Over 200 have been there longer than three and a half years. We are concerned that the passage of so many months of captivity could have long term adverse effects on the well being of our men.

The nine men freed by North Vietnam in the past five years all have been released from the same prison camp. They personally have seen only a limited number of other prisoners.

We in the Department of Defense continue to be concerned for the hundreds of others believed to be held elsewhere. North Vietnam repeatedly has refused to identify these other prisoners, compounding the anxiety and despair of the hundreds of families who have now lived up to five years not knowing whether their loved ones are dead or alive.

We urge that North Vietnam and the Viet Cong release all prisoners. They must immediately:

1. Identify prisoners whom they hold.
2. Release the sick and injured.
3. Permit impartial inspections of prisoner of war facilities.
4. Permit the free exchange of mail.

These humanitarian actions are required by the Geneva Convention of 1949, which North Vietnam signed in 1957.

This convention calls for nothing more than minimum humanitarian conduct on prisoner matters. We call on the North Vietnamese and the Viet Cong to honor these principles.

At this time, Gentlemen, I would like to introduce two of the gentlemen who have just recently returned from having been captured in North Vietnam.

The procedures, I will introduce, both of these gentlemen. Lt. Frishman has a brief statement that he would like to make and he will be immediately followed by Seaman Douglas Hegdahl who also would like to make a statement and then, following that, these men are available for your questions.

Lt. Robert Frishman, USNR, 28, is a native of Long Beach, California; after graduating from Long Beach City College he attended the University of California Dental School and San Francisco State College.

He was commissioned an Ensign in the United States Naval Reserve in June, 1964, and was designated a naval officer in October, 1965.

Lt. Frishman reported to Fighter Squadron 121 in November, 1965, and was captured when his aircraft was shot down over North Vietnam on 24 October 1967.

Lt. Frishman's wife, Janet Lynn, has been living in Santee, California. Lt. Frishman has received the Distinguished Flying Cross, two Naval Commendation Medals and the Purple Heart.

Seaman Douglas Hegdahl, USN, is 22 years old, and was born in Watertown, South Dakota. He enlisted in the Navy on 28 October, 1966 and was assigned to the U.S.S. Canberra in February, 1967.

He was captured on 6 April, 1967. His parents are from Clark, South Dakota. Douglas Hegdahl on 28 August was promoted to Postal Clerk Third Class and he also has received the Navy Unit Commendation.

At this time I will turn the news conference over to Lt. Frishman.

Lieutenant **FRISHMAN.** I'm Lieutenant Robert Frishman, one of the released prisoners of war from North Vietnam. Hanoi says the best proof of their treatment to American prisoners will come from those they have released.

I am here today to tell of the type treatment that I and other American prisoners of war have received. I feel a deep obligation to the other prisoners of war still in Vietnam to express myself straightforward and to tell the truth. What I say will be refuted by the North Vietnamese.

If they don't have statements of humane treatment, they have ways of getting them. They threaten that if I embarrass them in any way they have ways of getting even with me, and told me not to forget that they still have hundreds of my buddies in their hands.

I would like to relate some of my experiences and those of others and leave you to your own opinion.

I had two meals a day—pumpkin soup with pig fat in it and some bread. It may not sound good but you can live on it. Sometimes we would sweep the leaves and occasionally sit in the sun. They would give me some magazines and books, which, of course, were slanted along the North Vietnamese party line propaganda. But for the most part, I would just have to use American ingenuity to keep my mind busy and fight the isolation.

What about medical treatment?

The Doctors at Bethesda tell me that if you have to remove an elbow, the way they did seems to be professional. I still have a right arm and I'm thankful for that. However, they failed to remove the fragments of the SAM missile in my arm. It took six months just for my incision to heal over. I would wake up and find my arm stuck to the blankets by the dried scab. When I took the blanket off, the scab would come off and the wound would drain again. During the operation, they put serum in my left leg with a needle, and left string behind which resulted in a seeping sore which drained until my return to this country. In a few minutes at Bethesda, the Doctors removed the foreign object, and now it is healing.

I believe the North Vietnamese are capable of giving good medical care, but they are basically willing only in doing what is necessary to keep us alive. My case is not unique. I've seen LCdr McCain and others who have received this basic treatment to keep them alive but will require further treatment before they are in good shape again. I hope they get home in time for our doctors to effect a recovery.

The North Vietnamese told me that John McCain was the worst wounded pilot. He has many broken bones but he can walk with a very pronounced limp and a stiff arm. He has been in solitary confinement since April of 1968. It's hard enough just being in solitary confinement but when you're wounded like John is, it's even more difficult because you don't have anyone to help you wash yourself, or your clothes, or keep your room clean.

Are rebreaking broken bones in solitary confinement humane? Is sitting on a hot stool in a hot stuffy room with no sleep and mosquitoes biting you until they make their lousy statements humane? I know what it's like.

In two days your feet swell up and then it creeps up your legs until they're numb. Weather and your physical condition are determining factors on how long you can last. Some have gone for 150 hours. Others passed out from heat exhaustion in 48.

The North Vietnamese tried to get LCdr Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his finger nails removed and put in solitary, but the North

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Vietnamese insisted that he make the false humane treatment statements and threw him into a dark cell alone for 38 days to think about it.

Facing future torture, Stratton did what I considered to be a very patriotic act. He got up before the press and intentionally walked around glassly-eyed, bowing as we are forced to do in camp, trying to give the impression that he is brainwashed and hoping that the Americans would get the message. They did and the rebound hit Hanoi right between the eyes. Since then they have forced Stratton to make appearances, statements saying that he wasn't tortured or brainwashed. He goes to those delegations but it makes him sick every time he does. He tells the North Vietnamese not to believe for one minute that he's cooperating with them. He then rolls up his sleeves and shows them the cigarette burns and rope scars and says this is the reason. While I'm in your hands I have to be obedient, but the first chance I get I'm going to blow the whistle and tell the truth.

I feel like I'm Stratton's chance to blow the whistle and get the facts out. Actually, I've seen Stratton and he's in fair shape despite the torture. He's a real example for me to follow. Stratton knows that I have been released. He told me not to worry about telling the truth about him. He said that if he gets tortured some more at least he'll know why he's getting it and he will feel that it will be worth the sacrifice.

You may ask why do we resist. I'll tell you why. It's because of pride. Not only your own self pride that you have resisted, but because the enemy has had to lower itself to such inhumane levels of conduct that you know that you are still resisting them even while you are in their hands.

I actually feel that possibly that the higher ups in North Vietnam may not know about the truth about our treatment. They only see the results of the phony statements and confessions forced out of us by their subordinates' labor. I noticed that when the really big men, I mean the Generals have come to the camp, things have gotten better. There were times that my physical treatment was good, especially that last month before my release. But you are still always under the mental strains of abuse and future reprisals.

My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg or not allowing an exchange of mail to prisoners of war are humane.

Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts.

Seaman Hegdahl. I am Seaman Hegdahl.

I am veary happy to be home after 28 months in captivity. The Navy provided transportation for my folks to come to New York to meet me and then go to Washington.

When I arrived at the hospital, I saw many doctors and underwent many tests. Except for ringworm and being underweight the doctors told me that I was in good health considering where I had been. I had my teeth taken care of and received new glasses.

I know that many people are wondering how I could fall from a 17,000-ton ship. The fact of the matter is I just don't know. Before dawn on April 6, 1967, I came up on the deck to watch the ship. The next thing I remember I was in the water. After five hours of swimming I was picked up by North Vietnamese fishermen. Of course I was hoping for a helicopter but beggars can't be choosers. I think I have the distinction of being about the only POW that cost the North Vietnamese more money after capture than before.

I did get two blankets, toothpaste and soap most of the time. I had two meals a day and we did get to wash. I was kept in solitary confinement for over a year—seven months and ten days at one stretch. I was made to stand with my hands over my head for trying to talk with other POW's, etc. The camp was infested with rats and mice but after I got used to it it wasn't too bad.

Many POW's do not write or receive mail. But I did get about 16 letters from my folks and my folks got four from me. Many POW's have been in solitary confinement for years. In most cases POW's are not allowed to read western books or make or receive games. Since my return I have found out that the government shares my anxiety over the fate of the POW's still in Southeast Asia and is working for a speedy return of all POW's, especially the sick and wounded. Thank you.

Question. Lieutenant, why did they let you three go?

Lieutenant Frishman. I am wounded and I believe that they had pressure on them to release some of the wounded.

Question. Was there any attempt, as the Koreans did during that war, to divide you between the progressives and conservatives, that sort of thing?

Lieutenant Frishman. I don't know. They kept us mostly in isolated situations, although I did know some of the other people there, I really can't answer that truthfully, sir.

Question. Lieutenant, you mentioned from your statement that they hung you from the ceiling and you were in a small room.

Lieutenant Frishman. No, this was not related to me. Although these were related to some of the things which happened to the other men.

Question. My question is what were the conditions? Could you describe the room? Did you say pumpkin soup?

Lieutenant Frishman. Yes, they take a pumpkin, boil it and put a little bit of flour in it. But I tell you after you eat pumpkin soup for 90 days in a row it gets pretty tiresome.

Question. What were they after? Were you being punished on a whim or were they trying to get you to write up confessions? What was the pattern of punishment?

Lieutenant Frishman. At the beginning the real rough treatment came at first when they were trying to get military answers from you. After that they tried to force you into appearing before these delegations to say that you had received humane treatment.

Question. Was there any way to resist that or did everyone break down?

Lieutenant Frishman. I will tell you, you can only resist so long. If they want you to make a statement, you're going to make it.

Question. Having said that, do you think the code of conduct for American servicemen is viable and really makes sense?

Lieutenant Frishman. Yes, I do. I feel it is a guideline. What you try to do is resist to the best of your ability. That is exactly what we've all done, I feel. I do not feel at any time that I did anything to endanger any of the other prisoners of war or my country.

Question. Were either of you exploited publicly after capture?

Lieutenant Frishman. I don't really know.

Question. Were either of you paraded or carried through cities?

Lieutenant Frishman. No, I wasn't.

Question. Mr. Hegdahl, were you?

Seaman Hegdahl. No.

Question. You were both at the same camp?

Lieutenant Frishman. Yes, we ended up in the same camp. I went in one other camp before I was in the second camp.

Question. I take it these camps are not the same as in Korea or World War II; a compound status where you are allowed to have any sort of military organization.

Lieutenant Frishman. No, you are kept in rooms. Generally speaking, some people are kept in solitary, some other rooms have two or three men in it, but you're kept in an isolated type of situation.

Question: Were there any attempts at indoctrination?

Lieutenant Frishman. Yes.

Question. Formal indoctrination.

Lieutenant Frishman. I consider it formal indoctrination, trying to convince you that they are right and you are wrong.

Question. I understand you were considered for release in previous years.

Seaman Hegdahl. Yes. I was considered as long ago as August, 1967. I think the reason they released me is because I was only a seaman, I did not threaten the country in any way after release.

Question. Do you feel that you had to cooperate in any way in order to get released?

Seaman Hegdahl. No, sir. I did not cooperate with them.

Question. Lieutenant, you mentioned that your treatment was a little better during the last month of captivity. Did they try to fatten you up a little bit?

Lieutenant Frishman. Yes, they did. On July 4 they took me out of my room and said I was going over to get an X-ray. They took me into what we call the big house. The camp commander was there and he had a real nice table with some fruit on it, things like that, and said I was going to be released and there was a chance I might be released. I knew then that I was going home.

Question. Lieutenant, did you say that you talked to other prisoners and told them that you were going to tell about the treatment or they said it was all right if you did?

Lientenant Frishman. Yes, exactly.

Question. More than one?

Lieutenant Frishman. Yes.

Question. You do not feel that your buddies will suffer reprisals because of this?

Lieutenant Frishman. Like I said, I felt a strong obligation to get the truth out and I feel a strong obligation to the men back there. They know I am going to come back here and tell the truth and that is what they want.

Question. Lieutenant, in the camp where you were ultimately located, do you know its approximate location?

Lieutenant Frishman. Yes, I do. It's in Hanoi.

Question. Within Hanoi?

Lieutenant Frishman. Within Hanoi.

Question. Did you at any time either of you, were you visited by Red Cross representatives or ever contacted by the Red Cross at any time?

Lieutenant Frishman. No; we had no contact with the Red Cross.

Question. Were there any U.S. bombing raids near the camp?

Lieutenant Frishman. Yes. I was shot down on the 24th of October and they had some big raids around the Hanoi area at that time. It kind of made us feel pretty good because the bombs were going off all around us. We were not supposed to watch but we would look outside and watch the Vietnamese running around like they were really scared.

If you were never there it is a funny feeling because the walls just shake. You don't see the bombs but you could feel them. It was a big morale booster for us.

Question. Lieutenant, how much weight did you lose?

Lieutenant FRISHMAN. I lost about 50 pounds.

Seaman HEGDAHL. I lost about 60 pounds.

Question. Could you give us an idea of what your feelings are now about pursuing the war, particularly since the American public is generally pressing to pull back troops and get out?

Lieutenant FRISHMAN. To tell you the truth, I do not know too much about the truth. What I am trying to do here today is to see that the prisoners up there get some humane treatment and I would really like to see some of the sick and wounded get home while they still have a chance to effect some type of recovery. It is really hard on the men up there being in solitary confinement for as long as some of them have.

Question. Would you like to see us get out of Vietnam, United States withdrawal?

Lieutenant FRISHMAN. No, but I would like to see the end of the war come.

Question. Could you describe the size of your room and specifically that point you made earlier about the temperature, that you could only hold out so many hours?

Was this a purposeful act to put you in a hot place or was it the climate?

Could you describe the room, Lieutenant?

Lieutenant FRISHMAN. The first room I was in was about 10 feet by 11 feet and it was brick and it had a tile roof. The second place I was in was a much bigger room. It was 14 feet by 26 and about 13 feet high, and was brick walled also and it had a galvanized tin roof. It had a few vent holes in there to let some air in.

The bad thing about it is during the summer time that hot tropical sun beats down on there and it is just kind of like an oven and it just retains the heat. You are covered from head to foot during the hot months with heat rash. All you do most of the day long is sit on your bed. You have kind of a hand fan and fan yourself but it doesn't do any good. You have the heat rash all over you.

During the winter time it only gets down to about 45 degrees but that's really cold if you try to live in 45 degree weather and I got pretty cold. I got shot down just as the winter was coming on and that is when I was real sick. I had a hard time with my arm because every time I put my arm under the blanket the darn scab would adhere to the blanket.

Question. Lieutenant Frishman, can you tell us about the type of interrogation to which you were subjected, particularly as to what kind of pressures they wanted to know about your equipment or your bombing techniques or anything like that? Could you tell us about the interrogation?

Lieutenant FRISHMAN. I would rather not go into that right now.

Question. Could you tell us what kind of description you were given of the course of the war while you were captive and what you were told here, the comparison between the two?

Lieutenant FRISHMAN. Yes, occasionally we would listen to the voice of Vietnam, which is the Hanoi Radio. We call it Hanoi Hannah. Of course they said we were losing all the time and in all that time I can't remember how many people they claimed that we had lost but they only lost two Viet Cong in all the time that I was up there.

Question. Sorry to zero in on this same point but to get it straight. Were those tortures which you described, applied to you directly and why they were imposed and also could you explain whether this tin roof and the heat—is that the way that they live ordinarily or was this a purposeful kind of confinement to make it as uncomfortable on the Americans as possible?

Lieutenant FRISHMAN. In answer to your last question first, the brick walls and tin roof—that was pretty good accommodations but the bad thing is that it's all closed off and there are just a few vent holes. If you could have open doors or something like that it would be not too bad but it is just like an oven.

Question. What was the connection, the linkage in your torture, no rhyme or reason to it?

Lieutenant FRISHMAN. No, sir. Maybe there is. I never did catch any though. You were talking about the type of tortures which I specifically received. When I first got shot down—I am sorry, you mentioned something about being paraded around. I forgot about this. When I was shot down they had me in a truck and they were carrying me around in this truck.

They would let me out at the missile sites and gun sites. I was blindfolded but I could tell, your nose sticks out like this and I could see beneath the blindfold.

I could tell that I was in a gun site. They would throw rocks at you and hit you. One of the little ones came up and hit me on the side of the mouth and dislodged a filling. Then once I got to the camp they refused to give me medical treatment, saying I was going to die in four hours if I didn't give them information. I just finally passed out and they took me to a hospital.

Then even with my bad arm they tied me up with ropes. I was made to sit in a chair—you sit on a stool in this hot room and you just sit there and sit there and sit there. For punishment or for something that they would want you to do. After awhile you just pass out. It is really rough on you.

Question. Did they discuss with you why they would not provide a list of the sick and injured prisoners and why they would not provide any other list?

Lieutenant FRISHMAN. They said that is something the United States Government wants to have and they are going to keep it from them. They came right out and said that.

Question. Did they attach any conditions to that, such as if the United States stopped the bombing or the B-52 flights that they would then provide such a list?

Lieutenant FRISHMAN. Not to me.

Question. Have there been any escapes?

Lieutenant FRISHMAN. I don't know of any.

Question. Seaman Hegdahl, there was a photograph in a Japanese newspaper showing you reading "Christmas Mail," yet the letter that you were reading and a blow up showed April 2, 1968, date at the top of it?

Seaman HEGDAHL. That's about average.

Question. Do you recall the specific time that photograph was taken?

Seaman HEGDAHL. Yes, I did get that letter that day.

Question. When was that photograph taken?

Seaman HEGDAHL. That was taken December 24, 1968.

Question. You received a letter—

Seaman HEGDAHL. I did receive that letter.

Question. You received that that day, the day before Christmas?

Seaman HEGDAHL. They took pictures of me reading Newsweek Magazine, just long enough for them to take the picture and then they took the magazine away.

Question. Did they take the letter away also?

Seaman HEGDAHL. No, sir, I got to keep it that day.

Question. Did they ordinarily take your mail away from you after you read it or had seen it?

Seaman HEGDAHL. They read it of course, first. My mother sent money and cool aid and things like this, and I never received it. I did get a Christmas package but a great deal of it was missing.

Question. A great deal of what?

Seaman HEGDAHL. A great deal was missing.

Question. Were either of you interrogated by anyone other than the North Vietnamese?

Lieutenant FRISHMAN. No, sir.

Seaman HEGDAHL. They could have been some Chinese, I could not tell.

Question. Did they require either of you to sign a confession or apology for bombing or in your case for participating in the war?

Lieutenant FRISHMAN. I had to sign a statement asking to be released.

Question. Nothing else?

Lieutenant FRISHMAN. It was a general statement of a request. It is a request to Ho Chi Minh to ask for release.

Question. Did you have to confess that you were wrong, that you were in error?

Lieutenant FRISHMAN. No, but they do have, like I say, they have lots of statements. They force people into making all of these things and they've got them.

Question. Could you summarize the attitude and morale of the men left behind? What is their feeling in general?

Lieutenant FRISHMAN. I think the morale is still high but when the bombing stopped and we still remained up there, it was hard on them. There is no doubt about it, it is rough on you. You do get very depressed and you try to do things you can to occupy your mind and keep yourself going but it's real hard on the men. That's what I am trying to do, to improve things for the men and get the sick and wounded back.

Question. How many men did you become acquainted with or know were in your immediate vicinity who were Americans?

Lieutenant FRISHMAN. I have seen around 150.

Question. In this one camp?

Lieutenant FRISHMAN. No, sir, in all the two camps I have been in.

Question. Where was the first camp you were in?

Lieutenant FRISHMAN. Hanoi.

Question. They were both in Hanoi?

Lieutenant FRISHMAN. Yes, sir.

Question. Is this a fair summation, the first few days or first few weeks it was really rough treatment because they were trying to extract military information from you, but from then on it was a matter of solitary confinement under very uncomfortable conditions but a minimum of feedings and interrogations or was it different from that?

Could you give us the pattern?

Lieutenant FRISHMAN. What you said was a very good summary, but I'll tell you this. I remember when I was a little kid and I did something wrong and my dad would ask, "Do you want to have a beating or you can't go out with the boys in the afternoon?" I would always take the beating. The isolation and that solitary confinement is the worst on you.

Question. Do you sleep good? Do they have a light on at night?

Lieutenant FRISHMAN. They do have a light on. It's not a bright light and you accustom yourself to it. In the hot weather it's so hot, when it gets hot you can't even sleep at night.

Question. Can you give us one typical day, what you did in a typical 24-hour period?

Seaman HEGDAHL. In the summer time you get up about five and in the winter time about 5:30. You take out your waste bucket and you come back to the room. Sometimes you hear the Voice of Vietnam, Hanoi Radio. That is at six o'clock or 6:30. They come around and give you three cigarettes every day.

The first meal is about ten o'clock in the morning. The second meal is about four o'clock, and that's all of your activity.

Question. Can you go to bed any time you want or do you have to sit in the chair?

Seaman HEGDAHL. When I was first there, they were real strict, but later on they didn't care—it depended a lot on the individual guard.

Question. Is there a guard standing outside your door?

Seaman HEGDAHL. No, sir, they had a roving guard to check on you every so often.

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Question. What kind of a layout is it? Was it two or three floor building?

Seaman HEGDAHL. In the camp I was, there were four or five different buildings.

Question. Of two stories and a guard patrolling the hall?

Seaman HEGDAHL. No, just one story building. The interrogation building was a two story building.

Question. Was there a big fence around it? What was the escape possibilities?

Seaman HEGDAHL. There was a fence around it.

Question. With guards and barbed wire fence?

Spokesman. I think we have time for two more questions and then we should conclude.

Question. Since you were one of the prisoners who was allowed to be interviewed by the foreign press, could you tell us what kind of ground rules they set down for you prior to the interviews?

Lieutenant FRISHMAN. They would write out what you were going to say and then you practiced it with them. You try to do what you can to resist that thing, but like I say, they have ways of forcing you into doing that stuff. I thought that that interview I had with Mrs. Fallachi—I thought she had a sincere feeling about my problems. She realized the circumstances that the entire thing was under.

Question. What is the immediate future, both of you gentlemen? Are you going on leave? Are you going to remain in the Navy?

Lieutenant FRISHMAN. Like I say, I feel like I have a real obligation to bring the facts out as to what is really going on up there. I plan on taking a tour of the country, seeing some of the wives and after that, I will be stationed at San Diego to have my arm worked on.

Question. Seaman Hegdahl?

Seaman HEGDAHL. I am stationed here at Bethesda now. I am going on leave tomorrow, and then I will be stationed at Bethesda.

Question. Could we see your arm?

Lieutenant FRISHMAN. I don't have an elbow. I have about four inches of bone missing.

Question. Do you have use of it?

Lieutenant FRISHMAN. I can move my fingers and move my arm a little bit. There are quite a few possibilities. It is quite a unique kind of deal, missing an elbow. They have artificial elbows, plastic things like that. I am sure our doctors will do the best they can. They say I will never have a real whole arm again, but chances to get partial use out of it look real favorable.

Question. Lieutenant, they officially say 1355 total POW's, of which they estimate 950 missing, 401 possible actually prisoners. How accurate are those figures and do you have any idea of the missing, what percentage might still be alive?

Lieutenant FRISHMAN. I didn't see all of the prisoners up there. Just personally there are hundreds. You know, 600 or so like that. I hope there's more but I really don't know.

SPOKESMAN. Thank you very much, ladies and gentlemen.

[From Parade magazine, Sept. 14, 1969]

HANOI'S PRISONERS

Three freed American prisoners of war flew out of Hanoi last month, making three families here at home very, very happy. But nearly a thousand American military wives are as worried as ever. Their husbands are "Missing," which means at best that they are prisoners of North Vietnam, and at worst that they are dead.

Mrs. James Bond Stockdale, one of the lucky few who knows her husband is alive, though a prisoner, serves as national coordinator of the League of Families of American Prisoners in Southeast Asia. With a delegation of 13 relatives of POW's and MIA's (missing in action), she called on the Secretary of Defense, Melvin Laird, in July.

Having spent several years knocking on doors in Washington and getting nowhere, the group had no high expectations this time. They were surprised.

"He was very reassuring," says Mrs. Stockdale. "He told us that he and the President had been concerned about our problem for some time."

Mrs. Stockdale told Parade of Secretary Laird's promise that the bulk of American forces in Vietnam would not be withdrawn until the prisoner question is resolved satisfactorily.

For what seems like an eternity Mrs. Stockdale and her four young sons have lived with worry. Her husband's F-8 Crusader jet was shot down over North Vietnam in September of 1965, but it was not until two months later that she had even a hint he was alive. A captured pilot named "Stockdel" was mentioned in an article appearing in the Russian newspaper *Pravda*.

Then, in April of 1966, came two letters from Captain Stockdale. They had been written in December and February. His weight, he said, had dropped 30 pounds in three months. He had been put in solitary confinement. She subsequently learned that in July he and several other American pilots were handcuffed and led through the streets of Hanoi, among jeering, hostile crowds.

Mrs. Stockdale has received only one of two letters a year from her husband. She writes him at least every month, but few of her letters get through.

It was obvious, for instance, from a letter received by Mrs. Stockdale last June, that her husband had not learned of his mother's death a year and a half earlier. Of course, his wife had been mentioning it in all her letters, not knowing which ones would get through. None of them did.

"But I want to emphasize how fortunate I am," says Mrs. Stockdale. "I am among the less than 10 percent of us who have ever received any information of mail of any kind. Most of the women literally don't know whether their husbands are dead or alive.

"I'm living in limbo," says Mrs. Gloria Netherland, whose husband was reported missing over two years ago, at which time she left her home in California and moved to Washington, D.C., to be near friends.

"I represent one of many who simply want to know whether or not we are widows," says the Navy wife, whose husband was in Captain Stockdale's class at Annapolis. "If my husband is dead, I'll exchange my present problems for new ones, but at least I'll know."

The League of Families has about 350 members, many of whom belong as well to organizations in their home towns. They have sent innumerable telegrams to Xuan Thuy, Hanoi's man in Paris, challenging him to prove that his government is treating its prisoners humanely. No response. They have written to editors all over the world, trying to enlist help in stirring up world opinion against Hanoi.

The wives and relatives urge as a first step that Hanoi supply a list of all prisoners. This is, incidentally, required by the Geneva Convention, to which North Vietnam agreed.

Hanoi protests that the war in Vietnam is undeclared and thus the terms of the convention do not hold, but opponents argue that the articles of the convention apply explicitly to any "armed conflict."

North Vietnam does not seem likely to help out the Mrs. Stockdales. In response to last spring's public request by Secretary Laird for a list of prisoners and free flow of mail between the prisoners and their families, Hanoi's spokesman in Paris refused to promise anything until U.S. troops are withdrawn from Vietnam.

Mrs. Stockdale is grateful to those in Washington, like Secretary Laird, who have listened to her. Maybe, at long last, something will be done.

"I can only hope," she says smiling, "and maintain my sense of humor. Otherwise I'd drown in my own tears."

Mr. HARVEY. Mr. Speaker, it is not my intention to make a lengthy presentation of my strong support of this concurrent resolution calling for North Vietnam to abide by the provisions of the Geneva Convention. The resolution spells that out clearly.

Further, many other sponsors will enunciate clearly and forcefully the vital points as we seek only decent, humanitarian treatment for American military captives.

In lieu of a long statement, I would rather bring to the attention of all Members of Congress two very moving and sincere letters from those deeply affected and gravely concerned, the wife and mother of Maj. Bruce G. Johnson, U.S. Army, who has been missing in action since June 10, 1965. Major Johnson is a native of Harbor Beach, Mich., a lovely community on the shores of Lake Huron in our Eighth Congressional District. His wife, Mrs. Kathleen Johnson, and his mother, Mrs. Claire E. Johnson, have said it better than any professional orator.

Although I urge you to read their complete letters which will follow, let me place particular emphasis on two thoughts that they have expressed. The mother, Mrs. Claire E. Johnson, of Harbor Beach, closed her letter by saying:

> The time has come when we need to know what has happened to Bruce. We will appreciate any effort you can make in Bruce's and the other American boys' behalf in Vietnam.

Major Johnson's wife, Kathleen, now residing in Salina, Kans., wrote:

> Please be concerned enough to speak out in the House of Representatives and Congress in behalf of my husband's rights as an American P.O.W.—please feel the concern I feel for my husband and enlist the interest and the support of your fellow Representatives—please with your combined voices and concern let the people of the N.L.F. and Hanoi know that the American people are concerned for its men held as prisoners in both the South and in the North. As a great united voice, I pray that the N.L.F. and Hanoi will hear that voice of the American people and respond in a positive manner to these simple and basic demands that we make for the rights of so many of America's finest men.

This Congress must and will accept an obligation to continue to do everything humanly possible to expedite the release of American captives and to see that they are treated justly. This is a responsibility we cannot shirk.

I will close by including the letters from Major Johnson's wife, Mrs. Kathleen Johnson, and his mother, Mrs. Claire E. Johnson:

SALINA, KANS.
September 5, 1969.

Mr. JAMES HARVEY,
Representative from the State of Michigan, House of Representatives, Washington, D.C.

DEAR MR. HARVEY: I am writing to you to ask your help in a matter of complete and urgent concern to me. I am the wife of an American army infantry officer, Major Bruce G. Johnson. Bruce has been listed as missing in action by our Department of the Army since June 10, 1965. During all these years and months there has been no word from Bruce or any indication of his present circumstances or whereabouts. Bruce became missing as the result of an ambush in South Vietnam and I believe that my husband is being held as a prisoner of war of the National Liberation front somewhere in South Vietnam.

As you perhaps, are well aware, the NLF and Hanoi rejects any requests to issue names of those they hold as prisoners and also distressing to us, is the calloused way in which they seem to disregard our attempts to get mail and packages to our loved ones.

I have been to Washington many times during these years that Bruce has been "missing" and am well aware of the frustration and desperation that members of the Red Cross, the Department of Defense, and the State Department feel in having door after door slammed in their faces by the N.L.F. and Hanoi as they seek to learn even such basic things as the names of those captured, as they strive to ascertain and work for the improvement of these conditions under which my husband and others must live and endure—day in, day out, month after month, year after year. We all seek through numerous addresses and means to get letters and packages to loved ones—year after year, my Christmas packages are returned. Year after year as a few prisoners are occassionally released or have the good fortune to escape, they bring word that letters don't reach them—mail doesn't reach us!!

We have three children, Mr. Harvey. Brucie is going to be ten next month. He was four when his father left to serve his country in Vietnam. Bruce started kindergarten the fall after Bruce left in 1964. This past week Brucie began the fifth grade. Bryan is eight now—he was three when Bruce left us. Colleen Joy was not quite two when her daddy left. Colleen will celebrate her seventh birthday tomorrow—her daddy will not be here. I'm sure that somewhere in Southeast Asia, Bruce will remember that it is his daughter's birthday and will try to think and visualize what his daughter looks like.

He'll spend the day remembering his sons—two little toddlers when he left and pray for that day when he'll be back with us again. For over five years, our children and I have shared that prayer—as the wife of an American man "missing in action"—each day, each night is a continuous prayer for God to meet his every need—to grant him the spiritual and physical strength to endure whatever must be endured. I am humbly grateful that God is indeed at his side—that God does hear and answer prayer.

As I began in this letter to you—I am writing to ask your help—please as a Representative of our home district of Harbor Beach, Michigan, please make a stand, a strong and firm stand demanding that the N.L.F. and Hanoi cease their cruel and inhumane treatment of our husbands, fathers, sons—please demand as a spokesman of your people that names of Prisoners be given, that there be an exchange of mail and packages between the men and their families that a Red Cross group or any neutral committee be allowed to examine POW camps in both North and South Vietnam, that those of our loved ones who are sick or wounded be returned in the name of humanity and basic decency—that physical and mental torture be stopped!!

I'm sure you may be asking yourself "What can I do as one man—as one representative of one district in these great United States?—I plead with you as one wife in behalf of my husband who has spent over five years of his life in Vietnam that you give voice to our demands—to the demands of thousands of wives, thousands of children thousands of American officers and men that the N.L.F. and Hanoi behave in a manner that is in accord with the rules of the Geneva Convention treaty (that North Vietnam had signed), that they respect the basic decency and rights inherent in all men, deserved by all men, deserved by our men.

Please be concerned enough to speak out in the House of Representatives and Congress in behalf of my husband's rights as an American POW—please feel the concern I feel for my husband and enlist the interest and support of your fellow Representatives—please with your combined voices and concern let the people of the N.L.F. and Hanoi know that the American people are concerned for its men held as prisoners in both the South and in the North. As a great united voice, I pray that the N.L.F. and Hanoi will hear that voice of the American people and respond in a positive manner to these simple and basic demands that we make for the rights of so many of America's finest men.

Sincerely.

KATHERINE B. JOHNSON,
(Mrs. Bruce G. Johnson).

HARBOR BEACH, MICH.,
September 8, 1969.

Representative JAMES HARVEY,
Washington, D.C.

DEAR SIR: I am very much concerned about the treatment of American boys being held prisoner or listed as missing in Vietnam.

I realize and appreciate the fact that our representatives in Government are also concerned and that the issue of prisoners is to come before the House in the very near future.

As the mother of a missing son I urge you strongly to do all within your power to once again appeal to Hanoi and the N.L.F. of South Vietnam to comply with the Geneva Convention in treatment of prisoners and release of names of missing personnel.

I urge you also to work toward any action which will shorten the war and bring this conflict to a just end.

My son, Major Bruce G. Johnson, has been missing four years and three months during which time we have heard nothing from him. Our faith in God has sustained us during this time. The loyalty of our Government in furnishing monthly letters to us with available items of general or specific interest have greatly encouraged us.

The time has come when we need to know what has happened to Bruce.

We will appreciate any effort you can make on Bruce's and the other American boys' behalf in Vietnam.

Sincerely,

(Mrs.) CLAIRE E. JOHNSON.

Mr. VANDER JAGT. Mr. Speaker, our enemy in the Vietnam war is guilty of inhumane and inexcusable treatment of American war prisoners.

Sneering at world opinion, ignoring provisions of the 1949 Geneva Convention, threatening to put our brave men on trial as war criminals for fighting against Communist aggression, the enemy ignores pleas to act in a humane way.

More than 1,350 American families wait for the release of a husband or son, some of them seeking definite word whether a loved one is dead or alive.

The North Vietnamese could devise no subtler cruelty than to ignore provisions of tht Geneva Convention. Military or other leaders in Hanoi maintain a callous position. This kind of cruelty imposed on innocent bystanders is both repugnant and virtually unthinkable.

It may be that our enemy hopes through such cruel pressure to influence the policy of the United States toward the Vietnam war.

Congress, the administration, the American people, and families directly affected are not swayed by this crude attempt on the part of the enemy. The action of Hanoi strengthens our resolve.

A mobilized world opinion could force the enemy to name the men in captivity, to immediately repatriate sick and wounded, to permit impartial inspection of prison facilities, to permit a regular flow of mail, and to undertake serious negotiations for the prompt release of all American prisoners of war.

I join my colleagues in Congress in attempting to generate world opinion against the inhumane treatment of our war prisoners. We are standing solidly in support of the Commander in Chief as he attempts to induce from Hanoi greater respect for human decency and for the rule of law.

Mr. ANDERSON of California. Mr. Speaker, one of the disturbing elements of the Vietnam war, in addition to the conflict, is the withholding by North Vietnam of information regarding prisoners of war. This is especially disturbing since North Vietnam in 1957 signed and agreed to the requirements of the Geneva Convention of 1949 and has now violated the minimum humanitarian provisions of conduct on prisoner matters.

Apparently, our Government's efforts thus far to aid our prisoners of war, to achieve their early release, and even to obtain their names have not been effective. I therefore, on August 25, 1969, called upon President Nixon as our Chief Executive to exercise further efforts and stressed that the challenge is his to find means and ways so that the stalemate will not continue. It is with the above in mind and my sincere conviction that renewed effort must be taken by our executive branch of government that I have cosponsored a resolution offered by the Honorable WILLIAM L. DICKINSON, Congressman from Alabama.

Mr. CEDERBERG. Mr. Speaker, I wish to join my colleagues today in expressing my deep concern regarding the treatment of the men of the U.S. Armed Forces who are held as prisoners of war by the North Vietnamese Government and the National Liberation Front—NLF.

The United States has consistently followed the directives of the Geneva Convention in its treatment of those members of both the North Vietnamese and NLF forces who have been captured in the course of the Vietnam conflict. We have been joined in this effort by the South Vietnamese Government and by the other nations which have troops stationed in Southeast Asia. These directives have been ignored by the other side.

It is a cause of grave concern that each time a member of our Armed Forces escapes or is released by the North Vietnamese we are visited with tales of horror about the treatment of men who were their fellow prisoners.

The human suffering of the men who are being held captive in this manner is certainly enough of a cause for our indignation. The fact that the Geneva Convention is not followed by the North Vietnamese or the NLF extends this suffering to the members of our soldiers' families and to their friends. It is a constant source of amazement to me that a gov-

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ernment which professes that it is prosecuting a war "for the people" would so blatantly disregard the call for the recognition of simple human needs.

We are not asking for the release of men so that they may return to the battlefield, we are asking for recognition that these men are human beings.

We are asking that it be recognized that they have a right to medical treatment for their injuries; that their loved ones have a right to know if they are alive; that they have a right, a human right, to be allowed to communicate with those they love.

I wish to express to the thousands of people who are members of the families and friends of our men who are being detained in North Vietnam my sincerest sympathy in their suffering and pledge my wholehearted support for any initiatives which can be taken to see that the North Vietnamese Government and the National Liberation Front honor the requirements of the Geneva Convention.

Mr. POFF. Mr. Speaker, I commend the gentleman from Alabama (Mr. DICKINSON) for his fine leadership in arranging this special order to publicize the prisoner-of-war problem, and I fully support his efforts to call this matter to the attention of the other nations of the world. I am pleased to be a cosponsor of the resolution he has introduced today.

Mr. Speaker, other Members of the House have called attention to the inhumanities inflicted upon the prisoners in North Vietnam's prison camps. This is an intolerable situation, almost unbelievable in the 20th century, and I call upon the Government of North Vietnam and the National Liberation Front to abide by the terms of the Geneva Convention.

North Vietnam claims that the prisoners it holds are war criminals and, therefore, not covered by the Geneva Convention, but the resolution adopted by the 21st International Conference of the Red Cross in Istanbul last week completely refutes Hanoi's contentions. The resolution calls upon all parties to an armed conflict, no matter by what it may be characterized, to abide by the terms of the Geneva Convention. This resolution was adopted by a 114 to 0 vote, and I am including, as a part of my remarks, a copy of the statement Ambassador Graham Martin made to the conference:

STATEMENT BY AMBASSADOR GRAHAM MARTIN

Those of you who were present at the Twentieth International Conference of the Red Cross in Vienna in October 1965, will recall that the Conference expressed its concern for the treatment of prisoners of war whose confinement removed them from combat and whose presence presented no threat to their captors. The armed conflicts that existed at that time and the conduct of some governments who have acceded to the Geneva Conventions in failing to honor their obligations under the Conventions to provide humane treatment to prisoners of war, showed the need for the resolution which the Conference passed four years ago.

Now four long years have passed since the adoption of that resolution, which called "upon all authorities involved in an armed conflict to ensure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva Convention of 1949. . . ." In the case of the Communist authorities in southeast Asia, the solemn appeal of the last conference fell on deaf ears. North Vietnam and the Viet Cong have refused consistently to observe even internationally recognized minimum standards of humanitarian treatment for prisoners they hold as a result of the armed conflict in Vietnam.

The concern of the United States about these prisoners has been expressed by President Nixon and also by Ambassador Lodge at the Paris Peace Talks. Secretary of State Roger and Secretary of Defense Laird also have repeatedly publicly expressed urgent concern about the failure of the Communist authorities in Vietnam to live up to the humanitarian standards of the Convention and to treat humanely personnel who have fallen into their hands.

The concern of these highest officers of the United States is universally shared by all the American people. I am glad to note that we are not alone in our concern. Speaking in London on March 19, Jacques Freymond of the ICRC, said concerning the work of the committee:

"In Vietnam, it has so far had limited success. In fact, in spite of repeated representations, it has not been able to obtain the agreement of the Democratic Republic of Vietnam to the installation of a delegation in Hanoi nor even to the visiting of prisoners of war.

"The Hanoi authorities have, it is true, assured the ICRC that these prisoners are treated humanely by them. The committee has therefore had to content itself with sending medicines, medical equipment and, more recently, two field hospitals to the Democratic Republic of Vietnam.

Mr. Freymond went on to say:

"On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner of war camps. They also regularly receive nominal rolls of these prisoners."

I might add that the Government of the Republic of Vietnam, in cooperation with its allies, has placed great emphasis on proper treatment of prisoners of war captured by allied forces.

Today, in September 1969, I have the sad duty to report to you that we have seen that the Communist authorities in southeast Asia have refused to cooperate with the ICRC. We also know as a fact that North Vietnam is violating every basic provision of the prisoner of war convention it signed and is in fact seriously mistreating our men it holds as prisoners. We are deeply concerned and outraged by this grave affront to human dignity and international responsibility.

When I said that we know that our men who are captured in Vietnam are being mistreated, I spoke with the assurance of unmistakable evidence—a touching witness provided by one who had himself actually been subjected to this savage and inhuman treatment. Since the time of the last conference we have known that North Vietnam was refusing to provide the names of all the men it held as prisoners, and that they have refused to permit impartial inspection of its prisoner facilities by the ICRC or any other impartial intermediary. It has long been obvious that prisoners have been denied or severely restricted in their right to communicate with their families. The hundreds of waiting families who do not even know if their man is alive today are sad witnesses to this fact. We also have seen the North Vietnamese release photographs of seriously sick or wounded prisoners who should be repatriated immediately.

Today we have confirmation of what has been an even greater concern for us—our men are being seriously physically and mentally mistreated. The men whom North Vietnam recently chose to release have, in spite of threats by their captors, felt duty bound to tell the world how North Vietnam treats its prisoners. Their story is not a pleasant one and it pleads for prompt and strong action by this Conference. North Vietnam denies universally accepted standards of humanitarian treatment for prisoners and violates the provisions of the Geneva Conference to which it acceded by:

(1) Refusing to identify the prisoners it holds and account for those missing in North Vietnam.

(2) Torturing prisoners both physically and mentally.

(3) Keeping prisoners in isolation cut off from their fellow prisoners and from the outside world.

(4) Failing to provide an adequate diet.

(5) Failing to repatriate the seriously sick or wounded.

(6) Refusing to permit impartial inspection of prisoner facilities by the ICRC or another appropriate intermediary.

(7) Using prisoners for propaganda purposes.

(8) Denying regular exchange of mail between all prisoners and their families.

(9) Failing to provide adequate medical care to all prisoners in need of treatment.

May I ask you to hear the actual words of Lt. Robert F. Frishman, USN, one of the prisoners recently released by North Vietnam. On September 2, 1969, less than a fortnight ago, from our Naval hospital in Bethesda where he is recovering from his ordeal, he had this to say:

"My intentions are not to scare wives and families but Hanoi has given false impressions that all is wine and roses and it isn't so. All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane.

"Why don't they send out a list of their prisoners of war? Why do they try to keep us from even seeing each other? Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? If they don't have any secondary alternatives or motives in mind, then release the names of the prisoners of war so their families will know their loved ones' status. I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth. I feel it is time people are aware of the facts."

Lt. Frishman was addressing his own people in America. But it is time for the world to know these facts. Therefore, I share Lt. Frishman's words with you gathered here in this Conference.

In the most recent provisional activity report submitted to this Conference by the ICRC, it is stated that "on 3 June 1969 the ICRC again wrote the Government of the Democratic Republic of Vietnam to remind it of the obligations incumbent on it in accordance with the 1949 Geneva Conventions for the protection of war victims." And at our opening session the distinguished new President of the ICRC reported to us that North Vietnam had not yet allowed any representative of the ICRC to enter its territory.

Each of us has a moral duty to see that signers of the Convention honor the internationally accepted principles of humane treatment of prisoners of war. We trust that this conference, which has a fundamental and abiding interest in the Geneva Prisoner of War Convention will declare itself clearly and unequivocally concerning the humane treatment of prisoners—all prisoners in all parts of the world. The resolution before us was carefully drafted by the co-sponsors to

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insure the universality of its coverage to all prisoners of war wherever held, by whatever nation, great or small. We hope, therefore, that all national delegations and all national societies will join those nations and national societies which have already sponsored this resolution. We believe, Mr. Chairman, it should be supported unanimously.

Mr. SMITH of New York. Mr. Speaker, I join with my colleagues in voicing the outrage and indignation of this House, of the people of this country, and of the people of the world against the inhuman treatment of American prisoners of war by the North Vietnamese.

The purpose of our resolution is to mobilize public opinion against North Vietnam's blatant and cruel violation of the Geneva Convention and to demand that Hanoi give an account of their prisoners. I am hopeful that Congress' strong support of this resolution will force North Vietnam, through world opinion, to grant American prisoners of war their full rights under the terms of the Geneva Convention.

We can no longer ignore the pleas of the relatives and friends of prisoners of war and those missing in action. Their concern is ours and that of all Americans, and that of all the people in this world who have any pretensions to decency.

Mr. PELLY. Mr. Speaker, the revelations made by our returning prisoners of war from North Vietnam have been a shock to all men of conscience throughout the free world. The barbaric and uncivilized treatment these men received, and, as is indicated, the remaining Americans are receiving, is an affront to humanity.

The Defense Department has listed 342 servicemen as known captives in Communist POW camps, and there are more than 1,200 servicemen listed as "missing in action" and could be captives. Yet, the Vietcong or the North Vietnamese have never officially released the names of prisoners they hold. Our only source of information is the nine Americans who have been released or who have escaped, and they tell terrible tales of torture and harsh and cruel treatment.

As a cosponsor of the resolution for the relief of American prisoners of war, and I sincerely hope it will sufficiently stir world opinion so that our servicemen can soon receive not just their full rights under the terms of the Geneva Convention, but the treatment that can be expected to be afforded human beings.

Mr. WYATT. Mr. Speaker, today I have joined with nearly 100 other Congressmen of both parties in introducing a concurrent resolution for the relief of American prisoners of war and men missing in action in the Vietnam conflict.

It has long been obvious in this campaign that we are engaged against a crafty and virtually heartless enemy. North Vietnam sends new troops across the border into South Vietnam daily, yet brazenly continues to deny its aggressive actions. This same nation now sits across from our negotiators in Paris, talking about peace possibilities in a war it has yet to officially admit.

The strange, convoluted and aggressive characteristics of this enemy have made it virtually impossible to deal with in a fair and straightforward manner. Time and again these North Vietnamese have violated truces and broken agreements.

We are not fighting an honorable enemy. Among the greatest losers in this fight are those men who have been taken prisoner in this fighting and their families and the families of those men who are listed as "missing in action."

Since they do not acknowledge that they are even engaged in combat, North Vietnamese leaders feel no compunction to abide by the terms of the Geneva Convention. They will not even provide lists of our men being held as POW's.

As a result, nearly a thousand American families are denied the knowledge of whether relatives and loved ones are alive or dead, sick or well. They live under the terrible fear of not knowing, and their anguish is great.

It is for these men and their families that I have joined in cosponsoring today's concurrent resolution. The North Vietnamese must be persuaded to give the families of these men the information that simple humanity demands. World opinion must sway this enemy so that our prisoners of war and their families are allowed their rights under the Geneva accords. I join with my colleagues here today in urging that this relief be granted.

Mr. ABBITT. Mr. Speaker, I wish to associate myself with the concern being expressed today in connection with the families of those Americans who are now being held prisoner by the North Vietnamese and the National Liberation Front.

Last week I introduced House Concurrent Resolution 327 in support of efforts that are being made to try to bring about some resolution of this problem. I realize that our State Department and other agencies of this Government have made extensive efforts to apply pressure to the North Vietnamese to provide more information and better conditions for those that are being held by the enemy. So far these efforts have not been successful and it is only a matter of some embarrassment to this Government that those prisoners who have been released have been turned over under circumstances which afforded the enemy the maximum propaganda value.

I feel that we should demand that the North Vietnamese and the National Liberation Front abide by the provisions of the Geneva Convention and be required to release the names of prisoners of war, to permit the regular flow of mail to or from those prisoners, to accord humane treatment to the prisoners, and to permit inspection of the facilities in which those prisoners are held. The enemy leaders have contended hypocritically that they are complying with the provisions of the Geneva Convention. But all of us know that this is not true and personal testimony from the families of those being held prisoner is graphic evidence of the lack of cooperation which has been extended.

Hanoi should be required to prove the "humane and generous" policy it claims to follow in the treatment of prisoners by naming the men in captivity, immediately repatriating the sick and wounded and permitting impartial inspection of prison facilities. Although the question of releasing the prisoners now being held is presumably a part of the negotiations now being engaged in in Paris, the provision for a regular flow of mail between the prisoners and their families is something which could be allowed overnight.

The families of these men live in a cloud of uncertainty over the fate of loved ones who are presumably held by the North Vietnamese or the Vietcong but about whom they get little or no information. This is clearly inconsistent with the provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war and steps should be taken forthwith to demand compliance.

To the best of our knowledge approximately 300 U.S. servicemen are now known to be in the custody of the North Vietnamese and more than 1,000 others are missing and thought to be held as prisoners. It is not clear how many of these men are actually held by the North Vietnamese and how many are prisoners of the National Liberation Front but these are facts which should be readily available and which the Geneva Convention was designed to cover. It is obvious from reports that have come to us that the prisoners are not being properly treated, that they are not allowed the basic privileges which prisoners of war are generally accorded and that only the pressure of public opinion has deterred the enemy from trying them as war criminals.

It is high time that this Government make clear its position on this issue more forcefully than has heretofore been the case. Families of these servicemen have suffered incalculable emotional stress and strain and they are deserving of the best attention which this Government can give to the matter in question.

I strongly support the efforts being made to bring about a resolution to this issue and hope that sooner or later we can prevail upon the North Vietnamese to live up to the provisions of the Geneva Convention.

Mr. MYERS. Mr. Speaker, I join with our colleagues, the families of missing servicemen, and the Nation in thanking the gentleman from Alabama, Mr. DICKINSON, in bring to the attention of the world tnat there are today an unknown number of young men being held as prisoners of war by North Vietnam. Throughout history we have had wars and there has always been a problem over the mistreatment of prisoners held by warring countries.

Reports from the few prisoners that North Vietnam has released as well as our intelligence reports from interrogation of our Vietcong prisoners indicate that mistreatment, torture, and other inhumane actions have reached a new low. This country expects the same respect of the rules of the Geneva Convention as it applies to the treatment of prisoners of war from North Vietnam as we are now following in the treatment of their prisoners.

How can North Vietnam expect this country to believe their requests and

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demands that they will halt their aggressions as soon as we withdraw all of our troops, if they will not honor their agreement which they made in signing the Geneva Convention in 1957? How can they expect our President, our country, to believe their offer to withdraw? I believe the burden is clearly on North Vietnam to show its good intention to carry out its latest offer by abiding with the Geneva Convention.

I introduced a resolution last week calling for prompt action by North Vietnam to abide by the terms of the Geneva Convention. We realize that any action we might take today will have little impact directly upon North Vietnam, but we have exposed to our country and to the world that a country that will treat its prisoners in the inhumane fashion that it has, cannot be trusted and must be dealt with accordingly.

Our prayers and the prayers of civilized people around the world are for these prisoners and their families.

Mr. ROGERS of Florida. Mr. Speaker, I am proud to join with my distinguished colleague from Alabama, BILL DICKINSON, in sponsoring this resolution calling for a concerted effort on the part of this Nation, and all the freedom-loving people of the world, to have North Vietnam and the National Liberation Front of South Vietnam comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war and to gain the early release of those prisoners.

One thousand three hundred and thirty-five men are either missing and unaccounted for or are confirmed prisoners of war.

These prisoners deserved to be treated as human beings and must be given the right to communicate with their families and loved ones. Surely this is asking very little and I am confident that what we say here today will help to realize such objectives and the release of these men.

I congratulate Mrs. Pat Mearns, with whom I have corresponded, who represents the Association of Wives and Families of Captured and Missing American Military Men, and the members of that association for their devotion, patriotism, and patience under such trying circumstances.

Mr. CHAMBERLAIN. Mr. Speaker, I rise to commend the gentleman from Alabama (Mr. DICKINSON) for introducing a resolution condemning the Hanoi regime's unconscionable failure to adhere to even the most minimal humanitarian provisions of the Geneva Convention concerning the treatment of prisoners of war which North Vietnam agreed on June 28, 1957, to faithfully follow. I fully support the gentleman's resolution and share his indignation for the enemy's blatant disregard for international law and his concern for the sorrow and grief it brings to the loved ones of the nearly 400 U.S. servicemen known to be captive in Southeast Asia as well as of the nearly 1,000 U.S. fighting men who are missing in action. I believe the RECORD today would be incomplete if it did not include a recent speech on this very subject by the Honorable James D. Hittle, Assistant Secretary of the Navy for Manpower and Reserve Affairs, delivered before the Commonwealth Club of California in San Francisco on August 29, 1969. I ask unanimous consent that it be inserted immediately following my remarks. This speech constitutes a major administration policy statement designed to inform the American people of the plight of U.S. prisoners by spelling out in detail Hanoi's specific violations of the Geneva Convention. It further very clearly reveals North Vietnam's deliberate policy of subjecting the wives and families of these men to unwarranted worry and torture by refusing to disclose the names of prisoners and permit the exchange of mail, and pays special tribute to the brave manner in which those waiting here at home, who have already given so much, are carrying on under this heavy burden.

REMARKS BY HON. JAMES D. HITTLE, ASSISTANT SECRETARY OF THE NAVY, MANPOWER AND RESERVE AFFAIRS

A few weeks ago, on my way to the West Coast, I stopped at the U.S. Naval Air Station at Lemoore, California. I had breakfast there with 16 lovely ladies. They are also brave and valiant ladies. They are, unfortunately, members of a growing group who share a common torture and a common tragedy.

They are wives of U.S. servicemen who are prisoners of war or who are missing in action in South Vietnam.

Their common tragedy is that each of their husbands is missing in action or is a prisoner of the Communist regime in Hanoi. The common torture to which they are continually subjected—every moment, every day, every week, every month—is the lack of communication with their husbands who are prisoners of war, or the lack of any information from the enemy, in the case of those missing in action, as to whether they are dead or alive.

The paradox and the cruelty of the situation is that their suffering could be avoided. All it takes to relieve the torture, the anxiety, the sorrow, the uncertainty, is for North Vietnam to provide the most rudimentary humanitarian information concerning the U.S. prisoners of war held captive by the Hanoi government.

This, the enemy refuses to do.

One of the most unfortunate aspects of this sad situation with respect to th prisoners of war and their loved ones at home is that theirs is a widely overlooked, little understood, quickly forgotten plight as far as too many Americans are concerned, and certainly as much as the Free World is concerned.

The most elementary essentials of the situation regarding U.S. prisoners of war should generate intense indignation on the part of every American and every inhabitant of the Free World.

Today I want to tell you some things that I believe you should know about the plight of U.S. prisoners of war who are held captive by the Hanoi government. At this moment, as near as we can ascertain on the basis of diverse and fragmentary information from sources—which I know you will forgive me for not mentioning—there are 396 U.S. servicemen who are captives of the Communists in Southeast Asia.

There are, in addition, nearly 1,000 U.S. servicemen who are missing in action about whom no conclusive information has been received so as to classify them either dead or as prisoners.

It's high time that many people come to the realization that Hanoi is using U.S. prisoners of war in a deliberate and cruel manner for Hanoi's own propaganda and policy purposes. And in so doing, Hanoi is subjecting the wives, the children, the parents of these valiant U.S. servicemen to unimaginable and unending torture.

For instance, some U.S. fighting men have been prisoners of war in North Vietnam longer than any U.S. serviceman was held a prisoner of war in World War II. And, the end of their ordeal is certainly not in sight; for, there are no indications that Hanoi intends to change its policy of cruelty to one of consideration. Repeatedly, the President of the United States and Secretary of Defense Laird have urged the enemy to respect the requirements of the Geneva Convention.

This the enemy has steadfastly and stubbornly refused to do.

Why should they respect and abide by the requirements of the Geneva Convention on the treatment of the prisoners of war? For the very simple moral reason that on June 28, 1957 the Hanoi government signed the 1949 Geneva Convention.

The President and the Secretary of Defense continue, in the name of humanity, to call on North Vietnam and the Viet Cong to live up to the Geneva Convention relative to the Treatment of Prisoners of War. There is nothing complicated about this. There is nothing unreasonable about these requirements. What should be done can easily be done—providing the enemy wants to do it. All that the enemy has to do is to live up to his agreement under the Geneva Convention, which he signed.

1. Release of names of prisoners held.
2. Immediate release of sick and wounded prisoners.
3. Impartial inspections of prisoner of war facilities.
4. Proper treatment of all prisoners.
5. Regular flow of mail.

What is Hanoi doing about these simple humanitarian requirements of the Geneva Convention which Hanoi signed and agreed to? Well, let's see. We'll take the requirements one by one.

1. Release of names of prisoners held.

North Vietnam has refused to identify the hundreds of men whom they hold. As a result, thousands of wives, children, and parents, have lived for over five years not knowing whether their loved ones are dead or alive.

2. Immediate release of sick and wounded prisoners.

North Vietnam has refused to release the sick and injured as is required by the Geneva Convention. We know that some of our men have suffered many months from injuries at the time of captivity.

3. Impartial inspections of prisoner of war facilities.

North Vietnam also has refused to *permit impartial inspections* as is required by the Geneva Convention. The North Vietnamese have claimed that they are treating our men humanely. If that is the case, why have they refused to allow even the International Red Cross into the prisoner facilities? Why should they be afraid to allow such inspections if, in fact, they are treating our men humanely?

4. Regular flow of mail.

North Vietnam consistently has refused to permit the free exchange of mail. In the past five years, only about 100 prisoners have been allowed to write letters to their families. Even those few who have written have only been allowed to write infrequently—something less than two letters per year.

5. Proper treatment of all prisoners.

Many of the films, photographs, and broadcasts have implied that all our prisoners were being well treated, that they were permitted to communicate freely with each other, that they were allowed to correspond regularly with their families, and that they were receiving proper medical treatment.

Information which we have received raises serious questions as to whether such has been the case. In fact, our analysis indicates that these minimum humanitarian provi-

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sions of the Geneva Convention consistently are being disregarded by North Vietnam.

On several occasions, North Vietnamese propaganda has generated false hopes among the American families involved. They have released photographs of men who could not be clearly identified. In one case, 20 different wives believed that a prisoner shown in a propaganda photograph was their husband. The prisoner remains unidentified.

The heartless actions of the North Vietnamese were further illustrated in the recent release of three U.S. servicemen. Radio Hanoi announced that North Vietnam would free three U.S. prisoners but it did not identify the names of those men for 32 days.

Thus, the hopes of hundreds of families were needlessly prolonged for more than a month, and then tragically shattered for 1,342 of the 1,345 families who have lived for so long in such a tragic atmosphere of uncertainty.

Much of the information concerning U.S. prisoners of war held by the enemy has come to us in the form of propaganda broadcasts and obviously staged photographs. These, of course, are not the proper means of disclosing the true status of prisoners. These are not the means by which a signatory nation adheres to the requirements of the Geneva Convention. Yet, these are the means by which the enemy is deliberately and cruelly exploiting U.S. prisoners of war for enemy purposes. These films, photographs, and broadcasts have carried the implication that our prisoners were being well treated, that they are permitted to communicate freely with each other and to correspond regularly with their families. The enemy, by these means, also sought to convey the impression that U.S prisoners were receiving proper medical treatment.

Any such assumptions are, when tested by the facts, clearly unfounded. Actually, our analysis indicates that these minimum humanitarian requirements of the Geneva Convention are constantly being disregarded by North Vietnam. And if any of the admirers of the Hanoi government think that North Vietnam is, for instance, providing the names of the U.S. prisoners of war or letting those prisoners correspond with their families, then such apologists for the enemy should ask the wife or parent of one of those captives.

Such a question would get a ready answer and that answer would disclose again the callous disregard that has so constantly characterized the enemy's attitude toward the Geneva Convention, which the enemy signed.

Here are a few more facts that underline the genuine seriousness concerning U.S. prisoners of war held by the enemy. Five hundred have been missing or held prisoners for two years of more. More than 200 have been prisoners or missing for three and one-half or more years. This is longer than any U.S. serviceman was held prisoner in all of World War II.

Even from the sparse information we received from propaganda films and photographs, we can see U.S. prisoners suffering from injury incurred many months ago. We can see trends of substantial weight loss in several cases. And, we know that some of the prisoners have been held in isolation.

I can assure you that the U.S. Government is not going to forget U.S. prisoners of war held by the enemy. I assure you that President Nixon and Secretary of Defense Laird are continually seeking ways to obtain more information concerning these captives in enemy hands as well as means of alleviating their plight.

Of course, again it should be emphasized and recognized that this tragic situation would be readily resolved if North Vietnam would keep its word with respect to the requirements of the Geneva Convention.

Personally, I simply cannot understand how those in this country who condemn our Nation's policy in Vietnam and who express such admiration for Ho Chi Minh and the Hanoi government can idolize an enemy regime that brutalizes U.S. prisoners of war.

Personally, I cannot understand how some freedom loving people in other free nations can advocate accommodation to the Hanoi government, while at the same time North Vietnam is flagrantly violating the most fundamental human rights in its treatment of U.S. prisoners of war.

It would, indeed, be little enough to expect from U.S. citizens and from some people in our allied nations for them to express justified indignation over the manner in which Hanoi is maltreating U.S. prisoners of war in violation of the Geneva Convention, which, let us not forget, Hanoi signed.

And, it would be extremely helpful too, if in the name of simple humanity, the governments of those nations which consider themselves humane and civilized should send Hanoi a protest in the most vigorous and pointed terms as to the shocking manner in which North Vietnam is mistreating U.S. prisoners of war. This is the least that those who consider themselves decent, humane, and civilized can do for those U.S. prisoners of war who have done so much in the cause of freedom.

I can assure you also, that the wives, the children, and the parents of those who are missing or prisoners of war are not being forgotten nor will they be forgotten. A special and continuing active policy committee has been established at the highest level within the Department of Defense in connection with the prisoners of war problem.

Secretary of Defense Laird is in direct and frequent contact with members of that committee. Its purpose is to obtain as much information as is available concerning those listed as prisoners of war. Such information is speedily provided to the wives and parents concerned.

It is the clearly established policy of President Nixon and Secretary of Defense Laird that every possible assistance be accorded the wives and families of those who are listed as prisoners of war. I can tell you, for instance, how this works with respect to the families of Navy and Marine Corps personnel listed as missing or prisoners of war, as this is one of my highest priority responsibilities.

Throughout the United States, there is a designated Navy or Marine Corps officer assigned to assist each Navy or Marine Corps wife whose husband is missing or a prisoner. This assistance extends to any matter—medical, housing, continuation of pay—that may arise. These casualty assistance officers are on call at any time. In the event that one of these wives does not contact the designated officer within a specified period, that officer will either personally or by telephone check with the wife to ascertain if there is any problem with which he can be of assistance.

As soon as any information is received concerning any prisoner of war, that information is provided the wife and family.

You who reside in California have the largest portion of these brave wives living in your state. There are 375 wives or parents of those missing and prisoners of war residing in California. This is more than any other state in the country.

As I said at the beginning of my remarks these wives are indeed a valiant group. I have met with them in California and at various occasions throughout the country. I would like to relate to you a recent conversation with one of them.

While having breakfast with one of these wives who lives at the Naval Air Station at Lemoore, California, she told me, in a very factual straightforward manner some of the problems she and the other wives face bringing up the children without their fathers, who are either missing or prisoners of war.

She said that a few nights previous, she and her two children, one of whom was a baby when his father left for Southeast Asia, were watching TV. During the program, a commercial concerning a type of headache medicine came on. The theme of it was, "It's a full-time job being a father," and showed the father playing with the youngster. She felt a cold chill as her young son, sitting beside her, began to shake with sobs. She comforted him and asked him why he was crying. He said, "Because I miss my father so much."

The next day at breakfast the youngster was still apparently thinking about that matter. In a very matter of fact way he asked his mother, "Why do they make pictures like that when it makes people so unhappy?" The mother had to explain that there were very, very few people who have the reasons they had to be unhappy because there were only a very, very few whose daddys were prisoners of war.

When she finished telling the story, I could see a tear on her cheek.

But this is the kind of soul-searing sorrow that these wives live with every moment of every day of every year. And the years continue to add up.

This is the kind of sorrow which Hanoi has deliberately created, fostered, and exploited. This is the very kind of sorrow that Hanoi could eliminate if it adhered to the basic provisions of the Geneva Convention. All of which, brings us to a very fundamental point.

All Hanoi really promised in signing the Geneva Convention in 1957 was that North Vietnam would not maltreat prisoners of war in a barbaric manner.

Because the North Vietnam government still arrogantly refuses to abide by the Geneva Convention, every American and every Free World citizen should ask this question: If North Vietnam does not live up to the very rudimentary humane requirements of the Geneva Convention, which Hanoi signed, how can we expect that Hanoi would ever live up to any agreement signed in the course of the current negotiations in Paris?

If Hanoi ever wants to take a place among the respected nations of the world and if Hanoi ever hopes to walk with dignity in the community of world nations, then Hanoi must stop cruelly maltreating and exploiting U.S. prisoners of war for Hanoi's purposes. Hanoi must stop these deliberate violations of the Geneva Convention, which violations in turn mean that Hanoi is using the families, the wives, and the loved ones of the prisoners of war as pawns.

There is no question in my mind but that the plight of the U.S. prisoners of war is one of the most serious and continuing issues of our times. There is no question in my mind but that the United States Government will continue to press, by every practicable means, to induce North Vietnam to adhere to the Geneva Convention. We can be assured that the United States Government will continue to work unceasingly for the return of U.S. prisoners of war.

The plight of the wives and children of those missing and prisoners of war is a constant reminder of the tragedy that is in our midst.

It is a reminder of our responsibility which our Nation has toward them.

It is a sacred responsibility.

It is a responsibility that I assure you the U.S. Government will continue to discharge fully.

Mr. HECHLER of West Virginia. Mr. Speaker, I am proud that I have an opportunity to join with my many other colleagues and do my small part toward correcting a most distressing situation which is unparalleled in the record of man's inhumanity to man. Public opinion throughout the world is aroused by the inhuman treatment accorded our brave Americans being held as prisoners in circumstances which flagrantly violate the terms of the Geneva Convention. In

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fact, not only is public opinion aroused, but it is fair to state that the conscience of human beings throughout the world has been aroused by the mistreatment of other human beings in a manner which must be corrected.

This serious problem is personally epitomized for me by two noble West Virginians, Lt. Hayden J. Lockhart, Jr., and Lt. John S. Albright. There are many others who are either known to be prisoners of the North Vietnamese or technically listed as "missing in action" and not presently confirmed to be prisoners of war. Lieutenant Lockhart, a graduate of Point Pleasant High School and the Air Force Academy, was shot down over North Vietnam 5 years ago. His family has received two letters from him during that period, although it is certain he has attempted to write more often. It is difficult to understand how any civilized nation can stoop to the practice of cutting off communication, not providing the proper food and medical care, as well as fair treatment to those held in captivity.

I had the honor to appoint Lt. John S. Albright to the Air Force Academy in 1963. "Scotty" is the son of Air Force Col. and Mrs. John S. Albright, who attended Marshall University in Huntington, W. Va. Mrs. Albright is a former resident of Huntington also, and this fine family has many relatives in Logan, W. Va., in my congressional district. "Scotty" always had his heart set on the Air Force Academy, and his parents who are here today related to me the many attractive scholarship offers which he turned down in the hopes that he would eventually qualify for the Air Force Academy—which I am proud that he did. At the Academy he made a brilliant record, and it was always a source of pride to me to receive the periodic reports of his progress at the Air Force Academy.

Lieutenant Albright was a navigator aboard a C–123K aircraft which was in a mid-air collision with a B–57 over hostile territory at 3 a.m., December 13, 1968, his father's birthday. All of us hope and pray that "Scotty", officially listed as missing in action, is still alive and well as a prisoner of war. Yet it is impossible to obtain any type of hint from the North Vietnamese Government concerning those prisoners which are in their hands.

Following the reported accident, Colonel Albright went to Thailand and learned that there was time left for the crew of the plane to parachute. The pilot of the plane did get out and was rescued, and although it was dark, he reported seeing one other parachute open. Yet we can obtain no information about whether "Scotty" was indeed taken prisoner, and so the uncertainty persists.

Mr. Speaker, I know that the President of the United States has expressed concern. I know that the Secretary of Defense and the Secretary of State have expressed concern. This outpouring of support in the Congress reveals the concern of Congress. But we must do far more than merely express our concern. This situation calls for concerted action by all nations in order to restore decency and dignity to a situation which offends the very essence of humanity's concern for fellow men. Injured prisoners should be released immediately, the names of prisoners should be published, prisoners should be allowed to exchange mail with their families, and impartial inspections should immediately be made of prison facilities, and prisoners should receive proper food and medical care and steps taken to insure they not be subjected to inhumane treatment.

I have confidence that if we join with the leaders of other nations these basic rules of humanity can be honored. It goes without saying that as long as wars persist, there will be prisoners and it is unfortunate that all nations have not honored the terms of the Geneva Convention equally. I do not feel that the solution to this tragic situation is an escalation of the war in Vietnam, because such steps could lead to even less humane treatment of present and future prisoners of war. We know that when hostilities cease and peace has been restored, it is customary to release prisoners for their return home. I firmly believe that our best course of action, after taking all possible steps to mobilize world action to enforce the terms of the Geneva Convention, is to bring this cruel war in Vietnam to a speedy close and thereby hasten steps for the return of all prisoners.

Mr. RANDALL. Mr. Speaker, today I introduced a companion resolution to that introduced by the gentleman from Alabama (Mr. DICKINSON) calling attention of the world to the plight of our prisoners of war and those missing in action in North Vietnam.

When I was on the floor of the House during the special order arranged by the gentlemen from Alabama (Mr. DICKINSON and by Mr. EDWARDS), I was saddened on the one hand because of the plight of our prisoners of war. On the other hand, I was thrilled that at the late hour of 6:30 p.m. the galleries were filled with those who were repeatedly permitted to breach the rules of the House and to applaud at the end of the remarks of each of those who participated in the special order, to put in perspective the plight of our prisoners of war.

I commend and congratulate the gentlemen from Alabama (Mr. DICKINSON and Mr. EDWARDS) for their forthright and resolute action. May I suggest that this resolution by those who cosponsored it, including myself, is our way of communicating to the heads of state of North Vietnam that they should observe the terms and provisions of the Geneva Convention.

It is our hope that the press and all the media of communication will give widespread coverage to this happening on the floor of the House of Representatives this afternoon, so that the message may reach Hanoi that the American people are concerned. Let them know that we are adamant. They should know we will accept no less than a complete and full observance of the terms of the Geneva Convention.

It is my considered conclusion there may be some serious doubt as to whether it would be appropriate for Members of Congress to communicate directly to the head of state of a Communist country. The reason I say this is because of the hangup a few years ago involving the gentleman from South Dakota, when he was involved in a procedure of personal diplomacy. Because it may not be appropriate for Members of Congress to communicate directly with another government, I suggest there is a way and a means, that our people can communicate with the head of state of North Vietnam. That is by letter, brief and to the point, addressed to the office of the President of the Democratic Republic of Vietnam, Hanoi, North Vietnam—via Hong Kong.

This special order which happens late in this day of Wednesday, September 17, will let the world know of our concern about our prisoners of war and those missing in action. We address ourselves to the tragic plight of about 1,300. We are all distressed that most of these may be airmen. We are more distressed that North Vietnamese say the Geneva Convention does not apply to airmen. Regardless of what the North Vietnamese may say they admit they cannot account for over 400 of our missing in action.

The plight of our U.S. prisoners in Vietnam is alarming. None of us know exactly what treatment they have received. There has been some photographs of airmen with bandaged faces and walking bare feet, marched by two enemy guards down the streets of Hanoi. If this is the treatment our seriously injured American prisoners are being subjected to it is certainly inhumane.

There have been ample and sufficient signs as well as some substantive evidence that the North Vietnamese are treating our U.S. prisoners inhumanely. Here are some examples:

Our American prisoners, many of whom are seriously wounded have been paraded through the streets of Hanoi and subjected to the jeering of the North Vietnamese.

Some of our airmen continue to suffer their injuries incurred when they were shot down and have not been given adequate medical care.

Our American prisoners have been held in solitary confinement for extended periods. There is evidence that some have not been permitted to speak to anyone for as long as a year and a half. Our prisoners have lost weight not only because of mistreatment, but because of inadequate diet.

One of the most discouraging and truly deplorable situations is that the first U.S. pilot was captured more than 5 years ago, in August 1964 is still believed to be a prisoner. That is an accurate statement, because there is no information as to his whereabouts or whether he is a prisoner or not. In spite of repeated attempts by our Government, and other organizations, the North Vietnamese and the Vietcong have consistently refused to release the names of our prisoners that are being held.

The only information which we have which would in any way shed light on the status of our American prisoners has come from North Vietnam in the form of propaganda films which have been made available to news sources. Once again, this is deplorable. It is inhumane because these photographs have generated false hopes among the families of those who are missing. They have tried to read into the photographs the identity of the prisoners shown, as being their relatives, when in truth these could not be truly determined to be a fact.

To cite the true tragedy, more than 20 different wives believed the prisoners shown in the propaganda photo was her husband. The true facts are that even to this day the particular person remains unidentified.

Remember that the families of the hundreds of those who have been listed by the military service as prisoners have lived for months and years with the continuing anxiety and the constant pressure of uncertainty as to the whereabouts, the well-being, or even the existence of their loved ones.

If there is any doubt about the breach of the Geneva Convention by the North Vietnamese, it should be recalled that the North Vietnamese Government freely endorsed the Geneva Convention in 1957. The terms of that convention require that: names of all prisoners of war be published, all prisoners receive proper medical care and adequate food, regular and impartial inspection of prisoners of war facilities, the free flow of mail between the prisoners and their families be allowed.

The facts are that North Vietnam has welched out, reneged, and refuses to honor its earlier commitment to comply with the Geneva Convention.

Today, the Members of the House who cosponsored the concurrent resolution, with the gentleman from Alabama (Mr. DICKINSON) are using this means to communicate with North Vietnam. This is, in fact, our letter to North Vietnam. Personal diplomacy by Members of Congress is frowned upon whether in letter or by personal visitation. Those of us who are elected officials in the legislative branch are really a part of the Government. We may be under a kind or sort of restraint against such personal diplomacy. However, so far as I know, the great majority of our people are not bound by any such restraint.

It is for that reason that I take this time to salute and publicly applaud the full-page advertisement which appeared on page D8 of the Washington Post for Wednesday, September 17, 1969, which was paid for by Fairchild-Hiller Corp. It was headed in bold type "Ignore Him"? Below was a picture of Lt. Comdr. R. A. Stratton, U.S. Navy, showing him in a barren North Vietnamese prison cell sitting in solitary confinement. Some prisoners have not been permitted to speak to anyone for as long as a year and a half. Some prisoners, while seriously wounded, have been paraded through the streets of Hanoi, taunted and reviled by spectators.

The point is we cannot ignore our American prisoners of war. They have been held without proper food and medical care, in disregard of the Geneva Convention applying to war prisoners. The chances are his own family has no word of him. They do not know whether he is alive or dead.

Let me refer again to the full page ad of Fairchild-Hiller. The main thrust of that ad is that individual citizens may send their own letter to North Vietnam. More than 3,000 employees of Fairchild-Hiller have already mailed their letters asking for humane treatment for our prisoners. The average American citizen can encourage a letter writing campaign where they work or in the neighborhood where they live. These letters must be brief. They must be to the point. They should be written in easy English or in French if they have a command of that language. They should be on a single piece of ordinary writing paper because in this way the total weight is kept to under half ounce and thus come within the provision of a 25-cent airmail stamp which is required. Your letters should say you are deeply disturbed about the condition of our American prisoners of war. They should ask in the name of humanity that the head of State in North Vietnam furnish the International Red Cross a list of all prisoners. Ask that there be an inspection of prisoner of war facilities by the International Red Cross or some other impartial agency. Point out the failure to transmit the identity of American prisoners is a violation of the Geneva Convention. Urge our prisoners receive proper medical treatment and adequate food as is required by the provisions of the Geneva Convention. It would be well to mention that pictures released by the Government of North Vietnam show our prisoners to be sick and undernourished which prove the North Vietnamese are violating the terms of the Geneva Convention.

It should be suggested that because the Government of North Vietnam endorsed the Geneva Convention in 1957 they should permit our prisoners to be given complete freedom to write their families and receive letters from them.

Now, Mr. Speaker, what I have proposed to this point is that all our fellow Americans take the time to urge North Vietnam to treat our U.S. prisoners of war humanely. I think it is important the North Vietnam Government be made aware the overwhelming majority of American citizens are deeply concerned. True there are many Americans who are disenchanted with the war in Vietnam. Regardless of their individual beliefs about the war, everyone of us is deeply concerned about the treatment of our prisoners.

It is my considered conclusion that there are some sterner measures that could be applied in the event there is no response to those letters from our fellow Americans. One very effective measure would be for our State Department to call upon the entire free world to enter into an economic boycott against North Vietnam or any country which is now trading with North Vietnam. I am sure all the leaders in our union movement are patriotic men. If we fail by our letter writing efforts the leaders of our unions could call upon every union man to cease to handle goods shipped either to Vietnam or that which comes from any nation which continues to deal with North Vietnam. This kind of economic clout should prove completely effective. It could very well be stern measures may have to be applied in the future.

For the time being I am proud there have been so many Members of the House of Representatives who have seen fit to cosponsor this concurrent resolution. I have a feeling the leaders of North Vietnam in the past have indicated they are sensitive to world opinion. I am convinced that letters from the people of our Nation to North Vietnam will have great influence toward the better treatment for our U.S. prisoners.

Once again I commend the cosponsors of this resolution. I hope widespread publicity will be given to this effort in order that the North Vietnamese Government may be made aware that the overwhelming majority of our American citizens have not forgotten the plight of our U.S. prisoners of war in North Vietnam.

Mr. LOWENSTEIN. Mr. Speaker, I want to join in this discussion today because I think it is important to make it clear that all Americans, regardless of their views about the policy of this country in Vietnam, are united in their anger and indignation about the way the Government of North Vietnam has treated its prisoners of war. I should think for that matter that all human beings who want to live in a world at peace and blessed by justice and compassion would share this indignation.

There was a time when some apologists for the way that North Vietnam has treated its American prisoners maintained that it was unreasonable to expect Hanoi to accord even minimal consideration to the plight of these men or their families while the United States was bombing North Vietnam. This explanation of the behavior of the North Vietnamese Government always seemed to me an especially demeaning one, for it suggested that North Vietnam is unwilling or unable to implement rules of conduct by which she herself had freely agreed to abide. Be that as it may, the United States has long since stopped bombing North Vietnam, and the behavior of the North Vietnamese Government on this matter has not changed. Surely there can be no excuse whatever for the continued refusal of that government to disclose the names of the men who are being held prisoner and to accept the responsibilities for these prisoners that evolve upon it as a signatory of the Geneva Convention.

The simple fact is that the policy of this North Vietnamese Government is stupid as well as cruel. It makes peace more difficult to achieve, not less. It undermines efforts everywhere to introduce minimal elements of compassion and minimal standards of behavior in a situation which cries out so desperately for both. It discredits the voice of Hanoi among civilized men everywhere, for the decent opinion of mankind is outraged whenever individuals—to say nothing of their families—should be punished for the policies of governments.

Because it does all these things without adding one whit to the security or military strength of North Vietnam, I cannot believe that that government will not realize upon reflection that it is long since past time for it to abide by the Geneva Convention. Such a decision now would have wide impact, not only among those of us who have loved ones directly concerned, but among men of good will everywhere in the world.

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GENERAL LEAVE TO EXTEND

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the subject of this special order.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER pro tempore (Mr. Annunzio). The time of the gentleman from Alabama has expired.

Mr. DICKINSON. I thank the Speaker. As I previously announced, out of an abundance of caution and knowing the great interest that was evident on the floor, I asked my colleagues to back me up for 1 hour, so I yield the floor. The gentleman from Alabama, Jack Edwards, from Mobile, will assume the floor and will not leave until all are recognized.

In the meantime, I go to prepare a place for you in the caucus room.

TREATMENT OF AMERICAN PRISONERS BY THE NORTH VIETNAMESE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. Edwards) is recognized for 1 hour.

Mr. EDWARDS of Alabama. Mr. Speaker, I am joining with the gentleman from Alabama (Mr. Dickinson) today in cosponsoring this concurrent resolution condemning North Vietnam and the National Liberation Front for their cruel and heartless treatment of American prisoners of war.

These rulers of North Vietnam claim they want to free the Vietnamese peoples from the so-called cruel oppression of the Saigon government, yet they systematically mistreat and oppress those Americans they have taken captive during the course of armed conflict.

And the National Liberation Front, which claims it seeks to protect the rights of the South Vietnamese people, flagrantly disrespects the rights of the American prisoner of war by denying him any communicataion with his family and by perpetuating inhuman conditions in the prison camps.

As a nation we all suffer over the barbaric treatment of our American fighting men and the conditions under which they must continue to live while in the hands of the enemy. But none of us can know the amount of suffering borne by their wives and families, many of whom are here with us today.

Those that know their son or husband is a prisoner of war, hearing the reports of the inhuman conditions in the prison camps, can only hope and pray that he will be able to withstand the cruel punishment at the hands of the enemy. But our hearts especially must ache for those poor women who do not know whether their loved ones are dead or alive. Nothing can be more inhumane than for the North Vietnamese to withhold the names of those taken prisoner. This is the cruelest treatment of all and it is aimed unmercifully at the families of our military men.

Mr. Speaker, no amount of sympathy will be able to substitute for the return of the husband or the son to the family. And it is to go one step further than just an expression of sympathy that we have introduced this resolution today.

Mr. Speaker, the North Vietnamese are apparently concerned about world and national opinion with respect to their conduct of the war. They very carefully try to show that they are treating our prisoners kindly. They make propaganda statements alleging great atrocities on the part of the allied troops, but say nothing of the many atrocities they have committed and continue to commit—the most glaring of which is their cruel treatment of the American prisoners of war.

What they hope to gain from this, I do not know. They only deceive themselves if they think they can continue to deceive the rest of the world with their lies and false claims.

I hope that our action today coupled with similar action in the other body will bring to bear the pressure of world opinion on these perpetrators of such cruel and vicious treatment of fellow human beings.

We Members of Congress, as the freely elected representatives of the free people of the greatest Nation in the world must voice our strong opposition to the continued cruelties suffered by our American soldiers at the hands of the North Vietnamese and the National Liberation Front. We must urge all free thinking people of the world to join with us in the condemnation of those reckless individuals who have no respect for the decency of a fellow human being.

How little we ask here today, Mr. Speaker. We seek only that the rulers of North Vietnam grant—not a diplomatic courtesy, not an international courtesy—but a simple human courtesy and permit the families of captured men to correspond with their husbands or sons. Let those who still have such great hope that their husband is alive, know the truth. They have that basic human right. And above all, let the families of the American soldiers captured by the enemy know that their husband or son will at least be afforded the basic rights and dignities required of an individual and affirmed in the Geneva Convention.

If there is to be peace in this world it must begin with the mutual recognition by all peoples of the basic rights of mankind. War results when these basic rights are violated and war will continue to plague the world until these basic rights are restored to their proper place in the world.

Mr. Speaker, in North Vietnam a citizen reads what his government wants him to read. The outside world knows little of what goes on in that country. In our beloved country everything that is said or done is known to the world. Therefore, I know the North Vietnamese rulers will be listening to what is being said here today. And so I say to them, loud and clear, "If you have any decency, if you have any feeling for humanity at all, any real interest in a peaceful world—release the names of those held prisoner. And having done that, give these men the fair and proper treatment that is the basic right of every human being. This is the least you can do."

I am glad to share this special order with the able gentleman from Alabama.

Mr. LUJAN. Mr. Speaker, will the distinguished gentleman from Alabama yield?

Mr. EDWARDS of Alabama. I yield to the distinguished gentleman from New Mexico.

(Mr. LUJAN asked and was given permission to revise and extend his remarks and to include telegrams.)

Mr. LUJAN. Mr. Speaker, as a cosponsor of this concurrent resolution for relief of prisoners of war and personnel missing in action, I wish to comment briefly on the plight of the wives and families of our captured servicemen.

North Vietnam's total disregard for the Geneva Convention has resulted in years of painful heartache for thousands of American women and children who have no way of knowing whether their husbands and fathers are alive or dead.

One such wife, a resident of New Mexico, is Mrs. James Lindberg Hughes, whose husband has been a prisoner of the Vietcong for nearly 3 years. Lieutenant Colonel Hughes, a career officer, electrical engineer, and Air Force pilot, has been held incommunicado by the Vietcong since his capture.

Mrs. Hughes waited patiently for her Government to act, firm in the belief that the Nation for which her husband was fighting would not stand by and permit such actions by the enemy. After 2½ years of waiting, Mrs. Hughes attempted to obtain permission from the U.S. Government and the Government of North Vietnam to visit her husband. She went to neutral countries with pleas for their assistance, to no avail. She received no reply from the Communist dictators of North Vietnam.

I interceded on her behalf with the President of the United States and was successful in obtaining a commitment from the State Department that she would be granted a passport to go to North Vietnam if the Government of that country would grant her a visa.

To date, after appealing again to neutral countries to intercede with North Vietnam, she has received not even the courtesy of a letter of refusal.

Mr. Speaker, I join my colleagues in denouncing this inhuman disregard of common decency on the part of the Vietcong and I urge unanimous passage of this resolution.

Further, Mr. Speaker, I insert two telegrams into the Record. Each bears on this resolution and contains language to which I wholeheartedly subscribe:

Los Alamos, N. Mex.,
September 15, 1969.

Manuel Lujan,
House of Representatives,
Washington, D.C.:

The Los Alamos, New Mexico, Republican Central Committee, Box 832, urges your consideration of the plight of our prisoners-of-war in Southeast Asia. The unbearable suffering and hardship resulting from their imprisonment is inhumane. We strongly encourage your support in every way to effect the release of our men and to gain humanitarian treatment for them while they remain prisoners.

E. R. Grilly, Vernon E. Kerr, Bob E. Watt, William Overton, Harold Shattuck, Mrs. Helen Furchner, John Furchner, Mrs. Robert Fultyn, R. V. Fultyn, Dale Henderson, Mrs. Caren Kershner, Mrs. James Lindberg Hughes, Mrs. Jean Donham, Mrs. Lois Blondeu, J. M. Bunch, Mrs. Sue Quackenbush, John Mendius, G. H. Mottaz, David Shaffer, John Warren, Glenn Vogt, Mrs. John Malik, H. H. Soenke, Adam Schuch, Al Patrick, Jerry Morgan, Mrs. Harold Naveaux, Mrs. Winnie Berry, Summers Coxis D. Gardner, Mrs. Joann Stoddard, Mrs. Marie Ziegner, Mrs. Bee Atwood, Mrs. Dorthy Hoard.

We believe the citizens of the United States and the peoples of the world must be made aware that there are some 1300 human beings being held prisoner in North Vietnam, some of whom have been there for four and five years. And, they are being treated as *animals* despite all the propaganda to the contrary.

As members of the world community, with human compassion in our hearts, we are *obligated* to rescue them. We must have support *state* by *state* in our nation . . . and *country* by *country* throughout the world before this can be accomplished."

Mrs. James Lindberg Hughes, Santa Fe, New Mexico.

Mrs. Donald M. Russell, Albuquerque, New Mexico.

Mrs. Charles R. Brownlee, Albuquerque, New Mexico.

Mrs. Bobby G. Neeld, Albuquerque, New Mexico.

Mrs. Tommy E. Gist, Albuquerque, New Mexico.

Mrs. Wilma A. Johnson, Albuquerque, New Mexico.

Mrs. Charles M. Dusing, Mountainair, New Mexico.

Mr. EDWARDS of Alabama. I thank the gentleman for his contribution.

Mr. MARSH. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Virginia.

Mr. MARSH. Mr. Speaker, I would like to commend the gentleman (Mr. DICKINSON) and those who have worked with him in preparing the resolution which has been introduced and also for providing this time for Members of the House to express their support of this worthwhile effort.

Wars are tragic events and the Vietnam war is no exception.

In every conflict, it seems there are those who bear a disproportionate burden—make a greater sacrifice—grieve a deeper loss than others. Although the tragedy of conflict is national in scope, the agony of that conflict is visited most heavily on a relatively few individuals—those who bear the pain and death of the battlefield or the deprivation of a prisoner of war—and the members of their immediate family.

And some nations pay a greater price in the defense of freedom, so some individuals inevitably render a greater service to meet the nation's price. To those who fall in battle or those who in battle fall into the enemies' hands, this Nation and its people have a pledge. That pledge demands not only aid and assistance to their families, but to those who are held prisoners an unceasing effort to see that they are treated humanely and provision made for their release and freedom as promptly as possible.

To the extent that we ignore this pledge, we downgrade the citizenship of those who, in serving their country by performing their military duties, fall into enemy hands. To the extent that they thereby lose their citizenship, each of us in the long run loses a part of our own.

In the long run, what is ultimately involved is the security of every American citizen who travels or has occasion to go beyond the borders of these, our 50 States. What is involved is the security of each American who finds himself in a foreign land, regardless of the circumstances that causes him to be there. What is at stake here is the quality and measure of American citizenship, not for just a few, but all Americans. It is not simply a question of national honor and national prestige. It is, finally, a question of individual security and individual rights that we enjoy and others recognize because we are citizens of this land.

The families of those who are prisoners of war are paying a double price—the price of agony and uncertainty even as to the identity, whereabouts, and condition of a member of their family and perhaps, an even more difficult price to pay, which is the fear and helplessness that their sons or husbands or fathers are the lost men the Nation has seemed to have forgotten or for whom it is no longer concerned. If they are lost and forgotten men of America, then it follows that their loved ones are the lost and forgotten families of our Nation. This we cannot tolerate—otherwise, we shall ultimately be lost ourselves.

When confronted with those to whom the individual means nothing, we must daily prove he means everything.

Let us show this now and let us continue to press for that which is right and just for these, our American brothers. Let us demand an accounting and a commitment from those who challenge us on the field of battle. Let us make known that we will not tolerate neglect and abuse of those who become captives. Let us be unflagging and unceasing in pressing for a reckoning of those the enemy holds and an ultimate release of these men who are being held as hostages of war.

To the extent that we let ourselves compromise, then we, in effect, compromise our own conscience. Let us have the determination and the dedication to do our duty to these, our fellow countrymen.

Mr. EDWARDS of Alabama. I thank the gentleman from Virginia for his comments.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield to me at this point?

Mr. EDWARDS of Alabama. I am glad to yield to the distinguished gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, some say that we Occidentals do not understand the Oriental mind; and this probably is partly true. In one regard, however, I believe we understand it completely.

We are in conflict with the North Vietnamese, and they have captured some of our fighting men. They are pledged to observe certain amenities—certain rules of war—in their treatment of those men; and they have not done so.

They have refused to tell us or anyone else the names of the captured men. They have refused to permit an exchange of mail between them and their loved ones. They have refused to permit the International Red Cross to see them, or even to visit their prison camps.

There is no mystery in the workings of the Oriental mind in this. The North Vietnamese are using the weapon of cruelty, expressly condemned by the world community.

Those captured men may or may not be undergoing physical torture, but we are certain of this much: Their families here at home are undergoing unnecessary mental and spiritual torture.

By calling this to the attention of the world through the concurrent resolution many of us have introduced today in the House, I believe we may speed the day when the North Vietnamese will feel compelled to live up to their treaty pledges, when they will account for the men they have taken prisoner, when they will open their prison camps to international inspection, and when they will give evidence that they are taking proper care of the sick and injured men.

The world community should judge harshly this enemy which uses torture as an instrument of national policy.

Mr. EDWARDS of Alabama. I thank the gentleman from Illinois very much for his comments.

Mr. FLOWERS. Mr. Speaker, will my distinguished colleague yield?

Mr. EDWARDS of Alabama. I yield to my colleague, the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Speaker, I thank my distinguished colleague from Alabama for yielding. I would like to commend all Members for their efforts toward this occasion.

It is a great privilege for me to participate in this discussion and voice my support for the resolution offered. I feel certain that the broad support by Members of this House is an indication of the deep feeling of concern shared by all Americans over the untold and unnecessary suffering by American servicemen and their families at the hands of the Government of North Vietnam and the Vietcong.

Our Government could be commended for the proper and humane treatment of enemy prisoners of war now held in South Vietnam. Having just returned from an inspection tour of Southeast Asia which included South Vietnam, I have firsthand knowledge that the United States of America recognizes its duties and responsibilities under the Geneva Convention relative to the treatment of POW's. Enemy North Vietnamese and Vietcong forces captured in South Vietnam are held in prisoner-of-war camps regularly inspected by the International Red Cross. Sick and wounded prisoners have been released and repatriated to North Vietnam. There is a regular exchange of mail and personal items. However, our Government is deserving of no special commendations because of its treatment of POW's, as what we do we are obligated to

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do by the Geneva Convention and by the unwritten laws of society and all mankind.

But when compared with the treatment of American and South Vietnamese POW's by the Vietcong and the North Vietnamese, our policy stands out as a glowing humanitarian example.

The Government of North Vietnam endorsed the Geneva Convention in 1957, and it has been our hope for years that some effort would be made by them to come within the reasonable and humane requirements of those accords. But these hostile and savage adversaries have regularly and systematically refused to respect even the minimum requirements of the Geneva Convention.

On the one hand, we can hear the hue and impassioned cry of the Communists, and their sympathizers over the world—some of them citizens of this country—in denunciation of what they claim is American imperialistic intervention in Vietnam and Southeast Asia. While we hear some so-called peace groups in this country praise the late Ho Chi Minh and condemn our own Government, the needless suffering goes on in Vietnam as the determined Communists press toward their goal of conquering all of Southeast Asia.

But, Mr. Speaker, let us not be deceived by those who say our cause is unjust and our objectives are wrong. Let us not for one moment forget that both the facts and justice are firmly on our side. Americans are fighting and dying for freedom in South Vietnam today, just like they have been doing in South Korea for almost 20 years, and just like they did in the European and Pacific theaters in the worldwide struggle against Nazi Germany and imperialistic Japan in the 1940's. This particular struggle is a half a world away, but the forces at work against us and freedom in South Vietnam are the same as elsewhere in the world: In Cuba, in Communist China, in North Korea, in the Soviet Union, in Czechoslavakia and so on. It is the concept of international communism versus freedom and a democratic way of life.

In no way can the justice of our cause and the injustice of their objectives be better illustrated than in the comparative treatment of prisoners of war.

To date, more than 1,350 U.S. servicemen have been classified as either prisoners of war or missing in action—some dating back as far as 1964. Of this total, nearly 800 are pilots or other aircrew members who were downed over North Vietnam and we believe that a substantial percentage of these men are in fact prisoners.

The families of these hundreds of servicemen have lived for months and years under the anxiety and pressure of uncertainty as to the status and well-being of their loved ones. Despite continuing attempts by the U.S. Government and neutral organizations such as the International Red Cross, the North Vietnamese and the Vietcong have not seen fit to release even the names of some prisoners whom they hold. Mr. Speaker, what manner of men would choose to inflict such torment and suffering on the families and loved ones of their fellow human beings? The magnitude of this unnecessary inhumanity by man to his fellow man increases with each passing day.

Defense Secretary Laird has reported that there are now more than 200 servicemen classified as prisoners or missing in action longer than any U.S. serviceman was held prisoner during World War II.

Today, as we attempt to focus worldwide attention on this great problem, we are fortunate to have with us in Washington many members of families of missing American servicemen. These wives, parents, and children have come from near and far to tell their personal stories and lend support to our efforts here. One of these brave people is a young wife and mother of my congressional district. Her name is Rosalind Alexander Apodaca, the wife of Victor J. Apodaca, a captain in the U.S. Air Force and a graduate of the U.S. Air Force Academy, and an Air Force pilot who was shot down over North Vietnam in June of 1967. She told her moving story just this morning for all of the world to hear. She knows not whether she is a wife or a widow and whether their two sons have a father living in prison somewhere in North Vietnam. The heartbreaking story of the Apodaca family is not unlike that of hundreds of others, many of whom are here today.

Surely we can do no less as Representatives of the people of these United States than to adopt the resolution offered and by so doing, resolve further that these men and their loved ones will not become the "forgotten Americans" of our time.

Mr. **EDWARDS** of Alabama. Mr. Speaker, I now yield to the gentleman from Ohio (Mr. BROWN).

Mr. **BROWN** of Ohio. Mr. Speaker, I rise today to join my colleagues in expressing my support of the concurrent resolution, now before the House, which appeals to North Vietnam and the National Liberation Front to comply with the requirements of the Geneva Convention of 1949 relating to the treatment of prisoners of war and to take such steps as may be necessary to secure the release of American servicemen now held as prisoners of war.

I share the uncertainty and apprehension which face the families of those American servicemen whose fates are not known. I do not believe that it is too much to ask one government to release the names of those servicemen who have become its prisoners, permit the regular flow of mail and accord them humane treatment. This is not a matter of loss of prestige or military advantage, but rather a matter of common decency to one's fellow man.

Mr. Speaker, in his inaugural address, the President urged that our words be heard as well as our voices. I would hope that the leaders of the North Vietnamese Government and the National Liberation Front would heed our words today as we voice our great concern over the treatment of our American prisoners of war.

As a newspaperman, I regret that the Press Galleries are not as full this evening as are the Visitors' Galleries and this Chamber. But I am pleased that the Secretary of Defense, a former Member of this body, did consider our efforts today significant and worthy enough to join in it physically, even though the rules of this body prohibit his speaking to the issue. I am sure that his presence indicates the concern of the present administration for those who are prisoners of war, those missing, and those who now wait and wonder.

My heart goes out to those who have loved ones imprisoned as a result of this war, just as it does to those who have lost loved ones. But in particular, I sympathize with those who do not know—those at home who have heard nothing more than their men are missing, and those men who are prisoners who are not permitted word from their loved ones. One of my good friends was missing in the Korean war and I know the suffering his wife and mother experienced by not knowing. I know, therefore, the anxiety which is being experienced by families from my district who are in this circumstance. I congratulate the gentlemen in the well, the gentlemen from Alabama (Mr. DICKINSON and Mr. EDWARDS). Letters maintain this pressure of public opinion and make it national and world opinion. The barbarism of the North Vietnamese Communists demands no less. The sacrifice of those who have been lost or captured and those who share their suffering deserves no less.

Mr. **MESKILL**. Mr. Speaker, today I want to take this opportunity to go on record along with a number of my distinguished colleagues in deploring the cruel and inhumane treatment that has been accorded American prisoners of war by their North Vietnamese captors. Statements by recently released American prisoners of war raise grave concern about the welfare of the more than 1,300 American GI's reported "missing in action." Because of Hanoi's failure to confirm the names of men being held captive, knowledge of whether these "missing" Americans are alive or dead is unavailable.

Of course, the release of every American prisoner of war is a relief and a blessing, but the release of an occasional prisoner, without disclosing the names of the men still held in captivity is a cruel act of torture for the families of those still imprisoned in North Vietnam.

It is an international crime that the North Vietnamese, who signed the Geneva Convention along with the United States and South Vietnam, have refused to abide by the provisions of the Geneva Convention regarding the treatment of prisoners of war. A simple and basic requirement of these conventions is that the names of prisoners be given to their families and to an appropriate agency in a neutral country. Hanoi has refused to observe even this civilized requirement.

Other provisions of the convention required the immediate release of sick and wounded prisoners, impartial inspection of prisoner of war facilities, proper treatment of all prisoners, and provisions for sending and receiving mail. North Vietnam has conspicuously failed to comply with these provisions while maintaining that American prisoners of war are being treated humanely. Intelligence reports and testimony from servicemen who have been released or who have escaped indicate that this is simply not true. The reports confirm the charge that prisoners of war are treated harshly and cruelly by their North Vietnamese captors.

If it is true that Hanoi's leaders have their fingers on the pulse of American public opinion, then let them read loud and clear America's indignation at the abusive treatment rendered American prisoners of war.

Passage of the concurrent resolution sponsored by the distinguished gentleman from Alabama appealing to North Vietnam and the National Liberation Front of South Vietnam to comply with the requirements of the Geneva Convention relating to the treatment of prisoners of war is the least that Congress can do to put America on record condemning the atrocious behavior of the North Vietnamese. I lend my wholehearted support to this effort.

Mr. DOWNING. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Speaker, I am proud to be one of the cosponsors of the resolution which we discuss today. Perhaps all of our efforts here will not be meaningful, but, if there is the slightest possibility that our voices will be heeded, then it is well worth the try.

Our country is at war, whether it is formally declared so or not. But our war is one of defense and not invasion. We do not seek—and we never have—the lands or peoples of any other country. We are simply trying to aid the South Vietnamese in the defense of their country. We are honoring an international commitment made many years ago. Again, I emphasize we have no desire to conquer the country of North Vietnam and to decimate its people in so doing. I have no doubt that we have this capability. I have no doubt that we could literally destroy all that is North Vietnam in a very few days if this was our wish.

In the honoring of our commitment, it has been necessary to send over one-half million of our finest young men to Southeast Asia. These brave human beings did not wish to be involved in the bloodshed of war but they answered their country's call, as patriotic Americans have since the dawn of our country's existence.

Some of these men have been killed, wounded, or captured. This is the price of war, we know. But it is the status of the captured Americans that we cannot understand. If our enemy was a nation of barbarians, savages, or crazed people, it would not lessen our sorrow, but it would be more understandable. But North Vietnam is not such a nation and how she can permit this inhumane treatment of her prisoners, I cannot understand.

I sympathize deeply with the wives and loved ones of our boys who are imprisoned in North Vietnam. They have been brave and patient and there is no question that they love their country as deeply as their men. The actions of the Hanoi Government is cruel and inhuman to these wonderful people. They deserve much better.

I hope and pray that by raising our voices today in this great Hall, it will serve notice on Hanoi that the world expects more of a nation which is supposed to be a part of a humane civilization.

Mr. EDWARDS of Alabama. I thank the gentleman.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from South Carolina.

Mr. WATSON. Mr. Speaker, I commend the gentleman and others of our colleagues who have taken these special orders to focus the attention of the American people and the civilized world upon the tragic plight of these some 1,350 families of our imprisoned or missing in action servicemen.

I think, as one speaker earlier stated, that such an expression as this is long overdue and I wish we had expressed it earlier.

I do not know that in my 7 years I have been so inspired as when I listened to the Speaker of the House, the majority leader, and as I listened to our minority leader and others who have spoken. It really was a thrill and I wanted to get up and wave the flag that for once we were speaking up in behalf of those who are carrying the banner of America and of those who unfortunately have been captured by the enemy and of those who perhaps are even dead at this time.

By this message here today, I believe we are letting the world know as well as letting the people of North Vietnam know that we do condemn such barbaric and even such diabolical conduct such as they have engaged in with reference to the treatment of these prisoners.

But I remember this, Mr. Speaker, as I will conclude, I believe one of the finest patriots—one of the finest living Americans today is the gentleman from my district, the Honorable James F. Byrnes who even at this moment is in a hospital. He has been seriously ill. He is 90 years of age. He is a man who has served in all of the branches of government. He has served as the Secretary of State of this Nation, and in that capacity he gained extensive experience in dealing with the Communists. I remember repeatedly hearing the Secretary, Mr. Byrnes, say that there is one language the Communists understand and that is language of power.

They are not influenced by spiritual or verbal appeals. I hope in this instance that we may be wrong, that the leaders of North Vietnam will hear this message from Congress that we are concerned, and that we are speaking out in a strong, forceful manner in condemning their inhumane activities in reference to these 1,350 men. But, Mr. Speaker—may I say this—that if the North Vietnamese do not get the verbal message that we are giving them today in condemning their diabolical conduct, I hope some of our leaders—those responsible for the conduct of the war—will be considering the possibility of telling them that we in America do have the ability to speak other than words. In trying to help our men over there, we should be willing to let the Communists know that our words today are not idle talk but the determination to implement these words is also there. These families have suffered too long; for too long have we avoided the "get tough" approach.

So while we are speaking today—and I hope and pray they will get the verbal message—but, if they do not, Mr. Speaker, then we must be willing to back up our message with action. To refuse to do so only prolongs this agonizing and frustrating war and actually encourages the Communist leadership in Vietnam.

I thank the gentleman.

Mr. EDWARDS of Alabama. I thank the gentleman for his contribution.

I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I certainly want to associate myself with the remarks of my colleague in the well and the other Members who have taken the time today to raise their voices in indignation against the inhuman treatment of American prisoners of war by the North Vietnamese.

It is ironic that we should be here today on the 30th anniversary of Communist infamy in World War II. It was 30 years ago today, on September 17, 1939, that Soviet Russia's troops crossed over into Poland and started three decades of treachery against human dignity, topped off last Sunday in Hanoi in an announcement which I think has escaped most public attention—an announcement by the North Vietnamese Red Cross that the Geneva Convention on treatment of prisoners of war does not apply to American airmen.

We have reason to believe that the 401 known American prisoners of war are airmen, and that leads me to believe that the North Vietnamese Communists have destroyed these men or perpetrated such indescribable atrocities on these men that they are now saying the Geneva Convention does not apply. Why else would they say to the world that the Geneva Convention on the treatment of prisoners does not apply to airmen? Because they cannot account for those 401 Americans—and I am telling you right now, the time for protest is over. I am a cosponsor of this resolution. But I fear this resolution will be just hollow words. I called upon the Secretary of State yesterday to rally the free world into a boycott, an economic quarantine against Hanoi until Hanoi agrees to have the rules of Geneva apply to American prisoners of war.

And if the State Department cannot do it, then I call upon every union in this country to cease handling immediately every piece of goods that comes in international trade to ports in America from any country, Communist or otherwise, that deals with Hanoi.

Finally, Mr. Speaker, the agony of Vietnam cannot continue. We have made every single concession to the Communists.

A great President, President Johnson, took a gamble and called for a bombing halt. There were those who were saying, "Just stop the bombing. Just stop the bombing and it will all be over." During this bombing pause we have lost almost as many American soldiers in combat as we did in the preceding 7 years of

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our involvement in Vietnam. In another 2 or 3 weeks, our death losses during the bombing pause, will exceed our losses in the whole war up to the pause.

We agreed to a number of cease-fires including the Tet holidays, and even as late as last week, during funeral services for Ho Chih Minh this great Nation of ours agreed to a cease-fire, in order to show good faith.

Mr. Nixon has withdrawn two elements of troops in order to show good faith and take some reasonable risks for peace.

Finally, our negotiators in Paris have used every humane device to try to bring peace.

Each of these efforts has met with a rebuke, just as we have been met with a rebuke last Sunday, when the North Vietnamese Red Cross said the rules of Geneva do not apply to our American airmen.

So I say, Mr. Speaker, the time has come when the President of these United States ought to serve notice on the North Vietnamese that if they do not move toward some meaningful peace gestures by the first of October, or the first of November, we are going to stop this charade and resume the bombing of the north and bring the tragic war to a successful conclusion.

Mr. EDWARDS of Alabama. Mr. Speaker, I yield to the gentleman from California (Mr. TALCOTT).

(Mr. TALCOTT asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, I was a prisoner of war. I was missing in action for some weeks before I was reported captured. It was some additional weeks before my physical condition was reported, through the Red Cross, to my wife and family. I, therefore, know a little about the agony of war, being captured and held prisoner of war.

My wife and family have related to me in an incomplete and limited way the grief, the anxiety, the agony, the despair, the worry, the loneliness, the mental and emotional terror of not knowing the whereabouts, the condition, the thoughts of a missing airman. No matter how we try, we cannot fully appreciate the grief, worry, and anxiety of the wives of POW's, and especially the wives, family, and loved ones of those missing in action.

I was fortunate. I was imprisoned for only 14 months. My physical injuries were healed. I kept my sanity. My captors were not so evil. They permitted me to lose only 45 pounds. They only baked millions of human beings in ovens. They only made lampshades out of human skins. In comparison with our enemy in Vietnam, my captors were decent men and honorable warriors. They at least reported my capture, they at least permitted me to correspond biweekly with my family, they at least permitted the Red Cross to inspect our prison camps occasionally, they at least repatriated the seriously ill, the mentally deranged, and the dangerously wounded.

Our Communist enemy in North Vietnam is the most inhumane, most heinous enemy in the history of warfare.

Not only are they cruel to innocent civilians caught up in the battle in the south, they are diabolically cruel to prisoners and they are purposely brutal to the families of their captives. They know full well the mental and emotional effects their maltreatment of prisoners has upon the wives, children, and parents of airmen missing in action.

This Communist enemy employs the cruelest of tactics to carry out their war against South Vietnam.

The captured airman can stand so much physical cruelty—then he will die and his pain will be gone. Of course, this physical torture can be prolonged viciously—and the evidence is accumulating that physical tortures beyond our beliefs have been perpetrated upon our prisoners. Even mental torture can be prolonged only so long as sanity remains—and fortunately there is a merciful human limit to mental torture.

But the mental and emotional torture of the families is indefinite and indiscribable. It continues day after anxious day, night after sleepless night.

Time after time the family hopes are raised. Time after time these precious hopes are dashed. It is uncomprehensible to me how these wives and families can carry on—but they have and they do.

This group of wives is probably our most courageous soldiers, our most gallant warriors. I cannot praise them highly enough. But praise is absolutely worthless to them.

Something effective must be done. They ask so little. "Please, just tell me whether I am a wife or a widow." Can you imagine such a plea? None of us can imagine the pathos of such a plea? Who can imagine a captor so cruel, so barbaric, so mean that he would refuse to answer such a pathetic plea of a wife or mother. No one has been able to express in words the cruel attitude and beastial behavior of our enemy in Vietnam.

The world should know. The Communists, the Communist sympathizers, apologists, and assisters here in the United States and elsewhere should have a taste of the barbaric behavior of their Communist colleagues in North Vietnam. Communists in this country and abroad ought to take a stand—either support or condemn the behavior of the North Vietnamese toward prisoners. Those in this country who support the North Vietnamese and the Vietcong ought to at least condemn their beastialities toward POW's and their families and do it clearly and unequivocably.

Many points have been covered by my colleagues. I concur with most of their remarks and associate myself with them. I hope this discussion is widely reported. The atrocities of the battlefield are reported with alacrity and drama—but the news media have neglected this aspect of the war.

The news media neglect the POW and MIA stories for several reasons: First, they are difficult to cover; second, a relatively few of our citizens are involved; third, the last administration showed little interest or concern; fourth, any fair and thorough report would show the Communist enemy to be so barbaric and uncivilized that even the far left would be embarrassed; and, fifth, the mainstream of U.S. and world opinion would be so revolted that support for the Vietcong sympathizers and supporters in this country would evaporate.

I challenge the news media to ferret out and tell the POW and MIA story to the world. I challenge the United Nations to schedule a discussion of this issue before the General Assembly or the Security Council. I challenge the North Vietnamese to permit the Red Cross to inspect prison camps in North Vietnam. I challenge the World Court to entertain a motion for habeas corpus on behalf of the U.S. airmen known to be missing in action in North Vietnam. I challenge the Quakers to request of the Communist captors a simple list of the names and locations of U.S. prisoners and read them aloud on the Capitol steps. I challenge the Members of the House and the Members of the other body who by word and deed sympathize with and support the Government of North Vietnam to urge that Government to comply with the Geneva Convention as it relates to prisoners of war. If Communist sympathizers and Communist assisters here accept the Communist line that this is not a declared war and, therefore, the captives are not prisoners of war, I challenge them to urge the North Vietnamese Communists to treat their American captives as they would any common criminal. Certainly the "compassionate" and "ethical" Communist would permit even a common criminal to correspond with his family. Certainly the Communist creed would disclose whether or not a certain person was confined in one of their prisons. Certainly the Communist creed would require the humane treatment of even the most common of criminals. Communists who claim to be interested in the welfare of human beings certainly would not intentionally perpetrate mental and emotional anxieties and cruelties upon women and children who have done nothing. Or would they?

For a clearer insight into the Communist mind and behavior, I suggest a thorough study of the treatment of our POW's and MIA's.

There is another comparison that is fresh on my mind that may give us Americans a better perspective concerning this matter of treatment of prisoners.

Remember the historic meeting in this great Hall yesterday. It was one of my most thrilling moments. I was enormously proud of my Nation, its people, the astronauts and their wives. Did you not experience a wonderful feeling when the Speaker asked the proud and courageous wives to stand even though they and we were already standing—and as if by an invisible direction everyone near the three ladies sat down so that everyone else could see them more clearly. They were proud, as well as beautiful and pleasant. We all applauded sincerely. Many eyes must have clouded, many hearts must have beat faster, many thoughts must have flooded through our minds.

These young wives shared the risk of the daring space exploration. We all know they could have been widows. Who could not have thought these and other such thoughts? I did.

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But I also thought about other courageous, gallant wives of other airmen—the wives of our POW's. They are similarly young, vital, beautiful, proud, courageous; their lives were quite parallel. Their husbands, too, had volunteered to serve their country. They too are skilled pilots. They too have endured the joys and hardships of the military services. They too loved their families. They too looked forward to lives at home together.

The comparisons are not fully parallel. Our country spends a great deal more to insure the safety of the astronauts. Safety is the byword of our space program. Redundancy after redundancy is built into our spacecraft to minimize the risk to our small space crews. This safety requirement costs billions of dollars—and I support the concept.

But the missions of our flight crews in Southeast Asia are much more hazardous and no such safety is built into our tactical aircraft. The crews are often asked to take enormous risks. I would spend more to guarantee the safety of our flight crews.

The astronauts are heroes—bona fide heroes. They are heaped with honors—whether they only partially orbit the earth or walk on the moon. They are the toast of the world. I join in the toasting and the hero worship. But I believe our flight crews in Vietnam are equally, if not more, heroic.

The astronauts earn considerable outside income because of their role as astronauts. I am glad for them. Their wives enjoy solid economic security. I am pleased it is available to them.

These and other comparisons should be remembered when we proudly applaud the astronauts and their wives, we really owe them an equal or greater expression of our gratitude.

While I join in the plaudets for the wives of the astronauts, I urge you to remember the wives of our POW's and MIA's who really have very little in return for their inestimable contributions, courage, and patience.

The astronauts' wives and family shared the risk of death and the heartache of widowhood—but they did not risk or suffer the agony of separation and the interminable worry about the condition or whereabouts of their husbands.

The astronauts risked death and injury, but not the unspeakable torture of Communist imprisonment.

Today in our galleries are many of the most heroic women I know. They are gallant warriors. They are devoted wives. They have been patiently respectful of our Government's efforts on their behalf although it has accomplished nothing. They are brave beyond words.

They deserve our gratitude. They deserve our help. Their plight should be known to us, every American and to all the citizens of this planet.

Mr. Speaker, at this point I wish to place in the RECORD a proposal I made last year when the Paris talks were just getting underway. This proposal was in the form of a telegram on October 17, 1968, to Ambassador Harriman in Paris, with copies to President Johnson and Secretary of State Rusk. The telegram was as follows:

HANFORD, CALIF.

Ambassador W. AVERELL HARRIMAN,
U.S. Embassy, Paris:

Respectfully suggest you propose that North Vietnamese negotiators as an act of good faith agree to immediate exchange of all prisoners of war. Such proposal could serve as a meaningful response to bombing halt.

More importantly prisoner exchange or even prisoner information exchange could provide effective first step in assuring success in peace negotiations and help to establish precept of man's humanity to man.

BURT L. TALCOTT,
U.S. Congressman, California 12th District.

On October 23, 1968, Averell Harriman wrote me the following letter from Paris:

EMBASSY OF THE
UNITED STATES OF AMERICA,
Paris, October 23, 1968.

Hon. BURT L. TALCOTT,
Member of Congress,
Hanford, Calif.

DEAR MR. CONGRESSMAN: I have received your thoughtful telegram proposing a prisoner exchange. I appreciate your concern which I share deeply.

I can give you my personal assurance that I am doing everything in my power to see that no opportunity is missed which could conceivably lead to constructive action to free Americans held by North Viet-Nam.

I am sorry to have to inform you that so far the North Vietnamese have not shown any interest in an exchange of prisoners such as you propose. Nevertheless, the occasional releases of our men are a sign that the enemy is affected by U.S. and world opinion. We will continue to exert every effort to encourage further releases as well as their acceptance of their obligations under the Geneva Convention. Of course, progress towards peace is the best assurance for the release of our men.

I welcome your interest and support in this endeavor.

Sincerely,
W. AVERELL HARRIMAN.

On October 29, 1968, the Assistant Secretary of State for Congressional Relations responded for Secretary Rusk and President Johnson acknowledging receipt of copy of my telegram to Ambassador Harriman.

His letter follows:

DEPARTMENT OF STATE,
Washington, D.C., October 29, 1969.

Hon. BURT L. TALCOTT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN TALCOTT: Secretary Rusk has asked me to thank you for sending him and President Johnson copies of your telegram to Ambassador Harriman proposing a prisoner exchange with North Vietnam as a step towards peace. I understand that Ambassador Harriman has replied to you directly from Paris.

I would only add to his reply the assurance that our Government is fully committed to taking every action which can contribute to a just settlement and progress towards peace in Vietnam. As you note, prisoner exchange could be such an action. We regret that North Vietnam has shown no interest so far in such a proposal.

Sincerely,
WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

Mr. Speaker, in light of the above, I hope that the North Vietnamese and the Vietcong will not treat our present proposal in the manner in which they treated the proposal of last October as set forth above.

Mr. EDWARDS of Alabama. Mr. Speaker, I yield at this time to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Speaker, it is high time that Members of this body spoke up emphatically to register our indignation and anger over North Vietnamese treatment of Americans who are prisoners of war. I commend those Members who have led this special order today.

The North Vietnamese record is outrageous, and should be deplored by all civilized nations.

Certainly our Government is obligated to use every power and resource at its command to secure detailed information regarding the names and health of our men who are prisoners, and should insist that this information be provided without further delay.

Refusal of the North Vietnam Government to make available such basic and easily obtainable information can only be described as needless cruelty and inhumanity.

I commend the President for all efforts being made to obtain such information, and to improve the conditions under which these Americans are imprisoned. I hope and pray those efforts will be redoubled and will continue until success has been achieved.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for his comments.

Mr. Speaker, at this time I yield to the gentleman from Idaho (Mr. McCLURE).

Mr. McCLURE. Mr. Speaker, I commend the gentleman from Alabama (Mr. DICKINSON) for his initiative and leadership in sponsoring the resolution and in taking this time to discuss the very real problem of the treatment of our servicemen who are held by the Government of North Vietnam. For too long, we have refrained from discussing the matter in detail and in public. It is heartening, indeed, to see that our Government and those who guide and direct public information have reached the point where this sordid conduct by the rulers of North Vietnam will be exposed in the full glare of public discussion. This resolution and this discussion here today will help focus attention in a manner which I believe will be helpful.

The temptation is great to discuss the broader aspects of foreign policy and our relationships with other nations of the world, but I will not do so except as it affects this particular problem. Likewise, it is difficult to talk about the prisoners of war without discussing the war itself, but this I will not do. And while there are disagreements on our foreign policy and wide differences of opinion on the war, there is no disagreement on this question.

As our resolution states, we are not asking the North Vietnamese for anything more than the basic requirements of humane treatment as set forth in the Geneva Convention. That we would also like to see the release of these men is a foregone conclusion. Surely, the refusal of the North Vietnamese

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Government to honor the convention, to which they are signatory, must be held up to the world as evidence of the character of that regime. Surely, the refusal of the North Vietnamese Red Cross to stand behind this solemn agreement cannot be viewed in any other light by the whole world than as evidence of the dictatorial hold of the rulers of Hanoi. And surely, the refusal of other Governments to call upon their friends in Hanoi to observe this minimum of human decency illustrates the failure of our efforts to cultivate their friendship and the bankruptcy of our hopes that they may somehow assist us in any other way in solution of the larger problems of Vietnam.

The statements being made today on this resolution have an even more personal meaning for me. Maj. Don Waltman is a personal friend of mine. We were students at college together and lived in the same house. As is usually the case, working, playing, and arguing together, we had the opportunity to know each other and I came to admire and respect the strength of character of this fellow—a strength which has been so sorely tested for 3 long years.

Don was flying an F-105 on a mission over North Vietnam, September 19, 1966, just 3 years ago this coming Friday. His plane was hit and disabled by enemy fire, but Don safely parachuted to the ground. It was not until 3 months later that it was learned that he had been taken prisoner. His family has received a couple of letters and travelers have interviewed him, so something of his personal situation has been known.

In this respect, his family is more fortunate than many who have heard nothing. His wife is one of those who have journeyed here today to participate in a joint effort to focus attention of the world on the treatment these men receive at the hands of the North Vietnamese. They also serve who stand and wait—and the examples of courage and fortitude given us by the brave women who stand waiting for the return of their men—or even just word of their men—humbles each of us.

President Nixon called for the release of prisoners of war "at the earliest possible time" by saying:

> While I will never raise false expectations, my deepest hope . . . is that we shall be able to look back on this day as the critical turning point when American initiative moved us off dead center and forward to the time when this war would be brought to an end.

Today, we do not want to bring false expectations to the families of the Americans held by the North Vietnamese. Considering the grief they have endured, they understand the realities of this terrible war far more than the rest of us do. But I do hope that this day, like Mr. Nixon's day, will be remembered as the time when the Congress of the United States spoke with one voice and appealed to an enemy in a far-off land for the decent treatment of the Americans they hold. And that this was the day when the Government of the North Vietnam finally listened.

Mr. EDWARDS of Alabama. Mr. Speaker, I yield to the gentleman from South Carolina (Mr. McMillan).

Mr. McMILLAN. Mr. Speaker, I want to congratulate and thank the gentleman from Alabama for all the efforts and time he has spent in getting permission for the Members of the House to express themselves on this most important subject. I realize this matter should have had priority over everything else many years ago. Some of the finest young men in my congressional district have given their lives in Vietnam and numerous others are suffering in the dungeons and so-called dirty jails in North Vietnam.

We are fighting one of the cruelest breed of people known to mankind. This Congress and the Army generals should demand that our prisoners be treated humanely. Mr. Speaker, we have thousands of wives and mothers who have unnecessarily suffered. They cannot communicate with their loved ones, and cannot get any information as to the welfare of their sons and husbands. In the gallery this moment is one of our finest mothers who comes from my district. Her son, Captain Hacket, a graduate of the Air Force Academy, was shot down over North Vietnam and his mother does not know whether her son is a prisoner or dead.

I want to congratulate the gentleman from Alabama and his colleague on giving us an opportunity to express ourselves here this afternoon. I feel very strongly that a nation which is supposed to be the strongest nation in the world should, without delay, go into North Vietnam and take these prisoners, if nothing less will do.

I certainly feel compassion for these mothers and wives who cannot hear from their husbands.

At the present time the mother from my hometown who lost a son serving as a captain in the Air Force, who was lost over North Vietnam, has heard nothing from him, and that has been over a year ago.

Mr. EDWARDS of Alabama. Mr. Speaker, I am glad to yield to the gentleman from New Jersey.

Mr. SANDMAN. I thank the gentleman.

Mr. Speaker, I want to commend both of my colleagues from Alabama for doing something I feel is very outstanding. I am very hopeful that what they have done, which is so worthy, is going to get a real press, which it deserves. I believe it is far more important for the American people to read tomorrow morning and this evening what happened here tonight, many times more important, than what some "wise guy" had to say on a college campus this afternoon or tomorrow afternoon. This is something that deals with great values.

I have a constituent here, with seven little children. Her husband was shot down 2½ years ago. She does not know where he is. The youngest child was only 1 week old when this man went to take his part in the combat.

This I do not believe anybody can say is right. It has to be wrong.

I believe it is high time that some of the people who feel we are dealing with somebody who is not a tough enemy should be here today and meet those people who suffer the most, the families left behind.

I know how they feel, because 25 years ago I was one of the people at Stalag Tuft III. It was many, many months, almost a year, before my parents knew whether or not I was alive. But, regardless of all other things the German people did not do, they did live up to the Geneva Convention.

The people in the Far East today are not doing that, and I think they must do it.

One thing which inspires me which I heard today was the comments of the chairman of the Committee on Armed Services (Mr. Rivers). I think they were really good remarks and should register with the people in North Vietnam. Before we withdraw one more man from that part of the world something has to be done for these families to rectify what has not been done in the past.

I ask two questions. First, where are all of these men, and, second, why do not the North Vietnamese live up to the Geneva convention rules? They are no different than anybody else. If they want to show some sign of good faith, I think this should be their first move.

Mr. Speaker, I never felt so proud to be a Member of this House as I have this afternoon. I have sat here and listened to many special orders being taken. Usually there are only about a half a dozen Members of Congress on the floor and almost nobody in the galleries. Today each person who took time out of his busy schedule to be here was heard by a large group, and I am sure that each Member means what he said. I am looking forward with great anticipation to the fact that your good endeavors here will have a justified result.

Mr. EDWARDS of Alabama. Mr. Speaker, I want to thank the gentleman from New Jersey for his very kind remarks.

I would like to remind all Members before we go any further that there is a reception presently going on in the Cannon Building caucus room. It will be going on until about 7:30 p.m. I hope when you finish here you will participate in the reception.

I now yield to the gentleman from New Jersey (Mr. Gallagher).

Mr. GALLAGHER. Mr. Speaker, I rise to join with the distinguished gentleman from Alabama in support of a resolution condemning the treatment of American prisoners of war in Hanoi.

I rise further to vigorously protest the treatment accorded our captive serviceman by the Hanoi regime in violation of every principle of international law and simple human morality.

We Americans may have many differences of opinion about the conflict in Vietnam. However, there is no hawk or dove position on this issue; there is only a common bond of humanity which reaches even beyond the boundaries of this Nation, and which deplores the despicable and disgraceful actions of Hanoi.

So, let there be no mistake about our

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unity on this issue; let there be no doubt that we stand firm together in our resolve that Hanoi give up its inhuman treatment of our captured servicemen.

Even more, we deplore the tactics of terror aimed by Hanoi at the families of missing American servicemen. There is, of course, no way to relieve their pain at the absence of a husband, father, or son. But there is no justifiable reason for adding to this awful torment by refusing to acknowledge whether the missing serviceman is indeed in captivity. Yet, Hanoi has refused to furnish even a simple list of those Americans which it holds as prisoners. Such barbarous behavior, such conscious cruelty to innocent bystanders, such callous indifference to human emotions can only be resoundingly condemned by decent men around the world.

As the Members of this and the other body have previously indicated, if it is the intention of Hanoi to influence American foreign policy through its reprehensible actions against missing servicemen and their families, then Hanoi is doomed to failure. No individual or governing institution on this earth could be influenced by such monstrous behavior.

Today all mankind calls the Hanoi regime before the bar of world justice. We call upon the Hanoi regime to answer for its repugnant course of action.

If Hanoi would give substance to its professed dedication to peace, then let it begin by giving meaning to the tenets of international law. The world community cannot exist if barbarism replaces law as the guide for national policy.

Men of good will around the globe must be moved to protest the policies of Hanoi and demand that, at the very least, Hanoi immediately provide a list of those American servicemen which it now holds captive.

Then, Hanoi must open the doors of its POW camps to international inspection.

And finally, let both sides move toward a mass exchange of war prisoners as soon as possible.

Notice has been served, Mr. Speaker. Notice that this Congress and the American people pledge their full support to the administration's efforts to achieve these vital goals.

It is time that Hanoi acknowledged this notice and accepted its responsibility.

I serve on the Foreign Affairs Committee and I often hear of the subtlety of signals between the international powers, and the difficulty of reading them.

The United States has clearly conveyed its desire for peace and we look for some such signal from Hanoi. Well one big signal would be to release the prisoners. One small but very clear signal would be to at least publish the list of those held prisoner. It could be the most meaningful gesture yet made in the search for peace on this planet.

To the ladies I congratulate you for remaking national policy and hopefully I believe you will influence international policy in a meaningful way.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I am glad to yield to the distinguished gentleman from Georgia.

Mr. BLACKBURN. Mr. Speaker, I wish to thank the gentleman in the well and to congratulate him and his colleague, the gentleman from Alabama (Mr. DICKINSON), for providing the leadership in this most vital area.

Mr. Speaker, I shall not abuse the time of the Members of the House and its guests by reiterating sentiments which have already been so eloquently expressed.

However, I would not be satisfied without stating my own personal, very great concern about the welfare of our prisoners, about my great concern for the families that they leave behind.

Mr. Speaker, I join in the sentiments which were expressed by the distinguished gentleman from New Jersey (Mr. GALLAGHER) when he stated that the ladies who brought about this occasion, in cooperation with the gentlemen from Alabama, have had a great impact upon American policy. I think this action has been long overdue and that many of us have stood silently by on many occasions with reference to this problem and have supported our President when, perhaps, we should have taken more affirmative action. Also, when we speak out we should say in no uncertain terms that we do support our men in Vietnam and support our President in the use of whatever forceful means is necessary to assure the humane treatment and general well being of our prisoners who are held by the North Vietnamese.

Mr. EDWARDS of Alabama. I thank the gentleman for those very fine comments.

Mr. HAGAN. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. It is my pleasure to yield to the gentleman from Georgia (Mr. HAGAN).

Mr. HAGAN. Mr. Speaker, I certainly wish to thank my colleague for yielding to me at this time and for him and our distinguished colleague, the gentleman from Alabama (Mr. DICKINSON), for arranging for this event.

Mr. Speaker, I rise as a cosponsor of House Concurrent Resolution 333 condemning the barbaric and uncivilized treatment of American prisoners of war by the North Vietnamese and the Vietcong and urging every effort to assure the well-being of these men.

There are basic principles of human life which cannot be ignored particularly when the spotlight of public attention is focused on a situation.

These basic principles apply even in wartime and this was recognized in 1949 by the Geneva Convention.

North Vietnam signed this Convention on American prisoners of war in 1957 thereby pledging to the world her intent to abide by the minimum standards for treating American servicemen held as POW's.

We have learned of physical and mental torture of POW's by both North Vietnam and the Vietcong.

We have heard stories of total neglect of health, sanitary conditions, and forced compliance with propaganda campaigns.

We have heard tales of the breaking of the will and spirit of POW's.

Today, there are somewhere between 340 and 1,200 U.S. POW's held by North Vietnam and the Vietcong.

While many of these may be listed as "missing in action," we do not know their names, their state of health, their whereabouts, or anything about their treatment.

There are several young men from my congressional district listed as "missing in action" while serving our country in Vietnam and the wife of one of them, Mrs. Barbara S. Smith, of Savannah, Ga., is here in Washington today.

In talking with Mrs. Smith, I am humbly impressed by the courage she displays throughout these months of waiting.

The resolution simply urges the President to make every effort to assure "fair and humane" treatment of these men in accord with the 1957 Geneva Convention and to require North Vietnam and its allies to:

First. Identify prisoners whom they hold,

Second. Release seriously sick or injured prisoners,

Third. Permit impartial inspections of all prisoners of war facilities, and

Fourth. Permit the free exchange of mail between families and prisoners.

I hope this resolution will create an outpouring of indignation across the country, which will mobilize public opinion as a tool to secure better treatment of American POW's in Communist prison camps.

We know that Hanoi is highly influenced by American public opinion and it is quite possible that if American public opinion expressed outrage at the barbaric and uncivilized treatment our POW's are receiving, then improvements might be made by the Communists.

In addition, I hope this resolution can also favorably influence the North Korean Communists to release Capt. David Crawford of Pooler, Ga., and two other soldiers who have been held captive since their helicopter was shot down August 17.

Captain Crawford and one of the others were reportedly seriously injured in the crash.

It is time the Congress made its concern over the POW situation clear.

This issue is without question one upon which Members of both parties can agree.

It requires the active attention of the President whether through private negotiation, public negotiation, or the United Nations.

I urge the House to make its feelings known quickly on this important question.

Mr. EDWARDS of Alabama. I thank the distinguished gentleman from Georgia for his contribution.

Mr. ROTH. Mr. Speaker, will the distinguished gentleman yield to me?

Mr. EDWARDS of Alabama. I am glad to yield to the gentleman from Delaware.

Mr. ROTH. Mr. Speaker, I am happy to join my distinguished colleague (Mr. DICKINSON) on the important concurrent resolution he is introducing today. Over 1 month ago, I wrote to President Nixon expressing dismay at the prisoner-of-

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war situation and asking the President to exert all possible pressure on North Vietnam to secure a list of the names of prisoners of war and then to negotiate for their release. I was assured, in a response to that letter, that the administration would continue to bring pressure on Hanoi to comply with the Geneva Convention and to respect the rights of prisoners of war. I would like to include a copy of my letter at the end of my statement, since my sentiments on this subject are unchanged.

In addition, I would like to point out to my colleagues that two women from my State, Mrs. John Martin, and Mrs. William Nellans, both of Dover, have come to Washington today to speak personally with me and air their hopes that our Government can provide them with some information about their husbands—both men are assumed to be prisoners of war. These women, like thousands of people all across the country, live from day to day in uncertainty, not knowing if their loved ones are alive.

News reports up to now indicate that North Vietnam is unmoved by these grief-stricken cries. It is evident to me, however, that we must see this situation through to its conclusion: the humane treatment and eventual release of our troops overseas. This is one problem where the entire country, including the President, must raise its voice.

The letter to the President follows:

AUGUST 15, 1969.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: While you are making every effort to bring the Vietnam War to an honorable conclusion, one aspect of the war has gone largely unnoticed. Two letters have come to my desk over the past month which point out one of the *less* honorable aspects of the war: I refer to the fact that many Americans are being held prisoners of war by the North Vietnamese, and these men are being held incommunicado. To compound the gravity of the situation, the North Vietnamese will not release the names of these men, so that many families here in the United States have no idea whether their loved ones are alive.

Let me cite a paragraph from one of the letters I received. "Every country, even including Vietnam," the letter says, "likes the respect of world opinion. Thus exists the need to impress upon Hanoi that the free world feels North Vietnam should be obligated to abide by the Geneva Convention in the treatment of war prisoners and to release a list of all such prisoners held. They should further be urged to negotiate immediately for an exchange of prisoners regardless of further pursuit of the war."

Mr. President, I agree wholeheartedly with these sentiments. When an outraged world cried out against the North Vietnamese action of bombing civilian areas around Saigon, the bombing was sharply curtailed. I think world opinion should be similarly mobilized to convince the North Vietnamese of the hardship they are inflicting on many American families, families that live day to day in uncertainty.

Accordingly, Mr. President, I urge you to take all possible steps to support our prisoners, requesting first of all that North Vietnam release a list of prisoners' names and following that by immediate negotiation for release of our men overseas.

Let me stress that I fully support your efforts to bring an honorable end to the Vietnam conflict, but I do feel this is one area that needs your fullest attention.

Sincerely,

WILLIAM V. ROTH, Jr.,
Member of Congress.

Mr. EDWARDS of Alabama. Mr. Speaker, I now yield to the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the fact that so many of our colleagues have joined today in this expression of concern should demonstrate beyond any reasonable doubt to the Hanoi government the degree of repugnance with which their cruel treatment of U.S. prisoners is regarded in this country.

I anticipate the RECORD will show that few special orders have attracted more participants, and Mr. DICKINSON deserves our commendation for arranging this session.

In this body, there are many honest differences of opinion over the conduct of the war in Vietnam, and the North Vietnamese have tried to capitalize on these differences.

But we are united, as on few issues, in our abhorrence at North Vietnam's total disregard for the 1949 Geneva Convention and its protections for prisoners of war.

In the court of world opinion, North Vietnam already stands convicted as an outlaw nation. What other judgment can be handed down to a country which refuses even to identify its captives? And what penalty can compensate for the anguish and heartache endured by hundreds of American families who, lacking any additional information, know only that their loved ones are missing in action?

Possibly, just possibly, there may be a ray of hope in the announcement from Paris that North Vietnamese delegates at the peace talk are at least amenable to the idea of meeting with the wives of four missing U.S. fliers. These women, like many of the ladies gathered here in the galleries today, do not even know whether their husbands are dead of alive. A civilized nation would have told them long ago, and perhaps the leaders of the Hanoi government can be persuaded, at long last, to change their ways. I, for one, will remain skeptical, however, until I see some manifestation of good will, however small, on the part of Vietnamese Communists.

Some of our more than 1,300 missing men are presumed to have been held captive for more than 3½ years—longer than any U.S. serviceman was held prisoner during World War II.

North Vietnam should immediately release the names of prisoners held, return sick or wounded captives, allow a regular flow of mail, assure proper treatment for all prisoners and permit impartial inspection of prisoner-of-war facilities—all as called for by the Geneva Convention.

Mr. EDWARDS of Alabama. Mr. Speaker, I yield to the gentleman from Ohio (Mr. TAFT).

Mr. TAFT. Mr. Speaker, I would just like to join in the comments made by the gentlemen in the well for bringing this matter before us, and to associate myself with their remarks.

I have already cosponsored the resolution, and have filed a full statement on the resolution, so I will not elaborate on that today.

Mr. Speaker, I do believe it is appropriate to say that this is the culmination of an effort that must be carried on further, but nevertheless a very real culmination of the effect that I believe it will have upon public opinion.

I know that not only is the Congress concerned in this matter, but I know personally also that the President of the United States has had a very, very deep and continuing concern in it, and that he has been asserting maximum pressure. Many of the Members already know of the efforts of our Defense Department in connection with this in an effort to arouse public opinion and to draw upon every resource possible in attempting to bring about a change through world opinion, and any other proper pressures that we can bring to bear to bring about a change in this situation.

I feel also that all of us must express our personal sympathy and our concern and our understanding and to say that we will not forget these men, and that we commit ourselves to continuing in every way that we possibly can in the performance of our duties to bring about a resolution of this war and bring about the return to these men from the harsh treatment that they have received, and to relieve their families from the uncertainty and the strains to which they have been subjected.

Mr. Speaker, I thank the gentleman for allowing me this time.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for his contribution, and I now yield to the gentleman from Louisiana (Mr. RARICK).

(Mr. RARICK asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. RARICK. Mr. Speaker, I thank the gentleman for yielding, and I salute the gentlemen from Alabama (Mr. DICKINSON and Mr. EDWARDS), for assuming the long overdue initiative in focusing public attention and informing our people of the plight of American prisoners of war who are being held not only in North Vietnam, but also in North Korea and in Red China.

In recent weeks the American people have learned first-hand from the shocking testimony of the few released American prisoners from the camps of North Vietnam and North Korea of the inhuman treatment and barbarianism practiced against our captured servicemen.

As a former prisoner of war in Europe, I know all too well the desolate feeling of loneliness in imprisonment. However, those of us held prisoner in Europe never experienced total despair. We were confident that our countrymen at home supported us 100 percent; that we were not forgotten and that the leaders of our Government would never rest until we were freed and restored to our homeland. We knew that never in the history of the

United States had Americans ever been deserted by their country.

We could hear the sounds of military action from our troops, the distant rumblings of artillery, the frequent bombing of the enemy in his base of operations, and we knew America had the will and the positive leadership to win. But most of all our morale was bolstered with the confidence that we would never be abandoned or deserted by our country. As prisoners of war in Europe, we were always heartened and reassured by the knowledge that freedom was only a matter of time.

Life in a prison camp in Germany was not pleasant—no man takes pleasure at the loss of his freedom—but as prisoners of war held by a civilized Christian nation we were at least treated within the minimum standards—with isolated exceptions—prescribed by the Geneva Convention. Further, we were captives of a nation which had not made it their national policy to mistreat prisoners of war.

How much more dismal and grim the condition of our men held captive in North Vietnam, Korea, and China. They can detect no evidence of attack on their captors. They hear no falling bombs, no advancing artillery, no evidence of impending rescue. Their only contact with the outside world is through enemy propaganda. The constant barrage of propaganda is reinforced by films, pictures, and recordings which show public demonstrations in the United States—including to our eternal shame, a few Members of this body on the steps of the U.S. Capitol—to help convince our captive Americans they have been forsaken.

Against this background they hear the repeated statements of our national leaders that we do not seek a military victory. They are also taunted by announcements of troop withdrawal without any announced consideration of PCW rescue.

In recent weeks, as occasionally over the past years, the Red propaganda outlet of Hanoi has informed the world that Americans held in their country would not be regarded as military prisoners but will be treated as war criminals.

In fact, Hanoi has even threatened to place our captured fighting men on trial as war criminals.

Just what is a "war criminal"? "War criminal" is a quasi-legal designation found expedient at the Nuremberg trials to except certain military captives from the protection assured them by the Geneva Convention so they could be punished for propaganda purposes by ex post facto laws.

According to U.S. precedent, the "war criminal" is a person who can be treated outside international law and the reasonable norms expected by humanity to serve the current political purposes of those in power.

The American people need only turn back the pages of history 25 years to the tragic error of the Nuremberg expediency which necessarily produced this result—that a military prisoner can be either a prisoner of war or a "war criminal" depending entirely upon the whim of his captors. In order to mistreat prisoners, it became only necessary to prepare public opinion by denouncing them as war criminals. Compare Hanoi's threats to the actions at Nuremberg. The show case trials at Nuremberg set the precedent which resulted in literally thousands of enemy soldiers being brought to trial as "war criminals" not only in Germany and Italy but in the Pacific as well.

Americans are aghast at the thought of Communist terrorists trying American captives as war criminals. We should consider a classic example of a military prisoner of war found guiltless of any military crimes, but convicted as a "war criminal." He remains in prison today, 24 years after cessation of hostilities.

The example I refer to is 54-year-old Maj. Walter Reder, the only Austrian officer still in prisoner status in Italy at the Reclusorio Militare, Gaeta.

The Reder case is well known to students of the prisoner-of-war problem. It has been described at length in both articles and books by F. J. P. Veale, distinguished British lawyer and authority on the laws of war. The record shows that Major Reder was arrested by U.S. authorities in Austria on request of Italian authorities. Although he was an American prisoner for 2 years—September 1945 to September 1947—at Glesenback and U.S. authorities found the charges against him entirely lacking in substance, they did not release him. Under the regulations then prevailing, he was turned over to British military authorities in Austria, who likewise found the charges baseless and even gave him an opportunity to escape. This proffer he refused as he felt prepared to face trial. Instead of British military authorities trying him, they handed him over, on May 13, 1948, to Italian authorities.

Three years later, in October, 1951, at Bologna, and 7 years after the alleged offenses in 1944, he was sentenced to life imprisonment as a war criminal. His military superiors whose orders he carried out have been released but their subordinate, Major Reder, still languishes in prison.

The case of Major Reder is strikingly parallel to the situation of Americans held in Vietnam, because he was branded a "war criminal" from an action in which his conventional military unit attacked a guerrilla position.

Again, Mr. Speaker, I remind this body that I was a prisoner of war of the German Government and my only purpose for the mention of the Reder case is to point out the inequities of the treatment of some military prisoners as "war criminals." Certainly no American can sleep with an untroubled conscience realizing that the design of the Hanoi government is to exploit such examples as the Reder case for which we share responsibility to justify mistreatment of Americans who have fallen into their hands. The prospect that these men may never be recovered unless the concept of "war criminals" is eradicated is the problem we now face.

We cannot allow the errors of the past to jeopardize our own men.

Since we have an announced national policy of ending the war in Vietnam without victory, those responsible for that policy must accept their responsibility to utilize other methods to assure the safe return of Americans held by the enemy. Perhaps world public opinion can correct the mistake of Nuremberg, expose the false label of "war criminal," and assure that all nations which claim to be civilized will accord civilized treatment to prisoners of war.

Mr. Speaker, I again call on the President to use all of the power and prestige of his office, through the United Nations or by direct negotiations with other civilized governments, to assure the humane treatment and safe return in accordance with the terms of the Geneva Convention of all Americans held by the North Vietnamese who are signatory to that convention. As an indication of our good faith, I suggest that the prestige of the United States be placed behind an international movement to grant amnesty to all prisoners—of all countries—whose sole crimes are in the fictitious category of "war crimes."

Mr. Speaker, with all sincerity, I commend the many mothers and wives, and relatives of American prisoners of war in North Vietnam who have journeyed to Washington at great personal hardship and expense—in the finest tradition of American womanhood—to do everything within their power to gain support to free their men.

Mr. EDWARDS of Alabama. I thank the gentleman.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. WYLIE. Mr. Speaker, I commend the gentleman from Alabama (Mr. EDWARDS) and the gentleman from Alabama (Mr. DICKINSON) for their concurrent resolution supporting our servicemen who are held prisoners by the Communist forces in Vietnam.

I am proud and pleased to be a cosponsor of this resolution.

We have all been shocked by the recent accounts of inhumane treatment and flagrant violations of international law inflicted upon our men by the North Vietnamese and the Vietcong. But probably the most inhumane treatment of all is the withholding of information so that we do not know whether these prisoners are dead or alive. If they are alive, the wait would not be so difficult. If the loved ones of those who are not alive knew it, then adjustments could be made for their future. But not knowing is the worst kind of unimaginable, barbaric, animal inhumanity.

I trust that this resolution will be instrumental in securing the rights guaranteed under the Geneva Convention to our brave captive servicemen in Vietnam and to their loved ones here at home. I thank the gentleman.

Mr. EDWARDS of Alabama. I thank the gentleman.

I yield to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman in the well for

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yielding to me. I appreciate the opportunity to be one of the coauthors of the resolution sponsored by the gentleman from Alabama (Mr. Dickinson) and the gentlemen in the well.

Early this morning I received a long distance call from a constituent and warm friend, whose son was shot down over North Vietnam in October 1967.

My friend said he felt better that Congress had taken the time to let the rest of the world know that Congress is concerned and shocked over the treatment shown over captured American fighting men.

I hope and pray, Mr. Speaker, that this movement here in this Chamber will reach the new leadership in North Vietnam and they will take notice and make the humane corrections to our American fighting men.

You know, Mr. Speaker, we will be most thankful when we get all of the captured Americans back home but, Mr. Speaker, never will we forgive or forget how our Americans were treated while captured in North Vietnam.

Mr. EDWARDS of Alabama. I thank the gentleman.

I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I commend the gentleman from Alabama and his colleague (Mr. Dickinson) with whom I cosponsored this resolution.

There are two officers in my district I would like particularly to mention, for they symbolize those brave men who are in the situation to which we are referring.

One is Lt. Hayden Lockhart, who has been a prisoner for 5 years, and from whom we have received only two letters at Point Pleasant, W. Va., and in a missing-in-action category is Lt. John S. Albright. Both of those men are graduates of the Air Force Academy. I had the great honor to appoint Lieutenant Albright to the Air Force Academy. He is the son of Colonel Albright, now living in Camp Springs, Md. Lieutenant Albright attended Marshall University. Lieutenant Albright was a navigator in a C–123–K aircraft which was in a midair collision in hostile territory on December 16, 1968.

Mr. Speaker, public opinion throughout the world is aroused by the inhuman treatment accorded our brave Americans who are being held as prisoners in circumstances in violation of the Geneva Convention. Not only is public opinion aroused, but the conscience of mankind is aroused, and I believe it is high time that action be taken by the nations of the world in concert to bring an end to these inhuman practices. I know that the President of the United States is concerned, that the Secretary of Defense is concerned, and that Congress is concerned. But we must be more than concerned, and we must work unceasingly and unstintingly until these inhumane conditions are ended, the war is ended, and our brave Americans are brought back home.

Mr. EDWARDS of Alabama. I thank the gentleman.

Mr. Speaker, I am told we are just about out of time. I would like to say that, in my opinion, what we have heard today and what we will hear has been eloquent testimony of the genuine feeling of Members of Congress. I hope that there is an ear in Hanoi listening and that what has been said will be taken to heart.

Mr. Speaker, I include at this point in the Record the statement on prisoners of war by U.S. Ambassador Henry Cabot Lodge at the Paris meetings on Vietnam, September 13, 1969.

The SPEAKER pro tempore (Mr. Pucinski). Without objection, it is so ordered.

There was no objection.

The statement is as follows:

Statement by Mr. Lodge

At the last Plenary Session, I repeated our request for the humane treatment of Americans held prisoner in North Vietnam, stating that international custom, the Geneva Convention, and humanitarian considerations all require that there be impartial inspection of the prisoner of war camps, a guarantee of a regular flow of mail to and from the prisoners, and a release of the sick and wounded prisoners on both sides. In addition, a minimum regard for the peace of mind of the prisoners' next of kin requires that a list of names of the prisoners be made available so that the next of kin—who are assuredly innocent of any warlike act—at least know whether their relative is alive or dead.

To this request, the representative of the Democratic Republic of Vietnam at our last session responded—and I quote—"The question of captured American military personnel will be settled at the same time as all the other elements of the overall ten-point solution, it cannot be separated."

Let us now consider this answer.

In the first place, it is unresponsive. Our request at the last meeting was concerned solely with the treatment of prisoners during captivity—not with the broader question of the repatriation of prisoners. You repeat your statement that you give humanitarian treatment. But you refuse to talk about camp inspection, flow of mail, release of sick and wounded, and lists of prisoners.

In the second place, your answer is not only unresponsive; it also partakes of the irrelevant. I say this for the following reason: You say that you will not discharge your responsibilities regarding prisoner treatment until you are willing to repatriate the prisoners. But, ladies and gentlemen, when that time comes, your policy concerning treatment of prisoners will be largely academic since the prisoners will have either been repatriated or will be awaiting repatriation. The point is that prisoners are entitled to humane treatment under the protection of the Geneva Convention at all times and under all circumstances—and particularly during the period before repatriation. That is the time that counts. The point is so obvious that it should not require any statement. But your declaration at the last Plenary Session requires us to state it.

While I am on the subject, let me add that we have long been concerned by your refusal to permit impartial inspection of your prison camps. Frankly, this refusal inevitably brings up the thought that you fear that an inspection would not confirm your claims of humane treatment.

This concern has now been deepened by statements which have recently been made by two of the Americans recently released from captivity in North Vietnam. One of these Americans, Seaman Douglas B. Hegdahl, said on September 2nd—and I quote—"I was kept in solitary confinement for over a year—7 months and 10 days at a stretch. I was made to stand with my hands over my head for trying to talk with other prisoners of war." Seaman Hegdahl said—and I quote—that "many of the prisoners of war have been in solitary confinement for years"—end of quotation—and he also said—and I quote again—that "many prisoners of war do not write or receive mail." End of quotation.

Another prisoner of war, Navy Lieutenant Robert Frishman, on the same date, pointed out your failure to make available the best medical treatment and to repatriate immediately the sick and wounded. He said that the removal of his elbow had been done in a professional way, and that he was thankful still to have the right arm. However, he also pointed out—and I quote—"They failed to remove the fragments of the SAM missile in my arm. It took six months just for my incision to heal over." End of quotation. He also indicated Lieutenant Commander John McCain will require further medical treatment as soon as he returns to the United States. His remarks underline how important it is for sick and wounded prisoners to be repatriated as soon as possible.

Let me aslo quote what Lieutenant Frishman said about the condition of Lieutenant Commander Richard A. Stratton, another prisoner of war. He said—and I quote—"The North Vietnamese tried to get Lt. Commander Stratton to appear before a press delegation and say that he had received humane and lenient treatment. He refused because his treatment hadn't been humane. He's been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed and put in solitary, but the North Vietnamese insisted that he make the false 'humane treatment statement' and threw him into a dark cell alone for 38 days to think about it." End of quotation.

Lieutenant Frishman also said—and I quote again—"Stratton knows that I have been released. He told me not to worry about telling the truth about him. He said that if he gets tortured some more, at least he will know why he is getting it and will feel that it will be worth the sacrifice." End of quotation. We certainly hope that neither Commander Stratton nor any of the other prisoners will suffer as a result of Lieutenant Frishman's statements.

Lieutenant Frishman further indicated that prisoners of war have been made to sit on a stool for days in a hot room until they make statements conforming to the wishes of their captors.

I can do no better than to repeat the words of Lieutenant Frishman, when he said—and I quote—"I don't think solitary confinement, forced statements, living in a cave for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, and not allowing exchange of mail to prisoners of war are humane." End of quotation. Any impartial observer—and even you yourselves, who do not consider yourselves to be impartial—must agree with this statement.

You should cease this inhuman treatment. You cannot escape the responsibility therefor.

You should also realize that your failure to act in accordance with humane practice flies in the face of world opinion as a whole.

Just this week, 101 Members of the Congress of the United States, including both Democrats and Republicans, have presented in the House of Representatives a resolution condemning your side—and I quote—for "violating the fundamental standards of human decency and grossly deviating from civilized concepts of international accords and agreements on prisoners of war." End of quotation. In addition, 96 Members of the House of Representatives have signed a statement protesting your—and I quote—"inhumane and inexcusable"—unquote—

> conduct with regard to the Americans you hold prisoner.
>
> The Twenty-First International Red Cross Conference, composed of the parties to the Geneva Conventions of 1949 and Red Cross and Red Cross Societies, is now meeting in Istanbul, Turkey. The International Humanitarian Law Commission of that Conference has adopted without dissent a resolution calling for humane treatment of prisoners of war. The resolution states that the Geneva Prisoner of War Convention—and I quote—"applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized." End of quotation. The resolution also calls up—and I quote—"all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner of war status are accorded the humane treatment and the full measure of protection prescribed by the Convention, including free access to the prisoners of war and all places of their detention by a protecting power or by the International Committee of the Red Cross.
>
> If I may, I will depart from my prepared statement for just a moment to say that I have just received word during the recess that the International Red Cross Conference in Istanbul this morning passed this resolution without dissent by a vote of a hundred fourteen to nothing.
>
> In contrast with your treatment of the prisoners whom you hold, consider the many thousands of your military personnel held in prisoner of war camps administered by the Republic of Vietnam. In accordance with the Geneva Convention, the Government of the Republic of Vietnam has provided lists of prisoners' names to the International Committee of the Red Cross. The prisoners are allowed to correspond with their families. These camps conform to the standards established by the Geneva Convention, and they are visited frequently by representatives of the International Committee of the Red Cross, who inspect them thoroughly and hold private interviews with prisoners. A number of sick and wounded prisoners have been released, and our side has expressed willingness to make arrangements for the release of all seriously sick or wounded prisoners.

The SPEAKER pro tempore. The Chair reminds the gentleman in the well that there is probably sufficient time to recognize the two Members who are seeking the opportunity to speak.

Mr. EDWARDS of Alabama. I thank the Chair.

At this time I would like to yield to the gentleman from Mississippi (Mr. GRIFFIN).

(Mr. GRIFFIN asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. GRIFFIN. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to our brave American servicemen imprisoned in North Vietnam. Further, I consider this occasion as an opportunity to commend the courage and valor, and patience of the wives and families of American prisoners of war.

I pay particular tribute to the wives of prisoners and those missing in action because in the last few months these noble women have been able to arouse the conscience of America. For too long, our Government made only scattered references to North Vietnamese's violation of the Geneva Convention. For too long, our Government showed little interest in our heroes who were captured or missing.

It has been only in the last few months that our Government has spoken out against the treatment of prisoners and I commend this administration for this new direction of humanitarianism.

I agree thoroughly with the recent editorial in the Washington Star which said:

> The Administration should redouble its efforts to make the immediate release of the U.S. prisoners remaining in North Vietnam—particularly the seriously wounded and gravely ill—concomitant with these (troop) withdrawals.

The basic responsibility for any mistreatment, which has occurred, lies with the Hanoi government.

It has been rare over the last 60 years that Communist governments have shown compassion for suffering humanity. It has been rare that Communist governments have shown any concern for human life or human value.

The treachery, the dishonesty, and the deceitfulness of Communist governments are well documented in history. Therefore, I believe, Mr. Speaker, that the United States must take forceful and perhaps even drastic measures to insure the health and welfare of Americans held captive by the North Vietnamese Government. This will require bold action and courageous decisions in view of the fact that the North Vietnamese will not even acknowledge that any of their own soldiers are involved in the conflict in South Vietnam. Thus, Hanoi has abandoned its own.

To protect in an effective manner the health and lives of American prisoners, our Government must be prepared to state in the most forceful manner that all the leaders of North Vietnam will be forever held accountable for the mistreatment of even one American.

Mr. Speaker, I have a very special personal interest in the treatment of prisoners of war. One of my close friends, Air Force Capt. Thomas E. Collins III, was shot down over North Vietnam on October 18, 1965. It is believed that he is a prisoner but his wife has never heard from him. Another friend, Cmdr. Robert Byron Fuller was shot down in July 1967. His sister, Mrs. Herschel Brickell, resides in Jackson, Miss.

It is impossible for anyone not directly affected to realize the agony and mental suffering which families of American prisoners undergo. There is no information as to their health. There is no information as to their treatment. There is no information as to whether they receive adequate food and medical attention. There is no information as to whether they are treated with dignity or even whether they are abused.

Returning prisoners have told tales of horror and terror which border on inhumanitarian treatment. This is an awful burden which families must bear because they have no information on their own loved ones.

It is the duty of this administration, this Congress, and the American people to demand incessantly that the Hanoi government permit the International Red Cross to see and talk with prisoners. Further, there must be an incessant demand that information on prisoners be provided the U.S. Government and that gifts and packages be received by prisoners. And there must be a demand for prisoner exchange.

All that is decent and all that is humane require a favorable response from North Vietnam.

On July 25, 1969, the Washington Evening Star printed an Associated Press article stating that the United States had arranged to send packages to American prisoners of war in North Vietnam by way of Moscow.

The article further stated that Hanoi said on July 3 that gifts for POW's would be accepted.

On July 29, 1969, I wrote a letter to Anatoly F. Dobrynin, the U.S.S.R.'s Ambassador to the United States enclosing a personal letter to my friend Tom Collins and also enclosing a copy of his hometown newspaper and the current issue of U.S. News & World Report.

I did not receive a reply until last week. The First Secretary of the Embassy of the Union of Soviet Socialist Republics in which he curtly stated that "we regret to inform you that we are not able to fulfill your request." With his letter, he returned my letter to Collins and the publications.

Mr. Speaker, in my judgment, this is irrefutable evidence that the entire community of Communist nations support the cruel practices of North Vietnam. It is high time that the United States of America assert its leadership role and bring to bear every pressure to insure humane treatment and the eventual healthy return of American prisoners of war. We must use every economic and diplomatic means at our command. We should exert pressure on every non-Communist nation to exert pressure in turn on every Communist nation.

Mr. Speaker, the burning question of the hour is: What honor do we bring to ourselves by allowing 300 to 1,500 Americans to suffer indignities perhaps worse than death?

Under unanimous consent I include at this point in the RECORD a letter dated May 5, 1969, addressed to me by Mrs. Thomas E. Collins III; an article from the Evening Star to which I alluded previously; the letter addressed to Ambassador Dobrynin along with a copy of my letter to Thomas E. Collins who was promoted to major in the U.S. Air Force last summer; and, the response I received from the Soviet Embassy:

> MAY 5, 1969.
>
> Congressman CHARLES H. GRIFFIN,
> *Longworth Building,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN GRIFFIN: Four years ago this coming October 18, 1969, my husband, Air Force Captain Thomas E. Collins, III was shot down over North Viet Nam. All indications were that he ejected safely and was taken prisoner by the North Vietnamese. I have never heard from him! As I write this letter to you I am deeply distressed, discouraged, disheartened, disappointed, disillusioned and disgusted. We, you and I and all Americans have betrayed Tom—yes, *betrayed* him! He has suffered a fate worse than death—the loss of his freedom—a commodity so precious that patriotic Americans have suffered and died for it. Now he rots in a

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North Vietnamese prison camp and while he rots he cannot understand why nothing has been done to bring him home to his country and loved ones. He and all the other captured Americans are the epitome of young manhood America has to offer—brave, patriotic, intelligent and forgotten! Do you know that most Americans do not realize that North Viet Nam has never released the number nor a list of Americans it is holding? Nor do these people realize that mail from prisoners of war is virtually non-existent or that the North Vietnamese have continuously barred the International Red Cross from its prison camps so that we do not know the vile conditions under which these men are being forced to live—if they are still living. The apathy of all government officials and the American public grieves me deeply.

All these years Congressman Griffin, I have been asked and then told "for the sake of my husband" I must remain silent.

Well, I refuse to remain silent any longer. I am in contact with other wives in this same "unique" situation and they feel as I do—that the time has come to speak up and speak out—*loudly*. I do not wish to threaten the American government but something *must be done* and now! Yes, I do realize the complexity of the problem! I have been told over and over that "everything possible is being done to return our men" but I don't believe that! I challenge President Nixon and Under Secretary of State Richardson to tell me personally to my face that they are doing anything but biding their time! We are "negotiating" now with an enemy who has not honored any agreements they have signed in the past. What makes us believe they will honor any they may sign in the future?

Congressmen Griffin, I am asking you to request a meeting with President Nixon and Mr. Richardson for me and representatives of the other services involved in this terrible dilemma. Will you do this for me? I would like to speak with them personally and have them answer some questions for me. I have run out of answers for my son Martin who will be six this July. He was only two years and two days old when his Daddy went off to war. Edward was born seventeen days after his daddy was shot down so Tom never knew about him! But even though Daddy is only a word and a picture to our sons, they talk constantly about their "hero" Daddy who flies jets and pray each night for his safe return. And they ask questions such as "When is Daddy coming home"? I have tried to explain as best I can but still the questions come. "Why is it taking so long?" "Are we winning." I want someone who has some answers to answer their questions for awhile. I've run out of answers! Do you know what it is like not to be able to tell your sons whether their Daddy is alive and coming home or whether he's dead and they are not even left with a memory of their wonderful father? Oh, yes, I think I deserve a chance to speak with the President and Mr. Richardson, the man he has appointed to handle the prisoner problem.

And Congressman Griffin, I expect you to do your share to express my deep concern for the welfare and safe return of these fine men to the other members of the House and the Senate. I expect you to bring this situation before them and the American people. They must be made aware! Pressure must be brought to bear—here and in North Viet Nam.

Need I remind you that each day we delay fine men could be dying in those hell holes that could have been saved if we had put our minds and hearts together to find a solution. Each day you continue to bide your time is an eternity to these prisoners who are counting on you and on me. Let us not fail them, I beg of you.

Sincerely,

Mrs. T. E. Collins.

Hanoi POW's Will Get Gifts Via Moscow

The United States has arranged to send packages to American prisoners of war in North Vietnam by way of Moscow, the State Department announced yesterday.

In a statement, the department appealed to North Vietnam to deliver the packages to the men even if they were received in Hanoi after Aug. 15—a cutoff date announced by North Vietnam on Wednesday.

The State Department said the original declaration permitting POW packages did not specify any cutoff date.

Furthermore, the department said that while 1,400 men, including civilians, are "missing or captured in Southeast Asia" many families are uncertain about sending gifts because the names of those held have never been released—nor has the total number been given by Hanoi.

"Families of missing and captured men," the statement said, "have received mailing information from the military services and arrangements have been made by the U.S. Post Office to get the packages to Hanoi by way of Moscow as quickly as possible.

"We would certainly hope, however, that packages received after Aug. 15 would not be turned back."

Hanoi said on July 3 that gifts for POWs would be accepted. At the same time it announced that it would release three U.S. pilots. They have not been freed and press officer Carl Bartch said they have not been identified.

House of Representatives,
Washington, D.C., July 29, 1959.

Hon. Anatoly F. Dobrynin,
Ambassador Extraordinary, and Plenipotentiary, Union of Soviet Socialist Republics, the Russian Embassy, Washington, D.C.

Dear Mr. Ambassador: I am attaching herewith a personal letter to Major Thomas Collins, an American prisoner of war in North Vietnam, along with a copy of his home town newspaper, and a current national weekly magazine.

It is submitted to you for forwarding in consonance with the Associated Press article which appeared in *The Evening Star* on July 25, 1969.

I would be highly honored to have your assurances that the attached would be delivered to Major Collins.

Sincerely yours,

Charles H. Griffin.

House of Representatives,
Washington, D.C., July 29, 1959.

Maj. Thomas Collins,
U.S. Air Force,
North Vietnam.

Dear Tom: I have taken the liberty of asking the Ambassador of the Union of Soviet Socialist Republics to the United States to cooperate in delivering to you this letter and a copy of our mutual home town newspaper, and a copy of this week's U.S. News and World Report. These are being sent to you under the provision of North Vietnam's offer to deliver packages to prisoners of war.

Tom, you may not remember the last time that we were together. To refresh your memory, it was at my home near Utica the night before the second Democratic Primary Election for Governor in 1959. We watched the last minute broadcast by the two candidates, Ross Barnett and Carrol Gartin. You came over with Bo Taylor.

An awful lot of water has passed under the bridge since then. Bo is married and is living in Savannah, Georgia. He is still with IBM, has one son and is expecting another child in November.

Ross was defeated for Governor in 1967 by John Bell Williams. Carrol Gartin died unexpectedly in December 1966 with a heart attack.

After John Bell's election as Governor in 1967, he resigned his seat in Congress, and I was elected to succeed him. One of the most faithful and loyal workers in my campaign was Donnie. Since my election, Angie and I see her frequently and I try to talk with her on trips back home. She and the two boys are doing real fine. They have a home in West Jackson, off Robinson Street. Although I have not been there, I understand it is a very nice neighborhood.

We all pray that we can settle the conflict in Vietnam and that you will be home soon.

We also pray that you are enjoying good health and that we will see you soon.

Warmest personal regards.

Sincerely yours,

Charles H. Griffin.

Embassy of the Union of Soviet
Socialist Republics,
Washintgon, D.C., September 9, 1969.

Hon. Charles H. Griffin,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Sir: I am returning herewith your personal letter to Major Thomas Collins along with the printing material attached.

We regret to inform you that we are not able to fulfill your request.

Sincerely yours,

Victor N. Krasheninnikov,
First Secretary.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman from Mississippi for his comment.

Mr. Speaker, I am happy to yield at this time to the gentleman from Florida (Mr. Chappell).

Mr. CHAPPELL. Mr. speaker, I thank the gentleman from Alabama for yielding.

Mr. Speaker, I am pleased to have a part in this presentation today and to have the opportunity of making one of the concluding statements.

Mr. Speaker, the shocking conditions that prevail today in North Vietnam with respect to the prisoners of war has caused a great stir in my district of Florida, as it has in most of the districts of the United States of America.

Within our State, 81 families sit waiting for some word about a husband, a son, a brother, a father who has been cast into a world that lies somewhere between the living and the dead. The torment of this situation is thrust not only on these fighting men, but also on their families who must live and dream and hope in the midst of their agonies of suspense.

Mr. Speaker, I have here a telegram which I think epitomizes the agony which goes on in the hearts and minds of those who wait:

> My husband is missing in action. He transmitted he was alive and uninjured after being shot down over North Vietnam. My four children and I have now spent 15 anguished months praying he's still alive and well. Please help us. Sincerely,

Mr. Speaker, I cannot pass by the opportunity to read now a letter which was received by a mother of one who fights today in Vietnam, and I read it to show the spirit of the fighting men and their love of America, and their spirit while they are penned up in the prisons of North Vietnam:

> Thank God I lived in America. If more people came to this country, there would be fewer riots and protests. This country could be a beautiful one, but, it's like a body ridden

> with disease. There's disease and filth everywhere. So if you hear someone smite Ole Glory and what She stands for, tell him or her to join the Army or the Red Cross and come to Vietnam and here they will be able to see "HOW SWEET AMERICA IS"
>
> Before you go to bed each night, you might say a little prayer of thanks to the Old Man Upstairs for taxes, speed limits, more taxes and what God has wrought.

Mr. Speaker, through the President we are urging under this resolution that every possible step be taken to require the North Vietnamese Government to abide by the Geneva Convention in their treatment of prisoners, that they give us a list of the prisoners they hold, that they release the sick prisoners, that there be a free exchange of mail, and that there be an impartial inspection of prisoner camps.

Mr. Speaker, the families of these men who are prisoners of war and who are missing in action are looking to us for support in this, the most cruel and crucial situation imaginable for both the men and their families. We cannot fail them. We must not fail them.

Mr. Speaker, I am pleased to take part in the passage of this very great resolution.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for his comments.

BIAFRA

The **SPEAKER** pro tempore (Mr. PUCINSKI). Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 30 minutes.

Mr. KASTENMEIER. Mr. Speaker, the news of the latest failure to come to agreement on the resumption of Red Cross flights into Biafra comes as a bitter disappointment to all of us concerned over the continuing tragedy in that part of the world. It also serves as a stark reminder of our own country's failure to effectively exercise its influence to alleviate the suffering and put an end to the bloodshed there. The humanitarian issues involved have been too conveniently shunted aside by our policymakers and too lightly treated so far by the highest levels of our Government. While it has been easy to shift the blame on one side or the other and decry the situation in general terms, the tragedy of the dying children remains an unmistakable fact which refuses to be forgotten by decent people everywhere. By now it should be clear that the problem of Biafra will not disappear by just waiting a little longer for a "final push."

I believe that our Nation's performance during the unfolding of this pathetic drama has been indifferent at best. We seem unable to get off dead center in effecting a change in the current stalemate in which those most immediately affected have the least to say. Our shortsighted and, by now, demonstrably foolish, support of British goals and actions in the area has limited our options and has seriously impaired our ability to influence both sides in the direction of a cessation of hostilities.

The time has come when we must ask ourselves in all candor whether this Nation with the immense resources at its disposal is really so impotent that it must limit itself to hand wringing and polite letter writing after all these months of terrible suffering. Should protection of British oil interests and fear of an increase in Russian influence in Nigeria so effectively close our eyes to the very real human tragedy going on?

Mr. Speaker, I have waited in vain to see a marked shift in the wholly ineffectual way our State Department had been handling the problem. Once again, we seem to be exercising that wonderful knack we have for antagonizing both sides to a conflict simultaneously while doing nothing to enhance our own interests. Biafra by its stubborn tenacity has to my mind demonstrated its will to survive as some form of entity independent from the Federal Nigerian Government. If we have learned anything from the African experience of the past decade, it is that the artificially imposed boundaries of the new African nations are totally inadequate as a basis of securing national identification and loyalty. Why then must they be considered so sacrosanct in the Nigerian context?

I realize that we have a stake in the preservation of "one Nigeria" because of our Government's past concentration of aid and developmental assistance to this country. But, it is the measure of a nation, as it is for an individual, to concede past mistakes and to act in the light of radically changed circumstances. Why should this be so difficult with regard to the Nigerian situation? It seems to me there is no threat to our national interest here, no domino theory to explain, no sacred commitment to honor, and no loss of American lives to justify our obdurate stance. More and more Americans are becoming impatient with the diplomatic niceties involved and are beginning to realize that we are in the midst of a human tragedy whose scope and magnitude may soon be comparable to the slaughter of World War II. Increasingly, concerned citizens are beginning to raise their voices in an appeal to our Nation's leadership to do something about this blot on the conscience of mankind.

Mr. Speaker, I am not an expert on Nigeria. I have never lived in that part of the world, nor have I any deep understanding of its peoples. I am, therefore, understandably reluctant to offer counsel in very specific terms. But, I must assume that we do have experts on West Africa and seasoned diplomatic and intelligence gathering personnel who have access to the latest information on what is happening in both Nigeria and Biafra. If this is in fact the case, I hope that conflicting recommendations for action and differing evaluations of the options available to us are not being fudged together to produce a bland end product recommending that we take the path of least resistance by adopting a wait-and-see attitude. While there is some indication that this might very well be the case within our State Department, I have sufficient faith in the ability of the administration to be able to realize the moral implications of standing by and watching a million children and civilians starve to death.

Without devising an instant and all-embracing solution to end the conflict, is it too much to expect that our country would be able to devise and implement a scheme to bring food and medicine into Biafra as a start?

While this task might well involve promises of future assistance, or the threat of diplomatic action by the United States, such efforts would fall far short of the active roles being played by others, more basely motivated nations. I am not proposing at this time that we extend diplomatic recognition to Biafra or withdraw our diplomatic mission from Lagos. I am not requesting that we help arm one side or the other. What I am suggesting is that we assume a more active role motivated by the overriding desire to ease human suffering, particularly on the part of the children who did not choose to be either Biafran or Nigerian. I am not asking that the United States act as a world policeman here. Certainly not after our bitter and bloody experience with this role elsewhere. All that should be required is the forceful application of diplomatic skills along with the will to commit ourselves to bringing about a speedy end to the death and suffering. If this humane result is attained I think that we as a Nation could endure the possible displeasure of one side or the other. The risk is certainly minute in global terms especially when measured against the certainty that many thousands of lives would be spared.

Mr. Speaker, I fully recognize the validity of arguments that an all-African solution to an African problem would be preferable to a solution imposed or arranged from without. But, given the failure of OAU peace attempts and the extensive involvement of non-African nations, we must formulate our own proposals in cooperation with the parties directly involved or independently, if need be. If four-power action is considered feasible for the Middle East, it is certainly as appropriate here. If a U.N. approach is feasible, let us take the lead in sponsoring it.

If we fail in our efforts, let it not be from lack of exploration of all the alternatives. It is with the greatest skepticism that I react to the position of the State Department that we lack influence with both sides. If we lack credibility, it is because our inertia and past indifferences are now being taken for granted. Our status as the most rich and powerful nation flies in the face of an assertion of international impotency. Further, this is not an area in which the vital interests of the Soviet Union are involved and the solution is one which does not endanger any strategic balance. If the Soviets wish to demonstrate their desire to settle conflicts peaceably, the Nigerian impasse presents them with an ample opportunity.

Mr. Speaker, the Nigerian conflict calls for analysis not in terms of "realpolitik," but in terms of human values and lives. Our actions as a nation do not always have to involve the calculation of increments of political and economic advantage. I dread the day that we succeed in

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insulating ourselves from the suffering and death of others and refuse to involve ourselves unless a clear gain can be envisioned.

Mr. Speaker, I call upon President Nixon, who has in past statements expressed his own desire to bring an end to the conflict, to raise this issue before the United Nations which he will be addressing tomorrow. I can think of no more appropriate forum for the discussion of this tragedy and no more suitable spokesman to voice the concern of the American people. The President should make it clear that we are prepared to take the initiative, hopefully with the cooperation of all member nations, to get a resumption of mercy flights into Biafra, followed by negotiations between both sides. Our commitment to preserving lives and bringing peace must be forcefully enunciated.

Our Nation will ultimately be judged by future generations for our concern for human life during an age when its value has been cheapened. It is far better to my mind that the motives behind our efforts be impugned than our inaction be considered as an indication of the low estimate we place upon the value of human life.

A MORATORIUM ON FOREIGN AID EXPENDITURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 15 minutes.

Mr. SAYLOR. Mr. Speaker, the Congress is rightfully being called upon to cut taxes, halt inflation, reduce Federal spending, end the balance-of-payments deficit, find ways to channel tax money back to the States, and reduce the size of the Federal debt.

The public is also insisting that we tackle—and solve—problems of mass transit, ghetto rejuvenation, air and water pollution, rationalize the welfare programs, and hundreds of other pressing domestic needs. These programs take plenty of money. The question is, where does it come from?

It is derived solely from the pockets of the American taxpayer who is disgusted with seeing hundreds of domestic needs taking a back seat to the international giveaway program this country has engaged in since the end of World War II. The foreign aid program should be the highest priority target for expenditure reduction. Twenty-five years of U.S. foreign assistance, including the interest paid on what we have borrowed to give away, has cost American taxpayers the gigantic sum of $182.5 billion.

The people are justified in contemplating how many of our domestic needs could have been fulfilled with those type of funds. It is long past time for the Congress to put a halt to foreign aid. I propose that appropriations be prohibited for this fiscal year and steps be taken to phase out the program.

Recognizing that it will do no good to lament over previously wasted taxpayers' money, we should do something about the amount earmarked for foreign aid in the current fiscal year. The budget calls for expenditures, covering loans, grants and credits in the sum of $10.5 billion. If that figure is added to the amount of money already in the so-called pipeline, the total funds available would amount to $29.3 billion.

The United States plans 4,408 projects and subprojects in 99 nations and five territories to be administered by 51,000 individuals on the Federal payroll. Statistics such as these certainly do not give one the impression that the administration or the Congress has really taken to heart the depth of the taxpayers' revolt.

There is approximately $18.8 billion in the foreign assistance pipeline and that amount should be sufficient to carry out foreign aid commitments at their present level for at least another 18 months without further appropriations. I say enough is enough.

We hear constant warnings from the President and his advisers about economic dangers. Yet, in an era of spiraling inflation, no request is made of Congress to cut down or eliminate foreign aid expenditures. It just does not make sense and no amount of rationalization will convince me that it was necessary to increase taxes this year in the form of an extension of the surtax designed to produce about $9 billion in revenue, and at the same time ask Congress to spend $10 billion in foreign nations.

I would like to include at this point in my remarks a list of countries that have already received foreign assistance from the United States since 1946:

TOTAL NET FOREIGN ASSISTANCE TO 121 NATIONS AND 7 TERRITORIES OF THE WORLD, FISCAL YEARS 1946 THROUGH 1969

Afghanistan	$370,500,000
Albania	20,400,000
Algeria	193,500,000
Argentina	447,500,000
Australia	697,000,000
Austria	1,106,000,000
Barbados	200,000
Belgium-Luxembourg	1,747,500,000
Bolivia	532,000,000
Botswana	16,500,000
Brazil	2,772,500,000
Burundi	6,800,000
Burma	84,700,000
Cambodia	341,400,000
Cameroon	32,900,000
Canada	46,900,000
Central African Republic	4,600,000
Ceylon	158,900,000
Chad	8,800,000
Chile	1,410,000,000
China, Republic of	5,006,900,000
Colombia	962,700,000
Congo (B)	2,000,000
Congo (K)	440,900,000
Costa Rica	172,600,000
Cuba	43,800,000
Cyprus	20,300,000
Czechoslovakia	189,500,000
Dahomey	12,000,000
Denmark	875,900,000
Dominican Republic	461,500,000
East Germany	800,000
Ecuador	268,900,000
El Salvador	123,200,000
Ethiopia	357,000,000
Finland	30,200,000
France	7,014,300,000
Gabon	7,500,000
Gambia	1,600,000
Ghana	268,700,000
Germany and Berlin	3,675,600,000
Greece	3,681,200,000
Guatemala	318,800,000
Guinea	107,700,000
Guyana	61,200,000
Haiti	108,800,000
Honduras	109,400,000
Hungary	13,500,000
Iceland	67,300,000
India	7,464,400,000
Indochina	1,535,200,000
Indonesia	$940,100,000
Iran	2,047,100,000
Iraq	96,800,000
Ireland	122,900,000
Israel	860,200,000
Italy	5,393,700,000
Ivory Coast	69,000,000
Jamaica	76,400,000
Japan	3,606,900,000
Jordan	635,300,000
Kenya	62,700,000
Korea	7,817,200,000
Kuwait	49,400,000
Laos	643,300,000
Lebanon	86,200,000
Lesotho	4,800,000
Liberia	228,600,000
Libya	221,500,000
Malagasy	13,400,000
Malawi	25,900,000
Malaysia	76,300,000
Mali	21,300,000
Malta	6,700,000
Mauritania	3,300,000
Mauritius	1,400,000
Mexico	569,000,000
Morocco	685,300,000
Nepal	129,600,000
Netherlands	2,050,500,000
New Zealand	66,800,000
Nicaragua	158,000,000
Niger	16,700,000
Nigeria	275,000,000
Norway	1,130,200,000
Pakistan	3,527,300,000
Panama	221,200,000
Paraguay	116,900,000
Peru	476,300,000
Philippines	1,839,900,000
Poland	453,800,000
Portugal	477,100,000
Rwanda	7,400,000
Saudi Arabia	70,300,000
Senegal	36,200,000
Sierra Leone	40,900,000
Singapore	33,900,000
Somalia	76,200,000
Sou. Rhodesia	2,000,000
Spain	1,960,000,000
Sudan	97,200,000
Surinam	10,000,000
Swaziland	500,000
Sweden	156,000,000
Syrian Arab Republic	60,400,000
Tanzania	65,400,000
Thailand	1,144,900,000
Togo	14,900,000
Trinidad-Tobago	55,400,000
Tunisia	606,600,000
Turkey	5,391,200,000
Uganda	35,800,000
United Arab Republic	900,900,000
United Kingdom	7,690,700,000
U.S.S.R	186,400,000
Upper Volta	12,100,000
Uruguay	154,600,000
Venezuela	361,500,000
Vietnam	5,856,000,000
Western Samoa	1,500,000
Yemen	42,800,000
Yugoslavia	2,593,400,000
Zambia	9,800,000
Bahamas	34,700,000
British Honduras	5,200,000
West Indies	8,000,000
Hong Kong	43,800,000
Ryukyu Islands	399,100,000
Trust Territory of the Pacific	225,300,000
CENTO	54,700,000
W/W Regional	14,896,500,000
Total net disbursements to foreign nations, 1946 to 1969	122,048,200,000
Total net interest paid on what we have borrowed to give away, 1946 to 1969	60,535,175,000
Grand total, cost of foreign assistance, 1946 through 1969	182,853,375,000

Mr. Speaker, there appears to be an assumption on the part of some Federal officials that our citizens cannot add and another that they do not care how their money is spent. What other conclusion can one draw from the yearly foreign aid requests? I, for one, am convinced that the American public is beginning to add and our citizens are concerned about how their money is being spent. The result of this awakening process has been the demand for tax relief this year.

The people know their taxes are too high and, in spite of opinions to the contrary, they know that to cut Federal taxes, programs must be sacrificed. Responding to this demand, Congress is suffering through some "agonizing reappraisals." There have been cutbacks in some programs and personnel and I envision more to come. I detest the persistent wailing from the State Department when one attempts to cut the foreign aid budget. Though other programs in the United States were cut during the last fiscal year for lack of funds, not a single foreign aid project suffered as much as a $1 reduction.

Heretofore, the Congress has tinkered with the foreign aid request each year, eliminating a little here and there. But the response to congressional budget cutting is very simple for the foreign aid advocates—they simply propose a larger request. In short, the congressional "message" is heard, but ignored. I say that the Congress should make its voice very emphatic this year.

Following the recent announcements of President Nixon for a moratorium on Federal construction projects to fight inflation, I will support any move that would prohibit the appropriation of any funds for foreign aid for the current fiscal year. Such a spending moratorium is imperative to keep faith with the American people. The taxpayer expects Congress to meet his demands for anti-inflationary action and I can think of no better way to reduce the size of Federal expenditures for nonessential items than in this manner. I contend that foreign aid certainly fits into this category.

GREAT LAKES MARITIME ACADEMY IS VICTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. VANDER JAGT) is recognized for 5 minutes.

Mr. VANDER JAGT. Mr. Speaker, the establishment of a new Great Lakes Maritime Academy at Northwestern Michigan College in Traverse City, Mich., is a victory for community leaders and others with deep faith in the development of my State.

The campaign to create the academy is led by Les Biederman, president of Midwestern Broadcasting Co., of Traverse City. He worked long and hard giving of himself to lead the way toward realizing a dream.

Mr. Biederman has publicly thanked those who worked with him to establish the new Maritime Academy. I believe that Mr. Biederman deserves congratulations for his outstanding achievement.

Traverse City and Michigan are proud of the new educational facility. They, like me, also are proud of Mr. Biederman and those who helped him along the way.

THE PROGRESSIVE RECORD OF THE DEMOCRATIC 91ST CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ALBERT) is recognized for 30 minutes.

Mr. ALBERT. Mr. Speaker, reports in the morning press indicate that Republican colleagues are hoping President Nixon will try to pin the "do-nothing" label on Democratic Members of the 91st Congress. The same reports indicate that the President may be reluctant to use this style of politics. If anyone should be shy about raising the "do-nothing" issue it should be the Nixon administration. I would not blame President Nixon for being cautious about the possibility of having his legislative recommendations to the Congress compared to those of President Johnson. The comparison would be interesting. President Johnson in 1965 sent 25 messages during the first 3 months. These included such meaty topics as medicare, voting rights, water pollution, elementary and secondary education, juvenile delinquency, aeronautics and space, and housing. This enabled the House by midyear to pass 14 bills based on these messages. In 1967, President Johnson sent 23 significant messages to Congress during the first 3 months. These messages included Elementary and Secondary Education Act extension, Teachers Corps, selective service, and investment tax credit. The House by midyear had passed seven of his proposals. In contrast, in 1969 during the first 3 months, the President sent only 12 messages to the Congress. The bulk of these were of the housekeeping variety and contained almost no substantive recommendations.

During the Johnson years we saw the enactment of practically all of the legislative reform recommendations which had been pending since the end of World War II. We are now engaged in the equally important, if somewhat less glamorous, task of implementing these programs by adequate funding. For example, over the vigorous opposition of the Nixon administration and the Republican leadership in the House, the House on July 24 increased the appropriation for the various educational programs for fiscal year 1970 by over a billion dollars. This included additional funds for the vitally needed title I of the Elementary and Secondary Education Act. The rollcall vote was 293 to 120 in favor of the increase. The total provided by the House in the Labor-HEW appropriation bill was approximately $17,575,000,000. In addition, in the Housing-Independent Offices bill, the House appropriated $15 billion. This included $500 million for model cities and $50 million for rent supplements, the largest amount the House has ever provided for this program. In addition, there was provided $150 million for the new moderate-income housing program authorized in last year's housing law for both sales and rental housing. The sum of $135 million was provided for water and sewer facilities, the largest amount the House has ever provided for this item.

The truth about the Nixon administration is that it wants Republican control of the 92d Congress, and far more, it wants to win the 1972 presidential election, not by doing things for the American people but by moving backward where the interests of the American people are concerned. This was pointed up clearly in the administration's recent approach to tax reform.

The tax reform bill passed by the House on August 7 was the culmination of months of painstaking labor by the Committee on Ways and Means. The bill in its final form was a genuine attempt to correct many of the inequities in the Nation's tax structure. This was basically accomplished by closing certain tax loopholes and by granting relief to low- and middle-income taxpayers.

The President in his initial tax message to the Congress on April 21 of this year said:

> Reform of our Federal income tax system is long overdue. Special preferences in the law permit far too many Americans to pay less than their fair share of taxes. . . . The Administration working with Congress, is determined to bring equity to the Federal tax system.

The revised administration tax proposals submitted to the Senate Finance Committee on September 4 represent a distinct and tragic step backward from the bill that passed the House in early August. Overall, the administration urged Congress to grant less tax relief to low- and middle-income taxpayers and to reduce tax increases for business. In spite of rumors to the contrary, the Nixon administration, after all, consists of people who think and act like Republicans. Republicans are still far more interested in Wall Street than Main Street, far more concerned about financial centers than poverty centers.

Like Pavlov's dog, Wall Street howled and the administration reacted. The Republican Party has wound up where it always was, the guardian angel of vested interests. After all its lipservice to the poor, to them the minimum tax on the ultrawealthy is now wrong. In their thinking, tax-free interest on municipal bonds must remain in all cases a haven for the rich. To the Republican administration, short-term capital gains are inviolate.

More Republican than all the rest is the proposal dealing with corporate tax relief—2 percent down for the corporations—more taxes for the average American. In the words of a distinguished Member of the other body:

> The President believes that the forgotten American is the president of a giant corporation.

We just this afternoon received reports that the President has recommended a 10-percent social security increase to be effective April 1. We are not going to take the President's cold winter message to the people of this country. We are not going to be satisfied with a 10-percent increase, and we are not going to wait until April 1. The issue is too important. The matter is too urgent.

I believe that when the curtain falls on the 91st Congress, on every issue in which the overwhelming majority of the American people are vitally interested—tax reform, housing, social security increases, consumer protection, conservation, interest rates, education, health, and a host of others—the Democratic record in Con-

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gress will be far more progressive, far more constructive, far more in line with the desires and needs of the American people, than the record made by our friends across the aisle.

This Congress is at work. If it has done any waiting, that waiting has been on the executive agencies and the Bureau of the Budget for reports on the bills introduced by Democrats and referred to committees of Congress. This Democratic Congress is at work, working where it has always worked, working for all the people, for little people as well as big, working for poor people, working for the disadvantaged, working for the underprivileged, working for the farmers and laborers, working for the average American.

The Democatic Party's policy is and always has been to provide for a progressive, productive economy with everyone having an opportunity to live with dignity.

This is the history of the Democratic Party; this is the philosophy of the Democratic Party; this will be the record of the Democratic 91st Congress. This record has won for us again and again since the first days of the great depression; it will win again for us in 1970.

OUR ISTHMIAN QUESTION-ANSWER: "NO SEA-LEVEL CANAL"

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, the Sunday Star of Washington, D.C., on August 17, 1969, published an article by Jeremiah O'Leary, Latin American writer of the Star, in which he discussed the fifth annual report of the Atlantic-Pacific Interoceanic Canal Study Commission, of which the Honorable Robert B. Anderson is the Chairman.

While the article correctly discloses that opposition in the Congress to the proposed new 1967 canal treaties with Panama has mounted, its overall effect is distorted, reflecting the confusion that features the report, which I discussed at length in the CONGRESSIONAL RECORD of September 9, 1969, under the title of "Atlantic-Pacific Interoceanic Canal Study Commission—Fifth Annual Report Commentary."

In a letter to the editor of the Star, I made a critical analysis of the O'Leary article pointing out some of the distortions and omissions in it. This letter aimed at clarifying the issues and emphasizing the plan for modernization of the Panama Canal that will best meet them. One of the issues is biological which was extensively covered in my statement in the CONGRESSIONAL RECORD of August 4, 1969, on "Sea-Level Canal: Potential Biological Catastrophe."

[From the Washington (D.C.) Evening Star, Sept. 4, 1969.]

NO SEA-LEVEL CANAL

SIR: The recent article by Jeremiah O'Leary on the inter-oceanic canal question was significant, not so much for what it related as for what it failed to present, thereby creating a distorted picture of the realistic problems involved.

The two key points in United States Isthmian canal policy are site and type. The best site was determined after prolonged investigation, and the Canal Zone territory acquired on May 4, 1904. The United States paid for this territorial possession twice, once to Panama and once to Columbia. In addition, it purchased all land and property in the Zone from individual owners, making the Zone our most costly acquisition.

After further investigation and fullest consideration, our government decided the question of type in favor of the high level lock and lake plan. From 1904 through June 30, 1968, the United States expended on the Panama Canal project, including defense, a total of $6,368,009,000. Recoveries during the same period were $1,359,931,421.66, leaving a net investment of over $5 billion, all supplied by the American taxpayer.

Despite the crucial importance of the Panama Canal to interoceanic commerce and hemispheric security, and the magnitude of the investment in it, the negotiators of proposed treaties, which are supported by Mr. O'Leary, ignored the provisions of Article IV, Section 3, Clause 2 of the U.S. Constitution. This clause specifically vests the power to dispose of territory and property of the United States in the Congress, not just in the treaty making power of the President and the Senate.

My views on the interoceanic canal problem and how to meet it have been extensively covered in numerous addresses to the Congress, and have won support from eminent independent and informed authorities in various parts of the nation, who have but the single motive of doing what is best for the United States, Panama and the world at large. These authorities include biologists, who warn that construction of a sea-level waterway across the American Isthmus would enable the interchange between the oceans of thousands of species of marine life, and lead to a biological catastrophe, with direful consequences for nations dependent upon the sea for food, and posing one of the most important, if not the most important, conservation problems of our time.

The interoceanic canal problem transcends all questions of personal and partisan consideration and must be dealt with on the basis of merit. Legislation that would meet the problems involved has been introduced in both Houses of the Congress in the form of identical bills calling for a "Panama Canal Modernization Act," the text of which was quoted by me in a statement to the House on February 19, 1969. These measures would provide for the completion of an improved third locks project, which was authorized by the Congress in 1939 and on which our Government expended more than $75 million, mainly on locksite excavations at both ends of the canal, where work was stopped in May, 1942, after the end of World War II. The proposed legislation would supply a set of larger locks at both ends of the canal to handle larger vessels. The plan would not require a new treaty with Panama for a new site, as the work would be entirely within the Canal Zone. Moreover, such solution would preserve and enlarge the present economy of Panama and would be of undoubted benefit to that country.

The so-called sea-level plan would require tidal locks that would be more complicated than the existing locks. In addition, a sea-level project would require lowering the present bottom of the canal about 100 feet with overwhelming slide dangers involved. Moreover, advocates of the sea-level plan propose that not only the Canal Zone and the existing Panama Canal, but also any canal constructed to replace it be eventually given to Panama. Does Mr. O'Leary approve such giveaways?

Mr. O'Leary should obtain information from all sources, not only from sea-level advocates.

DANIEL FLOOD,
Member of Congress.

[From the Washington (D.C.) Sunday Star, Aug. 17, 1969]

MAIN BAR TO NEW CANAL IS NATIONALISTIC LOBBY

(By Jeremiah O'Leary)

The latest report of the Atlantic-Pacific Interoceanic Canal Study Commission to President Nixon makes it clear, between the lines, that the political obstacles are greater than the engineering challenge to construction of a new sea-level water passage across the narrow waist of the Americas.

Although it's not quite spelled out in the report, the United States today is further away from a decision than it was five years ago when and where the canal will be built, and whether it will be excavated by nuclear or conventional means.

As Nixon said in a letter accompanying the report to Congress, the canal investigation is entering its final phase and the commission soon will be able to reach general conclusions as to the feasibility of using nuclear explosives for canal excavation. What the report did not say is that engineers and scientists are dealing in absolutes but the diplomats and politicans are not.

"HILL" ENEMY

Even if Panama had not undergone one revolution in October, 1968, and another sub-revolution a few months later, the canal project has attracted a strong, coherent enemy on Capitol Hill. Succintly put, there is a powerful lobby in Congress against the canal concept as it now stands and no balancing group interested in or favorable to the new canal. The opponents are led by Rep. Daniel Flood of Pennsylvania and Sen. J. Strom Thurmond of South Carolina, backed by a vociferous assembly of former military men and ultranationalist Americans.

The canal project would have faced formidable odds in Congress, both for funds to build it and for ratification of the treaties, even if the Republic of Panama had remained tranquil as Gatun Lake. But the overthrow of President Arnulfo Arias last autumn just 11 days after his inauguration and subsequent ouster of one of the co-coup leaders by the other strengthened the hands of the anti-canal cabal in Washington.

The State Department had negotiated three pretty fair treaties with Panama before Arias' election victory, acceptable at least to the regimes of Presidents Johnson and Marco Robles. They, in essence, were diplomatic agreements on: (A) disposition of the existing but obsolete lock canal, (B) terms for excavation and operation of a new sea-level canal and (C) a military bases agreement by which the U.S. would be allowed to maintain forces on the isthmus.

The treaties required ratification by the Senate of the United States and the Congress of Panama but, at least, they satisfied the negotiators. It was at that point that opposition began to jell at the Capitol here and the situation became more complicated when Cols. Omar Torrijos and Boris Martinez ousted President Arias. When Torrijos turned on Martinez early this year and exiled him as Arias was exiled, things started looking even worse.

Now there is evidence that Torrijos, who rules as a military dictator, is not satisfied with the concessions Panama had obtained from the U.S. and wants to reopen the discussions. In the eyes of the American opponent, far too many concessions had been granted in the first place and the prospect for agreement in the foreseeable future is bleak indeed.

Foggy Bottom is so concerned that it has ordered an ambassadorial swap which sends Ambassador to Panama Charles Adair to Montevideo, Uruguay, and brings able Ambassador Robert M. Sayre to Panama City. Sayre was Deputy Assistant Secretary of State for Inter-American Affairs before going to Uruguay and before that was the State Department's liaison man for Latin American affairs with the White House. He is a new face to Panama's ruling group and was in on the planning of the original aspects of the new canal. Some observers believe he may present a tougher facade to any new demands by Panama than the discreet, courtly Adair.

Meanwhile, the U.S. is still playing something of a poker game with Panama about the sea-level canal by continuing to operate on the assumption that the excavation may be located at any one of five crossings, only three of which are in Panama. Route 8 crosses through Nicaragua and Costa Rica. Route 25 through the narrow northwest neck of Columbia. Routes 10, 12 and 14 lie wholly within Panama.

The U.S. has options to select any one of five routes and to build the new canal either by conventional means or by atomic explosion. As a practical matter, however, the Nicaragua-Costa Rica crossing is so remote as to be nearly out of the question.

Nixon's report to Congress said the employment of nuclear explosives for a sea-level canal on the "Nico-Tico" route does not appear practicable because large groups of people would have to be evacuated. Further cost of constructing a canal by mechanical means on Route 8 would be several times the cost of available alternatives.

For all practical purposes, the choice seems to lie between Colombia and Panama and many observers are known to feel that if engineering and cost problems are equal, Colombia would seem to offer a more stable political climate. At any rate, it is a good bargaining technique for Panama to know that it could conceivably lose its geographical vantage point astride the inter-ocean waterway.

COULD MOVE

American officials are not fascinated by the idea of returning Panama to the status of hemispheric backwater by taking the canal elsewhere but it could happen if Panama makes unacceptable new demands or shows no signs to achieving more internal stability than it has demonstrated since the three-day "war" with the U.S. in 1964.

The commission report notes that it completed data collection on four of the five routes in the year that ended June 30 and all field operations have now been terminated.

The investigation of Route 10, five miles outside the western border of the Canal Zone, indicates that conventional construction there is feasible. Preliminary estimates are that the cost for conventional digging at Route 10 would be about the same as for Route 14 in the existing Canal Zone. The major advantage seen by the commission of Route 10 over Route 14 is that it would not interfere with the operating of the existing canal in the estimated 15 years the excavation would take.

The commission studied two alignments of Route 14, both contemplating mechanical digging. One combines a new cut with the present one through the Continental Divide. The other requires a separate cut.

HIGHWAY SAFETY: COMMENTARY NO. 15

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, beginning June 5, I have been offering a series of commentaries on the drastic and immediate need for highway safety. These commentaries have covered funding and research; the driver, the vehicle and the road; the problem of alcoholism as it relates to driving; the incompatibility of safety standards; the threat from animals; the development of safety devices; and many other important aspects of this problem. I have taken the time to express my thoughts on this because I consider the need for safer streets and highways to be of importance, and directly or indirectly affecting every man, woman and child in this country.

As any one who has read my remarks in the Record can testify, I feel strongly about this matter. A country with the potential for growth and development such as America, cannot afford to lose 55,000 lives and more billions in economic waste each year. This is a proud and able country, whose history has shown its ability to conquer problems that would have been fatal to a lesser nation. American technology has reached a point where it is capable of landing and safefully returning men from the moon. But, at the same time, its technology has so far shown its inability, or unwillingness, to cope with the seemingly simple problem of attaining safety on our highways.

I have included for the benefit of my colleagues the following testimony heard before the Subcommittee on Roads of the House Public Works Committee earlier this summer, during the hearings on the Highway Safety Act. This exchange was between myself and Mr. Howard Pyle, president of the National Safety Council.

Our dialog brought out some interesting aspects of the problem. For instance, Mr. Pyle confirmed that traffic accidents are the No. 1 cause of death to young people. This is true even when we consider the number of young Americans who lost their lives in Vietnam. We also discussed the bright spots of the problem, the oasis in a desert of disaster.

I think this exchange was meaningful and should be shared with the many people, both in this body and throughout the Nation that are concerned with highway safety.

The excerpt from the hearing follows:

Mr. Cleveland. Thank you, Mr. Chairman, I do have a couple questions.

Yesterday, in the testimony of Mr. Welchel, who was here as Governor's representative for highway safety in the State of Arkansas, and also representing a group of such representatives, in his testimony he made the following statement:

The traffic crashes are the No. 1 cause of deaths for all persons under 37 years of age.

My question, you perhaps cannot answer it, but perhaps you can get me the answer—specifically, would that include taking into account the fact that many young men under the age of 37 are dying in Vietnam. Is that an all-inclusive statement that this is the No. 1 cause of deaths for all persons under 37 years of age?

Mr. Pyle. Absolutely. Absolutely.

May I amplify the information you have, just because I think it is important.

For youths aged 15 to 24 years, accidents claim more lives than all other causes combined.

Mr. Cleveland. That includes military service?

Mr. Pyle. Yes, except the military incident that happens statewide—that would be in this figure. The foreign operations, that is a different story.

But if, shall we say, in your State there is a military establishment and some boy going to and from is killed, he becomes a part of this record.

But, to conclude, this is eight times more than the next leading cause, and three out of four of the victims are male. That is God-awful, if you will forgive the expression.

Mr. Cleveland. It is, indeed, and of course at this time we are having our Memorial Day observances, and we are very mindful of the fact that young men once again are dying in the service of their country.

I think it adds perspective to this problem when you take into consideration that apparently more young men are being killed by automobile accidents than are being killed by enemy accidents in Vietnam.

Mr. Pyle. That is right. I do not like to be redundant, we have kicked this figure around a lot. Our battlefield casualties in Vietnam up to now have probably been less than 35,000.

Mr. Cleveland. 36,000; almost 36,000.

Mr. Pyle. We killed on the highways of this country last year 55,600 people in one year, and we have been in Vietnam since the early 1960's. So all you have got to do is separate these things out, and you find the answer to your question is pretty grim.

Mr. Cleveland. I was encouraged in this morning's paper to note one of the major oil companies carried an advertisement—I believe it was Mobil Co. I believe they had, a pedestal and a wrecked car on top of the pedestal. Did you happen to see the ad?

Mr. Pyle. I am going to be part of the unveiling in New York tomorrow afternoon. It is a monument to 1,700,000 men, women, and children.

Mr. Cleveland. I think this is an important point. It seems to me your coming here today and telling us that Congress is not doing its job, in so many words that is what you meant—what you meant to say although we authorized some money, the Appropriations Committee—we could pass the buck to them—has not appropriated it.

We are not complacent here in Congress. But I have been a little bit sorry to see so many of the witness before this committee keep bearing down on the fact that what we need is more money from Congress, which we agree, and more programs, federally oriented, which we agree; but there still seems to be too much talk about what Congress can do by waving a wand and putting more money into the pot—there still must be the terribly important role of private business, local communities, leaders of education, and church, and for some of these other people.

Mr. Pyle. Absolutely.

Mr. Cleveland. And you, by addressing most of your remarks to our shortcomings in this field, are not by any chance, implying that there is not much that can be done at the local level and by States?

Mr. Pyle. No. The closing passage of my testimony addresses itself to this program, it is called States program. I am leaving a set of these documents with you. The objective of this program is to marshal the Nation behind what you are trying to do.

And I have been in politics long enough to know that the public official is only able to get done what the people will accept in the way of disciplines and challenges and go along with it.

We have a monumental responsibility here. And this is one of the things I also want to talk to Mr. Volpe about. I want him to tell me what are we not doing that we ought to be doing, in his judgment, and how do we put the whole thing together, as in the case of a baseball team or whatever, and get the kind of results we want.

You are so right.

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Mr. CLEVELAND. Let me enlarge a little bit on this discussion and dialog in this area which I think is helpful. You have told us the bad news. We are well aware of this, and we are becoming more aware of it. And you have told us that Congress has not done its job, and we are aware of that. We will try to do our best.

But now in this spectrum of activity and safety, is there any good news?

Mr. PYLE. Absolutely.

Mr. CLEVELAND. Let's have a little bit of good news. What has been done without a lot of Federal money, without our help, that sheds some light on the problem?

Mr. PYLE. In the first place, let me commend again the Congress for establishing a national policy in this field.

Mr. CLEVELAND. Even if we did not fund it?

Mr. PYLE. Well, yes. In 1966, this Congress did an absolutely indispensable piece of work, when they established a national policy on traffic safety.

The fact that we have not gotten the wheels under it, quite yet, and we are all guilty of some dereliction in not completely fulfilling our mission, and the Congress is not alone in this regard, we still have a national policy. We have people now who understand what vehicle inspection is all about. They may not like it yet, but they understand it. They understand the disciplines of the alcohol problem. We just recently conducted a piece of specific examination of this problem, and when we got down to the next to the last question, we asked what more do you need to know about the alcohol problem in relation to traffic that we should give you, before we do whatever we do next?

Over 90 percent of the answers said we now have the message, now tell us what to do about it.

And that is where it gets back to the traffic safety bureau and those of us in the private community. We have made remarkable strides in familiarizing American communities with the aggravations of this problem.

So in terms of public understanding, public knowledge, not necessarily public acceptance with—that comes a little later—I campaigned on issues that took me 4 or 5 years to get it across to people, but they finally got the message, and they accept it.

To some extent, gentlemen, this is a disciplinary movement.

I know what that entails in terms of time, to get everybody in the act.

Mr. CLEVELAND. Particularly at this time when we have so much permissiveness?

Mr. PYLE. Yes. I wish I had time to do another piece of testimony on the pluses, they are very much here.

Mr. CLEVELAND. Governor, you have said there is some good news and it is not all bad news. For example, we had a witness the other day that said some States have a stricter rule on what is considered being under the influence of alcohol in testing standards.

They also said some States were strict, some were very lax, some had none—what I want to know is: In those States that have had very strict standards, do statistics show there were less deaths?

Mr. PYLE. They do.

Mr. CLEVELAND. Some people say there have been States where the law enforcement has been very lax, others where it has been very strict. Do the statistics show that in those States with a beefed-up law enforcement program, highway law enforcement program, that this is reducing fatalities?

Mr. PYLE. It does. In other words, going back to the plus illustration at this point, is what Senator Ribicoff did in Connecticut when he was Governor. He bore down and produced satisfactory results. The only difficulty with these things is it has to be constant. There is no such thing as status quo in this business. It is either getting better or getting worse.

Mr. CLEVELAND. I happen to be aware of what Governor Ribicoff did in Connecticut. For the record, will you tell us what he did?

Mr. PYLE. He made enforcement a very emphatic piece of business, as though to say to the driving public in Connecticut: "We mean business."

And to use the vernacular, they threw the book at the violator and it did help tremendously.

But I am afraid that that emphasis did not continue on and on and on. During the course of it, you saw appreciable change in the consequences of the violator.

Mr. CLEVELAND. Have there been published studies on that, do you happen to know?

Mr. PYLE. I will search the record and provide you with the answer to that.

Mr. CLEVELAND. This is the type of thing that I think would be helpful to the committee to know about, because these are tangible things that we can see and understand and touch. Much of this, as you know, at the planning stage, is very vague and is not very concrete. Can you think of any other examples, other than Connecticut and Ribicoff?

Mr. PYLE. Yes. Let me give you an example that is particularly exciting to us. We have been pushing our defensive driving course. This is what the little red automobile is about [indicating].

Mr. CLEVELAND. By the way, pardon me for interrupting, you might be interested to know that I was recalled during the Korean conflict. I was lucky. I was stationed in Germany, and at that time the Army had a very strict defensive driving course. I could not drive in Germany until I passed the defensive driving course. And that was back in 1951.

I mention that now because the military is coming under a great deal of criticism. But in some respects they are ahead of people in some areas.

Mr. PYLE. They really are, and they are working with us.

Let's take Pensacola Naval Training Station for an example. Since the inception of our program, they have been putting all civilians related to the base and all military connected personnel through this program, and they report to us that their statistics show a 50-percent improvement in the accident rate, based strictly on what they believe to be the effects of the defensive driving program.

So there are a lot of pluses scattered all through this thing. What we have to do is put them together and make it more universal. Of course I hope that the Bureau can be persuaded to do some direct research in these areas, to dig out the success stories and why they were successful, so that other States can have the continuing proof of research to underwrite the kind of actions that can be taken and should be taken in order for them to do the job we want done.

Mr. CLEVELAND. Thank you, Mr. Chairman.

EDITORIAL OPINION ON THE WEST FRONT EXTENSION

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, whatever may be the pressures on Members of the House to vote for the costly west front extension project, the fact is that the people back home are not in favor of such an elaborate and costly project. They feel, as I do, that we should do what needs to be done to keep the west front from collapsing, but they do not think we need to add restaurants and elevators to save the front from falling apart.

As evidence of this grassroots sentiment, I include herewith editorials from the Binghamton, N.Y., Press, of September 11, 1969, the New York Times of September 14, 1969, and the Washington Post of September 7, and September 17, 1969:

[From the Binghamton (N.Y.) Press, Sept. 11, 1969]

MEANWHILE, IN THE CAPITOL

George Meany's prescription for inflation has not been the only example of unintentionally sardonic humor on the subject.

It was only a few days after the Nixon Administration announced a 75 per cent cut in federal building and highway construction to fight inflation, that J. George Stewart, architect of the Capitol, renewed his campaign to rebuild the Capitol's West Front.

He was joined in the effort by House Speaker John McCormack, as little inclined to lightly abandon a boondoggle as Mr. Stewart.

Their timing was funny in the sense of being ridiculous.

They want to get moving on the project that Mr. Stewart, who generally is about half right in his estimates, says will cost $45,000,000, because building costs are rising steadily. Strictly ignored has been the advice of real architects, historians and traditionalists in general that the West Front should be restored only, and not made larger and grander.

Also ignored, of course, was the Nixon Administration's effort to signal the building trades unions and the construction industry that the joyride is almost over.

Construction costs certainly are out of hand, paced by inflated wage rates that in another era could have been described only as a scandal.

Many private customers have deferred or canceled their building plans as the government now threatens to do.

It seems the only solution when an industry and its unions price themselves out of the market.

[From the New York Times, Sept. 14, 1969]

CAPITOL OUTRAGE

According to the Architect of the Capitol, the only way to prop up the crumbling West Front is with two restaurants, two cafeterias, two private dining rooms, conference, committee and documents rooms, offices, a barber shop, a visitors' center—at a cost of $45-million, up from $34 million and no top in sight. At approximately $300 a square foot of usable space, this is not exactly a bargain. It is, in fact, an outrage.

The whole gigantic boondoggle is an outrage in terms of history, architecture, construction, esthetics and economics. It is preposterous as preservation. The considered judgment of the American Institute of Architects, which prepared a feasibility study, and of the National Trust for Historic Preservation, backed by most of the country's experts, is that the only proper service of art and history is to restore the West Front as it is, not turn it into something that it isn't. To mutilate a national monument of an extravagant extension to provide space and facilities that belong elsewhere, at a price completely out of line with other construction, is inexcusable.

Even more inexcusable are the "esthetic improvements" that are part of the plan. Great monuments, particularly historical monuments, are made up of exactly those imperfections and eccentricities that record the passage of taste and time. To "improve" the documentation of the centuries is midget-minded murder. This same fiddling with the fragile reality of the past destroyed the East Front for an embalmed marble corpse. Strengthening the present facade will be difficult, because the structural weaknesses are serious, as any study of the engineering reports makes clear. But it will cost a lot less money and make a lot more sense than sabotage.

It is outrageous that this extravagant scheme should be proposed now, just after the President has announced a 75 per cent cutback on all Government construction to fight inflation. It is unthinkable that the Speaker of the House and the members of Congress should oblige Mr. Stewart, so-called Architect of the Capitol, with a $2-million appropriation to get the destructive busy work going, against the informed and exasperated protests of most professional opinion in the United States. It is even more outrageous that in his stubborn adherence to his pet plan, Mr. Stewart and his henchmen have dismissed out-of-hand any alternate solution.

The final outrage is that the Capitol is allowed to deteriorate further while Mr. Stewart spends years trying to ram through his wrong-headed scheme. The only proper Congressional procedure is to vote considerably less than $2 million of the Stewart request for a first-step, working study of costs and methods of the most direct way to restoring the historic West Front. The next step is to do it.

[From the Washington Post, Sept. 7, 1969]

WOULD YOU BUY A USED CAPITOL FROM . . . ?

Sooner or later, the grandiose plans to expand the West Front of the Capitol would have been revived. Speaker McCormack and the Architect of the Capitol, J. George Stewart, are not the sort of men who lightly abandon a boondoggle. But why these plans should be resurrected at this particular time is not clear. An economy wave is on. The President has ordered a major cutback in federal construction. Congress is trying to hold down appropriations. Yet, here comes Speaker McCormack and Mr. Stewart urging that a start be made on a project that they say will cost $45 million but which, if prior pets of Mr. Stewart are any guide, will wind up costing closer to $90 million.

We do not propose at this time to go into the merits of expansion vs. restoration, of whether, indeed, something must be done or the building will fall down. Those members of Congress who were here in 1966 and 1967 will remember that Mr. Stewart's expansionism was defeated then when architects and historians joined in opposition with newspapers and traditionalists. Those members of Congress who missed that brawl need only dig out what the American Institute of Architects had to say about Mr. Stewart's plan at that time.

At this point, it seems more appropriate to ask why the fate of the Capitol is in the hands of a commission composed of Vice President Agnew, Senator Dirksen, Speaker McCormack, Representative Ford and Mr. Stewart. So far as we can tell, and so far as past projects on Capitol Hill give evidence, none of these men knows much, if anything, about architecture—and that is what changes in the West Front principally involve. Mr. Stewart's connection with architecture rests solely in his title and the other four men are surely too busy running the political business of the nation to spend much time worrying about such things as the historical value of the Capitol, the weaknesses in the present structure, the possibilities of restoration, and the impact of the proposed expansion on the building's appearance. One look at the Rayburn Office Building ought to convince anyone that architecture is not one of Capitol Hill's long suits; the most optimistic appraisal of that building yet made was Bob Hope's remark that it is so heavy it will gradually sink into the ground and disappear.

Tampering in any way with the Nation's Capitol is serious business and ought not to be undertaken by amateurs. Would the nation allow a commission composed of Messrs. Agnew, Dirksen, McCormack, Ford and Stewart to be the prime source of advice on expanding Williamsburg, renovating Mount Vernon, or rebuilding the Jefferson Memorial? Would Congress approve an expansion of the Washington Monument to get more room for tourists based on the report of the Speaker's favorite engineering firm?

Congress, in its wisdom, saw fit years ago to create the Fine Arts Commission to oversee construction that might impinge on the esthetic values of much of the District of Columbia. But it has not been willing to give that same measure of protection to the historic building on the Hill it calls home. This might be the time for it to begin that protection. Wouldn't it be wise to establish a commission of the nation's finest architects and engineers to study the problem of the Capitol? It may be that something must be done to the west wall to keep it from crumbling away. But the history of Capitol Hill projects has resulted in such a crumbling of whatever prestige and credibility the present commission and the Architect of the Capitol once had that it would be foolhardy for Congress to follow their advice blindly.

[From the Washington Post, Sept. 17, 1969]

CAN THE WEST FRONT BE RESTORED?

It was hardly surprising that the House Appropriations Committee voted $2 million for the preparation of plans for an extension of the West Front of the Capitol. It is hard for members of the House to turn down an urgent plea from their Speaker. But it will be a sad day—for the House, for history, and for common sense—if the appropriation is approved as it now stands when it comes before the full House this week.

Speaker McCormack may well be right when he says that something must be done about the deterioration in the Capitol's west wall. Certainly the wooden braces and the evidence of surface decay indicates that some sort of action is needed. But that something is not necessarily an addition to the building that would cost at least $45 million, would alter the handsome terraces planned by Frederick Law Olmstead, and would wipe out the last remaining walls of a building that withstood the efforts of the British to destroy it a century and a half ago. Before taking such a step, Congress ought to be sure that no other resolution to the problem of deterioriation is feasible. It would ask no less from a government agency that sought to expand any of the historically important buildings under its control.

The proper steps for Congress to take this year are to appropriate funds to have a study made of the possibilities for restoration and to establish a commission of prominent architects, historians and others to work out a long-range development program for the Capitol grounds. The American Institute of Architects, whose members know far more about the problems of restoration and construction than do any of the members of the existing Commission for Extension of the United States Capitol, is arguing that restoration can be done with standstone from the same quarry from which the original walls were built. Although that group concedes it does not have the money to make a thorough study on its own, surely its recommendations are entitled to more weight than the *ipse dixit* of the Capitol's non-architect, J. George Stewart, that restoration is too difficult and too expensive to undertake. Only a careful study by experts—and there are not likely to be found on Capitol Hill—can settle the question of whether restoration is feasible. Without knowing the answer to that question, Congress can vote for an extension of the West Front only if it ignores both history and common sense.

CONGRESSMAN BRADEMAS PRAISES PRESIDENT NIXON'S APPOINTMENT OF MISS NANCY HANKS TO HEAD NATIONAL ENDOWMENT FOR THE ARTS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, today I had the great privilege of delivering the keynote address at the 1969 Federal-State Conference of the Arts here in Washington attended by leaders of State arts councils from throughout the country.

I would like to insert at this point in the RECORD President Nixon's splendid words of greeting to the delegates at the Conference:

PRESIDENT NIXON WELCOMES DELEGATES TO 1969 FEDERAL-STATE CONFERENCE ON THE ARTS

It is a pleasure to welcome to our Nation's Capital those who attend the 1969 Federal-State Conference on the Arts.

The future opportunities of America's state arts councils are as diverse and unlimited as the arts themselves. They are matched only by their corresponding responsibilities to help make the arts accessible to each citizen and to enable the artists of America to contribute fully to preserving our cultural heritage and enriching it by sustained accomplishment.

As you further these vital tasks, you will have occasion to marshal the assistance of the volunteers who have already contributed so much to the development of arts in this country. And you will have the further chance to recognize and encourage the creative talents of our youth.

The advancement of our cultural legacy is one of the high points on this Administration's agenda. And I hope that future generations will judge our accomplishments in this area as one of its hallmarks.

A basic concept of the National Endowment for the Arts embraces our determination to stimulate state action through federal incentive. By an increasing emphasis on such federal-state cooperation, we can—I am confident—succeed in making the boundless cultural resources of America available to every citizen who seeks the beauty, artistic fulfillment, contentment, and inner-peace they offer.

Mr. Speaker, let me also take this opportunity to congratulate President Nixon on his appointment of Miss Nancy Hanks to be Chairman of the National Endowment for the Arts. As executive secretary of the special studies project of the Rockefeller Brothers Foundation and later as president of the Associated Councils of the Arts, Nancy Hanks has won the respect of legislators and artists alike with her intelligence and imagination. The President has appointed an outstanding person to succeed Roger L. Stevens, who during his years as Chairman, was an extraordinarily effective champion of the arts in America.

Mr. Speaker, I would also like here to insert the President's statement on the

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arts at the time he announced the appointment of Miss Hanks. In this statement, President Nixon committed his administration to an effective role for the Federal Government in support of the arts.

The complete text of the President's statement follows:

Statement by the President on the Appointment of Nancy Hanks as Chairman of the National Endowment for the Arts

One of the important goals of my Administration is the further advance in the cultural development of our nation. We build on strong foundations; in almost every artistic field our country has had monumental achievement in this century. But the Federal government has a vital role as catalyst, innovater, and supporter of public and private efforts for cultural development and its specific agency for this purpose is the National Endowment for the Arts to which I have today appointed Miss Nancy Hanks of New York as Chairman. I anticipate that soon she will be joined by a deputy of equal stature.

Miss Hanks has my full confidence and will have my full cooperation.

The concept of the National Endowment for the Arts accords with the Administration's policy of stimulating state action through federal incentive. It is to be noted that a most important part of the national arts program is support of the arts councils of the various states. One major result of the activities of the Endowment is that every state now has an arts council.

Also, the Endowment seeks to assist both public and private cultural activities worthy of its support which would otherwise fall below the margin of feasibility. This cooperation with public entities on state and local levels and with private activities is another tenet of this administration.

Finally, the Endowment is designed to give special attention to areas of the country which would not otherwise be adequately reached by modern development in arts, theatre, design, and other cultural activities, and this again—the broadening and deepening of the intellectual and cultural life of all areas of our country—is a fundamental objective of this Administration.

It is my expectation that the states, colleges and universities, civic groups and public cultural institutions at every level will both see and seize this new, historic opportunity for realizing the finest qualities of artistic creativity and enjoyment through our country. I shall hope to give leadership to this effort and urge the Congress to do the same, so that we may have the full benefit of what is for us a relatively new governmental activity in the cultural field but which has vital importance for the welfare of our people and the future of our nation.

INCREASE IN AIR FARES

(Mr. VANIK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, yesterday, before the Ways and Means Committee, Secretary of Transportation John A. Volpe, accompanied by Administrator John H. Shaffer of the Federal Aviation Administration and Chairman John H. Crooker, Jr., of the Civil Aeronautics Board, urged the adoption of legislation to increase the commercial air passenger fare from 5 to 8 percent and an increase in the gasoline tax on general aviation to help fund the costs of expanding airport facilities and monitoring the airways.

During the course of these hearings, I advised Chairman John H. Crooker, Jr., of the Civil Aeronautics Board, that I was very much disturbed at the recent decision of the Board authorizing a 6½-percent increase in commercial air fares on October 1, 1969. This increase in air fares coupled with a 3-percent across-the-board increase earlier this year provides a rate increase to the carriers totaling 9½ percent. When this rate is added to the proposed 3-percent increase in the tax on commercial air travel proposed by Secretary Volpe, the cost of commercial air travel would be increased to 12½ percent within the course of 1 year. In addition, some States like Ohio, are adding a 4-percent sales tax on flights beginning or ending within the State.

If this trend toward escalating air fares is not reversed, the air traveler will be forced to return to the highways.

I want to remind the Civil Aeronautics Board of its responsibility to the air-traveling public: to insure safety, convenience, and also to provide for reasonable fares.

Some of the heavy airline overhead results from waste and inefficiency which is built in the system. It is ridiculous for two trunk carriers to leave Dulles Airport or Friendship Airport at exactly the same time and race to the same California destination—these planes operate at the same fares and are usually one-third filled—dividing the few available passengers. It is incredible that these airlines should compete on the size of a steak or on the quality of the inflight movie. Who wants to exercise a choice on inflight movies between a Jerry Lewis or a John Wayne movie?

The present rate formula encourages wastefulness and inefficiency and continually escalating prices. The commercial airlines have staked out their claim on revenue-losing route extensions at the expense of the regular air traveler. The long-range effect of fare increases will be a drifting away from the high intensity use of the airlines which has developed primarily because of promotional fares, such as the student rate, standby, and military discounts.

I hope that the Civil Aeronautics Board will seriously return to its earlier policy which was directed toward high volume-low cost utilization of the commercial airline facilities.

The air controller system monitors the airlanes on a 24-hour basis. This monitoring service is inefficiently used, since air travel is almost suspended during the nighttime hours. It seems to me that the Civil Aeronautics Board should supplement its current pricing policies with an order for 50-percent discount flights in the night hours, to provide low-cost travel to those segments of our economy which cannot afford air travel at the regular daytime prices. This would provide a travel opportunity for students, military personnel, and the elderly, and any other group of travelers who cannot afford either the congestion or the cost of daytime travel. Such a program would stimulate air travel and point out the advantage of price incentive in addition to more fully utilizing the airports, the aircraft, and the air controller system.

CLEVELAND TAKES SHOE IMPORT FIGHT TO SENATE SUBCOMMITTEE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, yesterday, I had the privilege of being the leadoff witness in shoe import hearings being conducted by the Small Business Subcommittee, Senate Banking and Currency Committee.

I told the chairman, who is the junior Senator from my own State of New Hampshire, Mr. McIntyre, that I felt very strongly that the Congress should move swiftly to pass and send to the President strong, effective import quota legislation. In my view, only positive action of that dimension would convince other nations, notably the Japanese, that we mean business when we insist on fair competition. An action like that would give Secretary of Commerce Stans a really useful tool in negotiating trade agreements with other countries. Armed with the power of a strong congressional mandate he would be enabled to accomplish new arrangements of real value. Without such firm backing from the Congress, I am fearful that his protestations and our protestations will simply be received and discarded by foreign negotiators.

Congress must signify clearly that we are serious.

In the course of my presentation, I recommended to the subcommittee its endorsement of the Orderly Footwear Marketing Act, of which I am a sponsor on the bill bearing the name of the able gentleman from Massachusetts (Mr. Burke), who has given such valuable leadership in this campaign.

As with other trade issues with which I am associated and am actively pursuing, the question is not protectionism, Mr. Speaker. It concerns fair trade, rather than free trade.

In addition to the Orderly Footwear Marketing Act and urging swift adoption of legislation, I outlined another approach to which I have given considerable thought over the past several years.

I asked the subcommittee, and I ask my learned colleagues in this House, to consider whether we should not amend our tariff laws so as to fix rates on a country-by-country basis, in accordance with the wages and working conditions prevailing in the foreign countries. Another factor which would be taken into account is the extent of subsidy given by their governments to the various industries exporting to the United States. It is very wrong for our industry to be required to compete against cheap foreign labor—sometimes slave labor. American workers have a high standard of living. We intend to improve it. We should not throw our workers into uneven competitive situations where they have no chance. As a matter of national policy, we should encourage other countries to upgrade working conditions for their people. Instead, our present laws put us in the position of actually endorsing and encouraging the continuation of bad conditions and low wages in those lands.

CHANGE IN COMMAND AT THE CENSUS BUREAU

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, a prominent figure in statistical circles stepped down recently as head of an agency that is renowned as the largest collector of information in the world. He is Dr. A. Ross Eckler, Director of the Bureau of the Census, who has served the American public for 34 years, 30 of which has been with the Census Bureau. Dr. Eckler, a Phi Beta Kappa graduate of Hamilton College and former instructor at the Harvard Business School, first came to Washington to become Chief of Special Inquiries and Assistant Director of Research at the Work Projects Administration. Four years later he left to work for the Bureau of the Census where he became Deputy Director in 1949 and finally Director in July 1965.

While I have often disagreed with this distinguished gentleman on certain premises and procedures of census policy, I have found him to be a man of uncommon patience who has cooperated to the fullest extent possible to accommodate what must have seemed to be endless requests from me and my staff. I certainly have a keen respect for his judgment and have always found that he presented his views in a candid and forthright manner. I share the esteem in which he is held by his fellow peers and know that his competence, cordiality, and helpfulness will be missed.

His successor is Dr. George Hay Brown, formerly manager-director of marketing research at the Ford Motor Co. For those who have indicated an interest, if not a commitment to census reform, I think a brief summary of Dr. Brown's background is in order. He is a graduate of Oberlin College and obtained his M.B.A. from Harvard and Ph. D. from the University of Chicago. From 1931 to 1936, he was divisional sales representative for the Mallinckrodt Chemical Works in St. Louis. He left to become professor of marketing at the University of Chicago where he also served as marketing consultant to a number of major firms. For the past 15 years he has been with the Ford Motor Co.

Dr. Brown has extensive experience in short- and long-term market forecasting and has utilized census data to assist him in conducting feasibility studies. An important note in his biography which is of particular interest to me is the fact that he developed and conducted a sample census of the city of Chicago for the Chicago Tribune. I assume it was successful and, therefore, wonder whether Dr. Brown would agree with a basic contention of mine that voluntary surveys produce meaningful results.

Mr. Speaker, while I harbor no misconceptions as to where Dr. Brown stands with regard to the current census debate, I am hopeful that he will note the genuine, nonsynthetic value of census reform. Determining the proper balance between an individual's private rights and public needs is the foundation of this issue. Far from being a threat to the outcome of obtaining data to form public policy, I firmly believe the present congressional inquiry into the census will have beneficial results. Census reform is a subject of substance and merits the Bureau's continued consideration.

I wish Dr. Brown a successful tenure in his challenging position and look forward to continuing the excellent relationship with the Census Bureau that I have enjoyed in the past.

ONCE AGAIN TONY BOYLE HAS VIOLATED THE LAW

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there have been so many flagrant and persistent violations of the law by the current president of the United Mine Workers of America, W. A. Boyle, that it would take many court judgments to correct these actions. Already, as a result of four consecutive court actions, the current leadership of the United Mine Workers of America has been found to be in violation of the law. Federal courts have repeatedly ruled that the United Mine Workers Journal has been used as a propaganda organ for promotion of the reelection of the present officers.

In a decision dated September 15, 1969, U.S. District Judge John H. Pratt issued an opinion that equal space must be accorded to Joseph A. Yablonski, who is a bona fide candidate for president of the United Mine Workers of America. The news article in the September 16 New York Times, and the text of Judge Pratt's decision follow:

JUDGE FINDS BIAS IN UMW JOURNAL—SAYS OFFICERS USED PAPER AS A "PROPAGANDA ORGAN"

WASHINGTON, September 15.—A Federal judge here ruled today union's publication, the U.M.W. that the officers of the United Mine Workers of America have been using the union's bimonthly newspaper "as a propaganda organ" to promote their re-election.

Judge John H. Pratt of the United States District Court ordered in effect that the union publication, the U.M.W. Journal, henceforth give equal space to Joseph A. Yablonski, the challenger in the campaign to unseat W. A. (Tony) Boyle, the union's president since 1963.

The judge noted that The Journal had failed to mention Mr. Yablonski so far in the campaign, except in a routine list of nominees for union offices that was printed last May 29. The election will be held Dec. 9.

The dispute over Mr. Boyle's campaign tactics has involved more than 100 allegations by Mr. Yablonski of illegal moves by union officials to prevent the union's 160,000 members from learning of the challenger's candidacy or his platform.

In seeking the injunction against The Journal, which Judge Pratt granted him today, Mr. Yablonski had asserted that one recent issue of the newspaper contained 38 pictures of Mr. Boyle on its 34 pages, but not one mention of Mr. Yablonski.

Judge Pratt noted that much of the injunctive relief that Mr. Yablonski had asked of the court—for example, an order requiring two successive issues of The Journal to give over "the entire first half" to text supplied by Mr. Yablonski—"would be a clear violation of the First Amendment," which guarantees freedom of the press.

AN UNUSUAL STEP

"It should be understood that this court is not attempting to tell The Journal what it can and cannot print," Judge Pratt added. But he suggested that The Journal could avoid violations of provisions of the Landrum-Griffin Act of 1959, which forbid discriminatory use of union membership lists for election purposes, by giving "fair and comparable treatment to both candidates in the future."

The Journal is mailed twice a month to all members of the union.

Judge Pratt also said that he would take the unusual step of requiring the union to publish in full "the entire text" of his findings and conclusions.

If his ruling is not reversed on an appeal that the union's lawyers are expected to file, the effect would be to order the union to print a document in which Judge Pratt is expected to repeat many of the unfavorable assertions about the union that he made in writing today.

In his memorandum today, for example, the judge said that "a line must be drawn between the use of The Journal to report the activities of defendant Boyle as president, which is permissible, and the use of The Journal, in such a way in reporting such activities, as to promote the candidacy of said defendant." He concluded:

"We find that this line has been breached. . . . In support of this conclusion, we site specifically the excessive coverage column-wise and pictorially, given the defendant Boyle in relation to other matters contained in The Journal."

[U.S. District Court for the District of Columbia]

JOSEPH A. YABLONSKI, PLAINTIFF, *v.* UNITED MINE WORKERS OF AMERICA, ET AL., DEFENDANTS

(Civil Action No. 2413–69)

MEMORANDUM

On August 26, 1969, plaintiff filed a complaint, the gravamen of which is that defendant Boyle, President of the United Mine Workers of America (UMW) and defendant McCarthy, Editor of the UMW Journal (Journal) are using the Journal as a propaganda organ to advance defendant Boyle's candidacy for reelection as President of the UMW. This is alleged to be in violation of several provisions of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA). Jurisdiction is claimed under Section 401(c) and Section 501 of said Act (29 U.S.C. 481(c) and 501). On August 28, 1969, and after a hearing, Judge Waddy of this Court issued a temporary restraining order holding that a *prima facie* case had been made by plaintiff and enjoining defendants "from using the membership lists of the defendant United Mine Workers to discriminate against plaintiff by the utilization of the United Mine Workers Journal as a campaign instrument in favor of defendant Boyle." Defendants appealed promptly and the United States Court of Appeals for the District of Columbia affirmed the grant by Judge Waddy of the temporary restraining order.

This matter is now before this Court upon plaintiff's motion for a preliminary injunction directing that the defendants:

(1) provide plaintiff Yablonski with sufficient space in future issues of the Journal to present his positions and actions to the membership until such presentation neutralizes the alleged previous presentations of defendant Boyle's positions and actions;

(2) provide equal space and treatment for plaintiff Yablonski in future issues of the Journal until the election takes place;

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(3) in carrying out the above, print copy supplied by plaintiff Yablonski to constitute the entire first half of the issue of September 1, 1969, and the entire first half of the issue of September 15, 1969, the remainder of said issues to require fair and equal treatment to plaintiff Yablonski and defendant Boyle; and

(4) provide plaintiff Yablonski with final proof of each forthcoming edition 72 hours prior to printing.

JURISDICTION TO GRANT RELIEF

Several criteria must be met to establish jurisdiction to issue a preliminary injunction. *Virginia Petroleum Jobbers Assn.* v. *F.P.C.*, 104 U.S. App. D.C. 106, 110; 259 F 2d 921, 935 (1958); see also *A. Quaker Action Group* v. *Hickel*, —— U.S. App. D.C. —— (slip opinion, June 24, 1969). The first is whether the plaintiff can establish, by a preponderance of the evidence, that he is likely to succeed ultimately when the case is tried on its merits. This, in turn, is dependent on whether (1) defendants have been shown to have used the Journal as a campaign instrument in behalf of the candidacy of defendant Boyle and thereby discriminated in the use of said membership lists to distribute said Journal, and (2) assuming that such has been demonstrated, whether there is relief which can be granted by the Court.

After hearing testimony and upon examination of numerous exhibits, some of considerable volume, we find that the defendants have used the Journal as a campaign instrument in favor of defendant Boyle. This is a judgment decision which is made with full appreciation of the character of the Journal and similar publications of other national unions. We are aware that defendant Boyle, as the President of the union running for reelection, will in the nature of things be an important participant in many matters of interest to the membership and be more likely to have his participation in these matters the subject of inclusion in any report to the membership through the Journal. A line must be drawn between the use of the Journal to report the activities of defendant Boyle as President, which is permissible, and the use of the Journal, in such a way in reporting such activities, as to promote the candidacy of said defendant. We find that this line has been breached and that the Journal in many respects has been used as a campaign instrument to promote defendant Boyle's candidacy.

In support of this conclusion, we cite specifically the excessive coverage, columnwise and pictorially, given to defendant Boyle, in relation to the coverage of other matters contained in the Journal; and the failure since May 29, 1969, to make any reference to plaintiff's activities as an Acting Director of Labor's Non-Partisan League, to his candidacy for President, and, except for the report on nominations (Journal, August 15, 1969, page 3) to even mention plaintiff by name. It is no answer to say that the format and style of the Journal have always been the same and have not changed since May 29, 1969 or that such format and style are not much different than those of other union publications. The fact is that, in the context of a bitterly contested election, the contents and emphasis of a union periodical such as the Journal must be judged in the light of the Landrum-Griffin Act. It should be understood that this Court is not attempting to tell the Journal what it can and cannot print; this would violate the First Amendment and is beyond our statutory authority. Irrespective of the question of remedy, it is our conclusion that the conduct of defendants is in violation of Section 401(c) of the LMRDA and that plaintiff has made a strong showing that he is likely to prevail on the merits.

The remaining criteria may be briefly discussed. The plaintiff will be irreparably injured and has no adequate remedy at law. The machinery set forth in Section 402 which provides for the filing of a complaint with the Secretary of Labor, who after investigation and finding of probable cause may sue to set aside the election, is cumbersome, doubtful, and calls for delay. It is not an adequate remedy for the wrongs which plaintiff is presently suffering. Further, the issuance of injunctive relief will not be harmful to others. Finally, the public interest in fair union elections as expressed in the Landrum-Griffin Act is clearly on the side of injunctive relief. The standards prerequisite to the issuance of an injunction have been met in this case.

THE RELIEF TO BE GRANTED

The LMRDA, the Landrum-Griffin Act of 1959, amended the Taft-Hartley Act of 1947 and was designed to eliminate certain improper practices on the part of labor unions and employers, including officers and representatives, which interfere with the holding of fair union elections. It attempted to combine a reluctance to interfere in the internal affairs of unions and its philosophy of furthering democratic procedures in union elections through the device of giving much of its enforcement procedure to the Secretary of Labor, acting upon a complaint *after* an election has been held. This is true with respect to Title IV of the Act, which includes Sections 401, 402, and 403 (29 U.S.C. Sections 481, 482, and 483). Section 402(c) permits a direct suit by a candidate to enjoin certain violations, but the balance of the provisions of Section 401 are to be enforceable through a complaint to be filed by the candidate with the Secretary of Labor. *Calhoon* v. *Harvey*, 371 U.S. 134 (1964).

With this brief background of the purpose of the legislation, it is clear that the specific injunctive relief requested by plaintiff (see page 2 hereof) cannot be granted by this Court for several reasons:

(1) The relief requested would in effect require defendants to print certain material supplied by plaintiff. As desirable as this might be from a public interest and union viewpoint, such requirement would be a clear violation of the First Amendment insofar as it relates to the freedom of the press. Citation of cases should be unnecessary.

(2) This Court lacks the statutory authority to compel this action. Section 401(c), which permits suits by candidates to achieve certain results, does not authorize this type of relief.

(3) Section 401(g), which prohibits the use of union funds to promote the candidacy of any person and therefore would make unlawful the use of union funds to support publication of the Journal when used as a campaign instrument, does not confer this authority. This is because actions for violations of Section 401(g) are enforceable only through suit by the Secretary of Labor under Section 402. *Wirtz* v. *Independent Workers Union of Florida*, 272 F. Supp. 31 (1967); see also *Wirtz* v. *Hotel, Motel and Club Emp. Union, Local No. 6*, 391 U.S. 492 (1964).

(4) To grant the injunctive relief requested by plaintiff might be to compel defendants to commit further violations of Section 401(g).

The "fairness doctrine" of the *Red Lion* case is not applicable. The airwaves are part of the public domain and the Federal Communications Commission in granting a private monopoly to a broadcasting station may properly condition such a grant. A union newspaper or periodical has a specialized circulation and is not in the public domain.

In summary, the specific relief requested by plaintiff, however desirable it would appear to be in the interests of promoting fair and democratic union elections, is beyond our statutory authority to grant and involves serious constitutional questions under the First Amendment.

On the other hand, we have previously found by a preponderance of the evidence that the UMW Journal has been used as a campaign instrument to promote the candidacy of defendant Boyle. Since the distribution of the Journal utilizes the membership lists of the UMW, such a use of such membership lists is a discrimination in favor of the candidacy of defendant Boyle as against the candidacy of plaintiff Yablonski. This is the relief contained in the temporary restraining order and this Court is prepared to order such relief by way of preliminary injunction. The burden will be on the defendants to refrain from discrimination in the use of the membership lists. Since this concerns the present style and format of the Journal, it would appear that fair and comparable treatment of both candidates in the future would avoid the discriminatory use of the membership lists without violating the provisions of Section 401(g), which prohibit the use of union funds to *promote* the candidacy of any person. This, of course, is a matter for the defendants to decide.

Fair and comparable treatment or publicity is not promotion of one candidate over another as witness the reporting of political news by newspapers.

We are further prepared to order that defendants use said membership lists to distribute to the union membership the entire text of the findings of fact, conclusions of law and order to be issued in accordance with this memorandum. It is believed that this course will mutually assist in insuring defendants' compliance with the provisions of the order to be entered herein.

Counsel for plaintiff within five (5) days will submit such proposed findings of fact, conclusions of law and order.

JOHN H. PRATT,
U.S. District Judge.

SEPTEMBER 15, 1969.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for September 18, on account of official business as a member of the House Committee on Agriculture.

Mrs. SULLIVAN, for Wednesday, September 17, after 2 o'clock p.m., and Thursday, September 18, on account of attending a funeral in her district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. KASTENMEIER, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. SAYLOR, for 15 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. VANDER JAGT (at the request of Mr. BURKE of Florida), for 5 minutes, today; to review and extend his remarks and include extraneous matter.

Mr. MORSE (at the request of Mr. WYLIE), for 1 hour, on September 24.

(The following Members (at the request of Mr. DANIEL of Virginia):

Mr. ALBERT, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FLOOD, for 15 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

All Members to extend their remarks on the 1-minute speech of Mr. Gerald R. Ford of today on the President's announced troop withdrawal from South Vietnam.

Mr. Edwards of California and to include extraneous matter.

Mr. Dorn and to include extraneous matter.

Mr. Smith of Iowa.

Mr. Broyhill of North Carolina during general debate today on House Joint Resolution 681.

To follow Mr. Poff in Committee of the Whole: Messrs. Gerald R. Ford, Don H. Clausen, Sebelius, Thompson of Georgia, Gross, Waggonner, Schadeberg, and Price of Texas.

Mr. Meskill (at the request of Mr. Brown of Ohio) to extend his remarks following Mr. Brown of Ohio.

(The following Members (at the request of Mr. Burke of Florida) and to include extraneous matter:)

Mr. Hall.
Mr. Roudebush.
Mr. Gude.
Mr. Pettis.
Mr. Lujan.
Mr. Carter in 11 instances.
Mr. Winn.
Mr. McEwen.
Mr. Bush.
Mr. Reifel.
Mr. Schwengel.
Mr. Wyman in two instances.
Mr. Cederberg.
Mr. Ruppe.
Mr. Coughlin in two instances.
Mr. Pelly in two instances.
Mr. Burke of Florida.
Mr. Derwinski.
Mrs. May.
Mr. Ashbrook.
Mr. Robison.
Mr. Taft.
Mr. Hogan.
Mr. Dickinson.
Mr. Broyhill of North Carolina.
Mr. Langen.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Long of Maryland in two instances.
Mr. Donohue in two instances.
Mr. Eilberg.
Mr. Kastenmeier in two instances.
Mr. Hébert.
Mr. Pickle in four instances.
Mr. Vanik in two instances.
Mr. Gonzalez in two instances.
Mr. Rarick in two instances.
Mrs. Sullivan in two instances.
Mr. Jacobs.
Mr. Van Deerlin.
Mr. Byrne of Pennsylvania.
Mr. Brown of California in two instances.
Mr. Hungate in two instances.
Mr. Edwards of California in two instances.
Mr. Minish.
Mr. Biaggi in two instances.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 85. An act for the relief of Dr. Jagir Singh Randhawa;

S. 348. An act for the relief of Cheng-huai Li; and

S.J. Res. 149. Joint resolution to extend for 3 months the authority to limit the rates of interest or dividends payable on time and savings deposits and accounts.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4658. An act for the relief of Bernard L. Coulter; and

H.J. Res. 250. Joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

H.R. 4658. An act for the relief of Bernard L. Coulter;

H.J. Res. 250. Joint resolution authorizing the President of the United States of America to proclaim September 17, 1969, General von Steuben Memorial Day for the observance and commemoration of the birth of Gen. Friedrich Wilhelm von Steuben; and

H.J. Res. 775. Joint resolution to authorize the President to award, in the name of Congress, Congressional Space Medals of Honor to those astronauts whose particular efforts and contributions to the welfare of the Nation and of mankind have been exceptionally meritorious.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, September 18, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

(H. Doc. No. 91–159)

1154. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated July 8, 1968, submitting a report, together with accompanying papers and illustrations, on streams in the vicinity of Fairfield, Calif., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 10, 1962 (H. Doc. No. 91–159); to the Committee on Public Works and ordered to be printed with illustrations.

(H. Doc. No. 91–160)

1155. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated August 22, 1968, submitting a report, together with accompanying papers and illustrations, on New Jersey coastal inlets and beaches, Great Egg Harbor Inlet to Stone Harbor, in response to section 110 of Public Law 87–874, approved October 23, 1962, concerning Corson Inlet; resolutions of the Committees on Public Works, House of Representatives, adopted March 30, 1955 and August 25, 1960, concerning Great Egg Harbor River and Townsend Inlet, and section 2 of Public Law 520, approved July 3, 1930, as amended and supplemented, pertaining to cooperative beach erosion control investigations (H. Doc. No. 91–160); to the Committee on Public Works and ordered to be printed with illustrations.

1156. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps program under title IB of the Economic Opportunity Act of 1964, Los Angeles County, Calif., Department of Labor; to the Committee on Education and Labor.

A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of Alabama. Committee of Conference. H.R. 6508. A bill to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, etc. (Rept. No. 91–495). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 13831. A bill to provide that the imposition of taxes the proceeds of which are appropriated to the highway trust fund shall be suspended during any period when amounts in the fund are impounded or otherwise withheld from expenditures; to the Committee on Ways and Means.

By Mr. ADAMS (for himself, Mr. Bingham, Mr. Blanton, Mr. Boland, Mr. Button, Mr. Culver, Mr. Cunningham, Mr. Eckhardt, Mr. Foley, Mrs. Hansen of Washington, Mr. Hastings, Mr. Hicks, Mr. Howard, Mr. Koch, Mr. Meeds, Mr. Moss, Mr. Pelly, Mr. Rees, Mr. Reid of New York, Mr. Robison, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Udall, and Mr. Van Deerlin):

XUM

H.R. 13832. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS (for himself, Mr. BROWN of California, Mr. DANIELS of New Jersey, Mr. EVANS of Colorado, Mr. EVINS of Tennessee, Mr. GIAIMO, Mr. GONZALEZ, Mr. HANSEN of Idaho, Mr. HECHLER of West Virginia, Mr. LEGGETT, Mr. LUKENS, Mr. McDADE, Mr. McFALL, Mr. MILLER of California, Mr. OBEY, Mr. PEPPER, Mr. PETTIS, Mr. POWELL, Mr. ST. ONGE, Mr. SCHWENGEL, Mr. STEIGER of Wisconsin, Mr. TUNNEY, Mr. VIGORITO, Mr. WAGGONNER, and Mr. WOLFF):

H.R. 13833. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMS (for himself and Mr. DINGELL):

H.R. 13834. A bill to authorize the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BEALL of Maryland (for himself and Mr. GUDE):

H.R. 13835. A bill to provide for the expansion of the Antietam Battlefield in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BERRY:

H.R. 13836. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. FUQUA (for himself and Mr. BROYHILL of Virginia):

H.R. 13837. A bill to amend the Healing Arts Practice Act, District of Columbia, 1928, to revise the composition of the Commission on Licensure to Practice the Healing Art, and for other purposes; to the Committee on the District of Columbia.

By Mr. GOODLING (for himself and Mr. DEVINE):

H.R. 13838. A bill to provide for the distribution to the several States, for display to the public in museums and other appropriate institutions, samples of the lunar rocks and other lunar materials brought back by the Apollo 11 mission; to the Committee on Science and Astronautics.

By Mr. HALEY:

H.R. 13839. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. GILBERT:

H.R. 13840. A bill to amend the Social Security Act to provide increases in benefits under the old age, survivors, and disability insurance program, to provide health insurance benefits for the disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. HOGAN:

H.R. 13841. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. McCLORY:

H.R. 13842. A bill to provide injunctive relief to prevent serious disruption of federally assisted institutions of higher education; to the Committee on the Judiciary.

By Mr. MOORHEAD (for himself, Mrs. CHISHOLM, Mr. DIGGS, Mr. HALPERN, Mr. HAWKINS, Mr. HELSTOSKI, Mr. KOCH, Mr. PEPPER, Mr. REES, and Mr. TUNNEY):

H.R. 13843. A bill to amend section 3 of the Housing and Urban Development Act of 1968; to the Committee on Banking and Currency.

H.R. 13844. A bill to authorize the Small Business Administration to guarantee any bid, payment or performance bond under an agreement entered into by a small business concern which is a construction contractor or subcontractor; to the Committee on Banking and Currency.

By Mr. MOORHEAD (for himself, Mrs. CHISHOLM, Mr. DIGGS, Mr. HALPERN, Mr. HAWKINS, Mr. HELSTOSKI, Mr. KOCH, Mr. PEPPER, Mr. REES, Mr. STOKES, and Mr. TUNNEY):

H.R. 13845. A bill to increase the participation of small business concerns in the construction of industry by providing for a Federal guarantee of certain construction bonds and authorizing the acceptance of certifications of competency in lieu of bonding in connection with certain Federal projects, and for other purposes; to the Committee on Banking and Currency.

By Mr. MOORHEAD (for himself, Mrs. CHISHOLM, Mr. DIGGS, Mr. HALPERN, Mr. HAWKINS, Mr. HELSTOSKI, Mr. KOCH, Mr. PEPPER, Mr. REES, and Mr. TUNNEY):

H.R. 13846. A bill to amend the act of August 24, 1935 (commonly referred to as the "Miller Act"), to exempt construction contracts not exceeding $20,000 in amount from the bonding requirements of such act, and for other purposes; to the Committee on the Judiciary.

By Mr. MORTON:

H.R. 13847. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. MURPHY of New York:

H.R. 13848. A bill to amend title III of the Narcotic Addict Rehabilitation Act of 1966 to permit anyone who believes a person to be a narcotic addict to file a petition to have such person admitted to a Public Health Service hospital for treatment of his addiction; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.R. 13849. A bill to amend the Federal Water Pollution Control Act, as amended, to provide adequate financial assistance and to increase the allotment to certain States of construction grant funds; to the Committee on Public Works.

By Mr. ROSENTHAL:

H.R. 13850. A bill to provide more efficient and convenient passport services to citizens of the United States of America; to the Committee on Foreign Affairs.

By Mr. ROUDEBUSH:

H.R. 13851. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 13852. A bill to require the Interstate Commerce Commission to prescribe minimum standards for railroad passenger service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 13853. A bill to provide that the U.S. District Court for the Eastern District of New York shall be held at Brooklyn, Mineola, and Hempstead; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H.R. 13854. A bill to strengthen voluntary agricultural organizations, to provide for the orderly marketing of agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. ANDREWS of Alabama:

H.R. 13855. A bill to provide additional assistance for the construction of areas in the States of Alabama, Florida, Louisiana, Mississippi, Virginia, and West Virginia which were damaged by Hurricane Camille of 1969; to the Committee on Public Works.

By Mr. BINGHAM:

H.R. 13856. A bill to incorporate College Benefit System of America; to the Committee on the Judiciary.

By Mr. BRINKLEY:

H.R. 13857. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in bentfits thereunder, with a minimum primary benefit of $125, and to increase to $3,920 a year the amount of outside earnings permitted a beneficiary without any loss of benefits; to the Committee on Ways and Means.

By. Mr. FRASER:

H.R. 13858. A bill to establish within the Executive Office of the President a Council of Health Advisers in order to improve the organization of agencies within the executive branch of the Government concerned with health programs and to strengthen the coordination of health programs; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 13859. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon:

H.R. 13860. A bill to repeal the first section of the act of July 15, 1968, relating to the land and water conservation fund; to the Committee on Interior and Insular Affairs.

H.R. 13861. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, Justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice-Presidency; and to give the House Committee on Standards of Conduct, the Senate Select Committee on Standards of Conduct, the Director of the Administrative Office of the U.S. Courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

By Mrs. MAY:

H.R. 13862. A bill to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan; to the Committee on Public Works.

By Mr. QUILLEN:

H.R. 13863. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. SCHNEEBELI:

H.R. 13864. A bill to amend section 5701 (a)(2) of the Internal Revenue Code of 1954 so as to adjust the rates of tax on cigars; to the Committee on Ways and Means.

By Mrs. SULLIVAN:

H.R. 13865. A bill to establish an Office of Consumer Affairs in order to provide within the Federal Government for the representation of the interests of consumers, to coordinate Federal programs and activities affecting consumers, to assure that the interests of consumers are timely presented and considered by Federal agencies, to represent the interests of consumers before Federal agencies, and to serve as a clearinghouse for consumer information; to establish a Consumer Advisory Council to oversee and evaluate Federal activities relating to consumers; to authorize the National Bureau of Standards, at the request of businesses, to conduct product standard tests; and for other purposes; to the Committee on Government Operations.

By Mr. ADAIR (for himself, Mr. WILLIAMS, and Mr. ROBERTS):

H. Con. Res. 348. Concurrent resolution calling on the interim leaders of the government established at Hanoi, North Vietnam, to provide for free and open elections to choose a successor to the late chief of state of such government; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah:

H. Con. Res. 349. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H. Con. Res. 350. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. LOWENSTEIN:

H. Con. Res. 351. Concurrent resolution terminating the joint resolution of August 10, 1964, relating to the maintenance of international peace and security in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. McMILLAN:

H. Con. Res. 352. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H. Con. Res. 353. Concurrent resolution relative to American prisoners of war; to the Committee on Foreign Affairs.

By Mr. DENT (for himself, Mr. Vigorito, and Mr. Flood):

H. Con. Res. 354. Concurrent resolution expressing the sense of Congress relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial, and religious groups; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON (for himself, Mr. Adair, Mr. Anderson of California, Mr. Andrews of Alabama, Mr. Andrews of North Dakota, Mr. Annunzio, Mr. Beall of Maryland, Mr. Belcher, Mr. Bell of California, Mr. Betts, Mr. Bevill, Mr. Biaggi, Mr. Boland, Mr. Bray, Mr. Brock, Mr. Brown of Ohio, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Burke of Florida, Mr. Byrnes of Wisconsin, Mr. Camp, Mr. Casey, Mr. Cederberg, Mr. Chappell, and Mr. Clark):

H. Con. Res. 355. Concurrent resolution expressing the sense of congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself, Mr. Don H. Clausen, Mr. Del Clawson, Mr. Cleveland, Mr. Collier, Mr. Coughlin, Mr. Corbett, Mr. Cramer, Mr. Daniel of Virginia, Mr. Delaney, Mr. Dent, Mr. Devine, Mr. Downing, Mrs. Dwyer, Mr. Edwards of Louisiana, Mr. Edwards of Alabama, Mr. Erlenborn, Mr. Eshleman, Mr. Evans of Colorado, Mr. Fisher, Mr. Flowers, Mr. Flynt, Mr. Gerald R. Ford, Mr. Foreman, and Mr. Frelinghuysen):

H. Con. Res. 356. Concurrent resolution expressing the sense of congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself, Mr. Frey, Mr. Fulton of Pennsylvania, Mr. Galifianakis, Mr. Garmatz, Mr. Gibbons, Mr. Gonzalez, Mr. Grover, Mrs. Hansen of Washington, Mr. Harvey, Mr. Hastings, Mr. Harsha, Mr. Hechler of West Virginia, Mr. Henderson, Mr. Hicks, Mr. Horton, Mr. Ichord, Mr. Johnson of California, Mr. Kleppe, Mr. Kuykendall, Mr. Kyl, Mr. Kyros, Mr. McCloskey, Mr. McClure, and Mr. McDade):

H. Con. Res. 357. Concurrent resolution expressing the sense of congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself, Mr. Latta, Mr. Lennon, Mr. Lujan, Mr. Lukens, Mr. McEwen, Mr. MacGregor, Mr. Mailliard, Mr. Marsh, Mrs. May, Mr. Mayne, Mr. Meskill, Mr. Michel, Mr. Mikva, Mr. Miller of Ohio, Mr. Mize, Mr. Montgomery, Mr. Nichols, Mr. Pelly, Mr. Pepper, Mr. Pettis, Mr. Pickle, Mr. Pirnie, Mr. Pollock, and Mr. Price of Texas):

H. Con. Res. 358. Concurrent resolution expressing the sense of congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself, Mr. Railsback, Mr. Rarick, Mrs. Reid of Illinois, Mr. Reifel, Mr. Rhodes, Mr. Riegle, Mr. Robison, Mr. Rogers of Florida, Mr. Ruppe, Mr. Sandman, Mr. Satterfield, Mr. Schadeberg, Mr. Scherle, Mr. Sebelius, Mr. Shriver, Mr. Slack, Mr. Smith of New York, Mr. Stafford, Mr. Stratton, Mr. Symington, Mr. Taft, Mr. Talcott, Mr. Teague of Texas, and Mr. Tunney):

H. Con. Res. 359. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself, Mr. Baring, Mr. Broyhill of Virginia, Mr. Button, Mr. Cunningham, Mr. Dellenback, Mr. Dulski, Mr. Esch, Mr. Fascell, Mr. Feighan, Mr. Frey, Mr. Fulton of Tennessee, Mr. Gallagher, Mr. Gaydos, Mr. Halpern, Mr. Hunt, Mr. Hutchinson, Mr. Jones of Alabama, Mr. Keith, Mr. Monagan, Mr. Morton, Mr. Myers, Mr. O'Hara, Mr. Roth, and Mr. Saylor):

H. Con. Res. 360. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself, Mr. Conable, Mr. Derwinski, Mr. Findley, Mr. Keith, Mr. Koch, Mr. McKneally, Mr. Steiger of Arizona, Mr. Vander Jagt, Mr. Van Deerlin, Mr. Waggonner, Mr. Waldie, Mr. Wampler, Mr. Watson, Mr. Whalley, Mr. White, Mr. Whitten, Mr. Widnall, Mr. Bob Wilson, Mr. Charles H. Wilson, Mr. Winn, Mr. Wright, Mr. Wyatt, and Mr. Wydler):

H. Con. Res. 361. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself, Mr. Haley, Mr. Mahon, Mr. Poff, Mr. Stuckey, Mr. Wylie, Mr. Zion, Mr. Zwach, and Mr. Chamberlain):

H. Con. Res. 362. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DORN (for himself and Mr. Gettys):

H. Con. Res. 363. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. RANDALL:

H. Con. Res. 364. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DICKINSON (for himself, Mr. Skubitz, Mr. Snyder, Mr. Dennis, Mr. Morse, Mr. Annunzio, Mr. Gude, Mr. Albert, Mr. Brinkley, Mr. Bennett, Mr. Landgrebe, Mr. Duncan, Mr. Edmondson, Mr. McMillan, and Mr. Pucinski):

H. Con. Res. 365. Concurrent resolution expressing the sense of Congress with respect to North Vietnam and the National Liberation Front of South Vietnam complying with the requirements of the Geneva Convention; to the Committee on Foreign Affairs.

By Mr. DELANEY (for himself and Mr. Addabbo):

H. Res. 547. Resolution to establish a select committee of the House of Representatives to investigate the relocation of the Naval Applied Science Laboratory in Brooklyn, N.Y., to the Committee on Rules.

By Mr. DIGGS:

H. Res. 548. Resolution condemning discrimination, prejudice, and violence against the Catholic minority in Northern Ireland, and requesting the President of the Unilted States to seek a meeting of the United Nations Security Council; to the Committee on Foreign Affairs.

By Mr. McCARTHY (for himself, Mr. Halpern, Mr. Schwengel, Mr. Van Deerlin, and Mr. Wolff):

H. Res. 549. Resolution urging the President to resubmit for ratification the Geneva Protocol of 1925 banning the first use of gas and bacteriological warfare; to the Committee on Foreign Affairs.

By Mr. PODELL (for himself, Mr. Scheuer, Mr. Robison, Mr. Wolff, Mr. Bingham, and Mr. Button):

H. Res. 550. Resolution to establish a select committee of the House of Representatives to investigation the relocation of the Naval Applied Science Laboratory in Brooklyn, N.Y.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FALLON:

H.R. 13866. A bill for the relief of Virginia Villa; to the Committee on the Judiciary.

By Mr. GRAY:

H.R. 13867. A bill for the relief of Egan Smallpage Goodacre; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 13868. A bill for the relief of Vasilios Fragias; to the Committee on the Judiciary.

By Mr. DEL CLAWSON:

H.R. 13869. A bill for the relief of Genisco Technology Corp.; to the Committee on the Judiciary.

By Mr. DEL CLAWSON:

H. Res. 551. Resolution to refer the bill, H.R. 13869, entitled "A bill for the relief of Genisco Technology Corp." to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

XUM

EXTENSIONS OF REMARKS

MILITARY PRAISED FOR AID TO CAMILLE VICTIMS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. HÉBERT. Mr. Speaker, I want to call to the attention of my colleagues another valiant effort on the part of those who came to the assistance of distressed people in the wake of Hurricane Camille.

This letter which I insert pinpoints the expression of gratitude which the people of my congressional district have for the military for their untiring efforts. It is one of many which I have received praising the military who were ever present to help.

This is significant, I believe, because there are others today who are attempting to downgrade the man who wears the uniform of his country.

But once again, as so many times in the past, the military has demonstrated it is close to the people and is there in time of need, regardless of the occasion.

Having spent many days in the areas of my district which were devastated by Hurricane Camille, I know what a tremendous job the military did in aiding hundreds of people who were in desperate need of assistance.

I am reflecting the thoughts of my constituents when I praise the military leaders who directed their men in these operations, but I also want to add my commendations.

Rear Adm. R. A. Macpherson, Commandant of the Eighth Naval District; Col. William Beach, Commandant of the Marines at that installation; Comdr. Jack Evans at Alvin Callender Field; and Adm. Ross Bullard of the Coast Guard and their men deserve the plaudits of all of us.

I insert the letter at this point in the RECORD which tells the story and which is a typical example of expression by those people who benefited from the military's efforts:

> ASSOCIATED BRANCH PILOTS,
> *September 15, 1969.*
>
> Hon. F. EDWARD HÉBERT,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN HÉBERT: It has occurred to me that you will be interested in knowing of the genereous and effective assistance that men of the U.S. Navy gave to the people of Pilottown, Louisiana in the awful aftermath of Hurricane Camille.
>
> The Navy Submarine Tender U.S.S. *Bushnell* (AS–15) was in New Orleans, Louisiana in mid-August for a visit. After Camille passed the *Bushnell,* under the command of Capt. David F. Purinton, called at Pilottown to give emergency relief to the residents who returned to Pilottown on August 19. When Capt. Purinton saw the extent of the damage to Pilottown, he arranged for a longer stay than originally planned.
>
> The assistance given during the stay was real and genuine. Not limited to such essentials as food, water and inoculations, it included even the disposal of dead animals and the rebuilding of a walkway from pilot stations to pilot boats. The men of the *Bushnell* literally swarmed over Pilottown doing any and everything that was in need of doing.
>
> Their assistance, in no small way, helped put the Port of New Orleans, and particularly the pilots, back in business less than twenty-four hours after Hurricane Camille passed.
>
> I have written a letter of appreciation to Rear Admiral R. A. Macpherson, Commandant of the Eighth Naval Distirct and to the ship.
>
> We, the pilots, would appreciate very much any recognition that you may see fit to give to Captain Purinton and his men of the *Bushnell*. The people of Pilottown will be forever grateful for the aid given by these men.
>
> Most sincerely,
> ASSOCIATED BRANCH PILOTS,
> GEORGE S. THOMPSON,
> *President.*
>
> PILOTTOWN, LA.

THE ARMS TRADE—PART VI

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. COUGHLIN. Mr. Speaker, on September 10, 1969, I inserted into the CONGRESSIONAL RECORD, page 24987, a tentative assessment of the recent coup in Libya. It was clear then, as it still is now, that one of the major reasons for the coup stemmed from the combined United States-British force-feeding of Libya with approximately $500 million worth of military equipment—a quantity of arms nearly 36 times Libya's entire 1966 defense budget. This enormous quantity of arms aid boosted the prestige of the Libyan military to such an extent that it encouraged a group of radical officers to throw out a pro-West and moderately progressive government.

What was not clear last week was the orientation of the country's new leaders. However, their direction has now become clear. According to U.S. News & World Report of September 15, 1969:

> The Libyan coup is regarded by many as bringing into power leaders who—if not actually anti-Western—are at best "neutralist" toward the West. This at a time when radical Arabs are selling the idea that America is as much the enemy of the Arabs as is Israel.

The new Premier, Dr. Mahmoud Soleiman el Moughrebi, emphasized Libya's new alinement when he was quoted elsewhere as saying:

> We shall . . . bring about an unlimited cooperation with other Arab states in the struggle with Israel.

The same U.S. News & World Report article also noted that:

> What makes the Libyan coup a threat to U.S. interests in the Middle East is its timing. It comes in a period of growing resentment in the Arab world over American policy toward Israel.
>
> This Arab anger has been building up with particular force since the announcement that the U.S. would begin delivery of 50 Phantom jet aircraft to Israel. It has been reflected in such recent anti-American actions as the hijacking of a Trans World Airlines plane and the blowing up of an American-owned oil pipeline. Palestinian commando spokesmen, in particular, have called for an intensification of attacks on U.S. property in the Mideast. . . .
>
> In the long run, observers see the coup as leading to a setback for America's strategic role in the Mediterranean area—where Soviet Russia has been steadily building up its sea forces and political sway.
>
> The change may come gradually, rather than overnight. But the signs are that, in the end, Libya's new rulers will shift another important segment of the Middle East away from United States influence.

So far as I am concerned, and I believe that the facts will bear me out, this shift away from the United States and the West is, and will continue to be, due primarily to our misguided arms aid program which, in the end, usually produces results directly detrimental to our own vital interests. The case of Libya is the latest example in a long string of arms sales disasters dating back to the end of World War II when the United States first revived the arms trade.

It is for this reason that, once again, I ask that our Government take the initiative and seek to have included on the agenda of the fourthcoming strategic arms limitation talks in Geneva the question of conventional arms control.

How many Libyas must there be in the future before we, and the other arms merchants in the world, realize that the massive infusion of arms into an area is of no lasting benefit to anyone?

STUDENT LOAN LEGISLATION

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. LUJAN. Mr. Speaker, I urge all of my colleagues to join me in passing this student loan legislation by unanimous vote and thus demonstrate to the youth of our country that we intend to keep faith with them in providing ever-wider opportunities to obtain an education.

We are concerned here today with an investment, not a gift. Every dollar we invest in higher education opportunities is a dollar invested in a better America. It is shameful in this richest of countries that students who qualify in every way for admission to colleges and universities should be stopped at the door for lack of funds. And this is particularly true of those students who are seeking loans—which they are obligated to repay—rather than a grant or gift.

In New Mexico we have been forced to adopt temporary emergency measures to meet this crisis. We have done this. Loans for New Mexico students are virtually assured. The crisis has been temporarily averted. But, Mr. Speaker, the basis for this crisis—the situation that created it—is not a state matter. This crisis was brought on by the Federal tightening of credit resulting in higher interest rates on the one hand and by the Federal Student Loan Act being pegged to lower interest rates on the other. This is a Federal problem, brought on by Federal action, and we must act here and now in this body to effect a Federal solution. This legislation provides that solution. Let us pass it in resounding unanimity.

FARM CROSSROADS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. ZWACH. Mr. Speaker, one of the primary concerns of the vast area of mid-America is the farm program. Our countryside, our rural towns as well as our agriculturists themselves, are dependent upon the prices our producers receive for their crops and livestock.

In the central part of our Minnesota Sixth Congressional District, speaking with the voice of long editorial experience, O. B. Augustson, editor of the West-Central Daily Tribune, recently wrote on this subject.

Because of the interest of the American people and my colleagues in the farm program, I place herewith in the RECORD a copy of Mr. Augustson's editorial from the West-Central Daily Tribune:

FARM CROSSROADS

In this issue of The Tribune will be found a special story. It deals with the farm problem. The article is timely and comes from two sources. One is the Farmers Union and the other hails from the office of the governor of our state. Both of the sources cited in the article, as you will note, cite the fact that there are problems in rural America today. Not only on the farms themselves but the effects of what is wrong on the farm showing up in the urban areas and what are commonly referred to as the main streets.

One is glad to see these intentions of bringing the farm problem to the nation's capitol. For it could be that the final answer lies there. It could be the last answer for we feel that at this moment agriculture is at a crossroads more than ever. If it is the job of the Congress to do something, this could be the zero hour. If it does something constructive and something that will be of major value it could result in programs that should raise farm income and halt the trend towards elimination of what are left of our family farms. If the Congress continues its present weaker programs or even cut out those we have or further water them down one can only look forward to more denuding of our rural American scene.

The present trend must be checked. If the farmers and main street assistance cannot be mobilized for a high income and the preservation of family farms then one can only look to government to give the helping hand. Frankly speaking, at times, we wish that all the farmers would get together just like business and industry does and demand—and get their price, the cost of production, plus so that they can stay on the land and farm youth will also be encouraged to remain on the farm and step into their fathers shoes. What a tragedy we have always felt when a boy decides not to follow his dad on the farm because he sees no future in it at all—in fact, a discouraging struggle. So he hikes to the big city for more pay and only 40 hour weeks.

We would like to see collective bargaining at the market place taking a leaf from organized labor in this respect. Taking a leaf from other business and industry—for farming today is more of a business and an industry than ever before. Some of those farm operations are far bigger than a lot of two by four shops on our main streets or minor plants. But it is difficult to marshal farmers together. Habits of independence and individualism of the past. The young farmer to stay on the land is interested in any program that will achieve this. Then there are farmers soon to retire perhaps and they may be inclined to sell out to the larger operation close by. Then the big one who expects to survive the demise of the smaller operation and be the big frog in the pond. In the above picture we can envision the bigger and bigger farmer or more of the present trend or corporate farming which some would like to minimize as a possibility. The latter may come sooner than one thinks and will capitalize on the death of the small operator.

The present Congress will have the agricultural problem in its lap according to the stories aforementioned. One will see what will happen. There will be something of course but one fears too little to do the job which should be done. Back to the highest possible parity program, perhaps a national farm board like labor has or some real punch to a collective bargaining approach.

Unless some of these measures are taken, the farmers may be left on their own and then the one answer seems to be that thru organization and plenty of it the battle will have to be fought at the market place thru self managed collective bargaining and all the power of rural America behind it. And when we say all—we would enlist our main streets in the same cause for when everything is said and done the agricultural dollar is still our basic dollar and the one that will bring about more prosperity on our main streets. Especially as it relates to the family farm. Ten family farmers will buy more things on main street than the one who may have gobbled them up.

Rural America can well wait and see what will come out of the nation's capitol in the coming months.

BILLY GAINES, CORPS OF ENGINEERS, SAVES GIRL'S LIFE AT SOMERVILLE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 16, 1969

Mr. PICKLE. Mr. Speaker, the fast action by a member of the U.S. Army Corps of Engineers narrowly averted a double tragedy. Billy Gaines, resident engineer at Somerville Reservoir, saved the life of a young Mexican national in the same accident that claimed the life of her cousin.

Within 5 minutes of receiving the call for help, Billy was on the spot applying the lifesaving methods to the nearly lifeless Modesta Almanza of Matehula, Mexico. He kept his head and used the training he had received—and he saved her life under what appeared to be hopeless odds.

Many times I have felt I was blessed to have a capable engineer like Billy Gaines in charge of the new Somerville Reservoir. I knew he could stretch the meager dollars in his meager budget to unbelievable proportions; I knew he was concerned for the welfare and safety of the visitors to Somerville; now he has proven it. Billy Gaines has proven that he is a great and courageous public servant.

I submit the following article which describes Billy's successful reaction to crisis:

PRETTY NATIVE OF MEXICO THANKS ENGINEER FOR SAVING HER LIFE

A pretty 14-year-old girl, a native of Mexico, will return to her homeland in a few days forever grateful to Billy Gaines, project engineer of Lake Somerville who saved her life from drowning in a tragic swimming accident that claimed the life of her cousin, on Aug. 18.

She is Miss Modesta Almanza, of Matehula, Mexico, who with her cousin, Jose Antonio Almanza of Bryan was enjoying a swimming party at Lake Somerville, along with other members of the family.

While wading near the Lake's shore, Miss Almanza, who cannot swim was carried into deep water by her cousin and he apparently slipped into a deep spot where the water was over their heads.

She was recovered from the water by members of the family at the scene, while her cousin was removed by Jimmie York of Somerville.

Both were given artificial respiration for some 30 minutes, however her cousin failed to respond.

Gaines reached the scene within five minutes after being notified, but some 17 minutes had elapsed before Miss Almanza was removed from the water.

He used three types of artificial respiration including two sharp blows with the knees on the back rib section which seemed to clear her air passage and allowed back press respiration to be applied. Gaines said he could not detect a heart beat or pulse and the girl's eyes were completely dilated, but she finally responded and was brought to St. Jude Hospital here. She was at first listed in serious condition and in a hysterical state from the frightening experience, but responded quickly to treatment and was released in four days.

Miss Almanza's first visit when released from the hospital was to Mr. Gaines and while she does not speak English, she expressed her gratitude in the charming smile of thanks of a happy 14-year-old girl.

JEWISH NEW YEAR—5730

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. BURKE of Florida. Mr. Speaker, for the Jewish people throughout the world, September 12 marked the beginning of Rosh Hashana, the Jewish New Year of 5730.

Rosh Hashana heralds the beginning of the 10-day period of penitence which is climaxed on the Day of Atonement, Yom Kippur, the most holy day of the year.

The sounding of the ram's horn, or shofar, in ancient times served to beckon Jews to the synagogue. Now, the blowing of the shofar in synagogues throughout the world symbolizes this ancient calling

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and serves to refresh man's awareness and faith in God.

At the culmination of the high holiday period, Yom Kippur, when man's belief in God has been reaffirmed, he then begins to examine his own personal actions and deeds of the past and devotes the entire day to fasting and solemn prayer for the atonement of the evils he has committed against God and his fellow man.

Not only is it his hope to wipe clean the slate of the past by asking God's forgiveness, but also to be inscribed in the Book of Life for health, strength, and good fortune in the coming year.

And, to receive God's blessing, it is understood that his past misdeeds must have been rectified and that future deeds toward his fellow man will be just and honorable.

While the high holiday season is indeed a time of deep reflection and penitence on the past, moreover, it is a hopeful beginning.

I extend my hope that the blowing of the shofar will herald the realization of peace and tranquillity among the peoples and the nations of the world.

In these times, it is most essential that we join with the people of the Jewish faith in seeking this most noble aspiration of mankind.

PAYBACK MONEYS IN MISSOURI RIVER BASIN

HON. BEN REIFEL

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. REIFEL. Mr. Speaker, the August 1969 issue of Reclamation Era, a water review quarterly published by the Department of Interior, contained a notable statement by Mr. James R. Smith, Assistant Secretary for Water and Power Development, relating to the development of our land and water resources.

Jim Smith, a pioneer in water and power development long before his entrance into the public service, stated:

> Throughout its 67-year history of water resources development, the Bureau of Reclamation has become a highly respected working tool to help develop and expand the economy of the West and the Nation. Land areas that were once dry and hostile are now green, hospitable and productive, supporting the fastest growing population centers in America.

Regarding the future of the Bureau of Reclamation, the Assistant Secretary said:

> Reclamationists must be innovative and creative. If we are to meet the needs of the long-range future we must begin now with a bold "Reclamation for the Seventies" program. Reclamation's program in the next decade must contain two elements: (1) to get on with authorized projects as rapidly as this Nation's fiscal circumstances permit and (2) to develop a creative and carefully coordinated program for the future.

I agree with and applaud Assistant Secretary Smith's ideas for the future development of our land and water resources. Projects must continue to be developed, not only to improve our Nation's resources, but to prepare an alternative for our citizens who would prefer developed open spaces to crowded cities. Increasingly, the development of the West and Midwest is an urban concern.

The development described in two other articles contained in the August issue of Reclamation Era are typical of the widespread benefits of Bureau of Reclamation projects. It is a pleasure to include them for your consideration:

[From Reclamation Era, August 1969]

PAYBACK MONEYS IN MISSOURI RIVER BASIN

(By Harold E. Aldrich)

Creating dependable water supplies and related resources conservation efforts are the principal endeavors of the Bureau of Reclamation:

When studied, such programs have shown far-reaching benefits extending throughout the Nation. However, a study made recently in the northern plains States points out how Bureau programs highly benefit a region and the Montana community of Billings.

About 90 percent of the monies to build Reclamation water control structures are reimbursable to the U.S. Treasury. This means that the people who use the water and power developed through Reclamation projects repay it to Uncle Sam—and a large part is returned with interest.

Bureau operation in the upper plains area of the Missouri River Basin is called Region 6, headquartered in Billings.

Region 6 covers that part of Montana east of the continental divide, north-central Wyoming east of the continental divide, and the States of North and South Dakota. For electric power purposes, the responsibilities of this region include parts of Iowa, Missouri, Nebraska, and Minnesota.

The financial phase of Reclamation in this region is significant. During the last fiscal year, the gross income was $48 million. That amount of money undoubtedly was helpful to the economy of a sizeable population.

Of that total, $15 million were spent in the region for operation and maintenance of structures already built. This not only included the expenses for the Bureau of Reclamation, but operation and maintenance charges for the main-stem Missouri River dams constructed by the Corps of Engineers.

$20 MILLION INTEREST

Interest on Reclamation's power investment in the region—which included all construction of transmission lines, power generating facilities, and the allocated portions of the multipurposes works—total $20 million.

Payments of $13 million were on the principal—which is the total investment in constructed works minus the cost for nonreimbursable flood control works and for certain parts of recreation and fish and wildlife facilities.

Someone always asks the question: "How are these dams, other structures, and developments paid for?" In brief, the criteria is that power facility costs must be repaid in 50 years with interest. Irrigation works are also partly paid for through revenues from commercial power. Irrigators pay the balance over a 50-year period, but without interest. This is the only subsidy provided for irrigation payout.

Water for municipal and industrial purposes is also repayable with interest to the U.S. Treasury over 50 years.

The overall payout is much longer for the entire Missouri River Basin Project than for any single part of the total investment. This is because all investments are not made at one time, but are extended over a long period.

PEOPLE TO OWN THEM

The end result of this huge basin construction development plan insures that investments made for various units of the basin project and the revenues from power sales are the means of paying for the project. The people of the United States are not losing, because they will own the power facility, completely paid for, including interest on the investment, and producing net revenues on the order of $40 million to $50 million annually.

In other words, the people own the facilities, and the users pay for them.

In Region 6, 28 projects or units have been constructed. The Yellowtail Unit is the latest to reach operational stage. The largest project that the region now has in the construction stage is the Garrison Diversion Unit in North Dakota.

At 21 of the projects in this region, the Bureau has constructed irrigation facilities to serve a total of about 712,500 acres of land. Our crop census for 1968 shows that from 626,800 irrigated acres, these developments produced crops worth $47.5 million at a value of $75.8 per acre. These are benefits over and beyond the Bureau's income.

The total Bureau construction costs for authorized projects in this region is an estimated $1.1 billion. Completed facilities and work in progress as of December 31, 1968, cost $555 million. During 1968 there was an increase of $20.5 million in completed works.

CONTRACTS WITH TOWNS

Reservoirs in Region 6 serve the municipal water requirements of more than 100,000 people. Seventeen contracts are in effect with towns in areas which would have water supply problems if it were not for service from Bureau facilities.

Eight contracts are in effect in the region to supply water for industrial and miscellaneous purposes. Four contracts have been executed for industrial water from Yellowtail Reservoir, and although these uses are not underway yet, the water is producing an option revenue.

Revenues for electric power also are significant. During fiscal year 1968 power revenues were a record $44.2 million. This was an increase of $6.2 million over the previous high received in 1967. It was revenue from the sale of power to municipals at $7.1 million; private utilities at $7.8 million; rural cooperatives at $18.1 million; and other (wheeling, interproject sales, other revenues, and State agencies) at $11.2 million. Total was $44.2 million.

SUPPORTS 10,000 MONTANANS

In Montana, 17 Reclamation projects have been built on which more than one-third of a million acres of land has been irrigated, and they are producing about $21 million worth of crops annually. There are more than 2,500 farm families on these farms. From this productivity, about 10,000 people in Montana are supported directly, and another 17,000 to 18,000 indirectly. This results in a fair measure of stability to Montana's agricultural economy.

HUNTLEY RECLAMATION PROJECT

The Huntley Irrigation Project near Billings is a good example of how payback from a Reclamation project can cause an influx of dollars to a community.

Built by the Bureau of Reclamation in 1908, the total irrigated acreage of 24,500 acres supports 199 farm families. This means that there are about 800 members of those families circulating in the surrounding com-

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munities, including Billings, spending the income from their farm operations.

The annual value of the crops produced on the Huntley Project amounts to $1.9 million. The average annual Federal taxes paid by each of these families is $830.

The Huntley Project cost $1.8 million to develop. To date, the farmers on the project have repaid to the U.S. Government $1.4 million of this cost, and the balance is being repaid in accordance to terms of their contract.

EMPLOYEES AT BILLINGS

It also is noteworthy that the Reclamation employees who direct and take care of the upper Missouri River Basin program from the Billings headquarters do something for that city.

At present there are 162 employees in the Billings office who supervise, advise, and provide assistance to other basin field offices. Most of these are trained professional personnel such as civil, electrical, hydrological, and general engineers. There are natural resources specialists, economists, realty men, soil scientists, public utility specialists, computer specialists, accountants, property specialists, procurement specialists, and staff helpers.

The payroll to Bureau families living in Billings is $1.8 million per year. Seventy-five percent of the employees own their own homes and these are valued at over $2½ million. The annual property tax they pay on these homes comes to over $50,000. All the employees pay annual income taxes to the State of $57,000, and to the Federal Government $307,000.

Reclamation employees average about three children per family, and many of these have already completed or are now in the educational system of Montana.

Many of the babies from the early 1940's, when the office was first established at Billings, are now lawyers, doctors, engineers, school teachers, or journalists who have remained in Montana to help build for the future.

The employees have been active in the social and civic groups which are a part of a well-balanced community. And they are in elective positions of the organizations that are an important part of the cultural life of Billings.

Local banking and business also receives benefit, for example, from the $48 million gross income for the region in the sale of water and power. More than $40 million of this income was deposited temporarily in local Billings banks on its way to the Treasury in Washington, D.C. These banks are reimbursed for this service by maintenance of a minimum balance. In one case a bank now has been authorized by the Treasury Department to maintain a minimum balance of $165,000.

The present income in this region in excess of $48 million is more than double the revenues received in 1964. This happened regardless of the fact that at the same time this increase was occurring, a reduction of over 35 percent of the employees took place.

These are some ways communities benefit from Reclamation, and are the reasons water development efforts in America move forward.

RECLAMATION SPURS ECONOMIC OPPORTUNITY

(By Aldon D. Nielsen)

Reclamation's water developments are often, at first, not close to thriving communities. But such essential community resources as water supplies, power, and opportunities for people are the results of Reclamation projects.

The vital water projects transform rich land areas of the West from "worthless," as some have termed them, to "blossoming."

Included in the multiple opportunities that new water projects bring is the extension of transportation.

Beginning with construction, the water project requires freighting of large and small quantities of materials and equipment from industrial firms, near and far, by train, truck, ship, and plane.

In the construction of Glen Canyon Dam and Powerplant, located in the canyon area of northern Arizona, for example, $10.4 million worth of business was done with the transportation industry. This amounted to 4.3 cents of each construction dollar, and hauling the required equipment and materials benefited nearly every State.

The economic impact of constructing Yellowtail Dam and Powerplant also was studied recently. A Reclamation water storage facility in a gorge of the Bighorn River in south central Montana, Yellowtail's total freight bill was $2.3 million, or 3.1 cents of each construction dollar.

On each of these jobs, more than half of the total materials and equipment used in construction was supplied from regions outside that in which the features were being built.

FROM SOUTHWEST

Building materials, equipment, and freight, utilized for the construction of the two dams, was valued at $50.8 million from the Southwest region of the United States. The Rocky Mountain region supplied $31.1 million; the Far West, $25.5 million; the Mideast, $24.6 million; the Great Lakes region, $9.1 million; the Plains States, $4.0 million; the Southeast, $3.1 million; and the far Northeast, $0.7 million.

Another $4.8 million was supplied by foreign countries which, of course, also required extensive transportation after the construction items arrived at our U.S. ports.

The above distribution of purchases is based upon the point of origin for shipment to the contractor at the construction site.

Other significant items were purchased within the immediate area of construction and shipped from warehouse and distribution centers. If these warehoused items were traced back to their manufactured source, it would be noted that many originated, or had been manufactured in the Eastern half of the Nation. Such moving of products which ultimately are used by the contractor at a Reclamation construction site is a considerable item.

REGULAR BENEFITS

Once construction is completed and water projects go into service they generate a steady stream of annual recurring benefits to a number of industries.

An example is in the Columbia Basin Project in Washington where Reclamation completed an economic study in 1966 in cooperation with Washington State University. The irrigated project area and an adjacent dry-farm area were studied for their economic impact.

Shipments from the irrigated project area increased more than threefold from 1950 to 1962. The principal commodities presently being shipped out of the project consists of perishable and semiperishable crops such as potatoes, both fresh and frozen, dry onions, and melons. Freight out of the adjacent comparison area consists almost entirely of grains that are consigned to coastal points for export.

Wholesale value of inbound shipments to the irrigated Columbia Basin Project area in 1962 totaled $86.4 million. Of this $40.3 million came from the Far West, Rocky Mountain, Southwest, and Plains regions and $46.1 million came from the Great Lakes, Southwest, Mideast, New England States, and Canada. Outbound shipments totaled $63.7 million, of which $39.8 million went to the Western regions and $23.9 million to the Eastern regions.

Inbound shipments to the comparison dry land area totaled only $12.8 million in wholesale value, of which $6.9 million came from the West and $5.9 million came from the East. Outbound shipments from the comparison area totaled $21.5 million and were consigned entirely to the Far West and Rocky Mountain regions.

20-TO-1 RATIO

A comparison of the two areas indicates that the irrigated area has provided a substantial impetus to growth in the regional transportation industry. Inbound carloads, gross freight revenues and transportation employees per 10,000 acres of cropland in the project area exceeded those of the comparison dry land area by ratios in excess of 20 to 1. Outbound shipments favored the irrigated areas by a ratio of 8 to 1.

The larger ratio of inbound shipments is due to the fact that the expanding farm and business economy in the project area is drawing investment capitol to it.

The Columbia Basin Project in Washington provides an excellent example of industrial expansion as the water project grew. Approximately 6 miles of branch rail line was completed 2 years ago from the connecting point on the main line to the fertile Royal Slope area of the project. This area has about 86,800 irrigable acres for which water service is now available to 76,900 acres.

Another example in the Columbia Basin is about 55 miles of railroad being built from Mesa, across the Wahluke Slope to Mattawa. Again, this line will greatly enhance the development of the project and the economic environment of the area.

CROP SHIPMENTS

A major transportation industry function is the movement of food crops from Federal Reclamation projects and the Western States in general to consumers in other far-distant regions of the Nation. The 17 Western States as a whole, including both Federal and private irrigation development, produce about 60 percent of the Nation's supply of vegetables, fruits, and nuts and supply substantial amounts of such produce for the major eastern metropolitan markets of New York, Boston, and Philadelphia. Federal Reclamation projects alone produce about 20 percent of the Nation's supply of these crops.

About 50 percent of the total fresh fruits and vegetables for 37 major city markets in the United States are supplied by producers in the 17 Western States. In 1967 the West supplied about 31 percent of the fruits and vegetables at nine eastern cities; 45 percent at 11 southern cities; 43 percent at 11 mideastern cities; and 82 percent at six major western cities.

California alone provided about 34 percent of the total unloads at Houston, Tex., for example; 25 percent at Chicago and 20 percent at such far-distant cities as New York and Philadelphia.

In addition to the vast transportation requirements generated by agricultural production on all Federal Reclamation projects, another major transportation requirement is in moving all the equipment and supplies necessary both by the Bureau of Reclamation and the local water user organizations in the annual operation and maintenance of the water projects.

Another major development is the increased industrial expansion in the West as a result of municipal and industrial water service becoming available. Municipal and industrial water deliveries from 54 Bureau of Reclamation projects during 1967 totaled 543.2 billion gallons, to help meet the requirements of 13.7 million people. This represents a tenfold increase in water deliveries since 1956 when 25 projects supplied 53.9 billion gallons for 1.1 million people.

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HERE WE GO AGAIN

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. HALL. Mr. Speaker, the attention of the Nation is focused on the sharp debate now being waged over the budget of the Department of Defense.

We all agree, that the fat should be eliminated from the budget of any department, but sometimes, hasty and imprudent cutting can gut important items.

Recently the Joplin Globe newspaper printed a thoughtful and succinct editorial on this very subject. It is indeed timely and most enlightening.

I herewith include it in the RECORD so that its content can be made available for others to read:

HERE WE GO AGAIN

As the pressure mounts this year for ever-deeper slashes in defense spending, it may be worth recalling that the United States has been led down this primrose path before.

When Woodrow Wilson scrapped his campaign slogans and took this country into World War I our armed forces, after long years of fiscal starvation, were of the skeleton variety. With war once declared, of course, a tremendous buildup began, and when the Kaiser finally threw in the sponge the United States had acquired a very respectable military establishment.

But it was speedily junked, since World War I had been "the war to end wars," and most of our people were naive enough to believe it.

Some 20 years later, as we were being drawn irresistibly into World War II, the price of unpreparedness had to be paid once again. Franklin Roosevelt had seen what was coming, and had made some tentative moves to prepare for it. But he soon backed off in the face of the know-nothings in Congress and the unwillingness of the American people to pay the price for being ready. Thus, when Pearl Harbor blasted us out of our slumber, we repeated the same frantic—and needlessly expensive—drive to build an army, navy and air force upon which our national life depended.

One would think that we might have learned something from this second unhappy experience. But not at all. After the enemy had been crushed in 1945 there was a great rush to "bring the boys home" and to dismantle with reckless haste what then was the world's most powerful military machine.

Five years later we paid the price of this sort of rashness all over again. On the eve of the Korean war our defense budget had been cut to around $12 billion. We were lulled by the cozy assurance that it was the fat, not the muscle, which was being pared out of the budget. And of course we were unready when the North Koreans struck; for the third time in living memory billions of dollars were wasted on hasty military spending to compensate for our earlier neglect.

Are we going to stumble blindly down the same old path all over again in 1969? It looks like it. The wise men on Capitol Hill, who have led us astray so often in former years, are sharpening their knives. As soon as they get into full action again after their summer recess they will be hacking away at defense spending. The watchword is "economy at any price." The Nixon administration, and Defense Secretary Laird in particular, seem to be beating a strategic retreat.

Laird now proposes an additional $3 billion cut in the defense budget for fiscal 1970. He says he would rather make his own cuts at this time than to be forced to make deeper cuts which he says would result in a "chaotic" situation. But the Defense Secretary, in announcing his intention, warned not once but several times that even his own cuts will impair our military readiness "and reduce our capability to meet our current defense commitments." This at a time when the Soviet Union is spending substantially more money on its military establishment and significantly increasing its worldwide military power.

To put this matter in some perspective, our defense budget, even after the Laird cuts, would be $77 billion. That is a great deal of money. But it is not enough in a dangerous world if it means that the United States in terms of military power is going to become a second-best nation, unable to meet its commitments and incapable of insuring its own security.

Secretary Laird and President Nixon must have an informed opinion as to whether or not this is so. If they think it is so, then it seems to us that instead of retreating they should take their case over the head of Congress to the American people. They will find plenty of ammunition in the dismal record of the past 50 years.

CHEERS FOR OUR BAPTIST FRIENDS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Evening Star, Sept. 16, 1969]

AN AUTHENTIC VOICE

Amidst the tumult and the shouting of this sometimes bitter hour, when the hands of so many Americans seem turned against one another, it is too easy to forget that common sense and good will are still to be found in the great mass of our countrymen, black and white. There should be some expression of appreciation to the Reverend Joseph H. Jackson, leader for the past seventeen years of the 6.3-million-member National Baptist Convention, U.S.A., this nation's largest all-black Protestant denomination, for reminding us of this fact.

In his re-election acceptance speech to 14,000 delegates at Kansas City, Missouri, last week, Dr. Jackson firmly rejected the notion that America's churches owe James Forman's Black Economic Development Conference $3 billion in "reparations" for past injustices to Negroes. And he called for an end to the fratricidal "campaign of color" which pits "Negro Americans against white Americans."

In Dr. Jackson's view, the goals of the civil rights movement should be "not Negro rights alone, but the rights of all Americans." "The emphasis," he continued, "must be as much on civil responsibility as on civil rights."

Those are words that needed saying, and needed saying by a black man. They needed saying not as a means of getting the white community off the hook, but because they are in the best interest of the black community, the principal victim of lawlessness and extremism.

Militants of all kinds are killers of the American dream of "a more perfect union" under which all men, equally created, will enjoy their "unalienable Rights." It is at least doubtful that paying off blackmailers who employ threats of violence will help to achieve such a union.

Dr. Jackson feels it will not. He is of the opinion that there is no room for the "doctrine of separatism" in our national life and asserts that the future of Americans, black and white, "is with America."

This, one may trust, is the authentic voice of the silent, moderate majority of Negro Americans. It should be heard—and listened to—more frequently. The George Wallaces and James Formans will win the war for America's soul only if each of us, through our words and acts, concedes defeat.

IMPRESSIVE RECORD OF LEAGUE OF WOMEN VOTERS FIGHTING STREAM POLLUTION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. GUDE. Mr. Speaker, in its typically thorough and responsible fashion the League of Women Voters is focusing attention on a major problem of the Nation's physical environment through the league's Water Resources Committee. In Maryland, county units as well as the State league have played a large role in alerting the public and the public officials to the importance of preservation of our water resources.

The following article describes the active role of the Howard County, Md., League of Women Voters and league efforts all across the Nation in fighting the causes of water pollution and for enlightening the citizenry on a matter of growing importance. I commend to your attention this article from the Howard County Times of August 28, 1969:

LWV HAS IMPRESSIVE RECORD IN FIELD OF STREAM POLLUTION

America is in the midst of a water pollution crisis, according to Mrs. Charles Higgins, president of the League of Women Voters of Howard County.

"Although many people are aware of the situation," Mrs. Higgins points out, "the League feels that there is a big job to be done in learning the causes of pollution and other water problems, in informing the public and in correcting what could be a national tragedy."

Mrs. Higgins sees progress being made, however, and she notes that individuals, civic groups, communities and industries are becoming increasingly aware of what is happening—and should not be allowed to happen—with one of the nation's most valuable natural resources.

Locally, the League has worked with the Soil Conservation District in its efforts to protect the watersheds of the Little and Middle Patuxent Rivers.

League representatives attend all hearings, meetings and conferences pertaining to water resources in the Baltimore Metropolitan Area, and then report to members so as to keep Howard County Leaguers aware of the region's problems and progress.

Moving into the battle for clean and better waterways in 1956, the League of Women Voters, working with other organizations on all levels, has become a widely respected leader in the field.

Perseverance is a byword in the fights for good water waged by Leagues around the country. The Tryon, North Carolina League led the way in a 12-year campaign which culminated in passage of a $450,000 bond issue in 1967. Tryon Leaguers admit that they didn't realize the extent of the pollution crisis in their community until they read the study which they themselves had put together. What they discovered was enough to shock anyone into action: raw, untreated sewage was being dumped directly into the region's streams.

As a first-step, the League organized a tour for a high school civics class and brought local newsmen along for a first-hand look at the contaminated waters.

This provided an initial spark, but there was still a long road ahead. The League next set about trying to convince the Town Council that a bond issue was needed to reverse the pollution situation, and it offered recommendations after studying sewage treatment facilities in neighboring communities. It took several years of convincing, but, as one Tryon Leaguer put it, "We nudged the Council every now and then." The "nudging" paid off, and the bond issue was carried by an overwhelming majority in 1967. Tryon is now on the road to reclaiming its streams and waterways through sewage treatment facility construction.

The problem of pollution is by no means the only one relating to water that concerns the League of Women Voters. Leagues work on projects involving water supply, river basin planning, flood control, and many others. In California, the League of Orange County supported a $46-million bond issue to continue long-range flood protection works and a water management program, in order to prevent the area from being inundated in the rainy season and parched in the dry season.

The League of the Lower Connecticut Valley is helping to save that region's coastal wetlands by working for the designation of areas as recreational sites, and by working to cut off plans by developers to fill in the marshlands.

Around the country similar League projects have been and are being repeated:

The Vermont League has worked to have Lake Champlain designated as suitable for swimming and water skiing.

The Alabama League directed its efforts toward keeping the Tallapoosa and Alabama Rivers standards high enough to allow fishing, shell-fish harvesting, and recreation along the riversides to continue.

The Wisconsin League has taken an active role in projects involving the Fox and Wisconsin Rivers and tributaries, as well as Lake Michigan.

Out west the Washington League's State Chairman, Mrs. Mortimer Thomas, because of her long-standing interest and activity in water conservation, was asked by Governor Dan Evans to become co-chairman of the statewide Washington Committee for Clean Water. She is now working on passage in November of a $25-million bond issue which would match federal funds allocated from the Sewage Treatment Facility Construction Grant Program. This would make Washington one of the first states to match federal funds with state money on such a project.

And the Washington League is already setting its sights on the future, aiming at further improvement of pollution control laws and at legislation which would attempt to cut down oil spills in Puget Sound.

State and local Leagues do not always act on an individual basis. When the situation warrants it, Leagues band together and tackle common problems through inter-League group action.

One such group, concerned with the Susquehanna Basin, includes League representatives from Pennsylvania and Maryland. The current problem receiving this group's attention is the serious pollution being caused by acid washing into the Susquehanna Basin from strip mines and abandoned coal mines, resulting in large areas of "dead water."

The Lake Erie Basin inter-League group—with representatives from Michigan, Indiana, Ohio, Pennsylvania, and New York has been involved in the massive undertaking of cleaning up Lake Erie. The study they published on the Lake "Requiem or Reprieve?" has been widely used.

And, a tri-state League group of New York, New Jersey and Connecticut is studying the water resources they share and the problems of New York Bay and Long Island Sound.

The National League has by no means left all the work up to the local Leagues. The League's national headquarters has been in the forefront of movements resulting in the passage of much significant federal legislation, including the Water Quality Act of 1965, the Clean Water Restoration Act of 1966 and the expansion of the Federal Pollution Control Act.

When President Johnson signed the Clean Water Restoration Act of 1966, standing at his side at the White House ceremony was Mrs. Donald Clusen, Chairman of the National League's Water Resources Committee. The pen used to sign the Act and then presented to Mrs. Clusen by the President was testimony to the contribution toward good water made by the National League and Leagues throughout the country.

Mrs. Clusen, who has testified repeatedly before Senate and House Public Works and Pollution Committee hearings in Washington, believes that getting the money to back up the legislation now on the books is a top priority job. A great deal of the testimony she gives in Washington is before various committees on appropriations.

Much financial help has come from foundation contributions to the League's nonprofit arm, the Education Fund. Contributions are earmarked for specific water projects. Among the Fund's major endeavors: a series of seminars to focus attention on regional water and land problems and to show community leaders how to clean up their area's waterways. The seminars were held from New England to the South, Mid-West, and Pacific Coast. And more are in the works. Plans are now underway for a Western Water Conference which will bring together representatives from a dozen states to explore the past, present, and future of the Western water picture.

TIMES CHRONICLE TO MARK 75TH ANNIVERSARY

HON. R. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. COUGHLIN. Mr. Speaker, the role of the community newspaper in communicating news of importance to readers has expanded rapidly in the last decade. This has been especially true in fast-growing suburban areas such as my congressional district.

In addition to the major role played by three fine daily newspapers in Montgomery County, Pa., the community newspapers' development has demonstrated the important function this media performs. Although recent times have witnessed an amazing growth, community newspapers have been serving their areas for many years.

I am pleased to salute one of these newspapers, the Times Chronicle, published in Jenkintown, Pa., which marks its 75th anniversary with a special edition on October 2, 1969. The Times Chronicle was formed from a merger of two newspapers, both started in Jenkintown in 1894. The Jenkintown Chronicle, first published on March 28, 1894, and the Jenkintown Times, first published on April 7, 1894, were merged to form the Times Chronicle. The new publication printed its first edition on December 29, 1894.

Still published in Jenkintown, the Times Chronicle has served that borough and neighboring communities each week since. In 1959, the Times Chronicle was purchased by the Montgomery Publishing Co. and is now one of a group of community newspapers that circulate in Montgomery, Bucks, and Philadelphia Counties.

In recent years, the Times Chronicle has been distinguished by the performance of its staff. It has received awards for editorial work, production quality, and community service.

Numerous awards were earned in the statewide Keystone Press Contest sponsored annually by the Pennsylvania Newspaper Publishers' Association. Last May, the Times Chronicle won the 1969 Sweepstakes Award, the top prize among all weekly newspapers in the PNPA contest.

The Times Chronicle also received several top awards in the National Newspaper Association's annual competition. Twice in recent years, these awards recognized general excellence of the overall newspaper. Other citations were awarded for individual writing.

This year, the Times Chronicle won second place in the weekly division of the national Edmund C. Arnold Awards competition in typography.

Besides a number of local citations, the newspaper and its staff have been recipients of awards from the Freedoms Foundation at Valley Forge and the Chapel of the Four Chaplains in Philadelphia.

On the occasion of the Times Chronicle's 75th anniversary, I am happy to pay tribute to the newspaper and to the people who write, edit, and produce it. I think that Montgomery County is blessed both in the quality and the number of its news media, and am glad that the Times Chronicle is one of my "constituents."

ADM. JOHN HARLLEE RETIRES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. PICKLE. Mr. Speaker, on September 1, Rear Adm. John Harllee stepped down as Chairman of the Federal Maritime Commission. He is undoubtedly one of the very best men we could have ever had for that demanding job.

Admiral Harllee built his expertise from a solid 37½ years in Government service. He knows the shipping industry only as a man who has been to sea can know it; his outstanding military career made him qualified for the administrative functions of that office.

Admiral Harllee was a personal friend of President John F. Kennedy and President Lyndon B. Johnson. President Kennedy appointed Admiral Harllee to the Federal Maritime Commission in August of 1961 and, on August 26, 1963, named

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him Chairman. He was sworn in by President Johnson on July 20, 1965, for his second term; that was the first 5-year term granted on the Commission. No man deserved recognition more.

During the time of the attack, Admiral Harllee was stationed at Pearl Harbor. During World War II, he commanded a motor torpedo boat squadron and served as chief staff officer of the PT organization in the South Pacific. Among his many distinguished awards were the Silver Star and the Legion of Merit with Combat V. His squadron received the Presidential Unit Citation for 6 months of action during his command.

After the war, he served with the Navy's congressional liaison unit; commanded the destroyer U.S.S. *Dyess;* and graduated with grade of excellent from the senior course at the Naval War College.

During the Korean conflict, Admiral Harllee again chose active duty. He was executive officer for the cruiser *Manchester* and was awarded the Commendation Ribbon for conduct in action. He commanded a destroyer division, which included a tour as commander of the surface ships on the Formosa patrol. He served as chief of staff of Destroyer Flotilla Three and commanded the attack cargo ship U.S.S. *Rankin,* which won more awards than any other naval vessel during the 1957–58 period under his command.

During his leadership at the Federal Maritime Commission, Admiral Harllee was honored many times by the shipping industry. He received the "Man of the Year" award by the New York Foreign Freight Forwarders and Brokers Association, the Golden Quill award by the Rudder Club of New York, the Order of Maritime Merit by the San Francisco Port Authority, the Honorary Port Pilot Award of the Port of Long Beach, and was cited by the Federal Bar Association for his work in maritime law. The shipping industry is a tough-minded, strong segment of our economy. Obviously, they admired and respected the strength and the determination instilled in the Federal Maritime Commission by Admiral Harllee. His years in the Navy gave Admiral Harllee the savvy and the grit necessary to chart the progress of the Maritime Commission. He has served us very well in this, his latest Government activity.

Mr. Speaker, the above is the official record. It speaks well for this outstanding public servant.

What is not always apparent in the printed word, however, is the strength of the character that is instilled in this man. Those of us who have worked with him know that Admiral Harllee is a capable administrator, as is shown by his record, but we also know that he is a tremendously warm and kindly man who is loyal to his friends. He is one of the most thoughtful men, in Government, and his roots in Texas history go far back to the early days when Texas was first being settled. His great uncle, Judge Zachary Taylor Fulmore was one of Austin's first leaders; he served as county judge and head of the school board. The Fulmore school in south Austin is named after him.

George Childress, great uncle of Admiral Harllee, played a vital role in Texas history—he is the drafter of the Texas constitution.

Mrs. Harllee's ancestors were strong characters in shaping Texas history, too. Her great grandfather, Sterling C. Robertson, was one of the signers of the Texas Declaration of Independence. He founded one of the largest colonies in our fledgling republic, later incorporated as Salado.

Altogether, the spirit of Texas history courses through the veins of Admiral and Mrs. Harllee in a lively and pulsating manner.

We bid them goodby for the moment, and it is with a warm feeling that we also extend the thanks and respects of the entire Congress.

THE URBAN PROBLEM AND THE GOP

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. CEDERBERG. Mr. Speaker, the crises which American society today faces transcend party boundaries and petty politics and demand of each of us a dedication to a concerted effort to raise the quality of life in every corner of the Nation.

Certainly any organized program to meet this objective ought to be recognized and promoted. In this vein I would like to bring to the attention of my colleagues the activity of one of the great women of Michigan and of the Republican Party.

Elly Peterson has long been involved in the struggle to bring the Republican Party to the people. Her success in the State of Michigan during the last few years has brought her national attention as one who is genuinely concerned about the problems of the cities. In the announcement of her appointment to be assistant chairman of the Republican Party, her activity in organizing and promoting the "Metropolitan Action Committee" to serve those in need of help and to explore community problems in the city of Detroit is noted as one of her major achievements.

A member of numerous civic and service organizations, Elly continues to witness to her desire to improve the quality of life in the cities and to provide methods for the continuing solutions of the massive urban problems which face us today. In doing so she contributes immeasurably both to providing avenues for meeting today's problems and to showing the Republican Party's genuine concern for the people of the cities. In this regard I would like to bring to the attention of my colleagues the following article from the Washington Star, September 15, 1969:

ELLY PETERSON BUILDS URBAN GOP

(By Paul Hope)

Other women may get more glamorous assignments in the Nixon administration, but Elly Peterson is likely to have a more lasting effect on the Republican party than any of them.

Mrs. Peterson, one-third of a triumvirate that built the Republican organization in Michigan a decade ago, has been given the job of building the party in the cities.

Her office is not in a plush town house, and she won't be hostess at fancy parties for world dignitaries. Her desk is in a partitioned section of the Republican National Committee headquarters that presently is half white and half blue because workmen have finished only half of a repainting job. Many of the parties she gives are likely to be in the ghetto, attended by people who never thought they would see the inside of a Republican precinct headquarters.

She doesn't believe for a minute the many reports that the Nixon strategy for reelection is a Southern-oriented one that largely writes off the Negro vote and the industrial states of the Northeast.

"That idea came from a book by a young man I'd never even heard of—Kevin Phillips," she said the other day. "I just don't buy the concept, and neither does Rogers Morton."

Morton is Rep. Rogers C. B. Morton of Maryland, who was handpicked by President Nixon to be chairman of the Republican National Committee. He talked Mrs. Peterson into coming to Washington to give him a hand as assistant chairman.

Phillips was a worker in the Nixon campaign and now is an aide in the Justice Department, which is headed by Nixon's 1968 campaign manager, John N. Mitchell. Phillips' recent book suggesting a Republican strategy for building a majority party has received widespread attention.

"I don't believe any party can really be successful unless it appeals to all people," Mrs. Peterson said. "And let's face it, the Republicans have ignored the cities all these years. We're going to do something about it."

The heart of her program is the "community action center," a concept pioneered in Detroit by the Michigan Republican party. It's long on public service, but short on blatant party promotion.

"Instead of a woman and a phone and piles of literature, this operation will take on the coloration of the community and try to solve its problems," she said.

The Detroit center, for instance, discovered that older citizens of the Negro section complained frequently of getting brushed off at the Social Security office. An investigation showed the complaints were justified and that all that was needed was a single change in personnel. An appeal to Sen. Robert P. Griffin accomplished that.

The Detroit center also found that an insurance company was taking money from ghetto citizens but not delivering the policies. Through the center's efforts, the company was finally closed down.

The center sponsors Christmas parties for children and sends kids to camp. It sponsors programs in schools showing high school seniors how to apply for jobs. It runs a Little League program.

Before long, Mrs. Peterson hopes to have action centers in all the big cities sending out the message: "What's on your mind? An abandoned car in front of your house—dirty streets—or a broken street light—whatever's bothering you, call us! We can make things happen."

Says Mrs. Peterson: "We are trying to relate community service to the Republican party. This is not a campaign gimmick: We may not get results for years. We want to get across to the people of an area that we're not going to pick up and leave as soon as a campaign is over."

Exuberant, gray-haired and in her mid-50s, Elly Peterson has been a Republican volunteer and organizer all her adult life. After every new assignment, she figured she would retire from politics and take it easy. A good time would have been after the 1966 elections, when she was state chairman and Michigan Republicans had an outstanding year.

She says that when her husband, Col. William M. Peterson, U.S. Army property and fiscal officer stationed in Lansing, retires in 1971, she plans to hang up her political running shoes, too.

But hardly anyone believes it, for as Elly Peterson once said: "I get more fun out of a precinct organization than six no trump, doubled."

THE REAL HARM OF MARIHUANA

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mrs. MAY. Mr. Speaker, the arguments on marihuana that one usually hears are centered around personal harm. Yet the real harm is social.

This is the belief of Judge Albert J. Yencopal, a justice of the peace at Richland, Wash., and I would like to share with my colleagues the text of a judgment by Justice Yencopal on this subject.

I should explain that the Washington State Legislature recently passed a law permitting cases on the illegal use of marihuana to be heard in justice courts. Judge Yencopal is a highly respected justice of the peace who is considered to have an impressive insight into social problems, particularly those involving young people. Because Judge Yencopal's recent ruling was his first since the State legislature acted, he has elaborated at considerable depth in order to make known his policy and reasons thereto. I believe his judgment is sound and therefore, in order to share it with my colleagues, insert it at this point in the RECORD:

IN JUSTICE COURT, RICHLAND PRECINCT BENTON COUNTY, WASHINGTON—No. 2183-5

JUDGMENT

This is the first case on the illegal use of marijuana that has come before me since the Legislature has passed the law permitting the same to be heard in courts of this jurisdiction. Thus, I have elaborated at considerable depth and length in order to make known my policy and the reasons thereto. Also, because of the number of youth involved, I direct this opinion to them.

Marijuana is a dangerous drug. It is much more dangerous to the non-user than to those who resort to it. It is the hard-working, responsible citizen who suffers by the cult that it creates. For it is he, the responsible citizen, who is called upon not only to support himself and his family, but also to carry the burden of the drug-oriented, anti-social user. If he fails to provide for both, the culture in which he lives will surely deteriorate and be less than desired, and possibly may even fail to meet the needs for a good existence. The impact of the "lark" attitude that some have toward the drug may not really be felt until the next generation—when it comes to light that the smoker of it is neither physically nor mentally fit to shoulder the burdens that society imposes upon him. In short, he is incapable of caring for himself and those in his trust at a level necessary to maintain the culture through which he receives his present beneficial needs.

As mentioned above, the 1969 Legislature classified marijuana as a dangerous drug, whereas formerly it was considered a narcotic. The penalty for use and possession was drastically revised. It is a misdemeanor for the first offense, a gross misdemeanor for the second offense, and a third charge is a felony.

No better contrast comes to my mind to demonstrate this warning than appears in the area of the University of Washington. The contrast developed there is the surest stinging indictment for the total prohibition of marijuana and other such drugs. It is an indictment of a drug-oriented cult. For, on the one hand, we see thousands of good students preparing to improve on our highly technological society. It is highly technological of necessity for how else can we feed, clothe, shelter, educate, transport, and meet the needs of over 200-million Americans and many other millions of other countries. We see the vast majority of students who, with clear heads, get involved in society and its problems. We see reality faced and conquered. What a blessing it is to see these fine minds preparing for the future so that we will be able to analyze present agricultural methods and improve on them to feed a hungry world—diagnosing the causes of mental, physical, and social ills, and then coming forth with solutions to eradicate them—making the pains of dentistry a little less—seeking new and improved ways to reach our children and provide them with means to satisfy their thirst for knowledge—unpolluting the water and purifying the air to make them fit for human consumption—learning, studying, working to improve the lot of all mankind in his quest for life, liberty, and happiness. Through his tireless efforts, he prepares for the future—a preparation that is tedious and laborious. I think that this can best be illustrated in the remarks made by Professor Frederic A. Harris, University of Washington, who is also an active jazz pianist. (Drugs: Escape to a Dead End; Sunday, November 3, 1968; Seattle P.I., Northwest Today.)

"I admit that it must be intimidating to be young nowadays, to look at the almost unbelievable accomplishments of the establishment—heart transplants, rockets to the moon, sewing machines that wind their own bobbin, etc.—and then realize that before you can make your dent—before you can make your presence felt in the world—you will have to go through years and years of apprenticeship. You will have to work, study, and learn before you can do; and, until you've put in your time, you really aren't worth much in comparison to the others who have already achieved something, who have already contributed something of obvious value. How much simpler it is to deny the worth of these achievements, to denounce the complexity as inhuman, artificial, undesirable, and to advocate regression to a world where everything is simple—where we sit on the grass and love each other, in our drug-induced stupor, regardless of any personal merit or demerits we might have."

These fine ladies and gentlemen are preparing, with clear minds, to look reality right in the eye so that they can shoulder the burden of society—which burden is to meet the needs of millions of people.

On the other hand, on grounds located adjacent to that great University (known as the U District), we see the habitat of drug users, the advocates of legalizing mind-altering drugs, including marijuana. Their demonstration of a culture is the most solid indictment that I know of for the prohibition of these drugs. For during their formative years (the vast majority of them being youngsters), they have chosen to cloud their thinking. Through drugs, they seek instant happiness and instant solutions to complex problems. They acquire neither. They neither work, learn, nor study. They contribute nothing to the improvement of society—do nothing to realistically meet the needs of millions of people. They seek not to purify the air or water—nor improve the productivity of the availability of food—nor improve the manufacture of clothing—nothing to the construction of shelters—nothing toward the eradication of disease—nothing to eliminate ignorance—all of these being so essential for liberty and for life—all of these being the very reason why society exists.

Instead of maintaining a rational mind, they deliberately seek a state of intoxication. Instead of facing reality, they hide from it. Instead of associating with people, they prefer to substitute drugs for people and withdraw from them; and finally, they use people in order to obtain their drug supply (and the people they now include are those in junior high and elementary schools as well). In the name of and for the sake of mankind, what are they doing?

They protest against society for some reason or another and, thus, allegedly withdraw from it. This is a half-truth. The term society means that people are working together to achieve the necessities of life. The key word is "working." Let me demonstrate why I say their so called "withdrawal" is only a half-truth—only half right. Also, I wish to dispel the argument that they have the freedom to act as they are now doing. Nothing is free. They drink the water which is taken from its source by pumps, channelled in pipes, chlorinated to make it fit for human consumption—all done by society, all of it at a cost. To this extent they have not withdrawn from society—but they contributed nothing to it—and, yes, to that extent they have withdrawn. They eat the food that is grown, developed, transported, preserved, and marketed by us, as members of society, making it fit for consumption, and at a price. To this point they have not withdrawn from society—but they contribute nothing to it—and, yes, to this point they have withdrawn from society. They shelter themselves in clothing which has been developed in our society, from the shearing of the sheep or picking of the cotton to the finished product. They use the public parks and streets made by society, and all of these at a considerable price—to this extent they have not withdrawn from society—but they contribute nothing to acquire these—and, yes, to that extent they have withdrawn from it. They, by their music, by their conversation, communicate with other inhabitants of society through a system of communication which has its foundation and is developed in our school system—the product of society, at a price—yet they contribute nothing to it—and to that extent they have withdrawn from society. In short, under the banner of rights, they are taking the fruits of society without making any contributions thereto.

At this point I wish to quote from Professor Harris.

"How can artificially altering the function of the brain possibly improve one's relation to the world and to other people? How can hallucinations and distortions be preferable to the real world? I get my kicks looking down from Mt. Constitution on Orcas Island. How can there be any joy in disorganizing what it has taken evolution eons to create and organize, in substituting neural chaos for neural order? Don't tell me to take drugs to find out; I don't have to hold a stick of dynamite in my hand to find out what will happen to me when it goes off. One can learn from the experiences of others; and as a musician, I have had ample opportunity to observe the effects of psychodelic drugs.

"Over long periods of time (much longer than the usual period of laboratory study of the effects of drugs), I have watched people deteriorate under the influence of marijuana, amphetamines, LSD, and the like. I have watched their talents wither, their minds cloud, their bodies deteriorate, their paranoia grow. I have watched them become non-contributing individuals—doing nothing for themselves—nothing for society. They merely take up space and continue to absorb drugs and stand still."

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Such is the drug-oriented culture that inhabits the University District of Seattle and, I am sure, other areas throughout the country.

It appears to me that there is too much discussion centered around the effects that marijuana has on the individual who uses it and not enough on the harm done to society. For on that point, the authorities may not be in total agreement on the harm its use may have to the individual; but they are in perfect accord that such a drug-oriented culture is destructive to society because it creates far too many individuals who contribute nothing. As long as the user feasts from society and contributes nothing to it, then society has the right—in fact the duty—to prohibit its use. This is why it is prohibited in every civilized nation in the world.

At this point I wish to direct the following to these young people who continue to argue favorably to marijuana's legalization—that to use it is a lark.

(1) In the first place, whether he realizes it or not, he is the idol—or I should say the excuse—given by high school, junior high, and elementary students as to why they experiment with it.

(2) He has fattened the pocket of the pusher—however slight—that same pusher whose ultimate aim is to get him dependent on the use of illicit drugs.

(3) He has given legitimacy to a drug which his fellow man, who may not be as mentally capable as he, and is apt to become dependent upon its use to face reality.

(4) He has made it easier for drug dependents to gather in environments which make them easier prey to physically addictive drugs.

(5) He must ask himself the question: To what degree has he contributed to the thinking which governs those who seek to sell him or anyone else—and regardless of age, be they 10 or 60 years of age—a mind-altering drug.

(6) He must ask himself the question: Whether it is good that youngsters turn to drugs to "turn-off" society.

(7) He should ask himself who is going to provide the public and private necessities for those homeless youngsters occupying the U District.

(8) Finally, he should ask himself: Will he be able to support the drug dependent and also protect himself and his family from the challenges of mental and physical health disorders.

The young are normally accusing the older sect of having a double standard of morality—especially by some being able to smoke cigarettes, but at the same time, denying the young the desire to smoke marijuana—that both are harmful to the individual. In that respect, the prolonged use of either may very well tend to be injurious to the individual's health. But where the contrast really lies is in the effects of each on the social order. As I watch a carpenter construct my homes, I prefer to wish that the weed he is smoking is a cigarette rather than marijuana. As I am talking to my lawyer who represents me in serious litigation, I prefer to believe that the weed he has in his mouth is a cigarette rather than marijuana. As I watch the pharmacist fill a prescription for my child, I prefer to have the weed that he has just set down be a cigarette rather than marijuana. I prefer this because he is still with us, and he maintains a sound mind. With marijuana, the mind loses its stability for hours at a time.

So too we hear this same argument with respect to alcohol. The only similarity rests with the intoxicating effects of each. The marijuana user indulges in its use for the purpose—the sole purpose—of getting intoxicated. That is its only purpose. The same may be said for the abuse of alcohol—not the use of it—but the abuse of it. Thus, the use of one and the abuse of the other are similar; and each is a violation of the law. The vast majority of persons who use alcohol do not do so for the purpose of getting intoxicated—to impair their judgment or to alter their thinking processes. It is ridiculous to contend that the champagne toast to the astronauts at Los Angeles was for the purpose of getting intoxicated.

Thus, in résumé, the real danger of marijuana is the effect it has on the non-user, productive, and contributing member of society. For it has demonstrated in other countries that if legalized, it can deteriorate a society so that it hampers its very reason for existence—to furnish the needs of those it embraces. It has no beneficial use. The only evidence is to the contrary—that it is destructive of society—evidence that is substantial, visible, and time tested. Thus it is my duty as a judge, first and foremost, to preserve society so that it can provide its members with the essential ingredients of life. It is also my duty to perpetuate it by reducing the numbers within it who may become leaches and whose care will have to be provided by the contributing members. The evidence is overwhelming that marijuana, in this sense, is a real social evil from which the majority are entitled to protection.

Those who seek to create a drug-oriented culture, contrary to the wishes of society's majority, should be dealt with harshly—especially when the purpose of establishing such a cult is for private financial gain—for the pusher. For it is he who benefits most from a person becoming a drug dependent. He works hard to achieve this desired result. He cares not what age are using the drugs—and in fact, the younger the better because of their innocent ignorance. This is his livelihood—to get children, adolescents, and adults to be drug dependent—so that drugs replace people and people rely upon him for their supply. This is his goal—to get them in his clutches, surely and firmly. It is he who must be stopped.

Therefore, I am taking this opportunity to suggest the following:

(1) That parents who suspect their children with using drugs, may contact the proper authorities without fear of prosecution of their child, unless the parents so desire, and that the authorities, parent, and child shall strive to attain the identity of the source of the drugs.

(2) That those courts having jurisdiction over the pushers gain the universal reputation that sentences on pushers who do so for a financial gain shall be swift, sure, and harsh.

(3) That the Parole Board set the maximum to be the minimum for pushers who do so for a financial gain.

(4) That the courts impose such sentences and grant suspension of jail and fines so as to discourage the trafficking of drugs.

(5) That when the name of some individual becomes evident as being a pusher for economic gain, that not only he be subject to prosecution for such offense, but also to determine whether there has been a violation of the Internal Revenue Code.

I do not consider the use of marijuana to be a lark. It is a terrible social evil. I do not enjoy supporting someone else who deliberately distorts his mind to the extent that he is worthless as a contributing member to society. I am convinced it creates a new and young breed of leaches on society. The young energetic good citizen is seriously penalized by its use for he has the task of caring for himself, his family, and also the drug derelict. This is patently and grossly unfair. For the reasons that I have stated herein, I am levying the maximum jail sentence, which is six months and the maximum fine, which is $500. Any suspension of a part of the jail sentence or fine will be dependent upon the defendant—whether he chooses to contribute to the protection and the preservation of society that has been so good or does he choose to be a burden to his fellow man and, thus, be truly withdrawn from it. This is up to the defendants.

Done in open court this 26 day of August, 1969.

ALBERT J. YENCOPAL, *Judge.*

OUR CRITICAL FISHERIES CRISIS

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. BYRNE of Pennsylvania. Mr. Speaker, as a member of the Merchant Marine and Fisheries Committee of the House of Representatives, I am personally aware and personally concerned with the crisis facing our fishing industry.

I think most of the Members of this body share that awareness and the recognition that the problem is of such magnitude that it cries out for immediate action—before we have lost not only an entire industry, but also one of our major sources of nourishment.

To illustrate this magnitude, I ask unanimous consent to place in the RECORD the cover story of the August 17, 1969, edition of Today, the Sunday magazine of the Philadelphia Inquirer.

This story, entitled "Fishing for a Living Off New Jersey," was written by a young free-lance writer, Nicholas Kazan, and accompanied by a series of most spectacular photographs by Anthony Riccardi, a staff photographer of the Inquirer. It is unfortunate that through the medium of the RECORD we cannot appreciate these photographs which tell a story which cannot be put into words.

But the text is most cogent and enlightening. Perhaps it will explain to the housewife why seafood prices are so high; perhaps it will help convince the public that action is necessary, and necessary now.

The article points out what we have known here for some time—that the United States, once the second largest fish producer, is now sixth. That food fish, which once abounded off our Atlantic shore, is rapidly disappearing, being replaced either by "junk" fish or a void.

You do not have to tell the housewife where the price of fish is; she knows she is getting less and less fish for more and more money.

I urge each Member of this House to read this article and join with me in promoting urgent and meaningful legislation toward correcting this dangerous trend which affects, in some manner, every citizen of the United States:

FISHING FOR A LIVING OFF NEW JERSEY

(By Nicholas Kazan)

Everyone knows what the oldest profession is. Fishing. It is older than man. Or woman.

Figure it this way. Man evolved from lower orders: One day a monkey spoke, another understood, and man was created. But before monkeys existed, before dinosaurs and pterodactyls, before the first venturesome creature crept onto land, everything that lived lived in the ocean. And most things that lived there made their living by opening their mouths and going fishing.

It's not so easy for man. Before he can taste fish, an anachronistic process must bring it to him. Fishermen today use radios and charts, depth meters and fish scopes, but the basic elements of their art remain: a sea, a man, a boat, a net (or a hook, or a harpoon) and, somewhere, a fish. These are the rules, and they have not changed for thousands of years.

Men who live and work by these rules are scattered on a 50-mile radius from Philadelphia—in inlets, bays, and harbors along the southern New Jersey coast. Half a mile from the beaches and the Ferris wheels and the Spin-Inn Drive-In Hamburger joints are secreted half a dozen dock areas that send fresh fish to Philadelphia, Baltimore and New York.

Some docks are old and healthy, others old and dying, but the state of the industry is best described by the scene at one of them: Oteen's Harbor in Wildwood.

There, behind the 30-odd boats that were built to trawl for fish and now dredge for clams because that's what's left, behind the dock that has rotted under foot and collapsed overhead, looms the huge rusted hull of a ship—a fishing boat that was begun and never finished.

The lines of the boat are clean and sleek, and promise to guide easily through water. But today it sits helplessly grounded, awkward and anomalous among the cars and trucks that come and park beside it and then shift away in jerky, graceless spurts, the way motor boats move on the ocean.

Those that work in its shadow—the men who clam or pack clams or cut fillets out of fish sent down from Massachusetts—ignore this most pristine of vessels, this wreck untouched by seawater. But they all understand its unfulfilled promise. They know it is a monument to the times. It is as if the God of fishermen had commanded Noah to build, and Noah had begun, and then Noah climbed down from his ark and picked his way slowly along the pier, avoiding the holes, and hopped into the pretty, vinyl-blue tourist vessel that floats at the end of the harbor, next to the sidewalk along Park Boulevard; as if Noah had chatted with the other tourists eating popcorn and hot dogs and sipped gin, and then gone out for a spin on the waters.

Fishing is a dilapidated, retarded industry in New Jersey, and it needs a flood. If the vast cleansing waters do not descend, if there is no new world created, the present industry will splinter and rot until nothing remains—not docks, boats, fish or fishermen.

The decline in available fish has been appalling. John Shaw, a lobster pot fishermen from Atlantic City, recalls that in the old days "the problem wasn't catching fish; it was selling them. We caught too many." Today the situation is reversed. All edible fish are sold, and rising prices help to compensate for diminished fish stocks. But the time may come, regardless of price, when there is nothing left to sell.

Last year New Jersey fishermen landed 126 million pounds of fish, slightly more than their fathers and grandfathers caught in 1901. But last year more than half the fish landed were inedible—caught for industrial use. The 1901 catch, made with the most rudimentary equipment, included at least 12 million more pounds of edible fish than the 1968 catch.

So it goes. The New Jersey fishery reached its peak level, 540 million pounds, in 1956. But almost 90 percent of that catch was menhaden, a fish caught for processing into such products as animal feed, lipstick and linoleum. By 1956, most edible fish were becoming scarce.

That trend has become precipitous in the past seven years, following the heavy storm of 1962. Since then virtually every species of finfish, including menhaden, has declined drastically. Porgy and fluke (a kind of flounder), which have been the mainstays of the local industry for the past decade, are being caught at less than a third of their former levels. Only higher prices and an increase in available shellfish—lobsters, surf clams and scallops—have allowed the industry to survive.

Fishermen regard the depletion of the seas with alternating moods of indignation ("Why doesn't the government help? It pays the farmers not to plant, but it doesn't pay us not to fish.") and equanimity ("It's a fading life like anything else.") Fishermen accept whatever fish come into their nets, whatever money comes to their pockets. The sea, the work, is always there, beckoning; and it's like a boxer missing his opponent, it's just as much work to catch nothing. Besides, as one dock owner says, "Many fishermen think like I do. Fishing may be dead here in 20 years—but so will I."

As docks are old, as boats are old (more afloat today were built before 1925 than since 1960) so are the fishermen. They look like the backbone of the Social Security system, these old men of the sea, and they walk on land with the easy rocking rhythm of the water. They will haul in a net on the day they die; and those that won't, the ones who come ashore first, do not retire to their homes and wives; you see them packing fish on the dock or running the pulley that unloads the catch. When they get too old for that, they stand and watch. They say it gets in your blood.

Most have had it in their blood all their lives. They started fishing because they went to sea in the Navy and liked it, or because they lived in the neighborhood and watched, or because their fathers handed them a mop and said to swab the deck.

They've fished ever since. It shows in the clear blue eyes, the skin thick and wrinkled like a turtle's, the testy sinuous strength that gives a man of 60 the vigor of someone 30 years younger.

It shows too in their language, which is rough, and in their use of it, which is simple and direct. A fish can't be sweet-talked or hustled. You can swear at him if you want to make yourself feel better, but there's no use lying or prevaricating. The only truth a fish understands is your net.

The truths of fish and net are primitive ones, without a visible financial future. They have nothing to do with tax benefits or stock transfers, with health insurance or early retirement plans. It is not hard to see why most "younger" fishermen turn out to be 40, and why young men who used to go to sea, today go to college. A few still move from the Navy to the fishing boats, but there is a shortage of men on the docks, and sometimes a captain has to wait a week to gather a crew. The eager boys from the neighborhood are gone, and today when a captain takes his son on board, he hopes the boy will get seasick—and sea-weary. Only in small towns like Wildwood does the old familiar pattern hold true. There you can still see a 12-year-old boy scrubbing the deck after the boats come in. You ask him about the day's catch and he frowns: "I don't know. Ask my father; he's the captain."

But even most old-timers say they wouldn't go into the business today. And then they glance toward the water, shrug, and smile—as if to say that it's not a business, it's a way of life, and they're glad they had the chance to live it.

As much as the financial prospects, that way of life may discourage younger men. Sig Hansen, a big ruddy Norwegian who worked at sea for 52 years and now manages a fishing cooperative at Point Pleasant, says: "Some young men still come and say they want to go fishing, but one trip out and you don't see them any more. They get seasick. Besides, the younger generation wants to sleep."

A fisherman does his sleeping on shore. As soon as his boat leaves land, he tows his net 24 hours a day as long as he's out there—three to ten days. At night he tries to sneak three or four hours sleep while one of the nets is in the water—and while the rest of the crew checks the last tow for "trash," fish that can't be sold and have to be thrown back.

Of course not all fishermen go out for a week at a time. Most clam dredgers work on "day boats" that come in every night, but they stay out for 13 hours—from four in the morning until five in the afternoon.

Nobody says the life is easy. They say it's strenuous. They say it's hazardous, too, both physically and financially. Every time out you run the risk of being rammed at night by a larger vessel, or being caught in rough seas that may throw a man overboard or sink a boat. Seven boats from southern New Jersey were lost in the 1962 storm.

As if these worries weren't enough, you never know when you may snag your net and wire and lose both (value—$1000). Or when your technical equipment may break down and send you home early. Or when you'll have a "broker," a trip that doesn't pay for supplies. And when you come home with a boat full of fish, sure of your fortune, you may find that the price has dropped from 30 cents a pound to 10.

For all the uncertainty, fishermen still make what they call, simply, "a living." In a very good year a captain can clear around $18,000, and a member of his crew about half that. But the rewards, the fishermen say, are largely intangible—the beauty of the sea in the summer, three months out of 12; the sense that each trip is a mystery, a bout with fortune; and the firm self-respect that comes from working for yourself (every crew member gets a percentage) and yet being part of a crew.

Fishermen are among the last of the hardy, independent Americans—the last frontiersmen. The captain of a boat in Atlantic City explains: "You take a guy on my crew and put him behind a desk, and nine times out of ten he'll get fired. When he's out there he doesn't have to punch a clock, to get here at nine and leave there at five. He's working for himself. He's more his own boss. Of course, the skipper makes the decisions, but he consults the crew. And everybody on board knows that the better the gear is, the more fish he'll catch and the more money he'll make."

The interdependence of a fishing crew acts as a powerful communal force. It molds the men into a unit that has much of the cohesion and the spirit of a Navy boot camp or a high school locker room. The men rag each other with the same raucous enthusiasm:

"Look sharp? You couldn't look sharp if you had your face lifted. I feel good because as long as you're alive I know I'm not the ugliest guy in the world."

And out on the water the communal feeling increases; it extends beyond the limits of any single boat. Fishermen lend each other equipment, assistance, and advice on where to fish. If you need something, it's a long way—often a hundred miles—back to shore.

This spirit even encompasses the foreign boats that have moved into our coastal waters during the past ten years. Much has been written about resentment toward these boats, especially toward the most numerous ones, the Russian trawlers. But the fishermen themselves—American or Soviet—are more likely to wave than to curse at each other. Our fishermen say, "They're trying to make a living just like we are. They're catching fish to feed people."

At times the Russian boats also have been blamed for the decline in available fish, so much so that an agreement recently was reached which prevents Soviet vessels from fishing for the most valuable edible finfish.

But the Soviets made the agreement because they weren't interested in these fish. They knew that such species were on the

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decline, and they brought their large vessels here to fish for plentiful varieties, like herring and hake, that can't be sold in this country. Russian boats may be retarding the recovery of the best species, but they are not responsible for the present depletion.

Probably no single factor is responsible, but every man in the business looks for a primary cause. This is the ten-million-dollar question—the industry's present value; and every man comes up with his own answer. Vernon Rise, manager of a menhaden plant in Wildwood, said, "The decline started in 1963, right after the big storm. I still say that had something to do with it. The storm changed the bottom out there."

Sig Hansen, Point Pleasant fisherman: "I lay it to overfishing. We've been doing it for 20 years. The Russians will leave soon. You can bet they won't come 4000 miles for nothing."

Warren Lund, former fisherman, now a Cape May dock owner: "Fishing's not dying out. It's changing like any other small business. Fish protect themselves. When they start getting caught, they move. The porgies and the fluke are leaving, so we'll have to create a demand for something else. Like mackerel. We have more mackerel now than I've ever seen."

Alfred Jones, Atlantic City dock owner: "We're killing all the young. The government should pass laws requiring a certain mesh size on the nets and prohibiting sale of anything smaller. What would happen to human population if we destroyed all the young males?"

"Captain Jack" Lawson, itinerant fisherman: "You used to be able to get croakers here all day long—now they're down off Mississippi. We're catching scallops here that used to be off Nantucket, and they're getting Boston mackerel in the Chesapeake Bay. Either the water's getting colder or the equator's moved."

The government laboratory in Woods Hole, Mass., reports that ocean temperatures have been dropping for 15 years, but they say the trend may have stopped. The cooler waters here account for the increase in available shellfish.

If New Jersey alone were registering declines, some local cause (foreign boats, the storm, colder waters) might be held accountable. But decreasing fish stocks is a national problem. The United States now supplies less than a fourth of the fish she consumes. Once second in the world in total poundage, she is now sixth.

So as our primary cause we must look for a national problem, and the one explanation most often cited by fishermen is that ubiquitous and invisible destroyer, pollution—industrial, detergent, human, and agricultural (pesticide) pollution.

Captain Dave Hart, who had his own commercial boat for 18 years and now works for various government agencies, documents a persuasive case against pollution: "The species that don't use the inland estuaries for spawning—herring, hake, whiting—all seem to be in good shape. The porgies, the fluke, the sea bass, all the ones that use the estuaries, are declining. Of course there has to be an exception: Striped bass spawn in the estuaries and they're more abundant than ever. But the overwhelming patterns points to some sort of pollution."

A possible solution to this problem comes from Harry McGarrigel, dean of the Atlantic City dock. ("Me and my father before me. We've been on the street since 1911.") Harry is a heavy, friendly man. As he sorts fish on his dock he looks like the owner of a New York delicatessen, but his friends note with pride that he went to Washington to help negotiate the treaty with the Russians. Harry McGarrigel says, "All we need is $35 million dollars to pipe all that waste out to sea and then things will be straightened out, after about ten years. It'll take that long for the water to clear up."

However long it would take for the waters to clear—and ten years probably is an extreme prognosis—the fishermen need someone to begin the process. That someone probably will have to be the Federal Government. States take little interest in fishing—they don't even collect statistics; and what interest they do take varies. New Jersey has a law, poorly enforced, prohibiting sale of small fish; most Southern States have no such statute.

Compared to other nations, even our Federal Government pays negligible attention to its fishery. Foreign countries build and man enormous fleets complete with the most modern equipment; our country authorizes Small Business loans. Beside the loans, the U.S. Bureau of Commercial Fisheries confines its activities to periodical bulletins on fish sightings and prices, and to research. Thus far the predominant product of the research has been expensive new equipment that small fishing boats cannot afford. But recently the government has been developing a new product that may help revitalize the industry.

Fish Protein Concentrate (FPC) is an odorless, tastless fish flour made by reducing six pounds of whole fish into a pound of fine powder. Because FPC converts the whole fish, it retains every one of the 30-odd amino acids that are the main components of protein. The result is a product that is 75 percent protein—and that could do much toward relieving under-nourishment throughout the world.

Other countries, like Norway and Sweden, already have begun to produce FPC. The United States is now building its first plant. Although the Food and Drug Administration has approved only hake-like species for the pilot project, all signs indicate that it will soon approve all species.

If so, this would mean that the great mass of trash (sea robins, dogfish, sharks) as well as the abundant species the Russians are catching (herring, hake, mackerel) could be harvested. The boats that would go for such fish would have to be enormous company vessels, too large to be owned by the captain, too expensive and mechanized to hunt for fish in the old, romantic and desultory fashion. The men who worked these boats would live something like today's clammers or menhaden fishermen. Their work would be more routine, more like drudgery and less like sport, than the life of today's finfishermen. The sea is full of trash.

But there is a possibility that the small boats may linger on. Captain Dave Hart from Cape May explains, "Up to now we've done our damnedest to destroy the natural ecology of the sea. We've taken the good fish and let the weeds flourish. If we start to fish for trash we may restore the natural balance."

He goes on to describe what may happen then: "If the finfish do come back, they may do so very suddenly. Fish can reproduce like insects. Scientists opened up one striped bass and found three million eggs."

If the finfish return in vast numbers, large vessels probably will be constructed to fish for them. Such boats already operate out of enormous fishing ports like New Bedford, Mass. If comparable boats come to New Jersey, then the small independent boats, like the local grocery store, will die out. But if the valuable finfish increase in limited numbers, if catching them remains an uncertain and speculative venture, construction of larger boats would be too risky. Then the small boats might survive.

No one can be certain what will happen. It seems that fishing's future is largely in the hands of the Federal Government. If it demonstrates that FPC is a feasible product, it may help create a new industry. But the real problem probably is the estuaries. The government must weigh America's traditional agricultural-industrial perspective—the one that ultimately leads to contaminated estuaries—against a future in which man may have to depend on his marine resources for food.

But the sea is a mystery. Next year, the year after, the fish may return. They've done it before. "Captain Jack" Lawson says, "Anyone who thinks he knows anything about the sea is a damn fool." The fishermen have a saying to express this. Ask one of them anything about fish and he'll answer, as often as not, with a shrug—and then he'll add: "They have tails, and they swim."

But every fisherman changes the expression a little to suit his personality. "Captain Jack" is 67 years old, a lithe, spunky little Virginian who speaks with a Boston twang from fishing there for many years. He says, "Fishing's deteriorating just as fast as you can push it down the hill. Don't ask me why. They have fins and tails; they go where nobody knows."

Will the fisherman go, too? Probably in one guise or another, he will remain. The captain of a boat in Atlantic City says: "Today I'm a bum because I make a living from the sea. People hear I'm a commercial fisherman and they turn up their noses. They're snobs. Some day—I may not live to see it—the man of the sea will be respected. He'll provide the food that the world will subsist on."

AMERICA'S WAR VETERANS PAY TRIBUTE TO SENATOR DIRKSEN

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. McKNEALLY. Mr. Speaker, last Wednesday morning, September 10, in the rotunda of the Capitol, I was privileged to participate in a special and impressive memorial service for the late Senator Everett M. Dirksen. The participants were distinguished representatives of approximately 17 veterans' organizations who had gathered to pay their last tribute to this great American who had been a loyal and faithful friend of veterans and their dependents.

I suppose Senator Dirksen belonged to several of these great organizations, but I am proud to record that he was a distinguished member and past district commander of the American Legion.

I should like to commend to my colleagues the eulogy which was delivered on that occasion by another distinguished Legionnaire, and past national commander, the Honorable Donald E. Johnson, Administrator of Veterans' Affairs:

Remarks by the Honorable Donald E. Johnson, Administrator of Veterans Affairs, at Combined Veterans Organization Memorial Services for Senator Everett M. Dirksen

Everett McKinley Dirksen will be remembered gratefully and always by America's veterans as a patriot who greatly loved our country . . . and as a man who lived the creed bequeathed him and all of us by another great citizen of his beloved Illinois . . . Abraham Lincoln . . . "to care for him who shall have borne the battle and for his widow and his orphan."

As a combat, overseas veteran of World War I, he knew personally the holocaust and the cost of war. His concern for veterans, his compassion for the disabled and the widowed and the orphaned was expressed most eloquently--not alone in the remembered oratory of this gifted speaker, but also in the rewarding benefits which he helped to write into law.

A quarter of a century ago . . . 11 years after he first entered the House of Representatives . . . he helped enact the G.I. Bill . . . one of the most enlightened laws ever passed by any government in history.

But his accomplishments on behalf of our nation's veterans, their dependents and survivors were not limited to this program. Far from it. His greatest service to veterans was in the leadership which he gave to the Senate as it considered the many veteran benefit programs to come before it during the more than five terms in which he served as Minority Leader of the Senate.

Beyond this, of course, was his dedicated, able service on the Senate Finance Committee, which monitors legislation benefitting the millions of veterans, widows and children receiving Veterans Administration compensation and pension and G.I. Insurance assistance.

The veterans organizations to which he proudly belonged know well how much this great American contributed to their growth and progress since World War I. The others, whose meetings and conventions he often addressed, will remember the inspiration and renewed strength he brought to them.

With grieving hearts, America's veterans say farewell to a loved and admired comrade.

We are sure he would understand that the only lasting and worthwhile tribute we can pay him is to carry on his great work and to share his true compassion for those who have borne the battle and for their widows and their orphans.

This we will do . . . Senator Everett McKinley Dirksen.

Rest in peace.

SENATOR EVERETT McKINLEY DIRKSEN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. BIAGGI. Mr. Speaker, there will never be another like him. There have been great leaders before, astute politicians, men of flamboyant style, patriots of the highest order. But it is difficult to imagine that this Nation will be graced again with a man whose character and rhetorical skill even closely resemble that of the late Senator Everett McKinley Dirksen.

It was with great sadness that I learned of the death of the distinguished Senate minority leader. A man whose advice was sought by four Presidents of the United States, Senator Dirksen served his State and Nation with full devotion. His ability and his humanity, his wisdom and his patriotism, were well known and universally respected.

I know the members of his party will miss his leadership as will we, of the opposite party, miss his unique style of debate and urbane opposition. To those who disagreed with his views, Senator Dirksen was a feared adversary, who yet remained a friend. An astute legislative leader devoted to his party's programs, he had the capacity to put aside partisan considerations when required by the needs of the Nation. He earned the affection of much of the American public.

We shall miss his wisdom and ability as well as his oratorical skill and his penetrating wit. Everett Dirksen was a legend in his own time, and he will long be remembered as a truly great American.

EVERETT McKINLEY DIRKSEN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. SCHWENGEL. Mr. Speaker, we all mourn the loss of our distinguished minority leader in the Senate. Many tributes have been paid to the Senator, but an editorial appearing in the September 9 issue of the Davenport Times-Democrat does an excellent job of summarizing these tributes, as follows:

EVERETT McKINLEY DIRKSEN

Across the United States, Sen. Everett McKinley Dirksen is being mourned as an outstanding legislator and political leader. It generally is reserved for the people of Illinois—and some of Iowa—to know that he served the state and the nation in a great Illinois tradition.

He shares particulation distinction with:

James Hamilton Lewis, a Chicago Democrat, who served with President Woodrow Wilson from 1913 to 1919 as conscientiously as he did with President Franklin D. Roosevelt from 1931 to 1939; Scott W. Lucas, also a Democrat, from Havana, 1939–1951, a Senate leader of the Roosevelt and Harry S Truman years;

And C. Wayland Brooks, Chicago Republican, of a comparable vintage, 1940–1949.

Like Senator Dirksen, they were members of a race of orators. They were not just small town or big city politicians. They were dramatic in their projection of the legislative process. When they spoke the Senate—and others—listened.

Of far greater consequence in Senator Dirksen's performance, he had a highly developed sense of political accommodation. While it irked some Republicans, the Dirksen technique gave the party a strong role as the loyal opposition. It won respect and applause not only for him but for the GOP.

He was not only a party leader, but a patriotic American, who saw that his high office was fulfilled responsibly. As has been set forth in news accounts of his passing from the national scene, his influence and accomplishments helped translate purposes and ideals into sound, significant and far-reaching legislation.

Some of his colleagues put it well. Said Sen. Mike Mansfield, majority leader of the Senate: "He was an old pro. His word was good. Everything was on the table." Observed Sen. Jack Miller of Iowa: "There has never been a minority leader his equal, and few majority leaders . . . could match his effectiveness."

In his consummate political skill and in the flaunting of a colorful personality, he captured the attention and interest—even affection—of people who never had met or even seen him personally.

The Dirksen success is the more impressive in the fact that he had such a humble beginning as the son of German immigrants with a background of the picturesque Frisian Islands off the coasts of Germany and the Netherlands. His father having died when he was five, he learned early how to work; his application to unpromising jobs continued through college as he worked his way.

This is the stuff of which American legends are composed and Everett McKinley Dirksen lived up to the tradition.

As has been set forth by hundreds of writers and commentators, his sonorous voice is stilled. Only the echoes of his grandiloquent delivery linger and fade. His influence will live, though, to the nation's benefit and Illinois pride.

LEGISLATION TO CLARIFY INTENTION OF CONGRESS RELATING TO EXEMPTION FROM FUEL TAXES OF VEHICLES IMMOBILIZED AND USED OFF OF HIGHWAYS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. FISHER. Mr. Speaker, I have introduced H.R. 13815, which would amend the Internal Revenue Code of 1954 to clarify the status of motor vehicles under section 4041. The need for this legislation is self-evident. Its purpose is to clarify the law and make certain that the Internal Revenue Service conforms with the intention of the Congress. An explanation for the need for the enactment of this measure follows:

LEGISLATION TO CLARIFY INTENTION OF CONGRESS IN EXEMPTING FROM FUEL TAXES IMMOBILIZED VEHICLES WHEN UTILIZED OFF OF HIGHWAYS

Section 4041 of the Internal Revenue Code of 1954 imposes taxes of 4¢ per gallon upon the retail sale or use of diesel fuel and certain special fuels for highway vehicles and certain other methods of transportation. Regulations § 48.4041–7(c) (2) provide that under certain circumstances a motor vehicle may be so used as to lose its essential characteristics as a motor vehicle. This is the case the the vehicle performs a function other than propulsion or loading or unloading and that function is powered by the same fuel used to propel the vehicle at other times. This distinction applies when the vehicle is off the highways and has been immobilized. In particular, this rule applies in situations where a motor vehicle is driven to a wellhead and sets up equipment to service the well. The equipment may consist of tubes which, when fully joined and extended, may be inserted one or more miles into the earth. The vehicle must be made as completely immobile as possible, for even the slightest movement could cause an enormous shift in the direction of the equipment powered by the vehicle. In effect, the vehicle must be made into a piece of immobile machinery. In such a case, typically, several man-hours are required both to set up the vehicle and, after the vehicle has performed its immobilized function, to break it down.

Although this appropriate approach is in the regulations, it appears that Internal Revenue agents apply these regulations grudgingly. For example, the regulations illustrate an instance where the setting up process takes 6 man-hours and the breaking down process takes 4½ man-hours. In one case where the setting up process takes between 2 and 4 man-hours and the breaking down process takes a similar period, agents have ruled that the regulations were not complied with.

It is intended by this amendment to section 4041 to codify the regulations and to make clear that the shorter periods of time that have been described are sufficient to constitute "the expenditure of a substantial amount of time and effort" to set up and break down the equipment and cause it to lose the essential characteristics of a motor vehicle.

It is clear that the fuels in question are not used in this circumstance for the purpose of propelling a motor vehicle on the highway or elsewhere. As to diesel fuel, the Code makes no distinction between fuel used for propulsion and fuel used for other purposes. However, where the vehicle has been immobilized (not merely parked), then the major factual problem would be in allocating the fuel between propulsion and mere use in non-highway equipment. Where such allocation may be made it seems inappropriate to impose the tax. It is intended that technology that strives for greater efficiency and flexibility will not be unreasonably inhibited by the provisions of the tax laws and the interpretations given to those provisions.

THE THIRD MOST DANGEROUS OCCUPATION

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. SMITH of Iowa. Mr. Speaker, everyone seems to be alarmed, and rightly so, concerning the death and maiming resulting from automobile accidents. Although 1,000 persons per year are killed and many more are severely injured and the deaths per mile traveled are twice as high, few seem to be concerned about farm tractor accidents. Some may be surprised to learn that a substantial portion of these tractor accidents also occur on the highways. The whole matter of farm tractor accidents has been almost ignored by the Congress and the Federal Government until recently.

In 1966 Congress passed the National Motor Vehicle and Traffic Safety Act and I think it can take part of the credit for the fact that there has been a reduction since that time in the automobile highway death rate in terms of fatalities per miles traveled. I am not certain what should be done to make a like reduction in farm tractor accidents but I am convinced that we should be moving rapidly to better inform ourselves concerning the causes and to attempt to find some answers.

There was one death for 14.3 million miles traveled by automobile in 1966 compared to one death per 14.9 million miles traveled in 1968; and the fatality rate for farm tractors is one death for 7.3 million miles traveled.

I believe considerable information is available from State agricultural engineering schools and some studies that have been made but the information has not been adequately pulled together and prepared in a usable form by an independent source. At least it has not been prepared to the extent that some Members would feel it necessary before taking affirmative action.

The material from some of these reports and from independent sources has been recently pulled together and set forth in the form of a report by Mr. James Williams of St. Louis, Mo., who has been working this summer as an intern for Ralph Nader. I think that it is worth reading for those who are interested in the subject matter and I am including it in the CONGRESSIONAL RECORD so that it will be available to all. Of course, the recommendations in the report represent the views of Mr. Williams. I believe it provides about as comprehensive and well written a summary of the problem as I have seen.

While some may have different opinions as to what should be done, at least a considerable number do have some opinion and I note that the National Safety Council in its 1969 edition of Accident Facts claims that 93 of the overturned fatalities in 100 particular farm tractor accidents which they studied could have been prevented by the use of mechanical devices that were not available on the tractors. I also note that at least two States have passed laws requiring tractors on the highways to be equipped with a slow-moving vehicle sign which is readily viewable by another oncoming vehicle and that those two States report a reduction in tractor fatalities on the highways since the passage of that legislation.

I want to make it clear that I have not formed a definite opinion as to what devices should be encouraged or how; and I also believe that if certain devices are to be required on farm tractors, the requirement should apply at the point of delivery rather than at the point where it left the factory. I reached this conclusion because I know there are so many devices made by manufacturers other than those who manufacture tractors that to exclude these other manufacturers from the market would be excluding needed innovation and competition. These and other reasons were behind my decision to ask for the House legislation leading to a report. This legislation was adopted on September 3 of this year as an amendment to the Auto Safety Act and provides that the Department of Transportation make the study and report back to Congress by April 1 of next year, and the entire amendment reads as follows:

SEC. 8. (a) The Secretary of Transportation is hereby authorized to prepare and to submit to the Congress no later than April 1, 1970, a report on the extent, causes and means of prevention of agricultural tractor accidents on both public roads and farms. In addition to such other information as he deems appropriate, the Secretary shall include in the report—

(1) an estimate, based on the best statistical information available, of the number of deaths and injuries resulting annually from agricultural tractor accidents;

(2) an identification of the primary causes of agricultural tractor accidents, including consideration of the hazards most likely to cause death or injury; and

(3) specific recommendations on means of preventing the occurrence of, and reducing the severity of injuries resulting from, agricultural tractor accidents, including such legislative proposals as the Secretary determines are needed.

(b) In formulating the recommendations to be submitted to the Congress, the Secretary shall give careful consideration to the advisability of establishing uniform Federal safety standards in the design and manufacture of all agricultural tractors sold in interstate commerce, requiring the installation on such tractors of safety devices, and providing assistance to the States in developing accurate reporting procedures for accidents involving such tractors.

(c) In order to facilitate the prompt completion of this report, officials of other Federal departments or agencies shall make available to the Secretary, upon his request, any data or information in their possession relating to agricultural tractor accidents and shall otherwise provide assistance.

I hope this provision will remain in the bill as it emerges from the conference with the Senate and that the Department will provide the report as soon as possible together with recommendations made so that action can be taken next year.

Upon reading of my interest and efforts in this regard, one of my constituents, Mrs. Phyllis Brierty of Boone, Iowa, communicated with me and indicated not only her concern but also that she had been so interested that she had been collecting newspaper clippings of farm tractor deaths in Iowa. While this may not be all of the accidents that were in Iowa, it surely is representative of those that have occurred and would be of value in indicating the gravity of the problem. I commend Mrs. Brierty for her effort and her interest and include these clippings as an indication of the extent of the problem and that it involves persons of all ages:

THE THIRD MOST DANGEROUS OCCUPATION: A REPORT ON FARM TRACTOR HAZARDS

INTRODUCTION

On the average, three American farmers are killed by their tractors every day. Most of these deaths are due to a tractor overturning and crushing the driver; indeed, the possibility of a tractor overturning is so great that most West European nations require by law that their farm tractors be equipped with either a safety frame or cab, which have been shown to be extremely influential in reducing the number of fatalities and injuries associated with an overturning tractor accident. The United States, although taking a strong interest in the safety of the drivers of automobiles, has neglected to insure any type of protection for the drivers of farm vehicles.

Machines have become an integral part of an agricultural occupation. As more agricultural machines are introduced into the market, and as existing machines are designed to accomplish numerous and varied extra jobs, the dangers associated with the use of these machines continue to multiply. Until recently, these hazards have been thought of as unimportant and have been, for the most part, neglected by both farmers and the farm machine industries; legislation pertaining to safe farm equipment is practically nonexistent. Dangerous machines, combined with the independent, improvisational nature of an agricultural occupation, have caused the per capita number of farm fatalities and serious farm injuries to increase steadily from year to year.

Legislation pertaining to the operation of a farm is impractical, since there is no adequate way to enforce such laws on every individual farm. However, agricultural machines, particularly the tractor, are the major causes of farm accidents, and technology has advanced to the point where many of these safety hazards could be eliminated. What is now needed is an extra push to insure that safe farm equipment is standard farm equipment. To insure this result, increased farmer education programs must be combined with more technological advances by the farm machinery industries. Legislation in the realm of the manufacture of safe farm vehicles is also a necessity.

PART I: DESCRIPTION OF THE PROBLEM

Because of the independent, individualistic nature of an agricultural occupation, farm safety encompasses more than merely extra-safe farm vehicles or a rigid code of manufacture restrictions. Many farm accidents occur because a farmer improvises numerous jobs for his tools and implements of husbandry, jobs which the manufacturers of farm machinery and legislative officials could never have envisioned. Perhaps this is one of the reasons that the area of farm safety has been practically ignored by both federal and state legislatures.

Nevertheless, recent statistics show that some action must be taken to curb the continuing rise in farm accidents. In 1962, there were 15.7 fatalities per 100,000 farm people, and this figure climbed steadily to 20.1 fatalities per 100,000 farm people by 1967,[1] an increase of 28% in five years. Machinery, particularly tractors, was responsible for the death in 42% of the farm accidents in 1967 (1). In fact, in 1964,[2] 45% of all United States fatalities resulting from accidents involving machinery (transportation accidents excluded) occurred in agricultural occupations (2).

When highway accidents are included, farm tractors alone have resulted in over 1000 fatalities annually for the past eight years. Although the total number of fatalities from accidents involving tractors has remained essentially constant for the past few years, it should be noted that the total number of people engaged in an agricultural occupation has been steadily declining; thus, the percentage of farm tractor fatalities per number of workers has been increasing at a much more rapid rate than shown by statistics of the total number of tractor accident fatalities.

Fatalities, however, represent less than twenty per cent of the total number of accidents involving farm tractors, and some of these other accidents, ranging from crushed ribs to the loss of limbs, can seriously handicap the farmer involved, financially as well as physically.

This report will consider specifically the safety hazards inherent in the average tractor design, but will also consider problems which indirectly affect the safety of the farmer.

I-A: Tractor design

Of the more than 1000 yearly fatalities involving tractors, over 60 per cent result from a tractor overturning, either 90 degrees to the side or 180 degrees backwards, and crushing the driver or passengers. In another some 4000 to 5000 accidents (many involving overturning tractors), the victim may suffer broken bones, peeled away flesh, or the loss of his legs or arms.

The high number of overturning tractors is directly attributable to one of the basic efficiency designs of a farm tractor; namely, the main mass of the machine is located well above the ground (the center of gravity of a tractor is generally 2 to 2½ feet above the roadway), to protect the underside of the tractor from bumpy terrain, to give the driver a longer visibility range, and to protect crops during harvesting. However, this high clearance efficiency can become a dangerous problem when the tractor is used on the sides of a steep hill, when too large a load is attached to the rear of the tractor or the load is improperly attached (causing the tractor mass to rotate around the rear axle), when one of the rear wheels descends unexpectedly into a ditch and momentum carries the tractor over onto its side, when a sharp turn is attempted at too high a speed (again causing the tractor to continue over onto its side), or when the rear wheels become immobile for some reason (striking a log, becoming imbedded in mud) and the powerful tractor motor continues to force the tractor backwards around the rear axle. The danger associated with tractor overturns is magnified by the fact that should the tractor overturn, the driver is left totally unprotected; unless he is extremely quick and agile, he is crushed under the tremendous weight of his machine.[3]

However, the problem is composed of more than just a high center of gravity allowing the tractor to overturn easily, or no devices for protecting the exposed farmer. Many of the features of the average tractor design contribute directly to the probability of a tractor overturning. A few of the design factors follow:

1. Tractors, especially the older models, are equipped only with a separate brake for each side of the vehicle. This separate brake design is again an efficiency consideration, for the farmer uses the brakes to facilitate turning while working out in the field (for example, while turning to the left, the driver steps on the left brake, and thus can make a sharper turn than if he had to depend merely on the steering). When run at low speeds in the field, this separate braking system is no doubt an advantage; however, if a turn is attempted at too high a speed, the danger of overturn is greatly increased—and when trying to stop on a straight stretch, particularly when driving at higher speeds (up to 25 mph) on public roadways, the driver must be extremely careful to apply equal pressure to both brakes in order to make a smooth stop.

2. There are no adequate provisions for a passenger to ride along on a tractor, although passengers often find precarious ways to "hang on." Although not contributing to tractor overturn accidents, the absence of a passenger seat is responsible for many tractor accidents; the passenger falls off and is run over by the tractor. It may be argued that a tractor is not meant to carry passengers, but there are times, such as when moving from one field to another, when it is simply easier for a second person to accompany the driver of the tractor.

3. Another oversight on tractor design is the absence of a rear-view mirror; tractor accidents sometimes occur because a farmer is watching the area behind him and fails to notice a hazard (such as an open ditch) directly in front of him.

4. There are no directional signals or flashing lights on tractors; thus, while driving on a public road, the tractor operator has no simple way to notify the driver behind him when he wishes to turn or when he is in distress.

5. The exhaust pipe on a tractor is located on top of the main chassis of the tractor, directly in front of the operator. Although this placement keeps the hot exhaust pipe from coming in contact with dry hay and thus decreases the possibility of fire, it results in the exhaust fumes blowing directly into the tractor operator's face. Exhaust fumes, inhalation of dust, and extreme hot and cold effects all pose long term health hazards to the farmer.

6. The measured noise emission from tractors exceeds the hearing damage risk criteria established by the American Academy of Ophthalmology and Otolaryngology. This noise level is generally higher than the noise level that would be tolerated in industry, and the tractor is the most likely source of a farmer's deafness (4).

7. The suspension design of tractors is extremely inadequate. In most cases, the tractor tires, rather than springs, are expected to absorb ground shock. The continued effect of noise, smoke, and gasoline fumes, not only impair the driver's visibility and hearing, but also have the psychological effect of dulling the driver's senses, making him oblivious to possible dangers and slowing down his reaction time. The continued vibrations can also produce long-term health problems.

8. The driver seat on a tractor is usually non-adjustable, and many of the tractor controls, particularly the clutch and brakes, require a great amount of strength to be operated correctly. It is a well-known fact that a farmer's wife or children often help with the farm operations, even with the driving of the tractor—although they may not possess the strength or stature to operate the vehicle adequately.

9. As the tractor continues to become an all-purpose machine, an increasing number and variety of levers and switches are added to the machine. Often these are positioned somewhat at random on the machine, confusing the farmer in hurried situations as much as they help during average daily work.

In addition to tractor overturn, another serious type of tractor injury is the power-take-off injury. Tractors have long been equipped with a PTO device to supply some of the tractor's power to other, unpowered implements of husbandry (particularly those implements attached to the rear of the tractor during planting and harvesting). This power is supplied by means of a rotating shaft, rotating at speeds faster than 1000 rpm on some of the more powerful tractors. PTO devices are not always adequately covered, or the protective covering falls off after long usage, leaving this rapidly revolving shaft exposed and dangerous. Loose clothing can become entangled in the PTO device, and results in injuries ranging from burns and scrapes as the clothing is torn off, to complete mutilation of the person whose clothing unfortunately fails to yield.

The list of possible and known causes of tractor accidents is long, and these accidents occur even when the tractor is operated according to the manual. Add to this list the many extra feats which a farmer may expect his tractor to perform, and one has a very dangerous machine.

I-B: Accident reporting

One of the basic reasons that the tractor industry has taken so long to correct the safety problems associated with tractor design is that adequate knowledge of the hazards has not been known, since there is no truly informative method used to report farm vehicle accidents. Accidents involving farm vehicles are only reported when they result in fatalities or when they occur on public roadways; thus, the majority of accidents, the non-fatal on-farm accidents, remain unreported, and the causes of these accidents go unnoticed. In addition, even those which are reported are reported in scanty detail, and the causes of the reported accidents are difficult or impossible to determine accurately.

The recent interest in developing a safer tractor design has been prompted by the advances made by European countries in investigating tractor safety and by recent (within the last five years) reports from universities in our own country. The charts in some of these university reports are based heavily on statistics obtained from newspaper clippings, since no other method of obtaining statistics was available. An interest in farm vehicle safety could have been begun a long time ago, had there been informative reports of farm vehicle accidents.

With little or no knowledge of all the factors which figure into a farm vehicle accident, it is extremely difficult to make intelligence recommendations for improvement right now, many of the safety hazards are known; but what will happen in future years, as tractors are modified and perhaps even drastically changed—will it again take European advances and university reports to discover the safety hazards of the new farm vehicles?

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[1] These statistics are based on the entire U.S. farm population, 10,875,000 people in 1967; however, the number of agricultural workers was only 4,000,000 in 1967, and statistics based on this number show that there were 68 deaths per 100,000 workers in 1967 making agriculture the third most dangerous occupation in America (ranking behind mining and construction work).

[2] The most recent statistics available in this category.

[3] The average weight of 15 tractors tested for performance at the University of Nebraska was 8950 pounds (including ballast and the weight of the operator).

I–C: Present legislation

Federal legislation covering farm vehicles is practically nonexistent. Public Law 89–563 (The National Traffic and Motor Vehicle Safety Act of 1966) does state, in Section 301:

"The Secretary of Commerce[4] is hereby authorized to make a complete investigation and study of the need for a facility or facilities to conduct research, development, and testing . . . relating to the safety of machinery used on highways or in connection with the maintenance of highways (with particular emphasis on tractor safety) as he deems appropriate and necessary."

This language authorizing a study of safety in the realm of highway maintenance tractors might have been used to include farm tractors, but when the report authorized under Section 301 was submitted to Congress in October, 1968, it did not mention tractors at all (5). And in July of 1969, when the House Interstate and Foreign Commerce Committee approved legislation amending Public Law 89–563, the bill as reported by the Committee proposed to remove Section 301 from the law. If Congress approves the bill as recommended by the Committee, there would no longer be any language at all in the law which could be used as the basis for a tractor safety study by the Federal government and farm vehicle safety, as in the past, would be left up to the individual state legislatures.

In state laws, farm vehicles are often specifically not included in the safety laws pertaining to motor vehicles. The state laws are merely concerned with operating farm vehicles safely on public roadways, and at that, the only requirements are as to the type of lighting to be used during night driving. In the 1968 recommendations of the National Committee on Uniform Traffic Laws, the use of a Slow-Moving-Vehicle emblem for daytime driving was urged. Only six states (as of December, 1968) have made this emblem a requirement. There are no provisions for any type of design safety, such as a protective frame or safety cab to prevent injury in the event of a tractor overturn.

Another factor which compounds the problem of legislation pertaining to safe farm vehicles is that in many states tractors, or any vehicle used exclusively on the farm, need not even be registered and certainly never inspected. The farmer is truly independent and responsible for his own safety, whether he knows the inherent safety hazards of his machinery or not.

I–D: The age factor

The Department of Labor became interested in the area of farm vehicle safety in the early 1960's, because of the high percentage of children who were dying in tractor accidents. As a result of reports and statistics published by the Department of Labor, the Fair Labor Standards Act of 1938 was ammended in 1966, to include restrictions on the use of child labor on farms.

But it is not easy to enforce laws which apply to the way a farmer runs his farm, for, unlike in industry, it would be impossible to have an overseer frequently inspect the operation of every farm. In a 1967 tractor study by the North Carolina State University, it was shown that the largest percentage of fatalities from tractor overturns in that state occurred in the age group of 10–19 years of age. Other, more recent reports continue to point out the same statistics. Although the state and federal laws prohibit the use of farm vehicles by children under 16 years of age, in all cases the farmer's children are exempt from this regulation. Children are also exempt if they are working for a person in place of the parents, or if they are taking a course in farm vehicle safety. And even though the laws exist, because of the unrestricted nature of the farming community there is no adequate way to insure that these laws will not be ignored when the farmer is in need of a few extra field hands.

Young children are expected to adequately control this dangerous machine, although tractor seats are non-adjustable and it is difficult for a child to reach the instrument panel or depress the brakes or clutch far enough to do their jobs; inexperience and immature judgment greatly increase the possibilities of a tractor accident.

PART II: WHAT IS BEING DONE

II–A: Other countries

The interest in safer farm tractors began in European countries, particularly Sweden. In 1954, the Swedish National Testing Institute for Agricultural Machinery (NTIAM) began running tests on crush-resistant cabs for protection during a tractor overturn. By 1959, the recommendations of the Swedish NTIAM had become a national standard, enforced by means of legislation. The Swedish studies led other countries, such as Norway, Denmark, Finland, West Germany, France, New Zealand, and Great Britain to begin making their own studies of protective frames and crush-proof cabs, and also brought about legislation in most of these countries. The most recent such law was that passed by the British in 1967, to become effective in 1970:

"The Agriculture (Tractor Cabs) Regulations in 1967 have been approved by both houses in Parliament. They apply to England, Wales, and Scotland, and will require new tractors sold or let on hire on or after September 1, 1970, to be fitted with safety cabs or safety frames. They will prohibit the use of a new tractor unless it is so fitted. On September 1, 1977, this prohibition will be extended to tractors which have first been sold for use by the purchaser in agriculture before September 1, 1970.

"The Regulations will provide for exemption from requirements to use a safety cab when this would be impracticable in hop gardens, orchards and buildings.

"Provision is made for the use of certificates of approval for safety cabs and frames jointly by the Minister of Agriculture, Fisheries and Food and the Secretary of State for Scotland, and for the marking of approved cabs and frames in a specified manner. These parts of the regulations will come into force immediately so as to enable cabs and frames to be approved and properly marked before September 1, 1970." (6)

Since Sweden has had the law in existence for the longest time, the results of legislative action in this area can best be seen by looking at Sweden's tractor fatality rate. For a few years after this law was enacted, the number of fatalities due to overturning tractors remained approximately the same as before the crush-proof cabs had become a standard piece of equipment; however, after this initial period, the number of fatalities and injuries began to drop rapidly, and the crush-proof cabs were shown to be directly responsible for reducing (and perhaps eventually eliminating) death resulting from a tractor overturn.

The initial period of increasing accidents is possible due to the fact that the legislation initially provided that only *new* tractors be equipped with this safety device, and it took some time before the devices were actually in circulation. The Swedish laws were then amended to provide that crush-proof cabs would be mandatory not only on the new farm vehicles, but also on those tractors already in use.

II–B: Reports in the United States

In 1961, the Injury Control Program of the U.S. Public Health Service provided funds to the University of Iowa to begin research on farm vehicle safety; in 1967, PHS–ICP also provided funds to the University of North Carolina ($22,500) and Purdue University ($48,000) for the same purpose. The Purdue report will not be complete until 1970, but the other two have been finished.

Altogether, 26 states have prepared reports on the farm accident problem, in addition to a report by Metropolitan Life Insurance. The Department of Labor developed extensive statistics on farm vehicle accidents while studying accidents involving farm children, the National Safety Council has published reports, statistics, and an extensive educational program, and the Department of Agriculture has put out numerous pamphlets on tractor safety, with the information in these pamphlets coming from the various state reports. Most of these reports deal specifically with one area of farm vehicle safety—PTO injuries (University of Iowa), the dynamic stability of tractors and a farmer's reaction times (Purdue University), and a uniform method of compiling tractor accident statistics (Michigan State University)—but all are unanimous in their plea for safety frames.

In 1968, the Farm and Industrial Equipment Institute (FIEI) proposed safety frame standards to the American Society of Agricultural Engineers (ASAE), who made this proposal a recommendation to the tractor manufacturing industry in their specifications ASAE R305 and ASAE R306. In addition to the provision for safety frame standards, the ASAE has recommended in ASAE S297 that new shielding standards be used for the shields for PTO devices. However, "Compliance with the recomendations is strictly voluntary insofar as the manufacturer and the purchaser are concerned." (7)

II–C: Industry in the United States

In the United States, tractor safety has long been a topic of discussion and testing, but of little direct application. The recent, increased pressure by agricultural organizations for protective frames or enclosing cabs to protect the farmer in case of a tractor overturn has no doubt been prompted by the European interest in tractor safety and by the recent reports by American universities.

In industry, John Deere and International Harvester were the first tractor companies to begin testing protective frames and to equip some of their tractors with these frames; numerous other tractor companies are following this example. However, these frames are included merely as optional equipment, and there is presently no vigorous attempt by industry to promote sale of these extra safety devices, outside of the promotion campaign by the John Deere Company. Spending approximately one million dollars for research, John Deere developed safety frame standards (which later became the basis for standards of other tractor companies), equipped some of their tractors with such frames, and promoted use of such frames by spending another million dollars in giving these frames as prizes at community tractor demonstrations. But although the safety frames are offered, few farmers consider them worth purchasing. The poorer farmer is especially apt to pass up the chance for this apparent "luxury;" and yet, he is the person who is most likely to let his children operate the machinery, or to use the machinery for purposes for which it was not designed, thus increasing the risk of an overturn.

Besides the protective frames, other advances for safety made by the tractor industries include a 3-point hitch to prevent rear tractor overturn when an instrument is attached, hand holds and a skid resistant platform for mounting the vehicle, and a neutral start switch with a safety interlock to prevent starting while in gear. Also, the University of Iowa has developed an acceptable rear-view mirror for tractors which was enthusiastically endorsed by those farmers who tested it in their everyday work. Again, most of these safety features are merely optional equipment, and there is no requirement for either the manufacturers to provide these features or for the farmer to purchase them.

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[4] This duty was transferred to the Secretary of Transportation under the Department of Transportation Act of 1967.

Since legislation is absent in the realm of the design of these safety features, tractor companies are left to develop their own standards and testing facilities. The recommendations of the FIEI concerning protective frames were based on tests run by tractor manufacturers (particularly John Deere) and they are more than adequate in providing overturn safety; but there is no assurance that industry will comply to these standards in all cases. In some instances in the past, tractors have been equipped with a structure which *resembles* a safety frame, but which is not nearly strong enough to sustain the tractor in case of an overturn, thus giving the farmer an unfounded sense of security. In addition, there is the very real danger of a conscientious but poor farmer building his own protective frame in order to save money, even though he may have no idea of the necessary standards for such a frame.

The inclusion of a safety frame is no assurance that the farmer will be protected; if the tractor does not also include a seat belt or some other type of restraining device, or if the farmer, for personal reasons, fails to use such a restraining device, in the event of an overturn the farmer would well be crushed by his safety frame as well as the tractor itself; if easily removed, the frame might be removed by a farmer in order to move it inside a building with a low ceiling, and the farmer could then simply not go to the trouble of re-attaching the frame. Although this latter problem would not be present if the tractor was equipped with an enclosing cab, and although the cabs also protect the farmer from heat, cold, exhaust and gasoline fumes, and dust particles, many of the crush-proof cabs increase the impairment of visibility and hearing.

Thus, while safety features have been added to tractors, they are merely optional equipment, and there is no assurance (other than the recommendations of the ASAE) that the safety features will be adequate and that they will not continue to develop in a haphazard manner, resulting in a cure worse than the disease.

II–D: Trials with safety frames in North Dakota and Illinois

Due to the large number of overturns of tractors used for highway maintenance, by 1961 both N. Dakota and Illinois made safety frames standard equipment on their highway maintenance tractors. In North Dakota, from 1960 to 1966 there were *no* permanent disabilities or fatalities, even though the maintenance tractors continued to overturn at the same rate as they had before the safety frames were included. And in Illinois, a comparison was made between some tractors equipped with the frames and others not equipped, which showed without a doubt that the frames were extremely influential in preventing death or serious injury resulting from tractor overturn accidents. However, these state standards have not been expanded to include farm tractors.

II–E: Farmer education

A portion of the farm vehicle accident problem results from either farmers' ignorance of safety procedures or farmers ignoring accepted safety practices. For this reason, numerous farm safety programs have been established throughout the United States.

For example, most high schools and primary schools in farming communities have courses in farm safety. 4–H clubs are particularly concerned with teaching the hazards associated with operating farm machinery (to the extent that student learners under the 4–H program are exempt from the provisions of the Fair Labor Standards Act).

However, unlike an industrial worker, who is reminded of safety procedures every day, the farmer is expected to remember the safety training of his youth for the rest of his life. There are ways of reminding the farmer of safety, such as safety demonstrations at annual farm community fairs. For example, at Lincoln, Nebraska, there is a Tractor Power and Safety Day held near the end of July every year. The activities of this day include a showing of the tractors of the future, plowing contests between various types of tractors, etc.—and a special time slot is allotted to a demonstration of safety in tractor operation. In the 1950's, however, this safety demonstration was always the last item on the program, following such things as the state champion 4–H tractor driver, and thus probably taking place after most of the observers had left. In 1966, the tractor tipping demonstration and discussion was the first item on the program, still taking place in an obscure time slot, considering that those people who felt that this demonstration was unimportant could easily arrive late and miss it completely.

More encouraging in the realm of farm safety education is the recent Tractor Overturn Prevention and Protection Program (TOPP) begun in 1968 by the National Safety Council in Chicago, Ill. The Safety Council has specifically established a department for investigating farm safety hazards and possible corrective measures. The information gained from these investigations and from state university reports will be written up in pamphlet form and sent to farm organizations which ask for them. It is also planned to send circulars to farmers throughout the country, reminding and warning them of the safety hazards associated with their farm machinery. Local radio and television stations will be used in addition to printed material, and it is hoped that farmers can thus be educated as to safe methods of operating their machinery, and also be made aware of the importance of equipping their tractors with safety devices, particularly protective frames and cabs.

PART III: RECOMMENDATIONS

Many of the safety hazards of farm vehicles are known, and technology has advanced to the point where these hazards can be eliminated. It is possible that with the advances made by the tractor industry, with increasing pressure from the various agricultural organizations, and with farmers becoming more aware of these hazards through the TOPP Program, farm injuries and fatalities, especially those from overturned tractors, will be reduced. However, this is an extremely optimistic proposition; the idea of protective frames could easily backfire if farmers decide that it is easier and cheaper to build these frames themselves, or if some of the tractor industries take "short cuts" and manufacture protective frames or cabs which have not been adequately tested and which could ultimately be more of a safety hazard than a safety device. Also, if the idea of farm safety should not catch on in the farming communities, safety devices will merely remain optional and unpromoted as they are today, because of economic pressure from lower-priced, unequipped tractors.

Solving the problem of unsafe tractors involves compiling all of the available information on tractor safety into one organized analysis in order to determine which safety features are most pressing, and then applying this information to the areas of farmer education, industrial promotion campaigns, and ultimately to federal legislative action.

III–A: Compiling a report

Aside from the unanimous agreement on the need for protective frames, the state reports on farm safety give reasons for the high number of farm accidents ranging from old age of some farmers to the basic design of the farm tractor. A detailed report should be made on the national level to determine which factors are the primary causes of farm accidents and which are minor causes. The available state reports should be of great help in developing statistical tables and shedding light on which hazards are common problems from state to state.

In addition to determining the primary causes of tractor and farm machinery accidents, such a report should also:

1. develop an accurate and informative accident report form, and suggest ways in which such a form will become accepted and used.
2. suggest technological improvements for tractor design which have not already been considered by the tractor industries (ideas should come from the study of the causes of tractor accidents).
3. recommend certain minimum standards for tractor safety, in addition to the protective frame and PTO standards of the ASAE.
4. recommend not only facilities for research and development of new tractor safety devices on a uniform, national level, but also facilities for insuring adequate testing of new developments (the tractor industry itself could be extremely helpful in this area).
5. suggest methods of interesting farmers in purchasing the standard safety equipment, and methods of convincing them that farm safety is a very real problem.

Some of these proposals are the stated goals of the National Safety Council;[5] however, the urgency of the farm vehicle safety problem suggests that an independent study, under the direction of the federal government, is of great importance. In addition, an independent study would be extremely helpful in causing the TOPP Program to realize its goals of farmer education.

III–B: Industrial promotion campaign

The tractor industry has developed adequate safety devices, but promotion of these devices has been largely ineffective, in spite of the extreme importance of these devices toward decreasing tractor overturn fatalities. It may be that approaching agricultural workers through fear, i.e. by pointing out tractor fatality statistics, is ineffective to those who feel that "it will never happen to me."

Realizing this, a few of the tractor companies have attempted to promote sale of their safety frames by adding a sunshade, thus making the frame a luxury item as well as a safety device. While this approach may be effective in promoting sale of the safety cabs (which provide air conditioning as

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[5] The National Safety Council has proposed a program for obtaining farm accident statistics, in which volunteer workers in various farming communities are used to gather information on farm accidents in those areas. A complete accident report form is used, with a special, thorough section for description of a tractor accident. So far, this information gathering program has resulted in state reports in both Ohio and Michigan, and $2000 grants have been given to Wisconsin, Minnesota, Wyoming, Illinois, Nebraska, and Louisiana, to conduct research of their own; however, the $2000 grant is not nearly enough to pay for the research put into such a report, and the individual state legislatures or farm organizations within the state must furnish the rest of the money. For this reason (and the fact that the National Safety Council has only two more $2000 grants to offer), the final survey will be a random sample of farm communities throughout the United States, and it may be quite a while before the final compilation is complete.

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well as protection from dust and exhaust fumes), it has not been effective in promoting the sale of the basic safety frame.

Nevertheless, while appeal to a farmer's sense of personal safety or desire for comfort might prove futile, appeal to his sense of economics would probably prove fruitful. The largest deterrent to the purchase of protective frames is the cost; whereas the cost of one of the new, powerful tractors (the kind purchased by most farmers) is about $8000 to $9000, the cost of a protective frame runs from $180 to $250. However, the economics of protective frames does not end with the purchase, for if all tractors were equipped with this safety equipment, it is quite conceivable that insurance rates would be substantially lowered; and since tractors give many years of service (over 50 per cent of the tractors now in service in the United States are over 11 years of age), over a long time span the frame could virtually pay for itself.

The appeal to a farmer's economic sense could easily be the type of campaign to be used by the tractor industry to promote the sale of these urgently needed safety devices. Another suggestion is that the tractor companies make use of advertisements to familiarize farmers with the protective frames. In recent issues of the Farmer's Quarterly, many advertisements use pictures of tractors, but a large majority of these pictures are old and show tractors without the protective frames. If the tractor industry is truly interested in promoting sale of these safety devices, it would be a simple matter to replace these pictures with pictures of the newer, safely designed tractors (the Department of Agriculture's Extension Service is willing to provide the pictures) and thus subtly aquaint the farmer with the opportunities for safety available to him.

III–C: Federal legislation

Federal legislation pertaining to safety equipment for farm vehicles could provide the necessary push to make safety devices a standard for farm vehicles, provide uniform, tested standards for these vehicles, and also guard against unsafe "do-it-yourself" devices. An argument which may be used against such legislation is that acceptable safety equipment is already offered to the farmer; he is aware of the dangers associated with his farm vehicles (or at least, will soon be made aware through the TOPP Program), and thus, the final choice of whether to spend the extra money for safety or not should be left up to the farmer.

However, considering the strongly individualistic nature of an agricultural occupation, many farmers no doubt feel that the extra expense for safety equipment is unnecessary for themselves; yet, farm accidents (at the rate of over 1000 fatalities involving tractors per year) can happen to even the most careful driver during times of extreme physical stress or concentration lapses:

"Statement by operators, such as 'It was a stupid mistake,' 'I knew better,' 'I didn't see it,' or 'I just don't know what happened,' are all indications of such lapses and as such need design protection, rather than education, for reduction." (8)

The situation here parallels that of the automobile industry. Safety devices, such as seat belts, were offered to motorists, but it was not until federal legislation was enacted that widespread use of these devices began. As an example of the result of farm safety requirements, Swedish farmers at first resented legislation requiring the safety cabs; but most Swedish farmers now feel that such protection is "necessary."

It may also be argued that if legislation is to be enacted, states should have the right to make such legislation rather than the federal government, since the terrain and climatic conditions in different parts of the country would call for different safety standards. This may be a valid argument, but may be unrealistic since tractors are often made and sold in different states, and thus are regulated by laws applying to interstate commerce. In any case, the federal government should take the initial action to insure that certain minimum safety standards will be nationwide, and to insure that these minimum standards will be uniform.

(An example where legislative action may fall due to the absence of uniformity is that of the restrictions on the Slow-Moving-Vehicle emblem. There is no assurance that as more and more states require this emblem, the design of the emblem will not vary from state to state, thus confusing a motorist driving through more than one state. Also, the states now requiring this emblem have specified it for vehicles which are not "normally" operated at speeds greater than 25 mph, and Vermont has no restrictions at all on the attainable speeds of the vehicle to which such an emblem is attached. With some of the more powerful tractors now being able to move as fast as the regular traffic on country roads, it is quite conceivable that such emblems attached to the rear of faster moving vehicles will lead motorists to believe that such emblems really mean nothing, that they are merely a "wolf cry.")

The recommendations of this report for legislative action are as follow:

1. The federal government should enact legislation requiring certain minimum standards in tractor design (particularly the inclusion of a protective frame or safety cab, and any other necessary standards revealed by the proposed report of Section III–A).

2. These minimum standards should be made in conjunction with agricultural organizations and the tractor industry, since many of the devices have already been perfected and tested.

3. All farm vehicle accidents should be reported, whether they result in a fatality or not, and should be reported in greater detail than they are at the present time, so that as new hazards become evident, they may be detected immediately.

4. A recurring (perhaps annual) inspection should be made of the farm vehicles in use, to check for any hazards of which the farmer is unaware. (Note: this would also require the registering of farm vehicles in those states in which they are presently not registered.)

5. Legislation should be retroactive, allowing the farmer perhaps five years to comply with the standards, since tractors sometimes give adequate service for over twenty years; also, the tractor industry has developed safety frames which can be attached to older tractor designs.

6. If new tractor designs are developed, particularly designs with an unusually low center of gravity or extremely lightweight tractors (such as those used to an increasing extent by suburban families) and these tractors are tested and proven to be extremely safe without the specified standard safety equipment requirements, they should be exempt from these requirements. Thus, the tractor and farm vehicle industries would be continually inspired to make their machines safer.

The combination of legislation requiring safe farm vehicles with an adequate educational program for farmers and increased promotion of safety by industry could make farming one of the safest machine-oriented occupations in the country.

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Previously referred to press reports—partial collection—on tractor accidents in Iowa for May through August 1969 follow:

(The Register's Iowa News Service)

PINNED DEAD UNDER TRACTOR

LE MARS, IOWA.—The body of Lawrence Jochum, 70, who farmed about five miles north of here, was found pinned by a wheel of his overturned tractor Thursday, the Plymouth County sheriff's office said.

Sheriff Jim Mertes said Mr. Jochum apparently had been dead since late Tuesday, when he was last seen by a neighbor.

Mertes said Mr. Jochum, who lived alone, had been driving a tractor with a payloader filled with chunks of concrete, apparently to be used to combat erosion from the nearby Floyd River.

It appeared that the tractor tipped over on an embankment, the sheriff said.

[From the Register's Iowa News Service]

FARMER KILLED IN TRACTOR MISHAP

CASCADE, IOWA.—Wilfred Paul Staner, 68, a Cascade area farmer, was fatally injured in a tractor accident in a farm field Wednesday night.

Staner was dead on arrival at Mercy Medical Center in Dubuque.

Details of the accident were not known.

[From the Register's Iowa News Service]

TRACTOR ROLLS OVER HEAD; DIES

BUCKINGHAM, IOWA.—Roy E. Perry, 80, of rural Buckingham was dead on arrival Wednesday afternoon at a Waterloo hospital after he was injured in a tractor accident on his farm.

Dr. Paul O'Keffe, Black Hawk County medical examiner, said Perry died of skull injuries after the rear wheels of a small tractor ran over him.

Perry was hauling lumber at the time and apparently fell off the tractor under the wheels, he said.

OCHEYEDAN MAN DIES IN UPSET

OCHEYEDAN, IOWA.—Albert John Rehborg, 61, of Ocheyedan was killed Friday when the tractor he was driving overturned, pinning him beneath it a half mile east of here on a gravel road.

The tractor caught fire after it overturned. The Ocheyedan Fire Department was summoned to put out the fire.

His wife and six children survive.

[From the Register's Iowa News Service]

MAN, 72, DIES WHILE PLOWING

RICKARDSVILLE, IOWA.—Matt Schmitt, 72, of Durango died Thursday when he fell off a tractor while plowing a field at the farm of a son near this Dubuque County town, officers said.

An autopsy was to be performed to determine whether Mr. Schmitt suffered a heart attack before falling off the tractor, which ran over him.

[From the Register's Iowa News Service]

WOMAN IS KILLED AS TRACTOR SLIPS

STRAWBERRY POINT, IOWA.—Mrs. Doris Marie Batchelder, 47, of rural Strawberry Point, was killed Friday afternoon when the tractor she was driving slipped over a bank on the edge of a field and crushed her to death.

RETIRED CRESTON FARMER KILLED BY TRACTOR

KENT (AP).—An elderly retired farmer, 77-year-old Louis Moore of Creston, was killed Wednesday when the tractor he was driving overturned on him on a gravel county road near Kent in southwest Iowa.

Authorities said Moore was pulling a harrow with the tractor when it went out of control on a hill and curve three miles southeast of Kent. They said Moore had moved to Creston about nine months ago and was helping with the work at his son's farm home near Kent.

[From the Register's Iowa News Service]

TRACTOR ACCIDENT KILLS MILFORD BOY

MILFORD, IOWA.—Paul Kaiser, 14, son of Mr. and Mrs. Richard Kaiser of rural Milford; was killed in a tractor accident on a county road Tuesday.

Dr. Donald F. Rodawig, Jr., Dickinson County medical examiner, said the tractor young Kaiser was driving ran off the roadway and rolled down an embankment. He was pinned beneath it.

[From the Register's Iowa News Service]

TRACTOR UPSET KILLS FARMER

VOLGA, IOWA.—John McTaggart, 67, of rural Volga was killed about 5:30 p.m. Thursday when the tractor he was operating overturned in a field on his farm, Clayton County authorities said.

The body was taken to Feeney-Knutson Funeral Home at Strawberry Point.

FATAL TRACTOR INJURY

IOWA CITY (AP).—Dale Vavroch of rural Tama has died in University Hospital here from injuries received last Friday in a tractor accident at his parent's farm.

Vavroch suffered a ruptured spleen and a broken arm as the tractor overturned on him, authorities said.

He was the son of Mr. and Mrs. Wesley Vavroch, who farm about eight miles south of Tama.

[From the Register's Iowa News Service]

TRACTOR ACCIDENT KILLS LORIMOR BOY

LORIMOR, IOWA.—Randy Stephens, 13, whose parents farm south of here, was killed Tuesday when a tractor-spreader rig he was operating overturned, pinning him.

Officers said the boy, son of Mr. and Mrs. Larry Stephens, was dead on arrival at an Osceola hospital.

His father was working in another part of the field when the rig overturned on an embankment.

In addition to his parents, the boy is survived by two brothers, Rusty and Todd, at home, and his grandparents, Mr. and Mrs. William Orwan and Mr. and Mrs. Floyd Stephens of Lorimor.

[From the Register's Iowa News Service]

FINDS HUSBAND DEAD IN FIELD

NEVADA, IOWA.—The body of LaVerne Jacobson, 52, was found by his wife Wednesday night after a disking accident in a field on their farm five miles north of here.

Authorities said Jacobson apparently fell off his tractor before being dragged several hundred yards by the disk until the tractor stalled.

His wife, Virginia, went to look for him when he failed to return home.

Also surviving are two daughters, Mrs. Max Lowe of Waterloo and Mrs. Steven Fuller of Marion; a brother, Curtis of Roland, and two grandchildren.

Services will be at 2 p.m. Saturday at the Bergen Lutheran Church in Roland.

[From the Register's Iowa News Service]

TRACTOR FLIPS, FARMER KILLED

GARNAVILLO, IOWA.—Marvin Possehl, 35, who farmed three miles north of here, was found dead Friday afternoon under his overturned tractor.

Officers said Possehl apparently was dead for some time before he was discovered by his wife, Beverly, when she returned home with their daughter, Diane, 14, from a 4-H tour. The accident occurred in their farm yard.

OSKALOOSA BOY KILLED BY TRACTOR

OSKALOOSA (AP).—A Mahaska County teenager was killed early Tuesday when a tractor he was driving flipped over into a ditch on a county road about a quarter of a mile from his home.

Authorities identified the victim as Claire VanderWilt, 14, son of Mr. and Mr. Dick VanderWilt of rural Oskaloosa.

The youth was pinned beneath the tractor.

[From the Register's Iowa News Service]

ACCIDENT KILLS ODEBOLT FARMER

ODEBOLT, IOWA.—Melvin Rabe, 49, who farms three miles north of here, was killed Friday when a tractor overturned in a field on his farm, pinning him.

His body was discovered by a neighbor, Wilbert Mohr, who was driving by and saw the tractor on its side about 9:30 a.m.

Mr. Rabe is survived by his wife, Mae; a daughter, Janet, at home; a son, Leon of Rochester, Minn.; and his mother, Mrs. Lettie Rabe of Odebolt.

TRACTOR ACCIDENT

Robert Merriam, route, 3, Ogden, was admitted to the Boone County Hospital, Thursday, July 17, following a tractor accident. He is being treated for three broken ribs and a crushed vertebra.

TRACTOR UPSET KILLS WORKER

NEOLA, IOWA (AP).—Lynn Shelley, 53, was killed Tuesday when the tractor he was driving ran off a Pottawattamie County gravel road south of here.

Mr. Shelley, who worked on the Edward Fischer farm near Neola, was pinned beneath the tractor.

TRACTOR ACCIDENT KILLS CASCADE MAN

CASCADE, IOWA (AP).—Francis Supple, 73, of rural Cascade, was killed in a farming accident about 11 a.m. Saturday. Authorities said Supple was mowing hay on his farm when his tractor tipped over, killing him instantly.

PFC. DENNIS D. DAVIS DIES IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Dennis D. Davis, a fine young man from Maryland, was killed in Vietnam recently. I wish to commend his courage and honor his memory by including the following article in the RECORD:

DENNIS D. DAVIS DIES IN VIETNAM; PRINCE GEORGES MARINE HIT BY ENEMY GRENADE

A 20-year-old marine from Prince Georges county has been killed in Vietnam, the Defense Department announced yesterday.

He was identified as Pfc. Dennis D. Davis, son of Mrs. Marion C. Davis, of Capitol Heights. Private Davis was killed Thursday by an enemy hand grenade while on patrol about 30 miles south of Da Nang, the Defense Department said.

Private Davis was born in Washington and moved to Capitol Heights with his family in 1958. He attended Maryland Park High School until 1965.

He enlisted in the Marine Corps last December. Private Davis was sent to Vietnam in June, following basic training at Camp Lejeune, N.C., and further training at Camp Pendleton, Calif.

In a recent letter to his mother, Private Davis said he had narrowly escaped death a few weeks ago in an incident similar to the one in which he was killed. The letter was received only a day before the telegram telling of his death, a family spokesman said yesterday.

Besides his mother, Private Davis is survived by his father, Willard Davis, of North

Carolina; three brothers, Kenneth J. Davis, of Clinton, Md., John L. Davis and Willard Dale Davis, both of Capitol Heights, and a sister, Miss Deborah E. Davis, of Capitol Heights.

S. 2577—SAVINGS BANKS REGULATIONS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the Record, I include herein a statement I recently submitted to the distinguished Banking and Currency Committee of the other body on S. 2577, a bill which under section 2a thereof, would impose far-reaching discriminatory Federal regulations on Massachusetts savings banks:

Statement of Congressman Philip J. Philbin

Mr. Chairman and distinguished Members of the Committee: Various people in Massachusetts including the Savings Banks Association and other interested parties have asked me to present my views and their views to you concerning the pending bill, S. 2577 which, in effect, proposes to bring state chartered and state supervised mutual savings banks under federal interest rate controls. I am grateful to all of you for this privilege.

As you may know, savings banks in Massachusetts occupy a unique and exceptional status among institutions of their kind throughout the nation, since Massachusetts is the only state where deposits in mutual savings banks are insured in full by a non-deposit insurance fund created as long ago as 1934 under state law.

Section 2 of your Senate Bill 2577 would impose upon financial institutions, not insured by FDIC or not members of the Federal Home Loan Banking System, the same maximum deposit rates that are applicable to banks that are controlled by those federal agencies.

It should be pointed out, as the extensive statement of the Savings Banks Association of Massachusetts, already submitted to the Committee has done, the position taken by our Massachusetts Savings Banks and their Association which is that competitive quality can best be served by modifying the maximum rate for all Massachusetts thrift institutions now under federal control, not by subjecting all banks, including savings banks, to maximum deposit interest rates.

Very appropriately, it is suggested that FDIC has already adopted this course of action by permitting Massachusetts Savings Bank members to pay competitive rates on special notice accounts on grounds that the Massachusetts Savings Bank situation is unique, as indeed it is, in so many respects that differentiate it from all other banks in basic respects pertinent to this bill.

As this learned Committee well understands, the uniqueness of the Massachusetts Savings Bank System goes back a considerable way in the banking history of our state, which has grown throughout the years since savings banks were established in a very sound manner to the point where they now constitute a much larger, statewide part of the banking business than the banks in the federal system in our state, and now have total deposits of more than 10 billion dollars and, as mentioned by the statement of the Association, have prudently and safely functioned under state supervision for a century and a half.

I will not here recite the history of this great savings bank system, but many famous financial, political, and even judicial, leaders have participated in the founding, perfecting, development and safeguarding of this great system, until it is now in its uniqueness, one of the great banking systems of the nation and the world.

I am proud to suggest, as the Association does, that only in Massachusetts, not in any of the other 49 states, are depositors in mutual savings banks insured in full by a nonprofit deposit insurance fund created by state law.

To regulate all savings banks in Massachusetts would be to use a handful of banks in the federal system as a pretext for regulating a successful and much larger state banking industry in a manner which would undoubtedly be very harmful to savings banks, and not necessary in any sense to insure soundness and stability of the savings bank system, or indeed to do anything more than create a grossly preferential and discriminatory system which might well militate against our fine, thrift banking institutions the state of Massachusetts throughout the years has so carefully and successfully regulated that the system stands out strikingly by itself from all other thrift institutions in the country.

In the light of these facts, and the general situation, as well as in the interest of the banks and their depositors and the public, and fairness to them, it strikes me that this type of federal regulation would serve no possible, useful purpose of any kind, and it would do much to penalize, set-back and project injurious preferential competition from other banking systems in our state and, as suggested by the Association, undermine an important part of the dual state and federal banking system, whose preservation constitutes such an important principle and desideratum of the American banking structure, since, if duality is to exist, there must be some segment of the banking industry operating under state supervision independent of federal control in the state of Massachusetts.

It would be destructive to our savings banks to impose maximum rates anytime to be sure, but to impose them at the present time in the midst of this distorted economic cycle of bounding, inflated prices and inordinately high, swollen interest rates would be to impose them at the worst possible time of all.

To go into this kind of a change with our eyes wide open at this time, I suggest would be to knowingly disregard danger signs as to the consequences that would be in a sense acting with our eyes closed, and I am sure this great Committee, and none of us here in the Congress, would want to assume responsibility for taking such a step.

I hope that the Committee will carefully read the excellent statement of the Savings Banks Association, which contains full information concerning its organization, scope, service, duties and the uniqueness of its existence, functions and responsibilities, in the banking systems of the country, particularly of our state.

If such a proposal takes effect, it would threaten these Massachusetts banks with a chaotic confrontation that would impose upon them conditions different than any banking system in the country, and that it could well direly threaten their very existence, and the savings bank liquidity, which is the pride of members of the system and our State, and which has been preserved throughout the years by the application of astute management, sound expert judgment and common sense.

In a word, this proposal could well deal a body blow to this admirably sound, stable, well managed system, which has functioned so well throughout the years and which is functioning well now. The change could cause a serious cutback in mortgage loans which is the very result which S. 2577, taken as a whole, seeks so commendably to prevent, and is indeed of urgent importance to the economy at the earliest moment.

The Massachusetts Savings Banks form the foundation of the home mortgage and real estate industry for millions of citizens of Massachusetts. With over 6.5 billion in mortgages, 4.8 billion in conventional mortgage loans, $787 million in FHA mortgage loans; and $907 million in VA mortgage loans all being administered on a sound, solvent, practical basis.

It is interesting to note that these banks have $1.4 billion dollars invested in out of state VA and FHA home mortgage loans, thus channeling funds in excess of local needs to other areas of the country where capital deficiencies exist.

Above all, and this is exceedingly interesting to me and I am sure to you, in the light of our special interest in low-cost housing programs for the people, the savings banks of Massachusetts are committed to continue their vital support of all these programs and already have substantial investments in the Roxbury section of Boston to mention one area, where low-cost housing has a special urgency to provide for the crying needs of the people of the area that have only recently been recognized as they should have been long ago as worthy and entitled, constitutionally and every other way in our social and economic progress and in every other respect.

If maximum rates are imposed and rates rolled back at this time with reductions in deposits, all this valuable work, which has such a helpful impact on our current social and economic problems would be threatened and its benefits lost or greatly reduced.

Not only the building industry, but the fast growing number of potential, home owners, who are finding mortgage funds scarce would be hurt, handicapped and frustrated, many of them no doubt in irreparable ways, not to speak of deplorable social setbacks.

I will not further comment on maximum interest rates. We all know that these rates are higher than they should be at this time and this is no fault of the savings banks of Massachusetts, or indeed of many other banks, but due rather, to what I believe is exceedingly poor judgment, inept management and incredibly unsound, unwise policies of the Federal Reserve Board and certain national leaders so unwisely approving its unsound policies and actions.

Unlike many other banks, savings banks are paying dividends to their depositors, only from net earnings, after ¼% of deposit liability per year is added to surplus. Under such circumstances, it is totally impossible for these banks to pay dividends out of surplus, and certainly that is a sound feasible rule that deserves more widespread application.

These savings banks in Massachusetts are typically and exclusively Massachusetts thrift institutions, and only a small fraction of total deposits stem from out of state sources. If anyone is interested in securing higher rates, they are far more likely to invest in government bonds, now yielding as much as 7¾% rather than move deposits to Massachusetts.

Notwithstanding the long successful history of Massachusetts Savings Banks, other banks have had a competitive advantage over them for the past ten years, in regard to the growth in size of deposits, and this advantage can be traced largely to more generous laws regarding borrowing, mortgages and the location of branches, and the fact that until recently, savings and loan associations did not have to pay state taxes.

It is stated by the Savings Banks Association of my state that to impose far-reaching, federal regulations on savings banks under section 2A of this pending bill, S. 2577,

in order to correct temporary, competitive imbalance is short-sighted indeed.

The Federal Home Loan Bank Board can and should, as FDIC has, create geographical rate relief to its member thrift institutions until present inflationary conditions ease throughout the economy.

And, I may say, gentlemen, that unless something is done to ease the interest rates without further delay this economy, yes, and this social structure of ours will be inviting additional, dangerous, chaotic conditions in this country that will only serve to add to our serious problems and deep concerns.

I urge this fine Committee to give very careful consideration to the views that have been expressed by our unique and successful Savings Banks Association of Massachusetts, to take effective action before it is too late, to avert a most serious threat and immeasurable damage that could be visited upon the savings banks systems in our state, and that could well set off a chain of events that would shake our banking systems to its foundations.

I deeply appreciate your kindness for receiving my views and will sincerely thank you for your help.

LET US GIVE THE POLICEMEN OF THIS COUNTRY OUR FULL SUPPORT

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. ROUDEBUSH. Mr. Speaker, I insert a remarkable editorial from a recent issue of the Detroit Free Press in the RECORD. This column by Bob Talbert was called to my attention by Jack Stonebraker, a detective sergeant on the Muncie, Ind., police force.

Mr. Stonebraker is national legislative chairman of the Fraternal Order of Police, the only national civilian police organization. He also is president of the FOP Chapter in Muncie.

The FOP has been in existence since 1915 and has 80,000 members in 39 States. The requirement for membership in the FOP is that the man or woman in question be a full-time police officer. Through the leadership of John Harrington, of Philadelphia, national president of the FOP, Anthony Coyne, national secretary, of Cleveland, Ohio, Mr. Stonebraker and others, the FOP is drafting a national program aimed at more effective law enforcement, an objective which is important to our national survival. A part of this national program, and a most important part, is adequate pay and better working conditions.

To understand why we as Members of Congress should give the policemen of this country full support, I urge every Member of the House to read carefully the column by Bob Talbert, which is movingly eloquent. Let me quote one paragraph:

> His critics and his superiors call his job a profession but never mention that he makes less than most union craftsmen.

Incidentally, the FOP is strongly supporting legislation which is pending before the House Judiciary Committee which would give all police officers killed or disabled in the line of duty the Federal benefits which the Congress already has given police officers killed or disabled while enforcing Federal statutes. There are more than 125 Members sponsoring the pending bills. I hope that this legislation will pass, and am pleased to be listed among its sponsors.

The article follows:

LET'S CARE ABOUT THIS LOUSY JOB

(By Bob Talbert)

You wouldn't do it for love nor money—take abuse, the hours or the working conditions.

Neither would I.

But thank God he does.

He has the loneliest, dirtiest, toughest job in the goldfish bowl and nobody seems to care any more.

I think it's damn time we did.

"It gets lonely out here," the policeman said. "So lonely, sometimes, you could cry."

No one in the country is being so criticized or analyzed as the law enforcement officer.

He has no first name. He's cop and fuzz and blue daddy and John Law or the heat. He's pig and flatfoot and The Man. He's trouble and bad news.

Even if he's a good guy—and often he is—no one ever tells him so.

He associates with criminals and city hall politicians. Ordinary citizens want to see him only when they need him. When he goes to a party his badge gets in the way even if he isn't wearing it.

And what does he get for it?

He gets to miss a lot of weekends and holidays with his family.

He gets to be with pimps and addicts, thieves and bums, winos and con artists, girls with no addresses and men who never had one, liars and cheats, the errant elite and the dregs of Skid Row.

He gets to worry about underfed kids, unloved kids, molested kids, crying kids, homeless kids, kids with broken arms, legs, heads and hearts, kids with scars, sick kids, dying kids and dead kids.

He gets to worry about old people no one wants—the ones who walk the cold streets and try to keep warm in a a three-dollar room or maybe die trying to keep warm around the unvented gas heater.

He hits a backyard at two in the morning and never knows who he'll meet—a mad kid with a knife, a pillhead with a razor, an ex-con with nothing to lose and a hate as big as a .38 slug.

He's a little bit taller and stronger than you or me and his eyes are superior, but his education is not.

He finished high school, but he didn't get to college. He's criticized for this, even though he had to go to work and he thought this was a job you could hold your head up on.

His critics and his superiors call his job a profession, but never mention that he makes less than most union craftsmen.

People rank his job 54th on the status chart—right between a playground director and a railroad conductor.

They ask him to be courageous in the face of danger, but to remain calm when he is villified, cursed, and even struck.

They ask him to deal every day with helpless, broken and enraged people, dispensing decency and dignity in a shabby, smelly office that's too crowded, too noisy and too impersonal.

They ask him to meet all of the community leaders' demands for quality law enforcement and resist the same influential citizens' demands for a double standard of law enforcement.

He doesn't exactly trust the press or anyone under 25. He doesn't think they understand that his job is to enforce the laws, not write them or judge them or change them.

He feels frustrated by legal jungles, paperwork mountains, and an apathetic public.

He lives with the knowledge that his chance of being assaulted during the year is one in eight.

He knows that his family fears for him every minute he's away from home.

He has to do this lousy job because we aren't very nice to each other.

He is needed because of us. Yet we criticize and curse him.

Maybe we had better start caring about him—and ourselves.

Or it will so so "lonely out there" that we can all cry.

NEED FOR A STRONG MERCHANT MARINE

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. DICKINSON. Mr. Speaker, I wish to call to the attention of my colleagues a speech given recently in Mobile by my good friend and fellow Alabamian (Mr. EDWARDS). He quite clearly expresses the needs of this country for a strong merchant marine in light of the growing Soviet seapower. He is careful to show that these needs are consonant with the overall demands of the country and would harmoniously fit in with overall planning for all contingencies both domestic and foreign.

His remarks were given at the dedication of the U.S.S. *Ortolan*, a catamaran-type submarine rescue ship of the ASR class:

REMARKS OF CONGRESSMAN JACK EDWARDS

The sea and man's effort to cope with it, have always been a fascinating subject to me. I don't think there is anyone here today that doesn't thrill to the sight of the surf breaking on the beach. But likewise we know of the terrible devastation that the sea can produce both above and below its surface when the full forces of its fury are unleashed against the civilization built by men. All of us have witnessed the ruins left in the wake of Hurricane Camille. But have you ever thought about how little we know of the depths of the ocean?

Our submarines today, are charting unknown waters in the interests of science and national security. Through generations, the pages of history are full of the efforts of seafaring men and their struggles to return safely to their loved ones. But no country in the world has expended its time and resources to the extent that we have in the United States of America to assure that our brave men of the sea have every chance to return. And this is especially true in the submarine service.

As part of a continuing program to provide safety for men at sea, a new breed of American ships like the U.S.S. *Ortolan* is being built. These support ships are a part of a much needed rescue operation plan involving—among other things—the Deep Submergence Rescue Vehicles of the Navy. These technological advances are designed to prevent the loss of all hands that sometimes occurs when a submarine runs into trouble while submerged.

Next week, in a joint session of the Congress, the astronauts of Apollo 11 will be honored for their magnificent accomplishment in the vast outer reaches of space. And they should be honored because they are heroes in every sense of the word. But their spectacular achievement in July eclipsed the news of another accomplishment that even-

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tually may have even greater significance in man's quest for a better way of life. That event is the month long cruise up the Gulf stream by the research submarine the "Ben Franklin." This rather silent, but spectacular feat is part of an ongoing program designed to assure U.S. supremacy in marine technology. But although we have the technology and the potential to be a great maritime power, our lack of strong support for our maritime and shipbuilding industry has put us far behind in international shipping. It may not be as glamorous as space travel; but it is no less important, and more emphasis must be given to it.

Our forefathers earned their living from the sea; and in the early days of this Republic, we were known as a great maritime nation. But today through rising costs and lack of public support, we are losing what I have often referred to as the "Wet War."

A nation's seapower depends on its shipbuilding ability. On the skills of its shipyard workers. On the seamanship of its seafaring men. On the technological advances of its shipyards. On the innovations of its naval architects. All accomplished in a favorable government atmosphere. A nation which attaches no particular importance to its merchant ship contruction will slowly lose these talents and skills. Without a doubt this will have an adverse effect on the building of naval ships.

Much of my work in Washington has been aimed at rebuilding our merchant fleet, upgrading shipbuilding skills and assuring first class shipbuilding yards so that we can always have the ability to turn out ships such as the Ortolan.

An now President Nixon has given renewed hope to those of us who have been working for a new shipbuilding program in American shipyards. He has appointed Mrs. Helen D. Bentley as head of the Maritime Commission. Mrs. Bentley is not only knowledgeable in the field of maritime affairs, but is well-known for her hardfighting efforts to bring about improvements in the maritime industry. She is one person, I am sure, who will not allow herself to be smothered by the weight of bureaucratic red tape that frequently silences action in Washington. She has already raised her voice in favor of the need to move quickly on the building of modern competitive merchant ships in American shipyards.

One of the most appalling facts about America's merchant ships today is that by 1971 approximately eighty percent will be at least twenty years old. This means that four-fifths of the vessels we depend on to handle our coastal trade and part of our international trade in peacetime, and as backup shipping in times of international conflicts, will be over their economic life. The fourth arm of defense is fast becoming nonexistent. We can't supply the troops fighting in a modern war with broken down ships. We must develop long range plans now to rebuild America's merchant fleet.

Superiority on the seas is a must for a nation which is virtually surrounded by water. The Soviets are beginning to flex their sea power muscle in a dramatic show of strength. Just last month a Soviet naval squadron sailed within a few hundred miles of our shores in the Gulf of Mexico. Under the leadership of Brezhnev and Kosygin, the Soviet Union has realized the strategic value of sea power and are giving top priority to the development of Soviet naval strength at a time when we are reducing ours through direct cuts and a lackadaisical approach to American shipping needs.

The United States must develop a solid commitment in both the public and private sectors. We must strengthen our merchant marine, which serves both sectors, through an increased public investment in shipbuilding. We must reassess our naval military priorities in light of the growing Soviet sea strength. And we must step up our program of oceanographic exploration to expand our technical knowledge in this area for its scientific and strategic importance.

There are those in Washington right now, today, who want to cut back drastically on naval ships and military procurement generally. Certainly improvements in defense spending must be made, but we must stand firmly against weakening our overall defense position. And a very important part of a strong national defense posture is a strong naval fleet. The security of our nation demands it; and we must not let a handful of shortsighted Americans whose battle cry is "peace at any cost" put us into a state of unpreparedness.

Yes, we must be strong militarily, and we shall be. We must do everything possible to maintain all aspects of our naval strength—including our merchant marine position. But in making progress, in providing for our security, in developing weapons systems and ship systems, we must be ever mindful of the safety of our men. We must continually improve our ability to come to the aid of a fallen comrade; we must be ready to innovate, to try something new. Such a state of continued concern and preparedness is especially important in aiding those men who meet disaster under the sea. The Ortolan is a giant step in that direction.

Yes, we must have a national commitment which will assure us of continued supremacy on the oceans of the world. The dollars invested will bring multifold returns in jobs, personal income, international payments receipts and national strength and prestige. A lack of commitment to any one of these segments will weaken our overall naval posture.

I believe the Nixon Administration is ready to make such a commitment. And I believe that the past and present efforts of many in the shipbuilding industry show a similar strong commitment. Through such a government-industry partnership working together to build a better navy and merchant marine, we can all help build a better America.

HOT, POLLUTED WATER MIGHT WIPE OUT SALMON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. DINGELL. Mr. Speaker, Dr. Peter Tack, professor of fisheries and wildlife at Michigan State University, predicts that Lake Michigan will lose all its trout and salmon population in a few years if 10 nuclear powerpants planned along its shores are permitted to discharge heated water without control.

Dr. Tack is an authority in his field and his views must be given consideration. I find them reported in an article in the State Journal of Lansing, Mich., by Frank Mainville, the outdoors editor, published Sunday, September 14, 1969.

Mr. Mainville's article describes the recent death from shock of a number of chinook salmon which had encountered a current of hot water devoid of oxygen discharged from a powerplant. The salmon swam from Lake Michigan where the water was 55 to 65 degrees into Lake Muskegon with water temperatures of 70 to 80 degrees. The proposed nuclear powerplants would raise the temperature of millions of gallons of Lake Michigan water 21.8 degrees.

Before we heedlessly arrange wholesale destruction of fish, I think we ought to investigate. I have introduced, with Representatives JOSEPH E. KARTH, of Minnesota, and RICHARD L. OTTINGER, of New York, H.R. 1056, which would require Interior Department approval of Federal licenses for construction of any plants which would impound, divert, control, or otherwise modify public waters.

The Lansing State Journal article follows:

HOT, POLLUTED WATER MIGHT WIPE OUT SALMON—TACK PREDICTS LOSS BY 1985

(By Frank Mainville)

Last week's death of chinook salmon in Muskegon Lake may only be a harbinger of days to come when Lake Michigan beaches will be littered with rotting salmon instead of alewives.

John Trimberger, Grand Rapids district fish biologist, says the big kings, already under spawning stress, died of shock when they encountered hot water totally devoid of oxygen below 15 feet downstream from a power plant.

He explains that the chinook were not able to withstand the change from Lake Michigan water of 55 degrees to the low 60s to Muskegon Lake water in the high 70's and low 80's.

Trimberger refuses to speculate what may happen in future years if schools of coho and chinook are met by a hot water barrier from 10 proposed nuclear power plants spewing out millions of gallons of water 21.8 degrees hotter than when taken from Lake Michigan.

No one knows, including fish biologists and engineers, what will happen if these salmon hit a coast-long Gulf Stream-like coastal current.

James Wooley, researcher in Michigan State University's Department of Resource Development, admits location of nuclear power plants on inland bays or rivers could cause serious ecological damage.

"But a generator plant situated on one of the Great Lakes, where there is enough water to dilute the thermal discharge, should cause no ecological effect on the area," he stresses.

However, Dr. Peter Tack, MSU professor of Fisheries and Wildlife, predicts all salmonids—trouts and salmon—will be gone from Lake Michigan by 1985, due to pollution and thermal pollution.

Back from a summer of study at the University of Washington's Friday Harbor Laboratory, Tack reports warm water piled up in Puget Sound a few years ago delayed sockeye and chinook salmon runs 10 days. The fish did not run until the water cooled.

Tack is skeptical that Lake Michigan's pollution and thermal pollution problems can be controlled—especially in view of the 10 proposed nuclear power plants.

"I think there is a good possibility that in 10 to 15 years Lake Michigan will have no salmonids—trout or salmon—or whitefish," he stresses.

"We're going to lose the environment for these fish. Even an annual shift of only four or five degrees in Lake Michigan water temperatures will make it unfit."

Tack suggests the newly-completed Platte River Fish Hatchery won't be a waste of taxpayers' money—it can be used to rear trout for inland fisheries if there are still suitable cold water streams and lakes.

"We might have a new Lake Michigan warm water fishery for smallmouth bass—which ordinarily follow trout—or white bass, white perch or possibly walleye or striped bass," he points out.

But the Department of Natural Resources has found walleyes difficult to raise. And 300,000 striped bass fingerlings "borrowed" from South Carolina from a rearing experiment, have died in the state's old Wolf Lake State Fish Hatchery near Kalamazoo.

Thus, after spending millions to introduce the exotic coho and chinook—a feat called the ecological coup of the century—Michigan may in another decade, be spending millions more to introduce a warm water exotic to replace salmon.

Or settle for the white perch, an east coast estuarine fish which has already followed the alewife into Lake Huron. Tack expects it to migrate into Lake Michigan.

"White perch grow to four or five pounds," he explains.

"And they're great fun on a flyrod—from shore."

But salmon fishermen and charter boaters who have spent millions gearing up for big coho and chinook, may not be looking forward to one pound white perch.

Some may even discredit Tack's predictions . . .

But only 12 years ago Dr. George Wallace, MSU ornithologist, almost lost his job because he charged that DDT was killing robins on the campus.

And it took the salmon to prove he was right.

SAFE SKIES

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. ROSENTHAL. Mr. Speaker, I discussed the deteriorating air safety picture last week at a press conference in New York City.

As the Representative for the district which includes both LaGuardia Airport and a small private airport 2 miles from LaGuardia, I feel a special responsibility for directing the attention of the Federal Aviation Administration and the general public to the serious consequences of allowing over our cities a practically unrestricted mixture of huge, fully loaded jetliners and a variety of smaller planes, with different equipment standards and varying pilot experience training.

I hope we shall not await still another tragic midair collision before requiring the FAA to act decisively to end this inherently dangerous mixture.

My press conference statement follows:

STATEMENT OF REPRESENTATIVE BENJAMIN S. ROSENTHAL

The circumstances surrounding the tragic accident this week in Indianapolis were not unique. When a student pilot, with a meagre 38 hours of flying time, can slam into a fully loaded airliner on its landing approach, something drastic is wrong with the nation's air safety system.

There are over five thousand near mid-air collisions each year in which we barely escape a repeat of that Indianapolis tragedy. In New York alone, there were over 600 near mid-air collisions last year.

It is only a matter of time until these potential accidents become major national tradegies.

This situation must be corrected immediately. The federal government—designer and operator of the air safety system—bears a heavy responsibility for past accidents and for reforming the system.

On August 31, 1967, I reported on near misses over New York from January 1965 to June 1967. In that 30-month period, there were 80 near misses reported over New York. The sharp increase in near misses over the New York area—from less than three a month to fifty a month—is an indictment of alarming proportions.

Right now, private planes are taking off and landing from a private airport in this city located two miles from LaGuardia Airport, one of the nation's busiest terminals. There is no control tower at this small secondary airport, which is operated on city-owned land. At night, pilots who want to land at this small airport have to request that the lights be turned on.

This inherently dangerous situation exists at Flushing Airport in Queens which has been in operation since the pioneer days of aviation. No one in the federal, state or local government has served notice that this open-cockpit, flying scarf brand of flying should be outlawed within our city.

The FAA knows well, as its latest report indicates, that general aviation—the private pilots—are the principal cause of mid-air collisions. A private aircraft was involved in every one of the 34 mid-air collisions occuring in the United States in 1968. Commercial airliners were involved in only three instances. In the latest FAA report, 62 of New York's 74 "hazardous" near misses involved general aviation.

The problem is escalating because of the increased number of people and planes using the nation's limited airspace. In the past six years the number of licensed pilots jumped some 240,000. There are now 618,000 licensed pilots who fly 127,000 airplanes. The vast majority are private pilots flying private planes.

Last year the FAA tried with faint heart to take on the general aviation industry. It failed. It proposed that 33 major airports and the areas immediately surrounding them be excluded to all planes except those actually landing or taking off from these busy fields. The Aircraft Owners and Pilots Association (AOPA), the voice of general aviation, launched a massive campaign against this limited FAA proposal. The proposal was dropped and a mild limitation on five airports was imposed. This, too, met such opposition from general aviation that it was weakened, then delayed in execution, and finally made a temporary measure, to end on December of this year.

It is elementary that small private planes, scantily equipped and flown by pilots with wide variations of experience and training, must be kept to an absolute minimum over our cities. It may be necessary to ban them from our major urban areas.

FAA has avoided making this painful decision. It is under constant and heavy pressures from general aviation to avoid these judgments. The federal government neglects its duties to provide air safety to the general public—and particularly to the public which never flies but lives beneath the present uncoordinated and haphazard pattern of air traffic.

IMMEDIATE STEPS THAT CAN BE TAKEN

I. We must restrict private planes over metropolitan areas. We must establish a system of priorities for scheduled airline traffic which recognizes the inherent danger in mixing small planes with giant airliners over urban areas. Only with such a system of priorities can we properly represent the 99 per cent of the population which is outside of general aviation.

This proposal does not envision the abolition of private flying. Even over metropolitan areas, general aviation has rights which must be maintained. But general aviation to be permitted to fly over our cities must meet the same pilot and equipment standards as the airlines. Those standards are necessary to insure the safety of airline passengers and of urban residents whose lives are jeopardized by the present haphazard system of air safety regulation.

II. FAA should immediately proceed to phase out those inherently dangerous situation where a hazardous mixture of general aviation and air carrier traffic is imposed on certain cities by the location of smaller airports near large air terminals.

One key conclusion of the FAA report bears on this recommendation:

"(1) The proximity of airports in the high density areas creates a traffic flow problem, particularly when an adjacent airport(s) serving light aircraft is a non-tower airport . . ."

This is exactly the situation which exists at Flushing Airport.

There are many other cities where the Flushing-LaGuardia problem exists. Ultimately, the only answer is the closing of such secondary airports where they interfere with safety at major terminals.

New peripheral facilities must then be provided for general aviation which will keep their traffic pattern well away from the cities.

III. The Development and installation of an airborne collision avoidance system should have the most urgent priority within the Federal Aviation Administration. A system already exists which will warn pilots of impending danger from other aircraft and tell them what evasive action to take. It is costly, but economically feasible for large commercial planes. FAA leadership in encouraging such systems and broadening their potential use has been half-hearted.

To insure that these recommendations receive consideration at the highest level, I have today sent the following telegram to President Nixon:

"The tragic accident in Indiana this week was the product of a defective air safety system. It will be repeated across the country unless you direct specific and immediate changes in that system. Private aviation must be restricted, no matter how painful or unpopular this decision. Hazardous private airports must be eliminated. A collision avoidance system, which is technically feasible today, must be installed in every aircraft.

"I urge that you direct the Federal Aviation Administration to proceed immediately to carry out its duties to the general public whose interests in air safety are no less real because they do not own or fly their own planes.

"Air safety is both a prime federal responsibility and a basic citizen right."

THREE MARYLANDERS DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Tollie Bailey, Pfc. David S. Seldon, and Pfc. Israel Martinez, Jr., three fine young men from Maryland, were killed in Vietnam recently. I wish to commend their courage and honor their memory by including the following article in the RECORD:

THREE MARYLANDERS DIE IN VIETNAM: TOLLIE BAILEY, DAVID SELDON, ISRAEL MARTINEZ KILLED

Three more Marylanders have been killed in Vietnam, the Pentagon reported yesterday.

Army Pfc. Tollie Bailey, a native of Baltimore, was killed September 7 when he was mistaken for the enemy and fired upon by "friendly forces" while on a combat operation in Quang Ngai province in Northern South Vietnam.

KILLED BY BOOBY TRAP

Marine Pfc. David S. Seldon, of Quantico in Wicomico county, was killed Sep-

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tember 10 when a booby trap exploded at his feet while on patrol 5 miles north of Vandegrift Combat Base in Quang Tri province, South Vietnam.

Private Seldon was a member of N Company, 3d Battalion, 3d Marine Division. He is survived by his parents Mr. and Mrs. Shelton B. Seldon, of Quantico.

Another Baltimore soldier, Army Pfc. Israel Martinez, Jr., died August 30 as a result of injuries received when a military vehicle that he was driving overturned while descending a hill during a combat mission in Pleiku province in north central South Vietnam.

Private Bailey, 20, who lived at 747 W. Saratoga Street, graduated from City College in 1967 and participated in football there. He was a member of the young adult choir of the Mount Olive Freewill Baptist Church in Baltimore.

After graduating, Private Bailey worked for two years as a machinist. On July 6, 1968, he married the former Ramona Griffin, and was drafted three weeks later.

"He didn't want to go, but he knew he had to," his mother, Mrs. Clifford Loving, said.

Private Bailey is also survived by his stepfather, Clifford Loving; four sisters, and one brother.

Private Martinez, 20, who lived at 5132 Alberta avenue, was born in Puerto Rico, but at the age of 2 moved to Great Neck, N.Y.

ACTIVE IN BOXING CLUBS

During his school years, Private Martinez was very active in school boxing clubs and enjoyed ice skating.

After his schooling he joined the Army and did a tour of duty in Vietnam with the Army and did a tour of duty in Vietnam with the 173d Airborne Division.

After returning from Vietnam, he was stationed at Fort Meade and on one trip to Baltimore met Miss Mildred Smelser who was then a hostess at the USO here.

A few months later they were married, but Private Martinez had already enlisted for another tour of duty in Vietnam.

Mrs. Martinez stated that her husband often said of the war: "We have a cause; we have a reason."

She added: "He was proud to serve."

Private Martinez is also survived by his mother and father. Mr. and Mrs. Israel Aviles, of Great Neck, New York.

PLAYED IN SCHOOL BAND

Private Seldon, 20, a native of Wicomico county, attended Wicomico High School and played in the band there.

Upon graduation, he went to Washington and worked as a barber for a year before he was drafted.

Private Seldon was an enthusiastic hunter and fisherman.

In addition to his parents he is survived by three brothers and two sisters.

THOMAS P. O'NEILL III BECOMES STOCKBROKER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. JACOBS. Mr. Speaker, Thomas P. O'Neill III has just passed, with high marks, his examinations to become a stockbroker on the New York Exchange.

This seems entirely appropriate, inasmuch as his father is a fellow named "TIP," our colleague, the Honorable THOMAS "TIP" O'NEILL.

PRESIDENT'S ADDRESS TO THE UNITED NATIONS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. EDWARDS of California. Mr. Speaker, tomorrow the President of the United States addresses the General Assembly of the United Nations, our best hope for a peaceful world. I for one believe, and I hope the President shares my belief, that the United States must play a more active role in support of the United Nations and must work toward making that organization a true international peacekeeping organization.

In line with my beliefs and hopes I addressed the following letter to the President, making known my concern and my suggestions. I submit the letter for inclusion in this RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 17, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your decision to address the United Nations was an admirable one and I would hope that you will take this opportunity to express the United States' determination to aid in the establishment of international order—a necessity today, when wars flourish and threaten every continent of this weary globe. Any one of these conflicts could explode into a world conflagration, ending the history of man on this planet.

As one who is deeply concerned about this world, and about the survival of all the people in it, may I suggest that it is time for the United States to act firmly to strengthen the United Nations and its peace keeping operations. I believe there are certain specific areas in which the United States could and should propose United Nations actions.

First, I would hope you will reaffirm and strengthen our support of the United Nations. Specifically, I would hope you will stress the importance of the United Nation's role in solving the current Arab-Israeli crisis, the importance of keeping the peace along the Soviet-China border, and the role it should play in bringing peace to Vietnam.

The experience of the years since World War II makes clear that peace can be achieved only through an international organization. I would urge that the United States now clear its recognition of that fact of life.

Second, I would hope that you will suggest the United Nations be the agency to oversee arms control reduction. Obviously an impartial and international body is needed to create the trust needed for world wide arms control.

Third, I would hope that you will announce the United States' determination to help finance the new and important programs the United Nations must undertake. (Last year's budget of the UN was $164 million, about what the United States spends every two days in the Vietnam war.) If through the United Nations we can bring peace to Vietnam and stop any future Vietnams, then the economy of such an effort, in money and lives, is obvious.

Mr. President, I know that we share the same concerns about peace and about the need to assure a fit world for our children and our children's children. I would hope that you will take this opportunity to outline broad and bold new policy towards peace utilizing the potential of the United Nations.

Sincerely,

DON EDWARDS,
Member of Congress.

VIOLENCE ON CAMPUS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. HUNGATE. Mr. Speaker, I am pleased to acknowledge an eloquent address delivered by the junior Senator from Missouri, Senator THOMAS F. EAGLETON, at the Missouri Military Academy commencement exercises, Mexico, Mo., May 25, 1969.

In the speech, Senator EAGLETON called for a tempored rational approach to the expression of academic freedom and believes that violence in and of itself is anathema to freedom of this expression.

The Missouri Academy is one of the outstanding military schools in the Nation and is a member of the Association of Military Colleges and Schools in the United States. The executive director of the organization has made available the text of the speech which I would like to submit for the review of the Members of this House:

(Speech of Senator THOMAS F. EAGLETON)

VIOLENCE ON CAMPUS

We have witnessed in this decade the growth of violence throughout American life—from Vietnam to the streets of Watts, from Harvard Quad to the Pentagon parking lot. The latest to be shaken by violence are our educational institutions.

Campus unrest and student protest are not unique products of this country or even of this age. University students in medieval Europe and early America were often more renowned for brawling and roistering than for serious academic accomplishments. The panty raids which seemed to erupt each Spring during the 1950's may have been sparked by nothing more than youthful exuberance, but they occasionally became full-fledged riots. And universities as far removed as Paris and Tokyo have been forced to close within the past year because of student takeovers by force.

Historical and geographic perspective provide little comfort, though, for the millions of Americans who are deeply disturbed by the new violence on our campuses. They see in the campus disturbances of the last several years a new element which goes far beyond the traditional restlessness of youth. The theme of campus rebels today appears to be:

"If this place won't operate my way, it won't operate at all."

They are willing to use the most violent and obnoxious means to reach their goals: seizure of university buildings, disruption of classes, incarceration of administrators, and silencing of those who disagree.

These tactics are anathema to the principles of academic freedom and freedom of expression which underlie the position of colleges and universities as centers of uninhibited scholarship and informed discussion. They can in no way be justified as a means of securing rights denied or protesting inequities gone unremedied: the violent disruption of the university is, of itself, an infringement of the right of professors to teach, of scholars to pursue the advancement of knowledge, and of students to learn, free from unreasonable pressures or interference. And I fear that this self-seeking violence will produce a reaction from which we and all our institutions will suffer.

To be sure, there are many legitimate needs and aspirations of students which have too long gone unheeded by some institutions and administrators. Health, Education, and Welfare Secretary Finch stated to a Congressional subcommittee recently that: "We cannot assume, out of hand, that campus conflict is simply conflict for its own sake: in many instances it is solidly based in legitimate grievances."

Moreover, the unrest evidenced by students is, to an extent, a manifestation of conditions in our society which should alarm us all.

Young people see, perhaps more acutely than their elders, poverty amidst plenty, pollution of our environment, racial conflict and injustice, war and the threat of more war, a distortion of Governmental priorities—all adding to a general discontent with the quality of American life. Their apparent inability to affect these conditions contributes to a widespread feeling of frustration and, as we have seen, may lead to violence.

But giving due credit to the idealism motivating a large proportion of the campus rebels does not mean that violent and disruptive tactics can be countenanced. Even the most laudable aims of a college protest do not provide a license to destroy.

There are those who would write off this entire protest movement by reciting statistics to show that only a fractional few of the nation's 6,700,000 college students can be classed as destructive radicals—an undeniable and certainly commendable fact. But I think this approach is deficient in that it promotes a kind of complacency, a feeling that one of these days students will return to "normal."

It overlooks the equally undeniable and equally commendable fact that a great majority of this generation of students has expressed a deep concern and sympathy for many of the same causes that have been espoused by the vocal minority. Thousands of students followed Senator McCarthy in a campaign which ultimately transformed the American political scene. Thousands more joined with Robert Kennedy in his quest for a "newer world." Not surprisingly, they and others like them have carried back to their campuses and communities a conviction that people can and must have a voice in the functioning of the institutions of our society.

Those of you who will soon be entering college can have a profound impact on the course of this movement. Its success will be determined largely by the extent to which your responsible leadership can prevail over the demagoguery of those few who measure political victories by the number of heads split open in violent confrontations.

I am not one who sees only violence in militancy, or conspiracy in dissent, but I am one who deeply believes that constructive and lasting change can be accomplished by peaceful and democratic means. We can work to end the war, to aid oppressed minorities and decaying cities—and we certainly can use the energy and ideas and support of youth in doing so.

Young people understandably are inclined to dismiss summarily those who advise patience and deliberation. They have been hearing the counsels of caution all their lives from their parents, their teachers, their elders generally. But, for a while, there was a man young people listened to, a man who earned their highest admiration and confidence. And Robert Kennedy said it better than any of us: "Patience is the greatest, and perhaps the hardest lesson youth must learn. . . . New voices *will* be heard if they are raised in a responsible manner, not in a harangue, not in shouts of violence, but as part of a reasoned dialogue."

SOUTH EL MONTE—BEST SISTER CITY PROJECT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. BROWN of California. Mr. Speaker, I would like to call to the attention of my colleagues the very special community accomplishments of the citizens and local officials of one small city in the 29th Congressional District of California, which I represent. I think the people of this community have shown, over the years, a community spirit and a will for civil achievement that sets an example for our local communities, large and small, across the Nation.

I am speaking of the city of South El Monte, Calif.

A quite large delegation of city officials and community representatives from South El Monte have been in Washington this week to receive a national award for their city from the Town Affiliation Association. This is the national organization of cities in the United States engaged in sister city programs with foreign cities around the world. South El Monte was selected for the award for conducting "the best single project" in sister city relationships among cities under 25,000 population.

I might point out that South El Monte was selected for this award as a result of its community effort, in cooperation with its sister city of Gomez Palacio, Durango, Mexico, in obtaining a very badly needed fire engine for the Gomez Palacio Fire Department, and getting the fire engine delivered across the border into Mexico, despite considerable barriers of redtape and official restrictions that our Federal Governments seem to create in such circumstances.

In addition to the securing and delivery of the fire engine—which was a considerable feat in itself for these two small communities—the successful and cooperative effort engaged in by the citizens of the two communities has succeeded in establishing a much greater and closer bond of friendship and appreciation between them—which is what our sister city programs are all about, of course.

But another reason that I am making a special effort today to call attention to the accomplishment of this city of South El Monte is that this latest recognition, extended when the Town Affiliation Association presented its national awards here last night, is but one in a continuing series of civic achievements and accomplishments that South El Monte has realized in recent years.

It is the Sixth National Achievement Award extended to the city for various programs of civic accomplishment within less than 5 years.

In 1965, South El Monte won the first place award for civic improvement by the National Cleanup Paintup Fixup Bureau for the best community improvement in its category. This was for its accomplishments in 1964.

In 1966, the city won the same first place civic achievement award for the second year in a row, and in the same year was the recipient of the National Trigg Trophy, which is presented to the one city in the Nation, regardless of population size, that is judged to have shown the greatest community improvement and civic achievement during the preceeding year.

In 1967, South El Monte was an All-America City finalist in the National League of Cities competitions.

In 1968, it was recipient of a first place award for highway beautification, presented by our U.S. Department of Highways.

And now, this year, South El Monte is the recipient of the Town Affiliation Award for the best single project in its population class under the sister city program.

For a city of only 12,000, or for any city of any size, I believe that is quite a record of civic accomplishment, and one that speaks very highly of the citizens and officials of this community.

Of course, the delegation of city representatives here from South El Monte to receive their city's award last night represents only a small fraction of the civic-minded people of South El Monte who have engaged in their community improvement programs and have made all these awards possible. But since this delegation was here in the Nation's Capital, representing all their fellow citizens from South El Monte, I would like to have their names placed in the CONGRESSIONAL RECORD.

They include: Mayor and Mrs. Max Shapiro, Vice Mayor and Mrs. Frank Stiles, Councilman and Mrs. Vern Allen, Councilman and Mrs. Tommy Duncan, Councilman and Mrs. Joe Vargas, their Sister City President and Mrs. Don Wright, Vice President and Mrs. John Potter, Vice President and Mrs. John Wiezbiski, Protocol Officer and Mrs. George Voight, Liaison Officer and Mrs. Joe Olivares—who is also the national president of the United States-Mexico Sister City Association—Mr. and Mrs. Gene Budinger, Mrs. Della Martinez, and Mrs. Reina Lampasana.

Also with the delegation, from Gomez Palacio, Mexico, has been El Presidente Municipal and Senora Gustavo Elizondo Villarreal.

CRIME A NATIONAL DISGRACE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. HOGAN. Mr. Speaker, I rise on a very serious note to call the attention of my colleagues to action which is desperately needed. I refer to the national disgrace of crime.

Despite the fact that the President, Members of the Congress, law-enforcement officers, and the irate, confused, frustrated citizens have all declared with a loud and unanimous voice that crime is one of the most important problems to be solved, virtually nothing has been done to solve it. And, as I see it now, it appears that nothing will be done in proportion to the immediate need. I cannot understand and, frankly, I am frustrated as to why the business of solving this problem is not being given the highest priority.

As the world watches this spectacle of rampant, unsolved crime, it is beginning to form an opinion that America is a crime-laden Nation, crumbling internally with a problem we are unable to solve. Our astronauts can walk on the moon, but our citizens cannot walk safely on the streets of Washington.

Other nations ask "How can a Nation seek law and order abroad when it cannot maintain law and order among its own people"?

It is a legitimate question in face of the facts.

But even more important than world opinion is the right of every citizen to protection and freedom from crime. It is the first duty of an ordered society to guarantee the peace and safety which result from laws and their enforcement. To do otherwise results in chaos.

A constituent of mine, a lawyer, in his massive frustration, has written a letter to me and to the President describing an armed robbery in a place of business which took place a few blocks from the White House. Though two of the robbers were apprehended and identified by the victims, the Washington, D.C., police did nothing. They refused to arrest the men identified as the robbers. It appears that even some of our law enforcement officers are enveloped by an aura of fear—fear which stems from intimidation and the vague interpretation of the laws. This unfortunate situation seems to bring our police the choice between adverse press and citizen protest and running a legal obstacle course or turning the criminals loose.

What a deplorable state of affairs. What a mockery of justice which erodes the public confidence in our police and debases their morale. The effects are obvious for all to see. Read the statistics. Ask your friends who have suffered crime. Ask your neighbors. Take an opinion poll among your constituents. The whole Nation is racked with fear of nightfall. Americans are frustrated, bewildered, and angry.

Yet, our efforts to solve this problem, which warrants the highest of priorities, seem to make no headway. Are we to let this cancer grow until it destroys us. This problem can and must be solved or America will become a land of vigilantes.

I request that my colleagues take note of a letter which one of my distinguished constituents, attorney Walter L. Green, wrote to President Nixon concerning the crime recently committed in Washington to which I alluded earlier. It dramatically presents the citizens' voice calling upon us to solve the crime problem in Washington, D.C., and in the Nation.

The letter follows:

GREEN, BABCOCK & DUKES,
Hyattsville, Md., September 16, 1969.

In re Law and Order in the District of Columbia—Where is it?

Hon. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: Armed robbery repeated, repeated and repeated again, makes it very difficult to operate the Ebbitt Hotel which is located at 10th & H Streets, NW., in Washington, only a few blocks from the White House, your own residence as President of the United States, and only a few blocks from the Capitol of the United States. Is not this to the shame of a once great city and of a great nation?

This, however, seems almost inconsequential when I am told by the Police Department of the District of Columbia that there were 360 armed robberies reported in the District of Columbia for the first 14 days of September, which if continued at that rate will probably exceed the 714 armed robberies committed in the District of Columbia during the month of August of this year.

In coming to my office this morning I heard over the radio that two men were shot in the District of Columbia last night while resisting robberies being perpetrated by armed hold-up men. In the Washington Post of yesterday morning the Ebbitt Hotel robbery was not even mentioned in the crimes that filled one-fourth of page C–2 of that paper.

In a previous robbery at the Ebbitt about three months ago, our night clerk was shot. Besides another hold-up in the meantime and an attempted hold-up, we have also had one employee mugged and robbed in broad daylight two blocks from the hotel, and in addition to this, within the past month and a half we had a customer assaulted in an attempted robbery and he suffered a broken jaw. On August 15th our night clerk was held up and robbed.

In the robbery that occurred Sunday night there were four employees present, with an armed guard that had been employed. This did not deter four thugs from entering the place and robbing it of substantial receipts necessary to pay the employees and the operating expenses of the hotel. Under these circumstances how can a business operate in the District of Columbia?

Incidentally, we have operated this business for the past fifteen years, and never has it been as bad as it is today. In your campaign for the Presidency we vigorously supported you, although we were of another party, and we did this not only because of long admiration for you, but primarily because of your advocacy of law and order and your expressions on the war issue.

We, of course, realize your difficulties in bringing about your desired goals, but looking at the District of Columbia scene from July 26, 1926, when I arrived in Washington the first time, I can see personally that it has never been worse. There must be a cause to produce this effect, and somewhere there must be a remedy for the situation.

Respectfully and sincerely yours,
WALTER L. GREEN.

EAST TENNESSEE WELL REPRESENTED

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. CARTER. Mr. Speaker, it has been an honor to serve with the Representatives JOHN J. DUNCAN, JAMES H. QUILLEN, and BILL BROCK, from eastern Tennessee for the past 4½ years. All three are able, personable gentlemen who represent their districts well. With U.S. Senator HOWARD BAKER, they constitute a strong team dedicated to the service of the people of eastern Tennessee.

A recent article in the Knoxville News-Sentinel crossed my desk. I was so impressed by it that I include it in the RECORD:

[From the Knoxville (Tenn.) News-Sentinel, Sept. 14, 1969]

EAST TENNESSEE WELL REPRESENTED

East Tennesses's Representatives in Congress, John J. Duncan and James H. Quillen are deserving of pats on the back for the positions they have taken recently on current legislation. Both have come to the support of the bill exempting certain joint newspaper operations from the antitrust laws.

And additionally Duncan has called for an investigation of the Small Business Administration which lately has been found to have made loans "to criminals and as political favors to individuals with little assets."

Duncan and Quillen are on sound ground in their support of the Newspaper Preservation Act, a bill which would recognize the financial impracticability of two newspapers operating in separate plants in some cities whereas by combining mechanical, sales and circulation operations, but maintaining editorial competition, such as is done by The News-Sentinel and Journal in Knoxville, both papers could be preserved. Quillen testified that in his opinion at least one newspaper each in Knoxville, Nashville and Bristol would have to go out of business if they were forced to separate their physical operations.

Twenty-two cities in the United States are supplied by 44 newspapers publishing in such combinations as is done in Knoxville. With the support of such Representatives as Duncan and Quillen, and approximately 100 others, there is hope the continuity of competitive editorial voices may be preserved.

Duncan's call for an investigation of SBA comes after revelation of a $75,000 guarantee of a $100,000 loan to a company headed by a Canadian who has been arrested in a case involving illegal transportation of $150,000 in stolen jewelry. Other SBA-guaranteed loans to questionable people and companies earlier combine to support Duncan's call for an investigation.

With such representatives as these, plus the unannounced projection of the other East Tennessee Representative, Bill Brock, into a governor's race, and Sen. Howard H. Baker Jr. coming to the fore as possible successor to Republican leader Sen. Dirksen, it makes us feel we are in pretty good hands in the nation's Capitol.

REDUCING FEDERAL CONSTRUCTION WILL NOT STIMULATE A VIGOROUS HOUSING UNIT BUILDING PROGRAM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. EILBERG. Mr. Speaker, on September 4, the President announced a 75-percent reduction in new contracts for Government construction. This action is shortsighted and will have a disastrous impact on the general economy and a specific sector of the economy.

In his statement, the President said that he was taking this action to redirect the energies of the construction industry into home and apartment building. I submit that this justification is a deceit.

Finally, it is clear that the President's order is a punitive instrument directed at building tradesmen who may not fit comfortably into the much-discussed "new Republican majority."

We Democrats have been accused of a predilection for inflation and I agree that the current annual 6-percent rate of inflation is excessive and thrusts us forward on a self-destructive cycle. Rising wages are wiped out by rising costs; the dollar is weakened, the frustration of the workingman mounts on discovery that the extra dollars in his pocket can buy no more.

On the other hand, Republican money managers have for years fatalistically flirted with recession. As much as they may protest, their attempts to regulate the economy, to control inflation have led inevitably to unemployment and recession. I fear that the present administration has launched the Nation on a rollercoaster ride which may soon plunge into the trough characterized by too little money, too few jobs, and too little bread.

Typically, in announcing the reduction, the administration refused to classify the order as an anti-inflationary device. Rather, it chose to suggest that this manipulation would release construction resources to the task of providing needed housing units.

Does the administration believe that we are so naive as to believe this? More alarming is the possibility that the administration itself may believe this transparent nonsense. If this be the case, Nixon's vaunted redirection for the 1970's may be an aimless stagger on an arid plain.

For the fact of the matter is simply this: Tight money, soaring land values, and skyrocketing costs of building materials have become the real obstacles to a vigorous housing unit building program. And if the President and Dr. Arthur F. Burns, his counselor, doubt this, they need only ask the father of two looking for mortgage money or the homebuilder in the market for building supplies. Frankly, it is inconceivable to me that the administration can really believe, in this year of the 8½-percent prime lending rate, that the demands of Federal construction have siphoned off resources needed for home and apartment building.

I believe the administration is more sophisticated than this—for the Nation's sake I hope it is—and that it chose the rhetoric of social welfare rather than the dusty prose of despair to again depress the economy. Some doubts linger.

These doubts are fueled by Dr. Burns' sanguine statement to the press that he doubted the President's order would create unemployment in the construction industry.

James Leo Laughlin, former business manager, and Thomas J. Magrann, business manager of the Building and Construction Trades Council of Philadelphia and vicinity have estimated that 10,000 workers in the five-county Philadelphia area will be adversely affected by this order in the next 6 months. The extent of the impact of this order on my area of the Nation as well as others depends on just what construction will be effected. I urge the Bureau of the Budget to soon provide Congress with a region-by-region breakdown of this impact.

Dr. Burns also clearly placed the blame for rising construction costs on the wage demands of building tradesmen. He assiduously neglected to include land and materials costs and the tight money market in this assessment. The trade unionist has bargained for equity in the economy and if Dr. Burns thinks he has been too successful, I suggest he discuss with the blue collar father of two the difficulty of finding mortgage money. I assure him this would not be an academic discussion.

If the Nixon administration is honestly interested in stimulating the homebuilding industry, I urge the President to use his influence to reduce high interest rates, release Federal land for public use, and to regulate the costs of building materials. He is deceiving himself and the Nation if he thinks penalizing building tradesmen will do any more than put thousands of men out of work and start the long nosedive toward recession.

IMPORT QUOTAS AND FOREIGN TRADE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. ROBISON. Mr. Speaker, I have introduced a bill, H.R. 12466, that would establish import quotas in the leather footwear industry. I have previously explained the present state of affairs, which is, in brief, that the shoe markets of the United States are being subject to a deluge of foreign imports. I have also explained that my proposed limitations are necessary for the continued health of this domestic industry.

There has been criticism of restrictions on trade since the time of Adam Smith's "The Wealth of Nations," which first appeared in 1776. The ideas set forth in that treatise were lucid and have had a profound influence on the course of Western economic society. At the same time, one can no more form a truly knowledgeable opinion of modern international economics from the writings of Adam Smith than one can claim to understand the machinations of the Soviet Union from a reading of Karl Marx's "Das Kapital."

I doubt if there are many individuals that would seriously contest these statements. Indeed, the remark can be extended to more sophisticated modern approaches. The instructors of beginning economics students at one American university announce that their pupils will spend 1 year learning the fundamental theories of modern economics—the rest of their undergraduate careers will be passed in learning why these theories are not applicable most of the time.

I view with some alarm, then, the unthinking use of the labels "protectionist" and "free trader" in discussions of the curtailment of imports. These are terms of the 19th century, terms which are left over from a time when Congress made tariffs to restrict trade rather than establishing quotas. Even when used casually, they reflect a bias of mind. They cloud thinking with extraneous affectual associations, such as greedy and ignorant financiers seeking to pad their profit margins at the expense of an unknowing American public.

These associations impair an objective consideration of the problem at hand. First and foremost, we are not dealing with shady procedures that favor inferior products. Our products are on a par with or better than our competitors, if this bears mention. The real issue is jobs—employment opportunities for unskilled and semiskilled workers. These are the proverbial "little men," and it is they who will suffer if our shoe industry begins to die. Remember also that the proposed restrictions are not padding for the pockets of incompetent producers. They are merely sufficient to allow American leather goods to compete with the powers of cheaper foreign labor, whose advantageous position has been enhanced by the ravages of inflation.

The nature of this employment is also noteworthy. The unskilled or semiskilled labor used by the shoe industry would eventually, if employed at all, most likely be employed in the service sector of our economy. This is to say that it would be least likely to be in a position to assist our balance of payments deficit. Indeed, the transfer of labor from the shoe industry to the service sector would most assuredly result in a poorer payments position, simply because more American dollars would be leaving the country to pay for footwear.

It has no doubt become clear that the greatest stumbling block in Smith's analysis is the integration of foreign trade into national policy, accompanied by the modern government's conscious decision to intervene in the operation of the national economy. If we are to be concerned about employment and the living standard, we cannot always opt for unlimited free trade—and I believe that any examination of the current state of government interference in foreign commerce would substantiate this contention by showing that we have not done so. We cannot afford a credulous faith in free international trade, primarily because there is no such thing.

I think that there is a tendency to ignore the fact that the United States is not alone in considering trade policy as a dependent component of national economic policy. Japan, for instance, embargoes the import of American bovine leather despite the fact that it would be a superior value on Japanese markets. At the same time, we permit the Japanese to export to us a wide variety of leather goods, from shoes to baseball gloves. Japan continues to develop her inferior, but protected, leather industry. She does it because it is a national policy to absorb certain grades of labor skills.

Beyond these considerations of the relation of trade to national policy, there is a new technological situation. Sophisticated technological capabilities are no longer the prerogative of any one nation. While it is true that there remain industries in which the United States is perpetually in the worldwide vanguard, the rapid diffusion of knowledge in today's

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world does not permit us to exploit any single advantage for long, if indeed that advantage has not already been adopted in a foreign country. Our ancestors took great pains to smuggle industrial processes out of England; with the present state of communications, the task is far easier. We may lead perennially in capital resources, but we fool ourselves if we think that we have a monopoly on brilliance or ingenuity.

Finally, if we are justly concerned with our own balance-of-payments deficit, we should do something now, before the problem reaches disaster proportions. It makes no sense to leave ourselves open to an eventual apocalypse of blind isolationism—I raise the specter because I think the leather industry foreshadows problems for other sectors of American manufacturing—when moderate and calculated restraint at this time could restore a balance.

As when I spoke on this topic previously, I urge the Committee on Ways and Means to place footwear controls high on their list of legislative priorities.

THE LONG-RANGE EFFECT OF TAX REFORM PROPOSALS AFFECTING COLLEGES AND FOUNDATIONS MERITS PRUDENT REVIEW

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. DONOHUE. Mr. Speaker, unquestionably, the great and overwhelming majority of the Members of Congress and the American people are extremely gratified that the Congress is now finally engaged in carrying out its imperative duty to equitably reform our discriminatory and antiquated tax system.

On the whole, those of us in the Congress who have long advocated a careful review and revision of the present tax structure, in order to eliminate unwarranted and unjustified privilege, preference, and discrimination, were very pleased when this House took its first step in all our history to achieve equitable tax reforms when we approved the Tax Reform Act of 1969 last August 6.

At that time, while we expressed agreement with most of the major provisions of the bill, many of us also expressed some misgivings about a few projected reforms in the bill, such as the long-range effect of the recommended restrictions upon charitable contributions that could adversely affect our educational, historical, and cultural institutions. While the Congress certainly does have the clear and urgent duty to expeditiously and equitably reform our entire tax system, we also have the further obligation of trying to be as sure as we can that in legislatively seeking the correction of an apparent abuse we do not, in reality, tend to create a greater and more substantial evil.

For advice and guidance against falling into such legislative error we look, of course, to the voice and testimony of the authorities in the particular fields. Practically every expert and authority in our educational, historical, and cultural areas have registered their strongest convictions that the proposed tax treatment, in H.R. 13270, as passed in the House on August 6, of gifts of appreciated property to tax-exempt institutions is against the public interest since it would make it extremely difficult for colleges, universities, libraries, museums, and other public and private institutions to secure substantial private donations.

I know that the Members of Congress are deeply interested in trying to prevent any unwitting visitation of major hardships upon these institutions and, indeed, any other individual or organization, in our continuing action on tax reform legislation.

In recognition of that interest and concern, I am pleased to include, at this point, a very timely editorial on the effect of tax reform proposals upon colleges and foundations that appeared in the September 20, 1969, issue of the magazine, America. The article follows:

TAXES: COLLEGES AND FOUNDATIONS

The merits of President Nixon's package of tax reform proposals are certain to be explored at length in the hearings now being conducted by the Senate Finance Committee. Two of the President's recommendations, however, deserve immediate endorsement.

The first is the retention of the present tax treatment of gifts of appreciated property to tax-exempt institutions. The House bill would include appreciation on such property in the limit on tax preferences and the allocation of deductions. Under the House version, colleges and universities, libraries and museums, would find it increasingly difficult to secure major private donations.

Since large gifts of appreciated property involve real financial sacrifice by the donors, even though the gifts reduce their tax bills (the reduction in the tax is always far less than the value of the appreciated property), the tax motive for eliminating abuse of the deduction simply does not exist in this case. Moreover, the government is not losing money as a result of this deduction: the loss in tax revenue is more than offset by the gain in total funds committed to public purposes.

Secondly, the President's proposal for a 2-per-cent "supervisory tax" on foundations is much more consistent with the principle of tax exemption than the House bill's imposition of a 7.5 per cent "income tax." Governmental supervision of foundation finances will always be necessary, even if the foundations laudable efforts at self-policing become a reality. It is reasonable for the government to require the foundations to pay a "supervisory tax" (or better, as some have suggested, an annual registration fee) to defray the costs of routine auditing and inspection programs. It is not, however, in the public interest for the government to impose an income tax on funds already devoted to the common welfare.

INTRODUCTION, AS COSPONSOR WITH MRS. DWYER, OF THE CONSUMER PROTECTION ACT OF 1969

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mrs. SULLIVAN. Mr. Speaker, I have today introduced H.R. 13865, the Consumer Protection Act of 1969, identical to H.R. 13793, introduced on Monday by the gentlewoman from New Jersey, the Honorable FLORENCE P. DWYER. Its main purpose is to give statutory authority, and broad but specific responsibilities, to an office in the White House which would represent, and fight for, the consumer interest in every aspect of government.

It would not create, as some have proposed, a Department of Consumer Affairs with regulatory powers. I have not introduced, cosponsored, or supported any of the bills to create such a Department. In April 1966, in testimony before a Subcommittee of the House Committee on Government Operations, I discussed my strong reservations about the idea of a Cabinet department which would be assigned responsibilities for administration of some or all the multitudinous consumer or consumer-related programs of the Federal Government. I am submitting that 3-year-old statement for inclusion as part of my remarks today, because it is, I think, relevant now to the bill Mrs. DWYER has developed and which I am cosponsoring.

Following that statement of mine of 1966, I am also including the statement made yesterday before a Government Operations Subcommittee by Mrs Esther Peterson, who was the first Special Assistant to the President for Consumer Affairs, and whose experiences in that office—and accomplishments—and whose views buttress my own ideas as to the kind of governmental instrumentality we need for coordination of consumer activities at the Federal level.

DWYER BILL WELL THOUGHT OUT

As the principal author of the Consumer Credit Protection Act of 1968, which included the Truth-in-Lending Act as its title I, I am delighted that Congresswoman DWYER, who worked on that legislation as the ranking minority member of the Sullivan Subcommittee on Consumer Affairs of the House Committee on Banking and Currency, has entitled her bill for an Office of Consumer Affairs as the "Consumer Protection Act of 1969." It can be one of the most important measures of this Congress on the consumer front.

Mrs. DWYER is in a strong leadership position to advance this legislation in the committee to which it has been referred, the House Committee on Government Operations, of which she is the ranking minority member. Not being a member of that committee, I am cosponsoring her bill as the best avenue open to me in lending support to her efforts.

The bill is comprehensive, and extremely well thought out. The Office of Consumer Affairs it would establish within the Executive Office of the President would have powers by statute which Mrs. Peterson, Betty Furness, and Mrs. Virginia Knauer, three outstandingly capable women who have tried to do this job, have enjoyed only in part, and only by Presidential whim.

Mrs. DWYER discussed the scope of the proposed Office of Consumer Affairs in detail in her speech in the House on Monday. I urge the Members to read her re-

marks. They refer to some of the same points I made in my testimony 3 years ago on the legislation to establish a Department of Consumer Affairs. New hearings have been in progress this week on that same proposal. My testimony from 3 years ago on this issue follows:

Statement by Representative Leonor K. Sullivan Before House Committee on Government Operations Subcommittee on Executive and Legislative Reorganization on Proposals To Establish a Department of Consumers, April 19, 1966

I am here this morning not as an advocate of the legislation immediately before you to establish a Department of Consumers, nor, on the other hand, do I particularly oppose such legislation. My primary purpose is to congratulate and give my encouragement to this Subcommittee for scheduling hearings and going into the subject generally. As I understand the purpose of your hearings, they are to survey the degree of protection now accorded consumers by the various agencies of the Federal Government which share in the responsibility for consumer protection, and to obtain testimony from knowledgeable people here and throughout the country on how the Executive Department might provide better and more effective service to the consumer. A Department of Consumers is certainly one approach worth considering and assessing.

In the 14 years in which I have served in the House of Representatives, during which time I have done my best to speak for and represent the consumer interest on legislative issues, an amazing transformation has taken place in the attitudes of Government toward consumers as a group. When I first came to Congress, the annual budget for the Food and Drug Administration was in the neighborhood of $5,000,000, and the Eisenhower Administration just then coming into power was anxious to find out through a special advisory study whether this might be *far too such* to spend on such purposes and whether the agency might be representing consumers too zealously. There was no such thing then as a Food Additives Act, or Color Additives Act, or Pesticides Control Act, or Hazardous Substances Labeling Act, or Drug Abuses Control Act, or Poultry Products Inspection Act. The basic Food, Drug, and Cosmetic Act of 1938 was even more obsolete then than it is today, because the major enactments I have just cited had not yet been taken up. There had been a revolution in food technology during and after the war, and chemicals were being added to processed and raw foods in such dizzy variety that no one knew whether they were safe to use. The processor could use them unless and until the Government could establish legal proof of the harmfulness of these additives, and sometimes obtaining this proof was impossible to do, even though the weight of the evidence strongly indicated great danger to consumers.

Furthermore, pesticides had been used in ever-increasing volume and strength; DDT was the farmer's dream. And the factory inspection loophole in the Food and Drug Act was so big that, under court interpretations, the Food and Drug inspectors could not enter a plant without the owner's express permission.

Our law covering the introduction of new drugs into interstate commerce was seemingly the strongest part of the Food, Drug, and Cosmetic Act 14 years ago, but, as we subsequently learned, and as the thalidomide episode brought home to us forcefully in 1962, clearance requirements were not nearly as stringent as we had imagined. Worse, once a drug *was* cleared for sale and use prior to 1962, after going through what were even then rather elaborate clearance procedures, the Government could not change its mind and move against it to remove it from the market until the evidence was overwhelming that the drug was unsafe or caused dangerous side-effects not known when it was first cleared. Closing that loophole was perhaps the most important single feature of the Kefauver-Harris Act, and I am proud of the fact that I was the first Member of Congress to introduce a bill in either House directed to that problem—it was one of the original provisions of my omnibus bill of 1961 to rewrite the Food, Drug and Cosmetic Act of 1938, H.R. 1235, a bill which I have amended and updated and re-introduced in both the 88th and 89th Congress under that same number, and on which I am still trying to get action. However, it is not pending before this Committee. I wish only to point out the long delays in having the entire 1938 Act rewritten.

In any event, my purpose in reviewing the history is to show that when we think back over the past 14 years and see how many important consumer measures have been passed, the record is far from bad. President Kennedy sent the first Presidential Consumer Message ever delivered to the Congress; President Johnson has sent us two such messages. Mrs. Esther Peterson, serving as special assistant to the President for Consumer Affairs as well as an Assistant Secretary of Labor, has effectively and vigorously dramatized consumer issues to citizens all over this country and to the Congress also. Working behind the scenes as well as in the glare of public meetings and discussions, she has accomplished some impressive things in getting businessmen to recognize valid consumer complaints and do something about them.

But despite how much has been done in these past 14 years to improve consumer legislation and consumer protections, including a *10-fold* increase in the Food and Drug Administration budget, I would say that we will have as much, or *more* to do in this field *than has already been done*. We have, I believe, the best consumer laws in the world—particularly on food safety and drug safety—but that is not good enough. Just as we have led the world in technology and in economic progress, so we should also lead in consumer protections, for continuing economic progress depends upon fair treatment of the buyer.

My feeling is this: it makes little real difference in the final analysis whether you have a Cabinet level Department of Consumers, or an independent agency devoted to pushing the consumer viewpoint within the government, or a continued dispersal of consumer activities among dozens and dozens of government agencies; it makes no real difference, that is, if the laws are sufficiently strong and if the people administering those laws have a strong sense of identification with the consumer's interests and problems. A Department of Consumers which might merely represent an amalgamation of a lot of agencies now under separate departments could be a disaster if it didn't have a dedicated enthusiasm for the job. And, if it were enthusiastic enough—as OPA was, for instance, during World War II—it could become such a target for business attack and criticism and Congressional suspicion as to lose all effectiveness, even in consumer fields which are now being covered successfully. I do not say this would happen; I certainly think it *could* happen.

I hope you will pursue this possibility in your hearings. Try to get frank evaluations from business spokesmen as to their probable attitude toward a department whose role was exclusively consumer protection. Ask them for the truth on that—would they try to undercut the department in every way at every opportunity, considering it "the enemy"? I feel that if business took the approach, we would be better off with the present set-up, because a dozen Cabinet secretaries and a score of independent agency administrators could better stave off attacks on parts of their programs than one poor beleaguered Secretary of Consumers could do in surviving a constant war for appropriations and for support in the Executive Department, too.

I like the idea of having Orville Freeman and John Gardner and Stewart Udall, and Williard Wirtz and Robert Weaver and Paul Rand Dixon and other consumer-minded government executives directly involved in programs which have a consumer orientation within their departments or agencies; but if these activities were largely centered in someone else's domain the consumer might lose some very strong and effective allies.

As I said, I am not opposed to a new Department nor do I favor it on the basis of present conditions. I think we must make the laws stronger *first*, before turning to some single administrator or secretary to work miracles for consumers.

The sponsor of the Consumer Department bill before you, Congressman Rosenthal of New York, a valued member of this Subcommittee, has been working ably and conscientiously with me and eight other Members of Congress on the 15 Member National Commission on Food Marketing and, as Congressman Rosenthal knows, we have been discussing the need for stronger executive machinery to coordinate consumer activities. But we are well aware of the fact that in any administration headed by a strong President who works at the job, no department or agency or office is going to be allowed to initiate divisive battles in public with other agencies over policy. FDR used to permit, and perhaps he encouraged, a certain amount of this sort of thing, but when Harold Ickes, with all of his popularity, spoke out in public against a Truman appointee, he was fired, and so was Henry Wallace when he attacked an Administration policy. These were powerful men in those days, solidly entrenched, but they were fired out of hand.

I am sure President Johnson wants the greatest amount of discussion and controversy within his official family in the *development* of policy, but I do not foresee him encouraging or permitting a Secretary of Consumers to denounce publicly the policies of other agencies once they are set and agreed to within the official family. Yet I think that is the kind of role you are contemplating or considering for the Secretary who would be appointed under this legislation—a rallying point for consumers within government in the setting of policy and then a resource or reservoir for guerrilla warfare against an anti-consumer policy once it might be set. We consumer-minded Members of Congress would love to have a set-up like that we could go to for moral support and devastating ammunition when fighting against an administration policy—of any administration—if we thought it a bad one, but I don't imagine such a resource would remain open to us very long.

Nevertheless, this whole idea is worth considering and pursuing. Consumer interest is mounting with such intensity in the country that I am just delighted with every occasion which presents itself for really getting this issue out in the open. Your hearings provide a fine forum for that. Perhaps, after you have heard enough witnesses and studied the matter in sufficient depth, you will convince me and other Members that a Department of Consumers is not only desirable but necessary.

In the meantime, however, I intend to keep fighting on the dozen or more fronts in which consumer issues are now being decided in the Congress and in the agencies. Some tough administrators who take their oaths of office very seriously, such as Dr. Goddard in Food and Drug, would do an effective job whether in HEW or any other department, and these are the people we should support and encourage at every point.

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TESTIMONY BY HON. ESTHER PETERSON

Next, Mr. Speaker, I want to include the statement made yesterday morning by Esther Peterson when she testified on this subject. The whole consumer movement—and it is now a potent force in this country—owes as much to her as to any single individual for its present strength and effectiveness. She created a focal point for consumer awareness in the country and in government, and with very little staff or funds used great imagination and dynamic resourcefulness to bring to bear on government the legitimate needs and demands of consumers for fair treatment.

No matter how good is the legislation which we pass to aid consumers, it requires effective administration to succeed in its objectives. It needs strong administration and strong enforcement, and adequate funds to do the job. Good laws poorly administered are often little better, if any, than timid laws vigorously administered.

We have passed many good, strong laws on the consumer front in recent years—not enough, but a remarkable number of such laws. The agencies administering them do not always have their hearts in the task, or Congress, as it frequently does, starves them out for enforcement funds. A statutory Office of Consumer Affairs in the White House, as proposed in the Dwyer-Sullivan bills, requires, for its full effectiveness, the solid backing of the President.

Mrs. Peterson discussed this question of Executive support in her testimony yesterday, as follows:

STATEMENT OF MRS. ESTHER PETERSON BEFORE THE SUBCOMMITTEE ON EXECUTIVE AND LEGISLATIVE REORGANIZATION OF THE COMMITTEE ON GOVERNMENT OPERATIONS OF THE U.S. HOUSE OF REPRESENTATIVES, TUESDAY, SEPTEMBER 16, 1969

Gentlemen, my name is Esther Peterson, I am at present Washington representative for the Amalgamated Clothing Workers of America, AFL–CIO. While I am not testifying in their behalf today, I am pleased to say they concur with my testimony.

The American consumer has been waiting a long time on a long check-out line, gentlemen. He's asking his government to open an express lane and assure him that his grievances will be processed faster and with better results. He wants a guarantee that he's getting his money's worth!

The hearings of this Committee, Mr. Chairman, tell the consumer that you, too, want action. I congratulate you for giving the issue your attention.

We've seen a dramatic change in the market place in recent years. The consumer is no longer the timid soul, "afraid to fight city hall." He fights. Business sees him as much more than a passive receiver of their goods. He is a force to be reckoned with—the essential element in the economy. He sees himself as having rights as a consumer, just as he has rights as a voter or a wage earner.

As the first special Assistant to the President for Consumer Affairs, I was part of this change. We saw the birth of the idea, its growth and development and now we see its maturity in the proposal before you—the creation of cabinet status for the American consumer.

In 1964 such a proposal was "pie-in-the-sky." At that time, we frankly concerned ourselves with whether or not we would have desks and telephones. Our status was dubious.

President Johnson saw consumerism was a significant movement, that it had a basis in genuine need. He met it by creating the President's Committee on Consumer Interests and I was appointed to head the office.

As aware as he and I were that the consumer's time had come, neither of us really knew how strong a response from the American public would be forthcoming.

When I returned from the ranch, boxes of mail were already in the corridor of the Executive Office Building. Our telephones had hardly been connected when they began to ring with calls from ordinary citizens. Our mail was overwhelming. Letters came addressed to: The Consumer Lady, Washington, D.C.

These were clear expressions of the frustrations that consumers felt. The frustration had been building for a long time. We gave it a focus. We didn't create the stir—it was there.

People who had never written their government wrote to us. Some wrote, "Dear Government." A very few wrote, "Damn Government."

They enclosed dishonest package labels, deceitful boxes, shoddy merchandise, half-filled containers, worthless gimmicks—examples of a "delivery" system that was not delivering a square deal. Letters came with sorry tales of "being taken"—from the child who wrote of his shrinking candy bar to outright land swindles.

We received everything from boxes of shrimp to bags of loose wool from a constantly shedding carpet. People literally came knocking on our door.

We built the program out of these practical issues that our constituents, the consumers, brought to us. The Committee fought hard for the concept that the most significant issues were the ones closest to the consumer.

We checked their claims and tried to deal with some of their problems—to use the power of the Federal government to right the imbalance in the market place. We set in motion activities in and out of government to deal with the problems.

We became the voice of the consumer before Congressional Committees. We traveled everywhere responding to consumer requests. We held conferences, made speeches, organized state committees, pressed other agencies for consumer representation on key commissions and boards. We pushed and cajoled and accomplished a great deal toward making the consumer issue as important as it is today.

I think we firmly established the principle for every Administration, as we said in our report to the President, that: "The Federal Government has a responsibility to see to it that the basic rights of the consumer are respected and that the consumer interest is fully considered in the formulation of policies."

We accomplished whatever we did with no statutory power. We could do little more than make a phone call to an offending manufacturer or a reluctant government official. The effect of that phone call from the White House was impressive.

But without statutory authority we could not do as much as was needed, nor could we depend on continuity. There is little change in that situation today, even though the staff members still have desks and telephones.

I am delighted that President Nixon has apparently decided to maintain the office and has appointed a dynamic, knowledgeable lady to fill the post.

She has been making some excellent speeches and has taken some significant legislative stands. But I am afraid Mrs. Knauer will discover that "Knauer Power," like "Furness Power" or "Peterson Power," is directly dependent on the support of the President and others around the President.

Whatever inclination there has been on the part of the Executive Branch to keep the consumer office alive has been buttressed time and again by demands from the people back home.

Consumer injustice is a live political issue. Every voter is a consumer, and no one is more aware of this than you Congressmen. You must be more sensitive than any government official to the issues which excite and interest the American people most.

Hardly anyone remembers one-time Federal officials. Yet, I can say that, because I am identified with the earliest day of this government's concern with consumer problems, I am still stopped in the super-market and thanked by shoppers for our efforts. They are not recognizing me. They are recalling a moment when our government seemed particularly responsive to their call for help.

May I submit for the record our report to the President of March 1967 which summarizes the principal activities of the President's Committee on Consumer Interests between 1964 and 1967. I think it will be of interest to the Committee.

Mr. Chairman, the bill before you would establish a Department of Consumer Affairs. It accords full recognition to the important status of the American consumer. Its sponsors are to be congratulated for their far-reaching proposal.

For years I have participated in debates over whether or not another cabinet-level department—a Department of Consumers—is what the consumer needs. Frankly, I think there are good arguments on both sides of the question. Not only that, there is nothing in the present organization of the President's Committee to prevent it from accomplishing the aims of the Rosenthal-Nelson bill.

The present structure, if adequately backed by statutory authority, funds and staff, could be effective, in carrying out the programs of H.R. 6037. Structure alone cannot assure an effective program. That takes the backing of the President and the right person in the job, armed with a legislative mandate, and an adequate, trained staff.

The Secretary of Consumer Affairs would be an awesome job. It would certainly provide a focus for action, but it would also provide a focus for attack.

I do not think a single Department could withstand the combined opposition of the powerful economic forces which would be marshalled against it. More could be accomplished by well-administered programs in different agencies coordinated by a single office with statutory mandate and a will to do the job.

There is also the time element. The consumer can't wait for a major administrative reorganization to solve his problems. He needs help now. A consumer office with statutory authority should have the responsibility to propose new legislation. It should be a think-tank for the consumer, anticipating needs. It should oversee enforcement of existing legislation and coordinate existing consumer programs. It should be able to let out contracts to develop meaningful consumer education programs, open dialogues between business and consumers, and build community consumer organizations.

When I assumed my post, I asked for a legal counsel. "You won't need a lawyer," I was told. "You have the Justice Department."

When I needed an economist, I was told to turn to the Council of Economic Advisors. But I soon discovered that this vast army was really a battalion of tin soldiers. They were on call to their general.

Whatever its final form, the consumer office needs its own staff of top attorneys and field representatives and top economists.

Our regulatory agencies should be monitoring the essential services of our economy for the benefit of the consumer. But too often, they have lost sight of this function and the consumer is a useless appendage at their hearings.

The consumer office should restore the consumer's presence before regulatory agencies and be his voice before committees of Congress. It should intervene in the consumer interest whenever and wherever the consumer voice needs to be heard.

Whatever form Congress finally determines will best serve the consumer, I would hope it calls for a Senate-confirmed presidential appointee to head this office and an Advisory Board with the emphasis on consumer representation.

In short, we would like to see an office with the powers of a Department, with a human touch. A structure with which the consumer feels at home. Mrs. Bess Myerson Grant is doing this in New York City. Consumers there know they can appeal directly to their city. They should have that same sense of a personal advocate in Washington.

What is needed now is an agency with authority to translate the results of a single experience into benefits for the millions.

As one letter writer put it, "It's good to have someone in our corner—not in our pocket."

That is the spirit of the bills before you, the spirit of these hearings.

I thank you for the opportunity of presenting my views.

RULES FOR NUCLEAR POWERPLANTS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. KASTENMEIER. Mr. Speaker, control of radioactive pollution is expected to become an increasingly important issue throughout the Nation as the numerous nuclear powerplants now under construction or on order start going into operation in the 1970's.

The Atomic Energy Commission claims that it has sole jurisdiction over safety standards and operating procedures of atomic plants in all States. In Minnesota, however, the State pollution control agency has announced that it will limit radioactive discharge from nuclear reactors to levels considerably below those currently allowed by the AEC and it ordered Northern States Power Co. to reduce its discharge levels of its Monticello plant, now being built, to the State standards. This insistence by Minnesota that it has the right to set safety requirements for nuclear powerplants raised important legal questions as to whether the States can enforce more stringent rules than the AEC, and Northern States Power announced it will fight the limits imposed by the PCA in both Federal and State courts. This forthcoming court struggle is significant because it will be the first major test of whether States or the AEC should set safety standards for nuclear powerplants. On September 13, the Vermont attorney general stated that Vermont, which is concerned about the effect of thermal pollution from a nuclear powerplant under construction in Vernon, near the Connecticut River, will join the Minnesota case challenging the regulatory powers of the AEC.

This past weekend, the Wisconsin Resource Conservation Council, representing 35 conservation organizations in the State, passed a resolution at a general membership meeting in Manitowoc, calling on the State of Wisconsin Natural Resource Board to require stronger nuclear powerplant pollution controls than those of the AEC. This action reflects the concern many citizens have about the safety regulations of the nuclear plants and their desire to have their own States adopt standards which are more strict than those required by the AEC.

Mr. Speaker, I commend the following resolution of the Wisconsin Resource Conservation Council to the attention of my colleagues:

NUCLEAR ELECTRIC POWER GENERATION

Whereas plans are rapidly taking shape for many new Atomic Power Generating Plants on Lake Michigan and the Mississippi River, and

Whereas such plants produce both nuclear radiation wastes and thermal water pollution dangerous to human and animal life; and

Whereas the techniques and equipment are presently available for controlling these air and water pollutants and dangerous atomic wastes but present plans do not include installation of such equipment adequate to reduce such dangers, and

Whereas the Wisconsin Natural Resource *Department* has had no objection to these discharges:

Now therefore be it resolved that the Wisconsin resource conservation council meeting, September 13, 1969 goes on record that the Wisconsin Natural Resources *Board* adopt a policy to require more effective nuclear pollution controls than those of the Atomic Energy Commission and further require the use of closed circuit cooling towers to reduce thermal water pollution.

PORNOGRAPHY IS BIG BUSINESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. DULSKI. Mr. Speaker, the scope of the pornography business in this country today really is immense—what we see is really like the tip of the iceberg which protrudes above the water.

It has infiltrated all parts of our Nation, although, of course, it is most conspicuous in our larger cities.

The Buffalo Evening News in my home city of Buffalo, N.Y., is doing a great public service in its current series of articles outlining the extent of the pornography business.

I included the first article in the series in the RECORD on page 25519 last Monday. Following is the second article in the series:

PORNOGRAPHY, JUST LIKE ALL THINGS IN DEMAND, HAS A HIGH PRICE TAG

(By Jerry Allan)

A plain deck of cards sells for about a dollar today in Buffalo but a deck with dirty pictures on the back sells for $5.

"And the color pack," says Detective Sgt. Frank V. Spano, a Buffalo policeman, who tries to keep a lid on pornography in books, magazines, films and other media, "will bring as high as $35 a pack."

Pornography—"or dirt for dirt's sake," as Sgt. Spano says—is popular in the U.S. now and anything that is popular is also profitable, a money maker for publishers, writers, movie makers and printers.

"I've been on this job (head of the Salacious Literature Squad) for six years," Sgt. Spano said, "and the flood of what I call pornography is worse than ever. There must be a demand for all this stuff."

CONTACT IS CASUAL

Depending on personal views of what or what is not pornography, a trip to some book stores in the area of Main and Chippewa Sts. confirms Sgt. Spano's view that dirty publications sell and are expensive.

A magazine devoted entirely to nude men and women sells for $2.50. Another also heavy on nudity, also sells for $2.50. A magazine pegged to homosexuals, $3.50.

"You'll notice," Sgt. Spano said, "that in these magazines, although the nudity is very, very suggestive there is no distension, no tumescence. The contact is casual. Now this comes close to what I call pornography but the courts, led by the Supreme Court, say it's all right.

"And that's what accounted for the availability of all this stuff today. You don't have to look for the obviously dirty book stores. Your corner drugstore has all this stuff, or would stock it, if it sold."

NO SPECIAL TRAINING

Sgt. Spano said book store owners "know the law sometimes even better than I do" and are careful not to sell questionable books and magazines to boys and girls under 17.

"They make a bundle selling to adults," he said, "so most of them have signs limiting sales to persons over 21."

The State Penal Law, Sgt. Spano said, is rigid on sales to minors.

"So at least minors are protected," a reporter suggested.

"It doesn't work out that way," Sgt. Spano said. "They get to the stuff. A parent leaves it lying around the house. Or people throw it out with the garbage. The youngsters get hold of it."

A 19-year veteran of the Buffalo Police Department, Sgt. Spano acknowledges that he has no special training to qualify him in saving Buffalo from moral contamination.

"PROSTITUTE'S WRITING"

"I get that kind of questions from defense attorneys in court," he said, "asking me how I can be a judge of what's obscene, what's pornographic. I'm not a judge, of course. It's up to a judge and jury to decide if a book is obscene."

Sgt. Spano says he will confiscate a book and arrest the seller ("only after I get a warrant") when he believes that "it is dirt for dirt's sake," that the book has no redeeming literary merit.

Pornography, a combination of "graphos," Greek root word for writing, and "porno," for prostitute, means literally "the writing of a prostitute."

These days, pornography has come to mean obscenity in writing. "Now obscenity, if it can be proved," Sgt. Spano said, "is against the law. It's as simple as that. Proving it, of course, has come to be a tough proposition."

FOR DIRT'S SAKE

Sgt. Spano moves against hard pornography in Buffalo because he is charged with enforcing Section 235 of the State Penal Law. The section says in part:

"Any material (meaning book, magazine or a deck of cards) is obscene if considered as a whole its predominant appeal is to

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prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism . . .

"And it goes substantially beyond customary limits of candor in describing or representing such matters . . .

"And it is utterly without redeeming social value."

What this means to Sgt. Spano, he says, "is dirt for dirt's sake."

The "dirt for dirt's sake" standard is interesting because Federal Judge John M. Woolsey, in a historic 1933 decision lifting the ban on the importation of "Ulysses," the James Joyce classic, used the identical words.

STANDARDS CHANGE

"I have not found anything that I consider to be dirt for dirt's sake," Judge Woolsey said.

Joyce published Ulysses in 1913 and few persons today consider his work pornographic. Joyce manscripts, in fact, are at the State University of Buffalo.

"He's nothing," Sgt. Spano said, "to what's available today anywhere, stuff that's not even considered hard pornography."

The sergeant, who is 46, remembers that in his boyhood Esquire took the prize as a risque periodical.

"It still shows a lot of nudity," he said, "but compared to other stuff today it's a Boy Scout magazine."

Sgt. Spano believes that Supreme Court decisions since 1960 have allowed some book publishers to feed on the public appetite for obscenity.

"Sex and nudity and all that goes with it," he said, "is popular in books, movies, the stage, and so on. If you want to write a best seller, put in as many four letter words as possible and you've got one."

MONEY MOTIVE

He also believes and hopes "that the pendulum will swing the other way. When the public gets fed up on this stuff, when it is no longer profitable, then we won't have so much of it."

Money is the motive, he insists. He unlocked a cabinet in his office to get hundreds of packets of 4 x 5 photos in color.

"Sex, sex, sex, all of them and the real stuff," he said, "six in a pack and they sell for $4. You can buy 8 by 10s of the moon and astronauts for about 50 cents."

A reporter told the sergeant that hard pornography is apparently legal now in Sweden.

FROM SWEDEN

"Yes, I know," he said, "that's what we get from Sweden along with the Swedish massage. I also believe that Sweden has one of the world's highest venereal disease rates and one of the highest suicide rates."

Pornography by mail is in the federal jurisdiction but Sgt. Spano gets many complaints from Buffalo residents who get unsolicited material in the mail.

"I refer them to the postal inspectors," he said, "but it's part of the total problem" and he took a leaflet from the cabinet.

"This is a colored brochure," he said, "going through the mails now. Not the book itself, just plugging the book, with a coupon for ordering. But even the stuff in the brochure, especially the pictures, is hard core pornography."

"FIZZLE OUT"

Sgt. Spano said citizens groups and church organizations "give the police help from time to time in alerting the public" to the current pornographic exposure.

"But they fizzle out," he said.

Sgt. Spano has come to be known as "sort of a one-man squad" but he said he gets good co-operation "and all the help I need" from his superiors, particularly Chief of Detectives Ralph V. Degenhart.

"The state troopers help," he said, "and so does the FBI. But the printing presses roll on and on all the time. Some of the public seems to want this stuff and pays high for it. I hope the pendulum begins to swing the other way soon."

THIS DOESN'T MATCH HIS LIFE

"Sex Life of a Cop" is a book Detective Sgt. Frank V. Spano had curiosity about as head of the police department's Salacious Literature Squad.

A lower federal court, Sgt. Spano said, declared the book obscene because, the judges discovered, the story moves quickly from one sexual enterprise to another.

"We cannot believe that the First Amendment's great guarantee of freedom of expression can be elasticized to embrace the Sex Life of a Cop," ruled the court.

But the U.S. Supreme Court, on appeal, Sgt. Spano said, reversed the lower court decision.

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HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. WYMAN. Mr. Speaker, a column by James J. Kilpatrick, which appeared in the Washington Evening Star, of September 16, gives a good account of the "State and local community-conscious" approach which can be expected from the still new Nixon administration. The recently created Law Enforcement Assistance Administration of the Justice Department, as pointed out in the column, has demonstrated an up to now rare capability in its performance since it officially got underway. It seems to have avoided the pitfalls traditionally attributed to bureaucratic arrangements—the entanglements that result from uncoordinated and often undefined leadership—and it has succeeded in sharing, if not giving, the onus of the responsibility for the formulation of workable, relevant programs to the communities which must exist under them.

It is apparent that not only in the area of law enforcement but in all areas which are of such great concern to the people at the local level, the Nixon administration is going to institute a form of federalism that we can identify and call workable. In the face of rising complaints and increasing fears over the dangers of big government the new leadership in the White House is going to return a valued degree of control back to the people and the leaders to which they can easily turn at home.

I commend this approach as displayed by the Law Enforcement Assistance Administration. In the area of "law and order," an area that has grown so rapidly in appeal and importance during recent months, it is good to know that those in charge have responded so quickly and so well to the communities who need their assistance. In my own State of New Hampshire we have begun to feel the benefits of the funds and Federal assistance which have already been made available and we look forward to greater advancements as a result of this new agency that is serving to display the quick and efficient management of the Nixon administration.

The Kilpatrick column follows:

AID TO POLICE A BRIGHT LESSON IN FEDERALISM

The President's advisers were trying to sell him "the New Federalism" a few weeks ago, as a neat little label to paste on his programs. Richard Nixon reportedly turned the label down, on the skeptical grounds that federalism isn't as familiar as corn flakes. How could he sell a new federalism to people who don't know the old?

In the superlative job done in its first year by the Law Enforcement Assistance Administration of the Department of Justice the President could find an outstanding example of new federalism in action. One hesitates to write a rave review, but the LEAA's performance appears to merit the highest praise.

By way of background, it will be recalled that the Omnibus Crime Control Act became law in June of 1968. One section of the act authorized matching grants to states and localities "in order to improve and strengthen law enforcement." In August, Congress approved a $69 million budget. In late October, with only eight months remaining of the fiscal year, the Law Enforcement Assistance Administration went to work.

Federal grants-in-aid, of course, are nothing new. Roughly 400 such programs are in operation now. But most of them, to judge from the complaints of local officials, are mired deep in bureaucratic swamps. They suffer from too many guidelines and too much paperwork. Most of the grants are characterized by regimentation, nitpicking demands, and maddening delays.

The miracle of this fledgling agency in Justice, under the direction of Charles H. Rogovin, is that apparently it has avoided all these morning-glory entanglements. In barely five months, the LEAA assembled staff, conferred with law enforcement officials in the states, and disbursed $19 million for planning.

The state governments, which so often are accused of apathy and incompetence, responded to these galvanic urgings with the zeal of ballplayers just offered cold beer. By April 10 of this year, California had filed the first action plan—a 26-volume application amounting to nearly 6,000 pages.

Other states followed in a rush. By the time the fiscal year ended on June 30, everyone but American Samoa had come under the wire. In their scope and variety, the state-local programs provide a notable example of federalism at its best.

California is pursuing a dozen projects, ranging from alcoholism to court reform. Alabama and Iowa, among others, will use their grants in the field of juvenile delinquency. Idaho came up with training seminars for judges. Maine, Ohio, Arizona and Minnesota are concentrating on police selection and training. Nebraska, Texas, Nevada, Colorado, Alaska and Rhode Island are seeking to improve communications systems. Georgia won approval for a pilot program of work release for prisoners.

Meanwhile, 14 large cities have qualified for direct federal grants. Detroit got $100,000 to work on an "electronic robbery stake-out system." Dallas got $18,000 to study a first-offender program among juveniles. Los Angeles won $50,000 for an evaluation of "closed-circuit television capabilities in tactical situations." Chicago bid for "Operation Outreach," described as a detoxification, diagnostic, and referral center. In a separate program, academic fellowships were going to some 20,000 college men studying police techniques.

Doubtless some of the money will be wasted, in the sense that some of the experiments, pilot studies, and demonstrations will prove useless. But this is a part of what federalism is all about. What is new here is a bureaucracy with sense enough to keep its cottonpickin' hands off the states, and to let them make their own successes—and their own mistakes.

HOUSE OF REPRESENTATIVES—*Thursday, September 18, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O magnify the Lord with me and let us exalt His name together.—Psalm 34: 3.

Almighty God, who art the source of all our blessings and the fountain of flowing love, help us to realize that Thou art always with us—seeking our good, forgiving our sins, and endeavoring to lead us in the ways of justice and peace. Prosper us in our work, guide us through our difficulties, and reward with the joy of living those who extend a helping hand to others who have lost their way in the world.

We invoke Thy blessing upon us as we labor for the good of our people and upon our Nation in these crucial times. Let not our adversaries triumph over us but let the glory of a just people increase from year to year.

Sustain with Thy power those whom our people have placed in positions of authority and all who are entrusted with our safety and with the guardianship of our rights and our freedom. May peace and good will live in the hearts of our citizens and may our faith exalt our Nation in righteousness; to the glory of Thy holy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

BARBARIC TREATMENT BY NORTH VIETNAM OF PRISONERS OF WAR

(Mr. PRYOR of Arkansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRYOR of Arkansas. Mr. Speaker, ever so often, and much too seldom, an issue comes before this great representative body which transcends party lines, political philosophy, or the differences which sometime seem to divide North and South, East and West, or urban and rural. Such an issue was presented to this House yesterday afternoon concerning North Vietnam's inhumane and barbaric treatment of hundreds of American men who are now prisoners of war.

Yesterday's special order, which devoted itself to this great issue, presented most vividly the deep and unanimous concern that this Congress feels about our fighting sons who are now prisoners in North Vietnam.

In the gallery yesterday was no organized lobby group. Rather, there were hundreds of wives, parents, children and loved ones of the men who have gone above and beyond the call of duty in their country's service. It was both a beautiful and noble experience to see the manner in which this issue was presented to the Congress.

Now, we must do our duty—in causing not only national but world concern and condemnation for the Hanoi government in their violation of every conceivable standard of moral conduct and treatment of those they now hold captive.

The gentleman from Alabama (Mr. Dickinson) has performed a worthy and noble service in providing the forum for all of us to express our concern. This Congress and the American people owe him a debt of gratitude—and owe to those men now in North Vietnam our every human effort to achieve their freedom as soon as possible. These courageous men have done their duty. To their families, this Congress is saying that we shall do ours.

CHARGES OF MURDER AGAINST GREEN BERETS

(Mr. RODINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODINO. Mr. Speaker, the announcement this morning by Secretary of the Army Resor that it would be "unwise and unjustified" for him to interfere with the normal course of proceedings in the Green Berets court-martial cases is unconscionable and a surrender of civilian authority to the military.

Secretary of the Army Resor was urged by me and my colleagues, Representatives Carl Albert, Paul Rogers, Tom Gettys, Bob Stephens, Clarence Long, and John Flynt, in a letter addressed to him last week to assert civilian authority over the case, in accordance with the law and in the interests of justice.

I have no evidence that the accused Green Berets will receive fair and impartial treatment. This is based on my knowledge of the mishandling of the case up until now. Let us not forget that these men of distinguished background in the military were in solitary confinement in 5- by 7-foot cells even before an investigation was completed. And the appalling fact is that this information was not known to any responsible officer at the Pentagon for a month or more—in violation of the Blue Bill proceedings initiated by President Eisenhower.

Secretary Resor has failed to fulfill his responsibility in this case, and I do not intend to stand by and see these men who have acted in accordance with orders and with the highest patriotic motives sacrificed to save the careers of military commanders or South Vietnamese political leaders.

Let us not forget that this case centers around the alleged killing of a Vietnamese double agent—and that these servicemen were acting under orders.

Mr. Speaker, law and order with justice must triumph—even for members of our Armed Forces.

THE ARMY'S DISPOSITION CONCERNING THE EIGHT GREEN BERETS

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, this morning I, also along with Congressman Peter Rodino and other colleagues, received a letter from the Secretary of the Army regarding his position and the Army's disposition concerning the eight Green Berets.

I am extremely concerned by the statement of the Secretary and do not agree with it.

In about 3 weeks, according to the statement, some of these young men will be tried for murder and conspiracy to commit murder. I think the Army may be establishing a precedent where any American fighting man could be charged with murder for carrying out an order which resulted in the death of an enemy.

The entire situation has an air of unreality. I do not think the American public has any idea of what really has transpired. And I am concerned that if the way this case has been handled so far is any indication, we may never know what happened.

The lack of protection of these men's rights is intolerable. They have even been subjected to solitary confinement in 5 by 7 cells with only 1 hour a day out.

I, along with my colleagues, plan to take this matter up with higher authorities, starting with the Secretary of Defense, in order to insure that these men are provided their constitutional rights under law.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I yield to our distinguished majority leader.

Mr. ALBERT. I thank the gentleman for yielding. He knows that he and I, as well as the gentleman from New Jersey, have constituents who are involved in this case and who are apparently going to be tried in the near future. The American people will be shocked if it is determined that the decision to try these boys is influenced in the slightest particular by the wishes of any foreign government. Such a decision would be inimical to our entire concept of criminal law.

Mr. ROGERS of Florida. I certainly agree with that, and I share the same concern with relation to how much influence the Government of South Vietnam is exerting in the handling of this case.

ADMINISTRATION IS NOT CONSUMER ORIENTED

(Mr. HANNA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANNA. Mr. Speaker, I noted in the paper yesterday an expression from a member of the administration to the effect that the tax reform bill passed by this House was too consumer oriented.

Mr. Speaker, this brought to my attention the fact—the unhappy fact, I think—that the present administration does not feel a concern for those people who can be categorized as the consumers of the United States. I think if I were

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going to err in any judgment I would make in this House, I would err, I hope, on the part of the consumer.

It seems to me the people of the United States are a little ahead of this Congress and certainly miles ahead of this administration. I find in my district a willingness for us to move toward a program even of wage and price controls. When we look at the sorry spectacle and the performance of what has been happening in terms of inflation, we certainly must admit we have not been doing anything for the consumer.

I think any Member of this body could talk to his own wife or to the wives in his district, and he would find there is a rising, rising, rising concern over the fact that when these wives go to buy anything for their family, they find the prices soaring. I think it is not surprising to find they are willing to go to price controls, bargaining whatever risk there lies in wage controls. In the race between prices and wages, the average American is losing the race as a consumer. I think it high time for Congress to become consumer-oriented.

THE CASE OF THE GREEN BERETS

(Mr. STEPHENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEPHENS. Mr. Speaker, I have asked for this time because I would like to take the opportunity of associating myself with the remarks made by the gentleman from New Jersey (Mr. Rodino) and the gentleman from Florida (Mr. Rogers) in respect to the decision of the Secretary of the Army to have the court-martial proceed through the field commander in the Green Beret case.

As I have said on a number of occasions, I cannot believe anyone is going to win by the procedure that has been decided upon. I am very disappointed that the Secretary of the Army has not taken it upon himself to bring this matter to America for further consideration before allowing the court-martial to be convened by the field commander.

PRESENT CONGRESS PASSES LEGISLATION OF HIGH QUALITY

(Mr. HAYS asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, sometimes the further one is away from the scene, the better his vision. While some of the newspapers in this country have not given this Congress much credit, I was much interested in an article in the London Economist of a couple weeks ago, which pointed out in its foreign section that this Congress is being criticized. It said while this Congress has not produced a great quantity of legislation, the quality has been exceedingly high. The article went on to point out that this Congress had pushed the Nixon administration into two things it never intended to do: One was tax reform and the other was a considerable amount of additional money for education.

Mr. Speaker, I attach hereto the article from the Economist:

CONGRESS ON ITS OWN

> The fact that Congress is now adjourned, enjoying a three-week recess and discarding the obsolete notion that a session should run continuously until its work is completed, unfortunately enhances the false impression that Capitol Hill this year has been a place of somnolence. Using the normal but totally misleading measuring stick of the number of Bills passed, the 91st Congress, with a substantial Democratic majority in both houses, does seem laggard. Even some high members of the Nixon Administration have toyed with the idea of going to the country in the 1970 mid-term elections by compaigning against the "do-nothing" Democratic-controlled Congress, turning inside out the Truman campaign of 1948.
>
> In truth, however, the first eight months of the 91st Congress, while skimpy quantitatively, are most impressive qualitatively. It has pushed President Nixon into two courses that just a few months ago he had not the slightest intention of following: comprehensive tax reform and substantial reduction in defense expenditures. The tax reform Bill, the only major legislation with a chance of final passage this year, is almost entirely a creation of Congress—a rarity over the past 36 years when the executive branch has drafted almost all major legislation. Emboldened by these successes, Congress promises to go its way without paying much heed to the White House.

GREEN BERET CASE

(Mr. GETTYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GETTYS. Mr. Speaker, I rise to join in and associate myself with the remarks of Majority Leader Albert, the gentleman from Florida (Mr. Rogers), the gentleman from New Jersey (Mr. Rodino), and the gentleman from Georgia (Mr. Stephens), in connection with the poor handling of the so-called Green Beret case in Saigon by the Secretary of the Army.

Mr. Speaker, I believe the Secretary has rendered a disservice to the American people and to the image of our military forces by not convening the court in this case under his jurisdiction rather than under the military commander. The interests of dedicated Army officers are being sacrificed for apparent political considerations. Respect for military justice is being seriously jeopardized.

THE NEWS MEDIA SHOULD FOCUS WORLD OPINION ON THE TREATMENT OF PRISONERS OF WAR BY THE NORTH VIETNAMESE

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker and Members of the House, at the close of regular business yesterday afternoon the gentleman from Alabama (Mr. Dickinson) took the lead in providing a forum here in the House, under the mechanism of a special order, for Members of the U.S. Congress to make an effort to assist our prisoners of war held by the North Vietnamese and their families, their wives and loved ones back home, by trying to influence world opinion against the inhumanity of the North Vietnamese and their violation of every moral concept man knows anything about in the treatment of American prisoners of war. I commend him again for this action.

Mr. Speaker, I believe it needs to be said that if we are going to influence world opinion, to bring some pressure to bear on the immoral North Vietnamese, we are going to have to have some real help from the news media and from every segment of the news media both at home and abroad.

I do not know how many Members are aware of it or not, but the Washington Post this morning, the morning paper here in our Nation's Capital, so far as I can determine, did not see fit to even mention what happened yesterday even though nearly half the membership of the House participated. The gallery was packed with families of our prisoners.

I call now upon every segment of the news media of this country to try to take this cause to the news media of the world, and let us influence worldwide opinion in an effort that has to be undertaken to bring some pressure to bear on the North Vietnamese to at least provide humane treatment for our prisoners of war. It is unconscionable that something of this gravity, so serious in nature, could be totally ignored here at home.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. The gentleman is incorrect in one aspect. The Washington Post did in fact report it. I was dismayed to find that it was on the society page. If anything is going to get to Hanoi, I am sure it will be from the society pages of the Washington Post.

Mr. WAGGONNER. I believe the gentleman has really accented the problem. I thank him for that statement. I am not accustomed to reading the social columns of the Washington Post.

SOUTHERN SCHOOL DISTRICTS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, Vice President Agnew, in a speech before the Southern Governors Conference, stated what many of us in the South have been saying for a long time. A southerner himself, he is probably more keenly aware of the great difficulties the southern school districts are experiencing.

He clearly voiced his opposition to "artificially contrived integration" saying:

> I'm against busing those children to other neighborhoods simply to achieve an integrated status of a larger geographic entity.

He also dispelled the notion that this administration is offering a special favoritism to Southern States saying that the administration's so-called southern strategy is "no more than one of just recognition and equitable treatment." Our measures do not favor the South, he said, but ask that all States achieve exactly equal standards.

I hope that the Vice President is able to convey his definitions of "just" and "equitable" and "artificially contrived integration" to the Secretary of Health, Education, and Welfare. And it would mean much more to those troubled communities in the South if some of Mr. Agnew's words were translated into court decisions and administrative rulings.

It is easy to say "no busing," Mr. Vice President. But it is hard to explain to a child who is being hauled halfway across the county to satisfy the bureaucratic dreamers over at HEW.

THE NIXON DOMESTIC PROGRAM

(Mr. MacGREGOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MacGREGOR. Mr. Speaker, it is seldom that a President's domestic proposals receive the wide acclaim accorded President's Nixon's group of messages that make up his "new federalism" package.

In the few weeks since the President spoke to the Nation outlining the new federalism, every major newspaper in the country and hundreds of smaller ones have editorialized on his proposals.

Out of over 400 editorials only 30 were opposed. Surprisingly only five considered the proposals inadequate. Another 25 thought that he was increasing the size and scope of the welfare state.

But, Mr. Speaker, the Nation's newspapers were overwhelmingly in favor of the President's program. In general, they looked on it as a practical alternative to the colossal failure of the current welfare programs.

Mr. Speaker, one thing seemed to concern the newspapers more than anything. Their concern is that the Congress will drag its feet on the legislation the President will send up to implement his program.

I do not believe we can afford to do this. Too much is at stake. Too many people, not only the newspapers, but also the poor, and the people who pay the bills—the taxpayers—are watching carefully.

We cannot let them down.

PRESIDENT'S SPEECH TO THE UNITED NATIONS

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, if the United Nations is to be more than a debating society and a propaganda forum, the members of that organization must respond meaningfully to President Nixon's urging that they persuade Hanoi to engage in productive peace negotiations at Paris.

I would like at this time to commend President Nixon for going before the United Nations to make this eloquent appeal for peace, this plea that member nations of the U.N. seek to use their good offices on behalf of an early peace in Vietnam.

Mr. Speaker, there is no problem facing this Nation that is more pressing than the Vietnam war. Any effort, therefore, that the President makes which may have beneficial results is very much to be applauded.

I mentioned yesterday during House discussion of the prisoner-of-war issue that world opinion counts for something even among Communist nations. I believe that to be true, and it is for that reason I feel that President Nixon's appeal to the United Nations may have some impact on North Vietnam.

If all 126 members of the U.N. were to pressure North Vietnam for more meaningful peace negotiations, I believe the result would be beneficial in the cause of peace.

If only a fraction of the U.N. members but a sizable number were to raise their voices in protest against the unyielding position of North Vietnam at Paris, the result might be to move the other side to some degree.

Mr. Speaker, I believe President Nixon's initiative in going before the United Nations on behalf of world peace will have a salutary effect. I feel he deserves the commendation of this entire House.

SEATS IN THE HOUSE CHAMBER SHOULD BE RESERVED FOR MEMBERS ONLY

(Mr. ABERNETHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERNETHY. Mr. Speaker, Tuesday was a great day in this Chamber when Members of the House and Senate were afforded an opportunity to honor our brave astronauts who walked on the moon.

Naturally, this was a day when thousands of people wanted to be in the Chamber, to see and hear these brave young men and pay to them an honor they were justly due.

Mr. Speaker, during the years I have been here I do not believe I have ever seen the Chamber more crowded. Regrettably, some of the Members of the House did not have a place to sit. This was due to the fact that quite a number of unauthorized adults and children—and I love children as I have three of my own—were occuping seats which were actually the seats of the Members. We frequently bring our young children here. And as a rule they can usually be taken care of on such a day as last Tuesday by having them occupy seats with the Members. But certainly unauthorized adults should not be in these seats or even in this Chamber as some were last Tuesday. I counted nine Members of the House of Representatives who were standing against the wall to my right and to my left with no place to sit.

Now, Mr. Speaker, these Members did not mind standing. However, there are rules of the House regarding admission to the Chamber and occupancy of the seats. I trust that henceforth upon occasions of this kind that the rules are enforced and the seats of the House of Representatives will be reserved for the occupancy only by authorized personnel.

Mr. Speaker, I am sure you are not responsible for what happened Tuesday. I know you share my views about this matter.

A NEW HIGH REACHED IN INTEREST RATES ON GOVERNMENT BONDS

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, yesterday, the Treasury Department announced that it was offering $8.9 billion of Government securities at the fantastically high interest rate of 8 percent.

This is the highest interest rate paid on Government securities since the dark days of 1859.

Mr. Speaker, this 8-percent interest rate on securities backed by the full faith and credit of the U.S. Government should make it clear to everyone that something must be done and done quickly about these destructively high interest rates. It is unconscionable that the Federal Government must pay 8 percent on its borrowings.

It is time that the Federal Reserve System perform its function and support the Government bond market. We have a Federal Reserve System to prevent the American people from being gouged in this manner. Yet, the Federal Reserve is not acting to support the bond market and as a result the taxpayers are being struck with an unnecessary and heavy burden of high interest on Government borrowings.

Mr. Speaker, this is an emergency situation and it is a firm test of the Federal Reserve's willingness to act in a responsible manner and in the public interest. I suggest that the Federal Reserve take whatever action is necessary to reduce the interest rate on Government securities well below this 8-percent level.

INTEREST RATES WILL CONTINUE TO RISE UNTIL WE STOP SPENDING

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I share the distinguished majority leader's concern about high interest rates, but let me say to the gentleman from Oklahoma (Mr. Albert) that we got that way, at least in part, by virtue of the fact that through the years Congress and this Government has been spending money that it did not have. This Government has been borrowing money in fantastic amounts. It has been asking for the inflation that produces 8-percent interest rates. Only a few days ago the House went so far as to approve a 10-percent interest rate on Government-guaranteed loans and the gentlemen voted for it.

Until we stop spending money that we do not have, interest rates will continue to go up and up and up.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 175]

Blatnik
Bolling
Cahill
Clark
Clay
Corman
Dawson
de la Garza
Dent
Devine
Diggs
Edwards, Calif.
Fascell
Fulton, Pa.
Gallagher
Gray
Griffiths
Gubser
Hansen, Wash.
Hathaway
Holifield
Jones, Tenn.
Kee
Kirwan
Lipscomb
McDade
Morton
O'Hara
O'Konski
Olsen
Pepper
Poage
Pollock
Powell
Price, Tex.
Purcell
Railsback
Roybal
Sisk
Stuckey
Sullivan
Teague, Calif.
Teague, Tex.
Utt
Whalley

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EFFECTS OF IMPORTS

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, recently, I overheard a 10-year-old girl say that some houses should have a sign on the outside reading, "This house fully equipped and supplied by Japanese made goods." "Out of the mouths of babes," is a quotation that is particularly applicable here, and I say we should pay heed.

The worsening import situation is creating ever darker clouds over certain sections of this country. Woonsocket, R.I., in my district, for example, is being hit particularly hard by the good fortune of foreign manufacturers.

Four weeks ago Uniroyal, Inc., employing 880 persons, announced that it is closing down operations. The mass imports of inexpensive footwear are responsible for this serious loss to the city's economy.

A week ago the president of the French Worsted Co. in Woonsocket—Rhode Island's largest wool spinning operation—confirmed "a serious cutback and layoff due to lack of business." Textile imports are taking their toll. The company work force which normally numbers 550 persons is down to 300.

An equally serious situation prevails at many of the dye houses because of the imports of dyed yarns, dyed fabrics, and completed garments.

The manufacturing done by Woonsocket's industry is being replaced by products from abroad. But Woonsocket's industries are not the only ones in this country which are being adversely affected.

When are we going to wake up about the import situation? A strong beginning has to be made while the Japanese delegation is here to discuss textile imports.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681), with Mr. MILLS in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose on yesterday the joint resolution was subject to amendment at any point. Are there any amendments?

AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado, Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ROGERS of Colorado: On page 2, line 20, after "least" strike out "40" and insert "45".

Mr. ROGERS of Colorado. Mr. Chairman, my amendment increases the amount of votes necessary to be declared elected President, from a plurality of 40 percent to that of 45 percent. I offer this amendment with the thought in mind that we in America have learned that we do not like to elect individuals to public office unless they have a sufficient mandate from the people.

Mr. Chairman, most of us know that in many municipalities where there are nonpartisan elections the candidates must receive at least 50 percent of the vote in order to be elected, or if they fail to get the 50 percent, then there is a runoff election.

In the history of the Nation from 1856 until the last election, there were only three instances where a candidate running for President failed to get at least 45 percent of the vote. I feel that if a man is to be elected President of the United States, it should be by a vote of more than 40 percent of the people. This is especially true in order to assure a mandate to the new President to move forward and to govern effectively.

As I indicated a moment ago, there have been only three instances since 1856 when the candidate failed to get as much as 45 percent of the popular vote. The objective of bringing about a runoff to the people would be more readily accepted if we had a higher plurality requirement.

It is my thought that there should be a complete and full opportunity by the voters of the Nation to express their choice of President.

The resolution now pending before us provides for a popular vote. It also provides that the candidate who receives the most votes in excess of 40 percent is elected President. But if he receives less than 40 percent and all other candidates fail to get 40 percent, then the two highest candidates would have to participate in a runoff.

I believe that if we require a plurality of at least 45 percent, rather than 40 percent, we will assure a more representative form of government for the people, while also guaranteeing the fullest opportunity to the people to express their will in the election of the President.

I, therefore, urge the members of the Committee to adopt this amendment, and thereby aid in the approval of this resolution.

Mr. McCULLOCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment, although I do so reluctantly, because the gentleman from Colorado (Mr. ROGERS) performed yeoman service in the many hearings which were held on this important constitutional proposal.

Mr. Chairman, the Nixon administration and the Electorial College Reform Commission of the American Bar Association both gave careful consideration to the question of what should be the minimum required percentage of the popular vote to elect the President. Both, the administration and the ABA concluded that it should be 40 percent.

The 40-percent figure is obviously a compromise. A higher figure would encourage third parties and thus increase the possibility of a runoff which no one really desires. A lower figure would provide a very small mandate for the man elected President and would, more importantly at this stage of the amending process, jeopardize chances for ratification.

The 40-percent figure is historically sound. Popular vote election totals have been tabulated as far back as 1824. In those 37 elections, only once did all the candidates fail to reach 40 percent. That one time occurred in 1860, when Abraham Lincoln just barely missed receiving 40 percent of the popular vote. His name did not appear on the ballot in 10 States.

Mr. Chairman, I urge the rejection of this amendment, and I yield back the balance of my time.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I share with the distinguished minority leader of the Committee on the Judiciary, my eminent and esteemed friend, the gentleman from Ohio (Mr. McCULLOCH), his opposition to this amendment. I do that reluctantly also because we have an abiding affection for the gentleman from Colorado (Mr. ROGERS). He has been one of the mainstays of the Committee on the Judiciary, and has stood by our side throughout the very arduous and lengthy hearings that we have held on this very important constitutional amendment.

The committee considered the question of whether the minimum plurality should be 40 percent or 50 percent, or whether it should be 45 percent. It also considered whether a simple plurality is appropriate. After full deliberations the committee concluded that it would be far better to provide for a 40-percent plurality requirement.

But it is not merely 40 percent. This must be distinctly understood. It is not that alone. The proposed new bill requires that the individual who is elected must win the most votes. He must get the plurality of the popular vote and at least 40 percent.

You and I and Governors and superintendents of education if they are elected, and most other public officials in the States, counties, and the cities, are elected by a plurality. We provide for a plurality in the new article of amendment, but we also add the other condition of a 40-percent minimum. There must be some minimum because if we had a simple plurality it is possible that a President could be elected with only 20 percent of the popular vote, or only 30 percent of the vote.

The President must be in a position to unify the Nation. He must be in a position to lead the Nation. If he only gets that small and minuscule number of votes behind him, he is not necessarily the leader of the Nation. He will have his troubles. Therefore, we set the required amount at least 40 percent because, as has been repeatedly stated here today, some 15 Presidents were elected with less than 50 percent of the vote and all but one received more than 40 percent. Lincoln was elected with less than 40 percent of the vote.

So we set it at 40 percent. Now if we increase the amount over 40 percent, we have to consider whether or not the increased number will give encouragement to splinter parties and will make more likely a runoff election. We do not want a runoff if we can avoid it.

Runoffs are costly. They mean a repetition of the irritations and the frustrations and the vast expenditures of money involved in elections. We do not want to increase the possibility of a runoff if we can avoid it.

But if you increase the amount above 40 percent, then to that degree you increase the chance that spoilers and splinter parties may come into the picture and try to make deals. That was exemplified in the last election when one candidate, as you may remember, came forward and tried to make a deal with either Mr. Humphrey or Mr. Nixon. He said, "If you will agree with me to give me the choice of some members of the Cabinet and if you will not enforce unduly the civil rights laws, I will throw the weight of my influence and power and prestige to you."

Happily neither candidate fell for that kind of intrigue and they rejected that kind of deal. But nobody knows what the future can bring forward. It may be that we will have candidates that might be weak enough in the moment of stress and strain to make a deal. We do not want those deals. We have tried to discourage such deals by making the required plurality high enough to prevent spoilers from getting into the picture and making possible deals.

Therefore, we say that 40 percent is sufficient. It is not too high and it is not too low. We, members on the Committee on the Judiciary, have spent hours on this matter. We did not reach our judgment on this proposition in an arbitrary manner. We went into it thoroughly. The members exercised their intelligence and we finally came forward with a 40-percent figure.

I do hope, therefore, that the amendment offered by the distinguished gentleman from Colorado will fail.

SUBSTITUTE AMENDMENT OFFERED BY MR. WAGGONNER FOR THE AMENDMENT OFFERED BY MR. ROGERS OF COLORADO

Mr. WAGGONNER. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Colorado (Mr. Rogers).

The Clerk read as follows:

> Amendment offered by Mr. Waggonner as a substitute for the amendment offered by Mr. Rogers of Colorado: On page 2, line 20, strike out "40" and insert in lieu thereof "50".

Mr. WAGGONNER. Mr. Chairman, if you paid particular and close attention to the three Members who preceded me in the well, first the gentleman from Colorado who offered the 45-percent amendment to the committee resolution, you will recall, said that whoever is elected President of the United States ought to have a mandate from the people and that in his opinion a 40-percent plurality did not constitute a mandate. I could not agree more.

The gentleman from Colorado (Mr. Rogers) was followed in the well by the distinguished gentleman from Ohio (Mr. McCulloch).

Mr. McCulloch took the position that we should not increase the percentage from 40 percent for two rather spurious reasons, neither of them having any value. First of all, the American Bar Association thought that 40 percent is what we ought to have. The American Bar Association does not make decisions here in this Congress for me. The people elected me to the Congress, not the appointed officials of the American Bar Association.

He further attempted to justify not increasing the percentage, as the gentleman from Colorado recognizes ought to be done, by stating that we did not want to do anything to encourage third parties—and he specifically made reference to third parties. This in itself really should tell you why we have this legislation. They are trying to tighten or increase the strength of the two-party system to the detriment of any dissent that a free American might want to voice.

Then the gentleman from Ohio (Mr. McCulloch) was followed in the well by the distinguished chairman of the House Committee on the Judiciary, and he made the statement, if you paid attention to his remarks, that the President of the United States ought to get a vote sufficiently large to be able to unite the people of this country. Certainly he is correct but I would ask you how many of you really believe that a 40-percent plurality is a vote which would be sufficiently a mandate to bring about the uniting of the people of this country under the leadership of any President who does not get any more vote than that?

Let me say this: During the course of the consideration of this resolution in committee and during debate the people have been misled into believing that this resolution provides for a majority vote.

I am going to do what I did once before. I am going to make reference to three pieces of correspondence. The first is by the National Federation of Independent Businesses, which produced a poll showing that an overwhelming majority of our people favor the election of the President by a direct vote. But listen to what they said. They did not tell the people they were talking about a plurality of 40 percent. They will not tell you that. The specific question asked was in these exact words:

> Do you favor presidential elections by majority of the popular vote of the people?

My friends, I agree with the gentleman from Colorado. The President should have a mandate. It is only by a majority vote that a President would have a true mandate from the people.

Again I refer to a news report from the United Automobile Workers dated September 11. They refer to the subject of electing the President and the importance of having a majority President. This is the title of this paragraph in this United Automobile Workers report. They state exactly this, in support of a majority, not a plurality:

> Direct popular election would give victory to the majority candidate and is the only forthright, foolproof answer to this problem.

I also quote from the United Automobile Workers Washington Report dated September 15. Listen to what they have to say again:

> Certainly an overwhelming majority according to polls agree on the majority approach to presidential elections.

My friends, if you want your President and my President to have a mandate and be one who can unite the people—and we want a true democracy and not a raw democracy—then let us forget the idea of plurality Presidents, if we are going to a direct vote, and let us elect majority Presidents who do have a mandate from the people.

What is wrong with that? Not a thing in the world. Do not kid the people. If we are going to have a direct vote we should require a majority, not a plurality.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Biester).

Mr. BIESTER. Mr. Chairman, the substitute would aggravate the problems which were referred to by the chairman of the committee, the gentleman from New York (Mr. Celler), when he addressed himself to the figure of 45 percent, for obviously by each percentage point we rise above 40, we increase the chance and likelihood of splinter parties throwing the Nation into a runoff election.

As one rises above 45 percent, this opportunity increases, and it increases, I submit, almost in geometric progression.

If one looks at the hearings on page 1009, he will find listed the Presidents of the United States who, since we kept records on the subject, have served even

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though they received less than 50 percent of the total popular vote in the country. They include Presidents Adams, Polk, Taylor, Buchanan, Lincoln—who received less than 40 percent, Mr. Chairman, but I think it is proper to point out that President Lincoln was not even on the ballot in 10 of the States of the then Union—and Presidents Hayes, Garfield, Cleveland, Harrison, Cleveland again, Wilson twice, Truman, Kennedy, and Nixon.

In all of those circumstances—and I believe that is 15 out of 37—had a majority been required, we would have had a runoff election.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for one brief comment?

Mr. BIESTER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, the gentleman from Pennsylvania makes reference to the fact that only President Lincoln was elected with a vote which totaled less than 40 percent.

Mr. BIESTER. It is not only Lincoln, but I mentioned that point when I referred to his name.

Mr. WAGGONNER. But when we are talking about uniting the country, would the gentleman not say that President Lincoln failed to do just that?

Mr. BIESTER. I might say the President who received the largest mandate in this country, ever, was a man who declined to run for a second term, in part because of national disunity.

Mr. Chairman, I do not believe it is necessary to elaborate on the very cogent observations and arguments of the chairman of the committee. I simply point out that the substitute amendment aggravates the chance and encourages the country to go into splinter parties and increases the likelihood that we will have a runoff election—which, of course, all of us would not like to see happen under any circumstances.

I think the committee's position of 40 percent is a thoroughly rational position. Forty percent is a figure below which only one President in the last 100 years has gone, and that was President Lincoln, and I have explained those circumstances somewhat. It is a figure which prevents and is intended to preclude the effectiveness of third parties in their desire to wheel and deal in choosing the ultimate winner.

Mr. Chairman, I earnestly urge the House to reject the amendment and the substitute.

Mr. ECKHARDT. Mr. Chairman, I move to strike the last word, and I rise in opposition to the substitute and the amendment to the substitute.

Mr. Chairman, I rise reluctantly to speak against the substitute and against the amendment to it, because I think almost everything that the able gentleman from Colorado and the able gentleman from Louisiana have said is correct—except their conclusions.

Of course, this leads to the reason why the general change that is sought here seems to me to be so undesirable. The amendments themselves, I think, are undesirable and would make the change worse than if the committee resolution were enacted.

It is popular today to say we should "throw away tradition, respect, and ceremonious duty," and adopt some new method which on its face appears to solve a problem. But I suggest here that the problem which is addressed by these three choices of percentage emphasizes the existence of a problem that is not solved by the basic resolution and would not be met by the amendments.

The important thing about the system that exists today is that when a President is elected, history has shown us he is nearly always elected by a sweeping electoral vote. This may not appear important to people today, but it has unified this Nation for 180 years. For some reason—and I think it is a reason closely akin to the intelligent pragmatism of the common law—the electoral vote magnifies the popular vote majority.

Mr. Chairman, it is that fact which gives the people a feeling of finality in our presidential elections, a feeling that the election was a valid determination by and for the Nation. It seems to me we make a mistake if we argue over a number of different percentages and come out with a conclusion that a man elected by, say 35 or 40 or 45 percent thus receives a mandate of the people to lead the Nation.

Mr. SANDMAN. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, we have, up to now, I believe, done away with most of the evils we have sought to do away with.

Everyone with whom I have talked seems to be of an opinion that perhaps the best way to do this is by a direct election. I believe we have accomplished that.

I am prepared, as most people here are, to vote for almost any plan that will guarantee the direct election of a President in preference to the system we now have.

I do not expect the amendment of the gentleman from Colorado to be adopted, although I would rather have his amendment adopted than I would a 50 percent plus one majority rule adopted because I am also of an opinion that the next thing we want to accomplish is that kind of an election of the President which will leave no doubt as to any further proceedings. The biggest thing we want to do away with here, I believe, is the horror of the election to the highest office resolving itself under the present system to the House of Representatives. This I am sure everybody wants to do away with.

If this is what we hope to accomplish, then I believe we should address ourselves to that contingency which would throw the election either to this body or under some other process. This is the next largest problem.

Many people are also of the opinion that we should restore and maintain a strong and healthy two-party system. This I certainly favor, also. We have great fear, obviously, judging from all the speakers who have spoken, that various plans will encourage the third-party system. Well, this is important, and this, I believe, we should direct our attention to at this moment. I know of no other way to encourage third parties, I know of no other way to make a man like George Wallace more powerful, than to demand that the President of the United States must have a vote equal to 50 percent plus one. This would have been tantamount to having that man practically name the President of the United States in the year 1968, and I am sure nobody here wanted that to happen.

I do not see any real significance to the magic figure of 40 percent, and I am not persuaded to adopt that just because the American Bar Association thinks it is a good idea. In this instance I share the opinion of my friend from Louisiana. We were elected to make the laws, not the bar association.

I am sure my theory is not going to be adopted, either. I was going to put in an amendment to the effect that the President of the United States should only be required to get a plurality of the vote by direct election. This would do away with any possible contingency of having some other election.

If we go through the records it is quite obvious that no splinter group, no third party, is going to win, anyway. I believe that this way we are presenting a simple constitutional amendment to the people that they can buy. The lower we make this requirement the better it would work.

For this reason I am prepared to vote for almost any measure that is going to guarantee the election of the President by a popular vote, but if we want to make it a perfect legislative measure. I believe we have got to take out the 40-percent requirement.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. SANDMAN. Yes. I yield to the gentleman.

Mr. FEIGHAN. Mr. Chairman, any reduction below 40 percent would be undesirable because it would undermine the two-party system. An elimination altogether would result in numerous splinter parties. Under such a circumstance, a President could be elected with a small percentage of the popular vote and lack the type of popular mandate necessary to govern effectively. The two-party system has helped to unify the United States and has enabled Presidents to provide necessary leadership.

By increasing 40 percent to a majority, the number of elections resulting in a runoff could be too numerous. Historical experience indicates that a 40-percent plurality requirement would make the need for contingent elections extremely remote. Splinter groups would very rarely, if ever, be able to secure enough votes to force a runoff election.

I urge defeat of this amendment.

Mr. DOWDY. Mr. Chairman, I rise in support of the substitute.

Mr. Chairman, during this debate I have stated my firm opinion that a President-elect should have a majority vote mandate from the people somewhere down the line. The proposal before us provides for election of a President by 40 percent of the vote. I support the amendment to require 50 percent of the vote for election.

The ranking minority member of the Judiciary Committee has just stated during the debate on the pending amendment that the 40-percent figure is a compromise. It is a compromise all right. It compromises the integrity of the vote. It compromises the popular one-man, one-vote concept by substituting therefor the concept of one man, 1½ votes. It would provide that a President-elect could take office, having received only two out of five of the votes cast, meaning that he would have only a 40-percent mandate—that he could be bitterly opposed by the other 60 percent of the votes. It would make possible the election of a President who is not supported by the people. It would make it possible for the voters of the 12 largest cities to elect a President who would completely disregard the remainder of the Nation. It would mean campaigns would be directed to those cities, ignoring the voters of the other areas.

We call this a nation ruled by the majority. The amendment of the gentleman from Louisiana should be adopted, in order that the will of the majority might prevail.

If we are to abolish the electoral vote concept, which provides a majority election, we surely should preserve the majority concept in the proposed new method.

Mr. Chairman, I urge adoption of the substitute.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Yes. I yield to the gentleman.

Mr. MIKVA. Would the gentleman also be for his 50-percent requirement for the election of Congressmen?

Mr. DOWDY. Certainly.

Mr. MIKVA. But you are aware no Member of Congress at this point is subject to such requirement?

Mr. WAGGONNER. Will the gentleman yield?

Mr. DOWDY. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Could I correct the gentleman's erroneous statement? It requires 50 percent plus one, a majority, to be elected in a primary as a Member of Congress from the State of Louisiana, and I think it should remain that way.

Mr. DOWDY. I do, too. Thank you.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. DOWDY. Yes. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, I rise today in support of House Joint Resolution 681, the proposed constitutional amendment which would abolish the electoral college system and provide for the direct popular election of the President and Vice President of the United States.

Chairman CELLER has correctly pointed out that it is "downright uncivilized" to perpetuate a system which could make winners losers and losers winners. The continued survival of our political system is based upon the ability of the people to choose their leaders. In my estimation, over the years, the wisdom of the electorate has been proven.

In one of the most perceptive analyses of American politics that has ever been written, De Tocqueville's "Democracy in America," it was pointed out:

> In the United States, the majority governs in the name of the people . . . the people therefore are the real directing power.

Today we exist with an electoral system that has, within its archaic mechanics, the ability to deny the rights of the majority. This amendment will help insure the fact that regardless of in what city, State or section of the country a voter resides, his ballot will be counted on an equal basis with all others.

Last year we saw tremendous examples of the benefits of involvement and participation in the democratic process. The direct election of the President and Vice President will not only lead to greater participation on the part of hundreds of citizens, but also, and more importantly, it will heighten the effectiveness and equity of our electoral process.

House Joint Resolution 681 is not a haphazard move aimed at eliminating a third party threat, but rather a well-planned, well-thought-out amendment that seeks to insure the responsiveness and effectiveness of our democracy. With our present system we have seen how power brokers can be born, we have seen how sectionalism can arise, and how the intentions of the majority can be ignored by the electors of any given State.

Mr. Chairman, the people and only the people should be power brokers. The deadlocks and bargaining that could well become reality under our present system must be eliminated. House Joint Resolution 681 would remove these threats by returning power to the electorate, the people of this great country. In my estimation, this is exactly where it belongs.

Mr. WATSON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Louisiana.

Mr. Chairman, what is the magic in 40 percent? Why not 39? Why not 41? All of these would specifically legalize election of a President by less than a majority vote. Now, as I understood the proponents of the direct popular vote system, they believe in pure democracy. Have you stopped to think that the present system provides for the election of your President and your Vice President not by 40 percent, but it provides for these officers to be elected by a majority vote? Granted not a direct majority vote of the people but a majority vote of the electors elected by the people. So we presently have a majority vote requirement for the election of the President and Vice President.

Really, do we want to provide a method whereby we tell the American people that we want their No. 1 and No. 2 administrative officers elected by a minority vote?

Now, let us be honest with the people. As the gentleman from Louisiana pointed out, the three polls that he cited, the question presented to the people was whether or not they would like or prefer to have the President elected by a direct popular vote—that is by a majority of the popular vote.

Now, Mr. Chairman, various speakers have stated anywhere from 70 percent up to 81 percent of the people are in favor of such a direct vote system. The only question I ask is this: Why was it not 99 percent? If you ask the people on the street whether or not they are in favor of electing the President by a majority of the people voting, why would it not be 99 percent responding affirmatively? Because most of the people feel that that is exactly the way it is done right now. So, it is surprising to me that the response was not 95 percent or 99 percent.

Mr. Chairman, we have heard these figures cited from the various polls over and over again but somehow we forget the form of the question propounded. If we would be honest with the people and try to enact legislation in line with the specific question presented to them, then we should be in favor of electing the President and Vice President by a majority popular vote.

One final thing which I would like to point out: Repeatedly have the advocates of change—and I can see the imperfections of this system and I personally believe that the district system is best—but over and over again they have said we must do something, because if there had been a shift of 1 percent in the vote this would have resulted in utter confusion; if there had been this occurrence, chaos would have resulted, and if this other thing had occurred, we would have faced a catastrophe. But these "ifs" never developed, Mr. Chairman.

Well, may I say to you, Mr. Chairman, is it not just as logical—in fact, more logical—to argue that since these "ifs" did not eventuate such fact is in favor of rather than against? It is a fact that it did not happen. We were not thrown into this confusion. We were not thrown into a state of utter chaos as some have said could have happened.

Mr. Chairman, I am not using that as a basis for stating that the present system is perfect. Oh, no. I remember the statement made by the distinguished gentleman from California, the ranking minority member of the Committee on Rules, when he said as he heard the arguments presented before the Committee on Rules and, also, as I have heard the arguments presented here over the past several days here on the floor of the House, I am convinced that those who wrote the Constitution did a rather magnificent job in devising the present system.

I believe, if I recall history correctly, only 39 of the delegates to the Constitutional Convention remained to sign the final document. But as we look at it in retrospect, I believe that they came up with the best possible system for a government not just for America, but a government for the United States of America.

So, those who would advocate—and I endorsed and supported the district plan—but those of you who are so insistent that the people must speak out and those who are so insistent upon the democratic principles, then I ask you how can you argue against the basic principles of a pure democracy; namely, election by a majority rather than a minority vote. Not 40 percent, not 39 percent, not 41 percent or any other percentage, but the majority must govern.

Mr. Chairman, I hope that the members of the Committee of the Whole House on the State of the Union will favorably consider the amendment which has been offered by the gentleman from Louisiana, if you truly believe in a democracy.

The CHAIRMAN pro tempore (Mr. ROSTENKOWSKI). The question is on the substitute amendment offered by the gentleman from Louisiana (Mr. WAGGONNER) for the amendment offered by the gentleman from Colorado (Mr. ROGERS).

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 43, noes 33.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman pro tempore (Mr. ROSTENKOWSKI) appointed as tellers Mr. WAGGONNER and Mr. ROGERS of Colorado.

The Committee again divided, and the tellers reported that there were—ayes 71, noes 91.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. ROGERS).

The question was taken; and on a division (demanded by Mr. ROGERS of Colorado), there were—ayes 51, noes 68.

Mr. WAGGONNER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. ROGERS of Colorado and Mr. MIKVA.

The Committee again divided, and the tellers reported that there were—ayes 67, noes 87.

So the amendment was rejected.

(Mr. HUTCHINSON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HUTCHINSON. Mr. Chairman, on ratification of the Constitution, the United States was created a Federal Republic. Citizens of the States at once became citizens of the United States, but they did not thereby lose their State citizenship. Instead, we are at the same time citizens of the United States and of the State wherein we reside.

In our Federal Republic, with powers divided between the State and the Nation, our people vote in their role as citizens of their States. The Constitution directs the apportionment of Members in this House to the States and the people of the State elect the members of that State's delegation here. Likewise, in the other body it is the people of a State who choose the two Senators from that State.

And as our presidential electoral system has evolved, the people of each State direct how the electoral vote of that State shall be cast. There is not and never has been any Federal election machinery. Elections are conducted by the States. It is the people of the States who participate in them. The concept of voting as a function of State rather than National citizenship is one of the marvelous checks and balances within our federal system. It is one of the powers reserved to the people of the States by the largely ignored 10th amendment. I conceive it to be the duty of the Congress, even in writing constitutional amendments, to preserve the fundamental federal structure of our governmental system.

I said a moment ago that as our presidential electoral system has developed, the people of each State direct how the electoral vote of that State shall be cast. The presidential electors appointed by the several States under the original Constitution were admittedly free agents and I concede that they continued to be free agents under the 12th amendment as that amendment has been interpreted, the latest instance being last January by this Congress in the case of the North Carolina faithless elector. But I submit that it need not have been so, and a good case could be made for holding that the 12th amendment binds electors to carry out the trust imposed by the people who elected them. To make out that case, we need only remember why it was that the 12th amendment became necessary. Had the electors remained truly free agents, as the original Constitution intended them to be, the circumstances which necessitated the 12th amendment would not have arisen. It was only because the electors were no longer free agents but were bound by party loyalty that the 12th amendment was made part of the Constitution. Since the adoption of that amendment back in 1804, presidential electors could have been restricted to the ministerial duty of casting their votes for the presidential and vice-presidential candidates of the party which elected them. Because of those infrequent occasions when the issue has arisen, the electors continue to be respected as free agents, the Constitution now needs to be amended to abolish presidential electors as persons.

The oft-expressed theory is that the will of the people might be thwarted in the electoral college by men who can betray their political trust. The recitation of 180 years of history apparently fails to allay those fears, although that history reveals no real cause for alarm, the half dozen isolated cases of faithless electors notwithstanding. The electoral college has always been faithful to its trust, casting the electoral vote in each State as the people of that State have directed.

As the electoral system has evolved, the States have adopted a unit rule system whereby the voters determine statewide for which party all of a State's electoral votes will be cast. The argument is made that this winner-take-all system denies any weight to those sometimes very large percentages of the electorate who cast their votes for the presidential ticket which did not carry the State. Well, let us look at that argument a minute. It is equally valid to argue that those voters who do not vote for the winning candidate for U.S. Senator in their State have lost their vote. Everyone who voted against us who are Members of this House likewise can argue that they lost their vote. If we choose those who are to occupy public office by the greater number of votes, then all of those who would have chosen some other candidate in a sense do lose their votes. If, under our federal system, the people of a State are to determine how that State's participation in the choice of a President shall be made, it is true that those who vote for some other ticket likewise lose their vote. But it is no different than in the case of electing any other official.

Next, it is contended against the present electoral system that it is possible for a presidential ticket to win a majority of the electoral votes without obtaining a national plurality of the popular vote. It can also be pointed out, though, that it is possible for a party to win control in this House of Representatives although the total number of votes cast for congressional candidates of the other party nationwide may exceed the total cast for the winning party. I have seen voting statistics, which I do not have presently at hand, showing that in some elections my political party had received a larger percentage of the total vote cast for congressional candidates than was reflected by its membership in the House. These circumstances have not greatly alarmed the people of the country, but they are equally as valid criticisms as the argument that a President might be elected who failed to receive the greatest number of popular votes. Eighty years ago that happened. But not since Cleveland won the popular vote and Harrison the electoral vote in 1888 has the top runner in the vote of the people failed to receive a majority in the electoral college.

The 20th century has been without blemish in that regard although we have experienced as many elections with significant third party challenges in this century as in the 19th. Recall the third party threats in 1912, 1924, 1948, as well as in 1968, yet in each of those cases as well as in the close two-party elections in 1916 and 1960, the electoral system elected the candidate who also received the most popular votes. Having disposed of that one election 80 years ago when the candidate who got the most popular votes failed to win in the electoral college, we have to go back to 1876 and to 1824 to find the only other instances. That this should have occurred but three times in our history and not at all in this century presages no real cause for alarm.

Turning now to another point, it is clear that the writers of the Constitution expected presidential electors to be chosen by districts within each State. James Wilson of Pennsylvania initially proposed an electoral college, and his proposal described the electors as being chosen by districts within each State. In the end, that detail was omitted from the Constitution and each State was empowered to appoint electors in such manner as the legislature thereof shall direct. The States already have it within their power to provide for the choice of presidential electors by districts and no constitutional amendment is requisite to accomplish any change from the winner take all to the district system of choosing electors. A constitutional amendment is necessary, however, to abolish the electors as persons and, I repeat, that change should be made to remove the threat of the faithless elector.

The abolition of presidential electors

as persons will also accomplish another reform. Since there would be no electors, it would be impossible for any State to list a slate of electors on their ballots in lieu of the names of the candidates of the political parties and we would no longer have any independent electors.

As I see it, there are only two changes that need to be made at the present time in the constitutional provisions for the election of our President. The first is the abolition of personal electors, and the second is the problem of the contingency election when no ticket shall have received a majority of the electoral votes. It has been 144 years since the House has been required to choose a President, and since that time our two-party political system has developed. We may cite some close elections and say that the electoral system almost failed, but the point is, it has not, suggesting that our present political system is stronger than some are willing to acknowledge. But even if the electoral college should fail to deliver the majority of the electoral votes some time, because the people by their suffrage direct no majority, the House upon which the choice of a President will then devolve, will have also been elected by the people directly answerable to them within a 2-year period, chosen through the same political parties, a politically responsible party capable of reflecting the people's will. The framers of our constitutional system had no fear of the House as an electing body. On the contrary, they expected that most Presidents would be chosen in the House. The college of electors, meeting in their respective State capitols, with no coming together nationally, were not expected to produce a choice nationwide. In effect, the electors were expected only to nominate the candidates from whom the House should choose a President. As our political system has developed, however, the contingency of House election has proven to be quite remote. There is no empirical evidence that the contingency will arise more frequently in the future than in the past.

But the procedure for contingency election put forth in the 12th amendment gives to each State one vote, with a majority of the States necessary to elect. This procedure would be wholly unacceptable to the American people today and is in need of change. It is also possible, if the House is in control of one political party and the Senate is in control of the other, at a time when the House is called upon to choose a President and the Senate to choose a Vice President, that we could end up with a split administration, a President of one party and a Vice President of the other. That happened only once in our history back in 1796 when John Adams, a Federalist, was elected President and Thomas Jefferson, a Democratic-Republican, was chosen Vice President in the electoral college. In order to provide an acceptable method of contingency election, the most reasonable change, it seems to me, would be to provide that when no presidential ticket receives a majority of the electoral vote of the States, then the Senate and the House, meeting as a single body in a national assembly, should proceed to choose a President and a Vice President from among the top two presidential tickets with every Senator and every Representative having one vote. A simple majority of the whole number of votes cast would make the choice. We would then be assured that both the President and the Vice President would be of the same political party and there would be as many votes cast in the contingency election as there were electoral votes cast in the general election, the vote of the District of Columbia only excepted.

To accomplish these changes, that is, to abolish the electors as persons while retaining to each State and to the District of Columbia its electoral vote, and to provide for a more acceptable method of contingency election, I introduced House Joint Resolution 825. Within the spectrum of alternatives, my proposal is an automatic plan, automatic because the electoral vote would be cast without the existence of presidential electors. The proposal does not reach the matter of how a State shall cast its electoral vote, whether statewide or by district, because the constitutional power to make those determinations already exists in the States. House Joint Resolution 825 also would provide that if a ticket receives a majority of the electoral vote, the House and the Senate would ascertain that fact after counting the electoral vote and would then immediately act as a single-bodied national assembly to choose a President and Vice President from among the top two tickets.

I believe that desirable reforms can be accomplished within our federal system and that it is not necessary to destroy the system. The committee proposal, House Joint Resolution 681, instead of strengthening our familiar system, destroys it, in my opinion. The committee proposal has been promoted on the grounds that it provides for the direct election of the President by the people. The truth is that the people already elect our President directly but they do it through a federal system where their role as citizens of their States is also preserved. Though I am not enamored with the committee approach, I am no less dedicated to the proposition that the people shall elect their President. They do that now.

As has been explained by earlier speakers in this debate, the committee proposal is a very simple plan. It would have the people go to the polls in a national election and cast their votes for President and Vice President. The ticket which receives the greatest number of votes will be declared elected, so long as the winning ticket receives at least 40 percent of the total vote cast. In case no ticket received the 40 percent minimum, a runoff election would be held in which the people would choose between the top two tickets. The Congress would be given reserve authority to define uniform residence requirements to vote for President and Vice President, Congress would also be authorized to make uniform the manner of holding the presidential election and the Congress would provide for counting the vote and ascertaining the results. The Congress would also have power to provide for the inclusion of any ticket on the ballot throughout the United States. Some of these powers vested in Congress by the amendment are broadly enough phrased so that we can reasonably expect presidential elections to be conducted according to Federal law rather than State law.

Wholly in the spirit of improving and perfecting the committee proposal and without any purpose of obstructing it whatever, I would offer four amendments: First, under our present system, it is necessary for the President and the Vice President to come from different States. I would amend the committee proposal to provide that no candidate shall consent to the joinder of his name with that of a resident of the same State as himself. This would assure that there would be a diversity of State citizenship on each ticket in the future as in the past.

The original Constitution did not define any qualifications for the office of Vice President. The 12th amendment, however, specifically states that no person constitutionally ineligible to the office of President shall be eligible to that of the office of Vice President. The committee proposal, House Joint Resolution 681, repeals by necessary implication all of the 12th amendment, except, hopefully, the last sentence of that amendment, which requires the Vice President to have the same constitutional qualifications of eligibility as the President. Committee counsel states that in his opinion, nothing in the committee proposal would of necessity repeal that last sentence. But the sentence is so clearly part of the electoral process of the 12th amendment as to raise doubts and in my opinion, it should be stated again in this direct election proposal in order to make sure that it survives. I would, therefore, propose to amend the joint resolution to specifically require the Vice President to have the same constitutional qualifications as the President.

The present Constitution directs that the day on which the presidential electors shall give their votes shall be the same throughout the United States. The committee proposal provides that the day for presidential elections shall be uniform throughout the United States. I would amend it to provide that the day for presidential elections shall be the same throughout the United States. I believe that the word "uniform" and the words "the same" are not necessarily synonymous. I would prefer that we retain the original phraseology of the Constitution so far as possible.

My other effort to improve the committee proposal would rephrase the rather inelegant language of section 3 in order to remove reference to "a pair" of persons. The Committee on the Judiciary was not pleased with this wording and in my opinion efforts should be made to improve it on the floor.

Before concluding my remarks, I desire to discuss the provisions of House Joint Resolution 825 introduced by me. Section 1 provides that the States no longer appoint electors of President and Vice President but each State shall continue to have a number of electoral votes equal to the whole number of Senators and Rep-

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resentatives to which the State shall be entitled in the Congress.

Section 2 provides that the people of each State shall cast the electoral votes of that State in elections for President and Vice President. The times, places, and manner of holding such elections would be prescribed in each State by the State legislature but the Congress might at any time, by law make or alter such regulations. The voters in each State would have the qualifications requisite for electors of the most numerous branch of the State legislature, but a State may reduce or waive its residence requirements for eligibility to vote in presidential elections. That would, however, be left entirely to the States.

The third section provides that the District of Columbia would have a number of electoral votes equal to the electoral vote of the least populace State. Congress would provide by law for elections at which the people of the District of Columbia would cast the District's electoral votes and the Congress would designate by law the officer in the district whose responsibility it would be to transmit the results of such elections to the President of the Senate.

Section 4 provides that, following every presidential election, the Governor of each State would transmit to the President of the Senate of the United States his certificate listing the names of all persons voted for as President and Vice President in his State, the number of popular votes received by such persons, and the number of electoral votes, if any, received by each. The President of the Senate would, in the presence of the Senate and House of Representatives, open all the certificates and the votes would then be counted. The person having the greatest number of electoral votes for President would be the President if that number be a majority of the whole number of electoral votes cast for President, and the person having the greatest number of electoral votes for Vice President would be the Vice President if such number be a majority of the whole number of electoral votes cast for Vice President.

If no person received such a majority of the electoral votes, then the person who received the greatest number of popular votes would be the President if such number be at least 40 percent of the total popular vote cast and the person who received the greatest number of popular votes for Vice President would be the Vice President if such number be at least 40 percent of the total popular vote cast. I would abolish the electors as persons but retain the electoral vote. I would require a ticket to obtain a majority of the electoral vote or if that failed to obtain the greatest number of popular votes so long as that number represented at least 40 percent of the popular vote cast.

But if no ticket received either a majority of the electoral vote or at least 40 percent of the popular vote, I would then let the Congress decide, meeting as a national assembly in a single body with every Senator and Representative entitled to one vote. At the present time, that national assembly would be made up of 535 men and women, 435 of whom had been elected to the House of Representatives and 100 Senators. A quorum of that national assembly would be a majority of the whole number of Senators and Representatives. That majority would be 268, assuming no vacancies. They would vote between the two top contenders for President and the winner would be the candidate who received the most votes. The national assembly would then proceed to choose a Vice President from among the two top contenders for Vice President and the candidate would be elected who got the most votes in the national assembly.

Consider for a moment what the situation would be when this necessity for choice of a President and Vice President by the Congress should arise. The people would be so divided politically in the country that no ticket would have received as much as 40 percent of the popular vote. No one would have received a majority of the electoral vote. A new House would have been elected and one-third of the Senate would have been elected in that same decisive election. That new Congress would have convened on the 3d of January, only 17 days before a new President is to be inaugurated. Under those circumstances, the urgency of a selection would be paramount. The selection of a President and Vice President under those circumstances should be made as simple as possible. The party which elected the largest number of the Members of Congress, House and Senate, would choose the President.

The retention of an electoral vote system with a fallback to the popular vote winner, so long as he obtains at least 40 percent of the total vote cast, would have placed the election of the President in the House only once in our history, the election of 1800 which resulted in an electoral vote tie. The provision for a second contingency calling upon the Congress to choose a President only when the people have failed to do so is extremely remote. It is, however, necessary to provide for such a remote happening occurring as it would only in circumstances of great political instability. The electoral vote system, on the other hand, has promoted political stability, has promoted a strong two-party system in this country and without exception during the past 144 years, it has worked. Section 5 of my proposed substitute would specifically spell out that the President and Vice President, shall not, when elected, be inhabitants of the same State and that no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

In concluding, Mr. Chairman, let me say once again that, in my opinion, the committee set out to correct some shortcomings in our presidential electoral system and ended its labors by destroying the system. I am for reforming of the present system. I am not for destroying it.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McClory: On page 1, line 6, strike all after the word "Constitution" down through line 8 and insert in lieu thereof the following: "when ratified by conventions in the several states, as provided in the Constitution, within seven years from the date of its submission by the Congress:".

(By unanimous consent, Mr. McClory was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. McCLORY. Mr. Chairman, my amendment is intended to give effect to what I believe is in the minds of everyone in this Chamber, and that is that the direct popular vote is popular. I have in my hand an article which appeared in Nation's Business, September 1969, entitled exactly that: "The Popular Vote Is Popular."

The amendment would take advantage of that provision in article V, which is the article which authorizes amendments to the Constitution, so that the direct popular vote amendment could be submitted to State ratifying conventions instead of to the legislatures of the 50 States.

When the original Constitution was adopted in September 1787, George Washington, who was president of the Constitutional Convention, directed that the original Constitution be submitted to a convention of delegates chosen in each State by the people thereof. In other words, the original Constitution was ratified in this manner. When the original amending authority was placed in the Constitution, article V as originally drafted provided for the ratification of amendments to the Constitution only in this way: by ratification of State-ratifying conventions and not the State legislatures.

The original Constitution was ratified by the State-ratifying conventions. It is true that in the course of subsequent amendments to the Constitution, they have all been submitted to State legislatures for ratification with the exception of the 21st amendment, and it seems to me the 21st amendment provides a precise parallel and is interesting for us to consider at this hour.

The 21st amendment, you may recall, provided for the repeal of prohibition, repeal of the 18th amendment, and the Democratic and Republican Parties in their national conventions in 1932 provided that they would support repeal of prohibition and urged the submission of the proposition to the people for the ratification.

And this was done. The interesting debates that were conducted in the Senate at that time are, of course, a part of the Congressional Record of that day and disclose the many reasons in support of this method as well as arguments in opposition to it.

But may I just submit this: That the 21st amendment when submitted to the people for ratification, when submitted to State ratifying conventions, was ratified in the period of 10 months—one of the speediest ratifications which has ever occurred.

The principal arguments, it seems to me, which have been made against the direct popular vote method of electing the President and the Vice President of the United States have been that the State legislatures will not approve this change and that all we need is rejection or inaction by 13 legislative bodies out of the 99 and all our work will have been for nought.

That argument has a very sound basis, may I say. The UPI poll which was conducted in May of this year and which is referred to in the additional remarks which I have included in the committee report, showed that only 12 State legislatures of all those polled would support the direct popular vote plan or would ratify it, 10 were opposed, and 28 were undecided.

This is the last poll which has been conducted by UPI.

May I say further that while our colleague on the other side, the gentleman from Michigan, Senator GRIFFIN, has conducted a nationwide poll of the State legislatures of the 27 smallest States, which showed that 20 would support the plan, and seven would oppose it, seven rejections out of 27 certainly indicates at least 13 of the 50 State legislatures would reject it. I might say also that only 44 percent responded, which is an indication that the 56 percent which did not respond would be opposed to the amendment.

This, of course, is further proof of the fact that the State legislatures would not ratify the amendment if submitted to them. Yet we know that the direct popular vote is popular. I believe it is popular. With all the arguments that have been made against the direct popular vote plan and in support of the district and the proportional plans, the professional polls indicate that nationwide 80 or 81 percent of the people support the direct popular vote plan.

In my own district, where I believe the people do understand what they are voting for, the returns were over 75 percent in support of the direct popular vote, and 15 percent, I believe, for the proportional plan, and a smaller number in support of the district plan.

Let me say this: I have gone on radio in my district and I have had news conferences, and I have talked to a number of clubs and organizations, and I have explained to them many reasons for supporting the district plan, and why I thought it was a valid plan. But, nevertheless, despite all the explanations, when the people were given a chance to vote on it, they knew what they wanted. They want the right to vote for the President and the Vice President of the United States.

So I say this: Why not let the people decide this issue? Why leave it up to the legislative bodies? The State legislators are elected not on the basis of whether they are going to ratify or reject this particular proposal but are elected on a great many other issues, and many of the legislators have served in the State legislatures for a long time, and we can understand that. But if we give this opportunity for ratification to the State ratifying conventions, the delegates will run on the basis of whether they are going to support the direct popular vote or vote against it.

That issue would be decided by the people and would be decided in the State ratifying conventions.

It seems to me this is one time particularly—as I suppose it was also in the case of the repeal of prohibition—when the people are asking for an opportunity to express themselves, and this is the time when we can do that.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I should like to ask the gentleman what he envisions would be the timetable in the event his amendment becomes a part of this resolution?

Mr. McCLORY. Well, I know that next year there are not too many legislative bodies which will meet, so that the chances of ratification under either system next year are perhaps a little remote.

It was argued at the time of repeal of prohibition that it would take a long time for the State conventions to be assembled and organized. They gave estimates of two and a half or 3 years or something like that. As a matter of fact, the ratification occurred in 10 months.

The opportunity to set up the State conventions and to operate them was given entirely to the States, even though I believe Congress could develop this mechanism. Nevertheless, the States assumed that responsibility and carried through their responsibility very promptly.

Mr. RAILSBACK. If the gentleman will yield further, it seems to me in the State of Illinois that this would require, first of all, action by the State legislature. I believe my recollection is correct that it would require a two-thirds vote of each house.

Mr. McCLORY. No; the gentleman is wrong. It is a majority vote of the legislative body, I believe, on ratification, which would be sufficient.

Let me say that a number of States set up the machinery for ratification by State conventions at the time of repeal of prohibition. I believe 16 States still have statutes on their books for State ratifying conventions. The machinery for doing this is very simple, and it is very easy to carry out.

I am sure there would be no impediment insofar as the State legislative bodies are concerned. If there were an impediment, there is substantial authority—and I support this position—that the Congress can establish the mechanism and provide the machinery for establishing and conducting such State ratifying conventions.

Let me say further that 25 of the States which did ratify the repeal of prohibition recognized that the Congress also had this authority.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield further?

Mr. McCLORY. I yield further.

Mr. RAILSBACK. I am not sure I am opposed to the amendment. What I am trying to do, really, is to show every Member what would be the likely timetable. I wish to point out it is my understanding that if the amendment became a part of this resolution it would require, first of all, action by each body of a bicameral State legislature, and we now have 49 bicameral assemblies in our 50 States. Then there would have to be delegates selected. In the case of Illinois they would have to run in the senatorial district, and two would be elected from each senatorial district. Then they would have to meet in convention.

Mr. McCLORY. No, I disagree with that. I think the machinery is very simple.

Mr. RAILSBACK. Would it have to be ratified by the people?

Mr. McCLORY. No. There is no ratification by the people. There is an election by the people of delegates. The delegates are elected on the basis of whether they support or reject the constitutional amendment. It is done very easily, very simply, very inexpensively and very promptly. We had a demonstration of that in the adoption of the 21st amendment.

Mr. MIKVA. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

With all due deference to my distinguished colleague and former colleague in the State Legislature of Illinois, I rise in opposition to this amendment on two major points.

First, there is a substantial cost figure involved here in calling for these convention elections within the States. For instance, Illinois currently has a vacancy for a Member of this body which is not being filled by a special election because the Governor says that the cost of that special election is prohibitive. So for 18 months the people of the Sixth District of Illinois will be without representation in the House of Representatives in Washington, D.C., because of the cost of a single election in one district. This amendment will require elections throughout 50 States.

More important, it seems to me, we are adding fuel to the charge that the Federal Congress has no faith in State legislative operations. I know that the sponsor of this amendment does not feel that way, since he himself is a former member of the State legislature and a very distinguished one. I know he recognizes the very useful and important role the State legislatures play.

I think if we made this proposal a part of the electoral reform package we would simply be enhancing the opposition to the general proposition because it could be used as a further argument that the Federal "octopus" in Washington did not trust State and local governments. Now, I know that is not so and it is not the motivation of the gentleman who sponsored the amendment, but it would have that effect. We would be better off trusting State legislatures which, despite their other responsibilities and other preoccupations, would recognize the important responsibility for ratification and carry it out accordingly.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. Of course.

Mr. McCLORY. The gentleman will not deny that the UPI poll indicated ratification by the State legislative bodies leaves ratification very much in doubt.

Furthermore, may I point out that either a special session of the legislature or the extended time which the legislature might take with regard to this subject, of course, both involve the question of expense.

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These arguments which the gentleman is making are the same arguments presented at the time of the submission of the 21st amendment. The fact of the matter is, however, when that amendment was submitted it was promptly ratified. As far as I know, it was relatively inexpensive.

Mr. MIKVA. May I say to the gentleman first of all that I think the prospect of voting "wet," which was the concern about the 21st amendment, was much more politically dangerous than voting for direct elections. We need not worry here that the State legislatures will worry about their feet being put to the fire.

Second, on the Griffin poll that you mentioned earlier, I find it interesting that out of the 27 States polled, in 25 States the legislators said they personally favored direct election but predicted somehow that in five of those States electoral reform would not be approved.

As is the case in this body itself, many of us felt direct elections could not go through the committee or go through the Congress. I feel we ought to trust the State legislatures to do their job.

Mr. McCLORY. Will the gentleman yield further?

Mr. MIKVA. Yes. I yield to the gentleman.

Mr. McCLORY. I would like to point out the fact that many of the State legislators who are for the direct election nevertheless predict that their legislative bodies will not support it. That is a further indication that you have to give the people an opportunity to decide this issue through the election of delegates to State ratifying conventions. Since we are providing for a direct popular election system, we ought to let the people decide the issue, we should not authorize legislative representatives elected on other issues decide the issues for us and for the people themselves.

Mr. BIESTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take the full 5 minutes, but I do regretfully rise in opposition to my very good friend's amendment. I believe, however, it should be defeated by the committee.

First of all, it is necessary for the State legislatures in the various States to implement the results of this amendment to the Constitution. It is imperative from the outset that they be involved in the entire process, and their confidence be received through it.

Second, with respect to time, I do not believe that the convention system will be faster, since in fact it will be necessary for many State legislatures to take action to create the conventions in the first place. When they meet to do that they might just as well meet to ratify the amendment.

Third, with respect to the approval of the amendment, it does seem to me in the course of the passage of the 17th amendment the same objection was raised; namely, that the State legislatures would not have given up the power they had to select Senators to the U.S. Senate. But, in fact, they did. A convention system was not necessary, and the State legislatures in fact did ratify the 17th amendment and did divest themselves of that extraordinary power. I think they did so because they recognized their obligation to do so and because the pressure of public opinion upon them was considerable.

The same two circumstances will obtain on this occasion, and I think we should trust the individual State legislatures. We will need their help in the ratification of the amendment and in its implementation.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Illinois.

Mr. McCLORY. I would like to point out to the gentleman that in the committee report the additional views of the gentleman from Michigan (Mr. HUTCHINSON) reproduces portions of an article from the U.S. News & World Report in which it is indicated that only 15 of the 50 States will gain from the direct popular vote amendment. It seems to me that the pressures on the legislatures in the 34 States which will lose voting strength will result in opposition so tremendous that the legislatures of those States may be inclined to reject ratification.

Mr. BIESTER. I think if the gentleman from Illinois will refer to that article he will find that the mathematical conclusion reached in that article flies in the face of the very expert, thoughtfully prepared data offered us by Professor Banzhaf, and I must say that I agree with the professor's mathematical findings.

Second, I think we in this Chamber should not assume that we are the only ones capable of recognizing and realizing that the people want a direct election. Our colleagues in representative government, I believe, will join with us in achieving the long-sought goal of direct election.

The legislatures of our several States are capable of the same responsibilities as we are. We ought not to commit the sin of presumption.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, does the gentleman have any information beyond that which was produced in the UPI report or the poll conducted by Senator GRIFFIN which would give some assurance of ratification by 38 legislative bodies?

Mr. BIESTER. Only the Nation's Business poll which was cited by the gentleman, I believe, and also the earlier poll of 3 years ago which was taken by the Senator from North Dakota.

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Chairman, I am wondering as I have listened to the debate now since last Tuesday, how much longer are we going to listen to this, day after day, when everyone in this Chamber understands the position that he is going to take and also knows how he is going to vote. Let us get started and let us vote on this issue, one of the most important issue facing the Congress, the presidential election process. Let us get going on it. What do you say?

Mr. MIZELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Illinois which calls for the ratification of the electoral reform amendment by State-called constitution conventions. I would also like to say that I support the direct election of the President by the people—this being by popular election.

Over the past few days, I have listened intently to those discussions as to which proposal would have the best chance of being ratified by the State legislatures. I think that we must not forget that this electoral reform is taking place because of the demands of the people which have been made directly to us and not through the State legislatures. I do not, in any way, want to take away from the capabilities of the State legislatures; but, I feel that the people of this Nation should have the opportunity to decide how they would like to elect their President. It is, therefore, my opinion that the electoral reform amendment should be placed before State-called constitutional conventions for ratification. This is a government of the people, by the people, and for the people; and I believe that this method for ratification would best represent the feelings of the people.

I do not believe that a vote for this amendment and a vote for the direct popular election is a conservative vote, a liberal vote, a Republican vote, or a Democratic vote; but a vote for the people to elect their President and Vice President by the direct method. I urge the adoption of this amendment, and the passage of the proposal which would give the people the chance to select their President and Vice President through direct elections. I am going to cast my vote for the people.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. MIZELL. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I want to compliment the gentleman from North Carolina and express appreciation for his very helpful and constructive remarks.

I would also like to point out that when the drafters of the Constitution were faced with this issue they decided that they wanted to submit the original Constitution to State ratifying conventions, and not to the State legislatures.

Anybody who thinks that this is just a technical change is certainly mistaken. This in my opinion is going to depend upon whether we get ratification of the people's right to vote, or we do not get ratification.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. MIZELL. I yield to the gentleman from Ohio.

Mr. TAFT. Mr. Chairman, I thank the gentleman for yielding, and I want to associate myself with his remarks.

I would like to comment upon one earlier point that was made in the debate which I believe the House should consider. The gentleman from Iowa (Mr. MAYNE) a few days ago discussed his position favoring the district plan, and against the direct plan. He said that he was motivated in part in making his decision by the fact that he did not want to find himself in disagreement with State legislators running in future elections because of a position he or they might take with regard to the power the State might lose from the ephemeral lesser proportional representation that it has been said that some of the smaller States might lose under the direct plan. I myself doubt this is an actual fact.

But I would point out that the argument of the gentleman from Illinois (Mr. McClory), which I think is an excellent one, in proposing this amendment would avoid this difficulty that each of you may have, and may face in supporting your stand on the issue that we have before us here, since it could become an issue in your State legislative branch. I believe that while the State legislature could consider such an issue, but the basic question is a national question.

Thus this is a question, as it has been said earlier, that the people properly should be asked to decide.

Again, Mr. Chairman, I want to commend the gentleman for his remarks, and point out that voting for this amendment will have the effect of avoiding putting the State legislature on the spot, and avoid putting each of us in conflict with the position of the State legislatures.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, despite my personal respect for the gentleman from Illinois (Mr. McClory), for whom we have indeed an abiding affection, I must take this rostrum and oppose the amendment the gentleman has offered.

There is no basis for the assumption that the State legislatures are not responsive to the wishes of the electors. A recent survey conducted by the junior Senator from Michigan, Mr. Griffin, discloses that there is sufficient support for the ratification of the direct election plan among the legislatures in the smaller States. There is no warrant also in departing from the almost uninterrupted practice of State legislative ratification. The repeal of prohibition is not a parallel situation. The 21st amendment involved repudiation of an amendment adopted only 14 years earlier.

Conceivably, a referendum was suitable under such circumstances. I remember I was a member of the Committee on the Judiciary when we proposed the repeal amendment. It might interest the Members to know that at that time I supported in the committee the convention method. But I also want to indicate that word came from the White House from Mr. Roosevelt personally that he was very anxious to have the convention method used for ratification.

Mr. Roosevelt was very astute. He wanted to take advantage of the excitement that permeated the whole Nation with reference to prohibition. He had his eye on the next election, and wanted to capitalize on it.

I am free to confess I was a coconspirator with him in that regard. But that instance was highly different from today. Almost all of the amendments were adopted by ratification by the State legislatures.

As was pointed out by the gentleman from Pennsylvania, the 17th amendment providing for the direct election of Senators was approved by the State legislatures. Here were the State legislatures giving up a very great prerogative and, yet, the Congress provided that they should ratify. The 19th amendment that concerned itself with the vote for women was ratified by the State legislatures.

The question of the Presidential and succession term, the 20th amendment, was ratified by the State legislatures.

Prohibition repeal, was the 21st amendment.

The 22d amendment, having to do with the terms of the President was ratified by the State legislatures.

The 23d amendment, extending the presidential vote to the District of Columbia, was ratified by the State legislatures.

The 24th amendment abolishing the poll tax in Federal elections, was ratified by the State legislatures.

The 25th amendment, having to do with Presidential inability, was ratified by the State legislatures.

So I do not see any reason why we should depart from the tradition and the custom that has prevailed; namely, ratification by the State legislatures.

Now, the State legislatures, if they are going to be using the convention method, have to adopt first a procedure for the holding of a convention. They have to decide on procedures to select those who will be delegates to the convention. That is a cumbersome process and procedure.

They must determine the qualifications of the electors and the salary of the members of the convention. They must determine what shall be done at the time of the convention, and the time for holding the convention and where it shall be held.

If the legislatures go through that intricate process, in the first instance, why can they not just simply accept or reject the amendment we are offering them?

Thus, I see no reason why we should go through the cumbersome procedure provided for by the convention method. We only provided for the convention method in the case of repealing prohibition in the Roosevelt administration, and there were political reasons for that.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. McCLORY. I just want to point out that I think the impatience that the pepole felt at the time of the repeal of prohibition is the kind of impatience that the people feel now with respect to their right to vote to elect a President and Vice President of the United States.

Might I point out further that the machinery has already been set up in 16 of the States as a result of the repeal of the 21st amendment.

May I say further that we should not be afraid. If we are not afraid to let the people vote to elect a President and Vice President of the United States, we should not be afraid to let the people decide through the election of delegates and by a State convention whether they want to ratify or reject this proposal.

Mr. CELLER. I certainly am not afraid. I certainly have worked hard to get this amendment perfected.

You know there is an old saying—if you are afraid of the forest, you will never see the wolves. I want to know the wolves. I want to know all the dangers and the facts and circumstances and weigh all the facts and circumstances. I am not afraid. I am not afraid of the State legislatures. I think they will ratify this proposal directly. That is what I believe.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. McCLORY. I certainly want to indicate to the gentleman my strong support of the direct popular election principle.

I further want to indicate to the gentleman that I believe this amendment will strengthen the proposal and will assure its ratification.

I am very fearful, on the basis of what I have read and on the basis of polls that have been conducted that the State legislatures will not ratify it.

I think there is a direct corollary between the repeal of prohibition where the State legislatures were elected as drys—that is voting dry and drinking wet. In this case I think the State legislatures may adhere to the bonus vote principle or the State interest which they have in this subject, and not the right of the people to vote to elect a President and Vice President.

Mr. CELLER. I remember the prohibition era very well. Let me illustrate what was happening in the country and the desire of the people for a change. I had inherited some 600 acres of land in the vicinity of Cimarron, Kans. I went out there to see the property.

I got off the Santa Fe Railroad there in Cimarron. It was a cold night. A blizzard enfolded the area. I said to the conductor of the car, "Where can I get something strong to drink?"

He said, "You have to ask the stationmaster."

I went to the stationmaster, and I said, "Where can I get something strong to drink? I am very cold."

He said "Are you a stranger here?"

I said, "Yes."

He said, "I'll tell you. Go across the railroad track, and a block below is a schoolhouse. That is the only place in Cimarron where you can't get it."

That is what happened. That was the situation throughout the length and breadth of the land. The whole Nation wanted repeal of prohibition. That is why Roosevelt took advantage of it.

(On request of Mr. McClory and by unanimous consent, Mr. Celler was allowed to proceed for 1 additional minute.)

Mr. CELLER. The gentleman has asked for additional time, but I should advise him that I do not have any more stories to tell.

Mr. McCLORY. I just want to point out that in the State of Kansas, to which the gentleman made reference and where

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the incident occurred, the State Legislature of the State of Kansas would not vote to repeal prohibition, whereas the other forces or other interests may have been involved so far as the people themselves are concerned.

Mr. FEIGHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, article V of the Constitution as we know provides for two forms of ratification of amendments to the Constitution—one by State legislature and the other by State convention. There are presently 25 amendments to the Constitution. Only one amendment was ratified by State convention. The traditional manner is clearly ratification by State legislature.

Ratification by State legislature has several advantages. A State convention would have to be chosen and assembled. This would obviously take a substantial amount of time. State legislatures are already constituted.

Once a State convention had been called together, there is presently no requirement that would bind them solely to consideration of electoral reform. It is unclear whether Congress could limit them to consideration of this one issue.

State legislatures are presently chosen in each State by a thoroughly democratic process. They clearly are representatives of the public's choosing.

There is no established manner of choosing a State convention. Thus, such a convention might not in all States represent the people to the extent that the State legislature does.

I urge rejection of the amendment by the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. FEIGHAN. I yield to the gentleman from Illinois.

Mr. McCLORY. I would like to point out to the gentleman that the drafters of the Constitution put this provision into the Constitution for a purpose. It is not a meaningless, useless device. It is an available device which the drafters knew they should put into that instrument. In fact, the original draft of the Constitution provided only for this method of ratification.

The argument has been made that where the people's rights are concerned, so far as voting or depriving people of the right to vote or things of that nature, this method is the preferred method, and I think that is a very strong argument.

Mr. FEIGHAN. It is obvious there are two methods. The question is, which is preferable? I believe that ratification by the State legislatures is preferable.

Mr. McCLORY. If the gentleman will yield further, I think the State legislature method is preferable in some cases, but I think in this case, where the popular vote is so strong and the legislative support is very questionable, the State-ratifying convention is far preferable.

MOTION OFFERED BY MR. CELLER

Mr. CELLER. Mr. Chairman, I wish to limit debate on the amendment and all amendments thereto. I move that all debate on the McClory amendment and all amendments thereto conclude in 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of the McClory amendment. I must admit the fact that the dean of the House and the very distinguished gentleman from New York has a great deal over me. I am not old enough to remember prohibition, nor the repeal of prohibition. I do, however, believe it would be appropriate to use the alternative route granted in the Constitution to ratify this amendment. I do so for two reasons.

First, I think a State ratifying convention with all that it entails and recognizing all the problems that may be in its path, nevertheless, can bring about a greater degree of public understanding of the issue of the reform of the electoral college.

Second, it does seem to me even though I served in the State legislature for 6 years and have great respect for the State legislative process in my State, I would like to see this kind of historic debate take place in the halls of a ratifying convention and not necessarily in the halls of the Assembly and Senate in Wisconsin. Let us encourage delegates to such a State convention to run solely on this issue and be judged accordingly.

For these reasons, I urge adoption of the McClory amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, it seems to me the question has now come down to whether people are more interested in drinking or in voting, as to whether there should be a convention. My chairman has mentioned the politics of Franklin Roosevelt, and so I want to quote Mr. Roosevelt about an incident that occurred during his incumbency.

A fellow named Uncle Jed was asked by his nephew whether he was getting hard of hearing. He said, "Yeah, I am afeared that I am getting a mite deef." Whereupon, Uncle Jed went to Boston to see an ear doctor, and he said "that doctor asked me if I'd been drinking any. And I said I drink a mite." The doctor then said to Uncle Jed, "I might as well tell you now, that either you cut out drinking or you are going to lose your hearing altogether." "Well," said Uncle Jed, "I thought it over." "And I said, 'Doc, I like what I have been drinking so much better than what I have been hearing that I reckon I'll just keep on getting deaf.'"

I suspect people were more interested in the subject of drinking early in the century than they are in the subject of the direct election.

As a former member of the Indiana Assembly, I can assure my colleague, the gentleman from Wisconsin, that the assembly is regarded as a public body. And it is regarded as representative. And it is badly in need of public recognition for the dignity that State government deserves.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I rise in support of the McClory amendment which I believe has a great deal of merit. I support it for three reasons.

First of all, I believe this method will assure the passage and ultimate ratification and adoption of the amendment to the Constitution now under consideration. The American people have indicated in poll after poll their strong preference for the direct popular election of the President. The best way to assure the ultimate ratification of the direct election amendment is to grant to the people the right to make the final decision through conventions in the States.

Second, in my judgment it will also provide a mechanism for the direct expression by the people of this country of their own wishes in the matter of the election of the President and the Vice President of the United States. The adoption of this amendment will give the people a direct means to manifest their desire on how they should exercise the right to vote that is basic to every American.

Third, it is also my strong belief that because of the sense of urgency that is felt across the country and the growing recognition of the need to act promptly to amend the Constitution before the next presidential election, final ratification will come more quickly by State conventions than by action of the State legislatures.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendment. I must take issue with the statements which are being made here today that a constitutional convention held in the various States would be more responsive to the wishes of the people than would the State legislatures. The fact of the matter is that most of our State legislators are elected on a 2-year term, just as are the Members of this House. I am confident that they will be responsive to the wishes of the people in their States, perhaps to an even greater degree than those people who would be elected as delegates to a constitutional convention.

In addition, my own State had a recent experience with a constitutional convention called to revise some parts of our State constitution. The organizational difficulties, the confusion, and the expense which resulted from that State constitutional convention were almost unbelievable.

We have the State legislatures. We should have confidence in them. Let us use them.

I urge the defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, what we are deciding here at this time on this amendment is whether or not we want to respond to what is the popular will, it seems to me, of the people of America, because we know that the popular vote is popular among the people.

I suggest that delegates elected to a State ratifying convention, being elected by the people on the issue whether they want to ratify or reject the popular vote principle, are going to be most responsive to the people and are going to be knowledgeable with regard to this issue.

I suggest that the State legislative bodies, where legislators are elected on other issues and many will have been elected before they come to this issue, are not going to reflect the popular will in the same way.

That is why I believe this amendment perhaps is unique insofar as constitutional amendment is concerned, perhaps unique in the same sense that repeal of prohibition was unique.

Ths is a subject in which the people have a vital, articulate and outspoken interest, which they have demonstrated. It seems to me we must give them the opportunity to give expression to that interest.

I suggest that this amendment is good for both supporters and opponents of the direct popular election. If Members feel the people in their States would reject it, they have an opportunity to have delegates elected who would reject the proposal.

Whether the Members support it or oppose it, this provides an opportunity for them to reflect the will of the people of their States. I urge the adoption of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I rise in support of this amendment because I believe it represents the best path to see this constitutional amendment become effective, requiring as it does the approval of 37 of the 50 States.

On May 19, in cooperation with the chairmen of the House and Senate Judiciary Committees of the State of Missouri, we had public hearings on this question in the Missouri Statehouse at Jefferson City, Mo.

I really believe the best chance for this to be approved by 37 States is the convention method proposed here.

One other question has arisen. It was debated in the committee. I should like to ask a question of the gentleman from Michigan (Mr. HUTCHINSON). As I understand it, the convention can be limited to the sole question of ratification; is that not correct?

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. It is clear in the fifth article of the amendment that there are two types of conventions.

One is a ratifying convention. When the matter is submitted to a State for ratification by convention, it can deal only with that question so far as the Constitution of the United States is concerned.

The other type of convention would be the type where a convention was called nationally to propose amendments to the Constitution. That type is an altogether different convention, which would not be encompassed in the gentleman's amendment.

Mr. HUNGATE. I thank the gentleman for his remarks. When I need a constitutional lawyer, I know where to go.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MCCULLOCH).

Mr. McCULLOCH. Mr. Chairman, I regret that I find myself in opposition to this amendment which is supported by one of my very best and ablest friends on the floor of the Committee.

I am of the opinion, though, that the conclusions of the Chairman of the Committee and, for instance, the gentleman from Pennsylvania (Mr. WILLIAMS) are accurate and that this amendment, if adopted, would not serve the purpose which is intended by the gentleman from Illinois.

I noted the statement of my colleague from Ohio (Mr. TAFT). Of course, you all know that I was the minority leader of the Ohio House and then the speaker. I am convinced after that long service in the Ohio House that the members of the House of Representatives in my State are courageous and responsive to the will of the people.

It has been mentioned a number of times that we tried this convention method in a condition and under a state of affairs which are totally unlike those today. We are inviting trouble. We will gain nothing by adopting this amendment, and I trust it is defeated.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CELLER) to close debate on the amendment.

Mr. CELLER. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MCCLORY).

The question was taken; and on a division (demanded by Mr. MCCLORY) there were—ayes 9, noes 63.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: On page 2, line 20, strike "40" and inser. in lieu thereof "35".

Mr. FISH. Mr. Chairman, I can sympathize with the gentleman who earlier this afternoon said, "When are we going to wrap this up and get on to a vote?" As a member of the Committee on the Judiciary, I wish the members of the committee this afternoon would also reflect that what has been said this week and last week on the floor was also said and listened to by members of the committee during several weeks of testimony and executive sessions last winter and spring. There are at least two amendments that I favor, although I am thoroughly in favor of the resolution for the direct popular vote. I believe one calls these perfecting amendments, which I understand is the name that one gives to an amendment you are in favor of.

Mr. Chairman, this amendment deals directly and simply with the issue giving Members the most concern. It is not surprising that a runoff contingency does concern the Members. No issue before the Judiciary Committee was considered as long as the runoff election contingency provided for in House Joint Resolution 681. No part of the direct election approach caused us to search harder for an alternative. The entire range of alternatives was presented and discussed fully in committee. To avoid a runoff the committee considered adopting a different method of counting the vote such as the district plan. We considered the contingency of the House and Senate in joint session. We considered election by a simple plurality.

The reason for this concern was real, justifiable uneasiness over a runoff election which we need not belabor here—cost, delay and uncertainty.

The gentleman from Michigan (Mr. FORD) has graphically illustrated the disadvantages of a contingency election in the House of Representatives.

Enlargement by inclusion of the Senate in the contingency is not an improvement of any substance.

Application of the district plan as the contingency would only resurrect the evils of the present system: The winner take all and the chance that the popular vote loser can be the winner. In the last analysis the committee rejected all alternatives to the runoff.

I favor returning to the people in a runoff election—if a runoff is necessary. But, let us here today make sure that a contingency is so remote as to remove the genuine concern shared by so many Members of the House. This can be accomplished by reducing the 40-percent requirement to 35 percent.

The gentleman from Illinois (Mr. MCCLORY) will explain to the House how dramatically the odds rise against a runoff when the 40-percent requirement is lowered to 35 percent. The contingency would never occur at the 35-percent requirement based on our Nation's experience of frequency of third-party candidates. Assuming twice the frequency of third-party activity as we have experienced in the past, the odds are one in over 160 elections of a runoff under the 35-percent requirement.

Mr. Chairman, the 40-percent requirement does not provide the needed margin of safety against a runoff. Four men have been elected President within a few percentage points of 40 percent. It was clear in the deliberations of the Judiciary Committee that the prospects of even stronger third-party challenges than have been known to date are real and present.

Third- and fourth-party candidacies would be discouraged by the lower figure. Why? Clearly, the higher the requirement—the greater the incentive for a third-party challenge. A strong challenge by a third-party candidate under a 40-, 45-, or 50-percent requirement could prevent there being a winner and make a runoff necessary. But, the lower the requirement, the more likely it is that a major party candidate with all the advantages of party machinery, party membership, and party loyalty would prevail.

To cause a runoff election under a 35-percent requirement—to keep no candidate from winning—the third-party

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challenger would have to garner at least 30 percent of the popular vote—a remote prospect.

To be a contender in the runoff, under a 35-percent requirement, the third-party challenger would have to garner more than 30 percent of the popular vote—an even remoter prospect.

I do not believe that there is any magic in a 40-percent mandate. In fact the historical evidence is on the side of the proposition that a President with a plurality of votes under 40 percent can be just as effective in leading our Nation as a landslide winner.

My amendment should expel the fear and justified concern many have over the runoff contingency.

My amendment should be more acceptable than the 40-percent requirement to those who favor a plurality President.

This amendment should also be acceptable to those who feel there should be a stated mandate, a minimum vote if you will, for the election of our President.

I ask my colleagues to support this amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the Fish amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentlemen from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, at the offset I want to give notice here that being from Texas, I will not go below 27.5 percent on this amendment under any circumstances.

Seriously, Mr. Chairman, I do wish to make here this point: Suppose this amendment had been in effect in the 1932 election, and let us change the cast of characters and have the third-party candidate, instead of being the Socialist candidate, say, Mr. Townsend or, even better, Governor Long, someone who would make a really strong appeal to the American people of that time. Remember, 35 percent is barely over one-third. That means that if the election had been evenly divided between Mr. Hoover and Mr. Roosevelt and, say, a Mr. Townsend, it would have been entirely possible for a third party, on a sweep of demagogic appeal, to have gotten the plurality in that election even though the Democrat and Republican Parties at large, or about two-thirds of the Nation, opposed such minority candidate.

Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MCCLORY).

Mr. McCLORY. Mr. Chairman, I support the amendment offered by the gentleman from New York (Mr. FISH).

This is perhaps the first time in our experience that we have been able to apply a systems analysis method to a major legislative problem. However, we do have that type of credible data available to us today.

We have had strong third-party candidates in the past. We have had elections decided in the House of Representatives. We have had 14 elections where the candidate who received the greatest popular vote—nevertheless had less than 50 percent of the total. In fact, we have one election where the winning candidate, Abraham Lincoln, received less than 40 percent of the total vote.

In addition, we have two elections where third-party candidates have received a total of 30.8 percent of the vote, one case where the third party received 26 percent, and another instance where third parties received 21 percent of the total.

As a matter of fact, the third party candidate of the Bull Moose—or Progressive Party—received more votes than the candidate of the second party—the Republican Party candidate, William Howard Taft.

Based on the experience of these third-party efforts—since 1824, and multiplying their frequency by five—in other words, considering that such third party strength shall occur five times as often—and running 500 random election results through the computer—based again on our part experience—we find that the winning candidate will receive less than 40 percent of the total vote in and out of every 11 elections. But the chances of a runoff is reduced to one out of every 100 elections—if the popular winner is required to receive not less than 35 percent of the vote.

In fact—if we would double the frequency of third-party candidates—a runoff would occur in only one out of every 167 elections—if we reduce the minimum required vote of the popular winner to 35 percent. The chance of a runoff with the required 40 percent would be 8 times greater (or one out of every 19 elections).

Great apprehension has been expressed concerning a nationwide popular runoff—in the event no candidate receives the required 40-percent plurality as established in the committee bill.

This apprehension was expressed frequently throughout the hearings of the Judiciary Committee. It was expressed to the president of the American Bar Association, William T. Gossett, who testified before the committee in behalf of the 40-percent minimum. Indeed, Mr. Gossett said, in part, at page 193:

> We picked the 40 percent as being somewhat conclusive, somewhat significant as a plurality. That is not to say that 35 percent or even 30 percent would not be significant, or would not be sound.

Indeed, Mr. Gossett admitted that with all of the problems of election contests, recounts, election tabulations, a runoff campaign and the imminence of inauguration in January—not to mention the need for orderly transition to which the Congress has given its earnest attention at earlier sessions—Mr. Gossett conceded that—

> It might be necessary in that event (of a runoff) to advance the first election to a date early in October, rather than November.

Changing the election date would not seem to pose too serious an obstacle but this would also entail advancing primary dates in some states—probably the holding of national conventions at earlier dates and a myriad of other changes which have not been considered or thought out in reviewing the entire complicated, complex and alarming subject of a general nationwide popular election runoff.

Contingency proposals to avoid the runoff were proposed in the committee with substantial support for a plan which would permit a joint session of the House and Senate to decide the election in the event no candidate for President received as much as 40 percent of the vote. Of course, such a contingency system would deprive the people of the right to elect their President and the candidate with 39 percent of the popular vote against his nearest opponent who would receive only half as many votes could nevertheless be the loser, while the popular loser could end up as the contingency plan winner.

Other alternatives were considered but were not approved. Indeed, the amendment which I proposed and in which I was joined by my colleague from New York (Mr. FISH) ended in a tie vote which means of course that the amendment was lost. In presenting this proposal it has been my intention to retain the popular vote plan intact, and yet to make a runoff election as remote as possible. As I have endeavored to indicate, with a 35-percent minimum requirement the chances of a popular election runoff are about one in every 167 elections, certainly not greater than one in every 100 elections. By retaining the 40-percent figure we increase the chances of a runoff 10 times—or more. This I have tried to demonstrate scientifically and mathematically according to the most modern techniques available to us. I see no reason why we should reject such techniques and take all the chances and run all of the risks which are inherent in the general popular runoff with a 40-percent minimum vote required. Let us not provide here if a candidate such as Abraham Lincoln again receives 39.8 percent of the popular vote that he should be faced with a runoff—possible defeat and at least frustration of the efforts which we are endeavoring to give effect in this critical and basic amendment to our Federal Constitution.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had agreed to the conference report on the bill H.R. 6508 entitled: "An act to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters."

The SPEAKER. The Committee will resume its sitting.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Chairman, the author of the amendment knows how deeply I share his concern about the mischief a popular runoff would work. Yet, I am obliged to oppose his amendment. I do so because it will not solve the problem to which it is addressed. On the contrary, I fear it may compound the problem and have a contrary consequence.

The lower the minimum plurality permitted, the greater incentive a minority party candidate has to enter the field and greater the prospect he has, in combination with a number of other minority candidates, to fragmentize the total popular vote and deny the front-runner the minimum required.

In addition, if it is true, and I contend that it is, that the 40-percent factor in the committee bill tends to guarantee that most future Presidents will be minority Presidents, or more accurately plurality Presidents, then clearly a 35-percent factor would enlarge the hazard.

True, there is nothing magical or sacrosanct about the figure 40 percent. It was chosen after much debate within the American Bar Association and in the bosom of the Committee on the Judiciary, because it was considered a happy mean, low enough to reduce the likelihood of runoffs and high enough to discourage a breakdown of the two-party system. And it is a figure which if applied to presidential elections of the past, would not have changed the results that were achieved under the present system.

Personally, I would rather have some system which would guarantee absolutely and always that the President which the system chooses would be the President who also won a majority of the popular vote. This cannot be done except at the expense of increasing the likelihood of a runoff in every presidential race.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FISH).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 2, line 10, strike out section 2 (lines 10, 11, 12, 13, 14, 15, 16, and 17) and insert in lieu thereof: "The Congress shall establish uniform qualifications for electors of President and Vice President."

The CHAIRMAN. The gentleman from New York (Mr. RYAN) is recognized to speak on his amendment.

Mr. RYAN. Mr. Chairman, I believe the Congress should establish uniform voter qualifications. I believe section 2 of the resolution before us really avoids the problem which will inevitably arise as long as there is a direct national election with varying age, residency, literacy, and other qualifications among the 50 States.

The outcome of a national election could well be affected by the difference in eligibility in the various States.

Section 2 would leave the reserve power in the Congress to set uniform residence qualifications, but it specifically omits the matter of age, literacy, and other restrictions.

Certainly, at least we should extend the reserve power to include all qualifications. But I believe it is preferable to have Congress initially set the qualifications rather than leave the matter in the first instance to the States.

Yesterday, if I recall correctly, the gentleman from Oklahoma (Mr. BELCHER) raised a question—and a very good question—about the difference in age qualifications in the various States. He pointed out that he was concerned that under this proposed amendment, the Congress would not have the power to set uniform age qualifications. That is true. Nor would it have the power to set qualifications, other than residency, under the reserve power. I agree with the gentleman from Oklahoma that we should not leave it to the State legislatures to bid against each other.

If the States are permitted to set widely divergent voter qualifications in national elections, then each citizen will not have an equal voice in the selection of the President and Vice President—and after all, that is the premise of the resolution before us.

In a direct national election, why should an 18-year-old in the State of Georgia be able to vote when an 18-year-old or a 19-year-old or 20-year-old in the State of New York cannot vote?

Or in a direct national election, why should a person who has lived in Maryland for 45 days be allowed to vote, when a person who has lived in Mississippi for 45 days, or indeed for less than 2 years, is not able to vote?

We know that in Maine and New Hampshire, for instance, there is a 30-day residence requirement, and in New York it is 90 days.

It would be much more democratic and more in keeping with the spirit of the direct election principle, which we are hopefully establishing through this constitutional amendment, to establish national qualifications.

We also know there is wide discrepancy among the States in residency requirements. Texas and Utah require residency in the State for a year. Texas requires residency in the county for 6 months; Utah requires it for 4 months. So it goes through the various States. Each one of these different qualifications destroys the concept of voter qualifications being equal in a national election.

The resolution before us does grant a reserve power to Congress, but I believe we cannot anticipate when, if ever, that will be exercised or what abuses it will take to bring Congress to the point of exercising the power. The only method of really assuring that there will be an equalization of voter qualifications in national elections is through a constitutional amendment which sets forth specifically that the Congress has that responsibility.

More than half of the States have adopted "new resident" statutes which permit newly arrived residents to vote in presidential elections dependent upon a variety of schedules. These, of course, partially alleviate residency requirement inequalities between settled and newly arrived residents, but they are not uniform, and there is no assurance that all States will reduce residency qualifications for presidential elections.

As respects age, all States but Alaska, Georgia, Hawaii, and Kentucky require 21 years to vote. Alaska requires 19; Georgia, 18; Hawaii, 20; and Kentucky, 18.

A study of State action in recent years on the requirement of age indicates the possibility of an enlarging inequality. In New Jersey a question of lowering the voting age to 18 will be submitted to the voters in November. In Connecticut, Minnesota, Montana, and Wyoming, the question of lowering the voting age to 18 in Connecticut and to 19 in each of the other States will be submitted to their respective voters in November 1970. In Massachusetts and Nevada the question is awaiting repassage in the legislatures before being placed on the ballot.

Growing activity in this area in recent years presages an increase in propositions for a change, and each time that a State adopts a change the greater will be the inequality among voters as respects qualifications for voting in a national election.

The foregoing demonstrates that there exists considerable present and potential discrepancy among the States as respects the right to vote. Movement toward equality in voting is slow and halting. Between 1890, for instance, when the first State granted women's suffrage, and ratification of the 19th amendment in 1920, only 14 States had granted suffrage to women.

Any disparity in voting qualifications in a national election is a deviation from the concept and spirit of such an election. Only the Federal Government can create national standards. That many Members are in accord with this premise is demonstrated by the bills introduced by which Congress would establish a national standard for residency in voting by new residents in a State in presidential elections.

During the last two Congresses and this one, there have been introduced, respectively, 26, 61, and 55 joint resolutions amending the Constitution to establish a nationwide voting age of 18 or 19 for all elections or for Federal elections.

These resolutions did not grant a reserve authority to Congress as is the case with residency requirements in House Joint Resolution 681. They set the qualification itself.

To authorize Congress to establish uniform requirements in national elections is in the spirit of such resolutions and in keeping with the tenets of democracy and of direct elections.

I urge support for my amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. CONYERS FOR THE AMENDMENT OFFERED BY MR. RYAN

Mr. CONYERS. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from New York (Mr. RYAN).

The Clerk read as follows:

Amendment offered by Mr. CONYERS as a substitute for the amendment offered by Mr. RYAN: Page 2, beginning on line 16, strike out "'residence."

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Mr. CONYERS. Mr. Chairman, without in any way attempting to minimize the substance and purpose of the amendment offered by the gentleman from New York, I bring forth, nevertheless, a substitute amendment that I think will fulfill the purposes of his amendment, but at the same time raises consideration that I think will meet with the approval of a majority of my colleagues. My amendment in effect would give the reserved power to the Congress to make national uniform qualifications for the right to vote for the President and the Vice President. It would leave to the States the initial and primary consideration of this matter. It seems to me that this is a rational and important amendment that we should consider here today.

I would like to offer very briefly some of the reasons in favor of this.

Let me make one thing clear: It is not impossible that the States might not pass rules that would require us to act upon this reserved power authorization. In other words, we are leaving this open to the States for their initial control, and then, if and when a contingency arises when we might find it necessary the Congress would have the power to establish some uniform national voting qualifications.

It might be in our judgment that we determine to eliminate the literacy requirement across the board. The same might apply to uniform voting age qualifications or any other points. I think it would do no harm to the resolution before us and I think at the same time it would serve a great purpose were the Congress to have this very important reserve power.

This is really not that much of a change from the committee's language. The committee version of the constitutional amendment provides that the qualifications for voting for President and Vice President shall be the same as the qualifications for voting for the larger branch of the State legislature, except that the reserved power is given to the Congress to establish uniform residence qualifications.

This amendment would merely extend that reserved power by authorizing Congress to make nationally uniform all other qualifications to vote for President—age and literacy being the two most important.

The purpose of this perfecting amendment is to more fully implement the basic rationale of House Joint Resolution 681, to insure that each vote for President is equal. If each vote should be counted equally, then the rules for access to the vote should also be equal and uniform.

There are four specific considerations which argue in favor of this amendment which I would like to discuss:

First. The most fundamental application of the 14th amendment's guarantee of "equal protection of the laws" is equal qualifications for voting for the officials who make and enforce the laws.

Second. We must have nationally uniform presidential voting qualifications guidelines if we are to preserve equity among the States in changing from the electoral college system to the direct popular vote. If the States are to have influence in electing the President strictly in proportion to how many of their residents turn out and vote in any particular election, then the right to vote should be governed by the same rules regardless in which State a person resides.

Third. Much has been made of the distinction between the rights of State citizenship as contrasted to the rights of national citizenship and that the privilege of voting flows from this right of State citizenship and, therefore, should be governed by State laws. But the underlying thrust of House Joint Resolution 681 is to make the right to vote for at least the President, a right of national citizenship. In fact, that principle has already been embodied in the Constitution with the adoption of the 23d amendment. Residents of the District of Columbia were empowered to vote for President because they are citizens of the United States, though not of any particular State. That is certainly logical since the President and Vice President are the only officials for which all citizens of the United States vote.

Fourth. Simple equity requires adoption of nationally uniform voting qualifications guidelines. Why should 18-year-olds vote in Tennessee, but not in New York? Why should literacy be a requirement in 13 States—and even within some of these States not uniformly—but not a requirement in 37 States—including six which have a literacy requirement that the Federal Government has suspended through the Voting Rights Act? Why should illiterates be prohibited from voting in New York and California, but be allowed to do so in Mississippi, Alabama, and Michigan? The Nixon administration, through Attorney General Mitchell, has already announced its support for abolition of the literacy tests nationwide because of this inequity.

In conclusion, I urge my colleagues to support this perfecting amendment so that this proposed reform of the system for electing American Presidents will fully insure equality for all citizens. Only if uniform qualifications to vote are appliable to all American citizens in addition to having each vote counted equally, can we claim to be providing full voting equality to all.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, I commend the gentleman from Michigan for this particular phrasing. I think it is superior to the amendment which was presented to us before. It preserves the federal system. It is permissive. I understand Congress could legislate on any one of these qualifications without legislating on every one of them.

Mr. CONYERS. On any one of them or none of them, as might be deemed necessary.

Mr. WHITE. And, of course, Congress would reserve the power to act.

Mr. CONYERS. That is correct.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan (Mr. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I compliment the gentleman in the well for the effort he has made to clear up this question. It has bothered students of the Constitution in this country for many years. I think it would be indeed an unhappy shortsightedness on the part of this House if we failed to take advantage of an opportunity which is before the House now to address ourselves at least to providing the residual power in the Congress to meet the problems that should be anticipated with the movements of our population, the increased mobility of our people, and the changes in our living patterns that we foresee in the immediate future.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment. The amendment offered by the gentleman from Michigan (Mr. CONYERS) would enable the Federal Government to preempt the power of the States to set qualifications to vote for President, and the so-called Ryan amendment would require such preemption. I believe the approval of either of these amendments would be fatal to the chances of ratification of the constitutional amendment before us.

The amendment is highly controversial. Regardless of how we may feel about the suggestions made by these two gentlemen, the gentleman from New York and the gentleman from Michigan, it would give rise to many doubts and many fears on the part of the State legislatures. Since great powers are being taken away from the States, I think it would be suicidal—if I may use that term—to adopt either one of these amendments.

By saying that, I do not express a view in disapproval of the theory of these two gentlemen, but just as oil will not mix with vinegar and just as chalk is different from cheese, I do not think the two ideas could be put together. I think they ought to be considered separately—and separate and distinct from this constitutional amendment.

The committee was of the opinion that such extension of Federal authority unnecessarily deprived the States of their traditional role. The proposed amendment contained in the instant resolution, House Joint Resolution 681, will not modify or limit other constitutional powers the Congress may presently possess—for example, under the 14th amendment in the area of voting qualifications. I believe the approach taken in House Joint Resolution 681 is more consistent with our federal system and will help insure speedy ratification of the direct election proposal.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Michigan (Mr. CONYERS) for the amendment offered by the gentleman from New York (Mr. RYAN).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Coughlin: On page 2, line 21, strike all after the period down through line 25 and insert in lieu thereof the following: "If no pair of persons receives at least 40 per centum of the whole number of votes cast for such offices, then the Congress sitting in joint session shall on or after the 3d of January following the election choose from between the two pairs of persons joined as candidates for President and Vice President who received the two highest numbers of votes. A quorum for this purpose shall consist of a majority of the Members of each House of Congress, and a majority of the whole number of Senators and Representatives present and voting shall be necessary to a choice."

On page 3, beginning on line 1, strike out "such elections" and insert in lieu thereof "elections under section 1."

On page 3, line 13, strike out "elected" and insert in lieu thereof "chosen."

Mr. COUGHLIN. Mr. Chairman, while I agree with the direct popular election of the President and Vice President, there is another aspect of House Joint Resolution 681 which I consider divisive, dangerous, and impractical. That is the provision for a runoff election.

The amendment which I have offered would eliminate the runoff election and substitute a choice between the two top candidacies by the Congress sitting in joint session. A majority of the Members of each House would constitute a quorum, and a majority of those present would make the choice.

Mr. Chairman, our two-party system has been a major factor in providing stability for this Nation. We have been free of the problems of coalition government in which the politicians make the decisions instead of the majority of the people.

In my judgment, the runoff election presents the most serious threat possible to the stability of our two-party system. This is particularly true when we look at it from the standpoint of the individual voter who will know that he may have two bites at the apple, who would say, "I can vote for my factional candidate or my regional candidate the first time around, because I may get a second chance if he does not make it."

No longer can we say to the voter, "Do not support a Wallace-type candidacy because you are throwing your vote away." The voter may get a second chance.

Splinter parties or candidacies depend for their strength on their appeal to the voters. The runoff procedure gives them another appeal, "Support me the first time around."

Last week we were visited here in Washington by a number of French Deputies, French Congressmen, and it gave me an opportunity to probe this question in some depth. The French Congressmen agreed that without question in the last elections in France, in the runoff, if the Communist Party had decided to support President Pompidou's opponent they could have swung the election. The third and fourth parties could hold the balance of power.

That is what we would create here. In France they are trying to get rid of their runoff election, because of what it has done to their political system.

The complaint is made that to have a presidential election decided by the House of Representatives means wheeling and dealing, but I would rather see that question decided by 535 Members from both of our major parties than by three or four or five candidates wheeling and dealing among themselves.

In addition to this, there are practical objections to the runoff; namely, the expense both to the communities and the candidates.

During all of the hearings that we had on this bill no one really showed great enthusiasm for the runoff. It was there more or less by default as the way to decide the question. There is another way to do it, and that way is to have it go to the House and the Senate sitting in joint session as provided by my amendment.

Mr. Chairman, I ask support for the amendment.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto cease in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. POFF. Mr. Chairman, reserving the right to object, I am advised that we have several here who will want to make brief statements on the pending amendment. I wonder if the distinguished chairman might withhold his request temporarily.

Mr. CELLER. I will gladly do so.

Mr. POFF. Mr. Chairman, I rise in enthusiastic support of the pending amendment.

First of all I want to pay tribute to the gentleman for the quality of his comments. They were incisive, eloquent, and sincere. They reflect genuine concern about one of the essential features of the committee resolution, that is, a concern shared by all who have addressed themselves to the total package. It is one thing to favor a direct election. It is altogether another thing to favor the contingency mechanism which becomes operative if the direct system fails properly to function. The contingency mechanism proposed in the committee resolution would become operative if the candidate in the general election with the most votes failed to receive a plurality of at least 40 percent. At that point, as the gentleman from Pennsylvania has so well explained, if the two candidates who survived the general election are facing the runoff with any degree of political reality, there will come a season of wheeling and dealing the like of which this country has not known since the last time the election fell into the House of Representatives. More than that, if the general election should be fraught with fraud challenges or if there should be vote contests in a number of precincts or States based upon simple errors in tabulation of the total popular vote, there would be the prospect first of administrative appeals and, once that route had been run, the prospect of lengthy litigation. More significantly, that same process of administrative appeal and litigation could be repeated in the runoff election. I suggest realistically that it is impossible to expect that such a process could be repeated in the brief interval of time that exists between the general election in early November and the meeting of the Congress in early January.

This leaves only two potentials. One, the Congress itself will assume the burden of writing the statute which defines the procedures by which voting contests will be resolved; or, two, the Congress under its power provided in section 4 of this resolution will change the date of the general election and fix it earlier in the year.

It may be necessary to fix it as early as the month of August in order to be certain that enough time will elapse after the general election to make a proper resolution of both contests before the runoff and then make a proper resolution of both contests after the runoff and before the Congress meets. For that reason, I think we must give serious consideration to the contingency mechanism that is proposed in this amendment. There is nothing radical under the proposal. It follows old patterns and yet it removes the foibles and imperfections, the shortcomings, and weaknesses of the present system.

The present system requires that the election of the President be held in the House Chamber and that during the voting process the delegations will assemble by States and decide by a majority vote how the State vote will be cast. If the State delegation happens to be evenly divided or if it becomes evenly divided by the abstention of one or more of its members, then the vote of that State is lost to the people of that State. And, then, finally in the other body the Vice President will be chosen under a cumbersome procedure, a procedure which makes it possible that the one chosen could be of a party different from the party of the President chosen in the House of Representatives.

The CHAIRMAN pro tempore (Mr. O'HARA). The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. POFF was allowed to proceed for 1 additional minute.)

Mr. POFF. Mr. Chairman, the mechanism provided in the amendment which has been offered by the gentleman from Pennsylvania will solve all of those shortcomings so that there no longer need be any fear about the election falling into the House. It, perhaps, would not be as perfect as some would like it to be, but can anyone suggest a perfect system? I submit no one can devise such a system. Personally, I do not find it philosophically offensive that the elected Representatives of the people be entrusted with the responsibility of once again reflecting the will of the people. It seems to me that this is the most functional mechanism, the one least freighted with the potential for mischief, the one which will make it plain the day after the general election who the next President will be. Under the direct system, if there is a runoff, there will be a period of uncertainty about who the next President will be. Under this system the people will know the day

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after the popular votes are counted who the next President will be.

Mr. McCULLOCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is proposed by the amendment which has been offered by the gentleman from Pennsylvania (Mr. Coughlin), that in lieu of the popular runoff election, Congress—I repeat—Congress make the choice as to who shall be President and Vice President. I regretfully, yet strongly, oppose such an amendment for the following reasons—regretfully, because the gentleman from Pennsylvania (Mr. Coughlin) has been such an able workhorse in all of the days that we have been considering this important and many times difficult legislation.

First. Today, there is a near crisis in Government. More and more people are losing faith in the political process. We in the Judiciary Committee recommended House Joint Resolution 681. We hoped of restoring somewhat the faith of the people in their Government. We wished to bring the President closer to the people. We wanted to take the final decision as to who would be President out of the smoke-filled rooms. We wanted the choice of the President to reflect popular will and not a deal or corrupt bargain, such as the one that allegedly occurred the last time the House of Representatives chose a President.

Second. The proposed amendment is not only a procedural evil, but a substantive one. Under the proposed amendment it is still very much possible for the popular vote loser—the man who ran second—to become President of the United States. In fact, a man with only 20 percent of the popular vote could be chosen by the Congress over a man who received 39 percent of the popular vote. In contrast, House Joint Resolution 681 provides a method whereby a man must receive a majority of the popular vote in a runoff to be elected President. The last time the House of Representatives made a choice for President this very problem occurred. John Quincy Adams, who received 30.54 percent of the popular vote was chosen, although Andrew Jackson received 43.13 percent of the popular vote.

Third. Under the proposed amendment, the people of the District of Columbia would lose their voice—direct or indirect—in selecting a President. I do not believe that there is any merit in depriving the District of its voice. I realize that the people of the District, under the present system, do not have a say when an election is thrown into the House of Representatives. However, I consider this an evil in the present system. It is certainly inconsistent to allow the people of the District to vote for President in the first phase, but to deny them that right in the second phase.

Fourth. Although the administration does not support any particular electoral college reform, it has repeatedly indicated its support for the popular run-off such as that embodied in House Joint Resolution 681. On February 20, 1969, the President sent a message to the Congress in which he said the following:

> Next, I consider it necessary to make specific provision for the eventuality that no presidential slate receives 40% or more of the electoral vote in the regular election. Such a situation, I believe is best met by providing that a run-off election between the top two candidates shall be held within a specified time after the general election, victory going to the candidate who receives the largest popular vote.

On March 13, 1969, the Attorney General testified before the House Judiciary Committee. He stated the following:

> Third, there remains the need to deal with the possible situation where no candidate obtains even 40 percent support, be it in popular or electoral votes. In that case the President has proposed a run-off election between the top two candidates, victory to go to the popular vote winner. The District of Columbia would participate in the run-off just as it participates in the general election.

Mr. DENNIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, Members here know by this time that I am opposed to the committee bill providing for the direct popular vote amendment.

I would like to take this opportunity to advise the membership that at the appropriate time I will submit a motion to recommit with instructions to embody the Dowdy-Dennis amendment which, as the House knows, embodies the district plan, abolishing the electors as individuals and retaining the electoral vote for the State and providing for the assigning of two of those votes to the candidate who gets the most votes in the State and the others to the candidate who carries each of the electoral districts into which the State is divided, which districts can be the same as congressional districts if the congressional districts can meet the requirements for compactness, contiguity, and equal population.

However, our contingency provision in the Dowdy-Dennis amendment, which will be incorporated in the motion to recommit, is the same as the contingency provision which the gentleman from Pennsylvania now proposes to the committee bill.

I will say that I feel the contingency provision is better than the runoff election contained in the committee bill, and while I am on my feet—I do not want to take such a narrow position that I would not be in favor of improving the committee bill, and doing something useful, if we can, to make a poor bill less bad.

There is no one in favor of the committee bill who has yet suggested how you are going to bear the cost of two national elections and how you are going to handle two of them in the time available and how you are going to get over the emotional strain and all the other strains and troubles of two national elections.

That is not the only thing wrong with the committee bill but it is one of its bad features.

While, as I say, I will submit a motion to recommit embodying all of the features of the district plan as proposed by the gentleman from Texas, the gentleman from Virginia, and myself, I certainly do submit regardless of your views on that, that the amendment proposed by the gentleman from Pennsylvania is a meritorious one.

Mr. WAGGONNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are drawing to a close in the debate on this proposed constitutional amendment. I would like to direct your thinking for just a moment or two to March 20, 1956, at which time there was occurring in the other body of the U.S. Congress a debate on Senate Joint Resolution 31.

At that time one of the Senators from the State of Massachusetts was the then Senator and later President of our great land, Senator John F. Kennedy. In introducing his position, he had these exact words to say and I quote:

> Mr. President, Senate Joint Resolution 31, concerning which there has been little, if any, public interest or knowledge, constitutes one of the most far-reaching—and I believe mistaken—schemes ever proposed to alter the American constitutional system. No one knows with any certainty what will happen if our electoral system is totally revamped as proposed by Senate Joint Resolution 31 and the various amendments which will be offered to it. Today, we have a clearly Federal system of electing our President under which the States act as units.

There was a colloquy during that debate on March 20, 1956, on Senate Joint Resolution 31 by Senator Langer, a colloquy between the distinguished Senator from Texas, Mr. Daniel, and the then Senator Kennedy. Mr. Daniel asked of Senator Kennedy this question:

> Does the Senator from Massachusetts object to the direct election of the president and vice president?

Mr. Kennedy in response replied, simply and directly, "I do."

Mr. Daniel then engaging further in the colloquy propounded another question to the Senator from Massachusetts in which he said—

> In other words, the Senator from Massachusetts would be opposed to an amendment which provided that the people themselves shall have the right to vote directly on who shall be their president and vice president?

And Mr. Kennedy responded—

> I would object to it, and I would do so on the practical ground that once again the smaller States, having very small populations, would have a disproportionate power in the counting process. The distribution of the population of the country is such that a relatively small percentage of the country could either defeat or ratify a constitutional amendment. Thus while some States might be shortchanged in some regards in the matter of governmental power, they would receive their just deserts in other regards.
>
> But in answer to the Senator's question, I maintain that on practical grounds the people in the smaller States would be deprived of their electoral vote on the basis put by the Senator, that is, if they were included in the direct vote as proposed by Senator Langer, a proposal which would never be adopted. On theoretical grounds, it seems to me, it would be a breach of the agreement made with the States when they came into the union. At that time it was understood that they would have the same number of electoral votes as they had Senators and Representatives.

My friends of the House of Representatives, I suppose that there are some of you who would say that even the distinguished Senator from Massachusetts was wrong once in awhile, and there are others who would say that the distinguished Senator from Massachusetts was right once in awhile. But he spoke directly and eloquently on the issue which should determine how you are going to vote today. Are you going to destroy the federal system, which has as its cornerstone the States? If you do you will provide for a raw democracy.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I draw your attention to the fact that the substance of the pending amendment was involved in the Dowdy amendment, the so-called district plan, which was rejected in the Committee of the Whole yesterday. I call your attention to the fact that the substance of this very amendment was involved in the Poff amendment, the proportional plan, which we likewise rejected yesterday. Both provided for the contingent election in a joint session of the House and the Senate. And I hope we will reject this procedure again.

It is possible, if we adopt this amendment for the candidate who trailed in a popular election to be actually elected President by a joint session of the House and the Senate. That would be unfair, and contrary to the will of the people. The provisions for a national runoff election in the proposed new article which we have offered are not merely collateral to the direct election plan; they are an essential part in confining potential splinter parties and their candidates. Although changing the present contingency election system so each Member of Congress will cast a vote for President and Vice President is an improvement—it still falls short of optimum reform.

Election in the Congress carries forward the small State advantage which is reflected in the composition of the Senate. It perpetuates the hazard that the people's choice will not be elected. It opens the door to the appearance, if not the reality, of "deals" and "trade-offs." It opens the door to the same deals and trade-offs that occurred when the election was thrown into the House in 1800, and when the election was thrown into the House in 1824, and when the Congress involved itself in the contest between Tilden and Hayes.

The experience of 1870 should be remembered by the gentlemen of this Committee. It was replete with all manner and kind of skulduggery and all manner and kind of dastardly intrigue. There were involved the scandals of the Grant administration. Many Members of the Congress and the Senate did not want to make those scandals public. Samuel J. Tilden, who had been Governor of the State of New York, had exposed the so-called Tweed ring in New York and had threatened in his campaign to expose those who were guilty of the so-called scandals of the Grant administration.

Tilden won the popular vote by a quarter million votes. Despite the fact that he was the choice of the Nation, the Congress maneuvered things so that Tilden was euchred out of the Presidency.

As I said yesterday, once bitten, twice shy. We do not want the joint session of the House and the Senate to determine who shall be the President of the United States.

There is the principle of the separation of powers, and when a joint session of the House and the Senate determines who shall be President and Vice President, we violate the spirit of that principle.

If the people under this amendment are to elect the President and Vice President in the first instance, there are no convincing reasons to deny them the right to elect their Chief Executive under all contingencies. President Nixon, himself has said that in a contingent election the most desirable reform would be a nationwide popular runoff; not selection in the joint session of the House and the Senate.

When we contemplate our history, we know that serious things happened in 1800 and in 1824. I am not going to recite again that sordid history.

For all these reasons I do, indeed, hope the amendment will be decisively defeated.

Mr. FEIGHAN. Mr. Chairman, I move to strike the requisite number of words.

This is a highly undesirable amendment. If we elect the President and Vice President in the first instance we should elect them in all instances. The people need no agents to express their will on the election of the Chief Executive. The Congress should not decide, who the Chief Executive shall be.

I urge the rejection of this amendment.

Mr. RYAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Louisiana (Mr. WAGGONNER), referred to remarks made by then Senator John F. Kennedy in the U.S. Senate debates in the 1950's. I believe that should be put in context.

Senator Kennedy's remarks were put very much in context recently when Mr. Theodore Sorenson testified in January before the Senate Judiciary Constitutional Amendments Subcommittee. Mr. Sorenson at that time said, commenting upon the position Senator Kennedy took in the 1950's.

> Senator Kennedy, as a Senator from a populous State, was defending the big State preference inherent in the present system; that he felt obliged to oppose all changes in order to maximize the opposition he was leading to the proportional and district division schemes which had a real prospect of passage that year, whereas direct election had none anyway; that he spoke of maintaining the balance of an entire "solar system" of advantages and disadvantages in our political system, in which the urban advantage in the Electoral College was needed to offset the rural advantage in the House of Representatives, the latter not then having been emasculated by the Supreme Court's one-man, one-vote decision; and, finally, that he spoke before the 1960 and 1968 elections provided us with not only examples of faithless and unpledged electors, but electoral vote results so close as to bring us to the brink of constitutional crisis.

In other words, at that time Senator Kennedy argued that the present electoral college system was balanced, while the district or proportional plans would disadvantage the big States. By adopting direct election, we are instituting a one-man, one-vote system which gives no advantage to any section of the country. Therefore, I should think it would be more appealing to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I am happy to yield to the gentleman from Louisiana.

Mr. WAGGONNER. I should like to advise the gentleman I was reading from the CONGRESSIONAL RECORD of 1956, not 1950. I was quoting directly Senator Kennedy. The gentleman is utilizing hearsay when he refers to what Mr. Sorenson said about what Mr. Kennedy thought in 1950.

Mr. RYAN. I am merely stating what the counsel to President Kennedy said was the position of Senator Kennedy in 1956.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DULSKI

Mr. DULSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. DULSKI: Page 3, insert after line 14 the following:
>
> "SEC. 6. In each State entitled in any Congress to which this section applies to more than one Representative under an apportionment of Representatives, there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled; and Representatives shall be elected only from districts so established, no district to elect more than one Representative. Each such district so established shall at all times be composed of contiguous territory, in as compact form as practicable; and no district established in any State shall contain a number of persons excluding Indians not taxed, more than 2½ per centum greater or less than the average obtained by dividing the whole number of persons in such State, excluding Indians not taxed, as determined under the then most recent decennial census, by the number of Representatives to which such State is entitled under the apportionment made upon the basis of such census. There shall be not more than one redistricting between decennial censuses."
>
> Page 3, line 15, strike out "Sec. 6." and insert in lieu thereof "SEC. 7.".
>
> Page 3, strike out lines 17 and 18, and insert in lieu thereof the following:
>
> "SEC. 8. The first five sections of this article shall take effect one year after the 21st day of January following ratification. Section 6 of this article shall not apply to any Congress beginning prior to one year after the date of ratification of this article or to any Congress prior to the 93rd Congress."

Mr. CELLER. Mr. Chairman, I raise a point of order that the amendment offered by the gentleman from New York (Mr. DULSKI) is not germane to the resolution under consideration.

House Joint Resolution 681 relates to the election of the President and Vice President. The Dulski amendment prescribes standards for congressional redistricting and is not germane to the purposes of the resolution under consideration.

The CHAIRMAN. Does the gentleman from New York (Mr. DULSKI) desire to be heard?

Mr. DULSKI. I do, Mr. Chairman.

Mr. Chairman, House Joint Resolution 681 relates to the method of electing the President and the Vice President, pre-

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scribes the qualifications of electors and authorizes each State to prescribe the times, places, and manner of holding elections for electors.

My amendment adds a section relating to the method of electing Representatives to the House of Representatives by setting guidelines for establishing congressional districts to comply with the one-man, one-vote edict of the Supreme Court of the United States.

For this reason, I believe my amendment is germane to the resolution now under consideration.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from New York (Mr. DULSKI) offers an amendment to which the gentleman from New York (Mr. CELLER) makes a point of order that the amendment is not germane to the resolution before the Committee.

The amendment offered by the gentleman from New York (Mr. DULSKI) relates to the establishment of congressional districts in those States entitled to more than one Representative in the House of Representatives. It would require congressional districting to be contiguous and approximately equal in population.

The joint resolution presently under consideration relates to the method of selecting the President and Vice President of the United States. There is no reference therein to the apportionment of Representatives or to their election.

Therefore, the Chair holds that the establishment or description of congressional districts is not a matter that is within the scope of the pending joint resolution and the amendment is not germane.

Therefore, the Chair is constrained to sustain the point of order made by the gentleman from New York (Mr. CELLER).

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. RYAN: On page 3, after the word "prescribed" strike the remainder of the first sentence of section 4 on lines 3, 4, and 5, and insert in lieu thereof "by the Congress".

Mr. RYAN. Mr. Chairman, I am very much concerned about one aspect of House Joint Resolution 681 which may permit the disenfranchisement of voters in some States by the device of preventing a candidate from appearing on the ballot.

Under section 4 the access to ballots is to be determined in the first instance by the State legislatures, Congress keeping a reserve power.

My amendment would give the Congress the direct responsibility to set requirements for inclusion on the ballot, making them the same in every State as well as in the District of Columbia. That is the only way in which to insure uniformity. Access to the ballot should not depend upon whim or caprice or intraparty conflicts.

Inasmuch as in section 5 we give the Congress the power to take care of a situation where a candidate dies or withdraws, it is perfectly consistent to give the Congress the power to set requirements for inclusion upon the ballot.

I fear that under the resolution in its present form, as we seek to avoid one constitutional crisis, we may create the possibility of another.

Imagine a situation under the proposed amendment in which there are three candidates for the Presidency. One major party nominates a person called Don Democracy and the other nominates Allen Astronaut. The States Rights or the American Independent Party nominates Lon Order.

After a very long and arduous campaign it is declared that "Al Astronaut" wins by 10,000 votes. "Democracy's" supporters are outraged. "Democracy" has been kept off the ballot in Alabama or, not to be sectional, New York—where he would easily have received enough votes to be elected. And, thereupon a constitutional crisis confronts the country as the supporters of "Democracy" refuse to recognize the legitimacy of "Astronaut's" election. I am sure each one of us can write his own ending within the recesses of his own mind.

Fantasy? I regret to remind you that major party candidates have been kept off State ballots in the past.

Mr. Chairman, let us remember that Abraham Lincoln was kept off the ballot in 10 States. Republicans may recall that a U.S. President, William Howard Taft, in 1912 was kept off the ballot in California. Democratic memories need not be so long. Another U.S. President, Harry S. Truman and the Democratic Party were not on the ballot in Alabama in 1948.

Mr. Chairman, the purpose of the resolution now pending before us is to insure the direct popular election of the President. I think we should also make sure that, in achieving this objective, we make it possible for candidates and parties to have equal access to the ballot in all parts of the country.

We will do both ourselves and the country a disservice if we write into the Constitution a provision which might effectively disenfranchise a significant class of voters. Yet that could be the effect of section 4 of the present resolution, which reads as follows:

> The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations.

This provision would apparently allow any State legislature to keep a party or a candidate off the ballot. While it would theoretically be possible for Congress to require uniform standards if a national catastrophe seemed imminent, the failure of the Congress to act swiftly on matters of equal time for television debates, campaign financing and the like suggests that Congress might well be immobilized in the face of that kind of political crisis.

While I candidly admit that my present concern is prompted by the crisis which the Southern States have created for the National Democratic Party, my concerns should be shared by every Member of this House. Even those in this Chamber who supported Governor Wallace will recall how restrictive State election laws were used against their candidate. Indeed, it was Governor Wallace who most recently made constitutional history by obtaining a U.S. Supreme Court decision stating that the qualifications required for inclusion on the Ohio ballot were unconstitutionally restrictive.

My proposed amendment would lead to national legislation assuring that the candidates of the major parties would be placed on the ballots of all States in direct, popular elections and, at the same time, make certain that minor party candidates whose parties meet minimal standards would also appear on such ballots.

Some recent constitutional history of State qualification standards for minor party candidates may be instructive.

References to State requirements particularly in terms of signatures on petitions as a percentage of votes in a previous election were referred to the case of Governor Wallace referred to above—*Williams* v. *Rhodes, Governor of Ohio*, 393 U.S. 23; decided October 15, 1968, by the Supreme Court. The case dealt with challenges by Wallace's American Independent Party and by the Socialist Labor Party to the constitutionality of the Ohio laws governing the selection of electors for President of the United States. Plaintiffs argued that it was virtually impossible for any party to qualify on the ballot in Ohio except the two existing major parties. These are permitted to retain their positions on the ballot in Ohio by obtaining 10 percent of the votes in the last gubernatorial election and need not obtain any signature petitions.

New parties, to qualify in Ohio had to file petitions signed by voters totaling 15 percent of the number of ballots cast in the last preceding gubernatorial election, 90 days before the Ohio May primary, which filing date was February 7, 1968. The 15-percent requirement equaled 433,100 signatures. In addition, however, new parties had to create State and county organizations, nominate candidates for President and Vice President in national conventions to which delegates and alternates from Ohio have been elected at the May primary, which delegates and alternates must not have voted as members of a different party at a primary election in the previous 4 years, and who must be endorsed by petitions signed by voters who themselves did not vote for any other party in the last preceding primary. Finally the new party must convene a State convention of 500 delegates apportioned throughout the State on the basis of party strength, to choose the party's presidential electors.

Somewhat ironically, these provisions were placed in the Ohio code after the 1948 campaign of former Vice President Henry Wallace and now they were being applied against a candidate from the opposite side of the political spectrum.

The American Independent Party secured over 450,000 signatures to its pe-

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titions in Ohio but could not file them within the statutory period, nor could it meet many of the other requirements.

The Socialist Labor Party was formally organized with a State executive committee but only possessed 108 members and could not fulfill the filing requirements.

Rejecting the State's contention that article II, section 1, of the Constitution gives each State absolute power to regulate the selection of electors, the Supreme Court held that the complex of Ohio statutes were unconstitutional in that they burdened the right of individuals to associate for the advancement of political beliefs and the right of qualified voters, regardless of their political persuasion, to cast their votes effectively, a rationale based upon the equal protection clause of the 14th amendment and the guarantee of right of association from the first amendment.

The Court denied that Ohio had a sufficiently compelling interest in promoting the two-party system as an element of stability, or that there would be an alleged proliferation of parties if its standards were reduced, or in the development of party leadership through primaries, to justify the statutes.

The Court further noted the State's policy of alleged interdiction against all but candidates of the two major parties in the absence of legislation permitting independent candidates to get on the ballot.

It ordered the American Independent Party to be placed on the ballot along with its candidates for President and Vice President and authorized write-in voting for the Socialist Labor Party.

The Court noted that in the 42 States which require third parties to obtain the signatures of only 1 percent or less of the electorate in order to appear on the ballot, no significant problem had arisen about the proliferation of parties.

In his opinion concurring in the result, Mr. Justice Harlan noted that the other 49 States could be grouped in the following categories with regard to the size of the barriers they raise against third-party candidacies—page 47, footnote 10.

Signatures required as a percent of electorate	*No. of States*
De minimus to .1 percent	16
0.1 to 1 percent	26
1.1 to 3 percent	3
3.1 to 5 percent	4

These figures are the lowest percentages required either on petitions to form new parties or petitions of independent candidates. Lowest percentages for other States are: Arkansas, 15 percent of total votes cast for Governor in preceding general election; Georgia, 5 percent of voters eligible to vote in next election for presidential electors; Maryland, 3 percent of the registered voters eligible to vote for presidential electors; Massachusetts, 3 percent of total vote cast for Governor at last biennial election, not more than one-third of such to be from one county; Nevada, 5 percent of the total vote for Member of Congress at last preceding general election; South Dakota, 2 percent of total vote for Governor at last general election; Wyoming, 5 percent of total vote for Member of Congress at last general election.

These are not, however, the only requirements to be met. Some States require a specified number of signatures to be obtained from a specified geographical area. New York, for instance, requires 12,000 signatures of whom at least 50 must come from each county, the counties of Fulton and Hamilton to be considered as one.

The requirement for independent candidates for presidential elector in Illinois, which was the signatures of 25,000 voters of which 200 had to come from each of at least 50 counties, was struck down by the Supreme Court in *Moore* v. *Ogilvie*, 394 U.S. 814, decided on May 5, 1969, as violative of the equal protection of laws clause of the 14th amendment.

Burdens may arise in the nature of other requirements. Colorado, for instance, requires only 300 signatures to qualify statewide by petition, but each signature must be individually notarized, Pennsylvania requires early filing, that is, on or before the seventh Wednesday before the primary—filing date in 1968 was March 6—and so on.

The decision in Williams against Rhodes, left, however, grave ambiguities as pointed out by Chief Justice Warren in his dissenting opinion. He stated the question raised in the decision, thusly:

> To what extent may a state, consistent with equal protection and the First Amendment guarantee of freedom of association, impose restrictions upon a candidate's desire to be placed upon the ballot? (Page 69.)

He found no real guidance, only an intimation. He said:

> The opinion of this Court leave(s) unresolved what restrictions, if any, a State can impose. Although (the) opinion treats the Ohio statutes as a 'package', giving neither Ohio nor the courts any guidance, (it) contains intimations that a State can by reasonable regulation condition ballot position upon at least three considerations—a substantial showing of voter interest in the candidate seeking a place on the ballot, a requirement that this interest be evidenced sometime prior to the election, and a party structure demonstrating some degree of political organization.

In other words, a State should be able to require certain reasonable demonstrations as to the seriousness of candidacy, but precisely what they are and to what extent remains undefined.

Other decisions came out of the 1960 election evidencing possible additional State barriers to third parties.

Idaho had repealed from its statute books provisions relating to new political parties and independent candidacies. In *America Independent Party in Idaho, Inc.* v. *Cenarrusa*, 92 Idaho 356, 442 P. 2d 776 (1968), the Supreme Court of Idaho held that a State statute defining a political party for the purpose of nominating elections as an affiliation of electors representing a political organization, only which had received at least 10 percent of the voters cast for a State office at the last general election, was unconstitutional as applied to a political organization or affiliation of electors not in existence at the time of the last preceding general election since to apply such a statute would make it impossible to form a new political party in the State and deny the right of suffrage. The court went on to hold further that a former statute, providing, among other things, that an affiliation of not less than 1,500 voters who properly file written notice with the secretary of state shall have all the rights of a political party whose ticket was on the ballot at the preceding general election, was still in force and effect.

Mr. Wallace's party was forced to go into court in Oklahoma also. The American Party convened in Oklahoma in March 1968, chose presidential electors and filed a petition with the secretary of state containing more than three times the number of signatures required by Oklahoma law for the placing of the candidates of a new party on the ballot. The secretary of state issued a certificate of approval but the State election board issued letters to the county election boards stating that the American Party was not a political party until approved by the State supreme court and ordered the county boards not to accept voter registrations in the party.

It was essential to secure such registrations by June 15, 1968, the last day for registration in the State until October, if the party candidates were to appear on the November ballot and in the State primary. An appeal from the decision of the secretary of state had been filed too late for a full hearing to be held before the June 15 deadline passed.

The Supreme Court of Oklahoma issued a writ of mandamus to the State election board on June 11 ordering it to rescind its letter to the county boards about not registering members of the American Party. Basing its decision on the right of suffrage, the court found that it had not been established that such registration would jeopardize, or prejudice the rights of anyone. *American Party* v. *State Election Board*, (Okla.), 442 P. 2d 291 (1968).

On July 30, 1968, the State supreme court affirmed the order of the secretary of state approving the American Party—*Application of American Party*, Okla., 444 P. 2d 465—against contentions that the party, because of its presidential nomination, was seditious and should be refused recognition as a political party in the State.

Another case involving Governor Wallace occurred in South Carolina where two political organizations nominated presidential electors for Mr. Wallace and sought to use his name at the head of their respective tickets. Mr. Wallace brought the action against the secretary of state seeking to enjoin the use of his name on the ballot by other than his own organization. In *Wallace* v. *Thornton*, (S.C.) 162 S.E. 2d 273 (1968), the South Carolina Supreme Court granted the injunction, pointing out that the use of Mr. Wallace's name on the ticket of two sets of electors would split the vote for him and prevent rather than enhance the possibility of voters voting for him making their voice heard in the electoral college.

The so-called new party for the election of Senator McCarthy as President

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was engaged in a number of lawsuits. In *Sullivan* v. *Grass* (D.C., Conn.) 292 F. Supp. 411 (1968), the U.S. District Court for Connecticut dismissed a request for injunctive relief against the Connecticut secretary of state seeking more write-in space on voting machines for "Electors for McCarthy." The court held that the alleged McCarthy-Lindsay slate of presidential electors had not been duly nominated either by a major or minor party or by petition, nor had any acceptance by either candidate been obtained or filed.

In *Ginsberg* v. *Lorenzo*, 23 N.Y. 2d 94, 295 N.Y.S. 2d 425 (1968) a request for a place on the ballot by a similar group of committed electors was denied where the presidential candidate, Senator McCARTHY, had declined to give consent to his candidacy. The New York Court of Appeals did not pass upon the question which might arise in cases where electors are not committed.

In *Clement* v. *Stark* (Sup. Ct., New Hampshire) 246A. 2d 824 (1968), the Supreme Court of New Hampshire declined to issue a writ of mandamus to the secretary of state to place the names of Senator McCARTHY and Mayor Lindsay on the ballot after they had informed the secretary of state of their declination to run. The same conclusion was reached by the Supreme Court of Wisconsin in *Lemieux* v. *Zimmerman*, 40 Wis. 2dl, 161 N.W. 2d 129 (1968).

Other minor parties were engaged in lawsuits relating to the 1968 campaign. In *State ex rel. Chave* v. *Evans*, 79 N.M. 578, 446 F. 2d 445 (1968), the Supreme Court of New Mexico denied a place on the ballot to the candidates for President and Vice President of the People's Constitutional Party on the grounds that two of the electors on the slate filed were unqualified. On the other hand, in *Application of Horowitz*, 57 Misc. 2d 1037, 294 N.Y.S. 2d (1968), the Supreme Court of Albany County, N.Y., permitted the Socialist Workers Party to file the names of 10 candidates for presidential electors in New York rather than 43, on the grounds that by refusing the filing the voters of the Socialist Workers Party would be denied the opportunity of voting for their candidates on the voting machines, as voters of the major parties could do, with a resulting discrimination between the major party voter and the independent voter.

In *State ex rel. Socialist Labor* v. *State Election Board* (Sup. Ct., Ind.) 246 N.E. 2d 69 (1968), the party was refused a place on the ballot because its affidavit of nonadvocacy of the overthrow of government by force was deemed not broad enough in the specification of the media of advocacy.

These are problems that can or have arisen in regard to entitlement to inclusion on the ballot of both major and minor parties. The disparity in treatment under State law is demonstrated, for instance, by the experience of the so-called New Party backing Senator McCARTHY. As we have seen it was denied a position on the ballot in several States. In others, that is, Arizona, California, Colorado, Minnesota, and Oregon, it was placed on the ballot with the name of its presidential candidate. In Montana, and Vermont it was placed on the ballot without the name of its presidential candidate.

Surely such a description of the vagaries of State law aptly demonstrates the need for granting the power directly to Congress.

It might be possible to argue that, as a consequence of the Supreme Court decision in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), the Congress may legislate positively to set standards for entitlement to inclusion on the ballot of candidates for the Presidency when it finds State variances so broad as to deny equal protection of the laws. This argument is questionable because the Court, in Williams against Rhodes, emphasized both the equal protection of laws clause of amendment 14, and the 1st amendment, and Justice Harlan, in his concurring opinion would have rested the decision on the due process clause.

Granting the authority solely to Congress now will not, in this direct, popular election amendment, deprive the States of an authority that they can claim justifiably belongs to them. That variances among State laws currently exist and cause difficulties has been demonstrated. Williams against Rhodes left open the question of acceptable standards on entitlement to inclusion on the ballot.

In a nationwide election where all things should be as equal as possible for candidates as well as for voters, the only reasonable legislative body to set such standards is the Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUCINSKI: On page 2 strike the last sentence in Section 3 and insert:

"If no pair of persons has such number, each State shall have presidential votes, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, and these presidential votes shall be apportioned proportionately according to the popular vote within each State among the pairs of persons who are candidates for the offices of President and Vice President within that State. The pair of persons who have the greatest total number of presidential votes thus apportioned in the 50 States and territories shall be elected."

Mr. PUCINSKI. Mr. Chairman, this amendment does not alter the main thrust of House Joint Resolution 681, and that is namely to elect a President and Vice President by popular vote. Nor does it alter in any way the 40-percent formula.

What this amendment does do though is to set up in my judgment better machinery through which to elect the President and Vice President in the event no candidate receives the required 40 percent of the votes.

I have no quarrel with the Chairman's basic thrust in this legislation. I think we all agree that we ought to have a better way of electing a President, but I am deeply bothered and disturbed by the runoff provision.

I said earlier in the debate that under the Supreme Court decision in Ohio last year ordering the American Independent Party on the ballot of that State, the Supreme Court had broadened very widely the method of independent parties gaining a place on the ballot. And, even if this Congress took no action, I am sure in 1972 there will be many more political parties seeking expression in the presidential election.

So we can expect as the country grows that there are going to be more political parties, and my judgment is that it is going to be very difficult to get 40 percent to elect the President in the first instance.

What my amendment does is, if a candidate fails to get 40 percent in the first instance then each State will have as many presidential votes as it has Members in Congress, and Senators in the Senate. Those presidential votes then would be apportioned on a pro rata basis, based on the popular vote that each candidate got in that State.

The presidential votes would then be added up, and the one with the largest number of votes would be President, and the same with the Vice President.

Mr. Chairman, I am mindful of the fact that there will be a great number of those who will argue that this means that a President could be elected without getting a majority of the votes, but I should like my colleagues to reflect on what we did here a couple of years ago when we adopted the 25th amendment. We can actually see a person become President of the United States without having a single vote ever cast for him, because under the 25th amendment we provide that in the event the President dies the Vice President moves up to the Presidency. He then names his successor as Vice President. Should the Vice President who became President then die, the Vice President becomes President of the United States, and it is conceivable that the President could have selected a Vice President who has never had a single vote cast for him.

So, Mr. Chairman, I am not disturbed over the prospect that we might see a man become President of the United States who might not necessarily have a majority of the votes, nor am I disturbed, Mr. Chairman, with this principle, because on this amendment that we have now before us, when it gets to the other body two Senators will be voting on this amendment representing 275,000 people in the State of Alaska, and their two votes will carry the same weight as the votes of the two Senators from the State of New York, with a population of 17 million people, or the two Senators from the State of California with a population of 19 million people, or the two Senators from the State of Illinois with a population of 10.5 million people.

So I say, Mr. Chairman, that as we get ourselves all tied up in this argument as to a majority that we should remind ourselves that throughout the Constitution there are many provisions that do not require a majority.

I am disturbed about the runoff provision for many reasons. No. 1, because I believe it does introduce into our system the system that has been proven very ineffective in many European countries, such as in France, where they have 26 different political parties, and they are wheeling and dealing and trying to put together a government; or in England, or in various other parts of the world.

Another strong objection I have to this runoff provision—and it has not been discussed at all, granted that the costs of the runoff election will be borne by the taxpayers and the Government—but I ask you, my colleagues, where are the two principal parties going to get the funds in so short a time for the runoff election? Last year both major candidates had difficulty meeting the rising costs of the campaign, and the Democratic Party is still trying to pay off a $7 million deficit.

So it seems to me, Mr. Chairman, that we are introducing here in this runoff procedure a second election which is going to require a tremendous expenditure of money by the two top candidates, or their political parties. I seriously question whether they are going to go back to their supporters and try to raise the kind of money that they are going to need to handle the financing of a runoff election.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PUCINSKI was allowed to proceed for 1 additional minute.)

Mr. PUCINSKI. So, Mr. Chairman, it would be my hope that we would accept this amendment as a method of assuring that the President and Vice President will indeed be elected on election day, without injecting into this whole proposition another runoff election in the event that no candidate receives 40 percent.

Mr. Chairman, I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PUCINSKI).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HUTCHINSON: On page 2, line 9 after "person" insert: "Nor with that of an inhabitant of the same State as himself".

Mr. HUTCHINSON. Mr. Chairman, this amendment will not take much time, but it brings into focus a provision in the present Constitution which for better or for worse has not been carried forward in the amendment now before us.

I think, however, the provision is something that should be carried forward.

Under the 12th amendment of the Constitution it is provided that presidential electors vote for President and Vice President, one of whom at least shall not be an inhabitant of the same State with themselves.

Those words effectively prevent any presidential ticket from having a presidential and vice presidential candidate from the same State. In other words, we are assured under the present system that there will be a diversity of State citizenship in every presidential ticket.

But suppose we adopt this amendment without some kind of words in the present proposal to carry forward the assurance of the diversity of State citizenship? It is very likely that in the future the President and Vice President can come from the same large State.

For that reason, I have offered this language which would simply add the few words at the end of section 1 and the last sentence of section 1 of the proposal before us with my amendment would read as follows:

> No candidate shall consent to the joinder of his name with that of more than one other person, nor with that of an inhabitant of the same State as himself.

Mr. Chairman, I think there is merit in this proposal. I think it improves the proposed amendment, and I would ask the House to support it.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman.

Mr. POFF. Mr. Chairman, I do not want to consume additional time, but may I simply say that I support the gentleman's amendment for the very reasons that he has so well expressed.

Mr. HUTCHINSON. I thank the gentleman.

Mr. MIKVA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, very briefly the present article of the Constitution does not preclude the President and Vice President coming from the same State. It is discouraged, but as President Nixon pointed out in the last campaign, it was entirely possible for the vice presidential candidate to come from New York State as did President Nixon.

All that would have resulted from such a situation is that the electors from New York State would not have been able to vote for the vice presidential candidate. That is the only effect of the present article.

Now the amendment offered by the gentleman from Michigan will make a firm and absolute prohibition against the two candidates ever coming from the same State. Obviously, the political parties take that into account when they make up their candidacies. So it seems to me it would be unwise to forbid constitutionally the political parties and the people from making up a ticket whereby the President and Vice President come from the same State.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HUTCHINSON).

The question was taken; and on a division (demanded by Mr. HUTCHINSON), there were—ayes 40, noes 53.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. RYAN: On page 2, line 4, after the period strike out "each" and lines 5, 6, 7, 8, and 9, and insert in lieu thereof: "Each elector may cast a vote applicable to President and may cast a separate vote applicable to Vice President."

Mr. RYAN. Mr. Chairman, I offer this amendment, which would provide a separate vote for President and Vice President, because I believe this debate would not be complete without some serious discussion about the manner in which we select our Vice President, particularly under a direct election constitutional amendment. So far there has been no discussion on this matter under the 5-minute rule. I did raise it during general debate.

The present resolution provides that a single vote would be cast for the President and Vice President jointly. It deprives the American people of the opportunity to make an independent judgment on Vice President, and this fact should not be glossed over.

If the Vice President were only an assistant to the President, there might be no objection. But we know from tragic events in history that the Vice President is often called upon to succeed to the Presidency. If so, should he be independently selected by the voters, or should he be elected as part of a slate?

If he is part of a slate, he will probably have been selected by his presidential running mate. He may well be the unexpected beneficiary of the bargaining over the presidential nomination. He may not necessarily have been selected on his own merits, but to achieve some kind of balanced ticket. He may have been selected because he is the least controversial person who was available. All of these are prevalent political reasons for the selection of candidates for Vice President.

So I simply ask the question, Should the American people be compelled to accept a package, or should they have the opportunity to make an independent judgment on the person who is only a heartbeat away from the Presidency?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I yield to the gentleman from Michigan.

Mr. CONYERS. As a member of the committee, and one who does not recall how this was handled in the committee, I am sorry to say, I think the proposal has a great deal of merit. I remember very well at my first convention—I hope not my last—how the disarray, the confusion, and the controversy made it difficult for many important decisions to be made. I think the gentleman's point that the Office of Vice President should be given the honor and dignity of being voted for separately is a very sound proposal, and I would urge the Members who might be inclined to treat this as a frivolous amendment to seriously consider that there would be very little harm done to the rest of the elective process if we were to vote individually on these two offices. I think it is time that we recognized that the Office of Vice President is far too important for us to have it merely selected by the presidential nominee under the pressures of the convention, and I commend the gentleman for coming forward with this amendment. I for one will vote for it.

Mr. RYAN. I thank the gentleman for his support on this amendment, and point out that we should not forget that

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under the present Constitution the 12th amendment provides for a separate vote for President and Vice President—not a joint election—although that fact may be easily forgotten because of the method by which they are selected. The electors vote for President and cast a separate vote for Vice President.

I recognize the argument that there would be problems if the President and Vice President were of different political parties.

Perhaps that is a reason to provide for an interim presidential election shortly after a vacancy. Then the people would make the decision directly.

However, I do not believe that Congress should structure a constitutional amendment to prohibit the election of a President and Vice President of different political parties or even of different political philosophy if the voters so decide.

If the platforms and programs of the parties and candidates are clearly defined, then I do not think it very likely that the President and Vice President will be of different parties.

Furthermore, knowing that the vice-presidential candidates must stand on their own merits, the political parties will be more careful in their decisions and select highly qualified candidates.

It is interesting to note that 40 States have both a Governor and a Lieutenant Governor. In 30 States they are separately elected, in 10 jointly.

In a direct popular election for President, I think we should not ignore the method of selecting the Vice President, and I urge my colleagues to give serious attention to the basic problem which I have raised by offering this amendment. In my judgment it is not heresy to think about separating these two elections.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. POFF

Mr. POFF. Mr. Chairman, I offer an amendment, which I devoutly trust will be the last amendment.

The Clerk read as follows:

Amendment offered by Mr. POFF: On page 3, line 11, after the word "death" insert a comma and the word "inability".

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. POFF. I will be glad to yield to the gentleman from New York, but first if I may, I would prefer to make a statement on the amendment.

Mr. Chairman, this amendment addresses the question of presidential candidates rather than the question of the system by which they are elected. The candidate problem has three parts: First, the possibility of withdrawal; second, the possibility of death; and third, the possibility of physical or mental inability to discharge the powers and duties of the office the candidate is seeking.

Section 5 of the bill deals with the first two. Congress is specifically empowered to write a statute covering the case of withdrawal and the case of death. The case of inability is conspicuous by its omission. The omission is particularly consequential because some legal scholars feel that in the absence of section 5, Congress would have the power to deal with all three cases, under the theory that Congress has the inherent power to protect, foster, and nourish the Federal voting right which the committee resolution grants directly to citizens. If these scholars are right, the inclusion in section 5 of only two parts of the three-part candidate problem would have the effect of eliminating specifically the power of Congress to deal with the third.

Under the present posture of the law, political parties have assumed the power to deal with all three parts of the candidate problem at all times prior to the time the candidate becomes the President-elect, including the interval following the general election. Some feel that the political parties should retain that power, and I am reluctant to deprive them of it. However, if they are to retain it, there must be some mechanism by which they can be required to exercise it and some contingency apparatus must be fashioned for the possibility that they may fail to do so. The hypothesis which best illustrates my point is the case of paralysis the day before the general election or the day before the runoff election. That mechanism should apply equally to all candidates of all political parties. The mechanism should be uniform and standard. Such a mechanism can be fashioned only if Congress is given the power to legislate. That is what my amendment would do. My amendment does not fix the rules and procedures in cases of candidate inability. My amendment simply empowers Congress to write a statute fixing the rules and procedures. When Congress sits down to do so, it can decide as a matter of policy whether it is better for the political parties to retain jurisdiction over candidate disability and if so, whether that jurisdiction should be limited to the interval preceding the general election or should include the interval between the general election and runoff election. In the latter interval, most would agree that the two candidates who survive the general election assume a higher dignity and a greater importance in the interval preceding the runoff election than they had prior to the general election. More than political party property, they become public property, property in which the Nation, its people, and those who govern the Nation and its people have a priority interest.

We do no violence to the election system by granting Congress this power, but it seems to me that it is essential to the stability of the system that we give Congress the power to decide what will be done when the presidential candidate becomes physically or mentally disabled.

Mr. Chairman, I yield now to the chairman of the committee, the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, we do not on this side object to the amendment offered by the gentleman from Virginia.

If the gentleman from Virginia will yield to the gentleman from Ohio, then after the statement which may be made by the gentleman from Ohio, I would like to ask one or two questions.

Mr. POFF. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Chairman, I am pleased to say we accept the amendment offered by the gentleman from Virginia.

Mr. CELLER. Mr. Chairman, may I ask the gentleman from Virginia what in his opinion is an inability to accomplish? I notice the word "inability" is used elsewhere. Does it mean the same as used in other parts of the Constitution?

Mr. POFF. Mr. Chairman, in response to the gentleman from New York, I will say I intend the word "inability" to take its meaning from the Constitution.

Section 1, article II refers specifically to the inability of the President to discharge the duties of his office.

The 25th amendment refers to the case where the President is unable to discharge the powers and duties of the office.

I intend the word "inability" to be the kind of inability that would make the President unable to deal with the powers and duties of his office.

More definitely, I intend the word "inability" to have the same definitive association given to that word during the course of the debate on the 25th amendment.

Mr. CELLER. Mr. Chairman, if the gentleman will yield further, will the gentleman give us some idea as to what he envisions the processes would be that Congress could take to determine inability?

Mr. POFF. Mr. Chairman, in response to the gentleman from New York, I would say my amendment does not presuppose that the Congress itself would determine the inability. The thrust of my amendment simply is to empower the Congress, if it sees the need so to do, to write a statute fixing the rules and regulations. I trust the Congress would do that and have the statute apply uniformly to all presidential elections in the future.

Mr. CELLER. If I may ask one more question, would it be possible under this amendment for a hostile Congress, say a Democratic Congress, to take some sort of action against a Republican nominee and hold that the nominee had an inability?

Mr. POFF. In response, Mr. Chairman, I will say that once the statute is enacted by the Congress, although it might be intended to apply uniformly to all future elections, it is possible that some future Congress might, during the course of the presidential election, undertake to amend that statute and in that process it may be argued there may be unworthy motives. But, Mr. Chairman, it is my deep conviction that somewhere, sometime, the people of the country must repose a confidence in the people who manage the affairs of government.

We cannot assume, we dare not assume, that elected officials will be rogues and scoundrels. Rather, we assume that they will be honorable and responsive to the will of their people. When we can no longer make such an assumption, then the very existence of the Nation is imperiled.

Mr. CELLER. Does not the gentleman

believe also the political parties themselves in convention would be likely to pull back, as it were, any candidate who would be disabled? They have their rules and regulations whereby they could put somebody else in his place.

Mr. POFF. The gentleman makes a good point.

I might add that the Congress under the power granted in section 5 would be able to authorize the political parties to do precisely that.

Mr. MacGREGOR. Mr. Chairman, I move to strike the requisite number of words.

I asked for this time so that the Record may show from the author of this amendment a response to a further inquiry along the line of the inquiry propounded by the chairman of the Committee on the Judiciary.

May I say to my good friend from Virginia that the chairman of the Committee on the Judiciary posed a hypothetical question concerning a situation where, if the amendment to the article became law, a hostile or capricious Congress may seek to take advantage of this grant of authority to single out an individual candidate of the opposition party and by statute declare him unable, within the phraseology of section 5. The gentleman responded in a very excellent fashion to that question.

I should like to ask this question. Let us assume the existence of the same capricious or hostile Congress. The language of section 5 would require not only action by the Congress but also action by the President?

Mr. POFF. The gentleman is eminently correct.

Mr. MacGREGOR. The President would have to approve the action by the Congress, should there be such a hostile or capricious Congress in the future, because the language reads, "the Congress may by law provide." The words—"by law"—necessarily oblige the Congress to submit any action it may take to the President for signature or for rejection.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. MacGREGOR. I yield to the gentleman from Virginia.

Mr. POFF. The gentleman, of course, is eminently correct.

To expand on the point I made a moment ago, I certainly hope the time will never come when the people will assume that the President of the United States, whatever his party, would be a rogue or scoundrel who would sign such a law.

Furthermore, I might suggest that any political party represented in the Halls of this House which undertook such an unworthy act would very likely lose its political life in the next election.

Mr. MacGREGOR. I appreciate the answer of the gentleman very much. I believe it helps to strengthen the reasons why both the chairman of the committee and the ranking Republican were pleased to accept the amendment. I am glad they have seen fit to do so.

I am also glad that this seems to be the one amendment, of the great many offered to this proposed article, which appears to be on its way to adoption by the Committee of the Whole.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. MacGREGOR. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. I thank the gentleman for yielding.

I should like to propound this further question to the gentleman from Virginia. The gentleman's amendment, as I understand it, places the word "inability" only in line 11. I would appreciate it if the gentleman would respond with the reason why the word "inability" has not been inserted in line 13?

Mr. POFF. I shall be glad to respond, if the gentleman will yield.

Mr. MacGREGOR. I yield to the gentleman from Virginia.

Mr. POFF. The word has not been included in line 13 because the 20th amendment already makes provision for the inability of the President-elect.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am so flabbergasted that I scarcely know how to express myself at this time. Here we see the gentleman from Virginia (Mr. Poff) in the waning moments of the consideration of this bill breaking through the trust composed of Celler and McCulloch to win approval of one amendment. I think we should compliment our friend from Virginia for being something of a trustbuster. This is the first of numerous amendments that he has offered on which to use the colloquial expression, he has been given the time of day. Most of the time he has gotten the back of several hands. I want to personally compliment the gentleman from Virginia for finally emerging as the trustbuster on this legislation.

Mr. LLOYD. Mr. Chairman, for many months I have given studious consideration to the proposal to amend the Constitution of the United States to provide for the election of the President and Vice President by a means other than the electoral college. The overwhelming majority of the American people and the great majority of the people of my district, the second congressional district of Utah, favor a change. This is verified by the Gallup and other polls on a nationwide basis and by my own polling of my constituents. As a matter of fact, for the past several weeks I have had staff members and volunteers go beyond the usual mailing poll of my constituents and go door to door in selected representative areas within my district, and I find that while many of our most thoughtful citizens do support the electoral college, the great majority favor change.

The conditions which prevailed in Philadelphia over 180 years ago no longer prevail. Neither I nor the majority of the people I represent now consider it necessary for the people's vote to be cast by an elite group who will presumably shield the voters against their own folly. An interesting indication of the opinions held by some of the Founding Fathers at Philadelphia in their own day was an expression George Mason made at that time against the proposition of direct popular vote as advocated at that time by James Madison. George Mason's comment was:

> It would be as unnatural to refer the choice of a proper magistrate to the people, as it would, to refer a trial of colors to a blind man. The extent of the country renders it impossible that the people can have the requisite capacity to judge . . . the candidates.

The electoral college, like that statement made at Philadelphia, which appears so startling in 1969, has become outmoded. Nor is it necessary in 1969 for the States, rather than individuals, to report their vote because of the mechanical difficulties of poor transportation and poor communication. The key consideration is whether States rights are improperly violated and small States damaged.

There is the accompanying issue of whether the electoral college should be replaced by a direct vote of the people or whether the district or proportional plans are preferable. Early in my examination, I preferred the proportional plan, but as I lived with this preference over many weeks of study, my judgment changed as many members of the Judiciary Committee stated their judgment also changed over the period of their deliberations and study. I would still favor the proportional plan over the electoral college, but the cleanest most acceptable and natural decision is the direct, popular vote. If in the end, the direct, popular vote does not prevail, either by defeat in the U.S. Senate or defeat of ratification by the States, I would then support the proportional plan as the preferred alternative.

I represent a so-called small State. The figures show that Utah leads the Nation in the percentage of its eligible voters who actually vote in presidential elections. Published figures reveal that Utah's voters represent 0.58 percent of the Nation's voters in the last presidential election. With our four electoral votes we have 0.74 percent of the electoral college, that is, four votes out of 538.

There are few in this body, I believe, whose consistent record over the years has shown more respect for the integrity and responsibility of the individual States than has my own record. I do not take lightly, therefore, the judgment of respected citizens of my district who feel that elimination of the electoral college will somehow infringe upon the State's fundamental rights. However, I do not believe it logically follows that we are undermining the integrity of the States. I have asked many supporters of the district plan and many supporters of the electoral college to give me their judgment on what the small States actually lose by changing to a direct, popular vote. It is difficult to receive a clear answer except the statement that the voice of the State is diluted. Many feel that one who votes for the President of the United States should do so first as a citizen of the State rather than a citizen of the United States. I simply do not agree with that point of view. Nor do I believe that my State with four electoral votes in an electoral college of 538 has a voice so significant that the influence of our State will be diluted by the direct vote. The electoral college completely eliminates the voice of the minority voter. The winner-take-all result de-

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stroys the vote and influence of the individual minority citizen. It also makes it possible for one who receives a minority in the popular vote to be elected President by the electoral college, and in 15 presidential elections it has been shown that a shift of 1 percent in the popular vote would have allowed a minority candidate to be elected President in the electoral college. There is no longer any justification in my view for this great Nation to labor constantly with that threat.

The district plan does not eliminate that possibility. Furthermore, the district plan continues the winner-take-all philosophy but merely spreads it over a more divided, flexible, ever-changing area. It does not eliminate the basic defects of the electoral college in 1969. The district plan obviously fragments and multiplies the present complications and inequities of the winner-take-all objection of the electoral college.

Utah, with 0.58 percent of the Nation's presidential voters and 0.74 percent of electoral college votes, loses on its face 0.16 percent of its so-called effectiveness. This is infinitesimal even if granted for the sake of argument that something is lost. I am told by opponents of the popular vote that presidential candidates will be less inclined to go to small States during presidential campaigns. With our four electoral votes in Utah out of 538, the presidential candidate now comes to our State to campaign not because of the number of electoral college votes, which is so small, but out of a sense of courtesy, decency, and responsibility, and those conditions will not be changed in the future. Actually, the electoral college system seriously impairs the influence of the vote of the individual citizen in the small States in many ways. For example, the claimed voting frauds in large urban areas can be the difference in the winner-take-all electoral votes of a large State with a great many electoral college votes. Bloc voting of special interest groups in the great cities can work a similar result in other large States. The influence of the individual citizen in the small States thus becomes even less than now prevails under the electoral college.

Finally, it is said we are acting hastily because of George Wallace's third-party efforts during the 1968 election. Of course, it can often be charged by opponents that such and such an action was taken in haste, thus avoiding the hard choice of meeting the issue. The fact is, of course, that amendment of the electoral college has been a subject of continuous debate for many, many years with the more intensive study and preparations being made in recent years. So our action, rather than being labeled as hasty and made because of the George Wallace campaign, can in more accuracy be said to be the result of the most extended and thoroughgoing deliberation, the George Wallace incident being merely a footnote to the day in which our action is taken.

Utah is a rapidly growing State, as are many small States, and although this is certainly not a governing factor, any supposed diminution in influences in my judgment will be made up by population increases in the years ahead.

Senator GRIFFIN has reported in his poll of Utah legislators—40 percent responded and 69 percent of that 40 percent favored the direct vote. In candor and in the interest of accuracy, my own inquiry indicates that this poll may not accurately reflect the opinion of the entire body. As a matter of fact, my own inquiry reveals that as of today Utah's legislators may not ratify the direct vote, although that is far from clear. There is still a continuing study being made of the complications and the alternatives, and I believe it cannot be said with finality at this time what the ultimate action of the Utah Legislature may be in ratifying the direct vote.

There are two daily newspapers in my congressional district. They are the Salt Lake Tribune and the Deseret News. The Salt Lake Tribune has published an editorial supporting the direct popular vote which I append to these remarks. The Deseret News has not expressed an editorial opinion. I asked my representative in Salt Lake to communicate with the editors of this newspaper and he was advised that the Deseret News did not plan to express itself editorially on the subject. My personal polls in Salt Lake County reveal 84 percent of those interviewed expressed preference for the direct vote over the electoral college. I recognize that the many complicating factors of the amendment add to imprecise interpretation which might be made. Also, for the record, I received a communication on September 16 from the Salt Lake Chamber of Commerce stating they favored electoral reform on the district basis. This letter was received on the first day of the House vote on the district system. The Utah Farm Bureau has expressed opposition to the direct, popular election, stating the same principle should be followed in the election of a President which now gives each State two Senators. I was concerned about the possibility of a direct, popular vote for the President having an influence on the basis on which we now elect U.S. Senators. I, therefore, researched the legal implications of article 5 of the Constitution which provides that no State shall be deprived of equal suffrage in the U.S. Senate without its consent. The opinion of legal scholars in this House is that article 5 is not subject to amendment, and I specifically refer to a colloquy on this point and the opinion of the distinguished lawyer and member of the Judiciary Committee from Virginia (Mr. POFF) in the CONGRESSIONAL RECORD.

The Salt Lake Tribune editorial follows:

HOUSE HOLDS KEY TO REFORM

As the House debates a new system for electing a president, only one thing is certain. Some kind of electoral reform appears to be in the works.

The proposed constitutional amendment, drafted by the House Judiciary Committee, would abolish the Electoral College and substitute direct election by popular vote. But before the House gets to the committee's amendment, sometime during the next week, two alternatives will have to be acted upon. One is the district plan under which a candidate gets one electoral vote for each congressional district he carries and two for each state. The other is the proportional plan which divides the electoral vote of a state on the basis of percentage of the popular vote received by each candidate.

Either of these plans is better than the present "winner take all" system under which a candidate, who carries a state by the slimmest of margins, receives all that state's electoral votes. This could prevent the candidate with the most popular votes from becoming president. Neither alternative is as good as direct election by popular vote.

A survey by the U.S. Chamber of Commerce shows 67 percent of the House members either supporting the committee plan or leaning toward it. That would seem to assure the two-thirds majority needed for approval of a constitutional amendment. Moreover, although some congressmen prefer one of the alternatives, they are believed ready to accept the popular vote plan rather than have no electoral reform at all.

Even if the House approves reform, the fate of the amendment will still be in doubt. The Senate must give its assent by a two-thirds majority, then three-fourths of the state legislatures must concur.

Electoral reform is not a political issue. President Nixon favors the popular vote plan, but does not think it would be accepted by the states. However, the decision of the House, with its large membership, should provide a good reading of public sentiment across the country. We again urge favorable action on reform, and give special emphasis to the popular vote amendment.

Mr. FUQUA. Mr. Chairman, it is with regret that I feel I must vote against passage of the pending legislation affecting the election of the President.

I feel very strongly that we need to reform the electoral system, but the measure which is being presented will leave too much to be desired for me to cast my vote for its passage.

In voting against the measure, I do so in the hope that it will be defeated and we will see another proposal considered at a later date which would do away with the provision that would allow 40 percent of the people to elect a President. If a man only receives 40 percent, then 60 percent may well be against him and it continues allowing for the election of the President by less than a majority of the American electorate.

The President and the Vice President are the only elected officials responsible to the entire electorate and I think if we are to abandon the electoral college, with all of its faults, I think it should be a system that will insure that a majority make the determination as to the man who will serve.

In casting my vote against passage I wanted to make it clear that I do not like the present system and feel that change is needed. But, if it is to be changed, then let us go to a system that will insure that a majority of the voters will make that determination.

Mr. BUSH. Mr. Chairman, I favor reform of our presidential election process. I am opposed to the status quo because it condones the actions of faithless electors, perpetuates an unrealistic voting procedure when elections are thrown into the House of Representatives and is clearly unresponsive to the wishes of the American people. Ideally, I would have preferred to have seen this reform come along the lines of the district or proportional plans. And yesterday I supported amendments that would have provided for such substitutes. But these amendments were defeated and the choice before us now is the acceptance or rejection of the bill calling for direct election of the President and Vice President.

Frankly, I think this legislation has a great deal to commend it. It will correct the wrongs of the present mechanism because by calling for direct election of the President and Vice President it will eliminate the formality of the electoral college and by providing for a runoff in case no candidate receives 40 percent of the vote it eliminates the unrealistic ballot casting in the House of Representatives. Yet, in spite of these drastic reforms the bill is not, when viewed in light of current practice, one that will be detrimental to our federal system or one that will change the departmentalized and local nature of voting in this country.

In electing the President and Vice President the Constitution establishes the principle that votes are cast by States. This legislation does not tamper with that principle. It only changes the manner in which the States vote. Instead of voting by intermediaries, the States will certify their popular vote count to the Congress. The States will maintain primary responsibility for the ballot and for the qualifications of voters. In other words, they will still designate the time, place, and manner in which elections will be held. Thus, there is a very good argument to be made that the basic nature of our federal system has not been disturbed.

On the walls of the Jefferson Memorial are written these words that we might well consider today:

> I am not an advocate for frequent changes in laws and constitutions, but laws and constitutions must go hand in hand with the progress of the human mind as that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change. With the change of circumstances institutions must advance also to keep pace with the times.

The world has changed a great deal since the 12th amendment was approved and the system it perpetuates is one fraught with a history of fraud, leaves our country open to constitutional crisis and is clearly unresponsive to the desires of the American people. I do support the proposal before us today because I believe it combines the best features of our current practice with the desirable goal of a simpler, more direct voting system.

Mr. **DULSKI**. Mr. Chairman, my amendment which was ruled out of order would make the following changes in the pending resolution:

It puts into law what has been needed for some time now—provide specific guidelines to cover congressional redistricting.

Several of the States—New York in particular—have been plagued with harassing court challenges as a result of the so-called one-man, one-vote decision by the Supreme Court of the United States.

The Court did not lay down any guidelines—and this is understandable. It is not up to the Court to set guidelines. It is up to Congress.

This puts States, like my own State of New York, for instance—in the utterly ridiculous position of having to reapportion this year and use census figures that are 10 years old. New York has not had a statewide census since 1960, although there have been special censuses taken in certain areas of the State.

The data from these more recent local censuses cannot be used in a statewide redistricting because you have to use the same base throughout the State. That means sticking with the 1960 census figures.

My proposal in this amendment is to lay down guidelines—reasonable guidelines that the States can work with and avoid the continual harassment which I fear will be even more prevalent around the country after the reapportionment for 1972 on the basis of the 1970 census.

I am proposing to set a leeway of 2½ percent in population above or below the mean average for the districts in a State. In New York State, for example, the mean average under the 1960 decennial census was 409,324.

As the court decisions stand today, new congressional districts must have zero variance from the mean average. I repeat, this is ridiculous and completely unrealistic—yet this is the way the court decisions have left the situation in the absence of legislative or other directive.

Why do I say this is unrealistic?

First, the census figures are already 6 months old before they are prepared for use in setting the reapportionment base. The first election based on the decennial census figures is 18 months after the head count is made. That is one reason.

Second, the Census Bureau itself concedes that its figures in the last two decennial censuses were only 97 percent accurate. So my figure is even tighter than the Census Bureau itself claims its own accuracy to have been in the recent past.

Third, with the mobility of today's population, census figures are really accurate only on the day they are taken. I do not mean to say they are worthless, but I do say that it is only right and proper to take into account the facts of life in this transient economy of today.

In refusing to consider any slight variations in districts, the courts are attributing greater validity to the census figures than does the Census Bureau itself.

The court's call for "absolute equality" actually is unattainable. Setting a 2½-percent variation allowance on redistricting is within the range of census data accuracy and will permit the States to have slight leeway which can avoid much disruption to normal geographic lines.

The Supreme Court's ruling last April invalidated New York State's reapportionment which had been approved by a Federal court last year. The order for the new reapportionment is going to cost the State a million dollars. Indeed, a million dollars wasted, because the redistricting is going to make the situation worse, not better.

Let me give you an example of what I mean by using the figures for the three districts that involve my home city of Buffalo, N.Y.

Back in 1961 the State legislature established new lines for the State's congressional districts. The three districts were set very close in size. The widest variation was just a little over a thousand in population.

My 41st District was redrawn to include a population of 435,858. The neighboring 40th District was allocated a population of 436,022. The 39th District was figured at 435,077.

I think this is pretty evenly dividing three districts which together serve the two counties of the Niagara frontier, Erie and Niagara.

These three districts were not changed in the 1968 redistricting by the State. But the new Court order would require a change for the 1970 election because all three districts exceed the 1960 mean average for the State.

Today, my district is estimated to comprise only about 375,000 persons—nearly 61,000 less than in 1960. This is because of a loss of population as a result of urban renewal and major superhighway projects which have cut through my district. In contrast, the 39th District is now estimated to contain 515,000 persons.

Yet, when the State follows the Supreme Court's edict and redraws the district lines for next year's election, it will be on the basis of a 1960 average of about 410,000 per district.

Inasmuch as there has been no statewide census since 1960, that means my district will be reduced by about 26,000—down to an actual total of about 349,000 persons as of today. The 39th District will be cut by about 25,000 from its 1960 figure to an estimate as of today of about 490,000. Our districts will be actually 140,000 difference in population. Similar distortions will occur elsewhere in the State.

So where is the practicality of a no-variation redistricting based on 1960 census data when it is simply going to compound the distortion rather than solve it?

The Congress cannot do anything about the ridiculous situation in New York State this year. But Congress can do something to lay down guidelines for future decades.

In December 1967, Congress did take a step in the right direction by barring statewide at-large congressional elections because of challenges of State apportionments. That action was necessary at the time to prevent chaos in States where lines were challenged and a deadlock developed on redistricting.

Can you imagine the chaos that would result if the 41 New York seats were filled by statewide election?

Congress cannot leave the vague legal basis that now exists in view of the one-man, one-vote edict. The Congress must exercise its responsibility and put guidelines into law so as to cut off harassment and nuisance challenges in courts after a State makes a good-faith and responsible reapportionment.

If a State fails to meet the guidelines set by Congress, it still would be subject to court challenge, as is proper and necessary.

Mr. Chairman, the thrust of my amendment is very simple.

It is intended simply to put into law

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guidelines that the States and the courts can use in future redistricting.

I hope sincerely that the Committee will adopt my amendment.

Mr. DIGGS. Mr. Chairman, the House Committee on the Judiciary on May 16, 1969, reported a proposal to amend the Constitution to provide for the direct popular election of the President. I will attempt to assess how the proposed amendment may affect or alter the electoral influence which urban minorities and the smaller, less populous States both in the South and in other regions of the Nation have on the outcome of presidential elections under the existing electoral college system. The discussion which follows approaches this question in terms of the historic discussion of the likely consequences of such a change in the current method of electing the President for the relative voting power of the larger and the smaller States of the Union.

Under the prevailing electoral system, which is governed by article II, section 1 of the Constitution, and by the 12th, 13th, and 23d amendments, the President and Vice President are chosen by electors elected by popular vote as the State legislatures direct. Each State has a number of electors equal to the whole number of Senators and Representatives to which it is entitled in Congress. Although it is not required by the Constitution, each State's electoral vote since 1892 has been cast under the unit, general ticket or winner-take-all system, whereby each State delivers its entire electoral vote to the candidates that receive the highest popular vote. The winning candidates must receive a majority of the electoral vote, and in the event of no majority, a "contingent" choice is made by the House of Representatives, with the representation from each State having one vote.

The proposed amendment, as reported by the House Judiciary Committee, abolishes the electoral college and provides in its place for the direct nationwide popular election of the President and Vice President. If no candidate receives at least 40 percent of the popular vote cast in a presidential election, a runoff election is to be held between the two candidates with the highest number of votes. Voters in a presidential election are to have the same qualifications as are required by each State for persons voting for members of the most numerous branch of the State legislature. The States may adopt "less restrictive residence qualifications" for the electorate, and "the Congress may establish uniform residence qualifications." [1]

It is particularly noteworthy for the purposes of this analysis that opposition to the direct popular election scheme historically has come from both the larger and smaller States. This opposition has been based upon the belief held by both groups of States that under this method of election each would lose advantages which they have under the electoral college system. This belief obviously involves some measure of speculation that is not subject to factual proof. There is, however, in addition, both evidence and logic in support of these arguments against a direct election plan which in the past have helped to defeat the proposal every time it has been considered by Congress.

The large-State small-State debate over the best manner of electing the President dates from the Constitutional Convention of 1787. American politics today quite obviously differ radically from anything contemplated by the framers of the Constitution. Yet the compromise at which they arrived on the manner of electing the President remains of relevant interest to current proposals to change the system they established. This system was, in the words of James Madison, "the result of compromise between the larger and the smaller States."

Despite early disagreement among the delegates of the Convention on the issue, they reached agreement that the President should be chosen by a vote of the people. But only a few of the framers favored a direct vote, and how the people should choose the President was of particular concern to the smaller States because they feared their influence in national elections would be nullified by the combined votes of a few populous northern States. This fear was aggravated by disparities among the States in their respective suffrage requirements which resulted in a larger number of qualified voters in the North. The intermediate elector plan retained the principle of popular choice, but was a major concession to the smaller States because first, it provided for a number of electors chosen by the people on the basis of each State's population—thus overcoming the disproportion of qualified voters in different States; second, it gave them a bonus of two extra electoral votes corresponding to the number of Senators allowed each State irrespective of its population; and third, it provided for the contingent election of the President by the House of Representatives where, because each State had one vote, the influence of the small States would be the same as that of the large.

These general observations have an immediate relevance for assessing the possible results of the direct popular election of the President for the relative voting power of particular States and groups of the national electorate today. This probably is more true for the voting influence which various minority and ethnic groups located in metropolitan areas of the larger States now have under the current electoral system than for any other part of the voting public. While this influence has been widely recognized for many years by informed observers and politicians alike, it recently has been given new and persuasive support by an analysis made by Mr. John F. Banzhaf III, a member of the New York and District of Columbia bars. Mr. Banzhaf's analysis measures by advanced mathematical techniques the chance that each voter has under the present electoral system—as well as under the three most commonly considered alternative systems—to affect the election outcome in his State, and in turn, the outcome of a national election.[2]

As it recently has been conveniently summarized by Prof. Alexander M. Bickel of Yale University, Banzhaf's analysis shows that:

> "States like New York and California have over two and one-half times as much chance to affect the election of the President as residents of some of the smaller states." Pennsylvania, Ohio, Michigan, Illinois, and even lesser industrial states, are also in advantageous positions. The reason is that while a voter in a large state has less chance of influencing the result in his state (because there are, of course, more people voting) he potentially influences a larger number of electoral votes; and so, despite the apparent dilution of his vote, he actually exercises much greater control over the outcome of the national election. This power he derives directly form the electoral college system.[3]

Professor Bickel also observes that the electoral college system requires that the parties and the presidential candidates "make the large industrial States the decisive battleground of national elections." These States, he concedes, would be of substantial importance in any case, but the fact remains that "the electoral college as it has evolved is so rigged that the big States count disproportionately." [4]

This advantage accruing to the large States under the electoral college system, then, is the basis of the voting power which minority groups enjoy under this system, and which is threatened by the direct election plan. Under the present electoral method, as frequently has been observed, minorities in the larger States may act as a crucial swing vote in those cases where only a few thousand or a few hundred votes separate the leading presidential candidates in States with large electoral votes that under the winner-take-all rule all go to the winning side. It is clear, for this reason, that in most presidential elections since the 1930's national candidates have tended to focus their campaign appeals on the larger States, thus giving organized minority groups special attention and a potential, if not always actual, influence they would not have under the direct election scheme. As was recently stated in an editorial of February 22, 1969, issue of the New Republic:

> Direct popular election of Presidents would diminish what is now the disproportionate influence of the large industrial states in Presidential politics, and thus diminish what often, even if not always, turns out to be the influence of cohesive minority groups in these states. . . . By virtue of the unit rule, relatively small blocs of votes in closely divided big states can make the decisive difference in an election.[5]

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[1] "Direct Popular Election of the President," U.S. Congress House of Representatives, Report of the Committee on the Judiciary, 91st Congress, 1st session, May 16, 1969, pp. 1–2.

[2] John F. Banzhaf III, "Reflections on the Electoral College, One Man, 3.312 Votes: A Mathematical Analysis of the Electoral College," *Villanova Law Review* (Winter 1968), reprinted in U.S. Congress, House of Representatives, Hearings before the Committee on the Judiciary Relating to Electoral College Reform, 91st Cong., 1st sess., February and March 1969, pp. 307–352.

[3] Alexander M. Bickel, "Is Electoral Reform the Answer," *Commentary*, (December 1968), p. 42.

[4] *Ibid.*, pp. 42–43.

[5] "Electing Presidents," *The New Republic* (February 22, 1969), pp. 9–10.

Much of the data and reasoning which supports the view that direct election of the President would deprive minority groups and the more populous States of voting advantages which they have under the electoral college system also often is said to support the view that this system works to the detriment of the smaller, less populous, rural States, whether of the South or of other regions of the country. Mr. Banzhaf, for example, states that under the existing system:

> Citizens of the small and medium-sized states are severely deprived of voting power in comparison with the residents of the few very populous states who have far more voting power than the others. The present electoral college system, in conjunction with state imposed unit-vote (winner-take-all) laws, in effect in all the states, greatly favors the citizens of the most populous states and deprives citizens of the less populous state of an equal chance to affect the election of the President.[6]

These inequities, Banzhaf further states, would be eliminated by a direct vote system since under this system, where—

No distinction whatever is made between votes cast by residents of different States or congressional districts, it is obvious that all voters would have an equal chance to affect the outcome of the election and, therefore, would have equal voting power.[7]

The fact is, however, that representatives of the smaller, more thinly populated States have continued to resist the direct election alternative. This doubtless has been true in part because of the attractiveness to them of other plans of electoral reform, particularly the proportional and district plans. Under both of these schemes, as most observers have agreed, voters in the smaller States would gain disproportionate voting influence at the expense of the larger States.[8] Yet there are other reasons for the opposition of the smaller States to direct election of the President, nearly all of which can be traced to the apprehension that direct elections would destroy the identity and voting power of the States as self-contained units of the American federal system. Even if it is conceded, as Banzhaf and others have argued, that the existing electoral system reduces the voting influence of the individual citizens in the smaller States, this does not take into account the influence which under the electoral college system the States may at least potentially exert as States with and on behalf of their own "communities of interest." [9]

First of all, the direct election plan would eliminate the two electoral votes which each State receives for its two senatorial seats without regard to the size of their populations. This gives the small States an immediate and obvious bonus in presidential elections which they naturally are reticent to surrender. In addition to these votes, of course, the remaining number of electoral votes assigned to each State corresponding to the number of its Representatives in the House involves an apportionment based upon population rather than upon voting numbers. This not only gives an advantage to States whose voting turnouts tend to be relatively low, as often has been especially true of States in the South. It also means that the identities and interests of the several States as distinct communities in the federal system are preserved and brought to bear upon the political strategies of the parties and national candidates and upon the outcome of presidential elections. This consideration is reinforced by the equally obvious and special advantage which the smaller States derive, at least potentially, from their votes in contingent elections decided by the House of Representatives.

When the Federal rule on theory of representation in the electoral college is taken into account, moreover, the direct election system may quite simply and conclusively be shown to reduce the voting influence of the smaller States relative to that of the larger as it is presently exercised under the electoral college and general ticket systems. If it is true, as it is, that the existing electoral system gives the larger States, voting as units, greater relative weight in election outcomes, the direct election plan, because it eliminates the intermediate electors, would both increase the voting power of the larger States and reduce that of the smaller States to a significant degree. This shift of voting power among the States participating as units of the federal system which would result from a change to direct popular elections has been demonstrated by a mathematical computation published in the May 12, 1969 issue of U.S. News & World Report.[10] This analysis shows that under the proposed change to direct elections, 15 larger States would gain and 34 medium-sized and smaller States plus the District of Columbia would lose in relative voting power based upon the results of the 1968 election. This analysis also shows that while under a system of direct elections, States of the Northeast and Midwest regions would gain in relative voting power, those of the Far West, South and Border regions would lose influence which they now have by virtue of the votes they cast under the unit rule in the electoral college.

These changes which a direct election system would effect in the relative electoral influence of various States and regions have been written off as "illusory" by some observers because the unit or general ticket rule distorts election results by failing to count voters in the minority of the States popular votes for presidential electors.[11] But this rebuttal on behalf of the direct election plan again fails to take into account the Federal principle whereby under the present system a State's presidential vote is cast by electors who, because they represent a State's population, also represent a community of interest shared by voters and nonvoters alike. In support of this principle and in opposition to the direct election proposal Senator SAM J. ERVIN, of North Carolina, recently has stated:

> Adherents of direct popular election would substitute the concept of having the President and Vice President represent those who happen to vote on the particular election day, for the principle established by the framers of having them represent population and States regardless of how large or how small the actual vote might be on that election day. In erasing the concept of electoral votes representing population—including nonvoters—within States, direct election would replace it with a theory of representation based solely upon a percentage of voters who happen to vote at a particular election.[12]

Mr. SMITH of Iowa. Mr. Chairman, much has been said during the extended debate on this bill about the adverse reaction to be expected if a nominee for President is elected who receives less popular votes than his opponent. I agree that avoidance of that occurrence or insurance against that contingency alone is enough reason to pass a constitutional amendment; however, I think there are other reasons almost equally compelling.

I believe strong and accepted leadership is so important in our more complicated society that it would be most difficult for a President to provide that leadership if he had received less than 40 percent of the total vote, I believe avoiding that possibility alone is enough reason to amend the Constitution and could save this country suffering through 4 years where the majority do not approve of the leadership and never did.

I personally believe the bill which it is now evident will emerge may not be as satisfactory as a proportional plan of casting popular votes from each State because that would help avoid the possibility of a national recount and give more flexibility to States to set requirements for eligibility without penalizing States which diligently prevent "graveyard" votes; however, this bill is certainly superior to the present provisions of the Constitution and I hope the Senate will improve it.

Although I think changes of the Constitution should be few and far between and only made when it is obvious the need will be long lasting, I believe this is one of those cases and urge adoption of the resolution.

Mr. CHAMBERLAIN. Mr. Chairman, as one who for some 8 years has sponsored legislation to bring about electoral college reform, I commend the Committee on the Judiciary and the House leadership for the action that has finally brought this subject to the House floor for consideration.

I am satisfied that the election of 1968 convinced the great majority of Americans that remedial action to secure the future from the prospect of a constitutional crisis should not be postponed any longer.

The road of constitutional reform includes many rigorous tests, and rightly so. With the right vehicle, however, the

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[6] Banzhaf, *op. cit.*, p. 319.

[7] *Ibid.*, p. 320.

[8] *Ibid.*, pp. 324–327. See also Edwin D. Eshelman and Robert S. Walker, "Congress and Electoral Reform," *The Christian Century* (Feb. 5, 1969), pp. 178–181.

[9] See Lucius Wilmerding, Jr., *The Electoral College* (Boston: Beacon Press, 1958), pp. 107–108.

[10] P. 58.

[11] Neal R. Peirce, *The People's President* (New York Simon and Schuster, 1968), pp. 262–263.

[12] CONGRESSIONAL RECORD, Jan. 15, 1969, p. 862.

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route may be accomplished with relative dispatch, perhaps even within 1 year. Regardless, it is time we got moving.

It was the crowning genius of our Founding Fathers to have authored a Constitution capable of orderly growth and the ability to adapt to new challenges and conditions. It achieved what the Articles of Confederation could not, the forging of a nation out of the conflicts and jealousies of individual ex-colonies. It is hardly surprising that the method adopted to overcome these conditions and make the election of an effective National President possible should itself become out of joint with the Nation that it helped to form.

During the greatest part of our history we have, as we all know, not elected our Presidents strictly in the manner the Founding Fathers had formulated.

At the Constitutional Convention in 1787 some argued that the Chief Executive should be elected directly by the people while others believed that the choice should be made by Congress or even the Governors of the States. It was finally resolved that a special body of electors, holding no public office and independent of the three branches of our Government as well as the State governments, should make the selection. These electors, equal to the number of U.S. Senators and Representatives of each State would be chosen it was presumed, from among the most knowledgeable and respected citizens of each State. Meeting at the State capital on a designated day they would nominate, debate, and cast their ballots. The votes of the electors of all the States would then be sent to Washington and counted by the President of the Senate before a joint session of Congress. If no person received a majority of votes the House of Representatives would then meet immediately to make the choice.

As originally conceived, then, the electoral college embraced both the functions of nominating and electing the President. With the unforeseen development of our strong political party system, however, and the introduction of partisan slates for choosing the electors, the election of the electors became tantamount to electing the President. Consequently, without benefit of a constitutional amendment the political parties simply assumed the determining role in the selection of nominees for the highest office of the land.

The concern many are expressing today is directed both at the way our Presidents are nominated as well as the way they are elected. In the first instance some feel that political conventions should be replaced by a national primary election. In the second instance many seek to abolish or reform the electoral college because, for example, under the present system it is possible for a candidate without the most popular votes to be elected President if he wins sufficient electoral votes. Three men have, in fact, become such so-called minority Presidents: In 1824 Andrew Jackson received more popular votes—43 percent—than John Quincy Adams—30 percent—but with no candidate receiving a majority of electoral votes, the choice went to the House of Representatives which ultimately selected Adams; in 1876 Rutherford B. Hayes—48 percent—edged out Samuel J. Tilden—50.9 percent—by one electoral vote after a special Electoral Commission examined the contested returns of four States; and in 1888 Benjamin Harrison—47.8 percent—was elected over Grover Cleveland—48.6 percent. Some 11 other Presidents have been elected who, though receiving more popular votes than their opponents, failed to attract more than 50 percent of the total vote. This has occurred in two of our last three elections. In 1960, John F. Kennedy received 49.48 percent and Richard M. Nixon 49.32 percent of the popular vote, although the electoral votes were 303 and 219, respectively. In the 1968 election, Richard M. Nixon received 43.40 percent, Hubert H. Humphrey 42.72 percent, and George C. Wallace 13.53 percent of the popular vote, with the electoral vote distribution being 302, 191, and 45, respectively.

It might also be recalled that Lincoln in 1860, faced by three other opponents, won a majority of the electoral votes while receiving only 39.79 percent of the popular vote.

Others question the fairness of the winner-take-all rule whereby a candidate who wins 51 percent of the popular vote wins 100 percent of that State's electoral votes while the candidate receiving 49 percent of the votes receives no electoral votes. It is also urged that electors should be pledged to the party candidate and not be permitted to disregard the mandate of their election by voting for some other candidate.

There have been a number of basic plans proposed to change the present system. One plan retains the electoral votes of the States, abolishes the office of elector, and automatically awards the electoral votes of a State to the popular winner in that State. A second, the district plan continues both the office of elector and a State's electoral votes but provides that the electoral votes are to be spread among equi-populous districts—equal in number to the number of Representatives in the House—plus two at-large districts. The winner of each district automatically would receive its electoral vote. A third plan abolishes the office of elector but retains the State's electoral votes which are divided among the candidates in proportion to their shares of the popular vote within the State. And a fourth plan proposes that the President be elected by the direct vote of the people. Under this plan, the present electoral college system would be abolished.

In a message to the Congress on February 24, 1969, President Nixon made known his views with respect to electoral college reform. He stated that although he personally preferred the direct election of the President by popular vote, he doubted whether this method would be ratified by a sufficient number of State legislatures. Consequently, he recommended to the Congress the elimination of the office of the elector in order to avoid the problem of the "faithless elector"; the distribution of each State's electoral vote proportionately among the candidates according to their popular vote; and the provisions that if no candidate receives 40 percent of the electoral vote a runoff election, rather than Congress, would decide the winner.

While there has been some new evidence suggesting that the direct method may be gaining ground in some State capitals, I, too, share the President's concern in this regard because I believe it is so important that successful action be taken now to remove the principal defects in our electoral system.

I strongly support the elimination of the problem of the "faithless elector" as well as the present procedure whereby, on the basis of one-State, one-vote, the House elects the President when no candidate wins an electoral vote majority in the general election.

To contend today that individual electors are chosen to exercise their independent judgment, when their very existence is unknown to many voters and their name does not even appear on the ballot in many States, is to try to resurrect a system long dead and without public support.

To maintain that the Congress should vote by State delegations is to disenfranchise the voters of those States whose delegations are politically, evenly divided and to distort the value of all other votes. Then, there is the further spectre of the House electing one party's candidate as President and the Senate a different party's candidate as Vice President.

Consequently, I would support any of the current proposals so long as they remedied these particular defects. In addition, while I recognize that the winner-take-all feature of the present system has probably helped to promote our two party system, it is because I am such a firm believer in it that I am satisfied that this essential feature of our political institutions is now such an ingrown part of our national character that the votes of all citizens should now be counted in the final tally and not just those of the winning candidate of each State. Our political institutions have grown up around and in some ways in spite of the present system. They are strong enough, I am satisfied, to continue to grow and prosper now under a different, more viable procedure.

The bill reported by the Committee on the Judiciary provides for the direct election of the President and a runoff election in the event no candidate receives 40 percent of the popular vote. As I said in my statement during the Committee hearings, I could support such a proposal even though I recognize that the other plans have their merits as well. We must sweep away the confusion and uncertainty that invites political mischief and perhaps disaster through the continuance of archaic mechanisms which promise only to frustrate rather than to serve the public interest.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of House Joint Resolution 681 to reform the present system of electing the President and Vice President of the United States.

When the electoral system was devised 182 years ago, the drafters of the Constitution had little confidence that the people were capable of actually choosing a President. They devised a system whereby the people would indicate their preference to a college of electors who would be free to make a choice as they saw fit. The rise of the political parties as a permanent institution, however, transformed the electoral college into an impotent imprimatur of the popular vote.

Under the party system, electors were no longer free to make their own choice and, in some States, became bound by State law to follow the popular vote. Thus, today we are encumbered by a system which satisfies neither the plan of those who drafted it nor the requirements of a popular democracy.

Under normal circumstances, the college merely remains a friendly curio from the past, an old, once comfortable but now broken old chair, which we have been loathe to be rid of. But, like such a chair, the electoral college system is perilous under pressure.

We are well aware that it is possible for a popular vote winner to be the electoral voter loser, thus denying to the people their rightful choice of candidates. The only electoral process which would guarantee that the choice of the people would rightfully claim the Presidency is the direct election plan.

I respectfully submit that the two alternative plans, namely, the so-called district plan and the proportional plan, would still permit a popular vote loser to become an electoral vote winner. I am unable to support either alternative. Like the present system, even in the best of circumstances they are unfair. In the worst of circumstances they are dangerous. When the popular vote is so close as to result in a disparity between the popular and electoral vote, it can only mean that large segments of the populace are disaffected and opinion has become hardened and highly polarized. We have seen in American history, notably in the last few years, that disaffected and alienated citizens will take to the streets, take over public buildings, strike, and riot when they become convinced that the system which governs them also consistently ignores them—193 years ago we fought against another government for the same reasons. It is not my desire to give cause for another such revolt against an American Government.

A major argument against the direct election plan seems to be that the small States are against it, thus dooming any proposal which requires ratification of three-quarters of all the States. I do not agree. Polls taken as late as 1968 indicate the preference of a majority of State legislators, including those in small States, for the direct election plan. These legislators, and a substantial majority of the people throughout the country understand that their common interests are not regional; that geography does not confine problems to a single area of the country; that problems of people in the South are shared by those in the North and West; that the people of the Midwest express many of the same demands as those living in the East. In a Federal election, it is these common problems which find expression in the vote for a President.

I strongly believe that the American people are capable of choosing their President. I shall vote for the direct election plan as proposed in House Joint Resolution 681.

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of House Joint Resolution 681 as it has been reported by the Judiciary Committee.

There are few issues which have been debated during my seven years here which could have more far-reaching consequences for the Nation. Certainly, the method of electing our Presidents and Vice Presidents has needed discussion and reconsideration for many years. There is no doubt that the Electoral College, as an institution, no longer reflects the requirements of our times. In fact, its existence has involved a continuing and calculated risk which the American people have viewed with considerable patience. That patience, I believe, would soon vanish if a crisis of leadership should occur in the choice for President of the American people were frustrated because of the creaking and outmoded electoral system we have been reluctant to change.

I have great respect for my colleagues here as well as for other spokesmen who advocate variations of the present Electoral College system. However, as our colleague from Ohio (Mr. McCulloch) has so eloquently pointed out, all of the indirect election plans have one great flaw. That is that they could well allow the election of a presidential candidate who is not, in fact, the choice of the American people.

We have long since embraced in this Nation the concept of majority rule. In fact, in no other election for public office would an election contest be awarded to a candidate who loses in the tally of popular votes. If we will not tolerate this possibility in the deciding of lesser offices, it should surely not be tolerable in the filling of the country's highest office.

The inadequacies and dangers of the present system have been known for many years. It is time that action be initiated for the kind of formal and national debate which this resolution will, in effect, start. Although our decision here today will only be the opening act in this great dialogue, it is of historic importance that we discuss whether we should make certain that the will of the people is carried out as they choose in future years who is to lead them.

Mr. MIZELL. Mr. Chairman, for the past few days, we, as a body, have been considering legislation of the utmost importance. Electoral reform would require an amendment to the United States Constitution, and that in itself makes it a vital issue that deserves the most serious consideration by all Members of Congress.

Electoral reform is an issue which affects each and every voting American and should be looked upon with nonpartisan objectivity. We must concern ourselves with only what is right and fair for the people.

I want to say that I feel very strongly that a change is necessary in the method we use to elect our President and Vice President. I feel that our electoral college system is wrong for a number of reasons. It is a "winner-take-all" policy which allows a candidate to take 49 percent of the vote in a State, but none of that State's electoral votes. This is, in my opinion, not expressing the true feeling of the people. The present system also allows the election of a President even though he fails to get a plurality of the votes. It allows the election to go to the House of Representatives where strong bargaining sessions take place, and the will of the people might not be expressed. The present law allows the elector to vote against the will of the people if he so desires; and we must not have a system which would allow such activity.

During the past few days, I have listened intently to my colleagues as a number of reform proposals were presented. After serious thought and consideration, I have concluded that only one of the proposals offered would eliminate all of the bad points I have mentioned which exist in the present electoral college system of electing our President. It is the popular, or direct vote system which eliminates the "unfaithful elector," the "winner-take-all" policy, the election without plurality, and the electoral bargaining in the House of Representatives. The popular vote system of electing our President would, in my opinion, give the American people their true voice in the election of their highest officials. I hope that my colleagues in the Congress see the virtue of the popular vote proposal and approve it accordingly. I call on all of the gentlemen of the House to join me in casting a vote for the people of this great Nation. Our government is a government of the people, by the people and for the people, and a vote for this amendment would truly be a vote for the people.

Mr. WRIGHT. Mr. Chairman, the American people desire this reform. It is long overdue. In replies to a questionnaire mailed just last month to all of the voters in my district, approximately 4 out of every 5 responding express approval for the change embodied in this proposed constitutional amendment.

The electoral college has long since outlived any useful purpose. It is a relic of a bygone day. It has no more relevance to the modern age than powdered wigs and snuffboxes and goose quill pens.

At best, it is a quaint, clumsy appendage awkwardly interposed between the people and their chosen leaders. At its worst, it can be a positive menace to the free elective process.

When the electoral college was ordained, its creators no doubt had a rational purpose in mind. Perhaps that purpose was valid 180 years ago. Communications were poor, sometimes nonexistent. Transportation was tortuous. The average citizen could never know much, if anything, about a presidential candidate.

The electoral system sprang from the belief that the typical voter simply would not have the information available upon which to base an intelligent choice, that he would need someone else to exercise that judgment for him. Each community, therefore, would choose an elector, someone in whose good sense the rest had confidence. The electors would come to-

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gether, talk it over, learn what they could, and finally select a Chief Executive for the Nation.

That philosophy may have made sense once. Today it has not even a semblance of reality. The average citizen knows the most intimate things about presidential candidates—almost embarrassingly intimate things. He knows of their families, the names of their pets, their personal mannerisms, their favorite foods, what they wear, where they go to church, even their personal health problems. He has an opinion not only upon their public philosophy but on the way they choose to express it—their accents, their choice of words, their facial expressions—their style if you please.

But what, pray tell, does he know about the elector? Nothing. Easily 90 percent of the voters could not even identify their "Elector" by name. And why should they? They feel they are choosing a President—not some intermediary to do their picking for them.

The point, however, is not merely that this creaky electoral machinery is out of date, unnecessary and ridiculous. The point is that it can be positively dangerous. It has bred abuses which in a free and enlightened society should not be tolerated.

Perhaps the most common of those abuses is that it contrives to make voters unequal. It is the very antithesis of one man, one vote. By lumping all of a State's electoral votes into the column of that candidate who ekes out the barest margin of victory in that State, it gives undue emphasis to some States and to some voters at the expense of others. In the electoral college, the minority in each State—however near it may be to a majority—is wholly disenfranchised.

This naturally results in each party's giving special attention to those machine-type organizations in the close States which, by just a little extra effort, can turn the tide from a narrow loss to a narrow win. And each party simply crosses off some States as not worth the effort. The whole thing amounts to a negation of the basic equality of voters.

Even worse, we know that in several instances the system has inaugurated a President preferred by less than a majority of voters—and in one case by less than a plurality. Who can say this will not happen again? It is at least theoretically possible—given a certain mixture of circumstances—for a candidate to be elected with fewer than 40 percent of the popular votes even though his opponent might receive more than 60 percent.

Or, in a close election with active third-party participation, the present system could throw the election into the House of Representatives. There is the additional possibility that this in turn could result in stalemate.

Or, as we have recently had occasion to ponder, the failure of either major candidate to receive a majority of the electoral votes could place in the hands of some cynical third-party candidate, if he could control his electors, the leverage of a power broker to make private deals for the electoral votes needed to tip the scale.

This possibility becomes frighteningly apparent in the arrogance recently displayed by the faithless elector from North Carolina, one Dr. Bailey, who crassly betrayed his trust and cavalierly substituted his own judgment for that of the people. The Congress, in its debate over this issue last January, determined that under the present electoral system the people are powerless to do anything about such a betrayal. The people have no remedy and no recourse.

This particular elector, testifying before the Senate committee a few days ago, declared his conviction that the electors should be absolutely free to disregard the will of the people and substitute their own will whenever it pleases them. "Then," he boasted, "we'll have elections by informed people." In other words, the public is too stupid to be trusted.

Well, I do not believe that. I do not think the American people believe that, or that history would so indict us. But—let us face it—that is the original rationale of the electoral college system.

For the past 14 years, I have been introducing proposed constitutional amendments in the hope of getting some action started in the direction of reform. Now, at long last, it appears to be on the way. It is high time that we abolish the antiquated electoral college and replace it with a simple, workable, 20th century system of direct election of the President and Vice President, by the people themselves. This is the opportunity which confronts us today.

And why not? What is there to fear? The new plan has been formally endorsed by the American Bar Association. According to nationwide polls, it is desired by fully 80 percent of the public. Certainly it would be better than the present system with its undemocratic inequities and its open invitations to abuse. If we trust the majority, then there is nothing to fear from direct elections. What most people cannot understand is why we have waited so long.

Mr. VANIK. Mr. Chairman, I rise in support of the constitutional amendment reported by the House Judiciary Committee and being considered today. In the long sweep of American history, this legislation will probably be the most important measure that this Congress considers. I am proud to be one of the early cosponsors of the original resolution introduced by the distinguished gentleman from New York (Mr. CELLER). It is a measure that is a hundred and seventy years overdue.

The past winter has seen one of the most orderly transfers of power and responsibility of Government in our Nation's history.

During the last several months, I think that we have seen the most orderly and effective transfer of responsibility of Government in our Nation's history. The events of recent weeks reflect great credit on both former President Johnson and on President Nixon. Our Nation has stood forth to the world as the ideal working model of peaceful democratic government.

Yet, I am sure that we are all aware of what might have happened under the existing provisions of the Constitution.

The election of a President could have been thrown into the House of Representatives. There, five of our colleagues representing 1.7 million people in the least populous States would have had an equal vote with 154 Members representing 64 million persons—35 percent of the Nation.

It is hard to conceive of a more undemocratic process of electing a national leader.

In addition, the 2 months of uncertainty between the popular election and the election in the House could have been disastrous to the process of transition, to the economy, and to our international relations.

Last fall's election, under our present electoral college system, could have been determined by a largely sectional, third-party candidate. In addition, the man who received the most electoral votes might not have received the highest number of popular votes. This happened in 1876 and 1888. In 20 elections, because of the electoral college system, a shift of 1 percent in the popular election could have changed the electoral and final outcome. The difficulties which such a minority President would have in governing would be most dangerous to the Nation.

The idea of one man, one vote is accepted. It is just.

Yet, this democratic concept finds no place in the electoral college. In fact, the electoral college is unique in seeming to make nearly every man's vote unequal.

In my State of Ohio, 10 million citizens control 26 presidential electors. But if you add up the 16 least populous States you find that they have a total of 10 million persons—but 58 electoral votes—over twice the representation of Ohio's 10 million people. This is caused, of course, by the fact that each State gets two Senators—and thus two extra electoral votes—regardless of how small its population is.

I also took a look at six medium-size States which have the lowest percentage of their eligible citizens voting. Now in Ohio in 1964, two-thirds of the people voted—this was nearly 4 million voters who decided the fate of the State's 26 electors. But in the six States with low turnout, 4 million voters determined the vote of twice as many electors; 52 exactly.

Further, as the 1968 meeting of the electoral college again revealed, electors can vote any way they want to. On their personal whim or purposeful defection, these single individuals can ignore—and destroy—the will and studied choice of hundreds of thousands of voters.

The proposal before us will not only provide for the justice of one man, one vote, but it will:

First. Help revive tow-party politics in present one-party areas;

Second. Remove the complications that could arise between the day of the popular election and the day the President is legally elected;

Third. Prevent third parties from using electoral college votes as levers on the major parties; and

Fourth. Encourage each State to liberalize its voting laws, so that the maximum number of people vote.

I would like to point out, however, that if the proposal is approved without voting procedure changes, the Nation could be subject to long delay in knowing the outcome of an election. In addition, in a close election, the outcome could be decided by fraudulent votes.

The spectacle of the electoral votes of a State being decided by different regions and counties of the State holding back and inflating its returns is bad enough. To have the President of the United States being determined by such a method on a national scale would be totally unconscionable. The legitimacy of such a President's right to govern would always be in question.

The chance for fraud in close elections, such as the 1960 and 1968 elections, is very great. Each of our 50 States has different regulations and methods for voting and counting ballots. Elections and counting procedures within the States vary. In America's 3,000 counties there are approximately 175,000 polling places. Of these polling places, 100,000 still use paper ballots. Only eight States require the use of machines statewide. Thirteen others have installed machines at a majority of their polling places. The other 29 have machines only at some locations. Obviously, when it comes to counting votes, we are still in the horse and buggy days. Too many ballots are capable of being miscounted or altered.

It is my hope that the Judiciary Committee will also report legislation to guarantee honest elections by providing:

First. A requirement that all States move to the installation of fraud-proof voting devices by the 1976 election.

Second. That a grant in aids program be established to assist the States in obtaining these devices—currently, voting machines cost about $1,600 to $2,000.

Third. Research for the establishment of centers for rapid or instantaneous computer tabulation of election returns.

Fourth. And research into ways to prevent "graveyard voting" through the use of a voter registration card or other method.

Fifth. To establish a revolving, nonpartisan commission of distinguished Americans into either a national committee or State committees to which all major questions of contested votes would be referred and decided on election day.

I view the approval of today's constitutional amendment as the first step in what must be a series of important election laws insuring, once and for all, an honest democracy in America.

Mr. CONYERS. Mr. Chairman, in the 1968 presidential election, the American Nation received a serious warning. We have experienced close elections before: John Kennedy's 1960 electoral vote margin over Richard Nixon—303 to 219—was smaller than Richard Nixon's 1968 margin over Hubert Humphrey—301 to 191. What made the 1968 election more serious, however, was the continuing possibility that neither Nixon nor Humphrey would have a majority of the electoral votes, throwing the election into the House of Representatives.

Under these circumstances, the Constitution requires that the elected Representatives from each State vote as a unit and by majority vote cast just one vote for one of the three candidates with the highest electoral votes. The candidate with the votes of a majority of the States—26—becomes President. While the people have elected 435 Representatives, it would theoretically take only 59 of them to elect the President since 59 represents the number it takes to make a majority of the Representatives elected by the 26 least populous States.

In 1968, the Nation faced another possibility, however, the frightening possibility that the President could have been elected by just one man—George Wallace. That one man controlled enough electoral votes to name either Nixon or Humphrey President had neither of the two received an apparent majority of the electoral votes. There was no necessity for an election by the House of Representatives: Wallace made it known that he would bargain before committing his electoral votes.

This possibility posed a different crisis than the Nation has faced on earlier occasions when the election was decided by the House of Representatives. The Nation has survived those crises, and possibly would have survived the last. Yet, each of these has left a mark upon the Nation because of the compromises they have produced—compromises which often seriously affected America's minorities, compromises the Nation could often ill-afford.

For example, consider the effects the compromises stemming from the Hayes-Tilden election, compromises agreed to so that Hayes could be elected by one electoral vote over Tilden, who had polled some 3 percent more of the popular vote. Because of those compromises, the civil rights bills of 1866, 1870, 1871, and 1875 were virtually negated when the Federal Government—Congress and the Supreme Court—stopped enforcing the Civil War amendments, causing a sharp decline in the number of black representatives in Congress and the amount of black participation in State and local government in the South, and pushing the Nation into the era of Jim Crow. Because of this, America was forced to wait until 1954 to discover that the 14th amendment prohibited racial segregation in the public schools.

Today, the American people are no longer willing to stand by silently and elect a man President who has polled fewer votes than his opponent. This has happened three times before in the history of our Nation. The time has come to eradicate the possibility of its ever happening again.

I do not think that we should ever again subject the American people to the possibility that between election day in November and the meeting of the electoral college in December, they might be forced to wait while two candidates bargain with a third for the Presidency.

I do not think that we should continue to subject our citizens to a system under which we face the possibility of a deadlock, prolonged vacancy, the possibility of a bargained election where votes are traded for future policy commitments, and the possibility of bargaining with individual electors.

I do not think that we should continue to subject any of our people to a system under which their votes for one candidate can be cast for another candidate whose ideas and principles they cannot accept.

And I do not think we should ever again place candidates in the position that might have developed in 1968—when the temptations to mortgage their souls for the office might have been quite strong.

Providing for the direct election of our President is not the only way to avoid many of the problems I have outlined above. But if democracy is to change effectively, if we are to continue to make progress toward the goal of full and equal rights and privileges to all Americans, if we are to insure that no President is ever again elected without a mandate from the majority of the people, if we are to guarantee that the Presidency be truly representative of the democratic process, and that citizen participation in the governing of this Nation be a reality and not a source of frustration, then it is time to provide for the direct popular election of our Nation's highest office.

To advocate a direct popular election of the President, as outlined in House Joint Resolution 681, was not an especially easy decision for me to make. As a black Representative from a populous State with a significant block of black voters, I have considered the arguments that a direct election would deprive my constituents, especially my black constituents, of an advantage they now possess under the electoral system.

Many remind me of the "small-State advantage." They point out that a State like Alaska, with one-tenth of 1 percent of the Nation's population, controls six-tenths of 1 percent of the Nation's electoral vote. They are more impressed, however, by the fact that the vote of one black man in Michigan can swing 21 electoral votes, while one man in Alaska can swing only three electoral votes. They feel that a direct popular election will be especially harmful to the black citizen, since he will lose his power to swing an election.

But there are other facets to this problem, and I am more impressed by their significance.

I am more impressed by the fact that in the 1968 election, the eight electoral votes that Humphrey won by polling 616,000 votes in Connecticut were offset by the eight electoral votes Nixon won by polling only 261,000 votes in South Carolina.

I am more impressed by the fact that over 7 million people voted in California for 40 electoral votes while just 2½ million voters massed 42 electoral votes in the combined totals for Alaska, Delaware, the District of Columbia, Hawaii, Idaho, Montana, Nevada, New Hampshire, North Dakota, South Dakota, Vermont, and Wyoming.

I am more impressed by the fact that if, in 1968, the same man had won each of the least populous States with the same number of votes cast for the winners of those States, he could have received 271 electoral votes for just under 14½ million popular votes. In the same election, it required some 20½ million votes to win 271 electoral votes in the most populous States.

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This means to me that the small-State advantage outweighs the swing-vote factor. And if any black American is concerned about losing the swing vote, I point to the fact that under the current system, the most one black vote can swing is the 43 electoral votes of New York. In a direct popular election, however, one black vote can determine the Presidency.

The principal flaw in the electoral college, whether you use the winner take all system or divide each State's electoral vote under the district or proportional plan, is that the votes of some people count more than others. And it is impossible for me to believe that there can be any advantage to the Nation's black population in a system which departs so far from the one-man, one-vote rule.

If the one-man, one vote rule is a sound one, and we know it is, it must be extended to our presidential elections, just as it has been extended to the election of the House by adopting effective and constitutional standards for congressional districting.

The advantages of this system to America's minority citizens have been proven. Since the one-man, one-vote decision, for example, the number of black elected officials in this country has increased from approximately 200 in 1962 to approximately 2,000 today. Since that decision, the number of black Members of the House of Representatives has nearly doubled. Because of it, the First Congressional District of Michigan was created in 1964, which I gained the honor to represent. And in 1968, the 12th District of New York was created, represented by the Honorable SHIRLEY CHISHOLM. And the First District of Missouri, represented by the Honorable WILLIAM CLAY. And the 21st District of Ohio, represented by the Honorable LEWIS STOKES.

The one-man, one-vote rule has effectively enfranchised black Americans and other minority-group members in voting for Congress. In a similar way, the direct election of the President will effectively enfranchise black Americans and others where they now may vote, but where their vote does not really count.

The direct election of our President will insure that a black person's vote will count in those States where it is currently ineffectual, will mean that the people will vote for the President as a citizen of the United States rather than a citizen of a State, and will allow the vote of each person—black or white—to carry equal weight. It will mean that the black vote in the South—nearly one-half of the Nation's black population resides in 11 Southern States, while only 57.2 percent of the potential black vote is registered in those States—will be empowered, that because of this, more blacks will begin to exercise their voting rights in the South, making the southern black vote a force in all elections, and ultimately negating the current southern strategy, causing greater competition for that vote. Rather than being a disadvantage, this is a distinct advantage, and an opportunity of special significance to our Nation's black voters.

I have certain misgivings about House Joint Resolution 681. I have misgivings, for example, about establishing a system for direct popular election while the Federal Government has no control over the qualifications governing each voter. House Joint Resolution 681 provides that the electors of the President shall have the qualifications required for electors of the most numerous branch of the State legislatures. Save for the restrictions embodied in the 14th, 15th, 17th, 19th and 24th amendments, the States are completely free to establish these qualifications.

If it is to represent the democratic process of government, if it is to work to the full advantage of all Americans regardless of race, color, or creed, the direct popular election must be accompanied by uniform standards.

Is it fair, for example, that the people of New York and California have to pass a literacy test before they can vote, while the people of Michigan do not?

Is it fair that at the present time, two States permit voting at the age of 18, one at 19, and one at 20, while all the rest deny that right to citizens under 21? Under the current system, with each State competing for a fixed number of electoral votes, a State's influence on the presidential election is unaffected by the number of people who come to the polls. The fact that a State permits its 18-year-olds to vote does not enlarge the State's voice in the election of a President. But in a direct popular election, with each individual vote counted into the national total, the State permitting its 18-year-olds to vote exercises a larger voice than does a State which excludes this portion of its citizens.

I do not anticipate that House Joint Resolution 681 will precipitate any great rush by the States to lower their voting age, residency, and other voting requirements and restrictions. I do suspect, however, that it will encourage them to in a careful and considered manner to adopt more realistic and less restrictive qualifications on the right to vote. However, I feel that since the Presidency is the one elected office that all Americans vote for, there should be laws establishing uniform voter qualifications. To this end, I offered an amendment this afternoon which would have given to Congress the reserve power to establish such uniform voting standards. I regret that the amendment was not adopted and hope that the other body might decide to include it.

Let me state that a change from the existing system to a direct popular election will operate somewhat as a disadvantage to the black people of America. But we must remember that there is a strong community of interest among America's black citizens, North and South, in all groups of society, a determination to better the conditions of and opportunities for every black American. If this proposed change presents a slight disadvantage to the black voters of the North, let us remember that such a disadvantage will be offset by the increased numbers of blacks voting in the South, giving power to a heretofore powerless segment of our society, and working toward bettering the condition of all black Americans.

Only with the adoption of the direct popular election can our minority resident of America look forward to the day when he is just as free as is his white counterpart to vote for the candidate of his choice, and without race emerging as a primary consideration.

I strongly urge passage of House Joint Resolution 681. I point out that the 14th, 15th, 17th, 19th, 23d and 24th amendments to our Constitution were aimed in the same direction as is this current resolution—to broaden and equalize the right to vote. House Joint Resolution 681 will operate to the advantage of our Nation's white and black citizens, because it will eliminate the chance that the popular vote winner will not become President, the inequalities resulting from the allocation of electoral votes and the winner-take-all principle, the possibility of an election being thrown into the House, and the office of the presidential elector.

I feel that the advantages of a direct popular vote for President for all Americans are clear. The advantage to our Nation's minority residents is an opportunity for them to possess a full and equal share in the democratic process by which this Nation is governed, and by which so many of its past wrongs can be righted. Passage of House Joint Resolution 681 is a step toward greater freedom, dignity, and an opportunity for all of our Nation's citizens, and for this reason, I strongly urge its passage.

Mr. RANDALL. Mr. Chairman, this is a historic day for Members of the House to have the opportunity to support House Joint Resolution 681, the joint resolution which proposes an amendment to the Constitution of the United States relating to the election of the President and the Vice President.

I support this resolution because I believe a majority of the American voters should be able to pick their President as someone has said, without any constitutional bypass, detour or stoplight. Today is historic because after years of apathy and false starts the House today is in a position to do something about changing a system which the Chairman of the Judiciary Committee and the Dean of the House described in his opening remarks as "horrendous, dangerous, unsportsmanlike, and unconscionable." What he meant was that in at least three cases in our history, in 1824, 1876, and in 1888 the winners became the losers and the losers became the winners.

There is no time left to dally. To amend the Constitution requires a two-thirds majority in the House and Senate and then must be ratified by at least three-fourths of the State legislatures. Even now there is a good chance this long process could be completed and direct elections become the law of the land in time for the 1972 presidential election. Not only has the electoral college resulted in the election of three Presidents who received fewer in the popular vote than the men they defeated, but the system has in the past, twice thrown the election into the House, 1800 and in 1824. In 1968 it came fairly close to happening again.

Now we have a golden opportunity. We are now presented with a clear chance for reform. If we continue on with the present system it is sort of like playing roulette with a loaded weapon. The next pull of the trigger could fire the cartridge that may push us into a constitutional crisis. We have been warned; we must act now.

It is a privilege to join with dozens of my colleagues who over the past week have expounded on the electoral college and its failures to meet the needs of 20th century America. I cannot quarrel with such great men as George Washington, James Madison, and Benjamin Franklin who believed they had a useful tool in the electoral college. They did for the times in which it was proposed. Electors were the elite of the population and the best informed, most literate and articulate citizens. It was intended that the job of the elector was to become informed as to what men were available for the job of President and from this list of possibilities to select the man they believed was best qualified. Communications at the time our Constitution was adopted were difficult and sometimes impossible. Newspapers were not of wide circulation. There was no mass media of communication. It is true that the mass electorate were just not very well informed. They were not intellectually inferior but were without the means of communication. Today, however, the historical reason or theory for the electoral college no longer exists. When the electoral college was agreed upon it took longer to send a message from the lower reaches of our Nation to its Capital which was then in New York or Philadelphia than it took us last July to send three men to the moon.

The subject of presidential election reform is so broad it is difficult to indulge in a brief or simple analysis of the evils of the present arrangement, the need for reform or the benefits of a change. One way would be to cite the reasons why electoral reform is so urgently needed. Another way would be to simply enumerate the arguments for and against direct election plan. Yet another procedure would be to list the instances in our history where the existing plan has not only done some mischief but also actual damage to our country.

As to need, electoral reform is badly needed because, first, at present the value of a person's vote depends on where he lives. With a minimum of three electoral votes for each State there is a disproportionate vote weightings built into the system. The three-vote minimum means a built-in disproportionality. Second, we should have a majority President. If a minority President is sworn in the choice of most voters is ignored and the basic democratic principle of our Constitution which is majority rule is negated.

Third, the unit rule which is nothing more or less than a winner-take-all system means that when a State's electoral votes go to the candidate who receives a majority of the votes in that State this cancels out all of the other votes for the other candidates.

Fourth, it is dangerous. It is not only unpredictable and uncertain but history proves it is a dangerous thing to elect the President in the House of Representatives. Who can forget what has been called the corrupt bargain made between John Quincy Adams and Henry Clay, to exclude Andrew Jackson.

This has been called a "scurvy" deal whereby Clay threw his support to Adams. These machinations made a minority candidate, President of the United States. It all happened in the House of Representatives where Clay made the deal that he would become Secretary of State under John Quincy Adams. During the remainder of his term Adams was called a President made of Clay.

Fifth, the possibility of unfaithful electors. Even though an elector may be pledged he can vote against his party candidate. He may become a maverick notwithstanding the fact that the voters who elected him who were in reality voting for the Presidential candidate and not a faceless and nameless elector.

Sixth, there is no way except under a direct election process that is democratic. The district and proportional plans are each less democratic than the popular vote method of direct election.

To reflect upon what has not been right with the present system and how it can continue to do mischief is to recall that under the present system it is possible for the wills of the electorate in 38 States to be ignored and the President elected by the votes of as few as 12 States. We should all feel a shudder at even the mere prospect that such a situation might come to pass. While such a situation may never actually happen it is a possibility. A system which will perpetuate such a possibility should be abolished.

The mistakes of the past have been bad enough. But there is nothing truer than the thought that those who forget the mistakes of the history must live them all over again.

The first Senator from the State of Missouri in which is located the district which I am proud to represent in the House, was Thomas Hart Benton. In 1824 he said of the electoral college:

> To lose votes is a fate that all minorities must suffer. Under our existing system it is not a case of votes lost but votes taken away by the electoral college.

Well, then, if there are so many things wrong with the present system, what is it that is so right and so good or beneficial about the direct election of our President? First and foremost the American people would actually elect their President. Any individual could rightfully believe his vote would be more meaningful. Perhaps more people would participate in elections. The one-man, one-vote doctrine would come to life. A Vermonter's vote would count as much as a New Yorker's and a Nevadian's as much as a Californian's. Presidential candidates would have a better chance to come from smaller States whereas under the present system nearly all of them come from our larger States.

During the several days devoted to general debate and amendments of this resolution, consideration was given to alternative plans of other than the direct popular election plan. There was extensive debate also on the provision for a runoff election in the event no candidate receives 40 percent of the vote. Quite appropriately, there were questions raised about this figure. Today, I supported in the Committee of the Whole, the amendment offered by the gentleman from Colorado (Mr. ROGERS) to raise that figure to 45 percent. It should be remembered that a candidate who polls only 40 percent of the vote may receive the approval of a plurality of the voters but it does not alter the fact that 60 percent of the people voted against him. A figure higher than 40 percent to be required before a runoff election would, of course, increase the likelihood of runoffs. We all realize that election campaigns are expensive. A runoff election would cost money. But I cannot help but believe that the cost of a runoff election would be a small price to pay to insure the leadership of our Government rests in the hands of the candidate preferred by a higher percentage of our electorate. To me, this more than overbalances the worry that the requirement of 45 or 50 percent would give rise to a proliferation of political parties. But we should all bear in mind that the line had to be drawn. Some figure had to be fixed. Our Judiciary Committee has assured us they sifted all figures from 40 to 43 percent and concluded that 40 percent was the most acceptable figure.

As the resolution was read for amendments the Committee of the Whole had to reach its decision on the so-called district plan and on the proportional plan. I opposed both because both of these alternatives retained the elector principal which holds that geographic regions, rather than people, should elect the President. These alternatives perpetuate the proposition that the value of a vote goes up or down depending on where it is cast. These plans in my opinion were defective because they asked the large States to surrender the advantage they have under the electoral college but did not provide that the small States give up their bonus votes. The direct and proportional plans in my opinion fail because they retain the evil possibility that winners could be losers and losers could become winners which is the worst feature of the present status.

A Member of Congress should not support a particular measure simply because it is popular with the electorate. This fact taken alone should not be a sufficient reason to support this resolution. There are ample, valid reasons to support it without taking into account its popularity. Notwithstanding, all of the national polls have shown the people favor a direct popular vote over any of the other alternative proposals. The Gallup poll says 81 percent favor a direct popular vote and the Harris poll showed 80 percent in favor. In a statewide Missouri poll the National Federation of Independent Businesses showed that 76 percent of our people favored the presidential election by the popular majority of the people. In our own congressional district late this spring I mailed out 40,000 opinion polls. One question asked whether the present system of the electoral college should be, first, replaced with a simple popular vote; second, no change; or third, the so-called district

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plan. The result was that 77 percent favored replacing the system, 15 percent preferred no change, and only 8 percent were for the district plan.

Mr. Chairman, there are so many things that have been demonstrated over the years to be evil and unacceptable under the present system and so many reasons why the direct election plan as contained in House Joint Resolution 681 should be adopted that I shall not take the time to further emphasize either the faults of the old or the benefits from the new proposals.

The objection that the larger States will lose leverage if the electoral college is done away with misses the point. The question of individual voter equity is far more important than whether one party or the other can win an election under the outmoded electoral system.

Some of my constituents have written that I should first consider whether Missouri will gain or lose. Well, Missouri now has 12 electoral votes or 2.23 percent of the total electoral votes in the United States. Under the direct plan on the basis of 1,810,000 votes cast for President in 1968, Missouri would have 2.31 percent of the total votes cast for President in 1968. So, I suppose some of my people would argue that I should support the direct plan because Missouri would gain eight one-hundredths of 1 percent and thus our State would be better off under the direct plan. But those who worry whether one State or the other gain or lose from the elimination of the electoral college should take another look at something much more important than whether a State loses or gains political heft. What we should be looking at is the adoption of a process that will put the selection of our national leaders firmly in the hands of the individual voters. If we adopted House Joint Resolution 681 we will put to a long belated rest the electoral college. If we eliminate the anachronistic electoral college and elect the President directly by popular vote, we will enhance participatory democracy and increase public confidence in our national political institutions. We will be saying to the world that we believe in the principal of majority rule and that we are going to make democracy work.

Mr. JOHNSON of California. Mr. Chairman, I rise in support of House Joint Resolution 681 proposing an amendment to the Constitution of the United States to modernize the manner in which we elect the President and Vice President. At the opening of the 91st Congress, one of my first actions was a call for electoral reform. The legislation which we have before us would accomplish this most worthwhile goal.

Under our present electoral system, the majority of the voters technically abdicate their power of decision to a group of strangers. I would wage that not one voter in a thousand knows, or even ever heard of, the people he asks to select for him the men who would be President and Vice President of this Nation of ours.

But those voters who find themselves in the minority, regardless how close the vote may have been in their own States, find themselves in an even worse plight. Their voices are silenced completely.

By strange quirks of fate, the voices and votes of even the majority have been discarded by the electoral college system. This has happened on three occasions.

There must be a way more responsive to the desires of the people, more equitable for all people. I believe that the provisions of House Joint Resolution 681 provide this way.

One can appreciate the concern held by the draftsmen of our Constitution about conducting national, direct presidential elections two centuries ago. Communications were slow and scarce. Can you imagine waging a presidential campaign with the candidate mounted on horseback, trying to build a constituency among the people of your own State, much less in 13.

Today, things are different.

Today, a candidate reaches millions of voters in a single television appearance. He can attend a breakfast in New York, a luncheon in St. Louis, dine in Los Angeles, and be ready for another breakfast in Miami the following morning, and have everything he does and says reported almost instantly in every daily newspaper and on every radio and television station in the Nation.

Today, a favorite Sunday afternoon pastime is the television interview shows which not only expose the candidates, but equally important, their advisers, to public interrogation on their views and policies.

Not only are these events reported in detail by the press and other news media, but each of the news gathering and reporting activities does a tremendous job of studying the candidates in depth.

As a result, never has any people been more informed, more knowledgeable, and more better qualified to select by direct election their own President and Vice President than they are today.

The strength of this Nation of ours comes from its people. I say the people must have the opportunity to vote directly for their Chief Executive. Our present electoral college system is archaic and cumbersome. It outlived its usefulness long, long ago. Let us in the House of Representatives today take that next step in replacing it with direct popular elections by giving our overwhelming approval to House Joint Resolution 681.

These words of the Greek philosopher, Plato, have been put to the test in this Nation as in no other. Our land has been continuously striving toward a more workable democracy. The history of the United States has demonstrated that this struggle can be won. The consideration of House Joint Resolution 681 is another vital step in the evolution of our democratic form of Government. Today we must once again decide whether to place our faith in the people or continue to shield them from full participation in the electoral process.

I intend to vote to abolish the archaic and dangerous electoral college system and replace it with a system of direct popular vote. We must give the voter an actual rather than a preferential vote for his President. Under the present system, unless he is an elector, no one votes directly for the President of his choice but for electors who generally are free to vote as they please regardless of the popular mandate. Under the present system, in Alaska, one electoral vote represents 75,380 people, while in California one electoral vote represents 392,930 people. This inequitable ratio can hardly be said to encourage greater public participation in the political process.

Our democratic system of government is based on rule by the majority, and it is time to rid ourselves of outmoded institutions which might compromise the ideal upon which our Government rests. The last presidential election should serve as a warning that this change in our system of electing the President is urgently needed. We all recall the public apprehension that resulted from the possibility that the election would be thrown to the House or that a President would be elected with less than a plurality of the vote.

In view of this possibility many Representatives, including myself, pledged to vote for the candidate who received the most votes. The enactment of this amendment will eliminate this undesirable possibility and insure that the people have the first and the last word in choosing their President.

As the committee report points out:

> In the 46 Presidential elections held to date under the electoral college system, three popular vote losers were elected President—; two Presidents were selected by the House of Representatives—; one Vice President was chosen by the Senate—; and one President was elected as the result of a vote of a special electoral commission appointed by Congress . . . .
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> Within the past 25 years both Democratic and Republican electors have sometimes defected and voted against the nominees of their parties—and in two elections voters in one State were not afforded an opportunity to vote for the national candidates of one of the major parties.

The enactment of direct popular vote will solve these problems. The proposed amendment requires a plurality of 40 percent for election. If no candidate receives 40 percent of the vote, a runoff election would be held among the two pairs of candidates with the highest vote totals. Only two Presidents in history, Lincoln and John Quincy Adams, have been elected by less than 40 percent of the popular vote. At the same time many Presidents have won elections with less than a majority of the votes cast. These include Wilson, Truman, Kennedy, and Nixon. The requirement of a 40-percent plurality not only insures a sufficient national mandate for governing the Nation, but also would tend to preclude splinter parties from acting as power brokers in a presidential election.

The American people have a right to elect their own President without the possibility of the new President's actions being inhibited by preelection compromises or bargains. A splinter party would be forced to strive for a national political base and seek to win elections rather than act as a spoiler or a powerbroker. Most splinter parties would be discouraged because they would have little to gain from a runoff between the top two votegetters.

There have been many proposals to reform the electoral college rather than abolish it completely. If we are to demonstrate our faith in democracy rather than our fear of it, I see no course but the adoption of the amendment for direct popular vote.

Alexis de Tocqueville once said of Americans:

> They have all a lively faith in the perfectibility of man, they judge that the diffusion of knowledge must necessarily be advantageous and the consequences of ignorance fatal. They all consider society as a body in a state of improvement, humanity as a changing scene, in which nothing is, or ought to be permanent: and they admit that what appears to them today to be good, may be superseded by something better tomorrow.

I feel that this faith in man and in progress has been justified in America and must be continued. Boldness has been our fame and bold we must continue to be to secure our future. It is time to act and to prove that de Tocqueville's vision of a people is alive.

Although I intend to vote for this amendment, it does contain certain deficiencies which I must comment on. At the present time millions of mobile Americans are systematically disenfranchised because of diverse and varied elections laws. The Presidency is a truly national office. Therefore, I feel that at least in presidential elections, the Congress should establish national age and residency requirements. The proposed amendment instead permits the States to enact voting qualifications thus continuing the unfortunate disenfranchisement of many Americans. I see no reason why age, residency, and other voting requirements should not be uniform in order to vote for a presidential candidate.

Mr. DOWDY. Mr. Chairman, the debate on the joint resolution to amend the constitutional provision relating to election of the President has been most interesting and enlightening. As a result, the people will be better informed on the intent and consequences which would ensue, were the joint resolution finally passed by the other body and ratified by 38 of the States.

The Dallas, Tex., Morning News of Friday, September 12, 1969, carried a fine editorial regarding House Joint Resolution No. 681 entitled "Wrong All the Way," which I quote for the RECORD as follows:

> WRONG ALL THE WAY
>
> For the first time in nearly 150 years, the House is seriously considering submission of a constitutional amendment to the states that would let Americans elect the president by popular vote. Whether the measure passes the House and survives the Senate, it is bad on several grounds.
>
> As a practical matter, it's unlikely that three-fourths of the states would ratify such an amendment. Too many of the smaller and less populated states would lose their proportional voice in the election of president.
>
> So would big states like Texas with a proportionately low turnout of eligibles.
>
> That is an immediate political consideration. But there is also the less-well-known fact that direct election would dismantle the federal system, under which the states—not the national population—elect presidents.
>
> Naming the president is the last of the remaining states' rights. To say that this last right should be dismantled because the electoral college is "dangerous and outmoded" is to say that the states are no longer needed in the federal scheme. That is saying too much.
>
> It is true that an electoral college deadlock is always possible. It is also true that the present custom of swarming all of a state's electoral vote to the winner of the popular vote within each state is unfair. But that is a state custom, not a constitutional provision. And both these drawbacks can be remedied.
>
> More than a few proposals, beginning with the Lodge-Gossett plan, would restore fairness and avert any possible deadlock. Under the various reform plans, electoral votes could be apportioned within the states according to the popular vote each candidate receives.
>
> Or, since each state's electoral vote is the sum of its representation in Washington, the top man in each congressional district could be awarded its electoral vote, while the two electoral votes representing the state's U.S. senators might go to the candidate carrying the popular vote of the state.
>
> There are other, equally fair reform proposals. The deadlock that might still result under a reformed college could be averted, as some suggest, by declaring president the winner of the popular national plurality or by setting a percentage of the total vote as the winning one in case of a deadlock. Forty per cent is most favored.
>
> Proponents of 1-man 1-vote may oppose any of these plans as "un-popular," and they may laugh at federalism or states' rights as outmoded along with the college. But what they are really laughing at is a practical power and retard its centralization in Washington.
>
> Too much political power in any one place is bad. A popular election because of the monumental task of making certain each candidate got every one of the 75 million or more votes that he had coming, could well mean that every precinct would become a federal polling unit watched over by the federal government. Disputes would be settled in federal court.
>
> Significantly, the House amendment would also set federal voter qualifications.
>
> The present winner-take-all system is unfair. Every man wants his vote to count. It would—within the state, as is right—under the reforms outlined.
>
> But if each vote were only a drop in a sea of national votes, individual votes would count proportionally less in smaller and less-populated states. Conservative issues would suffer. The action would be in the big, urban liberal centers. That's where the candidates would spend their time—making promises to suit that decisive electorate.

Mr. EDWARDS of California. Mr. Chairman, as a nation and as a republic we have survived for almost 200 years because our system has included the ability to change when necessary and desirable. Today we are considering a necessary and fundamental constitutional change because of basic problems within our constitutional system.

The present electoral college system of choosing a President has numerous and serious flaws. Under the present system we have selected losers three times, men who received less votes than their opponents as Presidents, and twice we have seen the Presidency thrown into the House. Repeatedly men selected as electors in the name of one presidential candidate have been faithless and voted for another candidate. And in 1968, because of a third party, we faced again the threat that the electoral college would break down and the election would have been decided in the House of Representatives. There is, I believe, a concensus on the need for change. Our citizens no longer want their vote filtered through electors of the electoral college.

The elimination of the electoral college, as proposed in this amendment is a fundamental, but not unique change in the Constitution. A similar change was made following the election of 1800 because of flaws in the Constitution which almost saw Thomas Jefferson cheated of the Presidency by Aaron Burr. Today we face a similar threat that the American people could be thwarted in their choice of a President.

In considering this amendment we also should consider the change in the world and in the American people since our Constitution was adopted almost 200 years ago. Then, with limited communications and limited literacy, an electoral college may have been a wise and prudent institution for the protection of the Republic. Such is not the case today. We have instant communications and our citizens are literate.

Of all the systems suggested to change the Constitution, I believe this amendment provides the best and simplest solution. With the elimination of the electoral college every vote will carry equal weight. It would require the successful candidate to receive at least 40 percent of the vote, or a runoff election would be held between the two top candidates. Congress is granted additional powers to oversee the election, including powers over the State in setting the time, place, and manner of the election and in establishing uniform residence qualifications.

This amendment makes easier the complicated process of electing a President. It allows for an orderly election and it eliminates the present flaws in our constitutional system. At the same time, through the runoff provision, the amendment protects our two-party system. And the 40-percent requirement, remembering that 15 times we have elected a minority President, makes certain such runoff elections will not be held unnecessarily.

The basis of our success as a nation, and as a republic, has been the selection and judgment of our public officials by the citizens of the Nation. This amendment clarifies and simplifies that process. I would hope this House will adopt it, not because it is politics, but because it is sound and because it will strengthen the Republic.

Mr. GALLAGHER. Mr. Chairman, I rise first to congratulate the distinguished chairman and members of the Judiciary Committee for their diligent work in shaping this major amendment to our National Constitution which provides for electoral reform.

Mr. Chairman, I was pleased to join in voting for House Joint Resolution 681. There seems to be little doubt that the vast majority of the American people are extremely anxious to reform our system of electing the President and Vice President of the United States.

However, while the desire for reform is real, my vote in favor of House Joint Resolution 681 was not without reservations.

There are serious questions in my mind as to the potentially disagreeable, indeed dangerous, side effects which the House-

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approved amendment may produce for our Nation.

I am concerned that our debate on electoral reform may have focused too long on the appearance of reform and too little on substance.

Let me be specific. I am increasingly disturbed by the effects which a direct election of the President might very well have on the very stability of our Republic. While the rhetoric of "popular election" carries a pleasant tone, does it not also carry with it the threat of a fragmented party structure in which the splinters are everywhere scattered?

One of the great tragedies of the European democracies is that they too often succumbed to multiparty factionalism. Our own founders, in the Federalist Papers, warned mightily against the evils of factionalism, and supported a constitutional democracy designed to, at least, dissipate the effects of factions.

But, if we now are to provide for a grab bag popular election, with no tempering forces, then we may actually encourage the formation of numerous splinter parties. In other words, in our current rush to prevent the election of a minority demagog, we may in reality be paving the way for the election of such an individual.

We may, in fact, be encouraging power to flow to restricted, regional candidates with no real national constituency, and no need to even look toward a national constituency. The net effect of this phenomenon on the presidential election would certainly filter down to elections for the legislative branch as well. Again, this seems to be exactly what we are trying to prevent through electoral reform; but the reform we have endorsed appears to go contrary to our own intentions.

Mr. Chairman, under the current electoral structure, our great national political clashes occur under the umbrella of the major parties. Personalities and issues meet in vigorous confrontation; the end result is the nomination of a national candidate. Such a process tends to prevent the possibility of heated clashes spilling over into the Government itself, thus yielding constant instability and perpetual inaction.

This is not to say that our Government is calm or reticent in its approach to divisive issues. But our Government is and ought to be generally free from the gut clashes which are fought out in the major party structure. Once the parties have resolved their choice of candidates, there is a modicum of agreement to disagree on the issues and accept the November results.

But, in a system of fragmented splinter groups, this agreement to disagree is never present. Rather, there is a hopeless stalemate as numerous factions engage in bitter ideological warfare, as numerous factions each see a chance to attain victory in November through a popular vote breakdown which puts them on top—perhaps not by much, but by enough to at least gain a spot in the runoff.

What better example of how this unfortunate series of events may have occurred than our most recent national election. The conflict in Vietnam and the conflict in the urban streets had produced heated passions and many personal animosities. Imagine, if every group which represented a different Vietnam or domestic policy had been encouraged to enter the field of candidates. There then would have been no filter for the raw passions generated by an ugly war in Asia and an ugly war here at home. The benefits of preliminary primaries to define the real issues and designate the real contenders would have been totally lost.

Let us take it one step further. Though Senator McCarthy was unable to put together the necessary votes for a nomination, neither his supporters nor the position which he represented could be or were ignored in the final selection of a nominee. Compromise—that special genius of American democracy—produced broad agreement within the party. Factional rivalry was largely put aside as all viewpoints had the opportunity to make a case.

But, if we were to remove the unifying element of the two major parties, then the clashes would have persisted through and beyond November. Splinter party States are States ruled by coalition government. I do not think this is the direction in which we want to move.

We are not a country that has ever desired ideological absolutism in the conduct of our political affairs. Although our major parties fight long and hard for their candidates, there is no actual terror on one side lest the candidate of the other side be elected. When there have been candidates who represented the political extreme, they have been soundly rejected.

I submit, Mr. Chairman, that by establishng a system of total popular control over our presidential contests, we may be flirting with the grave dangers here discussed. We may be courting a society split among fundamentally contrary ideologies so much in conflict that compromise would be impossible. The resulting instabilities would have been removed from the filter of national parties and injected into a government composed of instant, highly parochial parties without broad interests.

These "instant parties" could not have been a real threat in the slower paced days prior to the advent of television, computers, and instantaneous communication. But today, they would be a very significant threat.

While the present electoral procedure has certain obvious defects, it may yet be prudent to maintain its basic structure and reform the external apparatus.

I fear that while we are discussing percentages, we are ignoring people, forgetting the human element in elections. There seemed to be a sense of confused urgency about our debate on electoral reform; much of the time, we seemed involved in a game of mathematical gymnastics which could only be played in and umpired by a computer.

Our existing system has one definite advantage over all the others proposed: it has worked for nearly 200 years. Thus, perhaps there is still time to consider a means of reforming that system before taking it completely apart.

As I stated when I began this presentation, Mr. Chairman, my vote was cast in favor of the House-adopted amendment on electoral reform. However, the questions and problems which I have raised today seem worthy of continued consideration and penetrating analysis. Perhaps the process of amendment will bring these issues clearly into focus and will, hopefully, provide for their resolution.

Mr. MESKILL. Mr. Chairman, for many years I have felt that the American people should elect their President in the most democratic manner—by direct popular vote. I shudder to think how close this Nation came in the election of 1968 to a situation whereby the will of the people could be frustrated by having the election thrown into the House of Representatives. All of this was possible because we had steadily clung to the ancient and out-lived method of electing our President by the electoral college system.

The House of Representatives took a giant step forward in the action which it took last week in passing House Joint Resolution 681. I am proud to be a member of the Judiciary Committee which devoted so many hours to the preparation and debate which led to the successful passage of this resolution by a vote of 339 to 70.

While I have always favored the direct election of a President, I shared the doubts of many of my colleagues about the ability to garner two-thirds votes of the Members of both Houses of Congress and to achieve the required ratification of three-fourths of the State legislatures.

At the beginning of this session, I introduced a bill providing for the election of the President by the district plan, the plan which was so capably debated and explained on the floor of this House. During the hearings which followed, I became convinced that the Judiciary Committee could produce a bill which came closer to a direct election. Consequently, I shifted my support toward the proportional plan which more nearly represented pure democracy and which plan was contained in the substitute offered by the distinguished gentleman from Virginia (Mr. Poff).

As the witnesses continued to testify and I studied the problem more thoroughly, I was convinced that the Judiciary Committee, the House of Representatives and the Senate should go all the way and provide for the election of the President by direct popular vote. I was proud to cosponsor House Joint Resolution 681. I was even more proud of the manner in which my colleagues conducted the debate on this vitally-needed constitutional amendment.

It was a great day for the House of Representatives and for the United States when this body overwhelmingly approved House Joint Resolution 681. I wish to commend Chairman Celler and all of the other members of the Judiciary Committee who played such a vital role in the passage of this resolution. And I wish to commend the Members of this body who contributed to the debate and who supported this excellent resolution.

Mr. WILLIAM D. FORD. Mr. Chairman, once again this legislative body of our great Nation is considering reform of our unique method of electing the President and Vice President of the United States. Once again we offer proposals, the echoes of which have been heard in these Halls since 1797 and repeated in various forms nearly 500 times since that date. It is time to end the debate once and for all.

The electoral college has long been alien to our democratic ideals and has never served the purpose for which it was intended. The framers of the Constitution envisioned this institution as something far different from what it has become.

A COMPROMISE MEASURE

Many electoral proposals were considered by the framers of the Constitution, including direct popular election of the President, and election by Congress. Election by the Congress was rejected because of the fear that the President would be subservient to the legislative body that elected him. Direct election was opposed because the founding fathers did not consider the average voter informed or knowledgeable enough to select the most capable man for the office of President. This lack of confidence was due in part to the lack of effective communications and low literacy rate of American citizens in the late 18th century. Many feared that a State or local political demagog might assume power at the expense of an uneducated and unsuspecting public. In the final weeks of the Convention, the electoral college was decided upon as a compromise measure. It was thought that the electors would be made up of the most responsible and well informed men from each State who would meet and cast informed and independent votes for the man best qualified to assume the responsibilities of leadership for our Nation.

In order to minimize the small States' fears of domination by the larger States, each State was granted a minimum of three electoral votes, regardless of population. When neither candidate received a majority of electoral votes, the election was to be decided in the House of Representatives, with each State having but one vote, again, regardless of population.

It was not long before it became obvious that the electoral college had not fulfilled the purposes for which it was designed. The Founding Fathers had failed to foresee the development of political parties and the various partisan means of selecting the most able men for the office of President. As the candidates became better known to the public, the electors became anonymous. A committee of Congress noted as early as 1826 that electors "have degenerated into mere agents, in a case which requires no agency, and where the agent must be useless if he is faithful and dangerous if he is not."

DANGERS OF THE ELECTORAL COLLEGE

Indeed, the inherent dangers of the electoral system have been realized several times in our history. Three times in the past, the electoral college has actually thwarted the will of the people and placed in office the man with fewer popular votes than his opponent. In 1824, 1876, and 1888 the popular vote loser was made President of the United States. In 15 other elections, a shift of less than 1 percent of the popular vote would have repeated this disturbing occurrence of the loser becoming the winner, and the choice of the people being denied.

Another threat inherent in the present system has come extremely close to being realized in several of our most recent elections. In 1948, 1960 and 1968 a shift of less than 1 percent of the popular vote would have thrown the election into the House of Representatives with the attendant risk of political intrigue and frustration of the popular will. If the election were decided in the House with each State having a single vote regardless of population the Michigan State delegation would have cast one solitary vote representing 3,295,715 voters from that State. In 1968, the Michigan congressional delegation was composed of 12 Republicans and 7 Democrats. Assuming the majority of delegates would have voted for their party's candidate, the one vote for the State would have been for the Republican candidate, even though the Democratic candidate, Hubert Humphrey, was the choice of the voters of Michigan. The opposite results are possible in different States and though either party can profit from similar occurrence neither party has justifiable advantages. It is time to destroy the possibility of an election predicated on such anomalies.

Inherent in the present system is the danger that the will of the people can be circumvented by "faithless electors" casting their vote for other than the popular choice. Under the present system there is no guarantee that electors will carry out the mandate of the people, and frequently they have not done so in the past. In addition to faithless electors, there have also been examples of unpledged elector movements, and of third-party electors instructed by their candidate to make deals with and vote for one of the other major candidates after extracting political promises. The third-party candidacy of George Wallace in 1968 brought this possibility distressingly close to home.

The electoral college also distorts our democratic principles in several indirect fashions. The voices of minority groups are completely suppressed by the winner-take-all aspects of the present system. The votes for a losing candidate are completely nullified and are in fact accredited to his opponent. The unit rule dictates that the winner of a majority of the popular votes in a State, no matter how small that majority might be, is entitled to all the electoral votes of that State.

It has become apparent that the deficiencies of the electoral college can no longer be tolerated. The best way of eliminating these evils is a system of direct popular election.

OBJECTIONS TO DIRECT ELECTION

The objections to direct election of the President have centered mainly around the questions of whether small or large States will lose advantages granted by the present system, and whether or not the two-party system will be adversely affected.

SMALL STATE ADVANTAGE ARGUMENT

Under the present system, small States are allotted a minimum of three electoral votes regardless of population. It has been assumed mathematically that votes from smaller States carry more electoral weight than those from larger States. For instance, according to a 1960 census, Alaska has one electoral vote for each 75,389 persons, while California has only one electoral vote for each 392,930 persons. It could be inferred that an Alaskan vote has five times the weight of a Californian. But this mathematical formula apparently does not impress the majority of presidential candidates who continuously skirt the smaller States and direct their attention to those with large electoral vote counts. Many small States themselves have expressed willingness to sacrifice the questionable advantages of the present system for the equality of direct election. Recent polls by several legislators have shown many of the smaller States willing to sacrifice the questionable advantages of the present system for the greater voter equality provided by direct election.

LARGE STATE ADVANTAGE ARGUMENT

Still other objections are raised by those who feel that it is the larger States who will lose advantages granted under the electoral college. A recent voter analysis survey conducted by Mr. John Banzhaf III for the Villanova Law Review 303, 1968, calculated that an individual voter in States like New York and California carries 2½ times the weight of a voter in one of the smaller States. A New Yorker votes for 43 electors, 14 times as many as the voter in Nevada. And again, it is the large States in which presidential hopefuls devote most of their efforts.

Though we can mathematically illustrate advantages to both large and small States under the present system, both arguments cannot be right, and neither stand can be justified as "good government." The importance of an individual's vote for President should not be determined on the basis of his geographical location.

THREATS TO TWO-PARTY SYSTEM

Some have expressed the fear that the direct election of the President and Vice President will weaken the two-party system. Actually, most influential observers feel that the two-party system will be strengthened by direct election of the President and Vice President. In States previously dominated by one party, thereby predetermining the electoral vote, minority votes will take on new importance and incite genuine two-party competition. No longer will candidates be forced to ignore whole States because an electoral college victory was previously impossible.

Regarding third-party organizations, the eletcion of 1968 showed the inability of the present system to handle such con-

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tingencies. The possibility of a regional party obtaining enough electoral votes to play a balance of power role and play one major candidate against the other was disturbingly real. The chance of this recurring would be virtually eliminated under the provisions for direct election. The minority party would have to obtain 20 percent of the popular vote—in itself a difficult accomplishment—to even cause a runoff election between the two major candidates, and here its minimal role would be ended.

ADDITIONAL REFORM PROPOSALS

In addition to the direct election plan, two other major proposals for reform have been offered. Though these proposals do attempt to impove the present system, they are not nearly as comprehensive as the direct election plan, and leave many problems unsolved.

DISTRICT PLAN

The first alternative proposal is the district plan. This was one of the earliest reform measures proposed, being first offered in 1823. Under the district plan, basically, each congressional district would be assigned one vote, with each State having two additional electoral votes. The winner in each district would obtain that district's vote, with the statewide winner receiving the two additional votes. If no candidate receives a majority of electoral votes, the election would be settled by a joint session of the House of Representatives and the Senate, choosing from the top three candidates.

The district plan fails to solve the major problems existing under the present system. Minority groups without concentrated power in certain districts would still be unable to win the State electoral vote. The relationship between popular and electoral votes would still be dependent upon geographical location and party strength.

Under the provisions of the district plan, the popular vote loser may still be chosen President by the electoral college. The chart included below shows that if this plan had been in effect in the 1960 election, the popular vote winner, John F. Kennedy, would have been denied the Presidency.

The provision in this plan allotting at least three electoral votes to each State regardless of population causes 36 States—based on a 1960 census—to have greater weight than they would have if electoral votes were awarded solely on the basis of population. And under the district plan, as under the present system, the size of a State's popular vote is made completely irrelevant. A small voter turnout will determine the same number of electoral votes as a large turnout.

PROPORTIONAL PLAN

The second major reform proposal is the proportional plan, formerly known as the Lodge-Gossett plan. This proposal would eliminate the electoral college, but retain the electoral vote based on the present number of electors from each State. The electoral vote would be apportioned among the presidential candidates according to the number of popular votes they received. This plan abolishes the "unit rule" aspect of the present system, preventing the candidate with a larger number of votes from obtaining the entire bloc of electoral votes in a particular State. Several solutions are offered in the event of a tie between candidates. If 40 percent of the electoral vote is not received by either candidate, the House and Senate meeting in joint session would elect the President from the top two candidates. Another alternative would involve a runoff election.

Under the proportional plan, no assurance is provided that the popular will would prevail in every presidential election. The requirement for a minimum of three electors for each State regardless of population, still results in disproportionate influence among the smaller States.

Under certain circumstances, the chances of a candidate with fewer popular votes winning the election are greater than under the present system. This might happen if one candidate receives most of his electoral votes from States where the number of voters relative to electoral votes was low. Or it might happen where the vote in large States might be almost equally divided but one party has a greater number of small "safe" States than the other. In at least two elections since 1860, proportionate distribution would have given the Presidency to a minority candidate who was defeated under the present system. In 1880, Winfield S. Hancock had over 7,000 fewer votes than James A. Garfield, but he would have won by a margin of six to eight electoral votes if proportional distribution had been in effect. In 1896, William Jennings Bryan won less than 47 percent of the popular vote to William McKinley's nearly 51 percent, but proportional distribution would have given him an electoral vote margin of six.

The following chart illustrates election results that would have occurred had either of the two proposals been in effect in recent elections:

What happens under different systems—Presidential elections

1960	
Present system (electoral votes):	
Republican	219
Democrat (winner)	303
Unpledged	15
Popular vote:	
Republican	34, 108, 565
Democrat (winner)	34, 221, 349
Unpledged	609, 870
Proportional electoral votes:	
Republican (winner)	263. 632
Democrat	262. 671
District electoral votes:	
Republican (winner)	278
Democrat	245
Unpledged	14
1964	
Present system (electoral votes):	
Republican	52
Democrat (winner)	486
Popular vote:	
Republican	27, 177, 873
Democrat (winner)	43, 128, 956
Proportional electoral votes:	
Republican	213. 593
Democrat	320. 042
District electoral votes:	
Republican	72
Democrat	466
1968	
Present system (electoral votes):	
Republican (winner)	301
Democrat	191
American Independent	46
Popular vote:	
Republican (winner)	31, 770, 237
Democrat	31, 270, 553
American Independent	9, 897, 141
Proportional electoral votes:	
Republican (winner)	231. 534
Democrat	225. 362
American Independent	79. 445
District electoral votes:	
Republican (winner)	289
Democrat	192
American Independent	57

Source: Legislative Reference Service, Library of Congress; House Judiciary Committee.

The shortcomings of the electoral college system have been made all too apparent in recent years. These inadequacies are not sufficiently avoided by the proposed district and proportional plans. Only direct election will guarantee the election of President and Vice President by a majority of the citizens actually voting in the election.

In the past several years, overwhelming support has been expressed for the direct election proposal. According to the Gallup poll of November 1968, 81 percent of the people responded favorably to direct election of the President and Vice President of the United States. This support can be broken down regionally showing all areas of the country in favor of this measure of electoral reform: East, 82 percent; Midwest, 81 percent; South, 76 percent; West, 81 percent.

Overwhelming support was expressed for the direct election of the President and Vice President in response to questions asked in my annual poll on material issues sent to the voters of the 15th Congressional District of Michigan. In fact, of those replying, 85 percent voiced approval for direct election as provided in House Joint Resolution 681.

Therefore, Mr. Chairman, I rise to support House Joint Resolution 681 proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

I realize that for this proposed amendment to become law it must be voted on and passed by two-thirds of the Members of the House of Representatives, and then passed by two-thirds of the Members of the U.S. Senate. If passed by both Houses of Congress it will then go to each legislative body of all the 50 States. Here the proposed constitutional amendment must be ratified by 38, or three-fourths of the States within 7 years after it has been submitted to them by Congress.

The proposed constitutional amendment contains the following provisions:

The primary purpose of the article of amendment is to abolish the electoral college and substitute the direct election of the President and Vice President. It provides for a runoff election between two pairs of candidates who receive the highest number of votes if none of the candidates receives at least 40 percent of the popular vote.

Second. The proposed amendment provides that the President and Vice President shall be voted for jointly only as candidates who have consented to the joining of their names.

Third. Under the new articles of amendment, the voters for President and Vice President in each State shall have the same qualifications as are required for persons voting for the most numerous branch of the State legislature, except that each State may adopt less restrictive residence requirements and the Congress may establish uniform residency requirements for voting in presidential elections.

Fourth. The times, places, and manner of holding the presidential election and any runoff election and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof except that Congress is empowered to make or alter such regulations. The Congress is specifically empowered to determine the days on which the original election or any runoff election is to be held.

Moreover, the Congress is authorized to prescribe the time, place, and manner in which the results of such presidential election shall be ascertained and declared.

Fifth. The Congress is specifically empowered to provide for the case of the death or withdrawal of any candidate before the election and for the case of the death of both the President-elect and Vice-President-elect.

Finally, the amendment provides that the direct popular election system will take effect 1 year after the 21st day of January following ratification.

With the need for electoral reform so pressing and the demand for electoral reform so great, it remains the solemn duty of this legislative body to grant that last measure of representation that has been so profoundly needed and so long denied.

Mr. McCULLOCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to say that sometimes in a debate that ranges for a period of 8 days the lamb should lie down with the lion at least once.

Mr. CELLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have come to an end of a very important debate, and I want to compliment the Chairman of the Committee of the Whole who, in a most fairminded way, has made decisions, as he has always done as the chairman of the Committee on Ways and Means and now as the Chairman of this Committee of the Whole.

I cannot let this occasion go by without paying tribute and respect and placing an accolade of distinction upon my colleague, Mr. McCULLOCH, who in painstaking manner in tandem with me has brought forth and rounded out and helped to get this bill in such a shape that I am sure it will pass this Committee of the Whole and hopefully pass the House.

I am grateful to many of the Members on the Republican side and I cannot name them all, but particularly Mr. MACGREGOR, Mr. POFF, Mr. McCLORY, Mr. HUTCHINSON, Mr. RAILSBACK, and Mr. BIESTER, and others who have valiantly and intelligently mustered their forces to enable this bill to go through arduous waters.

Many of the members on the Democratic side of the committee likewise have rendered yeoman service. I particularly point to Mr. FEIGHAN, Mr. ROGERS, Mr. MIKVA, Mr. KASTENMEIER, and Mr. RYAN, as well as other members who assisted in this measure. I cannot name them all, but I am very grateful to all of the members.

I believe that if this joint resolution passes, it will be a crowning achievement in my own life. I am approaching my 82d birthday. Fate has been kind to me in giving me many birthdays. The abyss awaits me. I have not too many years to live, and I am happy to know that the passage of this joint resolution, which I am hopeful will occur, is a real event in my own life.

I am very happy to stand here in this well and to acknowledge this and at the same time to pay a tribute of respect to all those members of the committee and the members of the Committee of the Whole who helped to bring about this result.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as one who has been very much in opposition, as the RECORD will show, for 8 days to this committee joint resolution, I want to express from the depths of my heart the tenor in which this House has considered something of this magnitude.

I am happy to say and I fully believe that the RECORD and history will record that the debate which has occurred here has been of the highest order.

Lest someone be led to believe that already the lambs and the lions are in the same bed, I would like to simply remind you that before we do vote we are going to have, as the gentleman from Indiana has already said, a motion to recommit, and a majority vote will recommit this joint resolution to the House Committee on the Judiciary.

Failing the success of a recommittal motion, then we will have a vote on final passage at which time one-third of the Members present and voting could defeat this proposed resolution.

Looking forward to a motion to recommit and looking forward to what could be final passage as well as looking forward to that day when the State legislatures at least might have to consider ratification of whatever the Congress might do, I feel it would be in order, entirely proper, to quote the dean and foremost of our elder statesman living in America today, former President Harry S. Truman, who in his waning years has become more respected and appreciated than he was in his earlier years.

Mr. Chairman, I would like to quote directly something which former President Truman said in 1961 when he endorsed the district plan. I quote:

> The electoral college was first devised to protect the small States from dominance by the larger States, as for example, Delaware and Rhode Island from being dominated by Virginia and New York.
>
> The problem we face today is that of the emergence of the big cities into political overbalance, with the threat of imposing their choices on the rest of the country.

Gentlemen, if two-thirds of this body votes for this constitutional amendment and if two-thirds of the other body does likewise, and then we are finally through here in the legislative halls with this resolution and if three-fourths of the necessary States within the specified time ratifies this amendment, my desires will have been thwarted, but the American people will have through the democratic processes spoken and I shall abide by the wishes of these people, because I live by the laws of this land.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. Yes; I yield to the gentleman from California.

Mr. CORMAN. I thank the gentleman for yielding.

I, too, would like to quote something from the men who originally wrote this Constitution; the preamble says:

> We the people of the United States, in order to form a more perfect Union—

I suggest that in many ways this is a more perfect union, because of the efforts over many years of two Members of this House, the very distinguished gentleman from New York (Mr. CELLER) and the very distinguished gentleman from Ohio (Mr. McCULLOCH). I think it will be a more perfect union when this amendment is adopted.

Mr. WAGGONNER. I would only comment that the gentleman from California is entitled to his own point of view.

Mr. COLMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too want to quote. I want to quote a weapon that the Constitution written by the Founding Fathers for the greatest nation in the world provided that—although I do not quote it literally because I do not have it before me—it takes two-thirds of the Members of this House to amend this sacred document, the greatest document of freedom ever written on parchment.

We had a teller vote here yesterday on the district plan. A change of 17 votes of this House on a majority basis of passage would have passed the amendment. You are going to be called upon to vote on this on final passage as the gentleman from Louisiana (Mr. WAGGONNER) pointed out a moment ago, when it will take two-thirds of those voting, a quorum, of course, being present, to pass this resolution, and to amend this sacred document.

I, like most of you, feel that there is room for some reform or for some improvement, but I happen to be one of those who still adhere to the thought that pervaded the minds of those who wrote this immortal document—that there should be a combination of State and Federal provisions in the election of a President and a Vice President.

So what I am trying to say to you, I am trying to say to those 159 who said the other day they believed in the district plan that you and those who were not here, but who also subscribed to that plan, adhere to it on the final vote for passage of the bill.

If you believed in it yesterday, has

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something happened since yesterday that has changed your mind?

I realize that there is always a tendency to say, well, I voted for the alternate plan, I voted for the amendment, I voted for the district plan, I voted for the proportionate plan, but we failed in that and therefore I think we ought to have some reform, and I am going to vote for the committee bill.

I repeat, if your vote was sound on yesterday, then why is it not sound today? What I am trying to say to you is: Why do you not use the weapon that the Constitution gives you, which is that a third of those who disagree with the committee amendment, or a third plus one vote, can still prevail. What happens if more than a third of the Members vote against the bill on final passage, assuming that the motion to recommit fails, and I rather think it will, and I hope not, then what happens? Then your Committee on the Judiciary, if they still want reform, go back into committee and report out a bill that would be more acceptable to the Members.

You know, I never have been one to just be so flexible that simply because I lose a skirmish I am willing to lose the battle, also, where a matter of principle is involved.

So I am saying to you that what you would do at the moment is possibly delay this for a month or two. Well, what is a month or two when the present system has sustained you for 170 years? You are tampering with the greatest document in the history of mankind.

I want to repeat what has been said from the well of this House time and time again during this debate, that it is going to take two-thirds of the other body and it is going to take three-fourths of the States to ratify; and I do not think you are going to get it.

If you really want reform, then do not be in haste to jump on the bandwagon. Stick by your principle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. POFF).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, pursuant to House Resolution 491, he reported the joint resolution back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. DENNIS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. DENNIS. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The clerk read as follows:

Mr. DENNIS moves to recommit the joint resolution (H.J. Res. 681) to the Committee on the Judiciary with instructions to report the same back forthwith with an amendment as follows: Strike all after the resolving clause and insert in lieu thereof the following:

"That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

" 'ARTICLE —

" 'SECTION 1. In each State and in the District constituting the seat of Government of the United States (hereafter in this article referred to as the 'District') an election shall be held in which the people thereof shall vote for President and Vice President. Each voter shall cast a single vote for two persons (referred to in this article as a 'presidential candidacy') who have consented to the joining of their names as candidates for the offices of President and Vice President. No person may consent that his name appear with that of more than one other person or as a candidate for both offices. Both of the persons comprising a presidential candidacy may not be residents of the same State nor may both of them be residents of the District. No person constitutionally ineligible to the office of President shall be eligible to that of Vice President.

" 'SEC. 2. Each State shall be entitled to a number of electoral votes for President and Vice President equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress. The District shall be entitled to a number of electoral votes equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State. Each State shall establish a number of electoral districts equal to the number of Representatives to which such State is entitled in the Congress. The Congress shall establish in the District a number of electoral districts equal to the number by which the electoral votes of the District exceed two. Electoral districts within each State or the District shall be, insofar as practicable, of compact territory, and shall be of contiguous territory, and shall contain substantially equal numbers of inhabitants. Electoral districts in a State or the District shall be reapportioned following each decennial census, and shall not thereafter be altered until another decennial census of the United States has been taken.

" 'The presidential candidacy which receives the greatest number of popular votes in a State or in the District shall receive two of the electoral votes of such State or of the District. For each electoral district in which a presidential candidacy receives the greatest number of popular votes, it shall receive one electoral vote.

" 'SEC. 3. Within forty-five days after the election, the official custodian of the election returns of each State and of the District shall prepare, sign, certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate, a list of all presidential candidates for which popular votes are cast in such State or in the District, together with the number of popular votes received by each presidential candidacy in such State or in the District and in each electoral district therein.

" 'SEC. 4. On such day between the 3d day and the 20th day of January following the election as Congress may provide by law, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the electoral votes shall then be counted. The persons comprising the presidential candidacy receiving a majority of the electoral votes shall be the President and the Vice President. If no presidential candidacy receives a majority, then from the presidential candidacies having the two highest numbers of electoral votes, the Senate and House of Representatives together, each Member having one vote, shall choose immediately, by ballot, a presidential candidacy. A majority of the whole number of Senators and Representatives shall be necessary to a choice.

" 'SEC. 5. The place and manner of holding any election under section 1 in a State shall be prescribed by the legislature thereof. The place and manner of holding such an election in the District shall be prescribed by Congress. An election held under section 1 shall be held on a day which is uniform throughout the United States, determined in such manner as the Congress shall by law prescribe.

" 'SEC. 6. The voters in such elections in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that the legislature of any State may prescribe less restrictive residence qualifications for voting for presidential candidacies Congress shall prescribe by law the qualifications for voters in the District of Columbia.

" 'SEC. 7. The Congress shall have power to enforce this article by appropriate legislation. The Congress may by law provide procedures to be followed in case of (1) the death, disability, or withdrawal of a candidate on or before the time of an election under this article, (2) a tie in the popular vote in a State or in the District or in an electoral district which affects the number of electoral votes received by a presidential candidacy, or (3) the death of both the President-elect and the Vice-President-elect.

" 'SEC. 8. This article shall take effect one year after the 21st day of January following its ratification.' "

Mr. DENNIS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion to recommit and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. DENNIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 246, not voting 22, as follows:

[Roll No. 176]

YEAS—162

Abbitt
Abernethy
Adair
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Aspinall
Baring
Belcher
Berry
Betts
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Brock
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burton, Utah
Bush
Cabell
Caffery
Camp
Carter

Casey
Chappell
Clancy
Clausen, Don H.
Cleveland
Collins
Colmer
Conable
Cramer
Daniel, Va.
Davis, Wis.
Denney
Dennis
Derwinski
Dickinson
Dorn
Dowdy
Downing
Duncan
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Evins, Tenn.
Findley
Fisher
Flowers
Flynt
Foreman
Fountain
Frelinghuysen
Frey
Fuqua
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Harsha
Hebert
Henderson
Hogan
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
King
Kleppe
Kuykendall
Kyl
Landgrebe
Langen
Lennon
Long, La.
Lujan
McClure
McEwen
Mahon
Mann
Marsh
Martin
Mayne
Melcher
Miller, Ohio
Mize
Montgomery
Morton
Myers
Natcher
Nelsen
Nichols
O'Neal, Ga.
Passman
Patman
Pike
Poff
Quie
Quillen
Rarick
Reid, Ill.
Reifel
Rhodes
Rivers
Roberts
Rogers, Fla.
Roth
Roudebush
Ruth
Satterfield
Schadeberg
Scherle
Schneebeli
Scott
Sebelius
Shriver
Sikes
Skubitz
Smith, Calif.
Snyder
Steed
Steiger, Ariz.
Stubblefield
Talcott
Taylor
Thompson, Ga.
Thomson, Wis.
Waggonner
Wampler
Watson
Watts
Weicker
White
Whitehurst
Whitten
Williams
Winn
Wold
Wylie
Wyman
Zion
Zwach

NAYS—246

Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Ashley
Ayres
Barrett
Beall, Md.
Bell, Calif.
Bennett
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Button
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Celler
Chamberlain
Chisholm
Clark
Clawson, Del
Clay
Cohelan
Collier
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Culver
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Delaney
Dellenback
Dent
Diggs
Dingell
Donohue
Dulski
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Horton
Howard
Hungate
Jacobs
Jarman
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Koch
Kyros
Landrum
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mailliard
Mathias
Matsunaga
May
Meeds
Meskill
Michel
Mikva
Miller, Calif.
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Podell
Preyer, N.O.
Price, Ill.
Pryor, Ark.
Pucinski
Railsback
Randall
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Ruppe
Ryan
St Germain
St. Onge
Sandman
Saylor
Scheuer
Schwengel
Shipley
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Symington
Taft
Thompson, N.J.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Watkins
Whalen
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young
Zablocki

NOT VOTING—22

Bolling
Dawson
de la Garza
Devine
Griffiths
Jones, Tenn.
Kirwan
Lipscomb
McMillan
O'Konski
Poage
Pollock
Powell
Price, Tex.
Purcell
Roybal
Sisk
Sullivan
Teague, Calif.
Teague, Tex.
Utt
Whalley

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Jones of Tennessee for, with Mr. Kirwan against.

Mr. McMillan for, with Mr. Roybal against.

Mr. Devine for, with Mrs. Sullivan against.

Mr. Pollock for, with Mr. Sisk against.

Mr. Price of Texas for, with Mrs. Griffiths against.

Until further notice:

Mr. Dawson with Mr. O'Konshi.

Mr. Purcell with Mr. Teague of California.

Mr. Teague of Texas with Mr. Utt.

Mr. de la Garza with Mr. Whalley.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the joint resolution.

PARLIAMENTARY INQUIRIES

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. HALL. Mr. Speaker, in view of article V of the Constitution, am I correct in my calculation that it requires 289 Members voting for passage?

The SPEAKER. The answer to the gentleman's parliamentary inquiry is that it requires two-thirds of the Members present and voting thereon, a quorum being present.

Mr. HALL. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, is this consistent with article V which says:

> The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution.

Would that be two-thirds of the total membership or two-thirds of those present and voting?

The SPEAKER. In accordance with the precedents of the House and decisions of the Supreme Court, it requires two-thirds of those present and voting thereon, a quorum being present.

The Chair's response to the gentleman's parliamentary inquiry is that it requires two thirds of those present and voting thereon, a quorum being present.

The question is on the passage of the joint resolution.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 338, nays 70, not voting 22, as follows:

[Roll No. 177]

YEAS—338

Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Biaggi
Biester
Bingham
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Calif.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Cahill
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cohelan
Collier
Collins
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Culver
Cunningham
Daddario
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Denney
Dent
Dickinson
Dingell
Donohue
Downing
Dulski
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kluczynski
Koch
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
Lujan
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
MacGregor
Madden
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Meeds
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Randall
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle

XUM

Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Saylor
Schadeberg
Scheuer
Schneebeli
Schwengel
Scott
Shipley
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—70

Abbitt
Abernethy
Andrews, Ala.
Ashbrook
Baring
Berry
Bevill
Blackburn
Brinkley
Brock
Burleson, Tex.
Burton, Utah
Caffery
Chappell
Clay
Cleveland
Colmer
Daniel, Va.
Dennis
Derwinski
Diggs
Dorn
Dowdy
Duncan
Eckhardt
Evins, Tenn.
Fisher
Flowers
Flynt
Foreman
Fuqua
Gettys
Goldwater
Griffin
Gross
Hagan
Haley
Hall
Hébert
Hutchinson
Jones, Ala.
Kleppe
Kuykendall
Landgrebe
Lennon
Long, La.
Lukens
McClure
Mahon
Mann
Mayne
Mize
Montgomery
Nichols
O'Neal, Ga.
Passman
Patman
Pickle
Quillen
Rarick
Reifel
Rivers
Satterfield
Scherle
Sebelius
Sikes
Stuckey
Waggonner
Watson
Whitten

NOT VOTING—22

Bolling
Dawson
de la Garza
Devine
Griffiths
Jones, Tenn.
Kirwan
Lipscomb
McMillan
Melcher
O'Konski
Poage
Pollock
Powell
Price, Tex.
Purcell
Roybal
Sisk
Sullivan
Teague, Calif.
Utt
Whalley

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The Clerk announced the following pairs:

On this vote:

Until further notice:

Mrs. Sullivan and Mr. Kirwan for, with Mr. Jones of Tennessee against.

Mr. Roybal and Mr. Sisk for, with Mr. McMillan against.

Mr. Devine and Mr. Price of Texas for, with Mr. Melcher against.

Mrs. Griffiths and Mr. Dawson for, with Mr. Pollock against.

Mr. Purcell with Mr. Utt.

Mr. Lipscomb with Mr. Whalley.

Mr. Teague of California with Mr. O'Konski.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD, and include therein extraneous material, on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PRESIDENT AND VICE PRESIDENT—ELECTION REFORM

Mr. ALBERT. Mr. Speaker, the House in passing House Joint Resolution 681 providing for the direct popular election of the President and Vice President of the United States has attained a monumental milestone in the democratization of the American constitutional system and our political process. In taking this gigantic step to make this Government more attuned to the popular will, the House has given effective and dramatic answer to those who are endeavoring to label the 91st Congress a "do-nothing" Congress. This statement is motivated by no spirit of partisanship, for I believe this great victory for popular government is the product of a truly genuine patriotic bipartisan effort of the highest order. The brilliance and sincerity of the gentleman from Ohio (Mr. MCCULLOCH), are certainly deserving of high praise. Members of the Judiciary Committee on both sides have labored with energy and distinction to bring about this achievement. Nevertheless, the greatest accolade for this triumph must be reserved for the distinguished chairman of the Judiciary Committee, Congressman CELLER of New York. Passage of House Joint Resolution 681 was truly the culmination of his many years of labor to abolish the archaic electoral college and place the election of their President directly in the hands of the American people.

The record is clear. After the constitutional crisis which this country barely averted last November, it was the chairman of the House Judiciary Committee and not the executive branch—either the White House or the Justice Department—who took the initiative for reform. Congressman CELLER on January 6 of this year, introduced House Joint Resolution 179 to provide for the direct election of the President and Vice President. He commenced public hearings on February 5. President Nixon did not transmit his message on electoral college reform until February 24. The contents of that message were of little aid or guidance to the Judiciary Committee in its efforts to reform the electoral system. In it the President indicated a personal preference for the popular election method but suggested the Congress settle for the inadequate patchwork reform represented by the proportional and district plans. I am informed that Attorney General Mitchell on at least four occasions requested a delay in appearing before the Judiciary Committee on the grounds that he was as yet not prepared to set forth the administration's proposals. President Nixon's message failed to spark any sense of emergency in Mr. Mitchell. He finally appeared before the Judiciary Committee on March 13, over 5 weeks after the commencement of hearings and almost 3 weeks after the submission of President Nixon's message.

The constitutional amendment which the House has just passed is entirely the product of one of the most important arms of this body, the Judiciary Committee. It was the members of that committee, Democrats and Republicans alike, with no help from downtown, which formulated this historic proposal. I congratulate the gentleman from New York for his initiative, astuteness and courage. I salute the members of his committe for the arduous labor and high quality workmanship which characterized their deliberations. Their presentation of House Joint Resolution 681 on the floor was outstanding. Finally, I hail the House of Representatives for having discharged, in an exemplary manner, its responsibilities by giving the American people what they so earnestly and obviously desire, what they are entitled to—to elect those of their choice as their President and Vice President.

TRIBUTE TO CHAIRMAN EMANUEL CELLER

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, I rise to compliment and pay tribute, richly deserved tribute, to the distinguished dean of the House, chairman EMANUEL CELLER.

All Members, I am certain, will agree that the outstanding debate which the House has witnessed on the constitutional amendment proposing the direct election of the President and Vice President was due in large measure to the efforts of the chairman of the Committee on the Judiciary.

Mr. Speaker, no other chairman in the history of this country has to his credit the shaping of three constitutional amendments. These include:

The 23d amendment, which granted the vote in presidential elections to the people of the District of Columbia;

The 24th amendment, which abolished the poll tax in Federal elections; and

The 25th amendment, which filled a constitutional gap in the matter of Presidential inability.

Today, he has shepherded through another proposed amendment to the Constitution. One which will have a marked effect on improving the future life of this Nation. If his record of success continues, this proposal will become the 26th amendment to the Constitution.

The members of the Committee on the Judiciary, as well as all Members of the House, hold great and abiding affection for their dean.

Congratulations, Chairman CELLER, on a job well done.

IN THE MATTER OF THE UNITED STATES AGAINST ELIO GASPERATTI, ET AL.—PRIVILEGE OF THE HOUSE

The SPEAKER. The gentleman from Kentucky (Mr. NATCHER) is recognized.

Mr. NATCHER. Mr. Speaker, on Saturday, August 9, 1969, the District of Columbia Council met to consider adoption of a resolution providing for implementation of the 1968 Highway Act on District freeways. Before the 6-to-2

Council vote adopting the resolution the meeting was disrupted by freeway opponents who had to be cleared from the chamber. There was fighting between the protesters and police, and 14 dissidents were arrested for unlawful entry after refusing to clear the room. Following this disturbance one of those arrested was quoted in the press to the effect that Mr. NATCHER of Kentucky would be summoned as a witness and he would be questioned about his stand on freeways and rapid transit. Today, Mr. Speaker, I was summoned as a witness to appear tomorrow, September 19, 1969, at 9 a.m. in the District of Columbia Court of General Sessions, Criminal Division.

Mr. Speaker, I ask unanimous consent to include the article from the August 10, 1969, Sunday Star pertaining to this disturbance entitled "District of Columbia Council Vote Follows Wild Melee" at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

District of Columbia Council Vote Follows Wild Melee

(By Walterene Swanston and Ronald Sarro)

Freeway opponents met last night to map continuation of their fight against District expressways after a number of their members had been arrested at a wild City Council meeting during which the council voted approval of a bridge project and highway study it had previously opposed.

The Emergency Committee on the Transportation Crisis had already given some indication it would mount a court appeal against the council's action, taken to free subway funds and the federal payment which key congressional committees had withheld because of the freeway impasse.

Before the 6–2 council vote, the meeting was disrupted by freeway opponents who had to be cleared from the chamber. There was fighting between the protesters and police and 14 dissidents were arrested for unlawful entry after refusing to clear the room. No serious injuries were reported.

UP TO NATCHER

With the Three Sisters Bridge and other freeway projects cleared and a new study planned of the hotly disputed route of the North Central Freeway, clearance of subway money is now up to Rep. William H. Natcher, chairman of the House District Appropriations subcommittee. Natcher has vowed to hold up mass transit funds until the freeways were underway beyond recall.

City officials estimated that it would take five months to let contracts for the bridge without any legal barriers from possible court appeal.

The resolution on which the council voted called for compliance with the 1968 federal highway act, which requires construction of the Three Sisters Bridge and an 18-month study of an alternate route for the North Central Freeway.

MAYOR ORDERS ACTION

Immediately after the meeting, Mayor Walter E. Washington issued an order to the D.C. Department of Highways and Traffic "to proceed immediately to implement the 1968 Highway Act" on District freeways.

Council Chairman Gilbert Hahn Jr., received a telephone call from President Nixon shortly after the vote, thanking the council members for breaking the subway-freeway impasse. The President said he understood the decision was a difficult one, since the council had stood squarely with the freeway opponents.

Among the 14 persons arrested were Julius Hobson, civil rights activist and member of the D.C. School Board, and Bruce Terris, chairman of the D.C. Democratic Central Committee.

Also arrested were Reginald H. Booker, chairman of the dissident committee, and Sammie A. Abbott, the group's publicity chairman and most vocal spokesman.

After the two-hour meeting last night, Abbott said it was concerned only with defense strategy in behalf of those arrested. He declined to comment further.

The council action came in the wake of a unanimous vote Wednesday by the House District Committee approving a 1970 District revenue package banning the appropriation of a $105 million federal payment to the city until the city approved the freeways.

Councilman Stanley J. Anderson and Councilwoman Polly Shackleton were the only members who refused to vote for the roads.

Although the National Capital Planning Commission also has voted against the freeways, city officials said NCPC does not have to act again to move into harmony with the new council position. The bridge, to be funded with federal money, must be approved by Secretary of Transportation John Volpe. Swift approval is expected.

Fred Babson, chairman of the Washington Metropolitan Area Transit Authority, which will oversee the subway, said "The city council's decision is good news" and said he hoped Congress would proceed at once with subway fundings.

OTHER FREEWAYS APPROVED

The Three Sisters Bridge would be built near three rocky islands on the Potomac River just upstream from Key Bridge. It would be part of Interstate 266 which would go from Spout Run and Lee Highway in Arlington to the Georgetown waterfront, where it would link up with other freeways.

The city council has previously approved construction of the Potomac River Freeway, a tunnel along the Georgetown waterfront; the Center Leg Freeway terminating at New York Avenue; and the East Leg Freeway, ending at Bladensburg Road, northwest of RFK Stadium.

The City Council meeting started promptly at 10 a.m. As the eight council members took their seats the crowd booed loudly, shouting everything from "sellouts" to "whores."

After a barely audible roll call was read and answered, Chairman Hahn attempted to read a statement explaining the council's position.

The anti-freeway group didn't need Hahn's statement to be told what they already knew—that the council was about to approve the bridge.

"Subway, yeah! Freeway, no! Subway, yeah! Freeway, no!" the crowd chanted over and over led by Abbott, standing on a chair. They yelled in unison, "Mr. Chairman," repeatedly.

Four minutes after the start of the meeting, Hahn, who said later he saw no point in postponing what he felt he would have to do anyway, directed that the council chambers be cleared, except for the staff and the press.

This order was read on an amplifier.

As policemen and building guards started to clear the room, pushing and shoving started. There was some punching and several of those arrested were wrestled to the ground.

CHAIRS FLY, WOMEN SCREAM

Chairs flew. Women screamed. Men cursed. Someone threw an ash tray toward Hahn. An older woman screamed hysterically at the policemen. Nightsticks were used.

At least four persons were hauled bodily away including Abbott.

"The meeting is still in order," Hahn said after the chamber had been cleared. The resolution was read by Councilman Jerry Moore.

In the discussion that followed, Councilman Shackleton said she had to vote against the resolution because she believed it violated the Comprehensive Transportation Plan the council approved in December.

Councilman Stanley J. Anderson, who also opposed the resolution, said he had to vote no in reflection of the "will of the people" in his community.

Council Vice Chairman Sterling Tucker said afterward he shared the "anguish and frustration" the demonstrators felt. "The issue was very close to them. I understand how they felt," and said he had contemplated resigning but decided not to.

The 14 persons, all charged with unlawful entry, were arraigned shortly after noon before Judge James A. Belson in the Court of General Sessions. All pleaded not guilty, and all were released on personal recognizance for jury trial Sept. 19.

Arrested were:

Hobson, 47, of the 300 block of M Street SW; Terris, 46, of the 1800 block of Shepherd Street NW; Booker, 28, of the 1900 block of Savannah Street SE, and Abbott, 59, of the 7300 block of Birch Avenue, Takoma Park, Md.

Also, Miss Jenny Sterns, 18, of the 1700 block of Swann Street NW; Elio Gasperetti, 42, of the 1900 block of Kearney Street NW; Louis M. Robinson, 26, of the 3700 block of Jocelyn Street NW; Robert J. Coleman, 35, of the 3600 block of 12th Street NE.

Also, Floyd H. Agnostinelli, 29, of the 1800 block of Kearney Street NE; Leonard P. Siger, 40, of the 200 block of 5th Street NE; Bruce T. Weaver, 54, of the 4100 block of 13th Street NE; Merle J. Van Horne, 36, of the 3000 block Dent Place NW; Dennis R. Livingston, 21, of the 1700 block of Swann Street NW and Clarence S. Wliiams, 21, of the 2100 block of New Hampshire Avenue NW.

OTHER CHARGES PLACED

In addition to unlawful entry, Livingston was charged with assaulting special police officer William A. Ladson, a felony charge. He is to appear for a preliminary hearing on the charge on Aug. 18.

Booker also was charged with simple assault (a misdemeanor) on a person identified only as William Stewart.

In the courtroom yesterday, the defendants sat quietly throughout the arraignment. Afterwards, their attorney, Landen G. Dowdey, said he felt the matter amounted to a "police riot" in the city council chambers.

Mr. NATCHER. Mr. Speaker, I have been summoned to appear before the District of Columbia Court of General Sessions, criminal branch, to testify on the 19th day of September, 1969, at 9 a.m., in the case of the United States against Elio Gasperatti et al.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

The SPEAKER. The Clerk will report the summons.

The Clerk read as follows:

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS, CRIMINAL DIVISION

The President of the United States to William H. Natcher, 233 Rayburn Building, Washington, D.C.:

You are hereby commanded to appear before the Criminal Branch of the District of Columbia Court of General Sessions at 9 o'clock a.m. on the 19th day of September, 1969 as a witness for defendants, and not depart the Court without leave thereof.

Witness, The Honorable Harold H. Greene, Chief Judge of the District of Columbia Court

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of General Sessions, and the seal of said Court this 10th day of September, A.D. 1969.

Joseph M. Burton,
Clerk, District of Columbia Court of General Sessions.

CONFERENCE REPORT ON H.R. 11582, TREASURY AND POST OFFICE DEPARTMENTS, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1970

Mr. STEED submitted the following conference report and statement on the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1970, and for other purposes:

Conference Report (H. Rept. No. 91–497)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11582) "making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4 and 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: "$107,551,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: "$48,838,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 7.

Tom Steed,
Otto E. Passman,
J. P. Addabbo,
Jeffery Cohelan,
George Mahon,
Silvio O. Conte,
Howard W. Robison,
Jack Edwards,
Frank Bow,
Managers on the Part of the House.

Ralph W. Yarborough,
Robert C. Byrd,
Joseph M. Montoya,
J. Caleb Boggs,
Gordon Allott,
Jennings Randolph,
Hiram L. Fong,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—TREASURY DEPARTMENT

Bureau of Customs

Amendment No. 1: Appropriates $107,551,000 for salaries and expenses instead of $106,151,000 as proposed by the House and $108,110,000 as proposed by the Senate.

General provisions

Amendment No. 2: Inserts language concerning reimbursement for subsistence expenses of Treasury agents while on protective missions as provided by law, as proposed by the Senate.

TITLE II—POST OFFICE DEPARTMENT

Administration and regional operation

Amendment No. 3: Appropriates $133,069,000 as proposed by the House instead of $132,069,000 as proposed by the Senate.

Amendment No. 4: Deletes language proposed by the Senate to place limitation on payment of salaries and expenses of not more than twenty employees in the Office of the Executive Assistant to the Postmaster General for Congressional Relations.

Research, development, and engineering

Amendment No. 5: Appropriates $48,838,000 instead of $51,338,000 as proposed by the Senate and $46,338,000 as proposed by the House.

Operations

Amendment No. 6: Appropriates $6,141,711,000 as proposed by the House instead of $6,143,615,000 as proposed by the Senate.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment.

Tom Steed,
Otto E. Passman,
Joseph P. Addabbo,
Jeffery Cohelan,
George Mahon,
Silvio O. Conte,
Howard W. Robison,
Jack Edwards,
Frank T. Bow,
Managers on the Part of the House.

PERSONAL EXPLANATION

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute.)

Mr. LOWENSTEIN. Mr. Speaker, on September 4 and 5 I was out of the country on official business and consequently unable to be present on the floor. I should like the Record to note that had I been present on September 4 and 5, I would have voted in favor of H.R. 10105, amendments to the Motor Vehicle Safety Act; H.R. 7621, the Child Protection Act of 1969; and H.R. 12085, amendments to the Clean Air Act, and would have concurred in the Senate amendments to H.R. 11235, amendments to the Older Americans Act of 1965).

DISASTER RELIEF ACT OF 1969

Mr. JONES of Alabama. Mr. Speaker, I call up the conference report on the bill (H.R. 6508) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters, and ask unanimous consent that the statement of the Managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume that since a considerable change has been made in this bill, as I understand from hearsay, the gentleman will take some time to explain the bill in lieu of reading the report?

Mr. JONES of Alabama. I would be delighted to comply with the gentleman's suggestion.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 17, 1969.)

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. Jones) for 1 hour.

Mr. JONES of Alabama. Mr. Speaker, I yield 30 minutes to the gentleman from Florida (Mr. Cramer), pending which I yield myself 10 minutes.

Mr. Speaker, throughout our history, nature has struck devastating blows to the United States and to the citizens through floods, hurricanes, earthquakes, fires, and other disasters.

In the early days of the Republic, the Federal Government's responsibility to assist communities in times of great disaster was recognized. For example, in the early 1800's, the Congress extended the time for discharging customhouse bonds of the sufferers from the great Portsmouth fire.

However, it was not until 1947 that the framework for a general policy for disaster relief came into being. In that year Congress empowered the President to make surplus wartime supplies available in disaster areas.

The present policy for disaster relief was established by the Federal Disaster Act of 1950, Public Law 875 of the 81st Congress, which gives the President broad powers to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters.

Today, there are fully half a hundred Federal agencies, bureaus, and offices which have statutory responsibility for providing disaster assistance either under the provisions of the Federal Disaster Act or under statutes which give them specific authority in certain areas.

The continuing disasters which have struck with lightning fury in various sections of our Nation just since the beginning of this year have further emphasized the importance of the entire program of Federal participation in disaster relief. The Congress has firsthand knowledge of all of these disasters and several in particular were of major proportions including the catastrophes suffered by the State of California in January, the State of Ohio in July, the Southeastern States devastated by Hurricane Camille in August, and the Midwestern States on several occasions during the year.

Mr. Speaker, on July 9 of this year, this body passed and sent to the Senate H.R. 6508, the California Disaster Relief Act of 1969. This bill was a comprehensive relief bill necessitated by extensive property loss and damage in the State of California as a result of storms, floods, and highwaters during the winter of 1968–69 and the spring of 1969, and the need for special measures to assist in the reconstruction and rehabilitation of these devastated areas. This was a good bill. However, we alerted this body on that day to several other disasters which had occurred and we specifically pointed out that the Subcommittee on Flood Control would be going out to Ohio the next week to investigate the extensive damages which had just occurred there.

The Senate later amended H.R. 6508 so as to change the bill into a general relief bill—the Disaster Relief Act of 1969—with application throughout the United States.

The House and Senate conferees met in August in an attempt to resolve differences in the legislation. The House conferees, although generally convinced that the Senate provisions had a great deal of merit, insisted at that time that additional hearings on a general bill should be held. However, during the period of our discussions, additional disasters occurred which convinced the House conferees that we could not wait for additional hearings. All the conferees were convinced that legislation was needed now—not at a later date. However, the conferees agreed that H.R. 6508 should have an expiration date of December 31, 1970, and that the affected interested committees of the Congress should hold hearings and act as expeditiously as possible upon legislation designed to be of permanent application with respect to the Federal aid and assistance for areas suffering major disasters.

The experience gained as a result of the administration of the provisions of this legislation will unquestionably be of value in making the determination of the type and content of permanent legislation.

Mr. Speaker, I shall not report on all of the details of the conference agreement since the full text of the conference report and the statement of the managers on the part of the House appears in House Report 91–495 and in the CONGRESSIONAL RECORD of September 17 beginning on page 25838. However, I would like to note several specific sections.

Section 2 authorizes the President to allocate funds to States affected by a major disaster for the permanent repair and reconstruction of permanent street, road, and highway facilities which are not on a Federal-aid highway system and which are destroyed or damaged as a result of a major disaster. Those funds are to be allocated on the condition the State pay at least 50 percent of the cost of the repair or reconstruction.

Section 6 of the conference substitute provides that in the administration of the disaster loan program under section 7(b)(1) of the Small Business Act the Small Business Administration, to the extent the loss or damage is not compensated for by insurance or otherwise, would, at the borrower's option, be required to cancel up to $1,800 of interest, principal, or any combination thereof and, in addition, would be authorized to defer any or all interest or principal payments during the first 3 years of the term of the loan without regard to the borrower's ability to make these payments. In addition, the SBA will be authorized by paragraph (2) to grant loans to repair, rehabilitate, or replace lost or damaged property without regard to whether the financial assistance is otherwise available from private sources, except that (A) a loan made under this authority would bear interest at a rate equal to the average interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum and (B) any such loan would not be eligible for cancellation or deferral as otherwise authorized in paragraph (1) of this section. In addition, the SBA is authorized by paragraph (3) in the case of total destruction or substantial property damage of a home or business concern to refinance mortgages or liens outstanding against the destroyed or damaged property if the refinancing is for the repair, rehabilitation, or replacement of that property with any such refinancing loan subject to the provisions of paragraphs (1) and (2) of this section.

Section 7 authorizes in the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961 the same benefits subject to the same conditions and limitations as are provided in section 6 in the case of SBA loans.

Section 10 of the conference substitute authorizes the President to provide dwelling accommodations for individuals and families displaced by a major disaster. These accommodations are to be made available only to individuals or families certified as having occupied as owner or tenant a dwelling destroyed or damaged to such an extent as to make it uninhabitable as a result of a major disaster. These accommodations are to be provided on a temporary basis and the President is authorized to provide these accommodations by, first, using unoccupied housing owned by the United States, second, arranging for the use of unoccupied public housing, third, acquiring existing dwellings through leasing, or fourth, acquiring mobile homes or other readily fabricated dwellings, through leasing, and placing them on sites furnished by the State or local government or by the owner-occupant upon condition that no site charge be made. Rentals for these accommodations are to be established by the President under such rules and regulations as he may prescribe and these rentals are to take into consideration the financial ability of the occupant. In the case of financial hardship rentals may be compromised, adjusted, or waived for not more than 12 months. However, no individual or family is to be required to incur a monthly housing expense—including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster—in excess of 25 percent of the individual's or family's monthly income.

Section 12 authorizes the President to provide assistance to an individual unemployed as a result of a major disaster. This assistance is not to exceed the maximum amount and the maximum duration of payments under the State unemployment compensation program and that any amount of assistance to an individual under this section will be reduced by any amount of unemployment compensation or of private income protection insurance available to him for that period of unemployment.

Section 15 defines a major disaster as one which has been determined by the President pursuant to the act of September 30, 1952, as amended (42 USC 1855–1855g), with respect to those disasters which occurred after June 30, 1967, and on or before December 31, 1970.

Mr. Speaker, the conferees on the part of the House have met with the conferees from the other body on several occasions, and I think we have brought out an excellent bill—one that will meet the needs of many, many of our people who have been so badly hurt by these disasters.

Mr. Speaker, I commend the conferees on this side of the aisle, the gentleman from Texas (Mr. WRIGHT), the gentleman from Oklahoma (Mr. EDMONDSON), and the gentleman from California (Mr. JOHNSON), as well as the conferees for the minority side, the gentleman from Florida (Mr. CRAMER), the gentleman from California (Mr. CLAUSEN), and the gentleman from Nebraska (Mr. DENNY). This is a fine conference report. This is good legislation, and I recommend its adoption by the House.

Under leave to extend my remarks, I include for the benefit of the Members a listing of major disasters declared by the President from July 1, 1967 to date.

Mr. COLMER. Will the gentleman yield for some clarifying questions?

Mr. JONES of Alabama. Certainly, I will be glad to answer any questions proposed by the distinguished gentleman from Mississippi, the chairman of the Rules Committee, who has been a tower of strength and support in expediting this legislation to fruition. The gentleman from Mississippi has furnished the conferees with invaluable information and advice which we have been able to utilize in assisting the citizens of the areas devastated by Hurricane Camille and the other natural disasters which have befallen our great country. At this time I would also express my appreciation to the distinguished majority whip, the gentleman from Louisiana, HALE BOGGS. The gentleman provided invaluable assistance not only in the Camille disaster but also the Hurricane Betsy disaster. Let me also commend Congressman HÉBERT and CAFFERY of Louisiana for their outstanding assistance. Congressman CAFFERY, a new

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member of the Committee on Public Works accompanied us on the entire trip throughout the southeastern States in our inspection and survey of the damage caused by Hurricane Camille.

MAJOR DISASTER AREAS DECLARED BY PRESIDENT FROM JULY 1, 1967 TO DATE

Date of declaration	State	Type of disaster	Allocation to date
July 18, 1967	Nebraska	Severe storms and flooding	$1,250,000
Do	Kansas	Tornados, severe storms, and flooding.	1,250,000
Aug. 17, 1967	Alaska	Severe storms and flooding	7,500,000
Aug. 30, 1967	Idaho	Forest fires	1,117,800
Sept. 28, 1967	Texas	Hurricane Beulah	10,000,000
Oct. 30, 1967	New York	Flooding	525,000
Feb. 10, 1968	North Carolina	Ice storm	400,000
Apr. 18, 1968	Trust Territory of the Pacific Islands.	Typhoon Jean	8,500,000
May 3, 1968	Arkansas	Tornados and severe storm	250,000
May 4, 1968	Kentucky	Tornados and severe storms	375,000
Do	Ohio	do	270,000
May 29, 1968	Arkansas	Tornados, severe storms, and flooding.	350,000
Do	Iowa	Tornados and severe storms	720,000
Do	Oklahoma	Heavy rains and flooding	175,000
June 5, 1968	Illinois	Tornados, severe storms, and flooding.	300,000
Do	Ohio	Heavy rains and flooding	1,000,000
June 10, 1968	Texas	do	250,000
June 15, 1968	New Jersey	Heavy rains, high winds, and flooding.	3,000,000
July 5, 1968	Texas	Severe storms, high winds, and flooding.	300,000
July 30, 1968	Indiana	Heavy rains and flooding	220,000
Aug. 4, 1968	Iowa	do	650,000
Aug. 15, 1968	Minnesota	do	500,000
Sept. 9, 1968	do	do	260,000
Sept. 13, 1968	Hawaii	do	300,000
Nov. 7, 1968	Florida	Hurricane Gladys	$750,000
Jan. 26, 1969	California	Severe storms and flooding	38,000,000
Feb. 15, 1969	Arkansas	do	350,000
Apr. 18, 1969	Minnesota	Flooding	2,500,000
Do	North Dakota	do	3,700,000
Do	South Dakota	do	1,000,000
Apr. 19, 1969	Nevada	do	150,000
Apr. 25, 1969	Iowa	do	1,250,000
May 1, 1969	Wisconsin	do	500,000
May 19, 1969	Colorado	Severe storms and flooding	2,500,000
June 6, 1969	Illinois	Flooding	500,000
July 11, 1969	Tennessee	Severe storms and flooding	200,000
Do	Wisconsin	do	200,000
July 15, 1969	Kentucky	do	200,000
Do	Ohio	Tornado, severe storms, and flooding.	2,000,000
Do	Kansas	do	500,000
Aug. 5, 1969	Minnesota	Heavy rains and flooding	150,000
Aug. 14, 1969	Iowa	do	500,000
Aug. 15, 1969	California	Flooding	250,000
Aug. 18, 1969	Mississippi	Hurricane Camille	1,000,000
Aug. 19, 1969	Louisiana	do	1,000,000
Do	Pennsylvania	Severe storms and flooding	400,000
Aug. 23, 1969	Virginia	Severe storms (Camille) and flooding.	1,000,000
Aug. 26, 1969	New York	Heavy rains and flooding	250,000
Aug. 30, 1969	Illinois	do	500,000
Do	Vermont	Severe storms and flooding	200,000
Sept. 3, 1969	West Virginia	Severe storms (Camille) and flooding.	220,000

Mr. COLMER. I thank the gentleman from Alabama for his kind remarks. I commend him for his truly outstanding work on this report. My first question is in regard to section 6.

In the reference applicable to Small Business Administration, I am not clear whether the 5-percent interest as called for in subsection 2A would apply just to those persons who have not tried to obtain financial assistance from private sources, or whether it would also apply to individuals who were unable to obtain, even though they try, financial assistance from private sources. In other words, when does the 3-percent interest apply and when would the 5- or 5¼-percent interest apply?

Mr. JONES of Alabama. The 3-percent interest covered under section 6(1) applies to all those who cannot obtain financial assistance from private sources. The higher rate specified in section 6(2) applies to those persons who would normally have other sources of credit available because of remaining assets.

Mr. COLMER. My second question pertains to section 14.

Under the provisions providing for reimbursement of expenses actually incurred for removal of debris, would this apply to the pecan tree which after having been stripped of its limbs is dead, but actually still may have a remaining stump of some several feet and fragments of limbs? Pecan growers will tell you that in order to be able to use land in the pecan orchard again, the whole trunk plus a good portion of its roots must be removed for the land to be reusable again.

Mr. JONES of Alabama. The answer to your question is "Yes."

Mr. COLMER. Does this legislation aid the oyster planters whose beds were damaged by Hurricane Camille?

Mr. JONES of Alabama. The Farmers Home Administration is authorized under existing laws (7 U.S.C. 1963 et seq.) to make emergency loans to established oyster planters in areas designated for this purpose by the Secretary of Agriculture upon his finding that a natural disaster has caused severe production losses or destruction of oysterbeds making it impossible for oyster planters to obtain credit from other sources. Upon the Secretary's making the finding that there has been severe production losses or destruction of oysterbeds, then all the provisions of section 7 of the conference report would be applicable.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Ohio.

Mr. HARSHA. I thank the gentleman for yielding. I would like to ask a couple of questions of the gentleman. As he knows, the State of Ohio underwent one of these great disasters in the early part of this year, and the committee very graciously and kindly, at my request, went out and visited the area. They did make an examination, and if I am correct in my understanding, inasmuch as the effective date has been moved back to June 30, 1967, and there is no geographical limitation or restriction to this conference report, Ohio, if it meets the other requirements, would be eligible?

Mr. JONES of Alabama. The disaster to which the gentleman referred to was declared a national disaster under the 1950 act by the President on July 15, 1969.

Mr. HARSHA. That is correct.

Mr. JONES of Alabama. That Ohio disaster is covered in this bill.

Mr. HARSHA. The only prerequisite is that the President must declare the area a disaster?

Mr. JONES of Alabama. That is correct.

Mr. HARSHA. Mr. Speaker, I thank the gentleman. I thank the conferees for considering the problems we had in Ohio.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Do I understand that this goes back to mid-1967, and for its retroactivity as far as disasters are concerned this may embrace over 50 separate disasters?

Mr. JONES of Alabama. I believe it is 51 separate disasters.

Mr. HALL. Mr. Speaker, I thank the gentleman.

Are these what we ordinarily characterize as natural disasters which we refer to here?

Mr. JONES of Alabama. Yes, under the act of 1950.

Mr. HALL. Would that include manmade disasters from riots and insurrection, in the opinion of the gentleman?

Mr. JONES of Alabama. No, that would not.

Mr. HALL. Insofar as the provisions of the Senate amendment are concerned, as far as section 3 is concerned, the limitations are placed there for home owners and business concerns under the Small Business Act, of $30,000, and business concerns up to $100,000 without regard to whether or not the assistance could be provided by private sources. In the opinion of the distinguished gentleman from Alabama, the chairman of the committee and of the conference, does this eliminate the need for participating loans for enhancing the value of restored and rehabilitated property?

Mr. JONES of Alabama. It might be. It could be a participating loan, but it provides the total amount canceled shall not exceed $1,800, as provided for there.

The language contained in the conference report is the same as that contained in the act of 1965. There has not been any departure.

Mr. HALL. In other words, for actual restoration loans from natural disasters, the loans would be within certain limitations, 3 percent from SBA for restoration, but if there was enhancement, it would be at the 5-percent rate?

Mr. JONES of Alabama. The gentleman is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, does the conference report in any way attempt to fix interest rates?

Mr. JONES of Alabama. No, it does not attempt to fix interest rates.

Mr. GROSS. Or recommend anything? Does it deal with interest rates in any regard?

Mr. JONES of Alabama. Mr. Speaker, on that I will defer to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, in one section of the bill reference is made to the interest rates as they are applicable to the amount of interest that would be charged by the Government or agency of the Government to an individual on a loan. In that instance it declares any loan made under the authority of this paragraph shall bear interest at a rate equal to the average interest rate on all interest bearing obligations of the United States having maturities of 20 years or more.

Mr. GROSS. But it does not, if the gentleman will yield further, in any way subsidize interest rates?

Mr. WRIGHT. No. I would say to the gentleman from Iowa, it definitely does not. The only conceivable provision which might be so construed is a provision which permits forgiveness of loans up to $1,800 on a small loan, and the individual himself may choose whether that forgiveness comes in the interest or the principal or both.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Speaker, the conference committee report on the California Disaster Relief Act now before us merits our support. We have had many disasters strike this country over the years, the most recent of which is Hurricane Camille which struck my district and the districts of several of my colleagues along the gulf coast. And each time we have a disaster strike, the Congress finds it must try to pass quickly some measures to provide additional relief for the victims over and above that already funded through existing programs. However, this conference committee report would provide for permanent authorization under specific guidelines and would also encourage disaster planning on the part of the various jurisdictions likely to be affected.

Back in the 1930s, damage claims from disasters amounted to less than $100 million per year. Over the years, this has increased to several hundred million and this year it appears that—with the Camille disaster claims over half a billion dollars—the total costs of natural calamities will exceed $1 billion.

The reasons for these increasing costs are many. Inflation and the high cost of rebuilding homes are two reasons. But in general, land has become dear and people are moving into low-lying areas or areas of high damage risk that were previously avoided. More and more homes are dotting our shorelines or our rivers sides. And these people find it increasingly difficult to obtain flood or water damage insurance for their homes and property from private insurance companies.

We are initiating programs—such as the flood insurance program backed by HUD—which will help bring relief to these people and not undercut private industry. But in the meantime—and I am sure for a long time into the future—the Federal Government will have to answer the pleas of the disaster victims for the additional aid necessary to help them restore normalcy to their lives after disaster strikes.

But if that assistance is to be truly worthwhile, it must come at the time the disaster strikes—the time when help is most needed.

The California Disaster Relief Act will provide help—but almost 1 year after the disaster occurred. A few weeks ago, I introduced legislation along with several of my colleagues from the Gulf Coast area, for relief for Hurricane Camille victims, but a month has already past since that disaster and the people need help now.

This revised bill agreed to in the conference committee will provide more immediate relief for disaster victims. More relief for the homeless families to help them rebuild. More relief for the businessman to help him restore his enterprise. More relief to the communities to help them return to normal living.

Mr. Speaker, when we suffer personal injury, we do not wait 6 months or a year and then go see a doctor. We seek help immediately. So, too, should we provide for immedate help for those who suffer so much in time of crisis during hurricanes and other such disasters.

I urge adoption of the conference report.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Virginia.

Mr. POFF. Mr. Speaker, I want to speak my appreciation, and that of those I am privileged to represent, to the conferees on the part of the House for the role they played in making provision for the plight of the victims of Hurricane Camille in Virginia.

Most of the tragic loss of life occurred in Nelson County in our Sixth District. In addition to Nelson, the counties of Amherst, Alleghany, Bedford, and Botetourt and the cities of Covington, Clifton Forge, and Lynchburg suffered extensive property losses. Many property owners, including farmers, businessmen, orchardists, and homeowners, were left penniless. Some have no physical assets, no collateral, and little means of securing a loan on terms and conditions they can reasonably meet.

The House delegation from Virginia joined in a letter of appeal to the conferees to broaden this legislation to include flood victims in our State. Our appeal was heard. Our petition was answered. The response was most generous. Our gratitude is most genuine.

Mr. CRAMER. Mr. Speaker, I yield myself such time as I may consume.

Very briefly, Mr. Speaker, the conferees on both sides of the aisle and with the other body worked out a conference report which was unanimously adopted.

In my opinion, it is the most forward-looking disaster relief legislation to come out of this Congress since 1950.

We have a serious problem with regard to these continuing national disasters. The problem has been we have been treating them disaster by disaster, and we have been treating them 8 or 10 or 12 months after the disaster occurred, and when badly needed relief comes too late.

Camille is a perfect example. We visited Camille. I have never seen such devastation in my life. Those people are entitled to immediate relief. The only manner in which they could get immediate relief was to add Camille to the California disaster legislation, in view of the general legislation pending in the other body and before the conference. We did this. As a matter of fact, this, in my opinion, is one of the most compassionate pieces of legislation we have had on the floor in some time.

This bill provides permanent relief in many instances, so that if another situation happens immediate relief will be available, and immediate response by the Federal Government in the proper area, with immediate cooperation with the Federal Government. It immediately triggers on the part of the President's proclamation, with that as the triggering device, for the same type of relief we have been making available on a piecemeal basis.

What is more fair than that approach? This is a compassionate conference report before the House. I trust the Members will support it unanimously.

A few weeks ago, Hurricane Camille came thundering in off the Gulf of Mexico. It struck the coast a devastating blow, causing extensive loss of life and property damage in vast areas of Mississippi, Louisiana, and Alabama. Torrential rains followed in its wake as far north as Virginia where the rampaging James River triggered extensive flooding and further casualties.

Hurricane Camille, I regret to say, is but one of many natural catastrophes which struck the Nation in recent years. Since July 1, 1967, alone, over 51 major disasters have occurred. Thirty-two States suffered heavy casualties and damage in the billions of dollars. Entire communities were laid low, entire families were wiped out.

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While there is, as yet, nothing we can do to prevent a hurricane or earthquake from happening, a great deal can be done to prepare for such emergencies when, as, and if, they occur.

Disaster relief falls under three main headings. The first involves the preparation of contingency plans, the stockpiling and placement of materials and equipment, and the training of people to handle them. The second involves activating these plans, programs, and procedures during crisis periods in order to provide emergency services for victims of a disaster. This includes coordinating the efforts of Federal, State, and local authorities in rescue and relief operations. The aim is to alleviate the immediate impact of a natural disaster by making food, shelter, health, transportation, and other essential services available to its victims.

Finally, there is the recovery stage, during which devastated areas are rebuilt, rehabilitated, and made productive again. Where public facilities have been wrecked, utilities destroyed, the industrial base disrupted, and housing wiped out, the restoration phase can prove a massive undertaking requiring billions of dollars to fund and years to complete.

Until comparatively recently, the role of the National Government in disaster relief was relatively minor. We left the burying of the dead and the picking up and putting together of the pieces pretty much to State and local authorities and to the victims themselves. While Washington overintruded in many areas, disaster relief, I regret to say, was not one of them. But, over the past decade, a change in thinking has occurred. Congress has begun to extend the Federal role and increase the Federal contribution in order that those whose homes and livelihoods have been destroyed may be helped to recover as quickly and expeditiously as possible.

Our approach, until now, has been to treat each disaster individually. While the President was authorized to participate, through the Office of Emergency Planning and other agencies, in immediate rescue and relief operations, getting the devastated area going again and its people back on their feet again was handled retroactively on a crisis-by-crisis basis. This approach has the advantage of tailoring the relief to the calamity. But it also has many shortcomings, chief among them are:

First, the timelag between the disaster and congressional recognition and relief;

Second, the lack of uniformity in the type of relief extended;

Third, the failure of coordination between the agencies involved;

Fourth, the hit-and-miss nature of such an approach which recognizes some disasters and ignores others;

Fifth, last but not least, is the lack of a carefully thought out and administered Federal approach to meeting disasters to insure that benefits are maximized and the impact and duration of the calamity minimized.

As Members of this body know, I represent a district in Florida which is hurricane prone and conscious. Because of my deep interest and concern, when Camille struck a few weeks ago, I accompanied the Flood Control Subcommittee of the Public Works Committee, of which I am ranking minority member, on an inspection trip of the Virginia and the gulf coast disaster areas. I cannot begin to describe the fury of the storm or the devastation it left in its wake. In Mississippi alone, the zone of destruction was 30 miles long and a half-mile deep. Upon my return to Washington what I had witnessed at first hand moved me to send the following telegram to the President.

> Having just returned from a Public Works Committee inspection trip of the Gulf Coast and Virginia disaster areas, I was shocked by the nature and extent of the devastation caused by Hurricane Camille. The cost in lives was appalling. Estimates of public and private damage exceed $1 billion.
>
> Local, State, and Federal authorities are to be congratulated for the help and assistance they rendered to victims of the storm. But the task of rebuilding has just begun. Clearly, as we did following the Alaska earthquake, Northwest flooding, Hurricane Betsy, and the recent California disaster, Congress will have to provide additional rehabilitation relief to the stricken areas and their suffering people.
>
> In my judgment, Camille's unprecedented magnitude and devastation makes it an appropriate time to consider a broad new legislative approach for coping with national disasters of this sort.
>
> To that end, I respectfully request that your Administration begin an immediate review of existing programs in order that you may recommend to Congress measures for supplementing and expanding them at the earliest possible date.

I know that President Nixon shares my concern for victims of Camille-type disasters and will do all in his power to comply with my request. For us in this body, it is evident that the time has come for a new look at disaster relief legislation. An arsenal of options and approaches for dealing with all types of emergencies must now be considered. In the future, the President must be permanently clothed with authority which will enable him to instantly mobilize the vast resources at his command in order to relieve any area afflicted by a natural disaster and restore it as a functioning social, economic, industrial, and political unit as soon as possible.

The rationale for such an approach is simple: When a disaster hurts any area of the Nation, it hurts the entire Nation and all must share in the task of overcoming its effects.

It was with this idea in mind that conferees of the House and Senate met last week to work out an acceptable compromise on the California disaster relief bill. While differences between the House and Senate versions were substantial, a compromise was eventually agreed to permitting us to extend immediate relief to victims of recent national disasters like Camille and California, while laying the legislative foundation for framing a comprehensive permanent approach.

Under its provisions the President is authorized to provide: temporary dwelling accommodations for displaced individuals and families, matching funds for permanent road repairs, SBA loans for homes and businesses destroyed, farm loans for crop damage, grants for debris removal on both public and private property, the equivalent of unemployment insurance for all whose livelihood is destroyed by a disaster, an enlarged food stamp program for disaster victims, and relief for timber growers and purchasers.

Looking to the future, the conference-approved bill authorizes the President to provide assistance to States for developing comprehensive plans and practicable programs for assisting individuals suffering losses as a result of major disasters.

The provisions of this bill, with a few exceptions, will be effective from June 1, 1967, until December 31, 1970. It may, of course, be extended in its present form beyond that time.

But it is my hope that the interim period will be used by the Congress for an in-depth study of the entire disaster relief field from flood insurance to debris cleanup; from preventive measures to rehabilitation and renewal. If it is, by the time the present bill expires, further permanent legislation outlining the Federal role can be ready for consideration and, hopefully, approval by the Congress.

The time is past when what happens in California, Minnesota, Texas, or Florida can be treated as an isolated event of little or no concern to other sections of the country. Just as we assist permanently depressed areas to become economically self-sufficient, we must assist areas temporarily distressed and depressed by a major disaster to become self-sufficient again.

It is my fervent hope and belief that Congress will rise to meet this legislative challenge and responsibility. I know that I shall do all in my power to do so.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. The gentleman is familiar, I know, with the disaster we had over in northern Virginia just prior to Hurricane Camille.

Mr. CRAMER. I am, I say to the gentleman. I could not drive home that night on Shirley Highway.

Mr. BROYHILL of Virginia. Actually, there were two major floods in 1 week, causing damages in excess of several million dollars. I realize there is no specific area location included here in the conference report. My questions is: If the President would declare this particular area I am talking about at the present time, the Arlandria area over in northern Virginia, as a major disaster area, would that area be eligible for benefits under this conference report?

Mr. CRAMER. In answer to the gentleman's question, "Yes."

Mr. BROYHILL of Virginia. I thank the gentleman.

Mr. WINN. Mr. Speaker, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Kansas.

Mr. WINN. I appreciate the gentleman from Florida yielding.

I want to congratulate the conferees for the work they have done in the field in line with national disasters. I should like to agree with the gentleman from Florida that we seem to have a policy of taking these step by step following the national disasters that hit this country regularly.

Mr. CRAMER. And, I say to the gentleman, often treating them differently.

Mr. WINN. That is right, with variations. I am sure this will have to continue somewhat along this line.

I should like to point out that perhaps this being too late, or the fact that the horse is out of the barn, is not always to be the situation. Possibly we could change some of these national disasters by additional studies.

I should like to point out that many of us have introduced bills along this line, and particularly one dealing with tornadoes, which affect this country and cost this country millions and millions of dollars, as well as the lives of our citizens.

I would hope that in the future some of the committees involved in this body and in the other body would take the time to look in advance, a little bit further down the road, to see if we might do something prior to the national disasters that affect this Nation.

Mr. CRAMER. I thank the gentleman. I will say that was one of the reasons why the December 31, 1970, date was written into the measure, because it is contemplated our committee will be considering these various questions next year.

Mr. WINN. I thank the gentleman.

Mr. BROYHILL of Virginia. Mr. Speaker, it is most difficult to adequately express the gratitude I share with my fellow Virginians and with all members of the Virginia delegation to our colleagues on the Committee on Public Works who were able, in conference, to include in the Disaster Relief Act of 1969 relief for Virginians who have suffered great losses by storms, floods, and high waters during the past 2 months. While I am sure the Congress would have, in time, seen fit to provide relief for the victims of Hurricane Camille, the relief is needed now, not at some point in the future, and our distinguished colleagues have by their quick and decisive action alleviated many additional weeks and months of suffering for these unfortunate folks.

Mr. Speaker, I am also pleased that the victims of flooding in my own northern Virginia district, those long-suffering home and property owners along the stream known as Fourmile Run bordering the city of Alexandria and Arlington County, will also be eligible for relief under provisions of this measure. These good people were driven from their homes and businesses by high water in 1963, suffered lesser floods in 1965 and 1966, then twice in 2 weeks this summer. Many of them have all but given up hope of ever rebuilding or reopening, having accumulated debts through small business disaster loans on such frequent occasions that it is financially impossible for them to take on additional obligations.

We have received encouraging word that the North Atlantic Division, Corps of Engineers has now recommended favorably to the Board of Engineers for Rivers and Harbors a flood-control project the cost of which will be a Federal contribution of $9,926,000 and a local government contribution of $6,079,000, to replace two highway and four railroad bridges, provide an improved channel, and levee and flood wall protection. While we welcome this action, we have been since 1963 trying to obtain this Federal help, and it was only made available to us after the House Committee on Public Works adopted a resolution in October 1966 which, in effect, overruled the Baltimore district engineer's recommendation against Federal participation because of the infrequency of floods they anticipated. We still are a long way from having this project built, Mr. Speaker, as it must be approved by the Board and then presented in an omnibus public works bill in January unless we are able to include it in another measure earlier. But the end is at least in sight, if our people can hold on just a little longer.

Relief under provisions of H.R. 6508 will enable these people to hold on a little longer. They have suffered great loss for many years because of bureaucratic delay. I believe we have a moral obligation to help them. Their problem was created, in large measure, by the tremendous increase in runoff along the streambed due to construction and paving of areas upstream as the Washington metropolitan area has grown into the suburbs. Coincidentally, one of the two highway bridges which must be expanded to carry the increased flow of water is a U.S. highway bridge, and the other a National Park Service bridge.

Mr. Speaker, the people of Arlandria cannot wait for completion of the flood control project. Without funds to recoup their losses from the July and August floods they cannot rebuild or reopen. I know I speak for all of them when I say thank you, from the bottom of my heart, to our colleagues who acted to relieve them in conference. And I urge with all the conviction that I can muster adoption of the conference report on H.R. 6508.

Mr. CRAMER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I will only take a brief moment to express my appreciation to all of the conferees for the exceptional effort made during what I think will be regarded as one of the fastest and most responsive pieces of action on the part of a legislative body in responding to a major disaster such as hurricane Camille. I believe what the gentleman from Florida and what the gentleman from Alabama said is certainly deserving of recognition by the Congress. It is our hope that we will move forward into hearings and come up with the kind of legislative action that will give the necessary relief needed by the people immediately.

Mr. Speaker, the conference report accompanying the Disaster Relief Act of 1969 reveals, I believe, the results of many hours of hard work and statesmanlike effort upon the part of the conferees from both bodies. As we all know, while the California Disaster Relief Act was in conference, Hurricane Camille descended upon the gulf coast killing hundreds and destroying millions of dollars worth of property as it went. It became imperative upon the conferees to act to provide relief to the sufferers of the ravages of Camille. In a very short time, we were able to modify our original bill to provide for help to the citizens of those States.

I wish to assure the people of California, that the ravages of a subsequent disaster did not result in the sufferers of the results of the California storms and floods being forgotten. All the essential provisions of the California Disaster Relief Act that this House acted upon favorably in its original passages of H.R. 6508 have been included in the conference-reported bill.

While specific reference to California has been deleted, the language of the act preserves to the people of California, as well as to those of other States suffering major disasters, the benefits of the original California Disaster Relief Act.

Indeed in certain cases the benefits of that act have been increased. For example, when the President finds it in the public interest, he is authorized to make grants to any State or political subdivision for the purpose of removing debris disposed on privately owned land or waters as a result of such a disaster. The State in its turn is authorized to make payments to any person for the reimbursement of expenses actually incurred by him in removal of debris. This is a new provision of the law and the people of California may well find that it is of benefit to them.

Federal assistance to those who have become unemployed as a result of the disaster is made available under section 12 of the conference-reported bill.

Mr. Speaker, I believe that the people of California will find that the conferees have taken good care of their needs while at the same time providing much needed assistance for their fellow Americans in the Gulf States who suffered the holocaust of Camille.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding.

I merely want to take this moment to express a word of personal pride in the members of the Committee on Public Works who have sacrificed so generously of their own time in order to go into these disaster areas and go over the ground and see at close range what the problems are. I know the chairman of our conferees and the ranking minority member have both given many hours to

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it. The staff has actually hazarded life and limb in going into some of these areas where conditions have been very drastic and dangerous. I think the entire House owes a debt of gratitude to the gentleman from Alabama (Mr. Jones) and the gentleman from Florida (Mr. Cramer) and the staff and other members of the Committee on Public Works for the job that has been done in these disaster areas.

Mr. CRAMER. Mr. Speaker, I certainly thank the gentleman for his kind remarks.

Mr. ANDERSON of California. Mr. Speaker, as a Member of Congress from California and a member of the Public Works Committee, I wish to express my support for H.R. 6508 as recommended by the House conferees.

It was my privilege to travel with the Subcommittee on Flood Control during its survey of the damage caused by the severe storms in California during the month of January. I had the opportunity to participate in 4 days of hearings, at which time a great deal of testimony from the executive agencies and from the State of California concerning the extent of damage was received. We observed, both on the ground and from the air, damage in many areas and the loss experienced to both public and private property.

I was also pleased to join with a number of my California colleagues in sponsoring the California Disaster Act.

During debate on H.R. 6508 on July 9, I had the opportunity to advise my colleagues in this body of the extent of the damages to California and why I considered the bill as reported by the Committee on Public Works to be desirable. I shall not repeat at this time the detailed information which I offered. However, I rise at this time to offer my support for the recommendations of the conferees. The bill as recommended would have national application in lieu of the original bill, which was limited to California. In addition, several provisions which were recommended by the Senate have been added—provisions which I believe strengthen the ability of the Federal Government to respond at the time of greatest need to those areas devastated by a major disaster.

Mr. Speaker, I would like to stress the need for relief and assistance to the citizens of California who were victimized by the 1969 storms as well as to the citizens of other areas who have suffered so greatly by events which could not be foreseen or controlled. This legislation is vitally needed. I urge that my colleagues support the conference report.

Mr. JOHNSON of California. Mr. Speaker, as the principal author of H.R. 6508, I rise to express my wholehearted support for the recommendations of the conference report which was filed in the House of Representatives on September 17.

As you will recall, H.R. 6508 was introduced initially in the wake of the extremely heavy storms which hit California last January and February causing an estimated $425 million worth of damage and causing the death of more than 100 people. The House Public Works Committee recommended enactment of H.R. 6508 perfected as a result of what we on the committee learned during field hearings held even as the heavy rains continued and also in hearings subsequently held in Washington.

The bill initially was intended as specific disaster assistance for the State of California. Its provisions were tailored to this storm. When the bill reached the Senate, the House-approved language was stricken entirely and new, general disaster relief proposals were substituted. We in California have no hesitation about giving full support to the omnibus approach to disaster relief; however, the provisions of the Senate bill would have come too late for California. Accordingly, the Senate-passed version was not acceptable to those of us who were trying to provide relief for California.

A preliminary meeting of the House and Senate conferees was held shortly before the August recess. During the recess, as we all know, this Nation suffered another great natural disaster. Hurricane Camille raged across the Gulf Coast States and then spent its last energies in a deluge which caused great loss of life, human suffering, and property damage in the James River area of West Virginia and Virginia.

Immediately after the August recess, conferees received testimony regarding the Hurricane Camille disaster and set to work to draft a piece of legislation which would accomplish not only the purposes of my original bill, H.R. 6508, but also would provide a basis for long-range disaster relief and at the same time, offer immediate assistance to the people of Mississippi and its gulf coast neighbors and the people of West Virginia and Virginia areas devastated by Hurricane Camille.

Mr. Speaker, I believe the legislation which we have before us today accomplishes this purpose. It provides assistance for the rebuilding of the highways, roads, and streets which are so important for the economic survival of so many of our communities. When transportation lines are cut, the economy strangles.

For individuals, the proposal offers a measure of help in rebuilding through improved small business and farmers home emergency disaster loan programs. For the future, provisions are made for long-range disaster relief planning and improved procedures are established for housing and feeding disaster victims.

Because the Second Congressional District of California, which I represent, is composed of an area largely dependent upon national forest timber for its economic stability, and because of the tremendous damage caused to forests of the Southern States by Hurricane Camille which blew down 1 billion board feet of timber, I would like at this point to emphasize the provisions of this proposal which relate to timber.

I know from past sad experience what happens to timber dependent communities when their forests are destroyed by winds, storms, or fires. I also know that by quick action, some of this loss can be salvaged through clearing the forests, selling the down timber, and milling of the lumber before the effects of rot, disease, and insects destroy the commercial value of the wood. It is for this reason that we have included in the disaster recommendations before you today, some provisions of great importance to the U.S. Forest Service and the other timber areas of the Nation. At this point, I would like to summarize these provisions.

A provision with the most immediate urgency is the authority given to the Forest Service to reduce the period required to advertise a timber sale from the normal 30 days to only 1 week in the case of emergencies. This provision alone can expedite greatly the clearing of down timber and increase greatly the chances of salvaging the wood. In Camille devastated areas, the Forest Service has nearly 100 million board feet of salvagable timber down on the ground.

The 7-day sale has worked in specific disasters in the past, including the Pacific Northwest disaster, when high winds and heavy storms hit northern California, Oregon, and Washington at Christmastime, 1964. We feel that these provisions should be extended to other disaster areas.

Another major problem involving Forest Service timber sales centers on road construction required as part of these sales. Under timber sale contracts entered into since 1965, provisions have been made for reconstruction, at Federal expense, of those roads constructed by timber purchasers as part of their contractual obligations, but not yet accepted into the forest road system. Timber contracts were changed to provide this as a result of our experience in the 1964 Pacific coast storms. There are outstanding, however, some contracts which predate the revisions. We have provided that in these instances the timber purchase will be treated in the same manner as those with the more up-to-date contracts.

One final provision relating to timber salvage concerns the private timber, and in the wake of Camille, probably 90 percent of the timber down is privately owned. As I indicated earlier, down timber must be removed rapidly in order to restore the lands to productivity and permit rebuilding of devastated economies. Additionally, down timber often clogs streams and flood plains, preventing proper drainage. The legislation before us today would permit the Federal Government to assume a portion of the cost of removing this timber. This cost would not exceed the cost of actually clearing the timber from the land, less whatever the salvage value of the timber. The program would be administered by States or local political subdivisions. The conference report clearly establishes the guidelines under which this program would be administered in the public interest.

Mr. Speaker, I am proud to have been one of the conferees which drafted this final version of my bill, H.R. 6508, which I am certain will prove most beneficial not only to those who have suffered so greatly in recent weeks, but also those who may in the future feel the lash of nature's wrath.

May I commend the chairman of the House conferees, our good friend, Representative BOB JONES, for an outstanding job in bringing to the House of Representatives a fine bill. May I also commend the chairman of the Public Works Committee, Representative GEORGE FALLON, for his leadership in this effort, and may I thank my colleagues on the committee and in the conference for their assistance in this important matter.

And, finally, I urge my colleagues here today to approve the conference report for I believe that this is a good bill, a bill that will help our fellow Americans when they need it most.

Mr. FALLON. Mr. Speaker, the conference report which is before the House at the present time is on a bill which the Subcommittee on Flood Control of the Committee on Public Works has worked on for many months.

The conferees on the part of the House have met with the conferees from the other body on several occasions and have arrived at a sound measure which would permit the Federal Government to act in a rapid and meaningful manner when a disaster occurs.

I believe we have learned through sound engineering that all but the most unusual floods can be prevented and damages minimized. However, shortsighted fiscal policies which delay construction of badly needed projects emphasize the need for Federal relief after the occurrence of disasters. In California alone, completed or useful projects of the Corps of Engineers constructed at a total cost of $872 million prevented far greater damages which would have otherwise occurred without these works. The most reliable estimates of the damage prevented during this one period is about $1.6 billion.

Mr. Speaker, I wish to commend the conferees for their fine work in bringing forth this legislation. I especially wish to congratulate the gentleman from Alabama (Mr. JONES) for his usual excellent job. Over the years, the gentleman has traveled the length of this Nation at a moment's notice to see what he, as chairman of the Subcommittee on Flood Control, could do to aid our citizens stricken by disasters.

Mr. Speaker, I commend the conferees on the minority side, the gentleman from Florida (Mr. CRAMER), the gentleman from California (Mr. CLAUSEN), and the gentleman from Nebraska (Mr. DENNEY), as well as the gentlemen of our side of the aisle, the gentleman from Texas (Mr. WRIGHT), the gentleman from Oklahoma (Mr. EDMONDSON), and the gentleman from California (Mr. JOHNSON).

This is an excellent conference report. This is needed legislation, and I recommend its adoption by the House.

Mr. MARSH. Mr. Speaker, it is appropriate that we be considering means of broadening programs of disaster assistance in view of the extent of disaster damage and suffering this year. Many communities will be grateful to the conferees, I am sure, for the recognition they have shown in extending the geographic coverage of the bill—particularly those struck by Hurricane Camille.

Portions of the congressional district which I represent, the Seventh District of Virginia, were hard hit as a result of this storm. I refer specifically to the counties of Albemarle, Rockbridge, Fluvanna, Augusta and to some extent Bath, as well as the cities of Buena Vista and Waynesboro; the towns of Glasgow, Scottsville, Bremo Bluff, and Columbia; such communities as Howardsville in Albemarle County, which was almost obliterated, and other settlements in the flood area which felt the full devastation of this storm.

The areas on which this storm visited extremely heavy rains received damage that was extensive, and the effects of it will be prolonged. I would describe the types of losses in three categories:

PERSONAL

This involved in a number of instances the loss of life and homelessness. Real and personal property losses, including homes, household goods and livestock, was a loss that was felt by literally thousands of people. In many instances, the loss of property cannot be recouped in a short period of time because of drained family and business resources. Damage to household furnishings such as refrigerators and stoves usually requires replacement, not repair.

COMMERCIAL DAMAGE

In this category would be included substantial areas of damage that relate to the economic health and viability of these communities. In a number of instances, complete stocks of merchandise of small businesses were totally destroyed over a very wide range. In fact, almost the entire downtown commercial section of the city of Buena Vista was inundated. Only a few of these business establishments escaped the effects of the flood. Far-reaching implications under this category of damage lie in those inflicted on industries and again, in Buena Vista, some five major industries of that community were flooded. This has a severe impact on the livelihood of literally hundreds of workers. The damage is sometimes not apparent, but arises from water having covered electric motors, generators and other equipment which, in some instances, has become useless without either replacement or extensive repair.

PUBLIC DAMAGE

This is damage principally to major capital improvements of a public or quasi-public service nature. It includes destruction of paved streets and municipal improvements; ripped up water and sewer lines and damage to pumping stations and sewage treatment plants. It also includes major highway damage to bridges and roads, as well as extensive rail damage to trestles, roadbeds and rolling stock and rail facilities. This damage also has long-range implications and cannot be corrected readily.

I should like to commend the Federal agencies for the dispatch with which they moved, notably the Small Business Administration and the Farmers Home Administration and the emergency agencies associated with Federal, State, and local government. Not only did they make substantial contributions during the disaster, but the speed and skill with which they moved in the trying hours and days immediately after the storm had passed helped save lives and property and insure to some extent economic recovery and reestablishment of family units.

There is much that remains to be done, and much of it cannot be done by government at any level. Complete restoration to the condition before the disaster cannot be attained, but, to the extent that government can, I think it should move to meet this need.

Mr. GRIFFIN. Mr. Speaker, in its finest tradition, the Congress has responded to the need for helping the victims of Hurricane Camille.

When that great tragedy hit Mississippi, West Virginia, and Virginia in mid-August, there were immediate outpourings of sympathy and assistance from every section of our great Nation.

President Nixon, Vice President AGNEW, and other administration officials expressed concern and instantly placed into motion disaster relief authorized under the law.

The leadership of the House, and the other body, offered cooperation in adopting additional legislation to aid a stricken people. You, Mr. Speaker, were especially interested in prompt action.

As usual, the chairman of the Flood Control Subcommittee of the Committee on Public Works, Hon. ROBERT E. JONES of Alabama, quickly reacted to the disaster of Camille. He and members of his subcommittee were in the area shortly after the hurricane. They spent several days on the scene observing and evaluating the great loss of human life, property and natural resources.

The firsthand knowledge acquired by the Jones committee prompted it to stimulate affirmative legislative action. The culmination of these events is reached with the conference report before the House now.

Mr. Speaker, I wish to express the gratitude of the people I am honored to represent to every Member of Congress supporting H.R. 6508.

Mr. COLMER. Mr. Speaker, I wish to record here my deep and sincere appreciation to Speaker MCCORMACK and to the Congress, for the expeditious manner in which this matter has been handled. I particularly want to express my sincere appreciation to Chairman JONES, my good friend and chairman of the Subcommittee on Flood Control of the House Public Works Committee, as well as the members of his committee, for leaving their homes during the congressional vacation and visiting the disaster area in Mississippi. There they had a firsthand opportunity to view the extremity of the disaster caused by Hurricane Camille.

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Likewise, Mr. Speaker, I should like to voice not only my appreciation but the appreciation of the people of my congressional district, which bore the brunt of the fury of this destructive storm, to the President of the United States, Mr. Nixon, and the Vice President, Mr. Agnew, for visiting the storm stricken area and pledging their support for the relief of our people. President Nixon's address to the people of Mississippi at Gulfport was enthusiastically received and his challenge to them to rebuild their devastated area was warmly received.

Mr. Speaker, I believe legislative history was made in the matter of assistance to our people in the expeditious manner in which relief was obtained. As has already been explained, it was thought wise in the interest of time to provide in the so-called California relief bill extra provisions to take care of Camille, as well as making the California disaster provisions also applicable to it.

If the regular normal and orderly procedure had been followed, the urgent assistance needed would possibly not have been received for many months. This is illustrated by the fact that the House passed the California disaster bill some 4 months ago. Subsequently the Senate passed the bill and it has been in conference since then.

I think this was a wise procedure and I was pleased to cooperate with both Senators Eastland and Stennis, who both devoted much effort and time to the consummation of the legislation. Although, there is a question in my mind whether the relief and assistance provided is sufficient to take care of this tragedy insofar as the Federal Government can participate. If it proves to be inadequate, then we will just have to proceed with further and additional legislation. Of course, Mr. Speaker, as in all other legislative matters, the administration is going to be the key to the success of the legislation.

Mr. CRAMER. Mr. Speaker, a few weeks ago, Hurricane Camille came thundering in off the Gulf of Mexico. It struck the coast a devastating blow, causing extensive loss of life and property damage in vast areas of Mississippi, Louisiana, and Alabama. Torrential rains followed in its wake as far north as Virginia where the rampaging James River triggered extensive flooding and further casualties.

Hurricane Camille, I regret to say, is but one of many natural catastrophes which struck the Nation in recent years. Since July 1967 alone, over 51 major disasters have occurred; 32 States suffered heavy casualties and damage in the billions of dollars. Entire communities were laid low, entire families were wiped out.

While there is, as yet, nothing we can do to prevent a hurricane or earthquake from happening, a great deal can be done to prepare for such emergencies when, as, and if, they occur.

Disaster relief falls under three main headings. The first involves the preparation of contingency plans, the stockpiling and placement of materials and equipment and the training of people to handle them. The second involves activating these plans, programs, and procedures during crisis periods in order to provide emergency services for victims of a disaster. This includes coordinating the efforts of Federal, State, and local authorities in rescue and relief operations. The aim is to alleviate the immediate impact of a natural disaster by making food, shelter, health, transportation, and other essential services available to its victims.

Finally, there is the recovery stage, during which devastated areas are rebuilt, rehabilitated and made productive again. Where public facilities have been wrecked, utilities destroyed, the industrial base disrupted, and housing wiped out, the restoration phase can prove a massive undertaking requiring billions of dollars to fund and years to complete.

Until comparatively recently, the role of the National Government in disaster relief was relatively minor. We left the burying of the dead and the picking up and putting together of the pieces pretty much to State and local authorities and to the victims themselves. While Washington has obviously overintruded in many areas, in disaster relief, I regret to say, there is underaction and inaction. But, over the past decade, a change in thinking has occurred. Congress has begun to extend the Federal role and increase the Federal contribution in order that those whose homes and livelihoods have been destroyed may be helped to recover as quickly and expeditiously as possible.

Our approach, until now, has been to treat each disaster individually. While the President was authorized to participate, through the Office of Emergency Planning and other agencies, in immediate rescue and relief operations, getting the devastated area going again and its people back on their feet again was handled retroactively and on a crisis-by-crisis basis. This approach has the advantage of tailoring the relief to the calamity. But it also has many shortcomings, chief among them are:

First, the time lag between the disaster and congressional recognition and relief;

Second, the lack of uniformity in the type of relief extended;

Third, the failure of coordination between the agencies involved;

Fourth, the hit and miss nature of such an approach which recognizes some disasters and ignores others; and

Fifth, last but not least, is the lack of a carefully thought out and administered Federal approach to meeting disasters to insure that benefits are maximized and the impact and duration of the calamity minimized.

As Members of this body know, I represent a district in Florida which among others in Florida is also hurricane prone and conscious. Because of my deep interest and concern, when Camille struck a few weeks ago, I accompanied the Flood Control Subcommittee of the Public Works Committee, of which I am ranking minority member, on an inspection trip of the Virginia and the gulf coast disaster areas. I cannot begin to describe the fury of the storm or the devastation it left in its wake. In Mississippi alone, the zone of destruction was 30 miles long and a half-mile deep. Upon my return to Washington what I had witnessed at first hand moved me to send the following telegram to the President:

> Having just returned from a Public Works Committee inspection trip of the Gulf Coast and Virginia disaster areas, I was shocked by the nature and extent of the devastation caused by Hurricane Camille. The cost in lives was appalling. Estimates of public and private damage exceed $1 billion.
>
> Local, State, and Federal authorities are to be congratulated for the help and assistance they rendered to victims of the storm. But the task of rebuilding has just begun. Clearly, as we did following the Alaska earthquake, Northwest flooding, Hurricane Betsy, and the recent California disaster, Congress will have to provide additional rehabilitation relief to the stricken areas and their suffering people.
>
> In my judgment, Camille's unprecedented magnitude and devastation makes it an appropriate time to consider broad new legislative approaches for coping with national disasters of this sort.
>
> To that end, I respectfully request that your Administration begin an immediate review of existing programs in order that you may recommend to Congress measures for supplementing and expanding them at the earliest possible date.

I know that President Nixon shares my concern for victims of Camille-type disasters and will do all in his power to comply with my request. For us in this body, it is evident that the time has come for a new look at disaster relief legislation. An arsenal of options and approaches for dealing with all types of emergencies must now be considered. In the future, the President must be permanently clothed with authority which will enable him to instantly mobilize the vast resources at his command in order to relieve any area afflcted by a natural disaster and restore it as a functioning social, economic, industrial, and political unit as soon as possible.

The rationale for such an approach is simple: When a disaster hurts any area of the Nation, it hurts the entire Nation and all must share in the task of overcoming its effects.

It was with this idea in mind that conferees of the House and Senate of which I was working with in the House met last week to work out an acceptable compromise on a disaster relief bill, in the House, limited to California. While differences between the House and Senate versions were substantial, a compromise was eventually agreed to permitting us to extend immediate relief to victims of recent national disasters like Camille as well as California, while laying the legislative foundation for framing a comprehensive permanent approach.

Under its provisions the President is authorized to provide —

Temporary dwelling accommodations for displaced individuals and families;

Matching funds for permanent road repairs;

SBA loans for homes and businesses destroyed;

Farm loans for crop damage;

Grants for debris removal on both public and private property;

The equivalent of unemployment insurance for all whose livelihood is destroyed by a disaster;

An enlarged food stamp program for disaster victims; and

Relief for timber growers and purchasers.

Looking to the future, the conference-approved bill authorizes the President to provide assistance to States for developing comprehensive plans and practicable programs for assisting individuals suffering losses as a result of major disasters.

The provisions of this bill, with a few exceptions, will provide an authorization from June 1, 1967, until December 31, 1970. Reauthorization, of course, will be extended in its present form beyond that time and hopefully, in 1970, in an even more effective form after we learn from experiences in the interim.

But it is my hope that the interim period will be used by the Congress for an in-depth study of the entire disaster relief field from flood insurance to debris cleanup; from preventive measures to rehabilitation and renewal. If it is, by the time the present bill expires, permanent legislation outlining the Federal role can be ready for consideration and, hopefully, approval by the Congress.

The time is past when what happens in California, Minnesota, Texas, or Florida can be treated as an isolated event of little or no concern to other sections of the country. Just as we assist permanently depressed areas to become economically self sufficient, we must assist areas temporarily distressed and depressed by a major disaster to become self sufficient again under permanent and predetermined programs and formulas.

It is my fervent hope and belief that Congress will rise to meet this legislative challenge and responsibility. I know that I shall do all in my power to do so.

GENERAL LEAVE TO EXTEND

Mr. DON H. CLAUSEN. Mr. Speaker, it might be appropriate if I were to ask unanimous consent that all Members be permitted 5 days to extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

LEGISLATION TO BRING EMPLOYEES OF SELECTIVE SERVICE SYSTEM UNDER CLASSIFIED CIVIL SERVICE

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRIEDEL. Mr. Speaker, I am today introducing a bill which would bring employees of the Selective Service System under the classified civil service.

Many of the Selective Service employees are located in cities or counties having Federal employees of other agencies who uniformly come under the provisions of the Classification Act. Although Selective Service employees are Federal employees they have been denied many of the rights and benefits of Federal employees. They are in an anomalous situation. The step to bring them under the provisions of the Classification Act is long overdue. The large proportion of Selective Service employees are underpaid and legislation is necessary not only in justice to the employees concerned but to supply a missing link in the chain of Federal personnel administration. Prior to 1923 every Federal department and agency largely went its own way in pay and other conditions of employment. The Classification Act brought both order and equity out of this chaos. The employees of the Selective Service System are in a similar chaotic situation today as were the other Federal employees prior to the enactment of the Classification Act.

The pioneering work being done by the National Federation of Federal Employees to improve the pay and working conditions of the Selective Service employees has come to my attention and as a result of their efforts some steps have been taken by Selective Service officials to update the pay structure of the employees. However, the need is for action by the Congress to make these employees classified civil service employees.

There is real necessity to bring employees of the Selective Service System under the Classification Act as soon as possible. Although the Selective Service System has become a part of our way of life we cannot foretell the future. Selective Service employees should have the same opportunities as other Federal employees have in connection with transfers, promotions, and other personnel actions under the classified civil service system. Mr. Speaker, I believe that the bill I am introducing is very much in the public and national interest as well as that of the employees directly concerned and therefore should receive prompt and favorable action by the Congress.

PLANS OF SDS TO LAUNCH MASSIVE DEMONSTRATIONS IN CHICAGO, OCTOBER 8 TO 11, 1969

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, I wish to call to the attention of my colleagues and all our fellow citizens the plans of the Students for a Democratic Society—SDS—to launch massive demonstrations in Chicago in October in the apparent hope of provoking even greater civil disorder and violence than we witnessed at the time of the Democratic National Convention.

A brochure produced by the SDS national office under the heading, "Bring the War Home," has been given mass distribution throughout the Nation. The brochure announced an SDS "National Action" against "war and imperialism" would take place in Chicago from October 8 to 11, 1969.

In the way of background, at the June 1969 SDS National Convention a resolution was passed calling for a massive antiwar demonstration in Chicago in the fall. This action "seeking to involve the most people possible in militant struggle" would be timed to coincide with the trial in that city of eight individuals—Conspiracy 8—charged with conspiracy to foment riot at the time of the 1968 Democratic National Convention. "Demands" to be publicized by the Chicago October demonstrations were:

First. Immediate withdrawal of all U.S. occupation forces in Vietnam.

Second. Support for black liberation.

Third. Free Huey Newton—Black Panther Party official jailed after being convicted of manslaughter in the death of a police officer—and all political prisoners.

Fourth. No more surtax.

Fifth. Independence for Puerto Rico.

Sixth. Solidarity with the Conspiracy 8.

Seventh. Support for GI's rights and GI rebellions.

According to the above-mentioned SDS brochure, the forthcoming Chicago demonstrations are also intended to "express total support" for the National Liberation Front of South Vietnam and the Provisional Revolutionary Government of South Vietnam—both agencies of the Vietnamese Communists.

The brochure invited readers to join SDS and "tens of thousands of people" who would be demonstrating in Chicago. Recalling that 10,000 persons turned out for demonstrations at the time of the Democratic National Convention and "tore up pig city for 5 days," the brochure emphasized that "this fall, people are coming back to Chicago—more powerful, better organized, and more together than we were last August." SDS viewed itself as engaged in the same struggle Vietnamese Communists are engaged in against "the same enemy" and "in that sense the Chicago demonstrations represented an SDS effort to 'establish another front against imperialism right here in America—to bring the war home'." This alleged war of liberation from imperialism is "a war in which we must fight," and not simply "resist," the brochure declared. The battlegrounds in the United States would be found "in black communities throughout the country. On college campuses. And in the high schools, in the shops and on the streets."

According to SDS official publication, New Left Notes, SDS plans call for 4 days of activity beginning with a rally on October 8 in the memory of Che Guevara and Nguyen Van Troi who, in their words, was a "Vietnamese hero murdered by the United States on October 15, 1964, for attempting to kill—U.S. Defense Secretary—McNamara." Two days, October 9 and 10, are set aside for an attack on the schools and the courts, and the final day, October 11, for a massive march. The actions planned around the schools calls

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for SDS members to descend on certain Chicago high schools, break in and race around the halls yelling "jailbreak." This is intended to inspire the high school students to rise up and join the SDS members in the streets. In the action planned around the courts, SDS members plan to stop the trial of the eight individuals indicted in last year's Chicago demonstrations.

The tactic which SDS proposes for Chicago in October has been frankly labeled by that organization as the "tactic of mass confrontation." SDS leaders have declared that "one of the most important reasons" for the action is the need to build a revolutionary youth movement. The leaders feel that this can only be done through an aggressive presentation of SDS politics since revolutionaries are "created in struggle and not through protest or persuasion." It is the opinion of SDS leaders that the 1968 Chicago demonstrations did more damage to this Nation's ruling class, helped build a revolutionary movement in this country and aided the Vietnamese Communists in a more concrete and significant way than any mass peaceful gathering this country has ever seen.

Latest reports are that 15 SDS members were working full time in Chicago toward "building up the troops" for the October demonstration. SDS members throughout the country have been urged to bring literature and "actions" relating to the Chicago demonstrations into the high schools and colleges, to beaches, parks, and drive-ins, and into factories and spots frequented by GI's. Youths have been encouraged to travel to Chicago in groups rather than as individuals.

There is a great deal of internal bickering within the SDS as to the character of the October demonstrations, and there is some indication that the SDS will not receive the full support of other revolutionary groups.

I am sure everyone recalls the tactic of violence and disruption erupted in a manner to shock the Nation and the world at the Democratic National Convention held in Chicago in August 1968. Violence has become one of the most serious domestic problems confronting the United States. As chairman of the House Committee on Internal Security which has been holding hearings on the involvement of SDS in revolutionary violence, I am exceedingly concerned that the concept of violence has become an integral part of the philosophy of SDS.

In my opinion, the authorities in the great city of Chicago should promptly and firmly announce to those intending to participate in the SDS sponsored October demonstrations, that lawlessness, disruption of schools and courts, and incitement to rioting and violence will not be tolerated. It should be made clear to the SDS, its members, adherents, and followers that intimidation and disruption as well as attempted or actual destruction, assaults, rioting, burning, plundering or other crimes in the city of Chicago will be promptly met wtih arrest and such force as may be necessary to prevent or to quell such acts.

All American citizens have the right to peacefully petition Government officials for the redress of grievances. Such petitions when properly presented should be heard and considered. But no organization should be permitted to employ intimidation, unlawful coercion, or violence to impose its will or to achieve its aims. If permitted, the rights of other citizens are violated. If permitted, the government has defaulted in its obligation to insure domestic tranquility, and our society will suffer irreparable harm.

WORDS WITHOUT DEEDS

(Mr. HICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HICKS. Mr. Speaker, Washington Post financial editor, Hobart Rowen writes:

> Achieving the worst of both worlds—higher unemployment and continued inflation—is a difficult trick, last accomplished by President Eisenhower. It would be unfortunate if President Nixon . . . lets it happen again.

Nevertheless, a growing number of national publications have expressed fears that if the Nixon administration continues to pursue a tough monetary policy without intrevening in the present wage-price spiral, it will finally succeed in provoking a general recession without ending inflation.

From its first days in office the Nixon administration has been saying that it regards the control of inflation as the No. 1 economic problem of the country. Yet, the rate of increase in the cost of living for the first 8 months of the new administration is nearly double that of last year. Although the facts, as adduced by his own staff, seem to contradict the President, he continues to maintain that the current monetary squeeze is preferable to either selective credit controls or wage-price guidelines.

For all practical purposes, the only visible impact of the money squeeze has been on homebuilding, where construction starts have dropped 30 percent since the beginning of the year. Recently published studies by two highly regarded economic consulting firms, the Lionel Edie Co. and the Boston-Rinfret Co., indicate that not only is the rest of the economy generally unaffected, but that there is a very good reason to believe that the business investment boom—which tight money is intended to short circuit—will accelerate sharply in coming months. Pierre Rinfret, a close economic adviser to President Nixon during the 1968 campaign, concludes that the administration's monetary policy has been "notoriously unsuccessful in slowing down the economy."

So far as housing goes, however, the word is "recession" with forecasts that things are bound to get worse before they get better. In August, I attended an executive board meeting of the Home Builders Association of Greater Tacoma, Wash., where I was informed that many homebuilders in the Sixth Congressional District are finding it near impossible to obtain future financing and thus cutting back on actual construction. Perhaps even more important is that many local contractors are being forced to lay off large numbers of employees.

I find these comments to be very important because they illustrate a serious situation which exists in countless communities across our Nation. Michael Sumichrast, economist for the National Association of Home Builders, predicts that the annual rate of housing starts will drop below 1 million by the end of the year. It had been nearly 1.9 million at the beginning of 1969 and with Congress calling for a housing goal of 2.6 million new units a year for the next 10 years.

Just this past week, Federal Reserve Board Governor J. Dewey Daane revealed the first results of a long-term official study on the impact of monetary policy—and they confirm the fact that housing gets hit first and hardest by tight money. Consequently, as far as the housing industry is concerned, the Nixon administration is already following a policy of "selective credit controls," except that they alone have been selected by the administration for control.

This past July 30, in the midst of towering inflation, United States Steel hiked its price 4.8 percent. Nothing but silence from the White House. The ground employees of Pan American World Airways just landed a 3-year, 37½-percent wage increase. No comment from the White House.

In the past, the White House has taken a keen interest in such matters. We recall that President Kennedy's tough response to United States Steel's $6-a-ton, across-the-board increase was responsible for the big steel firm rescinding the boost. And President Johnson's tough policy of "jawboning" labor and industry won wide praise for helping keep the lid on the wage-price inflationary spiral. But, apparently the Nixon administration believes it is wrong to intervene when a corporation boosts prices excessively or when a union counters with a similar wage demand. As one economist put it, "President Nixon's silence seems a tacit signal to corporations and unions, the lid is off."

Certainly, within our free-enterprise system few people want to see Government-imposed wage and price controls. However, many knowledgeable observers believe that unless the administration soon changes tactics in its presently unsuccessful battle against inflation, controls may become unavoidable. The January 1969 annual report of the outgoing Council of Economic Advisers endorsed the need for wage-price guideposts, arrived at in consultation with management and labor, and for an executive department agency to focus public opinion upon wage-price behavior which threatens our economic stability.

The President must act now to establish such wage-price guidelines in order to give the economy a hand-hold on further inflation. This action could well provide the economy with the necessary antidote to inflation, while reducing the possibility of future Government controls.

THE PRESIDENT SHOULD REQUIRE THE FEDERAL RESERVE TO SUPPORT THE GOVERNMENT BOND MARKET

(**Mr. PATMAN** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, where is the Federal Reserve System? That is the question that everyone is asking in the wake of news reports that the Treasury Department will be paying 8-percent interest on nearly $9 billion worth of borrowings.

Mr. Speaker, it is obvious that the Federal Reserve has run out on the American people and is not supporting the Government bond market. It has abandoned its responsibility in a disgraceful manner.

The 8-percent interest rate is the highest on Government borrowings since 1859. This is money out of the pockets of every taxpayer. It is an unnecessary gouging of the people. It could be prevented if the Federal Reserve would move to support the Government bond market and drive the interest rates down. The President has a responsibility in this area and should personally and officially act now.

Mr. Speaker, the President of the United States and his Secretary of the Treasury should demand today that the Federal Reserve fulfill its monetary role. The President should go to the mat with the Federal Reserve before the day is out.

We are now reaping the results of months of delay and drift and apathy on monetary policy. It is the height of irresponsibility for the President, the Federal Reserve, the Treasury Department, and the Congress to allow Government securities—backed by the Nation's full faith and credit—to be sold at 8-percent interest rates.

The President cannot dodge the issue. It is the President's duty under the U.S. Constitution to enforce the laws passed by Congress—not the Federal Reserve.

Mr. Speaker, I place in the RECORD a copy of a news story from the Wall Street Journal detailing the plans of the Treasury Department to market securities at 8 percent:

[From the Wall Street Journal, Sept. 18, 1969]

TREASURY OFFERS INTEREST UP TO 8 PERCENT ON NOTES IN $8.9 BILLION REFINANCING—OFFICIALS ALSO SAY MORE CASH MAY BE NEEDED TO COVER SPENDING SURGE, TAX LAG

WASHINGTON.—The Treasury offered interest rates ranging up to 8% on three new issues of notes in exchange for $8.9 billion of securities maturing in the next few months.

Officials also said the Treasury soon may have to borrow more new cash than anticipated because of a smaller than projected gain in corporate taxes and an unexpected surge in Federal spending.

The 8% interest rate on the new notes is the highest on a comparable Treasury security since 1859, when rates ranged up to 12% on some issues, the Treasury Under Secretary for Monetary Affairs, Paul A. Volcker, said. The 7.75% coupon on 18-month notes issued Aug. 15 previously had ranked as the highest since that pre-Civil War peak.

The Treasury offered a choice of these new issues, all to be dated Oct. 1:

A 19½-month note carrying an 8% coupon at par, to mature May 15, 1971.

A three-year-17½-month note carrying a 7¾% coupon at par, to mature May 15, 1973.

A six-year-10½-month note carrying a 7½% coupon at a discount price of 99.50 to yield 7.59% maturing Aug. 15, 1976.

NO CASH SUBSCRIPTIONS

No cash subsciptions will be accepted, the Treasury emphasized, as the new notes will be issued only in exchange for any of these older securities:

$6.4 billion of 4% bonds issued in 1957 and maturing Oct. 1.

$159 million of 1½% notes dating from 1951, also maturing Oct. 1.

$2.48 billion of 2½% bonds issued in 1943 and coming due Dec. 15.

Subscription books will be open at the Treasury and all Federal Reserve Banks and branches on Monday through Wednesday next week, the department said, with subscriptions mailed before midnight Sept. 24 being considered timely. Oct. 1 was set as payment and delivery date.

Of the total maturing issues, $7.6 billion are in private hands and $1.28 billion are held by Federal Reserve Banks and other Governmnet investment accounts. Private investors, the Treasury said, hold all of the 1½% notes, $5.48 billion of the 4% bonds and $1.97 billion of the 2½% bonds.

INTEREST DATE

Interest on the new 8% notes will be payable on May 15 and Nov. 15, 1970, and on May 15, 1971. Interest on the 7¾% notes will be payable on each May 15 and Nov. 15 until maturity, and interest on the 7½% notes will be payable on Feb. 15 and Aug. 15 until maturity. Various adjustments will be made for par value and issue price differentials.

While the new notes will be available—as usual—in denominations as small as $1,000, Mr. Volcker expressed doubt that they would lure large amounts of deposits from savings and loan associations, which generally are restricted to paying 4¾% on passbook accounts. The fees involved in purchasing small blocks of eligible maturing issues would cut into the yield, he said, observing also the relatively long maturities on the three new issues.

It is at least a possibility, Mr. Volcker said, that the Treasury will end up with net borrowing "somewhat" more than the $8 billion previously estimated during this second half of calendar 1969. There is "more than usual uncertainty," he said, because the Treasury's cash balance has been undergoing unusual "gyrations" lately. Early in the month, he said, farm price-support payments proved "much larger" than planned, and a number of other budget outlays were also bigger than expected.

While expressing hope that these were only temporary bulges that will be offset by reduced outlays later, Mr. Volcker said it appears that net new issues of marketable securities will have to be between $2.8 billion and $3.8 billion before year-end. Logic indicates, he said, that much or even all of the financing should be in short-term "tax-anticipation bills," which may be use in lieu of cash to make income-tax payments during the first half of 1970.

Tight conditions may well cause "attrition" of more than the normal 10% in the current refunding, Mr. Volcker said, so that the Treasury would have to do extra borrowing to cover those maturing securities that holders turn in for cash instead of for new securities. So the gross new market financing before year-end, he said, will likely be at least $5 billion. Against the previously estimated $8 billion net financing, Mr. Volcker said, the Treasury has already accomplished $5.2 billion.

The department will "certainly" turn to the market for new cash in the second part of October, he said, but how much will be sought then and how much in November or "even later" remains to be determined.

Wall Street dealers in Treasury securities appeared unanimous in describing the exchange terms as "surprisingly generous." Nevertheless, they also agreed, available investment funds are at such a low ebb currently that a larger-than-usual "attrition" on the offering is indicated.

"Plenty of investors are so strapped for cash that they probably couldn't swap for securities even at a 15% yield," one specialist remarked. In the past, Treasury officials have called a refinancing operation successful when 10% or less of the maturing issues were exchanged for cash.

Market professionals guessed there might be a very heavy demand for the longest maturity of the three new 7½% notes, which they said had been priced particularly attractive by the Treasury in an attempt to "stretch" the average life of the Government's debt. The actual yield of 7.59% on these notes was far more liberal than anticipated; beforehand, the industry had widely predicted a fresh seven-year note to return "more than 7.40% though certainly less than 7.50%."

This elation over the 7.59% yield was, however, heavily tempered by a suspicion among at least some dealers that the lofty return possibly carried significant implications in regard to the Government's anti-inflation credit policies. Federal monetary authorities may well have designed the lucrative terms to ensure that additional funds will be drained from the private sector, several specialists reasoned.

"The 7.59% yield likely will attract a lot of money away from the various savings institutions, and thereby cause a further slump in the housing industry and other mortgage areas," one specialist asserted. "Both the Treasury and the Federal Reserve System are well aware of this, and it may be their way of saying they plan to keep up tight-credit pressure until the inflationary psychology is whipped," he added.

Another dealer observed: "Some people have interpreted recent banking statistics to mean the Federal Reserve was beginning to switch toward an easier-money stance, but the terms on these new notes certainly seem to dispel that conclusion. If anything, one might guess the Federal Reserve is determined to slow business activity regardless of who gets hurt."

Separately, the Treasury made its routine monthly offer of $1 billion one-year bills and $500 million nine-month bills to replace a like amount maturing Sept. 30, setting 1:30 p.m. EDT next Tuesday as deadline for tenders.

The likelihood of a slowdown in the rise in corporate profits, the Budget Bureau said separately yesterday, is a key cause of its reducing an earlier estimate of Treasury tax collections. While reiterating President Nixon's intention to keep Federal spending within a $192.9 billion limit, the bureau said it appears that revenues will be $198.8 billion in the fiscal year ending June 30, or $400 million less than projected last May 20. On this basis, the budget surplus woud be $5.9 billion, rather than the $6.3 billion targeted previously.

TWO BASES FOR ESTIMATES

On the "national income" basis, which excludes changes in inventory values, the bureau estimated that pretax corporate profits in calendar year 1969 will be a record $94.5 billion, or $6.6 billion more than the high of $87.9 billion reached in 1968. But in May, the bureau had estimated a $7.9 billion profits climb to $97 billion, from a 1968 total that then was believed to be $89.1 billion. Last year, profits by this measure increased by a more rapid $8.7 billion. On the more commonly cited Commerce Department basis, the corporate profits total in 1968 was $91.1 billion before taxes and $49.8 billion after taxes.

The Administration is estimating gross national product for 1969 at a record $932 billion, the bureau said, an increase of $66.3 billion from last year's $865.7 billion. GNP measures both Government and private output of goods and services. The figures for this year and last both were revised upward by about $5 billion, so there hasn't been any appreciable change in the Administration's assessment of the pace of overall economic activity since its May review.

Personal income, however, is slated to rise by $57.1 billion to $745 billion this year, the bureau report showed, a more marked advance than the $53.2 billion previously projected.

Estimates of tax receipts for the fiscal year also were pared, the Budget Bureau's "summer review" said, because of "recent experience with collections" and delay in Congressional enactment of the perennially unsuccessful request for new "user charges."

About $4 billion of the estimated revenue total, the bureau noted, hinges on Congress extending the 10% income-tax surcharge at a 5% rate starting Jan. 1, extending excise taxes and repealing the 7% tax credit for business investment in equipment.

Spending plans of individual departments still are highly tenative, the bureau stressed, because Congress has yet to complete work on any of the regular appropriations bills for the fiscal year that's already almost one-fourth over. But, mainly because interest costs on the national debt keep rising, the bureau noted the Treasury, itself, is expected to spend $18.44 billion, or $885 million more than estimated in mid-April.

TRIBUTE TO DREW PEARSON

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, the voice of my friend Drew Pearson, has been stilled by death. It was a voice which was sometimes harsh with Members of this House and the institution of Congress. In fact four Members of Congress went to jail because of that voice. It may seem strange for a Congressman to praise such a voice and to mourn its silence, but I, for one, believe truth is more important than comfort, and exposure of that which is wrongdoing. Drew Pearson was not silent, and as gentle as he was in private life, he was equally as determined in his public role to expose those who had failed in their public duty.

The title of his voice was "muckraker," and Drew Pearson gloried in that title and role. And for 40 years, he played it well to the good of the Nation. His job was not to comfort the comfortable, but "to afflict the comfortable and comfort the afflicted." There is no need to defend such a role, nor to defend Drew Pearson. His works and words speak for themselves, and where they may have been faulty, that too speaks for itself. And the public Pearson followed the Quaker dictates of the private Pearson in never being afraid to admit mistakes, or fault. There is, however a necessity to remind ourselves and the journalistic profession of the need for men to play the Pearson role, uncomfortable and difficult as that may be. Jack Anderson, Drew's talented associate, will ably continue his column with, I hope, equal or even greater success. Yet, there is a need for more.

Drew Pearson made clear the need for the press to continue and enlarge its historic role of exposing public wrong doing, no matter who or what is involved. On occasions both the press and the electronic media seem to have forgotten why a free press is guaranteed in the Constitution and instead they have concentrated on profits. Drew Pearson through his columns and his radio and TV shows demonstrated the vital need of a free press as a check on the powers of government and the powers of the privileged.

The role Drew Pearson played was a harsh one, one which stung men and institutions to the quick. However, he was a far different man in private than he was in public and I would like to pay tribute to the warm and gracious man, who was hidden behind the public mask. I knew him as a friend and as a gracious human being, as well as the public man who would criticize if he felt it necessary.

Both the public and the private Drew Pearson will be missed. For many years he served as the conscience of America, and it is a tribute to him that a new breed of reporters has grown up to follow in his tradition. We will not have another Drew Pearson, but his works both public and private will live on as a lasting monument to the complex and vital man he was.

Memorial services for Drew Pearson were held at the National Cathedral in Washington, D.C., on September 4. In the Quaker tradition friends of Drew spoke informally and movingly of him, his family and his works, as follows:

Jack Anderson; Mayor Walter Washington of Washington, D.C.; the Honorable Wayne L. Morse; and Tylor Abell.

Comments by Jack Anderson follow:

There are no words that, in two minutes, can capture the past 22 years, no words that can describe my deep feelings for Drew Pearson. To me, he was a giant, a man of courage and conviction, yet never without compassion. He who believes is strong; he who doubts is weak. Drew had the strong convictions that made him a master of those who were weak and wavering. I searched the scriptures for the right words to say here this morning. I finally selected these words from Edwin Markham:

God Give Us Men! A Time Like This Demands
Strong Minds, Great Hearts, True Faith and
Ready Hands;
Men Whom the Spoils of Office Cannot Buy;
Men Who Possess Opinions and a Will;
Men Who Have Honor; Men Who Will Not
Lie;
Men Who can Stand Before a Demagogue
And Damn His Treacherous Flatteries Without Winking;
Tall Men, Sun-Crowned, Who Live Above the
Fog
In Public Duty and in Private Thinking.

Such a man was Drew Pearson.

Comments by Mayor Walter Washington:

I direct your attention to the 23rd Psalm—

The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: He leadeth me beside the still waters. He restoreth my soul. He leadeth me in the paths of righteousness for his name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: For thou art with me; thy rod and thy staff they comfort me.

It was my great privilege to have labored in the vineyard with this great humanitarian. In his lifetime, Drew Pearson led many young people out of the shadows and into the sunlight, out of fear toward courage, away from evil into happy useful lives. As the moving spirit of the Big Brothers movement he had a miraculous gift for communicating the force of his own dreams to others to the end that countless little brothers were helped by bigger brothers to surmount the obstacles in their path toward adulthood.

His deep belief in his fellowmen gave strength to all who worked with him to alleviate social ills and to improve the quality of life of the downtrodden. He believed and helped others to believe in freedom, equality, justice and opportunity for all.

The citizens of the Nation's Capital—the capital of the free world as he described it—now humbly pray that he be granted peace everlasting and that the blessings of the Lord rest upon his family.

Comments by the Honorable Wayne L. Morse:

FRIENDS: We gather at this memorial service, as free men and women, to express our reverent appreciation for the life of Drew Pearson. It was a life which, in keeping with his Quaker background, was dedicated to the service of mankind according to the dictates of his conscience. He was more than a Journalist; he was a humanitarian; he was a citizen-statesman.

Born to Quaker parents in Evanston, Illinois, on December 13, 1897, Andrew Russell Pearson lived most of his boyhood in Swarthmore, Pennsylvania, where his father was Professor of Speech. After his graduation, in 1919, from Swarthmore College, having been an editor of the college newspaper and wearing a Phi Beta Kappa key, Drew Pearson walked forth into the world with his conscience as his guide. He volunteered for two years of service in Serbia to supervise the American Friends Service Committee postwar relief program in Balkan villages.

Often, over the years of my friendship with him, I heard Drew discuss the influence of his work for the American Friends Service Committee upon some of his later views on foreign policy. It brought him into a close and affectionate understanding of the Slavic people. They expressed some of their appreciation of his dedication to helping others help themselves in recovering from the ravages of war by naming a Serbian town, Pearsonovitch, in his honor.

It was the Americans Friends Service Committee that was the forerunner of the Peace Corps of which Drew was a staunch supporter. In fact, some of the advisors who helped to set up the Peace Corps were selected from the American Friends Service Committee with which Drew continued to maintain a close association, in support of all its work.

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To fully appreciate this great American's public service we should never forget that he was a Humanist. Influenced early in his life by spiritual teachings that, although there is much about immortality that we do not know, there is a very real immortality of influence resulting from practicing spiritual values in person-to-person relationships.

Drew Pearson applied his spiritual beliefs. He was one of the organizers and a long-time president of the Washington D.C. chapter of Big Brothers, devoted to combating juvenile delinquency. The Big Brother concept of One-Man-One-Boy relationship, as a means of graduating potential delinquent boys into responsible citizenship, is one of Drew's legacies to our youth.

Drew Pearson liked young people. He had faith in them. He helped them in many, many ways about which the general public knew very little. Sometimes we were privileged to look into the mirror reflecting his love and understanding of children when one of his columns took the form of a letter to his grandchildren. Those letters also portrayed the gentle, human qualities of this great man.

For a number of years, he made an annual practice of taking troupes of professional entertainers, including the popular Harlem Globetrotters, to visit American overseas bases at Christmas time.

In 1952, he organized a committee called "Americans Against Bombs of Bigotry" to combat the bombing of schools and places of worship that had resulted from racial and religious intolerance. Drew Pearson was largely responsible for raising the money to rebuild the Clinton, Tennessee, schoolhouse. In 1953, he organized the "Americans Conscience Fund" to assist victims of racial bigotry. These are among the legacies of his humanitarianism.

In public affairs and politics, Drew Pearson's brilliance, courage, and devotion to our system of constitutional self-government inspired millions of Americans throughout his great career. His acts of courage were countless.

When the Ku Klux Klan was in the heyday of its post-war revival, Drew waged a powerful radio campaign against it, climaxed by his famous broadcast from the State Capitol in Atlanta, Georgia. It was in that speech, on July 21, 1946, that he answered the dare from the Klan to come to Georgia.

His innumerable clashes with dishonest and corrupt officials at all levels of government demonstrated a courage rooted in sincerity, conscience, and conviction. The record of his service to his generation and all to follow is a significant part of this period of American history.

He recognized the truth of Jefferson's comment that a Democracy can be no stronger than the enlightenment of its people. He deplored the growing trend toward government by secrecy and executive supremacy in our nation. His muckraking of the concealment of facts from the American people by departments of the executive branch—frequently including the White House itself—produced some of his most penetrating columns. The concealment by members of Congress of their conflict-of-interest, financial manipulations made him a crusader for years in support of effective and meaningful public-disclosure legislation which would give the people the facts about the sources and amounts of income not only of all members of Congress, but members of the Judiciary and Executive branches in the higher-pay brackets.

It is frequently said that Drew Pearson helped keep many public officials honest. He did. Most public officials are honest, and Drew often said so in his columns. Unfortunately, there is a small minority that yields to temptation now and then. Another group might become wayward if it were not for the possibility that, should they leave the straight and narrow, they might read about it in the column of Pearson and Anderson.

His contributions to the foreign affairs of our nation put us forever in his debt. In 1947, Drew Pearson helped symbolize the need for free nations to join in feeding a weakened Europe, by staging the Friendship Train. The Christian Science Monitor called it "one of the greatest projects ever born of American journalism".

He donated thousands of dollars of his own money, endless time and energy, to get the train rolling across the United States. Seven hundred carloads of food and other supplies, worth 40 million dollars, were collected by patriotic Americans and sent to France and Italy to promote the cause of friendship.

Democratic leaders of France and Italy stated that this meaningful, symbolic gesture in support of friendship helped in their contest with Communism. You will remember that, in 1949, they sent the "Merci Train" of 40-and-8 cars, and an Italian car of gifts, chiefly of valuable paintings, to our country. Drew Pearson was selected by them to take charge of the distribution of the gifts to cultural centers in the United States.

In 1951, he helped launch the Freedom Balloon campaign, operated by the Crusade for Freedom, which reached behind the Iron Curtain with air-borne messages of liberty and encouragement. He also organized the Democracy Letters to Italy in the election of 1948 which was credited with helping defeat Communism in Italy in that election. In 1953, he proposed the "Food for East Germany" program which was supported by the Eisenhower Administration.

These activities of Drew Pearson in foreign policy, I mention to emphasize that we pay tribute at this memorial service to a great American who was dedicated to the cause of peace. Many of his columns, speeches, and radio programs warned of the danger that war only produces more war when nations, for whatever reasons, engage in unilateral, military interventions, and when they escalate armament races—particularly nuclear weapons of world destruction.

He argued that our defense guard must not be let down, but that multilateral negotiations under the aegis of international tribunals offer mankind a greater hope for world peace than resorting to the law of military might. Firm in this belief, Drew Pearson served his country as a Journalistic Statesman, traveling throughout the world, talking to high government officials, urging the escalation of diplomatic intercourse in the interest of peace-making rather than military containment productive of war-making.

He was welcome in many Latin-American countries and greatly helped to improve relations between the United States and Latin American countries. He was an effective supporter of economic, educational, health, and cultural aid to Latin-America and a critic, rightly so, of military aid in large amounts. Military juntas and dictatorships of one brand or another received the lancing cuts of his sharp criticism. He particularly deplored the growing influence of the American military in Latin-America in co-operation with military juntas and dictatorships.

In 1959, he attended the Atlantic Conference in London as a delegate and was a member of the President's Food for Peace Committee in 1961.

One of his greatest services to our country, in his capacity as a private citizen, was his trip to Moscow in 1961. He spent two days with Chairman Khrushchev at his summer home on the Black Sea discussing United States-Soviet problems. He wrote a series of columns on his talks with the Russian leaders, which received worldwide attention.

At this memorial service we pay tribute to the legacy of national and world statesmanship that he has bequeathed to us. We thank him for his courage and dedication to the dictates of his conscience. We honor him for putting into practice the principle that in a Democracy there is no substitute for the full, public disclosure of the public's business. In keeping faith with that principle, his conscience directed him to follow the facts as he honestly believed them to be. Whenever he found that he had been misinformed or had committed an error in judgment he again followed the dictates of his conscience and sought to ameliorate the wrong caused by his mistake.

Drew Pearson's escape from typewriter, editors, politicians, conferences, interviewers, and telephones was his farm in Maryland overlooking the Potomac River. There he could become completely absorbed in his farm hobby. He called it that, but it was, in fact, a substantial operation. Nevertheless, it provided him with the diversion, relaxation, and exercise he said he needed, and the opportunity to indulge his appreciation of fine animals and his love of nature.

He was a remarkably good farm manager. He was a good judge of cattle and horses, and a very keen David Harum trader. I frequently thought there was nothing he enjoyed more than to negotiate a profitable David Harum trade on livestock, machinery, or hay, particularly if I was on the short end of the trade. Some of my most enriching conversations with him were when we tramped over each other's farms and shared views on whatever came to mind.

He never took himself too seriously, and his roguish sense of humor was a source of delight to all who knew him well. A most prized possession of any who received one was a gift-enclosure card attached to a package of his own brand of frozen pheasant, the card showing Drew sighting a flying pheasant, with all the feathers falling off and only the carcass frozen in mid-air with the caption, "You got the bird".

One of the great sources of strength that helped sustain him over the years has been his beloved and loyal family. His lovely wife, Luvie, has been his intellectual counterpart, courageously standing beside him as he has faced difficulties, sharing with him their mutual successes. Their children and grandchildren have filled their home with much happiness and gratification. Drew's two sisters also have shared a close relationship with him and his family. To all of his loved ones, we, gathered here, extend our deep sympathy and share in their sense of loss.

He seemed so indestructible, as though he would go on forever slashing away at wrongdoing. It is difficult to imagine the American scene without him. We shall always remember him as one of the great citizen-statesmen of our generation whose brilliant record of accomplishments has strengthened us all as well as the history of our nation.

Comments by Tyler Abell:

"In the beginning God created the heaven and the earth.

"And the earth was without form and void; and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters.

"And God said, Let there be light: and there was light.

"And God saw the light, that it was good: and God divided the light from the darkness."

I was with Drew at the end, but the end was the beginning. Drew lived—and lives—in the future. He never thought about how bad things were or how sad a situation was; he

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pushed his thoughts to what should be done and how the world could be better.

His body quit him when its time was up. He didn't die because his heart quit; his body simply couldn't slow his spirit down any longer.

The ashes of his body will be left where things grow, on his beloved farm, where there is a spring every year, the cows calve and the beans are ripe for picking in September.

He spent his last days on the farm he loved, and his spirit was so strong even his doctors didn't realize how weak his body was. He didn't complain about being sick; he talked about getting well. He talked about helping people. He talked about mistakes being made in government. He didn't want to know why he was sick; he wanted to know how to get well . . . how to make the world well.

We didn't know it was the last morning for his eyes to enjoy the beautiful view of the Potomac from the terrace of his home, but it couldn't have been a more beautiful morning. The sun was warm; the sky was clear; the river was full; the trees and grass as green as we had ever seen.

He sat on the terrace and read the newspaper. Intermittently we talked of a column he planned to write. He hoped, he said, that in a day or two he could start taking some of the burden off Jack.

After a time, he decided that before it got too hot, he would like to have a drive around the farm—as he had done the previous day.

He walked to the car, and I drove him first to the dairy barn, where the silo was being filled—from which the cows would feed while they gave milk through the winter.

Then we went to the bean field where we had stopped the day before and where a few pickers were already in the fields. Melvin, who had driven with us, got out to explain that the beans wouldn't be ready until next week.

Drew said he thought he'd better go back. He didn't complain; he just said he needed to lie down. A few minutes later he was back in bed, and only then did I realize that his body was having far more trouble than his spirit would admit.

The breathing was heavy; we gave him oxygen and made him comfortable. Mother called the doctor, but Drew was asleep when the ambulance came.

Just when his spirit left his body behind, no one will ever know exactly, but leave, it did. The body which had served so well for so many years could no longer keep up.

The spirit of Drew Pearson continues free in the land, as it has for so long, a free spirit seeking freedom for all.

Mr. Speaker, I also include here editorials and other material from leading newspapers concerning Drew Pearson:

WATCHDOG OF VIRTUE

(By Alden Whitman)

Few of the 50 million daily readers of "Washington Merry-Go-Round" were noncommital about its principal author, Drew Pearson. Some considered him a talented practitioner of one of the loftiest forms of journalism—scourging the venal and corrupt in public life. Others abominated him as a skilled exponent of one of the basest forms of journalism—assassinating the character of selfless public servants through falsehood and distortion.

Either way, Mr. Pearson was one of the country's most influential political columnists for more than 35 years. "Nobody comes even close to competing with the Pearson product, which is a unique blend of carnival pitch, news, synthetic philosophy and rumor," Robert G. Sherrill, another Washington writer, said earlier this year.

One reason for Mr. Pearson's stature, even among his colleagues, was that he had excellent sources of information in the Government. Another reason was that he was fearless although he was also opinionated and self-assured. A third reason was that he compiled an impressive record of exposing wrongdoing (although he was often faulted for his inaccuracies).

Disclosures in Mr. Pearson's column led, in 1967, to Senate censure of Thomas J. Dodd, Democrat of Connecticut, for conduct "contrary to accepted morals" that tended to bring the Senate into disrepute. Mr. Dodd, a Senate committee found, had diverted to his own use at least $116,083 from testimonial dinners and campaign contributions. Other disclosures concerned Representative Adam Clayton Powell, Democrat of Manhattan, who was ousted from the House of Representatives for financial misdeeds.

WIDE RANGE OF DIGGING

In addition, according to William L. Rivers's "The Opinion-makers." Mr. Pearson's persistent muckrakings "have sent four members of Congress to jail, defeated countless others and caused the dismissal of scores of Government officials." "His digging," the book continued, "covers a wide range—from evidence that Congressman Andrew May of Kentucky took a bribe to evidence that a State Department official leaked documents to the Senate." To whatever malefactor or misfeasance he addressed himself, the columnist exhibited a zeal quite at variance with his mildness of manner and softness of speech.

Mr. Pearson had a lot of fun as a watchdog of virtue, but he was also a serious reformer. "My chief motive," he told The Nation last July, "is to try to make the Government a little cleaner, a little more efficient, and I would say also, in foreign affairs, to try to work for peace." His approach to politics, though, was personal.

"I've always tried to emphasize the personal side of Washington," he said. "I think it's helped make my broader points about clean government more effective, and it doesn't put people to sleep as fast as some of my thumb-sucking colleagues do."

Mr. Pearson made some notable enemies. One of them was Senator Robert F. Kennedy, who was annoyed when the "Merry-Go-Round" charged that he, as Attorney General, had authorized electronic surveillance of the Rev. Dr. Martin Luther King Jr.'s telephones. J. Edgar Hoover, director of the Federal Bureau of Investigation, was another target who did not relish Mr. Pearson's attentions.

Indeed, the columnist took on all comers. Senator George A. Smathers, Democrat of Florida, was not far from the mark several years ago when he said that he joined "two Presidents [Franklin D. Roosevelt and Harry S. Truman], 27 Senators and 83 Congressmen in describing Drew Pearson as an unmitigated liar."

ENEMIES ON CAPITOL HILL

For his part, the columnist once said proudly, "I suppose I've got more enemies per square inch on Capitol Hill than any place else in the world."

Actually, Mr. Roosevelt called him "a chronic liar" after Mr. Pearson had said Secretary of State Cordell Hull hoped World War II would bleed the Soviet Union white. Mr. Truman's epithet was "S.O.B." for his criticism of Maj. Gen. Harry S. Vaughan, a White House military aide. In addition, Mr. Truman declined to invite him to the White House perhaps less for what he said about General Vaughan than for a column the President thought critical of his wife.

The most eloquent diatribes against Mr. Pearson probably came from Senator Kenneth McKellar of Tennessee and Eleanor (Cissy) Patterson, publisher of The Washington Times-Herald and once Mr. Pearson's mother-in-law.

The Democratic Senator, after Mr. Pearson had accused him of attacking another Senator with a pocketknife, excoriated the columnist for an hour as "an ignorant liar, a pusillanimous liar, a peewee liar" and "a revolving, constitutional, unmitigated, infamous liar."

Mrs. Patterson, in the fury that followed Mr. Pearson's decision to switch his column to The Washington Post, denounced him in a full-page editorial as, among other things, "one of the weirdest specimens of humanity since Nemo, the Turtle Boy" and "the Quaker Oat [an allusion to his religion] who became a sour mash in Washington."

ASSAULTED BY LOBBYIST

Not only invective but violence was aroused by Mr. Pearson. Once he was assaulted by a lobbyist for Generalissimo Francisco Franco, the Spanish dictator. Another time Senator Joseph R. McCarthy, the Wisconsin Republican, "sidled up to me [in Washington's Sulgrave Club], pinned my arms to my sides and proceeded to use his knee in the accepted manner of the waterfront."

Beyond such attacks, the columnist was sued "maybe 50 times," mostly without success (the losers included Senator Dodd), and he, in turn, sued (and lost) a number of times. One of the largest suits against the columnist, for $1.75 million, was filed by General of the Army Douglas MacArthur, who was accused of lobbying for his own promotion. The 1934 suit was dropped.

In at least two instances the columnist went out of his way to affect an election outcome. Once was in the late 1930's when "I did my best to defeat [Senator Millard] Tydings [in Maryland]." Mr. Tydings, according to Mr. Pearson, had attacked his father, who had been appointed Governor of the Virgin Islands by President Herbert Hoover. President Roosevelt so approved Mr. Pearson's activities, the columnist said, that he cleared Maryland appointments with Mr. Pearson rather than the Senator.

Another instance was in 1948, when Mr. Pearson hired a New Mexico radio network to attack and help defeat Maj. Gen. Patrick J. Hurley, who was running for the Senate. Years before, General Hurley, then Secretary of War, had publicly cursed the columnist for disclosing that he rehearsed ballroom entrances before a mirror.

PROUD OF REFORMS

Although Mr. Pearson said that he didn't "enjoy collecting scalps," he was proud to have made the enemies he did. He was also proud of the reforms he believed he had a hand in, such as the establishment of basic ethical standards for members of Congress. And he was especially proud of the Friendship Train, which he organized and espoused. The train collected stores of American food for France, Italy, Germany, Austria and Greece after World War II.

Mr. Pearson was a good deal less pugnacious in person than in print. Dressed in sports shirts and tweedy jackets, he did not resemble a moralizing, fire-eating journalist. A British woman, meeting him at a Washington party, turned to a friend and asked, "What sort of a city of this where a scandal columnist looks like a country squire?"

His background had, in fact, a quality of gentility. Andrew Russell Pearson was born Dec. 13, 1897, in Evanston, Ill., the son of Paul Martin Pearson, a college speech teacher, and Edna Wolfe Pearson. He went to Phillips Exeter Academy in New Hampshire and then to Swarthmore College, graduating in 1919.

Bent on a diplomatic career, he went to Europe, where he sidetracked his ambition to become director of relief in the Balkans for the British Red Cross. Returning to this country in 1921, he taught industrial geography for a year at the University of Pennsylvania.

Then he signed as a seaman on the President Madison out of Seattle and headed for the Orient. After knocking about the Far East, he went to Australia and New Zealand for six months, lecturing in both countries. He traveled on to Britain by way of India and filed dispatches to Australian newspapers.

JOINED BALTIMORE SUN

For the next 10 years (with a year out in 1924 to teach geography at Columbia University), Mr. Pearson was a peripatetic newspaperman. He was in Europe and the Far East, mostly as a freelancer until he joined the staff of The Baltimore Sun in 1929 and later headed its Washington bureau. By this time he had married Countess Felicia Gizycka, daughter of Cissy Patterson.

Mr. Pearson and his wife, who had one daughter, Ellen, were subsequently divorced, and in 1936 he married Luvie Moore. She had a son, Tyler Abell, by a previous marriage.

In the capital, Mr. Pearson became acquainted with Robert S. Allen, chief of the Washington bureau of The Christian Science Monitor. The two fell to discussing how they could use all the inside material they had gathered on the Hoover Administration, which their papers declined to publish. Mr. Pearson was convinced that "even the so-called liberal papers are increasingly controlled by their cash registers and that one of the few outlets to free journalism is through the medium of books."

The result was the publication in 1931 of "Washington Merry-Go-Round," full of information "the capital loves to whisper but hates to see in print." The authorship of the book was anonymous, as it was of "More Merry-Go-Round" in 1932. But this did not affect the books' sales, which totaled the then astounding figure of 200,000 copies.

COLUMN BORN IN 1932

Eventually, though, the authorship mystery was penetrated, and Mr. Pearson and Mr. Allen lost their jobs. Out of that circumstance, their column was born in December, 1932. Distributed then by United Features, it started out with about a dozen papers and rose to 350 by 1941 and to about 600 in 1969.

For a while Mr. Pearson and Mr. Allen worked 19 hours a day, turning out seven columns a week. They also collaborated, in the middle thirties, on a comic strip called "Hap Hazard," which featured a Washington correspondent, and "News for Americans," a radio program. In addition they wrote two more books, "Nine Old Men" and "Nine Old Men at the Crossroads," both muckraking accounts of the United States Supreme Court and the very aged Justices who then sat on it.

Mr. Allen withdrew from the partnership in 1942 to go on active duty with the Army. Mr. Pearson carried on alone, using a small staff to gather and check material. About 10 years ago he was joined by Jack Anderson, who shared the column's byline. Mr. Pearson, however, was his own best reporter, making the rounds of Government officers and taking an active part in the capital's social life. He sometimes addressed a column to one of his grandsons, Drew Arnold.

In recent years the two men worked out a rough division of labor whereby both covered the White House and Congress, Mr. Pearson the State Department and the embassies and Mr. Anderson the Pentagon. Mr. Pearson always insisted that the column's sources "aren't much different" from those available to other reporters.

"It's mostly knowing a lot of people and what to look for," he said. "Between the two of us, Jack and I know three-fourths of the Senate, half the House and everyone in the Cabinet."

TIPS CAME LIKE "LIGHTNING"

Moreover, tips and news often came to the columnist without solicitation. "When you are known to be a critic of a certain public figure," Mr. Pearson explained, "news about him comes toward you like lightning toward a lightning rod." This, in essence, was how the column acquired its information about Senator Dodd and gained the cooperation of members of his staff, including James P. Boyd, Jr., who supplied the column with copies of compromising documents.

For many years Mr. Pearson conducted a weekly radio show. In its early versions in the 1950's he featured what he called "my predictions of things to come." An independent check over a six-month period indicated that 60 per cent of these forecasts were correct, but it was pointed out that some of the predictions were obvious or inevitable.

In 1951, Senator McCarthy, in his feud with the columnist, accused him of being a Communist tool and called for a nationwide boycott of Adam Hats, Mr. Pearson's radio sponsor. Shortly afterwards the company dropped its sponsorship. His weekly radio program in recent years, carried by about 100 stations, went easy on the predictions and did not seem to get him into other trouble.

Mr. Pearson wrote his radio program and most of his column in a cluttered study of his Georgetown home, a stately, yellow brick house. His journalism earned him most of his $200,000 yearly gross.

He also sold muck and manure. The manure derived from a herd of 200 cattle on his Maryland farm and from the Chicago stockyards. Its brand name was "Drew Pearson's Best Manure" and it was advertised as "better than in the column."

WINCHELL AN OLD FRIEND

The columnist was exceedingly loyal to old friends, among whom were Walter Winchell, the Broadway columnist, and Joseph Borkin, a Washington lawyer whose clients included the Murchison interests of Texas and Robert R. Young, once head of the New York Central Railroad. Both were Pearson tipsters.

Although Mr. Pearson often disclosed stories damaging to individual members of Congress, he believed that "the great majority of Senators and Representatives are honorable men, but too often they let themselves be victimized by a system that puts almost irresistible pressure on men in high places who will do almost anything they can get away with to stay there."

This somewhat dubious accolade was one of the themes of "The Case Against Congress," which Mr. Pearson wrote with Mr. Anderson in 1968.

In the same year he was listed as the author of a novel, "The Senator." Investigation disclosed, however, that Mr. Pearson relied very heavily on Gerald Green, author of "The Last Angry Man," for editorial assistance. Ken McCormick, senior editor at Doubleday, the book's publisher, said the book "was completely written by Green." Mr. Green called it "truly a collaborative effort." Mr. Pearson said Mr. Green "helped me." Whatever the arrangement, the novel did not reap critical praise.

Reflecting on his career a couple of years ago, Mr. Pearson felt that the good he had accomplished far outweighed the harm. He looked on the attacks as "part of the business," and added:

"I'd rather be liked than not but I can understand why some people don't like me."

CRUSADING COLUMNIST DREW PEARSON DIES AT 71

(By Robert C. Jensen)

Drew Pearson, a crusading columnist who was proud of the title, "muckraker," died of a heart attack yesterday. He was 71.

Mr. Pearson was stricken at his farm in Montgomery County and taken by ambulance to Georgetown University Hospital. He died at 12:05 p.m. shortly after his arrival in the emergency room.

Mr. Pearson had been hospitalized for several weeks with a virus ailment. He had returned to his country home on Friday.

Jack Anderson, who has been co-author of the column in recent years, said he talked with Mr. Pearson on Saturday and found him anxious to return to work.

"He talked about helping me put out the columns, and intended to do some over the weekend," Anderson said.

Drew Pearson's Washington Merry-Go-Round column was a major force in Washington journalism from the time of its beginning in 1931. It sparked the journalistic trend toward deeper interpretive and investigative reporting of national affairs.

The Pearson column was the most widely read political column in the United States. It was published in more than 600 newspapers—nearly twice as many as its closest competitor, the David Lawrence column.

Part of the secret of Mr. Pearson's success was his idea of what a reporter should do. "It is your job as a newspaperman to spur the lazy, watch the weak, expose the corrupt," he said. "Yes, the nose, too, is important. For no matter how much stench you may be exposed to, never lose your sense of smell."

It was this sense of smell and his high sense of indignation about wrong-doing that made his columns some of the best reading in Washington.

It also led to criticism and many libel suits. President Franklin D. Roosevelt once called Mr. Pearson a liar. And President Truman called him an s.o.b.

Former President Lyndon Johnson and Mrs. Johnson sent condolences in a telegram from Austin, Tex., yesterday afternoon to Mrs. Pearson.

"Our hearts go out to you in this sad hour," their telegram said. "Drew crusaded long and well for causes he believed to be right and always in the interests of the American people.

"The nation will feel the silence now that his passionate voice is stifled.

"We respected him as a journalist and enjoyed him as a friend. We will miss him as both."

David Lawrence, who gave Mr. Pearson his first Washington job in the 1920s, also expressed his sorrow.

"I thought he was a very courageous person and one of the most energetic of news investigators we've ever had," he said.

Columnist William S. White said Mr. Pearson was "the originator of a type of crusading column that has had many imitators."

Former Sen. George Smathers of Florida took exception to a Pearson article several years ago and said he was joining "two Presidents, 27 senators, and 83 congressmen in describing Drew Pearson as an unmitigated liar."

Other senators went farther than mere criticism on the Senate floor. Some of them sued. And one resorted to physical violence.

The late Sen. Joseph R. McCarthy of Wisconsin encountered Mr. Pearson in the men's room of the Sulgrave Club in 1950 when McCarthy was riding high as the nation's most publicized foe of communism.

ACCOUNTS DIFFER

The accounts differ as to what happened. McCarthy said: "Pearson said to me, 'McCarthy, if you talk about personal things regarding me on the Senate floor, I'll get you.' So I slapped him on the face. I slapped him hard."

Mr. Pearson said the "senator kicked me twice in the groin."

An authorized biography of then Vice President Richard M. Nixon by Ralph Toledano said that Mr. Nixon pulled the two men apart.

XUM

He quoted Mr. Nixon as saying that if he hadn't "pulled McCarthy away, he might have killed Pearson."

Former Sen. Arthur Watkins of Utah approached McCarthy on the Senate floor the next day and said, "Joe, the newspapers differ as to where you hit him, but I hope both accounts are correct." Less than four years later, Watkins headed a special Senate committee that recommended the censure of McCarthy.

LOST LIBEL SUIT

Mr. Pearson lost only one libel suit in court, but he avoided others by printing retractions. His only libel loss came as a result of an article about Norman Littell, a former assistant attorney general who won a $40,000 judgment.

Mr. Pearson's most recent journalistic coup was the exposure of the fund-raising activities of Sen. Thomas Dodd of Connecticut. The revelations led to a Senate censure of Dodd.

Until Mr. Pearson broke the story, the Dodd case was one that few newspapers would dare to touch. A panel of journalists advising the Pulitzer Prize Advisory Board in 1967 recommended that the award for national reporting go to Mr. Pearson and Jack Anderson. But the Board rejected the recommendation.

"The brass hats in the industry have no love for me," Mr. Pearson said in explaining why he was not surprised by the Board's action.

The columnist was a different man than the private Pearson, who doted on grandchildren and cats.

He was a quiet, almost retiring man who favored sports shirts and tweedy jackets. One English woman was introduced to him at a Washington cocktail party and later asked her companion, "What kind of city is this where a scandal columnist looks like a country squire?"

The country squire tag was accurate. His chief hobby was his 800 acres of farmland overlooking the Potomac River and the Chesapeake & Ohio Canal. There he operated a dairy farm and raised his own hay, silage and commercial crops.

And drawing on his fame as an expose columnist, he put out a rich soil product called "Drew Pearson's Muck," which was billed as being "packaged by the best muckraker in the U.S." The muck was taken from the bottom of an old canal on his farm.

SOLD MANURE

Mr. Pearson also marketed manure from his farm under the name "Drew Pearson's Best Manure," with such advising slogans as "better than in the column" and "all cow, no bull."

The hard-hitting reporter image also belied his devotion as a Quaker to humanitarian causes. The most famous of these was in 1947 when he promoted the Friendship Train that collected 700 carloads of food from the American people for the people of war-torn France and Italy.

Mr. Pearson claimed credit for exposing over the years four congressmen who wound up in jail—Republicans J. Parnell Thomas of New Jersey, Walter Brehm of Ohio and Ernest Bramblett of California, and Democrat Andrew May of Kentucky—for various forms of corruption.

The Pearson column also played a key role in uncovering the 1958 vicuna coat scandal of the Eisenhower administration, involving chief presidential aide Sherman Adams and his benefactor, industrialist Bernard Goldfine.

BORN IN ILLINOIS

Andrew Russell Pearson was born in Evanston, Ill., but he spent most of his boyhood at Swarthmore, Pa., where his father was professor of speech at the Quaker college there.

Mr. Pearson was a Phi Beta Kappa graduate of Swarthmore. After his graduation in 1919 he went overseas with the American Friends Service Committee for two years to supervise the postwar relief program in Balkan villages.

He later worked his way around the world as a merchant seaman, lecturer and correspondent for American and Australian newspapers.

In 1925 he married the Countess Felicia Gizycka, the daughter of Eleanor (Cissy) Patterson, the publisher of the Washington Times Herald.

The marriage ended in divorce, but Mr. Pearson's relations with his flamboyant former mother-in-law remained cordial until 1942.

By that time, Mr. Pearson was writing his Merry-Go-Round column with Robert S. Allen and it appeared in the Times Herald. Mr. Pearson was a staunch interventionist during the pre-World War II days while Mrs. Patterson was an outspoken isolationist. Finally in 1942, Mr. Pearson and Robert Allen withdrew their column from the Times Herald and sold it to The Washington Post.

This sparked the fury of Cissy Patterson against her onetime son-in-law. Her attacks on him were the talk of Washington. She called him a man who was about as welcome in Washington "as a leper in a diet kitchen."

The period was one of the most painful in Mr. Pearson's life. At the time of Mrs. Patterson's death many years later, he wrote, "A great lady died."

In 1936, Mr. Pearson married Luvie Moore, who had been the movie critic for the Times Herald. He is survived by his wife; a daughter, Mrs. Ellen Cameron Pearson Arnold, and four grandchildren. Also surviving is a stepson, Tyler Abell, former U.S. chief of protocol, who was with Mr. Pearson when he was stricken yesterday.

Friends may call at Joseph Gawler's Sons, Inc., funeral home, Wisconsin Avenue and Harrison Street NW, from 2 to 9 p.m. today and from 9 a.m. to 9 p.m. Wednesday.

Memorial services will be held at Washington Cathedral, Wisconsin and Massachusetts Avenues NW., at 11 a.m. Thursday.

A family spokesman said Mr. Pearson's remains would be cremated and the ashes scattered over his farm.

The family asks that in lieu of flowers, contributions be sent to Big Brothers, Inc. Mr. Pearson was an organizer and longtime president of the organization devoted to helping needy boys and fighting juvenile delinquency.

[From the Christian Science Monitor, Sept. 5, 1969]

PEARSON "KEPT ON EXPOSING THEM"

(By Richard L. Strout)

WASHINGTON.—If Drew Pearson had made just one exposure of a corrupt congressman, he would probably have got a Pulitzer Prize. But he kept on exposing them and the less hopeful side of American life. That perhaps militated against him.

Furthermore, he was not accurate in all his details, perhaps recalling the journalistic admonition of the late Sir Wilmott Lewis, of the Times (London), "that many a good story has been ruined by oververification."

I was sitting in the chair in 1931 where I am sitting now when I asked Robert S. Allen, then on the Washington bureau of this newspaper, if he had heard of a sensational new anonymous book lifting the lid off Washington. It was called, I thought "The Washington Merry-Go-Round."

WIDE DISTRIBUTION

Bob Allen made no comment but rushed out and I heard his feet pounding down the hall. It was very peculiar. Round the corner was the office of the Baltimore Sun, where a tall, distinguished Drew Pearson worked. The book made a sensation and brought scores of imitators. Some months later it developed that Bob and Drew were the authors.

For a while the daily "Merry-Go-Round" column was written by the two men but later Bob went to war, and afterward he started a syndicated column of his own. Drew's column became the most widely distributed in America, going in 1966 to 625 newspapers with some 45 million circulation.

Lacking a national press in the sense of Great Britain, the syndicated columnists to an extent perform that service. For comparison, the Walter Lippman column, "Today and Tomorrow," went to about 100 newspapers. But its appeal was intellectual, not popular, and it reached the most influential men in America.

Drew Pearson hurled himself in where others feared to tread, and, by audacity, hard work, and a system of rewards and punishments, he became a major force. He was, indeed, institutionalized. Every corner-cutting politician quaked lest some disgruntled secretary, some irate constituent, some blackmailing enemy telephone his tale to Mr. Pearson.

Sen. Thomas J. Dodd (D) of Connecticut sued the column off and on for varying sums, at one time $5 million, in his conflict-of-interest exposure. A senatorial ethics committee was gingerly set up to review the evidence that disgruntled secretaries methodically photostated from office correspondence.

Many have weighed the consequences of this journalistic scavenging operation, but the verdict almost always comes down heavily on the plus side. "Pearson is one of my best inspectors general," the late Gen. George C. Marshall once observed.

This reporter had more than a casual interest in Drew, for one reason, because I was sometimes mistaken for him. The late Sen. Charles W. Tobey of Maine beckoned me down once from the Senate press gallery and then dismissed me airily on closer scrutiny with the observation that he thought I was Drew Pearson.

It was not very flattering. This happened, in fact, frequently. At a jam-packed Senate hearing whipped up by one of the Pearson exposures the police barred other reporters from the standing-room-only room but silently swung the door open for me. As I found a place it was a little uncomfortable to hear a whisper go through the straining sight-seeing crowd, "It's Pearson."

"GOOD GUYS" AND "BAD GUYS"

Drew himself, in manner and appearance, was just the opposite of what his column seemed to indicate. He was urbane, genial, courteous, and a Quaker, who tended to classify men as good or bad and was morally outraged against the "bad guys." He stood up ferociously against the late Sen. Joseph R. McCarthy when many editors cravenly looked the other way.

Physically he was tall, quiet, white moustached. "What kind of a capital is this," asked an English visitor in amazement, "where a scandal columnist looks like a country squire?"

Not long ago at an embassy stag dinner I was impressed again by Drew's unassuming but superb self-confidence and genial ease. At the appropriate minute at dinner he tinkled his glass and proposed a suave toast to the ambassador, our host, with a felicity that put ordinary diplomats to shame.

It was easy to scoff at the "Merry-Go-Round," but everybody in Washington read it. Sometimes his famous "disclosures" were followed a little later by the report of "additional facts," which rejected the original. Some of the dramatic quotes ascribed to celebrities were in situations where neither he nor his assistants could have been present.

He estimated that he had been sued for libel "about two dozen times" and lost in court only once. Occasionally he forestalled suits by printing retractions.

Said the executive who printed the column: "If Drew suddenly became a sweet, gentle man every paper he has would cancel him in a month." Some called it cruel or crass; but often the things he printed were those that needed to be said and that nobody else chose to write.

MEANWHILE IN THE COMICS

A curiosity was that the Washington Post, which published him locally, had years ago, under earlier management, banished the column to the section of comics and appeared to feel a snobbish uncertainty about his status.

Editorially, the Washington Daily News, in its comment on Drew's passing, noted this:

"It is interesting that journalism never awarded him its most coveted honor, the Pulitzer Prize, and that often, while individual editors were going thru the routine motions of setting out the day's dull wash on Page 1, back in their comic pages somewhere the Pearson column, unnoticed up front, would be on to something that would, the following day, be shaking the nation."

[From the New York Times, Sept. 2, 1969]

Drew Pearson

Drew Pearson was a descendant of the tradition made feared and famous by such earlier practitioners as Lincoln Steffens and Upton Sinclair. For 36 years, until his death at 71, his column adapted the untiring and often merciless skill of investigative political reporting, known popularly as muckraking, to the modern idiom of the insider's gossip. To many in the seats of power his "Washington Merry-Go-Round" was anything but merry, and they understandably responded to frequently embarrassing disclosures of behind-the-scenes dealings with charges of sensationalism, lying and worse.

But beneath the pugnacity, sometimes marred by signs of vindictiveness and irresponsibility, there was always the fearless dedication to the belief that the independent and resourceful reporter is the indispensable guardian of good government. Of some of his many enemies, such as the late Senator Joseph R. McCarthy and Generalissimo Francisco Franco, Mr. Pearson could be justly proud. In also arousing the anger of such men as Franklin D. Roosevelt, Harry Truman and Robert F. Kennedy, he showed that his targets were determined neither by ideology nor by concern over the wrath of popular and influential figures. For all his lapses in accuracy, Drew Pearson served an important cause in exposing violations of ethical and legal standards at a time when the power of government and the privilege of high position often favor special interests over the common good.

[From the Washington (D.C.) Post, Sept. 3, 1969]

Drew Pearson

In the practice of his profession, Drew Pearson had the conscience of a Quaker and the touch of a stevedore. He was robust, free-swinging, sometimes very wild. But he was also strong in a muscular, purposeful, principled way, with the courage to be his own man always, and never mind what people said or thought of him. Rough and tough in public, in private he had the air of a gentleman farmer, which he was, and the manner of a gentleman, which he also was. Shy, self-effacing, detached, he was a moralist who was proud to be a muckraker in the dictionary sense—one who searches out and exposes publicly real or apparent misconduct of prominent individuals. Somewhere in these unlikely combinations lies the key to his extraordinary career as the most successful, in many ways the most effective, and certainly the most controversial journalist of his time.

He was controversial because his technique was scatter-shot, so that while he was often brilliantly or brutally on target, he sometimes hit the wrong target or missed altogether; it almost seemed as if this was conscious strategy, this readiness to risk being wrong now and again as the necessary price for being, more often, right. It was uniquely his own style and while his profession never had the grace or the guts to give him the big awards, tribute was paid in other ways; when Mr. Pearson printed the stories that others were too fastidious to be the first to print, the others suddenly had no compuhction about printing them. It was also a style that exposed him to any number of lawsuits and any number of epithets and no end of criticism that he was careless with the facts; but it had the singular merit that when it paid off, it paid off big. And it also paid off, more often than not, on the side of good, which was something he saw in simple, moral terms; he was for honesty and against corruption, for the disadvantaged against the self-interest of the power elite, for peace and against war.

It is not necessary to chronicle here all his triumphs any more than it is necessary to catalogue the occasions where his fierce convictions and unique techniques may have combined to put him in the wrong. The simple truth is that he was more effective in his way than any man in his profession over the nearly 40 years that he was practicing it, and that at the time of his death at the age of 71, when other men might have begun to ease off a bit, he was still on top, with nearly twice the readership of his closest competitor. So his success was immense, and so was his impact on his profession and on the Capital. Most of the time he had the right targets and the right causes, and he brought to his crusades a powerful, innovative and relentless force.

An Appreciation: Muckraker With a Quaker Conscience

(By Chalmers M. Roberts)

Drew Pearson was a muckraker with a Quaker Conscience. In print he sounded fierce; in life he was gentle, even courtly. For 38 years he did more than any man to keep the national capital honest.

It was in 1931 amidst the Great Depression and the hapless Hoover administration that Mr. Pearson teamed with fellow reporter Robert S. Allen to write the book from which his subsequent columns took their name: The Washington Merry-Go-Round. The partnership lasted until Allen went off to World War II.

The pair of brash young men shook up the town. It then was the age of journalistic giants, or so it seemed to youngsters then breaking in: Mark Sullivan, David Lawrence, Raymond Clapper. Arthur Krock, Paul Mallon writing from Washington and Walter Lippmann, Dorothy Thompson, Heywood Broun and Westbrook Pegler writing from New York.

Pearson survived them all, in life or in print, save only Lawrence who is still at it. In the intervening years he manhandled Presidents and members of Congress, bureaucrats high and low. Some were forever disgraced by the Pearson expose; others cried "foul" and on occasion Mr. Pearson apologized.

He could be sloppy with his facts and at times he was. But he had more guts than many a worried editor who ran to his lawyers and then cut the Pearson column or who gave in to political pressures to censor it.

Drew Pearson glorified in his feuds. To him "liar" from Franklin D. Roosevelt and "s.o.b." from Harry Truman were akin to encomiums. He relished denunciations from the protected floor of Senate and House.

Leo Rosten in a 1937 study of "The Washington Correspondents" traced the "Merry-Go-Round" success to a public appetite for the "inside" news that had been whetted by the stream of successful Broadway gossip columns. The Pearson and Allen book, wrote Rosten, "marked the beginning of a new era in news styles from the capital."

The very brashness of the column's approach offended the Establishment of the time, both political and press. Indeed, the sense of offense never wore off and to such can be attributed the failure to award Mr. Pearson the Pulitzer Prize for his expose of Sen. Thomas Dodd. It still is the dominant ethic that even as "gentlemen don't read other people's mail" they also don't make use of purloined documents.

Mr. Pearson did in the Dodd case and maybe in others, too. He was the recipient of endless tips from the disgruntled as well as from the righteously indignant. There were plenty of high level "leaks" as well. Whatever the source, Mr. Pearson could smell a story if there was even a whiff in the air. And nobody could be more dogged in pursuit.

Puncturing the balloons of the great and the famous was only the muckraking part of the Pearson story. The Quaker conscience simply would not let a Joseph McCarthy get away with it. The story of the American press in the McCarthy period is not one to be particularly proud of but Mr. Pearson never flagged in his pursuit of the senator.

The Quaker conscience also led Mr. Pearson into all sorts of ventures in hopes of improving the state of the world. There were "Friendship Trains" and "Freedom Balloons" and interviews with Nikita Khrushchev. He had a soft spot in his heart for Yugoslavia, where he had gone as a young man. He was, in short, dabbling in East-West detente long before it became fashionable and the epithet of "Communist" was hurled at him for his pains.

Drew Pearson early became a Washington institution. He loved it but he was never stuck up with it. And he had a glorious sense of humor which must have kept him going through some dark hours. He joked about the manure on his farm because he knew that a lot of people felt that was his verbal stock in trade.

Long ago after his column was transferred from Cissy Patterson's old Times Herald to The Washington Post it came to rest on one of the comic pages. Last December The Post decided to move the column to the page opposite the editorial page where so many others appear.

It was not a happy decision because the Pearson column was too long to fit the available space. It went back to the comic page after Mr. Pearson wrote this letter to The Post:

"I know that a columnist is not supposed to have anything to say about the location of his column in the paper. But having been relegated to Siberia some 25 years ago, I've come to like Siberia. If I had a vote I would vote against leaving my old position of semi-exile."

In a profession in which both practitioners and reputations come and go, very few men, in or out of any such "exile," have had the kind of effect Drew Pearson had on so many millions of readers for so long.

A REMARKABLE NORTH CAROLINA FAMILY

(Mr. LENNON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. LENNON. Mr. Speaker, I have recently read an account of a remarkable family among my constituency which merits recognition. The qualities of character, initiative, and dedication exemplified therein are those that have contributed to our country's greatness. I believe our colleagues will find the following article one of heartwarming interest:

[From the Greensboro (N.C.) Daily News, Sept. 3, 1969]

PASTOR PROUD OF THREE REMARKABLE SONS

(By Gene Warren)

PEMBROKE.—The eyes of this father, a Lumbee Indian from Pembroke, glow with pride as he speaks of his remarkable three sons. And it is fitting.

One son is a captain in the Navy, working at the Pentagon in Washington. Another son is a colonel in the Air Force, being stationed at the U.S. Embassy in England. The third son is the dean of a community college, but is so proficient as an engineer he played a vital part in America's recent landing of astronauts on the moon.

The father the Rev. Archie A. Lockee, 69, scoffs at fancy talk concerning his three sons.

"All of my boys plowed behind a mule. Every one of them milked cows and fed hogs. We're not rich. We didn't have anything that we didn't work out with our own hands," he said, reflecting on what breeds success.

The elder Lockee worked for Pate's Supply Co. at Pembroke, a store that sells everything, "all my life, I was a butcher part of the time," Lockee said, "but I also have a 30-acre farm."

For the last eight years Lockee has served as pastor of Burnt Swamp Baptist Church, six miles east of Pembroke.

On the farm he was talking about, Lockee and his wife, the former Lula Bell Carter, 58, of Pembroke, raised their three sons—Captain G. Ertel Lockee, 47; Col. Archie S. Lockee, 45; and Dean Otto A. Lockee, 43.

They also have three daughters: Mrs. Georgia Carroll Carter, 48, a graduate of Pembroke State University; Mrs. Joyce Williams, 39, and Mrs. Claudette Taylor, 35.

For the last two Veterans' Day celebrations at Pembroke, the Lockee brothers have been the guest speakers. Capt. Lockee, a veteran of nine Pacific battles during World War II, was leader of the first Naval raids on Japan. He is in the office of the Chief of Naval Operations in Washington.

Col. Lockee saw action in the South Pacific during World War II and was in the Korean War. His plane was shot down twice in Korea, but he bailed out and landed in friendly territory. He completed the Navy's War School in the spring and was assigned to the American Embassy in England. His job: to coordinate the U.S. and British combined air forces there.

Otto Lockee is dean of the Central Piedmont Community College's extension division at Charlotte. He is also one of three men in the nation equipped to keep the space program's lunar modules from tilting. He received his training in this specialty while employed by Douglas Aircraft Corp. prior to accepting a position with the college. He trained at Cape Kennedy.

When the National Aeronautics and Space Administration was preparing for its moon shot last month, one of its engineers became sick. The NASA quickly summoned Lockee who helped design and construct the hydraulic system that controls balance while at the Cape from 1963–65. He was busy for six to eight hours before liftoff.

Asked what spurred his sons to such heights, Lockee quoted the words of his oldest son, Ertel: "He always said if it's in you, you can do it—if you want to."

Then Lockee proceeded to tell how his sons did it:

"Ertel, the captain, went three years to Pembroke High School—then finished at Camden, S.C. high school where my father lived. After high school, he graduated from the University of South Carolina, taking a part in its ROTC program. Immediately afterwards he went into the Navy as an ensign. This was at the beginning of World War II. He decided to make the service a career.

"Archie, the colonel, also attended Pembroke High School. But his last year in high school, he went to school in Columbia, S.C. He lived in a tenement there with Ertel who was still going to the University of South Carolina. To make ends meet, they took a morning newspaper route and waited on tables. Both also taught Sunday School classes in Columbia and were ushers at the church there. Archie went to the University there for three years before Uncle Sam got him. He completed his education in service."

The youngest son, Otto, was the only one to graduate from Pembroke High School. "Otto went directly into the Navy after high school," said Lockee. "He was a gunner in the Naval Air Force. After his discharge, he lived with my daughter and her husband in Fort Worth, Tex., where he attended Texas Christian University. He majored there in physical education and coached for a while. Then he went to work for Douglas Aircraft in Charlotte which led to his space work."

The Lockees live in a small, white-frame house on a farm near Pembroke. A dirt road leads to the home located in the midst of some pecan trees.

"I never owned a tractor in my life," said Lockee. "The money for tractors has gone to the school house to help my kids."

All six of the Lockee children were home last Christmas. "It was the first time we've all been together since 1951," said their father. "During the same time, Dec. 29 my wife and I celebrated our 50th wedding anniversary."

What philosophy toward life has Lockee tried to instill in his children?

"When the children were coming up, we always talked of doing fine things and being gentlemen," he said. "We have tried to raise up our children in prayer. I give their mother credit for much of this. Archie, the colonel, can deliver one of the finest sermons you've ever heard. He does better than many a doctor of divinity. Whenever he's home, everyone wants him to teach the Sunday School lesson."

Then the proud father smiled: "You know, we really had hoped one of them would have been a medical doctor or a minister. None of them did—but all three are ordained deacons."

This latter honor seemed to mean more to him than all the other renown the trio has gained.

JOHN H. CROOKER, JR., AN OUTSTANDING CIVIL AERONAUTICS BOARD CHAIRMAN

(Mr. CASEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASEY. Mr. Speaker, John H. Crooker, Jr., has been my warm personal friend for 30 years. I have admired him as an outstanding lawyer, businessman, and great contributor to the civic and cultural growth of our State of Texas and of our Nation.

Mr. Speaker, John H. Crooker, Jr., was appointed chairman of the Civil Aeronautics Board just 18 months ago. Before this month is out he will leave that post. His resignation as chairman and member, effective in the next few days, has been accepted by President Nixon with an expression of gratitude for Mr. Crooker's service to the American people.

I must second that expression and I would add just a few of my reasons why.

This man, in his periods of public service, has won the esteem of many, including my own, on a number of counts, not the least of which is the edifying way in which he works.

The leadership and unflagging industry that Chairman Crooker has brought to this office in this brief period have written an enviable record of accomplishment in the regulatory agency which he has headed. Moreover, on a number of occasions, the views and ideas he has voiced have revealed thinking that goes beyond the horizons of the industry with which his agency is directly concerned. This has been particularly true as it relates to his approach to one of the most serious transportation crises of our time—the growing problem of airport and airways congestion.

In that connection, he has directed the attention of major cities toward the problems of transportation between city centers and existing airports. Cities seeking improved air service must now acquaint the CAB with their plans to provide speedier means of transportation between those centers and airports. Through all his actions at the Board has run what must be to Mr. Crooker the common denominator of all public service—the broad public interest.

John Crooker's achievements during his tenure as CAB chairman are all the more impressive when we consider that at the time of his appointment he was something less than a veteran in the great air transportation industry. It is typical of this man, however, that he promptly immersed himself in his new responsibilities. The ease and speed with which his familiarity with, and leadership in, the industry grew compel the observation that experience can be acquired but know-how is a gift.

Among other things, the retiring chairman's ability to distill complex matters to their vital essentials has served him well.

Mr. Crooker's performance and tenure as chairman have also revealed another guiding principle—the conviction that tasks begun should be seen through to their proper completion.

Mr. Crooker came to the Board near the end of fiscal 1968. During the full fiscal year 1969, the CAB decided more cases than in any previous fiscal year. In the full year in which he served, the Board addressed itself to 223 full formal economic cases, 23 percent more than the previous fiscal year.

A formal case usually involves a number of docketed applications; and the CAB docket statistics bear the record out. During fiscal 1969, the Board completed 1,496 dockets, also a record, the next closest year being fiscal 1961 with 1,353 docket completions. And, at fiscal year's end, the number of dockets on hand was reduced by 358 from the previous year, the first time in 3 years that a reduction in backlog had been effected.

Impressive as that performance is on its face, the fact is that it was accomplished without extra cost to the taxpayers. It was done with little or no increase in personnel strength and while the Board was absorbing some $185,000 in pay raises. I would like to add at this point the observation that however gratifying such an accomplishment may be to taxpayer and legislator alike, it will be difficult to continue long in that vein, what with the industry growing as it is, without the Board's regulatory effectiveness being affected.

The CAB accomplished other economies in fiscal 1969. It reduced the physical size of many of its offices and thus redeemed more than 4,600 square feet of space for use as additional hearing rooms, automatic data processing and time sharing needs, thereby avoiding the cost of renting additional space. Rearrangement of offices and less sophisticated telephone equipment contributed to the annual cost avoidance of about $30,000.

Meanwhile, estimated subsidy accruals decreased from $55.2 million for fiscal 1968 to $48.5 million for fiscal 1969, a reduction of $6.7 million. Moreover, Board actions in subsidy cases during fiscal 1969 were estimated to effect a cumulative subsidy reduction through fiscal 1971 of about $17.6 million.

During fiscal 1969 also, the reclassification of stations for service mail purposes is expected to produce yearly savings to the Post Office Department of about $300,000. Early in the fiscal year a final order was issued in the States-Alaska Mail Rates case, an action that is expected to reduce payment for these services by about $900,000.

The Board also recently established new minimum rates for domestic military charters performed for the Defense Department. The new rates should save the Government an estimated $2.7 million in fiscal 1970.

The CAB has established new subparts to its rules of practice, to expedite procedures for removal of nonstop and long-haul restrictions in cases where a carrier is able to participate significantly in a market despite these restrictions.

These are only some of the major accomplishments under Mr. Crooker's chairmanship, only a few of the achievements on which his fine record rests.

To the many tributes of appreciation he must have already received for this latest period of his public service, I would like to add my own, together with my best wishes to him and his wonderful family in their future endeavors.

THE RECORD OF ACTION ON REGULAR APPROPRIATION BILLS FOR FISCAL YEAR 1970

(Mr. BOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, it has come to my attention that a Member of the other body indicated yesterday that the House is chiefly responsible for the fact that 11 of the 13 appropriation bills for fiscal 1970 have not been acted on by the Congress.

I should like to read from that release.

It was said the Congress will not pass "any great amount of meaningful legislation" this year because 11 of the 13 appropriation bills have not been completed.

He further said:

> The House is chiefly responsible. These bills have not been coming over from the House.

Mr. Speaker, I was, to say the least, somewhat surprised to see it on the news ticker yesteday. I think the record should be set straight, and it is for that reason I have asked the Chair to indulge me briefly.

The truth is that the House has acted on and approved six of the 13 regular appropriation bills for fiscal 1970. They are:

First. The Treasury-Post Office and Executive Office bill which was passed by the House last May 27;

Second. The Agriculture bill, approved the same day;

Third. Independent Offices and Housing and Urban Development bill approved June 24;

Fourth. The Interior and related agencies bill approved July 22;

Fifth. The one for State, Justice, Commerce, Judiciary and related agencies approved July 24; and

Sixth. The Labor-Health, Education, and Welfare bill passed on July 31.

Only two of these bills have been considered and approved by the Senate, and they are the ones for Treasury-Post Office and for Agriculture. The Treasury-Post Office bill is in conference and a meeting of the conferees is scheduled for two this afternoon. The bill for the Agriculture Department has not been sent to conference, but I assume it is ready for conference whenever a suitable time of meeting can be worked out with the other body.

Our own housekeeping bill, legislative appropriations, was reported by the House Appropriations Committee a week ago today, and will be taken up here on the floor as soon as the schedule will permit.

What action the other body has taken with respect to the four bills—Independent Offices, Interior, State, Justice, and Labor-HEW—is not known to me, but they have been languishing over there for some time.

I think also that it is of substantial significance that the other body has been debating the Military Procurement Authorization bill since July 7 and conclusion of that debate does not appear in sight at this time. When action is finished over there I am sure we shall be ready to dispose of the procurement bill with dispatch.

The Military Construction Authorization bill was passed by the House on August 5, but I have had no word yet that the other body is ready to debate it.

The District of Columbia revenue bill has been awaiting action by the other body since it was passed by the House August 11.

Authorization for foreign aid spending during fiscal 1970 has not been acted upon by either the House or Senate, but there is no reason why the other body could not take that bill to its floor at anytime.

Until these authorization bills are enacted into law, the House Appropriations Committee, and the House itself, cannot act on appropriations requested for the agencies and functions involved. We cannot, that is, unless we simply report these appropriation bills and then ask the Rules Committee for waivers of points of order against the appropriations not yet authorized by law.

The House and its Appropriations Committee are ready to act and could do so without delay if the other body could move the appropriation and authorization bills that have been pending over there lo these past days, weeks and—yes—even months of this session.

TROOP WITHDRAWALS FROM VIETNAM

(Mr. ADAIR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, on Tuesday, the President issued a statement announcing more troop withdrawals from South Vietnam, explaining the steps his administration has taken toward peace and outlining present American policy.

I believe that statement is so important it should be reprinted in its entirety in the CONGRESSIONAL RECORD. The President's statement follows:

STATEMENT OF PRESIDENT NIXON

After careful consideration with my senior civilian and military advisors and in full consultation with the Government of Vietnam, I have decided to reduce the authorized troop ceiling in Vietnam to 484,000 by December 15. This compares with the ceiling of 549,500 which existed when this Administration took office. Under the newly authorized troop ceiling, a minimum of 60,000 troops will have been withdrawn from Vietnam by December 15.[1]

Since coming into office, my Administration has made major efforts to bring an end to the war:

We have renounced an imposed military solution.

We have proposed free elections organized by Joint Commissions under international supervision.

We have offered the withdrawal of U.S. and allied forces over a 12-month period.

We have declared that we would retain no military bases.

We have offered to negotiate supervised cease-fires under international supervision to facilitate the process of mutual withdrawal.

We have made clear that we would settle for the *de facto* removal of North Vietnamese forces so long as there are guarantees against their return.

We and the Government of South Vietnam have announced that we are prepared to

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[1] Actually, the total reduction in authorized ceiling strength amounts to 65,500. But within the authorized ceiling, all units are shown at 100% strength. In actual practice, most units are slightly below full strength, so that actual strength normally is less than the authorized ceiling by one or two percent.

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accept any political outcome which is arrived at through free elections.

We are prepared to discuss the 10-point program of the other side together with plans put forward by the other parties.

In short, the only item which is not negotiable is the right of the people of South Vietnam to determine their own future free of outside interference.

I reiterate all these proposals today.

The withdrawal of 60,000 troops is a significant step.

The time for meaningful negotiations has therefore arrived.

I realize that it is difficult to communicate across the gulf of five years of war. But the time has come to end this war. Let history record that at this critical moment, both sides turned their faces toward peace rather than toward conflict and war.

CONGRESSMAN JOHN BRADEMAS LAUDS STATE ARTS COUNCILS

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, my distinguished colleague, JOHN BRADEMAS, of Indiana, yesterday delivered the keynote address at the Federal-State Conference on the Arts here in Washington.

In his remarks, Congressman BRADEMAS made a strong statement urging adequate Federal support of the arts. As one who has been actively engaged in supporting Federal contributions to the National Foundation of the Arts and the Humanities, I wish to associate myself with his remarks.

At this point, I insert the full text of Congressman BRADEMAS' splendid speech in the RECORD:

ADDRESS OF CONGRESSMAN JOHN BRADEMAS

I am much honored by the invitation to open this 1969 Federal-State Conference on the Arts.

More than most peoples of the world, we Americans are given to self-analysis and the taking of our national pulse. Yet we are today caught up in more somber searching of our souls and questioning of our purposes than is even our customary disposition.

I cite but a few instances, beginning with Vietnam.

Although we must hope that President Nixon's announcement yesterday of further troop withdrawals will bring progress in the search for peace, we can be sure that the debate over the war and its further conduct will continue.

Vietnam in turn has spawned a re-examination of America's role in the world and of our commitments abroad.

Senators and Congressmen are for the first time in years carefully scrutinizing our military expenditures and asking whether they are not out of proportion with these commitments.

College students, blacks, religious leaders and others are raising profound questions about America's direction and insisting that the nation make real the ideals we profess.

A TURNING INWARD

All of us here could recite other developments which, taken together, have caused our people and their elected Representatives in Congress to turn inward . . . to re-evaluate the conditions and quality of life in our own society.

This is, however, no return to isolationism. Rather, in the phrase that has now become a cliche but is true nonetheless, we are engaged in the process of reordering our priorities.

A case in point: only a few weeks ago, in a move unprecedented in my time in Congress, the House of Representatives overwhelmingly rejected the recommendations of both its Appropriations Committee and the Administration by voting, on the floor of the House, to add to an appropriations bill over $1 billion for, of all things, education!

A majority of both Democrats and Republicans in the House were in effect insisting that, severe as the fiscal crunch may be, education must not be the place to scrimp.

I hope very much that this turning inward, this new sensitivity to the conditions and quality of our national life, will embrace both an enhanced awareness of the importance of the arts in America and the need to give them greater public support. More specifically, and speaking as a legislator and Chairman of the House Subcommittee with jurisdiction over the National Arts and Humanities Foundation, I hope that we shall soon see more Federal support for the programs administered by the National Endowment for the Arts.

Let me here make clear my deep disagreement with those who contend that the arts are a frill and a luxury and that we cannot afford to support them until the Vietnam war is over.

On the contrary, I strongly agree with the view of W. McNeil Lowry of the Ford Foundation in his recent report on the economic crisis in the arts. Remarking on the meager funding of Arts and Humanities programs, Mr. Lowry observed:

"Pressures of war and other crises have been freely cited in explanation of this action, but there is no reason to believe that any significant Federal program in the arts can be effectively argued whether in Congress or in the public if its justification must be that all other great national questions are in equilibrium. Other governments—democratic, socialist, or oligarchic—have proceeded without such a justification . . .

"The arts [should] not always depend upon a contest over priorities . . . There will not exist an effective public policy for the arts until they are treated as important in their own right."

This is the point—that the arts, like education, must come to be regarded as "important in their own right."

And with such an understanding there will become possible "an effective public policy for the arts."

PRESIDENT NIXON'S APPOINTMENT OF NANCY HANKS A GOOD OMEN

In this respect, I believe that President Nixon's appointment this month of Miss Nancy Hanks to be Chairman of the National Council for the Arts is a good omen, for both the appointment and the President's comments in announcing it reflect awareness at the highest levels of government of the indispensable place of the arts in the spectrum of our public concerns.

As Executive Secretary of the Special Studies Project of the Rockefeller Brothers Foundation and later as President of the Associated Councils of the Arts, Nancy Hanks has won the respect of legislators and artists alike with her intelligence and imagination. And may I interject that in this town she will need plenty of both!

In her new responsibility, Nancy will be replacing one of the most respected and gifted champions of the arts in our country—Roger L. Stevens.

Now here beginneth the reading of the First Lesson—by President Nixon, in appointing Miss Hanks. He said: "One of the important goals in my administration is the further advance in the cultural development of our nation . . .

"The Federal government has a vital role as catalyst, innovator, and supporter of public and private efforts for cultural development . . . I shall hope to give leadership to this effort and urge the Congress to do the same."

The Second Lesson—if I may pursue my ecclesiastical metaphor—will be read by the Director of the Bureau of the Budget, and let us hope that, in recommending money for the Arts Endowment, he matches the President's faith with works—i.e. dollars.

OUTSTANDING RECORD OF NATIONAL ARTS ENDOWMENT

For I believe that the record of the National Arts Endowment, though brief in years, amply justifies substantially increasing our public investment in the arts.

Let us not forget that it was just five years ago this month that President Johnson signed the National Arts and Cultural Development Act of 1964, establishing the National Council on the Arts. September, 1969 marks as well the fourth anniversary of the signing into law of the bill creating the National Foundation on the Arts and the Humanities, which provided for the establishment of the National Endowment for the Arts, the funding arm of the Council.

In my view, you and your colleagues across the land who have administered programs in part made possible through the Arts Endowment can take pride in the remarkable achievements so far, remarkable in variety, quality and number of people reached.

As a direct result of the National Arts Endowment, the American Film Institute now exists.

The American National Theatre and Academy building in New York City, donated to the Endowment, is a resource for performing groups all over the country.

The first major national artists housing center in the U.S. will, as a result of Endowment initiative, open this year on New York's Lower West Side.

The National Arts Endowment has also supplied funds to regional theatres so that dramas of quality can flourish many miles off Broadway. The Tyrone Guthrie Theatre in Minneapolis, the American Conservatory Theatre in San Francisco, and the Arena Stage here in Washington have all received needed sustenance from the Endowment.

INDIVIDUAL GRANTS PROGRAM DESERVES SUPPORT

The Laboratory Theatre project in Providence, Los Angeles, and New Orleans and the Artists in Residency programs, beneficiaries all of Federal Arts funds, have brought direct experience of the drama to thousands of school and university students.

Individual artists as well as institutions have received support from the Arts Endowment. Although less than 5% of the Endowment budget is expended on individual grant programs, I believe this investment to be eminently wise.

Twenty-one writers received $7,000 each in fiscal 1968 to enable them to complete works in progress or conduct research essential to their work.

Individual grants of $2,000 each were made to assist twenty-nine gifted but unrecognized writers.

And individual awards of $5,000 each were given to twenty-nine painters and sculptors in recognition of past accomplishments and to encourage further efforts in the visual arts.

I trust the individual grants program will continue—and I strongly support it.

All these and many more activities testify to the success of the Endowment in its first few years. Its programs have helped extend the arts throughout the land—from inner city ghettoes to small rural communities—

in the theatre, dance, opera, painting, music, films and writing.

GROWTH OF STATE ARTS COUNCILS PHENOMENAL

Particularly significant, I think, is that the Endowment's efforts have stimulated important new sources of support for the arts.

In this respect, clearly one of the most gratifying results of the law creating the National Endowment has been the growth of the State Arts Councils, which you represent.

As you know, the Arts Councils were authorized under Section 5(H) of the National Foundation on the Arts and the Humanities Act of 1965.

Let me here note what I can only describe as the phenomenal progress of the State Arts Council movement since that time.

In Fiscal 1966—when the appropriations bill contained no funds under section 5(H)—only 22 States provided funds of any kind for their Arts Councils.

In Fiscal Year 1967, when 5(H) funds went to each State, the number of Councils rose to 35. In both 1968 and 1969, 42 councils received appropriations from state budgets, and this fiscal year (1970), 44.

Far more impressive, however, than the number of states providing funds for Arts Councils work, are the total amounts for each succeeding year since 1966.

That first year the total was only slightly more than $3 million. In fiscal year 1967, when the first funds were made available to the states under section 5(H), the figure jumped to nearly $5 million.

This year nearly seven and one half million dollars in state funds will be earmarked for the Arts Councils.

This means, essentially, that the $2 million contained in the appropriations bill passed by the House this summer will be matched three and one-half times over in *state revenues alone!*

If we add to this amount the matching program funds or services from local communities and organizations, we can see that the Federal government is receiving an approximate return of 450 percent on its direct investment in the arts through State Arts Councils.

I know no other Federal seed money programs with so effective a record in generating support from outside sources.

HEARINGS IN CONGRESS ON ARTS PROGRAMS

I have so far been engaging in remembrances of things past. Where, you may ask, are we going now?

As you know, the bill authorizing the National Foundation for the Arts and Humanities expires next June. The Select Subcommittee on Education, which I have the honor to Chair, will hold hearings sometime during the next few months on legislation to continue the life of the Endowment and to fix the level of authorized funding.

And may I here say how anxious my Subcommittee and I are to hear from you, the leaders of the State Arts Councils across the country, to have your views and your suggestions for improving the programs of the Endowment. As they say on the country music shows, Keep them cards and letters comin' in!

I suggest to you that money rather than existence must now be the primary concern of supporters of the Arts Endowment. For most Congressmen of both parties have come to accept as both appropriate and desirable a role for the Federal government in the arts.

Indeed, a spokesman from so conservative a community as Indianapolis in my own state, Izler Solomon, Music Director of the Indianapolis Symphony, wrote only last Sunday in the New York Times that "The solution [in this case, to financing music] will have to be found in joint funding by schools, park departments, foundations, industry, cities, states and, most important, Federal aid."

". . . Certainly nobody belongs on a symphony board", said Mr. Solomon in a pronouncement which ten years ago would have been heresy in the Hoosier heartland, "who thinks 'Federal aid' are dirty words."

So the question now is not *whether* the Arts Endowment should be, but rather *what* it should be doing and *how much money* it should have to do its job.

Up to now the Endowment has spent—I prefer the verb, "invested"—some $22.9 million. Last year's budget was about $8.5 million.

I know that Nancy Hanks is already hard at work preparing her recommendations for the new Arts Endowment budget.

And as I have already said, the most important matching program she will have to deal with this year is matching President Nixon's statement on the arts with his budget request for them!

Certainly the case is compelling for substantially more funds for the arts. Meagerly financed as they are, the programs of the Endowment have elicited nationwide praise.

SOME PROVISIONS OF HOUSE TAX REFORM BILL THREATEN ARTS

Moreover as the Baumol-Bowen study and other surveys have warned, the economic plight of the performing arts in America has now become alarming.

Nor has the prospect of changes in Federal tax laws brightened the outlook. Although I am a militant advocate of plugging loopholes and bringing equity to our Federal tax structure, I am distressed that the tax reform bill passed recently by the House would impose an across-the-board 7.5% levy on the investment income of foundations. The arts rely heavily on foundations in many ways, and to punish all foundations for the sins of a few seems to me unwise public policy.

I hope as well that the Senate Finance Committee will not allow to stand that feature of the House bill which provides that a donation of a work of art must, for tax deduction purposes, be valued either at the cost the donor originally paid or, if valued at its appreciated figure, be subject to capital gains tax. This unrealistic formula will obviously enormously inhibit donations of art to the many museums which depend heavily on private gifts.

Aside from such financial problems as these, which afflict the arts generally, there are certain other questions about future Federal arts policy worth reviewing.

For example, some have suggested that all Federal funds for the arts should henceforth go only to State Arts Councils rather than for developing national programs in the arts.

NEED FOR CONTINUING NATIONAL PROGRAMS IN THE ARTS

I believe, however, and I understand most of you do too—that there is a continuing and powerful need for programs in the arts that go beyond the borders of a single state.

Let me cite an example or two of the importance of continuing a national arts program.

In 1966, when the American Ballet Theatre, for years among the most imaginative companies in the world, was in financial trouble, the National Endowment for the Arts was able to make it an emergency grant of $100,000 which was matched with private funds. This seed money represented a recognition that the company was a national resource and made it possible for the Ballet Theatre to secure further commitments from foundations and other private resources.

Or I could remind you how the Endowment helped the San Francisco Opera in the creation of the Western Opera Theatre, a small, flexible ensemble company which can perform in communities whose facilities will not permit appearance of opera on a large scale. In three years, it has increased its performance rate from 35 to 150 per season, reaching communities in which opera had never before been performed.

MUST STRENGTHEN STATE ARTS COUNCILS

My view, therefore, is that the wisest policy for us to pursue is that of greater financial support both for the general programs of the National Endowment under Section 5(C) of the Act and for increased funding for the State Arts Councils under 5(H).

We need both, and we need to build upon the splendid patterns of cooperation which have been developed between the National Endowment and the states. The state and national programs complement and reinforce each other.

Let me make clear, however, that I believe the State Arts Councils are capable of handling substantially increased funds and that I specifically endorse raising from $50,000 to $100,000, the authorization for each State Council.

AREAS THAT NEED REINFORCEMENT

Beyond strengthening the hand of the State Councils, there are, I think, certain existing areas that require reinforcement. In testimony before the House Education and Labor Committee, Roger L. Stevens touched on several of them:

The poetry in the schools program, which enables established poets to visit high schools;

The burgeoning needs of symphony orchestras and operas—a problem so pressing that it may well require special attention;

Arts programs in the inner city—an activity yearning for expansion beyond such Endowment-backed efforts as a school for the arts in Harlem, another at Hull House in Chicago, and the Watts Workshop in Los Angeles.

The National Endowment also needs money for research into the strengths and weaknesses of formal art education in our elementary schools, often a child's first encounter with the arts. And how good is the teaching of the arts in our colleges and universities?

Nor should the implications for arts programs for older Americans be neglected; the time of retirement can for many be a time of enrichment through the arts.

We should experiment, too, with utilizing radio, television and films to bring to as many Americans as possible, especially those who live in inaccessible areas, an opportunity to experience plays, music and exhibitions of art.

All of you here could, I am sure, add to this list your own suggestions. I have sought only to limn the horizon of possibilities for the arts of America and to suggest the contribution which the Federal government can make to their support.

The kinds of questions I have here discussed with you are the kinds of proposals for Federal support of the arts that, I believe, should be given careful consideration by Congress and the Administration, and these and questions like them will be raised in our Subcommittee hearings.

SUPPORT FOR ARTS IN CONGRESS LARGELY DEPENDS ON YOU

Let me say, however, in closing that our capacity in Congress to provide support for the arts depends ultimately on the support that people like you can generate and stimulate across the country.

You have vigorous allies on Capitol Hill—men and women like Congressmen Frank Thompson, Jr. of New Jersey, William Moorhead of Pennsylvania, Julia Hansen of Washington, Ogden Reid of New York, Ben Reifel of South Dakota, and Wiley Mayne

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of Iowa, and in the Senate, such articulate champions as Senators Mansfield, Fulbright, Pell, Javits and Percy.

Support of the arts is clearly a bipartisan enterprise!

But your friends in Congress can be no more effective in advocating your cause than you enable us to be.

You must, therefore, in your own states and communities, communicate your concern about the need for adequate Federal support for the arts to your own Senators and Representatives.

I have said that we live in a time of national introspection and self-examination. In such a time we need all the more, if we are to make our country what it ought to be, a land where individual men and women can live lives of joy and beauty as well as of hope and freedom, generously to support those activities that make such lives possible.

And among such activities surely are the arts of America and the qualities of mind and spirit and imagination of which they are the incarnations.

FEDERAL FINANCIAL DISCLOSURE ACT OF 1969

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Speaker, I am introducing today a bill which I feel will do much to eliminate the problems arising over allegations of "conflict of interest" for elected and appointed officials in the Federal Government. Let me say that I have long endorsed full public disclosure of all income and assets for Members of Congress. I now submit, for consideration, legislation which will provide for public disclosure of the financial situation of all policymaking officials in the executive, legislative, and judicial branches.

During the last few years, a genuine and very serious "crisis of confidence" has been developing. Allegations—some true, some not—but allegations involving conflict of interest on the part of Members of both Houses, officials in the executive branch, and members of the judiciary—have been made. We cannot ignore the gloomy impression that lingers from such widely publicized personal misdealings. It goes without saying that the vast majority of those in all three branches of the Government are free of outside economic influences; the overwhelming majority cannot be "bought out" under any circumstances whatsoever. There is very, very seldom one public official who is ever in the market to "sell a vote" or "fix a decision" for a price; and we would abruptly, to say the least, slam the door in the face of any would-be political broker who might wish to "buy into" our office and our position.

Since this is the case, since 99 percent of the Federal officials are beyond reproach, let us tell the American people the truth. Let us make provision for full and candid disclosure of all our financial arrangements.

Some public officials have indicated that a frank and complete public accounting of their financial condition would somehow be demeaning, and would plummet them into the ranks of "second-class citizens." This assertion would seem to have its genesis in the proposition that the degree of economic "privacy" which an individual is able to retain has a direct relation to that person's "social status" or "public position." It would seem to imply that a statement of the balance of indebtedness on a house or a listing of the name of a donor would be degrading. I wholly reject such specious reasoning and would suggest that quite the opposite is indeed the case.

It seems to me that there are few personal positions to be taken, more lofty from the standpoint of human ethics, than the willingness of public officials to establish for themselves the highest standard of personal conduct, to commit themselves totally to the concept that they must be above suspicion. Moreover, the act of full and honest financial disclosure is doubly noble: First, because we do it for the public good; and, second, because we do it voluntarily. We are freely willing to talk about our debts, our gifts, our personal holdings, our personal expenses—we are willing, in fact, to reveal far more from our personal lives than most ordinary citizens—precisely because we have the obligation to do far more than those whom we serve to insure public confidence in the existing offices of all three branches of the federal system. We freely open our private accounts to public examination because we wish to secure the greatest possible benefit—maximum faith in the democratic system of government. If full and honest, candid self-imposed disclosure creates a "second-class" status, then I have my doubts about what goes on at the "first-class" level. After all, any nobility of status without virtuous conduct and the willingness to attest to the purity of that conduct in every way possible, is really not very noble at all.

I believe that the time is long overdue for Democrats and Republicans alike in this Congress to make known their private financial conditions, and to make similar provision for the other two branches also, lest the erosion of public confidence impair the most essential effectiveness of our democratic process, especially in these troubled times.

We must not permit our own people to have any nagging doubt that their Government condones greed and exploitation, and to wonder whether their political system does indeed allow the existence of public officials who are "double agents" for special interests apart from the common good. How can we ask in either party for greater public attention, larger voter turnout, and a more informed citizenry when the image becomes so unjustifiably blurred? Too often the honest, conscientious citizen reacts to the majority of equally honest and conscientious officials in both parties with an attitude that says, "A plague on both your houses."

In my view, we must have the strictest reporting legislation possible; I believe that the Federal Financial Disclosure Act of 1969 will achieve that urgent objective. This legislation was first drafted by my colleague, the Honorable Philip Ruppe, of Michigan. Mr. Ruppe and his advisers have done a commendable job of attempting to think out and to define all possible areas of income for public servants, with emphasis upon potential conflict of interest.

The bill calls for full financial disclosure by Members of the House, Senators, Justices, judges of the U.S. court system, the President, the Vice President, members of the Cabinet, and policymaking officials of the executive branch to be determined by the Chairman of the Civil Service Commission.

It is also worth noting that the disclosure provisions of this act will apply to all officers and employees of both the Senate and the House whose salaries are at least $18,000 per annum.

Many Members of the House have expressed their interest in Mr. Ruppe's proposed disclosure act, and I wish today to add my name to the roster of ardent supporters of this urgently required legislation. If we would keep faith with the electorate, we must all offer our personal financial accounting for their critical scrutiny.

DISTINGUISHED LAW ENFORCEMENT SERVICE ACT

(Mr. GOLDWATER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOLDWATER. Mr. Speaker, I introduce today for appropriate reference the Distinguished Law Enforcement Service Act.

This bill, if enacted, will create a series of awards to recognize outstanding service in the field of State and local law enforcement. These citations will be presented annually by the President of the United States to 12 outstanding law-enforcement officers on behalf of the Congress.

Each day the American public is bombarded with news in our newspapers and on our radios and televisions of increasing waves of crime sweeping across our Nation—in big cities, suburbs, and rural communities alike.

FBI Director J. Edgar Hoover reports that in 1968 there were 4.5 million serious crimes in the United States, a 17-percent increase over 1967, a 122-percent increase over 1960. According to the FBI's Uniform Crime Reports, in 1968 robbery increased 30 percent, forcible rape 15 percent, murder 13 percent, and aggravated assault 11 percent over 1967.

Between this violence and lawnessness and the remainder of society stands the law-enforcement officer. Usually alone, too often insulted, maligned, attacked, underpaid and overworked, these dedicated men and women safeguard us against the doers of evil with very little support and assistance from the average citizen.

The law-enforcement profession should be a highly respected and sought after goal in this country. Far too often it is not. Rather than call these civil servants "friend," the fashionable youth of today liken them to barnyard animals.

Rather than aspire to join their ranks and emulate their deeds, students do all within their power to undermine police effectiveness.

Rather than assist them in carrying out their duties, most citizens withdraw into indifference and noninvolvement.

The 1968 FBI figures illustrate the danger law-enforcement personnel face daily. Sixty-four officers were killed as a result of criminal action; almost 16 of every 100 police officers were assaulted in the line of duty.

These men and women need and deserve our constant support and assistance. This Nation must have more capable and dedicated citizens willing to enter the law-enforcement professions if we are to turn back the tide of increased lawlessness.

Current statistics indicate our need for more law-enforcement personnel. Only one out of five serious crimes was solved in 1968, a decrease in solution rate of 7 percent from the 1967 figures, a 32-percent decrease from 1960.

With a 17-percent rise in serious crime, there are only 2.1 police employees per 1,000 population in 1968 in the United States. This was a slight increase from the 1967 rate of 2 per 1,000 inhabitants.

We are not getting the manpower we need. Present officers are leaving the law-enforcement ranks for safer, better paying, more prestigious employment elsewhere. Urban police officers are accepting jobs in suburban and rural areas where the risks are less and citizen support greater. Young people are beginning careers in other professions because of the unsatisfactory image law enforcement currently enjoys in this Nation.

This trend must be stopped. Our youth must be encouraged to respect both the law and its enforcement officer. Our police must be given an honored place in our society, complete with sufficient moral and financial support and approval from the communities they serve.

Toward this end I am sponsoring the Distinguished Law Enforcement Service Act and ask all my colleagues to join in support of this awards system. Hopefully, when the Congress and the President join in praising and honoring outstanding service in the law-enforcement field, it will be a significant start down the road toward restoring this profession to its rightfully respected place in this country.

My bill would create the President's Award for Distinguished Law Enforcement Service which would be divided into three categories: First, for extraordinary valor in the line of law-enforcement duty; second, for outstanding character and service in the line of law-enforcement duty; and third, for exceptional contribution in the field of law enforcement or correctional research or administration. Four awards in each category could be awarded annually.

The selection of recipients and the administration of the awards would be vested in the Department of Justice. The Attorney General would review recommendations from State, county, and local government officials and assist the President in the selection of persons to receive the awards.

This award will, of course, be only a tangible symbol of this new course I am suggesting. It will be but a first step toward altering this Nation's poor attitude toward law enforcement—lack of respect. But, hopefully, it will assist in initiating a renewed respect and support for this vital profession. The law must be respected if we are not to be inundated by a crime wave beyond control. Mr. Hoover calls our crime situation "a disgrace to our way of life." The President's Award for Distinguished Law Enforcement may be a small but important way we can begin to erase this disgrace and revive law, order, and justice as the talisman of this decade.

I urge enactment of this bill.

SELECTIVE SERVICE SYSTEM REFORM

(Mr. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERS. Mr. Speaker, on May 13 of this year, the President of the United States sent a message to the Congress relative to his proposals concerning reform of the Selective Service System.

President Nixon's message reflected his conviction that—

> The disruptive impact of the military draft on individual lives should be minimized as much as possible, consistent with the national security.

The President went on to say:

> For this reason I am today asking the Congress for authority to implement important draft reforms.

The President then outlined in some detail the six major changes he wished to make in the Selective Service System "if Congress grants this authority."

Shortly after the Congress had received President Nixon's message, the Director of the Selective Service System submitted a draft legislative proposal which "would carry out the President's recommendations."

In accordance with the Rules of the House of Representatives, the President's legislative recommendations on the draft have been forwarded to the Committee on Armed Services for such action as it may recommend to the House.

Although I have publicly stated that I would conduct committee hearings on the President's recommendations as soon as committee business would permit, I and other members of the Committee on Armed Services have been the subject of some criticism for our alleged failure to permit the President to initiate his proposed changes in the draft policy.

In view of these circumstances, I believe it is incumbent upon me to place this entire matter in proper perspective so that the Members of this body and the public in general will know the facts.

At the outset, let me say that I was favorably impressed by the President's message to the Congress on this subject, and at that time I stated:

> The Congress in the 1967 changes to the Draft Act either endorsed the changes proposed by President Nixon or provided authority in the law for him to take such action. The only exception is in the case of the so-called "lottery" proposal. The lottery proposal was specifically prohibited by the Congress in the 1967 Draft Act.

In short, I had stated that existing law now permitted the President to initiate all of his so-called draft reforms with the exception of the so-called lottery.

Let me elaborate on my statement by reviewing each of the six changes recommended by President Nixon, and identifying the authority in the law which now applies.

The first change recommended by President Nixon reads as follows:

> 1. Change from an oldest-first to a youngest-first order of call, so that a young man would become less vulnerable rather than more vulnerable to the draft as he grows older.

This change now recommended by the President is one which had been recommended by the House of Representatives in the 1967 changes to the Draft Act. House Report No. 267 of the 90th Congress accompanying S. 1432 contains a comprehensive discussion of the desirability of going to a younger age group of registrants to satisfy future draft calls. The report stated:

> The Committee therefore subscribes to the concept of the "modified young age class system" and instead of selecting the oldest men for induction, the induction of men from the class I-A available pool in any year would be made from a priority category consisting of—
>
> (a) Men whose student or temporary deferments have been expired and who are therefore available for induction; and
>
> (b) The current 19 to 20 year old young men classified I-A and eligible for induction.

The committee report went on to say:

> Implementation of this . . . recommendation will not require legislation since it is within the discretionary authority of the President who may, if he deems it in the national interest, order the selection of inductees from specific age groups." (Sec. 5(a) of the Universal Military Training and Service Act).

It is important to note that the 1967 Draft Act as enacted into law did not withdraw this discretionary authority in the President.

To illustrate this point, let me quote from the conference report on S. 1432, House Report No. 346, in which it was stated:

> It should be emphasized that the language adopted by the conferees will in no way proscribe or inhibit the President in changing the priorities of various age groups for induction, nor will it preclude him from adopting the so-called "modified young age system" which would involve identifying the 19 to 20 year age group as the "prime age group" for induction.

The second recommendation of the President reads as follows:

> 2. Reduce the period of prime draft vulnerability—and the uncertainty that accompanies it—from seven years to one year, so that a young man would normally enter that status during the time he was nineteen years old and leave it during the time he was twenty.

This second change recommended by the President is simply an elaboration of the first recommendation, that is, a decision to concentrate future draft calls on a smaller and young group of draft registrants, thereby decreasing their period of actual vulnerability to the draft. This authority is provided the President in section 5(a) of the 1967 Draft Act which, among other things, states:

> Nothing herein shall be construed to prohibit the President, under such rules and regulations as he may prescribe, from *provid-*

> *ing for the selection or induction of persons by age group or groups.* (Emphasis added.)

I think it is clearly evident that the first two recommendations of the President are squarely within the authority provided him by the Congress in the Draft Act and require no further legislative action by the Congress.

The third recommendation of the President reads as follows:

> 3. Select those who are actually drafted through a random system. A procedure of this sort would distribute the risk of call equally—by lot—among all who are vulnerable during a given year, rather than arbitrarily selecting those whose birthdays happen to fall at certain times of the year or the month.

This third recommendation of the President involves the establishment of a so-called lottery in the selection process.

The Draft Act now specifically prohibits this action by the President unless approved by the Congress in the form of a legislative change in the Draft Act.

I have no strong feelings either for or against the lottery concept. Therefore, I have publicly stated:

> If the Administration can show the Committee on Armed Services how such a change will provide more "equity" in the selection process without offsetting disabilities, I certainly would have no objection to this proposed legislative change in the draft law.

However, on the basis of preliminary information provided the committee, it is evident that the "lottery" proposed by the administration is nothing more than a scrambling of the dates of birth of the various registrants available for induction. Thus, the lottery concept of the administration is in the last analysis not essentially different than the "birth dates" provided registrants by divine providence. I am sure you will agree that both situations involve the element of chance.

The fourth recommendation of the President reads as follows:

> 4. Continue the undergraduate student deferment, with the understanding that the year of maximum vulnerability would come whenever the deferment expired.

This fourth recommendation of the President is already covered in existing law. Section 6(h) of the existing Draft Act which provides for the granting of college student deferments includes the following language:

> Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of his birth, or who requests and is granted a student deferment under this paragraph, *shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age.* . . . As used in this subsection, the term "prime age group" means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers. (Emphasis added.)

The fifth recommendation of the President reads as follows:

> 5. Allow graduate students to complete, not just one term, but the full academic year during which they are first ordered for induction.

Existing law provides the President with broad discretionary authority in establishing graduate student deferment policy. Section 6(h)(2) authorizes the President—

> Under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in industry, agriculture, or other occupations or employment, *or whose activity in graduate study*, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest. (Emphasis added.)

Again, in respect to this fifth recommendation of the President, he can accomplish his desires by issuing the appropriate regulations and directives to the Director of Selective Service.

Finally, the President's sixth recommendation reads as follows:

> 6. In addition, as a step toward a more consistent policy of deferments and exemptions, I will ask the National Security Council and the Director of Selective Service to review all guidelines, standards and procedures in this area and to report to me their findings and recommendations.

This last and final recommendation of the President is obviously simply an administrative action which involves no further requirement for legislative sanction.

I should also point out that section 6(h) of the 1967 Draft Act addresses the desirability of developing greater uniformity in the guidelines and procedures observed by local boards throughout the nation. Therefore, there is incorporated in the law this specific provision:

> The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, *recommend that such criteria be administered uniformly through the United States whenever practicable.* (Emphasis supplied.)

I think you will agree with me that this proposed sixth recommendation of the President already has the blessing of the Congress.

Now, I am under no illusion that the observations which I have made today will receive any significant consideration in the news media. However, I hope that this discussion of the facts of the draft law and the changes proposed by the executive branch will enable you, my colleagues, to understand more clearly the situation that actually exists.

Let me assure you that the Committee on Armed Services has not, nor will it, shirk its jurisdictional responsibilities in regard to our national security generally, and the draft law specifically.

AIR PIRACY AND THE UNITED NATIONS

The SPEAKER. Under a previous order of the House the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I am pleased to learn that the President today urged the United Nations to take steps to deal with the problem of air piracy. I congratulate him for this effort. This is an important first step.

Mr. Speaker, on September 4, 1969, as a result of the illegal seizure of a TWA aircraft on August 29, and the illegal detention of two Israel passengers by the Government of Syria, I introduced a resolution, House Resolution 529, which if passed would call upon the President to take whatever action may be necessary, including economic sanctions, to preclude future seizures of civil aircraft of U.S. registry. My resolution would also ask the President to instruct the permanent U.S. representative to the United Nations to request a special session of the Security Council to seek ways of bringing air piracy to an early end. These efforts would include but would not be limited to, seeking broad international adherence to the provisions of the Tokyo Convention on Offenses and Certain Other Acts Committed Aboard Aircraft, and the adoption of measures providing for the prompt and legal punishment of those guilty of illegal seizure of aircraft.

Because the problem of air piracy is so dangerous and fraught with peril for the passengers and crew of the aircraft and recognizing that immediate action must be taken before a serious international crisis develops because a hijacked aircraft has crashed killing scores of innocent people I wrote to the President on September 10, asking that he take action on my resolution even before that resolution is acted upon by the House of Representatives. In that letter I pointed out that the United States should propose a new convention, or protocol to the Tokyo Convention providing for the apprehension, extradition where applicable, and punishment of air pirates as a vital step toward solution of the problem of air piracy.

Mr. Speaker, now is the time for the President to instruct the permanent U.S. representative to the United Nations to take this matter up in the Security Council, as I have urged in my resolution and in my letter to the President.

PHYSICIAN MANPOWER—TELLING IT LIKE IT IS

The SPEAKER. Under a previous order of the House the gentleman from West Virginia (Mr. STAGGERS) is recognized for 20 minutes.

Mr. STAGGERS. Mr. Speaker, I recently read an article entitled "Physician Manpower—Telling It Like It Is," written by Dr. Kenneth E. Penrod, former provost, Indiana University Medical Center, which in my opinion presents an excellent summary of the problems involving the shortage of physicians in the United States today and the steps that have been taken and that still need to be taken to help meet this shortage.

I commend Dr. Penrod's thoughtful article to the attention of all my colleagues:

PHYSICIAN MANPOWER—TELLING IT LIKE IT IS

(By Kenneth E. Penrod)

> This is an age of increasing awareness of health services. Public concern about availability of care, and personnel to provide it,

has never been greater. It matters little whether there is a real or imagined shortage of physicians—the average man on the street is convinced there is. Furthermore, he is often just as convinced that this shortage has been planned—a sort of "managed economy."

Facts and figures pertaining to the supply and utilization of physician manpower are available in abundance. Medicine has done a remarkably good job in keeping records. Yet, much of the information is scattered, provided from many sources, and all too frequently dull and statistical. Following is an attempt to present a broad picture with interpretation of the current status in the country as a whole.

THE NUMBERS GAME

Surprisingly enough, prior to 1963 there were several different "official" counts of the number of physicians in the United States. This confusion stemmed from a lack of agreement on who should, and who should not, be counted. Should interns and residents, retired doctors, military personnel, foreign physicians in the country for further training, and those in occupations other than delivery of health care be included? Obviously, to include or exclude all or some of these groups can make a considerable difference.

In 1963 the disparate forces were brought together and agreement was reached on methods of count. Since that time reports of various groups have tended to agree. This has resulted in marked correction in the tables published by some groups.

Still another factor contributing to the greater reliability of today's data has been the use of the computer. At the headquarters of the American Medical Association in Chicago, extensive data concerning each recipient of the M.D. degree are recorded on computer tape. These data may then be readily retrieved in a variety of forms and may be frequently updated.

Figures relating the *total* number of physicians in an area to the population are of little value and may be quite misleading. This is especially so in areas where there are unusually high numbers of military, industrial, or retired physicians, or those making up the staffs of medical schools.

On 1 January 1968 there were 258,279 nonfederal, active physicians providing care to the U.S. civilian population according to the Public Health Service.[1] This figure includes 11,023 who hold the Doctor of Osteopathy degree in accordance with the PHS practice of not distinguishing between the D. O. and the M. D. degree for most purposes. This total figure breaks down to 132 physicians per 100,000 civilians. The five states with the largest supply of practicing physicians per civilian population were, in order: New York (199), Massachusetts (181), Colorado (168), Connecticut (164), and California (161). In this ranking of the states, Indiana stood 37th (94).

It is a well-known fact that the problem of distribution of physicians ranks right alongside that of the total number. The USPHS has defined county population groups into five categories as follows:

(1) Greater Metropolitan—Counties in standard metropolitan statistical areas (SMSA) with a population of 1,000,000 or more.

(2) Lesser Metropolitan—Counties in SMSA's with populations of 50,000 to 1,000,000.

(3) Adjacent—Counties contiguous to one of the SMSA's above.

(4) Isolated Semirural—Counties neither in nor contiguous to a metropolitan area, but which have at least one incorporated community of at least 2500 people.

(5) Isolated Rural—Counties which do not fall into any of the above classifications.

As might be expected, the ratio of physicians to consumers is nearly four times greater in the Greater Metropolitan areas than in the Isolated Rural areas, with the three intermediate groups falling between. In Indiana, the population is distributed largely among the three intermediate classifications. If the number of practicing physicians in Indiana is compared with similar population districts of other states, a remarkable similarity can be seen.

The dwindling number of general practitioners among the physician population is a source of concern to many people. The actual number who are providing this kind of medical service is obscure due to many factors.

Some begin specialty training after several years of practicing general medicine while others who hold, or are eligible for, specialty rating do in fact practice as generalists. In any event, the Willard Committee reported in "Meeting the Challenge of Family Practice"[2] those who begin, and stay, in general practice has for some years been leveled off at 15 to 25 per cent of the new entrants to the profession.

Both the report, "Meeting the Challenge of Family Practice," and another, "The Graduate Education of Physicians,"[3] were published by the AMA in September 1966. Both stressed the need for preparation of more general (or "primary," "family," "front-line," etc.) physicians. A significant outgrowth of these efforts has been the formation of the American Board of Family Practice, formally approved on 8 February 1969, as the 20th specialty board in medicine. It is to be hoped that this move will contribute to an increase in the attractiveness of this form of practice to future graduates.

PHYSICIAN PRODUCTION

There were 7,973 M. D. degrees awarded by 85 medical schools in the U.S. (including Puerto Rico) during the academic year 1967–68.[4] The University of New Mexico became the 85th degree-granting medical school that year with the graduation of its first class of 19 students.

The number of M.D. degrees granted has increased by 16 per cent over the past decade during which time the nation's total population has increased by 12 per cent. Figures for number of degrees are as follows:

10 years ago	6, 861
5 years ago	7, 264
1967–68	7, 973
Predicted: 1968–69	8, 075

A measure of the current expansion in medical education in this country can be gotten by looking at the first-year enrollment figures. As recently as five years ago, 87 medical schools (including three offering basic sciencies only) admitted 8,642 students. Last year 94 schools admitted 9,479 students. Four of these were new schools admitting students for the first time.

In the near future the increase is expected to accelerate both as a consequence of expansion of existing schools and the opening of additional new ones. Current predictions call for the enrollment to reach at least 11,000 beginning students by 1972–73.[4]

In 1959 the Public Health Service Surgeon General's Report, "Physicians for a Growing America,"[5] triggered nationwide interest in expansion of medical education opportunities. At the time, 1957–58 academic year, there were 81 four-year schools and four schools of the basic sciences. Development of new medical schools had lagged for 20 years. Two new schools were created in the decade of the 1930's, three in the 1940's, and six in the 1950's. Newly developed, and developing schools in the 1960's, with the year of enrollment of the first-year class, are as follows:

Kentucky	1960
New Mexico	1964
Rutgers-New Jersey	1966
Michigan State	1966
Arizona	1967
Hawaii	1967
Penn State-Hershey	1967
Brown	1967
University of California:	
Davis	1968
San Diego	1968
Connecticut	1968
Mount Sinai-New York	1968
Texas-San Antonio	1968

In addition to these 13 new schools with students now enrolled, other schools which are well along in planning and/or construction, but without as yet firm dates for admission of their first classes, are:

Louisiana State—Shreveport.

Massachusetts.

Medical College of Ohio—Toledo.

State University of New York—Stony Brook.

South Florida.

STUDENT ATTRITION

For a variety of reasons, about one student in nine who begins medical school does not complete the requirements for his degree in the usual four years. Academic failure accounts for only about one-half of this loss. By no means all of those who drop behind are to be considered lost to medicine, or to health science careers. Some do ultimately finish in medicine and others in some field closely allied to medicine.

The simplest method of measuring the dropout rate is to record the total number of entering first-year students and subtract the total number receiving the M.D. degree four years later. This method has its shortcomings, however, as it cannot compensate for "drop-ins," either from academic graduate programs (those accepted for advanced standing), or transferees from foreign medical schools. However, such additions are few in number so the method does provide at least an index of loss. The only really accurate tabulation of dropout rate is by carefully following the progress of each individual through medical school, an expensive and time-consuming process. This has been carried out experimentally by the Association of American Medical Colleges and resulted in an interesting and worthwhile recent publication on the subject titled, "Doctor or Drop-Out?"[6]

There is evidence that after nearly a decade of increasing attrition among medical students, the loss has taken a downward turn in those classes graduated since 1965 and this trend shows evidence of continuing. Medical school faculties, aware of the enormous cost to society, are devoting much time and effort to careful selection and guidance of medical students in the interest of the production of more physicians.

The opportunity to attend a medical school is of paramount importance to those with proven ability and the desire. A look at how our citizens fared last year in this regard is of interest. Indiana ranks 12th in population among the states. The 251 students who entered medical school last year placed our state 9th in this respect, surpassing the larger states of Florida, Massachusetts, and North Carolina. Of these 251 students, by far the largest group, 206, began at Indiana University. The other 45 entered 20 school, 14 privately supported and 6 tax supported.

For obscure reasons, not all students who are accepted for medical school actually matriculate. Last year, for instance, 385 more students were accepted than enrolled, and 10 of these were from Indiana. In all, 443 Hoosiers filed applications to enter medical schools in 1967–68, 261 were accepted, 251 began, and 182 were rejected. The 59 per cent

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Footnotes at end of article.

acceptance rate is better than that of the total U.S., where 9,702 of 18,724 total applicants were accepted, or 51.8 per cent.[7] While it would not be correct to presume that *all* of those denied admission were fully qualified and should have been admitted, nevertheless there is ample evidence to support the concept that the nationwide pool of talent is sufficient to fill many more places than are currently available in U.S. medical schools.

Related to this winnowing, a sizable number of U.S. citizens annually seek a medical education abroad. According to the Institute of International Education, there were 2,325 U.S. citizens working toward degrees in medical sciences in foreign countries in 1966–67, excluding Canada. A few of these later return and receive advanced standing appointments in U.S. schools. A large number return for internship and/or residency and, upon successful passage of the examination conducted by the Educational Council for Foreign Medical Graduates, become eligible for licensure by some state. Last year among the 9,326 total initial licenses issued in the 50 states, 187 were to U.S. citizens who were graduates of foreign medical schools.[8]

MINORITIES IN MEDICINE

Medicine, along with other professions, is now being called upon to explain the unequal representation within its ranks of the various minority groups of the country. The answer usually given is straightforward enough and it is related to the high degree of selectivity afforded by two applicants for each available place in medical school. So long as admission continues to be based primarily upon the quality of the undergraduate academic record, little change can be expected.

While this system was acceptable in the past, it no longer suffices in today's society. Widespread concern now dictates that medical school admissions committees must weigh factors other than academic achievement in filling their classes. The problem takes on different forms in various parts of the country but in general involves Negroes, Spanish-Americans, and American Indians.

While a very small percentage of black students have been graduated from the predominantly white medical schools in the past, by far the majority of M.D. degrees for Negroes have been earned at Howard and Meharry Colleges of Medicine. Both of these schools have long faced grave financial problems which have placed limits on their ability to attract and hold topflight faculty in the face of competition from other schools. This factor has likewise served to curtail expansion of facilities at those schools.

In an about-face, there is now fierce competition among U.S. medical schools for the well-qualified Negro student. All schools are seeking to improve their public image through enrollment of a greater proportion of Negroes. Generous scholarship support is available for the best of these and indeed bidding often runs high. This new pattern, is, meanwhile, placing a heavy and awkward burden on Howard and Meharry. Not only are these schools now vulnerable for the better students but likewise for faculty. Are these two schools to be expected to assume responsibility only for those who cannot be accepted elsewhere? By what means can a larger pool of well-prepared Negro applicants be produced *now?* These, and other substantive issues concerning the Black medical student, have been explored in depth in a recent book, "Negroes for Medicine."[9]

The imbalance between Negro population and Negro physicians is fairly ubiquitous throughout the U.S. The problem associated with the Spanish-American and the Indian populations varies greatly with regions of the country. The problems of attracting more of these students into medicine are similar, however, and in some areas of the country efforts are now being marshaled that are fully equaled to those on behalf of the Negro student.

While women cannot be classified as a minority group in the general population, in this country medicine has always been overwhelmingly a male profession. This is not so in a great many other countries, and the number of women medical students and physicians in the U.S. has been on the upswing in recent years. While as individuals those women who in the past have entered the male-dominated profession of medicine have demonstrated a full capacity to perform well, their record as a group has been questioned. Their dropout rate from medical school has been higher than that for men and evidence shows that as a group the total service contribution of the female M.D. is only about one-half that of her male counterpart. The question then faced by admissions committees is: "Shall we take a woman when the chances that she will work full time in medicine are only 50–50, while with a man the chances are greater than 90 per cent?" However, an overwhelming majority of women graduates report that they are contributing to medical care in part-time or full-time positions.

The number of women in medicine is clearly on the increase. A comparison of five years ago with last year, both for the U.S. and for Indiana, shows a marked increase in both the number and percentage of medical degrees granted to women.

TOTAL M.D. DEGREES

	United States		Indiana	
	Men	Women	Men	Women
1962–63	6,860	405	148	5
1967–68	7,332	641	193	16
5-year increase	472	236	45	11
Percent increase	7	58	30	120

The past, present and predicted roles of women in American medicine have been explored in some depth recently. An interesting and informative new book has resulted: "Women in Medicine," by Carol Lopate.[10] Both this book and "Negroes for Medicine," previously referred to, grew out of conferences and studies initiated and sponsored by the Josiah Macy, Jr. Foundation.

FINANCIAL CONSIDERATIONS

The state of residence can make an appreciable difference in the cost of attending medical school. In the 49 tax-supported schools, including three schools of the basic medical sciences only, and three of the developing schools, the average tuition charge was $657 last year for residents of that state. The range was from $206 (Hawaii) to $975 (Alabama). For comparison, the cost to a resident of Indiana at Indiana University School of Medicine was $700.

The state-supported schools, with two exceptions, all charged nonresidents appreciably more, the average fee being $1240. The two exceptions were Hawaii and the Medical College of Georgia. The latter does not admit any nonresidents of the state so the question is academic. The range of charges was from $200 (Hawaii) to $1900 (Michigan). Again for comparison, the charge to non-Indiana residents at I.U.M.S. was $1600 (increased to $1800 in September 1968).

While all 49 state-supported medical schools give preference to residents of the state, and shift a higher proportion of the cost of his education to the student from elsewhere, only one completely closed its doors to outsiders last year—the Medical College of Georgia. Two others showed only a single admission from outside the state. At the other end of the scale, one state-supported school accepted 55 from elsewhere (Tennessee). In all, 85 per cent of the 5,087 students accepted in 1967 by the 49 state-supported schools were from the home state.[4]

The privately owned medical schools are of necessity more heavily dependent upon student fee income for operating expenses than are the tax-supported institutions. In the 45 private schools accepting students last year, the average tuition was $1876. With the exception of four, these schools made no distinction in the charge between residents of the home state of the school and those from other states. The four exceptions were Louisville ($1375 vs. $2000), Temple ($490 vs. $1540), Pittsburgh ($450 vs. $1500), and Penn State-Hershey ($390 vs. $1050). In each of these schools some tax assist is provided by the state of residence, resulting in the preferential treatment of its citizens.

To an increasing extent the privately owned medical schools are seeking and receiving some tax assistance to help meet their rising operational costs. To date, only the four schools mentioned above have made any concessions to residents of the state of assistance, either in tuition differential or in selection preference. As a consequence, in the 45 private schools only 41 per cent of the students admitted last year are from the state of residence of the school.

Due to financial stringencies, the private schools have been unable and/or unwilling to expand their classes as much as the publicly supported schools. This, together with the fact that nearly all of the newly planned schools will be tax supported, is upsetting the traditional balance of nearly equal public-private medical education. As recently as five years ago there were three more private schools than public. In 1967 that ratio was reversed, the public schools outnumbering private 49 to 45. The shift in numbers of students is more dramatic. In 1962 the tax-supported schools accepted only 174 more medical students than their private counterparts but by 1967 this had increased to 695.

It is significant that dropout from medical school is now seldom for financial reasons. Medical schools have for many years successfully raised considerable sums from alumni and friends to use in helping needy students. A few years ago a major effort to solicit funds from industry for this purpose on a nationwide basis resulted in the formation of the National Fund for Medical Education. Annual distribution of funds is made to each of the existing medical schools on a formula basis. Later, the American Medical Association formed the AMA Education and Research Foundation, which likewise undertook a nationwide solicitation of funds. The AMA has also instituted a most helpful program of guaranteeing private loans in order to facilitate ease of borrowing by medical students. Finally, and more recently, federal legislation has resulted in subsidy for medical education, both in the form of loans and grants.

As a result of these various financial aid programs, last year of the 34,528 students in all of the nation's medical schools, 18,960, i.e., 54.3 per cent, borrowed money. The average loan was $925. Ten thousand one hundred forty-eight students—29.4 per cent—received scholarship aid which averaged $819. Increasingly, financial means is not a determining factor in the selection of those who may, and those who may not, obtain a medical education.

INTERNSHIPS

Of the 853 hospitals offering internships in the U.S. in 1967–68, 419 were affiliated with a medical school, 434 were not. For several years there has been a gravitation toward the affiliated hospital internship program by the graduates of U.S. schools. The slack in the non-affiliated hospitals has been taken up by graduates of foreign schools. The latest year was no exception to this trend.

Footnote at end of article.

NUMBER OF INTERNS ON DUTY SEPT. 1, 1967

	United States and Canadian graduates	Foreign graduates
Affiliated hospitals	5,557	938
Nonaffiliated hospitals	1,949	1,975
Total	7,506	2,913

The number of foreign graduates filling internships in this country has not changed markedly in the last few years. Forty-six per cent of the 2,913 foreign graduates on duty on 1 September 1967 were to be found in three Eastern states: New York, New Jersey, and Pennsylvania. Another 40 per cent were located in the five states making up the *East North Central* region of which Indiana is a part. Yet, Indiana recorded only one foreign graduate intern among its total of 108 interns as of the above date. This has been a consistent pattern in Indiana with one foreign-educated intern in 1963, 1964, 1966, and 1967. There was none in 1965.

The salaries of interns have been traditionally low. A new trend has been apparent for the past few years, and shows signs of becoming permanent. This trend is shown in the following table:

ANNUAL INTERN SALARIES

	Affiliated hospitals	Nonaffiliated hospitals
1963	$3,053	$3,678
1965	3,578	4,071
1967	4,893	5,030

MEDICAL LICENSURE

In 1967 a total of 20,074 licenses to practice medicine and surgery were issued by 54 legally constituted medical examining boards—50 states, District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The majority of these 20,074 licenses were issued by reciprocity or endorsement to individuals already holding license in another state but 9,326 of the recipients represent new additions to the profession licensed for the first time. This represents an increase of 584 first-time licensees over the previous year. Among the 9,326 newly licensed physicians, 7,245 were graduates of U.S. and Canadian medical schools while 2,081 (22 per cent of the total) were graduates of foreign medical schools (about 1 in 5 from the Philippines).

Insofar as a second license may be interpreted as a contemplation of relocation of practice, Indiana did not do well in 1967. In all, 232 licenses were issued by 34 other states to those previously holding Indiana license, while the Indiana license was issued by reciprocity to 126 licentiates of 31 other states. The states issuing the most licenses to Indiana license holders were: Ohio—56, California—43, New York—26, Illinois—16, and Wisconsin—10. (Florida does not license by reciprocity.)

Among the 291 first-time licenses issued by the State of Indiana in 1967 were 181 to graduates of U.S. schools (177 from I.U.) and 110 to graduates of non-U.S. schools. It is significant to note that no graduate of the I.U. School of Medicine failed in his licensure examination.

CONCLUSIONS

It is apparent from the foregoing that, while some progress has been realized in the past decade in meeting the nation's need for physician manpower, the effort must be greatly accelerated. Prospects now are that considerably more progress will be realized in the next decade. Evidence for a less spectacular growth in population now seems firm, but both expectation and complexity of health care can only increase. Can medicine and its foundation, medical education, meet the challenge and earn the right to continue to control their own destinies? There is much evidence for the affirmative.

FOOTNOTES

[1] Health Manpower, U.S., 1965–1967. National Center for Health Statistics, Series 14, No. 1, Department of Health, Education, and Welfare. Washington, D.C., November 1968.

[2] Meeting the Challenge of Family Practice. The Report of the Ad Hoc Committee on Education for Family Practice. Chicago. American Medical Association. September 1966.

[3] The Graduate Education of Physicians. The Report of the Citizens Commission on Graduate Medical Education. Chicago. American Medical Association. September 1966.

[4] Medical Education in the U.S., 1967–1968. Education Number, Journal American Medical Association 206(9): 1987–2112, November 25, 1968.

[5] Physicians for a Growing America. U.S. Department of Health, Education, and Welfare. Washington, D.C., October 1959.

[6] Johnson, Doris G., and Hutchins, Edwin B. Doctor or Dropout? A Study of Medical Student Attrition. Association of American Medical Colleges. Washington, D.C., December 1966.

[7] Jarecky, Roy K., Johnson, Doris G., and Mattson, Dale E. The Study of Applicants, 1967–1968. Journal Medical Education 43(12): 1215–1228, December 1968.

[8] Medical Licensure Statistics for 1967. Journal American Medical Association 204 (12): 1067–1134, June 17, 1968.

[9] Cogan, Lee. Negroes for Medicine, 96 pages. The Johns Hopkins Press. Baltimore. $4.95.

[10] Lopate, Carol. Women in Medicine, 224 pages. The Johns Hopkins Press. Baltimore. $5.95.

RETIREMENT OF ADM. JOHN HARLLEE

The SPEAKER. Under a previous order of the House the gentleman from South Carolina (Mr. RIVERS) is recognized for 10 minutes.

Mr. RIVERS. Mr. Speaker, Government service is a little poorer today with the loss of one of our outstanding public servants, a man who has served this country with great distinction in both a military and a civilian capacity. That man is Rear Adm. John Harllee, who completed more than 37 years of Government service when he announced his retirement as Chairman of the Federal Maritime Commission.

Admiral Harllee has served as a member of the Federal Maritime Commission since his appointment by President Kennedy in August 1961, and he has been Chairman of the Commission since August 1963. In those years he has given his heart to the effort to try to make our mercantile seapower strong and to bring America back to the position it once held as a producer and user of its own maritime fleet. Admiral Harllee came to this demanding job after a singular career in the U.S. Navy. The son of a Marine Corps brigadier general, the late Gen. William C. Harllee, John Harllee graduated from the Naval Academy in the class of 1934 and for the next 25 years always seemed, as the youthful expression goes, to be "where the action is." He was at Pearl Harbor at the time of the treacherous attack on December 7, 1941. During World War II he commanded Motor Torpedo Boat Squadron 12 and served as chief staff officer of the PT organization in the Southwest Pacific. Squadron 12 received the Presidential Unit Citation for a 6-month period of action under his command, and he personally received the Silver Star and the Legion of Merit with Combat V.

He served with the Navy congressional liaison office after the war and went on to command the destroyer *Dyess*. From there he attended the senior course at the Naval War College, where he graduated with a grade of excellent.

During the Korean war he was executive officer of the cruiser *Manchester* and was awarded the Commendation Medal for combat in action. His other assignments that followed included command of Destroyer Division 152, chief of staff of Destroyer Flotilla 3, and command of the attack cargo ship *Rankin*. While he was in command, the *Rankin* won more awards than any other naval ship during the period 1957 to 1958.

Admiral Harllee retired in 1959 and spent a year in private industry with the Ampex Corp. in Redwood City, Calif. In 1960 he became chairman of Citizens for Kennedy and Johnson of Northern California and devoted full time to the presidential campaign. After the election he became vice president of E. I. Farley & Co. of New York City, but he resigned that position in 1961 to accept the President's call to serve on the Federal Maritime Commission.

The awards that Admiral Harllee has received over his years of distinguished service are too numerous to mention, but I do believe he should be especially proud of the fact that he was cited by the Federal Bar Association for his work in maritime law.

Knowing the man as I do, I am not sure he can be persuaded to slow down his activities. But if he does truly retire, it would be to a rest that is truly deserved, and I think his many, many friends on Capitol Hill will join me in saying at the close of this great career, "Well done, thou good and faithful servant."

MAJOR MARITIME RESEARCH ASKED

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, for several years, I have been concerned about the dwindling American merchant fleet and about the collateral impact this has had on the American economy. I have spoken out on this subject on innumerable occasions, both here in the House and through newsletters, public speeches, and news releases. For these reasons, I was particularly pleased to read in the newspaper the other day of a proposal by the Maritime Administration to launch major research and development efforts aimed at returning the United States to the pinnacle of maritime strength.

As long ago as 1966 I warned of the dangerous downward trend our maritime shipping was in, both in terms of ships and in terms of tonnage. I warned of the dangers of runaway ships, sailing under both neutral and friendly flags, which could and in some instances did thwart established American foreign policy.

Mr. Speaker, although I am not a member of the distinguished Merchant Marine Committee of the House of Representatives, I am a concerned and interested Member of Congress who well recognizes the value of a strong merchant fleet, and who can at least speak out on the situation and urge my colleagues to concern themselves as well.

I commend the Maritime Administration for taking this initiative and urge my colleagues to read the attached article from the Washington Post:

CONFERENCE SEEKS TO RESTORE U.S. FLEET: MAJOR MARITIME RESEARCH ASKED

(By William H. Jones)

A major new research and development effort to restore the United States to "its proper position of leadership" among maritime powers was proposed yesterday.

Outlining recommendations of the first national conference on maritime research and development, sponsored this summer at Woods Hole, Mass., by the Maritime Administration, Nixon Administration leaders said they were "extremely optimistic" about new techniques that could rebuild the U.S. fleet.

The conference—attended by shipbuilders, labor leaders, steamship companies, research firms, universities and government agencies—recommended both nuclear and non-nuclear projects. If fully funded, the non-nuclear program would cost about $32 million a year beginning with the next fiscal year. The recommended nuclear program would require $344 million over a period of eight years.

Maritime Administrator A. E. Gibson, speaking to a meeting held at the Commerce Department to explain recommendations of the conference, noted that the U.S. merchant marine has not been expanding in recent years "because of its high cost compared to that of its foreign competition and because there seemed to be no way to overcome this disadvantage except through government subsidies."

With increased productivity and modernization, the Commerce Department official said, subsidies could eventually be eliminated on the major North Atlantic and Pacific trade routes where developed countries will have the facilities to handle the results of the so-called container revolution—the shipment of goods in containers which can be easily transferred from one type of transport to another.

The technological revolution, Gibson continued, will not only restore U.S. maritime leadership, but create more cargoes, more jobs and more profits. "We believe we are witnessing the beginning of an era of decreasing reliance on government aid for profitable operations," Gibson stated.

Commerce Secretary Maurice H. Stans, who was also present, said the administration was "vitally concerned" with increasing two-way international trade to help sustain economic growth. He said a strong maritime industry was necessary to maintain trade and for national security. In addition, he noted that President Nixon will soon propose an entirely new maritime policy and program that "will recognize the national need for rebuilding our merchant marine and will furnish the means to achieve it."

The Woods Hole conference recommended research projects that range from improvements in the 20-knot ships in operation now, to the high-speed (30–40 knot) utilized cargo ships in the 1970's, and to even higher speed (50–100 knot) surface fleet ships by the 1980's.

Better use of speed and increased revenue capability from faster turnarounds at ports will increase the earning power of U.S. flag ships, the conference concluded, thus providing incentives to build and operate higher capital cost, higher speed ships.

In the nuclear field, the conference recommended a second-generation nuclear ship program of three ships to bridge the gap between the technology of the present Savannah, and third-generation nuclear ships of the future. The conference said the second-generation ships should go into operation in 1977.

Heavy emphasis was also put on improving operations of the present fleet, including new radar data computers and improved methods of stowing containers on deck.

The conference report noted that the Manhattan project now underway holds the prospect of opening not only a new sea bridge for the transport of bulk petroleum from the Alaskan North Slope, but also a new East-West Polar passage for transportation of other surface-borne cargoes.

Finally, a better understanding of the sea itself was supported—projects to study dynamics of ship motion, mooring and materials.

OPERATION BREAKTHROUGH

(Mr. BOW asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOW. Mr. Speaker, Operation Breakthrough, the HUD program for developing new techniques in housing, is moving into high gear this week as scores of applications and proposals pile up on the desks of Assistant Secretary Harold B. Finger and his associates.

I have great confidence that among these proposals we will find solutions to the problem of using modern technology to house millions of our citizens in attractive, safe, and sanitary homes at prices we can afford to pay.

The objective of Operation Breakthrough is to develop and evaluate methods of volume production of housing which should lead to reduction in costs and elimination of current constraints on volume production of quality housing.

Everyone who has studied the problem must agree that we can never satisfy our housing requirements in this country by the conventional methods of piling brick upon brick or mailing board to board. Only new technology can do the job.

The keystone of Operation Breakthrough, in my opinion, is the challenge to the construction industry and all other industry to develop new ideas, designs, and methods. Requests for such proposals were issued 8 weeks ago. Tomorrow is the deadline for their submission. Engineers and designers across the country were quick to accept the challenge of the proposal. Secretary Finger and his associates now have the exciting task of evaluating their ideas.

From among the proposals, a dozen or more will be selected for actual construction and testing on eight prototype sites in various sections of the country. Proposals for the sites have also been coming in this week, one of the very first being presented by the Honorable Stanley A. Cmich, the mayor of Canton, Ohio, my home town.

Within a year we will have eight "housing fairs" scattered across the Nation, where everyone interested in housing can visit, study, test, and compare the best ideas in housing that American ingenuity can devise. From this we hope will develop the ability to meet the ambitious housing goals defined in the Housing Act of 1968.

SOCIAL SECURITY BENEFITS

(Mr. EDWARDS of Alabama asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, the announcement of President Nixon that he will seek a 10-percent increase in social security benefits was an important step in aiding many forgotten Americans. These persons over the age of 65 and on fixed incomes are the ones hardest hit by inflation.

Today the minimum payment of an individual at 65 is only $55 per month—hardly enough to buy food. A couple receives a minimum payment of $82.50. Even the average payment tells a sad story: Benefits amount to $99 for the individual and $148.50 for the couple.

The 10-percent rise barely covers the cost of inflation since the last increase in benefits in February 1968. It will, however, serve to offset some of their increased costs.

What is needed though is a continued recognition that as costs of living rise, the expenses for those on fixed incomes rise. Prices usually rise fastest in the food and services industries—areas where most of the senior citizen's income is spent. Therefore, some automatic increase in benefits to counteract cost-of-living increases merits consideration.

But, Mr. Speaker, the real and compelling need in the country is to get control of the inflation that is running rampant. I count this as being right at the top of the list in setting priorities in the Nixon administration. We must act now to stop the cruel tax of inflation which strikes at the very heart of those on fixed incomes.

NIXON'S ATTACK ON DOMESTIC PROBLEMS

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, the Cedar Rapids Gazette recently carried an editorial relative to President Nixon's attack on domestic problems. The editorial notes that the President does, contrary to his critics, have his finger on the domestic pulse. I concur wholeheartedly in the editorial:

ATTACKING DOMESTIC PROBLEMS

From his action this week one could conclude that President Nixon had anticipated the comment of critics that he was running away from pressing domestic problems while on his world tour. His announcements of programs for solving those problems as they affect national health and safety standards, and our worn-out transportation system indicated he hasn't been ignoring the home front.

But the nature of the programs undoubtedly will raise more criticism that he isn't moving into these areas fast enough. If we can go to the moon in less than eight years from a standing start, why do we need 12 years to modernize our transportation system? And three years to map and start to enforce new health-safety standards?

In the case of transportation, the answer probably is lack of funds. Mr. Nixon has proposed a $12 billion program spread over 12 years to improve and expand local bus, rail and subway transportation. In the face of anticipated tax revenues and other demands for the funds, that may be as swiftly as we can get the money to do the job.

But certainly lack of money isn't that much of a drawback to implementing new health-safety standards for financial requirements are small in comparison to funds needed for modernizing the transportation system.

Aside from moving too slowly into the enforcement area, we like the administration's approach to establishing federal modern health-safety standards for business and industry in order to cut down what the President called "needless illness, needless injury and needless death" resulting from occupational accidents and disease. These standards would not apply in states whose own programs already are as tough or tougher. Other states would have to comply, much as is the case today with meat inspection. Yet the legislation being drafted would not apply to federal, state and local government workers, or to industries like coal mining, which already have specific standards. Why not? What's so special about the government? Don't its workers often suffer "needless illness, needless injury and needless death" from occupational accidents and diseases? And are the standards of industries like coal mining as stiff as they really should be? The Nixon program would be stronger if these items were dealt with.

On transportation, the President has accurately pointed up the need to keep public transit systems alive if only because the day is not far off when traffic jams will force people to leave cars at home if they want to do business in metropolitan areas.

His program is designed to make public transit—in and between cities—so appealing, convenient and efficient that the individual will prefer it to using his car between home and work, or on business trips where it can compete timewise with the airlines.

The details of these programs must be worked out, of course. The important thing at this juncture is that President Nixon has his finger on the domestic pulse, is getting the message as to home front problems and is moving in on them.

CORALVILLE DAM PROVES ITSELF

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, since its construction, the Coralville Dam and Reservoir have been the subject of sometimes heated debate between those primarily interested in recreation, and those primarily interested in the flood control functions of the dam. I have long supported those who feel the dam has a primary function of flood control, and that flood control considerations should have priority over recreational aspects.

An editorial in the Iowa City Press-Citizen recently confirmed the wisdom of my position. Had the flood control functions of the dam been subverted for recreational purposes, the water level behind the dam would have been so high as to render the dam ineffective for flood control purposes. Thankfully, the Corps of Engineers insisted that flood control receive priority, and thus a good deal of very serious flooding was averted.

The editorial follows:

FLOOD CONTROL WORKS

The Coralville Dam and Reservoir today are doing precisely what they were designed and built to do.

They are preventing a major flood on the Iowa River in Iowa City and downstream. All indications now point to the fact that the flood control works will continue to do so—barring, and this possibility must be acknowledged, further downpours in the upper valley of the Iowa River.

What the dam and reservoir are doing obviously is to contain the massive quantities of water that made Marshalltown's flood the worst in that city's history, that inundated much of Tama, that covered Chelsea with water, that spread far out over the flood plain all the way from above Marshalltown to the Amanas. By holding the water in the reservoir and releasing it over a longer period of time, the dam and reservoir cut down the great crest that would be in Iowa City today otherwise. This extends the time over which the water will move downstream. It also is reducing crests all the way downstream, including that portion of the Iowa below the confluence with the Cedar, although admittedly the quantity of water moving downstream even with the controlled flows on the Iowa will cause severe flooding as the combined river nears the Mississippi.

Containing the massive flooding does not mean that there is no inundation below the Coralville Dam. There plainly is, as anyone who has seen the lower level of City Park or the flood plain east of Hills, knows. This, however, serious though it now appears, is approximately what could be expected about on the average of one year out of every two before the dam was finished.

COMPARISONS WITH TODAY

The discharge rate from the reservoir is now 12,000 cubic feet per second. This compares with the flow into the reservoir of 27,000 cfs. Sunday and 22,000 cfs. Monday. Tuesday's was 16,000 cfs. and the drop indicates that a balance is at hand in which the amount of water coming into the reservoir is approximately equal to the outflow; then, soon, discharge will surpass inflow. As this happens, the reservoir level will drop and the possibility that additional rain would flow into a reservoir with no additional capacity diminishes.

That 12,000 cfs. plus whatever is picked up from Clear and Rapid Creek discharges is minor compared with past record flows. In fact, during the 50 years preceding the closing of the Coralville Dam in 1958, Iowa City flows of more than 12,000 cfs. were recorded on 28 occasions. It's been exceeded only once since, until the current period, and that was a short-lived flood July 14, 1962, the day after eight inches of rain in 24 hours all but washed the immediate Iowa City area downstream.

Peak flows in those 50 years came in 1918 when the rate was 42,500 cfs. and in 1947 at 33,800 cfs., the latter being in the range of what would be occurring now without the dam. River levels in Iowa City in those years were six to seven feet higher than they are now.

DAM PASSING BIG TEST

What is happening now is that this area, and the downstream valley, for the first time in 15 years, are having their first flood of the type which once occurred in more years than it did not. We aren't accustomed to even minor controlled floods anymore but we have become accustomed to having the dam and reservoir prevent nearly all high water. Consequently, substantial areas of flood plain land, land that once was flooded regularly, has been put to use. Now the river has come back, in effect to use again its flood plain that man has converted to his use. It will happen again, occasionally. But the disastrous floods of the kind that washed over the valley above the Amanas last week and from Iowa City downstream many times in the past will not happen again, unless a catastrophic set of natural coincidences brings more water pouring down the Iowa than at any time yet in this century.

The Coralville Dam and Reservoir are getting their first great test since being completed in 1958. They are passing. The knowledge and understanding gained from this flood unquestionably can help in further reducing the effects of future floods of this and greater magnitude so that even greater control can be achieved.

TAX REFORM

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, I insert in the RECORD a thought-provoking editorial from the Iowa City Press-Citizen which notes some shortcomings in the tax reform bill:

TOO MUCH TOO SOON

By its very definition, a tax bill—even a tax reform bill—has got to be unpopular with somebody. But by any objective evaluation (if objectivity about taxes is ever possible), the U.S. House of Representatives has done a highly commendable job on the bill it sent over to the Senate by a rousing vote of 394 to 30.

Riding a surge of idea-whose-time-has-come popular support, the House Ways and Means Committee, chairmanned by Arkansas Democrat Wilbur D. Mills, labored and brought forth not only the most comprehensive tax reform bill in history but one of the most equitable.

Among other things, a chunk was taken out of the special tax privileges granted oil producers, reducing the depletion allowance from 27½ to 20 per cent; nicked a lot of fat cats in the over-$100,000 bracket who have been escaping taxes entirely, and eliminated the 7 per cent business investment tax credit.

What began as a tax reform effort, however, gathered such momentum that it ended up as a tax-slashing spree, with hefty cuts not only for those in the lowest income bracket but for the tens of millions of so-called "forgotten Americans" in the $10,000-and-up category.

The result is that while the loophole closings are expected to bring in an extra $5.2 billion by 1972, the wide-ranging tax-cut bonanza totalling $9.3 billion would put the Treasury in the hole some $4.1 billion.

That fact alone has caused the Senate to greet the bill with tempered enthusiasm, if not some alarm. Other aspects of the bill are also meeting resistance, such as the depletion allowance cut, which some senators think is excessive and others think is not enough. Another is a dubious 7.5 per cent tax on private foundations. Nearly 200 tax bills or amendments have been filed with the Senate Finance Committee.

Welcomed as tax cuts would be by the average citizen, what the House has done appears to be a case of too much too soon.

Lower taxes will be of little comfort if a massive budget deficit adds another boost to inflation, which is only a different kind of taxation. More take-home pay in the pocket won't mean much to consumers if business has to turn around and post higher prices to make up for the loss of its investment credit. Nor will the country's crying social needs be met by giving everyone a little extra cash to the detriment of federal programs in education, health, mass transit, urban renewal and all the rest.

Middle-income Americans may feel squeezed by taxes, but they are not hurting so much that they want tax relief at the cost of sound fiscal or domestic policy. What they have really been protesting in the past year is not just high taxes but high government spending and the fact that not everyone has been paying his fair share.

To repeat, the House-passed tax reform bill is a good one, but the Senate can make it even better.

XUM

HIGHWAY SAFETY: COMMENTARY NO. 16

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, several paragraphs of my Washington report No. 5 to my constituents were devoted to the highway safety hearings held by the Public Works Subcommittee on Roads earlier this summer. A newspaper editor used a section of that report as a point of departure for an editorial which I would like to share with my colleagues in the House.

It is perfectly clear from what we heard in those hearings that the ineffectiveness of the Nation's safety programs is in part the fault of Congress and our failure adequately to fund these programs. The fact remains, however, that much more could be done in the field of highway safety at the State and local level.

Mr. Speaker, the following editorial, which appeared in the Lebanon, N.H., Valley News on Tuesday, June 24, outlines just a few of many things that could and should be done. It is an excellent piece of journalism, and I heartily commend it:

HIGHWAY SAFETY

In his last newsletter, Rep. James C. Cleveland (R-N.H.) said his Subcommittee on Roads is holding hearings on ways to improve highway safety programs.

Cleveland said he was "struck by the appalling figures of the slaughter on our nation's highways. Since January 1961, when I first started to run for Congress and the nation started to keep toll of the grim casualties from Vietnam (now 36,000), over 400,000 persons have been killed in automobile accidents. This is not to mention the untold tragedies of the permanently impaired, both physically and mentally, with loss of limbs and sight, and other disablements, and the awful costs. For the young, highway accidents are the number one cause of death. More must be done by all of us to stem this ghastly carnage."

Cleveland is right, of course, and one doesn't have to be a Ralph Nader to think of several ways of improving highway safety programs. It's all well and good to install dozens of safety features in our new automobiles, but there still is much that can be done to make our highways safer to ride on.

We can think of several things that need doing . . . there are, obviously, many more, but here are some . . .

Make uniform throughout the nation all traffic signs and drivers' signals. Why not uniform speed limits?

Force states and municipalities to repaint center lines in highways more frequently than they now do. In order to pass inspection in most states, our vehicles must have at least a minimum of tread left on tires and acceptable lighting and braking equipment. Yet these same states allow road markings to become so faded as to be virtually indistinguishable, particularly at night.

Make it mandatory that all federal and state roads—and perhaps even streets—be painted with road-edge safety lines. Anyone who drives much at night knows the value of these borderlines on a highway.

We'd like to see a federal law forcing installation of operating lights on all vehicles—small but easily discernible lights placed strategically in the front and rear which would burn, day and night, anytime the motor is turning over.

We'd also like to see manufacturers install as standard equipment automatic headlight dimmer switches on all vehicles.

And why not, in these days of highly sophisticated gadgetry, one which would automatically switch on a vehicle's headlights when it becomes dark enough to need them? How many "eagle-eyed Charlies" have you seen driving along, lights out, well after sundown? Accidents on their way to happen.

Finally, we believe that regular and routine inspections, such as our states force us to give our vehicles now, should be given to all drivers as well. And those unfit for any reason to drive a vehicle should not be allowed to.

And we haven't even mentioned our pet grievance—and that is our overly lenient police and court system which continues to give mild wrist-slaps and meaningless fines to drivers who over and over again flout our laws of the road, either by the way they drive, or by the way they drink and drive.

While chronic careless and negligent—and irresponsible—drivers continue to hog our highways, all the safety features we can pack into our vehicles and install on our highways are going to have very little effect on the appalling slaughter we see and read about every day.

EMBARGOED SPEECH OF OGDEN REID

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, twice in August I spoke to my colleagues in the House to express my deep concern with the decision of the South African Government to grant Congressman OGDEN REID a visa only on the condition that he make no speeches during his planned visit to Africa, thus denying the gentlemen from New York the right to address the Annual Day of Affirmation of Academic and Human Freedom of the National Union of South African Students, the purpose for which he had been invited to South Africa.

It was a vast disappointment to the gentleman from New York (Mr. REID), to the National Union of South African Students, and to every man concerned with the principles of freedom and mutual understanding, with human rights and the rule of law, that he was unable to share his thoughts and his hopes in person with these young people, for it could only reflect a repudiation of these principles and a further step toward isolation from the world community by the Government of South Africa.

It is thus with both a sense of honor and of sadness that I share with my colleagues today the moving address that Congressman REID transmitted by tape-recorder to those who had hoped to hear it in person.

I am privileged to be able to present together with this address, the speech by the president of the National Union of South African Students, Mr. Duncan Innes. His words are a great tribute to Congressman REID. They are the words of a man who truly loves his country and its people, a man who has the will and the courage to continue to hope and work so that dignity, human rights, and the principles of freedom will prevail in that nation.

[Embargoed until release for A.M. papers Aug. 19. 1969]

ANNUAL DAY OF AFFIRMATION OF ACADEMIC AND HUMAN FREEDOM

(Address by Congressman OGDEN R. REID, August 18, 1969)

Mr. Innes, members of the NUSAS executive committee, ladies and gentlemen: I had deeply hoped to be with you in person tonight and to share with you the National Union of South African Students' Annual Day of Affirmation of Academic and Human Freedom. It is a cause for genuine regret and sadness that, at a time when our world grows smaller, any nation should act to restrict communication between peoples. Ideas and principles that reflect the truth cannot be stopped by any country on the globe. Thus, I thank you again for continuing this evening in the Great Hall of the University of the Witwatersrand, and I hope that you will know that I am very much with you in spirit.

No man of ordinary sensitivity could rise at this rostrum, on this day, and not be moved by the meaning. To stand in the place where Alan Paton and Robert Kennedy once stood; to participate in this ceremony that is honored wherever men love freedom and respect courage; to share with young South Africans this moment of comradeship in the cause of mankind; to protest, with you, the unlawful violation of human rights, wherever committed; to proclaim, with you, the right of free men to dissent from the arbitrary decisions of government—these are memories that for me will never blur. This is a privilege that I will always cherish.

You are here today, as the students of South Africa assembled, to make a public affirmation of your resolve to preserve academic and human freedom. You are here to assert your commitment to the rule of law, a principle foreign to the tyrannies of Fascism and Communism, which we all detest. My role here today is to confirm the universality of your beliefs—and to take note of the solidarity among millions of young men and women, in your country and in mine and throughout the world—who are determined to transform unjust societies into just ones.

While conveying to you the admiration of my countrymen, I bring special greetings to you from some of your countrymen, your friends and past leaders with whom I have had the privilege of working in recent weeks. Though excluded from this assembly, they are here in their spirit and in your hearts.

These men and women, so fresh and ardent, are really part of an old adventure. They join a long line of the young who, in their selfless sacrifice, stretch back beyond ancient Greece to the first struggles for human liberty. King David is in that line and so is Jesus himself. And there is Joan of Arc and Martin Luther and, in my own country in my own day, his very namesake Dr. Martin Luther King Jr., who as a young man in his twenties conceived and led the bus boycott in Montgomery, Alabama, which ignited a mass inter-racial movement for human rights. Your friends, who helped make NUSAS the great and effective symbol that it is today, are part of that tradition and I, for one, feel proud that they have chosen to live in my country to pursue their magnificent ideals.

I recall one poignant dialogue in American history that has special meaning for those uprooted countrymen of yours. I think of Benjamin Franklin, the grand old man of our Revolution, who proclaimed, "Wherever liberty is, there is my country." To which Thomas Paine, three decades younger and the firebrand of several revolutions, answered with defiance: "Wherever liberty is not, there is my country."

I wish I could come before you and say that my own country has always honored its commitment to human freedom—or fully honors it today. We have many moments in our history of which I am ashamed—the jailing of German-Americans during World War I, the mass internment of Japanese-Americans during World War II, the imprisonment on trumped-up charges of dissenters during the Red scares of the 1950's. And even today, as you all know, the American Negro is a victim of the most intolerable discrimination in some areas. He has been segregated by ordinance in the South and by custom in the North, herded into rural slums in the Mississippi delta and urban slums in New York and Chicago, denied equal justice before the courts of South Carolina and equal opportunities in the schools of suburban New Jersey. While many rights and opportunities have been denied or deferred, our Constitution and Bill of Rights have always provided fundamental protections. In recent years, historic decisions of the Supreme Court have made manifest these guarantees and new legislation in the Federal government and the states is upholding as a matter of law equal opportunity in education, housing, jobs, public accommodations and the right to register and the right to vote.

In my nation, as in yours, it has been the race issue which has most sorely compromised our ideals. The United States was only a few decades old when Thomas Jefferson—author of our charter of independence, founder of our oldest political party, our foremost political philosopher—looked back at the calamity of racial exploitation and declared: "When I reflect that God is just, I tremble for the future of my country." In a day when racism was not recognized as the curse it has become, Jefferson saw that justice cannot be compartmentalized within a society, permitted to some and denied to others. Once it becomes the privilege of a few, justice begins to die, from cynicism within and repression without. As Lincoln put it on the eve of the Civil War, our greatest national tragedy, "A house divided against itself cannot stand. . . . This government cannot endure permanently half slave and half free. . . . It will become all one thing or all the other."

For freedom, like tyranny, is indivisible. And the ideal of human equality is the universal concern of mankind. Yet, like you, there have always been Americans—from the young Abolitionists of the 1850's to the young W. E. B. Dubois at the turn of the century to the young fighters in every college in the country in our own time—who have resisted systematic injustice and believed in the promise of equality made by our founding fathers. They have believed, as I believe, that we will, in America, have a just society one day. And by your presence here before me, I know you believe that one day there will be justice in South Africa too.

As one of our finest young leaders, Senator Robert F. Kennedy, said to you so perceptively just three years ago: "The history of liberty is a history of resistance." This is a lesson we cannot—whether Americans or South Africans—ever afford to forget.

Despite our failures as a nation, we in America have shown that progress is possible and that all our citizens have much to offer our society. Thurgood Marshall, who gained stature as the foremost of our civil rights advocates, now sits on the Supreme Court of the United States. Dr. Ralph Bunche, perhaps our most distinguished diplomat, has since 1954 been Under Secretary General of the United Nations. Edward Brooke was elected to the United States Senate by an electorate more than ninety per cent white. Carl Stokes is the Mayor of the cosmopolitan city of Cleveland, and Charles Evers, whose brother was slain in the cause of civil rights, was this spring elected mayor of a city in the Mississippi Delta. Leontyne Price, born in a Mississippi sharecropper's shack, has become America's greatest operatic performer. Arthur Ashe has achieved such eminence in the sport of tennis that he is admired throughout the world. Cezar Chavez, through his successful nationwide grape boycott, has given hope to Spanish-Americans by making a national cause of achieving collective bargaining rights for farm workers.

Indeed, men and women of all backgrounds and origins have enriched our national life in a thousand ways and, as a society, we are much the better for it. Through them, the moral commitment of a nation has been registered again and again—and though there remain grave breaches in fulfillment, I am confident there will be no turning back. If there is any theme to this century, let it be that barriers to freedom are going down in Africa, in the United States, and around the world, and that every man has the right to expect no ceiling on his attainment save that set by his own ability.

If to you, there may sometimes appear to be good reason to despair about your own country, may I remind you what a tenacious and durable plant the idea of universal freedom is. It is a wild plant whose seeds are blown upon the winds and fall, as if at random, on the earth. The seed takes root and, despite the efforts of the gardeners to stamp it out, grows into a conscience that cannot be crushed. And so determined is this seed that the solid concrete of police practice cannot keep it from pushing through to the light.

How else can one explain the miracle of a Chief Albert Luthuli or of a Dr. Martin Luther King Jr., the bearers of their countries' honor, in spite of the countries themselves? Both bore consciences spawned by the seed of liberty and, if often vilified by their countrymen, they talked to the sensitivities of the entire race of man. And so they won Nobel prizes for peace—for there will be peace when men recognize one another not as master or servant but as equal.

Why did Luthuli speak, when it would have been so much more comfortable for him to remain silent? He answered that question himself: "To remain neutral in a situation where the laws of the land virtually criticized God for having created men of color was the sort of thing I could not, as a Christian, tolerate."

Nor did he relent in his conviction that justice would emerge in the end. "It may well be," he said, "that South Africa's social system is a momument to racialism and race oppression, but its people are the living testimony to the unconquerable spirit of mankind. Down the years, against seemingly overwhelming odds, they have sought the goal of fuller life and liberty, striving with incredible determination and fortitude for the right to live as men—free men."

The message of Dr. King was, in its lofty conception of man, very much the same. From a jail in Birmingham, Alabama, in 1963, he wrote on scraps of paper which he had to smuggle to the outside the following words: "We have waited for more than 340 years for our constitutional and God-given rights . . . If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands."

I myself recall talking with Dr. King during the grim days of conflict in Selma, Alabama, and the thoughts which he expressed were neither of hatred nor retribution but of love and justice. He understood that the goal for which he fought encompassed more than just the black men of America. "I fight for the soul of America," he told me. "In winning our freedom," Dr. King said to white America, "We will so appeal to your heart and conscience that we will win you in the process." Let it be remembered, in Dr. King's own words: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutality tied in a single garment of destiny. Whatever affects one directly affects all indirectly."

Surely in South Africa, many see vividly that what is at stake is not just the fate of the black man but the basic condition of life of all men, white and black alike. I perceive an awareness of the indivisibility of freedom in the statements of your clergymen protesting segregation, in the defense by your journalists of freedom of the press, in the noble appeals of your bar councils for civil liberties and due process. The seed of liberty is at work here, pressing its tendrils skyward, determined that one day the flower will reach the light.

But what encourages me most about South Africa is your own splendid affirmation, expressed here today, of the principles of academic and human freedom. For you are a part of the wonderful phenomenon of youthful idealism that is making its impact felt around the world. You are part of the politics of hope, the politics of change. It is natural that you should feel at times alone, geographically remote and artificially walled away from the great social movements of our time. But I hardly need to point out to you that through non-violent democratic methods and a new form of participatory democracy, student voices have been raised in many lands—and they have been heard.

Your contemporaries in France contested an authoritarian regime and finally succeeded at the polls. Your contemporaries in Czechoslovakia rekindled the taste for liberty of a whole people and, in doing so, made the mighty Kremlin tremble. Your contemporaries in my own country forced repudiation of a war policy and sparked a new politics that persuaded a President to withdraw as a candidate for re-election.

So you are not alone. True patriotism is concerned with fighting for the fullest democratic rights for all. Young people of many lands share your determination to correct old wrongs and to introduce a standard of morality which measures a society not by its capacity for accumulation and destruction but by its quality of justice and compassion. It is a truism that the future is to the young, but let me remind you that, all around the world, the median age of population is declining. In the United States, more than half the population will soon be under twenty-five. So, by power of numbers alone, youth will triumph. I ask you only to be a little patient, not to despair, never to contemplate abandoning your idealism, to keep your dedication intact in behalf of the cause you have chosen.

In your own terms, that means standing with young South Africans wherever they are to be found to proclaim: We reject the old order of fear and division. We repudiate force and coercion. We will not stand for exploitation of the helpless or suppression of the press. We will expose the assault on academic freedom to the conscience of the entire world. We condemn the moral abomination of apartheid.

In the place of tyranny and authoritarian regimes, with your contemporaries around the world, you may also proclaim: Hereafter, let the greatness of each nation be measured by its compassion and by its progress toward the goals of a just society—equality of opportunity, reverence for life and health, the zealous protection of civil liberties, equal access to quality education, a free press, an independent judiciary, a fair elective process.

And if your older countrymen throw dust in your eyes with the tired slogan, "My Country Right or Wrong," reply to them with that wonderful statement of Albert Camus: "I should like to be able to love my country and still love justice."

So let us have then a new global agenda for humanity, faithful to the noble words of the preamble of the United Nations' Uni-

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versal Declaration of Human Rights: "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

This Declaration, by a vote of the General Assembly, proclaimed in Article I: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Let our countries cease being hypocrites in any respect and, as members of the United Nations, strive to meet and implement these lofty ideals. Let us chart a course for the future and dispatch ourselves to achieve its objectives:

(1) Let Americans set the year 1976—the bicentennial of our Declaration of Independence—as the year for redeeming our society's pledges to the people of Bedford-Stuyvesant and Watts, Spanish Harlem and the Arizona Indian reservations, rural Alabama and the migrant labor camps of California. Let us set goals for education, housing, medical care, the decontamination of our environment, the rebuilding of our cities, the restoration of government to the people by realization of the one man-one vote principle. And let us meet those goals.

(2) And let the rich nations of the world help the poor nations as equals to equals, to stand on their own feet, so that this can, indeed, become one world.

(3) And let all the nations plan together in harmony the achievement of man's common goal—his survival—for without an agreement on strategic arms limitations we will, atomically or biologically, annihilate ourselves. Without population control, we will soon be a world of seven billion people, most of them sick and starving and dying. Without universal education, we will be building a future of ignorance. Without genuine commitment to the U.N. Declaration of Human Rights, we will exacerbate the hatreds and resentments, the bestiality of man to man, that will surely be the undoing of us all.

Again, I say, even when the going looks toughest, don't despair. For there is a peculiar force, an irresistible contagion, in the highest ideals of man. I remember that Thomas Jefferson once said: "The flames kindled on the 4th of July, 1776, have spread over too much of the globe to be extinguished by the feeble engines of despotism; on the contrary, they will consume these engines and all who work them . . . ." So let the tyrants, the autocrats and the rigid defenders of the status quo beware, for though they may be possessors of the present, you are most surely the children of destiny, the guarantors of the future.

If men needed a sign in the heavens that the old order is passing, they received it last month when two human beings walked on the moon. When some men reach the moon—and young men in thirties at that—how can others think of their fellows as mere creatures to be confined in ghettoes or sequestered on reserves, restricted to menial labor or left uneducated, unworthy of comradeship, or even respect, the pawns of a master race? Certainly, Apollo 11's stupendous demonstration of man's genius and his vision, his capacity for planning and achievement, prove beyond doubt that a global agenda for all of man is a realistic and attainable program for our times.

Yet I do not underestimate the difficulty of the course I have proposed. I know that in the struggle for racial justice and the preservation of freedom, the odds may at times appear insuperable and the future grim and doubtful.

So may I read to you some words penned by Abraham Lincoln, himself no stranger to reverses in the cause of liberty. A Republican, Lincoln was still an obscure local politician fighting the extension of slavery just two years before he was elected President.

Years after his death, this note, reflecting on the parallels in Britain's agonizing efforts to abolish the slave trade, was found among his papers. It concluded:

"Remembering these things, I cannot but regard it as possible that the higher object of this contest may not be completely attained within the term of my natural life. But I cannot doubt either that it will come in due time. Even in this view, I am proud, in my passing speck of time to contribute a humble mite to that glorious consummation, which my own poor eyes may not last to see."

Lincoln lived long enough to rededicate the United States of America to the goals of human equality. May it be the fortune of each of you to persevere in the struggle and to see the day of victory.

VOTE OF THANKS BY DUNCAN INNES, NUSAS PRESIDENT

Tonight we have had to listen to a tape-recording of a speech that was to be delivered in person by Congressman Ogden Reid. He was invited by NUSAS to come to South Africa and to give us his views on academic and human freedom. Our government granted him a visa, but stipulated that while he was in this country he was not to make any public speeches. The Congressman refused to come under these conditions but at my request tape-recorded his speech and sent it out here to us.

Many South Africans and, indeed many people the world over, have asked themselves why this government should have taken such action against Congressman Reid. Our Prime Minister, Mr. Vorster has said that he would not tolerate foreigners interfering in our domestic affairs and we are thus forced to the conclusion that this is the reason behind the government's strange action.

But I regret that Mr. Vorster is sadly mistaken. Congressman Reid was invited to deliver his views on freedom. This he did. He criticised restrictions on freedoms throughout the world, and he did not neglect to criticise the failure of his own country to live up to the standards he proclaimed. At no stage of his address did he attempt to tell either the South African government or us how this country should be governed. His remarks were always of a general nature and never once did he dictate policy to us regarding the government of this country. So I must say to Mr. Vorster that he has made a very grave error. He has acted not as a prime minister should act with maturity, tact and foresight, but he has instead acted as a schoolboy would act, rashly and with petty vindictiveness. He has judged what a man was going to say before he was aware of the contents of his speech. This error has caused Congressman Reid to be insulted and the name of South Africa to be dragged through the dirt once more. If South Africa is today the laughing stock of the free world it is because you, Mr. Vorster, have acted without manners and without sense.

To you Congressman Reid I wish to say the following: As the one who first extended the official invitation for you to be here with us tonight I am deeply ashamed. For as a result of our invitation to you, you have been insulted by the government of our country. Yet despite this insult you have seen your way clear to send your speech to us so that we would not be deprived of your words. Sir, I want to say to you how deeply impressed I and my fellow South Africans are with the dignified manner in which you have conducted yourself over the past few weeks. Your words to us tonight have brought with them a feeling of concern for us and our problems. We have not had the privilege to meet you, but we are indeed privileged to have heard your speech. And may I on behalf of all free-thinking South Africans apologise to you for the insults you have suffered and assure you that we in NUSAS are proud to have extended our invitation to you.

In his address Congressman Reid said something which for me is of fundamental importance and which I would like particularly to draw your attention to.

After discussing some of his ideas on freedom he said: "Despite our failures as a nation, we in America have shown that progress is possible and that all our citizens have much to offer our society."

How I wish that that statement could be true of South Africa, but regrettably it is not. In South Africa we do not ask our citizens how much they can offer their country. We tell them what they can offer. White South Africans have the freedom to choose their own careers and their own destinies. Black South Africans do not. The vast majority must become menial labourers. They can never hope to rise above this. How many brilliant brains we must ask ourselves, stagnate cutting rocks in our numerous thriving gold mines? How many personalities are destroyed because they never have the opportunity to develop. I will never forget the words of an African friend of mine who once said to me: "As an African in South Africa life offers me little. The White man has denied me all avenues of expression. I feel strangled here. I cannot even call this country my home. I am allocated a Bantustan and told that this is my home. This is not true. I was born in South Africa. I am a South African. I long for nothing else than to be recognized and accepted as a South African and to be able to serve my country to the best of my ability."

It is incredible that in 1969 a man should be denied the elementary right to develop himself to the best of his ability. And we must ask ourselves how long are we in South Africa going to allow this sort of thing to happen under our noses.

NUSAS has struggled for many years to see a more human attitude adopted towards all of the people of South Africa. We ask only that progress be made to allow our citizens to develop themselves to their fullest potential. Instead we see a steady erosion of human rights in South Africa and the uncomfortable similarity between conditions here and conditions in Nazi Germany and Communist Russia. And South Africans who oppose this state of affairs are inevitably smeared as being enemies of their country.

For example recently the radio programme "Current Affairs" chose to criticise NUSAS for inviting Congressman Reid to South Africa to deliver the address you have just heard. NUSAS and the students it represents were labelled as being un-South African for this action.

It is an interesting phenomenon this un-South Africanism; and we would do well to ask ourselves two questions about it: firstly, what is a good South African and secondly who decides what is good South Africanism and what is bad South Africanism?

If I may I would like to venture answers to these two questions. We are told that it is un-South African to invite a politician from the world's greatest democracy to address us on freedom. I disagree. I believe that it is essential for the development of freedom that men discuss and debate the many different points of view that exist on this fundamental topic. I believe that only in this way can man seek to raise himself and I believe that it is essential for the development of any country that such free and open dialogue exists.

I believe further that measures that impede or deny human freedoms act to the detriment of the country concerned because they deny men the essential qualities necessary to develop themselves to their maximum potential.

I believe for example that a policy which seeks to impose indignities and restrictions on the majority of the people of this country is harmful to South Africa and is thus un-South African.

I believe that it is un-South African to deny the majority of South Africans the right to work and live where they choose.

I believe that it is un-South African to force move people to resettlement areas such as Limehill and Stinkwater.

I believe that the Sharpeville massacre was un-South African.

I believe that the Bureau of State Security which has the power to muzzle the Press and to stop the courts from pursuing the truth unhindered is un-South African.

I believe that it is un-South African to deny South Africans the right to an open trial and that the numerous bannings and 180-days detentions are harmful to South Africa.

And I believe that a government that has the audacity to introduce and implement such policies is un-South African.

I accuse the government of this country of having done immeasurable harm to the name of South Africa.

I accuse the government of this country of having done immeasurable harm to the people of South Africa. And I accuse the government of this country of having done immeasurable harm to the future of South Africa.

This brings me to my second question of who decides what is un-South African and what is not. Is it the government elected by a small section of the people that decides? Is it the Press? Is it current affairs? No, it can be none of these. There can be only one arbiter to decide what is un-South African and what is not and that is the people of South Africa. And when we refer to the people of South Africa we realize that we refer to people of different language groups such as Xhosa, Zulu, Sotho, English, Afrikaans and others. But despite these differences in language all of these groups are united by the soil they live on—they are all South Africans. And I challenge Mr. Vorster to ask the people of South Africa whether NUSAS is un-South African or not? I do not doubt what their answer will be.

We stand here tonight in the name of South Africa. And if Mr. Vorster and his government do not like what we are doing then I must assure him that we will not alter our path nor will we deviate.

NUSAS believes in the cause of human freedom. We will continue to advocate that cause.

NUSAS believes in the dignity of man. We will continue through education of the poor to uphold that dignity.

NUSAS believes in the future of South Africa. We will continue to strive for a just future devoid of racial prejudice and hate.

If the government finds that these beliefs are repugnant to them they may stamp us out if they will for they have the power to do so, but I give them warning now that our cause is the cause of mankind through the ages. As Congressman Reid told us tonight, our principles are those that have been developing since the days of Socrates and earlier, and though NUSAS may be stamped out, the message of our crusade will never die, but will ultimately "see the day of victory."

TOO LITTLE—TOO LATE

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, yesterday President Nixon announced his intention to send to Congress next week a request for an increase in social security benefits.

This gesture comes 9 months after the President took office. How much will be recommended? Ten percent. And when will the increase be effective? On April 1 of 1970.

Sometimes I wonder if the administration has any idea whatsoever of the domestic situation as it exists in our country today. It is hard to believe that the executive branch and other Members of Congress do not receive letters from persons who are attempting to live on social security in our present-day economy.

My mail reports near poverty level living, with no money to eat anything other than heavy starch diets—which we all know is not healthy for an elderly person. It reports the recipients of social security benefits existing on the bare necessities of life: minimum clothing and medicine; the cheapest possible shelter; no money to feed pets; no money to do anything, really, except sit on a park bench. Somehow I just cannot believe that the executive branch is not receiving similar mail. Nor can I believe that my district contains all of the people in such a situation. There must be many more elsewhere.

To give an idea of how ludicrous Mr. Nixon's proposal really is, allow me to point out a few facts—facts which must have been available to the administration prior to their arriving at their proposal for a 10-percent increase in social security benefits.

The last time social security benefits were increased was in February of 1968. That is when President Johnson signed into law the Social Security Amendments of 1967, calling for a 13-percent increase.

In February of 1968, the Consumer Price Index was at 119.0. From that time to June of 1969, last June, the index rose to 127.6. An increase of 7.2 percent.

I would also like to point out that from May of 1969 to June of 1969, 1 month, the index rose 1.8 percent alone.

If between June 1969 and April 1970, the index rises at the same rate, there would be an additional rise of 13.3 percent, or a total rise, since the last social security benefit increase, of 20.5 percent.

In other words, next April the millions of elderly people living on social security benefits will be living on a fixed income which is 20.5 percent behind the rise in the cost-of-living, and at that it is proposed to provide a 10-percent increase.

A 10-percent increase, which leaves them 10.5 percent behind the rise in the cost-of-living, and months to come of rising costs.

On May 15, 1969, 53 Members of Congress, myself included, introduced H.R. 11349, legislation which would provide a 15-percent across-the-board increase in monthly social security benefits, with subsequent cost-of-living increases, and a minimum primary benefit of $80. At that time it was pointed out that this was a modest proposal, and that if it were to be of any assistance at all, it would have to become law this year.

If this legislation is not enacted, the effect will be disastrous upon the millions of elderly citizens struggling to meet their needs in the face of the very inflation President Nixon in his campaign cited as being the number one priority of his administration.

Congress must take the initiative to insure that elderly Americans receive adequate benefits—benefits which would enable them to live out their remaining years in dignity, a dignity which this country in all its affluence should certainly be able to afford its senior citizens.

Mr. Speaker, I urge the Ways and Means Committee to make social security benefit increases their next order of business. I urge the committee to move as expeditiously as possible to bring about better living conditions for our senior citizens. And, I also urge them to act realistically, for the proposal being sent to Congress by President Nixon is too little—too late.

MARITIME INDUSTRY FACING BLEAK FUTURE

(Mr. FEIGHAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, for the past 8 months I have included in the RECORD a number of statements and articles on the deplorable conditions of our merchant marine, which has been allowed to deteriorate and dwindle, while the Soviet Union is placing a high priority on the building of their maritime industry. The merchant marine is our fourth line of defense, and it has performed exemplary service whenever there has been a call to arms.

I commend for reading by Members of Congress an article written by Helen Delich Bentley, maritime editor of the Baltimore Sun, which explains the various reasons why our merchant industry is facing such a bleak future.

U.S. FLEET GETS LESS VIET TONNAGE

Declining tonnage movements to Vietnam coupled with the impact of additional high labor costs negotiated in June are further beating down the already limping and decrepit American merchant marine.

Shipowners are complaining that the military Sea Transportation Service is keeping too many Victory ships (75) from the reserve fleet on active duty in the Vietnam pipeline while regular privately owned berth line vessels either are made idle by the lack of cargo or other berth liners are going out with partial loads on that route.

FIFTEEN TO BE SCRAPPED

This appears to be true even though the MSTS and Maritime Administration already have designated 15 of the reserve (General Agency Agreement) ships for scrapping and placed or scheduled 54 more to go on "ready operating status" (ROS).

ROS vessels are those which can be placed in service overnight should an emergency situation require them to be returned to the pipeline immediately.

The dropoff in cargo has become drastic as far as the shipowners are concerned because of the bombing halt in Vietnam, the general lull in fighting, and the drive by President Nixon to return American GI's to the United States as fast as possible.

As a result the World War II-vintage ships, which in essence have had life pumped into them by the added demands of the war situation in recent years, are being hard hit by the letdown.

ECONOMY PRECLUDED

Many have been surviving only because of the military sealift. Their age precludes their being economical in the revolutionary 1970 container era, meaning that only the higher rate afforded by wartime conditions has kept these traditional freighters in business. Once this military cargo disappears these break-bulk vessels will be heading to the scrapyards almost as fast as the torches can burn them into shreds.

The tragic story for the United States is that about two-thirds of its merchant marine will be at least 25 years old in 1971, and 80 per cent of it, more than 20 years of age by that time. When the 1936 Merchant Marine Act was written 20 years was considered the economical life of a ship.

Worn out engines, rusty hulls, high labor costs and high insurance rates make it impossible for these World War II vessels to operate competitively in the commercial market. They can only keep going in protected trades, such as the military sealift, transporting the congressionally-edicted portion of government-financed cargoes, or on domestic routes.

Their owners—if they were or are interested in so doing—have had their hands somewhat tied in regard to replacing these ancient bottoms with modern sea giants because of legislative prohibitions concerning construction abroad and budgetary limitations needed for construction differential subsidy to build them in the United States.

NUMBER REDUCED

In addition to the General Agency Agreement bottoms whose active number has been reduced rapidly since Andrew E. Gibson assumed the post of maritime administrator, MSTS has 135 privately owned ships on time charter. Because some of these are sheathed to transport ammunition, both tramp and berth line operators believe that MSTS should begin channeling ammunition to these vessels in order to free general cargo to steamship lines serving these trade routes regularly.

There also have been indications that if more of the independent or tramp owners would sheathe their ships—said to cost between $20,000 and $25,000 a vessel—the Maritime Administration would push the use of the privately owned bottoms by MSTS instead of the GAA's.

This in turn would make more cargoes available for the berth line operators.

Tramp owners, unsubsidized and subsidized berth line operators jointly met last week with Maritime Administration and MSTS representatives to discuss their mutual problems resulting from the changing cargo picture. Pressure now is being heaped upon the shoulders of John W. Warner, under secretary of the Navy, to change some of the cargo consignments.

Meanwhile, an operator like Waterman Steamship Company is losing thousands of dollars daily because of the refusal of the Defense Department to consider an adjustment in the daily contract price negotiated in 1967 with Waterman.

With the new 15 per cent a year additional labor costs—as is estimated by most shipowners—Waterman with 12 ships under charter to MSTS finds itself losing at least $300 a day for each ship and feels it cannot continue without an adjustment of some kind.

END OF THE LINE

Similar rate structures without any escalation provisions are hurting other ship operators who likewise made their ships available to MSTS at a time when it was screaming loudest for American-flag bottoms. These companies feel that MSTS is letting them down by forcing them into bankruptcy because "we were good guys when they needed us."

Other independent owners are bowing out of the picture, selling their ships or laying them up because "the end of the line has arrived."

CLEVELAND OFFERS TEXT OF "EXCELLENT" FOOTWEAR TESTIMONY

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, as a followup to my remarks of yesterday on the shoe-import situation—page 25926—I wish to place in the RECORD the text of the excellent testimony given to the Small Business Subcommittee, Senate Banking and Currency Committee, by Mr. Robert S. Lockridge, representing the National Footwear Manufacturers Association.

In my opinion, this statement is the most comprehensive and at the same time most readable, account of the background and present condition of the domestic footwear industry with regard to foreign imports I have ever seen.

The range of the problem is delineated clearly in the first of the attached tables, also submitted to the committee by Mr. Lockridge; namely, that the shoe industry has plants in 40 States and approximately 230 congressional districts.

To anyone who wants a solid, compact, complete account of the industry and its problems, I recommend the Lockridge statement and supporting tables wholeheartedly:

STATEMENT OF ROBERT S. LOCKRIDGE

My name is Robert Lockridge. I am president of the Craddock-Terry Shoe Corporation of Lynchburg, Virginia, and chairman of the board of the National Footwear Manufacturing Association. This association and its affiliate, the New England Footwear Association, represent the manufacturers of 90–95 percent of the leather and vinyl footwear output of the United States.

It is a pleasure for me to appear before you this morning and to have the opportunity to tell you something of the grave import difficulties that beset our industry.

In all frankness, it has been our belief that the wide distribution of such information over the past decade had fairly well established all the relevant facts on the subject. The comments last year of Assistant Secretary of Commerce Lawrence McQuade that footwear was among several industries that had made a "presentable case" for assistance on the import problem would seem to bear out this opinion. However, we shall review all the facts we have available in the hope that this will be of some assistance.

As a setting for the industry review that we are about to present, we should emphasize that the domestic footwear manufacturing industry is not seeking to bar imports and is not "protectionist" in the usual sense of the word. We recognize the need for a liberal trade posture in the United States, one which will encourage world trade. Such a policy, however, must come to grips with the realities of a world which is made up of countries, on the one hand, where government plays a minimum role to the other extreme where we have a large number of socialized states and situations where the state controls the trading.

In this country, our wage and hour regulations, Social Security costs, and general inflation have brought about a constantly rising cost in all industry. Increase in the cost structure for labor-intensive industries, such as the footwear industry, where labor is a major cost factor, has made it extremely difficult to compete in the world market, where not only wage rates in the countries we compete with are much lower than ours, but where shoe manufacturers in these countries not only have the advantage of much lower wage rates but get special benefits in tax concessions. For these and other reasons we have been urging a flexible marketing arrangement which would permit foreign countries to share in our market growth.

At the outset, we would like to outline briefly the make-up of the leather and vinyl footwear industry. The structure of this industry has caused, in my opinion, the basic problem which has brought us to this hearing. It has, also, made it possible for the American consumer, in all probability, to obtain a greater value in shoes than in any other purchase that he makes in his month-to-month buying.

NUMBER OF COMPANIES

The 1954 Census of Manufacturers reported 970 companies with 1,196 plants. The 1963 Census reported 784 companies with 1,040 plants. We estimate that at present there are somewhere in the neighborhood of 650 companies with 1,000 plants producing leather and vinyl footwear.

You can readily see with this number of companies involved in the manufacture of any article that not only is competition keen, but that the consumer is bound to benefit by it, even though the profit-picture of the industry might be extremely weak—to the extent that it is estimated that one-third of the shoe companies involved lose money each year.

LOCATION AND OWNERSHIP

Table I will show how widely the footwear industry is scattered throughout the United States. This industry has plants located in approximately 230 of the Congressional districts and in 40 States. Hundreds of these factories are located in small cities and towns where they are an important source—and in a good number of cases the main source—of community income. The table also reveals that the typical firm is medium or small sized as far as number of employees is concerned. The average plant might be said to produce about 3,600 pairs of footwear a day and employ from 250 to 300 workers, although many plants employ less than 200 people.

LACK OF CONCENTRATION

With this fragmented industry structure, intensive competition prevails in the manufacture of every type of footwear. For example, the four largest companies in 1966, according to the "Boot and Shoe Recorder," a trade magazine, produced only 20.6 percent of the total output of footwear, and the first fifty companies produced 53.2 percent. The remaining industry volume was in the hands of some 650 smaller companies. This situation has not changed materially, except for the many companies that have discontinued operation due, primarily, to imports.

TECHNOLOGY

The typical factory produces one type of shoe, such as men's, women's, or children's. The multi-plant companies may have a number of factories specializing in each type.

It has been said that our industry is not progressive and that we have not taken advantage of new equipment which would automate our factories and make us competitive with the low-wage rate countries. This is certainly not a fact, and I would like to tell you something about what goes on from a technological standpoint and why the shoe industry cannot do some of the things we would like to do.

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To start with, there are approximately 70 different sizes for an average woman's shoe. Taking into account that styles are changed at least twice a year and sometimes more, that we are using for the most part leather, which is God-created and no two skins are alike in thickness, size or stretchability, we not only have to make 70 different sizes, but we have to make them in pairs, and in order to do this we have to use approximately 75 different kinds of machines, have 125 different individual operations on an average shoe, and use approximately 60 different kinds of materials to produce each pair of shoes that the American consumer gets.

Another major reason that we cannot automate, even if we could work out the size and style situation, is that we have to cut our leather in a flat position, with patterns that have one dimension. The parts then have to be sprung when they are fitted together in order to make the three dimensional upper necessary for shoe manufacturing. Now, this is no different from what it is anywhere else in the world, but in Taiwan, for example, where we have expensive lasting equipment that gives us considerable advantage in pairs produced per hour per operator, it is much cheaper for them to employ a large number of people to hand last the shoes at 10 to 12 cents an hour than to pay the royalty or buy the machines; therefore, we have to come to this conclusion: that machines are only an aid for the operator's use and judgment in making shoes.

I do not want to leave you under the impression that we have not made great strides in technological development in the shoe industry in the past 15 years because we have, but these machines are available on a world-wide basis through machinery shows held annually in Germany, England, Italy, Spain and the United States. Even so, our productivity is approximately 25 percent greater per man hour in this country than it is in any other country producing shoes, according to all of the available statistics and according to B. Everett Gray, technical consultant of the National Footwear Manufacturers Association.

EMPLOYMENT, MANUFACTURING AND MARKETING

If you will refer to Table II, you will see that in 1955 there were 223,000 production workers employed to manufacture approximately 585 million pairs of leather and vinyl shoes and slippers. During the year 1968, the production workers had dropped to 204,000 and even so we produced 646 million pairs of footwear. The output of 1968 was greater per man hour than it was in 1955, and this accounts for the decline in employment. The productivity increase was due primarily to technological improvements in the shoe industry.

Wages in American footwear factories averaged $2.29 per hour in March 1969. With fringe benefits, which our Association records show average 45 cents per hour, they amounted to approximately $2.75 per hour. This is, also, reflected in Table II.

Approximately 35–40 percent of the factory cost of any shoe is made up of labor and the remainder materials and overhead. The relatively high proportion of labor costs makes footwear manufacturing a labor-intensive industry.

Unskilled workers can be trained for the footwear industry in a relatively short time, and the industry offers a unique opportunity for absorbing workers from the unskilled labor supply, a problem that confronts the economy today. For example, in our own company, we have been able to open factories in towns where no one had ever seen a shoe manufactured, and in a comparatively short period of time were able to produce acceptable shoes for the American market-place, with a work force comprised 100 percent of people with no prior shoemaking knowledge or training, and in most cases with a minimal educational background.

This same condition exists all over the world, but when you start comparing our labor cost of $2.75 an hour with the labor cost in Italy of approximately $1.10 an hour, and in Spain with approximately 55 to 60 cents an hour, and in Spain, where I have traveled on several occasions, I have not only seen the low wage rate paid the employees but have seen the apprentice system, which allows children from the age of 11 years to work in the shoe industry for two years without pay in order to become a shoemaker. And, this is why we have seen a big change in the imports coming into our country—where 5 years ago the majority of the imports came from Italy, Italy is now losing ground to Spain because of labor differentials, and a strong shift is now beginning to take place to lower wate-rate countries, such as Japan, Taiwan and Hong Kong. In all probability, as wage rates increase in these countries, the imports will be coming in from countries that are less developed and have lower wage rates than these. It is estimated that in Taiwan an operator working 60 hours per week averages about 25 to 30 dollars a month in American money.

WORK AT HOME

There are quite a few other advantages in producing shoes in these countries, such as allowing operators to take work home to be done during their spare time and return it to the factory within the next several days. I have been in factories where 80 percent of all stitching room work, which comprises about 50 percent of our total cost in shoe manufacturing, was done outside of the factory; thereby decreasing investment for plant, heat, lights and electricity.

The price advantage of imports is due entirely to the differential in labor cost between American factories and factories in European and Asian countries. Practically all imported footwear is produced at wage and hour cost that would be illegal in the United States. As I have said before, even with 25 percent higher productivity rates that we have in this country, the wage differential is so great that we cannot offset it.

Since the shoe industry is dependent upon a large number of component manufacturers for items other than leather, such as heels, counters, insoles, outsoles, ornamentations, shanks, etc., the much higher labor rates in these industries in this country further contribute to the higher cost of American made shoes, and this, too, is solely on account of the great wage differential between the United States and foreign countries. For example, if the time factor were not involved, we could buy lasts in Italy for half the price we pay for them from American manufacturers.

Not only do we have problems with imports from friendly countries, but we, also, have increasing problems with imports from Communist countries. Table X shows this problem. In 1959, we imported 192,000 pairs of shoes from Czechoslovakia; in the year 1968, we imported over 2 million pairs, an increase of 900 percent. Other Communist countries are getting into the act and, as you well know, these state-controlled enterprises can establish prices on their exported footwear which have no relation whatsoever to cost, but simply reflect the countries demand for the dollar at that particular time.

I have talked about the manufacturing aspects of our industry, and would now like to spend some time talking about the marketing.

In its marketing, the footwear industry is loosely divided between brand and volume manufacturers, although a number of manufacturers do both. The bulk of the industry are manufacturers who produce shoes for the volume trade, or mass distribution under the retailers' trade name. Perhaps 150 or less manufacturers market their own brand of footwear through independent shoe, department, and clothing stores. This marketing structure, too, is a factor to be considered in examining the basic problem which brings us here today.

FLEXIBILITY LOST

In the past, the medium and small size manufacturer, who could literally turn operations around overnight and respond to rapid style demands, would specialize in producing footwear which large manufacturers found uneconomical because of the company size and great inflexibility. Imports, however, have changed this situation drastically for the smaller manufacturer. One by one, these market pockets have been lost. Buyers have found that they can now take American patterns and styles to Europe and have them duplicated, at a fraction of our labor cost, in small Italian and Spanish factories.

It might be interesting to you to know that the average factory value of footwear produced in the United States not only provides an indication of the intense competition prevailing in the industry, but shows the great value that the American consumer gets in footwear. According to the U.S. Department of Commerce, the average factory value of all domestic leather and vinyl shoes and slippers produced during 1968 was only $4.72 per pair. This results in a retail situation where approximately 50 percent of all women's shoes sell for $7.00 and under and 43 percent of all men's shoes sell below $11.00 per pair, with 60 percent of all children's shoes being marketed at $6.00 a pair or less.

The American footwear manufacturer produces a large part of his volume for the chains, and these are the great volume shoe distributors of America. Approximately 65 percent of all pairs sold in this country are sold through the chains, and I might give you an example of why price differentials due to wage differences between foreign and domestic manufacturers of footwear have created a tremendous surge of imports. In our way of life, the American free enterprise system, competition sets the pace. Let's say, for example, that one big chain has a shoe that he has been selling for $5.95 and as American footwear manufacturer's costs increase, it gets to a point that this chain cannot sell this particular shoe for $5.95, since he would not have enough mark-up to make his operation profitable. Therefore, he takes the pattern, goes to Spain, let us say, and has the shoe copied and brings it back where he can continue to maintain the $5.95 price bracket and make more money than he was making. Since this chain did this and held his price point, it now becomes necessary for the next chain to do the same thing, and this is how we have had this tremendous increase of imports into this country over the past six or seven years. As the chains hold their price point, then the major department stores are caught in a squeeze and they proceed to do the same thing to be competitive and to make a profit. However, in recent years, we find that shoes made in foreign countries that cost from $6.00 to $8.00 a pair have been sold for over $20.00 at retail. This mark-up is considerably greater than the mark-up that they are able to get on the same shoes made in this country, and in many cases the consumer does not materially benefit.

WHY IMPORT?

The question may well be asked: why do manufacturers import footwear? Wholesalers without manufacturing facilities first recognized the great profit possibilities in the wide price differential existing between the American footwear and footwear produced in Italy, Spain and Japan. Then a number of domestic manufacturers who could not compete closed their factories and became importers.

With increase in competition, pressure from importers and manufacturers' own customers, it was a perfectly natural step for aggressive domestic shoe producers to add im-

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porting to their manufacturing activities. They had established channels of distribution and they knew the footwear market. They saw the great inroads being made by imports, the affect on domestic growth, and, most importantly, knew that for ten years the industry has been seeking help from government without success. Under these circumstances, why should successful manufacturers allow others to build up a large import business?

Hardly a day passes that some manufacturer is not told by his retail customer that if he cannot supply a line of imported footwear to retail at a certain price, the retailer will go elsewhere to get it. I refer you to two letters, Table XI, from two medium-sized footwear manufacturers that illustrate this point. These letters are typical of what is taking place in the footwear industry. A substantial part of the 175 million pairs imported in 1968 were brought in by domestic manufacturers. As imports continue to rise, more and more footwear manufacturers will follow the same practice, and more and more jobs will be exported. Small communities over the entire country will have less employment which will cause a migration of workers to the ghettoes of the larger cities. This, in turn, will cause more relief and more problems of other natures. There will be less taxes paid by the American footwear manufacturers and allied industries; the balance of payments will become worse. It is estimated that the importing of footwear contributed a deficit to the balance of trade payments in 1968 of 320 million dollars and it will undoubtedly be close to 432 million dollars in 1969.

PROFITS

As table III will show, profits on sales for a representative sample of well over one hundred of medium and small size footwear manufacturing companies over the past twelve years have ranged from 2 to 3 percent of sales, or about half that for the manufacturing industry generally. With the footwear industry losing an estimated 50 to 60 million pairs of shoes this year, all indications point to much less profit. Companies, both large and small, are showing decreasing profit rates as compared with 1968.

In this connection, notwithstanding the report of the United States Tariff Commission on footwear industry of January, 1969, the profit figures of the publicly owned footwear companies are not indicative of conditions in the manufacturing branch. Earnings of these companies reflect retail sales, as they own thousands of retail stores, all of which are selling imported footwear at excellent profit margins. In addition, a number of these reports reflect financial results of subsidiary companies producing materials other than footwear.

IMPORTS AND DOMESTIC MARKET GROWTH

We are submitting as an exhibit to our testimony the study prepared for the industry in October, 1968, by Dr. Alfred J. Kana, associate professor of statistics and management science at Seton Hall University. Dr. Kana's forecasts show a steady increase in imports to 468 million pairs by 1975 and a steady decline in domestic production to 519 million pairs in that same year, when imports will be an incredible 48 percent of our domestic market.

In this connection, we wish to point out that Dr. Kana's study has already proven to be optimistic about the ability of the U.S. footwear industry to fight a delaying action. Chart VI of the study forecasts 1970 imports at 220 million pairs, a figure which unquestionably will be reached or exceeded this year. The same chart shows production declining to 600 million pairs by 1971, whereas it is highly improbable that the U.S. industry will obtain that pairage in 1969.

During the period 1959–1961, total consumption averaged 632 million pairs per year. In the period 1967–1969, we estimate that consumption will average 788 million pairs a year. This level represents an increase of 156 million pairs, or about 3 percent per year. Thus virtually all of the growth in the shoe industry has gone into imports since 1959. It is estimated that domestic production will be less in the year 1969 than it was in 1959.

These growth rates as projected by Dr. Kana tell an even more shocking story. It is estimated by 1975 that the domestic production of 519 million pairs will be 13½ percent less than the 600 million pairs current production. This entire loss in production will be absorbed by imports.

Quite a few people outside of the industry have indicated that there were opportunities for increase in export of footwear from the United States. This has been tried time and time again. Even if prices were competitive, American manufacturers could not export to any important extent. Most shoe producing countries of the world have high tariffs, or protect their domestic footwear industries through border taxes, exchange restrictions, or licensing. At the same time, these countries encourage footwear exports to the United States through export subsidies, credits on domestic taxes paid on footwear exports, and concessions on freight. No wonder foreign footwear manufacturers think our great market is inviting. United States tariffs on footwear prior to the Kennedy Round reductions averaged about 12 percent on imported footwear. When the Kennedy Round reductions are completed in 1972, they will average about 8 percent, and there are few, if any, hidden barriers. No wonder the Italian manufacturers set up two sets of lasts—one for the manufacture of European shoes and one for the manufacture of American shoes.

STYLE

It will be contended by retailers and domestic importers that imports come in principally because of style and that these items are not available in the United States. Most people agree today that style has become internationalized by jet transportation. Shoes shown in Paris or Florence today may be in the footwear factories in New York a day or so later. The footwear presented here may be produced in Europe next week.

Fashion centers for footwear exist in a number of cities throughout the world, such as Paris, New York, and Rome. There are creative fashion people in these and other cities. The members of the Designers Shoe Guild of America centered in New York, for example, are known internationally for their creative styling in women's high-fashion footwear. It is ironic, as far as I am concerned, to hear a retailer say that Italy and Spain are the fashion centers of the world and that is the only reason that imports come in. If we take a look at the facts for a moment, we will find that probably the greatest imported men's shoes today are wing tips, which have been made in the American market for as long as I have been in the shoe industry, which is over 30 years. The hand sewn moccasin, which has been copied abroad and sent in at much lower prices due to the tremendous amount of hand work, was originated in this country many years ago.

During the mid-thirties, we ran our factories in this country on sandalized shoes that are now being imported in large numbers. The platform shoe, which originated in America in the late thirties, is a big rage today out of Italy and Spain.

Common sense tells us that if there were no differential in price and the import advantage was style alone, with our high productivity we could knock off any new fashion that looked promising and make an excellent profit. But the fact remains that these shoes cannot be produced here at anywhere near their cost abroad, as I have demonstrated in the early part of my talk.

It has been said by the opposition that the American footwear industry is operating at capacity as far as labor is concerned and that we cannot supply the footwear needed, and that retailers must go abroad to get merchandise. This just simply is not the situation. First, the figures from the Department of Commerce indicate that for the first six months we have approximately a 10 percent reduction in pairs produced in this country. Certainly this 30 million pairs of shoes could have been produced during the first six months in our country as they were last year. Second, even though the labor situation may be tight in some areas, you must remember that with shoe imports increasing between 30 and 40 percent a year domestic manufacturers are certainly not going to make capital expenditures in building new factories or modernizing their old ones, or spend money in employing and training additional people.

CONCLUSION

We are well aware of what will be said in opposition to the case we have presented: that style not price is responsible for imports; our profits are good—the industry has not been hurt.

We have tried to bring out all of the facts that bear on these questions and on current conditions of the industry. We have shown that:

1. The domestic footwear manufacturing industry has lost practically all of the market growth in the major categories of footwear since 1955 to imports.

2. There is every reason to believe that imports by 1969 may equal 35 percent of our domestic output, and by 1975 may reach 90 percent of domestic production. The United States will be approaching the condition of Switzerland, where imports supply 50 percent of the footwear market.

These projected developments will arise not because we cannot compete with European styles or do not have plant capacity or capital to build new factories, or because our technology and productivity is lagging, or because we cannot get enough labor. They will occur primarily because labor costs abroad are so low in comparison with costs in United States footwear manufacturing that imported footwear can under-sell domestic producers by a wide margin in every type of footwear and in every price bracket. If foreign footwear were winning an increased share of our market because of style alone, we would not be here today.

The impact of footwear imports in the years ahead will be two-fold. First, it will have serious consequences to many small towns and cities where shoe manufacturing employment makes an important and frequently major contribution to the economic life of the community. If production declines to the projected 515 million pairs by 1975, it will mean a loss of thousands of jobs in footwear manufacturing. Footwear workers, as we have pointed out, are vulnerable to job displacement.

Moreover, when the Vietnam war is over and it becomes important to find opportunities for veterans, as well as for the increased labor force coming from population growth, the footwear industry, which is particularly suited to the employment of unskilled labor, cannot be counted on to help.

Second, investment in new plants in these smaller communities will be discouraged. As the two letters from representative manufacturers contained in our brief demonstrate, domestic manufacturers are not going to risk an investment of anywhere from ½ to 2 million dollars in new plant and equipment to open up shoe factories to supply large distributors when they are confronted with price competition from imports which they cannot possibly meet. Any expansion in footwear manufacturing in the years ahead will be abroad, not here.

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BILLION PAIR U.S. MARKET

From the evidence presented, it is clear that practically every country is aware of the billion-pair footwear market in the United States. Because of the relatively simple technology and high labor content, footwear is one of the easiest things to produce in low-wage countries and even in iron-curtain countries. The capacity of these lower-wage countries to produce footwear for the U.S. market is unlimited. While the domestic manufacturing industry is modern in technology and management, and has a 25 to 30 percent greater productivity than any other country, this is far from sufficient to offset higher labor costs here. And, as we have indicated, there is no possibility of new plants and new equipment offsetting this major wage differential.

Foreign manufacturers consider the low duties in this country an open invitation to export footwear to the United States. Almost every type of footwear produced in the United States is being imported, and in certain types the U.S. market has been taken over almost completely by imports.

In spite of years of negotiation under GATT moreover, there has been a continuing lack of reciprocity by other nations which maintain an array of barriers to trade: quotas, internal tax systems, and tax subsidies for their exports. Their national policies promote exports to the United States. This may have been all very well in the thirties and forties, but is totally inappropriate today. The countries of Europe and Japan with modern industry do not need our help.

In any event, it is impossible, as the statistics show, for American footwear to compete abroad. Even though we provide a choice of sizes and widths not available abroad, our higher prices make it impossible to compete except for typical specialties such as cowboy boots. Faced with an impossible situation in competition abroad, the larger manufacturers have dismantled their export departments.

SMALLER PLANTS HIT

Figures which reflect the impact of imports on the footwear industry do not tell the whole story. With the fractured structure of the industry and the demand for domestic footwear shrinking, a rising volume of imports can worsen the keen competition which persists at all times. Smaller plants will find it impossible to continue, and the trend toward larger companies will be accelerated. Such a development can, also, be of serious concern to the smaller communities where these plants are usually located.

More and more domestic footwear manufacturers, although reluctant to do so, will be forced to add importing to their manufacturing activities. It is important to note here that the manufacturers who are importing today recognize the long-range implications of imports to domestic investment and employment in the footwear industry and support the following policy statement:

"The footwear industry is in agreement with government aims and objectives that look toward increasing world trade. We believe it is imperative, however, in the light of vast changes in world conditions since our trade-liberalization policy began thirty-five years ago, that we make adjustment in this policy where necessary to preserve and permit at least modest growth in home industries that provide employment in small cities and towns through America. No one is suggesting imports be stopped or even cut back. The question is: What shall be done about the future growth of imports of footwear? Shall footwear imports grow on a regular basis shared with domestic producers? Or will foreign producers be permitted to take over American markets at will, displace American labor, and make jobs for labor abroad? Other countries when they have been faced with the problems have not hesitated to move in the direction of the best interests of their industries and their economies."

The policy expressed in the foregoing statement is best implemented by the voluntary import limitations urged in the Presidential petitions circulated and executed by more than two-third's of both Houses this summer. Failing such a voluntary solution to the problem, a legislative solution will become mandatory.

TABLE I.—LOCATION OF MANUFACTURING PLANTS, 1963: SHOES, EXCEPT RUBBER

Area and industry	All plants (number)	Number of plants with employment of—						
		1 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 or more
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)								
Maine—New England:								
Androscoggin	17	1	1	2	5	4	4	
Aroostook	1			1				
Cumberland	15	4	1	1	1	7	1	
Franklin	3					2	1	
Kennebec	5				1	4		
Oxford	2					1	1	
Penobscot	12	2	1	1	3	3	2	
Sagadahoc	1				1			
Somerset	6				2	3	1	
Waldo	2				2			
York	10	3			1	5	1	
Maine, total	74	10	3	5	14	29	11	
New Hampshire—New England:								
Belknap	1				1			
Cheshire	3	1			2			
Grafton	3				2	1		
Hillsboro	23	4	1		4	8	6	
Merrimack	2		1			1		
Rockingham	16	1	3		4	8		
Strafford	11	1			2	5	2	1
Sullivan	1				1			
New Hampshire, total	60	7	5		16	23	8	1
Massachusetts—New England:								
Barnstable	2	1	1					
Berkshire	1					1		
Bristol	2				1		1	
Essex	75	15	13	13	15	14	3	
Franklin	2		1		1			
Hampden	1	1						
Hampshire	1						1	
Middlesex	30	4	1	3	12	9		
Norfolk	6	1	1	1	1	2		
Plymouth	20	1	3		7	8	1	
Suffolk	14	6	1	1	3	2		1
Worcester	15	1	1	1	4	7	1	
Massachusetts, total	167	31	22	19	44	43	7	1
Connecticut—New England:								
Fairfield	8	1	2	2	2	1		
Middlesex	1			1				
New London	5			2	3			
Windham	1				1			
Connecticut, total	15	1	2	5	6	1		
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)—Con.								
New York—Middle Atlantic:								
Bronx	5	2	1	1	1			
Broome	15				6	7	2	
Cayuga	2			1			1	
Chenango	2					2		
Clinton	1			1				
Erie	1	1						
Franklin	4	2	1		1			
Fulton	1			1				
Genesee	1				1			
Herkimer	2	1					1	
Kings	28	8	8	5	6	1		
Monroe	5	3		1	1			
Nassau	1	1						
New York	65	30	16	11	7	1		
Niagara	1		1					
Onondaga	1					1		
Orange	3	1		1	1			
Queens	8	6	1		1			
Rensselaer	1				1			
Suffolk	1				1			
Tioga	2				2			
Ulster	1		1					
Westchester	1	1						
New York, total	152	56	29	22	29	12	4	
New Jersey—Middle Atlantic:								
Bergen	5	2			3			
Burlington	2			2				
Essex	1	1						
Hudson	1			1				
Middlesex	1	1						
Passaic	3			1	2			
New Jersey, total	13	4		4	5			
Pennsylvania—Middle Atlantic:								
Adams	7		1	2	1	1	2	
Allegheny	1	1						
Bedford	1					1		
Berks	6	1			5	2		
Blair	3	1			1	3		
Bradford	1				1			
Cambria	1				1			
Carbon	1				1			
Crawford	1				1			
Cumberland	3			1		2		
Dauphin	10	1	1	3	2	2	1	
Delaware	1	1						
Huntingdon	2			1		1		
Jefferson	1						1	
Lackawanna	3				2	1		
Lancaster	20	1	3	3	8	5		
Lebanon	9		1	2	5	1		

TABLE I.—LOCATION OF MANUFACTURING PLANTS, 1963: SHOES, EXCEPT RUBBER—Continued

Area and industry	All plants (number)	Number of plants with employment of— 1 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 or more
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)—Con.								
Pennsylvania—Middle Atlantic—Con.								
Lehigh	8			1	2	1		
Luzerne	11	1			5	5		
Lycoming	3	1		1	1			
Monroe	1			1				
Northumberland	3				1	2		
Philadelphia City	11	6	1		2	2		
Schuylkill	5		1		3	1		
Snyder	1				1			
Somerset	1			1				
Sullivan	1				1			
Susquehanna	2				2			
Wyoming	1				1			
York	8	1		2	2	2	1	
Pennsylvania, total	127	15	8	18	49	32	5	
Ohio—East north-central:								
Athens	1					1		
Brown	2		1			1		
Fairfield	1					1		
Fayette	1			1				
Franklin	6	2		1	1	1	1	
Hamilton	5				2	2	1	
Highland	1						1	
Ross	1						1	
Scioto	1							1
Summit	1	1						
Ohio, total	20	3	1	2	3	6	6	1
Indiana—East north-central:								
Hamilton	1	1						
Jackson	2					2		
Jefferson	1					1		
Knox	1					1		
Ripley	1					1		
Switzerland	1					1		
Indiana, total	7	1				6		
Illinois—East north-central:								
Adams	1				1			
Clark	1				1			
Clay	1					1		
Clinton	1					1		
Coles	4	1		1		2		
Cook	8	4	1		2			1
Crawford	1					1		
Cumberland	1				1			
Edgar	1			1				
Fayette	1					1		
Jackson	1					1		
Jefferson	1					1		
Lee	1				1			
Livingston	1					1		
Madison	1	1						
Marion	1					1		
Montgomery	1					1		
Moultrie	1					1		
Pike	1					1		
Randolph	1					1		
Richland	1					1		
St. Clair	2				2			
Sangamon	1					1		
Union	1				1			
Illinois, total	35	4	1	2	9	16		1
Michigan—East north-central:								
Branch	1					1		
Genesee	1	1						
Gratiot	1						1	
Kent	1					1		
Mecosta	1					1		
Montcalm	1					1		
Ottawa	1				1			
Michigan, total	7	1			1	4	1	
Wisconsin—East north-central:								
Brown	1					1		
Calumet	1				1			
Chippewa	3		1		2			
Columbia	2	1				1		
Dodge	3					3		
Door	1				1			
Fond du Lac	2		1		1			
Green Lake	1		1					
Jefferson	4		1	1	1	1		
Langlade	1				1			
Lincoln	1					1		
Manitowoc	1			1				
Marathon	1				1			
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)—Con.								
Wisconsin—East north-central—Con.								
Milwaukee	7	2			1	2	2	
Oconto	1		1					
Ozaukee	3				3			
Rock	2					1	1	
Sheboygan	4		1		3			
Waukesha	1				1			
Wood	1					1		
Wisconsin, total	41	3	6	2	16	11	3	
Minnesota—West north-central:								
Goodhue	3	1		1			1	
Hennepin	1			1				
Ramsey	2		1		1			
Washington	1				1			
Minnesota, total	7	1	1	2	2		1	
Iowa—West north-central:								
Lee	1			1				
Poweshiek	1			1				
Iowa, total	2			2				
Missouri—West north-central:								
Adair	1					1		
Audrain	1					1		
Barry	1					1		
Bollinger	1		1					
Butler	1					1		
Callaway	1					1		
Cape Girardeau	2					1	1	
Cole	2					1	1	
Cooper	1					1		
Crawford	1					1		
Dent	1					1		
Franklin	7	1	1	1		4		
Gasconade	4				1	3		
Henry	1					1		
Howell	2				1	1		
Jasper	1				1			
Jefferson	1					1		
Johnson	1					1		
Lawrence	3				2	1		
Linn	1					1		
Madison	1					1		
Maries	1				1			
Marion	2					2		
Miller	1					1		
Mississippi	1					1		
Moniteau	1					1		
Montgomery	1				1			
Newton	1		1					
Pemiscot	1					1		
Perry	2					1	1	
Pettis	1					1		
Phelps	1					1		
Pulaski	1					1		
St. Francois	2	1					1	
St. Louis	2	1				1		
St. Louis City	9	3		1	1	3	1	
Saline	3					2	1	
Scott	2					1	1	
Shannon	1			1				
Stoddard	2			1		1		
Texas	2			1		1		
Washington	2	1				1		
Webster	1				1			
Wright	1					1		
Missouri, total	76	7	3	5	9	45	7	
Nebraska—West north-central:								
Douglas	1		1					
Platte	1	1						
Nebraska total	2	1	1					
Kansas—West north-central:								
Johnson	2	1		1				
Sedgwick	2	2						
Kansas, total	4	3		1				
Maryland—South Atlantic:								
Baltimore City	4		1		2	1		
Carroll	3			1	2			
Frederick	2				2			
Washington	2	1				1		
Maryland, total	11	1	1	1	6	2		

TABLE I.—LOCATION OF MANUFACTURING PLANTS, 1963: SHOES, EXCEPT RUBBER—Continued

Area and industry	All plants (number)	Number of plants with employment of— 1 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 or more
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)—Con.								
Virginia—South Atlantic:								
Brunswick	1				1			
Fredericksburg	1				1			
Halifax	1					1		
Lunenburg	1				1			
Lynchburg	4				1	2	1	
Mecklenburg	1					1		
Prince Edward	1					1		
Virginia, total	10				4	5	1	
West Virginia—South Atlantic: Cabell	1					1		
North Carolina—South Atlantic:								
Burke	1				1			
Cleveland	1	1						
Forsyth	1	1						
Montgomery	1			1				
Randolph	1						1	
Swain	1			1				
Watauga	1				1			
Wilkes	1				1			
North Carolina, total	8	2		2	3		1	
Georgia—South Atlantic:								
Carroll	1				1			
Cobb	1					1		
Fulton	1					1		
Gwinnett	1						1	
Hall	2					2		
McIntosh	1	1						
Union	1	1						
Ware	2					2		
Georgia, total	10	2			1	6	1	
Florida—South Atlantic:								
Dade	14	9	2		2	1		
Florida, total	14	9	2		2	1		
Kentucky—East south-central:								
Boyle	1					1		
Christian	1					1		
Fleming	1				1			
Franklin	1				1			
Lewis	1					1		
McCracken	1					1		
Mason	1				1			
Kentucky, total	7				3	4		
Tennessee—East south-central:								
Benton	1					1		
Carroll	1				1			
Cheatham	1					1		
Coffee	1						1	
Davidson	3				1	2		
Franklin	1					1		
Gibson	2					2		
Giles	1						1	
Hardin	1						1	
Henderson	1						1	
Henry	1				1			
Hickman	1					1		
Houston	1		1					
Humphreys	1				1			
Lewis	1					1		
McNairy	2					2		
Marshall	2				1	1		
Montgomery	2				1		1	
Obion	1					1		
Putnam	2					2		
Robertson	1					1		
Sumner	2					2		
Warren	1					1		
Wayne	1					1		
Weakley	3	1	1		1			
Williamson	1					1		
Wilson	1					1		
Tennessee total	37	1	2		7	22	5	
Alabama—East south-central:								
Barbour	1			1				
Madison	1						1	
Montgomery	1	1						
SHOES, EXCEPT RUBBER (INDUSTRY CODE 3141)—Con.								
Alabama—East south-central—Con.								
Perry	1			1				
Alabama total	4	1		2			1	
Mississippi—East south-central:								
Choctaw	1					1		
Itawamba	1					1		
Prentiss	1					1		
Tippah	1					1		
Tishomingo	1						1	
Mississippi total	5					4	1	
Arkansas—West south-central:								
Arkansas	1					1		
Clay	2					2		
Craighead	1						1	
Cross	1					1		
Faulkner	1					1		
Garland	1					1		
Greene	1					1		
Independence	1					1		
Jackson	1				1			
Johnson	1				1			
Mississippi	2					2		
Poinsett	1				1			
Pope	1					1		
Randolph	1					1		
White	1					1		
Arkansas total	17				3	13	1	
Texas—West south-central:								
Bell	2			1	1			
Bexar	4	2	1		1			
Clay	1		1					
Cooke	1					1		
Dallas	1	1						
El Paso	4	2			2			
Harris	2	2						
Lampasas	1	1						
Montague	2	1			1			
Nueces	2	2						
Potter	1	1						
Tarrant	4	2		1	1			
Tom Green	2		1	1				
Willacy	1		1					
Texas, total	28	14	4	3	6	1		
New Mexico—Mountain:								
Santa Fe	1			1				
Taos	2	1	1					
New Mexico, total	3	1	1	1				
Arizona—Mountain:								
Maricopa	1	1						
Pima	2	2						
Arizona, total	3	3						
Washington—Pacific:								
King	2	1	1					
Spokane	1		1					
Washington, total	3	1	2					
Oregon—Pacific:								
Columbia	1	1						
Multnomah	3	3						
Oregon, total	4	4						
California—Pacific:								
Alameda	1	1						
Los Angeles	45	21	11	6	6	1		
Mendocino	1	1						
San Bernardino	2	1	1					
San Francisco	4	3	1					
San Mateo	1	1						
Sonoma	1				1			
California, total	55	28	13	6	7	1		
Hawaii—Pacific:								
Honolulu	11	8	3					
United States, total	1,040	225	110	104	247	255	62	4

LOCATION OF MANUFACTURING PLANTS, 1963: HOUSE SLIPPERS

Area and industry	All plants (number)	Number of plants with employment of—						
		1 to 19	20 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 or more
HOUSE SLIPPERS (INDUSTRY CODE 3142)								
Maine—New England:								
Franklin	1		1					
Kennebec	1	1						
Penobscot	1			1				
Somerset	1	1						
Maine, total	4	2	1	1				
Vermont—New England: Rutland	1	1						
Vermont, total	1	1						
Massachusetts—New England:								
Essex	10	5	2	2	1			
Middlesex	4				3	1		
Suffolk	3	3						
Worcester	6			2	3	1		
Massachusetts, total	23	8	2	4	7	2		
Rhode Island—New England: Providence	1			1				
Rhode Island, total	1			1				
Connecticut—New England: Fairfield	3		1	1	1			
Connecticut, total	3		1	1	1			
New York—Middle Atlantic:								
Bronx	3	1	2					
Franklin	2				1	1		
Fulton	3	1	1		1			
Herkimer	2		1				1	
Kings	29	12	8	5	4			
Livingston	1				1			
Montgomery	1				1			
New York	30	17	6	5	1	1		
Orange	1		1					
Queens	2			1	1			
New York, total	74	31	19	11	10	2	1	
New Jersey—Middle Atlantic:								
Bergen	1					1		
Hudson	1				1			
Middlesex	1			1				
Passaic	5		3	1	1			
New Jersey, total	8		3	2	2	1		
Pennsylvania—Middle Atlantic:								
Allegheny	1			1				
Dauphin	2	2						
Luzerne	5		1	2	1	1		
Montgomery	1	1						
Bayne	1				1			
Pennsylvania, total	10	3	1	3	2	1		
Ohio—East Northcentral:								
Brown	1	1						
Franklin	2		1			1		
Ohio, total	3	1	1			1		
Indiana—East North-central: Orange	1				1			
Indiana, total	1				1			
Illinois—East north-central: Cook	2	1		1				
Illinois, total	2	1		1				
HOUSE SLIPPERS (INDUSTRY CODE 3142)—Con.								
Wisconsin—East Northcentral:								
Dane	1	1						
Green Lake	1			1				
Milwaukee	1		1					
Winnebago	1			1				
Wisconsin, total	4	1	1	2				
Minnesota—West Northcentral: Hennepin	1			1				
Minnesota, total	1			1				
Missouri—West Northcentral:								
Cedar	1					1		
Franklin	2			1	1			
St. Louis City	1			1				
Wright	1					1		
Missouri, total	5			2	1	2		
Kansas—West North-central: Johnson	1	1						
Kansas, total	1	1						
Maryland—South Atlantic: Baltimore City	1				1			
Maryland, total	1				1			
Georgia—South Atlantic: Whitfield	1			1				
Georgia, total	1			1				
Florida—South Atlantic: Dade	1	1						
Florida, total	1	1						
Tennessee—East South central: Hamilton	1		1					
Tennessee, total	1		1					
Arkansas—West South-central: Arkansas	1				1			
Arkansas, total	1				1			
Texas—West South-central:								
Bell	1	1						
Bexar	1	1						
Dallas	1	1						
Tom Green	1				1			
Texas, total	4	3			1			
Oregon—Pacific: Multnomah	1	1						
Oregon, total	1	1						
California—Pacific: Los Angeles	1	1						
California, total	1	1						
Hawaii—Pacific: Honolulu	1	1						
Hawaii, total	1	1						
United States, total	153	56	30	30	27	9	1	

Source: 1963 Census of Manufactures, U.S. Department of Commerce.

TABLE II.—EMPLOYMENT IN NONRUBBER FOOTWEAR INDUSTRY

Year	All employees (thousands)	Production workers only (thousands)	Production workers as percent of all employees	Average wage per hour
				8
1968[1]	233.4	204.1	87.4	$2.11
1967	230.6	202.1	87.6	2.07
1966	241.5	214.2	88.7	1.82
1965	234.5	208.8	89.0	1.87
1964	230.5	204.8	88.9	1.7
1963	231.6	206.3	89.1	1.71
1962	240.6	215.1	89.4	1.68
1961	239.6	214.0	89.3	1.63
1960	242.6	216.4	89.2	1.59
1959	247.5	222.6	89.9	1.55
1958	237.4	212.7	89.6	1.5
1957	243.8	218.8	89.7	1.47
1956	246.3	221.3	89.8	1.42
1955	248.4	223.4	89.8	1.32
June 1969	228.5	199.5	87.3	2.29
June 1968	237.9	208.4	87.6	2.19

[1] 8-month average.

Source: Employment and Earnings Statistics, U.S. Department of Labor.

TABLE III.—FOOTWEAR MANUFACTURING COMPANIES' PERCENT OF NET PROFITS AFTER FEDERAL INCOME TAXES TO NET SALES

Year	Number of firms	Percent of net profits
1967	125	3.0
1966	135	2.7
1965	123	2.1
1964	119	2.5
1963	65	1.9
1962	65	1.9
1961	80	2.2
1960	109	2.1
1959	94	2.5
1958	85	2.1
1957	104	2.3
1956	83	2.0
1955	87	2.3

Source: National Footwear Manufacturers Association.

FOOTWEAR MANUFACTURING ESTABLISHMENTS, EMPLOYEES AND PAYROLLS, 1ST QUARTER, 1967

[Dollar amounts in thousands]

	Total reporting units	Number of employees[1]	Taxable payrolls[2]
New England:			
Maine	81	25,052	$25,812
Massachusetts	152	31,569	35,263
New Hampshire	65	17,040	17,776
Connecticut	14	1,652	1,654
Vermont	(3)	(3)	(3)
Rhode Island	(3)	(3)	(3)
Middle Atlantic:			
New York	129	12,858	14,793
Pennsylvania	135	24,473	23,668
New Jersey	21	2,220	2,694
East north-central:			
Illinois	39	9,943	10,412
Ohio	24	6,888	8,184
Wisconsin	45	8,067	9,226
Indiana	7	1,699	1,941
Michigan	15	2,606	3,110
Other divisions:			
Missouri	92	21,001	19,775
Tennessee	39	14,269	13,569
Arkansas	24	(4)	(4)
Minnesota	7	1,237	1,589
Iowa	(3)	(3)	(3)
Nebraska	(3)	(3)	(3)
Kansas	(3)	(3)	(3)
Maryland	13	2,105	1,962
Virginia	10	3,228	2,964
West Virginia	3	(4)	(4)
North Carolina	9	3,100	3,060
Georgia	12	3,107	2,705
Florida	15	1,348	1,312
Kentucky	10	2,524	2,548
Alabama	5	1,356	1,369
Mississippi	6	(4)	(4)
Texas	25	2,043	1,871
New Mexico	4	(4)	(4)
Arizona	(3)	(3)	(3)
Nevada	(3)	(3)	(3)
Washington	(3)	(3)	(3)
Oregon	(3)	(3)	(3)
Hawaii	11	(4)	(4)
California	39	2,153	2,264
Total	1,123	216,721	223,190

Footnotes at end of table.

[1] Mid-March pay period.

[2] January-March.

[3] Not available.

[4] Data withheld to avoid disclosure of individual company operations.

Source: 1967 County Business Patterns U.S. Department of Commerce.

TABLE V.—ANNUAL PRODUCTION OF SHOES AND SLIPPERS, EXCEPT RUBBER, BY GEOGRAPHIC AREAS AND SELECTED CLASSES OF FOOTWEAR, 1967

[In thousands of pairs]

Geographic area[1]	Shoes and slippers, except rubber, total	Men's, youths', and boys' shoes	Women's shoes	Misses', children's, infants', and babies' shoes	Slippers	All other footwear including athletic shoes
United States, total[2]	599,964	149,061	257,991	88,328	95,620	8,964
New England	189,494	45,643	112,125	15,418	12,141	4,167
Maine	57,499	17,345	36,817	2,639	90	608
Massachusetts	79,190	18,336	39,896	9,724	8,130	3,104
New Hampshire	44,698	8,641	33,619	(3)	0	(3)
Other States	8,107	1,321	1,793	(3)	3,921	(3)
Middle Atlantic	163,077	23,286	55,893	22,632	58,988	2,278
New Jersey	16,508	0	(3)	(3)	13,196	0
New York	66,366	10,282	(3)	(3)	36,476	1,048
Pennsylvania	80,203	13,004	39,538	17,115	9,316	1,230
North Central	117,049	33,674	44,376	25,651	11,707	1,641
Illinois	19,164	6,248	6,041	5,347	818	710
Indiana	4,194	(3)	(3)	(3)	0	0
Michigan	7,347	(3)	(3)	(3)	0	(3)
Minnesota	2,294	(3)	(3)	(3)	0	(3)
Missouri	50,572	(3)	21,866	15,073	2,757	(3)
Ohio	19,453	(3)	9,989	(3)	(3)	(3)
North Central—Continued						
Wisconsin	13,859	9,536	480	2,677	701	465
Other States	166	(3)	0	(3)	(3)	(3)
South and West	130,344	46,458	45,597	24,627	12,784	878
Arkansas	20,929	(3)	8,543	6,764	(3)	0
California	5,919	(3)	4,940	(3)	(3)	(3)
Florida	2,859	(3)	1,409	(3)	0	(3)
Georgia	11,198	5,910	(3)	(3)	(3)	(3)
Kentucky	6,799	(3)	6,008	0	0	(3)
Maryland	8,936	2,333	(3)	5,100	(3)	(3)
Mississippi	10,381	(3)	(3)	(3)	(3)	(3)
Oregon	52	(3)	0	0	0	(3)
Tennessee	39,539	22,347	8,154	7,376	(3)	(3)
Texas	5,399	1,014	2,021	(3)	2,130	(3)
Virginia	8,225	(3)	(3)	2,003	(3)	(3)
Washington	16	16	0	0	0	0
Other States	10,092	8,215	462	589	398	428

[1] Data for each State not shown separately have been withheld to avoid disclosing figures for individual companies. These States are: New England: Connecticut, Vermont, and Rhode Island. North Central: Iowa, Kansas, and Nebraska. South and West: West Virginia, North Carolina, Alabama, New Mexico, Arizona, Nevada, and Hawaii

[2] Excludes shoes and slippers with sole vulcanized to fabric upper.

[3] Withheld to avoid disclosing figures for individual companies.

Source: Current Industrial Reports, U.S. Department of Commerce.

TABLE VI.—PRODUCTION OF SHOES AND SLIPPERS, EXCEPT RUBBER, BY TYPE OF CONSTRUCTION: 1967

[Thousands of pairs]

Item	Total	Cemented excluding sliplasted	Slip-lasted	Welt, including Silhouwelt	McKay sewed, excluding Littleway	Stitch-down	Soft sole	Turn or turned	Vulcanized or injection molded construction	Indian type moccasins	Genuine moccasin construction	Other Littleway, prewelt, etc.
Shoes and slippers, except rubber, total [1]	599,964	319,553	26,915	86,280	1,882	11,724	39,230	7,373	33,856	2,872	27,969	42,310
Shoes (including athletic), total	502,329	282,331	15,563	86,108	1,783	9,413	5,499	1,202	33,711	1,488	27,506	37,725
Men's shoes (except athletic)	123,720	19,963	2,075	66,483	440	2,486	(2)	....	10,349	280	(2)	7,166
Men's workshoes	38,696	1,444	(2)	29,953	(2)	1,114	(2)	....	5,199	....	(2)	778
6" high and over (including over-the-foot boots)	29,329	777	(2)	22,948	(2)	874	(2)	....	(2)	....	(2)	(2)
Less than 6" high	9,367	667	....	7,005	(2)	240	(2)	....	(2)	....	(2)	(2)
Men's shoes, other than work	58,024	18,519	(2)	36,530	(2)	1,372	(2)	....	5,150	280	14,365	6,388
Handsewns (genuine moccasin construction with outsole attached)	15,683	541	(2)	721	(2)	(2)	(2)	....	....	(2)	12,102	1,939
Uppers of soft tannages (including desert boot and sandals)	10,933	5,645	558	1,123	(2)	767	(2)	....	232	140	423	1,457
All other men's shoes (including dress)	58,408	12,333	933	34,686	(2)	(2)	(2)	....	4,918	(2)	1,840	2,992
Youths' and boys' shoes (except athletic)	25,341	10,847	....	4,230	(2)	1,785	(2)	....	6,042	49	952	1,415
Youths' shoes	12,695	5,749	....	1,795	....	1,111	....	....	3,370	(2)	195	(2)
Boys' shoes	12,646	5,098	....	2,435	(2)	674	(2)	....	2,672	(2)	757	(2)
Women's shoes (except athletic)	257,991	205,520	11,969	3,323	1,090	543	115	(2)	(2)	843	11,978	20,006
Women's wedge heel (any height) or open toe (not over 8/8 in. heel)	24,820	12,970	7,218	758	(2)	(2)	(2)	(2)	(2)	(2)	(2)	2,479
All other women's shoes (except athletic)	233,171	192,550	4,751	2,565	(2)	(2)	(2)	....	(2)	(2)	(2)	17,527
Not over 8/8 in. heel	110,516	73,471	3,712	1,656	927	390	(2)	....	(2)	(2)	10,859	16,254
9/8 in. heel and over	122,655	119,079	1,039	909	(2)	(2)	....	....	....	(2)	(2)	1,273
Misses' shoes (except athletic)	27,592	17,711	(2)	2,435	(2)	555	(2)	(2)	4,722	(2)	90	1,582
Misses' wedge heel (any height) or open toe (not over 8/8" heel)	7,525	4,825	(2)	968	(2)	(2)	(2)	(2)	(2)	(2)	(2)	386
All other misses' shoes (except athletic)	20,067	12,886	(2)	1,467	(2)	(2)	(2)	(2)	(2)	(2)	(2)	1,196
Children's shoes (except athletic)	30,745	17,458	(2)	4,371	....	1,300	....	....	5,788	(2)	(2)	1,609
Infants' and babies' shoes	29,991	9,770	1,095	4,076	....	2,241	5,252	1,162	4,067	(2)	(2)	2,201
Athletic shoes	6,949	1,062	....	1,190	(2)	503	....	....	(2)	(2)	....	3,746
Men's, youths', and boys' athletic shoes	5,491	701	....	(2)	(2)	(2)	....	....	(2)	....	....	3,148
All other athletic shoes	1,458	361	....	(2)	(2)	(2)	....	....	(2)	(2)	....	598
Slippers, total	95,620	36,874	11,352	(2)	(2)	(2)	33,529	(2)	145	1,023	(2)	4,364
All slippers of slip-on type with underwedge heel or blown sponge rubber midsole	10,861	5,379	4,556	....	....	(2)	(2)	(2)	(2)	....	(2)	(2)
Other slippers:												
Men's, youths', and boys'	14,859	5,020	(2)	(2)	(2)	(2)	(2)	(2)	(2)	398	(2)	833
Men's	13,841	4,640	844	(2)	(2)	(2)	3,810	(2)	(2)	324	(2)	733
Youths' and boys'	1,018	380	(2)	....	....	(2)	(2)	(2)	(2)	74	(2)	100
Women's	57,247	23,740	5,591	....	....	(2)	21,593	1,976	(2)	598	(2)	2,906
Misses', children's, infants', and babies'	12,563	2,735	(2)	....	....	(2)	7,175	(2)	(2)	27	151	(2)
Misses' and children's	9,340	2,021	292	....	....	(2)	4,843	1,585	(2)	(2)	(2)	342
Infants' and babies'	3,313	714	(2)	....	....	(2)	2,332	(2)	....	(2)	(2)	(2)
Other footwear (except those with sole vulcanized or molded to fabric upper)	2,015	348	....	(2)	(2)	(2)	202	(2)	....	361	(2)	221

[1] Excludes shoes and slippers with sole vulcanized to fabric upper (see table 8).

[2] Withheld to avoid disclosing figures for individual companies.

Source: Current Industrial Reports, U.S. Department of Commerce.

TABLE VII.—PRODUCTION OF LEATHER AND VINYL FOOTWEAR

[Millions of pairs]

Year	Total		Men's									
	Shoes	Without slippers	Total	Dress	Work	Youths' and boys'	Women's	Misses'	Children's	Infants' and babies'	Athletic	Slipper
1955	585.4	517.3	103.7	77.9	25.8	22.1	270.9	40.8	33.8	38.0	4.7	68.1
1956	591.8	524.0	106.9	79.1	27.8	21.8	273.4	40.9	33.6	37.2	6.0	67.8
1957	597.6	526.7	104.3	78.0	26.3	24.2	274.2	42.6	34.1	37.7	6.2	70.9
1958	587.1	516.5	101.4	76.7	24.6	23.7	270.7	40.1	32.5	36.2	5.9	70.6
1959	637.4	558.7	110.1	82.6	27.6	26.2	292.4	43.2	34.2	38.0	7.7	78.7
1960	600.0	526.6	100.6	77.2	23.4	24.1	279.8	40.2	32.7	36.6	7.0	73.5
1961	592.9	520.3	103.3	78.0	25.4	24.2	273.4	39.2	31.7	35.8	6.6	72.6
1962	633.2	550.2	112.7	83.1	29.6	25.6	288.2	36.8	32.5	37.0	10.1	83.0
1963	604.3	526.7	110.7	82.5	28.2	24.0	275.2	35.5	30.7	33.5	9.8	77.6
1964	612.8	533.9	119.9	87.6	32.2	25.4	271.1	37.0	30.4	32.8	6.9	78.9
1965	626.2	536.0	118.2	85.9	32.3	25.6	280.0	36.5	33.5	32.5	7.0	90.0
1966	641.7	547.9	126.9	88.6	38.3	24.6	284.2	35.9	33.6	32.5	7.3	93.8
1967	600.0	504.3	123.7	85.0	38.7	25.3	258.0	27.6	30.7	30.0	6.9	95.6
1968	645.9	539.0	129.1	91.6	37.5	23.5	288.5	32.7	30.5	25.2	7.5	106.9
1969 [1]	596.0	493.6	124.6	87.6	36.8	23.6	252.6	29.6	28.4	26.6	8.2	102.4

[1] Estimate based on 6-month data from U.S. Bureau of the Census.

Source: Current industrial reports, U.S. Department of Commerce.

TABLE X.—U.S. IMPORTS OF FOOTWEAR FROM COMMUNIST AREAS

[In thousands]

	1966		1967		1968	
	Pairs	Value	Pairs	Value	Pairs	Value
Total	2,293	$4,386	2,943	$6,267	2,791	$5,694
Czechoslovakia	1,726	3,443	1,977	4,449	2,036	4,260
Hungary	1	1	1	2	10	21
Rumania	469	736	921	1,698	740	1,409
Poland	98	206	44	118	5	4

Source: Foreign Trade Division, U.S. Department of Commerce.

TABLE XI

Letter No. 1

As you know, this season was contracted with a factory in Italy, one in England and one in Spain to make shoes to be sold by us. . . .

In the case of Italy we furnished the styling information and the lasts; these shoes are made to our specifications. The main thing we seemed to be buying was the labor job. In both England and Spain we gave a great deal of assistance in the styling and manufacturing of the shoes.

We had to make a decision last fall whether we should build another factory here or go into the import business. With all the competition from imports in this labor-oriented product we decided we would be much better off to augment our business by developing these relationships in Italy, England and Spain. This means of course that we have restricted our expansion and several hundred jobs which we might have created by building a factory in the United States have been eliminated.

We are barely into this program so it is difficult for me to project how far it will go. However, I can assure you it is going very, very well. We feel we were forced into it, and I am sure if we had proper emphasis on domestic versus import relations we would have much preferred to have built a factory here in the United States.

Letter No. 2

Our largest single customer is . . . During several recent years this account has represented over 15% of our total volume; hence it is not difficult to understand its importance to us. In January of 1968, as is customary at that time of the year, we submitted and presented our style suggestions for the fall season. (They) ordered a number of samples from this selection and we again contacted the account in March in an effort to nail down certain adoptions for the approaching season. In April we were advised by this account that almost all adoptions of new styles would be made from imports and that *no* adoptions of new styles would be made from samples we had submitted. . . .

Our five-year plan calls for an expansion of our physical production facilities but that unless there is a drastic change in the attitude of the administration in Washington or unless there is proper Orderly Marketing Legislation enacted in behalf of our industry, *there isn't a remote chance that our expansion will take place on domestic soil!*

FRESHMAN ECONOMICS LESSON NO. 4

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, how sad it is to see the prosperity of this Nation, so laboriously created, destroyed so swiftly by disastrous economic policies of the present administration. Early after assuming office, the President announced Government would not intervene in wage and price decisions. This was a green light to many major corporations, who have taken him at his word. Now inflation rages out of control and recession faces the Nation.

Daily prices rise, as the White House calmly reiterates economic platitudes of Herbert Hoover. Laissez faire and hands off is their cry, as delighted corporations sock it to consumers, and banks squeeze the last weary nickel out of a Nation rammed up to the economic wall by intolerable interest rates. Who can buy a home? Who can obtain short-term money? We have turned the poorhouse inside out and called it a credit society, and now we are turning credit-dependent American people out into Government-created cold.

Let us begin with a decision by the Civil Aeronautics Board, which has allowed domestic airlines to increase fares for the second time this year. These new fares would raise airline incomes by $300 million, or about 6.35 percent. In February, the CAB granted "interim" increases amounting to 3.8 percent. Much higher short haul fares will result. Standby youth fares will rise. But of course this is not inflation for consumers, according to our ponderously knowledgeable leaders.

Today it was announced in the name of sacred competition that Ford had followed GM's lead, raising prices on its cars an average of $108 or 3.6 percent. Close enough to keep pace, but not enough to make a difference to the consumer's pocketbook, except to drain it further. One thing changed. Ford's warranty to consumers was diluted. How thoughtful and public spirited. Yesterday the U.S. Treasury offered to pay 8 percent for a 19½-month note, highest interest rate cost on a Treasury obligation in 110 years. Government agency issues have offered even higher yields. Yesterday Treasury also offered 7¾ percent for a 3-year, 7½-month note, and 7½ percent for a 6-year, 10½-month note. These three high-yielding issues are being offered in exchange for $8.9 billion in notes and bonds maturing later this year, most of which originally cost Government only 2½ to 4 percent.

This means banks squeezing massive profits out of millions of Americans through highest interest rates in generations can turn and invest such ill-gotten gains in short-term Government borrowing, obtaining further massive, guaranteed returns. Who pays? The people, through their own Government. Yet all we hear are elegant donkeyisms and economic swill that went out with Calvin Coolidge. Let them tell that to thousands of small industries pressed for short-term cash, which are now laying off people because they cannot stand the economic gaff. Let the administration feed hungry families on economic platitudes a la Herbert Hoover and 1930.

Next, Maxwell House Division of General Foods Corp. announces wholesale price increases averaging 5 percent of both soluble and ground coffees, effective immediately. Trane Corp. follows Carrier Corp. lead, advancing prices on air-conditioning products by about 5 percent. Phelps Dodge upped prices on copper and zinc.

Latest Department of Commerce figures show sales in the Nation's retail stores dropped 11 percent in 1 week. Manufacturers expect fourth quarter factory sales to dip to a 0.6 percent gain over the third quarter, which had posted a 2.7 percent jump. Used machinery dealers across the Nation are faced with a disastrously depressed market.

The President of the Federal National Mortgage Association states that total demand for credit has not eased, predicting the Nation may experience more stringent credit restrictions before any relief arrives. Yet this is a nation living on the thinnest of credit, cash, and weekly paycheck margins, now being narrowed and ruptured by administration economic steps.

Revised Government figures show a reported drop in wholesale prices last month, hailed by the administration, did not occur at all. Now we discover wholesale prices for food and industrial raw materials did not fall after all.

Cumulative Government efforts to cool off inflation at expense of our average worker and consumer are dismal failures. All they are succeeding in doing is encouraging industry to raise prices, with all increases being passed on directly to the public. The real cure, Government pressure on business to hold the line, has gone the way of prosperity and progress. Fat cats and major industries quietly tote up new profits as housewives count pennies and confront supermarket prices with dismay. The worst is yet to come, for most of these round-robin price hikes have not yet struck our consumer economy with full force. If this is logical, then so is a 90-story igloo or a ballpoint refrigerator.

People running our economy resemble a group of children at the controls of a machine that fascinates but dumfounds them. Or like a mob of frightened, querulous old men brought from retirement to run a plant which has drastically changed since their heyday. Ignoring corporate greed, they run things by experimentation with the well-being of all of us at stake. Again and again they raise powerful bludgeons to deliver mighty blows against the average wage earner, thinking that by destroying his purchasing power they will cure the disease. It is like attempting to run the zoo from the monkey cage.

NOW IT IS THE TURN OF OUR NATIONAL PARKS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, millions of Americans have watched in growing disappointment, bitterness, and despair as the administration has dismantled, destroyed, or delayed one essential national program after another. Almost every day another disastrous departure from the Nation's agenda is announced or revealed. This time, the President has allowed the Bureau of the Budget to place restrictions on spending by our country on new park and recreation areas. How shortsighted. What a shortchanging of our people, who are even now increasingly desperate for further recreational areas.

Already, existing national parks and forests are bulging with too many visitors. As of this year, reservations are required to visit many of them. Constantly, Americans are seeking to leave overcrowded, decaying cities for the outdoors and such facilities as our national park system offers. Now President Nixon seeks to cripple the program of acquisition, creation and expansion of that system. Now the Bureau of the Budget has refused to permit full use of a $200 million annual fund voted by Congress under President Johnson to accelerate acquisition of badly needed park and recreation land whose costs are rising almost daily. This year, only $124 million is to be used, and the Budget Bureau projection for next year is similar.

Land values are increasing as a general rule by 5 to 10 percent annually. Private land in areas designated as national parks, seashores, and recreation areas is constantly shooting upward in price. Speculators only fuel the rises, and elementary commonsense tells us that the longer we wait to acquire such properties for all the people, the dearer the price we shall eventually have to pay. Congress recognized this last year when the fund was increased and made available for expansion of the system. Now the President's decision eviscerates perhaps the most crucial element and very linchpin of the Nation's long-range environmental policy.

In previous years, inadequate funding of Federal parkland acquisition has resulted in a massive backlog of unfunded obligations. The Interior Department's Bureau of Outdoor Recreation estimated in January that $500 million would be required to purchase land already designated as parks, without adding new areas. This in turn would be dependent upon no further rises in prices, a doubtful premise at best.

Mr. Speaker, this is alarming in the extreme. Medical research funds have been cut. Job Corps and the Office of Economic Opportunity have been annihilated. Manpower Training by the Federal Government has been crippled. VISTA and the Peace Corps have felt an ax wielded viciously by the President. Federal construction all over the Nation is slated for cuts of 75 percent. He lopped $1 billion off aid to education, including the Nation's libraries in efforts to cut budgets. Aid to arts and humanities has been cut to the bone. Now 19 research centers, seven of which specialize in children's diseases, will have to close their doors because of such cutbacks.

But agricultural subsidies remain untouched, as fat farmers grow fatter. ABM marches ahead, untouched. AMSA, a proposed new manned bomber, feels no razor edge of a budget cutter's knife.

Yet our park system is expendable. Future recreation needs for an expanding, exploding population are to be ignored and shoved under the national rug, along with pollution problems which make people flee cities in search of cleaner environments in the first place. When the Congress itself takes the initiative and orders action, providing necessary funds, the President takes it upon himself to order that these funds remain unused in the people's interest. The intent of Congress is ignored. Our people's needs are heaved away with a fine disregard for tomorrow's problems. Hopes for future recreational development go aglimmering.

I wonder what the response would have been had interests of the people been replaced by those of United States Steel, General Motors, Ford Motor Co., Chase Manhattan Bank.

Congress must act to override this decision, insuring that in spite of the President's action, the people's future recreational needs will be at least partially met.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Fulton of Pennsylvania (at the request of Mr. Gerald R. Ford), for today, on account of official business accompanying the President to the United Nations.

Mr. Jones of Tennessee (at the request of Mr. Fulton of Tennessee), for today, on account of official business.

Mr. Hosmer, for 1 week, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Rodino, for 60 minutes, on September 22, to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Daniel of Virginia), to revise and extend their remarks and include extraneous matter:)

Mr. Farbstein, for 20 minutes, today.
Mr. Gonzalez, for 10 minutes, today.
Mr. Staggers, for 20 minutes, today.
Mr. Fallon, for 15 minutes, today.
Mr. Rivers, for 10 minutes, today.
Mr. Farbstein, for 20 minutes, on September 22.

Mr. Schwengel (at the request of Mr. Burke of Florida), for 20 minutes, on September 22, to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Broyhill of North Carolina to revise and extend his remarks during general debate on House Joint Resolution 681.

Mr. Saylor and to include extraneous matter.

Mr. Mahon and to include certain tables and printed matter involving a summary review of the 1970 budget.

Mr. Albert immediately following passage of House Joint Resolution 681 today.

Mr. Broyhill of Virginia to extend his remarks following those of Mr. Cramer on the conference report on H.R. 6508 today.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Dent.
Mr. Biaggi.
Mr. Brademas in six instances.
Mr. Baring.
Mr. Nix.
Mr. Stuckey in two instances.
Mr. Garmatz.
Mr. Evins of Tennessee in two instances.
Mr. Daniel of Virginia in two instances.
Mr. Moorhead in six instances.
Mr. Delaney in two instances.
Mr. de la Garza in two instances.
Mr. Gonzalez in two instances.
Mr. Eilberg.
Mr. Nichols.
Mr. Daddario.
Mr. Hungate.
Mr. Meeds in two instances.
Mr. Charles H. Wilson.
Mr. Fisher in two instances.
Mr. Bingham in two instances.
Mr. Udall in eight instances.
Mr. White in two instances.
Mr. Rivers in two instances.
Mr. Farbstein in five instances.
Mr. Edmondson in two instances.

(The following Members (at the request of Mr. Burke of Florida) and to include extraneous matter:)

Mr. Fish.
Mr. Gude.
Mr. Springer in three instances.
Mr. Quie.
Mr. Meskill.
Mr. Bush in three instances.
Mr. Conte.
Mr. Steiger of Wisconsin.
Mr. Robison.
Mr. Pirnie in two instances.
Mr. Ashbrook.
Mr. Taft in two instances.
Mr. Widnall.
Mr. Rhodes.
Mr. Michel in two instances.
Mr. Hogan.
Mr. Mizell.
Mr. Roudebush.
Mr. Schadeberg.
Mr. Brown of Ohio.
Mr. Goldwater.
Mr. McEwen.
Mr. Teague of California.
Mr. Whitehurst.
Mr. Shriver in two instances.
Mr. Reid of New York in two instances.
Mr. Cowger.
Mr. Wyman.
Mr. Fulton of Pennsylvania in five instances.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army.

ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 22 minutes p.m.), the House adjourned until tomorrow, Friday, September 19, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1158. A letter from the Secretary of the Treausry, transmitting the third semiannual report on (1) U.S. purchases and sales of gold and the state of the U.S. gold stock and (2) International Monetary Fund discussions on the evolution of the international monetary system; to the Committee on Banking and Currency.

1159. A letter from the Comptroller General of the United States, transmitting a report on progress and problems relating to improvement of Federal agency accounting systems as of December 31, 1968; to the Committee on Government Operations.

1160. A letter from the Comptroller General of the United States, transmitting a report on economic assistance funds improperly used to finance vehicles for defense requirements, Agency for International Development, Department of State; to the Committee on Government Operations.

1161. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Water Supply & Storage Co. of Fort Collins, Colo., for a loan under the Small Reclamation Projects Act (70 Stat. 1044, as amended, 71 Stat. 48), pursuant to the provisions of section 4(c) of that act; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. Postal Systems of the U.S. Armed Forces, San Francisco Critique (Rept. No. 91–496). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED. Committee of Conference. H.R. 11582 (Rept. No. 91–497). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself, Mr. Anderson of California, Mr. Button, Mr. Byrne of Pennsylvania, Mr. Daniels of New Jersey, Mr. Farbstein, Mr. Friedel, Mr. Gallagher, Mr. Garmatz, Mr. Gray, Mr. Koch, and Mr. Mikva):

H.R. 13870. A bill to amend title XII of the National Housing Act to provide, under the urban property protection and reinsurance program, for direct Federal insurance against losses to habitational property for which insurance is not otherwise available or is available only at excessively surcharged rates, to make crime insurance mandatory under such program, to provide assistance to homeowners to aid in reducing the causes of excessive surcharges, and for other purposes; to the Committee on Banking and Currency.

By Mr. BURTON of Utah:

H.H. 13871. A bill to amend title II of the Social Security Act to provide a 10 percent across-the-board increase in the benefits payable thereunder, with subsequent cost-of-living increases in such benefits, and to amend the Internal Revenue Code of 1954 to provide for cost-of-living adjustments in social security taxes in order to assure continuing financing for such increases in benefits; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 13872. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13873. A bill to amend the Internal Revenue Code of 1954 to increase the penalties for the unlawful transportation of narcotic drugs and to make it unlawful to solicit the assistance of or use a person under the age of 18 in the unlawful trafficking of any such drug; to the Committee on Ways and Means.

By Mr. FRIEDEL:

H.R. 13874. A bill to amend the Military Selective Service Act of 1967 to provide for the uniform application of the position classification and general schedule pay rate provisions of title 5, United States Code, to all employees of the Selective Service System; to the Committee on Armed Services.

By Mr. HANSEN of Idaho (for himself, Mr. Adair, Mr. Taft, and Mr. Tunney):

H.R. 13875. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. HAYS:

H.R. 13876. A bill to amend title VIII of the Foreign Service Act of 1946, as amended, and for other purposes; to the Committee on Foreign Affairs.

By Mr. NIX:

H.R. 13877. A bill requiring a review by the Secretary of the Army of certain reports on the Delaware River ports; to the Committee on Public Works.

By Mr. ROSTENKOWSKI:

H.R. 13878. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Public Works.

By Mr. BOB WILSON:

H.R. 13879. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. ASPINALL (for himself and Mr. Saylor):

H.R. 13880. A bill to provide for the establishment of the Lyndon B. Johnson National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BETTS (for himself and Mr. Mosher):

H.R. 13881. A bill to authorize a survey of the Huron River and tributaries, Ohio, in the interest of flood control and allied purposes; to the Committee on Public Works.

H.R. 13882. A bill to authorize a survey of the Vermilion River and tributaries, Ohio, in the interest of flood control and allied purposes; to the Committee on Public Works.

By Mr. DORN:

H.R. 13883. A bill to amend the Internal Revenue Code of 1954 to provide an additional income tax exemption to a taxpayer supporting a dependent who is mentally retarded; to the Committee on Ways and Means.

H.R. 13884. A bill to amend title II of the Social Security Act to provide a 10 percent across-the-board increase in benefits thereunder; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 13885. A bill to amend title 13, United States Code, to provide for a mid-decade census of population in the year 1975 and every 10 years thereafter; to the Committee on Post Office and Civil Service.

By Mr. GOLDWATER:

H.R. 13886. A bill to establish the President's Award for Distinguished Law Enforcement Service; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania (for himself, Mr. Barrett, Mr. Biester, Mr. Byrne of Pennsylvania, Mr. Cahill, Mr. Coughlin, Mr. Eilberg, Mr. Hunt, Mr. Nix, Mr. Roth, Mr. Thompson of New Jersey, Mr. Watkins, and Mr. Williams):

H.R. 13887. A bill requiring the Secretary of the Army to review certain reports on the Delaware River ports; to the Committee on Public Works.

By Mr. RAILSBACK:

H.R. 13888. A bill to amend the antitrust laws to provide that the refusal of nonprofit blood banks and of hospitals and physicians to obtain blood and blood plasma from other blood banks shall not be deemed to be acts in restraint of trade, and for other purposes; to the Committee on the Judiciary.

By Mr. REID of New York:

H.R. 13889. A bill providing for Federal railroad safety; to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES.

H.R. 13890. A bill to reinforce the Federal System by strengthening the personnel resources of State and local governments, to improve intergovernmental cooperation in the administration of grant-in-aid programs, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the temporary assignment of personnel between the Federal Government and State and local governments, and for other purposes; to the Committee on Education and Labor.

By Mr. UDALL:

H.R. 13891. A bill to promote the domestic and foreign commerce of the United States by modernizing practices of the Federal Government relating to the inspection of persons, merchandise, and conveyances moving into, through, and out of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. BROTZMAN (for himself, Mr. Denney, Mr. Friedel, Mr. Cowger, Mr. Weicker, Mr. Diggs, Mr. Wold, Mr. Nelsen, Mr. Carter, and Mr. Lowenstein):

H.J. Res. 904. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

By Mr. BROWN of California:

H.J. Res. 905. Joint resolution authorizing the President to proclaim the period April 20 through April 25, 1970, as "Schoolbus Safety Week"; to the Committee on the Judiciary.

By Mr. DORN:

H.J. Res. 906. Joint resolution authorizing the President to proclaim the period April 20 through April 25, 1970, as "Schoolbus Safety Week"; to the Committee on Judiciary.

By Mr. RAILSBACK (for himself, Mr. ANDERSON of Illinois, Mr. HANSEN of Idaho, Mr. MESKILL, Mr. WHALEN, Mr. HALPERN, Mr. DON H. CLAUSEN, Mr. TAFT, and Mr. COWGER):

H.J. Res. 907. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote in Federal elections shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. WHITEHURST:

H.J. Res. 908. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Senator Everett McKinley Dirksen; to the Committee on Post Office and Civil Service.

By Mr. BINGHAM:

H. Con. Res. 366. Concurrent resolution for humane treatment and early release of American prisoners of war held by North Vietnam; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H. Con. Res. 367. Concurrent resolution expressing the sense of the Congress with respect to the establishment of United Nations Day as a permanent international holiday; to the Committee on Foreign Affairs.

By Mr. REES:

H. Res. 552. Resolution expressing the sense of the House of Representatives with respect to U.S. ratification of the Conventions on Genocide, Abolition of Forced Labor, Political Rights of Women, and Freedom of Association; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 13892. A bill for the relief of Aurora Matia Moranta; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 13893. A bill for the relief of Nicholas Francis Canny; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 13894. A bill for the relief of Mrs. Rosenda Herminia Nieto and her minor son, Fernand Javier Nieto Rodriguez; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 13895. A bill for the relief of Mrs. Maria Eloisa Pardo Hall; to the Committee on the Judiciary.

H.R. 13896. A bill for the relief of Mauro Pereyra and his wife, Fausta; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 13897. A bill for the relief of Maria Soledad dela Cruz; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 13898. A bill for the relief of Dimitrios Covosdis; to the Committee on the Judiciary.

H.R. 13899. A bill for the relef of Radha Majumdar; to the Committee on the Judiciary.

By Mr. MILLER of California:

H. Res. 553. Resolution to refer the bill, H.R. 13830, entitled "A bill for the relief of Genisco Technology Corp." to the Chief Commissioner of the Court of Claims in accordance with sections 1492 and 2509 of title 28, United States Code; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

254. By the SPEAKER: Petition of the City Council, Stanton, Calif., relative to the proposed expansion of the Los Alamitos Naval Air Station, Los Alamitos, Calif.; to the Committee on Armed Services.

SENATE—*Thursday, September 18, 1969*

The Senate met at 12 o'clock noon and was called to order by Hon. GEORGE D. AIKEN, a Senator from the State of Vermont.

The Chaplain, Rev. Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, with each new day we thank Thee for the call to serve Thee in all of life's vocations, but especially for the stewardship of office in this Chamber. Give understanding, humility, and charity to those who in Thy name, and for the Nation's sake, are entrusted with power to act for the Republic in this place. Keep ever before them the high vision of Thy kingdom and the abiding truth that while the pressing problems require economic and political solutions, all deeper human needs are moral and spiritual. Give them open ears, quick to hear the whisper of Thy word, and hearts tuned to the unseen presence which enfolds us, supports us, and lights the pathway of life's changing scenes. In the name of Him who is the light of the world. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 18, 1969.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE D. AIKEN, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. AIKEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 17, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the swearing in of our new Member, the distinguished Senator-designate from Illinois, there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE GOVERNOR OF ILLINOIS

Mr. SCOTT. Mr. President, I should like to note the presence in the Chamber, in the minority leader's seat, of the very distinguished Governor of Illinois, Richard B. Ogilvie.

SENATOR FROM ILLINOIS

Mr. PERCY. Mr. President, I present the certificate of appointment of the Honorable RALPH T. SMITH as a Senator from the State of Illinois.

The ACTING PRESIDENT pro tempore. The certificate of appointment will be read.

The legislative clerk read as follows:

STATE OF ILLINOIS,
EXECUTIVE DEPARTMENT,
Springfield, Ill.

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Illinois, I, Richard B. Ogilvie, the Governor of said State, do hereby appoint Ralph Tyler Smith a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of the Honorable Everett McKinley Dirksen is filled by election as provided by law.

Witness: His Excellency, our Governor, Richard B. Ogilvie, and our Seal hereto affixed at Springfield, Illinois, this seventeenth day of September, in the year of our Lord, nineteen hundred and sixty-nine.

RICHARD B. OGILVIE,
Governor.

[SEAL]
By the Governor

PAUL POWELL,
Secretary of State.

The ACTING PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the oath of office will be administered to him.

Mr. SMITH of Illinois, escorted by Mr. PERCY, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Acting President pro tempore; and he subscribed to the oath in the official oath book.

[Applause, Senators rising.]

COMMITTEE ASSIGNMENT

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be read.

The legislative clerk read the resolution (S. Res. 260), as follows:

Resolved, That the Senator from Illinois (Mr. Smith) be and he is hereby assigned to service on the Committee on Aeronautical and Space Sciences and he is hereby also assigned to service on the Committee on Labor and Public Welfare.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief recess, subject to the call of the Chair, for the purpose of greeting our new colleague from Illinois.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 12 o'clock and 6 minutes p.m.), the Senate took a recess subject to the call of the Chair.

At 12 o'clock and 12 minutes p.m., the Senate reassembled, and was called to order by the Presiding Officer (Mr. ALLEN in the chair).

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations on the Executive Calendar will be stated.

AGENCY FOR INTERNATIONAL DEVELOPMENT

The bill clerk read the nomination of Joel Bernstein, of Illinois, to be an Assistant Administrator of the Agency for International Development, and the nomination of Ernest Stern, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

COMMODITY CREDIT CORPORATION

The bill clerk read the nomination of Thomas K. Cowden, of Michigan, to be a member of the Board of Directors of the Commodity Credit Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

There being no objection, the Senate proceeded to the consideration of legislative business.

NATIONAL SCIENCE FOUNDATION ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 276, S. 1857.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1857) to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 87-507, as amended.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with an amendment, to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, $487,150,000.

SEC. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditures, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 3. Section 14 of the National Science Foundation Act of 1950, as amended by Public Law 90-407 (82 Stat. 360), is amended by adding to the end thereof the following new subsection:

"(1) Notwithstanding any other provision of law, the authorization of any appropriation to the Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year for which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made."

SEC. 4. Appropriations made pursuant to this Act may be used, but not to exceed $2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 5. In addition to such sums as are authorized by section 1 hereof, not to exceed $3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provisions of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronauts of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

SEC. 7. This Act may be cited as the "National Science Foundation Act Amendments of 1969."

Mr. ALLOTT. Mr. President, I wish to ask a question before the bill is passed.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I wish to inquire what changes were made from last year in the bill, if any, for the information of the Senate.

Mr. KENNEDY. The only real change is represented by an increase of $150,000 over the administration's request. There were some overall reductions in the House of Representatives because of incomplete testimony on the Arecibo project, which was restored in the Committee on Labor and Public Welfare. Funds were also cut out for certain language translations for the National Science Foundation in the House, which were restored upon the receipt of additional information. The total funding was increased by some $150,000 over the authorization as requested, as I mentioned. Basically, there is no other fundamental change.

There have been some alterations and changes in the language of the act in order to give it new direction, but in terms of the basic authorization there was no substantial change.

Mr. ALLOTT. I wish to inquire what the "new direction" is.

Mr. KENNEDY. I have the language here. It is the language that was incorporated a year ago, and I will go through it if the Senator from Colorado wishes.

Mr. ALLOTT. It is the same as last year?

Mr. KENNEDY. The Senator is correct.

Mr. ALLOTT. I wish to ask the Senator one final question. What is the determination of the committee with respect to the Arecibo project and the money to be spent in refurbishing in connection therewith?

Mr. KENNEDY. I think if there was any project heavily questioned it was the Arecibo project. The House found in their hearings, that the improvements requested were not justified, and they struck them out. We restored it. I think the record is better now than before, and we hope that in conference we will prevail. However, this was one area in which there was a close question.

Mr. ALLOTT. This would be in conference if the bill passes in its present form?

Mr. KENNEDY. The Senator is correct.

Mr. ALLOTT. I thank the Senator.

Mr. KENNEDY. Mr. President, the Committee on Labor and Public Welfare, on July 1, 1969, unanimously voted to report S. 1857, which would authorize appropriations to the National Science Foundation for fiscal year 1970 in the

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amount of $487,150,000. The bill would also authorize NSF to spend overseas an additional $3 million in excess foreign currencies, largely for the translation of important foreign scientific documents into English. Thus, the total amount which would be provided by the bill for NSF's activities in fiscal year 1970 is $490,150,000. There is, in addition, $10 million already authorized by Public Law 89–688 for the national sea grant program, bringing NSF's total authorization for fiscal year 1970 to $500,150,000.

The job of the National Science Foundation is to maintain the Nation's strength and leadership in science and engineering, through the support of research and of education. To accomplish this broad mission, the Foundation each year awards thousands of grants, contracts, and fellowships to colleges and universities, nonprofit scientific organizations, and individual scientists, teachers, and students throughout all of the 50 States and the District of Columbia. In fiscal year 1968, for example, NSF awarded 8,795 grants and contracts for a total of $487,352,000. The report accompanying this bill, Report 91–285, lists these grants and contracts by State and by institution on pages 17 to 26.

These grant and contract funds provide support for a wide diversity of research projects and programs in all of the scientific disciplines, and for educational improvement at every level of learning, from elementary school science through advanced, postdoctoral study.

The Foundation plans to use the proposed fiscal year 1970 authorization of $490,150,000—excluding sea grant funds—as follows: $248,600,000 for scientific research; $112,500,000 for science education; $69,000,000 for institutional support of colleges and universities; $22,000,000 for extending the use of computers in research and education; $18,000,000 for science information and international science activities; $17,000,000 for program development and management; and $3,050,000 for planning and policy studies.

The Committee on Labor and Public Welfare reached its unanimous recommendation on this bill after careful consideration of the public record developed by its Special Subcommittee on the National Science Foundation, of which I have the honor to be chairman. Appearing as witnesses before our subcommittee at a hearing on May 7, 1969, were Dr. Leland J. Haworth, Director of the National Science Foundation, and Dr. Philip Handler, Chairman of the National Science Board and then president-elect of the National Academy of Sciences. Subsequent to the hearing, the subcommittee prepared 49 detailed questions on NSF's 1970 budget, to which the Foundation provided extensive and responsive replies. The record also includes prepared statements from various interested parties within the scientific community, and a number of background documents which serve to illuminate important related issues. In addition, full use was made of the comprehensive record developed in 9 days of hearings before the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics.

BACKGROUND

The authorization hearings our subcommittee held on the NSF budget were the first held in the Senate since 1950, when the NSF was established. In a sense they marked a historic moment in the course of Federal support of scientific affairs. They signal a new maturity for American science—one of new challenges and new responsibilities.

By American science, I do not mean the vast accumulation of scientific knowledge we have available to us. This accumulation, drawn from basic research, is absolutely indispensable to our future. But I do mean the scientific enterprise—the creation and application of our scientific knowledge to the common concerns and felt needs of the Nation and the world.

Where we as a Nation have focused our scientific and technical attentions, we have made awesome steps: Computers, satellites, men on the moon, electron microscopes, jet airplanes, artificial organs—these and other achievements would astonish our grandfathers.

But there are many areas where we have not focused our scientific and technical resources. Let me just cite a few examples turned up during our hearings:

Millions of people go hungry each day. Yet in recorded history we have introduced no new major foodstuff. Mankind all across the world relies basically upon corn, rice and wheat. We should, over the long term, look for new opportunities for foodstuff cultivation, to help feed the hungry peoples both in this country and abroad.

Air and water pollution plague both our country and the other technologically advanced nations of the world. Yet the chemistry and physics of air pollution are not well understood; nor are the biological processes of water pollution. Until they are, we can only wonder whether our antipollution efforts will be as successful as they might otherwise be.

Solutions to high-speed ground transportation and increased air congestion problems seem to elude us. But would they elude us still if we focussed our energies on them?

Dr. Philip Handler told our subcommittee:

> Population control is surely the largest single issue facing mankind.

Yet, as he pointed out, our knowledge of reproductive physiology is scanty.

These are but a few of the areas to which we should turn our scientific and technical resources. They are areas in which the NSF has for nearly 20 years been funding basic research and assisting to train skilled personnel. Without the basic knowledge, we would face an enormous task. As it is, we must focus our attention on the problem and apply the basic knowledge.

But this will be difficult so long as the scientific enterprise is, in Dr. Jerome Wiesner's words, "in a state of disarray."

This disarray is the result of both existing or planned budget cuts, as well as uncertainty over future funding levels. Research into scientific and technological matters must have some funding continuity if it is to succeed.

COMMITTEE ACTION

This is the genesis of our subcommittee's actions on the authorization request. While our recommended authorization of $490,150,000 is $150,000,000 more than the administration's request to the Congress—to provide for expansion of the promising State science policy planning program—the authorization is still almost $118 million less than the original NSF request to the Bureau of the Budget. The amount originally requested, $608 million, was reduced by the Johnson administration down to the $490 million level.

On April 18, 1969, after completing its own review, the Nixon administration recommended to the Congress that the NSF budget remain at the $490 million level, despite widespread cuts in most other Government programs. This decision to keep the NSF budget intact at a time of extreme fiscal stringency reflects the importance attached by President Nixon to adequate funding for NSF.

In effect, the $490,150,000 authorization recommended by the Committee on Labor and Public Welfare will merely restore the Foundation's funding to its level of 2 years ago, when its appropriation was $495 million. Even with this amount, however, NSF will actually have less money in fiscal year 1970 to support scientific research and engineering than it had in fiscal year 1968. This results from first, the trend toward more complex research, requiring more sophisticated and expensive instrumentation; second, overall inflation; third, recently assumed responsibility by NSF for specific research activities formerly supported by other agencies (primarily the Department of Defense) totaling $19 million in 1970; and fourth, increasing growth in research and education. For example, the total number of doctorate degrees awarded by U.S. universities in 1970 will be 25 percent higher than the number awarded in 1968.

Thus, with the authorization recommended in this bill, the Foundation will be barely able to keep pace with the mounting pressures of urgent national demands for research and education in science and engineering. And it is clearly in the national interest that NSF does manage, at the very minimum, to keep pace with those demands.

The various programs of the National Science Foundation are, for the most part, undramatic and not generally understood by the layman. But their importance to the national security and welfare must not be underestimated. While the specific value of particular scientific projects cannot be measured accurately, the general value of overall scientific advance can be predicted with some confidence—continued prosperity and progress for our society. The reservoir of scientific knowledge, technical know-how, and skilled professional manpower, developed with the assistance of NSF's programs, provides the Nation with resources of incalculable value. These resources strongly influence all other national programs—from national security and economic growth, to better education, health, and well-being for all our citizens.

At the same time, we must recognize that scientific progress is not a spigot which can be turned on and off again at will. Scientific research requires an unusually high degree of continuity. Major fluctuations in scientific programs and projects disrupt and impede progress in science to a much greater extent than would be the case in most other fields.

Similarly, the effective development of scientific and engineering manpower demands a high degree of continuity in educational programs and opportunities. If undergraduate and graduate students, and even young postdoctoral scientists, must interrupt their education in science and engineering for lack of opportunities, it is rare that they can ever return to such arduous intellectual pursuits in the future. Thus, their previous educational investment is largely wasted, and the Nation loses their creative, productive potential for the future.

A failure to restore the Foundation's funding to its level of 2 years ago is also likely to cause irreparable damage to the Nation's universities and colleges. The severe budget cuts and expenditure limitations in fiscal year 1969 have already caused considerable damage. Thus far, our institutions have been able to weather the storm, through temporary deferral of capital expenditures, and through the continuing availability of funds appropriated in fiscal year 1968. Such measures, however, cannot be further relied upon to avert disaster in fiscal year 1970. Consequently, if NSF funding is not restored to its previous level, the damage to the Nation's colleges and universities—which constitute one of the country's most valuable resources—will probably prove irreparable.

It is for these compelling reasons that the Committee on Labor and Public Welfare unanimously reported S. 1857. The importance of this bill can be more fully seen by placing the matter in historical perspective.

HISTORY

Before the mid-19th century, national strength was primarily based on a country's commercial capabilities, bolstered by supporting naval and military power. From the mid-19th to the mid-20th centuries, the underlying sources of national strength shifted from commercial capabilities to industrial power. During the Second World War, for example, the United States and its allies overwhelmed their adversaries by marshalling industrial might, despite America's unprepared state at the start of the war.

In the decades since the end of the Second World War, the sources of national strength have substantially shifted again—from the base of industrial power to one of scientific and technological expertise. This striking change can be seen most clearly in our defense programs, which have shifted from the mass production of planes, ships, and tanks to the research, development, and engineering of highly specialized, esoteric defense systems. The same sort of transformation has taken place in the economy at large, as new technological products like the transistor or the computer created whole new science-based industries, while the traditional methods of producing goods increasingly yield to the inroads of automation.

Thus science and technology have come to constitute the cornerstone of national strength to such an extent that progress in these fields now serves as a major mark and measure of international prestige. The space program is a good example. The unfortunate fact that science and technology have not been sufficiently directed toward the pressing social and human problems of the Nation, I should point out, does not in any way limit the potential contributions these fields can make toward resolution of our problems. Indeed, one of our major needs today is to reorder national priorities to assure the fullest and most effective application of our scientific and technical knowledge to social and human problems.

Along with the increasingly crucial role of science in sustaining national strength, it has become necessary for us to place primary reliance on American-developed scientists and the American-developed scientific enterprise, notwithstanding the international character of scientific knowledge. During the Second World War, on the other hand, we were able to draw on decades of European progress in fundamental scientific knowledge. We were even fortunate enough to have the services of many of the leading European scientists, who had fled to America as refugees from tyranny. But in the world of today and tomorrow, we no longer have available this capital surplus of scientific knowledge and professional manpower.

RECOMMENDATION

America's future strength and success in coping with our unmet needs and social problems must derive from our own scientific enterprise and expertise. The National Science Foundation is the agency of the Federal Government charged with the responsibility of maintaining the health of that scientific enterprise in research and education. Thus NSF's programs are, in a very real sense, every bit as important to the national security as those of the Defense Department, and every bit as essential to the resolution of our social problems as the programs of HEW.

The Committee on Labor and Public Welfare fully recognizes the necessity for fiscal restraint, to help counteract the inflationary pressures on the economy. Nevertheless, the committee unanimously concurred with the decisions of the Johnson and Nixon administrations in concluding that it is clearly in the national interest to restore the NSF budget to its fiscal year 1968 level. I urge the Senate to reflect on the extreme importance of NSF's programs to the Nation's future, and strongly urge enactment of this bill to provide the Foundation with an adequate level of funding for fiscal year 1970.

I have prepared as exhibits an explanation of how this bill differs from the House-passed authorization bill, and an excerpt from our committee report outlining the committee's actions and views. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT A

DECISIONS OF THE SENATE LABOR COMMITTEE REGARDING NSF BUDGET ITEMS CUT BY THE HOUSE COMMITTEE ON SCIENCE AND ASTRONAUTICS

1. CONSTRUCTION OF OCEANOGRAPHIC RESEARCH VESSEL, $2 MILLION

House action

The House Committee recommended deferring construction of this vessel, arguing that the NSF was not completely using the existing ships in the fleet, and that NSF funding of a new ship should not be authorized during the same fiscal year that Congress was considering the recommendations of the Commission on Marine Science, Engineering and Resources.

Reasons for Senate restoration

The potential resources and opportunities afforded mankind by the ocean environment are enormous. Expanding our understanding and knowledge of this environment through oceanographic research is accordingly a national research aim of high priority. The present research fleet of 33 foundation-supported ships includes 19 between 17 and 45 years old. These ships must be replaced with newer vessels if the nation's oceanographic research effort is merely to hold its own. Any subsequent expansion in the effort designed to exploit future opportunities will require the construction of additional vessels, as well as these replacements. The present fleet of 33 ships, operated by 17 universities and non-profit institutions, is utilized by almost 1,000 research personnel, 1,150 graduate students, and 850 technicians. In addition, approximately 950 research and graduate student personnel from other institutions utilize these research platforms in any given year. Two of the ships are operated as national facilities, primarily for users from other institutions.

In response to written inquiries, the Foundation satisfied the committee that the current fleet is being as effectively utilized as vessel and weather conditions permit, and that due consideration is being given to measures to facilitate the wider participation of the academic community in such research.

Irrespective of any Congressional action that may result from the recommendations of the Commission on Marine Science, Engineering and Resources, it is clear that replacements are urgently needed for the oldest ships in the fleet, if the nation is to maintain its leadership in this field and take full advantage of the opportunities afforded by the ocean environment. Accordingly the committee recommends that the Senate authorize appropriations for the $2 million requested for construction of another oceanographic research vessel.

2. ARECIBO, P.R., OBSERVATORY, $3,300,000

House action

The House Committee recommended that resurfacing the telescope be deferred in order to curtail spending in FY 1970, and to permit the new Director of NSF to determine priorities in the whole field of astronomy and examine the Arecibo facility within that context.

Reasons for Senate restoration

The field of radio astronomy—the utilization and study of radio waves to increase man's understanding of the universe—is one of the most productive and promising fields

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in science today. As is the case with basic science investigations in general, a timetable of specific practical results cannot be forecast for such work. But if the history of science and technology can be taken as a guide, then the ultimate benefits for mankind are likely to be considerable—even though they may occur in ways that cannot be envisioned today.

Two years ago a distinguished panel of experts, convened by NSF to set priorities for radio astronomy instruments, called for the resurfacing of the Arecibo reflector as a matter of the highest priority. In response to an inquiry from the Special Subcommittee on the National Science Foundation, the Director of NSF stated on June 3, 1969 that "the new Arecibo surface is the outstanding major improvement in U.S. radio astronomy capability which can be done at the lowest cost and earliest completion date." If the resurfacing is deferred for one or more years, the effectiveness of the nation's radio astronomers would be significantly lowered. Lack of adequate instrumentation would not only curtail the production of research results in this area, but also might induce trained specialists to start leaving the field, and graduate students not to enter it in the first instance. Accordingly, the committee recommends authorization of appropriations for $3,300,000 for resurfacing the reflector at Arecibo, Puerto Rico.

3. INTERDISCIPLINARY RESEARCH PROGRAM, $10 MILLION

House action

The House Committee recommended that this proposed new program be cut $4 million (from $10 million to $6 million). The House Committee believed that NSF should proceed with discretion and support only the most promising proposals in this new area.

Reasons for Senate restoration

This new program has been designed to provide a means for funding interdisciplinary research on problems relevant to society. Many of the problems confronting society to which science and technology are especially relevant cannot be effectively approached on narrow disciplinary lines. Resolution of these problems requires the fusing together of contributions from a variety of fields in the physical, biological, and social sciences, as well as relevant professions such as law, medicine, and public administration. Unfortunately, the broad approaches which are necessary often cannot be appropriately sponsored within the scope and constraints of particular mission-oriented government agencies. Hence the need for this new NSF program to provide a government focal point for such efforts.

Moreover, there is a great need to involve the universities more fully in efforts to grapple with the pressing problems of society. Their inadequate involvement in the past has been a major contributory factor to the widespread student unrest prevalent today. This new program will enable NSF to stimulate the university community to turn its talents to these sorts of problems in the form of coordinated, interdisciplinary projects.

The potential contribution of this program in providing society with a foundation of understanding and reliable information from which these problems can be approached may prove of inestimable value in the critical years ahead. The unmet domestic needs of the nation are so vast—in education, pollution, transportation, urban affairs, nutrition, etc.—that promising approaches of wide applicability, such as this program, should be pursued without undue delay. Accordingly, the committee recommends that the Senate authorize appropriations for the full $10 million requested for this program.

4. NATIONAL REGISTER OF SCIENTISTS AND ENGINEERS, $1,315,000

House action

The Committee recommended deleting $245,000 for expanded coverage of the National Register of Scientists and Engineers, questioning whether the emergency preparedness function of the register was still as urgent as it was during World War II when the register was established. Instead of the requested expansion, the Committee recommended a study to review the functions of the register.

Reasons for Senate restoration

The National Register of Scientists and Engineers was established during World War II to provide planning data necessary for effective utilization of the nation's scientific and engineering manpower in a time of national emergency. Since the Foundation assumed responsibility for the register in 1953, it has updated the information in it biennially, and has used the information to perform various studies of scientific and engineering personnel for national science planning purposes. Although at the time of the last registration in 1968, the register contained the names of approximately 50 percent of the scientists in the country, it included only about 10 percent of the engineers. In the scheduled registration in fiscal year 1970, the Foundation wishes to update the register and expand the coverage, primarily to include a much larger portion of the engineering community.

Because of their extensive training and unique skills, the nation's scientists and engineers constitute a major national resource that should be channeled in directions consonant with the national interest. While the Committee endorses the recommendation of the House Committee on Science and Astronautics that NSF reexamine the function of the register with respect to emergency planning, the importance of the register data for national science policy purposes is clear. Accordingly the Committee recommends that the Senate authorize the requested appropriation of $1,315,000 for National Register activity in FY 1970, thereby permitting the planned expansion in register coverage.

EXHIBIT B

I. COMMITTEE ACTION

A. Chronology

On April 18, 1969, Senator Prouty introduced, S. 1856 and Senator Kennedy introduced S. 1867, both bills intended to authorize appropriations for the National Science Foundation. The bills were referred to the Committee on Labor and Public Welfare. On May 7, 1969, the Special Subcommittee on the National Science Foundation conducted a hearing on the bills. The Committee on Labor and Public Welfare met in executive session on July 1, 1969, and unanimously reported S. 1857, with an amendment in the nature of a substitute.

B. Summary

The purpose of S. 1857 is to authorize appropriations to the National Science Foundation for fiscal year 1970 in the amount of $487,150,000 out of money in the Treasury not otherwise appropriated and $3 million in foreign currencies which the Treasury Department determines to be in excess to the normal requirements of the United States. Since $10 million has already been authorized for the national sea-grant program to be administered by NSF (under Public Law 89–688, as amended), enactment of S. 1857 would provide NSF with a total authorization for fiscal year 1970 of $500,150,000.

C. Addition to authorization amount requested ($150,000)

The Foundation originally requested $150,000 in fiscal year 1970 for its State and local intergovernmental science policy planning program. The testimony and prepared statements for the record pointed up the potential importance of this program. In effect the program provides small amounts of seed money to stimulate and assist State governments in fostering the more effective application of science and technology in promoting progress within their jurisdictions. In response to inquiry from the Special Subcommittee on the National Science Foundation, the NSF indicated that it could effectively utilize an additional $150,000 over the original request. Because of the potential importance of this program and the growing interest among the States in participating in it, the committee recommends that the Senate authorize appropriations of $300,000 for this program in fiscal year 1970.

D. Overall funding level

While the authorization of $487,150,000, plus $3 million in excess foreign currencies, recommended by the Committee on Labor and Public Welfare is $150,000 more than the administration request to the Congress, it is almost $118 million less than the original National Science Foundation request to the Bureau of the Budget, before it was reduced by the previous administration. In its subsequent review of the Federal budget, the present administration left the National Science Foundation budget item intact, recognizing the importance of this program to the national welfare. In effect this year's request is an attempt to restore the Foundation's level of 2 years ago, as can be seen from the table below.

Fiscal year	Budget request	Appropriations
1966	$530,000,000	$479,999,000
1967	525,000,000	479,999,000
1968	526,000,000	495,000,000
1969	500,000,000	400,000,000

The Committee on Labor and Public Welfare recognizes the current necessity for fiscal restraint to help counteract the inflationary influences operating on the economy. Nevertheless, the committee concurs with the decisions of the Johnson and Nixon administrations in concluding that it is in the national interest to restore the NSF budget to its fiscal year 1968 level. The reasons for this conclusion are as follows:

If the Senate approves the NSF authorization for fiscal year 1970 of $490,150,000, as recommended, the Foundation will be barely able to keep pace with the mounting pressure of urgent national demands for research and education in science and engineering. It is very much in the national interest that NSF does manage at least to keep pace with those demands. Although the various programs of the National Science Foundation are, for the most part, undramatic and not readily understood by the layman, their potential importance to the national security and welfare should not be underestimated. The reservoir of scientific knowledge, technical know-how, and skilled professional manpower developed with the assistance of those programs provides the Nation with resources of incalculable value that strongly influence the development of all other national programs, from national security and economic growth to better education, health, and well-being for all our citizens.

At the same time it must be recognized that scientific progress is not a spigot that can be turned on and off again at will. Scientific research requires an unusual degree of continuity to achieve results of maximum value. Major fluctuations in scientific programs and projects disrupt and impede progress in science to a much greater extent than would be the case in most other fields. Similarly the effective development of scientific and engineering manpower demands a high degree of continuity in educational programs and opportunities. If undergraduate and graduate students, and even young postdoctoral scientists must interrupt their education in science or engineering for lack of opportunities, it is rare that they can ever return to such arduous intellectual pursuits in the future. Thus, their previous educational investment is largely wasted, and the Nation loses their creative, productive potential for the future.

It is for these compelling reasons that the committee recommends that the Senate authorize appropriations to the National Science Foundation for fiscal year 1970 of $487,150,000, plus $3 million in excess foreign currencies.

E. Expiration of authorizations

Section 3 of S. 1857 amends the National Science Foundation Act of 1950, as amended by Public Law 90–407 (82 Stat. 360), to provide that all outstanding unfunded authorization would automatically expire at the close of the third fiscal year after the fiscal year for which the authorization was enacted.

F. Information for Congress

Section 6 of S. 1857 (which is identical to sec. 5 of the House authorization bill, H.R. 10878) requires National Science Foundation to keep the Senate Committee on Labor and Public Welfare and the House Committee on Science and Astronautics fully and currently informed of all the activities of the Foundation. The desirability of this provision arises from the unique status and role of science and technology in our society. For the layman—and when it comes to science and technology most Members of Congress must be viewed as laymen—scientific and technical programs are extremely difficult to comprehend. Indeed, it was partially to improve such comprehension that the National Science Foundation Act was revised last year to require annual review by a legislative committee. The committee believes this provision for full and current information will facilitate this important communication process between the scientific community and the Congress.

It should be emphasized that the inclusion of section 6 in the bill in no way adversely reflects on the past or present record of NSF in this respect. On the contrary, the Foundation, under its two distinguished Directors to date, has been exceptionally helpful and cooperative in its dealings with Congress in general, and with the Committee on Labor and Public Welfare in particular.

While it is not possible to foresee all the circumstances regarding which the committee should be kept informed, it is possible to identify certain items of interest to the committee. Included, for example, are proposed changes in the Foundation's budget or programs as presented to the committee, contemplated transfers of projects or programs from other agencies to the Foundation, or major program accidents, and in particular those involving loss of life.

II. COMMITTEE VIEWS

A. NSF sponsorship of transferred projects

In fiscal year 1970, the Foundation's budget request includes $19 million in projects taken over by the Foundation from other agencies, primarily the Department of Defense, because these agencies are cutting back in their support of basic research in astronomy and nuclear and particle physics as not being directly relevant to their mission requirements.

The committee is concerned that heretofore it has been the accepted policy that mission agencies should support basic research both to improve the quality of their work and to provide a proper research base for long-term mission objectives. To say that they are now supporting research only most relevant to their missions implies a shift in this policy. Consequently, this action has implications for the long-term support of basic research from a national point of view, and in particular upon the operations of the National Science Foundation.

The committee does not intend to imply that such transfers are necessarily detrimental to the NSF mission and programs. However, such transfers should not be made on an unquestioning basis. Each proposed transfer should be carefully and objectively examined to determine whether it contributes to, or detracts from, the overall NSF program. As a result of section 6 of the bill, the committee will have an opportunity to discuss such transfers with NSF prior to their approval.

B. Scientific priorities

The Nation's scientific leadership is confronted with the difficult problem of scientific priorities: of choosing and periodically recasting the proper balance among the Nation's investments in research, development, and engineering; between basic and applied research; and among disciplines, fields, and subfields of science and engineering. As long as available funds and the expansion in scientific manpower kept pace with scientific progress, these problems never became overly pressing. But now, and through the foreseeable future, the potential for scientific progress exceeds the anticipated funds and manpower that will probably be available. The recurring necessity for hard choices among competing programs and projects—all of which may be desirable in themselves—will increasingly characterize the scientific enterprise. Insofar as such choices were necessary in the past, they were based largely (and successfully) on the personal judgment of the Nation's scientific leaders. But the complexity of choice that is increasingly characterizing such decisions precludes reliance on ad hoc choices solely on the basis of personal judgment. It is imperative for NSF to continue and intensify its efforts to promote the development of more effective methods and criteria for allocating scientific resources on a more scientific basis, while at the same time identifying and delineating those factors and decisions to be determined within a broader context of public policy by the Nation's political leadership.

C. Applied research in the national interest

Last year's revision to the NSF Act authorized the Foundation to initiate and support applied research at academic and other nonprofit institutions; and, when so directed by the President, to support through other appropriate organizations (including industrial organizations) applied scientific reseach relevant to national problems involving the public interest. Even prior to last year's amendments to the act, NSF had effectively undertaken major national programs with significant applied components in areas such as weather modification and the marine sciences. The committee recommends that NSF build on its excellent record in this regard by taking whatever steps may be necessary to prepare itself to respond effectively to future Presidential assignments or self-initiated programs of this sort. For example, it might prove useful to identify and delineate specific areas in which NSF could make important contributions through such programs to the fulfillment of the Nation's unmet domestic needs and the resolution of the pressing problems of society. The proposed new interdisciplinary research program should, of course, assist the Foundation in achieving these objectives.

D. Coordination of educational programs

The responsibilities of the Committee on Labor and Public Welfare cover a number of educational programs other than those conducted by the National Science Foundation. Accordingly the committee wishes to emphasize the importance it attaches to NSF continuing to maintain effective coordination regarding its educational programs with the Department of Health, Education, and Welfare.

E. National distribution of support

Section 3(e) of the National Science Foundation Act provides that in exercising the authority and discharging the functions of the statute in pursuit of the objective of strengthening research and education in the sciences, the National Science Foundation shall "avoid undue concentration of such research and education." The committee wishes to reemphasize its concern that this stipulation be adhered to by the NSF in order that all sections of the Nation might equitably participate in the strengthening of the sciences envisioned by the law.

Mr. PROUTY. Mr. President, after careful deliberation, Congress revised the National Science Foundation's organic statute by the passage of Public Law 90–407 in July 1968. This act assigned new areas of responsibility to the Foundation, including the authorization to initiate and support applied research in academic institutions; broadened authority for carrying out certain important activities in international science and computers for research and education; and strengthened the Foundation's organizational structure.

In my view, perhaps the most important provision of the 1968 act was the one relating to the new channels of communication opened between the NSF and Congress by the requirement of an annual report from the National Science Board and specific authorizations for Foundtion appropriations.

In accordance with this new legislative framework, I introduced for the administration on April 18 a bill to authorize appropriations for the Foundation for fiscal year 1970. At the time I remarked that it seemed desirable to provide authorization for the general purposes of the Foundation.

I considered this general authorization important in that it provides the Foundation the maximum degree of flexibility to use its resources to best fulfill its mandate. To lock in the authorizations for appropriations would seem unduly restrictive.

I am pleased that my recommendation for a general authorization was accepted by the distinguished chairman of the Subcommittee on the National Science Foundation (Mr. KENNEDY) and is embodied in his bill, S. 1857, now before the Senate.

In addition to the authorization of $487 million requested by the National Science Foundation for its fiscal year 1970 activities, the subcommittee and full Committee on Labor and Public Welfare have added an additional $150,000 to expand the Foundation's State science program.

This is a pilot program to help States and local governments find ways to employ science and technology in solving local problems. Because of the importance of this program and the need to involve more States in this effort, the committee recommended that the program be expanded. The Committee on Science and Astronautics in the other body made a similar recommendation and additional authorization.

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In addition to this $487,150,000, S. 1857 also authorizes the NSF to spend abroad up to $3 million in excess of foreign currencies. Also the Foundation has been previously authorized an additional $10 million for the national sea grant program under Public Law 89-688. Thus under S. 1857, the Foundation would have a total authorization for fiscal year 1970 of $500,150,000.

As the committee report on S. 1857 indicates, this amount is almost $118 million less than the original NSF request to the Bureau of the Budget and this sum requested by both the Johnson and Nixon administrations is an attempt to restore the Foundation's funding level of 2 years ago when the fiscal year 1968 appropriations were $495 million.

The fiscal year 1969 appropriations for the Foundation amounted to only $400 million and this cutback slowed scientific research and education throughout our Nation.

If we fail now to restore an adequate level of funding for the Foundation, I fear, we will seriously impair our scientific education and research capacities. I wish to remind Senators that the Subcommittee on the National Science Foundation and the Committee on Labor and Public Welfare, unanimously concurred with the budget recommendations of both the Johnson and Nixon administrations and reported a bill to authorize funding at a level which only slightly exceeds the fiscal year 1968 expenditures.

However, it is fruitless to argue for this authorization measure without a simultaneous plea for favorable consideration of the needs of the Foundation with respect to appropriations.

At this time I urge not only the passage of this authorization measure but full appropriations consonant with this authorization.

Equally important with the amount of funds authorized and appropriated is the manner in which the funds are spent. The committee report on S. 1857 reemphasizes the committee's concern about the national distribution of support for science education and research. The language included in the report at my request says:

> Section 3(c) of the National Science Foundation Act provides that in exercising the authority and discharging the functions of the statute in pursuit of the objective of strengthening research and education in the sciences, the National Science Foundation shall "avoid undue concentration of such research and education". The Committee wishes to re-emphasize its concern that this stipulation be adhered to by NSF in order that all sections of the nation might equitably participate in the strengthening of the sciences envisioned by the law.

I feel this reemphasis essential and I am reminded of a comment by the late Representative Albert Thomas, of Texas, during hearings on the fiscal year 1964 NSF budget. Referring to States with low numbers of fellowship holders he said:

> There is not that much difference in human nature, gentlemen, if you give these people the same opportunity, they will go places too.

Pursuant to my questioning during this subcommittee's hearings on May 7, Dr. Leland Haworth, the Director of the Foundation, assured me that the Foundation was proceeding to strengthen science departments in smaller universities throughout the country. I trust that the language of the committee report will provide an additional stimulus to the Foundation to more evenly distribute its support among the States.

At the outset of my remarks, I indicated the beneficial new channels of communication opened by the National Science Foundation Act of 1968. You will note that section 6 of the bill now before us requires the Foundation to keep the appropriate committees in the House and Senate "fully and currently informed" with respect to all of the activities of the Foundation. As the committee report clearly states, inclusion of this language does not imply any dissatisfaction with the past or present record of NSF, but instead authorizes a continuing exchange of information and close oversight of the diverse activities of the Foundation.

The hearings on the authorization bill proved most informative. I would be remiss if I failed to say that the subcommittee has been characterized by harmony and cooperation. The unanimity of our decision on this bill reflects this mood and our concurrence in the need for adequate support of the essential funding of the National Science Foundation. I would urge Senators to support the measure and carefully consider the need to restore appropriations for the Foundation to their fiscal year 1968 level. Dr. Phillip Handler, Chairman of the National Science Board and president-elect of the National Academy of Sciences, spoke eloquently of the need for solid support of scientific research and education in the May 7 hearings. I shall conclude my remarks by quoting his urgings:

> It is almost platitudinous, now, to say that science is the hallmark of the culture of these United States, the hallmark of the 20th century. Yet, it is no less true. Science is surely the leverage which our society has developed for shaping its future and for making the condition of man, at home and abroad, better than we have ever known it in the past.
>
> History certainly bears out that contention. Today our Nation is stronger, healthier, and wealthier than it ever has been before, very largely because we have learned how to apply the findings of science for development of technologies which enrich all aspects of American life.
>
> As a working scientist, I personally might wish that we could justify the scientific endeavor exclusively on its cultural merits, since all of us can enjoy the intellectual concepts of science and what these reveal of the nature of the universe and the nature of man. But I am well aware of the fact that it is most unlikely that the American people would support science even on the scale which we now do, on that basis alone. Nor is that necessary. We spend more on science as a nation than we do on art, largely because science has demonstrated that it is useful to our society. We have every reason to think that it will continue to be so in the future.
>
> As our Nation goes about supporting fundamental research at the universities, Federal laboratories, and nonprofit institutions, the scientific community can offer no guarantees, no promises, that tomorrow's findings will be translated into direct human applications. But the corpus of scientific understanding has doubled in each decade for more than a century. That fact, of itself, is evidence that our ignorance has exceeded our understanding by a wide margin. We have every reason to believe that that is still true at the present time.
>
> I know of no reason to believe that the scientific findings of tomorrow will be any less useful than those of yesterday. That is an article of faith. It is the only one we can offer to you as we ask your support of the fundamental scientific endeavor.

Mr. YARBOROUGH. Mr. President, I rise in support of the National Science Foundation Act Amendments of 1969. This is to authorize the continued work of the Foundation in the fields of scientific research, science information, and international science activities, as well as educational activities in both the pure and social sciences.

The Subcommittee of the Committee on Labor and Public Welfare on the National Science Foundation under the very able chairmanship of the distinguished senior Senator from Massachusetts has worked with great diligence to bring this bill to the Senate and I commend their efforts.

As the committee report shows in greater detail, the bulk of the spending which is being authorized is for the support of scientific research and for science education activities. We need to continue this work and enable research to be done in the civilian sector of our economy. We need to spend more of our research funds on activities which will better conditions on earth. And I wish that we were able to increase the funds which this Foundation has to spend. However, due to budgetary restrictions, we are only authorizing an amount equal to last year.

Every State in the Union and dozens and dozens of institutions of learning benefit by receiving research grants from the National Science Foundation. This work should be allowed to continue. I hope the Senate will pass this important legislation.

Mr. COOPER. Mr. President, the Senate today considers the bill S. 1857, a bill to authorize appropriations for activities of the National Science Foundation. I would like to draw the attention of my colleagues to a provision in this bill to provide $5 million for the support of the international biological program. The international biological program represents the first large-scale ecological research activity on biological productivity and the biological basis of human welfare. It is essential that research of this character be supported and greatly increased if we are to meet the challenge of environmental quality with which we are faced. Time and time again in testimony before the Senate Committee on Public Works on various aspects of environmental quality—whether it be air or water pollution, rivers and harbors projects, or Federal highway projects, we receive testimony that the scientific data is simply not available to enable us to make valid judgments on the environmental impact of these programs and activities. We cannot, as we move into the seventh decade of the 20th century with its growing population and immense technology make wise decisions unless we have such research available.

I, therefore, hope that my colleagues will support this provision in the bill. Second, I would like to take this opportunity to invite the attention and support of my colleagues to a resolution introduced by Senator Muskie and which I cosponsor, Senate Joint Resolution 89 supporting the IBP, which is currently pending before the Committee on Labor and Public Welfare. I would hope that this resolution will be adopted by the Senate during this session. With unanimous consent I would like to insert at this point in the Record an editorial on the international biological program by Edward Deevey, currently president of the Ecological Society of America that appeared in the journal BioScience.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Why an International Biological Program?

(By Edward S. Deevey, Yale Unversity)

For all animals and for man, today's material resources are tomorrow's garbage, and vice versa. Waste, therefore, does not exist. Living systems move matter around, into and out of many sources and sinks, but they do not create matter, or destroy it. Eventually, plants remake what we call resources out of what we call garbage. The energy they need to do this is captured from sunlight.

Most resources used by man are chemically reduced. Food, iron, and gasoline are examples. When they are used, oxygen is added to their molecules, and they gain weight. Therefore, the more resources are used, the faster the total weight of garbage increases. Fortunately, in turning oxidized compounds that were garbage into reduced compounds that are resources, plants restore the oxygen to the atmosphere.

Human societies are now so large, so complex, and use resources so rapidly, that they are in danger of drowning in their garbage. The problem is inescapable; there is no rug under which it can be swept. All sinks are temporary; like cesspools, they have a way of becoming septic when overloaded. "Waste resources" have seriously polluted the Great Lakes, and even the ocean cannot process all the garbage it now receives.

Most men understand these matters in principle. In detail, nobody understands them well enough. Partly, this is because living systems are amazingly complex and are turning out to be interlocked in unexpected ways. In addition, the pace of technological progress has intensified the need for understanding. Human ingenuity creates so many "new" resources, and they become garbage so quickly that old ways of handling garbage can no longer be counted on. Meanwhile, the old, familiar pollutants—silt in our reservoirs, manure on our farms, carbon and sulfur compounds in our air—pile up on an unprecedented scale and overflow the sinks that used to contain them.

When garbage is smoothly converted to resources, we speak of a system's "output" as "production." When interruptions occur in the same systems, we call the pileups "pollution," and notice that "production" is declining. Pollution, then, is deflected production. It can be channeled or controlled, but as every material pollutant is a potential resource, none can be eliminated entirely. Pollution is the internal friction of productive systems, part of the cost of maintaining output.

The International Biological Program is devoted to understanding the biological basis of human welfare. Because it is an international research program, operated in more than 70 countries, it emphasizes those kinds of biology that demand information from a global "field." These include human genetics and nutrition, human responses to stressful environments, transport of airborne spores and pathogens, colonization of islands and of distributed environments, and others not yet fully formulated. None is more important than the one the US-IBP Committee has chosen as central: Analysis of Ecosystems. It is central because it focuses on man's central problem, as a dweller in environments: the relations, in depth and detail, between pollution and production.

Analysis of Ecosystems is not less international than other components of IBP. In the United States, however, it differs both in scope and in emphasis from its counterparts in other countries. In much of the world, where more food is man's paramount need, the emphasis logically falls on production. In the United States, as in other developed countries, production has been reasonably adequate, at least up to now, and the emphasis falls instead on pollution. In the ecological view, however, these problems are inseparable. Today's productive systems are always polluted in some scene; it is *intensified* pollution that short-circuits production, behaving exactly as a cancer in the system. The objective of Analysis of Ecosystems is to understand living systems well enough to recognize such cancers before they start.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 392 and the remainder of the calendar, in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the items on the calendar, beginning with Calendar No. 392.

SERVICEMEN'S GROUP LIFE INSURANCE AMENDMENTS ACT OF 1969

The bill (S. 1479) to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Servicemen's Group Life Insurance Amendments Act of 1969".

Sec. 2. Section 767 of title 38, United States Code, is amended to read as follows:

"§ 767. Persons insured; amount

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure any member of the uniformed service on active duty against death in the amount of $15,000 from the first day of such duty, or from the date of enactment of the Servicemen's Group Life Insurance Amendments Act of 1969, whichever is the later date, unless such member elects in writing (1) not to be insured under this subchapter, or (2) to be insured in the amount of $10,000, or $5,000.

"(b) If any member elects not to be insured under this subchapter or to be insured in the amount of $10,000 or $5,000, he may thereafter be insured under this subchapter or insured in the amount of $15,000 or $10,000, under this subchapter, respectively, upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator."

Sec. 3. Until and unless otherwise changed on or after the date of enactment of this Act, a beneficiary designation and settlement option filed by a member with his uniformed service under subchapter III of chapter 19 of title 38, United States Code, prior to such date shall be effective with respect to the increased servicemen's group life insurance coverage provided pursuant to the amendment made by section 2 of this Act, and such increased amount of insurance shall be settled in the same proportion as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect under subchapter III of chapter 19 of title 38, United States Code.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–398), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUMMARY OF THE BILL

Under present law, active duty servicemen are insured for $10,000 under the servicemen's group life insurance program unless they choose either not to be insured or to be insured for $5,000. Servicemen pay premiums based on comparable civilian mortality rates; the premium for $10,000 in servicemen's group life insurance is currently $2 per month. The Federal Government pays that portion of the cost of the insurance due to the extra hazard of active duty.

S. 1479 would increase the amount of the servicemen's group life insurance from $10,000 to $15,000.

BACKGROUND

Between 1956 and 1965 persons in active military service were not insured under Federal legislation unless they still retained Government life insurance obtained prior to April 25, 1951. With the intensification of hostilities in Vietnam, Congress enacted legislation in September 1965 providing group life insurance to servicemen on active duty. Coverage extends to all personnel on active duty (including reservists), provided they are ordered to active duty for a period of 30 days or more.

A serviceman is automatically insured for $10,000 unless he indicates in writing that he wishes either to be insured for $5,000 or not to be insured. The insurance continues for 120 days after the serviceman's separation from active duty, without additional cost to him, whether he is discharged, retired, or returned to non-active-duty Reserve status.

The indvidual serviceman's premium since 1965 has been set at $2 per month for $10,000 and $1 per month for $5,000. Of those servicemen eligible, 98.4 percent are maintaining the insurance and virtually all of these have the $10,000 maximum coverage. The low cost to individuals is made possible by insuring all members of the uniformed services under a single group insurance master contract, and by the Government bearing the cost of the extra hazard attributable to military service. This extra hazard cost is calculated on the basis of the extent to which mortality in the uniformed services exceeds the mortality in the U.S. male civilian population of the same median age.

The program is administered by a commercial primary insurer, the Prudential Insurance Co. of America, under the supervision of the Veterans' Administration. Premiums for this insurance, including its cost of administration, are deducted monthly from

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servicemen's pay and remitted by each uniformed service to the Veterans' Administration which in turn remits them to the primary insurer. All claims are paid by the primary insurer. However, in cases where there is some question as to the existence of the coverage, the Veterans' Administration makes the final decision.

The proceeds of the insurance can be paid either in a lump sum or in 36 equal monthly installments including interest on the unpaid balance. This gives an income of $296.40 monthly on $10,000 of insurance at the rate of interest now being paid. The beneficiary may choose the mode of payment unless the insured by designation restricts payments to 36 monthly installments.

The total amount of insurance in force is now $36.8 billion, of which $33.7 billion is related to 3.4 million members on active duty and $3.1 billion is related to 310,000 persons separated from the service 120 days or less.

Under peacetime conditions, the servicemen's group life insurance program would be self-supporting and would not require any Government subsidy. However, because of the casualties in Vietnam, service deaths have far exceeded peacetime levels and the Government has made substantial contributions. These are summarized in table 1.

TABLE 1.—SERVICEMEN'S GROUP LIFE INSURANCE: SOURCE OF FUNDS

[Dollars in millions]

Fiscal year	Servicemen's premiums	Government contribution	Interest	Total
1966	$52.5	$27.3	$0.4	$80.1
1967	80.2	70.1	2.0	152.3
1968	83.0	146.5	3.1	232.6
1969	83.1	111.7	3.2	198.0
Cumulative	298.8	355.6	8.7	663.1

THE BILL

S. 1479 would increase the face value of servicemen's group life insurance from $10,000. A serviceman would automatically be insured for $15,000 unless he chose to be insured for $10,000 or $5,000 or not to be insured at all. The serviceman's monthly premium would be increased proportionately (to $3 at the present rate of $1 monthly per $5,000 of insurance).

Improvement of monthly benefits for the survivors of servicemen and extension of social security coverage to servicemen have provided substantial benefits for the widows and children of men killed on active duty. But there remains a need for an adequate benefit that can be paid in a lump sum. It can enable the surviving family to pay off a debt which would have been repaid had the servicemen survived. It helps with all the substantial expenses of the family, and it can help see a child through school. It can be used to meet the unusual expenses associated with the death of the principal wage earner.

EFFECTIVE DATE

The automatic increase from $10,000 to $15,000 will be effective as of the date of enactment of the bill.

VIETNAM ERA VETERANS' LIFE INSURANCE READJUSTMENT BENEFITS ACT

The Senate proceeded to consider the bill (S. 2003) to provide a special Government life insurance program for veterans of the Vietnam era which had been reported from the Committee on Finance, with an amendment, on page 3, after line 2, strike out:

"Any eligible veteran may, within one hundred and twenty days after his discharge from active military, naval, or air service and (1) upon written application to the Administrator, (2) payment of the required premium, and (3) without meeting any requirement of good health, be granted insurance by the United States against the death of such veteran occurring while such insurance is in force.

And, in lieu thereof, insert:

Any eligible veteran who within one hundred and twenty days after the date of his discharge from active military, naval, or air service and without meeting any requirement of good health, or who within one hundred and eighty days after the date of his marriage, if such marriage occurs within five years after his discharge from active military, naval, or air service, and such marriage is his first marriage, and upon proof of good health, and who (1) makes written application to the Administrator, and (2) makes payment of the required premium, may be granted insurance by the United States against the death of such veteran occurring while such insurance is in force.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Era Veterans' Life Insurance Readjustment Benefits Act".

Sec. 2. Chapter 19 of title 38, United States Code, is amended by redesignating subchapter IV as subchapter V; by renumbering sections 781 through 788 as sections 791 through 798, respectively; and by inserting after subchapter III a new subchapter as follows:

"Subchapter IV—Vietnam Era Veterans' Life Insurance

"§ 781. Definitions

"For the purposes of this subchapter—

"(1) The term 'insurance' means Vietnam era veterans' life insurance.

"(2) The term 'widow' or 'widower' means a person who was the lawful spouse of the insured at the maturity of the insurance.

"(3) The term 'child' means a legitimate child, an adopted child, and if designated as beneficiary by the insured, a stepchild or an illegitimate child.

"(4) The terms 'parent', 'father', and 'mother' mean a father, mother, father through adoption, mother through adoption, persons who have stood in loco parentis to a member of the Armed Forces of the United States at any time before entry into active service for a period of not less than one year, and a stepparent, if designated as beneficiary by the insured.

"(5) The term 'eligible veteran' means a veteran who (A) served on active duty for a period of more than 180 days any part of which occurred during the Vietnam era and who was discharged or released therefrom under conditions other than dishonorable, or (B) was discharged or released from active duty, any part of which occurred during the Vietnam era, for a service-connected disability.

"§ 782. Applications for Vietnam Era Veterans' Life Insurance

"Any eligible veteran who within one hundred and twenty days after the date of his discharge from active military, naval, or air service and without meeting any requirement of good health, or who within one hundred and eighty days after the date of his marriage, if such marriage occurs within five years after his discharge from active military, naval, or air service, and such marriage is his first marriage, and upon proof of good health and who (1) makes written application to the Administrator, and (2) makes payment of the required premium, may be granted insurance by the United States against the death of such veteran occurring while such insurance is in force.

"§ 783. Amount of insurance

"Insurance shall be issued in any multiple of $500 and the amount of insurance with respect to any eligible veteran shall be not less than $1,000 or more than the maximum amount of insurance authorized under section 767 for persons insured under subchapter III of this chapter. No eligible veterans may carry a combined amount of Vietnam era veterans' life insurance, national service life insurance, and United States Government life insurance in excess of such maximum amount authorized in such section 767.

"§ 784. Plans of insurance

"(a) Insurance under this subchapter may be issued on the following plans: modified life, ordinary life, twenty-payment life, thirty-payment life, twenty-year endowment, endowment at age sixty, and endowment at age sixty-five. All insurance issued under this subchapter shall be participating insurance.

"(b) Under such regulations as the Administrator may promulgate, a policy of insurance of any type issued under this subchapter may be converted or exchanged for any other type insurance issued under this subchapter. Whenever a policy of insurance issued under this subchapter is converted or exchanged for a policy issued on the modified life plan, the face value of the modified life policy shall be automatically reduced by one-half, without any reduction in premium, at the end of the day preceding the sixty-fifth birthday of the insured.

"(c) Any insured whose modified life insurance policy is in force by payment or waiver of premiums on the day before his sixty-fifth birthday may upon written application and payment of premiums made before such birthday be granted insurance under this subchapter on an ordinary life plan without physical examination in an amount of not less than $1,000, in multiples of $500, but not in excess of one-half of the face amount of the modified life insurance policy in force on the day before his sixty-fifth birthday. Insurance issued under this subsection shall be effective on the sixty-fifth birthday of the insured. The premium rate, cash, loan, paid-up, and extended values on the ordinary life insurance issued under this subsection shall be based on the same mortality tables and interest rates as the insurance issued under the modified life policy. Settlements on policies involving annuities on insurance issued under this subsection shall be based on the same mortality or annuity tables and interest rates as such settlements on the modified life policy. If the insured is totally disabled on the day before his sixty-fifth birthday and premiums on his modified life insurance policy are being waived, as provided in section 712 of this title, or he is entitled on that date to waiver, as provided in such section, he shall be automatically granted the maximum amount of insurance authorized under this subsection and premiums on such insurance shall be waived during the continuous total disability of the insured.

"§ 785. Terms and conditions; premium rates

"Insurance granted under this subchapter shall be issued upon the same terms and conditions as national service life insurance, except (1) five-year level premium term insurance may not be issued; (2) the net premium rates shall be based on the 1958 Commissioners standard ordinary basic mortality table, increased at the time of issue by such an amount as the Administrator determines to be necessary for sound actuarial operations; (3) an additional premium to cover administrative costs to the Government as determined by the Administrator at times of issue shall be charged for insurance issued under this subchapter and for any total disability income provision attached thereto; (4) all cash, loan, extended and paid-up insurance values shall be based on the 1958 Commissioners standard ordinary basic mortality table; (5) all settlements on policies involving annuities shall be calculated on the basis of the annuity table for 1949; (6) all calculations in connection with insurance issued under this subsection shall be based on interest at the rate of 3¾ per centum per annum; (7) the insurance shall include such other changes in terms and conditions as the Administrator determines to be reasonable and practicable; and (8) all insurance issued under this subchapter shall be on a participating basis.

"§ 786. SURRENDER OF POLICY FOR CASH VALUE UPON REENTRY INTO MILITARY SERVICE; INSURANCE AFTER SEPARATION; WAIVER OF PREMIUMS

"(a) Any person in the active military, naval, or air service, who has an insurance contract under this subchapter, may elect to surrender such contract for its cash value. In any such case the person, upon application in writing made within one hundred and twenty days after the expiration from active service, may be granted, without medical examination, insurance under this subchapter, or may reinstate such surrendered insurance upon payment of the required reserve and the premium for the current month.

"(b) Waiver of premiums under this subchapter shall not be denied in any case of issue of insurance under this subchapter or reinstatement of insurance under this section in which it is shown to the satisfaction of the Administrator that total disability of the applicant commenced prior to the date of his application.

"§ 787. VIETNAM ERA VETERANS' LIFE INSURANCE FUND

"(a) There is created in the Treasury a permanent trust fund to be known as the Vietnam era veterans' life insurance fund. All premiums paid on account of Vietnam era veterans' life insurance shall be deposited and covered into the Treasury to the credit of such funds, which, together with interest earned thereon, shall be available for the payment of liabilities under such insurance, including payment of dividends and refunds of unearned premiums. Payments from this fund shall be made upon and in accordance with awards by the Administrator.

"(b) The Administrator is authorized to set aside out of such fund such reserve amounts as may be required under accepted actuarial principles to meet all liabilities under such insurance; and the Secretary of the Treasury is authorized to invest and reinvest such fund, or any part thereof, in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States, and to sell such obligations for the purposes of such fund.

"§ 788. VIETNAM ERA VETERANS' LIFE INSURANCE APPROPRIATION

"There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, to be known as the Vietnam era veterans' life insurance appropriation, for the payment of liabilities under Vietnam era veterans' life insurance. Payments from this appropriation shall be made upon and in accordance with awards by the Administrator.

"§ 789. APPLICABLE PROVISIONS

"The provisions of sections 706, 707, and the first sentence of section 708; the provisions of sections 709 through 711; the provisions of subsections (a), (b), and (c), and the last two sentences of subsection (d) of section 712; the provisions of sections 713 through 715; and the provisions of sections 717, 718, and 721, all of this title, shall be effective in the same manner and to the same extent with respect to Vietnam era veterans' life insurance issued under this subchapter as such provisions are applicable to national service life insurance. References in section 721 of this title to the national service life insurance fund and to the national service life insurance appropriation shall be deemed for purposes of this subchapter to refer to the Vietnam era veterans' life insurance fund and the Vietnam era veterans' life insurance appropriation, respectively."

SEC. 3. Section 795 of title 38, United States Code, as redesignated by section 2 of this Act, is amended by striking out "section 784" and inserting in lieu thereof "section 794".

SEC. 4. The table of sections at the beginning of chapter 19 of title 38, United States Code, is amended by striking out the heading

"SUBCHAPTER IV.—GENERAL

and everything below such heading, and inserting in lieu thereof the following:

"SUBCHAPTER IV.—VIETNAM ERA VETERANS' LIFE INSURANCE

"781. Definitions.
"782. Applications for Vietnam Era Veterans' Life Insurance.
"783. Amount of insurance.
"784. Plans of insurance.
"785. Terms and conditions; premium rates.
"786. Surrender of policy for cash value upon reentry into military service; insurance after separation; waiver of premiums.
"787. Vietnam Era Veterans' Life Insurance Fund.
"788. Vietnam Era Veterans' Life Insurance Appropriation.
"789. Applicable provisions."

SEC. 5. This Act shall become effective on the first day of the third calendar month following the month in which it is enacted. In any case in which an eligible veteran is discharged prior to such effective date, he shall, for purposes of section 782 of title 38, United States Code, be deemed to have been discharged on the effective date of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-399), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

The bill would establish a new Vietnam era veterans' life insurance program. Veterans of the Vietnam era (that is, those with service since August 5, 1964) would be eligible to apply for this new Government life insurance; the maximum face value would be the same as the maximum amount (presently $10,000) under the servicemen's group life insurance program for servicemen on active duty. Insurance could be issued under seven different types, all of them permanent—that is, the premium would remain the same during the life of the veteran. The insurance would be "participating"—veterans would receive dividends which could be used to pay part of their next year's premium. The premium would be waived while the veteran was totally disabled. A disability income provision could be added to the policy at the veteran's option. Appropriations would repay the Vietnam era veterans' life insurance trust fund for the cost of both excess mortality and waiver of premiums which are traceable to the extra hazard of military, naval, or air service.

BACKGROUND

Ever since the War Risk Insurance Act of 1917 it has been recognized that the Government has a special role in meeting the insurance needs of servicemen, who are exposed to a substantially higher risk of death than their civilian counterparts. And between World War I and the Korean war, the Federal Government provided its veterans with an opportunity to purchase up to $10,000 in low cost Government life insurance. The U.S. Government life insurance program had its origin in World War I. The national service life insurance program was established in 1940 to handle the insurance needs of World War II servicemen and veterans. Veterans' special life insurance was established for Korean veterans. But since 1956, only veterans with a service-connected disability have been able to purchase Government life insurance.

Under present law a serviceman on active duty may be insured for $10,000 in servicemen's group life insurance for which he pays a premium of $2 monthly. This insurance protection continues without further premium payment for 120 days following his separation from service. Within this 120 days, he may purchase a commercial insurance policy from any of about 600 commercial companies without a medical examination. He is guaranteed the right to purchase this insurance at standard commercial rates. This is a clear advantage for the veteran who was disabled in service, but it presents no advantage to the veteran in good health, since any civilian could purchase the same policy at the same rate. Thus only a veteran who was disabled in service receives advantageous treatment under present law.

The committee bill would establish a new program of low-cost Vietnam era veterans' life insurance available to all discharged veterans whether disabled or not. The bill would in no way restrict the right of the veteran to purchase commercial insurance as under present law; it would merely afford him the opportunity of purchasing Government life insurance.

ELIGIBILITY

Under the committee bill any veteran who has served on active duty for at least 6 months, any part of which occurred during the Vietnam era (that is, after August 5, 1964) who was discharged under conditions other than dishonorable, would be eligible to apply for Vietnam era veterans' life insurance. If he served for less than 6 months, but was discharged or released from active duty for a service-connected disability, he would also be eligible.

Any eligible veteran could apply for the insurance within 120 days after his discharge from active duty. Veterans who have already completed their active duty before the bill is enacted would have 120 days from the date of enactment of the bill.

If a veteran has not chosen to apply for Vietnam era veterans' life insurance within 120 days after his discharge, he would have an additional opportunity under the bill as reported if he marries for the first time within 5 years of his discharge. He would then be able to apply within 6 months of this marriage, providing he could show that he was in good health.

AMOUNT OF INSURANCE

Vietnam era veterans' life insurance can be issued in multiples of $500, with a minimum amount of $1,000 and a maximum amount equal to the maximum amount of servicemen's group life insurance that a serviceman on active duty may be insured. Under present law this maximum amount is $10,000; under S. 1479 reported by the Finance Committee the limit would be raised to $15,000, and in combination with S. 1650, a bill reported by the committee which would

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provide double indemnity coverage in combat areas and for extrahazardous duty, the maximum would be raised to $30,000. Thus if all three bills became law as reported by the Finance Committee, the maximum amount of Vietnam era veterans' life insurance would be $30,000.

If the veteran already has national service life insurance or U.S. Government life insurance, the total insurance under all three programs could not exceed the maximum amount of servicemen's group life insurance.

The face value would be paid in one sum, or in a number of monthly installments under several different kinds of arrangements. Unless the insured elected otherwise, the insurance would be paid in 36 monthly installments.

PLANS OF INSURANCE

Seven different plans of insurance would be available in the Vietnam era veterans' life insurance program. Each of these plans is designed to fit some specific need of the insured. All plans are "permanent"—that is, the premiums remain the same throughout the life of the insured. Unlike national service life insurance for World War II veterans, Vietnam era veterans' life insurance would not be available on a term insurance basis. While term insurance is the most economical kind of insurance, the premiums for the same amount of insurance rise as the insured gets older, and the increases are substantial and even prohibitive in many cases after age 50 or 60. Faced with sharply increased premiums in their term insurance, many older World War II veterans find it difficult to understand the increasing cost of insurance protection, and they have criticized rate increases based on sound actuarial calculations. It was to avoid this problem that the committee bill provides only insurance plans under which premiums will not increase.

Modified life.—Modified life is the lowest premium plan of Vietnam era veterans' life insurance. Its low price is made possible by the fact that the face value of the insurance decreases by half at age 65, when most peoples' insurance needs are lower. For example, a $10,000 modified life policy would pay $10,000 in the event of death before age 65, but only $5,000 in the event of death after age 65.

Ordinary life.—The ordinary life policy provides insurance protection by the payment of a fixed premium throughout the lifetime of the insured. Like all other plans of Vietnam era veterans' life insurance, the ordinary life policy has cash, loan, paid up, and extended insurance values beginning with the first, policy year.

Twenty-payment life.—The 20-payment life policy provides insurance protection throughout the lifetime of the insured by the payment of a fixed premium for 20 years. At the end of the 20-year period premium payments cease, but the insurance continues in force and guaranteed values continue to accumulate.

Limited payment life policies are designed for those who desire protection for their whole life but who wish to eliminate premium payments after their earning power has been reduced, or has ceased altogether.

Thirty-payment life.—The 30-payment life policy is similar to the 20-payment life policy except that the fixed premium is payable for 30 years. Its practical uses are similar to those of the 20-payment life. Because of its longer premium period, its cost is less than 20-payment life and not much greater than ordinary life.

The premiums at selected ages for each of these four policies are shown on table 1.

TABLE 1.—MONTHLY PREMIUMS FOR $10,000 LIFE INSURANCE UNDER S. 2003

Age	Modified life	Ordinary life	20-payment life	30-payment life
20	$4.92	$6.42	$10.12	$8.02
25	5.82	7.72	11.82	9.42
30	7.12	9.42	13.92	11.14
35	8.72	11.72	16.52	13.22
40	10.72	14.82	19.72	16.32

Source: Veterans' Administration.

Twenty-year endowment.—An endowment policy is one where the face amount is payable either at death or at the end of the endowment period if the insured survives. Endowment policy premiums are considerably higher than ordinary life insurance because a large portion of the premium represents cash savings, and the insurance value of the policy is correspondingly less.

Under a 20-year endowment, the period of coverage is 20 years. At the end of this time, if the insured is still alive the face amount is payable.

Endowment at age 60.—Under this plan of insurance, the endowment period extends from the initiation of the plan to age 60.

Endowment at age 65.—This kind of plan is similar to the endowment at age 60 plan except that the endowment period ends at age 65.

Premiums at selected ages for the three endowment plans are shown in table 2.

TABLE 2.—MONTHLY PREMIUMS FOR $10,000 LIFE INSURANCE FOR ENDOWMENT POLICIES UNDER S. 2003

Age	20-year endowment	Endowment at age 60	Endowment at age 65
20	$29.12	$10.72	$9.02
25	29.32	13.42	11.22
30	29.52	17.22	14.02
35	30.12	22.72	18.22
40	31.32	31.32	24.22

Source: Veterans' Administration.

PREMIUM RATES

Like national service life insurance, Vietnam era veterans' life insurance would be participating insurance. This means that veterans would receive dividends under the insurance program. These dividends could be applied against the next year's premium. This would assure that Vietnam era veterans' life insurance would be offered veterans at the lowest possible cost. The veterans' special life insurance offered Korean war veterans, by way of contrast, is nonparticipating. The extra funds which have accrued over the years under this program are not returned to the veterans who paid them.

To assure that the premium rates are reasonable, the committee bill would require that the rates be based on fairly recent mortality experience. In addition, the premium rates would have to assume an annual interest rate of 3¾ percent. This is higher than the 3½-percent interest rate written into the law for the most recently enacted GI insurance, but it is the rate used by the Chief Actuary of the Social Security Administration in his most conservative long-range estimate of the interest yield on Government securities. These are the same kinds of securities that the Vietnam era veterans' life insurance trust fund would be required to invest in. The committee believes we can put our confidence in the actuarial estimates that serve as the basis for the Congress' actions to finance the social security program which offers protection to more than 90 percent of our population.

The premium would also include the cost of administration of the program as it did for the 1965 reopened national service life insurance program.

Rates under Vietnam era veterans' life insurance would be substantially lower than comparable commercial insurance rates. Table 3 compares rates under Vietnam era veterans' life insurance with average rates for the same kinds of policies charged by several large nonparticipating companies.

TABLE 3.—COMPARISON OF MONTHLY COST OF $10,000 VIETNAM ERA VETERANS' LIFE INSURANCE POLICY WITH APPROXIMATE MONTHLY COST OF $10,000 COMMERCIAL POLICY

	Vietnam era veterans' life insurance rate	Commercial rate [1]
a) Ordinary life insurance:		
Age 20	$6.42	$10.21
Age 25	7.72	11.80
Age 30	9.42	13.90
Age 35	11.72	16.57
Age 40	14.82	20.00
(b) 20-payment life insurance:		
Age 20	10.12	17.43
Age 25	11.82	19.53
Age 30	13.92	22.02
Age 35	16.52	24.96
Age 40	19.72	28.44
(c) 20-year endowment:		
Age 20	29.12	27.75
Age 25	29.32	37.94
Age 30	29.52	38.26
Age 35	30.12	38.85
Age 40	31.32	39.84
(d) Endowment at age 65:		
Age 20	9.02	13.72
Age 25	11.22	16.28
Age 30	14.02	19.68
Age 35	18.22	24.50
Age 40	24.22	31.13

[1] These are not the actual rates of any particular company; they are the average rates of several large nonparticipating companies.

Source: Veterans' Administration.

DISABILITY PROVISIONS

A veteran who becomes totally disabled before age 65 for at least 6 months would have his insurance continued on a premium-free basis as under national service life insurance for the duration of his disability. Servicemen who became totally disabled while on active duty would be eligible for Vietnam era veterans' life insurance on a premium-free basis after their discharge, as long as they remain totally disabled.

A veteran could purchase disability insurance in addition to life insurance. If he became totally disabled he would receive a monthly payment of $10 for each $1,000 of Vietnam era veterans' life insurance held.

The cost of both excess mortality and the waiver of premiums for disability traceable to the extra hazard of service would be borne by the Government and would not be reflected in the premiums paid by veterans.

VIETNAM ERA VETERANS' LIFE INSURANCE FUND

The committee bill establishes a Vietnam era veterans' life insurance fund in the Treasury. This trust fund like the trust funds for other Government life insurance programs will have deposited in it the veterans' premiums as well as amounts from the Vietnam era veterans' life insurance appropriation. Benefit payments will also be made from this fund. Amounts not required for reserves and insurance liabilities will be invested in interest-bearing obligations of the United States or in obligations guaranteed as to principal and interest by the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE IN DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVORS OF SERVICEMEN AND VETERANS

The Senate proceeded to consider the bill (S. 1471) to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes which had been reported from the Committee on Finance with amendments, on page 2, after line 6, strike out:

"(c) If any widow is entitled to dependency and indemnity compensation under subsection (a) and is in need of regular aid and attendance, the monthly rate of dependency and indemnity compensation payable to her shall be increased by $50.

And, in lieu thereof, insert:

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person and by an additional $25 if the death of her deceased husband resulted from an injury or disease received as a direct result of armed conflict or while engaged in extrahazardous service.

On page 3, after line 21, strike out:

Sec. 4. Section 410(a) of title 38, United States Code, is amended to read as follows:

"(a) The Administrator shall pay dependency and indemnity compensation to the widow, children, and parents of any veteran who dies (1) after December 31, 1956, from a service connected or compensable disability, or (2) while in receipt of or while entitled to receive compensation for a service-connected disability which was permanently and totally disabling for twenty years or longer. The standards and criteria for determining whether or not a disability is service connected shall be those applicable under chapter 11 of this title. The provisions of this chapter shall not apply where the death of a veteran occurs as a result of accidental causes having no relationship to his service-connected disability."

And, in lieu thereof, insert:

Sec. 4. Section 322 of title 38, United States Code, is amended by (1) inserting "(a)" immediately before "The"; and (2) adding at the end thereof the following subsections:

"(b) The monthly rate of death compensation payable to a widow under subsection (a) of this section shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person and by an additional $25 if the death of the veteran resulted from an injury or disease received as a direct result of armed conflict or while engaged in extrahazardous service."

On page 4, after line 23, insert a new section, as follows:

Sec. 5. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting "(1)" immediately after "unless", and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "or (2) the total amount payable to the widow, children, or parents of such veteran under any such policy has been paid and such amount when added to any amount paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final."

(b) The last sentence of section 417(a) of such title is amended by striking out "preceding sentence" and inserting in lieu thereof "first sentence".

(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any period prior to the effective date of this Act.

And on page 6, at the beginning of line 3, change the section number from "5" to "6"; so as to make the bill read:

S. 1471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411 of title 38, United States Code, is amended to read as follows:

"§ 411. Dependency and indemnity compensation to a widow

"(a) Dependency and indemnity compensation shall be paid to a widow at a monthly rate equal to $130 plus 12 per centum of the basic pay of her deceased husband or at a monthly rate of $170, whichever is greater.

"(b) If there is a widow and one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $20 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person and by an additional $25 if the death of her deceased husband resulted from an injury or disease received as a direct result of armed conflict or while engaged in extrahazardous service.

"(d) If the amount determined under subsection (a) involves a fraction of a dollar, the amount payable thereunder shall be increased by the Administrator to the next higher dollar."

Sec. 2. Section 413 of title 38, United States Code, is amended to read as follows:

"§ 413. Dependency and indemnity compensation to children

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $88.

"(2) Two children, $127.

"(3) Three children, $164.

"(4) More than three children, $164, plus $32 for each child in excess of three."

Sec. 3. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$29" and inserting in lieu thereof "$32".

(b) Subsection (b) of section 414 of such title is amended by striking out "$80" and inserting in lieu thereof "$88".

(c) Subsection (c) of section 414 of such title is amended by striking out "$41" and inserting in lieu thereof "$45".

Sec. 4. Section 322 of title 38, United States Code, is amended by (1) inserting "(a)" immediately before "The"; and (2) adding at the end thereof the following subsections:

"(b) The monthly rate of death compensation payable to a widow under subsection (a) of this section shall be increased by $50 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person and by an additional $25 if the death of the veteran resulted from an injury or disease received as a direct result of armed conflict or while engaged in extrahazardous service."

Sec. 5. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting "(1)" immediately after "unless," and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "or (2) the total amount payable to the widow, children, or parents of such veteran under any such policy has been paid and such amount when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran if such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity compensation. An election by such person to receive dependency and indemnity compensation shall be final."

(b) The last sentence of section 417(a) of such title is amended by striking out "preceding sentence" and inserting in lieu thereof "first sentence".

(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any period prior to the effective date of this Act.

Sec. 6. The amendments made by this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–400), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUMMARY OF THE BILL AS REPORTED

The bill as reported would provide an overall increase of 13 percent in the dependency and indemnity compensation program for the widows and orphans of servicemen and veterans whose death was service-related. It would do this by—

(1) increasing a widow's monthly dependency and indemnity compensation payment from $120 plus 12 percent of the monthly basic pay now being received by a serviceman whose rank and years of service are the same as that of the deceased serviceman or veteran to $130 plus 12 percent of this monthly pay;

(2) providing a minimum widow's monthly DIC benefit of $170 (equivalent to the benefit received by the widow of a sergeant with 3 years of military service);

(3) allowing an additional $20 monthly for each minor child;

(4) increasing by 10 percent monthly payments to children where there is no widow entitled to receive DIC, and to certain children age 18 and over;

(5) allowing an additional $50 monthly to widows requiring regular aid and attendance; this amount would be increased to $75 if the deceased husband's death was re-

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lated to combat action or other extra-hazardous duty; and

(6) extending dependency and indemnity compensation to certain widows whose husbands were insured under National Service Life Insurance on a premium-free basis.

GENERAL STATEMENT

By law monthly dependency and indemnity compensation payments are paid to the survivors of servicemen and veterans whose death is related to their military service. As the name implies, the purpose of the payments is to provide at least financial compensation for the loss suffered by these survivors. Thus dependency and indemnity compensation payments to widows and orphans are not based on the survivors' needs.

DIC payments to widows are related to the deceased serviceman's or veteran's military rank and length of service; generally, no additional amounts are paid for minor children. If there are minor children but no widow is entitled to receive DIC, the children receive monthly payments specified in the law, regardless of their deceased father's rank.

DEPENDENCY AND INDEMNITY COMPENSATION PAYMENTS TO WIDOWS

Before 1957, two major types of benefits were offered to the widows of deceased servicemen and veterans whose death was service-related: monthly death compensation payments, and a $10,000 gratuitous indemnity. The monthly death compensation payment was $87 to a widow whose husband's death was related to wartime military service, and $69.60 to a widow whose husband's death was related to peacetime military service. Additional amounts were paid for minor children. Peacetime rates were set at 80 percent of wartime rates.

After extensive study, the Congress in 1956 completely revised the survivor benefit program. It was decided that higher monthly payments over a widow's lifetime would provide a more secure financial base for a widow than the gratuitous indemnity and the flat-rate death compensation program. The $10,000 indemnity was therefore eliminated and the death compensation program was prospectively replaced by the new dependency and indemnity compensation program. Social security coverage was also extended to servicemen, although a widow of a serviceman would not generally be eligible to receive social security benefit until age 60 unless she had minor children.

Enacted after the end of the Korean conflict, the new program from the first was designed primarily to fit the needs of survivors of career servicemen whose death occurred during peacetime service. Unlike death compensation, DIC benefits were the same for deaths related to both wartime and peacetime service. And unlike death compensation or any other veterans' benefits, DIC payments were related to the rank of the serviceman or veteran. As long as the United States was not engaged in hostilities, it would be expected that few deaths would occur among lower ranking draftees, and most persons receiving DIC payments would be the survivors of career servicemen.

The original DIC law set the widow's monthly payment at $112 plus 12 percent of the monthly basic pay currently received by a serviceman whose rank and years of service were the same as that of the deceased veteran. This formula was intended to provide for automatic increases in DIC payments as military pay was increased. It became clear within a few years, however, that the formula worked unevenly: it preserved the adequacy of DIC benefits for widows of higher ranking officers, but it was not sufficient for the widows of enlisted men. In 1963, the Congress attempted to meet this problem by raising the base amount from $112 to $120; the 12-percent factor was not changed.

Despite this modification, much the same situation obtains today as in 1963. Benefits for widows of higher ranking officers have kept up adequately with rises in the cost of living; benefits for widows of officers in the lower grades and higher ranking enlisted men could be brought up to an adequate level with a modification in the base amount of $120; and benefits for widows of lower ranking enlisted men have fallen far behind increases in the cost of living. This situation is depicted in table 1.

The inadequacies of the present DIC program have been magnified by the fact that we are no longer in a peacetime situation. Most young men serving in Vietnam are draftees who intend to return to civilian life once their military obligation is completed. A Department of Defense study released earlier this year stated that the rank of sergeant (pay grade E–5) with 3 years of service generally represents the dividing line between civilians fulfilling their military obligation and persons who intend to make a career of the military service. As table 2 shows, the first five pay grades—the noncareer ranks—represent five-sixths of American deaths in Vietnam. These are precisely the ranks for which DIC benefits are now the most inadequate.

Thus the dependency and indemnity compensation program has proven more or less adequate in fulfilling the purpose for which it was intended—providing protection to the survivors of career military servicemen during peacetime. It has not met the needs of survivors of noncareer servicemen who are fulfilling their military obligation in a time of war.

The committee bill is designed to meet these needs without sacrificing the aim of providing adequately for the survivors of career servicemen.

First, the committee bill would increase the base amount of the DIC formula from $120 to $130; the 12-percent relation to military basic pay would not be changed.

Second, the committee bill would provide a minimum widow's DIC benefit of $170, equal to the amount received by the widow of a sergeant (pay grade E–5) with 3 years of service. In effect, this minimum would assure that the widows of virtually all noncareer enlisted men would receive this minimum benefit. The Veterans' Administration estimates that about one-half of the 165,000 widows now receiving dependency and indemnity compensation would receive the minimum benefit.

The Committee on Finance has always recognized the need for at least a minimal level of social security benefits. The committee feels it is time that this social security rationale be applied to the dependency and indemnity compensation program.

Table 1 shows illustrative increases in DIC payments since the program was initiated in January 1957, compared with the increases under S. 1471.

TABLE 1.—COMPARISON OF INCREASES IN DEPENDENCY AND INDEMNITY COMPENSATION UNDER PRESENT LAW AND UNDER S. 1471 AS REPORTED

Grade, rank, and length of service of deceased serviceman	DIC, 1957	DIC July 1969	Increase over 1957 rate (percent)	DIC under S. 1471	Increase over 1957 rate (percent)
E–1, recruit, ½ year	$122	$135	11	$170	39
E–2, private, 1 year	123	136	11	170	38
E–3, private 1st class, 1 year	124	139	12	170	37
E–4, corporal, 1½ years	127	146	15	170	34
E–5, sergeant, 2½ years	132	158	20	170	29
E–6, staff sergeant, 13 years	142	175	23	185	30
E–7, sergeant 1st class, 17 years	147	185	26	195	33
O–1, 2d lieutenant, 1 year	139	167	20	177	27
O–2, 1st lieutenant, 2½ years	145	185	28	195	34
O–3, captain, 5 years	157	209	33	219	39
O–4, major, 13 years	172	233	35	243	41
O–5, lieutenant colonel, 23 years	189	272	44	282	49
O–6, colonel, 23 years	202	292	45	302	50

TABLE 2.—VIETNAM DEATHS BY RANK, 1961–MARCH 1969

	Number of deaths	Percent of total
E–1, recruit	329	1
E–2, private	4,478	13
E–3, private 1st class	11,771	35
E–4, corporal	8,379	25
E–5, sergeant	3,394	10
Subtotal, first 5 pay grades	28,351	84
E–6, staff sergeant	1,494	4
E–7, to E–9	714	2
O–1, 2d lieutenant	600	2
O–2, 1st lieutenant	1,091	3
O–3, captain	866	3
Other officers and warrant officers	682	2
Total	33,798	100

DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS FOR CHILDREN

Dependency and indemnity compensation benefits for children living with a widow are different from DIC benefits where there is no widow entitled. Additional types of DIC benefits for certain children over 18 are specified in the law.

Benefits when a widow is entitled.—The 1956 legislation establishing the dependency and idemnity compensation program also extended social security coverage to servicemen on active duty. Under the social security program, a widow with no minor children is not eligible for benefits until she reaches age 60 (age 50, if she is disabled). If she has minor children the children are eligible for social security benefits until they reach majority, and the widow is eligible for mother's benefits until the last child reaches majority.

Since the dependency and indemnity program was created, DIC benefits for children living with a widow have been related to social security benefits under a complicated formula. Under this formula, a widow with one child receives no additional DIC benefit for the child. If she has two children and receives less than $136.20 monthly social security benefits, she may receive additional dependency and indemnity compensation of either $28 or, if less, the difference between $136.20 and the social security benefits she actually receives. If she has three or more children and receives less than $136.20 in monthly social security benefits, she may receive additional DIC equal to the difference between $136.20 and the social security benefits she actually receives (with a minimum social security benefit to a widow with two children now $82.50, the maximum additional DIC allowance is $53.70).

This complicated formula has the effect of denying DIC benefits to many children living with widows. The committee bill meets this problem by eliminating the present connection between DIC children's benefits and social security, and by providing an additional DIC monthly allowance of $20 for each minor child living with a widow. About 35,000 children will benefit from this provision, including 17,000 now receiving no DIC benefits. A comparison between present law and the committee bill is shown in table 3.

Benefits when no widow is entitled.—The original 1956 legislation establishing the dependency and indemnity compensation program provided specified amounts of DIC payments to children when no widow was entitled. These amounts were set at $70 for one child, $100 for two children, $130 for three children, and $25 for each additional child. In 1967, the amounts were set at their present levels of $80 for one child, $115 for two children, $149 for three children, and $29 for each additional child. About 44,000 children receive these benefits today.

The committee bill provides a 10-percent cost-of-living increase in these benefits, as shown in table 4.

Benefits to certain children 18 and over.—The original 1956 legislation also specified DIC amounts payable in certain cases. A child over age 18 who became permanently incapable of self-support before reaching age 18 was entitled to $25 additional DIC if there was no widow entitled, and $70 additional DIC if there was a widow receiving DIC. A child between 18 and 21 (now 23) who was a student was entitled to an additional $35 in monthly DIC if there was a widow entitled.

These amounts were set in 1967 at $29, $80, and $41, respectively, the levels under present law. More than 6,000 children 18 and over receive benefits under this section of the law. The committee bill provides a 10-percent cost-of-living increase in these benefits, as shown in table 4.

TABLE 3.—COMPARISON OF MAXIMUM DIC BENEFITS FOR CHILDREN LIVING WITH A WIDOW UNDER PRESENT LAW AND UNDER S. 1471

	Maximum under present law	Allowance under S. 1471
Additional DIC allowance for—		
1 child	No allowance	$20
2 children	$28	40
3 children	$53.70	60
4 children	$53.70	80
Each additional child	No allowance	20

TABLE 4.—DEPENDENCY AND INDEMNITY COMPENSATION BENEFITS TO CHILDREN WHERE NO WIDOW IS ENTITLED AND IN CERTAIN SPECIFIED CASES

	Present law	S. 1471
1 child	$80	$88
2 children	115	127
3 children	149	164
Each additional child	29	32
Disabled child above age 18:		
Where no widow is entitled to DIC	29	32
Where widow is entitled to DIC	80	88
Student, age 18 to 23, where widow is entitled	41	45

ADDITIONAL ALLOWANCE FOR WIDOWS REQUIRING REGULAR AID AND ATTENDANCE

For decades, the compensation program for veterans with service-connected disabilities has provided higher payments for those veterans whose disabilities require them to have regular aid and attendance.

In 1951, special provision was made for additional pension payments to veterans with non-service-connected disabilities who require regular aid and attendance.

Most recently, in 1967, Public Law 90-77 extended an aid and attendance allowance of $50 for the first time to widows entitled to a pension.

The committee bill provides a $50 additional monthly allowance for widows receiving dependency and indemnity compensation or death compensation who require regular aid and attendance, thus providing a benefit at least equal to that received by a widow entitled to a pension.

However, the committee feels that additional recognition should be given in cases where the death of the serviceman or veteran is related to armed conflict or extrahazardous service. The principle of providing a higher benefit for servicemen disabled in wartime or in the performance of extrahazardous service during peacetime is already established in our disability compensation law.

The committee bill applies this same principle by providing an additional $75 allowance (instead of $50) for a widow requiring regular aid and attendance whose husband's death "resulted from an injury or disease received as a direct result of armed conflict or while engaged in extrahazardous service." This language is similar to the present provision of law permitting higher disability compensation payments for servicemen disabled in peacetime service if the injury or disease resulted from extrahazardous service.

The committee intends that the term "extrahazardous service" shall include only service which is more hazardous than normal peacetime service and where the extra hazard is an inherent part of the military duty including (but no limited to) (a) service under conditions simulating war; (b) service recognized as involving risks beyond ordinary peacetime service, such as dangerous testing of weapons, duty on aircraft, duty on a submarine, or exposure to unusual climatic conditions or unusual disease; and (c) service in campaigns, expeditions, occupations, and similar duty inherently more dangerous than usual peacetime duty.

For example, the additional amount would be payable if the serviceman died while attempting to put out a fire in an ammunition dump—even though he was not eligible for extrahazardous duty pay. But it would not be payable if a serviceman receiving extrahazardous duty pay died in an airplane crash while on vacation, or if a serviceman stationed in Vietnam died in an automobile accident in no way related to his military duties or hostile action. The Veterans' Administration would be required to evaluate each death individually to determine that it meets the criteria of the bill in order for the widow requiring regular aid and attendance to receive $75 instead of $50 monthly.

The Veterans' Administration estimates that in the first year the section is effective, 4,200 widows receiving dependency and indemnity compensation and 70 widows receiving death compensation would be eligible for the additional monthly allowance; of the total, about 10 percent will be eligible for the higher $75 allowance.

EXTENDING DEPENDENCY AND INDEMNITY COMPENSATION TO CERTAIN SURVIVORS OF VETERANS WHO WERE INSURED UNDER GOVERNMENT LIFE INSURANCE ON A PREMIUM-FREE BASIS

Before the dependency and indemnity compensation was established in 1956, two major types of benefits were offered the survivors of deceased servicemen: monthly death compensation payments, and a $10,000 gratuitous indemnity. The death compensation payments were small monthly payments, with the same amount payable to all widows whose husbands were killed in wartime service. The $10,000 gratuitous indemnity had been authorized at the beginning of the Korean war as a free equivalent to the $10,000 National Service Life Insurance that had been offered to servicemen during World War II. Those servicemen who still had National Service Life Insurance (or pre-World War II U.S. Government life insurance) at the beginning of the Korean war were given the choice of either dropping their National Service Life Insurance in order to receive the $10,000 gratuitous indemnity, or continuing the National Service Life Insurance with the premiums waived—in effect, receiving $10,000 in gratuitous life insurance. The same choice applied to holders of U.S. Government life insurance.

When the Congress in 1956 revised the survivor benefit program, the $10,000 indemnity was eliminated, and in its stead the new program of dependency and indemnity compensation was established, with much more generous monthly payments to widows than had been provided under death compensation.

While the $10,000 gratuitous idemnity was eliminated from the law, however, the Veterans' Administration ruled that they had a contractual obligation to continue National Service Life Insurance on a premium-free basis to those servicemen who had secured the waiver prior to the new law. In the light of this ruling, the Congress decided to deny monthly dependency and indemnity compensation payments to survivors receiving payments under National Service Life Insurance that had been continued in force on a premium-free basis. These survivors were and still are permitted to receive only the lower monthly death compensation payments, which have not been increased in 15 years. In view of this provision, a great effort was made to encourage as many servicemen as possible to resume payment of premiums for their National Service Life Insurance rather than having it continued free, so that their widows would be eligible for the much more adequate monthly dependency and indemnity compensation payments. It is a tribute to that effort that although many servicemen still hold National Service Life Insurance, almost all of them pay premium to insure that their survivors will be eligible for dependency and indemnity compensation. About 165,000 widows are receiving dependency and indemnity compensation today; however, because of the prohibition in the law just described, some 2,800 widows are barred from receiving dependency and indemnity compensation.

The committee bill would end this situation which forever denies dependency and indemnity compensation to a widow who received a $10,000 gratuitous insurance benefit upon her husband's death. Under section 5 of the bill as reported, the Veterans' Administration would compute the total amount of dependency and indemnity compensation which would have been payable to the deceased's survivors had they been eligible to receive it. When the total amount of insurance benefits and death compensation actually paid the survivors equals or is less than the DIC they would have received had they been eligible, the survivors would be eligible to apply for dependency and indemnity compensation. The Veterans' Administration estimates that about 700 widows would now be eligible to receive dependency and indemnity compensation under this proposal.

This provision would be fair to these widows who have been limited to receiving death compensation, and it would be fair to the many servicemen who have wisely chosen to pay for their National Service Life Insurance so that their wives are adequately protected. Both groups would be treated equitably.

TABLE 5.—COMPARISON OF DEPENDENCY AND INDEMNITY COMPENSATION PAYMENTS UNDER PRESENT LAW AND UNDER S. 1471 AS REPORTED: ILLUSTRATIVE CASES

	DIC under—		Percentage increase
	Present law	S. 1471	
1. Widow of private with 1 year of service, no children	$136	$170	25
2. Widow of private 1st class with 1 year of service, 1 child	139	190	37
3. Widow of corporal with 1½ years of service, 2 children	[1] 146	210	44
4. Widow of sergeant with 2½ years of service, 3 children	[2] 158	230	46
5. Widow of staff sergeant with 13 years of service requiring regular aid and attendance, no minor children	715	[3] 260	48

[1] Assumes widow receives more than $136 in social security benefits.

[2] Assumes widow receives more than $136 in social security benefits.

[3] Assumes husband's death was related to armed conflict or extrahazardous service.

EFFECTIVE DATE

The amendments under the committee bill become effective on the first day of the second calendar month following the month of enactment of the bill.

COST OF THE BILL

The Veterans' Administration has furnished the following estimates of the additional cost of the committee bill during the first full year the provisions are in effect.

1. Increase DIC payment to widow to $130 plus 12 percent of the monthly basic pay now being received by a serviceman whose rank and years of service are the same as that of the deceased veteran	$20,184,000
2. Provide minimum widow's benefit of $170	20,876,000
3. Provide additional $20 monthly for each child	4,800,000
4. Provide additional $50 monthly if widow requires regular aid and attendance; $75 allowance if deceased husband's death was related to combat action or other extrahazardous duty	2,683,000
5. Increase by 10 percent benefits to children where there is no widow entitled and to certain children age 18 and older	3,552,000
6. Extend DIC to certain widows whose husbands were insured under National Service Life Insurance on a premium free basis	745,000
Total	52,840,000

It is estimated that about two-thirds of the additional expenditures under the bill will go to widows and children whose husbands and fathers were in the lowest five enlisted ranks—the ranks of the noncareer servicemen.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DOUBLE INDEMNITY SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE FOR SERVICEMEN ASSIGNED TO EXTRAHAZARDOUS DUTY

The Senate proceeded to consider the bill (S. 1650) to amend chapter 19 of title 38, United States Code, to provide double indemnity coverage under servicemen's group life insurance for members of the uniformed services assigned to duty in a combat zone which had been reported from the Committee on Finance, with amendments, on page 1, line 4, after the word "thereof" strike out "a new paragraph as follows" and insert "the following new paragraphs:

(4) The term "extrahazardous duty" means duty performed in a combat zone or duty for which a member is entitled to incentive pay under section 301 or 310 of title 37, United States Code.

On page 2, at the beginning of line 3, strike out "(4)" and insert "(5)"; in line 8, after the word "adding", strike out "at the end thereof" and insert "after subsection (b)"; in line 14, after the word "to", strike out "duty in a combat zone" and insert "extrahazardous duty."; in line 16, after the word "subsection" strike out "shall include any case in which the death of a member resulted from combat activities or the performance of extrahazardous duties while such member was assigned to duty in a combat zone; and such coverage"; on page 3, line 5, after the word "to" strike out "duty in a combat zone" and insert "extrahazardous duty"; and in line 7, after the word "to" strike out "duty in a combat zone' and insert "extrahazardous duty" so as to make the bill read:

S. 1650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 765 of title 38, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(4) The term 'extrahazardous duty' means duty performed in a combat zone or duty for which a member is entitled to incentive pay under section 301 or 310 of title 37, United States Code.

"(5) The term 'combat zone' means any area designated by the President of the United States by Executive order as a combat zone for the purposes of section 112 of the Internal Revenue Code of 1954."

SEC. 2. Section 767 of title 38, United States Code, is amended by adding after subsection (b) a new subsection as follows:

"(c) Any policy of insurance purchased by the Administrator under section 766 of this title for any member shall provide double indemnity coverage against death resulting from an injury or disease incurred or aggravated in line of duty while such member is assigned to extrahazardous duty. Double indemnity coverage provided for under this subsection shall continue in effect during any period a member is temporarily outside a combat zone to which he is assigned so long as such period does not exceed thirty-five consecutive days."

SEC. 3. Section 769(a) of title 38, United States Code, is amended by adding at the end thereof a new sentence as follows: "No deduction may be made from the basic or other pay of a member for double indemnity coverage provided under section 767(c) of this title for any month except a month (or portion thereof) in which such member was assigned to extrahazardous duty; and none of the costs attributable to such additional coverage for members assigned to extrahazardous duty shall be paid for by members not protected by double indemnity coverage."

SEC. 4. The amendments made by the first three sections of this Act shall become effective on the first day of the second calendar month following the month in which this Act is enacted.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-401), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

Under present law, active duty servicemen are insured for $10,000 under the servicemen's group life insurance program unless they choose either not to be insured or to be insured for $5,000. Servicemen pay premiums based on comparable civilian mortality rates; the premium for $10,000 in servicemen's group life insurance is currently $2 per month. The Federal Government pays that portion of the cost of the insurance due to the extra hazard of active duty.

S. 1650 would provide double indemnity servicemen's group life insurance coverage for members of the uniformed services assigned to duty in a combat zone or assigned to extrahazardous duty.

BACKGROUND

Between 1956 and 1965 persons in active military service were not insured under Federal legislation unless they still retained Government life insurance obtained prior to April 25, 1951. With the intensification of hostilities in Vietnam, Congress enacted legislation in September 1965 providing group life insurance to servicemen on active duty. Coverage extends to all personnel on active duty (including reservists), provided they are ordered to active duty for a period of 30 days or more.

A serviceman is automatically insured for $10,000 unless he indicates in writing that he wishes either to be insured for $5,000 or not to be insured. The insurance continues for 120 days after the serviceman's separation from active duty, without additional cost to him, whether he is discharged, retired, or returned to nonactive duty reserve status.

The individual serviceman's premium since 1965 has been set at $2 per month for $10,000 and $1 per month for $5,000. Of those servicemen eligible, 98.4 percent are maintaining the insurance and virtually all of these have the $10,000 maximum coverage. The low cost to individuals is made possible by insuring all members of the uniformed services under a single group insurance master contract, and by the Government bearing the cost of the extra hazard attributable to military service. This extra hazard cost is calculated on the basis of the extent to which mortality in the uniformed services exceeds the mortality in the U.S. male civilian population of the same median age.

The program is administered by a commercial primary insurer, the Prudential Insurance Co. of America, under the supervision of the Veterans' Administration. Premiums for this insurance, including its cost of administration, are deducted monthly from servicemen's pay and remitted by each uniformed service to the Veterans' Administration which in turn remits them to the primary insurer. All claims are paid by the primary insurer. However, in cases where there is some question as to the existence of the coverage, the Veterans' Administration makes the final decision.

The proceeds of the insurance can be paid either in a lump sum or in 36 equal monthly installments including interest on the unpaid balance. This gives an income of $296.40 monthly on $10,000 of insurance at the rate of interest now being paid. The beneficiary may choose the mode of payment unless the insured by designation restricts payments to 36 monthly installments.

The total amount of insurance in force is now $36.8 billion, of which $33.7 billion is related to 3.4 million members on active duty and $3.1 billion is related to 310,000 persons separated from the service 120 days or less.

Under peacetime conditions, the servicemen's group life insurance program would be self-supporting and would not require any Government subsidy. However, because of the casualties in Vietnam, service deaths have far exceeded peacetime levels and the Government has made substantial contributions. These are summarized in table 1.

TABLE 1.—SERVICEMEN'S GROUP LIFE INSURANCE: SOURCE OF FUNDS

[Dollars in millions]

Fiscal year	Servicemen's premiums	Government contribution	Interest	Total
1966	$52.5	$27.3	$0.4	$80.1
1967	80.2	70.1	2.0	152.3
1968	83.0	146.5	3.1	232.6
1969	83.1	111.7	3.2	198.0
Cumulative	298.8	355.6	8.7	663.1

THE BILL

The bill provides double indemnity insurance coverage for servicemen assigned to a combat area or assigned to extrahazardous duty. The serviceman would automatically be insured for double his previous amount unless he chose to be insured for a lesser amount. The double indemnity coverage under the bill would also include any case in which the death resulted from injuries or disease incurred while in a combat zone or assigned to extrahazardous duty even though the death itself occurred later in some other location. In any case, no benefit could be paid for deaths occurring more than 120 days after discharge.

The present veterans' laws in a number of instances recognize the difference between deaths or disabilities related to extramilitary hazards in wartime:

Disability compensation payments are higher for disabilities incurred in wartime than for those incurred in peacetime; however, disabilities resulting from extrahazardous service are payable at the wartime rates.

The other type death compensation benefits for widows were higher for deaths related to wartime service than those related to peacetime service.

Pensions for non-service-connected disabilities are available only to veterans with wartime service.

Under another bill reported by the committee (S. 1471), a higher allowance would be paid a widow requiring regular aid and attendance if her deceased husband's death was related to combat action or extrahazardous service.

Servicemen's group life insurance involves Government contributions only to the extent that excess deaths occur in wartime.

The committee bill gives recognition to the extra risks faced by a serviceman assigned to a combat area or assigned to extrahazardous duty. It also recognizes that it is ordinarily difficult for a serviceman to purchase commercial life insurance if he is about to be assigned to a combat area or to extrahazardous duty.

Testimony presented before the Finance Committee in 1951 by the chairman of the Joint National Service Life Insurance Committee of the American Life Convention of Chicago and the Life Insurance Association of America of New York, Associations of Legal Reserve Life Insurance Cos., is equally applicable today:

We wish to make it abundantly clear that the life insurance companies fully recognize the need for a Government program which will provide a measure of protection to the dependents of servicemen while on active duty in the Armed Forces of our country in time of war, or who lose their normal insurability while in such service. The life insurance companies who commonly issue complete coverage on servicemen during peacetime and even in wartime are in a position to offer insurance on a part of the risk, that is, the normal hazards as distinguished from the abnormal hazards of service in time of war. When the prospects of abnormal hazards of war become too great, the private companies cannot issue new insurance to include these hazards without charging premium rates which are so high that few servicemen could afford to buy the protection. It is obvious that when the Government undertakes to insure these hazardous risks at rates based on normal hazards, the excess mortality cost is borne by the taxpayers, as we believe it should be. To the extent that the Government insures the normal hazards, Government furnishes coverage which is readily available from private insurers. We recognize however that during the period of active service while the Nation is at war or in a national emergency, it is not practical to limit the Government coverage to death resulting from only the abnormal hazards.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend chapter 19 of title 38, United States Code, to provide double indemnity coverage under Servicemen's Group Life Insurance for members of the uniformed services assigned to extrahazardous duty, including duty in a combat zone."

DISMEMBERMENT INSURANCE COVERAGE UNDER SERVICEMEN'S GROUP LIFE INSURANCE

The Senate proceeded to consider the bill (S. 2186) to amend chapter 19, United States Code, so as to provide dismemberment insurance coverage under the servicemen's group life insurance program, which had been reported from the Committee on Finance, with amendments, on page 1, at the beginning of line 5, strike out "(c)" and insert "(d)"; in line 8, after the word "the", strike out "loss" and insert "anatomical loss or loss of use"; on page 2, line 3, after the word "the" where it appears the second time, strike out "loss" and insert "anatomical loss or loss of use"; in line 7, after the word "the" strike out "loss" and insert "anatomical loss or loss of use"; in line 9, after the word "loss" insert "or loss of use"; in line 15, after the word "the", strike out "loss" and insert "anatomical loss or loss of use"; in line 20, after the word "dismemberment" insert "(including loss of use of one or more limbs and the loss of sight in one or both eyes)"; and on page 3, line 5, after the word "dismemberment" insert "(including loss of use of one or more limbs and loss of sight in one or both eyes)"; so as to make the bill read:

S. 2186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 767 of title 38, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Each policy purchased under this subchapter shall, subject to such terms and conditions as the Administrator may approve, provide dismemberment insurance coverage as follows: (1) for the anatomical loss or loss of use of one hand or one foot or the loss of sight of one eye, the insured shall be paid an amount equal to one-half of the face value of the insurance; and (2) for the anatomical loss or loss of use of two or more of such members, the insured shall be paid an amount equal to the full face value of the insurance. Dismemberment insurance shall be paid to an insured who suffers the anatomical loss or loss of use of one or more limbs or the sight in one or both eyes if such loss or loss of use occurs as the direct result of and within a period of ninety days after a bodily injury has been suffered by such insured. The total amount of insurance paid under any policy of servicemen's group life insurance on account of any one accident shall not exceed the face value of such policy. No payment shall be made under this subsection for the anatomical loss or loss of use of a limb or loss of eyesight as the result of an intentionally self-inflicted injury."

SEC. 2. The second sentence of section 769 (b) of title 38, United States Code, is amended to read as follows: "Such cost shall be determined by the Administrator on the basis of excess mortality and dismemberment (including loss of use of one or more limbs and the loss of sight in one or both eyes) suffered by members and former members of the uniformed services insured under this subchapter above that incurred by the male civilian population of the United States of the same age as the median age of members of the uniformed services (disregarding a fraction of a year) as shown by the records of the uniformed services, the primary insurer or insurers, and the Department of Health, Education, and Welfare, together with the most current estimates relating to mortality and dismemberment (including loss of use of one or more limbs and loss of sight in one or both eyes)."

SEC. 3. This Act shall become effective on the first day of the second month following the month in which enacted.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–402), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE BILL

Under present law, active duty servicemen are insured for $10,000 under the servicemen's group life insurance program unless they choose either not to be insured or to be insured for $5,000. Servicemen pay premiums based on comparable civilian mortality rates; the premium for $10,000 in servicemen's group life insurance is currently $2 per month. The Federal Government pays that portion of the cost of the insurance due to the extra hazard of active duty.

The bill as reported by the committee would add to servicemen's group life insurance coverage indemnity payments in the event of dismemberment or loss of use of a hand or foot, or loss of sight of an eye. One-half of the face value of the insurance would be paid if the serviceman suffered anatomical loss or loss of use of one hand, one foot, or the sight of one eye; the full face value would be paid in the event of anatomical loss or loss of use of two or more such members.

BACKGROUND

On September 29, 1965, legislation was enacted which provided group life insurance to members on active duty in the uniformed services. The coverage is automatic for $10,000 of insurance unless the member

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elects in writing to be insured for $5,000, or not to be insured at all. The insurance continues for 120 days after separation from service, without any premium payment during this period.

Premiums for this insurance, including its cost of administration, are deducted monthly from servicemen's pay and remitted by each uniformed service to the Veterans' Administration, which in turn remits them to the primary insurer. The individual serviceman's premium, subject to change in accordance with the actual experience, has been set at $2 per month for $10,000 and $1 per month for $5,000.

FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM

Federal employees under present law are also eligible to purchase group life insurance under Federal legislation. In addition to providing insurance against death, however, the Federal employees' group life insurance program also incorporates protection in the case of loss of limb or sight. A Federal employee insured under this program receives one-half the face value of the insurance in the event of loss of a hand or foot or the loss of sight of one eye. The full face value of the insurance is payable in the event of loss of two or more such members. The dismemberment insurance is payable if the loss occurs as a direct result of and within 90 days after a bodily injury, providing it was not intentionally self-inflicted.

THE BILL

S. 2186 is patterned after the provisions of the Federal employees' group life insurance program. The committee feels that our servicemen, who face a much greater risk of physical injury, deserve at least as much protection as our Federal civilian employees.

The committee bill is broader than the Federal civilian employee program in one major respect: it provides the indemnity in the event of "loss of use" of hand or foot as well as in the case of anatomical loss. This similar treatment is well established in our compensation program for disabled servicemen and veterans, and it is particularly timely in these days when medical advances have been so effective.

Financing the additional protection would be on the same basis as the servicemen's group life insurance program as a whole: the serviceman will pay that part of the cost associated with comparable civilian risk, while the Government will bear the military extra hazard cost.

The Veterans' Administration estimates that it will not be necessary to raise the servicemen's $2 monthly premium (for $10,000 of insurance) to fund this additional protection.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA COURT REORGANIZATION ACT OF 1969

The Senate proceeded to consider the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert an amendment in the nature of a substitute.

PRINTING OF COMMITTEE SUBSTITUTE IN RECORD DISPENSED WITH

Mr. **MANSFIELD**. Mr. President, in view of the great length of the committee amendment to the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes, which is in the nature of a substitute for the introduced bill, I ask unanimous consent to dispense with the printing of the committe amendment in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–405), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

S. 2601 as amended by this committee constitutes a vital measure for the reduction of crime committed in the National Capital, as the bill's principal purpose is to improve the administration of justice in the District of Columbia, especially in the area of criminal law.

Toward this end, the bill (S. 2601) recommended by this committee provides—

a merged local court system, with an enlarged judiciary sufficient to meet growing caseloads, and with general jurisdiction over all local matters;

good behavior tenure (after an initial 4-year term) and compensation for the local judiciary adequate to attract quality personnel to the bench;

a strengthened judicial selection process, moving toward a merit system of selection, and a well-defined mechanism for ridding the bench of unfit judges, as further assurances of judicial competence;;

a court executive officer to infuse management, know-how into court operations, to enhance the efficient as well as just disposition of court business;

an independent Advisory Committee on the Administration of Justice in the District of Columbia Courts, to exercise continual oversight of the courts' operations, and to spur legislative and other modes of judicial reform when necessary;

a modern office of medical examiners to replace the antiquated local coroner's office;

amendments updating the District's law of criminal procedure; and

other amendments to substantive and procedural law necessary to effect the court reorganization.

NEED FOR LEGISLATION

Available statistics on crime in the National capital indicate alarming and unremitting increases. Expert analyses and the testimony of numerous witnesses would indicate as well that the incidence of crime can be traced in significant part to the inadequacy of the District's judicial machinery and to critical defects here in the administration of criminal justice.

The committee is advised, most notably, that the total of crime index offenses reported in the District of Columbia for the 12-month period ending July 1969, stands at 55,531, an increase of 24.4 percent over July of 1968. The incidence of homicide has increased 38.2 percent, from 178 to 246 for the same period; the number of rapes has increased 69.5 percent, from 190 to 332; the number of aggravated assaults has increased 10.7 percent, from 3,085 to 3,414; reported cases of burglary have increased 18.8 percent, from 16,683 to 19,827; larceny has increased 34.5 percent, from a reported 7,439 to 10,007; and the incidence of robbery has increased 55.6 percent, from a reported 6,809 for the year ending July 1968, up to 10,592 for the 12-month period ending July of this year.

The committee is advised likewise that the deterrent impact of swift trial and punishment has been severely undermined in the National Capital, as the median time lapse from filing to final disposition in felony proceedings has increased from approximately 8 months or, more precisely, 34 weeks during fiscal year 1964, to a crippling figure of 9½ months or 41 weeks during fiscal year 1968. The median time lapse in the District of Columbia has remained more than triple the median lapse in other Federal district courts. To be compared also is the recommendation of the Committee on the Administration of Justice of the Judicial Council of the District of Columbia that the principal felonies—murder, rape, robbery, and first degree burglary—be disposed of within 6 weeks of indictment, to preserve the deterrent function of our system of criminal justice. The President's Commission on Crime in the District of Columbia has recommended that persons who are potentially dangerous to the community be tried within 30 days after indictment.

The backlog of pending criminal cases in the only existing felony court in the National Capital, the Federal district court, increased over the last calendar year, and is reported to stand currently at approximately 1,669 cases—notwithstanding an exemplary implementation of the visiting judge program locally, and an unsurpassed number of days on the bench per district court judge. To be compared is the total number of criminal cases disposed of during calendar year 1968—namely, 1,890—and the fact that a significant proportion of the serious crime committed in the District of Columbia can be attributed to persons at large awaiting trial on earlier charges.

Evidence amassed by the President's Commission on Crime in the District of Columbia dramatically illustrated the profound adverse effect of congestion and delay on the administration of justice. The Commission reported that, although there has been a steady increase in the number of felonies committed within the District of Columbia in recent years, there has been a decrease in the number of felonies actually prosecuted in the courts. Additionally, there has been a sharp increase in the number of pleas to lesser offenses that have been negotiated by the prosecutors. The Commission concluded from these facts that the U.S. attorney's office, cognizant of the backlog in the district court and of the consequent inability of the court to handle its caseload, tends (1) to "no paper"; that is, refuse to prosecute cases that otherwise might be prosecuted if the courts were not so congested, and (2) to bargain for guilty pleas to lesser offenses than charged. Such a situation short circuits the enforcement of the law. Respect for the law cannot be maintained if an offender, although apprehended, may not be charged, and, if charged, can probably "cop a plea."

This committee was mindful of the anomoly inherent in burdening a Federal district court with sole general jurisdiction over the full panoply of local legal matters. The burden is acute in the District of Columbia, the seat of the Federal Government, where, in the absence of inordinately crowded dockets (both civil and criminal), a substantial and greater quantum of genuinely Federal litigation might best and conveniently be brought. Yet, at present the median time for civil jury trial in the U.S. District Court for the District of Columbia is nearly double the median for Federal district courts nationwide. In recent years as many as 12 out of 14 judges of the Federal court in the National Capital have been assigned full time to the trial of local felony offenses.

Finally, the committee was likewise mindful of the inefficiency fostered by the existing court system. The 893-page publication constituting the record of hearings on court reorganization before this committee (Crime in the National Capital, pt. 3, U.S. Senate Committee on the District of Columbia, 91st Cong., first sess.) details the committee's findings regarding management deficiencies in the existing system. Moreover, note should be taken of such wasteful, disfunctional institutional defects (in the existing system) as (1) differentiated jurisdiction over related offenses—whereby, as an illustration, an individual charged with both felony and lesser, local misdemeanor offenses cannot be tried at once on all charges—(2) differentiated jurisdiction over related civil matters—whereby, for example, except as to matters before the domestic relations branch, the court of general sessions is divested of jurisdiction over any civil matter where title to real property is at issue, no matter how insignificant the controversy or amount in controversy—and (3) the absence of independent, general equity powers in a modern court of law, the general sessions court.

HISTORY OF LEGISLATION

The committee has had for consideration during this session six bills on the subject generally of court reorganization—S. 1066, S. 1067, S. 1214, S. 1215, S. 1711, and S. 2601. Although S. 2601 was not introduced and referred to this committee until July 11, 1969, hearings on the other bills were conducted as early as May 19, 20, 21, and 22, 1969. Following the introduction of S. 2601, further hearings were conducted on July 15, 16, and 17, 1969, and on August 7, 1969. The record available to the committee on the specific subject of court reorganization includes the testimony and other official communications from over 100 agencies, officials, organizations, lawyers, judges, and other citizens. Reference has been made notably to the publication "Crime in the National Capital," U.S. Senate Committee on the District of Columbia, 91st Congress, first session, part 3, Reorganization of the District of Columbia Courts, and, related thereto, part 1, Implementation of the Recommendations of the President's Commission on Crime and Regional Aspects of the Crime Problem, part 2, Drug Abuse in the Washington Area, and part 2A, also Drug Abuse in the Washington Area. Moreover, as court reorganization hearings were conducted jointly with the Subcommittee on Improvements in Judicial Machinery of the Senate Committee on the Judiciary, some reference has been made likewise to the publication "Federal Judges and Courts," Subcommittee on Improvements in Judicial Machinery of the Senate Committee on the Judiciary, 91st Congress, first session. In sum, of the official legislative materials available to and relied upon by the committee in preparing the amended version of S. 2601 now reported, the published materials alone are nearly 3,000 pages in length.

The legislation recommended by this committee consists, to repeat, of an amended version of the bill S. 2601 as introduced. It should be noted that the amendatory process drew heavily upon other legislation on court reorganization, both that which was pending at the time of the consideration of S. 2601 and other legislation considered by this committee in recent years. Also, the amendments, including recommendations of the local bar association and its staff, were made largely in cooperation with the staff of the Department of Justice. Finally, reference should be made to another bill, pending S. 2869, to revise the criminal law and procedure of the District of Columbia (91st Cong., first sess.). The latter bill contains those provisions of the original S. 2601, as introduced, which fell outside of the scope of the court reorganization as such, which were not technically requisite for full implementation of the provisions of title I on court reorganization in S. 2601 as introduced, and which, according to numerous community witnesses before this committee, could not be adequately dealt with without further submissions of testimony and other advice.

ABSTRACT OF BILL

Briefly, S. 2601, as amended creates a unified and expanded trial bench, the District of Columbia Superior Court, with eventual jurisdiction over all civil and criminal matters of a purely local nature.

The bill expands the District of Columbia Court of Appeals and renders it the final reviewing authority of the District. As original jurisdiction gradually devolves upon the new Superior Court, final appellate jurisdiction likewise devolves upon the District of Columbia Court of Appeals.

Amended S. 2601 creates an advisory committee to assist in the selection of local judges, a removal commission to superintend the removal of local jurists who are disabled or guilty of misconduct, and a new outside advisory committee to oversee the administration of justice here generally and intercede for the courts with the Congress.

An executive officer under the bill would lend managerial expertise to the operations of the court. The outmoded local office of the coroner is abolished, to be replaced by medical officers with largely medical functions to perform (the new office of medical examiners).

Finally, under title II of S. 2601 as amended, the courts of the District are granted the modern bases of personal jurisdiction and modes of out-of-town service in civil actions approved by recent case law and incorporated in the first two articles of the Uniform Interstate and International Procedure Act.

(See *appendix* herein for description of existing judiciary for the District of Columbia.)

PRINCIPAL FEATURES OF THE BILL

Timing of jurisdictional transfer

A major feature of S. 2601 is the transfer of jurisdiction over District of Columbia litigation from the U.S. District Court for the District of Columbia to the new Superior Court for the District of Columbia. This transfer will bring the jurisdiction of the U.S. courts in the District of Columbia in line with the jurisdiction exercised by the Federal courts in the several States, and will give the local courts jurisdiction over all purely local matters.

The Senate District Committee has concluded that the plan of jurisdictional transfer would best be set forth in a single piece of legislation, as an indefinite or incomplete transfer would make adequate and necessary planning extraordinarily difficult, if not impossible.

In determining, further, the pace at which transfer of jurisdiction should be accomplished, the committee was mindful of the wisdom expressed by the present chief judge of the District of Columbia Court of General Sessions, the Honorable Harold Greene, in a speech delivered in January 1969. Judge Greene stated: "A court is not a commodity that can be produced, full blown, like an electric appliance. A judicial tribunal, to be an effective instrument of justice, must grow in an orderly progression, by measured, natural states." This concise statement expresses well the need for staging the transfer of jurisdiction in an orderly progression, to assure an orderly development of the court receiving the judicial business.

To accomplish that end, this committee has decided to recommend a transfer of jurisdiction in four stages, over an extended period of 5 years. This pace was selected because:

1. Although the general sessions court has made significant improvements in its operations during the past several years, the local court still suffers from an almost overwhelming caseload, and from some severe defects in personnel and administration.

2. As some local cases are moved out of the U.S. District Court for the District of Columbia, the latter court, with its present and largely irreducible number of judges, will be better able to dispose of its staggering backlog and better equipped to give prompt attention to pending matters.

3. The U.S. District Court for the District of Columbia now has facilities which, though not expandable, are amply suited to the needs of the court, while the local courts must await the construction of truly necessary facilities.

4. The present very effective operations of probate work in the U.S. District Court should not be transferred until a time when fully adequate facilities and resources can be expected to be available for the local court.

The following table sets forth the proposed jurisdictional transfer:

S. 2601, AS INTRODUCED

First stage (6 months after enactment)

(1) Consolidation of all general sessions, Tax Court and juvenile court jurisdiction in the superior court.

(2) Civil controversies up to $50,000 and all purely local personal injury cases.

(3) Land condemnation, real property, actions, quo warranto, habeas corpus, etc.

(4) District of Columbia felonies up to 15 years.

Second stage (2 years after enactment)

(1) Probate, mental health and other guardianships.

(2) Remaining District of Columbia felonies are transferred and the superior court ceases to be a committing magistrate for Federal courts.

Third stage (3 years after enactment)

(1) Remaining local jurisdiction including cases over $50,000.

S. 2601, AS AMENDED

First stage (6 months after enactment)

(1) Same.

(2) Civil cases up to $50,000 (transfer tied to jurisdictional amount only).

(3) Same, except land condemnation reserved until 3d stage.

(4) Same.

Second stage (2 years after effective date)

(1) Same, except reserve probate until fourth stage.

(2) Same.

Third stage (4 years after enactment)

(1) Land condemnation.

(2) All local civil jurisdiction, except probate.

Fourth stage (5 years after enactment)

(1) Probate.

Size of court

Meeting the criminal case backlog requires adequate additional judgepower. The Committee on the District of Columbia was impressed with the reasonableness of the proposal of the Department of Justice for 10 additional trial court judgeships in the first phase of reorganization.

The Committee on the Administration of Justice of the District of Columbia Judicial Council and the chief judge of the District of Columbia Court of General Sessions had earlier recommended the creation of five additional judgeships just to enable that court to cope with its existing workload and commence reducing the crescent backlog of pending criminal cases.

The Committee on the Administration of Justice further recommended the creation of seven additional positions for the general sessions bench as the necessary increase to cope at the outset with the demands of jurisdictional transfer.

Of this total of 12 positions recommended by the Committee on the Administration of Justice, the Congress has so far provided only two, leaving a figure of 10 (three remaining for the existing workload, plus seven to meet the new demands of expanded jurisdiction). The bill S. 2601 provides for the first phase of transfer precisely this figure of 10.

The Senate District Committee is advised that of the seven additional positions needed to meet the new demands of the first jurisdictional transfer, at least two would be re-

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quired to process new civil business, and five to process new felony filings. Then in the second and third phase of transfer, with the rerouting of all local litigation except matters in probate, additional positions would be created commensurately.

Many new civil actions filed in the first phase of transfer can be expected to reach trial readiness at approximately phase 2. It is with this in mind that the new positions for handling civil business are relatively delayed. Nevertheless, at each phase, the creation of new judgeships precedes the likely actual accession of the new workload by a recommended lead time of 6 months.

Significantly, the nine new positions recommended for phase 2 in S. 2601 reflect the completed transfer at that phase of full and exclusive local criminal jurisdiction. To be compared is the recommendation of the Chief Judge of the U.S. District Court for the District of Columbia, presently charged with the District's plenary criminal jurisdiction: "In my opinion 15 additional judges would be a realistic minimum figure just to try title 22 indictments if such indictments are to be tried expeditiously."

It should be noted that the overall figure in S. 2601 for new trial bench positions has been characterized by the administration as "tentative." While recommending authorization now for an eventual superior court bench of 50 judges at the completion of all civil and criminal jurisdictional transfer (compared with 27 at present), the administration has suggested that experience in the first months and phase of the reorganized court may justify a legislative adjustment at some future date in the overall authorization.

Finally, the recommended and much needed increase in the size of the local court of appeals is only loosely tied to the ultimate size of the trial bench. The recommendation as to the size of the District of Columbia Court of Appeals (to encompass nine judges, as compared with six at present) reflects not only an expected augmented workload, but as well the needs of the court's grave, new responsibility—as supreme bench for the District.

Tenure provisions

In drafting the tenure provision of the amended bill, the committee was conscious both of the inexactness of the art of judicial selection and of the importance of tenure in attracting the most competent men to the bench. The committee recognized that the constitutional requirement of "good behavior" tenure has played a significant role in the historic high quality of the Federal bench. On the other hand, the committee was aware that virtually no State has provided such tenure for its judges, an apparent recognition that the opportunity to review the quality of a judge's performance also has its obvious advantages. The committee, therefore, sought a tenure provision that would combine the attractiveness of the federal system with the opportunity for some review of the judge's work.

The term of office that is being proposed is patterned after the provisions of the constitution of the State of New Jersey, adopted in 1947 as a result of Judge Vanderbilt's noted efforts to improve that State's judicial machinery. The New Jersey State constitution provides for a "trial" term of 7 years followed by reappointment to office during "good behavior." The advantages of such a system are readily apparent. After appointment to the bench, a man may perform differently or display a different temperament than he has as an advocate. Even reasonable expectations can be subject to disappointment.

The 4-year trial term that the committee is proposing will afford the appointing authority the opportunity to measure the appointee's performance and temperament as a judge. Moreover, the judge will have the opportunity to appraise his new life as an arbiter rather than an advocate. The committee expects that judges who perform their duties with integrity and ability, and who display judicial temperament during a 4-year term, will, if they so desire, be renominated and reconfirmed for a good behavior term.

Improving the quality of the local bench

The quality of judicial nominees will make or break a court system. Such concern as was expressed in the hearings about the transfer of both appellate and trial jurisdiction from the Federal courts in the District of Columbia to the local courts stems mainly from apprehension that the caliber of the local bench may be substantially below that of the Federal bench. (See, for example, hearings, at pp. 805–806.) It must be noted, however, that a number of men who have served as local judges have gone on to serve with distinction on the Federal bench. Furthermore, the quality of the local bench has been steadily improving in recent years. Regardless, the committee, in reviewing the problems of the local courts, became aware of the need to assure that the new local courts be manned by thoroughly able jurists.

To assure a strengthened local judiciary, the bill as amended provides for a judicial selection process which approximates a merit system of selection. The bill also provides well-defined judicial removal machinery, as further assurance of judicial competence, for ridding the bench of unfit or disabled judges.

Both the American Bar Association and the American Judicature Society have endorsed the merit selection of judges through the means of a nominating commission of judges, lawyers, and laymen, submitting names of qualified persons to the appointing authority. The District of Columbia Bar Association and the Committee on the Administration of Justice have specifically endorsed a judicial nominating commission for the District of Columbia. A bill embodying the views of the local organizations was introduced in the 2d session of the 90th Congress by Senator Tydings and reintroduced this session as S. 1214. As introduced S. 2601, however, contained no provision for a judicial nominating commission.

The bill as amended provides for an Advisory Committee on Judicial Selection which will recommend members of the bar to fill vacancies on the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The recommendations will be sent to the Attorney General who presently has the responsibility for advising the President on judicial nominations. The President will be free to appoint a recommended member of the bar or to make his own selection without further explanation.

Like the commissions recommended by the Bar Association, the Advisory Committee on Judicial Selection will be composed of judges, lawyers, and laymen. The President will select the chairman, a lawyer, and one other member who may be a layman. The Commissioner of the District of Columbia will select two members, one of whom must be a lawyer. The chief judge of the District of Columbia Court of Appeals will select a lawyer and a judge of his court to serve as members of the advisory committee. The chief judge of the superior court will select a judge of his court to serve on the advisory committee.

The committee expects that thoroughly competent and highly motivated individuals will be appointed to the Advisory Committee on Judicial Selection. Indeed, the appointees should be persons with a good knowledge of the courts and the community. Of course, the value of their recommendations will depend upon the appointing authority's willingness to accept the advisory committee's guidance.

State nominating commissions have raised the level of judicial competence. One commentator has written:

"The quarter century of experience with the plan in Missouri, as studied by any conscientious student, confirms it has definitely improved the judiciary of that State, and without sacrifice of any legitimate interest or any proper principle of government or justice. The subsequent action of States like Kansas, Alaska, Iowa, Nebraska, and Illinois reconfirms this confirmation.[1] "

Another commentator has pointed out that within those jurisdictions in Missouri using the merit selection system "there has been no significant concern in the legal community during recent years with the problem of judicial misconduct. And one can hardly help remarking that all three recent misconduct cases [in Missouri] were in non-Missouri plan circuits."[2]

On occasion, opposition to the merit selection plan has been based on a fear that a nominating commission's recommendations would be restricted to a certain segment of the bar. The amended bill, by providing that recommendations may be ignored by the appointing authority, avoids this dilemma. If a particular list of nominees is too restrictive, the President may select from outside the list, although it is hoped that such selection would be based upon reasons of a particular person's qualifications and not his political allegiance.

The committee also expects that the mechanism of an Advisory Committee on Judicial Selection will expedite the selection process of local judges. The Advisory Committee must make its recommendations within 40 days of a vacancy. Such expeditious recommendation hopefully will stimulate expeditious nomination. Expedition has not been a hallmark of the present nomination process. Vacancies have existed in the local courts for months and even years, while the appointing authority searches for candidates and listens to those interested in particular candidates.

Two recent vacancies on the court of general sessions existed for more than 8 months before nominations were sent to the Senate. When the District of Columbia Court of Appeals got its most recent addition of judgeships, two of those positions were not filled for more than 8 months after creation of the positions, and one of those judgeships remained open for nearly a year. Such delays are intolerable in these days of burgeoning dockets and lagging justice. The 40-day requirement for recommendations by the Advisory Committee should serve as an effective counterforce to the past inertia in the selection process of local judges.

No method of judicial selection, however perfect, can guarantee that a judge will be physically able and of exemplary behavior throughout his tenure. Judges, like all men, grow old, and, with the loss of vigor so much a part of their character at an earlier age, become unable to perform the demanding duties of judicial office. Therefore, the bill provides for mandatory retirement at age 70. Such mandatory retirement, however, can only avoid problems caused by superannuated judges.

All men can fall prey to human frailties other than age. Upon occasion some judges, thankfully very few, are alcoholics, or are continually intemperate, or are unable to adhere to the boundaries of ethical propriety. Some may even indulge in criminal activity, such as bribery, income tax evasion, or extortion, to mention a few actual recent examples in the State court systems. When even a single judge is guilty of such transgressions, the faith and confidence of our citizens in the courts is shaken. The administration of justice is dealt a grievous blow.

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[1] Garwood, "Judicial Section and Tenure—The Model Article Provisions," Journal of American Judicature Society, June 1963.

[2] Braithwaite, "Removal and Retirement of Judges in Missouri," 1968 Wash. U.L.Q. 378, 411.

To maintain public confidence in the courts and to assure a mechanism to deal with unfit judges, there is a need for the creation of a commission to effect the removal of unfit judges and the retirement of those who are disabled. Such a commission is an essential ingredient of a sound court structure. Consequently, the bill creates a District of Columbia Commission on Judicial Disabilities and Tenure.

Commissions or special courts to adjudicate questions regarding the disability, misconduct or other unfitness of judges now exist in the following States: Alaska, California, Colorado, Delaware, Florida, Idaho, Illinois, Maryland, Michigan, Missouri (Kansas City), Nebraska, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, and Vermont.

These State bodies, like the District of Columbia Commission on Judicial Disabilites and Tenure, are designed to investigate complaints brought against judges, to dismiss those which are unfounded, and to accord a hearing on those which are credible with the protections of due process for the judge whose health or conduct is drawn into question. The operations of the State bodies, particularly the California Commission on Judicial Qualifications, have proven effective in preserving the public confidence in the bench and in protecting the judiciary from unfounded accusations.

The composition of the District of Columbia Commission will stress nonjudicial membership and will avoid placing a judge of the local court system in the difficult position of judging the conduct or health of a brother judge. The District of Columbia Commission's two judge members will come from the U.S. District Court for the District of Columbia on assignment by the chief judge of that court. The other five members will be selected by the President (three members, including the Chairman, two of whom must be lawyers) and the Commissioner of the District of Columbia (two members, one of whom must be a lawyer). The majority of the Commission will thus be made up of lawyers and laymen. This preponderance of nonjudicial membership follows the membership pattern of the commission in Florida; Idaho, Missouri (Kansas City), New Mexico, Texas, and Utah.

The creation of a removal commission in the District of Columbia was endorsed by virtually every witness at the committee's hearings.

The value of a removal commission is perhaps best stated by Jack E. Frankel, executive secretary of the California Commission on Judicial Qualifications:

"Knowing the constitution of the human animal, it can be assumed there have been, there are, and there will be, instances among judicial officers of lack of fitness. Such cases are rare compared to the great preponderance of conscientious and able judges. Nevertheless, a suitable legal remedy is essential.

"Not only is the independence of the judiciary protected, but we are convinced that the strength and capability of the judicial branch of the Government is greatly enlarged. The existence of such a body, functioning and able to be used if and when necessary, is an effective element in the strengthening of the judicial system, and is leading to a higher standard of judicial conduct." [8]

At present, the only means available to rid the local bench of a sick or venal judge is through the process of impeachment by the House of Representatives and trial by the U.S. Senate. To believe that the Congress at this time in our history has the time to police the local judiciary through the impeachment process is just not realistic. That process has not even proven viable when the conduct of Federal, good-behavior tenure judges is drawn into question.

Court administration

If an attempt were made to transfer jurisdiction among the courts within the District of Columbia without providing for means to assure the better administration of those courts, such transfer would be futile. The transfer would merely shift the case backlog and attendant problems without really offering the hope for better administration of justice.

During hearings on the operations of the courts in the District of Columbia and on the detailed provisions of S. 2601, the committee heard a wealth of testimony on the ineffective operation of the District of Columbia judicial system as now structured and managed. Testimony pointing to administrative inertia, and to calendar congestion and breakdowns made it abundantly clear that solutions beyond adding more judges and supporting personnel were called for. To bring better administration to the local courts, the amended bill restates the authority of the respective chief judges, creates an Executive Officer to assist them in their managerial functions, provides a new means of handling court system functions, and assures on-going assistance to the courts from a body akin to the present Committee on the Administration of Justice of the Judicial Council of the District of Columbia.

The chief judges of the respective courts remain responsible for the internal management of their courts. But as these courts enlarge, the administrative problems now afflicting their operations will multiply, unless adequate assistance is provided for managing these courts.

The existing Committee on the Administration of Justice in the District of Columbia stressed in its testimony that the provision for a court executive in the local trial court was the major need of the courts in the National Capital. (Hearings, pp. 635, 640, 643–644, 646, 647–648, 650.) Indeed, the importance of the court executive was well stated by Mr. Edward C. Gallas, former court administrator for the Los Angeles Superior Court and consultant to the management study of the District of Columbia Courts which has been underway for 2 years (Hearings, p. 774):

"I would say at the outset that I would not, for one recommend that you waste your time or your efforts on these questions of jurisdiction, questions of additional judges, questions of additional staff, unless you get some management at the top of the court system. It has been my observation and my conclusion from reading some of the data that has been provided to me and presented to the committee with which I am associated that the management of the court here is notable for its lack of management, and I would recommend, Mr. Chairman, that the first bill, no matter what else you do, that you try to get out of this committee and out of the Senate is the one that would create the position of an executive who could start putting the house in order.

Testimony documenting calendar breakdowns, long and seemingly unending waiting time for witnesses, wasted time for jurors, and failure to communicate with parties to assure appearance in court convinced the Senate District Committee that a court executive was essential to better court operation. In reaching this conclusion, the committee was not unmindful of the serious and determined efforts made by Chief Judge Harold Greene to improve the workings of the court of general sessions. Judge Greene, in fact, has struggled against heavy odds (a lack of a truly adequate physical facilities, a lack of prestige attached to his court, ingrained and inefficient court habits and attitudes, several recalcitrant judges, and an inadequate staff) to keep his court from being overwhelmed by an ever-expanding caseload. He has performed yeoman service; he deserves the applause of the Congress and the community. He would be better equipped to handle the increased pressure of a larger court handling a broader jurisdiction, if he had the assistance of a court executive officer.

The administration's proposal set up a single executive officer for the District of Columbia court system and created a Joint Committee on Judicial Administration composed of five judges (two appellate and three trial judges). The executive officer was to work not only within the appellate and trial courts but also for the joint committee on court system matters. S. 2601 as introduced, however, did not define the court system chores of the joint committee, and, by not doing so, left unworkably vague the control to be exerted over the executive officer by the two chief judges and the joint committee, and the ultimate areas of authority to be controlled by the joint committee.

The amendment of the Senate District Committee to new chapter 17 of title 11, District of Columbia Code, are aimed in large part at eliminating this vagueness concerning the duties of the joint committee and the control of the executive officer. Section 11–1701, as reported by the committee, states specific areas over which the joint committee has jurisdiction. These duties include the preparation of an annual report and an annual budget, personnel recruitment, space allocation, procurement, and disbursement. These areas relate to the court system as a whole and, in fact, make up the bulk of the work performed for the Federal court system by the Administrative Office of the U.S. Courts. In addition, the joint committee will have some oversight function, with a view toward recommending improvements in court operations through legislation or court action.

Section 11–1701, as reported by the Senate District Committee, makes tenable the joint committee concept. Still, it must be recognized that administration by committee rather than by a single chief officer is vulnerable to myriad difficulties and roadblocks. The joint committee was originally proposed by the Department of Justice. Its worth was questioned during hearings on the bill (S. 2601) by a number of witnesses. The Senate District Committee remains somewhat skeptical of the utility of the joint committee and believes that this aspect of administration, if the courts are to run more smoothly, requires continued scrutiny.

The executive officer will be subject to the control of the point committee in performing duties in the precise areas of responsibility enumerated in new section 11–1701.

When working in the respective local courts, however, the court executive is to be controlled by the respective chief judges. The control of the executive officer cannot be stressed too heavily. He is not intended to be a czar with dictorial powers over judicial performance. He is meant to be a managerial assistant to the joint committee, and to the chief judges who remain ultimately responsible, under the provisions of chapters 7 and 9 and section 11–1702, title 11, District of Columbia Code, for the effective administration of justice within the local appellate and trial courts. Experience has demonstrated, particularly in the well-run Los Angeles Superior Court, that the court executive or administrator, in order to perform a valuable function, must have the confidence and support of the judges with whom he works as well as stature within the system.

To assure the recruitment of a top-flight court executive, section 11–1703 requires that he be selected from a list submitted by the Administrative Officer of the U.S. Courts. Such a selection process was recently favored by the Senate when it passed legislation creating court executives for the Federal courts. (See S. 952, secs. 9 and 10, passed by Senate,

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[8] Frankel, "Removal of Judges: California Tackles an Old Problem," A.B.A. Journal (Feb. 1963).

June 23, 1969.) To assure that the respective chief judges are inclined to accept and utilize the court executive, his selection must be concurred in by the respective chief judges. To give the executive needed stature, he is to receive the salary of a local trial judge. The need for such a salary was well stated by Edward Gallas, when he testified:

"In my judgment it would be a serious mistake not to pay him exactly the salary the judge gets, because the judges will then—whether we like it or not, in our system, the American way of doing things, salary is an evidence of stature. If he doesn't have the same status as a judge he isn't going to be completely effective. I know this from experience. When I started in the Los Angeles Superior Court it happened, and I didn't really inquire as to the salary relationship, which was a mistake, but my salary was less than that of a judge, some $3,000 less. It took 4 or 5 years to get the salary established at the same rate as that of the judges.

"I will say that the judges themselves recognize that this is important, that the man they attract should be one whom they believe is a professional in his own right just the same as they are in their own business. Money doesn't buy necessarily what you want. The competence you are going to get is going to be determined more on the wisdom of the selection you make. You can get just as qualified a guy possibly for less money, but he won't have the stature; he won't have the acceptance; a person who is one who is considered at a lower echelon, and you will get runners and you will get clerical types as your executives unless you meet this problem head on."

An Advisory Committee on the Administration of Justice in the District of Columbia Courts is created by the new section 11–1705 in the mold of similar oversight organizations existing under the laws of the States of Florida (sec. 43–15, Fla. Stat.), Oregon (sec. 1.610, Oreg. Rev. Stat.), and Washington (ch. 2.52., Rev. Code, Wash. Ann.), to continue the outstanding work performed by the Committee on the Administration of Justice of the District of Columbia Judicial Council. The present committee was organized by the Federal Judicial Council to bring the enlightenment of the bar to the problems plaguing the present court structure. Largely through the efforts of Senator Tydings this volunteer organization received a foundation grant, and has been functioning during the past 2 years with a staff of lawyers and former court administrators.

Under the chairmanship of Gerhard A. Gesell (until his appointment to the Federal bench) and Newell W. Ellison, the committee and its study team have painstakingly reviewed every facet of local court operations, and has put forward suggestions to the courts for internal improvements and to the Congress for structural change. It may be truly stated that without the work of this volunteer committee and its study team, the real problems of the present judicial structure may never have been uncovered; and legislative efforts to restructure the courts and improve their operations may well have taken considerably longer. Indeed, the administration in preparing its proposal, and this committee in analyzing the local courts' predicament and in reporting this needed legislation drew heavily upon the reports, data, suggestions, and ideas of the Ellison committee.

With court reorganization clearly taking the Federal Circuit Council out of local court management, and with the expiration of the foundation grant which gave the Ellison committee the wherewithal to conduct its studies, there is a real possibility that the valuable contribution the Ellison committee has made to local court reform will be lost, unless some congressional action is taken.

The Senate Committee on the District of Columbia, believing in the value of the work of the Ellison committee and at the same time relying on the statutory models of several of the States, has created in new section 11–1705 an ongoing Advisory Committee on the Administration of Justice in the District of Columbia Courts. The Advisory Committee will be composed of seven members, two selected by the Advisory Committee on Judicial Selection, two selected by the Commission on Judicial Disabilities and Tenure, two members selected by the respective local chief judges and one member selected by the other six members. This manner of selection assures that those vitally interested in the quality performance of the local courts will have a voice in the appointment of members to the Advisory Committee.

The Advisory Committee on the Administration of Justice (1) will survey the organization, practice, and methods of administration and operation of the local court system, (2) will provide a focus for nonjudicial participation in improving the administration of justice, (3) will create in this time of transition for the court system, a body which can carefully evaluate the transfer and report to the courts and Congress on ways to deal with unforeseen eventualities, and (4) will serve as an independent spokesman to the Congress on the ongoing needs of the local judicial system. By ventilating the judicial system to nonjudicial attitudes, the Advisory Committee can help the new court system to avoid the occasionally self-serving and less reliable or objective course of the present system. The oversight and other responsibilities will follow the statutory guidelines provided for the joint committee by new section 11–1701 and by the relevant statutes of the States of Florida, Oregon, and Washington looked to in the formulation of 11–1701. The Advisory Committee can continue to make those sound suggestions for court improvement which have been the fruit of the Ellison committee's labor.

The Advisory Committee has some precedent in the committee formed in the late 1940's and maintained during the 1950's by the Federal district court Chief Judge Bolita Laws. The committee, composed of laymen and lawyers, helped the court system in many ways, and its demise, after Judge Law's death, was a blow to the effective operation of the local courts.

The creation of a secretariat for the Advisory Committee is essential to its proper functioning. An executive secretary and the other assistants authorized pursuant to section 11–1705(d) will be the essential factfinders for the Advisory Committee, and in addition may be utilized, by the specific terms of section 11–1705(d), as staff for the Advisory Committee on Judicial Selection and the Commission on Judicial Disabilities and Tenure—thus eliminating or substantially reducing the need for the creation of a separate staff for each of the three functioning bodies newly created by this legislation.

The Joint Committee on Judicial Administration and the Advisory Committee on the Administration of Justice will cosponsor an annual Conference of Citizens and Judges. Such citizens' conferences have been conducted in more than two-thirds of the States by the American Judicature Society, and have proven to be an effective way of informing the public about court needs and of stimulating the movement for necessary judicial reforms. On September 5 and 6, 1969, such a citizens' conference was held in Annapolis, Md., and was deemed unqualifiedly a success by all observers.

Costs of reorganization

Preliminary estimates supplied to this committee regarding the annual operating expenses of the entire local court system, as reorganized under the amended bill S. 2601, indicate for phase 1 of the proposed jurisdictional transfer a total net increase of $1.5 million.

Noncourt costs for the hiring of additional prosecutors, deputy marshals, and public defender personnel—necessary for the reduction of the criminal backlog and for stepped-up law enforcement—may increase moreover by as much as $1.5 million. To be compared, however, is the relative size of the District of Columbia budget, projected to be approximately $737 million for fiscal year 1970, whereby the total increased expenditures for the reorganized court system represent four-tenths of 1 percent of the overall District of Columbia budget. It is noteworthy that this increase, like the costs of the court system in the aggregate and the District of Columbia budget generally, is to be funded to an approximate extent of 83 percent out of local District of Columbia revenues. More particularly, in the case of the local courts it should be noted that the Court of General Sessions, even in the absence of reorganization or other expansion, can be expected to generate revenues of at least $6 million in the current fiscal year (compared with an expected court budget for the same period of also approximately $6 million).

The Senate District Committee is advised that the first phase of court reorganization can be expected to occasion a $1 million increase in direct Federal expenses, related to the maintenance of the Federal courts in the District of Columbia, as the District's share of such expenses declines from 60 percent to 40 percent, and then 20 percent (under section 573 of S. 2601).

The further sum of $0.4 million in Federal funds required for additional Government attorneys and personnel for the Office of the U.S. Marshal would possibly be required either under the District of Columbia Court Reorganization Act of 1969, or in the alternate event of the expansion of the U.S. District Court and District of Columbia court of general sessions in the implementation of the recommendations, apart from the proposed court reorganization, of the Judicial Conference of the United States and of the chief judge of the general sessions court. Under the amended bill S. 2601 the percentage shares of the costs of additional U.S. attorneys and deputy marshals are to be continued at the present levels of 75 percent to be paid by the District of Columbia and 25 percent to be paid by the Federal Government.

According to estimates supplied to this committee, the second and remaining phases of jurisdictional transfer, and other proposed incidents of reorganization may occasion net increased expenditures (annual) of as much as $0.6 million. It is to be recalled, however, that it is intended that the need for additional judicial personnel be reviewed prior to phase 2 with a view toward a possible downward adjustment in authorized expansion, depending upon the extent of such then-existing need. Additional U.S. attorneys. U.S. marshals, and staff for public defender services—principally to expedite the processing of criminal indictment, trial, and punishment—might require in the meantime a further $1.2 million, to be paid by the District of Columbia, along with a continued Federal share in the aforementioned percentage. It should be noted finally that the Federal Government under the second and remaining phases of transfer may be required to increase its contribution to the ongoing expenses of the Federal courts within the District by, ultimately, $2 million.

With respect to capital outlay and other expenditures related to the expansion and improvement of court facilities, the current administration, like its predecessor, has supported a request for the construction of a new local court complex, estimated to cost a total of $20 million to be paid over an extended term of years. The District of Columbia budget in recent years has contained a reserve in fact established to bide the event of the authorization of such con-

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struction. In the meantime, it is expected that the new court system can be accommodated in the existing facility, along with available space in the Pension Building, to be remodeled, at an as yet undetermined but considerably lesser cost, as temporary court quarters.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXEMPTION OF PUBLIC INTERNATIONAL ORGANIZATIONS FROM THE DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

The bill (H.R. 9526) to amend the District of Columbia Unemployment Compensation Act to provide that employers' contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–403), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of the bill, H.R. 9526, which was requested by the State Department, is to exempt certain public international organizations, which have headquarters or regional offices in the District of Columbia, from registering with the District of Columbia Unemployment Compensation Board and from the payment of the unemployment compensation tax required by the District of Columbia Unemployment Compensation Act (D.C. Code, title 46, sec. 301).

The international organizations exempted by the bill would be those designated by Executive order of the President as entitled to enjoy the privileges, exemptions, and immunities provided under the International Organizations Immunities Act (22 U.S.C. 288–288f–1).

Section 288 of that act defines an "international organization" as "a public international organization in which the United States participates pursuant to any treaty or under the authority of any act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities provided" in the United States Code.

Under the International Organizations Immunities Act, it is further provided that where the United States participates in a public international organization either by treaty or by act of Congress authorizing an appropriation therefor, the President may designate that organization as being entitled to certain privileges and immunities, such as exemption from payment of taxes, inviolability of its records and property, and exemption of its non-American employees from U.S. income taxes, and from process as to their official actions.

Similar legislation passed the House in the last Congress.

PRESENT SITUATION

The State Department has advised your committee that with the exception of the United Nations organization, located in New York City, and the Pan American Union, located in Washington, most public international organizations have their headquarters abroad, in Geneva, Switzerland, or other locations. However, some of these organizations do have small regional offices in Washington, which act as clearinghouses for information channeled to their main offices abroad.

Many such public international organizations with regional offices in the District, such as the International Bank for Construction and Development, are already exempt by treaty from local taxes.

There are only a few very small regional offices in the District not so exempt, such as the United Nations Information Center, the International Labor Organization, and the Food and Agriculture Organization. The exact number of employees affected has not been determined although it is thought to be quite small.

H.R. 9526 would give these remaining public international organizations the same exempt status as others now enjoy, and your committee recommends the bill be approved by the Senate.

THE INTERSTATE OF JUVENILES

The Senate proceeded to consider the bill (S. 2335) to authorize the District of Columbia to enter into the Interstate Compact on Juveniles which had been reported from the Committee on the District of Columbia with an amendment on page 5, line 19, after the word "juvenile' strike out the period and "The" and insert a comma and "the"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that (1) juveniles who are not under proper supervision and control, or who have absconded, escaped, or run away, are likely to endanger their own health, morals, and welfare, and the health, morals, and welfare of others, and (2) the cooperation of the District of Columbia with the States is necessary to provide for the welfare and protection of juveniles and other persons in the District of Columbia.

(b) The Congress intends, in authorizing the District of Columbia to adopt the Interstate Compact on Juveniles, to have the District of Columbia cooperate fully with the States (1) in returning juveniles to those States requesting their return, and (2) in accepting and providing for the return of juveniles who are residents of the District of Columbia and who are found or apprehended in a State.

SEC. 2. (a) The Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") is authorized to enter into and execute on behalf of the District of Columbia a compact with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE COMPACT ON JUVENILES

"The contracting states solemnly agree:

"ARTICLE I—Findings and Purposes

"That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of nondelinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

"ARTICLE II—Existing Rights and Remedies

"That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

"ARTICLE III—Definitions

"That, for the purposes of this compact, 'delinquent juvenile' means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of any agency or institution pursuant to an order of such court; 'probation or parole' means any kind of conditional release of juveniles authorized under the laws of the states party hereto; 'court' means any court having jurisdiction over delinquent, neglected or dependent children; 'state' means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and 'residence' or any variant thereof means a place at which a home or regular place of abode is maintained.

"ARTICLE IV—Return of Runaways

"(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away

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without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisitioner is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

"Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such State, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

"(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

"(c) That 'juvenile' as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

"ARTICLE V—Return of Escapees and Absconders

"(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

"(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for the payment of the transportation costs of such return.

"ARTICLE VI—Voluntary Return Procedures

"That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly, accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

"ARTICLE VII—Cooperative Supervision of Probationers and Parolees

"(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called 'sending state') may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called 'receiving state') while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guradian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

"(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

"(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

"(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

"ARTICLE VIII—Responsibility for Costs

"(a) That the provisions of Articles IV(b), V(b), and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

"(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV(b), V(b) or VII(d) of this compact.

"ARTICLE IX—Detention Practices

"That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

"ARTICLE X—Supplementary Agreements

"That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment, and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

"ARTICLE XI—Acceptance of Federal and Other Aid

"That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize, the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

"ARTICLE XII—Compact Administrators

"That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

"ARTICLE XIII—Execution of Compact

"That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form or execution to be in accordance with the laws of the executing state.

"ARTICLE XIV—Renunciation

"That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

"ARTICLE XV—Severability

"That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

(b) The Commissioner may enter into and execute on behalf of the District of Columbia the following additional articles to the Interstate Compact on Juveniles:

"ARTICLE XVI—Additional Provision Relating to Return of Minor Children

"This article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

"For the purposes of this article, 'child', as used herein, means any minor within the jurisdictional age limits of any court in the home state.

"When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

"ARTICLE XVII—Additional Provision Concerning Interstate Rendition of Juveniles Alleged to be Delinquent

"This article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

"All provisions and procedures of Articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed."

SEC. 3. (a) The Commissioner shall appoint or designate an officer of the government of the District of Columbia (hereafter in this Act referred to as the "compact administrator") to administer the compact. The compact administrator shall serve at the pleasure of the Commissioner.

(b) The compact administrator, acting jointly with like officers of party States, shall promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator shall cooperate with all departments, agencies, and officers of the government of the District of Columbia in facilitating the proper administration of the compact or of any supplementary agreement entered into by the compact administrator under subsection (c) of this section.

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(c) Subject to the approval of the Commissioner, the compact administrator may enter into supplementary agreements with appropriate State officials for the purpose of administering the compact.

(d) Subject to the approval of the Commissioner, the compact administrator may make or arrange for any payments necessary to discharge any financial obligations imposed upon the District of Columbia by the compact or by any supplementary agreement entered into under subsection (c) of this section.

SEC. 4. The courts, departments, agencies, and officers of the District of Columbia shall enforce the compact and shall take such action as may be necessary to carry out the purposes and intent of the compact which may be within their respective jurisdictions.

SEC. 5. The compact shall not be construed to prohibit the adoption of any other plan or procedure for the District of Columbia for the return of any runaway juvenile.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved by the Congress.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–404), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 2335 is to authorize the Commissioner of the District of Columbia to enter into the interstate compact on juveniles, under which the District would cooperate fully with the various States in two ways, namely (1) in returning juveniles from the District to those States requesting their return; and (2) in accepting and providing for the return of juveniles who are residents of the District of Columbia and who are found or apprehended in other States.

The bill provides further that the compact will be administered in the District by an official designated by the Commissioner. This will assure the advantages of localizing responsibility and centralizing information.

In the early 1950's, financial and legal problems involving the transportation, supervision, and control of juvenile delinquents between State jurisdictions reached the stage where a need for some form of interstate agreement on the handling of juveniles was apparent.

Virtually all leading spokesmen in the field of juvenile delinquency concurred in the belief that the States should adopt legislation similar to that which already had proved successful for the supervision of adult parolees and probationers—namely, uniform procedures to expedite the return of delinquent and runaway juveniles from other States and to assure proper supervision of a juvenile whose offense was committed and adjudicated in one State but who subsequently was authorized to reside in another State.

In 1954, the National Council of Juvenile Court Judges drafted a preliminary interstate compact on juveniles. Later that same year, the Council of State Governments, assisted by such organizations as the National Probation & Parole Association, the American Public Welfare Association, and the Special Committee on Juvenile Delinquency of the U.S. Senate, drafted the present interstate compact on juveniles.

Final action on this interstate compact was taken by these and other groups in January of 1955. That same year, 10 State legislatures adopted this compact, and today the compact is law in all but three States. These are New Mexico, Georgia, and South Carolina.

PROVISIONS OF THE COMPACT

This interstate compact, which is now law in 47 States, has provided a uniform nationwide agreement for the disposition of juveniles who leave the State in which they have been found delinquent, and also for the return of runaway youths to their home States. The importance of this is the fact that while the movement of an adult criminal may be controlled by extradition or by the interstate compact for the supervision of parolees and probationers, juvenile delinquents and runaways are subject to neither.

It should be emphasized at this point that this compact neither limits existing legislation for the handling of juveniles nor restricts parental authority in any way.

The four major provisions of the interstate compact on juveniles are as follows:

1. Provision for the return of juvenile absconders and escapees. This corrects the most obvious problem, since as has been mentioned above, extradition applies only to those charged with and convicted of a crime, and not to those found merely to be delinquent. The compact thus remedies this situation by establishing a judicial procedure for the return of delinquent juveniles.

2. Permission for the movement to another member State of a juvenile found delinquent in his home State. The wisdom of this flexible and reciprocal disposition is evident, since a youth found delinquent in one State may be more effectively rehabilitated by returning him to his family or to a job in another State. In this provision, the compact stipulates that the juveniles shall be supervised by parents or guardians, or if agreed upon, by the State receiving the delinquent youth. This provides the member States with much more flexibility in their efforts to rehabilitate juvenile offenders.

3. Provision for the return to their homes in other member States of runaway children who have not been adjudged delinquent. Before the creation and adoption of the compact, this interstate problem of returning runaway children was met by various measures of questionable legality. This provision in the compact, however, establishes a judicial proceeding to determine the status of the youth in question, and provides for the orderly return of the juvenile to his parents appropriate.

4. Authorization of supplementary agreements among the member States for the cooperative treatment and rehabilitation of delinquents. Some juvenile delinquents are faced with particularly difficult problems requiring intensive correctional efforts. By allowing the member States to share their institutions, the compact affords many such juveniles the opportunity to receive more effective care at specialized institutions which can in effect allow for the regional allocation of resources in this effort to provide better rehabilitation of juveniles. Although the committee understands that this provision is not widely utilized, it is our opinion that it does create an important flexibility for correctional authorities.

NEED FOR LEGISLATION

The committee notes that the FBI uniform crime reports continue to indicate an increase in crime throughout the country especially among juveniles. Serious crime increased by 10 percent nationally during the first 3 months of 1969, as compared to the same period in 1968. Any effort to reduce the incidence of crime must include in the opinion of your committee, programs to provide effective control and correction of juvenile offenders.

This view is adequately supported by the ugly facts concerning juvenile crime in the Nation's Capital. Statistics released last April by the District of Columbia juvenile court reveal an increase during the first 3 months of this year in juveniles charged with serious crimes. These included 12 juveniles, three of whom were less than 16 years of age, who were charged with homicide. Seventy-nine were charged with armed robbery during this period. Further, a national report indicates that youths today are committing about one-half of all the serious crimes in the United States.

This situation emphasizes the need for speedy apprehension and swift justice in dealing with these youthful offenders, since the certainty of apprehension is probably the most effective deterrent to crime. During the first 3 months of this year, for example, a total of 305 repeater juveniles were arrested in the District of Columbia while awaiting final disposition of their previous offenses.

Certainly one important step in achieving more effective treatment of juvenile delinquents in the District would be to equip the city's law-enforcement officials with the tools to pursue and arrest juveniles who seek refuge behind jurisdictional boundaries to escape apprehension. This vitally important authority will be provided by the enactment of H.R. 8868, which will result in the District's entering into the interstate compact on juveniles.

The committee is informed that at the present time, the District of Columbia juvenile authorities have little difficulty in having delinquents and runaway juveniles returned from the neighboring States of Virginia and Maryland, because of an informal pact existing among these jurisdictions. However, the District of Columbia does have a serious problem in regard to runaway juveniles. The committee is advised that this city is presently a haven for such runaways, and there is great need for authority to return these juveniles to their homes in New York, New Jersey, North Carolina, and many other States. It is estimated that this use of the compact would involve approximately 50 to 100 juveniles per year in the District of Columbia. This committee was advised also that the compact administrators in other States are highly in favor of the enactment of H.R. 8868, as it will enable them for the first time to deal effectively with the District of Columbia with respect to juvenile refugees, as they can presently do with the other 46 member States.

BILL PASSED OVER

The bill (H.R. 7066) to provide for the establishment of the William Howard Taft National Historical Site, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

RIOTS, CIVIL AND CRIMINAL DISORDERS

The resolution (S. Res. 246) authorizing the printing of additional copies of Senate hearings on "Riots, Civil and Criminal Documents" was considered and agreed to, as follows:

S. RES. 246

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of part 21 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-first Congress, first session, entitled "Riots, Civil and Criminal Disorders."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–407), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 246 would authorize the printing for the use of the Committee on Government Operations of 2,000 additional copies of part 21 of the hearings before its Permanent Subcommittee on Investigations during the 91st Congress, first session, entitled "Riots, Civil and Criminal Disorders."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

2,000 additional copies, at $469.47 per 1,000........................ $938.94

RIOTS, CIVIL AND CRIMINAL DISORDERS

The resolution (S. Res. 247) authorizing the printing of additional copies of Senate hearings on "Riots, Civil and Criminal Documents" was considered and agreed to, as follows:

S. RES. 247

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of part 22 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-first Congress, first session, entitled "Riots, Civil and Criminal Disorders."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–408), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 247 would authorize the printing for the use of the Committee on Government Operations of 2,000 additional copies of part 22 of the hearings before its Permanent Subcommittee on Investigations during the 91st Congress, first session, entitled "Riots, Civil and Criminal Disorders."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

2,000 additional copies, at $582.92 per 1,000........................ $1,165.84

RIOTS, CIVIL AND CRIMINAL DISORDERS

The resolution (S. Res. 248) authorizing the printing of additional copies of Senate hearings on "Riots, Civil and Criminal Documents" was considered and agreed to, as follows:

S. RES. 248

Resolved, That there be printed for the use of the Committee on Government Operations two thousand additional copies of part 23 of the hearings before its Permanent Subcommittee on Investigations during the Ninety-first Congress, first session, entitled "Riots, Civil and Criminal Disorders."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–409), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 248 would authorize the printing for the use of the Committee on Government Operations of 2,000 additional copies of part 23 of the hearings before its Permanent Subcommittee on Investigations during the 91st Congress, first session, entitled "Riots, Civil and Criminal Disorders."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

2,000 additional copies, at $316.84 per 1,000........................ $633.68

ECONOMICS OF AGING

The resolution (S. Res. 250) authorizing the printing of additional copies of part 1 of the hearings entitled "Economics of Aging" was considered and agreed to, as follows:

S. RES. 250

Resolved, That there be printed for the use of the Special Committee on Aging two thousand five hundred additional copies of part 1 of its hearings of the current Congress entitled "Economics of Aging".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–410), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 250 would authorize the printing for the use of the Special Committee on Aging 2,500 additional copies of part 1 of its hearings of the current Congress entitled "Economics of Aging."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

2,500 additional copies, at $474.00 per 1,000........................ $1,185.00

THE CAPITOL

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 193) authorizing the printing as a House document of a revised edition of "The Capitol," and providing additional copies which had been reported from the Committee on Rules and Administration, with amendments, in line 5, after the word "that", strike out "four hundred and sixty-nine" and insert "five hundred and seventy-two"; and in line 8, after the word "of", where it appears the second time, strike out "Representatives" and insert "Representatives, one hundred and three thousand shall be for the use of the Senate,"; so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document with illustrations, a revised edition of "The Capitol", compiled under the direction of the Joint Committee on Printing; and that five hundred and seventy-two thousand additional copies shall be printed, of which four hundred and thirty-nine thousand copies shall be for the use of the House of Representatives, one hundred and three thousand shall be for the use of the Senate, and thirty thousand copies shall be for the use of the Joint Committee on Printing.

The amendments were agreed to.

The concurrent resolution (H. Con. Res. 193), as amended, was agreed to.

FEDERAL ASSISTANCE PROGRAMS

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 309) second listing of operating Federal assistance programs compiled during the Roth study which had been reported from the Committee on Rules and Administration, with amendments on page 1, at the beginning of line 7, strike out "ten" and insert "seven"; and, in line 8, after the word "Administration" insert a comma and "three thousand copies shall be for the use of the Senate Committee on Rules and Administration,"; so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring). That there shall be printed as a House document a catalog of Federal assistance programs entitled "1969 Listing of Operating Federal Assistance Programs Compiled During the Roth Study", and that twenty thousand eight hundred and forty additional copies shall be printed of which seven thousand copies shall be for the use of the Committee on House Administration, three thousand copies shall be for the use of the Senate Committee on Rules and Administration, eight thousand seven hundred and eighty copies shall be for use of the House of Representatives, and two thousand and sixty copies shall be for the use of the Senate.

SEC. 2. Copies of such document shall be prorated to Members of the House of Representatives and the Senate for a period of sixty days, after which the unused balance shall revert to the respective House and Senate document rooms.

The amendments were agreed to.

The concurrent resolution (H. Con. Res. 309), as amended, was agreed to.

DOROTHY S. ANDERSON

The resolution (S. Res. 258) to pay a gratuity to Dorothy S. Anderson was considered and agreed to, as follows:

S. RES. 258

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Dorothy S. Anderson, widow of Leeman Anderson, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LUCIE C. DOWNER AND JANE C. OSTERLOH

The resolution (S. Res. 259) to pay a gratuity to Lucie C. Downer and Jane C. Osterloh was considered and agreed to, as follows:

S. RES. 259

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lucie C. Downer and Jane C. Ohterloh, sisters of Hugh A. Cunningham, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his

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death, a sum to each equal to three months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

AN INTERVIEW WITH GEN. F. J. CHESAREK

Mr. MANSFIELD. Mr. President, I have just read the transcript of an interesting interview with Gen. F. J. Chesarek, new commander of the Army Materiel Command and chief of all the Army's research, development, procurement, distribution, and maintenance programs. In this capacity, he is responsible for supervising the annual expenditure of more than $14 billion. The interview, appearing in the September 6 issue of the Armed Forces Journal, is especially timely, coming as it does during the current debate on military procurement.

A principal concern of all Senators in this debate, regardless of their views on specific amendments, has been to insure that full value is received for each defense dollar spent. When asked of his reaction to his new assignment, General Chesarek replied, and I quote:

> I accept the challenge to manage better with less; to disprove the criticisms of the press and Congress that we are inept in the management of our affairs.

Concerning his command's relationship with defense contractors, he said:

> When they produce for us what we have specified on the schedule agreed upon, and of the quality that we have prescribed, no problems. Whenever quality or the schedule or performance characteristics start to slip, we get pretty hardheaded about it, and that's the way it will continue to be.

Mr. President, I applaud the goal outlined by General Chesarek and wish him every success in achieving it. I also commend the reading of the article to my colleagues and ask unanimous consent that it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Visit With AMC's Commander

GEN. F. J. CHESAREK TALKS ABOUT HIS GIANT COMMAND; HOW IT FITS MATERIEL NEEDS TO AVAILABLE FUNDS

Journal. Our first question deals with a recent speech you gave concerning the so-called "military industrial complex." We know how concerned you are about improving the image of AMC as it's seen by the public, by Congress, and within the Army itself. From your remarks we would assume you are also concerned about the image of the military industrial complex as well—there are some who call it the military-industrial-union-university complex . . .

Chesarek. Formerly known as the arsenal for democracy.

Journal. Right. Here are the questions: (1) Have you in all of your service in the Army ever had occasion to be concerned about the integrity of the dialogue between industry and the Army? (2) What in your view should be done to improve the image of the military industrial complex?

Chesarek. There is no question in my mind that industry is out to get business. Industry, as a whole, is anxious to fulfill their contractual obligations. They are concerned with their image, too. On the other hand, of course, there is a lot of real competition in business and so, as the pressures of competition grow, the reaction of industry varies.

I wouldn't say in the vast majority of cases that it's a matter of integrity. I don't question the integrity of our relationship. I think the dialogue between ourselves and our suppliers has been and is a proper dialogue—it's purely professional, purely business—and that's the way it's going to stay.

When they produce for us what we have specified on the schedule agreed upon, and of the quality that we have prescribed, no problems. Whenever quality or the schedule or performance characteristics start to slip, we get pretty hardheaded about it, and that's the way it will continue to be.

Journal. The Cheyenne production cancellation is a good example of that hardheaded attitude. We understand that you have advised Lockheed that they may be in default now on the R&D contract. Could you tell us something more about the background behind the Cheyenne cancellation and something about your own review of the situation as it developed since you assumed command of the Army Materiel Command?

Chesarek. Well, it's a matter of technical review. In the judgment of the experts in AMC, the likelihood of the contractor meeting the production contract on time with bids meeting the specifications was quite remote, in view of stability and other problems they were encountering. This matter was thoroughly analyzed. First it was reviewed within AMC; then by a special task force set up by the Department of the Army. The Secretary made his decision, giving full consideration to the advice he received.

With respect to the R&D aspect, we are currently negotiating with Lockheed on the contract and I will be frank to admit we have not reached a point where we are ready to sign papers. I could not say at this time that we contemplate a default action. I wouldn't say that this won't happen, but at this time that is not the case.

Journal. Shifting to another subject—budgets and defense costs: Your Command spends over $14-billion, we believe. There's been an awful big push to cut the defense budget as much as possible. Could you comment on the requirement to build up the depleted inventory after Vietnam—and we might note that Senators Russell (Senator Richard B. Russell (D-Ga), Chairman of the Senate Appropriations Committee) and Stennis (Senator John C. Stennis (D-Miss), Chairman of the Senate Armed Services Committee) have gone on record that there will be a continuing need for very high defense budgets in the next few years, if only to replace the inventory. Could you give us some specifics on the stock items that are depleted, where we would want to build up the inventory? And could you tell us if you see any possibility of making the further cuts in defense spending some people are talking about?

Chesarek. Well, you must remember that I have to look at this problem from the level of AMC—the overall problems that Senators Russell and Stennis and others are talking about are beyond my scope of authority. I think the important thing you have to keep in mind with respect to future budgets in the Army is that there is an absolute need to continue to support the modernization and levels of equipment of the forces. We're like car owners: when you've been driving a car around for ten years, it's pretty much a heap of junk. The same thing is true with Army equipment, but worse. When tanks and other vehicles have been around for ten years, they've been driven by innumerable soldiers, many of whom may not have the motivation of keeping those vehicles up in a way that a car owner would maintain his car. So we have a wearout rate which is reasonably predictable, and which must be funded.

In addition to that, you have new systems which are coming down the R&D pike—and some of these are very important. We have, of course, as has been well advertised, the Main Battle Tank coming in sometime in the '70s—an Armored Scout Vehicle with a new automatic cannon, things which according to the best intelligence we have will be necessary for our forces in the field during the decade of the '70s if we are to stay abreast of our opponents. These are some of the things which should be funded. The biggest chunk of money which the Army expends now is for ammunition. If the level of intensity of combat declines, then obviously the level of ammunition consumption declines. Therefore, ammunition is a barometer of the level of procurement of the Army, but the rest of it relates to our needs—surely we must improve body armor, surely we have to continue our research and development in everything from foodstuffs to gunships. I'm sure the American people wouldn't want to have an army ten years from now equipped with the same material that we fought the Vietnam war with, while our opponents continue to improve their systems.

Journal. What do you consider to be the two or three highest priority developmental items now underway? In terms of new programs about to be launched? For instance, there has been a great amount of interest in the HLH (Heavy Lift Helicopter). Now Congress—at least the Armed Services Committees—seems to strongly disagree with the Army's rationale behind that program. How does the HLH rank against, for instance, the UTTAS (Utility Tactical Transport Aircraft System) or with some of your ground vehicle developmental programs?

Chesarek. As you know, we in AMC don't set priorities. Priorities are recommended by DA and then go on up the pike. They're reviewed by OSD. I think the importance of fielding an improved gunship is still very much with us. I see nothing that detracts from this requirement. There is also a tremendous interest throughout the Army in the area of surveillance, target acquisition and night observation. This is going to be a big thing in the decade ahead. We've got much work to do with respect to the upgrading of our armored fleet, some of which is pretty old, and we're spending considerable sums in new anti-tank devices and communications. We have, of course, the improved Hawk missile system coming along to replace the old system. We are engaged in product improvements in most of our missile systems that have been with us since the late '50s. This is as you would expect as the state-of-the-art progresses. But all of this takes money, and it takes a setting of priorities.

Also, from a very parochial point of view, I hope to see more money expended on some rather mundane things: depot mechanization, numerically controlled machine tools—this sort of thing—to help reduce the manpower requirements in AMC and make us more efficient.

Journal. That suggests a very heavy and new emphasis on getting hold of the operating costs which to a large extent are the tail that wags the dog in terms of efficiency.

Chesarek. My big problem is manpower. We are controlled not only by fund constraints but by personnel ceilings. What we have to do is figure out how we can manage better with less, which means we must find out ways to reduce our manpower requirements and still do the job. This means turning to mechanization and automation to a much greater extent. Numerically controlled machine tools give us additional capability to permit the fabrication of parts that we are now buying from vendors and to determine what the actual cost is or should be.

Journal. Is your objective simply to get more with the manpower you have available, or do you have some tentative goal to reduce AMC manpower requirements?

Chesarek. Let me answer that rather obliquely. The AMC manpower level today is less than it was in 1962 when AMC was established. In the meantime, the tonnage handled, if you want to use a rough measure, has doubled. Now obviously there isn't a lot of room for maneuver in a situation like that unless you can inject a major mechanization program or unless your work processing procedures can be automated to a considerable extent. We hope to hold the line at our present manpower levels. We would naturally like to have more people to take some of the pressure off the great problems in manpower adjustment which are acute throughout a command as diverse as this one. I'm not looking forward to any additional arbitrary manpower cuts, although these may well come to pass.

Journal. General Chesarek, can you tell us a bit about your philosophy in reorganizing the Project Manager oragnization since you assumed command? I understand you've reduced the number of Project Managers from 69 to 49.

Chesarek. 67 to 49.

Journal. One of the things about this that is of very great interest is that there has been much vocal criticism within Congress about the Project Manager system. For instance, the Stratton subcommittee, a House Armed Services Subcommittee headed by Representative Samuel S. Stratton (D-NY) had some criticism about the Project Managers having perhaps too much authority. They said this in a report they recently issued on one of your programs, the M-551 Sheridan. And yet we sense from the Office of the Secretary of Defense the very real concern that it is time to give the Project Managers more authority and to keep them in their jobs for a longer period of time so there won't be this tremendous turnover problem.

Chesarek. I think you realize that in discussing Project Managers there are certain rules to which we must adhere. OSD has specified that any project whose R&D costs exceed $25-million and whose PEMA cost exceeds $100-million will be project-managed.

I believe in Project Management. I think it is a helluva good way of doing business in handling my major systems. But it's intended to be a special form of management to treat things of special importance, either dollarwise or operationswise. Obviously, if everything is project-managed, in effect nothing is project-managed and it becomes a routine operation. Now, what's happened over the past has been that, because of the impetus of Vietnam and the urgencies that were created by a combat theater, we have projects which were continued under special management but which, according to the book and according to management doctrine, could have been discontinued and placed under functional management or product management. So what we are doing now is looking at the whole gamut. The first cut in project managers was quite simple. There were a number of such systems that have been around for four or five years or longer. Now that we've entered an era of consolidation within AMC, since the pressures of the war have leveled off, somewhat, we have an opportunity to take a new reading. We consolidated a number of project managers, and cut out others. I have just received a study from AMETA (Army Management Engineering Training Agency) at Rock Island which proposes that we decentralize most project managers by having them report to the commodity commanders.

This is, I think, in line with the general trend toward decentralization. Certainly it's in line with my thinking. It reduces my span of control and makes most project managers responsible to the commodity managers, who control the technical base.

Journal. Was the AMETA study the Phase II of the project managers study?

Chesarek. That's right. We are now studying the report. But I want to repeat again that project management is a very important thing, a very important tool. What we would like to have would be considerably fewer project managers—but on the real key programs—to give those project managers the tools they need to manage their projects adequately. We are developing a good management information system to help them. We will standardize this management information system to the extent possible and then, very importantly, the review authorities should live on the data which is considered sufficient for the project manager rather than have all kinds of data requirements pouring in on the project manager from on top—stuff which he really doesn't need but which somebody else thinks would be nice to have, but which adds substantially to his workload.

Journal. Could you give us an example of some recent programs—if your studies show it—which indicate how much time some of the project managers have had to invest in answering questions from higher authorities on items which aren't all that important to the program being managed?

Chesarek. We probably have some data, but I don't believe the figures would stand up to your form of analysis, or to mine either. They just indicate there's a considerable amount of paperwork imposed on project managers by every echelon right up and down the line.

Journal. Do you think you can get your ideas cleared—or have you already obtained—the approval of the Army Secretariat, the Army Staff, and the Office of the Secretary of Defense to let project managers manage their programs along the lines you suggested?

Chesarek. This has been a topic of discussion with the top defense people, and I believe this is the way they see things, quite apart from my own viewpoint.

Journal. All of the Services are in on that?

Chesarek. All the Services. This is a joint problem, and OSD's treating it as such.

Journal. How does a project manager assignment impact on an officer's normal career pattern? In other words, to manage a project most efficiently you want to have an officer in the job as long as possible, and yet this doesn't always look too good on an officer's record. How do you handle this problem?

Chesarek. I'm glad you asked that question—it's a real key point. There is a need to develop a training base for people who are considered to be potential top logisticians. That training base is the corps of project managers, plus the depot commanders. Now, the project manager gets the most varied logistical training that anyone could hope for. He's involved in research, development, production, procurement, training, distribution, support—the whole bit. He's got the program, he's responsible for it. Furthermore, he has an integrative responsibility to tie all these things together. What better training can a logistician receive? The people appointed to those jobs should be the best people in the Army who have evidenced a desire to be in the logistics career program.

I would say a three-year tour for a project manager is sufficient. In most instances he will not see his project through in that time, but on the other hand, you can't keep a man there forever. As a project manager an officer stands in an excellent position to move to the next echelon—preferably to be promoted into the general officer corps, where he could become a deputy commodity commander or a principal staff officer on the higher staffs, and so forth, and from those jobs he can move to a commodity command. Those people also should be in their jobs for about three years, and should be young enough when they assume their positions to have enough longevity to be competitors for the top jobs, top logistics jobs.

Journal. Does DCSPER agree with that approach? Don't they want to move officers about more often, rotate them into other jobs?

Chesarek. I think DCSPER is very sympathetic. Their problem is to meet high priority requirements worldwide, and this poses a real difficulty when you consider all the constraints DCSPER has in respect to the movement of people.

Journal. Your philosophy apparently is very much like Admiral Rickover's (VAdm H. G. Rickover, Director of the Navy's Nuclear Propulsion Program). He wants to keep his technically qualified people in their jobs a lot longer than the overall Navy career pattern permits . . .

Chesarek. I might add to this dissertation on project managers that this also applies to the key depot commands. There's longevity problem there too because those people are running a big maintenance program. They're running a supply operation, and an installation. They are involved in professional management and many other things. They too form a part of this corps at the base of the senior logistics development program.

Journal. Could you address the topic of maintenance in a little more detail? You said in a recent speech that maintenance is getting to be more and more important, but maintenance doesn't seem to be looked upon by most officers as a really good job to get into. As a matter of fact, you're quoted as saying that the Army has to get more people interested in a maintenance career. If we're not misquoting you, what is being done to make a maintenance career more attractive? Take a Corps of Engineers MOS 3880, for example: If a chap really goes into it, what are his chances of going up the ladder? How many career officers do you have in maintenance MOSs today? Do you really think that you can bring more officers into that field?

Chesarek. Maintenance is not a function within the Army which is looked upon as an entity unto itself. An officer doesn't say, "I am a maintainer or my functional thrust is maintenance, period." We attempt through practical application and through our school systems to train officers and NCOs in maintenance, and I think we have been reasonably successful. The big problem is that the nature of modern equipment is such that it requires an unusual amount of complex maintenance, and the training time required to train people to take care of this equipment continues to grow. This means that the payback, especially in the enlisted ranks—the average fellow we have is a short-termer—is not great.

I think the Army could do more to strengthen the desirability of maintenance as an element in the career ladder for combat arms as well as technical people, rather than as a separate career unto itself.

Journal. Now could we ask a few questions about four of your command's agencies and arsenals? What is the status of the Frankford Arsenal closing? Where do you stand on it? Is it true that the Army now considers the closing as a dead issue?

Chesarek. I should review a little history before giving you a definitive answer. As you may recall, Secretary Laird commented, with the concurrence of the Service Secretaries, that he was closing and consolidating a number of facilities and activities. One of those he spoke about was the R&D facility at Frankford. The Pennsylvania Congressional Delegation then had a meeting with Dr. Foster. This resulted in the delegation's promise to submit an alternate proposal. The order from Secretary Laird stated that the R&D facilities in question would be closed over a time span stretching to 1973. That order still stands.

I went to Frankford—for two reasons: (1) I had never been there before and it's an important element of my command; and (2) I wanted to review the status of the Frankford plans. The people in Frankford are proceeding to plan for the execution of the

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Secretary's orders, but they have been directed to take no action to implement any aspect of the plan until they receive specific orders to do so. I do not know, at this time, whether the Pennslyvania delegation has provided Dr. Foster with an alternate plan. I assume that the ball is in their court. I don't know what they may propose—I wouldn't even venture a guess. So that's where the matter stands.

Journal. Is it AMC's view that the R&D activity at Frankford should be closed?

Chesarek. About 3 or 4 years ago AMC submitted its 10-year laboratory plan, which looked at all of its laboratories. The plan called for the establishment of laboratory centers, centers of excellence. In order to do that, it was proposed that the elements of the labs at Frankford be transferred to other locations and consolidated with appropriate functions. One of these elements—fire control—was not provided a specific location. That study—the 10-year laboratory plan—is currently being updated. In view of projected Congressional cuts in research and development appropriation and associated construction, we may have to seek an alternative solution to the center concept; one which would achieve the same ends as the center concept, namely efficiency of operations and economy of personnel and facilities.

Journal. Could you tell us when you expect the update to be finished, sir?

Chesarek. The study is still in progress. It should be integrated with the Army's long-range installation planning.

Journal. If, as you say, fire control still is apparently without a home, might that be a possible means to help to salvage Frankford?

Chesarek. I didn't say it is without a home. We have Rock Island, Redstone and Monmouth which could be its home. We have other laboratories which qualify. The only thing I said was the plan didn't specifically dictate its new home.

Journal. Can we talk about the Aviation Research Center in St. Louis for just a few minutes? A few weeks ago General Jack Norton (AVSCOM Commander), said that it was his view that if the Army had better inhouse aviation R&D capability there would have been earlier visibility on the Cheyenne rotor stability problems, and you might have been a step ahead of the problem. What is the status of bringing that center into being, and what do you propose to do with the AVLABS facility at Fort Eustis?

Chesarek. The plan for an air mobility center, along with several attractive alternatives, is currently receiving a great deal of attention.

We are looking at a number of alternatives, because the cost of creating this sort of thing is substantial. As this is obviously of considerable interest to members of the Congress and to others, it would be inappropriate to describe the alternatives to the press at this point in time, before they have been presented to my superiors.

Journal. Could you tell us how long you expect it will be before AMC will have a specific proposal for review by the Chief of Staff and the Secretary of the Army?

Chesarek. Everything is tied to the budget cycle, as you well know. If you want something funded in Fiscal '71 it's got to be proposed and have an opportunity to be reviewed by the various echelons so it can be inserted in the budget. That gives you a good clue on the time element.

Journal. Could we talk about the Gateway plant in St. Louis for a bit? Has it really produced anything significant yet? Could you comment on press reports that the union there is controlled by the Mafia? Is it true that the problems there are costing Chrysler $800,000 a month?

Chesarek. We contracted with Chrysler to run the plant. The Army's job was to fix up the plant so that it could produce, and that was handled by the Corps of Engineers. The plant was turned over to Chrysler some months ago. Since then it has not met production schedules. Just recently the Army issued a cure notice to Chrysler indicating our dissatisfaction with the rate of production and asking them to tell us how they propose to get well and fulfill the contract. I am not cognizant of Chrysler's problems with their union. The plant is operating. I might add that this is a difficult shell to produce, technically speaking.

Journal. I think that's something that really has not been brought out to the press before they made it sound pretty much like a total default.

Chesarek. We have a contractual arrangement with the producer on an item. At this time it isn't being produced on schedule. As I mentioned earlier in this interview, we intend to do something about it, and have done so.

Journal. We have a question about TECOM (Test and Evaluation Command): Do you feel it proper that the Test and Evaluation Command should report to the Commanding General of the agency responsible for producing the equipment to user specifications?

Chesarek. This subject has been studied many times. Each time the decision was made it should stay with AMC. The vast bulk of the testing that TECOM does is for the commodity commands, for their own internal purposes. The tests which are conducted to determine whether an item is or is not suitable for issue to troops are treated completely objectively. The test plan is checked out by the user, checked out by the developer, and it proceeds on that basis. Whatever the conclusions reached, the TECOM commander sends his report to me. I have no authority to change it. I can comment on it, but not change it. It goes to DA without modification. As far as I am concerned the system works very well, and I have not heard of any complaints on TECOM's objectivity. As the vast bulk of the work that TECOM does is under me, the present management accommodates all concerned. You can't have two TECOMs. How many test ranges can you afford? It's an expensive business. The fact that we do sometimes have differences of opinion between developer and user attests to the fact that the present system is working here.

Journal. Lieutenant General Miley said in recent testimony before Congress that it would cost $6.2-billion over the next several years to arm the South Vietnamese military. Reportedly there may be a requirement to speed up the arming of South Vietnam. How could you speed up the process if the order is given? Could you get us some specifics on the various types of weapons and the quantities of each we'd be supplying to South Vietnam?

Chesarek. It's difficult to address the dollar value of any requirement to arm the ARVN. First of all, you have to lay down a definition of the requirement. Is this just equipment in the hands of troops, or does it include depot stocks to support the force for x years; does it include pipelines? There are all kinds of elements to be decided. How much ammunition will be included in the requirement and for what period of time? That determination alone might take up a big chunk of this dollar value.

We have been engaged for the past year in a major effort to speed up the flow of materials to the ARVN and have done so. Goals have been established in conjunction with General Abrams, CINCPAC, the Joint Chiefs of Staff. We are knocking ourselves out to meet the schedules. If we can't make an item available by procurement acceleration, overhaul, redistribution, or any other means, we then recommend to the Army staff the next best schedule, and this is negotiated with the staff at MACV. To date, I think, our performance has been very good. I can't give you any numbers on the equipment which has been sent over there, or which will be sent—the info is classified. But I can say that the totals are substantial and that the program, if any, is ahead of schedule. I might note that the program covers a wide variety of equipment, and very good equipment.

Journal. General Chesarek, what are you enjoying most about your new job?

Chesarek. This is a very challenging job. I have reorganized the headquarters to reduce and streamline my span of control. This gives me more time to think. I have established deputies oriented toward the various aspects of work with which we deal. The deputy for laboratories, for example, is my principal point of contact with the scientific community. The deputy for materiel acquisition is oriented toward industry. The deputy for logistics support faces the Army in the field. My principal deputy acts as my resource manager. The reorganization at the top has been in effect for about a month and a half, now, and I think it is showing great promise. It has made possible an effective means of operation.

What have I enjoyed most? I guess it's just the challenge of the whole thing. I accept the challenge to manage better with less; to disprove the criticisms of the press and Congress that we are inept in the management of our affairs. I believe that quite the contrary is true. Of course we make mistakes. We deal in situations that are usually crisis-oriented. We have to respond to circumstances outside our control. In my opinion, over 90% or more of what goes on with respect to our research program, engineering, procurement, distribution, support of the forces, is better than anything that has ever been done before in the history of this country. Unfortunately, our achievements are seldom advertised in the headlines. What I would like to see is a balanced appraisal, and in this I have full confidence.

Journal. Can we ask the converse of the last question: what part of the job do you enjoy least? In other words, what's the most difficult and the most frustrating part of the job?

Chesarek. I wouldn't like to classify anything about the job as something I enjoy least. I think the most difficult part of the job is to get at the procedures and controls necessary to make this machine work right, because to do this you've really got to go into the nuts and bolts and get some dirt under your fingernails and understand all the ramifications of the life cycle of material management.

Journal. There's been so much in the press, and so much said in Congress, about the things that go wrong in the Army, about DOD's management of the military, about cost overruns especially. But you've talked about getting tough with contractors, and I think you could put some real meat behind that powerful statement by giving us some information that's not always been played up in the press, and perhaps not always noticed by the Congress. For example, I'm sure that within AMC you have a number of major programs as well as some small programs in which the contractor, in effect, hasn't racked you with cost overruns but has taken a bath, so to speak, to live up to his commitment.

Chesarek. A good example? The Hughes Tool Co. and the LOH (Light Observation Helicopter). Hughes gave us an extremely favorable price, produced the quantity of aircraft in the contract, reasonably on time, in accordance with specifications, and at a price that we'll never see again. No doubt at considerable loss to the company.

Coming back to your point on overruns: what the public really doesn't understand, nor have we explained it properly, is how many overruns occur. Many of them are changes in scope as we move along the R&D cycle. We start off with the QMR (Qualitative Material Requirement). In the process of

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inventing various things, however, opportunities develop where we can get a helluva lot more capability if we add this or change that. So changes in scope are approved. You end up with a better product. This, then, is charged, insofar as the public is concerned, as a cost overrun. Actually, what we've done is created something different than that which we initially contracted for, and naturally this has to be paid for.

Getting back again to your point. There's a lot that can be done. Yes, you're right. What we should do in instances such as those where we change scope is to make known the fact that we have changed the scope and either rename it or designate it in some fashion to indicate that it isn't the same product we started out with.

AMC's COST UNDERRUNS

Over the past several years AMC cites several instances in which contractors recorded substantial savings to the government. One is the Redeye Weapons System developed by General Dynamics, Pomona, California. During the period October 1963 to January 1969, the contractor recorded savings to the government of $314,208 on a $22,588,979 operational systems development contract for Redeye and a savings of $593,452 on a $21.9-million engineering services contract for the same system.

Others recording cost underruns include: Hughes Aircraft Company, Communications Division, Fullerton, Calif., with a savings of $118,512 on a $10,151,024 limited production contract for Satellite Communications Link Terminal AN/MSC-46 running from February 1966 to March 1968.

Raytheon Company, Missile Systems Division, Bedford, Mass., with an underrun of $16, 146 on a $4.4-million operational systems development contract for the Self-Propelled Hawk Missile System over the period August 1965 to September 1967.

Sperry Rand Corp., UNIVAC, Salt Lake City saved the government $74,310 on a $3,992,819 operational systems development contract running from March 1966 to September 1968 for the Sergeant Guided Missile System, Artillery.

International Telephone and Telegraph Corporation, ITT Electron Tube Division, Easton, Pa., recorded an underrun of $70,712 on a $9,643,398 production contract running from May 1966 to June 1968 for the Night Vision—Image Intensifier Assembly 25mm.

S. 2919, S. 2920, AND S. 2921—GOODELL CRIME CONTROL PROGRAM: INTRODUCTION OF BILLS ON CORRECTIONS REFORM, PREVENTIVE DETENTION, AND DRUG ABUSE PREVENTION AND TREATMENT

Mr. GOODELL. Mr. President, the political battle cry of "law and order" still sounds throughout the Nation. The complexities and the mighty delusions inherent to this issue have confused and blinded many of us. While the public mood reflects a brooding concern over disorder and violence, our public leadership has not responded with the courage, the commitment and the insight demanded by the profound gravity of this problem.

We still hear incessantly that we must get tougher on criminals, that our response to the offender must be in terms of longer sentences and repressive measures, that the priority answer to the problem is more nightsticks and less coddling.

Mr. President, the fact is that the integrity of the entire criminal justice system in this country has been called into question. The system is archaic and in chaos.

The fact is that our system is not committed to an enlightened administration of justice. It is more repressive and yet less effective than that of any other Western nation.

The fact is that correctional institutions do not "correct," and our prisons are a disgrace to any civilized society. Their most consistent achievement is the tempering and shaping of inmates into finely honed weapons, which one day will be turned against society.

The fact is that our public response to the problem of narcotics and drug abuse has been misguided, inhumane, and ineffectual. Despite the crime and human wreckage that grow out of the limitless appetite of the narcotic addict, our laws and rehabilitation services are unrealistic and totally inadequate.

The fact is that our courts are paralyzed. Our police are overextended. The vital collateral services which are at the heart of the criminal justice system—prosecution, legal aid, probation, parole, corrections—are virtually bankrupt in terms of manpower and financial resources.

What do we know about crime in the United States in 1969? We know that we are in a period of sharply increasing crime.

We know that the alarming increase in juvenile delinquency and youth crime has caused financial and social costs which are incalculable.

We know that recidivism stands at 60 to 70 percent and that the longer a man spends in prison, the less likely he is to rejoin peacefully and productively our highly diverse and demanding society.

We know that it costs less than $1,500 a year to keep a man vegetating in a penal institution, while it may cost more than $6,000 a year to keep him in a comprehensive rehabilitation program.

We know that our cities have grown out of control and that the people of the city are compressed and set upon. Their sick, indigent, deviants, socially deprived and aged make demands; their slums spread; their frustration breeds disrespect for the law; their pursuit of happiness is frustrated in a rapidly shrinking labor market. Here are concrete problems of law enforcement related to population density, city size, and the complex of work and living facilities within the city. Here, unmistakably, are violence and fearplaguing and shaping the way of life of a victim community.

While recognizing that crime is justifiably a matter of national concern, we must also recognize that it is not a cause for panic.

While recognizing that there are violence prone, hardened criminals from whom society must be insulated and protected, we must also recognize that it is much too simple to talk about being "tough" and being "soft" on criminal offenders. We must discriminate in terms of the possibility of meaningful correctional and rehabilitation efforts.

The enactment by Congress last year of the Omnibus Crime Control and Safe Streets Act and the Juvenile Delinquency Prevention and Control Act marked the first step in the reform of our criminal justice system. Unfortunately, however, neither effort is comprehensive in its approach to the problem, and neither is adequately funded. Nowhere is the crucial problem of narcotic addiction even addressed.

The initial efforts under the Omnibus Crime Act have placed disproportionate emphasis on aid to the police component of criminal justice and on programs for the prevention and control of riots. While these needs are important, we must now turn decisively to the question of causes and the complexities of prevention and rehabilitation.

We must act to commit the governments and the people of this country in a new effort to establish priorities for this undertaking. We must act to start the process of genuine reform.

I am today introducing three bills designed to promote and facilitate that reform. These bills address the most urgent aspects of our multifaceted crime problem—corrections reforms, the reduction of the level of violent crime in the streets of the Nation, and narcotics addiction.

The first, in summary, commits us to the proposition that correctional rehabilitation really ought to be tried after all. It provides for innovative programs of vocational training and job placement for criminal and youth offenders. It also provides for modernization and construction of corrections facilities, correctional education services, and the development of trained manpower for our corrections systems. It establishes regional crime and delinquency centers and a national criminal justice professions recruitment program.

The second provides, with tightly drawn procedural safeguards, for the preventive detention of certain recidivist offenders who commit crimes of violence while free on bail, probation, or parole.

The third seeks to commit the resources of the Federal Government to treatment and prevention of narcotic addiction. Particular emphasis is given to the need for community based after care services. The need for comprehensive drug abuse education and prevention programs is also recognized.

S. 2919. THE CRIMINAL OFFENDER REHABILITATION AND CRIME PREVENTION ACT OF 1969

"The Criminal Offender Rehabilitation and Crime Prevention Act of 1969," would authorize broad assistance to State and local criminal justice systems, by creating a new corrections reform program in the Department of Health, Education, and Welfare, with particular emphasis upon the problems of juvenile delinquents and youth offenders. New authorities are given to the Attorney General and the Law Enforcement Assistance Administration. Specific provisions for consultation and broad coordination of all Federal programs in this area are spelled out in detail.

Title I of the bill would provide a $315 million 4-year program for the improvement of State and local corrections services. Although the need for a wide variety of effective vocational training and job placement programs to break the cycle of poverty is well known, there is a particular urgency for action involving such programs for criminal offenders.

Title I woulld mobilize public and private resources to insure that convicted offenders and juvenile delinquents leaving correctional institutions, who want employment above the dishwasher level, as mechanics, key punchers, or clerk typists could qualify for, find, and keep such jobs.

Comprehensive corrections rehabilitation boards would be created in each State to prepare and administer a comprehensive coordinated, statewide program for the improvement of State and local corrections systems. Priority programs to be funded under this bill are established as follows:

First, programs directed toward the rehabilitation of adjudicated juvenile delinquents and youth offenders, and adult offenders who have been convicted of not more than one serious criminal offense;

Second, institutional and on-the-job occupational training; placement, where feasible, in governmental public service agencies, including the State corrections system; and placement in private nonprofit public service organizations and in private industry;

Third, incentives to public and private employers who hire adjudicated delinquents and offenders, including reimbursement for a limited period when such newly hired employees might not be fully productive;

Fourth, on-the-job counseling, testing, work evaluation and adjustment, and followup services;

Fifth, programs in State departments of education and in public and private institutions of higher learning to develop and expand teacher preparation programs and curricula for the instruction in basic and secondary education of juvenile delinquents, and youth and adult offenders;

Sixth, recruitment and training of professional and subprofessional diagnostic and treatment staff personnel for corrections systems.

The bill authorizes the utilization of private, profitmaking organizations to provide such services, provided that such organizations determine the need in the community for particular job skills, provide an approved course of training in a job area for which there is a demonstrated demand, and provide for the job placement of such individuals.

Title II seeks to alleviate the critical manpower shortage in American corrections and encourage the use of rehabilitated offenders in subprofessional capacities within the system. The concept of using the products of a problem to help solve the problem is not a new one. Innovative programs of narcotic and alcoholic rehabilitation, using ex addicts and ex alcoholics, have effectively demonstrated the value of this approach.

This title would also establish and support a national network of regional crime and delinquency centers which would serve as training institutions for students and practitioners of criminal justice, centralized channels for recruitment of criminal justice personnel, consultation centers for criminal justice agencies and relevant professional schools, and research centers for basic and applied studies of criminal justice.

The professional staff of such centers would be composed of persons drawn both from the academic community—primarily in the fields of law, clinical psychology, psychiatry, social work, and public administration—and from the practicing agencies of criminal justice.

The bill would provide increased academic assistance for corrections systems professional personnel by amending the Omnibus Crime Act. It proposes a 5-year, $105 million authorization to provide such assistance. Not less than 25 percent of the funds would be required to be utilized for study in subjects related to professional diagnostic and treatment services.

Title II would also provide for the creation of a Presidential Advisory Council on Criminal Justice Professions Development. It would require an annual assessment of criminal justice manpower needs by the Attorney General. And it would authorize a national criminal justice professions recruitment program.

Corrections education is another area which is in dire need of new initiatives as a tactical necessity in achieving the longer range strategic objectives of correctional rehabilitation. Title III of my bill would provide for the training and utilization of specially trained teachers for use in correctional institutions and in delinquency intervention programs in the local community.

The Education Professions Development Act of 1967 would be amended to allow the Teacher Corps to carry on, on a fully funded basis, a program in this area which it is successfully conducting on a demonstration basis at the present time. The title also provides for research and demonstration projects in corrections education services.

Title IV provides for coordination by the chief executive of the State of all activities of State planning agencies working in the area of crime control, offender rehabilitation and juvenile delinquency control under and pursuant to various Federal laws. Provisions for extensive coordination at the Federal level are also set forth.

In addition, it provides for the creation of an Office of Technical Assistance for Crime and Delinquency Prevention in the Department of Health, Education, and Welfare, which would aid and advise States in establishing and organizing planning agencies, prepare model State plans, and propose comprehensive goals.

Title V provides a 4-year $280 million program of assistance to the States for the renovation and construction of modern correctional rehabilitation facilities. Criteria would be established by the Attorney General after consultation with the Secretary of Health, Education, and Welfare. The planning agencies operating in each State pursuant to the Omnibus Crime Act would prepare and execute a plan for the modernization of existing facilities and the construction of new corrections and detention facilities throughout the State.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2919) to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism, by providing for innovative programs of vocational training, job placement, counseling, correctional education services, corrections systems manpower acquisition, the establishment of regional Crime and Delinquency Centers, a national criminal justice professions recruitment program, and for other purposes, introduced by Mr. GOODELL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2920. PREVENTIVE DETENTION ACT

Mr. GOODELL. Mr. President, the Preventive Detention Act seeks to lower the level of violent crime by authorizing the pretrial detention in Federal court of certain repeat criminal offenders, who may be considered to be dangerous to the community-at-large.

Like so many issues in the administration of criminal justice, the subject of preventive detention is charged with emotion. There is wide disagreement as to its advisability as a matter of policy and as to its constitutionality.

My proposal is both constitutional and advisable, in view of a demonstrated challenge to the public safety by many repeat offenders who commit violent crimes while on bail, probation or parole. In this situation the law should be broad enough, and sensible enough to protect the larger and quite legitimate interest of society as a whole.

It has been stated that any preventive detention provision cannot be reconciled with the defendant's right to the presumption of innocence. In fact, the presumption of innocence of an accused accrues in the courtroom at the time of trial. This is not to say that the presumption is only a presumption of going forward with the evidence. If the presumption remains inviolate at trial, its full purpose is served. There is not presumption of innocence during the pretrial process of bringing a defendant to trial. The very fact that we have always permitted pretrial detention to prevent escape of a defendant pending trial indicates that the presumption of innocence accrues at the time of trial and is not necessarily violated by pretrial detention.

The public is properly outraged that today the law cannot operate to detain this category of repeat offenders who, by any standard of common sense, poses a very serious danger to the community in which he lives. And of course, that community is usually a ghetto community where most crime goes unreported. My bill would accomplish these purposes without violating the rights of an accused.

The bill would authorize, with carefully drawn safeguards, the preventive detention of persons who have been admitted to bail or placed on probation or parole, and charged or convicted as the case may be, with a particular kind of felony and who, during such period, are charged with a second felony of the same kind.

Both charges must be felony offenses "involving the use of a dangerous weapon or deadly physical force resulting in serious bodily injury to another." The operative elements of this key phrase are statutorily defined.

In my bill, the issue of pretrial detention must be resolved, by a three-judge panel of the U.S. District Court. Also, the bill gives the court authority, in lieu of imposing detention, to impose conditions upon the release of the defendant, including a condition requiring him to return to custody after hours.

My bill also deals with the first offender who is charged with a felony offense "involving the use of a dangerous weapon or deadly physical force resulting in bodily injury to another." While pretrial detention is not authorized in the bill in this situation, there are conditions which may be imposed upon the release of the person charged, including a requirement that he report to a probation or parole officer or a U.S. marshal not more than once every 24 hours, disclosing his activities, whereabouts, associations, conduct, travel, and place of abode during the pretrial period.

The bill sets out appellate procedures, mandatory penalties for bail jumping and creates an additional offense for committing an offense while on release.

The bill specifically requires civil commitment of persons detained pursuant to this statute, and provides that the detention order expires within 30 days, with authority for a 10-day extension, for good cause shown. It recognizes the principle that such persons must be guaranteed an expedited preference for trial.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred.

The bill (S. 2920) to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes, introduced by Mr. GOODELL, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 2921. DRUG ABUSE SERVICES AND MARIHUANA STUDY ACT OF 1969

Mr. **GOODELL.** Mr. President, recognizing that there is a clear and demonstrable relationship between narcotics addiction and the high incidence of crime, I am also introducing legislation today designed to require the Federal Government to assume the responsibilities in this area which it has for so long evaded.

My third bill, "The Drug Abuse Services and Marihuana Study Act of 1969," would provide a 5-year $350 million program to assist States, units of local government, and nonprofit, private organizations in the prevention and treatment of drug abuse and the rehabilitation of drug addicts.

It would provide for a comprehensive program within each State designed to meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including post-hospitalization and after care neighborhood rehabilitation centers for narcotic addicts.

Provision is made for the recruitment, training, and utilization of "community narcotic prevention and rehabilitation officers" to serve with and under the direction of professional medical, psychiatric and social welfare personnel in narcotic addiction treatment and rehabilitation programs. I believe that it has been demonstrated beyond question that former addicts can and must play a major role in narcotic rehabilitation programs of all kinds.

The bill will also authorize the funding of programs for the prevention and treatment of drug abuse and the rehabilitation of narcotic addicts in correctional and penal institutions. In cooperation with schools, law-enforcement agencies, courts, and other public and private agencies, special efforts should be made to assist such programs aimed at juveniles, youth offenders, and young adults.

A comprehensive program of this type would also provide services for outpatient counseling of former narcotic addicts—including employment, welfare, legal, education, and referral assistance—in cooperation and coordination with the welfare and rehabilitation departments of local political subdivisions within the State.

It would, in addition, establish enlightened, comprehensive programs of public education about the prevention of drug abuse and narcotic addiction. My bill would commit the Federal Government to a major role in meeting these pressing needs.

The use and abuse of marihuana and the stringent criminal penalties applicable to violations of laws governing its possession and use present a special problem.

Some authorities say that 50 percent of college students have tried marihuana at least once. Dr. James L. Goddard, former head of the Food and Drug Administration, has stated that 400,000 Americans may be using it regularly. We must clear away the haze of misconception and establish, once and for all, the facts about the dangers inherent to marihuana use and abuse.

My bill creates a Marihuana Study Commission for this purpose. The Commission would be composed only of persons with experience in the medical, mental health, and social problems attendant to marihuana use. It would be located in the Office of the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs. It would make a full study and report in 18 months of marihuana use and especially on the physiological and psychological effects of infrequent, temporary, and long-term marihuana use.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred.

The bill (S. 2921) to assist State and municipal governments and nonprofit, private organizations in providing for the development of programs and the construction, maintenance, operation, and staffing of facilities for the prevention, treatment, and rehabilitation of drug addicts, and in reducing the incidence of crime and delinquency related to narcotic drug addition and drug abuse, and for other purposes, introduced by Mr. GOODELL (for himself, Mr. CASE, Mr. GRAVEL, Mr. HOLLINGS, Mr. INOUYE, Mr. JAVITS, Mr. METCALF, Mr. MILLER, Mr. NELSON, and Mr. PERCY) was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. GOODELL. Mr. President, the choice before the American people on the issue of crime, is to make either sound, reasoned judgments; or decisions based on emotion, misinformation, and slogan. The first course is difficult and frustrating, but the second is dangerous and dishonest.

These three bills or any other legislation are not the whole answer. These issues are the logical outgrowth of dramatic change in our society which must be confronted in a larger sense, by the Congress, the States, our local communities, and the people themselves.

A poet once wrote, "there are a thousand hacking at the branches of evil to one who is striking at the root."

The root of the crime problem is growing through the foundation of our society. I call upon the Congress today to strike at it, to cut it back, and to help build a new, more rational, and more civilized social order by seriously committing us to the rebuilding and reorienting of our criminal justice institutions in America.

ROCKY MARCIANO

Mr. DODD. Mr. President, earlier this month Rocky Marciano was laid to rest after a tragic plane crash in Iowa claimed his life.

I am deeply saddened by the loss of this man, who was a hero to millions throughout the world.

Rocky Marciano was a fighter whose success was nonpareil. He climbed through the ropes 49 times and emerged each time wearing the victor's laurel, having won in a style that was never elegant or classic, but always courageous.

He was a gentle man and an acutely sensitive one. His opponents were amazed at his gentleness outside the ring. He was respected by all of them and loved by many of them.

On the night of the most important victory of his young life, Rocky Marciano was heartbroken because the man he had defeated was his boyhood idol, Joe Louis. Joe Louis never forgot Rocky's apology for having defeated him.

In a time of antiheroes, Rocky was truly a great American hero. As the son of an Italian immigrant, his life was a model for those Americans who believe that a man, by dint of hard work, can achieve his goals. Throughout his life he remained a devoted son, husband, and father. One of the reasons he gave for his ring retirement was so that he could spend more time with his parents, wife, and children.

Many retired champions have been deluded by the quick glory and easy adulation received in sport. They have confused easy success in sport with easy success in life.

Unfortunately, some have been unable to stand up to the challenges of life.

Rocky Marciano was never confused in making the transition. He brought to his retirement the best qualities of his ring career: courage, perseverance, and dedication. He succeeded beyond all expectations.

As he began his retirement years he knew that success in life would be measured not by foes vanquished but by friendships gained. And Rocky Marciano had thousands of friends.

His hometown newspaper, the Brockton Enterprise made the most appropriate assessment of the loss of this great man. It said:

> The Golden age of boxing died twice. Once in April, 1956, when Rocky Marciano retired and for the second time in a plane crash in Newton, Iowa.

Rocky Marciano exemplified all that is best about sports.

He translated all the painfully learned lessons of courage, respect, and perseverance to a code of conduct which made him admired and honored among men.

USE OF U.S. FORCES IN SUPPORT OF LOCAL FORCES OF LAOS AND THAILAND.

Mr. COOPER. Mr. President, yesterday, by a vote of 86 to 0, the Senate approved an amendment to section 401 of the Defense procurement bill, whose purpose, as I explained during the debate, was to prohibit the use of any funds authorized by this bill, or under any other act, to support U.S. forces in combat in support of local forces of Laos and Thailand. This is our constitutional right. Although the distinguished manager of the bill, Senator STENNIS, would not agree with my interpretation, I do not see how anyone could have failed to recognize its purpose—which is, as Senator MANSFIELD stated succinctly—to keep the United States from backing into other wars without the authority of Congress.

In today's New York Times, there is a report of "a series of secret military operations in the last 3 weeks where American-backed troops have seized two strategic areas of Laos long held by pro-Communist forces." The report from Vientiane went on to say:

> American participation in both the Plaine des Jarres and Ho Chi Minh Trail campaign now extends to the field level, the sources said. They confirmed that United States planes of Air America, Continental Air Services and the United States Air Force—were flying reinforcements, supplies and arms to advanced areas, while American Army officers and agents of the CIA were advising local commanders. So far, there has been at least one confirmed American battle death in Laos. It occurred last week when an American CIA agent was killed by gunfire at an advanced post.

Mr. President, it is ironic that on the very day following the Senate vote we should have a report of the use of American forces in combat in support of local forces in Laos.

I do not know personally that the report is correct, but the pattern of events as indicated by this morning's article from the New York Times shows a very striking similarity to the way we became involved in the war in Vietnam.

In view of this report, and in view of the Senate's action of yesterday, I would hope that the distinguished chairman of the Armed Services Committee and the distinguished chairman of the Foreign Relations Committee would look into the situation and report to the Senate their findings. This is a matter of the most serious concern. During the debate, I asked several times whether our forces are engaged in combat in Laos or Thailand, but no clear answer was given. I think the situation calls for full hearings, a reply from the executive branch, and a full discussion by the Senate.

I ask unanimous consent that the article from the New York Times be placed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S.-BACKED LAOS TROOPS CAPTURE TWO REBEL AREAS

THAI FORCE ALSO USED

(By T. D. Allman)

VIENTIANE, LAOS, September 17—In a series of secret military operations in the last three weeks, American-backed troops have seized two strategic areas of Laos long held by pro-Communist forces.

In northeast Laos, rightist forces, stiffened by Thai soldiers and officers, have seized the Plaine des Jarres, a strategic area 105 miles north of here. The plain had been held by the Communist since 1964. In central Laos, similar forces have pushed east along Route 9.

INTEGRATED PLANNING REPORTED

Reliable sources confirmed today that Laotion Government troops, with heavy United States air and logistic support, had taken Khang Khai, until recently the site of a Chinese Communist diplomatic mission, and Sepone.

In addition, Laotian troops have seized the town of Muong Phine, also in central Laos, and the towns of Muong Phanh, Xieng Khouanguille, Ban Ban, Ban Lat Sene and Phong Savan—all in the Plaine des Jarres area.

Well-informed sources today said that the successes were the result of fully integrated American-Laotian military planning and the most intense American bombing ever seen in Laos. So far, the advances have met little resistance, leading military observers to believe that the offensives caught the Communist-led Pathet Lao and their North Vietnamese allies by surprise.

The sources said Laotian units, some made up largely of Royal Thai soldiers in Laotian uniforms, had moved onto the plain and west along Route 9 after round-the-clock bombing had leveled several towns and scattered small defending forces.

The offensives, planned late last month at conferences in Long Cheng in northeast Laos and at Savannakhet in central Laos, appear designed to deal the Communists a serious blow as United States troops are withdrawn from Vietnam.

The thrust into northeast Laos—where during the last years the Government position had steadily deteriorated—counteracts rebel military victories that seemed to discredit the neutralist Laotian Premier, Prince Souvanna Phouma.

In June, North Vietnamese and Pathet Lao troops seized Muong Soui, a neutralist base, northwest of the plain.

GOAL IS HO CHI MINH TRAIL

The thrust across central Laos, according to well-informed sources is an attempt to use Laotian and Thai troops to cut the Ho Chi Minh Trail and reduce North Vietnamese infiltration into South Vietnam.

"In a very real sense, the war in Vietnam is now being fought in Laos," said one diplomatic source today. He said the American-Laotian thrust toward the South Vietnamese border might provide the Nixon Administration with reduction in infiltration to justify large-scale troop withdrawals from South Vietnam.

United States B–52 strikes along the Laotian sections of the trail have increased greatly in the last two weeks, the sources said. They said as many as 500 sorties a day were being flown over Laos and that the increase in bombing in Laos was part of the reason for the lull in the air war in South Vietnam.

American participation in both the Plaine des Jarres and Ho Chi Minh Trail campaigns now extends to the field level, the sources said. They confirmed that United States planes—of Air America, Continental Air Services and the United States Air Force—were flying reinforcements, supplies and arms to advanced areas, while American Army officers and agents of the Central Intelligence Agency were advising local commanders. So far, there has been at least one confirmed American battle death in Laos. It occurred last week when an American CIA agent was killed by gunfire at an advanced post.

SENATE VOTES A CURB

(By John W. Finney)

WASHINGTON, September 17.—The Senate unanimously adopted an amendment today ostensibly designed to prevent American troops from being committed to combat in Thailand or Laos.

Whether the amendment would have such effect was disputed by the Defense Department and Senator John Stennis of Mississippi, chairman of the Senate Armed Services Committee.

The amendment was offered by Senator John Sherman Cooper, Republican of Kentucky, and approved by an 86-to-0 vote after a confused debate that left the amendment open to widely different interpretations.

The amendment, to a $20-billion military authorization bill, specified that none of the funds could be used for American combat support of "local forces" in Thailand or Laos. His purpose, Senator Cooper declared, was to "prevent, if from moving step by step into war in Laos or Thailand, as it did in Vietnam."

Senator Stennis argued that the Cooper Amendment would apply to only $2.5-billion in military aid for Thailand and Laos, as well as South Vietnam. Thus, he contended, the amendment would impose no restriction on the use of other military funds to support combat operations in Laos or Thailand.

In this contention Mr. Stennis was supported by a Defense Department memorandum that he read to the Senate. The memorandum said that under the amendment the current military aid to local forces in Laos and Thailand could be continued and the amendment would "have no impact on the use of funds for support of U.S. forces in Laos or Thailand."

Throughout the debate ran an element of uncertainty over whether American forces might already be committed in Thailand and Laos without any official acknowledgment by the Administration and without any specific approval by Congress.

At one point, Senator Cooper questioned whether "the President and the Secretary of Defense don't want it [the amendment] because we already have forces fighting in Laos or Thailand."

The Senate action came as dispatches from Laos reported important military gains by Laotian Government forces, with United States air and logistical support, against the Pathet Lao, Communist-led guerrillas.

Senator Cooper—without any specific contradiction by Senator Stennis—said "I think we are fighting there." But he noted that neither the Pentagon nor the State Department had ever told Congressional committees that American troops were engaged in combat in Laos or Thailand.

45,000 TROOPS IN THAILAND

> The United States has 45,000 troops in Thailand, with American bases there used for bombing operations in South Vietnam. Except for an incident a few years ago in which American "pilots" were flying helicopters carrying Thai troops, there has been no public indication that American troops were assisting Thai forces in operations against insurgents.
>
> In Laos, the United States conducts bombing operations against enemy supply lines leading into South Vietnam. The Central Intelligence Agency is known to provide logistic support to the neutralist Government, but again there has been no official confirmation that American troops are providing combat support.
>
> Under a recently disclosed contingency plan signed in 1946, the United States agreed to supply combat troops to help Thailand resist attack through Laos.
>
> The Nixon Administration, however, has made clear that it is not necessarily bound by the plan, and the effect of the Senate adoption of the Cooper Amendment could be to further vitiate the effectiveness of the controversial agreement by the Johnson Administration.
>
> For all the confusion today, it seemed apparent that Senator Cooper had taken the Senate one step toward using its control over funds to prevent the Administration from committing the nation to war in Laos or Thailand without approval by Congress.
>
> As the majority leader, Senator Mike Mansfield, summed it up at the conclusion of the debate:
>
> "The purpose is well known—to see that we do not back into another Vietnam in Laos or Thailand."
>
> Senator Stennis said he supported the purpose of the Cooper amendment, although he believed it ineffective as phrased. Thus a more restrictive amendment may be offered to the appropriations bill when it reaches the Senate floor this fall.
>
> A national commitments resolution voted by the Senate in June called on the Administration not to commit American troops to foreign hostilities without "affirmative action" by Congress. The Cooper amendment was seen as a further manifestation of the rising demand in the Senate for a check on the foreign policy powers of the executive branch, particularly on the war-making powers.

OUTRAGE

Mr. YOUNG of Ohio. Mr. President, Army Sp5c. Michael Maxwell of Columbus, Ohio, has been fired as war news editor of the American Forces Vietnam Network in a dispute over military censorship of war news. Maxwell was relieved of duty last night after he informed his superiors he had been interviewed by CBS news about censorship. During the interview a reporter asked Maxwell whether there was censorship of the news he broadcasts to American GI's.

> My answer to that would be an unequivocal yes. There is censorship of the news. It comes from two levels—the United States Command Office of Information and also from the administration of our station here in Saigon. Some examples recently: The statement of Vice President Ky, Vice President of Vietnam that there would be an American troop withdrawal. He stated the figure of 40,500 men. This story was not aired on AFVN radio for 24 hours.

Lt. Col. James Adams, the officer in charge of the Vietnam network of the American forces of South Vietnam, apparently took a dim view of Specialist Maxwell's industry and enterprise in insisting upon factually reporting to our officers and men in Vietnam important news even if it involved statements of Vice President Ky regarding pending withdrawal of American forces from South Vietnam.

Specialist Maxwell, who is 21 years old and has had previous professional experience as a news reporter, is now cleaning M–16 rifles at network headquarters. This, because he complained of censorship of the news that he is permitted to broadcast to our Armed Forces. His superior officer ordered this honest, experienced reporter, Specialist Maxwell, relieved of his position and assigned to the labor of cleaning M–16 rifles.

Our GI's in Vietnam are entitled to hear the news without censorship from some officious Pentagon propagandist. Here is another example of Army brass dealing unjustly with an American enlisted man.

CALIFORNIA DISASTER RELIEF ACT OF 1969—CONFERENCE REPORT

Mr. BAYH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6508) to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 17, 1969, pp. 25838–25840, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BAYH. Mr. President, I ask unanimous consent that such legislative and staff assistants as may be needed be granted the privilege of the floor during the consideration of this conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I am pleased to report that the conferees appointed to consider H.R. 6508, a bill to provide assistance for the State of California, have agreed upon the terms of a conference report which adjusts the differences in the bills previously adopted by the House and the Senate. On July 10, when the Senate passed H.R. 6508 in amended form, it substituted for the text of the bill the language of S. 1685. The latter is a bill the Senate had adopted on July 8 to provide additional disaster assistance for areas suffering a major disaster.

I might add that S. 1685 was a part of the results of a continuing 4-year study which the Senate, through its Committee on Public Works, has been conducting to try to find a way to make the disaster relief laws of this country more equitable. It has been my good fortune to sit on more than one conference committee since I came to the Senate; but I can honestly say that I have never been a member of a conference which did more to resolve major differences between the two Houses, or whose efforts will have a more constructive impact upon the people of our country. The chairman of the Senate Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH), though not a member of the conference committee, was hovering in the background, actively helping the conferees resolve their differences. The Senator from Virginia (Mr. SPONG), whose State was flooded in the most recent Camille catastrophe; the Senators from Mississippi (Mr. EASTLAND and Mr. STENNIS), whose State was also greatly affected; the present Presiding Officer of the Senate (Mr. ALLEN) and his colleague from Alabama (Mr. SPARKMAN), were all extremely helpful in compiling data to be of assistance, not only to their States and their citizens, but also to those throughout the country who may be similarly affected. The ranking Republican member of our committee, the Senator from Kentucky (Mr. COOPER), who sat on the conference, as did the Senator from Ohio (Mr. YOUNG) and others, were extremely helpful to the conference, and I should say to this body that when the final hour came for filing our decision, we had tremendous cooperation from the conferees for the House of Representatives, who put aside the differences they had with the original Senate bill, as we tried to do with our differences with their legislation, and we proceeded constructively.

The House bill was concerned solely with the California diaster of last winter. The Senate bill would have created a permanent general disaster relief program, such as we have been working on for 3 or 4 years. The conferees compromised these differences by placing a time limit on the applicability of the legislation and incorporating much of the Senate bill's overall approach to disaster relief. As agreed upon, the bill now would apply to any major disaster occurring during the period June 30, 1967 through December 31, 1970.

I should also point out that there was general agreement on the overall philosophy that we wanted not only a national bill, applicable to any part of the Nation that might be confronted with a disaster, but also that this should be a bill that had no terminal point; so that as soon as the Senate and the House of Representatives committees are able to do so, they can hold hearings, hopefully joint hearings. At that time it is hoped that the terminal date agreed upon can be removed, so the States will not have to come to the Senate and the House of Representatives after each disaster, but rather, when disaster strikes, there will be legislation already on the books to deal with it.

No funds are specifically authorized by this bill because there is no way of estimating what the cost might be. The final estimates from Hurricane Camille are not in, and, since the bill will be in force for the next 16 months, we rely on the Appropriations Committees, Congress, and the President to assure that the necessary funds will be supplied as they are required

As approved by the conferees, the bill contains 11 operative sections which would provide the following—and I might say I recognize the tediousness of enumerating some of these facts in a conference report, but because there were significant changes and significant reconciliations between differences that existed in the two bills, and because we are now, this afternoon, writing legislative history which may be looked to at some future time, which is not recorded anywhere else, I hope my fellow Senators will bear with me for this repetition:

First, 50–50 matching grants to States for the permanent repair and reconstruction of non-Federal streets, roads, and highways;

Second, readjustment of timber sale contracts and grants for removal of timber from private land;

Third, additional time for public land entrymen to comply with legal requirements;

Fourth, Federal loan adjustments;

Fifth, grants to States for disaster planning;

Sixth, appointment of Federal coordinating officers for major disaster areas;

Seventh, temporary shelter for disaster victims;

Eighth, food stamp program to be made available during and after disasters;

Ninth, assistance to individuals unemployed as a result of a major disaster;

Tenth, fire control on publicly or privately owned forest or grasslands; and

Eleventh, grants for removal of debris from private lands.

The first conference session was held on August 12, 1 day before Congress recessed for 3 weeks. Within a few days thereafter Hurricane Camille wreaked great loss of life and property upon the gulf coast of Mississippi and other States, especially Virginia. Shortly after the Congress reconvened on September 3, S. 2853 and S. 2854, bills to provide special relief for the victims of this terrible catastrophe, were introduced by Senators EASTLAND, STENNIS, RANDOLPH, ALLEN, BYRD of Virginia, BYRD of West Virginia, ELLENDER, LONG, SPARKMAN, SPONG, and THURMOND.

Although these bills were not specifically before the conference for consideration, they further emphasized the need for additional legislation to aid the many communities and thousands of people who incurred losses in this major disaster.

Graphic portrayals of the destruction and suffering were provided by those Members and staff who visited the afflicted areas to see on the scene what had happened. In addition the conferees invited the representatives of several Government departments and agencies which are directly concerned with relief work to report on their activities in this most recent disaster.

I think it is fair to say that we really had a hearing—and a detailed hearing—before the conferees of the House of Representatives and the Senate. This does not happen very often, but the conferees were really seeking information that would help them. Officials of the Office of Emergency Preparedness; the Small Business Administration; the Department of Agriculture; the Army Corps of Engineers; the Department of Housing and Urban Development; the Department of Labor; the Department of Health, Education, and Welfare; the Federal Highway Administration; and the Economic Development Administration briefed the conferees on the impact of the legislation as well as of the disaster.

Although the conference committee did not have the authority to consider all the proposals for assistance which were submitted, it was able to include in the report which we now have before us provisions which the Members believe will be of substantial help.

The report which we are recommending represents an important milestone in a search for meaningful disaster relief which began more than 4 years ago. A brief summary of previous action may be helpful in understanding the legislative history of this measure. Following a rash of tornadoes and floods in the Midwest during the spring of 1965, nearly 40 other Senators joined me in introducing a bill (S. 1861) to provide assistance for private citizens and businesses incurring extensive losses in major disasters. An amended version of this bill, in which several important sections were deleted—deleted, I might add, by our worthy colleagues in the House of Representatives—was approved by the Congress and signed by the President on November 6, 1966. It became Public Law 89–769.

Because the task had been only partially completed, 36 cosponsors joined me in offering a second bill, S. 438, on January 17, 1967. After hearings demonstrated the need for additional legislation, the bill was reported to the Senate on April 2, but no further action was taken during the 90th Congress. Consequently, on March 26 of this year I again introduced a third major disaster relief bill, S. 1685, which 26 other Senators cosponsored. After thorough consideration by the Senate Public Works Committee, it was reported out with several amendments on June 25 and was subsequently passed by the Senate on July 8.

Before examining in detail specific sections of the conference report, let me comment briefly on the primary goals which this proposed legislation is designed to achieve and call attention to a few of its major provisions.

Our study of the problem in 1965 convinced us of the need for permanent legislation which would help alleviate the severe losses inflicted on people by major disasters. Although the Congress in the basic disaster relief law of 1950 and in subsequent amendments had provided fairly adequate emergency assistance to States and local communities to restore governmental services and facilities, comparatively little provision for direct assistance to individuals, families or businesses had been made. Moreover, the common practice of Congress to consider special and separate relief bills following specific disasters, such as the Alaska earthquake, Northwest floods, or Hurricane Betsy, was not the most satisfactory or effective method of meeting the problem. Such legislation took 6 months or more to enact, so that often relief was too long delayed to be really meaningful, when it was needed the most.

Thus, our efforts have been directed toward legislation which would provide full statutory authority enabling the Federal Government to extend help of all kinds to disaster victims immediately after a Presidential declaration, without waiting for further specific congressional action.

Two questions confronted the conferees at the outset: The scope of the coverage and the time period to be encompassed in the legislation. It was agreed that the provisions of the conference report should not be limited to one or a few States, but should extend to any area within the United States or its territories and possessions which had been declared by the President to be a major disaster area.

The time factor was settled by providing that four sections—5, 8, 9, and 13—which by their nature required continuity would be permanent, but that the remainder of the act would terminate on December 31, 1970. This decision was based on the intention of the Members, as I said a moment ago, to urge that hearings be held by the proper committees in both the House and the Senate within the next few months for the purpose of adopting permanent, comprehensive disaster assistance legislation. It was believed that a careful scrutiny by Congress of the effectiveness and adequacy of the help authorized in this bill and of the need for any further measures should be made before some of its provisions were made permanent law.

Four or five sections of the report deserve special mention at this time. Aid for homeowners and businessmen who have incurred losses in major disasters would be expanded substantially by sections 6 and 7. Interest and principal payments for those eligible for 3 percent disaster loans made by the Small Business Administration and the Farmers Home Administration would be canceled up to $1,800 on the part of the loan in excess of $500.

In addition the SBA and FHA would be authorized to make disaster loans to property owners, without regard to whether the financial assistance is otherwise available from private sources, at an interest rate equal to the average interest rate on all interest-bearing obligations of the United States with maturities of 20 years or more.

Although such borrowers would not be entitled to the $1,800 forgiveness feature available to those who receive 3-percent disaster funds, it would enable those disaster sufferers who have other private credit resources to obtain loans at a rate lower than that charged by commercial institutions but would be at a minimum cost to the Federal Government. Moreover, the SBA and FHA would be authorized to refinance mortgages and liens on homes or business property severely damaged in a major disaster, with the rate of the loan—3 percent or Government-average interest rate, whichever it might be, depending on the financial need of the borrower.

Mr. President, there is one highly important matter respecting small business disaster loans about which the conferees were unable to make a statutory determination. I refer to the administrative limitation on loan amounts imposed by the SBA—and this amount has been administratively set; it is not in the law—$30,000 on a home; $100,000 on a business. The conferees regard these limitations as utterly unrealistic under today's conditions as viewed by those who were actually on the scene of the disaster. They should be removed by action of the SBA. They should not be replaced with any other dollar limits of general applicability. The amount of each loan should be determined individually and on the basis of each individual case. If the SBA does not itself make this change, the conferees believe that the Congress should do it through an amendment of the law to be considered shortly.

In order to assist persons and families whose places of residence have become uninhabitable because of a major disaster, the President would be authorized under this bill to provide temporary housing through use of any dwelling accommodations owned by the United States or by leasing existing dwellings, mobile homes or other readily fabricated homes. Rentals could be established for such accommodations which would take into consideration the financial ability of the occupants, but in case of financial hardships the charges could be compromised, adjusted, or waived for a period of up to 1 year.

In no case, however, would an individual or family be required to spend more than 25 percent of his or his family's monthly income for housing expense, including debt payments on his destroyed or damaged home. Such temporary housing for disaster victims would be available only to those who had been certified by proper authority that their accommodations had been destroyed or damaged to such an extent that they were uninhabitable.

In most disasters, especially those resulting from floods, tornadoes and hurricanes, large amounts of debris are often deposited on private property. To help bring relief from this problem, section 14 of the bill would authorize the President, when he determines it to be in the public interest, to make grants to States or political subdivisions for removing such debris from private lands and waters. Payments could be made to reimburse actual expenses incurred for such removal, but the amount would be only that which would be in excess of the salvage value, if any, of the debris.

In times of disaster it is clear that emergency assistance must be extended both rapidly and with as little confusion as possible. In order to coordinate governmental operations in major disaster areas, section 9 of the bill would direct the President, as soon as he has designated a major disaster area, to appoint a Federal coordinating officer to be responsible for coordination of all Federal disaster assistance in that area. It is believed this would help speed up assistance and would reduce delays and confusion confronting disaster sufferers who often must deal with a variety of programs and different agencies. Similarly, comprehensive State disaster plans contemplated by the bill would require that a State coordinating officer would also have to be appointed to act in conjunction with the Federal coordinator.

A serious problem often faced by States and local governments has been the huge outlay necessitated by the cost of repairing and rebuilding highways, roads, streets, and bridges damaged or destroyed in major disasters. Those highways which are now within the Federal-aid system are entitled to receive payments from the National Government equivalent to those which are granted during construction, but there are thousands of miles of roads in every State which are not eligible for permanent disaster assistance. Often these are so-called farm-to-market or other county roads which are so vital to the livelihood of rural and small town residents. The conference report includes the provision adopted in the House bill which would authorize the President to allocate funds to States equal to 50 percent of the cost for the permanent repair and reconstruction of highways not on the Federal-aid system which are destroyed or damaged in a major disaster.

Finally, let me call attention to section 8, which would authorize the President to make grants not to exceed $250,000 to States for the purpose of preparing comprehensive disaster relief plans and practicable programs to assist individuals suffering losses in major disasters. In order to qualify for such a grant, a State, territory, or other possession of the United States would have to agree to match the funds made available to establish an agency specially able to plan and administer a comprehensive relief program, and to report to the President not later than the end of next year a State disaster plan. The President in turn would be authorized to report and to recommend to Congress ways in which the Federal Government could implement and help finance State plans and to make other recommendations on Federal participation in disaster relief.

Other sections of the bill, as noted in the detailed analysis which follows, would provide assistance in major disasters for damage to roads involved in existing timber sales contracts, for removal of fallen or damaged timber from privately owned lands, to give additional time for entry on public lands, to provide free food stamps, and to authorize assistance to unemployed who are not eligible for unemployment compensation or private income protection insurance.

Mr. President, I ask unanimous consent that a detailed summary of each section and the full text of the bill as reported by the conference be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJOR PROVISIONS OF THE LEGISLATION

HIGHWAY REPAIRS

Section 2 authorizes the President to allocate funds to States for the permanent repair and reconstruction of permanent street, road and highway facilities not on any Federal-aid system that were destroyed or damaged as a result of the disaster. The section requires 50% participation by the State.

This is a new departure in the field of Federal responsibility for highway repair. Hitherto assistance has been granted only for repair and reconstruction of Federal-aid highways. Language granting 100% Federal assistance for such repairs was contained in the Disaster Relief bill passed by the Senate in 1965.

TIMBER SALES CONTRACTS

In Section 3 relief would be provided for those timber contractors in Federal forests whose contracts were entered into prior to 1965 so that adjustments may be made in their contracts to facilitate reconstruction of timber roads destroyed in a major disaster

We have also provided authority and guidelines for assistance in the removal of downed or damaged timber from privately owned land when such assistance is deemed by the President to be in the public interest. However, the salvage value of the timber is to be deducted from the amount of the payment for removal.

ENTRY ON PUBLIC LANDS

In Section 4 the period for entry on to public timber lands has been lengthened in order to salvage timber which is subject to infestation and deterioration because of climatic conditions.

BUREAU OF RECLAMATION OVERHEAD COSTS

Section 5 repeals a provision of the Fiscal 1967 Public Works Appropriation Act now requiring that funds spent by the Bureau of Reclamation in connection with disaster relief under Public Law 81–875 shall be reimbursed in full by the Office of Emergency Planning to the Bureau.

DISASTER RELIEF LOANS

Section 6 provides that the Small Business Administration, on 3% disaster loans to those who cannot establish bank credit, shall, at the borrower's option, cancel up to $1,800 of interest, principal or any combination thereof on a disaster loan. SBA also is authorized to defer interest or principal payments during the first three years of the term of the loan regardless of the borrower's financial situation.

In addition, in order to assist those who are severely affected by a disaster but who have some capability of assisting their own recovery because of the availability of private credit, the conferees make the following recommendation: that the SBA make loans for the repair, rehabilitation or replacement of lost or damaged property without regard to whether financial assistance is otherwise available, provided that such a loan will carry interest charges at a rate equal to the cost of the money to the United States. This aspect of the loan program would therefore not burden the Federal Treasury. Further, no such loan would be eligible for forgiveness or deferral of payments.

Finally, the SBA is authorized to refinance mortgages or liens outstanding on destroyed or damaged properties. However, this is not intended to permit cancellation or deferral if the loan being financed was originally made under the first paragraph of this section and part of such loan was already cancelled. This means that no borrower could receive two cancellations on the same loan. He would not be barred from two such cancellations, however, if each resulted from damage or destruction in a different disaster.

Section 7 grants the Consolidated Farmers Home Administration the same loan authority as is given to SBA by section 6.

STATE DISASTER PLANNING

Section 8 authorizes a 50–50 matching grant not to exceed $250,000 to any State for development of a plan for assistance to individuals who suffer losses in a major disaster. It requires designation or creation of a State planning agency and submission of a State plan to the President not later than December 31, 1970.

Each participating State is to appoint a State coordinating officer to act in cooperation with the Federal coordinating officer required by the next section of the bill.

Thereafter, from time to time, the President is authorized to report and recommend to Congress programs for the Federal role in implementing and funding comprehensive disaster relief plans and activities.

FEDERAL COORDINATING OFFICER

Section 9 requires the President to appoint a Federal coordinating officer immediately upon his having designated a major disaster area. This officer will operate under the Office of Emergency Preparedness in the area. He will have responsibility for coordinating all Federal disaster relief and assistance, establish field offices for rapid and efficient administration of this assistance and aid local officials and citizens to obtain promptly the assistance to which they are entitled.

SHELTER FOR DISASTER VICTIMS

Section 10 of the conference substitute authorizes the President to provide necessary shelter for individuals and families who are certified as having been displaced from their dwellings by a major disaster and who are unable to find suitable accommodations. The bill authorizes use of unoccupied housing owned by the United States or of unoccupied public housing, leasing of existing dwellings or acquisition of mobile homes or other readily fabricated dwellings through leasing and placing them on sites furnished by the State or local government or by the owner-occupant, provided no charge is made for the site.

Rentals for this emergency shelter will take into consideration the financial ability of the occupant, and may be adjusted or even waived entirely for a period not to exceed 12 months. In no case can an individual or family be charged a monthly housing expense (including debt charges on a house destroyed or damaged in the disaster) in excess of one quarter of the monthly income.

FOOD STAMPS AND SURPLUS COMMODITIES

Section 11 authorizes the President to distribute food stamp coupons and surplus commodities to low-income households which are unable to purchase adequate nutritious food because of a major disaster. The President will be able to use existing legislation for so long as he deems necessary and to take into account such factors as the consequences of the disaster upon the earning power of the recipients.

ASSISTANCE TO UNEMPLOYED INDIVIDUALS

Section 12 of the conference bill recognizes that, while large numbers of workers and businessmen are covered by unemployment compensation and private income protection programs, when disaster strikes, especially in rural and coastal areas, a significant number of individuals find themselves suddenly with no means of support. The bill authorizes the President to provide financial assistance to such individuals not to exceed the maximum amount and the maximum duration of payments under the State unemployment compensation program. Any amount paid to an individual will be reduced by the actual amount of unemployment compensation or private income protection received by him during his unemployment.

FIRE CONTROL

Section 13 authorizes the President to make grants and loans to States for suppression of any fire on publicly or privately owned forest or grasslands which threatens to become a major conflagration. This section grew out of a study conducted by the Office of Emergency Preparedness pursuant to Public Law 89–769, the Disaster Relief Act of 1966.

DEBRIS REMOVAL

Section 14 provides that when it is determined to be in the public interest the President is authorized to make grants to States and localities for reimbursement of expenses of removing debris from privately owned lands and waters as the result of a major disaster, but only to the extent such expenses exceed the salvage value of the debris. The conferees intend that a major consideration in making these grants shall be the degree to which debris removal will assist in the economic recovery of the area.

EFFECTIVE DATES

Section 15 provides that, except for Sections 5, 8, 9 and 13 which are given permanent status, the act would apply to any major disaster declared by the President between July 1, 1967 and December 31, 1970.

Disaster Relief Act of 1969

Section 1. That Congress hereby recognizes that a number of States have experienced extensive property loss and damage as a result of recent major disasters including, but not limited to, hurricanes, storms, floods, and high waters and wind-driven waters and that there is a need for special measures designed to aid and accelerate the efforts of these affected States to reconstruct and rehabilitate the devastated areas.

Sec. 2. The President is authorized to allocate funds hereafter appropriated to carry out this section to those States affected by a major disaster for the permanent repair and reconstruction of those permanent street, road, and highway facilities not on any of the Federal-aid systems which were destroyed or damaged as a result of such a major disaster. No funds shall be allocated under this section for repair or reconstruction of such a street, road, or highway facility unless the affected State agrees to pay not less than 50 per centum of all costs of such repair or reconstruction.

Sec. 3. (a) Where an existing timber sale contract between the Secretary of Agriculture or the Secretary of the Interior and a timber purchaser does not provide relief from major physical change not due to negligence of the purchaser prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster in an affected State a major physical change results in additional construction work in connection with such road or facility by such purchaser with an estimated cost as determined by the appropriate Secretary (1) of more than $1,000 for sales under one million board feet, or (2) of more than $1 per thousand board feet for sales of one to three million board feet, or (3) of more than $3,000 for sales over three million board feet, such increased-construction cost shall be borne by the United States.

(b) Where the Secretary determines that damages are so great that restoration, reconstruction, or construction is not practical under the cost-sharing arrangements authorized by subsection (a) of this section, the Secretary may allow cancellation of the contract notwithstanding provisions therein.

(c) The Secretary of Agriculture is authorized to reduce to seven days the minimum period of advance public notice required by the first section of the Act of June 4, 1897 (16 U.S.C. 476), in connection with the sale of timber from national forests, whenever the Secretary determines that (1) the sale of such timber will assist in the reconstruction of any area of an affected State damaged by a major disaster, (2) the sale of such timber will assist in sustaining the economy of such affected area, or (3) the sale of such timber is necessary to salvage the value of timber damaged in such major disaster or to protect undamaged timber.

(d) The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof, for the purpose of removing from privately owned lands timber damaged as a result of a major disaster and such State or political subdivision is authorized upon application, to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of damaged timber, but not to exceed the amount that such expenses exceed the salvage value of such timber.

Sec. 4. The Secretary of the Interior is authorized to give any public land entryman such additional time in which to comply with any requirement of law in connection with any public land entry for lands in any State affected by a major disaster as the Secretary finds appropriate because of interference with the entryman's ability to comply with such requirement as a result of such major disaster.

Sec. 5. The last paragraph under the center heading "Administrative Provisions" in title II of the Public Works Appropriation Act, 1967 (Public Law 89–689), is hereby repealed.

Sec. 6. In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage in any affected State resulting from a major disaster the Small Business Administration—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments.

(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate in all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of one per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

(3) may in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

Sec. 7. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–1967), in the case of property loss or damage in any affected State resulting from a major disaster the Secretary of Agriculture—

(1) to the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of $500, cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so cancelled shall not exceed $1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first three years of the term of the loan without regard to the ability of the borrower to make such payments.

(2) may grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of one per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

(3) may in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

SEC. 8. (a) The President is authorized to provide assistance to the States in developing comprehensive plans and practicable programs for assisting individuals suffering losses as the result of a major disaster. For the purposes of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the territory of Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(b) The President is authorized to make grants not to exceed $250,000 to any State, upon application therefor, in an amount not to exceed 50 per centum of the cost of developing the plans and programs referred to in subsection (a).

(c) Any State desiring assistance under this section shall designate or create an agency which is specially qualified to plan and administer such a disaster relief program, and shall, through such agency, submit a State plan to the President not later than December 31, 1970, which shall (1) set forth a comprehensive and detailed State program for assistance to individuals suffering losses as a result of a major disaster and (2) include provision for the appointment of a State coordinating officer to act in cooperation with the Federal coordinating officer required by section 9 of this Act.

(d) The President shall prescribe such rules and regulations as he deems necessary for the effective coordination and administration of this section.

(e) Upon the submission of such plans the President is authorized to report and recommend to the Congress, from time to time, programs for the Federal role in the implementation and funding of comprehensive disaster relief plans, and such other recommendations relating to the Federal role in disaster relief activities as he deems warranted.

SEC. 9. The President shall, immediately upon his designation of an area as a major disaster area, appoint a Federal coordinating officer to operate under the Office of Emergency Preparedness in such area. Such officer shall be responsible for the coordination of all Federal disaster relief and assistance, shall establish such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs, and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled.

SEC. 10. (a) The President is authorized to provide on a temporary basis, as prescribed in this section, dwelling accommodations for individuals and families displaced by a major disaster.

(b) The President is authorized to provide such accommodations by (1) using any unoccupied housing owned by the United States under any program of the Federal Government, (2) arranging with a local public housing agency for using unoccupied public housing units, (3) acquiring existing dwellings through leasing, or (4) acquiring mobile homes or other readily fabricated dwellings, through leasing, to be placed on sites furnished by the State or local government or by the owner-occupant displaced by the major disaster, with no site charge being made. Rentals shall be established for such accommodations, under such rules and regulations as the President may prescribe and shall take into consideration the financial ability of the occupant. In cases of financial hardship, rentals may be compromised, adjusted, or waived for a period not to exceed twelve months, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a major disaster) which is in excess of 25 per centum of the individual's or family's monthly income.

(c) Dwelling accommodations may be made available under this section only to an individual who, or family which, as certified by such authority as may be designated by the President, had occupied a dwelling as owner or tenant, that had been destroyed, or damaged to such an extent as to make it uninhabitable, as a result of such major disaster.

SEC. 11. (a) Whenever, as the result of a major disaster, the President determines that low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to provisions of the Food Stamp Act of 1964 and to make surplus commodities available pursuant to the provisions of section 3 of Public Law 875 of the Eighty-first Congress.

(b) The President is authorized to continue through the Secretary of Agriculture to make such coupon allotments and surplus commodities available to such households for so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be construed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as it relates to a Presidential determination regarding availability of food stamps in a major disaster.

SEC. 12. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payments under the unemployment compensation program of the State in which the disaster occurred and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance available to such individual for such period of unemployment.

SEC. 13. The President is authorized to make grants and loans to any State to assist such State in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster.

SEC. 14. The President, whenever he determines it to be in the public interest, and acting through the Director of the Office of Emergency Preparedness, is authorized to make grants to any State or political subdivision thereof for the purpose of removing debris deposited on privately owned lands and on or in privately owned waters as a result of a major disaster, and such State or political subdivision is authorized, upon application, to make payments to any person for reimbursement of expenses actually incurred by such person in the removal of such debris, but not to exceed the amount that such expenses exceed the salvage value of such debris.

SEC. 15. (a) As used in this Act the term "major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g), which disaster occurred after June 30, 1967, and on or before December 31, 1970.

(b) This Act, other than sections 5, 8, 9, and 13, shall not be in effect after December 31, 1970, except as it applies to major disasters occurring before such date.

SEC. 16. This Act may be cited as the "Disaster Relief Act of 1969".

And the Senate agree to the same.

That the title of the bill be amended to read as follows: "An Act to provide additional assistance for the reconstruction of areas damaged by major disasters."

Mr. RANDOLPH. Mr. President, I am not a member of the Senate conferees on H.R. 6508, the disaster aid bill. However, I do feel it appropriate for the Public Works Committee as a whole to express its thanks to the Senator from Indiana and our conferees on the part of the Senate on the diligence and the effectiveness that they brought into the conference with the members of the House conference committee.

I think it is also important to underscore the fact that the ranking minority member of the Committee on Public Works, the able Senator from Kentucky (Mr. COOPER) joined with me, and we sat in some of the sessions of the conference. We did this not simply because we wanted to be present, but because we wanted to have all those who were serving as conferees from the Senate and the House to know that in a sense we were representing not only the Committee on Public Works, but also all our colleagues in the Senate. It was not only to act on behalf of the States involved in the most recent catastrophe, the havoc wrought by Camille, but to indicate to the Members of Congress the widespread nature of the disasters with which we are dealing in this report, not in the State of Mississippi alone, with its terrific problems of rehabilitation, or in the other States involved in Camille.

In the past 3 years, in the United

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States, we have had catastrophes, major in degree, that have swept across at least 25 States. We almost forgot about Beulah, in the State of Texas, with its havoc, in 1967; and Indiana, Iowa, Minnesota, Hawaii, Florida, California, Arkansas, North Dakota, South Dakota, Nevada, Vermont, Wisconsin, Colorado, Illinois, Tennessee, Kentucky, Ohio, Kansas, Mississippi, Louisiana, Alabama, Pennsylvania, Virginia, West Virginia.

I have enumerated 25 States; perhaps others could be listed. But by hurricane, by tornado, and by flood and havoc has been wrought across America; and I think Members of Congress must realize that we must attempt to cope with this problem in a long-range manner in the future. Ofttimes, it is easy to come in after the fact and try, through the application of the retroactive provisions, to take care of the disasters that occurred months, or, yes, years ago.

I should emphasize, also, that just in the last year, the private loss from disasters in the United States has exceeded $355 million. This is only the private loss—to the residences and the businesses of the American people. Public facilities such as roads, schools, and hospitals are not included in the almost staggering figure of personal loss that I have given.

So, we realize the seriousness of this situation. The Senator from Mississippi (Mr. EASTLAND), who sits before me, knows, as do I and the Members of Congress who are knowledgeable of this problem in his State, that in one area 95 percent of all homes are gone. So, where is the tax base on which to build in order to do the job necessary? The people at the local level of government are hardy people and they are working on that level with other agencies of government in our country to rebuild their communities.

Mr. President, high praise is due the conferees on this bill H.R. 6508. They faced a most difficult and unusual task: how to reconcile a bill concerned with disaster in a single State, as passed by the House, with a bill for a permanent national disaster relief program as passed by the Senate. Such a reconciliation has been achieved, and it is a credit to the legislative skill and the willingness to compromise by all the conferees in the interest of the Nation as a whole.

Our colleague, Senator BAYH, who served as chairman of the conference, is especially to be complimented for his leadership. He was ably assisted by Senators YOUNG of Ohio, SPONG, EAGLETON, and Senators BAKER, DOLE and GURNEY. Senator JOHN SHERMAN COOPER, the ranking minority member of the full committee, also made valuable contributions.

Of course, Mr. President, the bill agreed on by the conference is not perfect, nor does it contain all the provisions that experience has shown need to be included in truly effective, national disaster relief legislation.

It is my intention, as chairman of the committee, to arrange for further hearings, this year, on a number of valuable suggestions for improving the Nation's readiness and capability to cope with major natural catastrophes. I expect these hearings will elicit testimony on such questions as: first, how to accelerate emergency financial aid to local communities faced with the immediate necessity of restoring vital public services but stripped of available funds to pay for it; second, how the Federal Government can assist a local community whose tax base has been wiped out to meet upcoming interest and principal payments on outstanding public debts; 95 percent of the homes in one area of Mississippi are gone; there is no tax base. We must recognize that situation.

Mr. BAYH. Mr. President, will the Senator from West Virginia yield?

Mr. RANDOLPH. I yield.

Mr. BAYH. I am particularly grateful for the Senator's willingness to cooperate in that given area. This was a part of the first bill, as the Senator knows. With his help, assistance was recommended by the Committee on Public Works, and the bill passed the Senate, but it was not accepted by the House. Hurricane Camille again emphasizes the problem.

We found in 1965 and 1966 that we had been accustomed to provide assistance to restore public facilities when they were damaged, facilities such as sewer plants and water supply. But when utility plants were destroyed, as was the case in one small community in Indiana, the town was unable to meet its financial obligations.

I thank the chairman for his willingness to help us to deal with problems such as that, which are not covered in either of the bills at present.

Mr. RANDOLPH. No; we shall have to think of such payments in the forthcoming bill.

Mr. President, at this point I turn aside to say something I feel should be in the RECORD, although perhaps it is extraneous. Through the years we have responded to catastrophes that have befallen other people of the world. I think that was proper. I am not going to discuss it except to say that if we could give the aid of the United States to the peoples of other countries of the world during catastrophes that have come to them, we certainly can and we certainly must be able to crank the machinery into motion that will enable us to help the people of our own country in all the areas that are afflicted by natural disasters.

Mr. BAYH. Mr. President, will the Senator yield for just a moment?

Mr. RANDOLPH. I yield.

Mr. BAYH. I do not like to keep interrupting the distinguished Senator. However, I do wish to state that the Senator is precise and exact in recognizing the problem. He has touched on another area that has been at the base of this matter. We have dealt with disaster problems as they have occurred. We have tried to repair roads, school buildings, bridges, water plants, and many other projects.

But this bill more than any other in the history of our disaster relief program gets right down to helping the average man and woman, the small businessman, the entrepreneur, the farmer, the fisherman. For the first time we have said, as the chairman has pointed out, if we are going to provide the beneficence of this country to other nations we are going to do it at least in kind to those in this country.

Mr. RANDOLPH. The Senator is correct. The Senator mentioned the small businessman. I want the RECORD to reflect that when the hearings I am discussing go forward the able Senator from New Hampshire (Mr. MCINTYRE), who is the chairman of the Subcommittee on Small Business of the Committee on Banking and Currency, is going to be not just listening in but is going to be helpful to us as we attempt to answer some of these questions.

Mr. President, I shall hurry along because there is a third question that is going to be asked. Should certain legal requirements and regulations that may impede swift restoration of devastated areas be suspended or waived during the emergency; and fourth, what other instruments should be provided in Federal law that will enable us better to restore destroyed and damaged areas to the fullest extent possible.

The committee will welcome proposals from all Members of the Senate concerned with the menace to life and property of such terrible natural disasters as hurricanes, tornadoes, tidal waves, floods, landslides and earthquakes.

This is another major step which our continuing experience with disaster relief has proved to be essential. While the Federal, State, and private response to the emergency immediately following a disaster is well conceived and directed, additional work must be done by Federal agencies better to coordinate the restoration phase following the catastrophe.

We urge the agencies who have responsibility to review carefully their statutory authority and their administrative rules and procedures so that they may recommend to us at the earliest possible date perfecting legislation.

Again, I thank all Members of the Senate and, of course, Members of the House, led by Representative ROBERT JONES of Alabama, who have devoted themselves intelligently to solving this problem.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, I rise to support the assessment made by the distinguished chairman of the Committee on Public Works of the problems which the country faces arising from major disasters. I believe the conference report goes as far as it could go within the confines of the legislation under consideration. On both sides, in the House and in the Senate, efforts were made to give the greatest relief possible.

I agree with the chairman that it will be necessary to hold further hearings and to design legislation to meet some of the problems which could not be faced. For example, I remember the Senator from Mississippi (Mr. STENNIS) told us that most of the schools in a certain area had been destroyed. We could not deal with that. Perhaps in the future, plans can be made to do so. Last year, I remember, to show how we can be wrong sometimes—at least, I can be wrong—I voted against the bill in committee, but this year, perhaps spurred by the disasters, and also the fact that a much better bill has been developed, I must say, I was glad to support and do what I can.

I join the Senator from West Virginia (Mr. Randolph) in paying tribute to all members of the committee from both parties who contributed so much to the development of the legislation as we discussed it in the Public Works Committee and also in the conference.

Special credit, of course, should go to the Senator from Indiana (Mr. Bayh) who initiated and fought for the bill in the Public Works Committee and through all its stages of development.

The Senator from West Virginia (Mr. Randolph), as always, mobilized the forces behind us, to deal not only with the immediate problem but also with problems of the future. He is a great chairman for our committee.

The Senator from Virginia (Mr. Spong), coming fresh from the disaster areas in Virginia, made a very important contribution in his report concerning the problems in those areas, which are similar to other areas in this country.

We were aided also by the Senators from Mississippi (Mr. Eastland and Mr. Stennis); those from Alabama (Senators Sparkman and Allen), and others affected.

This act is a good start and will give aid to many people. I am sure that we will go further in the future.

Let me also pay tribute to a former member of the committee, the Senator from California (Mr. Murphy) who, last year, discussed with us the problems of his State. I think that most of his proposals were contained in the House bill which came to us in connection with the conference.

I would also commend the members of the staff of the Committee on Public Works, on both the majority and minority sides for their contributions to the development of this legislation.

Mr. President, although I was not designated a member of the conference committee on this legislation, I did attend and participate in the Senate-House conference (for Senator Baker), on the Disaster Relief Act of 1969. I did not support the legislation as introduced by my colleague from Indiana in the 90th session of Congress, because I had a number of questions about the sections which provided grants for private property losses, their relationship to the National Flood Insurance Act of 1967, and the opposition of the Bureau of the Budget to that proposal. I believed that the hearings conducted by the Committee on Public Works had not adequately determined that the States were willing to shoulder a portion of the burden of this type of assistance. These questions were substantially answered throughout the committee's consideration of Senator Bayh's bill, S. 1685, in this session of Congress, and I was happy to support to its unanimous reporting from committee and passage by the Senate. Its goals, to provide speedy and comprehensive assistance to those who have suffered because of a major natural disaster, are without question.

One of the major difficulties in administering the disaster relief program is the proliferation of Federal programs of assistance. Different agencies and departments of the Federal Government provide aid to individuals, businesses, and governments, both local and State. This multitude of programs creates a problem for those needing assistance because information about them may not be coordinated. The individual agencies make information available about their programs, but the individual who needs help often does not know what agency can give him the assistance he needs. In order to meet this problem, I suggested an amendment which I am glad was adopted by the conference. It appears as section 9 of the final version of the act and provides that immediately upon designation of an area as a major disaster area, the President will appoint a Federal Coordinating Officer to coordinate "all Federal disaster relief and assistance, establish such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs, and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled." I hope that the application of this provision will be helpful.

Section 8(c)(2) includes a similar provision for the appointment of a State coordinating officer to work with the Federal one as part of the State effort in developing plans for administering disaster relief and the establishment of a State agency to carry out those plans. This provision was also included at my suggestion and will, taken with the other, go a long way in assuring that the goals of the Disaster Relief Act as amended are more fully approached in the future.

At the present time the Senate Committee on Public Works is holding hearings on the Hurricane Camille damage in parts of Virginia and flooding problems in parts of the Midwest and in Arlandria, across the Potomac. The testimony reveals a number of things of importance to the Senate in its consideration of this act. Disaster assistance cannot come too quickly and in too great quantities to those whose homes and lives have been disrupted or destroyed by rampages of nature. More importantly, however, the hearings have revealed the need for strong action by local and State governments, as well as Federal consultation, in protecting people and resources from flood and storm damage through the adoption of sound policies of land use and resource management. Instead of applying band-aid like assistance post facto, we should increasingly consider techniques of prevention before damage is created. It is my belief that this is the direction in which we must turn in our future consideration of disaster relief. To a great extent much of the damage we seek to relieve in the passage of this act, as in the passage of past disaster relief acts, was avoidable, had local and State governments exercised their responsibilities in the land use and management arenas.

Mr. SPONG. Mr. President, initially, I should like to commend the Senator from Indiana (Mr. Bayh), who chaired the conference. The report today, in large measure, reflects 4 years of work on the part of the Senator from Indiana in this particular area of legislation.

I should also like to commend the Senator from West Virginia (Mr. Randolph), the Senator from Kentucky (Mr. Cooper), and my colleagues who participated in the conference. It is noteworthy that this matter is on the floor of the Senate just a month and a day after Hurricane Camille struck Virginia.

For those who have some question about the responsiveness of Government at this level, I think that this report is an example of where pending legislation in conference was developed in a minimum of time to provide a maximum of relief to meet the special circumstances involved.

Mr. President, there is provision in the report for the appointment of Federal and State coordinators in time of major disasters.

I think that the visits made by members of the staff of the Public Works Committees into areas of Mississippi, Louisiana, and Virginia provided evidence of the need for this kind of coordination among Members of Congress, State, and Federal officials in time of a national disaster.

The personal experiences reported to the Senate by the Senators from Mississippi (Mr. Eastland and Mr. Stennis) reflect the need for this. I think the fact that it is included in this legislation is a salutary matter.

Mr. President, I ask unanimous consent to have printed in the Record my statement on the report in terms of its effect upon the State of Virginia.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Spong

The conference report before the Senate represents a start on the road to recovery for victims of Hurricane Camille, a disaster which in Virginia caused 109 known deaths, and resulted in property damage estimated by state officials at $116,500,000.

The report agreed to by the conferees will be of substantial help to the individuals and communities affected. I am grateful that Senator Randolph, the distinguished chairman of the Public Works Committee, has announced that further hearings will be held this year. I am hopeful that the hearings will result in the enactment of permanent legislation which will include provision for additional needed relief.

The devastation in Virginia was brought on by torrential rains and landslides in the James River Basin. An estimated 27 inches of rain fell on parts of the Blue Ridge during a 12-hour period on the night of August 19. The Clifton Forge area received about 10 inches of rain. The same amount was recorded downstream at Scottsville.

As the waters roared down the hillsides into the basin, they swept everything before them. Forty-seven persons are still missing, probably buried under the massive amount of trees, rock and other debris that remain as grim evidence of the disaster.

Some provisions of the conference report are of special importance to Virginia. One of them authorizes 50–50 matching funds for the reconstruction of non-federal highways. Only this morning the Subcommittee on Flood Control-Rivers and Harbors received testimony that 175 miles of state-maintained secondary roads in Virginia were destroyed or damaged so severely by Hurricane Camille that they must be totally rebuilt. One-third of the estimated total highway damage of $19.1 million occurred on roads and bridges that are not on any federal-aid system.

Grants for debris removal also will be beneficial. Literally tons of mud, silt and rock, and thousands of trees were deposited on valuable private lands by the force of the floods. Houses were knocked off their foundations and, in some cases, carried hundreds of yards downstream. When the waters subsided the structures were left standing in the middle of cornfields and other farmlands. The same is true of automobiles, and indescribable amounts of other forms of debris. Unless these farmlands are returned to productive use, tax bases cannot be restored, and the communities involved cannot revive their economies.

The bill also provides for loan forgiveness and deferment of principal and interest payments on certain loans of the Small Business Administration and the Farmers Home Administration; unemployment and Food Stamp assistance to victims of major disasters; the appointment of federal coordinating officers and the establishment of field offices in major disaster areas and temporary shelter for disaster victims.

The conferees also are recommending in their report a provision to allow the Small Business Administration and the Farmers Home Administration to refinance any mortgage or other liens outstanding against property destroyed or damaged in a major disaster.

It is the intent of the conferees that the SBA review its present loan ceilings, with a view toward lifting the amounts which can be provided to rehabilitate businesses. As part of my preparation for today's hearings on the flooding in the James River Basin, I conferred with people from Nelson, Albemarle and Amherst Counties. Businessmen told me that the present $100,000 ceiling is inadequate. A report I received late yesterday from the Richmond Regional Office of the SBA confirms that view. The SBA informed me that 15 per cent of the businesses who have applied as a consequence of damage from Hurricane Camille have sought loans in excess of the ceiling.

Such a revision could be accomplished administratively. There is no statutory prohibition against lifting the ceiling. Many of the businesses seeking higher loans are located in small communities, and employ substantial numbers of the local work force. It is essential that these companies be rehabilitated as promptly as possible.

There also is need for authority to extend financial aid to localities who have suffered such devastation that they cannot meet obligations from local tax revenues. As Senator Randolph has pointed out, this problem will be the subject of hearings this year.

The report of the conferees is an important step in a four-year effort led by Senator Bayh to enact a permanent national disaster relief program. He is to be commended for his tenacity. I am grateful to him, to Senator Randolph and to my other colleagues on the Public Works Committee and the Conference Committee for their diligence in the development of this report.

Mr. SPONG. Mr. President, in conclusion, let me say that I think the experience gained as a result of this report, and as a result of Hurricane Camille, will provide a foundation upon which permanent legislation might be enacted. I am very pleased that the able chairman, the Senator from West Virginia (Mr. RANDOLPH), has announced that hearings for the purpose of developing permanent legislation will take place at a time when we will have an opportunity to review the experience under this measure and to assess the need for additional types of relief for disaster victims.

Mr. BAYH. Mr. President, I wish to thank the Senator from Virginia for his thoughtful remarks directed to me, as well as to thank the chairman for his kind remarks, and point out that the contribution which the Senator from Virginia made to the conference committee was, indeed, a great one.

As I said earlier, the Senator from Virginia and the two Senators from Mississippi, who are now in the Chamber, were on the scene investigating conditions, and immediately drafted legislation to be quickly introduced. Their persistence in pursuing members of the conference to bring the legislation into being, and to provide meaningful relief for their constituents, is an indispensable part of this program.

Let me say in passing—the Senator from Virginia raised the point, and it is an accurate one—that we should not overlook the great contribution made by the staffs of the Public Works Committees, not only in the normal procedure of business in drafting legislation but also in helping the conference by going into the area, as they did, and coming back with firsthand reports that were extremely helpful to us.

Mr. SPONG. I thank the Senator from Indiana very much for his gracious remarks.

Mr. EASTLAND. Mr. President, 1 month ago yesterday Hurricane Camille assaulted the southern shores and inland sections of America.

Her howling winds and raging tides laid waste our lands and brought death and destruction, privation and suffering to countless thousands of our citizens.

Lives were lost and other lives radically changed, businesses disappeared under debris, dwellings were demolished, economic systems smashed, cities and communities crushed, agriculture, commerce, industry, and tourism were shredded by winds in excess of 200 miles per hour; scattered by tides of more than 30 feet.

I saw the havoc wrought by Camille and I listened as our people attempted to articulate the horror which attended her and even after the passage of 30 days I find it difficult to accept the awesome extent of the damage inflicted on us by this terrible catastrophe.

However, it is a fact that this disaster struck at our States and in some sections left little behind her except rubble.

This giant storm blew away and washed away everything in her path. Brick and concrete and steel were no match for her unprecedented might.

Camille destroyed or damaged everything she touched—everything, that is, except that which is indestructible.

Her tornadic winds and her walls of water failed to break the spirit of our people and failed to drown the compassion of America for her citizens.

Thus, 1 month and 1 day after Camille struck, a record performance by any standard—a splendid effort—led by the Public Works Committees of the Senate and of the House has produced a legislative package which, in my judgment, is an excellent vehicle for the tremendous recovery task which confronts us.

This superstorm has been styled the worst natural disaster visited on the North American Continent in modern history. Cures for this calamity necessitated the most sweeping and comprehensive disaster relief legislation ever enacted.

In only 15 days after the reconvening of Congress, our Public Works Committees met that stern test.

For the people of my State, and of all States involved in this tragedy, I commend from my heart Senators, Members of Congress, and the competent and dedicated staff personnel who contributed to this outstanding achievement.

The tenacious campaign waged by the distinguished Senator from Indiana is the cornerstone of this conference report and I salute Senator BAYH for his brilliant service.

I shall say of my old friend, the accomplished chairman of the Senate Committee on Public Works, that America is fortunate to have as leader of that vital committee a wise and compassionate gentleman whose talent as a legislative craftsman is unsurpassed.

Mr. President, the far-reaching provisions of this legislation as outlined by Senator BAYH, Senator RANDOLPH and Senator SPONG are a credit to the Congress and to the country, and certainly create a broad foundation for the launching of our rebuilding and rehabilitation projects.

I am particularly pleased with those features which:

Authorize permanent repairs to roadways not included in the Federal-aid system;

Make available aid to combat timber losses;

Allow SBA and FHA to render generous and meaningful support to homeowners and business, industrial and agricultural interests, as well as victims of previous disasters such as Hurricane Betsy;

Provide food and housing for our people;

Furnish payments to those deprived of jobs by the disaster who are not covered by State unemployment compensation programs. Examples are migrant workers, fishermen ruled joint venturers rather than employees, and many who have not worked long enough to enjoy State coverage;

Make available grants to suppress further damage from fire on public or private lands; and

Authorize the removal of debris from privately owned lands and waters. Beyond the great benefits to the citizen and the businessman contained in this section is substantial help for our tung and pecan industries.

The provisions I have mentioned, along with others which complete the package, form a legislative proposal which merits our commendation and support.

Now, Mr. President, it is true that adoption of this report will not cure the myriad of ills which afflict some areas—nor will it solve all of the painful problems which beset those areas. I submit that additional legislative relief is necessary to the full and final recovery of the most heavily damaged sections.

As an example, for my own State, further steps will have to be taken to support local governmental entities—this is a pressing problem of overriding importance—and other adjustments will have to be made.

Some of our difficulties can and should be quickly resolved by administrative action. I cite the present unrealistic limits on SBA loans. These limits were imposed administratively, and, in the light of the very strong statement on this critical matter in the managers' report, I am confident that actual dollar losses will be considered rather than unrealistic and unworkable limitations. The same approach, of course, must be applied to extensive losses sustained by agriculture.

Further, President Nixon and Vice President Agnew have personally inspected the devastation and have stated the administration's desire to render maximum assistance to the rehabilitation mission. The sympathetic and understanding attitude and pronouncements of the leaders of our Nation assure expeditious and effective administrative action in all phases of the recovery effort.

I would conclude by offering a suggestion to Chairman RANDOLPH, Senator BAYH, and their able colleagues.

I submit that the magnitude of the catastrophe caused by Camille and the extensive area involved provides us with a great "school" to teach us much more about the science of reaction to and recovery from large-scale disasters.

I suggest a continuing review of the process of the rehabilitation of our citizenry and of the rebuilding of physical facilities. I am persuaded that we can ascertain from this study which programs and procedures operate swiftly and effectively and which are in need of modification.

Mr. President, as we meet here today, many thousands of our citizens are suffering and whole sections of our country are shattered. We have before us an innovative, imaginative, and comprehensive piece of legislation, perfected by experts, which will assist us in the great task of forming a promising future for all who have borne the burden of disaster.

I strongly urge the adoption of the conference report.

Mr. STENNIS. Mr. President, I shall not detain the Senate at length. It certainly warms my heart and makes me feel proud of my colleagues, as well as the people of the Nation, to have such a fine response to the distressing situation that we were confronted with, not only in my State, but in other areas. I have been most grateful all the way through for the fine response from the Members of this body.

I also want to especially thank the staff members. Chairman RANDOLPH authorized those gentlemen to go down to the gulf coast of Mississippi and Louisiana. They went there on short notice and did an excellent job. We are most grateful to them, as I am sure the Nation is.

I wish to mention Chairman RANDOLPH, Senator BAYH, Senator COOPER, and Senator SPONG. I do not want to leave out any other Senators. Members of the House conference also showed the utmost consideration.

I refer now to what the Senator from Kentucky (Mr. COOPER) said. One county that was hit by this hurricane had left just four schoolrooms—not buildings, but only four schoolrooms in the entire county that were habitable for classes, which is an indication of the devastation.

I have been interested in the long-term financing of the municipalities and counties whose tax base was destroyed.

If I may address this question to the Senator from West Virginia (Mr. RANDOLPH), the Senator said he would consider legislation that went to the matter of some relief in the form of help for financing outstanding obligations. Would the Senator contemplate in his thinking a bill that would be retroactive with respect to those places where the distressing situations to which I have just referred occurred?

Mr. RANDOLPH. Mr. President, in response to the Senator from Mississippi, we have always considered retroactive features applicable in past disaster legislation. As we go into a more permanent type of legislation, not legislation merely to take care of a particular crisis, but to lay out a broad plan of general assistance, I can assure the Senator that the retroactive feature will be very much a matter within the purview of the committee and the subcommittee.

Referring to the four classrooms that were all that were left in a particular county, as the Senator indicated, I recall that former Senator Morse, as chairman of our Subcommittee on Education, several years ago guided the Senate Labor Committee in writing a provision that authorizes the U.S. Commissioner of Education to give assistance to districts in which floods, tornadoes, or hurricanes have devastated school facilities used for primary and secondary education. That provision is contained in Public Law 89-313, as amended. So we have recognized that problem. The Senator certainly goes to the basic problem of the tax base which has been destroyed. We must, and we will, of course, consider the question the Senator has raised.

Mr. STENNIS. I thank the Senator. I had no doubt about his attitude. I raised the point in this way merely to give substance to the hope of the people there of receiving some help as they face the future. I had a report this morning of people out of work there. They are eager to be on the move.

I thank the Senator very much and commend him highly for the national legislation.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Indiana. I have thanked him previously and am pleased to yield.

Mr. BAYH. I should like to reiterate what our distinguished committee chairman has said, that there is assistance available to the remains of that four-room school, or other schools that have been so devastated; but the issue to which the Senator from Mississippi addresses himself, and the one to which the Senator from West Virginia has addressed himself is: What do you do in those areas where the school is still standing, but the tax base to support bonds on the school is destroyed?

Mr. STENNIS. Yes.

Mr. BAYH. This is the area that we are determined, through the leadership of our chairman and the cooperation of the House of Representatives, to deal with.

Mr. STENNIS. Yes. I thank the chairman of the subcommittee. That was the basic issue I raised, not the school building itself, but the devastation with no tax base left.

I am extremely gratified that we have before us a bill which will provide much needed assistance to the areas of our country which suffered so greatly from Hurricane Camille.

I think that to have such a bill so quickly after the occurrence of this terrible storm is a testimonial to the dedication and sense of urgency of the Public Works Committee and the conferees. It demonstrates to me that the Congress has understood, with clarity and compassion, the pitiful conditions that exist in the disaster areas, with the economy destroyed and the marks of death and sorrow left indelibly behind. It shows that when these conditions exist, legislative action can be obtained quickly and effectively. I am deeply grateful to all who have worked toward providing this bill for our consideration. I ask that we act upon it quickly and affirmatively, so that many of the uncertainties that face so many families, businesses, and local and State governments in these areas can be resolved, and they will know what they can count on from the Federal Government in their efforts toward recovery.

In my opinion the bill will accomplish the majority of actions that are necessary. Understandably, considering the relatively short period of time taken by the conferees in reaching agreement on this emergency action, there are some issues that could not be fully explored and resolved. They are for the most part the financial problems that are created for individuals, business concerns, and political subdivisions in these incredibly devastated areas. They constitute the real key to a healthy rebirth of a normal way of life and a sound economy in extensive portions of our country. I will indicate these points more specifically later in my remarks.

It is my understanding that hearings are planned to further examine these matters, with a view to a permanent bill adaptable to all future major disasters. I understand further that when such matters have been thoroughly explored, it will be possible to make the permanent legislation retroactive to cover this disaster, and any others—and I prayerfully hope that there are none—that may occur in the interim.

This is a fine bill, and an effective one, in starting to do now what must be done. It recognizes the widespread, catastrophic damage to streets, roads, and highways in the non-Federal-aid system, and provides matching Federal funds on a 50-50 basis. It recognizes, and assists in dealing with the problem of millions of acres of damaged timberland.

The bill authorizes the President to take emergency action with respect to housing for shelterless families, and to make it available within the means of

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those who so badly need it. It provides, when needed, a food program for low income families, and appropriate unemployment assistance. It provides grants for firefighting in forest conflagrations. It provides for removal of debris from privately owned lands and waters, when it is in the public interest.

With a view to the future, the bill would make matching funds available for preparation of State disaster plans. With other existing authorities it helps in agricultural recovery, such as in our tung and pecan groves.

In the matter of Small Business Administration and Farmers Home Administration loans, there is forgiveness, in relatively small amounts, for those in financial difficulties. Loans are provided at the going interest rate for Government money. I note that the bill does not address the question of upper limits on the amounts of loans. I would hope that no arbitrary loan limits will be established by the agencies administratively, and that dollar-loss figures will be the determining factor.

The bill authorizes SBA and FHA to refinance any mortgage or other lien outstanding against the destroyed or damaged property. The language, however, is permissive in nature. It appears to me possible that the agencies or the Bureau of the Budget might impose an administrative constraint on this action. I hope it will be clear that it is the intent of Congress that there not be imposed in this respect, or with regard to limits of loans, any arbitrary administrative actions that will prevent the legislation from being completely effective in its objective, which is to promote the economic recovery of these stricken areas.

My colleagues are aware that there are in the Camille area many communities, towns, cities, and counties so devastated that the tax base has literally been destroyed. Obviously, the financing of public indebtedness, by bonds or other means, is in a critical situation. This is a condition that is untenable as it stands, and it deserves and must receive our earliest consideration. Grants and loans are going to be necessary, and there must be a minimum delay if we are to prevent a chaotic financial situation at local levels of government. I trust this problem will be thoroughly explored, in hearings, as soon as possible, and appropriate legislative relief will be recommended.

I feel, too, that further review will indicate that there may be additional measures required with respect to educational facilities and agricultural recovery. The hearings will, I am sure, measure the degree with which we have addressed all of the problems in these terribly stricken areas.

I am convinced that this bill will be a first, long step down the road of recovery. It will leave us more steps to be taken, and these must be examined, but in this bill, together with other existing authorities, we have the framework for a reconstruction and rehabilitation plan.

I am proud and thankful that we have the chance to do so much, so quickly, for those who need it so badly. I urge your support of these necessary and constructive measures.

Mr. President, I do not care to take further time of the Senate, except to say again, we thank you all, not only for what you have done to meet this emergency, but in behalf of the pending measure, which is nationwide legislation.

Mr. LONG. Mr. President, will the Senator yield?

Mr. STENNIS. I am happy to yield to the Senator from Louisiana, who I know is vitally interested in this matter.

Mr. LONG. Mr. President, I wish to associate myself with everything that has been said here by the two able Senators from Mississippi. I am proud to join them as a cosponsor of this measure.

I have always felt that Louisiana has had more than two Senators. We have had some wonderful friends from Mississippi with whom we have shared many common interests. We have had to fight from time to time, over who owned the shrimp in the Gulf of Mexico, and where the boundary line between our States was; but other than that, there has been no quarrel whatsoever between our two States. Mississippi has helped our State when relief was needed, and we have tried to be an equally good neighbor.

But I believe both our States have another Senator in the distinguished chairman of the committee, the Senator from West Virginia (Mr. RANDOLPH). He has visited us from time to time, looked at our problems, and treated us fairly. In fact, he has gone the extra mile. If he is half as good a Senator for West Virginia—and I suspect he is; I suspect he is at least five times as good a Senator for West Virginia as he is for us—then he has 10 or 20 Senators he can count on to help West Virginia any time that is needed. And I am sure the same is true for his colleague from West Virginia (Mr. BYRD).

We all suffered great devastation in the recent disaster. Mississippi was hit the hardest. The time before, it was Louisiana which was hit the hardest, with Hurricane Betsy. Much of what we are accomplishing in this fine legislation had a precedent in the Betsy bill, as we called it at that time. At that time the distinguished chairman of the committee gave us all the help that could be asked of anyone. So I think the entire Nation is fortunate to have this distinguished committee chairman to consider the plight of suffering people and depressed areas, and to provide the sort of generous help that has been accorded here.

The Senator from Indiana (Mr. BAYH) has given much thought to this matter. He has worked diligently, and tried to provide legislation that would take care of this sort of disasters when they occur. I think, meritorious as his efforts are, that he will find some of these things you cannot anticipate, but that you must, from time to time, tailor the bill to the facts. But I applaud the Senator from Indiana for his efforts to try to see that legislation will be available for all disasters. Certainly on any occasion such as this, there is every reason to see that the victims of the disaster should be given some help. We in Louisiana appreciate every bit of help given to us, and we appreciate the thoughtful way in which the chairman of the committee, and every member of it, have tried to provide here a bill to help the victims in all disaster areas.

Mr. STENNIS. I thank the Senator from Louisiana. I am sure that the appreciation for the efforts of the subcommittee and its chairman is nationwide.

Mr. BYRD of Virginia obtained the floor.

Mr. BYRD of Virginia. Mr. President, I yield briefly to my colleague from Virginia (Mr. SPONG).

Mr. SPONG. Mr. President, I should like at this time, in order that we might further develop the legislative history of the report, to direct a question to the chairman of the conferees, if I may have his attention.

I ask him, in section 14 of the report, do the conferees intend debris removal grants to include, for example, such things as trees, houses, outbuildings, automobiles, mud, silt, rocks, boulders, household effects, and dead animals?

Mr. BAYH. Yes, they do; and we might add to that such items as ships and other instruments of normal navigation and industry that would be in the area.

Mr. EASTLAND. Would it include boats, launches, barges, and litter on the beaches, lakes, and bayous?

Mr. BAYH. Yes, it would. We have some rather interesting testimony as to what would be considered as debris, for which prior to this time no assistance to private property owners was available.

We have found a farmer faced with clearing his neighbor's barn from out of the middle of his wheat field. The same could be said for a fishing launch found on the front porch of a rest home in one of the Senator's areas. We intend for a broad interpretation to be placed on what constitutes debris.

Mr. SPONG. I thank the Senator from Indiana, and I thank my senior colleague for yielding to me.

Mr. BYRD of Virginia. Mr. President, I commend the committee which developed the pending legislation.

Experts report that Hurricane Camille is probably the strongest storm to strike the mainland of the United States. In the wake of her winds and floods, thousands of people from the gulf coast to my home State of Virginia, are beginning a long, slow road back to a normal existence.

When a natural disaster occurs, it places an unbearable financial burden on the individual victim, and on the localities which have been hit. It is only proper that all Americans acting through their elected representatives in the Congress should share in the relief of a national disaster.

In the States of Mississippi and Louisiana alone, 200 persons lost their lives and some 200,000 were left homeless. Damage estimates in those two States approximated $1 billion.

The State of Virginia escaped the full force of Hurricane Camille. She did not, however, escape the rains which followed in the wake of the hurricane. On Tuesday, August 19, it is estimated that 27 inches of rain fell in one 8-hour period. This rain caused the worst flood in Virginia's history.

I personally visited the areas hardest hit by the flood. I followed by helicopter the devastation left in the path of the flood waters down the Tye and Rockfish Rivers.

I was accompanied by top officials of the Office of Emergency Management, and I was very much impressed by their effective work, and how quickly they moved in to be helpful to the people of the stricken localities.

Nelson and Rockbridge Counties were two of the hardest hit. These are small counties, Nelson with a population of 13,000 and Rockbridge with 24,000.

The damage to private property in these two counties alone was over $67 million. This accounts for more than half of the total damage to private property in the entire State.

I emphasize that these are two small rural counties, and it has been a terrible ordeal for the people in those areas.

The total value of property damaged in Virginia—private and public property such as roads and bridges—is estimated to be in excess of $150 million.

It is easy to add up the dollar value of property damaged, but it is impossible to place a value on the lives that were lost. The latest count shows 109 people have died and 44 are still missing.

The initial response to the emergency created by Hurricane Camille is testimony to the way Americans react when their fellow citizens are in need. I found it encouraging to see private companies lowering their prices to ease the initial burden of rebuilding. It is this sort of private initiative that reaffirms my faith in the American spirit.

But no amount of private initiative can provide the necessary relief to the disaster victims. Entire towns have been washed away. People are homeless. Faced with this situation, people rightly turn to their government for help.

Once the President declared the State a major disaster area, the full effect of the Federal Government could be felt. On the day of this declaration, HEW opened a disaster hospital unit, HUD responded to requests for temporary housing, the Department of Agriculture provided enough food for 4,000 people and Small Business Administration Field representatives helped victims apply for emergency loans and established five emergency loan offices in the disaster areas. The Army Corps of Engineers immediately started to clear vital transportation routes.

But this is only the beginning. The difficult task of rebuilding lies ahead. It will not be accomplished in a matter of days, weeks, or even months. Many families will need assistance to survive through the winter months.

The long-range recovery will require a great deal of individual sacrifice. Special relief funds have already been established in many counties.

I am pleased to have cosponsored legislation with the distinguished senior Senator from Mississippi (Mr. Eastland), and another set of legislation introduced by the distinguished junior Senator from Mississippi (Mr. Stennis), that would provide specific relief to victims of Hurricane Camille. There is a definite need for legislation to give relief to these people. I support the pending general disaster relief bill.

There is a need for general disaster relief legislation. It is impossible to predict natural disasters and, often, specific legislation comes too late.

An example of the swiftness and devastation with which flooding can come was afforded recently in northern Virginia. Three times this summer—on July 22, July 28, and August 2—the area around Four Mile Run was flooded as a result of heavy rains.

Although these floods were dwarfed by the extensive damage caused by the storm on the fringe of Hurricane Camille, the damage in northern Virginia was considerable. Preliminary estimates indicated losses of about $3.5 million.

I visited the Arlandria area, one of the hardest hit in the Four Mile Run floods, shortly after the most recent damage was incurred. It was obvious that immediate relief was needed, and equally obvious that the flooding had caught residents and businessmen unaware.

Four Mile Run presents a complex flood control problem. It also is an excellent example of the need for general disaster relief legislation and for flood insurance which would ease the burden of those hit by unpredictable floods.

While we cannot predict specific disasters, we can anticipate that natural disasters will occur, and if general disaster relief legislation is passed, then Federal agencies will know that they can act with some authority and that their programs will be supported with the necessary appropriations. General legislation will help remove some of the confusion which arises in an emergency situation.

I cannot say that the present relief legislation is perfect, but I can say that it goes in the right direction.

I commend the committee which developed the pending legislation and specifically its distinguished chairman, the Senator from West Virginia (Mr. Randolph), and my colleague from Virginia (Mr. Spong).

Mr. EASTLAND. Mr. President, I should like to ask the distinguished Senator from Indiana a question or two to make legislative history.

Is it correct that liberalized SBA loan procedures would definitely be extended to agriculture through the Farmers Home Administration?

Mr. BAYH. The Senator is correct. I appreciate, of course, the opportunity to answer any questions that the distinguished Senator from Mississippi addresses to me.

Mr. EASTLAND. Is it correct that SBA forgiveness provisions are extended to include victims of Betsy?

Mr. BAYH. The Senator is correct. The wording of this matter was so difficult to nail down officially that we tried to put it in the manager's report.

In my report and the report of Representative Jones the intention is to provide $1,800 forgiveness provision for each disaster.

Thus someone who was affected by the disaster involved in Betsy and received $1,800 forgiveness of his loan would also receive another $1,800 forgiveness if he were affected further in the Camille disaster.

I want to make it specifically clear that the intention was to provide $1,800 per disaster, but not to permit two $1,800 writeoffs under various sections of the bill—only one.

Mr. EASTLAND. Is it correct that unemployment provisions can be made for persons such as fishermen who have been classified as joint venturers rather than employees?

Mr. BAYH. The Senator is correct. The President is also given authority to reassess those who should be qualified for food stamps and to take into consideration—I think is the exact wording—the impact of the disaster on the income and earning capability of the prospective recipient.

Mr. EASTLAND. Is there any money limitations on the assistance made available on a 50–50 basis to affect permanent repairs on roadways not included in the Federal aid system?

Mr. BAYH. There is not.

Mr. EASTLAND. I thank the Senator.

Mr. DOLE. Mr. President, as one of the conferees I join with my colleagues on the Public Works Committee in supporting the conference report on H.R. 6508.

It has been a privilege for me, a junior Member of the Senate, to work with Members of the House and Members of the Senate in drafting this legislation.

To the Senator from Indiana (Mr. Bayh), the originator of this legislation, let me state that I appreciate his tolerance and understanding.

There are five new members on the Public Works Committee of the Senate and we raised some questions earlier this year about the effect of the legislation. In tribute to our chairman, I point out that he was kind enough a that time to explain the matter very carefully to each of us. And as a result of our discussion, we have clarified certain provisions about which objections had been raised.

There is no doubt that when disaster strikes, it brings a great hardship to many individuals. We had testimony to this effect today on the floor of the Senate by the Senators from Mississippi, the Senators from Virginia, and the Senator from Louisiana.

I had some reservations about the original Senate bill. Specifically, I think they were with respect to sections 5, 6, and 7. However, they have been clarified and modified, not only on the Senate side but also in the Senate-House conference. So, I believe that any objections I had have been removed.

This legislation will hopefully correlate all the Federal law on emergency assistance. And there is no doubt in my mind because Kansas is one of the States mentioned by our chairman, that the State-Federal coordinating officer will make it possible for individuals and public officials to be promptly made aware of their responsibilities and the assistance an injured party is entitled to.

There have unquestionably been many leaders working for the passage of this legislation. I refer to the distinguished Senator from California (Mr. Murphy), who has been deeply interested in bringing relief to California. In fact, he introduced S. 993 one of the earlier bills this year with reference to the California disaster late last year and early this year.

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At any rate, the provisions of that bill by and large are incorporated in the Senate-House version.

This bill was also supported, I might add, by the distinguished junior Senator from California (Mr. CRANSTON), who is now in the Chamber.

I think the important thing here, as I view it, is the fact as pointed out by the Senator from Virginia (Mr. SPONG) that we are a responsive body and that within 30 days after the Camille disaster the Senate-House conferees—who were rather far apart when we recessed last month—were able to get together and work out some very major differences and were able to compromise these differences and bring the bill to function in a matter of days.

There are several provisions of the bill which require further study. However, these provisions of the bill will expire on December 31, 1970, giving us an opportunity to hold hearings next year on their effectiveness.

As indicated by the chairman of the committee and other Senators, we will have more hearings and more studies and more comprehensive planning. However, at least this is a step in the right direction.

I would state again to my friend the Senator from Indiana that he deserves much of the credit.

I am happy as a freshman Member of the Senate and of the committee to have had some small part in bringing about this legislation.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. BAYH. Mr. President, I express my appreciation to the Senator from Kansas for his cooperation. I express also my appreciation to the Senator from Florida (Mr. GURNEY) who is at this moment the Presiding Officer, who served on the conference committee, and particularly in that initial meeting with our illustrious counterparts in the House, they were instrumental in insisting that we give attention to the need for a nationwide bill of significantly long duration and not confine our effort to one specific area of a disaster that has already happened.

If it had not been for the cooperation of the Senator from Kansas and the other members of the committee, I think it is interesting to point out that we could have cleared the House bill which dealt with California and then recessed. In that event, in less than a week we would have been confronted with the Camille disaster that did damage to the extent of approximately $1¼ billion in a State that would not have been covered by that bill.

I am particularly appreciative of the assistance rendered by Senators in coming back and after the recess, in a fine spirit of cooperation among all members of the conference committee, coming up with what I think will be landmark legislation.

Mr. YOUNG of Ohio. Mr. President, as chairman of the Subcommittee on Flood Control-Rivers and Harbors, I wish to join the chairman of the full Committee on Public Works and the distinguished Senator from Indiana (Mr. BAYH) in praising the work accomplished by the Senate and House conferees on this disaster relief bill. They have labored well and hard. I am naturally pleased that many of the provisions of this legislation will be of direct benefit to the people of Ohio who also have suffered severe storm damage in recent months.

I agree there is still much for us to do in strengthening the national disaster relief program, and I pledge my continued supoprt of efforts to bring that about.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON SUPPORT COSTS FOR VIETNAM, LAOS, AND THAILAND

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a confidential report on support costs for Vietnam, Laos, and Thailand (with an accompanying report); to the Committee on Appropriations.

REPORTS ON PURCHASES AND SALES OF GOLD AND STATE OF U.S. GOLD STOCK AND REPORT ON INTERNATIONAL MONETARY FUND DISCUSSIONS

A letter from the Secretary of the Treasury, transmitting, for the information of the Senate, two semiannual reports on (1) U.S. purchases and sales of gold and the state of the U.S. gold stock; and (2) International Monetary Fund discussions on the evolution of the international monetary system, for the period January 31–June 30, 1969 (with accompanying reports); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on review of assistance to Laos as administered by the Agency for International Development (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administrative efficiency of the Neighborhood Youth Corps Program under title IB of the Economic Opportunity Act of 1964, Los Angeles County, California, Department of Labor, dated September 17, 1969; to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 55. A bill for the relief of Leonard N. Rogers, John P. Corcoran, Mrs. Charles W. (Ethel J.) Pensinger, Marion M. Lee, and Arthur N. Lee (Rept. No. 91–415).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 858. A bill to amend the Agricultural Adjustment Act of 1938 with respect to wheat (Rept. No. 81–417);

S. 1181. A bill to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer (Rept. No. 91–416); and

S. 2214. A bill to amend section 602(c)(2) of the Agricultural Marketing Agreement Act of 1937, as amended (Rept. No. 91–418).

By Mr. BIBLE, from the Committee on Appropriations, with amendments:

H.R. 12781. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91–420).

TEMPORARY EXTENSION OF RURAL HOUSING PROGRAMS AND FEDERAL HOUSING ADMINISTRATION INSURANCE AUTHORITY—REPORT OF A COMMITTEE (S. REPT. NO. 91–419)

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably an original joint resolution (S.J. Res. 152) to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans, and I submit a report thereon.

The PRESIDING OFFICER. The report will be received and the joint resolution will be placed on the calendar, and the report will be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

A. Sydney Herlong, of Florida, to be a member of the Securities and Exchange Commission.

By Mr. LONG, from the Committee on Finance:

William H. Quealy, of Virginia, to be a judge of the Tax Court of the United States.

BILLS AND JOINT RESOLUTIONS INTRODUCED OR REPORTED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred or placed on the calendar, as follows:

By Mr. CRANSTON:

S. 2918. A bill for the relief of Jose S. Cervantes; to the Committee on the Judiciary.

By Mr. GOODELL:

S. 2919. A bill to assist State and local criminal justice systems in the rehabilitation of criminal and youth offenders, and the prevention of juvenile delinquency and criminal recidivism, by providing for innovative programs of vocational training, job placement, counseling, correctional education services, corrections systems manpower acquisition, the establishment of regional Crime and Delinquency Centers, a national criminal justice professions recruitment program, and for other purposes; and

S. 2920. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. GOODELL when he introduced the bills appear earlier in the RECORD under the appropriate heading.)

By Mr. GOODELL (for himself, Mr. CASE, Mr. GRAVEL, Mr. HOLLINGS, Mr. INOUYE, Mr. JAVITS, Mr. METCALF, Mr. MILLER, Mr. NELSON, and Mr. PERCY):

S. 2921. A bill to assist State and municipal governments and nonprofit, private organizations in providing for the development of programs and the construction, maintenance, operation and staffing of facilities for the prevention, treatment and rehabilitation of drug addicts, and in reducing the incidence of crime and delinquency related to narcotic drug addiction and drug abuse, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. GOODELL when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. HOLLINGS:

S. 2922. A bill to amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia; to the Committee on Post Office and Civil Service.

By Mr. TALMADGE:

S. 2923. A bill for the relief of Dimitrios Tzaras; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2924. A bill to improve judicial machinery by amending provisions of law pertaining to jurisdiction of the district courts and for other purposes; to the Committee on the Judiciary.

By Mr. BAYH:

S. 2925. A bill for the relief of Alexander Mearis; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 2926. A bill for the relief of Nunziante Leo; and

S. 2927. A bill for the relief of Giovanni Del Lucia; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 2928. A bill to amend the Communications Satellite Act of 1962 to permit State ownership of satellite terminal stations; to the Committee on Commerce.

(The remarks of Mr. GRAVEL when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BYRD of West Virginia:

S. 2929. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; and

S. 2930. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. ANDERSON:

S.J. Res. 151. Joint resolution to authorize and request the President to proclaim the period October 6, 1969, through October 10, 1969, as "American Indian Week"; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S.J. Res. 152. A joint resolution to provide for the temporary extension of rural housing programs and Federal Housing Administration insurance authority, and to extend the period during which the Secretary of Housing and Urban Development may establish maximum interest rates on insured loans; placed on the calendar.

(The remarks of Mr. SPARKMAN when he reported to joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 2928—INTRODUCTION OF A BILL TO AMEND THE COMMUNICATIONS SATELLITE ACT OF 1962

Mr. GRAVEL. Mr. President, on several recent occasions I have discussed before this body the importance of using new technology to solve some of the monumental development problems related to Alaska. In particular, I have discussed the immediate need to bring modern educational and cultural techniques into the truly isolated communities of Alaska. The only economically feasible way to do this is via satellite. This is a proven method of effective and reliable communications.

In addition, Mr. President, I have pointed out the need for both, I repeat, both types of communications—educational and cultural programing in all forms, such as radio and television. While public and commercial communications use similar techniques, the commercial methods must meet traditional profit criteria. On the other hand, the educational and cultural networks need not, and cannot, and should not, meet profit criteria.

The problem of generalized public communications is not unique to Alaska. A number of our States could benefit from the legislation that I am introducing today. Educational and cultural organizations in every one of our 50 States will benefit from this legislation.

My legislation is an amendment to the Communications Satellite Act of 1962. I propose that each State of this Union have the right to own or participate in the ownership of ground stations. There are cost savings factors to the States, to educational institutions, and to cultural public organizations that cannot be ignored if the general public is to effectively enjoy the fruits of their costly but worthwhile research in space technology.

Further, and extremely fundamental, is the right of the States to acquire satellite services for education and culture without being forced to go through a wholesaler. I stress that this provision in no way is to lessen or modify provisions related to this type of service in other recent acts of Congress. But it is extremely important, in my view, to affirm this fundamental right of the people to benefit directly from research paid for by public funds, in the domain of satellite communications.

A number of recent acts of Congress, such as those creating the Networks for Knowledge, and the Lister Hill National Center for Biomedical Communications, will benefit directly from my amendment. The two acts above give precedence to my legislation today.

The era of satellite communications has been stymied, let me qualify this to say, has been perverted by traditional use of formulas predicated on the amortization of terrestrial or submarine methods of transmission and distribution. This issue is complex.

But let us at least allow our educational institutions to benefit now from this American technology. No American school should go without the means to reach other banks of knowledge because of outdated standards or because of corporate in-fighting.

Mr. President, my amendment aims at only this issue. My first consideration is to allow educational and public cultural communications using satellites. Second, I propose that the participants be allowed to choose their most economical local solution related to ownership of stations for educational and cultural applications. We must remove the barriers to scholarly and formative exchanges between similar institutions located in several States if we hope to avoid each State duplicating another's scarce educational dollars.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2928) to amend the Communications Satellite Act of 1962 to permit State ownership of satellite terminal stations, introduced by Mr. GRAVEL, was received, read twice by its title, and referred to the Committee on Commerce.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2656

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from California (Mr. CRANSTON), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of the bill (S. 2656) to establish a Mass Transit Trust Fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2667

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN), be added as a cosponsor of S. 2667, to provide additional penalties for the use of firearms in the commission of certain crimes of violence.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2847

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that, at the next printing, the names of the Senator from Oklahoma (Mr. HARRIS), the Senator from New Jersey (Mr. CASE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. McGEE), and the Senator from Washington (Mr. MAGNUSON) be added as cosponsors of S. 2847, to amend the Foreign Assistance Act, as amended, to authorize the Secretary of State to participate in the development of a large prototype desalting plant in Israel.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 89

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of Senate Joint Resolution 89, expressing the support of the Congress, and urging the support of Federal Departments and Agencies as well as other persons and organizations, both public and private for the international biological program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 148

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. Gravel) be added as a cosponsor of the joint resolution (S.J. Res. 148) to authorize the Department of Health, Education, and Welfare to make allocations to local educational agencies under Public Law 874 based on the full entitlements.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 260—RESOLUTION MAKING COMMITTEE ASSIGNMENTS FOR THE SENATOR FROM ILLINOIS (MR. SMITH)

Mr. SCOTT submitted a resolution (S. Res. 260) making committee assignments for the Senator from Illinois (Mr. Smith), which was considered and agreed to.

(The remarks of Mr. Scott when he submitted the resolution appear earlier in the Record under the appropriate heading.)

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 179

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from West Virginia (Mr. Randolph) be added as a cosponsor of Senate Resolution 179, expressing the sense of the Senate that the United States should actively participate in and offer to act as host to the 1972 United Nations Conference on Human Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 243

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Indiana (Mr. Bayh), I ask unanimous consent that, at the next printing, the names of the Senator from South Carolina (Mr. Hollings), the Senator from Idaho (Mr. Church), and the Senator from Washington (Mr. Magnuson) be added as cosponsors of the resolution (S. Res. 243) to make it the sense of the Senate that the President should request the United Nations to take such steps as may be appropriate to bring about compliance by the Government of North Vietnam with its obligations under the Geneva Convention of August 12, 1949, relative to the treatment of prisoners of war.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN ASSISTANCE ACT OF 1969—AMENDMENT

AMENDMENT NO. 175

Mr. PERCY. Mr. President, I rise today to speak about a matter of utmost importance—yet one which, in comparison with our total Federal budget—calls for a comparatively small investment. I speak in support of more effective family planning programs at home and an increase in aid, where requested, for family planning abroad.

The frightening aspects of the worldwide population explosion have been widely publicized during the past few years. Seventy million people are being added to the world population each year. The total population is projected to double in one generation.

But we have yet to realize the import of the increased demands that this rate of growth places on needs for food, for pure air, and water, and other natural resources, for housing, for jobs, and for educational facilities and opportunities. Nor have we fully realized the tragic consequences that will inevitably follow unless population growth rates are changed. And therefore we have not yet supported programs to check population growth at a level adequate to insure a humane solution of the population problem.

Here in the United States our productivity is so great that we do not need to worry about the availability of enough food for any foreseeable number of Americans in the years ahead. Hunger and malnutrition in the United States result—not from the lack of food—but through ignorance and poverty.

But even in our wealthy society there is overcrowding in our cities, in our classrooms, on our highways, and in our parks. With all of the vast open spaces in this country, most Americans are now threatened by air and water pollution. Too many unwanted births compound social and economic problems.

In the United States family planning information and services are generally available to those who can afford to pay for them. But to many of the poor—those who need that information and these services the most—they are yet to be made available. As a consequence, planned parenthood-world population estimates that 40 percent of births among the poor between 1960 and 1965 were unwanted or unplanned, as compared to 14 percent among the nonpoor. It is estimated that 5 million American women who would benefit from family planning services now lack access to such services.

A recent study prepared for the GAO by the Resource Management Corp. evaluates birth control programs in terms of their potential effects in the war on poverty. It highlights conditions that should command attention and action.

As the size of the family increases, poor families account for an increasing proportion of the total.

More than one-third of the families with five children, and one-half of the families with six or more children are poor.

In 1963, 15 million children under 18—about 20 percent of the total, or one in five of American children—lived in families below the poverty line.

The study shows that a deplorably large proportion of our children and youth live in poverty and suffer deprivations that give them a poor start in life, and dim their hopes.

The study further shows that although the poor of all races in the United States tend to have more children than the nonpoor, they seek to have no more children than other Americans. It is therefore fair to assume that a significant reduction in the proportion of children that must begin life with the disadvantages of poverty would occur if effective family planning information and services were available to all Americans regardless of their ability to pay. Experience shows this to be the case.

In one county in Louisiana a vigorous, free choice, family planning program succeeded, in 1 year, in producing a one-third decline both in the total number of indigent births and in the total number of illegitimate births.

In parts of Chicago where poor people live, after 5 years of widely available family planning services, there was a 22-percent decline in birth rates.

Family planning services are likewise credited with a decline in birth rates of 24 and 36 percent, respectively, in low-income areas in Washington, D.C., and in Baltimore.

The Resource Management Corp.'s study for the GAO concludes that widespread, effective birth control programs would have benefits for society, for the families involved, and especially for their children.

The ratio of benefits to costs to the public sector, the study points out, is very high. Such benefits accrue from the accompanying reduction in maternal and infant mortality rates, reduction in the incidence of mental retardation and other crippling diseases, reduction in welfare payments and reduction in illegitimacy. The report cites planned parenthood calculations that birth control services for 500,000 women in poor families, at a cost of $20 per woman per year, would produce a saving of $250 million in health care and AFDC expenditures.

The poor families involved would themselves gain substantial economic and social benefits, revolving around lower family expenses, increased family earning capacity, and greater family stability. Benefit-to-cost ratios were estimated to range from 14 to 1 to 26 to 1.

The study further points out that perhaps it is the children who are born into poverty that benefit most from smaller sized families. Recent studies show that children in smaller families have a higher average IQ than children in large families, and that this is true at all socioeconomic levels. Children in smaller families get more care and attention from their parents. They reach higher educational levels. Thus, they have a far better chance to good productive lives.

Poverty in America should be one of our highest priority problems. It must be attacked on all fronts. An effective program to make birth control information and services available to all Americans would, in itself, decrease the proportion of disadvantaged in the next generation. It would also add to the effectiveness of all other efforts to end poverty.

Therefore I wholeheartedly urge the enactment of S. 2108, which I am cosponsoring along with 22 other Senators. This legislation would enhance the effectiveness of our domestic family planning programs and insure them adequate administrative and financial support.

It would provide an administrative organization within the Department of Health, Education, and Welfare designed to insure that adequate priority be given to population matters.

It would stimulate and encourage other public and private efforts.

It would further give much-needed impetus to population-related biomedical and social science research, so that, through new knowledge, we will be able to develop more effective programs.

It would be a most constructive step toward carrying out the recommendations of the President's Committee on Population and Family Planning, which stated:

> The Federal Government must undertake a much larger effort if this nation hopes to play its proper role in attaining a better life for its people and for the citizens of the developing nations. In working to avert a population crisis, this nation will at the same time help strengthen the voluntary exercise of a basic human right, the right of parents to have the number of children they want, when they want them.

We must, however, also face the consequences of the population explosion beyond our own borders. Among newly developing nations—in which two-thirds of the world's people live—this crisis is far more urgent, immediate, and threatening than it is at home.

In much of the heavily populated underdeveloped world, population is now growing at rates unprecedented in human history, often with tragic results.

Hunger and malnutrition cause untold human misery. Millions of infants and very young children suffer dietary deficiencies that impair—perhaps permanently—both their physical and mental development. Whole populations are trapped in the same kind of vicious circle that affects pockets of poverty in the United States.

Explosive population growth in many newly developing countries is making it all but impossible for them to build the schools and train the teachers they so desperately need—and to provide other services and institutions that are a part of modern civilization. It is thwarting their efforts to achieve the economic growth and development that would enable them to achieve the benefits of modern life and contribute to world stability and progress. Robert S. McNamara, President of the World Bank, has stated:

> The greatest single obstacle to the economic and social advancement of the majority of the peoples in the underdeveloped world is rampant population growth.

The responsibility of the United States to provide appropriate assistance to help newly developing countries meet their population crises is based on three considerations.

One is the moral imperative that has always impelled American citizens to help relieve human suffering and despair.

Another is the recognition that our own continued progress in economic growth and development depends in no small measure on rising standards of living and expanding economies among our neighbors in this shrinking world.

And the third is our concern lest continued failure of the underdeveloped world to progress toward narrowing the gap between rich and poor nations in income and development will bring about instability, violence, and warfare, all of which can inevitably destroy our hopes for a peaceful world.

Our aid to newly developing nations to control their explosive population growth rates should be sharply accelerated. Most seriously overpopulated countries have national policies directed toward curbing growth rates, and they are anxiously seeking help. They need technical assistance. They need help in research and development. They need materials and supplies. Moreover, initial successes in some countries, notably Taiwan and South Korea, reveal that family planning programs can bring results.

For many underdeveloped countries time is fast running out. Unless they can be encouraged and helped to control their population growth rates by humane means, famine, war, and pestilence may well take over. This must be granted without delay.

In urging a further effort for family planning, President Nixon in his foreign aid message on May 28, joined his four predecessors in the White House in recognizing the importance of the population problem. His message to the Congress of June 18 further emphasizes his determination in this area. It is now up to the Congress to insure that the highest priority will be given to family planning in the AID program.

In 1967, Congress earmarked $35 million in AID funds to help solve population problems. In 1968, this was raised to $50 million.

We should now at least double that amount.

We should further provide that at least 5 percent of the total dollar grant and loan funds allocated to any country should be available only for population programs in that country. If the country cannot utilize the full 5 percent for this purpose, it would receive the proportion of it that could be used. The remainder of the funds would be allocated through public or private programs under regional or international agencies. It would be used in addition to the funds given to these programs through regular channels such as the United Nations.

Such provisions would not impose upon a recipient country a policy dictated by the United States, but rather serve as an incentive, both to the AID program and to the host country, to give population programs adequate priority as an essential part of the overall development effort.

More AID personnel should be specifically assigned to this field. The program should be run by an official at the level of assistant administrator. There should be additional qualified professional personnel in Washington and at least one population officer in each of the AID missions in critical host countries. I am today introducing an amendment to the foreign aid authorization bill to accomplish these objectives.

Unfortunately, population programs have long been a matter of controversy and are therefore relatively new. It is only since 1967 that they have been included in AID programs. Without earmarking funds and setting specific provisions for adequate official personnel assignments, these birth control efforts tend to lose out—not because anyone objects to them, but rather because, when there is not enough to satisfy all of the claims, the older, more experienced, better established programs tend to get the most. The Congress can give an invaluable impetus to birth control programs by building into the law essential incentive measures.

A further reason for priority emphasis lies in the simple fact that in most of the underdeveloped world all other development efforts hinge on decreasing population growth. Agricultural progress is of little avail in raising nutritional levels if increasing population claims most of the increase in food production. Industrial advance cannot raise standards of living if the increased production has to be divided among ever more and more consumers. Educational facilities and personnel cannot meet the aspirations of the people if their numbers continue to increase at present rates. Problems of unemployment, underemployment, poverty, unrest, and violence will hold back social and political advance unless the problem of population is solved.

I believe the crisis can be met in time. But meeting it calls for more vigorous effort—on the part of public and private agencies—on the part of highly developed as well as newly developing nations—than has yet been forthcoming. By supporting an intensified drive, both at home and abroad, we can hope for major benefits for ourselves and our children from relatively modest investments. In view of the stakes involved, we can afford to do no less.

Mr. President, on behalf of myself, and Senators BROOKE, GRAVEL, MAGNUSON, MCGOVERN, METCALF, NELSON, and PACKWOOD, I submit an amendment, intended to be proposed by us, jointly to the bill (S. 2347) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 175) was referred to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS OF AMENDMENT 128 TO H.R. 11271, AN ACT TO AUTHORIZE APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that at the next printing, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mr. GURNEY), the Senator from Alabama (Mr. SPARKMAN) and the Senator from Alaska (Mr. GRAVEL) be added as cosponsors of amendment 128 to H.R. 11271, an act to authorize appropriations to the National Aeronautics and Space Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

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NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. **EASTLAND**. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

William W. Milligan, of Ohio, to be U.S. attorney for the southern district of Ohio for the term of 4 years, vice Robert M. Draper, resigned.

Stanley G. Pitkin, of Washington, to be U.S. attorney for the western district of Washington for the term of 4 years, vice Eugene G. Cushing.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, September 25, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

INCREASED SOCIAL SECURITY BENEFITS

Mr. **SCOTT**. Mr. President, yesterday President Nixon announced, upon the occasion of the signing of the extension of the Older Americans Act of 1965, that he would be sending to Congress next week legislation which would increase present social security benefits paid to our older Americans. I warmly applaud, on behalf of every American receiving or about to receive social security benefits, this timely recognition of the serious economic difficulties of citizens forced to live on a fixed retirement income. Year by year, month by month, week by week, the value of social security benefits shrinks under the continuing high cost of living.

Our retired Americans are more than aware that the last benefit increase in social security by Congress came in 1967. Since then there has been neither an automatic cost of living increase in benefits not provided for in the current Social Security Act, nor has there been the slightest change in benefits, notwithstanding the cruel march of inflationary pressures.

No one can deny the hard fact that inflation hits the hardest at our retired or semiretired elder people who have not received the raises the workingman has received. Instead, under the cruel burden of inflation, his moderate and unincreasing amount of benefits has brought less and less and less as each day passes.

I believe it is time for action, and am most hopeful that Congress will be able to enact a measure soon. Our older Americans spend proportionately more on food, housing, household operations, and medical care than younger families. The burdens of increasing local property taxes are on the 70 percent of our older Americans who own their own homes, and 20 percent of those homes are classified as substandard. It is estimated that 7 out of 8 older persons have chronic illnesses. Medical care represents a substantial share of their expenditures.

I, therefore, welcome the news that the President will send a special message to Congress next week. He has demonstrated to our older Americans, to our widows with minor children, to all those who must exist on a fixed income which cannot keep up with the galloping economy, that this Republican administration cares deeply. He has increased an early figure of 7 to 10 percent the amount of benefit increases he will request. I believe the President will be most explicit in calling attention to the need for the speedy consideration of social security benefit increases.

I also believe that the President will hold the Democratic Congress to strict accountability on his forthcoming request. Based on well documented knowledge of the great difficulties Pennsylvanians on fixed incomes are having in keeping up with rising living costs, I would hope Congress will act quickly on this matter. The Democratic Congress will have the cruel fact upon adjournment, if there is no action, that it has done nothing to adjust the level of social security payments and alleviate, to some degree, the acute plight of those who must live by their social security check.

FEDERAL DISCRETIONARY GRANT PROGRAMS

Mr. **KENNEDY**. Mr. President, I have received from the Administrative Law Section of the American Bar Association a letter announcing a national institute dealing with Federal discretionary grant programs for urban areas to be held in Washington on October 3 and 4. Because I believe that staff personnel of the Members and committees of Congress and other readers of the Congressional Record may be interested in attending this institute, I ask unanimous consent that the letter of announcement be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Bar Association,
September 17, 1969.

Hon. Edward F. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: A National Institute dealing with Federal discretionary grant programs for urban areas, sponsored by the Administrative Law Section of the American Bar Association, will be held on October 3 and 4, 1969, at the Washington Hilton Hotel in Washington, D.C.

The speakers will explore in depth the standards and methods used in exercising administrative discretion under these grant programs in distributing billions of dollars annually. The Urban Renewal and Model Cities programs of the Department of Housing and Urban Development, the Air Pollution Control program of the Department of Health, Education and Welfare, and the Urban Mass Transportation program of the Department of Transportation, will be discussed as sample programs, and an opportunity will be presented to registrants to obtain information as well about other programs administered by the Departments. On the first day, the procedures presently followed under the sample programs will be described and evaluated. On the second day, there will be a discussion of questions of current interest and emerging trends in the development of Administrative Law, as well as concurrent workshops dealing with each department.

The speakers include administrators and attorneys from these three Departments, as well as Judge Harold Leventhal of the U.S. Court of Appeals for the District of Columbia Circuit, and distinguished executives, attorneys, and professors from outside the Government. Richard C. Van Dusen, Under Secretary of Housing and Urban Development, will speak at the luncheon on October 3.

All interested persons, both lawyers and nonlawyers, are cordially invited to attend. The registration fee (which includes luncheon on both days), applicable to full-time governmental employees, is $60 for American Bar Association members and $70 for nonmembers. Reservations should be made with the Division of Legal Practice and Education, American Bar Association, 1155 East 60th Street, Chicago, Illinois 60637. Brochures giving full details concerning the Institute may be obtained from Willis B. Snell, Chairman of the Section National Institute Planning Committee, telephone 296-4800, Washington.

Sincerely yours,

Willis B. Snell.

THE IMPORTANCE OF SOUND AGRICULTURAL PROGRAMS

Mr. **HUGHES**. Mr. President, our justifiable concern with Vietnam and other grave problems that dominate the headlines, these days, should not be permitted to make us forget the importance of sound agricultural programs to the security and well-being of the United States.

Never was there a more compelling need for informed and forthright spokesmen on behalf of the American farmer than in the present confused situation.

It, therefore, seemed appropriate to share with Senators the wisdom of the remarks made by the distinguished senior Senator from Missouri (Mr. Symington) before the annual convention of the MFA Oil Co. in Columbia, Mo., Monday, September 15, 1969.

Senator Symington has been performing an invaluable service in the Senate in recent weeks with his outstanding experience and expertise in the area of military affairs. I would remind Senators that the Senator from Missouri is also an authority on farm problems and a champion of the farmer's cause. He knows combines and crop programs as well as fighter planes and aircraft carriers.

I ask unanimous consent that the distinguished Senator's MFA speech of September 15 be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Agriculture and the Future

(By Senator Stuart Symington)

It is a privilege to meet with you here in Columbia today, for it provides us with a fine opportunity to visit over some of the problems that concern us all.

Let me say first how proud I am, and how proud the citizens of our State and this great farm region are and rightly should be, of the fine accomplishments of the MFA Oil Company.

It is not unusual for the people of agriculture to take hold of a problem to the point where they are among the nation's leaders. But it is a special distinction that you all have built up one of the most successful cooperative oil companies in the United States.

I am told that but one of the outstanding results of your work during the past year has been the achievement of substantial saving in the price of oil for your members; and as we look at the great and growing problems which face most farmers today, a substantial saving in any field of agricultural cost is welcome news indeed.

For me it is a special privilege this morning to share this platform with your Board Chairman, Fred Heinkel. As all of you know, Fred Heinkel has probably had as much influence on the direction of the nation's farm legislation as any other American. His work in Washington, along with the unique respect in which he is held in that city, is in itself a great credit to MFA and all farmers in our State and region. It is his wise counsel and foresight that has built MFA into one of the nation's most important voices when it comes to farm matters.

Farm unity. As one looks back over the years, one cannot recall a single year when unity among farmers and farm organizations was more important than it is today. We have watched with sadness from the standpoint of rural welfare the once recognized as powerful farm bloc deteriorate into many not so powerful "crop" blocs.

Thanks to your outstanding leaders within MFA, and thanks to the efforts of each and every one of you, this organization has consistantly been at the forefront in working to restore that unity and cooperation which is essential if we are to achieve our rightful goals and objectives.

The need for restored unity is perhaps best illustrated today by recognizing that in the last nine years the farm population of the United States has dropped from some 16 million in 1960 to 10 million at this time; over the same period, the number of farms has declined 25 percent.

As many of us here can recall only too well, not many decades ago the farmer and the rural community comprised a majority of the American population. What a change today. That is the basic thrust of the danger—man can live without many things but not without food—and that is the basic reason why agriculture must recognize and follow the basic wisdom contained in the trite but true observation of Benjamin Franklin, "We must all hang together, or assuredly we shall all hang separately."

Even as we meet here today, representatives of some 17 farm organizations are together in Washington discussing with Secretary Hardin the future of farm legislation.

These organizaions are recommending an extension of the basic features of the present farm program, and the fact that they are united in their presentation is one of the best omens for sound future farm legislation.

And may I add that MFA is represented in Washington today by a man who has full appreciation of the art, as well as the science, of government, Clell Carpenter. Clell has worked long and hard for more just farm bills over the years; and he too is widely respected.

Farm legislation. The current discussion has to do with the future of the present basic farm program, passed by the Congress in 1965, because the 1965 Act expires with the 1970 crop; and in order to permit plenty of time for advance planning by farmers it is mighty important for the issues concerning farm programs to be resolved as quickly as possible.

Up until now, this Administration has not made it clear to the Congress the direction in which they would like us to proceed. It is understood, however, that the Secretary of Agriculture plans to testify before the House Agriculture Committee next September 24; and we would hope at that time to receive a better idea of Administration views.

Let us hope that Congress will act this year to re-new those farm programs that have already proved of substantial benefit to our farm communities, making adjustments where those adjustments are needed. I cannot agree with those who call for the sweeping away of all farm programs; rather than bringing improvements, that action could only bring chaos and disaster to the farm community.

As discussion centers on the broad aspects of the current farm program, nevertheless increasing attention is being given to problems that have been encountered under the International Grains Agreement. This agreement, ratified little more than one year ago, has not lived up to expectations. Its shortcomings have become clear in recent months; and it is clear that American farmers have not gained the benefits which were expected when the Agreement was presented to Congress.

Rather than scrapping what was once hoped for as a major asset to wheat prices, we might make a full scale effort to correct the obvious defects, primarily through better enforcement where enforcement has been seriously lax. Close attention will be paid to this problem in the months to come.

Meanwhile, and because of the apprehension that you all know I have had for many years with respect to our continuing unfavorable balance of payments problem, I personally am especially disturbed that total United States farm exports continue to decline, to the point where, if new estimates for the current year are correct, farm exports will have declined more than a billion dollars over the last two years to a low of 5.7 billion dollars.

A major reason for this development is that, after we reached agreement with other countries during the Kennedy Round negotiations, those same countries put into force various "non-tariff" barriers.

At a time when the farmer is being hit from every side domestically in this cost-price squeeze, we just cannot afford further cuts in our food and fiber exports; and I am hopeful that practical new and if necessary reciprocal steps will be taken to help correct this situation.

Interest rates and inflation. As a result of a tour through Missouri during the recent Congressional recess, I saw and heard plenty of evidence with respect to problems facing agriculture in this State today.

One farmer from North Central Missouri reported, "This year is a bust as far as farming is concerned in this area. We will have less than forty percent of a crop. Part of this is due to floods but more to surface water and excessive rainfall."

When in South Missouri I saw just the opposite—problems created by drought and the consequent lack of water.

There is no reason to kid ourselves. This is not one of the best years for many Missouri farmers, either from the standpoint of prices or weather. And everyone is aware of the heavy additional impact created by these unprecedentedly high interest rates. Nowhere does this hit harder than in farm communities.

As we all know, high interest rates are particularly damaging to the little people. Farmers, especially the family size farmer, must have capital to operate, and to obtain those capital improvements essential if he is to have a chance to overcome the prevailing cost-price squeeze. He cannot wait around in the hope the banks will be able to lower interest rates.

These high interest rates are just one more example of the way this inflation has undermined and is undermining the economy of our nation; and that brings me to certain observations with respect to our foreign policy, including Vietnam; and what this foreign policy, in negative fashion, is doing to the plans and programs we all know are necessary for a better State and nation.

When asked, as happens frequently these days, "What can be done to combat this rising inflation?", I try to answer with some questions; as examples:

How many Americans realize that today the United States has 429 major bases, and over 2,000 minor installations in foreign countries, with some 1.5 million Americans living on or near them?

How many of our citizens realize that this country is now committed to use its armed forces in the defense of 42 other countries; that thirty-two percent of all Americans under arms are stationed outside the United States; that there are 50 American military aid missions abroad; that U.S. troop deployments abroad this year will cost the American taxpayer 3.5 billion dollars in foreign exchange alone; and that bilateral economic aid is provided to 73 countries, military aid to 48?

And all this at a time when this Vietnam war is draining from our national treasury 2.5 billion dollars a month, or 30 billion a year.

It is no longer any secret in Washington that the crushing cost of our international commitments makes it increasingly difficult, if not impossible, to handle adequately growing problems here at home, not the least of which we know is the need to step up the pace of rural development.

As we all know, there were serious floods in Missouri again this year. Thousands of acres of land and millions of dollars in crops were damaged.

At least half of all this damage could have been prevented if Federal reservoirs had been completed up-stream. Instead of pressing forward with the construction of these reservoirs, however, funds have been withheld due to the great cost of our foreign commitments, primarily Vietnam.

We have just been told that 75 percent of all new contracts for flood control will be frozen, one more setback for the farmer and rural America.

We are also being told that the answer to inflation is high interest rates and higher taxes, both of which are hurting everybody, and the farmer at least as much as anybody.

Is it not high time that we face up to the fact that we must restore a proper balance between our national and international priorities?

Over the years we have stood together for a better agricultural picture in our State; let me assure you today that I am prepared to work with you to that end in the months and years ahead.

This is a great country, the finest the world has ever known. We can keep it that way if we dedicate ourselves to a more prosperous agriculture and a more secure and prosperous America; and therefore a better world in which to live.

FEDERAL HEALTH PROGRAMS IN A STATE OF DISARRAY

Mr. RIBICOFF. Mr. President, Federal health programs are in a state of disarray.

There is little coordination among the 23 Federal departments and agencies that will spend $18.3 billion on Government health programs in fiscal 1970.

On Tuesday, I introduced legislation to provide for a Council of Health Advisers in the Executive Office of the President.

Such a Council is required to coordinate the hundreds of Federal health programs.

In addition, I recommended that the Department of Health, Education, and Welfare be reorganized to provide for an undersecretary for health.

These recommendations are among

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the results of an investigation of the Federal role in health care that the Subcommittee on Executive Reorganization has been conducting for nearly 2 years.

In keeping with the subcommittee's jurisdiction over interagency coordination and conflict in similar program areas, the Subcommittee analyzed health construction funds within the Federal Government.

We felt this inquiry would serve as an indication of the success or failure of other areas of Federal health spending.

With regard to construction, the subcommittee found serious gaps in interagency coordination that is resulting in the waste of millions of Federal dollars each year.

The waste of dollars is directly attributable to poor management of Federal funds.

Let us look at what the subcommittee found.

Six Federal departments and agencies are involved in hospital construction.

The Departments of Health, Education, and Welfare; Housing and Urban Development; Commerce; and the Small Business Administration finance civilian hospital construction.

HEW, the Department of Defense, and the Veterans' Administration finance construction of federally operated facilities.

In the current fiscal year the Government will spend $173 million to finance construction of civilian hospitals and $144 million on federally operated facilities.

The largest Federal hospital construction effort is the Hill-Burton program of HEW.

Its prime concern has been to build hospitals in rural areas. The program was well conceived and generally has been well executed.

Its enabling legislation suggested some planning. Each State, in order to qualify for Hill-Burton funds, had to establish a planning agency.

These State agencies took inventories of their State's hospital needs, the service requirements of the population and their manpower needs and financial resources.

To acquire Hill-Burton funds, a hospital must channel its request through the State Hill-Burton agency.

To assure that these local planning mechanisms were not ignored, memoranda of agreement were established between HEW and other Federal civilian hospital financing agencies.

These agreements call for agencies financing civilian hospitals to clear their proposed projects with State Hill-Burton agencies.

But there is very strong evidence to suggest that these interagency coordination agreements frequently are ignored.

For example, a Federal official said that a hospital financed by the Commerce Department's Economic Development Administration recently was built in the Midwest.

The proposal was never brought to the attention of the Hill-Burton agency.

Only when the hospital was completed did EDA notify Hill-Burton administrators of this fact, at which time EDA apologized for not clearing the project with Hill-Burton.

There are many reasons why Federal agencies should coordinate their hospital construction programs with the HEW's Hill-Burton program.

First of all, the hospital may not be needed in the area.

If the hospital is needed, and the construction is not coordinated with the State Hill-Burton agency, the facility may be too small or too large to serve the community's needs.

Furthermore, when a State Hill-Burton agency is bypassed, what guarantees have we that there is sufficient health manpower in an area to staff the facility?

To learn whether State Hill-Burton agencies were bypassed, the Subcommittee staff reviewed Small Business Administration hospital financing in four States. SBA finances only profitmaking hospitals. The results were startling.

Take, for example, the situation in one Florida city.

The city of Belle Glade, Fla., is a small rural community in the State's southern interior.

In February 1963, the Hill-Burton program approved a grant of $635,000 toward the construction of a new $1.6 million, 75-bed hospital. This hospital was completed in September, 1965 and presently has an occupancy rate of between 50 and 55 percent. This means that on the average, nearly half of the beds in the hospital are not used.

In August 1965, the month before the Belle Glade Memorial Hospital opened, the Small Business Administration approved a $60,000 loan to the Carver Memorial Hospital Holding Corp. to build a 13-bed hospital in Belle Glade. Two years later, the same corporation received approval for an additional $10,000 loan from SBA.

Carver Memorial Hospital was absolutely necessary. Administrators of the Small Business Administration were advised of this by State of Florida health officials. Ronald Burton, a consultant to the Florida State Bureau of Health Facilities and Services told the subcommittee staff:

> There was a phone conversation with SBA and we said they should not build it.

Furthermore, the subcommittee staff reviewed SBA files on this loan and found no correspondence with the State Hill-Burton agency giving specific approval for the construction of this hospital.

Carver Memorial Hospital was licensed by the State of Florida in July 1968 but never opened as a hospital.

Von D. Mizell, M.D., medical director of Carver Memorial, advised the State board of health of this fact in a letter dated January 3, 1969.

He wrote:

> As of this date, we have been unable to secure sufficient nursing personnel and medical doctors to supply adequate hospital coverage in order to open as we had hoped. To date we have not admitted any patients.
>
> As per our telephone conversation some time ago, you may be aware of the fact that we have concluded a hospital in the Belle Glade area is not feasible at this time for the above reasons.

Between August 1965, when the first SBA loan to Carver Memorial was approved and July 1968, when the hospital was licensed, nearly 3 years had elapsed. By January, Dr. Mizell said that a hospital was not feasible and he asked that the State grant a license to operate the facility as a nursing home.

On April 14, 1969, the Florida State Board of Health granted a license to the Carver Memorial Hospital Holding Corp. to operate the Sunset Heights Nursing Home.

Here is a case where SBA financed an unnecessary facility in a community where the Federal Government had already committed a substantial amount of funds to provide a health facility for the community.

While the SBA may be assisting in overbuilding hospital services in some areas, in others—particularly metropolitan areas—it is building hospitals too small to truly serve the communities' needs.

The subcommittee found that in the Los Angeles area, and in several of its crowded suburbs, SBA has financed hospitals with as few as 52 beds.

There is a consensus among health care planners and hospital specialists that hospitals in metropolitan areas with less than 200 beds should not be built. These experts contend that small hospitals in metropolitan areas just cannot provide the services necessary to the populations they aim to serve.

The subcommittee also found indications that in three of the four States in which SBA loans were reviewed—California, Arizona, and Florida—Federal funds may have been used to create personal tax shelters.

California, Arizona, and Florida hospitals that had received SBA loans had converted from profitmaking operations to nonprofit operations.

In one case, the principals turned over the operations of their hospital to a family foundation, while title to the land and buildings remained under the control of the principals.

In another case, the entire hospital—its operations, buildings, equipment and land—were turned over to a nonprofit corporation.

It would appear from these cases that some individuals are building, with SBA assistance, hospitals they subsequently turn into arrangements that could serve as personal tax havens.

I am therefore writing a letter today to the Commissioner of the Internal Revenue bringing this entire matter to his attention. I shall make available to him the information developed by the subcommittee staff and request IRS to undertake a full investigation of SBA-financed health facilities to determine whether Federal health money is being used to develop tax shelters.

Furthermore, we will ask the IRS to recommend to the Congress any legislation it deems necessary.

Perhaps the most important single consequence of health programs being administered by agencies not primarily responsible for health is that the programs often are not directed toward caring for the sick and delivering health care.

Officials of the Small Business Administration view themselves as bankers, not health planners. That is their basic purpose. They should not be called upon to make decisions with regard to health.

Likewise, officials of the Commerce Department's Economic Development Administration view themselves as business and employment developers. They, too, should not be called upon to make decisions regarding health.

Nonetheless their health construction financing programs give them decision-making power in health care for scores of communities and thousands of citizens.

Because their priorities are elsewhere and because there is so little coordination between EDA, SBA, and HEW, some immediate steps must be taken to improve the organization of the Federal health effort.

Accordingly, I shall recommend in writing to the Secretary of Commerce and the Administrator of the Small Business Administration that all health functions be eliminated from the Economic Development Administration and the Small Business Administration.

These agencies are operating health programs without the specific legislative authority of the Congress.

Furthermore, the continued administration of health programs by these agencies would at this point be in total disregard of a well-organized and efficiently organized Federal health effort.

The Economic Development Administration will spend $9,212,000 in the current fiscal year on health. The Small Business Administration does not know how much it will spend on health this year. However, officials estimate spending will amount to some $25 million.

These funds should be reallocated to other functions of these agencies, which have been severely underfunded. EDA and SBA sorely need these funds for other areas of their respective missions. But to continue spending these funds for health functions would represent waste.

Such a reallocation of these functions would represent a savings of roughly $34 million in overall Federal health outlays.

The Department of Health, Education, and Welfare should assume full responsibility for the present health functions of these agencies. Furthermore, HEW should assign to these functions the lowest of priorities.

While there are serious problems with the health care roles of EDA and SBA, HEW's Hill-Burton construction program is not without its flaws.

Take, for example, the grant it made for the Palm Beach Gardens Hospital in Florida.

In February 1963, the Hill-Burton program approved a $440,000 grant for the construction of an 86-bed, $1.3 million facility.

The hospital was completed in 1965 but it did not open until late in 1968. It was a ghost hospital for 3 years.

The subcommittee also found other ghost hospitals.

In June, the subcommittee asked Health, Education, and Welfare Secretary Finch to provide names and addresses of hospitals and nursing homes that were built with Federal assistance but have never opened.

We also asked about federally financed hospital facilities that were abandoned during construction.

And finally we asked about federally financed facilities that were completed, opened but ceased operations after a short period of time.

In August, Secretary Finch provided the subcommittee with the names of two hospitals. Both had been built with Federal funds. They opened and then closed.

The subcommittee has names of other federally financed hospitals, not mentioned by Mr. Finch.

We will ask for a further investigation into these matters.

While there are many problems that beset the Federal construction programs for civilian hospitals, much takes place in the construction of federally operated hospitals that escapes necessary scrutiny.

In the San Francisco area, the Army and the Navy refused to consolidate into one facility the separate hospitals each was planning to build. Both hospitals opened within the last 12 months.

The General Accounting Office and private hospital planners in the area recommended a joint facility be built and shared by each service.

The services refused. They said there was a strong preference on the part of military personnel to be treated in a hospital of their own service. Army and Navy representatives told the GAO that separate Army and Navy hospitals in the San Francisco area were essential for purposes of morale and medical training.

In fact, medical training probably would have been upgraded in a larger facility. With regard to personnel morale, we cannot comment.

The GAO estimated before the hospitals were built that $10 million would be wasted with the construction of two separate facilities. Furthermore, GAO said an additional $8.2 million would be wasted each year from the maintenance and operations of two separate facilities.

This situation and others like it around the country represent some of the worst decisions made in the Federal health effort.

It represents a waste of millions of health dollars each year that could be so much better spent in other health areas.

For example, just the money wasted by the duplicated DOD facilities in San Francisco matches the nearly $8 million allotted annually to the California Hill-Burton program.

If we could apply just the $8.2 million wasted by the Defense Department in the San Francisco area to the California hospital and modernization effort, we could double the impact of the State's present Federal hospital construction effort.

The needs for new hospital construction and modernization are great in California.

Hill-Burton Administrators in California say they now need 3,600 new hospital beds at a cost of $144 milion. Moreover, the cost for presently needed modernization would run $350 million.

In reviewing the administration and coordination of Federal health construction expenditures, the subcommittee only scratched the surface.

The information developed by the subcommittee indicates the need for a full-scale investigation of Federal hospital construction programs.

Therefore, I am asking the Comptroller General of the United States to review the material developed by the subcommittee and to begin a full-scale investigation and audit of Federal hospital construction spending.

This General Accounting Office investigation should involve the health construction activities of the following departments and agencies: The Departments of Health, Education, and Welfare; Housing and Urban Development; and Defense; and the Veterans' Administration.

The GAO investigation should also include the Commerce Department's Economic Development Administration and the Small Business Administration, unless these agencies voluntarily remove themselves from health program administration.

As we said on Tuesday:

One of the major barriers to effective health policy formulation is the fragmentation of the Federal health effort. Health program administration becomes confused because it falls under the separate and distinct primary missions of each of the 23 health agencies.

Health programs become subordinated to these missions which further remove them from effective coordination.

We must begin to solve the problems posed by health program duplication and the lack of coordination.

We must begin to establish some overall health policy to guide the administration of these billions of dollars.

NEED TO RECOGNIZE FEDERAL AUTHORITY OVER GENOCIDE CONVENTION—AND TO EXERCISE IT

Mr. PROXMIRE. Mr. President, one of the arguments in opposition to Senate ratification of the Genocide Convention has been in the area of the effect of this convention on Federal-State relations. What is our form of government? It is a government of a federal character, with national and international matters the business of the Federal Government, and with local matters the business of the 50 States and the subdivisions of those States.

According to the Constitution, the treatymaking power and also the power to define and punish offenses against the laws of nations are specifically given to the Federal Government. Congress is already invested by the Constitution with the power to provide the criminal sanctions for offenses against the law of nations, Constitution Article I, section 8, clause 10.

It is wholly unwarranted to say that, because another offense has been added to the list of the few now punishable as offenses against the law of nations, the States have been deprived of a field of criminal jurisprudence.

Dean Rusk answered this argument very ably in his capacity at that time of Deputy Under Secretary of State when

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he appeared before the special ad hoc subcommittee of the Senate Foreign Relations Committee. He stated:

> Twice all of the states-members of the United Nations have declared that genocide is a matter of international concern. Twice all states-members of the United Nations have declared that genocide is a crime under international law. All have declared that internal cooperation is needed to stop this practice and that states have a duty to put a stop to such practices within their own respective borders. In view of this history, no one can doubt that genocide is a subject within the constitutional power of the Federal Government to define and punish offenses against the law of nations.

It is both important and imperative that the Federal Government and the Senate of the United States recognize its authority and need for commitment in this area—and to exercise that authority by ratifying the Genocide Convention.

ATOMIC ENERGY COMMISSION TESTING ON AMCHITKA ISLAND

Mr. NELSON. Mr. President, sometime within the next month the AEC will detonate a nuclear device deep beneath Amchitka Island in Alaska. The explosion will have a force of about a million tons of TNT. This blast is intended to be an experiment, determining whether this island has the ability to withstand still more powerful nuclear detonations.

The underlying purpose of the AEC test firing is not widely known. There is speculation that this underground shot is related to the development of nuclear warheads for our missiles. Whatever the objective of this firing, it should be absolutely certain before the blast that the delicate balance of nature will not be irreparably harmed by this large explosion.

In addition, the AEC should provide scientific evidence that will guarantee that the enormous shock waves from this tremor will not cause a chain reaction of earthquakes and tidal waves endangering man and animal life.

In a most interesting two part series written by Don L. Johnson, outdoors writer for the Milwaukee Sentinel, some other dangers are outlined that could threaten the ecology of this area because of the nuclear test.

Mr. Johnson accurately points out that there is controversy over the AEC test. There will be a great deal more if severe damage to man's environment results from the explosion.

I ask unanimous consent that the excellent and informative articles about the AEC nuclear test in Alaska, published in the Milwaukee Sentinel, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Milwaukee Sentinel, Aug. 30, 1969]

Blast Proposals Shake Alaskans

(By Don L. Johnson)

Anchorage, Alaska.—The earthquake which shook this city the day I landed was the second felt within a week.

The jolt, although far weaker than the one which left Anchorage a shambles five years ago, caused a brief rattling of windows and shuddering of residents who remembered that fateful Good Friday in 1964. Yet most Alaskans quickly shrugged off the shock.

"As long as there's a little quake once in awhile to relieve the pressures, we shouldn't have to worry about a big one," observed a federal public health administrator with whom I'd visited on the flight from Sitka.

Later, landing at the naval station at Adak, far out on the Aleutian chain, I learned that the commanding officer, Capt. Hubert Glenzer, Jr., a native of Owen, Wis., had ordered all planes aloft. Island residents were gathering in nervous groups on high ground.

"We've had a tsunami warning," Glenzer explained. "There's been an earthquake in the Kuriles."

A tsunami is better known as a tidal wave. The one which came in the wake of the 1964 quake virtually destroyed the Alaskan communities of Kodiak, Valdez, and Cordova.

When this wave arrived, it was barely discernible. The patrol planes swooped back out of the mists to land and life quickly resumed its regular schedule on the island.

Another kind of earthquake was in the making on my next stop, 200 miles farther westward.

Sometimes soon on Amchitka island, the atomic energy commission (AEC) plans to trigger a nuclear "device" 4,000 feet beneath the surface.

AEC officials, who avoid such terms as "bomb" and "weapon," say that the device will have a force of 1.1 or 1.2 megatons. A megaton is the equivalent of a million tons of TNT.

The AEC has set off underground blasts of that power before—in Nevada. Never before, though, has such a force been unleashed in one of the most earthquake prone areas of the world.

And so, there is worry. Fears that the blast will create destructive tremors and waves affecting far places. There is worry too, about radiation leakage. Special concern has been voiced for unique forms of wildlife, including sea otters, which live on Amchitka and neighboring islands.

There has been a report that a fault has already been found in the rock which must contain the blast; that leakage of radioactive materials was noted after a far smaller blast triggered on the island in 1965.

Such claims are denied by AEC spokesmen, who declare that every safeguard is being taken and that complex monitoring will measure the smallest effects of the test.

The blast, indeed, has been publicized as a "calibration shot"—its purpose to measure the island's ability to withstand still more powerful forces.

More tests are contemplated—the next possibility in the fall of 1970. It is generally believed that the tests are coupled with development of the controversial antiballistic missile system. The AEC has no comment on that.

Detonation of the device is expected about Oct. 1. Recent hints (such as establishment of a "safety area" of 50 miles around the island until Oct. 15) have led to speculation that it could come two weeks later.

Joe Brown, AEC site manager on Amchitka, answered questions as noncommittally as possible when he met me at the island's airfield. Clearance to make the visit had been difficult to secure, even after calls to AEC offices in Washington, D.C., Las Vegas, and Anchorage. Tightening security seemed to lend credence to a rumor that the device had just been delivered to the island. Armed men stayed close until I boarded an airplane again.

The impression I got was this:

It is too late for talks and hearings to alter the AEC plans. The pressures to trigger the blast are inexorable. This country has committed $192 million for the Amchitka "event" (another AEC euphemism).

Although the test can be aborted at any moment for technical reasons, AEC technicians appear as certain of a successful "shot" as were NASA officials of the moon flight.

"We are on schedule," Brown told me simply.

But I also came away with some answers which held reassurance for all of us who worry when somebody wants to rock this shaky world.

[From the Milwaukee Sentinel, Sept. 1, 1969]

Manmade "Quake" in Alaska—Fuse Shortens on Date of Amchitka Test

(By Don L. Johnson)

Amchitka, Alaska. — Picture islands smothered by fog; dismal, snow streaked peaks seeming to grope for the sky. Imagine churning waves where currents of northern and southern seas clash in stormy channels. Hear the awesome wail of williwaw winds.

These are the Aleutians, curving westward from the Alaskan peninsula, reaching to within 250 miles of Russia's Komandorski islands; almost 1,800 miles from Anchorage and a brief flight from Soviet mainland on the Kamchatkan peninsula.

Feel a trembling under the tundra. There is an uneasiness in the earth's bowels. It breathes fire, belches smoke from craters. There are sink-holes and fumaroles, crumbling rock and volcanic ash. Streams slither down slopes, dive from sight, and reappear to form misty lakes.

Men have come here for many reasons. For fish, for fur—and even to fight a war. What better place, they now ask, to bury a fiery bomb?

FUSE SHORTENS

As the fuse shortens, however, that question is being countered by conservationists, other concerned citizens, and their representatives in congress.

Sometime early in October, the atomic energy commission (AEC) plans to explode a "high yield" nuclear device deep beneath Amchitka, about 350 miles from the western end of the island chain and 1,400 miles from Anchorage, Alaska.

Plans for the "event" (a word which, like "device," is favored by AEC officials) actually began in 1950, when technicians started probing the island for a place to trigger an atomic bomb. In the spring of 1964, they returned to prepare for a deep underground, low yield, atomic blast.

Called "Long Shot," it was fired in 1965 (over earnest objections from the department of interior, which includes Amchitka in the Aleutian national wildlife refuge).

The blast itself had little apparent effect on the island's wildlife, which includes large populations of eagles and of sea otters, returning from the brink of extinction. More difficult to measure were effects of presence of men and machines on the fragile habitat which supports such creatures.

SEARCH STARTED

In 1966, the AEC began an intensive search for an area suitable for testing new, more powerful devices. It is popularly supposed that the need for such tests is coupled with development of the disputed Safeguard anti-ballistic-missile system but AEC spokesmen admit only they are "weapons oriented."

Because of the proximity to Salt Lake City (250 miles) and Las Vegas (175 miles), the AEC site in central Nevada was deemed "possibly inadequate" for the anticipated blasts. The north slope of Alaska's remote Brooks mountains showed the desired geology but was considered too inaccessible.

Amchitka, too, presented "significant" logistical problems, but wartime experience had shown it could be supplied and manned, although weather might keep aircraft from landing for as much as a week at a time. Geology and ground water characteristics seemed suitable.

During the last two years, eight exploratory holes have been drilled on the island to depths of more than 6,000 feet. Drill site "B," a hole 60 inches in diameter, is near the main camp, near the southeast end of the narrow, 42 mile long island.

DEVICE READIED

It is there that the device is to be sealed at the 4,000 foot level. The control point for the shot is 25 miles away.

"Ground zero" was an apt description of this place, even before nuclear blasts added that term to our vocabulary. Zero-zero ceilings—dense clouds of fog hugging the ground—are often encountered by pilots.

The ceiling seemed scarcely higher than the rooftops when I arrived at Amchitka aboard a Reeve-Aleutian DC-6 carrying men and materials to the site. Rusty roofs of quonset huts—mementos of 1942 when United States forces gathered to oust the Japanese from nearby Kiska and Attu—appeared beneath the wings just seconds before we slipped onto the runway.

For a Reeve pilot, it was all in a day's work. But I was also aboard another day when the same pilot decided against landings on Amchitka and Attu. We spent the night with the air force at Shemya where ground control facilities brought us safely through the gloom.

Joe Brown, the AEC's site manager, met me at the Amchitka airfield. He wore a white helmet and brown jacket, and he had a determined squint behind his glasses. Armed security officers eyed the cameras I carried and remained close as we talked.

CONTROVERSY CITED

Was Brown aware of the controversy his holes on the ground were causing in Anchorage and Juneau, in Washington, D.C. and across the nation?

"We get newspapers. We read them," he answered dryly.

Also unhappy with publicity he had received was Roger Desautels, a bearded archeologist from the University of Alaska, who had been digging other holes on the island to unearth evidence of ancient cultures. It was recently widely reported that he had found evidence of pre-Aleut occupation dating back more than 9,000 years.

Other scientists—including Prof. William Laughlin, of the University of Wisconsin, who had combed some of the same sites last year—questioned the validity of finds three times older than any previously reported.

"I was misquoted; misunderstood. I've written an explanation to Laughlin," he told me in a brief meeting on the island. Asked to set the record straight, he answered, "I'll put it in writing and send it to you."

STATEMENT RECEIVED

From Brown, I received a 30 page statement from the AEC, newly prepared to answer questions and criticisms from concerned citizens and their congressmen. Briefly, it contained these assurances:

The blast will be of predictable power, in the one megaton range (equivalent to a million tons or more of TNT). Similar devices have been fired in Nevada and techniques to prevent seepage or venting of radioactive materials have been developed during more than 270 underground tests since 1957.

This is to be a "calibration shot," carefully monitored by complex instruments. Its purpose is to measure the island's ability to withstand still more powerful blasts.

AEC experts say it is highly improbable that any radioactivity will be released, but background data is being collected on the area's fish, shellfish, mammals, and birds—and their food chains and environment—to measure effects "in case an unlikely accident occurs."

More than $3 million (of a total project cost of $192 million) has been spent to identify and minimize ecological effects of the tests.

The shock, equaling an earthquake with force of 6.5 on the Richter scale, will be felt at the air force installation on Shemya and the naval station on Adak (each about 200 miles away) but not at Anchorage. A slightly stronger quake centered near Amchitka last May caused no damage beyond neighboring islands.

It is considered unlikely that the blast will cause a larger earthquake and the remote location will limit the effects should that occur.

Although tidal waves several feet high have been observed in the Aleutians following severe quakes, the May shock showed no such effect. None is anticipated from the test.

The test is timed to avoid disturbance of nesting birds, but the shock may topple some eagle nesting sites on "sea stacks" (pinnacles of rock surrounded by the sea) and peregrine falcon aeries on the steep cliffs.

Experiments have indicated that the shock will be a possible hazard to sea otters only near ground zero, with young animals and pregnant female animals most susceptible. Since the otter population has reached the carrying capacity of the island, some are being captured and moved to other islands off southeastern Alaska, British Columbia, and Washington.

Summing up, the AEC says "the commission does everything necessary to ensure that the nuclear testing program causes no hazard, either immediate or future, to the public."

No further tests are planned "for at least a year" after the calibration shot, which AEC scientists seem certain will create only ripples, compared with the waves of controversy now arising.

But it is likely that those waves will rise higher still, before an even bigger "device" is lowered into an abyss on Amchitka.

ANOTHER MOTHER LODE—WAITING TO BE MINED

Mr. HATFIELD. Mr. President, as we bask in our deserved glow of national self-pride following the successful Apollo moon shot, one side effect of the attendent publicity is worth noting. Our country's oceanography program has received more attention of exploration, scientific research, and other such terms. I believe our fledgling oceanography program deserves more national attention.

My thoughts on this are detailed in a well-written editorial published in the Portland Oregonian of September 7, 1969. The editor states:

> The ocean unquestionably is a vast mother lode of resources waiting to be mined. An efficient harvest of its fish, shellfish, and plankton could increase vastly the supply of protein for undernourished humanity. We need to know much more about the effect on the oceans, and this protein harvest, of the growing flow of solid and liquid wastes going into the world's bays and estuaries. We can search for unknown seabed sources of oil, gas and minerals. And when scientists at last understand fully the role of the seas as the generator of weather and the source of rainfall we can have improved storm predictions and perhaps some day the ability to modify or even control weather conditions.
>
> These goals are being sought rather haphazardly at present by many public and private agencies. This fragmented approach cannot very soon hope to unravel the mysteries of the 71 per cent of the earth covered with salt water. A strong federal operating agency could coordinate these efforts and mobilize new industrial and institutional marine research and engineering teams.

The editor also comments that—

> Ocean and weather research may not have quite the same political oomph, and spending billions for aquanauts may not be as popular as for astronauts. But the net return on the investment could be much greater.

As the problem of feeding the world's growing population becomes more difficult every day, we must look to the sea as a greater source of food. Money spent on research in this area promises a return of great magnitude from the moneys invested.

Estimates of the potential mineral wealth of the seabeds are such that we should consider giving increased attention to devising ways to utilize the mineral wealth in ways consistent with the ecology of the oceans.

Mr. President, the title of the editorial to which I referred earlier is "Look Down. Not Up." I think our country should take steps to encourage oceanographic research. We must act so that we can reap the benefits for the betterment of the country.

THE PANAMA CANAL: THE PROBLEM OF INCREASED TRANSIT FACILITIES AND THE ANSWER

Mr. THURMOND. Mr. President, one of the gravely important questions now before the Congress and the Nation is that of providing increased transit facilities across the Isthmus of Panama. Though current literature on this subject, official and unofficial, is voluminous, the problem when reduced to its essentials is relatively simple and the proper solution obvious.

Experienced Members of Congress who have studied the canal question in depth for many years have arrived at the same answer—the major modernization of the existing high-level lake-lock canal.

In a recent discussion in the U.S. Naval Institute Proceedings, the respected professional magazine of the Navy, Representative DANIEL J. FLOOD, of Pennsylvania, one of the leading authorities in Congress on interoceanic canal problems, admirably summarizes the canal question with important facts and figures and proposes what independent canal experts consider the best solution from all significant angles, including what is best for the economic well-being of Panama as well as that of the United States. To provide such a solution, identical bills have been introduced in both House and Senate to authorize the needed increase of capacity and operational improvement of the Panama Canal.

Mr. President, as evidence of the wide support for the proposed canal legislation, the 51st Annual National Convention of the American Legion in August 1969 adopted a notable resolution calling upon the Congress for legislation that would protect U.S. sovereignty over the Canal Zone territory and provide for the major modernization of the Panama Canal.

Mr. President, because the discussion by Representative FLOOD in U.S. Naval Institute Proceedings, September 1969, the American Legion resolution, and the texts of the proposed legislation should be of great interest to Congress, the Nation at large, and foreign countries with vessels that use the Panama route, I ask unanimous consent that all three items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

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[From the U.S. Naval Institute proceedings, September 1969]

A Southeast Passage?

(By Hon. Daniel J. Flood, Representative from Pennsylvania)

As a member of the Congress with assignment for many years to the Subcommittee on National Defense of the House Committee on Appropriations, and as a long-time student of interoceanic canal problems, I have read the article by Rear Admiral Gibbs with considerable interest. Though it introduces some new angles into current canal discussions, it does not present the real issues involved, which must be understood and not ignored if our canal policies are to be wise.

The gross investment of the United States, from 1904 through 30 June 1968, including defense, in the Panama Canal enterprise was $6,368,009,000. Total recoveries during the same period were $1,359,931,421.66, making a net investment of over $5,000,000,000.

The Isthmian Canal policy of the United States, as developed over many years and which is embodied in treaty and law, has these objectives: the best type of canal, at the best site for the transit of vessels of all nations, on terms of equality, with tolls that are just and equitable. It was pursuant to this policy that the United States acquired by treaty with Panama the grant in perpetuity of sovereign rights, power, and authority over the Canal Zone territory and constructed the high-level-lake and lock type canal, all to the entire exclusion of the exercise by Panama of any such sovereign rights, power, or authority. The United States also obtained ownership of all land and property in the Zone by purchase from individual owners.

In these connections, it is important to realize that Panama has been, and still is, an area of endemic revolution and endless political instability; and that at the time of acquisition, it was one of the worst pest holes in the world.

The construction of the Panama Canal was one of the truly great achievements of man. Its subsequent maintenance, operation, sanitation, and protection have measured up to our solemn treaty obligations. The transit since opening to traffic on 15 August 1914 through 30 June 1968, of 403,230 vessels of various types and descriptions during both peace and war (World Wars I and II, Korean, and Vietnam, as well as the 1962 Cuban missile crisis) completely establishes the wisdom of the original construction.

As to current discussions over the type of canal, the idea of constructing a canal at sea level is a "hardy perennial." It appeals strongly to the manufacturers of heavy earth-moving machinery, dredging combines, a limited number of professional engineers, and various theorists. Many independent experienced engineers, navigators, and scientists oppose it. Thus, Rear Admiral Gibbs's emphasis that certain large vessels now constructed or planned were designed to avoid transit of either the Panama or Suez Canals for the reason that it is more economical for them to go around Cape Horn or the Cape of Good Hope rather than pay tolls is most pertinent. Also, as he points out, the closure of the sea-level Suez Canal in 1967 by means of "primitive weapons" is highly significant. It dramatizes the irrelevance of the ancient argument of "vulnerability" to enemy attack in the design of navigation projects. The true criteria, the only basis, for such planning are ease and safety of navigation.

Many years of experience in the operation of the Panama Canal have shown that what is needed there is a two-way ship channel in the summit level, with ample and logically arranged locks at both ends.

The two-way ship channel will be supplied on completion in 1970 of the enlargement of Gaillard Cut from 300 feet minimum bottom width to 500 feet. The required lock capacity and arrangement will be provided under the Terminal Lake-Third Locks Plan.

This proposal, which would eliminate the bottleneck locks at Pedro Miguel, consolidate all Pacific Locks at one location south of Miraflores, create a summit-level lake anchorage at the Pacific end of the Canal, and solve other important marine operating problems, was developed by the Panama Canal organization as the result of World War II experience. It was recommended by the Governor of the Panama Canal to the Secretary of War for comprehensive investigation. It won the support of the Secretary of the Navy, and was approved by President Franklin D. Roosevelt as a postwar project.

The original Third Locks Project, authorized in 1939 at a cost not to exceed $277,000,000, was suspended in May 1942 because of more urgent war needs, after a total expenditure of $76,357,405, largely for huge lock site excavations at Gatun and Miraflores which are still usable. The estimated cost for enlarging Gaillard Cut is $81,257,097. These two projects together, representing an expenditure of more than $157 millions are a substantial commitment by our government for the major modernization of the existing Panama Canal. Moreover, such modernization of the existing Panama Canal enables the maximum use of all work so far accomplished in the construction of the Canal and its subsequent maintenance, and it does not require a new treaty with Panama with the inevitable huge indemnity and increased annuity that would be involved. Thus, the United States would continue its full control and ownership of the Canal Zone and Canal.

The principal issues in the present canal situation are:

The safeguarding of our indispensable sovereignty over the Canal Zone, now jeopardized by ill-advised proposed new treaties.

The necessity for increase of capacity and operational improvement of the existing canal through the major modification of the authorized Third Locks Project under the Terminal Lake-Third Locks Plan.

The subject of a second canal.

As to these points, extensive clarifications in the Congress over a period of years have removed the confusion surrounding them and cleared the way for proper action by our government. This action is the major increase of capacity and operational improvements of the existing canal, and bills for the "Panama Canal Modernization Act" have been introduced.

The enactment of such legislation not only will protect the vital interests of the United States, benefit Panana, serve world commerce, and safeguard our indispensable sovereign rights, power, and authority over the Canal Zone and Canal, but will also clear up the entire canal situation.

[Adopted by the 51st annual national convention of the American Legion, August 1969]

Resolution 207

To oppose abrogation of U.S. rights concerning operation and security of the Panama Canal

Whereas, in 1903, the United States and the Republic of Panama entered into a treaty "to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans"; and

Whereas, by that treaty, the Republic of Panama (for a lump-sum payment of ten million dollars in gold, plus an annuity now amounting to nearly two million dollars) granted to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of the canal, and granted to the United States all the rights, power, and authority, within the zone mentioned, "which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority"; and

Whereas, the Panama Canal now represents a total United States investment of nearly five billion dollars, and is a vital strategic asset to the United States for hemispheric defense and our own national security; and

Whereas, the Panama Canal also is of great economic importance to the United States, inasmuch as 70 percent of traffic through the Canal either originates or terminates in U.S. ports, and Canal operations represent a net gain for U.S. balance-of-payments of more than 40 million dollars annually; and

Whereas, The American Legion has consistently expressed its strong opposition to any weakening of the United States sovereign rights, power, and authority over the Panama Canal and the Canal Zone; now, therefore, be it

Resolved: That The American Legion reaffirms its positions heretofore taken with regard to the Panama Canal and the Canal Zone, and opposes any new Canal treaties that would abrogate the essential provisions of the 1903 Treaty between the United States and the Republic of Panama; and

Further resolved, That The American Legion urges both the House of Representatives and the Senate of the United States Congress to adopt a Joint Resolution expressing it to be the sense of the Congress and the Nation that the Government of the United States shall maintain and protect its sovereign rights in the Panama Canal Zone and its jurisdiction over the Panama Canal, and that the United States shall in no way forfeit, cede, or transfer any of these rights or jurisdiction to any other administration, government, or international organization; and

Further resolved, That The American Legion urges the Congress of the United States also to adopt legislation to provide for an increase in the capacity and for operational improvements of the existing Panama Canal in accord with the principles of the so-called "Terminal Lakes-Third Locks Plan."

S. 2228

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

Sec. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the third locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000.

(b) The provisions of the second sentence

and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the provisions of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

Sec. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer in the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a secretary and such other personnel as may be necessary to carry out its functions and actiivties and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The secretary and other personnel of the Board shall serve at the pleasure of the Board.

Sec. 4. (a) The Board is authorized and directed to study and review all plans and designs for the third locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the third locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the third locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the third locks projects and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

Sec. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

Sec. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

Sec. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

Sec. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

Sec. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

Sec. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

Sec. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

Sec. 12. Any provision of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

Sec. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Any sum appropriated to carry out the provisions of section 2(a) shall remain available until expended.

TENNESSEE WALKING HORSE

Mr. TYDINGS. Mr. President, yesterday the Subcommittee on Energy, Natural Resources, and the Environment held a hearing on S. 2543, my bill to outlaw the barbaric practice of "soring" whereby the feet of Tennessee walking horses are deliberately made sore in order to achieve a more exaggerated "walk."

Soring is a common practice, condemned by those who condone it. It is neither necessary nor nice, and is a black mark against all those who permit this cruelty to continue.

In the September 4 and 7 editions of the Nashville Tennessean, Wendell Rawls, Jr., has written two articles about the soring of these horses. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Nashville (Tenn.) Tennessean, Sept. 4, 1969]

"Soring" Necessity in Disagreement

(By Wendell Rawls, Jr.)

"Soring" is the most openly admitted evil in the posh walking horse business, but there is wide disagreement among people in the trade just how necessary it is.

Ultimately, of course, the responsibility for the practice rests on the trainers. Some of the trainers say they have to do it, if the horses are to adopt the minicing, prancing gait that will draw customers to the show ring. Other trainers say they can do just as well without it, with a little more careful training and a little more time to do it in.

Breeders, generally, don't like the practice, and some of them express fear that it will eventually ruin the carefully nurtured walking horse breed. As for owners . . . well, most of them like those ribbons and prizes, whatever it takes to get them.

"Soring" is the practice of using mechanical and chemical means—commonly, oil of mustard—to make a horse's feet tender so it will lift them high in the show ring . . . a gait prized by judges and spectators alike.

Tennessee law declares soring of horses with "sharp-pointed instrument" or any "blistering compounds or other devices or drugs" to be a misdemeanor, and provides for fine and/or imprisonment of any owner, rider, ringmaster, manager or show chairman responsible. Despite this, owner George Lenox compares soring to sin.

"Everybody is against it, but everybody does it," he said.

The Walking Horse National Celebration, Inc., at Shelbyville has vowed that sore horses will not be permitted to show, but raw and scarred horses were seen yesterday in both the workout ring and the blacksmith quarters where the 31st National Celebration is being held. Walking horse supply booths are shelved with smearing substances to cover raw places on horses' legs, and there is an ample supply of "freeze" applications.

The state law places the burden of responsibility for seeing that horses are not sored on the owner, as well as the rider. Under the

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law, the ringmaster is responsible for reporting sored horses to the horse show managers or chairmen, who in turn are held accountable for reporting violations to the district attorney-general of the county in which the violation occurs.

Aside from the illegality of the practice, it has put Tennessee, heart of the walking horses industry, in an uncomfortable position vis-a-vis other states where walking horses are raised and shown. A primary concern of many horsemen now is that the rules in other states are being tightened drastically, as these states react to pressures from outside the horse industry.

Horses are being disqualified "with even a small scar" in his state, said Guy E. Ward, California attorney, and buyers soon will be unable to exhibit Tennessee horses anywhere outside the state.

"When that happens," he predicted, "pressure in the pocketbook will help stop soring."

On the other side of the question, Bud Franklin, a California trainer, said he cannot bring a horse to Tennessee for exhibition, because he "refuses to sore."

"And you can't compete there if your horse isn't sore," he said.

Some trainers from other states feel that the laxity in enforcement of Tennessee laws is intentional, for the benefit of Tennessee horses. If out-of-state trainers don't sore, their horses won't capture the big "lick" (stride) that Tennessee trainers accomplish with it.

So, if only Tennessee trainers can produce the exciting walk that the audiences love, the business of selling horses will continue to thrive in this state, where the blue ribbons are won.

This, some think, poses an ultimate danger to the breed.

Soring "misleads people into thinking a mediocre horse is a great horse," according to Harlin Hayes, manager of Harlindale Farms, home of Midnight Sun until his death in 1965.

Others point out that a horse with less natural ability and more "bottle" sometimes can defeat a horse with more natural ability but no bottle. Then, if the horse with less natural ability should become a world champion, he will be demanded for breeding, while the more gifted horse will not. In this case, the true walking horse blood is not passed on to build a strong walking horse strain.

Some walking horse folk are more concerned about the fraud perpetrated on the viewing public, which thinks it's seeing the true walking horse gait when it's really seeing an artificial, exaggerated performance, manufactured literally "out of a bottle."

Knowledgeable walking horse people say walking horses didn't always exhibit the long, climbing gait, with the rear end of the horse tucked under to give the illusion of "walking like a man." The trouble is that today's version is, although artificial, more exciting, and the public has gotten accustomed to it.

J. T. Nelms of Nashville, one of the six judges of the current Celebration in Shelbyville, stood under the tin roof of the shed in the Triangle Community Center yesterday, toyed with his cigar, and expressed his sentiment in the matter.

Without the excitement of the "big lick," which soring produces easier than any other method, he said, people will lose interest in walking horses. It is an analysis with which many trainers agree.

"The owners want the sore lick," said one trainer. And, said an owner: "When my horse enters the ring, I want him sore." Without soring, he added, the horse could not compete.

This viewpoint is by no means unanimous.

S. W. Beech Jr., a powerful member of the Tennessee Walking Horse Breeders and Exhibitors Association of America, said his late, great stallion, Merry Go Boy, won the world's grand championship twice "without either hot stuff or boots."

Most trainers agree that they can "make a walking horse" without soring. But they they don't have time to do this if they get a horse in January and the owner wants him ready to show in April.

From this standpoint, soring is a timesaver in training (and a work saver). The consensus, however, is that soring will eliminate "about one week in four." The question boils down to the value of that "saved week" in comparison to the pain and ultimate damage to the horse—and the ultimate damage to the industry itself.

One of the ways soring can be, and is, concealed is by use of "the boot." Naturally, then, a lot of the controversy inside the industry centers around "the boot rule," which some would like to do away with, and others would like to keep.

The American Horse Show Association requires a three-inch boot on show horses. This is a white, leather object around the horse's ankle.

Its purpose is supposedly to protect the front feet from overstriding back legs—but, obviously, it can conceal evidence of soring, too.

To complicate matters, according to Beech, the trainers demanded a two-inch boot for walking horses. He himself, he says, has contended for years that each horse would wear the boot best suited to him—"like people wear shoes."

The three-inch boot is not as pliable as the two-inch boot, and doesn't allow as much loose action of flopping around the ankle, like a chain or roller.

There is no question, however, that a practice which has been excused as an emergency measure, a time saver, has become standard operating procedure for some trainers who either do not want to take the time and trouble to train a horse without soring, or cannot.

Charles I. Mullins, a Pennsylvania owner-trainer, contends that the industry must become repopulated with "trainers who know how to train a horse, and not just pour a bottle to it"—it must separate the true trainers from the "bottle-happy idiots."

How can such a result be brought about, though, if the bottle gives bad trainers and poor horses an edge over competent trainers and good horses?

"Tell us the rules, then everybody abide by them completely," is a common solution proposed by trainers themselves. Veteran horseman Randall Hicks of Arlington, Va., says the present breeding association rules would eliminate the soring problem if "all judges would force the trainers to comply with the regulations."

The trouble is, said Vic Thompson, president of the fledgling Walking Horse Trainers Association, the breeding association makes the rules for all Tennessee Walking Horse exhibitions, but they are "enforced only outside Tennessee."

Joe Urquhart, Columbia trainer, says the responsibility for eliminating soring practices "ultimately lies with the trainers." If they don't stop it, he says, the responsibility devolves on the horse show managers and ringmasters.

"A judge can tell when a horse is sore without having to see his feet," said Urquhart.

If the walking horse industry doesn't clean its own dirty linen, the government probably will step in. Not just the state government, either.

Legislation is now before both houses of Congress, designed to prohibit soring of walking horses.

Sen. Joseph D. Tydings, D-Md., will begin subcommittee hearings in Washington Sept. 17 on his bill to make interstate shipment or exhibition of sored walking horses a federal offense, with the Agriculture Department holding the hammer of enforcement. Rep. William Whitehurst, R-Va., has introduced a similar measure in the House of Representatives.

Representatives of humane organizations from Denver to Washington are attending the current Celebration in Shelbyville, gathering data for the hearing.

[From the Nashville (Tenn.) Tennessean, Sept. 7, 1969]

HORSE ACQUIRED AS SORING EXHIBIT FOR SENATE STUDY

(By Wendell Rawls, Jr.)

A Washington-based horse protective association purchased a Tennessee Walking Horse at a Shelbyville sale yesterday which the group said will be used as a "blatant example of soring."

A veterinarian for the group said the horse, a 3-year-old gelding is "the most unsound horse" he has examined and that poor training practices have made him "worthless" as a walking horse.

The horse is expected to be taken later this month before a special Senate committee studying legislation that would make the soring of horses a federal offense. It is already unlawful in Tennessee.

The horse, a registered gelding named Papa Charcoal, was purchased for $500 by Mrs. William Blue of Washington, D.C., vice president of the American Horse Protection Association, at an auction sale, owned by S. W. Beech Jr. and Pete Yokley, two Tennessee horse breeders.

The sale, called the "Sale of Show Ring Champions," is being held in conjunction with the Tennessee Walking Horse National Celebration which ended last night at Shelbyville, but is not connected with the show or its officials.

"We bought this horse as any example of blatant soring," said Mrs. Blue. "It is obvious that trainers and owners have contempt for the sufferings of the animals and are interested in the Tennessee Walking Horse as a trade, not in the animal or sportsmanship."

Soring is the practice of using mechanical and chemical means—commonly oil of mustard—to make a horse's feet tender so it will lift them high in the show ring, producing the gait prized by judges and spectators.

Mrs. Blue said a veterinarian present at the sale examined the horse and gave her a written statement that he was suffering from "chain rubs."

Later, Dr. William R. Porter, a Maryland veterinarian licensed by the Maryland Racing Commission, described the horse as "the most unsound I have seen in 21 years of practice."

"The horse is in generally poor condition due to mistreatment during training," he said.

Dr. Porter said the horse was suffering from:

A "bowed tendon" in his right foreleg, probably caused by ankle stress.

Deep chain cuts on the ankles of both fore legs.

Sprained suspensory ligaments in the fore-legs.

Possible navicular bone involvement caused by stress.

Porter accompanied Mrs. Blue and Mrs. Paul W. Twine, Great Falls, Va., the association president, to the sale. He said he will examine the horse further at a later date.

The horse was brought to the auction by Roy Davis, a Calhoun, Ga., horse owner. He said he took it in a trade recently and knew nothing of its condition.

"He's just one of the horses I brought up here to sell," said Davis. "I don't check them very closely."

Registration papers given to Mrs. Blue show the horse is the grandson of the great Merry Go Boy, a two-time world champion walker who died earlier this year. The papers showed the horse had passed through three owners before Davis, the last being Mrs. Patricia Gober, Prattville, Alabama.

Mrs. Gober said she traded the horse in March 1968, and that he had passed through traders before he got to Davis.

"He was not sored while we had him", she said. "We never showed him."

Mrs. Gober, who said she is opposed to soring, said the horse had not been gelded when she sold him.

Mrs. Blue said the horse was wearing the "training chains" when he was offered at the auction but that she was assured by stablehands the chain rubs were not serious.

The condition of Papa Charcoal is not surprising. For he is the product of an industry where the soring of horses is the "rule" rather than the exception.

In Tennessee, especially, it has become an art, an illegal art but one which trainers say must be learned in order to compete.

The fact that Tennessee law expressly forbids it and makes it punishable by fine and imprisonment means little. That law and a companion statute requiring judges and horse show officials to report violations are seldom, if ever, enforced.

Although several of the leading trainers like Vic Thompson of Shelbyville and Joe Urquhart of Columbia disagree, most say the "art" is necessary to produce the "big lick"—the climbing, reaching stride of the professional walking horse. Without this "lick," they say, horse stands will not be filled.

The ultimate responsibility lies with these trainers, but most are reluctant to stop unless all others do. Owners and breeders seem to be interested mainly in winning, even if the trainers have to "sore" to accomplish it. Trainers who want to stop soring are getting little help from them.

In fact, the Tennessee Walking Horse Breeders and Exhibitors Association, the heart of the industry and the organization which makes the rules for the showing of the Tennessee Walker, is so beset with internal problems and outside pressures that the entire walking horse business is suffering.

Close scrutiny of the walking horse business by the Nashville Tennessean in the last two months has disclosed a multitude of practices which are at best questionable.

Among them are numerous instances of fraudulent registration of horses, a practice so widespread many horsemen say it is threatening the purity of the breed.

Consider the case of "Midnight Lena," a registered mare whose owner says she died in a fire in 1959. Urquhart, the Columbia trainer, appraised the loss for an insurance company at the time and remembers certifying the death of Midnight Lena.

Midnight Lena, or a horse with her papers, was found by the Tennessean at Stallion Stables at Unionville last week.

The owner, Jack Short, executive secretary of the Walking Horse Trainers Association, was surprised to learn Midnight Lena's history. She has passed through four owners before being purchased by Short.

The man who says Midnight Lena died in the fire, B. C. Baker of Centerville, says he has no knowledge of how the papers were transferred to the horse belonging to Short.

The breeder's association, which controls registrations, is now embroiled in controversy over two such questionable registrations.

In one case a Memphis breeder is complaining that a colt was registered as being by his world champion stud when it was not. In another a Woodbury owner says that two colts by his stallion were registered with the association as being those of another.

Though plagued by such problems for years, the breeders association has added to its woes by approving artificial insemination, a practice which makes horse breeding easier, but raises even more questions about the purity of the breed.

If controlled, it could be a boon to the industry, but as practiced now it could destroy it. The presence of a few unethical breeders heightens the possibility of fraudulent registrations.

As one trainer said, "The possibility exists for substituting the semen of one horse for that of another. Who can tell the difference if both studs are the same color?"

Although the breeders association did not approve artificial insemination until 1966, many breeders acknowledge they have been using it for years. Some use it selectively, others do not.

Beech, a Belfast breeder and a power within the association, points up the problem. "How am I going to turn down a friend if he has a $100 mare and wants to breed her to one of my studs?" he asks.

Testimony in a recent lawsuit disclosed that in 1963 Beech's late, great stallion, Merry Go Boy, was bred to 403 mares.

He was 19 years old at the time and artificial insemination was still against association rules.

Artificial insemination has been used effectively in the thoroughbred horse industry.

Among walking horses, a world champion stallion averages well over a 100 breedings a season. The fee ranges from $50 to $400.

Near the top of the list of complaints about the walking horse industry is its system of judging, a system which puts the judge in a most vulnerable position.

Most horse shows have only one judge and he almost always is a trainer or a breeder. These men more often than not are close friends of trainers and breeders with horses in the show.

The judge knows well that he may be showing a horse the next night in a show at which one of these men could be the judge.

The pressure is compounded because the value of a Tennessee walker depends on his show performance. Winning can mean a difference of $10,000 in the price of a horse, possibly even more.

With this much money on the line, the judges—whether one or three—cannot but be conscious of who is riding the horse.

THE PESTICIDE PERIL—LI

Mr. NELSON. Mr. President, the primary aim of the efforts of a growing number of individuals and organizations concerned about the threat of persistent, toxic pesticides to the environment and human health is the improvement of current controls on the use of these poisons.

It is growing abundantly clear that the existing Federal agencies charged with pesticide research and regulation have failed to launch the comprehensive, coordinated effort necessary to effectively deal with the problem of worldwide pesticide pollution.

Two General Accounting Office reports in the past year have been very critical of the Agricultural Research Service's handling of its pesticide responsibilities. Last September, GAO stated that ARS did not have an adequate system for tracing misbranded, adulterated, or unregistered pesticides and was also failing to report violations to the Justice Department for prosecution.

In another report in February, GAO indicated that ARS was allowing the pesticide Lindane to be used in commercial and industrial establishments, including food handling businesses, without resolving certain questions of safety and health that the American Medical Association and the Department of Health, Education, and Welfare have raised.

Fortunately, ARS has finally taken action to correct these deficiences in their operation. However, as a recent article written by Morton Mintz and published in the Des Moines Register pointed out, a House Government Operations Committee investigation has uncovered a series of additional cases where the ARS has apparently failed to fulfill its responsibility in safeguarding the public against hazards caused by contradictory and inadequate labeling practices.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REVEAL LAX POISON LAW ENFORCEMENT—SUBCOMMITTEE PROBE EXPOSES VIOLATIONS

(By Morton Mintz)

WASHINGTON, D.C.—The Agriculture Department has about 50 employes who screen labels for "economic poisons"—insecticides and pesticides, mainly—to be sure that they are written to minimize the possibility of injury to the user.

At a hearing of the House of Representatives intergovernmental relations subcommittee, last month, counsel James R. Naughton asked Harry W. Hays, who presides over the screening operation, if he were confident that the system worked well.

"Yes, sir," he said. "I am fully convinced they are being screened very carefully."

Naughton then produced a label from a can of a "new super" concentrated insecticide, made by Hysan Products Co. One panel of the label, cleared by the pesticides regulation division of the Agricultural Research Service (ARS) on May 12, lists cautions that Naughton read aloud.

"Use in well ventilated rooms or areas only . . . do not stay in room that has been heavily treated. Avoid inhalation."

On the other side of the label were the directions for use:

"Close all doors, windows, and transoms. Spray with a fine mist sprayer freely upwards in all directions so that the room is filled with vapor. If insects have not dropped to the floor in 3 minutes repeat spraying. . . . After 10 ninutes doors and windows may be opened."

IF ANYBODY LIVES

"If there is anybody around to open them," Representative Benjamin S. Rosenthal (Dem., N.Y.) commented.

Naughton, formerly of Sioux City, Ia., pointed out that the pesticides division, which Hays heads, had cleared the label only five days after a May 7 hearing at which other cases of confused or contradictory labeling had been exposed.

One of these cases involved thallium, which is spread on floors and other places to poison ants and rats. Hays admitted that there is no way for the labeling to recommend effective use of products containing thallium without creating a hazard for children, who have access to some places frequented by insects and rodents.

Because of numerous poisonings of children, the Agricultural Research Service acted in 1960 to try to curb the use of thallium products. This plan didn't work and, in 1965, the agency prevented further manufacture of thallium products by canceling their registration.

Yet, as late as last year inspectors from the General Accounting Office and the ARS found pre-1966 thallium products on sale in a significant number of stores in the Washington area. Twenty cases of thallium poisoning were reported in the first 10 months of 1968.

At a hearing on June 24, the GAO's Morton Myers, who has worked with the subcommittee staff, asked Hays whether the ARS

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had acted on the possibility, discussed at the May 7 hearing, of issuing a press release to warn the public that thallium products were still around. "There has been no press release," Hays conceded.

Representative L. H. Fountain (Dem., N.C.) asked Hays if he could "think of any good reason why we should not be concerned that hundreds or possibly thousands of approved labels out of some 45,000 products on the market are not just as obviously contradictory?"

Hays' complete answer was, "I would be very much concerned, sir."

HALT SALES

On Aug. 1, 1967, the ARS proposed to halt sales of insecticides with arsenic trioxide. One manufacturer, the Pax Co., which makes insecticides containing 40 per cent or more arsenic trioxide, resisted.

In the ensuing 22 months, counsel Naughton brought out, no action has been taken. He emphasized that the law requires a manufacturer to provide evidence that a product of this kind is safe, rather than putting a burden on the ARS to demonstrate that it is unsafe.

"Why all this solicitude for the company?" Naughton asked. "The burden of proof is on them, isn't it? Why are you assuming it? . . . How many more poisonings of children will it take?"

Hays answered, "We would hope none." He also promised to "do everything possible to expedite the matter."

The ARS has a system, which relies mainly on reports in news media, for reporting pesticide accidents. Hays testified that it works "very well." Last year, he said, 151 episodes were reported. He called this "a reasonable estimate" of the actual national total.

Hays' boss, ARS administrator George W. Irving, jr., remarked that his "impression . . . is that the number of deaths from pesticides is very, very small."

Two seats to Irving's right an aide sat. He was asked how many deaths there were among the 162 humans on the ARS list. There were 18.

"Eighteen is not many?" Representative Rosenthal asked.

Surprised, Irving said, "I think 18 deaths is very serious. Eighteen deaths is most serious."

Under further questioning, Hays admitted that until last year the ARS made no effort to obtain data from the national network of poison-control centers operated by the PHS. In 1968 the centers recorded 4,000 child and 1,000 adult poisonings. Because such accidents are commonly grossly under-reported, Naughton estimated that the actual toll was closed to 50,000.

Rosenthal asked Hays how many of the 5,000 cases recorded by the poison-control centers were fatal.

"I don't think we asked that question," Hays said.

"Why don't you call them up and ask them?" the congressman inquired.

"That we can do," said Irving, answering for Hays. "We should have this figure. I am sure it must be a matter of record." Actually it isn't, because the centers are not reliably kept informed about the outcome of the cases.

The two days of hearings brought out a series of other troubling disclosures. Here is a partial list:

By failing to require Shell Chemical Co. to add a new health warning to existing stocks of non-pest strips, a popular insecticide product, in addition to new production, the ARS allowed sale of misbranded merchandise, thus violating the law it is supposed to enforce.

On last Thursday July 3, the department issued a press release warning that "no-pest" and other strips containing the insecticide DDVP should not be hung in rooms where infants or sick and elderly persons are confined.

The law has permitted recall of unsafe products for 22 years, but procedures for carrying out a recall were not approved until last May 5. The first recall was in September, 1967.

When the ARS seized an unsafe product from a retail outlet, it did not once check manufacturer's records to find out where else the same product was on sale.

TRIBUTE TO "CHUCK" JOELSON

Mr. WILLIAMS of New Jersey. Mr. President, I would like to salute a good friend and an outstanding legislator who has left Congress to sit on the Superior Court bench in New Jersey. I refer to former Representative Charles S. Joelson, who was elected to the 87th Congress and subsequently reelected to the 88th, 89th, 90th, and 91st Congresses.

"Chuck" Joelson brought an outstanding record of accomplishment to Congress. As a student at Cornell University, he was elected to Phi Beta Kappa. He served his country with distinction in World War II as a member of the Naval Intelligence. Later, he was a city counsel, an acting county prosecutor, a deputy attorney general, and, immediately prior to his election, was director of criminal investigation for the entire State of New Jersey.

He more than lived up to his history of achievement during his years in the House. His accomplishments in Congress were many. But I think his last major accomplishment perhaps best typified "Chuck" as both a superb legislator and an understanding, warm human being.

He led the successful fight in the House to add almost $1 billion in appropriations for education.

Many people thought it would be impossible to get the extra, badly needed funds appropriated. He was not deterred by those doubts and decided to make the fight.

He did his homework well. He used his knowledge of the rules and his understanding of what his colleagues would approve—hallmarks of an outstanding legislator.

"Chuck" put together what came to be known as the "Joelson packafie," a program which attracted enough support to get the votes for passage. In the end, he had taken on a monumental challenge and overcame it.

But beyond legislative ability, the fight showed what kind of man "Chuck" Joelson is. He will not stand for reelection so he did not have to march into the fray in the hopes of winning popularity or votes. He undertook the battle because he believed the need is there, and it is.

Through his efforts, the door now has been opened for additional funds for vocational education, college classrooms, student loans, ghetto schools, school libraries, and federally impacted school districts.

"Chuck" always has been an advocate, and an untiring worker, for increased educational opportunities. In his waning days in Congress, he might have been excused if he said, "I've done enough" and walked away. Being the man he is, he decided to do more and more he did.

It is particularly appropriate that "Chuck" should move to the judiciary since it completes a governmental cycle for him. He has served in the State executive branch and the national legislative branch. He has served on the municipal, county, State, and national levels of government.

His background, his ability, and his understanding of people, make him preeminently qualified for the bench.

I know we all wish him well. I also know we can all look forward to a career of continued excellence from a man who already has achieved more than many men do in their entire lifetime.

STATE FUNERAL OF HENRY CLAY IN CAPITOL ROTUNDA

Mr. COOK. Mr. President, last week it was our privilege to honor our departed colleague, Everett McKinley Dirksen, with a state funeral, and we further marked our esteem for him when he lay in state in the great rotunda of the U.S. Capitol. This has become one of the highest honors we can bestow on those who have served the Republic. Through the medium of television, such an occasion and honor has become familiar to most of our people all over America. It was never more vividly portrayed to the citizenry than in the days that followed the death of our fourth assassinated President, John F. Kennedy.

A news article published in the Washington Post of Tuesday, September 9, reported that Everett M. Dirksen was the 21st person to be so honored. The article further stated that only three other Senators—Charles Sumner, John A. Logan, and Robert Taft—have been accorded this signal honor, and that Abraham Lincoln was the first, in 1865. These statements are in error. They neglect what was quite probably one of the greatest state funerals to take place in Washington. It was the funeral of yet another Senator, one of the greatest, Kentucky's own Henry Clay, the Great Compromiser, three-time presidential candidate, Speaker of the House of Representatives, and Secretary of State.

This state funeral took place on June 30, 1852, 13 years before it was repeated for the martyred Lincoln. The Washington Daily Globe, the predecessor of the CONGRESSIONAL RECORD, on July 1, 1852, reported:

> The funeral honors paid to the remains of Mr. Clay . . . were as impressive as any ever witnessed in Washington.

I am indebted to my special assistant, Bob Fearing, of Ashland, Ky., who has earned himself a reputation for his knowledge of the Capitol and its history, for bringing this information and these newspaper accounts to my attention and for the sake of brevity I shall read only the pertinent parts of these articles. From the Daily Globe of Washington, July 1, 1852:

> The burial of the illustrious Chief Magistrates who have died amidst the grand association which the highest station on earth necessarily confers, were not attended with circumstances which so strongly marked the emotion of the whole community. The scene on the Avenue, in the Senate, and in the

Rotunda, which will be described by a thousand pens, was the finest exhibition of the homage of a great people to a great man this country has ever witnessed.

From the regular newspapers of the day we have several accounts, and copies of these stories will be filed with the Architect of the Capitol for his reference section. From the Washington Daily Telegraph of July 1, 1852:

> THE FUNERAL OF HENRY CLAY
>
> 10½ o'clock A.M.—The population of our whole city, and of contiguous towns and country around us, is thronging the streets and avenues of Washington. Business is suspended and the whole city wears the livery of woe . . . At the Capitol the multitude awaiting the procession is immense—unprecedented! there is a peculiar stillness in the city.

The Washington Daily Telegraph of July 1 gives the details of the funeral procession and then further states:

> The corpse will be placed in the Rotunda where it will remain until half past three o'clock.

The Washington Union likewise reported on July 2, 1852:

> The coffin was first borne to the Senate chamber, where the funeral solemnities were performed; and the coffin being then placed in the Rotunda, a crowd of citizens viewed for the last time the features of the illustrious deceased.

Another Washington newspaper, the Republic, goes into great detail concerning the funeral procession and noting the similarity to the Lincoln funeral, one must wonder if the Clay funeral was the one which set precedent for all future state funerals. A check of other funerals since the completion of the rotunda in 1829, through 1865, has not revealed any similar events. The Washington Post Republic, in its July 2 account of the funeral, states further:

> The corpse was afterwards removed to the Rotunda, where it was placed on a handsome pedestal eight feet in length and four in breadth, the base exhibiting two steps, twelve inches in width, on the sides. It was covered with black velvet, and constructed by Mr. William Douglas. The patent metallic coffin was richly mounted with silver, and a breastplate bore the simple inscription, "Henry Clay". A large and beautiful wreath of flowers lay upon it.
>
> The crowd in the Rotunda was extremely dense; and to the excellent arrangements of the Marshall of the District of Columbia and the Committee on Arrangements, the public was able to gaze for the last time upon the face of the deceased.

Mr. President, there is no need at this time to extoll the merits and greatness of Henry Clay. His stature as a great Senator and great Speaker of the House of Representatives is well established. The people of my State had little difficulty in choosing him to represent Kentucky in the National Statuary Hall of Fame. He has been honored in marble, bronze, and in paintings no less than eight times in this building alone. I do feel, however, that in light of this information from the newspapers of his day, we owe it to Clay to correct the record. I do not feel that such a move would in any way detract, but rather would enhance the significance of the honor. I hope that the future publications about the Capitol will include this fact and that the officials of the Architect's Office will add his name to those listed on the official list as being honored by a state funeral.

Following a long tradition begun by Henry Clay, Everett McKinley Dirksen was honored as a great and eloquent speaker for the good of the Nation.

ENVIRONMENTAL QUALITY: THERMAL POLLUTION AND TRITIUM

Mr. TYDINGS. Mr. President, a major conservation issue now facing this Nation is the ecological threat from nuclear power plant discharges. In Maryland it is a very real threat for there is such a facility now under construction at Calvert Cliffs on the Chesapeake Bay.

A number of scientists from Johns Hopkins Unievrsity commenting on this plant have raised the question of possible danger from tritium releases. I have asked the Atomic Energy Commission to comment on this danger. In order to make public and circulate the Commission's views, I ask unanimous consent that the AEC comments on tritium be printed in the RECORD.

I have asked three distinguished scientists in Maryland, Dr. Roland Beers and Dr. Timothy Merz, of Johns Hopkins University, and Dr. Eugene Cronin, of the University of Maryland, to review the AEC papers and I expect to reprint their comments when available.

I ask unanimous consent that my statement on the Calvert Cliffs nuclear facility be printed in the RECORD along with the Commission's comments on it, as well as the AEC covering letter of August 8.

I also ask unanimous consent that an article written by Hal Willard, entitled "Tritium Problem Outlined," in the September 11, 1969, Washington Post, be printed in the RECORD, and that the article in the September 12, 1969, Life entitled "Peaceful Atom Sparks a War" be printed also. I regret that the pictures cannot be reproduced, but I ask that their captions be included.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., August 8, 1969.

Hon. JOSEPH D. TYDINGS,
U.S. Senate.

DEAR SENATOR TYDINGS: I am pleased to enclose for your review, information which we believe will answer some of the concerns expressed in your statement of May 12, 1969, regarding the projected Calvert Cliffs nuclear power plant and its possible effects on the Chesapeake Bay.

At the public hearing held in connection with the application by the Baltimore Gas and Electric Company for a construction permit for this facility, a statement was introduced by several scientists from Johns Hopkins University entitled, "Effects of Nuclear Power Plants on the Chesapeake Bay from an Environmental and Public Health Point of View." In view of the concerns expressed by those scientists about the effects that might result from releases of small quantities of tritium into the Bay during routine plant operation, I am also enclosing two AEC commentaries on several statements made in their testimony on this subject. The first paper presents AEC comments on expected tritium releases from the proposed Calvert Cliffs nuclear power plant in nontechnical terminology. The second is a technical discussion of the same subject, and serves as a basis for the AEC comments on tritium.

I hope you will find this information useful. If we can provide any further information on these matters, please let me know.

Cordially,

——— ———,
Chairman.

Enclosures.

AEC COMMENTS ON TRITIUM RELEASES FROM THE PROPOSED CALVERT CLIFFS NUCLEAR POWER PLANT [1]

Public hearings were held in May, 1969, on the proposal to build a nuclear electric power plant at Calvert Cliffs, on the Chesapeake Bay. At these hearings concern was expressed by interested citizens as to the possible environmental effects that might result from routine releases of low levels of radioactive hydrogen (tritium) into the Bay. A careful review of the information available on this question leads to the general conclusion that the resulting radiation exposures to members of the public who would come into contact with Bay waters or with food from the Bay would be a very tiny fraction (not more than a few millionths) of levels considered acceptable by national and international advisory groups (the International Commission on Radiological Protection, National Council on Radiation Protection and Measurements and the Federal Radiation Council). The biological effects, if any, of exposures to such a low level would be too small to be detected, even if very large populations were exposed, and would have no ecological significance. In deriving limits for tritium applicable to members of the general public, these expert groups have taken into account the unique energy and absorption properties of tritium as they relate to distribution of the dose in body tissue.

Tritium is a form of hydrogen, with chemical behavior very similar to ordinary hydrogen. Water containing tritium acts chemically like ordinary water; most of it passes through the human body very rapidly. More than half of the tritium taken up by the body is passed on within three to ten days; practically all remaining molecules of water containing trititum are gone within sixty days. It is this rapid turnover that has made tritium a valuable research and diagnostic tool to doctors and radiobiologists.

The only radiation exposures from tritium of interest are exposures that would result from the small amount that would be taken into the body by absorption or through contact with Bay water or eating food from the Bay over extended periods of time. The external exposure to the very low energy radiation from tritium is of no interest since it is absorbed harmlessly in the insensitive outer layer of skn.

To bring the exposures to tritium from the Calvert Cliffs reactor into perspective, consider an extreme case. Assume that an individual obtains his drinking water from a water supply containing the same concentration of tritium as the coolant water proposed to be discharged from the Calvert

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[1] The quantities of tritium that would be released from the Calvert Cliffs Nuclear Power Plant discussed in this paper refer to releases expected from one nuclear unit of 2700 thermal megawatts capacity as described in the construction permit. It is noted that the Baltimore Gas and Electric Company has construction permits for two such units—one scheduled for operation not before January 1973, and the other scheduled for operaiton not before January 1974. The quantities of tritium that would be released from the second unit would be approximately the same as from the first unit.

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Cliffs plant before dilution in Bay water. Assume also that he obtains his entire food supply from aquatic plants and animals growing in the same water supply.

The resulting annual radiation exposure that this individual would be expected to receive from tritium contributed by the reactor could not exceed one millirem per year to the whole body. This amount of exposure is about one five hundredth (1/500) of the exposure considered acceptable for individuals in the general public and one one hundredth (1/100) of what a person in this area receives every year from natural sources.

In the Calvert Cliffs situation, however, possible exposures involved would be at least a thousand times lower, less than 0.001 (1/1,000) millirem per year, for the following reasons. Water in the Bay is not used for drinking. In addition, the water discharged from the plant will be diluted many fold by the water in the Bay. Furthermore, of course, it is doubtful that many persons would obtain more than half of their protein from the Bay.

What is known about the relative biological importance of this small an exposure? In this regard, a large number of research programs on these subjects have been and are being undertaken. The results of this research on biological and environmental effects of radiation provide a solid background against which to consider this question. In particular, there is much known about the biochemical behavior and effects of tritium. For example, a report by L. E. Feinendegen, "Tritium-Labeled Molecules in Biology and Medicine", Academic Press, 1967, provides a mass of sound information on the questions raised and includes references to approximately 1,000 experimental studies of the behavior of tritium in the body, more than 100 studies of its effects on the body, and nearly 400 articles on experimental techniques. The probability of effects from exposures of 0.001 millirem per year is extremely small. This is far below the level where even minimal effects have been observed. Even so, in developing radiation protection standards, it has been assumed, as a matter of prudence, that there may be some risk associated with any exposure, however small.

It can be stated with confidence that the effects, if any, of an exposure of 0.001 millirem from tritium will not differ substantially from those that might result from an exposure of a similar level to radiation from natural sources. We have been unable to detect any biological effects due to natural background levels of radiation (natural background in most sea level regions averages 100 millirems/year; which is 100,000 times larger than the exposure that would result from the tritium from the Calvert Cliffs reactor).

To put an annual exposure rate of 0.001 millirem per year into perspective in day-to-day terms, it can be compared to variations in background radiation levels from place to place. For example, if a person living in Baltimore moves to Cumberland, Maryland, his average annual exposure rate from natural background cosmic radiation alone would be increased by approximately 3 millirems per year. This difference is about 300 times any exposure that might be expected to result from eating Chesapeake Bay fish and shellfish containing tritium from the Calvert Cliffs reactor.

There has been a suggestion that the exceedingly dilute concentrations of tritium might become concentrated by processes in nature. For some elements this can and does happen. But there is no theoretical or experimental support for a conclusion that significant separation of tritium from hydrogen can occur by natural chemical or biological means. These properties of tritium tend to prevent concentration of tritium by biological processes, for example, in the food chain.

Concentrations of tritium in the cells of an animal feeding on aquatic organisms cannot be higher than the concentration in the water where the aquatic organisms live, unless there are biological processes which concentrate the tritium relative to hydrogen. A great deal is known about the biological behavior of tritium. There is no evidence for a biological mechanism capable of incorporating the tritium in water into tissue at substantially higher concentrations than were originally present in the water. Experimental studies indicate that, on the average, there will be substantially the same ratio of tritium to ordinary hydrogen in the animal using the water, as was present in the water itself.

A portion of an individual's diet, let us say, consists of fish from the Chesapeake Bay which contains a minute increase in tritium concentrations (above that from natural background) as a result of the operation of the proposed nuclear plant. The tissues of the fish would have a tritium concentration comparable to that present in the Bay. In the normal process of digestion, some organic molecules (building blocks) may be incorporated directly into new tissues. This new tissue then would have a tritium concentration comparable to that present in the fish. This conclusion applies to all tissue cells, including those of genetic concern. Hence, the suggestion of a concentration mechanism for tritium in nature of any importance is unsupported by either theoretical or experimental considerations.

AEC TECHNICAL DISCUSSION ON TRITIUM RELEASES FROM THE PROPOSED CALVERT CLIFFS NUCLEAR POWERPLANT

The following discussion is addressed primarily to one question: Can tritium released as T_2O or HTO into the Chesapeake Bay from the proposed Calvert Cliffs reactor become more concentrated or, with respect to hydrogen, more enriched as it moves along natural food webs to man? The answer arrived at is *no*. In addition, based upon information furnished to us on tritium release rate, bay size and flush time, we have assumed a simple model and estimated the equilibrium concentration for reactor-produced tritium in the bay and the resultant dose rate.

The suggestion has been made that tritium will concentrate significantly in organic compounds as it moves upward through a food web and that higher concentrations, particularly in genetic material, could ultimately be achieved in man. We know of no mechanism that would tend to support this suggestion. Organisms living in the bay should ultimately have the same ratio of tritium to hydrogen (T/H)[1] in their organic molecules as the T/H ratio in the water in which they grow. This equilibrium will be reached slowly on the order of a few years.

Any presumed biological concentration of tritium would have to result from differences in rates of chemical reactions involving the heavier tritium atom as compared to the lighter hydrogen. In general, the compounds in living organisms are present in concentrations which reuslt from the steady state processes of formation and destruction. There is a tendency for tritium to remain behind in those reactions involving transfer of hydrogen (which must initially come from H_2O) *to* a compound, but there is also a tendency for tritium to remain behind in reactions transferring hydrogen *away* from the organic compound. The net effect of these two opposing processes is to keep the T/H ratio approximately the same as in the ambient water once this ratio has been closely approached.

The statement that tritium decay within the cell nucleus is particularly hazardous simply paraphrases the well-known fact that the nucleus of the cell is more radiosensitive than is the cytoplasm. This is true whether the ionization be from x-rays, gamma rays, or radioactive isotopes. This fact, in conjunction with the supposition that tritium concentrates to a high degree locally in the cell nucleus and deposits the energy resulting from its decay in this more radiosensitive volume leads to an implication that tritium is uniquely hazardous. But, as pointed out above, there is little reason to assume that such localization occurs; and since the volume of the cytoplasm is about 10–30 times larger than the volume of the nucleus, homogeneously distributed tritium atoms would expend their energy proportionately more frequently in the cytoplasm. Such irradiation of the cytoplasm contributes little to lethality or to mutations.

The point has been made that the concentration of tritium in specific portions of the cells of people eating seafood from the bay could become substantially higher than that predicted from the concentration of tritium in the water in which the marine life lived. In particular there is concern that tritium might accumulate in deoxyribonucleic acid (DNA), the genetic material of the cell. DNA is a polymer that is synthesized from building blocks of purine and pyrimidine nucleotides. Higher organisms such as man obtain these building blocks from their diet and through biosynthesis from more elementary cell constituents.

With regard to the present matter the worst case would be if all of the building blocks came from the diet. Then, all of the newly formed DNA would have the same tritium concentration as that of the seafood ingested. The tritium concentration of these building blocks from the diet, however, could be no higher than that of the water in which the organisms lived. Calculations to be presented later show that even this level would represent a small addition to the present tritium background.

Higher organisms such as man also synthesize their own purine and pyrimidine nucleotide building blocks. The tritium concentration of these molecules will depend on the tritium concentration of dietary water. So to the extent that other sources of water are part of the diet the tritium concentration of these building blocks would be accordingly reduced. From either consideration the tritium concentration in the DNA in cells of people would not be higher than that of the seafood they ingest and the expectation is that it would be far less.

Extensive measurements of tritium concentrations in animals from the Nevada Test Site and the Savannah River Project, where ambient tritium levels in certain areas are far higher than those anticipated near the Calvert Cliffs reactor, confirm the above assertion that there is no evidence for concentration of tritium in organic molecules as tritium passes up through the food web.

As indicated earlier, we have calculated very roughly the anticipated equilibrium concentration of tritium in the bay and the radiation does rate to the bay water from this concentration. The calculations are based on the following assumptions:

1. 2,910 curies of tritium released per year and uniformly distributed in the bay.[2]

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[1] As used throughout this discussion, the ratio of tritium to all hydrogen isotopes (T/H) is the specific activity of tritium. The a tritium unit (TU), is defined as a tritium-standard tritium ratio (TR), previously called to-hydrogen ratio of 10^{18} (i.e., one atom of tritium per 10^{18} atoms of hydrogen). On a water concentration basis, a TR of 1.0 is 3.2 x 10^{9} microcurie per cubic centimeter.

[2] The quantities of tritium that would be released from the Calvert Cliffs Nuclear Power Plant discussed in this paper refer to releases expected from one nuclear unit of 2700 thermal megawatts capacity as described in the construction permit. It is noted that the Baltimore Gas and Electric Company has construction permits for two such units—one scheduled for operation not before Jan-

2. A physical half-life of tritium of 12.3 years; therefore, a mean life of 17.7 years.

3. A bay volume of 6.4 x 10^{13} cubic feet (1.8 x 10'' cubic meters).

4. Mean residence time ("Flush" time) of water in the bay is 2.3 years, and the bay is considered to be a homogeneous well-mixed reservoir having a rate of discharge that is proportional to its volume. We think that this value is conservative because it does not consider tidal action. A more realistic value would be about one year.

Using these assumptions, the equilibrium concentration would be 3.3 x 10^{-8} microcuries of tritium per cubic centimeter (a T/H ratio of about 10^{-17}) and the radiation dose rate would be 4.0 x 10^{-7} millirad per hour or about 3.6 x 10^{-3} millirad per year. This dose rate represents about 1/30,000th of natural background radiation. One might also compare the value of 3.6 x 10^{-3} millirad per year with the larger whole-body radiation dose rates of about 19 and 1 millirad per year, which man continuously receives from the decay of naturally occurring ^{40}K and ^{14}C, respectively. The dose rate from all sources of natural background is roughly 100 to 150 millirad per year but may vary considerably depending on numerous factors such as altitude, geography, and shelter construction. We fully realize that the current philosophy of radiation protection does not recommend unnecessary additions to background radiation-dose rates; the values are used for illustrative and comparative purposes and show that the dose rate from reactor-produced tritium is small compared with dose-rates associated with natural sources.

The foregoing calculation is more applicable to sites near the head of the bay. The assumption that the tritium will distribute throughout the entire volume of the bay is perhaps invalid because the reactor is not sited at the head of the bay. Because Calvert Cliffs is part way down the bay, the "flush" time will be shorter than the one assumed and the "flush" time is the most important single factor determining equilibrium concentrations.

It is recognized that the tritium releases may vary in magnitude at different times and that back waters may accumulate higher concentrations in limited volumes of bay water. However, the radiation dose would still be small, about 1% of natural background, even if these local concentrations reach 300 times the anticipated average. Furthermore, the population of bay organisms exposed to these higher concentrations would necessarily be smaller and hence quantitatively less important as regards human consumption.

Because biological enrichment of tritium relative to hydrogen is not known to occur, the equilibrium concentration and dose rates calculated above would apply to a human cell and to the nucleus of a human cell. There are about 1.57 x 10^{11} hydrogen atoms in the DNA of the mammalian cell nucleus. Thus, using an estimate of 5 x 10^{-16} for the *current* T/H ratio, a total of 8 x 10^{-5} tritium atoms would be expected in the DNA of a cell. Put another way, 80 cells per 10^{6} cells would have a tritium atom associated with its DNA. Recent unpublished data from the USPHS give T/H ratios of 1–2 x 10^{-16} for water in the Susquehanna and Potomac Rivers in the spring of this year.

By comparison the T/H equilibrium ratios of roughly 10^{-17} to be reached in the bay water from reactor-produced tritium alone would produce an additional 1.6 x 10^{-6} tritium atoms in the DNA of a cell. That is, another 1.6 cells per 10^{6} cells would have a tritium atom associated with its DNA.

STATEMENT OF SENATOR JOSEPH D. TYDINGS, SUBMITTED TO THE ATOMIC ENERGY COMMISSION HEARINGS ON THE PROPOSED CALVERT CLIFFS NUCLEAR ELECTRIC POWER GENERATING FACILITY, PRINCE FREDERICK, CALVERT COUNTY, MD., MAY 12, 1969

The Baltimore Gas and Electric Company's planned nuclear power station at Calvert Cliffs will be a two unit, 1.6 million kilowatt facility. It will use 5,000 cubic feet of water per second for cooling purposes. This water will be returned to the Chesapeake Bay at a higher temperature than that withdrawn.

The Calvert Cliffs plant will be in full operation by 1974. It will then be the tenth largest power facility in the nation.

The need for this plant cannot be doubted. Our nation has almost insatiable appetite for electricity. Since World War II production of electricity has doubled every ten years. This trend is expected to continue. Our nation's growth depends on an ample power supply being readily available.

This is particularly true for the Baltimore area which in the next decade will experience considerable growth. The Calvert Cliffs plant is designed to serve this area.

Yet with progress comes problems. The discharge of the cooling water affects the ecology of the receiving waters. Scientists consider temperature the primary control of life and report that fish are especially sensitive to changes in the thermal environment. They and other forms of marine life are often unable to adjust to even the most limited changes in temperature.

"For this reason there is growing concern among ecologists about the heating of aquatic habitats by man's activities. In the U.S. it appears that the user of river, lake, and estuarine waters for industrial cooling purposes may become so extensive in future decades as to pose a considerable threat to fish and to aquatic life in general." So writes John R. Clark in the March, 1969 issue of the *Scientific American*.

Thermal pollution must thus be recognized as an important problem, one which may block our achieving a quality environment.

By 1980, the electric power industry will use one-fifth of the total fresh water runoff of the U.S. for purposes of cooling. The scope of this potentially dangerous thermal discharge is therefore large.

The Chesapeake Bay is an invaluable natural resource of Maryland. Its quality cannot be tampered with. The AEC, the business community, and the state and local agencies involved must recognize the great importance of the Bay to the people of our state.

Thermal pollution simply must not be permitted to abuse its water quality.

The proposed facility at Calvert Cliffs will be nuclear powered. Atomic energy has been shown to be a safe and efficient source of future potential energy.

The Atomic Energy Commission proceeds with extreme caution when licensing atomic reactors. It is of course proper that they do so. I am confident that the Commission will exercise considerable and great care with the Calvert Cliffs reactor and that, upon their final approval, the facility will pose no danger of a nuclear nature to the area.

The responsibility of the AEC, however, extends only to issues of national security and health and safety. It has no jurisdiction over concerns of environmental quality. A January 13, 1969 ruling of the U.S. Court of Appeals for the First Circuit affirmed a lower court decision that the AEC did not err in refusing to consider the possibility of thermal pollution from a nuclear power facility. The Court held that the Commission simply did not have the necessary jurisdiction to involve itself in such an area.

This is a serious gap in the legislative authority of the AEC. I respectfully urge the Commission, on its own, to seek redress before the Congress. Thermal pollution is too serious a threat to permit an inactive position on the part of the AEC. Additionally, I urge the Commission to upgrade its informal, advisory contacts with the Department of Interior in order to insure maximum use of available expertise within that Department.

For my own part I am cosponsoring legislation, the Water Quality Improvement Act of 1969, which in part directs itself to this problem of thermal discharges by requiring certification, consistent with established water quality standards, of permits required for water withdrawals affected with a federal interest.

As a regulated public utility the Baltimore Gas and Electric Company has the responsibility to meet the present and future power needs of well over a million Marylanders. In general the company has served the people well. Their desire to build a plant at Calvert Cliffs reflects their awareness of future power demands in the Baltimore area.

The company has often expressed their willingness to preserve and protect the Chesapeake Bay. I have no doubt of their sincerity and am aware of steps taken by Baltimore Gas and Electric to transform this willingness to action. One particular step that is significant is the extensive consultations that have taken place between the company and concerned state officials. These have resulted in design alterations which lessen the impact of plant operations on the cooling and receiving waters. Such action can only be applauded and recognized as an absolute necessity in the future.

There are, however, two disturbing aspects to this project. The first is the absence of public research on the environmental impact of the Calvert Cliffs facility. The state and the Atomic Energy Commission should not have to rely on company sponsored studies, with or without access to their data. They should be provided with the capacity to conduct independent studies of their own. My second concern involves the simultaneous nature of the research undertaken and actual construction at Calvert Cliffs. The latter suggests that the site is an accomplished fact and that no evidence brought forward by any research will alter it. Additionally, as the Washington Post suggests in a May 8 editorial, this lessens the importance of these hearings and lends credence to those who argue that local interests are in fact being overlooked.

An additional problem raised by the construction of new electric power generating stations is the routing of power lines. It is a problem here, as the B.G. & E. lines must go northwest to the Baltimore area, and elsewhere. Present technology does not permit such high voltage lines to be placed underground.

The industry as a whole must recognize that it has an obligation to minimize the environmental impact of these lines, and that this will cost considerable money. Power lines no longer can simply be strung in a straight path, representing the shortest distance between two points. Concern for aesthetics and history must be programmed into the routing. We do not need another Antietam affair. The industry must recognize that the additional expense incurred must be borne as a regular cost of doing business. The public interest does not ask the industry to do this. It demands it, and expects that it will be done.

In concluding, I would like to state that I believe that the proposed nuclear power plant at Calvert Cliffs is needed if Maryland's future electric demands are to be met. Equally necessary, however, is the responsibility of all of us to preserve and protect the Chesapeake Bay. The threat to the Bay from thermal pollution is a real one. To argue that all the nuclear facilities now in existence would raise the temperature of the Bay only one or two degrees is misleading. Thermal discharges are like some poisons: In small dosages they can be lethal. The

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uary 1973, and the other scheduled for operation not before January 1974. The quantities of tritium that would be released from the second unit would be approximately the same as from the first unit.

overall temperature at the Bay may be only slightly affected but a specific portion, the receiving waters, may be severely damaged. I do not think we can be too careful.

We need electric power; we need environmental protection as well.

It is imperative that the appropriate state agencies act now to institute objective, State-sponsored scientific studies of each area of the Bay and its tributaries proposed to be used as a site for a power generating station during the next 20 years. We should determine long before construction plans are finalized whether the site selected by the power company is desirable from a conservation point of view. The study should determine further which areas of the Bay are best suited to absorb thermal discharges without injury to the ecology of the estuary.

[From the Washington Post, May 8, 1969]

Nuclear Power and the Public Interest

The storm that has blown up in Southern Maryland over the proposal to locate a nuclear power plant on the Calvert Cliffs at Lusby, Calvert County, is typical of many that will be brewing in the months and years ahead. People who live in the area are worried about the possibility of radiation and heat pollution in the Chesapeake Bay. Others are deeply concerned about the clutter of towers and wires that will be necessary for the transmission of 1,600,000 kilowatts of power to Baltimore. And many others whose lives will not be immediately affected see in this project an unwarranted assault on our natural environment.

As Hal Willard noted in an illuminating discussion of the problem in our Panorama Section on Thursday, 11 nuclear power plants are already under construction or in operation along the Atlantic Coast. Every one has been controversial, and the controversy is certain to mount as additional plants of this kind are planned and constructed. The outcome may cast a long shadow over the future.

It is not a question of whether or not the power companies are planning wisely. Calvert Cliffs, for example, was selected by the Baltimore Gas and Electric Co. from about 50 potential sites. Possibly it is the best location for a nuclear power plant that can be found in the area. It is also clear that elaborate precautions will be taken to make the plant safe and to minimize its impact on wildlife in the area, especially the fish in the Chesapeake Bay. Yet some vital changes in the environment will be unavoidable, and the results of these changes cannot now be fully known.

There is not much comfort in the assurance of one company official that if studies now being undertaken show that "the plant will have significant effects on the Bay then we will have to try to do something about it." When the plant is built and in operation, it will be too late to turn back. Some responsible body ought to be determining before the die is cast, whether the risk is tolerable and if so where the plant can be best located in the public interest.

It is interesting to note that the first public hearing on this project will be held by the Atomic Energy Commission on May 12, although excavation for the plant has been completed and the company has spent millions of dollars for right-of-way, equipment and so forth. The hearing will have the appearance of a mere ratification proceeding for a fait accompli. The company must also obtain a certificate of convenience and necessity from the Maryland Public Service Commission, but this too will seem to be a mere formality. Fortunately, the Maryland regulations will require site approval before construction of another such project can begin, but that does not change the unpalatable facts in the present situation.

The least the country can ask, in venturing into a new field of this kind which may vitally affect the environment, is that a competent and disinterested public body take a careful look at all the available facts before the leap is taken. The location of such plants ought to be a major issue before a Council on Environmental Quality, such as Senator Jackson has proposed. The hope for cheaper nuclear power must be weighed against long-range risks to all forms of life, and no private enterprise is competent to make such determinations by itself.

AEC Comments on Senator Tydings' Statement Regarding the Calvert Cliffs Nuclear Powerplant

The following information is submitted with reference to the statement made by Senator Tydings on May 12, 1969, regarding the Calvert Cliffs Nuclear Power Plant.

"This is a serious gap in the legislative authority of the AEC. I respectfully urge the Commission, on its own, to seek redress before the Congress. Thermal pollution is too serious a threat to permit an inactive position on the part of the AEC."

The Commission recognizes the desirability of controlling thermal effects of released heated water on the environment, and has examined a number of proposed legislative solutions to this problem over the past few years. The AEC favors legislation in this area along the lines of the proposed Water Quality Improvement Act of 1969, introduced in the Senate as S. 7 by Senator Muskie for himself, Senator Tydings, and others. This legislation would require applicants for federal licenses to obtain advance certification from state water pollution control agencies with respect to compliance with applicable state water quality standards, and the AEC would be precluded from issuing any license or construction permit until this precondition had been met. AEC Commissioner James T. Ramey appeared before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works on March 3, 1969, where he testified that the Commission was pleased to support this proposed legislation, subject to certain technical modifications.

The AEC presently lacks authority to impose restrictions regarding the thermal effects of discharges from licensed nuclear facilities. Licensing by the AEC, however, does not relieve the applicant from being subject to the appropriate jurisdictions in other areas which would also be involved if the plant were fueled by coal, oil, or other nonnuclear means. Each state, of course, has the same authority to deal with thermal effects from nuclear power plants as it does from fossil fueled power plants unless in some way restricted by state law. In this connection, the AEC keeps interested state and local officials informed of applications received and licensing actions taken on the proposed nuclear projects.

The Commission recently surveyed the New England utilities that were constructing or operating nuclear power facilities, and found that they all had extensive environmental studies in progress to determine the potential thermal effects of the operation of their faciities. In addition, the AEC is now conducting a survey of all applicants and licensees to obtain detailed information concerning their studies relating to possible thermal effects on the environment.

"Additionally, I urge the Commission to upgrade its informal, advisory contacts with the Department of Interior in order to insure maximum use of available expertise within that Department."

The Commission is cognizant of the Department of the Interior's interest in the thermal effects of such discharges under the Fish and Wildlife Coordination Act and the Federal Water Pollution Control Act, as amended. Under a 1954 Memorandum of Understanding between the Atomic Energy Commission and the Department of the Interior, the AEC routinely obtains expert advice and recommendations on all projected nuclear power facilities from appropriate agencies of the Department. This practice involves the U.S. Geological Survey, the U.S. Fish and Wildlife Service, and more recently, the Federal Water Pollution Control Administration. In addition to comments on the radiological health and safety aspects of the proposed facilities, the Fish and Wildlife Service report (which includes FWPCA's comments) also makes recommendations on nonradiological matters, including the thermal effects of the discharge of coolant water in the marine environment. A copy is sent to the applicant, calling attention to the Service's recommendations concerning potential nonradiological effects and urging cooperation with the appropriate federal and state agencies. These reports are also made public and are forwarded to the state and local agencies that may have an interest for their information and use. As indicated above, the Commission is conducting a survey of all AEC licensees to determine the extent of their cooperation, and our information to date indicates that the utilities are cooperating in resolving the various environmental problems that might be associated with the construction and operation of these large facilities.

"There are, however, two disturbing aspects to this project. The first is the absence of public research on the environmental impact of the Calvert Cliffs facility. The State and the Atomic Energy Commission should not have to rely on company sponsored studies, with or without access to their data. They should be provided with the capacity to conduct independent studies of their own. My second concern involves the simultaneous nature of the research undertaken and actual construction at Calvert Cliffs. The latter suggests that the site is an accomplished fact and that no evidence brought forward by any research will alter it."

The AEC has been very conscious of the possible impact of radioactivity in the environment and, realizing that radionuclides released to the environment might find their way back to man through food chains, has for over 20 years funded research programs in this area. The program supports work by many of the Nation's leading scientists, and includes studies of rivers, streams, lakes, and bays throughout the Nation. During the past 12 years about $70,000,000 has been expended in this program, and in our 1969 budget over $9,000,000 is included.

For several years, the AEC has supported research by scientists at Johns Hopkins University on the ecology and movement of water in the Chesapeake Bay. Three contracts for research are now in force. One is for ecological studies of the Bay, from the Susquehanna River to near the south end of the Bay. Another is for a study of plankton and other small organisms in the Bay. The third is for dye studies of the dispersion of plumes in the near-shore environment (which have been in progress since 1962). This work is designed to predict the dispersion of both heat and radioactivity in the Bay. The total expenditure on these contracts, including money for 1969, is about $1,590,000.

Much of the work on behavior and fate of radionuclides in the environment will become available in a new book by the National Academy of Sciences—National Research Council entitled *Radioactivity in the Marine Environment*. This volume, sponsored by AEC, will be published early in 1970, and will summarize knowledge gained from studies of nuclear tests, nuclear reactor effluent in the environment, and natural radioactivity. Nearly all of the work on behavior, fate, and effects of radionuclides on the environment is also published in the open scientific literature.

The AEC also has been supporting research in thermal effects. The Research, Development and Demonstration Subcommittee of the Federal Council for Science and Technology's Committee on Environmental Quality is currently making a study of Federal Government activities in this field. Their data show that of $867,000 committed to thermal pollution research in 1969, 54% ($471,000) is being provided by the AEC.

The second concern "involves the simultaneous nature of the research undertaken and actual construction at Calvert Cliffs. The latter suggests that the site is an accomplished fact and that no evidence brought forward by any research will alter it."

It was noted above that much research by many qualified biologists and ecologists in many areas of the Nation has been and still is going on; furthermore, environmental surveys in the vicinity of reactors now in operation—both power reactors and AEC-owned reactors—have shown no deleterious effects on the environment. In a recent survey by the U.S. Public Health Service in the vicinity of the Dresden nuclear power plant in Illinois, for example, it was found that radioactivity levels contributed by the Dresden plant were so low that it was difficult to distinguish the levels either from natural background radioactivity or from fallout.

As to the relation between research and actual construction at the site, the research and experience mentioned above were taken into account by the AEC regulatory staff in its consideration of the site and of the proposed plant. The staff's position set forth at the public hearing was based on this research and on the knowledge that environmental effects can be controlled by limiting the radioactive effluents. Specific limits for such effluents will be incorporated in any operating license which may be issued for the facility; nonetheless, the AEC's Division of Biology and Medicine is currently negotiating with the University of Maryland for a comprehensive ecological study in the vicinity of Calvert Cliffs. This study is part of a planned program for in-depth study of typical power plant sites, Calvert Cliffs being representative of a bay site. It should be noted that the Calvert Cliffs Unit 1 is not scheduled for operation before January 1973, and Unit 2 not before January 1974. If an operating license is issued, the licensee will be required to monitor effluent releases to assure that radioactivity in such releases from the facility are within limits prescribed in the license and AEC regulations. The licensee will also make periodic radiological surveys of the environment in the vicinity of the site in order to detect any significant increase in radioactivity and assure that exposures of the public that may result from releases are well within radiation protection guides.

The Commission understands that Baltimore Gas and Electric Company has also initiated three basic studies relevant to the question of thermal effects on Chesapeake Bay. The first of these involves general oceanographic studies being carried out by Sheppard T. Powell Associates to assemble data on the physical characteristics of the Bay at the Calvert Cliffs site to obtain basic information such as depths, flow, temperatures, salinity concentrations and tide levels.

The second program involves model studies of the Bay being carried out by the Alden Research Laboratories of Worcester Polytechnic Institute. A scale model of a 34-mile stretch of the Bay has been utilized for some time to study the thermal dispersion of cooling water leaving the plant. The stated objective of these studies is to provide information for appropriate design of the intake and discharge structures to minimize thermal effects in the Bay. These model studies are being followed by a model advisory committee appointed by the Board of Natural Resources of the State of Maryland. The committee, which consists of three state representatives and three company representatives, is expected to report on the results in the near future.

Baltimore Gas and Electric Company's third program is being conducted by the Academy of Natural Sciences of Philadelphia to obtain base line information on aquatic life in the vicinity of the plant site. This broad program involves accumulation of information on physical, chemical and bacteriological characteristics of the water, plankton studies, and population and reproduction studies of fish and shellfish species of importance in the Bay. The general objective of the work by the Academy is to establish a basis for comparison with corresponding data obtained after the plant may be placed in operation.

The Baltimore Gas and Electric Company has indicated that it will design and operate the plant in such a manner that the water quality standards of the State of Maryland are met. From the standpoint of thermal effects, this involves provisions in the design and operation of the condensers such that the temperature elevation would not exceed 10° F. above natural water temperature. In addition, a limit of 90° F. would be set for cooling water discharges, taking into account a small mixing zone to be specified by the Department of Water Resources of The State of Maryland.

It is the understanding of the Commission that the State Department of Water Resources has authority to decide whether Bay water may be used for cooling purposes, and that the Company will file an application in the near future with that Department seeking authorization to use Chesapeake Bay water for cooling purposes.

"Additionally, as the Washington Post suggests in a May 8 editorial, this lessens the importance of these hearings and lends credence to those who argue that local interests are in fact being overlooked."

Sites for nuclear power plants are selected by the utility which proposes to build such facilities, and the AEC's jurisdiction in this respect is limited to consideration of the suitability of the site and the other features of the proposed reactor that have a bearing on radiological health and safety. Insofar as the local interests are related to matters such as zoning, aesthetics, and land acquisition, the AEC has no regulatory authority to deal with them. These matters, however, are traditionally considered by state and local jurisdiction.

With respect to matters within the AEC's jurisdiction, excavation work and some concrete construction had been done at the Calvert Cliffs site prior to the public hearing. Under the AEC's regulations, site preparation is permitted, and in certain circumstances limited construction may take place under exemptions as provided in the regulations; however, all such work done prior to the issuance of a construction permit represents only a very small fraction of the total cost of the facility and is done wholly at the risk of the applicant. The fact that such work is permitted does not mean that a construction permit will be issued. For example, the regulatory staff recommended against the construction of a nuclear power plant by Pacific Gas and Electric Company at Bodega Bay, and the Company withdrew its application after the expenditure of several million dollars in work on the site.

Tritium Problem Outlined

(By Hal Willard)

The problem of radioactive tritium being released from nuclear plants is unresolved, despite utility company advertising and Atomic Energy Commission assurances, a Johns Hopkins University radiologist maintains.

The radiologist, Dr. Timothy Mertz, says tritium from water, a byproduct of nuclear reactors, can enter the human body and stay in cells long enough to cause genetic mutations and possibly leukemia in descendants.

Dr. Merz cautions that two reactors, such as will power the electricity-generating station on the Chesapeake Bay at Calvert Cliffs, will not emit enough tritium to be a major danger. However, he says, the electric power industry must recognize tritium as a problem because of the cumulative effect if too much tritium escapes or too many nuclear stations are built.

There are 13 civilian nuclear stations operating in the United States; 46 are under construction, and nearly 50 more are planned. The greatest concentration of them, totaling all stages of development, is in the Middle Atlantic region, including the Chesapeake Bay. But, Dr. Merz says, scientists still don't know precisely how many plants could be built in a given area before tritium became an actual danger to human life.

The Atomic Energy Commission is well aware of the potential danger of tritium, according to Dr. John Totter, chief of the biology and medicine division, and has established strict standards on the amount of tritium that a reactor is allowed to release.

Futhermore, Dr. Totter says, the AEC has regulations controlling the total amount of tritium that can be released in a given body of water that isn't constantly circulating so that it does not become saturated.

Dr. Merz feels these regulations are not stringent enough.

Dr. Totter also said he felt that the AEC had not done a thorough job in explaining the facts about tritium to the public and that if it had there would be less concern about the substance.

Dr. Merz and Dr. Totter agreed that the advertising concerning tritium by the Baltimore Gas and Electric Co., builders of the Calvert Cliffs station, could be misleading to people unfamiliar with the scientific jargon employed.

The ads have appeared in several newspapers, including The Washington Post, and have caused the Public Service Commission to order an accounting to determine whether the expenditure for the ads is in the public interest. The money to pay for the ads, of course, comes from the regular utility rate, paid by the public. The PSC emphasized that it allows a certain amount of institutional advertising. (The least an advertiser must pay The Washington Post for a half-page ad is just under $1450, according to Post rate listings.)

Money spent on advertising conceivably could affect the utility rates paid by the public and the PSC must decide whether the purpose of the advertising justifies the expense.

The uncontested facts about tritium are that it is radioactive and is an isotope of hydrogen and, therefore, is actually part of the water disgorged back into any body of water being used by a nuclear power station as coolant, as Chesapeake Bay water will be used. The chemical formula for water is two parts of hydrogen and one part of oxygen (H_2O). Tritium becomes one of the hydrogen parts, making the formula for water HTO.

Once the tritiated water is in the Bay, or any other body of water supplying a nuclear station, it is used by plant life to make carbohydrates through the process of photosynthesis. Thus, the tritium becomes part of the plant.

Any creature eating the plant, whether it be fish or man, is ingesting food that becomes structural protein and nucleic acid containing tritium. If a human being simply drank the water, the effect would be the same.

No one is expected to drink from the Bay, of course, because it is salt water.

The dialogue on tritium began at a public hearing conducted last May by an AEC re-

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actor licensing and safety board in Prince Frederick, county seat of Calvert County.

An AEC statement used at the hearing said in part: "Water containing tritium acts chemically like ordinary water; most of it passes through the human body very rapidly. More than one-half of the tritium taken up by the body is passed on within three to 10 days; pracitcally all remaining molecules of water containing tritium are gone within 60 days."

Dr. Merz contends that this statement oversimplifies the situation. He says the elimination of tritium is not rapid and says he places a different emphasis on the word "practically" than the AEC does.

Dr. Trotter says the statement was accurate, but not nearly as precise as it should have been—and therefore is open to misinterpretation and misunderstanding. A construction permit for the plant has been issued.

Dr. Merz and six other Johns Hopkins scientists submitted testimony at the hearing, but at the time their views about it were merely theory. Since then, Dr. Merz has proven his views by independent laboratory experimentation, he says.

He learned what the AEC already knew, it turned out, but he places a different emphasis on it. The chief fact involved is that tests show a permanent incorporation of tritium in water creatures that eat plant life that had absorbed tritium from water.

Advertising by the Baltimore Gas and Electric Co. manages to convey a contrary opinion by the use of accurate, but imprecise and esoteric language, Dr. Merz feels.

An advertisement on page D12 of the Sept. 3 editions of The Washington Post says in part: "The Calvert Cliffs plant will include the most complete system available for removing radioactive 'impurities' from any water discharged from the plant to the Bay. However, this $4,400,000 processing system will not completely remove everything from the water . . . Since tritium becomes a part of the water molecule itself, it is not removed. This is why there will be a large quantity of tritium discharged than any other radioactive isotope . . .

"The major route to man of these radioactive liquids would be through seafood. For anyone eating normal amounts of seafood harvested in the immediate vicinity of the plant site, the radiation exposure from this seafood would be infinitesimal. In a single year, a real seafood lover would have to eat at least 30 tons of fish, crabs, clams, and oysters from the same plant area to receive as much radiation exposure as from an annual chest X-ray. These exposures consider the fact that some elements reconcentrate in the seafood chain to levels above the concentration in the Bay water. But there is no theoretical or experimental support for a conclusion that significant separation of tritium from hydrogen can occur by natural chemical or biological means. These properties of tritium tend to prevent reconcentration of tritium in the food chain."

But, according to Drs. Totter and Merz, there is "permanent incorporation" of tritium by the person absorbing it. Therefore, all sides agree, the public must answer two questions: How much risk are humans willing to take that the standards set by the AEC are high enough; and how much are humans willing to gamble that AEC scientists will not be proven wrong in the future—perhaps because of the newness of the science.

The AEC and the electric power industry are confident that the risk is so small that it is worth taking.

The Promise of Nuclear Energy Is Dimmed by a Growing Fear of Contamination: "Peaceful Atom" Sparks a War

To counter the nightmare of the mushroom cloud, scientists and statesmen held forth an exciting promise for mankind—the peaceful atom. Now that promise, originally accepted with few reservations by the public, is being challenged on every side. Once communities vied for nuclear power plants ("nukes") as passports to prosperity; now angry citizens battle to keep them out. Nukes were once admired as cleanly esthetic—they do not belch forth conventional air pollution. But they do bristle with the menace of other pollutants—a variety of radioactive and thermal hazards. Electric power companies, already harassed by the escalating costs of nukes as well as by unforeseen bugs in the technology itself, are frustrated by rising public opposition. As a result, an industry that seemed securely on its way to boom times only a few years ago has skidded to an uncertain slowdown. The principal villain, in many eyes, is the Atomic Energy Commission. The sole nuclear regulating agency, AEC has at the same time been the vigorous promoter and generous subsidizer of the peaceful atom. But America's power needs *are* doubling every decade. And with everyone concerned about the dissipation of the earth's fossil fuels (coal, oil, natural gas), it seemed logical, even necessary, to go nuclear. Though only 1% of U.S. electricity is now nuke-generated, the AEC predicts it will go up to 50% by 2000. If it does, high-grade uranium fuel may also become scarce—unless, by then, "breeder-reactor" technology has been perfected. This would allow the creation of new nuclear fuels faster than the old are used up—and perhaps present event greater hazards to the environment. "Maybe we must ultimately decide," suggested one AEC official, "between electrical power on the one hand, and beaches, oceans the other."

COPING WITH NEW PERILS

Once steam begins to spin the turbine that generates the electricity, a nuke works just like any other power plant. The difference is that the heat that makes the steam comes from nuclear fission in the reactor's core. But this one difference means that radiation contamination is a constant concern. Thus every step of the operation is incredibly complex, requiring nonstop monitoring by automatic instruments and nonstop monitoring of the instruments by men. And at the end of the line the spent fuel is still so dangerous that it must be stored in underground tanks for additional hundreds of years. Truckloads of waste are driven through towns. Even underground, some radioactivity has leaked, perhaps into water supplies. What if an earthquake split the tanks open? Though a nuke could never blow up like a bomb, a runaway reaction could melt down the core and, if the protective housing gave way, permit the escape of contaminants in disastrous quantities. The elaborate safeguards required of nuclear plants—more stringent, perhaps, than in any other industry—make such an accident seem remote, but insurance companies still refuse to underwrite most of the risks (the government does). Nukes keep in over 99% of the fission products, but the 0.5% permitted to escape is a big issue in the current battle.

An angry housewife, fearful for the future of the child in her arms. The chairman of the Atomic Energy Commission, a calm and patient Nobel Prize winner whose good intentions no one questions. Thus are the lines drawn, the positions staked out in the war of words and feelings over the nukes. It began as a series of local skirmishes—a committee of concerned scientists here, a citizens' protest group there. Then two books appeared—*The Careless Atom*, by Sheldon Novick, and *Perils of the Peaceful Atom*, by Richard Curtis and Elizabeth Hogan—and helped to crystallize the issues. Amid general outrage over environmental pollution, people were beginning to demand that, instead of the burden falling to the public to prove that nukes did harm, it was up to the AEC and power companies to prove they were safe. No technology is totally without risks, the AEC argued, and nuclear technology is safer than most. Just the same, in a few places such as Ithaca, N.Y. and Westport, Conn., utilities were forced to scrap their plans and write off their preliminary investments. Emotions were often too polarized to permit compromise. In Minnesota, for instance, after an outside expert had been called in to set strict standards, utility executives protested that he had made it virtually impossible for them to operate—while the opposition accused him of selling out to the utilities. At every prospect of installing a nuclear plant near a heavily populated area, city dwellers howled in pain. Put it out in the boondocks, they said. Out in the boondocks, meanwhile, people said, "Why ruin *our* countryside? If they want the power, let them have the plants too."

Part of the 0.5% of radioactive "effluent" that leaves the nukes comes out as gases. These appear to diffuse safely into the atmosphere—for now, at least; but many fear that over the years and decades the concentrations will build up to dangerous levels. Besides, who can say for sure what constitutes a "safe" level of radiation for anyone? Much of the 0.5% goes into the water. These minute quantities also are considered safe. But are they still safe once they enter the "food chain," where tiny organisms are gobbled by ever-bigger ones, eventually to be eaten by fish and, finally, by the organism at the end of the chain—man? Ominous questions, as yet only partially answered.

HEAT UPSETS THE BALANCE

Radioactive pollution of water by nukes is a long-range worry. A much more immediate danger, only recently recognized, is *thermal* pollution. A nuke is always built alongside a body of water because it needs a lot of water to cool its reactor. Conventional power plants heat the water, too, but not nearly so much as nukes. And the more economical (*i.e.*, the bigger) the plant is, the more water it uses. At higher temperatures, water cannot dissolve as much oxygen. Hence it is less able to assimilate organic wastes, and its aquatic life tends to sicken and die more readily. (Some species of fish seem to be *attracted* by the warmer waters. This may one day be of economic value.) Ecologists are afraid that disturbance of these delicate balances could destroy all present life in a river, stream, lake or bay—or, most worrisome of all, in an estuary, that point at a river's mouth where its current meets the tide. Estuaries are among the richest sources of irreplaceable aquatic life, and even small temperature differences there can make it impossible for certain tiny organisms to survive. As a result, the larger creatures that feed on them starve to death.

Perhaps the rush to go nuclear was premature. Too many unknowns still afflict the industry. Until some of them are resolved through further research and experience, and until breeder-reactor technology is closer at hand, it is just as well to go slow on nukes for now.

PICTURE CAPTIONS

1. Thousands of balloons representing radioactive particles were loosed by Vermonters protesting a proposed nuclear plant in nearby New York.

2. Mammoth nuclear vessels are part of TVA's unfinished 3-million-kilowatt plant in Browns Ferry, Alabama.

3. So powerful are the uranium pellets that make up nuclear fuel assemblies that the 15 in this gloved hand are equal in energy to 22½ tons of coal in the background. The pellets are relatively safe to handle at this point, but after about a year or so of use they become dangerously radioactive.

4. At Con Edison plant near Peekskill, N.Y. spent fuel rod "cools" underwater for months before transfer to cask at bottom and more processing.

5. Among wallfuls of complex controls at Con Edison plant is a switch marked SCRAM. If radioactivity approaches abnormal levels, flipping this switch stops the nuclear reaction.

6. These huge steel concerete-walled tanks are two of 151 at Hanford, Wash, plant. Each holds a million gallons of radioactive wastes and is covered with 10 feet of earth. New AEC rules will require that all liquid wastes be solidified, then shipped to be stored in underground federal mines.

7. Protesting a planned Con Ed nuke at nearby Fort Slocum, Mrs. Dana Levy of New Rochelle, N.Y. asks angrily: "What do you say to your kids when they grow up—'Sorry, no air to breathe, no water to drink'?"

8. Members of New Hampshire's Seacoast Anti-Pollution League, John Parker and Walter Tingle oppose nuke planned for salt marsh. "Why threaten small communities," they ask, "so large ones can have power?"

9. Research by Dr. Dean Abrahamson of the University of Minnesota precipitated a still-pending court contest between Minnesota and the federal government over who has the right to set radiation-safety standards.

10. At a study-group discussion in Huntington, N.Y., Mrs. Richard Westphal speaks against two proposed nukes on Long Island. "They're advertised as clean," she says, "but only because you can't see the waste."

11. Map of U.S. shows 11 nukes in operation (squares), 46 under construction (triangles) and 32 planned (circles). Actually, more are planned; map shows only nukes whose reactors have been ordered. AEC Chairman Glenn Seaborg (*right*), who calls himself a "salesman" for nuclear energy, believes rapid nuke development is not only desirable but inevitable.

12. Haddam, Conn. plant can heat 370,000 gallons of water per minute. A new plant upriver in Vermont has to put up a $6 million tower to cool water before returning it to river.

13. In lab experiment on Columbia River, young salmon were put in water 10.5° warmer than river. In three hours, half were dead. (Few have so far been killed by heat outside labs.)

14. At Alden Hydraulic Laboratory near Worcester, Mass., Dr. L. C. Neale, helping Con Ed improve heat disposal, uses a model of a 17-mile stretch of the Hudson River which includes site of three Con Ed nukes. Time exposure shows patterns made by candles on floats which trace how plants' warmed water would flow as tide moves it first upstream, then down.

15. This striking infrared "scan," with temperatures converted into colors, shows how water from nuke (lower right) heats Connecticut River at Haddam plant. Blue is normal temperature, while the deep red "plume" is 14° hotter. The plume flows downstream (right to left) in narrow channel, then tide carries it back up. The fear is that the plume in some rivers might go all the way across, creating a "thermal barrier" to aquatic life.

LET US REMEMBER OUR SERVICEMEN'S WIDOWS AND CHILDREN

Mr. YARBOROUGH. Mr. President, the Senate has before it two bills of great significance to our servicemen and their dependents.

S. 1471 provides an overall increase of 13 percent in the dependency and indemnity compensation program for widows and orphans of servicemen and veterans whose death was service related. These increases are designed primarily to benefit the widows and children of the lower ranking enlisted men. The present dependency and indemnity compensation program has generally provided adequate protection for the career military servicemen. However, it has not met the needs of the survivors of our noncareer enlisted men who have given their lives in the Vietnam war. These are the people who need protection since five-sixths of the deaths in the war are young enlisted men who were drafted to fight this cruel war.

S. 1479 would increase the face value of servicemen's group life insurance from $10,000 to $15,000. This increase in the insurance benefits will assist the widow of a serviceman who gave his life in Vietnam, to aid her to meet the staggering cost of living that exists today.

Nothing that we can do will ever compensate a family for the loss of a young husband and father. However, these two bills show that Congress cares about the welfare of our brave servicemen's dependents.

Therefore, I urge that all Senators support these two vital measures.

THE FOOD STAMP PROGRAM

Mr. COOK. Mr. President, the U.S. Department of Agriculture has long been in the forefront of the battle against hunger and malnutrition in this country.

The present administration has given new emphasis and direction to this very important work. Since January, the number of counties and independent cities without a food program has been reduced from 480 to 348. To continue this record of accomplishment, the Honorable Clifford M. Hardin, Secretary of Agriculture, reaffirmed the Department's commitment to an expanded and improved food stamp program in his testimony to the Select Committee on Nutrition and Human Needs on September 15.

Mr. President, I ask unanimous consent that Secretary Hardin's testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of the Honorable Clifford M. Hardin, Secretary of Agriculture, Before the Select Committee on Nutrition and Human Needs, September 15, 1969

Mr. Chairman, and Members of the Committee:

I am pleased to again appear before this distinguished Committee.

On May 7th Secretary Finch and I met with you and discussed President Nixon's commitment "to put an end to hunger in America itself for all time." We described to you the features of the expanded food stamp program that had been outlined in the President's message to Congress of May 6th.

We explained that the President's revised food stamp program would:

Provide poor families enough food stamps to purchase a nutritionally complete diet,

Provide food stamps at no cost to those in the very lowest income brackets,

Provide food stamps to others at a cost no greater than 30% of income,

Give the Secretary of Agriculture the authority to operate both the Food Stamp and Direct Distribution Programs concurrently in individual counties at the request and expense of local officials.

Legislation embodying the President's proposals has been submitted to the Congress and hearings have been held before the Agriculture and Forestry Committee of which many of you are members. A committee bill incorporating some, but not all of the Administration's proposals is now awaiting action by the full Senate.

Since I appeared before you in May, I have testified before the Agriculture and Forestry Committee and before the House Agriculture Committee in support of the President's proposals.

The President has continued to give his personal support to expanded nutrition programs. On June 11 he named the distinguished nutritionist, Dr. Jean Mayer, to head the White House Conference on Food and Nutrition which will convene in December.

Addressing the Nation's Governors on September 1 in Colorado Springs, the President reiterated his commitment to good nutrition when he pointed out that ". . . now, for the first time, we propose that every American family shall have the resources, in food stamps, commodities and other assistance, to obtain a minimum nutritious diet, with free food stamps for those with very low incomes."

There can be no question about the high priority that this Administration has assigned to eliminating poverty-caused malnutrition. We are most anxious that the Senate act on the pending food stamp legislation. We trust that the House will do the same.

We regret that certain key features of the President's proposal have been omitted from the Senate Committee bill. In particular we feel that food stamps should be available without cost to those with very low incomes. We are also hoping that the full Senate will restore the authority requested by the President to allow the simultaneous operation of Food Stamp and Direct Distribution Programs where that may be appropriate.

Since Secretary Finch and I last met with you, the President has proposed a far-reaching overhaul of our whole welfare system. The President's family assistance proposals will have a tremendous impact on the situation of the poor. Assistance will for the first time be available to the working poor, just as food stamps have been available to them in the past and will continue to be available.

You will recall that the President, in his May 6 message to Congress, promised that his food stamp proposals would "ensure that the Food Stamp Program is complementary to a revised welfare program, which I shall propose to Congress this year."

The Administration's Food Stamp and Family Assistance proposals are complementary as the President pledged they would be. Both are designed to provide substantial assistance to the poorest of the poor. Both are available to the working poor. In each program, assistance is reduced on a gradual basis as income rises so that the incentive to work is preserved. Assistance in each program is phased out when income reaches a level somewhat above the current poverty line—$3920 for a family of four under Family Assistance, $4000 with Food Stamps. With the two programs operating together we have a chance to begin a comprehensive approach to the income problems of the poor.

Family Assistance in no way detracts from the priority that the President assigns to eliminating malnutrition. In the existing Food Stamp Program we have a vehicle for dealing with poverty caused malnutrition. When the President delivered his message of May 6, he made clear that it was time to go ahead and reshape the Food Stamp Program to make it workable, available and attractive. This is something we can do now and that we should do now. We in the administration are hopeful that Congress will give the same priority to food stamp legislation that we do and act on it now, so that we can go out and meet the needs of hungry people.

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By the time that Family Assistance is considered and enacted by the Congress, we hope to have an expanded Food Stamp Program, fully in operation. We see no reason to further delay this giant step forward.

Secretary Finch will describe the Family Assistance Proposal. Without going into the details of the program, I would like to indicate briefly how the two will operate together.

Under the Administration's food stamp proposals, a family of four prior to the enactment of the Family Assistance Program with no income or welfare payments would be eligible for $1200 worth of food stamps without charge. As income rises the family would continue to be eligible for a $1200 food stamp allotment at a cost not in excess of 30% of income. For the purposes of determining food stamp bonus levels, Family Assistance will be considered income, just as present public assistance is treated as income.

When Family Assistance becomes available, the family of four that previously had no income will have $1600 in cash. That family will still be eligible for the Food Stamp Program. It will be able to obtain its $1200 Food Stamp allotment by paying not more than 30% or about $480 of its income. Thus, the total benefits to the family will be at least $2320. By giving poor families an opportunity to participate in both programs simultaneously we provide them with added income and a chance to allocate a fixed portion of this to food.

The Administration is now making the important proposal that the new food stamp program be administered to permit so called variable purchase of stamps. This will allow a family to buy less than the full amount of stamps available to it at a proportionately reduced cost. Many families have difficulty now, under the present food stamp program, in scraping together enough cash to purchase their entire monthly allotment of stamps. This is one of the major reasons they fail to participate in the program. In spite of the reduced purchase costs under the President's May 6 proposal, we believe some families would still have difficulty. We propose to ease this by permitting them to allocate a varying amount of cash to the purchase of stamps. This variable purchase proposal will effectively increase the number of families participating in the administration's expanded food and nutrition program.

Family Assistance will create significant savings for the Food Stamp Program. Free food samps will only be necessary for the one and two person households that qualify for neither family assistance nor revised public assistance that will be available to the elderly, the blind, and the handicapped. Families applying for stamps will have incomes in excess of $1600.

As we move on down the road with these two programs . . . as Family Assistance becomes a reality, then I believe there should be consideration given to consolidating their administration. The agency which is charged with certifying eligibility for Family Assistance and for distributing payments should, it seems to me, be able to distribute food stamps to Family Assistance recipients more effectively than any other agency.

We have worked with the Department of Health, Education and Welfare to calculate the potential Food Stamp Program savings that will result from fully implemented Family Assistance. Working with the most recent available date—the results of the 30,000 person Survey of Economic Opportunity, conducted by the Office of Economic Opportunity—we conclude that both programs be made available on nationwide basis at $700 million less cost for the Food Stamp Program than we had previously estimated.

Thus, you see the two programs are, as the President promised in his May 6 message, not only compatible but also complementary. They combine to represent the most far-reaching attack on the problems of the poor that has ever been proposed by any Administration.

We have had seven years of experience with the Food Stamp Program. We would like to build upon that experience, and we have requested changes that will give it greater merit, changes that will make it a more attractive program and one in which more of those in need will participate. We need these changes now! I solicit your assistance and support.

DIFFICULTIES OF THE SHOE INDUSTRY

Mr. McINTYRE. Mr. President, the shoe industry is one of this country's most venerable industries. It was in 1629 that Thomas Beard, the first shoemaker in America, landed in Salem with a supply of upper and sole leathers and a guarantee of 10 pounds a year for his efforts.

It has been, ever since, one of our most important industries, especially in that part of the country from which I come. The shoe industry is today the largest nondurable industry employer in New England, providing jobs for some 72,000 people engaged in shoe production and for perhaps 20,000 more in dependent industries—such as lasts, heels, dressings, supplies, findings, leather, and machinery.

This venerable and important industry is now in trouble. In the past year and one-half some 31 New England shoe plants, employing several thousands of workers, have been forced to close their doors. In my own State of New Hampshire, several plants have shut down recently and almost as many others are now on the verge of following suit. Other sections of the country have also been hit.

Most of the plants affected have been small businesses, vitally important to the small communities in which they operated. In light of this fact, and as chairman of the Subcommittee on Small Business, I felt it important that hearings be called to examine indepth the causes of these recent closings and to make this information known to the Nation.

These hearings were held, under my chairmanship, on Tuesday and Wednesday of this week. Joining me at the hearings were the Senators from Maine (Mrs. SMITH and Mr. MUSKIE), the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. HOLLINGS), and Representative JAMES CLEVELAND, of the 3d Congressional District of New Hampshire.

National representatives, both of shoe industry management and labor, and of other concerned groups, appeared before us as witnesses at the hearings. I had hoped that we would be able to hear also from Secretary of Commerce Stans and Special Trade Representatives Gilbert. They felt, however, that trade negotiations with the Japanese might proceed more smoothly if they could appear instead at a later date. I, therefore, excused them from appearing with the understanding that they would be called at some time later this year.

These hearings made clear the fact that the shoe industry is on the verge of even more serious difficulties than it has thus far experienced. In the first 6 months of 1969, domestic shoe production was down 12 percent from year earlier figures, while shoe industry employment, at least in New England, showed a drop of 9 percent. Mr. President, if this trend continues for the balance of the year, it will be the biggest drop in both categories for any single year since World War II.

These hearings indicated also that the most important single cause of the industry's difficulties has been shoe imports. In 1968, over 73 percent of the shoes imported into the United States were women's shoes and imports in this category totaled a full 30 percent of domestic production. In light of these figures, it is surely no coincidence that almost all the factories recently shut down have been primarily manufacturers of women's shoes.

Mr. President, some witnesses at the hearings emphasized the superior styling of foreign-made shoes. I say that it makes no sense at all to blame the industry's problems on styling superiority abroad. The basic fact of the matter is that there is no way in which an American factory paying $2.50 per hour in wages can hope to compete with a factory in Taiwan where the average hourly wage is 12 cents per hour or less.

On a few points, however, there were important conflicts of testimony. Some witnesses suggested that the industry was faced with a labor shortage, while others said that recent closings had created wide pockets of unemployment. Some who testified claimed that the plants which have closed were old and inefficient, while others rebutted them on this point.

Mr. President, on October 2 and 3, my Small Business Subcommittee will be holding additional hearings in both Manchester, N.H., and Boston, Mass. We will hear then from some of the people most intimately affected by the recent closings. We will learn directly of the closings of generations-old businesses, the loss of long-held jobs, and the disruptive effects on whole communities.

I am sure that this second set of hearings will resolve the few areas of dispute left open by the hearings here in Washington earlier this week. I sincerely hope that the way will then be clear for the enactment immediately of orderly marketing legislation designed to restrict the flow of shoe imports.

The purpose of such legislation would not be to cut off imports altogether but to limit them to a rate of growth consistent with the health of the domestic industry.

Mr. President, free trade is a fine idea. What it requires, however, is cooperation between countries and not unilateral action on the part of one alone. At present, the tariff barriers of those countries whose shoes have been flooding our markets are considerably higher than the barriers in this country. I think it is time we learned, as the Senator from Maine (Mr. MUSKIE) said the other day at the hearings, that unless cooperation from other countries is forthcoming, the United States can no more be the world's consumer than it can be the world's policeman.

DEATH OF EARL DEARING, LOUISVILLE, KY.

Mr. COOK. Mr. President, I invite the attention of Senators to a great Louisville and Kentucky leader who recently passed away. Earl Dearing's name was usually preceded in print by the descriptive adjective "Negro," but to the community of Louisville and Jefferson County, Ky., his name was invariably followed by such accolades as outstanding leader, excellent lawyer, devoted civil-minded public servant, and loyal Republican.

When he died he was the nominee of my party for one of the highest positions which any lawyer can achieve, a circuit judgeship. The bench would have been enhanced by his selection.

Mr. President, I ask unanimous consent that an article from the Louisville Courier Journal describing Judge Earl Dearing's accomplishments appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUDGE CANDIDATE: EARL DEARING, LOUISVILLE RIGHTS LEADER, 48, DIES

J. Earl Dearing, Louisville Police Court prosecutor and long-time civil rights activist, died of cancer at his Louisville home at 11:20 p.m. Friday. He was 48.

Dearing was a Republican candidate for Jefferson Circuit judge. Four years ago he became the first Negro elected as Police Court prosecutor.

He first entered Jewish Hospital for surgery on May 27, the day he won the primary election. He had spent all but three weeks in the hospital this summer and had been home eight days before he died.

Dearing lived at 3418 Grand Ave., and is survived by his wife, the former Mary Alice Hambleton, a teacher at DuValle Junior High School; a son, David Earl, a sophomore at Yale University, 19, and a daughter, Francis Penn, 14, a ninth grader at Highland Junior High School.

A quiet, uncontroversial man, Dearing spent his working life plowing the fields of controversy.

"COOLNESS" OVERCOME

The most recent instance was on the national level last year when Dearing, somewhat untypically, created a stir after meeting with then Republican presidential nominee Richard Nixon.

Emerging from the meeting, Dearing told reporters that Negro voters felt a "coolness" toward vice-presidential candidate Spiro Agnew and might "revolt."

A month later, however, everything was patched up as the Nixon-Agnew team circulated literature bearing an endorsement from Dearing saying Mr. Nixon would "do more to solve the human . . . problems" than would Hubert Humphrey.

As a civil rights activist, a Police Court prosecutor and a partisan politician, Dearing remained remarkably free of personal criticism through a decade and a half before the public eye.

An attorney respected by his fellow members of the bar, Dearing scored well in a 1969 lawyers' poll rating the qualifications of circuit judge candidates.

A DEPUTY COURT CLERK

But the overriding factor at every turn in Earl Dearing's career was always his race. He was a black man who worked his way upward through a system that was white.

Thus he frequently was hailed as "the first Negro" to hold this public appointment or win that elective post.

If at times the fact of his race, for political reasons, opened the door for advancement, Dearing was always equal to the task, fulfilling the duties of each post with credit to himself and his party.

The appointments at first were rather lowly. In 1953, while serving in the administration of a Democratic police judge, Dearing became the court's first Negro deputy clerk.

By 1969, he had become the first Negro nominated by the voters in a primary election for an esteemed Circuit Court judgeship. He was a candidate for 4th Division of Common Pleas bench.

In the intervening years, in addition to various intermediate political posts, Dearing had served as president of both the local and state chapters of the National Association for the Advancement of Colored People (NAACP).

He was an active civil rights leader in Louisville in the late 1950s—when segregation was not only a common practice, but was thought to be a quite lawful one.

Militancy wasn't Earl Dearing's style. Quite the contrary. As attorney for the NAACP and other groups opposed to segregation, Dearing's approach was always calm and legalistic.

At times he could use understatement with powerful effect.

For example, while local NAACP president in 1957, he urged passage of an ordinance to outlaw segregation in local theaters, restaurants and other places of public accommodation.

In campaigning for his proposal, Dearing posed this simple but eloquent argument:

"My 7-year-old boy wanted to go see 'Bambi.' It was distasteful to me to tell him he couldn't go because of his race.

"He didn't understand."

EASY WINNER IN 1965

Five years later, in May 1963, Dearing finally saw a public accommodations ordinance adopted in Louisville.

That same year, the local Republican Party backed Dearing for election to the state Senate. Although defeated by the veteran Democratic incumbent, Bernard J. Bonn, Dearing gained 48 per cent of the vote.

In 1965, the Republicans backed him in the citywide race for Police Court prosecutor, and Dearing was an easy winner.

The funeral will be 1 p.m. tomorrow at Mount Lebanon Baptist Church, 222 W. Chestnut, with burial in Eastern Cemetery. The body is at the A. D. Porte & Sons Funeral Home, 1300 W. Chestnut.

Expressions of sympathy may take the form of memorial contributions to Virginia Union University at Richmond, Va.

JASPER, NEWTON, HARDIN AND TYLER COUNTY DOG AND WILDLIFE PROTECTIVE ASSOCIATION ENDORSED 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the Jasper, Newton, Hardin, and Tyler County Dog and Wildlife Protective Association, an organization with a membership of over 15,000, has passed a resolution calling for the establishment of a 100,000-acre Big Thicket National Park in Southeast Texas. This fine organization has joined with the many other civic and conservation groups which have expressed concern for the preservation of this beautiful and unique wilderness.

In addition to the rich and diverse plant and bird life which may be found in the area, the Big Thicket provides a home for many varieties of animal life, including beaver, mink, otter, muskrat, fox, wolf, red and gray squirrels, raccoon, opossum, and many others. The seriously threatened American alligator can still be found in the bayous of the Big Thicket. The endangered Texas red wolf has found a refuge there.

Unfortunately, the Big Thicket is in serious danger of being lost forever. As a result of encroachments by highways, pipelines, and lumber companies, the Big Thicket is disappearing at the alarming rate of 50 acres per day. We must act now if we are to save the Big Thicket for future generations.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF JASPER, NEWTON, HARDIN, AND TYLER COUNTY DOG AND WILDLIFE PROTECTIVE ASSOCIATION ON THE BIG THICKET NATIONAL AREA

The Jasper, Newton, Hardin, and Tyler County Dog and Wildlife Protective Association does hereby adopt the Policy Statement on The Big Thicket National Area, a copy of which is attached hereto and made a part hereof for all purposes, and urges the President of the United States, the Congress, the Department of the Interior, the U.S. Corps of Engineers (as to Dam B), and the appropriate state agencies (as to supplemental state and historic parks) to take appropriate action to implement this policy as soon as possible.

H. R. YAWN,
President.

POLICY STATEMENT ON BIG THICKET NATIONAL AREA

We favor a Big Thicket National Park or area which would include a minimum of the 35,500 acres proposed in the Preliminary Report by the National Park Service study team, with the following modifications and additions:

1. Extend the Pine Island Bayou section southward and eastward down both sides of Pine Island Bayou to its confluence with the Neches River.

2. Extend the Neches Bottom Unit to cover a strip, a maximum of three miles, but not less than four hundred feet, wide on both sides of the Neches River from Highway 1746, just below Dam B, down to the confluence of Pine Island Bayou.

3. Extend the Beaumont Unit northward to include all the area between the LNVA Canal and the Neches.

4. Incorporate a Village Creek Unit, comprising a strip up to one mile wide where feasible, and no less than 400 feet wide on each side of Big Sandy-Village Creek from the proposed Profile Unit down to the Neches confluence. Wherever residences have already been constructed, an effort should be made to reach agreement with the owners for scenic easements, limiting further development on such tracts and preserving the natural environment. Pioneer architecture within these areas should also be preserved.

5. Incorporate a squarish area of at least 20,000 acres so that larger species such as black bear, puma and red wolf may survive there. An ideal area for this purpose would be the area southeast of Saratoga, sur-

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rounded by Highways 770, 326 and 105. Although there are pipeline crossings in this area, they do not destroy the ecosystem; therefore the National Park Service should revise its standards pertaining to such incumbrances, in this case, leaving them under scenic easement rules instead of acquiring them.

6. Connect the major units with corridors at least one-half mile wide, with a hiking trail along each corridor but without new public roads cutting any forest. A portion of Menard Creek would be good for one such corridor.

The entire watershed of Rush Creek would be excellent for another.

Such additions would form a connected two-looped green belt of about 100,000 acres (there are more than 3 million acres in the overall Big Thicket area) through which wildlife and people could move along a continuous circle of more than 100 miles.

We recommend that the headwaters be in or near the line of the Profile Unit.

We are absolutely opposed to any trading or cession of any National Forest areas in the formation of the Big Thicket National Park or Monument.

In purchasing power, today's dollar is Thicket National Monument, we recommend: (a) the establishment of a National Wildlife Refuge comprising the lands of the U.S. Corps of Engineers around Dam B, (b) a state historical area encompassing communities of typical pioneer dwellings, farms, etc., such as that between Beech and Theuvenins Creeks off Road 1943 in Tyler County, and (c) other state parks to supplement the national reserve.

THE DIME DOLLAR

Mr. COOK. Mr. President, Jenkin Lloyd Jones, president of the Chamber of Commerce of the United States, recently gave a speech, "The Dime Dollar," which illustrates quite clearly the inflationary crisis the American taxpayers face. Mr. Jenkins said:

> In purchasing power, today's dolllar is worth approximately 27 cents compared to the 1913 dollar. If we hold to the present five per cent rate of inflation, the dollar 25 years from now will be worth a 1913 dime.

I ask unanimous consent that Mr. Jones' speech be printed in the RECORD as another stark reminder of the consequences we must face if we do not stop the spiralling inflation.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE DIME DOLLAR

(By Jenkin Lloyd Jones, president, Chamber of Commerce of the United States)

Five score and six years ago a Kentucky boy from what is now Larue County whom his admirers called "Honest Abe" stood upon a battlefield in Pennsylvania and raised an honest question.

Abraham Lincoln wondered whether this government or any government "of the people, by the people and for the people" could long endure. His immediate concern, of course, was a civil war, brought about by the slavery issue and deep convictions over the sovereign rights of states. That issue was decided in blood.

But today we may still ask his question, and the new issue is whether a free people enjoying unprecedented prosperity will not witness the termination of both their freedoms and their prosperity through their own greed and the demagogic dishonesty of some of their elected representatives.

In short, is America going to get a dime dollar, and if it does what will it do to the American people?

A few days ago, in anticipation of this speech, I called upon the economic section of the Chamber of Commerce of the United States to glean from the most reliable government sources a few statistics. I would rather bore you with some figures than leave you with a comfortable impression that perhaps I have overdrawn the problem.

In purchasing power, today's dollar is worth approximately 27 cents compared to the 1913 dollar. If we hold to the present five per cent rate of inflation the dollar 25 years from now will be worth a 1913 dime.

In the past 20 years the Consumer Price Index has gone up 52 per cent, despite the fact that business profits have declined from 4.3 per cent of sales to 3.3 per cent. It is true that the average weekly earnings of a factory worker have increased far faster—135 per cent to be exact. But even this most fortunate sector of the American economy has seen its real purchasing power rise only 35 per cent after federal withholding taxes. And swelling state and local taxes have cut this net increase even more.

Productivity has gone up 69 per cent, or about half the increase of factory wages, but the average consumer is spending more and more of his income on services, and services deliver not much more per man-hour than they did in 1949. In other words, the 1969 pants presser is not much more efficient than his counterpart of 20 years ago.

Now let's look at federal spending. From fiscal 1960 through the budget estimate for the fiscal year 1970 total federal spending goes from $92 billion to $195 billion—an increase of 112 per cent.

Nondefense spending is up 163 per cent—from $37 billion to $98 billion.

The government has, naturally, been driven to borrow heavily from the citizens in order to bridge the difference between its income and its outgo. In order to command this money it has had to pay ever-increasing interest. These interest costs are locked in. They cannot be reduced, for they are promised on every government certificate. And in the past 10 years they are up 85 per cent—from $9 billion to $17 billion.

In the past 10 years federal payroll costs have gone up 100 per cent. Outlays for community development and housing are up 180 per cent, health and welfare up 200 per cent, and education and manpower spending up 500 per cent.

Congressman Otto Passman of Louisiana has recently pointed out that our national debt exceeds by $43 billion the total national debt of all other nations of the free world. Many have used our foreign aid to keep their debts low. They have, in effect, conned the American taxpayers into providing services normally chargeable to their own taxpayers.

In the past 10 years Uncle Sam has gone in the hole another $55 billion. We roll billions off our tongues easily. But that $55 billion amounted to chucking one $1,000 bill out the window every six seconds, day and night, for the past 10 years. It would be a good way to draw a crowd.

Worse yet, Washington has developed a system of promising a lot more than it actually spends. Thus, future spending allocations are put beyond the reach of even the most economy-minded incoming administration.

There has been gross underestimation of the costs of many of our foot-in-the-door projects, but the theory is that no one will leave a dam half-finished or a bridge half-built.

Aside from a certain amount of guile on the part of those federal empire builders who gain both in salary and prestige from the burgeoning of their departments, it is now a fact that government is so big that it tends to get away from even the most sincere administrators.

Louis Cassels of UPI recently made a month-long study of federal budget and spending practices. He obtained estimates, from within government itself, that a minimum of $10 billion and perhaps as high as $30 billion of the $200 billion federal budget is utterly wasted.

The Senate Government Operations Committee recently found 10 agencies dealing in manpower programs; 18 in improving the natural environment and 20 in health. Congressman William Roth of Delaware interviewed agencies for eight months and found 1,050 separate programs providing money to states, cities, institutions or individuals. For higher education, alone, funds are spent through 21 separate agencies.

Obviously, if we're ever going to get government expenditures under control again we are going to have to cool down this one-upmanship between rival and competing agencies trying to do the same thing. We are going to have to appropriate for functions, to make an estimate of what the nation can afford to spend in such broad areas as defense, housing, medicare, conservation, education, highways, etc., and then divide these outlays among the agencies best equipped to handle them. At the present time we are trying to meet agency requests without sufficient regard for the nation's resources and the performance record of the agencies.

All of us who put a charge on our products or our services cut ourselves in on the incomes of those who buy what we make or hire us for what we can do. Most of us have competition. We are limited in what we can charge by what the competition charges. If our prices or fees get out of line we run up against diminishing returns.

This is as it should be. The antitrust laws were passed, for example, to keep combinations of manufacturers from monopolizing manufacture and setting unreasonable prices. Government regulatory agencies were set up to prevent utilities and transportation companies from overpricing essential services where there is no competition.

But under the Wagner Act labor unions were exempted from antitrust action. And the National Labor Relations Board, which is supposed to be an impartial body, has behaved more and more like an agency of the unions.

As a result, one part of the checks and balances theoretically inherent in free enterprise isn't working. The tight monopoly of the building trades unions in many areas has kited the price of construction out of sight. We are seeing $9-an-hour plumbers and $10-an-hour brick masons. We see the national economy wracked as the ports of the nation are periodically tied up by dockers and maritime union members. Some of these strikes are designed not to improve wages and working conditions, but to levy penalties against new technologies which would cheapen the cost of shipping for every consumer.

A pistol to the head is not collective bargaining.

The union leadership is not acting irrationally. It is hard for a business agent to counsel moderation if he knows that some member will arise at the back of the hall and say, "Elect me—I can get you more." It is natural that union leadership would press for monopoly, for the right to discipline the membership by levying heavy and capricious fines, for the elimination of state right-to-work laws and the reimposition of the privilege of the secondary boycott.

It does no good to point fingers of scorn at this behavior because a lot of business would behave just about the same way if there were no restraints on cartels, price-fixing and collusion.

But the fact remains that as long as a rigged market can be maintained in labor due to special privilege granted for political advantage it will be possible for certain wages to far exceed productivity. This forces up prices and feeds inflation.

Occasionally you hear a cry of anguish that the only solution is to reimpose wartime wage and price controls. These have certainly proven necessary when a nation bends all its effort toward all-out war production. But every nation that has maintained these controls in peacetime has tasted the bitter tea of corruption, black-marketing, idiotic shortages and poor quality goods.

A free market is the only market that is in perpetual adjustment to consumer demands. Free markets are simply weakened by monopoly. And a union labor monopoly is no holier than any other.

While we are looking for parties guilty of hastening the erosion of the dollar let us look at ourselves—we chamber of commerce types—for, alas, we are human, too.

We want good things for our cities, and many of these good things cannot be built without heavy federal subsidies. Over the past 30 years the decision-making process governing major city improvements has gradually gravitated to Washington.

Tick them over. Who gets an interstate highway without federal funds? Who gets an expressway? Who gets urban renewal and slum clearance? See how dependent our local universities and colleges have become on federal grants. And our hospitals. We all want bigger and better airports, and who provides subsidies for longer runways and better navigation aids?

Federal taxes have removed much of any city's wealth to Washington, and chambers of commerce struggle to get some of it back. We are acutely conscious that, if Louisville doesn't rattle the tin cup, Long Beach, Las Vegas or Little Rock will get the dough.

We are inclined to judge the quality of our senators and congressmen, not on how well they have thought out solutions to the nation's problems, but on how much chicken and gravy they've brought home.

We in chambers of commerce are going to have to exercise a little self-discipline ourselves. We are in a poor position to yawp about the destruction of the currency as long as we reward best those public servants who have been most willing to loot the treasury.

If we want to save the dollar we're going to have to stretch out our gimmies. We are going to have to be willing to wait another six months for the new bridge and maybe a year for the new hospital wing. And we're going to have to get the word to Washington.

For we in the business community are supposed to be more sophisticated about economic realities than any other general class of citizens. And if we don't demonstrate some prudent regard for America's future, who will?

I speak of America's future. I mean it. There is no such thing as a bankrupt great nation. There is no such thing as a flowering civilization, in industry, in the arts, in the sciences and humanities, if it has swept away the savings of its people.

One of the cruel ironies of our present crisis is that much of the damage has been done in the name of the "welfare state." They called it the "Great Society"—remember?

What welfare is there in old-age pensions paid off in potato chips? What social security is there in a carefully accumulated life insurance program that matures in dust? What honesty is there in government bonds that you eventually might light your cigar with, if you could find a cigar?

This is no uncharted road. The trail of history is lined with the bleached bones of social systems that imagined that prosperity and a money supply are synonymous. This is Pancho Villa economics. But long before poor Pancho worked the Mexican printing presses day and night in an honest effort to make all peons rich, the fallacies were plain.

And the ruination of workers is the surest result. People with cash reserves can find some hedges while the currency still has value. They can rush to buy land or diamonds or foreign currencies. It is the man who depends upon his weekly paycheck who goes over the falls first and drops the farthest.

Out of the ruination usually comes a loss of liberties. During the great French inflation of the 1790's the desperate Paris mobs, finding their wages would buy no bread, hurried the original authors of the French Revolution to their own guillotines and welcomed the man on horseback, the dictator from Corsica.

The German inflation of the 1920's destroyed what faith and hope the Germans had in democratic processes. When the gentleman bearing the swastika blamed it all on the Jews and said that Germans must submit to harsh disciplines in order to gain the glory that was rightly theirs, we all know what happened.

This is a very great country with very great economic strength. It is also a country blessed by rich resources and a skilled and energetic citizenry. America can have a high degree of general prosperity, a generous uplift program for the ignorant poor, and adequate charity for the unendowed. We can have all this and a sound dollar, too. But we must start listening to the Geiger counters.

Our economy is like an atomic pile. The heat is rising. The Geiger counters are growing noisier. But we are still some distance from the runaway, uncontrollable reaction that will produce utter disaster. We still have time to drive in the graphite rods that will control the fission and deliver, not explosion, but useful energy.

The gentleman from what was Hardin County, who made the great speech at Gettysburg, said that government conceived in liberty was being tested.

That government survived the particular test he had in mind. It has survived many great tests since then. But, beginning with Lord Thomas Macaulay, many political philosophies have wondered whether democracy doesn't carry with it the seeds of its own destruction, whether the people will be able to resist indefinitely the temptation to debauch the currency.

This is the great test of 1969. The integrity of Americans is now on trial.

Let no one tell you that the cure for our recent follies will be painless. Let no one tell you that we can turn away from our money jag without withdrawal symptoms, without some squeeze and crunch.

But we must choose between some pain now or agony later.

If we are not honest with ourselves—if we remain carried away by greed—then this great pile could blow.

TESTIMONY OF REGINA FANNIN BEFORE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. COOK. Mr. President, recently a gentle and great lady from the mountains of Kentucky appeared before the Senate Select Committee on Nutrition and Human Needs, of which I am a member, and produced some of the most thought-provoking testimony we have heard during this session of Congress. Her unselfish devotion to her job and to the people of our State deserve recognition, and her ideas on improving the nutritional habits of elderly people should be read by all Senators. I therefore ask unanimous consent that her remarks be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

A TITLE IV NUTRITION DEMONSTRATION PROJECT FOR THE RURAL ELDERLY IN SIX NORTHEASTERN KENTUCKY COUNTIES

(Testimony of Regina Fannin, Project Director, County Gathering, before the Senate Select Committee on Nutrition and Elderly Needs, September 10, 1969.)

BACKGROUND INFORMATION OF WITNESS

My past experience of working with and for the elderly and my knowledge of the area and the special problems thereof stems from nearly a lifetime of living and teaching in the area; however, for the past five years I have had more contact with a greater number of older adults.

I have worked with the local CAP Agency—the Northeast Kentucky Area Development Council, Inc., of Olive Hill, Kentucky—in several positions:

(a) As a Field Worker, I helped conduct a survey of those 60 and over in Lewis County (3,000 persons interviewed) and worked in the Medicare Alert program in two counties (Lewis and Greenup).

(b) As a Director of the Commodity Distribution Program (in Lewis County) we took the allocated food to the home and conducted demonstrations on better use of the items each month to over 450 families, many of them elderly.

(c) As six county Area Coordinator Social Worker (with personal visits in many homes) also as a guest instructor in nutrition to those persons receiving Food Stamps in two counties.

(d) As Acting Director of the Emergency Food and Medical Program in two counties (with demonstrations in preparation of foods and consumer education instruction), and

(e) In my current position as Director of County Gathering (reaching 150–175 elderly each week with anticipation of 60 more members).

I offer this resume of my experience as an indication to the extent of my knowledge of the plight of the rural elderly.

INTRODUCTION

Mr. Chairman, I appreciate this opportunity to talk with this committee concerning the needs of the rural elderly in my area; and, I feel quite certain, these same needs are representative of other areas of our country.

May I begin by explaining briefly a little of the background of the area.

The central offices of the Northeast Kentucky Area Development Council, Inc. are located in Olive Hill (Carter County), Kentucky, and the Council encompasses a six county area namely: Carter, Elliott, Greenup, Lewis, Morgan and Rowan counties—as I have indicated on this map of the state of Kentucky. This is in the Seventh Congressional District. The six counties cover an area of 2,136 square miles and had an estimated population in 1965 of 95,400. The 1960 census figures show that the number of elderly residing here at that time who were 65 or over was 8,152 out of the 93,364 population figure. There were 22,126 families in the area with 10,668 of them with less than $3,000 income. This represents 48.2% of the families. Of this number 24.1% received Old Age Assistance. There were within the area 17,749 persons over age 25 that had less than an 8th grade education (39%). In the state as a whole about 27% of all low-income families had heads of households who were over 65 years of age while only 16% of all families had heads of households who were even over 65. Nearly 70% of Kentucky families with heads of households over 65 were in the low income group.

Old age, then, is a factor related to low income; and in Eastern Kentucky this is even more apparent. As you will note from the map the people are primarily isolated

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from any urban area that would provide needed services.

PROBLEMS OF RURAL ELDERLY

I am not dealing with statistics—I am dealing with people—my people, rural older adults, ranging in age from 60 to 98. Almost all of them needy. They are faced with new problems every day that only perpetuates their existing ones.

Isolation and remoteness are overwhelming obstacles with which to deal. Many of the participants in my program live off the main roads and up the hollows of their counties. For example, we have a participant that must walk one and one half miles out of a hollow to the main road and then must hitch hike a ride thirty-eight miles to the center. This, you may feel, is of no cost to her; however, please consider the fact that she must purchase shoes to walk. In declining weather this necessitates her need for outer protective clothing. It involves a day in her life that in later years seems of greater value to many of the elderly.

In the rural isolated areas such as we have, personal isolation and remoteness is linked with transportation problems and distances involved. To rural people an automobile is a necessity of life and not a luxury. It is needed by a person or family to get to and from work (if they have a job), to the store to purchase the necessities of life, to a doctor (if there is one available) and all the other necessary uses usually attributed to a vehicle.

The small rural stores that were within walking distance no longer exist and it is many miles to the nearest store which is often understocked and high in prices. In order to get from their homes to the county seat or the largest town within the county they have to hire someone to transport them or in some counties where taxis are available they have to pay on the average of $5 per trip. Since as the statistics point out the income for our area is low, transportation is held at a minimum because of its high cost. Coupled with this transportation and isolation problems, perpetuated by the low income, is the lack of services available within the area.

There is one hospital within the six county area and the majority of doctors are within this town. Some of the counties have one or two doctors for the total population. There are many services available to the elderly that they are not aware of and could not utilize if they were aware of them without some assistance. The lifetime habit of fending for themselves is deeply ingrained in the culture of mountainous people. The educational background of the aged person is a great indicator as to his participation in ongoing programs and services available to him.

These problems facing the elderly have been brought out in my contact with participants of this program. May I expand on these for a moment.

(a) We have in one of our centers a lady who lives alone and draws Public Assistance. She came to several of the meetings wearing the same dress and ragged tennis shoes. She revealed to some of the ladies that she knew that this was the only wearing apparel that she could wear anywhere other than working. The ladies brought her a bag of used clothing at the next meeting. She had asked us to save the used plastic bags and wrapping materials from our meal preparation. It was some time later before she revealed to us why she desired these articles. Gentlemen, it was to cover the cracks in her house to keep out the cold winter winds. The only convenience she has is electricity. She carries her water, wood and coal (if she saves enough for coal). She had only one ragged quilt for her bed. Since she has been coming to the center and been involved with the handicraft portion, she has made three quilts for herself. (This material was donated to the project by one of the garment factories in an adjoining county.) This lady does not use the services of the Food Stamp program because she can not afford the outlay of cash. During the summer months, she cares for a garden for a neighbor for one-half of the produce. Under circumstances such as these, I do not feel she is receiving anywhere near a balanced diet except for the one meal a week when she is at the center.

COUNTY GATHERING

At this point I should like to expound briefly on the project of which I am Director. The County Gathering program operates with sites located in the areas as indicated on the map.

The County Gathering is a nutrition demonstration Title IV project that provides one meal a week to the participants. The meal is a social setting for a variety of programmed activities including Consumer Education, aging problems, recreational activities, handicraft instructions and time for visiting and talking with one another. At present, we are operating six centers located in five of the counties. They were funded for maximum participation of thirty per center. This varies in different locales with attendance ranging from early twenties to early forties. Our most recent center to be established was funded under this year's program as a special cooperation demonstration between Emergency Food and Medical Program and County Gathering. This center was established for those of the elderly who receive Food Stamps in Elliott County. Cooperation is in the extent that the Emergency Food and Medical Program is providing $15 per week raw food cost to supplement the demonstration and meal costs in this one center. The operation of this center differs only from the others in that there is a concentration on food value, cost and nutrition requirements to better utilize their food stamp dollar.

The requirements for participation in County Gathering are that the person be sixty or over and a resident of the county in which the center is located. There is no income restriction but very few of our elderly would be eliminated if such a regulation existed.

We conducted a survey at all our centers (one week) and received the following information from those present:

Range of income (per month):	*Number of participants in each range*
No income	4
$35–$58	20
$59–$78	22
$79–$92	13
$92–$210	38

This is total income for the entire family. Some families have children who work living at home but contribute very little, if any, to the household expenses.

When asked, "How many need transportation to do your grocery shopping, do other shopping or go to the doctor?" we received the following answers.

Needs transportation (yes)	132
Needs transportation (no)	48

When asked, "Are you on a special diet?" we received the following answers.

Special diet (yes)	24
Special diet (no)	69

When asked, "Do you have a major illness?" we received the following answers.

Major illness (yes)	53
Major illness (no)	40

When asked, "How far do you live from the center?" we received the following answers.

1 mile	21
More than 1 mile	59

As you may note from comparison of the figures on the following page, not all of the people answered each question.

At the present time we are preparing meals for at least 165 persons each week.

During the time the participants spend at the center they have told us many of their problems in obtaining food. As you would probably surmise a large portion of the problems are income related. However, may I quote to you some of their comments. High on this list is the comment, "There is only me and who wants to cook for one". Other high ranking comments include: "I only eat one or two things each day", "This is the only full meal I eat all week", "I just don't have money to buy very much after medicine, rent, etc.", "I have to charge what I buy and pay as I can", "I draw commodities, thats about all I eat, sometimes something from my neighbor's garden", "Cook and eat one or two things a day—I don't have a refrigerator and things spoil that are left over", I don't have any teeth—can't chew—so I eat potatoes, oatmeal and stuff like that", "My doctor said I was low on iron and gave me this diet, but I can't buy that to eat—I only draw $69 a month", "I received Emergency Food Vouchers twice but they wouldn't let me have them anymore." These are a few of the quotes from the elderly concerning their nutrition. The nutrition aspect is one factor drawing the elderly to participate in this program; however, the greatest number of comments and high on the list of reasons for participating is sociability. The isolated elderly are starved for human contact.

We also conducted a Twenty-Four Hour Recall Diet Survey. From those responding, it was found that two-thirds of them had cereal or oatmeal for an evening meal. The majority had beans and potatoes for their noon meal, some just had coffee for breakfast while others had coffee, egg, gravey and biscuits. Very few had meat with their meal. Only two of those surveyed drank a fresh fruit juice that day. As is indicated from this survey they were low in protein content, vitamin C and nutrients essential for good health.

The County Gathering Program has a staff of twelve. Of this number nine are 60 or over. Added to this staff is much needed help of volunteers. Volunteers are used to transport participants to and from the centers and as aides in the kitchens as well as with the scheduled programs. We have two volunteers that are in their 40s, four in their 50's and fourteen who are over 60. The services rendered by these people are a vital part of the success of the program; especially, since the paid workers time has been reduced this year.

Each center has been allowed fifteen hours per week. This includes all activities, such as the outreach work, participation in programs, participant transportation, and the meal preparation and serving. The assistants are paid $2.05 per hour plus fringe benefits and are reimbursed at the rate of $.09 per mile traveled in private automobiles.

Based on the last three months food costs, the average cost per meal is $.55. The cost to the participant that can afford to pay is $.25.

The project also provides take home and home delivered meals. The take home meals are those meals that a member takes homes from the center themselves, while the home delivered meals are those meals taken to a shut-in.

In an attempt to offset the cost ratio per meal, I have tried to get the County Gathering certified from the State Deparment as an eligible outlet for surplus commodities and I offer my results of this effort as an appendix to my statement.

PROBLEMS WITH FOOD STAMP AND COMMODITY PROGRAMS AS RELATED TO THE RURAL ELDERLY

From the many requests we have had from the older persons, requesting assistance in obtaining food stamps or commodities it appears that the programs are not reaching many of the most needy—those unable to travel the distances involved to get to the distribution centers—misunderstanding concerning eligibility and certification and the unnecessarily long and embarrassing process. In the counties that have the Food Stamp Program many cannot participate because of the outlay of cash on a specific day along with the transportation problems. These people must continue to purchase from a fixed income while the prices of their needed services increase; thus, making it more imperative that they receive assistance with food.

Unlike the Food Stamp Program that requires a cash payment to increase the purchasing power of the participant, the Commodity Distribution Program is a free gift to those eligible. However, the variety of items received is not left to the discretion of the participant. For example, in 1965 those persons in our area eligible for commodities received the benefit of twelve items consisting of one-third of their basic food needs. This past year the variety of the surplus items has increased to twenty-eight. A more balanced diet can be arrived at now than could in 1965. However, there is still much room for improvement in this phase of the program. Also better use of an item would be made if a variety of recipes, hints and suggestions were offered during the distribution of the food. For example, many people were not using the food simply because it was heavy. This problem could be overcome by stating on the package that the flour should be sifted three or four times.

Another factor that prevents many of those eligible from participating in federal programs is simply pride. This they keep while participating in the County Gathering program.

In helping to solve the transportation problem of the participants in the Food Stamp program, the Northeast Kentucky Area Development Council has brought this problem to the attention of the officials and as a result, in Carter County, office space is being furnished in the agency for that section of the county surrounding the central office.

It is my personal opinion and recommendation that in order to reach more of the needy, eliminate or reduce hunger and offer a better and varied diet to the elderly poor, each county should be allowed the benefits of both of these federal food programs. The Commodity Program to furnish the basic staples and the Food Stamp Program to supplement this with fresh fruit, vegetables, meats and other items not supplied through the Commodity Program.

I should like, if I may, make another suggestion for consideration. That of improving and upgrading Medicare and Medicaid to include not only dentures for better nutritional health but eye glasses and hearing aids. Many of the elderly can not see well enough to read the printed material given them and many do not hear what someone else reads to them.

I feel that it is of utmost importance that a program like County Gathering continue as an outlet for social meetings, nutritional education and meals, as an information center for services, and to provide a way of supplementing the older persons income. Along this same line, I feel that the current program could be made more beneficial to more people by locating small centers in various parts of the counties; by providing transportation for medical purposes and for "shopping pools" to increase their purchasing power; by increasing the number of meals per week and the number of days served; by increasing the number of personnel and the number of hours respectively; and by providing a type of "meals on wheels" idea with a worker to assist those who are confined to their homes so that they might avoid life in an institution. In this last respect please allow me to illustrate the type of case I had in mind.

This lady is 87 years of age, lives alone, and is suffering from crippling arthritis and lives approximately 25 miles from the nearest town (pop. under 2,000). One day last winter I received a call from a neighbor of hers—it seemed she was ill and unable to travel to the doctor. When I arrived she was in bed, the fire out and no wood left to burn, no water in the house and it had been two days since she had eaten. Well, I gathered wood, built the fire, got the water from the well, cooked what little I could find, potato soup, and called a doctor. He could not make a home visit, but would send medicine to her. (He said she had the flu.) I contacted the director of the Commodity program in the county and helped to get her certified and took her issuance to her along with the medicine. She has never really gotten over that bout with the flu and has had to have someone stay with her ever since. She now has a retarded 30 year old girl staying with her and must pay her $60.00 a month plus her meals. This ladies income is $69.00 a month. With the remaining $9.00 she is expected to pay her electric bill, buy food and medicine and hire someone to take her each month to visit the doctor and to pick up her allotment of surplus food. Her life savings are now depleted and she doesn't know how she will survive this winter. This month when I took her commodities to her she said, "I know'd you'd come, you'd bring me food. I jest know'd you wouldn't furget me". All the time she was talking she was hugging me tightly and patting me on the back.

I thank you for the privilege of allowing me to acquaint you with some of the needs of the older adults in my area.

September 12, 1968.

Mr. Thomas A. Lewis,
Director, Division of Commodity Distribution, USDA Capitol Annex Building, Frankfort, Ky.

Dear Mr. Lewis: The Northeast Kentucky Area Development Council, a local Community Action Agency, has had a program called "Country Gathering" funded by the Administration on Aging.

Briefly stated this program brings together low income persons age 60 and over for a meal once a week to be prepared in local centers of which we will have eighteen for our six county areas. What I should like to know is could we be considered an eligible outlet to receive surplus commodity food items to be used in this program?

Sincerely yours,

Regina Fannin,
Project Director.

Northeast Kentucky
Area Development,
Olive Hill, Ky. July 25, 1969.

Mrs. Jeanette Pelcovits,
Research and Development Grants, Department of Health, Education, and Welfare, Social and Rehabilitation Service, Washington, D.C.

Dear Mrs. Pelcovits: Enclosed please find copy of the initial contact with Mr. Thomas A. Lewis, Director, Kentucky Department of Commodity Distribution. Following this letter, we had two extended telephone conversations in which I fully explained Country Gathering and its purposes. During this conversation, he informed me that he would contact the Atlanta Regional office concerning the eligibility of Country Gathering. However, he did say we could use commodity items from local commodity warehouses for demonstration purposes. He did request that when we conducted these demonstrations, we report to him how many were present and what type of demonstration was conducted.

About two weeks later he called me again and told me he was sorry that my program, as it stood, did not qualify because we did not eliminate the higher income elderly. I explained to him that there were only seven attending our program at that time whose income would disqualify them. He told me at this time that that alone would disqualify Country Gathering.

I have talked with you and Mr. McCreary of the Washington Department of Agriculture concerning this matter several times and today I received a letter from Neill W. Freeman, Jr., Director, Commodity Distribution Division, Washington, D.C., copy of which I am enclosing herewith.

What I should like to know is, if we are equivalent to eight persons why can't we become certified as an eight member family and use the family allocated items which are more items and greater variety of food then is allocated to institutions as is reflected by the enclosed list? This would be enough items to supplement the meal activity in the centers for one week.

Sincerely,

Regina Fannin,
Project Director, Country Gathering.

U.S. Department of Agriculture, Consumer and Marketing Service,
Washington, D.C., July 22, 1969.

Mrs. Regina Fannin,
Northeast Kentucky Area Development Council, Olive Hill, Ky.

Dear Mrs. Fannin: You will recall that Mr. Donald McCreary of this office promised to inquire into the reason that the "The Country Gathering", your organization's weekly food service program for approximately 175 older persons, had been unsuccessful in obtaining foods donated under the Department's Commodity Distribution Program.

A representative of our Southeast District Office for Consumer Food Programs contacted Mr. Thomas A. Lewis of the State Department of Agriculture in Frankfort, whose agency is responsible for food distribution in Kentucky, regarding this matter. Mr. Lewis had no record or recollection of your application. However, on the basis of information furnished about "The Country Gathering", he believes that the very small amount of asisstance for which it would be eligible would not justify his agency's allocating foods to it.

To illustrate this, Mr. Lewis pointed out that serving one meal weekly to 175 persons is really equivalent to serving three meals daily to only eight persons. In this case, as you can see from the attached list of available foods, the quantities which your program could use would be quite negligible. Each commodity is shipped separately every month, and the State agency's policy is not to allocate foods in less than case or carton-sized shipments to individual outlets. Moreover, the agency is unwilling to provide more than one month's supply of food in each shipment so as to avoid the chance of spoilage of perishable items.

While we are most sympathetic to the needs of the elderly persons benefiting from your worthwhile project, we regret that the only advice we can offer is that you increase the number of meals served each week in order to make your participation in the Commodity Distribution Program practicable. We have explained this situation to Mrs. Jeanne Pelcovits of the Administration on Aging, Department of Health, Education, and Welfare, who also informed us about your inability to participate in the program.

Please accept our apology for the delay in providing this information to you and our best wishes for the continued success of your admirable program.

Sincerely,

Neill W. Freeman, Jr.,
Director, Commodity Distribution Division.

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COMMODITY DISTRIBUTION PROGRAM

DONATED FOODS AVAILABLE FOR INSTITUTIONAL DISTRIBUTION, FISCAL YEAR 1970

Commodity	Suggested monthly rate per person (pounds)[1]	Estimated retail value per person[2]
Beans, dry	0.50	0.10
Bulgur	.50	.10
Butter	1.00	.84
Cornmeal	1.00	.11
Corn grits	.50	.07
Flour	4.00	.46
Lard or shortening	1.00	.27
Nonfat dry milk	1.00	.49
Raisins	1.00	.41
Rice	.50	.10
Rolled wheat or oats	.50	.15

[1] Based on 3 meals daily. All commodities may be ordered in quantities that can be used without waste during a given period.

[2] Retail prices were obtained from Bureau of Labor Statistics, March 1969, and Washington, D.C. retail trade sources.

REPORT ON THE EVERGLADES JETPORT

Mr. HART. Mr. President, the Department of the Interior has just released a report of a panel of environmental experts, headed by a most distinguished scientist, Dr. Luna B. Leopold, on the impact of the proposed jetport on the Florida Everglades. Although I have not yet had time to study the report in detail, I am persuaded by the findings and recommendations which it contains, as well as by the brief summary of its contents, that it will provide an extremely useful working document for any person or group interested in this very serious issue.

I ask unanimous consent, therefore, that the findings and recommendations, the summary of environmental impacts, and the conclusions of this report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FINDINGS AND RECOMMENDATIONS

Development of the proposed jetport and its attendant facilities will lead to land drainage and development for agriculture, industry, housing, transportation, and services in the Big Cypress Swamp which will inexorably destroy the south Florida ecosystem and thus the Everglades National Park.

There are three alternatives for future action:

1. *Proceed with staged development of training, cargo, and commercial facilities.* Regardless of efforts for land-use regulation, the result will be the destruction of the south Florida ecosystem. Estimates of lesser damage are not believed to be realistic.

2. *Proceed with final development and use of a training facility of one runway, with no expansion for additional use. Obtain an alternative site for expansion, probably through an exchange of excess lands at the current site for public lands at a new site. Permit no new or improved surface access to the current site.* This alternative would not preclude eventual development of lands in the vicinity of the current site. It could, however, reduce pressures for development and secure time for the formation of sufficient public interest in environmental conservation to achieve effective planning and land-use regulation.

3. *An alternative site be obtained capable of handling the training operation as well as the fully developed commercial facility; and that when appropriate, the training activities at the present site be abandoned and transferred to the new site.* Permit no new or improved surface access to the current site. This would inhibit greatly the forces tending toward development in Big Cypress Swamp and would give an impetus to developing effective land-use controls which could lead to permanent protection of the south Florida ecosystem.

SUMMARY OF ENVIRONMENTAL IMPACTS

In simplified form, the following represents the views of the study group on environmental impacts of the jetport and its associated developments.

PHASE 1. THE TRAINING FACILITY

1. The construction of each training strip will destroy about 400 acres of natural habitat of the Big Cypress Swamp.

2. No significant problems are expected from sewage, industrial wastes or pesticides in the training phase, since they will be very limited. Air pollutants from engine exhausts will be substantial in an environment which has not previously been degraded by local activity. The effect of such pollutants on a natural aquatic system is almost entirely unknown. There may be adverse effects on the Indians. The introduction of air pollutants may increase the incidence of local fog under some weather conditions.

3. The Miccosukees will suddenly and involuntarily be subjected to round-the-clock noise levels commonly experienced by urbanites who live very near airports in many cities. There will be frequent high level noise intrusion on the wilderness character of the northern part of Everglades National Park and even more on the Big Cypress and Conservation Area No. 3.

4. A severe bird strike problem may develop within the airport boundaries, over Conservation Area No. 3, and in the quadrant southwest from the training strip. This would involve large water birds, including several rare and endangered species at altitudes ranging from ground to 2,000 feet. Small animals which seek refuge on the runways in flood periods will add to this problem when they are crushed and attract carrion-eating birds.

5. With sufficient culverts provided through runways, ramps, roads, and other facilities, interference with overland flow will be negligible.

6. The combination of bird strikes, pest insect problems and incidence of small animals on runways will probably lead to drainage of at least part of the jetport property. This is the Federal Aviation Administration recommendation in wetland areas for control of bird strikes. The Dade County Port Authority has announced no such plans, but has the capability and authority to construct canals for drainage within and without the port boundary, and use eminent domain authority on exterior lands. To be effective, any drainage effort would have to cover a large area using a grid of drainage canals. Drainage canals would, however, almost surely be prohibited in Conservation Area No. 3, on which much of south Florida depends for water; birds would continue feeding there, probably in increased numbers. Drainage would materially increase the occurrence of fires.

7. Construction and imminent operation of the first training strip have elevated surrounding land prices and sales. Economic and social pressures for further development within and without the port property will mount rapidly, the one encouraging the other. Such development for housing, trade or industry will inexorably lead to land drainage outside the jetport property. Land development and drainage will be accompanied by increased nutrients in the water, will alter the hydroperiod, and will promote eutrophication. To the extent and at the rate these changes take place, the south Florida ecosystem will be altered.

PHASE 2. CARGO HANDLING

1. The volumes of aircraft exhaust emissions, and subsequent pollution of the surface waters, will increase according to the air traffic, the extent of which is not known to us.

The advent of heavy auto traffic will add to the air pollution load, and probably will be a more important source of pollutants than aircraft.

Sewage and industrial wastes will no longer be insignificant. A large number of airport employees will be required, as well as flight maintenance operations and, possibly, some aviation-oriented industries. This situation will require the provision of full waste treatment facilities, including removal of dissolved nutrients if the ecosystem is to be protected. A system capable of treating a wide range of materials will be essential at this time, both on-port and for the surrounding area. An analysis of the possible alternative waste treatment systems will have to be made, with initial construction of some essential portion of the total treatment plan (for full development) becoming operational in the cargo phase.

If adequate treatment is not provided, then deterioration of water quality will ensue, including eutrophication and introduction of toxic materials.

With large scale human occupation of the area, heavy use of pesticides and fertilizers, both within and without the jetport, will occur. Further increase in pesticides in the aquatic system would add to the biological magnification problems, and possibly lead to the destruction of several birds which are at the higher levels of the food chain. Extensive use of fertilizers will lead to eutrophication.

2. The numbers of flights will increase and traffic will be in all quadrants. Noise will be a common characteristic of much of the Big Cypress, Conservation Area No. 3, the park, and all Indian lands.

3. Bird strikes will increase because of the added numbers of flights and the flight patterns being extended into all quadrants.

4. An improved highway corridor will be necessary for transport of cargo and personnel. If sufficient culverts and bridges are provided, interference with southward flow of water can be minimized. The corridor will destroy the habitat it occupies, will increase developmental pressures, and will intrude on the social and economic life of the Miccosukees.

5. In this stage, development outside the port will be vigorous. Pressures for land drainage will be administratively insurmountable. The canal systems will be decisive for the ecosystems of the Big Cypress and the western portion of the park. We know of no conventional drainage method which could simulate natural flows and prevent this. Should storage reservoirs be built, the waters they contain would be subject to such intense competition—economically and administratively—and to such high evapotranspiration losses, that there would be little likelihood of maintaining the hydroperiod of the Big Cypress and of the western park.

In this phase, the adverse effects on the ecosystem of massive technological intrusion and general inability to implement plans for protection of environment will become evident. Since the Big Cypress is actually a portion of the Everglades ecosystem, the effects of its deterioration will be reflected over a much larger area.

A given ecosystem cannot indefinitely be reduced in size and complexity and still survive. As parts are successively removed or altered, biologic balances are continually changed and the stability of the system is undermined. The degree and rate of land drainage, eutrophication and alteration of the hydroperiod will be greater than similar changes brought about by the airport as a training facility. Thus the degree and rate of destruction of the ecosystem will be increased.

PHASE 3. FULL DEVELOPMENT

All environment problems will be at maximum with full development. Noise levels will be excessive throughout the ecosystem. Auto traffic will be very dense along the corridor, and parking facilities for thousands of automobiles will be in use.

The high-speed ground transport system will be in full operation, with individual units traversing the Everglades at very frequent intervals. Thus, the roar of jet engines will be added to the noise background at ground level, and their exhaust materials will be trailed across the landscape.

Sewage waste volume from the jetport would be in the order of 4 million gallons per day; industrial wastes would be about 1.5 mgpd. Surrounding urban areas would vastly increase the volumes of daily wastes. Despite the availability of adequate technology, there is no precedent which would indicate that legal, administrative, or social practice would in fact result in the maintenance of water control and water quality necessary for continued operation of the natural ecosystem.

Any resemblance of the new hydroperiod of the entire Big Cypress drainage to the present one would be accidental and incidental. Thus, the single most significant element of the natural, complex, and highly diverse environment—the hydroperiod—would be lost. The interaction of water, plants, and animals would bear little resemblance to its present condition and the south Florida ecosystem as it presently functions would be destroyed.

The Miccosukee tribe will be totally absorbed in the intensive development, with virtual elimination of their social customs and way of life.

CONCLUSIONS

The construction of the airstrip for training in south Florida presents an issue in the public interest. Public interest consists of two general aspects, a monetary consideration and a nonmonetary one. The monetary or financial gains which result from development in the modern sense—urban, agricultural, and industrial—are monetary gains which redound primarily to the locality and, to some lesser extent, to the adjoining region and the Nation. The public interest in the preservation of an environment is primarily a nonmonetary one; it is one that affects a large part of the whole society and in a diffused way.

The south Florida problem is merely one example of an issue which sooner or later must be faced by the Nation as a whole. How are the diffused but general costs to society to be balanced against the local, more direct and usually monetary, benefits to a small portion of the society? Concurrently, the society must ask itself whether the primary measure of progress will indefinitely be the degree of expansion of development, such as housing, trade, and urbanization, even at the expense of a varied and, at least in part, a natural landscape.

Some benefits to society flow from failure to develop, but this entails a cost. To reap the benefits of nondevelopment—benefits which accrue generally to a broad part of society—may often put a burden on a small segment of society. Under such circumstances, public policy must be so restated or redefined that the equities are redistributed. At the present time, the operation of public policy in dealing with redistribution of such equities is inconsistent and ill-defined.

The second main conclusion of this report is that the benefit to society accruing from the maintenance of an ecosystem is of a different order than that due to the preservation of a few species. The effects of the jetport and the surrounding development should not be thought of in terms of the possible elimination of some rare and endangered species such as alligator, wood stork, and others. These, however, can be thought of as indicators or touchstones as to what is happening to the total ecosystem. Unfortunate as it would be to lose some of these rare species, the problem is a larger one. Society has an interest in the functioning of an ecosystem as a whole. The substitution of a controlled state of a biologic community for a naturally functioning ecosystem leads to one or more of the following consequences: (a) More controls and increased management are necessary to keep the new unnatural system in reasonable balance; (b) unforeseen consequences are usually costly and often long continued; (c) these costs are usually borne by the public through the expenditure of tax revenue from a large part of society to compensate for unforeseen consequences of actions taken to benefit a small segment of a society.

The third main conclusion is that ecosystem destruction in south Florida will take place through the medium of water control, through land drainage and changed rates of discharge. It will come about through decrease in quality of water by both eutrophication and by the introduction of pollutants, such as pesticides.

The fourth main conclusion is that the training airport is intolerable, not because of its flight operations, but rather because the collateral effects of its use will lead inexorably to urbanization and drainage which would destroy the ecosystem. The development in the surrounding land is already beginning, as a result merely of the probability that the airport will grow in size and importance. Assuming the present types and operation of land-use controls, this development tendency will proceed uncurbed. Planning procedures and their application are presently not sufficiently uniform, sophisticated, effective, or enforceable to provide any optimism that use of the jetport for training would proceed without concomitant land development and thence by stages to destruction of the ecosystem. So long as the training airport is in use, pressures and plans for its expansion will continue and will inexorably and surely lead to ecosystem destruction completely. Elimination of the training airport will inhibit land speculation and allow time for formation of public awareness of environmental degradation which is the prerequisite for effective and practical action in the field of planning and land-use control.

"AIRLINES' VIEWPOINT ON THE AIRPORT/REGION INTERFACE"—ADDRESS BY MARION SADLER, VICE CHAIRMAN, AMERICAN AIRLINES

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD an address entitled "Airlines' Viewpoint on the Airport/Region Interface," delivered by Marion Sadler, vice chairman of American Airlines, at the International Symposium on Air Transportation on August 21, 1969.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AIRLINES VIEWPOINT ON THE AIPORT/REGION INTERFACE

(By Marion Sadler, vice chairman, American Airlines)

You were kind enough to ask me to talk with you this afternoon about the airport/region interface.

This word *"interface"* seems to be quite popular today. Not too many years ago, I used to be invited quite regularly to talk about the *challenges* and *opportunities* of air transportation. Then, about the time John Kennedy became President, as I recall, I began to get invitations to contribute to a "growing dialogue." Soon thereafter, invitations cautioned me to make my contributions to this dialogue not only *meaningful* but also *relevant*. Today, everyone seems to want to talk about some kind of *interface*.

I am not wholly sure that I know exactly what this word *"interface"* means. But I do welcome this opportunity to talk about some of the problems which arise as we establish large airports designed to serve wide regions, rather than limited communities. I shall try to describe some of these problems and suggest certain solutions.

It should be remembered, however, that I speak from a rather limited point of view—that of the airline operator. I am engaged in the airline business, and, quite naturally, I view these problems of airport/region interface from the airline perspective.

First, what do we mean by a regional airport, or a regional system of airports? Mr. Homer Anderson, who greeted us so warmly this morning, has said: "Changes will soon begin with communities moving toward a 'system of airports' concept, by decentralizing. In the late 1970's most communities will operate one large airport for air carrier purposes, with several peripheral airports for general aviation and feeder purposes."

Mr. Anderson might well have used the word "region" rather than the word "community." Because he has described quite well the trend towards regional airports which is already underway in the United States, and which I believe will continue far into the future.

It has become obvious in recent years that every city or town cannot have its own gigantic airport offering a wide choice of trunk airline service to every point on earth. The economics of air transportation simply will not allow this. The only answer seems to be in constructing, in a region, one large trunk airport which will support the long haul services required by the region, and at the same time constructing small, peripheral airports which will meet the needs of general aviation and feeder services.

We have already begun to move in this direction. The new regional airport which is now being constructed to serve the Dallas-Fort Worth area is an example. The great new airport now being planned to serve the region surrounding Cleveland, Ohio, is another example. The peripheral airports now being constructed around Los Angeles further illustrate this trend.

We are going to have regional airport systems, but the coming of these airport systems will bring major problems which will have to be defined and solved. And, it is these problems that I want to talk about today.

What happens when a gigantic new airport, surrounded by satellite airports, appears in a region?

It is obvious that many individuals and groups will be affected—some favorably, some unfavorably. The impact of this change will be felt by the air travelers, the users of air cargo services, the citizens who live near these new expanded airports, the owners of private aircraft, the operators of air-taxi services, the various governmental bodies which have jurisdiction over the area served by the airports—and lastly, the commercial airlines themselves.

The needs of all these groups will have to be met if this trend towards regional airport systems is to be a success. All have a stake in this success, and the needs of no one group can be ignored. The problems here are many, and I suppose that we could spend fifteen minutes or more listing them. There is the problem of adequate accommodations

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for general aviation; there is the community noise problem; there is the problem of air traffic control; there is the problem of airport access; the problem of on-airport congestion; the problem of adequate terminal facilities. In many communities there is the problem of finding adequate suitable land convenient to the homes and businesses of those who will use the airport. One could go on almost forever.

But in the final analysis, I see only one basic problem. And if that one problem can be solved, all of the other problems will disappear. *This overall problem is the problem of costs.* We can build regional airport systems throughout the nation and make them work—if we can find a way to pay for them. We live in a society which has just placed men on the moon and returned them to earth. We can do almost anything if we can find a way to pay for it. I agree wholeheartedly with FAA Administrator Shaffer's recent comment to the effect that "overall, aviation's problems are fiscal rather than technical."

In looking at this problem of paying for these new regional airport systems, we must first face the hard fact that these facilities will, on the whole, have to be paid for by the users. And by "users" I mean airline passengers, shippers, the owners of private aircraft, air taxi passengers and others who use the airport system. The day is here when air transportation can no longer look to the taxpayer for any substantial amount of subsidy, either direct or indirect. These new airport systems will have to be self-sustaining—and they *should* be self-sustaining. Otherwise they run the risk of falling into the political and economic chaos which surrounds such transportation systems as the New York subways, the Long Island Railroad, and even our Merchant Marine.

The airlines have a great stake in seeing that these new airport systems are economically viable. If the taxpayer has to support these airports, the taxpayer—through his government—will ultimately run them, and the airlines as well. Nothing could be worse for the country as a whole. The United States today is the world's only major country in which air transportation has not been socialized, and it is no coincidence that the United States has the most efficient and economical air transport system on earth—and the American traveler enjoys the lowest fares on earth.

I think it becomes clear, then, that we must find a way to develop a nationwide regional airport system without relying heavily upon the taxpayer—and this means simply that we must not let the cost of these facilities outrun the user's abilities to pay for them.

Can this be done? And if it can be done, how do we go about it?

I believe it can be done if we approach our problems with plain common sense, and if we will put behind us some of the foolish notions which have plagued air transportation in the past.

First, we must plan further into the future so that we have room for growth in all phases of the airport activity. One of the greatest burdens which the industry has to bear today results from the fact that our past planning has been inadequate. Property, ground facilities—airport, terminals, and related facilities—are having to be abandoned because they are outgrown, and we have no way to expand them. In looking at this new generation of airports, we must make certain that these facilities can grow in such a manner as to meet our needs in 1990 and beyond.

I do not mean by this, that in 1970 we should build to meet 1990's needs—or even 1980's needs. That we could not afford. What I do mean is that we should build in 1970 to meet that year's need, but we should build in such a manner that we can easily expand to meet the needs of 1980, 1990, and even beyond.

This can be done if we are willing to abandon some of our past thinking.

One important area to which we need to apply new thinking is that of airport site selection. We must make sure that the requirements for convenient ground access are met; that there is sufficient land to provide for future expansion and to protect airport neighbors from noise. At the same time, we must guard against excessive costs in acquiring and developing the airport site. The terrain and geology of the site must permit economical construction. In many metropolitan areas, conveniently-located and adequate land for a major airport is increasingly difficult to find. And the cost of acquiring such tracts is skyrocketing year after year.

In anticipating the region's future airport requirements, it may well be prudent to purchase the airport site now and place it in a land bank. This may be the most economical procedure. It may also be the only practical means of assuring that land for airports will be available when needed—at any price.

Today, in some of our heavily populated regions, there are "exotic" proposals to build airports in lakes and oceans, where the cost of site development alone would exceed a billion dollars.

A principal attraction of the satellite airport concept is that the smaller sites needed for general aviation airports are still generally available and can be developed at relatively low cost. And, by tailoring the facilities to the specific needs of the user, we can drastically reduce capital requirements and increase the efficiency of the airport system.

For our part, the airlines must think of airports and terminals as functional devices, designed to move passengers and cargo, not as prestige installations designed to give the airlines an image of opulence and luxury. We will have to rethink what we are doing at airports, and see that each dollar spent meets a real need of the passenger or shipper, a need which could not be otherwise met.

We at American Airlines have already begun this rethinking process, and we are systematically examining everything we do at airports and every facility we require at airports. We are asking ourselves: Is this function really necessary? Could we do away with this function, or this structure? Could this job be done adequately in a less costly or less elaborate facility?

For example, the notion taht every flight gate has to have a waiting lounge of its own is pretty well entrenched. But we at American Airlines are convinced that a pleasant and properly sized area serving up to six gates can be provided for passengers and will be fully accepted by them. Such a system should allow us to reduce radically the square feet of terminal space required to serve a flight, thereby reducing the size and cost of terminal buildings, and, at the same time, making more space available on the airport for the handling of aircraft.

Our studies have also convinced us that the very nature of airport construction itself must be re-examined. In the past, we have built terminal buildings and other airport facilities with the idea of using these facilities over long periods—20, 30 years, or even more. Yet, experience has shown us that almost every airport facility we have built in the last 30 years has been either outgrown or outmoded in ten years or less. The dynamic growth and technology of air transportation has been such that we are faced with constant change. This dictates that future airport structures must be built in such a manner as to allow for their early expansion or early abandonment. Instead of thinking in terms of costly, permanent structures, we must think in terms of low-cost, prefabricated, modular construction. Only by doing this can we possibly construct the airports and facilities which will be required at a cost which can be borne by the users.

Here I have given only a few examples of the kind of rethinking which will be required by the airlines and others concerned with airport development. However, we must rethink the many other problems which will confront us as we develop this required system of regional airports.

For example, we must find economically viable solutions to the problems of airport access, airport congestion, air traffic control, etc. Here again, we must break with the past and seek new and radical solutions for our problems.

Take, for example, the problem of airport access. Most of us have been mentally wedded to the idea that passengers and cargo must come to and depart from airports in motor vehicles. And the result has been chaos around our major airports. We are going to have to face up to the fact that we can go longer accommodate all of these vehicles on the airport itself.

Most patrons of New York's Grand Central railroad station recognize that they cannot drive their cars in and park them until they return. Yet most airport users somehow expect to drive to the field and park their automobiles within walking distance of their flight gates. Several U.S. airports already have their parking stalls saturated and there is no land available for additional parking. And, even if expensive multi-level parking facilities were built, there is no land available for an adequate on-airport roadway system.

The simple fact is that some type of rapid transit—or people-moving system—will have to be developed. We will have to face this fact because the air transport industry cannot afford the cost of constructing the roadways and parking spaces which will be required if we are to continue doing business as we have done in the past.

So far, I talked mainly about the necessity for the airlines to rethink these airport problems. But the airlines can only make a contribution to the overall solution. Town, city, county, state and federal governments are also deeply involved in this matter. Planning for a new airport or a new system of airports requires inputs across a broad spectrum of interests and expertise. It requires hundreds of new interfaces, where the problems are, involving government officials, aircraft manufacturers, architects and designers, land-use specialists, financiers, ecologists and many others. The federal government obviously is in an overview position to help shape and guide a national effort, but I see the need for new regional bodies to come into existence. These regional bodies are logical vehicles to bridge the gap between the impersonal federal bureaucracy and the various narrow-gauge, parochial elements in our society that bitterly oppose progress.

I suggest to you, then, that the first step in solving the problems connected with creating a regional airport system is to bring into existence regional planning bodies which have the responsibility for creating in their regions adequate and economically viable airport systems. This must be done.

But to create planning bodies is not enough. We must bring into existence planning bodies which will take a creative approach to the many problems which confront us. As I pointed out earlier, anyone can build an adequate airport if he has enough money at his disposal. We can solve almost any technical problem with dollars. The task here is to solve our problems within the limitations placed upon us by the dollars available to us.

It seems that in the past we have approached our airport problems in three steps. First, we determined what we would like to have. Second, we have built our airports; and lastly, we have tried to find the money required to run and expand them.

This approach has not worked. Airport costs have become so high that we are rapidly approaching the point where the users can no longer afford to use these airports. If we continue down this same road in the future, we will soon reach the point where airport and terminal costs are so high that the growth of air transportation will be hindered, and its usefulness to society will be limited.

I suggest to you today that the airport planners of the future should no longer simply determine what they think is needed and then try to find ways to pay the bills. They should first carefully determine, year-by-year into the future, the users' ability to pay, and then find ways to construct satisfactory and adequate airport systems within these means. Simply stated, this means that we should first determine how much money we will have, and then do our planning within that constraint.

I know that it will be argued by some that this is a short-sighted point of view—that placing these severe economic restraints on airport planning will tend to inhibit the growth of air transportation. In actuality, however, the reverse is true. There is an old saying that "necessity is the mother of invention." If we are to bring real creativity into airport planning, we are going to have to force invention by making creativity necessary. If we are to find creative solutions to our problems, we are going to have to say to our planners: You cannot solve your problems with dollars alone. You are going to have to find new ways of doing things. You are going to have to find new and radical solutions which will allow us to serve the public—and still live within the dollar limitations which the hard facts of economics have placed upon us.

If planning is done in this atmosphere, I believe it will, of necessity, be creative, and I believe that we will find the solution we require.

When a speaker discusses the getting and spending of money, the tone of his remarks tends to get unduly serious, even ponderous, and perhaps a little grudging. So I hope that in reviewing for the past few minutes this matter of airport costs, I have not appeared unduly negative or bearish in attitude. I hope that I have not sounded as though I thought we might not succeed in solving all of our problems.

On the contrary, I find stimulation and encouragement in knowing that what should be done for the future of aviation is within our current technological ability, and within our ability to pay—if we will introduce real creativity into our planning.

In summary, I feel that we must do the following if we are to develop in this country a real system of regional airport facilities which will serve the needs of the country:

First, we must accept the principle that these facilities will be paid for by the users. We must not rely upon governmental subsidy to any appreciable extent in the financing of these facilities.

Second, we must bring into existence regional planning bodies which can coordinate the overall airport effort in the regions and act as bridges between the federal government and the local interests concerned.

Third, and most important, we must place upon the planners economic restraints which will force creativity, and assure us of facilities which will be both adequate and economically viable.

If we do these three things, I believe the problems of the regional airport systems will be solved, and we can look to the future with confidence.

The world has just witnessed how the American people mobilized the human resources and hardware needed to put a man on the moon. Having successfully met this challenge, we should have little doubt of our ability to meet the challenges of moving people and goods swiftly and efficiently by air within a democratic, private enterprise framework.

JETPORT DEVELOPMENT NEAR EVERGLADES NATIONAL PARK

Mr. NELSON. Mr. President, the Department of the Interior has released a report which should leave no further doubt that airport development at the present site 5 miles from Everglades National Park will mean the end of the park.

The report, prepared by Dr. Luna B. Leopold, chief scientist of the U.S. Geological Survey, concludes that:

First. A training airport, already constructed at the Everglades site, will be an "intolerable" threat to the park, because it will lead inexorably to urbanization and drainage which would destroy the fragile Everglades ecosystem;

Second. Handling cargo at the training airport would bring even more vigorous development and urbanization, and "insurmountable pressures for land drainage," and would bring a "massive technological intrusion" of the Everglades system;

And finally, developing the site as an international jetport, as has been proposed, would destroy the Everglades subtropical wilderness system that is the very basis of the park.

With this devastating evidence, the judgment is inescapable: In order to save Everglades National Park in perpetuity as Congress intended, another, safe site must be found for the airport development.

I am heartened by the Secretary of the Interior's position, as announced September 10, that immediate steps should be taken to study alternate sites for the international jetport.

With this Department of Interior posture, with the administration's expressed concern, and the State of Florida's willingness to help find an alternate site, we appear to be on the way to a solution that will remove the airport threat to the national park.

If there is the cooperation of the Dade County Port Authority, which is building the airport, and the airlines, who are helping pay for and will be using it, there should be little difficulty quickly arriving at a solution which not only will protect the park, but will assure that the air transportation needs of Miami and south Florida will be met.

A settlement of this situation would be a giant step in this country toward a national commitment to protect the quality of our environment.

There is one other immediate danger to the Everglades which we must face, however: That is assuring an adequate water supply to the park from the Corps of Engineers central and southern Florida flood control project, on which the park's future is now dependent.

When the House passes and sends to the Senate the public works appropriations bill, I will introduce an amendment which would assure this water supply. Under the amendment, no further Federal funds would be expended for the corps flood control project until the corps and the Department of Interior report to Congress that they have reached a mutually satisfactory arrangement for water supply to the park.

Such an agreement was reached last year, and confirmed in writing by the corps. But now, the corps refuses to implement it, contending it does not have the necessary authority.

On this point, an opinion by the Solicitor of the Department of the Interior late last year is revealing: It says:

> In conclusion, it is my opinion that the Secretary of the Army not only has the statutory authority but also a Congressional mandate to issue, unilaterally, regulations for the delivery of project water to the park, and that the regulations must grant the park a priority over all future uses of water within the project area.

Without such an agreement, new southern Florida water users in coming decades will be able to draw on the park's portion of the corps project's water supply until the Everglades dries up, and the wilderness dies. It is essential that Congress and the administration act now to prevent such a disaster.

If the groundrules for the project's water use are not adopted and implemented now, the pressures from the new water users that are certain to come with urbanization and industrial development will assure that there will never be an equitable solution for the park.

Since 1948, $170 million in Federal money has been spent on the corps' project and the corps will be asking for $160 million more in the future, including $9 million for fiscal year 1970.

Conservationists have supported the corps project only on the understanding that it would be regulated to provide the water needed by the park to survive. And the Department of the Interior in both the present and the last administration has taken a firm stand that such an agreement be established. We should not spend another dollar on the corps' flood control project until such an agreement is assured and implemented.

As a witness before the Senate Appropriations Subcommittee on Public Works in late June, I submitted a memorandum on the Everglades water supply amendment which I will propose, and I have also written the President's Environmental Quality Council to request that the Council take leadership in resolving this important matter.

I ask unanimous consent that the Leopold report summary, my memorandum to the subcommittee, my letter to the Council, and the Interior Solicitor's opinion on the water supply question be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

LEOPOLD REPORT RELEASED

An environmental research report by Dr. Luna B. Leopold concerning a proposed Jetport near Everglades National Park in Florida was released today by the Department of the Interior.

Dr. Leopold, scientist and ecologist with the Interior Department's Geological Survey, headed a team of environmental experts from the Department and the State of Florida which prepared the report for the

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use of the Department and the Joint Committee of the Departments of Interior and Transportation in their studies of the proposed Jetport.

FINDINGS AND RECOMMENDATIONS

Development of the proposed jetport and its attendant facilities will lead to land drainage and development for agriculture, industry, housing, transportation, and services in the Big Cypress Swamp which will inexorably destroy the south Florida ecosystem and thus the Everglades National Park.

There are three alternatives for future action:

1. *Proceed with staged development of training, cargo, and commercial facilities.* Regardless of efforts for land-use regulation, the result will be the destruction of the south Florida ecosystem. Estimates of lesser damage are not believed to be realistic.

2. *Proceed with final development and use of a training facility of one runway, with no expansion for additional use. Obtain an alternative site for expansion, probably through an exchange of excess lands at the current site for public lands at a new site. Permit no new or improved surface access to the current site.* This alternative would not preclude eventual development of lands in the vicinity of the current site. It could, however, reduce pressures for development and secure time for the formation of sufficient public interest in environmental conservation to achieve effective planning and land-use regulation.

3. *An alternative site be obtained capable of handling the training operation as well as the fully developed commercial facility; and that when appropriate, the training activities at the present site be abandoned and transferred to the new site.* Permit no new or improved surface access to the current site. This would inhibit greatly the forces tending toward development in Big Cypress Swamp and would give an impetus to developing effective land-use controls which could lead to permanent protection of the south Florida ecosystem.

SUMMARY OF ENVIRONMENTAL IMPACT

In simplified form, the following represents the views of the study group on environmental impacts of the jetport and its associated developments.

Phase 1. The training facility

1. The construction of each training strip will destroy about 400 acres of natural habitat of the Big Cypress Swamp.

2. No significant problems are expected from sewage, industrial wastes or pesticides in the training phase, since they will be very limited. Air pollutants from engine exhausts will be substantial in an environment which has not previously been degraded by local activity. The effect of such pollutants on a natural aquatic system is almost entirely unknown. There may be adverse effects on the Indians. The introduction of air pollutants may increase the incidence of local fog under some weather conditions.

3. The Miccosukees will suddenly and involuntarily be subjected to round-the-clock noise levels commonly experienced by urbanites who live very near airports in many cities. There will be frequent high level noise intrusion on the wilderness character of the northern part of Everglades National Park and even more on the Big Cypress and Conservation Area No. 3.

4. A severe bird strike problem may develop within the airport boundaries, over Conservation Area No. 3, and in the quadrant southwest from the training strip. This would involve large water birds, including several rare and endangered species at altitudes ranging from ground to 2,000 feet. Small animals which seek refuge on the runways in flood periods will add to this problem when they are crushed and attract carrion-eating birds.

5. With sufficient culverts provided through runways, ramps, roads, and other facilities, interference with overland flow will be negligible.

6. The combination of bird strikes, pest insect problems and incidence of small animals on runways will probably lead to drainage of at least part of the jetport property. This is the Federal Aviation Administration recommendation in wetland areas for control of bird strikes. The Dade County Port Authority has announced no such plans, but has the capability and authority to construct canals for drainage within and without the port boundary, and use eminent domain authority on exterior lands. To be effective, any drainage effort would have to cover a large area using a grid of drainage canals. Drainage canals would, however, almost surely be prohibited in Conservation Area No. 3, on which much of south Florida depends for water; birds would continue feeding there, probably in increased numbers. Drainage would materially increase the occurrence of fires.

7. Construction and imminent operation of the first training strip have elevated surrounding land prices and sales. Economic and social pressures for further development within and without the port property will mount rapidly, the one encouraging the other. Such development for housing, trade or industry will inexorably lead to land drainage outside the jetport property. Land development and drainage will be accompanied by increased nutrients in the water, will alter the hydroperiod, and will promote eutrophication. To the extent and at the rate these changes take place, the south Florida ecosystem will be altered.

Phase 2. Cargo handling

1. The volumes of aircraft exhaust emissions, and subsequent pollution of the surface waters, will increase according to the air traffic, the extent of which is not known to us.

The advent of heavy auto traffic will add to the air pollution load, and probably will be a more important source of pollutants than aircraft.

Sewage and industrial wastes will no longer be insignificant. A large number of airport employees will be required, as well as flight maintenance operations and, possibly, some aviation-oriented industries. This situation will require the provision of full waste treatment facilities, including removal of dissolved nutrients if the ecosystem is to be protected. A system capable of treating a wide range of materials will be essential at this time, both on-port and for the surrounding area. An analysis of the possible alternative waste treatment system will have to be made, with initial construction of some essential portion of the total treatment plan (for full development) becoming operational in the cargo phase.

If adequate treatment is not provided, then deterioration of water quality will ensue, including eutrophication and introduction of toxic materials.

With large scale human occupation of the area, heavy use of pesticides and fertilizers, both within and without the jetport, will occur. Further increase in pesticides in the aquatic system would add to the biological magnification problems, and possibly lead to the destruction of several birds which are at the higher levels of the food chain. Extensive use of fertilizers will lead to eutrophication.

2. The numbers of flights will increase and traffic will be in all quadrants. Noise will be a common characteristic of much of the Big Cypress, Conservation Area No. 3, the park, and all Indian lands.

3. Bird strikes will increase because of the added numbers of flights and the flight patterns being extended into all quadrants.

4. An improved highway corridor will be necessary for transport of cargo and personnel. If sufficient culverts and bridges are provided, interference with southward flow of water can be minimized. The corridor will destroy the habitat it occupies, will increase developmental pressures, and will intrude on the social and economic life of the Miccosukees.

5. In this stage, development outside the port will be vigorous. Pressures for land drainage will be administratively insurmountable. The canal systems will be decisive for the ecosystems of the Big Cypress and the western portion of the park. We know of no conventional drainage method which could simulate natural flows and prevent this. Should storage reservoirs be built, the waters they contain would be subject to such intense competition—economically and administratively—and to such high evapotranspiration losses, that there would be little likelihood of maintaining the hydroperiod of the Big Cypress and of the western park.

In this phase, the adverse effects on the ecosystem of massive technological intrusion and general inability to implement plans for protection of environment, will become evident. Since the Big Cypres is actually a portion of the Everglades ecosystem, the effects of its deterioration will be reflected over a much larger area.

A given ecosystem cannot indefinitely be reduced in size and complexity and still survive. As parts are successively removed or altered, biologic balances are continually changed and the stability of the system is undermined. The degree and rate of land drainage, eutrophication and alteration of the hydroperiod will be greater than similar changes brought about by the airport as a training facility. Thus the degree and rate of destruction of the ecosystem will be increased.

Phase 3. Full development

All environmental probelms will be at maximum with full development. Noise levels will be excessive throughout the ecosystem. Auto traffic will be very dense along the corridor, and parking facilities for thousands of automobiles will be in use.

The high-speed ground transport system will be in full operation, with individual units traversing the Everglades at very frequent intervals. Thus, the roar of jet engines will be added to the noise background at ground level, and their exhaust materials will be trailed across the landscape.

Sewage waste volume from the jetport would be in the order of 4 million gallons per day; industrial wastes would be about 1.5 mgpd. Surrounding urban areas would vastly increase the volumes of daily wastes. Despite the availability of adequate technology, there is no precedent which would indicate that legal, administrative, or social practice would in fact result in the maintenance of water control and water quality necessary for continued operation of the natural ecosystem.

Any resemblance of the new hydroperiod of the entire Big Cypress drainage to the present one would be accidental and incidental. Thus, the single most significant element of the natural, complex, and highly diverse environment—the hydroperiod—would be lost. The interaction of water, plants, and animals would bear little resemblance to its present condition and the South Florida ecosystem as it presently functions would be destroyed.

The Miccosukee tribe will be totally absorbed in the intensive development, with virtual elimination of their social customs and way of life.

CONCLUSIONS

The construction of the airstrip for training in south Florida presents an issue in the public interest. Public interest consists of two general aspects, a monetary consideration and a nonmonetary one. The monetary or financial gains which result from development in the modern sense—urban, agricultural, and industrial—are monetary gains which redound primarily to the locality and, to some lesser extent, to the adjoining region and the Nation. The public interest in the preservation of an environment is primarily a nonmonetary one; it is one that affects a large part of the whole society and in a diffused way.

The south Florida problem is merely one example of an issue which sooner or later must be faced by the Nation as a whole. How are the diffused but general costs to society to be balanced against the local, more direct and usually monetary, benefits to a small portion of the society? Concurrently, the society must ask itself whether the primary measure of progress will indefinitely be the degree of expansion of development, such as housing, trade, and urbanization, even at the expense of a varied and, at least in part, a natural landscape.

Some benefits to society flow from failure to develop, but this entails a cost. To reap the benefits of nondevelopment—benefits which accrue generally to a broad part of society—may often put a burden on a small segment of society. Under such circumstances, public policy must be so restated or redefined that the equities are redistributed. At the present time, the operation of public policy in dealing with redistribution of such equities is inconsistent and ill-defined.

The second main conclusion of this report is that the benefit to society accruing from the maintenance of an ecosystem is of a different order than that due to the preservation of a few species. The effects of the jetport and the surrounding development should not be thought of in terms of the possible elimination of some rare and endangered species such as alligator, wood stork, and others. These, however, can be thought of as indicators or touchstones as to what is happening to the total ecosystem. Unfortunate as it would be to lose some of these rare species, the problem is a larger one. Society has an interest in the functioning of an ecosystem as a whole. The substitution of a controlled state of a biologic community for a naturally functioning ecosystem leads to one or more of the following consequencies: (a) More controls and increased management are necessary to keep the new unnatural system in reasonable balance; (b) unforeseen consequences are usually costly and often long continued; (c) these costs are usually borne by the public through the expenditure of tax revenue from a large part of society to compensate for unforeseen consequences of actions taken to benefit a small segment of a society.

The third main conclusion is that ecosystem destruction in south Florida will take place through the medium of water control, through land drainage and changed rates of discharge. It will come about through decrease in quantity of water by both eutrophication and by the introduction of pollutants, such as pesticides.

The fourth main conclusion is that the training airport is intolerable, not because of its flight operations, but rather because the collateral effects of its use will lead inexorably to urbanization and drainage which would destroy the ecosystem. The development in the surrounding land is already beginning, as a result merely of the probability that the airport will grow in size and importance. Assuming the present types and operation of land-use controls, this development tendency will proceed uncurbed. Planning procedures and their application are presently not sufficiently uniform, sophisticated, effective, or enforceable to provide any optimism that use of the jetport for training would proceed without concomitant land development and thence by stages to destruction of the ecosystem. So long as the training airport is in use, pressures and plans for its expansion will continue and will inexorably and surely lead to ecosystem destruction completely. Elimination of the training airport will inhibit land speculation and allow time for formation of public awareness of environmental degradation which is the prerequisite for effective and practical action in the field of planning and land-use control.

JUNE 12, 1969.

To: The Chairman and members of the Senate Appropriations Subcommittee on Public Works.
From: Senator Gaylord Nelson.
Subject: Central and Southern Florida Flood Control Project and the Everglades National Park.

This memorandum proposes that in the appropriations bill or in the committee report accompanying the bill, the committee require that no part of the proposed $9 million appropriation for the Central and Southern Florida Flood Control Project shall be expended until the appropriations committees have been advised the Secretary of the Interior and the Secretary of the Army have made a mutually satisfactory arrangement to provide water to the Everglades National Park.

In 1934, Congress authorized the Everglades National Park. Fourteen years later, in 1948, the Congress authorized the Corps of Engineers to construct the Central and Southern Florida Flood Control Project.

Congress did not place these projects in conflict with each other, and yet, the experiences of the Everglades National Park since the advent of the flood control project have been such that the very life of the park, which is dependent upon an assured supply of water, is being continuously threatened. As a result, the intent of Congress in 1934 to preserve a unique area in its pristine state has been and continues to be frustrated.

Water is the life blood of the park. Its normal inflow is absolutely essential, if the extraordinary life processes which in themselves provide the uniqueness of the Everglades National Park are to be maintained. Fish populations swell with the rising waters of summer and fall, and as the water runs off to the sea, these millions of fish concentrate to the densities required by the hundreds of bird species, including some that are rare and endangered, that depend on the park for food and habitat. The water which runs off to the sea greatly influences the food production of the estuaries by providing salinity changes needed to accommodate the great fishery resources which the park supports. It is hardly a coincidence that the pink shrimp, newly spawned in the Gulf of Mexico, arrive at the park estuaries when these salinities are at their optimum. Within these nurseries, the shrimp grow to maturity and leave to return to the Gulf where they are harvested.

In 1948, when the Department of the Interior provided its comments to the Corps of Engineer report (H.R. Doc. 643, 80th Congress, Second Session), it wrote that the park's problem was not one of too much water but of too little water. The Department had misgivings about the project in 1948 because it recognized then that the park's vital water supply could be cut off. However, it was recognized that timely releases of water from the project could be complementary to the park.

As the project progressed, releases were anything but timely, and the National Park Service has been hard pressed to preserve the park as the Congress intended. If the park is to last forever, then so must its water supply. To date, long range efforts to ensure that supply have been thwarted.

In 1962, a levee was constructed by the Corps of Engineers across the Shark River, the principal drainageway which brings water to the park from the great Everglades region to the north. The flow was blocked and no water released for the next two years, and then only meager amounts until 1966, when heavy rainfall outside the park brought relief. The consequence was a systematic dehydration. The park has now become critically dependent on releases from the project for its water supply, and can not survive on the rain falling within its boundaries. It must have the historic pattern of inflow across these boundaries. It is for this reason that the supply to the park must be resolved.

Water shortages have destroyed multitudes of fish and wildlife and encouraged an unnatural succession of vegetative changes which may forever alter the unique ecology of this subtropical park. Securing an assured supply of water is the single most critical element in meeting the intent of Congress when it authorized the park.

Last year the Corps of Engineers completed a new study to improve the water supply for the park, and these improvements were authorized by Congress. The 1968 report indicates that water to meet the park's needs will be available and could have been made available in the past had certain operational practices been met.

However, the evidence is clear and amply supported by the report (House Doc. 369, 90th Congress, Second Session) that in the future, conflict between all water users is inevitable.

The plan acknowledges that by the year 2,000 the increased growth of southern Florida largely encouraged by this project will, in effect, use the park's minimum requirement of 315,000 acre feet per year as a pool from which all further growth and new water demands may draw upon.

The disastrous consequence is inevitable: the park will be destroyed by gradual but positive dehydration, and what was once one of the wettest places in the world will become the Death Valley of Florida.

Included in the Corps of Engineers' 1968 report is a June 12, 1968 letter from the Department of the Interior to the Corps which stated that the Department of the Interior could not recommend the Corps' plan without written assurance from the Secretary of the Army that he would provide the water supplies required by the park unaffected by reductions caused by future demands of urban and agricultural growth.

In his reply of June 14, 1968, Major General F. J. Clark, as acting Chief of Engineers, acknowledged the condition required for Department of Interior approval and went on to say:

"The concept expressed in the report and in the graphs is to provide a supply of water to the Everglades National Park that will not be diminished as the requirements to support growth and new development increase. Accordingly, under authority of the Secretary of the Army, the Chief of Engineers will insure the project is regulated to deliver the water requirements of the Everglades National Park as so set forth in the report."

The 1968 report itself is based on the requirements of the water users. The requirements for the park were furnished by the National Park Service and were used in the development of the plan of modifications of the Central and Southern Florida Flood Control project, justified by the report. And the report further shows that had the plan been in operation throughout the period of rainfall record, which reaches back to 1930, the water supply to the park could have been provided in all years with only one exception.

Despite this exchange of correspondence, however, and the apparent agreement therein, a mutually satisfactory arrangement for protecting the park's water supply from future demands still does not exist.

There can be no reasonable doubt that the Corps has the power to regulate the project. The original 1948 authorization of the flood control project specifies that the project will be managed in accordance with House Document 643, which states that the works may be turned over to the responsible local interests for operation but that they will be operated "in accordance with regulations prescribed by the Secretary of the Army . . ."

Testimony presented before the Senate Interior Committee's informational hearings on Everglades National Park matters June 3 and June 11 by the Corps of Engineers, the Department of the Interior and conservation organizations makes it very clear that the question of adequate water supply for the Everglades National Park remains unresolved notwithstanding any of the commitments which have been made. I ask unanimous consent that an opinion by the Solicitor of the Department of the Interior on this matter be included in the hearing record.

Your committee, in its responsibilities for programs constructing the great public works of this country, should seek to bring the Department of the Interior and the Corps of Engineers together and require of them that they bring back a satisfactory arrangement for the review and approval of this committee before any further funds are expended on the Central and Southern Florida Flood Control Project.

In the absence of such an agreement, the expenditure of further funds adds to the confusion and conflict in the administration and the management of the park and the flood control project.

Over the past 20 years, the Federal government has expended some $170 million on this project. We are being asked to expend nearly $160 million more in years to come, $9 million in this appropriation. In all, we will be making somewhat more than three million acre feet of water available for Florida water users, including the park. The park requires from the project but a small fraction of that total amount, far less proportionally than the amount of Federal investment. There seems to be little purpose in spending millions to acquire and protect the park and even more millions to develop the water project, a principal purpose of which is to provide the park with water, without requiring a satisfactory arrangement for supplying the park with waters now and in the future.

Therefore, I propose that language be added to the appropriation bill or to the committee report which states that: "No part of the proposed $9 million appropriation for the Central and Southern Florida Flood Control Project shall be expended until the appropriations committees have been advised that the Secretary of the Interior and the Secretary of the Army have made a mutually satisfactory arrangement to provide water to the Everglades National Park."

I would like to add that it is my understanding that Senator Jackson, Chairman of the Interior Committee, and with whom I have co-chaired the Everglades informational hearings, will be submitting a letter shortly to the Appropriations Committee for the hearing record supporting my general position in this matter.

I very much appreciate this opportunity to appear before the committee to propose this language and discuss this matter with you.

JULY 21, 1969.

Dr. LEE DUBRIDGE,
Executive Secretary, Environmental Quality Council, Office of the President, The White House, Washington, D.C.

DEAR DR. DUBRIDGE: Enclosed is a copy of a letter and a memorandum I have sent to all members of the Senate Appropriations Subcommittee on Public Works regarding the water supply difficulties faced by Everglades National Park.

Since 1948, the federal government has spent $170 million on the Corps of Engineers' Southern and Central Florida Flood Control Project. From the beginning, Congress and conservationists have supported the project on the assumption that it would provide the park an adequate or even enhanced water supply.

And last year, as the enclosed material indicates, the Corps and the Department of the Interior worked out a formula for water supply to the park to which the Corps agreed in writing. The formula would assure that new water users would not be brought into the picture on the assumption that they could take water from the park's supply.

Now, however, the Corps is refusing to implement the agreement, and instead, is taking the position that it should wait until a squeeze is on from new water demands before it takes action. By then, it will be too late. As we pointed out at a recent Congressional hearing, the practicalities will be that without the adoption of effective regulations now, people will come first, agriculture will come second, and the park will come last in any crunch on water supply.

As the enclosures indicate, I have asked the Senate Appropriations Committee to require that before any further funds are expended for the Corps project, the Corps and Interior must reach mutually satisfactory arrangement on water supply to the park. Senator Jackson, chairman of the Interior Committee, has also written the subcommittee members in support of this position. However, there is no assurance that the committee will require such action.

It seems to me that the park's water supply is a problem that is uniquely subject to settlement by the President's Environmental Quality Council. It is a classic case of the lack of coordination and cooperation between federal agencies which has contributed to one environmental disaster after the other. Yet as last year's agreement between Interior and the Corps demonstrated, a proper water management plan *can* be arranged, and it can be implemented administratively.

In my judgment, the Council could solve this matter very readily by using its authorities and responsibilities for interdepartmental coordination to bring the Corps and Interior together to get agreement on water supply plan that will protect the park and to assure that the plan is implemented.

In this regard, I was pleased to see that in the May 29 press conference announcing the establishment of the Council, you took note of the President's deep interest in the preservation of the Everglades. You also noted that through the Council, necessary action could be taken at the top levels of government to resolve the tough environmental problems that come up.

Everglades is just such a problem. It is a test of whether or not we are really committed in this country to protecting our environment. And I am convinced that if we don't act now, we are going to allow the destruction of the park.

I urge the Council to take the leadership in this important matter, and I would be happy to be of any assistance that I can.

Sincerely yours,
GAYLORD NELSON,
U.S. Senator.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., October 8, 1968.

To Secretary of the Interior.
From Solicitor.
Subject. Authority and responsibility of the Secretary of the Army to deliver water to the Everglades National Park.

In the course of negotiations between this Department and the Department of the Army regarding the delivery of water to the Everglades National Park from the Corps of Engineers Central and Southern Florida Flood Control Project, the Department of the Army has asserted that although it recognizes the desirability of delivering water from the project to the park, the Secretary of the Army must, as a matter of law, obtain the concurrence of the State of Florida in promulgating any regulations which would accomplish this objective.

In view of this position and the frequent droughts which have plagued the park, you have requested my opinion on the following question:

"Does the Secretary of the Army have authority to issue, unilaterally, regulations for the delivery of project water to the Everglades National Park?"

At the threshold it is necessary to review the establishment of the park, the water problems affecting the park, and the authorization and modification of the Central and Southern Florida Flood Control Project.

In 1934 Congress authorized the establishment of the Everglades National Park by the act of May 30, 1934, 48 Stat. 816, as amended, 16 U.S.C. 410 (1964), in order to preserve a variety of subtropical ecosystems found nowhere else in the world. On October 22, 1934, President Roosevelt, by Executive Order 6883, withdrew from settlement, location, sale or entry all unappropriated and unreserved public lands within the established park boundary. The park was formally opened on June 20, 1947. (12 F.R. 4189).

Under natural conditions, which predated the establishment of the park, water flowed into the park area from a hydrologic drainageway beginning in the Kissimmee River Basin 100 miles north of Lake Okeechobee, through the lake into the broad expanse of everglades south of the lake. Earliest efforts at drainage began in the 1880's, but were largely ineffective. The major works began after 1907 by the Everglades Drainage District. In the early 1920's dikes were constructed along portions of the southerly shore of Lake Okeechobee. These developments, which are more fully summarized in House Document No. 643, 80th Congress, 2nd Session, interfered, in only a limited respect, with the water supply of the park area.

The increased drainage works, however, affected normal flow conditions and increased flood hazards. Occasionally, flood waters caused severe damage to local communities. To alleviate flood damage and conserve water for other uses Congress, in the Flood Control Act of 1948, 62 Stat. 1175, authorized the Corps of Engineers to construct the Central and Southern Florida Flood Control Project, in accordance with the Corps of Engineers comprehensive plan presented to Congress in House Document 643, *supra*.

In the initial authorization of the project the Corps of Engineers represented to Congress in House Document 643 that water would be released from project storage facilities to assist in restoring and maintaining natural conditions within the park by reducing damage due to drought. H.R. Doc. 643, *supra.*, pp. 4, 35, 56. House Document 643 also stated:

"In dry periods it would be possible, because of the proposed conservation areas, to release water into the park area which would assist in reducing fires and other damages [sic] which accompany periods of drought. In brief, it is believed that this comprehensive water-control plan and the national park plan are complementary features of Federal activity necessary to restore and preserve the unique Everglades region." (*Ibid.*, p. 56.)

The concern of this Department was never a question of too much water for the park, but rather an assurance that there shall not be too little water. *Ibid.*, p. vi.

Recent events have proven this concern of the Department to be well justified. The construction and operation of the project facilities have had a detrimental impact upon the Everglades National Park. The extent to which the authorized project facilities interfere with the natural flow of water into the park can be readily observed from the attached map of the project. The project intercepts and retains almost all of the water which once flowed into the park from the north. As a result, the park has become directly dependent upon the project for its water supply.

On many occasions the project has been

operated in such a manner that surplus project water was wasted to the ocean, even though there was a critical need for the water in the park. In addition, the project has been operated so that other water demands were given a priority over the Federal water needs of the park. In summary, the survival of the ecosystems, which were intended to be preserved by Congress by the establishment of the park, are today dependent upon the park receiving an adequate supply of fresh water from project storage and distribution facilities.

In view of the manner in which the project has been operated, serious water shortages which plagued the park in the 1960's and their devastating effect on the park ecology, Congress directed the Corps of Engineers to restudy the project for the purpose of modifying the project and its operation. (See attached resolutions of House and Senate Public Works Commission). The 1968 modification of the project was intended to resolve, among other things, the delivery of sufficient water to the park.

As a result of the restudy of this project and its operation, the Corps of Engineers proposed to reauthorize the project and modify its operation. This modification, which is presented in House Document 369, 90th Congress, 2nd Session, restates the fact that the supply of water to the park is a project purpose and commits the Secretary of the Army to regulate the project in a manner so as to provide 315,000 acre-feet of water annually to the park in accordance with a monthly distribution schedule. (See paragraphs 67, 105, 127(b) of the District Engineer Report, H.R. Doc. 369).

The District Engineer's Report, however, went on to say:

"b. *Project purposes.*—The specific purposes that are to be served by the works of the authorized project plus those of the plan here recommended are summarized as follows:

* * * * *

"(4) Use a system-sharing concept of meeting any unsatisfied water demands in the area from the Lake Okeechobee water service area. * * * In extremely dry periods, when all demands outlined above could not be met, the water available would be shared in order to meet the purpose of the project to the extent possible. (Section 127(b)(4) of the District Engineers Rept. H.R. Doc. No. 369).

"(5) * * * In addition, a supply of water for present and projected other water uses to permit continuing urban, agricultural, and other development is also recognized as a project purpose." (*Ibid.*, section 127(b)(5)).

The Department of the Interior took exception to sharing water shortages with new water users resulting from increasing urban, agricultural and other water uses. This Department was of the opinion that the total project must be operated to assure that the minimum water requirement of 315,000 acre-feet for the park would not be diminished by the new developments which may occur within the project area. To require the park to share water with these new developments would result in the park sharing water with an ever increasing number of new water users. The consequence of this course of action could only be the eventual loss of the park and its unique water-based ecology.

In commenting on the project, as proposed by the District Engineer in House Document 369, Assistant Secretary of the Interior Cain stated by letter of June 12 (copy attached), to the Chief of Engineers:

". . . but there does remain, however, a major deficiency in the report in that it fails to clearly and unequivocally establish that the basic water supply to the park will be unaffected by reduction caused by future demands of urban and agricultural growth. As we noted above, the basic supply to the park must not be diminished if this park is to survive. We, therefore, cannot recommend the plans without the written assurance by the Secretary of the Army that he will provide the water supplies as set forth in the report, undiminished by new incursions."

By letter of June 14, 1968, the Acting Chief of Engineers acceded to the requests of the Department of the Interior and corrected the deficiencies by providing the requested assurance. (Copy attached). This letter stated that the Chief of Engineers would assure that the project is regulated so as to provide the water requirements of the park and that these water requirements would not be diminished as the requirements to support new developments or water uses increase.

The exchange of correspondence also accompanied and became a part of the report of the Chief of Engineers, which was transmitted to Congress as House Document 369.

The understanding reflected by this exchange of correspondence was reconfirmed by representatives of the Secretary of the Army in a meeting with the Secretary of the Interior. (See attached copy of July 24, 1968, letter from the Secretary of the Interior to Special Assistant to Secretary of the Army (Civil Function)).

This correspondence, in my view, removed any doubt as to operation of the project in water short years. The assurances of the Acting Chief of Engineers to the Assistant Secretary constitutes a modification of the recommendations of the District Engineer.

Under the provisions of the Flood Control Act of 1968, *supra.*, the report of the Chief of Engineers, including the exchange of correspondence, was incorporated into the Congressional authorization of the project. This act, as did the 1948 Flood Control Act, directs that the project be prosecuted in accordance with the plans contained in the reports of the Chief of Engineers and subject to the conditions set forth therein. (See section 203 of the Flood Control Act of 1968, 82 Stat. 731, 739). The specific section of the 1968 act modifying the project provides:

"The project for the Central and Southern Florida authorized by the Flood Control Act of June 30, 1948, is further modified in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 101, Ninetieth Congress, at an estimated cost of $8,072,000 [this is the Martin County plan], and in accordance with House Document Numbered 369, Ninetieth Congress at an estimated cost of $58,182,000." (82 Stat. 740).

It follows that the project modification by the Flood Control Act of 1968 requires the Secretary of the Army to manage the project for the purpose of meeting the water requirements of the Everglades National Park in such a manner that the water requirements of the park are not subjected to reduction as the water demands to support new growth and developments within the project increase. Any other type of operation would be a departure from the scope of the project as now authorized.

What may have been the rights of the park vis-a-vis other water users under the original authorization, the project was modified by the Congress in 1968, with the result that the park shares water only with present water users, but has a priority over new users.

Against this background, I now turn to the question presented.

Initially, it seems obvious that by making provision for the water supply of the park as a project purpose and that purpose being superior to other uses subsequently arising, it follows that the Secretary of the Army possesses the necessary authority to operate the project or to direct its operation to accomplish that objective without resort to approval of the State of Florida. It is fundamental constitutional law under the supremacy clause of the Constitution that the various states may not interfere with or regulate an authorized Federal activity. U.S. Const., art. VI, clause 2; *McCulloch* v. *Maryland*, 4 Wheat. 316 (1819); *Ohio* v. *Thomas*, 173 U.S. 276 (1899); *Johnson* v. *Maryland*, 245 U.S. 51 (1920) *Arizona* v. *California*, 283 U.S. 423 (1931); *Mayo* v. *United States*, 319 U.S. 441 (1943); *Federal Power Commission* v. *Oregon*, 349 U.S. 435 (1955).

Moreover, far from imposing a requirement that the Secretary of the Army secure the consent of the State of Florida to his operating regulations, the Congress has, in fact, imposed the opposite requirement. That is to say, the Congress has made it a condition of the project that the State or any local authorities involved give assurances that they would comply with the Army's operating regulations.

The Congressional authorization of the Central and Southern Florida Flood Control Project in 1948 and the modification of the project in 1968 are expressly subject to the provisions of section 3 of the act of June 22, 1936, 49 Stat. 1571, as amended, 33 U.S.C. 701(c)(1964). [See section 201 of the Flood Control Act of 1968, 82 Stat. 731, 739]. Section 3 provides, *inter alia*, that no money "shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurances satisfactory to the Secretary of the Army that they will . . . (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army."

Nothing in the legislative history of the 1936 act, the Flood Control Act of 1968 or House Documents 643 and 369 supports a contrary conclusion. [See H. Repts. 1223, 2918, S. Rept. 1963, 74th Cong. 2nd Sess., and H. Rept. 1709, 90th Congress, 2nd Sess., 132]. The plain language of these acts supports the regulatory authority of the Secretary of the Army.

It may be noted that in recognition of this requirement of the Federal law, Florida has enacted legislation which empowers local flood control districts to cooperate with the United States and furnish the assurances concerning the maintenance and operation of project works after completion. Fla. Stat. Ann. section 378.07 (1960).

There can be no question of the power of Congress to authorize the Corps of Engineers to construct, operate and regulate a project of this type in accordance with the terms and conditions of the Congressional authorization and of the administering agency. This power stems from its authority under both the commerce and general welfare clauses of the Constitution. U.S. Const. art. I, section 8, clauses 1 and 3; *Ivanhoe Irr. Dist.* v. *McCraken*, 357 U.S. 275 (1958); *United States* v. *Gerlach Livestock Co.*, 339 U.S. 725 (1950); *United States* v. *Commodore Park Inc.*, 324 U.S. 386 (1945); *Oklahoma* v. *Atkinson*, 313 U.S. 508 (1941).

In conclusion, it is my opinion that the Secretary of the Army not only has the statutory authority but also a Congressional mandate to issue, unilaterally, regulations for the delivery of project water to the park, and that the regulations must grant the park a priority over all future uses of water within the project area.

EDWARD WEINBERG,
Solicitor.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Mr. JAVITS. Mr. President, the Committee on Foreign Relations will begin the markup of the foreign aid bill of 1969 in the near future. The Senate will then vote on this legislation.

It is, therefore, important to note that

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the prestigious Committee for Economic Development in its September 1969 national policy statement entitled "Assisting Development in Low-Income Countries: Priorities for U.S. Government Policy" has strongly endorsed the establishment of "a new Government corporation to take over the private investment guarantee and promotion activities, and limited lending authority, now lodged in AID's Office of Private Resources." This is the major innovative object of the new foreign aid bill.

I ask unanimous consent that this recommendation of the council be printed in the Record.

There being no objection, the proposal was ordered to be printed in the Record, as follows:

A Reorganization Proposal

A proposal has recently been made by the Administration for the establishment of a new government corporation to take over the private investment guarantee and promotion activities, and limited lending authority, now lodged in AID's Office of Private Resources. Finance for the corporation could initially come from three sources: repayments of principal and interest from prior AID loans to private borrowers and industrial development banks; fee incomes from present investment guarantee programs; and local currencies earmarked under the Cooley Fund provisions of Public Law 480.

We see a number of advantages in the establishment of a corporation that would provide freedom from annual budgetary limitations; greater flexibility in handling personnel and making contracts; and freedom from many of the restrictive provisions now applicable to AID's use of public funds. In addition, the creation of a specialized institution might well have a favorable impact in stimulating increased interest in opportunities for new U.S. private investment in the low-income countries.

We recommend the establishment of a government corporation that would absorb the present functions of AID in guaranteeing and otherwise promoting private foreign investment. In any such corporation the Administrator of the U.S. aid agency should have a sufficiently strong voice to insure that its operations are fully consistent with the overall program of U.S. assistance to developing countries. After the new organization has had some experience, it might be desirable to expand its activities.

ALASKA AT THE CROSSROADS

Mr. STEVENS. Mr. President, last week the distinguished senior Senator from Illinois (Mr. Percy) spoke to the Press Club at Anchorage, Alaska. He addressed himself to the problems and prospects of my State at a time when solutions to the problems are possible and prospects for the future never brighter.

Senator Percy has made a series of suggestions which deserve review and serious consideration.

I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Alaska at the Crossroads

That Alaska may soon advance from an impoverished stepchild, heavily dependent upon Federal subsidies, to a new-found status as an affluent member of the Union is to me both an exhilarating and sobering prospect.

You have long had your ample share of superlatives: highest mountain, longest coastline, biggest game, longest and shortest days—but most of these are not bankable.

That is why it is exhilarating to be with you to discuss some of the issues and some of the problems and some of the opportunities facing Alaska at this moment—just three days before the very bankable North Slope oil lease sale—a sale that may revolutionize life, for better or worse, within the largest state in the Union with the smallest population.

It is also a sobering prospect because mistakes arising from the current mineral development in the delicate environment of the Arctic will undoubtedly be visited upon generations to come. In the process of the impending and, in my judgment, irreversible Alaskan development, every American has the right to expect that Alaskans will summon the wisdom and courage to accommodate progress without destroying those special qualities and flavors that have long made Alaska a unique place on earth.

Headlong and heedless development of the tundra can severely damage, if not altogether destroy, Alaska's wilderness—a priceless heritage of nature that belongs not only to Alaskans but to all Americans.

You are all too familiar with past mistakes, in this state and elsewhere, for me to dwell any further upon them here. From the vantage point of a former businessman and a United States Senator normally working thousands of miles away, it seems to me that a nation able to land men on the moon within a decade of making the decision to do so can find a way to develop the Arctic with a minimum of environmental disturbance.

The success of the moon landing was due in large measure to the cooperation of industry and government in building the hardware and training the men who performed this historic mission. Such cooperation between the private and public sectors will be equally necessary in the successful development of the oil treasure that lies buried beneath the Alaskan permafrost.

I would propose that, as a matter of policy, a generous fraction of the proceeds from this oil lease sale and subsequent sales should be earmarked for essentially conservation measures that are directly related to development.

It is not too late. The Alaskan wilderness sprawls across 586,000 square miles—20 per cent of the area of the rest of the United States. Some of it is barren, yet much of it reflects nature at her most beautiful.

There are still two square miles of land for each of your people. It is still possible to walk 500 miles in a straight line without meeting a fence or a road or an airstrip—or a man.

In preserving the beauty of the land while tapping her vast wealth, Alaskans should muster both the financial resources and imaginative leadership necessary to protect the Arctic ecology from permanent harm. For it is in Alaska that American expertise on the Arctic must be developed, that a body of knowledge must be concentrated and that existing data must be sifted, tested and disseminated.

For years, the nation as a whole has virtually ignored Arctic science, Arctic resources and the indigenous Natives of the North. The stunning discovery of Arctic oil should serve to provide a national focus on other pressing economic and social values of this truly new national frontier. Meaningful development will be retarded so long as Alaska and the rest of us leave unfinished the problem of making a group of underprivileged Americans—the Alaskan Native—full-fledged members of our society. The result of this general neglect is acute poverty among most of the native Eskimos, Indians and Aleuts living in your potentially wealthy land.

As your able Governor, Keith Miller, told the Senate Committee on Interior and Insular Affairs last May, the average life span of the Alaskan Native is slightly more than 34 years. They depend on the land for their very existence; if the hunting or fishing season is a poor one, then many are near starvation. I am told that the sanitary conditions in the villages are deplorable. Sewage facilities and drinking water are usually linked to a common polluted source. Consequently, the Alaskan Native death rate is three times higher than that of White Alaska. The death rate for influenza and pneumonia is 10 times that of white Alaskans while the suicide rate is double that of white Alaskans. This is one major reason why we in the Congress have set ourselves a high goal for the immediate future: to enact a legislative solution to the long-standing Native claims dispute.

When the United States acquired title to Alaska from Russia more than 100 years ago, we also acquired certain moral responsibilities along with our legal ones.

What is needed is a fair, honorable and generous settlement of the Native claims that will enable the Native population to catch up with the national standard and that will lay the groundwork for orderly development of Alaska's riches. As you know, last April Senator Jackson of Washington introduced S. 1830 which is cosponsored by your two Alaskan Senators, Ted Stevens and Mike Gravel. The legislative settlement envisioned in this package encompasses cash, land and a share in future oil revenues.

Since this bill was introduced, Interior Secretary Hickel has proposed that the Natives of Alaska receive 46,000 acres—twice as much as originally proposed—as well as a fixed sum of $500 million to be appropriated by the Treasury over 20 years. Moreover, Secretary Hickel further recommended that the land rights include mineral deposits below the surface, although his proposal does not include revenue sharing from the oil discovery.

For 102 years, the Congress has been promising to enact a settlement of these claims and end a situation under which more than 40,000 people, most of them quite poor, live on land to which they have no legal title.

I wish I could assure you today that the present Congress will once and for all dispose of this issue equitably. But in all honesty, I can only report that the $500 million monetary settlement proposed by Secretary Hickel, plus the land settlement that is envisioned, has a fine chance of passing in the Senate this year but only a fair one of passing in the House. It is simply too difficult to predict ahead what the House may do next year if the issue remains unsettled.

You may be sure that in the months to come I will be working closely with Alaska's representatives—particularly with your able and distinguished senior Senator, Ted Stevens, in trying to achieve an equitable solution to the Native Land's issue.

Larry Fanning, your colleague and my good friend for so many years, pointed out in a recent letter to me that Alaska has long been regarded as a colony, rather than a state, largely because its economic development has been basically exploitative rather than productive in terms of jobs for Alaskans—Natives and non-Natives alike.

I am informed that the annual jobless rate in Alaska is 9.1 percent of the work force during the summer months and above 12 percent during the sun-short fall and winter months. This is about three times the national average.

The rural areas of Alaska, with chronic unemployment rates of 80 to 100 percent are not even included in these compilations. Some 12,000 Alaskan natives are not even attached to the work force. Thus, the true picture of the annual seasonally adjusted jobless rate in Alaska is about 25 percent. During the fall and winter months this rate doubles for Alaska's native population.

The harshness of these unemployment statistics is underscored by the fact that living costs in Anchorage average 25 percent more than in the Pacific Northwest, which itself is considerably higher than the national average. It is to be hoped that development will dampen, rather than feed, the current Alaskan inflation.

I agree with Ted Stevens when he emphatically says that Alaskans must be trained and prepared to take the majority of the newly available jobs in the booming oil fields.

And I agree with your former great Governor, Walter Hickel, when he says that the Jones Act must be amended so that coastal ferries like your own $7 million *Wickersham* may sail unimpeded directly to the U.S. mainland.

All these steps will make development of Alaska not only proceed more quickly but, what is perhaps more important in the long run, provide for a great deal of stability as well.

For a long time, Alaska has always been on the threshold of something big. Well, now something big is really happening in just three days.

I am certain that your vision, spurred by this breakthrough, will spur to your often hostile latitudes the kind of industry, jobs and people that will insure your progress and development and will go far toward eliminating poverty in your midst.

With a determined and coordinated effort, I know you can succeed.

A LOOK AT THE BRIGHT SIDE OF THE NURSING HOME PICTURE

Mr. MOSS. Mr. President, as chairman of the Subcommittee on Long-Term Care of the Special Committee on Aging, I have become increasingly concerned with reports on the poor quality of care received in nursing homes across the country.

These reports describe the outrageous treatment of elderly patients who must reside in these facilities. The complaints range all the way from misuse of patients' funds to outright neglect.

It is unfortunate that accounts such as these presents a discouraging overall picture of conditions in nursing homes when there are many excellent facilities that offer the finest care, along with very innovative and therapeutic programs.

An article entitled "Nursing Homes for People, Not Profit," written by Sid Ross and Herbert Kupferberg, and published in the September 14 issue of Parade, presents the other side of the picture, and describes some nursing homes that are offering the kind of care that should be provided in all such facilities. The authors sound a positive note, and they should be heard.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NURSING HOMES FOR PEOPLE, NOT PROFIT

(By Sid Ross and Herbert Kupferberg)

Are there any *good* nursing homes in the U.S.? It's a question that is being asked more and more frequently by thousands of old people moldering in institutions which often provide inadequate, indifferent care, and by sons and daughters who pay large sums to keep them there.

The answer to the question is: "Yes, but far from enough." Many nursing homes fully deserve their notoriety as "elephants' graveyards" where old people come to die in hopelessness and despair. But there exists a handful of excellent establishments which disprove the theory that nursing homes *have* to be cold, callous and cash-oriented. These good nursing homes constitute maybe 5 percent of the 25,000 which exist today. But there's no reason why they couldn't total 95 percent, provided they regarded their residents basically as people to care for rather than "bodies" to make money from.

"We want our elderly residents to live out their lives as independently and happily as possible." That's the policy enunciated by Mother Bernadette, the administrator of St. Joseph's Manor in Trumbull, Conn., and it's the philosophy that motivates the better nursing homes throughout the land, most of which are affiliated with religious or philanthropic groups.

OBJECTS OF LOVE

St. Joseph's, where 265 men and women are living out their years in comfort and contentment, is one of a number of old-age establishments run by the Carmelite Sisters for the Aged and Infirm. The Roman Catholic order regards old people as objects of love, not charity, and considers it just as important to have a first-rate pastry chef to serve them as a gleaming, up-to-date clinical laboratory. Although many of the residents at St. Joseph's are ill, they're never called "patients." They live in cheerful rooms with private baths, they have a broad range of social activities available, but they're not pushed into doing anything. They don't even have to eat in the pleasant dining room—if they prefer, they can take meals in their rooms or get a snack in the "Wedgewood Room," a comfortable lounge that has a cocktail bar tucked away in the corner.

The average age of the dwellers in St. Joseph's is 82, and some of them have spent time in other institutions before coming there. "I've never seen another place like it," says one 84-year-old woman. "There's no pressure, everything is right where I want it, and the sisters are marvelous." Smiles St. Joseph's administrator, Mother Bernadette: "Our philosophy rests on respect for the human being—respect for his soul and spirit as well as his body."

The one problem with a place like St. Joseph's is the difficulty of getting in. Most of its residents come from Fairfield County, Conn., and the majority are Catholics, though other religions are represented. There's a long waiting list. Unlike some institutions, St. Joseph's and similar homes demand no life contracts, assignments of assets or other money-grabbing arrangements. The base rate paid by its occupants is $463 a month. It operates at a loss, of course, which is made up by donations from the Bridgeport Diocese and by the devoted services of the Carmelite Sisters.

Deficits—and services—also are the stories of such excellent institutions as the Isabella Geriatric Center of New York City, affiliated with the Federation of Protestant Welfare Agencies, and Golden Acres of Dallas, Tex., which has the support of the Dallas Jewish Welfare Federation.

The administrators of these institutions call them places "to live, not to die." The elderly residents themselves describe them even more eloquently.

Says Miss Bessie Bishop, an 85-year-old retired New York City schoolteacher who pays $321.50 a month for one of the 231 cheerful apartments in Isabella House, a beautiful new 17-story edifice in upper Manhattan: "I get everything here. A beautiful apartment, good meals, and a wonderful feeling of security. I don't have to worry about getting sick at night. I just press the buzzer. I stay cheerful and enjoy myself. I go out every day, visit friends, go to the theater. I wouldn't be anywhere else."

OBJECTS OF LOVE

Adds a 91-year-old woman who lives down the hall: "I love it here. They don't let you rot away. They make you feel that you not only have a brain but that you should use it as long as you're alive. They help give you the grit to keep on living. That's why I won't ever give up."

Director Herbert Shore of Dallas' Golden Acres agrees that a good home should have as its prime objective to preserve social and intellectual skills, as well as bodily well-being. "We want to treat the total person," he says, "not just a broken hip or cardiac condition."

Golden Acres, which gives its 164 residents keys to their rooms and to the front door, and lets them come and go as they please, will run risks to help foster a spirit of independence. It once sent a busload of its elderly residents 250 miles to the HemisFair in San Antonio. "We decided we'd take the risk of someone dying on the trip," explains Shore. "At that age, they could die suddenly in bed. On an enjoyable outing, at least it's with their boots on."

Shore also has an unexpected word of understanding for families who want to send aged parents or grandparents to a nursing home. Most families, he says, haven't got the know-how, to say nothing of the money, to care for the aged. "Children," he contends, "shouldn't give up their lives just for an old parent, especially when this care can almost never be as full as it should be."

A 76-year-old man living at Golden Acres agrees with him: "I have seven daughters and I could live with almost any one of them. But they have their own lives to lead, and so do I. With them, I'd feel left out and in the way. I'm better off here."

At Golden Acres and at Isabella, as at St. Joseph's, there are hundreds waiting to get in. For though homes such as these can and do operate throughout the country, there simply aren't enough of them. Instead the U.S. has seen a tremendous upsurge in recent years of private, proprietary, profit-making nursing homes—their growth abetted largely by Medicaid and Medicare payments from the government. It's estimated that federal expenditures for nursing home patients amount to $750 million a year. Concurrently, new nursing home issues have burgeoned on the stock market, with the magazine *Harvest Years* reporting that such securities "are hotter than they've been for years."

A FUNCTION TO PERFORM

Officials of places like St. Joseph's, Isabella and Golden Acres acknowledge that the private nursing homes have a function to perform—they only wish that some of them would perform it better.

Parade visited one of the better private nursing homes, Hillhaven of Orange, Calif., one of a chain of such institutions. It's a pleasant, modern one-story building with a 112-bed capacity. Fees are $35 a day for a private room, $22 for two in a room, $17 for three. Anything above basic services costs extra.

Unlike St. Joseph's, Isabella and Golden Acres, Hillhaven isn't a geriatric center operating at all levels of old age care, accommodating those in good health and bad alike. It's strictly for sick people, and since a great deal of medical care is often required, bills can soar. The average length of stay is seldom more than 90 days. Explains Hillhaven's administrator, Mrs. Florence Kirkland, a registered nurse: "A place like ours can't take all long-termers. We'd become a warehouse. Also, we'd lose money."

GOOD EATING

To a visitor, a Hillhaven hasn't got the heart or the warmth of an Isabella, a St. Joseph's or a Golden Acres. But its staff is ample, its administrators patient, its upkeep meticulous, and its meals excellent. Most of the patients seem to be reasonably content as they sun themselves outdoors, watch TV in their rooms, or chat with visitors in lounges. To relatives of old people who might have guilt feelings about send-

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ing them "away," places like Hillhaven are a paradise compared to many nursing homes.

But do they provide an adequate answer in a country whose over-65 population now is over 18 million, and is rising rapidly as new advances in medicine and science expand the average span of life? Many responsible authorities are of the opinion that while the private establishments should continue to play an important role in meeting the problems of our aging population, a much more comprehensive, systematic, and communally supported approach is needed. Sums up Isabella's Lawrence E. Larson: "Laws and regulations must be changed to recognize that this kind of care is not a function of charity, but a public responsibility."

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, after discussing the matter with the distinguished Senator in charge of the bill and the ranking minority member, and in view of the situation which developed on the conference report, I ask unanimous consent that, apart from the time allowed, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for a period not to exceed 15 minutes; and that at the conclusion of his remarks, the time begin to run.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE FIGHT TO CUT MILITARY WASTE

Mr. PROXMIRE. Mr. President, as the debate over the military procurement authorization bill draws to a close, I think it is useful to say a word or two about the meaning of the debate and its implications.

WHAT WE DID NOT DO

Let me say first of all what the debate was not.

It was not an endeavor to reduce the security of the United States, to pull back into a "shell of isolationism," or an attack on the brave men and women who serve in the Armed Forces of the United States. Such a charge is utter nonsense, and those who make such charges have both little perception and almost no sensitivity to the real purposes of this debate.

MILITARY MIGHT

This country has over 1,000 land-based intercontinental missiles. It has 650 nuclear armed strategic Air Force bombers. It has 41 Polaris submarines with 656 submarine-launched ballistic missiles. With 16 missiles each and with each missile soon to be armed with three to 10 warheads, our submarine fleet alone could destroy the world.

In addition to this, we have tactical nuclear weapons in place in various spots throughout the world. Medium-range bombers and missile sites encircle the frontiers of our potential enemies.

From public sources it is known that the United States has over 6,500 nuclear warheads.

We have a military budget, including related NASA and AEC military requirements, of almost $80 billion. There are 3.4 million men and women under arms; 1,300,000 civilians work for the Defense Department. And 100,000 companies, employing 3.8 million civilians, fill defense orders.

The military and civilian personnel not only work at home, but also, many are stationed at the 429 major and 2,972 minor bases scattered throughout 30 countries of the world.

NO NEW ISOLATIONISM

The idea that the amendments our group offered, merely to bring this vast complex under some form of critical review, is the "new isolationism" is utter, blatant nonsense. Such a proposition takes the prize for silly sayings of the year.

If the effort we have made was clearly not an attack on the military forces or an attempt to withdraw into a shell of isolationism, how can it be characterized?

AN EXERCISE OF CRITICAL FUNCTIONS

It was an attempt, for the first time in almost two decades, to get Congress and the country to exercise its critical faculties over defense spending.

We have seen excessive spending on weapon systems. We have routinely witnessed a doubling and tripling in the cost of major weapons, long delays in delivery, and vast quantities of equipment which does not function.

We have seen rifles for infantrymen and cannons for tanks which do not work. We have spent huge funds from our exchequers for planes which do not fly and helicopters which do not function. We have stood by while ships have sunk in harbor.

COUNTRY CAN BE STRONGER

Our fight to right these wrongs can make this country stronger and more secure. I believe that is both the intent and the effect of our effort.

In addition to bringing greater security to the country by exercising our critical functions, this fight was a fight to stop excessive spending and to bring inflation under control.

FIGHT ON INFLATION

In the fight on inflation, it is the almost $80 billion in defense spending which is the root cause of the trouble. Those who stood up and were counted to reduce funds and to take a second look at the 4th wing of the C–5A, the AMSA, the carrier, the main battle tank, excessive research, and chemical and biological warfare are the front line troops in the fight on inflation.

The Whittaker Report on the C–5A indicated that only 40 planes were needed to carry out the special military mission of that plane—to carry the outsized equipment of an armored division during the first 10 days of an emergency. That is its only and unique purpose. Troops can be carried for about half the cost in other planes. After 10 days or so, ships can carry military equipment at far less cost. According to the military request itself, we needed 40 planes to do the military job.

WE BLEW A BILLION BUCKS

We authorized and funded 58 of those planes. Some of us tried to stop at 58—18 more than its military mission requirements. But the Senate disagreed. The minimum cost of that decision before all the costs are in will be $941 million dollars. Shortly, it will be higher. In my judgment, we blew a billion dollars for 23 planes we do not need.

That does not strengthen our country; it weakens us. That does not stop price rises. It fuels the fires of inflation. That does not increase the well-being of the American people. It contributes to the relative decline in their earnings and in their prosperity. It hurts the aged, the weak, the wage earner, and those on fixed incomes.

HIGH COST TO TAXPAYER

The $2 billion overrun on the C–5A airplane was more money than all the individuals in Wisconsin paid in Federal income taxes in 1968.

In fact, the $2 billion overrun on the C–5A is more money than the taxpayers in each of 40 States paid in Federal income taxes in 1968.

But instead of learning from that lesson, and examining the matter more critically, we blew a billion dollars on the 4th squadron of the C–5A, the first plane of which is not even scheduled to be delivered for almost 2 years.

THE "LOOK BEFORE WE LEAP" FIGHT

Another description can be applied to our effort. Our fight should be called the "look before we leap" fight. That is fundamentally what we asked the Senate to do. Stop. Look. Listen. Do we need it? Is it necessary? Have we asked the right questions? Do we have the answers?

RESULTS

What were the results of the efforts which took place here on the floor, which came from the hearings which my

Economy in Government Subcommittee held, the publication of the Peace Through Law group's fine critique of weapons systems, the fight to postpone the deployment of the ABM, and the ferment these and other efforts aroused in the country?

Let me list some of the results.

WEAPONS SYSTEM QUESTIONED

For the first time in two decades, a major weapons system was challenged on the floor of the Senate. By a margin of only two votes, the ABM is to be deployed. For the first time, questions were raised, critics testified, a real debate took place. The country is healthier because of that effort.

THREE BILLION DOLLAR CUT

Second, the bill we have before us is $3 billion less than originally requested. The general critical effort made by a wide variety of groups has, in my opinion, brought a $3 billion cut in this military authorization bill.

Seldom do budgets get cut by direct amendment on the floor of the House or Senate. We have made some notable successes there, but that is not the fundamental way it happens.

EFFECTIVE PUBLIC OPINION

What happens is that the country gets involved because of hearings, debate, and questioning. President Johnson asked for $23 billion for military procurement. As a result of public opinion and fiscal pressures, President Nixon cut that by a billion. Then, when the force of public opinion and the spotlight of attention was focused on military waste, the Department itself took action—an action I am convinced they would never otherwise have taken. MOL was canceled. It was announced that the Cheyenne helicopter was to be stopped. Troops were cut back. Old ships were placed in moth balls.

All this was the indirect result of our effort.

SUBCOMMITTEE FUNCTIONED

Then the Armed Services Committee itself went to work. The chairman, the Senator from Mississippi, broke down his committee into subcommittees. In some crucial areas, testimony was sought from supporter and critic alike. The Senator from New Hampshire (Mr. McINTYRE) made major reductions in the research and development funds—reductions which in my judgment were long overdue and which will strengthen rather than weaken us.

Altogether, almost a billion dollars was cut by the committee. And this, too, was the result of the general critical attitude which was fostered in the Nation. It was the result of the attitude of an informed electorate. That is all to the good.

FLOOR SUCCESSES

Finally, we have had some excellent results here on the floor. On procedural matters, our attempts to improve procurement and contracting, and our efforts to get more and better information in the future, this debate has resulted in a vital first step toward control of military spending. Virtually every legislative recommendation made last May by my subcommittee is being carried out.

In our efforts to cut and delay the deployment of particular weapon systems, we have not had great initial success. But I predict that as time goes on and as public opinion is aroused more against waste and inefficiency, the President, the Secretary of Defense, the Members of Congress, and public opinion will in fact make further cuts in those areas which we have criticized and on which we have focused.

FURTHER CUTS WILL COME

All of this will not be done directly on the floor of the Senate, although some of it will. But because of our fight it will be done at the Budget Bureau, at the White House, and in the executive sessions of our committees.

And the weapons we have criticized, the procedures we have brought under examination, and the practices which are unacceptable will, in my judgment, be changed over time as a result of our effort.

HISTORIC FIGHT

This has been an historic fight to control military spending, to stop inflation, and to return the critical decision over what weapons are deployed, how much is spent, and what policies we pursue to the people of the United States.

Mr. President, I do not mean to imply for a minute that this fight is over. Obviously, it is just the beginning; obviously, many people will feel it has been lost. I think it is beginning; it is a good beginning; and with this new beginning we can go on to what I think is going to be by far the most critical attempt in the Senate and in the House of Representatives, over the next few years, on American priorities; whether we have to devote this enormous sum, what appears to be perhaps an increasing sum, to the military, or whether we can have a stronger military force, a fully and completely adequate military force, and meet our priorities at home, including some measure of tax relief, including fighting inflation, and including meeting what we recognize as our serious domestic needs for education, fighting poverty, and so forth.

We have made the fight. The results speak for themselves. But this is merely the beginning shot in a larger effort. The critical review will go on.

Mr. HARTKE obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, apart from the time under the agreement.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana is recognized.

Mr. HARTKE. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 12 minutes.

Mr. HARTKE. Mr. President, those of us who have offered amendments to the pending military procurement authorization bill share with every other Member of this body a determination to keep America's defenses overwhelmingly powerful. Every one of us recognizes how vital it is, not only to the United States but to all the people of the non-Communist world, that our military power remain sufficiently great to deter potential aggressors. There is not a Member of the Senate who does not understand the bitter principle of 20th century international politics—that weakness does not prevent war, it invites it.

Our efforts during these long weeks of debate have in every case been directed toward the elimination of what we believe to be waste and inefficiency. We have proceeded on the assumption that 5, 10, 20 billions of dollars expended on unnecessary or gravely questionable weapons systems is that much money wasted— and America weakened by precisely that amount. In short, Mr. President, the issue has never been between those who favor a strong America and those who favor a soft, flabby debilitated America. The issue has always been one of differences of judgment among the 100 U.S. Senators every one of whom is passionately dedicated to keeping America powerful, proud, and free.

It is in that spirit that the distinguished senior Senator from Oregon and I offer our amendment to the pending bill.

Mr. President, the military authorization bill before us contains $450 million for the Navy F–14 fighter. This is only the first installment on an enormous program. The 10-year cost to buy and operate F–14's for the Navy and Marine Corps has been estimated at $25 billion—over three times as much as the administration estimated for the ABM program. The F–14 program has been the center of controversy within the Department of Defense for the past 2 years. The issue is not whether the Navy should develop a new fighter to replace the F–111 and F–4; there is widespread agreement that they should. Rather the controversy revolves around the type of fighter that should be developed.

It would hardly seem that the floor of the Senate is the appropriate place to discuss the design of a new Navy fighter. However, there is much more involved in this debate than the shape of the wing and the size of the engine. The issues involved in the F–14 decision range from broad national policy regarding the type of wars we want to prepare to fight, to crucial assessments of the nature of air warfare in the future. The decision that is made will have profound effects on both the capability and cost of our tactical air forces in the 1970's.

In just a moment, I will discuss these issues in more detail. For the present, I can illustrate the magnitude of the decision by pointing out that critics of the F–14 program claim that the Navy can develop a much better air-to-air fighter and at the same time reduce the 10-year costs by as much as $15 billion.

Just who are these critics? First, and most important, there is a host of critics among the Navy fighter pilots who will

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have to fly the new aircraft. The question of the fighter design has been the subject of heated debate within the Navy for several years. It is an open secret that the Navy pilots did not like the F–111B. When the F–111B was canceled, many of the fighter pilots tried to get the admirals to develop the small, simple, and very maneuverable fighter that they believed would be essential to meet the type of fighter the Soviets can develop in the mid 1970's. The pilots were overruled, however, by Navy management. Instead of a single-place, 30,000-pound maneuverable fighter, they got a two-place, 55,000-pound missile launching platform. Pilots operating fighter squadrons are disappointed by this decision.

When the pilots were stifled within the Navy, their cause was taken up by a group of civilians in the Department of Defense. However, these civilians have been no more successful at convincing the top level of DOD management than the pilots were at convincing the admirals.

In view of the magnitude of the issues involved in this dispute, both in terms of our capability to fight successfully in future wars and in terms of cost, it would seem that the issues should be subjected to widespread public debate. Yet, while the amount of money involved is almost twice as much as that associated with the ABM program, there has been no public debate. The primary reasons for this are the lack of knowledgeable individuals outside of the Defense Department who are free to speak up and express the alternatives and the cloak of secrecy placed around military programs. It is in the national interest that both of these constraints be removed in the future. The first can be removed by fostering the establishment of competent research groups which do not depend on the Department of Defense or the aerospace industry for financial support. The second can be removed by insisting that only essential information be withheld from the public on the basis of security classification. The recent ABM debate indicated how far it is possible to go in declassifying essential information without endangering national security.

We should insist on similar openness in other areas as well. If there has been no public debate of these issues, at least we could hope that the Armed Services Committee would carefully scrutinize the issues before reporting out the authorization bill. I am sorry to say that despite the fact that our colleagues must have been aware of the controversy over the F–14, the Armed Services Committee did not call one single witness to present the arguments against the F–14. In the absence of critical review in either the public press or in the Senate committees, I have asked the Secretary of Defense to release seven specific documents which present the other side of the story. I have yet to receive the requested material.

Mr. President, it is unwise for Members of this body to vote authorization for such a huge sum of money without thoroughly exploring the alternatives available. Some may argue that the issues are too complex to be understood by the lay person. The issues in this case, however, are considerably less complex than those in the ABM dispute; and the costs and impact to our national security are just as large. Even if the administration refuses to cooperate—indeed especially since the administration refuses to cooperate—we should thoroughly air the pros and cons of the F–14 program. While I would have liked to have more evidence, I will try to outline the case for an alternative to the F–14 program.

There are two basic issues that must be addressed in deciding on the type of fighter the Navy should develop to replace the F–14. These are the types of wars we wish to be prepared for and the nature of air warfare in the future.

The F–14/Phoenix concept has evolved from longstanding Navy interest in protecting the carriers in a nuclear war. The concept originated in the 1950's when we were planning our forces primarily for a nuclear war with the Soviet Union. At that time it was quite clear that a single nuclear weapon delivered anywhere in the vicinity of a carrier would wipe out an entire task force. Thus, to protect their nuclear attack mission, the Navy desperately needed a weapon that would destroy 100 percent of the Soviet missile-launching bombers in a massed attack against the task force. The original proposal was called Eagle/Airee or Missileer—it consisted of a low performance, long loiter, missile platform and an air-to-air missile of unprecedented size and complexity.

The Eagle missile program was canceled in the early 1960's due to technical infeasibility. However, the Navy never gave up on the missile. It resubmitted the idea, renamed the missile—appropriately enough, "the Phoenix"—and tied it to the ill-fated F–111B airplane—again with the idea of providing a platform of launching long-range multishot missiles at formations of enemy bombers.

The Navy realized that the F–111B, overburdened with the complex electronic systems needed to launch and control the Phoenix, would not meet its needs for an air-to-air fighter in the 1970's. Even in the early 1960's it had proposed another, smaller fighter to perform the essential air combat or dogfight job.

In 1968 the Navy finally divested itself of the F–111B. The reason it offered was that the F–111B, while adequate for fleet defense, could not perform the air-to-air combat task adequately. It could not dogfight on even terms with a Mig 21, let alone the more advanced Soviet fighters of the late 1970's.

After offering this rationale for canceling the F–111B, the Navy again tied the Phoenix missile to its so-called new "Fighter"—the F–14. The Phoenix missile, with its associated two or three tons of supporting equipment, is the primary reason why the F–14 is as large, heavy, unmaneuverable and expensive as it is. Once again the Navy has designed a low-performance, long-loiter time, missile-launching platform instead of a fighter. The ex-Secretary of the Navy, Mr. Ignatius, indicated that the F–14A would only be "comparable" to the current Mig 21 in a dogfight. My information indicates this is a decidedly optimistic assessment. Obviously, the F–14A will be much worse than the Soviet aircraft we can expect to face in the mid and late 1970's. Nevertheless, the Navy is planning to buy 67 of these inferior F–14A's at a total cost which would be as high as $1.4 billion.

The Navy argues that the F–14B, which will have an advanced engine with more thrust, will be a better dogfighter than the F–14A. The F–14B, however, will be just as heavy and have the same undersized wing as the F–14A. Thus, it will be considerably less maneuverable than it could be without the Phoenix and all the associated fleet air defense compromises. We know it will not be as good a dogfighter as the Air Force F–15. Nor can it match the even better performance that the Soviets can build into their next fighter generation.

Quoting Navy Captain Holmquist:

> Modern technology and the wonders of Avionics will certainly allow us to combine all of the functions and weapons of an all-weather attack aircraft, a fighter, and an interceptor into one aircraft. However, such an airplane would be expensive, complicated, difficult to maintain, and training a pilot and crew would present formidable problems. More important, if we allow the enemy the same technology, he can build single-purpose aircraft which would be superior to our multi-purpose aircraft in each of the missions it performs.

In view of this history it is important to examine the justification for the Phoenix in some detail.

Since the nuclear attack mission of the carrier has lost its credibility, the primary justification for the Phoenix is now defense against the same massed raids of Soviet naval bombers launching the same missiles, but armed with conventional rather than nuclear warheads. It is essential to realize that no Communist nation in the world beside the U.S.S.R. has even the beginnings of a naval bomber fleet. The Soviet naval bomber fleet itself, as Representative MAHON has pointed out, never materialized into the massive forces the Navy has been predicting for years. Thus, the Phoenix must be justified for defending the carrier in waters adjacent to the Soviet Union in a massive conventional war, with U.S.S.R. forces fully involved. Yet, under these improbable circumstances, the Soviet bombers are by no means the worst threat.

The irony of the situation is that large Soviet submarine forces make it impossible for our carriers to operate in either the North Sea or the Mediterranean, with or without Phoenix. Some here will remember that it was impossible in World War II for either British or American carriers to launch strikes from the North Sea against Germany. The situation for the carrier today is much worse; its speed has barely increased while the submarine's speed has increased by a factor of five with commensurate reductions in noise and detectability. Not only is the carrier far more vulnerable, it is also not needed since there are over 100 airfields of 8,000 feet or longer in central Europe. The Air Force has indicated that this is more than enough to handle all the tactical air needed in Europe. Since the F–4's are more than adequate against the few nonmissile-launching bombers available to the less-developed Chinese or the East Europeans,

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we find ourselves in the paradoxical position of incurring the enormous cost and the fighter deficiencies of the F–14/Phoenix combination in order to defend the fleet in a theater of war where it cannot and need not be used.

The overemphasis on fleet defense that has led to the F–14/Phoenix has taken our attention away from a much greater need to develop a truly superior air-to-air fighter. If the Soviets follow their traditional policy of developing small, simple, maneuverable fighters, they can produce an aircraft in the mid 1970's that will be significantly better than our F–4's. Although we have not yet seen a Soviet fighter that is a better dogfighter than the Mig 21, we need to prepare against such a threat since the leadtime to develop a new U.S. fighter is much longer than the intelligence leadtime we will get when the Soviets produce theirs.

The Navy has, in effect, argued that the day of the dogfight is over; that in the future we can count on missiles to shoot down enemy fighters at long range. The fighter pilots have been hearing this story for a long time. They simply do not believe it. The R. & D. community has been promising better missiles for 20 years. Yet, the fact remains that fighter-to-fighter engagements have changed little since World War II. Despite very optimistic estimates and costly modifications before the Vietnam war, virtually all fighter pilots feel strongly that fighters must have guns and that the guns will be used for the majority of kills. They believe that missiles, particularly complex ones, will be unreliable, easy to outmaneuver and easy to countermeasure. We have not shot down any aircraft in air-to-air combat with missiles used outside of visual range. The position of the fighter pilots is summed-up in the following quote, again from Capt. Holmquist:

> For the fighter role, speed, excess thrust, buffet boundary, roll rate, maneuverability, and altitude must be maximized, since the style of fighter-to-fighter engagements has changed little since the days of World War II and Korea.

The Navy claims that the F–14 is also optimized for air-to-air combat role as well as for fleet defense. This assertion is absurd on the face of it. First, the Air Force F–15, which will have to face the same enemy aircraft, weighs much less than the F–14 and is much more maneuverable. Clearly, the F–15 will be a better aircraft for air-to-air combat.

More important, however, there have been a series of reports in the trade journals about an alternative fighter that could be developed which would be much better, as well as much cheaper, than even the F–15. This aircraft, which has been called the F–XX or the VF–XX in the Navy version, has been described as a simple, uncompromised, single seat, single engine, under 30,000-pound fighter which derives maximum benefit from the advances which have been made in aerodynamics and engine technology to achieve an unprecedented level of agility. In addition to a gun, the aircraft would be armed with simple heat-seeking missiles, which have been by far the most effective missiles we have used in Vietnam.

There is no doubt that an aircraft of this type would completely dominate the F–14B in air-to-air combat. If we could build it, we certainly must be concerned that the Soviets might, since it is quite similar in concept to their traditional approach. Given the past performance of the missile developers, fighter pilots are simply not willing again to put their hopes and their lives on aircraft of inferior performance which rely on untested "paper" weapons for survival and victory. They want a fighter, not a missile-launching platform.

So far, I have only spoken about performance. However, not only would a simple fighter like the F–XX outperform the F–14, it would also be very much cheaper. Rough estimates indicate that the 10-year cost for this type of aircraft would be less than $10 billion as opposed to $25 billion for the F–14. The difference in cost between the two programs is twice as much as the total cost estimated by the administration for the ABM program.

The questions I have raised merit further study. Accordingly, the amendment we have proposed to the authorization bill would require that Congress undertake a study prior to April 30, 1970. This study would be an investigation of the requirements to be fulfilled by future carrier-borne aircraft and the projected capability of the F–14 to fulfill these requirements in the most effective and efficient manner.

This study will not delay in the slightest way the introduction of a new fighter into the Navy.

There is one final issue that concerns me about this program, Mr. President. The administration is proposing to use the total package procurement—TPP—concept with token modifications for procuring the F–14. Once again, we are undertaking a very complex technical development program based on "paper" estimates made by the contractor for the performance, risks, and costs for a new airframe, new fire control, and new missile. The DOD has arranged development and procurement so highly concurrent, that we will have to appropriate as much as $3 billion before we find out whether the F–14 even comes close to meeting specifications, much less whether it has any usefulness as a fighter.

It seems hardly necessary to stress the obvious problems with this approach to aircraft development. TPP has led to the extreme cost overruns in the C–5A program. Already, independent cost estimates have been made which predict as much as 50-percent overruns for F–14.

TPP has also led to the technical disaster with the Cheyenne helicopter. The same people in the Pentagon who are telling us that there is little risk in the F–14 program, told us the same thing about the Cheyenne based on the same type of "paper" studies by the contractor.

Despite promises to reform the procurement procedures and to insist on testing prior to production commitment, the very first major aircraft program proposed by the new administration fails to meet these promises.

I completely concur with the very sensible recent study prepared by GAO for Senator HART on parallel undocumented development. Given the technical risks associated with a complex fighter development, it would seem reasonable to insist on competitive fly-off of prototype aircraft prior to a selection of aircraft for production. While this approach may seem more costly and time-consuming at first, it will assuredly lead to a better end product, and, in the long run, is likely to produce a usable fighter at less total cost and in a shorter period of time. When faced with a competitive fly-off, the contractors have the incentive to get every ounce of performance possible out of their designs. They do this by keeping their best people on the job throughout—as opposed to the usual practice of assigning the good people to the program only until the contract is awarded and then taking them off to bid on the next one.

The competitive prototype approach permits meaningful cost estimates for the production aircraft since the contractor's bids are based on hardware rather than paper. Since the R. & D. costs are only about 4 percent of the 10-year cost, even small savings in production and operating costs can far outweigh any extra R. & D. costs that might be incurred.

In addition, the aircraft might even be available sooner since the competitive prototype approach would reduce the probability of needing extensive changes to meet performance goals—as on the F–111B and Cheyenne helicopter programs.

Finally, Mr. President, I again find it ironic that the services have complained bitterly about the lack of aircraft development programs in this country. We are told that we have not built a new fighter since the F–4 was flown in the 1950's. They stress the fact that the Soviets have flown about one new prototype each year and that this approach gives them a wide range of alternatives from which to choose a production aircraft. Yet, despite these claims, neither the Navy nor the Air Force has proposed the competitive prototype development approach for their new fighters.

These are questions and concerns that merit the special and specific attention of Congress. To gain that attention is the purpose of the amendment which Senator HATFIELD and I offer today.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield to the Senator from Nevada (Mr. CANNON) such time as he may desire.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. CANNON. Mr. President, I yield myself 10 minutes.

I wish to respond to the statement of the Senator from Indiana. I want to emphasize from the outset that the Armed Services Committee, charged with the responsibility for the Senate as a whole with authorizing major military weapons systems, reviewed the justification for the F–14 program in detail, which is apparently what the Senator from Indiana is attempting to have done again.

In that connection, I would like to point out that already there are over 48 studies that have been completed in con-

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nection with the F–14 program. I ask unanimous consent to have printed in the RECORD at this time a "Sampling of F–14 Phoenix Applicable Studies" for the past several years, covering the F–14, engine problems, and the associated problems of the Phoenix missile, totaling 48 studies.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SAMPLING OF F–14/PHOENIX APPLICABLE STUDIES

"Navy Fighter Study" Vol I 28 March 1968.—Analysis of costs, performance, and schedules of alternative aircraft and their capabilities in Fleet Air Defense and other fighter roles.

"Navy Fighter Study" Vol II Threat Analysis 28 March 1968.—Analysis of anticipated threats and likely tactical situations for U.S. Naval Forces during the mid 1970's.

Chief of Naval Operations Secret Report "The Navy Fighter Program" May 1968.—This report presents the entire rational for the VFX (now the F–14) fighter program. It includes threat assessment, consideration of alternatives, force level and cost effectiveness implications, etc.

Chief of Naval Operations Secret Report "Navy Fighter Study—Phase II" 20 May 1968.—This study reexamined the operational effectiveness contributions of the AWG–9/Phoenix and the AWG–10/Sparrow systems and again concluded that the AWG–9/Phoenix capabilities are essential to meet the broad spectrum of threats.

Research Management Corporation Report No. S–02094 of 20 March 1968.—Independent cost estimates for the F–14 based on statistical analysis of the cost of high performance aircraft produced over the past several years.

Development Concept Paper for VFAX of 23 Jan. 1968.—Analysis of the pros and cons for developing a multi-mission VF and VA aircraft for the mid 1970's.

"VFX Weapons System Proposal (U)" The Vought Aeronautics Division of the LTV Aerospace Corporation Ser 2–71200/8L–193 of 30 Sep. 1968.—In 28 Volumes. An exhaustive and complete technical proposal for the VFX aircraft containing design philosophy, management methods, risk analysis, cost effectiveness studies, service suitability, and comprehensive reports of studies, wind tunnel tests, laboratory experiment, and construction methods. The proposal included studies of advanced version and effectiveness.

"Model 225 Proposal for Engineering Development and Production (U)" Ser 747–07 2695 of 1 Oct 1968. The McDonnell Aircraft Company.—In 33 volumes with material as described for the LTV proposal. For the VFX.

"Proposal for VFX High Performance, Carrier Based Fighter Aircraft Weapon System, Contract N00019–69–C–0047 (U)". The Convair Division of the General Dynamics Corporation, Report No. GDC–ACV–68–001 of 30 Sept 1968.—In 23 Volumes with material as described for the LTV proposal.

"Proposal for High Performance Carrier Based Fighter Aircraft Weapon System VFX (U)". The North American Rockwell Corporation Serial ADO–68–32 dtd 28 Sept 1968.—In 32 Volumes with material as described for the LTV proposal.

"Contract Definition Report and Engineering Development Proposal for the VFX Weapon System (U)". Grumman Aircraft Engineering Corporation, Serial FSR–303 dated 1 Oct 1968.—In 37 Volumes with material included as described for the LTV proposal.

"The Air Target", Vol. I of Rationales for Exploratory Development Goals. (U) By the Exploratory Development Division of the Naval Material Command Headquarters dated 11 June 1968. (Secret).—Development goals for air target threat counter in the 1980 time period are exhaustively analyzed to derive parameters and values.

"Potential Effects of Defensive Electronic Countermeasures in Fleet Anti-Air Warfare (U)" by AM Salyberg. Center for Naval Analyses NAVWAG Research Contribution No. 79 dtd February 1968. (Secret).—The report discusses the use of missile in an ECM environment.

"Advanced Navy Multi-mission aircraft Vulnerability Study (U)". The McDonnell Aircraft Company Report G095 dated 1 June 1968 (Secret).—The study analyzes aircraft design considerations, including cost tradeoffs, for reducing vulnerability to combat damage.

Passive Ranging in the PHOENIX Missile System (U) Final Report in AirTask A05–510–C49/202–1/A10700–00 dated 19 Sept 1968 (Secret).—The report concerns the analysis of passive ranging techniques used by the Phoenix in an ECM environment.

"Phoenix Performance Data Report (U)," January 1968 (Confidential).—This report presents the current estimates of the trajectory and miss distance performance of the AIM–54A missile, and describes in detail the basis for these estimates. The missile configuration and its parameters are described, and studies perfromed since December 1963 that led to this configuration are presented.

"Air Attack Threats for the Evaluation of the F–111B/Phoenix Weapon System—1970–1976 Time Period (U)," NADC–AW–6617, 22 December 1967 (Secret).—This report presents detailed estimates of a spectrum of potential enemy threats to task force and beachhead operations and enemy airborne defenses against friendly strike missions. The report is intended to be used as a source of information on hostile capabilities in the 1970–1976 time period for use in air warfare simulations of the F–111B/Phoenix Weapon.

"Fighter System Studies Operation Analysis" Grumman Aircraft PDR–OP–174 June 1967.—Generalized aircraft designs used in conjunction with analytical evaluations to define pertinent design areas for development of point designs, which are then evaluated through the analytical and simulation methodologies.

"VFAX Increased Fighter Performance Boeing Report" PD 7026–3 of 17 January 1967.—Evaluation of threat, operational usage of VFAX, aircraft design characteristics, and performance capabilities.

"VFAX Summary Description of Aircraft Design and Engine Recommendations" Vought Aeronautics Division Report No. 2–55400/7R–2473 of 15 December 1967.—A six volume report containing the design philosophy and substantiating data for an airframe and engine combination fulfilling the requirements of TDP 11–06R1 for VFAX aircraft.

"VFAX Aircraft Design Study" McDonnell Douglas Report C–125395 of 15 December 1967.—Performance considerations and design criteria leading to the selection of a VFAX engine to meet the requirements of TDP 11–06R1.

"FAX–1 Study" North American Aviation TPA–049, Task 1 (NA–67–685) dated 8 September 1967 (Secret).—An evaluation of the potential cost effectiveness of various aircraft systems in the performance of tactical fighter and fighter/bomber missions. (Four volumes).

March–May 1967, NAVAIRSYSCOM "Fighter Comparison, F–4J, F–4 (VS) VFAX, F–111B."—A comprehensive technical, cost and delivery comparison of several alternative fighter aircraft programs conducted inhouse and presented within the Navy.

12 October 1967, Grumman Technical Presentation, "A Cost Effective Approach to meeting the 1970–1980 Fighter Force Level Requirements."—Grumman's analysis and proposed solution to the fighter problem.

"Advanced Fighter Aircraft Design Studies" by four (4) major airplane producers. December 1967—

(a) Grumman Model 303 submitted by letter dated 28 December 1967.

(b) Vought Aeronautics Division (LTV) Model 505 by letter dated 28 December 1967. This was followed by a letter submittal dated 26 April 1968.

(c) North American Rockwell Model 323 by letter dated 29 December 1967.

(d) McDonnell Douglas Model 225A informally presented on 19 December 1967 and submitted on 31 December 1967.

Foregoing studies verified the Navy's inhouse fighter studies and provided the backup technical and cost data for the Navy Fighter Study of early 1968.

"VFAX Technical Development Plan (TDP)" dated 31 May 1967.—An updating of the total development plan originally issued in 1966.

"NASA Presentation to Defense Science Board on Advanced Fighter-Attack Aircraft, LWP–447" dated 11 July 1967.—Study of FX and VFAX aircraft requirements with state of the art.

"Lockheed and Vought Aeronautics Presentation to Defense Science Board. Tactical Aircraft Task Force Meeting" 11 August 1967.—Study of FX and VFAX aircraft requirements.

"The 1975–1980 Fighter/Attack Aircraft Advanced Planning Study, Final Report (U)", (Six Volumes) by the McDonnell Aircraft Corporation. Report B151, Vols. I to II dated 11 March 1966 (Secret).—The study develops the threat, appraises the technology, compares the effectiveness of concepts and recommends development toward optimized systems.

Tactical Aviation Study—Progress Report Phase I 12 May 1966.—Develop an analytical rationale for the composition of future carrier air wings, for the ratio of carrier air wings to carrier decks, and for total carrier force level.

"Air Attack Threats for the Evaluation of Weapon Systems in an Anti-Air Warfare Simulation (AAWS), 1968 to 1975 Time Period (U), "NADC AWRD TM–2–66, 18 January 1966 (Secret).—The purpose of this memorandum is to define selected enemy threats in sufficient detail to permit their use in comparing weapon system effectiveness in an anti-warfare simulation. Three battle situations are provided: a fleet anti-air mission; a beachhead air superiority mission; and a strike-escort mission.

A VFAX Parametric Aircraft Design Study Report ASR–415–3 of 11 November 1966.—Tradeoffs between engine size, wing area, takeoff gross weight, and costs for VFAX type aircraft.

The Fighter Gap—Naval War College by Capt. F. T. Rooney May 1966.—Evaluation of the nature of fighter aircraft, the mission, and operational criteria with resultant aircraft design requirements.

Boeing Preliminary design and Trade Study, High Performance Multi-Mission Fighter/Attack aircraft. Acceleration Trade Study. Contract NOw 65–0491–C dated April 1966.—One of the contract studies conducted to determine the sensitivity of requirements prior to a competition for a new fighter covered effect of performance requirements on size, cost, and effectiveness; compared several design approaches with foreign threat designs.

1966 FAX Study Review Team.—A DDR&E sponsored group investigating Air Force and Navy fighter requirements for the FX and VFAX, respectively.

"Air Defense Expected Kill (U)," Veda Memo CRV–18/551, 30 September 1966, (unclassified).—This memo consolidates the explanation of the statistical technique used for determining the expected kill for a sequency of interceptors each carrying a mixed missile load against a wave raid.

"Warhead Lethality Comparison (U),"

COMNAVMISCEN letter to COMNAVAIR-DEVCEN, serial no. 00133 of 4 August 1966 (Secret).—This letter presents the results of a lethality analysis of the AIM-54A missile against three selected threat targets using specified initial conditions and fuze/warhead parameters. (4 pages)

"Warhead Lethality Comparison (U)," COMNAVMISCEN letter to COMNAVAIR DEVCEN, serial no. 00183 of 21 October 1966 (Secret).—This letter compares lethality estimates for the AIM-7F, AIM-9D, and AIM-54A missiles. It also revises some data presented in reference 2 above. (5 pages)

Hughes Conf. Report B1940 "Phoenix/VFAX Study" 28 Sept 1966.—This study was performed after the need to replace the F-111B became increasingly evident. The study demonstrated the feasibility of reconfiguring the AWG-9/Phoenix system to make it compatible with a tandem, smaller, high performance fighter of the VFAX class.

Grumman Conf. Report ASR-415-2 "VFAX/AWG-9 Integration Study" dated 13 October 1966.—Study performed under Contract NOw66-0567-C, investigated the feasibility of integrating a reconfigured version of the AWG-9 weapon control system and the Phoenix Missile into the VFAX class of fighter aircraft.

Anti-Air Warfare Study Contracts.—

(a) McDonnell Aircraft, NOW65-0667-f dated 13 Aug 1965.

(b) Grumman Aircraft, NOw65-0613-f dated 18 June 1965.

Contracts covered the analysis and preliminary design of fighter aircraft to replace the F-4 and F-111B airplanes. The McDonnell study covered an improved version of the F-4 while Grumman investigated major redesigns of the F-111B, new airplanes, and A-6 modifications.

BuWeps Secret Report No. R-5-65-5 "Cost Effectiveness Comparison of F-111B with Selected Alternatives (U)" dated March 1965.—This study concluded that contingent upon the F-111B being a good carrier based aircraft, it was a cost effective system but dominated by the superior characteristics of the AWG-9/Phoenix system.

NASA Evaluation of F-14, 7 Aug 1969.—Independent evaluation of the F-14 performance substantiated by extensive wind tunnel tests and analytical evaluations. Report verified NAVAIR evaluation of F-14 capabilities.

VFX Development Concept Paper, June 1969.—Reviews the threat, methods of countering the threat, alternatives, cost effectiveness, and OSD decision to proceed with the VFX concept.

BuWeps Secret Report No. R-5-65-1, Jan. 1965 "An Evaluation of Attack and Attack Fighter Aircraft for the 1970's (U)".—A comprehensive systems analysis of a wide variety of alternative systems and force mixes. This study provided the basis for the SOR (Specific Operational Requirement) for the VFAX program which later evolved into the VFX program.

BuWeps Confidential Report No. R-5-61-14/2 "Factors Determining the TFX (N) Weapon System Characteristics" dated September 1962.—An early weapon system trade off study that led to defining the AWG-9/Phoenix weapon system characteristics and clearly demonstrated the need for a long range, multi-shot missile system for fleet air defense.

Project Stone Final Report Hughes Report PMS 86-1/2141 21 February 1969.—Comprehensive analysis of Phoenix capability against cruise missiles and their launchers.

Phoenix Performance against Mutliple Barrage Jammers Hughes Report 2143.20/17 21 February 1967.—Study results with three encounters with multiple jammers.

Comparison of Multi Mission Aircraft in a Seven Day Limited War Compaigns Analysis (U) Final Report Secret NADC—WR-6528 Naval Air Development Center, Johnsville, Pa. 30 Dec. 1965.—A computerized escort-self escort comparison of the proposed VFAX aircraft and existing aircraft. Mix ratios were examined for combinations of attack and multi-mission aircraft. The VFAX/A1B combination carrier loading was superior to the F4J/A7B and unescorted A7B.

"One versus two-can crew study final report (U)" North American Autonetics Report C6-94/312Q DCN 66AN 511581. Dated 31 Jan. 1966 (Secret).—This study, performed under Bureau of Naval Weapons contract, investigates crew size requirements for a 1970-1975 time span multi-mission (air-to-air/air-to-ground) type aircraft.

"Evaluation of Expected Kill of Mixed Loadings Against A Wave Raid (U)," Veda Memo CRV-15/551, 20 July 1966, (Unclassified).—The memo developes a generalized statistical technique for determining the expected kill for a single interceptor carrying a mixed missile load against a wave raid. This computational technique yields a precise value of expected kill as a function of interceptor combat time (generated by STAB II) and missile firing doctrine.

"Expected Kill for a Cluster of Targets Protected by a Jammer (U), "Vedo Memo TEM-2/551, 26 August 1966 (Confidential).—This memo explains a preliminary statistical technique for determining the expected kill when several missiles are launched against a cluster of targets which are screened by a single ECM aircraft.

Mr. CANNON. As a matter of fact, Senator STENNIS appointed me chairman of a special Tactical Airpower Subcommittee on February 28, 1969. Distinguished colleagues serving with me on this subcommittee were Senators SYMINGTON, JACKSON, YOUNG, THURMOND, TOWER, and GOLDWATER.

Senator STENNIS asked specifically that we concentrate on the justification for both the F-14 and the F-15 fighter aircraft programs.

Members of the Tactical Airpower Subcommittee spent several weeks reviewing 15 major tactical weapons and weapon systems. As a result of our deliberations we recommended the denial of fund authorizations in the amount of $558.5 million in various tactical weapon systems.

After extensive briefings, the subcommittee recommended that the F-14 and F-15 programs be supported by the full committee. All of our recommendations were subsequently adopted by the full committee. Therefore, I want to positively assure the distinguished Senator from Indiana that the Senate Armed Services Committee did not give, as he has stated "blank check approval of that—F-14—weapon system which is found in the bill as it reads today."

As chairman of the Tactical Airpower Subcommittee, I would like to review briefly the compelling reasons that led the Tactical Airpower Subcommittee to the unanimous recommendation that the F-14 program should be fully supported and authorized. I shall be happy to expand or discuss with any Member any particular point after concluding my remarks.

THREAT

Whether any new air superiority fighter is required or not depends on the threat to our national security. If there is no threat, then we can rely on or make do with older less effective weapon systems. If there is a threat, then in good conscience we must recommend those actions necessary to protect our national security. Is there a threat in the tactical air superiority area? I believe unquestionably that the evidence conclusively demonstrates there is a distinct and serious threat. I believe that if we do not pursue both the F-14 and the F-15 air superiority aircraft programs the United States will be inferior to the Soviet Union by 1975. Why is that so? The only aircraft in our inventory today with an acceptable air-to-air combat capability is the F-4. This aircraft has been and is an excellent weapon system. However, it is critically important to recognize that its technology dates back to 1954. In an age of rapidly advancing technological achievements the F-4 could not cope successfully with Soviet aircraft in the mid-1970's.

Today the most likely enemy air superiority aircraft is the Mig-21. Expert testimony has established that the F-4 is considered equal in performance to the Mig-21 at normal fighting altitudes. We then must determine whether the Soviet Union has improved upon the Mig-21. The Soviets since 1954, when the F-4 was designed, have flown 18 new models of modern-type fighter aircraft. Obviously not all of these different models have gone into production or become operational. However, it afforded the Soviets with many modern flying prototypes from which it could select the very best for production.

Seven of the 18 new models were seen for the first time by the free world at the July 1967 Moscow airshow. At this airshow, we first saw the Foxbat, the present holder of the world's speed record. Intelligence sources estimate at least three of the new fighter aircraft seen for the first time then are currently in production or will be shortly.

During the past decade the Soviet Union has introduced at least one new type operational fighter every 2 years. A total of six, with 11 models; namely, five models of the Mig-21 Fishbed; two models of the Fishpot; and one model each of the Fitter, Firebar, Fiddler, and the Flagon.

The Soviet Union has concentrated on tactical aircraft specifically oriented for the air superiority role. In contrast, the United States has developed and relies on the F-4 for the air superiority role.

It is fundamental that the new Soviet aircraft flown in 1967 will be superior to the Mig-21. Further, when they are operational they will be superior to the F-4. A nation with its eyes on the future, and what potential adversaries may do, obviously will not develop and deploy new weapon systems inferior to existing models.

Our informed experts agree the F-4 aircraft, designed on a 1954 technology, will be totally inadequate to cope with the highly sophisticated aircraft of potential enemies in the mid-1970's.

A modern fighter takes several years to develop and produce. This is an inevitable and inescapable fact. Therefore, it will be 1975 before our new air superiority fighters are operational, with the exception of the F-14A which will be operational in early 1973.

It is well recognized that if the air space is controlled, then the battle area

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and surrounding terrain is controlled. If the air space is not controlled, then other tactical aircraft designed for air-to-ground missions will be relatively ineffective. Even modern aircraft designed for air-to-ground roles require a "permissive" environment, that is, no heavy enemy fighter opposition if they are to be successful. Yet, in the face of this unquestioned fact, the United States for the last few years has concentrated on the development of air-to-ground aircraft for the interdiction and close air support missions.

F–14

Now I would like to discuss the F–14 program and whether it will be able to meet its primary mission requirement—to achieve air superiority. The Navy and its aeronautical experts have stated it will be fully capable for this vital mission. Inasmuch as carriers are deck limited and can carry only a limited number of aircraft, the F–14 must also perform the fleet air defense mission. Otherwise we would have to buy two different types of aircraft—one for the air superiority mission and one for the fleet air defense mission. Many people, including myself, were initially concerned as to whether the F–14 would be unduly compromised in the performance of its air superiority mission by virtue of the added responsibility of performing the fleet air defense mission carrying the Phoenix missile system.

Dr. Foster, and his technical experts in the Department of Defense, also had this concern. Therefore, they requested the National Aeronautics and Space Administration to determine if the performance characteristics established by the Navy were reasonable and capable of attainment. NASA, after reviewing all of the major data and conducting tests on its own, advised Dr. Foster that the multimission performance estimates of the Navy were attainable without any significant degradation of the pure fighter capability of the F–14. The Department of Defense Research and Engineering Office has also concurred with the Navy's estimates. I was reassured by the findings of these aeronautical experts and I do not think anyone, therefore, without proper qualifications should make findings to the contrary.

I feel it is important to understand that an air superiority aircraft is not dependent for its success on any one feature, such as speed. An air superiority aircraft to be successful must be a "balanced" aircraft capable of speed, acceleration, climb, maneuverability, and so forth. This involves consideration of weight, thrust to weight ratios, wing loading, and so forth. The design experts must review all of these requirements and put them in proper balance in order to achieve a true air superiority aircraft.

I would like to say a few words about the Phoenix missile system. This is the main armament for the F–14 in the Fleet Air Defense role. The present program calls for "palletizing" the vast bulk of the equipment associated with the Phoenix missile. This means that when the aircraft is configured in the air superiority role the Phoenix missile and most of its associated equipment will be removed. I have with me today a model of the F–14 which shows how this will work in practice.

The subcommittee was advised that if the F–14 was designed exclusively for the air superiority role—without any Phoenix weapon system capability—that it would weigh only 600 pounds less than the present F–14 design. Let me make this point very clear. The Navy experts have stated that if they designed an aircraft exclusively for the air superiority role without considering any other mission it would weigh only 600 pounds less than the present F–14. The Navy feels, and I agree, that the 600 additional pounds the F–14 will weigh in order to give it the capability of carrying the Phoenix missile system is an insignificant penalty when we consider the great value realized; namely, the ability to perform the Fleet Air Defense mission.

The development of the Phoenix missile system has been a very complicated risk. However, 21 of the planned 26 test launches have been fired and 16 were extremely successful. This is an impressive record when one considers the tremendous advance in the state-of-the-art represented by the Phoenix. For example, Mr. President, the Sidewinder air-to-air missile which has enjoyed a very enviable record over the past few years, had great difficulties early in the R. & D. phase. Nearly all of the first 50 R. & D. firings of the Sidewinder missile were failures. Therefore, I think everyone should understand and appreciate that research and development is an essential phase every major weapon system must go through. Obviously any program has its temporary problems and not all test firings are successful during that period.

COST

The distinguished Senator from Indiana has stated the F–14 program will ultimately cost $25 billion. I have no information to support that figure.

The Navy has contracted with the Grumman Corp. for 469 F–14 aircraft—six R. & D. and 463 production aircraft—subject to the approval of the Congress. The information I have shows the program will cost $6.4 billion. This includes all 3 models, the F–14A, the F–14B and the F–14C. It includes $1.3 billion for R. & D. and $5.1 billion for production. Most importantly, these figures are based on escalated dollars which means that provision has been made for a 4-percent compounded annual increase in cost for inflation from 1970–76.

I previously stated in my speech on the Senate floor on July 10, 1969, that the estimated unit cost per aircraft would be $15 million each. It is exceedingly important for every member to recognize that this unit cost includes spare parts, ground support equipment, and a proper share of all R. & D. expenses. To my knowledge this approach by the Tactical Air Power Subcommittee has not been used previously. In the past we have always talked about "flyaway" costs. This is the cost of an aircraft sitting on the runway ready for takeoff. This cost excludes ground support equipment, training, spare parts and a proper share of R. & D. Obviously, our method gives a higher cost figure. However, I believe our cost basis is more realistic because it includes all associated costs with an aircraft and not merely those costs associated with equipment physically on the aircraft.

The Navy has recently advised me that it uses $13.6 million per aircraft for the F–14A and F–14B programs. It did not include estimated costs for the F–14C because it is so far down the road. The F–14C would ultimately provide for new micro-miniaturized avionics. No funds have been requested or spent on the F–14C to date. However, the $6.4 billion figure referred to previously includes the estimated R. & D. costs of the F–14C of $326 million.

The $13.6 million per aircraft includes $8.5 million flyaway costs, $1.1 million support costs, $2 million for spares, plus $2 million for a prorated share of R. & D.—a total of $13.6 million per aircraft. This is for 469 aircraft. If the Navy were to purchase 716 F–14's—the Navy's present force level requirements—it would cost $12 million each.

Mr. President, I yield myself an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for an additional 5 minutes.

Mr. CANNON. Mr. President, obviously when more aircraft are purchased the unit cost is substantially reduced.

For example, Senator HARTKE compares the $15 million costs of the F–14 to the $3 million cost for the F–4. This is comparing apples and oranges. The costs for the F–14 as computed by the Tactical Air Power Subcommittee, includes all costs, that is, flyaway, ground support costs, spare parts costs, and a prorated share of research and development. The $3 million figure for the F–4 is "flyaway" cost only.

The flyaway costs for the F–14 is $8.5 million in escalated dollars for 463 aircraft. If we used 1970 dollars—without allowing for future estimated inflation—it would be $7.5 million each. The cost of the first 463 F–4 aircraft was $3.6 million each. This was between 1955–63. If we escalate this to 1970 dollars based on actual Bureau of Labor Department statistics the first 463 F–4 aircraft "flyaway" costs would be $3.9 million each. Therefore, to make a fair and accurate comparison we should compare the $7.5 million cost for the F–14 to the $3.9 million flyaway cost of the F–4 using 1970 dollars. Also it is important to realize that the F–14 will use 1969 technology versus the 1954 technology of the F–4.

I want to reemphasize that these costs are in escalated dollars. This allows for a 4-percent cost compounded annually for inflation. If we used 1970 nonescalated dollars, the $13.6 million per aircraft would be $12.4 million per aircraft for 463 aircraft. If we purchased 716 aircraft, the unit cost would drop from $12 million to $10.4 million per aircraft.

I certainly am not attempting to convince any Member of the Senate that the F–14 is a cheap aircraft. It is not. No new modern weapon system in this day and age cost a few dollars. We must pay for the drastic inflation encountered in this country since 1964. Unfortunately, we cannot go down to the local dime store and procure complicated weapon systems containing the highest sophistication.

Personally, I have weighed in my own mind the requirement for the air superiority aircraft for the Navy versus the cost to be encountered. It is my conclusion that these costs must be incurred because of the paramount importance of properly providing for our national security.

Mr. President, before I close my remarks I would like to tell the Senators why I feel it is important to proceed with the F–14A, using the TF–30–P412 engine and the Phoenix weapon system developed for the F–111B, rather than waiting for the F–14B which will incorporate the advanced technology engine—ATE. If we canceled the F–14A and waited for the F–14B, it would cost the American taxpayer $340 million additional. Of equal importance is the fact that we would delay the introduction of the F–14 into the fleet more than 2 years—from early 1973 until 1975. No one can predict what national security risks we may encounter between 1973 and 1975. I do not feel we can afford to run such a risk.

TF–30—P–412 ENGINE

I would like to advise the Senate, Mr. President, that the TF–30/P–412 engine for the F–14A is not an "old" engine as stated by my distinguished colleague from Indiana (Mr. HARTKE). This engine is the first afterburning turbofan engine developed in this country. It has the highest thrust, the highest thrust to weight ratio, and the lowest fuel consumption of any fighter engine in the Free World. The P–412 engine is the same as the P–12 engine for the F–111 aircraft after adapting the P–12 inlet for the F–14. Initial deliveries of the P–12 engine were only made last year. Not even in a remote sense can it be stated that the TF–30/P–412 is an "old" engine. Further, the F–14 airframe has been specifically designed for the TF–30 engine and the advanced technology engine. Hence, there is no "mismatch" between the F–14 airframe and its engines.

In conclusion, Mr. President, I would like to briefly mention the source of several documents mentioned by Senator HARTKE that he has requested of the Defense Department. These documents, for the most part, were prepared by personnel in the Office of Systems Analysis in the Department of Defense. I do not know what contribution, if any, these documents will provide. I do not know their contents. However, I do think it is extremely important to recognize the key and influential role in the weapon system decisionmaking process played during the 7-year reign of Secretary McNamara by the Office of Systems Analysis. Not once did this Office to any knowledge recommend the United States undertake the development of a new air superiority fighter system. They were always interested in conducting cost-effectiveness studies. While this is fine and has merit as a general rule, the results of these cost-effectiveness studies relative to tactical aircraft, concentrated on carrying iron bombs over long ranges on air-to-ground missions. They stressed such items as "cost per ton mile." It led to the conclusion that as long as we could carry a large amount of bombs over long ranges that we had tactical aircraft superiority over the Russians. While these type missions are important it resulted in a complete failure to develop a new air superiority fighter. In addition, Systems Analysis successfully resisted all efforts by the Navy and the Air Force to initiate a new air superiority fighter program. I must say, for my part, that I do not look very sympathetically or understandably on data prepared by this Office who, after a long record of resistance, now propose that they can develop a better air superiority fighter.

Mr. President, I could talk at much greater length aabout the F–14 program. However, I recognize the very busy schedule presently confronting the Senate. I will be happy now to respond to any questions.

Mr. President, I yield 2 minutes to the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, I thank the able Senator from Nevada (Mr. CANNON), a colleague on the Committee on Armed Services, and wish to express my appreciation for the contribution he has made in this area. He and his subcommittee have done a very effective piece of work in this area throughout the long hearings.

Mr. President, my remarks on amendment No. 164 will be very brief.

The Senate has already undertaken the task of making a comprehensive study of the carrier fleet. It stands to reason that any study on the future of the carrier must include the aircraft which represents its principal weapon.

That study would necessarily require a thorough examination of the five items set forth in the amendment.

Mr. President, this protracted debate which began on July 7 is now drawing to a close. This amendment should be summarily rejected because it represents a duplication of effort that we have already committed ourselves to accomplish.

Mr. CANNON. Mr. President, I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, it is my intention to vote against amendment No. 164 which calls for a study of the need and capability of the F–14, the Navy's planned air superiority aircraft.

Early this year the distinguished Senator from Mississippi (Mr. STENNIS) named an ad hoc Tactical Air Power Subcommittee under the chairmanship of the distinguished Senator from Nevada (Mr. CANNON) to conduct just such a study.

Not only was this subcommittee, of which I was a member, charged with the study of the F–14 but they also undertook an investigation and review of 14 other major tactical air weapons systems.

This subcommittee held numerous briefings on the tactical airpower situation. It concluded its work by making a set of recommendations to the full Senate Armed Services Committee. Although these recommendations called for the discontinuance of a number of tactical aircraft programs, the seven members of the committee unanimously supported the F–14 program.

The full committee also conducted its own investigation into the F–14 program as it did on other major weapon systems. This Navy air superiority aircraft designed to meet our naval air power needs in the mid-1970's received the support of the full committee.

Mr. President, only last year the Preparedness Investigating Subcommittee of the Senate Armed Services Committee conducted a thorough study into the status of our tactical airpower programs. This investigation included hearings and the issuance of a report which is available to all Members of this body. One of the key recommendations of this report was the need to press forward with the development of air superiority fighters for both the Navy and the Air Force if we are to protect our men, ships, airbases, cities, and other targets in any future conflict.

As recently as July 10, Mr. CANNON, chairman of the ad hoc committee who made the tactical airpower study, made a lengthy speech here in the Senate in which he detailed the findings of this subcommittee and in which he laid particular stress on the comprehensive study made by this group. At this time he emphasized the great need for the F–14 and the F–15.

Mr. President, it is abundantly clear this entire area as well as the F–14 specifically have already been studied carefully by the Congress. Amendment No. 164 is calling for another study.

The import of this amendment is that the Senate Armed Services Committee has not done its job. The very opposite is true. It has not only done its job, but has done it thoroughly. Furthermore, I am confident the committee, under the able leadership of the distinguished Senator from Mississippi, will continue to study and review the F–14 and other programs as they progress.

We do not need legislation to tell this committee how to do its work. This amendment amounts to a legislative mandate to the Armed Services Committee. Where is this sort of thing to stop? If some in the Senate feel we do not need the F–14 then let us have an amendment to that effect and we can vote it up or down.

The Senate has already attached an amendment to this bill calling for a study of the Navy carrier program and as the principal weapon of the carrier the F–14 would presumably be a part of such a study. Also, it should be noted the Navy Department has conducted 46 studies in the area of what type plane is required for our aircraft carriers.

Mr. President, we are forgetting this is an authorization bill. It has already become a Christmas tree bill with amendments dangling from every branch. It appears now the Armed Services Committee no longer has a membership of 18 but rather a membership of 100. We are witnessing an attack on the committee system.

This amendment will not receive my support on the grounds I have just stated. It is my hope other Members of this body will feel likewise.

The PRESIDING OFFICER. Who yields time?

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Mr. HATFIELD. Mr. President, I yield myself 7 minutes.

Mr. President, during the discussion of our tactical airpower requirements it has frequently been asserted that the Soviets have developed 18 new models of aircraft since 1955. Not all of these models, however, have been put into production and become operational. Nevertheless, it is claimed that in the past decade the Soviets have introduced five new operational fighter aircraft.

Further, it is asserted that by contrast, the United States is still relying on the F-4, a plane designed in 1955 which became operational in 1961, as our best and only air superiority fighter. Thus, the need for a new air superiority aircraft has been strongly urged upon Congress.

Those who have raised questions and criticisms of the proposed defense authorization bill have never, to my knowledge, disputed the need for a new air superiority fighter. There may be significant differences of opinion regarding the strength and capability of our present tactical airpower in relation to that of the Soviet Union. Also, there may not be complete agreement over the urgency of this need. But, fundamentally, no one has proposed that we should abandon all plans to develop any new air superiority fighter for the future. I trust it is perfectly clear that this is absolutely not the intention or motivation of the amendment being offered by the Senator from Indiana (Mr. HARTKE) and myself.

This amendment focuses particular attention on the F-14 aircraft. It questions whether the variety of missions the F-14 will be designed to fulfill are necessary, feasible, and can all be accomplished by one aircraft. Missions of this plane include defense of the carrier fleet against attack from the air, air superiority, and the capability to deliver certain bombs and missiles on ground targets.

The amendment is offered because of doubts we hold concerning the basic requirement of an aircraft for the fleet air defense mission and the ability of the F-14/Phoenix system to carry out that role.

The Phoenix missile system is being designed for the F-14's fleet air defense role. This highly complex missile is being developed to destroy sophisticated attacking enemy aircraft at long distances. This seems to imply, however, an attempt to provide a defense of our carriers in the event of a major conventional war with the Soviet Union. This raises certain questions in my mind. First, what is the probability of a conventional war with the Soviet Union that would not escalate into a nuclear war? Second, if there should be such a conventional exchange, what would be the role of our carriers? Would carrier-based airpower be necessary or useful to attack targets within the Soviet Union? If not, what role would there be for carrier-based tactical airpower in such a contingency? Finally, given this circumstance, would not the carriers be highly vulnerable to various submarine and surface launched missile attacks?

Thus, I ask whether it is realistic and necessary to provide for the highly sophisticated fleet defense that is the intended function of the F-14's Phoenix missile system. The question is crucial to the development of the F-14. The capability to carry the Phoenix is, in my understanding, the primary reason for the potentially massive expense of the F-14 program. Further, it is the Phoenix requirement that has raised strong doubts about the F-14's capabilities as a true air superiority fighter, as the Senator from Indiana (Mr. HARTKE) has pointed out. I am aware the Navy strongly denies that the air superiority mission of the F-14 is compromised by the fleet air defense requirement. But it seems evident that there is strong, authoritative opinion to the contrary which leaves this question unresolved.

The Phoenix missile will be extremely costly. Original estimates put the price at $219,000 per missile. Now, I am told that reliable estimates figure the cost at $400,000 per missile. Each F-14 will be able to carry one load of six Phoenix missiles. Thus, one load of Phoenix missiles for one F-14 would cost $2.4 million. I have not been able to discover precisely how many Phoenix missiles the Navy intends to buy. But this should indicate the tremendous expense of just this missile system, in addition to the cost of the aircraft.

The PRESIDING OFFICER (Mr. SAXBE in the chair). The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, it is estimated that the total systems cost of the F-14, including the extensive expense of operation and maintenance over a 10-year period, could be $25 billion. Because the F-14 would be one of the most expensive weapons systems ever procured by our Defense Department, I believe we must be absolutely certain about the requirement for an aircraft with the multimission capability of the F-14 and the capacity of this proposed aircraft to effectively perform all these missions.

At present, it seems as though doubts and questions remain which have not been fully answered. Thus, our amendment proposes that these issues be carefully studied by the Congress between now and April 30, 1970, and that no decision regarding the future procurement of F-14's be made until such a study can be carefully evaluated. Our amendment would not affect the 12 F-14's authorized in the current bill and other long leadtime items. It would require that the most careful scrutiny be given to this matter before we embark on the massive, costly procurement of an aircraft that might not be a wise or necessary component of our Nation's defense. There are many crucial questions and issues which such study should focus upon. Our amendment suggests a few specific considerations.

First, for instance, we believe the congressional study should examine in detail the character of the airborne threat to our carrier task forces. In House Appropriations Committee hearings in 1968, Chairman MAHON, in reference to the Soviet bomber threat, said:

> The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has, of course, not developed to date.

Has the threat increased since Congressman MAHON made this comment?

Second, just what are the capabilities of the Soviet aircraft which threaten our fleet?

Third, it is also important to examine the cost effectiveness of the F-14/Phoenix system. We should analyze in detail its ability to protect the carrier fleet against the threat which is likely to exist in the relevant time period.

We should look at the threat from aircraft, from submarines, from ships, and from shore-based missiles. We should then determine which of these can be countered and at what cost. If it turns out that at great expense we can cope with the airborne threat, but that no matter how much we spend we would not be able to deflect significantly other types of attack, then it would seem not useful to spend great sums to counter the bomber threats

Fourth, the study should look into the question of how much performance in any specific mission requirement is comprised in order to provide the F-14 with a multimission capabilty. The Senator from Indiana (Mr. HARTKE) and I have already commented on this issue.

Finally, I would hope that such study would focus attention on the cost-effectiveness and feasibility of alternative programs to the present F-14/Phoenix plans. The Senator from Indiana, for instance, mentioned reports of proposals for the development of a fighter aircraft not encumbered with the Phoenix missile system. If such an aircraft could actually be built and operated for as much as $15 billion less than the F-14, as the Senator from Indiana has maintained, then all the facts and considerations concerning such an alternative should be openly studied by the Congress before an irreversible commitment is made to the F-14/Phoenix system.

In summary, our amendment requests only that this highly complex matter be carefully considered before the next defense authorization bill. This would make it possible for all the Members of Congress to increase their knowledge and perfect their judgment on such a costly and crucial issue. I trust that the very distinguished chairman of the Armed Services Committee and the committee members will understand the cooperative spirit in which this amendment is offered. We want to increase our understanding of these complex matters in order to better exercise our responsibilities as Members of Congress. It is for this purpose that we offer our amendment and urge its adoption.

Mr. HARTKE. Mr. President, I yield myself 1 minute. I send to the desk a modification of the amendment.

The PRESIDING OFFICER. The Senator has a right to modify the amendment.

Does the Senator wish the modification to be stated?

Mr. HARTKE. Mr. President, I ask that the modification be read.

The assistant legislative clerk read as follows:

On page 1 of amendment No. 164, beginning with line 1, strike out all down through line 5 on page 3, and insert in lieu thereof the following:

"SEC. 403. Prior to April 30, 1970, the Congress shall complete a comprehensive study and investigation of the requirements to be fulfilled by future carrier borne aircraft and of the projected costs of the F–14 aircraft and the capabilities of such aircraft to meet these requirements in the most effective and efficient manner. The results of this comprehensive study and investigation shall be considered prior to any authorization or appropriation for the production or procurement of any F–14 aircraft. This limitation shall not apply in the case of funds authorized by this Act for such aircraft."

Mr. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARTKE. Does the Senator from Mississippi wish to speak at this time?

Mr. STENNIS. The Senator may proceed.

Mr. HARTKE. I was going to ask a series of questions of the Senator from Nevada.

Mr. STENNIS. If the Senator from Indiana would permit me to say a few words at this point on behalf of the committee, I would appreciate it.

Mr. HARTKE. I am happy to yield to the Senator from Mississippi.

Mr. STENNIS. Then, the Senator could interrogate the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, with reference to the amendment which has been proposed, I know the good faith of the authors of these amendments and I accept at face value everything they say about their intentions.

I do wish to bring out what the committee has done. In this case I believe the authors reached the wrong conclusion. This year I specifically requested the Senator from Nevada to explore the F–14 program in detail and he performed his job with the thoroughness that is characteristic of him. This was done in a fine way and we had the benefit of other talent on the committee that is well versed and has long experience in understanding the problems of a plane, the problems connected with its mission, and making a valid judgment. We had other advice and counsel, of course but in the committee we did have men of experience. They are here to be cross-examined.

The fact of the matter is that the subcommittee of the Senator from Nevada spent the greatest portion of its time on the F–14 and F–15 aircraft programs because of their cost and importance. It reported in considerable detail to the full Committee on Armed Services on the results of its inquiry and study into the F–14 program and the full committee itself also explored this program in detail when the appropriate witnesses appeared and testified.

These were not casual matters. It just is not true when it is said they just take these things as a matter of course and accept what is said by some general or admiral about it. Those accusations are not true. I do not say they are corruptly made but they do not represent the facts as they occurred in the markup of the bill, particularly with respect to these programs that are in the making and projecting into the future because we know how important it is for the need to be supplied and we know how important it is in the workability—I will use that term—and also the cost.

Therefore, I am most concerned by the fact that this amendment suggests by implication that no one up to the present time has reviewed the program and, more specifically, as Senator HARTKE suggested in an earlier speech, that the committee gave blank-check approval to the F–14 program. Such is definitely not the case.

The Tactical Air Power Subcommittee unanimously recommended after their thorough and intensive review of the program that the funds requested be authorized. The full committee, after conducting its own review, agreed with this recommendation.

Furthermore, Mr. President, the Preparedness Investigating Subcommittee, of which I am chairman, spent several months during 1968 conducting a most thorough and exhaustive review of all of our tactical air programs. Needless to say, due to the high importance of the F–14 program, it received detailed consideration. Extensive hearings were held and the Preparedness Investigating Subcommittee issued a unanimous report on October 4, 1968. In that report we recommended that the Air Force and the Navy's air superiority fighter programs proceed with maximum effort in light of the current and foreseeable Soviet threat.

By way of background here, the Navy's version of the TFX had been hanging on and hanging on and it was not working out. It was too heavy. It was still in the budget though, when the Preparedness Investigating Subcommittee reported on it. It was still in the budget in March of 1968 when we last considered it and the first time consideration was given in committee as to whether to build the F–14. We took out the last remnants of the Navy version of the TFX as being proven to be totally inadequate and put in, instead, the case for the F–14. I have already outlined what we did this year.

Next year, the matter will be considered by the committee, and not in any casual way, but right down to the very heart of the matter, weighing it again—if it is recommended and I feel sure it will be—in the bill, and we will go into it from its development at that stage.

Frankly, as a practical matter, I believe that we are capable of coming up with a judgment. We will do that. I do not like to put any date tag on this thing. It has been grinding out now for 15 years, trying to get a proper fighter plane for the Navy. We went along with one that was not adequate. Now this one has started going, after 15 years of effort.

Now we say by next March 31 we have got to come up here with something in the way of a survey. I do not like the idea at all, particularly with this long bill of particulars and guidelines written by someone in good faith, perhaps—I am sure it was in good faith—but I do not believe they had any more knowledge, perhaps not as much, as the men who sit on the committee and pass on these matters. I am not including myself in that.

So I think we are about at the end of the road in considering this bill. I think as a measure of the history of this legislation and the headway we are making, if anything should be discovered down the line as to the run with engine A or the run with engine B, why, of course, we will take advantage of it.

Mr. HATFIELD. Mr. President, will the Senator from Mississippi yield for a question?

Mr. STENNIS. I yield.

Mr. HATFIELD. I appreciate the comments the chairman of the Armed Services Committee has made relating to the work of the committee. I want again to go on record, as I have in the past, my support for the committee's work. The chairman has also referred to the ad hoc committee that was chaired by the distinguished Senator from Nevada (Mr. CANNON). I am quoting from the Cannon report in the RECORD of July 10, 1969, and I would like to ask the Senator to respond to this question as it relates to the F–14.

On page 19056, I read as follows:

> The committee is compelled to point out that for the last few years the United States has concentrated on the development of "multipurpose" missions, including air-to-air combat and air-to-ground missions. The requirements for an aircraft to be capable of performing "multipurpose" missions unquestionably compromises an aircraft in the performance of its primary mission, irrespective of the nature of its primary mission. It is the committee's judgment that we now concentrate on the development of the fighter aircraft specially configured and confined to the "air superiority" role. We have long neglected undertaking a new program in this area, relying exclusively on the capability of the F–4.

My question to the Senator is: Is not the F–14 designed to carry the Phoenix missile which makes it a multiple-mission type of aircraft?

Mr. STENNIS. Yes; that is correct. It makes it a multiple-mission aircraft for an aircraft carrier, as the Senator from Mississippi understands it. They must have some multiple-mission planes whereas the Air Force, operating from the ground with longer runways, can concentrate on one thing, and that is speed, climbing power—a single mission. But we have a mixed type of plane on an aircraft carrier and we have to have some multiple-purpose planes.

I really think that the Senator from Nevada (Mr. CANNON) is the gentleman that should answer that question. I gave a layman's point of view. The Senator from Nevada really knows that subject.

Mr. CANNON. I would be happy to respond to that question. It is a good one. The Navy has a dual requirement for this type of aircraft. One is for the defense of the fleet, and two, the aircraft superiority role itself. So what they have tried to do is have one aircraft perform both missions since they do not have the luxury of being able to have two aircraft, because they just do not have the space for them on a carrier. As a result, they have come up with a design in which they have optimized this development.

I show the Senator a model of the proposed F–14 now on my desk, if the Senator would care to look at it. It should be noted that the Phoenix weapons system which is to be used in the air defense role—is so optimized that the whole weapon systems package can be removed. That is everything including the guidance except the part which is in the pilot's cockpit—can be taken off, when it is used in the air superiority role; and it can be reinstalled if the aircraft is to be used in an air defense role. On this role, however, it is configured for both. It has as can be seen on this model some of the Phoenixes and also Sparrows which permits it to go into a dual role capability and be able to perform in either environment, as required.

I stated in my speech that because of the design features that have been built into this proposed design, there is only a difference of 600 pounds in total weight over and above what the airplane would weigh if it were designed solely for an aircraft superiority role. So the Navy is only paying a 600-pound penalty to give them an aircraft having a dual role. The aircraft, true, as the Senator from Indiana indicated, might probably be outperformed by the F–15. But the F–15 cannot land on an aircraft carrier. This requires a much heavier structure for the airplane, and the landing gear, too, must take the shock of being catapulted off and must again take the shock of coming in for an arrested landing.

So if you could transport a runway around with the carrier, the type that an F–15 needs, then it is true you would be able to reduce the weight and get perhaps a higher performing aircraft, because the oversimplification is that it depends on the thrust-to-weight ratio for the type of performance you are going to get.

Mr. HATFIELD. Will the Senator yield for a further question?

Mr. CANNON. I am happy to yield.

Mr. HATFIELD. I appreciate the analysis and explanation as given of the F–14 model on the desk. I would like to have the opportunity of looking at it in more detail later. But I refer again to this question, because it seems to me the Senator from Nevada again reiterated what he said in his report, that it is a multimission plane, because he uses the word "compromises":

> The requirements for an aircraft to be capable of performing "multipurpose" missions unquestionably compromises an aircraft in the performance of its primary mission, irrespective of the nature of its primary mission.

Irrespective of its primary mission, it compromises. What I want to know is where we compromise in this aircraft. Where do we make the compromise, which means less than full effectiveness or efficiency?

Mr. CANNON. The compromise is the 600-pound difference in weight. So we have that feature on this aircraft. We have a 600-pound heavier aircraft so this airplane can perform in a defense role as distinguished from an aircraft that would have only one mission, that being air superiority. But the Navy cannot afford the luxury of two planes for that purpose.

We got into this problem with the old TFX or the F–111. The F–111 was described as a fighter-bomber. It should never have had the tag "fighter" put on it, because it never was. It is an attack aircraft, it is true. It can go in low, has speed so it can get away; but if we are talking about air superiority, it cannot compete with a lighter aircraft, at altitudes, that weigh much less than the F–111 and is perhaps as fast or nearly equally as fast, because it is not built for that air superiority role. Yet it was described as a fighter-bomber in the sense that it can protect itself, which it can do by either firing at another aircraft or going faster than any other aircraft on the deck, so that the pursuing aircraft would pull its wings off. In that sense it can defend itself, go in low, at great distances, avoid radar surveillance, make an attack, and get back.

Mr. HATFIELD. Mr. President, will the Senator yield for a further question?

Mr. CANNON. I yield.

Mr. HATFIELD. Do I understand that the full Committee on Armed Services changed the conclusion of the ad hoc committee of which the Senator from Nevada was chairman, because in the statement of the Senator from Nevada as the finding of the ad hoc committee—and I quote again—it is stated:

> It is the committee's judgment that we now concentrate on the development of the fighter aircraft specially configured and confined to the air superiority role.

If I understand that correctly, the Senator's ad hoc committee said that we should confine ourselves to the air superiority, single mission role for a fighter; whereas, as I understand the statement now made, the Senator wants the dual role for the F–14. Is that a correct understanding?

Mr. CANNON. It is not exactly correct as the Senator places it. We, and the Navy feel, the studies indicate, that the F–14 can perform in an air superiority role as required by the Navy. I have already touched on the penalty spoken of by the committee. That is the reason for the design configuration which permits the whole package of the Phoenix, as I said before, to come right off if it is going to perform in an air superiority role. We end up with an airplane that is only 600 pounds heavier, which is not very much in an airplane of this size and weight, than if the airplane had been designed solely for the air superiority role.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. CANNON. I do not have the floor.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield so the Senator may ask questions. I may say to the Senator that I have only two or three more sentences, and then I will yield the floor.

Mr. HARTKE. I withhold.

Mr. STENNIS. Mr. President, I yield myself such time as I may need.

I recognize, Mr. President, that generally studies have a worthwhile purpose. To oppose a recommendation for a study is almost like being against "motherhood." However, we know from our past experience that Secretary McNamara conducted endless studies. Many systems were literally studied to death. In other cases, the results were that invaluable time was lost and when finally we decided to buy the weapon system the delay resulted in our paying higher cost.

The Department of the Navy has studied the F–14 in great detail over the past 2 years. In November 1967, the Chief of Naval Operations directed the formation of a Navy fighter study. This group spent 30 man-years studying all areas of technical, tactical, and cost estimates. It concluded that the F–14 was the fighter aircraft that the Navy requires.

Subsequently, the Defense Department of Research and Engineering Office and the Systems Analysis Office of the Secretary of Defense commenced their own studies.

With the submission of five proposals from leading aerospace companies, the Navy spent 80 man-months in an intensive technical evaluation.

In addition, over 15,000 hours of wind tunnel time has been performed proving and refining the F–14 design. Finished engineering drawings are now being completed at the rate of 500 per month.

To eliminate any doubts as to the capability of this aircraft, NASA was requested to make an independent assessment of the performance characteristic of the F–14. The results of their assessment was provided by Dr. Foster on August 7, 1969. NASA conclusions were that the Navy's performance estimates were attainable and the multimission capability of the F–14 could be performed without any significant degradation in the performance of its primary mission; namely, air-to-air combat.

In conclusion, Mr. President, I submit that the Defense Department—including the Navy—and most specifically the Senate Armed Services Committee—including the invaluable contribution made by its Tactical Airpower Subcommittee—has studied this matter thoroughly and in depth. It will do so again next year when the authorization bill is considered. The proposed amendment, therefore, would serve no useful purpose. The Armed Services Committee will discharge its responsibilities to the best of its ability. No legislative mandate is necessary to require us to review the F–14 program and other major weapon systems programs contained in the budget. We do not require the Congress to legislate in order to tell us how to do our job in the detail which this amendment proposes. We recognize our job and our responsibility and intend to face up to them in all respects.

Mr. President, I conclude with the statement that we, of course, will fully look over all the phases, particularly the new phases, of the F–14 before we make any recommendation not only on the F–14 but others, too. We mean that, and we will carry it out. But there have been about enough timetables set around here. The committee has to have some kind of latitude about how to function and when it will report.

I submit this is one of the most thoroughly and carefully considered matters of this kind, and after 15 years of effort to try to get a new and better Navy

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plane to meet its role, I believe we had better get going.

Mr. HATFIELD. Mr. President, will the Senator yield for a question?

Mr. STENNIS. Yes, I yield.

Mr. HATFIELD. I believe we have agreed to have a study of this aircraft carrier.

Mr. STENNIS. Yes.

Mr. HATFIELD. And every Senator supported that proposal. Does the Senator not believe it is just as important to have a study not only of the aircraft carrier and its capability, but what we place on the aircraft carrier?

Mr. STENNIS. Oh, yes. They are both important and will be considered together, to a degree. That is correct. That is a good question.

This is a new plane. I have already outlined what we have done. The promises about the aircraft carrier related to the carrier fleet. There are 15 of them, as the Senator knows, in operation. There is a question as to whether some should be taken out, and so forth. We are going to review all parts of it.

Mr. HATFIELD. Will the Senator yield further?

Mr. STENNIS. Yes, I yield.

Mr. HATFIELD. If it is accepted generally, then, that we are going to study the purpose and mission of the aircraft carrier, and that it is logical to study that which we place on the carrier, the amendment offered by my colleague from the State of Indiana and myself—with the proposed change in that amendment—then only, really, would provide emphasis to the group to study not only the carrier but also the kind of plane that is placed on the carrier. That is actually all the amendment now proposes to do.

As I understand, the distinguished chairman of the Committee on Armed Services felt this would not be inconsistent with the study of the carrier; is that correct?

Mr. STENNIS. Well, there is a relationship. The study of the carrier question, I think, is broader and more comprehensive. I wrote the word "comprehensive" into that resolution in its final form the other day, because I wanted to show we were willing to cover it all. But I think this is a single-shot proposition now, related somewhat to the carrier question, but I think it stands on its own feet, frankly.

I believe the Senate is going to give us discretion in passing on these matters.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I should like to make just one or two further brief comments on this amendment.

I believe it is very clear that the amendment proposes to do exactly that which we have outlined in the colloquy with the distinguished Senator from Mississippi, chairman of the Committee on Armed Services. That is simply to make more pertinent that to which we have already committed ourselves in the study of the aircraft carrier and the fleet generally. This is the purpose of the carrier study; and if you are talking about an aircraft carrier, you have to consider what is placed on it; namely, the airplanes.

I do not think our amendment is incompatible at all with that to which the Senate has already committed itself. I cannot understand how a Senator could vote for the study of an aircraft carrier without being willing to study that which is to be placed on the carrier.

I should like to comment further on this matter of the multipurpose mission versus the single mission. I again refer to that report made by the distinguished Senator from Nevada (Mr. CANNON), and I believe that I can understand the English language, when it says in the report that there is some question—in fact there is very definite question—as to an aircraft that is required to perform a multipurpose mission.

That was pointed out in the report. Second, it was pointed out that the committee's judgment was that they should concentrate on the development of the fighter aircraft specifically configured and—I underline the following words—confined to the air superiority role.

I submit that, in studying the F–14–Phoenix system, this is not a single mission but a multimission aircraft, and that we are compromising on this aircraft. I feel, therefore, that it should be studied further, and I should like to offer one last quotation from a very distinguished man, Gen. G. P. Disoway, formerly head of the U.S. Tactical Air Command. This is not a Senator; this is a general of the Air Force speaking. He said:

> If you could build an airplane which would do everything, it would be wonderful. You just cannot do it in this modern day.

I think that the general has really capsuled the whole thought behind this amendment that the Senator from Indiana and I have prepared and referred to this body. I hope that the Senate will consider the fact that this amendment merely asks that we continue the study on this aircraft along with that on the aircraft carrier, and not commit ourselves to the expenditure of billions of dollars with such a questionable aircraft in mind.

Mr. HARTKE. Mr. President, I should like to state, first, that no one questions the diligence, hard work, and devotion of the chairman of the committee and the chairman of the subcommittee. I think it has been remarkable. No one questions that they have been trying to provide the best weapons necessary for our defense.

The fact still remains, however, the experience of the ill-fated experiment with the TFX has put us in a position where we have not had a Navy fighter aircraft in 15 years.

The circumstances which were to blame for that situation should not be used to justify the same errors over again. This is what the Senator from Oregon and I are trying to bring to the attention of the Senate.

There are certain documents which really challenge the basic assumptions which have been made as a result of the hearings, and the lack of any opposition to the presentation made on behalf of the F–14. I should like to point out that it is very easy for us to stand here and say that this multipurpose aircraft can drop part of its equipment, and therefore lighten its load. But you cannot drop the man out. It is a two-seated operation; you are not going to drop out a man, and you are not going to drop out the avionics equipment which has to go with this multipurpose development.

The Senator from Nevada has admitted on this floor that as far as this plane is concerned, it is not a superior tactical aircraft. Its ability as a dogfighter have been compromised by its assigned function of fleet defense and consequential requirement of having the Phoenix.

Mr. President, the Phoenix is the very heart of what we are asking to be studied in depth. The Phoenix has not undergone thorough and proper testing. There have been no shots against any supersonic targets, maneuvering targets, or clustered targets. There have been no tests of its performance against electronic countermeasures. Until such tests are complete, we are in the position of going ahead with another airplane, assuming that the Phoenix is going to work, and admitting before we start that we are going to have an airplane which will not be a superior dogfighter.

So I ask the Senator from Nevada, not denying the threat of superiority from the Russians, and agreeing that so far as the F–4 is concerned, it is not modern, and that the Russians have flown 18 prototype models—and we, incidentally, should be flying prototypes ourselves—how is it going to do any damage to agree to an amendment which says we should study the F–14 carefully and go into it thoroughly?

The Senator from Nevada even admits he has not seen the documents and does not know what they contain. I cannot understand why the Senator does not want to look at those documents, and report back to Congress whether they disclose any valid objections.

Mr. CANNON. I would have to ask the Senator a question. Has he seen those documents? I do not know; perhaps they would contain something. Has the Senator from Indiana seen the documents?

Mr. HARTKE. I have outlined them in detail for the Senate. Why cannot the committee ask for them? I have asked for them generally, and have outlined them in detail.

What is there to hide? We learned, during the debate on the ABM, that secrecy about these matters is frequently unjustified, that the secrecy is more dangerous to our national security than revealing the classified material and that secrecy is used to protect questionable decisions and assumptions.

Mr. CANNON. I would simply have to say that I suppose there are a lot of in-house documents over in the Department of Defense that might be interesting if one had time to read them all. I have not seen these documents; I do not know what they say. I do not know what pertinence they might have to this matter. But I have already inserted in the RECORD a list of 48 studies that have been completed on this problem; and furthermore, the National Aeronautics and Space Administration is the organization charged with research and develop-

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ment in the field of aviation, independent from military aviation.

Navy performance estimates on the F–14A and the F–14B have recently been established by an independent NASA assessment, made at the request of Dr. John F. Foster, Jr., Director of Defense Research and Engineering. Here they have gone completely away from the military; they go to an independent and say, "Study this. Will it do this and this? Can we do that?"

The answer was favorable. NASA reviewed all the major data, conducted tests on its own, and came back and told Dr. Foster that the multimission performance estimates of the Navy were attainable.

The Senator has already referred to my comments in the report this year. Actually, what I was reading from, or at least what we said, was from our report of the Preparedness Subcommittee last year. We said, "Go ahead and get to it now, and develop an aircraft that can have a single purpose mission."

Now NASA and the Navy have both said that this does not detract from the primary mission of the aircraft, because, as I stated earlier, you end up with only 600 pounds more weight than if the airplane had been designed solely for the air superiority role.

The Senator from Indiana referred to the F–14, and said it will not perform with the F–15.

I ask the Senator, can he figure out some way to transport a 10,000-pound plane on an 8,500-foot runway, so that it can perform with the fleet? If the Senator can, we would be better off to put the F–15 on that runway, and operate it out in the middle of the ocean. Any time an aircraft operates off a carrier, it has to have more thrust than if it operates on the ground. If we go back to the weight-to-thrust ratio, we do have a good aircraft here.

We have an aircraft that has been studied to death. If the Senator is trying to kill the aircraft, he should say so. Let us then give it another study and bury it. If the Senator is opposed to it basically, he should say so. If he is not, let us review it from the studies that have been made.

The Senator said earlier that we did not consider any witnesses who were opposed to the aircraft. Would the Senator give me the name of one or two witnesses who are opposed to it?

Mr. HARTKE. Mr. President, I pointed out that in Coronado, Calif., Navy fighters participated in a symposium of the F–14 and they were extremely critical. They are the ones who would be required to fly the plane. The report of their comments has not been presented. Their lives are on the line. They will operate the planes.

Why is the report of that symposium withheld? A number of witnesses could be provided.

Mr. CANNON. Mr. President, does the Senator have the name of one witness who is opposed to the aircraft? I would be interested in having the name.

Mr. HARTKE. We would be glad to submit that to the Senator.

I am not being critical of the Senator or indulging in frustration over the TFX I just want a good plane. I am not asking that any money be taken out of the bill. The bill will be passed. There is not any question of that.

However, why should we go ahead and commit ourselves blindly for a number of years on the assumption that we will be successful when we have the history of the ill-fated F–111 project in which there was so much trouble. Everything that was said about that project is basically the same thing that the Senator from Nevada is saying today.

I am sure the Senator from Nevada is acquainted with the F–XX or the UF–XX in the Navy version. The Senator knows this is an alternative. It is cheaper. And it is much more maneuverable. It is considered to be a superior plane; is it not? Is it not true that it is considered to be superior? Is it not an alternative?

Mr. CANNON. It is an alternative. However, it is not a good one. It was considered and rejected for a lot of reasons.

Mr. HARTKE. Was it rejected for any reason other than the fact that it is not a multipurpose plane? It is lighter. It is more maneuverable. However, it is a single purpose plane.

Mr. CANNON. I should like to answer that statement. I think it was rejected basically because it would not fly. The people who examined it in detail said that the proposal was not a feasible proposal and that the airplane would not do what the paper study showed that it could do.

Mr. HARTKE. The paper study would be worth as much as it was in the case of the TFX. The paper study in that case showed that plane would also work. However, ultimately, after long-term experiments and anxiety and increased frustration, we find ourselves going now into another paper airplane that will be produced before we have even one prototype. We will spend $3 billion before we know whether it meets the specifications, let alone know whether it will be a good fighter.

The Russians have done what I have suggested. They have flown prototype planes and found how they performed. Then they have gone on with the production of the plane.

As the Senator states, the F–14 will be designed for 1975 to 1985 and my amendment would attempt to give some guidance for the future. We have a very simple situation. Unless something is hidden beyond the seven documents that have not been presented, I cannot see why the committee itself would not be in agreement that this should be done.

I think it would be a tribute to the committee and to Congress to say for once, "We are going to take this upon ourselves and have a study made before we go ahead with the money in 1970." We would not bother anything in the bill. I cannot see why that cannot be done.

Mr. CANNON. Mr. President, if the Senator from Indiana does not realize that what I have been saying all afternoon is that we have studied the matter, if he does not realize that I have had 48 studies printed in the RECORD today, if he does not realize that the matter has been studied thoroughly, if he does not realize that I said Dr. Foster requested NASA to make a study and that they did make a study and reported back that it was feasible, and if the Senator does not realize that that constitutes a study, then I am sorry the Senator does not understand me. I think there is no point in going further. I think the Senator has covered it quite thoroughly.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. CANNON. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 additional minutes.

Mr. CANNON. Mr. President, if the Senator is opposed to the matter, let him vote against it if he does not prefer that we go ahead and try to have a new, modern fighter that will do the required job within the time frame discussed.

We think the thing is needed. The Preparedness Subcommittee said more than a year ago that it was needed. We held the Navy's feet to the fire and held up the Navy version of the F–111 in the committee and said, "Go ahead and develop an airplane that will do the job."

This is what they had attempted to do. The Senator from Indiana is trying now to refer to another time.

Mr. President, if no other Senator wishes to talk on the matter, I intend to make a motion to table.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, other Senators wish to speak.

Mr. DOMINICK. Mr. President, will the Senator yield me 5 minutes.

Mr. STENNIS. Mr. President, we have only 5 minutes remaining. I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I have listened to the debate with great interest. I was particularly intrigued with the speech given by the Senator from Nevada (Mr. CANNON), which, I think, outlines very clearly why we need this development work and why we need to move forward now.

Over and over again on the floor of the Senate I have said to the Senator from Indiana and to other Senators that we have spent more time and more money in getting less products in the last 8 years under Secretary McNamara than we ever did before in the history of the country.

People say that we saved a lot of money. It cost us a lot of money and we have nothing to show for it. The cost systems analysis, or whatever the department is called, has stopped us from going forward time and time again.

Unless we move forward now, we will find ourselves in a position of being unprepared in the middle seventies. This is the problem that we must face up to.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. HARTKE. Mr. President, I do not want to fight about McNamara. I am not talking about him. I do not want to stop the bill. I am not talking about that. I do not want to hold up anything. I want Congress to study the matter.

What objection could there be from the Senator to going ahead and checking into some of the matters I discussed on the floor of the Senate? What would be the delay? I am not advocating delay.

Mr. DOMINICK. Mr. President, the Senator from Nevada has already shown the work he has done in the subcommittee. He has shown the studies that have been done by other outside agencies on this particular fighter system. He has shown the problems we face vis-a-vis technical superiority over the Soviet Union. He has shown the problems we will face in the 1970's. We think that the United States will have the best airplane in the world, but we will then realize we are flying a technical airplane designed and built in 1954.

This is why we think we must go ahead with the F–14 now. The F–111B simply was not good enough. The committee found that out and said, "We will not put this into effect. We will get something that will operate and be more effective."

I have here a document from Admiral Moorer, Chief of Naval Operations, dated September 6, 1969, making the following three points:

> The present complement of Navy fighters is rapidly becoming obsolete. The F–8 became operational eleven years ago followed two years later by the F–4 (nine years ago). During this same period the Soviets have introduced eight new fighter aircraft.
>
> The Soviet Union currently has four fighter aircraft with performances exceeding those of the F–4 and future improvements must be expected.
>
> The Soviets have developed other weapon systems clearly designed to attack naval forces. Badger and Blinder bombers can launch any of five different guided air-to-surface missiles at ranges up to 150 miles. They have surface-to-surface guided missiles deployed on submarines and ships.
>
> 2. The problem is clear and so is the solution. We must have a new fighter superior in air combat to present and postulated Soviet fighters, for close-in visual encounters and for stand-off all-weather conditions. In addition, the new fighter must be able to defeat the enemy air threats to naval forces: bombers and missiles. The threat is serious *now*. It will become more serious in the future.
>
> 3. We are already very late with a new fighter program to counter superior Soviet capabilities. The F–14/PHOENIX system will meet our fighter needs through the 1970's and into the 1980's. Delay in the present funding profile will seriously delay achieving the required high capability as well as raise program costs markedly.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, will the Senator yield me an additional minute?

Mr. STENNIS. Mr. President, the Senator from Washington has been promised 3 minutes. That is all the time I have remaining.

Mr. DOMINICK. Mr. President, will the Senator from Indiana yield me 1 minute?

Mr. HARTKE. I yield 1 minute to the Senator from Colorado.

Mr. DOMINICK. I thank the Senator from Indiana.

Mr. President, it seems to me only commonsense that we continue with this program and that the committee be given continuing surveillance, as it has within its jurisdiction anyway, and that we continue the fine work which has been done by the Senator from Mississippi and the Senator from Nevada.

Mr. GOODELL. Mr. President, the debate on this amendment which would require Congress to complete a comprehensive study of the F–14 has been most useful in contributing to an understanding of the F–14 program.

The Senator from Colorado (Mr. DOMINICK) has referred to summary points on the F–14 made in a September 6 memorandum prepared by the office of the Chief of Naval Operations for the Secretary of the Navy. In connection with this memo, the Department of the Navy has compiled a number of questions and answers relating to the F–14 program.

This document entitled "The F–14 Fighter Program" provides a useful reference, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

THE F–14 FIGHTER PROGRAM

(NOTE.—The questions and answers have been prepared to set forth in simple terms facts and rationale relating to the United States Navy F–14 Fighter Program. In their brief form, these answers cannot cover in detail all aspects of the entire program but they do present an unclassified discussion of the principal issues.)

RATIONALE

Q. What is the F–14?

A. The F–14 is a new supersonic carrier-based fighter aircraft. It is the result of a Navy competition among five contractors. From inception, the F–14 was designed as an air superiority fighter around four Sparrow missiles and a 20mm gun. The F–14 is an optimized combination of speed, acceleration, maneuverability and radius of action; it includes a weapons control system with multiple weapon options.

The F–14 will provide air superiority for the fleet and for friendly land forces. Included in the basic design is the capability for fleet air defense carrying 6 Phoenix missiles and for air-to-surface attack carrying conventional ordnance, both without degradation of fighter performance. This is accomplished by palletizing[1] Phoenix and other ordnance equipment which is carried only when desired. The F–14A and F–14B will have an air-to-surface capability with accuracies comparable to the A–7E.

When the F–14 is performing in either the fleet air defense or the air-to-surface attack configuration, it can return to its primary air superiority role immediately upon release of ordnance.

The F–14 will fill the fleet air defense need for which the F–111B was designed. It will replace the F–4 as an air superiority fighter and in escort roles.

A low risk development program was conceived for the F–14 to provide improved air-to-air capabilities in the earliest time frame. Improved versions of the existing Phoenix/AWG–9 missile control system and TF–30–P–412 engines will be installed in the F–14A, to be operational in April 1973. The F–14A will meet the fleet air defense need and provide fighter performance considerably superior to the F–4 Phantom. An Advanced Technology Engine under development in a Joint Navy/Air Force program will have 40% more thrust and weigh 25% less than the TP–30–P–412. This advanced engine will be incorporated in the F–14 for operational use in December 1973. Designated F–14B, it will have maneuverability and weapon system performance superior to the threat expected through the 1970s. Not more than 67 F–14A will be produced.

Q. Is the F–14 a "warmed-over" F–111B?

A. The F–14A is not in any sense a "warmed-over" F–111B. It will be a new airplane—smaller, lighter, higher performance and much more effective than the F–111B, and with better fighter-to-fighter performance than the F–4. The F–14A will become operational in early 1973. Because the engines and avionics are already developed we have high confidence in the program.

The second step in the F–14 program will be a "block" improvement, the F–14B. This model will use the same airframe and avionics as the F–14A but will incorporate the "advanced technology" engine funded and under joint development by the Air Force and Navy.

This advanced engine will have a thrust of 28–30,000 pounds and will weigh 800 pounds less than the TF–30. Thrust-to-weight 75% higher than current engines and a 30% improvement in specific fuel consumption due to its advanced design are features of the advanced engine.

The F–14C is the third step in the F–14 fighter program. This model will use the airframe and engines of the F–14B but will incorporate advanced avionics for even better weapons control. The equipment is in development. This avionics suit will use the latest techniques of microminiaturization and solid state electronics. It will be smaller lighter more reliable and more versatile than current equipment, and will extend the F–14s air-to-ground weapon delivery from visual to all-weather. The F–14C will be introduced on an orderly program when the new avionics have been fully developed and tested.

Q. How can the F–14 use the engines and the radar from the F–111B and be any better than the F–111B?

A. The F–14A is better than the F–111B using the same engines and a reconfigured weapons control system because the design for this fighter changed it from an interceptor to an air superiority fighter. As such it will weigh 20,000 pounds less than the F–111B. An engine and a radar set in themselves do not guarantee success or failure in the design of an aircraft. The F–14 is designed as an air superiority fighter around a combat weapons load of four SPARROW air-to-air missiles. To achieve air superiority a fighter should be in balance with respect to thrust, weight, high roll rates, acceleration and proper sizing of fuel required. This balance should be designed into the aerodynamic properties of the aircraft. Engine inlets must match engine characteristics for flow free of turbulence and distortion. The TF–30–P–412 is the most modern engine in the free world to provide thrust required at the right weight in balance with the other F–14A features. Wind tunnel data plus running the TF–30–P–412 in a full-size F–14A inlet confirms the Grumman design.

In addressing Phoenix missile and the AWG–9 weapons control system, the contractor has taken great pains to see that provisions to employ the Phoenix missile will not reduce air superiority performance in close-in combat. The six Phoenix missiles and the external fuel will be carried as an over-load, that is, a reduction in load factor limits (from 6.5g to 6.0g) has been accepted. This design procedure saves weight and cost in the basic aircraft and retains full air superiority performance as a fighter. Said another way, it would be illogical to design the F–14 for "dogfighting" with six Phoenix missiles and extra fuel because this weapon loading

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[1] Armament and peculiar auxiliaries used only during the fleet air defense and air-to-surface missions are installed in low drag, external, flush mounted racks.

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is for another purpose, i.e., to destroy a different enemy threat.

Q. Why do we need an F–14?

A. The basic problem is that our stable of Navy fighters is rapidly becoming obsolete.

Development of the F–8 day-fighter was started in 1953—fifteen years ago. It became operational eleven years ago. Our F–4 series is almost as old—it was started in 1954 and became operational in 1961. Both airplanes were superior fighters in their day—but the pace of technology in engine design, avionics and airframe construction is rapidly reducing this superiority.

When the F–4 first came into fleet service it was the world's finest high-performance fighter. Watching the changing and developing aircraft and missile threat and knowing that some day we would have to replace the F–4 as the air superiority fighter and fleet air defense interceptor, the Navy participated in the TFX (F–111) program in the early 1960s. The F–111B developed serious problems in development—primarily stemming from serious weight growth. It became apparent that this airplane would never be the aircraft the Navy needs. When the mounting difficulties became clear, Congress stopped funding the F–111B in FY 1969.

Over the years the threat has risen. The Soviets have been busy developing new and advanced aircraft—particularly fighters and interceptors. They have introduced a new or an improved fighter into their operational inventory at the rate of one per year. In July 1967 the Soviets flew six new fighters plus major "block improvements" of three older ones in an air show. Two of these new fighters, the Foxbat and Flagon A, are estimated to have performance comparable to the F–4 at low and middle altitudes but higher top speeds and higher ceilings.

The Soviets have also shown both ability and intention to create improved weapons and fire control systems. Their latest fighters appear to have all-weather all-aspect long-range air-to-air capabilities. Fiddler, Foxbat and Flagon A have large randomes to house new radar fire control systems.

The F–4 has not been exposed to firstline Soviet aircraft. The MIG–21 (Fishbed) the latest Soviet fighter exported to satellite countries, has demonstrated excellent maneuvering performance over North Vietnam. Superior U.S. pilot skill and weaponry, higher speed at low altitudes and electronic countermeasure equipment are among the reasons our fighters have been able to hold their own with the MIG's over Vietnam. We cannot expect these advantages to prevail against later Soviet aircraft or against Soviet pilots.

New Soviet fighters are not the only problems. The Soviets have developed and built other systems designed to attack surface targets at sea and on land. Badger and Blinder bombers can launch any of five guided air-to-surface missiles at ranges up to 150 miles. Most of these missiles have terminal homing. In addition, advanced surface-to-surface guided missiles have been developed and are in service in Soviet forces. These weapons are accurate and lethal—witness the Israeli Eilat incident—and can be launched from submarines, ships and shore installations. Thus, "the problem" is clear—an early solution is essential.

We must have a new fighter as soon as possible that is superior in air combat to the best Soviet fighters in close-in visual encounters and in stand-off all-weather conditions. This fighter must be able to defeat enemy bombers, air-to-surface missiles and surface-to-surface missiles. This threat is already in being and serious now. It will become more severe as time goes by because Soviet investment in military technology has reached the pay-off stage across the board.

Q. Why not improve the F–4J to make it equal in performance to the F–14A?

A. The F–4 was designed in 1954 and became operational in 1961. Since that date the Soviets have built and flown eight new fighters. The F–4 cannot be improved significantly without major redesign costing many millions of dollars. It still would be inferior to Soviet fighter aircraft. Further, the F–4 was designed as an interceptor and equipped with an avionics/weapons system to destroy high altitude bombers. Although it is now our best and only fighter for air superiority close-in combat it is not as maneuverable as it needs to be and as an air superiority fighter designed from scratch for this role will be.

Q. Can industry build an aircraft to meet the requirements specified for the F–14?

A. The F–14 is the result of a Navy competition among five contractors. The Grumman Aircraft Engineering Corporation won the engineering development contract on the basis of the best overall technical proposal and cost.

The F–14 is a phased development program. The program has been carefully designed to produce the best fighter at an early date.

Experience has shown that the "high risk" and long lead-time items for a new advanced fighter are the engines and the avionics including, of course, the armament systems and ECM equipment. We have the TF–30–P–412 engine already developed. It is our first afterburning turbofan engine with many advanced features: lower fuel consumption and high thrust-to-weight ratio. TF–30 engines are operational in the F–111 and A–7 aircraft. Thus, engine risk with the F–14 is low.

We also developed an advanced missile system for the F–111B. The AWG–9/Phoenix system combines an advanced high power, pulse doppler (lookdown), track-while-scan, multi-shot radar and fire control system with a long-range, mid-course guidance, terminal homing missile. This system is now in the final phase of devolopmental testing—a program that has been very successful to date.

Performance of the F–14 has been subject to analysis by the Naval Air Systems Command, NASA and DDR&E. All agree that the performance characteristics of the F–14 are attainable.

Q. How many F–14 aircraft is the Navy really talking about? Numbers have been mentioned varying from 463 up to 722.

A. The baseline number of F–14 aircraft on which the contract with Grumman was negotiated is 469. This is composed of 6 R&D aircraft plus 463 production F–14As and F–14Bs. To update the fighter force of the Navy and Marine Corps will require 716 production F–14As and F–14Bs plus 6 R&D aircraft. This number does not provide replacement aircraft to meet attrition losses. However, the F–14 is designed to grow in performance as the situation requires. We expect this growth to keep pace with the Soviet developments through the mid-1980s. Historically our successful fighters have been produced in numbers exceeding 1200. McDonnell Douglas Corporation has produced 3500 F–4s, 1254 of which went to the Navy and Marines. Production of the F–4 continues for the Navy and Marine Corps, the Air Force, and foreign sales at the rate of about 30 per month. The F–8 Crusader buy for the Navy and Marine Corps exceeded 1200. The F–9, F–105, F–86, F–4U, F–6F are similar examples. The Navy expects the F–14 to have a similar history and that at least 1200 aircraft will be produced over the next 10–12 years.

Costs of these aircraft have always gone down with the number of aircraft produced. Using the same pricing methodology the F–14 total unit program costs can be expected to decrease from $13.6 million per unit for a buy of 469 (6 R&D plus 463) aircraft to $10.4 million for a buy of 1200 F–14 aircraft. These costs include R&D, aircraft procurement, on site support, contractor engineering services, and investment spares, and are escalated dollars at 4% compounded from FY 70 through FY 80. In constant FY 70 dollars the price would be $12.4M and $8.5M.

Over the years, the price of an aircraft has been expressed as the "flyaway" cost. The flyaway cost is the cost of the aircraft as it stands at the head of the runway ready for take-off.

"Flyaway" costs for the F–14 would be:

[In millions of dollars]

	Escalated		Constant 1970	
	463 A/C	1,200 A/C	463 A/C	1,200 A/C
Average flyaway cost	8.5	7.6	7.5	6.0

Q. What is the estimated empty weight of the F–14A aircraft and how does this compare to the empty weight of the F–111B and the F–4J aircraft?

A. The estimate of the F–14 weight empty is 35,979 pounds. The empty weight of F–111B number 7 was 47,278 pounds. The F–4J weight empty is 30,234 pounds.

Q. What is the difference between the weapons fire control system for the F–111B and the F–14?

A. Considerable increases in capabilities are provided in the F–14A/B.

Incorporation of Sparrow, Sidewinder, and a M–61 gun.

Emphasis on "dogfight" performance but retaining long-range stand-off Phoenix for task force and area defense. Phoenix/AWG–9 is effective against air and surface launched missiles.

Significant lowering of AWG–9 weight, from 2000 to 1360 pounds while adding the aforementioned features.

Significant decrease in AWG–9 "cube", from 46 cubic feet to 30 cubic feet.

Improved packaging and design for increased reliability/maintainability.

Improved air-to-ground capability, comparable to the A–7E.

Q. What is the new Navy fighter aircraft (F–14) requirement in terms of military doctrine, strategy and geography to meet commitments? What commitments would this system fulfill?

A. The current Navy fighter inventory contains the F–8 Crusader and the F–4 Phantom, designs originated more than 15 years ago. If the United States is to remain militarily adequate and to retain an ability to control the use of the seas for moving men and materials for its own needs and those of its allies as well, its deployed task forces must be able to engage a wide range of hostile vehicles. These include high performance fighters, supersonic bombers with stand-off air-to-surface missiles, as well as surface-launched missiles. The F–14 is specifically designed as an air superiority fighter. In a strategic sense the U.S. is an island separated from sources of materials and from its allies by the oceans. It depends on having a sound overseas strategy. A sound overseas strategy requires naval forces capable of implementing that strategy. During the cold war the Soviet challenge to that strategy and the naval power that supports it has increased at an alarming rate. Naval power requires effective air power. A key element of air power is the manned fighter. The F–14 has three prime missions: an air superiority "dogfighter"; task force area defense; and air attack of targets on land and sea.

Sea-based tactical air is an invaluable instrument of U.S. policy. Navy power can be applied at all levels of warfare—from deterrence to nuclear attack. A strong Navy at sea deters a confrontation. Naval forces in strength and quality are essential to underwrite U.S. policy, such as NATO. If elements of naval power such as the F–14 are not made available to provide confidence in meeting the developing Soviet threat, our ability to support U.S. policy and commitments loses credibility.

Q. What is the need for the F–14, in terms of maintaining modernity in our weapons systems as against gradual obsolescence?

A. The F–14 will replace the F–4 in air superiority and escort tasks in the mid-1970s. The projected threat that will confront the U.S. in the 1970s currently includes four new Soviet fighter aircraft, each with performance greater than that of the F–4J. Delay during the F–111B program has placed the Navy in a late position with respect to acquiring an air superiority fighter replacement. Since August 1967 the F–4 in Southeast Asia has had a 1:1 kill ratio against the older Mig–21. Against late model Mig–21s, or the newer USSR fighters, the F–4J almost certainly will not be adequate.

The F–4, designed in 1954, became operational in 1961. Since 1954 the Soviets have built and flown eight new fighters. The performance of the F–4 cannot be improved without major redesign. This would cost many millions of dollars and take several years. Even then it would be inferior to the new Soviet fighter aircraft. Further, the F–4 was designed as an interceptor and equipped with an avionics/weapons system to destroy high altitude bombers. Although it is now used as an air superiority fighter, it is not sufficiently maneuverable at lower altitudes.

The F–14 has been designed for the Advanced Technology Engine without need to modify the F–14 airframe. By pursuing this development concept higher thrust engines will be operational in the F–14B as soon as they are available without waiting for concurrent development of the airframe and avionics. This will have been accomplished during the F–14A test program.

Threat analysis dictates introducing a better fighter capability at the earliest possible date. The F–14 is scheduled for fleet operations in early 1973 and is substantially better than the F–4. A decision to stop the F–14A and wait for the F–14B would delay the operational introduction of a superior fighter at least two years. Cost would be considerably greater.

Q. Why do we need the F–14A? Why not wait for the F–14B?

A. Analysis of Soviet capabilities in the mid–1970s reveals that todays fighters will not successfully counter the threat. A comparatively low risk development program was initiated to produce at an early time an advanced fighter fully capable of countering the threat. Studies were used to determine the optimum time and cost schedules for this. Stretch-out would increase program costs as well as delay introduction of an advanced fighter.

Proceeding with a Navy fighter development by means of evolution from the F–14A to the F–14B reduces the risk and provides distinct and substantial savings in cost and time. It also provides greater flexibility to meet other military objectives.

Stopping the F–14A program and proceeding only with the F–14B will result in additional program costs of $340M. These increases do not include TF–30–412 engine termination. They do reflect sustaining manpower over a longer development period, adding flight testing, changing GFE requirements and timing, and adjusting for inflation due to delay.

Q. Isn't the TF–30–P–412 an old engine and therefore a mismatch of old and new technology in the F–14A?

A. The TF–30–P–412 engine to be used in the F–14A is the most advanced engine that could be selected for the F–14A mission with low risk relative to cost, schedule and performance. It represents the latest production model of the TF–30 series which includes the TF–30–P–1, P–3, P–6, P–7, P–8, P–9 and P–12.

Early in calendar 1966 Pratt and Whitney Aircraft and Grumman were requested to cooperate in an accelerated study of the F–111B/TF–30–P–1A aircraft to improve its performance as necessary to meet Navy mission requirements. This study indicated specific changes in the TF–30 engine designed to provide lower fuel consumption at loiter conditions and significant thrust increases at critical flight conditions, revised installation characteristics to provide improved aircraft performance, and changes to improve its suitability for carrier operation. These changes were made in the TF–30 engine and resulted in the model TF–30–P–12.

In addition to the improvements in design, the TF–30–P–12 engine benefited from all the evolutionary changes introduced into other TF–30 engines to correct problems encountered in flight test and service operation of the A–7 and F–111 aircraft. The TF–30–P–412 engine to be used in the F–14A aircraft is the TF–30–P–12 engine adapted to the F–14. It is equipped with a new Iris type exhaust nozzle which provides improvements in aircraft range varying up to 8 percent over the operating envelope. It also has refinements to reduce fuel consumption at significant mission conditions and smokeless combustors. Its development is based on the latest techniques to ensure compatibility of the engine with the aircraft inlet and the exhaust nozzle. The TF–30–P–412 engine is 57 pounds lighter than the TF–30–P–12 engine. The TF–30–P–412 thrust at sea level is up 1750 pounds over the TF–30–P–1 engine.

Contract negotiations are currently underway with Pratt and Whitney. The first P–412 prototype F–14A flight test engine will be delivered in September 1970; production engine delivery starts in February 1971.

Q. When will the Advanced Technology Engine be ready for the F–14B?

A. The schedule for the Advanced Technology Engine calls for an engine to be installed in one side of number eight F–14A in November 1971. This will allow early verification of engine and airframe compatibility without risk: the F–14 will be able to fly on the one TF–30–P–412 engine in the other nacelle should it be necessary to shut the ATE down. In June 1972 two ATEs will be installed for final flight test and evaluation leading to Fleet Introduction of the F–14B in December 1973. It is expected that 67 F–14As (or fewer) will be produced.

Q. Why a multi-purpose F–14 instead of a single purpose (Dogfight) fighter?

A. Navy aircraft are designed to meet one primary task best. But the fighters are used for fleet defense and for air-to-surface attack as additional tasks. Long experience has shown this plan to be sound, effective and efficient. It provides the tactical commander greater choice and flexibility. As a battle or conflict progresses needs constantly change: initially the requirement may be for large numbers of fighters, to later for larger numbers of attackers. Once air superiority is attained only a portion of the fighters are required for air defense. Fighters with an air-to-ground feature are effectively used in the destruction of many targets and thus assist greatly in achieving success.

The F–14, designed primarily as an air superiority fighter, is a weapon system that can shoot down long-range multi-raid aircraft and missiles as well as engage enemy fighters in close-in combat. Weight reducing microminiaturization of avionics, balanced with airframe and engine design, has eliminated performance penalties formerly associated with multi-mission fighters. In the F–14 one percent of the aircraft weight makes it possible to use Phoenix, Sparrow, Sidewinder, Agile, a gun and air-to-surface weapons. A large part of that weight is in removable pallets not used for the "dogfight" configuration.

Navy performance estimates of the F–14A and F–14B have recently been substantiated by an independent National Aeronautics and Space Agency assessment made at the request of Dr. John S. Foster, Jr., Director of Defense Research and Engineering. It was further concluded the multi-mission performance estimates were attainable without degrading the pure fighter capability.

Q. The F–14 proposal would combine the Navy requirement for a fleet air defense aircraft carrying the PHOENIX missile system with an air superiority dogfighter aircraft carrying the SPARROW missile system. Has anything been lost in each of these missions through the design of a multi-purpose aircraft?

A. The Navy F–14 is designed for air superiority. There has been no compromise in air superiority performance because of the fleet air defense capability of this aircraft. The air superiority mission requires dogfighter performance superior to the threat at distances compatible with the Navy attack aircraft to be escorted.

The fall-out capability resulting from this air superiority mission emphasis with "proper" sizing also enables the fleet air defense mission to be accomplished. This is achieved by external fuel tanks and adding the PHOENIX missiles to the fighter fuselage, with readily removable adapters or pallets. Thus, both Navy mission requirements are met without adversely affecting the design for the primary air superiority mission and with no resulting conflict in design emphasis and overall mission priorities.

Q. What would be the impact of a one or two year delay in the F–14 program on our readiness posture? In other words, what will be the capability of our forces to confront the enemy with weapons current today against those an enemy is likely to have?

A. The projected threat that will confront the U.S. in the 1970–80's currently includes four new Soviet fighter aircraft each with performance estimated to be greater than that of the F–4J, including superior maneuverability. A new U.S. fighter to meet this treat is already very late.

The F–14 is designed and will have growth potential to provide adequate carrier fighter capability through the 1970–80 time period. The F–14/Phoenix system in addition to its fighter capabilities, will have a significant capability to destroy Soviet missiles.

The F–4, designed in 1954, became operational in 1961. Since that date, the Soviets have built and flown eight new fighters. As they have done in the past, we must expect them to select the best for large-scale production. The F–4 cannot be improved significantly without major redesign amounting to a new airplane and costing many millions of dollars. It still would be inferior to operational Soviet fighter aircraft.

The F–4 is our best U.S. fighter employed in Southeast Asia. Its performance in aerial combat became marginal with respect to the MIG–21 just before the bombing pause. Designed originally as a high altitude interceptor, and equipped with a weapons system to destroy high altitude bombers, the F–4 has perforce been used as an air superiority dogfighter at low altitude where it has not been at its best.

The ratio of MIG–21s downed by F–4s to F–4s down by MIG–21s diminished from April 1966 to August 1967. Since August 1967 the F–4 has a 1:1 kill ratio against the older MIG–21s. In a confrontation with late model MIG–21s, and particularly with the newer USSR fighters the F–4J would be inadequate. While this occurred in the enemy's GCI environment we have classically carried the fight to the enemy and can expect to fight in more advanced GCI environments in the future.

The results of an attack on a carrier task force are primarily functions of the combat capabilities of the task force. The greater the capabilities the less the damage. The long-range, multi-shot F–14/Phoenix system make it completely superior to the F–4J/Sparrow system against any attack on a carrier. The F–14/Phoenix system augmented by the surface-to-air missile systems will blunt any Soviet attack.

Soviet surface-to-surface and air-to-surface missile threats already exist. They will certainly become more advanced. Advanced

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Soviet fighters are expected to be equipped with missiles of range greater than U.S. missiles except Phoenix. We must be able to counter the full present and the future threat, not the past.

From time to time, missile carrying Soviet bombers fly over or near units of the U.S. fleet. Although detected early and intercepted, these overflights make clear what the situation is. New Foxbat, Fiddler and Flagon fighters have long-range escort capabilities with advanced avionics and missiles, adding to the threat. New missiles are the weapons of concern; they must be countered.

The F–14, designed for air superiority, is the weapon system that can destroy long-range multiple raid targets, aircraft and missiles. It can destroy enemy escort fighters in close-in combat. Computer technology and weight reducing microminiaturization of avionics, properly balanced with airframe and engine design, have removed performance degradation that formely resulted from multi-mission fighter designs. In the F–14, adding one percent of the aircraft's combat weight has made it possible to use the complete combination of Phoenix, Sparrow, Sidewinder, Agile, a gun and air-to-surface weapons. A significant amount of this weight is in removable pallets not carried in the "dogfight" configuration.

A stretch-out in the F–14 program would increase the overall program costs: delays; price rises; contract renegotiation; additional flight tests; and purchase of F–4s to maintain force levels. It is estimated that stopping the F–14A program and proceeding with the F–14B would result in additional program costs of $340M. Delaying the F–14A for one year is estimated to result in additional program costs of $100M.

Should Phoenix be cancelled, the long-range intercept capability required to counter multiple target raids against surface forces, U.S. forward objective areas and continental U.S. will be delayed until a replacement system can be designed and developed. In addition, the capability to counter advanced Soviet fighters equipped with long-range missiles will be degraded. Over 91% of the development funds for the AWG–9/Phoenix missile system have been spent.

Q. Pilots who have flown in combat in Southeast Asia have stated that the U.S. needed a light, uncomplicated, highly maneuverable fighter aircraft. Is the F–14 this kind of aircraft?

A. The F–14 is that kind of aircraft to the extent that it will be highly maneuverable and, while it will have a sophisticated weapons control system, it will also have a higher degree of reliability, maneuverability and weapons versatility than we have ever achieved. The key to a good fighter is to have a balanced, well-proportioned aircraft with a good thrust-to-weight ratio to provide high speed, good range, outstanding acceleration, and the aerodynamic characteristics to ensure the best possible maneuverability. These attributes are essential to beat the enemy. Regardless of the weight of the aircraft, if it is not in balance it will never be a great fighter. Therefore, the "lightweight is better than the heavyweight" fighter is irrelevant, and largely untrue. When the F–4U, Corsair was developed, there was no decision to build a heavier fighter. Rather, an aircraft was designed to meet the needs of a possible war in the Pacific, that is, an aircraft with range and high performance. The result was a fighter heavier than had ever been seen before—anywhere. It had a longer service life than any other fighter. The F–8F, on the other hand, was developed to out-duel the Japanese Zero Even though it was a "pilot's dream", it had little potential and a short service life. The F–14 is designed to meet the threat . . . to the best degree possible. Aircraft size in itself does not determine performance.

Q. Wouldn't the Navy be better off with a smaller, lighter, and cheaper fighter than the F–14?

A. Analyses of a smaller less costly fighter showed that to achieve desired performance either the thrust required would be beyond the level attainable or the gross weight of the aircraft would far exceed that of the F–14A. The light weight fighter would excel in air combat maneuvering only. It would not have adequate range to escort attack aircraft to their full mission range, or provide good fleet air defense in all-weather conditions or to deliver air-to-surface ordnance.

Surface-to-surface and air-to-surface missile threats already exist. They will certainly become more advanced. Advanced Soviet fighters will be equipped with missiles capable of ranges greater than U.S. missiles with the exception of Phoenix. We must be able to counter the full present and future threat, not the past. Over the past few years, Soviet weapons progress has been startling. There is no reason to believe that this progress will not continue.

Q. The bomber threat against the fleet has been predicted by Navy officials for some time. It has not developed to date.

A. From time to time, missile carrying Soviet bombers fly over or near units of the U.S. fleet. Although detected early and intercepted, these overflights make clear this threat does exist. New Foxbat, Fiddler, and Flagon fighters have long-range escort capabilities with advanced avionics and missiles, adding to the threat.

Surface-to-surface, as well as air-to-surface missile threats also exist. They will certainly become more advanced. The F–14/Phoenix system in addition to its fighter capabilities, will provide a significant capability to counter the Soviet submarine-launched cruise missile threat. A look-down shoot-down capability against small multiple targets has been successfully demonstrated during development, and clearly indicates a capability against such attack.

Q. What is the history of the F–14 program in terms of when and how the requirement developed, and what delays have already occurred in the program as a result of the Vietnam War and other factors?

A. The F–14 is the result of a Navy competition among five contractors for a development program to provide improved air superiority capability in the shortest reasonable time. In addition to air superiority, the F–14 will provide better fleet and area defense than would have been provided by the F–111B. The F–14 will also replace the F–4 as an air superiority fighter and in escort roles. The delay incurred through the F–111B program has placed the Navy in a deficit position. We need the F–14 in the budget now because the actual threat and need for the capabilities of the F–14 exist today. In FY 1969 the Congress canceled further funding of the F–111B and authorized development of a new Navy fighter (the F–14). Concurrently the Congress approved $130 million in R&D funds for contract definition, engineering development, and incremental funding for three R&D F–14 aircraft. There have been no delays in the program since its inception. The F–14 design and construction are well along. First flight is scheduled in January 1971.

Q. If the Advanced Technology engine fails or slips significantly, what will be the effect on the F–14 program?

A. In the event unforeseen technical problems are encountered and cause a slip in the Advanced Technology Engine the F–14A production can continue until the Advanced Engine becomes available. The F–14 design provides for retrofit of the Advanced Engine in the F–14A as a relatively simple matter. The F–14A performance meets the threat. Without the Advanced Technology Engine there is no F–14B or F–15.

Q. On which carriers do you plan to use the F–14? Can it be used aboard the Midway class?

A. Initially the F–14 will replace F–4 aircraft on the Forrestal class and subsequent carriers. The F–14 series will eventually replace all of the F–4 and F–8 aircraft in our active inventory. It will have a full operational capability aboard all Midway class carriers.

Q. Why is the F–14 a two place airplane in lieu of single place?

A. In 1954 the Navy reached a tentative conclusion that a two-man crew was required to accomplish the all-weather fighter mission when it established the requirements for the XF4H–1, now known as the F–4. In 1955, a competitive situation was developed by initiating the single place, Sparrow equipped, F–8U–3 project. A choice between these two highly successful airplane developments was forced on the Navy in 1958. With the choice of the two seat F–4, the era of Navy single seat fighter development ended.

Then, as now, a weight and cost penalty was associated with the requirement for two men. These disadvantages were more than offset by the much greater capability of the two-man airplane, particularly under adverse conditions. Today, electronic warfare developments have made the tactical environment much more demanding re-emphasizing the necessity for a two-man crew. F–4 and A–6 experience in Southeast Asia has confirmed that the help provided by the second man with his additional sensors is invaluable.

EFFECTIVENESS

Q. Why develop a new fighter aircraft with a ceiling which does not exceed that of existing Soviet fighter aircraft?

A. It is, of course, impossible to design any one fighter which excels in each of its characteristics over all other fighters. The U–2 was a prime example of designing a special purpose aircraft. Its ceiling far in excess of any other aircraft at the time it was put into service, allowed it to survive until a counter weapon was developed by the Soviets.

In a similar manner, the F–14 will use its Phoenix and Sparrow missiles to handle those threats which, by virtue of specialized design, may be able to fly beyond its own envelope. Higher ceilings are therefore not militarily required, and could be achieved only at the expense of other more necessary features. The F–14 now represents an optimum balance between thrust, weight, agility and range.

Q. Is the F–14 the best performing air superiority fighter aircraft that the state-of-the-art will permit the development of at this time?

A. The achievement of long-term air superiority requires the proper combination of system performance in order to provide tactical options to meet the changing environment. The balance achieved in the F–14 between performance, system integration, and a two-man crew provides superior performance plus long range, stand-off missile capability. A two-man crew provides tactical flexibility in a variable ECM environment. The F–14A utilizes the TF–30–P–412 engine, the most advanced engine that has been developed to date. The AWG–9 is the most advanced and versatile fire control system being developed in the free world, and to our knowledge in the Communist world as well. Minimum weight is achieved due to the structural arrangement and the use of newest state-of-the-art materials. The F–14B and F–14C will maintain long term air superiority capability through easily achievable evolutionary changes. While pure airplane performance might be increased by sacrificing carrier suitability, strength or other features, the F–14 is the best performing air superiority fighter that can be developed at this time to meet overall Navy requirements.

Q. How can air superiority be achieved unless we design aircraft which not only exceed the performance characteristics of presently known Soviet aircraft, but also new aircraft which the Soviets will probably develop in the next five years?

A. Experience, backed up by many studies and analyses, shows that the effectiveness of an air superiority fighter is determined by vehicle performance parameters (energy for maneuverability (P_s), wing loading, visibility, roll rate, radius, combat ceiling, time to accelerate, etc.) and by the effectiveness of the air-to-air weapons carried. The F–14A represents the optimum balance between vehicle performance, weapons, and many other parameters (such as vulnerability, flexibility of weapon mix, interaction with combat support environment, etc.) that determine the overall effectiveness of a fighter within the weighted value of various mission profiles. The F–14B and F–14C will have a combat thrust to weight ratio greater than 1.16 which will give these airplanes much higher air-to-air combat performance than any present or projected Soviet fighters. It is planned to introduce the F–14B at about aircraft number 68 or earlier.

An air superiority fighter aircraft cannot be simply described or compared on the basis of any single performance parameter. A high performance fighter should be judged as a "balanced" weapon system and the overemphasis of any single parameter can lead to many erroneous conclusions of relative merit. For example, maximizing thrust to weight leads to a rocket like solution; maximizing low wing-loading leads to a glider; maximizing visibility leads to a slow observation platform; and maximizing speed and altitude leads to interceptor like performance. A comparison and evaluation of tactical fighter capability is at best extremely complex and requires insight and experience in the balancing of total weapon system parameters. This "balancing" has been done in a thorough manner in terms of realistic technological forecasts for engines, avionics, aerodynamic design, materials, and structures. Of particular importance, in the design philosophy of the F–14, has been the emphasis on systematic growth in performance of an evolutionary family of aircraft to meet the estimated changes in the threat through the early 1980's.

Q. The acceleration of the F–14A when it finally becomes operational in 1973 will be less than the best Soviet fighter in production today, 1969.

A. The F–14A at combat weight (gun and four Sparrows) will have a thrust-to-weight ratio of .84. Acceleration characteristics will be greater than the best Soviet fighter in production today. Furthermore, the F–14 with the Advanced Technology Engines will have a thrust-to-weight ratio of 1.16. Acceleration from .8M to 1.8M will take only 1.27 minutes; a 40% improvement over the best Soviet fighter today. All F–14As will be retrofitted with the Advanced Technology Engine as soon as it becomes available. Retrofit costs are minimal—approximately $6,000 per aircraft.

Q. Why is the F–14 required to have such long range escort radius on internal fuel?

A. The Foxbat and Flagon have demonstrated extended radius of action and improved avionic and missile capabilities. Tactical commanders must anticipate possible combat with enemy fighters long before the strike group enters the peripheral defensive posture of the enemy.

The F–14 with a long range escort radius of action on internal fuel is compatile with the radius of the Navy's attack aircraft. It also provides additional combat fuel at closer ranges and increases the tactical flexibility.

It is possible to build a fighter with less internal fuel range and accomplish the remainder with external tanks. If, however, the strike group is engaged prior to those tanks being empty, they will have to be dropped to permit maximum performance. This would make it impossible for the fighter escort to continue and would abort the entire mission. Additionally, the increased turn around time, maintenance and logistics dictate the internal fuel requirement.

Assuming a limited war (U.S. and USSR not in direct conflict), 85% of the remaining land area of the world and 95% of its population are within 600 miles of sea-based tactical air. This 85% portion contains 56.5 million square miles. A single carrier task force could respond to a contingency in any one of the 56.5 million square miles.

Q. Is the F–14/Phoenix the best performing fleet air defense weapons system that the state-of-the-art will permit the development of at this time?

A. The F–14 does represent the best performing fleet air defense aircraft that can be designed to operate in the carrier environment using today's state-of-the-art. The carrier environment includes not only its flying and deck handling qualities but its utility in the over-all defensive/offensive picture. Although the fleet air defense configuration of six Phoenix missiles is technically defined as an "overload" condition, what this really means is the "g" capability of the aircraft at combat gross weight is reduced only 0.5 "g". This reduction is insignificant, particularly as operational tactics with a six Phoenix load do not call for high "g" maneuvers. The design philosophy of the F–14 family of aircraft provides for evolutionary growth for both the air superiority mission and the fleet air defense mission. The F–14B and F–14C will incorporate technological advances in engines, maneuvering performance and more capable micro-miniaturized avionics.

Q. To what extent did the use of the AWG–9/Phoenix missile system dictate the design and cost of the F–14?

A. The AWG–9 missile control system is an integral part of the F–14 design and has obviously influenced the size, weight and cost of the design. However, by careful design tailoring, the gross weight increase has been held to about 1% and the cost increase to about 10% over an airplane incorporating a digital version of the AWG–10 (F–4J) fire control system. Vast improvement in capability of the AWG/Phoenix overshadows such differences.

Q. Why do we need the AWG–9/Phoenix missile system?

A. The multi-shot AWG–9/Phoenix missile system is essential for shooting down or diverting missile carrying aircraft before they reach missile launch range. Of equal importance is its capability to destroy air and surface launched cruise missiles after they have been launched.

The results of an attack on a carrier task force are primarily functions of the combat capabilities of the task force. The greater the capabilities the less the damage. The long-range, multi-shot F–14/Phoenix system make it completely superior to the F–4J/Sparrow system against any attack on a carrier. The F–14/Phoenix system augmented by the surface-to-air missile systems will blunt any Soviet attack.

Q. Why has the AWG–9/Phoenix missile system taken so long to develop? How much slippage; Why?

A. The AWG–9/Phoenix missile system development program began with a letter contract to the Hughes Aircraft Company in December 1962. The proposed program was keyed to the first F–111B fleet squadron delivery in February 1969. In the spring of 1964 the Navy learned of technical difficulties being encountered by two major subcontractors: Litton (computer, controls and displays) and Rocketdyne (missile rocket motor). These technical problems together with the attendant cost increases resulted in a corrective plan which essentially would have slipped the Phoenix development by one year.

Subsequent to these events further F–111B funds were denied by Congress in FY 1969 and the Phoenix development was reoriented to the F–14A requirements and schedule which then deferred fleet introduction to April 1973, an approximate two year deferral.

With respect to the F–14A program the AWG–9/Phoenix reconfiguration is on schedule.

Q. Will Phoenix be capable of coping with the various missile threats?

A. The Phoenix is a long-range air-to-air missile designed to engage threat aircraft and various modes of missile attacks. Although Phoenix has not yet been used operationally, 21 of 26 planned R&D missiles have been fired with unprecedented success. These include hits by one missile fired at a range of 78 miles, two missiles fired simultaneously at two targets with 10 miles separation, one missile fired in the active mode for the close-in situation and a look-down missile at a low flying unaugmented drone. The Phoenix missile to date has demonstrated every design performance requirement.

Q. Won't the Phoenix be jammable and, therefore, ineffective?

A. The Phoenix missile is designed to operate in an electronic countermeasure (ECM) environment. Its multiple guidance phases and multiple control frequencies make it effective against all predicted ECM techniques.

Q. What is the weight penalty for carrying the Phoenix missile?

A. About 600 lbs. of aircraft weight, a significant amount of which is in removable pallets not carried in the "dogfight" configuration.

Q. Can unexpended missiles be brought back aboard after a mission?

A. Yes. Design specification requires that any combination of fuel and unexpended ordnance up to a total of 10,000 lbs. can be brought back aboard the carrier.

Q. It has been said that the AWG–9/Phoenix missile system, with its multi-track capability, involves too great a workload for the pilot and requires a missile control officer. Would the second man be required if the Phoenix system is not used?

A. In 1954 the Navy reached a tentative conclusion that a two-man crew was required to accomplish the all-weather fighter mission when it established the requirements for the XF4H–1, now known as the F–4. In 1955, a competitive situation was developed by initiating the single place, Sparrow equipped, F–8U–3 project. A choice between these two highly successful airplane developments was forced on the Navy in 1958. With the choice of the two seat F–4, the era of Navy single seat fighter development ended.

Then, as now, a weight and cost penalty was associated with the requirement for two men. These disadvantages were more than offset by the much greater capability of the two-man airplane, particularly under adverse conditions. Today, electronic warfare developments have made the tactical environment much more demanding reemphasizing the necessity for a two-man crew. Experience in Southeast Asia has confirmed that the help provided by the second man with his additional sensors is invaluable.

COSTS

Q. What are the total R&D costs of the F–14A and F–14B?

A. The F–14A R&D costs are $731M in escalated dollars. The F–14B Advanced Technology Engine R&D costs are $243M in escalated dollars.

Q. What is the F–14 total program and total cost?

A. The baseline for negotiating the contract with Grumman was on 469 aircraft (6 R&D and 463 production aircraft). The total program unit cost including R&D (F–14A and F–14B), procurement, support, training and investment spares is 13.6M. The Navy's

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desired program to replace the Navy and Marine F-4s is 722 aircraft (6 R&D and 716 production). The total program unit cost is 12.0M. The foregoing are escalated dollars. In constant calendar year 1970 dollars the total program unit costs are 12.4M and 10.4M respectively.

Q. What is the cost difference between the F-14 and F-15 airplane?

A. There is a great deal of confusion within the Press and Congress with regard to the program costs of the F-14 and F-15 aircraft programs. The large variation is due to the difference in service missions, differences in the environment in which the missions are performed and to the degree and magnitude of combat support afforded to the two aircraft in a typical tactical air combat environment.

A true measure of cost comparison is to recognize that the two airplanes are in the same class with regard to sophistication, i.e. they are both air superiority fighters as their primary mission. In this category a rule of thumb with regard to cost that is derived and supported by the aerospace industry is that airplanes of this level of complexity and performance cost approximately $100 per pound. The difference in weight between the F-14 and F-15 is expected to be approximately 10,000 to 13,000 pounds. On this basis the cost differential of the two airplanes on a flyaway basis will fall between $1.0 million and $1.3 million. Either airplane taken into the Air Force or the Navy inventory under given production rates and support conditions will not deviate significantly from this simple costing rule-of-thumb. Confusion has come in assigning and assessing different rules for program costing.

Q. What are the terms of the contract with Grumman?

A. The F-14A engineering development (R&D) contract with Grumman Aircraft Engineering Corporation includes six R&D aircraft. This contract was let as a result of competition between five firms; Grumman, McDonnell Douglas, Ling Temco Vought, General Dynamics, and North American Rockwell.

The R&D contract is on a Fixed Price Incentive (FPI) basis. It has a target price of $388M consisting of a target cost of $352.8M and target profit of $35.3M and a ceiling price of $440.9M (25% of target cost). It contains ceiling price options of seven additional production lots.

Lot I, 6 aircraft (first flight; January 1971). Total flight test and demonstration program. Data for: aircraft, trainers, support and management.

Lot II, 6 aircraft.
Lot III, 30 aircraft.
Lot IV, 96 aircraft.
Lot V, 96 aircraft.
Lot VI, 96 aircraft.
Lot VII, 96 aircraft.
Lot VIII, 43 aircraft.

In addition, options have been granted, subject to restrictions on the rate of production acceleration or deceleration, for quantities not less than half nor greater than one and one half of those shown. (For example, Lot V minimum quantity is 48 aircraft and the maximum quantity is 144 aircraft.) The present ceiling price is the maximum amount the Government will pay for the contract scope of work. Costs incurred beyond the ceiling price are borne solely by the contractor.

The R&D contract penalties and awards are based on performance by the contractor. The following items have contract guarantees:

Weight empty.
Minimum approach speed.
Acceleration time at altitude.
Specific Range.
Maintainability.
Cost.

The incentive arrangement allows the contractor to maximize his profits by producing an aircraft which exceeds performance requirements (on the above items) while being produced at lowest actual cost. As the performance is degraded, or as actual costs increase, the contractors' profits are less.

The Government has no obligation to accept the aircraft if any of the minimum performance levels are not achieved. At this point the Government can either require the contractor to correct the aircraft to meet the minimum requirement or agree to an equitable reduction in contract price.

The R&D contract also contains a predetermined price decrease for slippage in delivery of the five (5) aircraft to the Board of Inspection and Survey Trials. This decrease will be at a rate of $5,000 per aircraft per day, not to exceed the sum of $600,000 per aircraft or $3,000,000 total.

The contract requires the contractor to maintain a management and reporting system which meets the stringent criteria of Department of Defense Instructions. In addition, the reports are stipulated as a substantive product of the contract and the Government Contracting Officer can reduce or suspend Progress Payments under the contract if the contractor fails to submit the reports on time.

Q. What is the breakdown of F-14 costs?

A. "F-14A/B PAMN/R&D unit costs."

Number of A/C	Escalated dollars in millions			Calendar year 1970		
	463	716	[1]1,200	463	716	1,200
Flyaway	$8.5	$8.1	$7.6	$7.5	$6.8	$6.0
Support	1.1	.9	.6	.9	.8	.5
Inventory spares	2.0	1.7	1.4	1.9	1.5	1.2
Total production	11.6	10.7	9.6	10.4	9.1	7.7
Unit costs:						
R. & D.:						
F-14A[2]			[2]731			705
F-14B[2]			[2]243			228
Total unit prog. Cost (PAMN/R. & D.)	13.6	12.0	10.4	12.4	10.4	8.5

[1] 1,200 buy—Extension of 716 schedule. (a) Maximum rate 12 per month. (b) 10-year program—Fiscal year 1970 through fiscal year 1980.

[2] Includes 6 R. & D A/C.

It should be mentioned, however, that the Navy has reviewed its operational flying requirements and the impact on spares, training and support reduces the total program cost of 722 aircraft by about $600M and is reflected by the following breakdown.

Number of A/C	F-14A/B PAMN/R. & D. unit costs					
	Escalated dollars in millions			Calendar year 1970		
	463	716	1,200	463	716	1,200
Flyaway	$8.3	$7.7	$7.3	$7.3	$6.5	$5.8
Support	1.0	.8	.6	.9	.7	.5
Inventory spares	1.6	1.3	1.2	1.5	1.1	1.0
Total production	10.9	9.8	9.1	9.7	8.3	7.3
Unit cost:						
R. & D.						
F-14A[1]			[1]731			705
F-14B[1]			[1]243			228
Total unit program	12.9	11.1	9.9	11.7	9.6	8.1

[1] Includes 6 R. & D. A/C.

Q. How much confidence do we have in F-14 cost estimates?

A. The Navy has a high degree of confidence in their cost estimates based on past history comparing estimates to actual costs. The Navy conducted a detailed, involved Concept Formulation and Contract Definition effort for the F-14 utilizing the Navy Fighter Study, the CNO staff, and Naval Air Systems Command personnel. Detailed costing was done by these groups supplemented by various independent consultants. Events to date have not shown any reason to alter these cost estimates.

Q. How can you be sure that the costs of the F-14 will not escalate in the same way the F-111, C-5A, Cheyenne, etc. programs have?

A. Navy conducted detailed Concept Formulation/Contract Definition phases.

Detailed costing by Navy Fighter Study, Naval Air System Command, Resources Management Corporation, and consultants.

F-14 R&D contract is firm FPI with firm specifications. Option for production quantities includes ±50% in production lot buys by FY with pre-negotiated ceiling prices negotiable downward only. The contract is different from both the F-111 and C-5. (The F-111 contract was FPI for R&D—poor specs—no production commitment and letter contract initiated program. C-5A repricing formula is different from F-14A.)

Low risk program.

Q. Wouldn't it be less expensive to not build the F-14A and wait for the F-14B?

A. Threat analysis dictates introducing a better fighter capability at the earliest possible date. The F-14 is scheduled for operations in early 1973 and is substantially better than the F-4. A decision to stop the F-14A and wait for the F-14B would delay the operational introduction of a superior fighter at least two years.

Proceeding with a Navy fighter development by means of evolution from the F-14A to the F-14B reduces risk and provides distinct and substantial savings in cost and time. It also provides increased flexibility to satisfy other military objectives.

Stopping the F-14A program and proceeding only with the F-14B will result in additional program costs of $340M These cost increases do not include TF-30-P-412 engine termination. They do reflect sustaining adequate manpower over a longer development period, adding flight testing, changing GFE requirements and timing, and adjusting for inflation due to time lag.

The development process must be slowed when the number of major items to be developed is increased. In this case at least two years are lost at a time when greater fighter capability is urgently needed.

Analysis of the threat in the mid-1970s reveals that present fighters cannot successfully counter the threat. A low risk orderly development program was initiated to introduce in the earliest time frame an advanced fighter capable of countering the threat. Studies determined the optimum time and cost schedules for this program. Any stretch-out will increase total program costs and delay introduction of an advanced fighter.

Costs associated with a decision to proceed directly to an F-14B are as follows:

"Decision" costs total $340M, which break down as follows:

A. A reduced but fixed personnel payroll is required to retain a cadre of project personnel during stretch-out. Payroll cost is estimated at $34M.

B. The stretch-out moves many costs to later years where inflationary effects increase costs. In particular, prime contractor labor and material inflation costs are expected to be $100M, support equipment inflation costs $10M, and GFE inflation costs $30M; for a total of $140M.

C. Additional flight testing time is required to proceed directly to the F-14B. This increased time is attributed to: First, fewer flight hours per flight test period because new engines are restricted in running hours and therefore require more frequent engine change; second, more test hours are lost due to engine problems than would be encountered with proven TF-30-P-412 engines and third, a greater amount of engine-airframe testing must precede other aircraft testing sequentially, such as flight performance, flying qualities, etc. There are ground tests which also cannot be paralleled. Increased test time costs are estimated at $24M.

D. A relevant decision cost, but not a program cost, is the cost of procuring 24 additional F-4 aircraft to sustain the fleet fighter aircraft inventory during the stretch-out period. This cost is estimated at $86M.

E. Stretch-out costs other than inflationary effects will increase cost of major GFE components such as the AWG-9 fire control system. The effect of the twenty-three month stretch-out on the AWG-9 development is $56M. This cost is associated with continued efforts on a minimum sustaining level basis in the development program, such as roofhouse work, avionics integration effort and software exercises.

F. Numerous relevant decision costs cannot be easily quantified. These include the expected cost increase involved in negotiating a new prime F-14 contract with Grumman, without the benefits of a competitive environment. New incentives must be negotiated which will alter the fee-cost-performance relationships. Learning curve economics achieved by repetitive efforts, however infrequent, are lost. "Gold-Plating" effects will occur where existing designs become overperfected by conscientious engineers. There is a deleterious effect upon the morale of all associated program personnel, both Government and private industry which tends to allow schedule slippage, since milestone slippage becomes easier once a stretch-out is allowed. These miscellaneous costs are conservatively estimated to total $20M.

G. The non-recurring costs of converting the F-14A to the F-14B by installation of the ATE is estimated at $20M. It is a combination of tests and design costs and is considered included in the costs otherwise discussed. This is a fixed cost for the program and is subtracted from costs previously discussed to arrive at the decision cost for the alternatives posed.

There are sunk costs associated with the F-14A/TF-30-P-412 engine program which are not considered relevant decision costs, yet these costs remain accountable as program costs. These costs are, $5M testing, $12.3M P-412 nozzle development, $6.4M P-412 engine procurement and $8.0M prime contractor design work. The total sunk costs for current F-14A work is estimated at $31.7M.

Q. What is the additional cost to modify the AWG-9 for the F-14?

A. The additional cost to modify the AWG-9 missile control system is $129.0M. This includes reconfiguring from a side-by-side to a tandem seating arrangement and incorporating the capability to fire Phoenix, Sparrow, Sidewinder, Agile and 20mm gun. Additionally, the AWG-9 will display firing envelopes for all weapons under maneuvering environments to the pilots heads-up display. These costs are included in the F-14A R. & D. costs ($731M).

Q. What is the total R. & D. cost for the AWG-9/Phoenix missile system?

A. Since the beginning of the program in FY-63, the total R. & D. cost for the missile and the AWG-9 is $414M, of which 91% has already been expended.

ARMAMENT

Q. Why does the F-14 need an air-to-ground capability? How does it penalize the F-14 performance to have this capability?

A. Navy aircraft are designed to meet one primary task best. But the fighters are used for fleet defense and for air-to-surface attack as additional tasks. Long experience has shown this plan to be sound, effective and efficient. It provides the tactical commander greater choice and flexibility. As a battle or conflict progresses, needs constantly change: initially the requirement may be for large numbers of fighters, to later for larger numbers of attackers. Once air superiority is attained only a portion of the fighters are required for air defense. Fighters with an air-to-ground feature are effectively used in the destruction of many targets and thus assist greatly in achieving success.

The unique design of the F-14 permits the incorporation of a significant air-to-ground capability without penalizing its air superiority mission.

Weight and performance penalties are avoided by palletizing equipment for fleet air defense and air-to-surface missions. The added weight is carried only on these missions. PHOENIX and air-to-surface ordnance are carried as overload. The F-14 is designed as a 53,000 pound four SPARROW air superiority fighter. An insignificant penalty in maneuvering performance (0.5g) is accepted while the ordnance is aboard the aircraft. However, the full F-14 maneuvering performance returns when the missiles or ordnance are fired.

Q. What armament is the F-14 capable of carrying?

A. As an air superiority fighter, the versatile F-14/AWG-9 system will control Phoenix, Sparrow, Sidewinder, and AGILE air-to-air missiles and generate sighting data for the 20mm cannon. It also provides for visual delivery for all conventional bombs and rockets with accuracies comparable to the A-7E (approximately 10 mils).

Q. What is the pallet concept of the F-14?

A. In order to avoid carrying unnecessary weight during the air superiority mission, the pallet concept was developed. Armament and peculiar auxiliaries used only during the fleet air defense and air-to-surface missions are installed in low drag, external, flush mounted racks (palletized) and Phoenix, bombs and rockets are carried as an overload. An insignificant penalty in maneuvering performance (0.5g) is accepted while this ordnance is aboard the aircraft. However, the full F-14 maneuvering performance returns when the missiles or ordnance are fired. This design approach enables an F-14 loaded with six Phoenix to remain on combat air patrol longer than the F-111B, yet it does not carry the airframe weight penalty that was in the F-111B design.

Q. Does the F-14 have the capability to launch air-to-surface guided weapons?

A. These capabilities were not designed into the aircraft because of the additional weight resulting from associated black box and cockpit avionics requirements. This is in keeping with the original concept that air superiority fighter considerations were paramount and would not be compromised. The Sparrow has a proven capability against small ships and boats, although it wasn't designed originally for the air-to-surface role.

PROGRAM STATUS

Q. What is the F-14 program status today?

A. In FY-69 the Congress approved the expenditure of $130M in R&D funds for contract definition, engineering development and incremental funding for three R&D F-14 aircraft. The FY-70 F-14 budget request is $175M for R&D including three additional test aircraft. Also included in the FY-70 budget request is $275 PAMN for procurement of six aircraft, advance procurement of support, training and investment spares.

The Navy has recently completed a new F-14 price-out based on a program designed to fulfill anticipated Navy and Marine Corps needs. Both the R&D and Production funding requirements were again investigated in detail and have verified original Navy estimates of the F-14 program costs. Since the last review in January of this year there has been a slight increase in the estimate of engine costs partially due to the overall reduced volume caused by cutbacks in the Air Force F-111 program and the adjusting estimates for incorporating the Advanced Technology Engine in aircraft number 68.

The "flyaway" cost of the airplane, defined as the airplane sitting on the runway complete in all respects ready to take off (does not include ground support equipment, trainers and spares), is composed of three major cost elements—the airframe, the engine, and avionics. Of the total flyaway cost the airframe constitutes about 46%, the engine 23%, and the avionics 27% with the remaining 4% being miscellaneous items. In the case of the F-14 the airframe will be procured under a multi-year contract with firm ceiling prices already established through FY-76. These ceiling prices constitute the maximum amount that the Government is obligated to pay. If the cost of the airframe exceeds this amount the contractor must bear the burden. These "not to exceed" firm ceiling prices were used by the Navy in pricing the F-14 program.

The other two major money items, the avionics and the engines, do not have signed contracts as yet but the cost projections are based on experience gathered through the actual production and delivery of 15 sets of the AWG-9 Missile Control System and the actual production costs of the Pratt & Whitney TF30 engines. Since both the avionics and engines for the F-14A are modifications of existing hardware, many of the cost unknowns are eliminated. The Advanced Technology Engine (ATE) to be used in the F-14B (and F-15) will have contractual prices presented to the Services in September as a milestone in the competitive effort between General Electric and Pratt & Whitney. The current estimate for the advanced engine is based on a costing formula developed by the Navy and should more than adequately cover the cost of the new engine. The Navy is attempting to negotiate similar multi-year contracts with the avionics and engine contractors to contain firm ceiling prices already established through FY 1976 paralleling the airframe contract. Furthermore, the Navy has escalated all estimates by 4% per year to account for inflationary trends. This amount was based on an average of 5% per year for labor increases and 3% per year for material increases.

In order to arrive at total investment unit cost, support (ground equipment, trainers, publications, etc.) and spares must be added to the "flyaway" cost. Of the total investment unit cost, "flyaway" constitutes about 73%, support about 8%, and spares 19%. The amount of ground equipment, trainers and other such equipment that is required is dependent upon the number of squadrons, ships and land-based sites that are to be supported. The planned number of sites is known; hence, the amount of equipment necessary is established. The cost of this equipment can be, and has been, established on past experience, particularly the F-4

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Phantom, as well as sound budgetary estimates. In the unlikely event that there were substantial errors in determing support requirements or costs, the impact on the overall program would be minimal since only 8% of the total program is accounted for in support. The cost of spares is for the most part dictated by the cost of the two major money items: engines and avionic equipments. Therefore, the cost of spares is directly related to the accuracy of pricing these same items for the "flyaway" cost.

Experience gained to date on both the AWG–9/Phoenix fire control system and the TF30 series engines, as well as the conservative approach to the new advanced engine prices for the F–14B, give an excellent baseline for determining total F–14 program costs and for achieving the desired milestones.

The PRESIDING OFFICER. Who yields time? Time is running. Is the debate concluded?

Mr. HARTKE. Mr. President, unless the Senator from Mississippi wants additional time, I am prepared to yield back the remainder of my time.

Mr. STENNIS. I had promised the Senator from Washington that I would save him 3 minutes. I yield myself another half minute to say this: The committee will do no less about this matter whether the amendment is agreed to or not. It is our obligation to keep up with these matters the very best we can. If this amendment is agreed to or is not, so far as our plans are concerned, we go right on.

I hope it will not start putting us in a straitjacket on everything that comes along because they heard somebody down the street or somebody in California say there might be some question about a plane. That is about what it has come to.

I yield the remainder of my time to the Senator from Washington.

Mr. JACKSON. Mr. President, I wish to speak in support of the recommendation of our Armed Services Committee to authorize funds for production of the new Navy fighter aircraft—the F–14.

My support for the committee's recommendation stems from three principal factors:

First. The F–14 program strikes me as an eminently sensible one. I have given it careful study and audit as a member of the Armed Services Committee.

This airplane is designed and will have potential for growth to give adequate carrier fighting capability through the 1973–80 time period. It is being developed in an evolutionary way, building on the fire control system and engine developed for the F–111.

The F–14 is to replace the Navy's F–4 Phantom as a general air superiority fighter-escort. Carrying the Phoenix missile, it is to perform the fleet air defense mission of the discarded F–111B against Soviet bombers and cruise missiles. It will also have an air-to-ground attack capability.

The concept of the F–14 includes designing the aircraft to accept a more advanced technology engine—higher thrust and lower weight—without changing the basic F–14 airframe. The long-range, multishot F–14 Phoenix system makes it far superior to the F–4J/Sparrow system.

Second. We are already very late in getting a follow-on fighter to the F–4 Phantom. It is undisputed that there has been too much delay in the development of a plane to provide improved air superior capability, as a result of the experience with the F–111B.

The F–4—designed 15 years ago—in 1954—became operational in 1961. Since that date the Soviets have developed and flown eight new fighters. It is generally accepted that the F–4 cannot be further improved without substantial redesign constituting a virtually new plane and requiring many millions of dollars. Even then, it would be inferior to existing Soviet fighter aircraft. Further, although used as an air superiority fighter, the F–4 was not specifically designed for that role.

Third. Last year, on the advice of the Senate Armed Services Committee, the Congress authorized and appropriated funds for a new Navy fighter, with the understanding that its development was to proceed as quickly as possible, in view of the time already lost.

The F–14 contract was awarded after an intense Navy competition among five contractors for a program to provide improved air superiority capability in the briefest reasonable time.

The Department of Defense and the Navy are well satisfied with the progress of the F–14. The Armed Services Committee has looked into the program this year and recommends that we go ahead with it. I see no reason whatsoever to slow down or otherwise hold up a sound program that is urgently needed and that is progressing well.

Mr. STENNIS. Does the Senator from Indiana yield back the remainder of his time?

The PRESIDING OFFICER. The Senator from Indiana has agreed to yield back the remainder of his time.

Mr. HARTKE. I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back or has expired.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. All the time on the amendment has been yielded back, and there is a new parliamentary situation.

Mr. CANNON addressed the Chair.

The PRESIDING OFFICER. The Senator would have to ask unanimous consent for additional time.

Mr. MANSFIELD. Not to move to table.

The PRESIDING OFFICER. A motion to table would be in order; yes.

Mr. CANNON. Mr. President, I move to table the amendment of the Senator from Indiana.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. HARTKE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. On this vote, I have a pair with the Senator from Wyoming (Mr. HANSEN). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. JAVITS (after having voted in the negative). On this vote, I have a live pair with the Senator from North Dakota (Mr. YOUNG). If present and voting, he would vote "yea"; if I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. SAXBE (after having voted in the negative). On this vote, I have a live pair with the Senator from Nebraska (Mr. HRUSKA). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also announce that the Senator from Indiana (Mr. BAYH), the Senator from Wyoming (Mr. McGEE), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE), would vote "yea."

On this vote, the Senator from Washington (Mr. MAGNUSON) is paired with the Senator from Arkansas (Mr. FULBRIGHT). If present and voting, the Senator from Washington would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from North Dakota (Mr. YOUNG) is absent on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), and the Senator from California (Mr. MURPHY) would each vote "yea."

The pair of the Senator from Wyoming (Mr. HANSEN) has been previously announced.

The pair of the Senator from Nebraska (Mr. HRUSKA) has been previously announced.

The pair of the Senator from North Dakota (Mr. YOUNG) has been previously announced.

The result was announced—yeas 63, nays 23, as follows:

[No. 93 Leg.]

YEAS—63

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cotton
Curtis
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Goodell
Griffin
Gurney
Holland
Hollings
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
McIntyre
Metcalf
Miller
Montoya
Mundt
Pastore
Pearson
Pell
Percy
Prouty
Randolph
Ribicoff
Russell
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, Del.

NAYS—23

Burdick
Case
Church
Cooper
Cranston
Eagleton
Gore
Gravel
Hart
Hartke
Hatfield
Hughes
McCarthy
McGovern
Mondale
Moss
Muskie
Nelson
Packwood
Proxmire
Williams, N.J.
Yarborough
Young, Ohio

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—3

Javits, against.
Mansfield, against.
Saxbe, against.

NOT VOTING—11

Bayh
Fulbright
Goldwater
Hansen
Harris
Hruska
Kennedy
Magnuson
McGee
Murphy
Young, N. Dak.

So Mr. CANNON's motion to lay on the table Mr. HARTKE's amendment was agreed to.

Mr. STENNIS. Mr. President, I move that the vote by which the motion to table was agreed to be reconsidered.

Mr. JACKSON and Mr. COOK moved to lay the motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 728) for the relief of Capt. Richard L. Schumaker, U.S. Army, and it was signed by the Acting President pro tempore.

A CLEAR PERSPECTIVE ON THE PROBLEM OF SOLID WASTE

Mr. COOPER. Mr. President, the Committee on Public Works has scheduled hearings on the bill, S. 2005, the Resource Recovery Act of 1969 for the 30th of September and the 1st, 2d and 3d of October. The subject of this bill, the problem of solid wastes is one that Senator BOGGS, in an address to the National Symposium of State and Interstate Solid Waste Planning Agencies, called "a problem that affects every American as few other problems affect him."

He went on to describe the magnitude of the problem with some dramatic data. He said:

> Our nation annually produces 13 tons of wastes of one sort or another for each of our citizens. Put another way, we as a society annually discard as unusable approximately 170 times our body weight in used soft-drink bottles, tailings from mining operations, junk cars, and old newspapers.

I think that Senator BOGGS presents a clear perspective on the problem of solid waste and I ask unanimous consent that the full text of his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICA'S BIGGEST INDUSTRY: THE PRODUCTION OF WASTE

(By Senator J. CALEB BOGGS)

Thank you, Mr. Vaughn. Good morning gentlemen. I am extremely honored to join you today to participate in this important session to discuss a problem that affects every American as few other problems affect him, our national trash pile. The problem of our solid wastes is as crucial as any this nation faces in the latter third of the 20th century. You are the men and women who will create and perfect the systems to free humanity from the burden of his discards. I see no more socially beneficial job than protecting and enhancing our environment—the job you are doing.

To do some preparation on the plane west last night, I was looking at the annual report on Public Works put out by a county government in my home state of Delaware. The report was discussing the trash collection problem. It came to the conclusion that the mounting piles of rubbish in our nation will require that "more and more money and brains will have to be thrown in trash."

I'll have to protest part of that jocular observation. We've got lots of brains in the trash—you gentlemen are good evidence of that. Now all we need is the money.

I applaud the Bureau of Solid Waste Management for convening this National Symposium of State and Interstate Solid Waste Planning Agencies. And I must add that I am doubly delighted to know that my state of Delaware is so ably represented by Frederick Stiepler, of the State Board of Health.

When Mr. Hickman graciously invited me to join you today, he mentioned some of the topics you intended to discuss. He thought it would be hepful if I would tell you a bit about how the Congress looks at our environment, and what kind of legislation we are discussing in an effort to enhance it through such programs as solid waste management.

I know you are familiar with the statistics on our national trash pile, but I believe they need to be reiterated regularly to make us constantly aware of the magnitude of the problem. The President's Science Advisory Committee found not long ago that "each year we must dispose of 48 billion cans, 26 billion bottles and jars, 65 billion metal and plastic caps and crowns, plus more than half a billion dollars worth of miscellaneous packaging material."

The problem, as you know, isn't just items like these that fit into the garbage can. Waste is America's number one industry in terms of tonnage, for we produce far more waste than we produce steel or cars or any other product.

Our nation annually produces 13 tons of wastes of one sort or another for each of our citizens. Put another way, we as a society annually discard as unusable approximately 170 times our body weight in used soft-drink bottles, tailings from mining operations, junk cars, and old newspapers. As we grow more affluent, this tonnage mounts.

We buy our soft drinks in disposable bottles and clothe our infants with throw-away diapers, adding new burdens to the nation's disposal problem. We have become a society of discards. Technology taps lower grade ores, which creates more waste for each ton of useful material. This expands our waste productions by an almost geometric rate. And these discards pollute the environment as surely as DDT or auto exhaust.

It has been just a few weeks since the great evening when man entered for the first time an entirely new celestial environment, the moon.

Not long ago, the humorist, Art Buchwald, recalled that glorious day when a spaceship from Venus landed in a desolate area identified on the Venusian space charts as "Manhattan." As the travelers from Venus examined the landscape, a professor radioed the news to Venus: "We have come to the conclusion that there is no life on Earth," the professor related. "For one thing, the Earth's surface in the area of Manhattan is composed of solid concrete and nothing can grow there. For another, the atmosphere is filled with carbon monoxide and other deadly gasses, and nobody could possibly breathe this air and survive." His point was obvious.

Norman Cousins, the knowledgeable editor of the Saturday Review, recently sought to define the major problems confronting mankind. He cited peace as one. He mentioned the need for all peoples to get along together, a complement to peace between nations.

Then he talked of the need for man to control his environment, to preserve his landscape, his air, and his water, so that man could both live and enjoy living. Mr. Cousins then made what I consider his major point—a most hopeful point. Each of these problems of the future is man-made, so each must be within the realm of man's ability to solve.

President Nixon has shown his commitment to the eradication of environmental pollution through his creation recently of the cabinet-level Environmental Quality Council. That commitment to enhance our environment permeates the White House. The President's Science Advisor, Dr. Lee A. Du Bridge, recently spoke of the need for the council to find ways to improve cooperation between the Federal, state, and local governments for the best method of disposal of solid waste.

Still, the enormity of this problem remains great. The Congress, I believe, sees a need for action. That is why we in the Public Works Committee are pressing forward on S. 2005, the proposed Resource Recovery Act, which is designed to improve and expand the 1965 Solid Waste Disposal Act. Similar legislation, H.R. 10916, has been introduced in the House by Congressman Robert Tiernan of Rhode Island.

That 1965 solid waste legislation authorized a research and development program with respect to solid waste disposal, aimed at providing new technology for collection and disposal of solid wastes. Some very good research has been done, much of it from your agencies. Grants have been made available for state and interstate planning, interstate cooperation, research, demonstration, training, and other programs. But, under the 1965 Act, no grants have been available for construction of facilities for disposal, unlike the national effort to combat water pollution which for several years has provided construction grants to the states.

The major thrust of the first solid waste legislation was designed to provide the base for correcting the deficiences in existing systems and to develop new methods and techniques for collection and disposal of wastes. With the growing awareness of the extent of the problem, many of us have come to realize that simply extending and strengthening current systems will probably not provide the answer.

One important aspect of this legislation to amend the Solid Waste Disposal Act would be to provide financial assistance for the construction of solid waste disposal facilities. It would provide grants for construction up to 25 per cent for individual cities, or 50 percent for a regional facility. In addition, it would allow the Secretary of Health, Education, and Welfare to increase the grant by half again as much—to 37½ per cent for individual communities and 75 per cent for regional facilities—where projects used new or improved technology.

Also significant, is the bill's price tag—about $800,000,000 over five years. I consider that a sign that the Congress intends to take a major step toward ridding this nation of clutter.

Should this legislation pass, it of course remains uncertain how it would be affected by President Nixon's announcement last week on reducing construction projects. Yet I feel confident that the Nixon Administration is committed to environmental programs, since the President exempted from the cutback projects of "the highest social priority." I can think of no greater social priority than those projects designed to protect the environment in which we live.

XUM

The new legislation provides the opportunity for cities or states or regional units to initiate, explore, and test new collection and disposal techniques, with heavy Federal support. It places a strong emphasis, as it should, on Federal-state-local partnership to protect and enhance the quality of the environment.

On top of this new construction support, S. 2005 would augment the Federal share of planning in the field of solid wastes. The existing act provides up to 50 per cent of the costs of surveys of solid waste disposal practices. The proposed law raises the participation to two-thirds of the cost for individual municipalities and 75 per cent for regional planning.

We have four days of hearings scheduled on S. 2005 at the end of this month, with more hearings in the field planned for later in the fall. Many of you, I hope, will be able to attend to give us the benefit of your invaluable guidance and knowledge.

Senator Muskie of Maine, when S. 2005 was introduced last April, made an important observation on the Senate floor. He said: "I do not believe that America can continue indefinitely to burn, bury, or throw away the solid wastes generated by its people. There simply are not enough resources, enough land area, or enough clear air and clear water to permit the mere refinement of existing approaches to solid waste management."

Too little thought, I believe, has centered on just such environmental issues to which he alludes—the finite supply of materials available in our Earth. The world supply of nickel, I understand, will be depleted before the end of this century, at current usage rates. Obviously, the supply and demand relationship, plus new discoveries, is unlikely to bring that development. More and more nickel users will have to turn to alternative metals, to the point that our five-cent coin might be known someday as a "steel." My point, however, is this: Who is considering what effect a loss of nickel would mean?

I am convinced a role exists for Federal Government in establishing a coordinated materials policy. This is not a role of dictating usage of materials; we aren't going to tell anyone when they can use a material and when they can't. Rather, the Government can prove helpful, I believe, by providing inventories of world supplies of materials, assistance to the research into alternatives to materials that are in short supply or prove particularly damaging to the environment, and promotion of economic methods for re-cycling discarded products back into our economy.

We may achieve answers by creating bottles that dissolve when broken or cans that degrade, sharply curtailing the growth of our national garbage heap. We may be able to build cars for quick and profitable disposal, instead of tossing them onto a vacant lot to rust away.

The discovery of more efficient ways to produce materials that do not persist in the environment following use, might go far toward reducing the $3.4 billion we as a nation spend yearly for garbage in our urban areas.

In addition, we must begin to look at the trash heaps of our nation as mines that are as potentially as valuable as the Comstock Lode. As just one example, a typical ton of municipal waste contains a third of the heat potential of a ton of coal, a fact that could prove very useful when we create high-temperature incinerators.

The materials problem must be faced from two ends: before the material leaves the ground and after it has completed its useful life.

This week, or early next week—following the period of mourning over the loss of Senator Dirksen, I hope to introduce an amendment to S. 2005, an amendment to create a Presidential Commission on Materials Policy. The two-year Commission would have broad authority to pursue these questions of how to coordinate materials policy toward a goal of environmental enhancement, and then report to the Congress with suggestions for action.

This amendment is the outgrowth of two very knowledgeable reports on materials policy I have had the good fortune to receive in the past couple of years. The first was a survey published by the Committee on Public Works in January, 1968. The second, which was far more detailed, was just recently published by the committee. It is entitled, *Toward A National Materials Policy*, and was prepared by a group of some of the nation's most prominent experts in the materials field. The report digs deeply into the subject, and comes to these conclusions: "We should insure an adequate supply of all types of materials needed in appropriate balance for our production requirements, both in peace and during national emergencies; we should husband our resources by efficient processing techniques and by the use of commonly available materials as alternates for materials that may become short in supply.

Future concerns will involve the ability of the materials and energy resource base to support national and world aspirations for economic growth, and the implications for the economy of periodic changes in the relative prices of various materials.

We need to develop new materials with novel properties to satisfy the more stringent demands of advanced technologies.

Finally, it is of the utmost importance that, from the initial stages of production of materials through their ultimate use and disposal, we conduct our operations and activities in such a way as to minimize pollution of air and water and to avoid despoliation of the environment, both physical and biological. By the way, I have brought a couple dozen copies of the report with me, and I would be delighted to share them with any of you, and I solicit any thoughts and observations you might have after you read the report.

Solid wastes have been a public problem long before the advent of our industrialized society. Near the coast of Maine, there is a huge pile of clam shells left beside the Damarscotta river by some long-ago tribe of Indians. These Indians, no better than we, had no place to dispose of their used shells, so they threw them onto a giant heap, that today has become a tourist attraction.

Today's wastes are not so picturesque. But they still can be the source of some humor, as that report I mentioned at the start of my talk indicates.

It was prepared by George Dutcher, director of the Public Works Department of New Castle County in Delaware, and it contains a page of cartoons. One carries this headline: "Collecting refuse will one day carry great prestige and affluence." The drawing shows a dejected son telling his father that he just flunked the Department of Sanitation test. "You know what that means, son," the Father reprimands the youngster. "Medical School."

The fact is that both are dealing with man's health and his survival as a civilized being. Man surrounded by piles of garbage is little better than man surrounded by an epidemic of plague. We defeated plague. I feel confident we can master our solid waste problems as well.

Thank you.

COMBAT INVOLVEMENT OF U.S. TROOPS IN LAOS AND THAILAND

Mr. JAVITS. Mr. President, I was not able to be present on the floor when my colleague, Senator Cooper, made his statement concerning the report of the combat involvement of U.S. forces in Laos, which was carried on the front page of the New York Times. I wish to make it unmistakably clear that I share the deep concern expressed by Senator Cooper. I wish to support with all the force at my command his call for a full explanation and investigation of the events behind this gravely portentous report.

As a cosponsor of the Cooper amendment—which seeks specifically to forbid this type of combat involvement of U.S. troops in Laos and Thailand—and as one Senator who has repeatedly voiced his concern over the danger of U.S. involvement in Vietnam-type wars in Laos and Thailand, I believe this matter requires the closest scrutiny of the Senate.

U.S. CIVIL RIGHTS COMMISSION STATEMENT ON PUBLIC SCHOOL DESEGREGATION

Mr. JAVITS. Mr. President, last Friday, in a timely and eloquent statement, the members of the U.S. Commission on Civil Rights urged a more active commitment to the goal of public school desegregation. Pointing out that the Commission had not commented on the revised guidelines announced on July 3, the members now characterize that change in policy as "a major retreat in the struggle to achieve meaningful school desegregation." Their conclusion is based on a thorough and well-documented study of the status of school desegregation programs which was also released with the statement. The study shows a dismal picture of delay with permanent harm done to the thousands of children involved.

The statement also calls for Senate rejection of the Whitten amendments, designed to reinstate freedom of choice plans and thereby to impede meaningful desegregation. I agree with the Commission's position, and urge the support of my colleagues on the Appropriations Committee for striking the Whitten amendments.

I ask unanimous consent that the statement by the Civil Rights Commission, together with the additional statement of Vice-Chairman-designate Horn be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of the Commissioners on Federal Enforcement of School Desegregation, U.S. Commission on Civil Rights, September 11, 1969

Two months ago, the Attorney General and the Secretary of Health, Education, and Welfare announced a number of changes in the manner in which their Departments would in the future enforce the laws requiring desegregation of elementary and secondary schools. The statement of the Attorney General and the Secretary of HEW affirmed a commitment "to the goal of finally ending racial discrimination in schools, steadily and speedily. . . ." Prior to this announcement, the Commission, in telegrams to the President, the Attorney General and the Secretary of Health, Education, and Welfare had urged that no action be taken to slow the pace of school desegregation.

The Commission withheld any public comment on the July 3 announcement until the staff of the Commission had had a chance to complete a thorough analysis and until the Department of Justice and the Department of Health, Education, and Welfare had had an opportunity to take action consistent with their statement.

Since July 3, the House of Representatives has passed the Whitten Amendment, a measure that would restrict the Department of Health, Education, and Welfare's ability to enforce Title VI of the Civil Rights Act of 1964 by requiring it to accept freedom-of-choice plans for school desegregation and may well affect the acceptability of freedom-of-choice plans in the courts as well. The amendment was not opposed by the Administration in the House.

Also since that time, court orders have been entered and desegregation plans accepted which in our opinion postpone meaningful desegregation from 1969 to 1970, and the Secretary of HEW and the Department of Justice have taken the unprecedented step of requesting the courts to postpone effective school desegregation in Mississippi from this school year to 1970 and have also accepted delays in South Carolina and Alabama. To be sure, administrative actions were taken by HEW during the past several years and again this year to postpone school desegregation in various districts. These were made under the standards of the Guidelines and only under most exceptional circumstances. But it should be emphasized that what we are concerned with here is the Government's going into court at its own initiative and asking affirmatively for a postponement.

At the time the procedures were announced, the Attorney General is reported to have said that he preferred that the Nation watch what he *did* rather than focus on what he *said*. It is with this in mind that we find ourselves especially disheartened by the recent actions of HEW and of the Department of Justice in the cases in Mississippi, South Carolina, and Alabama. For the first time since the Supreme Court ordered schools desegregated, the Federal Government has requested in court a slow-down in the pace of desegregation. This request is particularly difficult to understand since as recently as July 3 the Secretary of HEW and the Attorney General announced that delays in desegregation beyond September 1969 would be granted only where a school district sustained "the heavy factual burden of proving that compliance with the 1969–70 time schedule cannot be achieved. . . ." In Mississippi, however, the Secretary of HEW and the Attorney General urged delay on their own initiative. In South Carolina and in Alabama, the Government took other action to delay desegregation. Certainly those who have placed their faith in the processes of law cannot be encouraged.

We acknowledge that the Department of Justice, in some areas, has sought court orders compelling desegregation this Fall. Eight such suits have been filed in Georgia. But each of these suits was necessitated when the school district reneged on a promise already made to HEW. One can only speculate on whether the July 3 statement and the Government's action in Mississippi encouraged this reneging.

But the problems caused by these new procedures and recent actions, however, are likely to be dwarfed by the probable effects of the Whitten Amendment, if passed by the Senate and approved by the President.

Our analysis of the new procedures and recent actions has now been completed, and a copy is attached to this Statement. Based upon it, we make the following findings:

1. The new procedures and recent actions involving Federal efforts to bring about school desegregation appear to be a major retreat in the struggle to achieve meaningful school desegregation. See pp. 31 to 56 of the Report.

2. The statistics purporting to show the present extent of school desegregation which were contained in the July 3 joint statement of the Attorney General and of the Secretary of the Department of Health, Education, and Welfare give an overly optimistic, misleading and inaccurate picture of the scope of desegregation actually achieved. In fact, in a number of Southern States, relatively little desegregation of elementary and secondary schools has been accomplished in the last 15 years. See pp. 8 to 12, 35 and 36 of the Report.

3. One of the major fallacies in the claim of substantial desegregation is that many districts have violated the terms of the assurances they have signed, or of the court orders that have been entered against them. Adequate personnel is necessary to police compliance. Congress has ordered HEW to treat the North and the South equally in its enforcement efforts. As a result of this Congressional directive, the Department of Health, Education, and Welfare has recently reduced the number of its personnel working for desegregation of elementary and secondary schools in the Southern and Border States, and has increased the number of its personnel working on such problems in the North and West. In the past, we have found that its staff was inadequate to police the compliance of school districts in the South, and the reduction in personnel can be expected to further restrict its compliance efforts in that region. Although HEW has requested 75 additional employees from Congress, it is unlikely that these additional personnel will be sufficient to remedy this problem. See pp. 9 to 13, 30, and 47 to 51 of the Report.

4. Court orders to desegregate have not generally been as effective a means of desegregating elementary and secondary schools as administrative proceedings backed by the threat of a fund cutoff. One reason is that a number of Federal judges in the South have been unsympathetic to the necessity of eliminating racial segregation in elementary and secondary schools. As a result, they have been insensitive to the requirements of the appellate courts which Congress has set over them, and have by their direct actions and tolerance of the actions of others significantly retarded the pace of school desegregation in the cases before their courts. In addition, it is more difficult, under current law, to enforce a school board's compliance with a court order than it is to enforce, by the threat of withholding Federal funds, a school board's compliance with an HEW-approved voluntary plan. See pp. 31 to 46 of the Report.

Accordingly, emphasis upon court orders rather than administrative proceedings as the vehicle of Federal efforts to desegregate schools can be expected to slow the pace of school desegregation. The situation is further aggravated by the limited Department of Justice personnel available to bring lawsuits as well as the laudable newly announced policy of extending desegregation efforts from the South into the North and West. See pp. 47 to 51 of the Report.

5. Although use of the threat of withholding Federal funds has proved to be the most effective means of enforcing school desegregation, the actual termination of funds, when not followed by Department of Justice litigation to enforce immediate desegregation, reportedly results in disproportionate harm to black students and their teachers. We recommend that the Department of Justice promptly bring lawsuits to require immediate desegregation as soon as a district's Federal funds have been finally terminated. We also recommend that Title IV of the Civil Rights Act of 1964 be amended to permit the Department of Justice to initiate school desegregation suits without the necessity of receiving a specific complaint—as is now the requirement. See pp. 31 to 33 of the Report.

6. Since passage of the Civil Rights Act of 1964, Congress has given inadequate support to HEW's attempts to enforce school desegregation—appropriations have been limited and some unnecessary restrictions placed on HEW's operating procedures. In part, the inadequacy of HEW's enforcement efforts in the past five years stems from the inadequacy of this support. HEW's request for additional personnel is now pending before the Senate and we urge its approval.

7. Passage of the Whitten Amendment, which would require the acceptance of freedom-of-choice plans, would slow or halt the progress of school desegregation. We believe that there is a serious chance that its passage would reverse some of the limited gains already made. See pp. 25 and 26 of the Report.

8. As we had previously found in our 1967 report, Southern School Desegregation: 1966–67, freedom-of-choice, since it places the full burden of desegregation upon the shoulders of black parents and their children—those who are politically, economically, and socially least able to bear it—is not an effective means of desegregating elementary schools in the Southern and Border States. See pp. 14 to 26 of the Report.

Because freedom-of-choice requires affirmative action by black parents before their children can attend an integrated school, its use, as a practical matter, has encouraged local white citizens to engage in campaigns of intimidation and economic retaliation against black parents willing to take such action. Similarly, white students and teachers frequently harass and punish the black children whose parents have chosen to send them to the formerly white-attended school. Consequently, many black parents are literally afraid to send their children to formerly white-attended schools; as to them, the "freedom" to choose the school their children will attend is illusory. See pp. 20 to 23 of the Report.

Fifteen years have passed since the Supreme Court decided that the right of black children to attend the same schools attended by other children was guaranteed by the Constitution. Five years have passed since Congress, in the Civil Rights Act of 1964, also declared that segregation violated the law of the land. But segregation is more than just simply a violation of the law. In 1967, we issued a Report, *Racial Isolation in the Public Schools*, which concluded that racial isolation, whether caused by *de jure* segregation, discriminatory housing patterns, or other factors, resulted in serious educational harm to the children of minority groups. Conversely, integration significantly boosted the educational achievement of these children. If this Nation truly respected the rule of law, if it truly cherished each of its children, the last vestiges of segregated education would have disappeared years ago. Instead, segregation continues as the pattern, and not the exception, of education in many States.

At this point, we can do no more than echo the words written recently by Justice Black: ". . . [T]here are many places still in this country where the schools are either "white" or "Negro" and not just schools for all children as the Constitution requires. In my opinion there is no reason why such a wholesale deprivation of constitutional rights should be tolerated another minute."

Similarly, we agree with Federal Judge Hoffman that: "For an American who is devoted to his country and wants to believe in the intelligence and good-will of its citizens it is very painful to contemplate and difficult to understand continued resistance to school desegregation."

While progress has been slow, the motion has been forward and this is certainly no time to create the impression that we are turning back but a time for pressing forward with vigor. This is certainly no time for giving aid and comfort, even unintentionally, to the laggards while penalizing those who

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have made commendable efforts to follow the law, even while disagreeing with it. If anything, this is the time to say that time is running out on us as a Nation. In a word, what we need most at this juncture of our history is a great positive statement regarding this central and crucial national problem where once and for all our actions clearly would match the promises of our Constitution and Bill of Rights.

Thus, we are deeply concerned over the directions recently being taken in Federal efforts to desegregate elementary and secondary schools. We are committed to the purpose for which this Commission was created: to act as an objective, bipartisan factfinding agency and to continually apprise the President and the Congress of the facts as we see them. We speak out now since we believe our Government must follow the moral and legal principles and promises on which our Constitution and laws are based and meet the high expectations to which the people of this country have addressed themselves.

Rev. THEODORE M. HESBURGH, C.S.C.,
Chairman.
STEPHEN HORN,
Vice-Chairman-designate.
FRANKIE M. FREEMAN,
HECTOR P. GARCIA, M.D.
MAURICE B. MITCHELL,
ROBERT S. RANKIN,
HOWARD A. GLICKSTEIN,
Staff Director-designate.

ADDITIONAL STATEMENT BY VICE-CHAIRMAN-DESIGNATE HORN

Civil rights is a national problem. Progress and blame can be shared by those in all three branches of our Government under several administrations and by people in all parts of our country.

Under the previous administration, the Department of Health, Education, and Welfare permitted 67 school desegregation plans submitted by districts in Southern States to be delayed for final implementation until September, 1970. Under the current administration, 51 school desegregation plans have been delayed for final implementation until September, 1970.

The easier tasks have been done. The most difficult problems still remain. All who serve in each of the three branches of our Federal Government and, indeed, all Americans should face up to them.

PUBLIC HEARINGS ON TAX REFORM ACT OF 1969—SUMMARY OF TESTIMONY

Mr. LONG. Mr. President, today the Senate Finance Committee continued hearing witnesses present testimony with respect to the charitable contribution provisions of the House-passed tax reform bill. Additionally, the committee received testimony relating to the tax treatment of stock dividends and moving expenses.

So that Senators might follow the progress of these tax reform hearings, I ask unanimous consent that the attached summary of the testimony be inserted in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

CHARITABLE CONTRIBUTIONS—WITNESSES

LOGAN WILSON, PRESIDENT, AMERICAN COUNCIL ON EDUCATION:

General

Believes that Federal tax policy should continue to provide an incentive for giving to higher education. However, objects to any result which would leave any donor with an overall profit.

Indicates that a Council study of 1962–63 giving to higher education disclosed that less than 1 percent of all donor transactions accounted for about 75 percent of all support, and that 17.7 percent of the giving was in securities, 5.6 percent in property, and 76.7 percent in cash. Notes that the average size of gifts is significantly greater in gifts of securities or property than cash.

Limitation on tax preferences and allocation of deductions

Contends that the most damaging provisions of House bill for charitable contributions are those requiring inclusion of unrealized property appreciation gifts as a "tax preference" and in the allocation of deductions.

Contends that these limitations could severely reduce the substantial gifts of major donors, and that the complicated computations required would affect a taxpayer's income not only in the year of gift but later and would make the planning of such gifts difficult, if not impossible.

Maintains that unrealized appreciation on gifts of property are not like other items of "tax preferences," which represent income that actually escapes taxation or an unrealistic deduction.

Opposes inclusion of charitable contributions in allocation of deductions proposal.

Gifts of appreciated property

Endorses provision that continues to permit gifts of appreciated long-term real and intangible property to be deducted in full without including unrealized appreciation in income. Sees no reason, however, why this incentive should not be extended to gifts of tangible personal property and future interests. Maintains that abuses with respect to gifts of tangible personal property have been largely eliminated by other provisions of bill or by the Internal Revenue Service.

Limitations on gifts by individuals

Supports the increase in the limitation on gifts from 30 to 50 percent. Feels, however, that this will be of limited influence in encouraging gifts.

Contends that there is little reason for the 30-percent limitation on gifts of appreciated property. Suggests that if this limitation is not eliminated, then the limitation should be related to the unrealized appreciation which escapes taxation rather than in terms of the total value of the property.

Charitable remainder trust

Doubts whether the alleged abuses in gifts of remainder interests warrant the requirement of either a "charitable remainder annuity trust" or "charitable remainder unitrust." Contends that there is no reason for denial of a deduction for a traditional legal life estate.

Proposes that if the "charitable remainder trust" concept is accepted, no change should affect the income, estate, and gift tax consequences of irrevocable transfers made prior to 1970.

Charitable deduction for right to use property

Endorse the denial of a charitable deduction for gifts of the use of property, but contends that the language goes too far by denying gifts of partial interests other than through a charitable remainder trust.

Charitable contributions of estates or trusts

Suggests that if the present unlimited deduction for contributions of estates or trusts is altered, it should not be applicable to irrevocable life income and annuity gifts created prior to enactment of the bill.

Foundations

Believes that any tax on private foundations will actually be a burden on beneficiaries of grants. Proposes, instead, that a "supervisory fee" be imposed to cover costs of audit and supervision.

Feels that entities associated with higher education should be excluded from the definition of and not be made subject to provisions governing private foundations. States that the restrictions on legislative activities of foundations will seriously endanger making of grants to educational institutions.

Unrelated business—Clay Brown

Endorses extending the *Clay Brown* provision to churches and other tax-exempt organizations. Proposes that a promise to pay an annuity not be considered a debt subjecting the institution to the unrelated business tax.

Unrelated business—taxation of advertising revenue

States that the phrase "any activity which is carried on for the production of income from the sale of goods or performance of services" is so vague as to permit application of the unrelated income tax to integral parts of a single activity solely on the basis of return of income and without application of concepts of an unrelated trade or business. Suggests that the provision should be narrowly confined to the provisions of the regulations.

Income tax returns

Opposes making the increased reporting requirements for private foundations also applicable to colleges and universities. Contends that the publication of such data as the names of substantial contributors and compensation of trustees and highly compensated employees could seriously effect fund raising activities without any real benefit to the public.

Tax-exempt municipal bonds

Indicates that colleges and universities have been dependent on tax-exempt bonds. Feels that no change should be made that will inhibit the ability of educational institutions to raise funds at low interest costs.

HERMAN L. TRAUTMAN, PROFESSOR OF LAW, VANDERBILT UNIVERSITY

Treatment of charitable remainder trusts

Criticizes the effective date provided in the House bill with respect to remainder trusts, and states that many irrevocable gifts to colleges and universities were completed between the effective date and the introduction of the bill.

States charitable remainder gifts should not be limited to those in those in the form of a dollar annuity or a unitrust—suggesting there is scant evidence of abuse in this area. Contends present law can be adequately improved by expressly disallowing a deduction for contingent remainder gifts to charity, and also disallowing a charitable remainder trust which is subject to any power to invade the corpus of the trust for any purpose.

Does not believe the fixed dollar annuity trust or the unitrust necessarily has any relation to the value of the benefit which the charity receives—explaining that both forms assume a rate of discount for determining the value of the charitable remainder gift which is arbitrarily selected, and not likely to be consistent with economic reality.

Suggests it might be desirable to tighten up present rules to deny a charitable deduction for contingent interests, and trusts subject to invasion of any kind—suggesting further, the possibility of penalties against both the donor and the charity for condoning a breach of trust. However, argues that it does not follow that the deduction for all charitable remainder trusts should be denied except when in the form of a dollar annuity or the unitrust.

DR. T. W. VAN ARSDALE, JR., PRESIDENT, FEDERATION OF INDEPENDENT COLLEGES & UNIVERSITIES OF ILLINOIS:

Charitable contributions

States that annual support from gifts to colleges and universities in the State of Illinois ranges from 5 to 20 percent of annual operating budgets. Contends that gifts to colleges and universities should be excluded from "tax preference" and "allocation for deductions."

Foundations

Endorses the objective of the House bill to eliminate "tax loopholes" of certain foundations. Points out there are abuses exercised by certain foundations, but these are few in number and should be eliminated because they are inherently conceived as "tax dodges." Maintains, however, that the provisions in the House bill correcting or eliminating such "loopholes" are realistically unenforceable and will involve remarkably increased bureaucratic investigative expenditures. Contends that the restrictions which the House bill proposes to impose on foundations will inevitably result in curtailment of research, innovating programs and major capital gifts for facilities which are desperately needed by colleges and universities.

DR. CLARENCE SCHEPS, EXECUTIVE VICE PRESIDENT, TULANE UNIVERSITY

Charitable contributions and tax on investment income

Indicates concern with the inclusion of the appreciated value of real property and securities contributed to charity within the definition of tax preferences, and the inclusion of the appreciated value of property contributed to charity in the itemized deductions to be allocated between taxable and nontaxable income.

States these provisions would result in serious detriment to its giving program because donors would lose a large part of their incentive for making gifts. Contends that under the bill, the more tax preferences a donor has, the more costly his gift would be. Adds that these provisions would lend uncertainty to the donor's tax picture and run contrary to the desired principles of tax reform—simplification and clarification.

Does not approve of the elimination of a charitable deduction for the type of charitable remainder trust currently in use, or of the deduction for the gift of an income interest.

Opposes the 7½ percent tax on foundation investment income, and states it will reduce the moneys available for its activities.

DR. C. THOMAS SPITZ, JR., GENERAL SECRETARY, LUTHERAN COUNCIL IN THE U.S.A.

Voluntary associations in a democracy

Contends that the concept of tax exemption for contributions to charitable, educational, and religious organizations underlies the basic principles of our Government and society. Maintains that democracy is dependent upon free associations and pluralism, i.e., a wide diversity of groups and organizations. States that where all such organizations are paid for by the State and are under control of the State, it is easy for the State to control every aspect of life.

Private initiative and tax policy

Believes that private initiative should be encouraged by tax policy, so that the Government will not be required to support private associations. Emphasizes that the question is not one of dollars but the structure of our society and government.

Maintains that religious institutions provide a moral basis for society, and that Government must not interfere with freedom of such institutions by direct support of it.

Argues that tax relief for private donations is not a subsidy of those organizations, but a subsidy to help guarantee a democratic society.

Technical consideration of bill

Agrees with statements of the Committee on Gift Annuities and the Lutheran Educational Conference of North America with regard to specifics in bill on charitable contributions.

Life-income giving

Points out that annuity and life-income contracts have been used for a half century by churches and institutions. Considers these to be proper methods of securing gifts. Emphasizes that tax implications of these arrangements should be simple to understand, as the donors are apt to be advanced in years and unsophisticated in financial matters.

ROBERT E. R. HUNTLEY, PRESIDENT, WASHINGTON AND LEE UNIVERSITY, ON BEHALF OF THE ASSOCIATION OF INDEPENDENT COLLEGES IN VIRGINIA

Treatment of charitable organizations under House bill

States that the reform bill is the first significant step backward with respect to the provisions for charitable contributions during the past 56 years of income tax history.

Contends the bill dilutes the strength of the private sector of our national life and of State and local governments through provisions that discourage charitable gifts of appreciated property, jeopardize time-honored methods of charitable giving (e.g., charitable remainder trusts, life income agreements, and gift annuity agreements), drastically alter the tax treatment of State and local bonds, and place a tax of 7½ percent on the investment income of private foundations.

States that the allocation of deductions requirement would be a major factor in diminishing voluntary support for education.

States that a source of grave concern to all educational institutions and publicly supported charities is the possible public impact of retroactive features of the bill—particularly those provisions which would alter the tax treatment of already existing trusts and gift agreements.

LOUIS J. FOX, PRESIDENT, COUNCIL OF JEWISH FEDERATIONS AND WELFARE FUNDS

General

Feels that gifts for welfare, health, and educational services provided by private philanthropy can be seriously harmed by effects of proposed tax changes. Indicates that if gifts are discouraged through reducing tax incentives, result would be pressures to shift financing from voluntary sector of the Government. States that charities support tax equity so that no one can escape taxes altogether and the removal of low-income persons from taxation, but that tax equity can be attained without harm to charities.

Donations of appreciated property

Recommends that appreciated property be deleted from list of "tax preferences" and that all charitable contributions, including appreciated property, be removed from the allocations of deductions proposal.

Maintains that charities have nothing in common with other tax preferences" listed in bill or with other deductions, as charitable contributions benefit charity, and not the individual contributor, as do the other preferences and deductions. Moreover, indicates that contributions are voluntary and discretionary expenditures. Argues that the full ceiling of 50 percent be allowed gifts of appreciated property.

Bargain sales to charity

Contends that the bill will virtually bar "bargain sales" of stocks to charity.

Effective dates

Argues that the series of *past* effective dates proposed for some of the charitable contribution changes are jeopardizing many gifts because of uncertainty for contributors. Proposes that dates be made prospective.

Standard deduction

Contends that the increase in standard deduction will affect charities, since those in the $10,000 to $15,000 bracket who will benefit from standard deduction contribute almost one-fourth of charitable contributions. Suggests that whatever is done with the standard deduction, Congress should permit charitable deductions outside of the standard deduction to encourage gifts.

Tax on foundations

Argues that proposed 7½-percent tax on foundations will hurt beneficiaries of foundation grants.

Review of charitable contributions

Maintains that charity is not a "loophole," as it supports voluntary programs which the Government would otherwise have to support. Recommends an overall review of charitable area to insure no harm to beneficiaries of charity.

GEORGE H. HEYMAN, JR., PRESIDENT, FEDERATION OF JEWISH PHILANTHROPIES OF NEW YORK

Charitable contributions

Opposes certain proposals contained in the House bill, especially legislation which suggests that contributions made by large donors to private philanthropy constitutes a form of tax evasion.

Gifts of appreciated property

Maintains that the inclusion of gifts of appreciated property in tax preferences, and all charitable contributions in allocation of deductions is without merit or logic. States that the implicit equation of gifts of appreciated property with other so-called tax saving devices in the group of tax preference items raises questions on the role of private philanthropy in the scale of national and social values. Argues that the continued limitation of 30 percent of gifts of appreciated property while the limit on other forms of charitable contributions is raised to 50 percent would seem to indicate a consistent desire to discourage or eliminate gifts of appreciated property.

Allocation of deductions

Asserts that the twin disincentives of tax preferences and allocation of deductions will seriously curtail the number and volume of gifts by large donors with the result that private charity may find its ability to function seriously impaired.

Bargain sales

States that retroactive dates for changes relating to bargain sales and other forms of charitable giving are inequitable and damaging in their effect.

Standard deduction

Favors an increase in the standard deduction in order to help the lower and middle income taxpayers but observes that such an increase may actually constitute a disincentive to giving by this group since it will provide them with the tax benefits without a concomitant financial obligation to giving.

Definition of disqualified persons

States that the phrase "disqualified persons" should be more clearly defined in accordance with its apparent intent to reduce self-dealing between individuals and private foundations. Argues that gifts for capital purposes made to organizations normally considered to be publicly supported should be excluded in determining the proportion of support obtained from so-called disqualified persons.

Foundations

Asserts that the 7½ percent tax on investment income of private foundations will further reduce contributions to philanthropic organizations.

Unlimited charitable deduction

States that the present formula should be replaced by a rule permitting every person one opportunity during his lifetime to make and obtain a deduction for an unlimited charitable contribution for capital purposes only.

C. STANLEY LOWELL, ASSOCIATE DIRECTOR, AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE

Unrelated business income

States that the acquisition of commercial businesses by churches is further encouraged by the section 6033(a)(1) exemption from

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filing returns for religious organizations. Claims that some operate in complete secrecy, not even reporting to members. Contends that the religious exemption is an invitation to take over more businesses.

Urges that the House bill provision to remove section 511 of the code be enacted. However, questions the wisdom of section 121 (c) (16) of the bill to allow unrelated businesses of churches continuance of exemption for 5 years, as this maintains unfair competition.

Recommends further reform to draw a clear distinction between related and unrelated businesses of churches.

Sacerdotal test

Maintains that the so-called sacerdotal test has been inadequate in preventing avoidance of tax on unrelated business of religious bodies. Asserts that the Government continues to show deference to religious groups in enforcing the tax on groups which have, in fact, been held to be taxable.

Suggests that a proper definition of a church be made, since a State exemption for churches requires a definition. Indicates that the definition should deal with actual functions, not merely with clergy ordination.

Other religious immunities

Recommends that section 107 of the code concerning the exclusions covered under the "rental value" of parsonages be removed, and also the section 119 exemption for meals or lodging furnished by the employer.

Proposes that the exemption from withholding requirement for those vowing poverty be withdrawn.

Limitations on political activity

Asserts that the code limitations imposed on exempt groups are so comprehensive as virtually to destroy basic civil liberties, and that the strictures are so vague and sweeping as to lead to discriminatory actions by the Service. Argues that the term "substantial" is uncertain in that a large organization could engage in considerable activity of this kind with impunity, whereas a small organization could engage in none at all. States that if these prohibitions are to remain in the regulations, they should at least be applied impartially to all exempt organizations.

Disclosure requirements

Recommends that a substantial change be made in section 6033(a)(1) of the code which would remove church immunity from disclosure. Urges requirement of full disclosure of church income and assets on same basis as section 501(c) (4) organizations. Considers the House bill requirements to be inadequate.

Notes that the House bill continues preferential treatment of churches; that is, they are given 15 years exemption on the debt-financed property designated for related use, whereas other nonprofit organizations are given only 10 years, and that churches are not subject to the "neighborhood test" as are other groups. Feels that all should be treated alike.

Stock Dividends

GLEN M'DANIEL, CHAIRMAN OF THE EXECUTIVE COMMITTEE, LITTON INDUSTRIES, INC.

Stock dividends

Opposes taxing common stockholders who receive common stock dividends where the corporation has outstanding convertible preferred stock or convertible indebtedness. Argues that the premise of the bill, that a holder of convertible stock or indebtedness is essentially a common shareholder, is invalid. Contends that the proportional interest of the common shareholder does not change by reason of a change in the conversion ratio of the preferred security, and that the result of the change, a diminution in the degree of potential dilution of the common shareholders' proportionate interest, is an inadequate basis for levying a tax.

Contends there is no substance to the argument that a large revenue loss could result if the amendments are not made, and that there is no need to reintroduce all of the complications of the pre-1954 law, and even additional complications.

States that the bill would unwisely interfere with normal corporate financing by needlessly "locking in" the parties to a full antidilution provision, a fixed conversion price or conversion rate, etc.

Contends that the bill raises serious constitutional questions in taxing a distribution of common stock on common stock where there is no other security outstanding except convertible preferred stock or convertible indebtedness.

Suggests that a test might be added to distinguish bona fide preferred stock from common stock disguised as preferred stock.

Moving Expenses

HOWARD M. LEE, PRESIDENT, EMPLOYEE RELOCATION REAL ESTATE ADVISORY COUNCIL:

Moving expenses

Supports the enactment of the House bill to keep the U.S. Government from imposing a tax hardship each year on an estimated half million employment related moves (including military, civil servant, and private business).

Comments

Maintains that the 20-mile test of existing law should be retained and that the substitution of a 50-mile test as proposed in the House bill assumes an unreasonably long commuting pattern for employees whose principal place of work is changed.

Contends that the new moving expense rules should apply beginning with calendar year 1969 rather than with 1970 as proposed in the House bill.

Recommendations

States that the overall dollar limitation of $2,500 on the three new categories of deductible moving expenses is grossly inadequate in many cases to cover reasonable expenses. Proposes for reasonable expenses incident to the sale or exchange of the employee's former residence that the limitation would be the smaller of 10 percent of the actual sales price of the residence or $5,000 (indicates that this limitation is the same as provided for by the Bureau of the Budget, Circular No. A56, for reimbursement of Federal civilian employees moving at the request of the Government). Suggests for reasonable expenses incident to the purchase of a new residence at the new principal place of work that the limitation would be the smaller of 5 percent of the purchase price or $2,500. Maintains that a reasonable limitation in the case of a resident's lease would be $1,500 for settlement of an unexpired lease and $750 for the acquisition of a lease on a new residence.

Maintains that the Finance Committee report should include a reference concerning section 3401(a) (15) expressly excluding from withholding amounts reimbursed to employees which are deductible by the employees under the moving expense deduction.

General

HON. WILBUR J. COHEN, DEAN, SCHOOL OF EDUCATION, UNIVERSITY OF MICHIGAN AND FORMER SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

General

Believes that in deciding on content of tax bill, consideration should also be given to its relationships to Government expenditures, inflation, employment, and other public social policies. States that House bill is good but should be improved.

Tax yield

Urges tax yield of House bill be increased rather than reduced to provide additional funds for priority expenditures for human welfare, especially education.

To increase tax yield, recommends elimination of accelerated depreciation for high income and luxury housing, tightening of deductions for farm losses, raising tax on capital gains, withholding on dividends and interest, and decreasing depletion allowances (oil and gas to 15 percent). Suggests that part of the tax rate reductions be spread out over 1970, 1971, and 1972.

Personal exemption for dependents

Maintains that system of an equal amount for each dependent is neither based on facts nor is it intelligent social policy to give financial incentive for more children. Favors decreasing exemption: $700 for first child, $600 for second, etc., until only $100 for seventh child.

Withholding of dividends and interest

Asserts that if withholding is proper for salaries, it also is proper for dividends and interest.

Health insurance premiums

Recommends that, as a condition for employers obtaining tax deduction for contributions to pension, profit-sharing, or stock option plans, all employees be covered under a medical policy at least as broad in coverage as medicare, and that employer pay at least one-half of premium.

Tax treatment of elderly

Considers part of tax return applying to elderly to be most complex; and urges simplification. Suggests revision so that high-income taxpayers will not benefit from provisions designed to assist low-income elderly.

Social security taxes and low-income allowance

Endorses low-income allowance provision. Proposes consideration be given to a refund of one-half of social security tax, if income is below nontaxable level, and that one-half of social security benefits be taxed above a minimum, e.g., $125 a month.

Foundations and charitable contributions

Urges that any provisions in this area be effective for only 2 years at which time they should be subject to independent review.

States that if the 7½-percent tax on foundations is to be a minimum tax, this principle should apply equally to all other charitable and business enterprises. Recommends a filing fee in place of special tax on foundations.

Considers sanctions for violation of foundation provisions to be punitive. Suggests a 50-percent penalty as a maximum.

Presidential Committee on Tax Policy

Proposes a Presidential Commission to review tax law and suggest changes as well as requirement that Treasury issue a report within 2 years after enactment of reform bill.

Revenue sharing

Opposes shared-revenue proposal as long as—

(1) All States do not have an income tax;

(2) Proposal does not assure reduction in reliance on property taxes to finance education;

(3) A substantial portion is not guaranteed for education; and

(4) Congress has not appropriated full amounts authorized under existing education legislation. Suggests that House Committee on Ways and Means, Senate Committee on Finance, and Joint Committee on Internal Revenue Taxation consider shared-revenue proposal together with overhaul of welfare system, tax system, and social security, medicare and medicaid programs.

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Education tax credit

Objects to proposal to allow tax credit for tuition for higher education. Contends that this would be a subsidy to higher income persons who already can afford to send children to college and not help those who cannot afford it.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 167

Mr. BROOKE. Mr. President, I call up my amendment No. 167 and ask that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. BROOKE is as follows:

At the end of the bill add a new title as follows:

"TITLE VI—COMMISSION ON NATIONAL SECURITY POLICY

"ESTABLISHMENT OF COMMISSION

"SEC. 601. (a) There is hereby established a commission to be known as the Commission on National Security Policy (hereinafter referred to as the 'Commission') which shall be composed of fifteen members as follows:

"(1) five appointed by the President of the Senate from among persons recommended by the Majority Leader of the Senate with the concurrence of the Minority Leader of the Senate, the chairman of the Committee on Armed Services and the chairman of the Committee on Foreign Relations of the Senate;

"(2) five appointed by the Speaker of the House of Representatives from among persons recommended by the Majority Leader of the House of Representatives with the concurrence of the Minority Leader of the House of Representatives, the chairman of the Committee on Armed Services and the chairman of the Committee on Foreign Affairs of the House of Representatives; and

"(3) five appointed by the President of the United States.

"(b) Of each class of members not more than three members appointed under subsection (a)(1), (a)(2), or (a)(3), of this section shall be from the same political party. Members shall be appointed from private life from among persons who are specially qualified by virtue of experience or training to serve on the Commission.

"(c) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

"(d) The Commission shall elect a chairman and Vice Chairman from among its members.

"(e) Eight members of the Commission shall constitute a quorum.

"DUTIES OF THE COMMISSION

"SEC. 602. (a) The Commission shall make a full and complete study and investigation of national security policy and programs for the purpose of making recommendations with respect to—

"(1) the Nation's international commitments and responsibilities;

"(2) the strategic policy options available and related manpower and equipment requirements needed to carry out such commitments and responsibilities;

"(3) the costs, capabilities, preferred types, and numbers of military systems for offensive and defensive purposes, specifically including but not limited to missiles, aircraft, aircraft carriers, missile launching and attack submarines, and other major systems;

"(4) the organization, management, procurement practices, and other administrative arrangements of the Department of Defense and other agencies responsible for the support, formulation, and implementation of national security policies and programs;

"(5) the development and implementation of programs permitting economies and the identification of programs demanding priority expenditures; and

"(6) such other matters as the Commission deems appropriate to a realistic and strengthened national security.

"(b) The Commission shall submit to the President and to the Congress an interim report with respect to its study and investigation not later than March 15, 1970, and a final report, not later than December 31, 1970, containing its findings and recommendations.

"POWERS AND ADMINISTRATIVE PROVISIONS

"SEC. 603. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

"(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information, including classified data, as the Commission deems necessary to carry out its functions under this title.

"(c) All members and employees of the Commission having access to classified information shall be subject to established security requirements.

"(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

"(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level IV of the Executive Schedule in title 5, United States Code, and

"(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

"COMPENSATION OF MEMBERS

"SEC. 604. Members of the Commission shall receive compensation at the rate of $125 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

"EXPENSES OF THE COMMISSION

"SEC. 605. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums, not to exceed $5,000,000, as may be necessary to carry out the purpose of this title.

"EXPIRATION OF THE COMMISSION

"SEC. 606. The Commission shall cease to exist ninety days after the submission of its report."

UNANIMOUS-CONSENT AGREEMENT

Mr. STENNIS. Mr. President, will the Senator from Massachusetts yield so that I may make a unanimous-consent request?

Mr. BROOKE. I yield.

Mr. STENNIS. Mr. President, before I ask for the unanimous-consent request, it appears to me that if we get the unanimous-consent request agreed to, we should be able to finish this bill today.

There will be some colloquy as to a few points some Senators wish to ask about.

I have a few brief remarks I want to make, and one short and noncontroversial amendment to offer, after the Brooke amendment has been considered.

The Senator from Utah tells me that he will not offer the amendment he had submitted. Thus, I believe there is a good prospect that we can finish this bill today. There will have to be a rollcall vote on final passage of a vote of this magnitude.

I have conferred with the Senator from Massachusetts with reference to the pending amendment, which concerns the Commission. He joins me in this unanimous-consent request: that time on the amendment be limited to 1 hour, with an equal division of time. He will have control of the time for the proponents, and, as chairman of the committee, I will have control of the time for the opponents. It is expected that probably all of that time will be taken.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object, because I am sure what I have in mind will be looked at—we ran into a jam here about amendments to the amendment. So I hope the Seantors who are asking unanimous consent will now make provision that if there are amendments to the amendment—which should be germane, and I agree to that—there will be time to debate them and vote on them, and not by anyone's favor.

Mr. STENNIS. Mr. President, for my part, I am glad to add that if there should be amendments to the amendment, debate thereon will be limited to 20 minutes, 10 minutes to a side, to be divided equally.

The **PRESIDING OFFICER.** Is there objection to the unanimous-consent request? The Chair hears none, and the unanimous-consent request is agreed to.

A COMMISSION ON NATIONAL SECURITY POLICIES AND PROGRAMS

Mr. BROOKE. Mr. President, for over 2 months this Senate has been engaged in one of the most fruitful and informed debates in our Nation's history. The most serious questions of national strategy

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and purpose have been posed and deliberated at length. Our foreign commitments have been examined in detail, and particular attention has been paid to the multitude of weapons and supporting materiel required to maintain those commitments at a credible and effective level.

From this debate there have emerged two fundamental facts: First, a defense system which for years has operated without sufficient public and private checks has now been exposed to the sunlight which the distinguished Senator from Wisconsin has termed "a great disinfectant." Whatever the outcome of the specific proposals, the process itself has been healthy for all concerned. Facts were brought forth, assumptions were challenged, and in the course of rigorous debate participants and spectators alike were forced to apply the most stringent standards of logic and persuasion.

A good foundation has been laid for future inquiry. But in the course of this debate we have also run head on into a second fundamental fact which cannot be ignored. In all too many instances, no matter how well prepared the case for or against a given weapons system or strategic concept, the definitive judgment, the expert assessment which would have been conclusive simply was not available. This is not intended as a reflection on any of those who have worked long and hard to prove their case in court. Rather, it is a summation of a truth which we all acknowledge in our private moments: few of us have the technical competence and the strategic background to judge, in the final analysis, whether most of these weapons or weapons systems are truly necessary to our national defense.

This is obvious from the way many of the proposed amendments have been phrased. In the course of this debate the amendments regarding specific weapons systems have not sought to strike the systems themselves from our inventory. Rather, they have consistently called for a delay or a reduction in funding until an in-depth study could be carried out. What has been said here, Mr. President, is that available evidence raises questions about the need for a variety of military hardware, but on the basis of this evidence we ourselves are not now prepared to make a final determination.

The question which I pose to the Senate today is:

How can we improve our capacity to make these difficult technical and strategic judgments? We have already made it quite clear that we do not intend to accept without question the judgments of the executive branch on these matters; this is right and consistent with our role as a separate branch of government. At the same time, however, the sole agent on which we can rely, outside of our own committee structure, is the General Accounting Office which has judged itself unprepared and unable to deal with more than a few of the questions posed in this debate.

It is with these limitations and considerations in mind that I rise today to propose a method of improving our capacity to deal with these great issues in the future.

What we have seen, in the country and in the Senate during recent months, is a growing doubt about the soundness of recommendations on national security policy, and even more about the process by which these recommendations are made. There is a profound apprehension in the land that decisions in this realm, so often closed to full public scrutiny because of the classification and complexity of relevant information, are not always as balanced and judicious as they should be. Some of the new criticism of defense policies and programs may well be emotional and ill considered, but much of it represents a thoughtful and concerned effort to refine some of the most vital actions taken by our Government.

In my work as a junior member of the Armed Services Committee, I have come to appreciate both the immense labor my colleagues are devoting to these issues and the overwhelming difficulty of the task. I have acquired a great regard for the work of many conscientious Senators who are primarily occupied with these questions. I have also come to the conviction, which I believe is shared by many members of the Armed Services Committee and of the Senate at large, that we must seek ways to improve congressional oversight of these vast and complicated programs.

If we can devise effective means of coupling the dedication of the responsible Senate committees with better information and dependable advice, I have every confidence that the national security process can be substantially improved.

As we have begun to grope for ways to do a better job in these areas, a number of constructive measures have been taken. The chairman of the Armed Services Committee has designated a number of subcommittees to focus on various elements of the DOD procurement bill; I think this innovation proved extremely useful to the committee and the Senate. The chairman also established procedures for monitoring more closely a number of major weapons contracts, procedures which have been reinforced by Senator SCHWEIKER's amendment to the bill. These efforts are most worthwhile. The Senate should acknowledge with appreciation the commendable beginning Chairman STENNIS has made in his early months as head of this important committee.

I believe, however, as do many Senators, that additional steps are still desirable to strengthen the ability of the committee, the Congress, and the Nation to oversee our defense programs. Much of the difficulty we now face lies not with the Congress itself, but with a general loss of confidence in executive recommendations on proposed weapons procurement and other aspects of our national security needs. If we are to deal effectively with this problem, which I believe lies at the heart of the present controversies over the defense budget, we must reestablish the credibility of the larger structure of national security policymaking.

This goal would be served, I submit, by seeking an independent and demonstrably objective review of these issues. That is the objective of the proposal I make here today.

The amendment I am offering with my distinguished cosponsors would provide for the creation of a high-level Commission on National Security Policies and Programs, primarily chosen by and responsible to the Congress. It would be charged with the responsibility of conducting a thorough and comprehensive investigation of the broad range of national security issues and of submitting reports and recommendations to the Congress as a basis for future deliberations.

At several points in this debate we have found ourselves face to face with the fact that national security is a large and interrelated category of problems which is divided among several committees of the Congress. For example, I think Chairman STENNIS and the rest of us serving on Armed Services are increasingly aware that the Nation's international commitments, which fall primarily within the jurisdiction of the Foreign Relations Committee, are the controlling factor in many of the strategic policies and weapon decisions which come before our body. Thus there obviously exists a need for an integrated responsibility for the overall cluster of issues involved in national security policy.

The proposed Commission would have such an integrated mandate. It would consider and offer recommendations regarding:

First, the Nation's international commitments and responsibilities;

Second, the strategic policy options available and related manpower and equipment requirements needed to carry out such commitments and responsibilities;

Third, the costs, capabilities, preferred types and numbers of military systems for offensive and defensive purposes, specifically including but not limited to missiles, aircraft, aircraft carriers, missile-launching and attack submarines, and other major systems;

Fourth, the organization, management, procurement practices and other administrative arrangements of the Department of Defense and other agencies responsible for the support, formulation, and implementation of national security policies and programs;

Fifth, the development and implementation of programs permitting economies and the identification of programs demanding priority expenditures; and

Sixth, such other matters as the Commission deems appropriate to a realistic and strengthened national security.

Such studies and recommendations as it submits would be referred back to the appropriate committees of the Congress for further review and any action they deemed appropriate. Thus the Commission mechanism would be designed to facilitate and improve the work of the responsible committees of this body and the other.

Furthermore, a special appointing procedure has been conceived, a procedure which I believe will both assure the appointment of distinguished members to this Commission and stamp the Commission with an indelible mark of primary responsibility to the Congress. All members would be drawn from private life. Five of the 15 members would be appointed by the President, as in the case of the notable Hoover Commission; this degree of Executive participation should encourage the desired cooperation between the branches of Government concerned with these matters.

Two-thirds of the membership, however, would be appointed by the Congress. Five members would be designated by the President of the Senate on the recommendation of the majority leader and with the concurrence of the minority leader, the chairman of the Armed Services Committee, and the chairman of the Foreign Relations Committee. Five others would be appointed by a similar method in the House of Representatives.

The appointing role of the several respected members I have named gives high confidence, I believe, that the Commission would have a most capable membership. Together with the ample authority to assemble a senior and superior staff, such a membership could undertake a concentrated and independent evaluation, with full access to the necessary information, of the whole range of national security issues. The unique congressional appointment process also should assure that the analyses and recommendations of the Commission receive serious consideration when they are eventually filed. It makes it clear from the very beginning that the responsible committees are principal agents for creating the Commission and for making use of its product.

Each of us can think of the kind of men who could make major contributions to such an historic Commission. As I have considered this matter over recent months, many eminent and qualified candidates have come to mind: such able former defense executives as Thomas Gates and Cyrus Vance; such knowledgeable scientist administrators as James Killian and Harold Brown; prominent technical and strategic analysts like Thomas Schelling and Gordon MacDonald; and numerous other distinguished individuals whose competence and balanced judgment would be recognized by the Congress and the Nation. An eminent group of this character and with this mission could prove invaluable in this period of grave challenge to the national security policy process.

The proposed Commission might well confirm the good sense of many of the current policies and proposals being advanced by the Executive; others it might subject to serious challenge. The fundamental point is that this wholly independent body of respected citizens would be able to function without the specific obligations and vested interests which affect the nature of Executive recommendations in this field. It would be in a position to submit the most objective assessment of our national security options, requirements, and priorities.

There can be no question that we need such a clearly objective evaluation if we are to restore public and congressional confidence in the national security process. This observation is no affront to the able and hard-working men who apply themselves so diligently in the Department of Defense and elsewhere. Indeed it could serve to relieve them of the often unwarranted suspicions which have come to handicap them in their service to their country.

Those of us who have been most critical of recent governmental policies in foreign policy and defense matters are obliged to realize the significant truth contained in the old maxim that "politics stops at the water's edge." The truth of that ancient insight lies not in any suggestion that critical discussion of the Nation's international problems is taboo. Rather it consists of the understanding that a democratic government cannot operate effectively in an often hostile international environment if there is serious division on the homefront regarding the wisdom and justice of the Nation's foreign policies.

That is especially the case in matters of national security. To act effectively on these matters, our form of government dictates that we find a wide area of domestic consensus. It is evident that the consensus on our postwar national security policies has been eroding for some time, and the long-term interests of our Nation require that we find the basis for a new one.

In my opinion the suggested Commission could contribute much to that quest. By performing its task efficiently, objectively, and with a full understanding of its long-range significance, such a commission could help reestablish national confidence in the process by which the country governs its international activities, strategic policies, and military expenditures. That is an essential goal, and I commend the proposal to the Senate as worthy of prompt approval.

Mr. PASTORE. Mr. President, will the Senator yield me 2 minutes?

Mr. BROOKE. I am happy to yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, the Senator from Massachusetts was gracious and kind enough to discuss this amendment with me several days ago, and I at this time commend him for the note of apprehension that he has expressed with reference to our foreign commitments, and also as to our global military stance.

I rise so that I may be recorded in favor of a study to be made, so that we may relate our foreign policy to our defense posture and our defense posture to our foreign policy. I think that the time has arrived when we should conduct a very comprehensive and exhaustive examination of what our foreign policy is today, and what our defense commitments have to be in order to sustain our foreign policy.

I believe that fundamentally that has been the trouble, and fundamentally that has accounted for much of the debate that has transpired on the floor of the Senate for the past several weeks.

I think that sometimes we are a little too critical of the Defense Department and its requests without considering the fact that the Defense Department has to follow the commitments made by the State Department. If the State Department is going to commit us all over the world and is going to involve us in treaties of every kind and character and place these commitments on the desks of the Joint Chiefs of Staff, they have to begin to calculate what our military posture should be.

Sometimes it gets out of hand. I must say in full honesty, as I indicated to the Senator from Massachusetts, I was not fully satisfied with the makeup of his Commission. I explained to him that I was rather doubtful of the chances of the amendment being agreed to.

I do not think five members of the Commission should be appointed by the President of the United States—not so much because I am opposed to the President's making an appointment of five of the members, but the fact is that we are going outside of Congress and it is the responsibility of Congress exclusively.

I think there ought to be better liaison and understanding among the various committees of the Senate. I think there ought to be better liaison between the Foreign Relations Committee, the Armed Services Committee, and the Appropriations Committee.

I have noticed the votes in the Senate on this bill. The members of the Committee on Foreign Relations seem to go one way on all of these very serious questions. The members of the Committee on Armed Services all seem to go the other way. The question that arises in my mind is that sometimes the left hand does not know what the right hand is doing. And that is not good for the country. Perhaps somehow or other we ought to create this network and call upon outstanding experts and have sufficient staff to make sure that when they come to testify from the State Department or from the Defense Department we have some way of scrutinizing the facts. That has been the great hiatus. I regret it very much.

I repeat that I would have been satisfied if the request were confined solely and strictly to the membership of the Senate. I think it would have been more effective. I think there would have been a better chance of passage. I doubt very much in the form in which the amendment is now that it will have a chance to survive the vote.

Mr. President, in order that I may be recorded, because I have said this today here and I have said it all over the country, what we need today is a breath of fresh air not only as to foreign policy but also as to the military global strategy. The time has come to look into the matter fully. We are not equipped to do it here.

I think we need the assistance of experts who have all kinds of clearance so that we could talk to them confidentially. However, I would not want to see a new National Security Council created over an existing one. I am afraid that that is what we would be doing under the pending amendment.

I shall support it. However, I do so with my tongue in cheek because of the proposed composition of the Commission.

Mr. BROOKE. Mr. President, I thank the distinguished Senator from Rhode Island. I think he has made a rich contribution to the discussion.

I assure the Senator that I understand his point about the Executive appointing the five members of the Commission. The only purpose for its being written in this manner was to get Executive cooperation. Some thought the Executive should appoint the 15 members of the Commission. This is negotiable.

As I explained to the distinguished Senator from Rhode Island, I feel that the committee ought to get the expertise it does not now have. I am glad the distinguished Senator agrees with that statement.

I have noticed that with respect to almost every amendment—with the exception of a few—that has been debated on the floor during the long debate had on the pending matter, it has always been said, "We want to delay it. We want to stop funding. We want to have a study."

They always refer to the GAO. The Senator knows and we all know that the GAO is not really equipped to give us the expertise that Congress needs.

The executive branch does have the expertise available to them. However, Congress does not. I thank the Senator for his contribution and support.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. JAVITS. Mr. President, I believe that the debate on the pending matter started on a very high level with the ABM debate, which was historic. It is ending on a very high level with what I consider to be an outstanding amendment offered by the distinguished Senator from Massachusetts.

It does, as the Senator from Rhode Island has said so astutely, seek to ease the problems that have arisen from the blending of foreign policy and military policy. The Senate, the Nation, is not yet fully equipped to handle all of these matters on the high level of wisdom and judgment they deserve. We may be some day. Perhaps joint hearings of the Committees on Armed Services and Foreign Relations are necessary. Perhaps we are too inflexible about joint action by committees. We have not articulated that concept sufficiently.

The pending amendment is a very sound amendment. I believe the Senator is correct in seeking to introduce the executive department into the selection of the members of the Commission. We learned from the debate on the amendment offered by the Senator from Kentucky (Mr. COOPER) that that is where we have the big dissension.

We are concerned because the executive branch is making our decisions for us, and it does involve the influence of the Executive.

There is concern on that score. As the Senator from Rhode Island has said, I will support the amendment because this potential problem can be worked out in conference.

I have a technical point I should like to call to the attention of the Senator. The Senator proposes that five members be appointed by the Senate upon the recommendation of the majority leader with the concurrence of the minority leader and the chairmen of the Committees on Armed Services and Foreign Relations.

That is boiler plate. The majority and minority leaders would make the recommendations. There would be three members from the majority and two from the minority.

I am afraid, however, that the Senator is inhibiting the chairmen of the Committees on Armed Services and Foreign Relations from serving on such a commission.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. BROOKE. Mr. President, the Senator will find that I restricted the membership of the Commission to private citizens and not to Members of the Senate.

Mr. JAVITS. Mr. President, I am not so sure that the Senator is correct in doing that. That is exactly my point. I am not so sure that the members ought to be exclusively from private life. That kind of plan has not worked out too well in the past.

I should like the Senator to consider a mixed Commission. The Senator does not have to modify his amendment. It could be worked out in conference.

I am laying the idea on the table so that we can think about the matter some more. If a change is required, the Senator can have great influence on what is done.

I think a mixed Commission of Congressmen and private experts, like the Hoover Commission, with provision for some appointments by the President, from private life and to some extent possibly even from the executive departments, is a matter that we ought to think about seriously.

The idea is sound. The duties are sound. The blend of the Commission does require more consideration in my judgment. I am sure that the Senator would be very open minded as to how this is carried out.

Mr. BROOKE. Mr. President, I thank the Senator from New York for his contribution. I had in mind something similar to the Hoover Commission in drafting the measure.

I feel it can be worked out in conference. I might favor the appointment of less than five from the executive department, as suggested by the Senator from Rhode Island. However, certainly it may be that we could have Members of the Senate or the House serve on the Commission and that it would be better than restricting it to private citizens.

I was thinking of men who are great scientists and who could give us the expertise needed and make recommendations to our committees which we could use.

The Commission would give us an interim report and a final report so that we would be better equipped to work on the authorization bill we have pending.

Mr. JAVITS. Mr. President, no committee need fear that its prerogatives are being seized upon and its legislative authority removed. The Foreign Relations Committee can consider the report and reject it or accept it. The same is true with respect to the Committee on Armed Services and with respect to the House committees.

Mr. BROOKE. Just creating a commission to make available to us expertise, continuous study of expertise, bringing in foreign policy and weapons systems together. I think this would be a great aid to the standing committees, the Committee on Armed Services, and the Committee on Foreign Relations.

Mr. JAVITS. I think it is a fine amendment, and I shall support it.

Mr. BROOKE. I thank the distinguished Senator from New York.

The PRESIDING OFFICER (Mr. MONDALE in the chair). The Senator's 30 minutes have expired.

Mr. STENNIS. Mr. President, I yield the Senator from Massachusetts 5 minutes. He and I talked about this beforehand.

Mr. BROOKE. I yield back the time. I will need it subsequently, if I may have it.

Mr. STENNIS. All right.

Mr. McINTYRE. Mr. President, will the Senator from Mississippi yield me 4 minutes?

Mr. STENNIS. Mr. President, I yield 4 minutes to the Senator from New Hampshire.

Mr. McINTYRE. I thank the Senator from Mississippi for yielding to me.

Mr. BROOKE. Mr. President, will the Senator yield for a moment?

Mr. McINTYRE. I yield.

Mr. BROOKE. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. McINTYRE. Mr. President, I commend my colleague, the distinguished Senator from Massachusetts, for the amendment he has brought before the Senate.

His proposal is clear indication of the fact that he has, as usual, thought meaningfully about some of the needs that many of us feel.

The Senator from Massachusetts (Mr. BROOKE) served with great diligence on the Subcommittee on Research and Development, of which I have the honor to be chairman. On the subcommittee he had questions of how we relate defense research needs and accomplishments to the broader needs of our society. He often felt, as many of us did, that there were gaps in our understanding to which we did not have the answers.

However, I do not feel capable at this point to make a fully determined decision on the broad proposal made by my friend from Massachusetts. I am not sure that he may not be proposing the setting up of a further structure when the problem is not the need of a new structure but the better construction of the existing building in which we work.

I found often that we were shorthanded for subcommittee staff assistance. Those who were available did yeoman and extremely competent work. I congratulate them for the help they gave us. But, there are not enough of them. I think we need more, and I further believe that we need them as part of the Senate structure and not some new outside group.

Furthermore, I want to be sure that the Senator's amendment does not take from the responsibility and authority that we as Members of the Senate share and the responsibility and authority which the chairmen of our committees have.

The Senator from Massachusetts proposes the establishment of a commission on national security policies and programs. I wonder however if we do not have this in the form of the distinguished chairmen of our Armed Services, Appropriations, and Foreign Relations Committees. Are not these in reality the Commission which the Senator proposes?

May I say again, Mr. President, that the distinguished Senator from Massachusetts has, as always been provocative and on target. I just do not believe we have the time here today to make the kind of judgment on his amendment which it merits.

I would urge upon my friend from Massachusetts that he present this amendment to the Senate in the form of a bill which can go to the proper committees and be well studied and strengthened where necessary and expanded where needed. This I think would make a real contribution to a stronger future in this vital area of our national security policy.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, with due respect to my neighbors from Massachusetts and New York, I have to disagree with this amendment

I have been on enough Commissions of this sort to know that they do not work. The first one was the Hoover Commission, in 1947 to 1948. The purpose of that Commission was to install economy and efficiency in Government. But I take no credit for the wonderful economy and efficiency which have prevailed in Government ever since we made our report. In other words, it did not work out too well.

In the early sixties I was on a Commission of this type on the status of women. We made some good jobs for a lot of people, and made our report. Have you noticed how much better women are treated since we made our report than they were before? [Laughter.] Maybe that Commission worked. To me, yes, many of the women do look better than they looked then. But, as a Commission, with due respect to my colleagues, I will say that it did not affect the status of women very much at all.

I have been on other commissions. When a chief executive of a State or a nation appoints a study commission, it frequently means one of two things: Either he does not know what the subject is all about, or he does not want to face up to the problem at hand.

I think if we adopt this amendment it means we do not have much confidence in our Foreign Relations Committee, our Armed Services Committee, our Appropriations Committee, or the State Department, or the Defense Department. I think the solution is to make these committees and other official organizations work. We have not been making them work the way they ought to. The State Department years ago was declared a 4-F and until recently at least has been pretty much 4-F. But we should make these institutions work, instead of trying to change things over. It is our responsibility to do so and we have full authority to do so.

As to compensation—I think I may be looking at the wrong amendment—it provides $125 a day. Certainly, that should not apply to Members of Congress who are on the Commission.

As I have said, from experience, I know these commissions provide a lot of good jobs. I do not think I made any votes at home by serving on them. Politically, I do not think they did me much good.

So let us make our committees function properly. Let us make our departments of the executive branch function as they are intended to function. We have the authority to do it, and we should insist upon it.

I have a high regard for the sponsors and those who support this proposed amendment—but I submit that it is the duty of this Congress to make our committees and institutions work better, not to expect others to do this work for us.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I concur with the remarks made by the distinguished Senator from Vermont. It would occur to me that this Commission would be a redundancy, would be performing, in essence, the same functions currently performed by the Defense Department, the State Department, the National Security Council, and other executive instrumentalities, in addition to the appropriate committees of the two Houses of Congress.

I think that about all the Commission could do would be to raise added confusion. Actually, it would not have the power to implement any of its recommendations. These recommendations would have to go to the Armed Services and Foreign Relations Committees of the two Houses for legislative implementation. They would then have their own investigation into the recommendations made by the Commission.

So I see no point in establishing an instrumentality that I think would be redundant the day it was organized.

Mr. STENNIS. I thank the Senator.

I yield 2 minutes to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I think the objective of the Senator from Massachusetts is highly commendable. I think the introduction of the amendment in the debate on the floor of the Senate, particularly the participation of the Senator from Vermont (Mr. AIKEN) and the Senator from Rhode Island (Mr. PASTORE), are highly beneficial, at least to the Senator from Maryland.

I intend, however, to vote against the amendment because, despite the worthiness of the objective, I think that perhaps the responsibility for its achievement lies, as the two distinguished Senators I mentioned have said, with the Senate itself and with the members of the Foreign Relations Committee, the Armed Services Committee, and the Appropriations Committee.

I would hope that this proposal, the debate on it, and the vote would perhaps stir up a little close cooperation among the three distinguished chairmen of those committees and the membership thereon; because I cannot help but agree with the Senator from Rhode Island (Mr. PASTORE) that there has been little evidence of any cooperation or any joint efforts, at least to my eyes, in this general area, since I have been listening to the debate during the last 2 months and, indeed, during my service in the Senate.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Oregon, who is going to speak in favor of the amendment. But I yield him 2 minutes, nevertheless.

Mr. HATFIELD. I thank the Senator from Mississippi for yielding 2 minutes.

Mr. President, I have heard today the comments about the amendment offered by the distinguished Senator from Massachusetts—that it was redundant or that perhaps it was not in keeping with the general legislative process and the program in which we are involved.

I would like to point out that one of the most distinguished men who ever sat in the Senate, and so declared by his colleagues on a vote, and his portrait is in our reception room, the late Senator Robert Taft of Ohio, said this in 1950:

> I do not know how long this program is going to continue. My impression is that we shall have new weapons and new kinds of airplanes, and that we are embarked on expenditures of this kind for ten, fifteen, or twenty years, as one of the generals stated; and if that is so, I think it means an end of progress and the end of the freedom of the people of the United States. . . . We simply cannot keep the country in readiness to fight an all-out war unless we are willing to turn our country into a garrison state and abandon all the ideals of freedom upon which this nation has been erected. It is impossible to have such a thing in this world as absolute security. I think we should appoint a commission to survey military policy of the United States, to sit down with the military authorities and find out what we are trying to do and to determine what is the proper scope of military activity in the United States.

I think that is a very eloquent statement of the kind of thinking Mr. Taft had relating to the problem in 1950 and it is even more pertinent to the problem we have today.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I wish to point out that at the end of over 2 months of elapsed time since the debate started and 8 months after hearings on the bill started there is printed for the first time—even though the Senator gave me a copy of his proposal 2 days ago—for the information of the membership this very far-reaching proposal.

Even though it is presented in good faith it cuts across many of the constitutional principles, as I understand them, and it really abrogates and suspends the work of these committees, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations, to a degree.

I have said many times I think our foreign policy should be reviewed and particularly the Senate's constitutional duty in that field. But if the Senate is going to do that, who should do it? The

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Committee on Foreign Relations should do it. That is exactly where this problem lies and that is where the review should start; and that is where policy, as they may see fit to change it, should be brought out and debated.

As I said the other day, the President has a responsibility in that field, too.

If this matter were to be delegated for the time being at least to a commission to work out something along this line, the results are just not going to come about.

I submit if the Senate should want to make an examination along that line, it should come only after the most careful analysis and development of the facts, and any recommendations by those people in the form of a report. There is nothing here. We are launching into a field at the last minute because we have a problem. I think we should buckle down and try to solve that problem ourselves. This is where the Constitution places the responsibility.

I know of no disagreement, enmity, or crossfire between these two committees that have been mentioned. There is none in my mind; there never has been; and I do not think there is any in the minds of others.

We are all unhappy about some things that have happened in other affairs and national affairs but we cannot solve those problems by putting them off on a commission. I would be very much concerned if the Senate, in a thoughtless moment, should seriously consider embarking on this matter in connection with this important bill.

I point out with emphasis the remarks made here by the distinguished Senator from Vermont who is one of the most experienced men in this Chamber.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 15 minutes remaining.

Mr. STENNIS. Mr. President, in keeping with the understanding the Senator from Massachusetts and I had, that I would yield him 10 minutes if he desired and he would agree that I have 10 additional minutes to our hour, I ask unanimous consent that the debate be permitted to continue for 10 additional minutes and that it be given to the chairman of the Committee on Armed Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield to the Senator from Massachusetts. I have already yielded to him for 3 minutes. I yield to the Senator for 7 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, I wish to point out that the distinguished chairman has said that this is the responsibility of the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations. It is also the responsibility of the Executive, as the chairman will point out. But the Executive has not denied itself the availability or benefit of the expertise from various agencies, boards, and commissions which it establishes on its own to supply it with expertise in making recommendations to the Congress.

I am only suggesting what can be done by the Executive can be done by Congress. This Commission would report to the Congress, only giving recommendations to the Congress, which Congress must consider and vote upon. They have no authority other than to make these recommendations. I think Congress needs it.

I think if anything has been brought out by the long debate on this bill it has been that there is a need for expertise and I am very hopeful that the Senate will understand that this is the purpose for which the amendment is intended.

The reason for delay in the filing of the amendment and the printing of the amendment was that this debate was going on. Many Senators have been given the opportunity to discuss it and the form the Commission would take because we are groping for an answer. No one has denied there is a great need for this expertise in order for us to conscientiously and effectively work with this huge authorization budget that we have before us at this time and which we will continually have before the Senate.

Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator from Massachusetts.

I am pleased to be one of the three cosponsors of the amendment, along with the Senator from Massachusetts. We are all products of our own environment and orientation. Although I am new to the Senate, my previous experience was on the State level, 4 years as Attorney General of the State of Missouri and later 4 years as Lieutenant Governor of the State.

As attorney general, which is the chief law-enforcement official of that State, I found that all wisdom, knowledge, and expertise was neither reposed in my head nor readily available to me as one individual public office holder. I urged that the Governor of the State appoint and select a Governor's Commission on Crime and Delinquency, which he did and his Commission on Crime and Delinquency was of inestimable value to our State so far as it brought within the confines of that commission all potential expertise in the field.

Later as Lieutenant Governor of the State of Missouri I was delegated by the Governor with jurisdiction over the Department of Corrections and Parole, and Primary and Secondary Education. Once again I found, much to the sadness of my ego, that I alone did not have the knowledge at my beck and call that was necessary to make proper decisions in those particular governmental areas.

Once again I asked the Governor to appoint a Governor's citizens committee or commission on public education—which he did. Once again it brought great benefit to our State insofar as focusing attention and bringing knowledge of the problems of education in that State are concerned.

Borrowing from that experience, admittedly on a State and not a national basis, it became apparent to me that the same benefits we had derived in the areas previously mentioned could likewise be derived on a national level by creation of a Commission on National Security as proposed in Amendment No. 167.

This commission would not transgress the official duties and functions of any committee of Congress. It cannot do that.

The ultimate decision must be made initially, of course, by the committees in question and then, even more ultimately, by Congress as a whole.

No one can subtract from that prerogative. No one can subtract nor should they attempt to subtract from that constitutional authority. But, I think that Congress would be remiss in its quest for truth, for facts, and for information, if it did not make available to it all of the potential, intellectual, and professional resources that are within the country, and perhaps in foreign lands, to bring those over under one umbrella, as proposed in amendment No. 167, would perform and serve an eminently wholesome purpose.

Therefore, I am pleased to be a cosponsor of the amendment and hope that it will prevail.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. HOLLAND. Mr. President, I have full recognition of the high motives which prompted the Senators who offered this amendment and those who support it.

At the same time, I strongly resist their arguments. I call attention to the fact that while the Hoover commission has been mentioned in the speech of the able Senator from Massachusetts, it had nothing to do with anything except the reorganization of the Federal Government—nothing more.

This proposed commission would be given power literally to examine the whole state of the Nation's business in connection with foreign affairs and State affairs, as well as military affairs, and its recommendations even as against the recommendations of the President in his message on the state of the Union.

I call attention to the fact that the first of the fields committed to this commission, and I read it, is this:

> The Nation's international commitments and responsibilities.

This runs through the whole field of foreign relations.

The second is—

> The strategic policy options available and related manpower and equipment requirements needed to carry out such commitments and responsibilities.

The others are far reaching, and ending with No. 6, as follows:

> Such other matters as the commission deems appropriate to a realistic and strengthened national security.

Mr. President, I think that adoption of this amendment and the creation of such a commission would not only be showing disrespect to the Committee on Foreign Relations and the Committee on Armed Services, but would also be an indication that we have little confidence in the form of government under which we exist under the Constitution.

The President is expected to make—and he does make—recommendations on the state of the Nation in connection with its foreign relations and as to what we should do, he has great power as construed by the Supreme Court in that field.

To set up a commission of this kind would be almost an admission of futility, the futility of our type of government to deal with the problems which confront us.

I am not about to vote for an amendment which I think is a confession of national futility.

It seems to me that this well-motivated amendment proposes just such a confession.

Mr. President, I hope that the amendment will be rejected.

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mrs. SMITH of Maine. Mr. President; the proposal of the distinguished Senator from Massachusetts to establish a commission on National Security Policy grows out of his legitimate concern over the adequacy of the available congressional machinery for evaluating the judgment of the executive branch. The complexity of the defense programs have taken considerable time and some are not yet fully understood.

We are all searching for a better understanding of these programs and we desire dependable and wise counsel on defense problems.

But what concerns me, Mr. President, in the proposal of the Senator from Massachusetts is that the Commission which would be created by his amendment would be given more credibility than is warranted. The Senator implies in his remarks that the Commission would provide definitive judgment and expert assessment which could be conclusive in the case of any given weapon system.

I cannot imagine an ad hoc commission that could be appointed, organized, staffed, and thereafter conduct studies on the broad and complex scope envisioned in the amendment and then report to the Congress in 1 year.

I fear that such a commission would not be effective and might well prove dangerous.

One deficiency in our own committee system is that within the time allotted it is not possible to probe each weapon system in depth. But ours is an internal problem which would not be solved by superimposing an external commission to scrutinize our work.

I fear that such a commission would undermine the congressional responsibility.

Whatever internal problems exist must be solved internally. If we need independent expertise then we should proceed to obtain it by recruiting consultants. If we need more in-house capability in the Congress and in our committees, let us expand the staffs.

I am not willing to abdicate the congressional responsibility in the important field of national security to a panel of wise men with no authority and no responsibility. Such a panel would be of questionable value.

The proposal requires a far more comprehensive examination than we can accomplish here. Extensive hearings would be required and if it has merit it can stand on its own and under specific legislation drafted for very specific purposes.

For these reasons, Mr. President, I cannot support the amendment.

Mr. STENNIS. I thank the Senator from Maine for her timely remarks.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. What time do I have remaining?

The PRESIDING OFFICER. Eleven minutes remain to the Senator from Mississippi.

Mr. BROOKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. No time remains to the Senator from Massachusetts.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I thank the distinguished chairman of the committee.

Mr. President, along with other Members, I have reviewed this proposal, amendment No. 167, by the distinguished Senator from Massachusetts, and have looked at it with some care.

From time to time, there has been great exasperation by most of us to some of the foreign policy pronouncements out of the State Department and at some of the problems we have had with weapons systems, and some of the problems that people have brought up, by saying that we are spending too much on the military without coordinating with the national commitments which have been approved by other branches of the Government.

The interrelationship of this is not, in many cases, clear; but I must say that here we are saying that, since we have been unable to satisfy ourselves on all attitudes of this problem, we are going to appoint 15 persons out of private lives to tell us what to do. We have some 18 members on the Armed Services Committee, some 15 members on the Foreign Relations Committee, and some 24 members on the Appropriations Committee, some of whom are pretty well acquainted with the problems facing them in their field.

It would seem to me that, far better than establishing the whole new commission, which would be studying very confidential, secret, and otherwise classified material in many cases, and then having those members submit their recommendations on the ground that the answer is a definitive one, it might be of far better use to get a closer coordination among the three committees of the Congress, first, because none of them are stupid; second, because they come from all over the country, with different expertise and from different fields; and, third, because they might have had policy experience in that field. While the members of the commission might have had experience, they might not have had experience with policy decisions.

It seems to me the commission would take over the role of the National Security Council. I have grave doubts as to whether that would be very advisable or fruitful, because the National Security Council itself must operate on a day-to-day basis and must determine what it is going to do as part of a general policy, but faced with different circumstances, as time goes by.

For those reasons, though I sympathize with the need for further coordination of information, I really do not think this approach would be fruitful in arriving at that goal. For that reason I must join with the distinguished chairman of the committee and the distinguished Senator from Maine in opposing the amendment. I think there are other approaches. I think perhaps we can explore them as time goes on, and perhaps get more coordination and more joint meetings on these problems, and be able to satisfy ourselves to a greater extent in that way. So, reluctantly, I shall vote against it.

Mr. TOWER. Mr. President, will the Senator from Mississippi yield me 2 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, in setting forth the duties which the Commission would have, the amendment provides that—

> The commission shall make a full and complete study and investigation of national security policy and programs for the purpose of making recommendations with respect to—
>
> (1) the Nation's international commitments and responsibilities.

Mr. President, the Nation's international commitments and responsibilities are determined as a result of what is in the national interest. This conclusion is arrived at after many years of experience and as a result of the input of intelligence in the matter of international politics, through the State Department, military intelligence, and so forth. So I do not think a part-time Commission is going to be able to do a better job than the existing agencies in arriving at what our policy should be.

As far as the other recommendations are concerned, they should be determined by people with great expertise and experience in those fields, such as the National Security Council, the Defense Department, and the appropriate committees of the House and Senate of the United States.

Mr. STENNIS. Mr. President. I yield myself 3 minutes or such time as I may use.

Mr. President, I do not condemn this effort, but one of the most significant things about it is that it undertakes to deal with a problem that is a legislative problem. We not only delegate that authority, or undertake to transfer it to someone else to wrestle with—we have a suspension, a hiatus, more or less, during that period—but we reach out into the executive branch of the Government and put five appointees of the President on the Commission. Whom would they be representing? We would have a mixture there.

The President has to announce some points about foreign policy. He has to, and he should. During the period when he announces a foreign policy point or a foreign policy change, if those five men do not agree with him, or someone thinks he is in error, where is he going to be? Where are they going to be? It just illustrates that the solution of that problem is not through this proposed course.

Someone mentioned something about the staffs of the committees. More and more work piles on these committees, and still there are only 100 Members in this body. I know it does not require numbers in staff as much as it does quality. We have an excellent staff in the Armed Services Committee, small in number, but of the highest quality. I must confess, however, that I do foresee the need for some increase in number. Rome was not built in a day.

Let us not just say we will do something on this problem because we do not have enough staff, or the staff cannot cover it in time. I wish the Senator from Montana were present. I have noticed during the debate criticism of what is in the bill and criticism of the foreign policy of this Nation; and I have some criticism of it, myself. But I have noticed that not much has been said on the constructive side, as I see it, about getting in there and wrestling with our foreign policy, and our commitments, reexamining them and coming out with something constructive. I believe that is one of the major policy questions before our Nation, as well as a fine examination of the military program, present and future.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 2 additional minutes.

I do not believe we will begin to solve the problem with the adoption of this amendment. I have said that if it is going to be done, it will have to be worked out in hearings of the most minute kind, with competent people testifying. Someone said, "Well, what committee would you go to with a problem like that?" It seems to me that itself answers the question. If we cannot solve it on the floor, we certainly cannot solve it with an amendment that came in 2 months after the debate began, which was not even printed until last night and was not available to the membership until this morning.

I think it is well for us to look at our problems, but we should look before we leap, and not leap into a matter that, on second thought, would be not only a desertion of our duties and responsibilities but a failure to exercise one of the primary responsibilities, which is to look for a legislative answer.

Mr. BROOKE. The distinguished chairman has stated that this is an abdication of our responsibilty.

Mr. President, I cannot concede that the established of a Commission to make recommendations to the Congress of the United States is an abdication of the congressional responsibility.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. STENNIS. Mr. President, do I have more time?

The PRESIDING OFFICER. There is no time remaining on the amendment.

Mr. STENNIS. Mr. President, I ask unanimous consent that the Senator from Massachusetts may have 5 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BROOKE. Any more than the appointment of commissions by the executive branch of the Government is an abdication of the executive responsibility.

The National Security Council has been mentioned, and that this might be in conflict with the National Security Council.

What is the purpose of the National Security Council? The National Security Council advices the executive branch of the Government. I am suggesting by this amendment that we have a Commission that would advise the legislative branch of the Government.

No one has denied that we need such expertise. Practically every amendment that has been before the Senate on this authorization bill has called for a study by GAO. Obviously the Senate feels, or many Senators feel, that we do not have the necessary expertise available to the Senate for making these decisions.

This is no indictment of the present committee system. I have great respect for the committee system, and great respect for the members of the Committee on Foreign Relations, and certainly of the Armed Services and Appropriations Committees.

But we are dealing with a $77 billion budget, involving vast and complex weapons systems, tied into foreign policy matters and treaties that have been made by the executive branch of the Government, with our confirmation.

It seems to me that as we continue down this road, there will be more and more need for coordinating foreign policy and the activities of the armed services. I submit, Mr. President, that there is now no such agency, including the GAO, which itself has declared that it is not prepared to make recommendations, nor does it have the required expertise in certain of these matters.

I also have great respect for the staffs of the various committees. But we know that we are understaffed. We have even had to go to the executive branch to obtain staff members for the Committee on Armed Services, to work with us on armed services matters.

I am saying, Mr. President, that we ought to give thoughtful consideration to where we are going to be in 1970 and 1971, unless we begin to move in this direction.

I have said that much of this is negotiable. It is flexible. Some may not agree that we need 15 members on the commission, or that we need have some appointed by the President. This was raised by the distinguished Senator from Rhode Island (Mr. PASTORE)—who supports the amendment—that we have a problem in having the executive appoint five of the members.

That was done only to get executive cooperation. The control of this commission would still be in Congress.

I have great confidence that any commission that is appointed by the President of the Senate and the Speaker of the House of Representatives, with the confirmation of the majority and minority leaders and the chairmen of the Armed Services and Foreign Relations Committees, will be a high level, top quality, expert commission that can give us useful recommendations.

Where is the abdication? We still have the responsibility. The ultimate decisions will still have to be made by the Senate and the House of Representatives. So I think the argument of abdication is rather specious. There is no abdication. There was no intent to suggest abdication. There is no abdication of responsibility.

In fact, I believe that such a commission would help us immeasurably to live up to the responsibility that we have in connection with such a bill as this, which has been before us, now, for more than 2 months.

Any delay, as I have stated, in the presentation of this amendment, was because of the fact that there have been so many amendments. I think the debate has been very healthy. I think it is good for the country. But I think that obviously these institutions have been working——

Mr. THURMOND. Mr. President, in my view, the amendment proposed by my distinguished colleague from Massachusetts Senator BROOKE, is not necessary. This amendment proposes to establish a commission to make a full and complete study and investigation of national security policy and programs.

Mr. President, it is my opinion, after reviewing this proposal, that it is a challenge to our committee system in Congress. It is a challenge to the President's responsibilities and competence and a challenge to the administration's resources available to President Nixon for this purpose. A law is not required, if the President believes he needs an independent group to make this study for him and the Congress.

I can appreciate the concern of my distinguished colleagues; however, it would have been much more logical and realistic, if he had made his proposal earlier for consideration by the Armed Services Committee, the Congress and the administration. In my view, our national security policies and programs have had extensive review by the Congress and the administration the past few months. These studies and reviews will continue in accordance with the responsibilities of all concerned.

Mr. President, this amendment is not appropriate or applicable to tag onto the defense procurement bill. I recommend the distinguished Senator from Massachusetts withdraw his amendment. I plan to oppose it.

Mr. BROOKE. I urge the adoption of the amendment.

The PRESIDING OFFICER. All time having expired, the question is on agree-

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ing to the amendment of the Senator from Massachusetts. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. Magnuson), and the Senator from Tennessee (Mr. Gore), are absent on official business.

I also announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Wyoming (Mr. McGee), the Senator from Indiana (Mr. Bayh), the Senator from Indiana (Mr. Hartke), the Senator from North Dakota (Mr. Burdick), the Senator from South Dakota (Mr. McGovern), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Oklahoma (Mr. Harris), are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick), the Senator from Washington (Mr. Magnuson), and the Senator from Wyoming (Mr. McGee), would each vote "nay."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Nebraska (Mr. Hruska) and the Senator from California (Mr. Murphy) are necessarily absent.

The Senator from North Dakota (Mr. Young) is absent on official business.

If present and voting, the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), the Senator from Nebraska (Mr. Hruska), and the Senator from California (Mr. Murphy) would each vote "nay."

The result was announced—yeas 22, nays 63, as follows:

[No. 94 Leg.]

YEAS—22

Anderson
Brooke
Case
Church
Eagleton
Goodell
Gravel
Griffin
Hart
Hatfield
Hughes
Javits
Mathias
Mondale
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Saxbe
Schweiker

NAYS—63

Aiken
Allen
Allott
Baker
Bellmon
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Cannon
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Gurney
Holland
Hollings
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McCarthy
McClellan
McIntyre
Metcalf
Miller
Montoya
Moss
Mundt
Muskie
Pell
Prouty
Randolph
Ribicoff
Russell
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, Ohio

NOT VOTING—15

Bayh
Burdick
Fulbright
Goldwater
Gore
Hansen
Harris
Hartke
Hruska
Kennedy
Magnuson
McGee
McGovern
Murphy
Young, N. Dak.

So Mr. Brooke's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STENNIS obtained the floor.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Pennsylvania.

LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader about the order of business for the remainder of the week.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, may I say, first, speaking personally, that I am delighted that the grueling consideration which this bill has received is at long last coming to an end; and I want to express my deep personal gratitude and thanks to the distinguished Senator from Mississippi, who has been on the floor constantly for well over 2 months and who has conducted himself with such integrity, such understanding, and such tolerance.

To get back to the question at hand, first, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Second, it is the intention of the joint leadership to lay before the Senate Calendar No. 273, H.R. 11271, an act to authorize appropriations to the National Aeronautics and Space Administration. That will be the business tomorrow. The ranking minority member the distinguished Senator from Maine (Mrs. Smith), and the chairman of the committee, the distinguished senior Senator from New Mexico (Mr. Anderson), as well as the distinguished Senator from Nevada (Mr. Cannon), are all prepared to take it up at that time.

The remainder of the schedule will follow as was outlined on yesterday. And the merchant marine bill, I assume, will be up early next week.

Mr. SCOTT. Aside from final passage on the pending bill, does the majority leader expect any other votes tonight?

Mr. MANSFIELD. No. I would hope, though, that the NASA bill would be laid before the Senate and that preliminary statements might be made.

AUTHORITY FOR COMMITTEE ON FINANCE TO MEET TOMORROW

Mr. LONG. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. LONG. The Committee on Finance has scheduled a meeting for tomorrow. Would the Senator ask that that committee meet tomorrow?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, I have no extended remarks to make. I do want to place some insertions in the Record. Two or three Senators have asked me to yield to them for a minute, and I said I would do so.

Mr. President, I ask unanimous consent to have printed at this point in the Record a speech I had prepared in connection with the so-called bomber threat, which has to do with our bomber defense plans. That was not questioned in any of the amendments, and I think it should be given in explanation.

There being no objection, the speech was ordered to be printed in the Record, as follows:

> Matters involved in the defense of the continental United States against manned bombers were considered by a special ad hoc subcommittee comprised of myself, as Chairman, and Senators Inouye, McIntyre, Smith, Dominick and Murphy. The subcommittee primarily studied and examined the following:
>
> 1. The existing continental air defense system and its present and future capabilities;
> 2. The threat presented by the present and projected manned bomber force of the Soviet Union;
> 3. The $60 million FY 1970 request for R&D funds for an airborne warning and control system (AWACS); and
> 4. The $18.5 million request for R&D funds for an improved manned interceptor.
>
> The only existing manned bomber threat is, of course, posed by the Soviet Union. There is sharp disagreement between the Air Force and the rest of the intelligence community as to the nature, extent and gravity of this threat. According to the National Intelligence Estimate, the Soviet bomber threat is limited and its heavy bomber force is expected to continue its gradual decline. The Air Force dissents and portrays a threat of significantly greater proportions.
>
> The proposed airborne warning and control system (AWACS) aircraft would provide surveillance, warning and control for the interceptor force. It would have a look-down radar capability and would patrol hundreds of miles beyond our borders. It would be tied in with the Over-The-Horizon radars and other warning systems to provide early warn-

ing of a mass bomber attack. The estimated research and development and investment cost involved in the proposed force could ultimately involve billions of dollars. Both the Secretary of Defense and the Department of the Air Force supported the AWACS proposal.

However, there was a sharp division on the improved interceptor. The FY 1970 budget statement by former Secretary of Defense Clifford recommended the research and development program for the F–106X as the approved interceptor. The F–106X was also supported by the Chairman of the Joint Chiefs of Staff and by the Director of Defense Research and Engineering. However, it was not supported by the Air Force. General McConnell, the Air Force Chief of Staff, indicated that he wanted an interceptor with a greater capability than the F–106X, such as the F–12 or something similar. Secretary Seamans stated that he had not had sufficient time to study the problem adequately so as to be able to arrive at a firm recommendation. Under these circumstances it is difficult to see how the Congress can approve a manned interceptor at this time since the cost of an F–12 force would be several times that of the F–106X. An F–12 type interceptor would, of course, be much more expensive than the F–106X.

The Committee concluded that it should not authorize a full-scale go-ahead on either AWACS or an improved interceptor at this time because we feel the manned bomber threat is limited and will probably decrease; there is no evidence of a new Soviet bomber or long-range air-to-surface missile in either development or production; it makes no sense to spend billions of dollars to protect against the relatively small fraction of the nuclear threat represented by manned bombers without a thick defense against ICBMs; and the cost and technology of the proposed systems are still uncertain. In addition, we do not think that these programs have a sufficiently high national priority at this time to justify a full-scale go-ahead.

On the other hand, we believe that the promising new radar concept involved in AWACS as proposed should be kept alive and that the matter of the improved interceptor should be further explored. Therefore, we have recommended a reduction in the AWACS authorization from $60 million to $15 million. We believe that this latter amount, together with FY 1969 funds, will permit the pursuit of the new radar concept and keep the technology alive. We have recommended a reduction in the improved interceptor request to $2.5 million. This will only provide funds for necessary cost and design studies and analyses so that firm and specific recommendations can be made next year.

We have also recommended that the relatively small amounts requested for modifications and engineering services for the NIKE-HERCULES system (19.6 million) and research and development on the Over-The-Horizon (OTH) "backscatter" radar system ($3 million) be approved. This latter system is designed to provide long-range surveillance, detection and in tracking and identification of aircraft.

Before leaving the subject of continental air defense, I would like to point out that much greater funding is involved in this area than is generally recognized. The Air Force portion of this system has a total research and development and investment cost of about $11.3 billion. The annual operation and maintenance cost of the Air Force portion of the continental air defense system is about $1.4 billion. The Army's Hercules force had a total of investment cost of about $2 billion and an annual operating and maintenance cost of about $150 million.

Because of the large amounts involved, and the uncertainty about the threat and in the other areas, I am calling on the Department of Defense to make a special review and analysis of the entire matter. This should include an assessment of the bomber threat, the need for an air defense system, and the size and type of system required.

In this review, I think it would be proper for the Defense Department to rely primarily on the National Intelligence Estimate to measure the extent and gravity of the threat but, of course, the differing views of the Air Force and other defense agencies, if any exist, should not be entirely ignored.

As a part of its study, the Defense Department should make a judgment as to the mission of continental air defense both now and for the future, the weapons and systems required and proper to fill the mission, and estimates of the research and development, investment and ten year operating cost of the proposed system. I want to see a reassessment of the entire bomber defense program with respect to its relative priority in defense spending, and a conscientious effort to resolve the differences of opinion which now exist with respect to the bomber threat and air defense requirements, and the proper mission.

I expect the Department of Defense, after completion of its study and analysis, to submit to the Committee on Armed Services a written report containing its findings, determinations and recommendations. I hope that this will enable us to make an intelligent decision which will contribute to a solution of this perplexing problem. At the same time, the military should be warned not to consider this as an invitation to submit a shopping list for expensive new systems which are militarily unsound and economically unfeasible. We will insist on realism, prudence and sound judgment based on facts and hard requirements.

Mr. STENNIS. Mr. President, for the information of Senators, there was one amendment that went for a study; that was on the tank, the most modern tank, and it never was officially reported back here. That was disposed of by the amendment being withdrawn after the committee had met and considered the new evidence and voted unanimously to continue the tank. I ask unanimous consent to have printed at this point in the Record a brief explanation of what happened in connection with the tank.

There being no objection, the explanation was ordered to be printed in the Record, as follows:

MBT–70

Mr. President, I should like to present to the Senate a brief report on the Committee's action regarding the Main Battle Tank, known as the MBT–70.

As the Senate may recall, this item was the subject of Amendment No. 86 introduced by Senator Eagleton and Senator Hatfield under which all the funds for the MBT–70 in the pending authorization bill would have been stricken. This amount was $30 million in RDT&E funds and $25.4 million of advance procurement funds for the purchase of models of the tank.

I should note at this point, Mr. President, that the amount recommended by the Department of Defense was $44.9 million for RDT&E and $25.4 million for the procurement activity. In the Committee, therefore, the R&D funds were reduced by $14.9 million and the funds for the pilot models were left undisturbed.

The Senate may recall Amendment No. 86 was temporarily withdrawn with the understanding that the General Accounting Office would submit to the Committee on Armed Services a study covering two points. First, the reasons for the increases in the cost of this joint research program and, secondly, other feasible alternatives to the development of the MBT–70 together with the cost of each. There was a further understanding that if the Committee on Armed Services received this report and made recommendation to the Senate prior to the completion of action on this entire bill, and if the Committee recommended that the funds now included in the bill remain, then the amendment would not be resubmitted.

The Committee met today and considered (1) the report of the GAO and (2) a letter from Secretary Laird on the matter together with testimony from Deputy Secretary of Defense Packard. In substance, the Department of Defense informed the Committee that a freeze had been placed on any advance engineering funds expenditures and that the R&D effort will be on a minimum sustaining basis of $12 million through December. In the meantime, by the end of December, the Department of Defense will have completed its extensive re-examination of the MBT–70 which is now underway.

I should observe, Mr. President, that the Department recommended not only the retention of the $25.4 Million but restoration of the $14.9 Million deleted by the Committee. The Department, however, did indicate that they could get along with the $30 Million in R&D funds although the program would be on an obviously more austere basis.

Mr. President, after considering all of the information at hand, the Committee decided to reaffirm its original recommendation as contained in the bill which provides for $25.4 Million for the advance procurement effort and $30 Million for R&D.

The Committee is convinced that the Department of Defense is now undertaking a most intensive review of the MBT–70 program with a view toward making a fundamental decision as to whether or not they can come up with a sound tank on a cost effective basis.

Mr. President, I should also emphasize that prior to any new program for this tank, the Department of Defense will fully advise the Committee of any recommendations it may reach following its study to be completed in December.

Mr. STENNIS. Mr. President, I have a brief statement that I think I should make with reference to the Cook amendment which was agreed to yesterday. There was no extended debate, and I make this statement just for clarification, as well as a statement on the Cooper amendment.

Mr. President, the Senate yesterday completed action on the amendment proposed by Senator Cook which was adopted by a vote of 71 to 10.

I am not attempting to raise any further issues regarding this amendment but would like to make the following comment in the interest of further clarification.

I think it is fair to say that this amendment will not cause any change in policy from what the Department of Defense intends to do with respect to these manpower reductions during fiscal year 1970. As the Senate knows, what the amendment in effect does is to establish an overall ceiling of 3,461,000 persons on active duty as of June 30, 1970, the last day of the fiscal year, and to provide that manpower reductions made in Vietnam will be accordingly reflected in this total for June 30, 1970.

As the Senate knows, the Navy has already announced there will be a 72,000 reduction in military personnel during this fiscal year. While no other reductions have been actually announced, Mr. Laird has stated that military expenditures will

be reduced by $3 billion for this fiscal year. Of this total, $1.5 billion have been announced with another $1.5 billion yet to come. I have not been advised of what reductions will take place to meet the last increment of the $1.5 billion. The only place, however, that large financial savings can take place within this fiscal year is in manpower and operations and maintenance.

Therefore, Mr. President, in view of what has already been announced by the Department of Defense and what we can anticipate, I do not see how the amendment either adds or detracts from the intended manpower program. At the same time, the amendment serves as a statement of Senate policy with respect to this phase of manpower reductions in the Department of Defense.

Mr. President, as the Senate knows, we had an extended colloquy yesterday regarding the amendment offered by the Senator from Kentucky (Mr. Cooper) which was adopted by a vote of 86 to 0.

There were two viewpoints expressed with regard to the meaning of the language of the amendment. Without belaboring the matter, I would like to reiterate the principal point I made yesterday which is that title IV of this bill and its predecessor provisions have never been construed as a limitation on the use of funds for the U.S. forces. Furthermore, this amendment, as now worded, does not provide for any limitation on the use of funds for U.S. forces for the stated purposes in the amendment. The entire purpose of title IV is to provide authority under which Department of Defense appropriations may be used to assist the Vietnamese and other free world forces in Vietnam other than those of the United States and to assist local forces in Laos and Thailand.

Without the language of title IV, there would be no authority to use funds appropriated to the Department of Defense to support forces other than U.S. forces.

I hope this will serve to clarify this matter.

Mr. President, I am delighted to yield to the Senator from Maine. Let me especially thank her over and over again, with great emphasis on her wonderful work in preparation of this bill and in the debate and her attendance in the Chamber.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mrs. SMITH of Maine. I thank the distinguished chairman for his kind words and for yielding to me.

Mr. President, as we complete action on this bill, I want to express my deep admiration and appreciation for the manner in which the distinguished chairman of the Armed Services Committee has managed this bill on the Senate floor for 2 months and several months of the most painstaking hearings, inquiries, and deliberations on the original bill as requested by the Department of Defense and the President.

Under most trying circumstances, he has been impeccable in his fairness and his firmness. For in the nearly 20 years that it has been my privilege to serve in the Senate, I have never seen a committee challenged as has been the Armed Services Committee for the past 2 months.

Much good has come out of that protracted and intense challenge. The debate has been excellent. The participation of more Members of the Senate has been all for the better. Never has the Senate known more about what it was voting on than on this bill.

This has set a healthy pattern. For I fully anticipate that from now on all major committees of the Senate can fully expect to be challenged on major legislation they report out—all major committees from now on should anticipate such protracted and intense challenge as that which has been leveled at the Armed Services Committee for the past 2 months.

Yes, Mr. President, from now on I expect the U.S. Senate to be truly the deliberative legislative body for which such great claims have been made in the past. And I hope that all other committee chairmen in meeting the anticipated protracted and intense challenges directed at their committees will follow the example of the distinguished chairman of the Armed Services Committee and acquit themselves in the admirable manner in which he has conducted himself.

Mr. STENNIS. I thank the Senator from Maine humbly and with the greatest and warmest appreciation.

I yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I thank the Senator from Mississippi for yielding to me. I would like to join in endorsing the comments just made by the distinguished Senator from Maine about the chairman of the Committee on Armed Services and the bill.

Mr. President, I shall vote against the procurement bill, as I did last year, because it contains the authorization of an appropriation for deployment of the anti-ballistic-missile system. My sole purpose is to express my continuing opposition to the deployment of a system which in my judgment escalates the arms race without adding to the security of the Nation. In fact, it will lessen the security of both great powers as well as the rest of the world.

With a few exceptions I support the balance of the appropriations in this measure. Furthermore, it should be said that the extended debate has been a valuable contribution to the expanding dialog over military spending.

I ask unanimous consent that statements I made on April 18 and 19, 1968, and August 6, 1969, in opposition to deployment of the ABM be printed at this point in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

[From the Congressional Record,
Apr. 18, 1968]

Statement by Senator Gaylord Nelson

The price tag on this proposal is now $5 billion. As we all know, it will be higher. We are told it is aimed against China missiles only. It is conceded by everyone that at best it would be effective against a crude, unsophisticated delivery system. On February 2 of this year, Defense Secretary McNamara testified before the Armed Services Committee that this was a Chinese oriented system. When Senator Dominick asked, "If a Soviet missile should come within that particular defense system you could handle that one?" Secretary McNamara replied:

"If it were only one missile, yes. However, if it were the size attack the Soviets are capable of mounting today, the answer is 'No.' "

In a speech a few months ago on September 18, 1967, the Defense Secretary said:

"Our strategic offensive forces are immense. All of these flexible and highly reliable forces are equipped with devices that insure their penetration of Soviet defenses."

Mr. McNamara said further:

"None of the [ABM] systems at the present or foreseeable state of the art would provide an impenetrable shield over the United States. There is clearly no point . . . in spending $40 billion if it is not going to buy us any significant improvement in our security. Every ABM system that is now feasible involves firing defensive missiles at incoming offensive warheads in an effort to destroy them. But what many commentators on this issue overlook is that any such system can rather obviously be defeated by an enemy simply sending more offensive warheads, or dummy warheads, than there are defense missiles capable of disposing of them."

He reminded his audience that the United States has "already initiated offensive weapons programs costing several billions in order to offset the small present Soviet ABM deployments.

Secretary McNamara pointed out that four distinguished scientific advisers to three Presidents—Eisenhower, Kennedy and Johnson—"have unanimously recommended against the deployment of an ABM system designed to protect our population against a Soviet attack." He went on to say:

"We have the power not only to destroy completely China's entire nuclear offensive forces, but to devastate her society as well."

He went on to elaborate on the folly of spending "$4 billion, $40 billion, or $400 billion—and at the end of all the spending, and at the end of all deployment, and at the end of all the effort, to be relatively at the same point of balance on the security scale that we are now."

So, nevertheless, we are now in the treadmill process of spending $5 billion on a system that may not work at all and, at best, could have some brief, some transitory value until China slightly refined its delivery system, which everyone concedes they can easily do—and certainly will.

What incredible manner of logic is this? We can, as Mr. McNamara put it, totally destroy "China's entire nuclear offensive forces" and "devastate her society as well," but, he says, we should install this system because "one can conceive conditions under which China might miscalculate."

I respectfully suggest to Mr. McNamara that the fertile human mind can conceive of almost any condition it wants to. With that assumption, any proposition can be logically supported.

It is, I think, a weird process of reasoning that causes us to spend $5 billion on a system of doubtful and certainly temporary value on the belief that China might be insane enough sometime to attack us knowing it would result in devastation for their whole society.

We cannot even wait to conclude our first round of folly in Vietnam before launching into a second round of folly in a nuclear missile race.

In 1965, when we intervened in Vietnam with a military ground troop commitment, it was argued, among other things, that it was a necessary move to contain China. High State Department, including the Secretary of State and other officials, used the same argument to justify each stage of the escalation.

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Now we are there with over a half million troops and draining our Treasury at the rate of $25 billion a year in an enterprise we wish we had never undertaken in the first place.

China has not a single troop in the war, but somehow we are supposed to be containing China by fighting the Vietnamese.

Now, again, under the guise of defending ourselves against the same enemy, China, we are launching a little "thin missile system" which, like the Vietnam war, will balloon into a big thing—and, like Vietnam, 5 years from now we will all be saying, how in Heaven's name did we ever get trapped into this? Well, it is not easy, but it can and will be done if we work at it hard enough.

I think the truth of the matter is, this is not an anti-Chinese system at all, but the first step in construction of a major heavy ABM system. Of course, many of the proponents—I emphasize this—of the thin system do not intend that result any more than they intended a big war in Vietnam, but that, nevertheless, will be the result.

The signposts along the route we are traveling are clear and we can read them down that route as far as the eye can see—they read: We escalate; they escalate; we escalate; and so forth, until we reach the end of the line, wherever that may be. As Mr. McNamara put it, we can spend $4 billion, $40 billion, or $400 billion on an ABM system and at the end be relatively at the same point of balance on the security scale that we are now.

In commenting on the futility of it all, Dr. Jerome Wiesner, science adviser to the President, said:

"Defense against thermonuclear attack is impossible."

Dr. Ralph Lapp stated:

"I believe that for every wrinkle you introduce into defense there are 10 more wrinkles that can be introduced in the power of the offense."

I am aware that the Joint Chiefs and the military hierarchy favor the heavy ABM just as they favored intervention in Vietnam, and we who oppose it will be told now, as we were then, that we are wrong and the military knows what is best, And again, 5 years from now, if we are still around, we will have the doubtful honor of pointing to our sad mistake—and we will be told then, as now, to quit talking about the past—that is history—let us talk about the future. And so mankind goes down his merry road to disaster.

There is, of course, no doubt that this authorization will pass. This is an election year and we all know that the two biggest words in the English language are "national defense," "national defense." If you just shout them loud enough you are in the clear—you win and your opponent loses. It is just plain unpatriotic to question any appropriation for national defense. Defense against what? It does not matter what, or where, or how, or whether it makes any rational sense at all—just utter the magic words and you are in the clear.

We know that the military-industrial complex favors this appropriation; we know that Congress supports it; I assume that the public does, too. But I do not and I will not vote for it. I cannot in good conscience vote for a program that will launch us into a spiraling missile escalation which has no end and no purpose either. If that is bad politics, at least it is good sense and that is something worthwhile nowadays. For my part, I would rather leave here with my conscience than stay here without it.

In conclusion, may I say, how much better it would be if we just poured this money into our troubled cities for programs to right what is wrong in America. Lest we do that soon, we may not have a worthwhile society left here in America for the ABM to defend.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Experts See 'Thin' ABM Vulnerable," published in the Washington Post of Sunday, March 3, 1968; an article entitled "Defense: The Missile Nobody Needs," written by William E. Jackson, Jr., and published in the New Republic of October 28, 1967; and an article entitled "Anti-Ballistic-Missile Systems," written by Richard L. Garwin and Hans A. Bethe, and published in the Scientific American of March 1968.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"[From the Washington Post, Mar. 3, 1968]

"EXPERTS SEE 'THIN' ABM VULNERABLE

"The Chinese will be able to build missiles that will penetrate the so-called "light" ABM system the United States intends to construct, according to statements by two groups of American scientists.

"An article in the March issue of Scientific American by Richard L. Garwin and Hans A. Bethe, both long associated with the development of American nuclear weapons, argues that the proposed system "will add little, if anything, to the influences that should restrain China indefinitely from an attack on the U.S."

"The two scientists argue that the Chinese can surmount the American system, 'whose characteristics and capabilities have been well publicized.' Their article discusses this possibility in considerable technical detail.

"Bethe is a Nobel Prize winning physicist. Garwin, a Columbia University physicist, was recently reported to have gone to South Vietnam, a report setting off rumors that nuclear weapons were being deployed there. But Pentagon officials later said he went instead to Thailand.

"The Federation of American Scientists, in a statement, called the ABM system 'irresponsible on fiscal grounds' and 'pointless on military grounds.' The Federation statement said that 'the basic technical fact is that this system can be easily neutralized by the Chinese by using relatively simple and cheap penetration aids or by developing different means of weapons delivery.'

"Both the Garwin-Bethe article and the FAS statement express fear that the 'light' ABM system, approved last September by Defense Secretary Robert S. McNamara, will not stop there. Both beileve there will be great pressure to expand the system into one designed to protect against Soviet ICBMs at a cost of $40 billion or more.

"The FAS statement is also critical of incoming Defense Secretary Clark M. Clifford's statement that he will seek 'clear-cut nuclear superiority' over the Soviet Union. The statement said that 'at today's level of weaponry there can be no such thing.' "

[From the CONGRESSIONAL RECORD, Apr. 19, 1968]

STATEMENT BY SENATOR GAYLORD NELSON

Mr. President, my remarks are addressed to the bill itself, which I am going to vote against.

There are, it seems to me, any number of routes a country may follow down the road to disaster. We seem to be traveling several roads at the same time; namely, the war in Vietnam, the destruction of our environment, and the disintegration of our great cities.

One would think that these manmade disasters would be sufficient for any country to contend with at one time. But, apparently, not.

We are now about to trigger a missile race with Russia, an offensive and defensive missile escalation that literally will have no end.

The so-called thin missile system is not aimed at China at all. That is ridiculous. It is simply an opening wedge for the installation of a heavy system aimed at Russia which will cost us $30 to $40 billion, when the system will be obsolete anyway. We will have succeeded only in exacerbating the balance of terror.

Mr. President, I will not vote for this bill because it involves this authorization for the Sentinel thin missile system.

I predict that every single Member of this body who votes for this bill which will start this escalation by construction of the thin missile system, will regret his vote and the honest ones will publicly apologize for it in less than half a dozen years.

[From the CONGRESSIONAL RECORD, Aug. 6, 1969]

SENATOR NELSON SPEAKS OUT ON ABM

Mr. NELSON. Mr. President, more than 4 years ago, in the spring of 1965, I was here on the floor of the Senate arguing and voting against appropriations to launch a land war in Vietnam. The same pundits of the press, the same generals in the Pentagon, and the same Members of Congress, were then making the same arguments for intervention in the war in Vietnam that they are now making for deployment of the ABM. There is hardly a single proponent for intervention in the war in Vietnam in all America who now does not wish we could turn the clock back to avoid that tragic mistake. Five years from now, in my judgment, they will be confessing their mistake on the ABM as they are now confessing, privately and publicly, their mistake on Vietnam.

On April 18, 1968, I introduced the first amendment to delete appropriations for the anti-ballistic-missile system. That amendment received only 17 votes. Since that time there has been increasing widespread debate over the wisdom of deploying this weapons system and increasing opposition to it until, it appears now, the Senate is about equally divided. It is interesting to note that the membership of the Foreign Relations Committee, which conducted extensive hearings on this issue is divided 10 to 4 against deployment and the Armed Services Committee is divided 10 to 8 in favor of deployment. Thus, a majority of 18 to 14 on these two committees is opposed to deployment.

In any event, as I see it, the most disturbing thing about the Safeguard proposal to deploy antiballistic missiles is its disastrously bad timing. At this very point the United States and Russia are in a position to begin negotiations which could put an end to the arms race. This is the heart of the issue before us. We can either take the initiative now to push for arms control agreements or we can add fuel to the escalating weapons race by deploying an anti-ballistic-missile system. Whatever merits the proponents claim for an ABM, Russia knows that we have sufficient nuclear warheads in hardened missile sites on the ground, in bombers, and in inaccessible submarines to retaliate with devastating force upon any country that attacks us. Russia occupies the same relative posture of strength toward us.

If under these circumstances it is not possible for the great powers to move for negotiations to deescalate the arms race, we may as well concede it never can be done. If that is the gloomy prospect we can resign ourselves to an endless weapons race that dramatically increases insecurity in the world, dissipates critical resources and contributes to the growing disillusionment with political systems here and elsewhere which are so remarkably efficient at making war and so utterly incapable of creating a peace.

What we should do now is postpone onsite deployment of the ABM while we continue research and development. If at some later date compelling reasons arise for deployment. that issue can be decided then. At the time we announce the postponement, we should initiate talks for deescalation. All elements are now present for mutually beneficial negotiations.

This is the first time such an opportunity has appeared in 20 years. If we pass it up we may have to wait another 20 years. The world cannot afford that.

If we deploy a new weapons system Russia responds with another and we react with something else. After the Safeguard system, each side expands from a thin system to a thick, one, and then to the multiple warhead—MIRV—and then to construction of launching sites on the bottom of the ocean, and so on without end.

Former Secretary of Defense Robert McNamara said it well:

"It is precisely this process of action and reaction upon which the arms race feeds, at great cost to both sides and benefit to neither."

In the growing debate over the military budget in general and the ABM in particular, we are really witnessing the opening of a much broader debate over a much larger question—what are and what should be our national priorities? How long can we continue to ignore critical social, political, and economic problems on the homefront and still maintain the unity of our people? We can spend all our resources for defense, and have nothing left to defend. We can populate our country with shiny new missiles and other glamorous armaments and ignore the continuing decay of our cities, the overwhelming pollution of our rivers and lakes and air, the children who go hungry and sick in this affluent society, the educational institutions that limp along for lack of funds.

The **Presiding Officer**. The Senator's time has expired.

Mr. **Nelson**. Mr. President, I ask for one more minute.

Mr. **Fulbright**. I yield the Senator from Wisconsin 2 additional minutes.

The **Presiding Officer**. The Senator is recognized for an additional 2 minutes.

Mr. **Nelson**. It is not remarkable that almost any weapons system the mind of man can conceive we will fund to the patriotic chant of "national defense" when in fact each step up the escalation ladder brings us closer to a certain end spelled "international disaster." Is it not ironic that we spend $350 million a year on chemical agents and disease organisms that would wipe out whole populations of people but we have to close Job Corps camps and send unfortunate boys and girls back to the streets because we need to save $57 million in the current budget? Does not it give one cause to ponder the character of a society that can enthusiastically spend $25 billion for the moon landing and fund only $214 million in a lamentably insignificant effort to stay the pollution of our rivers, lakes and streams? Remarkable though the achievement, to what avail do we discover the physical composition of all the barren planets in our solar system while man's depredations destroy those characteristics that distinguish this plant from all the rest?

A year ago, the U.S. Senate was debating another version of the ABM—the Sentinel program. I opposed that system, and said that if it was bad politics to do so, at least it was good sense, and that is something worthwhile nowadays.

Right now we have a "sufficiency" of arms capability that is almost beyond comprehension. Future plans for our Polaris submarines will give them 6,000 underwater warheads poised for action. Add to this right now 1,000 land-based Minuteman missiles, 7,000 tactical nuclear weapons in Europe, plus another 1,000 for our bombers. Enough to snuff out any country and the rest of the world. How much is enough? Between the United States and Russia there are stockpiled enough nuclear weapons to equal 15 tons of TNT for every man, woman, and child on earth.

Over the weeks all the arguments pro and con have been made. There is really nothing to add. I would emphasize once more, however, that all experts agree that any antiballistic-missile system can be quite simply neutralized by saturation. It is only necessary to make a photographic count of the ABM silos and produce enough offensive missiles to absorb the system. This point is not in dispute. Is anyone in doubt that either side would do exactly that in the event the other deployed an ABM? We in fact have already responded to the limited deployment of 72 antiballistic missiles around Moscow in precisely this fashion. They may protect Moscow for a limited time against attack by China, but they offer no defense against our system. They know that and so do we.

Every Member of the Senate has viewed the Defense Department chart that shows how many offensive missiles it will require to neutralize both phase I and phase II of our proposed ABM system. The Russians know what that number is as well as we do since it is a relatively simple mathematical calculation. Thus, I wonder why the Defense Department has not made the chart public as suggested by the distinguished Senator from Missouri, Senator **Symington**. It would seem obvious that the American public is entitled to know as much about that chart as the Russians do.

Of course, one response the proponents make to the saturation argument is that we can expand our ABM if they try to neutralize our system, as they will certainly do, and therein lies the catalytic agent for a dramatic escalation of the arms race.

Former Defense Secretary McNamara graphically described the folly of spending when he said:

"$4 billion, $40 billion, or $400 billion—and at the end of all the spending, and at the end of all deployment, and at the end of all the effort, to be relatively at the same point of balance on the security scale that we are now."

Certainly we cannot expect to throw a new weapons system into the arms race and then join the Russians in meaningful arms control negotiations.

Mr. THURMOND. Mr. President, will the Senator yield to me?

Mr. STENNIS. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to take this opportunity to commend the able Senator from Mississippi for the splendid manner in which he handled the bill. I have never seen a bill challenged to a greater extent than was this particular bill since I have been in the Senate. I feel that the bill we are voting upon is a good bill. There were some compromises accepted that I would not have preferred but I think these matters can be ironed out in conference. On the whole, I think we have an excellent bill.

The Senator from Mississippi has shown great patience and he has been very courteous to everyone in connection with the bill. In my opinion he rendered a great service to our Nation in handling the bill as he did.

I also wish to commend the distinguished ranking member on the Republican side, the Senator from Maine (Mrs. **Smith**). I have worked closely with her during consideration of the bill. She is well qualified on military matters, she is very knowledgeable, and it is always a pleasure to work with her.

It has been my pleasure to work with members of the Committee on Armed Services in the consideration of the bill. I am sure that all of those who introduced amendments thought that the amendments had merit. Those matters have now been disposed of and I hope that we can all join hands in supporting the bill on final passage.

Mr. President, we have just witnessed a lengthy debate, covering over 6 weeks, on the 1970 fiscal year military authorization bill. A number of amendments were proposed which would have deleted or reduced the authorization for major weapons or weapons systems, or would have curtailed research and development in some key areas. All of these systems which reached the floor in the form of this bill were considered vital and essential to the future security of this Nation by the President, the Secretary of Defense, and by the Senate Armed Services Committee.

In the final moments of consideration on this legislation I am frank to say I am concerned and disturbed by this situation and by the approach to our defense budget and military posture which produces it.

It is not difficult to understand that much of this opposition stems from frustration with the war in Vietnam and with impatience over meeting current economic needs. However, in this period of frustration, we must guard against overreaction by cutting the defense budget excessively and in the wrong places. We must not make reductions or deletions which will weaken our future defense forces to the point they cannot support adequately our national policy objectives.

Mr. President, we know that modern weapon systems are not cheap, but we have also learned by bitter experience that adequate preparedness, even at today's prices, is a bargain if it accomplishes the purpose of deterring aggression and preventing war. I hope our memories are not so short that we ignore the lessons of history. They have taught us that the price of freedom is both high and recurring.

The unprecedented delay in passing this bill and the vigorous attacks on the important programs which it would authorize suggests to me that the time has come to discuss the relationship between adequate military preparedness and peace in our world. What I really have in mind, I suppose, is the fact that it is absolutely essential that we maintain a credible deterrent. Former Chief of Staff of the Army, Gen. Harold K. Johnson, defined deterrence in these terms:

> Deterrent is a state of mind and it is conditioned by perceptions as well as the actualities of force effectiveness and judgment as to the willingness to employ those forces. Deterrence is not so much what we believe as what the other person believes.

I lay particular stress on General Johnson's reference to the necessity for "actualities of force effectiveness."

In discussing deterrence and the relationship between adequate military preparedness and peace, I think it is important that we recognize two things very clearly.

First, we must face the fact that we are dealing primarily with weapons designed for the future and our actions on this bill will not drastically affect our military posture next year or the year after. However, the decisions we make on this bill will have vital implications on our defense posture and the effectiveness of our deterrence in 1975, 1980, and beyond. It takes years to develop, produce, and deploy highly sophisticated complex and costly weapon systems. Therefore, it is essential today that we correctly interpret the future threat and make at this time decisions necessary to counter it. Delays, stretchouts, and deferrals will dramatically increase the risk that we will not be adequately prepared in time of need.

Second, let us recognize the significant change in our defense policy and the rather dramatic shift in the balance of power over the past 10 or 15 years. In the 1950's our policy was based on maintaining clear and manifest military superiority, particularly in the strategic field. In the 1960's, however, this policy changed quietly but significantly. One of the reasons were erroneous assumptions as to the future threat. In 1965, former Secretary of Defense McNamara said:

> The Soviet leaders have decided that they have lost the quantitative race, and they are not seeking to engage us in that conflict.

He also said:

> There is no indication that they (the Soviets) are catching up or planning to catch up. There is no indication that they are in a race at this time.

These now clearly erroneous assumptions impacted drastically on our defense planning.

These critical and erroneous assumptions fostered new defense thinking in the early 1960's to the effect that if we held down or reduced military expenditures, particularly for strategic forces . . . the Soviets would follow our lead. Consequently, we deemphasized the development and production of new weapon systems, at least partly in hope of reciprocal and comparable Soviet action. These hopes were vain; the results were precisely the opposite. The Soviets accelerated significantly the buildup of their strategic weapons delivery capability to the extent that their ICBM forces are now at least equal in number and collectively much greater in total megatonnage. They have also greatly increased their submarine-launched ballistic missiles. They have had an intensive naval ship construction program and are well on the way to becoming a first-class naval power. They have produced several high-performance interceptor and fighter aircraft. On the ground they continue to maintain large and formidable armies facing the NATO countries and have modernized and improved the weaponry which these ground forces possess. Intelligence estimates are that they will continue to modernize and expand their forces.

In short, it conclusively appears that the Soviets have regarded the U.S. unilateral initiative in holding down expenditures for strategic forces as presenting them with a unique and historic opportunity to achieve strategic superiority. Can we now close our eyes to the possible consequences?

Even in the face of its strategic inferiority to the United States, the Soviet Union's ambitious policy of expanding Communism was well illustrated by the Berlin and Cuban crises, by its strong support of the militant Arabs in the Near Eastern crisis of 1967, and by last year's military occupation of Czechoslovakia. In view of its often declared long-range ambition to shape the world according to its own dogma, it would be the height of folly for us to assume that the Soviets will not follow an even more aggressive policy and undertake even more extensive and dangerous adventures if they attain demonstrable and clear military superiority over us.

This brings me again to the price of military preparedness and to the fact that it is absolutely necessary if we are to preserve the peace. Peace simply cannot be bought by the United States by giving up all of our alliances and commitments, by unilateral arms limitations, by giving up superiority as the goal for our strategic forces, or by permanently yielding the strategic and technical initiative to the Soviet Union. This political fact of life has been made very clear to the possible detriment of U.S. security by the recent abrupt increases in Soviet rates of strategic offensive force deployments and expenditures for production and military research and development. If we continue such a policy for an extended period, the "balance of terror" may swing drastically to the side of the Soviets and we and our allies may become an easy prey for aggression.

I stress that the assumptions we make as to Soviet intent and capabilities are of paramount importance in shaping the future of our Military Establishment. We must not indulge in fuzzy thinking on this point. The political aims and military objectives that inspire Soviet decision are important factors in analyzing the character of the arms race. While we know that Soviet strategic doctrine has as its goal strategic superiority over the United States, we cannot look into the Soviet mind and determine their intentions. Therefore, the element of the Soviet strategic situation that should cause us the most concern is their capability in the strategic field rather than our assessment of what their intent may be—an assessment which has proved wrong so often in the past.

Let us never forget that, in the view of the Communists, political considerations—particularly international political considerations—are closely blended with the military aspects of every problem and often assume dominance over them. All available evidence suggests that the present Soviet leaders recognize clearly they may have to fight a nuclear war with the United States and that, if they do, they plan to have forces in being which will achieve their military objectives and support their postwar political aims. Their policies, programs, training, and doctrine are based on the thought that a nuclear war may be unavoidable and, indeed, at some point in time, may be advantageous to them. Therefore, I totally reject the suggestion that the danger is that we may have more, rather than less, military might than we need.

These are the facts which we must keep in mind in deciding to build or not to build a particular weapon and sometimes this decision must be based on need and not on cost. The high cost of weapons is one of the sacrifices we must pay in order to remain free. We all wish the world were different and that it was not necessary to expend valuable resources for defense. However, we must live in the world as it is, not as we want it to be.

Freedom comes at a price. The price we pay to preserve peace is military preparedness. If we fail to pay for adequate defense now and our weakness invites attack, we will pay many times as much in dollars and infinitely more in lives. We should also remember that, if through military weakness, we lose our freedom, we also lose our ability to improve the lot of our poor and relieve the plight of our cities.

Finally, let me say that preaching peace is easy; achieving it is most difficult. Peace has been the goal of mankind for thousands of years and the noblest and most intelligent of our statesmen have striven earnestly for it. All have been unsuccessful. Under the circumstances, the executive department and the military should not—indeed, must not—hesitate to ask for the weapons needed to insure our survival. For our part, we must not shirk our duty to provide them solely on considerations of cost.

Let me say that the tentative agreement to enter into discussions with the U.S.S.R. looking toward a treaty, limiting and controlling strategic weapons, has my wish for success. However, the gains which the Soviets have made in strategic weaponry and the fact that they have approached or achieved parity with us in this field gives the talks added importance. It is imperative that we bargain from a position of strength, and we must not be beguiled into suspending action necessary to assure that we remain strong on the perhaps illusory hope that a satisfactory agreement will be reached.

Finally, Mr. President, I say again that deterrence must be credible, both to our allies and to our potential enemies. In addition, it must be sufficiently clear and unambiguous to provide the basis for hard decisions by the President. If he is not very sure of the effectiveness of our deterrence, then in some future crisis he might make concessions which he should not and need not make. We can prevent this by providing him a strong Military Establishment and the vital and essential weapons and weapons systems which he, acting on the advice of our top civilian and military experts in the field, has requested.

Mr. STENNIS. Mr. President, I yield to the Senator from Alaska.

THE NEED FOR THE LIT

Mr. STEVENS. Mr. President, since the chairman of the Committee on Armed Services is present, I would like to comment upon the deletion from the Defense authorization bill of the $1 million line item for the U.S. Air Force proposed light intratheater transport program—LIT. It is my understanding that the other body favored the funding for the LIT.

For the past 6 years the Air Force has been doing its homework to prepare the concept formulation package for the LIT in order to replace the obsolete aircraft in the tactical airlift fleet. The Air Force concluded that the V/STOL turboprop tilt wing with four engines is the best choice for the LIT, considering cost effectiveness and technical status. The earliest the LIT aircraft could be introduced into active inventory is the late 1970's.

For the U.S. military the V/STOL LIT would provide a more cost effective interface between the Air Force's C–5A's and C–141's and the Army's helicopters than continuing the present aircraft systems or buying other types of new aircraft. The use of a V/STOL LIT would reduce the requirement for construction of expensive runways in foreign countries and provide a bigger payload capacity.

The gross weight is less than 100,000 pounds and the cabin volume is similar to the C–130 Hercules. Rate of climb is up to 10,000 feet per minute and the speed is 450 miles per hour.

The LIT can transport 5 to 17 tons in a vertical landing over a radius of 250 miles depending upon the temperature. A ground roll of 500 feet will permit an increase of 8 tons over the vertical payload. The low forward speed of 30 to 50 knots which the aircraft needs to become airborne or land in the STOL mode will permit it to operate safely from truly random unprepared sites or combat damaged runways.

The proposed LIT would provide a substantial increase in our long-range rescue capability. Compared to helicopters, the LIT could fly several times farther, several times faster, and pickup payloads several times more than current helicopters. Under sea level standard temperature conditions the tilt wing LIT would be able to fly 1,000 miles radius to a rescue site at a speed of 450 miles per hour, search for 30 minutes, hover for 30 minutes while picking up a payload of 7½ tons and return at 450 miles per hour. Medical treatment of evacuees could begin immediately on the return trip since the LIT's large cabin can accommodate paramedic rescue teams and their equipment. The ability of a tilt wing to perform rescues over water, desert, and forested area was demonstrated by the XC–142.

A commercial version of the V/STOL LIT is urgently needed to aid in the development of remote areas such as those in my State of Alaska. In many cases the time, cost, and damage to our terrain required to construct runways could be avoided or reduced if we had a V/STOL. For example, under conditions that would be encountered in developing the oil fields on our north slope of Alaska, the LIT could deliver 17 tons of heavy construction equipment in a vertical landing at a distance of 140 miles to a remote site. The outstanding STOL capability of the LIT would permit this radius to be increased to 500 miles if only a 1,000-foot strip were available. This aircraft would give us an entire new capability to provide support in civil disasters such as earthquakes, hurricanes, and floods. In addition, the low noise and high safety margins of a V/STOL LIT make it a potential solution to the Nation's short-haul air transportation problems, such as the northeast corridor.

The tilt-wing technology required for LIT was demonstrated in hundreds of flight test hours by the USAF's XC–142, which was virtually a one-half scale LIT. In addition, two other tilt-wing aircraft have flown successfully—Canadair CL–84 and the Boeing Vertol VZ–2—and extensive wind tunnel test have been conducted by both industry and NASA.

The triservice XC–142 evaluation results were as follows:

Hover and conversion to forward flight was easily accomplished and required no unusual pilot skills.

The tilt-wing concept, which was judged suitable for operational use, provided a significantly increased capability through the use of super STOL with 35 to 40 knot takeoff speed.

The Air Force planning for the LIT includes a modified procurement approach that incorporates the "lessons learned" from recent programs and meets recent criticism directed toward our defense procurement program. Significantly greater research and development of critical components and accomplishment of technical milestones are required before funding is continued.

In the case of LIT, full scale propeller demonstration and wind tunnel tests were initiated by the Air Force with fiscal year 1969 funds. Fiscal year 1970 funds are required to continue this effort and to initiate additional competitive development of critical subsystem hardware. This approach gets at the heart of the problem which has caused many of our programs difficulty; that is, the perfection of those critical and unique subsystems prior to the development and production of the total system in order to minimize program risk. This approach minimizes the technical, schedule and cost risk necessary to develop a cost-effective transport system from a proven concept.

Mr. President, in light of the potential benefits of the LIT which I have briefly described, and contingent upon inclusion of the LIT line item in the House bill will the committee keep an open mind on the question of restoring the LIT in joint conference?

I do wish to ask the chairman of the committee a question. In view of the fact that the bill that we are about to vote on has deleted the first $1 million for the light intratheater transport program, I would like to know if the chairman would keep an open mind on this question going into conference. I understand the House is very much in favor of this program. The program could bring a great many benefits to my State and we are very much interested in the program.

Mr. STENNIS. Mr. President, I assure the Senator that even though we took that matter out of the bill it had merit. If it is in the House bill in conference it will be considered by us.

Mr. PEARSON. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield to the Senator from Kansas who has an inquiry about the bill.

Mr. PEARSON. I thank the Senator for yielding.

My inquiry is perhaps to make a record and direct attention to the fact that the Department of Defense in January and April of 1969 made a request for the tactical fighter aircraft A–37B in the amount of 96 units. In the judgment and wisdom of the Committee on Armed Services, this figure was cut to 36.

The first aircraft authorized in this bill would have come into the inventory in December of 1970. I think also that the determination by the committee that perhaps the conflict in Vietnam might be very much reduced by that time had a bearing on the matter.

This is an inexpensive, small aircraft, used especially by the 604th Tactical Fighter Squadron in Vietnam today. It is the only aircraft specifically designed for close support and counterinsurgency work. I think the record shows that in combat it sustained only one-fifth in the way of ground fire and hits. It has great maneuverability, has a tight turn radius and can deliver its armaments and move out in a very rapid manner. It has proved its value in Vietnam.

I prepared no amendment. I understand the House looks with considerable favor on this particular procurement. I would hope the conferees at the proper time would review again the role, capacity, and capability of this particular aircraft.

Mr. STENNIS. We will certainly do that. There is nothing the matter with the airplane. The first delivery was to be the latter part of 1970 for use only in Vietnam. We took it out under those conditions but we certainly will weigh the matter.

I thank the Senator for his comments.

Mr. PEARSON. I thank the Senator from Mississippi.

SAM–D MISSILE

Mr. KENNEDY. Mr. President, where we can make savings in the Federal budget, we should. I believe that this goes for the Defense budgets as well as all others. But whenever we cut administration requests, whether in Defense or any other matters, I think we should take the utmost care to subject the items to the closest scrutiny.

We should commend the Members of the Committee on Armed Services for their long and careful scrutiny of this Defense procurement bill, now before us. After extensive hearings and executive sessions, the committee brought to the floor a bill $1.9 billion below the Nixon administration's April 15 request, and $3.1 billion below the Johnson administration's January 14 request. I do not think we should overlook this fact of billion-dollar-plus Defense budget savings, all the work of the Committee on Armed Services. Nor do I think we should fail to commend the Committee Chairman, JOHN STENNIS, for his fair, astute and open management of the bill.

I noted in the committee's report that $75 million for development of the SAM–D missile was deleted from the bill. This action was taken on the recommendation of the Research and Development Sub-

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committee, chaired by the distinguished Senator from New Hampshire (Mr. McINTYRE), and with the approval of the full Committee on Armed Services.

The committee chairman, in a Senate speech on July 8, explained the deletion of $75 million for SAM–D in these words:

> The Committee did not feel that defense against enemy bombers was sufficient priority to justify research on this of the magnitude requested.

I should point out also that the Committee has directed the Secretary of Defense to study the entire matter of bomber defenses, because of the wide divergence between Air Force and national intelligence estimates of the Soviet manned bomber threat. This is, I think, a significant step in sorting out the essential from the marginal in Defense programs.

But I should like to state my understanding of the role of the SAM–D missile. It is not a missile to be used in bomber defense of the continental United States. Rather, it is a field weapon to be deployed in the field by the Army, both at home and abroad. It is to be a replacement, eventually, for both the Nike-Hercules and the Hawk missiles. The Nike-Hercules, now, has a dual role—continental defense, and defense of the field army. Thus, it is not difficult to understand why the study of the manned bomber threat swept into its ambit the SAM–D.

I would hope that this new information I have developed on the deletion of SAM–D development funds would receive the same close scrutiny given to all the other items in this bill my the members of the Armed Services Committee, before final action on it is completed.

Let me say again how significant the work of the committee has been in achieving some economies in our Defense budget, and that the Members deserve our praise for their farsightedness.

DOMESTIC APPLICATIONS OF DEFENSE RESEARCH

Mr. BROOKE. Mr. President, in the extended consideration we have given to this bill in committee and on the floor, I have come increasingly to see the need for efforts to maximize the return on the heavy investment we are making in defense programs. Many of these expenditures are in the nature of contingency expenses; we buy weapons and support many programs on the explicit premise that by acquiring them we will reduce the need for ever having to use them. It is generally conceded among economists that expenditures of this character are an economic drain rather than a productive investment, since they rarely contribute directly to increasing the Nation's productive capacity. Thus, it is extremely important that we identify and take advantage of those elements of the defense budget which do promise valuable return to the society as a whole.

One of the most promising of such areas is the large program of defense research, which often has led to useful new technologies for other sectors of the economy. Yet it is widely recognized that the spin-off from defense research to other applications has been substantially less than could have and should have been the case. The reason for this lies in the absence of any systematic effort to insure maximum civilian benefits from the vast sums spent on defense research and development.

I believe we should remedy this defect. I am pleased to submit today, together with the distinguished junior Senator from California (Mr. CRANSTON), an amendment which I believe would go far toward increasing the domestic return on the Nation's expenditures for defense research.

This amendment to S. 2546 would create an Interagency Advisory Council on Domestic Applications of Defense Research and would authorize the Department of Defense to use some of its funds to support research of mutual interest to it and other agencies—HUD, HEW—with promise of significant benefits. There are a number of examples of such work:

Spin-off of military radar and computer technology to domestic air traffic control, a great variety of transportation technologies, experimental work on housing on military bases, certain categories of manpower training and educational research, methods of delivering quality medical care to large populations, and many others.

Many institutions doing defense research are seeking an opportunity to apply their skills to the Nation's domestic problems. Presently, there is no good mechanism for encouraging such domestic applications. This amendment seeks to establish such a mechanism, and to insure that the large sums expended for defense research include a special effort to realize useful applications outside the strictly military area.

This proposal is compatible with other efforts underway in the department to employ the large resources it commands in ways which assist other sectors of our society. Discussions with prominent members of the research community revealed substantial interest in this kind of idea, both as a means of realizing important short-term benefits and as a method of reallocating over a period of time some fraction of our defense capabilities to nondefense applications. The intent would be that, as nondefense research programs expand in the coming years, sponsorship and supervision of work begun under the auspices of the proposed council would shift to other departments.

The Interagency Advisory Council would be composed of one member from the Department of Defense, to be designated by the Secretary of Defense; one member from the Department of Health, Education, and Welfare, to be designated by the Secretary of Health, Education, and Welfare; one member from the Department of Housing and Urban Development, to be designated by the Secretary of Housing and Urban Development; one member from the Department of Transportation, to be designated by the Secretary of Transportation; and one member from the Office of Economic Opportunity, to be designated by the Director of the Office of Economic Opportunity. This five-member council would be chaired by the council member designated by the Secretary of Housing and Urban Development.

The specific functions of the Council would be threefold. They would review proposed research programs and projects submitted to them by the aforementioned research institutions. In doing so, the Council would accept for consideration research projects that are of mutual interest to the Department of Defense and one or more of the participating departments or agencies. Additional categories of research acceptable for consideration would be those bearing on such important national needs as the Council should specify, including but not limited to the physical and social aspects of cities, housing, education and transportation. Their deliberations would permit them to take cognizance of the valuable capabilities created by various institutions for related defense research programs.

The Council's second function would be to make appropriate recommendations to the Director of Defense Research and Engineering of the Department of Defense with regard to the merits of the proposals submitted for consideration.

Finally, the Council would be charged with reviewing the results of research conducted under its auspices and would advise the Director of Defense Research and Engineering as to the desirability of continuing, modifying, terminating, or transferring such research activities.

It is important, in my opinion, to note that the activities of this Council will preclude the fixation of an "unrestricted" characterization that might otherwise attach to grants of this nature. The makeup of the Council itself insures that the Federal personnel most familiar with the domestic problems confronting our Nation will have a voice in recommending the allocation of these funds.

While the Secretary of Defense will naturally rely on the advice and recommendations submitted by the Council, his decision will be controlling and final. For the purposes of this proposal, he may authorize up to 5 percent of the total funds expended in each fiscal year by the Department of Defense under contracts with the designated institutions performing defense research. In addition, no institution would be permitted to receive more than $5 million under this title in any one fiscal year. This approach recognizes that the Secretary is in the best position to judge what proportion of the defense research budget should be made available in light of both our defense requirements and the potential domestic payoffs that continue to emerge from the research community.

By adopting the proposal that I am now suggesting, we could achieve a double benefit over and above the existing grant procedures. It would maximize the utility of research on which defense moneys are presently expended; but more important, it will establish a mechanism by which new avenues might be explored and later developed through the regular channels of domestic research funding.

This measure does not require a major shift in our defense policy. It potentially represents only one of several efforts currently underway in the Department of Defense to focus its massive resources on this Nation's internal deficiencies.

Mentioning one very briefly, the Domestic Action Council was established among high echelon personnel to seek ways in which the military can apply their resources to underdeveloped domestic areas while they perform their unquestionably vital defense role.

Our proposal is modest. Its central purpose is to continue that which has already begun. Defense research will continue to uncover ideas and solutions that have wide application. The proposal would increase the likelihood that we will realize those applications.

I ask unanimous consent that the text of the proposed amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

"TITLE VI—SPECIAL RESEARCH GRANTS

"SEC. 601. (a) There is hereby established an interagency advisory council to be known as the Interagency Advisory Council on Domestic Applications of Defense Research (hereinafter in this title referred to as the 'Council').

"(b) The Council shall be composed of the following members:

"(1) One member from the Department of Defense, to be designated by the Secretary of Defense.

"(2) One member from the Department of Health, Education, and Welfare, to be designated by the Secretary of Health, Education, and Welfare.

"(3) One member from the Department of Housing and Urban Development, to be designated by the Secretary of Housing and Urban Development.

"(4) One member from the Department of Transportation, to be designated by the Secretary of Transportation.

"(5) One member from the Office of Economic Opportunity, to be designated by the Director of the Office of Economic Opportunity.

"(c) The member of the Council designated by the Secretary of Housing and Urban Development shall serve as Chairman of the Council.

"(d) Three members of the Council shall constitute a quorum; and a vacancy in the Council shall not affect its powers but shall be filled in the manner in which the original appointment was made.

"SEC. 602. (a) It shall be the function of the Council to study and evaluate proposed research programs and projects submitted to it pursuant to this title. The Council shall accept for consideration research projects that are of mutual interest to the Department of Defense and one or more of the participating departments or agencies, and such other categories of research bearing on important national needs as the Council may specify, including physical and social aspects of cities, housing, education, transportation, and other domestic problems.

"(b) The Council shall advise the Director of Defense Research and Engineering of the Department of Defense regarding research proposals submitted to it for consideration pursuant to subsection (a) and shall make such recommendations to the Director as it deems appropriate as to the merits of proposals submitted to it for consideration.

"(c) The Council shall review the results of research conducted under its auspices and shall advise the Director of Defense, Research and Engineering of the Department of Defense as to the desirability of continuing, modifying, or terminating such research activities.

"SEC. 603. (a) The Secretary of Defense is authorized to make grants to colleges, universities, and other not-for-profit institutions engaged in research and/or development activities sponsored by the Department of Defense for the purpose of supporting selected research programs and projects promising significant domestic benefits. Proposals for such research shall be submitted to and reviewed by the Council. The decision of the Secretary of Defense with respect to which, if any, research proposals approved by the Council will be sponsored shall be final.

"(b) The total amount in grants made under this title in any fiscal year shall not exceed an amount equal to 5 per centum of the total funds expended in such fiscal year by the Department of Defense under contracts entered into with colleges, universities, and other not-for-profit institutions for the performance of defense research.

"(c) In no case shall any one institution receive more than $5,000,000 under this title in any one fiscal year.

"SEC. 604. Research grants made by the Secretary of Defense under this title shall be made subject to such rules and regulations as the Secretary may prescribe after consultation with the Council."

Mr. STENNIS. Mr. President, I have a summary of remarks that I shall make later about the bill. I shall forgo that now.

I wish to say that the real modern weapons, the ones I think are most needed and so vital to our needs in the mid-1970's, were all left in the bill. There are some scars on some of them in the voting, but they are left in the bill and I think that will prove to be a sound decision on the part of the Senate.

I thank all those who did considerable work on the bill.

Mr. President, I am most grateful for the assistance and counsel of members of the Armed Services Committee. I have respect and a personal interest in each one of them and look forward to our further services together.

The services of our Chief of Staff, Mr. Edward Braswell, have been outstanding; his dedication is always of the very highest and his knowledge of the many, many items in the bill has been excellent and invaluable. Other members of our staff, including the members of the preparedness staff, have been outstanding and highly valuable.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. RUSSELL. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Washington (Mr. MAGNUSON), and the Senator from Tennessee (Mr. GORE) are absent on official business.

I also announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. McGEE) would each vote "yea."

On this vote, the Senator from Indiana (Mr. HARTKE) is paired with the Senator from Arkansas (Mr. FULBRIGHT). If present and voting, the Senator from Indiana would vote "yea" and the Senator from Arkansas would vote "nay."

Mr. SCOTT. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from North Dakota (Mr. YOUNG) is absent on official business.

If present and voting, the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Nebraska (Mr. HRUSKA), the Senator from California (Mr. MURPHY), and the Senator from North Dakota (Mr. YOUNG) would each vote "yea."

The result was announced—yeas 81, nays 5, as follows:

[No. 95 Leg.]

YEAS—81

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bennett
Bible
Boggs
Brooke
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Gravel
Griffin
Gurney
Harris
Holland
Hollings
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McCarthy
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Ribicoff
Russell
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough

NAYS—5

Goodell
Hart
Hatfield
Nelson
Young, Ohio

NOT VOTING—14

Bayh
Burdick
Fulbright
Goldwater
Gore
Hansen
Hartke
Hruska
Kennedy
Magnuson
McGee
McGovern
Murphy
Young, N. Dak.

So the bill (S. 2546) was passed, as follows:

S. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $484,400,000; for the Navy and the Marine Corps, $2,287,200,000; for the Air Force, $3,965,700,000 of which $400,400,000 is authorized only for procurement of F-4 aircraft: *Provided*, That none of the funds herein authorized shall be used for the procurement of A-7 aircraft.

MISSILES

For missiles: for the Army, $922,500,000; for the Navy, $851,300,000; for the Marine Corps, $20,100,000; for the Air Force, $1,466,000,000.

NAVAL VESSELS

For naval vessels: for the Navy, $2,568,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $276,900,000; for the Marine Corps, $37,700,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1970 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,626,707,000;

For the Navy (including the Marine Corps), $1,911,343,000;

For the Air Force, $3,041,211,000; and

For the Defense Agencies, $454,625,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1970 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $75,000,000.

SEC. 203. Construction of research, development, and test facilities at the Kwajalein Missile Range is authorized in the amount of $12,700,000, and funds are hereby authorized to be appropriated for this purpose.

SEC. 204. (a) After December 31, 1969, none of the funds authorized for appropriation by this or any other Act for the use of the Armed Forces shall be used for payments under a contract or agreement with any Federal Contract Research Center if the annual compensation of any officer or employee of such center exceeds $45,000, except with the approval of the President of the United States.

(b) The President shall notify the Committees on Armed Services of the Senate and the House of Representatives promptly of any approvals authorized under subsection (a), together with a detailed statement of the reasons therefor.

SEC. 205. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1969, and ending June 30, 1970, the Selected Reserve of each reserve component of the Armed Forces will be programmed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 395,291.

(2) The Army Reserve, 256,264.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 49,489.

(5) The Air National Guard of the United States, 86,999.

(6) The Air Force Reserve, 50,775.

(7) The Coast Guard Reserve, 17,500.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are ordered to active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are ordered to active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Subsection (a) of section 401 of Public Law 89–367 approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes (1) to support Vietnamese and other free world forces in Vietnam, (2) to support local forces in Laos and Thailand, but support to such local forces shall be limited, except where protection of United States personnel is directly concerned, to the providing of supplies, materiel, equipment, and facilities, including maintenance thereof, and to the providing of training for such local forces, and (3) for related costs, during the fiscal year 1970 on such terms and conditions under Presidential regulations as the Secretary of Defense may determine."

CHEMICAL AND BIOLOGICAL WARFARE

SEC. 402. (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the purposes of and the amounts spent during the preceding six-month period for research, development, test, evaluation, and procurement of lethal and nonlethal chemical and biological agents. The Secretary shall include in such reports an explanation of such expenditures including the necessity therefor.

(b) None of the funds authorized to be appropriated by this or any other Act may be used for the procurement of delivery systems specifically designed to disseminate lethal chemical agents, or any disease-producing biological micro-organisms, or biological toxins, or for the procurement of any part or component of such delivery system.

(c) None of the funds authorized to be appropriated by this or any other Act may be used for future deployment and storage of any lethal chemical agent or any disease-producing biological micro-organisms or any biological toxin at any place outside the United States, or for the deployment at any place outside the United States of delivery systems designed to disseminate any such agent or micro-organisms or toxin unless the country exercising jurisdiction over such place has prior notice of such action. In the case of any place outside the United States which is under the jurisdiction or control of the Government of the United States, no such action may be taken unless prior notice of such action has been given to the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the Senate, and the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations and, when appropriate, the Committee on Interior and Insular Affairs of the House of Representatives. As used in this section, the term "United States" means the several States and the District of Columbia.

(d) (1) None of the funds authorized to be appropriated by this Act or any other Act shall be used for the transportation of any lethal chemical or biological agents to or from any military installation in the United States, its territories or possessions, unless the Surgeon General of the Public Health Service has determined that such transportation will not present a hazard to the public health.

(2) The Secretary of Defense, except during a war declared by Congress or during a national emergency declared by Congress or the President after the enactment of this legislation, shall provide written notification to the Congress, to the Secretary of Transportation, to the Secretary of Health, Education, and Welfare, and to the Interstate Commerce Commission at least thirty days in advance of any operation involving the transportation of lethal chemical or biological agents to or from any military installation in the United States, its territories or possession. The Secretary of Defense shall provide appropriate notification to the Governor of any State through which such agents will be transported.

(3) The Department of Defense shall detoxify all lethal chemical or biological agents before their transportation for disposal as provided for in subsections (d) (1) and (d) (2) of this section whenever it is practical to do so.

(e) None of the funds authorized by this or any other Act shall be used for the testing, development, transportation, storage, or disposal of any chemical or biological weapon outside of the continental limits of the United States unless the Secretary of State determines that such testing, development, transportation, storage, or disposal will not violate international law and reports such determination to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, and to the appropriate international organizations, or organs thereof, whenever required by treaty or other international agreement.

(f) None of the funds authorized to be appropriated by this or any other Act shall be used for the open air testing of lethal chemical agents, or any disease-producing biological microorganisms, or biological toxins except upon a determination by the Secretary of Defense, under guidelines provided by the President of the United States, that an open air test is necessary for the national security, and then only after a separate determination by the Surgeon General of the Public Health Service, within thirty days of the determination of the Secretary of Defense, that the test proposed will not present a hazard to the public health. The Secretary of Defense shall report his determination and that of the Surgeon General, to the Committee on Armed Services, the Committee on Labor and Public Welfare, and the Committee on Appropriations of the Senate and to the Committee on Armed Services, the Committee on Interstate and Foreign Commerce, and the Committee on Appropriations of the House of Representatives at least thirty days prior to any actual test. The Secretary of Defense shall set forth in his report the name of the agents, micro-organisms, or toxins to be tested, the time and place of any test, and the reasons therefor.

(g) (1) Except as provided in subsection (g) (2) of this section, no funds authorized to be appropriated by this, or any other later enacted Act may be expended for research, development, test, evaluation, or procurement of any chemical or biological weapon, including any such weapon used for incapacitation, defoliation, or other military operations.

(g) (2) The prohibition contained in subsection (g) (1) of this section shall not apply with respect to funds authorized to be appropriated by this Act.

SEC. 403. (a) As used in this section—

(1) The term "former military officer" means a former or retired commissioned officer of the Armed Forces of the United States who—

(A) served on active duty for any period of time as a member of a regular component of the Armed Forces in the grade of colonel (or equivalent) or above,

(B) served on active duty for a period of ten years or more and, at any time during the five-year period immediately preceding his last discharge or release from active duty, was directly engaged in the procurement of any weapon system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any weapon system, or

(C) served, for any period of time during the five-year period immediately preceding his last discharge or release from active duty, as a representative of the Department of Defense at the factory or plant of a defense contractor in connection with work being performed by such contractor on any weapon system.

(2) The term "former civilian employee" means any former civilian officer or employee of the Department of Defense—

(A) whose annual salary at any time during the five-year period immediately preceding the termination of his last employment with the Department of Defense was equal to or greater than the minimum annual salary rate at such time for positions in GS–15,

(B) who was directly engaged, at any time during the five-year period immediately preceding the termination of his last employment with the Department of Defense, in the procurement of any weapon system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any weapon system, or

(C) who served, for any period of time during the five-year period immediately preceding the termination of his last employment with the Department of Defense as a representative of the Department of Defense at the factory or plant of a defense contractor in connection with work being performed by such contractor or any weapon system.

(3) The term "defense contractor" means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the Department of Defense in connection with any weapon system.

(4) The term "services and materials" means either services or materials or services and materials which are provided as a part of or in connection with any weapon system.

(5) The term "weapon system" means any aircraft, vessel, tracked combat vehicle, or missile, or any part or component thereof.

(6) The term "Department of Defense" includes any military department thereof.

(b) Any former military officer or former civilian employee who—

(1) was employed for any period of time during any calendar year by a defense contractor,

(2) represented any defense contractor during any calendar year at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the United States by such contractor, or

(3) represented any such contractor in any transaction with the Department of Defense involving services or materials provided or to be provided by such contractor to the Department of Defense,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The name and address of the defense contractor by whom he was employed or whom he represented.

(3) The title of the position held by him with the defense contractor.

(4) A brief description of his duties with the defense contractor.

(5) His military grade while on active duty or his gross annual salary while employed by the Department of Defense, as the case may be.

(6) A brief description of his military duties while on active duty or while employed by the Department of Defense during the three-year period immediately preceding his release from active duty or the termination of his civilian employment, as the case may be.

(7) A description of any work performed by him in connection with any weapon system while serving on active duty or while employed by the Department of Defense, as the case may be, if the defense contractor by whom he is employed is providing substantial services or materials for such weapon system, or is negotiating or bidding to provide substantial services or materials for such weapon system.

(8) The date on which he was released from active duty or the termination of his civilian employment with the Department of Defense, as the case may be, and the date on which his employment with the defense contractor began and, if no longer employed by such defense contractor, the date on which his employment with such defense contractor terminated.

(9) Such other pertinent information as the Secretary of Defense may require.

(c) Any employee of the Department of Defense who was previously employed by a defense contractor in any calendar year and—

(1) whose annual salary in the Department of Defense is equal to or greater than the minimum annual salary rate for positions in GS–15,

(2) who is directly engaged in the procurement of any weapon system or is directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any weapon system, or

(3) who is serving or has served as a representative of the Department of Defense at the factory or plant of a defense contractor in connection with work being performed by such contractor on any weapon system,

shall file with the Secretary of Defense, in such form and manner as the Secretary may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

(1) His name and address.

(2) The title of his position with the Department of Defense.

(3) A brief description of his duties with the Department of Defense.

(4) The name and address of the defense contractor by whom he was employed.

(5) The title of his position with such defense contractor.

(6) A brief description of his duties at the time he was employed by such defense contractor.

(7) A description of any work performed by him in connection with any weapon system while he was employed by the defense contractor or while performing any legal services for such contractor, if such contractor is providing substantial services or materials for such weapon system or is negotiating or bidding to provide substantial services or materials for such weapon system.

(8) The date on which his employment with such contractor terminated and the date on which his employment with the Department of Defense began thereafter.

(9) Such other pertinent information as the Secretary of Defense may require.

(d) (1) No former military officer or former civilian employee shall be required to file a report under this section for any year in which he was employed by a defense contractor if the total cost to the United States of services and materials provided the United States by such contractor during such year was less than $10,000,000; and no employee of the Department of Defense shall be required to file a report under this section if the total cost to the United States of services and materials provided the United States by the defense contractor by whom such employee was employed was less than $10,000,000 in each of the applicable calendar years that he was employed by such contractor.

(2) No former or retired military officer or former civilian employee shall be required to file a report under this section for any calendar year on account of active duty performed or employment with the Department of Defense if such active duty or employment was terminated three years or more prior to the beginning of such calendar year; and no employee of the Department of Defense shall be required to file a report under this section for any calendar year on account of employment with or services performed for a defense contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such calendar year.

(e) The Secretary of Defense shall, not later than May 1 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding calendar year pursuant to subsections (b) and (c) of this section. The Secretary shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the defense contractor for whom they worked or for whom they performed services.

(f) Any former military officer or former civilian employee whose employment with a defense contractor terminated during any calendar year shall be required to file a report pursuant to subsection (b) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with the Department of Defense terminated during any calendar year shall be required to file a report pursuant to subsection (c) of this section for such year if he would otherwise be required to file under such subsection.

(g) The Secretary shall maintain a file containing the information filed with him pursuant to subsections (b) and (c) of this section and such file shall be open for public inspection at all times during the regular workday.

(h) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

(i) No person shall be required to file a report pursuant to this section for any year prior to the calendar year 1970.

Sec. 404. (a) Prior to April 30, 1970, Congress shall complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The results of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN–70.

(b) The committee shall call on all government agencies and such outside consultants as the committee may deem necessary.

Sec. 405. Funds authorized for appropriation under the provisions of this Act shall not be available for payment of independent research and development, bid and proposal, and other technical effort costs in a total amount in excess of $468,000,000. The foregoing limitation shall not apply in the case of formally advertised contracts or to other firmly fixed price contracts competitively awarded.

Sec. 406 (a) The Comptroller General of the United States (hereinafter in this section referred to as the "Comptroller General") is authorized and directed, as soon as practicable after the date of enactment

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of this section, to conduct a study and review on a selective basis of the profits made by contractors and subcontractors on contracts on which there is no formally advertised competitive bidding entered into by the Department of the Army, the Department of the Navy, the Department of the Air Force, the Coast Guard, and the National Aeronautics and Space Administration under the authority of chapter 137 of title 10, United States Code, and on contracts entered into by the Atomic Energy Commission to meet requirements of the Department of Defense. The results of such study and review shall be submitted to the Congress as soon as practicable, but in no event later than December 31, 1970. The Comptroller General is further authorized, upon request of the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives, to conduct a study and review regarding the amount of profit which has been or may be realized under any contract referred to in the first sentence of this subsection. The Comptroller General shall submit to the committee which requested such study and review a written report of the results of such study and review as soon as practicable.

(b) Any contractor or subcontractor referred to in subsection (a) of this section shall, upon the request of the Comptroller General, prepare and submit to the General Accounting Office such information as the Comptroller General determines necessary or appropriate in conducting any study and review authorized by subsection (a) of this section. Information required under this subsection shall be submitted by a contractor or subcontractor in response to a written request made by the Comptroller General and shall be submitted in such form and detail as the Comptroller General may prescribe and shall be submitted within a reasonable period of time.

(c) In order to determine the costs, including all types of direct and indirect costs, of performing any contract or subcontract referred to in subsection (a) of this section, and to determine the profit, if any, realized under any such contract or subcontract, either on a percentage of cost basis or a return on private capital employed basis, the Comptroller General and authorized representatives of the General Accounting Office are authorized to audit and inspect and to make copies of any books, accounts, or other records of any such contractor or subcontractor.

(d)(1) The Comptroller General, or any officer or employee designated by him for such purpose, may sign and issue subpenas requiring the production of such books, accounts, or other records as may be material to the study and review carried out by the Comptroller General under this section.

(2) Within five days after the service upon any person of any subpena issued under this subsection relating to any contract or subcontract, such person may file in the district court of the United States for the judicial district in which such person transacts or has transacted business relating to that contract or subcontract, and serve upon the Comptroller General, a petition for an order of such court modifying or setting aside that subpena or demand. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any constitutional or other legal right or privilege of such person. Such court shall have jurisdiction to hear and determine any matter presented by such petition and to enter thereon such order or orders as it shall determine to be just and proper.

(e) In case of disobedience to a subpena, the Comptroller General or his designee may invoke the aid of any district court of the United States in requiring the production of books, accounts, or other records. Any district court of the United States within the jurisdiction in which the contractor or subcontractor is found or resides or in which the contractor or subcontractor transacts business may, in case of contumacy or refusal to obey a subpena issued by the Comptroller General, issue an order requiring the contractor or subcontractor to produce books, accounts, and other records; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

(f) No book, account, or other record, or copy of any book, account, or record, of any contractor or subcontractor obtained by the Comptroller General under authority of this section which is not necessary for determining the profitability on any contract between such contractor or subcontractor and the Department of Defense shall be available for examination, without the consent of such contractor or subcontractor, by any individual other than a duly authorized officer or employee of the General Accounting Office; and no officer or employee of the General Accounting Office shall disclose, to any person not authorized by the Comptroller General to receive such information, any information obtained under authority of this section relating to cost, expense, or profitability on any nondefense business transaction of any contractor or subcontractor.

(g) The Comptroller General shall not disclose in any report made by him to the Congress or to either Committee on Armed Services under authority of this section any confidential information relating to the cost, expense, or profit of any contractor or subcontractor on any nondefense business transaction of such contractor or subcontractor.

Sec. 407. Notwithstanding the provisions of the Act entitled "An Act to suspend restrictions on the authorized personnel strength of the Armed Forces, and for other purposes", approved August 3, 1950 (64 Stat. 408), or any other provision of law, the total actual active duty personnel strength of the Armed Forces of the United States exclusive of personnel of the Coast Guard, personnel of reserve components on active duty for training purposes only and personnel of the Armed Forces employed in the Selective Service System shall not exceed 3,461,000 on the last day of the fiscal year 1970. In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after July 1, 1969, this limitation of 3,461,000 shall be reduced by a like number. Nothing in this section shall be construed as requiring the reduction of the active duty personnel strength of any component of the Armed Forces below the level for such component prescribed by law. The foregoing provisions of this section shall not apply during any national emergency declared by the President or the Congress after the date of enactment of this section.

TITLE V—QUARTERLY CONTRACT REPORTING AND GAO AUDITS

Sec. 501. (a) The Secretary of Defense, in cooperation with the Comptroller General, shall develop a reporting system for major contracts entered into by the Department of Defense, any department or agency thereof, or any armed service of the United States, for the development or procurement of any weapons system or other need of the United States.

(b) The Secretary of Defense shall cause a review to be made of each major contract as specified in subsection (a) during each period of three calendar months and shall make a finding with respect to each such contract as to—

(1) the estimates at the time the contract was entered into of the contractor and the procuring agency as to the cost of the contract, with separate estimates for (a) research, development, testing, and engineering, and for (b) production;

(2) the contractor's and agency's subsequent estimates of cost for completion of the contract up to the time of the review;

(3) the reasons for any significant rise or decline from prior cost estimates;

(4) the options available for additional procurement, whether the agency intends to exercise such options, and the expected cost of exercising such options;

(5) the estimates of the contractor and the procuring agency, at the time the contract was entered into, of the time for completion of the contract, any subsequent estimates of both as to the time for completion, and the reasons for any significant increases therein;

(6) the estimates of the contractor and procuring agency as to performance capabilities of the subject matter of the contract, and the reasons for any significant actual or estimated shortcomings therein compared to the performance capabilities called for under the original contract or subsequent estimates; and

(7) such other information as the Secretary of Defense shall determine to be pertinent in the evaluation of costs incurred and expected to be incurred and the effectiveness of performance achieved and anticipated under the contract.

(c) The Secretary of Defense after consultation with the Comptroller General and with the chairman of the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives shall prescribe criteria for the determination of major contracts under subsection (a).

(d) The Secretary of Defense shall transmit quarterly to the Congress and to the Committees on Armed Services and to the Committees on Appropriations of the Senate and the House of Representatives reports made pursuant to subsection (b), which shall include a full and complete statement of the findings made as a result of each contract review.

(e) The Comptroller General shall, through test checks, and other means, make an independent audit of the reporting system developed by the Secretary of Defense and shall furnish to the Congress and to the Committees on Armed Services and the Committees on Appropriations not less than once each year a report as to the adequacy of the reporting system, and any recommended improvements.

(f) The Comptroller General shall make independent audits of major contracts where in his opinion the costs incurred and to be incurred, the delivery schedules, and the effectiveness of performance achieved and anticipated are such as to warrant such audits and he shall report his findings to the Congress and to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives.

(g) Procuring agencies and contractors holding contracts selected by the Comptroller General for audit under subsection (f) shall file with the General Accounting Office such data, in such form and detail as may be prescribed by the Comptroller General, as the Comptroller General deems necessary or appropriate to assist him in carrying out his audits. The Comptroller General and any authorized representative of the General Accounting Office is entitled, until three years after final payment under the contract or subcontract as the case may be, by subpena, inspection, authorization, or otherwise, to audit, obtain such information from, make such inspection and copies of, the books, records, and other writings of the procuring agency, the contractor, and subcontractors, and to take the sworn statement of any contractor or subcontractor or officer or employee of any contractor or subcontractor, as may be necessary or appropriate in the discretion of the Comptroller General, relating to contracts selected for audit.

(h) The United States district court for any district in which the contractor or subcontractor or his officer or employee is found or resides or in which the contractor or subcontractor transacts business shall have jurisdiction to issue an order requiring such contractor, subcontractor, officer, or employee to furnish such information, or to permit the inspection and copying of such records, as may be requested by the Comptroller General under this section. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(i) There are hereby authorized to be appropriated such sums as may be required to carry this section into effect.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. Gravel in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 2546 and that the bill as passed by the Senate be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, before the Senate adjourns this evening there is one matter that I must refer to again. So at this time and on behalf of the entire Senate I rise in gratitude to the chairman of the Committee on Armed Services, the able and distinguished Senator from Mississippi (Mr. Stennis). I am confident that I speak for every Member when I say that Senator Stennis, during the lengthy consideration of this bill, has exhibited the fine qualities that have for so long marked him as a Senator's Senator, a public servant whose record of achievement is unsurpassed.

Throughout the many days and weeks and months of debate, even the most casual observer could not help but marvel at the careful diligence, the devoted service and the outstanding advocacy displayed at all times by Senator Stennis. But even more impressive, perhaps, was the remarkable patience and indulgence exhibited by the distinguished chairman. That is only characteristic, however, of this gracious and outstanding man from Mississippi.

To my recollection it has been years since a legislative proposal has been considered at such length and with such great intensity. But as long and intense as has been its consideration, Senator Stennis carried the burden of presenting the measure and its many detailed and complex features with the greatest skill and understanding. Collectively, our hat goes off to John Stennis. With his handling of this year's military procurement authorization measure leading to its overwhelming adoption, he has established an example of the highest order. The Senate is profoundly grateful.

Joining Senator Stennis with her unsurpassed cooperation and support was the distinguished senior Senator from Maine (Mrs. Smith). As the ranking minority member of the Committee on Armed Services she devoted her equally talented skill and ability to the successful presentation of this measure. Some may call it incongruous indeed to find in this gracious and charming lady such a broad authority on our entire defense system. But it does not need saying that her expertise in the area of the military is unsurpassed.

May I say also that the remainder of the committee members deserve equally high praise. The Senator from Missouri (Mr. Symington), the Senator from Washington (Mr. Jackson), the Senator from Nevada (Mr. Cannon), the Senator from New Hampshire (Mr. McIntyre), the Senator from Hawaii (Mr. Inouye), the Senator from Colorado (Mr. Dominick), the Senator from Massachusetts (Mr. Brooke), and the others, all joined to assist so well during the lengthy consideration of this bill. The Senate is well aware also of the long hours the committee applied to its consideration even before it reached the floor, and it is grateful.

Before closing, it should be said that as long and as thorough as the debate has been there is no question in my mind that with it, the Senate has asserted afresh its constitutional role to understand and appraise our defense strategy and needs; the Senate has sought—in some cases for the first time—to answer the many questions that have been raised over the years. Certainly not all of the questions have been answered. But already we are a vastly more informed Senate. And, henceforth I believe that the decisions that should be made by the Senate and the Congress, will be made by the Senate and the Congress.

Of course, all Members may take pride in the probe that has occurred thus far. Perhaps a few should be singled out for their leadership. The Senator from Kentucky (Mr. Cooper) and the Senator from Michigan (Mr. Hart) made outstanding contributions as did the Senator from Illinois (Mr. Percy) and the Senator from Minnesota (Mr. Mondale). We were greatly pleased moreover to witness the contributions of some of our more recent Members. Those who come immediately to mind are the Senator from Missouri (Mr. Eagleton), the Senator from Kentucky (Mr. Cook), the Senator from New York (Mr. Goodell), the Senator from Pennsylvania (Mr. Schweiker), and the Senator from California (Mr. Cranston). There are many others, on both sides of the aisle, who similarly deserve our thanks.

Finally, let me just say that I believe we may all take great pride in this achievement. In the years ahead I think this moment in the annals of the Senate may well go down as one of great historical importance. For this, we may be especially grateful, may I say once again, to the distinguished Senator from Mississippi.

DEFENSE SPENDING AND NATIONAL PRIORITIES

Mr. MUSKIE. Mr. President, during the past 3 weeks, we have debated at great length and in great detail a number of specific items in the military procurement and research and development authorization bill. This year's floor debate on the military budget has been unique, both in the time we have devoted to it and the quality of the arguments advanced for and against particular military weapons systems.

There are several characteristics of the issues we have been debating which make our decisions terribly important and terribly difficult. We are dealing with the national security of the United States. The consequences of a wrong decision could, some day, be very serious. One does not lightly jump to a decision on such matters. On the other hand, the budgetary costs over the years ahead of the weapons systems we have been asked to approve are in many cases staggering. The F–14, for example, if ultimately used in its various versions to replace the existing planes of the Navy and Marine Corps, would cost some $25 billion over the next 10 years to procure and operate. Unless such a weapons system is truly vital to our national security, a decision to proceed with its procurement would waste a huge amount of resources which are desperately needed at home, to clean up pollution, to improve education, to build housing, and to provide decent urban transportation. Finally, the issues we have been debating are necessarily exceedingly complex, for they deal with the means of meeting uncertain military contingencies in an uncertain and ever-changing world, against potential enemies whose motives and future actions are impossible to foresee.

For these reasons, the decision about how to vote on each of the amendments offered to the committee bill has in no case been an easy one. After much deliberation, I have voted for some amendments, deleting or postponing particular weapons systems, and against others, thereby upholding the committee's recommendation to proceed with procurement. There are, I believe, some general principles which can be applied in making individual decisions about these matters. These are the ones I have used in making up my own mind on the issues which have been raised in this debate.

After 3 weeks of discussion, necessarily devoted to the specific merits of particular military programs, I think it is desirable to step back and review more broadly the problems with which we have been dealing, and to discuss the general principles upon which we ought to base particular decisions about the military budget. After all, next year will bring forth another military authorization bill. We will again be called upon to make provision for the national security, while trying to insure that scarce budgetary resources are not wasted upon low priority or ineffective military spending.

The press has billed our debate as a revolt against the military, as a revulsion against the military budget, and as a major challenge to our own Armed Services Committee. The fact that specific items of this authorization bill have been questioned more sharply and debated in more depth on the floor of the Senate than ever before lends some apparent color of truth to this image. Yet it is a vast and dangerous oversimplification.

In the first place, the Armed Services Committee itself, after much questioning and extensive work, reduced the $22 billion requested authorization by almost $2 billion to $20 billion. This $2 billion reduction, made by the committee, is much larger than the aggregate dollar value of all the major amendments submitted during floor debate. We were not, therefore, voting upon a set of committee recommendations which passively reflected every spending wish of the Pentagon.

At this point, I should like to commend the distinguished chairman of the committee, the Senator from Mississippi (Mr. STENNIS), and my colleague from Maine, the ranking Republican member, for the quality of work which they have done, not only during the debate, but before the bill was brought to the floor of the Senate.

On the other side of the coin, even had all of the proposed amendments passed, the resulting authorization bill would still have provided for large-scale improvement and modernization of our Armed Forces. Even had the nuclear aircraft carrier been deleted, the bill would still have authorized some $2.25 billion for Navy shipbuilding, a figure well above the amounts appropriated in most recent years. The bill provides for large improvements in our nuclear missile forces, both land and sea based; for major modernization of our Air Force; for additional nuclear attack submarines; for 800 new helicopters for the Army; for new amphibious forces and new antisubmarine patrol planes in the Navy and for over $7 billion in research and development funds.

In short, the debate on defense procurement has not been, nor should it ever be allowed to become, a simple-minded division into promilitary and antimilitary sentiments. Rather we must be concerned with balancing the national security requirements of the United States against our other needs and our total resources. In today's world of rapidly advancing technology, available to our political enemies as well as to ourselves, adequate provision for national defense necessarily entails a large military budget.

But our domestic needs are also urgent. An excessively large military budget coupled with polluted air and water, congested cities, falling educational standards, and racial discontent is not the hallmark of a strong and secure nation. Our problem is not to choose up sides for or against military spending in general, but to take a selective approach to the military budget, approving those programs whose contributions to our national security are sufficient to justify their heavy costs, and turning down those which fail to pass this test. There are, I think, certain basic principles we can use in applying that test.

First, for the foreseeable future the provisions of strong and flexible armed forces—both nuclear and conventional—will remain a necessity for our national security. Early initiation of strategic arms limitation negotiations with the Soviets, and conclusion of an enforceable agreement can indeed reduce the burden of armaments for both sides. But no miracle will be wrought, nor should one be expected. This is said not to downgrade the importance of negotiations, but only to remind ourselves that negotiations will be difficult, and will cover matters which relate to only a part of our military budget.

Second, strategic nuclear forces constitute only a third of our military budget. Conventional forces take up the other two-thirds. These in turn are not primarily required to defend the continental United States, but to protect our vital interests in other parts of the world. As a consequence, the size, composition, and equipment of those forces depends upon what we judge those interests to be, particularly in Europe, in Southeast Asia, and in the Middle East. As the administration considers the future role of the United States, especially in Southeast Asia, it is incumbent upon them to come before the Senate and present the alternatives. Not only does the Constitution, through its treaty clause, give the Senate a major role in deciding these matters, but once decided, we shall be asked to provide the authorization and the funds for the military strength to back up those decisions. In doing so, we must assure ourselves that the military forces provided are neither excessive for the task at hand nor so weak as to destroy the credibility of our commitments.

Two illustrations from the recent debate come to mind. Should we decide, as a nation, to scale down our commitments and our direct involvement in Southeast Asia, the Navy's 15 attack carrier task forces clearly become too large a force for the interests they are designed to protect. But even if we do not scale down our overseas military commitments, sufficient evidence has been presented to question seriously the need for all 15 of those carrier task forces. That is why I voted for a study to determine whether we need to spend the tremendous sums involved in a carrier force of the present size.

In the case of the C–5A, again, a significant scaling down of our overseas commitments would quite possibly eliminate the need for additional squadrons. But barring such a redefinition of American overseas interests, it seemed to me that the mobility provided by the C–5A's would warrant the purchase of at least one additional squadron of planes, and would indeed make it possible to protect our interests with a smaller overseas troop contingent. As a consequence, despite the disturbing escalation in C–5A's costs, I voted against the amendment which would have deleted the funds to purchase an additional squadron of C–5A's.

Third, we must resist the temptation to buy security cheaply by relying on the threat of our tactical nuclear weapons for the protection of our interests abroad. To meet conventional threats against what we have decided are our true interests, we should have sufficient conventional forces. There is every likelihood that the use of tactical nuclear weapons would soon escalate to massive proportions. Let us define our interests realistically, and then be prepared to defend them with conventional forces.

Fourth, no amount of funds can buy absolute security. Doubling the size of our Armed Forces and our military budget would not guarantee us against every possible threat or every possible contingency. Perfect security does not exist in the modern world. Of necessity, therefore, we must seek something less than perfect security. Of all the myriad possible future threats against our security, we must decide which ones are worthwhile to try to protect against, taking into account the costs of doing so and the domestic needs we sacrifice by diverting resources to military programs.

On this basis, it has always seemed to me both unfair and evidence of shallow thinking to accuse someone who opposes an individual weapons system as a unilateral disarmer. Even the most vocal of "hawks" would not propose that we spend an additional $40 billion annually on our military budget. Yet this judgment itself implies that he is willing to forgo weapons or forces which might, at least marginally, protect us against certain remote contingencies. Conversely, the most ardent "dove" would not suggest that we cut our military budget to zero. All of us must necessarily be selective in what we propose and what we oppose in the way of military programs. Labels of "unilateral disarmer" or "captive of the military-industrial complex" are no substitute for hard thought and conscientious judgment.

Fifth, we must ask ourselves, What is the role of the individual Senator in making decisions about particular military programs? To what extent must we rely on the expert judgment of military men, and to what extent can we, and should we, apply our own judgments? The Constitution gives to civilian authorities, both in the Executive and in the Congress, the final power to make decisions about the military budget. And despite the growth of modern technology and the resulting complexity of current weapons systems, this decision of the Founding Fathers remains, in my view, a wise one. How one leads an infantry division in combat, deploys a carrier task force, or develops a logistic supply line, are matters which can and should be primarily left to military experts. On the other hand, the definition of U.S. interests throughout the world which must be protected against military threats is a question which only the President and Congress can decide.

In between these two extremes are questions which relate to the major force levels and weapons needed to protect those vital interests. Do we need an advanced strategic bomber? Should we operate 15 carrier task forces? Must we build new major air defense systems against the possibility of an as yet nonexistent Soviet bomber threat? On these questions, we need the judgment of both military men and political leaders. On the one hand, we require military expertise to help us judge the capability of particular forces and weapons, both our own and those of our potential adversaries. On the other hand, we need to decide whether or not the gain in national security is worth the accompanying budgetary cost and sacrifice of other domestic goals. That is a political judgment which only the President and Congress can make. Finally, in any governmental institution—be it the Department of Agriculture or the Pentagon—

the natural human tendency is to overstate the benefits and understate the costs of one's own program. And here Congress must play the watchdog to scrutinize inflated claims and check excessive spending.

To use an analogy, we must when education legislation is before us listen respectfully but critically to the advice of professional educators. We must gain from, but not be captive of, their professional expertise. In a similar vein, congressional decisions to delete a particular military budget request should not be looked upon as an attack upon either the competence or the dedication of military professionals, but rather as the legitimate exercise of that broad policy judgment given us by the Constitution to be applied equally to matters domestic and military.

In passing judgment on the military budget, in accordance with these major principles, Congress could be greatly helped by the provision of better information from the executive branch.

Of necessity, we must pass upon specific items in the military authorization and appropriation bill. But these judgments would be greatly aided if the individual pieces could be set in a larger framework. I have two particular points in mind.

In the 3 years immediately preceding our major involvement in Vietnam, we were spending about $50 billion per year on the military budget. With those funds we were not only maintaining, but also substantially increasing the size and combat capabilities of our nuclear and conventional forces. By 1972 or 1973, taking into account increases in the general price level and military pay raises, it would take about $65 billion to have the same purchasing power as the $50 billion did prior to 1965. For these $65 billion, therefore, we should be able not only to maintain, but also to improve our military capabilities. Yet, according to a number of recent estimates, the military programs and forces currently programed for the early 1970's, quite apart from the costs of Vietnam, will cost between $75 and $80 billion per year—an amount $10 to $15 billion higher than the pre-Vietnam levels adjusted to current wages and prices. To act intelligently on the specific items which make up this total, Congress needs an explanation of this apparent increase. Is this projection of future military costs correct? If it is, what are the major new programs causing the increase? What changes in the world situations or in the nature of the threats facing us justify the large additional sum? Are there not areas of lower priority which can be pruned to make room for these increases? It is questions like this, Mr. President, legitimate questions, which have prompted the challenge to this military authorization bill which has been led by such distinguished, capable leaders in the Senate as the Senator from Wisconsin (Mr. PROXMIRE).

More generally, Congress needs to be provided with an overall projection of future military spending, in order to act adequately with respect to its domestic requirements as well as to its security interests.

The major budgetary impact of the military systems we have approved this year will not be felt at once but only in future years. The authorization bill before us carries $240 million for the Navy's F–14A. But, as I pointed out earlier, the 10-year cost of replacing existing aircraft with F–14's will amount to at least $25 billion. The Safeguard ABM accounts for only $759 million in this bill, but will require at least $12 billion in procurement and operating costs over the next 5 years. We cannot act intelligently in authorizing individual systems unless we know the total consequences of our actions, not only system by system but for the military budget as a whole. In effect, under current practice, we are asked to authorize the foundations of the building without any notion of what the completed structure will look like.

The burden of my remarks today has been twofold. In the intelligent exercise of congressional judgment on the military budget, there is no room for easy slogans or simple formulas. We must be selective in what we approve and what we delete. In every military spending decision, we must balance the potential gain in national security against the sacrifice of domestic needs which it requires. As a consequence, neither a general approval nor a general condemnation of military spending meets the test of intelligent judgment. Reasoned opposition to a specific military proposal does not turn a man into a unilateral disarmer, nor does approval stamp a man as a captive of the military-industrial complex. To make better judgments on individual military proposals, however, Congress does require fuller information from the executive branch. I think, Mr. President, that as a result of the debate over these weeks, this year, we will get better information. Most important, Congress needs to know the long-run budgetary and military consequences of the action it is currently asked to take.

I am confident, Mr. President, that the current debate, extended and informed by the facts to which I have referred, can lead to a more effective and balanced treatment of our defense and domestic needs.

So, Mr. President, may I again compliment the Senator from Wisconsin and all his colleagues who have undertaken the burden and the time and the energy necessary to do what I think has been a public service of the highest order.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. PROXMIRE. I commend the Senator from Maine on what I think is an excellent speech. It is too bad that sometimes speeches have to be delivered so late in the day that they do not have the kind of audience they merit. This is certainly an example of that.

The Senator has put the debate into a very useful perspective. He has pointed out that these were selective cuts. These were not aimed at diminishing our Armed Forces. In fact, they were aimed at trying to strengthen our Armed Forces, and it was a matter of judgment as to whether they were or not.

Furthermore, when the Senator called for long-term projections, this is an area in which it would seem to me we should be able to get this long-term projection—not just in terms of what one weapons system may cost in the long run, but what the overall military budget is likely to look like 3, 4, or 5 years from now. Without that kind of judgment, it is very hard for us to make a wise decision on these basic authorizations that begin something that cannot be stopped without a great loss of funds.

Finally, as the Senator has said, neither approval nor condemnation of military spending is what is called for and what is useful or what is really the subject of this debate. It is a matter of using discrimination and judgment and understanding to try to determine what is necessary to make this country as strong as possible at a cost consistent with a stable economy and consistent with meeting our very big and serious domestic needs.

The Senator has put this into a most useful perspective, and I thank him very much.

Mr. MUSKIE. I thank the Senator from Wisconsin.

May I say that I deliberately did not undertake to deliver this speech before the vote on the military authorization bill, because I wanted to begin the debate on the next military authorization bill with this speech. So whether or not it was listened to by many on the floor today is not so important as whether or not I have succeeded in identifying some of the questions and at least the character of the debate we will have in the years ahead.

Mr. HART. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. HART. Mr. President, I think there is no problem, when the junior Senator from Maine rises to speak, as to whether there is a live audience of a considerable number or just a few of us; because his is one of those rare voices in the country which is listened to and read and the message retained. I am sure that though few are here and fortunate enough to hear it tonight, what he has said will remain in the conscience of this country for a long time. Hopefully, it will broaden the understanding of each of us with respect to our actions on specific proposals in the months ahead and will increase the understanding across the country of the problem that confronts the Senate and Congress specifically, but involves each of us, whatever our role in our society.

To put it beautifully, I, for the first time, tonight voted against this basic military authorization bill. It was a very difficult vote, one unlikely to be explained very effectively. But I can say "Amen" to everything the Senator from Maine has just said.

This is not an either/or proposition. No, certainly it is not an attack on the military. I hope the military will always be an honored profession. Our security does involve the maintenance of strength adequate to reasonably anticipated tests.

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Many of us, including the Senator from Wisconsin and the Senator from Maine, sought to modify some of the authorizations and, speaking generally, we failed in every case.

Mr. President, when you come to the final rollcall, if you have voted to correct what you think to be mistakes in the authorization and you failed every time you then go ahead and vote "yes" on the final rollcall. If you do, you do it on the basis that there is more good in the bill, that it is more wise than unwise, whether you figure the ratio at $15 billion to $5 billion, or $16 billion to $3 billion. That has been my course in the years I have been permitted to serve here.

But tonight struck me as the time, if I was ever going to do it, to vote "no" as a further indication that there are increasing numbers of us who seek to get a message to those who prepare the requests for military spending—and I believe they have gotten the message already—to insure that in any budget of $80 billion there are things we do not need and that our survival does not hinge upon the full $80 billion. This $20 billion is the first effort.

There is waste in our family spending, unless we are at the raw poverty level. But what would the situation be if as a family we had $20 billion or $80 billion to spend?

To vote "no" is to express the concern that the unmet domestic needs—while prayer and good works are welcomed in their solution—without exception require a lot of money. We kid ourselves if we think that except from the $80 billion on the military side there is going to be very much money rescued from total Federal spending to apply to what the Senator from Maine has given national leadership in attempting to restore our water and air, and what the Senator from Wisconsin has sought to do in connection with housing in the low- and middle-income markets of this country. These programs and programs like them require lots of money. Like it or not, these programs require much money.

The Pentagon is placed on record by the "nay" vote tonight to double check every request it makes of us.

I thank the members of the Committee on Armed Services and several Senators who have undertaken leadership in the last 2 months for their efforts to indicate the Senate is double checking these requests.

Finally, as we fold the tent on this military authorization bill after more than 2 months of debate it is in order to remind Senators that last year on the same bill we spent 2 days.

I thank the Senator from Maine for yielding.

Mr. MUSKIE. I thank the distinguished Senator from Michigan. I wish to add that his good opinion and judgment have always been of value to me since we came to the Senate together 10 years ago. I had no doubt as I was delivering my remarks tonight that my position would not be too different from his. I think I understood before he said so why he voted "no" to the military authorization bill. He does understand and his record demonstrates the need for providing for our national security interests. He also understands from time to time courageous voices must cast votes such as he cast today, if they are the only effective protests which will reach the ears of the Pentagon, other corners of Government, and throughout the country to influence the decisions which are going to be made in the future.

I think really the claim I made a moment ago about beginning the debate on next year's authorization bill with my remarks was too hasty. I think the debate was begun with the "nay" vote by the Senator from Michigan and his colleagues who voted the same way.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 8904) for the relief of Paul Anthony Kelly, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 8904) for the relief of Paul Anthony Kelly, was read twice by its title and referred to the Committee on the Judiciary.

AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order No. 273, H.R. 11271.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Aeronautical and Space Sciences with an amendment to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $1,691,100,000;

(2) Space flight operations, $225,627,000;

(3) Advanced missions, $2,500,000;

(4) Physics and astronomy, $117,600,000;

(5) Lunar and planetary exploration, $138,800,000;

(6) Bioscience, $20,400,000;

(7) Space applications, $128,400,000;

(8) Launch vehicle procurement, $112,600,000;

(9) Sustaining university program, $9,000,000;

(10) Space vehicle systems, $27,500,000;

(11) Electronics systems, $33,550,000;

(12) Human factor systems, $22,100,000;

(13) Basic research, $20,250,000;

(14) Space power and electric propulsion systems, $36,950,000;

(15) Nuclear rockets, $50,000,000;

(16) Chemical propulsion, $22,850,000;

(17) Aeronautical vehicles, $77,700,000;

(18) Tracking and data acquisition, $278,000,000;

(19) Technology utilization, $5,000,000.

(b) For "Construction of facilities," including land acquistions, as follows:

(1) Electronics Research Center, Cambridge, Massachusetts, $8,088,000;

(2) Goddard Space Flight Center, Greenbelt, Maryland, $670,000;

(3) John F. Kennedy Space Center, NASA, Kennedy Space Center, Florida, $12,500,000;

(4) Langley Research Center, Hampton, Virginia, $4,767,000;

(5) Manned Spacecraft Center, Houston, Texas, $1,750,000;

(6) Wallops Station, Wallops Island, Virginia, $500,000;

(7) Various locations, $26,425,000;

(8) Facility planning and design not otherwise provided for, $3,500,000.

(c) For "Research and program management," $637,400,000.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Sec. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (8) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by section 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Sec. 6. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1970".

Mr. CANNON. Mr President, on behalf of the Senator from New Mexico (Mr. Anderson), distinguished chairman of the Committee on Aeronautical and Space Sciences, I am making the opening statement in support of H.R. 11271.

Mr. President, we have before us today H.R. 11271 to authorize appropriations to the National Aeronautics and Space Administration for fiscal year 1970 for research and development, construction of facilities, and research and program management, and for other purposes. Mr. President, before I go into the specifics of this bill I would like to extend my appreciation to the senior Senator from Maine (Mrs. Smith) for her conscientious assistance and support during our consideration of this authorization request.

On my own behalf, I want to also compliment the distinguished Senator from Maine for the very fine job she has done in the handling, development, and presentation of this important bill.

This is the 12th annual budget for the National Aeronautics and Space Administration, and it is presented at a time when the Nation has just achieved the lunar landing objectives established in 1961—a feat unparalleled in the history of mankind. The original authorization request for fiscal year 1970 was for $3,760,527,000; however, this was amended on April 15, 1969, to a revised total of $3,715,527,000 by the new administration, a reduction of $45 million, all of which was made in research and development. This request for $3,715,527,000 is $297,546,000 less than the amount authorized for fiscal year 1969 but, perhaps more significant, it will establish a program level very close to the fiscal year 1969 operating plan approved for the National Aeronautics and Space Administration. Last year I stated to the Senate that a program at this level would, in my judgment, barely enable us to move forward in this important area of science and technology. The committee, however, agreed that the fiscal situation necessitated a carefully scrutinized and very modest program until we could see some relief from the need for fiscal austerity. Our review of fiscal year 1969 activities at this time reveals that the fiscal year 1969 program was indeed a minimum one. This year we find the situation not measurably changed and, therefore, again we must take a careful measure of national needs—one of which, in my opinion, is to maintain a strong national posture in research and technology. The bill which we are recommending required a careful structuring of the many NASA programs and a most judicious use of resources in order to operate at this budget level and still make minimal progress on very modest future projects judged essential to maintain our space preeminence. The committee in its deliberations took into account the fact that the budget request for the National Aeronautics and Space Administration had undergone reviews by two administrations prior to analysis by the committee; and possibly a more important factor considered in reporting out this bill that we have just completed the first decade in space and were about to undertake the now successful Apollo 11 lunar landing attempt, all of which dictates that a longer look ahead is required.

In this regard, the President earlier this year constituted a Space Task Group to examine the long-range objectives for the national space program and to make recommendations to him on September 1, 1969. Therefore, Mr. President, it was the committee's belief that we should recommend not only a sound, orderly, and austere ongoing program for fiscal year 1970, but also one which at the same time would have the necessary ingredients and flexibility with which to respond to significant recommendations of the Space Task Group. These recommendations were released on September 15 and a brief review within the time available indicates that they are compatible with the program provided for in H.R. 11271, as amended, and recommended by your committee.

The bill contains $3,019,927,000 for research and development, an amount $13.5 million more than requested; $58.2 million for the construction of facilities program, which agrees with the administration request; and finally $637,400,000 for research and program management, representing a cut of $13.5 million. For clarification I might add that the latter category is a retitling of the appropriations category previously entitled "Administrative operations" with the thought that the title "Research and program management" would be more descriptive of the activities involved. The authorization for research and development is identical in all respects to the administration's request with one exception—a $13.5 million increase for the nuclear rocket program. I will discuss this item more fully later in my statement, but briefly, this is the only program in existence designed to provide the Nation with a large space propulsion capability. This development should have

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been initiated in fiscal year 1969 to maintain momentum in the technical progress demonstrated in the program. The modest increase is intended to assist in recovering some of the momentum lost due to the delay in initiation of engine development.

In the construction of facilties program your committee is recommending only those facilities which are necessary for continuing previously authorized projects in an efficient manner, which represent a national need as illustrated by the aircraft noise reduction laboratory proposed for the Langley Research Center and which represent major maintenance or alterations essential to maintain the large NASA plant in good working order. The research and program management request has been reduced $13.5 million on the belief that NASA can and should effect more economies in manpower utilization both in its direct and contractor support activities. In making this recommendation your committee recognized that NASA had reduced its permanent employment during the prior fiscal year; however, the committee continues to be concerned about the growth of this part of the budget when major programs of the agency have matured and the agency itself should have attained a degree of stability warranting careful examination of its staffing patterns.

REVIEW OF PAST YEAR

Senators may recall that last year at this time NASA was still recovering from the Apollo 204 spacecraft fire at the Kennedy Space Center in January 1967, a recovery that took much longer than originally forecast. The first manned Apollo flight—Apollo 7—was launched October 11, 1968, and that highly successful flight provided assurance that the redesign of the spacecraft and the other corrective measures undertaken as a result of the Apollo 204 accident had been most effective. Following the analysis of the difficulties experienced during the second unmanned Saturn V flight, Apollo 6, on April 4, 1968, a judgment was made that the Saturn V was capable of supporting a manned mission safely and this, combined with the October experience with the Apollo spacecraft, led to the decision to undertake the highly successful Apollo 8 flight around the moon and into lunar orbit in December last year. Continued success in the Apollo manned flight program was achieved by Apollo 9 which demonstrated the operation of all lunar landing hardware in an earth orbital exercise, and by Apollo 10 which demonstrated crew, space vehicles and mission support facilities performance during a manned lunar mission including lunar module separation, exercise, rendezvous and docking in lunar orbit. These progressive, successful performances led NASA to the decision to undertake the lunar landing objective with Apollo 11 launched on July 16, 1969.

I am sure every Member of this body is aware of the historic achievement with the landing of Apollo 11 on the moon on July 20 and the successful return to earth on July 24. This is an achievement in which the entire Nation should take great pride.

As I am certain all of you are familiar with the Apollo flight successes, you may not be as fully aware of some very significant achievements in other areas of responsibility of the National Aeronautics and Space Administration. On November 8, 1968, NASA launched successfully Pioneer IX, an interplanetary scientific spacecraft to collect data on electromagnetic and plasma properties of the interplanetary medium. This launch also carried a "piggyback" satellite—TETRS–2, a network training satellite. This was followed on December 7 by the launch of the second orbiting astronomical observatory. This spacecraft, at 4,436 pounds, is the heaviest, most complex unmanned scientific spacecraft we have launched and is designed to investigate celestial objects in the ultraviolet region of the electromagnetic spectrum. This spacecraft is still operating properly.

The Mariner VI and Mariner VII spacecraft were launched on February 24 and March 27, 1969, respectively, on fly-by missions to the planet Mars to perform investigations of the Martian atmospheric structure and to return television pictures of surface topography. Both missions were very successful. Mariner VI passed within 2,100 miles of the surface on July 31 and returned both approach and fly-by television pictures. Mariner VII, essentially a twin spacecraft, arrived at the planet Mars on August 5, flew within 2,000 miles of the planet utilizing a different approach pattern, and also returned excellent data.

On April 14, 1969, Nimbus III, a meteorological development satellite, was launched into a 600-nautical-mile orbit and demonstrated the ability to make vertical measurements of atmospheric temperature. NASA, in its role of supporting other organizations with launch services, launched three weather satellites for the Environmental Science Services Administration and three communications satellites for Intelsat.

NASA continued its work in advanced research and technology, including a demonstration project on the reduction of aircraft engine noise from commercial jet aircraft, and continued to make significant progress in the technology phase of the nuclear rocket program as evidenced by successful experimental engine testing. In fact, recently the experimental engine was run at full power for the first time at the Nuclear Rocket Development Station in Nevada. This engine is the springboard for the flight engine development, the initiation of which is included in the nuclear rocket program in this budget.

Mr. President, at this point, if there be no objection, I ask unanimous consent to have printed in the RECORD a chart showing the NASA authorization request, the action of the House in passing H.R. 11271, and the actions of your committee as set forth in H.R. 11271 as amended.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL ADJUSTMENTS TO NASA, FISCAL YEAR 1970 REQUEST—SUMMARY

[In thousands of dollars]

	Budget request	House action	Senate committee action
Research and development:			
Apollo	$1,691,100	$1,766,800	$1,691,100
Space flight operations	225,627	344,827	225,627
Advanced missions	2,500	2,500	2,500
Physics and astronomy	117,600	112,600	117,600
Lunar and planetary exploration	138,800	131,800	138,800
Bioscience	20,400	27,400	20,400
Space applications	128,400	138,400	128,400
Launch vehicle procurement	112,600	114,200	112,600
Sustaining university program	9,000	9,000	9,000
Space vehicle systems	27,500	30,000	27,500
Electronics systems	33,550	35,000	33,550
Human factor systems	22,100	23,600	22,100
Basic research	20,250	21,400	20,250
Space power and electric propulsion systems	36,950	39,900	36,950
Nuclear rockets	36,500	50,000	50,000
Chemical propulsion	22,850	28,100	22,850
Aeronautical vehicles	77,700	80,900	77,700
Tracking and data acquisition	278,000	293,000	278,000
Technology utilization	5,000	5,000	5,000
Total	3,006,427	3,264,427	3,019,927
Construction of facilities:			
Electronics Research Center	8,088	8,088	8,088
Goddard Space Flight Center	670	670	670
John F. Kennedy Space Center	12,500	12,500	12,500
Langley Research Center	4,767	4,767	4,767
Manned Spacecraft Center	1,750	1,750	1,750
Wallops Station	500	500	500
Various locations	26,425	26,425	26,425
Facility planning and design	3,500	3,500	3,500
Total	58,200	58,200	58,200
Research and program management	650,900	643,750	637,400
Grand total	3,715,527	3,966,377	3,715,527

Mr. CANNON. Mr. President, your committee is recommending $3,019,927,000 for research and development, $58,200,000 for the construction of facilities, and $637,400,000 for research and program management. The bill total of $3,715,527,000 represents an amount $250,850,000 below the House action on H.R. 11271, and an amount equal to the NASA request.

The recommended amount of $3,019,927,000 for research and development is $13.5 million above the NASA request and $244,500,000 below the amount approved by the House. $1,619,100,000 is for the Apollo program, a program which represents the establishment of this Nation's capability and superiority in manned space flight and which was demonstrated so superbly for all the world to see during the Apollo 11 mission. This success, however, makes it imperative that provision be made for maintaining this national achievement and, therefore, your committee is recommending an ongoing program utilizing available Apollo hardware to continue a program of lunar exploration beyond the very preliminary look possible during the initial landing. This program will be conducted at a slower pace as represented by a tentative schedule of three launches per year as opposed to the 2½-month launch interval—five per year—on which the Apollo program has been operating. Briefly, lunar exploration envisions visits to other areas of the moon—possibly as many as nine over a period of 3 years—and the implantation of scientific instruments and the conduct of other scientifically directed activity to expand our knowledge of this earth's satellite.

Your committee is also recommending the continuation of the previously authorized and initiated earth orbital manned space flight activity identified as Apollo Applications. This year, however, Apollo Applications has been included as a project in a new program item in the bill entitled "Space Flight Operations" which also encompasses earth orbital space station studies and follow-on launch vehicle production. The recommended amount for this program is $225,627,000, of which $134,327,000 is for Apollo Applications. The objectives of the Apollo Applications project continue unchanged with flights of 28- and 56-day duration in earth orbit designed to test the ability of man to live and perform useful work in space for extended periods of time. To look ahead toward the objective of increasing the use of space technology for earth applications your committee is recommending a modest amount of $9 million for space station and low-cost transportation system studies. In addition, this program line item supports the significant decisions, reflected in the amended budget submitted to the Congress, to continue production of the Saturn V launch vehicle. Your committee fully supports this decision and is recommending approval of $46 million to start production of three more launch vehicles inasmuch as this is the only large booster in the Nation's stable and one which has performed admirably. Therefore, we believe it is only prudent to continue to have this capability available to the Nation. In summary, your committee is recommending a manned space flight budget of $1,919,227,000, an amount about $360 million below last year's authorization and $258 million under the agency's operating plan for fiscal year 1969. H.R. 11271 as approved by the House authorizes $204,900,000 above the administration's request and above that amount which your committee recommends for manned space flight. These increases were reviewed with NASA witnesses during the committee hearings and as a result, it is your committee's judgment that these additional amounts are not necessary or warranted at this time.

For the programs in the Office of Space Science and Applications, H.R. 11271, as amended, contains a total of $517,800,000, a net increase of about $41 million above the amount authorized in fiscal year 1969. The principal reason for this increase is the funding for the Mariner-Mars 1971 and the Viking-Mars 1973 unmanned planetary spacecraft projects and funding for the earth resources and other applications technology satellites, all of which were authorized in prior years. These programs are in an advanced development stage thereby requiring significant increases in funding over that required last year. There are, however, reductions in the physics and astronomy and the bioscience programs amounting to $26 million below the fiscal year 1969 authorization. In addition to continuing support for the Mars planetary projects, your committee is recommending $3 million to initiate a Venus-Mercury Mariner-type spacecraft mission in 1973 to take advantage of the positioning of the planets at that time which permits reaching Mercury with less energy and at less cost. This is a rare opportunity and I believe it is important that we take advantage of it in order to obtain basic knowledge of this planet about which we know practically nothing. This represents, of course, a new start but the mission does utilize a proven and relatively economical spacecraft, and it is the type of scientific mission which I think we should encourage NASA to employ. For these reasons, the committee did not agree with the deletion of this flight project by the House. The physics and astronomy program will be conducted at the $117.6 million level, slightly less than that for fiscal year 1969. The orbiting astronomical observatory project will be continued and hopefully will produce another spacecraft as successful as OAO-II which I have already referred to. The complex orbiting geophysical observatory spacecraft is being phased out with the final launch on June 5, 1969, and NASA is proposing to introduce small scientific spacecraft to continue the scientific investigations in the environment previously covered by the geophysical observatories. Similarly NASA is proposing to start two small astronomy explorers and again the committee endorses the adoption of the smaller, less complex and less expensive spacecraft as proposed herein and as recommended by the Space Science Board.

The administration in the budget amendment submitted in April 1969, recommended cancellation of the biosatellite F spacecraft scheduled to be the second 30-day primate mission. The first primate mission was launched June 28, 1969, and was terminated on July 7 due to progressively poorer response from the primate. The primate died shortly after recovery. Cancellation of biosatellite F followed the cancellation last fall of the two 21-day biosatellite flights scheduled to carry plantlife and body cell experiments. Your committee has examined this program quite carefully both prior to and during the hearings, and it concurs with NASA's plan to undertake a thorough examination of the objectives of this program including a special review by the National Academy of Sciences. Following the reexamination, a determination will be made as to the optimum methods for achieving the program objectives. In view of this status your committee recommends adoption of the administration's budget request of $20.4 million, a reduction of $12 million in the original budget and a reduction of some $13 million in the funding authorized for this program in fiscal year 1969. Your committee, therefore, does not agree with the action of the House in reinstating the biosatellite F mission.

Your committee is recommending $128.4 million, an increase of about $30 million above fiscal year 1969 for the projects encompassed by the space applications program. In view of the potential benefits to terrestrial problems, your committee undertook a special review of the earth resources survey project and heard witnesses from the Department of Commerce's Environmental Science Services Administration, the Department of the Interior's Geological Survey, and the Department of Agriculture. Your committee recommends full support of the earth resources survey project budgeted at $25.1 million and is urging that NASA give priority attention to development of the earth resources technology satellite. The House bill has increased by $10 million the amount allocated to this project; however, testimony before the committee did not indicate that more than doubling the allocation in one fiscal year would improve the schedule. Your committee is also recommending the approval of $3.6 million to initiate the synchronous meteorological satellite project as a significant step toward improving the meteorological data being returned to earth since it is designed to provide continuous coverage of weather systems. In addition, $41 million is included for the ongoing applications technology satellite project which is designed to develop improved spacecraft technology in the areas of communications, meteorology, and general spacecraft technology.

An amount of $112.6 million is proposed for the procurement of launch vehicles for the unmanned space flight projects. This amount is controlled by the scheduling of the various flight projects and, therefore, is necessary in order to support the programs already approved.

The House made several additions and deletions to the space science and applications programs, most of which I have mentioned. The net effect of these adjustments is a $6.6 million increase in the total amount for these programs above that proposed by your committee. Aside from the monetary increase, the effect of these adjustments on selected project proposals for research activities is quite severe in some cases and your committee does not agree that these should be made.

H.R. 11271, as amended, includes $290.9 million for the programs administered by the Office of Advanced Research and Technology in NASA. These programs encompass the advanced research and technology efforts which underlie future advances in aeronautics and space as well as contribute to the general advancement of scientific knowledge in the United States. The total amount for this

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group of programs is about $5 million above the fiscal year 1969 operating level. Your committee considers this entire area vital to maintain national technological strength; and while your committee is recommending approval of the budget request in every program except one—the nuclear rocket program where an increase of $13.5 million is included—if the fiscal constraints were not so critical at this time, I believe we would have recommended increases in additional programs. The nuclear rocket program involves the development of a space nuclear propulsion capability at a thrust level far beyond that attainable through other approaches at this time, and your committee is firmly convinced that the Nation should continue to pursue this development most energetically to assure that the capability will be available to the Nation to support those activities it may desire to undertake in the future. In addition, this program which has had a highly successful technology phase, solidly evidenced by testing successes, has recently demonstrated the successful performance at full power of the experimental engine which will be the foundation for the 75,000-pound thrust NERVA engine development. This bill includes $50 million, an increase of $13.5 million above the NASA request for the nuclear rocket program for the initiation of the 75,000-pound thrust nuclear engine development—an action which was deferred from fiscal year 1969. Your committee is convinced that this work must be initiated in fiscal year 1970 or the capability to do so will be lost and will be most expensive to regain. The House concurs fully in the funding recommendation for this program.

I will speak briefly on the aeronautics program of NASA. The fact that it is a prime responsibility of the agency is often forgotten in the larger context of space activity. Nevertheless aeronautical research, and its products, based upon studies by this committee, make a substantial dollar contribution to the economy of the Nation aside from travel conveniences we frequently avail ourselves of. The program line item budget for aeronautics that your committee recommends for fiscal year 1970 is $77.7 million. This represents an increase of $2.8 million over the fiscal year 1969 authorization, and I believe that this is well warranted and deserves your support.

Aside from the nuclear rocket program with which your committee is in agreement with the House, the House has approved minor increases in each advanced research and technology program. These total $18 million for seven programs. While these may have merit, the fact that an overall program balance has been established by NASA and that each increase is very small and, therefore, difficult to measure, your committee is not convinced from its review that these increases should be made.

An amount of $278 million is recommended for the tracking and data acquisition program. This program supports both manned and unmanned space flights in tracking the spacecraft, issuing commands, retrieving data, maintaining communications—all of which is vital to the success of all space flight activity. The amount recommended is essentially the same as that in the fiscal year 1969 operating plan—a year of extensive flight activity—and it reflects a reduction of $20 million from the original budget request. NASA witnesses testified that with the proposed stretchout of the launch interval and the reduction in the number of Apollo flights per year following the lunar landing, the program can provide the proper level of support with this budget for fiscal year 1970. Accordingly your committee does not agree with the House-approved amount of $293 million, an increase of $15 million for this program.

Your committee recommends a continuation of the sustaining university program at the $9 million level established in fiscal year 1969. Your committee supports an increase of $1.2 million in the technology utilization program in fiscal year 1970 for a total authorization of $5 million to provide for the dissemination of research and technology developed in the space program to the community at large.

CONSTRUCTION OF FACILITIES

The administration requested $58.2 million for the NASA construction of facilities program. Your committee is recommending adoption of this request which also has been approved by the House. The largest single amount in the request is $17 million, which is the second and final increment of funding for the two 210-foot deep space antennas now being constructed in Australia and Spain. These are essential to the conduct of the unmanned planetary missions approved in prior years and for which hardware is now in active development. Another significant item is $8,088,000 for the construction of a combined computer and instrumentation research laboratory at the electronics research center. This facility represents a continuation of the facility construction program now under way at this center. This project will provide research facilities for scientific personnel engaged in these technical areas and will, when completed, release space now being rented for this purpose. A third major facility proposed for authorization in H.R. 11271 is an aircraft noise reduction laboratory estimated to cost $4,767,000 and to be located at the Langley Research Center. With the increasing concern about noise in the environment, particularly that generated by aircraft operations, NASA has been repeatedly urged to increase its efforts on noise research and noise reduction. It is the purpose of this facility to provide the laboratory space with which to undertake this responsibility—a capability which does not otherwise exist in this Nation today. The remaining projects in the construction of facilities authorization category may be classified as supplements to existing facilities, major maintenance items, or modifications designed to improve their efficiency or utility in support of approved activities at the various NASA installations.

RESEARCH AND PROGRAM MANAGEMENT

Your committee is recommending $637.4 million for research and program management, a reduction of $13.5 million in the administration's request. As I mentioned previously, this authorization category was formerly known as administrative operations and has been retitled to make it more descriptive of the activities represented in this category. Research and program management funding provides for personnel, travel, and other expenses associated with program direction and administration, for the conduct of in-house research programs and for the operation of NASA installations of which there are 11. Approximately 71 percent of the amount recommended is for salaries and related personnel expenses. The remainder supports the several NASA centers with housekeeping, utility, computer, and other services and supplies.

Your committee recognizes that a large percentage of NASA's personnel complement is scientists, engineers, and supporting technicians, and it also notes that there has been some reduction in the permanent positions in the agency in fiscal year 1969. However, your committee is convinced that economies can be made throughout this appropriations category and accordingly is recommending a reduction of $13.5 million for a total authorization of $637,400,000. The House approved $643,750,000, a reduction of $7,150,000 in the NASA request.

LEGISLATIVE CHANGES

The House approved four legislative amendments which were not included in the administration's fiscal year 1970 budget request for NASA. Without expressing agreement or disagreement with the rationale in these amendments, your committee has not included them in its amendment to the House bill recognizing the fact that these amendments will be in conference and subject to further consideration by the conferees.

Your committee in its final deliberation on this bill recommended the reinsertion of an amendment introduced by Senator CURTIS and approved by the Congress last year. This amendment included as section 1, subsection (h) would bar the use of fiscal year 1970 funds for the payment of grants to any college or university whose administration refused to permit recruiters from the military services to conduct recruiting activities on campus. The Administrator of NASA may make an exception if termination of funding of a project is found to have an adverse effect on the aeronautics and space program.

This concludes my statement, Mr. President. I believe this is a carefully structured program, and also one that is a minimum with which to maintain our capability and preserve the leadership position in space that we have worked so long and diligently to attain. I urge the support of my colleagues for this bill.

Mrs. SMITH of Maine. Mr. President, I would like to thank the able junior Senator from Nevada for his kind remarks, and also commend the distinguished chairman of our committee for his excellent handling of the NASA authorization hearings.

Inasmuch as the chairman's statement contains a thorough analysis of each major activity to be authorized, I will not take the time of the Senate for further explanation. However, I would like to make some overall observations of the NASA bill and of our space exploration efforts to date.

Our Nation has fulfilled its first major commitment—landing a man on the moon and returning him safely to earth before the end of the decade. This spectacular scientific achievement has brought accolades to our Nation from every part of the world. But of even greater significance—this achievement demonstrates that we are maintaining a strong scientific and technological base which is so necessary to our country's continued growth and prosperity.

Notwithstanding the successes accomplished by NASA, not only in the lunar program but in the various unmanned space exploration programs as well, I point out to my colleagues that the bill before you is extremely minimal in regard to the amounts authorized. You will note that the committee is recommending an authorization of about $3.7 billion which is equal to President Nixon's revised budget request and $45 million less than the original budget submitted by President Johnson. By further comparison, the recommended authorization is $250 million less than the amount authorized by the House and over $435 million less than the total amount recommended by your committee in the last fiscal year.

I believe the bill clearly illustrates that the committee is fully mindful of the tremendous economic pressures facing our country today. The bill contains no funds for crash programs, but rather contains minimum authorization amounts necessary to assure a continued return from our space investments.

It is for the above reasons that I fully support the NASA authorization bill, H.R. 11271, and, as ranking minority member of your Space Committee, I join the chairman in commending its passage to our colleagues.

REDUCTIONS IN THE NASA BUDGET

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from New Mexico (Mr. ANDERSON), I ask unanimous consent to have printed in the RECORD a statement of facts regarding the reductions in the NASA budget.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SOME FACTS REGARDING THE REDUCTIONS IN THE NASA BUDGET

The bill reported by the Committee recommends an FY 1970 authorization for NASA of $3,715,527,000. This is identical to the Administration's request.

It is $250 million less than the amount provided in the NASA authorization bill already passed by the House.

It is $655 million below the request of last year.

It is $435 million below the Committee's recommendation for last year.

It is $297 million less than the amount authorized for last year.

It is $280 million less than the amount appropriated to NASA last year.

NASA's authorization has been reduced every year beginning with FY 1965 so that the amount, $3,715,527,000, recommended by the Committee for FY 1970 is $1.6 billion less than the amount, $5.35 billion, authorized in FY 1964. This is a reduction every year for six years amounting to 30 percent.

Expenditures in NASA during the past four fiscal years have been reduced from about $6 billion in FY 1966 to less than $4 billion estimated for FY 1970—a reduction of over $2 billion or 33 percent during a period of four years.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT No. 3

At the end of the Act add a new section as follows:

"SEC. 7. (a) As used in this section—

"(1) The term 'aerospace contractor' means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the National Aeronautics and Space Administration in connection with any aerospace system.

"(2) The term 'services and materials' means either services or materials or services and materials which are provided as a part of or in connection with any aerospace system.

"(3) The term 'aerospace system' includes, but is not limited to, any rocket, launch vehicle, rocket engine, propellant, spacecraft, command module, service module, landing module, tracking device, communications device, or any part or component thereof, which is used in either manned or unmanned spaceflight operations.

"(b) Any former employee of the National Aeronautics and Space Administration who at any time during the five-year period immediately preceding his termination of employment with the National Aeronautics and Space Administration was directly engaged in the procurement of any aerospace system or directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any aerospace system; or who served during the five-year period immediately preceding his termination of employment with the National Aeronautics and Space Administration at the factory or plant of an aerospace contractor in connection with work being performed by such contractor on any aerospace system; or who was employed by the National Aeronautics and Space Administration during the five year period preceding the termination of his employment at an annual salary rate of GS–15 or higher; and who

"(1) was employed for any period of time during any calendar year by an aerospace contractor,

"(2) represented any aerospace contractor during any calendar year at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the United States by such contractor, or

"(3) represented any such contractor in any transaction with the National Aeronautics and Space Administration involving services or materials provided or to be provided by such contractor to the National Aeronautics and Space Administration,

shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

"(1) His name and address.

"(2) The name and address of the aerospace contractor by whom he was employed or whom he represented.

"(3) The title of the position held by him with the aerospace contractor.

"(4) A brief description of his duties with the aerospace contractor.

"(5) A brief description of his duties while employed by the National Aeronautics and Space Administration during the three-year period immediately preceding his termination of employment.

"(6) A description of any work performed by him in connection with any aerospace system while employed by the National Aeronautics and Space Administration, if the aerospace contractor by whom he is employed is providing substantial services or materials for such aerospace system, or is negotiating or bidding to provide substantial services or materials for such aerospace system.

"(7) The date of the termination of his employment with the National Aeronautics and Space Administration, and the date on which his employment with the aerospace contractor began and, if no longer employed by such aerospace contractor, the date on which his employment with such aerospace contractor terminated.

"(8) Such other pertinent information as the Administrator may require.

"(c) Any employee of the National Aeronautics and Space Administration who was previously employed by an aerospace contractor in any calendar year and—

"(1) who is directly engaged in the procurement of any aerospace system or is directly engaged in the negotiation, renegotiation, approval, or disapproval of any contract for the procurement of services or materials for or in connection with any aerospace system, or

"(2) who is serving or has served as a representative of the National Aeronautics and Space Administration at the factory or plant of an aerospace contractor in connection with work being performed by such contractor on any aerospace system,

shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than March 1 of the next succeeding calendar year, a report containing the following information:

"(1) His name and address.

"(2) The title of his position with the National Aeronautics and Space Administration.

"(3) A brief description of his duties with the National Aeronautics and Space Administration.

"(4) The name and address of the aerospace contractor by whom he was employed.

"(5) The title of his position with such aerospace contractor.

"(6) A brief description of his duties at the time he was employed by such aerospace contractor.

"(7) A description of any work performed by him in connection with any aerospace system while he was employed by the aerospace contractor or while performing any legal services for such contractor, if such contractor is providing substantial services or materials for such aerospace system or is negotiating or bidding to provide substantial services or materials for such aerospace system.

"(8) The data on which his employment with such contractor terminated and the date on which his employment with the National Aeronautics and Space Administration began thereafter.

"(9) Such other pertinent information as the Administrator may require.

"(d)(1) No former employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any year in which he was employed by an aerospace contractor if the total

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cost to the United States of services and materials provided the United States by such contractor during such year was less than $10,000,000; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section if the total cost to the United States of services and materials provided the United States by the aerospace contractor by whom such employee was employed was less than $10,000,000 in each of the applicable calendar years that he was employed by such contractor.

"(2) No former National Aeronautics and Space Administration employee shall be required to file a report under this section for any calendar year on account of employment with the National Aeronautics and Space Administration if such active duty or employment was terminated three years or more prior to the beginning of such calendar year; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any calendar year on account of employment with or services performed for an aerospace contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such calendar year.

"(e) The Administrator shall, not later than May 1 of each year, file with the President of the Senate and the Speaker of the House of Representatives a report containing a list of the names of persons who have filed reports with him for the preceding calendar year pursuant to subsections (b) and (c) of this section. The Administrator shall include after each name so much information as he deems appropriate, and shall list the names of such persons under the aerospace contractor for whom they worked or for whom they performed services.

"(f) Any former employee of the National Aeronautics and Space Administration whose employment with an aerospace contractor terminated during any calendar year shall be required to file a report pursuant to subsection (b) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with the National Aeronautics and Space Administration terminated during any calendar year shall be required to file a report pursuant to subsection (c) of this section for such year if he would otherwise be required to file under such subsection.

"(g) The Administrator shall maintain a file containing the information filed with him pursuant to subsections (b) and (c) of this section and such file shall be open for public inspection at all times during the regular workday.

"(h) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than $1,000, or both.

"(i) No person shall be required to file a report pursuant to this section for any year prior to the calendar year 1970."

Mr. PROXMIRE. Mr. President, this amendment is a companion to another amendment I offered to the 1970 military authorization bill. That amendment was agreed to by the Senate on September 9, 1969, by a vote of 90 to 0.

I have discussed this amendment with the distinguished Senator from Nevada (Mr. CANNON) and the distinguished Senator from Maine (Mrs. SMITH). It is my understanding that there is no opposition to the amendment on the part of the leadership of the bill. I shall briefly make a few remarks to explain the amendment for the RECORD.

SUNLIGHT IS A GREAT DISINFECTANT

Mr. President, the fundamental purpose of this amendment is exactly the same as the one that was adopted for the military authorization bill: sunlight is a great disinfectant. The amendment would require former employees of NASA, who worked on procurement or other contractual work while at NASA, and who now work for companies who do more than $10,000,000 of business annually with NASA, to disclose certain facts to the NASA Administrator by March 1 of each year. The amendment would also apply to any former NASA employee whose annual salary was GS-15 or higher, whether or not he worked directly on procurement.

The information to be disclosed would include their names, title and description of their work at NASA during the 5 years prior to retirement, the date of retirement, the date of employment with the contractor, and the title and description of their work with the contractor. In addition the amendment would require a declaration of any work on planning, research, or decisionmaking on any product, contract, aerospace system or component in which the employee was involved while at NASA and in which his employee was involved while at NASA and in which his employer has a substantial interest.

The amendment would not require any salary information to be divulged.

DISCLOSURE ALSO REQUIRED FOR FORMER AEROSPACE EMPLOYEES

Similarly, the amendment calls for the same type of disclosure by present NASA employees who previously worked for an aerospace contractor doing more than $10,000,000 in business with NASA. It requires disclosure by them of any work by them on specific products, research, aerospace systems or components in which his previous employer had a substantial interest, in order that conflicts may not develop.

The amendment requires that the information be open to inspection by the press and public at NASA.

The amendment also calls for the Administrator to make an annual report to Congress by May 1 of each year giving the information in an organized and tabulated form. While the reporting requirement in the bill has been written in general terms, in order to avoid requiring an excessive amount of data, it is nonetheless the intent of this provision that the pertinent information be provided or summarized.

DATA TO BE OPEN FOR PUBLIC INSPECTION

Mr. President, essentially what my amendment would do is to make this information available on a regular basis to Congress, to the press, and to the public. While I am certain that the number of conflicts that do arise in the two-way traffic that exists between NASA and aerospace contractors is relatively small, and while I am even more certain that the number of deliberately created conflicts are very small indeed, this amendment will go a long way toward eliminating those conflicts that do exist now, or those that might otherwise arise in the future. This in turn will insure that contracts between the space agency and aerospace contractors are negotiated and executed on an arms-length basis.

AMERICAN TAXPAYER ENTITLED TO 100 CENTS ON THE DOLLAR

The American taxpayer is entitled to receive 100 cents of benefits for every dollar that is spent on the U.S. space program. My amendment seeks to make good on this obligation.

Mr. President, when I offered a similar amendment in connection with the military authorization bill the distinguished Senator from Maine suggested that this amendment should not simply apply to the military but to other procurement programs. I think this was an excellent suggestion and this is the principal reason I have offered the amendment today. I intend to offer it to other procurement measures as they come up.

Mrs. SMITH of Maine. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Maine.

Mrs. SMITH of Maine. Would the Senator advise me if his amendment covers the $100 a day consultants?

Mr. PROXMIRE. We handle this the same way we handle the $100 consultants in the military. In other words, if it is within the definition here of those who work for a contractor who does a $10 million business a year with NASA, they would be covered.

Mrs. SMITH of Maine. I thank the Senator from Wisconsin very much.

Mr. CANNON. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. CANNON. I have discussed this with the distinguished Senator. I believe it is a good amendment. I supported it and voted for it when it came up on the military authorization bill. I think that if we are going to have it in that area, we should have it in other areas dealing with the Government. I therefore am willing to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, I want to apologize to my colleagues for bringing up these amendments at this late hour. It is late. I know that all of us would like to go home for dinner. This is an imposition on my fellow colleagues. At the same time, I should like to explain why it is necessary to do this now. I understand that the Senate will convene tomorrow at 10 o'clock a.m., and I shall be tied up in hearings at that time and will not be able to be here at that time.

Thus, this is the only time these amendments could be offered and I do wish to discuss them, even though the circumstances are such that I do not intend to press them to a vote at this time. I intend merely to explain them and explain why I think it is necessary for the Senate to consider the points I raise.

THE 1970 NASA AUTHORIZATION: AN APPROPRIATE TIME FOR REAPPRAISAL

Mr. President, as the Senate considers H.R. 11271, the NASA authorization bill for fiscal 1970, I think this is an appropriate time to ask a few questions about where the space program is going, and what we hope to accomplish during the next decade.

This is certainly an apt time for reevaluation. It was at the beginning of the 1960's that President Kennedy made his historic speech to a joint session of Congress that committed the United States to go to the moon within the decade. This challenge set the Nation's space program into high gear. Cape Canaveral—now Cape Kennedy—was expanded, the Manned Space Center in Houston came into being, the aerospace industry geared up its facilities, NASA built its personnel up to 420,000 employees, overwhelming media coverage of space flights whipped up public enthusiasm for the moon landing goal, and Congress played its role by providing funds of up to $6 billion a year for space activities.

Two months ago, the Nation achieved its goal of landing a man on the moon.

I know of no previous instance where the will of an entire Nation was galvanized to such an extent upon a single goal. Few would deny the outstanding nature of this achievement. Some have compared it to Columbus' voyage to the New World; President Nixon has said that the 8-day journey of Apollo 11 was the greatest week since the Creation.

MOON LANDING DOES NOT CURE SOCIAL PROBLEMS

Whether one agrees or disagrees with these statements is not particularly important. What is important, and what has tended to get lost in the singlemindedness of this mission and the glow of the praise and glory heaped on Apollo 11, is the tremendous sacrifice that this country made in order to reach the moon before midnight, December 31, 1969. While $24 billion was being spent to put a man on the moon, our urban ghettos exploded, our poverty programs languished, our surface transportation system choked to a crawl, our housing shortage became more acute, our national crime statistics grew to alarming proportions. And we have suffered one of the most serious periods of inflation in our history with more inflation to come—far more—in part from our space spawning. In addition, far too little progress was achieved in the key areas of education, medical research, and environmental control. And many Americans are one the verge of a taxpayers' revolt. While our attention has been focused on the heavens, our social problems have festered to a critical level.

Mr. President, the United States can no longer afford the luxury of spending untold billions on space while domestic ills go unheeded. Now that the moon landing goal has been achieved, the time is ripe for a wholesale reappraisal of the space program: Where is it going? What do we hope to accomplish? How soon should we—not can we—achieve our objectives? And, what are the prospects for international cooperation in this area?

Mr. President, these questions should be answered before Congress approves the NASA authorization bill for the present fiscal year. It would be irresponsible of us to do otherwise. We have reached a turning point in our exploration of the universe. We cannot go on blindly with the space program as it is—including three manned flights to the moon a year—without giving heed to other legitimate demands on our resources.

TIME TO REASSESS PRIORITIES

Now is the time, Mr. President, to reassess our spending priorities in these areas.

INTERNATIONAL COOPERATION IN SPACE

Perhaps the most important question that we should be asking ourselves is: Must we go it alone?

When the space age opened on October 4, 1957, with the dramatic flight of Sputnik I, the United States and the Soviet Union entered into a breakneck race to be first with a man on the moon. In recent years, though, there appears to have been a slackening in the Soviet effort, prompted perhaps by the Soviet realization that the space race was not worth the tremendous investment of limited Soviet resources. For the past few years, the United States has had the field to itself. Not entirely to itself, of course, but we have steadily moved far out in front of the Russians.

This solitary position at the head of the space race has brought some intangible but significant dividends in terms of international prestige. Having achieved this preeminent position, however, we can afford—in terms of prestige—to share the knowledge we have gained, and the opportunity to extend the reaches of that knowledge, with the international community. Moreover, considering the gigantic costs of space exploration that lie ahead, I believe we cannot afford to proceed in this area without first exploring the possibilities of opening up our space program to the international community.

Accordingly, Mr. President, I hereby introduce a new section 7 to the 1970 NASA authorization bill, H.R. 11271, as follows:

> SEC. 7. Of the funds authorized pursuant to subsection 1(a) (1), $300,000,000 which has been earmarked for operations of the Apollo missions shall not be obligated or expended until the Administrator, in consultation with the State Department, has fully explored the possibilities of international cooperation and cost-sharing in space exploration, and has reported to Congress on the results of these efforts. These efforts shall include, but not be limited to,
>
> (a) the possibility of establishing an international consortium, modeled after the INTELSAT communications consortium, with NASA as manager of the operations, modeled after the Communications Satellite Corporation (COMSAT) (established pursuant to Public Law 87-624); or
>
> (b) the possibility of bringing the exploration of space exclusively within the jurisdiction and control of the United Nations, which would establish a United Nations Space Council modeled after the World Health Organization.

I ask unanimous consent that the amendment lie at the desk and be printed.

The PRESIDING OFFICER. Without objection, the amendment will be received and printed; and will lie at the desk, as requested.

INTERNATIONAL COOPERATION WOULD LEAD TO UNTOLD COST SAVINGS

Mr. PROXMIRE. Mr. President, adoption of this amendment should lead to untold cost savings. It is impossible to predict at this point just how much could be saved, but it is likely that initially the savings would be relatively modest due to the fact that as of now only one other country has a space capability that even approaches ours. However, with the passage of time, savings resulting from the decision to internationalize space exploration should be very considerable, as more and more nations contribute money, technical know-how, human resources, and equipment to this undertaking.

It has been estimated that the flight to Mars may cost $200 billion and may be even greater than that before we explore the solar system and start off somewhere else.

In addition, my amendment would make it clear to the international community that we explore space not just for national gain, but to add to the knowledge of all mankind and, hopefully, for the betterment of human conditions around the globe.

Unfortunately, there are those who probably will disagree with these idealistic purposes. Officials at the National Aeronautics and Space Administration have on a number of occasions expressed the view that the principal reason for the U.S. space program is competition. Dr. Wernher von Braun, in appearing before the Manned Space Flight Subcommittee of he House Science and Astronautics Committee in March of this year, alluded to the policy of the United States on international cooperation, and then observed:

> We cannot ignore that historically and still perhaps the most significant reason to progress in space both now and for the long range is competition with its many forms of stimulating challenge, intrigue, and threat. (House hearings, Vol. 2, pg. 489).

Earlier in those same hearings last March a very similar statement was made by Dr. George E. Mueller, NASA's Associate Administrator for Manned Space Flight:

> Historically, the first and still perhaps the most significant reason for this nation's need to progress in space is competition—competition on a worldwide basis and on several different fronts. . . . The visible results of the space program are taken by others as a basis for judgments of the technological and management strength of the nations engaging in the competition. Thus the competition contributes to shaping the world of the future and our country's role in that world. (House hearings, Vol. 2, pg. 14).

Mr. President, I could not disagree more with these statements. Aside from the arms race, I can think of nothing that is more wasteful, or more duplicative, than to have two countries—and possibly more—pursuing the same goal whose dividends will benefit all mankind.

WHAT ARE THE GOALS OF THE MOON PROGRAM?

As stated by NASA, the Apollo program is designed to provide clues to the origin and development of the moon, the earth, and the entire solar system. If this is the primary mission of the Apollo series, I can think of nothing which is less of a national character, or which has more of an international purpose, than such a goal. Surely the Russian man on the street would feel the same

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thrill of discovery as the American man in the street at new information concerning the origin of our planet and the beginnings of the human race.

Achievements in space are wholly unlike expansion of the gross national product, say. Efforts to expand the gross national product can arouse healthy competition between nations which involves no duplication and which will improve the world economic situation.

Not so the space race. Competition in space has compelled the United States and the Soviet Union to spend untold millions on development of booster rockets—rockets with sufficient thrust to launch a payload weighing a couple of hundred tons, propellants capable of delivering 7½ million pounds of thrust to the booster rocket, spacecraft which can maneuver in space and survive its perils, instruments for communicating with the space vehicle and for tracking its progress, and recovery facilities to guarantee a successful conclusion to any space mission. If the two countries had cooperated from the very beginning, the cost to each country could have been cut by more than half. I say more than half, because undoubtedly mistakes have been made along the line by each country that could have been avoided had the two countries cooperated fully from the start.

EISENHOWER CAUTIONED AGAINST SPACE RACE

Mr. President, in November of 1960, in the closing days of his administration, President Eisenhower received a report from the Eisenhower-appointed Commission on National Goals. The Commission made some very perceptive and farsighted observations with respect to the then budding U.S. space program:

> The United States should be highly selective in our space objectives and unexcelled in their pursuit. Prestige arises from sound accomplishment, not from the purely spectacular, and *we must not be driven by nationalistic competition into programs so extravagant as to divert funds and talents from programs of equal or greater importance.*

Those words of caution make a great deal of sense. The man to whom they were addressed thought so, too. President Eisenhower was never a man to rush headlong into things, and he was acutely aware of the numerous demands on the nation's resources. On receiving the report of his Commission, Eisenhower said:

> The moon has been up there a ——— of a long time. If we don't get there tomorrow, it won't go away.

If Ike's comment made good sense in 1960, it makes even more sense today. We have been to the moon. We can afford to bide our time before going back for that second, third, and fourth visit, and so on.

INTERNATIONAL CONSORTIUM FOR SPACE

I have just a few comments on the specifics of my amendment to internationalize space exploration. The amendment calls upon NASA to consider the example of the Intelsat consortium as one avenue toward international cooperation and sharing of costs. The Communications Satellite Corporation—Comsat—was set up in 1962 pursuant to the Communications Satellite Act. Since 1962 Comsat has acted as manager for the Intelsat international consortium in arranging for satellite launches, and Comsat has also served as the American representative in the consortium. Member nations own and operate earth stations that are located in their country—stations are strategically situated around the globe for the purpose of tracking the satellites and communicating with them. Since all of the launch capability and most of the technological capability is presently concentrated in the United States, Comsat, the American representative, is charged with management responsibility for the entire system. Nevertheless, the goal of global communications is one in which all nations share a common interest. This has been borne out by the resounding success enjoyed by Intelsat in the 7 years of its existence. More than 60 nations now belong to the consortium and share its costs.

The possibility of establishing a similar international consortium for space missions is certainly worth exploring. Space exploration, like global communications, is a goal in which all nations have a common interest. Success of the Comsat experiment augurs well for the approach outlined in my amendment. Of course, should NASA and the State Department recommend the establishment of such an organization, an Act of Congress would be required to set the necessary wheels in motion.

A UNITED NATIONS SPACE COUNCIL

My amendment would also direct NASA and the State Department to consider the possibility of bringing space exploration under the jurisdiction and control of the United Nations. Such a step, if recommended, would emphasize the peaceful nature of space exploration, and could even provide a mechanism for insuring against the use of space for military advantage.

Utilizing the United Nations would permit each of the 120-odd member nations to contribute whatever they could—in terms of manpower, money, equipment, technology—to the common pursuit of knowledge. The mechanism could be structured along the lines of the World Health Organization, a U.N. subsidiary whose aim of advancing the cause of science and medicine is not too far different from the U.N. Space Council which I am proposing. A corollary benefit of this approach could be to bolster and revitalize the parent United Nations, which today is little better than a world debating society.

Finally, a word of explanation regarding the sum of $300 million which would be frozen pending these studies. I have directed my amendment at the manned space program, since at present it offers more opportunities for international cooperation than the unmanned projects. The unmanned programs, such as the Mariner flights to Mars, depend almost entirely upon advanced technological knowhow—knowhow which would be difficult or impossible for other nations to contribute at the present time. The Apollo program, though, offers a unique opportunity for cooperation. I believe, for example, that a Russian cosmonaut should be invited along as one of the three-man Apollo crew at the earliest opportunity.

I am informed by NASA that since the hardware—that is, rocketry and spacecraft—for the remaining Apollo missions is well along into production, no reduction or freezing of these funds would be feasible. It is in the area of operations that cooperation and cost-sharing is particularly appropriate. According to NASA:

> The $450.6 million that is earmarked for operations is to be used for a pre-launch checkout, test, and launch effort required for the Apollo system at Kennedy Space Center and the crew flight and recovery operations managed by the Houston Manned Spacecraft Center. The maintenance of operations of launch complexes and associated Kennedy facilities as well as the computer complex at Mission Control Center, Houston, are included in this category.

I see no reason why, with reasonable training and experience, men of all nationalities could not participate in the prelaunch checkout, the launch effort, communications, tracking, and the recovery effort. In addition, sharing the costs of maintaining and operating the space centers at Cape Kennedy and Houston should be feasible, on a pro rata basis.

TWO-THIRDS OF OPERATIONS FUNDS WOULD BE FROZEN

Accordingly, my amendment pertains to two-thirds of the requested sum for Apollo operations for fiscal 1970—that portion which is to be used in the second and third Apollo launches of the fiscal year. One-third of the operations funds—those for Apollo 12 which is scheduled for a November 1969 launch—would not be affected, since preparations for that flight are already too far advanced for any feasibility studies on cost-sharing to be completed in time.

Mr. President, I shall be much briefer in discussing my other amendments.

POSTPONE MANNED LUNAR LANDINGS

My second amendment to the NASA authorization bill would delete $800 million from the Apollo program. Mr. President, amendment No. 2 to H.R. 11271, which I hereby submit, reads as follows:

> On page 10, line 14, strike "$1,691,100,000" and insert in lieu thereof "$891,100,000".

I ask that my amendment be received and printed and lie at the desk.

The **PRESIDING OFFICER**. The amendment will be received and printed and will lie at the desk.

Mr. **PROXMIRE**. Mr. President, the purpose of my amendment is a simple one: It would close down the Apollo program.

The alternative is either to internationalize it or close it down.

Mr. President, I have combed the House and Senate hearings on this bill for an understanding of what NASA expects to accomplish with the remaining nine flights. The Apollo 11 flight has already achieved the primary mission of returning lunar samples for analysis.

I think that was a very valuable flight in terms of international prestige. I would say, in retrospect, it is one of which we can be extraordinarily proud.

It achieved the emplacement of three simple devices on the moon: A solar-powered seismometer to detect moonquakes, a reflecter that will return a laser beam for more exact measurement of the earth-moon distance, and an aluminum foil detector for solar wind particles.

Later flights in the Apollo program will simply employ somewhat more sophisticated devices in an effort to retrieve more data of a similar nature. The second Apollo landing mission is designed to implant devices that can employ a nuclear isotope power supply that would permit operation of 1 to 2 years. This and other flights would use the Apollo lunar experiment package at different points on the moon to investigate the internal structure of the moon, measure its energy budget, and detect charged particles and magnetic fields at various locations. Still later flights would go to more difficult anomalous sites, in order to sample each of the major classes of anomalies. These would focus on volcanic types, sinuous riverlike channelways, fracture zones, and impact craters.

WHAT NASA HOPES APOLLO WILL ACCOMPLISH

Mr. President, I have just received a letter from NASA dated September 18, 1969, which sets out its most recent position on what it hopes the Apollo program will accomplish.

In reading from this letter, I should like to point out that I directed a letter to NASA in response to an earlier letter that I received from them, in which I asked them to be specific and tell me just exactly what we can expect to achieve by way of benefit from these moon flights, in terms of the broad benefits which the space program serves with respect to communications, with respect to meteorology, with respect to earth resources, and with respect to advancing science and technology, education, and human fulfillment.

Their response, in their letter to me, was as follows—and I think it is very interesting in indicating the paucity of value from these enormously expensive flights. As I say, we could save $800 million.

They answered:

> Manned lunar exploration in the near term will contribute primarily to the fulfillment of the human goal of exploration and to advancing our scientific knowledge and understanding of the moon and thereby of the earth and the other elements of the solar system.

In other words, all the moon flight is going to do is make us feel better. Human fulfillment. It gives somewhat better knowledge of the way the earth developed, the moon developed, and the solar system developed, but knowledge which they cannot show would be of any benefit in solving any of our domestic problems in terms of health, in terms of a better life, or in terms of improving the lot of a single human being here on earth.

They added:

> In the long run, manned exploration of the moon—like other exploration into the unknown—will undoubtedly have many other significant direct benefits which are not now foreseen.

In other words, we do not know what we are going to get. I want to make it clear that I am not saying we should end our exploration forever. What I am saying is that in this period of serious inflation, when we are faced with a taxpayers' revolt, and when we have these very urgent domestic needs, we can postpone manned lunar flights, since there is no real purpose served, and NASA cannot come up with any purpose.

NASA goes on to say:

> Our continuing program of exploration of the moon will also contribute to the other goals of a balanced total space program. For example, the laser reflectors planned for the later Apollo experiment packages will stimulate the use and development of laser technology, not only as measuring systems but as communications devices. Laser technology may hold the answer to the growing problem of radio frequency spectrum saturation which today concerns all nations as the demands for data, voice, and television communications between people and places continue to expand. Another Apollo experiment will detect and measure the solar wind from the lunar surface; the solar wind has a significant role in affecting the earth's environment, especially radio propagation and perhaps weather. Our earth orbital programs can benefit from the experience we will obtain in using manned techniques for investigating the moon from lunar orbit. Further, the precise measurements of earth-moon distances and motions made possible with laser reflectors hold promise for aiding in the understanding and prediction of terrestrial phenomena such as sea and earth tides, earthquakes, and continental drift.

Mr. President, I submit that all this can be achieved with unmanned instrumented exploration, as the President's Scientific Advisory Council 2 years ago suggested it could, especially in view of the enormous cost of this manned flight.

NO REASON TO HURRY TO THE MOON

Mr. President, there is not one iota of data in what NASA expects to obtain that we must have in a hurry. In fact, I am not sure I see the relevance of this data at all. But in any event, I do not see how the availability of this information is going to improve the quality of life here on earth, and how postponing the acquisition of this knowledge from 1972 to 1975 or 1980, or later would impede the solution to any of our earthly problems.

Moreover, it is quite possible that as a result of postponing any further lunar landings for a decade or more, NASA may, through increasing technology, be able to achieve more per mission than it could otherwise. NASA may even find at some point in the 1970's that we have learned as much as we need to know about the moon, and the remaining unused Saturn V's could be put to use on other missions.

THE "LEIF ERICSON" JUSTIFICATION

When this suggestion was put to NASA during the Senate hearings, the space agency countered with its "Leif Ericson" argument. The argument runs as follows:

> Dr. Mueller. The exploration of these norms provides only a fraction of what we require to determine whether the moon is worth exploring. It is as if we explored North America by one-day visits to the East and West Coasts, the Gulf Coast and the Great Plains. The next step required is the sampling of each of the major classes of anomalies. If we do not take this next step, we face the hazard of repeating the error of Leif Ericson, who discovered America three centuries before Columbus but failed either to return or to stimulate others to return because he found nothing of interest.
>
> Our studies have led us to the conclusion that the way to avoid the error of Leif Ericson is to examine the major classes of anomalies that we know exist on the moon. . . . (House Hearings, Vol. 2, pg. 18).

I am amazed, Mr. President, that NASA would even offer such an argument to justify the Apollo program's continued existence. The analogy is so farfetched, so inept, that the argument, in fact, cuts the other way. North America, as discovered by Leif Ericson, abounded with life, natural resources, and physical beauty. Had Ericson ventured further, he would have discovered endless examples of nature's beneficence: streams, mountains, fields, valleys, canyons, forests, multiple species of plant and animal life, and, of course, human beings.

WHAT DOES THE MOON HAVE TO OFFER?

What does the moon have to offer? By and large, we already know the answer to this question. The moon is a lifeless barren piece of rock, floating in the cold vacuum of space some 240,000 miles from earth. This is precisely why the Leif Ericson argument cuts the other way. Ericson had no idea of America's riches, and failed to explore for them, with the result that the meaningful discovery of this continent did not come until centuries later. But where the moon is concerned, we already know from our unmanned missions, plus the Apollo 11 voyage, that there is no possibility whatsoever of life, no possibility of water—indeed, no possibility of anything that would make the moon worth colonizing. Mr. President, what is our rush to get to such a barren environment?

Mr. President, I ask unanimous consent to have printed in the Record the letter from Dr. Paine from which I have just read.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Aeronautics and Space
Administration,
Washington, D.C., September 18, 1969.

Hon. William E. Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: This is in reply to your letter of September 13 asking some further questions with respect to my reply of September 12 to the questions in your letter of September 8.

1. Your first question concerns the relationship of future manned Apollo lunar missions to advances in science, applications, technology, and human fulfillment. The statement you referred to on page 4 of my September 12 letter related to the expected advances and benefits of a *balanced total* space program, i.e., a program balanced with respect to near and long-term benefits and with respect to the several goals of the space program, including space exploration, space application, scientific research, and advancement of technology. A continuing program of manned lunar exploration is one essential feature of such a balanced total program. Other essential segments of a balanced total program focus directly on fields such as communications, meteorology, earth resources, and space science. Manned lunar ex-

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ploration in the near term will contribute primarily to the fulfillment of the human goal of exploration and to advancing our scientific knowledge and understanding of the moon and thereby of the earth and the other elements of the solar system. In the long run, manned exploration of the moon—like other exploration into the unknown—will undoubtedly have many other significant direct benefits which are not now foreseen.

Our continuing program of exploration of the moon will also contribute to the other goals of a balanced total space program. For example, the laser reflectors planned for the later Apollo experiment packages will stimulate the use and development of laser technology, not only as measuring systems but as communications devices. Laser technology may hold the answer to the growing problem of radio frequency spectrum saturation which today concerns all nations as the demands for data, voice, and television communications between people and places continue to expand. Another Apollo experiment will detect and measure the solar wind from the lunar surface; the solar wind has a significant role in affecting the earth's environment, especially radio propagation and perhaps weather. Our earth orbital programs can benefit from the experience we will obtain in using manned techniques for investigating the moon from lunar orbit. Further, the precise measurements of earth-moon distances and motions made possible with laser reflectors hold promise for aiding in the understanding and prediction of terrestrial phenomena such as sea and earth tides, earthquakes, and continental drift.

I feel these examples show some of the ties which link virtually all aspects of the space program and make the the advances and discoveries in one field applicable to many others. Taken together, a balanced total space program can lead to a wholly new human understanding of the total human environment—on earth and in space.

2. In response to your question concerning the impact of an immediate decision to terminate *all* manned space flight activity including contract terminations and shutdown of centers, our best quick estimate is that approximately $800 million from the *total* NASA budget request would be saved in FY 1970. This estimate is based on the assumption that actions to terminate would be initiated after the flight of the Apollo 12 in November. I am sure you understand that this is necessarily an extremely gross order of magnitude estimate. A more accurate estimate would require a detailed analysis involving many assumptions and examination of literally thousands of individual items.

Our preliminary estimates indicate that when known liabilities are accounted for, virtually no savings would accrue in FY 1970 from closing down the Kennedy, Marshall, and Manned Spacecraft Centers. Indeed, when proper account is taken of the need to protect the government's investments in facilities and equipment, some net additional costs would probably be incurred.

In the case of terminating existing contracts for Apollo hardware, NASA obviously has not experienced a comparable program termination and, consequently, we do not have a sound basis to estimate accurately in a very short time the total consequences of such an action. Therefore, we can only base our estimates on information available concerning the termination of major programs in other agencies. Our estimate of $800 million is based, in part, on the assumption that NASA's experience would be similar to these limited cases, although we have not established that a reliable relationship exists between them.

3. From a strictly legal standpoint, the answer to your question regarding authorization for the Apollo program is that the basic activities of NASA are authorized in the National Aeronautics and Space Act of 1958, as amended. This Act, as amended, also requires the Congress to authorize appropriations for the activities of NASA and establishes the authority for NASA to enter into such contracts as may be necessary in the conduct of its work.

NASA presents all of its programs to the House and Senate Space Committees each year and the scope and content of the programs are reflected in the Committee Hearings and reports. Congress then first authorizes and then appropriates the annual increments of funds required to carry forward the programs each fiscal year.

The extensive record built up over the years by the Committees of both Houses of Congress shows clearly that fifteen Saturn V/Apollo flights have been contemplated by NASA and the Congress. This point has been discussed in published hearings and reported to Congress in Committee reports each year since the inception of the Apollo program. In addition, since FY 1965 NASA has provided, and the Senate hearing transcript has published, the estimated total cost of the Apollo program covering all years. A list of typical references are attached (Enclosure 1).

The Senate is not being requested to authorized the hardware for the fifteen flights; the Senate is being requested to authorize the appropriations necessary to fund the FY 1970 increment of the program. The $1.691 billion requested for FY 1970 will support flight and mission operations requirements for three missions in this fiscal year (Apollo 11, 12 and 13) and the incremental contract cost of the remaining seven Saturn V launch vehicles and associated spacecraft which are in various stages of completion. The detailed production and delivery status of these major hardware items was provided in my previous letter.

I trust this information meets your requirements.

Sincerely,

T. O. Paine,
Administrator.

Citations to Some of the Authorization Hearings and Reports Dealing With the Apollo Program Scope

1. Hearings before the Committee on Aeronautical and Space Sciences, U.S. Senate.

(a) NASA Authorization Hearings for FY 1965, p. 480.

(b) NASA Authorization Hearings for FY 1966, pp. 19; 646; 847; and 869.

It should be noted that the House Authorization Hearings each year extensively cover similar material.

2. Reports of the Committee of Aeronautical and Space Sciences, U.S. Senate.

(a) NASA Authorization for FY 1965—Report No. 1054, June 2, 1964, p. 6 and following.

(b) NASA Authorization for FY 1966—Report No. 188, May 13, 1965, p. 5 and following.

(c) NASA Authorization for FY 1967—Report No. 1184, May 23, 1966, p. 7 and following, pp. 12, 13 and following.

(d) NASA Authorization for FY 1968—Report No. 353, June 23, 1967, p. 4 and following, pp. 11–16.

(e) NASA Authorization for FY 1969—Report No. 1136, May 21, 1968, p. 4 and following, pp. 10, 66. 14–18.

3. Reports of the Committee on Science and Astronautics, House of Representatives.

(a) NASA Authorization for 1965—Report No. 1240, March 8, 1964, p. 7 and following.

(b) NASA Authorization for 1966—Report No. 273, May 3, 1965, p. 6 and following.

(c) NASA Authorization for 1967—Report No. 1441, April 20, 1966, p. 6 and following.

(d) NASA Authorization for 1968—Report No. 338, June 6, 1967, p. 5 and following. Note p. 20, and following, also p. 35.

(e) NASA Authorization for 1969—Report No. 1181, March 19, 1968, p. 5 and following. Note p. 13 and following.

Mr. **PROXMIRE**. My view of the letter, or the way I interpret it, certainly, is that it supports the $800 million deletion.

Finally, Mr. President, I wish to announce to my colleagues that I do not intend to call up these amendments, for these reasons: I intended to until a few hours ago, but I have determined that the Senate is very weary of discussing this kind of action, which is very similar to the actions we took on the military procurement bill. We had a fine, constructive debate on that measure, but I am afraid that if I pressed for these amendments, in the disposition of the Senate at the present time, it is very unlikely they would receive substantial support, and I do not think it would be just to our cause.

I think if this measure had been scheduled a month later—and I am not criticizing anyone; I realize it is necessary that it be taken up now—we could have had a very useful and substantial debate, and might possibly have made substantial deletions from the bill. But under the circumstances, in view of the fact that I do not have the votes, I think it useful to discuss these amendments, but I see no point in calling them up for a vote. Consequently, I shall not do so, though I intend in the future to take a hard look at the NASA program, and do all that I can to delete unnecessary expenditures, and all that I possibly can to persuade our Government to internationalize the program and get other nations to share the cost of a program which is aimed at serving all human beings regardless of their nationality.

Mr. President, I yield the floor.

Mrs. **SMITH** of Maine. Mr. President, I commend the Senator of his amendment, but I would call attention to pages 636 through 638 of the hearings which list the lack of cooperation from the Soviet Union on space activities.

Mr. President, I would warn NASA to avoid temptation of overconfidence or arrogance with respect to Congress on the matter of funding simply because of the brilliant success on the Apollo 11 mission.

I, for one, am going to very carefully scrutinize NASA spending even more closely than I have in the past.

I am particularly disturbed with the consultant situation at NASA, with the amount of money spent for consultants, and with the shocking paucity of records on just what they do to earn the $100 a day that they get, especially with the deluxe 50-cent luncheons at the NASA executive mess.

Mr. **CANNON**. Mr. President, the distinguished Senator from Maine calls our attention to the fact that on May 1, 1969, in the hearings at page 636 to 638, the Senator from Maine inserted a very impressive list of attempts that the United States had made to try to work out a cooperative agreement with the Russians.

Since that time there have been a number of additional attempts made, commencing April 30, 1969, and continuing up to August 21, 1969.

Mr. President, I ask unanimous consent that this list may be printed at this point in the Record.

There being no objection, the list was

ordered to be printed in the Record, as follows:

The following references supplement the list of American efforts to obtain Soviet cooperation in space activities which Senator Smith inserted in the record during the hearings before the Senate Committee on Aeronautical and Space Sciences on the NASA Authorization for fiscal year 1970 on May 1, 1969 (Hearings, pp. 636–38):

April 30, 1969. Administrator Paine forwarded Academician Blagonravov a copy of the NASA publication, *Opportunities for Participation in Space Flight Investigations,* and assured him that proposals by Soviet scientists of experiments to fly on NASA spacecraft would be welcomed. Supplements to the *Opportunities* document are to be sent routinely to the Soviet Academy.

May 29, 1969. Dr. Paine invited Academician Blagonravov to attend the Apollo 11 launching and to discuss informally mutual interests in cooperative space projects. Blagonravov wired that he could not be present.

August 21, 1969. Dr. Paine invited Academician Keldysh to send Soviet scientists to a September 11–21 briefing at NASA Headquarters for investigators who may wish to propose experiments for the 1973 Viking missions to Mars. Dr. Paine suggested that this meeting serve as an opportunity for a discussion of planetary-exploration plans which could contribute to coordinated efforts beneficial to both countries. Keldysh replied on September 5 that the short advance notice precluded attendance by Soviet scientists. At the same time, he asked for copies of materials to be distributed at the meeting in order that Soviet scientists might develop proposals and suggested the possibility of discussions at a later meeting.

Mr. CANNON. Mr. President, in other words, this is one of the situations in which, if I may use the phrase, it takes two to tango. The United States of America cannot work out an agreement with the Russians and have cooperation, if they will not agree to it.

This is something we have been trying to do over the years. With respect to other countries, we have agreements with approximately 70 countries today—cooperative agreements, with other countries, in connection with various space programs that are being undertaken. We are anxious to work out additional cooperative agreements, particularly with the Russians.

I recall having served as an adviser to the U.N. Committee on the Peaceful Uses of Outer Space. I recall working with the distinguished senior Senator from Maine and others in trying to get some sort of an agreement with the Russians, which we were not able to do at that time. Since then, some small progress has been made.

The Senator from Wisconsin has also suggested that a group or a committee be formed to help work up our space goals or to decide where we are going. This is exactly what the President did. The President appointed a space task group, directing that they report to him by September 1 of this year.

They have now filed the report. The report has been made public as of September 15, and they posed various alternatives that might be followed, and three specifically, from which the President might choose to direct the Nation's effort on the space program.

All I can say is that the Senator has a very good suggestion. However, I simply say, it has already been done. And it is now up to the President to determine which of these alternatives, if any, he elects to follow.

I commend the Senator for his very fine suggestions. Certainly I would be most pleased if we could work out cooperative agreements with the Russians and if we could reduce the cost of these tremendous programs now being borne by us that will benefit all mankind.

I think I am for his suggestions. However, if he has any specific suggestion as to how we can work out an agreement with the Russians, I would be very happy to receive it.

Mr. PROXMIRE. Mr. President, I am sure that the Senator from Maine has made a special effort in this area. Many people have told me of the work she has done on the committee, trying to explore the possibility of internationalizing the program.

The point I made is that we should not concentrate our efforts strictly on Russia. While other nations have cooperated with us in some other areas, especially in the communications satellite area, they do not have the capability that Russia has with respect to manned flights. However, they have some very skilled scientists and resources of many kinds in those other countries.

It is possible, especially in view of the achievements of the last few months, that the lunar landing has changed things greatly.

The Senator is correct. We have not gotten much cooperation from the Russians in the past. I think that since the lunar landing the situation has changed rather dramatically. The Russians recognize that we have won the big race. I hope that now we will make a very more profound effort than we have made in the past to get the Russians involved in the program, especially in view of the timing and our great advantage in having achieved our goal of getting to the moon.

With respect to the principal argument I made on why we should have 10 more landings on the moon, NASA has not been able to give me any real answer at all.

They say, "We will satisfy ourselves about the origin of the moon and the earth." But they do not give any reason why we should do it in 3 or 4 years and why we cannot wait until 1975 or 1980 to do it.

Mr. CANNON. The equipment is already built or in production. We have a substantial amount of equipment now that is bought and paid for. And it would be a very silly thing to say, "We are going to throw all of that equipment away." NASA has already stated and advised the committee that in the future they would want to give every consideration to flight opportunities for foreign nationals, including Soviet cosmonauts, in the context of substantive cooperation. They assume that the flight opportunities will increase if plans for a manned space station materialize.

They say that early negotiation would be desirable if problems of training and language are to be resolved, but that they would probably have to wait until there is an approved post-Apollo program as a basis for discussion.

Mr. President, in that connection we, of course, have indicated all along that we are very concerned about these cooperative agreements. However, in the Armed Services Committee, in the consideration of the bill that has just been acted upon today, we went into the problem of securing cooperation. This is where the big problems arose on the so-called main battle tank. This is being developed on a cooperative agreement with Germany, a country that we get along with rather well as distinguished from Russia, where we have more of a language problem and more other problems than we have with the Germans.

One of the problems that ran up the cost of the tank is that we are trying to do it under a cooperative agreement. We have had language barriers in connection with it and the problem of translating technical documents from one language into the other and the problem of a double decisionmaking process.

As a result, the experiment on this cooperative agreement ended up costing the Government of the United States very substantially more money than it probably would have cost had we gone on our own to do the project. And the Germans made quite a sizable contribution themselves in connection with the main battle tank.

I simply say that the fact that we work out a cooperative agreement to do something in and of itself does not necessarily prove that we will reduce the costs or get along on the program better.

Mr. PROXMIRE. Mr. President, the amendment I have offered would provide, first, that we would not stop the funds on the November flight, the flight coming up next; Apollo 12. It would provide that we would, however, freeze further funds until we get a formal report from the State Department and NASA to Congress on the feasibility—which we have never had before—of internationalizing the space program.

It is true that the reports indicate that we have not received much cooperation thus far. However, what do we have to lose?

We want to hold NASA's feet to the fire and hold the State Department's feet to the fire so that if they try hard and make an effort they might get cooperation from the other side.

It seems to me that if the Russians refuse to cooperate, we will have made it clear to the rest of the nations throughout the world how sincere we are in attempting to internationalize the effort we have made.

We are very anxious to do this and to cooperate with the Soviet Union and with the other superpowers. I cannot think of anything that would be more encouraging and constructive to people throughout the world than that these two nations are cooperating.

I think the Senator is being unduly pessimistic in thinking that they will say "No." Why should we not try it?

Mr. CANNON. Mr. President, the list I submitted for the Record indicates that the last contact came during the early part of September of this year. That does not indicate that we are throwing our hands in the air and trying not to cooperate, because it is still September.

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The list which I submitted as a supplement to the list furnished by the distinguished Senator from Maine in our hearings shows that the effort to get cooperation has continued, a series of attempts, up to the present time, up to September.

On the other point, as to cutting off after Apollo 12, we have nine Saturn V's now that are either built or in the process of construction. This is a pretty expensive piece of hardware to stop everything and say, "Hold the boat. We're not going to go any further. We have invested this money, but let us not spend any more money because we can't get cooperation from the Russians or someone else."

Mr. PROXMIRE. I cannot resist one Parthian shot. The Senator from Nevada seems to be saying that we have spent the money and have the equipment. Therefore, why not use it, even if there is no real purpose to be gained in doing so? Why not go ahead with it? Well, we can save $800 million by not using it, according to the letter from Dr. Paine. That is his own estimate. I think he is being conservative. We can save $800 million. I think that is a very strong argument in this day of enormous burdens on our taxpayer and inflation in favor of postponing manned flights.

Mr. CANNON. I would agree with the Senator completely, if there were no real purpose to it.

Mr. PROXMIRE. What is the purpose?

Mr. CANNON. The Senator from Wisconsin just read the purpose. He read that into the Record a few moments ago.

Mr. PROXMIRE. I am very interested to hear that, because the Senator from Nevada is an extraordinarily able Senator and has studied this program; and if anybody can give us an answer on this, I am sure he can. It is said that the purpose is to give us a better scientific knowledge of the earth and the moon and there is a human fulfillment in being able to look at television and seeing additional landings on the moon. It seems to me that this says there is not a significant purpose in benefiting human life and the quality of life in this country or in other countries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6508) to provide additional assistance for the reconstruction of areas damaged by major disasters.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 8 o'clock and 2 minutes p.m.) the Senate adjourned until tomorrow, Friday, September 19, 1969, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 18, 1969:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Joel Bernstein, of Illinois, to be an Assistant Administrator of the Agency for International Development.

Ernest Stern, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

COMMODITY CREDIT CORPORATION

Thomas K. Cowden, of Michigan, to be a member of the Board of Directors of the Commodity Credit Corporation.

EXTENSIONS OF REMARKS

HUD'S SECRETARY GEORGE ROMNEY OUTLINES AID FOR HURRICANE VICTIMS UNDER FLOOD INSURANCE ACT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. EVINS of Tennessee. Mr. Speaker, in 1968 the Congress enacted the National Flood Insurance Act to assist those homeowners living in areas subjected to flooding. The recent Hurricane Camille and the devastation it caused underlined the importance of the program.

In this connection, Secretary George Romney of the Department of Housing and Urban Development has recently outlined proposals to increase the efficiency and effectiveness of this insurance plan.

Because of the interest of my colleagues and the American people in this most important program, I place in the Record herewith a copy of a letter from Secretary Romney discussing the matter and outlining proposals to improve its administration.

The letter follows:

The Secretary of Housing
and Urban Development,
Washington, D.C., Sept. 15, 1969.

Dear Congressman: The recent disasters caused by Hurricane Camille have emphasized the potential significance of the National Flood Insurance Program. The Program, authorized by the National Flood Insurance Act of 1968, is administered by the Federal Insurance Administration of this Department, utilizing the services of the private insurance industry. In light of the increasing number of inquiries we are receiving about the program, it may be useful if I summarize briefly its purposes and limitations, and indicate the actions we propose to take in response to such disasters.

Based upon a recognition by the Congress of the vast number of persons currently residing in flood-prone areas and the impracticality of their relocation, the Flood Insurance Act contemplates both a comprehensive program of land management for flood-prone areas and a nationwide program of Federal flood insurance in response to the fact that such coverage is generally unavailable from private sources. Thus, as a condition of Federal insurance, and in order to minimize future losses of life and property, a community must adopt appropriate land use and control regulations restricting unwise future utilization of its flood plain.

Because of the concentration of hazards in these flood-prone areas and the consequent inability of any insurer, private of governmental, to spread the risk and the cost of insurance, the actuarial rate for flood insurance would prove prohibitive to most affected persons. Therefore, the statute provides for Federal Subsidization of the first $17,500 of flood insurance on single family structures, the first $30,000 on two-to-four family structures, and the first $5,000 on the contents of any dwelling unit. Similar coverage will also be made available for small businesses in the near future. At the present time, three communities in the United States have such Federal flood insurance available—Metairie, Louisiana; Fairbanks, Alaska; and Alexandria, Virginia.

Many more communities are now seeking this coverage, but as an outgrowth of the early history of the statute, detailed ratemaking studies were initially deemed necessary for each community seeking the coverage. Such studies are extremely time-consuming and would unquestionably take many years to carry out. At present, only 40 such studies are underway or under contract by the Federal Insurance Administration with such agencies as the U.S. Army Corps of Engineers and the Tennessee Valley Authority. Yet recent events have made abundantly clear the urgent need for flood insurance in many other flood-prone areas and communities throughout the United States.

In response to the obvious insurance needs of these other areas and to the increasing social and economic costs of unrestrained flood plain development, the Federal Insurance Administrator, Mr. George K. Bernstein, has been seeking new ways of accelerating the flood insurance program and expediting the provision of Federal flood insurance throughout the United States as rapidly as statutory limitations and our existing funds permit. Thus, in August he instructed the Corps of Engineers and other agencies that all pending and future studies should be made on a zone rather than a structure basis, which would significantly shorten the time required for the study. Economies of scale and any other time and money-saving methods will be sought wherever possible.

While we cannot promise results overnight, we hope to make significant new progress in this vital program during the next few months.

Sincerely,

George Romney.

TREATMENT OF AMERICAN PRISONERS BY THE NORTH VIETNAMESE AND THE NATIONAL LIBERATION FRONT

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. LATTA. Mr. Speaker, I have joined with many other Members of this House in cosponsoring a resolution, stating it to be the sense of Congress that the President, the Department of State, the Department of Defense, the United Nations, and the people of the world appeal to North Vietnam and the National Liberation Front of South

Vietnam to comply with the Geneva Convention relative to the treatment of prisoners of war and the inspection of prison facilities. It is almost impossible to believe that a civilized nation would withhold information on prisoners of war from their families for periods as long as 5 years despite their families' continuing efforts to secure the same.

Yes, Mr. Speaker, some of our 1,355 American servicemen missing in action or in enemy hands have now been held captive by North Vietnam for more than 5 long years. The Department of Defense has reason to believe that as many as 401 of these men are prisoners of war. Nine hundred and fifty-four of these 1,355 servicemen are carried as missing in action as information is not available concerning them. One cannot begin to comprehend the anxiety, grief, and frustration which has been suffered by the families of these servicemen during this period of time. Certainly, the North Vietnamese and the National Liberation Front should have a little human decency hidden away someplace. For them to release just the names of the prisoners being held would be welcome news to the families and a big step toward peace. I join with others in urging them to do so now.

In contrast to the failure of the North Vietnamese and the National Liberation Front to comply with the terms of the Geneva Convention, the detention camps holding prisoners taken by our forces are regularly inspected by the International Red Cross, adequate facilities are maintained, and lines of communication remain open. It is time for the North Vietnamese and the National Liberation Front to do likewise.

PENNSYLVANIA COLLEGE OF OPTOMETRY MARKS ITS 50TH ANNIVERSARY

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 18, 1969

Mr. SCHWEIKER. Mr. President, today, September 18, 1969, marks the 50th anniversary of an outstanding educational institution in the city of Philadelphia—the Pennsylvania College of Optometry. The only school of optometry in Pennsylvania, and one of only 10 in the entire Nation, Pennsylvania College of Optometry has graduated four-fifths of all the optometrists who practice in my State. However, its contributions in the profession of optometry have had nationwide importance.

As a part of its teaching program for its 400 students, the college operates four free eye clinics—two at public locations, one in the Philadelphia House of Correction, and one at Riverview, the home for the indigent aged operated by the city of Philadelphia. In 1969, these four clinics served nearly 10,000 persons in 54,000 separate clinic visits with eye examinations and eyeglasses. This provides a fine example of the kind of service which an educational institution can render to the community around it, while it offers professional training to its students at the same time.

In order to acquaint Senators with the many achievements of Pennsylvania College of Optometry during its 50 years, and its plans for the future, I ask unanimous consent to have printed in the RECORD an article about the school, published in the Journal of the American Optometric Association for December 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PENNSYLVANIA COLLEGE OF OPTOMETRY

(By Andrew F. Fischer, O.D.[1])

The Pennsylvania College of Optometry stands on the threshold of its 50th anniversary. But PCO does not have to reach back into the distant past to dramatize present progress. Impressive changes can be brought into focus by contrasting the 1968/69 session with that of 1961/62. For example:

In 1961/62 the student body numbered 109. It now approaches 400.

Faculty has grown from 27 to 52.

In the past six years, the operating budget has quintupled—from approximately $200,000 to over $1,000,000.

The Albert Fitch Memorial Library (named for the founder of the College), is the largest specialized library of its kind in the world, has expanded from 6,100 to nearly 10,000 volumes.

The value of laboratory and clinical equipment has more than doubled, from about $240,000 to almost $600,000.

In 1961/62 the College clinics accommodated 19,500 patient visits. In 1968/69 it is estimated that 55,000 patient visits will be recorded in the four clinics. This makes PCO's public clinics, by attendance, the largest optometric clinics in the United States.

SOME EARLIER HIGHLIGHTS

To document innovations the College contributed to the profession, one must go back a little farther in time. In 1922 PCO was the first college of optometry to establish a free public eye clinic. In 1935 instruction in contact lens practice was started. In 1954 PCO was accredited by the Commission on Institutions of Higher Education of the Middle States Association of Colleges and Secondary Schools—the first independent health profession college to be so recognized. In 1955 PCO initiated the minimum six-year program. Not until twelve years later did all other schools and colleges of optometry adopt this requirement.

But enough of the past. A vital institution cannot dwell on fond recollections. It must live in the present—and plan for the future. Where is PCO now? Where is it going?

PCO/68

Present enrollment consists of 394 students, representing 23 states, the District of Coumbia, Puerto Rico and two foreign countries. Although the minimum entrance requirement is two years of pre-optometric college study, the College has found that in 1968, and for the previous seven years, the average entering student has had three-and-one-third years of pre-optometry college credit.

At PCO the rotionale is that the Sound of Theory should be accompanied by the Voice of Experience. As proud as PCO is of its faculty, it is considered important that students here be exposed to other outstanding experts. This led, in 1962, to the popular Visiting Lecturers Program, whereby twenty-eight top people in the field lecture second-semester seniors on latest developments in pediatric optometry, public health, practice management, technology, and so on.

This "extra-curricular activity," combined with the regular schedule of instruction, gives every PCO student a practical and panoramic view of his chosen profession. To these must be added over 800 hours of attendance in the clinics, where the students receive tremendous opportunities for the greatest diversity of experience in optometric practice.

An Externship Program is in effect between the third and fourth years externees spent a minimum of one week in offices of practitioners, where they get a feel of day-to-day professional life.

To keep open and active the line of communication between student, faculty and administration, there are faculty and student Curriculum Evaluation Committees. Student committee members meet with faculty committee members and the Dean. Students are encouraged to offer their evaluations of courses.

To house students in comfort on campus, PCO has constructed an apartment building which can accommodate 150 occupants. There are both efficiency and one-bedroom units, all attractively furnished. The building, completed in 1966, is fireproof, sound-treated and air conditioned to make its occupants as comfortable as possible. On the ground floor is a lounge and recreation room, which is available for tenant use and social functions. Although residence in the student apartment house is voluntary, it is fully occupied and there is a waiting list.

The Alumni Association is large and active. (Seven past presidents of the American Academy of Optometry are PCO alumni, as is the president-elect of the American Optometric Association.) Attendance at reunions and luncheons remains gratifyingly high. And to keep the 2,500 alumni informed on latest developments—and their own activities—a 48-page quarterly Alumni Bulletin is published which also contains relevant technical material.

WHAT LIES AHEAD

Most immediately, PCO looks forward to completion and occupancy of its new building. This 86,000 square-foot structure will contain all administrative offices and academic facilities, exclusive of clinics. Made possible by both Federal and State monies—a U.S. Public Health Service grant of $1,444,603 and a $1,327,000 loan authorized by the Pennsylvania Legislature—this will be the largest optometric edifice in the world.

The new building will contain classrooms, lecture halls and laboratories of the latest design, all interconnected by a closed-circuit television system. It will also house seminar and conference rooms, the bookstore, student lounge, and woodworking, metal and palstic shops in which experimental and special apparatus and equipment will be designed and constructed.

The new building will, in fact, literally house PCO: a complete, contemporary, fully staffed optometric college that will accommodate more than 500 students—all under one roof. Total cost of the roof, and everything that goes under it, will be approximately $4,000,000.

All in the PCO family (students, faculty, administration and alumni) are eagerly awaiting the latest and most dramatic evidence of progress.

LOOKING AHEAD

What will the next five years—ten years—bring for PCO? Here are just a few thoughts for the future:

A graduate program, leading to a Master of Science degree, is contemplated.

To accommodate the growing student body, the need for another apartment house that will offer comfortable and gracious on-campus living to those who want it is foreseen.

PCO will continue to try to attract more women to our profession, for they can make

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[1] Director for Development, P. C. O.

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real contributions and live interesting lives as optometrists.

The College would like to expand its already impressive clinical facilities, and is considering building a larger clinic.

The College looks forward to a vast expansion of service to members of the profession in continuing education.

As time goes on, it will be possible to know more accurately what needs to be done and what needs to be anticipated. But even a vision specialist can see only so far ahead. One thing, however, is clear: whatever decisions are made, they will be directly related to one or more of the College's four fundamental responsibilities:

1. PCO has a responsibility to its students: the solemn task of teaching them a profession.

2. PCO has a responsibility for the welfare of its faculty: without their skills and knowledge, no institution of learning can exist.

3. PCO has a responsibility to the profession. Abstractly, this means furthering the field of optometry in any way the College may serve. Concretely, it means assisting its alumni in every reasonable manner.

4. PCO has a responsibility to the community—city, state, nation—to supply manpower for vision care services.

To sum up: PCO wears its 50 years with dignity and vigor—and looks forward eagerly to the next 50 with confidence of experience.

THE TAX REFORM BILL AND HIGHER EDUCATION

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. TAFT. Mr. Speaker, in submitting the tax reform bill to the House of Representatives, I am aware of the fact that the members of the Ways and Means Committee have the benefit of testimony from various college presidents expressing alarm at the possible effect of the bill on charitable contributions for higher education. It seems to me that there is no field in which there is a greater need for encouraging private support than in this one. Even though the tax reform bill made certain changes eliminating the most onerous suggestions with regard to contributions of appreciated property to educational institutions, there is still a great danger that the bill in its present form will have this effect. The exact effect of gifts of appreciated property under the bill as it left the House has been well described in a memorandum submitted to the Under Secretary of the Treasury recently by Kingman Brewster, Jr., president of Yale University.

For that reason, I submit for inclusion Mr. Brewster's letter and the memorandum attached to it be set out in full in Extensions of Remarks of the RECORD:

YALE UNIVERSITY,
New Haven, Conn., August 26, 1969.

Hon. CHARLS E. WALKER,
Under Secretary of the Treasury,
Washington, D.C.

DEAR SECRETARY WALKER: I and all other college presidents with whom I have spoken are convinced that the inclusion of the appreciated value of securities donated to charity as an allocable deduction will have a rippling effect on the ability of the nation's colleges and universities to raise the money they need. The inevitable effect will be to increase the dependence of higher education on direct government support.

The vitality and innovation, as well as the quality, of American higher education would be seriously impaired if there were not a healthy mix of public and private support from a great variety of sources. The discouragement of private capital gifts, coupled with the proposed tax on foundation income, would be a tremendous set-back to the unique American tradition of private charitable enterprise.

The seriousness of the impact of removing the tax incentive for private capital giving is suggested by the examples of institutional dependence on gifts of appreciated property which are listed in the attached tabulation.

The rejection by the House Committee of a direct tax upon the appreciated value of donated securities was taken to mean that the House did not desire to dissuade charitable gifts. Two aspects of the House Bill, however, go far to discourage such gifts.

First, the larger a gift of appreciated securities, the less in percentage terms will be allowed as a deduction.

Second, the larger such a gift, the less the taxpayer will be allowed to claim by way of other deductions.

Furthermore, the fund raiser will have no way of telling the donor what his gift will cost him until the tax year is over. This uncertainty itself will be a discouraging cloud over any capital fund-raising effort. There is a retroactive effect as well. The expectations and plans of all colleges and universities would be drastically upset if the many millions of dollars in outstanding pledges were to be put in question because of a major change in their tax treatment.

Neither revenue raising nor tax equity considerations would seem to us to justify lumping appreciated value of donated securities with other tax preferences and deductible expenditures which directly benefit the taxpayer.

The central fact which differentiates the appreciated value of donated securities from all other transactions, including a cash gift, is that the taxpayer can avoid the tax consequences simply by not making the gift. If he is discouraged from making the gift by reason of its tax cost to him, he simply retains the appreciated securities and the unrealized gain is not taxed. Therefore to discourage the charitable donation of appreciated stock does not act to increase the government's revenue.

It has been argued that it is somehow "unfair" for the person who has untaxed appreciated capital to be able to convert the appreciation component into a tax deduction, whereas those with only cash income must make their gifts, if at all, from after tax resources. Again this argument loses force in view of the fact that unrealized gains would not be taxed by the bill, unless sold or given away; so that the choice is not whether to put the man with unrealized gains in the shoes of the man with cash income only, but whether the former will be given some incentive to convert his privilege for the public benefit through a charitable gift.

The only tax equity argument we have heard which seems at all plausible also seems to us far less substantial than would be the blow to the initiative and solvency of the nation's private charitable undertakings. The point is made that the donor of appreciated property now receives psychic income which the donor of cash can achieve only after first paying an income tax. Although the former receives no economic benefit, it is argued, he does receive the inner glow and perhaps the outer recognition which is accorded to generosity. This, we assume, is thought to be sufficiently in the public interest so that it should not be discouraged, provided the donor is not in a position to gain economically or to avoid a tax he would otherwise have to pay.

The stakes are very high. The dampening of private charitable initiative could bring a serious threat to the autonomy, vitality, and quality of the inherently risky, controversial task of searching for an unknown truth and the training of each oncoming generation to face their own world.

The attached papers seek to indicate the degree of dependence of colleges and universities on gifts of appreciated property, and to explore in more detail the incidence of the House Bill.

Sincerely yours,
KINGMAN BREWSTER, Jr.,
President.

H.R. 13270—GIFTS OF APPRECIATED PROPERTY

I. WHAT THE BILL DOES

1. Current law limits gift deductions for most people to 30% of adjusted gross income. The bill would increase this to 50%. However, there are two complications:

(a) If the gift is in the form of appreciated property, the deductibility limit remains at 30%. As written, the special limit applies not to the amount by which the property has appreciated, but rather to the whole gift if any part of it represents appreciation. The reason for this provision was not explained by the House Ways and Means Committee.

(b) The 30% (or 50%) limit is no longer computed against the taxpayer's adjusted gross income, but against his "contribution base," a new concept. In general, the contribution base equals adjusted gross income *plus* all tax preferences over $10,000 not taxed by the Limit on Tax Preferences.

2. The bill repeals the current unlimited charitable deduction, a device by which about 100 enormously wealthy taxpayers—typically with annual incomes well over $1 million—can and do avoid all income tax liability.

3. In general, the Limit on Tax Preferences (LTP) requires the taxation of at least half of a taxpayer's economic income, i.e., adjusted gross income plus tax preferences. The untaxed appreciation component of a property gift is classified as a tax preference if it gave rise to a tax deduction.

Other tax preferences are:

(a) Tax exempt interest on state and local bonds;

(b) One-half of net long-term capital gains;

(c) The excess of accelerated over straight-line depreciation of depreciable real property; and

(d) The excess of farm losses under special farm accounting rules over losses had normal accounting rules been used.

A notable omission from the bill's list of tax preferences is the excess of percentage depletion over cost depletion. (Chairman Mills has said that the omission was owing to a misunderstanding which will be corrected in conference with the Senate.)

The precise effects of the LTP on a gift of appreciated property are impossible to state, because the answer must depend on the amount of other tax preferences possessed by the taxpayer. *The 30% rule on deductibility of appreciated property gifts prevents them from alone bringing the LTP into play.*

The only generality permissible at this juncture is that, to the extent a gift does share in bringing about application of the LTP, it will cause an increase in the donor's taxable income by an amount equal to half the gift, taxed at the highest applicable bracket. (The maximum by 1972 will be 65% for unearned income and 50% for earned income).

4. The Allocation of Deductions (AOD) section of the bill requires apportionment of most deductions (including gifts to charity) against the same items classified as tax preferences under the LTP, with two changes:

Tax-exempt interest is not counted except for bonds issued after 11 July 1969, and

The excess of percentage over cost depletion is included, along with the excess of intangible drilling expenses over the amount deductible had they been capitalized (dry holes excepted).

The tax effect of the AOD on gifts of appreciated property is easy to state: the larger the gift, the less in percentage terms can be taken as a deduction.

For example, a taxpayer with $100,000 income who makes a $15,000 zero basis property gift will have 1/22 of his charitable contribution disallowed. If he had made a $30,000 gift, 1/6 would have been disallowed.

Additionally, the more tax preferences a taxpayer has, the more costly is a gift, whether in the form of appreciated property or *in cash.*

Thus, if our taxpayer had $100,000 taxable income plus $50,000 in untaxed capital gains and made a $30,000 zero basis property gift, instead of 1/6 being disallowed as in the example above, 7/17 would be disallowed.

5. The bill makes a number of technical changes which will do away with certain outright abuses of the charitable deduction. These have to do mainly with cases where the value of the gift is overstated in a way difficult for the Treasury to prevent, or the donor manages to convert ordinary income into a double deduction, or the charity receives less than the donor was allowed to claim as a tax deduction.

In at least one instance, however, dealing with gifts of appreciated property in which the donor reserves a life interest, the technical fix evidently overcorrects the provision by which donors are now able to "borrow" for their own benefit the tax-exempt status of the charitable remainderman.

II. SUBSTANTIVE DISCUSSION

1. At first glance it appears reasonable to apportion deductions—particularly controllable deductions like gifts to charity—against all of the taxpayer's economic income rather than solely against his taxable income.

The case seems clear where the taxpayer has, for example, $100,000 in ordinary income and $50,000 in tax exempt interest. If he made a $30,000 cash gift there is no sound basis for claiming that all of it came from the $100,000 and none from the $50,000.

But suppose he had $100,000 in ordinary income with no untaxed income and then made a zero basis $30,000 property gift. The argument could be made with some force that no deduction whatsoever is warranted, since no part of the gift came from that year's taxable income, or from income which had ever been taxed.

The answer must be that it is not the source of a charitable gift which determines its deductibility; it is the fact of the gift itself. It has long been public policy to encourage private giving by allowing a tax subsidy to the giver. The fact that a prior windfall to the taxpayer may have been what made the gift possible was a matter of indifference. If I gave $10 to the Salvation Army, it did not matter that I had found the money in the street just minutes beforehand—it was a deductible gift and still would be under the House bill.

Carrying the counter argument to its logical conclusion, deductions for charitable gifts should not be subject to allocation at all—because the tax gatherer ought not care how the donor came by the funds or things he gave, only that he gave them. Tax avoidance through charitable giving is prevented by the 30% (or 50%) upper limit on gift deductibility; there is no requirement of public policy to go further.

The reasons for not applying AOD to charitable contributions are not present in the cases of other permissible classes of deductions. Thus, medical expenses, local taxes, casualty losses and interest are deductible not becaue the federal government wishes particularly to encourage such expenditures but because for the most part they are nondiscretionary and they are burdensome—and it is fair to require the taxpayer to apportion the burden between his taxed and his untaxed income.

The House recognized that some distinctions among deductions are relevant in applying the AOD. Employee business expenses and child care deductions were not made subject to allocation because they are normally incurred in an effort to earn taxable income. Alimony deductions are not to be allocable because, said the Ways and Means Committee, they are fully taxable to the wife.

(The validity of the alimony distinction is doubtful. Interest payments and doctors' fees are also fully taxable to the recipient, but deductions for such purposes are required to be allocated.)

2. If charitable deductions were not subject to the AOD, there would still remain the question of including the appreciation component of a gift in the taxpayer's economic income against which other deductions are to be apportioned.

The fact is that it is preposterous to classify a donation as giving rise to economic income. The vice which has offended tax economists is that present law permits a charitable deduction for property which, if sold, would have produced taxable income. As between taxpayers, an inequity arises because not all are in a position to convert untaxed, unrealized income into a deduction.

Granting for the moment that an inequity exists, the cure contained in the House bill seems altogether inappropriate. Why should a taxpayer's proper deductions for medical expenses be partially disallowed simply because he made a charitable gift of appreciated property? It is absurd to say that a portion of his medical expenses was paid from taxable income and another portion from the property he gave away.

Tax exempt interest and long term capital gains represent added spendable income. Accelerated depreciation, percentage depletion and farm losses all cause understatements of spendable income. It seems reasonable to require an AOD in such cases. But each is clearly distinguishable from a gift of appreciated property. The latter is a transaction which reduces rather than increases the taxpayer's wealth; all the others increase it, and it is wrong to ignore the distinction. Consequently, the appreciation component of a property gift should be eliminated from the list of items against which deductions must be allocated.

3. What then to do about the case of the donor of stock which has quintupled in value? The answer depends on whether there really is an inequity generated by allowing a deduction for the gift of appreciated securities.

Another man's deduction means a revenue loss which I must make up, but if this is an inequity, it is one which is inherent in our tax system. The authorization of deductions brings about an intended discrimination among taxpayers. The Constitution, the law and ethics prohibit not all discrimination, only unreasonable discrimination.

Is it reasonable then, to permit the capitalist to reduce his taxable income by giving away valuable property which he acquired at little or no cost? In short, should we allow a man any credit for a painless gift? This seems more a question for the House Chaplain and ultimately for Saint Peter than for the House Ways and Means Committee. The object of the Committee is to raise revenue and to encourage gifts to charity. The latter is done by deliberately reducing the donor's tax if he makes a gift. The Congress has not hitherto concerned itself, nor should it now, with measuring the real degree of pain felt by a donor. The object is not to inflict pain; it is to increase support for worthy causes.

Consider the case of the $10 bill found on the street, or the unexpected bequest from Aunt Bessie which leads to a sizable charitable gift. The bequest has passed through the sieve of the estate tax and acquired a current tax basis in the hands of the lucky legatee (even though no estate tax may in fact have been owed), but the legatee's real economic basis is undoubtedly zero. Yet we will allow him an income tax deduction for a gift derived from that zero basis source.

Found money, inherited money, appreciated property, all when given to charity produce a theoretical inequity compared to the case of the wage earner who can only obtain a charitable deduction by giving up money on which he paid an income tax. But the inequity is spurious, just as is the "inequity" in the circumstance that a man in the 70% tax bracket saves more in taxes by a $100 gift than does a man in the 20% bracket making the same sized gift. Neither one has to make any gift at all; each one's giving will be determined by a variety of motives and by his own assessment of other claims on his resources. Making it more costly for a rich man to give money to charitable will not make it less costly for a poor man to do so. It will only reduce the amount flowing to charity.

4. In summary:

No taxpayer should be able to escape all income tax by reason of charitable giving; hence it is reasonable to repeal the unlimited deduction.

The 30% (or 50%) deductibility limit on charitable gifts insures that donations alone cannot cause freedom from tax liability.

The LTP should ignore charitable gifts of appreciated property, since they do not generate economic income for the taxpayer.

Charitable gifts should not be subjected to allocation of deductions.

Other deductions should not be apportioned against the appreciation component of a gift, because they could not in fact have been paid from that component.

ALFRED B. FITT.

LEVEL OF SECURITIES GIVING BY INDIVIDUALS TO SELECTED COLLEGES

Institution	Years involved	Value of securities donated by individuals	Ratio of securities to total gifts from individuals (percent)
California:			
Mills	1966-69	$1, 659, 000	55
Santa Clara	1967-69	143, 000	6
Stanford	1966-69	9, 037, 000	52
U.S.C	1966-69	6, 100, 000	54
U.S.F	1966-69	130, 000	10
Connecticut.			
Connecticut College	1966-69	640, 768	27
Hartford College	1966-69	149, 491	34
New Haven College	1966-69	52, 204	58
Trinity College	1966-69	2, 867, 109	35
University of Hartford	1966-69	1, 156, 944	49
Wesleyan University	1968-69	1, 150, 000	50
Yale University	1967-68	13, 243, 788	69
Massachusetts:			
Boston College	1968-69	450, 000	39
Brandeis University	1968-69	12, 600, 000	50
Harvard University	1968-69	15, 900, 000	68
Holy Cross	1968-69	221, 130	24
M.I.T	1968-69	2, 170, 000	70
Smith College	1968-69	2, 884, 663	46
Westworth Institute	1968-69	502, 208	92
Pennsylvania:			
Haverford	1966-69	3, 545, 000	71
Juniata	1968-69	243, 000	53
Lehigh	1966-69	7, 930, 000	46
Pennsylvania	1966-69	16, 600, 000	53
Philadelphia College of Pharmacy	1966-69	3, 700, 000	80
Swarthmore	1966-69	2, 061, 000	43

ROBERT F. PRUNER, INDUSTRIAL LEADER AND LOCAL HISTORIAN, RETIRES

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. SAYLOR. Mr. Speaker, recently Cambria County in Pennsylvania got a full-time local historian when our longtime friend, Robert F. Pruner, retired as secretary-treasurer of the Pennsylvania Electric Co. His duties as secretary-treasureer of Penelec had been interfering somewhat with his continuing part-time interest as a researcher and writer on local history—an interest which culminated in the editing and publishing of a brief history of Cambria County in 1954. He is also president of the Cambria County Historical Society.

Bob and his lovely wife, Mary Margaret, will now be able to do many of the things together which they enjoy so much.

Bob Pruner has spent most of his life to date helping his friends in Cambria County. He was born June 14, 1904, in Loretto and after attending the schools in the county, graduated from Ebensburgh High School in 1921. In 1925, he received a bachelor of science degree—industrial engineering—from the Pennsylvania State University.

Bob Pruner began his utility service in April 1927 when he joined Penelec at Johnstown as a traveling auditor. After serving a short period as an accountant with Penelec's parent company in New York City, he returned to Johnstown in 1930 when he was appointed general auditor. He served briefly as comptroller and in 1937 was elected secretary of the company. He assumed further responsibilities when elected to the newly combined post of secretary-treasurer in 1947. He was elected to the Penelec board of directors February 10, 1969; and, on June 30, 1969, Bob retired with over 42 years of service.

Mr. Pruner has always given much more of himself to his friends and fellowmen than was expected of him, because that is the kind of person he is. He is an original member, an honorary life member, and a past president and past secretary of the Cambria County War Memorial Authority. He is a researcher and writer on local history; and, as I mentioned a moment ago, edited and published a brief history of Cambria County in 1954. Bob is president of the Cambria County Historical Society. He is also president of the board of directors of the Mercy Hospital.

As an indication of the wide range of interests of this outstanding man, Mr. Pruner is a member of the board of directors of the Greater Johnstown Chamber of Commerce, is currently a member of its senior advisory committee, and has been chairman of the chamber's congressional action committee since 1963. In the latter capacity, Bob has become acquainted with many Members of Congress because of his frequent trips to Washington to communicate the position of his chamber and to participate actively as a citizen in the legislative process.

In addition, he is director of the First National Bank of Ebensburg; Johnstown Federal Savings & Loan Association; Royal Oak Life Insurance Co., Pittsburgh; Selected Investment Corp., Camp Hill.

He is a member of the Knights of Columbus—fourth degree—and various Catholic lay organizations and was active in the formation of the area's Nocturnal Adoration Society. He served as president of the board of Catholic Charities of Johnstown from 1949–52 and is a member of the advisory board of Mount Aloysius Junior College—Cresson, Pa. He is a member and past president of the Bachelors Club.

His contributions to the company, civic and community organizations has not only earned for him the distinction of being listed in the current edition of "Who's Who in America," but has also earned him a prominent place in the hearts of the people of Johnstown, Cambria County, and Pennsylvania.

Bob Pruner married Mary Margaret Finn, October 23, 1934. They have two children: Mrs. Gerard Boehling, Jr., the wife of a Philadelphia advertising executive, and Robert F., Jr. of Altoona, now associated with Pennsylvania Electric Co.

Mr. Speaker, I wanted to take this brief moment in the affairs of the House of Representatives to recognize and praise the contribution of this truly remarkable man. Phillip Brooks—who wrote the lovely Christmas carol, "O Little Town of Bethlehem"—once said:

> Greatness after all, in spite of its name, appears to be not so much a certain size as a certain quality in human lives.

The quality of Bob Pruner's life qualifies him for such greatness.

REAR ADM. JOHN HARLLEE, U.S. NAVY, RETIRED, FORMER CHAIRMAN, FEDERAL MARITIME COMMISSION, AND DISTINGUISHED SON OF TEXAS

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, September 18, 1969

Mr. YARBOROUGH. Mr. President, on September 1, 1969, while the Senate was in recess, Rear Adm. John Harllee, U.S. Navy, retired, completed his duties as Chairman of the Federal Maritime Commission.

On September 1, 1969, the effective date of Admiral Harllee's resignation as Chairman of the Maritime Commission, the admiral had completed nearly 40 years of public service. This public record is well known to many Americans. The deep ties Admiral Harllee has in Texas may not be so well known.

Admiral Harllee is a descendant of one of the pioneer families of Texas. His mother, Mrs. Ella Fulmore Harllee was born in Salado, Tex., on the Sterling C. Robertson family homestead. The Robertson colony was one of the largest in Texas, ranking with the Austin colony. The admiral's grandfather, Mrs. Harllee's father, was Judge Zachary Taylor Fulmore, county judge of Travis County, where Austin, the State capital, is now located. A junior high school in Austin is named after Judge Fulmore.

Admiral Harllee's great uncle, George C. Childress, was the author of the Texas Declaration of Independence.

This is the background of Admiral Harllee, who won the Silver Star and the Legion of Merit with Combat V for his heroic service in World War II.

Admiral Harllee was born in Washington, D.C. His father was the late Brig. Gen. William C. Harllee, U.S. Marine Corps, retired.

John Harllee graduated from the U.S. Naval Academy in 1934. On December 7, 1941, Admiral Harllee was stationed at Pearl Harbor and participated in its defense during the Japanese sneak attack.

During World War II, Admiral Harllee commanded Torpedo Motor Boat Squadron 12, which received the Presidential Citation for 6 months of action under his command. He also served as a chief staff officer of the PT organization in the Southwest Pacific, which included 10,000 officers and men, 200 PT boats, 11 supporting ships, and seven bases.

After the war, Admiral Harllee served with the Navy's congressional liaison unit, on a special assignment for then Congressman John F. Kennedy. From 1948 to 1949, he commanded the destroyer *Dyess*, which won the annual divisional competition.

During the Korean conflict, Admiral Harllee was executive officer of the cruiser *Manchester* and was awarded the Commendation Ribbon for conduct in action. Later he commanded Destroyer Division 152, including a month's tour as commander of the surface ship on Formosa patrol. He then served as chief of staff of Destroyer Flotilla 3 and commanded the attack cargo ship *Rankin*, which while under his command won more awards than any other vessel during the period 1957–58.

In 1959, Admiral Harllee voluntarily retired from the Navy and spent the next 2 years in private employment.

In August 1961, President Kennedy appointed Admiral Harllee to the Federal Maritime Commission. Two years later he was named Chairman.

Admiral Harllee was sworn in to a second term as Chairman by President Johnson on July 20, 1965.

Just as he won many awards during his years in the Navy, Admiral Harllee received many honors for his work on the Federal Maritime Commission. He has received the Golden Quill Award from the Rudder Club of New York, the Order of Maritime Merit from the San Francisco Port Authority, the Honorary Port Pilot Award from the Port of Long Beach, Calif., and Man of the Year Award from the New York Foreign Freight Forwarders & Brokers Association. He has also been honored by the Federal Bar Association for his work in maritime law.

This brief summation of Admiral Harllee's distinquished record hits just the highlights of his service to his Nation.

All Americans, but particularly all Texans, should be proud of Admiral Harllee. I would be remiss if I did not mention one more important tie between Texas and Admiral Harllee. His wife, Jo-Beth Carden, was born in Galveston, Tex.

Admiral and Mrs. Harllee have one son, John Harllee, Jr., a 1963 graduate of Harvard University and a 1968 graduate of Georgetown.

RESOLUTION OF THE CITY COMMISSIONERS OF FARGO, N. DAK., ON THE DEATH OF SENATOR DIRKSEN

HON. CHARLES H. PERCY

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Thursday, September 18, 1969

Mr. PERCY. Mr. President, on September 9, 1969, the Board of City Commissioners of the City of Fargo, N. Dak., adopted by unanimous vote a resolution expressing their sympathy upon the untimely passing on of our beloved colleague, Everett McKinley Dirksen, of Illinois.

I ask unanimous consent that their resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, It was with profound sorrow that the City of Fargo learned of the untimely demise of Senator Everett McKinley Dirksen; and

Whereas, Senator Everett McKinley Dirksen contributed much to the development of the United States of America and to the shaping of policies of our Government; and

Whereas, Senator Everett McKinley Dirksen had a unique style, manner and personality which lent a certain delightfulness and warmth to the political process so frequently missing.

Now, therefore, be it resolved, That the Board of City Commissioners of the City of Fargo does hereby extend its condolences to the family of the late Senator Everett McKinley Dirksen, the people of Illinois, and the United States Senate and does offer its appreciation for the contributions made by Senator Dirksen to the Country.

Be it further resolved, That this resolution be inscribed upon the permanent records of the proceedings of the Board and certified copies forwarded to the family of the late Senator Dirksen, the People of Illinois and the United States Senate.

HERSCHEL LASHKOWITZ,
Mayor and President, Board of City Commissioners, Fargo, N. Dak.

NEW DIRECTIONS IN LATIN AMERICA

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. ROSENTHAL. Mr. Speaker, two recent articles have pointed out serious flaws in our relations with Latin American nations. The first article, by Leo Fenster, in the June 2 issue of The Nation, demonstrates the ineffectiveness of much of U.S. foreign investment in Latin America. With machines built to be underproductive and with prices kept artificially high by protectionist policies of the local government, U.S.-sponsored industries in Mexico have made large profits on inefficient factories which, as Mr. Fenster asserts, has resulted in an actual weakening of the domestic sector of the Mexican economy. This analysis provides much needed information in determining our policy in the many Peruvian-like seizures of industrial facilities which will confront the United States in the near future.

The second article, by Georgie Anne Geyer, of the Chicago Daily News Service, is the fourth part of a five-part series on the new military leaders of Latin America. The crucial point of this installment is that U.S. military training is a cause of, rather than a deterrent to, antidemocratic sentiment among this class of future officers. A change in our curriculum in this area is essential if democratic regimes are to survive in Latin America.

The articles follow:

MEXICAN AUTO SWINDLE

(By Leo Fenster)

(Mr. Fenster, an auto worker by trade, was for twenty-six years an officer of the UAW, during which time he handled in-shop grievances and worked out agreements at the General Motors (Fisher Body) plant in Cleveland. During the last thirteen years he has made regular trips to Latin America)

When he learned that I was a retired leader of the Auto Workers union in the Cleveland area, and had for some years studied the development of the Mexican and Latin American auto industry, the bookshop owner guided me to the window and pointed to his American Motors car parked on the Avenida Insurgentes. He asked, "Why did I have to pay $5,500 for that, made in Mexico, and no air-conditioning?" It was almost twice the price of the same car in the United States.

My host in suburban Tlanepantla, a successful businessman, scornfully rocked his modest Ford Galaxie, and said: "More than $6,000—and made in Mexico."

Lost in the winding Satilité streets, I was being guided home by an Auto Mex (Chrysler) assembly worker. 'Can you tell me," he asked, "why the car you produce costs half the price of the same car we produce?"

In Atizapan, Father Ernesto joined the little group quietly discussing Mexican economics. "There must be a reason," he said, "why a car made here costs nearly twice as much. Your wages are eight times higher." But the despairing cab driver in Merida only muttered bitterly about his stripped-down Dodge: "I paid $5,500 for this heap and every time I turn the window handle it comes off in my hand."

Explanations are given: "Inevitable but restrictive government quotas," said one auto plant manager: "Lack of capital," added another. "Taxes and a limited market," an established lawyer and former government official asserted with offhand finality.

HOW IT STARTED

All true, but only part of the truth. The full story, when pieced together, unfolds the proliferating multi-national tragedy of Latin America. Elements of the narrative are present in all the larger Latin American countries, but nowhere on so comprehensive a scale as in Mexico.

The story can begin there with the Decree on the Auto Industry, issued on August 23, 1962, by the government of past President Adolfo Lopez Mateos. It was designed to thrust Mexico into an auto economy, the inevitable dividend from that being an expansive modern industrial plant. That was the theory, based on what had obviously happened in the United States. And the essence of the decree was simplicity itself. It declared that within a very few years 60 per cent of any car must be made in Mexico, this being a first step toward the time when the entire manufacture, fabrication and assembly, would be performed within the country. The stamp, "Made in Mexico," would then have real meaning.

The schedule for gradually increasing Mexican-made parts was set up, and the plan was put in motion. The foreign auto producers had previously done little more than assemble cars in Mexico, and there was conjecture as to opposition. But none was offered; the foreign producers entered into the game with spirit and capital.

The country was soon to have a ring of plants in a vast ellipse around Mexico City. Added to the existing Ford, Chrysler and General Motors assembly plants in the city itself were GM, Chrysler and American Motors plants in Toluca; a Volkswagen plant near Puebla; a Ford plant at Cuautitlan; three Renault (American Diesel or Dina) plants at Sahagun; a Fiat plant near Cuernavaca; a Datsun plant at Morelos, an International Harvester truck plant and a bankrupt Borgward plant, resurrected from Germany, at Monterey. Fifteen gleaming plants spread over vast acres of space: on a map or an industrial plan sheet, this was an imposing complex. It must mean that Mexico was in the auto business, implicitly part of the technological 20th century as it reached toward the 21st.

A MODERN PLANT

The event which focused attention on this Latin stride ahead was a meeting at Toluca in January of 1965 between Frederic Donner, then president of General Motors, and Gustavo Diaz Ordaz, President of Mexico, to dedicate the new GM plant. Donner was dutifully prophetic: "The obvious dynamic spirit and energy" of Mexico inspired great confidence that its transformation would "raise the standard of living for the people, giving Mexicans the fullest opportunities in all fields of endeavor."

President Diaz, in his characteristically dour fashion, made an hour's tour of the plant and appeared to agree. The reporter of the Mexico City daily, *Excelsior*, exulted about this "most modern plant producing engines for cars and trucks. . . ." And in a special General Motors supplement of the same paper the summit was reached by a writer who declared that "General Motors has plants in five continents and [this one] in Toluca is the most modern of all." The reporter for *El Universal* was more modest. He called it "a modern plant." And the sober General Motors self-appraisal was that its "Toluca engine plant and foundry [was] among the most modern and best equipped in Mexico. . . ."

As a guest of the management on the previous day I had made a careful tour of the plant. It was worse than archaic. Worse, because it was deliberately archaic, with the obsolescence carefully built in. The plant was beautiful, laid out with great yardage of surplus space for comfortable operation and future expansion. The machinery was new and sparkling. It was also very peculiar—it had been designed and built—*not* to produce.

After I had inspected the plant, I was invited in for a half hour of coffee and discussion with the manager. He had been a GM plant executive in the States. "This is an overwhelmingly beautiful plant," I said. "Any manager back home would give all his eyeteeth to have such fantastic amounts of space. But what I can't understand is the equipment. Overall it would appear to have less than 10 percent of our productivity potential back home."

We were both auto workers, and on this point there was no way to dissemble. "Well, you see," he said, "there is only so much steel in Mexico. The government has to dole it out in quotas. If we were to use the equipment you have back in the States we would have enough for only one hour's run or so a week."

I was to hear that answer many times. It was always sincerley given; it never rang true. But in itself the explanation did confirm the fact that the new Mexican plants were being deliberately equipped with snail-paced machinery.

A month later I toured what was then the

XUM

second newest General Motors plant in Latin America, a neat structure in a suburb of Buenos Aires. There I saw some press work. It was on a minor part, what appeared to be a section of the dash panel. (I was never to see major parts like roofs, floor pans, quarter panels, or doors being stamped out in a Latin American plant. Such parts are imported.) The minor part I saw went through a series of presses for the consecutive operations—low draw, trim, pierce, finish. Each press was manually activated. The standard, I was told, was 180 pieces an hour. And I judged that the complete operation required ten men, operators and helpers.

In the United States the same operation is performed by one automated giant press. There is one operator and he activates the press by pushing a button after he has threaded the coil. Then he stands by and watches while the press produces 1,800 finished parts an hour. This therefore makes a man-hour ratio of 100 to 1.

The U.S. press costs considerably more than the total of the Argentinian presses, but the difference could be amortized within not too many months of operation by reducing the 100-to-1 ratio to equality. It would be all coasting from then on. The salient fact is that the presses in Buenos Aires, like the machines in Toluca, were not antiquated, broken-down wrecks. The machinery there was also newly built—not to produce.

LOW-PRODUCTION GOALS

A good deal of the equipment in the Latin American plants bore the name of the Foote-Burt Company, a Cleveland-based plant which builds the most sophisticated automated equipment for General Motors, Ford and Chrysler. When I got home, I sought out an employee of that company who went from city to city supervising the installation of newly built machinery, tuning it in, and certifying it ready for production when it was operating at specified levels. I asked about the operating standards of machinery constructed for American engine production. "Our machinery is built so that a motor comes off the line every twenty-five seconds," he told me. That meant 144 an hour. The maximum potential of the Toluca plant was twelve an hour. The ratio, then, was 12 to 1.

I asked him about the Foote-Burt machinery I had seen in the Latin American plants. "Oh," he answered, "that is our special low-production machinery."

I questioned him closely. "It's all newly designed," he told me, "built to specification from blueprints."

"But why is this low-production machinery built?"

"We don't ask those questions," he laughed; "we are happy enough to have work to do."

Back in Mexico the euphoria was ending; bafflement was setting in. A little more than a year and a half after the high glory of January 1965, the director general of the liberal but nationalistic weekly *Sucesos*, in an article of October 15, 1966, declared that, contrary to what had been expected, and incredibly, the so-called integration of the auto industry had proved "an overwhelmingly heavy burden on the nation." It was "certain that progress . . . [was] simply illusory. . . . Instead of solving problems, they had been aggravated to impossible extremes. . . ."

Sucesos went on to complain that "a car proudly 'Made in Mexico' costs twice as much as the same model in the country of its origin." This resulted in a cost to the nation in 1966 of $180 million. "And what is worse, it will cost more and more" each year. *Sucesos* was right. By the end of the decade the auto industry will have drained Mexico of at least $1 billion (probably more) since that glorious day in January 1965.

But the magazine's editors attributed the critical situation to "anarchy, disorder, the absence of coherence, rational planning and practical objectives. . . ." It would all appear to be the fault of gigantic misorganization. Actually, planning and organization are held very effectively in the capable hands of the world's major auto producers. They can be accused of many things, but not of inability to plan and to produce.

The *Sucesos* article also implied that Mexico had bitten off too much when it attempted to set up an integrated auto industry: apparently it ought to have been satisfied with final assembly, leaving the job of fabrication and construction to the foreign corporations on their home premises. But this would mean an impermissive outflow of capital and would consign Mexico to an eternal status of an undeveloped industrial nation.

Sucesos is not sure of the solution. It calls upon readers who may be expert on the subject to make themselves heard through the pages of the publication. It is obvious that the publication was unaware of the fact that Mexico's auto plants are deliberately equipped with low-production machinery. Nor does this seem known to anyone else with authority, inclination, opportunity or courage to speak out. In recent months I have toured the plants of Ford and Renault in Mexico. Only a small fraction of the cars is produced there, and output is unbelievably below standard levels.

MAKING THE MACHINES

I have been asked: Does the Mexican Government itself permit this situation? It is necessary to understand that neither in Mexico, nor in all Latin America, is there a machine-building plant of even minuscule consequence. And since they lack this capacity, Mexico and the rest of Latin America are completely subservient to the desires and preferences of the industrially advanced nations. Latin America cannot say what kind of equipment shall be installed; it takes what it is given.

The next question is: why on earth would the auto manufacturers want to produce one car when they can produce ten? This appears reasonable at first glance. In fact, the very logic of the question sets up a natural barrier to its ever being asked. The purpose of a modern plant is to produce as efficiently, cheaply and voluminously as possible. A large number of companies operating in the same field, as is the case in Mexico, guarantees the most intense kind of competition; from that it follows that efficiency must be sought and costs reduced. That is axiomatic, and axioms are accepted, never examined.

Another axiom of industrial development says that capital flows to those industries and areas where there is the most fortuitous combination of efficient production and a good market potential. With a total absence of a machine-building industry, a minute production of sheet steel and a severely limited personnel at all levels of training, Mexico scarcely qualified as a mecca for production by one of the most highly automated of all industries.

As for a market, Mexico today has a sales potential of about 100,000 cars and trucks a year. This is a ratio of one unit to every 450 people. In the industrialized world the ratio is 25 million units a year for 800 million of population, or about one unit to thirty-two people—an incomparable difference.

Confronted with a bootstrap industrial operation and a fractional sales potential, why did all the major auto producers of the world swoop into Mexico like one joined flock of migrating birds?

A cogent clue can be found in Alfred P. Sloan's revealing memoirs, *My Years With General Motors*. In the chapter headed "The Corporation Overseas" he tells of the high-echelon discussions that took place during the late 1920s, as GM "had to determine whether we wanted to be exporters or overseas producers." From the beginning Sloan headed the group that disdained emphasis on export, claiming instead that real profits were possible only when capital was sent abroad to build new plants. To beat off foreign opposition he declaimed against "economic nationalism abroad" and sponsored a resolution in the corporation's executive committee which recognized "the desirability of employing additional capital for increasing the corporation's profits and developing its business" by considering favorably [the] * * * principle [of] the employment of capital for manufacturing purposes in overseas manufacturing countries, either in the form of the employment of such capital on its own account or through association with foreign manufacturers." By the mid-thirties GM was launched on its profitable ventures of overseas investment. Today about one-third of its 757,000 employees are in foreign lands and its annual profits of close to $4 billion before taxes are dependent to a large extent on its overseas plants. Moreover, it now has a constant seedbed for the huge stocks of capital it always has available. Latin America is one of those seedbeds and in 1963 Sloan was already hinting broadly that extensive plans had been for plowing that section of the world.

A TINY MARKET

What GM had learned and accomplished became the road for all major auto producers the world over. General Motors, Ford, Chrysler, Volkswagen, Fiat, Renault, American Motors, Datsun, International and Borgward came to Mexico at about the same time. With the plant acreage they developed, these giants would have to produce more than 1 million units in order to operate both normally and profitably. But the demonstrable market was only a tiny 7 per cent of that. To operate normally therefore became impossible—but to operate profitably is always indispensable.

The companies came because they had money to invest and because none wanted to be frozen out of an enduringly profitable market. But could they set up their automatic plants and produce to capacity for the current microscopic market? That kind of competition would be seen as anarchy in today's industrial world.

Who doubts what happened; what discussions took place? There had to be agreement on quotas; on the rate of production; on the cost of the product. None of these elements, given the unusual circumstances, could be expected to find their appropriate levels through normal processes.

And it must be equally obvious that the world's auto producers are enjoying a profitable market, despite the artificially limited productivity. The outlandish prices provide the beautiful margin of profit. The fact that Mexico and the other Latin American countries must impose a 100 per cent duty on new or used imported cars in order to prevent a disastrous outflow of capital permits General Motors and the rest to command prices almost 100 per cent above home country prices.

"So the big auto companies got together and did a little conniving," some may say. "So what? The net result is that Mexico has the foundation of a major auto industry."

Unfortunately, that's the greatest distortion of all. Some years ago Dr. Otto Feinstein, using the economy of Venezuela as a study base, demonstrated statistically that the growth of the foreign sector of an economy in an underdeveloped country results in an actual decrease in the domestic sector.

If the estimated five-year billion-dollar loss is accepted as the burden placed on the Mexican economy by the auto industry, it must also be accepted, without tracing all the mechanics, that it is the Mexican people who are subsidizing the business. The Pemex oil industry worker who averages $4 a day is subsidizing; the rest of the workers who average considerably less than $2 a day are subsidizing; the farm worker who makes $1 a day is subsidizing; the *campesino* and his family who live in a wretched tiny one-roomlet adobe hut was subsidizing.

Mexican domestic industrial growth is choked off because scarce capital is drained into this foreign sector. In fable the tortoise overtakes the hare; in real life no one ever matches them in a race.

Thus each tortured inch of Latin American industrial advance is actually a giant step backward when measured against the seven-league jumps of the industrialized world. And that is why the Alliance for Progress amounts at best to only a few more schools and a few more apartments—facilities the foreign sector finds useful in the development and maintenance of its essential native personnel.

BUT GAS IS CHEAP

There is another classical argument: Latin American countries do not have the capital or the know-how to develop a major industry. This falls on its face in view of the capital drain imposed by foreign development; outside capital obviously impedes the development of local industry and capital. In addition, there is actually an awkward example to the contrary: the existing Mexican petroleum industry.

In the mid-thirties President Lazaro Cardenas expropriated the Mexican oil fields from the Americans. Mexico developed that industry despite infinite frustrations, including sufficient financial encroachments by its own concessionaires and native men of business. Today a gallon of Gasolmex, fully equivalent to our regular, costs on the average 30.5c. That is 5c to 6c cheaper than our own average. But gasoline costs more than 60c a gallon in the rest of the oil-rich Latin American countries, where it sells under the label of Esso, or Mobiloil, or such.

The Cardenas expropriation proved that it is quite possible for a Latin American country to develop a major industry when left to itself to exploit its own resources. But one indispensable ingredient of an industrial base in the Western Hemisphere below the Rio Grande is a machine-building industry. Whatever else happens, Mexico and Latin America must begin that difficult job. It will serve as their industrial declaration of independence.

Beyond that there must be a disengagement from the self-serving assistance of the major producers: "What ever you are doing to help me—please stop!" What Mexico needs today to develop the auto industry is not ten foreign owners with fifteen or more plants equipped with ludicrously low-paced machinery. It needs a single national plant with the most modern automated equipment. At present wage levels it could then produce a car for $800 or less; mini's for about half the price. That would initiate a mass market, spill over to other industrial development, and open a way to substantial increases in real wages.

If the present auto-producing countries are worried about the competition of cheap labor, an interim tariff would not be that great an evil. If it limited the units of Latin American production to Latin American soil it would do no critical damage to anyone. Furthermore if there is any sincerity to the lofty protestations of the Alliance for Progress, we must unselfishly help in the uphill struggle for bona fide industrialization.

Meanwhile the auto industry in Latin America continues to be a chronic disease, stunting the growth of the body industrial. As proof: at the end of last year Brazil announced the first passenger car to be manufactured by General Motors de Brasil. The car is a four-cylinder compact, 3 inches shorter than the six-cylinder Corvair. The price is a little less than $4,000, almost twice the price of its longer, more powerful U.S. sister Corvair.

The problem gets worse. And the need for solutions more urgent.

[From the Trenton (N.J.) Evening Times]

MILITARY WANTS TO SEIZE CONTROL: U.S.-TRAINED LATINS' ANTIDEMOCRACY

(By Georgie Anne Geyer)

(New military leaders, often hostile to the United States, are taking over in Latin America. Chicago Daily News correspondent Georgia Anne Geyer has spent months investigating the causes of the changes. She explains them in a series of five articles, of which this is the fourth.)

PANAMA CITY.—One of the most persistently voiced ideas about the Latin American armies is that the training they get in the U.S. turns them into a "democratic military."

If so, many are asking today, then why are so many of these "Democratic militaries" suddenly taking over their countries and instituting military dictatorships which are increasingly anti-American?

Many American officers are puzzled and angry these days. Others openly applaud the new regimes. And many of them have explanations for the bewildering things that are happening south of the border.

"We made them reflexitively anti-Communist," said one American colonel. "We did it. And that's what's led to this."

"We taught them civic action to combat Castroism," commented an Air Force colonel. "We gave them a false sense of nation-building, and now they've taken over the nations."

POLICY AFTERMATH

Still another, a specialist on the Latin militaries, feels strongly that the recently implemented U.S. policy of denying sophisticated weaponry to the Latin officers has turned them away from technical pursuits and toward political ones.

On close examination by both American and Latin officers, the traditional—and almost sacred idea—that the Latins absorb democracy in the various American schools they attend turns out to be false.

Not only do they not absorb it, there is nothing to absorb. American training is totally technical at the School of the Americas at Fort Gulick, Panama, the Inter-American Air Force Academy in the Canal Zone, and at most of the various schools they attend in the States.

The School of the Americas is a beautiful, old white building in a grassy, manicured setting. Its only peculiarity, aside from the fact that all teaching is in Spanish, is that there are no street lights in the camp. When it was being built in 1942, a German submarine sank a ship carrying the lights and they never were replaced.

The most popular courses here are in engineering, civic action, communications, medical subjects, map reading, and counter-insurgency. In all, there are 44 courses. Approximately 23,000 Latin officers and men have gone through the school. Many of them are now in highly placed positions.

American influence certainly does come into play at these schools, but in the technical, not the geopolitical or political sense. "We teach no politics here," says the commandant, Col. James H. King.

"We teach democracy by example. But the example does have an effect—they go back very good friends of ours."

There are those who dispute that last statement, both Americans and Latins alike. "The most foolish thing in the world is to think they influence our military ideologically," a highly placed Bolivian officer said. "We don't get courses in geopolitics, only in technical things, in nuclear weapons. It is not like the French ecole de guerre or the German kriegschule. Our officers go and come back wanting superjets. It just makes them frustrated."

WHAT DID THEY LEARN?

But if the Latin armies did not get training in democracy, what have they gained from us? It turns out that primarily—and indirectly—they gained three things which have, at least in part, led to their more anti-democratic tendencies.

These are an inflexible anti-communism, the concept of civic action or "nation-building," and the traning in an advanced weaponry.

When Fidel Castro took over Cuba in 1959 and then declared himself a "Marxist-Leninist," the entire military picture in Latin America changed. Urged on by a United States terrified of Communism on its doorstep, the Latin militaries gained a new sense of themselves as defenders of the old faith.

"In all the military schools the orientation changed immediately," said Gen. Omar Torrijos, head of the national guard, which took over the Panamanian government last fall. "We began to study Cuba and social problems."

ENLIVENED MILITARY

The new emphasis on social insurgency—but not on political democracy—enlivened the Latin military. Seeing themselves—their country and, very important, their caste—threatened from outside, they became intensely "anti-communist."

But there were real Marxists, and there were democrats they saw as Marxists. In order to out-Marx these new threats, there grew, particularly in the young officers, a new and historically intensified view of themselves as social reformers and the only saviors of their countries.

American training in and emphasis on civic action—on "nation-building"—involved such things as well-digging and road-building in order to win the people's confidence in the military.

Many officers are saying now that civic action, though designed to discourage the armies from their traditional meddling in politics and to make them identify with their people, may actually have encouraged the military to take over their governments.

Certainly in some countries the heads of civic action were open about using it for political gain. "In Honduras, when the army took over," commented the American air force colonel, "They used the old civic action techniques to explain it to the people—flying over with loudspeakers, saying the army's now in charge and don't be afraid, and giving out food downtown."

At the same time, the Latin military schools were gaining enormously in sophistication and in the caliber of their curricula. Officers there began studying geopolitics, philosophy, economics and sociology. Their instructors came to include even civilians, Marxist economists and radical Catholic priests.

The officers who came back from training in the States came back with a thirst for fancy modern weaponry—hadn't they, after all, learned about this from their North American brother officers?

But at the same time there was developing in the States—and particularly in the American Congress—a deep resentment against Latin armies which used much-needed development funds for supersonic planes while their countrymen were wallowing in poverty.

Congress passed the Conde-Long Amendment to the Foreign Aid Bill, providing that none of the funds be used to provide sophisticated weapons systems to any underdeveloped country unless the American President determined they were important to American security.

The major controversy arose two years ago over Peru's desire to purchase Mirage planes from France after the U.S. refused to sell them such sophisticated and costly planes. This started the present "war" with Peru, and convinced many Peruvian military men that Washington's aim was wiping them out as a caste.

They deeply resented the "tin hat dictator" appellation they received from one East Coast newspaper. Some American military men feel

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that had we simply sold them the weapons they desired, we would have kept them on our side—and under our influence.

One American colonel who specializes in Latin military affairs is particularly bitter about the way American policy has switched back and forth. "In pre-world war II, we told them, 'You can overthrow governments as long as there's a good climate for American business.' The men who now are generals remember this."

APOLLO 11, AND WHAT IT MEANS FOR MAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. TEAGUE of Texas. Mr. Speaker, at the time the Apollo 11 astronauts were walking on the moon, an editorial appeared in the Washington Sunday Star on July 20, 1969 discussing the implications of manned space flight and manned space exploration. This editorial does much to delineate the significance and potential of our national space program today and for the future. I commend this editorial to your reading and insert it at this point in the RECORD:

APOLLO 11, AND WHAT IT MEANS FOR MAN

We are living, in these hours, what may well be man's greatest adventure since he took his first walking steps. Some would go further. The moon landing may be viewed, not as an episode in human history, but as a major threshold in evolution. "Many people," says NASA Administrator Thomas O. Paine, "feel this is as significant as when the first amphibian came from the sea up onto the land and began to conquer a new domain for life."

No doubt, too, many people feel such talk is nonsense. It is easy to be cynical about Apollo 11, if one chooses—assuming he was not among those who stood on the Florida sands last Wednesday and watched the great rocket thunder skyward. Those who saw and felt that take-off knew a moment of emotion they can never forget.

But for the rest of us, cynicism does come easily. Neil Armstrong can be put down as a pre-packaged, instant Columbus typifying this automated age, wrapped in sterile cellophane and taking his orders from a computer. Assuming they come home safe with mission accomplished—and that is too widespread an assumption—Armstrong and his crewmates cannot, in truth, be said to have undergone that lonely exposure to unknown terrors which has characterized most historic acts of individual heroism. They are, in truth, merely the spearhead of a vast technical army committed to the moon voyage. They do not, in truth, face the imponderables that the Wright brothers faced, or Charles Lindbergh, or your average spelunker—or, for that matter, the man who swallowed the first oyster. Their actuarial risks, may, in truth, be less than those encountered by GIs patrolling daily in Vietnam.

All truth. And yet, what Armstrong, Aldrin and Collins do in the small hours (our time) tomorrow morning is bound to be recognized for all time as of epic importance. It will be marked, not for what it means to these three as individuals, but for what it means to man. And the fact that it is a triumph, not of three extraordinary persons, but of man himself only adds to the luster of Apollo 11 as a human adventure.

It can, of course, be argued that this is the case with all space flight. When Apollo 8 first began its silent circling of the moon, last Christmas eve, it seemed, as one watched the television pictures back on earth, that any subsequent moon landing must come as something of an anticlimax. The public's capacity for awe is not unlimited.

Yet, again, the present experience is indeed something else. There is an immense psychological difference between merely poking around out there—dipping a tentative toe into the void, as it were—and what is involved in tonight's adventure. When man emerges from his earth-made vehicle, plants his feet on a foreign body in space and, erect in that infinite solitude, looks back upon his home—from that moment, one senses, he will never be the same. Not Armstrong or Aldrin; we ourselves can never be quite the same again.

How shall we differ? What will be new for us after Apollo 11? How will the human condition be affected?

Archibald MacLeish came poetically close to the answer back at the time of Apollo 8: "To see the earth as it truly is, small and blue and beautiful in that eternal silence where it floats, is to see ourselves as riders on the earth together . . . brothers who know now they are truly brothers."

But there is another point that MacLeish did not pursue, possibly because the function of those Christmas astronauts was only to look, not to act. The question that rises in the mind today is not so much what man thinks of earth as what he thinks of himself. The thing that matters about Apollo 11 is not as much what man will have done as what the doing does to his concept of himself. Man's problem has always been his inability to decide just what sort of creature he is and what he should expect of himself. Any man's performance is limited, we all know, far less by his physical and mental endowments, or the lack thereof, than by his notion of his capabilities. Man, individually and as a species, can and will do pretty much what he thinks he can do.

A creature that can stand where Armstrong and Aldrin stand tonight—that can, in the future, move among the spheres and literally explore new worlds—such a creature is unlikely to give up on the hard task of perfecting himself and his life in his natural environment on earth. The God who brought him thus far from a blob of squirming protoplasm that first was life—the same God who set these spheres in motion—is unlikely moreover, to let man blow it all now.

Here, it would seem, must be the answer to the national debate as to whether we go ahead in space, or whether we tend to our knitting at home. We are bound to do both. Any problem as to the immediate application of funds, whichever way it is resolved, is minor and transitory. We are not going to turn back from pushing our horizons as far as they can be pushed. The progressive expansion of the physical and spiritual domain of man inevitably will intensify our determination and ability, in concert with other nations, to build a home world where hunger, fear and violence no longer have a place.

Apart from such questions of state policy, philosophers tell us of course that the essential condition of the human being will not be altered, no matter how far he wanders. The facts of life on earth still will govern his existence. Born to hope, he still will suffer and know defeat, along with modest joy, before he meets the ultimate defeat of death. He still will face his true tests, not in adventures among the stars, but in small, grinding, weary efforts to do right by his fellows in the course of the daily round. It was ever thus, and thus it must ever be, despite Apollo 11 and all the journeys that will follow.

The philosophers are right as usual; life on earth remains the greatest challenge of all. But to recognize this is to detract not at all from the miraculous business being undertaken today. Pope Paul put it very well on the eve of Apollo 11. He said the moon mission opens the door to "conquests of which even the imagination fails to dream now."

"Man is at the center of this undertaking," said the pontiff, "and appears to us as a giant, as divine, not in himself, but in his principle and his destiny. Honor then to man, honor to his dignity, his spirit, his life."

In the days ahead, man faces many seemingly impossible challenges, many invitations to discouragement. He can use all of the inspiration, all the boost to his self-esteem, that he should get from the rockets of Apollo 11.

URBAN DISASTER

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. MINISH. Mr. Speaker, I insert in the CONGRESSIONAL RECORD two editorials that appeared in the Newark Star-Ledger and the Newark News on September 16. The city of Newark has suffered a tremendous setback due to the action of the Housing and Urban Development Department in whittling away at its neighborhood development program. The editorials that follow perfectly express the views of the community on this action.

[From the Newark (N.J.) Star-Ledger, Sept. 16, 1969]

URBAN DISASTER

The Nixon Administration is flirting with urban disaster if it goes through with its plan to sharply curtail renewal programs for America's ailing large cities.

This grim prognosis is hardly an extravagant, over-statement of the implications that would result from implementation of urban aid cuts the President reportedly has under consideration.

There has been no official announcement from the White House of the proposed urban aid reductions, but there is a disturbing pattern of administrative policy decisions that clearly indicates the renewal programs are being severely pruned.

The federal action is being taken without any consultation with state or local governments. But Newark housing officials have been unofficially advised by the Department of Housing and Urban Development that its program would probably be cut back.

And the reduction would be drastic: If the administration's plans are implemented, the Newark redevelopment program could be scaled down from $50 million to renew 200 acres to $5 million covering 20 acres. The effect on a heavily-taxed municipality like Newark could be disastrous.

The former director of the city's redevelopment agency, Louis Danzig, warns that the proposed urban aid curtailment would virtually wipe out urban renewal in Newark and "sound the death knell for American cities."

The urban aid reduction, coming as it does in the wake of the proposed 75 per cent reduction in federal government construction programs, could only compound and aggravate problems of state and local governments that are severely strapped financially and faced with increased demands in education, welfare and other areas.

The Nixon Administration might be able to justify the construction reduction, in a limited way, as an anti-inflationary measure. But it would be hard put to use the same economic yardstick in the urban aid sector, where monumental problems are overwhelming municipal governments.

Even conceding the severity of inflationary pressures, there are other areas of government spending that could sustain the impact of curtailment with less grievous effect than the nation's ailing cities. It is difficult to equate the expenditure of billions of dollars for an antiballistic missile system that is at best of questionable value with the urgent needs of urban communities.

The proposed urban renewal curtailment, if implemented, would represent a gross imbalance of federal priorities that is completely unwarranted and unjustified. The Nixon Administration would be guilty of a horrendous social blunder if it careens blindly down this disastrous course.

[From the Newark (N.J.) News, Sept. 16, 1969]

URBAN BRUSHOFF

When President Nixon created the Urban Affairs Council, three days after his inauguration, he committed it to develop "coherent, consistent positions as to what the national government . . . will encourage, what it will discourage" in revitalizing the nation's cities.

Perhaps the council is still at work on those positions, but meanwhile there are unfortunate signs that the administration is bent more toward discouragement than encouragement. This, at any rate, is a conclusion that Newark might well draw from its experience with an application for $50 million in federal redevelopment funds. The application affects further stages in such projects as Central Ward renewal, the meadowlands industrial development, the Gateway project at Penn Central Station, and clearance of the site for the N.J. College of Medicine and Dentistry.

The U.S. Department of Housing and Urban Development has asked cities to combine applications into single packages. That conformed to the consistency and coherence idea, and the NHA went along. But now it develops that an effect has been to set up consolidated targets for a broad-swinging ax, with a result that Newark may get only 10 per cent—or $5 million—of what it seeks. In other words, the coherent and consistent approach seems, as of now, to mean coherent and consistent spreading of funds as thinly as possible.

The turndown is not final, a HUD spokesman assures, and there may be other bureaucratic avenues through which Newark can still get its money—or at least a much greater portion than 10 per cent. As Gov. Hughes has indicated, those avenues are in Washington rather than in Trenton, for there's not much real chance of finding $50 million more in the state's treasury.

However tentative the HUD's rebuff, it suggests a disturbing, indeed dangerous, inclination in Washington to brush off cities' needs, when it is the federal responsibility to become more vigorous than ever.

VETERANS EULOGIZE DIRKSEN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. BROYHILL of Virginia. Mr. Speaker, on Wednesday, September 10, 1969, Donald E. Johnson, Administrator of Veterans' Affairs, along with representatives of 17 veterans organizations, eulogized the late Senator Everett McKinley Dirksen at the rotunda of the Capitol.

Mr. Johnson's heartfelt remarks—spoken in behalf of all of the Nation's 27 million veterans—were as follows:

Everett McKinley Dirksen will be remembered gratefully and always by America's veterans as a patriot who greatly loved our country, and as a man who lived the creed bequeathed him and all of us by another great citizen of his beloved Illinois—Abraham Lincoln—"to care for him who shall have borne the battle and for his widow and orphan."

As a combat overseas veteran of World War I, he knew personally the holocaust and the cost of war. His concern for veterans, his compassion for the disabled, and the widowed, and the orphaned was expressed most eloquently—not alone in the remembered oratory of this gifted speaker, but also in the rewarding benefits which he helped to write into law.

A quarter of a century ago—11 years after he first entered the House of Representatives—he helped enact the GI bill—one of the most enlightened laws ever passed by any government in history.

But his accomplishments on behalf of our Nation's veterans, their dependents, and survivors were not limited to this program. Far from it, his greatest service to veterans was in the leadership which he gave to the Senate as it considered the many veteran benefit programs to come before it during the more than five terms in which he served as minority leader of the Senate.

Beyond this, of course, was his dedicated, able service on the Senate Finance Committee, which monitors legislation benefiting the millions of veterans, widows, and children receiving Veterans' Administration compensation and pension and GI insurance assistance.

The veterans organizations to which he proudly belonged know well how much this great American contributed to their growth and progress since World War I. The others, whose meetings and conventions he often addressed, will remember the inspiration and renewed strength he brought to them.

With grieving hearts, America's veterans say farewell to a loved and admired comrade.

We are sure he would understand that the only lasting and worthwhile tribute we can pay him is to carry on his great work and to share his true compassion for those who have borne the battle and for their widows and their orphans.

This we will do—Senator Everett McKinley Dirksen.

Rest in peace.

BARON VON STEUBEN: SOLDIER AND PATRIOT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. BIAGGI. Mr. Speaker, on this day, September 17, 1730, was born one of the greatest patriots and heroes of the Revolutionary War, Baron Friedrich Wilhelm von Steuben. Professional soldier, military expert, inspector general of the Continental Army, he came from Prussia to offer himself in service to the cause of freedom. He brought to Washington's staff a technical training and equipment that was unknown in either the French or the British Armies at that time. In return, he asked only that all his expenses be paid while he was serving as a volunteer with the army. Waiving all claim to rank or pay, he proposed that if his services should contribute to the eventual success of the American cause, he would then expect compensation for his sacrifices in leaving Europe and such reward as Congress might be pleased to grant him. But if the cause should fail, or his services not prove beneficial, he would make no claim whatever.

This proposal to stake his fortunes upon the success of the colonial cause made a deep impression on Congress, and he was sent to join Washington in the terrible winter camp of Valley Forge. There he quickly gained the respect and admiration of officers and men alike for his martial bearing, his practical knowledge and experience, his adaptability, and his picturesque personality. Washington made him acting inspector general and asked him to undertake the training of the army.

It was an almost overwhelming responsibility, made particularly difficult because Von Steuben spoke not a word of English. He formed a model company of 100 selected men and undertook its drill in person. The rapid progress of this company under his skilled instruction inspired the whole army. Drill became the fashion among the previously demoralized troops and within a few weeks the new gospel, imparted day by day to the model company, had spread throughout the Army. This is perhaps the most remarkable achievement in rapid military training in the history of the world.

Baron von Steuben served the colonial armies with brilliance, courage, and dedication until the war was finally over and America was a free and independent Nation. He made the new Nation his home, and spent the rest of his years as an American citizen. The great sacrifices and contributions he made, his patriotism and dedication to an adopted cause, must never be forgotten by the American people. They remind us as well of the contributions of his countrymen, of all the German Americans who have helped make our great and prosperous Nation what it is today.

THE NEXT STEP IS UP TO THE COMMUNISTS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BUSH. Mr. Speaker, once again it is a Republican President who is turning this Nation and thereby the world into the paths of peace.

Those actions began modestly enough with the announcement—and follow-through—of a 25,000-man withdrawal of American troops from South Vietnam. That came June 8.

Then came the President's trip to the Far East, where he announced new American foreign policies that properly provided an atomic shield for our allies in case of all-out war, but equally properly left up to them the job of coping with internal uprisings and so-called wars of liberation.

Now, this week the President has taken new steps to prove that this Nation intends to travel the road to peace without sacrificing its badge of honor.

I refer, of course, to the decision to withdraw another 35,000 troops from South Vietnam and the reasons for that decision.

The withdrawal of these troops means that by mid-December there will be 60,000 fewer Americans in South Vietnam than there were in January—and we can be grateful for that.

The President's decision goes, however, far beyond a mere troop reduction. It is, in his own words, a significant step and it signifies, again in his words, that "the time for meaningful negotiations has therfore arrived." The next step is up to the Communists.

STATE GOVERNMENTS NEED PLANNING INFORMATION AFTER COMPLETION OF THE INTERSTATE HIGHWAY SYSTEM

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. PICKLE. Mr. Speaker, the Interstate Highway System is now nearly two-thirds complete. Although we will miss the 1969 completion target date, we have made remarkable progress since 1956.

Currently, it is anticipated the 1972 completion schedule will be revised upward toward 1975, but either date is not far away when State governments are concerned. It takes a minimum of 6 or 7 years from the drawing board to the roadbed and State governments are now concerned that they do not know which direction the Federal Government's highway planning will take after completion of the Interstate System.

This fact is brought to sharp focus in the accompanying article from the August issue of Texas Parade. The State participation has been magnificent; Texas is now two-thirds complete in the Interstate network. Obviously, we have a progressive highway department at the State level and they are in need of getting plans underway for "after the Interstate." Certainly, this will be a problem for highway planning in all our States and I would like to call the following article by Hon. William Alderman to the attention of all my colleagues:

STATES DESPERATELY NEED TO KNOW WHAT KIND OF FEDERAL AID PROGRAM WILL FOLLOW APPROACHING COMPLETION OF THE NATION'S INTERSTATE HIGHWAY SYSTEM

(By William B. Alderman)

As of mid-1969, Texas' 3,165-mile share of the nation's 42,500-mile Interstate Highway System was 85 per cent under the wheels of traffic. Nationally, about two-thirds of the network was completed and the revised target date of 1972 obviously will be moved up to around 1975. The original schedule called for the nonstop multilane system linking major population centers of the nation to be under rubber this year (1969).

In spite of the delays encountered since the plan was inaugurated in 1956, Texas and a number of other more progressive states are now hurting, not knowing what to plan for the future.

At the present time it takes six or seven years from the inception of a project until a road is opened to traffic. In many instances a longer lead time is desirable to coordinate the plans of cities, state and federal agencies, and the developments of private enterprise.

It is because of this required lead time that Texas Parade has shared the concern of highway leaders throughout the nation over what kind of program, if any, the federal government will offer when the present 42,500-mile system is finished. There are few who doubt that a program of great magnitude will follow. But its nature must be known soon to avoid great waste by the various states in trying to guess.

The probable extent of the next program is suggested by a recent estimate of Federal Administrator Frank Turner to the effect that within the next two decades, it will be necessary to carry out a highway program of a magnitude equal to all the highway work that has been accomplished in this country to date.

It is true that Congress is being asked to deliberate on an over-all transportation plan which concern airways, rails, waterways, urban congestion, and many other facets in addition to highways. And there is no fault to find with a broad approach to all transportation problems. Except that special federal taxes levied on vehicle users for the purpose of building highways might be used for something besides building highways.

These taxes are estimated to yield an average of around $6 billion a year if continued for 10 years beyond the statutory termination dates, most of which are set at 1972. And no revolt of the taxpayers is in sight if the funds are applied to a great new program of highway building. For many years leaders have been discussing the form a later highway program should take, and the "After '72" committee of the American Association of State Highways Officials has suggested some broad principles that should be observed.

Recently Texas Highway Commission Chairman D. C. Greer released details of a possible format that takes into account most of the ideas that have been seriously discussed by national leaders. Greer, whose influence has been great in AASHO circles for years, has put some numbers to this format in the hopes it would stimulate meaningful thought among other highway leaders and in the Congress. This is not a "take it or leave it" plan, but, on the contrary, a framework that would give those interested something specific to talk about.

The plan assumes that special Trust Fund taxes would be continued and that they would yield about $6 billion a year.

The Interstate System, really a "tradename" for 42,500 miles of routes selected from the Federal Aid Primary System, would not be expanded. But 10 per cent of all funds would be earmarked for the sole purpose of updating the existing mileage.

Emphasis would switch to urban problems where 30 per cent of the funds would go entirely to urban routes. In addition a good portion of Primary System funds also would be spent on routes within cities. Greer sees a need for state and federal emphasis on arterial streets which are not presently designated as state or federal routes.

The Primary System, including urban sections, would come in for 40 per cent of the total. The main money earner from user revenues, this system has been losing ground over a long period of years. It should be modernized and updated on design in keeping with present and future traffic. Many sections would be of expressway design; others would be of the ordinary conventional type.

The Secondary System would get 20 per cent. Not only are ranch and farm roads included in this system, but there are also industrial, scenic, and recreational routes. These land service types are vital in development of natural resources, agriculture, and outlying industrial plants.

As for matching ratio, the plan suggests two-thirds Federal and one-third State support on all four of the systems: Interstate, Urban, Primary and Secondary. It would do away with the present system of differentials in the various federal aid programs. This two-thirds-one-third system was suggested as a figure that all states can live with. Yet it allows for more state participation than the present formula of 90 per cent federal money for Interstate projects, 50 per cent on all others.

A slight revision of the present plan is suggested in the apportionment of federal dollars among the states. Interstate funds would be distributed according to the actual needs for updating or modernizing the Interstate System in the various states. Urban funds would be allocated to the states on the basis of urban population of a given state as compared to the urban population of the total nation. No change is proposed in the time-tested formula for Primary and Secondary systems based on area, population, and mileage of roads.

"There will be disagreements as to the breakdown of the per cent of money among the various systems," Greer is quick to point out. "There will be disagreements over the matching ratios and over the basis of apportionment. All this is expected.

"We do hope that such disagreements will not tend to kill the objective of getting this program approved as early as possible and that some middle ground may be reached that will permit early action," he stresses.

Meanwhile most of the states are now in dire need of some type of guideline from the National Congress in the format of a future highway program. There are areas in some states where the current Interstate mileage is completed and the highway program is moving toward a standstill in the absence of a known concept for acquiring right-of-way, design of facility, and other necessary preliminary work. An equally unhappy alternate would be for the states to invest their own and regular federal aid funds in a manner that might not fit with the design concept of the future program of work.

Congress asked for and has been given an estimate of the nation's highway needs for the period from 1973 to 1985. Based on the data supplied by the individual states, it calls for an annual capital cost of $17.4 billion per year for the 12-year period following completion of the current Interstate system. Compared with the current annual capital accomplishments, it will require a program more than twice the magnitude of the Interstate system program to meet these needs.

There isn't much question that there will be a massive highway program when Interstate is complete, but there is a big question as to what kind.

It is information as to the latter which the States desperately need now to avoid waste and misdirected effort in planning for the future.

RESOLUTION REQUESTING THE ISSUE OF A COMMEMORATIVE STAMP IN TRIBUTE TO SENATOR EVERETT McKINLEY DIRKSEN

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. WHITEHURST. Mr. Speaker, today I introduced a resolution requesting the House to call upon the Postmaster General to issue a commemorative stamp to be sold on January 4, 1970, on the occasion of the 74th birthday of the late Senator Everett McKinley Dirksen. Senator Dirksen was no ordinary man. He cut a swath across public life that left its mark upon six administrations. To several of the Presidents, he was an indispensable ally, and he won the deep affection not only of his congressional colleagues, but of the American people. Senator Dirksen communicated a love of his country and devotion to service that has been matched by few men. On the occasion of his death, he was honored as only three other Senators have been honored by lying in state in the Capitol rotunda. It seems to me that issuing a stamp will enable us to accord him the kind of posthumous recognition which we reserve for those special Americans who have so unselfishly served the Republic.

THE NEW FEDERALISM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. RHODES. Mr. Speaker, the President's New Federalism has aroused the imagination of this Nation and this has been reflected in the editorial policy of many of the Nation's great newspapers.

More than 400 newspapers representing 46 of the 50 States and the District of Columbia have commented editorially on the package that makes up the New Federalism—family assistance, revenue sharing, and manpower training.

The vast majority of these comments have been very favorable. In fact, their main concern seems to be whether the democratically controlled Congress will act quickly upon them, or whether they will be shunted aside along with a number of other constructive administration proposals.

I have a cross section of these editorials representing various parts of the country and various types of newspapers. They make the point that most people in the country think a revision in the welfare system is needed, want a real effort made toward training our unskilled and unprepared work force, and want a shift in power and responsibility back to the States and local governments.

Mr. Speaker, I hope the voice of the people—as heard in these accompanying editorials—will not be ignored by the Congress:

[From the Birmingham (Ala.) News, Aug. 17, 1969]

THE NEW FEDERALISM

Richard Nixon, as President, faces a bevy of issues as numerous, perilous and stinging as the serpents comprising Medusa's locks. And all the issues beg for presidential priority.

Contrary to the opinion of those who would assail the President for not changing the nation after seven months of office, he is facing issues, and by a process of cautious selectivity, moving to deal with them, as his last week's welfare message clearly revealed.

The President opened that message by telling Americans that one of his first priorities is that of repairing the "machinery of the government," putting it into shape for the '70s.

Certainly the technicalities of welfare reform are needed for this "repairing of the machinery." But underlying the President's message was a radical shift of philosophy, one that is urgently needed, and one that hopefully will underlie other reform measures. The President called it the "new federalism."

The founders of this nation constructed a highly flexible system. They anticipated sweeping shifts in the cultural fabric of the nation. But now the United States is a multicultured society whose states are not linked in the uniform pioneer psychology of the original 13. We are as diverse as Nebraska from New York, as Alabama from Maine. With increasing population, the '70s will see a continuation of this diversity.

President Nixon in building his welfare program around the concept of the diversity of the states, is leading a quiet but real revolution against the bureaucratic hypothesis that every state functions and feels precisely as Washington thinks it functions and feels. The problem with the old welfare system was that it never realized this.

The new federalism, as presented in the welfare message, would transfer to states and localities what now are federal powers. And with the transfer of power would come federal money in the form of fiscal relief and revenue sharing.

State and local governments will thus be able to model such programs as job training—a major aspect of the Nixon welfare package—on the basis of immediate local need, rather than be governed by the impersonal, nationally uniform systems previously used.

President Nixon hopes the new federalism will accomplish a better sharing of responsibilities between federal government and state and local units, more effective rendering of services, and a system whereby choices can be made representing the varying needs of a diverse nation.

When revenue sharing would begin in the middle of 1971, the states would receive $500 million for that half year. Five years later, the President hopes the amount going to the states would be $5 billion.

Closer to home, Alabama would receive a total of $28 million in the first full year, $16.1 million in revenue sharing, and $11.9 in welfare fiscal relief.

The new federalism, we hope, will be used as a basic philosophy in every area of federal-state relationships. It is indeed time to move to a healthy partnership of government in this nation, rather than a quarrelsome, absurdly sharp dichotomy.

[From the Bakersfield (Calif.) Californian, Aug. 14, 1969]

NIXON'S "REALISTIC" WELFARE PLAN

The Rev. Ralph Abernathy's adverse reaction to President Nixon's proposals to rebuild the nation's welfare programs and to share federal tax collections with the 50 states should raise few eyebrows. The successor to the Rev. Martin Luther King Jr. as head of the Southern Christian Leadership Conference (SCLC) last week branded the Chief Executive's welfare proposal as an insult and a political gimmick. Insisting the President had proposed "an inadequate, deceptive and repressive" welfare plan, the Rev. Abernathy denounced the Nixon-welfare program because it "calls for a system of forced work—even for mothers." His conclusion:

"Mr. Nixon's welfare plan is in reality a political gimmick designed to fool both the poor who need so much more and the rich who think they're already too generous with welfare. First, it is inadequate. The Department of Agriculture says a family of four needs at least $1,200 a year for food alone. Mr. Nixon proposes only $1,600 for the total needs of such a family. The poor must be guaranteed an income that will bring them at least to the poverty line—$3,000 for a family of four."

Arguing the Nixon-welfare program would set up "forced work," the SCLC leader added:

"Everyone knows that decent jobs with decent pay are not available now and Mr. Nixon makes no provision for finding them. Also, Mr. Nixon should know that less than one per cent of all people on welfare now are able to work. All the rest are children, mothers with infants, the aged, the disabled and the relatively small number of men without adequate training. Third, Mr. Nixon would turn the main responsibilities of a welfare program over to the states. Does he mean to say he will let the State of Mississippi, where starving children now receive $8.50 a month in welfare, control the new program?"

In a nation in which "welfare has become a way of life" for many undeserving Americans, The Bakersfield Californian believes President Nixon has made a gigantic step forward toward giving federal aid to the states without strings, in place of the present "categorical-grant" programs with purposes and guidelines specified by the federal government. The President indeed offers new approaches in welfare reform to one of the United States' most fundamental problems.

The Rev. Abernathy never mentioned that the tax-sharing plan incorporated in the Nixon-welfare program would give the states $1 billion in the first year—and would go up to $5 billion in five years; that the $4-billion welfare program would relieve the states of an estimated $736 million in welfare costs during the initial year. The Nixon-revenue-sharing plan, in our opinion, is a significant major step by the federal government to restore balance to the American federal system.

Certainly, the late President John F. Kennedy and former President Lyndon B. Johnson never proposed such a meritorious solution to the welfare program. During the Kennedy-Johnson administrations, federal funds allotted to fight the so-called "war on poverty" never reached the impoverished citizens. The bulk of such funds was spent in paying high salaries for a bureaucratic administrative staff.

Let individual states, through funds provided in President Nixon's proposed tax-sharing program, work out their own salvation. It is reasonable to believe the states can more efficiently administer and supervise welfare programs than the bureaucratic monster in Washington, D.C. That welfare programs in this republic are needed is indisputable. The widows, orphans, elderly, disabled, sick and blind must be adequately cared for. This indeed is the American way. Nonetheless, welfare programs should be scrutinized constantly to weed out the parasitic recipients. Those who damn the Nixon-welfare program, it seems, still are clinging to the "pie-in-the-sky" handouts promised—but not delivered—by the free-spending Democrats.

[From the Boulder (Colo.) Camera, Aug. 12, 1969]

A FIRST STEP TOWARD REFORMING WELFARE

According to the Good Book, "The poor we have always with us." Man has never succeeded in developing a perfect social system in which all members were self-sufficient and nobody needed aid. There have been theoretical Utopias, but none that worked, except in some communal colonies that represent a small segment of society—and even there, some members have needed aid.

The American system of economic freedom has provided the widest distribution of affluence found anywhere, and even the poor in America are better off than the middle class in many countries. Even so, the poor in this country live below an acceptable economic level.

The welfare systems that began at the

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federal level during the depression of the 1930s has helped millions. But it does not reach all of the poor. Nor does it adequately provide for many who do receive aid.

In fact, the welfare system has evolved into a patchwork mechanism that doesn't do an efficient job and is too costly in relation to the services given. Democrats and Republicans alike mostly agree that a major overhaul is needed.

President Nixon last week called for such an overhaul. He proposed a "family assistance" program that would operate under what he calls a "new federalism."

The family assistance in some respects resembles the "guaranteed income" plan that has been discussed for several years. Main objection to the guaranteed income has been that it would encourage sloth, that it would destroy the incentive to work. Despite this objection, the business community in general has tended to favor it as a booster of buying power for the poor and therefore an economic benefit to business.

The Nixon proposal, however, has built into it a work incentive, by providing that family assistance recipients may materially better themselves by a combination of government aid and income from work. Also recipients would be required to be available for jobs or job training—except for mothers of children under 6 years old. Day care centers would make it possible for mothers to accept jobs.

The Nixon plan also would make families eligible if the father is living with his wife and children. One of the evils of the present Aid to Families of Dependent Children is that it excludes those with fathers in the family unit. This tends to break up families and encourages fraudulent arrangements in which the father ostensibly leaves home but sneaks in the back door. It also encourages the accumulation of so-called "illegitimate" children in order to increase payments based on the number of youngsters.

For the first time, the proposed program would subsidize the working poor. Under present welfare programs, a great many working persons are under the poverty line in income but are ineligible for aid.

Fewer than half of the people in the poverty category now receive aid—about 9 million. The Nixon program would extend aid to an estimated 22 million, the estimated number of poor in America.

The new program would provide $1,600 yearly to a family of four, plus supplements until earnings reach $3,920—provided the breadwinner is willing to work.

It is a combination of aid and opportunity that makes it possible for recipients to maintain self-respect, seek to better themselves on their own initiative, and incidentally would return many to the status of taxpayers contributing their fair share to the operation of government—an important part of participatory democracy.

The "new federalism" phase of the Nixon proposal would shift much of the administration of the program to the states, which are considered in a better position to know local conditions and the best ways to deal with them. This phase also would make it possible to streamline the federal bureaucracy for the elimination of waste and duplication and for greater efficiency and the saving of tax dollars.

This is not to suggest that welfare is going to cost less. It would mean a little more than double present welfare outlays. But it would reach more than twice as many people who need help.

Americans are traditionally humanitarian. The typical American will not stand by and see others suffer if he can do anything to help. The citizen who is proud of his country is bound to see that his pride is justified. This pride is diluted as long as a large number of fellow citizens must endure a pinched existence through no fault of their own in the midst of a land of plenty.

The Nixon plan appears to be the best outlined so far to make welfare more tenable for both the poor and the nonpoor.

[From the Wilmington (Del.) Journal, Aug. 12, 1969]

Nixon, the Welfare Innovator

President Nixon has shown himself to be his own man when it comes to that great and troublesome challenge usually called simply "welfare." He has shocked some conservatives and confounded some liberals with his espousal of the theory that a guaranteed income at some level is a basic, workable, humane approach to poverty.

Some who see the Nixon approach as the only one capabel of breaking self-perpetuating poverty cycles, one generation after another, may object that he has not gone far enough in proposing (for example) a federal payment of $1,600 a year for a welfare family of four. That, however, is a great humane step forward for Mississippi, where the total annual benefit is less than $500 for such a family.

All states would have to add to the $1,600. A wage-earner in the family would wisely be allowed to keep his first $720 in earnings with no reduction in benefits. Fathers would be encouraged to stick with their families instead of dodging the social workers or simply disappearing.

Expensive as this welfare concept is in dollars, the alternative of prolonging the present welfare system offers the prospect of far greater cost not only in money but in human dignity. Today we have the paradox of steeply increasing numbers of welfare recipients while unemployment continues to decrease. The explanation is that some 60 per cent of those receiving aid are children. It is these children, growing into adults, who can either perpetuate the isolated world of total dependence or can be turned toward better health, education, and a productive part in American life.

No one can certify, of course, that Mr. Nixon's plans for a better antipoverty program—with expanded job training and a sharing of federal tax revenues with the states—can bring about any quick miracles of reform. But there is ample reason for Congress to set the whole poverty program on the kind of innovative tack that can carry the hopes of all good Americans for an end to the destructive divisiveness that has too long marked our mishandled poverty programs.

[From the Miami (Fla.) News, Aug. 9, 1969]

A Reasonable Approach to Social Welfare

If President Nixon can accomplish the welfare advances which he outlined to the nation last night, the result will surely go down as an historic highlight of his administration.

Like the weather, welfare is one of those things that everyone has complained about but no one has been able to reform. Finally, we have been left with a system which, as Mr. Nixon said, burdens states and cities, breaks up homes, penalizes work, robs recipients of dignity, and grows, and grows.

Mr. Nixon has proposed revolutionary changes which, while they may not provide instant health and happiness for all the millions of needy, will at least put social assistance on a reasonable basis.

The "family assistance system," as Mr. Nixon called his supplemental income plan, is not a guaranteed annual income in the academic sense of the term, but it would ensure each needy family a basic level of financial aid, and it would not penalize a recipient for trying to remove himself from the welfare category.

Welfare applicants would have to register for jobs or job training, a requirement that could lend itself to abuse by hard-nosed job placement officials. On the other hand, applicants would not be subject to the demanding and time-consuming investigations that characterize present welfare schemes.

Also, child care centers would be available to mothers who might be self-supporting but for the fact that they must remain at home to attend their children.

Also progressive, in our view, was Mr. Nixon's proposal to shift the proven programs of the Office of Economic Opportunity to the operating departments of the government and use the OEO as a proving ground for new social concepts. And his plan to return federal income taxes to states without strings, may be the only feasible answer to repressive local property taxes.

Overall, Mr. Nixon's proposals reflect the liberal leanings of his welfare and urban affairs advisers, Robert Finch and Daniel Moynihan. But there was no doubting Mr. Nixon's sincerity as he presented them as his own, and it may be that an otherwise conservative President will be successful in accomplishing liberal reforms at a time when a liberal president might have failed.

[From the Columbus (Ga.) Aug. 12, 1969]

WELFARE THROUGH INCENTIVE: MEANINGFUL FIRST STEP

Welfare parasites and people who plain don't want to work no doubt shudder at the prospects of the welfare program outlined by President Nixon last week.

But unfortunate people who want to improve their lot in life through work incentive programs while getting the basic ingredients for living through welfare will applaud the new concept outlined by the President.

The chief executive has outlined an entirely new guideline for welfare assistance and his proposal has much merit.

The heart of the President's domestic proposal is a federal income guarantee of $1,000 a year to a family of four, plus supplements until earnings reach $3,920—provided the breadwinner is willing to work.

Mr. Nixon's new "family assistance program" and other reforms would supplant the present aid to dependent children program, subsidize the working poor for the first time and add $14 billion a year to the present $4.2 billion federal welfare bill. Welfare recipients would more than double to 22.4 million.

What we like about the Nixon program is the incentive to work.

In this day in time there can be adequate jobs for all able-bodied breadwinners in the family. In many instances there can be no excuses for perpetual welfare and the President is providing the incentive for lower income families and constant welfare recipients to improve their conditions.

Basically, the old concepts of welfare have failed. They were based primarily on theory of providing necessary assistance now without providing any incentive for welfare recipients to improve their economic lot by getting and holding jobs. So the situation revolved into the chaotic welfare conditions of today with the relief roles getting longer and welfare families making no attempt to do anything other than await the regular arrival of the government check or the food allotment.

Those who would turn the United States into a total welfare and socialist state will fight the Nixon program all the way and will throw up the smoke-screens. But realists and advocates of the free enterprise system through which a person earns his own way will work for passage of the Nixon program in Congress.

Mr. Nixon is taking the first step toward a breakaway from the welfare freeze that is clawing away at our economic system.

[From the Boise (Idaho) Statesman, Aug. 12, 1969]

A Bold Approach to Welfare, Poverty Ills

President Nixon has proposed dramatic changes in the nation's approach to welfare and poverty. His reform package is strong

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medicine but the shortcomings of present efforts call for drastic remedies.

His plan is certain to receive an extensive going over in Congress. But the basic concepts should win approval as a promising alternative to an unpopular system.

President Nixon described the present welfare system as a failure. It displeases both those on welfare, and taxpayers who pay the bills. In numbers assisted and costs it is growing alarmingly—with no prospect for stemming the tide.

Initially the cost of the Nixon plan would be far higher because it would give more assistance to more people. In the long run it should also help more people free themselves from dependence on government aid.

The plan involves far more than welfare reform. About $2.5 billion a year would be spent to give supplemental income to low-income families not now eligible for welfare. For a family of four with a father earning only $2,000 a year, there would be a $960 a year supplement.

This "family assistance" plan is a more ambitious anti-poverty program than the nation has yet undertaken.

While the concept is similar to the "guaranteed income" idea, Mr. Nixon said it is not the same. The difference, he said, is that under a guaranteed income there would be no work requirement.

Under his proposals, employable recipients would lose their benefits if they refuse to accept training or employment. There would be an exception for mothers with pre-school children, who would not be required to work until the children reached school age.

They would find it easier to work before that time through the creation of an extensive system of day care centers. The centers could offer health and nutrition benefits to children.

The Nixon plan would put a "floor" of $1,600 per year under the assistance to a family of four. One state pays only $39 per month and others, mostly in the South, fall below the $1,600 figure. Idaho wouldn't be affected since a family of four receives more than $1,600 now under the aid to dependent children program.

Administration of the "family assistance" program would be federalized, under the Social Security administration.

Perhaps to offset the questions that such a step will raise, the President proposed to hand the federal job training programs to the states. Presently there is too little coordination of the numerous federal programs, and these are not coordinated with state-administered efforts.

To help more people on welfare find jobs will require an expansion of job-training, as well as better coordination. This the President also proposes.

The President chose to offer a bold and far-reaching plan, rather than patchwork changes. His plan offers the benefits seen in the guaranteed income concept, while emphasizing incentives and opportunities for employment.

It would extend assistance to thousands of low-income families in which the head of the family works. The family would be able to live better and the children should have a better opportunity.

Greater assistance would be provided to people on welfare in states where payment levels are too low. The concept of a minimum level would be fairer to the people involved, and might help ease the problem of migration of poor from the South to the northern cities.

The concept of welfare dependency as a temporary situation for people able to work would be strengthened. A work requirement could be enforced only by making job training available, and helping people to find jobs.

Present welfare and poverty problems stem from a combination of many factors, some beyond the reach of changes in any system. The Nixon plan is no panacea. But it appears to be far more promising than the present unpopular and discredited system.

[From the Chicago Daily News, Aug. 12, 1969]

TURNING WELFARE AROUND

In different words and for different reasons, liberals and conservatives alike have flailed for years at the nation's welfare program. Something is clearly wrong. In a period of rising prosperity, welfare costs are increasing without limit. Inequities abound. In some states, people in desperate need are denied enough help to keep body and soul together; in others, families can live better on welfare than on the earnings of a working father.

The system has fed on itself. Fathers deserted their families—in reality or by ruse—in order to help them. Poor families migrated from rural slums to the big city slums, bettering themselves in dollars but compounding their miseries in a high-cost environment for which they were totally unprepared.

It is hardly an exaggeration to say—as President Nixon did the other night—that the welfare system designed for the Depression of the 1930s has become a monster in the late '60s. The time has come for fundamental change.

Mr. Nixon's proposals for change are drastic—even radical. And indeed his plan borrows from radicals of the left and of the right. At times in his television report to the people, he echoed the cries of the militant poor; at other times he sounded like the deepest-dyed conservative.

Yet the net of his proposals is a blend of the best ideas that have been advanced—a remarkable synthesis that could indeed "turn the corner" toward a fair and workable welfare program for the '70s.

The program is many-layered. It would establish a federal minimum of benefits for the poor without adopting either the "negative income tax" or the "guaranteed annual income" in their entirety. It avoids the pitfall of undermining incentive. On the contrary, it offers new incentives toward job training and job holding at the same time it attempts to salvage the human dignity of those who must remain totally or partially dependent upon the government.

By shifting to a "family assistance" plan it would eliminate the worst features of the Aid to Dependent Children (ADC) program, which has contributed to family breakdowns. It would get around the unfair situations where a working family may have less income than an idle one. It should, in time, break the developing cycle of dependency from one generation to the next.

Mr. Nixon would step up job training programs and provide the incentive to make them attractive. He would put the federal government deep into a program for day-care centers, so badly needed in so many areas. And he would revamp the Office of Economic Opportunity to fulfill a needed role as a laboratory for experiments in combating poverty.

This change of direction would cost more at the outset, the President admits—about $4 billion the first year, he estimates, and such projections are usually low. Yet one fact should be obvious: No change that took away something people have come to regard as a "right" would be either politically or humanly possible. Welfare isn't going to fade away. One immediate effect of the plan, in fact, would be to extend welfare benefits to many of the poor who do not now qualify.

But it is the change of direction that is important, if not vital, to this country. The errors in the present system are so grave it cannot continue on the same course without undermining our economy and contributing further to social instability. The course Mr. Nixon proposes at least offers the hope that the "monster" can be tamed.

Some details of the program are still to come. Full debate by Congress and the public is assured, and no doubt it will bring refinements in the plans. Many questions already have been raised, among them a key query as to how well and how uniformly the states will meet new responsibilities thrust upon them by Mr. Nixon's revised concept of federalism. A beginning toward tax sharing with the states—a valid and important part of his total plan—should help to standardize welfare payments, but the goal of equal treatment in North and South is still distant.

What should not be lost sight of, however, is that President Nixon has moved courageously and imaginatively—over the objection of part of his own Cabinet—to grapple with one of the most serious domestic problems of our time. For daring to face what Presidents before him have sidestepped, he deserves the highest commendation.

[From the Marlboro (Mass.) Enterprise, Aug. 11, 1969]

NIXON'S WELFARE PLAN OFFERS RAY OF HOPE

(By Joe Ferrecchia)

When Richard Nixon announced last Friday night that he will seek to scrap the country's welfare system of 35 years and replace it with a work-incentive program, he spoke none too soon as far as most thinking people are concerned.

The President's address to the nation was general in nature, thus accurate predictions as to the viability of his plan are not yet possible. But even a hint of change offers a ray of hope.

Two suspects of our welfare system have made followers of history fearful. First, the system has not cured or arrested indolence; it has served to expand it instead. Then, as has happened to now defunct great nations of the past, the malignancy of massive indolence is likely to cause the eventual demise of our free society as we have always known it.

Others before him have known the dangers inherent to an ever-growing welfare system but to his lasting credit, Richard Nixon is the first to muster the fortitude necessary to even suggest a basic change.

The road to passage of a major welfare revision will not be easy. There will be those legislators who will place self interest over national interest. The torch may be put to several of our cities in protest. But change is called for and the country should gird itself for the convulsion that may ensue.

We are a rich, young, powerful and resourceful nation. None of these attributes guarantee our continuing supremacy in the world. In fact, there are ominous signs that we are allowing internal decay to negate the superior global posture we enjoy.

A plausible parallel may be drawn between our situation and the other truly great governmental structure of history—the Empire of the Romans. Hopefully, our fate will be different.

The Roman dominion extended from Scotland to the Sudan, from Portugal to the Euphrates. For centuries, Rome was undisputed master of the world. It was a super-power in the truest sense for there were no nations left unconquered that had anything resembling enough force to pose even a minor threat to the Empire's existence.

Rome, too, was rich, young, powerful and resourceful. In its time, that paragon of government was every bit as affluent as we are today. With affluence came social problems which we sometimes think were invented in America. One of them was welfare.

In his History of Civilization, Will Durant had this to say about the low income Roman: "The little man had to borrow money at rates that insured his inability to pay; slowly he sank into poverty or bankruptcy, tenancy or slums. Finally, the peasant himself, after he had seen and looted the world as a soldier, had no taste or patience for the lonely labor and unadventurous chores of the farm; he preferred to join the turbulent proletariat of the city, watch without cost the exciting games of the amphitheater, receive cheap corn from the government, sell his vote to the highest bidder or promiser, and lose himself in the impoverished and indiscriminate mass."

When the social problem reached monumental proportions, Rome's moral disintegration followed and once impregnable borders crumbled before barbarian plunderers. There are those who wait patiently for our internal erosion, too. Richard Nixon's plan may not solve all of our problems, but it could be a reasonable start toward reversing our suicidal tendencies as a nation.

[From the St. Paul (Minn.) Pioneer Press, Aug. 13, 1969]

TIME FOR AN OVERHAUL

President Richard Nixon has called for the first major revision of the U.S. welfare program that came into existence 34 years ago during the darkest days of the great depression. While there have been many minor revisions of the program in the past, none of them have been effective in righting the major wrong of welfare: reducing the incentive of the recipient to try to help himself.

Currently there are 9.7 million relief recipients in the U.S., or nearly 5 per cent of the total population. Of that total, about 6.5 million persons are in the welfare category of aid to families with dependent children (AFDC). It is this category which has grown at an alarming rate and which is regarded as the most controversial segment of the present welfare system.

In Minnesota, for example, there were 64,700 recipients (almost exactly 10 per cent of the national total) of AFDC welfare funds in March of this year, an increase of 10 per cent over the same month a year ago.

The Nixon proposal is designed primarily to put the work incentive back into the welfare program and at the same time equalize and raise the benefits among the individual states.

Under the present schedules of individual states, benefits vary greatly. The same AFDC family headed by an unemployed woman receiving $39 a month in Mississippi can receive $200 a month in Minnesota and as much as $263 a month in New Jersey.

Nixon proposes the elimination of AFDC and replacing it with what he terms a "family-assistance system." His approach is to help most those welfare recipients who try hardest to help themselves. The program calls for job training programs with incentive stipends for those who enroll. Able-bodied persons receiving aid must be willing to take employment if it is available or stand to lose the benefits (mothers of pre-school children and those physically or mentally incapable of holding a job would be exempted).

The new assistance concept also would recognize the nation's working poor. In many states, present AFDC laws prohibit aid to families with able-bodied fathers in the home. Thus, many with low-paying jobs actually find it a benefit to their families to desert them. Nixon's program would provide for such families without encouraging the father to leave.

Unlike the present program which deducts from a recipient's welfare payment much of the amount earned by working (and takes away the work incentive), the proposed program allows a welfare family to keep more of its earnings. A family of four, for example, Could receive a total of $3,920 in earnings and welfare payments before being removed from the program.

Obviously, the system of welfare, costly as it is, has not developed in the way it was meant to do or brought about satisfactory results. A great many persons will agree with the recent statement of Sen. John J. Williams, R-Del., that "if there is one thing the taxpayers of this country are unhappy about, it is paying their hard-earned money to support people who are able to work but will not do so."

The time for overhaul of the welfare system is long overdue, and Congress should be urged to begin consideration of Nixon's proposal at the earliest opportunity.

It does not seem to be so much to ask that recipients of welfare funds do whatever they can to help themselves. And any move in this direction certainly will be well received by the growing number of persons who are increasingly more critical of the present system.

[From the Greenville (Miss.) Delta Democrat Times, Aug. 17, 1969]

THE PRESIDENT'S BOLD VENTURE

The President's often conservative rhetoric Friday night could not disguise the truth about the reshaping of the welfare program he proposed: It would involve the radical transformatiaon of a system which, as he accurately said, is a total failure. The transformation would fundamentally alter the terms under which relief is granted to the impoverished and would be the first step toward a guaranteed income for all Americans. It would pose immense problems, involve more federal spending and still not promise easy success. But taken all in all, what the President advocated is, in broad outline at least, exactly what the situation demands.

No one seriously disputes that welfare as we know it today is a mess. The President put it well: "It breaks up homes. It often penalizes work. It robs recipients of dignity. And it grows."

Equally, however, only a few Americans seriously believe that in a country as rich as ours society should allow millions of its citizens to live in hopeless penury. What the President wants Congress to do is put an income floor under poor families, with the logical corollary that "poor" means those who make too little while working as well as those who have no income at all.

The result would be a doubling of the relief rolls initially, in large part because of the addition of the so-called working poor to the total. The increase would also come because unemployed fathers of dependent children would also be eligible for relief—along with their families—with one new requirement. That requirement would be that they would work when it becomes available or participate in job training when it is offered, with the latter carrying a $30 a month bonus as well. In the long run, however, the new program should lower relief costs by encouraging employment and family unity.

The $4 billion price tag, the family maintenance income (with a $1,600 floor for a family of four) and the scrapping of the odious man-in-the-house restrictions on aid to dependent children—all these are repugnant to conservatives. The requirement that those men on relief who are able bodied either work or train for work angers many on the left who dislike this element of compulsion. Both sides have already been heard from and they will gather steam in the long months of debate ahead.

But the fact is that President Nixon has done what no President has done since the social security system was inaugurated in the 1930s. He has decided to attack the welfare problem by tearing out the roots and planting new ones in their place.

It is an approach, incidentally, which will mean far more to Mississippi than to some of the more affluent states. We have a $39 a month maximum welfare payment, which means the new income floor will represent a fantastic increase in the poors' living standard here. It will be meaningless in New Jersey, however, for those already on welfare because the maximum there is over $200 a month.

Historians will note the irony that, in the name of conservative virtues, a Republican President embraced such a thorough-going, expensive restructuring of a government program. But as he also said, "This is a reform we cannot afford not to undertake." Admitting that poverty alone is a proper reason for government income support may win Mr. Nixon few new friends on the right; not spending even more billions than he is asking will anger some old enemies on the left. Neither should bother the President, because what he has done represents the most important innovation in domestic programming in three decades.

[From the Concord (N.H.) Monitor and New Hampshire Patriot, Aug. 12, 1969]

WELFARE PLAN DESERVES BACKING

When you mention the word "welfare" in any group, it is almost certain to spark a broad range of emotions, including compassion, anger, frustration and misunderstanding.

The Nixon Administration has proposed a bold and sweeping approach to welfare reform. It is not everything that might be done, nor are its component ideas new or revolutionary. But the package is an imaginative step in the right direction.

The nation's welfare laws, and the administration of them, long have been a national disgrace. They discriminate against persons in some circumstances, while favoring others who are less needy. The law encourages families to break up, and virtually nothing has been done to enact substantive changes in the law for decades.

The welfare laws are administered in secrecy to protect the dignity of welfare recipients. But the result has been flagrant abuses that the public never hears about except as rumors which in the absence of fact are regarded as authentic.

Thus the scope of the problem still is not widely known. Exceptional cases are regarded as typical. The poverty of some families, whose circumstances are not covered by present law, is regarded as a failure of the whole system.

It is in this framework of suspicion and misunderstanding that the President has presented a new concept of public welfare.

If approved by Congress in its proposed form, the welfare reform plan would cost an additional $4 billion in its first full year of operation. This is in addition to the present $4.2 billion earmarked for public assistance in the fiscal year 1970 budget.

The plan would guarantee a family of four persons who have no income at all a minimum of $1,600 a year. And, for the first time, a "working poor" family, headed by a male, would get federal assistance, provided the family income was below certain standards.

The President's proposal also would require the states to continue their welfare benefits in an amount equal to the difference between present state benefits and the proposed federal minimums.

But the states would get federal help in contributing to the level of welfare aid. First, the amount each state spent in a base year on public assistance programs could be reduced by as much as 50 percent and still be eligible for federal matching.

Second, the program contains a much-discussed tax sharing plan—turning tax revenue back to the states for welfare aid. Under the plan, this would amount to $1 billion in the first full year of operation, and increasing annually for five years thereafter.

The combination of welfare reform and tax-sharing would mean $4 million for New Hampshire in the first year.

Another noteworthy feature of the Nixon plan is the requirement that every able-bodied applicant for welfare assistance—man or woman—must register with the U.S. Employment Service, and accept a suitable job if one is available.

It also provides for training for those applicants for whom work is not available. And expanded child day care facilities are provided in the proposal so that the female head of the household might seek employment.

The job registration, job training and child day care provisions will answer much of the criticism of the present law, which hinges on charges of "dependency" on the welfare check, while shunning employment.

The welfare reform package is almost certain to undergo rough sledding in a Democratic-controlled Congress, Rep. Wilbur Mills, D-Ark., chairman of the House Ways and Means (tax-writing) Committee, already has turned a jaundiced eye on federal tax-sharing proposals, for instance.

But the Nixon Administration has taken on a difficult task and handled it with courage and refreshing imagination. It deserves widespread public support.

[From the Jersey City (N.J.) Jersey Journal, Aug. 16, 1969]

Nixon's Welfare

The gala celebration to welcome our moon travelers back to normal American life has eclipsed some proposed changes in that American life which are quite as novel in their field as the landing at Tranquility Base was for exploration.

Within the last few days President Nixon, in an address to the nation and in a number of messages to Congress, has laid down a plan for totally changing the direction of the assault upon poverty and unemployment. Until now the course has been to set up a federal program, appropriate some dollars with each newly born problem, and then forget about it. Because the problems persist it is clear the existing corrective systems do not work and so the President offers a different plan.

In general his hope is to make normal, intelligent selfishness a device for guiding the victim of poverty toward a better life. He would establish a federal minimum welfare payment which would raise standards in substandard states and so, perhaps, anchor the drifting rural population which hitherto has gone aground somewhere in northern slums. His plan would guarantee that all states could save at least 10 per cent of their welfare bill and perhaps more. Moreover, he would end the penalizing of welfare recipients for showing initiative and getting work for themselves. And most important and basic of all, he would remove from welfare that horrible dehumanizing, demeaning restriction which requires a man to abandon his family so his children can be eligible.

By presenting humane alternatives the President lets normal, human self respect and normal, laudable self seeking do their work in helping the welfare recipient improve his own lot.

One would think the whole nation would cheer so logical and simple approach. Yet all sorts of nitpickers are at work. So, when reading criticisms of the welfare plan, it may be well to ask: "What is the source?"

Is it a bureaucrat who may be unemployed because there is less red tape to play with?

Is it a career social worker who would be out of a job if nobody was on welfare?

Is it the "leader" of some skimpy "organization" which pretends to speak for all of the people who are poor?

Is it a politician trying to make poverty votes by yelling for something more?

Is it somebody who just does not like Nixon no matter what he does?

The big thing to remember is that here is the first effort at a broad front approach to the welfare problem on a national scale. Obviously the President did not think this all up by himself. The handiwork of Daniel Moynihan, his special advisor, is clear everywhere. Many people do not like Dr. Moynihan; he has a way of being very frank in stating facts and quite unpolitical in interpreting them. But he also has a nasty way of dismaying his critics by being correct in his evaluations.

Poverty should be a non-political issue. The President in his message has set down the broad outlines of a way to attack the problems—a way much better than the unworkable ways which have been tolerated too long. Now it is up to Congress to put the new welfare approach into law. That should be done as a bipartisan, non-partisan, absolutely necessary piece of legislation.

[From the Albuquerque (N. Mex.) Tribune, Aug. 17, 1969]

Training Is the Key

In his shakeup of the whole government welfare system, President Nixon is proposing three separate but related plans:

To revise the public assistance program, to crank up a much improved manpower training program, and to divvy up some federal money to the states and cities.

The key plank in this platform is the training program.

You can't ask a man to take a job if there is no job he can do. So he stays on relief.

The alternative is to find him a job and train him to do it.

That's what the President's plan is all about. It makes complete sense. It offers the only hope of ever cutting public assistance costs to reasonable proportions and, by the same token, the only way to get people off the welfare rolls, now up to nine million.

The government has had a flock of so-called manpower programs, and they have accomplished something, but at high cost. There are too many programs, disjointed, floundering in red tape and often outright discouraging to people who want to work.

Mr. Nixon proposes to tie all this into one package, flexible enough to deal with changing situations as they arise. The purpose is to make the so-called "hard core unemployable" employable, to find jobs for the idle, and to upgrade the "working poor"—people who are not on welfare but whose low income keeps them in poverty.

Most of the government's policies in the past have been aimed at people on welfare. Those existing on poverty incomes have been neglected. And it is just as important to the economy and to the general well-being of the country to improve their lot as it is to get people off welfare.

The President proposes to do this, over the long haul, by creating a system which will work efficiently and by providing incentives to both the jobless and the under-employed.

Having a plan, of course, doesn't solve the problem. Too often heretofore the government has dreamed up a plan, stuck to it even if it didn't work, and then simply coasted along hoping the problem somehow would go away.

Instead of requiring people to tailor themselves to government programs, Mr. Nixon proposes to tailor the programs to the individual needs of the people he seeks to help.

The President's plan is sound, and Congress and the administration ought to get on with it as fast as possible. It will take a lot of doing to get the results Mr. Nixon is shooting for. But, as he says:

"Intelligently organized, it will save tax dollars now spent on welfare, increase revenues by widening the base of the taxpaying public, and (most important) lift human beings into lives of greater dignity."

These goals are practical and necessary. And they will be reached if the intelligent organizing is provided.

[From the Troy (N.Y.) Times-Record, Aug. 12, 1969]

A Good Program

President Nixon's job-based program for the dispensing of welfare will eliminate a system which has not worked. The present welfare program is a disgrace to the nation. It is a colossal failure.

For one thing, it discriminates against those who want work by making it possible to get more from welfare than from a low-paying job. For another it has been an incentive for fathers to desert their families. Even if father was just around the corner, so long as he was separated from his family they could get more welfare.

Benefits under the present system are unequal. High in some states, low in others, leading to imigration from state to state by those who sought high welfare payments.

President Nixon's program is wise and carefully planned. It will cost more but correct present conditions so that eventually the burden will lift. It will set a national minimum standard or benefits.

There will be opposition, no doubt about that. The words "job-based" will be the scare words. There are those who grow frightened at any suggestion that a man should work for a living instead of depending entirely on the government.

President Nixon in his plan to scrap the old welfare system, seeks to eliminate unfairness and to create a program which is more effective as well as more efficient.

Any thinking man or woman knows that a system which makes it more profitable for a man not to work than to work is a bad system and why should this nation tolerate a bad system?

We back President Nixon thankfully and sincerely in his welfare program.

[From the Salem (Oreg.) Capital Journal, Aug. 12, 1969]

Needed Reforms

President Nixon's proposals for reforming welfare and antipoverty programs couldn't end all the human misery in this nation even if Congress adopted them intact tomorrow.

But they represent the administration's recognition that the nation must not turn aside from its commitment to erase poverty.

"We must become pioneers in reshaping our society, even as we have become pioneers in space," the President said. "We must show a new willingness to take risks for progress, a new readiness to try the untried."

Thus he assigned to the Federal Office of Economic Opportunity the task of developing new approaches for fighting poverty.

At the same time he sent to Congress detailed plans for "total welfare reform—the transformation of a system frozen in failure and frustration into a system that would work and would encourage people to work."

News reports indicate his recommendations are not all that some liberals would have liked. But he went much farther than many of his pre-election critics dared hope. He has not yielded to those who would scrap the War on Poverty. Instead he has proposed that the effort be strengthened so that all Americans may have decent housing adequate food and clothing, medical care, legal aid, and good jobs.

The reforms in welfare he proposed, supported by an additional $4 billion annually, would do much to eliminate inequity in the present system. They would direct the system toward making people productive members of society by encouraging them to go beyond the handout to job training and jobs.

Oregon's welfare system has done much better in this respect than those of most states, particularly in the South. But it has by no means reached the point where welfare can be considered a stepping stone to independence.

The President's proposals represent a start in that direction. And as such, they deserve prompt, favorable action from Congress.

[From the Lancaster (Pa.) New Era, Aug. 14, 1969]

Job Training for More Americans

One of the key elements in President Richard M. Nixon's domestic program is the big increase in job training which he called for on Tuesday.

It entails a streamlined $2.3 billion annual federal program under which more than one million persons would be trained each year.

The program would be under general supervision of the U.S. Department of Labor, but would be based on sharing of power and funds with the states and communities.

Tax-paying Americans hope that at last some real orderliness will be brought into the job training program, and that large numbers of potential wage earners will be prepared for working roles in national life.

The "willingness to work" was emphasized by the President in his general message on welfare, last Friday night.

Job training ties in with helping people to get off the welfare rolls. Mr. Nixon spoke for a $30 monthly cash bonus in addition to the relief check, an incentive for taking job training. Such training would average about six months.

Many persons who are now classified as completely unskilled, and therefore greatly limited in the kinds of jobs they can hold, could be given a big boost up the economic ladder by training to meet employers' needs.

If the nation can train a million persons a year, as Mr. Nixon asks, that will bring a reduction of the unemployment gap from one direction, while education and job training in school for the young hit it from another direction.

Every time a person or a family group leaves the welfare rolls because of new independence and self-sufficiency, the nation is that much stronger.

[From the Charleston (S.C.) Post, Aug. 14, 1969]

Sensible Job Training

Almost any way you look at President Nixon's broad proposals for a completely different job-training setup, they have merit.

Placing control and responsibility in the hands of state and local officials offers opportunity to tailor the training work to the needs of the various states and communities, for they vary widely. With a minimum of interference from Washington, the problems encountered in the past should be avoided in most places.

An especially meritorious feature, as we see it, calls for changing the size of the program in direct ratio to the percentage of unemployment. Incentive to enroll those on relief who are employable is a worthwhile goal, but may be difficult to attain in hoped-for numbers.

Flexibility in training programs is highly desirable, and the overlapping operations have been both overly expensive and confusing. Placing responsibility in a single office should make for efficiency.

The price tag for training is far below what has been spent in the past. The planned expenditure of $2.3 billions to train one million persons averages $2,300 each, while training costs in the past have been four to five times that figure in many instances.

The idea of computerized matching of jobs with applicants is a new feature that should provide speedy answers to any questions about the type of training to be afforded.

The attention that will be given to details when Congress gets to work on the recommendations should remove bugs and afford easy comparison with the faults of the past. The sooner the revamped program can be placed in operation, the better.

[From the Sioux Falls (S.D.) Argus-Leader, Aug. 11, 1969]

Sensible Approach to Welfare Problem

President Nixon's message last week on the general program of welfare was highly commendable in tone and purpose. He is obviously seeking to develop a system that would provide essential help for those in need but to do so in such a way that they will be encouraged and induced to take advantage of any and all opportunities to help themselves.

That, however, is easier to say than to do and many have wrestled with the same goal in the past. It is likely, however, that Nixon will place more pressure on the objective than have some of his predecessors. And, more important, the producers among the American people—and they're still in the majority—have become so disgusted with the abuse of welfare that they are ready to accept alternatives that promise relief.

One trouble in the past has been the inclination on the part of some well-meaning persons to eliminate red tape from welfare, to make it easy to get and to avoid any hint of stigma or blemish. They have gone so far in this way that they have even said at times that every American is entitled to welfare as a basic right.

The time has come—it is long past due—for a fundamental revision of the system. If it is not done, it will overwhelm and destroy us. Even in the face of mounting production and limited unemployment, the relief rolls have been increasing. Many persons—literally hundreds of thousands of them—are on welfare because they find it a comfortable and easy-going way of life.

What Nixon needs now is the complete cooperation of Congress and the American people in his approach to what is an extremely desirable and essential change in the whole welfare system.

[From the Houston (Tex.) Chronicle, Aug. 14, 1969]

Breaking the Welfare Cycle

There was plenty of straight talk and plain good sense in the welfare message President Nixon sent to Congress. It is a call for a basic reform of the federal welfare system. How much it will cost is not known. It may be more than Mr. Nixon estimates—$4 billion.

But the effort should be supported by the American people because it is the most hopeful chance on the political horizon for improving the existing welfare apparatus.

"The present welfare system," Mr. Nixon told Congress, "has failed us. It has fostered family breakup, has provided very little help in many states, and has even deepened dependency by all too often making it more attractive to go on welfare than to go to work."

Mr. Nixon proposes a new approach "that will make it more attractive to go to work than to go on welfare, and will establish a nationwide minimum payment to dependent families with children."

The basic income which the program envisions—to be paid by the federal government—would give those families who cannot care for themselves enough to live on, at least for the necessities. Existing welfare payments vary greatly from state to state—from a high of $263 a month down to $39 a month.

Mr. Nixon proposes that dependent families who receive welfare payments be encouraged to go to work to earn more money. He would do this by allowing, say, a family of four to earn up to $60 a month before their benefits would be reduced.

Further, he purposes to extend welfare payments available to the "working poor"—those who now are working but who in some cases are earning less than nonworkers on welfare receive.

The most glaring inequity in the present welfare system, the President maintains, is this exclusion of families who are working to pull themselves out of poverty.

His plan also would eliminate one of the most detrimental features of the existing system—the policy of forcing the father out of the house. In more than half the states, families headed by unemployed men don't qualify for public assistance, and in no state does a family headed by a father working full time receive help. But if the father leaves, as many do, the families become eligible for assistance.

Mr. Nixon's plan would require all able-bodied persons who accept welfare payments to register for work or job training and to accept that work or training when it is available. Day care centers will have to be provided to permit mothers of school-age children to accept training or work. The idea is to smash the cycle of poverty which entraps many poor families.

Benefits for the aged, the blind, and the disabled—which currently vary from $40 to $145 a month among the 50 states—also would be supported by a federal minimum of $65.

In sum, Mr. Nixon's proposal is a heartening new approach to a problem which has been growing for three decades. We are glad to see Mr. Nixon's recognition of the dismal failure of the existing system—a system which has seen welfare costs double since 1960 and the number of welfare recipients rise from 5.8 million to more than 9 million during a time of low unemployment. His new approach is both humane and practical.

[From the Roanoke (Va.) World News, Aug. 11, 1969]

Nixon Welfare Reform Proposals Should Have Wide Public Support

Millions of Americans, taxpayers as well as recipients, have been saying for years that the U.S. welfare system is a conglomerate mess and something ought to be done about it.

Friday night, in a 35-minute television-radio address to the nation, President Nixon said the same thing in even stronger words.

The difference is that he was in a position to be able to do something about it and that he did with a series of proposals calculated to make congressmen forget they had been accusing him of doing nothing during his first six months in the White House.

He plans to spell it all out in a series of three special messages starting this week, the essence being the scrapping of the present system. To make it even more attractive, he linked it with a proposal to start sharing federal revenue with the States in 1971 with a stipulation that some of the money filter down to the local level.

If any one thing stood out in the address and was calculated to gain attention it was the fact that he proposed making it more attractive for people to work than to live on welfare rolls.

The President took cognizance of the nationwide complaint that tremendous numbers are finding it more profitable to accept government handouts than to earn a living by the sweat of their brow.

Mr. Nixon turned thumbs down on the idea of a guaranteed income which he felt would only encourage idleness and indolence. In so doing, he unquestionably read the public mind well. No idea has so infuriated the average salary and wage earner whose taxes have been going by the billions of dollars to support those on the welfare rolls—rolls which continue to grow in spite of the fact that these are super-prosperous times.

Instead, the President proposed a plan of "family assistance" under which those who can and will work receive supplementary monetary aid up to certain minimum figures.

Day care centers would be increased and expanded in order that mothers could work and help support their families. In line with this, the President suggests programs of training the poor in skills calculated to increase earnings and to raise their economic level. He would make the Office of Economic Opportunity (OEO) the government's incubator for testing new ideas, finding practical ones and putting them to good use.

There were numerous other angles to his

suggestions for welfare reform but these convey the main idea.

He doesn't expect that the program will be enacted this year—Congress is about to start a recess on Wednesday extending past Labor Day and it usually wants to adjourn before snow flies. However, there is no reason that committee hearings cannot begin since members of both houses have been complaining that they have nothing to do.

There is no doubt that many of the ideas will run into opposition or at least strong question because Congress is Democratic-dominated and the bulk of the unworkable mess was conceived and enacted under Democratic regimes. It will be natural to play politics.

This is where the public's will can be exercised and if there is enough pressure back home the average lawmaker will be inclined to broaden his vision.

The President unquestionably has tackled one of his most important problems with vigor and imagination.

[From the Seattle (Wash.) Times, Aug. 12, 1969]

A New Approach to Welfare

Poverty, Mr. Nixon said in his address on the "new federalism," is not only a state of income. It is also a state of mind and a state of health.

This broad view explains why the President's program goes beyond the narrow questions of how much should be spent on welfare and how it should be administered.

Not even Mr. Nixon's most liberal critics in Congress can complain that his program lacks scope. As Congressman Brock Adams has pointed out: "A significant portion of us in the liberal portion of the Democratic and Republican Parties have been urging this for years."

Critics of all stripes can agree that the existing welfare program, basically unchanged since its creation in the Social Security Act of 1935, is overdue for radical changes.

The costs of the program and the number of its recipients are rising startingly. In December, 1968, almost 9.7 million persons received aid under state and federal public-assistance programs—a 9.5 per cent increase over December, 1967. The total cost in 1968 was $9.8 billion—an increase of $2 billion over 1967!

These figures would be considerably less alarming if some hope of progress could be seen. But they spell failure however one measures it. In the words of the National Advisory Commission on Civil Disorders:

"The failure of the system alienates the taxpayers who support it, the social workers who administer it, and the poor who depend on it."

In his wide-ranging attempt to reverse a trend that has resulted in three-generation welfare families who know no other way of life, Mr. Nixon not only proposes revamping the welfare system itself but has linked that program with radical changes in the job and poverty programs and with the concept of sharing federal revenues with the financially hard-pressed cities and states.

Congress may reject the "new federalism" as a single package. But Capitol Hill cannot complain that the White House has taken only a patchwork approach to the problem.

The President has concluded that the existing welfare mess is beyond repair, and requires a whole new program which combines improved family assistance with increased work incentive; which seeks to make state welfare-cost burdens more equitable, while bestowing more administrative power in state and local hands.

Mr. Nixon's program initially would enlarge the welfare rolls (through payments to presently ineligible "working poor") and would be even more costly than the present program.

But eventually it should result in reduced costs and—most important—a reduction in the number of Americans existing in economic dependency.

Congress has been challenged to cease tinkering with an obsolete welfare system and make a whole new start on the problem. We hope for a response correspondingly thoughtful and bold.

[From the Washington Daily News, Aug. 14, 1969]

Training Is the Key

In his shakeup of the whole government welfare system, President Nixon is proposing three separate but related plans: To revise the public assistance program, to crank up a much improved manpower training program, and to divvy up some federal money to the states and cities.

The key plank in this platform is the training program.

You can't ask a man to take a job if there is no job he can do. So he stays on relief.

The alternative is to find him a job and train him to do it.

That's what the President's plan is all about. It makes complete sense. It offers the only hope of ever cutting public assistance costs to reasonable proportions and, by the same token, the only way to get people off the welfare rolls, now up to nine million.

The government has had a flock of so-called manpower programs, and they have accomplished something, but at high cost. There are too many programs, disjointed, floundering in red tape and often outright discouraging to people who want to work.

Mr. Nixon proposes to tie all this into one package, flexible enough to deal with changing situations as they arise. The purpose is to make the so-called "hard core unemployable" employable, to find jobs for the idle, and to upgrade the "working poor"—people who are not on welfare but whose low income keeps them in poverty.

Most of the government's policies in the past have been aimed at people on welfare. Those existing on poverty incomes have been neglected. And it is just as important to the economy and to the general well-being of the country to improve their lot as it is to get people off welfare.

The President proposes to do this, over the long haul, by creating a system which will work efficiently and by providing incentives to both the jobless and the underemployed.

Having a plan, of course, doesn't solve the problem. Too often heretofore the government has dreamed up a plan, stuck to it even if it didn't work, and then simply coasted along hoping the problem somehow would go away.

Instead of requiring people to tailor themselves to government programs, Mr. Nixon proposes to tailor the programs to the individual needs of the people he seeks to help.

The President's plan is sound, and Congress and the Administration ought to get on with it as fast as possible. It will take a lot of doing to get the results Mr. Nixon is shooting for. But, as he says:

"Intelligently organized, it will save tax dollars now spent on welfare, increase revenues by widening the base of the tax-paying public, and (most important) lift human beings into lives of greater dignity."

These goals are practical and necessary. And they will be reached if the intelligent organizing is provided.

OPERATION HURRICANE CAMILLE

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BARING. Mr. Speaker, the heart of Las Vegas, Clark County, Nev., part of my district, went out to the homeless and hurricane stricken people of those States devastated by the forces of Hurricane Camille. Tons of food, medical supplies, clothing, and household items were gathered by Las Vegas. The campaign was headed by George Boddie, general chairman, and president of the North Las Vegas Optimists. Overall, 10 other Optimist Clubs joined in the drive in Clark County along with other concerned organizations, private citizens, businesses, mayors, and county commissioners.

The Las Vegas convention center became the headquarters for the huge outpouring of goodness as the supplies rolled into the center in cars and trucks, all part of Las Vegas' "Operation Hurricane Camille." Widespread publicity by the Las Vegas area news media assisted in the drive and when a problem occurred regarding the delivery of the supplies to Mississippi, the U.S. Navy and National Airlines both were quick to step in and lend a helping hand.

It was Friday, September 12, 1969, that the Las Vegas shipments arrived in Mobile, Ala., to be transported to the Mississippi gulf coast by truck as the airfield at Pascagoula was damaged by Camille.

Mr. Speaker, this story of Americans helping Americans has been widespread across this country since the destruction of southern communities by Camille. Other cities and other organizations joined in assisting the stricken families.

MAJ. GEN. TERRY ALLEN

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. WHITE. Mr. Speaker, the career of one of the great military men of this century came to a close in my home city of El Paso last Friday, when Maj. Gen. Terry De la Mesa Allen answered the last rollcall.

Terry Allen was a legend in El Paso, as he was in military circles wherever the Army served. His military career began in the horse-cavalry days when, as a dashing young officer, he patrolled the Mexican border in the revolutionary period preceding World War I. His love of fine horses continued long after the last cavalry horse was retired from the Army. He was one of America's great polo players. He represented the U.S. Army in the Olympics in Brussels in 1920, and was well known and honored as a player for many years after that. To the end of his days, he promoted polo as a sport.

He was born to the Army life; he loved it, and his devotion included an unfaltering sense of duty and love of country. As a battalion commander in World War I, he participated in some of the most important actions of the allied drive to victory. He was wounded three times and was cited for gallantry in action.

His career in World War II began in November 1942, when he led the 1st Division into North Africa with the American invasion forces. His courage and inspired leadership provided our fighting

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men with an example they could proudly emulate.

After leading the Fighting First to victory in North Africa and Sicily, General Allen returned to the United States and organized the 104th, the Timberwolf Division, as a striking force in the final drive to victory in Europe. His division was in the forefront of the drive across Germany to the final victory before Berlin. His great leadership won decorations from our own country and our allies. British Field Marshal Sir Harold Alexander called him the finest divisional commander he had seen in two wars. In the best sense of the term, he was a fighter, a patriot, a fearless leader of fearless men.

When he retired from active duty, he made El Paso his permanent home. The lovely and gracious Mrs. Allen was one of our own, the daughter of El Paso's Mayor Robinson. Their family, like all who knew them, grew up respecting the Terry Allen tradition of courage and love of country. Two years ago, in October 1967, Lt. Col. Terry Allen, Jr., was killed in action in Vietnam, in service with the 1st Division which his father had once commanded.

I know the Members of this House will want to join me in extending our sincere sympathy to Mrs. Allen—and in holding high the example of her husband and her son, at a time when courage and patriotism are qualities that demand our special respect.

THE NEED FOR OEO LEGAL SERVICES

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. TAFT. Mr. Speaker, I know that it is the hope of many of us that legislation dealing with the poverty program may come to the floor and allow the House to work its will. For that reason, I especially want to take the opportunity to express my opinion regarding the work of legal services of OEO in my community and throughout the Nation.

In fiscal year 1968, U.S. legal aid funds totalled $36 million. In fiscal year 1969, this figure went to $42 million and President Nixon's budget calls for extending it further to $58 million in fiscal year 1970.

Reports I have had from my own district indicate that the legal services of OEO, working in Cincinnati through and with the Legal Aid Society, have been most effective in helping those in poverty and in need of assistance to obtain their civil rights. The lawyers, especially, have been instrumental in assuring that the rights of poor men and black men have been recognized and protected from infringement, and much good and sound legal advice has been given on matters of all kinds, not by any means limited to this area.

However, it seems clear that the task has not been completed.

Too often the citizen without considerable resources has been unable to find legitimate means of redressing his grievances. The resulting frustration must certainly have been one of the causes that has led to the disorders that have plagued our country. I think it to be in the highest national interest that we continue an attempt to rectify such injustices.

For that reason, I believe the OEO legal services program deserves our continuing support and can make a vital contribution to provide a vehicle through which grievances and problems of underprivileged citizens may be alleviated and corrected.

IN COMMEMORATION OF CITIZENSHIP DAY, AND IN HONOR OF AN ORGANIZATION DEVOTED TO PROMOTING GOOD CITIZENSHIP

HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. MEEDS. Mr. Speaker, Citizenship Day was set aside by the Congress in 1952 to commemorate the signing of the Constitution in 1787 and to honor U.S. citizenship. On this day I believe it is fitting to give special mention to an organization celebrating its 50th anniversary this year, 50 years devoted to developing active and trained citizens by women who finally achieved their right to vote in 1920. This organization is the League of Women Voters.

The league has taken the position that:

> Every privilege carries with it responsibility, and since good citizenship is not only a privilege but a duty, its obligation is doubled.

These words, originated in the 1920's, sound a little old-fashioned, but the meaning is not. Even more important today is the citizen who cares enough to inform himself and put his information to constructive use.

With a comparatively small membership, 150,000 active this year, the league has performed yeoman service toward producing an informed electorate. It has made available reliable nonpartisan information about voting procedures and about candidates and issues, in literally millions of fliers and pamphlets. In addition to informing the public, the league has backed issues to strengthen local, State, and National Government—constitutional revisions, fair apportionment for State legislatures, more responsible and effective governmental organization at every level and in every branch of government.

In my personal experience with league members in the State of Washington and the Second Congressional District, I know when I hear from the league that there has been a thorough study of the facts on the issues, and the position taken is truly representative of league membership. Even at the national level, when a league spokesman testifies or speaks on an issue, we can be certain that her testimony is a result of study and decision by each unit of the league. The League of Women Voters is truly a democratic organization.

In my own Snohomish County, the 100-member league has an impressive record, yet I understand that it is about what to expect from an active local league unit. Let me list just a few of their accomplishments: They have organized and cosponsored candidate meetings before both primary and general elections; they provide a speaker's bureau on the ballot issues and filled 20 requests before the November election; on election day itself, they kept close tabs on polling places regarding election procedures; and when the polls were closed they compiled statistics on returns for local and national radio and TV. As an information service, they distributed 5,000 copies of a publication, "They Represent You," and introduction to local, State, and Federal officials. They were instrumental in founding VOTER—Voluntary Organization To Encourage Registration. In support of issues, Snohomish league members testified at county budget hearings on issues studied by the local league, particularly relating to juvenile courts and juvenile detention facilities. As if this were not enough, this same league has spearheaded formation of a Freeholder's Group to write a new charter for Snohomish County for presentation to the voters, with the aim of gaining home rule for the county.

Just about the only criticism I can think of is that they are strictly segregated, they will accept a man's money, but not let him vote—within their own organization, that is.

I commend them for a splendid record of service in their first 50 years, and for their well-earned reputation as an effective force to voter education, understanding, and participation in government.

THE CONCEPT OF REVENUE SHARING

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. FISH. Mr. Speaker, recently President Nixon in a nationwide broadcast proposed a revenue sharing plan in which Federal tax money would be returned to the States and municipalities to use as they saw fit with no strings attached.

I do not have to tell my colleagues that local and State taxation have reached new highs. The local communities are at a loss to find sources of revenue that are needed to provide even minimum services.

In recognition of this problem I and many of my colleagues have introduced revenue sharing bills. These proposals differ as to specifics but they are similar in their basic premise that the Federal Government, the most efficient tax collector, should share some of this revenue with the hard pressed town, cities, counties, and States.

Revenue sharing proposals enjoy wide support from the public in general as from local government officials. I would hope that there would be early hearings on these proposals.

As an example of the support for this concept of revenue sharing I commend to my colleagues' attention the following resolution of the Columbia County, N.Y., board of supervisors:

RESOLUTION MEMORIALIZING CONGRESS TO ENACT HOUSE BILL NO. H.R. 12194 TO PROVIDE FOR THE SHARING OF FEDERAL REVENUES WITH STATES AND LOCAL GOVERNMENTS

Whereas, the demands for services on local governments have increased through the Space Age and now the Lunar Age and the cost of providing such services have so increased that local governments are desperate for funds and real estate taxpayers, the prime source of funding local governments, have been subjected to almost intolerable taxes, and

Whereas, Congressman Hastings, on July 17, 1969, introduced in the House of Representatives Bill No. H. R. 12194 which provides for the sharing of federal revenues with states and local governments, and

Whereas, said Bill No. H. R. 12194 has been the result of extensive study making such distribution fair, equitable and desirable,

Now, therefore, be it resolved, that the Columbia County Board of Supervisors does hereby respectfully memorialize the Congress of the United States to enact into law said Bill No. H. R. 12194, and be it further

Resolved, that the Clerk of the Board be and he hereby is authorized and directed to forward certified copies of this resolution to Senators Javits and Goodell, and to Congressman Fish.

UNSOLICITED CREDIT CARDS

HON. ALEXANDER PIRNIE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. PIRNIE. Mr. Speaker, for some time now I have been greatly concerned about the problem created for many of our citizens as a result of the mailing of unsolicited credit cards. In this week's Washington Report to my district, I have outlined my feelings on the matter and have indicated that it is time for action to be taken here in Washington to solve this unsolicited credit card problem.

In this morning's Washington Post, syndicated Columnist Art Buchwald brings this problem into sharp focus in his own distinctive manner. I am confident that Mr. Buchwald had tongue-in-check when he sat down before the typewriter to produce this column, but his message comes out loud and clear. My Report and the Buchwald column follow:

WASHINGTON REPORT

(By Congressman PIRNIE)

There's a controversy beginning to surface in Washington, and I'm very much involved, not because I was forced into it, but rather as a result of my efforts to assist in the solution of what is a problem for a great many Americans: the unsolicited credit card.

Credit cards, or "instant cash" as they are sometimes called, can be a great convenience. They also can prove to be trouble with a capital T.

Admittedly, most individuals who have trouble with credit cards do so because they are guilty of poor judgment, they overextend themselves, and when it comes time to balance the books discover they are faced with a problem.

Obviously the Congress or a Federal agency can't legislate or regulate good judgment. That's an individual discipline beyond the scope of the law. However, poor judgment isn't the only factor that contributes to trouble with credit cards. Sometimes innocent unsuspecting people find themselves tangled in a complicated, headache-producing web of circumstances woven by another. These people are victims of a stollen or misdirected unsolicited credit card.

It's a common business practice for many firms which issue credit cards to send them through the mail to a wide-range of prospective users. Most people read the accompanying literature extolling the convenience of the cards and either decide to use or dispose of them. But many of these cards never reach their destination, they are intercepted along the way and the person who gets his hands on them goes off on a wild spending spree. Of course such action is illegal and the guilty party is performing a crime punishable by law, but that's of little consolation to the person in whose name an unsolicited card was issued who is presented with a bill for items he never purchased because the card had reached hands to which it didn't belong. Usually the next stop is a lawyer's office.

Of course an individual who finds himself in such a predicament is not obligated to pay for another person's criminal act, but all-too-often it takes time and money to prove it. This simply is not right.

Earlier in the year one of my constituents brought this situation to my attention and asked me to take appropriate action. I followed through by contacting the Federal Trade Commission with a recommendation that the scope of the problem be studied and consideration be given to the issuance of guidelines restricting the issuance of unsolicited credit cards. Other colleagues in the Congress followed a similar course as have many citizens who shared our concern about the problem.

Last week the FTC held hearings on the subject, and that's when the full impact of the controversy surfaced. No one was caught by surprise when representatives of various businesses which issue credit cards expressed strong opposition to any regulation prohibiting the unsolicited mailing of what is sometimes called "plastic money." However, when it was argued that new restrictive regulations could be bad for the economy and would result in unfair competition, the complicated nature of the problem became apparent. In addition, it was brought out that FTC does not have blanket authority in this area and therefore would not be able to issue regulations covering the unsolicited mailing of all credit cards. For example, the Federal Reserve Board is responsible for bank credit cards and another agency has authority over airline credit cards.

The news media have found this story of interest and have been chronicling developments as they occur. The evidence I have reviewed thus far leads me to conclude that the public interest requires action to restrict the issuance of unsolicited credit cards. It is unfair to force a person to assume a risk or burden which he did not seek.

While the FTC hearings have been constructive, it now appears that this agency, acting alone, will not be able to solve the problem. More and more it is becoming apparent that legislative action may be required, and if it develops that there is no alternative course to achieve the desired objective, I plan to submit a proposal for consideration by the Congress. Legislation isn't the solution to every problem but sometimes it's the only hope for a solution.

CREDIT PUSHERS VEX BREADWINNER

(By Art Buchwald)

A lot of people are being shaken up these days by receiving unsolicited plastic credit cards. In the past the consumer had the option whether to ask for credit or not. But now in the great battle for the hearts and dollars of the American customer, the banks, oil companies and hotel chains are shoving their credit cards at you whether you want them or not.

It isn't just the spectre of a wife or teenager receiving a credit card and going berserk that bothers most American breadwinners. It's the principle of the thing, and where will it all end? What is to prevent a company that sends unsolicited credit cards to your home from sending merchandise instead?

I don't believe it is too farfetched to see this happening in a few years.

You come home, and there on your front lawn is a complete, dining room set with table, 12 chairs and cabinet. Attached to leg of the table is a note:

"Greetings. We are happy to inform you that we consider you an excellent credit risk and, to show our faith in you, we are leaving this dining room set on your lawn. Our credit reports on you indicate that you favor colonial furniture, and we have chosen this particular mahogany wood which we know will go well with the rest of your furnishings. If for some reason this particular dining room set does not meet your requirements, you may return it to our warehouse within 10 days, and you will not be charged for it. If it is not returned, we will assume that we made the right choice, and we shall start billing you monthly."

Or you could wake up in the morning and find parked outside your door a new "fire-eater" with the following letter taped to the windshield:

"Congratulations,

"You are now the owner of a new 'fire-eater,' the fastest, most comfortable economical automobile on the road. Because of your high credit rating, we have taken the liberty of registering this car in your name with the State Vehicle Bureau.

"If for any reason you change your mind and decide you don't want to be one of the 'with it' people please call this number and we will have the car taken away, at no cost to you except for the towing charges.

"Also, if you do not accept this exceptional buy, you must go down to the State Vehicle Bureau and inform them of this decision. Otherwise we will start charging you interest beginning next week."

The final indignity would be to receive a registered letter from a development company which read:

"Dear Sir,

"We're happy to inform you that you are now the proud owner of a new ranch house in Paradise Acres. This extraordinary home (the deed is enclosed) has three bedrooms, two and a half baths, a playroom and completely equipped kitchen and will be ready for you to move into within two weeks.

"A check on your credit rating shows that you can easily afford this remarkable buy, and we have taken the liberty of deducting from your bank account the small down payment.

"If we don't hear from you by registered mail within the next 36 hours, we will assume that you will be joining us at Paradise Acres. On the other hand, if you return the deed, then we ask you to contact our lawyers so some equitable arrangement can be worked out for our time and inconvenience.

"Cheers."

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PLAIN DEALER PRAISES PRESIDENT'S PROGRAMS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BROWN of Ohio. Mr. Speaker, more and more newspapers across the country are speaking out in favor of the President's new policies both domestic and foreign. There is a growing realization that while the President may not make policy in haste, he makes it both wisely and well.

Among the newspapers reaching this conclusion is the Cleveland Plain Dealer, Ohio's largest newspaper. I submit for inclusion in the RECORD a copy of a recent editorial from the Plain Dealer, discussing the new courses the President has charted:

NIXON CHANGES FEDERAL COURSE

President Nixon is the first president since before Franklin D. Roosevelt to start reducing the federal government's scope and obligations.

In his speech to the National Governors Conference, Mr. Nixon pointed out this new direction in which he is steering the ship of state.

For the first time since the New Deal was born in the '30s, the chief executive frankly pledges that he will de-escalate and decentralize an overgrown, centralized power.

Mr. Nixon wants to limit America's entangling commitments overseas—"helping free nations maintain their own security, but not rushing in to do for them what they can and should do for themselves."

And Mr. Nixon wants the nation to stop considering the federal government omnipotent in solving all domestic problems.

His "new federalism" aims at spreading the burdens outward, sharing them more with state, with local government and even with private citizens.

"Washington will no longer try to go it alone; Washington will no longer dictate without consulting," said the President.

Some Nixon proposals now before Congress illustrate the new channel down which Mr. Nixon wants to go.

First, Mr. Nixon is ready to take the first step toward sharing federal income tax revenues with the states. State and local taxes do not keep pace with the expansion of the economy and lag behind demands for services. A sort of rebate of federal taxes could help states, cities, counties and school districts to meet needs without seeking grants from Washington, Mr. Nixon believes.

Second, Mr. Nixon proposes that the federal government take on a central chunk of the welfare load, providing a national minimum of support but leaving most of the administration and any extras as options open to the states or local communities.

Mr. Nixon will run into some friction, on both the foreign and domestic sides of this new line of de-escalation.

Governors already are protesting that the federal government ought to increase its contribution to welfare. Many a state government will recoil when asked to chip in a bigger share of money, manpower or ideas.

Likewise, foreign countries' leaders grow apprehensive when President Nixon talks about reducing U.S. commitments. On his Asian tour in July, Mr. Nixon was asked over and over to repeat that America will not back out of its treaty commitments.

Getting other members of the North Atlantic Treaty Organization to put up more troops or money or material, so that the United Staets can shrink its overseas involvements, is not going to be easy, if it can be accomplished at all.

But Mr. Nixon has certainly served notice plainly upon heads of foreign states as well as upon governors. They will have to accommodate to this new strategy of the Nixon administration. It is a central principle not to be revoked. A do-more-yourself period has begun.

CRUMBLING FOUNDATIONS OF PROSPERITY

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. DADDARIO. Mr. Speaker, Dr. Philip H. Abelson, the very competent and articulate editor of Science, has recently authored an editorial which manages to relate the innovative science activities of this Nation directly to its economic well-being in a highly graphic manner.

The brief editorial, which appeared in the issue of September 12, 1969, should provide Members of this body with genuine food for thought. In my opinion, it will be folly to ignore Dr. Abelson's thesis.

The editorial is as follows:

CRUMBLING FOUNDATIONS OF PROSPERITY

Two decades ago, American prosperity was solidly based. We had bountiful natural resources; our industrial plants were undamaged by war; we led in mass production techniques; and our innovative scientific capabilities were outstanding.

Today the foundations of American prosperity have crumbled to an extent not generally recognized. We still possess great natural resources, but they are not adequate to maintain a high-level economy. We face the necessity of importing more and more raw materials and finding the means to pay for them. This will be increasingly difficult, for our ability to compete in international trade is diminishing. In 1964—a good year—U.S. exports exceeded imports by $7.1 billion. In contrast, during the first half of 1969 the value of exports topped that of imports by only $0.15 billion.

An even greater factor than increasing imports of raw materials has been the invasion of foreign finished products such as steel and automobiles from countries that have more than recovered from the destruction of World War II. Our advantage of leadership in mass production techniques has largely disappeared. We still lead in scientific research and in the ability to innovate, but we have lost momentum.

A large contributor to our present problems has been the steel industry. Today, in spite of advantages in raw materials, it does not compete with the steel industries of Germany and Japan. It has been complacent, and slow to adopt the basic oxygen furnace.

In contrast, our chemical industry has long been a leader in research activity. Thus it comes as an especially painful blow to learn that the U.S. chemical industry, which has contributed much to our balance of payments, is feeling the effects of severe foreign competition. This fact was documented in an article by J. G. Tewksbury in the 28 July issue of *Chemical and Engineering News*. He cited as an example one of the crucial petrochemical intermediates, ethylene. This substance enters into plastics such as polystyrene and polyethylene and also into other key chemicals. Analysis of the production and distribution of major items based on ethylene reveals a dramatic change in the U.S. position. Five years ago the United States synthesized about 95 percent of the ethylene products entering foreign trade. By last year this figure had dropped to 40 percent. The big new factors were the European Economic Community and Japan, both of which changed from net importers to heavy exporters. Additional plants are being constructed in Europe and in Japan, and it is quite likely that a further diminution of the U.S. export status will occur.

Tewksbury notes that a number of factors help account for the loss of our competitive ability. The European nations and Japan encourage exports and discourage imports more virgorously than we do. Domestic producers of petrochemicals are handicapped by the oil import program which inflates the cost of their feedstocks. Another factor is the high cost of labor. A few years ago, such disadvantages for the United States were more than counterbalanced by larger plants and advanced technology. These advantages have disappeared. Plants abroad are now of the same scale, and our technology has been disseminated.

The loss of a competitive edge in this area of the chemical industry is a very serious development. It portends similar changes in other areas of high technology.

HOUSING FOR THE RURAL POOR

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. EVINS of Tennessee. Mr. Speaker, many people associate the problems of housing solely with our metropolitan areas but as the Washington Post points out in an editorial today, more than half of all substandard housing is in rural areas.

The editorial calls for action, citing a recent report by the National Rural Housing Conference emphasizing the problem and the need for rural housing.

Because of the interest of my colleagues and the American people in this most important problem, I place the editorial in the RECORD herewith.

The editorial follows:

HOUSING FOR THE RURAL POOR

Nothing sets apart the poor family more than the house it lives in. Calling it a house is something of a sick joke in itself. Often with little or no heat, electricity, plumbing, windows, roof, cellar, the houses of the rural poor are, at best, shadowy shacks where the heat piles up in the summer, cold in the winter and troubles all the time. "Substandard housing," the civil term for the hovels of the poor, number 4.8 million, more than half the nation's total of 8.2 million. They can be found all the way from the lonely Indian reservations of the West, where one in two of the houses is subhuman, to the rural areas of nearby Prince George's County where, amid suburban density, some 3,000 families suffer inadequate housing.

The recent report of the first National Rural Housing Conference sponsored by the Rural Housing Alliance, indicates that the prospect for decent shelter for the rural poor is still a far-away dream. Stating correctly that "private enterprise cannot provide decent housing for low-income families without public subsidies," the report recommends a national housing goal for the 1970s of at least 27 million additional adequate units, with 13½ million of those for rural areas.

In a nation where the rights of the poor seem to be noticed mostly when the poor rampage, the rural poor, our quiet and pas-

sive country cousins, can easily be ignored. As precisely they have been. The 1949 Housing Act was to finance 135,000 units of low cost housing a year for six years among all the poor. Nineteen years later, the 1968 housing legislation was created to fulfill what was promised in 1949. The Farmers Home Administration, the main agency for providing credit for the homebuilding rural poor, is pitifully underfunded and understaffed.

The report of the National Rural Housing Conference will likely end up as one more voice crying from the rural wilderness. Nevertheless, most of its 50 proposals on behalf of the rural poor are sound, humane and workable. The proposals cover such areas as the creation of a rural development bank to finance housing, the creation of a nonprofit housing development corporation, adequate funding of current federal rural housing programs and more research and technology into low-income housing.

These proposals are workable only if the Administration, Congress and nation realize that we cannot buy our way out of poverty either cheaply or quickly. We have tried that and it hasn't worked.

SECRETARY LAIRD TALKS ABOUT DEFENSE NEEDS

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. DANIEL of Virginia. Mr. Speaker, those privileged to be in attendance at the American Legion National Convention in Atlanta, Ga., on Tuesday, August 26, were treated to a forceful and concise summation of the national defense picture as it is today. The speaker was the Secretary of Defense, the Honorable Melvin R. Laird.

In the belief that Secretary Laird's remarks would be of timely interest to my colleagues, I submit that they be inserted in the RECORD:

ADDRESS BY THE HONORABLE MELVIN R. LAIRD, SECRETARY OF DEFENSE, BEFORE THE NATIONAL CONVENTION OF THE AMERICAN LEGION, ATLANTA, GA., TUESDAY, AUGUST 26, 1969

As a member of Post Number 54 of The American Legion in Marshfield, Wisconsin I am deeply grateful for the honor of delivering the keynote address to my fellow Legionnaires at this Convention.

You are meeting in the Fiftieth Anniversary year of The American Legion. Founded in 1919, the Legion has become the largest Veterans' organization in the nation with 2.6 million members in more than 16,000 Posts located throughout the world. But it is neither size nor longevity that is the Legion's proudest boast. The respect which your organization commands is due more to its powerful and positive influence over the years to keep our country strong, secure and at peace, to nurture patriotism and good citizenship, and to assure that we honor the debt owed to our veterans.

Recently, two activities of The American Legion have touched me directly. I am grateful, as is President Nixon, for the vigorous and effective support which you gave to the Administration's proposal for pushing forward with the Safeguard Anti-Ballistic Missile System. And, I have had no more pleasant experience than the discussions I enjoyed a few weeks ago with the bright and earnest young people who participated in Boys Nation and Girls Nation under your sponsorship.

I want to digress for a moment to pay tribute to two of your former National Commanders who now hold positions of high responsibility in the national government—Don Johnson and Bill Galbraith.

Don Johnson, as you know, is the new Director of the Veterans Administration while Bill Galbraith, your immediate past National Commander, is now Deputy Under Secretary in the Department of Agriculture. They are both serving the nation as capably as they once served the Legion.

I want to commend you for your efforts to contact the Vietnam Veteran. Because there is widespread confusion about Vietnam, there is danger that the fine young men who fight for us there will return to civilian life feeling that the risks and sacrifices they have undergone are neither understood nor appreciated. There is danger too that they will suffer because of an anti-military mood that is becoming fashionable in some influential circles in our country. So I am particularly happy that your interest in the Vietnam veterans, who already number three million, is as strong as your interest in those of prior wars and that the energy that gave the nation the G.I. Bill after World War II is now being exerted in the cause of equity for today's veterans.

As your Keynoter this afternoon, I want to talk to you about national defense and in particular about the hard choices we face in the defense budget. We in Defense recognize that the American economy, bountiful though it is, is not a bottomless well. There are limits to what it can produce. We recognize, too, that, important as it is to provide for the security of the nation from external dangers, there are other urgent tasks before the nation for which additional resources must be allocated in both the pubic and private sectors of our economy.

That economy must continue to grow so as to make available more consumer goods and an expansion of plant and equipment. Our cities must be made more liveable. Schools must be improved. Crime must be reduced. The poor must be provided for and, in all possible cases, equipped to provide for themselves. Pollution of air and water must be curbed. Transportation must be modernized. Health facilities and personnel must be expanded.

The list is long and growing. Progress toward these goals requires capital, labor, time—and the attention and energies of all of us.

Since there are limits to our resources, we as a people have to make choices. In particular, the President and the Congress have to make basic and difficult decisions about how many of a limited number of dollars will be devoted to each of the aims of the national government and how many will be left for state and local governments and the private sector to spend as they choose.

I can assure you that the Defense Department is deeply conscious of the taxpayer's burden and of the importance of the domestic needs that lead to claims for more federal spending for non-Defense purposes. We are determined to keep Defense spending down and to reduce it wherever possible as long as we can do so without imprudently weakening our ability to meet our Defense needs.

Most of the critics of military spending, of course, do not want to weaken our defense posture. Most critics feel that the defense budget is oversized and wasteful—a judgment they make principally because Defense spends so large a part of our national government's budget. Our Defense budgets, in absolute amounts, are large. But so are our responsibilities. Defense receives about 41¢ of every dollar disbursed from Washington, and the share allocated to Defense has been shrinking. Defense expenditures in 1969 were less than 9 per cent of our Gross National Product. Next year they will be lower both in absolute amounts and as a percentage of the output of the economy.

We in Defense share the objectives of our critics—we, too, want to achieve greater efficiency; we, too, are striving for a reduced level of Defense spending.

Let me go a step further. We agree with our critics not only on objectives but also on the fact that there is room for additional substantial savings within the Defense Budget. The nub of the problem however, is this: How best can we increase the efficiency of the Defense Department and operate with the lowest feasible Defense Budget without impairing national security in the process?

If our primary objective is to reduce the level of Defense spending no matter what the consequences, then, obviously, further substantial spending cuts could be effected immediately. But that course would be irresponsible.

We cannot take imprudent risks that the American people will not have the protection they need when they need it. As Legionnaires, you know as well as any citizens in this country the vital need for maintaining a strong Defense posture. Those of you who have known the ravages of war understand better than anyone else the importance of preventing war. That has been my overriding concern and my number one priority since assuming the office of Secretary of Defense.

So what we have to do in reappraising and adjusting our Defense Budget is to insure that any adjustments we make for the purpose of saving money or eliminating waste do not at the same time cut into the muscle of our needed preparedness and capability.

Let us not be blind to the unpleasant facts of life in the world about us. We are still engaged in a war. And, although I hope that we can continue steadily to reduce the number of American troops in Vietnam, there are more than 500,000 of our men there today. I will resist any budget cuts that could add to American casualties in Vietnam.

Let us not be blind to threats to peace in Korea or in other trouble spots in the world where American military forces maintain a vigil.

Let us not be blind to other potential dangers to our country that may be magnified and intensified if we fail to maintain military strength at a realistic level.

We shall strive to make the years ahead an era of negotiation rather than confrontation with the Soviet Union. We shall try to reduce the danger of armed conflict by adequately safeguarded agreements on arms limitation.

Until such agreements are concluded, however, it would be folly to disarm unilaterally or to permit a general weakening of our military strength. And, in determining the level of military strength appropriate for the United States, we cannot ignore what is going on in the Soviet Union.

Since in the last analysis the American people will determine the size and the shape of our Defense forces, I think it important that the people know the facts required to make an informed decision. It is important that they know the Soviet Union right now is devoting greater effort than the United States to strategic offensive and defensive forces.

On a dollar basis in 1968, the Soviet Union spent approximately two dollars for every one dollar expended by the United States on strategic offensive and defensive forces.

Since 1965 when the U.S. began a substantial increase in military spending to support combat forces in Vietnam, Soviet expenditures have risen rapidly for a different purpose—the strengthening of strategic forces. In 1968, Soviet spending for strategic forces was about 30 per cent higher than it was in 1965, whereas U.S. spending for such forces has remained relatively stable.

I do not want the import of these facts to be misunderstood. Our overall military capability today, together with the effort we have programmed in our Defense planning, provides sufficient protection to the nation for the immediate future. But, if we project the trends which I have pointed out on beyond

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the next few years, doubts about our future security arise.

In April, the Nixon Administration sent to the Congress a revised budget that was $3.1 billion lower than the Johnson Administration request in appropriations and $1.1 billion lower in actual spending.

That in itself was a difficult amount to squeeze out of the Defense budget—not because the whole budget consists of muscle, but because getting the fat out without weakening the muscle is a function of such things as time and organizational change whose impact cannot be fully felt in the year in which it is undertaken.

The Chairman of the House Appropriations Committee, George Mahon of Texas, has stated publicly that his Committee will cut at least $5 billion from the appropriations request now pending before Congress. He alerted me to the fact that the current fiscal year is running and that action should be taken now to cut back Defense programs.

In response to Congressional pressure, I announced last week that the Department of Defense is preparing to cut spending this year by an additional $3 billion. Even these cuts do not satisfy some critics who impatiently demand additional major reductions in the level of spending this fiscal year.

These critics are urging a very dangerous course. If we are forced by Congressional action to make such additional cuts, the end result would be counterproductive. Rather than achieving real and lasting savings, we could instead be producing greater inefficiency, higher long-term costs and greater problems than already exist in such intangibles as morale and personnel efficiency. We could, in short, reduce our Defense readiness both for the short-term and the long-term while bringing about only short-lived dollar savings.

Let me outline briefly for you precisely what the problem is. The budget proposed to the Congress in January 1969, by the Johnson Administration, called for $79 billion in Defense spending.

The budget with which the Nixon Administration started was, in the eyes of the Services and the Joint Chiefs of Staff, an austere budget, since their initial requests totalled more than $100 billion. Now let me divide this reduced amount of $79 billion into several categories, to give you a better idea of the problems we face.

First of all, about $25 billion of the $79 billion represents the special cost of supporting our combat operations in Southeast Asia. This can be reduced only as a result of national policy decisions which reduce the level of our effort such as the 25,000 troop redeployment announced by the President at Midway.

A little less than $3 billion represents payments to retired military personnel fixed by law.

Southeast Asia costs and retired pay add to nearly $28 billion—well over one-third of our spending total.

This leaves $51 billion of that Johnson budget. About $8 billion is for strategic forces—for intercontinental ballistic missiles, Polaris submarines, bombers, and defense systems which are the backbone of our nuclear deterrent. Even if we adopted the posture advocated by the severest critics of Defense programs, we would not make a major dent in the $8 billion for the current fiscal year. The recent ABM debate, for example, did not significantly involve 1970 spending.

Another $6 billion is for research and development, aside from strategic forces and special Southeast Asia items. This is the part of our effort that provides our military strength for the future. Without adequate research and development, the American military in the future will find itself outmaneuvered, outgunned and overmatched. The Soviets are certainly aware of the critical importance of research and development. I recognize that this part of our program is a tempting target for budget cutters. It's an area where cuts can be made today without an immediate and apparent degradation of our forces. But, for the long run, nothing could be more detrimental than to neglect our research and development needs.

To complete the total, there are two remaining categories of Defense spending. Our general purpose forces—aside from Southeast Asia—accounted for $22 billion of that Johnson budget total. This covers our Army and Marine divisions; our Naval forces—attack carriers, antisubmarine warfare forces, amphibious forces, and others; and Air Force tactical aircraft. Also included here are our worldwide intelligence and communications systems; airlift and sealift; and our National Guard and Reserve forces. This $22 billion, in short, covers all the muscle we have, aside from the forces in Southeast Asia and the strategic forces that provide our nuclear deterrent.

Finally, the Johnson budget included about $15 billion for administration and support. This category covers our large training establishment; medical and hospital facilities; supply systems; the maintenance and rebuilding of weapons; and the general overhead of the Department. These activities, of course, are essential to the success of all the programs of the Department.

It is in the last two categories of the budget—our general purpose forces outside Southeast Asia, and the area of administration and support—that we must look for budgetary cutbacks. These two categories came to $37 billion in spending in the Johnson budget. We are now making preparations to cut $4.1 billion from the spending level in the Johnson budget, and most of this cut will have to come from these areas.

Now, let me introduce one further thought. We have been talking about *spending*—and about one-third of what we will *spend* this year results from contracts in prior years. It is the payment now coming due on bills contracted in the past by earlier Administrations.

And this, in a nutshell, is our problem: the programs that we can regard as serious candidates for immediate spending cutbacks comprise well under half of our budget—and even for these, a third of the spending is fixed by prior-year contracts. Thus, the planned spending cutbacks we have announced amount to 15 to 20 per cent or more of the expenditures that are really subject to reduction at this time.

Last Thursday, I announced some of the actions we feel constrained to take as a result of the cuts Congress is expected to make in the Defense Department budget this year.

In order to make short-term savings, savings that would have a dollar impact in fiscal year 1970, we have to lay up more than 100 ships, reduce flying operations by 300,000 hours, close some bases, and reduce military and civilian manpower probably by more than 150,000 before the fiscal year ends ten months from now.

The actions announced last week, taken together with other cuts made earlier in the year, would reduce Defense spending by $4.1 billion in fiscal year 1970.

When I announced our preparations to make reductions of this magnitude, I said that they will inevitably result in some weakening of our worldwide military posture.

I apologize for overwhelming you with numbers, but it is impossible to discuss the budget without getting into figures. Let me summarize the conclusions to which all these statistics lead:

1. Because of the clear intention of Congress to force a heavy cut in Defense spending this year, I have announced our plans to make further reductions of up to $3 billion in addition to the $1.1 billion in spending we announced earlier in the year.

2. I am proceeding now with these plans because any delay until Congress finally acts on Defense appropriations would make it absolutely impossible to make required reductions in any orderly and efficient way. Acting now, we still are compelled to inflict hardship on many of our personnel, military and civilian, whose lives will be disrupted.

3. The effect of these cuts is to increase the risks to which the American people are exposed. Any further major cuts for the present fiscal year would involve even greater risk and further disruptions.

Time and again in our past history our nation has paid a frightful price for allowing its armed forces to dwindle to levels that proved to be too low to discourage or to counter aggression. "Too little and too late" has been the epitaph of more than one great nation in human history. I am determined that it will not be ours.

To maintain the military strength needed in the years immediately ahead, however, vigorous support of this objective by the American people will be required. I shall do my best so to manage the Department of Defense as to deserve and win that support.

You who have seen war at first hand know that national weakness is not the way to peace or to freedom. You who cherish peace and freedom know that they must be protected with a keen sword and a stout shield. Pledge with me to keep that national sword and shield ready until, in God's good time, all nations learn to live together in peace and brotherhood.

I ask your help, knowing that the American Legion will never shirk the responsibility of leadership in the struggle to keep the nation secure and at peace. For 50 years the Legion has rendered service to the nation far beyond the call of duty. In recognition of that record of service, I am pleased to award to the American Legion the Department of Defense Meritorious Award accompanied by the following citation:

CITATION

The American Legion has for fifty years performed outstanding service to the men and women of the Armed Forces and to former members of the Armed Forces. Through a well-developed program of cooperation with the Department of Defense, the Veterans Administration, and other federal agencies, the Legion has provided effective counselling and referral services which have assisted Armed Forces personnel returning to civilian life. The extensive and highly successful youth programs of The American Legion have done much to develop Americanism in our nation's youth. The dusk-to-dawn lighting of the Tomb of the Unknown Soldier at Arlington National Cemetery during the fiftieth anniversary observance is a permanent beautification of this national shrine.

Accordingly, it is with personal appreciation and great pleasure that I confer upon The American Legion the Department of Defense Meritorious Award.

NEW TROOP WITHDRAWAL

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. WIDNALL. Mr. Speaker, President Nixon's announcement of the withdrawal of 35,000 additional troops is a significant demonstration of America's desire for peace and an end to the long and bloody conflict in Vietnam.

Throughout the world, people are recognizing that America's earnest hope that the war be brought to an end is being backed up by actions; accordingly, they will be awaiting a response from Hanoi to this latest peace overture.

Equally as important as our troop withdrawal, Mr. Speaker, is America's determination to stand by our allies in South Vietnam. An editorial in the Washington Evening Star of September 17 points out that the announcement of the withdrawal by Vice President Ky has important implications as to the attitude of his nation toward the withdrawal and the future course of the war.

I commend this article to the attention of my colleagues:

New Troop Withdrawal

The withdrawal of 35,000 additional American troops by December 15 offers convincing evidence of President Nixon's determination to reduce the level of America's participation in the Vietnam war as fast and as far as possible. The tide, which carried a total of 534,000 servicemen to Vietnam, has clearly turned. The massive American strength is ebbing.

For the present, there is no real impairment of America's ability to fight. During the prolonged period of buildup, thousands of troops were needed to pave the way for the expected arrivals; to build airports, living quarters, roads and supply facilities. It has been estimated that perhaps as many as 100,000 can be pulled out before America's fighting ability will begin seriously to diminish.

But the additional troop withdrawal, which will bring the total cut to 60,000, cannot be dismissed by Hanoi—or by the war's growing legion of domestic opponents—as tokenism. It is a clear sign of good faith—a sign that no buildup back to the top levels of last February is being considered as a possibility. It should be sufficient to produce a positive reaction from the other side, in the field and at the peace talks. Hanoi's chief negotiator, Xuan Thuy, is on record to the effect that further reductions of American troops could improve the atmosphere at Paris. Those words should now be translated into action.

It was noted that the premature disclosure of the troop cut by South Vietnamese Vice President Nguyen Cao Ky seemed to cause some annoyance in official Washington.

It is possible that the disclosure may have ruffled the diplomatic waters a bit by coming before the information was officially passed along to all of America's friends and allies. But regardless of the personal vanity or political ambition that prompted Ky to speak, the method of disclosure had much to commend it.

The vice president is generally accepted as South Vietnam's leading hawk, the official most reluctant to see American power withdraw from his country and most scornful of political compromise with the enemy.

A constant danger of American withdrawal is the possibility the South Vietnamese people, fearful of a sellout, may lose heart, and with it all faith in the ability of Saigon to stand up to the pressure from the north. But if Ky, their superhawk, announces the move and assures them that the South Vietnamese army is ready to take up the slack, who can question it?

Ky's revelation may have been premature. But it is a tactic that might be considered for future official use.

TO THE HOUSE OF THE LORD

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. HUNGATE. Mr. Speaker, I believe a recent article in Today's Farmer, the MFA magazine, will be of interest to the Members. Illustrating the article is a photograph showing how dignity and restful beauty are achieved through modern architecture in the sanctuary of the new St. Clement Catholic Church building south of Bowling Green in Pike County, Mo.

The new building, where Father Severin Lamping serves as priest, replaced a structure with a towering steeple which had served as a community landmark since 1897.

The article follows:

To the House of the Lord

(By Rev. Severin Lamping)

Text: "I will go to the house of the Lord, to God who gives joy to my youth"—Psalm of David.

God himself favored a fixed and definite place for worship. He had His Mount Sinai crowned with fearful smoke, and the Burning Bush from which he spoke to Moses, and the Pool of Bethesda where the water was stirred and the sick were healed.

Consequently, man's natural instinct suggests that there should be a special spot, a definite place for the practice of religion; in other words, a church, a meeting place of man with his God and God with man. And, therefore, a church no more stands between man and his God than a cup stands between a man and his coffee.

Would that every church in the U.S., of whatever creed, were bulging its walls with Sunday worshippers! Would that all professed Christians went to the house of the Lord regularly to hear the Word of God and to be nourished by the precious Body of His Divine Son!

This is why we should attend Sunday services—that we may grow in Christ, in His Grace, in His Truth and in His Love. After all the church was built . . . "That the beauty of His countenance be not hidden from his own, that his wounds and woe wherein He wrote His love be known to all the people He redeemed."

TEXTILE PROBLEMS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. NICHOLS. Mr. Speaker, this is an encouraging week hopefully for the textile industry of America. This week brings to Washington, a Japanese trade delegation who are here to discuss matters related to textile imports. Of course, textilers play an important part in my own State. Many of us here in the Congress and those of us from Alabama and other large textile producing States, are insisting that the Japanese industry limit their textile imports coming into our country.

We hope this can be on a voluntary basis, however, the hour is already late and if reasonable agreements cannot be worked out with our Department of State, than I believe this Congress will want to pursue legislation already introduced in this session, to curve these increasing exports which are penalizing our American industries.

I believe this matter has been well stated by the Birmingham News and I insert their lead editorial of September 15, 1969, "Textile Problems" in the RECORD:

Textile Problems

This week a Japanese trade delegation is scheduled to come to Washington to discuss the broad subject of textile imports with American government officials.

This is an increasingly prickly subject for the American textile industry upon which four million people in this country depend for all or part of their livelihood. Approximately 40,000 people in Alabama look to the textile manufacturing industry for their jobs and an annual payroll in excess of $200 million.

The issue of textile imports is no new problem. Its almost vertical rise, while U.S. imports have moved at a relatively slow pace, however, gives the domestic industry cause for genuine alarm; an alarm which eventually could have a severe depressing effect on American jobs, payrolls and investment.

Japan is the major source of imported textile products. Its hourly wage rate in the textile industry is 38 cents, compared with the $2.28 current hourly average in our domestic industry, an obvious competitive advantage in the contest for markets.

This wage difference, however, is not what disturbs the U.S. textile industry the most. Japan consistently and adamantly has rejected any proposal suggesting that it adopt voluntary export quotas, an attitude echoed by the lesser textile producing areas in Asia.

American textile officials, including those who lead the operations of a number of Alabama's largest textile enterprises and officials of the Alabama Textile Manufacturers Association, outlined their position on the import problem to Birmingham newspaper representatives last week.

The American industry is not asking the federal government to impose harsh, protectionist quotas on foreign-made textile imports. They are willing to match the production of American mills—the world's most efficient—against foreign competition under equitable conditions.

What causes distress is that almost indiscriminate imports—mostly from Japan—have far outstripped American exports, gradually eating into the domestic market and creating a large portion of this nation's presently unfavorable balance of payments.

The American industry is perfectly willing for imports to continue, but not to the extent that the rate of increase exceeds American growth, which is the case now. If the foreboding trends is permitted to continue, it will result in a slowdown in investment in more modern plants and equipment and a resultant decline in American jobs.

If the Japanese delegation is unwilling to agree to a more reasonable arrangement on textile imports, then Congress or the Nixon administration should waste no time in taking whatever action is necessary to halt selfish siphoning of American jobs and investment.

ADDRESS BY THE PRESIDENT TO THE 24TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, SEPTEMBER 18, 1969

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

Address by the President to the 24th Session of the General Assembly of the United Nations, September 18, 1969

Madam **President**, Mr. Secretary General, Distinguished Foreign Ministers and Dele-

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gates—and my fellow citizens of the world community:

There is no nobler destiny, nor any greater gift one age could make to the ages that follow, than to forge the key to a lasting peace.

In this great Assembly, the desirability of peace needs no affirmation. The methods of achieving it are what so greatly challenge our courage, our intelligence and our discernment.

Surely if one lesson above all rings resoundingly among the many shattered hopes in this world, it is that good words are no substitute for hard deeds, and noble rhetoric is no guarantee of noble results.

We might describe peace as a process embodied in a structure.

For centuries, peace was the absence of war and stability was the absence of change.

But in today's world, there can be no stability without change—so that peace becomes a continuing process of creative evolution. It is no longer enough to restrain war. Peace must also embrace progress—both in satisfying man's material needs and in fulfilling his spiritual needs.

The test of the structure of peace is that it ensure for each nation the integrity of its borders, its right to develop in peace and safety, and its right to determine its own destiny without outside intervention.

As long as we live with the threat of aggression, we need physical restraints to contain it.

But the truest peace is based on self restraint—on the voluntary acceptance of those basic rules behavior that are rooted in mutual respect and demonstrated in mutual forbearance.

The more closely the world community adheres to a single standard in judging international behavior, the less likely that standard is to be violated.

ROLE OF THE UNITED STATES

I am well aware that many nations have questions about the world role of the United States in the years ahead—about the nature and extent of our future contribution to the structure of peace.

Let me address those doubts quite candidly.

In recent years, there has been some criticism here in the United States of the scope and the results of our international commitments.

This trend, however, has not been confined to the United States alone. In many countries we find a tendency to withdraw from responsibilities; to leave the world's often frustrating problems to the other fellow and hope for the best.

As for the United States, I can state here today without qualification: We have not turned away from the world.

We know that with power goes responsibility.

We are neither boastful of our power, nor apologetic about it. We recognize that it exists; and that as well as conferring certain advantages, it also imposes upon us certain obligations.

As the world changes, the pattern of those responsibilities changes.

At the end of World War II, the United States for the first time in history assumed the major responsibility for world peace.

We were left in 1945 as the one nation with sufficient strength to contain the new threats of aggression, and with sufficient wealth and industrial capacity to help the injured nations back to their feet.

For much of the world, those first difficult postwar years were a time of dependency.

The next step was toward independence, as new nations were born and old nations revived.

Now we are maturing together into a new pattern of inter-dependence.

It is against this background that we have been urging other nations to assume a greater share of responsibility for their own security, both individually and together with their neighbors. The great challenge now is to enlist the cooperation of many nations in preserving peace and enriching life. This cannot be done by American edict, or by the edict of any other nation. It must reflect the concepts and the wishes of those nations themselves.

The history of the postwar period teaches that nationalism can be dangerously disruptive—or powerfully creative.

Our aim is to encourage the creative forms of nationalism; to join as partners where our partnership is appropriate, and where it is wanted, but not to let a U.S. presence substitute for independent national effort or infringe on national dignity and pride.

It is not my belief that the way to peace is by giving up our friends or letting down our allies. On the contrary, our aim is to place America's international commitments on a sustainable, long-term basis, to encourage local and regional initiatives, to foster national independence and self-sufficiency, and by so doing to strengthen the total fabric of peace.

We do not pretend that the United States has no national interests of its own, or no special concern for its own interests.

However, our most fundamental national interest is in maintaining that structure of international stability on which peace depends, and which makes orderly progress possible.

TOWARD PEACE IN VIETNAM

Since I took office as President, no single question has occupied so much of my time and energy as the search for an end to the war in Vietnam—an end fair to the people of South Vietnam, fair to the people of North Vietnam, and fair to those others who would be affected by the outcome.

We in the United States want an end to the war, and we are ready to take every reasonable step to achieve it. But let there be no question on this one fundamental point: in good conscience we cannot, in the long-term interests of peace we will not, accept a settlement that would arbitrarily dictate the political future of South Vietnam and deny to the people of South Vietnam the basic right to determine their own future free of outside interference.

As I put it in my address to the American people last May, "What the United States wants for South Vietnam is not the important thing. What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam."

To secure this right—and to secure this principle—is our one limited but fundamental objective.

Both in public and at the Paris talks, we have offered a number of proposals which would bring peace and provide self-determination. We are ready to consider any other proposals that have the same objective. The missing ingredient so far has been the willingness of the other side to talk on any terms other than those that would pre-determine the result and deny the right of self-determination to the people of South Vietnam. Once that willingness exists, and once there is a genuine willingness by the other side to reach agreement, the practical solutions can readily be found.

This makes it urgent that the UN members who have long taken an active interest in peace in Vietnam now take an active hand in achieving it.

Many urged that if only we halted our bombing of the North, peace would follow. Nearly a year has passed since the bombing of the North was stopped.

Three months have passed since we began the process of troop replacement, signaling both our own genuine desire for a settlement and the increased readiness of the South Vietnamese to manage their own defense.

As I announced on Tuesday, by December 15 our troop strength in Vietnam will have been reduced by a minimum of 60,000 men.

On September 2, 1969, North Vietnam's chief negotiator in Paris said that if the United States committed itself to the principle of totally withdrawing its forces from South Vietnam, and if it withdrew a significant number of troops, Hanoi would take this into account.

I repeat here today that we are prepared to withdraw all our forces.

The replacement of 60,000 troops is a significant step.

The time has come for the other side to respond to these initiatives.

The time has come for peace.

In the name of peace, I urge all of you here—representing 126 nations—to use your best diplomatic efforts to persuade Hanoi to move seriously into the negotiations which could end this war. The steps we have taken have been responsive to views expressed in this room. We hope that views from this organization may now also be influential in Hanoi. If these efforts are successful, the war can end.

The people of Vietnam, North and South alike, have demonstrated heroism enough to last a century. They have endured an unspeakable weight of suffering. They deserve a better future. When the war ends, the United States will stand ready to help the people of Vietnam—all of them—in their tasks of renewal and reconstruction. When peace does come at last to Vietnam, it can truly come with healing in its wings.

AN ERA OF NEGOTIATION

In relations between the United States and the various Communist powers, I have said we should move from an era of confrontation to an era of negotiation.

I believe our relations with the Soviet Union can be conducted in a spirit of mutual respect, recognizing our differences and also our right to differ; recognizing our divergent interests, and also our common interests; recognizing the interests of our respective allies as well as our own.

It would be idle to pretend that there are not major problems between us, and conflicting interests. The tensions of the past 30 years have not been caused by personal misunderstanding. This is why we have indicated the need for extended negotiations on a broad front of issues.

Already, as you know, we have had extensive consultations with the Soviet Union as well as with others about the Middle East, where events of the past few days point up anew the urgency of a stable peace.

The United States continues to believe that the UN cease-fire resolutions define the minimal conditions that must prevail on the ground if settlement is to be achieved. We believe the Security Council resolution of November, 1967, charts the way to that settlement.

A peace, to be lasting, must leave no seeds of a future war. It must rest on a settlement which both sides have a vested interest in maintaining.

We seek a settlement based on respect for the sovereign right of each nation to exist within secure and recognized boundaries. We are convinced that peace cannot be achieved on the basis of substantial alterations in the map of the Middle East. We are equally convinced that peace cannot be achieved on the basis of anything less than a binding, irrevocable commitment by the parties to live together in peace.

Failing a settlement, an agreement on the limitation of the shipment of arms to the Middle East might help to stabilize the situation. We have indicated to the Soviet Union, without result, our willingness to enter such discussions.

In addition to our talks on the Middle East, we hope soon to begin talks with the Soviet Union on the limitation of strategic arms. There is no more important task before us.

The date we proposed for the opening of talks has passed for lack of response. We remain ready to enter negotiations.

Since the United States first proposed strategic arms talks three years ago, the task of devising an effective agreement has become more difficult. The Soviet Union has been vigorously expanding its strategic forces; weapons systems themselves have become more sophisticated and more destructive. But as the difficulty of the talks increases, so too does their importance.

Though the issues are complex, we are prepared to deal with them seriously, concretely and purposefully—and to make a determined effort not only to limit the buildup of strategic arms, but to reverse it.

Meanwhile, I want to affirm our support for arms control proposals which we hope the Geneva conference will place before this Assembly with regard to the seabed and to chemical and bacteriological weapons. We hope also that the Nuclear Non-Proliferation Treaty will soon enter into force.

We should be under no illusion, however, that arms control will in itself bring peace. Wars are fought by soldiers, but declared by politicians. Peace also requires progress on those stubbornly persistent political questions that still divide the world—and it requires other exchanges not only of words but of deeds, that can gradually weave a fabric of mutual trust.

We intend to conduct our negotiations with the Soviet Union soberly and seriously, neither encumbered by prejudice nor blinded by sentimentality, seeking to reach agreements rather than to make propaganda.

Whenever the leaders of Communist China choose to abandon their self-imposed isolation, we are ready to talk with them in the same frank and serious spirit.

PEACE-KEEPING AND PEACE-BUILDING

For nearly a quarter of a century, the UN has struggled with the often thankless tasks of peace-keeping.

As we look to the future, however, keeping the peace is only part of our task. We also must concentrate on building the peace.

Let us be candid. There are many differences among the great powers, as well as among others, which as realists we know cannot be resolved quickly. But we also know there are five areas in particular of great concern to us all with regard to which there should be no national differences, in which our interests are common and on which there should be unanimity. These are:

Securing the safety of international air travel.

Encouraging of voluntary service.

Fostering economic development and population control.

Protecting our threatened environment.

Exploring the frontiers of space.

I. By any standards, aircraft hijackings are morally, politically, and legally indefensible. The Tokyo Convention has now been brought into force, providing for prompt release of passengers, crew and aircraft. Along with other nations, we also are working on a new convention for the punishment of hijackers. But neither of these conventions can be fully effective without cooperation; sky piracy cannot be ended as long as the pirates receive asylum.

I urge the United Nations to give high priority to this matter. The issue transcends politics; there is no need for it to become the subject of polemics or a focus of political differences. It involves the interests of every nation, the safety of every air traveler, and the integrity of that structure of order on which a world community depends.

II. The creative, dynamic kind of peace I have spoken of, of course, requires more than such basic protections.

To build this kind of peace, we must join together in building our societies—in raising a great cathedral of the spirit, which celebrates the infinite possibilities of man himself.

Such a peace requires a fuller enlistment not only of government resources, and of private enterprise resources, but also of the dedication and skill of those thousands of people all over the world who are ready to volunteer in the cause of human advancement. Our own Peace Corps has helped in many countries. I especially welcome the consideration the UN itself is now giving to establishment of an International Volunteer Corps. We stand ready to give this exciting new venture our full and enthusiastic cooperation.

III. As the UN looks toward the beginning of its Second Development Decade, it faces a time of enormous challenge and enormous opportunity.

We can only guess at the new scientific discoveries the 70's may bring, but we can see with chilling clarity the gap that already exists between the world's developed and its developing economies—and the urgent need for international cooperation in spurring economic development.

If, in the course of the Second Development Decade, we can make both significant gains in food production and significant reductions in the rate of population growth, we shall have opened the way to a new era of splendid prosperity. If we do only one without the other, we shall be standing still. If we fail in both, great areas of the world will face human disaster.

IV. Increasingly, the task of protecting man's environment is a matter of international concern. Pollution of air and water, upsetting the balance of nature—these are not only local problems, and not only national problems, but matters that affect the basic relationship of man to his planet.

The United Nations already is planning a conference on the environment in 1972. I pledge the strong support of the United States for that effort. I hope that even before then we can launch new international initiatives toward restoring the balance of nature, and maintaining our world as a healthy and hospitable place for man.

V. Of all man's great enterprises, none lends itself more logically or more compellingly to international cooperation than the venture into space. Here, truly, mankind is as one: as fellow creatures from the planet Earth, exploring the heavens that all of us share.

The journey of Apollo 11 to the moon and back was not an end, but a beginning.

There will be new journeys of discovery. Beyond this, we are just beginning to comprehend the benefits space technology can yield here on earth. But the potential is enormous.

For example, we now are developing earth resource survey satellites, with the first experimental satellite to be launched sometime early in the decade of the 1970's.

Present indications are that these should be capable of yielding data which could assist in as widely varied tasks as the location of schools of fish, the location of mineral deposits and the health of agricultural crops.

I feel it is only right that we should share both the adventures and the benefits of space. As an example of our plans, we have determined to take these five actions with regard to earth resource satellites, as this program proceeds and fulfills its promise:

The earth resource satellite program will be dedicated to producing information not only for the United States, but also for the world community.

We will support the convening of a series of international symposia for reports on the work in progress in this field and on projections of future possibilities.

We shall cooperate in the establishment of international information centers to broaden dissemination of satellite data.

We are prepared to work with other nations and specialized agencies in developing educational and training opportunities to meet future needs for specialists, especially in the use of earth resource satellite data.

We shall consider specific international arrangements for handling the data needs of other nations and specialized agencies.

We will be putting proposals to this effect before the United Nations.

These are among the positive, concrete steps we intend to take toward internationalizing man's epic ventures into space—an adventure that belongs not to one nation, but to all mankind, and one that should be marked not by rivalry, but by the same spirit of fraternal cooperation that so long has been the hallmark of the international community of science.

A survey of history might discourage those who seek to establish peace.

But we have entered a new age, different not only in degree but in kind from any that has gone before.

For the first time ever, we have become a single world community.

For the first time ever, we have seen the staggering fury of the power of the universe unleashed, and we know that we hold that power in precarious harness.

For the first time ever, technological advance has brought within reach what once was only a poignant dream for hundreds of millions—freedom from hunger and freedom from want.

For the first time ever, we have seen changes in a single lifetime that dwarf the achievements of centuries—and that continue to accelerate.

For the first time ever, man has stepped beyond his planet—and revealed us to ourselves as "riders on the Earth together," bound inseparably on this one bright, beautiful speck in the heavens, so tiny in the universe and so incomparably welcoming as a home for man.

In this new age of historic "firsts," even the goal of a just and lasting peace is a "first" we can dare to strive for. We must achieve it. And I believe we can achieve it.

In that spirit, then, let us press toward an open world—a world of open doors, open hearts, open minds—a world open to the exchange of ideas and of people, and open to the reach of the human spirit—a world open in its search for truth, and unconcerned with the fate of old dogmas and old isms—a world open at last to the light of justice, and reason, and to the achievement of that true peace which the people of every land carry in their hearts and celebrate in their hopes.

THE NIXON POLICY OF RESTRAINT IS TAKING HOLD

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. ROBISON. Mr. Speaker, two criticisms are heard about the new administration by those of us who take frequent trips home.

The first of those has to do with the President's failure, so far, to end the war in Vietnam—though he has clearly moved to reduce that conflict—and the second relates to the continuing pain of a rolling inflation from which nearly all of our citizens suffer.

In this latter respect, they ask why Mr. Nixon has not gotten inflation under control; and, as all of us know from our mail, more and more of our constituents who quite properly complain about inflation's inroads, are beginning to urge

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wage and price controls as an immediate alternative to the kind of fiscal and monetary restraint the President has sought to apply to this, our most serious domestic problem of the moment.

In my replies to such written suggestions, and in my personal conversations with others at home of like mind, I have been counseling patience as best I can. It is no easier for anyone to be patient about the seemingly unending wave of inflation we have been enduring, than it is to be patient about the tremendously complex task of finding some honorable exit from that theater—of war—into which we so tragically stumbled in Vietnam.

But public—and congressional—patience is, I believe, indicated in both instances. Corrective action, in either area of concern, even when of the right nature, is necessarily slow of result. Thus it is that, whenever some glimmer of light begins to appear at the end of either one of these two long tunnels through which we have seemed to be crawling forever, that light ought to be noted for such encouragement as it may bring.

Today's lead editorial in the Wall Street Journal offers a modicum of such light with respect to the Nixon policies taking hold of inflation. I believe it to be an accurate analysis of our present economic situation, and I commend its reading to my colleagues. The editorial follows:

Taking Hold

A few bits of current or recent economic intelligence:

The July increase in private wages and salaries was the smallest in a year.

Retail sales are trailing the advances posted earlier in the year.

Factory sales are expected to level off in the fourth quarter.

In August, private nonfarm housing continued to decline.

By July, private nonfarm housing starts were down 29% from January.

The gross national product, adjusted for price changes, grew at an annual rate of only 2% in the second quarter, compared with a 7.4% rate a year earlier. And industrial output fell in August for the first time in a year.

These and other data seem to us to cast doubt on the prevalent notion that present Governmental policies of fiscal and monetary restraint have failed to take hold and hence cannot be counted on to satisfactorily curb the inflation.

True, offsetting trends can also be discerned. Notably, many prices continued to rise. But as we have said before, it takes time to correct a fierce four-year-old inflation, especially with plenty of inflationary psychology still in evidence. The correction is nonetheless under way; the First National City Bank's Letter puts it succinctly:

". . . the conditions required to make price increases stick are being eroded. The rate of increase in sales is no longer so buoyant that manufacturers and retailers can confidently look to upward price adjustments to help cover the high fixed costs that have been put in place . . .

"The important point to bear in mind is that while price inflation may continue to be excessive for a time yet, the sharp reduction in real growth that has already occurred will not permit excessive inflation to continue indefinitely."

That, at any rate, is the way it ought to work, and the way the Government is trying to make it work. The Federal Reserve Board has been holding the money supply admirably in check. And just as artificially easy money is a major source of inflation, so tight money should be a major part of the cure.

By coincidence, a research project that is still in progress supports the view that monetary policy exerts a strong (albeit slow) impact on the economy. According to Reserve Board member J. Dewey Daane, the study "suggests that monetary policy is a more powerful tool of stabilization policy than most economists, except perhaps Milton Friedman, would have guessed."

Certainly the record on fiscal policy is less impressive. The Nixon Administration is serious about cutting spending below that budgeted by the Johnson Administration, but it would still spend enormous amounts. Congress did extend the tax surcharge, which should never have been necessary if the Government had got its finances in order, but the lawmakers appear, as usual, little disposed to thrift.

Raising taxes as an anti-inflation weapon is at best a dubious procedure anyway. It cuts the people's purchasing power but adds to the Government's, and Governmental financial excesses are the chief cause of inflation.

Even so, the surcharge helped in turning mammoth deficits into small surpluses. If the Government stays on that course, if it sticks to monetary restraint, and if it could get spending down, the way should be cleared for sound noninflationary economic growth. These—and not the wage-price controls being foolishly advocated in some quarters—are the right approaches.

Whatever happens in the months ahead, it is premature now to argue that the policy of restraint is ineffective. More than premature, the statistics say the argument may not even be factual.

CLEAN WATER—NOW

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. OBEY. Mr. Speaker, there is nothing that requires the attention of this Congress more urgently than the need to protect our environment. It is inconceivable that a civilized society should make an inadequate effort to prevent the destruction of its very life. Yet, the possibility exists that inaction by the Congress and the administration, among others, could make reality out of the inconceivable.

Progress leading to the preservation of our most precious resource, water, was made when the Congress passed the Clean Water Restoration Act in 1966. But, our performance to date has failed to back the promise contained in that act.

The Clean Water Restoration Act set forth a plan of action that, if carried out, could make an important contribution toward reducing the amount of raw or inadequately treated sewage that enters our lakes and streams. Instead of carrying out the plan, however, the executive branch has failed to request and the Congress has failed to provide enough money to do the job.

The seriousness of the situation was pointed out in the September issue of Nation's Cities, the magazine of the National League of Cities. The publication devoted a front cover editorial and a comprehensive article to this most important subject. I include the full text of the editorial, the article, and accompanying charts following my remarks:

Mars, the Earth and Commitment

So now they want to send men to Mars. NASA director Dr. Thomas Paine says we have the technical knowledge to do the job by 1981. All we need is the will and commitment. Well, we have the technical knowledge to correct most of our urban pollution problems—*now*. All we need is the will and commitment. We feel the will and commitment to battle pollution have been evident in most of our municipal governments. But we can't say that about the federal government. Take, for example, the shameful way it has failed to meet its obligations under the 1966 Clean Waters Restoration Act. A total of $1.3 billion was *authorized* under the act from fiscal 1967 through 1969. But how much actually was *appropriated* to help states and local governments build wastewater treatment facilities? Only $567 million, or roughly 44 per cent. The remaining unappropriated 56 per cent is an outrageous funding gap. But during that same period, a total of $4.1 billion in wastewater treatment facilities somehow were built. Where, then, did the money come from? It came, of course, from local governments (and, in a few cases, from states), placed under the gun to meet new federal/state water quality standards set by the 1965 Water Quality Act. Now these water quality standard deadlines are fast approaching and many cities will be able to meet them only by overextending themselves financially, thus taking already limited funds away from other vital urban needs such as education, poverty, and housing. Will Congress continue to renege on its obligation to fully fund the 1966 act? Not if the National League of Cities and the other concerned groups joined together in the Citizens Crusade for Clean Water have anything to say about it. And not if the growing congressional support for a full $1-billion 1970 appropriation continues to gain momentum. City officials and concerned citizens throughout the nation can join this fight for full federal funding by immediately bombarding their congressmen with requests to support the $1-billion 1970 appropriation. Success in gaining increased funding is not only necessary to meet our water pollution control needs in the years ahead, but to restore local and state government confidence in the federal government's credibility. National goals for an unfouled urban environment have been enunciated by Congress many times during the past decade. But, unlike the space program, the will and commitment to achieve these goals often have not been present. Mars can wait. Our environmental pollution control needs here on Earth cannot.

Are the Cities Trapped in the Water Pollution Control Funding Gap?

(By Raymond L. Bancroft)

Hopes were high back in 1966 when the Congress approved the Clean Waters Restoration Act. NATION'S CITIES called it "one of the 89th Congress' most sweeping accomplishments."

And indeed it was. The act called for a steady and steep rise in federal assistance for sewage treatment facility construction—from $150 million in fiscal 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971. Financially hard-pressed cities and counties were enthusiastic about the prospects of really being able—with increased federal help—to meet the water quality standards then being drafted by state water agencies under the Water Quality Act of 1965.

While the lofty money authorization levels set in the 1966 act remain intact, however, the appropriations to match them have not been made by Congress. In fact, as the table on page 8 shows, the appropriations from fiscal year 1967 through 1970 (including $214 million asked for '70) total $781 million, only a third of the $2.3 *billion* authorized. Construction grant officials in the Federal Water Pollution Control Administration said in July that applications for non-existent funds continue to pile up. A total of 4,648 applications for construction grants are now languishing in FWPCA regional offices or in state water pollution bureaus.

The result of the lag of federal funds for waste water construction projects naturally has "put the burden back on the localities" to pay for needed projects, says Robert Canham, acting executive secretary of the Water Pollution Control Federation, a national association representing both industry and government.

"This whole situation has tended to lead to a lack of confidence by local and state officials in what federal aid levels will be," Canham adds. "The states are recognizing the problem where it counts . . . through their taxpayers with the expectation of federal assistance later."

The fact that municipalities and states are taking up the slack in waste treatment facility building left by inadequate federal assistance is borne out in a new WPCF publication, *Water Pollution Control Facts.*

"The influence of the federal grants program for the construction of wastewater treatment facilities, even at its $214-million per year level, assures the proper encouragement of construction by municipalities," the report states. "Witness the 1968 increase over 1967; it showed a 20 per cent increase for a total of $1.35 billion, despite the fact that the level of federal grants funds did not increase. Fiscal 1970 continues at the $214 million level, the same as fiscal 1969. At least this will keep up the momentum."

Canham, however, wonders what will happen to the fight against water pollution when the 1966 act's current authorization expires in fiscal 1971, particularly if increased federal appropriations aren't forthcoming.

"The whole effort is bound to suffer," he says.

In advocating that Congress appropriate the full $1 billion authorized for fiscal 1970 construction grants, the National League of Cities has pointed out the bind in which many cities will find themselves if they cannot get federal assistance.

"Local improvements must be made since the act provides for enforcement through the courts," said NLC President C. Beverly Briley, Mayor of Nashville, in a letter to President Nixon urging his support of the full appropriation.

"Local units will be compelled to proceed with major improvements and expenditures whether or not the federal government meets its obligations. The sad product will be that cities will be forced to clean up the waterways but will do so at the expense of improving housing, education, and other critical local needs which draw upon the same resource base."

Already communities in Pennsylvania, Missouri, Florida, California, and New Jersey have faced state-imposed restrictions on future residential and commercial construction because of water pollution problems.

But many observers, including the NLC, feel it is unfair for cities to be forced to comply with water quality standards while many are not able to financially meet them because Congress has failed to appropriate funds already authorized.

Mayor Briley urged the Administration to either support efforts to get full appropriations or, if this is not possible, to modify the schedule of compliance to permit cities a longer period of time in which to meet water quality standards.

The primary reason for lack of adequate federal financing of the 1966 Clean Waters Restoration Act is the same given for other domestic program appropriation lags: the Vietnam War. Under prodding from the budget cutters, the Administration has sent Congress an alternative plan for financing waste treatment plant construction. Under the plan, the Secretary of the Interior could enter into contracts up to 30 years in length with a local or state government to pay the federal share of the costs of treatment plants. This means larger bond issues would have to be floated and the locality or state would have to pick up the interest on the federal share. Federal payments to the state or local government would be made up to 30 years to cover that U.S. share. The National League of Cities and other groups representing local governments are opposed to the plan. "We think it stinks," said one NLC staffer.

As Joe G. Moore, Jr., the former commissioner of the Federal Water Pollution Control Administration, expressed it at a conference earlier this year:

"Congress . . . will again this year wrestle with the problem of how to provide additional funds for the construction of waste treatment facilities without appropriating money."

David O. Dominick, Moore's successor, expresses disappointment at the length of time it took to get the alternate financing proposal to Congress. But, he adds, "we must make the best of a tight budget situation because right now we are lagging in the fight for clean water."

Dominick's FWPCA is caught in the middle of the financing dilemma. It pushed hard for an appropriation of $600 million for construction grants in the proposed 1970 budget but the Bureau of the Budget chopped that request to $214 million, the same as that appropriated in 1969.

"It is most important that we make every effort in Washington to keep faith with the states that have already begun construction on their own," Dominick says. "We must keep faith with the municipalities which need additional financial assistance in order to meet the water quality standards to which they have agreed."

FWPCA officials in the field also feel the pinch of congressional promises in the light of funding realities. Richard A. Vanderhoof, director of FWPCA's Ohio Basin Region, notes the "clearly incompatible" nature of water quality standards and the funds available to meet them.

"We're making progress in water pollution control if everyone would stand still," Vanderhoof says. "But we must run faster. The combination of industrial growth and municipal growth almost puts us in a position of status quo, particularly with the level of funds we have available."

Although it is generally agreed that there is a whopping backlog of unmet sewage treatment needs in the U.S. (a 1967 FWPCA estimate put the total at $8 billion to provide secondary treatment for most of the urban population), the 1969 edition of FWPCA's *The Cost of Clean Water and Its Economic Impact* comes up with a much smaller backlog estimate of less than $2 billion.

"Only a fault in basic assumptions or a significant change in circumstances can account for the variation found to exist between various estimates of the cost of water pollution and control," the agency report says.

"It may be argued," the report continues, "that the concept underlying almost every cost estimate that has been made—that is, the idea of a fixed backlog—is no longer a valid assumption in light of the current status of waste treatment as reflected in the 1968 Municipal Waste Inventory.

"Water pollution is a process as well as a condition. It is dynamic in its occurrence; fluctuating in its circumstances. So water pollution control must be flexible in its approaches; and time forms an essential element in estimates of its cost.

"This document [the report], then, views the municipal costs of water pollution control within a context of dynamism. It gropes with the question of determining an *appropriate rate of investment* rather than establishing a final cost of water pollution control. In substituting the dynamic view for the static one, it recognizes the disagreeable fact that pollution control will continue to require expenditures, that pollution cannot be ended by spending any single sum. It loses something in apparent precision. It is felt, however, that the view compensates for any lack of definition by bringing us closer to a manageable statement of real conditions.

"The changed way of looking at things imposes a broader view and forces recognition of problems in relating federal programs to events in such a way that the programs will not be out of date or mis-scaled by the time they are initiated. While all the ramifications of the approach are not understood, analyses now being undertaken can be expected to yield some insights over the coming year. These may be useful in recasting legislation after the expiration of current authorization in fiscal year 1971."

The FWPCA report also points out that new treatment plant investments are fairly close to the estimated need for construction and that rates of investment for interceptors and outfalls are very close to the level of indicated requirement. "But sewer, replacement, and expansion shortcomings seem to be developing," it adds. "Since 1963 the construction of new waste treatment plants has been declining relative to the other major categories of investment that qualify for FWPCA construction grants—replacements, additions, and installation of interceptor sewers."

But the FWPCA notes that the decline in new treatment projects should not be a surprise. An "enormous number" of new plants—more than 7,500—have been built between 1952 and 1967 and the great majority of the population with sewers now receives some sort of waste treatment.

Since only four cities over 250,000 population (Honolulu, New Orleans, Memphis, and parts of New York City), remain available for *initial* waste treatment investments, the coming investment in new plants is concentrated in small towns. The FWPCA report says communities under 10,000 population now account for almost half of the dollar value of investment for new waste treatment plants, up from slightly more than a third during the 1952–55 period.

Estimates from the states in their program plans indicate that municipal waste handling investments over the 1969 through 1973 period will amount to about $6 billion, roughly equal to that spent over the past five years, the FWPCA report says. It is very likely that spending for upgrading, expansion, and replacement needs in 1969 will exceed the outlays for new plant investments. "There seem to be great expansion and replacement needs in cities of all sizes," the report notes.

Adding to this trend will be the need for advanced waste treatment to meet the stricter state water quality control standards. Tertiary or advanced waste treatment is a state goal for many Indiana communities by 1977, is contemplated for some Ohio towns, is being phased into the Chicago system, and is planned for part of Long Island. Construction costs zoom upward for advanced treatment facilities.

The need for advanced treatment, the increased emphasis on upgrading operational efficiency, and the need to raise operator wages will increase operating and maintenance costs of municipal waste treatment plants "very sharply in the immediate future," the FWPCA report notes. Already these operating and maintenance costs total $150 million to $200 million a year, a doubling in the last decade.

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In summarizing its findings, the FWPCA concludes:

"It would appear, then, that there may be a substantial gap opening between the amount the nation expects to spend—as measured by state program plans and by the level of federal construction grant appropriations—and the amount that will be required to complete the connection of all sewered places to waste treatment plants and to expand, replace, and upgrade treatment where it now exists.

"The fact that the states as a group anticipate programs that will involve a level of spending very close to that of the last six years is a cause for major concern, despite the major accomplishments of the last six years.

"The findings of this report show that investment requirements imposed by new plant construction, expansion, replacement and upgrading of plants, accelerating acceptance of industrial wastes in the municipal plant, increasing levels of waste reduction being required, and the fact that a very significant portion of needed new investment occurs in precisely those places where cost experience in the past has been highest, will all result in pressing capital requirements upward significantly for many years."

1968 MUNICIPAL WASTE INVENTORY[1]

Size of place, 1960 census	Primary treatment			Secondary treatment			No treatment	
	Total plants	Communities identifiable	Population served	Total plants	Communities identifiable	Population served	Communities	Population served
Unknown	112	65	6,284,805	643	302	8,049,603	15	271,725
Under 500	261	239	587,361	1,231	1,117	1,820,942	252	79,640
500 to 1,000	355	338	249,101	1,422	1,334	1,322,214	333	228,444
1,000 to 2,500	623	550	980,302	2,160	1,945	3,422,129	491	685,556
2,500 to 5,000	368	318	1,110,813	1,329	1,103	4,325,341	215	704,898
5,000 to 10,000	279	239	2,532,269	961	781	5,763,512	143	1,649,878
10,000 to 25,000	242	211	3,453,900	771	519	8,875,655	82	1,354,855
25,000 to 50,000	106	83	3,063,100	258	166	6,588,635	25	839,075
50,000 to 100,000	48	41	3,374,220	158	74	6,192,422	14	1,071,710
100,000 to 250,000	35	18	3,419,215	97	39	6,604,168	8	1,224,070
250,000 to 500,000	17	9	3,307,525	76	10	4,200,285	2	858,905
Over 500,000	22	6	15,372,410	77	9	18,620,880	2	2,305,900
Total	2,468	2,117	43,735,021	9,183	7,399	75,785,786	1,582	11,274,656

[1] Includes 1962 rather than 1968 conditions for the States of New York, New Jersey, Pennsylvania, Iowa, and Arkansas.

Source: "The Cost of Clean Water and Its Economic Impact," vol. 1, 1969 (preliminary data). Federal Water Pollution Control Administration.

THE WATER POLLUTION CONTROL FUNDING GAP

AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968–70 funding gap totals[1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated[1]	Total authorized	Total allocated	Total gap	Percent not funded
Total	$450.0	$203.0	$700.0	$214.0	$1,000.0	$214.0	$2,150.0	$631.0	$1,519.0	70.7
Alabama	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9
Idaho	2.5	[2].5	3.4	1.6	4.5	1.6	10.4	3.7	6.7	64.4
Illinois	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas	5.7	2.8	8.6	2.8	12.2	2.8	26.5	8.4	18.1	68.3
Kentucky	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana	2.4	[2].7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.1
New Hampshire	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.3
New Jersey	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	73.1
New Mexico	3.1	[2].7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.2
New York	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina	11.1	5.2	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota	2.3	[2].3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota	2.5	[2].3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah	2.9	[2].7	4.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming	1.5	[2].005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam	1.6	[2].8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

[1] 1970 appropriations still pending.

Source: Federal Water Pollution Control Administration.

[2] Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling $8,300,000 from these 8 reallocated to other States.

SOME ANSWERS ABOUT THE NEGLECTED VETERANS

HON. ELIGIO de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. de la GARZA. Mr. Speaker, under leave to extend my remarks in the Record, I include the following address by Mr. Ross Qualkinbush, entitled "Some Answers About the Neglected Veterans":

Address by Mr. Qualkinbush

What is the Veterans of World War One organization? It is a veteran's organization chartered by Congress July 18, 1958 of WWI Veterans: BY WWI Veterans; For WWI Veterans. It is an exclusive veterans organization whose potential membership grows lesser day by day but whose fellowship grows stronger as the years come and go. Each WWI Veteran should be a member and help plan for his future as that is where he will spend the rest of his life. The VA reported Aug. 4, 1969, 1,647,000 WWI Veterans, average age 74.7 years.

Briefly, this is a World War I Veteran. In 1918 this man was an average age of 23. He served his country in the trenches in a strange and foreign land. In 1935 he was 40. He suffered thru the depression, kept faith and preserved American Democracy. In 1943 he was 48. His labor produced the weapons of war which made his country the arsenal of freedom. He gave his sons in World War 2 and his grandsons in Korea. Today his great grandsons are fighting. Regardless of how you or I may feel about our involvement in Vietnam, every American must support our flesh and blood who are fighting and dying in the steaming jungles. Anything else is *treason*, just as the American Constitution says! My Buddy, let me warn you that if these plain words are too strong for you, it is time you learn the facts before it is too late.

The WWI Veteran is now an average age of 75 years. He is in retirement and in most cases, is suffering from a number of chronic illnesses. His income has been reduced to an existence level. He has given a lifetime of service and provided the manpower in four major wars. What is his reward? He offered his all in his country's hour of need. In his twilight of life, what does his country offer him?

Today we have some 215,000 members in the men's group and about 95,000 in the Ladies Auxiliary, which consists of Mothers, Wives, Daughters or Sisters of WWI Veterans. For the most part, members have now reached an age of betwen 72 and 80. Only a few of the men in this period receive full Social Security benefits and it is obvious that retirement funds must come from either military service, railroad or business firms. Another thing to remember is that few of these WWI Veterans received an education equal to high school or higher.

Despite the practice of thrift during their lives, these "Defenders of our Nation," in 1917–1918 find themselves in an economic squeeze in cases where retirement funds do not go up with the cost of living. For this necessary reason we are asking our Government to augment such meager income liberalizing Part 111 of the Old Veterans Code which permitted veterans (disabled or unable to work) $78.75 per month. We request that *this be liberalized to include for the most part A–L–L of the old veterans of WWI* and that the amount of pension be increased to cover the cost of living increases. All *this, and more, have been included in Bills introduced in Congress but never passed. Why?*

When the doughboys returned from their war assignments in late 1918–19, the country was in a state of depression and some of the veterans never had a chance to "get on their feet," economically speaking. The chief objective of the Veterans of WWI is to secure benefits for the many thousands of needy veterans and their dependents who are existing today on a mere subsistence level. On the other hand there are large numbers of WWI veterans who can never benefit by any pension legislation that can be adopted. It is this spirit of unselfish endeavor that has served to build the organization into the potent force of our day. Their primary interest insofar as veteran groups is concerned centers on the Veterans of WWI and they mean to take every step to advance its growth and its influence. There are few to say they will not be successful.

The Veteran of WWI has had to overcome tremendous handicaps and is still fighting for those rights, benefits and privileges which he feels are justly due him, the neglected veteran. Won't you please help?

WILL HON. WILLIAM B. CAMP, COMPTROLLER OF THE CURRENCY, VOLUNTARILY RETIRE, OR WILL HE BE FORCED TO RESIGN?

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. DENT. Mr. Speaker, my distinguished colleague, Hon. Arnold Olsen, a member of the House Post Office and Civil Service Committee, which committee has legislative jurisdiction over all of our Federal employees, placed in the Congressional Record of September 10, 1969, remarks, the title of which read, "Request the Retirement and Resignation of Hon. William B. Camp, Comptroller of the Currency," and which included a letter to President Richard M. Nixon, requesting the resignation and retirement of William B. Camp, Comptroller of the Currency, together with a lawsuit brought by Thomas F. Donofrio, of Toledo, Ohio, as plaintiff, against William B. Camp, as defendant.

Perhaps the most significant repercussion of this lawsuit to date, aside from leaving Mr. Camp in a very "sticky" predicament, was the editorial in the hometown paper of Mr. Donofrio, namely, the Toledo Blade, an outstanding and highly respected newspaper published in Toledo, Ohio, which had this to say about Mr. Donofrio in an editorial on its editorial page on September 12, 1969.

The editorial is entitled "The Burden of Proof" and is as follows:

The Burden of Proof

Toledo businessman Thomas F. Donofrio's suit charging the U.S. comptroller of the currency with slander and libel is of greater than passing interest just because it takes on a high federal official. But there is more to the matter than that.

Mr. Donofrio accuses comptroller William B. Camp, whose job is to supervise national banks, with spreading word among various public and business circles that the Toledoan is a member of what is termed the Mafia or Cosa Nostra. If the comptroller did so, then it is entirely appropriate that he be called to account in a court of law.

For those tags—referring to the professional underworld—are not the kind that ought to be hung on anybody in loose talk, and they are bandied about altogether too freely these days. Alleging Mafia or Cosa Nostra connections is so clear a form of character assassination that it has become in practice as libelous per se as the courts have long recognized calling someone a Communist to be.

Mr. Donofrio asserts in his $2 million damage suit that he lost expected commissions from business deals spoiled by the statements that he accuses Mr. Camp of making about him. The kind of merger and acquisition activities that Mr. Donofrio said he engaged in is, of course, well known to many Toledoans. He and other members of his family have been enterprising operators of a variety of businesses here and elsewhere for a good many years. In the process of parlaying small stakes into wide and diverse interests, they have built a reputation for what might be deemed particularly shrewd opportunism at turning a profit.

But that alone is certainly no grounds for suspecting ties to the so-called Mafia or Cosa Nostra. And if such suspicions about Mr. Donofrio were indeed generated by Mr. Camp, we suspect he will be hard put to discharge the burden of proof that the damage suit places on him.

To my way of thinking, this is a justifiable indictment by inference, of Mr. Camp, because who would know Mr. Thomas Donofrio better, personally, or by reputation, than the publisher and personnel of his hometown newspaper?

When you appraise the whole matter, another important question arises, if Mr. Camp is correct, then why did the top officials of our Armed Forces give Mr. Donofrio a top security clearance?

If Mr. Camp is right, then the officials of the Armed Forces were wrong and, of course, it well could be vice versa.

But the top officials of the Armed Forces are not being sued; it is Mr. Camp, that is being sued, for $2,000,000, for his wrongdoing. As a Member of Congress from another State, with no ax to grind, but rather a person just believing in fair play, I construe this editorial as a tribute to Mr. Donofrio.

I feel sure that this outstanding newspaper could have easily remained silent, had not Mr. Donofrio earned the respect and confidence of his fellow citizens of Toledo, Ohio.

All of this seems to add up to the point that Mr. Camp has evidently outlived his further usefulness in the office of Comptroller of the Currency and should be retired and replaced.

It is a rather sticky mess which has fallen in the lap of President Nixon, especially since the office of Comptroller of the Currency is a very sensitive and delicate position because it controls the destiny of over 4,700 national banks throughout the United States.

My congratulations, therefore, go to the Toledo Blade fo rhaving the courage to stand up for one of its hometown citizens, and to Congressman Arnold Olsen for his remarks in the Record.

POSTAL PROBLEMS

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. DELANEY. Mr. Speaker, in these extremely busy times, when our whole world seems to be moving at "breakneck" speed, it is often refreshing to recall "the good old days," when life progressed at an easier pace, and people seemed to take more interest in each other.

In this regard, I would like to share with my colleagues a nostalgic article by Miss Celestine Sibley, of the Atlanta Constitution, concerning the Post Office Department some 30 years ago, when the beloved elder statesman, the Honorable James A. Farley was Postmaster General.

The article recalls an era when the local post office was not only a place to transact postal business, but also a gathering place where friends exchanged views on the issues of the day, or stopped in to say "hello" to friends. Jim Farley's popularity and affection among the people was so pervasive at that time it seemed to infect all postal employees. Miss Sibley tells us that her recollection of visiting the post office in those days was almost as though she were patronizing Jim Farley's "store." A store in which he took a very direct and personal interest.

Those days are gone now in the rush of progress and modernization. We miss them. And we will always miss not having "Genial Jim" Farley as our Postmaster.

The article follows:

[From the Atlanta Constitution, Aug. 26, 1969]

POSTAL PROBLEMS

(By Celestine Sibley)

All of us have our weaknesses about old friends. If you've cared about somebody in the past it's almost impossible to believe theyr'e slightly less than perfect. I love the post office department. The first time I remember noticing it was when President Roosevelt's friend, Jim Farley, was postmaster general and I thought he was a magnificent fellow. Never forgot a name or a face, legend said of Mr. Farley, and I had a feeling that he personally read the addresses on my letters and personally saw that they went through.

People who worked at the post office were never colorless public servants toiling at tedious jobs under the indifferent eye of political appointees to me. They were in a class with the Northwest Mounties (as portrayed by Nelson Eddy, of course). They were blood brothers to the rural mail carriers who braved sleet, snow, flood and fire to "Get the Mail Through." Even those who were back of wickets in marble buildings selling stamps and money orders and not braving anything particular always seemed superior to the average run of citizen. They were cleaner and neater and politer.

The mother of a friend of mine, widowed early, manned the registered mail window in the Mobile post office, gentle, soft-spoken, every inch an old-fashioned lady. And I always believed that the United States government specifically searched out such people for so responsible a post.

Another thing, people at the post office seemed friendlier and more obliging than you'd believe possible in a tiresome, demanding job. It has always been my feeling that they take a personal interest in your packages and if you say, "That's sunsuits for Tib and it's terribly hot in Shreveport in July," the man at parcel post would say, "Oh, I know! Don't worry, we'll see that she has them by Tuesday at the latest!" And the next time you went in he would say, "Did Tib like her sunsuits, did they fit?"

Alas, the post office is letting me down. I went in there one day last June to mail the dress Tib left behind and a darling little sunsuit I made her out of a remnant with kittens on it and a couple of things for Bird along with a lot of books a friend gave them. I wanted to engage the gentleman at the window in a spirited debate on the question of whether the book rate prevailed or if I had to pay more because of the sunsuit. He looked at me with a weary and bored eye and said nothing.

In the face of stony silence you can't keep blatting and braying like a half-wit. So I choked back all the folksy little stuff I might have told him about the books and what they were about and simply paid him the figure he mentioned. I didn't have the nerve to ask him if I was paying a book rate or parcel post, much less to get him to advise me on insuring or not insuring. (I always depend on the post office to counsel me on this crucial question.)

Would you believe the post office didn't treat that package like sacred trust? Or the next one? The first one came back the other day, roughly two months after I mailed it. The second one is still missing. I suppose somewhere postal employes are turning out bins and poking around corners looking. But I'd feel a sight more hopeful if Jim Farley were still in Washington and I could tell him that one package contained FIVE (5) sundresses that I personally stitched up for Tib myself. He'd care, I know, that they had underpants to match and that the blue one had a hair ribbon to match.

AMC'S COST UNDERRUNS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. FISHER. Mr. Speaker, in recent months there have been an abundance of articles in the press and discussions in Congress regarding cost overruns on military procurement contracts. It is indeed refreshing to hear about the other side—cost underruns.

In a recent interview with General Chesarek, commander, Army Materiel Command, some of these underruns, which resulted in substantial savings to the Government, were cited.

Also included in this article, which appeared in the September 6, 1969, issue of the Armed Forces Journal, is a summarization of some of these underruns and I insert this summary in the RECORD.

AMC'S COST UNDERRUNS

Over the past several years AMC cites several instances in which contractors recorded substantial savings to the government. One is the Redeye Weapons System developed by General Dynamics, Pomona, California. During the period October 1963 to January 1969, the contractor recorded savings to the government of $314,208 on a $22,588,979 operational systems development contract for Redeye and a saving of $593,452 on a $21.9 million engineering services contract for the same system.

Others recording cost underruns include: Hughes Aircraft Company, Communications Division, Fullerton, Calif., with a savings of $118,512 on a $10,151,024 limited production contract for Satellite Communications Link Terminal AN/MSC-46 running from February 1966 to March 1968.

Raytheon Company, Missile Systems Division, Bedford, Mass., with an underrun of $16,146 on a $4.4 million operational systems development contract for the Self-Propelled Hawk Missile System over the period August 1965 to September 1967.

Sperry Rand Corp., UNIVAC, Salt Lake City saved the government $74,310 on a $3,992,819 operational systems development contract running from March 1966 to September 1968 for the Sergeant Guided Missile System, Artillery.

International Telephone and Telegraph Corporation, ITT Electron Tube Division, Easton, Pa., recorded an underrun of $70,712 on a $9,643,398 production contract running from May 1966 to June 1968 for the Night Vision—Image Intensifier Assembly 25mm.

COMMENDATION FOR REAR ADM. JOHN HARLLEE

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. GARMATZ. Mr. Speaker, the recent retirement of Rear Adm. John Harllee as Chairman of the Federal Maritime Commission has marked the end of more than 37 years of outstanding and faithful service to the United States and the maritime industry.

Through the administrations of three Presidents, beginning with President Kennedy in 1963, Admiral Harllee worked diligently and effectively to protect America's interest. He has been instrumental in maintaining our Nation's prestige and influence in the world's maritime community. As a result of his ability and dedication to his duties as the Chairman he made an invaluable contribution to the American maritime industry during an extremely critical period.

A 20-year veteran of the U.S. Navy, Admiral Harllee has long been aware of the dual role of the merchant marine—as a vital arm of our national defense, and as an indispensable factor in a healthy national economy. He continuously emphasized that the American merchant marine faces fierce foreign competition, and he constantly stressed the urgent need for the United States to regain its rightful share of this Nation's import-export trade.

Admiral Harllee was an expert in his field. In addition to mastering the complex regulatory functions peculiar to his agency, he recognized and understood the myriad problems of the entire maritime industry; his knowledge embraced the entire scope of that industry's far-flung activities, from the longshoremen to the steamship operators to the foreign freight forwarders. His efforts to use his office and his knowledge to aid the American merchant marine brought him plaudits from many segments of the industry; and his forceful and dynamic personality won for him the respect of many foreign maritime officials and organizations.

Admiral Harllee is a man of many talents. I am grateful that he used them so well to serve his Nation and the maritime industry, and I wish him success in all of his future endeavors.

FACED NEW CHALLENGES

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. STUCKEY. Mr. Speaker, Laurence Virgil Day was born and reared in Douglas, Ga., where he makes his home. He attended the Douglas Elementary and Junior High, the Coffee County High School, and South Georgia College. Also, he has been accepted at Valdosta State College for the fall quarter of 1969.

In high school he was president, vice president, and community projects chairman of the Hi-Y, a Boy Scout, secretary of the Explorer Scouts, vice president of the French Club, and a member of the Beta Club. In college he was librarian and manager of the SGC Touring Choir, vice president of the Phi Theta Kappa, and president of the Methodist Youth Fellowship.

Also, while in high school, Laurence was a participant in the 1966 Governor's Honors Program, the 1967 STAR Student for Coffee County, and an honor graduate. And, in college he received the Highest Scholastic Average Award at SGC both his freshman and sophomore years and as a president's scholar his freshman year.

I include an article Laurence wrote while working as a student intern in my office this summer:

FACED NEW CHALLENGES

Earlier this year I applied for what I felt would be a singular experience in the study of human affairs and national government. This experience would consist of five weeks in Washington, D.C., working with the staff of Congressman W. S. (Bill) Stuckey, Jr. I sent in my application and waited, and towards the end of May I received word that I had been accepted.

There followed several weeks of high anticipation and carefully planned preparations. This was to be the second time I had been away from home for an extended period, and I realized that this upcoming trip would be a veritable field test of my abilities with respect to meeting new people, job requirements, and personal situations in general.

Since my arrival I have definitely had all of my expectations fulfilled or exceeded. This job has certainly caused me to be thrown into situations completely unlike anything I have previously known; and, although I may not have successfully met every one of these challenges, I have at least been exposed to them. I have had the privilege of working with a highly efficient and knowledgeable staff whose primary concern is the coordination and utilization of their Congressman's programs. Above all, I have been able to watch Congressman Stuckey in action and to learn from him many facts of a practical nature concerning the everyday running of our national government.

Also, I have been a participant in the House Intern Program; and as a member of this organization I have been able to attend many lectures and receptions here in the Washington area. For example, in one week I heard Clifford Case, W. Averill Harriman, and Daniel Moynihan speak at separate sessions. Also, I visited along with the other House Interns the Chinese Embassy for a reception, and met Ambassador and Mrs. Chow. These have certainly been both entertaining and informative, and I've gotten a good bit out of them.

And of course, since Washington, D.C., is a city of great historical significance, I have had every opportunity to play the tourist. Washington is such a vast collection of shrines, tourist attractions, and novelties to a country boy like me that I've been kept pretty busy. I've visited the Lincoln Memorial, the Washington Monument, and the Jefferson Memorial; and I also plan to visit the White House before leaving.

In addition, I've been through most of the Smithsonian Institute. I say most of the Institute because no matter how much time one spends there—he never sees it all. The many floors crowded with thousands of various and unique exhibits were truly astounding and fascinating.

The time I have spent in Washington, D.C., has indeed been a happy period in my life and I have cultivated many lasting friendships and memories. I believe the time has been well-spent, and I regret only that my time in the nation's capital is coming to an end. At any rate, I will always remember what a wonderful time I have had.

GEN. WILLIAM H. DRAPER, JR.

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BUSH. Mr. Speaker, I wish to pay tribute to a great American, William H. Draper, Jr., major general, U.S. Army, retired.

Last week on September 10, General Draper celebrated his 75th birthday. Holding to a promise he made to his wife, General Draper retired as national chairman of the Population Crisis Committee, a responsibility that he has had since establishing the PCC 5 years ago.

As chairman of the Republican Research Task Force on Earth Resources and Population, I am very much aware of the significant leadership that General Draper has executed throughout the world in assisting governments in their efforts to solve the awesome problems of rapid population growth. No other person in the past 5 years has shown more initiative in creating the awareness of the world's leaders in recognizing the economic consequences of our population explosion.

The general has had a very meaningful life. He was an infantry regiment commander in the Pacific theater during World War II. He was economic adviser to Gen. Lucius Clay during the rehabilitation of West Germany. From 1947 to 1949, General Draper was Under Secretary of the Army, and in 1952 was appointed by President Truman as U.S. representative in Europe with ambassadorial rank to coordinate the mutual security program for Europe and to represent the United States in the North Atlantic Treaty Council.

In November of 1958, President Eisenhower appointed General Draper Chairman of the President's Committee To Study the U.S. Military Assistance Program. In October 1962, President Kennedy appointed the general head of an interdepartmental survey team to study and report on the situation in Brazil.

Fortunately, we will be hearing more from Bill Draper as he is now the honorary chairman of the Population Crisis Committee, and will continue to be available for consultation on world affairs for which he is so well qualified.

REPRESENTATIVES ARE HUMAN

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. STUCKEY. Mr. Speaker, Karen Luke is the daughter of Mr. and Mrs. O. L. Luke, Jr., of Ocilla, Ga. She graduated as star student and valedictorian of her class from Irwin County High School in 1964.

This fall Karen will be a junior at Valdosta State College, where she has been active for the past 2 years in the band and debate programs, Sigma Alpha Chi, and Alpha Delta Pi. At Honors Day last spring, she received an award for the most outstanding junior college speech student. When school opens for Orientation Week, Karen will be quite busy working as secretary of the student government association and as a resident assistant in the new residence hall program. In addition, she is helping charter a new women's honor society on campus that will complement Black Key.

Karen's main interest is working with other people, and she hopes to see more students become actively involved in campus life at VSC.

I include an article Karen wrote while working as a student intern in my office this summer.

REPRESENTATIVES ARE HUMAN

(By Karen Luke)

In June I was one of the 750 interns who flooded offices, galleries, and cafeterias in the House of Representatives on Capitol Hill. While participating in the Bi-Partisan Seminar Program, I saw many students question the political setup and become disillusioned in what they found. Therefore, these interns felt justified in criticizing and condemning those who continued to work in the political establishment. On the other hand, I watched young people become so fascinated and involved in the legislative aspects of getting a bill through Congress, in the prospects of running a political campaign, and in work designed to meet the needs of the people in their districts, that they found adequate answers for many of their original indictments against Congress.

I came to W. S. (Bill) Stuckey, Jr.'s office with two very distinct, but completely different ideas about government. I expected either to see the theoretical organization I had studied in numerous government classes, or to discover just how dirty politics really were. I found neither the ideal, nor the corrupt system I had anticipated. Working as an intern with Congressman Stuckey, I realized for the first time that Representatives were human beings who could make mistakes just as I could. I saw how much a Congressman had to learn the art of compromise, for he had to represent his constituency, consider party policy, and maintain his own personal convictions when making decisions.

I never could have imagined the wide variety of matters that came into our office each day—routine military, social security, and veterans' administration cases; legislative research and analyses; issues concerning the Eighth District; and special requests for information on numerous topics. During the first few weeks of work, I was overwhelmed by the complexity of putting the theory behind representative government into practice. Soon I began to understand how much each Member had to depend on a qualified and conscientious staff. Questions had to be answered, such as whom to call for information about the subsidy on lard to the United

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Kingdom; and problems had to be solved, such as how to fix the xerox machine which was destroying the only copy of a speech Congressman Stuckey had to give in thirty minutes. The entire staff hoped the office could survive at least one more summer of interns.

What have all these experiences meant to me? I know that I will remember people and places long after I have forgotten dates, details, and discussions of this summer. Attending concerts on the Capitol steps, watching Congress in session, taking a tour of the White House, and viewing the city from the Washington Monument will always be vivid memories of my internship. Learning consisted of working with Congressman Stuckey and his staff, people from Georgia who sincerely listened to my comments and who answered my questions with valid arguments.

Many times I was discouraged by the failure of Congress to act on important legislation, such as provisions for students to obtain NDEA loans for school this fall. However, I was also inspired on many occasions by those Members seeking to bring about meaningful Congressional reform. Two of the most outstanding figures in my mind, after a summer filled with seminars and lectures, are Morris Udall and Shirley Chisholm. There are other Representatives that are just as concerned as these two, and we must have more. If our nation is to survive, our political system must function effectively to meet the needs of a changing society. If politics are dirty, we must blame ourselves; for we have not encouraged reform. We have failed to involve ourselves in issues which affect each one of us, and we have continued to elect men on the basis of a smile and a handshake, rather than on the basis of their qualifications. If we love freedom, we must make the political arena a place for our most inspiring leaders and outstanding minds. Only with this leadership can our political system hope to meet the challenges facing our nation.

PRESIDENT NIXON'S IS NOT A DO-NOTHING ADMINISTRATION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. RHODES of Arizona. Mr. Speaker, yesterday, the papers tell us, some of the legislators of the other party joined in declaring that this is a do-nothing administration. I am saddened and distressed to hear this kind of talk at a time when this Nation faces so many crises both abroad and at home.

This is not the first time that a Republican President has dealt with a Congress that is dominated by the members of the other party. However, during the Eisenhower administration, the most recent example, the congressional leaders of the other party, Speaker Sam Rayburn and Majority Leader Lyndon Johnson, made it very plain that the interests of the Nation came before any partisan considerations. Time after time, they lent their prestige and their support to the President of all the people in passing legislation that was of importance to the country. I cannot recall that they ever accused that President of failing to meet his obligations in dealing with the Congress.

It is my fervent hope, and I know it is that of President Nixon, that this kind of mutual working together for the good of the Nation can continue.

Members and leaders of both parties are aware that the President has sent much legislation to the Hill in recent months. They are aware that important legislation, such as the surtax in the House and the ABM Safeguard vote in the Senate, have been given bipartisan support. Other legislation of equal importance is now before both Houses. I am hopeful that this legislation can be judged on its merits and on its value to all of the Nation and that the members of both parties can continue to work together and with the President to see that it is passed.

I am distressed that anyone would call this a do-nothing administration, just as I would be distressed if, at this time, anybody were to call this a do-nothing Congress.

It is too early for the score to be tallied in either case.

THE JEWISH HIGH HOLIDAYS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. CONTE. Mr. Speaker, I would like to take a moment to commemorate the most important time of the year for the Jewish people of this Nation and of the world. The Jewish high holidays began on the evening of September 12 with the celebration of Rosh Hashana. This was the beginning of the New Year—the year 5730 on the Hebrew calendar. It is followed 10 days later by Yom Kippur, the highest and most sacred of all holidays for the Jewish people.

These are memorable occasions steeped in a wonderful tradition. It is at this time of the year that the Jewish people celebrate the birthday of the world and the beginning of history. The great span of years over which the high holy days have been observed in all parts of the world and throughout history attests to the strength of the Jewish people's faith.

It is during these holidays that the Jewish people pray for the preservation of life through man's obligation to his fellow man, to his society, and to his overall environment. I think it is all too clear that the world needs such prayers during these turbulent times, and even more, that it needs the basic hope and optimism which lies at the heart of these prayers.

On Yom Kippur, the Day of Atonement, the individual asks God for his forgiveness for all the sins that he may have committed during the year. He does this through prayer and through fasting, and in this way perpetuates another wonderful tradition—the tradition of repentence. It was the Jewish people who first developed the concept that man could repent, rather than be punished, for his sins. This concept has indeed had a profound effect upon religious thinking.

I join the great Jewish people during these high holidays in their commitment to these noble ideals and in their prayers for peace and brotherhood throughout the world.

RAILROAD SAFETY

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. REID of New York. Mr. Speaker, recent weeks and months have brought to the attention of all the Members of this body the increasing concern of the public over railroad safety and service standards.

According to the report of the Task Force on Railroad Safety, submitted to the Secretary of Transportation on June 30, 1969, there were 8,028 train accidents recorded in 1968, compared to only 4,148 in 1961. The American public is rightly concerned over the fact that railroad accidents almost doubled in that 7-year period.

While Federal regulations will not prevent train accidents, the need for additional Federal standards in all areas of railroad safety is apparent. According to the report of the task force, at the present time "Federal statutes do not cover the trucks, wheels, and axles of railroad cars nor their design, construction, or maintenance. Bridges and tunnels are not subject to Federal regulations and no Federal authority governs track and roadbed. There is no general authority to promulgate standards for employee qualifications, physical requirements and training, nor to prescribe uniform railroad operating rules."

In view of the rising accident rate on our Nation's railroads and the need for stronger Federal regulations and inspection programs, I am introducing today the Railroad Safety Act of 1969. This bill, which would implement the major recommendations of the Task Force on Railroad Safety, would authorize the Secretary of Transportation to promulgate safety standards for common carriers relating to all areas of railroad safety. In accordance with the recommendations of the task force, existing State rail safety statutes and regulations will remain in force until and unless preempted by Federal regulation. In addition to being given authority to promulgate safety standards, the Secretary of Transportation is given authority to establish an inspection program and a staff of railroad safety inspectors, to enforce the regulations established.

Th Railroad Safety Act also provides for the establishment of a Railroad Safety Advisory Commission of 15 members, including representatives of railroad labor and management, to advise the Secretary of Transportation in his preparation of railroad safety regulations. The Secretary of Transportation is given power to issue a cease-and-desist order calling for the immediate termination of any violation of the regulations promulgated under the act.

The Department of Trasportation is now drafting legislation, with the cooperation of the Task Force on Railroad Safety, to implement the task force's recommendations. I will cosponsor that legislation when it is ready for introduction, and I hope that the features of these bills will be given careful consideration by the Commerce Committees in both Houses.

I am hopeful that significant railroad safety legislation—whether this or a similar bill—will receive consideration by the Interstate and Foreign Commerce Committee and by the full House during this session of the Congress.

My colleageus are doubtless familiar with the Interstate Commerce Commission's ruling in the Sunset Limited Adequacies case, dealing with trains operated by the Southern Pacific, that the Commission has no authority to rule on the adequacy of rail passenger service. In response to the Commission's request that it be given such authority, I cosponsored yesterday with the gentleman from Washington (Mr. ADAMS) and 40 other Members, a bill which would authorize the ICC to set adequate standards for passenger service.

As our highways become increasingly crowded, our air increasingly polluted, and our green spaces diminished as a result of the American citizenry's reliance on automobile transportation, it becomes more and more clear that the railroads could play a very important role in public transportation in this country—a role on which they have defaulted in recent years. I am hopeful that, as a result of the regulations made possible by these two bills, rail service will be upgraded to the point where travelers in this country will once again find it safe, economical, reliable, and efficient. Only when that happens will we begin to solve the problems of traffic jams on the highways and ease the air pollution caused by automobiles.

DAN RONAN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. MICHEL. Mr. Speaker, it certainly was shocking news that came to us during the recent recess that our good and dear friend Dan Ronan had succumbed to a heart attack. When last we saw one another several days prior to the recess, he looked so hale and hearty and we greeted one another with the usual jovial hello. Dan worked hard here in a rather quiet, but effective and efficient way. He did not crave the spotlight nor was he of a flamboyant nature, but with his colleagues from Illinois particularly, he had the friendliest way about him. One could not help but engage him in conversation whether it be serious or lighthearted and we learned to love him. He seemed to be building a following for the future and it is hard to realize that he has actually been taken from us. We in Illinois have been greviously struck with the deaths in recent weeks of the late Senator Everett Dirksen, our House colleague, Barratt O'Hara, and now with the passing of Dan Ronan. We certainly are going to miss Dan, and I want to join in extending my deepest sympathy to his mother and his two sisters.

OIL DEPLETION CONTROVERSY

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BUSH. Mr. Speaker, depletion, that much misunderstood provision in the tax law, is back in the news.

Here, Mr. Speaker, is a well reasoned editorial which should carry a lot of weight. It does not come from an oil-producing State.

The St. Louis Globe-Democrat has captured and spelled out the real reason for a sane policy on the depletion allowance in our tax laws.

The editorial follows:

[From the St. Louis Globe-Democrat, July 30, 1969]

OIL DEPLETION CONTROVERSY

The House Ways and Means Committee, dedicated to mapping out a tough tax reform bill, has moved against the 27½ per cent oil depletion allowance for income taxes. The committee has decided to recommend slashing this allowance to 20 per cent.

Something of a public clamor has been drummed up against the oil depletion exemption—designed to help oil companies develop new wells. It has been a provision in the law for at least four decades.

This is a complex issue. Many feel the allowance is simply a loophole favoritism, giving huge oil corporations special tax consideration.

There is a tub-thumbing drive to persuade the public they are getting gigged by big-power interests.

The assault on the depletion allowance, however, could prove a danger to national security and the United States economy.

The oil companies have offered a plausible case for retaining the allowance. Unless a better case can be made by opponents, it seems to us the 27½ per cent depletion credit should be continued.

Whether imperative development of essential oil reserves could result without the full depletion program is very doubtful.

In conjunction with existing import quotas, to bar cheap foreign oil from our markets in heavy quantity, the depletion can aid the oil industry to keep the United States relatively self-sufficient in basic fuel supply.

Petroleum and gas now supply 75 per cent of America's required energy. Studies indicate that by 1980 the industry will have to find virtually as much oil as has been produced since the first well was drilled in 1859. This means a drastic need for developing new resources in buried oil.

The United States Geological Survey has estimated there is still plenty of oil to be discovered in the United States. But exploratory drilling has declined sharply because of a cost-price squeeze.

The nation's security, its very operation, depends on oil. Our self sufficiency in petroleum—certainly as far as possible—should not be imperiled through dependence on Arab or other foreign oil, which could be suddenly cut off. It was, in 1967, when the Middle East crisis stopped the flow of Arabian oil to the United States.

This is a basic reason for the depletion allowance, plus the fact that oil reserves are part of the industry's capital assets. Why should oil be heavily taxed on its capital, without some means of restoring that capital through new exploration. Other industry and business are not assessed income taxes on capital.

The idea that the oil industry is a profit mammoth, sucking special privilege through tax laws, is in our opinion a bugaboo. Certainly there must be profits or the industry would erode and fail.

The 21 large companies, according to a recent survey by Price Waterhouse and Co., paid a direct tax bill of $9.5 billion in 1967. This equalled 64.2 per cent of these corporations' net profits before income taxes.

The total tax load of the petroleum industry has been put at 5.43 per cent of gross revenues; all other corporations were taxed 4.62 per cent of gross revenues.

Oil does not appear rolling up vast profits and seeking unfair tax loopholes through the depletion route. Actually return on oil's net assets was a bit less than on manufacturing companies generally.

High living standards in the United States mean we consume the most energy of any other country, and correspondingly need more reserves. Otherwise the future will find us power-crippled. It should also be remembered the depletion provision applies to some 100 other mineral products, imperative to the economy.

Not for benefit of the oil industry, but in the necessity for national security, a prospering economy and self-sufficiency in a critically essential product, it seems the 27½ per cent depletion allowance should be retained by Congress.

THE TAPPING REEVE LAW SCHOOL

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. MESKILL. Mr. Speaker, for more than 60 years, members of the bar have been arguing over the location of the oldest law school in America. Depending upon where your sentiments lie, the argument boils down to whether a choice between the first formal legal education began at the Tapping Reeve Law School in Litchfield, Conn., or at the College of William and Mary in Virginia.

The September issue of the American Bar Association Journal pictures the Litchfield Law School on its cover. The cover story on Tapping Reeve's law school, located in the beautiful foothills of the Berkshires, sheds some new light on "The Best That Is in the Old."

Mr. Speaker, for the benefit of my colleagues and historians of the bar, I would like to insert this brief article on the history of the Nation's first law school in the CONGRESSIONAL RECORD. The article follows:

THE BEST THAT IS IN THE OLD

When the National Parks Service selected the Litchfield Law School at Litchfield, Connecticut, as a National Historic Site in 1965, it failed to note that this particular site was of special interest to some more contentious citizens than the average road-weary tourist, and so it erected a sign declaring that Litchfield was the nation's first law school.

For some sixty years members of the Bar had been arguing whether formal legal education in America began at Litchfield or at the College of William and Mary. The Department of the Interior had had no intention of attempting to resolve the dispute, which was just as well, since the National Parks Service had three years earlier added William and Mary's Wren Building, with its claim of being the nation's first law school, to the same National Historic Sites program. Interior made a judicious retreat, changing Litchfield's sign: "Tapping Reeve's law school, the first in the United States" to: "Tapping

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Reeve's proprietary law school, the first in the United States not associated with a college or university."

Tapping Reeve took his first student, his wife's brother, Aaron Burr, into his office in 1774, two years after being admitted to practice and settling in Litchfield. Reeve was prepared to offer more than the customary office apprenticeship, with its incidental instruction and bits of advice, for after being graduated from Princeton, he had tutored there for several years. More students followed Burr, and in 1782, perhaps motivated by his conception of law as a science, Reeve began presenting to his students an organized body of formal lectures. Two years later he had fifteen students, and, unable to accommodate them in the office in his home, he erected a small frame structure (pictured on this month's cover) nearby. There he assembled his law library, and there his scholars diligently pursued their note-taking despite the fact that Reeve included neither stove nor fireplace to ward off the bitter New England winter.

By this time William and Mary, whose chair of law had been established in 1779, was also offered formal preparation for the Bar. The two schools remained the only alternative to legal apprenticeship during the period between the Revolution and the turn of the century, when the states were establishing legislatures, the common law had to be adapted to the needs of a new nation, and both the courts and the public were facing the problem of interpretation of the new Federal Constitution.

The demands on the legal profession were great, but attainment in the law was, at least in terms of formal training, a simpler and a briefer procedure in those days. An advertisement in Litchfield's first catalogue, issued in that no law school would dare to claim today:

". . . the Law is divided into forty-eight Titles, which embrace all its important branches, and of which [the lecturer] treats in systematic detail. . . . The Lectures . . . under the several divisions of the different Titles. . . . Whenever the opinions upon any point are contradictory, the authorities in support of either doctrine are cited, and the arguments, advanced by either side, are presented in a clear and concise manner, together with the lecturer's own views of the question. In fact, every ancient and modern opinion, whether over-ruled, doubted, or in any way qualified, is here systematically digested."

The entire term lasted fourteen months, including two four-week vacations. Students paid $100 for the first year and $60 for the remainder. An hour-and-a-half lecture was presented each day. Students were expected to take down the lecture in full, to spend the rest of the day examining the cited authorities, and then to transcribe their notes "in a more neat and legible hand". By the end of the term these notes generally comprised five volumes, which were to serve as basic reference works for future practice. On Saturdays an examination covering the preceding week's lectures was given, and each week's schedule also included a moot court session.

The students adopted a code of rules of conduct, regulating such matters as use of books in the library and disorderly behavior. The copy that remains in the law school is partly illegible, leaving the last resolution to the imagination: "Any . . . shall be hung."

When Tapping Reeve was appointed to the Superior Court of Connecticut in 1798, he selected a former pupil, James Gould, to help him carry on the instruction at Litchfield. Gould was particularly interested in the law of pleading, and his treatise on the subject, published in 1832, remained the authority for many years. Reeve concentrated on the law of domestic relations, publishing a treatise in 1816. Reeve and Gould divided the courses along the lines of their interests, the students passing from one house to the other with their inkstands and portfolios.

Reeve was passionate in his sentiments and particularly in his enthusiasm for the law, which he conceived of as the application of religious principle to the business affairs of life. Gould was a social favorite, handsome and elegant in his appearance, concise and lucid in his thought, forcible and eloquent in his rhetoric. It is said that the students respected Gould, but loved Reeve.

In 1820 Reeve retired, leaving Gould to carry on the school until 1833. By that time leading universities had added law to their curricula, and students found it more advantageous to be associated with a university.

During the fifty-odd years of its existence, Litchfield prepared over a thousand students for the Bar, a number that can be better appreciated in light of the fact that Harvard graduated a total of 1,066 students from 1809 to 1826. Two thirds of Litchfield's students came from outside Connecticut. They were from every state in the Union, Georgia alone contributing seventy. Two students, Aaron Burr and John C. Calhoun, became Vice Presidents of the United States. Three became Justices of the Supreme Court (Levi Woodbury, Henry Baldwin and Ward Hunt). Six became Cabinet members; fourteen, governors; sixteen, chief justices of states. One hundred and twenty-nine were elected to Congress. Some—Horace Mann, for example—pursued fields other than law. George Catlin painted life in the Far West.

The breadth of the school's influence on the legal profession is apparent. Equally evident, though more difficult to delineate, was its influence on the course of this nation's history. For instance, Tapping Reeve was an ardent Federalist, adamantly opposed to the policies of Thomas Jefferson and to the burgeoning Democratic movement. In 1804, the year John C. Calhoun, later to be known as "The Great Nullifier", came to study at Litchfield, Reeve wrote to his close friend and former pupil, Senator Uriah Tracy:

"I have seen many of our friends; and all that I have seen, and most that I have heard from, believe that we [New England] must separate, and that this is the most favorable moment. The difficulty is, How is this to be accomplished?"

Litchfield was undoubtedly a cradle of many of the legal and political attitudes that first began to mold this nation. Today, when "the trend is toward new and untried theories . . . [Litchfield reminds us that] while reaching out for the new, our young men must still tie back to the best that is in the old", Arthur F. Ells observed in an article about the law school, written when he was a judge of the Superior Court of Connecticut. That was in 1928.

CAPITOL HILL WILL NOT SEEM THE SAME

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. SPRINGER. Mr. Speaker, how many of us since the news of Senator Dirksen's death saddened an otherwise pleasant Sunday afternoon, said to ourselves: "Capitol Hill will not seem the same without him?"

Among the hundreds of news reporters and photographers covering Congress, few national legislators have commanded as much admiration as the late Senate minority leader.

The void his passing leaves was poignantly expressed in the following column by Ed Alley in the September 18, 1969, issue of the Arlington, Va., News. Ed Alley, for many years, was himself a familiar figure on Capitol Hill as a news photographer for United Press International. His recollection of the qualities which distinguished Senator Dirksen make worthwhile reading:

COLUMN BY ED ALLEY

Capitol Hill won't seem the same without Everett Dirksen. The death of the Senate minority leader, who was one of our greatest—if not the greatest—of all Americans leaves a void that just cannot be replaced. Dirksen had many qualities—all of them good. He was a warm, compassionate man, never too busy to take one aside for a cheery note. I would like to borrow the words of Majority Leader Mike Mansfield in expressing my views on the passing of Senator Dirksen. Said Senator Mansfield, "his loss was a great tragedy and deep personal loss. He was a good leader, a real pro in the best sense of the word."

I took Senator Dirksen's death hard. Carolyn and I were watching the ball game when word came of his passing. I admit I cried openly and I am not one easily for tears. I had a feeling for the late Senator that I cannot find words for. He was something special to me. Our loss will be God's gain. We're sure He has a special niche for the departed Senator.

I worked closely with Senator Dirksen for years. I admired him greatly. He also amused me. I enjoyed being in his presence. In addition to his great ability, his humor just cannot be put into words. He could take the simplest thing and make it sound funny. That, friends, is an art. Few have it. He always made light of illness—as long as it was his own. He hated to have anyone he knew ill.

When I was forced into retirement, Dirksen wrote me a fond, kind letter. He told me that anyone could have "knocked him over with a feather" that I had been sent home for good. He followed it with an autographed picture, both of which I treasure. I also have his record album, autographed, that I told you about a few weeks ago. I, have many fond memories of him—memories that I, too, will take with me when it is my turn.

Humble me agrees with Senator George D. Aiken, the kind gentleman statesman from Vermont, who said, "I am very sorry indeed he has been called on." We all face that same turn in time but in the passing of Dirksen went familiar trademarks so well known to us who covered him. Gone now are the rumbling delivery, the flowery phrases, the carefully mussed forelock, the jutting jaw, the drooping folds of flesh that gave him the mien of a bloodhound.

As Steve Gerstel, an old-UPI co-worker friend of mine, wrote, "just as the Dirksen voice ran the full scale from gentle tones of cajolery to stentorian booms, so could the Dirksen temperament change in a wink, that of a gentle man walking among flowers and finding them good to that of a hardbitten politician in a shouting match with a reporter or a political foe."

We saw in Dirksen an immensely successful man, unmatchable as an orator, and a man adaptable to the changing times. There were those, true, who saw him as a ham actor affecting basso-profundo pronouncements, flip-floppy on the issues—or a wheeler-dealer, to borrow a few more words of Steve Gerstel's.

I guess you might call Ev Dirksen a wheeler-dealer, after a sort. He got things done. He stepped on a few toes along the way but he made few enemies. He was good for the Nation and he enjoyed being a good American. It was a way of life to him. He loved his country.

There will be a long time before the mem-

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ory of Ev Dirksen dies with him. We'll all miss him. We know, however, that he has found solace where he's gone. We can only hope he's among the marigolds he loved so well. We're sure he is.

But let's pass along. Life is like that. I just had to tell you how I felt about a friend. I hope you'll understand.

TREATMENT OF AMERICAN PRISONERS BY THE NORTH VIETNAMESE

SPEECH OF

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. KUYKENDALL. Mr. Speaker, I do not think there is one of us here today who does not know personally a wife or child, mother or father, living in a sort of suspended animation—waiting for the day when they will know, one way or the other, the fate of their loved one in Vietnam.

These are the "limbo" victims of the Vietnam war. The kin of a dead soldier, at least, has the comfort of time to heal the broken heart—but they are denied even that small balm.

Perhaps I know this feeling better than some others. Since July 28, 1944, my family has never known what happened to my brother over Ploesti, Rumania. He was listed as missing in action and still is. More than a decade later we were able to convince my mother that he was not coming back.

At this moment, four American women are in Paris, trying to find the answer to a very simple question—whether they are wives or widows.

More than a century ago, the authors of the Geneva Convention formulated a set of rules regarding the treatment of prisoners captured during war or by a hostile nation. Under these rules, lists of prisoners must be provided and the whereabouts of each man made known; sick and wounded men are to be released to the care of their own armies if they so request; prisoner-of-war camps are to be visited regularly by a neutral team of inspectors to insure that they meet minimum standards.

North Vietnam has answered charges of violating this treaty with silence, interrupted occasionally by propaganda films depicting the kind treatment of the American prisoners.

There are over 1,300 American prisoners of war in North Vietnam today. Only 368 names of these prisoners have been made known, and most of this information was obtained from sources other than the North Vietnamese. There are 900 still missing in action, their fate still unknown.

The North Vietnamese claim these men are war criminals, and that the Hanoi government is under no obligation to follow any rules in their treatment. They claim this is not an official war. But the Geneva standards apply to hostile nations as well as warring nations. U.S. military forces have no prisoners. Under the terms of the convention, the men they capture are placed in South Vietnamese camps, and the United States sees to it that these camps are inspected and that prisoners get decent treatment.

How can the North Vietnamese rationalize and accuse our troops of "crimes against humanity" while such a contrast in the treatment of prisoners exists?

There is a difference between reasonable compromise and blackmail, and I hope that our eagerness to end this Asian nightmare does not cause us to overlook our duty to our sons who are prisoners in North Vietnam.

TREATMENT OF AMERICAN PRISONERS BY THE NORTH VIETNAMESE

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. ROUDEBUSH. Mr. Speaker, my good friend and colleague, Congressman WILLIAM L. DICKINSON, of Alabama, has introduced a resolution concerning the treatment of American war prisoners by the Communists in Vietnam which I wish to wholeheartedly support and endorse.

The resolution is designed to show that the Congress is acutely aware of this terrible situation involving missing and captured Americans, and to arouse world opinion and universal support to secure compliance by North Vietnam with the Geneva Convention.

There are 1,355 brave American servicemen either in enemy hands or are listed as missing in action. The Department of Defense has reason to believe that 401 of these men are prisoners of war—the other 954 are carried as missing because no information is available about them. Some of these brave men have been missing or captured for over 5 years—longer than any of our servicemen were held captive during World War II. Only nine have been released by the Communists during this 5-year period.

I think it is time we talked about this tragic situation, and this week we have had hundreds of the wives and families of these American fighting men in Washington to dramatize and inform the public about their horrible plight.

Appalling reports about the inhumane treatment inflicted upon these men have been outlined. We have heard of the lack of adequate medical care, food, quarters, and contact with the outside world afforded these men.

I hope that the resolution introduced this week, and the many words of support spoken by myself and other colleagues, will inspire our Government to push harder and insist that our American servicemen captured by the enemy be treated in accordance with recognized international agreements.

And, we certainly should not be satisfied until every last one of these men is returned to his home.

COWGER VOTES FOR CONSTITUTIONAL CHANGE

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. COWGER. Mr. Speaker, after a week of debate, the Congress has approved an acceptable change in the Constitution of the United States which would abolish the electoral college and provide for a nationwide popular vote for the Office of President and Vice President. In the election of 1968 a constitutional crisis was narrowly averted over the selection of the Chief Executive. The will of a substantial majority of the voting public could well have been thwarted because of the inadequacies of the electoral college method of selecting the President and Vice President. The electoral college system provides for "a winner-take-all" method of casting the electoral votes from each State. It is true that this system has furnished the Nation with a President every 4 years since the Nation was founded. However, on 15 occasions a President was elected who earned less than a majority of the popular votes. On three occasions this system elected a President who earned fewer popular votes than his nearest opponent. The three popular vote losers were President John Quincy Adams, in 1824, Rutherford B. Hayes, in 1876, and William B. Harrison, in 1888. Two of our Presidents were selected by the House of Representatives, Thomas Jefferson, in 1800, and John Quincy Adams, in 1824. Vice President Richard M. Johnson, in 1836, was chosen by the Senate, and in 1876 Rutherfotrd B. Hayes was selected as President as a result of a vote of a special electoral commission appointed by the Congress. In the 46 presidential elections both the Democratic and Republican electors have on some occasions defected and voted against the nominees of their party in the electoral college.

Mr. Speaker, the 1968 election between Richard Nixon and Hubert Humphrey was a perfect example of the inadequacies that do exist in the electoral college system. With the shift of a few votes in key States, we could have once again selected a President who had lost the majority of popular votes. In 15 previous elections a change of 1 percent in the popular vote would have made the loser President of the United States. In seven elections a shift in 1 percent of the popular vote in certain key precincts in the big States would have thrown the election into the House of Representatives. This "winner-take-all" system grants inordinate political power to some States. Eleven of the States in this Nation jointly have enough electoral votes under the present system to elect a President, even though the plurality in each State might be small.

Mr. Speaker, I have, during these long hours of debate, continued to support House Joint Resolution 681, which is the proposal that was recommended by 80 percent of the members of the Committee on the Judiciary. The question, as I saw it, was to provide every citizen of this country the right to cast an absolutely equally weighted vote. The presidential choice belongs to the people of America, and to the people of America alone. As a member of the Republican policy committee, I spoke in favor of the direct election system. I voted against every amendment that would have substituted the district system or proportional distribution of electoral votes within the States. I also supported the mechanism in the bill that provides for a runoff if at least 40 percent of the votes are not gained by one of the candidates. In 1860, Abraham Lincoln received 39.79 percent of the popular vote. However, his name did not appear on the ballot in 10 States. Since that time at least one of the candidates in each election obtained more than the 40 percent called for in this legislation. In my opinion, only the national plebiscite plan guarantees to every citizen, regardless of residence, an equal voice in the selection of the President of the United States.

Mr. Speaker, we have heard much debate about "vote power." Some have argued that their constituents would gain or lose their present political power in the selection of a President. Under the amendment to the Constitution that we have adopted, 15 of our larger States would gain voting power. There would be no change in one of the States, and 34 would be subject to a decrease in political power. My own State of Kentucky, which is not one of the larger States, has enjoyed since 1787 a disproportionate vote in the selection of a President. I can find no justification why someone should have more voting power because of where he lives. It has also been argued that this change will favor the big-city voter. Of course it will not, it will only give him the same voice in the presidential selection as the suburban, or rural voter. With almost 75 percent of Americans living in urban areas, they should no longer be penalized by a constitutional system that favors the rural areas.

Mr. Speaker, in my opinion, the action just taken by the Congress of the United States is the most important constitutional change made in my lifetime. I sincerely hope that the Senate will confirm our judgment and send this constitutional amendment to the States for ratification. I am convinced that a vast majority of Americans want this change and will demand action from their State legislatures. Again, I wish to say that I am proud to be a Member of the 91st Congress that has, in its wisdom, voted this electoral reform of our Constitution.

BUSING OF SCHOOLCHILDREN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. HOGAN. Mr. Speaker, yesterday I called the House's attention to the fact that the Department of Health, Education, and Welfare is not abiding by the Nixon administration's policy regarding the busing of schoolchildren to artificially achieve racial balance. I mentioned that I had called upon the White House to communicate its policy to HEW officials so that they will conform to the policy which Vice President AGNEW referred to at the Southern Governor's Conference in Williamsburg, Va.

This morning's Washington Post, on page A-2, reports that the White House confirmed that Vice President AGNEW was expressing administration policy when he opposed busing.

I was astounded, however, to read in this same article, the comment:

> An HEW spokesman said yesterday that there would be "no change in past policy."

In other words, in spite of the official position of the Nixon administration, faceless bureaucrats are able to flout the President's wishes and the wishes of the American people. The American voters elected Richard M. Nixon because they supported his policies as he enunciated them during the campaign. They did not elect these faceless bureaucrats.

I strongly urge that the President insist that all officials serving in his administration conform to the positions and policies of that administration.

CREDIT PUSHERS VEX BREADWINNER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BINGHAM. Mr. Speaker, once again, Art Buchwald has captured the essence of a serious problem in a humorous frame. His verbal caricature of the possible evils of the practice engaged in by many businesses of sending out unsolicited credit cards struck me as particularly interesting and amusing. Since I had an unpleasant experience with an unsolicited credit card some months ago and discovered that many thousands of Americans have had equally annoying experiences with them, I have offered legislation to prohibit the practice, and have taken every opportunity to press for such a prohibition. Most recently, I presented testimony before the Federal Trade Commission which is currently considering an administrative ruling which would prohibit most businesses from sending out unsolicited credit cards. I urged the Commission to include banks in any such prohibition, particularly since banks are one of the major issuers of unsolicited credit cards and the Federal Reserve Board and the Federal Deposit Insurance Corporation have indicated that they have neither the authority nor the desire to regulate this aspect of bank activity.

Mr. Buchwald's column from the September 18, 1969, Washington Post and my recent testimony on unsolicited credit cards before the FTC follow:

CREDIT PUSHERS VEX BREADWINNER

A lot of people are being shaken up these days by receiving unsolicited plastic credit cards. In the past the consumer had the option whether to ask for credit or not. But now in the great battle for the hearts and dollars of the American customer, the banks, oil companies and hotel chains are shoving their credit cards at you whether you want them or not.

It isn't just the spectre of a wife or teenager receiving a credit card and going berserk that bothers most American breadwinners. It's the principle of the thing, and where will it all end? What is to prevent a company that sends unsolicited credit cards to your home from sending merchandise instead?

I don't believe it is too farfetched to see this happening in a few years.

You come home, and there on your front lawn is a complete dining room set with table, 12 chairs and cabinet. Attached to leg of the table is a note:

"Greetings. We are happy to inform you that we consider you an excellent credit risk and, to show our faith in you, we are leaving this dining room set on your lawn. Our credit reports on you indicate that you favor colonial furniture, and we have chosen this particular mahogany wood which we know will go well with the rest of your furnishings. If for some reason this particular dining room set does not meet your requirements, you may return it to our warehouse within 10 days, and you will not be charged for it. If it is not returned, we will assume that we made the right choice, and we shall start billing you monthly."

Or you could wake up in the morning and find parked outside your door a new "fire-eater" with the following letter taped to the windshield:

"Congratulations,

"You are now the owner of a new 'fire-eater,' the fastest, most comfortable economical automobile on the road. Because of your high credit rating, we have taken the liberty of registering this car in your name with the State Vehicle Bureau.

"If for any reason you change your mind and decide you don't want to be one of the 'with it' people, please call this number and we will have the car taken away, at no cost to you except for the towing charges.

"Also, if you do not accept this exceptional buy, you must go down to the State Vehicle Bureau and inform them of this decision. Otherwise we will start charging you interest beginning next week."

The final indignity would be to receive a registered letter from a development company which read:

"Dear Sir,

"We're happy to inform you that you are now the proud owner of a new ranch house in Paradise Acres. This extraordinary home (the deed is enclosed) has three bedrooms, two and half baths, a playroom and completely equipped kitchen and will be ready for you to move into within two weeks.

"A check on your credit rating shows that you can easily afford this remarkable buy, and we have taken the liberty of deducting from your bank account the small down payment.

"If we don't hear from you by registered mail within the next 36 hours, we will assume that you will be joining us at Paradise Acres. On the other hand, if you return the deed, then we ask you to contact our lawyers so some equitable arrangement can be worked out for our time and inconvenience.

"Cheers."

TESTIMONY OF CONGRESSMAN JONATHAN BINGHAM, FEDERAL TRADE COMMISSION HEARING ON PROPOSED RULING TO BAN UNSOLICITED CREDIT CARDS, SEPTEMBER 10, 1969

Mr. Chairman. I appreciate the opportunity to appear this morning to express my wholehearted support for the regulation proposed by the Federal Trade Commission to prohibit the sending out of credit cards unless such cards are specifically and expressly requested by the person to whom they are sent. I want to congratulate you and the FTC for taking this initiative to protect the American consumer from the annoying, troublesome, and potentially threatening practice of sending out entirely unsolicited credit cards that an ever-increasing number of businesses have engaged in over the past several years.

My own interest in this problem grew out of an unpleasant experience I had in which I received an unsolicited credit card from a Boston bank. After efforts on my part to refuse the card, I received a bill on it for a purchase my wife had made and had already paid for by check. While I was trying to clear this situation up, I continued to be billed by an unresponsive computer—with interest added to each billing.

Suspecting that many citizens around the country have had similar experiences, I took my case to the floor of the House. That didn't solve my problem, but it did elicit a response from hundreds of people who sent me reports of their own annoyance with this practice. They urged me to continue my efforts to put a stop to it.

I have introduced two pieces of legislation dealing with unsolicited credit cards. H.R. 8920 would prohibit federally insured banks from issuing unsolicited credit cards. I have also introduced legislation, H.R. 6945, which would authorize and direct the Federal Reserve Board to prescribe regulations for the issuance of credit cards by banks. While I believe nothing less than a full prohibition against unsolicited credit cards is needed to solve this problem adequately, wide Congressional support for such a move has not yet emerged. Authorizing the Federal Reserve Board to regulate bank credit card practices could provide a helpful first step toward curtailing unsolicited cards. Hearings were held on legislation identical to H.R. 8920 in 1967, but unfortunately no other legislative action on the unsolicited credit card problem has been taken since then.

One of the major arguments of the business community against efforts to prohibit unsolicited credit cards has been the argument that to end the practice now would put businesses who have already sent out unsolicited credit cards at a competitive advantage, and the rest of the business community at a competitive disadvantage. I see little merit in that argument. I do not believe it makes sense to allow an objectionable practice to continue simply because it has been allowed in the past or because others have taken advantage of it. By the same token, this practice has been going on for several years now, and I would argue that any firm that desired to take advantage of it has had ample opportunity to do so.

On the other hand, if there is to be a prohibition on unsolicited credit cards now, as I feel there should be, it should be applied uniformly throughout the commercial community. To exclude one sector, such as the banks, will certainly create an unfair situation for businesses who compete with banks in extending consumer credit.

My major disappointment with the proposed FTC ruling under consideration here, therefore, is that it would not apply to banks. At last count (end of 1968), some 975 U.S. banks offered credit cards, many of them distributing those cards without solicitation. It is impossible to say precisely what percentage of the total unsolicited credit card problem banks, as opposed to other kinds of businesses, are responsible for. But it can be said with certainty that banks are a major source of unsolicited cards.

It seems to me that there are basically two alternative means of restricting unsolicited credit cards issued by banks. The first would be for the Federal Reserve Board and its sister agency, the Federal Deposit Insurance Corporation, to impose restrictions under their broad powers to regulate banking practices. I have urged William McChesney Martin to take such action, but was informed that the Board regards the annoyance of the consumer to be insufficient to justify restrictions. The primary concern of these agencies is the impact of credit card practices on the stability and safety of the bank, not upon the interests of the consumer. The risk to banks, according to Mr. Martin, of sending unsolicited cards is being kept within reasonable limits." Furthermore, the Federal Reserve Board questions its own authority to regulate bank mailing of unsolicited credit cards. Yet it has opposed legislation, which I have introduced and which Senator Proxmire has introduced on the Senate side, to give the Federal Reserve Board specific authority in this area. Similarly, the Federal Deposit Insurance Corporation has opposed legislation that would give it such authority over its member banks.

A second alternative would be for the Federal Trade Commission to attempt to include banks within the currently proposed ruling. I realize, of course, that banks, common carriers, and air carriers are explicitly excluded from FTC jurisdiction. There is, however, some precedent for FTC regulation of banks. The Supreme Court ruled in United States versus Philadelphia National Bank, for example, that the Federal Trade Commission may administer certain provisions of the Clayton Act with regard to banks despite the exclusion of banks from the jurisdiction of the FTC.

I feel that careful consideration should be given by the Federal Trade Commission as to whether, under this or a similar precedent, it can claim regulatory power over banks in this area and thereby extend the ruling now under consideration to cover banks.

A third alternative is new Federal legislation. As I have already mentioned, I have introduced legislation that would prohibit all Federally insured banks from distributing unsolicited credit cards, and I will continue to press for its passage.

Both the Federal Reserve System and the Federal Deposit Insurance Corporation continue to seem unwilling to take on the responsibility of regulating banks on the basis of consumer needs, except insofar as the financial soundness of banks is in the consumers' interest. Therefore, I am led to conclude that—should the Federal Trade Commission fail to include banks within the scope of the regulation it is currently proposing, or should such an inclusion be struck down by the courts—legislation modifying the exemption of banks from FTC jurisdiction and directing the FTC to include banks in its prohibition on unsolicited credit cards might become necessary. I will certainly be willing to introduce such additional legislation should it become clear that it would offer a more effective way of curbing unsolicited credit cards than existing legislative proposals. Such a move would undoubtedly be opposed by the Federal Reserve Board and FDIC, but in view of the fact that these agencies have refused to accept responsibility in this area themselves, it seems to me appropriate that it be accorded to the FTC. Chairman Martin, in fact, has suggested as much in a letter on the unsolicited credit card problem to the Chairman of the Senate Banking and Currency Committee, Senator Sparkman, in which he (Martin) said: "In view of the recent increase in legislative measures designed principally for the protection of consumers and the likely continuance of this trend, the Board suggests that the administrative responsibility for such legislation be vested in an agency whose responsibilities traditionally have required that it be more intimately involved with consumer matters . . ."

Aside from the matter of bank inclusion, I have just one suggestion to make regarding the interpretation of the proposed FTC ruling. Some businesses have adopted the practice of notifying prospective credit card holders that a credit card will be sent to them unless they request the bank in writing *not* to send it. I believe that this variation on the unsolicited credit card game is no more acceptable than sending out credit cards totally without solicitation since it places an undue and unfair burden on the consumer. Similar methods were outlawed long ago in the field of magazine subscription sales. They should also be prohibited under the language of the currently proposed FTC ruling. Only a system which informs the consumer that a credit card for his use is available, but will not be sent to him unless he requests to receive it, should be acceptable.

MR. WELLS IN WASHINGTON

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. SHRIVER. Mr. Speaker, the appointment by President Nixon of Robert Wells, of Garden City, Kans., to the Federal Communications Commission is a tribute not only to Kansas but to Kansas broadcasters. Bob Wells is a radio man whose experience and philosophy will enable him to make a strong contribution to the important work of the FCC. President Nixon has made an excellent choice, and we from Kansas are proud and pleased.

Under the leave to extend my remarks in the RECORD, I include the following editorial from the Hutchinson, Kans., News which discusses the qualifications of Bob Wells for this high position:

MR. WELLS IN WASHINGTON

Washington report has it that Bob Wells of Garden City will become a member of the Federal Communications Commission.

This news, which belongs in the "usually reliable" category, reveals good judgment on the administration's part.

It also blows a refreshing wind across Kansas, which is not accustomed to having one of its own appointed to high places in anybody's administration, and particularly during a Republican one. President Nixon hardly needs to curry Kansas' favor to get the Kansas vote.

Wells is a radio man. In his career, he has had only a few momentary aberrations to take him away from a mike, a rate card, and a turn-table. After these short-lived excursions, he has quickly returned to the studio.

But his other assets will make him more useful to the FCC, and to the public, than his expertise. He combines the ingenuity of a country lawyer with the bargaining shrewdness of a Kansas horse-trader. He scorns the frills and affectations and double-talk of both the big corporate minds and the university intellectuals by which broadcasting is dominated. His philosophy—a word he probably never uses—would put him on the conservative side, but it is the sort of conservatism that recognizes we can't solve problems by doing nothing.

Wells might become a hair-shirt to the high-minded thinkers and legal maneuverers who have characterized the FCC. That would be good, for the industry and for a long-suffering public.

It's quite a leap, from a 1,000-watter on the high plains to the turbulent pressures of Washington, tobacco commercials, and the moguls of broadcasting. But a Western Kansan is accustomed to taking long strides.

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THE CASE FOR THE SACB

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. ASHBROOK. Mr. Speaker, in the past there has been much confusion and little light on the function and achievements of the Subversive Activities Control Board. Claims have been made in the press and in Congress that the SACB is a do-nothing agency and, therefore, should be abolished. As those of us who are close to the situation have pointed out in the past, the Justice Department is responsible for referring cases to the Board, and one must look to the Justice Department for any explanation of inactivity on the part of the SACB.

Not too much information about the Board for public consumption has been available in the past if one excludes material from congressional sources. Its past history, achievements, and reason for being are generally unknown to the general public. For this reason, the September 20 edition of Human Events, the alert newsweekly here in Washington, has truly provided a service by publishing an extensive treatment of the Board and has made available reprints to facilitate wider distribution.

The author of the article, "The Case for the SACB," is Francis J. McNamara, whose background well qualifies him to explore this complex issue. An Army intelligence officer in World War II, Mr. McNamara joined the House Committee on Un-American Activities in 1958 and from 1962 to February 1969 served as its staff director. As director, he was intimately connected with legislation concerning the SACB which was signed into law in early 1968. An expert on internal subversion, he has lectured for the Defense Department on this subject.

"The Case for the SACB" from the September 20 issue of Human Events is probably the best analysis of the SACB to date, and for this reason I include it in the RECORD at this point:

THE CASE FOR THE SACB

(NOTE.—Uninformed attacks on the Subversive Activities Control Board have grown more shrill. What is the true story of the board and its function?)

(By Francis J. McNamara)

The Subversive Activities Control Board is the only agency in the United States government created for the sole purpose of curbing Communist party activities. Yet this agency has been more sharply and widely attacked during the past few years than any other federal body. If given the opportunity, a sizable minority in both the House and Senate—including some conservative anti-Communists—would vote to abolish the SACB tomorrow.

Obviously, something is wrong. Is the board at fault—or its critics?

Actually, there are two culprits in this case and the SACB is not one of them. The principal culprits are some former high-ranking officials in the executive branch who are completely responsible for the conditions that have prompted the criticism heaped on the board—and who will be named later in this article.

Next, there are the critics themselves in Congress and in the communications media, who have been tearing the board apart. If these people knew what they were talking about—if they had checked the facts thoroughly and reported them fairly—their fire would have been directed not at the SACB, but at the officials who have opened it wide to attack.

Large-scale attacks on the board began in the summer of 1967 when President Johnson named the husband of one of his former secretaries to the board. They were revived earlier this year when Otto Otepka was appointed by President Nixon. There were three basic charges in the attacks:

Board members are paid a high salary ($36,000 per year; $26,000 in 1967) but do little or nothing (the SACB did not hold a hearing from mid-1965 to September 1968). Abolishing the board would save the taxpayers $300,000 per year.

Not a single Communist organization or party member has registered, as they are supposed to, in compliance with a board order. The SACB has therefore been completely ineffective.

The act creating the board was a hasty product of anti-Communist hysteria and "McCarthyism." In addition, it is a threat to 1st Amendment rights of free speech and association and should therefore, be repealed.

President Nixon will soon nominate a new member of the SACB to replace Leonard Sells, whose term expired on August 9. The confirmation proceedings which follow will undoubtedly spark another round of attacks on the board similar to those made in the past. The following facts are presented so that the validity and fairness of the claims made against the board may be assessed objectively.

WHAT IS THE BOARD?

The SACB is a five-member, independent, quasi-judicial agency created by the Subversive Activities Control Act of 1950. Its function is to hold hearings at the request of the attorney general, to determine whether a particular group is a Communist-action, Communist-front, or Communist-infiltrated organization as defined in the act, and also whether individuals are members of the Communist party (which the board has found to be a Communist-action organization).

Originally, an organization or individual found to be Communist by the board was supposed to register with the attorney general. Amendments passed in late 1967 which became law when signed by President Johnson on Jan. 2, 1968, provide instead that the SACB would itself maintain the roster of groups and individuals it had determined were Communist.

SUBVERSIVE ACTIVITIES CONTROL ACT

The Subversive Activities Control Act passed over President Truman's veto on Sept. 23, 1950, is probably the most carefully considered security law enacted in the history of this country. Its origins go back to March 1947, when a legislative subcommittee of the House Committee on Un-American Activities, chaired by then Rep. Richard M. Nixon, began hearings on bills to curb or outlaw the Communist party. A few days after the hearings were completed in July 1947, Sen. Karl Mundt, then a member of HCUA, introduced a Communist control bill after consulting with Rep. Nixon. It was based on the legal opinions, expert testimony and facts produced in these hearings.

The Mundt-Nixon bill, as it later became known, eventually evolved into the Subversive Activities Control Act of 1950—but only after four years of related House and Senate committee hearings during which over 200 individuals and organizations testified or submitted statements filling almost 3,000 pages, and after Senate and House debate which filled hundreds of pages of the *Congressional Record*.

No objective critic would ever claim that a law which had been so long and thoroughly weighed and debated was a product of hysteria.

The most liberal Supreme Court in the history of the United States has rebutted the free speech and association attacks on the act. In June 1961, with only Justice Black dissenting, it held that "it would be a distortion of the 1st Amendment" to claim that it prohibited the registering of Communists. Justice Douglas wrote that the registration requirements were "in line with the most exacting adjudications touching 1st Amendment activities."

The Subversive Activities Control Act is based on the principle that exposure is the most effective weapon against communism. Practically all of the many authorities who testified in the hearings agreed that secrecy, concealment and deceit were the principal sources of Communist strength and success. The act was therefore designed to strip the mask of concealment from the party—to disclose its real nature and aims, the identity of its members and of the groups it controlled and had infiltrated, as well as its propaganda outlets and devices.

SACB hearings and reports were the medium through which this revelation was to be accomplished.

The late Benjamin J. Davis, national secretary of the Communist party, described the act as "a pro-Fascist law." Some liberals have pinned similarly derogatory labels on it.

Actually it is a very mild law even though, as will be shown, it has had a strong adverse effect on the Communist party. It permits the party, without punishment, to carry on its normal day-to-day activities—provided they do not violate other laws—with complete freedom. The party can organize, hold meetings, recruit new members, publish newspapers and magazines, buy radio and TV time for advertising, set up fronts, infiltrate other organizations, disseminate propaganda, solicit funds—just as long as it does not conceal the identity of its officials and members, the groups it controls, the propaganda it disseminates, etc.

The act places on the Communist party no more than an obligation to operate the way any legitimate political party does—openly and without conspiratorial deceit and concealment. It is merely a political "truth-in-packaging" statute of the type that normally wins overwhelming liberal support when applied to a consumer item.

THE BOARD'S ACTUAL WORK RECORD

At the end of last year, the SACB had disposed of 74 petitions from various attorneys general that it hold hearings and issue appropriate reports and orders. One petition concerned a Communist-action organization, the Communist party, 23 involved Communist fronts; three related to infiltrated organizations and 47 concerned individual party members.

Testimony received in board hearings related to these petitions filled over 103,000 pages. In addition to holding hearings in response to petitions and issuing reports and registration orders, the board had prepared hundreds of briefs, motions and other legal instruments related to these cases.

Board hearings involving organizations are usually lengthy and involved. The Communist party hearings lasted 14 months. The government presented 22 witnesses in the hearings, the Communist party three. Over 500 exhibits were introduced in the record which ran to over 14,000 pages.

On April 20, 1953, the board published a 218-page report finding the party a Communist-action organization and ordering it to register as such. Appeals by the party resulted in court decisions requiring additional hearings. By the time the case was finally closed by the Supreme Court decision of June 5, 1961, upholding the constitutionality of the act's registration provisions as applied

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to the Communist party, the hearing record totalled 16,824 pages and included 726 exhibits.

The great majority of Communist front hearings have involved thousands of pages of testimony. The hearing record in the American Committee for Protection of Foreign Born case was just short of 8,500 pages; the National Council of American-Soviet Friendship case ran to 6,965 pages; the Civil Rights Congress, 7,211; Washington Pension Union, 6,055; and the International Union of Mine, Mill and Smelter Workers (an infiltrated organization) almost 13,000.

In the last-named case, the board held 110 days of hearings during which 144 witnesses testified. Over 1,000 exhibits were entered in the record. On May 4, 1962, the board filed a 108-page report finding MMSW a Communist-infiltrated organization. The record in this case is the most thorough expose of Communist trade union infiltration and control tactics ever made in this country.

Individual membership case hearings are much shorter, averaging several hundred pages, although one ran to 622 pages and another only to 113.

Following each hearing, one board member reviews the record and the proposed findings submitted by the attorney general and the "accused" organization or individual, and then writes a recommended decision. This is studied and reviewed by the other board members and revised and edited until, when agreed upon by all, it is published as the board's official report.[1]

Until the summer of 1965, the SACB was an actively functioning agency which did its work with little fanfare or publicity. No one complained that its members were not earning their salaries. By and large the only criticisms of the board came from the Communist party and its fellow travelers. It was doing too much work for their comfort.

HAS SACB HURT THE CP?

The following facts are matters of public record which indicate the impact the SACB has had on the Communist party and its operations.

Ever since the SACB was created in 1950, the Communist party, in its formal programs, convention resolutions, etc., has given top priority to eliminating the board by repealing the law which created it. At no time during this period has the party been without a front, or several of them, with the sole or major purpose of eliminating the board.

The Communists have expended a tremendous amount of time, effort and money—which could have been utilized for other forms of subversion—in an agitation and propaganda campaign against the SACB which, at times, has been international in scope.

The party has spent many thousands of dollars in legal fees defending itself, its fronts and its members in board proceedings and in court challenges to the board's constitutionality and actions.

The party did not hold a convention for nine years after the SACB was created—and then none for another seven years after that.

In almost one-third of the organization cases referred to the SACB (8 of 25), the Communist party dissolved the group either before hearings could be held or before a registration order could be issued after their completion. All told, the party has dissolved 15 of the 25 groups which have been the subject of SACB hearings.

The board and law creating it have been such a vital focus of party activity during the past 20 years that FBI Director J. Edgar Hoover has made frequent reference to it in briefing the Congress annually on the high points of party activity.

As early as 1952 he testified that the act has "assisted materially in bringing about an effective restriction of Communist activities." In 1966 he stated that foreign Communist parties were contributing to the party's "massive propaganda assault" on the act which was then worldwide in scope (an interesting comment on the fact that the non-Communist" assault on the board in this country began the following year).

Testimony of FBI undercover operatives in the CP before HCUA reveals:

CP leader Ben Davis went to Buffalo, N.Y., shortly after the 1961 Supreme Court decision upholding the act in an unsuccessful effort to heal a split which developed in the party there largely as a result of the ruling. He informed the members that because of the decision the party might not hold a convention for five years and perhaps "never" again.

The decision upholding the constitutionality of the SACB also led to talk of liquidating the party and "made their [the Communists'] work very difficult." It forced the party to go deeper underground, led to a cut in the top leadership to three open officials, a reduction in the size of clubs, changes in their names and instructions to members to say they had resigned from the party.

Passage of the act in 1950 had a generally similar effect on the party, forcing it to pull in its horns, tighten security, reduce the size of clubs and eliminate part of its administrative structure.

The Board's impact on Communist youth activities, which the party considers highly important, pinpoints its effectiveness. The Labor Youth League was the party's national youth organization in 1953 when the board was petitioned to find it a front. After holding hearings in 1954 during which over 5,500 pages of testimony were received, the SACB published a 54-page report finding the LYL a Communist front. In 1957 the LYL was dissolved. Its successor, Advance, suffered the same fate 10 years later when a 1963 petition led to hearings in 1964 that brought about that group's demise.

The board was petitioned in 1966 to find the DuBois Clubs of America a Communist front. Though suits and other matters have so far prevented the SACB from holding hearings, DuBois Club membership is now down to less than 100. This is partly due to the greater appeal that more openly radical, less disciplined groups such as Students for a Democratic Society have for today's revolutionary youth. At the same time, the evidence of Communist party control of the Clubs contained in the attorney general's petition, coupled with the fact that board hearings on them might start at any time, has obviously put a serious crimp in the Clubs' organizing and recruiting efforts.

In summary, the CP has been without an effective, nationwide youth front for the past 15 years primarily because of the SACB.

The SACB has not destroyed the Communist party. No rational person would expect that it would have done so, or ever will. In reporting the Subversive Activities Control Act in 1950, HCUA said it "wishes to emphasize that this legislation alone is not a complete answer to the Communist problem in the United States." The above facts, however, are clear evidence that the board has been effective and has achieved what it was supposed to do: throw roadblocks into the path of Communist subversion through the hearing and report process.

J. Walter Yeagley, head of the Internal Security Division of the Department of Justice for the past 10 years, told a Senate committee in 1967:

"... the exposure involved in these board proceedings ... [has] been highly detrimental to the party ... the leaders of the Communist party themselves have been of the opinion over the years that the functions of this board have been highly detrimental to their organization. ...

"I know that the party has been tremendously worried about this law."

J. Edgar Hoover told Congress in 1966 that Communist party leaders were boasting that if they could defeat the law which created the SACB they could recruit 50,000 members in one year.

WHY RECENT SACB INACTIVITY?

When the SACB has been so active in past years and has clearly damaged the party's operations, why has it done so little lately? This is the question that puzzles most people.

The answer is found in the Subversive Activities Control Act. It gives the attorney general of the United States virtually 100 per cent control of SACB activities. The board cannot initiate cases itself. The attorney general is the only person with authority to petition it to hold hearings. Unless he gives it work, it can do no more than twiddle its thumbs.

J. Howard McGrath, attorney general in 1950 when the act was passed, immediately set up a section in the Department of Justice to enforce the law. On Nov. 20, 1950, shortly after the SACB was appointed, he petitioned it to find the CP a Communist-action group.

This was the key to implementation of all other provisions of the act. No group could be found a front or infiltrated group and no individual an action group member until the party itself had been determined to be a Communist-action organization by the board.

James P. McGranery, McGrath's successor, could not submit any petitions to the board, because it was working on the Communist party case throughout the period he was attorney general.

Herbert Brownell Jr. was attorney general when the board published its CP report and order on April 20, 1953. Four days later he filed 12 front cases with the board and followed them up with nine additional front cases and two infiltrated group cases before retiring to private law practice in 1957. No other attorney general has given the SACB as much work as Brownell did.

His successor, William P. Rogers, now secretary of state, did not file a single petition with the board during his more than three years as attorney general (November 1957–January 1961). In January 1958, shortly after Rogers took office, the court of appeals sent the Communist party case back to the board for consideration of certain new issues. This precluded board action on any other cases until February 1959, when the SACB's work on the Communist party case was completed by the issuance of a modified report. By mid-April 1959, however, the board had completed action on all except two of the cases referred to it by Atty. Gen. Brownell and was in a position to act on additional petitions.

Robert F. Kennedy was attorney general in 1961 when the Supreme Court ruled that the CP registration requirements were constitutional. Some time later he began filing individual membership cases with the SACB and submitted a total of 44 while in office.

Kennedy referred only one front case to the board, that of Advance in January 1963. A few months later, in May, the court of appeals for the District of Columbia circuit ruled that evidence that a group's directors were party members was not sufficient reason for the SACB to find it a front; it also had to be shown that the front's directors were active in the management of the CP, or that they were acting as party representatives in directing the group's activities.

This decision placed a heavier evidentiary burden on the government in obtaining a front finding from the SACB, and may explain why Kennedy submitted no more front cases to the board. At the very least, it would have required a re-examination by the Department of Justice of the evidence it had relating to any front case it was thinking of submitting to the board to determine

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[1] *When the board's workload is not heavy and a majority of its members are present for hearings in a given case, a recommended decision is not written.*

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whether it was sufficient to meet this new requirement.

Kennedy filed more petitions with the SACB than any other attorney general—45 in all. Because all but one were membership cases, however, they did not equal the workload Brownell had given the board.[2]

THE BOARD'S TROUBLES BEGIN

The board's current problems began with Nicholas deB. Katzenbach, who became acting attorney general in October 1964, attorney general in February 1965 and served until named under secretary of state in October 1966.

Not long before Katzenbach became attorney general, J. Edgar Hoover had informed Congress that the FBI had approximately 150 known or suspected Communist fronts and infiltrated groups under investigation. But Katzenbach, during his two years in office, filed only one front case with the board—that of the DuBois Clubs in March 1966. A suit by the Clubs led to a court ruling that the board could not go ahead with hearings until the issue raised had been decided by the Supreme Court. The Supreme Court did not act on the case until Jan. 22, 1968, so the board could do nothing on this case while Katzenbach was in office.

Katzenbach filed no infiltrated cases with the board. Neither did he file any membership cases to follow up Kennedy's 44, although the way was wide open for him to do so until Nov. 15, 1965, when the Supreme Court held that invocation of the 5th Amendment by a party member barred a board order that he register.

By mid-1965 the SACB had completed hearings on all the membership cases referred to it by Atty. Gen. Kennedy. Frustrated, it sat in Washington doing nothing, waiting for Katzenbach to file petitions while criticism began to mount—and Communists began to step up their activity. Rubbing salt in the board's wounds, Katzenbach publicly attacked the law which had created it in an April 1966 interview published in the "Daily Princetonian."

Glossing over the fact that he had given the board practically nothing to do, he said the law had accomplished little and could justifiably be repealed. He also expressed his view that President Truman had been right in vetoing it 16 years earlier and that the Supreme Court might still declare it unconstitutional.

Although his record was technically better than Katzenbach's, Ramsey Clark, his successor who served as attorney general until 1969, probably did more than any other attorney general to injure the SACB's image. He accomplished this by the simple device of refusing to send cases to it and thus forcing idleness on it as criticism of the board grew and reached its peak.

Clark's attitude toward the board and the Subversive Activities Control Act was illustrated by legislative developments in 1967. Then-HCUA Chairman Willis, with the support of 51 other members of the House, had introduced a bill to strengthen both the act and the SACB. Willis twice wrote to Clark requesting his views on the bill and also asking him to testify in the hearings on it or send another representative from the Department of Justice to do so.

Clark, despite the two requests, never sent Willis an opinion on the bill and declined to testify in the hearings or to send anyone in his place. Eventually, late in the year, after the hearings had been held, HUCA had reported the bill and House debate on it was approaching, Willis, after a personal appeal, received a note from Clark—but it said only that if the bill were enacted, he would enforce it. Sen. Dirksen, who had introduced a bill similar to Willis', got virtually the same letter in response to his request for Clark's views.[3]

Sen. William Proxmire (D-Wis.), author of a 1967 bill to abolish the SACB, was apparently convinced that Atty. Gen. Clark was on his side. Proxmire's bill was not adopted, but with the help of Majority Leader Mike Mansfield, he succeeded in amending the Dirksen bill (intended to strengthen the SACB) so that the SACB would be automatically killed if Clark did not submit cases to it and the board did not hold a hearing by Dec. 31, 1968. On Oct. 23, 1967, during the Senate debate on the Dirksen bill and his amendment, Proxmire smugly told his Senate colleagues:

"I am confident that the board will receive its death sentence today from the Senate by adoption of the Mansfield-Proxmire amendment to S2171. I am likewise confident . . . that the attorney general will not commute that death sentence, but rather enforce it."

Clark's role in undercutting the SACB is verified by the testimony of Justice Department and SACB officials.

Assistant Atty. Gen. Yeagley testified before the Senate Appropriations Committee in August 1967, while Clark was attorney general, that "there are approximately 100 organizations in which the Communists have been found operating." This was a clear indication that the Department of Justice had information about the existence of Communist fronts and infiltrated organizations. Yet Clark did not send a single front case to the board while attorney general.

His failure on this score must be judged in the light of two developments: (1) Katzenbach's sending the DuBois Clubs case to the SACB in March 1966 proved that the May 1963 decision of the court of appeals relating to front cases was not an insurmountable obstacle to the submission of such cases to the board; (2) the Willis bill amendments, which became law on Jan. 2, 1968, relieved Clark of the heavier evidentiary burden created by that decision by providing that party membership on the part of a group's directors (combined with certain other evidence of Communist control) was sufficient grounds for a front finding by the SACB.

In addition to sending no new front cases to the board, Clark prevented it from proceeding with the DuBois Club hearings.

On Jan. 22, 1968, the Supreme Court rejected the DuBois Clubs' suit to block SACB hearings. The board promptly ordered that hearings begin on Feb. 5, 1968. The Clubs moved for a delay until February 27. Clark did not oppose this, so the board could not proceed.

Then Clark asked that the hearings be further delayed until March 27, alleging, two years after the petition had been filed, that he was not ready to proceed. The DuBois Clubs, of course, gladly went along with this request, so the board was again stymied.

Finally, on March 19, just a few days before SACB thought it would be able to begin hearings, Clark moved that they be postponed indefinitely—until the Supreme Court decided a pending case concerning electronic surveillance. Clark said he was concerned that the court's decision in this case might mean that government evidence against the DuBois Clubs was tainted because, somewhere along the line, electronic surveillance or wiretapping had been used to obtain it.

Because the Supreme Court did not decide this case until March 1969, Clark did not permit the board to proceed with DuBois hearings while he was in office.

Yeagley also stated before HCUA last May that in the summer of 1967, when it appeared that Congress would adopt legislation to strengthen the SACB, the Internal Security Division of the Department of Justice, which he heads, started a "concentrated program" of reviewing information about Communist fronts, infiltrated groups and party members and also stepped up its liaison with the FBI. This continued throughout the fall of 1967 and "We made a report to the attorney general and furnished him some written material and memoranda involving some cases [for the SACB]."

When asked, Yeagley understandably begged off, telling the committee what recommendations he had made to Atty. Gen. Clark:

". . . when I make recommendations to the attorney general, I feel he is the one who should release such information. . . .

"I don't think I should say what my position was before he takes a stand himself."

In response to another question, Yeagley pointed out:

"I have no authority to file petitions independently; no, I have authority to advise and consult with him [the attorney general]."

Testimony of SACB Chairman John Mahan before the Senate Appropriations Committee in June 1968 is equally revealing:

"We were unable to obtain from the attorney general in time to prepare our [budget] estimate any information . . . of the number of cases he might institute in the board under the new legislation.

"And we still have not received that information from him. . . ." Sen. McClellan: "He has not initiated a single action and he has given you no indication that he ever will?"

Mahan: "That is correct."

Mahan, when asked, told the Senate committee he had gone to see Clark on "many occasions" to discuss work for the SACB:

"He has advised me that it is up to him to prosecute the case. It is not up to me to request from him a case. I can't do that. All I can ask him for is how many cases he will give us so that I can prepare a budget."

Sen. McClellan: "What does he tell you when you inquire about it?"

Mahan: "Nothing."

Mahan also revealed that Clark had told him some two months earlier that about 600 cases had been reviewed for possible referral to the SACB, but that Clark did not indicate what he would do with them, saying there was a problem relating to electronic surveillance.

Mahan told the Senate Committee:

"I feel we can try these cases without that danger. If we can't, we should have a test case. . . ."

The 1967 Willis bill opened the door wide for the submission of petitions concerning individual party members as well as fronts. By doing away with self-registration and providing that the SACB would merely keep a roster of the groups and individuals about which it had made findings, it eliminated all problems created by court 5th Amendment decisions.

Despite this, in addition to submitting no front or infiltrated cases to the SACB and blocking it from proceeding with the DuBois Clubs case, Clark, during his first 15 months in office—the peak period of criticism of the board because it was doing nothing—did not submit a single membership case to it.

Eventually, on July 1, 1968, he submitted seven individual membership cases. It was known in White House and Justice Department circles, however, that Clark did this only under extreme pressure—to prevent a public attack by another Johnson Administration official for his failure to enforce the law, as was his duty, by submitting cases to the board.

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[2] *Despite this record, Atty. Gen. Kennedy became a critic of the act and the SACB as a senator. During the 1967 Senate debate on a bill introduced by Sen. Everett Dirksen to strengthen the board, Sen. Kennedy attacked the board as "this moribund agency" and spoke of "the irrelevance of the SACB to the fight against communism." He also stated of the act: "This law has not helped us to advance in the last 17 years in connection with subversive activities."*

[3] *The House passed Willis' bill and the Senate Dirksen's. Following a conference, a compromise measure embodying practically all of the provisions of the Willis bill, was passed by both houses. It became law when signed by President Johnson on Jan. 2, 1968.*

The performance of Atty. Gen. Clark and of all attorneys general in administering the Subversive Control Act should be assessed in light of the following facts:

The law, as passed by Congress in 1950, states that whenever the attorney general "shall have reason to believe" that a group is a Communist-action, Communist-front or infiltrated organization and it is not registered "he shall file with the board a . . . petition" to bring about its registration. The statute does not give the attorney general the freedom to determine whether he desires to file petitions. It places a clear-cut obligation on him to file them.

The Congress found in the amendments to the act which became law in 1968 that "Disclosure of Communist organizations and of the members of Communist-action organizations as provided in this act is essential to the protection of the national welfare."

It should be emphasized that Clark and Katzenbach are not the only ones responsible for the unjust criticism the SACB has received in the last few years, even though they are guilty of creating the conditions that have provoked so many attacks on the board.

The Subversive Activities Control Act is a rather lengthy and complicated law. The average citizen is not familiar with all its provisions and ramifications. He naturally looks to the Congress and the news media for accurate information about it and the board, believing he will get the truth accurately and objectively stated.

Far too often this has not been the case. Time after time certain editors, columnists, reporters, commentators—and some senators and congressmen—have made highly misleading statements about the board, creating the false impression that it is made up of bureaucratic timeservers who have been doing little because they are lazy, unconcerned and interested only in a nice soft job at the taxpayers' expense.

This is a far cry from the truth. The board members are as dedicated as any government officials. To say that they are also frustrated, bitter and disillusioned because of the situation they have found themselves in through no fault of their own is to state the case mildly. It has been particularly galling to them because they have been fully cognizant of why, they have been idle and under constant attack—even if the communications media have not been telling the public the real story.

A recent incident illustrates one aspect of media responsibility for widespread citizen misunderstanding of the facts about the board. On July 1, the day after Otto Otepka was sworn in as a member of the SACB by Chairman John Mahan, the board held a hearing on one of the individual membership cases pending before it. Admittedly, SACB hearings, particularly membership cases, are not among the most exciting events in Washington. Despite this, in view of the extensive and largely unfavorable publicity the media had given the board during the Otepka confirmation hearings, one would assume that at least one major newspaper or wire service would be interested in attending, if only to report that the SACB had held a hearing.

But there were only two "news" men in the board hearing room—one represented the Communist party's official newspaper, *The Daily World*, the other an underground Washington newspaper. The board had held a hearing, but the only persons who learned of it were the readers of the weirdo and Communist press.

THE NEW ATTORNEY GENERAL

On March 12, 1969, less than two months after taking office, Atty. Gen. John Mitchell sent five individual membership cases to the SACB. In doing so, he set a minor record. No other attorney general has sent cases to the board so soon after taking office.

After only seven months of the new Administration it is much too early to pass judgment on Mitchell's performance. It should be pointed out, however, that there is some disappointment on Capitol Hill and among board members that he has not submitted more petitions to the board.

Five membership cases have not meant much work for the SACB, it has been anything but rushed during the past seven months and by the end of this month, it will again be in the position of having nothing to do.

Despite this situation it is believed that the SACB has much better days ahead. This belief is based on the following facts:

Atty. Gen. Mitchell's orientation is much different than that of Katzenbach and Clark. He has never been regarded as one who would be lax in enforcing laws having to do with domestic subversion.

President Nixon has demonstrated a much greater interest in domestic communism than any other recent President.

In addition to being one of the two originators of the Subversive Activities Control Act, the President has shown continuing belief in its usefulness.

In his 1962 book, *Six Crises*, the President took issue with those who were claiming that communism was not an internal problem and specifically with Atty. Gen. Robert Kennedy, who had stated on March 24 of that year that the Communist party represented "no danger in the United States." Nixon, rebutting Kennedy, wrote that to ignore 10,000 U.S. Communists would be as "foolhardy" as to underestimate the Communist guerrillas in South Viet Nam "because they are only a few thousand."

The President then proceeded to outline an eight-point "minimum program" for dealing with communism in this country. The fourth point read:

"Vigorous and strict enforcement of the Subversive Activities Control Act . . . so that they [all Communists] may be labeled properly for what they are."

In passing the Willis bill by a large vote, the Congress clearly indicated its intent that the Subversive Activities Control Act be enforced and the SACB be given the chance to operate effectively.

There is no question but that there is much work for the SACB to do today. Communist party strength has increased considerably in the last few years. Its membership is now up to about 14,000; party leaders boast of the support of an additional 100,000 "state-of-mind" members; and an undisclosed but presumably significant number of party agents are working in approximately 100 different organizations.

Given these statistics, the President's attitude and the strengthening of the law and the board by the Willis amendments, it becomes clear that with efficient FBI operation, Atty. Gen. Mitchell should be able to submit enough front, infiltrated and individual membership cases to the board to keep it continuously occupied.

CHALLENGE—AND OPPORTUNITY—FOR NIXON

Though there is much for the SACB to do under the Subversive Activities Control Act as it is now written, the Nixon Administration has a very real opportunity to greatly improve the effectiveness of the law and to facilitate the attorney general's submitting important new cases to the board.

When the law was passed in 1950, the world Communist movement was unified under Moscow's leadership. The Communist Party, U.S.A., controlled by the Kremlin, was the only Communist organization in the country that posed a significant internal security threat. Its major competitor in subversion, the independent-of-Moscow, Trotskyist Socialist Worker party (SWP), was relatively insignificant.

For this reason the Congress justifiably drafted the law so that it applied only to Moscow-connected Communist organizations. Conditions have changed radically since 1950, however. As a result of the Moscow-Peking split, the rise of Castro and other developments, a variety of new Communist groups has been formed and the SWP has increased its activity and membership.

All the new Communist groups, like the SWP, are much smaller than the CP, "left" of it, and independent of the Soviet Union. All, in certain respects, are also enemies of the Communist party and of one another. Despite their differences with Moscow and with each other, however, they all share the same goal: destroying the present government and imposing communism on the United States. They therefore consistently cooperate with one another in the very type of subversive activity the SACB was designated to curb. Alone, none of these groups poses a serious danger to the national security, but working with the CP and with one another as they do, they have greatly increased the Communist internal security threat.

The increased danger these new communist groups pose to the country is compounded by the rise of the so-called "New Left" and the black militant groups—Students for a Democratic Society (SDS), Student Nonviolent Coordinating Committee (SNCC) (now called the Student National Coordinating Committee), Southern Student Organizing Committee (SSOC), Revolutionary Action Movement (RAM), the Black Panthers and Republic of New Africa (RNA), to name a few of those that are better known.

Not one of these groups is free of Communist taint and influence. All have cooperated with domestic Communist organizations and/or have ties with foreign Communist powers, organizations and individuals. Yet none is a front or infiltrated organization as defined in the act and all are thus immune from SACB proceedings and all other provisions of the act.

The Subversive Activities Control Act, in the light of these new developments, is not fully effective as an internal security law. It should be amended to give the SACB authority to hold hearings and issue reports on all organizations with Communist ties whose combined activities threaten the internal security of the country.

FBI Director Hoover has described these new Communist, "New Left" and black militant groups as "clearly subversive forces." In April of this year he also made a statement to the House Appropriations Committee which indicated that, if the law were amended to include these organizations, the Department of Justice would be in a position to proceed against them before the SACB. He told the committee.

". . . in spite of the fact that we have been confronted with a growing number of individuals, organizations, and problems in the security field . . . we have been able to follow closely and report on their diverse activities and thus keep the appropriate authorities advised.

"Through informants we have been able to penetrate the organizations at high levels, both locally and nationally."

Since the SACB was created in 1950, no Administration has requested the Congress to enact legislation that would improve its effectiveness. Now would be an ideal time for President Nixon, who played a major role in creating the board, to take this step—by having his attorney general draft a bill for him to send to Congress that would bring all domestic groups contributing to the Communist threat within the scope of the board's authority.

In the interest of national security, all Americans have a need—and a right—to know the true nature, allegiance and aims of the Communist party and the groups it con-

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trols and their activities. They also have a need and a right, however, to know the same about all other groups with Communist associations that are fomenting campus and urban rioting, the killing of police, the destruction of draft centers and other defense-related facilities by fire-bombings and explosives, the sabotage of U.S. policy and defense efforts in Viet Nam and other crucial areas, and which are working in various other ways to bring down the elected government of the United States.

COURT UPHOLDS BOARD ON FREE SPEECH ISSUE

On June 5, 1961, in a 5-to-4 decision [Communist Party vs. Subversive Activies Control Board (367 U.S. 1)] the Supreme Court upheld the constitutionality of the registration provisions of the Subversive Activities Control Act as applied to the Communist party.

Justice Frankfurter, writing for the majority—himself and Justices Clark, Harlan, Whittaker and Stewart—rejected the Communist party's claim that the act violated the 1st Amendment and the Bill of Attainder provision of the Constitution and held that the 5th Amendment was not relevant to the facts of the case as they then stood.

The dissenting Justices—Warren, Black, Douglas and Brennan—wrote separate opinions, each claiming the act was unconstitutional on 5th Amendment grounds. Despite the "free speech" reputation of these men, only Justice Black also held that the act violated the 1st Amendment.

The following are excerpts from the majority and minority opinions on the 1st Amendment issue:

Justice Frankfurter: "Where the mask of anonymity which an organization's members wear serves the double purpose of protecting them from popular prejudice and of enabling them to cover over a foreign-directed conspiracy, infiltrate into other groups, and enlist the support of persons who would not, if the truth were revealed, lend their support, it would be a distortion of the 1st Amendment to hold that it prohibits Congress from removing the mask."

Justice Douglas, for the minority (excepting Justice Black): "If lobbyists can be required to register, if political parties can be required to make disclosure of the sources of their funds, if the owners of newspapers and periodicals must disclose their affiliates, so may a group operating under the control of a foreign power.

"The Bill of Rights was designed to give fullest play to the exchange and dissemination of ideas that touch the politics, culture and other aspects of our life. When an organization is used by a foreign power to make advances here, questions of security are raised beyond the ken of disputation and debate between the people resident here. Espionage, business activities, formation of cells for subversion, as well as the exercise of the 1st Amendment rights, are then used to pry open our society and make intrusion of a foreign power easy. These machinations of a foreign power add additional elements to free speech just as marching up and down adds something to picketing that goes beyond free speech.

"These are the reasons why, in my view, the bare requirements that the Communist party register and disclose the names of its officers and directors is in line with the most exacting adjudications touching 1st Amendment activities."

DISCLOSURE PRINCIPLE—THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS, 1947 REPORT

The principle of disclosure is, we believe, the appropriate way to deal with those who would subvert our democracy by revolution or by encouraging disunity and destroying the civil rights of some groups. . . .

The ultimate responsibility for countering totalitarians of all kinds rests, as always, with the mass of good, democratic Americans, their organizations and their leaders. The federal government . . . ought to provide a source of reference where private citizens and groups may find accurate information about the activities, sponsorship and background of those who are active in the market place of public opinion.

SENATE—*Friday, September 19, 1969*

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou whose glory fills this universe and the universes beyond, make us ever mindful also that Thou art the Creator of man and that Thou didst invest him with dignity and freedom when time began. Help us now to comport ourselves as children of Thy creation, to cherish our freedom, and to use it for the welfare of this Nation and the improvement of all mankind. Draw together into a firm spiritual alliance all who seek the peace and joy of the kingdom Thou hast promised to all who love and serve Thee. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 18, 1969, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PEACE CORPS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 409, H.R. 11039.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with amendments, on page 1, line 6, after the word "and", where it appears the second time, strike out "$101,100,000" and insert "$92,800,000"; in line 7, after the word "and", strike out "(2) by adding at the end thereof the following new sentence: 'None of the funds authorized to carry out the purposes of this Act shall be used to carry out the Volunteers to America Program conducted under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), or any similar program involving the service or training of foreign nationals in the United States.'" and insert "(2) by inserting immediately after 'this Act' the following: 'and the Volunteers to America Program conducted under the Mutual Educational and Cultural Exchange Act of 1961 (2 U.S.C. 2451)'."; on page 2, line 7, after "Section 5", insert "(h)"; in line 9, after the word "amended", strike out "as follows:"; at the beginning of line 10, strike out "(a) In subsection (h), immediately after '(31 U.S.C. 492a),', add 'the Act of October 21, 1968 (5 U.S.C. 5584) for purposes of erroneous payments of allowances provided under the Peace Corps Act,'." and insert "by inserting after '(31 U.S.C. 492a),' the following: 'section 5584 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section),'."; and, after line 16, insert a new section, as follows:

SEC. 3. Section 301 of the Peace Corps Act, as amended, which relates to the encouragement of voluntary service programs, is amended as follows:

(1) Subsection (a) is amended—

(A) by inserting immediately after "of this Act" the designation "(1)";

(B) by striking out the comma and the word "and" following "trained manpower" and inserting in lieu thereof a semicolon and the designation "(2)"; and

(C) by striking out the period at the end thereof and substituting a semicolon and the following: "and (3) to encourage the development of, and participation in, any international program which seeks to provide volunteers to serve in less developed countries or areas, training, or other assistance in order

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to help such countries or areas to meet their needs for trained manpower."

(2) Subsection (b) is amended to read as follows:

"(b) (1) Activities carried out by the President in furtherance of the purposes of clauses (1) and (2) of subsection (a) of this section shall be limited to the furnishing of knowledge and skills relating to the selection, training, and programing of volunteer manpower. None of the funds available for use in the furtherance of such purposes may be contributed to any international organization or to any foreign government or agency thereof; nor may such funds be used to pay the costs of developing or operating volunteer programs of such organization, government, or agency, or to pay any other costs of such organization, government, or agency.

"(2) Not more than $300,000 may be used in fiscal year 1970 to carry out the provisions of clause (3) or subsection (a) of this section. Such funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of the international programs (of the type described in such clause) of such institutions, organizations, and governments or agencies."

Mr. MANSFIELD. Mr. President, the basic purpose of H.R. 11039, as amended, is to authorize the appropriation of $92,800,000 for the Peace Corps' fiscal year 1970 operations. Several other amendments to the Peace Corps Act are also added.

I submit for the RECORD a table comparing the amount requested with the authorizations and appropriations of prior years, and ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD.

Mr. President, it is to be noted that the original fiscal year 1970 request submitted by the previous administration was for $109,800,000. The committee was informed that the amended request for $101,100,000 was based on a careful review of Peace Corps programs overseas and a decision of host country and Peace Corps country officials to eliminate activities of marginal benefit in order to strengthen the overall program. As the table shows, this is not the first time that the Peace Corps has submitted an amended request. In the overall interest of reducing Government spending, the committee voted to decrease further the authorization to $92,800,000.

The funds requested are expected to support an estimated total of 12,000 volunteers and trainees in the 1970 program year, September 1, 1969, to August 31, 1970. The Peace Corps expects to train 7,500 new volunteers, an increase of 500 over the past program year.

The average cost to the Government of each volunteer is estimated to be $8,505, up $200 from $8,305, during the last program year. The breakdown between volunteer and project costs and administrative expenses appears on another table I submit, and ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PEACE CORPS—STATEMENT OF AUTHORIZATIONS AND APPROPRIATIONS

[Dollars in thousands]

Fiscal year	Original authorization and budget request	Amended budget	Amount recommended to Senate	Authorized	Appropriated (including reappropriations)	Appropriation transfers to GSA	Obligated as of June 30	Unobligated as of June 30	Reappropriated
1962	$40,000			$40,000	$30,000		$29,496	$504	
1963	63,750			63,750	59,000	$444	54,692	3,864	$3,864
1964	108,000	$102,000		102,000	95,964		76,164	19,800	17,000
1965	115,000	106,100		115,000	104,100	7	85,449	18,644	12,100
1966	125,200			115,000	114,100		113,173	927	
1967	110,500	112,150		110,000	110,000	104	104,525	5,371	
1968	124,400	118,700		115,700	107,500		106,846	654	
1969	112,800			112,800	102,000	49	101,951		
1970	109,800	101,100	$92,800						

SUMMARY OF OBLIGATIONS BY ACTIVITY

[Dollars in millions]

	Fiscal year—								
	1962	1963	1964	1965	1966	1967	1968	1969[1]	1970
Volunteer and project costs	$19.7 (66.7)	$39.3 (71.9)	$58.4 (76.7)	$65.6 (76.8)	$89.6 (79.1)	$79.8 (76.4)	$78.2 (73.2)	$71.7 (70.3)	$70.5 (69.7)
Administrative expenses	9.8 (33.3)	15.4 (28.1)	17.8 (23.3)	19.8 (23.2)	23.6 (20.9)	24.7 (23.6)	28.6 (26.8)	30.3 (29.7)	30.6 (30.3)
Total	29.5	54.7	76.2	85.4	113.2	104.5	106.8	102.0	101.1

[1] Estimated.

Note: Figures in parentheses in percentage.

Mr. MANSFIELD. Mr. President, the committee notes that once again the percentage of administrative expenses to project costs has risen. While the committee was told that this rise is entirely due to the costs of Federal pay increases, the committee admonishes the Peace Corps not to become an organization of many chiefs and few Indians.

The Peace Corps is presently serving in 60 countries and areas and hopes to be in several more before the end of the program year. By area and countries the volunteers and trainees are distributed as shown on a third table that I ask unanimous consent may appear at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

VOLUNTEERS AND TRAINEES ON BOARD

Region/country	Volunteers overseas, June 30, 1968	Trainees, June 30, 1968	Total, June 30, 1968	Volunteers overseas, June 30, 1969	Trainees, June 30, 1969	Total, June 30, 1969	Volunteers overseas, June 30, 1970	Trainees, June 30, 1970	Total, June 30, 1970
Worldwide	11,115	2,708	13,823	9,882	2,433	12,315	9,250	2,525	11,775
Africa	2,924	814	8,738	2,626	826	3,452	2,525	425	2,950
Botswana	50	13	63	70		70	65	15	80
Cameroon	61		61	17	39	56	65		65
Chad	38	30	68	44	19	63	40	30	70
Congo							50		50
Dahomey	26		26	34	45	79	35		35
Ethiopia	389	347	736	431	60	491	420	25	445
Gambia, The	16		16	14	19	33	10		10
Ghana	242	106	348	172	134	306	175	65	240
Guinea					25	25	20		20
Ivory Coast	80	58	138	106	32	138	75	60	135
Kenya	253		253	281	19	300	275		275
Lesotho	66		66	58		58	60		60
Liberia	299		299	327	47	374	265		265
Malawi	123		123	139	42	181	125		125
Mauritius							35		35
Niger	156	13	169	77	21	98	70	15	85
Nigeria	248		248	103		103	50		50
Senegal	119	61	180	125	52	177	105	30	135
Sierra Leone	273	128	401	259	201	460	225	130	355
Somalia	73	34	107	68		68	85	25	110
Swaziland				45		45	40		40
Tanzania	143		143	11		11			
Togo	102	24	126	90	16	106	115	30	145
Uganda	123		123	104		104	65		65
Upper Volta	44		44	51	55	106	55		55

VOLUNTEERS AND TRAINEES ON BOARD—Continued

Region/country	Volunteers overseas, June 30, 1968	Trainees, June 30, 1968	Total, June 30, 1968	Volunteers overseas, June 30, 1969	Trainees, June 30, 1969	Total, June 30, 1969	Volunteers overseas, June 30, 1970	Trainees, June 30, 1970	Total, June 30, 1970
East Asia and Pacific	2,672	470	3,142	2,540	312	2,852	2,100	800	2,900
Fiji	51		51	156		156	145	40	185
Korea	310		310	264	32	296	190	100	290
Malaysia	495		495	490		490	505		505
Micronesia	625	393	1,018	355	255	580	300	320	620
Philippines	720	77	797	714	55	769	500	80	580
Thailand	228		228	328		328	300	20	320
Tonga	114		114	118		118	80	100	180
Western Samoa	129		129	115		115	80	100	180
New country								40	40
Nanesa	1,804	653	2,457	1,713	478	2,191	1,800	450	2,250
Afghanistan	171		171	204	34	238	150	30	180
Ceylon	42		42	35	13	48	45		45
India	750	176	926	585	74	659	735	50	785
Iran	167	97	264	196	87	283	145	40	185
Libya	13		13	172		172	195	170	365
Morocco	94	65	159	120		120	125		125
Nepal	179		179	160	71	231	185		185
Tunisia	230	129	359	113	88	201	135	40	175
Turkey	158	186	344	128	111	239	85	120	205
Latin America	3,715	771	4,486	3,003	817	3,820	2,825	850	3,675
Bolivia	219	142	361	239		239	185	115	300
Brazil	580	14	594	420	76	496	425	70	495
British Honduras	45	40	85	37		37	55	25	80
Chile	254	44	298	203	106	309	160	60	220
Colombia	576	16	592	516	34	550	400	20	420
Costa Rica	98		98	87	1	88	70	20	90
Dominican Republic	161	46	207	119	25	144	95	30	125
Eastern Caribbean	124	57	181	140	139	279	110	60	170
Ecuador	247	128	375	221		221	195	110	305
El Salvador	119	66	185	101	48	149	105	15	120
Guatemala	151	11	162	73	25	98	65	30	95
Guyana	51	44	95	44	51	95	55	40	95
Honduras	167	60	227	132	26	158	135	60	195
Jamaica	117	94	211	68	135	203	130	90	220
Nicaragua				35	1	36	35	15	50
Panama	174	4	178	133	47	180	140	20	160
Paraguay	56		56	69	16	85	65		65
Peru	283		283	174	7	181	200	70	270
Uruguay	31		31	13		13	10		10
Venezuela	262	5	267	179	80	259	190		190
New country									

Mr. MANSFIELD. Mr. President, I ask unanimous consent that certain excerpts from the committee report be included in the Record at this point.

There being no objection, the excerpts from the report were ordered to be printed in the Record, as follows:

NEW DIRECTIONS

As the Peace Corps nears its 10th anniversary, it is natural that there should be talk of reassessments and "new directions." The Peace Corps in large part grew out of a congressionally sponsored amendment to the Mutual Security Act of 1960 which called on the President to arrange for a nongovernmental study on "the advisability and practicability of a program, to be known as Point Four Youth Corps, under which young U.S. citizens would be trained and serve abroad in programs of technical cooperation."

Technical skills.—The emphasis on providing technical skills, which was implied in the original concept, is one of the new directions being discussed by the Peace Corps Director. Since more mature and technically skilled individuals are likely to have families, which fact would normally disqualify them from being accepted as volunteers and able financially to serve, the Peace Corps plans to use the volunteer leader authority of section 6 of the Peace Corps Act. This section authorizes the President to enroll in the Peace Corps qualified persons whose services are required for supervisory or other special duties or responsibilities in connection with Peace Corps programs. Volunteer leaders receive a higher readjustment allowance $125 per month compared to $75 for volunteers) and may under exceptional circumstances be accompanied by their spouses and minor children who would be entitled to housing, subsistence, and other benefits.

The committee has no objection to the use of section 6 authority for a pilot program to attempt to meet the needs of less developed countries for more highly skilled manpower. The act itself limits the number of volunteer leaders to one for each 25 volunteers. But on the basis of experience with such a pilot program, the committee expects the Peace Corps to review carefully its legislative authority before the fiscal year 1971 authorization and propose changes if a radical departure from past programs is contemplated. After all, Congress intended section 6 to be applied to leaders of volunteers, and not to technical experts working in comparative isolation, and it does not construe "exceptional circumstances" to include the possession of higher skills. The Committee emphasizes that without a clear legislative mandate it would not look with favor on the Peace Corps being in competition with, or duplicative of, the Agency for International Development in the field of technical assistance.

Volunteers to America—a binational approach.—In 1966 the Peace Corps requested legislative authority to launch an "exchange Peace Corps" which would involve bringing volunteers from other countries for service in the United States on essentially the same conditions as the Peace Corps. The committee struck the request from the bill "without prejudice," noting that the authority exists * * * [in the Fulbright-Hays Act] for a program of this nature if the administration should find it a worthwhile undertaking." Under that authority, a small pilot program, called "Volunteers to America" (VTA), was begun. Sixty-four volunteers came in July 1967, 41 in July 1968 and about the same number are expected this year. More than half of them have come from Latin America, the rest from the Far East, Near East, and Africa. The sending country pays for preliminary orientation and international transportation, the U.S. Government pays for domestic U.S. travel and a training and orientation program, and local communities or agencies pay the volunteers' living allowances. The cost to the U.S. Government is estimated at $2,300 per VTA the first year and an additional $200 the second year if he extends his service. Fiscal year 1970 expenditures are estimated at $100,000.

The program has been directed and coordinated by the Bureau of Educational and Cultural Affairs of the Department of State. On the basis of experience, however, the State Department has concluded that this responsibility should be transferred to the Peace Corps and the Peace Corps concurs. Accordingly a delegation of authority has been issued by the Secretary of State to the Peace Corps Director. A minor amendment of the act is also involved to enable the Peace Corps to utilize its funds for programs conducted under the authority of the Fulbright-Hays Act.

Both the State Department and the Peace Corps consider the experience under this small program to have been successful and worthwhile. The Peace Corps in particular believes that it would benefit from its association with the volunteers to America program and enhance its acceptability abroad by receiving as well as sending volunteers. The Peace Corps has been steadily moving toward encouraging the host countries more and more to participate in every aspect of the Peace Corps—programing, selecting, training, and directing the volunteers. Involving the Peace Corps now in a volunteer-receiving activity would seem to be logical.

Toward a multinational approach.—With the binational approach as a first step toward broadening the receptivity of the Peace Corps, the committee searched for other means to broaden the scope of volunteer service. It noted that increasingly in recent years the Peace Corps has become a target of attacks in countries in which it serves. Also, there have been indications, that countries would welcome a multinational volunteer effort, and that recent graduates from American colleges would welcome the opportunity to serve in such an effort. None of this is a reflection of the Peace Corps. Rather the committee was interested in opening new channels for volunteer efforts and lessening the conspicuousness of the American role abroad. The committee, therefore, recommends that Peace Corps attempt to work with other countries' volunteer services on team projects in countries interested in this approach.

The experience of working with a nationality mix of volunteers should provide the knowledge with which to determine whether a practical way can be found to give expression to the desire voiced by members of the United Nations to establish an international voluntary service. Such pilot projects would enrich the experience of our volunteers, as well as others, promote international cooperation, and make a greater variety of skills available to the interested countries. American volunteers engaged on such joint projects would, of course, remain Peace Corps volunteers.

To encourage exploration of possible joint projects the committee recommends adding a third purpose to title III, which relates to encouragement of voluntary service programs. This title already states that it is the policy of the United States (1) to encourage other countries to establish voluntary programs like the Peace Corps to help less developed countries and (2) to encourage less developed countries to establish their own volunteer programs. To this, the committee would add that it is also the purpose of the United States (3) "to encourage the development of, and participation in, any international program which seeks to provide volunteers to serve in less developed countries or areas, training, or other assistance in order to help such countries or areas to meet their needs for trained manpower."

The committee amendment would continue the prohibition on the use of funds for purposes (1) and (2) of that title, for which presently only knowlege and skills relating to the selection, training, and programing of volunteer manpower may be furnished. For the new purpose (3), however, the committee amendment would allow the use of up to $300,000 in fiscal year 1970. These funds may be contributed to educational institutions, private voluntary organizations, international organizations, and foreign governments or agencies thereof, to pay a fair and proportionate share of the costs of international programs designed to provide volunteers to meet the trained manpower needs of less developed countries. What is envisaged here by the committee is encouraging creation of voluntary service programs in the pattern of international consortiums that have been successful in development lending.

While there is no direct reference in the proposed language to the International Secretariat for Volunteer Services, the committee does consider it to be a possible vehicle for the type of effort the committee has in mind. At the present time the U.S. contribution has been the provision of personnel (two or three professionals) and the International Secretariat activities have been largely confined to those of a clearinghouse. There appears to be no reason, however, that the organization could not take a more vigorous part in operations—developing joint schemes and putting together teams of volunteers to carry them out.

The committee does want to make clear, however, that the language recommended to the Senate allows the Peace Corps flexibility in deciding where and how to utilize its resources for this purpose.

In this connection, the committee takes note of the device suggested to it of establishing an international register of available volunteers from which countries seeking volunteers could fashion their own teams. It hopes that serious consideration will be given to the feasibility of such a register as a means of encouraging joint projects.

In summary, the committee urges the Peace Corps to seek and develop opportunities both at the country level and at the international conference table to involve itself in multinational volunteer efforts.

OTHER MATTERS CONSIDERED BY THE COMMITTEE

Waiver of claims.—Section 2 of the bill amends the Peace Corps Act so as to make volunteers employees of the Federal Government for the purpose of section 5584 of title 5, United States Code. Peace Corps volunteers and volunteer leaders are already deemed to be employees of the Government for various purposes, such as the Federal Employees Compensation Act, the Federal Tort Claim Act, and the Federal Voting Assistance Act. 5 U.S.C. 5584 provides that the Comptroller General or the head of an agency may waive claims up to $500, against employees who have been overpaid, if there exists no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee. Readjustment allowances of volunteers and volunteer leaders will be considered pay for the purposes of the section.

The Peace Corps, during calendar year 1968, processed approximately 200 claims of this nature, involving a total of about $16,000, or an average claim of $80. Not all of these claims will meet the standards prescribed by the Comptroller General for waiver, so the total amount of claims involved will be less than this figure.

Use of excess local currencies.—The committee discussed with the Peace Corps a report by the Comptroller General, April 23, 1969, concerning the opportunity to use excess foreign currencies to pay transportation expenses of returning Peace Corps volunteers. It is gratified to report that the Peace Corps will meet the criticism of the General Accounting Office as set forth in the following statement furnished for the record:

"PEACE CORPS STATEMENT ON CASH-IN-LIEU POLICY

"Although the reasons, as explained in Mr. Vaughn's letter of September 3, 1968, to Mr. Stovall of the General Accounting Office (copy attached) * for the adoption and retention of the cash-in-lieu policy are persuasive, the Peace Corps has concluded that the countervailing considerations cited by the Comptroller General are, at this time, paramount. Therefore, all new volunteer applicants will be advised prior to their enrollment as volunteers that the cash-in-lieu-of-GTR privilege will not be available if, at the times of the termination of their Peace Corps service, they are stationed in a country which has been designated by the Treasury Department as an 'excess' or 'near-excess' currency country. This new policy should meet the thrust of the objections raised by the Comptroller General.

Those volunteers presently in service were advised of the cash-in-lieu privilege at the time of their enrollment and have, to some extent, relied upon it. It is reasonable to assume that volunteers plan their return travel about 6 months in advance of their termination. These travel plans include, in many cases, surface travel in third countries which will require dollars. Accordingly, we plan to apply the former policy to all volunteers terminating prior to January 1, 1970. Volunteers presently serving in 'excess or near-excess currency countries,' but terminating after December 31, 1969, will be given GTR's payable in excess currency."

Research.—The committee continues to be somewhat concerned about the Peace Corps' research activities and stresses again its desire that this activity be confined to the subjects directly related to the Peace Corps. While the committee recognizes that the $500,000 ceiling on research placed on fiscal year 1967 funds no longer applies, it expects the Peace Corps to keep its obligations for this category below that amount, as it has done voluntarily since that time.

Security investigations.—For the second year in a row the high cost of security investigations came under committee scrutiny. At $450 per trainee the estimated cost of this item to the Peace Corps for fiscal year 1970 will be close to $4 million. The Peace Corps Director has assured the committee that an overdue study of this expense will be undertaken. It expects to examine this question again next year.

COMMITTEE ACTION AND RECOMMENDATIONS

The amended administration request was introduced as S. 2041 on May 1, 1969. Public hearings were held on June 3 and 25, 1969, at which the principal witness was Joseph H. Blatchford, the Director of the Peace Corps. The committee considered the bill in executive session on July 2, 29, and August 7. On September 8, the House passed H.R. 11039 by a vote of 281 to 52 and on September 10 the committee ordered H.R. 11039 favorably reported with amendments.

As proposed to be amended by the committee, the authorities contained in H.R. 11039 will enable the Peace Corps to continue its programs on a scale commensurate with U.S. capabilities and priorities, as well as to explore on a pilot basis other avenues by which to increase the effectiveness of its role abroad. The committee urges the Senate to pass H.R. 11039 subject to the recommended amendments.

On request of Mr. MANSFIELD and by unanimous consent, the amendments were agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate insist on its amendments to H.R. 11039 and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. GORE, Mr. AIKEN, and Mr. MUNDT conferees on the part of the Senate.

Mr. JAVITS subsequently said: Mr. President, I enter a motion to reconsider the vote by which H.R. 11039 was passed this morning.

The PRESIDING OFFICER. The motion to reconsider the vote by which the bill was passed will be entered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

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*Omitted.

XUM

SECURITIES AND EXCHANGE COMMISSION

The bill clerk read the nomination of A. Sydney Herlong, of Florida, to be a member of the Securities and Exchange Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. BYRD of Virginia subsequently said: Mr. President, the Senate has confirmed today the appointment of an outstanding American as a member of the Securities and Exchange Commission. I commend the appointment of the Honorable A. Sydney Herlong, of Florida, to be a member of the Securities and Exchange Commission.

Mr. Herlong served for many years as a Member of the House of Representatives from the State of Florida. He distinguish himself as a member of the Ways and Means Committee. He is a man of abiltiy and of the highest integrity. He retired from the Congress of his own volition. I am happy that he is now back in the Government.

I commend President Nixon on his appointment of former Congressman Herlong, Democrat, of Florida.

TAX COURT OF THE UNITED STATES

The bill clerk read the nomination of William H. Quealy, of Virginia, to be a judge of the Tax Court of the United States.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

CALIFORNIANS KILLED IN VIETNAM

Mr. CRANSTON. Mr. President, on April 20, 1961, the first California youth was killed in action in the Vietnam war. He was 27-year-old Sp4 Theodore Glen Feland, of Sonoma.

By last Friday, September 12, 1969, the total number of California deaths in Vietnam had risen to 3,782.

Mr. President, I ask unanimous consent that all their names and hometowns be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL IN CONNECTION WITH THE CONFLICT IN VIETNAM BY HOME STATE OF RECORD

JANUARY 1, 1961–DECEMBER 31, 1968

California

Army

Ables, Elmer Robert Lee, Jr., Newhall.
Achica, Eddie, San Francisco.
Adams, James Edward, Pacoima.
Adams, Kenneth Stanley, Santa Barbara.
Aguilar, Rudolph Rene, Los Angeles.
Albertini, Joseph Alfred, La Puente.
Allen, Terry James, Indio.
Almanza, John Jerald, Santa Ana.
Altieri, Allan Joseph, Glendale.
Alvarado, Alfred Frederick, Long Beach.
Alvarez, George Calderon, Monterey Park.
Amato, Richard C., Hayward.
Anderson, Clinton Russell, Healdsburg.
Anderson, Robert Douglas, Carmichael.
Andrews, Ronald L., Pico Rivera.
Andrews, Vaun, San Fernando.
Annos, George Richard, Calliexico.
Anthony, Lionel S., Los Angeles.
Apodaca, Peter Michael, San Bruno.
Applegate, Kenneth Charles, Ventura.
Arent, Kenneth Jacob, Sacramento.
Armendarez, Mike, Huntington Beach.
Arraiz, James Paul, North Hollywood.
Arrey, Frank, Jr., Norwalk.
Aubert, Thomas Clifford, Los Angeles.
Austin, Robert, Modesto.
Aylor, Charles Vincent, San Bernardino.
Azbill, Roy Gordon, Weaverville.
Baglio, Richard Anthony, Lomita.
Baird, Robert Stanley, Orinda.
Baker, Alton Eugene, Salinas.
Baker, Barry Jay, Oakland.
Baker, Stanley Wellington, Los Angeles.
Balbirnie, James Frederick, Stockton.
Barber, Melvin, Compton.
Barber, Roger Lee, Sun Valley.
Barker, Gary Lee, Garden Grove.
Barkfelt, David William, North Hollywood.
Barleen, Thomas Lyle, Vallejo.
Barrera, Manuel, Hanford.
Barreras, Frank, III, Pico Rivera.
Barrett, Charles Wesley, San Francisco.
Bartalotti, Alfonso Paul, Vallejo.
Barton, Harold Bruce, Campbell.
Batty, Denny Albert, Campbell.
Bauer, James Neil, San Diego.
Baum, Douglas Bruce, La Mesa.
Baum, Michael Lee, Riverside.
Bayles, Gerald William, Indio.
Bays, Lee R., Olivehurst.
Bazell, Frank David, Los Angeles.
Bell, Richard Leslie Allen, San Jose.
Belveal, James Allen, Sacramento.
Benadum, Richard Dennis, Los Angeles.
Bennett, Clifton E., El Monte.
Benson, Keith Lloyd, Santa Clara.
Bentley, Boris Roman Benja, San Francisco.
Berard, James Eugene, Saratoga.
Bermudez, Jesus Rojas, Mendota.
Bernal, Raymond, Jr., San Jose.
Betancourt, Gabriel, Hollister.
Betchel, David Brooks, Los Angeles.
Billhimer, Gary Arthur, Sante Fe Springs.
Bishop, Daniel Edward, Newcastle.
Bishop, Richard Lavern, Covina.
Blackburn, Elbert Frank, Norwalk.
Blessman, William David, Sebastopol.
Boelzner, Robert Craig, Hawthorne.
Boettcher, Walter R., Jr., Concord.
Bohler, Robert Ronald, Downey.
Borja, Domingo R. S., San Francisco.
Bowman, Paul Jr., Kensington.
Boyer, Donald William, Riverside.
Bozarth, Alvin Ray, Lamont.
Brady, Thomas Gerald, Fremont.
Brady, Thomas Paul, Bakersfield.
Brancato, Michael George, Los Angeles.
Breda, Dennis John, Oxnard.
Breshears, Kenneth Lester, Riverbank.
Breshears, Ronald Chris, Martinez.
Britten, Lawrence Alan, Fair Oaks.
Broadbeck, John Gilbert, Sacramento.
Brockington, Curtis, Harbor City.
Brotzman, Michael Ray, Richmond.
Brown, George Michael, Los Angeles.
Brown, Michael Gregory, El Segundo.
Brown, Michael R., Fresno.
Brown, Richard Tyrone, Hayward.
Bruce, Dennis Ray, San Luis Obispo.
Brumley, Bob Gene, Chowchilla.
Brunat, Michael F., Los Angeles.
Bullington, James Allen, Santa Rosa.
Bumgarner, Bruce Howard, Vallejo.
Burkey, Kermit Edward, San Jose.
Burlingame, Stephen Frank, Glendale.
Burnett, Joseph Darryl, Trona.
Bushay, Byron Haley, Fullerton.
Butts, Jerry Eugene, Long Beach.
Byam, Michael Leroy, El Centro.
Byers, Kenneth Edward, San Leandro.
Cagnacci, Joseph Mario, Pleasanton.
Caguimbal, Pepito, Castroville.
Callen, Richard James, Los Angeles.
Calph, Gene Elwood, Eureka.
Calvillo, Robert Jess, Bakersfield.
Camero, Santos, Malaga.
Campbell, Carlin Martin, Jr., San Diego.
Campbell, Thomas Edwards, Arcadia.
Campo, Robert E., San Francisco.
Campos, Richard Frederick, San Francisco.
Caramella, Paul Doane, Long Beach.
Card, Wayne Norman, Whittier.
Carey, John, Jr., Santa Barbara.
Carley, Raymond Montell, Los Angeles.
Carnevale, David James, Woodside.
Carrola, Edward, Sacramento.
Carter, Thomas James, Sacramento.
Carver, Richard Alan, Escondido.
Casselman, Rodney Willard, Arcadia.
Castaneda, Benjamin Beltra, El Monte.
Castro, Jesse Romero, Fremont.
Caudillo, Joseph, Kerman.
Cavarzan, Duane Earl, Weed.
Cecil, Jack Wilson, National City.
Centeno, Charles Manuel, Gilroy.
Chabot, Don William, Oakland.
Chacon, Rigoberto Coto, El Monte.
Chase, Mark Richardson, Santa Monica.
Chavez, Eduardo, Santa Paula.
Chavez, Rudolfo, Santa Ana.
Cheroff, Michael, Downey.
Cherrstrom, Ronald Paul, Belmont.
Cherry, Willam Temen, Jr., Anaheim.
Chislock, Leonard James, Lakewood.
Cisneros, Mario Alvarez, Riverbank.
Claeys, Edward Oran, Fremont.
Clark, Gary Richard, San Francisco.
Clark, Paul Leslie, Lynwood.
Clark, Thorne M., III, Lompoc.
Clausen, Harland Gene, Jr., Venice.
Clendenen, Charles Curtis, Cypress.
Cleveland, James, Los Angeles.
Close, Donald Edward, Burbank.
Cloud, Joseph, Jr., Pleasanton.
Cochran, Michael Dale, Lancaster.
Coffey, Richard Arthur, Los Angeles.
Coleman, Gary Terrence, Alameda.
Collins, Richard Glen, Altadena.
Combs, Alfred Henry, Jr., Seaside.
Combs, Allan Eugene, Los Angeles.
Conley, Terry Lewis, Sacramento.
Conrad, Roy Eugene, Goshen.
Constantini, Frank J., Jr., Sepulveda.
Cook, Austin Bruce, Alameda.
Cook, George Kenneth, Fortuna.
Cook, William Donald, Jr., San Jose.
Cornejo, Alfred Joseph, San Mateo.
Cornell, Edward Michael, North Hollywood.
Corona, Rudolph Ralph, III, Pacific Grove.
Coryell, Michael Noble, Santa Barbara.
Cossa, William Edward, Jr., Inglewood.
Coulson, Thomas Eugene, Orosi.
Crain, Charles Ernest, Redwood City.
Crawford, Claude Lee, Los Angeles.
Cripe, Merl L., Orland.
Cross, Hugh W., North Hollywood.
Cross, Monroe Ward, Colusa.
Cryar, Michael George, El Monte.
Cullen, Dennis John, Anaheim.
Cummings, Donald Louis, Jr., Glendora.
Cummings, James Barton, Jr., Long Beach.
Cuneo, Andrea Jr., Sunnyvale.
Cunningham, David Carson, Fall River Mills.
Curtis, Richard, Walnut Creek.
D Aiello, Michael Dennis, Pasadena.
Dailey, Kevin Melbourne, San Diego.
Daily, Thomas Blake, Hawthorne.
Daniels, Thomas James, Sacramento.
Danna, Samuel Don, Temple City.
Danser, Gary Richard, Fontana.
Daugherty, Donald D., San Diego.
Davis, Alfred Lee, Long Beach.
Day, Peter Evan, Modesto.
De Amaral, Charles Francis, Carmel.
De La Torre, Luis, Los Angeles.
Deaver, Jack, San Diego.

Deherrera, Raymond F., Los Angeles.
Dekker, George William, San Mateo.
Dellamandola, Gregory John, Stockton.
Denman, William Luther, Maxwell.
Dennis, Blair Edward, Sacramento.
Dickson, William Douglas, Oxnard.
Dietz, Lawrence Alfred, II, Palos Verdes.
Dillon, David Andrew, Spring Valley.
Doane, George Alfred, San Rafael.
Dodd, Lawrence Rudin, Aromas.
Dodson, David Lee, Oakland.
Dominguez, Ernesto, Bakersfield.
Dorsey, Carlito Ladores, Seaside.
Douglas, Charles Mac, Bloomington.
Drake, Earle Avon, Mill Valley.
Duck, Curtis Lamar, National City.
Dueman, Merle L., Inglewood.
Duffy, Francis Joseph, Los Angeles.
Duncan, James Robert, Fremont.
Dungey, Rim Michael, San Diego.
Dunn, Creighton Robert, Ventura.
Dunn, Gregory Lynn, Santa Rosa.
Durbin, Thomas Frederick, Escondido.
Durham, Samuel Ray, Lomita.
Dye, Danny David, Visalia.
Edwards, John Leonard, San Diego.
Elias, Porfirio Elias, Colton.
Ellis, Michael Le Roy, Valinda.
Enari, Mark Niggol, Pasadena.
Enderiz, Victor Anthony, Vallejo.
Engherson, Robert Lewis, San Leandro.
Enriquez, Terry Michael, Burbank.
Epley, Roger Lee, Lancaster.
Erickson, Donald Theodore, Fresno.
Erschoen, Arthur Raymond, Los Angeles.
Ervin, James Wilbur, Gilroy.
Escobar, Edward Angiano, Coachella.
Estes, Dennis Rex, Garden Grove.
Evans, Chris Steven, Paramount.
Evans, Donald Ward, Jr., Covina.
Ewing, Timothy David, Exeter.
Eynon, John Patrick, Yuba City.
Fackrell, Clinton Blair, Willits.
Fannin, Clayton Allen, Bakersfield.
Farley, Marshall Colin, Folsom.
Faulks, Daniel Clyde, Jr., Eureka.
Ferguson, Blaine M., Los Angeles.
Ferguson, Edward Kenneth, San Lorenzo.
Ferguson, Merl Wayne, Yuba City.
Ferguson, Ronald Dennis, San Francisco.
Fergusson, Robert Charles, Monterey.
Fernandez, Earl William, Westminister.
Fernandez, Xavier, Los Angeles.
Ferro, Philip Anthony, Northridge.
Ferrulla, Robert Samuel, Lynwood.
Fidel, Honorio Moran, Jr., Stockton.
Files, Albert Clifton, Jr., Sacramento.
Fischer, Gregory James, San Bernadino.
Fisher, Jimmy Lee, Calistoga.
Fitzgerald, Terence Patric, San Francisco.
Flannery, Michael Edward, Willows.
Flansaas, Daniel Robert, Loomis.
Flickinger, James Herbert, Burbank.
Florez, Reynaldo B., Visalia.
Flower, Carl David, Rio Linda.
Force, David Lee, San Bernardino.
Foster, Robert Lee, Sacramento.
Fowler, Daniel Charles, Citrus Heights.
Fowler, William Holt, III, San Jose.
Frakes, Kenneth Dean, Lancaster.
Francis, Stephen David, Burbank.
Frankel, John Paul, Santa Clara.
Franklin, George Steve, San Pablo.
Franklin, Jammie Van, Merced.
Freiling, John Richard, Jr., Sunnyvale.
Frenzell, Herbert Ernest, Sacramento.
Frick, John Alan, Anaheim.
Frits, Orville Bill, Concord.
Fry, Billy G., Bakersfield.
Frye, Terrance Donald, San Bernardino.
Gabbert, Dennis Erwin, Eureka.
Gaines, Melvin Clyde, Los Angeles.
Garcia, Gregorio M., Los Angeles.
Garcia, Melesso, Watsonville.
Garcia, Raymond, Jr., San Diego.
Garcia, Richard, Ft Ord.
Garcia, William, Pacoima.
Gardner, Jack Elroy, Vacaville.
Garibay, Guadalupe B. L., San Diego.
Garton, Tommy Ray, Vallejo.
Gasser, Donald Leroy, Berkeley.
Gatti, Gary Francis, Lynwood.
Gaul, Bill Edger, Newberry Springs.
Gaymon, Stephen H., Corcoran.
Gellerman, Kenneth Gilbert, San Jose.
George, Richard Eugene, San Diego.
Gerhardt, Ernest Kay, Modesto.
Gershen, Howard Dexter, Pacoima.
Giannelli, Giuseppe, Oakland.
Gibson, Walter Lewis, Oakland.
Gilbert, Thomas Orval, Stockton.
Gilbertson, Verland Ansel, Banning.
Gilliam, Robert Wendell, Lompoc.
Giovanacci, Richard Allen, Santa Maria.
Goar, Larry L., Snelling.
Goias, Everett William, San Francisco.
Gomez, Henry, Riverside.
Gomez, Robert, Los Angeles.
Gomez, Robert Razo, Los Angeles.
Gonzales, Merced Herman, Woodlake.
Good, Kenneth Newlon, San Marino.
Goodman, Greg Fredric, San Clemente.
Goodwin, Robbin Adair, Riverside.
Gosse, Jose C., San Francisco.
Graham, Albert, Jr., Bakersfield.
Graham, John Harry, San Mateo.
Graney, Donald Caryl, Santa Barbara.
Gray, Leonard Clarence, Jr., Los Angeles.
Green, Bernard Alan, Los Angeles.
Green, Billy Monroe, Los Angeles.
Green, Roy Colyn, Long Beach.
Greene, Edward Leonard, Marysville.
Gregory, Mack Edward, Gardena.
Grey, James William, Los Angeles.
Grothe, Lewis Daniel, Lakeport.
Grove, Norman Doyal, Fall River Mills.
Grundy, Dallas George, San Jose.
Guerra, Jerry Eugene, Pasadena.
Guglielmoni, Timothy P., Hermosa Beach.
Guillory, James Clifton, Los Angeles.
Gupton, Richard Charles, Compton.
Hadley, Jerome Cecil, Brooks.
Hagen, Craig Louis, Sacramento.
Hahn, Gary Gorden, San Gabriel.
Hambrick, Harold Michael, Los Angeles.
Hamilton, Earlie C., Jr., Long Beach.
Hammar, James Leroy, La Mirada.
Hammond, Kenneth Joe, San Diego.
Hampton, Henry Garfield, Van Nuys.
Hanger, Jack Dennis, Cypress.
Hannigan, John Edward, III, Antioch.
Hanson, Kenneth Gregory, Los Angeles.
Haraldson, David Alan, Long Beach.
Harding, Terry Alan, Vallejo.
Harnden, Jim Lawrence, Long Beach
Harper, Monte Ray, Palmdale.
Harris, Jack M., El Cajon.
Harris, Jack Marston, Roseville.
Harrison, Paul James, Lakewood
Hartman, John William, Long Beach.
Hartman, Nicholas Mark, Sun Valley.
Hartnell, Richard Miguel, Whittier.
Harvey, Michael Gail, Redwood City.
Hasuike, Skyler Lance, Los Angeles.
Hauser, Vincent Vanalstyne, San Diego.
Hawk, Jeffrey Allen, Capistrano Beach.
Hawkins, Arthur Loren, Jr., Reseda.
Hawkins, Don Albert, San Diego.
Hayden, John Loren, Los Angeles.
Hayes, David Anthony, Bell Gardens.
Heal, Michael Joseph, Hayward.
Heaston, Donald Leroy, Santa Ana.
Hendricks, Terry Alan, San Bernardino.
Henry, William Richard, Sunnyvale.
Herderick, Christopher Erv, Buena Park.
Hernandez, Clemente Daniel, San Bernardino.
Hernandez, Demetrio Lomeli, Patterson.
Hernandez, Reynaldo Castil, Tulare.
Herrell, Daniel Bruce, Anaheim.
Herrick, Henry Toro, Laguna Beach.
Heill, John Robert, Van Nuys.
Hill, Maurice Richard, Los Angeles.
Hill, Rodney Dean, Tahoe City.
Hiltson, Frederick Alton, Exeter.
Hoffman, Frederick Jean, Sacramento.
Holcomb, Daniel Jennings, Buena Park.
Holguin, Frank John, Los Angeles.
Hollis, James Shelton, Sacramento.
Holmes, Jerry Leonard, Modesto.
Holovits, Laszlo, Seaside.
Holstein, John L., San Bruno.
Honrath, Jon Roy, Garden Grove.
Horton, Albert Hugh, Oakland.
Hotchkiss, Michael Jenning, Anaheim.
Houghton, James Curtis, Downey.
Houser, Jerry Lee, Sacramento.
Howell, Michael Wayne, Rodeo.
Hobbard, Gregory George, Sherman Oaks.
Hughes, Edward Cowart III, Garden Grove.
Huicochea-Reyna Ignacio, Compton.
Hume, Carl Michael, Fresno.
Hunt, Martin Mosher, Menlo Park.
Hunnicelli, Richard Lee, Castro Valley.
Ingalls, George Alan, Norco.
Irving, John William Jr., San Jose.
Irwin, Richard Ray Jr., Arcadia.
Ires, David Allen, Fairfield.
Jackson, Arthur James, Los Angeles.
Jackson, James Albert, Seaside.
Jackson, Otis E., Los Angeles.
Jacobs, Joseph Lewis, Northridge.
Jacobsen, Wallace Ray, Oakland.
Jagfield, Allen Dale, San Gabriel.
James, Joe Neal, Oakland.
Jamison, Rockwell Grant, Los Angeles.
Jaramillo, Jorge M., Los Angeles.
Jeter, Danny Wayne, Riverside.
Jett, William Howard, Los Angeles.
Johnson, David Joseph, Los Angeles.
Johnson, Douglas Ray, Burbank.
Johnson, Leonard Richard, Oakland.
Johnson, Philip Harry, Redondo Beach.
Johnson, Ray Eldriege, Oakland.
Johnson, Robert Allen, Novato.
Johnson, Ronald Joe, Santa Cruz.
Johnson, Timothy Alan, Lancaster.
Johnson, William F., Los Angeles.
Johnston, Jerry Bernis, Wilmington.
Johnston, Richard J., Sacramento.
Jones, George Wallace, Los Angeles.
Jones, Jerry Don, Susanville.
Jones, Tommy, Bakersfield.
Joujon-Roche, Edward, Bakersfield.
Juarez, John, Colton.
Kajiwara, James Toshi, San Francisco.
Kaneko, Julio, Lemon Grove.
Karger, Richard Tildon, Los Angeles.
Katz, Allan Harvey, Santa Monica.
Kazikowski, Jeffrey G., San Diego.
Kead, John K., III, Los Angeles.
Keckler, Robert L., Los Angeles.
Kell, James Stewart, Montebello.
Kelly, Charles Patrick, Fullerton.
Kennedy, William Edward, Los Angeles.
Kenney, Elmer Frederick, Canoga Park.
Keppler, John M., Gardena.
Kiehl, Michael Raymond, El Cajon.
Kiley, Michael James, Long Beach.
King, Charles Michael, Jr., Sylmar.
Kistner, Guy Dale, Burlingame.
Kitner, Richard Granville, Los Angeles.
Klausing, Ronald Lavern, San Diego.
Klug, Richard Duane, Glendale.
Koeppe, Walter, Jr., San Jose.
Kofler, Siegfried, Ventura.
Kovacs, Zoltan Alajos, Berkeley.
Kozel, Patrick Charles, Los Angeles.
Krotzer, Donald Morgan, Wilmington.
La Barber, James J., Lodi.
Lake, Larry Vernon, Inglewood.
Lamarr, Phillips, Compton.
Lanelli, Jack Daniel, Napa.
Lapp, Melvin Charles, Sacramento.
Lara, Chevo Garcia, North Sacramento.
Larson, Peter Swinnerton, San Francisco.
Lau, Cornelius Afai Laulü, Los Angeles.
Lawson, Donald Victor, Jr. Bakersfield.
Lawson, William E., Merced.
Leal, Frank Daniel, Corona.
Leal, John Borges, San Bernardino.
Ledesma, Joseph, Jr., San Jose.
Lee, James George, Paso Robles.
Lee, John Patrick, La Crescenta.
Legler, Steven Edward, Woodland Hills.
Lewis, Rodger Dale, Los Angeles.
Leyva-Parra-Frias, Fernand, Norwalk.
Lider, Fred Rodriguez, Oakland.
Linn, David William, Anaheim.
Locatelli, Vincent, Santa Cruz.
Lockhart, Roy, Vallejo.
Logan, Halford, Los Angeles.
Lohman, Robert Thomas, Woodland Hills.

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Loisel, Patrick Michael, Chatsworth.
Lona, Gabriel, Los Angeles.
Looney, Jerry Wayne, Hanford.
Lopez, Lupe Paul, Sacramento.
Lopez, Max Andy, Anaheim.
Lopez, Raymond, Los Angeles.
Lopez, Steve, Fremont.
Lovato, Lauriano Lawrence, Oakland.
Lowe, Clayton Bentley, Jr., Palmdale.
Lowery, Michael Ayr, San Francisco.
Lucos, Myron Donald, Bakersfield.
Ludwig, Leonard R., Oxnard.
Luhnow, Glenn Eugene, El Cajon.
Luna, Henry Thomas, Fresno.
Lusk, Donnie Ray, Kettleman City.
Lussier, Larry Paul, Gustine.
Lyle, Terrance Richard, LaPuente.
Machado, Gary Allaen, Oakland.
Mack, Robert Lee, San Francisco.
Macklin, Ronald Wayne, Glendale.
Maguire, Robert Stanley, Atascadero.
Marek, Joseph Penn, Fontana.
Marin, Julian, Corcoran.
Marion, Harry Lewis, Los Gatos.
Marshall, Richard Allan, Glen Avon.
Marshall, Roger Robert, Lakewood.
Martin, David Lee, Jr., Gustine.
Martin, Jimmie Carter, Gardena.
Martin, Joseph Thomas, San Luis Obispo.
Martin, Larry Joe, Arvin.
Matayoshi, Wallace Kenji, Torrance.
Matthews, James Newton, Milpitas.
Mauldin, Michael B., Fresno.
Maxwell, Robert James, Fresno.
Maynard, Thomas Harry, El monte.
McAlister, Donald Lynn, Inglewood.
McBride, Fitz-Randolph, Bu, Portugese Bend.
McBroom, Lloyd Lindal, Costa Mesa.
McClelland, Myron, Downieville.
McClure, Jack Dale, Modesto.
McCommons, Michael Ray, Anaheim.
McCoy, John Lowery, Los Angeles.
McCullough, Michael Eugen, Concord.
McDaniel, Craig Allan, Lake Arrowhead.
McDonald, James Edward, Carpinteria.
McDowell, William Joseph, El Monte.
McElyea, James Frank, Escondido.
McGriff, Danny Jay, Fresno.
McKenzie, James Allen, Hayward.
McKinney, Ronald Eugene, Los Angeles.
McLaughlin, James Paul, Sacramento.
McLaughlin, William Lawre, San Bernardino.
McLedd, Robert Lee, Inglewood.
McMahon, John Thomas, Long Beach.
McMaster, John William, IV, Merced.
McMasters, Charles Anthon, Los Angeles.
McMinn, Danny Lee, Hermosa Beach.
McNally, Harry Merle, Hayward.
McNeilly, Ronald William, Alhambra.
McRoberts, Clifford Wayne, Whittier.
Mears, Charles Robert, Patterson.
Meek, Joe Lanell, Exeter.
Melendez, Rudolph, San Jose.
Melendres, Joseph Thomas, Concord.
Menane, Jerry Bruce, Santa Barbara.
Messer, Jon Laird, Downey.
Meyer, Gary Paul, Pleasanton.
Meyer, Otto Paul, III, Palm Desert.
Michael, Lloyd Donald, Round Mountain.
Middlekauff, David, El Cerrito.
Miller, Gary Dean, South Gate.
Miller, Jerry Robert, Baldwin Park.
Miller, Jimmy Allen, Los Angeles.
Miller, Louis Charles, Watsonville.
Miller, Michael Clifton, Norwalk.
Miller, Oren Kenneth, Oxnard.
Milovich, Robin Patrick, Yreka.
Miramontes, Arthur Fred, Woodland.
Mitchell, Michael Sidney, Richmond.
Mitchell, Roger C., Delano.
Moldenhauer, Russell, Oxnard.
Molina, George Geronimo, Los Angeles.
Molina, Michael Joseph, Los Angeles.
Monahan, Michael James, San Francisco.
Monterroso, Alfonso Alfred, Los Angeles.
Montes, Raul, Los Angeles.
Moore, Charles Sargeant, Sacramento.
Moore, Dennis Eugene, Riverside.
Moore, Galen Leroy, Newport Beach.
Morales, Tommy, Los Angeles.
Moran, Alberto Hector, Los Angeles.
Moran, Ray Edward, Jr., Big Bear Lake.
Moreno, Martin Walter, Newark.
Moreno, Robert, Los Angeles.
Morgan, Glendell, Los Angeles.
Morgan, Stephen Edward, Saratoga.
Moritz, Michael Perry, Ventura.
Hummert, Robert Sterling, Rialto.
Munden, Donald Martin, Quail Valley.
Mundz, Jesus Arthur, Port Hueneme.
Murphy, Timothy Xavier, Sacramento.
Murphy, Walter Edward, Jr., Covina.
Murray, Douglas Earl, Pomona.
Myers, Charles Lee, Chula Vista.
Myers, Edward George, Los Angeles.
Nadal, Baldomero Arturo, Delano.
Nagengast, Carl Delane, Long Beach.
Nance, David Eugene, Marysville.
Nasser, Robert Benjamin, Los Angeles.
Nathan, John Arthur, San Francisco.
Nelson, Allan Joseph, Jr., Novato.
New, George, Jr., Fresno.
Newberry, Jasper Newton, Jr., Lewiston.
Noe, Tim A., Redlands.
Noelke, Richard Allen, Fontana.
Nootz, Gaylord Eugene, Rialto.
Norman, Clae Terry, San Leandro.
Northern, James Robert All, Fullerton.
Norwood, Richard Dale, Orange Grove.
Noyola, Richard, Los Angeles.
Nuesse, Chester Keith, Fremont.
Nunez, Fred Contreras, Tulare.
Nunez, Rudolph Algar, Wilmington.
O'Connor, Denis, San Francisco.
Ochoa, Louie, Hanford.
Oglethorpe, Thomas Jay, Petaluma.
Oland, David Michael, Whittier.
Olmos, Luis, Pacoima.
Onana, Ralph Wheeler, Los Angeles.
Ontiveros, Thomas J., Santa Maria.
Orosco, Larry J., Corona.
Osborne, Richard Gene, Hanford.
Oshiro, Warren Shigeo, Los Angeles.
Ostroff, Steven Larry, Sun Valley.
Osuna, Antonio Richard. San Diego.
Otsen, David Bryan, San Bernardino.
Owens, Billy Ray, Moss Beach.
Padilla, Robert Louis, Ventura.
Paiz, Jerry, Norwalk.
Palacios, Casimiro, Los Angeles.
Palenske, William Allen, San Jose.
Palmer, Ronny Leroy, Azusa.
Papalas, Anthony Steven, Hermosa Beach.
Parham, Richard Lynn, Modesto.
Paris, Crawford Brian, Los Angeles.
Parkel, Gerald Phillip, North Hollywood.
Parker, Bennie Frank, Bakersfield.
Parks, Stephen Earl, Los Angeles.
Parnella, John, San Francisco.
Patrick, Richard Michael, San Jose.
Patterson, Dwayne Maxifiel, Calipatria.
Patterson, Ronald Oren, Northridge.
Patton, John Perry, Oakland.
Pelham, Lester Leon, Westminster.
Penman, Ronald Stirling, Los Angeles.
Penn, Ronald W., Cucamonga.
Perez, Guadalupe, San Joaquin.
Petersen, Raymond Allan, San Jose.
Petersen, William Robert, Garden Grove.
Peterson, Donald Martin, Santa Maria.
Peterson, Michael Eugene, Monrovia.
Peterson, Richard W., West Covina.
Pettit, Denzil Dee, Bloomington.
Petty, Eugene, Farmersville.
Phelps, Ronnie Louis, Porterville.
Philbin, Richard Griffith, Sacramento.
Phillips, Anthony Bruce, Los Angeles.
Phillips, Pat Ellis, Sylmar.
Pierce, Larry Stanley, Taft.
Pinchot, Craig D., Lakewood.
Pink, Joseph Patrick, San Jacinto.
Piper, James Dennis, San Lorenzo.
Pipkin, Frank Meadows, Blythe.
Pitt, Robert Louis, Culver City.
Pitt, Roy Sharp, Menlo Park.
Pleasant, Stephen Donald, Burbank.
Plumb, Cary Anthoney, Alameda.
Podgorny, Dennis Richard, Livermore.
Pope, Derek Boyd, Alameda.
Portello, Roderick Charles, Pacoima.
Portugal, Ignacio, Jr., Norwalk.
Powers, Bradley Leland, Kettleman.
Prange, Joseph Wilder, Los Angeles.
Pratt, Richard Chester, San Francisco.
Preddy, Robert Lee, San Bernardino.
Prediger, Franz Gerhard, Long Beach.
Prentice, Dennis Albert, San Pablo.
Prys, Robert William, San Diego.
Pulsifer, Nelson F., Jr., Lakeside.
Purser, James Leavell, Anaheim.
Quintero, Jose Hernandez, Santa Fe Springs.
Raine, David Shelton, San Bernardino.
Ramirez, David Thomas, Sanger.
Ramirez, Juan, Lynwood.
Ramsey, Michael Wayne, Port Chicago.
Randall, Michael Paul, Los Angeles.
Rangel, Richard, San Bernardino.
Rarig, Robin Arthur, North Hollywood.
Raschke, Dean Nelson, Dos Palos.
Rasmussen, Neal Arthur, Modesto.
Reeder, David Lee, Saugus.
Reid, Edward Rowan, Jr., North Hollywood.
Reid, William Albert, North Hollywood.
Reilly, Allan Vincent, Los Angeles.
Renfro, Norman, Oakland.
Reynoso, Rene, Los Angeles.
Rhoads, Danny David, Lemoore.
Rice, Cameron A., Petaluma.
Rice, Ronald Fred, Los Angeles.
Richardson, David Allen, Long Beach.
Ridgway, Clyde Moses, Rosamond.
Rigg, William Cecil, Los Angeles.
Riggins, Gary Ronald, Yreka.
Rivera, Jose A., San Francisco.
Rix, Douglas Alfred, Grass Valley.
Robbins, Charles Lester, Los Angeles.
Roberts, Michael Allen, Los Angeles.
Robin, David Alan, Richmond.
Robinson, Floyd Irwin, San Jose.
Robison, Jim Bruce, Borrego Springs.
Robustellini, David W., Montague.
Rocha, George Xavier, Garden Grove.
Rodarte, Alexander D., Compton.
Rodreick, Ronald Nelson, Fresno.
Rodrigues, Eugenio, Santa Fe Springs.
Rodriguez, Manuel Joe, Oxnard.
Rodriguez, Roger Espinoza, Heber.
Rodriguez, Romiro C., Stockton.
Rodriguez, Rudolph, Lindsay.
Rogoff, James Bill, Kerman.
Romo, Frank Gonzales, Azusa.
Rorick, Kenneth Roy, Wilmington.
Rose, Barnes Warland, Jr., Wilmington.
Rose, David Jon, San Diego.
Rose, Frank James, Jr., Watsonville.
Ruberg, Christopher Eugene, Pacific Palisades.
Rugge, Lloyd Taylor, North Hollywood.
Russ, Lee Henderson, Oakland.
Ryan, Daniel Joseph, Modesto.
Ryse, Roy Louis, Jr., Inglewood.
Rytter, Paul E., Bakersfield.
Sabel, Joel Michael, West Covina.
Sain, Don Rue, Saratoga.
Salzman, Lavern Leo, Montclair.
Sanchez, Jesse, Union City.
Sanchez, Thomas Joseph, Pasadena.
Sander, Michael Dennis, Oakland.
Sanders, Richard Lee, Los Angeles.
Sanderson, Sander Chris, Kings Beach.
Sandoval, Thomas Fredrick, Alhambra.
Sandstrom, Robert Richard, San Francisco.
Sapp, Clark Edward, Littlerock.
Sarsfield, Harry Carl, Oxnard.
Schaeffer, Frederick Willi, San Diego.
Scheidt, William H., Concord.
Schlottman, James Edward, Carmichael.
Schmidt, Rickford Ray, Lawndale.
Schmitz, Richard Albert, Lynwood.
Schoel, Renny Dean, Marysville.
Schrobilgen, Warren H., Jr., Pacoina.
Schubert, Joel Luther, San Francisco.
Schultz, David Alan, Santa Maria.
Schwellenbach, Gary Ralph, Chico.
Scoggins, John Paul, Hollywood.
Scott, O. D., Seaside.
Scott, Thomas Lee, Anaheim.
Self, Irving Albert, Sacramento.
Semler, Stanley Kenton, Stockton.

Semmer, Peter Anthony, Long Beach.
Semore, Bobby Allen, McKinleyville.
Senger, Michael Melvin, Riverside.
Serna, Leopoldo Perea, Baldwyn Park.
Setzer, Paul Ray, Colma.
Seu, Milton J. S., Alameda.
Shannon, Randell Frank, Redding.
Sharp, Larry Douglas, San Lorenzo.
Shelley, Michael Owen, Pico Rivera.
Shelton, Arthur Alexander, Loyalton.
Sherlock, Joseph V., III, Concord.
Shoemaker, Jerome Charles, Newport Beach.
Sievers, Dale Glenn, Jr., Oroville.
Sipes, Richard Earl, Chula Vista.
Skarphol, Robert Wayne, Hayward.
Skipper, Hugh G., Paramount.
Sloan, Leslie Ray, Redlands.
Smead, Carl Roy, Thermal.
Smith, Donald Eugene, El Monte.
Smith, Donald Ray, Inglewood.
Smith, Gary Kenneth, Santa Ana.
Smith, Gilbert Nolan, Durham.
Smith, Marshall R., Lakewood.
Smith, Vennie Lee, Alameda.
Snyder, Preston John, San Carlos.
Soth, Michael Joseph, Ontario.
Soto, Ricardo Hinojosa, Los Angeles.
Soule, Ronald Glen, Los Gatos.
Speak, Eric B., Costa Mesa.
Spinali, David John, San Mateo.
Spittler, Ira James, III, Santa Maria.
Spitzer, Kenneth Lyle, San Jose.
Stacey, Ralph McGuin, Jr., Pinole.
Stalter, John R., Pico Rivera.
Standridge, Jerry Wayne, Tracy.
Starkey, Henry Morgan, Auburn.
Stearns, Michael Forrester, San Francisco.
Stemac, Stephen Joseph, Sacramento.
Stephan, Larry Roy, Glendale.
Sterud, Martin Frederick, Oakley.
Stevens, Edrick Kenneth, Simi.
Stewart, William Wesley, Livermore.
Stirling, John F., Los Angeles.
Stone, Richard Arlan, Palo Alto.
Sturdivant, Jasper Dean, Lake View Terrace.
Sturdy, Alan MacDonald, Redwood City.
Sullivan, Richard Arthur, San Mateo.
Sutherland, Herbert Lee, Los Angeles.
Tactay, Eugene Richard, Jr., San Diego.
Tafao, Fa Asaviliga V., San Diego.
Tauaese, Valentino, El Monte.
Taylor, Paul Clive, San Francisco.
Taylor, Robert Dwight, Santa Monica.
Tesillo, Armando, Los Angeles.
Thomas, James Edward, Jr., Fresno.
Thomas, Jerry T., Los Angeles.
Thomas, Monte Vernon, Altoe.
Thomas, Rufus Alfonzo, Jr., San Bernardino.
Thompson, Robert Jr., Sepulveda.
Thorpe, David Louis, San Andreas.
Tighe, Charles Joseph, Los Angeles.
Tighe, John Roy, Lomita.
Tillinghast, Bradley Olen, Woodland.
Timmons, Edward Hugh, Central Valley.
Tingle, Kenneth Wayne, Mira Loma.
Tiscornia, John Joseph, San Carlos.
Tomasini, Richard E. Jr., San Francisco.
Totty, Delbert Chan, Wasco.
Toy, Gerald Oscar, Los Angeles.
Tramell, Daniel, Bakersfield.
Troelstrup, Thomas Lee, Hemet.
Tschumi, William John, Manhattan Beach.
Tuller, Dennis J., Martinez.
Turner, Eddie D., Porterville.
Valdez, Daniel Viramontes, Antioch.
Valencia, Francisco Macedo, San Diego.
Van Campen, Thomas Charles, Oroville.
Van Duyne, Robert Schuyler, Beverly Hills.
Van Gieson, Robert Lester, Van Nuys.
Van Patten, Robert Andrew, San Carlos.
Vasques, David, San Juan.
Vasques, Selvester Joe, Los Angeles.
Vasquez, Jimmy, Pico Rivera.
Vasquez, Max V., III, Santa Paula.
Vaughan, Donald Charles, Modesto.
Vaughn, John Patrick, Sunnyvale.
Vaught, Craig Stepehn, Redlands.
Verlinden, Craig Alden, El Sobrante.
Vernes, Robert Frank, Anaheim.
Vierra, Joseph, Oakland.
Villa, Armando, Brentwood.
Villalobos, Juan Jesus, Greenfield.
Vinal, Richard Alden, San Carlos.
Vinassa, Michael, Culver City.
Vincent, George, Los Angeles.
Vurlumis, Chris C., Oakland.
Waldron, George Allen, San Jose.
Waldrop, Ronald Terry, Santee.
Walker, Thomas Ray, Los Angeles.
Wallace, Michael D., Huntington Beach.
Walters, Donald Wesley, South Gate.
Walters, William, San Diego.
Wanamaker, Danny Wayne, Los Angeles.
Warrelmann, Klaus, Carmel.
Washburn, Johnny Lee, Azusa.
Watanabe, James Ryoichiro, Oxnard.
Watkins, Martin Lee, San Diego.
Watkins Sherdin Jay, Cottonwood.
Watson, Alfonza, Los Angeles.
Watson, James Edward, Porterville.
Watson, Wilmer, Seaside.
Weatherly, Jackie Don, Sacramento.
Webber, Scott Stillman, Los Angeles.
Weborg, John Charles, Modesto.
Weeder, Richard D., Chula Vista.
Wehr, James LeRoy, Colton.
Welch, Michael Allen, Crockett.
Weller, Robert Allen, II, Mira Loma.
Wells, Richard Kenneth, Canoga Park.
Werner, Odell Jack, Los Angeles.
Westbay, Gaylord Lee, Hanford.
Whaley, James Goodwin, Sacramento.
Whiting, Richard Edward, Pico Rivera.
Whitley, Emmanuel David, Stockton.
Whitten, David Elga, Los Angeles.
Widener, John Edward, Ventura.
Wilder, Arlos Clayton, El Monte.
Willett, Richard James, Citrus Heights.
Williams, Charles James, Oakland.
Williams, Christian Lars, Redondo Beach.
Williams, David George, Sacramento.
Williams, Dennis Craig, Lodi.
Williams, Frederick Joseph, Rescue.
Williams, Johnny, Los Angeles.
Williams, Larry Keith, Torrance.
Williams, Vincent Richard, Alameda.
Willingham, Eldon Wayne, Santa Maria.
Willis, Donald Clyde, Hayward.
Willis, Joel Thomas, Lodi.
Wilson, Daniel L., Lennox.
Wilson, William Jeffrey, Sanger.
Wiltse, James B. ,Jr., Monrovia.
Winkempleck, George Harold, Porterville.
Wolfe, Kenenth Wayne, Calipatria.
Wonnacott, Walter L., Downey.
Wood, William Milton, Jr., Happy Camp.
Woodall, George Wally, Los Angeles.
Woodruff, Edward Warren, Napa.
Woods, Alonzo Dale, Visalia.
Woods, Charles Gordon, Corona.
Woodson, Johnny, Los Angeles.
Woolley, Mac Lee, Jr., Placentia.
Wright, James L., Novato.
Wright, Jay L., Long Beach.
Wright, Tyrone, Compton.
Wyatt, Alvie Clinton, Walnut Grove.
Yates, Bruce Edgar, Alameda.
Ybanez, Jose, Richmond.
Yeakley, James D., Los Angeles.
Young, Michael Robert, Newport Beach.
Zimmerman, Raymond L., Compton.
Zoeller, Lee Benjamin, Lakewood.
Zoller, Eric Ward, Rambla Vista.
Zuniga, Efrain, Jr., San Francisco.
Zuniga, Vicente, Fresno.

Air Force

Adams, Lee Aaron, Willits.
Anderson, Warren Lester, San Jose.
Bedal, Arthur Eugene, Tarzana.
Buckley, Francis Richard, Los Angeles.
Butterfield, Douglas Holma, Vista.
Callanan, Richard, Joseph, Concord.
Campaigne, Jerry Alan, Central Valley.
Cruz, Raphael, Stockton.
Dixon, Lee Chris, Orland.
Eason, Edwin Raymond, Blythe.
Elkins, Jerome, Los Angeles.
Ellis, James Alvin, Campbell.
Goss, Richard Dean, Los Angeles.
Greco, Lee Attilio, Gilroy.
Green, Donald George, Baldwin Park.
Guerin, John Peter, Los Angeles.
Halvorson, Ernest Joseph, Montclair.
Hendrickson, Alan Eugene, Arcata.
Hudson, Leonard Paul, Sacramento.
Jewitt, Bob, Bell Gardens.
Kelley, Dana Richard, San Carlos.
Knudsen, Harold Eugene, Jr., Paradise.
Krouse, James Charles, North Highlands.
Le Tourneau, Jack Date, Hughson.
Lindberg, David Carl, Lakeport.
Mattis, William Carroll, Acampo.
McAllister, William Walte, Hawthorne.
McPherson, Fred Lamar, Oakland.
Phillips, Theodore Bert, Riverside.
Ruonavaara, Robert Edwin, Healdsburg.
Secanti, Richard Michael, Santa Monica.
Simon, Paul Joseph, Anderson.
Thornell, Edmund Francis, Redondo Beach.
Weger, John Jr., San Fernando.
Whitesides, Richard Lebrou, Stockton.
Winters, Darryl Gordon, San Francisco.

Marine Corps

Abina, Robert Thomas, San Leandro.
Abner, Carl Edward, Campbell.
Acevedo, Richard Joseph, Los Angeles.
Ackley, Gerald Levie, Dunnigan.
Acosta, Daniel, Stockton.
Aguirre, George, Fountain Valley.
Allen, Gary Charles, Pleasant Hill.
Allen Richard Graham, Long Beach.
Anderson, Clinton H. Jr., El Segundo.
Anderson, Donald Leroy, Jr., Hawthorne.
Anderson, James, Jr., Compton.
Anglii, Patrick Emmett, Long Beach.
Armenta, Heriberto, Los Angeles
Armenta, Ruben Maximo, Pico Rivera.
Armstrong, John Henry, San Diego.
Arredondo, Thomas Alfred, Fresno.
Arreguin, Joe, La Puente.
Aschenbrener, Ervin G., Jr., Fresno.
Austin, Eddie Paul, Coachella.
Avila, John Manuel, Los Angeles.
Bailey, Robert Benton, Yreka.
Baker, Donald Lee, Huntington Park.
Ballin, Joe Magdaleno, Jr., Fresno.
Balters, Stephen A., Jr., San Jose.
Barnard, Gary Michael, Highland.
Bartels, Stephen Donald, Pleasant Hill.
Barth, Wayne Robert, Lodi.
Bartlow, Gary William, Modesto.
Barton, Virgil Wayne, San Diego.
Bauchiero, Harold, Inglewood.
Baumgardner, David Leon, El Cajon.
Bazulto, Salvador, Los Angeles.
Beckermann, Fred Benjamine, Tujunga.
Beeche, Rafael Equardo, San Diego.
Belknap, Ronald Lee, Daly City.
Benegas, Vincent Joseph, Riverside.
Bennett, Donald Lucian, Fairfield.
Benton, Thomas Howard, Sonora.
Berry, William Aaron, Yreka.
Bianchini, Michael Linn, San Francisco.
Bierman, Carroll Monroe, Jr., Garden Grove.
Billingsley, Richard Wayne, Glendale.
Biscailuz, Robert Lynn, Midway City.
Bishop, Russell Laverne, Santa Ana.
Blinder, Richard Bart, Los Angeles.
Bloom, Richard McAuliffe, San Francisco.
Bocanegra, Hugo Arthur, Whittier.
Boda, James Albert, Pico Rivera.
Boetcher, Harold Edward, Milpitas.
Boets, Peter Quirinus, Jr., Cypress.
Bohner, Leonard Allen, San Bernardino.
Booth, Emmett Lee, Encinitas.
Bosh, Anthony Robert, Long Beach.
Boyd, Robert Carl, Newark.
Boyer, Barney Evans, Pleasant Hill.
Boyer, Robert Lee, Long Beach.
Brackins, Vernon Edward, Pasadena.
Bridges, Berry Joe, Bellflower.
Brink, James Richard, Sacramento.
Brookens, Willard, Jr., Los Angeles.
Brooks, Benjimin, Stockton.
Brooks, Lawrence Arthur, Fountain Valley.
Brothers, Gerald John, San Diego.
Brown, Marc Alan, Long Beach.
Browne, Edward Raymond, San Diego.
Browning, Michael Louis, Fullerton.

Buckholdt, Leo Buddy, Santa Cruz.
Burciaga, Robert, Los Angeles.
Burke, John Patrick, Contra Costa.
Burkhart, Eugene Wayne, Palmdale.
Burri, Miguel Ramon, La Mirada.
Burris, Leonard Charles, San Francisco.
Butler, Edward Wayne, Sacramento.
Callan, Philip Michael, Berkeley.
Callis, David George, Redwood City.
Campbell, Robert Dean, South Pasadena.
Candler, Gregory James, Los Angeles.
Cantrell, Phillip Gene, Deland.
Carriere, Oscar Roland, Santa Monica.
Carter, Michael Boyd, Torrance.
Casey, Liam Soueph, Paradise.
Castillo, Charles Mike, Lakewood.
Castillo, Jose, Fresno.
Castillo, Manuel Grijalva, Placentia.
Castro, Juan Jose, Norwalk.
Centeno, Edward Louis, Los Angeles.
Cervantes, George Andrew, Redlands.
Chapp, Robert Anthony, Santa Ana.
Chatfield, Wendell Oliver, Red Bluff.
Childers, James Stanley Be, Pacifica.
Christy, Donald Ray, Yuba City.
Christy, Donald Ray, Yumba City.
Chrysler, Medford Adarine, Pacifica.
Church, Levan Arlin, Hayward.
Churchill, Lawrence Jeffre, Tustin.
Cintron, Jimmie Duayne, Acampo.
Clark, Raymond Charles, Los Angeles.
Cobos, Alfred, Los Angeles.
Compton, William Edgar, III, Long Beach.
Conn, David Bruce, Oakland.
Contreras, Miguel Zaragoza, Corona.
Cook, Michael Dean, Rubidoux.
Cooke, Harold Thomas, San Diego.
Cooley, Ocie Daniel, Baldwin Park.
Conney, James Henry, Camarillo.
Coons, Peter Michael, San Diego.
Corona, Dominic Anthony, Fontana.
Cortez, Richard, Los Angeles,
Courteau, Edward Gerard, Los Angeles.
Coutrakis, George, Ripon.
Cox, Larry James, Weedpatch.
Craig, Thomas Edward, Los Angeles.
Crapo, Ronald Carl, Buena Park.
Crowe, Richard Eyre, Long Beach.
Cruz, Oscar, Escondido.
Cummings, Donald Eugene, Stockton.
Cuozzo, Frank Xavier, Los Angeles.
Curry, Jimmy Douglas, San Jose.
Curry, Robert Erven, Pacifica.
Dalrymyple, Roger Earl, Bakersfield.
Darcy, Michael Chavez, Colton.
De Abre, James Michael, Morgan Hill.
De Lacy, Michael Charles, Los Altos.
Dennis, Hayvard Jr., Los Angeles.
Deocampo, Gregorio Manese, San Francisco.
Dewey, Eric Melvin, Bishop.
Dominguez, Michael Charles, Santa Barbara.
Doran, Patrick Michael, Burlingame.
Dukehart, Stephen Ernest, Gardena.
Dulay, Salvador Redilla, Fairfield.
Duncan, Richard Winerfred, Livermore.
Edwards, Jerrald Leroy, Costa Mesa.
Edwards, Robert Theodore, Lancaster.
Eggleston, Robert Richard, Los Angeles.
Eliason, Wendell Theo, Escalon.
Elliott, Brock Dennis,Manteca.
Elmore, Allan Ladd, Hollywood.
Endsley, Kenneth Richard, Sacramento.
England, Ronald Lee, Lynwood.
Enriquez, Nicholas Ben, Los Angeles.
Ephriam, David Burnell, Los Angeles.
Ernst, Edward Joseph, Torrance.
Ervin, Gregory Allen, Santa Susana.
Escobar, Joseph Sanchez, Fresno.
Esquivel, Jaime, San Jose.
Ewart, John Andrew, Sepulveda.
Felt, David Levant, Sacramento.
Felton, Ruby Edward III, Los Angeles.
Ferguson, Mark Andrew, Lancaster.
Ferguson, Richard Eugene, Covina.
Fernandez, Robert Sanchez, Stockton.
Fierro, Alejandro Francisc, Los Angeles.
Fiorentin, John Velco, Anaheim.
Fish, William Aaron, Oakdale.
Fisher, Dennis Franklin, Alta Loma.
Fisher, Lamarr, Los Angeles.
Fisher, Rickie Davis, Santa Rosa.
Fitzsimmons, James Patrick, Garden Grove.
Flannery, Robert Edward, Jr., St. Helena.
Flickinger, James Edward, Concord.
Flores, Jose DeJesus, Los Angeles.
Folsom, Robert Elmer, San Bruno.
Forbes, Paul Glenn, Jr., San Diego.
Forrest, Stephen Caleb, Westminster.
Foster, Lawrence Eugene, Pacifica.
Foster, Paul Hellstrom, San Francisco.
Foust, Michael Thornton, Victorville.
Franklin, John Henry, Hughson.
Fredsti, Steffan Michael, Simi.
Fromme, Frederick W., Jr., Vallejo.
Frontella, Melvin Lawrence, Mountain View.
Frye, Richard Alan, Venice.
Gabaldon, Tony Eiddie, Reedley.
Galan, David Luis, Huntington Park.
Gale, David Lee, Long Beach.
Galiana, Rudolph Steven, Los Angeles.
Gallegos, Gabriel, San Bernardino.
Gamble, Harry Paul, San Francisco.
Garcia, Edilberto, Orange Cove.
Garcia, Frank Joseph, Redlands.
Garcia, John, Selma.
Garcia, Manuel Mendez, Jr., Los Angeles.
Gazdagh, James Alex, Hawthorne.
Gebhart, Carl Merlin, Jr., Rialto.
Gemas, Terry Dale, Saugus.
Georges, Jerry Harold, Santa Barbara.
Gerard, Lawson Douglas, Santa Monica.
Gilson, Michael Anthony, Sacramento.
Godinez, Alejandro Ray, Los Angeles.
Gonzales, Jimmy Madera.
Gonzalez, Bernardino, Jr., Gardena.
Gooden, Michael Anthony, Bellflower.
Gordon, Johnny Lee, Los Angeles,
Gore, Donald Earl, Ventura.
Gotti, Gale Edward, Westminster.
Granillo, Henry, El Monte.
Grannan, Michael Stephen, Canoga Park.
Grant, Stephen Lee, Torrance.
Grant, Warren Harvey, Jr., Oakland.
Griffiths, Raymond Carson, San Francisco.
Griffiths, Robert Brynley, Long Beach.
Grimes, Michael Bryan, North Hollywood.
Guevara, Ervell Madrid, Gardena.
Gummere, David Dee, La Habra.
Gutierrez, Ernest Lemas, San Jose.
Hahn, Paul Edward, Hawthorne.
Halstead, Wayne Edwin, Burbank
Hanks, Ernest Beauel, III, Willows.
Hann, David Michel, Santa Monica.
Hardy, Fred Douglas, Pasadena.
Hare, Michael James, Berkeley.
Harmon, Wayne Clark, Downey.
Harrison, Edward Terry, Jr., Los Angeles.
Hartland, Charles Lee, Weaverville.
Hawkins, Thomas Howard, Fullerton.
Hayes, Wayne Norman, Oceanside.
Heekin, Terry Gene, Covina.
Henderson, Hughlen, Los Angeles.
Henderson, John Michael, Oakland.
Henneberg, Robert Joseph, San Francisco.
Henry, Gerald Russell, Hayward.
Henshaw, Thomas Stow, Pacific Palisades.
Herchkorn, Richard Ronald,Walnut Grove.
Herms, Kalus Jurgen, San Dimas.
Hernandez, Alexander Vera, Compton.
Hernandez, Louis Peter, San Bernardino.
Herrera, Philip Arnold, Jr., Selma.
Herrmann, Walter Edwin, III., Buena Park.
Hickman, David Alan, El Cajon.
Hirschmann, Frederick III,, El Toro.
Holcomb, Melvin Douglas, San Jose.
Holley, Bobby Roy, Bakersfield.
Holsclaw, Gary Arthur, Loomis.
Holstius, Michael John, Anaheim.
Holte, Brent Arthur, Bakersfield.
Hoppe, Patrick Bert, San Lorenzo.
Hottinger, Fred Lee, San Jose.
Houser, Dorian Jan, Los Angeles.
Howell, Gatlin Jerryl, Colma.
Hulse, Robert Mark, Los Angeles.
Hummingbird, Ferrell, Oakland.
Hurtado, Albert Steven, National City.
Inscore, Roger Vernon, Huntington Beach.
Insprucker, Glenn Edward, Glendale.
Jackson, Colin Frank, Thousand Oaks.
James, Claude Ray, Oakland.
Johnson, Dennis Charles, Twain Harte.
Johnson, Gerald, Long Beach.
Johnson, Kenneth Michael, San Diego.
Johnson, Stanley Garwood, Applegate.
Jones, Clifford Alan, Porterville.
Jones, James Robert, Long Beach.
Jones, Jimmie Wayne, Merced.
Jones, John Wallace, Fremont.
Jones, Robert Emmett, Corona.
Jordan, Jimmy Dale, Riverbank.
Joys, John William, San Francisco.
Judge, Mark Warren, Torrance.
Kalfas, Allan George, Garden Grove.
Kearney, Charles Daryl, Oakland.
Keith, Danny Joe, Salinas.
Kelley, Roger Virgil, La Mesa.
Kelly, Gregory Paul, La Crescenta.
Kelly, James Raymond, III, Sacramento.
Kennedy, Bruce Leonard, Santa Monica.
Kimmel, Lewis Albert, Jr., Camarillo.
King, Ronald Reed, Burbank.
Kirby, Donald Robert, III, Mountain View.
Kitzmiller, John Lester, Westminster.
Kloese, Wayne Richard, Long Beach.
Knapp, Kenton Don, Los Angeles.
Kolas, Robert Allen, San Diego.
Kolemainen, Michael Walter, Orange.
Kornovich, Frank Dennis, San Rafael.
Kramer, Dennis Dale, Placerville.
Lake, Ronald Lee, Lynwood.
Lara, Arturo Mendoza, Los Angeles.
Larson, Larry Joseph, Carmel.
Lauer, Charles Russell, Downey.
Lazar, George Feodro, San Francisco.
Lewis, Richard Eugene, Los Angeles.
Liggett, Durand Garfield, Downey.
Linder, Garry Harold, Los Angeles.
Linder, George Richard, Gardena.
Long, Floyd Lester, Pasadena.
Lopez, Jose Antonio, Los Angeles.
Lopez, Richard Henry, Los Angeles.
Losoya, Ernest Felipe, Salinas.
Lotta, Phillip Anthony, Sacramento.
Lovell, Ervin, Ontario.
Lowe, Edward Leonard, Pico Rivera.
Lozenski, Richard Ordell, San Mateo.
Lucido, Joseph Bert, ElGranado.
Lyman, Gerald Clyde, San Diego.
Lytle, Clifford James, Los Angeles.
Mallon, Thomas Winston, Millbrae.
Malone, Sidney Jack, Jr., San Diego.
Manning, Jerry Wayne, Lamont.
Margolis, Robert Lynn, Van Nuys.
Martin, Gregory Lawrence, Simi.
Martin, Raymond Charles, Pomona.
Martin, Stephen James, Los Angeles.
Matthews, Alan Lee, Palos Verdes.
Mayo, Gerald Frank, Oakland.
McCall, Douglas Hudson, Hayward.
McCarty, John Leich, Stockton.
McClain, Gary Thomas, Glendale.
McConahay, Michael Paul, Long Beach.
McDonald, Clyde D., II, Santa Ana.
McEntee, Neil Charles, Oakland.
McFarland, Kenneth Earl, Sacramento.
McKee, Thomas Eugene, Palm Springs.
McKenzie, James Calvin, Yorba Linda.
McKinnon, Larry Dee, Sacramento.
McLaughlin, Kirk Alvis, Cottonwood.
McMurdo, James Alfred, Sepulveda.
McNees, Ronald Harvey, Sunland.
McNulty, Milton Keith, Palmdale.
McPhee, Randy Neal, Long Beach.
Meister, George Frederick, Rancho Cordova.
Mendoza, Antonio, Biola.
Mendoza, Jose Medel, Compton.
Merrill, Dennis Lee, Grove City.
Metzger, Russell Edward, North Highland.
Miguel, Michael Joseph, Lemoore.
Millard, Kenneth Arthur, Long Beach.
Miller, Gary Ames, Grass Valley.
Miner, Michael Robert, San Luis Obispo.
Mitchell, Earnest Darrell, Garden Grove.
Mitchell, James McNally, Encinitas.
Moffett, Melvin Glen, Covina.
Monfils, Dennis Eugene, Riverside.
Mooney, John Howard Jr., Lakewood.
Moore, Ronald Allan, Manhattan Beach.
Moore, Walter Zampier Jr., Los Angeles.
Moore, William Robert, Richmond.

Morand, Brad William, Riverside.
Morgan, Mark Lake, San Bruno.
Morrill, David Whittier, San Carlos.
Mos, Ronald Bruce, Lamont.
Moses, Willie Lee, Los Angeles.
Moshier, Jim Edwin, Bakersfield.
Mulick, Michael William, Poway.
Murphy, Robert Emmett, Jr., Compton.
Myers, Charles Dean, Jr., Durate.
Neal, Stephen Browning, Santa Barbara.
Negranza, Mariano R., Jr., Roseville.
Nelson, Gary Nels, Glendale.
Nevarez, Alexandro, Stockton.
Neves, Manuel Catano, Tracy.
Nichols, Douglas Ellsworth, San Pedro.
Nicholson, James Arthur, Anaheim.
Noble, Morris Allan, San Pablo.
Norris, John Alexander, III, Los Banos.
O'Brien, Chester Lavern, Jr., Taft.
O'Connor, Dennis Alfred, Anaheim.
Oberle, David Alan, Walnut Creek.
Okamoto, Donald Ray, National City.
Ortiz, Reinaldo Salvador, San Francisco.
Owens, Jack Coleman, San Jose.
Owens, Red, Santa Monica.
Pacheco, Jose Anthony, Los Angeles.
Padilla, Antonio Duarte, Wilmington.
Page, Steve Wilson, Oxnard.
Paine, Victor Llewellyn, South Fork.
Painter, John Ralph, Jr., Palmdale.
Painter, Robert Lee, Long Beach.
Palczewski, Edmund Lawrence, Sacramento.
Palma, Raymond Barela, Pacoima.
Pappas, Ralph Byron, Presidio.
Parish, Frank Brennan, Riverside.
Parish, Michael Lawrence, Perris.
Parker, Larry Thomas, Fresno.
Parker, Maxim Charles, Rolling Hills.
Partridge, Douglas Elwood, Martell.
Patterson, Bruce Dixon, Glendale.
Patterson, Daniel Arthur, Eureka.
Patterson, Steven Craig, Huntington Park.
Patton, Dorris, Edward, San Francisco.
Pedersen, Fred Lewis, Azusa.
Pehrson, Dale Christopher, Redding.
Pene, Ronald Edward, Hacienda Heights.
Perdue, Don Melvin, Oceanside.
Perez, Ernest Eustace, Lone Pine.
Perich, John Whilden, Bakersfield.
Perkins, Ronald James, Pacoima.
Perkins, William Thomas, Jr., Sepulveda.
Peterson, Dennie Donald, Los Angeles.
Petrick, Ronald Paul, Montclair.
Phillips, John Michael, Orange.
Piatt, Richard Weaver, Los Angeles.
Pittenger, Donald Alan, Los Angeles.
Plake, James Roland, Carmarillo.
Poirier, Roger Milton, Redondo Beach.
Porter, Ronald William, Antioch.
Presby, Thomas Frank, Sunland.
Prescott, William Sherwin, Rolling Hills.
Quigley, James Michael, Hollywood.
Quinn, Douglas Frank, Eureka.
Quinn, Terry Lee, Huntington Beach.
Randazzo, Joseph Anthony, Modesto.
Ratliff, Paul Wayne, Torrance.
Rauch, Edward Harold, San Francisco.
Reagan, John Walter, Los Angeles.
Reaves, Homer Lee, Pomana.
Reed, Robert William, San Francisco.
Reeves, Gordon Michael, San Mateo.
Reilly, Robert John, Jr., Walnut Creek.
Reyes, Ronald David, Edison.
Reynolds, Joseph Ray, Compton.
Riate, Alfonso Ray, Bell Gardens.
Riley, James Calvin, Pleasant Hill.
Roberts, Clifford Alton, San Bruno.
Robertson, Clifton Boyd, Jr., Los Angeles.
Robinson, Mark Edward, Manhattan Beach.
Roe, Phillip Willard, Riverside.
Roland, George Ray, Casitas Springs.
Rose, Dana Gale, Santa Rosa.
Rose, David Lee, Santa Clara.
Ross, Larry Edward, Navato.
Ross, Raymond Jefferson, Jr., Norwalk.
Ross, Robert Garry, El Monte.
Ruiz, Raymond, Los Angeles.
Rundle, Danny Ray, Whittier.
Runnels, Lloyd Chisolm, Jr., San Diego.
Salazar, Gilbert Solano, Pico Rivera.
Samson, Francisco Leo, Jr., San Francisco.
Samson, Michael Roman, Antioch.
San Marcos, Edmond, Long Beach.
Sanchez, Jimmy Pineda, Los Angeles.
Sanchez, Santos, Selma.
Sanders, Harvey Richard, Garden Grove.
Sands, Thomas Michael, Monrovia.
Satcher, Charles Sherlee, Vallejo.
Sauer, Philip Howard, Coronado.
Shaina, Conrad William, Santa Susana.
Shalhoob, Terry Wayne, Santa Barbara.
Shamel, John Clarence, Thousand Oaks.
Sharp, Samuel Arthur, Jr., San Jose.
Sherrell, David Frank, Woodland Hills.
Shields, Alan Harry, Los Angeles.
Shoemaker, David Howard, San Jose.
Shook, George Leonard, Jr., Hermosa Beach.
Short, Mitchell Conrad, Canoga Park.
Shults, Walter Glenn, Oakland.
Silas, Theodore Buchanan, Los Angeles.
Silva, Federico, San Bernardino.
Simpson, Alfred Franklin, Gardena.
Sitler, Barry James, Compton.
Smith, John Calvin, Sacramento.
Smith, Michael Bruce, Fairfield.
Smith, Michael Rex, Red Bluff.
Smith, Philip Jeremiah, Redwood.
Smith, Timothy N., Jr., Santa Ana.
Soliz, Thomas, Bakersfield.
Solley, John Joseph, San Diego.
Sorensen, Donald Robert, Lakewood.
Sorrow, Charles Finney, Jr., Santa Barbara.
Sousa, Robert Patrick, Alameda.
Speer, Byron Morrow, San Marine.
Srsen, Steve Albert, San Lorenzo.
St. Louis, Bruce Wayne, Newhall.
Staab, Kurt Clarence, El Centro.
Stansell, Richard Norris, Los Angeles.
Stelle, Gerald Cain, Temple City.
Stevens, Tamadge Cecil, Jr., Sacramento.
Stevens, Walter Bruce, San Diego.
Stewart, Richard James, El Monte.
Stirling, Elgin Leroy, San Bernardino.
Stoker, Kenneth Grant, Alameda.
Stokes, Charles Eugene, Santa Ana.
Stutes, William Byron, Oceanside.
Suniga, Michael Edward, Ojai.
Suzuki, Kenny Ryosuke, Santa Monica.
Swayze, Richard David, Santa Maria.
Taboada, Adolfo Antonio, Jr., Los Angeles.
Tagata, Laavale Fuatau, San Francisco.
Tague, Nicholas Allen, Fillmore.
Talley, Harold Lee, Glendora.
Talmon, Peter George, III, Los Angeles.
Tamayo, Francisco Mario, Jr., Sacramento.
Tandy, Michael Gordon, Novato.
Tarango, Ernesto, Los Angeles.
Tate, Fennell, Los Angeles.
Tate, Fred Eugene, Hollywood.
Tedds, Mervyn Donald, Mountain View.
Tela, Molimau Asomaliu, San Pedro.
Thompson, Edgar Wayne, San Francisco.
Titsworth, Kenneth Carl, San Jose.
Toleson, Thomas Norman, Willow Creek.
Trevino, Juan Ramon, Calwa.
Tryon, Fred Albert, Jr., Downey.
Tunstill, Frank, Jr., Los Angeles.
Turcotte, Ralph Jean, Santa Ana.
Ucker, David John, Palo Alto.
Ueli, Peni, Wilmington.
Ullmer, William Arthur, Jr., Escondido.
Upchurch, Rodney Cleveland, Palo Alto.
Vagnone, Richard Bernard, Norwalk.
Valencia, Ralph Mario, Monterey Park.
Vallerand, Larkin Oscar, Tracy.
Valtierra, Juan Borja, Merced.
Vanover, Paul Phillip, Castro Valley.
Varner, Jerry Daniel, Los Angeles.
Vasquez, Mark Anthony, City of Commerce.
Vasquez, Patrick John, San Jose.
Vaughn, Richard William, San Luis Obispo.
Velasquez, Antonio, Santa Maria.
Verdugo, Daniel Alexander, Whittier.
Vergano, Robert Thomas, Merced.
Vigil, Arthur Vernon, San Francisco.
Villegas, Ralph Paul, San Pedro.
Wagner, Richard Allen, Stockton.
Wagner, Russell Mark, Vallejo.
Wagner, Walter Adolph, Redwood City.
Wagner, Wayne Douglas, Porterville.
Walker, Thomas James, San Jose.
Walkinshaw, George Myron, Long Beach.
Ward, Robert David, Yucaipa.
Warner, Charles William F., Santa Monica.
Warner, Herbert Alvin, Jr., Long Beach.
Watson, Arthur Jr., Los Angeles.
Wheatley, William George, San Francisco.
Whipple, Clifford Leroy, Downey.
Whisenhunt, James Henry, Crescent City.
Whitehead, Charles Frankli, Mill Valley.
Willard Frederick R., Jr., Glendora.
Williams, Barry Hennett, Saratoga.
Williams, John David, Claremont.
Wittman, Narvin Otto, Jr., Coronado.
Wright, Steven James, Norco.
Xavier, Augusto Maria, San Jose.
Yager, John Corwin, Granada Hills.
Yarnell, Daniel David, Highland.
Zimberlin, Robert E., Jr., San Diego.
Ziss, Emil Roger, Concord.
Zoboblish, Donald, Inglewood.
Zuniga, Leon, Jr., Imperial Beach.

Navy

Allred, Frank Leroy, Jr., Fresno.
Amspacher, William H., Jr., Canoga Park.
Antone, Frank George, Carmel.
Avila, Manuel, Jr., Fresno.
Balch, James Iverson, Fresno.
Ballauf, Charles Alan, Oxnard.
Bennett, Daniel Joseph, Beverly Hills.
Birch, Daniel Patrick, Los Angeles.
Bird, Harold Alvin, Boulder Creek.
Boyd, Billy Ray, San Bernardino.
Boyle, David Joseph, Woodland.
Brown, Donald Hubert, Jr., Berkeley.
Burns, William Carl, Jr., San Mateo.
Carey, Michael William, Rescue.
Carver, Bobby Don, Richmond.
Center, Robert Lee, Inglewood.
Chambers, Steven Doyle, Fresno.
Cooper, Edwin Earl, Chula Vista.
Croxen, Richard Lynn, Westminster.
Di Napoli, Michael Joseph, La Mesa.
Dibble, Gorden John, Los Angeles.
Duggan, William Joseph, Lynwood.
Edie, Kurt Charles, Sunnyvale.
Esqueda, Arthur Diaz, Chino.
Estok, Michael David, San Bernardino.
Farrell Bruce Charles, San Francisco.
Flowers, Wilson Nathenial, East Palo Alto.
Frye, Donald Patrick, Los Angeles.
Fuentes, Hector, Riverside.
Gelien, Walter John, Oakland.
Gingerich, Gregory Ray, Redondo Beach.
Godwin, Joseph Samuel, Saugus.
Graham, Gilbert James, Anaheim.
Hessom, Robert Charles, Alameda.
Higgins, John Ignatius, Jr., Chula Vista.
Hill, Arthur Sinclair, Jr., Rancho Santa Fe.
Hill, Paul Wayne, Upper Lake.
Holderman, Bruce Edward, Santa Barbara.
Hom, Charles David, Huntington Park.
Hoover, William Clifton, San Diego.
Kardell, David Allen, Sonoma.
Kelley, Joe Franklin, Applegate.
Kirstein, Daniel Lynn, Pasadena.
Laws, Richard Lee, Sacramento.
Maguire, Christopher J., III, San Diego.
Mape, John Clement, Dublin.
Markillie, John Roy, Modesto.
McHam, Richard Hugh, Sunland.
Miller, Calvin Leroy, Wishon.
Miller, Robert Lester, Salinas.
Mullan, Charles Richard, Jr., Berkeley.
Najarian, Michael Anthony, La Crescenta.
Northup, David Wayne, Campbell.
Paine, Edward Arthur, Redondo Beach.
Perez, Arthur Carlyle, San Diego.
Perry, Antone, Jr., Union City.
Peterson, Dennis William, Huntington Park.
Pogre, Bob Elia, San Francisco.
Potter, William Vernon, Maywood.
Quiroga, Alex Leon, San Jose.
Rawsthorne, Edgar Arthur, Miramar.
Rudolph, Robert David, Encino.
Sather, Richard Christian, Pomona.
Shea, James Patrick, Burlingame.
Smith, Michael Frank, Fairfax.
Smith, Wiselee, San Francisco.
Stiles, Charles Walter, Agnew.

XUM

Taylor, Jesse Junior, Los Alamitos.
Thirkettle, Michael John, Whittier.
Thomas, Darwin Joel, Santa Clara.
Thomas, Harry Eugene, Taft.
Thompson, William Dewey, Jr., Healdsburg.
Thornton, Gary Lynn, Porterville.
Vaughan, Robert Reddington, Los Angeles.
Vedros, Randolph Paul, Mountain View.
Walters, John Brady, Long Beach.
Wilson, Claude David, Jr., Stockton.

Army

Amison, Roosevelt, Jr., Los Angeles.
Anders, Edward James, Los Angeles.
Anderson, James Edward, Eureka.
Arnold, Odis Daniel, Santa Monica.
Beard, Billie Lester, Lompoc.
Belnap, Glen Dean, Red Bluff.
Bettger, Gene Lyle, Calaveras.
Bibler, Wilson E., Jr., Chula Vista.
Birdsell, George David, Carlotta.
Boyd, William Demarr, Los Angeles.
Bradley, Ray Eugene, Huntington Beach.
Brodnik, Franklin Vincent, San Francisco.
Brown, James Edward, Shafter.
Broyles, Ivan Joseph, Long Beach.
Broyles, Lanham Odell, Oildale.
Butcher, John Henry, Jr., Richmond.
Camarena-Salazar, Eduardo, El Centro.
Carpenter, Charles, Oakland.
Carrillo, George J., Jr., San Jose.
Carroll, John Thomas, Lomita.
Carter, Wendell Louil, Madera.
Chandler, Robert Hugheston, Los Angeles.
Cook, Robert Paul, El Monte.
Cowell, Robert Blanco, Santa Maria.
Dawes, John James, Madera.
Dawson, Daniel George, Fort Bragg.
De Marco, Frank John, Yuba City.
De Mello, Robert Bruce, Fremont.
Dieball, Dennis Ray, Oceano.
Dispensiero, Douglas Louis, Los Angeles.
Dornbergh, William L., Jr., Modesto.
Durell, Alger Edgar, Jr., Fair Oaks.
Dykes, Richard Monroe, San Jose.
Escalante, Domingo, Jr., Santa Ana.
Feland, Theodore Glen, Sonoma.
Fenton, Robert Allen, Boyes.
Fillmore, Ronald Richard, San Francisco.
Fisher, Edward Stephan, Eagle Rock.
Fortune, Roger Lee, Santa Ana.
Galambos, Joseph Gary, Sonora.
Galvin, James Patrick, Davis.
Gardner, Glenn Virgil, San Bernardino.
Gonderman, Frank Lee, Concord.
Garalla, Donald Michael, Los Alamitos.
Gray, Bernard Leroy, Colton.
Guaraldi, Thomas Joseph, San Francisco.
Hakes, Clifford Edward, Rialto.
Heihn, Dennis Ray, San Pablo.
Henderson, Frank Harel, Los Angeles.
Henrey, Richard Dee, Solvang.
Hensley, Leroy, San Jose.
Hershner, Dennis L., Crestline.
Hines, Vaughn M., Arcadia.
Hoeffs, John Harvey, Oceanside.
Horton, Marshal Lynn, Long Beach.
Hughes, John Charles, Redlands.
Huntley, Thomas Matthew, Bishop.
Hurst, Howard E., San Jose.
Insel, Laurence Alan, Beverly Hills.
Jager, Ronald V., Jr., Stockton.
Jenks, Richard Dale, San Bernardino.
Johnson, James J. L., San Francisco.
Karasch, Wolfgang Werner, Gilroy.
Keeler, Ralph Leroy, Taft.
Kidd, Norman Richard, Jr., Montrose.
Kline, Robert Daniel, Long Beach.
Knight, Chester Wilford, Smith Flat.
Kohler, Ludwig Peter, San Francisco.
Lavery, Owen Thomas, San Bruno.
Leonard, Edwin N., Richmond.
Lester, James Robert, Stockton.
Ligons, Daryl Lee, Los Angeles.
Lonzo, Angelo Albert, Benicia.
Lovenguth, Terrance Lee, Raymond.
Lyons, William John, Banning.
Marcum, Ronald Dean, Monte Rio.
Marquez, Paul Joseph, San Pedro.
McDowell, Melvin Warren, Delhi.
Melendrez, Robert Charles, Whittier.
Montgomery, William Eugene, Healdsburg.
Morton, Edward Earl, Los Angeles.
Murphy, Jerry Ray, Tujunga.
Nagato, Yoshiiwa, Los Angeles.
Nava, Salvador Martinez, Niland.
Nelson, Leon Grover, Garden Valley.
Nelson, Michael Roy, Garden Grove.
Nelson, Terrance William, Sacramento.
Oates, Robert Wayne, Paicines.
Ogas, Phillip Arthur, Lindsay.
Ortiz, Pedro, Selma.
Pack, Fred Walter, Lompoc.
Parks, David Norton, Concord.
Pashman, Stephen Mark, Santa Cruz.
Pearson, Arnold C., Los Angeles.
Peterson, Galen Dean, Loma Linda.
Phillips, William Joseph, Pasadena.
Phipps, Donald Ray, San Jose.
Quiros, Carlos Manuel, Los Angeles.
Rains, Vernon Barton, San Mateo.
Rainville, Randall Brian, Fair Oaks.
Raschel, Thomas Reginald, Pasadena.
Ridings, Louis, Big Bear Lake.
Rist, Gary Michael, San Bruno.
Robertson, William S. III, San Jose.
Rodrigues, Gary Wayne, Napa.
Rodigues, John N., Redwood City.
Rose, Roger Clarke, Pasadena.
Rowen, Gerald Loyd II, Hermosa Beach.
Russell, Allen Bartley, Hayward.
Saffle, Edgar Joe, Los Angeles.
Schoenbaum, Craig Ray, Arcadia.
Scott, James George, Woodland.
Seastrom, William Leonar, Los Angeles.
Seeley, John Stuart, Stockton.
Seeman, Jeri Calvin, San Bernardino.
Severloh, Paul Bruce, Temple City.
Sewell, Donald Melvin, Ventura.
Simons, Ernest Eugene, Vallejo.
Skirvin, Orval L., Hawthorne.
Starr, Kieran John, Palo Alto.
Steimer, Robert Fenton, Inglewood.
Strange, Robert Greer, Oakland.
Suarez, Jose Wilfredo, San Francisco.
Tallman, George, Huntington Beach.
Tapio, Heinz Arnold, Sun Valley.
Tasker, David Leroy, Encino.
Tighe, Raymond Howard, Winton.
Torres, Frank Chico, Jr., Walnut Creek.
Tunall, Stanley Williams, El Monte.
Uding, Stanley Roy, San Pablo.
Uhlig, Michael Steven, Granada Hills.
Uribe, Edward Anthony, Los Angeles.
Urrabazo, Homer, San Jose.
Van Lant, Wayne G., Artesia.
Veach, Richard Elzie, Riverside.
Vilardo, Ronald Allan, Sacramento.
Wallace, Arnold Brian, San Leandro.
Walrod, Richard Arthur, Los Angeles.
Welch, Richard Ernest, Lakeside.
Wesselman, Gary Leroy, Montebello.
Whitaker, G. W., Oakland.
White, Franklin Ralph, West Sacramento.
Whitt, Mark Alan, Hollywood.
Wightman, David Lloyd, III, Fair Oaks.
Williams, Dennis Lee, Westminister.
Williams, Frank Duval, Fresno.
Willis, Harold Eugene, Bishop.
Yamashita, Akira, San Francisco.
Zabala, Salvador, Jr., Menlo Park.

Coast Guard

Brostrom, David Charles, Los Altos.

Air Force

Armond, Robert Laurence, San Mateo.
Britt, Aquilla Friend, El Cajon.
Cairns, Robert Alexander, Highland.
Chaney, David Michael, Santa Rosa.
Dawson, Paul Glen, Culver City.
Graves, Harold Leonard, Oakland.
Hottenroth, James Randall, Montclair.
Humphrey, John Richard, Fair Oaks.
Kannel, Donald Lee, Los Angeles.
King, Ronald Runyan, Santa Cruz.
Lynch, William Affley, Jr., San Francisco.
Martin, Kenneth William, Escondido.
McNally, James William, Los Angeles.
Neville, William Edward, El Cajon.
Riley, Alden Laverne, San Diego.
Robertson, Joe Carrol, Salinas.
Ruyff, Ronald Paul, Long Beach.
Snyder, John Herbert, Santa Rosa.
Sorensen, Odin Edgar, San Francisco.
Waltman, Jesse Lyle, Dixon.
Weikal, William Byron, Jr., Inglewood.
Wright, Dennis Paul, Taft.

Marine Corps

Akstin, James Michael, Richmond.
Alcantar, Frank Cosme, San Bernardino.
Allender, Frank Ross, Jr., Ventura.
Almaraz, Ronald Paul, Los Angeles.
Baccus, Jimmy Dever, Lawndale.
Bass, Gary Nolan, Sacramento.
Beach, Arthur James, Orange Cove.
Blaney, Thomas Arthur, San Diego.
Bright, Richard, Chula Vista.
Campbell, Eugene Charles, Redwood Valley.
Carranza, Martin, Oakland.
Castro, Reinaldo Antonio, Pacific Grove.
Christopher, Anthony Phill, Los Angeles.
Cobb, John Wesley, Pomona.
Cook, Michael Frank, Harbor City.
Corrie, Mark Lane, Aptos.
Crossen, Michael O., Bloomington.
Crouse, Jeffrey Charles, Los Angeles.
Daniels, Tommy Leon, Santa Ana.
Durr, Lavall, Castroville.
Earles, Fred Thomas, Bellflower.
Eaton, Bruce Horace, San Gabriel.
Ellis, Gene Howard, Jr., Sacramento.
Ferrante, Gilbert, Ontario.
Freeman, Darell Goodwin, Salinas.
Galvin, Ralph Forrester, Redwood City.
Gilliam, John Perry, Oxnard.
Henry, Ronald Jerome, Pomona.
Herrera, Michael Ward, Los Angeles.
Hunsbarger, Gerald C., III, Sacramento.
Hunt, William Raymond, Richmond.
Johnson, John Harry, Santa Ana.
Kieswetter, Gerard Martin, Colton.
King, Robert Wayne, Montclair.
Koehler, James Kevin, Walnut Creek.
Lawson, Leo Charles, San Leandro.
MacGeary, Fred Ernest, Inglewood.
Martinez, Rodney Dean, Galt.
Mathis, Brent Eugene, North Hollywood.
Meckel, John Blocker, Lakewood.
Miles, Ronald David, Mill Valley.
Molina, Agapito, Jr., San Bernardino.
Mucha, Henry, Jr., Westminster.
Murphy, Joseph Patrick, Long Beach.
Musguire, Glen Alan, Lomita.
Parker, Victor Ralph, Perris.
Quinn, Patrick Owen, La Crescenta.
Senz, Francisco Xavier, Culver City.
Salinas, Joe Manuel, Norwalk.
Shelton, Charles Thomas, Selma.
Shrout, Sanford, Jr., Hayward.
Silverii, Louis Zane, West Covina.
Spencer, Leandrew Jr., Los Angeles.
Stowe, Luthe Tony, North Edwards.
Tomlinson, Michael James, Van Nuys.
Wangler, Lossy Ray, Alameda.
Western, Aaron Harold, Los Angeles.
Wood, Patrick Lee, Riverside.
Worrell, Gary Paul, Placerville.

Navy

Butler, Joseph Milton, Culver City.
Carter, Rodney Balaam, Porterville.
Clements, William Richard, Hayward.
Curtis, Gary Stillman, Bell Gardens.
Dawson, Thomas Joe, Jr., San Jose.
Deardorff, Herold Troy, Norco.
Dye, James Cletus, Ventura.
Dyer, James Richard, El Monte.
Dyke, Robert Louis, Alamo.
Gilliland, John Henry III, Riverside.
Guerra, Raul Antonio, Riverside.
Hessman, Ronald Anthony, Los Angeles.
Hester, Leo Claude, Heber.
Josephson, Hartley Michael, Canoga Park.
Keen, Daryl La Verne, Santa Cruz.
Long, Lewis Benton, Kingsburg.
Luc, Frank Leo, San Diego.
Mayo, Dudley Wayne, Bellficwer.
McDonld, George Columbus, Los Angeles.
Messer, Sigurd Martin, Eldridge.
Newby, Gary Eugene, Sacramento.
Owens, Richard Lee, Fresno.
Ownby, Edward Allan Joseph, Nevada City.
Ramirez, Vincent Albert, Richmond.
Reed, Gregg Erwin, Santa Clara.
Rush, William Ardie, Los Angeles.
Searfus, William Henry, Los Angeles.

Shanks, Donald Wilfred, Crescent City.
Staud, Robert Nicolas, Modesto.
Steimer, Thomas Jack, Piedmont.
Strain, Kenneth Dale, Fair Oaks.
Strong, Daniel Leroy, Big Bear City.
Tessman, Clarence Clement, San Diego.
Waldron, Steven, Baldwin Park.
Wensel, Norman Byron, Torrance.
Wildauer, Paul Arthur, Chula Vista.

Army

Abbie, Donald Paul, Sacramento.
Abbott, Edward Donald, Yuba City.
Abraham, Paul Leonard, Santa Ana.
Achor, Terrence William, Whittier.
Acosta, John Michael, Sacramento.
Adair, Harvey Gene, Kingsburg.
Adams, Gilles David, Alta Loma.
Adams, James Lindell, Pittsburg.
Adams, Paul Edwin, Garden Grove.
Aguiar, Juan Daniel, Oakland.
Ahern, John Bernard, Delhi.
Akamu, Albert Kaiwi, San Francisco.
Akins, Samuel Leroy, Los Angeles.
Albert, Raymond Howard, Jr., Imperial Beach.
Aleshire, Ronald Lee, San Jose.
Alexander, Robert Emmet, Los Angeles.
Alford, Michael Lynn, Redlands.
Alfred, Thomas Samuel, Oceanside.
Allen, Larry Hugh, San Diego.
Allen, Wayne Anderson, Oceanside.
Alvarez, Charles Allen, Santee.
Alvarez, Jimmie Marron, San Jose.
Alvarez, Michael Byron, Madera.
Andersen, Michael Nile, Downey.
Andersen, William T., Jr., Tehachapi.
Anderson, James Boyd, Sunland.
Anderson, James Howard, Anaheim.
Antognini, Joseph, III, San Jose.
Aragon, Alonso, Jr., San Jose.
Arambula, Paul Tejeda, Oakland.
Arellano, Leroy Fred, Santa Cruz.
Artavia, Joseph Gregory, San Francisco.
Avila, Jesus V., Dinuba.
Bachelor, Don Ray, Caruthers.
Baggett, Frank Allen, Williams.
Bailey, Alfred Leon, Jr., Los Angeles.
Baird, Ronald Eugene, Pittsburg.
Baker, Robert Nelson, Santa Ana.
Bakkie, Donald Keith, Sacramento.
Ballard, Mel Roy, Redding.
Banaga, Salvador M. L., Jr., Holtville.
Banglos, Gary Alan, San Francisco.
Banuelos, Albert A., Jr., San Diego.
Barger, Ferdinand Ora, Jr., Bakersfield.
Barker, Robert Lee, Jr., Esparto.
Barnes, Francis Archer, San Bernardino.
Barnhouse, Darrel Emerson, Richmond.
Barovetto, John Lawrence, Davis.
Barton, Val E., Redwood Estates.
Bates, Wayne Sherwood, San Pablo.
Battiest, Andrew, Calipatria.
Baumann, Rene Georges, Walnut Creek.
Beals, Ronnie Herbert, Sacramento.
Beardsley, Ronald Allen, Napa.
Beck, Steven Lee, Atherton.
Bedolla, Joseph Lopez, Gilroy.
Behm, Stanley William, Escondido.
Bell, Edward Allen, Burbank.
Bell, Howard Clayton, Long Beach.
Bell, John Martin, Morro Bay.
Bellomo, Terrence John, Santa Clara.
Beltran, Robert Leon, Fremont.
Benes, Wayne Joseph, Upland.
Benson, Robert William, Bakersfield.
Berg, Ray William Jr., San Lorenzo.
Bergren, Thomas Howard, San Jose.
Berry, David Joe, Bellflower.
Bertsch, Brent John, Lodi.
Bettencourt, Daniel F., Jr., San Diego.
Biernacki, James Richard, Chula Vista.
Bieser, Karl Roy, San Diego.
Birden, Lee Roy, Oakland.
Birdwell, Michael Del, Modesto.
Bishop, Michael Richard, Napa.
Blakely, William, Castro Valley.
Blankenship, James Arlia, Gardena.
Blasingame, Norman Lee, Los Angeles.
Blume, Dale L., Rosemead.
Bobbitt, Arthur, Chula Vista.
Bolster, Christopher Oran, Pomona.
Bolton, David Joseph, Marysville.
Boots, James Allen, Oroville.
Borgen, Carl Lee, Manteca.
Bottan, Daniel Jacques, Santa Paula.
Boudreaux, Allen John, Riverside.
Bowen, Larry William, Cupertino.
Bowman, Stephen Wesley, Alta Loma.
Box, Houston Clifford, Jr., Sacramento.
Boyd, John Lee, Los Angeles.
Boyle, Harry Lewis, San Leandro.
Bradshaw, Henry Lee, Long Beach.
Brady, James Gregory, Sacramento.
Breitenbach, Bernard Paul, El Cerrito.
Bretches, Raymond Dean, Santa Barbara.
Brewer, John Newton, Sonoma.
Bric, William Henry III, Burbank.
Bricmont, Francis Peter, Jr., Los Gatos.
Brierly, James Kenneth, Carlsbad.
Brocker, Thomas George, San Jose.
Brophy, Daniel Ralph, Oceanside.
Brown, Alvin Ray, Tulare.
Brown, Donald Lynn, Stockton.
Brown, Gary Wayne, Los Angeles.
Brown, Gerald Ray, Los Angeles.
Brown, Marshall Jason, Hyampow.
Brown, Richard Albert, Santa Clara.
Brown, Robert Alva II, Needles.
Buehler, Robert Henry, Napa.
Bundage, Cecil Odell, Seaside.
Burbage, Raymond Douglas, Norwalk.
Burns, Dean Harry, Sonoma.
Burrola, Sammy, Jr., Buena Park.
Burson, David Richard, Los Angeles.
Butler, Kenneth Allan, Jr., Willits.
Butorovic, Steve, San Pedro.
Butts, John Michael, Covina.
Buys, Kenneth Allen, Anaheim.
Buzzard, Larry B., Sacramento.
Byrd, Bobby John, San Bruno.
Byrnes, Robert Scott, Carmichael.
Calderon, Julio Alfredo, Los Angeles.
Call, Richard Joseph, San Bernardino.
Callahan, John Marshall, Jr., San Diego.
Calle-Zuluaga Fernando, Los Angeles.
Cardin, Willis Glen, San Lorenzo.
Carl, Arthur Jack, Upland.
Carlson, James Clark, Salinas.
Carlson, Richard Allan, San Francisco.
Carmona, Efren, El Monte.
Carr, Gregory Vernon, Santa Barbara.
Carrand, Jackie Andrew, Cypress.
Carter, Thurl Guy, III, Hayward.
Carvajal, Joseph Carlos, Norwalk.
Casey, Richard William, Los Altos.
Cash, David Manfred, Pasadena.
Casper, Ronald Jerome Dent, Santa Ana.
Castaneda, Benjamin Frank, Oakland.
Castaneda, Hugo Carlos, Compton.
Castillo, Manuel Angel, San Jose.
Castro, Jorge Arturo, Los Angeles.
Catt, Joseph Francis, Jr., Huntington Beach.
Cervantes, Gerald, San Jose.
Chaney, Donald Lee, Riverbank.
Chaney, Douglas Dale, Redondo Beach.
Charles, Ronnie Joe, South Gate.
Chase, Charles Joseph, San Mateo.
Chavez, Jesus Ernest, Jr., Pico Rivera.
Chervony, Eddie Edwin, Los Angeles.
Chilcott, Ronald Harry, Pico Rivera.
Chisum, David, Salinas.
Cho, Herbert Pok Dong, Lynwood.
Choi, William David, Watsonville.
Christer, Eugene Merl, Salinas.
Christy, Richard Thomas, Boulder Creek.
Church, John Leonard, Norwalk.
Cigar, Freddie Joe, San Pedro.
Clark, Donald Eugene, Fremont.
Clark, Doyle Wayne, Santa Clara.
Clark, James Lee, Richmond.
Clarke, Walter Kirt, El Cajon.
Cleem, Larry Lloyd, Midway City.
Clifford, Harold John, Daly City.
Cubarrubias, Roberto, San Jose.
Cobb, Tyler William, Jr., La Puente.
Cohen, Robert Bruce, Los Angeles.
Coleman, Donald Huston, Healdsburg.
Collier, Timothy Lynn, Madera.
Collins, Bruce Wayne, Ontario.
Collins, Clint, Long Beach.
Combs, Kenneth Dale, Camarillo.
Contreras, Benito, Jr., Whittier.
Cook, Charles Joseph, West Covina.
Cook, Charles, Jr., San Francisco.
Cook, John W., Long Beach.
Coonrod, Robert Lee, Napa.
Cooper, Robert Gean, Azusa.
Cornell, Ricky Lynn, Salinas.
Corrigan, Michael Joseph, Burbank.
Cotterell, Jack Patrick, Bellflower.
Courtney, Joe Ray, Jr., Reseda.
Cox, Freddie James, Jr., Oakland.
Cox, Gregory Ellis, Pleasant Hill.
Crabb, Winford R., Shafter.
Craig, Michael Dennis, Rosemead.
Crane, Robert Irving, Montgomery Creek.
Cranford, Thomas William, Redding.
Criswell, Robert Reed, San Francisco.
Crook, James Peyton, La Mesa.
Crosby, James Allen, San Diego.
Crum, Daryl Wayne, Garden Grove.
Cryan, Kenneth Michael, San Mateo.
Cuellar, Pilar Joseph, Tulare.
Culbertson, Samuel Kent, Huntington Beach.
Curley, Raymond Nelson, Orange.
Daffer, Joseph John, Modesto.
Dahlin, David Courtney, Reseda.
Daniel, Johnnie Lloyd, Montclair.
Darrah, Gary Koyle, Los Angeles.
Daughton, Joseph D., Jr., San Leandro.
David, Michael Dennis, Baldwin Park.
Davidove, Ernest Frederic, China Lake.
Davis, Charles Edward, Galt.
Davis, Dale Leroy, Santa Rosa.
Davis, James Allen, Whittier.
Davis, John Edwin, San Pablo.
Davis, Walter Scott, Pasadena.
De Graw, Charles Ivan, Thousand Oaks.
De La Pena, Gilbert, Pinedale.
De La Rosa, Larry A., Jr., Baldwin Park.
De Lapp, William C. III, Pacific Palisades.
De Mello, Clyde Lawrence, El Cerrito.
De Nardo, Frank Michael, Jr., Covina.
De Vore, Edward Allen, Jr., Harbor City.
Del Castillo, Marco Oscar, Los Angeles.
Delgado, Ray, Richmond.
Delgado, Richard Falcon, Fresno.
Delp, Kenneth Harvey, Los Angeles.
DeMara, Juan Joseph, Santa Paula.
Denton, David Andrew, Upland.
Derig, Patrick Martin, Santa Maria.
Desilets, William J., Anaheim.
Detrick, Robert Lloyd, Montara.
Diaz, Gary Michael, Redondo Beach.
Dietz, Wolf-Dieter, San Jose.
Dillon, George Alfred Ched, San Anselmo.
Dineen, Timothy John, Vallejo.
Dismaya, Eddie, Jr., King City.
Dolim, Steven Francis, Jr., Long Beach.
Dudley, Michael Banion, Los Angeles.
Durman, Charles Dudley, Santa Rosa.
Dougas, Johnnie Lee, San Francisco.
Douglas, Johnnie Lee, San Francisco.
Downs, Jack Dennis, Tujunga.
Drake, Richard Guy, Stockton.
Duarte, Gerald Michael, Campbell.
Duce, Roger L., Granada Hills.
Duffield, John David Lockwood, Ventura.
Duke, Alan Ray, Bakersfield.
Duncan, Roy William, Brawley.
Dunsing, Dennis Paul, Ukiah.
Duran, Juan Chaires, Jr., Los Angeles.
Duran, Pablo, Downey.
Dutra, Robert Leonard, San Diego.
Dyer, Dennis Earl, Taft.
Easton, John William, Anaheim.
Edgerton, Arthur Donald, Jr., Hayward.
Egolf, Klaus Dieter, Westminster.
Eisenbraun, William Forbes, Santa Ana.
Elgin, Robert Gerald, San Francisco.
Elia, Reese Currenti, Jr., Burbank.
Elkinton, Michael, Calistoga.
Ellsworth, James Oliver, Sacramento.
Ellsworth, Lawrence, Los Angeles.
Enbody, Michael William, Canoga Park.
England, Robert Blair, II, Whittier.
Engstrom, Loren Eugene, La Canada.
Erickson, Leonard Daniel, Livemore.
Ervin, Glen Otis, Placerville.
Escott, Kenneth Robert, Oakland.
Eskew, Ronnie Joe, Yuba City.
Esparza Malcolm Marcellin, San Fernando.
Estrada, Mario Pereda, Inglewood.
Estrada, Randolph Phillip, Los Angeles.
Estrada, Roy Lee, Lakeside.
Evans, Garfield, San Diego.

XUM

Everets, Dennis Lee, San Diego.
Farden, Kenneth Roy, Los Angeles.
Faulkner, Michael Anthony, Los Angeles.
Fay, Michael Andrew, Saugus.
Fay, Patrick Dennis, Cypress.
Fedoroff, Alexander, San Francisco.
Feigenbutz, Terrence R., Rialto.
Ferralez, Richard, Los Angeles.
Fielding, David Andrew, Santa Barbara.
Filippelli, John Mario, Hayward.
Finley, Leland Patrick, Huntington Beach.
Fleer, Robert Dean, Fullerton.
Fletcher, Kim William, Hollywood.
Flohr, George, Jr., Huntington Park.
Flores, Richard Javier, Hanford.
Fogg, Albert Randolph III, Santa Maria.
Foster, Eddie Dale, Santa Maria.
Freedle, Frank Louie, Ft. Ord.
Frick, Edsall A., Petaluma.
Friend, Richard Allen, San Diego.
Fritsche, Robert, Jr., Stockton.
Fry, James Ray, Jr., Los Alamitos.
Fryer, Robert Risley, Paso Robles.
Fujimoto, Donald Shuichi, Stockton.
Fuller, Carroll Bruce, Sunnyvale.
Fuller, Dennis Earl, Santa Fe Springs.
Fuller, Stanley Carl, Fullerton.
Gabriel, Meredith Alton, San Diego.
Gaftunik, Steven John, Sacramento.
Gallo, Peter Joseph, Livingston.
Galvez, Joe Angel, Oakland.
Garcia, Isaac Ramirez, Jr., San Fernando.
Garnica, Andy, Richmond.
Garver, Phillip Eugene, Calimesa.
Gatewood, Gerald Peter, Fresno.
Gau, Louis Ellie, Los Altos Hills.
Gerome Michael Anthony, Reseda.
Geyer, Leroy Clyde, Hayward.
Gibbins, Robert Wayne, Merced.
Glaspie, William Harold, Fresno.
Godwin, James R., Sacramento.
Golden, John Michael, Westminster.
Goldsmith, Daniel Eric, Farmersville.
Gomez, Andres Armando R., Anaheim.
Gonzales, Paul Alfred, Richmond.
Gonzalez, Albert, Hollister.
Gonzalez, Carlos, Hamilton City.
Gonzalez, Joaquin Christop, Redondo Beach.
Gonzalez, Richard, Bakersfield.
Gorsich, James Tony, Yorba Linda.
Gotcher, Larrie Jack, Citrus Heights.
Goudelock, William Roger, Meridian.
Granados, Richard, Merced.
Grant, Willie, Jr., Los Angeles.
Gravel, Bobby Joe, Lawndale.
Gray, Warren, Inglewood.
Green, Donald Edward, Compton.
Griffith, William Chapin, Seaside.
Grigsby, Barry N., Redding.
Guard, Martin William, Santa Ana.
Guardado, Daniel, Santa Ana.
Guarienti, Ralph, Sacramento.
Guerra-Hernandez, Rene, Los Angeles.
Guerrero, Richard Joseph, Los Angeles.
Guest, Raymond Calvin, Redding.
Guillen, Phillip O., San Jose.
Gulie, James Patrick, San Diego.
Guzman, Juan Araujo, Artesia.
Gwinn, Michael James, Redding.
Haas, Frederick William, Santa Rosa.
Hadley, Joseph Austin, Santa Rosa.
Hadzega, George Stephen, Santa Ana.
Hammer, Robert Ralph, San Jose.
Hammett, Richard Lee, San Leandro.
Harano, Allen Hideo, Berkeley.
Harbour, Thomas James, Auburn.
Hardesty, Robert Warren, Santa Clara.
Harding, Warren Guthrie, Jr., Westminster.
Hardman, James Allen, San Leandro.
Hare, Michael Kenneth, Covina.
Harris, Robert Earl, San Jose.
Haugen, Alan Robert, Grass Valley.
Havel, Richard Thomas, Atwater.
Hayes, Dan David, San Jose.
Hederman, Patrick Shawn, Chino.
Heeren, Darrel Wayne, Maywood.
Hefner, Francis Joe, Vallejo.
Heil, Richard Edwards, Lodi.
Heintz, Wayne Douglas, Elk Grove.
Heller, Robert Lee, Long Beach.
Hellman, Kenneth Raymond, San Mateo.
Henry, Robert Gregory, San Diego.
Henry, Scott D., Anaheim.
Herd, Thomas Leon, Modesto.
Hermanson, Stephen Mark, Carmel Valley.
Hernandez, Ramon S., Jr., Calexico.
Hernandez, Rene Zarogoza, San Gabriel.
Hernandez, Victor Reyes, Fullerton.
Hess, Robert Jay, Sacramento.
Hewitson, Paul Crawford, Yucca Valley.
Hicks, Eugene Stanley, Arcadia.
Hicks, Steven Gary, Napa.
Higgins, Patrick Albert, Porterville.
Hill, Dale Evans, Paradise.
Hill, Peter Alan, Eureka.
Hill, Randall Steven, Lynwood.
Hinkston, Robert Francis, San Jose.
Hoadley, Gary Ellis, Fontana.
Hofer, Russell Gene, Camarillo.
Hogan, Kraig Sewell, Sunnyvale.
Holcombe, Thomas Marvin, San Diego.
Holland, Luey Vernon, Riverside.
Holton, Gary Dennis, Chico.
Hood, Ernest Ervin, Compton.
Horner, Carl Nicholas M., San Bernardino.
Hursley, Richard Wayne, Westminster.
Hourigan, Michael Patrick, Santa Rosa.
Huff, Robert Randel, Baldwin Park.
Hughes, Brian Gregory, Whittier.
Hughes, Samuel Rueben, Los Angeles.
Hughes, Thomas Gilbert, Oakland.
Hulse, Gary Wayne, Paramount.
Humphrey, Jarold Edward, Greenville.
Humphrey, Weden Gary, Camarillo.
Hunt, Hood Hal, Encino.
Hupe, Russell Edward, Los Angeles.
Hurtado, John Bernard, Sanger.
Hustead, Terence Michael, Moraga.
Hutchinson, Robert S. II., Hacienda Heights.
Ide, Ben Hervey, Marina.
Illman, William Steve, Oreville.
Imbach, John, III., Carpinteria.
Iniguez, Dennis Glenn, San Diego.
Irwin, Van Allen, Northridge.
Ishman, Albert Jr., Los Angeles.
Jackson, David Andrew, Tulare.
Jackson, Denny Milburn, Santa Paula.
Jackson, Little Jay, San Pablo.
Jackson, Paul Edward, Richmond.
Jacobs, Dennis Wayne, San Diego.
Jacobs, William John, Lancaster.
Jacobson, Warner Craig, Fresno.
Janowicz, Joseph Anthony, Huntington Park.
Jans, Robert Allen, San Jose.
Jansen, Jerome Eddie Wally, Vista.
Jarick, Russell William, Los Angeles.
Jeantet, Francis Leon, Fremont.
Jensen, Douglas Gary, North Hollywood.
Jernberg, Robert Stevens, San Jose.
Jessiman, Thad Bazily, Castro Valley.
Jimenez, Isidro Briceno, San Gabriel.
Johnson, Anthony Eric, San Francisco.
Johnson, Larry Lee, Anaheim.
Johnson, Larry Ray, Buttonwillow.
Johnson, Robert William, Jr., Sacramento.
Johnston, Robert Earl, Jr., Alameda.
Johnston, Tommy Wayne, Bellflower.
Jones, James Lester, Lancaster.
Jones, Randolph Robert, Bakersfield.
Jordan, Stephen Alan, Monrovia.
Joseph, Michael Arnold, Sacramento.
Kamrath, Jack Harlan, Sacramento.
Kandler, Terrence Arthur, Torrance.
Kaski, Donald Albert, Fortuna.
Kaye, Mark Samuel, Studio City.
Keller, James Louis, Visalia.
Kelley, David Bruce, Los Angeles.
Kelly, Dennis Leroy, Redondo Beach.
Kelly, Larry Lee, Hayward.
Keyes, Daniel Duane, San Jose.
Kim, Harry, San Diego.
Kincannon, Raymond Omer, Chula Vista.
Kindred, Michael George, San Jose.
King, Gilbert, Los Angeles.
King, Norton Zigmund, San Diego.
Kingman, Barry Dean, Palo Alto.
Kinnard, William Lloyd, Hesperia.
Kirk, Melvin Lynn, Clovis.
Klein, Michael Kenneth, Sacramento.
Klenske, Howard Lee, Burbank.
Kline, Harvey Edward, II, San Diego.
Kline, Robert Francis, Jr., Los Altos.
Klotz, John Robert, Crescent City.
Kotyluk, Kenneth Eugene, Sacramento.
Krause, Manfred Walter, San Diego.
Krech, Steven Dennis, Riverside.
Krill, Russell Walter, San Jose.
Kuchinski, Ralph Warren, Sacramento.
Kuntz, Gene Ray, Murphys.
La Grou, Raymond Louis, Jr., Santa Monica.
La Roche, Joel Mitchell, Huntington Beach.
La Rochelle, Marcel Adelar, Buena Park.
Lackey, Robert Edgar, Mount Laguna.
Laframboise, Phillip Dougl, La Mesa.
Laika, Fagal, II, Azusa.
Laine, Wayne Kevin, Walnut Creek.
Laird, Patrick Steven, Castro Valley.
Lalich, David Hugh, West Covina.
Lamb, Thomas Robert, Los Angeles.
Landers, Edmond John, Vacaville.
Landers, Richard Ray, Orcutt.
Landon, Gary Joseph, Yreka.
Lane, Dennis Eugene, Wilton.
Lane, Richard Arthur, Fontana.
Lara, Apimenio, Upland.
Lara, Larry Caluistus, Santa Barbara.
Laster, Alvin Mack, Jr., Compton.
Lau, Hoi Tin, Pasadena.
Lavigne, Gerald Andre, Woodland Hills.
Lawson, William Charles, Happy Camp.
Le Blanc, Floy Feleipe Este, San Francisco.
Le Desma, Lour, Visalia.
Leach, Dickie Lynn, Alameda.
Lee, Donald Gerald, Morro Bay.
Lehr, David Richard, San Rafael.
Leon, Guerrero Kinny San, Hayward.
Licea, Francisco Xavier, Los Angeles.
Liebespeck, James Warren, La Puente.
Lilley, David Rose, Dinuba.
Lindel, John Richard, Garden Grove.
Lipsius, Michael Glenn, Santa Clara.
Long, Hal Randolph, North Hollywood.
Loomis, Billie Clifford, Palermo.
Lopez, Edward, San Bernardino.
Lopez, Frederick George, Manteca.
Lopez, Jose de Jesus, Soledad.
Lopez-Ramos, Luis Alfonso, Calexico.
Lorenzo, Robert J., Colusa.
Losel, Fred George, Jr., La Puente.
Loveland, Ronald Ray, Sunnyvale.
Lozano, Donald James, Fresno.
Luallin, Lee Andres, Oakland.
Lucas, Herbert George, Brawley.
Lucas, Karl, Redondo Beach.
Lucas, Phillip Warren, Los Angeles.
Luna, Robert, Alameda.
Lutge, Thomas Albert, San Francisco.
Mabrey, Gary Michiel, Berkeley.
MacIntosh, Donald Gordon, El Sobrante.
MacManus, James Francis, Anaheim.
Madeuga, Manuel Dominic, Modesto.
Madrigal-Cordero, R. A., Jr., Los Angeles.
Maestas, Gilbert Merill, San Diego.
Mailloux, Earl Adelbert, Oakland.
Makuh, Frank Joseph, Placentia.
Malone, James Edgar, Inglewood.
Mangan, Michael Robert, Costa Mesa.
Manowski, Edward, Rowland Heights.
Marcello, John Bernard, Los Angeles.
Markusen, Tobias Earl,, Long Barn.
Markwell, Eugene Lynn, Torrance.
Marland, Innes Lee, Long Beach.
Marlowe, Jack William, Gilroy.
Marrufo, Rodney Elmer, Jr., Stewarts Point.
Martin, Ernest Tyrone, Compton.
Martin, Freddie Kay, Hollywood.
Martin, Gerald, Chula Vista.
Martin, John Major, Fresno.
Martin, Kenneth Leroy, Los Angeles.
Martin, Michael Emmett, Los Angeles.
Martin, Richard Jody, Carlotta.
Martin, Thomas Charles, Torrance.
Martinsen, Loren Daune, Red Bluff.
Martz, Melvin Lee, Paramount.
Masteller, Allan Dean, Chico.
Matinez, Steven Catarino, Venice.
Mattson, Kenneth Eugene, Lafayette.
Mauldin, Eddie Lee, Los Angeles.
May, James, Jr., Oakland.
May, Roy Edward, Sacramento.
Mazza, Stephen Darrell, Carmichael.

McAfee, Clyde Richard, San Diego.
McCloyn, Joseph, Los Angeles.
McCoig, Donald B., Ventura.
McCollum, David Vernon, Huntington Park.
McConnell, William Walker, Sonora.
McDaniel, Richard Byers, San Mateo.
McDavid, William Earl, Ontario.
McDougal, Billy Dean, Winton.
McEuen, Ronald Curtis, Garden Grove.
McFall, Gary Richard, Northridge.
McFarland, Louis Henry, Santa Barbara.
McGehee, John Albert, San Jose.
McInnis, Theodore Valenti, Oakland.
McIntyre, Duncan B., Greenville.
McJimsey, William Robert, Oakland.
McKechnie, Daniel Lee, Concord.
McKee, Jack Roger, Needles.
McKinnon, Jack Wiley, Jr., Santa Cruz.
McKinsey, Gerald Leroy, Jr., Modesto.
McMahon, Douglas Duane, Sherman Oaks.
McMurphy, Jay Darrell, Vallejo.
McNearney, Patrick Victor, Oakland.
Mebust, Owen Edward, Manhattan Beach.
Meek, Thomas Otis, Los Angeles.
Mena, Joseph Angel, City of Commerce.
Mendibles, Raymond G., Norwalk.
Mendoza, John Dee, South Gate.
Mendoza, Martin Elby, Los Angeles.
Mendoza, Peter Acosta, Union City.
Mercke, Terrance Lee, Long Beach.
Mericantante, Thomas Lee, Solana Beach.
Mesa, James Gregory, Jamul.
Messerli, Steven Louis, Norwalk.
Miller, Glenn Edwin, Oakland.
Miller, Michael, Jr., La Mesa.
Miller, Robert Gail, San Jose.
Mills, John Paul, Sebastopol.
Minko, Michael Anthony, Culver City.
Miranda, Joe Aleman, Bakersfield.
Mitchell, Michael Jeffrey, San Esteban.
Montague, Stephen Griffith, Redwood City.
Montgomery, George Wesley, Sacramento.
Montgomery, Michael Mallor, Visalia.
Moore, Charles Edward, Jr., Moorpark.
Moore, Glenn Douglas, Castro Valley.
Moore, Jimmy Ray, San Francisco.
Moore, Larry Jay, Exeter.
Moore, Lester Lewis, La Mirada.
Moore, Robert Ned, Anaheim.
Mora, Ernest Lopez, Fresno.
Mora, Ramiro Michael, South San Gabriel.
Moreno, Adolfo Valenzuela, Artesia.
Mori, Bruce Jun, Los Angeles.
Morris, Lyle Wayne, Ferndale.
Morris, Thomas W., Hayward.
Morrison, Glen Mark, Dale City.
Morrow, Dale Arthur, Paramount.
Mosseau, Lloyd Francis, Cudahy.
Muller, Harold Bradley, McKinleyville.
Multhaupt, James Wayne, Los Angeles.
Munatones, Jose Jr., San Francisco.
Munoz, Carlos Garcia, San Jose.
Munoz, Larry, Torrance.
Murray, Bruce Anderson, Manhattan Beach.
Musselman, Donald L., Tulelake.
Myers, Ricky Alan, Napa.
Nash, James Robert, Davis.
Nastor, Tony Valdez, San Jose.
Naylor, Dennis Eugene, Orange.
Neal, Kenneth Lawrence, San Jose.
Neiswender, Daniel Lynn, South Laguna.
Nelson, Boyd Jeffery, Oxnard.
Nelson, Daniel Eugene, Jr., Barstow.
Nelson, John Edward, Sacramento.
Nelson, William De Witt, Long Beach.
Neubacher, Brandt Steele, Berkeley.
Newson, Leroy, Jr., Stockton.
Nickel, Warren F., Jr., Watsonville.
Nishizawa, Glenn Nobuyki, Los Angeles.
Noble, John Rodney, Van Nuys.
Nordquist, Gary Leigh, Paramount.
Nordstrom, Victor Carl, Encino.
Novakovich, Jerry A., Concord.
Numez, David Guerrero, Jr., Brawley.
Nusshaumer, Steve Owen, Hayward.
Nystrom, Thomas Allen, Anaheim.
O'Bannon, Albert F., Jr., Redlands.
O'Brien, Richard Conaway, Santa Barbara.
O'Connor, Dennis Kenneth, San Francisco.
Ogami, Terry Y., Reedley.
Oglesby, John R., Tustin.
Ohara, Steve Masao, San Jose.
Ohlson, Galen Erick, Modesto.
Olivares-Martinez, Arturo, Ventura.
Oliver, Paul Harold, Alameda.
Oliveras, Rudy Michael, Colton.
Olson, Robert Gray, Inglewood.
Omstead, David King, Costa Mesa.
Ornelas-Arellano Victor M., Escondido.
Ortega, Frank Dennis, Saugus.
Oster, Frank Allen, Taft.
Owen, Robert Gary, Gasquet.
Ozanne, Jordan Jay, Pacoima.
Pagcaliuagan, Ceizhar Vale, San Francisco.
Page, Luther, Jr., San Francisco.
Palacio, Raymond Jesus, Seaside.
Panamaroff, Walter John, Lompoc.
Parmeter, Gerald Thomas, Cazadero.
Partida, Charlie Lopez, Chino.
Pasillas, Henry, Riverside.
Patterson, Larry Hart, Gridley.
Paulk, Robert Milton, Vallejo.
Pearce, Marvin Robert, Capitola.
Pedrick, Charles C. II, Alameda.
Peguero, Richard, Los Angeles.
Pellicano, Jean Pierre V., Alameda.
Pendergraft, Ronnie Dean, Clovis.
Perez, Joseph Espino, San Francisco.
Perez, Juan J., Selma.
Perez, Raymond Luna, San Joaquin.
Perez, Richard, Morgan Hill.
Perry, Donald Lee, Taft.
Perry, Steve Joseph Leone, La Honda.
Peterman, Thomas Howard, San Bernardino.
Peters, John Denis, Palo Alto.
Peters, Walter John, Indio.
Pettitt, Donald Ace, Bellflower.
Pickett, Wilton Ray, Santa Cruz.
Pimentel, Ronnie Cardoza, Clayton.
Pina, Frank David, Montclair.
Pittman, Robert Louis, Willowbreak.
Pogue, Michael Alan, Colusa.
Pohl, William Anthony, Los Angeles.
Pope, Thomas Robert, La Mirada.
Port, Gary Craig, San Rafael.
Poso, John Richard, San Jose.
Potts, Wilmer, Oakland.
Poulson, Bruce William, Corona Del Mar.
Powell, Daniel Lee, Artesia.
Powell, Reginald Foster, Empire.
Powell, Russell J., Redding.
Powers, Steven Charles, Compton.
Prescott, Dennis Louis, Sunnyvale.
Preston, Ross McClIelan, La Habra.
Prien, Don, Palo Alto.
Priesthoff, John Howard II, Woodland Hills.
Prosky, Leveret Roscoe, Palm Springs.
Puffenbarger, William T., Oakland.
Pumphrey, Cornealus, Jr., Corcoran.
Purcell, Dennis Edward, Tulare.
Quezada, Arthur, Trona.
Rainford, Edward George, Santa Rosa.
Ramirez, Jesus P., Los Angeles.
Ramirez, Lorenzo, Jr., Los Angeles.
Randolph, Richard Alan, Sutter Creek.
Rasori, Carl Raymond, Los Angeles.
Rathmann, Eugene Le Roy, San Diego.
Ray, Darwin Esker, East Highlands.
Ray, Robert Breckenridge, Bakersfield.
Ray, William David, El Centro.
Reed, Dennis Dale, Palm Springs.
Reich, William Goodro, San Fernando.
Remillard, Garry Edward, Hayward.
Renteria, Rudolph Sotelo, San Jose.
Reyes, Robert Antonio, Richmond.
Reynolds, Michael Monroe, Anaheim.
Rezende, Daniel Dias, Concord.
Rich, Danny Kaye, Roseville.
Richardson, Gary Lyle, Red Bluff.
Richter, Jay Dee, Pasadena.
Rivera-Bermudez Jose Antonio, San Jose.
Rizzardini, Timothy Joseph, Ridgecrest.
Roark, Anund C., San Diego.
Roberts, Archie James, Jr., Corona.
Roberts, Clifford Joseph, Hacienda Heights.
Roberts, Kenneth Ray, Cupetino.
Roberts, Louis Wade, Los Angeles.
Robinson, Bruce Allen, Calimesa.
Rodgers, Gary Gene, San Francisco.
Rodgers, John Arlington, Fontana.
Rodrigues, Joseph Michael, Santa Rosa.
Rodriguez, Benito Bobo, Freedom.
Rodriguez, Jesse Emiterio, Cutler.
Rogers, Wayne Johnathen, Hanford.
Romo, Robert Allen, Rialto.
Rosar, Robert John, San Bernardino.
Rose, Michael Allen, San Pablo.
Rose, Nathaniel Robert, Los Angeles.
Rosenberger, David Arthur, Orange.
Ross, Gene K., Boron.
Rowe, James Gray, Jr., Davis.
Rowland, William Michael, Garden Grove.
Roy, James Willie III, Oroville.
Ruiz, Manuel, La Puente.
Ruiz, Ramon Rodriguez, Santa Clara.
Russell, Gregory Allen, Rio Linda.
Russell, Richard Shannon, Santa Ana.
Ryan, Bernard Steven, Hollywood.
Rye, Dillard Gale, Dos Palos.
Rygg, Charles Allen, Oakland.
Sabo, Larry Michael, Turlock.
Sanchez, Ralph Jr., Los Angeles.
Sandoval, Daniel Flore, Compton.
Sandoval, Louie Joe, Oakland.
Sandvig, Vernon Dale, Los Banos.
Sanford, Henry Charles, Jr., Parma.
Santos, Joseph, Sacramento.
Santos, Michael Eugene, Monterey Park.
Sapinosa, Alfred Robert, Santa Maria.
Scales, Astor Jr., Los Angeles.
Scalise, Edward Joseph, Palo Alto.
Scharosch, Patrick Francis, Garden Grove.
Schasre, David M., Santa Ana.
Schmidt, Steven Warren, Anaheim.
Schroeder, Nicholas Lee, Eagle Mountain.
Schroeder, Stanley A., Los Angeles.
Schultz, Edward August, San Luis Obispo.
Schuyler, Ronald Lee, Hermosa Beach.
Schwartz, Kenneth Dale, Paso Robles.
Seavey, Douglas Rex, Highland.
Sebens, Gaylord James, Riverside.
Sehi, George Stephen, Lynwood.
Serrano, Gilbert, San Jose.
Serrano, Rodolfo Carrillo, Soledad.
Serrem, Mark MacDonald, Carmel.
Shannon, Kenneth Michael, Santa Clara.
Sharp, David Jackson, Sacramento.
Sharpless, Robert Leon, Santa Rosa.
Sheahan, Michael David, Tujunga.
Shelton, Edward Minot, Jr., Pasadena.
Sherman, Roosevelt Jr., Long Beach.
Shields, David Thomas, Sacramento.
Showers, Dennis Karl, Fair Oaks.
Shreve, Joseph Lynwood, Jr., Newark.
Shumate Berlin Robert, Hayward
Silveira, Jose A. C., Turlock.
Simmonds, Jerry Lee, Sacramento.
Sims, Jerry G., Novato.
Sisco, Jerry Donald, Jr., Ballico.
Skakel, George Walter, Santa Cruz.
Smart, Lester Edward, Jr., King City.
Smevold, Emil Harold, Daly City.
Smiley, William Thomas, Fresno.
Smith, Benny James, Brawley.
Smith, Charles Lenet, San Jose.
Smith, Donald James, San Francisco.
Smith, James Douglas, San Jose.
Smith, Jesse Lee, Los Angeles.
Smith, Larry Michael, Glendora.
Smith, Paul Leslie, Stockton.
Smith, Paul Wesley, Ordville.
Smith, Philip, Jr., Bell.
Smith, Thomas Lloyd, Durham.
Smith, Tullie Roscoe, Jr., Los Angeles.
Snell, Esmond Emerson, Jr., Berkeley.
Snyder, Bobby Clyde, Sacramento.
Solis, Eusebio, San Jose.
Soliz, Enrique Lorenzo, Stockton.
Sommers, Larry Eugene, Aptos.
Sommers, Steven Allen, Buena Park.
Sonstein, Paul Phillip, Pleasant Hill.
Sorenson, Eugene A., Los Angeles.
Sorick, Steven Paul, Cypress.
Soto, Arthur Ologue, Selma.
Soutar, Walter Jack, Compton.
Spafford, Galon Gene, Hawthorne.
Sparks, James Edward, Los Angeles.
Spotwood, Frank, Jr., San Francisco.
Stack, Joseph Vincent, Baldwin Park.
Stading, Gary Alan, Orange.
Stampfli, Theodore Arthur, Susanville.

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Stapleton, Ollie Ray, Concord.
Stark, Coy Foster, Hughson.
Starkey, James Wayne, Campbell.
Steele, Walter Charles, San Diego.
Stephens, Roger Dean, Manhattan Beach.
Stevenson, Gary George, La Mirada.
Stevenson, John Raymond, Garden Grove.
Stewart, Leland, Monrovia.
Stewart, Lonny Lawrence, Norwalk.
Stewart, Robert Lee, Woodland.
Stewart, Samuel Kay, San Diego.
Stickler, Clark D., Orland.
Stidham, Ernest James, Carmichael.
Stone, William Earl, Fellows.
Stover, Tommy Gene, Wilmington.
Stratt, Jacob F., III, Santa Maria.
Strock, Charles Frederick, Santee.
Stuckey, Walter, Los Angeles.
Stutz, Brad John, Loma Linda.
Suiaunoa, Tuioalele T., Oceanside.
Sundell, Lars Peder, Belmont.
Sutton, Dennis Lee, Vallejo.
Swaim, Allan Gregory, Tustin.
Swanson, Keith Lyle, San Leandro.
Swanson, Todd Earle, Los Angeles.
Tabet, Henry Marsial, Compton.
Tafoya, Joseph Ernest, Lathrop.
Tappan, Frederick Howard, Mountain View.
Taylor, Herman L., San Diego.
Taylor, Richard Kenneth, Los Gatos.
Taylor, William Douglas, Compton.
Tebbetts, Terry Lee, Huntington Beach.
Theurkauf, Harry Lee, Grass Valley.
Thomas, Andrew Jackson, Oakland.
Thomas, John Raymond, Pacific Grove.
Thomas, Tim, Hawthorne.
Thomas, William Dewayne, Fremont.
Thompson, Bernard David, Jr., Los Angeles.
Thompson, Charles Clair, Bellflower.
Thompson, Dennis Eugene, Pittsburg.
Thompson, Kendall William, Piedmont.
Thompson, Robert R., Hanford.
Thompson, Walter Lee, Fresno.
Thonues, Guenter Robert, Burbank.
Thornton, David Leslie, Nation City.
Thorpe, Dennis Ray, Fullerton.
Timboe, Arthur Richard, San Francisco.
Timothy, Wayne Elliott, Tranquillity.
Tolette, Richard Ross, Pomona.
Tolparoff, Alex Robert, Los Angeles.
Tomkins, John Michael, Panorama City.
Torliatt, Charles Peter, Jr., Petaluma.
Torres, Arcadio Jr., Hollister.
Tortorici, Bruce, Van Nuys.
Townsend, Stephen Lance, Calistoga.
Townsend, William Paul, Jr., Reseda.
Trisler, Richard Lee, San Jose.
Trivelpiece, Steve Maurice, Stockton.
Trombetta, Tony, Sacramento.
Turner, Eugene, Los Angeles.
Turner, Jeffrey Arthur, Mill Valley.
Twitty, Daniel Ray, Sacramento.
Twyford, Thomas Lionel, Grover City.
Tyes, Robert Lee, San Francisco.
Underwood, William Henry J., Monterey.
Uyesaka, Robert Joseph, Santa Barbara.
Valdez, Alfred, Gilroy.
Valenzuela, Henry, Jr., San Gabriel.
Valenzuela, Oscar, Jr., Oakland.
Van Fleet, Donald William, Inglewood.
Van Hook, James Douglas, Richmond.
Van Horn, Barry William, Los Alamitos.
Vantol, Gary Leon, Ripon.
Varni, Howard Steven, Los Angeles.
Vasquez, Charles V., Jr., Los Angeles.
Vaughn, Donald Wilbanks, Ventura.
Vazquez, William, Huntington Beach.
Velasco, Mike Ralph, Los Angeles.
Veloz, Eduardo, Pacoima.
Vieras, Jose Louis, San Jose.
Villalpando, Raymond, Jr., Sacramento.
Villarosa, Paul Herman, Lake Tahoe.
Villegas, Daniel John, Pacoima.
Vines, Richard Larry, Bakersfield
Vinge, Terry Lee, Ventura.
Vinter, Steven Charles, Sacramento.
Volke, Clifford James, II, Culver City.
Vossen, Stanley Joseph, Inglewood.
Wagner, David Frederick, Adelanto.
Walber, Runald James, Nevada City.
Walker, Clifford Wayne, Mt. View.
Walker, George Thomas Lloy, Los Angeles.
Walker, James Edward, Jr., Pacifica.
Walker, Michael Frederick, Chico.
Walker, Thomas Michael, Richmond.
Wanbaugh, Ronald Nelson, Torrance.
Ward, Danny Edward, Downey.
Ware, Keith Lincoln, Los Angeles.
Watkins, David Eugene, Los Alamitos.
Watson, Ronald R., Santa Ana.
Watson, Stanley Eugene, Anderson.
Watts, Thomas Roger, Los Angeles.
Waysack, William John, Orange.
Weathersbee, Ernest Murral, Sacramento.
Weaver, Richard Allen, Woodland Hills.
Webb, Donald Ray, Grass Valley.
Weber, Raymon N., Livermore.
Weddendorf, Robert George, Inglewood.
Weiss, Raymond Douglas, Garden Grove.
Wenban, Bruce R., Redondo Beach.
Werner, Stuart Arthur, Sacramento.
Werner, Wallace Bruce, Sacramento.
Weske, Richard Alwine, Camarillo.
Wesolowski, Alvin John, Jr., Cupertino.
West, Bobby, Orange.
West, Robert Wilks, Huntington Beach.
Whaley, Loy Neal, Sacramento.
Wheeler, Darrell Eugene, Live Oak.
Whelan, Michael Patrick, San Francisco.
White, John Herbert, Jr., Anaheim.
White, Leunard Ray, Watsonville.
White, Ralph Eric, Compton.
Whorton, Dwayne Jefferson, McKinleyville.
Will, Frederick Reed, Whittier.
Williams, David Charles, San Francisco.
Williams, Gerald Patrick, Oakland.
Williams, Richard D., San Bernardino.
Williams, Thomas Howard, Torrance.
Wilson, Jack Pyeatt, Jr., Burbank.
Wilson, James David, Richvale.
Wilson, Kenneth Richard, Los Angeles.
Wilson, Ronald Alton, Oakland.
Wilton, Stanley Frank, Sacramento.
Wiltse, Ronald Ellis, Fontana.
Wisham, George Merritt, Jr., Bakersfield.
Witherell, Gary Lee, Compton.
Wittler, Larry Eldon, Petaluma.
Wood, Peter Lorenz, South Pasadena.
Wright, Jerry Dean, Garden Grove.
Yamane, Benji, Oakland.
Yamashita,Kenji Jerry, Sanger.
Ybarra, Kenneth Francis, Gardena.
Young, Daryel Joe, Ontario.
Young, Ernest Harold, III, Downey.
Young, Gary Lee, Los Angeles.
Young, James Paul, Walnut Creek.
Young, Jon Michael, San Luis Obispo.
Youngblood, William Ronald, Bakersfield.
Zager, Edward Arthur, Arcadia.
Zamora, Edward, Selma.
Zenick, Robert James, Glendale.
Zimmerman, Edward Anthony, Long Beach.
Zuniga, Joseph Anthony, Los Angeles.

Air Force

Berry, Ralph Thomas, Escondido.
Ciarfeo, Glenn Thomas, Los Angeles.
Clanton, Larry Jack, Cupertino.
Conlin, Jeffrey Francis, San Diego.
Cunningham, George Michael, Santa Monica.
Forshey, Robert Ernest, Canoga Park.
Kawamura, Robert Kiyoshi, Santa Clara.
Kopfer, John Jerome, Redwood City.
Lede, Roy Leo, San Francisco.
Maisey, Reginald Victor, Jr., Sonoma.
McKinstray, James J.. Jr., Oakland.
Moreland, Stephen Craig, Los Angeles.
Quill, Edward Beeding, Jr., San Francisco.
Ramsey, Richard Charles, Sun Valley.
Russell, Richard Lee, San Diego.
Stevens, John Bradford, Long Beach.
Wensinger, Ralph Robert, San Mateo.
Worley, Robert Franklin, Riverside.

Marine Corps

Adame, Gilbert Jimmie, Colton.
Adams, Ricky Fay, Baldwin Park.
Adams, William Ernest, Whispering Pines.
Alencastre, Anthony Albert, Concord.
Allen, Joseph Harold, Coalinga.
Amescua, Steven Epefanio, Turlock.
Anderson, Robert Eugene, Hayward.
Appleby, Rickey Eugene, Gardena.
Asuncion, Henry France, Delano.
Aikinson, Jerry Doyle, Lawndale.
Austin, Stephen Edward, Denair.
Ayala, Gilbert, Jr., Fresno.
Baker, Steven Dewitt, Santa Ana.
Baker, Tony Anderson, San Francisco.
Balades, David Zavala, Oxnard.
Banner, Steve Arthur, Los Angeles.
Barber, David Edwin, Hayward.
Barnes, Walter Frasier, San Bernardino.
Bates, James Edward, Redding.
Bath, Eldridge Jack, Richmond.
Berry, Michael George, Sunnyvale.
Berry, Roy Vernon, Jr., San Joaquin.
Biber, Joseph Frank, Lompoc.
Bickle, Jimbob, Helendale.
Binns, David Richard, Reseda.
Blagdon, Edwin Ellis, Auburn.
Blair, Rocky Lee, Long Beach.
Blevins, Anthony James, Turlock.
Bocanegra, Felix Ramon, Venice.
Boggs, Clifford Allen, Casitas Springs.
Boomsma, Roger Allen, Arcadia.
Boyd, Bradley Monroe, La Puente.
Breck, Gary Anthony, Santa Barbara.
Brewer, George Henry, Sacramento.
Briggs, Thomas Harold C., Santa Barbara.
Britton, Sherrick Camden, Daly City.
Brodrick, Steven Parker, Selma.
Brown, Ronald Howard, Sun Valley.
Bruckner, Patrick Louis, Reseda.
Brunner, O. D., San Diego.
Bunch, Raymond Lee, Jr., Ojai.
Buss, Ronald Frank, Los Angeles.
Bustamante, Arthur, San Fernando.
Bustamante, Stanley R., Jr., Los Angeles.
Butler, Larry Don, Buena Park.
Byrd, Charles, San Jose.
Cabano, George Angelo, Jr., Pacifica.
Calabiz, John Rosalez, Valinda.
Camp, William Gordon, Fresno.
Candelas, John Frank, Reedley.
Carbajal, Carlos Guzman, Chula Vista.
Cardenas, Daniel, Jr., Fullerton.
Carney, Tyrone Edward, Oakland.
Carpenter, Gary Ralph, Watsonville.
Carrillo, Richard, Los Angeles.
Carter, Thomas Lee, Reseda.
Casares, Manuel, Tehachapi,
Catron, Garry Wayne, Chester.
Chaney, Norman J., Lynwood.
Choate, Randall Bingham, Concord.
Chrisman, Rex Gordon, San Diego.
Chute, Stephen Forrest, Carmichael.
Claire, Kenneth William, Redwood City.
Clark, Lonnie Warren, Vallejo.
Clark, Stephen William, Plymouth.
Clark, Willie C., Los Angeles.
Coats, Charles Alex, Broderick.
Cole, Sam, Jr., San Francisco.
Comacho, Peter Frank, Jr., Santa Ana.
Conley, Robert Frank, Santa Ana.
Contreras, John Jenaro, Carpinteria.
Coomer, Richard Ross, Placentia.
Cooper, Donald Nathaniel, Big Bear Lake.
Cottrell, Thomas Lee, Los Gatos.
Courtemanche, Callen James, La Crescenta.
Crandall, Timothy Allen, Santa Barbara.
Crawford, James Patrick, Fullerton.
Croke, Robert Stanley, Walnut Creek.
Crow, Charles Curtis, Bakersfield.
Cruz, Pete Frank, Chualar.
Cummins, Lanny Dee, Oroville.
Davis, Carlos Ray, Tustin.
Dearing, Jerry Wayne, Lakewood.
Delgado, John Pedro, Sanger.
Devers, Leslie Allen, Jr., Riverside.
Diefenderfer, Thomas Edwar, Santa Clara.
Diggs, John Francis, Atherton.
Dryer, Richard Eugene, Norwalk.
Duffey, Gerald Thomas, Castro Valley.
Duhe, Byrun Randall, Fountain Valley.
Dyer, David Wayne, Arroyo Grande.
Dyer, Frederick Lee, Upland.
Edgar, Terrece Eugene, Oildale.
Eisenacher, Charles John, Torrance.
Enedy, Robert John, San Diego.
Escobar, Jesus Gutierrez, Wilmington.
Escobedo, Daniel, Fremont.
Esponoza, Mike Patricio, Fresno.
Eversull, Anthony Patrick, Torrance.

Ewing, Lon Barry, Chula Vista.
Fanua, Fiapai, Jr., Wilmington.
Ferguson, William Boyd, Sanger.
Ferrari, Arnold Jay, Napa.
Figueroa, Javier Puentes, Wilmington.
Filipiak, Peter Jan, La Puente.
Fix, William Leroy, San Diego.
Fleming, Bernard John, Riverside.
Flores, Felix Frank, Los Angeles.
Flores, Monico, Jr., Hacienda Heights.
Frisbee, Dennis Wayne, Oakland.
Garcia, Angel Antonio, Canoga Park.
Garcia, Christopher, Oceanside.
Garcia, Jerome, Sacramento.
Garcia, Marcial Boncoc, San Francisco.
Garcia, Raymond Ignacio, Hayward.
Garrett, Michael Sheridan, Santa Susana.
Garringer, David Frank, San Francisco.
Gay, Lonnie James, Bakersfield.
Gaynor, James Thomas, Fallbrook.
Gero, John Anthony, Burbank.
Gillaspy, Edward Andrew, La Habra.
Gipson, Ricky Duane, Pacoima.
Goetsch, Wayne August, Brentwood.
Gumez, Lambert Anselmu, Los Angeles.
Gomez, Manuel Joseph, Vallejo.
Gonzales, Joe Julian, La Puente.
Gonzales, Richard Castillo, Los Angeles.
Gonzalez, Robert Espinoza, Fresno.
Gore, David Edward, Manteca.
Gorton, Jack Burt, Culver City.
Gosch, Thomas Charles, Oceanside.
Grady, Jerry Edward, Alameda.
Greene, Robert Earl, Los Angeles.
Gregorius, George, Stockton.
Gross, James David, Pittsburg.
Gurwitz, Leonard Zachary, Costa Mesa.
Hagel, Richard William, Hayward.
Haley, Harrison Leroy, Martinez.
Hall, Richard David, Whittier.
Hamby, Clyde Randall, Hayward.
Hansen, Willam James, Atascadero.
Hardy, Jerry Ray, Long Beach.
Harty, David Lewis, Sacramento.
Haskell, Charles Wesley, Sacramento.
Hatch, Richard Lee, Bakersfield.
Hausrath, Donald Arthur, Jr., Villa Park.
Hawes, Robert Caribean, Los Angeles.
Hayes, Fred Joe, Walnut Creek.
Headley, Frank Eberley IV, Eureka.
Heflin, Glen Elden, San Jose.
Hempel, Barry Lee, Garden Grove.
Henrickson, Combly Hanibal, San Diego.
Henry, Francis Gilbert, Rolling Hills.
Hernandez, Julio Alfonso, Los Angeles.
Hernandez, Pedro Alexandro, Los Nietos.
Hernandez, Reyes C., Jr., Colton.
Himmer, Lawrence, Chula Vista.
Holzman, Michael William, Sepulveda.
Hopper, Larry Charles, Ontario.
Horridge, Frederick Raymon, Lomita.
Houston, John Davis, Jr., Los Angeles.
Huggans, Kenneth Richard, San Mateo.
Hunt, James Anthony, La Puente.
Hunter, Delon, Los Angeles.
Hutson, Michael Gale, Sepulveda.
Incrocci, Richard Lafayett, Madera.
Ingram, Ronald Ernest, Redwood City.
Inman, Phillip Lee, Hickman.
Ironside, Steven Paul, Vallejo.
Issenmann, Michael William, Santa Clara.
Jackson, Donald Gene, Lakeside.
Jackson, G. B., Jr., Santa Rosa.
Jackson, Nathaniel Harvey, Los Angeles.
Jackson, Robert Elee, Paramount.
Janeway, Jerry Lee, Delhi.
Jennings, Rudolph, San Francisco.
Johnson, George Stephen, West Covina.
Johnson, Gerald Lynn, Mojave.
Johnson, James Edward, San Diego.
Johnson, Kim Williams, Fresno.
Jones, David Russell, Spring Valley.
Jones, Donald Byron, Lynwood.
Jones, James Walter, Hawthorne.
Jones, Larry Allan, Thousand Oaks.
Jordan, Litael, Jr., Los Angeles.
Joyner, Stephen Douglass, La Habra.
Juarez, George Albert, Pico Rivera.
Kalb, Michael Dale, Campbell.
Kane, Michael, Canoga Park.
Kemski, Gary Douglas, North Hollywood.
Killgore, Gene Douglas, Blythe.
Kinsworthy, Loyd Eugene, San Jose.
Knevelbaard, Andy, Lakewood.
Komers, John George, El Monte.
Kralik, William John, Culver City.
Krueger, Lorne Coleman, El Monte.
Kurilick, Robert Vaso, Pasadena.
Kurtz, Christopher Landis, Long Beach.
Kuykendall, Henry Joseph, Los Angeles.
Lambert, Jeffrey Earl, Redding.
Langh, Thomas Earl, Los Angeles.
Langrock, Dennis Ray, Sacramento.
Lavelle, Patrick James, Pasadena.
Lawrence, Ernest Frederick, Walnut Creek.
Lee, Michael Duryes, Palo Alto.
Leeman, Robert Allan, Fullerton.
Leonard, Arnold Lee, Jr., Morgan Hill.
Lewis, Allen Wayne, Fremont.
Lewis, Ronald Keith, Monterey.
Lopez, Adrian Salome, San Martin.
Lopez, Armando, Los Angeles.
Lyons, Carl, Los Angeles.
Maddox, Richard Greene, Cupertino.
Maddox, Roy Raymond, Jr., Independence.
Mahoney, Ralph Martin, Port Chicago.
Mahoney, Thomas P., III, Oakland.
Maldonado, Anthony Gilbert, Los Angeles.
Malone, John Edward, San Diego.
Mamon, Cesar Jabonillo, San Jose.
Marken, John Paul, Jr., Escondido.
Marquez, Martin, Jr., Los Angeles.
Marshall, Charles Ray, Oakland.
Marshall, Willard Dale, La Jolla.
Martin Jeffrey Lea, Santa Ana.
Martinez, Ernesto, San Jose.
Martinez, George Vincent, San Francisco.
Masadas, Ben Obseniares, Pittsburg.
Maxam, Larry Leonard, Glendale.
McCabe, Marc Wayne, Menlo Park.
McCall, Allan Lee, San Bernardino.
McCants, Alfred Frazier, Fallbrook.
McCosar, Winford, Bell.
McDonald, D. Lance, Van Nuys.
McGinley, Gerald Greydon, Concord.
McKenzie, Douglas N., II, Oceanside.
McKenzie, Richard Wayne, Oxnard.
McLelland, Marvin Edward, Arcata.
Medeiros, Dennis Joseph, San Lorenzo.
Medina, Daniel Michael, San Diego.
Melville, Timothy James, Manhattan Beach.
Mendell, Allan, San Francisco.
Mendoza, Gilbert, El Monte.
Michael, Dennis Steven, Vacaville.
Miles, Dale Arthur, San Diego.
Misa, Viane Sufeni, Oceanside.
Moise, Herve Jean, Los Angeles.
Molossi, Robert John, Daly City.
Montano, Anthony, Los Angeles.
Moore, Elliott Wayne, Long Beach.
Morelos, Catarino, Jr., Sanger.
Moreno, John Bobby, Vallejo.
Mulgrew, Kevin Spear, Los Angeles.
Mullen, Joseph William, Jr., Torrance.
Muncy, Gilbert Howard, Long Beach.
Musick, Raymond Earl, Jr., Compton.
Najar, Adam Serna, Palm Springs.
Nash, David Eugene, National City.
Nelson, Donald Lawrence, Santa Susana.
Nelson, Willard Edward, Contra.
Newton, Leonard Lee, Stockton.
Nora, Raymond Vernon, Albany.
Nott, Byron Lee, Jr., Lawndale.
O'Bannon, Robert, III, San Bernardino.
O'Connor, John Vinson, Jr., Roseville.
Obregon, Raul Albert, Los Angeles.
Olsen, Steven Wayne, Sunset Beach.
Oropeza, Manuel Garcia, Los Angeles.
Orr, Raymond Franklin, Jr., Santa Cruz.
Ortiz, Arturo Marquez, Los Angeles.
Pacheco, Robert Lee, Los Olivos.
Padilla, Ralph Henry, Merced.
Page, John Arthur, San Diego.
Page, Michael Ransom, Sacramento.
Palacios, Luis Fernando, Los Angeles.
Palmquist, Steven Leonard, Kerman.
Paopao, Keila, San Francisco.
Parker, William Thomas, Stockton.
Patterson, Edward Leon, Garden Grove.
Payne, Andrew James, Jr., Glendale.
Pearson, Thomas Rickard, Jr., San Diego.
Phipps, James Alvin, Compton.
Pinales, Lawrence, San Pedro.
Pinatelli, Thomas Michael, Hawthorne
Pinole, Babe, Santa Rosa.
Pitts, Terry Dennis, Bakersfield.
Planchon, Randall T. II, Long Beach.
Poffenbarger, William Osca, San Diego.
Poppa, Gerald Leland, Salinas.
Powers, Ronald Lee, Fresno.
Prock, Daniel Lee, Gridley.
Purcell, Gary William Torrance.
Purdie, Robert David, Sherman Oaks.
Rabey, Kenneth Tilden, Orange.
Railla, Jean Anthony, North Hollywood.
Ralph, Gary Ray, Campbell.
Ramos, George Michael, San Francisco.
Rasco, Kenneth Edward, Los Angeles.
Ratliff, Terry Dixon, Atascadero.
Reed, Roger Lee, Los Angeles.
Reyes, Ronald, La Puente.
Richee, James Burnus, Compton.
Riggs, Walter Roderick, Moorpark.
Riley, Ricky Vaughn, Compton.
Rinehart, James Dale, Jackson.
Ritchie, Douglas Reid, Whittier.
Robertson, Merle Eldon, Campbell.
Rogone, John Pio, Upland.
Roley, Herbert Wallace, Lakeside.
Romero, Joseph Michael, Lakewood.
Romero, Pedro, Jr., La Mirada.
Romero, Robert William, San Diego.
Rountree, Ronald Corbin, Sherman Oaks.
Ruchti, Heinz, Fairfield.
Ruiz, Andrew Andy, Clovis
Rush, Ervin Lee, Sacramento.
Rusher, Robert Charles, Tracy.
Ryan, Ronald Royce, Sacramento.
Sanchez, Edward, Jr., Los Angeles.
Sandoval George, Los Angeles.
Sapp, Wayne Leroy, Fallbrook.
Saunders, William O., Jr., Tulare.
Saxton, Gary Lee, Cathedral City.
Scarpinato, John Andrew, La Puente.
Scharff, Lennie Harold, Ben Lomond.
Schlamp, Gary Olin, Long Beach.
Schneller, Steven Owen, Marysville.
Schramm, Brock Rowland, San Carlos.
Schwartz, David Earl, Sacramento.
Scofield, John Charles, Anselmo.
Seaman, John Charles, Jr., Spring Valley.
Searles, Charles Peter, Burbank.
Shannon, Stephen Craig, Santa Monica.
Shelton, Henry Earl, North Hollywood.
Shelton, Robert Scott, Vacaville.
Shewman, Ronald James, Los Angeles.
Shields, Jimmy Lee, San Martin.
Siller, Peter Lenhart, Sacramento.
Silvers, Mitchell Frank, Norwalk.
Skaggs, Richard Allan, Cupertino.
Skinner, Herbert Kirk, Woodland Hills.
Skinner, Walter Francis, Soledad.
Smith, Frank John, Pico Rivera.
Smith, Marlin, Los Angeles.
Smith, Robert Carroll, Bell Gardens.
Sorchini, Andres, Los Angeles.
Soto, Martin Jesus, Compton.
Spaw, James Odis, Costa Mesa.
Stanley, Eural, Jr., Venice.
Stith, Daryl La Don, Hayward.
Stonesifer, Donald Lee, San Bernardino.
Storz, George William, San Anselmo.
Strobbe, Daniel Edwin, San Jose.
Strong, Gridley Barstow, Ontario.
Strong, Stanley Grant, Covina.
Sugiura, Tom Dennis, Moneterey Park.
Sullivan, Richard D. Jr., Redondo Beach.
Talley, Gary Lee, Campbell.
Taylor, Albert Russell, Springville.
Taylor, Geoffrey Raymond, Canoga Park.
Teague, Bruce Edward, Canoga Park.
Tharaldson, Jeffrey Ray, Sacramento.
Thomas, Charles Blake, Cucamonga.
Thomas, Michael Edward, Canoga Park.
Thompson, Louis Kenneth, Fremont.
Thornton, William A., Jr., Lawndale.
Tice, Gary Dale, Santa Clara.
Tisdall, Gary Dean, Modesto.
Toia, Matau, Jr., San Francisco.
Tolentino, Clarence, San Luis Rey.
Tomlinson, David Marlow, Cypress.
Torres, Manuel Prieto, Piru.

XUM

Toyias, Charles Leslie, Long Beach.
Trantham, Donald Ray, Santa Clara.
Trimble, James Mitchell, Eureka.
Turk, John Geoffrey, Lomita.
Turner, David Robert, Walnut Creek.
Tyler, Larry Josh, Los Angeles.
Valdez, Ismael Jose, Jr., Pico Rivera.
Valstad, Clyde Julius, San Diego.
Vater, Dieter Rudolf, La Mesa.
Villarreal, Ricardo, Fallbrook.
Wafer, David Earl, Richmond.
Walker, Gary Layne, Cudahy.
Walker, William John, Riverside.
Walton, Craig Leslie, San Jose.
Warren, Donald Albert, San Diego.
Washburn, Robert Glen, California City.
Waugh, Randall Michael, Paramount.
Weed, Donald Edmond, Port Hueneme.
Weidemier, Peter Joseph, Alameda.
Wentzell, Jeffrey Raymond, San Francisco.
West, Russell Udell, Orange.
Westberry, Vincent Douglas, Los Angeles.
Weymouth, Theodore Gay, Torrance.
Whittier, Mark Crosby, Whittier.
Williams, Charles Robert, Oakland.
Williams, Frederick H., Jr., Sutter Creek.
Williams, James Alec, Bishop.
Williams, Larry Ellis, San Jose.
Williams, Michael Walter, Artesia.
Williamson, Donald Ray, San Jose.
Wilson, David Lewis, Hornbrook.
Wilson, Royce Harold, Jr., Montague.
Wolfe, Joseph Kent, Los Angeles.
Worley, Kenneth Lee, Modesto.
Wright, Charles Fred, Vallejo.
Wright, Edward Taylor, Los Angeles.
Wright, Henry Arthur, Oakland.
Wright, James William II, San Diego.
Wright, Robert Edward, Sacramento.
Wyatt, John Wesley, Jr., East Palo Alto.
Yamanaka, Roger Kimo, Costa Mesa.
Yohn, William Leon, Fresno.
Young, Lewis John, La Puente.
Zimmerman, David Paul, Pasadena.
Zucroff, Steven Dale, Panorama City.
Zuniga, Charles Edward, Los Angeles.

Navy

Barrett, Michael Barry, Los Angeles.
Benson, Lee David, San Mateo.
Borders, John William, Jr., Saugas.
Brunton, Stephen Cornell, Ukiah.
Calzia, Frank Vincent, El Segundo.
Cardinale, James Anthony, Danville.
Carli, David Arthur, Vallejo.
Carter, Jackie Charles, San Jose.
Chester, Dennis Edward, Fair Oaks.
Clasen, Michael Roy, Napa.
Dawson, Frank Arthur, Fairfield.
Dunning, Timothy Charles, Santa Ana.
Ford, Patrick Osborne, San Francisco.
Haskins, Michael Wayne, Ventura.
Hayden, Glenn Miller, Long Beach.
Hodel, Mark Edward, Lodi.
Homuth, Richard Wendal, Spring Valley.
Hooper, Barry Wayne, Redondo Beach.
Howard, James Bryon, Bakersfield.
Hyland, John Peter, Santa Barbara.
Karger, Barry Edwin, Prather.
Kasch, Frederick Morrison, San Diego.
Kravitz, James Stephen, Riverside.
Lerch, Earl Roger, San Francisco.
Lewis, James C. Ralph, San Diego.
Long, Leonard, Tulare.
Lopez, Jose Angel, Jr., Sanger.
Macagba, Edilberto Cula, Albany.
Madrid, Michael Phillip, Stockton.
McGlochlin, David Earl, Carmel Valley.
Mercer, William Ivan, Los Angeles.
Meredith, Gary Lee, Fremont.
Moriarity, Patrick Dale, Napa.
Myrick, George Franklin, Los Angeles.
Parkinson, Gary Convers, Turlock.
Pettit, Craig Steven, Martinez.
Pritchett, Gregory Gene, Walnut.
Rambur, Michael James, Chula Vista.
Retzloff, James Robert, Jr., Redding.
Royall, Leslie William, III, Roseville.
Schlote, Louis Chris, Fort Bragg.
Scott, Dayne York, Hawthorne.
Siow, Gale Robert, Huntington Park.
Smith, Vernon Parr, Los Angeles.
Staten, Robert Joseph, Ontario.
Volz, Stephen Thomas, Lakewood.
Wagner, Robert Kay, Barstow.
Wentz, Mitchell Allen, Lompoc.
White, Charles Mott, Sr., Lathrop.
Zillgitt, Donald Henry, Inglewood.

Army

Addison, Harvey Charles, Ojai.
Alveraz, Cyril Anthony, El Sobrante.
Armstrong, Kenneth Daniel, Santa Cruz.
Austin, Larry D., San Bernardino.
Bafile, John Anthony, Sepulveda.
Bamford, Thomas Campbell, Fullerton.
Baron, Douglas Ken, Campbell.
Baza, Joseph Cruz, Sunnyvale.
Beamon, Thomas Keith, South Gate.
Bingman, Ronald Howard, Albany.
Briggs, Larry Ishmuel, Los Angeles.
Brogoitti, Bruce Clayton, Pasadena.
Caiquep, Jose, San Francisco.
Canright, Steven Craig, Castro Valley.
Carlock, John Ronald, Los Angeles.
Carpenter, Scott Marshall, Littlerock.
Chap de Laine, Arnold A., Jr., Arroyo Grande.
Clark, Michael Burriss, Lancaster.
Coalson, Stephen Edward, Santa Monica.
Cooper, Roy Eldon, El Monte.
Craig, Gary Raymond, Los Angeles.
Cunningham, Norman Northro, Van Nuys.
D Emanuele, Robert Paul, Sunland.
Davis, Thomas Joel, Placerville.
Devore, Kenneth Roy, Fullerton.
Doolittle, Ronald Louis, Santa Rosa.
Duncan, Timothy Joseph, Pasadena.
Dunkin, James Edgar, Jr., Coachella.
Eckl, Thomas Anthony, Pomona.
Edwards, Bobby Brance, Torrance.
Engle, Darrell Leroy, Lawndale.
Escageda, Jesus, Los Angeles.
Favata, Sam Joseph, Pico Rivera.
Fenn, Melvin B., Compton.
Ferguson, Michauel Don, Riverside.
Folmar, Mason Ophelia, Wilmington.
Franckowiak, Joseph Ralph, Huntington Park.
Franco, Francisco, Orosi.
Garrett, Lawrence Casey, Colton.
Gifford, Howard M., Ferndale.
Gines, Manuel Louis, Sacramento.
Gonzales, Jim Roy, Lompoc.
Granelle, Amedee George, Jr., Montclair.
Grant, William Richard, Huntington Beach.
Griego, Clarence, Barstow.
Gruber, Frederick Louis, Sierra Madre.
Guthrie, Steven Allen, Rialto.
Guymon, Alan Russell, Lomita.
Harms, Gary La Monte, Inglewood.
Hartman, William Taylor, El Cajon.
Hattori Masaki, Stockton.
Holt James Charles, Hawthorne.
Ingram, Robert Howard, Chula Vista.
James, Ronald Eugene, El Cerrito.
Jett, Jimmie Joe, Los Angeles.
Jones, Earl Timothy, Los Angeles.
Kaneski, Robert Adam, Chino.
Keiper, George Frederick, Burbank.
Kendall, James D., National City.
King, James Allen, Palmdale.
Knott, Dennis Lee, Long Beach.
Knutson, James Keith, Martinez.
Law, Jerald Lee, Pittsburg.
Leal, Chrisfino Dennis, San Diego.
Lee, Loren Victor, Vallejo.
Lemus, Charles Ruiz, Barstow.
Lo Forti, Paul Rosario, Palo Alto.
Luke, Arnold Wayne, Los Angeles.
Magee, John Earl, Los Angeles.
Mahoney, Alfred Richard, Jr., Pasadena.
Maruck, Michael Patrick, Union City.
Matson, Gary Lee, Alameda.
Matteson, Lynn Michael, Hawthorne.
Mazon, Theodore, Jr., Sacramento.
McCurtain, Charles Ray, Jr., Brentwood.
McGlothin, Raymond Dennis, Lomita.
McKiernan, Timothy James, Norco.
McPhail, Franklin Lloyd, Los Angeles.
Melvin, Michael Wayne, Ventura.
Meyer, Gary Antone, Diamond Springs.
Miller, Kent Froemming, Corte Madera.
Muntion, Arturo Daniel, Stockton.
Moore, Derryl Lee, Los Angeles.
Morley, Jeffrey Paul, Manhattan Beach.
Morris, Donald Warren, Taft.
Mosby, Statue, Jr., Los Angeles.
Nardelli, Robert Joseph, Redondo Beach.
Nious, Elvain Ennis, San Francisco.
Obert, Richard Robert, Modesto.
Osburn, Fred Harrison, Jr., San Diego.
Ozbun, James D., Fairfield.
Parker, Jimmie Edward, Fremont.
Perez, Peter, Mendota.
Powell, Edwin, Gilbert, Jr., Los Angeles.
Pugh, Richard Carl, Sherman Oaks.
Rainbolt, James Edward, San Diego.
Ridenhour, Darwin Bruce, Riverside.
Riggs, Willard Wayne, Pittsburg.
Roddam, Rodney Allen, Anaheim.
Rogers, Ronald Lee, Los Gatos.
Schroeder, Jerry Dean, Santa Rosa.
Seidel, Walter James, Merced.
Shaffer, Jonathan Peter, San Mateo.
Shaughnessy, James J., Jr., Sacramento.
Sloan, Douglas Dean, San Andreas.
Smith, Mark Edward, Lake View Terrace.
Smith, Robert Eugene, Jr., Newark.
Smoot, Robert Gene, Sacramento.
Soward, Douglas, Hayward.
Suydam, John Howard, III, Merced.
Swabby, Brent Leslie, El Monte.
Sylvestre, Armand Alvin, San Jose.
Terry, Marvin Hall, Pomona.
Tomlinson, David Cullen, Garden Grove.
Tomlinson, Robert Dale, San Leandro.
Tubre, Stephen Renier, North Highlands.
Vander, Dussen George, Artesia.
Weaver, Timothy Patrick, Montclair.
Wedman, Kenneth Albert, Newark.
Wells, Frank, Jr., San Francisco.
Werner, Norbert Otto, Cypress.
West, James Oscar, Berkeley.
Whaley, James Goodwin, Sacramento.
Whipkey, Richard Allen, Long Beach.
Whitaker, Jere Lee, Chula Vista.
White, William Henry, Coalinga.
Wilkes, Robert Lee, Corona.
Wright, Thomas Clay, Torrance.
Zirfas, Ewald, Los Angeles.

Air Force

Czarnecki, Steven Charles, Los Angeles.
Heckler, Fredrick Merriman, North Hollywood.
Leadbetter, Roger Gordon, Visalia.
Liebernecht, Von Miles, Burbank.
Luce, Paul Franklin, Oakland.
Miller, Robert Charles, Hayward.
Milligan, Randall Gale, Laton.
Reyes, Ruben Everardo, Los Angeles.
Richardson, Robert Brooks, Torrance.

Marine Corps

Clifton, Mancol Raymond, Santa Rosa.
Davis, Samuel Vernell, Los Angeles.
Diaz, Daniel, Long Beach.
Eckenrode, Marcus Richard, Mar Vista.
Ellis, George Walter, Hayward.
Evans, Donald Ray, Fremont.
Ewald, Robert Clarence, Bellflower.
Glancy, Lee O. Day III, San Diego.
Graham, Steven Louis, Long Beach.
Gransbury, Gerald Arlen, Los Angeles.
Holbrook, James Wendell, Paramount.
Howe, Larry Wayne, Fresno.
Lawson, Gary Don, Los Angeles.
Lindsay, Bruce Stuart, Lawndale.
Martin, John Charles, Merced.
McCord, David Michael, San Diego.
McGuire, Timothy Paul, Woodland Hills.
McKinney, Albert W., Jr., Imperial Beach.
McMillan, Bruce Francis, Walnut Creek.
McPhearson, James Carl, Long Beach.
Oneto, Harry Steven Jr., Sunnyvale.
Ott, Patrick Louis, Cupertino.
Payton, Venus DeWhit Jr., Oakland.
Perez, Joe Francisco Jr., Reedley.
Phillips, Thomas Miles, Healdsburg.
Pope, Serveston Devon, Modesto.
Quilalang, Anastacio Jr., Chula Vista.
Rumley, Richard Allen, Canoga Park.
Sanchez, Benny Kumiyama, Long Beach.
Schnack, Steven Spencer, San Bernardino.

Smith, Archie D., Richmond.
Stout, Terry Lee, Concord.
Strand, Philip Stanley Jr., Riverside.
Templeton, Raymond Woodrow, Dos Palos.
Todd, Robert James, Orange.
Treasure, Robert Joseph, Camarillo.
Uplinger, Barton John, Camarillo.

Navy

Battaglia, Christopher Pau, Burbank.
Bell, James Everrett, Watsonville.
Blakely, Martin George, San Francisco.
Chapa, Armando, Jr., San Jose.
Cherney, Peter Frederick, Whittier.
Cota, Ernest Kend, San Diego.
Fisher, Robert Gene, La Puente.
Heep, William Arthur, San Pedro.
Jackson, Donney Lyrce, Los Angeles.
Kollmann, Glenn Edward, Daly City.
Krissman, Rudy Paul, Santa Clara.
Pritchard, William John, Lancaster.
Ramsden, Gerald Lee, Fresno.
Reedy, William Henry, Jr., Merced.
Sander, James Kieth, Carlsbad.
Shockley, Ronald David, Porterville.
Smith, Richard John, Long Beach.

JULY 1, 1969–JULY 31, 1969

Army

Bartholomew, Michael M., San Francisco.
Bertagna, Lawrence Joseph, Round Mountain.
Beverford, Timothy Wayne, Los Angeles.
Bliner, John Edward, Santa Clara.
Bruner, Mark Leroy, Rio Dell.
Buckles, Richard Lee, Pacific Grove.
Carter, Leslie Dean, Jr., Campbell.
Casey, Daniel Gene, Concord.
Chiacchio, Joseph S., Jr., Glendale.
Cisneros, Jose B., Baldwin Park.
De Marcus, Jerry Dennis, San Diego.
Delgado, Jose Alejandro, Los Angeles.
Discoll, John Raymond, III, San Mateo.
Enriquez, Lucas R., Milpitas.
Pladger, Ralph Samuel, Garden Grove.
Floyd, Garland Dale, El Sobrante.
Gardiner, Robert Paul, Anaheim.
Gomolicke, Leonard Michael, Cupertino.
Greville, Leonard George, Crescent City.
Grove Cordell, Compton.
Harrell, Stephen Carl, Sunland.
Herbst, Thomas William, Northridge.
Holeman, Ronald Steven, Santa Monica.
Hubbard, Alfred Willie, Florence.
Huebner, Herman Henry, Reedley.
Huerta, Tommy, Los Angeles.
Krom, Michael Lee, Twain.
Larson, Richard Kemp, Santa Ana.
Maier, David Roy, Long Beach
Matthews, Bernard Julian, North Hollywood.
McNelly, William Robert, Ft. Mason.
Mitchell, Michael Thomas, Pittsburg.
Motley, Larry Keith, French Camp.
Newman, Dennis Earl, Monrovia.
Nunnally, Timothy Craig, Pico Rivera.
O'Keefe, Robert William, Davis.
Olmos, Alfonso, Pico Rivera.
Pearlstein, Jerrold S., Los Angeles.
Proctor, William C., Jr., Burbank.
Reed, Gary Walton, Eureka.
Reyes, Henry R., Porterville.
Rizzo, Robert Charles, Santa Clara.
Rodriguez, Joe Ignacio, San Jose.
Rogers, Michael Frederick, San Bernardino.
Ruebel, Joseph Peter, Los Angeles.
Sato Takeshi, Port Hueneme.
Smith, Jackie Lee, Barstow.
Sotelo, Luis Alonzo, Tulare.
Terrazas, Juan Luis, Los Angeles.
Torres, Raymond, La Mesa.
Tryon, Lee, Jr., San Diego.
Weekley, Clifford Wayne, Bellflower.

Air Force.

Flinn, John Leroy, San Diego.
Sizemore, James Elmo, San Diego.

Marine Corps

Anderson, William Olin, Pacoima.
Dowdell, Stepnen, Alhambra.
Garcia, Arnold Falcon, Moorpark.
Hamilton, Glenn Anthony, Los Angeles.

Martinez, Ernie Robles, Fremont.
Meeks, Charles Henry, Jr., Los Angeles.
Pearson, John Howard, San Mateo.
Rocha, Feliciano, Los Angeles.
Sandoval, Alan Paul, Lomita.
Sparks, Henry Eugene, Los Angeles.
Storm, Ralph Dorman, Union City.
Whiting, Malcolm D., III, Granada Hills.
Wright, Silas Clifton, Eureka.

Navy

Easton, Robert Glenn, Granada Hills.

Army

Engel, Gregory Charles, Van Nuys.
Grinnell, George Allen, San Pablo.
Henderson, Kayle Dean, Vista.
Holliday, Clyde Lee, Anaheim.
McCann, Michael Ross, Hermosa Beach.
McManus, Mark Lawrence, Los Angeles.
Morris, Kelly Stuart, Arcata.

Air Force

Orsua, Charles David, Sunnyvale.

Marine Corps

Basile, Patrick Lynn, Fontana.
Callaghan, Thomas Leonard, Atherton.
Hamilton, Roland Charles, Anaheim.
McGuire, Richard Harold, San Jose.
Wright, David Daniel, Ventura.

Navy

Burgess, Robert Howard, Walnut Creek.
Garza, Richard, Jr., San Jose.
Matthews, Floyd Joseph, Los Angeles.
Pearson, Gregory John, Encino.

JANUARY 1, 1969–JUNE 30, 1969

Army

Adams, Leon Henry, El Monte.
Adcok, Richard Lynn, Hinkley.
Aguirre, Joseph Anthony, Orange.
Alagna, Peter Leonard, Santa Ana.
Alaniz, Frederico, Jr., Watsonville.
Alderson, Benjamin Robert, Redding.
Allred, Rex Charles, Ventura.
Almeida, Joe, Jr., Los Angeles.
Alvarez, Alex Jim, Compton.
Arvizu, Xavier Amado, Monterey Park.
Atuatasi, Sa, Jr., Wilmington.
Axton, Edwin Everette, Santa Cruz.
Baca, Richard David, Ventura.
Baker, Ronald Ray, Concord.
Bangs, Christopher Delbert, Carmichael.
Banks, Robert Alan, Shafter.
Barker, Dana Randolph, San Diego.
Barnes, Marvin Donald, Alturas.
Barnes, Richard Leigh, Bellflower.
Barnett, Steven Paul, Burbank.
Barnholdt, Terry Joe, Garden Grove.
Barrett, Robert Lee, Jr., Los Angeles.
Barrios, James Patrick, Lemoore.
Barth, Thomas Frederick, Lakewood.
Bartlett, John Rex, Vallejo.
Bartman, Steven Douglas, San Diego.
Baumgardner, Duane Roy, Cloverdale.
Baxter, Jerry, Susanville.
Beall, Tyson Vance, Napa.
Beaman, Ronald Ralph, Oildale.
Beaumont, Robert Eugene, San Jose.
Bellamy, John Michael, Van Nuys.
Bennett, Robert Lloyd, Salinas.
Berry, James Edward, San Fernando.
Bird, Kenneth Robert, Monrovia.
Blakey, Michael Archie, North Highlands.
Bock, Jimmie Van, Vacaville.
Boles, Joey Lee, Wasco.
Bowden, Byron Bill, Arcata.
Bowen, Duane Curtis, Ramona.
Bowen, John Lewis, Monterey.
Bowles, Theophilus, San Francisco.
Boydston, Oscar Dan, San Francisco.
Bozeman, Perry Leonard, Lomita.
Bradford, Sherman Duane, Arleta.
Brown, Gale Lee, Lakewood.
Brown, Richard Allen, Lakewood.
Brown, Roger Louis, Costa Mesa.
Brown, Ronald A., Huntington Park.
Bruce, William Jack, Pomona.
Bugarin, Benjamin, Sepulveda.
Bumgarner, Thomas Edward, West Sacramento.
Bundy, Lincoln E., Redding.
Burfoot, Phillip Duane, Barstow.
Burke, William James, Jr., Menlo Park.
Burleson, Clarence Paul, Fairfield.
Burnett, David Leigh, Lone Pine.
Burns, James David, Oakland.
Burns, Richard Allen, Fontana.
Byrd, James Carmen, Norwalk.
Calderon, Felix Antonio, Burbank.
Campbell, Jack Donald, San Pablo.
Campbell, Robert John, Burbank.
Canavan, Martin Joseph, Jr., Barstow.
Caputo, Michael John, Alhambra.
Caraway, Johnnie J., Los Angeles.
Carrasco, Arthuro, Santa Maria.
Carrasco, Daniel, Cucamonga.
Carroll, Timothy Michael, San Jose.
Case, Robert Don, Weaverville.
Casias, Christopher, Woodland.
Castro, Louis, Union.
Catelli, Charles John, Santa Rosa.
Chacon, Robert Reinhard, San Bernardino.
Christensen, Harold Roy, West Covina.
Christianson, David B., Oroville.
Clark, Ernest Lee, San Marcos.
Clirehugh, Robert W., Jr., San Francisco.
Clutter, Carl Norman, Wilmington.
Cole, Robert Owen, Sacramento.
Collins, Jonathan, III, Los Angeles.
Colomber, James Stephen, McCloud.
Compton, Robert William, Pacifica.
Cooke, Larry Houston, Castro Valley.
Cooper, Donald Ray, Carmichael.
Corbin, Ronald James, Long Bach.
Corr, Paul, Jr., Anaheim.
Corri, Gary Allen, Oakland.
Crambelt, Howard Earl, Santa Clara.
Creal, Carl Martin, Palos Verdes Estate.
Creason, W. K. Utah, Quincy.
Cruise, Kenneth T., Jr., San Francisco.
Crump, Erskine Logan, Berkeley.
Cruz, Johnny Manuel, Sacramento.
Cummings, David Guy, Crescent City.
Cummins, Thomas Wayne, Marysville.
Currence, William Allen, Santa Clara.
Curtis, Roger Dale, Winters.
Curttright, Larry Brent, San Bernardino.
Daniels, Bruce William, Fresno.
Daniels, William Jr., Calexico.
Darden, Otis James, Berkeley.
Davenport, Robert Malcum, Manteca.
Davis, Larry Kent, Redding.
Davis, Robert Scott, Gardena.
De Aro, Stephen Wayne, Los Angeles.
De La Paz, Abel Joseph, Pleasanton.
De La Torre, Jose Manuel, Fullerton.
Dedman, Julian Dean, Norwalk.
Deitrick, George Douglas, Antioch.
Devore, Kenneth Roy, Fullerton.
Diehl, Harry G., Oceanside.
Dixon, Michael Kenneth L., Torrance.
Doran, Sean Timothy, Lennox.
Dotson, Eugene Lewis, Stockton.
Dulley, Kenneth Lawrence, Brea.
Duperry, Peter Alfred, Whittier.
Dwyer, Patrick William, Hollywood.
Eade, Raymond Frederick, King City.
Edwards, Bobby Brance, Torrance.
Edwards, Johnny Lawrence, Downey.
Eisman, James Frederick, Whittier.
Erickson, Philip Charles, Garden Grove.
Escamilla, Joseph, San Jose.
Estes, Brian Robert, Whittier.
Evans, Michael John, Maywood.
Ewing, Jerry Lew, Madera.
Fanfa, Anthony John, Oakland.
Ferouge, Ronald Walter, San Leandro.
Flores, Edwardo, San Jose.
Ford, Richard Wayne, Modesto.
Fox, James Carl, Arcadia.
Francis, James Patrick, Napa.
Freitas, Robert Edwin, Merced.
Frost, Herbert Cornelius, Alhambra.
Fullerton, James Price, Pasadena.
Garcia, Andrew Perez, Castroville.
Garcia, Antonio Mendez, Needles.
Garcia, Nickolas Gastelum, Five Points.
Garcia, Richard Calude, Morgan Hill.
Gardner, Gordon Dwight, Sunnyvale.
Gastelum, Eugene, San Diego.
Gates, Alfred Alan, Sunnyvale.
Gavia, Joseph Jess, Oxnard.
Gilles, Alan Clark, Pacoima.

Girard, Charles Pierre, Pasadena.
Godoy, Peter, Jr., Los Angeles.
Goeller, Michael Dennis, Nevada City.
Gonzales, Carlos M., El Monte.
Gordon, John Heber, Bakersfield.
Gorvad, Peter Lawrence, Oakland.
Graff, Allen Michael, Manhattan Beach.
Graham, Roy Wayne, Sacramento.
Grant, Herbert Raymond, San Rafael.
Greenlaw, Alan Heald, Redding.
Greer, Dennis Dale, Los Gatos.
Griswold, Scott Craig, San Jose.
Grubbs, Garey Lee, Torrance.
Guenther, John Carl, Jr., Fair Oaks.
Hahn, Harlan Leslie, Livermore.
Hall, Leonard John, Menlo Park.
Hanbury, David Delaney, Whittier.
Hansen, Mark John, Reseda.
Harrington, Timothy Michael, Sepulveda.
Harvey, Jeffrey Arnold, Burlingame.
Hatley, Eddie Lee, Stockton.
Hatzell, Michael Maxwell, San Jose.
Haug, Fred Gunder, Merced.
Heath, Isaac Edward, Torrance.
Heinmiller, Robert Lynn, Fresno.
Helgeson, Dale George, Lawndale.
Henry, Frederick John, Van Nuys.
Hensley, John, North Fork.
Hernandez, Phillip, Guadalupe.
Herring, Steven Wayne, Freedom.
Hicks, Frank Edward, Pomona.
Higginbotham, Larry Gene, Porterville.
Hight, Charles Benny, Visalia.
Hill, Allan Bruce, Torrance.
Horal, Thomas Glen, Sunnyvale.
Horn, Alan Murray, Lakewood.
Howard, David Terrell, La Habra.
Huckaba, Thomas James, Sacramento.
Huffman, David Jay, Ontario.
Humphries, Gary Dean, San Pablo.
Hunt, Calvin Gene, Bakersfield.
Huntley, Michael Alan, San Diego.
Hwang, Gerald Richard, Palo Alto.
Inguillo, John Deogracias, Watsonville.
Israel, Ralph Waldo, Jr., Chula Vista.
Jacques, Felix, Fresno.
Jacques, Kennedy, Anaheim.
Jenkins, Steven Lee, Santa Ana.
Jensen, Kenneth Vern, Sacramento.
Jerse, William Edward, El Cajon.
Johnson, Charles Aaron, Compton.
Johnson, Franklin A., El Cajon.
Johnson, Harold Benjamin, Oakland.
Johnson, Kenneth Paul, Bakersfield.
Johnson, Stephen Howard, Trona.
Jones, Charles Alexander, Tulare.
Jones Terry Edward, Whittier.
Jordan, Paul Robert, Sacramento.
Keister, Lawrence Lee, Sacramento.
Keith, Dennis Meves, Santa Paula.
Kellison, David Glenn, Cucamonga.
Kennedy, Edward Henry, Oceanside.
King, David Glenn, Tahoe.
King, Donald Gene, Lakewood.
Kinnard, James Edward, Vista.
Kipp, Donald Lee, Montclair.
Kubler, Garry Lee, Lodi.
Kunkel, Alfred Henry, Jr., Lakewood.
Laguna, Mario Montes, Marysville.
Larimer, Keith Wayne, Tulare.
Lawrence, Bobby Gene, Sacramento.
Lawson, Daniel W., North Highlands.
Layton, Ronald Dean, Sacramento.
Leake, Ronald James, Jr., Glendora.
Leinen, Gregory Michael, Long Beach.
Lema, Anthony Leroy, Hughson.
Leonard, James Michael, Edmond.
Levett, William James, Pasadena.
Levin, Robert Phillip, Palm Springs.
Lew, Vincent Gene, Sacramento.
Lewis, Calvin, Fontana.
Lewis, John Stephen, California Hot Springs.
Lewis, Joseph Anthony, Manteca.
Lewis, Stephen Mix, Torrance.
Lizarraga, Michael Wayne, Richmond.
Lohmeyer, Douglas Edward, Sacramento.
Lopez, John, Compton.
Lopez, Victor, Solana Beach.
Lortz, John Edward, III, Los Angeles.
Love, John, Jr., Hollywood.
Lozano, Fernando Leonard, Los Angeles.
Lucas, Clyde Austin, Mendocino.
Lucia, Stephen Wayne, Newport Beach.
Lukins, Paul Roger, Riverside.
Mac Leod, Phillip Lesley, Glendale.
Madden, David Allen, Arbuckle.
Madrid, Adano Hernendez, Los Angeles.
Mansergh, William A., Jr., San Jose.
Mardis, James Arnold, Jr., Vandenberg AFB.
Martin, John Anthony, III, Los Angeles.
Martin, Larry Allen, Bellflower.
Martinez, Chris Ronald, Alameda.
Martinez, Paul Dinnes, Jr., San Francisco.
Mattera, Frank John Joe, Los Angeles.
McAdoo, Glenn Paul, Bell.
McAtee, Don Jay, Castro Valley.
McCarthy, Joseph F., Jr., Los Angeles.
McCarthy, Terry Alan, San Diego.
McCorkle, Leslie Leroy, Yuba City.
McElroy, Dennis Arthur, Modesto.
McLellan, Jimmy Lee, Huntington Beach.
Mearns, Glenn Rodney, Hacienda Heights.
Miller, Marvin Ray, Riverside.
Miller, Paul Wayne, San Diego.
Mischeaux, Rene Clarence, San Francisco.
Mitchell, Mark David, La Puente.
Mohnike, Phillip Sherman, Visalia.
Montanez, Paris William, Fontana.
Montapert, Ronald M., Los Angeles.
Morgan, David Robert, Altadena.
Morgan, John Louis, Jr., Pacoima.
Morgan, Ronald Edward, San Diego.
Morrell, William Alexander, Hayward.
Morris, John Frederick, Sacramento.
Mortensen, Allan David, El Cajon.
Moschetti, Bill Arthur, Oakland.
Moss, Charles Lee, Jr., San Diego.
Muller, Allen Donald, Ventura.
Murphy, Billy Dan, Santa Clara.
Narcisse, Alvin Ray, San Francisco.
Negrini, William Lodi, West Covina.
Nicholson, James Alexander, Highland.
Niederhause, Stephen Scott, Reseda.
Nix, Warren Paul, Los Angeles.
Nordell, John Edward, Jr., Lodi.
Oens, La Vern Oren, Placerville.
Offerdahl, William Bruce, Hawaiian Gardens.
Oleta, Jesus C., Jr., Norwalk.
Oliver, Rick Alton, Chula Vista.
Ortegon, Richard Joseph, Fremont.
Owen, Steven Craig, Long Beach.
Ozbun, James D., Fairfield.
Paco, Richard Manuel, Pacoima.
Paddock, Michael L., Ventura.
Paepke, Duane Carl, Jr., Galt.
Palacios, Tony, Moorpark.
Parker, Ronnie Earl, Fullerton.
Parker, Roy Eugene, Shell Beach.
Pearson, Van Harvey, Newark.
Pedersen, Kenneth Ralph, Brentwood.
Peebler, Christy Albert, Tustin.
Pequeno, Juan Rodriguez, Gilroy.
Peters, Lauvi Paul Philip, Garden Grove.
Peterson, David Bruce, Bellflower.
Pettigrew, Kenneth Dale, Redding.
Pinney, John Scott, China Lake.
Porte, Robert Andrew, Reedley.
Porter, Michael Grant, Anaheim.
Posten, Gerald Wayne, Placerville.
Powell, Leslie Allen, Norwalk.
Proctor, Rickey Allen, Redding.
Protto, Robert B., Jr., Sunnyvale.
Proudfoot, Timothy Cole, San Jose.
Puentes, Miguel Angel, San Jose.
Queener, Ulysses Grant, Jr., Los Angeles.
Quintana, Juan Carlos, Daly City.
Radtke, Carl Leonard, Newhall.
Rains, Clyde Edward, Covelo.
Ramirez, Hildefonso M., Watsonville.
Ramirez, John Arthur, San Jose.
Ramirez, Ralph Albert, Jr., San Pablo.
Randall, Lynn Murray, San Jose.
Reed, Melvin L., Jr., Los Angeles.
Ricardo, Salvador Ortencio, San Francisco.
Rice, Gregory Lloyd, Granada Hills.
Richardson, Donald Harold, Redwood City.
Rideout, David James, San Bernardino.
Riley, Ronald Howard, Sanger.
Robbins, Jay Lee, Jr., Stockton.
Robbins, Jerry Clayton, Martinez.
Roberts, Stephen Lord, Redlands.
Robinson, Kenneth James, Fontana.
Roe, Linus Robert, Dos Palos.
Ross, Douglas Alan, Temple City.
Ross, Larry Thomas, Arcata.
Ross, Paul R., Huntington Beach.
Ross, Roger Dale, Hayward.
Rowe, William Edwin, Costa Mesa.
Rowles, Steven Robert, Glendora.
Rubio, Peter Paul, La Puente.
Ruggeri, Antonio, Ontario.
Ruiz Salvadore Iniguez, Sacramento.
Rush, David Clyde, Los Angeles.
Russell, Ronald Patrick, El Cajon.
Russell, Wayne, Los Angeles.
Sadler, Thomas Wayne, Oakland.
Sand, Ralph Thomas, La Habra.
Santos, Layne Michael, Los Angeles.
Savage, Douglas Paul, Covina.
Scurr, Kenneth Wesley, Grass Valley.
See, Richard Charles, Sunnyvale.
Segura, Steven Roy, San Francisco.
Sekva, Robert Glenn, Hayward.
Sellers, Richard Taylor, Jr., Palos Verdes Estates.
Shaughnessy, Edward Jerome, Hawthorne.
Shepard, Lawrence Robert, Napa.
Sheridan, Robert Edward, Placentia.
Short, Charles Dudley, Ontario.
Shugart, Lynn Doyle, Banning.
Shuster, Darryl Wayne, Hayward.
Simpson, Larry Douglas, Sloat.
Sloan, Robert Leland, North Hollywood.
Sloppye, Robert Royce, Sacramento.
Smith, Charles Clarence, Jr., Saugus.
Smith, Christopher Scott, Torrance.
Smith, Dennis Allen, Gridley.
Smith, Donald Ray, Placerville.
Smith, John Calvin, San Jose.
Smith, Larry Wayne, Bakersfield.
Sours, Bruce Michael, Concord.
Souza, Chris Anthony, Lakewood.
Souza, Francis Louis, Orange.
Sparks, Glenn Louis, Buena Park.
Spear, John Randall, Anaheim.
Stephens, Hays Charles, Los Angeles.
Stephens, Larry Allan, Travis AFB.
Stork, Robert John, Jr., Oakland.
Street, Tobby Windfield, Riauto.
Strickland, Douglas Lee, Port Chicago.
Stuessel, James David, La Puente.
Suarez, Encarnacion Alegre, Escondido.
Sullivan, Raymond Walter, San Francisco.
Tapia, Moises, Los Angeles.
Taylor, John Raymond, Taft.
Taylor, Rudy Ronnie, Hacienda Heights.
Taylor, Wayne Oliver, Anaheim.
Teal, Fred Thomas, Cucamonga.
Tenorio, Rafael Gabriel, Santa Rosa.
Thielen, John Roger, El Monte.
Thiery, John, Fairfield.
Thompson, Bruce Wayne, Glendale.
Thompson, Richard Vickers, Auburn.
Thompson, Robert Eugene, Fullerton.
Thompson, Thomas Donald, Jr., Los Angeles.
Tiderencel, John Werner, Broderick.
Tiffany, David L., Riverside.
Tipton, Timothy Taylor, Dixon.
Titmas, James, III, Panorama City.
Toth, Bertalan James, San Francisco.
Trejo, John Michael, Pomona.
Tritsch, Philip Alon, Nevada City.
Tucker, Gregory Charles, Santa Clara.
Ullda, Manuel Gurrola, East Los Angeles.
Valadez, Richard Paul, Los Angeles.
Valencia, Clement, Jr., Los Angeles.
Valero, John Juan, San Francisco.
Valdv, James Damion, Downey.
Vande-Vegte, Douglas Lee, Lakewood.
Vendelin, Thomas Leslie, San Mateo
Verdugo, Adalberto R. E., Los Angeles.
Villalobos, Ignacio L., Pico Rivera.
Villanueva, Francisco, Jr., McFarland.
Volheim, Michael Cory, Hayward.
Walker, James Daniel, Santa Maria.
Waller, John Bussey, Berkeley.
Warington, Charles W., Jr., Woodland Hills.
Weber, Paul Frederick, Lemon Grove.
Webster, Howard Gregory, Riverside.
Weigt, Stephen Lenn, Cloverdale.
Weir, John Randolph, Norwalk.
West, James Clifford, Jr., North Hollywood.

White, Marvin Charles, Ramona.
White, Richard Allen, Monterey.
Whynaught, Jeffrey Lyle, San Clemente.
Wikle, Ricky Lynn, Concord.
Williams, Craig Emery, Lakewood.
Williams, Jack Elwin, Eureka.
Williams, Robert Alwyn, Napa.
Wilson, Ronald Kelley, Mountain View.
Wimer, Robert Arnold, Eureka.
Wood, Todd Louis, Chico.
Woodside, Michael Lee, Long Beach.
Word, William Keneith, Sunnyvale.
Worl, Leslie Wayne, Long Beach.
Worthington, Laurence D., Fullerton.
Yabiku, Takeshi, Los Angeles.
Yanez, Victor Manuel, San Francisco.
Young, Samuel Lee, Los Angeles.
Ziegler, Stanley Bruce, Cedarpines Park.
Zufelt, Roy Glenn, Palmdale.

Air Force

Asada, Ronald Kazuo, Mountain View.
Cordero, William Edward, Santa Barbara.
Davis, Albert Jackson, Fallbrock.
Di Figlia, Frank Anthony, Burbank.
Fink, Robert Alton, San Diego.
Hayden, Neil William, Redding.

Marine Corps

Abeyta, Ernest, Los Angeles.
Allman, Jonathan Wayne, La Habra.
Angel, Michael Eugene, Hayward.
Atkins, Doyle, Modesto.
Barron, Jeffrey Michael, La Puente.
Bastyr, Douglas Bruce, Chatsworth.
Bell, Samuel Wayne, San Francisco.
Blosky, Gene Orville, Los Angeles.
Borquez, Lawrence Gabe, Los Angeles.
Bosbery, Donald Charles, Daly City.
Britton, Murry Lawrence, San Francisco.
Brown, Randolph, Jr., North Highlands.
Bullard, Victor Walker, Jr., Northridge.
Burick, John Anthony, Jr., San Pedro.
Burke, William Davidson, Jr., Oxnard.
Burris, Victor Antonieo, Los Angeles.
Calhoun, Robert Darrell, Lemon Grove.
Carroll, Peter Richard, Winters.
Christianson, Ronald F., Redding.
Cincotta, Thomas Antone, San Rafael.
Conner, Melvin Hubbard, Jr., Riverside.
Cook, John Philip, Cypress.
Costa, William Carl, Los Molinos.
Councill, Arthur Coby, III, Hawthorne.
Cowan, Paul Allen, Arleta.
Cox, Gary Allen, Selma.
Crites, Robert Lincoln, Jr., Colton.
Culverhouse, Leon Thomas, Torrance.
Curci, Anthony Boy, Riverside.
Davis, Duane Ross, Fortuna.
Day, Kevin Lloyd, San Diego.
Deleidi, Richard Agustine, El Cajon.
Delgado, Raymond Rodriguez, Watsonville.
Denlinger, David Wood, San Diego.
Dolan, David Patrick, San Pedro.
Duggan, Thomas Patrick, Berkeley.
Dycus, Rickey Dale, Long Beach.
Earley, John Richard, Eureka.
Edwards, Donald Mac, Norwalk.
Elliott, David Ray, Orinda.
Ellis, Dennis Floyd, Porterville.
Facchini, Stephen Dale, Riverside.
Foster, John Michael, Garden Grove.
Foulke, Jeffrey Howard, Woodland Hills.
Friel, Bruce Gary, San Jose.
Fry, Stephen Michael, Citrus Heights.
Gallion, Gaylen Ray, Sylmar.
Gracia, Henry, Jr., National City.
Gardenhire, Jimmy Maryland, Garden Grove.
Gayer, Kenneth Eugene, Fresno.
Gendion, Robert Michael, Costa Mesa.
Glass, Donald Robert, Citrus Heights.
Goodlin, Jerry Lee, Le Puente.
Gould, William Andrew, Oxnard.
Graff, Paul Arnold, Sunnyvale.
Graham, David Bruce, Ventura.
Gramlick, Michael, Los Angeles.
Green, Michael Wayne, Hayward.
Griffin, Louis Fredrick, Oxnard.
Guevara, Irineo, Los Angeles.
Guillen, Davis Lawrence, Gardena.
Hall, James Kenneth, San Francisco.
Hall, James Oscar, Jr., Vista.
Hannibal, James Edward, Mountain View.
Haran, Rory Timothy T., Salinas.
Harmon, Norman Mark, Fullerton.
Harrison, James Richard, Reseda.
Heim, Richard Wayne, Covina.
Henderson, Arthur Franklyn, Los Angeles.
Henricks, Charles Drayton, Solana Beach.
Heredia, Miguel, Bakerfield.
Hicks, Michael Eugene, San Leandro.
Highfill, Robert Ray, Hacienda Heights.
Hill, John Robert, Altadena.
Horcajo, Robert Albert, Milpitas.
Howard, Sydney Claude, Lakewood.
Huff, Richard Elliot, Chester.
Hunnicutt, Jason David, Petaluma.
Hunt, Philip Michael, Chula Vista.
Icke, Ralph Edward, II, El Centro.
Jakobsen, Peter Laust, Northridge.
James, Charles Robert, Citrus Heights.
Jay, Robert Vern, Alturas.
Johnson, Charles Howard, Baldwin Park.
Jordan, Steve Eugene, Venice.
Juri, Elgin John, Menlo Park.
Keeling, Larry Dewayne, Pioneer Point.
Keen, Edwin Thomas, San Diego.
Koell, Dickie Dean, Jr., West Sacramento.
Kuebel, Andrew Michael, Glendora.
Kunkel, John Robert, Santa Clara.
Labowski, Leonard William, San Francisco.
Lestelle, John Andrew, II, Reseda.
Letson, Gary Wayne, San Francisco.
Lewis, Adron Lee, Hacienda Heights.
Lind, Morten Arvid, Jr., Placerville.
Liptak, Charles Lewis, Glendora.
Lira, Robert Chagoya, Indio.
Liss, Larry William, Oroville.
Marks, Phillip Haddon, Sherman Oaks.
Marshall, Michael Allen, Los Angeles.
Martin, Joseph Craig, La Mirada.
Massone, Michael Stacy, Stockton.
McDonald, Lewis Levi, Oakland.
McLean, Ronald Walsh, Beverly Hills.
McConnell, David Wayne, Hemet.
Meeks, Charles Henry, Jr., Los Angeles.
Metoyer, Michael Espy, Los Angeles.
Miller, Walter Ray, Jr., Garden Grove.
Misa, Tulele, Gardena.
Montgomery, Steven Hugh, Hayward.
Mooers, William Mathias, Los Angeles.
Mora, Gregorio Manuel, El Monte.
Morris, Harry Leo, Jr., Long Beach.
Mulholland, Robert Alton, Studio City.
Mullen, Larry Donald, Ojai.
Naylor, Lynn Pattinson, San Diego.
Nelson, Albert Oscar, Jr., Oceanside.
Nibbelink, Lea Everett, Los Alamitos.
Nicholas, Robert George, Orange Cove.
Nottingham, Richard Lance, La Puente.
Oliver, Erskine Jay, Sacramento.
Orr, Thomas Joseph, Garden Grove.
Paddock, Michael James, Atascadero.
Pagaling, Michael, Santa Maria.
Parisi, Guillermo, Los Angeles.
Parker, Kenneth, San Francisco.
Pastores, Gevin Pescozo, Oakland.
Pearcy, Robert Leslie, Big Bear Lake.
Peddy, Charles Lee, Fresno.
Perez, Jesus Albert, Los Angeles.
Peters, Edward Theodore, Jr., Castro Valley.
Phipps, Jimmy Wayne, Culver City.
Pinamonti, Ernest Anthony, Inglewood.
Pitts, Roy Edward, North Highlands.
Prater, Calvin Ray, Kerman.
Price, Thomas Gordan, Torrance.
Pringle, Emmett Terence, San Francisco.
Quinn, Anthony Louis, Gardena.
Ramirez, Joseph Ybarra, Jr., Huntington Park.
Raymond, Edward Robert, III, Riverside.
Reed, James Clayton, Los Angeles.
Regnolds, James Randolph, Los Altos.
Roddick, William Henry, Highland.
Rodriguez, Louis, Bakersfield.
Rodriguez, Reginald Joseph, Montebello.
Rose, Daniel Patrick, Los Angeles.
Rose, Leonard Dale, Herlong.
Russell, James Robert, Arcata
Saldana, Fernando Saenz, Los Angeles.
Sarakov, Harry Daniel, Chico.
Shields, Richard Dale, Bellflower.
Silva, George Lee, Nice.
Smith, Matthew Edward, San Jose.
Stitt, Richard Wesley, Paramount.
Storbo, Ronald Lawrence, San Rafael.
Swisher, Clifford Lee, Cypress.
Tarrance, William Blair, Torrance.
Taylor, Dennis Lee, San Lorenzo.
Taylor, Jerry Lewis, Norwalk.
Telles, Paul George, Newark.
Thornton, Alan Wayne, Lakewood.
Toreson, Robert Wayne, Sacramento.
Torres, Michael Angel, Gardena.
Trejo, Joseph, Jr., Corona.
Unfried, Barry Lon, Oroville.
Urnes James Lee, Pacific Grove.
Van Dervort, Edward Paul, Daly City.
Vandeventer, James Charles, Lancaster.
Venuti, Vincent, Jr., Bellflower.
Vesey, Charles Hansen, Napa.
Villalobos, Arthur Garcia, Compton.
Vivilacqua, Theodore R., Long Beach.
Wandro, James Matthew, San Mateo.
Warmbrodt, Jon Frederick, Santa Monica.
Weil, Richard Anthony, Jr., Anaheim.
Weitzel, Kelly Wayne, Spring Valley.
Wells, James Edward, Tulare.
Wilson, Paul, Bakersfield.
Woods, Arthur Lee, Los Angeles.
Woolsey, William Jay, Lancaster.
Wright, Dennis Harold, San Jose.
Wysel, Mitchell Blaine, Ventura.
Young, Carlos Avila, Los Angeles.
Ysguerra, Robert Martin, Union City.
Zumwalt, Edwin Allen, Santa Rosa.

Navy

Angelley, Gerald Dwain, Los Angeles.
Babcock, John Richards, Newport.
Bernstein, Bruce Bryant, Los Angeles.
Brown, Bruce Edward, San Francisco.
Bruckart, Donald Lee, Redlands.
Godines, Mike Mora, Richmond.
Hamman, Lee Thomas, San Gabriel.
Holdredge, David Lee, Los Angeles.
Holmes, Hugh Bryant, Lakewood.
Horrell, Gerald Robert, North Hollywood.
Keller, Richard Leon, Lomita.
Langslow, Robert Malcolm, La Puente.
Lubin, Richard Marc, Beverly Hills.
Luckett, Larry Joe, Pomona.
McKinley, Stephen William, Hilmar.
O'Neil, Robert William, Sunnyvale.
Ollivier, Jose Antonio, Covina.
Pace, Ronald Earl, Los Angeles.
Page, George Merritt, Jr., Santa Monica.
Shapiro, Milton, Palmdale.
Stricklin, Robert Guy, Santa Ana.
Sullivan, John Michael, El Cajon.
Thompson, Robert Alan, Downey.
Wilson, David Allen, South Gate.
Worthington, Robert Leroy, Redondo Beach.

Army

Alvarez, Jose Carmen, Los Angeles.
Anderson, Kenneth Terry, San Diego.
Annis, Robin Richard, Canoga Park.
Arias, Richard, West Sacramento.
Auld, Roger Martin, Jr., Heatherstone.
Baldwin, Larry Dean, San Luis Obispo.
Ballard, Robert Lee, Los Angeles.
Beck, Gregory George, Fullerton.
Bendor, John Lee, Solano.
Bolton, Dennis Lewis, San Bernardino.
Brown, Charles Lynn, Bellflower.
Carlin, David Allen, Eureka.
Case Glenn Edward, Live Oak.
Crilly, David Anthony, Fresno.
Davis, Ray Rene, Oakland.
Davis, Roy Henry, San Luis Obispo.
Donovan, Tommy Clayton, II, Anaheim.
Elbracht, William Michael, Riverside.
Emerson, Wayne Herschel, Santa Susana.
Featherston, Clio C., Jr., Fair Oaks.
Franklin, Jeff Lee, Jr., Los Angeles.
Golliher, Patrick Carl, Granada Hills.
Green, Kish Lemont, Los Angeles.
Grisafe, Michael F., Jr., Covina.
Haberlein, Craig, La Mesa.
Harbord, Anthony Gordon, Beverly Hills.
Harrison, Foster Earl, Los Angeles.
Hayden, William Lyle, Fresno.
Hermosillo, Joseph Refugio, Fullerton.
Hertzler, Richard Dale, Hawthorne.
Higuera, Manuel, Los Angeles.

Howard, Dwane Gene, Pixley.
Huffstutler, Steven Riley, Mentone.
Jenkins, Charles Wayne, Lynwood.
Johnson, Bobby Cal, Oakland.
Kluge, James Donald, Sun Valley.
La Chica, John N., Chula Vista.
Lee, James Allen, San Diego.
Lewis, Harold St. Clair, West Los Angeles.
Lewis, James Robert, Modesto.
Lewis, John Edwin, Rosemead.
Mack, Danny Ray, San Francisco.
Maes, Pedro Miguel, Los Angeles.
Matta, Michael Ernest, Reedly.
Mays, George M., Jr., Compton.
McFarland, Steven Lee, Ventura.
McGovern, Charles Manley, Crestline.
McPherson, Larry Randall, Los Angeles.
Mills, Ted Douglas, Culver City.
Navone, Victor Charles, Jr., Los Altos.
O'Keefe, Robert, William, Davis.
Osuna, Jose Luis, Los Angeles.
Owens, Albert Danny, Mount Shasta.
Pearlstein, Jerrold S., Los Angeles.
Peterson, Stephen Russell, Newhall.
Pigg, Thomas Charles, Carmichael.
Ping, Roy Martin, Compton.
Prather, Lavon Neil, Selma.
Quaglieri, Paul Vincenzo, Burbank.
Quiroz, Alfred Mauro, San Luis Obispo.
Rivera, Julian Cabral, Oxnard.
Romero, Roberto Andress, Fremont.
Ross, Kenneth Edward, Sacramento.
Sicilia, Briggs Kinney, Santa Rosa.
Smith, Ammons Ewing, Jr., Altadena.
Stafford, Philip Clark, Camarillo.
Stanley, Dennis John, Attascadero.
Stotts, James Martin, Fresno.
Thoman, Thedore Vail, Sunnyvale.
Watts, Thomas James, Anaheim.
Wilson, Dean Charles, Alturas.
Wilson, James Willie, Altadena.
Winfrey, Raymond Michael, Redondo Beach.
Woodcock, Steven Jon, Santa Clara.
Yanchuk, Richard Philip, Jr., Canoga Park.

Air Force

Bell, Gerald Dean, San Diego.
Blankenship, Donald Lee, Los Angeles.
Burge, Thomas Guy, Bell.
Cameron, Robert John, Los Angeles.

Marine Corps

Acunia, Edgar, Los Angeles.
Alarcon, Arturo Fragoso, Oakland.
Bell, Mark Wayne, Rodondo Beach.
Boyce, Lawrence Steven, Stockton.
Franks, Barry Richard, Guasti.
Guardado, Rudolph, Los Angeles.
Gutierrez, Raymond Ramirez, La Puente.
Henson, John Michael, Sacramento.
Johnsen, Johnnie Wayne, Hayward.
Leach, James Andrew, Arcadia.
Long, Dan Steven, St. Helena.
Mallobox, Jesse Armando, El Centro.
Massey, Michael Sean, Imperial Beach.
Morris, Herman Ray, Ojai.
Phillips, Ronald Charles, Pittsburg.
Phinn, William Mark, Santa Cruz.
Ramos, Richard, Norwalk.
Rossi, Thomas Louis, Woodland.
Ruiz, Gilbert, San Jose.
Webster, Rhena Charles, Long Beach.
Webster, Wilbert Michael, East Palo Alto.
Williamson, John Clarence, Oakland.

Navy

Dock, Raymond Lee, Jr., San Francisco.
Eckoff, Dale Arnold, Long Beach.
Renning, Richard Andrew, Glen Ellen.
Schimmels, Eddie Ray, Los Angeles.
Siedentopf, Mark, Fremont.
Swigard, Paul Eugene, Jr., Seal Beach.

AUGUST 1, 1969–SEPTEMBER 12, 1969

California

Alvarado, Leonard L., Bakersfield.
Apodaca, Jack M., Lennox.
Baldizon-Izquierdo, Carlos A., San Francisco.
Barrett, Frederick H., Granda Hills.
Bartholomew, Michael M., San Francisco.
Bennett, Douglas A., Sheridan.
Bevard, Bobby L., Santa Clara.
Beverford, Timothy W., Beverly Hills.
Burns, Michael T., San Diego.
Brown, Don C., Garden Grove.
Byrne, James R., Torrance.
Castillo, Thomas, Santa Maria.
Cockerham, John W., Jr., Menlo Park.
Dawson, William J., Redwood City.
Delgado, Jose A., Alhambra.
Di Bari, Louis S., San Jose.
Duenas, Roberto C., San Pedro.
Dugas, Michael J., Carmichael.
Elson, Jeffrey C., Oakland.
Faran, Daniel E., Lawndale.
Field, James R., Los Angeles.
Flores, Jose L., Los Angeles.
Freestone, David E., Rough and Ready.
De Marcus, Jerry D., San Diego.
Gaftunik, Robert E., Sacramento.
Gee, Gregory J., Vallejo.
Goins, Chester L., Pomana.
Gonsalez, Luis M., Perris.
Grant, Melvin L., Oakland.
Grecu, Michael J., San Jose.
Guy, George A., Long Beach.
Guzman, Phillip, Jr., Los Angeles.
Henson, Lesley H., Salinas.
Hernandez, Felipe, Merced.
Hunt, Eugene, Fullerton.
Jackson, Christopher A., San Diego.
Kish, Ernest, Inglewood.
Lahna, Gary W., Long Beach.
McMains, Donald H., Garden Grove.
Major, Robert W., Carmichael.
Masuen, Michael N., Spring Valley.
Mathews, Bernard J., North Hollywood.
Mendenhall, Thomas J., Riverside.
Mills, Peter R., Inglewood.
Mitchell, Robert S., Riverside.
Nazabal, Arturo A., Jr., Los Banos.
Ofstedahl, Jerry W., Napa.
Pearson, George W., Jr., San Diego.
Parra, Manuel F., Los Angeles.
Pierce, Samuel H., Jr., San Francisco.
Poe, Charles A., Baldwin Park.
Ponce, Paul, Santa Clara.
Rawlin, Roy V., Chester.
Reyes, Henry R., Portoville.
Rinehart, Fred G., Arcadia.
Ruffner, Russel M., Jr., La Puente.
Seratte, John S., Fremont.
Schmidt, William J., Mountain View.
Short, Ronald L., Long Beach.
Smith, Phillip C., Pacific Grove.
Tasch, Jon, San Jose.
Taufi, Aouliulitau F., American Samoa.
Tibetts, David R., Santa Ynez.
Tenorio, Jimmy J., Los Angeles.
Velasquez, Charles, Oakland.
Webster, Chritopher C., Bakersfield.
Wecker, Harry H., San Bernardino.
White, Donald H., San Remon.
Williams, Dhaold D., Los Angeles.
Wilson, David H., II, Pacific Grove.
Wolfe, Brian E., Oxnard.
Fregeso, Marco A., Los Angeles.
Landis, Duane G., Spring Valley.
Rivera, Ruben, French Camp.
Rymond, Nicholas J., North Hollywood.
Semans, Thomas E., Norwalk.
Shelton, Richard P., Los Angeles.

Mr. CRANSTON. Mr. President, since last Saturday, the Pentagon has notified 12 more California families of the death of a loved one in combat in Vietnam.

Those killed were:

Lance Cpl. Robert R. Baade II, son of Mr. and Mrs. Robert R. Baade, 325 Scott Street, Long Beach.

Capt. Joseph W. Cox, husband of Mrs. Annie M. Cox, 1208 East Avenue, Palmdale.

Pfc. Chester L. Jackson, son of Mr. and Mrs. Earnest Kelly, 2030–11th Street, Riverside.

WO Peter T. Lundberg, son of Mr. and Mrs. Paul A. Lundberg, 3156 Euclid Avenue, Lynwood.

Lance Cpl. Larry D. Ledbetter, husband of Mrs. Sharon Ledbetter, 6148 North Eastbrook, Lakewood.

Lance Cpl. Roger D. Lowery, son of Mr. and Mrs. Ballard A. Lowery, Route 1, Box 177, Arcata.

Pfc. Sherman D. Monk, husband of Mrs. Shelia S. Monk, Box 96, 143277 Delta Road, Los Banos.

Pfc. Patrick O. Moriarity, son of Mr. and Mrs. Arley Moriarty, 11895 Columbet Avenue, San Martin.

Sp4c. James T. Moses, son of Mrs. Marjorie E. Grant, 12129 Fidel Avenue, Whittier.

Pfc. Larry K. Robillard, son of Mr. Lowell K. Robillard, 5539 Norton, Torrance.

Pfc. Jerry V. Ryan, son of Mrs. Betty K. Schlegel, 177 Cragmont Drive, Walnut Creek.

Sgt. Scott N. Stanton, son of Mrs. Florence Stanton, 4807 Woodley, Encino.

They bring to 3,794 the total number of Californians killed in the Vietnam war.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT

Mr. MANSFIELD. Mr. President, the Senate has just completed 8 weeks of the most serious deliberation on the military authorization bill, and yesterday that bill was passed overwhelmingly in this body. In my opinion, the long days spent on the military authorization bill were time well spent. It was an educational process, so far as the Senate was concerned. It was a process which not only will be beneficial to the future deliberations in this area as well as others in this Chamber, but also, it will prove to be beneficial for the Department of Defense, the administration, and the American people as a whole.

At long last, the Senate has seen fit to face up to its responsibilities; and when I say "the Senate," I include the Committee on Armed Services, as well. I mention the Committee on Armed Services because the chairman of that committee, the distinguished Senator from Mississippi (Mr. Stennis), has created several new subcommittees for the purpose of going more specifically into various areas contained in the defense budget.

I would point out that that committee reduced the administration's budget request for the Department of Defense in excess of $2 billion and that it would also have done away with the Cheyenne helicopter contract and the MOL contract if the administration had not acted beforehand. So to that committee I think a word of praise is well merited. To the Senate as a whole, because of the character of the debate, the questions raised, and the deep desire to do something, a word of praise is also due.

Mr. President, I ask unanimous consent to have printed at this point in the Record an excellent article entitled "Military Spending: No Longer a Ritual," written by Arlen J. Large, and published in the Wall Street Journal of today, September 19, 1969.

There being no objection, the article was ordered to be printed in the Record, as follows:

Military Spending: No Longer a Ritual

(By Arlen J. Large)

Washington.—At one point during the Senate's super-long debate on the defense budget, Sen. Howard Cannon was droning through a description of some air force hardware: "The F–111A is equipped with the Mark I avionics costing about $400,000 each."

Sen. Albert Gore of Tennessee: "Mr. President, will the Senator from Nevada yield at that point? I do not quite understand the term 'avionics.' I wonder would the Senator explain that to me?"

Sen. Cannon: "Avionics consist of the sophisticated electronic gear in the aircraft which permits it to carry out its navigational mission, its bombing mission, and so forth. It makes it possible to go to a preselected point and to get there with pinpoint accuracy . . . That is generally referred to in the term of 'avionics.' "

Sen. Gore: "I thank the Senator."

IMPORTANT BYPRODUCTS

So if nothing else, the great anti-Pentagon uprising has been very educational. Mr. Gore will be a better Senator for knowing about avionics, in case it comes up again. And it's clear that the $20 billion defense procurement bill has had other, more important, byproducts as well. For in the course of giving the Defense Department its anti-ballistic missile, its aircraft carrier, its C–5A jet transports and its new strategic bomber, the Senate has said and done things that carry significance beyond decisions on mere weaponry.

It has made vividly clear the Senate's strong streak of isolationism, or neo-isolationism, or whatever is behind a yearning to cut back military involvement abroad. The Air Force got its V–5As and the Navy got its carrier amid assurances from Senate backers that they would reduce the need for both GIs and bases abroad. The White House and State Department aren't compelled to go along with his bring-the-boys-home incursion into foreign policy, but they can't ignore it.

The Senate, for once, has set a healthy example of how Congress should consider the budget. Senators voted for or against each challenged weapon, on its merits, item by item, instead of trying to apply a meat-ax percentage cut in dollars and letting Pentagon bureaucrats decide what to curtail. This is much harder work, requiring the lawmakers to try to inform themselves—and even the public—on defense policy choices. It goes past ritual war-dancing about "Federal spending" to the really critical question: Federal spending *on what?*

The Senate's seven-week defense battle, it should be remembered, arose over a once-routine bill that's passed every year as a legal prelude to the annual appropriation of Pentagon money. The Senate used to dispose of it in a day or two, with interest shown mainly by members of the Armed Services Committee. The mood began to change last year as opposition developed to President Johnson's version of the ABM. President Nixon changed the ABM's physical location and strategic mission in hopes the opposition would die down, but it didn't. Rather, the ABM generated an all-out debate that soon spread to other weapons systems and a general assault on the military's role in American life.

The reason for the wrangle, everyone said, was disillusionment with the Vietnam war. While that's probably true, the war itself was little mentioned during the weaponry debate. Senators instead alternated between discussion of the global big picture and such picky technical matters as the workability of the C–5A's landing gear. Such friends of the military as Sen. Barry Goldwater regarded the whole thing as a towering insult to the Executive branch and the men in uniform. The Arizona Republican complained strenuously about being "exhorted by military amateurs on the finer points of defense strategy and sophisticated weaponry."

An insult to Pentagon pride it may have been, but there also was real blood on the rug before the bill could escape to a friendlier House. President Nixon had asked a $22 billion authorization for military hardware and defense research. The request went routinely to the Senate Armed Services Committee, hitherto the Pentagon's home away from home. But nobody had to hit the committee's new chairman, John Stennis of Mississippi, over the head with an "ABM is an Edsel" poster for him to realize the climate was changing. Mr. Stennis busily formed subcommittees, held some rare hearings in public sessions, and spent days and weeks in deciding how to placate foes in the coming floor battle by means of committee cuts that wouldn't jeopardize, by his lights, the nation's defenses.

His committee chopped the bill by $2 billion. Some of this merely brought the books in line with the Defense Department's last-minute voluntary sacrifice of the manned orbiting laboratory and the Cheyenne helicopter. But the committee also trimmed items the Pentagon badly wants: Cargo ships to be pre-positioned off potentially hostile shores; a new air-to-ground missile; a system of airborne black boxes to detect enemy aircraft; a slew of research projects.

The full Senate cut the bill by an additional $71 million (research, a rainy-day contingency fund), while approving the ABM and other big-thicket items that were challenged. Thus the total Senate cut came close to $2.1 billion, and the Pentagon became one with the Weather Bureau, the anti-poverty office, the ICC and other agencies that must adjust to winning a few and losing a few at budget time.

INTERESTING SIDE-ARGUMENTS

The money ledgers, however, won't record the interesting side-arguments that cropped up around the C–5A jet transport and the Nimitz-class nuclear-powered aircraft carrier. Some of the remarks uttered in the heat of debate should give the willies to State Department big-picture types who had hoped the Senate's pre-Czechoslovakia clamor for withdrawal of some U.S. troop units from Europe wouldn't revive. A devastating debating point occurred to Senators wanting to save the C–5A: "With a fleet of the huge planes available, fewer GIs would be needed overseas and some could even be brought home.

"We cannot continue to bleed this country with this tremendous number of troops stationed all over the world," declared Sen. Richard Russell of Georgia, where the planes are made. "I think we will have to reduce them substantially, and we can, and any weakness coming from that can be remedied by having an adequate airlift capacity."

The aircraft carrier debate evoked demands for scaling back U.S. land bases abroad. Said Sen. Stuart Symington of Missouri: "I would hope that many of these bases in these faraway lands, created to handle a type and character of warfare which will never occur again, are dismantled, so they will no longer be an additional burden on the American taxpayer." Sen George Aiken of Vermont, ranking Republican on the Foreign Relations Committee, argued for the carrier by warning: "The trouble we are having in maintaining bases on foreign soil can easily lead us into another war such as we now have in Vietnam, as well as other difficulties."

Some Senators voted for every one of the proposed defense cuts on the floor; others uniformly voted against them. But, refreshingly, quite a few members sought to look at each weapon as a matter to be settled independently of the others. Sen. Aiken voted against the ABM but for the C–5A and the carrier. GOP Sen. Caleb Boggs of Delaware thought the ABM a good idea, but he supported the additional cuts in military research.

The Defense budget hadn't been treated quite this way in the old days. During the three days of floor action on last year's version of the defense bill, there was a series of unsuccessful attempts to cut individual items. Then just before passage, GOP Sen. John Williams of Delaware arose to propose a 3% cut in the money total, with the decision on what to slice left to the Pentagon. Senators who felt themselves unqualified to judge "the finer points of defense strategy and sophisticated weaponry" knew an economy vote when they saw it, and Mr. Williams' meat-ax slice carried overwhelmingly.

This is the lazy way to combat that ogre, "Federal spending," which the surtax has made even more menacing to politicians. Every opinion poll, every constituent questionnaire, every day's mail last year showed that voters would much rather "cut Federal spending" than suffer the surtax. A legal ceiling on total spending was created to accompany the surtax. Leaky as it is, the ceiling is a rather desperate political response to a clear-cut mood of the voters.

SURRENDERING TO THE EXECUTIVE

But when Congress slaps a lid on a budget statistics, or votes to cut a budget statistic by a certain percent, it's surrendering to Executive branch agencies its right to decide what the Government should do. Anonymous bureaucrats end up with the final say on allocating money among competing Government activities: So much for traffic safety here, so much for new Army mess halls there, no matter what Congress may have appropriated. The bureaucrats undoubtedly are qualified to do it. But their decisions often are made in secret, not revealed until the next annual budget is published. Above all, they aren't accountable to the people, as voters, for these decisions.

A healthy result of this year's unusual public interest in the defense budget controversy has been the determination of Congress to reassert its authority to make these policy choices for the Pentagon. The Senate Armed Services Committee, in reviewing research activities, decided which specific projects would be cut and by how much, declaring that the old days of letting the generals allocate the dollars are over. And this year on the floor no meat-ax percentage cut in the dollar total was even offered; everything had been decided individually.

As Government activities get more complex, there's an unavoidable tendency by both Congress and the public to rely on the experts—not just for legitimate advice, but for decisions. The Government is so vast, its activities so myriad that it's easier just to deplore "Federal spending." What's happened this year on the defense bill is a welcome tug back in the direction of popular self-government.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 7 or 8 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE NEED FOR IMPROVEMENT IN OUR PRISON SYSTEM

Mr. MANSFIELD. Mr. President, the reasons for meting out criminal punishment are given as follows: To punish the offender for his wrongful act; to deter others from committing similar offenses; and to rehabilitate the offender—that is, to convert him into a law-abiding citizen. As well defined as they are, however, it has long been clear that we have failed

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miserably in at least one of these endeavors—our effort to rehabilitate. All too often has the criminal served out his prison term, in part for the purpose of rehabilitation, only to be released more embittered, more hardened, and ready at the first opportunity to return to his criminal ways. To say it bluntly, rather than rehabilitate, our prisons too often provide the spawning ground for criminal careers. Rather than conversion, our prisons offer corruption.

In this respect I was greatly impressed by a letter on this subject incorporated into the Congressional Record of August 12, 1967, by the distinguished senior Senator from North Carolina (Mr. Ervin). I think it would be worthwhile at this point to quote again just a few of the impressions of a man who experiences prison life firsthand:

> I am a convict, sometimes euphemistically referred to as an "inmate" or "resident." Six years ago, I preyed on people like you, the "square johns." But now I'm in prison. Six years is a long time, and many of you have forgotten me. You have been safe from my depredations for a long time now, and you have forgotten me. But guess what? I'm getting out soon—very soon, and I haven't forgotten you.
>
> I haven't forgotten how you allowed 19th century prisons and prison treatment to remain in the midst of your plenty. I haven't forgotten how you allowed stupid, sometimes brutal men to regulate my life to the nth degree. I haven't forgotten the dehumanization process that makes humanoids out of thinking, feeling human beings. No, I haven't forgotten those miserable things.
>
> But, do I mean you more harm now? Do I plan violent retributions against you? No, I have hurt enough for both of us. Instead, I feel sorry for you. Sorry for the heritage of pain and heartache which you are going to receive from my brothers. Most of my brothers will get out of here just as I am getting out. But many of them are more bitter than I, more resentful, more hating. And they mean you harm. They are going to thump your head for allowing them to be treated as they have been. Can't you see the inevitable consequences of your treatment methods? Can't you learn from experience? If your treatment methods don't work, if you can't think of constructive changes, why don't you copy those that have proved themselves in other penal systems?
>
> Can't you see that change is necessary to preserve what you now have? Can't you see? Are you blind? Are you stupid? Yes, I pity you. My brothers are getting out shortly, and I pity you. I wonder. I sit here in an alien society and I wonder.

I was greatly impressed with this eloquent commentary by one who experiences prison life firsthand. I commend Senator Ervin for bringing it to the attention of the Senate. In it are expressed the principal criticisms of our penal system; criticisms that have been leveled before and perhaps with more authority, but certainly with no more feeling.

I am appalled and ashamed. We have allowed these conditions to persist. We have failed miserably to correct this blight on our law enforcement process. Rather than curbing crime, our so-called correctional institutions, our jails, prisons, and juvenile facilities merely foster the ever-burgeoning crime rate.

The record is there for all to judge. Earlier this year, the Subcommittee on Juvenile Delinquency of the Senate Committee on the Judiciary concluded exhaustive hearings on our prison system. Laid bare were all the evils, the degradation and despair, the brutality and bitterness that have come to characterize these institutions. I commend this subcommittee for its attention to this matter. I commend its able chairman, the Senator from Connecticut (Mr. Dodd), for his interest.

A few days ago, the able Senator from Nebraska (Mr. Hruska) introduced S. 2875, a proposal designed to improve these conditions in our correctional systems. Shortly thereafter, the distinguished Senator from Connecticut (Mr. Dodd) introduced S. 2905, a companion proposal with similar objectives.

There is no question that this matter deserves our urgent attention. There is no question that action is long overdue. I would hope that the Senate and the Congress would face up to the problem, that all of the proposals would be considered, and that the way to reform would be charted before the 91st Congress adjourns. We can wait no longer.

I ask unanimous consent, Mr. President, that my name be added as a cosponsor of S. 2875 and S. 2905.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Allen in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MUNDT. Mr. President, I take this opportunity to ask the distinguished majority leader if he can advise us as to the schedule for the rest of today, and for the rest of the week if there is anything coming after today.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished acting minority leader, my long-time friend in both the House and Senate from South Dakota, it is anticipated that we will be able to complete consideration of the pending Space authorization bill today.

After the Space authorization bill is disposed of, we would like to take up today the John F. Kennedy Center bill, Calendar No. 316, H.R. 11249.

It is the intention of the joint leadership, subject to change if conditions occur over which we have no control, that on Monday next, we will take up Calendar No. 416, H.R. 12781, the Interior appropriation bill. Hopefully, we will finish it on that day.

On Tuesday, we will take up the Housing Authority bill as reported by the Committee on Banking and Currency.

This will be followed on Wednesday, if things go according to Hoyle, by Calendar No. 283, S. 2547, the food stamp bill, which has been pending on the calendar for some time.

This will be followed by the Federal pollution bill out of the Public Works Committee; to be followed by the civil service retirement bill, and then by the Mine Safety Act.

Hopefully, all or most of these will be disposed of next week.

Mr. MUNDT. I thank my distinguished friend from Montana. I take it from that reading that we will try to finish the NASA bill today.

Mr. MANSFIELD. Yes, I think the prospects are good, again barring something unforeseen, to complete the bill at a reasonable hour this afternoon.

ORDER FOR ADJOURNMENT UNTIL MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further morning business?

RED-CARPET TREATMENT OF TRAITOR ROBERT F. WILLIAMS

Mr. HOLLAND. Mr. President, in common with many other Members of Congress, I was greatly concerned with the red-carpet treatment that was extended to Negro militant Robert F. Williams a few days ago when, after an absence of 8 years from this country as a refugee, during which time, as a citizen of this country, he had done almost everything a traitor can do, he was brought back by a special flight of Transworld Airlines which reportedly cost that fine American institution $20,000.

Mr. President, I do not know why such red-carpet treatment was accorded him. I do not know why he is not being prosecuted now, as I think he should be. I merely invite attention to the fact that I believe this is no way to deal with a traitorous citizen—and that is what he is.

I noted a fine editorial in the Pompano Beach, Fla., Sun-Sentinel of Friday, September 12, 1969, which I think just about hits the nail on the head about this very serious matter which is causing so many Americans great concern.

I must say that I have heard from some very fine Negro citizens that this kind of treatment has caused them concern, because they cannot understand how such treatment could be given to one who has been guilty of such atrocious misconduct, particularly since they have no sympathy whatever for his actions or his attitude, and they are wondering why such treatment should have been accorded him.

Mr. President, at this time I ask unanimous consent to have printed in the Record the editorial to which I have just referred. It is entitled "Anarchy's Encouraged by Special Treatment." It is a signed editorial, written by a distinguished editorial writer, William A. Mullen.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

ANARCHY'S ENCOURAGED BY SPECIAL TREATMENT

(By William A. Mullen)

The case of Negro militant Robert F. (Rob) Williams sheds some light on why anarchy threatens the United States and why urban Negro communities are tinder boxes for riots.

After some eight years of exile in Cuba and Red China, from whence he directed propaganda calling upon American Negroes to revolt and advocating that Negro troops in Vietnam murder their White colleagues, Williams is to return to the United States today aboard a special flight costing Trans World Airlines a reported $20,000.

He is getting the very special person treatment at the request of the federal government because TWA would not accept him aboard a regular commercial flight on the grounds that his presence might endanger other passengers.

Moreover, Williams demanded that he be flown back to the United States and would not accept any other means of transportation.

Compliance with his demands to the extent of using a special plane for Williams and his escort will not be lost propaganda to militants who sell the story that the more demands are made, the more stubborn insistence they be met, the more the acquiescence to them.

The significance is all the greater because Williams is no run-of-the-mill militant. He is "chairman in exile" of the Revolutionary Action Movement (RAM), a proviolence group, and a leader in the Republic of New Africa (RNA), which proposes that Blacks have a separate nation in Mississippi, Alabama, Louisiana, Georgia and South Carolina.

The RNA's "Black Legion" has been associated with organizing and training the military-like Black Panthers.

Williams fled to Cuba via the underground railroad from Monroe, N.C., via New York's Harlem and Canada, after a racial disturbance in which he and several followers were accused of shooting a policeman and kidnaping a White couple as hostages.

The Federal Bureau of Investigation described him thusly in a fugitive bulletin: "He has previously been diagnosed as schizophrenic and has advocated and threatened violence. Williams should be considered armed and extremely dangerous."

In his book, Road to Revolution, Phillip Abbott Luce, a former organizer of the "New Left" and of the Progressive Labor party, relates that Williams met with American students who visited Cuba in 1963 and 1964 and in the latter year the PLP was formed. It since has been associated with campus violence and Harlem riots in 1964.

Other sources report that Williams taught the students how to make Molotov cocktails.

Luce attributes these comments to Williams:

"The old method of guerrilla warfare, as carried out from the hills and countryside, would be ineffective in a powerful country like the USA. Any such force would be wiped out in an hour. The new concept creates conditions that involve the total community whether they want to be involved or not. It sustains a state of confusion and destruction of property. It dislocates the organs of harmony and order and reduces central power to the level of a helpless, sprawling octopus. During the hours of the day, sporadic rioting takes place and massive sniping. (sic) Night brings all-out warfare, organized fighting and unlimited terror against the oppressor (Whites) and his forces. . . ."

It was in his magazine, The Crusader, published in Peking, that Williams advocated that Negro troops kill their White comrades at arms. Pamphlets quoting another section of the magazine detailed how to make lye and acid bombs, high-powered sniper rifles and armor-piercing bullets. Thousands of the pamphlets have been found by federal and local authorities throughout the United States.

Throughout his eight years of "exile" as a fugitive indicted for kidnaping. Williams waged a steady attack upon the "racist" United States.

Now he seeks to return to the nation he so viciously castigated and he is due back, as this is written, in high style.

It is another example of how militant leaders of riot and revolution are given special treatment, when they should be handled as dangerous traitors. Such tolerance does little to discourage the anarchy and violence plaguing the nation.

Mr. HOLLAND. Mr. President, without commenting at great length at this time, I do wish to read just enough from the editorial to show how deeply disturbed many good citizens are, because I think the editorial speaks the feelings and concern of many fine citizens of both races and in all parts of the country.

I read the opening paragraphs:

> The case of Negro militant Robert F. (Rob) Williams sheds some light on why anarchy threatens the United States and why urban Negro communities are tinder boxes for riots.
>
> After some eight years of exile in Cuba and Red China, from whence he directed propaganda calling upon American Negroes to revolt and advocating that Negro troops in Vietnam murder their White colleagues, Williams is to return to the United States today aboard a special flight costing TransWorld Airlines a reported $20,000.
>
> He is getting the very special person treatment at the request of the federal government because TWA would not accept him aboard a regular commercial flight on the grounds that his presence might endanger other passengers.
>
> Moreover, Williams demanded that he be flown back to the United States and would not accept any other means of transportation.

Mr. President, without reading all of what I have already placed in the Record, those parts of the editorial which recite the misconduct of this particular traitor, let me say that I have had this editorial checked by the FBI, and the FBI has assured me that the recitals therein are completely correct where they are quoted, and are substantially correct in other cases.

Without reading the sorry record of Williams' misconduct, I do want to read the closing words of the editorial because I think they so accurately describe the consequences of such treatment of such a person.

I quote:

> Throughout his eight years of "exile" as a fugitive indicted for kidnapping, Williams waged a steady attack upon the "racist"—

And that is quoted—

> "racist" United States.
>
> Now he seeks to return to the nation he so viciously castigated and he is due back, as this is written, in high style.
>
> It is another example of how militant leaders of riot and revolution are given special treatment, when they should be handled as dangerous traitors. Such tolerance does little to discourage the anarchy and violence plaguing the nation.

Mr. President, I could not be more thoroughly in accord with the position taken in this editorial. I hope that our Government may seriously consider what is its duty in such a case, and in this particular case, and in view of the printed statements—the printed signed statements—which have appeared in the various places cited in this editorial, given out by this particular traitor to our country.

I hope that our country may learn that it is not in such soft treatment of such a person that there resides any assurance that our country can continue to exist and can meet these traitorous activities and can protect and preserve this Nation and its law-abiding citizens—and that phrase includes most of our white people and most of our Negro people.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CANNON. I would like to join in the remarks of the Senator. I was shocked in reading the treatment that was accorded this individual. I think if the Federal Government was a party to it—and it obviously was—whoever had that responsibility should certainly review that action with relation to any prospective action in the future. I think it is shocking that such treatment would be given to a man who is accused of the type of crime this man is accused of. I think he should have been brought back by the most expeditious means, under the heaviest guard, and not under the circumstances related.

Mr. HOLLAND. I thoroughly agree with the distinguished Senator from Nevada, and I appreciate so much his comments.

I have wondered why there has not been more notice taken of this particular situation, which causes me, and I know from what has come to me, many others, deepest concern. I suspect that the reason why it has been shown so little attention in the Senate is the pendency of the bill which we had been debating for over 2 months and upon which we concluded action yesterday, and which was of the greatest importance to our country to conclude without great damage being done to it, and to protect the program which is embraced in that particular bill for the security of our country.

I hope that is the reason why we have not had more reference to this particular situation. I hope that now we may hear from whatever Federal authorities they were that arranged this special red-carpet trip of Williams to return to our country as the sole passenger in a large commercial plane. I hope that those Federal authorities will give some sort of reasonable explanation, if there is any—some sort of explanation, even if it is not reasonable—so that our people who

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are so deeply concerned about this incident may know what is going on in this connection.

I thank the Senator from Nevada for his remarks.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Proposed Legislation Enlarging the Classes of Persons Eligible for Servicemen's Group Life Insurance

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to enlarge the classes of persons eligible for Servicemen's Group Life Insurance, and to improve the administration of the program (with accompanying papers); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Economic Assistance Funds improperly used to finance vehicles for defense requirements, Agency For International Development, Department of State, dated September 18, 1969 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on progress and problems relating to improvement of Federal agency accounting systems as of December 31, 1968, dated September 18, 1969 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation Authorizing the Transfer of the Brown Unit of the Fort Belknap Indian Irrigation Project

A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to authorize the transfer of the Brown Unit of the Fort Belknap Indian Irrigation Project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Loan Application by the Water Supply and Storage Co., Fort Collins, Colo.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a loan application by the Water Supply and Storage Co. of Fort Collins, Colo. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Loan Application by St. John Irrigation Co., of Malad, Idaho

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a loan application by the St. John Irrigation Co. of Malad, Idaho (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the Acting President pro tempore:

A resolution of the Senate of the State of Alabama; to the Committee on Post Office and Civil Service:

"Resolution 56

"Whereas, the City of Huntsville, Alabama, is known and recognized as the "Space Capital of the World," because of the outstanding developments in space travel made there; and

"Whereas, the City of Huntsville, Alabama, has not been the recipient of a commemorative postage stamp in recognition of its achievements.

"Now, therefore, be it resolved by the Legislature of Alabama, both Houses thereof concurring, That we call on the United States Post Office Department to issue a 10¢ airmail commemorative postage stamp, commemorating the Apollo 11 moon landing flight, in the City of Huntsville, Alabama, at a time to be determined by said Post Office Department.

"Be it further resolved That the appropriate authorities take note of the fact that the Saturn booster rocket which: made all the Apollo flights possible is a Huntsville development, and that the scientists and workers of said city deserve recognition along with other space heroes; and

"Be it further resolved that a copy of this resolution be sent to the President of the United States, the Vice President of the United States, the Postmaster General of the United States, the Director of the Division of Philately—U.S. Post Office Department, each member of our U.S. Senate and Congressional delegation, and the Huntsville Chamber of Commerce.

"Attest:

"McDowell Lee,
Secretary of Senate."

A resolution adopted by the New Shrewsbury Borough Council, of Red Bank, N.J. urging that the Military Construction Authorization bill be amended to include Fort Monmouth as a customer of the Northeast Monmouth County Regional Sewerage Authority; to the Committee on Armed Services.

A resolution adopted by the City Council of Stanton, Calif., remonstrating against any proposed expansion of the Los Alamitos Naval Air Station; to the Committee on Armed Services.

A resolution adopted by the County of Monroe, N.Y., praying for the enactment of legislation on welfare reform and improved revenue sharing; to the Committee on Finance.

A letter, in the nature of a petition, from Sheldon Kirzer, of Jersey City, N.J., remonstrating against proposed cut in funding of the Institute of General Medical Sciences of the National Institutes of Health; to the Committee on Labor and Public Welfare.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CANNON:

S. 2931. A bill to provide for the sale of land in Clark County, Nev.; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Cannon when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. DODD:

S. 2932. A bill to amend the Gun Control Act of 1968; to the Committee on the Judiciary.

(The remarks of Mr. Dodd when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MATHIAS:

S. 2933. A bill for the relief of Giuseppe Migliaccio; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 2934. A bill for the relief of Dr. Amnach Sriratanaban; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 2935. A bill for the relief of Patricia C. LiBassi; to the Committee on the Judiciary.

By Mr. YARBOROUGH:

S. 2936. A bill to provide for the compensation of persons injured by certain criminal acts in the District of Columbia; to the Committee on the District of Columbia.

(The remarks of Mr. Yarborough when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. HARRIS:

S. 2937. A bill to provide for the striking of medals in commemoration of Jim Thorpe; to the Committee on Banking and Currency.

By Mr. TYDINGS:

S. 2938. A bill for the relief of Virginia Villa (A14 993 668); to the Committee on the Judiciary.

By Mr. TYDINGS (for himself, Mr. Cooper, Mr. Hart, Mr. Hughes, Mr. Inouye, Mr. Javits, Mr. McGee, Mr. Metcalf, Mr. Pell, Mr. Ribicoff, Mr. Saxbe, Mr. Scott, Mr. Williams of New Jersey, and Mr. Yarborough):

S. 2939. A bill to provide for the modernization of railroad passenger equipment in order to meet the needs of the commerce of the United States, of the postal service, and of the National Defense, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MATHIAS (for himself, Mr. Spong, Mr. Goodell, and Mr. Schweiker):

S.J. Res. 153. Joint resolution to establish a commission upon the condition and future of American policy respecting all aspects of international trade and tariffs; to the Committee on Finance.

(The remarks of Mr. Mathias when he introduced the joint resolution appear later in the Record under an appropriate heading.)

S. 2931—INTRODUCTION OF A BILL TO PROVIDE FOR THE SALE OF LAND IN CLARK COUNTY, NEV.

Mr. CANNON. Mr. President, I introduce, for appropriate reference, a bill to provide for the sale of land in Clark County, Nev., in order to correct a potentially unfair situation.

The affected purchaser, in good faith, purchased the land 20 years ago, and, assuming she held proper title, fulfilled her obligation to the best of her ability by faithfully paying the required taxes on and caring for the property for those many years.

To achieve fairness for both the Federal Government and the bona fide purchaser, this bill provides for the purchase of the land at the fair market value as of April 30, 1949, the date of the original purchase. Such a provision, I feel, provides for the conveyance without giving the purchaser a windfall, and at the same time denies the Government a windfall by allowing her to retain the benefit of the faithfully paid taxes and her care and improvement of the land during the 20-year period.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2931) to provide for the sale of land in Clark County, Nev., introduced by Mr. Cannon, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2932—INTRODUCTION OF A BILL TO EMBARGO THE DOMESTIC PRODUCTION, SALE AND DELIVERY OF CERTAIN FIREARMS

Mr. DODD. Mr. President, I introduce, for appropriate reference, an amendment to the Gun Control Act of 1968.

The effect of this amendment would be to prevent the transfer or sale by a licensee of any firearm other than a rifle or shotgun to anyone unless the Secretary of the Treasury determines that the weapon is suitable for lawful sporting purposes.

The standards he would apply to such firearms are the same as those applied to foreign imports which are covered by the Gun Control Act.

I have attached to my statement a copy of the factoring standards developed jointly by the Internal Revenue Service and a group of domestic firearms experts, and excerpts of the import regulations promulgated by the Secretary of the Treasury to implement the act.

I ask unanimous consent that the text of the amendment, the documents entitled "Internal Revenue Service Factoring Criteria for Revolvers" and "Excerpts From Title 26—Internal Revenue—Chapter 1, Subchapter E—Alcohol, Tobacco, and Other Excise Taxes, Part 178—Commerce in Firearms and Ammunition," published in the Federal Register December 14, 1968, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. The basic purpose of the amendment is to provide an added measure of safety to the American people by restricting the sales of so-called Saturday night special pistols and revolvers that are now being produced by the tens of thousands in the United States.

Mr. President, I should explain that "Saturday night specials" are inexpensive, poorly made handguns whose only purpose is to terrorize prospective robbery victims.

Mr. William Cahalan, the prosecuting attorney of Wayne County, Mich., testified before the Juvenile Delinquency Subcommittee just a few days before the disastrous Detroit riot and described the massive flow of these weapons from Toledo into the city of Detroit. Cahalan said that many minor hoodlums in Detroit who wanted to commit armed robbery would purchase one of these pistols immediately prior to the crime. And because most armed robberies take place on Saturday night, Michigan authorities dubbed them "Saturday night specials."

During our hearings we found this situation was not unique to the city of Detroit. The term "Saturday night special" had spread to every section of the country. We have found that this is the weapon most used not only in the crime of robbery but in the crime of murder and assault as well.

When the Gun Control Act was enacted last fall, provisions of that law prohibited the importation into the United States of these deadly weapons. That prohibition was based on a 7-year record of documented abuse of these so-called belly guns, whose only purpose was to kill or maim human beings.

These weapons are useless as hunting or sporting weapons.

Virtually every law enforcement officer who appeared before the subcommittee urged us to ban the importation of these multiple murder-a-day guns. They told us that such weapons had no legitimate sporting use and that their basic function was to be used as a "manstopper."

Even the National Rifle Association made this judgment on these weapons.

Case after case of abuse of these weapons was made available to us and the record that was compiled convinced me of the need to restrict their importation as a means of insuring the safety and well-being of our citizens.

Our own staff investigations and inquiries proved that the flood of these deadly "manstoppers" was a serious contributing factor to our spiraling crime rate and in particular to the sharp increase in gun crimes in the United States. Since our investigation began in 1961, there were over 3½ million of these lethal weapons imported, most of which were sold by mail order .

The weapons in question were small caliber, easily concealed, and readily available. Until enactment of the Gun Control Act they were imported, transported, and shipped by common carrier, virtually without control either by mail order or over the counter to nonresidents.

Mr. President, as you know these two sources of guns for criminals have been blocked with the enactment of the 1968 act.

However, there is in this country a cataclysmic lack of adequate State firearms controls.

The crime problems which result from this lack of State controls are increasingly being compounded by the fact that the former importers of the "Saturday night specials," the guns that law-enforcement officials from throughout the land urged be banned from import, have become domestic manufacturers. These "fast-buck" artists are now producing an American version of the "Saturday night special" which sells at prices comparable to the imported weapons.

The question that now confronts us is a simple one.

Are we going to allow the domestic production and sale of millions of nonsporting killer guns which are used in 30 percent of our murders annually, or are we going to move now, to stop their being dumped into the domestic arms traffic.

In my judgment we must act immediately.

The major importer of the "Saturday night special" of recent years is located in Miami, Fla. He has recently converted a church into a gun factory and is now producing hundreds of thousands of a domestic version of the very gun which he formerly imported into the United States.

This importer was the main reason for the import provisions in the Gun Control Act of 1968. He now claims:

> In a few years we'll be one of the biggest manufacturers of handguns . . . in the United States.

The handguns to which he refers are the American "Saturday night special."

Dade County police officials have said that 30 to 40 percent of the homicides in the country are committed with the type of gun sold by this "gunrunner." These same police officials are quoted as saying these guns "are popular particularly in the lower income groups where kids 14 and 15 and 16 are carrying guns."

E. G. Bigler of the Dade crime lab ballistics division indicated that these Florida manufactured guns are causing him problems because of the lack of craftsmanship. Bigler stated:

> The cylinder is free-turning and sometimes the bullet shaves off the right side, sometimes the left side. They are very hard to run tests on.

These sentiments are not peculiar to law-enforcement officers in Florida. The subcommittee's hearing records are replete with testimony documenting the abuses of this gunrunner's products in crimes of violence across America.

But he is not the only producer of these weapons.

Others are producing their own versions of the "Saturday night special" in substantial quantities. The gun is comparable in size and capability to the foreign imports which have been embargoed, because of their record of abuse.

While the record has not yet crystallized with regard to these domestically manufactured small caliber weapons, it seems clear to me that if action is not taken as a preventive measure now, then there is every possibility that the same patterns of abuse that developed with regard to the foreign imported firearms will occur with the comparable domestically produced gun.

Recent testimony by members of the Justice and Treasury Departments contained ominous statements on projected production figures by a few U.S. entrepreneurs who are trying to make a fast buck by filling in the void which was created when we blocked the European gunrunners.

Mr. Donald Santarelli, Associate Deputy Attorney General, testified that some 60,000 inexpensive, domestically manufactured "Saturday night specials" were made in the United States in 1968.

Santarelli went on to say that in 1969 it is estimated that 700,000 of these weapons will be manufactured here, and that by 1970 fully 1 million of these "pot metal" killer guns will be produced.

Santarelli concluded that the problem caused by the Saturday night specials has not abated, but, in fact, has exacerbated.

Representatives of the National Commission on the Causes and Prevention of Violence in a statement before the subcommittee called for an extension of the Gun Control Act to actually prohibit the domestic production of these junk guns.

Mr. President, I would rather approach this entire firearms problem from another standpoint. I would much prefer that the States enact enforceable and effective controls and that local levels of government insure that only responsible, lawful Americans purchase firearms.

However, we all know that such a condition will not exist in this country in the near future.

The only alternative is the enactment of comprehensive Federal registration and licensing controls.

Unfortunately, this approach is also far removed from reality.

Today, we are faced with a real and pressing decision that must be made with regard to the potential abuse of the weapons that I have just described in my remarks.

Are we to wait for a rash of killings, assaults, and armed robberies with these weapons, before we act?

I should hope not.

We must act decisively and we must act now.

We must enact this measure that I introduce today if we are to prevent the thousands of tragedies that would be inevitable if we failed to act.

The PRESIDING OFFICER. The bill will be received and appropriately referred, and, without objection, the bill will be printed in the RECORD.

The bill (S. 2932) to amend the Gun Control Act of 1968, introduced by Mr. DODD, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 922(b) of The Gun Control Act of 1968 is amended by—

(1) striking out at the end of paragraph 4 thereof the word "and";

(2) striking out at the end of paragraph 5 of such Section the period and inserting in lieu thereof a semi-colon and the word "and"; and,

(3) adding after paragraph 5 thereof: "any firearm, other than a rifle or shotgun, to any person, which the Secretary determines to be unsuitable for lawful sporting purposes based upon standards established by him pursuant to Section 925(d) of this title."

EXHIBIT 1

INTERNAL REVENUE SERVICE FACTORING CRITERIA FOR REVOLVERS

Individual characteristics of weapon	Factor allowance	Value	Subtotal (points)
Barrel length (muzzle to cylinder face)	Less than 4 inches	0	
	For each ¼ over 4 inches	½	
Frame construction	Forged steel	15	
	Forged HTS alloy	20	
Weapon weight (unloaded)	Per ounce	1	
Caliber	22 short to 25 ACP	0	
	22LR and 30 to 38 S. & W	3	
	38 special	4	
	357 magnum and over	5	
Miscellaneous equipment	Adjustable target sights (drift or click)	5	
	Target grips	5	
	Target hammer and target trigger	5	

Prerequisites:
1. Must pass safety test.
2. Must have overall frame (with conventional grips) length (not diagonal) of 4½ inches minimum.
3. Must have a barrel length of at least 3 inches.

Safety test: A double action revolver must have a safety feature which automatically (or in a single action revolver by manual operation) causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. The safety device must withstand the impact of a weight equal to the weight of the revolver dropping from a distance of 36 inches in a line parallel to the barrel upon the rear of the hammer spur, a total of 5 times.

Qualifying score is 45 points.
Revolver model.. Score achieved..........

Note: The Internal Revenue Service reserves the right to preclude importation of any revolver which achieves an apparent qualifying score but does not adhere to the provisions of sec. 925(d)(3) of amended ch. 44, title 18, United States Code.

EXCERPTS FROM TITLE 26—INTERNAL REVENUE—CHAPTER 1, SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES—PART 178—COMMERCE IN FIREARMS AND AMMUNITION

SUBPART G—IMPORTATION

§ 178.111 General

(a) Section 922(a)(3) of the Act makes it unlawful, with certain exceptions not pertinent here, for any person other than a licensee, to transport into or receive in the State where he resides any firearm purchased or otherwise obtained by him outside of that State. However, section 925(a)(4) provides a limited exception for the transportation, shipment, receipt or importation of certain firearms and ammunition by certain members of the United States armed forces. Section 922(1) of the Act makes it unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition except as provided by section 925(d) of the Act, which section provides standards for importing or bringing firearms or ammunition into the United States. Accordingly, no firearm or ammunition may be imported or brought into the United States except as provided by this part.

(b) Where a firearm or ammunition is imported and the authorization for importation required by this subpart has not been obtained by the person importing same, such person shall:

(1) Store, at his expense, such firearm or ammunition at a facility designated by U.S. Customs or the Assistant Regional Commissioner to await the issuance of the required authorization or other disposition; or

(2) Abandon such firearm or ammunition to the U.S. Government; or

(3) Export such firearm or ammunition.

(c) Any inquiry relative to the provisions or procedures under this subpart, other than that pertaining to the payment of customs duties or the release from Customs custody of firearms or ammunition authorized by the Director to be imported, shall be directed to the Assistant Regional Commissioner for reply.

§ 178.112 Importation by a licensed importer

(a) No firearm or ammunition shall be imported or brought into the United States by a licensed importer (as defined in § 178.11) unless the Director has authorized the importation of the firearm or ammunition, or the firearm or ammunition is listed on the Importation List compiled by the Director as provided by paragraph (c) of this section.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof under this section shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and license number of the importer, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm to be imported, (4) the country from which to be imported, (5) the name and address of the foreign seller and the foreign shipper, (6) verification that if a firearm, it will be identified as required by this part, and (7) (i) if imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm by section 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. In determining whether a firearm or ammunition is particularly suitable for or readily adaptable to sporting purposes, the Director may seek the recommendation of the advisory board authorized by paragraph (c) of this section. If the Director approves the application, such approved application shall serve as the permit to import the firearms or ammunition described therein, and importation of such firearms or ammunition may continue to be made by the licensed importer under the approved application (permit) during the period specified thereon. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the licensed importer shall be notified of the basis for the disapproval.

(c) The Director may compile an Importation List of firearms and ammunition which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes. The determination of the Director that a firearm or ammunition is generally recognized to be particularly suitable for or readily adaptable to sporting purposes may be made with the assistance of an advisory board to be appointed by the Commissioner. Such board may be composed of persons from within and without governmental agencies who are recognized as being particularly knowledgeable in the use and classification of firearms and ammunition. No firearm shall be placed on the Importation List unless it is found that (1) the caliber or gauge of the firearm is suitable for use in a recognized shooting sport, (2) the type of firearm is generally recognized as particularly suitable for or readily adaptable to such use, and (3) the use of the firearm in a recognized shooting sport will not endanger the person using it due to deterioration through such use or because of inferior workmanship, materials or design. No ammunition shall be placed on the Importation List unless it is found that (i) the caliber, size or gauge of the ammunition is suitable for use in a recognized shooting sport, (ii) the type of ammunition is generally recognized as particularly suitable for or readily adaptable to such use, and (iii) the use of the ammunition in a recognized shooting sport will not endanger the person using it.

(d) A firearm or ammunition imported or brought into the United States by a licensed importer may be released from Customs custody to the licensed importer upon his showing that he has obtained a permit from the Director for the importation of the firearm or ammunition to be released, or that the firearm or ammunition appears on the Importation List. In obtaining the release from Customs custody of a firearm or ammunition authorized by this section to be imported through use of a permit or because the firearm or ammunition appears on the Importation List, the licensed importer shall prepare Form 6A (Firearms), in duplicate, and furnish the original Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensed importer maintains his place of business. The Form 6A (Firearms) shall show the name, address, and license number of the importer, the name of the manufacturer of the firearm or ammunition, the country of manufacture, the type, model, and caliber, size or gauge, and the number of firearms or rounds of ammunition released.

(e) Within 15 days of the date of release from Customs custody, the licensed importer shall (1) forward to the Assistant Regional Commissioner a copy of Form 6A (Firearms) on which shall be reported any error of discrepancy appearing on the Form 6A (Firearms) certified by Customs, (2) pursuant to § 178.92, place all required identification data on each imported firearm if same did not bear such identification data at the time of its release from Customs custody, and (3) post in the records required to be maintained by him under Subpart H of this part, all required information regarding the importation.

§ 178.113 Importation by other licensees

(a) No person other than a licensed importer (as defined in § 178.11) shall engage in the business of importing firearms or ammunition. Therefore, no firearm or ammunition shall be imported or brought into the United States or a possession thereof by any licensee other than a licensed importer unless the Director issues a permit authorizing the importation of the firearm or ammunition.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof by a licensee, other than a licensed importer, shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and the license number of the applicant, (3) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm or ammunition to be imported, (4) the name and address of the foreign seller and the foreign shipper, (5) the country from which the firearm or ammunition is to be imported, and (6) (1) if the firearm or ammunition is being imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm under 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(c) A firearm or ammunition imported or brought into the United States or a possession thereof under the provisions of this section may be released from Customs custody to the licensee importing the firearm or ammunition upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the licensee importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensee importing the firearm or ammunition maintains his licensed premises. The Form 6A (Firearms) shall show the name, address, and the license number of the licensee, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size (if ammunition) or gauge of the firearm or ammunition so released, and, if applicable, the number of firearms or rounds of ammunition released.

§ 178.114 Importation by members of the U.S. Armed Forces

(a) The Director may issue a permit authorizing the importation of a firearm or ammunition into the United States to the place of residence of any military member of the U.S. Armed Forces who is on active duty outside the United States, or who has been on active duty outside the United States within the 60-day period immediately preceding the intended importation: *Provided*, That such firearm or ammunition is generally recognized as particularly suitable for or readily adaptable to sporting purposes and is intended for the personal use of such member. An application for such a permit, Form 6 (Firearms), shall be filed, in triplicate, with the Director. The application shall contain (1) the name and current address of the applicant, (2) certification that the transportation, receipt, or possession of the firearm or ammunition to be imported would not constitute a violation of any provision of the Act, Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix), or of any State law or local ordinance at the place of the applicant's residence, (3) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and the name of the manufacturer, (4) the unit cost of the firearm or ammunition to be imported, (5) the name and address of the foreign seller (if applicable) and the foreign shipper, (6) the country from which the firearm or ammunition is to be imported, (7) (1) that the firearm or ammunition being imported is for the personal use of the applicant, and (ii) if a firearm, a statement that it is not a surplus military firearm, that it does not fall within the definition of a firearm under section 5845(a) of the Internal Revenue Code of 1954, and an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (iii) if ammunition, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and (8) the applicant's date of birth, his rank or grade, his place of residence, his present foreign duty station or his last foreign duty station, as the case may be, the date of his reassignment to a duty station within the United States, if applicable, and the military branch of which he is a member. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and shall retain the two copies thereof for administrative purposes. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(b) Upon receipt of an approved application (permit) to import the firearm or ammunition, the applicant may obtain the release of same from Customs custody upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the military member of the U.S. Armed Forces importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the State of residence of the military member of the U.S. Armed Forces is located. The Form 6A (Firearms) shall show the name and address of such military member, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size or gauge of the firearm or ammunition so released, and, if applicable, the number of firearms or rounds of ammunition released. However, when such military member is on active duty outside the United States, he may appoint, in writing, an agent to obtain the release of the firearm or ammunition from Customs custody for him. Such agent shall present sufficient identification of himself and the written authorization to act on behalf of such military member to the Customs officer who is to release the firearm or ammunition.

(c) Firearms determined by the Department of Defense to be war souvenirs may be imported into the United States by the military members of the U.S. Armed Forces under such provisions and procedures as the Department of Defense may issue.

§ 178.115 Exempt importation

(a) Firearms and ammunition may be brought into the United States or any possession thereof by any person who can establish to the satisfaction of Customs that such firearm or ammunition was previously taken out of the United States or any possession thereof by such person. Registration on Customs Form 4457 or on any other registration document available for this purpose may be completed before departure from the United States at any U.S. customhouse or any office of an Assistant Regional Commissioner. A bill of sale or other commercial document showing transfer of the firearm or ammunition in the United States to such person also may be used to establish proof that the firearm or ammunition was taken out of the United States by such person. Firearms and ammunition furnished under the provisions of section 925(a)(3) of the Act to military members of the U.S. Armed Forces on active duty outside of the United States also may be imported into the United States or any possession thereof by such military members upon establishing to the satisfaction of Customs that such firearms and ammunition were so obtained.

(b) Firearms and ammunition may be imported or brought into the United States by or for the United States or any department or agency thereof, or any State or any department, agency, or political subdivision thereof. A firearm or ammunition imported or brought into the United States under this paragraph may be released from Customs custody upon a showing that the firearm or ammunition is being imported or brought into the United States by or for such a governmental entity.

(c) The provisions of this subpart shall not apply with respect to the importation into the United States of any antique firearm.

(d) Firearms and ammunition are not imported into the United States, and the provisions of this subpart shall not apply, when such firearms and ammunition are brought into the United States by:

(1) A non-resident of the United States for legitimate hunting or lawful sporting purposes, and such firearms and such ammunition as remains following such shooting activity are to be taken back out of the territorial limits of the United States by such person upon conclusion of the shooting activity;

(2) Foreign military personnel on official assignment to the United States who bring such firearms or ammunition into the United States for their exclusive use while on official duty in the United States;

(3) Official representatives of foreign governments who are accredited to the U.S. Government or are en route to or from other countries to which accredited;

(4) Officials of foreign governments and distinguished foreign visitors who have been so designated by the Department of State; and

(5) Foreign law enforcement officers of friendly foreign governments entering the United States on official law enforcement business.

§ 178.116 Conditional importation

The Director may permit the conditional importation or bringing into the United States or any possession thereof of any firearm or ammunition for the purpose of examining and testing the firearm or ammunition in connection with making a determination as to whether the importation or bringing in of such firearm or ammunition will be authorized under this part. An application for such conditional importation shall be filed, in duplicate, with the Director. The Director may impose conditions upon any importation under this section including a requirement that the firearm or ammunition be shipped directly from Customs custody to the Director and that the person importing or bringing in the firearm or ammunition must agree to either export the firearm or ammunition or destroy same if a determinatian is made that the firearm or ammunition may not be imported or brought in under this part. A firearm or ammunition imported or brought into the United States or any possession thereof under the provisions of this section shall be released from Customs custody upon the payment of customs duties, if applicable, and in the manner prescribed in the conditional authorization issued by the Director.

§ 178.117 Function outside a customs territory

In the insular possessions of the United States outside customs territory, the functions performed by U.S. Customs officers under this subpart within a customs territory may be performed by the appropriate authorities of a territorial government or other officers of the United States who have been designated to perform such functions. For the purpose of this subpart, the term customs territory means the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

S. 2936—INTRODUCTION OF A BILL TO CREATE A DISTRICT OF COLUMBIA VIOLENT CRIME COMPENSATION COMMISSION

Mr. YARBOROUGH. Mr. President, I introduce, for appropriate reference, a bill to compensate victims of crime in the District of Columbia. Briefly, this bill would create a three-man Commission appointed by the President with the advise and consent of the Senate. This Commission would be empowered to hear applications from victims of crime for compensation. Upon determining that the application is valid, the Commission could order the Commissioner of the District of Columbia to pay up to $25,000 to the victim of a crime or to victim's survivors where murder is involved.

Under the provisions of this act, crimes for which compensation could be claimed are:

First. Arson.

Second. Assault.

Third. Assault with intent to kill, rob, or rape and attempt to poison.

Fourth. Indecent act with children.

Fifth. Assault with intent to commit mayhem or with dangerous weapon.

Sixth. Kidnaping.

Seventh. Lewd, indecent, or obscene acts.

Eighth. Manslaughter.

Ninth. Murder.

Tenth. Negligent homicide.

Eleventh. Rape.

Twelfth. Robbery.

Thirteenth. Unauthorized use of vehicles.

Fourteenth. Or other crimes involving force to the person.

Mr. President, one of the most shameful blot on our Capitol is the high and steadily rising rate of crime here. The concern which many people are showing over this situation is well justified and I share this concern.

But, we must see crime in terms of a three-part equation: The conditions of life that produce a criminal act, the criminal act itself, and the victim's loss. At the moment, our major resources center upon the act of the criminal. Surely we owe as much assistance and concern to the victim of a violent crime as we do to his attacker.

Society's responsibility to the victims of crimes of violence is directly related to society's dereliction in fulfilling its responsibilities for preserving law and order within the society. Unlike an earlier time in our history when citizens bore arms and largely were responsible for their own protection, various laws, institutions, and mores within today's social structure exist as a pledge that society will provide protection. When society fails in its assumed duty to protect its citizens, society ought to have the responsibility of compensating the innocent victim for his personal pain and injury.

I believe that my bill, which I am introducing today, contains provisions that make it an important stepping stone in dealing with this urgent matter. I have given its passage top priority, and I hope that it will receive early consideration by the Senate.

Mr. President, I ask unanimous consent that the text of my bill to provide for compensation be printed in full at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2936) to provide for the compensation of persons injured by certain criminal acts in the District of Columbia, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

S. 2936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Criminal Injuries Compensation Act".

DEFINITIONS

SEC. 102. As used in this Act—

(1) The term "child" means an unmarried person who is under eighteen years of age and includes a stepchild, an adopted child;

(2) The term "Commission" means the District of Columbia Violent Crimes Compensation Commission established by this Act;

(3) The term "dependents" means those who were wholly or partially depending upon his income at the time of his death or would have been so dependent but for the incapacity due to the injury from which the death resulted and shall include the child of such victim born after his death;

(4) The term "personal injury" means actual bodily harm and includes pregnancy and mental or nervous shock;

(5) The term "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, or half sister of the victim;

(6) The term "victim" means a person who is injured or killed by any act or omission of any other person which is within the description of any of the offenses specified in section 302 of this Act.

TITLE II—ESTABLISHMENT OF VIOLENT CRIMES COMPENSATION COMMISSION

VIOLENT CRIMES COMPENSATION COMMISSION

SEC. 201. (a) There is established a District of Columbia Violent Crimes Compensation Commission which shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate solely on the grounds of fitness to perform the duties of the office. The President shall designate one of the members of the Commission who has been a member of the bar of a Federal court or of the highest court of a State for at least eight years as Chairman.

(b) No member of the Commission shall engage in any other business, vocation, or employment.

(c) The Chairman and one other member of the Commission shall constitute a quorum, except as provided in section 205 (b); and where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(d) The Commission shall have an official seal.

TERMS AND COMPENSATION OF MEMBERS

SEC. 202. (a) The term of office of each member of the Commission taking office after December 31, 1969, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1969, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1969; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the terms for which his predecessor was appointed shall be appointed for the remainder of such term.

(b) Each member of the Commission shall be eligible for reappointment.

(c) A vacancy in the Commission shall not affect its powers.

(d) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(e) Each member of the Commission shall be compensated at the rate prescribed for level IV under subsection 5315 of title 5, United States Code except the Chairman who shall be compensated at the rate prescribed for level III under section 5314 of such title.

ATTORNEYS, EXAMINERS, AND EMPLOYEES OF THE COMMISSION; EXPENSES

SEC. 203. (a) The Commission is authorized to appoint and fix the compensation of such officers, attorneys, examiners, experts and other employees as may be necessary for carrying out its functions under this Act.

(b) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Commission or by any individual it designates for that purpose.

PRINCIPAL OFFICE

SEC. 204. The principal office of the Commission shall be in the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

POWERS AND PROCEDURES OF THE COMMISSION

SEC. 205. (a) Upon request made to the Commission after the filing of an application under the provisions of this Act, the Commission or its duly authorized representative shall have a hearing on such application, shall fix a time and place for such hearing, and shall cause notice thereof to be given to the applicant.

(b) For the purpose of carrying out the provisions of this Act, the Commission, or any member thereof, or its duly authorized representative, may hold such hearings, sit and act at such times and places, and take such testimony as the Commission or such member may deem advisable. Any member of the Commission may administer oaths, or affirmations to witnesses appearing before the Commission or before such member. The Commission shall have such powers of subpena and compulsion of attendance and production of documents as are conferred upon the Securities and Exchange Commission by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by said Chairman. Subpenas shall be served by any person designated by the said Chairman.

(c) In any case in which the person entitled to make an application is a child, the application may be made on his behalf by any person acting as his parent or guardian. In any case in which the person entitled to make an application is mentally defective, the application may be made on his behalf by his guardian or such other individual authorized to administer his estate.

(d) Where any application is made to the Commission under this Act, the applicant, and any attorney assisting the Commission, shall be entitled to appear and be heard.

(e) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(f) Where under this Act any person is entitled to appear and be heard by the Commission, that person may appear in person or by his attorney.

(g) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(h) The Commission or its duly authorized representative may receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

(i) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Act is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

(j) Except as otherwise provided in this Act, the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code shall apply to the proceedings of the Commission.

ATTORNEYS' FEES

SEC. 206. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this Act, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under (a) above, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission, may within ninety days after the receipt of the information required by (a) above, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who charges, demands, receives, or collects for services rendered in connection with any proceedings under this Act any amount in excess of that allowed under this section if any compensation is paid, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

FINALITY OF DECISION

SEC. 207. The orders and decisions of the Commission shall be reviewable on appeal, except that no trial de novo of the facts determined by the Commission shall be allowed.

REGULATIONS

SEC. 208. In the performance of its functions, the Commission is authorized to make, promulgate, issue, rescind, and amend rules and regulations prescribing the procedures to be followed in the filing of applications and the proceedings under this Act, and such other matters as the Commission deems appropriate.

TITLE III—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 301. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 302 of this Act, the Commission may, in its discretion, upon an application, order the payment of compensation in accordance with the provisions of this Act, if such act or omission occurs within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person; or

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents.

(c) For the purposes of this Act, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this Act until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

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(g) Upon certification by the Commission, the Commissioner of the District of Columbia shall pay to the person named in such order the amount specified therein.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 302. The Commission may order the payment of compensation in accordance with the provisions of this Act for personal injury or death which resulted from the following offenses:

(1) Arson (D.C. Code, sec. 22–401);

(2) Assault (D.C. Code, secs. 22–503, 504);

(3) Assault with intent to kill, rob, or rape, and attempt to poison (D.C. Code, sec. 22–501);

(4) Assault with intent to commit mayhem or with dangerous weapon (D.C. Code, sec. 22–502);

(5) Indecent act with children (D.C. Code, sec. 22–3501);

(6) Kidnaping (D.C. Code, sec. 22–2101);

(7) Lewd, indecent or obscene acts (D.C. Code, sec. 22–1112);

(8) Manslaughter (D.C. Code, sec. 22–2405);

(9) Murder (D.C. Code, secs. 22–2401, 2402, 2403);

(10) Negligent homicide (D.C. Code, sec. 40–606);

(11) Rape (D.C. Code, sec. 22–2801);

(12) Robbery (D.C. Code, sec. 22–2901);

(13) Unauthorized use of vehicles (D.C. Code, sec. 22–2204);

(14) or other crimes involving force to the person.

NATURE OF THE COMPENSATION

SEC. 303. The Commission may order the payment of compensation under this Act for—

(a) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(b) loss of earning power as a result of total or partial incapacity of such victim;

(c) pecuniary loss to the dependents of the deceased victim;

(d) pain and suffering of the victim; and

(e) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 304. (a) No order for the payment of compensation shall be made under section 301 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this Act to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death of the victim living with the offender as his wife or her husband or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS OF THE ORDER

SEC. 305. (a) Except as otherwise provided in this section any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions, for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission may at any time, on its own motion or on the application of the Attorney General, or of the victim or his dependents, or of the offender, vary any order for the payment of compensation made under this Act in such manner as the Commission thinks fit, whether as to terms of the order or by increasing or decreasing the amount of the award or otherwise.

TITLE IV—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 401. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this Act for a personal injury or death resulting from the act or omission constituting such offense, the Commission may institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any other judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE V—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 501. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded.

PENALTIES

SEC. 502. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this Act.

APPROPRIATIONS

SEC. 503. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 504. This Act shall take effect on January 1, 1970.

S. 2939—INTRODUCTION OF A BILL TO BE KNOWN AS THE INTERCITY RAIL PASSENGER SERVICE ACT OF 1969

Mr. TYDINGS. Mr. President, I introduce legislation today which will provide railroads with modern, attractive passenger equipment. If this measure is passed, I believe it will begin the renaissance of our passenger railroad industry. At present rail passenger service is a neglected and dying component of our transportation network. If we are to have a balanced, rational, and efficient transportation system, this vital part—intercity railroad passenger service—must be revived and preserved.

Intercity rail service offers unique transportation characteristics that make it the most efficient way to move large numbers of people between cities for distances of under 300 miles.

First. Door-to-door travel time is lower because railroad stations are in the center of our large cities.

Second. Railway travel is usually safer and more comfortable than air or road.

Third. There is little of the harmful air and noise pollution that comes from cars or planes.

Fourth. The cost of the land needed for railroads is miniscule compared to highway right-of-way costs or the expensive sites for airfields near cities. After all, one track of rail can move the same number of passengers per hour as 24 lanes of superhighway.

Not only is railway passenger service the best way to move people between cities in high density areas, but also it is needed to relieve the strangulation of our other modes of transport. I need not elaborate upon the massive overloading, the long delays, and the resulting unreliability of road and jet travel in our Nation. Trains can move 50,000 persons an hour over a single track without a delay. Can we utterly ignore this transportation capability today, as cars are stalled on our roads and our planes stacked up above our airports?

As this country needs passenger rail service more and more, we are getting less and less. From 1946 to 1969 the number of passenger trains in the United States has decreased from 11,000 to less than 500. In the past decade, the number of passengers using railroads has decreased 40 percent. Thirty-six percent of the 1958 passenger routes no longer exist today. Almost every week we hear the announcement of another passenger train discontinuance. It is clear that if we do not move swiftly, we will have nothing left to preserve or rebuild.

Why are our passenger trains disappearing? Because the railroads, attracted by the high profits from their freight business, have ignored and neglected railway passenger service. Without the railroads' attention, capital, advertising, or even slight regard for customers, passengers have naturally left the trains, lured to the ubiquitous car or the highly advertised jet. After driving revenue away deliberately, the railroads then seek to discontinue the passenger routes which they have made unprofitable.

So we must act—and act swiftly—to halt this spiral of poor service and poor profits and to save this vital part of our transport network.

My bill will break this interaction between dispirited passengers and uninterested railroads by authorizing the Seretary of Transportation to buy new cars and lease them to the railroads or to buy old cars, rehabilitate them, and lease them back. The legislation will allow the Department of Transportation to replace or repair all the passenger cars that will need major overhaul in the next 4 years. The leasing revenues must pay for the full cost of servicing, maintaining, and repairing these cars. The Department of Transportation will choose which passenger routes are most vital to our transportation network and aid those lines.

This help is not an operating subsidy which would throw good money into

bad service and a dying industry. Rather this legislation enables the Department of Transportation to choose those passenger routes that must be saved and prescribe service standards. Under last week's decision of the ICC, service standards will not be forthcoming from the Commission. Here is a simple and fair method to upgrade passenger service. For once, there will be planning and policy instead of random decay.

The combination of new equipment and good service will turn the railroad passenger business towards a solid financial basis. Further, by offering to lease this new equipment, the Secretary of Transportation will be granting enough hope of profitability to preclude a railroad from discontinuing an essential passenger route. The railroads, knowing that they are in the passenger business to stay, will finally devote the energies, skills, and capital to this desperately needed service.

Of course, reviving passenger service will take some money. Every transportation system we have costs money. This bill provides for the expenditure of $190 million over 4 years, the sum needed to maintain and improve railway passenger cars and to begin to revive passenger service. Compared to the resources devoted to other less efficient and highly overcrowded modes of travel, this is very little money. The President has asked for $5 billion to spend on airports. By 1972, $56 billion will have been spent upon the Interstate System. But in many areas of the country, the roads and airways are incapable of handling intercity traffic. Do we continue to pour more money into the same programs, or shall we move to a policy of balance and efficiency?

Mr. President, I believe I have given as much effort as any Senator to cutting waste in our budget and in delaying unessential expenditures until after the Vietnam war ends. But I feel certain that if we wait too long to revive our rail passenger service, there will be nothing left but history. We must act now in order to save money later when the cost of reviving a dead rail passenger service will be prohibitive. We must act to achieve a balanced transportation policy. We must act now or this Nation shall pay for decades with distorted, inadequate and inefficient transportation.

Mr. President, I ask unanimous consent that at the end of my remarks the text of my bill be printed, along with a companion fact sheet. I would like to thank the National Association of Railroad Passengers for assistance with some technical matters related to this problem.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and fact sheet will be printed in the RECORD.

The bill (S. 2939) to provide for the modernization of railroad passenger equipment in order to meet the needs of the commerce of the United States, of the postal service, and of the national defense, and for other purposes, introduced by Mr. TYDINGS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows;

S. 2939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intercity Rail Passenger Service Act of 1969".

TITLE I—GENERAL PROVISIONS

Sec.
101. Congressional findings and declaration of purpose.
102. Definitions.
103. Act controlling.
104. Separability.

§ 101. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

The Congress finds that modern, efficient intercity railroad passenger service is a necessary part of a balanced transportation system; that the public convenience and necessity requires the continuance and improvement of such service to provide low cost transportation between crowded urban areas and in increasingly isolated rural areas; that rail passenger service can help to end the congestion on our highways and the overcrowding of our airlanes and airports; that the traveller in America should have freedom to choose that mode of travel most convenient to his needs; that to achieve these goals requires the restructuring and reequipment of existing passenger service; that the railroads have an obligation to provide good passenger service to the public; that the railroad industry cannot accomplish this task relying on its own financial resources alone; that Federal assistance is required to assist the railroads in meeting their public utility obligation; and therefore, it is the purpose of this Act to authorize the Secretary of Transportation to purchase, rehabilitate, lease, service, maintain, and repair intercity railroad passenger equipment.

§ 102. DEFINITIONS.

For the purposes of the Act—

(a) "Fund" means the Railroad Passenger Equipment Operating Fund established by section 301 of this Act.

(b) "Railroad" means a common carrier by railroad, as defined in section 1 of part 1 of the Interstate Commerce Act, as amended (49 U.S.C. 1).

(c) "Railroad passenger equipment" means locomotives, cars, and other vehicles used or to be used for or in conjunction with the intercity transportation of passengers by railroad.

(d) "Rehabilitation" and "rehabilitate" mean a substantial rebuilding or alteration of railroad passenger equipment so as to significantly improve its operating efficiency and its attractiveness to passengers, and also includes extensive repairs made necessary on account of the equipment having been permitted to substantially deteriorate.

(e) "Repair" and "repairs" mean such periodic repair work on railroad passenger equipment as must be performed in a repair shop, but which does not involve substantial rebuilding or alteration of the equipment, nor its rehabilitation after a period during which it has been permitted to substantially deteriorate.

(f) "Secretary" means Secretary of Transportation or his delegate.

(g) "Service and maintain" and "servicing and maintenance" mean the day to day upkeep of railroad passenger equipment, including the performance of minor running repairs of a nature that can be performed in a terminal facility without the necessity of taking the equipment to a repair shop.

(h) "Total operating expense" means and includes all expenses of the Secretary incurred in the administration of his functions under this Act and in the servicing, maintenance, and repair of railroad passenger equipment, but does not include the cost of purchase or rehabilitation of railroad passenger equipment, nor the cost of purchase of plant facilities, tools, equipment, and other instrumentalities for the rehabilitation and repair of railroad passenger equipment.

§ 103. ACT CONTROLLING.

Insofar as the provisions of any other law are inconsistent with the provisions of this Act, the provisions of this Act shall be controlling.

§ 104. SEPARABILITY.

Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provisions of this Act, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the Act or its applications to other persons or circumstances, but shall be confined in its operation to the provisions of this Act or the application thereof to the persons or circumstances directly involved in the controversy in which the judgment shall have been rendered.

TITLE II—PURCHASE, REHABILITATION, LEASE, SERVICING, MAINTENANCE, AND REPAIR OF RAILROAD PASSENGER EQUIPMENT AND PLANT FACILITIES

Sec.
201. Purchase and rehabilitation of existing railroad passenger equipment
202. Purchase of new railroad passenger equipment
203. Lease of railroad passenger equipment
204. Servicing, maintenance, and repair of railroad passenger equipment
205. Provision of modern plant facilities, tools, equipment, and other instrumentalities for the rehabilitation and repair of railroad passenger equipment
206. Appointment of personnel; procurement of services
207. Protective arrangements for employees; labor standards

§ 201. PURCHASE AND REHABILITATION OF EXISTING RAILROAD PASSENGER EQUIPMENT.

(a) The Secondary is authorized to purchase existing railroad passenger equipment which, in his judgment, is capable of providing efficient, dependable, and attractive railroad passenger service or which, in his judgment, could be economically rehabilitated to provide such service.

(b) The Secretary is authorized to contract for such rehabilitation with persons or corporations as in his judgment are capable of performing the work in an efficient and economical manner.

§ 202. PURCHASE OF NEW RAILROAD PASSENGER EQUIPMENT.

The Secretary is authorized to purchase new railroad passenger equipment of such type and design as, in his judgment, would enable the provision of efficient, dependable, and attractive railroad passenger service.

§ 203. LEASE OF RAILROAD PASSENGER EQUIPMENT.

(a) The Secretary is authorized to lease railroad passenger equipment to any railroad or railroads, or to any regional transportation authority established.

(b) Leases shall be either for individual equipment trips or for a fixed term. Rental for trip leases shall be computed on the basis of actual miles operated in revenue service or on such other basis as the Secretary may determine.

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(c) The Secretary shall set lease levels at such a level that the total operating expense, as heretofore defined, is met by such rentals.

(d) During the term of leases, lessees shall adequately service and maintain the equipment except to the extent this work is to be performed by the Secretary as specifically provided for in the lease. Lessees shall comply with all governmental laws, regulations, and requirements, and with such rules and regulations as the Secretary may establish with respect to the maintenance, use and operation of railroad equipment, including passenger service standards.

(e) Railroad lessees shall have the right to arrange for movement of leased equipment over the lines of other railroads, either within the continental United States or beyond the limits thereof, in accordance with normal arrangements for the interchange of such equipment between them.

§ 204. Servicing, Maintenance, and Repair of Railroad Passenger Equipment.

(a) The Secretary is authorized to service, maintain, and repair railroad passenger equipment acquired under the provisions of sections 201 and 202 above, except to the extent that lessees are obligated to perform such functions in accordance with the provisions of section 203(d) above. In exercising this authority, the Secretary may contract for such servicing, maintenance, and repair with persons or corporations as in his judgment are capable of performing such functions in an efficient and economical manner, and may acquire, by purchase or lease, and operate servicing and maintenance facilities at such locations as he deems expedient.

(b) The Secretary is authorized to service and maintain railroad passenger equipment owned by any railroad or railroads at facilities operated by the Secretary under subsection (a) above. Remuneration to the Secretary shall be at least equal to the incremental cost of performing such work.

§ 205. Provision of Modern Plant Facilities, Tools, Equipment, and Other Instrumentalities for the Rehabilitation and Repair of Railroad Passenger Equipment.

The Secretary is authorized to purchase plant facilities; tools, equipment, and other instrumentalities for the rehabilitation and repair of railroad passenger equipment, and to lease these items to persons or corporations whom he has contracted with to rehabilitate and repair railroad passenger equipment under the provisions of sections 201(b) and 204(a) above. The Secretary shall fix rentals for such leases which shall be at least equal to the cost of the item amortized over its normal service life.

§ 206. Appointment of Personnel; Procurement of Services.

The Secretary is authorized to appoint, subject to the provisions of title 5 of the United States Code governing appointment in the competitive service, such personnel as may be necessary to enable him to carry out efficiently his functions and responsibilities under this Act. The Secretary is further authorized to procure services as authorized by section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed $100 per diem, unless otherwise specified in an appropriation Act.

§ 207. Protective Arrangements for Employees, Labor Standards.

(a) In carrying out the provisions of this Act, the Secretary shall provide fair and equitable arrangements, as determined by the Secretary of Labor, to protect the interests of employees who are affected by any action of the Secretary authorized by this Act. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for (1) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) to such employees under existing collective bargaining agreements or otherwise; (2) the continuation of collective bargaining rights; (3) the protection of such individual employees against a worsening of their positions with respect to their employment; (4) assurances of priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting individual employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act. Any contract entered into pursuant to the provisions of sections 201, 202, 204 or 205 of this Act shall specify the terms and conditions of such protective arrangements.

(b) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under any contract or agreement entered into under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary shall not enter into any such contract or agreement without first obtaining adequate assurance that required labor standards will be maintained on the construction work. The Secretary of Labor shall have with respect to the labor standards specified in this paragraph, the authority and functions set forth in the Reorganization Plan numbered 14 of 1950, and section 2 of the Act of June 13, 1934 (40 U.S.C. 276 (c)).

Title III—Authorization of Funds

Sec.
301. Establishment of operating fund
302. Use of fund
303. Authorization of appropriations to fund

§ 301. Establishment of Operating Fund.

The Railroad Passenger Equipment Operating Fund (hereinafter referred to as the "Fund") is established in the Treasury of the United States as a separate fund subject to withdrawal by check by the Secretary of Transportation. There shall be deposited in the Fund the following items:

(a) Payments received by the Secretary for the lease of railroad passenger equipment pursuant to section 203 of this Act;

(b) Payments received by the Secretary for the servicing and maintenance of railroad passenger equipment pursuant to section 204 (b) of this Act;

(c) Payments received by the Secretary for the lease of plant facilities and other items pursuant to section 205 of this Act;

(d) Payments received by the Secretary for the sale or other disposition of railroad passenger equipment, facilities, and other items, which in his judgment are no longer needed to carry out his functions under this Act, such sale or disposition to be made in accordance with applicable law governing disposal of surplus government property; and

(c) Funds appropriated to the Secretary as authorized by section 303 of this Act.

§ 302. Use of Fund.

(a) The Secretary shall use the moneys in the Fund to pay all the expenses and costs of the administration and operation of his functions under this Act, including, but not limited to—

(1) purchase and rehabilitation of existing railroad passenger equipment

(2) purchase of new railroad passenger equipment under section 202 of this Act;

(3) servicing, maintenance, and repair of railroad passenger equipment under section 204(a) of the Act;

(4) purchase of plant facilities and other items under section 205 of this Act;

(5) purchase or lease of necessary office and warehouse facilities, materials, and supplies; and

(6) salaries, wages, and related retirement and other employee benefit contribution.

(b) Moneys deposited in the Fund shall remain available for expenditure without limitation as to time and are not subject to apportionment under section 3679 of the Revised Statutes (31 U.S.C. 665).

(c) From time to time the Secretary shall deposit in the general fund of the Treasury of the United States as miscellaneous receipts those balances in the Fund which he determines to be in excess of the amount required for the administration and operation of his functions under this Act.

§ 303. Authorization of Appropriations to Fund.

There are hereby authorized to be appropriated to the Fund such sums as may be necessary to carry out the provisions of this Act; but not to exceed $15,000,000 for the fiscal year ending June 30, 1970; $60,000,000 for the fiscal year ending June 30, 1971; $60,000,000 for the fiscal year ending June 30, 1972; and $60,000,000 for the fiscal year ending June 30, 1973.

Title IV—Miscellaneous Provisions

Sec.
401. Laws applicable
402. Audit of contracts
403. Annual report to Congress
404. Information furnished to Congressional committees

§ 401. Laws Applicable.

(a) Leases and contracts entered into by the Secretary, regardless of the place where the same may be executed, shall be governed by the laws of the District of Columbia.

(b) Railroad passenger equipment, while the same is under lease, shall be and remain subject to applicable provisions of the Interstate Commerce Act and other governing statutes and to the exercise of jurisdiction by the Interstate Commerce Commission and the Federal Railroad Administration pursuant thereto, and the Secretary shall comply with the provisions of section 20c of the Interstate Commerce Act by filing with the said Commission a copy of all leases entered into under the provisions of this Act: *Provided, however,* That neither the Secretary nor any of his functions pursuant to this Act, other than as above specifically set forth, shall be subject to the Interstate Commerce Act or to the exercise of any jurisdiction by the said Commission.

§ 402. Audit of Contracts.

Each agreement or contract entered into under this Act other than under competitive bidding procedures, as determined by the Secretary, shall provide that the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, may, for the purpose of audit, and examination, have access to any books, documents, papers, and records of the parties to such agreement or contract which are pertinent to the operations or activities under such agreement or contract.

§ 403. Annual Report to Congress.

The Secretary shall submit to Congress on the first day of each regular session an annual report setting forth a statement of his activities, receipts, and expenditures pursuant to this Act during the previous fiscal year.

§ 404. Information Furnished to Congressional Committees.

The Secretary shall, if requested by any appropriate committee of the Senate or House of Representatives, furnish such committee with information concerning activities carried out under this Act.

The fact sheet, presented by Mr. TYDINGS, is as follows:

INTERCITY RAIL PASSENGER SERVICE BILL FACT SHEET

There is an essential need for rail passenger service between the large cities of the urbanized sections of the country. The advantages of rail transportation for shorter distances include the ability to compete with air transportation on a door-to-door travel time, greater passenger comfort, convenience, and safety, and more efficient land use and less noise and air pollution. Moreover, a revitalized rail transportation system would allow a more rational use to be made of our highways and our limited airport capacity.

THE THEORY BEHIND THE BILL

The railroads are now reluctant to make a capital investment in new equipment for a service which would at best break even at present service standards. The bill will help to bring the passengers back to the trains and will reduce operating expenses by cutting repair and maintenance costs. An operating subsidy would only pay for existing inefficiencies and give the railroads no incentive to reduce costs or to increase revenues on their own initiative. It would merely switch the burden of paying for a losing service to the taxpayers from the railroads and perpetuate the existing deterioration.

THE BILL

The bill authorizes the Secretary of Transportation to use the funds appropriated by Congress to

1. purchase new rail passenger equipment, (§ 202);
2. purchase existing rolling stock of the railroads and contract for its rehabilitation (§ 201), and
3. lease this equipment back to the railroads or to any regional transportation authority on a trip or term basis [§ 203 (a), (b)].

The revenue received by DOT from leasing the equipment must be sufficient to cover the cost to DOT of servicing, maintaining, and repairing the equipment, i.e., the total operating expenses [§ 203(c)]. The cars would be repaired, serviced and maintained

1. by contract, in modern, centralized shops built with the funds appropriated [§ 204(a) and § 205].
2. by contract in private facilities [§204 (a)], or
3. by the lessee himself, according to the terms of the lease [§203(d)].

In addition, the Secretary is authorized to service and maintain rail passenger equipment not purchased from the railroads, but he must be reimbursed by the railroad for the cost of performing such work [§ 204(b)].

COST

The cost of an attractive, revitalized railroad passenger system is insignificant compared to the $56 *billion* that will have been spent on the Interstate Highway System by 1972 and the $5 billion called for by the President to be spent by the federal government over the next ten years for the improvement of airports and airways systems. This bill authorizes $195 million to be appropriated over a four year period ($15 million for FY '70, $60 million for each of FY '71, '72, '73).

For too long we have approved vast expenditures for highways, airways, and airports, only to find today that they are incapable of handling the intercity passenger traffic imposed on them. Railway passenger systems have the potential of moving a large volume of people over long distances at low cost. The mass transit bills, trust fund, or otherwise, concern *intra*-city, not *inter*-city transportation.

HOW THE BILL WOULD OPERATE

The bill will require coordination between DOT and the ICC. DOT will be able to restructure intercity passenger service by leasing cars to railroads for operation only over desired routes planned as part of a national transportation policy. DOT and the ICC will have to cooperate in deciding what routes are necessary and what routes the ICC should allow the railroads to discontinue.

Most importantly, DOT could prescribe service standards to the passenger railroads as a condition for leasing the new equipment. This would force some of the railroads to upgrade their services instead of downgrading them. Attractive equipment will help bring some of the passengers back to the trains, but this will have to be accompanied by better service from the railroads if the railway passenger system is to be viable. The penalty for not providing adequate service will be cancellation of the lease. The railroad will then be faced with operating its older and most costly passenger equipment over the same route, since the ICC would not have given it authority to discontinue the train. This refusal by the ICC could operate indefinitely; it would be impossible for the railroads to prove that the fault for ensuing losses was not their own. The ICC will maintain, of course, that had the railroads provided adequate service by DOT standards with the more attractive equipment, they would have been running a more successful train. Moreover, as better service and attractive equipment combine to make passenger trains financially successful, the railroads and DOT could plan together to restore many of the old routes previously discontinued.

To preserve the present system may not be enough. Since the bill does not specify the type of equipment to be purchased by DOT, more advanced equipment as turbotrains could be purchased and leased. Also, conventional diesel trains are capable of the increased speeds which would be necessary for tomorrow's high speed corridors.

THE BILL'S URGENCY

The attractiveness of this bill to the passenger railroads depends on ICC determination to refuse discontinuance of DOT designated trains. The few passenger trains left in existence today are being discontinued quickly; therefore, this legislation must be passed immediately if there are to be any routes on which to operate new equipment. The restoration of trains presently discontinued depends upon the success of the new trains operating over the few routes left. This bill does not concern itself with fixed facilities such as track and stations, but it is certain that the railroads will improve these once service equipment is improved and the prospect of profit appears.

INTRODUCTION OF A JOINT RESOLUTION—SENATE JOINT RESOLUTION 153—TO ESTABLISH A COMMISSION TO REPORT ON AMERICAN TRADE AND TARIFF POLICY

Mr. MATHIAS. Mr. President, I introduce a joint resolution to establish a commission to report on American trade and tariff practices and policies. I know of no single area of our national economic life where there is a greater need for an all-inclusive study to determine all of the facts which flow from present tariff practices and policies, both those of the United States and of our trading partners.

The Trade Expansion Act of 1962 and the agreements which were negotiated thereunder were designed to establish an American trade program and posture which would be in the best interests of the United States, both at home and abroad. Unfortunately, since 1962, there has been constant controversy on both sides of these issues from those seeking greater liberalization of trade and from those who would raise our tariff barriers.

In this Congress and in the last, a great number of bills have been introduced which in one form or another would reduce the flow of imported goods available to the American consumer. At the same time that some interests are seeking to restrict imports, others tell us that industry and government alike can do a great deal more by way of expanding U.S. exports abroad. The arguments on both sides are frequently persuasive, but all too often we are asked to take a position in the field of trade and tariffs in the almost complete absence of hard facts as to what has resulted from our present programs, what will result if we increase or decrease tariff barriers, and what may result from a really intensive export expansion program.

The Commission I am proposing will call upon some of this country's best qualified leaders, both in and out of government, who will first develop and report the facts, and, second, will advocate future courses of action, both legislative, if necessary, and new government and private initiatives. Such a study and report should then enable the Congress to make a sound decision on the various legislative approaches which have been proposed.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 153) to establish a Commission to report upon the condition and future of American policy respecting all aspects of international trade and tariffs, introduced by Mr. MATHIAS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS AND A JOINT RESOLUTION

S. 2523

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. CASE) and the Senator from California (Mr. MURPHY), be added as cosponsors of S. 2523, to extend, amend, and improve certain public health laws relating to mental health.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2658

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. HARRIS) be added as a cosponsor of S. 2658, to provide pensions for veterans of World War I.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2890

Mr. CHURCH. Mr. President, on behalf of myself and my distinguished colleague from Idaho (Mr. JORDAN), I ask unanimous consent that at the next printing, the names of the Senators from Alaska (Mr. Stevens and Mr. Gravel), the Senators from Utah (Mr. Moss and Mr. Bennett), the Senator from Alabama (Mr. Allen), the Senator from Nevada (Mr. Bible), the Senator from Massachusetts (Mr. Brooke), the Senator from North Dakota (Mr. Burdick), the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Hawaii (Mr. Inouye), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from California (Mr. Murphy), the Senator from Wisconsin (Mr. Nelson), the Senators from Kansas (Mr. Pearson and Mr. Dole), the Senator from Pennsylvania (Mr. Scott), and the Senator from Texas (Mr. Yarborough) be added as cosponsors of S. 2890, to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 1

Mr. BAYH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. Griffin) be added as a cosponsor of Senate Joint Resolution 1, proposing an amendment to the Constitution, providing for the direct popular election of the President and Vice President of the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE RESOLUTION 261—RESOLUTION TO PRINT A LIST OF PROPOSED AMENDMENTS TO THE CONSTITUTION AS A SENATE DOCUMENT

Mr. MANSFIELD submitted the following resolution (S. Res. 261), which was referred to the Committee on Rules and Administration:

S. Res. 261

Resolved, That there be printed as a Senate document a list of proposed amendments to the Constitution of the United States of America submitted during the Eighty-eighth Congress, first session, through the Ninetieth Congress, second session, as compiled by the Senate Library, under the direction of the Secretary of the Senate, and that one thousand five hundred additional copies be printed for the use of the Secretary of the Senate.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 19, 1969, he presented to the President of the United States the enrolled bill (S. 728) for the relief of Capt. Richard L. Shumaker, U.S. Army.

FOREIGN ASSISTANCE ACT OF 1969—AMENDMENTS

AMENDMENT NO. 176

Mr. PELL. Mr. President, today I am submitting an amendment to the foreign aid bill (S. 2347) to authorize over a 5-year period the expenditure of $5 million to provide financial support for the expansion and improvement of American-sponsored medical facilities in Israel. I am pleased to say that the senior Senator from New Jersey (Mr. Case) and the senior Senator from New York (Mr. Javits) have joined with me as cosponsors in presenting this amendment.

The medical facilities which are the subject of this amendment are under the sponsorship of the Hadassah Medical Relief Association, Inc., a private, nonprofit agency registered with the President's Advisory Committee on Voluntary Foreign Aid.

Though Hadassah's operations are supported exclusively from grants and contributions, it nevertheless manages to support effectively a wide range of activities in both the United States and Israel. For the most part, all of its programs are geared to assisting the deprived or underprivileged, with primary attention focused on meeting the training and educational needs of these members of society.

With respect to its medical training and research programs in Israel, Hadassah is now seeking to implement a 5-year expansion plan, which has a total projected cost of $19 million. Of this total, roughly one-third, or $6.5 million, will be required as the foreign exchange complement. The remaining amount will be consumed by local currency expenditures.

The amendment which I am submitting today is designed to provide a $5 million grant to be expended through fiscal year 1974, thus helping to meet the major portion of the foreign exchange burden as required by Hadassah's planned expansion. The plan itself encompasses three projects:

First. The establishment of an institute of oncology as a part of the Hadassah-Hebrew University Medical Center complex;

Second. The expansion of certain parts of the medical center's existing facilities; and

Third. The renovation of Hadassah's Mount Scopus Hospital facility.

Each project, in turn, has its own plant and equipment requirements, ranging from elevators to generators to the latest in X-ray equipment. Most of these items will have to be purchased abroad and, of course, the purchase of these items will constitute the hard currency requirement of the entire program. However, Hadassah's plan stipulates that virtually all of its purchases abroad will be made in the United States, thus allaying any fears that the $5 million grant request might adversely affect our balance of payments.

Mr. President, as we are all well aware, the foreign aid program for the past 2 years has received some very serious setbacks, not only financially, but conceptually, and psychologically as well. While there are a variety of reasons for this—many of them all too painfully valid—I should hope that we in the Senate would make every effort to judge each foreign aid project on its merits and in the context of existing political realities.

Given the highly charged political realities of the Middle East, I believe that we cannot be too careful in scrutinizing those projects destined for the countries of that region. Here I think it is important to point out that Hadassah medical facilities in Israel serve Jew and Arab alike, and in fact the renovation of Hadassah's Mount Scopus Hospital will largely be of service to meet the needs of Arab patients. This and similar points concerning Hadassah's record of medical assistance were underscored in a New York Times article which appeared earlier this year, and I ask unanimous consent that this article be inserted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, I would certainly hope that all of my colleagues would take a few minutes to read this article, for it is a hopeful reminder that human understanding and interest in the welfare of one's fellow man are not to be shunted aside in the face of great conflict and turmoil.

This, indeed, is the message of Hadassah's medical services in Israel; and it is the kind of message which our foreign aid program is meant to sustain. Accordingly, I hope that my colleagues will give their full consideration to the amendment which I am submitting today.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 176) was referred to the Committee on Foreign Relations.

Exhibit 1

Arabs Still Crossing Frontier To Get Hadassah Medical Aid: Even Guerrilla Fighters Are Treated at Advanced Jerusalem Hospital Where 1967 War Has Brought Many Changes

(By James Feron)

Jerusalem, Jan. 25.—One of the best-kept secrets of the nearly two decades of armed truce between Israel and Jordan that exploded into war in 1967 was the treatment by Israeli doctors of prominent Arab patients.

The Arabs would cross the Mandelbaum Gate transit point in Jerusalem, sometimes after having been transferred in no man's land from an ambulance of the Red Crescent to one of the Red Star of David.

The patients would be treated in almost every instance at the Hebrew University-Hadassah Medical Center, probably the most advanced such institution in the Middle East, and would then return to Jordan just as quietly.

A reminder that this unusual medical traffic still exists across an even more actively hostile frontier came last week when a 42-year-old resident of Irbid in Jordan left Hadassah after open heart surgery.

MANY GET TREATMENT NOW

The patient, Fuad Awadi, is a clerk in a taxi office. He required hospitalization while visiting his family in Kafr Kanna a town he fled in 1948 when it came under Israeli control.

Prominent Arab patients still come to Hadassah but the open-border policy instituted by Jordan and Israel across their cease-fire line after the six-day war in June, 1967, means that any of the hundreds of ordinary Arabs who cross each week can get the treatment once open only to the influential.

The Israeli hospital has also treated nearly 50 Arab guerrillas, most of them members of Al Fatah, in the many months of Arab commando activity since the war.

"They're really a nuisance," Dr. Kalmann

Mann, the director of the hospital, said in a recent interview, "They end up in the best rooms because they come in with policemen to guard them and they need the extra space."

Arguments have often ensued between the guerrillas and Israeli patients who do not regard the Arab patients with the equanimity of the hospital staff.

Dr. Mann also described some other ways in which the war and the Israeli occupation of the west-bank area of Jordan has altered the medical center's operations.

"Even before the war was over we began to get Arab patients in here. Some had undergone treatment at our Mount Scopus hospital before 1948 and now they were coming back."

Mount Scopus became an inaccessible and armed Israeli enclave in Jordanian Jerusalem after the 1948 war, so a new structure was built in Israeli Jerusalem. The original hospital will be reopened next year, essentially for Arab patients.

HOSTILITY BECOMES PROBLEM

The mutual hostility that developed since 1948 became something of a problem between Jews and Arabs at Hadassah when the 1967 war ended and they were exposed to each other.

"That first week in June we were taking in Arab soldiers and some of our nurses began to object," Dr. Mann said. "We had a little talk in my office and since then it has been all right."

"I told them that we have to treat them as individuals, not as the enemy, and I told them of my own experience in World War II treating German prisoners in Southampton, England," he added.

As for noncombatants, Dr. Mann said, the hospital handles an average of 35 outpatients from towns in occupied Arab areas each day and an average of 10 bed patients from these areas each month.

SOME SEEK LAST CHANCE

Many Arab patients arriving at Hadassah immediately after the war were seeking cures for long-neglected ailments, such as skin diseases, and were seeking "one last chance" on major illnesses.

Last month Hadassah signed an agreement with the United Nations Relief and Works Agency to treat refugee heart and cancer patients. Every day now ambulances bring the patients from among the approximately half-million refugees under Israeli control.

Most refugee cases are treated by the Augusta Victoria Hospital atop the Mount of Olives, which is run by the Lutheran World Federation. Hadassah and Augusta Victoria medical officials meet weekly to determine which cases are to be treated at Hadassah.

The United Nations agency pays Hadassah just under $2 for each heart patient, which Dr. Mann says is a token, and nothing for the cancer cases. The agency was reported by Hadassah to have said that the Jordanian Government had a similar agreement with the United Nations, although heart cases are sent to Cairo and Beirut for treatment.

Medical costs are far in excess of the fees that Arab patients are able to pay, Dr. Mann said. This would indicate that contributors would have to continue to support the broadened services.

NO URGENT CASE REJECTED

A bed costs about $30 a day, Dr. Mann said, but the hospital tries to get at least $9 from each patient. No urgent case is turned away, however, he added.

Israel's sick fund pays about that amount, but only 10 per cent of the Arabs living in East Jerusalem, which has been absorbed by Israel, are covered by this plan. West-bank and Gaza Strip residents have no such medical coverage.

Indigent cases are worth $2.70 from the Municipality of Jersualem, Dr. Mann said, so Hadassah asks west-bank Arabs who are not working to pay that much, although few do. "One third of our cancer radiation cases are Arabs," the doctor said. "It's quite a problem."

NOTICE OF CHANGE OF HEARING DATE

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization of the Committee on Government Operations will now hold hearings on Reorganization Plan No. 1 of 1969, a plan to reorganize the Interstate Commerce Commission, in room 3302 at 9:30 a.m. on Friday, September 26, 1969. The hearing had originally been scheduled for October 2.

EFFECT OF TAX BILL ON PRIVATE EDUCATIONAL INSTITUTIONS

Mr. JACKSON. Mr. President, earlier this week the Washington Friends of Education, an organization representing the presidents and trustees of nine independent accredited colleges in Washington State, submitted a statement to the Committee on Finance on H.R. 13270, the tax reform bill passed by the House. The statement, which was prepared by Mr. Rodney L. Houts, director of development at Whitworth College, sets forth in concise terms the problems posed by certain provisions of the House bill for those institutions dependent on private support for their growth and survival.

Because the potential effect of the House bill on private educational institutions is a matter of widespread concern, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

HIGHER EDUCATION IN THE STATE OF WASHINGTON

The Washington Friends of Higher Education represent all but one of the independent accredited colleges in the state of Washington. This organization has been authorized to speak for the colleges by the presidents and trustees of nine institutions of higher learning. These are, as follows. Gonzaga University, Pacific Lutheran University, Fort Wright College of the Holy Names, St. Martin's College, Seattle Pacific College, Seattle University, University of Puget Sound, Walla Walla College, and Whitworth College. The average age of these institutions is more than 88 years. They represent more than 64,000 living graduates—and presently have enrolled approximately 19,000 students. The annual operating budgets of these institutions exceeds $38 million annually.

During their last fiscal year, these institutions received in gifts more than $7.5 million, of which more than $3 million was in the form of appreciated property. During the last five years, these schools have received more than $44 million in gifts, of which some $17 million dollars was in the form of appreciated property.

These institutions have received in the form of trust, annuities, and other types of deferred, irrevocable gifts in excess of $10 million in the last five years. Nearly $7.5 million of these gifts came in the form of appreciated property. In addition, these institutions are now holding deferred gifts subject to life estate, some from $14 million worth of expectancies.

It is evident from the foregoing figures that gifts—both outright and deferred, and particularly those that come in the form of appreciated property—are absolutely essential to the continuation and the growth of the private sector of higher education in the state of Washington. A sector which incidentally provides a substantial number of the graduates placed into the working economy of the state annually. We therefore urge your careful attention to our testimony which has a direct bearing on our ability to help ourselves.

PARTNERS IN A CAUSE

We, the Washington Friends of Higher Education, believe that our institutions are playing a vital role in preparing young men and women for the leadership of the nation. Our graduates are found in many walks of life—in business, the professions, politics, education, and in social service. We feel, therefore, that we are partners with the Government and Governmental leaders in a cause which is directed toward the highest national good.

For this reason we want it clearly understood that we are in favor of tax reform, that we are in sympathy with Congressional leaders who are seeking equitable and just tax legislation. We would be the first to encourage Congress to eliminate those places in our tax law where individuals are able to use the law for their own selfish means in a way not intended by Congress. We therefore support the underlying principles which created House Bill 13270—and much of what is contained in that Bill.

We are, however, desperately concerned about a few items in House Bill 13270 which would seriously affect our ability to encourage increased support of our institutions. We are totally dependent upon such gifts. Some of the things contained in this Bill would have a devastating effect on those gifts.

HOUSE OF REPRESENTATIVES BILL 13270

The items contained in House Bill 13270 which gravely concern the colleges and universities of the state of Washington are as follows:

1. The inclusion of gifts of appreciation of property in the limit on tax preferences and the allocation of deductions: We are pleased that the House Bill retains the present law that a deduction is allowed for the full present fair-market value of a gift and that there is no direct capital gain on the appreciation. However, if a gift of appreciated property is included in the limit on tax preferences and the allocation of deductions, the appreciation will be indirectly or partially taxed because the appreciation on the charitable gift reduces the donor's itemized deductions under the allocation of deductions provision, and may be taxed under the limit on tax preference provision. We are pleased that the Nixon administration has recommended that this provision in H.R. 13270 be changed; and we urge you to accept that recommendation. Under the House provision for the allocation of deductions, the donor who contributes the appreciation on property would have to reduce not only his charitable deduction but also his other deductions for taxes, interest, medical expenses, etc. This is an indirect way of taxing the appreciation and would discourage gifts of appreciated property which are so vital to our institutions. By including the appreciation on property contributed to a charity in the limit on tax preferences, large individual gifts of appreciated property would be discouraged. These large individual gifts are also very much needed and have long been encouraged by Congress.

2. Charitable remainder (life income) trusts [bill section 201 (i), p. 135, line 3]: Present law providing for the charitable deduction allowed for the type of charitable remainder currently used should be retained. Present law provides that there is no capital gain on the transfer of appreciated property to fund a charitable remainder or life income trust, nor is there a capital gain if the

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property transferred is later sold by the trust and the gain permanently set aside for the charity. These rules should be retained. The very complicated provisions for a charitable remainder annuity trust and a charitable remainder unitrust should not be substituted for the now widely used and understood charitable remainder trust. These latter trust agreements are too complicated to be understood by donors and would greatly hinder our ability to raise these types of funds. These types of gifts are becoming an increasing part of our gift income. Abuses of the investment policies or other handling of these trusts are very rare, and the Internal Revenue Service has ample means available to curb any abuses which might exist. We urge you not to destroy this important part of our gift income.

However, should Congress decide to abolish the existing charitable remainder trust and substitute the annuity trust and unitrust, the laws governing the present remainder trust should not be retroactive to April 22, as provided by House Bill 13270. This is totally unfair to our donors who have established such trusts since April 22, unaware that such a law would be passed—and without prior warning. Such irrevocable gifts are presently in effect in our institutions.

In addition, whether the present remainder trust remains in effect, or whether the new unitrust or annuity trust is established, the property should be based on the fair market charitable deduction for gifts of appreciated value of the trust at the time of its creation. The donor should not be required to base his deduction upon his cost basis or pay a capital gain if he elects to compute his deduction based on the fair market value.

Furthermore, capital gains incurred by the trust—and permanently aside for the charity—should not be taxed. We do not believe that a donor should be taxed on money which he can never, and will never, receive since it is laid aside for the permanent use of charity.

Finally, the House bill allows no estate tax charitable deduction for a charitable remainder trust unless it is a unitrust or annuity trust. It is our understanding that this law would apply to charitable remainder trusts created before the bill's enactment. Therefore, one of our donors who may have created such an irrevocable trust many years ago, but who dies after the bill's enactment, would lose his state tax charitable deduction unless that charitable remainder trust were a unitrust or an annuity trust. This provision in the House bill is unusually harsh and unfair. We can only assume that it must be an oversight. This retroactive change would require that substantial estate taxes would have to be paid, which would come usually not out of the trusts' principal but from other assets of the estate thereby reducing or in some cases even eliminating bequests to the donor's wife, children, and other family members. We urge you not to apply an estate tax to the trust principal of a charitable remainder trust. However, if such a provision is to be passed, it should not apply to charitable remainder trust and life income contracts made prior to the passage of the bill.

3. Life income contracts: We urge that present law governing life income contracts be retained. Presently there is no capital gain on the transfers of appreciated property for a life income contract, nor is there capital gain when the property transferred is later sold by the life income pooled fund. As is the case with the charitable remainder trust, we believe that the deduction should be based on the full fair-market value without capital gains tax—and that no further capital gains tax should be incurred by the life income pooled fund, which is permanently set aside for charity.

However, if this important form of gift income should be denied us, such laws should not be retroactive to April 22, 1969, as provided by H.R. 13270. There was no indication by either the House Ways and Means Committee or the Nixon administration that a retroactive date would be in effect for these contracts. This is, therefore, especially unfair to donors who have provided for these kinds of contracts after that date.

4. Charitable gift annuities: The provisions concerning bargain sales, provided for in House Bill 13270 and enacted, should specifically state that the transfer of appreciated property for a charitable gift annuity is not a bargain sale. Under the present House bill, the transfer of appreciated property for a gift annuity could be construed as a bargain sale, the donor receiving an annuity rather than cash from the charitable institution. This long established form of giving should not be abolished. Most of our colleges hold a substantial amount of funds subject to gift annuity agreements. We believe that the failure to except gift annuities from the provision governing bargain sales must have been an oversight by the House Ways and Means Committee. We urge you to provide for that oversight.

5. Abolishing of the income tax charitable deduction for gifts of partial interest in property [section 2101(a)(3), p. 121, line 8]: We assume that this portion of the House Bill is intended to deny a charitable deduction to a donor for the fair rental value of property which the donor allows a charity to use rent free. However, the language of this section of the bill has us concerned, inasmuch as it could be interpreted to abolish a deduction for gifts of undivided interest in real property as well as for gifts of remainder interest in real property. If the Senate wishes to deny a deduction for the use of property, we would urge you to rewrite the House provision so that it does not include gifts of real property subject to life estates and gifts of undivided interest in real property.

IN SUPPORT OF H.R. 13270

We support and commend Congress for many of the provisions in House Bill 13270. Some of these also affect charitable giving. Three items in particular come to our attention:

1. We support you in eliminating Clay Brown transactions. We believe organizations should be taxed on income received from debt-financed investments.

2. We believe that organizations now exempt from tax should be taxed on unrelated business income.

3. We applaud Congress on its attempt to encourage charitable giving, to organizations serving the national good, by increasing the ceiling on gift deductions to 50 percent.

CONCLUSION

The colleges and universities of the state of Washington are dependent upon gifts for their support and continued growth. A substantial portion of these gifts come in the form of appreciated property. An increasing amount comes in the form of deferred giving programs, which include charitable remainder trusts, life income contracts, and gift annuities.

If the House Bill is passed, these gifts to our institutions will be greatly reduced. At a time when Congress is seeking ways to assist higher education in meeting heavy financial needs, it is inconceivable to us that tax law should be passed which would make it impossible for us to help ourselves. Now is the time to increase tax incentives, not decrease them. Congress has continually, over a long period of time, liberalized tax law to encourage gifts to our institutions. And each time Congress has indicated that any tax revenues lost were more than made up for by the good which these charities provided in the national interest. We urge you not to reverse that magnificent record.

The Independent Colleges of Washington are making a substantial contribution in preparing leadership for our nation. Were they to cease to exist, the burden of educating these young people would have to be carried by our state institutions, at the cost of an enormously increased tax burden for our citizenry.

A charitable deduction should not be thought of in the same terms as are other deductions. The philanthropically-minded person does not give up his money and property for personal gain, but rather to help our institutions to provide for others—and for the good of the nation. Although he is not motivated solely by tax advantages, these tax advantages do assist by making it easy to give and by allowing him to give larger amounts than might otherwise be possible.

Provisions in the House Bill which have to do with charitable giving, both directly and indirectly, are extremely complicated. Our institutions have succeeded in increasing their gift support by making it easy for the donor to give. The very complex nature of the House Bill will tend to discourage our donors from giving.

Again, we wish to support Congress in its desire to reform tax law. We urge you, however, to protect those long established tax incentives which have enabled America's charities, colleges, and universities to show compassion and concern, to educate, to teach and build—and indeed to share with you, and with all America, the task of building a better and a greater America.

CONTRADICTION IN FEDERAL POSTURE ON MEDICAL EDUCATION

Mr. SYMINGTON. Mr. President, on September 4 last, President Morris Thompson of the Kirksville College of Osteopathy and Surgery wrote me:

> It seems to me that the contradiction in federal posture is so evident as to be ridiculous and to call for Congressional correction.

I ask unanimous consent that the letter from President Thompson be printed in the Record at the conclusion of these remarks.

The "contradiction in Federal posture" referred to by the President of the Kirksville College of Osteopathy and Surgery concerns the appropriations request of the administration for loans and scholarships for the fiscal year 1970 for the health profession's student loan and scholarship program and the House action on that request.

The Johnson administration requested $20 million for the loan program. The Nixon administration reduced this to $15 million and recommended an increase of about $5 million in the scholarship program.

Although $15 million was appropriated for the loan program in both 1968 and 1969, the actual amount used by means of the revolving fund was some $26 million in each year.

Only about $1 million now is left in the revolving fund; thus what actually would be available for loans in 1970 under the administration request is slightly more than half that in previous years.

With a new and expanded class of freshmen coming into the medical schools and those who commenced 3 years ago not having completed their training, the loan fund will not meet the expectations of many students who had counted on it. Earlier in the year when the administration announced the cutback, it was stated that the students could expect financing from the guaranteed loan program of the Office of Education; but tight money and increased interest rates do not now make that a realistic possibility.

The matter also has been somewhat compounded by the House action. When the administration announced a cutback on the loan budget request, it tempered that with the announcement that $15 million would be added to the scholarship fund. Some projected allocations were made and also some commitment—this in the early spring in an effort to stabilize expectations for September enrollment.

When House Appropriations acted on the bill, it decided that if enough funds were not available it would be better to put the $5 million scholarship fund into the loan category.

This would appear questionable, in the light of scholarship commitments already made. Moreover, the shifting of the $5 million to the loan fund is merely a recommendation of the House committee report, since the bill itself does not carry a line item breakdown on the funds.

On the House floor, an amendment was offered which would have increased the health profession's student loan fund by $14 million; but it was defeated.

The pertinent appropriation bill is now in the Senate committee, and we understand there is a good chance this loan fund will be increased.

It would appear somewhat incongruous to encourage the able but less affluent to become health professionals, thereby increasing the needed number of doctors and dentists; and then cutting back the funds essential to that end.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KIRKSVILLE COLLEGE OF
OSTEOPATHY AND SURGERY,
Kirksville, Mo., September 4, 1969.

Hon. STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: I am enclosing a copy of a resolution adopted by the American Association of Osteopathic Colleges in its annual meeting in July. It seems to me that the contradiction in federal posture here is so evident as to be ridiculous and to call for Congressional correction.

We are properly making better health care available for more of our citizens through various federal programs. We are properly urging that opportunities for entering the professions related to health be made available to young men and women from low income and disadvantaged families. We are concerned about the shortage of physicians in general and the handicap which this places on our progress toward our national health goals. We are spending many millions of dollars for construction of facilities both for M.D. and D.O. medical education and for hospitals and related facilities.

Yet in this very season, we reduce by half the available loan funds for the needy students whom we have encouraged to enter professional education to assist with the solution of all of these problems and the accomplishment of these goals.

I urgently request your careful attention to this problem and your help.

Yours sincerely,
MORRIS THOMPSON,
President.

RESOLUTION

Whereas, there exists in the United States a marked shortage of practicing physicians, and

Whereas, various federal loan and scholarship programs have made careers in osteopathic medicine and other health professions available to many economically deprived students, and

Whereas, many students enrolled in osteopathic colleges in the sincere belief that such loans and/or scholarships would continue.

Therefore, be it resloved that the American Association of Osteopathic Colleges regards the recent precipitous reduction in health professions loans and schclarships as a definite detriment to the ultimate health care of the American public.

DRAFT REFORM

Mr. PERCY. Mr. President, the present Selective Service System is in grave need of change. It is patently unfair. Therefore, I wish to voice my support for the President's objective of a voluntary draft and for the leadership in the area furnished by the distinguished Senator from Oregon (Mr. HATFIELD). I can only express my regret that Congress has abdicated to the executive branch its primary responsibility to make much needed reforms in the draft. It is my great hope that the administration will find some way to eliminate draftees from service in Vietnam unless they volunteer.

The present draft laws unnecessarily disrupt the lives of nearly 2 million young men who reach military age each year. It often interrupts the educational process or puts those who choose not to go to college at a disadvantage, and it encourages avoidance. In short, our present draft laws are inequitable and unreasonable, and we should do all we can to eliminate their deficiencies.

President Nixon's message to Congress on the draft last May was an encouraging sign and a positive indication of his leadership in making the necessary reforms. I hope the President will do everything in his power to bring about these changes in the near future.

At the same time, I regret having to rely solely on the Executive to amend inequities in an area that should have been dealt with by Congress. The problems of the draft have been known to us for a long time. These problems have been reinforced by the college-age students during the past year. Hence, it is hard to understand why Congress voted in June 1967 to extend for 4 years the present draft laws despite demands for change by millions of Americans.

I do not mean to suggest that we should dismantle our military manpower machines and risk our national security. But it seems to me that our national security is better served by a system that encompasses an essential basic fairness.

Congress should take the lead in making it so.

THE CHALLENGE OF THE SEVEN SEAS

Mr. PASTORE. Mr. President, Mr. James M. Hannan, president, Navy League of the United States, in his message published in Navy, the magazine of seapower for September, paid tribute to those men who go to sea in the ships and vessels of our Navy, Coast Guard, merchant marine, and fishing fleet. Mr. Hannan quotes from "Challenge of the Seven Seas," written by my colleague from Rhode Island (Mr. PELL).

I ask unanimous consent to include the text of Mr. Hannan's message in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SEA BREED

(By James M. Hannan)

"Honor the 'Sea Breed' for on them the wealth and security of the nation depend." Sen. Clairborne Pell "Challenge of the Seven seas."

To properly pay due honor to the seafarer, we must understand that the evidence of distinction is not in the uniform, the apparel of their profession.

In the Armed Services, we recognize generally a serious dedication, earnest motivation and a high sense of patriotism. But do we identify the human being who also is a citizen, a taxpayer, a consumer, a social security number, such as you and I?

The corporate body of the naval establishment, as other American organizations, demands highly professional and well trained people. The profile of these citizens of the sea, for the most part, is similar to any representative civilian group. Though uniformed, they serve in specialized capacities and, as in any organization, whether General Motors or the Navy, it is the people who make it go. This human element is the common denominator of productive performance for military and civilian alike. With a rigid training process, self motivation, spurred by keen competition, results in varying levels of achievement.

The "Sea Breed," attuned to sharp challenge and sudden change, is subject to perhaps a harsher selection. Survival at sea requires ingenuity and alert attention to the adverse elements of nature encountered. The environment constantly tests the seafarer. Endurance, courage and creativity are needed to meet the daily demands. The level of performance demanded regularly generates the remarkable above-the-routine accomplishment.

A combat trained naval aviator took the first bouncing and tentative step on the surface of the moon. History records that on July 21, 1969, Neil Armstrong consummated Project Orbiter, a study initiated by the Office of Naval Research in the 1950's, which served as the scientific foundation for the entire American space effort.

THE PRESIDENTIAL SEA BREED

A suitable "high point" for a review of contributions by the "Sea Breed" is the presidential role. For the early naval background of recent presidents is clearly etched in many of their momentous actions. Kennedy gained his great moment in history through his consummate strategic skill in the Cuban Blockade that resulted in the Soviet backdown. Lyndon Johnson turned the attention of the nation to the oceanic opportunities with the historic legislation for the Sea Grant Colleges and the Marine Resources and Engineering Development Act. President Nixon now formulates a new oceanic doctrine girded by goals of a "Navy second to none" and his promise to "revitalize the American Merchant Marine." Each shows signs of a sailor's grasp of strategy. They also highlight what an understanding of the oceans means to the Commander in Chief in his history making moments.

Similarly, the congressional role adds noble lustre to this naval contribution. In the Senate are Warren Magnuson of Washington, powerful maritime champion, and Pell, co-sponsor of the Sea Grant Program.

William Bates of Massachusetts, until his recent death, was ranking Republican on the House Armed Services Committee. William Mailliard, of California is a key figure in the formulation of the Administration's maritime program.

The diplomatic role, always an adjunct to an exercise of naval command, comes easily to naval leaders. We find that Admiral Spruance served with distinction as the Ambassador to the Philippines; as did Admirals George Anderson in Portugal, Leahy in Vichy, France, Wright in the Republic of China, and Kirk and Standley in Moscow.

NAVAL SCIENTIFIC ACHIEVEMENTS

The scientific achievements of naval people are noteworthy. The works of Maury in oceanography are legendary. Admiral Byrd was first to fly over the North Pole in 1926. Three years later he flew over the Earth's southernmost point. His Antarctic expeditions netted a rich harvest of scientific data in meteorology, geophysics, geology, biology and physiology. Michaelson, a Naval Academy graduate and Nobel Prize winner, gained renown from his experiments in light that had direct bearing on the Einstein Theory of Relativity.

Rickover, in harnessing the atom for maritime propulsion, initiated a revolution in the naval role and potentially in all water-borne transportation for the years to come.

The Navy spearheaded revolutionary progress in communications. Lieutenant Bradley A. Fiske, even before the Marconi success, was experimenting with radio. Dr. Hoyt Taylor, a navy scientist, discovered the beam phenomenon of radar.

From John Paul Jones' expression of intent to go in "harm's way" to Armstrong's historic first step on the surface of the moon, the rigors, the rewards and the courage, embodied in an adventurous pioneering spirit, have produced the image conveyed by the "Sea Breed."

During these critical times when men in uniform are called upon for self sacrificing service, the understanding and support of the citizens logically would be anticipated. But, instead, an insensitive lack of appreciation is observed. Rather than continuing the hysterical harassment of the military-industrial complex in an effort to degrade our military people and their leadership, recognition of their service is required.

Not long ago we read in The Washington Post that "Rep. Clarence D. Long (D-Md.) has suggested to Melvin R. Laird, Defense Secretary, that he investigate the Navy with a view toward shaking up its high command."

This suggestion has been offered despite the fact that Admiral Thomas H. Moorer, the Chief of Naval Operations, enjoys the highest credentials of worldwide command responsibility. A tough minded leader of men, he has borne with singular impressiveness the task imposed upon him by a rapidly aging globally deployed fleet continuously called upon to meet the recurrent crises of a tension filled world.

I would suggest that we heed the lessons of history which teach us that sea forces provide the moral fibre of our national strength at sea and certainly deserve recognition and full support of a concerned nation.

Reposing in the hands and hearts and minds of those seafaring people is the maritime strength which this nation needs to protect its citizens, its shores, its worldwide commitments and economic well-being. This seagoing segment of our society we affectionately and respectfully term the "Sea Breed."

EFFECT OF TAX BILL ON MUSEUMS AND ART GALLERIES

Mr. PELL. Mr. President, since the House of Representatives passed the tax reform bill, I have received expressions of concern from officials of many museums and art galleries over the possible effects of certain provisions of that measure on the future financing of their institutions.

I think there is no question that most of our museums are badly underfunded, that many museums are barely surviving on inadequate budgets. There is at the same time, I believe, general agreement that museums play an important role in enriching the lives of millions of Americans.

I believe, therefore, that the possible effect of proposed tax reform provisions on our museums deserves careful analysis. Kyran M. McGrath, director of the American Association of Museums, testified this week before the Committee on Finance on the impact of the reform bill on museums. I believe that Senators will find his analysis of interest. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF KYRAN M. MCGRATH, DIRECTOR, AMERICAN ASSOCIATION OF MUSEUMS, CONCERNING THE TAX REFORM ACT OF 1969

Mr. Chairman, I am happy to appear today and provide information regarding the effects the Tax Reform Act of 1969 would have on museums, as you requested in your letter of August 26, 1969, in three principal areas:

1. The appreciated value of donated, tangible, personal property.

2. The 7½ percent on private foundations as they relate to privately supported museums.

3. The charitable contribution limits for privately supported museums as compared to public supported museums.

As a brief introduction, the American Association of Museums was formed in 1906 as a national organization to represent museums and promote them as cultural and educational centers in the United States. Over 1,065 museums belong to the Association. They represent the three major disciplines within the museum profession: art, history, and science, as well as children's museums, university and college museums, planetariums, and general museums which combine operations among these disciplines.

APPRECIATED VALUE OF DONATED, TANGIBLE, PERSONAL PROPERTY

H.R. 13270 applies a tax consequence on the appreciated value of donated, tangible, personal property. According to the August 2, 1969 accompanying report issued by the House Committee on Ways and Means, donations of paintings and other objects were cited as some of the items frequently given to charities and that some of these items had appreciated in value. True, and usually the appreciation was due to the public acceptance of the items as something of artistic, historic, or scientific value. The more valuable, the more the public interest in it and the more reason it should be brought into the public forum such as in a museum where it will be properly cared for and adequately exhibited. As I indicate below, 90% of museums are barely able to meet operating costs and have no funds left over for acquisitions. These museums depend on donations and gifts for acquisition of the objects exhibited to the public.

Two weeks ago, I attended the annual meeting of the Mountain Plains Museums Conference in Canyon, Texas. Professional museum personnel from Montana to Texas met in the Panhandle Plains Historical Museum. That museum has excellent, valuable exhibits on American history as it unfolded on the Plains states. The director, C. Boone McClure, told me every item in that museum had been donated and that no funds existed in his budget, past or present, for acquisition. The value of exhibits like that are not in the dollar amount they may bring in the open market. The value in that case is in the object itself, as an object of historic importance. H.R. 13270 appears to treat such objects as of commercial value only, requiring the donor to choose between deducting the cost to him or the fair market value provided he include the appreciation in his income.

Last year museums received over 560 million visits from the public. These visits were made to view the exhibits on display and learn from them. Exhibits consist of 1) objects of art, such as paintings and sculpture, 2) objects of historical significance ranging from tools and equipment used by our forefathers, to the restoration of buildings notable in our national heritage, and 3) objects of scientific value such as systematic collections involving biological specimens, anthropology, zoology, botany, to more singular scientific exhibits such as those depicting heart transplants, space technology, and basic principles of physics. The objects exhibited in American museums have become extremely popular to Americans, as evidenced by the skyrocketing attendance figures in recent years. The demand of museum visitors for more and more cultural and educational value in exhibits has placed a tremendous burden on museums to improve upon the quality of exhibits. This means that museums are constantly seeking new acquisitions to meet these demands and further extend the educational value of the displays and the quality of exhibits.

THE 7½-PERCENT TAX ON PRIVATE FOUNDATIONS WOULD APPLY TO MANY PRIVATELY SUPPORTED MUSEUMS

The bill, in its present form, would apply a tax of 7½% to private foundations. The definition of a private foundation, contained in section 509 (page 15 of the bill) would include many museums. The museums which would be included are those which do not qualify under section 170(b) as publicly supported charities and which receive most of their income from private endowment income. I cannot speak with knowledge on the private foundations, but I can state that many of the museums in America were established by wealthy individuals who wanted to benefit the public in their communities by building a museum to serve the cultural and educational needs of the people living there. These museums are nonprofit, open to the public on a regular schedule, professionally operated, and exist to serve the public. The fact that the generosity which created them outstrips the formula expressed on pages 15 and 16 of the bill should not deny their value to the public.

A tax of 7½%, or even 2% as proposed two weeks ago by the Administration, on the investment or endowment income of these museums would work a very severe hardship. This is a critical matter. Up to 90% of museums are barely able to meet their increasing costs and do not have money left over for acquisitions. This bill, as it now stands, would apply a 7½% tax on their already inadequate endowment incomes. The result will have to be an equal reduction in operations and services to the public at a time when the public demands on museums are skyrocketing.

Those museums which are publicly supported or which can otherwise meet the formula in section 509 of the bill would not be affected by this new tax. But those museums which receive more than one third of their income from endowments would be affected. We are concerned that the test applied by the House looks to the source of funds for museums rather than to the educational and cultural services they offer the public.

Congressman Brademas said August 7, 1969: "Mr. Chairman, the test for equitable tax treatment of America's museums by the Federal Government should not rest on the source of funds so much as on the museum's service to the public. By treating museums for tax purposes like private foundations, this bill will add further to the burdens of museums located in cities which are not able to afford financial assistance for museum operations. So I ask the question, Mr. Chairman: Is the museum a qualified, nonprofit institution, professionally staffed, making its exhibits available to the public on a regular schedule? If so, then it should be treated as a public charitable institution and specifically included in the appropriate provisions of H.R. 13270."

CHARITABLE CONTRIBUTION LIMITS FOR PRIVATELY SUPPORTED MUSEUMS AS COMPARED TO PUBLICLY SUPPORTED MUSEUMS

The bill as it passed the House of Representatives provides different treatment regarding charitable contributions between publicly supported museums which qualify under section 170(b)(1)(B) and privately supported museums which do not qualify. At present, 170(b) museums (publicly supported charities) are able to offer individual contributors a charitable deduction up to 30% of adjusted gross income. H.R. 13270 would increase this to a total of 50%. Also, at present, those museums which do not qualify under section 170(b), usually by reason of their private support, are only able to offer up to 20% to a prospective donor on a charitable contribution.

This distinction in limitations discriminates against privately supported museums. If anything, it places them in a handicapped position in the competition for private donations. These museums must compete with universities, colleges, hospitals, as well as publicly supported museums. Privately supported museums can only offer a donor a 20% charitable contribution, whereas, the other categories can offer up to 50%. If there is concern that some individuals might use such a museum to shelter personal income, and until a professional and proven system of museum accreditation is in effect, perhaps the fact that a privately supported museum might be able to meet the qualifications for an operating foundation under section 4942(j)(3) of the bill (p. 33) would suffice to assure that the organization is otherwise functioning for the public good and thereby entitled to the full 50% standing regarding charitable contributions. However, it is not at all clear as the definition of operating foundation now stands, that many privately supported museums would be able to qualify. This confusion centers on what definition is given the term "assets," under 4942(j)(3)(B)(i) and whether more than half of a total endowment or the endowment income must be devoted to the specified activities.

The service to the public may be and in many cases is identical: The museum is open to the public; it is answerable to a board of trustees responsible for seeing that it is operated for the cultural and educational advantages of the public; and it provides a genuine public service. One other item is usually identical with publicly supported museums: both types of museums are invariably desperate for money, and in 90% of the time, are totally dependent upon private donations for acquisition.

The concern that taxpayers will escape any taxation by way of such donations would be met by the House action to remove the unlimited feature of the charitable contribution provision to assure that at least 50% of a person's income would be included in his taxable income.

This is a very serious question to the entire museum profession, and especially to those privately supported museums. There are many of them in practically every state, and they are dependent, totally dependent upon private donations for their continued existence.

RISING COSTS OF OPERATION HAVE ERODED FINANCIAL STABILITY OF MUSEUMS

For years, the public was complacent that museums were operating quite well on their endowment incomes. But this complacency was shattered with the report submitted to the Federal Council on the Arts and the Humanities last November: *America's Museums: The Belmont Report. The Belmont Report* described the effects of inflation and increasing public attendance and demands for more service. Operating costs had climbed much higher than endowment incomes were able to meet. Additional revenues had to be found from both public and private sources. This would be a weak argument if only a small segment of the public was concerned. But the United States Office of Education figures confirm 560,000,000 museum visits last year in the United States, indicating a large percentage of our public is involved. This study also showed that of 2,889 museums surveyed, 1,419 were wholly financed by private contributions. If there is doubt that the privately supported museums were not substantially involved in these 560,000,000 visits, more than 264,000,000 visits were made to privately supported museums.

Museums will drown in their own success, the public will suffocate them unless the public is willing to assist them directly through public appropriations or indirectly through tax encouragement of private support.

TRIBUTE TO MISS MARY FACKLER, REDLANDS, CALIF.

Mr. MURPHY. Mr. President, the 1969 San Bernardino County Fair was dedicated to the city of Redlands, Calif., and in particular to the memory of a humble schoolteacher, Miss Mary Fackler.

This patriotic Redlands educator played a little known but significant and fascinating role in our history. Miss Mary Fackler was one link in the chain of events that has resulted in our American custom of pledging allegiance to Our Flag on all patriotic occasions.

In 1892, Francis Bellamy, of Boston, originated the salute and used it as part of the city's Columbus Day celebration on the 400th anniversary of the discovery of America. Miss Fackler, a teacher of the primary grades in Redlands, received a copy of the program for the Boston celebration by mail and was deeply impressed with the significance of the salute. She taught it to her pupils and used it as an incentive to good behavior by letting the children recite the salute at the end of a day when no one had been absent or tardy. A child who had done especially well in his work was allowed to hold the flag.

Among the pupils in the school were the three children of Lt. Col. H. W. Lawton. On one occasion their friend, Gen. Joseph C. Breckinridge, was with the Lawtons in Redlands, and Mrs. Lawton took him to visit the children's school.

General Breckenridge was much impressed by the Pledge of Allegiance to the flag as Miss Flackler had her pupils do it, and on his return to Washington, D.C., he introduced it to the Sons and Daughters of the Revolution at one of their conventions. Mrs. Lawton wrote to Miss Fackler, describing the first time the pledge was given in Washington:

> All the distinguished men and women in the East were there and he (General Breckenridge) had the children give the Salute, which was beautiful and impressive and created much praise, enthusiasm, and applause. It was mentioned as coming from the California children. I thought you would like to know it, since it is all owing to you.

Mr. President, the daily recitation of the Pledge of Allegiance in our schools has become a national custom which would surely be all the tribute Miss Fackler would want for herself. But I know Senators will want to join me in recognizing her imagination and enthusiasm. California and the country can be proud of Mary Fackler.

OIL IMPORT QUOTAS

Mr. MONDALE. Mr. President, an article published in the September issue of Wisconsin's nationally known magazine, the Progressive, edited by Morris Rubin, offers a carefully written examination of the oil industry's import quotas and depletion allowance.

The article, written by Spencer Rich and entitled "The Power of Oil," is well organized and readable and gives the reader a concise presentation of the current interest in this subject. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE POWER OF OIL

(By Spencer Rich)

In the movies oilmen are usually pictured as tough, independent operators, fiercely individualistic, dependent on no one and accepting no interference—or handout—from the Government. The John Wayne image immediately comes to mind.

But that is not the picture emerging from a series of hearings on the petroleum industry held by Senator Philip A. Hart's Senate Antitrust and Monopoly Subcommittee. There, a battery of oil industry spokesmen has pleaded that the vast system of Government subsidies—the extent of which has never before been detailed so completely to the public—must be maintained or domestic oil production will be unable to meet foreign price competition and will shrivel to a trickle.

The result, as pictured by men like Humble Oil's M. A. Wright, Sun Oil's Robert Dunlop, and the Independent Petroleum Association's Harold McClure, will be U.S. dependence on foreign suppliers. This nation would be forced to grovel, trembling, before petty Middle Eastern satraps, lest they cut off supplies of the vital juice.

That the industry profits handsomely from the 27.5 per cent depletion allowance has long been known. What has not previously been etched so sharply is the extent to which domestic oil companies reap subsidies from an additional system of economic aids generously provided by the U.S. Government and the states. As a series of professional economists suggested to the Senate subcommittee, the industry may actually take in three to five times as much each year from the workings of the oil import quota system as it does from the far more publicized depletion allowance. The foreign tax credit adds still more money to the pot.

The oil import quota system was put into effect on a mandatory basis by President Eisenhower in 1959, under pressure from the Independent Petroleum Association of America, spokesman for the smaller independent oil and gas operators whose holdings are concentrated on U.S. soil and whose production costs are frequently far higher than those of the big international companies.

The quota limits crude oil imports in the eastern United States to 12.2 per cent of domestic production, with restrictions on imports to the western states also. Since the West is a "crude-deficit" area, with insufficient production to meet its needs, there is no percentage limit on imports. Instead, oil imports are simply limited to the difference between available domestic supply and anticipated need.

There are no limits on imports of residual fuel oil, provided it is not brought in for reprocessing. Residual is the heavy, thick product left after all other derivatives are taken out. It is used for heating large buildings and for electric power production. Overall, about one-fifth of the nearly five billion barrels of petroleum consumed annually in the United States comes from abroad. The rest is supplied from domestic production.

The professed purpose of the import limitations is to keep the domestic industry healthy, so that in case of a national emergency, or cutoff of foreign supplies the nation will have enough domestically produced oil to carry on. But many of the noted economists who testified at the Hart Subcommittee hearings—such as the waspish M. A. Adelman of the Massachusetts Institute of Technology—who clashed with Republican Senators, telling them all the Government's previous studies had simply been a justification for aiding the industry, and the cigar-chomping Walter Adams, acting president of Michigan State University, who looked like an oilman but talked like a populist—suggested that the import control system may simply be a handout to the industry which costs the public billions of dollars a year.

The import controls, along with ceilings imposed on domestic production by "market demand pro-rationing" systems in Louisiana and Texas, the states which together produce three-quarters of U.S. oil, limit oil supplies in this country and keep the domestic price far higher than the world market price.

The domestic price at the well is now about three dollars a barrel for crude oil. Transportation costs by tanker to the East Coast from Gulf of Mexico depots bring the price to wholesalers in the Northeast to about $3.50 a barrel or more. But witness after witness testified—and oil industry spokesmen conceded—that oil imported from the Middle East could be purchased on the East Coast of the United States for only $2 a barrel, *including* shipping charges from the Persian Gulf, provided the oil comes in under a quota. That is a differential of about $1.50 a barrel.

One ironic result of the import barriers is that foreign nations are able to buy oil far more cheaply than American consumers, and sometimes from the same U.S. companies. Thus, in the first half of 1968, when domestic oil prices—not including shipping costs to market—were around $3 a barrel for crude oil, the Japanese government was able to buy 2.3 million barrels a day of largely Middle East crude at prices averaging $1.42 a barrel. Standard Oil of New Jersey—an enormous worldwide company, two-thirds of whose 1968 sales were *outside* the United States—and other well known U.S. firms sell oil in Japan as well as in the United States.

How much could U.S. consumers save if low-cost foreign oil were allowed to enter freely? No one knows exactly, but the added cost to domestic purchasers under this system of artificially high prices was estimated *at a minimum* of $4 billion a year by M.I.T.'s Adelman, one of the nation's most respected economists in this field. Dr. John Blair, the subcommittee's able chief economist, came up with a calculation of about $7.2 billion a year. Even John Lichtblau, a private economist whose work is financed by several major oil companies, estimated the figure at $2.7 billion a year, and Wright of Humble Oil, which is Standard of New Jersey's chief domestic subsidiary, put it at $3.4 billion. Wright claimed offsetting domestic benefits such as domestic wages and taxes paid by the oil industry. He failed to mention that if these billions were invested in other needed enterprises, they would presumably create jobs and generate taxes there too.

What all this means, the shrewd Dr. Blair was quick to point out, is that the oil import program coupled with pro-rationing has, by inflating domestic prices, cost the nation *40 to 70 billion dollars in overcharges,* at wholesale, over the ten years since the quota system was made mandatory. These added costs were multiplied when passed along in retail sales of heating oil, gasoline, motor oil, electricity generated with oil, and oil-based chemical products.

Dr. Blair translated these overall figures into terms meaningful to the average consumer. He estimated that the average price of gasoline to consumers *would drop five cents a gallon if oil import quotas were abolished*. For the average car owner buying 700 gallons of gas a year, this would mean an annual saving of $35. Blair calculated that abolition of quotas could also bring a *3.9-cent reduction in the cost of home heating oil—an annual saving of about $58.50 for the homeowner with oil heat.*

In addition to the huge import quota bonanza, the 27.5 per cent depletion allowance, and the right to "expense" intangible drilling costs—charge off certain expenses as annual operating costs for Federal tax purposes rather than depreciating them over a long period—save the industry about $1.6 billion in Federal taxes yearly, according to a recent Treasury Department study.

Under the gentle but highly effective leadership of Hart, the Subcommittee chairman who was the only Senator present at every hearing, witnesses brought out some curious points about the privileged position of the oil industry. For example, oilmen claim that the depletion allowance is needed to stimulate domestic exploration for new oil reserves, so that an assured supply will always be available on this continent. But Treasury studies show that oil firms are allowed to claim the depletion allowance not only on domestic but on foreign operations as well. In fact, at least a quarter of the depletion claimed involves foreign holdings of U.S. companies. Thus, oil companies have a strong tax incentive to explore overseas as well as in the United States, and capital that might be invested here to give the nation its needed national security reserve is spent looking for oil on other continents.

The foreign tax credit enjoyed by the industry works much the same way. Witnesses testified that oil from the huge Middle Eastern pools costs only twelve to twenty cents a barrel to produce, including return on investment, and a big portion of the ultimate two dollars delivered cost in the United States consists of a "tax" of perhaps eighty-five cents a barrel levied by the host Mideast government.

Under present U.S. tax policies, the oil firm is entitled to deduct this entire eighty-five cent "tax," which many economists defined as simply a royalty under another name, not from taxable income but taxes payable to the United States on their overall profits. This tax credit gives oil firms another incentive to explore and operate overseas, rather than in this country.

These and other forms of favored treatment add up to a tremendous special system of public subsidies for the oil and gas industry which likes to portray itself as fiercely devoted to "free enterprise" and as fiercely opposed to "Government intervention." One result is that oil companies pay exceptionally low Federal taxes, though the industry is one of the nation's largest, with $60 billion in worldwide sales. Senator William Proxmire, Wisconsin Democrat, has cited Internal Revenue Service figures disclosing that only about half the industry's net income is subject to Federal tax, while the average figure for all other manufacturing concerns is ninety-seven per cent. Proxmire said reports filed with the Securities and Exchange Commission revealed that in 1968 oil refineries averaged only eleven per cent Federal tax on their actual earnings while other manufacturing firms averaged nearly forty-one per cent.

"The oil industry makes the Mafia look like a pushcart operation," Representative Bertram Podell, New York Democrat, charged recently in a letter to Chairman Wilbur Mills of the House Ways and Means Committee requesting abolition of the special tax benefits for oil companies. Podell released figures which he said showed that thirteen major oil companies, whose net incomes ranged as high as $2.3 billion last year, have been paying Federal taxes *at a rate lower than a taxpayer earning $4,000*. A man with that income is taxed at a twenty-two per cent rate on the average, Podell said; the thirteen oil firms had effective tax rates on net income of no more than twenty per cent in 1968 and twenty-one per cent in 1967.

Among these thirteen super-prosperous oil companies cited by the Congressman, Sinclair paid no Federal taxes at all last year—in fact it received a $2.7 million tax credit toward future taxes; Atlantic-Richfield paid no taxes for 1967; Gulf paid less than one per cent of its 1968 net income in Federal taxes; Standard Oil of New Jersey had a $2.3 billion net income last year and paid $224 million or 9.7 per cent in Federal income taxes. The oil industry's "passionate devotion to old fashioned virtues such as greed," said Podell, "is amazing."

When the hearings opened, Senator Hart said one of his chief concerns was whether the higher cost of oil in the United States because of import barriers was hurting other industries which depend on oil, petrochemicals being the chief example. Chewing on his cigar, the free-speaking economist, Walter Adams, said high oil prices here were "hopelessly disadvantaging" the U.S. petrochemical industry competing in world markets against producers in Japan and Germany, for example, who paid far less for their petroleum feedstocks.

In March, the chemical industry itself—which contributes $1.1 billion in overseas sales to reduce the balance of payments deficit—put out a handsome, glossy booklet complaining that oil import controls threaten its competitive position. It was sponsored by DuPont, Celanese, Monsanto, Union Carbide, and other chemical giants. There are those who relish the picture of the chemical corporate giants clashing head-on with Standard Oil, Gulf, and other oil industry mammoths.

Adams told the Hart Subcommittee that the political power of the oil industry, rather than national security needs, had brought the system of oil industry props into being. The power of the oil lobby is legendary. The industry has immense financial resources. It supports some highly effective trade organizations to represent it in the nation's capital.

Oilmen are generally numbered among the prime contributors to the two national par-

ties, though precise statistics are hard to come by. To give a few examples, Shell and Union Oil each bought $15,000 advertisements in the 1964 Democratic National Convention program book. Gulf bought a similar one in a 1965 Democratic program book, and Humble, Shell, American, and Union Oil all bought advertisements in the 1964 Republican convention book. At a recent $500 a plate Democratic dinner in Washington, I spotted lobbyists representing three of the top seven oil firms in the country

Texas is the biggest oil-producing state, which helps explain why Lyndon B. Johnson, while he was in the Senate (and on the House side Speaker Sam Rayburn), helped defeat all attempts to reduce the oil depletion allowance. The oil industry's benefits still have a powerful and effective defender: Senator Russell B. Long of Louisiana, another large oil producing state, who is chairman of the tax-writing Senate Finance Committee and who has repeatedly defended the industry in floor speeches this year. Long undoubtedly will work to block any substantial reduction in the depletion allowance. The depletion allowance has another friend in high places: President Nixon. During the campaign, he asserted outright that he supports the allowance.

In spite of this powerful support for the current depletion allowance, which was enacted forty-three years ago, the chances that Congress will reduce it are brighter this term than ever. There is a strong movement in both houses for tax reform, and the House of Representatives has even voted a reduction of the oil depletion allowance from 27.5 per cent to twenty per cent and to prohibit its application to foreign production. The reduction faces rough sailing in the Senate, whose Finance Committee is dominated by men who like the present allowance.

The oil industry's response to all the cries of "subsidy" levelled against it is that the whole system is justified by national security needs. Unless the United States is capable of producing some three-quarters or four-fifths of its annual needs, the argument runs, the nation will be at the mercy of foreign suppliers and subject to diplomatic blackmail and manipulation. If import barriers were removed and $2 foreign oil allowed to enter, the industry claims there would be a massive drop in U.S. production as less efficient operations failed to meet the competition and went out of business.

Worse still, the oil men argue, incentives to discover new oil here, at high cost, would disappear. Reserves, already down to an eight-year supply, would drop still further. Wright of Humble Oil estimated that with the import barriers removed, growing consumption coupled with declining discovery would leave the United States capable, at best, of producing only forty-six per cent of its needs by 1985, and therefore heavily dependent on imports.

The economists who testified at the first round of Senator Hart's hearings expressed considerable doubt about these assertions. To begin with, why national security requires that the United States must maintain domestic capacity at four-fifths of annual consumption is not clear. The figures, when originally set, were based more or less on the existing import levels; the computation smelled suspiciously like a simple hold-the-line device dressed up in national security clothing. The economists suggested that careful economic studies—none has ever been made, several claimed—might establish some lower figure as quite adequate.

In addition, it was pointed out that it is not necessary to maintain such a huge price differential to protect most U.S. oil production. Several witnesses argued that only a small proportion of U.S. oil production—perhaps as little as ten to fifteen per cent, or even less—needed the massive price protection esthblished by the import quota system. The rest, it was emphasized, could compete quite well at a much lower price if inducements to waste and inefficiency which are built into the system were ended.

Senator Hart repeatedly advanced the position that if new U.S. deposits of oil are getting harder to find, while at the same time domestic needs are rising, the current system of limiting low-price imports not only raises the cost to consumers but also uses up our scarce domestic supplies faster and thereby undermines our national security position.

Would it not be cheaper, as well as more conducive to national security, Hart kept asking, to import more foreign oil now while it is available and save our liquid reserves for a crisis? Oilmen responded that for technical reasons it is difficult to save oil underground once a well has been opened. If the inefficient wells were put on a standby basis, many would never be able to produce again and the oil would be lost forever.

Hart also advanced the proposal that it might be possible, and much cheaper than the current expensive system, to develop new ways to tap oil reserves that would permit low-cost imports while maintaining a strong national security position. For example, referring to the 600 billion barrels of good-grade potentially recoverable oil to be found in shale deposits in Colorado (that would be 100 years' supply at current consumption rates), Hart asked whether an all-out research effort to reduce the cost of getting oil from shale would not be worthwhile. At present, shale oil is too costly for commercial use, and the industry says it would be economically impossible to count on it as an oil reserve. But the Government is spending only $13 million a year for all research on the development of oil from shale and from our immense reserves of coal. Even if it ultimately cost a billion dollars—or even two or three billion—to crack the problem of producing low-cost oil from shale, coal, and tar sands, that would still be less than a single year's added costs to buyers which results from the oil import quota system. In addition, the new sources would provide an enormous reserve of oil for national security purposes.

One Senator notably unimpressed by the national security argument was Edward M. Kennedy. He challenged industry witnesses to say what proportion of U.S. oil was helping to fuel our forces in Vietnam. They did not supply the answer. Former Assistant Secretary of Interior J. Cordell Moore, who was in the audience waiting to be called as an expert witness, told me that only a fifth, or a quarter, of Vietnam petroleum supplies comes from the United States.

Kennedy—arguing that oil from Canada, Venezuela, and other Western Hemisphere sources could be depended on in a crisis—also brought out that two-thirds of current U.S. oil imports do not come from the Middle East but from Canada and Venezuela. So the oft-cited threat that Middle Eastern nations could endanger the United States by cutting off supplies was pretty much a bogeyman, he implied.

The industry's national security argument is not entirely implausible. But it is not at all convincing without detailed economic studies to back up assertions of disaster. The President's Cabinet Committee Task Force on Oil Imports, which is headed by Secretary of Labor George Schultz, is to report in the fall or winter. It should take a really hard look at the security argument rather than swallow it whole as an excuse for handing more subsidies to an already enormously rich industry.

In the meanwhile, Senator Hart and his staff have done the public a great service in making clear, as Adams of Michigan State put it in quoting the conservative economist Milton Friedman, that: "Few industries sing the praises of the free enterprise system more loudly than the oil industry. Yet few industries rely so heavily on Government favors." These are favors that cost the U.S. Treasury billions in taxes which the oil industry does not pay and billions in higher prices paid for gas and oil by American consumers.

THE FIRST AMERICAN LEGION POST

Mr. HANSEN. Mr. President, the American Legion this year celebrated its 50th anniversary of service to the United States. The first American Legion Post in the Nation to make application for a charter was the Ferdinand Branstetter Post No. 1, at Van Tassell, Wyo.

Probably not more than a few Senators have heard of Van Tassell, Wyo. It is located in Niobrara County, near Wyoming's eastern border, and the 1960 census showed that 15 people resided within its town limits.

This should tell us that it does not take a lot of people to make a lot of patriotism.

The Van Tassell American Legion Post applied for charter on June 28, 1919.

A historical marker was dedicated this month at Van Tassell in honor of the Nation's first post. The featured speaker at the dedication was Wyoming's Governor, himself a decorated veteran of World War II.

I ask unanimous consent that an article describing the dedication ceremony, published in the Lusk, Wyo., Herald of September 11, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNOR SPEAKS FOR STRONG MILITARY AT DEDICATION

Gov. Stanley K. Hathaway, speaking at the dedication of the historical marker to the Van Tassell American Legion Post, said, "Those who hold to the theory of doing away with the military have short memories."

Gov. Hathaway, who was five times decorated for his World War II service, told the audience of some 125 that America can only preserve freedom by being strong and "We cannot allow a small percentage of young people to take that away." Too often we are told what is wrong with America when there are so many things that are right, he said. Gov. Hathaway praised the Legion, and its Auxiliary, for their work with young people mentioning the Junior Legion Baseball program and Boys and Girls State.

The historical marker which was financed by the Wyoming Recreation Commission stands within the Town of Van Tassell limits on the north side of Highway 20. The burned-in lettering was done by inmates at the Wyoming State Penitentiary. The land for the site was donated to the Legion by Andrew McMaster.

Mr. McMaster, although not a charter member of Ferdinand Branstetter Post No. 1, is among its oldest active members, and told stories of the early days of the Post.

HOW ORGANIZED

E. Cooper Calhoun, who was first Commander of the Post, told of the organization in a letter. Mr. Calhoun, because of health, was unable to attend.

Portions of Mr. Calhoun's letter follow:

"I got my discharge on June 15 (1919) at Ft. D. A. Russell. I arrived in Van Tassell that evening about 4 o'clock on the train.

O. I. Stinger met me at the depot and handed me a large envelope containing information about forming an American Legion Post. I started the next morning talking to every veteran I met—Floyd Deuel, Carl Dallam and Warren Jones, who helped me get the rest of them together Saturday afternoon June 28th. I had 27 men lined up. I called long distance to Lusk to Major Alfred Beach to ask him to come down that afternoon, which he did.

"We've always contended, based on statements made by Lem Bowls, National Adjutant, that we were the first Post to make application for a charter. There were four charters issued on the same day—Van Tassell Post No. 1; No. 2 Leo Leyden Post in Colorado; No. 3 Post in Washington, D.C.; and Pueblo No. 4 in Colorado. I can't get anyone in National Headquarters to verify this."

A large delegation of Legionaires from throughout Wyoming and Nebraska attended. Legionaires of Wieten-Dupes Post No. 4 of Lusk attended in a body and Commander Archie Lauer spoke. The N.C.H.S. Band, under the direction of Richard Pendleton, played.

Dr. R. R. Minghini of Rawlins, Department of Wyoming Commander, spoke briefly as did Bob Richards, Department of Nebraska Advocate General. Wyoming District Commanders Dale Havery and Walter Gregory and Irvin B. Selmer, Alternate of the National Executive Committee, were in attendance. Ed Baldwin, Commander of Post No. 1, gave the welcome and George Clarke of Lusk was master of ceremonies.

KEEP IN MIND THE BIG PICTURE

Mr. PROXMIRE. Mr. President, much has been said with respect to the construction of the verbiage of the Genocide Convention. I feel that the large answer to all of the arguments against the convention is that courts always construe treaties, statutes, constitutions, in terms of the objective attained. Everyone knows that the genesis of the Genocide Convention was mass murder. And if you will consider the objective of the convention in terms of the goals to be attained—then it throws light upon many of the sections of the convention which have been criticized.

There is no question that so long as we have totalitarian governments who are committed to the destruction of their opposition there will be other groups who will be the objects of political and governmental attack. There was some discussion as to whether an effort could be made to check that problem, which is a very difficult problem, with this particular convention on genocide, but since these great political issues get into the whole field of political agitation, it was thought wise to limit this convention to the specific subjects of national, ethnical, racial, or religious groups. Dean Rusk, then the Deputy Under Secretary of State appearing before an ad hoc subcommittee of the Senate Foreign Relations Committee, stated:

> It is an attempt to single out that part of it which has been most vicious in the past, and which is fairly readily identifiable, and try to get on with that.

This convention is not all-encompassing. The suggestion is subtly made that race riots and lynchings may thus come under Federal power. It is clear from the legislative history of the language of the Genocide Convention that what was meant was not just embarrassment or hurt feelings, or even the sense of outrage that comes from such action as racial discrimination or segregation, however horrible those may be. What was meant was permanent impairment of mental and physical faculties on a mass scale of national, ethnical, racial, or religious groups.

If we keep in mind the big picture of what this convention establishes, I cannot see how we can fail to ratify this treaty.

GRANT CONSOLIDATION AND PROGRAM INFORMATION ACTS OF 1969

Mr. PERCY. Mr. President, today approximately 420 Federal assistance programs are designed to provide State and local governments with over $20 billion for the purpose of meeting their pressing social and economic needs. While the assistance furnished through these programs is vital, the proliferation of such programs has itself created another set of problems these governments must solve. These problems are basically identifying what type of aid is available to State and local governments and cutting through the redtape and reams of paperwork required to obtain the Federal funds.

The Subcommittee on Intergovernmental Relations of which I am a member, has been considering legislation which would facilitate State procedures for acquiring grants-in-aid and strengthen Federal management of them. I am pleased to be a cosponsor of this legislation.

The Grant Consolidation Act of 1969, introduced by the Senator from South Dakota (Mr. Mundt), is one of the measures under consideration. This is an administration bill resulting from President Nixon's recognition of the need to revamp our present fragmented administration of closely related Federal assistance programs. This bill would provide the President with limited authority to consolidate various related grant programs and their administration. This consolidation would promote Government efficiency and coordination. It also would untangle the numerous procedures a locality must follow in applying for and receiving a Federal grant-in-aid.

The second bill I am cosponsoring is S. 60, the Program Information Act, introduced by the Senator from Delaware (Mr. Boggs). This measure will complement the efforts the administration is now making to catalog the programs designed to provide Federal aid to State and local governments. The bill provides for the compilation of a catalog of Federal programs and the qualification requirements they bear. This catalog would be systematically revised and made available to the public on a regular basis.

Mr. President, these two measures are vital if Federal grants-in-aid are to be effectively administered and distributed to the localities which require them. I urge the Senate, therefore, to give them prompt consideration for enactment.

GREEK ARMED FORCES DISINTEGRATING?

Mr. PELL. Mr. President, I invite the attention of Senators to an article entitled "Greek Armed Forces Disintegrating?" published in the Christian Science Monitor of August 29. The author of the article, Saville R. Davis, believes that the army is divided and humiliated and that Greece is no longer a "valuable military ally" of the United States.

I continue to be both saddened and concerned at the situation in Greece. The article is addressed to still another aspect of the situation in that country whose government, it seems to me, can no longer be considered an ally in any sense of the word.

I ask unanimous consent that the complete text of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, Aug. 29, 1969]

Blow to NATO: Greek Armed Forces Disintegrating?

(By Saville R. Davis)

Athens.—The main reason for American support of the present Greek Government has been removed. The United States depended on the integrity of the Greek armed forces to support the Western military position here and to act as a bridge to the Turkish Army on the east flank of the NATO defense area.

The Greek Army no longer exists as a stable, organized force-in-being.

This is conceded by friends and opponents of the "colonels' government" that now controls Greece.

In three successive waves the colonels' regime has jailed, placed under house arrest, or exiled to remote villages large numbers of the nation's most-influential military leaders. Names and facts are listed below.

The remainder of the armed forces have been subjected to a systematic campaign which, the regime says, is necessary to protect the government against a coup. Critics call it a reign of organized terror, designed to eliminate opposition.

In either event, the Army is divided and humiliated and its effectiveness as an instrument of the Greek nation is broken. Higher officers who remain are not allowed to command. Lower officers who hold power are faced with a passive resistance they cannot overcome.

This is the picture gained from well-informed sources both tolerant of the regime and opposing it. If this picture is oversimplified, the main argument still holds: The battle for allegiance of the armed forces has torn and dismembered them.

It was the former stability of the Greek armed forces which made that country a valuable military ally of the United States.

It cannot be said that in trying to purge the Army, the Navy, and the Air Force the Greek regime has been carrying out its announced policy of "saving the country from falling into the hands of the Communists."

Most of the arrested military leaders had fought directly against the Communists when they attempted to seize power by force in 1946–49. They were the bulwark of Greece against Communist subversion.

One of them said, "Their offense against the present government was that they were broadly nonpolitical, but pledged to the Western institutions of freedom that were born in their land, and they detest the enslavement of a free and proud people by the present rule of dictatorship and martial law."

Some of them supported King Constantine in his abortive effort to overthrow the dictatorship.

FACT SHEET ON ARRESTS

A fact sheet on the arrest and detention of the military leaders follows:

In late February of last year the first group of retired officers was exiled. In July and August, when the government was campaigning for a referendum coming in September, a second major group of officers was arrested. This year, after celebrating the second anniversary of the colonels' coup in April, a third group was taken.

Methods: arrests were normally between two and three o'clock in the morning. Police cars surrounded the residences and in some cases searchlights illuminated the houses.

The officers were removed in most cases without explanation other than the charge of being "dangerous to public order and security." They spent different amounts of time in the central security detention cells, sometimes under primitive conditions.

Most of them were then escorted to an Aegean island, in some cases to remote mountain villages. There they were asked to report to the local gendarmerie at specified intervals.

Villagers were warned by the gendarmerie not to approach the officers. Adequate medical help was denied in at least two cases of serious illness.

Some of the third group were charged with trying to alienate officers on active duty from the junta and were brought under formal judiciary inquiry which is still in progress. Others were not charged, trials not scheduled, and in most cases the original period of detention extended.

IMPRISONED WITH CRIMINALS

Some of the officers are now in various prisons together with common criminals. They are not allowed to communicate with relatives or their lawyers.

Army officers not detained or arrested and still in active service have been subjected to surveillance by varied and intensive methods. These include the placing of informers in the lower ranks who report to the security forces on the statements and activities of their officers. They also include mail censorship and telephone tapping.

The result is said to be extensive and deep-lying demoralization, with no one able to be confident of who would support or oppose his position in the event of a showdown.

The ruling group is generally described as a small minority of men within the Army, coming largely from small village backgrounds, trained in intelligence and conspiratorial methods, and much tougher in their methods of seizing and holding power than at first was realized.

As the months passed under arbitrary rule and martial law, these methods became harder rather than easing. Because the "colonels" were a small minority seeking to eliminate the old leadership of the armed forces and to control the rest by a campaign of systematic and deliberate "terror tactics," they appear to have alienated large sections of the armed forces as well as to have controlled others.

TACTICS DEFENDED BY SOME

Friends of the regime argue that these tactics were necessary in order to compel hostile elements in the armed forces to obey the new government. Critics say these tactics are the prelude to the final destruction of freedom in Greece and that the regime does not dare to relax its use of terror tactics.

Arguing either way, it appears that the armed forces have themselves become a battleground in the struggle for power and that they are no longer the stable force that the United States counted upon.

Following is an incomplete list of arrested or exiled officers. The wartime record and experience of these officers, their outstanding training both in Greece and in the United States and their anti-Communist position is spread on the public record.

First group, February 1967:

Brig. Gen. Dimitrios Zafiropoulos, who had been second in command of an infantry division, who escaped in the Middle East during World War II and was severely wounded in action, had commanded the raiding forces and been assistant military attaché in London.

Brig. Gen. Andreas Hoerschelman, commanding general of the 20th Armored Division, who escaped from Greece during the German occupation, fought the Communists in 1946–49, served in NATO headquarters, and was top of his class in the Greek Military Academy.

Col. Demitrios Opropoulos, also top of his class, served in the Washington NATO staff, had an excellent combat record, and was promoted for bravery on the battlefield.

Col. Constantine Tzanetis, a highly respected senior artillery officer during the combat against the Communist guerrillas who became commanding officer of divisional artillery.

Col. Nicholas Zervoyannis, commanding officer of parachute school and the Greek officer with the largest number of parachute jumps, who escaped in the Middle East during the German occupation and fought against the Communists. Also navy commander Vardis Vardinoyannis.

SECOND GROUP IN JULY

Second group, July-August, 1968:

Lt. Gen. Antonakos, Air Force chief of staff who escaped in the Middle East during the German occupation, a fierce anti-Communist. Lt. Gen. K. Kolias, commanding general of the First Field Army and commanding officer of the raiding forces, who fought against the Communists.

Lt. Gen. George Peridis, a Ft. Leavenworth graduate who was twice promoted in the battlefield for bravery, was commanding general of the 3rd Army Corps, participated in the non-Communist guerrilla units during the German occupation, and fought the Communists in 1946–49. (General Peridis became seriously ill in exile, was hospitalized in Athens under guard, his hospitalization was discontinued before the conclusion of treatment, and he was sent into exile in May of this year.)

Rear Admiral Spanidis, representative of Greece at the SHAPE NATO headquarters, a submarine commander in World War II who escaped in the Middle East during the German occupation.

Brig. Gen. George Koumanakos, a Ft. Leavenworth graduate. (The cases of these last two officers were recently detailed in the American press in the Evans-Novak column.)

Gen. Kon. Koniotakis, who also represented Greece at the SHAPE NATO headquarters and had escaped in the Middle East under the German occupation.

EXILES ANNOUNCED

Col. Periklis Papathanasiou, a raiding forces combat officer who also escaped in the Middle East. Maj. John Demestichas, a field Army staff officer who fought against the Communists. Air Force Col. Tsasakos, who served with NATO, Navy Capt. Konofaos, who also served with NATO and escaped in the Middle East during World War II. Brig. Gen. Ch. Tsepapadakis, who was an instructor at the National War College and fought against the Communists. Maj. Bpissias, a brilliant young combat officer and an instructor at the Army War College.

Third group, May 1969: An official announcement which listed only 10 of the following said they were to be exiled for "activities directed against public orders." Two weeks later the junta said that a judicial inquiry was under way to determine responsibility for a movement against the regime.

Vice Admiral Avgeris, Navy chief of staff and chairman of the joint chiefs of staff, Lt. Gen. John Genimatas, commandant of the Army War College, director of a special group which developed the new organization of the modern Greek Army, Army corps commander, Army chief of staff who fought in Korea as well as against the Communists.

Lt. Gen. George Tsichlis, commanding general of an infantry division which had fought against the Communists. Vice Admiral Egolfopoulos, Navy chief of staff who served in NATO, who escaped in the Middle East and is one of the most talented and respected senior naval officers in Greece.

Maj. Gen. Vardoulakis, an officer with a brilliant war record, commander of an infantry division, participated during World War II in special wartime raiding forces missions from the Middle East against the Germans in the mainland of Greece and in the islands of the Aegean and fought against the Communists.

Brig. Gen. Const. Papageorgpou, commanding general of the military district of Athens, who fought both the Germans and Communists. Brig. Gen. Nicholas Demestichas, chief of staff of an Army corps who had fought the Communists.

Lt. Gen. Christos Papadatos, commanding officer of the military academy and commanding general of the Athens region. Brig. Gen. Dem. Papadopoulos, chief of staff of the Athens region, second in command of an infantry division.

RECORDS FULL OF HONORS

Navy Capt. Georg. Psalidas, who escaped in the Middle East. Brig. Gen. P. Panourias, commanding general of an armored division and Ft. Leavenworth graduate, who escaped in the Middle East, fought the Communists, and was wounded in action.

Colonel Kalamakis, chief of staff of an Army corps who served with NATO headquarters, fought in Korea and against the Communists. Colonel Kalamakis was decorated by the United States as a member of the 7th Cavalry in combat action against the North Korean and Chinese Communists. Brig. Gen. Balkos, a Ft. Leavenworth graduate, instructor at the War College, and a distinguished senior staff officer.

Col. Perivoliotis, regimental commander who fought the Communists. Brig. Gen. Bouras Anast, who served as assistant commander of an infantry division and with the Washington NATO mission, escaped in the Middle East, and fought the Communists.

Lt. Col. John Souravlas, who had escaped in the Middle East and been a raiding forces combat officer. Lt. Col. Drosoyannis, who was also a raiding forces combat officer and fought the Communists.

Col. George Tavernarkis, a regimental commander who fought the Communists. Finally, the following combat officers who fought against the Communists: Air Force Colonels Diakoumakos, Pierakos, and Papageorgiou, three distinguished Air Force commanders and staff officers, who escaped as young pilots in the Middle East during the German occupation.

MORE ARRESTED SINCE MAY

Army Col. Pipanikolaou, Lt. Colonels Chrisostalis, Bouras Anast, Vlachos Somarakakis, and Zajharopoulos. Majors Zervas, Maragakis, Moros, Yannopoulos, and Moustakzis, Captains Mathioudakis, Grivas, Zarkadas Alex. In addition Maj. B. Koqrkafas, an outstanding raiding forces officer, arrested in May 1969, is feared missing since the time of his arrest.

Since May, 1969, among those arrested are Colonels Bloutsos, Mitsovoleas, Tzanetis, Maj. Gen. Em. Kehagias, an infantry division commander, and Lt. Gen. Sof. Tzanetis.

Gen. Tzanetis was arrested while vacationing in the Island of Rhodes. He escaped from Greece during the German occupation, he commanded an infantry unit in Italy in World War II, he was commanding general of

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the Army War College, he was vice chief of the National Defense General staff.

There are at least four young officers on active duty who during 1968 have been arrested in their units, court martialed, and are now serving sentences in various prisons. These are Lt. Charalamboulos (serving a 10-year sentence in the Koridalos Prison), Captain Zervopoulos (15 years in Egina Prison), Maj. Agelos Pnevmatikos (10 years in Korfu) and his brother Capt. Konst. Spnevmatikos (4 years in Kopidalos). There is positive evidence that these officers were subjected to severe tortures during the time of the investigations.

There are some hundreds of other distinguished officers of all ranks, who have been retired and removed from any position where their talents and their devotion to the mission of a modern soldier-officer in a free society, could be utilized for the defense of Greece and NATO.

Many of the United States-trained officers, have been purged, arrested, or exiled. The purge continues.

The Greek press gave names of about 300 officers in January and February, 1969, and 463 in July, 1969, who were promoted. A large investment of the Greek people and of the United States is lost. War experience, professional training, and devotion to the ideals of the free world could eventually vanish.

These "terror tactics" are being witnessed by the population with apprehension and anxiety. Friends and opponents of the dictatorship are disturbed to see the prestige of the Army questioned by the people.

In talking with many people, one quickly realizes that the uniform of the Greek officer, once a symbol of pride, has become a source of embarrassment and even an object of scorn.

This is a disturbing fact to all concerned since in today's world, tanks, ships, planes, and men in uniform are known to be worthless if not supported by the will of the people. This popular support is lacking today in Greece.

Combined with this is a very rapidly growing "anti-Americanism" which stems from the conviction of most people in Greece that the dictatorship exists in power only because of American toleration and support.

UNIVERSITY OF SOUTHERN CALIFORNIA ESTABLISHES A CENTER FOR URBAN AFFAIRS

Mr. MURPHY. Mr. President, one of the great universities in our Nation, the University of Southern California, has established a center for urban affairs. This center, which will offer B.A., M.A., and Ph. D. degrees in urban studies will educate students to become specialists in urban problems. As far as we know this is the first university in the Nation to grant interdisciplinary bachelor, master, and doctoral degrees in urban studies.

I am proud and honored to serve as a member of the board of councilors of the USC Council for Urban Affairs. As a nation we must solve our urban problems. I am confident that we will do so. USC is located in the center of one of the Nation's fastest growing urban areas and has always had a deep concern and interest in the problems of urban society. I know that this center will contribute much by providing us with the needed experts and research to better enable us to wrestle with these tough problems.

I ask unanimous consent that a news release, along with the names of the distinguished individuals on the board of councils, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

UNIVERSITY OF SOUTHERN CALIFORNIA NEWS RELEASE

LOS ANGELES.—A new Center for Urban Affairs, offering B.A., M.A., and Ph. D. degrees in Urban Studies, was established today by the University of Southern California to educate students to become specialists in city problems.

USC said it believes it will be either the first or one of the first universities in the nation to grant interdisciplinary bachelor, master, and doctoral degrees in urban studies.

First classes will start in the fall and seniors who have completed basic requirements can be graduated with the first bachelor of arts degree in urban studies in June, 1970.

The Center for Urban Affairs will emphasize interdisciplinary study and will draw upon all the university's faculty resources in the humanities, sciences, social sciences, and professional graduate schools.

The Center for Urban Affairs will be administered at first by a board of three professors:

Dr. William W. May of Palos Verdes Estates, Associate Dean of The Graduate School, chairman.

Dr. Bernard C. Abbott of South Pasadena, director of the Allan Hancock Foundation and chairman of the Biological Sciences Department.

Dr. Ira Miles Robinson of Los Angeles (90027), director of the Graduate Program of Urban and Regional Planning.

The board is seeking a full-time director for the Center and associate directors for the divisions of teaching, research, and community action.

The director and associate directors will have faculty appointments and will be chosen for their teaching and research abilities, Dr. May said.

"They will be functioning urbanologists and not just administrators," he said.

USC is convinced that urban universities must be actively concerned with the problems of urban society, Dr. Norman Topping, USC president, said.

He pointed out that USC, which will enter its 90th year in the fall and is the oldest and largest independent university in the West, has had a long history of deep involvement in urban affairs.

"For more than 30 years USC has supported major education, research and other programs and activities concerned with urban problems in southern California, the nation at large, and throughout the world," Dr. Topping said.

"We are ideally located in the heart of a vast and growing urban center and have the traditional flexibility and innovative powers of a private university.

"We are convinced that the university's role in relating to urban problems is to provide people with a sound educational background in the troubles of our cities, to conduct definitive research, and to identify problems and make recommendations as to their possible solution."

USC pioneered in the spring of 1968 in establishing the Urban Semester, a forward-looking course of study which got students out of classrooms and into the city as their laboratory.

It is now in its fourth term and has become a permanent part of the USC curriculum. It will be a required course for all students majoring in urban studies.

A Ph. D. has been approved in principle by The Graduate School faculty council, and several students are already enrolled in this program. Final approval of the doctoral degree is expected soon.

A proposal for a master of arts degree will be submitted to the council early in the fall.

The Urban Semester and the degree programs got their start under auspices of the Institute of Urban Ecology on the campus. The Institute's work in the future will be incorporated in the new Center for Urban Affairs.

BOARD OF COUNCILORS OF USC CENTER FOR URBAN AFFAIRS

BIOGRAPHICAL SKETCHES

Mr. Stanley M. Stalford, Chairman of the Board of Councilors; Chairman of the Board and President, Fidelity Bank and First Fidelity Company, 9570 Wilshire Boulevard, Beverly Hills, California.

Mr. Norman Barker, Jr., President, United California Bank, 600 South Spring Street, Los Angeles, California.

Mr. Morris Crawford, Jr., Chairman of the Board, The Bowery Savings Bank, 110 East 42nd Street, New York, N.Y.

Mr. Harold Gleason, President, Franklin National Bank, 410 Madison Avenue, New York, N.Y.

The Honorable James M. Hall, Superintendent of Banks for State of California, 120 Montgomery Street, Suite 1375, San Francisco, California.

Mr. Joseph S. Kaiser, President, The Williamsburgh Savings Bank, One Hanson Place, Brooklyn, N.Y.; Chairman of the Board of Lay Trustees, Fordham University; Member of the Banking Board of the State of New York.

Mr. Raymond Lapin, President, Federal National Mortgage Association, Washington, D.C.

Mr. William Levitt, Chairman of the Board, Levitt & Sons, Lake Success, New York.

Mr. Frederick Levy, Jr., Vice Chairman of the Board, Fidelity Bank and First Fidelity Company, 9570 Wilshire Boulevard, Beverly Hills, California.

Mr. Frank E. Mackle, Jr., President, The Deltona Corporation, 3250 S. W. Third Avenue, Miami, Florida; Director, W. R. Grace & Co.; Member, Board of Lay Trustees, University of Notre Dame.

Mr. Hal Mendon, Director & Chairman, Executive Committee, First Fidelity Company, 9570 Wilshire Boulevard, Beverly Hills, California; Senior Executive Vice President, Retired, United California Bank; Director, Beneficial Standard Corporation; Director, Investors Mortgage Insurance Company.

Mr. Alfred Mills, President and Trustee, New York Bank for Savings, 2nd and Park Avenue South, New York, N.Y.; Chairman of Urban Affairs, City of New York; Treasurer and Member of Board of Trustees, Urban America, Inc.

Mr. Raymond T. O'Keefe, Executive Vice President, The Chase Manhattan Bank, One Chase Manhattan Plaza, New York, N.Y.

Senator George Murphy, Washington, D.C.

Mr. Carmen Pasquale, Executive Vice President, Gersten Construction Company, 110 West "C" Street, Suite 809, San Diego, California; Formerly: Assistant Commissioner for Field Operations, in charge of all FHA offices. HUD's representative for billion dollar Mortgage Investment Program of the Life Insurance Industry for ghetto areas. U.S. State Department, First Consul and First Secretary in Paris, France; Bonn, Germany; New Delhi, India; and Montreal, Canada.

Mr. Robert Pease, Executive Director, Allegheny Conference for Community Development, 200 Ross Street, Pittsburgh, Pennsylvania.

Mr. William Slayton, Executive Vice President, Urban America, Inc., 1717 Massa-

chusetts Avenue, N.W., Washington, D.C.; Formerly: Commissioner of the Urban Renewal Administration of the Housing and Home Finance Agency.

Congressman John Tunney, Washington, D.C.

Mr. King Upton, Senior Vice President, The First National Bank of Boston, 67 Milk Street, Boston, Massachusetts.

Mr. Milford Vieser, Chairman of the Finance Committee, Mutual Benefit Life Insurance Company, 520 Broad Street, Newark, New Jersey; Chairman of Finance Committee, First National State Bank of New Jersey; Formerly, President, Newark Chamber of Commerce.

Dr. Robert C. Weaver, President, The Bernard M. Baruch College, The City University of New York, 17 Lexington Avenue, New York, N.Y.; Director, The Metropolitan Life Insurance Company; Director, The Bowery Savings Bank; Formerly, Secretary of Housing and Urban Development.

CIVIL RIGHTS CONFUSION

Mr. MONDALE. Mr. President, on August 28, two of the most distinguished newspapers in the Nation, the New York Times and the Washington Post, editorialized on the same subject—school desegregation and the uncertainties caused by the Nixon administration's equivocal and contradictory actions and statements. Inasmuch as many Members of Congress were out of town when these editorials appeared and may have missed them, I think it would be appropriate to have them printed in the Congressional Record.

Both editorials refer to the latest desegregation retreat by the administration—the intervention of the Secretary of Health, Education, and Welfare on the side of recalcitrant Mississippi school districts in support of a further delay in desegregation. Parenthetically, I should like to point out that we are now in the 15th year since the Supreme Court ruled that racially segregated dual school systems are unconstitutional and must be eliminated. Yet they still exist in parts of the Nation.

Mr. President, for the information of Senators and Members of the House of Representatives who may not have read them, I ask unanimous consent that the editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington Post, Aug. 28, 1969]

THE SCHOOL DESEGREGATION MESS

Ever since the Nixon administration took office, people have been trying to figure out what its policy was on school desegregation. Only recently has it become evident that the exercise was doomed to failure because there was (and is) no policy. The precariously balanced official statements put out by the administration on the subject, with all their mutually cancelling clauses and paragraphs, have taken form in real life as a series of zigs and zags, swerves and screeches, threats and retreats—a kind of stock car race to nowhere that is far too arbitrary and ad hoc and politically accident-prone to be characterized as policy at all.

The best construction that can be put on any of this—and has been from time to time by Secretary Finch—is that the administration means to deal with the complexities of school desegregation on a case-by-case basis that takes full account of individual district's problems and needs. Even in theory, however, the merit of this approach is more apparent than real. As John Gardner and others warned from the beginning, any substantial deviation from the body of precedent, practice, and law that had come to be controlling in HEW's considerations, was bound to invite resistance, encourage political pressures, and replace the momentum that was gathering with chaos. Moreover, they argued, there was plenty of room in the policy that had been adopted for reason and compassion to come into play in special individual cases. They were right, as it seems, on both points. The prospect they warned of has been realized.

The bizarre events surrounding the administration's dealings in the state of Mississippi are the latest example of how things are coming unstuck. Incredibly, Secretary Finch a short while back intervened in a critical court case on the side of Mississippi and against his own Office of Education which had submitted school plans for 30 districts—plans meant to effect more than token desegregation by this fall. The heat which had brought about this extraordinary move must have been intense: none other than Jerris Leonard, the Assistant Attorney General for Civil Rights, appeared in Jackson to argue the case against OE's position and for delay. Understandably, the proceedings tore it with the Legal Defense Fund, which had thought it was in court with the government. And the Mississippi debacle is apparently what also finally triggered the uprising of discontented attorneys in the Department of Justice who are now filling a protest of their own. Doubtless, the administration is onto a surefire thing, in the sense that school desegregation has never been what you would call a very popular issue, and it is getting less popular every day. But the administration would do well to consider whom it is hurting most by its actions. Like those courageous white Southerners who put their reputations on the line in their communities to argue the practical wisdom and necessity of compliance, the Legal Defense Fund and the cadre of Civil Rights lawyers at Justice are part of a dwindling band of men and women who have persisted in a sound cause against a rising tide of black and white separatism. It is they—in the face of violent and voguish extremes—who have continued to make the unpopular case for the acceptance and/or promotion of integration via the orderly processes of law. And it is they who are being repudiated by these actions: the white Southerners who told their communities that desegregation must come about, the civil rights workers who gave assurance that justice was attainable through law. It is not just the unseemly performance of the administration in this and related episodes that is so distressing. It is the gathering evidence that for a short-term gain, the administration is willing to do incalculable damage to those it should regard as its best friends and most worthy allies for the long haul.

[From the New York Times, Aug. 28, 1969]

FASTER SCHOOL DESEGREGATION?

In the absence of a clear policy statement by President Nixon himself, the progress of school desegregation becomes increasingly shrouded in uncertainties, confusion and suspicion. The extraordinary protest action by half of the staff lawyers in the Justice Department's Civil Rights Division against what they consider a retreat from energetic enforcement of the established guidelines gives substance to growing fears that segregationist pressures from the South may be triumphing in Washington.

Read against this background, the forecasts by the Department of Health, Education and Welfare that the beginning of the school year will see a dramatic increase in the integration of Southern Negro children into formerly all-white schools assume some of the characteristics of an effort to deflect attention from retreats in specific areas.

If these optimistic, over-all projections do prove accurate, much of the credit will belong to the administrators of the department's office for Civil Rights under both Presidents Johnson and Nixon. The guidelines developed and enforced after the passage of the Civil Rights Act of 1964 gave momentum to Southern school desegregation, which had been held to a snail's pace by court's skirmishes and other forms of resistance in the first decade following the Supreme Court's historic mandate in 1954. The Nixon Administration's shift from direct administrative action to renewed litigation can only be interpreted as a slowdown move.

Indeed, the recent Administration decision to grant Mississippi another delay in eliminating dual school systems feeds apprehension that Southern anguish over unseemly haste—fifteen years after dual systems had been held unconstitutional—is getting undeservedly sympathetic attention. The National Association for the Advancement of Colored People may have overstated the case in charging that, by its action in Mississippi, "the United States Government for the first time has demonstrated that it no longer seeks to represent the rights of Negro children." But, in disavowing its own desegregation plans at least for the coming school year, Washington has clearly put Southern political pressures ahead of forward movement on the integration front.

In view of the suspicions this postponement has aroused, it becomes particularly important that the enforcement targets set by Leon E. Panetta, director of the Office for Civil Rights, are actually met. Success along these lines would do much to lend credence to official assurances that special difficulties of timetable and administration in Mississippi will not be allowed to encourage foot-dragging elsewhere or to turn the Mississippi delay into eventual surrender.

However, Mr. Panetta's candid acknowledgement that high-placed policymakers inside the Administration have urged greater laxity makes it plain that the effectuation of the guidelines would be helped if the President himself set forth both principle and policy. There should be no obscurity about the wholeheartedness of White House support for swifter movement toward full school desegregation, North and South.

GLUE SNIFFERS GROUNDED

Mr. DODD. Mr. President, we live in a day when concern over the youth of our Nation is at a peak.

Never before have young people been exposed to so many elements of mental and physical danger, and never before have the young been allowed such a degree of freedom.

In the past several years, parents, educators, jurists, and legislators have addressed themselves with growing frequency to such problems as the spread of pornography and the increasing use of dangerous drugs.

The "generation gap" has become a topic of conversation from California to Maine, and from the cocktail party to the church.

Despite this unprecedented interest, however, I think it is a rare instance when corporate business takes the initiative, at a loss in profits, to insure the safety of America's youth.

I was, therefore, pleased to read a recent account of the efforts of the Testor Corp., of Rockford, Ill., the largest manufacturer of plastic cement, in promoting these goals, by reducing the dangerous possibilities of "glue sniffing."

I commend Mr. Charles D. Miller, president of Testor, and Mr. Gerald Wexler, chairman of the Jupiter Corp., for their fine contribution, and I ask unanimous consent that a press account of their activities be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Glue Sniffers Beware

(By Edwin Darby)

"You can be sure it's the model—not the kid—that's gonna fly. Because . . . you can't sniff Testor's, there's something in it."

That's the beginning of an advertisement in September issues of hobby trade magazines by the Testor Corp. of Rockford, Ill., the leading manufacturer of plastic cement for model building.

When glue-sniffing first began to hit the front pages, Testor stopped advertising its cement. The September ads are the first the company has run to promote the Testor brand in five years.

Charles D. Miller, president of Testor, feels so strongly on the subject that this was not the only decision he made that could and did affect the company's sales and profits. The decisions were made with the approval of Gerold Wexler, chairman of the Jupiter Corp., the parent company of Testor.

The story goes back to 1962. Miller was one of the leaders in the industry who proposed Hobby Industry Association sponsor research to find an additive that would make it impossible for kids to sniff glue. A $50,000 grant was given to an independent research laboratory.

The lab produced a fat report and a list of 94 chemicals that possibly might do the job. In its own lab, Testor went to work on the list. "There were many problems," says Miller. "The substance had to be obnoxious to the sniffer but not noticeable to the hobbyist. It also had to be something that the sniffer couldn't get use to, yet it had to be something that would not cause permanent harm."

In Item No. 34 ("Thank the Lord it wasn't 94"), the Testor chemists found what they were looking for. The chemical name is allylisothiocyanate. A common name is oil of mustard. "It is really a synthetic horse-radish," Miller says. "It is used as an additive to horse-radish and hot mustard, so we knew it was safe."

Added to Testor cement, it had no odor, but gave a sniffer a jolt like the hottest of hot mustard, inflaming the nose and eyes. (Morton International, the salt and foods company, was "very helpful" to Testor and is the company's supplier now of the oil.)

In January, 1968, Testor was ready to start marketing the product on a test basis. Southern California was picked as the test market.

Almost immediately, Miller started hearing from his dealers: "The kids were coming in and asking for anything but Testor's."

The dealers—hobby shops, department stores, variety chains—were mystified. Necessarily, Testor had sent out the new, anti-sniffing product without any notice. The idea was to find out if oil of mustard would work.

The same thinking governed national introduction of the new formula. There was no sense in tipping off the kids and starting a run on kicky old-stuff still in the store. This summer with the old inventory cleaned out and the new cements in the stores, Testor did notify all dealers.

"We did suffer a definite slump in sales," Miller says. "The dealers didn't know why the kids were turning down Testor's. But by the end of the year we think sales will be higher than they ever were.

"Actually, sales to glue-sniffers were always a small percentage of the total, but now the store has a way of identifying the sniffer. What this will get at is the hole-in-the-wall store that sells a half dozen tubes at a price in a brown paper bag."

Testor has now made the mustard oil formula available to all of its competitors. There are seven manufactuers of any significance, Miller says, and six already have adopted the formula, with the seventh now making evaluation tests.

But the problem is much larger, according to Miller. The public outcry and the efforts of many governing bodies have been aimed at glue.

Nevertheless, any number of readily available products, those containing chemical solvents that evaporate rapidly, give the same sort of "high" as glue. Miller thinks it is time manufacturers of other products look at what might happen once glue-sniffing produces nothing but tears.

To that end he has made all of Testor's research and development work available to any manufacturer using solvents in retail products. As the new Testor ads tell dealers, sell the new formula with "confidence that you're promoting the right way for a kid to get off the ground."

WYOMING'S FAVORABLE BUSINESS CLIMATE

Mr. HANSEN. Mr. President, the first great explorers of the New World found our country the land of opportunity and beauty with a vast wealth of natural resources.

Businesses moving to Wyoming for the first time note that those same qualities remain in our State, even today. Wyoming is a new State in terms of development, and because of safeguards we have established to protect her natural beauty, Wyoming will never become a State that is overdeveloped. Wyoming is an excellent place to live and a wonderful place to raise a family—breathing pure air, fishing in clear streams, and hunting in virtually untouched forests.

The firm of Church & Dwight on September 5, 1969, dedicated its new Arm & Hammer product plant located in Wyoming's Sweetwater County.

The Green River, Wyo., Star of September 11, 1969, reported on the dedication ceremonies. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Favorable Business Atmosphere Is Incentive to New Industries in State

The favorable business atmosphere created by the Wyoming and county governments, and the people of the area, added to the natural attraction of trona in bringing Church & Dwight to Green River for its first new plant since the 1890's, and to move outside of New York for the first time. This, Dwight Minton, president of the company, told Governor Hathaway and the guests at the ceremonies dedicating the Arm & Hammer product plant of C&D west of Green River, and at a banquet for employees and civic and political figures Friday.

Minton heard the Governor state that 1968 was the largest growth year in recent Wyoming history—and that the state had experienced an economic gain of 20% in the last year, citing the great oil development in the Gillette area and the growth in Sweetwater county as basic reasons.

Hathaway said that Church & Dwight is an example of the kind of industry Wyoming needs to bring to the state, as it is the first to utilize products of Wyoming industry as the basis for another consumer product. He emphasized that such firms as C&D can bring to Wyoming the opportunity for quality growth.

In the dedication and placque unveiling at the plant, County Commission Chairman John Yerkovich extended a welcome to C&D on behalf of the county—that evening at the banquet Mayor R. D. Schuck did the honors on behalf of Green River.

The dedicatory placque was unveiled jointly Friday afternoon by Gov. Hathaway and Pres. Minton.

Introduced at the Friday ceremonies were also Robert Sampson, vice president, manufacture, C&D, and Joseph Heard, designer of the Green River plant.

Saturday morning, area leaders were guests of Union Pacific at the Mustang in honor of the C&D officials. Resident Manager Wayne Mortensen was master of ceremonies at the Friday events Ed Sencabaugh of UPRR, at the Saturday affair.

REPRESENTATIVE BRADEMAS LAUDS STATE ARTS COUNCILS

Mr. PELL. Mr. President, On September 17, 1969, Representative John Brademas, of Indiana, delivered the keynote address to the Federal-State Conference on the Arts, conducted by the National Endowment for the Arts, here in Washington.

Attending this conference were the chairmen and executive directors of the arts councils from all sections of the country. It was also my pleasure to take part in the conference.

Representative Brademas is chairman of the Select Subcommittee on Education of the House Committee on Education and Labor, the subcommittee having jurisdiction over legislation authorizing the National Foundation on the Arts and the Humanities, and I have worked very closely with him on this legislation.

I ask unanimous consent to have printed in the Record the text of Representative Brademas' fine address on this occasion.

There being no objection, the address was ordered to be printed in the Record as follows:

Address by Representative John Brademas

I am much honored by the invitation to open this 1969 Federal-State Conference on the Arts.

More than most peoples of the world, we Americans are given to self-analysis and the taking of our national pulse. Yet we are today caught up in more somber searching of our souls and questioning of our purposes than is even our customary disposition.

I cite but a few instances, beginning with Vietnam.

Although we must hope that President Nixon's Tuesday announcement of further troop withdrawals will bring progress in the search for peace, we can be sure that the debate over the war and its further conduct will continue.

Vietnam in turn has spawned a re-examination of America's role in the world and of our commitments abroad.

Senators and Congressmen are for the first time in years carefully scrutinizing our military expenditures and asking whether they are not out of proportion with these commitments.

College students, blacks, religious leaders and others are raising profound questions about America's direction and insisting that the nation make real the ideals we profess.

A TURNING INWARD

All of us here could recite other developments which, taken together, have caused our people and their elected Representatives in Congress to turn inward . . . to reevaluate the conditions and quality of life in our own society.

This is, however, no return to isolationism. Rather, in the phrase that has now become a cliche but is true nonetheless, we are engaged in the process of reordering our priorities.

A case in point: only a few weeks ago, in a move unprecedented in my time in Congress, the House of Representatives overwhelmingly rejected the recommendations of both its Appropriations Committee and the Administration by voting, on the floor of the House, to add to an appropriations bill over $1 billion for, of all things, education.

A majority of both Democrats and Republicans in the House were in effect insisting that, severe as the fiscal crunch may be, education must not be the place to scrimp.

I hope very much that this turning inward, this new sensitivity to the conditions and quality of our national life will embrace both an enhanced awareness of the importance of the arts in America and the need to give them greater public support. More specifically, and speaking as a legislator and Chairman of the House Subcommittee with jurisdiction over the National Arts and Humanities Foundation, I hope that we shall soon see more Federal support for the programs administered by the National Endowment for the Arts.

Let me here make clear my deep disagreement with those who contend that the arts are a frill and a luxury and that we cannot afford to support them until the Vietnam war is over.

On the contrary, I strongly agree with the view of W. McNeil Lowry of the Ford Foundation in his recent report on the economic crisis in the arts. Remarking on the meager funding of the Arts and Humanities programs, Mr. Lowry observed:

"Pressures of war and other crises have been freely cited in explanation of this action, but there is no reason to believe that any significant Federal program in the arts can be effectively argued whether in Congress or in the public if its justification must be that all other great national questions are in equilibrium. Other governments—democratic, socialist, or oligarchic—have proceeded without such a justification . . .

"The arts [should] not always depend upon a contest over priorities. . . . There will not exist an effective public policy for the arts until they are treated as important in their own right."

This is the point—that the arts, like education, must come to be regarded as "important in their own right."

And with such an understanding there will become possible "an effective public policy for the arts."

PRESIDENT NIXON'S APPOINTMENT OF NANCY HANKS A GOOD OMEN

In this respect, I believe that President Nixon's appointment this month of Miss Nancy Hanks to be Chairman of the National Council for the Arts is a good omen, for both the appointment and the President's comments in announcing it reflects awareness at the highest levels of government of the indispensable place of the arts in the spectrum of our public concerns.

As Executive Secretary of the Special Studies Project of the Rockefeller Brothers Foundation and later as President of the Associated Councils of the Arts, Nancy Hanks has won the respect of legislators and artists alike with her intelligence and imagination. And may I interject that in this town she will need plenty of both!

In her new responsibility, Nancy will be replacing one of the most respected and gifted champions of the arts in our country—Roger L. Stevens.

Now here beginneth the reading of the First Lesson—by President Nixon, in appointing Miss Hanks. He said: "One of the important goals in my administration is the further advance in the cultural development of our nation . . .

"The Federal government has a vital role as catalyst, innovator, and supporter of public and private efforts for cultural development . . . I shall hope to give leadership to this effort and urge the Congress to do the same."

The Second Lesson—if I may pursue my ecclesiastical metaphor—will be read by the Director of the Bureau of the Budget, and let us hope that, in recommending money for the Arts Endowment, he matches the President's faith with works—i.e. dollars.

OUTSTANDING RECORD OF NATIONAL ARTS ENDOWMENT

For I believe that the record of the National Arts Endowment, though brief in years, amply justifies substantially increasing our public investment in the arts.

Let us not forget that it was just five years ago this month that President Johnson signed the National Arts and Cultural Development Act of 1964, establishing the National Council on the Arts. September, 1969 marks as well the fourth anniversary of the signing into law of the bill creating the National Foundation on the Arts and Humanities, which provided for the establishment of the National Endowment for the Arts, the funding arm of the Council.

In my view, you and your colleagues across the land who have administered programs in part made possible through the Arts Endowment can take pride in the remarkable achievements so far, remarkable in variety, quality and number of people reached.

As a direct result of the National Arts Endowment, the American Film Institute now exists.

The American National Theatre and Academy building in New York City, donated to the Endowment, is a resource for performing groups all over the country.

The first major national artists housing center in the U.S. will, as a result of Endowment initiative, open this year on New York's Lower West Side.

The National Arts Endowment has also supplied funds to regional theatres so that dramas of quality can flourish many miles off Broadway. The Tyrone Guthrie Theatre in Minneapolis, the American Conservatory Theatre in San Francisco, and the Arena Stage here in Washington have all received needed sustenance from the Endowment.

INDIVIDUAL GRANTS PROGRAM DESERVES SUPPORT

The Laboratory Theatre project in Providence, Los Angeles, and New Orleans and the Artists in Residency programs, beneficiaries all of Federal Arts funds, have brought direct experience of the drama to thousands of school and university students.

Individual artists as well as institutions have received support from the Arts Endowment. Although less than 5% of the Endowment budget is expended on individual grant programs, I believe this investment to be eminently wise

Twenty-one writers received $7,000 each in fiscal 1968 to enable them to complete works in progress or conduct research essential to their work

Individual grants of $2,000 each were made to assist twenty-nine gifted but unrecognized writers.

And individual awards of $5,000 each were given to twenty-nine painters and sculptors in recognition of past accomplishments and to encourage further efforts in the visual arts.

I trust the individual grants program will continue—and I strongly support it.

All these and many more activities testify to the success of the Endowment in its first few years. Its programs have helped extend the arts throughout the land—from inner city ghettoes to small rural communities—in the theatre, dance, opera, painting, music, films and writing.

GROWTH OF STATE ARTS COUNCILS PHENOMENAL

Particularly significant, I think, is that the Endowment's efforts have stimulated important new sources of support for the arts.

In this respect, clearly one of the most gratifying results of the law creating the National Endowment has been the growth of the State Arts Councils, which you represent.

As you know, the Arts Councils were authorized under Section 5(H) of the National Foundation on the Arts and the Humanities Act of 1965.

Let me here note what I can only describe as the phenomenal progress of the State Arts Council movement since that time.

In Fiscal 1966—when the appropriations bill contained no funds under section 5(H)—only 22 States provided funds of any kind for their Arts Councils.

In Fiscal Year 1967, when 5(H) funds went to each State, the number of Councils rose to 35. In both 1968 and 1969, 42 councils received appropriations from state budgets, and this fiscal year (1970), 44.

Far more impressive, however, than the number of states providing funds for Arts Councils work, are the total amounts for each succeeding year since 1966.

That first year the total was only slightly more than $3 million. In fiscal year 1967, when the first funds were made available to the states under section 5(H), the figure jumped to nearly $5 million.

This year nearly seven and one half million dollars in state funds will be earmarked for the Arts Councils.

This means, essentially, that the $2 million contained in the appropriations bill passed by the House this summer will be matched three and one-half times over in *state revenues alone!*

If we add to this amount the matching program funds or services from local communities and organizations, we can see that the Federal government is receiving an approximate return of 450 percent on its direct investment in the arts through State Arts Councils.

I know no other Federal seed money programs with so effective a record in generating greater support from outside sources.

HEARINGS IN CONGRESS ON ARTS PROGRAMS

I have so far been engaging in remembrances of things past. Where, you may ask, are we going now?

As you know, the bill authorizing the National Foundation for the Arts and Humanities expires next June. The Select Subcommittee on Education, which I have the honor to Chair, will hold hearings sometime during the next few months on legislation to continue the life of the Endowment and to fix the level of authorized funding.

And may I here say how anxious my Subcommittee and I are to hear from you, the leaders of the States Arts Councils across the country, to have your views and your suggestions for improving the programs of the Endowment. As they say in the country music shows, Keep them cards and letters comin' in!

I suggest to you that money rather than existence must now be the primary concern of supporters of the Arts Endowment. For most Congressmen of both parties have come to accept as both appropriate and desirable a role for the Federal government in the arts.

Indeed, a spokesman from so conservative a community as Indianapolis in my own state, Izler Solomon, Music Director of the Indianapolis Symphony, wrote only last Sunday in the New York Times that "The solution [in this case, to financing music] will have to be found in joint funding by schools, park departments, foundations, industry, cities, states and, most important, Federal aid."

". . . Certainly nobody belongs on a symphony board", said Mr. Solomon in a pronouncement which ten years ago would have been heresy in the Hoosier heartland, "who thinks 'Federal aid' are dirty words."

So the question now is not *whether* the Arts Endowment should be, but rather *what* it should be doing and *how much money* it should have to do its job.

Up to now the Endowment has spent—I prefer the verb, "invested"—some $22.9 million. Last year's budget was about $8.5 million.

I know that Nancy Hanks is already hard at work preparing her recommendations for the new Arts Endowment budget.

And as I have already said, the most important matching program she will have to deal with this year is President Nixon's statement on the arts with his budget request for them.

Certainly the case is compelling for substantially more funds for the arts. Meagerly financed as they are, the programs of the Endowment have elicited nationwide praise.

SOME PROVISIONS OF HOUSE TAX REFORM BILL THREATEN ARTS

Moreover as the Baumal-Bowen study and other surveys have warned, the economic plight of the performing arts in America has now become alarming.

Nor has the prospect of changes in Federal tax laws brightened the outlook. Although I am a militant advocate of plugging loopholes and bringing equity to our Federal tax structure, I am distressed that the tax reform bill passed recently by the House would impose an across-the-board 7.5% levy on the investment income of foundations. The arts rely heavily on foundations in many ways, and to punish all foundations for the sins of a few seems to me unwise public policy.

I hope as well that the Senate Finance Committee will not allow to stand that feature of the House bill which provides that a donation of a work of art must, for tax deduction purposes, be valued either at the cost the donor originally paid or, if valued at its appreciated figure, be subject to capital gains tax. This unrealistic formula will obviously enormously inhibit donations of art to the many museums which depend heavily on private gifts.

Aside from such financial problems as these, which afflict the arts generally, there are certain other questions about future Federal arts policy worth reviewing.

For example, some have suggested that all Federal funds for the arts should henceforth go only to State Arts Councils rather than for developing national programs in the arts.

NEED FOR CONTINUING NATIONAL PROGRAMS IN THE ARTS

I believe, however, and I understand most of you do too, that there is a continuing and powerful need for programs in the arts that go beyond the borders of a single state.

Let me cite an example or two of the importance of continuing a national arts program.

In 1966, when the American Ballet Theatre, for years among the most imaginative companies in the world, was in financial trouble, the National Endowment for the Arts was able to make it an emergency grant of $100,000 which was matched with private funds. This seed money represented a recognition that the company was a national resource and made it possible for the Ballet Theatre to secure further commitments from foundations and other private resources.

Or I could remind you how the Endowment helped the San Francisco Opera in the creation of the Western Opera Theatre, a small, flexible ensemble company which can perform in communities whose facilities will not permit appearance of opera on a large scale. In three years, it has increased its performance rate from 35 to 150 per season, reaching communities in which opera had never before been performed.

MUST STRENGTHEN STATE ARTS COUNCILS

My view, therefore, is that the wisest policy for us to pursue is that of greater financial support both for the general programs of the National Endowment under Section 5 (C) of the Act and for increased funding for the State Arts Councils under 5 (H).

We need both, and we need to build upon the splendid patterns of cooperation which have been developed between the National Endowment and the states. The state and national programs complement and reinforce each other.

Let me make clear, however, that I believe the State Arts Councils are capable of handling substantially increased funds and that I specifically endorse raising from $50,000 to $100,000, the authorization for each State Council.

AREAS THAT NEED REINFORCEMENT

Beyond strengthening the hand of the State Councils, there are, I think, certain existing areas that require reinforcement. In testimony before the House Education and Labor Committee, Roger L. Stevens touched on several of them:

The poetry in the schools program, which enables established poets to visit high schools;

The burgeoning needs of symphony orchestras and operas—a problem so pressing that it may well require special attention;

Arts programs in the inner city—an activity yearning for expansion beyond such Endowment-backed efforts as a school for the arts in Harlem, another at Hull House in Chicago and the Watts Workshop in Los Angeles.

The National Endowment also needs money for research into the strengths and weaknesses of formal art education in our elementary schools, often a child's first encounter with the arts. And how good is the teaching of the arts in our colleges and universities?

Nor should the implications for arts programs for older Americans be neglected; the time of retirement can for many be a time of enrichment through the arts.

We should experiment, too, with utilizing radio, television and films to bring to as many Americans as possible, especially those who live in inaccessible areas, an opportunity to experience plays, music and exhibitions of art.

All of you here could, I am sure, add to this list your own suggestions. I have sought only to limit the horizon of possibilities for the arts in America and to suggest the contribution which the Federal government can make to their support.

The kinds of questions I have here discussed with you are the kinds of proposals for Federal support of the arts that, I believe, should be given careful consideration by Congress and the Administration, and these and questions like them will be raised in our Subcommittee hearings.

SUPPORT FOR ARTS IN CONGRESS LARGELY DEPENDS ON YOU

Let me say, however, in closing that our capacity in Congress to provide support for the arts depends ultimately on the support that people like you can generate and stimulate across the country.

You have vigorous allies on Capitol Hill—men and women like Congressmen Frank Thompson, Jr. of New Jersey, William Moorhead of Pennsylvania, Julia Hansen of Washington, Ogden Reid of New York, Ben Reifel of South Dakota and Wiley Mayne of Iowa, and in the Senate, such articulate champions as Senators Mansfield, Fulbright, Pell, Javits and Percy.

Support of the arts is clearly a bipartisan enterprise!

But your friends in Congress can be no more effective in advocating your cause than you enable us to be.

You must, therefore, in your own states and communities, communicate your concern about the need for adequate Federal support for the arts to your own Senators and Representatives.

I have said that we live in a time of national introspection and self-examination. In such a time we need all the more, if we are to make our country what it ought to be, a land where individual men and women can live lives of joy and beauty as well as of hope and freedom, generously to support those activities that make such lives possible.

And among such activities surely are the arts of America and the qualities of mind and spirit and imagination of which they are the incarnations.

ALPHA CHI FEDERATED WOMEN'S CLUB OF DAYTON, TEX., ENDORSES 100,000-ACRE BIG THICKET NATIONAL PARK IN SOUTHEAST TEXAS

Mr. YARBOROUGH. Mr. President, the Alpha Chi Federated Women's Club of Dayton, Tex., adopted on July 16, 1969, a resolution urging the establishment of a 100,000-acre Big Thicket National Park. The members of this fine organization recognize the great value of beautiful wilderness in southeast Texas, and the necessity for preserving it for the use and enjoyment of the future generations.

This unique area is truly a botanical wonderland. In the Big Thicket are found the world's largest eastern red cedar, black hickory, holly, planertree, red bay, yaupon, sparkleberry, common sweetleaf, and silverbell.

In addition to the Big Thicket's rich and diverse plant life, the area is also the home of the many rare birds, such as the red-cockaded woodpecker, Bachman's sparrow, and the all but extinct whooping crane. The Big Thicket is probably the last refuge of the rarest of woodpeckers, the great Ivory Billed.

This great wilderness is vanishing rapidly. We must act now to save it.

Mr. President, I ask unanimous consent that the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

July 16, 1969.

Whereas, the Big Thicket of Texas is a meeting place for eastern, western, and northern ecological elements; and

Whereas, this is the last stand in Texas of the nearly extinct Ivory-billed Woodpecker; and

Whereas, this beautiful and unique area is rapidly being destroyed by bulldozer and chain saw; therefore

Be it resolved that Alpha Chi Federated Women's Club of Dayton, Texas urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and

Be It Further Resolved that the Interior and Insular Affairs Committee of the Senate of the United States be requested to set immediate hearings on S. 4 which would create a Big Thicket National Area.

Mrs. Tommy White,
President, Alpha Chi.

THE PESTICIDE PERIL—LII

Mr. NELSON. Mr. President, a worldwide controversy is being actively debated about the threat to our environment from the unnecessary and careless use of chemicals to control pests.

Alarming evidence has been presented which unquestionably credits persistent, toxic pesticides with the death and near extinction of many wildlife species and suggests links to cancer and stomach and liver ailments in man. Some foreign countries have placed bans on the use of DDT and related pesticides. In the United States two States have already banned DDT and many others are considering similar proposals. Gardening publications are advising their readers not to use these pesticides, and conservation groups are warning their members about the dangers.

In the midst of this concerned campaign, Dr. Arthur D. Hasler, professor of limnology at the University of Wisconsin, wrote to the Milwaukee Journal deploring a quote he recently read in that paper by a U.S. Department of Agriculture spokesman recommending herbicides for killing aquatic plants in Florida. Dr. Hasler strongly suspects some good use could be found for these aquatic plants, making their destruction unwise:

> Aquatic plants in our lakes as well as fish should be viewed as a harvestable crop and therefore equipment now procurable should be employed to remove and utilize them. Moreover, new effort should be expended to develop better harvesting equipment. In addition investigations should be strengthened to search for new utilizable products. We should be impoverishing our overfertilized lakes by harvesting crops, not refertilizing them by chemical control methods which also interrupt many normal events in the life of hundreds of algae, invertebrate and vertebrate animals.

I ask unanimous consent that Dr. Hasler's letter to the Milwaukee Journal be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WATER WEEDS AND CHEMICALS

(By Arthur D. Hasler)

To The Journal: On your Editorial Page for June 19, a National Geographic society bulletin quoted Dr. Lyle W. Weldon, United States department of agriculture, aquatic weed laboratory, Fort Lauderdale, Fla., as stating that "one acre of water hyacinths creates as much pollution as 40 people dumping raw sewage." Also that "aquatic weeds alone in Florida cost the state more than $50 million a year just in property depreciation."

Herbicides (plant poisons) are recommended for killing the aquatic plants. In this recommendation there is a misplaced application of agricultural procedure which is to eradicate, by poisonous chemicals, all species on a plot of land which compete with a single species of food plant.

Chemical poisons applied to lakes, canals or rivers, however, cannot be restricted as they can be in a farm plot because in an aquatic system they are circulated by currents throughout the diverse and complex communities of plants and animals. While the presumed design in this control measure is to kill only one species of aquatic plant, the poison in fact affects hundreds of species of organisms, including the eggs and larvae of fish, too often adversely.

Every landscape produces a potentially usable crop of living things. In a world in need of food and fertilizers it is incongruous that a crop of this magnitude should be destroyed. A more logical practice would be to harvest and utilize the surpluses of nature, not to poison them. Harvesting of water hyacinths could yield a product. When poisoned their rotting bodies pollute and fertilize the water. Moreover, as the poison is decomposed into its chief degradation product—carbon dioxide—it also serves as a fertilizer. Hence, chemical control of aquatic plants pollutes twice. Furthermore, if the poison is a persistent pesticide it is even more inappropriate as a solution to this problem.

A species of large aquatic plant (phragmites) which thrives on the Danube river delta produces a profitable paper product for the Rumanians. A search for useful products of other types in aquatic plants will yield commodities of economic value and therefore alleviate suffering in many parts of the world where plants now choke eutrophic bodies of water.

In the meantime harvesting these plants and using them for animal feed or compost fertilizer on the land is a far more rational use and conforms to higher ecological ethics than does poisoning them to rot in the waters and to refertilize the habitat for more to flourish.

These same arguments apply to Wisconsin. Aquatic plants in our lakes as well as fish should be viewed as a harvestable crop and therefore equipment now procurable should be employed to remove and utilize them. Moreover, new effort should be expended to develop better harvesting equipment. In addition investigations should be strengthened to search for new utilizable products. We should be impoverishing our overfertilized lakes by harvesting crops, not refertilizing them by chemical control methods which also interrupt many normal events in the life of hundreds of algae, invertebrate and vertebrate animals.

ARTHUR D. HASLER.

INCOME AND ASSETS OF SENATOR AND MRS. CHURCH

Mr. CHURCH. Mr. President, on September 12 I issued another in my series of voluntary disclosures of income and assets covering myself and my wife. At that time, I failed to include, through oversight, a bit of subsidiary information pertinent to the disclosure.

As I have stated in my earlier disclosures, my wife has certain real property holdings in Idaho, which I think should be listed. She is the owner of the family residence at 109 West Idaho Street in Boise, and she holds an undivided half interest in the Robinson Bar Ranch near Clayton. She earns no net income, derives no profit, from either property. For my part, I now share with my brother, Col. Richard B. Church, a future interest in two properties conveyed to us by our mother, who withheld a life estate. At one of them, located at 816 Pueblo Street in Boise, she at present resides; the other is an apartment house our father built at 415 Jefferson Street. For the rest of my mother's life, of course, the full use and benefit of these two properties are exclusively hers to enjoy.

FOLKLORE FORUM ENDORSES S. 1591

Mr. YARBOROUGH. Mr. President, I have long been concerned about the disappearance of the Nation's folk traditions. We are widely varied people and thus are the heirs to a rich folk tradition. We owe it to our posterity to record and preserve this tradition so that it can be passed on.

In March of this year, I introduced S. 1591, a bill to create an American Folklife Foundation. This proposal has now received the support of many of America's leading folk culturists. One such endorsement comes from the editors of Folklore Forum published by the Folklore Institute at Indiana University in Bloomington, Ind.

Mr. President, I ask unanimous consent that this letter of endorsement be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

FOLKLORE FORUM,
Bloomington, Ind., April 12, 1969.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR YARBOROUGH: The Editors of the *Folklore Forum* would like to take this opportunity to thank you for your introduction of Senate Bill S. 1591, which aims at the establishment of an American Folklife Foundation. This bill is an excellent one and we fully support its aims. We intend to publish an editorial urging our readers all over the country to support your efforts on behalf of the study of our great American folk culture. We certainly hope that this bill will be passed out of committee.

It is certainly encouraging to realize that our National leaders are aware of the wealth of traditions which we as a nation possess and that these traditions should be studied and preserved. We are sure that such a Foundation will be well received by all Americans who are interested in their own heritage.

Yours sincerely,
ELLIOTT ORING,
JAMES R. DURHAM,
F. A. DE CARO,
Editors.

MINNESOTA GRANTS FOR THE UNITED NEGRO COLLEGE FUND

Mr. MONDALE. Mr. President, on June 25 of this year, the Minnesota Mining & Manufacturing Co. and the Hill Family Foundation, of St. Paul, Minn., presented grants totaling more then $700,000 to the 36 member institutions of the United Negro College Fund and two other predominantly Negro colleges for microfilm research centers and microfilmed materials on Afro-American culture and history. These grants show the importance that corporations and foundations are placing in the continuing expansion of education at the highest level to all segments of our society.

Mr. Ray H. Herzog, vice president of the 3M Company's Graphic Systems Group, stated the case appropriately in saying:

> We feel that industry in the United States cannot afford to wait for sufficiently educated black executive talent. These colleges will shoulder some of the most significant educational responsibilities of our Nation during the next decade. It will be their responsibility to provide leadership in this area.

Equality is based squarely on the quality of education, and with new opportunties opening to black students, they need more than ever the quality training that prepares them to be com-

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petitive. This month approximately 45,000 students will be enrolled in the UNCF's 36 member institutions. More than 20 percent of these young people come from States outside of the South. Of the nearly 300,000 black students enrolled in all American colleges and universities, UNCF schools are training one-fifth. Graduates of UNCF colleges represent 85 percent of the Negro physicians in the United States, three-fourths of the Negroes who hold Ph. D.'s and innumerable religious, community, and political leaders, teachers, and social workers.

The black student of yesterday was training mainly for teaching and social working positions. The black student of today has the opportunity to train for business and industry as well as the professions. The pressure is intense at both ends—the Negro must have a quality education at the highest level, and the companies must recruit and hire quality black executives and professionals. UNCF colleges are actively expanding and initiating new programs, courses, and departments to meet the need of todays business and industry. Job opportunities have greatly increased over the last 5 years, and in 1968 alone there was a 65-percent increase in the number of UNCF students interviewed by business and industry over 1967, with an increase of 100 percent in the number of job offers.

Thousands of black youngsters go through high school with low motivation because they have no realistic hope of going to college. The fund's 36 schools, throughout its 25-year history, have given hope to these many young people of high potential but limited preparation.

The 3M Company, long active in providing educational grants, aid and scholarship programs, has taken another important step forward in granting more than $500,000 in these micro-film research centers to the United Negro College Fund. The Hill Family Foundation in granting more than $200,000 for workshops for librarians and instructors who will utilize these materials, continues to support the development of education, research, and new fields of study.

As a U.S. Senator and as a private citizen, I am equally concerned about the educational facilities in our country and the great necessity for quality education for all. As a Minnesotan, I am proud that the 3M Company and the Hill Family Foundation have expressed their will to share in the educational advancements in our country by providing these grants to the United Negro College Fund.

GARBAGE CRISIS

Mr. NELSON. Mr. President, Government officials have indicated the severity of the problem of disposing of our waste by calling it "a national disgrace." The per capita waste collection is now over 5 pounds a day, and by 1980 it will be 8 pounds daily.

An article published in the U.S. News & World Report of September 8, 1969, outlines some of the problems involved and some ways this problem is being met. I ask unanimous consent that the article, entitled "Why the U.S. Is in Danger of Being Engulfed by Its Trash," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

WHY THE U.S. IS IN DANGER OF BEING ENGULFED BY ITS TRASH

Americans, their health threatened by air and water pollution, are disturbed by warnings that they also face the danger of being engulfed in trash.

Mountains of waste are building up around the major cities. Space for disposal is running out. Garbage-dumping is poisoning water supplies. Inefficient incineration further fouls the air.

The problem is not just household and commercial waste. Worn-out automobiles and tires are dumped by the millions. Bottles, cans and paper containers litter streets, highways, rural roads and parks. Industrial and farm refuse piles higher and higher.

The country now has to deal with 3.5 billion tons of solid waste each year, and that figure keeps growing. This includes 360 million tons of household and commercial trash.

It costs cities 4.5 billions a year to collect and dispose of this refuse.

Government experts say the situation is nearing "a national disgrace." They warn that new, imaginative solutions must be found. Some experiments backed by federal funds, are under way to find the most efficient ways of getting rid of trash.

Richard D. Vaughan, director of the Bureau of Solid Waste Management of the U.S. Public Health Service, notes:

"The most convenient means for disposal—usually an open-burning dump—was, and unfortunately still is, most frequently employed. However, it is becoming increasingly obvious that such a casual approach to solid-waste management—which may have been acceptable in an earlier day—can no longer be tolerated in a country of over 200 million persons, 70 per cent of whom live in urban areas."

It is not possible any more, says a special report of the National Academy of Sciences, just to throw garbage "away."

"As the earth becomes more crowded," the Academy said, "there is no longer an 'away.' One person's trash basket is another's living space."

NOW: 5.3 POUNDS EACH

According to Mr. Vaughan, in 1920 an average of 2.75 pounds of waste was collected daily from each person in the U.S. Today, this figure has grown to 5.3 pounds, and it is estimated that by 1980, the per capita waste collection will be 8 pounds a day.

From New York to San Francisco, cities are running out of disposal space. One year's rubbish from 10,000 people covers an acre of ground 7 feet deep.

Incineration is not the final solution because burning leaves a 20 per cent residue of ash, in addition to pollution of the air. New high-temperature furnaces, however, may reduce the ash content to 10 per cent.

Some big cities, notably San Francisco and Philadelphia, have been dickering with railroad lines to freight their trash many miles away to otherwise useless land or abandoned mines, but costs and other problems have delayed these programs.

Another idea being considered is compressing rubbish in containers, taking it out to sea and jettisoning it in deep water. This method presumably would benefit only seaboard cities.

FROM DUMP TO PARK

The major innovation in waste disposal so far has been development of the "sanitary land-fill" system. Trash is hauled to an open area and put into trenches. Then it is covered with soil. When filled, the dump is converted into a park or recreational facility.

This is being done at a site in Washington, D.C., where open burning was practiced a few miles from the Capitol. A few months hence, dumping will stop and conversion of the area into a 300-acre park will begin.

The sanitary-landfill system, says the Public Health Service, makes a dump rodent-proof and odorless. It is only slightly more costly than burning.

Why is trash becoming such a big problem? The answer, in part, is the steady introduction of more conveniently packaged consumer items. Increasingly, too, many items still reach the buyer in containers that do not deteriorate quickly or at all.

It has been estimated that Americans, in a typical year, throw away 48 billion cans, 26 billion bottles, more than 30 million tons of paper, 4 million tons of plastics, and 100 million rubber tires weighing a million tons.

Use of disposable bottles, to be tossed away rather than returned for a refund, is spreading. Aluminum cans, which unlike steel cans do not rust away when discarded, are growing in popularity. More and more items come in plastics which do not decompose and cause noxious fumes when burned.

A recent survey of litter along a one-mile stretch of two-lane Kansas highway turned up these items: 770 paper cups, 730 empty cigarette packs, 590 beer cans, 130 soft-drink bottles, 120 beer bottles 110 whisky bottles and 90 beer cartons.

The collection also included everything from bedsprings to shoes.

One firm, the Reynolds Metal Company, is trying to make a small dent in all this litter. It is offering a half-cent bounty for each aluminum beer can turned in at depots in Los Angeles and Miami, Fla.

Mr. Vaughan gave a viewpoint of the Bureau of Solid Waste Management when he said:

"I sometimes don't understand Americans. In Europe, you almost never see anyone discard anything in the street. In the United States, I've seen Don't Litter signs practically covered with litter. Americans are litterers. The problem is so bad that we have sociologists working on the problem, trying to find out why Americans have such an untidy streak."

DEAD-TRAFFIC JAM

Another headache for the officials dealing with solid waste is the increasing number of scrapped autos. One estimate is that, by 1980, Americans will be discarding 10 million motor vehicles a year.

With the introduction in recent years of new methods of steelmaking, there is almost no demand for baled steel scrap.

Under the old method, cars were put into a hydraulic press, squeezed into blocks about the size of a small trunk and fed to steel-plant furnaces.

Now some old cars are being chewed up by huge machines that turn them into shavings and chunks for reprocessing into steel. But one of these machines—and there are only a few in the country—can dispose of only about 1,000 car shells a day, after these have been stripped of tires, seats, engines, windows and transmissions.

As for the 100 million worn-out tires that are thrown away every year, experts are seeking ways to make them into something more useful than bumpers on boatyard docks.

Scientists of the Firestone Tire & Rubber Company and the U.S. Bureau of Mines, using a "closed reactor" similar to a cooking oven, have extracted chemicals, gas and tar from the discarded casings. The new process may help in solving one waste-disposal problem while also reclaiming useful materials.

NEW GOLD RUSH?

Another Bureau of Mines project has literally found gold in rubbish piles. A study of ash residue in incinerators turned up both gold and silver from lost or castoff costume jewelry, coins, and photographic negatives. The minerals were discovered to assay at $14 per ton of ash.

Although the trash problem primarily is a local one, the Government has stepped in to lend assistance. Under a 1965 act of Congress, the Bureau of Solid Waste Management was created. Two thirds of its budget of 15 million dollars goes in grants to State and local agencies, universities and a few private companies for experiments to find better ways of handling trash.

One research project at the University of Pennsylvania is examining the possibility of using pipeline techniques for collection and removal of household solid waste. Researchers have designed a pilot-scale removal system that would pipe away solid wastes that had been mixed with water.

"Recycling and reuse" is another concept that is being investigated. A limiting factor in this process at present is that it must start with hand separation of different types of trash. The Stanford Research Institute, under a Government grant, is working to develop a separator that would use air pressure to sort out five different types of materials, some of which could be processed for reuse.

JOBS FOR HOUSEWIVES?

Mr. Vaughan believes that, in 10 to 15 years, all but 5 to 10 per cent of household garbage will be reclaimed.

"It would be nice," he says, "if the American housewife could be persuaded to sort out garbage into about 15 different piles. Then all the plastic bottles and aluminum cans could be gathered and melted down for reuse. Well, my wife isn't about to take on such a job of garbage-sorting, and I doubt that many other wives would."

The answer, he believes, lies in automation of the kind being researched at Stanford. Success in that field would make it economic to reclaim not only plastics and metals but also food scraps from which fertilizer could be made.

Composting of household and restaurant garbage on a commercial scale for sale as fertilizer has been tried, but has not been notably successful. Farmers and gardeners find it easier to pick up a bag of chemical fertilizer at the local hardware store, and most of the compost firms have closed.

The dream of most experts in the solid-waste-disposal field is a concept called "total recycling." This would eliminate trash because nothing would ever be thrown away. It would be used again in some way.

An automobile, for example, would be designed and built so its unworn parts could be retrieved for reuse when its usefulness was ended. Only irreducible scrap would remain, and that could be salvaged. But the experts agree that the time when such a system may evolve is not now in sight.

What Mr. Vaughn calls "one of the most promising engineering concepts in solid-waste management" is a combustion power unit being developed under contract by the Combustion Power Company of Palo Alto, Calif. This is basically a special incinerator that burns household and commercial trash at high pressure to produce hot gases to power a turbine, which in turn drives an electrical generator.

As designed, the unit should produce approximately 15,000 kilowatts of electric power while burning 400 tons of municipal trash daily.

The incinerator-generator units could be installed at strategic points in urban areas, reducing hauling distances. For example, five such units could handle all the refuse from San Francisco, while about 40 units would be required for New York City.

THE LOATHSOME TRAIN

For a time, it appeared that one answer to the problems of major cities in disposing of their trash would be cart it away in trains. The fact is that close-in urban land has become too valuable for dumping and long-haul trucking costs are too high to dump at sites farther away. Trains could provide a cheaper service.

San Francisco's present rubbish-disposal site will be full in another year. Searching about, city officials decided on a new area 375 miles away in sparsely populated Lassen County, near the Nevada border. A tentative agreement was made with the Western Pacific Railroad to haul 1,500 tons of refuse daily to the fresh site at a cost of $8 a ton. Lassen County was to get 21 cents a ton for use of its land.

In mid-August, however, negotiations broke down in dispute over the length of the contract. The city wanted a 20-year term, but the railroad wanted to be committed only for 10 years.

Now San Francisco has an offer from the city of Mountain View, 35 miles to the south, of a 544-acre dumping ground that would be usable for five years.

New York considered a rail-haul plan for its waste several years ago, but the idea never got off the ground. A Philadelphia plan is stalled because of official doubts about the sanitary aspects of using old mines for disposal.

Denver and Milwaukee considered similar programs, but dropped them because of economic obstacles.

Chicago and Detroit are experimenting with equipment that compacts trash into blocks. The Japanese tried to use such blocks as building material. This failed because of decomposition, but experiments continue in use of the block to fill swampy land.

RISING COSTS

As the piles of trash climb higher, so does the expense of removal. Fees to householders in some of Washington's suburbs exceed $45 a year. In Milwaukee, annual rubbish-removal charges went up in 10 years from $26 to more than $35. New York officials estimate it costs $30 to dispose of a ton of trash.

Litter is not confined to America's cities, parks and highways. Ocean explorer Thor Heyerdahl reported recently in mid-Atlantic on his attempt to sail from Africa to South America in a reed boat. He noted large expanses of floating waste, including plastic bottles and containers, in the sea. "Man," he wrote, "is starting to pollute the open ocean."

And the Quinault Indians of Washington State have barred campers from 25 miles of scenic oceanfront. Reason. The white man was leaving too much litter on the Indians' reservation.

GOLDEN EAGLE PASSPORT PROGRAM

Mr. HARRIS. Mr. President, on Friday of last week I moved that the Senate reconsider S. 2315, a bill to restore the golden eagle passport program to the Land and Water Conservation Fund Act. I have no objection to the golden eagle passport program as proposed in S. 2315. However, I do object to section 3 of the bill which was added as a committee amendment and which would have the effect of authorizing the collection of entrance and admission fees at lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers. Mr. President, it has been the longstanding policy of the U.S. Government, and this policy has been backed up by act of Congress, that entrance to and use of Federal lakes and reservoirs and inland waters shall be free to the general public.

As recently as 1968 in the Rivers and Harbors and Flood Control Act, the Congress restated that:

> No entrance or admission fees shall be collected after March 31, 1970, by any officer or employee of the United States at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, United States Army. User fees at these lakes and reservoirs shall be collected by officers and employees of the United States only from users of highly developed facilities requiring continuous presence of personnel for maintenance and supervision of the facilities, and shall not be collected for access to or use of water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided.

Section 3 of S. 2315 would repeal the above prohibition against the collection of entrance or admission fees at U.S. Army Corps of Engineer projects. I intend on Wednesday of next week to offer an amendment to S. 2315 which would strike section 3 and would thus guarantee the continued free access to and use of Federal lakes and reservoirs under the jurisdiction of the U.S. Army Corps of Engineers. Free entrance to and use of these waters has been a policy of the United States since the late 1700's, and this policy has been reaffirmed on numerous occasions during the past 200 years. I feel that free entrance to and use of these waters is sound national policy, and I feel certain that the Congress will once again this year reaffirm this policy, and I hope that my amendment on Wednesday is adopted.

I feel this is good policy because experience has shown it costs more than it is worth to try to collect these fees on these lakes and the collection process excludes too many people of modest means from their use.

AMERICA NEEDS MORE PUBLIC PARK LAND

Mr. HATFIELD. Mr. President, I invite the close attention of the Senate to articles from the Portland Oregonian on the pressures being placed upon our public parklands in Oregon, pressures which you may be sure are being felt all across this country as our population increases.

The latest move by the Budget Bureau in cutting back funds appropriated by Congress to acquire recreation and park land is but another glaring example of the inverse priorities that exist in this country today.

The Bureau has informed Congress that it will not permit use of the full $200 million voted for the acquisition of recreation and park lands. The Johnson administration cut these funds—inadequate to begin with—to $154 million, and now the Nixon administration further reduces the amount of $124 million which they say they will permit the Interior Department to spend.

The purchase of this beautiful outdoor recreation land is not just an exercise in aesthetics. We must consider the population pressures in this country, the growth in the numbers of young people, of more families and older people who have an increased need for recreation and wise use of their leisure time.

Recreation park land builds part of the real sinew of the American people; it enhances the quality of our national life. As our cities become more congested, the lack of such wholesome recreation facilities will only exacerbate the problems of crime, delinquency, and misuse of leisure time.

I must also raise the question of the will of the people which was definitely expressed through the action of Congress in the enactment of this legislation to spend $200 million to acquire this needed land.

Congress is being thwarted by the nonelected Budget Bureau. The bureaucrats downtown have become a fourth branch of Government, isolated and secure. They seem totally unresponsive to the will of the people.

I do not believe that Congress ever intended to put this power of the veto into the hands of the Budget Bureau.

We in Oregon are particularly conscious of this ever-increasing need for new parks and for the expansion of existing recreation areas and campsites.

Oregon has some of the finest State parks in the country. The following articles from the Oregonian point out how extensively our State and national parks are used. You will note that Oregon parks are particularly crowded because of the tremendous growth in population in California.

The Federal Government is the largest single landowner in Oregon and it has not upheld its responsibility for the fullest use of this land.

There will doubtless be an effort by Congress to increase the funds when the appropriations bill for the Interior Department comes before the Senate.

I ask unanimous consent to have printed in the RECORD articles entitled "State Campers Veto Fee Hike to 'Outsiders,'" published in the Portland Oregonian.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

STATE CAMPERS VETO FEE HIKE TO "OUTSIDERS"

(By Stan Federman)

"I pay taxes to help support our state parks. Then when I want to go camping I can't get into them."

Sound familiar?

It should. Oregon campers have been saying it loud and clear during the past summer vacation season.

They are particularly unhappy about the thousands of out-of-state campers—mainly from California and Washington—whom they accuse of crowding Oregonians out of their own state parks.

Last year about 1.3 million campers used Oregon parks. The total may hit 1.5 million this year.

What annoys Oregonians most is that 55 per cent of all these campers came from other states. In some state parks, more than 80 per cent of all camping was done by out-of-staters.

Both Oregon campers and state officials are seeking solutions to the critical out-of-state recreational explosion in our parks, Gov. Tom McCall and recreational experts are even beginning to suggest the state curtail some of its tourist promotion and advertising.

Discussing the problem at a recent meeting of recreational representatives, Glenn L. Jackson, chairman of the State Highway Commission, put the tourist question in blunt terms:

"Our crowded campgrounds and state parks are proof that we may be selling our heritage for a pittance."

Two proposals have been advanced in recent years as ways to possibly cut down the out-of-state camping in Oregon—and give residents a better opportunity to enjoy their own state parks.

One would involve charging nonresident campers a higher fee; the other would put state campgrounds on a reservation system.

To find out what campers themselves thought about the ideas, The Oregonian conducted a survey of Oregonians and nonresidents just prior to the Labor Day weekend. The study concentrated on Oregon's most crowded camping region—the 235-mile stretch of state parks on the coast between Astoria and Coos Bay.

Of those interviewed, 75 per cent were against any fee boosts for out-of-state campers.

Most campers—and particularly Oregonians—were strong in their belief that such an action was not only unfair and discriminatory but went against the age-old camping principle of "first come, first served."

Many Oregonians were realistic about any nonresident fee hike: If we start charging them more, their states will charge us more—and we'll all be in a recreational rat race.

On the reservations proposals, 57 per cent of interviewees frowned on the idea. But half of them said they would try it if it were initiated by the state.

Those campers who disliked reservations said they could not plan their vacations and weekend trips far enough in advance to take advantage of such a system. They also pointed out that most campers hate being tied down to any schedule.

Oregonians favoring the system felt it might assure them a site at their favorite campgrounds, something many could not count on these days. But others noted reservations would require a tremendous amount of paper work for the State Park Division and result in added costs to campers.

WHY THE BLANKETY-BLANK CAN'T I GET INTO MY OWN STATE PARKS? OREGON'S NATURAL MAGNETISM LEAVES TARDY NATIVES OUT IN COLD

(By Stan Federman)

The time was 5 p.m. on almost any day this past summer. The place was Fort Stevens State Park.

A long line of camping vehicles stretched out behind the registration booth at the main entrance. Almost all vehicles carried Oregon license plates.

Harried park aides attempted to explain to the newcomers that the park was presently filled to capacity. The aides said those in line could pull off to the side and wait for an opening. But they warned that at this hour it was unlikely more than a handful of the park's 483 units would be vacated that evening.

Some of the newcomers shrugged their shoulders and left to try for another campground along U.S. 101. A few said they would stay in a motel that night and come back the following morning. One or two hardier souls decided to wait for a possible opening.

And one red-faced camper began to argue angrily with the aides about being an Oregon taxpayer and "why the blankety-blank can't I get into my own state parks when I want to?"

DAMN FOREIGNERS

Before the aides could answer, a California car, whose owner had already registered and parked his trailer in the park some hours ago, sped by the waiting group of vehicles, returning from a shopping trip to nearby Astoria. As the car turned into the park, the irate Oregonian shook a fist at it and declared out loud to one and yet everyone in particular:

"There goes another one fom California. That's why we can't get into our parks. Those damn foreigners take all the camp sites."

And that's no joke—not if you were an Oregon camper this summer along the state's scenic 400-mile coast.

It was a scene repeated in park after park as Oregonian campers discovered once again they can no longer drive up to the park of their choice and grab a camp site any time of the day.

They could 10 years ago. Even four or five years ago. But no more.

OUTSIDERS KNOW

It was a fact of life on the coast this summer that if a camper needed a trailer hookup site, he had to be at a state park by 1 p.m. If he wanted an improved tenting site, he had to get there by 3 p.m.

Any time after those hours a family was usually shut out unless it got lucky and appeared at a park just as someone was vacating a site. But this doesn't happen very often during summer or weekends at most major camping parks.

The average Californian or Washingtonian or out-of-state camper from the East and Midwest is well aware of this fact. He learned the hard way living in crowded urban areas where you are an early-early bird or you stay home.

It was rare indeed this past summer that one found a California family, for example, shut out of an Oregon park because it got there too late. Californians know from experience. And they got there early.

But "getting there early" is a camping concept many Oregonians are just getting used to. As a result it is the Oregon camper who shows up at 5 or 6 p.m.—and winds up "left out."

This problem is even occurring on weekends most of the year at such popular coastal parks as Fort Stevens, Honeyman, Beverly Beach and Beachside. All draw heavily from Portland and Willamette Valley areas and they are jammed on most Saturdays and Sundays.

Some Portlanders solve the overcrowded problem by sending Momma and the kids down early Friday to nab a space while Poppa comes along later that evening after work. But this kind of "advanced planning" just to get a campsite distresses many Oregonians. Rather than go to all this trouble they will simply give up week-end camping at coastal parks.

There has been much talk in the last two years of raising out-of-state camping fees as a possible way to cut down the influx of these non-residents at Oregon parks.

But a recent survey by The Oregonian of coastal parks showed the idea has little flavor with most campers.

"You aren't going to stop the population explosion in camping with discriminatory fees," declared Gloyd Adams, a Lebanon rancher. "Other states don't discriminate against us and we shouldn't discriminate against them."

RECIPROCITY FEARED

"Our parks are the best in the country—that's why we get so many tourists in them," said Herb Griffith, a Eugene insurance adjuster. "But I travel a lot around the Western states—and I'd hate to have them charge me more for camping just because I was from Oregon."

Griffith's remark pointed up the salient belief by both Oregonians and non-residential campers that any such fee hike would bring immediate repercussions from other states.

Following a slight 50 cents to $1 increase this year, Oregon parks now charge $3 for a trailer hookup site, $2 for an improved tent site and $1 for an unimproved site. The prices were considered "reasonable" by most campers interviewed.

Emil Boucher, 10505 SE Boise St., a Portland truck driver, observed that Oregonians "were just going to have to plan their camping trips to avoid the most crowded times."

"Higher non-resident fees won't solve anything. It would only create ill will for the state and damage our tourist business."

IT'S BIG BUSINESS

Tourism is the state's third ranking industry and is expected to be No. 1 by the year 2000. But some state officials feel recent Oregon tourist promotions are bringing in tourists at too fast a rate for the state to absorb.

A few state voices claim the promotions attract only the camper-trailer tourist who they claim, doesn't spend enough to make his presence worthwhile. It has been suggested that future state advertising be aimed at the well-heeled tourist who lives in hotels and motels and is strictly the "big spender" for luxury travel.

But camper tourists spend money, too. According to the Oregon Tourist Bureau, campers spend more time in the state than non-campers (3.9 days to 3 days) and have more people (3.2) in their cars than non-campers (2.7). And—the camping family spends more per car per trip than the non-camping family: $82.29 vs. $74.95.

Many of those interviewed said they spent at least $100 weekly not counting gas and oil. Many spend much more; a Floridian said he averaged $40 daily, a British Columbia family spent $400 in less than two weeks.

WHY THE ADS

Most out-of-state campers become somewhat bitter when you discuss higher camping fees directed at them.

"I don't resent all the Oregonians who vacation in California, why should they resent it when my family goes camping here?" asked Mrs. J. J. Smith of Placerville, Calif., at Cape Lookout State Park.

"If you people don't want us, why do you coax us with big ads in national magazines?" asked Bud Stapleton, a retired marina operator from Pompano Beach, Fla., who was camping at Beverly Beach State Park.

"You people forget this overcrowded camping is a national problem and not just confined to Oregon. Heck, you can't get near a Florida campground during the winter season.

"We came because of the brochures your state sent us. When we came through Colorado we even heard your governor on the radio, urging tourists to come to Oregon. Well, we're here. We like it. We spend money. But you'd think we were a plague or something."

However, to Oregonians like the John Hendrickson family of Eugene the out-of-state campers are just "too much and too many."

The Hendricksons were interviewed just after being turned away at a filled-up Beachside State Park. And they were among the Oregonians supporting a higher fee for non-residents.

"And we shouldn't make it only $1 or $2 more," said Mr. Hendrickson. "We should really sock it to them. Another dollar or two isn't going to keep any affluent Californians out of our parks."

Jim Peterson, 7345 SE 46th Ave., another Portland trucker, couldn't agree more. "Oregonians should get first crack at their own camps. If higher non-resident fees will do it, I'm all for it."

Strangely enough, among Californians, almost 70 per cent interviewed agreed that a higher non-resident fee was "fair."

OUR PROBLEM WORSE

Ed Desmond, a publications supervisor from Mountain View, Calif., said he didn't blame Oregonians for getting all excited about the "new people" showing up at their campgrounds. "We've got the same problem, only much worse, in California. If your non-residential fee hike was needed, I wouldn't mind paying it."

School teacher Rodge Thomas of Garden Grove, Calif., said "If Californians like your state parks so much, they should pay for the privilege of using them. It's only fair—and they can afford it."

Washingtonians, for the most part, disliked the higher fee proposal and they warned that the two states could get into a "fee war" if such a proposal ever came to pass.

But some, like Dr. LaMar H. Gaw, an Olympia veterinarian for the Washington Department of Agriculture, said he'd be happy to pay any increased fee. Why? "Because you have such wonderful parks and provide such great services to campers."

AND, IT'S SILLY

Many persons doubted if any fee hike would stop out-of-staters from coming to Oregon parks. If they want to come, they'll be here, was the general consensus, regardless of the fee costs.

"This entire question of blaming non-residents for your overcrowded parks is really quite silly," said Denys J. Couch, a Vancouver, B.C., realtor. "It's all a tourist exchange, you know. We have thousands of Oregonians using our Canadian parks. Everyone travels these days and it all evens out for everyone in the long run."

Bruce Johnson, a Tacoma, Wash., designer, summed up the problem:

"Crowded parks are a part of tourism. If a state wants tourists—and which one doesn't—you learn to live with it. And you learn to live with each other. You have to . . . because the population explosion isn't limited to Oregon, it's happening all over America."

Users Divided on Merits of Proposed Campground Reservation System

(By Stan Federman)

Three States—California, Florida and Vermont—presently operate reservation systems at their state campgrounds.

All other states offer their camp sites on a first come, first served basis.

Oregon park officials are still undecided whether a reservation system would work in this state. But they are considering it as one of several alternatives aimed at relieving some of the population pressures at state parks.

"We are studying the possibility of reservations but have reached no conclusions yet," declared David Talbot, state park director.

Talbot recently visited California to investigate the 2-year-old California park reservation system and discuss its pros and cons with that state's park chiefs.

The California system is fairly simple. Whether it is a success yet or not is something else.

If you wish to reserve a camp site in that state, you mail a $1 reservation fee directly to the park of your choice. You also include your regular camping fees for the number of days, up to a week, that you plan to stay.

The $1 reservation fee is not refundable, even should you decide to cancel out later on. And, if you do cancel out, you are charged an additional $1 "no show" fine.

Cancellations may be made up to the day of your reservation either through the mail or in person at the park. You will have your camping fees returned to you, but you lose the reservation fee and suffer the $1 fine. If you fail to show up entirely on your reservation date, you lose your camping fees, too.

SYSTEM SAID WORKING

California park officials say the system is working, but admit they are often plagued with "no shows" and families complain they can't plan ahead far enough on their vacations to use the system.

The state will only accept reservations up to June 30—and almost 80 per cent of all California camp sites were reserved for this summer season by April 1.

But the state is putting its reservation system on a computer basis in 1970 which will allow reservations to be made the year-around.

California campers, however, apparently are unhappy about the system so far, according to interviews made recently in an Oregonian survey of campgrounds along the Oregon coast.

"Our reservation system doesn't work because too many persons make reservations and then don't show up," declared O. C. Saddoris, an Azusa, Calif., engineer for the Southern Pacific Railroad.

"What happens is that anyone without reservations six months in advance figures he doesn't have a chance to get into a state campground in summer. So he doesn't even try. Then the reservation campers fail to show and you wind up with empty sites in the heart of the season."

Robert Belcher, a truck driver out of Garden Grove, Calif., pointed out that he was one of many who couldn't plan his vacation six and eight months in advance. "So we just don't use the system. It's not worth the trouble."

"Reservations—good or bad—take all the fun out of camping," said another Californian, Warren Reichert, Sunday editor for the Stockton Herald. The Reicherts planned to spend their vacation in the California redwoods area—but lost their camp site because they didn't have reservations. They came up to Oregon instead.

INFORMALITY LIKED

"We like the informality of camping up here," said Reichert. "If a person has to hold to a schedule like a train, what's the sense of going camping at all? We like to vagabond on vacation—to pick up and go whenever we feel like it. No reservations for us."

Jorgen Madsen, a Modesto, Calif., building materials salesman, said his family also liked to wander. "If we didn't we wouldn't be here in Oregon. We meant to go to Canada but fell in love with your Oregon coast and spent our entire vacation here."

Several Washingtonians, such as William Beck, a Tacoma insurance salesman, said they would like to "try" a reservations system. "Oregon might begin on a partial basis," said Beck, "perhaps reserving the first 20 per cent of all sites at each camp."

Oregonian campers, for the most part, seemed split on the reservation idea. But all of those interviewed were quite strong in their beliefs on whether or not it was needed.

Some like Bob Melton, a diesel engineer from The Dalls, said his family often had to wait two hours or more to get into the state park of their choice. But they preferred this to reservations.

"We've always had a first come, first serve system at our parks," he added. "And I don't think we should change it. We need reservations for everything we do today; it seems their should be something in our lives without reservations."

But campers like Mrs. Arnold Zimmer, 10760 NE Halsey St., feel reservations would be the answer to the overcrowded park problem—at least in major parks such as Ft. Stevens, Honeyman, Beverly Beach and Beachside on the coast.

RESERVATION FAVORED

"My husband and I have lived in Portland all our lives and now find we can't drive over to the coast and get into whatever state park we choose. It's ridiculous. It seems like four out of five cars this summer at Fort Stevens were from Washington, California and British Columbia.

"You bet I'm for reservations—and they should gear the system so it's Oregonians who get them first."

Michael Irwin, a Gaston lumber worker, thought reservations would help Oregonians

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"reclaim" their parks. "We'd use them and so would a lot of our friends."

Most Oregonians believed reservations would be helpful if a family planned a long stay at one particular park. But they thought reservations would be of little use to the overnight camper or someone who goes to a state park on the spur of the moment.

Campers also feared there would be mistakes in the system. For example, a family might come into a camp with an Aug. 1 reservation and discover the park had them down for an Aug. 15 reservation.

There were suggestions that if the reservations became a reality, they should be on a "trial" basis in the beginning—either at one or two major parks or only used on weekends in the more populated camping areas.

Some proposed that Oregonians automatically receive a higher percentage of reserved sites than out-of-staters. Others suggested that no out-of-stater be allowed to reserve sites at more than two campgrounds during his visit to Oregon.

But whether campers discussed reservations or the controversial proposal of higher fees for non-resident campers almost all agreed on one method of solving the overcrowded park problem: build more parks.

Tuesday: The high cost of building camp sites.

More Money Said Answer to Glutted Park Condition

(By Stan Federman)

Whenever campers gather in Oregon parks they talk about ways and means to relieve the "crowded feeling."

And the one solution almost all campers eventually agree on is perhaps the most difficult one of all to achieve; build more parks.

Oregon presently has 3,811 camping sites in its 220 parks. About 52 per cent are improved tent or trailer sites ($2 per night); 38 per cent are deluxe trailer hookup sites ($3 per night), and 10 per cent are unimproved sites ($1 per night).

The state's improved and trailer hookup sites are almost double those of California, whose 7,500 state camping sites are mostly unimproved or primitive. They are of little use to the trailer-pickup camper crowd which normally needs hookup sites for water, electricity and sewage.

In its recent survey of the camping scene on the Oregon coast The Oregonian ran into a constant feud between trailer campers and tent campers.

The trailer camper was angry that the tent camper often grabbed a camp site with a hookup he didn't need; the tenter complained the trailer people took over improved tent sites when they couldn't find any available hookup sites.

FEUD CONTINUES

Each accused the other of being responsible for some of the overcrowded conditions and problems of camping at state parks.

Each type of camper wants the state—or someone—to build more campgrounds. But the tenter wants tent sites; the trailer crowd wants hookups.

At present, the tenter seems to be losing the battle as new camp sites more and more are being devoted to trailer hookups. At some parks along the crowded coast, for example, trailer hookups completely dominate the campgrounds.

And there is no doubt trailering has become the new way of camping in Oregon. Some 63 per cent or more of all campers at state parks this past year were in trailers or camper vehicles.

But this type of camping trend presents a tremendous problem to state park officials who are as anxious as anyone to build more parks. The problem is simple: money.

At today's prices, it takes $3,500 to $4,000 to build a trailer hookup site. The cost includes not only construction but the price of roads, water, sewage facilities and other wanted necessities.

When a camper casually suggests the state build another 1,000 hookup sites to relieve that "crowded feeling" at state parks, he's talking about a $4 million bill.

The State Park Division, an arm of the Oregon Highway Department, has a present operating budget of about $7 million annually—simply not enough to build all the sites most campers would like.

Besides building what many believe are the best campgrounds in the nation, the state also manages to keep them on a fairly self-sustaining basis.

Last year the state spent $838,000 in operating the camping phase of its park system. Income from camping fees totaled $710,000.

This left a $128,000 deficit—but an enviable record. Oregon is perhaps one of only two or three states in the country that came that close last year to balancing its camping ledgers. California, for example, had an operating deficit of $5 million.

This year, Oregon increased its camping fees slightly. It is anticipated by state park officials that this action will put the state on a fully self-sustaining basis in 1969 for its camping program.

Most campers feel the state should not have to battle the recreational population explosion all by itself. They think the federal government should step into the camping picture and provide grants to states for camp site construction.

The State Highway Commission couldn't agree more. Commissioners believe the federal government should not only "think Oregon" but also "think California" where Oregon's park system is concerned.

"We service so many Californians in our parks that we should get credit for this," says Commission Chairman Glenn L. Jackson.

Besides state camp sites, there are more than 7,000 U.S. Forest Service and 509 Bureau of Land Management camping sites in Oregon. But so far these have done little to relieve crowded conditions at state parks.

Most Forest Service and BLM campgrounds are unimproved or primitive in nature. They have pit rather than flush toilets. They provide no showers, wood and other camping luxuries offered by state parks.

EXTRAS WANTED

"Those unimproved federal campgrounds 10 and 15 miles from nowhere aren't the answer for today's camper," says David McClernon, 11710 NE Eugene St., a Portland dairy freezer operator. "Most campers have trailers. They don't use unimproved sites anymore. They all want the little extras provided by the state parks."

Ted Robertson, a Sacramento, Calif., contractor, says the government should give money to the states and let them build the campgrounds, designed along the lines of those found in Oregon.

"Your park people could give a lesson to every state in the country on how to build a modern campground."

Bob Pirolo, a Seattle bakery driver, says the government and national timber companies are far behind their promises of turning land into multipurpose uses, with emphasis on recreation.

"Let's face it—much of Oregon and Washington are in federal land or private timber land. We need more of these lands to be developed for recreation or we're never going to beat this population explosion problem."

With Californians taking the brunt of recent criticism by Oregon campers who claim the Golden Staters are shutting them out of their own parks, there are many who probably would agree with a proposal by Mrs. Darrell Draper, 6029 N. Williams Ave.

She also would like to see the federal government get into the "camping business" on an ever-increasing basis. But she wants them to build more campgrounds in California not Oregon.

"Then maybe the Californians would stay home and let us Oregonian campers have our parks back," she said.

Atlantic Coast Commercial Disaster Area Could Be Omen Of Oregon Fate

(By A. Robert Smith)

Hyannis, Mass.—The Atlantic Coast is fast becoming a disaster area—and it's the sort of disaster that could strike and destroy much that is glorious about the Oregon coast.

This is not a natural disaster, such as Hurricane Camille recently visited upon the Gulf Coast.

It is a man-made disaster, a peculiarly American form of destruction which is all the worse because it could have been prevented.

During the month of August this correspondent traveled about two-thirds the length of the Atlantic Coast, from the rock-bound shores of Maine to the sandy beaches of the Carolinas.

Comparisons with the Oregon coast, which I visited most recently last summer, are inevitable—and they are frightening for anyone who loves the natural beauty of coastal America.

Geologists tell us that the coasts of our continent are constantly changing, shaped and reshaped by pounding surf and howling winds. But generally these changes constitute an exchange of one form of natural beauty for another.

Much of the change brought by man, especially in the past decade, seems to be for the worse, an exchange of natural beauty for the garish devices of the commercial marketplace—signboards by the tens of thousands, drive-ins, deluxe shopping centers, etc.

At the entrance to Cape Cod, just after you cross the Cape Cod Canal, one national food store chain has posted a sign listing all its supermarkets on the cape. The list is too long to count without stopping the car—a symbol of the vast change one soon laments here.

Hyannis, once an interesting village of shops and art galleries in the pre-Kennedy era, has become another plastic town, its commercial district dominated by chain stores in vast shopping centers. The tourist who craves this should feel very much at home, which raises the question: why leave home at all? Traffic jams at the coast are no more relaxing than those back home.

Many of the towns on Cape Cod have suffered the same commercial transformation, exchanging the charm of yesterday for the efficient impersonal methods of modern merchandising.

One might be tempted to dismiss this profitable blight as a consequence of the Kennedy era that attracted so much attention to Cape Cod and made it perhaps the most glamorous spa in the country. As a senator, the late John Kennedy left a better legacy by authoring the Cape Cod National Seashore act. Today one substantial portion of the cape stands preserved against the bulldozers and asphalt spreaders—and the National Park Service has done well in managing it, an island of natural splendor in a sea of frantic exploiters.

Farther up the coast, Maine is only slightly less victimized by the fast buck artists. This was my first visit to Maine, the last of the 50 states I have visited in years of traversing the country, and my wife's comment summed up our disappointment: "Maine would have been an appealing place to live—100 years ago."

MERCHANTS BENEFIT

Maine has much of the natural attraction of Oregon—vast forests, over a thousand lakes, a rugged coast. But what God created, man has been working overtime to put asunder. It is here that the disaster of commercial blight seems altogether unexcusable—a nightmare of what may be ahead for Oregon, if proper preventive action is delayed much longer.

Maine has become a terrible example of poor or non-existent local zoning. The local city fathers, undoubtedly faced with the decline of the fishing and logging industries, welcomed the advent of tourism as a clean industry from which all would benefit. Certainly, this must have been the result for the merchants on Main Street.

One indicator of the massive proportions of the tourist invasion there is this: driving about 100 miles up the coast from Rockland to Acadia National Park we passed perhaps 500 motels, all of them with their "no vacancy" sign turned on.

What the city dwellers of New York and Jersey City and Baltimore have done is to overrun Maine and Cape Cod, not to mention the much closer Jersey and Virginia beaches, so that the entire Atlantic Coast is becoming one elongated Coney Island.

The great growth of California suggests that the same treatment is in store for Oregon. It's not a question of how to attract tourists but how to handle them and serve them without repeating the uglification of the coast that mocks and torments the seeker of solitude by the sea.

JOB CORPS RECREATION

(By Roberts Olmos)

WALDPORT.—Fishermen, campers, picnickers and lovers of the outdoors can give thanks to men of the Angell Job Corps camp for choice recreation areas the youths have built, revamped or are in the process of readying.

"It would be years before the public would have access to some of these spots if it weren't for the Job Corps men," said Millard Mitchell, new director at Camp Angell, located south of this city.

In learning carpentry, painting and general construction vocations, Job Corps trainees are assigned to various U.S. Forest Service projects in the Siuslaw National Forest. The Forest Service operates Camp Angell.

PROJECTS LISTED

During the past four years, men from the conservation center have given the Forest Service:

Ten new or rehabilitated campgrounds which represent 157 campsites.

Eight new comfort stations, some with steps, stone work and landscaping.

Thirteen rock work projects, including construction of steps providing easy access to riverside fishing spots.

Fourteen trails and 14 footbridges. The trails represent eight miles of additional hiking area in the Siuslaw.

STORM BLAMED

Five landscape projects.

Largest of the campsite developments is Alder Dunes, 10 miles north of Florence. Completed but not open to the public until next year, the campsite will feature 47 new campsites.

The Sutton Creek campground, nine miles north of Florence, remained virtually unusable by the public because of the tangled mess that covered it due to the "Columbus Day" windstorm in 1962.

Job Corps men cleared debris at Sutton Creek, built a new 600-foot walkway and did major rehabilitation work there, according to Gene Gustafson, Camp Angell's assistant director.

It took the corpsmen a year to ready the Sutton Creek campsite.

PROGRESS SEEN

A spot that is bound to become a favorite with outdoors lovers will be the Blackberry campground along the Alsea River between Waldport and Alsea. The basic camp layout—all new—will be completed by November. But it will take many months more before over-all development is finished. The site will be open to overnight camping as well as picnicking. A boat ramp also is being readied.

The arduous work behind such developments was clearly evident in a visit to the Maples campground, located off Highway 34 on the Alsea River, east of Blackberry.

Here crews were felling and bucking several dozen trees in order to "open up" the site and provide sunlight. Chain saws buzzed and heavy equipment roared.

Forest Service experts designate which trees are to be felled.

COMMUNITIES AIDED

Some of the Job Corps crews are taken to the project sites daily, returning in the evening to Camp Angell. At other locations, the men set up what are called "spike camps" which they leave on week-ends only. A "spike camp" has been located at the Alsea Ranger District station, where the men are building a huge, open bay storage shed.

Corpsmen also have donated time and labor to community improvement projects. They built a visitors' information center for the City of Yachats and prepared and fenced a Little League field at Waldport.

Mitchell feels work the men are doing will further benefit the community because the youths are being readied for apprenticeship programs that eventually will lead them into trades crying out for experienced hands.

"The median age of workers in the carpentry and painting trades in this area is 50. Those men will be retiring soon and someone is going to have to replace them," Mitchell pointed out.

WITHDRAWAL BY UTAH OF PETITION FOR CONSTITUTIONAL CONVENTION

Mr. TYDINGS. Mr. President, today I invite the Senate's attention to an extraordinarily important decision by the Federal district court in Utah. The court ordered the secretary of state of Utah to withdraw its petition from Congress calling for a Constitutional Convention because that petition had been sent by a constitutionally malapportioned legislature. This decision is a landmark in the fight to preserve our Constitution from those who seek to overturn the Supreme Court's one-man, one-vote decisions through the untried and dangerous route of a Constitutional Convention.

First, let me say that the decision reduces the number of applications from States to Congress for a convention to 31. As I noted last month, the attorney general of Oklahoma has held that State's call to be invalid under State law. Now, under Federal law, Utah's petition is also held to be of no effect. The chances of three State legislatures petitioning Congress this year are very small, so the required two-thirds mark of 34 States will not be met.

Second, and more important, this decision is a precedent that, when applied by other courts or Congress to the remaining applications, will reduce the number of valid applications to a mere handful.

Because of the complexity of the question of jurisdiction in the Utah case, some confusion has resulted in interpreting its holding. Therefore, I would like to discuss the opinion at some length today to make the record unequivocally clear. The decision in question is Petuskey against Rampton, an action originally brought in 1965 before a three-judge court, which held Utah's reapportionment act of 1963 unconstitutional because of malapportionment. The three-judge court retained its jurisdiction over the case pending a satisfactory reapportionment of Utah's Legislature.

In 1969, new petitioners sought to intervene in the dormant case to declare Utah's petition to Congress passed by the old, malapportioned legislature null and void. These new plaintiffs sought to enter in this case reasoning that they were merely requesting further relief flowing from the decision's central holding of malapportionment.

The three-judge court met to hear the petition for intervention and rejected the action as inappropriate for the three-judge court and as improper for the prior malapportionment case. The two judges who held this way did not, under any conceivable interpretation of their action, decide or approach the merits of the petition. The majority merely felt that the case belonged by itself in the Federal district court.

District court Judge Ritter, who dissented on the question of permitting intervention in the old case, then proceeded to hear the petitioners as a district court judge sitting alone. His decision, based squarely upon prior law, is certainly unequivocal. It begins:

> Can a legislature, which has been determined unconstitutionally apportioned by a three-judge Federal Court, adopt a valid Resolution applying to Congress to call an Article V Convention for the purpose of continuing its own unconstitutional existence? The answer to this question is that the Legislature is not empowered to do so.

Judge Ritter, relying upon the long line of cases involving ratification of constitutional amendments, especially *Hawke* v. *Smith* (No. 1), 253 U.S. 221 (1920), held that the act of a State legislature in calling for an amendment to the Constitution by way of a convention, like the ratification of such an amendment, "is not an act of legislation within the proper sense of the word." The district court reasoned that the word "legislature" in the beginning of article V must have the same meaning—as construed by the Supreme Court many years ago—as it does in the end of article V. Thus the action of petitioning Congress for a convention, like ratification of an amendment is Federal action, controlled by Federal, and especially constitutional standards.

The court continued that it is absolutely clear that the equal protection clause now requires State legislatures to be equally apportioned. The only way this can be changed, short of revolution, is an amendment to the Constitution. The question is whether the Federal action of proposing and ratifying the Constitution can be made unconstitutionally? Certainly not. Can an attempt to alter the meaning of the equal protection clause be allowed that proceeds under a disregard of that clause as it now stands? Certainly not. No court can allow parts of the Constitution to be suspended—especally those parts toward which the proposed change is aimed—while the procedure for change is underway.

The court is clear, and its point is simple: If State legislatures want to change the one-man, one-vote aspects of the equal protection clause, they can do

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it only after proper amendment, not before the amendment process is complete, and not during the amendment process. As the Utah court states it:

> Hardly less shocking [than an attempt to suspend the Bill of Rights during the consideration of an amendment] is the supposition that the operation of the Equal Protection Clause, as construed by the Supreme Court, would be suspended during the time an amendment to alter it was being considered.
>
> Hence, any attempt to repeal the Equal Protection Clause, as the Court interprets it, that violates the "one man-one vote" right of the people is subject to challenge. "That right remains in effect until repealed and must necessarily span the amending process."

This decision will invalidate the last, desperate acts of the malapportioned legislatures. Knowing that they could not justify their continuation before the courts, certain that their existence was doomed by the oncoming votes of the majority, propped up by gerrymandering and a gross distortion of the voting process, these men have attempted one last gamble to preserve their unfair and unconstitutional grip over our State legislatures. Pretending that they represented a majority in their States, they have attempted to call a constitutional convention to save themselves.

But just as the courts have refused to let these rotten-borough legislatures to continue to rule their respective States, so too the courts and Congress must not permit these unrepresentative representatives from distorting the amending process, exempting it from the fifth amendment, and possibly destroying our Constitution.

Mr. President, I ask unanimous consent to have printed in the Record that portion of Judge Ritter's opinion dealing with this question and his order invalidating Utah's petititon to Congress for all those interested in further examinaton of this vital topic.

I believe that this decision is the crushing blow to this ill-advised and ill-conceived movement to change our Constitution. When applied across the Nation, it will clearly demonstrate how few people desire this change, and how few of the people's elected representatives—when elected representatively—favor the change.

There being no objection, the decision was ordered to be printed in the Record, as follows:

[In the U.S. District Court in and for the District of Utah, Central Division]

William G. Petuskey, and Others, Plaintiffs, Versus Calvin L. Rampton as Governor of the State of Utah, and Others, Defendants, and Brian Florence, Plaintiff in Intervention

(Preliminary injunction order, Civil No. C–7–63)

To: The defendant Clyde L. Miller, secretary of state, State of Utah, and to his attorney, Vernon B. Romney, attorney general of Utah:

You and each of you will please take notice:

1. The application of Brian Florence to intervene in the above-entitled action is hereby granted and the Motion of the original plaintiffs, William G. Petuskey, Robert A. Bullough, Clinton M. Black, Farrol R. Lambert, to file their supplemental complaint is hereby granted;

2. On the basis of the opinion of the Court by the Honorable Willis W. Ritter, Chief Judge, filed August 6, 1969, this Court finds that a Preliminary Injunction Order must be issued to prevent irreparable injury.

3. It appearing that the adoption, by any additional state, of a Resolution similar to S. J. R. No. 3 of the 1965 Utah Legislature may lodge in Congress the applications of the two-thirds of the several states necessary to require Congress to call a constitutional convention, that such additional Resolution may be adopted by any one of several states whose legislatures are currently in session, that the Legislature of the State of Wisconsin currently has under active consideration, and may soon adopt, such a Resolution, and that if such additional Resolution is adopted and submitted to Congress prior to the recall of the Utan Resolution, the Utah Resolution may be placed beyond effective recall by the plaintiffs, the Court finds that these circumstances threaten irreparable injury to plaintiffs right to vote, both as qualified voters and as Legislators of the State of Utah;

4. No bond or other security for costs or damages is required herein;

Now, therefore, it is hereby ordered:

1. That the defendant Clyde L. Miller is restrained and commanded by the Order of this Court, requiring him to advise the Congress of the United States, that the validity of S. J. R. No. 3, adopted by the 1965 Utah State Legislature, is questioned by this action, that until the validity of said Resolution is determined, his authority to submit said Resolution to Congress is in doubt, and that he must require the return of said Resolution, pending the ultimate disposition of this action;

2. A copy of this Order and the Opinion of this Court shall be personally served upon the defendant Clyde L. Miller, by the United States Marshal;

3. It is further Ordered that this Order shall be effective from and after 6 o'clock p.m., August 6, 1969.

Dated at Salt Lake City, Utah, this 6 day of August, 1969.

By the Court:

Willis W. Ritter,
Chief Judge, U.S. District Court.

Judge Ritter's Opinion Dissenting as Member of Three-Judge Court, and His Opinion as Chief Judge of the District Court for the District of Utah, to Whom This Case Was Originally Assigned

* * * * *

III

Can a Legislature, which has been determined unconstitutionally apportioned by a three-judge Federal Court adopt a valid Resolution applying to Congress to call an Article V convention for the purpose of continuing its own unconstitutional existence?

The answer to this question is that the Legislature is not empowered to do so.

For the purposes of this proceeding we propose only to show the substantiality of the Federal Constitutional question involved, the case being set down with the filling of this opinion, for plenary hearing with full briefing and argument on the merits.

We take it that. Baker v. Carr,[1] Reynolds v. Sims,[2] the series of five other cases[3] decided at the same time, and cases decided since, by the Supreme Court, have settled any problem of "standing", justiciability, and "political question" so far as this matter is concerned, for in our view it is a proceeding to implement and enforce the decrees in the two Utah Reapportionment cases, supra, still pending before the District Judge.

The United States Supreme Court has considered without hesitation the line of cases involving the validity of ratification of constitutional amendments.[4] The first, Hawke v. Smith (No. 1), 253 U.S. 221 (1920), is of considerable importance to our discussion here.

The constitution of Ohio extended the referendum procedure to any ratification by the legislature of proposed amendments to the Federal Constitution.

The Ohio legislature ratified the 18th Amendment (Prohibition). A citizen-taxpayer-voter of Ohio sued to restrain the Secretary of State of Ohio from spending public money to prepare and print ballots for the referendum.

The Supreme Court of the United States reversed the Ohio Supreme Court and unanimously held the provisions of the state constitution requiring a referendum were in conflict with Article V of the Constitution of the United States.

The only question really for determination, said the Court, is: "What did the framers of the Constitution mean in requiring ratification by 'Legislatures' "?

The Court (which included Holmes and Brandeis) answered; "The argument to support the power of the State to require the approval by the people of the State of the ratification of amendments to the Federal Constitution through the medium of a referendum rests upon the proposition that the Federal Constitution requires ratification by the legislative action of the States through the medium provided at the time of the proposed approval of an amendment. This argument is fallacious in this—ratification by a State of a constitutional amendment is not an act of legislation within the proper sense of the word. It is but the expression of the assent of the State to a proposed amendment.

* * * *"It is true that the power to legislate in the enactment of laws of a State is derived from the people of the State. But the power to ratify a proposed amendment to the Federal Constitution has its source in the Federal Constitution. The act of ratification by the State derives its authority from the Federal Constitution to which the State and its people have alike assented."

The word "legislatures" in the ratification clause of Article V does not mean the whole legislative process of the state—as defined in the state constitution. Hawke v. Smith says it means the representative lawmaking body only, because "ratification by a state of a constitutional amendment is not an act of legislation within the proper sense of the word."

No doubt the word "legislatures" has the same meaning in the application clause that it bears in the ratification clause of Article V. The application is not "an act of legislation" within the proper sense of the word.

The court in Hawke v. Smith declares that Article V is a grant of authority by the people to Congress. It provides "The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments." Hence, "when state legislatures petition Congress for an Article V convention they act not as lawmakers under their state constitution but rather as agents of the Federal government performing a federal function. That is, they are acting as 'representatives of the people of the state under the power granted by

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[1] 369 U.S. 186 (1962).

[2] 377 U.S. 533 (1964).

[3] *Davis* v. *Mann,* 377 U.S. 670 (1964); *Lucas* v. *Colorado,* 377 U.S. 713 (1964); *Maryland Committee* v. *Tawes,* 377 U.S. 656 (1964); *Roman* v. *Sincock,* 377 U.S. 695 (1964); *WMCA, Inc.* v. *Lomenzo,* 377 U.S. 633 (1964).

[4] *Hawke* v. *Smith* (No. 1), 253 U.S. 221 (1920); *National Prohibition Cases,* 253 U.S. 350, 386 (1920); *Leser* v. *Garnett,* 258 U.S. 130, 137 (1922); *Fairchild* v. *Hughes,* 258 U.S. (1922); *United States* v. *Sprague,* 282 U.S. 716; *Coleman* v. *Miller,* 307 U.S. 433 (1939).

Article V. The article therefore imports a function different from that of lawmaker and renders inapplicable the conditions which usually attach to the making of state laws.' "[5]

During the time the procedure for amending the Constitution is being pursued as provided in Article V, the provision sought to be amended, as interpreted by the Supreme Court, remains in effect until the amending process is completed. It shocks one to suppose that the operation of the Bill of Rights would be suspended during a time an amendment to alter or repeal it was being considered.

"Any attempt to repeal the Bill of Rights that violated those rights in the process of repeal therefore would be subject to challenge. In this sense constitutional government, short of revolution, is not reversible."

Hardly less shocking is the supposition that the operation of the Equal Protection Clause, as construed by the Supreme Court, would be suspended during the time an amendment to alter it was being considered.

Hence any attempt to repeal the Equal Protection Clause, as the Court interprets it, that violates the "one man—one vote" right of the people is subject to challenge. "That right remains in effect until repealed and must necessarily span the amending process."

The Utah legislature, which had been judicially determined unconstitutionally apportioned, violated that right during the amending process by adopting SJR3 calling upon Congress to convene an Article V convention.

In an essay on this subject suggesting the ideas just expressed, one writer, Peter H. Wolf, 52 American Bar Association Journal, p. 329–330, says: "The Constitution has been authoritatively and unequivocally interpreted to require that 'the seats in both houses of a bicameral state legislature must be apportioned on a population basis'. The very least the constitutional axiom requires is that when a state legislature participates in the amending process—the only specifically delineated function of state legislatures under the Federal Constitution—concerning an impairment of constitutional rights as embodied in that legislature's own composition, the courts will demand that that legislature accurately reflect the only majority by which our system permits impairment of such rights. Thus, a malapportioned state legislature may not lawfully ratify a constitutional amendment that might permit that malapportionment to be perpetuated."

Observing that this situation is unique in our constitutional history, the writer says: "For not only does a proposed antireapportionment amendment specifically impair a pre-existing constitutional right, but its ratification by legislatures that maybe malapportioned attempts alteration by means that inherently violate that same constitutional right. The outcome of each challenge can logically and constitutionally result only in an invalidation of a malapportioned state legislature's bootstrap ratification of its own unconstitutional composition."

The situation has evoked many other expressions to describe it. Senator Abraham Ribicoff of Connecticut says these proposed amendments would allow "the rotten boroughs to decide whether they should continue to be rotten." Senator Proxmire of Wisconsin says to regard such resolution as valid "would be like permitting all Democrats to have two votes in a referendum to determine whether or not Democrats should have two votes." Senator Tydings of Maryland argues such a legislature has no competence to initiate amendments to the Constitution "to make legal its own illegality."

Another expression which should be added is that this proposed amendment would allow the unconstitutional legislators to feather their own nests.

In testimony before the Senate Subcommittee on Constitutional Amendments given by Royce Hanson, associate professor of government at American University, he stated:

"Finally, S.J. Res. 2 provides for ratification by the legislatures of the States. This procedure for this amendment presents every legislature with an irresistible conflict of interest. Every member has a personal interest in the amendment. Too often such interests exceed the public interest. If legislatures were to vote on it, I think we can predict in about every State where the legislature is under court mandate to reapportion, lawsuits challenging the capacity of a malapportioned legislature to sit in judgment of this amendment, would occur. Even if all the suits are lost, it seems to me incredible that the Congress would be a party to *so cozy an arrangement* as this procedure permits."

Mr. Wolf, of the District of Columbia Bar, in article referred to supra, says: "Professor Hanson's misgivings that ratification would be far more on the level of self-preservation than on the higher plane of constitutional concern are amply illustrated by the fact that some state legislatures that have enacted reapportionment plans under court order have provided that the plans shall be immediately and automatically rescinded if an antireapportionment amendment becomes effective. Similar misgivings arise from a realization of the misleading quality of question used as the battle cry of those supporting an antireapportionment amendment—'What is wrong with letting the people decide?' It is not the people who would ratify an antireapportionment amendment; it is the state legislatures. If 'letting the people decide' refers to the referendum provisions of the Dirksen amendment, those provisions are totally irrelevant to the amending process itself."

What this court said in Petuskey v. Rampton, supra, pages 369, 371, 373–374, applies: "There is a whole nest of vipers in this section. More difficult, puzzling questions you are not likely to find. They arise out of the attempt of the legislators to continue themselves in office as long as possible * * *."

It is manifest this situation is monstrous, in a small way. It is wholly lacking in rationality. The Legislature has set up a scheme that too long will delay constitutional reapportionment and equal representation in the Utah Legislature.

* * * "But Utah's legislatures have never shown any enthusiasm for reapportionment on the basis of population. This one was no exception.

"It is manifest in the 1965 Act that the legislators sought to continue themselves in office until the end of their elected terms, eleven senators until December 31, 1968. And this, in face of the fact that the acts under which they had been elected had been held unconstitutional and moreover were repealed by them. For a very long period of time all efforts to obtain a constitutionally apportioned Legislature in this State have been frustrated. There is now a further unfortunate delay until January 1967 before we shall have a constitutionally apportioned Legislature."[6]

In Petuskey v. Clyde, supra, dissenting opinion, the writer said: "I fully agree that it is the primary duty of the Utah Legislature to reapportion so as to establish a valid representation in the legislature. But, it has never done so, not once, since statehood.

"This State has a long history of frustrated attempts to reapportion.

* * * "One reason for this abstention was to give the legislature an opportunity to apportion constitutionally.

"Well, they didn't. The pendency of this action in this court, and of the many actions in the United States Supreme Court and other courts did not have the desired effect upon the legislature. The legislators met in 1963 and came out for a formula that is patently wrong."

In Petuskey v. Rampton, supra, this court held: "And particularly, nothing we do today is to be interpreted as authorizing legislative action with respect to any amendment which may be proposed to the Constitution of the United States to permit apportionment including factors other than population.

"* * * Should the Legislature, between now and January 1, 1967, attempt to ratify any proposed amendment to the Constitution of the United States to apportion one or both houses of the Legislature on factors other than population, it will be this court's duty to give further consideration to the necessity of giving plaintiffs injunctive and affirmative relief by judicial decree, and for such purpose we again retain jurisdiction.

"Having regard to the long period of time during which all efforts to obtain a constitutionally apportioned Legislature have been frustrated in this State, and to the further unfortunate delay until January 1967 before we shall have a constitutionally apportioned Legislature, well-known general principles of equity require that the Legislature not consider or vote upon any proposal to amend the Constitution of the United States on the subject of legislative reapportionment."

Petuskey v. Rampton, supra, was a final judgment from which no appeal was taken; and the foregoing is the law of the case, applicable in the present proceeding. It is a plain holding of the court and we ought to feel bound by it. Instead the judges' order of July 8, 1969 backs down from it and attempts to overrule it. This, in my view, is a disorderly retreat from a sound and just position.

Based upon ideas of practicality, the ordinary, customary legislation needed to keep a state government going, has been held valid though the legislature is unconstitutionally apportioned.

There isn't the same practical problem in holding void the legislators' attempt to continue themselves in their illegal state of unconstitutional apportionment. And there certainly isn't the violation of "some fundamental principle of justice, some prevalent conception of good morals, some deep-rooted tradition of the common weal." (Cardozo, 120 N.E. at p. 202) that there is in allowing themselves to feather their own nest, in hopeful expectation that it will be in perpetuity.

Decisions of the United States Supreme Court arising out of the Civil War provide apt analogies. "As a rule, the official actions of the de facto but not de jure Confederate state governments were recognized as valid. However, efforts of those governments that were directed toward the perpetuation of the very things that made them de facto rather than de jure were deemed void. For example, bonds issued in aid of their prosecution of the war against the United States were held unenforceable." 66 Mich. L.R. 949.

There is one much discussed case, Fortson, Secretary of State of Georgia, v. Toombs, 379 U.S. 621 (1965), in which the Supreme Court, *per curiam*, has indicated its views on the power of malapportioned legislatures to submit a state constitutional reapportionment amendment to the people directly.

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[5] Bonfield, The Dirksen Amendment and the Article V Convention Process, 66 Michigan Law Review 949, 959 (March 1968).

[6] It is interesting to note the speed by which the last State Legislature memorialized Congress (S.J.R. #5) to call a constitutional convention to provide for reapportionment "on factors other than population", which resolutions the State Senate passed on the tenth day of the session, compared to the Legislature's hesitancy to properly reapportion under the mandate of this court, which action occurred on the final (sixtieth) day of the session.

A three-judge district court in Georgia held the legislature malapportioned, allowed the 1964 election to be held under existing statutes, but restricted the power of the legislature so chosen, *inter alia*, by enjoining the legislature from submitting an entirely new constitution to the people for adoption until it was reapportioned.

The *per curiam* decision of the Court reads: "The situation has changed somewhat since the 1964 election, as both the Senate and House have new members, and appellees, for whose benefit the challenged provision was added, say it is now highly speculative as to what the 1965 legislature will do and suggest the paragraph in question be vacated as moot.

"We vacate this part of the decree and remand to the District Court, to whom we give a wide range in moulding a decree, for reconsideration of the desirability and need for the on-going injunction in light of the results of the 1964 election and the representations of appellees."

The opinion of Justices Harlan and Stewart concurring in part and dissenting in part (page 623) reads: "This is the first time that the Court, after plenary briefing and argument, has been called on to consider the propriety of interim arrangements prescribed by a district court pending the effectuation of its decision requiring reapportionment of a branch of a state legislature."

On page 624 Justice Harlan says: "The Court's disposition of this case, of course, involves a holding that at least as to item (2) the case is not moot. For, contrary to what my Brother Goldberg says in his dissenting opinion (pp. 636–638) and my Brother Clark seems to recognize (ante), the Court does not remand the case to the District Court for a determination on the issue of mootness, but only to decide whether any injunctive relief is now appropriate in light of what has transpired since such relief was first granted."

The per curiam disposition of the majority indicates approval by the Supreme Court of the lower Court's injunction, and moreover, it is a decision that the unconstitutionally apportioned legislature's attempt to propose its own wholly new constitution to the people was invalid.

One year after Fortson v. Toombs, five members of the court, through Justice Black, asserted that the same Georgia legislature was empowered to select the governor under the Georgia constitution since neither Howard Callway nor Lester Maddox received a majority of the votes cast. Fortson v. Morris, 385 U.S. 231 (1966). Chief Justice Warren and Justices Douglas, Brennan and Fortas dissented.

Wherefore, the Court makes the following Findings and Orders:

1. The plaintiffs in the original reapportionment suit, Petuskey v. Rampton, should be and hereby are granted leave to file and serve the Supplemental Complaint, for the reasons and upon the grounds set out in their verified Consent to Intervention and Motion to file Supplemental Complaint dated July 1, 1969 and in their Memorandum dated and filed July 2, 1969, Paragraph 3 on page 8 thereof, through and including pages 9, 10 and to the middle of page 11, all of which is referred to and incorporated herein by reference.

2. Brian Florence should be and is hereby granted leave to intervene as a plaintiff in this action in order to assert his claim in Intervention for additional Relief for the reasons and upon the grounds set forth in his verified Motion to Intervene as a Plaintiff and Claim in Intervention for Additional Relief, filed June 6, 1969, and in his Memorandum dated and filed July 2, 1969, Paragraph 5, (which should be numbered 4), on page 11 thereof, through and including pages 12, 13 and 14, all of which is referred to and incorporated herein by reference.

3. Original plaintiffs' prayer for a preliminary injunction mandatorily requiring Clyde L. Miller, Secretary of State of Utah, or other proper officer, to advise Congress of the actions taken by this Court declaring the invalidity and unconstitutionality of S.J.R. No. 3 and requesting the withdrawal of said Resolution should be and is hereby granted and counsel is directed to prepare the necessary papers. Dated this 6th day of August, 1969

WILLIS W. RITTER,
Chief Judge, U.S. District Court.

AMERICAN FEDERATION OF TEACHERS ENDORSES MURPHY URBAN AND RURAL EDUCATION BILL

Mr. MURPHY. Mr. President, the very first organization to endorse the Urban and Rural Education Act, S. 2625, which I introduced on July 15, was the American Federation of Teachers.

The day after S. 2625 was introduced in the Senate, the AFT's president, Mr. David Selden, and legislative director, Mr. Carl Megal, testified before the Senate Education Subcommittee. Having been given a copy of my bill and introductory statement prior to the hearing, they were asked by the distinguished chairman of the Education Subcommittee (Mr. PELL) about the bill. They responded immediately and enthusiastically in support of S. 2625.

As Senators will see, Mr. Megal, in a letter written the following day, expressed concern that I failed to mention AFT in my introductory floor statement. I indicated to Mr. Megal that, for the most part, the organizations and individuals quoted were those who had previously testified. I, of course, am aware of AFT's interest and involvement in education and I am very grateful for their endorsement.

Mr. President, I ask unanimous consent that Mr. Megal's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 16, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: This morning as President Selden and I testified in support of the student teacher corps legislation, Senator Pell handed us a copy of your news release of July 15, 1969. This release concerned the bill you plan to introduce titled, the Urban and Rural Education Act of 1969.

We commend you for introducing this much needed and excellent piece of legislation. The American Federation of Teachers wholeheartedly supports the ideals which you propose.

Please, therefore, consider this a request to be permitted to testify in support of the legislation during hearings on the bill. In reading the news release we are impressed by the number of educational organizations which you list who intend to support your proposals.

We are equally disturbed, however, that the AFT was not among your listing. Our President, David Selden, is a member of the Urban Planning Commission. So many of the ideals which you inaugurated received his support and approval. To acquaint you further and with the thought that the information might be of help to the Committee as it considers the legislation, I am enclosing copies of President Selden's articles entitled, "Educational Need," and, "Compensatory Education," which appeared in the American Teachers under dates of June and May respectively.

Again, my commendation.

Sincerely,

CARL J. MEGEL,
Director of Legislation.

EXPORT CONTROLS NEEDED ON WALNUT LOGS

Mr. HARTKE. Mr. President, I invite the attention of the Senate to a description of an industry problem which I have been concerned with since 1961 and which has steadily worsened. The American Walnut Manufacturers Association and the Fine Hardwoods Association jointly filed with the Secretary of Commerce a petition on February 26, 1969, to reimpose export controls on walnut logs to prevent this ruinous depletion of America's greatest hardwood, American black walnut, under the present policy of unrestricted log exports.

In 1964 I was able to convince then Secretary Hodges of the critical situation of the raw material supply of this great American hardwood and he saw fit to impose an export quota to the foreign nations who were harvesting this timber. Likewise at the same time, the domestic industry volunteered at the instruction of the Department of Commerce to conserve its own consumption by changing the standard thickness of walnut veneer from one twenty-eighths inch to one thirty-sixth inch dry measure.

Unfortunately, this program was not allowed to continue by the new Secretary, John T. Connor. Had it been allowed to continue, the growth rate versus the consumption rate, according to the Business and Defense Services Administration division of Commerce, would have been back in balance by 1970. Instead, Secretary Connor removed this control program which had had only 9 calendar months to exist on February 13, 1965. Since then, the situation has reached an alltime record high of walnut log exports in 1968 of 21,896,000 board feet while domestic consumption has dropped to 14,308,000 board feet as compared to 20,000,000 board feet in 1963.

The Commerce Department promised prompt action when the Fine Hardwoods and American Walnut Association resubmitted their petition February 26, 1969. In the meantime, there has been little or no action and yet the exports of walnut logs each day is exceeding the recordbreaking pace of 1968.

I ask unanimous consent that an article on this subject published in the Wall Street Journal of July 14, 1969, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WALNUT LOG PRICES ARE CLIMBING TO RECORDS AS EXPORTS CUT INTO DOMESTIC USERS' NEEDS

(By Norman H. Fischer)

CHICAGO.—Walnut log prices are climbing to record heights as foreign and domestic buyers compete for supplies to meet demand for furniture and other wood products.

The big demand bulge has more than doubled prices of the dark, rich wood in the past five years. The Government says prices for prime walnut logs, 24 inches to 28 inches in diameter, climbed last year to $1,367 per 1,000 board feet in Southern Indiana from $770 in 1963. Lumbermen in the Midwestern black walnut belt say prices have jumped further this year.

These climbing prices already have pushed up costs for many domestic processors, and the industry is calling for restoration of export quotas to curb demand. Meanwhile, the higher prices have triggered an increasing rate of tree thievery.

As far as domestic walnut users see it, exports to France, Switzerland, West Germany, Italy and Japan are the main cause of the walnut price boom. "Foreign buyers have been scrounging through the black walnut belt buying up all the best quality logs they can put their hands on," says an official of an Edinburg, Ind., veneer maker. "They're willing to pay," he adds.

U.S. exports of walnut logs last year measured out at 22 million board feet, a third more than in 1967 and 75% more than two years ago. The exports, representing the largest outflow of walnut logs in any one year, exceed domestic consumption for the second consecutive year.

STYLE CUTS DOMESTIC USE

Domestic use of walnut logs dropped slightly last year to 14.3 million board feet, the lowest in a decade. U.S. consumption five years ago was 20.7 million board feet. The recent trend in furniture to Mediterranean-Spanish styles, which use heavier and coarser grain woods such as pecan and oak, accounts for much of the decline, along with higher walnut prices.

In spite of the reduced domestic needs, walnut continues to be the most used hardwood in furniture. And, there are signs that U.S. furniture fashions are turning a little more to increased use of walnut. Meanwhile, it is the leading wood in European furniture styling. Even at current high prices there continues to be a steady overseas demand for U.S. walnut logs.

Several domestic walnut processors say they're unable to compete with the foreign buyers. The exporters are paying premiums for, and getting, the best-quality logs. That leaves U.S. processors with more and more medium and lower-grade logs, many of which normally can't be used for furniture veneer. To remove defects and get acceptable wood from low-quality walnut, processors are cutting away more of each log, thus increasing their costs.

EXPORTED WALNUT RETURNS

Because of higher labor costs, the American woodworking industry is geared to high-speed operations, including sanding operations. As a result, veneer can't be cut much thinner than 1-36 of an inch in dry thickness or the powered sanders would grind through it. In contrast, Europeans and Japanese employ low-cost labor to sand veneer by hand, so they cut veneer to 1-50 of an inch or less and thus get more from each log.

Some of the walnut logs exported to Japan come back as facing on plywood for such uses as cabinets and bookcases. Some of the Japanese veneer on plywood is cut as thin as 1/100 of an inch, U.S. veneer makers claim. "It's so thin you can almost see through it," says E. Howard Gatewood, executive vice president of the Fine Hardwoods Association.

The imported veneered plywood "is beating the hell out of us," says George Wilhelm, president of Bacon Veneer Co., Chicago. He claims it is being sold at prices ranging from 50% to 70% "of what we must get for our product." What's worse, he says, he can't get enough quality walnut logs to meet the demand from furniture makers. "We have sufficient demand to keep two shifts operating," he says, "but for the past year we've been lucky to get enough logs to keep one shift going."

For such reasons as these, says Don Gott, executive director of the American Walnut Manufactures Association, "it is vital that the Government takes action to slow heavy walnut log exports." His group and the Fine Hardwoods Association have jointly petitioned the Government to reimpose export controls on walnut logs (controls were removed in 1965). No decision has been reached yet.

Meanwhile, "We are having an epidemic of timber rustling," complains Howard M. Utter, president of Pike Lumber Co., Akron, Ind. Hardwood tree thievery has occurred in scattered areas throughout the Midwest. Usually the rustlers operate in unpopulated areas, but a few months ago a big walnut tree was stolen from a tract just 30 miles west of Chicago, owned by an assistant vice president of First National Bank of Chicago.

POACHERS' TACTICS

Hardwood dealers say poachers case the countryside for potential targets, and return later with trucks to make their haul. With modern chain saws and other equipment a tree can be felled and sawed into logs within a few minutes. Many of the pilfered logs are stored for short periods, it's believed, and then moved into the export market.

Walnut tree owners are doing what they can to slow the tree thievery. John I. Shafer Hardwood Co., Logansport, Ind., had four of its walnut trees, valued at $2,500, swiped last year. The firm then sold other trees it owned that were vulnerably located near roads and dug large trenches around those remaining to prevent trucks from getting close to them.

Lumbermen say it's very difficult to catch thieves in the act of stealing a walnut tree, and next to impossible to prove any logs have been stolen, because they must be matched with tree stumps for positive identification. The lack of convictions also hasn't helped reduce rustling activities, tree owners complain.

PRESIDENT NIXON'S DRAFT POLICY

Mr. SCHWEIKER. Mr. President, today President Nixon announced that because of Vietnam troop withdrawals, he is suspending draft calls for November and December of this year. He also repeated his call for congressional action on draft reform, and served notice that if Congress did not live up to its responsibility in this vital area, he would take action to reform the draft via Executive order.

As a member of the Armed Services Committee, and as one long interested in draft reform, I want to commend the President for taking this worthwhile initiative, both in lowering draft calls and bringing about draft reform, and I want to add my voice again to the call for congressional activity.

In the President's message to Congress on draft reform of May 13, 1969, he endorsed the principles of "youngest first" selection, 1-year eligibility for all registrants, and a lottery system.

While the President can designate 19 years as the prime age group for draft calls by Executive order, this raises the possibility of the inequitable situation that college students currently deferred, and young men over 20, would be totally exempt from the draft.

Legislation embodying the President's proposal, S. 2843, would allow for all of these young men to be placed in the 1-year eligible pool, so that they would have an equal chance to be drafted along with 19-year-olds. This is a positive proposal which would go a long way toward making draft selection more equitable.

However, there is nothing the President can do about effectuating a random selection system because of section 5(a) of the Military Selective Service Act of 1967, which specifically prohibits any change in the order of selection within any age group, other than the oldest first by date of birth system, in effect at the time of the enactment of that act.

S. 2843 provides for the repeal of this prohibitory language, thereby allowing the President to implement the random birthday method he outlined in his May 13 message.

Mr. President, all of these ideas: 1-year eligibility, youngest first, and random selection, are essential if we are going to have an equitable draft system. Many of us wanted to implement these proposals in 1967, when the existing draft law was about to expire, but we ended up merely reenacting the same system which had been in effect since World War II began.

We now have an outstanding opportunity, in conjunction with the withdrawal of American troops from the Vietnam war, and hopefully corresponding reductions of overall American troop levels, to bring about meaningful revisions of the draft system.

The President has put the leadership of the White House squarely behind these revisions, and now it is up to Congress to follow this leadership.

The necessity for this action comes at a time when many are concerned by the attitudes of our young men and women toward our Government, and toward many of our institutions. There has been much unrest on our campuses, and unfortunately, a number of outbreaks of violence. Our young people are restless, and do not think their Government leaders are being responsive to many of the urgent problems we face today.

Young people are particularly concerned with our military policies, especially the Vietnam war, and there is no governmental institution which affects them, and their lives, more directly than the draft.

The President's action today can go a long way toward demonstrating to these young people his administration's concern with the current draft system, and his genuine interest in making it more equitable. But he needs congressional help to carry out these intentions. He needs the support of members of both parties in Congress to insure that we have the strongest possible draft reform.

I was privileged to have the bipartisan support of 12 Senators who are cospon-

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soring my own draft reform bill, S. 1433, and thus know first-hand that this interest in draft reform goes beyond party lines.

My bill includes the President's recommendations, but also calls for binding national standards, to be applied equally by all local draft boards, for deferments and exemptions, for a national manpower pool, which would eliminate the inequities in draft selection existing by virtue of geographical differences of the local boards, and for a 6-year term for the Director of the National Selective Service System.

I strongly believe in all these reforms, and hope to see them all enacted. But at the present time, I am lending my full support to immediate attention to the President's reforms.

The President is taking major steps, and I strongly urge all my colleagues to give serious attention and thought to the need for these reforms, to consider the national effect if we merely continue the inequitable draft system we are now using, and to help pave the way for immediate consideration and passage of the President's proposals.

ADDRESS BY SENATOR EAGLETON

Mr. HARRIS. Mr. President, on Saturday, August 30, 1969, the distinguished Senator from Missouri (Mr. EAGLETON) addressed the Indiana Democratic Editorial Association at French Lick, Ind. His excellent address will, I think, help us realize what our problems really are in this country and what our priorities should be. As Senator EAGLETON said:

> Something is wrong when our budget for ammunition alone in Vietnam last year equaled our entire Federal budget for education here at home.

I believe Senators will be interested in reading Senator EAGLETON's speech in its entirety and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR THOMAS F. EAGLETON TO INDIANA DEMOCRATIC EDITORIAL ASSOCIATION, FRENCH LICK, IND., AUGUST 30, 1969

The temptation for a Democrat to entertain a Democratic audience by taking pot shots at a Republican Administration is substantial.

There are plenty of good targets: the highest rate of inflation since the last Republican Administration in the early 1950's . . . contrasted with Candidate Nixon's promise to control it; personnel policies that put the AMA in charge of picking the Nation's health chief . . . and the drug industry in charge of naming the top drug evaluator; that dinner in Los Angeles you know, the one most of us paid for and didn't get invited to.

There is the new San Clemente style of national leadership, which is really based on the traditional Republican leadership principle identified by Adlai Stevenson: "Don't just do something, sit there." Unfortunately, if you're a housewife spending more and more of the family budget on inflation . . . or a poor man looking for a job . . . or a principal trying to educate more children for less money . . . or a mother with a son in Vietnam . . . leaders who just sit there are not good enough.

It is well to remember, however, that we Democrats lost the White House last year partly because of our own failures of leadership—because of a disastrous war we couldn't end, and because of the inflation it caused. We lost it partly because our message to the American people was not relevant enough. We lost it partly because our party was in disarray.

This doesn't mean we should humbly neglect our obligation to criticize the Republican Administration, and the solace it provides. After all, they promised to solve some admittedly difficult problems and thus far they haven't delivered.

But the fact remains that we Democrats need some better answers and a better record than we had last year when we go to the people in 1970 or 1972. And you can't build a record on criticism alone.

We are off to a good start on record-building with the tax reform legislation now before the Senate.

It was the Democrats in Congress who forced Mr. Nixon to accept tax reform in order to extend the surtax—a surtax he had promised during the campaign to end.

I predict that a Democratic Congress will pass the most sweeping tax reform this country has known in 15 years.

Tax reform is necessary. It is overdue. It is right. And the Democrats will earn—and deserve—credit for it from the average working men and their families who constitute the traditional backbone of the Democratic Party.

Then there are some traditional Democratic issues which need to be taken to the people with a new and bold perspective—issues which matter greatly to the average American family . . . issues on which Democrats have always led . . . and on which the Republicans have always dragged their feet.

Take health, for example. There *is* a difference between the Party of Medicare and the Party of the AMA.

A million Americans die every year from heart disease. But the Republican Administration has recommended a $6 million reduction in the budget for the National Heart Institute.

Cancer kills one American man, woman, or child every two minutes. The Republican Administration has proposed a cut of $5 million for the National Cancer Institute.

When this great nation ranks 17th in the world in infant mortality . . . when we are a dismal 21st in life expectancy for males and 12th for females . . . when two-thirds of the actual cost of health care in America is uninsured and 30 million Americans have no health insurance at all . . . you can be sure that millions and millions of Americans have known the tragedy of unnecessary and preventable illness in their own families.

You can be sure they are looking for answers, and will respond to the Party that offers them.

So too will the more than 20 million senior citizens. Three out of ten Americans over 65 find they have earned a life of poverty after a lifetime of work—an annual income below $1,975

These retirees find that fixed incomes and lifetime savings are totally inadequate in today's inflationary economy.

They have a right to expect a full measure of financial justice, and the Party that brought them Social Security and Medicare should be the one to give it to them.

There is also the issue of education.

President Nixon, who last year at this time was promising that his Administration would be "second to none in education, promptly cut almost half a billion dollars out of the education budget for fiscal 1970.

Nearly two centuries ago, when our nation was very young and not very rich, George Washington said:

"In a country like this . . . if there cannot be money found to answer the common purposes of education, there is something amiss in the ruling political power."

There is not a major city in America today where the common purposes of education by modern standards are being truly realized for the average child.

At a time when every parent knows that education is the first rung on the ladder to success for his child . . . and when every local taxpayer knows that the cost of education is nearly insupportable, American parents will respond, I believe, to the Party which offers them a realistic blueprint of excellent education for their child and every child.

But we can never adequately educate and care for ourselves and our children—we can never fulfill the humane promise of our free and prosperous society—until we address ourselves to the fundamental problem of rectifying national priorities.

Something is wrong when our budget for ammunition alone in Vietnam last year equaled our entire federal budget for education here at home.

Something is wrong when we spend $21,600 for each enemy soldier we hope to kill in South Vietnam, and 44 federal dollars for each American primary and secondary pupil we hope to educate here at home.

These *are* our national priorities today. They have not been changed. This is the most unforgivable failure of the Nixon Administration and the greatest opportunity for the Democratic party.

It does no good to play games about responsibility for Vietnam, or to trace once more the tragic sequence of accidents and blunders which brought us to our present position in Southeast Asia. Surely Mr. Nixon was not responsible until January 20, 1969.

But he sought and won responsibility for the war in Vietnam with a promise of new leadership to end the war and win peace in the Pacific.

Where is that leadership now? Where are the new initiatives for peace? What has changed? Like all new Presidents, Mr. Nixon had a chance to change outworn, discredited policies to which he personally had no commitment. But he hasn't.

Two and a half months ago the President announced his intention to withdraw 25,000 troops, with the strong and repeated implication that more would follow. As of today, only 11,000 have been withdrawn, and on top of that comes the announcement that a further decision on troop withdrawals will be postponed indefinitely.

In Saigon, the Thieu-Ky regime still enjoys our unwavering support. It has not broadened its base. Indeed just last week Premier Huong, a moderate civilian with some support among the people, was thrown out of the government and replaced by a four star general who is a close supporter of President Thieu.

The jails are still full of neutralists and others whose participation will be necessary in government capable of standing on its own feet in South Vietnam.

Averell Harriman, one of our most distinguished diplomats, a man personally familiar with the Paris negotiations, has said, "It is absolutely vital that the President of the United States take the lead in ending the fighting, the killing." But the President of the United States has taken no lead. Since the Nixon Administration took office, there have been approximately 60,000 additional casualties, and today the killing continues. The talks remain on dead center.

But it is not only Vietnam that distorts our national priorities. For years we have watched the military budget escalate as the Pentagon and its suppliers have sold the American public new and costly pawns in a macabre game of overkill. The futile objectives of winning the arms race has continually received more attention than efforts to control it.

Who is responsible? We all are.

But once again, President Nixon sought and won responsibility for beginning arms control negotiation . . . to "bring us from an era of confrontation to one of negotiation." And yet, a year after arms control talks were to be started they still have not begun.

President Nixon came into office with the chance for a fresh start in arms control. He made his start by demanding construction of a new multi-billion dollar anti-ballistic missile system which will add yet another turn to the arms spiral without increasing our security. Testing continues on the MIRV (multiple independently targeted re-entry vehicles), the deadly missile hydra which threatens to push the arms race once and for all beyond the point where talks can control it.

The fact that the Secretary of Defense has grudgingly responded to Congressional pressure by cutting projected military spending for next year by $3 billion is welcome. But it is only a slight constriction of the old priorities, not an assertion of the new.

Yes, we must spend every penny we actually need for defense, but we cannot expect to make our nation what it ought to be with small handouts from the Pentagon.

Today we can ask no more of the American taxpayers.

The President's Urban Affairs Council tells us candidly that even after the Vietnam war has ended we can expect very few additional resources.

So the hard fact is that we must now make responsible and courageous choices between guns and butter. This will be the great test of American statesmanship in the 1970's.

I believe the Democratic Party—in power or out—can and must be the party that leads America in making these choices.

EULOGY OF SENATOR EVERETT McKINLEY DIRKSEN

Mr. MURPHY. Mr. President, one of the most concise, yet eloquent, tributes I have yet seen to the late Senator Dirksen, came in an editorial from the San Diego Union on September 9, 1969. I ask unanimous consent that this expressive eulogy be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Servant of God and Country: Dirksen Made Simplicity Great

"In God We Trust."

The phrase was more than a motto to Sen. Everett McKinley Dirksen.

It was a way of life.

Since his death Sunday afternoon, there have been many eulogies and many reminiscences. Not a few have lamented the passing of the Senate's great orator of the old eloquent tradition.

We shared the joy of Senator Dirksen's resonant speeches.

But the senior senator from Illinois must be remembered for more than a great oratorical style.

Here was a man who believed fiercely in the basic difference between right and wrong.

Everett McKinley Dirksen was a broad man, one whose priorities were simple. He gave his first allegiance to God, his second to the United States of America, his third to his family, his fourth to the Republican Party.

Without Senator Dirksen, President Kennedy would not have had the nuclear test ban treaty which is regarded as his tallest monument.

Mr. Dirksen's reasoning was simple:

"I should not like to have written on my tombstone, 'He knew what happened at Hiroshima, but he did not take the first step.' "

Without Senator Dirksen, President Johnson would not have had the civil rights legislation that he considers his greatest contribution to the nation.

Without Senator Dirksen, President Eisenhower's programs would have been emasculated in his last two years in office by a high-riding, newly-elected Democratic majority.

Without Senator Dirksen, President Nixon probably would not have won Senate approval of the Safeguard antiballistic missile system. Without Senator Dirksen, Mr. Nixon now faces trying days on Capitol Hill. No one since Sen. Robert A. Taft better deserved the title of "Mr. Republican."

It is hard to forget how he stood staunchly alongside President Johnson in the trying ordeal of Vietnam, privately leaning toward a "victory" policy, but publicly supporting the chief executive on what to Dirksen were the best of all grounds:

"Because he is my President . . ."

Senator Dirksen died without satisfying one of his fiercest convictions—the restoration of prayer to public schools.

In Mr. Dirksen's view, the Supreme Court decisions outlawing school prayer had taken something basic away from America.

His memory could be served in no better way than to hasten passage of a constitutional amendment that puts prayer back in the classroom and reasserts the nation's faith in the words Everett McKinley Dirksen lived by:

"In God We Trust."

JOBS FOR THE DISADVANTAGED

Mr. HARRIS. Mr. President, the National Alliance of Businessmen was founded under the sponsorship of President Lyndon B. Johnson in January of 1968. Its initial goal was to provide, over a 3-year period, 500,000 jobs for the disadvantaged poor in our urban centers. As of August 15, NAB has placed 229,679 poor Americans in meaningful jobs. This placement reflects job pledges to the tune of 312,537.

However, more important than statistics alone, the Alliance, under the chairmanship of Donald M. Kendall, and the executive direction of its president, Paul W. Kayser, has engaged the active support and involvement in the problems of the hard core of over 20,000 American business firms. This evidence of interest on the part of the American business community in the problems of the less fortunate, indicates a growing development of social consciousness in an important sector of American life. This, Mr. President, is a development I highly applaud.

Recently, Mr. Kayser spoke to the National Directors Workshop of the U.S. Jaycees in Tulsa, Okla., on July 21, 1969. I ask unanimous consent his speech be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Paul W. Kayser, President of the National Alliance of Businessmen, to the National Directors Workshop of the Jaycees, Tulsa, Okla., July 21, 1969

Gentlemen, I want to thank you very much for inviting me to be here, and for the opportunity to speak to you about a matter that is of extreme importance to me—and I believe to all of us.

The Jaycees and the National Alliance of Businessmen have a great deal in common. We are voluntary organizations based on the idea that the best way to solve problems is through the energy and know-how of private citizens and organizations. We believe that Americans are willing to pitch in and work for a good end—once they see a sensible action-oriented way that gets results. And we believe that this will be a better, stronger country when more Americans work to solve problems through their own efforts—rather than turning all the big problems over to government—and then cussing about an expanding government bureaucracy.

I'd like to tell you today about the National Alliance of Businessmen and what NAB is doing to help solve a major national problem—hard-core unemployment. And then I'd like to ask for your help—because I think the NAB program fits in perfectly with the goals of the Jaycees "Operation Opportunity," and because the Jaycees are the kind of people we need to strengthen our forces in many of our 125 metropolitan areas.

First, let's look for a minute at the problem the National Alliance of Businessmen is trying to solve. Then, I'd like to tell you more about NAB and exactly how it is going about its task.

The basic problem we are dealing with at NAB—and in the program we call JOBS, for Job Opportunities in the Business Sector—is the existence of unemployment in the midst of a highly productive, affluent economy—and in the midst of unfilled demand for workers.

I don't need to cite the figures on the number of people who live below the level of poverty—trying to feed a family of four on less than $3,300 a year. But we all know that in an era of unparalleled success, some of our people have been left out. Many of them are black, but not all—many are white, others are Mexican American and American Indian. They are both urban and rural—and many are new urban residents who have moved from rural areas, such as Appalachia and the farms, since the end of World War II.

Why can't these people find and keep jobs?

There are a number of reasons. One is an inadequate education that left them without skills and barely able to read or write. Another is the inadequate diet which drains them of health and energy. A third is a syndrome of failure which destroys their faith in themselves and convinces them they're not wanted in the society of people who make decent money for a day's work.

The best description I have seen of what poverty is all about was written by John Gage, who has worked with the poor for the American Public Welfare Association. I quote Mr. Gage:

"Poverty is never having enough. Poverty is always running out of money—of food—of clothes—of fuel—of soap—of bedding—of equipment—of furnishings—of room—of time—of any way to go any place—of anything to do anything with—of any way for the family to stay together and live.

"Poverty is never having hope of having enough.

"Poverty is always knowing that there is no way to get ahead—no way to save up in order to later 'have'; always knowing that what little you have is wearing out—being used up—going downhill; always knowing that 'getting by'—eating some—keeping covered and as clean as you can—is the best you can ever do.

"Poverty is always trying to express—trying to be heard—trying to communicate. Being insulted—ignored—belittled—criticized—talked down to—being unable to show or demonstrate.

"Poverty is never having joy or peace. Poverty is always fear—fear of the landlord—the welfare—the police—the storekeeper—the 'sometime' boss. It is always grief—for the man that is gone. For the woman you can't be with—the children you can't do for—or enjoy—or be with.

"Poverty is never feeling that you are a part of the rest of the world—never being informed—never understanding.

"Poverty is always being uneducated—untrained—half-equipped—always being told you're dumb—ignorant—can't understand.

"Poverty is never feeling dignity—or self-esteem.

"Poverty is never being able to plan—never being able to see a way to do better.

"Poverty is always receiving too little to 'catch up'—seeing your children sifted out and forced out. It is always hope being shattered. It is always listening to 'big talk' by 'big people.' It is always broken promises. It is always rising a bit—and being crushed down again.

"Poverty is always being considered a crook—an immoral person—a deadbeat—a malingerer—a parasite—a 'no good.'

"Poverty is never fully living—always being just half alive. Half alive—without the prospect of hope."

I quote this not primarily because it illustrates the misery of poverty, but because it shows the spirit of hopelessness, of failure, of lack of dignity, which makes it so hard for anyone ever brought up in poverty to break out of it, without a special opportunity and a little extra help.

What can we who live in a different world, a different part of America, do for these people? What can business do, and young community leaders like yourselves?

Everyone agrees that welfare is not the answer. Welfare destroys dignity and makes it all the more likely that children brought up in these families will soon acquire the same patterns of hopelessness and defeatism as their parents—except that the young, with their resentment, are the ones most likely to turn to crime and to violence.

And welfare as it is set up today even contributes to the problem—by driving unemployed or under-employed poor fathers out of the home, so that the mothers and children can get welfare assistance. And by making it that if someone in a family on welfare gets a minimum wage level job, that family loses *all* its welfare payments—and may have less money to live on than before, particularly if there are a lot of kids to feed.

No one argues with the fact that welfare is not the answer to the problem. Everyone agree that the answer is jobs—meaningful, permanent jobs with a chance for advancement. The government agrees that the answer is jobs—not welfare—and they have turned to us in the private sector for our help.

Six out of every seven jobs in our country are in the private sector of our economy. We businessmen are the ones who have the jobs. We are also the ones who best know what a worker needs to learn to do on a job. If we can place the unemployed and the under-employed in meaningful jobs, teach them how to do these jobs, and keep them employed, we will have made a major inroad on poverty in our nation.

Bringing these people into the mainstream of our economy is not just humanitarianism. It pays off in dollars and cents—for the company, which gains a worker, for the government, which saves welfare and gains a taxpayer, and for our country.

I say this because the events of the last several years have made it evident that we're not likely to have a peaceful country until the men and women who have been left out can find the help they need to hold a job and improve their lives. To this extent, the choice between a peaceful nation and one perpetually in danger of major disruptions belongs to you and me—to the businessmen and other private employers of America.

Next, let me look at the National Alliance of Businessmen and what we are trying to do about this situation.

The National Alliance of Businessmen received its charter in the President's Manpower Message to Congress on January 23, 1968.

I think the title of that message is an important one: "To earn a living: the right of every American."

In that message, the President outlined our task and declared: "This is a tall order for American business. But the history of American business is the history of triumph over challenge."

The motto of the JOBS program is "Hire-Train-Retain."

Most programs to help the hard-core unemployed in the past have focused on "employability." They have attempted to bring the unemployed up to a level of education and skill that would enable them to then go out and find jobs. These programs have had only limited success. Too often, their graduates have still lacked the specific vocational skills they would need for the specific jobs available to them. Or else, potential employers have simply lacked confidence in the men and women referred to them from these programs.

The JOBS program of the National Alliance of Businessmen operates on a "hire-first" principle. An individual business or private non-profit organization agrees to hire a certain number of unemployed or under-employed men or women for jobs in its plants or offices. Candidates are referred to the employer by the state employment service or by the local office of the Department of Labor. The employer then hires the men or women he chooses, and is responsible for providing them with the training, counseling or other special services that will help them become productive workers and remain on the job.

Businessmen run the program. The national office and local offices are staffed principally by the businessmen on loan from their companies. Other executives on loan from their companies make up the majority of the job solicitors—the businessmen who call on companies in their area to ask for job pledges for the unemployed. It is up to the company doing the hiring—with help from us and from the local NAB office—to provide the training and other special help that will will keep the new employee on the job.

Government contracts are available to reimburse employers for the extraordinary costs of hiring and training the hard-core unemployed. These contracts enable many smaller companies to join the JOBS program, and help even the largest companies to make the full commitment of resources and management skill needed for a successful training program.

The average cost of training a new worker under a JOBS contract with the Department of Labor is $2,900. We estimate that on the average, each new employee hired under this program relieves the government of welfare and unemployment costs of about $1,350 a year. He will also pay federal income and state sales tax of about $270 a year—for a total gain to the government of $1,620. This means that the government's total investment in training every new employee who succeeds in the JOBS program is paid off in less than two years.

As of last month—the end of its first full year—NAB had helped in the hiring and training of a total of 175,000 workers. Of these, 107,000 were still on the job. This means that the turnover rate for these workers whom many thought could never be brought into the mainstream of American production is not much higher than the turnover rate American industry normally experiences with new workers.

I think it is significant that one of President Nixon's first acts was to pledge his Administration's "complete and unqualified support" to the JOBS Program. At his urging, the program has been expanded from the initial 50 cities to 125 metropolitan areas, and the goal for workers hired, trained, and on the job by June 1971, has been raised to 614,000.

The Nixon Administration has backed up this pledge with the fullest cooperation of the Department of Labor—and it has requested that the Congress greatly increase the funds available to repay business for the added costs of hiring, training, upgrading, and retaining the hard-core unemployed and subemployed on the job.

I want to emphasize that making a training program for the hard-core or disadvantaged unemployed work is not easy. It requires a real commitment that is carried out by middle managers, personnel officers, and frontline supervisors throughout the company.

It is extremely important that younger executives and middle management understand our program, because they are often the ones who make it work or fail in a company. Many of you are in a position to help influence basic business attitudes toward hiring and training of the hard-core unemployed—and I hope you will take every opportunity to tell the younger executives and business leaders of your cities what we are doing and how important it is.

When we ask a businessman to join us in this program, we don't want him to undertake this task under any illusions. We have to be realisic about the difficulties as well as about the opportunities. This is not an ordinary industry hiring program. If any businessman thinks he is going to do his part by simply hiring someone sent to him through a government recruitment program, and then shrug his shoulders when that man doesn't show up the next day or week, then he's kidding himself.

He not only doesn't realize what the problems are, but he's piling another load of failure on the very person he's supposed to be helping. If that's what happens, then the business community is bound to become part of the problem rather than being part of the solution.

We don't intend to see that happen. I don't think any one of you, as businessmen and citizens of American cities, can afford to let that happen either. The stakes are too great—for us, for the community, for the naion, and most of all for the disadvantaged.

We have to think in terms of entirely remolding our hiring processes, our personnel and supervisory methods. Quite bluntly, the JOBS program means taking on people we wouldn't even have let pass the plant gatekeepers in the past. We've got to look beneath prison records, lack of education, lack of steady employment in the past, a poor health record. Instead of screening out people our tests and records define as "undesirables" or "misfits," we've got to start seeking and screening in untapped and overlooked potential. The plain fact is that we have to switch from a criterion of qualification to a criterion of need and of long-range potential. This is not easy. But we've got to hit hardest where the problem is the toughest.

Consider the profile of the average hard-core trainee. He has had no regular work for 18 months. He has never received any real training. His parents were unskilled. He probably needs eye glasses and dental care, but has seldom—if ever—been to a doctor. He often has a wife and several children. On the average, he has a sixth grade education—and has spent at least 30 days of his life in jail.

Let me give you some idea of what's involved. And what can be the results if we go about it right . . .

Recently, Under Secretary of Labor James Hodgson spoke to a NAB dinner in Washington and gave an example which I think is worth repeating.

He told of a businessman and a hard-core trainee in a large eastern city, and in a well-known corporation. The businessman was about 40, and already high up in the organization. He decided to try the personal approach, so a NAB metro official put him in touch with a 25 year old unemployed person, married and living in the slum area. The businessman asked his secretary to call the man so they could have a chat about the latter's possible employment with the company.

Of course, the man had no phone. This was the executive's first lesson. So, in the afternoon, he left work early and went to the slum to visit the man in his home.

He was met with considerable mistrust—but he didn't back off, and in a couple hours, had won some of the man's confidence. They talked about everything. This was the first time a non-poor man had ever been in the house and the poor man was taking advantage of it.

Finally, the businessman asked the other man if he would like to train for a job in his company. The answer was "Sure." So the businessman laid out the details about reporting for work the next Monday and said, "See you then." The reply was, "Sure."

Well, the man didn't show up on Monday—nor Tuesday. On Wednesday, the businessman went to the man's house again for another talk.

This time the man confessed he simply had been frightened about going downtown into the company's shining, imposing new building. He was afraid he wouldn't even get past the guard. So the businessman said he'd come by the next morning and pick the man up, which he did. There was no trouble with the guard, of course.

At lunchtime, the two went to a moderately priced restaurant. The businessman ordered lunch, but the poor man said he wanted nothing. He seemed to doubt that the management of the restaurant would serve him. So the businessman ordered for the two of them.

Well, often in the next few weeks they went back to the restaurant for lunch. And one day, the trainee asked a wistful question: "Do you suppose if I wore a shirt and tie I could bring my wife into this place some evening?"

The further chapter of this story is that the trainee is a full-time employee of the company, has been on the job for almost a year and has moved out of his one-room slum apartment. He has had a couple of raises, is seldom late for work, and often goes back to that restaurant and sometimes takes his wife there for dinner.

I like this story because it shows how this man—with personal help and attention of the simplest kind—not only acquired a job, but he acquired dignity. Dignity wasn't given to him. He acquired it. Not without some help, but he acquired it.

That's what the JOBS program is all about.

In addition to the basic JOBS program, there is also an added responsibility that the Alliance assumes during the summer months. This is our responsibility to the youth of America, the generation now coming up.

As you all know, a special situation exists in the summertime. It is then that the youth, who make up almost half of the hard-core unemployed, come out of school and onto the streets. Many of those youngsters are from the disadvantaged families we already seek to help.

And confronting them is the prospect of an idle, frustrating, restless summer. Many of them, through utter discouragement and failure to find a job may turn to crime. And I don't have to tell you that crime in the streets—where these children may turn—is one of our nation's greatest problems. Many of those kids won't go back to school, because the money isn't there. And that, unfortunately, may be their first step toward joining the "pushed out" society.

Even one generation of hard-core poor and unemployed at this time in our nation's history is too much. We simply cannot afford the inhuman waste of seeing another start breeding before our eyes.

We need jobs for these kids. Jobs which will put a buck in their pockets to enable them to return to school—give them some understanding of the free enterprise system—and make them feel there is opportunity.

Mr. Richard Hatcher, the Negro Mayor of Gary, Indiana, gave us a warning recently which I think we should take very seriously. At our NAB Kickoff dinner he told us—and I quote him—"This can't be operation 'cool it' for the summer. We've got to humanize this program."

I thoroughly agree with Mr. Hatcher.

The NAB's summer youth program is a chance to salvage a human being—before he gets shoved onto the scrap heap and into a blighted life.

Lord knows, the youth of America is in a rebellious mood at all ages and economic levels—for what precise reasons I don't pretend to know. But I think we better start trying to find answers. I think these kids can be reached—and talked to.

I think the eyes of a great many people are on the business community today, as never before. They want to see, at this time of crisis in America's history, just how we measure up. I spoke a moment ago of the rebelliousness of youth. Youth is always idealistic, and that's as it should be. But this generation of youth on campus is more outspokenly idealistic than any in a long time.

And what they see in American business these days doesn't match the human values they want to see society meet. We are, they say, too concerned with profits and not enough with human beings. That's why it's so hard for corporations to recruit on campuses these days.

Whether you agree or not, we've been measured by these young people—and have been found wanting in our social responsibilities.

Their disapproval doesn't limit itself to their father's generation. It includes you as well—their older brothers.

And yet, this young generation of twenty year olds represents the future of America. We must be committed to them—and that we're 30 or over doesn't lessen that fact. It's time we showed them—and the rest of America—that business can rise to the challenge, and that we can be *their* hope and salvation.

Now, what can each of you do to help the National Alliance of Businessmen reach its goals? How can the Jaycees help us to bring the "pushed-out" back into our economy and to prove that private citizens and private employers can take the lead in making America a place where every man and woman able to work knows the dignity of a meaningful job?

As I mentioned earlier, the success of the JOBS program depends very much on the attitudes of younger executives and middle management. Top management can only set the basic company commitment. It's the frontline supervisors and younger executives who are in a position to communicate with these new employees on a day-to-day basis, understand their problems in the new environment of the plant or office, and make sure they have the help they need to succeed. Jaycees who understand the JOBS program can have an immense influence, both in their own companies and throughout their communities.

But communicating with other young business leaders about JOBS is only part of what Jaycees could do for NAB. We need the Jaycees as the arms, legs, eyes, and ears of our 125 metro offices. My hope—and my suggestion—is that NAB programs should be made an integral part of the Jaycees' "Operation Opportunity" all through the United States.

We need the Jaycees most of all to help us call on employers for job pledges—pledges for entry-level permanent jobs and for summer jobs for youth.

In every company the JOBS program begins with a very small event—two men talking. One of these men is the president or chief operating executive of the company. The other is a man from NAB—usually a businessman on loan from his own company to call on employers for NAB.

The NAB man explains the JOBS program—explains why it is critical to our country and to the private enterprise system that business hire and train the unemployed. He tells what other companies have done and how the JOBS program has worked out for them. And he asks the company man to hire a certain number of the unemployed through the local NAB office.

The Jaycees are already working with the local NAB office in some of our cities. In Atlanta 25 Jaycees have been calling on employers for the last several months. Each Jaycee has eight target companies, and so far the 25 Jaycees have received about 175 pledges for basic jobs.

Most of these companies were employers NAB wouldn't have been able to reach without the extra help of the Jaycees. So these 25 Jaycees—and they are just beginning—have already made a real impact in Atlanta. As they follow up on their original calls on their target companies, and as hiring and training begin in the new companies which have pledged to hire the unemployed, the impact of the Jaycees work will multiply throughout Atlanta.

We also need help in the summer jobs program. It's already too late to pitch in effectively this year. But next spring will soon be here. For summer jobs even more than basic jobs, a successful campaign depends on contacting every potential employer in town. Even the retail store with only five or ten employees is a potential summer employer. Some of the canvassing for summer jobs can be done in a telephone blitz, in coordination with a local publicity campaign. But person-to-person contact is still the most effective.

In many cities, the Jaycees have helped for many years with summer job campaigns. With more and more young people looking for summer jobs every year, kids from the ghettos and other poverty areas need more help than ever before. I hope the Jaycees will redouble their efforts to find summer jobs for disadvantaged youths next year and will coordinate their efforts, as much as possible, with the local NAB.

In both the basic jobs and summer jobs campaigns, the Jaycees can help multiply its efforts—to reach out and contact far more employers than we are now reaching. The additional employers the Jaycees could help us bring into the JOBS program range into the tens of thousands—the jobs opened to the unemployed into the hundreds of thousands. This is—and I hope you will feel about it the same way I do—a great opportunity for young men and women—the business and community leaders of tomorrow—to pitch in and make their weight felt for a vital cause, and in a realistic and effective program.

It may sound awesome but the task for NAB is really a simple one, if all of us will but dedicate ourselves to it. We don't have to concern ourselves with legislation, with housing, or with other social welfare programs. What we are being asked to do is what business knows how to do better than anyone else: Provide jobs for people.

Our part of this is to make sure every businessman in America sees the opportunity and understands its importance. In this way we can help find those jobs for the unemployed. Real jobs, lasting jobs, jobs that will lead a man on to a progressive path of success.

Years ago, Justice Oliver Wendell Holmes said: "It is required of a man that he feel the passion and action of his time, at peril of being judged not to have lived."

Gentleman, our future, and the future of our country, lie ahead.

DRAFT REFORM

Mr. SCHWEIKER. Mr. President, as talk among officials and in the media continues concerning troop withdrawals, and de-Americanization of the American effort in the Vietnam war, with corresponding speculation of lowering draft calls and even reducing the overall size of American Armed Forces, the subject of reforming our draft system becomes more important.

Because of the wide planning and analysis of American armed strength which must be made in these kinds of discussions, it is imperative that the question of the draft system be included. This means that now is the time for congressional debate over reforms of the Military Selective Service Act of 1967, not when it expires in 1971.

Therefore, there is a need for widespread discussion of this important issue: within Congress, within the various media, and within the public at large.

One such statement was recently made in an editorial published by a distinguished Pennsylvania newspaper, the Harrisburg Patriot. I was impressed by the editorial, and wrote to the Patriot's executive editor to praise his initiative.

Mr. President, I ask unanimous consent that the editorial on draft reform and my own letter to the editor be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

DRAFT REFORM: IT SHOULD INCLUDE A NEW DIRECTOR

An overhaul of the nation's draft machinery is imminent and speculation about its new form is rampant. The few facts which have emerged are encouraging:

President Nixon, speaking at the governors' conference at Colorado Springs on Monday, indicated that an executive order would be issued shortly.

The Pentagon has delayed since the due date of Aug. 1 the notification to Selective Service of the size of the draft call for October.

Selective Service officials have prepared material on a lottery system for the White House.

The President has said he favors drafting 19-year-olds first, thereby eliminating the years of uncertainty facing today's men of draft age (19–26).

Another point is obvious, though it hasn't been mentioned publicly by anyone in the Administration. A meaningful draft reform would contribute greatly toward a peaceful atmosphere on the nation's college and university campuses, where fall terms are just beginning.

President Nixon is considering reform through executive order because a bill on the subject sent to Congress this spring has collected more dust than support. The bill, representing the Administration's first choice, calls for an artificial lottery of the type which Congress must approve under provisions of the 1967 Selective Service Act.

The lottery system President Nixon is considering now could be put into effect without congressional action. It would be based on date of birth rather than on a modern version of plucking numbers from a fishbowl.

Whether this system or another is unveiled on the President's return to Washington next week is of no more importance than the people selected to run it.

Gen. Lewis B. Hershey has been director of the Selective Service System since 1941. He is 75 and even if he were qualified in every other respect it would be appropriate to suggest his retirement.

Unfortunately, advanced age is the least of the general's serious shortcomings. His autocratic tendencies have become more pronounced in recent years and his latest violation of the law is particularly blatant.

He has usurped the functions of the appeals board to the extent that one of the three members resigned and another was asked by the White House to withdraw amid serious charges that the general was taking over the appeals board by crude force.

Two new members have been appointed by President Nixon but they aren't likely to fare much better than their predecessors until General Hershey is replaced.

SEPTEMBER 9, 1969.

JAMES R. DORAN,
Executive Editor, The Harrisburg Patriot,
Harrisburg, Pa.

DEAR JIM: I was delighted to see your Friday, September 5, editorial "Draft Reform", and I share your encouragement over reports that President Nixon is making plans to implement "youngest first", "random selection", and "one-year eligibility" principles in the draft.

The operation of the Selective Service today is grossly inefficient, its policies are inequitable and arbitrary, and reform is essential. Proposals I have introduced include institution of a national manpower pool, with computerized selection methods and mandatory national standards for exemptions and deferments, in addition to the reforms suggested by the President, but I wholeheartedly support these important first steps towards draft reform.

Your reference to the relationship of the draft and college turmoil is most pertinent. One of the factors which causes much student unrest is the continuation of archaic governmental practices and procedures, which persuades young people that their government is no longer relevant to modern problems. Perhaps the most archaic system in government, and the one which most directly relates to these young people, is the draft system. Reform of the draft will go a long way towards showing young and old alike that institutions which no longer function properly can be updated.

Congratulations on making a significant public statement in favor of draft reform, which I hope will help lead to a public demand for immediate Congressional action.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

EFFECT OF TAX BILL ON TAX-EXEMPT STATUS OF STATE AND LOCAL BONDS

Mr. BAKER. Mr. President, I have spoken on sereval previous occasions in opposition to the revocation of the tax-exempt status of State and local bonds.

Mr. Patrick Healy, executive vice president of the National League of Cities, has written a most persuasive article entitled "The Assault on Tax-Exempt Bonds" for publication in Tax Policy, a bimonthly publication of the Tax Institute of America.

I ask unanimous consent that Mr. Healy's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ASSAULT ON TAX-EXEMPT BONDS

(By Patrick Healy)

"Property taxes will be increased 6 per cent across the board; charges to water and sewer users will have to be raised 10 per cent."

This statement by the mayor of one large midwestern city indicates what would be the effect on his city of making municipal bond interest subject to federal taxation. Similar effects will be felt throughout the country. Thus, hundreds of thousands, perhaps millions, of homeowners, water users, and other users of local government services would be taxed under the terms of the hasty, ill-considered, and fundamental changes to the whole federal system contained in the innocent-looking tax bill recently passed by the United States House of Representatives. We hope that the Senate will remove from the bill what could cause a true "taxpayer's revolt" of mammoth proportions.

How did this alarming prospect come about? Not by a frontal assault on the immunity of the state and local government bonds from taxation by the federal government, as has failed miserably in the past. Rather, this time, a more devious device has been used to include income from municipal bonds in calculation of a minimum income tax on individuals (but not as yet on corporations). This takes form in the so-called "limit on tax preferences" and in the "allocation of deductions"—very technical and difficult to explain to members of Congress, not to mention the great mass of homeowners and other voters.

But the result of causing higher municipal bond interest costs to local taxpayers is the same, whether using the frontal assault or the devious device. Indeed, the mere announcement of decisions by the House Ways and Means Committee caused a major upheaval in the municipal bond market as investors in municipal bonds lost their confidence in the durability of tax exemption. Bond yields, already pushed to record high rates by the present inflationary character of the economy, jumped an additional ½ of 1 percentage point in response to Ways and Means Committee decisions, quickly ratified by the whole House.

The tax exemption of state and local government bonds has never been under such sustained, heavy attack from so many quarters. By riding the crest of an unprecedented public demand for general reform of the federal tax structure, itself an unquestionably laudable objective, the opponents of the tax-exempt status of state and local bonds, or "municipal bonds" as they are commonly called, have made considerable headway toward overturning the traditional, in fact historical, tax-free status of these bonds. These opponents have based their attack principally on two arguments:

1. That the federal government loses more tax revenue through tax exemption of municipal bonds than states and localities gain in lower financing costs which result from the tax-exempt feature of the bonds, and,

2. That the tax-exempt feature is some kind of major "loophole" in the federal tax system, the closing of which will produce greater tax equity.

Much of the misunderstanding with regard to the loophole question has come about from lumping tax exemption together with such currently unpopular tax avoidance devices as unlimited charitable contributions, accelerated real estate depreciation, hobby farming, mineral depletion allowances, and the like. Municipal bond interest is distinct from these other tax benefits in that it relates not to economic policy but to a constitutionally delineated system of government operation.

Now comes a new approach in the form of concern for the ability of the state and local governments to find a large enough market for their tax-exempt bonds to meet rising capital needs.

In the May-June, 1969, issue of Tax Policy, Professor Stanley S. Surrey of the Harvard Law School argues that a probable high level of new tax-exempt bond issues over the next decade will raise serious problems for states and localities in reference to their ability to raise capital funds, and raises problems for the equity of our federal tax system. He goes

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on to state that this rapidly increasing volume based on the tax-exempt privilege creates a powerful buyer's market that works against states and localities as they realize less and less advantage from the tax-exempt privilege. He also states that as interest rates increase as a result of this phenomenon, bond buyers will get even greater tax savings from their investments. He then calls on those interested in the financing plight of state and local governments to consider whether new financing techniques are available and appropriate to the needs of bond issues.

This subject is of paramount importance to citizens and government officials alike, and I am delighted to be accorded the opportunity to respond to the case put forward by Mr. Surrey. He has been regarded by many as among the foremost opponents of the tax-exempt feature of state and local bond financing. He does not, however, understand the complexities of the market place for securities issued by the state and local governments, nor does he appreciate the intricacies of intergovernmental finance which so clearly underlie discussions of proposed alternative financing methods as well as the basic rationale for tax exemption.

CAPITAL FINANCING NEEDS IN PERSPECTIVE

State and local debt outstanding has increased by 89 per cent since 1960. Unquestionably the greatest need for public improvement expenditure has existed recently and will continue to exist at the state and especially at the local level. While there does loom ahead a substantial increase in state and local capital borrowing the identifiable trend in this area does not warrant alarm.

Mr. Surrey estimates that net additions to tax-exempt financing will, within ten years, total two to three times the present net level of approximately 10 billion per year. He does not mention, however, that the present volume of municipal financing is, if anything, lagging somewhat behind the level projected by the Joint Economic Committee of the Congress in 1966,[1] certainly the most comprehensive and most recent estimate available. Table 1 shows three sets of actual and projected underwriting figures for the period 1960–1975.

TABLE 1

[In millions]

	Growth at 8.7 percent	Growth at 10 percent (Surrey)	Actual	Joint Economic Committee
1960	$7,230	$7,230	$7,230	
1961	7,859	7,953	8,360	
1962	8,543	8,748	8,558	
1963	9,286	9,623	10,107	
1964	10,094	10,585	10,544	
1965	10,972	11,644	11,084	
1966	11,927	12,808	[1] 10,589	$14,200
1967	12,965	14,089	[2] 12,988	14,900
1968	14,093	15,498	[3] 14,044	15,700
1969	15,319	17,048		16,600
1970	16,652	18,753		17,600
1971	18,101	20,628		18,600
1972	19,676	22,691		19,500
1973	21,388	24,960		20,800
1974	23,249	27,450		21,800
1975	25,272	30,202		22,700

[1] Excludes $500,000,000 industrial aid financing.

[2] Excludes $1,300,000,000 industrial aid financing.

[3] Excludes $1,600,000,000 industrial aid financing, and $730,000,000 anticipatory financing to avoid provision of Revenue and Expenditure Control Act of 1968, Watson amendment in California, and similar measure in Oregon.

As shown in Table 1, Mr. Surrey estimates a growth of new issues of 10 per cent during the most recent period when, in fact, excluding industrial aid financing which for all practical purposes has now been terminated by the Revenue Control and Expenditure Act of 1968, the true growth of the most recent period is approximately 8.7 per cent. That does not at first glance seem to be a major differential; but by 1975, assuming a base of $15.0 billion normal financing this year, underwriting volume would be overstated by 7.4 per cent. By 1980 underwriting volume would be overstated by 14 per cent.

The important point, as economist Sidney Homer has stated, is:

> A basic rule of economics is that "human wants are infinite." Nobody thinks of estimating next year's Gross National Product by adding up everything that everybody will want. Similarly it can be said that "Capital requirements are infinite," or that "State and municipal requirements are infinite." The determining factor of the volume of new facilities that will be created is not need; the limiting factor always is somebody's ability and willingness to finance new facilities and somebody else's ability and willingness to service the debt. Facilities are very expensive. Taxes are already high. Construction on credit costs vastly more than pay-as-you-go construction. Therefore, in explaining the moderate volume of state and municipal financing in recent years and in estimating its future volume, a catalogue of needs or wants (while useful) is not as important as an estimate of the future taxability of the community and the cost and availability of credit.[2]

Thus, capital expansion by states and localities is tempered by the law of supply and demand and by sound financial planning and establishment of priorities by public officials. The plain truth of the matter is that, as has been true in the past, the highest priority water pollution problem, school building problems, housing problems, and other public service demands will be taken care of first and the less vital projects will have to wait their turn. As we are learning to our dismay, no nation is rich enough to fulfill all of its aspirations as opposed to all of its necessities. Thus *"enormous increase"* in state and local capital needs, and "exploding replacement needs" in schools, for example, are phrases which avoid giving any weight to the substantial replacement which has already been part of the post-war boom in school construction.

Ironically, the chief tangible item which would support any drastic increase in state and local debt relates to federal assistance programs such as water pollution control, airport construction, and so forth. Pressures on the federal government, to quote Mr. Surrey, have recently "caused attention to be focused on the potentialities of debt service grants to state and local governments . . . rather than the lump-sum grants that have been more traditional." What this means is that the federal government, in order to make a semblance of meeting unfilled financial commitments to states and localities, is really attempting to alleviate its own budget problems and avoid increasing federal debt. This pushes an added capital burden on to state and local governments by forcing them to raise the federal share of program costs in addition to their own share. Such a drastic shift in the federal aid delivery system would indeed give those who wished one an opportunity to conclude that the market would have an insuperable problem.

What we need above all is the careful and painstaking approach manifested in the 1966 Joint Economic Committee study, certainly a landmark in the field. True, some of the assumptions underlying that pioneering study may need to be re-examined and possibly revised in the light of recent inflationary economic experience. A diversity of views exists among economists as to whether a substantial increase in state and local government financing in the period ending in 1975 will be experienced and whether adequate investment funds will be available to meet these needs. Certainly the potential market behavior of the commercial banks during this period is of the utmost importance, since they are the major buyers of state and local government securities. But hard facts and sound economic theories based on those facts are the answer, not unsubstantiated guesswork.

PRESENT COSTS OF MUNICIPAL BONDS

In discussing the present market, Mr. Surrey points to the "inevitable" rise in tax-exempt interest vis-à-vis corporate bonds of comparable quality. This process is not proved by any statistical evidence. As he himself admits elsewhere in his discussion, municipal rates have held remarkably steady at approximately 70 per cent of comparable taxable interest rates for a considerable period. Even now, in the fourth year of unexampled high rates of interest and under the pressure of monetary restraint, the present ratio is only 75 per cent. If the inflationary economic situation cools and Congress stops tampering with the tax-exempt status of municipal bonds, this ratio should once again stabilize at about 70 per cent and continue to offer its usual economic advantage to public bond issuers.

Since preparation of this article, the ratio has narrowed to 81 percent, mostly in response to market uncertainty caused by passage of the Tax Reform Act by the House of Representatives.

THE EQUITY QUESTION

In the course of this discussion, Mr. Surrey says: "Tax-exempt interest ranks second after capital gains taxation—perhaps third if we knew more about the magnitude of accelerated depreciation on buildings—among the factors enabling high-income taxpayers to reduce their effective rate of tax." This comment gives an impression that tax-exempt interest is a much more important factor in tax reduction for high-income taxpayers than is actually the case. The table cited by Mr. Surrey as the basis for his statement is in a study prepared in the Treasury Department and covers aggregate figures for taxpayers with adjusted gross incomes of $100,000 or more, 1967 level.

TABLE 2

	(In millions)
Amended adjusted gross income	$16,720
Less—personal deductions (taxes, interest, charitable contributions, etc.) but not including the unlimited charitable contribution	2,350
Amended taxable income	14,370
Less:	
½ of capital gains on assets actually sold	3,775
Exempt interest on State and local bonds	440
Deduction for unlimited charitable contribution	105
Farm "tax losses"	70
Excess percentage depletion	60
Taxable income	9,870
Tax	4,715
Tax as percent of taxable income	47.8
Tax as percent of amended taxable income	32.8
Tax as percent of total income	28.2

Source: Tax Reform Studies and Proposals, U.S. Treasury Department, Joint Publication, Committee on Ways and Means, U.S. House of Representatives, and Committee on Finance, U.S. Senate, Washington; Government Printing Office, 1969, p. 83.

It shows (a) "amended adjusted gross income," defined as adjusted gross income after deductions for "proper business expenses," and increased by "the exempt part of capital gain, exempt interest, and excess percentage depletion," then (b) "amended taxable income" after taking out personal deductions

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[1] *State and Local Public Facility Needs and Financing,* Study prepared for the Subcommittee on Economic Progress of the Joint Economic Committee, 89th Congress, 2d Session, Washington: Government Printing Office, 1966. The National League of Cities, in conjunction with the Urban Institute, is currently engaged in updating data on anticipated capital outlays of states and municipalities through 1975. Data from this study are not yet available.

[2] *Ibid.*, Volume 2, pp. 276–77.

(taxes, interest paid, charitable contribution, etc.), and (c) taxable income. The small element of truth in his statement depends upon highly selective statistical definition of the phrase "effective rates of tax," the particular definition being the ratio of tax paid to "amended taxable income." The deductions are eliminated from the comparison although they, too, are "factors enabling high-income taxpayers to reduce their effective rate of tax." Deductions totaled $2,350 million, and even if one-quarter were attributed each to *contributions* and *interest paid*, this would be $580 million each, compared with the $440 million interest on state and local bonds! Looked at in this way, interest on state and local bonds is probably no higher than the fourth or fifth largest factor instead of second or third.

The tabulated figures, if accurate, do disclose the relative importance of state and local interest as a factor of tax reduction to the individuals with incomes of over $100,000 a year, and its importance may be honestly computed by its relation to the total aggregate reduction in tax base—all factors—of $6,850 million ($16,720 million "amended adjusted gross income" less $9.870 million taxable income). State and local bond interest of $440 million is only 6.6 per cent of the total for all factors, and less than 12 per cent of the most important item, i.e., capital gains. To bill this as the "second" or "perhaps third" largest factor is at best to exaggerate beyond the bounds of ardent advocacy, and at worst to falsify the record.

EQUITY ISN'T EVERYTHING

Going to the guts of the matter, we are dealing with an issue far more complex and important than the role tax-exempt bond interest plays in tax avoidance. Attempting to tax income from municipal bonds automatically raises the complexities of:

1. Structural problems of the federal system itself and the allocation of powers and duties among three levels of governments—federal, state and local;
2. Complicated economic market relationships which involve the proper functioning of both the public and private sectors of the entire capital market;
3. Important legal problems which certainly would lead to protracted litigation ending in the Supreme Court; and
4. The problems of making the total tax structure—federal, and particularly state and local—function as fairly and effectively as possible by not further depressing financial resources of states and localities.

It is on the latter point, especially, that the so-called quest for equity falls on its face. As Nashville Mayor and National League of Cities President C. Beverly Briley stated recently, "It is the height of irony that an effort to tax a very few individuals receiving income from municipal bonds will boomerang against hundreds of thousands of local property taxpayers and users of municipal services who will have to bear the burden of increased debt service costs." As investors lose confidence in the integrity of tax exemption and the good faith of the federal government, their waning confidence will be reflected in higher interest rates bid for new bond issues. Higher interest costs added to an already heavily strained property tax system, a system known to be regressive, will neither contribute to taxpayer equity nor help financially hard-pressed cities meet mounting capital and operating revenue needs. Even if interest rates rise only 1 percentage point, it would cost on the order of an additional $150 million annually for a single year's volume of $15 billion. Over a 14 year period, the average life of long-term general obligation bond issues, this comes to about $2 billion.

I shall not dwell on the constitutional issues involved in the taxation of interest from municipal bonds. This is an issue which, I am confident, will be forced into the courts if the legislation proposed by the House Ways and Means Committee is enacted. Regardless of the outcome, lengthy litigation will cast a further stigma on municipal bonds which could even halt investment until the issue is resolved.

Mr. Surrey, however, has referred in his article to a statement made in 1942 by the Department of Justice before the House Ways and Means Committee to the effect that a tax on state and local bond interest "would be constitutional" and then makes the categorical claim that "certainly nothing has happened in the intervening years to cause lawyers to believe that such a prediction would, to say the least, be any less valid today." Presumably, Mr. Surrey meant to say that the Department of Justice in 1942 took the view that the Supreme Court would uphold an attempt to subject the income from municipal bonds to taxation and that no decisions have been rendered in the intervening years to change this prediction. Obviously, since there has been no direct attack on the tax status of municipal bond interest which has been the subject of litigation, "nothing has happened," to use the author's own words, to change this. In short, Mr. Surrey is stating only that the Department's opinion of 1942 has not been tested in court. The statement is really meaningless, but it has the effect of giving the reader the impression that it is all over but the shouting. Mr. Surrey only cites a "contrary argument" of the Attorney General of Maryland in a footnote, and makes no further reference to comments by attorneys deeply involved in the municipal bond business holding similar views. Without better information, the reader must feel that the only valid viewpoint is that set forth in the main body of the article and that "contrary" arguments are not to be considered seriously.

The facts, of course, are different. There is a substantial body of respectable legal opinion holding that an attack on the concept of intergovernmental immunity would be defeated in the Supreme Court. In fact, the present Administration, in proposing its "limit on tax preferences" program, recommended that the interest from municipal bonds not be included because of the market impact and doubtful constitutionality of such a move.[4] An attempt to conceal or downgrade the existence of such a viewpoint is misleading, particularly when the issue has already been clouded with misinformation and emotional appeals to "tax equity."

The reciprocal immunity doctrine is derived from the constitutional foundations of our federal system of government. The federal system is a remarkably durable system because each level of government has exercised a degree of independence of action within the framework established by the United States Constitution and the constitutions of the various states. This does not mean the actions of one level are isolated from or unaffected by those of another. Nevertheless, integrity of local policymaking must be respected and maintained in order that state and local governments can fulfill their primary responsibilities to the needs and demands of local citizens. If the federal government interferes with local fiscal decisions through federal taxation or supervision of local debt management, it interferes with the independence of judgment that local agencies must exercise in determining their own policies and programs which are dependent upon capital financing. Officials of local government will zealously preserve and protect the independence of local policymaking.[5]

PROPOSED ALTERNATIVES FOR CAPITAL FINANCING

This brings us to the central objective of Mr. Surrey's article and of this article, the proposal that an alternative for financing state and local capital projects is needed. Do we need such an alternative, is such an alternative desirable aside from the question of need, and, do we know enough about such alternatives to adopt one at the present time?

To simplify, while differing in mechanics, most of these proposals revolve basically around an offer of a federal government subsidy on municipal bond interest rates in return for a waiver of tax exemption by state and local bond issuers.

Alternatives for capital financing should be viewed constructively. States and localities have utilized a relatively stable source of capital funds in the past and will continue to depend upon the tax-exempt bond market in the future for an adequate supply of capital funds. While evidence suggests that this source will continue to meet the foreseeable needs of states and localities, it is the only source of capital financing available aside from the luxurious pay-as-you-go method.

In my opinion, any proposed alternative system of capital financing would have to meet the following criteria:

1. First, it must preserve the present federal system and protect the state and local governments from federal domination.
2. The state and local governments must preserve their freedom to act, independent of federal control, on matters of purely state and local concern.
3. Any federal subsidy must be at least as generous as the present financing advantage which the states and municipalities enjoy by virtue of tax exemption.
4. The federal government's obligation to provide a subsidy in lieu of tax exemption must be automatic and irrevocable.
5. The states and municipalities must have unrestricted access, at their own option, to both tax-exempt and taxable markets.
6. Financing procedures must not be subject to delay by federal red tape which might make state and local governments miss their best markets or involve them in increased capital costs as construction costs keep rising.

REAL COSTS OF TAX EXEMPTION

Mr. Surrey states in his article: "Those interested in the federal tax structure deplore the method of achieving this effect because of both the tax favoritism and the inefficiency or wastage involved in resorting to the technique of favoritism, in that more federal tax revenue is lost than the local governments obtain in aid." Again he states: "That exemption is a way of supplying federal aid—presently amounting to about $1.2 billion annually (at a revenue cost of $1.8 billion—to those governments through the lower interest rates."

The facts are quite otherwise. According to the United States Department of Commerce, gross state and local debt outstanding in the three most recent years and interest paid on that debt are estimated as follows:

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[4] See the statement of the Honorable Charls E. Walker, Under Secretary of the Treasury, before the Committee on Ways and Means, U.S. House of Representatives, April 22, 1969.

[5] For an excellent brief on the constitutional issue, see the Statement of Northcutt Ely, General Counsel, American Public Power Association, in Hearings on the subject of tax reform before the Committee on Ways and Means, U.S. House of Representatives, 91st Congress, 1st Session, Washington: Government Printing Office, 1969, Part 6, pp. 2195–202.

TABLE 3

	1966	1967	1968
Beginning	$104,700,000,000	$111,600,000,000	$122,000,000,000
End	111,600,000,000	122,000,000,000	132,300,000,000
Total	216,300,000,000	233,600,000,000	254,300,000,000
Outstanding debt	108,150,000,000	116,800,000,000	127,150,000,000
Interest paid	3,451,000,000	3,813,000,000	4,437,000,000
Interest cost (percent)	3.19	3.26	3.49

Let us make the simplistic assumption that the United States Treasury makes, which we believe to be partially in error, but which probably represents their best case. Briefly stated, it is that present holders of tax exempts have a weighted average marginal tax rate of 42 per cent and that the federal government, therefore, loses the amount of increased tax revenue it would derive from those holders, if they should be forced, or had been forced, to purchase taxable securities instead.

It is ridiculous to assume, as Mr. Surrey apparently does, that the states and municipalities would ever have surrendered the 30 per cent financing advantage derived from tax exemption in the past or would ever surrender it in the future unless they received in exchange an irrevocable subsidy at least equal to the advantage surrendered. This is recognized by the proposal of Senator William Proxmire (D-Wisc.) and Congressman Wright Patman (D-Tex.) for a Municipal Capital Market Expansion Corporation, and the Urban Development Bank proposal offered by former President Johnson, both of which offered a subsidy of 33⅓ per cent. From the point of view of the state and local governments, it would be foolish to yield a financing advantage of 30 per cent *without federal control* for a subsidy of 33⅓ per cent *with federal control* merely because they are told there may be some hypothetical advantage by way of increased tax revenues to the federal government.

Indeed there is little economic inducement under normal conditions for public issuers to shift markets and they are unlikely to do so unless they receive a better *quid pro quo* than a subsidy of 33⅓ per cent. This is recognized by the emergence from the National Governors Conference of the so-called double-coupon proposal which envisages an irrevocable open-end 50 per cent subsidy to be paid by the federal Treasury. Actually, a good case can be made for a 50 per cent subsidy on grounds of equity. As pointed out by Sidney Homer in the 1966 JEC study:

> The fact that the gross interest rate usually paid on tax exempts is well below other interest rates is often misinterpreted as an inducement to borrow large sums. However, when municipalities or states borrow they often have to find additional revenues to meet debt service—immediately, not 30 years hence. And they cannot deduct their interest payments as corporations can so that Uncle Sam pays half. They pay it all.[6]

In all fairness, it must be pointed out that from an economic point of view the state and local governments would benefit substantially from an automatic irrevocable 50 per cent federal subsidy. It could scarcely be otherwise since they would be trading a 30 per cent financing advantage for a 50 per cent federal subsidy.

Mr. Surrey's analysis leaves the impression that the Treasury would gain a substantial amount of revenue if the present tax exemption for municipal securities were terminated and the federal government subsidized states and localities for the higher interest payments that they would have to make. It is not at all clear, however, that when the dust settles, this would in fact be the result. For termination of the exemption would result in vast upheaval in present financial markets. Many investors now drawn to municipal securities would no longer be attracted to them. These would tend to be taxpayers with high marginal tax rates. Individuals, in particular, would desert the municipal market in favor of equities. That is, individuals who now find municipal securities attractive because of the tax exemption would seek out investments with the next best tax advantage. They would probably turn, therefore, to investments which offered capital gains.

Other investors would be drawn into the municipal market by the increased yields which would be available if the tax-exempt status were terminated. These investors would be the ones who are themselves exempt from federal taxation, such as pension funds, foundations, and university endowment funds. Because they are tax exempt, these institutions would purchase fixed income securities which had a high yield relative to other securities offered in the market.

As a result of these shifts, taxable municipal issues would not be taxed at an average rate as high as 42 per cent. The rate would be much lower, probably no higher than 25 per cent. It would be unrealistic to assume, in other words, that the composition of a taxable municipal market would be the same as that of the tax-exempt municipal market.

If the average tax rate applied to interest on state and local government securities were less than the rate of the subsidy—which we think is the only reasonable assumption—then the cost of the subsidy to the Treasury would exceed the increased revenues due to the termination of tax exemption.

Let us for a moment assume that the marginal tax rate is 42 per cent. Table 4 shows calculations which demonstrate that if the most realistic subsidy rate of 50 per cent were utilized, the federal government would carry a net revenue loss on its subsidy program. Table 4 also shows that the federal government would realize a very serious loss if, as our studies show, the marginal tax rate of investors was 25 per cent. Only in the one instance of a 33⅓ per cent subsidy based on the incorrect assumption of a 42 per cent marginal tax rate would there be any federal revenue gain. But such a small subsidy would not be attractive enough, in light of potential dangers of the plan, to attract bond issuers.

TABLE 4

Savings to State and local governments because of tax exemption:	
$127,150,000,000 at 5 percent (taxable)	$6,357,500,000
$127,150,000,000 at 3½ percent (tax-exempt)	4,450,250,000
Savings to state and local governments	1,907,250,000
Range of subsidies:	
33½ percent of $6,357,500,000	2,119,167,000
50 percent of $6,357,500,000	3,178,750,000
Federal revenue gains (no tax exemption—increased tax revenues):	
Increased revenue at 42 percent of $6,357,500,000	2,670,150,000
Increased revenue at 25 percent of $6,357,500,000	1,589,375,000
Case 1:	
Increased revenue at 42 percent	2,670,150,000
Subsidy at 33½ percent	2,119,157,000
Federal gain	550,983,000
Case 2:	
Increased revenue at 42 percent	2,670,150,000
Subsidy at 50 percent	3,178,750,000
Federal loss	508,600,000

Estimated properly, the so-called revenue loss to the federal government dwindles to a loss of $551 million, the amount of the federal government's net gain after taking into account the federal subsidies in lieu of tax exemption it would have been compelled to pay. That is the most favorable case for the federal government.

Assume that it has to pay instead a subsidy of 50 per cent. It is now benefiting from past tax-exempt financing to the tune of $509 million, or the net loss it would otherwise sustain after accounting for federal subsidy in lieu of taxation.

The basic principle is that even using the United States Treasury's assumptions, the federal government is bound to lose if the subsidy rate on the taxable obligations is above the marginal average tax rate of those who presumably would be forced into the taxable market.

Let us see how this works out with current financing as calculated in Table 5.

TABLE 5

Present annual savings to State and local governments because of tax exemption:	
$15,000,000,000 at 8 percent (taxable)	$1,200,000,000
$15,000,000,000 at 5.6 percent (tax exempt)	840,000,000
State and local government savings	360,000,000
Range of subsidies:	
33⅓ percent of $1,200,000,000	400,000,000
50 percent of $1,200,000,000	600,000,000
Range of Federal revenue gains or losses assuming no tax exemption:	
Increased revenues at 42 percent of $1,200,000,000	504,000,000
Increased revenues at 25 percent of $1,200,000,000	300,000,000
Case 1:	
Increased revenue at 42 percent	504,000,000
Subsidy at 33⅓ percent	400,000,000
Annual Federal gain	104,000,000
Case 2:	
Increased revenue at 42 percent	504,000,000
Subsidy at 50 percent	600,000,000
Annual Federal loss	96,000,000
Case 3:	
Increased revenue at 25 percent	300,000,000
Subsidy at 33⅓ percent	400,000,000
Annual Federal loss	100,000,000
Case 4:	
Increased revenue at 25 percent	300,000,000
Subsidy at 50 percent	600,000,000
Annual Federal loss	300,000,000

Thus, the maximum benefit to the federal government on the most favorable assumption shows an annual gain of $104 million. If it pays a 50 per cent subsidy, it will lose $96 million.

The following table shows the cumulative effect:

[In millions of dollars]

	Annual financing	Cumulative annual financing	Cumulative annual gains case 1	Cumulative annual losses case 2
1970	16,652	16,652	115,400	106,600
1971	18,101	34,753	240,900	229,400
1972	19,676	54,429	377,300	348,300
1973	21,388	75,817	525,600	485,200
1974	23,249	99,066	686,800	634,000
1975	25,272	124,338	862,800	795,700

The point is that the federal government's subsidy plan may not be all that it is cracked up to be.

Furthermore, Treasury costs would be increased in another way. Termination of tax exemption for municipal securities would narrow the market for long-term issues in general. Thus interest rates on Treasury bonds would be higher than they otherwise would be. The general increase in Treasury borrowing costs might be as high as 50 basis points. Applied to the very large total of federal debt held, such an interest cost increase would clearly be very significant. This higher interest cost might be incurred only gradually as new issues of taxable municipals replace outstanding tax-exempt issues, but it would be important nonetheless.

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[6] *State and Local Facility Needs and Financing, op. cit.*, Volume 2, p. 275.

A general increase in long-term borrowing costs would also affect corporate borrowing and individuals securing a home mortgage. A strict accounting would take these added costs into consideration.

Mr. Surrey's implication that termination of tax-exempt status for municipal securities would involve a net saving to the Treasury is, therefore, clearly unrealistic if we consider the shape of the world after an adjustment had been made by the new law. Furthermore, in the interim period in which this adjustment was being made, there would be heavy added costs as underwriters struggled to discover the new configuration of the financial markets.

A MORE CONSIDERED APPROACH NEEDED

We would have hoped that the idea proposed by Mr. Surrey and the legislation prepared by the Ways and Means Committee could have awaited the results of a study currently under way by the Advisory Commission on Intergovernmental Relations. This study is expected to be completed by December. It involves a detailed examination of all the proposed alternatives and their effect on traditional capital financing, their relationship to tax reform, and their possible benefits to states and localities. This Commission, composed of representatives from all three levels of government—federal, state, and municipal—as well as distinguished representatives from the private sector, could render an important public service by impartially investigating the problems in this area and providing a rational and enlightened basis for their solution.

It seems incredibly ill-considered and hasty to make fundamental changes, as the Ways and Means Committee has proposed, in a system that has endured since the beginning of the Republic and served states and local governments well through many difficult times, merely on the basis of one day's hearings, very nearly the total extent of the House Ways and Means Committee's public consideration of this vital problem. The Investment Bankers Association, in its testimony before the Ways and Means Committee on March 11, 1969, raised important economic and market questions to which, as it candidly admitted, there were as yet no satisfactory answers. Nevertheless, no further investigation by the committee of these questions has, to our knowledge, taken place, and virtually all consideration of proposed legislation has proceeded behind closed doors. Such a method of procedure does little to inspire confidence that legislation emerging from this committee is based on a deliberate and impartial weighing of all the factors involved. On the contrary, it seems to bespeak a panic haste to shoot first and ask questions later. We hope the Senate will move more carefully when it begins consideration of these matters.

If the issuance of taxable municipal bonds in significant amounts does eventually prove necessary and desirable, we believe it extremely unwise in the interim to throw sand in the gears of the present tax-exempt market through the introduction of either the "limit on tax preferences" or the "allocation of deductions" proposals until such time as the proper legislative bases have been established in the various states and the initial problems of marketing such taxable securities have been worked out. It is foolish to burn down the old house before the new one is ready to live in.

Furthermore, if such proposals are intended to render the functioning of the present tax-exempt market difficult or impossible in order to force a recourse to the taxable markets, this immediately raises grave doubts about the "voluntary" nature of the new taxable financing device and the credibility of those who say they have no wish to destroy the institution of tax exemption as such.

CONCLUSION

The financing needs which state and local governments will face in the years ahead are admittedly great. Let us have careful investigation of these needs, updated regularly if necessary, and the priorities they will command in the hierarchy of all our needs as a nation, and balance against them the not unbounded national economic strength that can be mobilized. We will then be operating rationally as to the need for a major new capital financing mechanism.

Certainly it is not all that clear that the subsidy plans proposed thus far are well enough understood to work as favorably as their proponents suggest. Most fail to account for the large and growing subsidies which the federal government must provide to make a system of taxable state and municipal bonds workable. Second, no weight is given to the "across-the-board" rise in interest rates in the taxable market which will result from the large-scale introduction of taxable municipal bonds into the taxable sector. This development, from the federal government's point of view, will be unfavorable since the increased tax revenues will not compensate for the added interest costs and the necessary federal subsidies in lieu of tax exemption. And last, much more must be known about the impact of such proposals on traditional intergovernmental fiscal relationships.

NATIONAL HIGHWAY WEEK WILL UNDERSCORE VALUE OF OUR TRANSPORTATION LIFELINE TO THE COUNTRY

Mr. RANDOLPH. Mr. President, next week our citizens will acclaim the transportation lifeline of the country in observing National Highway Week.

Americans this year will travel more than one trillion—1,000,000,000,000—miles over our network of freeways, tollways, tunnels, bridges, and the numerous other types of surface roads.

Highways are substantial parts of the base of our economic and social development in these United States. New and improved roads mean new plants, new jobs, new housing developments, new schools, new recreation areas, and better access to recreational facilities in general.

The Interstate and Defense Highway program has been in progress for 25 years, during the last 13 of which the Federal Government has provided the major financing for an accelerated construction program better linking the 48 continental States. Approximately 28,219 miles of Interstate and Defense highways were open to traffic this summer, and the authorized total of 42,500 miles should, when completed, permit coast-to-coast driving without stoplights or congestion.

Notwithstanding, we are lagging behind schedule in construction efforts as a result of fund cutbacks, design problems, and pyramiding costs.

The United States now enjoys the greatest highway network of any country in the world, but there is an urgent need to improve many of the roads and the bridge-tunnel-highway systems now in operation.

The growth of our population and our dependency on highways as a means for expediting the efficient flow of goods and services to all parts of the country will continue to require more and more arterial connections.

More than half of the 210 million persons counted in the census of the United States are licensed auto and truck drivers who use our roads and highways. There is now a motor vehicle for every 2.1 persons—26 vehicles for every mile of improved roads.

Virtually everything in an American home today got there—at least part way—via the highway network.

The heartening activities in recent weeks and months intended to bridge the traditional gap between highway builders and conservationists underscore the advances being made to provide better facilities for Americans while protecting the quality of the environment and giving the human side of the problem greater consideration. These efforts to overcome adverse impacts of highway construction on private property and on the environment should improve highway progress and should enhance the usefulness of the road system.

As chairman of the Committee on Public Works and of its Subcommittee on Roads, I commend our Nation's highway system and those who have developed it. The week of September 21–27 will be a significant one—the 1969 edition of the annual National Highway Week. It will be observed with special ceremony and appropriate events in many places and in each instance their sponsors and participants will have our best wishes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

What is the will of the Senate?

Mr. CANNON. Mr. President, what is the pending business?

The PRESIDING OFFICER. There is no pending business.

AUTHORIZATION OF APPROPRIATIONS TO NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, 1970

Mr. CANNON. Mr. President, I move that the Senate proceed to the consideration of H.R. 11271, the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. CANNON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, I fully endorse the statement of our chairman of the Committee on Aeronautical and Space Sciences, the senior Senator from New Mexico (Mr. ANDERSON). We can take great pride in the achievements of the Apollo manned space flight program. NASA has established a unique record of success in tremendously complex space missions—a record culminating with the great and historic achievement of safely landing on and returning men from the moon, an objective established in 1961. The really significant point to all of this is the demonstrated capability of the United States to perform a variety of complex manned space flight missions which have established this Nation as the world leader in manned space flight. Having established a leadership role we are now at the decision point of whether or not to maintain this role and the capability to support future national space objectives such as those contained in the report of President Nixon's Space Task Group, released this week.

This bill (H.R. 11271) provides $3,715,527,000 for the National Aeronautics and Space Administration for fiscal year 1970. This is only the bare minimum to maintain a balanced and forward-looking space program. The bill provides for an ongoing program for lunar exploration at a rate of three Saturn V launches a year. It continues the work on the earth-orbital Apollo application project, and it continues production and availability of our proven large launch vehicle, the Saturn V, for future applications of the type recommended by President Nixon's Space Task Group. The lunar exploration and the Apollo applications projects will utilize existing Apollo hardware and will permit us to continue to develop our capability in manned space flight. Activities of NASA will, under the fiscal year 1970 budget, preserve this capability for the next few years while we reach a national decision as to future U.S. space exploration.

One thing is clear. If we are going to continue to lead the world in science and technology, we must continue to support fully a broad-based program in advanced research and technology. Many programs and projects in this area do not catch public attention the way manned space missions do. But, it is the pursuit of just such research tasks and the establishment of new technologies that will enable our Nation to undertake future aeronautical and space activities, to maintain world leadership. These are tasks which involve advancing the state of the art and which by their very nature are long lead-time projects. They are not always susceptible to precise scheduling of results.

One of the principal development programs identified by President Nixon's Space Task Group, which has exhibited great technical success, and one which will guarantee the leadership of the Nation in space over the years ahead, is the nuclear rocket engine program.

Since 1955, this program has proceeded on a sound one-step-at-a time basis—an approach which has been rewarded with demonstrated success in reactor testing and in experimental engine testing. These successes are positive evidence that we have firmly established a base for initiating development of the 75,000-pound thrust NERVA flight engine. This engine gives us twice the performance of any space propulsion system now under development. Testimony before our committee makes it quite clear, in fact, that the initiation of the flight engine development should have been pursued aggressively in fiscal year 1969, for proper phasing of the program. Program authorization and appropriations were provided but adequate funding was not made available. As a consequence, 40 percent of our unique and highly trained personnel were lost to the program.

The bill before the Senate today provides for starting flight engine development, and it provides a modest amount of authorization above that requested by the administration in order to regain some of the momentum which we lost.

History is replete with examples of the many advantages stemming from the availability of advanced, reliable propulsion systems. This has been true particularly in promoting trade and commerce, whether for land or sea transportation or aircraft propulsion. I am convinced that the same principle holds with respect to space propulsion.

I believe it is of great importance to fly a nuclear engine just as soon as practicable. This is a new and different kind of propulsion system. With its increased performance and reliability, it offers tremendous advantages of supply and mobility in space that we cannot ignore. The NERVA rocket engine will provide a high performance, reusable general purpose stage. Regardless of where we place our emphasis between manned or unmanned space operations, the nuclear rocket gives the United States a mobility and flexibility of mission choice that cannot be matched by any now envisaged chemical system.

The key to the success in any nuclear propulsion system is, of course, the reactor. Since the beginning of the Rover program, nuclear rocket reactor technology has had continued success and improvement, as noted in the report of our committee:

> An almost unbroken string of brilliant successes in the testing program has solved all of the major technical problems and brought the project to the point where development of a flight-ready engine and upper stage should begin.

Never before in our Nation's history have we been confronted with such rapid technological change and diversity, with the associated demand that we intelligently choose those areas for development that will assure our future growth and security. From our Nation's experience immediately following the U.S.S.R.'s Sputnik launch in 1957, we recall that propulsion is the key to economic and energetic space operations. For a period of time, due to propulsion failures, we could not get a rocket off the pad. Not that guidance, communications, sensors, weapons, power supplies, and life support systems are not important—but without continually improving propulsion systems, all other aspects of our space program cannot have optimum economic exploitation.

It is my conviction that this advanced propulsion system is the key to our national resolve to keep the space between earth and the moon free from threat.

If we maintain leadership in space technology the need to react will not arise.

Moreover, if we have the energy source available, we can undertake whatever goals the Nation may establish; therefore, I urge the support of the Senate for this program so that in the years ahead we will have the option of doing those things which we may find it important to do. Conversely, if we do not develop this propulsion source—a development estimated to take about 8 years—we will not have the energy source to do things we may very much want to do at that time.

In pursuing this program the Nation also reaps an associated benefit—a benefit which has been characteristic of the entire space program—that of a focal point for advancing the state of science and technology in a great many disciplines in order to achieve the immediate objective.

It is the challenge of solving a problem that motivates men to be resourceful and to invent, thereby uncovering new knowledge which may well have application to other national needs.

In closing, it is my judgment that the program presented in H.R. 11271 has been carefully structured to balance the needs in manned space flight, in space science and applications, and in advanced research and technology within the limitations of a very tight budget, one which recognizes the overall need for fiscal austerity as well as the need to establish a base for maintaining the leadership role in science and technology and the capabilities so visibly demonstrated in the space program.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. ANDERSON. Mr. President, I commend the members of the committee for the extraordinarily fine cooperation they have demonstrated in their work on the pending bill.

I particularly commend the Senator from Nevada (Mr. CANNON) who is a long-time friend and a forceful and capable Senator. He has done a fine job all the way through.

Mr. CANNON. Mr. President, I thank the distinguished Senator for his very kind remarks.

Mr. YOUNG of Ohio. Mr. President, at the outset of my remarks I wish to pay my respects and express my admiration and devotion to the distinguished junior Senator from Nevada (Mr. CANNON). He is one of the hardest working, and most perceptive members of the Senate Committee on Aeronautics and Space Sciences. The Senator from Nevada is not only a very important member of our committee, but he is also an indispensible member of that committee. He is always faithful in his attendance at committee sessions and in fulfilling any requests made by our chairman, the distinguished Senator from New Mexico (Mr. ANDERSON).

WHY SUPPORT THE SPACE PROGRAM?

Mr. President, the NASA program before the Senate today represents one of the major forces that molds the course of our society.

The national space commitment to land men on the moon and safely return them to earth, a goal now accomplished, was the largest concerted effort ever undertaken by any nation to advance the frontiers of human knowledge. It combined our industrial, governmental, and academic resources to give us an advanced technology second to none.

The energizing force of our space commitment has spread throughout our economy, our educational structure, and our relations with other nations. It advanced the pace of invention, spurred our productivity, helped to insure our national security, stimulated education, and served the cause of peace throughout the world.

Because of the space program, our chances of improving medical care, and finding cures for cancer and heart disease are greater—not less. The same might be said of the chances of improving our educational system and solving a vast range of social problems. This is so because the advanced management and system techniques which evolved in the space program have been perfected to the point where they can be utilized to attack other major problem areas.

A society cannot remain great and strong when it ignores major challenges with which it is faced, particularly when so much of the growth of our economy is associated with technological advance.

Although we are only on the threshold of the space age, new knowledge which we have obtained from space endeavors has revolutionized communications, energy conversion, power generation, transportation, geodesy, navigation, and weather prediction. These are but a few of the many areas of application which already have proved rewarding beyond the dreams of the first space pioneers. But as men learn more, the future benefits from the program will exceed past rewards many times. That is why, in my opinion, the bill before us deserves the support of the Senate. It represents not only the fulfillment of the promises and obligations of the past but a commitment to the future.

Mr. President, as the Presiding Officer knows, we are living in a fast-moving space age, an age of change and challenge. And we must all meet that challenge. We are very fortunate to live in these times to participate in meeting that great challenge.

It is fitting that the Senate vote on the space program at a time when we have achieved the tremendous goal of putting men on the moon. That event, as stated by Astronaut Armstrong, holds significance not only for the United States but for all mankind. By opening up the universe to exploration, we have drawn our world closer together. As we have seen in the unforgettable photographs taken from the Apollo voyages, our planet is a beautiful blue gem set in the lovely majesty of the universal sky, a place where all humans venture the same hazards and share the same hopes.

Mr. President, the space bill now pending before the Senate insures that the United States will continue to devote its efforts to push forward the frontiers of human knowledge. With each stage of discovery, not only is our understanding of the world enlarged but so too is our awareness of the human potential.

Scientists who have avoided new challenges no longer move forward, but begin to stagnate. And societies which have avoided new challenges, no longer moved forward, but began to stagnate and die.

Americans are aware of these new challenges of change offered to all of us. We are determined that our destiny is to move forward.

The exploration of outer space does not mean that we will neglect the pressing problems of our immediate environment. Not at all. It has been proposed that by 1983—which is about the earliest date it can be achieved—we land a man on Mars.

Mr. President, we in Congress are proceeding now—and we are determined to proceed without delay—to take men out of slums and move them into homes in this country before we land a man on Mars. We are determined to do that, and we will do that.

But exploration of outer space provides a new context within which we can look for viable solutions. As we have learned to commit the resources, money, men, and organization necessary to carry on a successful space program, we Americans have acquired the tools which will be necessary to direct the large-scale efforts that will be required to correct social imbalances among our fellow citizens.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HOLLAND addressed the Chair.

Mr. CANNON. Mr. President, does the Senator from Florida wish to speak?

Mr. HOLLAND. I was going to suggest third reading, if no one else wishes to speak.

Mr. CANNON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, almost 12 years ago on October 4, 1957, the Russians surprised the world with the launching of Sputnik I. Rarely in history has a technological achievement had such an impact on human affairs. Many of us were worried about the military implications because they had used military hardware to launch that satellite.

Former President Johnson was the majority leader of this body at that time. He was also chairman of the Preparedness Investigating Subcommittee, a position which I now have the honor to hold. Many weeks of hearings were held by that subcommittee in the latter part of 1957 and early 1958, the purpose of which was to ascertain the facts about our missile and space developments. The subcommittee unanimously determined that we were dangerously behind in this area and made numerous recommendations as to what we had to do, as a nation, to catch up.

Mr. President, I remember with the most pleasant recollections the array of talent we were able to call in in just a matter of a few days in the way of scientists, military experts, and those who had to do with expertise in the field of rocketry and everything that went along with this problem. I never had a more pleasant experience nor a more satisfying experience. It was an experience I continue to remember. If for no other reason, it showed the vast human resources of our Nation and the tremendous capability we have to meet a given situation, even though this was one situation where we were not fully prepared at that time.

In the past 11 years, many of those recommendations have been carried out. Our accomplishments in space have been little short of miraculous. Our plans have been ambitious and our resolve has been steadfast. We chose as our goal nothing less than landing men on the moon itself. And we succeeded. But let us consider why we did this. The real purpose of that goal was, of course, not just to pull some cosmic stunt, but to have the capability to operate in this new environment—this "new ocean" as the late President Kennedy called it—the capability to operate in a way that would put us second to no nation on this earth.

I remember so well the first extensive hearings that were held on this very Apollo mission in which there was outlined in detail for the first time to Congress the groundwork and the development of this great mission. It was hard to accept it fully and I did not accept it fully. I accepted it on faith.

I like to quote from the late Styles Bridges, who was a Senator from the State of New Hampshire, and who was on the committee. I remember his wise comment at one of our final meetings. He said:

> This is a program that you cannot accept in half or in part; it is all or nothing. You can't go half way to the moon and come back. If we are going to go into this to master space we have to go all the way.

I wish he could share the triumph of this occasion.

But today, nearly 12 years after sputnik, at the same time that we have actually built this great capability, we find ourselves curiously at another crossroads. Not as to what we are going to do next year or even the year after that, because the programs that will come to fruit in 1970 and 1971 are already too far down the road to change very much. We are at the crossroads of decision as to what our space program is going to be beyond 1971 and there are three programs in this bill that I would specifically like to discuss in this regard.

The first is the Apollo applications program. This is, in my opinion, the most important of NASA's follow-on programs, since it is the only plan for manned space flight beyond Apollo. It will, in fact, build specifically on the technology and hardware developed during the Apollo program. For very little in the way of additional expenditures, it will allow us to utilize and take advantage of the capability it has cost so much to attain. If we do not continue with this program, then the great expenditures and effort will have been wasted, our technological advantage scrapped, and our vast facilities mothballed. And with the cancellation of the MOL program by the Defense Department, the AAP is the Nation's only program which will help us to determine the capabilities of men during prolonged space flight. In my opinion, it is imperative that we obtain this information.

The second is the resumption of production of the Saturn V vehicle. This is by far the most advanced space launch vehicle known to the world. It has a thrust of 7.5 million pounds and will boost more than a quarter of a million pounds into earth orbit. This is nearly 10 times as much payload as any other vehicle that we have. We have testimony that the Soviets are developing a larger booster and, although there is no evidence that it has flown yet, I have no doubt that they have the capability to do this and are doing it.

And yet, in face of these facts, I doubt if many of my colleagues realize that, due to budgetary pressures, Saturn V production was discontinued in August 1968. Since it takes more than 3 years to build one of these vehicles, the impact of this action would not have been obvious until 1971 or 1972, but scientists and technicians have steadily been laid off since last summer.

The capability to build and launch these vehicles, which has taken us more than 8 years and billions of dollars to attain, has slowly been ebbing away and would soon have been irretrievably lost.

I am happy to say, however, that the current bill contains $46 million for the resumption of Saturn V production at the rate of three per year. While no specific mission has yet been determined for these vehicles we will surely need them, because we would have no manned space program at all after 1972 without them.

The third program in the nuclear rocket engine program known as NERVA I. I know of no scientist or propulsion engineer who does not contend that nuclear energy will eventually be utilized for space propulsion. It is simply a much more efficient way to do it and, if used in an upper stage, this allows you to greatly increase your payloads while still using the same Saturn V first stage booster. The Nation already has $1.1 billion invested in this program and much of this investment would be lost if we do not go forward with the development at this time. In addition, the necessity to start this program up again at some future time would be extremely expensive and could not be done overnight. I might say that the committee feels so strongly about this program that it is the only item in the entire budget that is reported to the Senate at a level higher than the administration's budget request. I fully support the committee action in recommending this increase.

Eleven years ago we did not have the knowledge or the equipment to meet the Russian challenge. We had to build it, the hard way. Today, we are at least on a par with them—obviously ahead in some areas, still behind in others. Today, in constrast to them, we have the capability to meet the challenge. What we need is the will. And to show that will, we must make the decisions now, not 3 or 4 or 10 years from now. I do not want the chairman of the Preparedness Subcommittee, whether that is still my honor or someone else's, to have to call for hearings again in a few years in order to try to find out what we have to do to catch up.

Mr. President, I have a very personal feeling about that last remark because there were those of us who went through that decisionmaking process when, frankly, we did not know what to do, but we got some strong and solid advice, and we did come through.

I want to express my appreciation for the privilege of serving on the Aeronautical and Space Sciences Committee. I appreciate the fine attitude and the work of its present chairman, the Senator from New Mexico (Mr. ANDERSON), and, again, the fine attitude and work of the ranking minority member, the Senator from Maine (Mrs. SMITH). I see her at her desk in the Chamber now, where she has been for the past 8 weeks, in her place of duty every day. It shows what a valuable Member of the Senate she really is.

Mr. GURNEY. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Florida.

Mr. GURNEY. Mr. President, I want to commend the distinguished Senator from Mississippi on the remarks he made concerning the specifics of the space program.

It was my privilege, in the House of Representatives, to work for 6 years on the Space Committee there. The Senator from Mississippi is absolutely right on the importance of the specifics of the program he mentioned with which we have to go forward.

There is one point on which I should like particularly to compliment him on—and to reemphasize—and that is what he said in his remarks concerning sputnik and the orbiting by Russia of the first man in space, Yuri Gagarin. There is no question that they stole a propaganda triumph from the United States, the like of which has never been seen in the history of competition among world nations.

It took a long time for the United States to catch up over the years with the Russians, with that loss of prestige we suffered in the eyes of other nations, in technological and scientific capability.

I also point out the fact that, having built such a fine base for our space program, it resulted in the triumph of our landing the first man on the moon.

It seems to me now that that is surely added argument for further impetus in the space program.

Continually, over the years, the Russians have devoted a larger part of their gross national product, a larger part of their national budget, to space than we have.

Put it another way, they have given more emphasis on their space program than we have on ours, because they have spent more money on it proportionately to other programs.

Our competition is, indeed, the Russians, as the Senator from Mississippi has pointed out.

In our consideration of this space bill, I hope that we do not overlook that very important fact, for they mean business indeed.

Mr. STENNIS. I thank the Senator from Florida for his comments. It is fine to have the benefit of his reasoning and his considerable knowledge in this field.

Mr. President, I yield the floor.

Mr. BIBLE. Mr. President, I rise in full support of the bill now before the Senate for its consideration. It seems to me that in light of the fiscal and budgetary problems which have been brought before the Senate from time to time, this is a very well-balanced bill.

I join in the statements made by the Senator from Mississippi (Mr. STENNIS) in paying tribute to a great Senator, the Senator from New Mexico (Mr. ANDERSON), who is chairman of the committee; and, likewise, to the ranking minority member, the distinguished Senator from Maine (Mrs. SMITH).

I am particularly pleased to pay tribute to my distinguished colleague (Mr. CANNON), who has been handling the bill on the floor in such able style. He has great expertise in this field, as he does in the field of armed services.

I should like particularly to comment on an item of great interest to us in Nevada because of the test site facility that is located there and is operated jointly by the AEC and the National Aeronautics and Space Administration, the Nuclear Rocket Development Station.

For the entire nuclear rocket program I note that the budget request was some $36½ million, and that the House approved $50 million. I am delighted to see that the Senate has, in committee action, stayed with the House figure or the higher figure. I think it is completely justified.

I remember in earlier years when there were reductions, the cutbacks made serious inroads into the trained and scientific personnel we had at the test site in Nevada. Those men, once severed from their particular responsibilities in this field, left the area and were hard to replace.

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I think we did build up a hard-core capability, and I trust that that higher figure of $50 million, which is the NASA part of that joint effort, will not only pass the Senate but that it will be expended by the administration.

My colleague is on the floor at this time, and he may care to comment as to the present recommendations of the task force appointed by the President of the United States, particularly so far as the rocket engine development is concerned.

If I am correctly advised, they have put great emphasis on moving forward in this area, because a nuclear powerplant is the engine for the missile and the rocket of the future. I would hope, as the fiscal situation clears, as it improves, that we could accelerate the program, because it is of top priority.

I am sure my colleague shares my view in that, but I would be very happy to have his expression on it.

Mr. CANNON. Mr. President, if the Senator will yield, first I thank my distinguished colleague for his very kind remarks, and simply point out that, with respect to the Space Task Group recommendations, three plans were presented. One of those is something of a crash program in connection with the Mars landing. Most will agree that is not wise at this moment. The other plans relate to increased manned space activity, establishment of space stations, and so forth.

As I stated earlier, if we are going to do this type of thing, then the NERVA engine is the most efficient way to do it. As an upper stage for large boosters and as propulsion for an Earth-Moon and orbital change "shuttle bus" NERVA will be particularly useful. Both developments have been recommended by the Space Task Group.

With the addition of the $13.5 million in the NERVA program—thanks to the very kind assistance of the Senator from Maine (Mrs. SMITH)—we were able to adjust programs so that the total overall budget did not exceed the amount requested by the administraion. So in making our adjustments, we are coming up with the same amount, budgetarily, as the administration has requested. Of course, we have $250 million less than the amount provided in the NASA authorization bill already passed by the House.

I have no doubt that should the President determine to go ahead at a more rapid pace, the NERVA program, with the addition of this $13.5 million, will be directly oriented toward accomplishing the recommendations of the Space Task Group.

Mr. BIBLE. Mr. President, I appreciate that additional comment. I think my colleague will agree with me that our experience in Nevada, where we have this capability, was that every time there was a lessening of activity, we lost some highly experienced men. I would trust that by the passage of this bill we could prevent that in the future. I am delighted that the President's task force put emphasis on this program, as well as other programs. I wholeheartedly support the program and hope it will pass intact.

PLANNED SENATE HEARINGS ON LAOS

Mr. SYMINGTON. Mr. President, a story in the press this morning says the distinguished senior Senator from Kentucky (Mr. COOPER), plans to call for an investigation by the Committee on Foreign Relations "to determine whether American Armed Forces were already committed to combat in Laos."

Last month, when the able Senator proposed his amendment originally, I stated on the floor of the Senate:

> We have been at war in Laos for years and it is time the American people knew more of the facts.

What could have been a plainer statement? Therefore, and especially in that the Senator from Kentucky is a member of the Subcommittee on Security Agreements and Commitments Abroad, which subcommittee has already made plans to bring this matter before the Senate, I do not understand the reason for this story.

Let me take this opportunity to inform the Senate and the public at large, which has been aroused by recent press stories about fighting in Laos, that the subcommittee in question has scheduled hearings on that country to begin in executive session October 14. These sessions are part of a series of hearings which were planned last month; and which I announced on the Senate floor as long ago as August 13.

In July, two members of the subcommittee staff, Messrs. Walter Pincus, chief consultant, and Roland Paul, counsel, spent many days traveling in Laos gathering information on the U.S. programs and personnel in that country. I personally have visited that country several times in recent years.

As with our hearings on other countries, representatives of U.S. agencies active in Laos will be brought back from that country to testify first hand on the situation.

In this manner, the subcommittee will seek to put on the record as much detail as possible on our involvement in that country, along with the political-military agreements, understandings and commitments that have formed the policy basis for that involvement.

A matter as serious as our involvement in Laos—or any country for that matter—should not be explored hastily by the Congress on the basis of news stories. What is needed is careful preparation and that is what we have sought to do.

Let me repeat again. In discussing the distinguished Senator from Kentucky's original amendment on Laos and Thailand last month, I stated on this floor:

> We have been at war in Laos for years and it is time the American people knew more of the facts.

I hold to that statement today and assure both my colleagues and the public that, allowing for legitimate national security interests, as complete a record as possible on U.S. involvement in Laos will be made public following completion of our executive sessions.

For too long we have permitted our activities abroad to be carried on behind a cloak of secrecy—and often that secrecy veils such activities from the people in this country and their elected officials—not from the enemy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, was read twice by its title and referred to the Committee on the Judiciary.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 6508) to provide additional assistance for the reconstruction of areas damaged by major disasters, and it was signed by the Acting President pro tempore.

AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, 1970

The Senate resumed the consideration of the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

PRIVILEGE OF THE FLOOR FOR STAFF MEMBERS OF THE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Mr. CANNON. Mr. President, I ask unanimous consent that all staff members of the Committee on Aeronautical and Space Sciences be allowed floor privileges during the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, as a member of the Senate Committee on Aeronautical and Space Sciences, for several years I have continuously studied the resources required for NASA programs. I have watched requirements for the national space program grow as we developed our capability for manned and unmanned space flights. I am not going to dwell here on the great achievements of NASA, as they are a matter of public record.

I have also observed the increasing maturity of the space program, and I have participated in the authorization recommendations in recent years which have progressively reduced the resources available to the agency. These reductions, from $5.3 billion in fiscal 1964 to $3.7 billion, which is before the Senate today, a reduction $1.6 billion, or 30 percent, have forced NASA to continuously examine its many programs to effect economies.

It is clear that a very large portion of the NASA budget is devoted to manned space flight. This is very understandable. Manned space flight is a very complex undertaking. It involves huge rockets, complex space craft, superior management, technical skills, modern facilities, and brave and well-trained personnel. Nevertheless, manned space flights have been reduced from an allocation of $3.2 billion in fiscal 1966 to a projected $1.9 billion in the pending measure, as amended.

So it has become highly necessary to operate with reduced funding.

I am not going to recite the steps by which these reduced funding programs have been worked out, Mr. President, but I do want to make it clear that our committee has been fully cognizant of the fact that we should and must reduce the program; and this bill, together with the request of the present administration, clearly shows the determination to reduce budgets.

Our proposed bill covers exactly the same amount of authorization which is requested by the present administration in its reduced budget—namely, $3.7 billion plus, though there are some minor differences.

Mr. President, I am concerned about the fact that some of our distinguished friends feel as though there should be even further reductions, and that those reductions should be applied to the manned space program. If there has ever been any showing of intrepidity and of constant adherence to a fixed commitment which our Nation has made, and to the carrying through of that commitment until success has been attained, it has been shown in the progress of the manned space program.

Mr. President, I had the honor to go down to the cape at the time that the first manned space venture—the first Mercury shot—was scheduled to go off, and had to be postponed. I have been there at frequent launchings from that time until now, and I had the honor and great privilege of being present when the Apollo 11 blast-off took place.

I have seen the progress that has taken place. I have seen the intrepid way in which the astronauts have devoted themselves and dedicated their lives to this program. I know that nothing has happened in my lifetime—and I believe during the history of our Nation—which has moved our Nation quite so greatly as the success of the Apollo 11 flight, which, of course, followed those which had gone before.

Mr. President, I think we are inclined to overlook the fact that that terrible tragedy at the time of the testing of the Apollo 204 vehicle made many people think that we were at the end of the trail, and that we could not possibly accomplish the lunar landing by 1970. Many thought that it could never be accomplished. I remember the feeling of hopelessness which was reflected in my own mail from many of my constituents in areas surrounding Cape Kennedy.

Mr. President, there has been no more notable accomplishment in the history of this Nation than the return to progress and accomplishment of the program, which was marked, in July of this year, by the successful Apollo 11 flight, in which our three dauntless astronauts accomplished the purpose to which we had committed ourselves almost 10 years ago: to launch a flight which would result in a lunar landing in this decade.

Mr. President, we accomplished our commitment. We accomplished that flight; and now there are some who propose that, instead of recognizing the fact that we have several dozen very fine young men who have dedicated their lives to the further fulfillment of this exploration of the moon and of the program in general, we reduce still further the manned space program.

I want to make it perfectly clear, in the first place, that this program, as contained in the pending bill, reduces in considerable measure that program, in several ways. The principal way in which it is reduced is by the reduction of the frequency of flights. It was planned that the Apollo flights would continue, after Apollo 11, at the rate of about five a year. The reduced program—which is the minimum number under which real efficiency can be attained and preserved, in the opinion of the NASA administrators, who have certainly shown their ability—contemplates a minimum of three a year, which is what is embraced in the pending bill.

That is the greatest reduction which those who are most knowledgeable about this subject matter, the administrators of the program, feel can be accomplished, with a continuation of the present very great efficiency on the part of some thousands of people who participate in these blast-offs and in the following of the flights.

Mr. President, I have been a little disturbed to note that one of our most distinguished colleagues yesterday showed this feeling which exists in some quarters, by presenting two amendments, one of which has to do with the withholding of $300 million of the funds authorized for the manned space program for the Apollo flights, under the following words, which I am quoting from yesterday's RECORD. That part of the amendment which I think makes it clear what was suggested by my distinguished friend the Senator from Wisconsin (Mr. PROXMIRE) is as follows. He proposed a new section 7, reading:

> Of the funds authorized pursuant to subsection 1(a) (1), $300,000,000 which has been earmarked for operations of the Apollo missions shall not be obligated or expended until the Administrator, in consultation with the State Department, has fully explored the possibilities of international cooperation and cost-sharing in space exploration, and has reported to Congress on the results of these efforts.

That is the meat of the proposed amendment; a reduction of $300 million in the manned space program until the State Department can explore further—and Lord knows we have had plenty of explorations in that field already—the ability of our Nation to negotiate a shared program with other nations, which would be highly desirable if it could be attained. We have been, of course, seeking in various ways to attain such a program heretofore, by which our Nation would join with the Soviet Union and with other nations in the completion of the lunar exploration program.

Mr. President, I think every one of us would say that would be wonderful if it could be accomplished. But to hold up the program and to reduce further the frequency of the Apollo flights, which have already been reduced by the pending bill and the new program of NASA under that bill to three flights a year, and hold it up indefinitely, would, I think, be a terrible blow to the program.

I understand that our distinguished friend from Wisconsin will probably not offer that amendment, and I rejoice that he came to that conclusion. But I would not want the record to be silent on this matter. To hold up the Apollo flights during the indefinite period when further efforts could be made, with the troubled international situation which exists now, to get joint backing of further lunar explorations by a group of nations, would simply be suicidal, in my opinion and in the opinion of the committee.

I would not want anyone to think that we frown upon any effort to get such international cooperation, but we try to be practical about the matter; and we know that the efforts heretofore made have not succeeded, and have no reason to think they will succeed in the future.

In the meantime, we know full well that the reduction of Apollo flights to three a year, under the present budget and under the pending bill, from the five a year which was contemplated, and the consequent reduction of personnel, is, in the opinion of those who know best, a definite blow at the safety of what we are attempting, as well as of the effectiveness of our flights.

Mr. President, what is it that we have ahead? Nine Apollo flights are scheduled. Nine Saturn V's are either constructed or are under construction; and the funds in the pending bill would permit the continued construction. Nine Saturn 1-B's are either under construction or are fully constructed; and the funds in the pending bill would continue that program.

It is planned to accomplish the nine additional Apollo flights because the mere fact that we have touched down upon one spot of the Moon and explored an area of a few yards around that spot of touchdown is by no means an indication that we know all about the Moon that man would like to know.

It would be just as if Columbus, having discovered this hemisphere, had gone back and reported it and thus satisfied the rest of the world with his report that the Earth was round, that there was a new hemisphere over here, that the road west was not a road which would lead to the edge of the Earth, and that man had not made further exploration or been ambitious enough to continue for 200

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years or more with further explorations to discover just what was in the new hemisphere that Columbus had discovered.

I need not remind the Senate that although that discovery was in 1492, the first English-speaking settlement was in 1607, at Jamestown, a good deal more than 100 years after the discovery by Columbus, and that the next such settlement was in New England in 1620. I do not need to remind the Senate of the consent effort of the English and the Spanish-speaking peoples and other nations to continue the exploration, first, of the eastern part of the continent, and then all the way around South America to explore the western side of it. There was a continuous group of explorations for some 200 or 300 years.

In the case of lunar exploration, the planned operation extends only through the nine flights which I have mentioned, and at the very reduced speed provided for under the pending bill and under the new plans of NASA, which has cut its program as far as it can with safety.

Mr. President, the Saturn 1–B's are, of course, for use in the Apollo applications program. Ordinarily that would mean the use of those things which we have learned in the Apollo program, for the further informing of our Nation as to what are the qualities of our own environment and the close-in environment of space around the Earth.

Mr. President, the committee report supports those two efforts and expects them to continue, although at the reduced rate and reduced financing permitted under this authorization. I want it to be very clear that the report and the bill do not commit the Senate or the Nation to any manned exploration of the planets at their great distances. There is no commitment of that kind in the pending bill.

I believe that every member of the committee would feel it untimely even to consider what our commitment will be after the present planned program is concluded.

Mr. President, I am glad that the distinguished Senator from Wisconsin (Mr. Proxmire) will not continue his effort to cripple the manned space program, the Apollo landing program, as the amendment which I have read, in part, into the Record proposed to do.

Mr. President, the Senator from Wisconsin also offered for printing—and it is shown in the Record on page 26196—a further amendment. It reads as follows:

> On page 10, line 14, strike "$1,691,100,000" and insert in lieu thereof "$891,100,000".

The Senator from Wisconsin said as to the purpose of that amendment:

> Mr. President, the purpose of my amendment is a simple one: It would close down the Apollo program.

Mr. President, I cannot think that my distinguished friend was serious, at least in that second amendment he suggested.

I am glad that he is not going to offer it today, as I now understand. However, I want to make it very clear that the committee, considering the exigencies of the Nation financially, has reduced the program. I am also glad to say that the administration is not asking us to commit ourselves to further exploration of outer space in connection with manned trips to the very distant planets. Those questions have to be reserved for the future.

In the meantime, let us continue and finish the matter we have addressed ourselves to and make a thorough exploration, or as thorough an exploration as can be made under the present program, of the lunar surfaces, so that we will really know something about the moon on a much fuller basis than is possible from the one trip we have made.

Mr. President, so far as the senior Senator from Florida is concerned, he thinks he is as knowledgeable about what has already happened to the space program as a result of this reduction in the budget and as a result of these reductions in our bills as anyone else, because he has a continuous flow of letters from Cape Kennedy.

Mr. President, I have a well considered article published in the newspaper Today of September 14 and I think it should be printed in the Record. It states what is already happening as a result of the cuts already made. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Cape Cutback Causes Morale Slump

> Skidding morale is plaguing Kennedy Space Center, where support teams are preparing Apollo 12 for the launch that will put the second team of astronauts on the moon.
>
> Launch officials, however, expect morale problems to have no effect on the scheduled Nov. 14 launch.
>
> The morale tumble is blamed on manpower cutbacks—more than 5,000 jobs by next July—and a psychological letdown, brought on by the success of Apollo 11.
>
> The project manager for construction of Apollo ships calls the morale problem "a slight slip in desire." An official of the company that builds the Saturn 5 rocket's first stage says it is manifested in "a drop in efficiency." And an executive of the company that builds the moon landing craft terms it "a subtle reduction in alertness."
>
> "Management's most critical job is to crank up the momentum and boost morale," George M. Skurla, base manager for Grumman, said.
>
> John J. Cully, deputy director of the Saturn program for Boeing, said: "Our efficiency has dropped considerably in the last three to four weeks," because of layoffs and ensuing morale problems.
>
> But looking toward Apollo 12, Cully said, "I don't think there's any concern about being able to do the job."
>
> Officials say the psychological letdown represents the natural desire of workers to relax mentally and physically after the rigorous job of getting Apollo 11 started to the moon.
>
> But the major factor in the dual problem is the extensive cutback in jobs, officials feel.
>
> When Apollo 11 was launched last July, 23,600 presons were employed at the moonport. NASA predicts 5,600 of these jobs will be eliminated by next July.
>
> The biggest portion of the cutback is occurring now, however, and most firms say they expect their reductions to be virtually completed by the end of October.
>
> Still, some KSC workers are occupied with the possibility of finding other jobs and new homes. So supervisors have been ordered to watch for mistakes by preoccupied workers.
>
> Bastian Hello, vice president and general manager of launch operations for North American Rockwell, thinks the payroll trimming will leave a better staff.
>
> Technicians, protected by unions, generally are cut according to seniority.
>
> "With engineers, however, we have used a different approach," Hello said. "You make sure you keep the most skillful people. I'm more confident on Apollo 12 because on any individual team we have more skillful people—more knowledge, intelligence and skill. We have the cream."
>
> "The morale of the people remaining will pick up," Skurla agreed. "And when we come up to launch time, it will be just as good as it was on Apollo 11."

Mr. HOLLAND. Mr. President, in order that I may give the real meat of the meaning of the article, it states:

> When Apollo 11 was launched last July, 23,600 persons were employed at the moonport. NASA predicts 5,600 of these jobs will be eliminated by next July.
>
> The biggest portion of the cutback is occurring now, however, and most firms say they expect their reductions to be virtually completed by the end of October.

The point of the article is that the Cape cutback is already causing a morale problem there. Some 5,000 persons at the Cape are now looking for new jobs. To cause a further increase in the problem of unemployment and a further impairment of the efficiency of the launching program, the article states—as do other articles I have seen in the press there and in communications I have had from NASA personnel and others—would be detrimental, because NASA has now adjusted to the condition, and even with the loss of more than 5,000 persons, it can still "run a good show." That is the position of NASA, the newspapers, and the general populace of that area of Florida.

I have before me an editorial from the newspaper Today, dated Wednesday, September 17. It was written by Mr. Homer Pyle and is entitled "No Room for Letdown." I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

No Room for Letdown

> Kennedy Space Center officials report that launch support teams are undergoing a "psychological letdown" after the success of the Apollo 11 moon-shot.
>
> Only natural, we might say, the temptation to rest on one's laurels.
>
> It also is reported that the manpower reduction at the Cape, although anticipated, is causing a "morale tumble."
>
> Understandable, we might say, since no one likes to see his friends and co-workers depart, especially when the same thing may happen to him.
>
> A "drop in efficiency . . . subtle reduction in alertness" are the descriptions of the men preparing Apollo 12.
>
> Only human, we might say, when the above factors are considered.
>
> We might say these things, but we won't.
>
> Actions of the past have taught us not to associate Cape workers with such everyday words.
>
> Superhuman feats are neither natural nor understandable, but they have been performed.
>
> And the situation now requires the mental discipline and professional pride to assure that they will continue to be.

> Anything less is unacceptable, no matter how logical the reasonable may seem.
>
> It's not that ours is a "what have you done for me lately" society.
>
> It's that the recent successes in space which have spoiled us so much must be, as Astronaut Frank Borman described them, "an infant step into the future."

Mr. HOLLAND. Mr. President, the editorial makes it very clear that the attitude of our good people there is not to have any letdown, but to insist that the efficiency of the force which is charged with the preparation for the launchings and with the launchings themselves be in no way impaired by the situation that has already resulted.

I bring this situation into the picture to show that already there has been a real and a very careful cut in the operation of NASA, and that NASA has adapted itself to the new situation and has no thought of doing anything else but to continue efficiently with the program.

Therefore, I deeply regret to hear some of our good people indicating that they think further cuts in appropriations should be made and that further reductions in personnel should be accomplished. To do so would cause a further impairment of the safety and efficiency of the manned flight program, which has been initiated in all cases at Cape Kennedy.

I shall not speak at great length, but I do want to make it very clear that I think the cuts made by the committee and by the administration were necessary under our present fiscal situation. They have been accepted wholesomely by NASA. NASA has adapted itself to the situation. In spite of its regret, NASA will accept in good faith what has been done and will go ahead with the program.

But the idea of further reducing, when substantial reductions have already been made and are now provided for in this authorization bill, is not justified. This is not a case of our authorizing more than the administration wants, or being faced with a question of whether the amounts authorized to be appropriated will not be spent by the administration, because it happens that the administration request and the authorization bill are in the exact same amount and that there are only a few small changes within the itemized recommendations which can easily be accommodated.

Mr. President, I would hate to see any serious effort made to reduce this already skimpy, this already heavily reduced program. I think that to do such a thing in the face of the grand accomplishment of those three fine astronauts on Apollo 11, and in the face of the fact that there are dozens of others who have dedicated their lives already to similar accomplishments, would be a rather cruel blow; and it is not the kind of sportsmanship that I would expect to see of the U.S. Senate or of the people of the United States.

I hope that the recommendations of the committee, as embraced in this bill, will not be in any sense reduced; and particularly do I make my remarks applicable to the manned space program, because that would be the most cruel treatment possible to those fine Americans who achieved the greatest accomplishment that Americans have ever made in the history of this Nation.

Mr. President, I yield the floor.

Mr. DODD. Mr. President, I compliment the Senator from Florida on the scholarly statement he has made concerning the space program. I heartily concur with everything he has said, and I join him in his recommendations.

Mr. HOLLAND. Mr. President, I express my very deep thanks to my distinguished friend.

Mr. DODD. Mr. President, as we debate the NASA authorization bill in the Senate, it is appropriate, I think, to comment on the guidelines that the Space Task Group has recently recommended to the President.

There is a wealth of measured wisdom in the summary of options proposed to the Nation in the guidelines.

Certainly, the short-sighted critics who have denounced our space explorations as extravagances without earthly values will find that the report to the White House provides them more with information upon which to reflect than targets for their scorn.

In addition, it seems to me we should be thankful for the tone of this document. Instead of calling for new, unprecedented efforts to take advantage of the pioneering voyage to the moon and back, a call which would have fallen easily within the acceptable limits of national modesty, the Space Task Group does not tell us what to do. Instead, we are told what we might do.

Moreover, each choice of action has been proposed with a vital and comforting thought in mind for everyone, even those who have been most virulent in their attacks on our highly successful space ventures.

There is freedom, and there is flexibility in the course we are at liberty to elect. And, it is most important, as I see it, for everyone to understand why this is so.

The options have been laid before us, because the programers have recognized that our priorities on earth might change.

The Space Task Group rejected the notion that the United States should protect its space leadership by adopting an all-out, gung-ho program to put an American spaceship and crew upon Mars sometime in 1981.

Instead, the report to the White House noted that there are divergent views about the Government's investments in space. It states:

> These divergent views will persist and must be recognized in making decisions on future space activities.

This attitude, I would like to make clear, coincides with my own convictions on this question.

Like the Space Task Group, I believe that our exploration of the solar system must continue because, as the report says, the moon landing was a beginning, "not an end to the exploration and use of space."

Further, the Space Task Group has no quarrel with those who want to rebuild our cities, clean the air we breathe and the water we drink, and eliminate poverty. I certainly have none either.

Programs to maintain both our space ventures and our commitments to improve life on earth are necessary, and we are able to undertake them.

Moreover, they are complementary. What we achieve in space will directly benefit the existence of Americans on earth.

The report from the Space Task Group reminds us of this fact in even-tempered words. Future journeys to Mars and beyond, these experts say categorically, will return with "significant, direct benefits."

Among these blessings are new industrial techniques; increased national security; improved mastery of the life sciences, including medicine, as well as the physical sciences; improved international relations stemming from our willingness to share our space knowledge with others; and improved educational systems, thanks to improved methods of communications.

I do not believe that any thoughtful American is prepared to stand up and demand the abandonment of our space research. One excellent reason for keeping it going at the pace recommended by the Space Task Group is one that does not tax the imagination of the most uninformed layman.

This reason is employment.

Already the report to the White House reminds us that the total work force in the space program has dropped from 420,000, the peak period of activity in the days before the Apollo launching, to about 190,000 persons.

This indicates that unless we reorient ourselves quickly along the lines set before us by the Space Task Group, more than 200,000 specialists can be lost to this vital segment of the American economy. The cost of their replacement, the time and the money that would be involved in recruiting and training a new army of space workers, staggers our sense of realities.

As a nation, we must be guided and inspired by the message from the President's Space Task Group.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I am about to propose a unanimous-consent request.

It is my understanding that the distinguished Senator from Texas (Mr. YARBOROUGH) has a number of amendments to offer. He has kindly agreed, and the managers of the bill have likewise agreed, that, if the Senate concurs, it would be possible to enter into a unanimous-consent agreement at the conclusion of his opening remarks.

Therefore, Mr. President, on that basis, I ask unanimous consent that an hour of debate be allowed on each amendment offered, the time to be equally divided between the manager of the bill and the sponsor of the amendment, and that an hour be allowed on the bill itself.

The PRESIDING OFFICER. Is there objection?

Mr. ANDERSON. Reserving the right to object, how many amendments are there?

Mr. MANSFIELD. A couple of amendments.

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Mr. YARBOROUGH. Mr. President, I understood, in speaking to the majority leader, that on the first amendment, which will take the most time, we would have 30 minutes to explain the amendment and 30 minutes to a side after that; and after that, 30 minutes to a side, total time. But in the major explanation, we would have 30 minutes to read and explain every amendment, and then 30 minutes to each side, because several Senators want to speak for the amendment.

Mr. MANSFIELD. An hour on each amendment and an hour on the bill, the time to be equally divided between the sponsor of the amendment and the manager of the bill, the time to start running after the opening remarks of the Senator from Texas.

Mr. YARBOROUGH. I have no objection.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. YARBOROUGH. Mr. President, I call up my amendment No. 128 to the pending bill, H.R. 11271.

The **PRESIDING OFFICER.** The amendment will be stated.

Mr. YARBOROUGH. Mr. President, I send to the desk a substitute for that amendment and ask that the substitute be reported instead. I ask leave to substitute this instead.

The **PRESIDING OFFICER.** Without objection, the substitute amendment will be printed in the Record.

The substitute amendment is as follows:

On page 10, line 14, strike out "$1,691,100,000" and insert in lieu thereof "$1,727,800,000".

On page 10, line 15, strike out "$225,627,000" and insert in lieu thereof "$354,827,000".

On page 10, line 20, strike out "$20,400,000" and insert in lieu thereof "$27,400,000".

On page 10, line 21, strike out "$128,400,000" and insert in lieu thereof "$138,400,000".

On page 10, line 24, strike out "$27,500,000" and insert in lieu thereof "$30,000,000".

On page 10, line 25, strike out "$33,550,000" and insert in lieu thereof "$35,000,000".

On page 11, line 1, strike out "$22,100,000" and insert in lieu thereof "$23,600,000".

On page 11, line 2, strike out "$20,250,000" and insert in lieu thereof "$21,400,000".

On page 11, line 4, strike out "$36,950,000" and insert in lieu thereof "$39,900,000".

On page 11, line 6, strike out "$22,850,000" and insert in lieu thereof "$28,100,000".

On page 11, line 7, strike out "$77,700,000" and insert in lieu thereof "$80,900,000".

On page 11, line 8, strike out "$278,000,000" and insert in lieu thereof "$293,000,000".

On page 12, lines 3 and 4, strike out "$637,400,000" and insert in lieu thereof "$643,750,000".

Mr. YARBOROUGH. Mr. President, the modification reduces by $40,600,000—that is the only change—the amount of authorization by which we seek to increase the bill with the original amendment.

We have before us today for consideration H.R. 11271, an authorization for the National Aeronautics and Space Administration for fiscal year 1970. The purpose of my amendment is to raise the Senate committee's authorization to the amount of authorization in the House bill, less $40.6 million by which my amendment was reduced by the modification just offered.

As shown by the report which was filed with the bill, the Senate committee reduced the House action by some $256 million. The House authorized for the NASA program, for fiscal year 1970, the sum of $3,966,377,000. The Senate committee action cuts $256 million out of that, and would limit the authorization as shown by the report to $3,715,527,000.

Mr. President, all my amendment seeks to do is to raise the authorization to the House level, except that it would still be $40.6 million less than the House authorization. I wish to repeat that this is not an effort to raise the amount of the authorization beyond the House. Everybody knows how parsimonious the House was. This would merely restore part of the authorization that the Senate committee cut out.

Since its creation in 1959, I have been a consistent supporter of the NASA goals and the money which has been needed to accomplish those goals. In 1961, President John F. Kennedy set for NASA and for America the visionary goal of putting a man on the moon and returning him safely by 1970.

I heard people say that it was incredible and that it could not be done. People said we could not put a man on the moon and return him by 1970. In perhaps the greatest display of successfully combining the energies and dedication of its people that any nation has ever known, we accomplished this goal within the allotted time.

After having stated that goal in Washington several times in 1961, President Kennedy stated that goal again at Rice University in the summer of 1962. I heard him set that goal again on the 21st of November, 1963, the day before his untimely death, as he dedicated the School of Aerospace Medicine at San Antonio, Tex. Over and over again that goal was repeated. People said it could not be done, but it was done.

There can be no question that we as a country are committed to the peaceful exploration of space and our own planet from space.

But though the decision to continue the exploration of space generally is a foregone one, the questions of how and what rate we proceed are much more difficult and controversial. Where shall we go first? How fast? Manned or unmanned? Cooperatively or competitively? President Nixon's Space Task Group has recommended that we defer a Mars landing for a decade and concentrate our efforts on exploring and colonizing the moon and on developing large orbiting stations that can stay in space with several men aboard for long periods of time. These goals are the minimum we should set for ourselves in the coming decade. I want to make it clear at the outset that the moneys sought by the amendment before us are, in my opinion, absolutely necessary to make the attainment of these goals possible.

By "these goals" I mean the limited goals of the President's Space Task Group. My amendment would not contemplate going beyond the distance man has already gone, but just complete the job and the exploration.

We are at a crucial point in our space program. We have heard the Senator from Florida tell us how thousands of persons are being laid off in Florida and thousands of persons are being laid off at the Manned Space Center in Texas.

This is not just a laying off of workers who might be rehired tomorrow. This is the breaking up of scientific teams. It lowers the incentive for new scientists to enter the program. As they see the teams break up and progress slow down, they want to go where there is the greatest forward motion, whether it is in the Government or in private business. We may be slowing our space effort down to the point where it may be difficult to regain what we have lost once the difficult war in Vietnam is ended.

I wish to point out that if my amendment is agreed to, the total amount of money authorized by this bill will still be less than $4 billion. I point out that we spend $3.6 billion on the war in South Vietnam every month, some $36 billion a year.

If my amendment is agreed to, we will still be authorizing for this program less than one-ninth of what we are spending on a fruitless war in South Vietnam every year.

Although manned flight has been expensive, in this period of creating the most advanced capabilities, we have tried to maintain a balanced program in support of science, exploration, practical applications, and defense. Now that we have paid the price to build a broad capability, some people are saying that after one landing with a few minutes of walking on the surface of the moon, the time has come to disassemble much of our capability. We are dealing with complex operations which have a certain overhead of large supporting staff, or facilities for building, testing, assembly, and tracking which must be maintained if we are to fly at all. The marginal cost of each additional flight to exploit what we have built is minor compared with what it cost to erect this system.

A token pattern of space flights spread over a longer period of time simply is not practical, economical or logical. Either each flight would carry an inordinate burden of overhead with many idle hands through much of the year, or we would have to take shortcuts and skimp in ways which would court disaster in safety and provide minimal results. Now that we have the capability, we should proceed at a steady, moderately brisk pace while the teams are intact to learn what we can about the moon, and to pursue further work with these systems in earth orbit which will pave the way to wider applications in future space stations.

Much of the present criticism of our space program is grounded upon an analogy drawn from our experience with defense spending. But the analogy does not hold true if the purposes, budget history, and benefits of the space and defense programs are scrutinizingly compared.

While our venture in Vietnam has brought into question the fundamental purpose of our military programs, no one can dispute that the basic purpose of the space program is one of peace. Indeed, there is every evidence that cooperative efforts generated by our space probes have substantially enhanced the long-range prospects of genuine cooperation and peace between the two great powers, who as deadly adversaries engaged in a nuclear face-down as recently as 1962. In this connection, Dr. Charles S. Sheldon, Senior Specialist with the Science Division of the Library of Congress, who is recognized as an outstanding authority in space diplomacy has this to say:

> In some sense, cooperation already exists. There is a considerable exchange of information at meetings of scientists and engineers, and data are filed at the United Nations. There have been treaties negotiated on excluding weapons from space, not making territorial claims to other celestial bodies, and rescuing astronauts.
>
> Further, there have been specific plans for trading of space-collected weather pictures over the "cold line" between Suitland, Maryland and Moscow. There is a joint effort underway to write a textbook on space biology. There has been some coordination of efforts on geomagnetism.

Mr. President, the analogy to the defense budget does not hold water for the further reason that there have been many drastic reductions in the space budget while there have not been drastic reductions in the defense budget.

I wish to point out that we spent $5.932 billion on space in the fiscal year 1966. The amount authorized in the committee bill would be $3.715 billion, only 62.5 percent of what we actually spent in 1966.

Mr. President, the present occupant of the chair (Mr. PROXMIRE) is one of the most knowledgeable men in Congress on governmental expenditures. I point out to the Senate and the distinguished occupant of the chair that this is a reduction of 37.5 percent from the 1966 actual expenditures. There has been no comparable reduction in the exaggerated defense spending. Defense spending goes up every year.

This scientific program of NASA and the discoveries resulting therefrom have been tremendous, and will benefit so many phases of our life, including medicine and many others. This is an exploration program. It involves the study of man, biomedics to learn about man. We have cut back 37½ percent on that also. My modest amendment would restore this figure to the level of a very thrifty House authorization.

We must recognize that year after year NASA and the Congress have been cutting the space budget.

The budget for NASA has been as follows: $5.425 billion in 1967, $4.723 billion in 1968, $4.249 billion in 1969. Now, the authorization proposed by the committee is $3.715 billion.

We must remember that the Appropriations Committee seldom appropriates the amounts authorized. We should authorize this and have the hope that the Appropriations Committee will stop the disassembling of the space program.

For an example of how the NASA budget has been reduced, in fiscal year 1968, $5.1 billion was requested and Congress authorized $4.86 billion; in fiscal year 1969, the request was reduced to $4.37 billion, and the authorization was reduced to $4.0 billion even. This is a reduction in both request and authorization in just 1 year of almost 20 percent of the budget. By comparison, while NASA was reducing its budget, the Air Force and the Department of Defense requested a net increase of over $515 million in the fiscal year 1970 budget over that for fiscal year 1969 for astronautical space and research and development programs.

In other words, the Department of Defense is asking for a net increase of one-half billion dollars in fiscal year 1970 over its 1969 fiscal year request for astronautical space and research and development programs. When that increase is compared to the Senate committee's reduction in NASA authorizations, it appears to me that we may be facing the beginning of a gradual phasing out of NASA and the transfer of our space effort to the Defense Department, thus turning it into a weaponry system. If this occurs, it will defeat the purpose of scientific exploration to which NASA has dedicated itself.

Mr. President, I ask unanimous consent that a budget history summary of all NASA appropriations be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, third, let me mention just a few of the direct benefits of the space program.

The computer industry now provides our Nation with over 800,000 jobs, and has added $20 billion a year to the gross national product.

Mr. President, our modern computer systems were developed largely as a result of research by NASA. They had to have computers that could make hundreds of thousands of computations to be used in one flight.

The Mariner spacecraft has taken intriguing pictures of a part of the surface of Mars and has sent back valuable scientific data about our cloud-wrapped neighboring planet, Venus. That will be very valuable in the study of electronics.

Our communication satellites are commercially owned and are giving us routine coverage of world events on a regular basis, at a profit.

Worldwide weather coverage from space has reached operational status. Weather satellites are sending back valuable pictures of the earth's cloud cover and to weather stations on a routine basis.

This information alone would be of vast aid to the people of the world in the course of time.

Right now, we know that it aids us in forecasting hurricanes, where they come from, and where they are going. Pictures from space will help us to tell the people about these hurricanes so that they can leave their homes and go to a safe place. It will save many lives as a result of this research.

We all remember the greatest natural disaster in our Nation's history, which occurred on September 8, 1900, at Galveston, Tex., where 6,000 lives were lost in one night because a hurricane swept over the area without any advance notice to the people there. This research will prevent this from ever happening again.

Research by the U.S. Navy has provided the basic technology and procedures for first generation navigation systems utilizing satellites.

The Navy's transit satellites have demonstrated the use of space technology to provide both surface vessels and submarines with precise position fixes in all kinds of weather. Furthermore, these fixes are accurate within yards whereas celestial navigation involves possible errors of miles.

In the field of geodesy—a scientific discipline concerned with determining the shape and size of the earth and its gravitational field—more was learned in the first few months of the satellite geodesy than in the previous two centuries.

In the exciting new field of X-ray astronomy, celestial sources of X-rays were first discovered via sounding rockets and over 40 X-ray sources have been observed. The discovery of the Van Allen Radiation Belt was a major scientific achievement of our space program.

Pictures taken by our Gemini and Apollo astronauts with their hand held cameras reveal heretofore unrecognized geological features on earth of interest in the geological field.

Some Gemini photographs have been interpreted by geologists to reveal some promising possibilities of detecting oil and mineral deposits in remote areas of our globe.

Computer technology, power conversion systems, structural and fabrication techniques, as well as management systems, are benefiting as a result of our space efforts. There are new products and new processes, new companies and whole new industries.

The requirements of the space program for a worldwide communications network demanded major improvements in the state of art of computer technology. The computer complex at Houston that handled the Mercury flights performed 1 million calculations a minute. Today's Apollo system handles 50 times that many—50 million calculations a minute—80 billion in a day.

There are not enough people on this globe, if people had to do it, to feed that much information into a central source. There are not enough people on earth to individually make the vast number of 80 billion calculations in a day.

Lastly, I need not remind my colleagues about the dramatic disclosures made just a few days ago concerning the contents of the moon rocks and of the practical and scientific possibilities revealed by their analysis.

Mr. President, if people are ignorant about their environment, they are not apt to go very far or last very long. This knowledge about the moon is invaluable because it will help us to understand the planet on which we live. It will help unlock the secrets of nature, which will ultimately succeed in improving the lot of mankind.

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The technological foundation producing these many benefits must continue to be strengthened and broadened. We are weakening them with this bill. We do not have surplus revenue to allow ourselves the luxury of a stop-and-go space program. A stop-and-go effort is the most expensive way of all to develop anything.

The present momentum of the space program compels us to authorize more money than is authorized in the bill now before us. Otherwise, we will be engaging in a tragic game of false economy. An example of this has been amply demonstrated in connection with the biosatellite missions. Unfortunately, NASA has canceled the remainder of the biosatellite program. Last December, the two 21-day biosatellite missions were terminated, and under the revised NASA budget submitted to Congress in April, one of the two remaining 30-day biosatellite missions was also canceled.

It has been estimated that cancellation of biosatellite F would result in at least $2,000,000 in unrecoverable hardware costs, and if an appropriate portion of the development costs of the 30-day satellite were assigned to biosatellite F, the amount of unrecoverable costs would be many millions more.

Another example is the research and development of an earth-orbiting space station and low cost transportation. The House voted $75 million for these projects. The Senate committee reduced this to the Nixon administration's request of $9 million. To me, this is a very unwise reduction. Whoever wants to be ahead in defense or wants to be ahead in military technology has got to be in the front in space. If we do not stay ahead in space, it is futile to think that we can, with the slow machines on earth, stay ahead in anything.

Mr. President, I was there when the Apollo 8 left last December for the moon on the first manned flight to the moon. I was there again last July when Armstrong, Aldrin, and Collins left for the first moon landing. I saw the launching that cost $500 a pound to lift the rocket that had 7.5 million pounds of fuel in it, standing 34 stories high. I will never forget the size of that great machine, in the first light of dawn at Cape Kennedy in December of 1968, when it was dark and a great white light was around it like a beacon. And then as it lifted, the fire came out like a giant phoenix bird and it began to rise above the flames, very slowly at first, and then it seemed just to tremble and to suspend itself in the air. I told one of the engineers that I felt nervous, that I did not feel safe until it had got to the top of the gantry, and he said to me, "I never do."

At the time the bottom of that space rocket 34 stories high passes the top of the gantry, it is still going so slow that it is moving only at the speed at which a man can run on earth. Then it goes on, as we know, 5,000, 10,000, 15,000, 20,000 miles, gaining speed all the while until it eventually travels at a fantastic rate.

When that great space vehicle took off for the moon with Borman, Anderson, and Lovell in December, I heaved another sigh of relief. I said to another scientist, "I did not feel safe until it got to the moon." He said:

> I won't feel safe until the retrorockets fire and get them back to the earth.

So these scientists have as much in that program as the men who fly in the vehicles, but if we disassemble those teams we will have trouble getting them back.

The average cost today of putting a payload into orbit is $500 a pound, and those vehicles burn 600 pounds of fuel in the first few minutes.

We have the potential technology now, if we keep up with our research and experiments, of reducing this cost to $50 a pound. If we could, we would save $450 a pound, and cut the cost from $500 a pound to $50 a pound to lift the vehicle. But we cannot disassemble the research teams and continue the experimentations and succeed in getting the cost reduced to that.

There can be no question that we will continue to send satellites and ships into space. The American people would not support stopping that program. The American people are adventurous. They have seen enough of these flights on television and have had them explained to them in lay language, that they want to continue our space effort. But I do not believe the American people fully know the great benefits that can come to industry, science, technology, and our society as a result of these flights.

For an additional modest investment now, we can save substantial tax dollars in the future.

By the unparalleled combined efforts of Government, industry management, labor, the scientific and educational communities, and all taxpaying Americans, the vision of President Kennedy in 1961 has become reality in 1969. And what a remarkable achievement this has been. But the lunar touchdown is only the first step. Congressman MILLER of California in the debate on the floor of the House, with unusual articularity, explained why the Congress must not authorize less than that authorized by the House:

> Our logical next step will be the exploration of the Moon and to conduct other programs in near and far space.
>
> Lunar exploration is of the greatest national importance—for furthering our scientific knowledge, for determining the better potential for using the Moon as a base, and for demonstrating our international leadership in the exploration of space.
>
> The moon has particular scientific interest and potential direct benefits because of its close association to the Earth.
>
> A number of landings are necessary to establish an understanding of the origin, history, processes, and present state of the Moon and its relation to the Earth and the solar system.
>
> It is now expected that at least 10 landings will be needed at various distinct areas to gather data rquired for the major decisions on future uses of the moon.
>
> The other lunar landings will continue to increase our lunar knowledge from the experience we gained in each previous lunar landing. Production of the flight hardware for accomplishing these missions is being completed, the trained missions teams have been assembled, and following the first flight and on succeeding flights, precision landings will be made in different areas where significant economic features and important processes have been identified.
>
> At the same time, we must carry out our operations in a way that maximizes safety and effectiveness in an operational sense. A steady, reasonably spaced launch rate is the most economic and efficient use of facilities, hardware and personnel.
>
> Undue spreading or gaps in the sequence will result in major adverse effects in safety, reliability, costs, and maintaining of trained teams.
>
> The effect of delaying this project by inadequate funding will require that NASA fly missions that do not effectively use the hardware that has been produced in Apollo. Missions would be flown without surface science package, without provisions for extension for staytimes or increased astronaut mobility.
>
> The only alternative for this inefficient use of hardware would be to introduce an undesirable and costly gap in the flight sequence.

My amendment is simple. Except in two instances it increases the NASA authorization above that reported by the Committee on Aeronautical and Space Sciences to the amount authorized by the House on each item where the House authorization was higher. Where the House authorization was lower the amendment makes no change.

Mr. President, I have modified my original amendment to reduce by $40,600,000 the total increase I had asked for. The cut relates to two items, the Apollo program and launch vehicle procurement. This reduction has become necessary because there has been a lapse of several months. We have cut it back because of the time loss.

My original amendment is modified to reduce the requested increase for the Apollo program by $39 million, which would thus make it $39 million less than the House figure. That $39 million is not needed now due to the rescheduling of the Apollo flights after the successful Apollo 11 launch. If the Apollo 11 flight had aborted, they were going to be ready with another. Since Apollo 11 worked so beautifully, they are not going to have to make the emergency shot and they have been able to otherwise reschedule their flights. That is the reason for the $39 million reduction in my original amendment.

The other reduction in my original amendment pertains, as I said, to launch vehicle procurement. I had originally asked for an increase in $1,600,000 for that item but that amount was for a Delta launch vehicle for the biosatellite program. Since launchings under that program have been canceled this increase is not needed.

Mr. President, I ask unanimous consent that an itemized breakdown of these figures be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

NASA AUTHORIZATION

H.R. 11271—SENATE REPORTED

[Dollar amounts in thousands]

Research and development	Senate committee	Yarborough increase	
		Amount	Percent
1. Apollo	$1,691,100	$36,700	4.5
2. Space flight operations	225,627	129,200	56.8
3. Advanced missions	2,500		
4. Physics and astronomy	117,600		
5. Lunar and planetary exploration	138,800		
6. Bioscience	20,400	7,000	34.7
7. Space applications	128,400	10,000	7.8
8. Launch vehicle procurement	112,600		1.4
9. Sustaining university program	9,000		
10. Space vehicle systems	27,500	2,500	9.0
11. Electronics systems	33,550	1,450	4.3
12. Human factor systems	22,100	1,500	6.8
13. Basic research	20,250	1,150	5.7
14. Space power and electric propulsion systems	36,950	2,950	7.4
15. Nuclear rockets	50,000		
16. Chemical propulsion	22,850	5,250	23.0
17. Aeronautical vehicles	77,700	3,200	4.1
18. Tracking and data acquisition	278,000	15,000	5.4
19. Technology utilization	5,000		
Research and development, total	3,019,927	215,900	8.5
Construction of facilities	58,200		
Research and program management	737,400	6,350	1.0
Total	3,715,527	222,250	7.0
Authorization with Yarborough amendment, total		3,937,777	
House authorization		3,966,377	

Note: Yarborough amendment agrees with the Senate increases above the House authorization in 2 items: 4. Physics and astronomy $5,000,000; and 5. Lunar and planetary exploration $7,000,000.

Mr. YARBOROUGH. My proposed $36,700,000 increase in the Apollo program and $129,200,000 increase in space flight operations, the latter being a very substantial increase percentagewise, may be summarized as follows:

First. A total of $32.1 million has been proposed for reducing the cost of manufacture, assembly, and start of the Saturn V vehicle.

Second. A total of $4.6 million has been proposed above the Senate committee authorization for lunar exploration so that in flights subsequent to the lunar landing our astronauts may extend their range of exploration and spend additional time on the lunar surface and have sufficient equipment to allow a significant return of information of each flight.

This last item, $4.6 million, is not large. It is to permit further research and development of the space suit. The ones in which our astronauts walk on the moon are very bulky. Research is going forward on them. Without such a suit development, each flight will be more limited in time and accomplishment. This development is to give the astronauts lighter suits, with more flexibility, more mobility, greater possibilities of doing research when they are on the moon.

Space suits are absolutely necessary to sustain life in the vacuum of space. Oxygen and other elements are captured in each space suit, something approximating the environment here on Earth. The suit makes it difficult for the astronaut to move around, with the oxygen pressure, heat and cooling. NASA wants this opportunity to do greater research to enable spacemen to bring back more samples of minerals and other types of substance from the moon. The extra $4.6 million is for the development of a parallel, alternate means to increase the opportunities for future spacemen to be able to move more easily on the surface of the moon.

We have a great cost in building these machines, getting them to the moon, and here is a relatively minimal cost for creating an environment for man so he can do more once he is on the surface of the moon and get more and greater information from each flight.

We have all been stirred by the moon flight, but those who have been stirred more than anybody else have been the scientists of the world. I have flown with some of them since then. One will come up to me and say:

> I am a scientist from such and such a university. I wish I could get hold of a piece of the moon rock or substance.

The scientists of the world have had their imaginations stirred.

Third. The amended budget reduced the Apollo applications program by $57 million. Production of the last two Saturn I–B vehicles has been suspended and the start of the Apollo applications program has been delayed by at least 5 months. The availability of backup hardware for the Apollo applications program missions has also been delayed. However, the further delay of the Apollo applications program can only adversely affect our development of space for utilitarian gains and jeopardize the orderly development, in the 1970's, of a space station. Both the workshop of the Apollo applications program and the astronautical telescope mount will be our Nation's first major capability in a manned workshop and manned scientific observatory in space. For these reasons, the amount authorized by the House, which is $57 million higher than the Senate committee authorization, should be approved.

Fourth. The Nation has only two large payload launch vehicles—the Saturn I–B and the Saturn V. We have built 12 Saturn I–B's and we have completed 10 of 15 Saturn V's. Unless funds are provided for long leadtime items in this budget, the Apollo program will come to a halt. With the completion of the 15th Saturn V in 1970, even with the funds provided in this budget, Saturn V production will be stopped for 18 months and then restarted in 1973. Up to 42 months are required for some of the long leadtime items. The Nixon administration added $46 million for this effort, and based on testimony before the House committee, the House added $6.2 million above the Nixon budget for the purpose of Saturn V long leadtime hardware. My amendment restores these amounts, cut out by the Senate committee.

Fifth. The House, during this year's authorization process, received extensive testimony of the future of our national space effort in 1970. The desirability of developing large manned orbital space stations with earth oriented applications and the development of a low-cost reusable shuttle to travel between earth and space station were extensively examined. The early development of such a shuttle should provide a new era in transportation by being fully recoverable and therefore lower costs. The conclusion becomes inescapable that to assure an adequate national space effort and at the same time reduce the total cost of operations in the 1970 period, the early definition and development of both a space station and a low-cost reusable shuttle is of paramount importance. Therefore, the House added $66 million to the Nixon administration's request for space station and space shuttle design activity. It has been represented to me by some of the most knowledgeable people on space, that this item is the single most important activity for our Nation to assure an adequate space effort in the middle 1970's and beyond. My amendment would restore this amount to the Senate committee authorization.

Mr. President, we have heard it said that NASA has already adjusted itself to the reduced amount in the budget and in the Senate committee bill. Maybe they have. But that is kind of like a shotgun wedding. With the gun cocked and the pistol right against our heads, what else could we say? But I would refer back to Director Paine's statement of last October.

Dr. Paine said they needed more than $4 billion as a minimum to do this work. My amendment would bring the authorization up close to the amount Dr. Paine said was necessary. So, if we tell them, "This is all you can have, and you can't get any more," yes, NASA can adjust because it has to. But it means cutting back on the programs I have outlined, and many more.

Item 6: One of the largest reductions in the line items of research and development has occurred with regard to the bioscience program. The Nixon budget reduced the original NASA request for funds by $12 million. The House voted to restore this authorization, but cut $5 million in supporting research and technology funds for the bioscience program. This resulted in a new increase by the House over the Nixon budget of $7 million. The Senate committee cut the authorization by precisely that amount, which is a 34-percent deduction. My amendment restores this cut. More recently, because of the failure of the 30-day biosatellite mission, we are now left with no flight program at all, and still in need of the information which we had hoped to obtain. Since the objectives of the bioscience program are still of paramount interest, now, more than ever, funds are needed in ground based research so that beneficial results will be obtained when the biosatellite flight program is resumed. I consider that item of my amendment, restoring the $7 million, specifically for the supporting research and technology of bioscience, to be of high priority.

Item 7: The testimony before the House indicated that the space applications program should receive greater

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emphasis. The earth resources survey project is of special interest. The House voted to increase, by $10 million, the amount requested by NASA for support of space application for fiscal year 1970. This would make available $24,100,000 for this purpose during the forthcoming fiscal year. The Senate deleted the $10 million increase, but I believe such a deletion would too severely restrict us in our efforts to capitalize upon our space technology in this important scientific area.

Let me repeat, Mr. President, that is the earth resources survey project, surveying the resources of this planet we live on.

This $10 million increase also includes $3,250,000 for the express purpose of accelerating the availability of ATSF and the development and procurement of 500 experimental rooftop antennas. This would permit the application experimentation to extend biomedical and educational communications to remote hospitals, clinics, and schoolhouses which are not, and could not otherwise be integrated into traditional networks of the United States, and thus increase the dissemination of learning and knowledge in the United States.

Items 10 to 14: My amendment seeks an additional $9,550,000 for the small conglomerate. The Nixon amended budget reduced the amounts sought for each of the conglomerate programs in the following amounts:

Space vehicle system	$2,500,000
Electric system	1,450,000
Human factor system	1,500,000
Basic research	1,150,000
Space power and electric propulsion system	2,950,000

After a careful review of the testimony concerning this program, the House restored these cuts, but the Senate committee eliminated the restoration. I believe we would be penny wise but pound foolish if we adhere to these cuts. I urge the Senate to authorize the amounts requested in the Johnson budget and approved by the House.

Item 16: For chemical propulsion, NASA initially requested $25,100,000. In the revised budget NASA reduced this request to $22,850,000. After extensive testimony on the subject the House added $5,250,000 for a total of $28,100,000, of which $2,250,000 was to restore funds cut by the budget amendment and $3 million is for an increase in large solid motor work. The evidence preponderates in favor of the 260-inch solid rocket motor program because of its inherent simplicity, reliability, and potential for achieving major cost reductions in payload cost per pound. The next major logical step in this program is the fabrication of a full-length test booster with a movable nozzle.

Item 17: NASA initially requested $78,900,000 for aeronautical vehicles. The budget amendment reduced this amount by $1,200,000 to $77,700,000. To the initial request of $78,900,000 the House added a modest increase of $2 million for a total authorization of $80,900,000 for use in structural analysis—mainly in helicopters; for vertical/short take-off and landing; and for vertical/short take-off and landing noise source analysis. The House also restored the $1,200,000 cut by the Nixon budget amendment. Therefore, the total amount recommended by my amendment for authorization is $80,900,000 for aeronautical vehicles, an increase of $3,200,000.

Item 18: For tracking and data acquisition, NASA initially requested $298 million, which was $13.8 million more than the fiscal year 1969 operating plan and $8.2 million more than was authorized. The requested increase was attributed primarily to increasing workloads of the three major networks: Satellite network, manned space flight network and the deep space network. The material submitted by NASA in their presentation before the committee generally supported the NASA contention that the workload on all of the networks in the tracking and data acquisition area will increase in future years, including fiscal year 1970, both as to quality and complexity of data to be acquired and processed.

The Nixon budget reduced NASA's request by $20 million. This reduction would result in: First, deferral of all planned improvements to the networks; and second, deferral of improved communications. Additionally, other reductions would be necessary.

Testimony before the House justifies real concern about impairing network capabilities. Taking into account the issues of improved efficiency and more intensive scrutiny of requirements being placed on the three operational networks an increase of only $15 million to the amended budget was made by the House. This action resulted in a recommended authorization of $293 million, which was still $5 million less than the initial NASA request. The Senate committee cut the $15 million added by the House and my amendment seeks to restore this cut.

Research and program management: For research and program management, the Johnson and Nixon budgets were identical at $650,900,000. The House cut this figure by $7,150,000 to a lower total of $643,750,000, and the Senate committee cut another $6,350,000 from the total. I believe the Senate committee cut is too sharp a reduction for our fiscal year and my amendment would simply reverse the reduction for research and program management $7,150,000 under the Johnson and Nixon budget requests.

Mr. President, I plead with my colleagues to support this amendment. The total increase in the NASA budget I seek is only 7 percent. And it comes out to less than the House of Representatives authorized. I seek to raise the Senate committee figure, but not by as much as the House-passed figure. We all know that I am not overstating the case when I say that this 7 percent could mean the difference in a bright and vigorous life or a slow and tortuous death for our space program.

Mr. President, I am not making this speech out of the clear blue sky. I have information on this. I am not going to call the names of the people who have given me that information; they might become part of the reduction in force. But these figures I have stated are based on the facts of life. For example, I have communicated with Representative OLIN TEAGUE, chairman of the Manned Space Flight Subcommittee of the House committee, who has termed an authorization of less than $3,800,000,000 a "going-out-of-business level of effort." The Senate committee's authorization totals only $3,715,527,000.

I have here an extremely incisive letter from Representative TEAGUE, dated September 10, 1969, which discusses in detail the many reasons why we should authorize what my amendment proposes. I shall not take the time of the Senate to read it now, Mr. President. I consider it unanswerable, but I ask unanimous consent that the letter from Chairman TEAGUE of September 10, 1969, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. YARBOROUGH. Mr. President, to authorize less than $3.9 billion will necessitate an immediate breaking up of NASA teams and the costs of later reforming these teams, if we do reform them, will far exceed the amount it would cost to keep them intact while we explore the moon.

It is difficult to estimate the high costs of changing priorities in problems of technology. We have been through a major effort of building up a strong capability in space, investing not only much national treasure but also the careers of scientists, engineers, and workmen of America, and the capital of private companies to a certain set of expectations. We proved our capability to be foremost in the world in such an endeavor. Now if we were to disassemble these teams, we would return ourselves to the vulnerable position we fought against all the years from sputnik and Gagarin to Apollo. It would take time and money to reassemble teams and to repurchase or reconstruct factories. Also, we would have trouble recruiting top talent which once before had been led down the garden path, and then cast aside. Many would elect to stay in safer fields, less subject to Government whim. As Representative TEAGUE pointed out, for the last 18 months our aerospace industry has been declining in employment at the rate of 4,000 to 5,000 people per month.

Not only that, but when we blow hot and cold on major projects, we must take into account the long leadtimes involved in advanced technology. Time lost in certain aspects of development can never be made up at any price, even with overtime and incentive pay. The only way to protect the leadtime elements in the present modest program, already reduced to less than two-thirds of earlier NASA budgets, is to keep intact the program as planned, planning which was done with care over many years.

Mr. President, the Aeronautical and

Space Sciences Committee, headed by its distinguished chairman, the Senator from New Mexico (Mr. ANDERSON), for whom I have the highest respect as one of the all-time great Members of this body, has, I am sure, done its best to provide NASA with a viable budget within the framework of the economic exigencies of the times. I want to compliment the committee on its hard work under such difficult circumstances. We know, from the remarks of the Senator from Florida (Mr. HOLLAND), that it is difficult to find a more knowledgeable man than he.

But the fact remains that we are faced with a choice: Whether to authorize a program that will constitute a phasing out of our initiatives in space or whether to authorize sufficient moneys to maintain our present momentum. In my opinion, we should by all means do the latter. The clear and present danger to our space program is eloquently characterized in the staff study for the Subcommittee on NASA Oversight of the Committee on Science and Astronautics of the House:

> Finally, after an investment of billions of dollars in men and materials by the American taxpayers, the space program now has reached a stage of maturity where it appears possible that vast dividends can be returned to not only the American people, but to people everywhere, by prudently capitalizing upon the great investments already made. New and improved programs in communications, weather forecasting, navigation, and earth resources planning and utilization appear to offer enormous potential to the United States and to the entire world. Although the United States is just beginning to understand the unique ability of man to perform effectively in the space environment, NASA's Mercury and Gemini programs have demonstrated that many mission objectives can best be accomplished through manned space flight. There is the danger, however, that unless a commitment is made soon to take advantage of these unprecedented capabilities, the space leadership which has taken this country so long to develop could dissipate rapidly. The time has come to rededicate NASA to the exploration and exploitation of space for the benefit of all mankind.

Let me repeat, Mr. President, that what the House budget would do is less than two-thirds of what we were doing 2 years ago. The NASA budget is already cut more than a third since fiscal 1966.

While the amount of authorization my amendment would add is small, we have now gotten to the critical stage where everything hurts and any further reduction below the House figure would be critical.

What is important to us today is that the space program must bridge the gap of the next 5 to 7 years while the new generation of vehicles is defined and created. To hold together the teams and the national capability will require that we continue to fly our existing vehicles, carry out that overhead cost, while setting aside the necessary resources for the new systems.

All we have is kind of a holding operation today. It is an effort to hold what we have already done with reference to the exploration of the moon. Then, in the latter part of the 1970's, we can expect a smooth transition into the new age of regular space flight—a period which will see manufacturing in earth orbit, economical launch of unmanned scientific probes to other parts of the solar system, the economical maintenance and repair of earth-orbiting applications satellites, and further manned exploration, but at a far lower cost than we would pay with a stretched-out use of today's first-generation vehicles.

I reemphasize that no moneys are sought in this amendment for highly questionable excursions into deep space. Rather this amendment seeks to prevent a breaking up of the ship of space on the rocks of regression.

If we were about to embark upon some dramatic new space venture, I suppose my task might be easier. The task would be easier if someone were to say, "I have a new adventure. Let us go to Mars."

But we are at the undramatic hardworking in-between stage where we must follow up the glory of putting man on the moon with the less exciting, tedious work of exploring the moon. And we must preserve the integrity of NASA and the space program while we plan their future. And that is what this amendment is designed to do. It precludes stop and go; it prevents a gradual dismantling of the structure we have labored so long to build.

I would like to get a piece of the moon substance in my laboratory, if I were a scientist, to see if I could discover a new element. Think of all the new elements that science has produced over the centuries. Many scientists want to discover new elements. Who knows what elements will be on the Moon? Think of the benefits that such discoveries will mean to all mankind. Think of the benefits that have been bestowed already upon people from past discoveries. Think of how it has changed the lives of people and the manufacture of goods.

I recognize that the many demands for Federal funds make the reconciliation of priorities a grueling task. As I stated on the floor when this amendment was offered, my work as chairman of the Committee on Labor and Public Welfare has made me fully aware of the "extremely pressing needs of poverty, health, education."

I do not put that second to space exploration. I only ask for some stopgap measure to keep the project going and keep it from being disassembled.

The list of claimants on our fiscal resources is long, and many of those problems cannot be ignored or postponed. At the same time, I do not regard space flight as a rival, or an alternative, to solving the social and economic problems here on earth. Instead, I see space as a contributor and benefactor to the betterment of America, a stanch ally in our war on poverty, disease, and ignorance.

After Columbus discovered America, the people of Europe explored it. After learning how to split the atom, we spent hundreds of millions harnessing nuclear energy for constructive purposes. Let it not be said that after devising the means of transporting man beyond earth's gravity we failed to explore at least the near region of the spatial wilderness.

As we proudly listened last Tuesday, to the pioneers of Apollo 11, we could not help being inspired by the challenge of Astronaut Collins when he said that he hoped that the voice of the first earthling on Mars would be that of an American. Astronaut Aldrin eloquently recognized the significance of reaching the moon when he said:

> The footprints at Tranquility Base belong to more than the crew of the Apollo 11. Those footprints belong to the American people, and since we came in peace for all mankind, those footprints belong also to all the people of the world.

Man is instinctively an inquisitive being and it is inevitable that he will seek out the vast reaches of the universe to the very limit of his ability to do so. As the children of Maeterlinck's "Bluebird" sought the bird of happiness, man will forever seek whatever is unknown. While this solar sytsem cannot be reconnoitered in 1 fiscal year, nor perhaps even in 50 fiscal years, it is man's destiny to try to do so. Perhaps this is what Dante Rosetti meant in "Cloud Confines" when he said:

> Still we say as we go—
> Strange to think by the way,
> Whatever there is to know
> That shall we know one day.

Let it not be said that in the year 1969, this Nation, which in all its wealth, resources, and abundance, has a special duty to lead mankind in its quest for the unknown, began to turn away from the inexorable march to enlightenment.

Mr. President, if we turn away, others will keep up the march. Just because we are ahead is no reason to slow down and let other people continue with the exploration.

We were behind before. I recall when I was in the Senate in October of 1957 how the Russians put up Sputnik I a year ahead of us. I remember the shock waves all over America. We studied everything, even our educational system, to see why they got ahead of us.

Let us not turn our backs now. If we do, as soon as others get on the moon with larger vehicles, we will wonder why we slowed down.

I ask that my amendment be agreed to in the name of science and the many benefits that will be rendered to mankind.

Mr. President, I urge the adoption of my very modest amendment. I urge the chairman of the Senate Committee on Aeronautical and Space Sciences to reconsider. I hope that he will reconsider and see fit to accept the amendment if he has authority to do so on behalf of his committee.

I call the attention of the chairman of the committee to the modest amount asked for. It is even less than the House authorization. I hope that the Senate, with the consent of the other members of the committee, will reconsider and see fit to agree to the amendment.

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EXHIBIT 1

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—BUDGET HISTORY SUMMARY ALL APPROPRIATIONS

[In millions of dollars]

Fiscal year	Budget request	Authorization	Appropriation[1]	Obligations	Expenditures
1959 DOD transfer	146.6	146.6	146.6	298.7	145.5
1959	[2] 280.0	259.2	184.3		
1960	508.3	490.3	[2] 523.6	487.0	401.0
1961	964.6	970.0	964.0	908.3	744.3
1961 DOD transfer	2.7	2.7	2.7		
1962	1,940.3	1,855.3	1,825.3	1,691.6	1,257.0
1963	3,787.3	3,744.1	3,674.1	3,448.4	2,552.4
1964	5,712.0	5,350.8	5,100.0	4,864.8	4,171.0
1965	[3] 5,445.0	5,227.5	[3] 5,250.0	5,500.7	5,092.9
1966	5,260.0	5,190.4	5,175.0	5,350.5	[1] 5,932.9
1967	5,012.0	5,000.4	4,968.0	5,011.8	5,425.7
1968	5,100.0	4,865.8	4,588.9	4,520.4	4,723.7
1969	4,370.4	4,013.1	3,995.3	[4] 4,213.3	[4] 4,249.7
Subtotal	38,529.2	37,116.2	36,397.8	36,295.5	34,696.1
1970	3,760.5			[4] 3,878.0	[4] 3,950.0
Total	42,289.7			40,173.5	38,646.1

[1] Actual amounts appropriated, except the DOD transfers.

[2] 1959 budget request includes $20,750,000 R. & D. and $24,250,000 CoF for supplementals. Amount appropriated in 1960 includes supplements of $16,675,000 R. & D. and $21,825,000 CoF, against 1959 authorization.

[3] 1965 budget request includes $141,000,000 for proposed R. & D. supplemental. Amount appropriated in 1965 includes R. & D. supplemental of $72,494,000 against 1964 authorization.

[4] Estimate.

RESEARCH AND DEVELOPMENT

[In millions of dollars]

Fiscal year	Budget request	Authorization	Appropriation[1]	Obligations	Expenditures
1959 DOD transfer	146.6	146.6	146.6	175.7	34.0
1959	[2] 90.9	70.7	50.5		
1960	345.3	333.1	[2] 347.6	307.9	255.7
1961	671.0	671.4	670.4	644.1	487.0
1961 DOD transfer	1.6	1.6	1.6		
1962	1,380.5	1,305.5	1,302.5	1,261.3	935.6
1963	2,968.3	2,957.9	2,897.9	2,878.6	2,308.4
1964	4,351.7	4,119.6	3,926.0	3,824.4	3,317.4
1965	[2] 4,523.0	4,341.1	[3] 4,363.6	4,358.6	3,984.5
1966	4,575.9	4,537.0	4,531.0	4,468.9	4,741.1
1967	4,246.6	4,248.6	4,245.0	4,249.3	4,487.2
1968	4,352.0	4,147.6	3,925.0	3,816.6	3,946.1
1969	3,677.2	3,370.3	3,370.3	[4] 3,460.1	3,520.1
Subtotal	31,330.6	30,251.0	29,777.5	29,445.5	28,017.0
1970	3,051.4			[4] 3,168.9	3,235.0
Total	34,382.0			32,614.4	31,252.0

[1] Actual amounts appropriated except the DOD transfers; excludes transfers between NASA appropriations.

[2] 1959 budget request includes $20,750,000 for proposed supplemental. Amount appropriated in 1960 includes a supplemental of $16,675,000 against 1959 authorization.

[3] 1965 budget request includes $141,000,000 for proposed supplemental. Amount appropriated in 1965 includes a supplemental of $72,594,000 against 1964 authorization.

[4] Estimate.

CONSTRUCTION OF FACILITIES

[In millions of dollars]

Fiscal year	Budget request	Authorization	Appropriation[1]	Obligations	Expenditures
1959	[2] 98.3	102.0	48.0	38.0	24.8
1960	68.6	62.8	[2] 84.6	89.7	54.3
1961	122.8	127.8	122.8	98.2	98.2
1961 DOD transfer	1.1	1.1	1.1		
1962	333.1	323.1	316.0	217.1	114.3
1963	819.0	786.2	776.2	569.8	225.3
1964	800.0	713.0	680.0	546.6	437.7
1965	281.0	262.9	262.9	522.2	530.9
1966	74.7	62.4	60.0	270.4	572.4
1967	101.5	95.9	83.0	115.9	288.6
1968	76.7	70.0	35.9	64.5	126.1
1969	45.0	39.6	21.8	[3] 104.9	[3] 70.0
Subtotal	2,821.8	2,646.8	2,492.3	2,637.3	2,542.6
1970	58.2			[3] 58.2	[3] 60.0
Total	2,880.0			2,695.5	2,602.6

[1] Actual amounts appropriated, except the DOD transfer; excludes transfers between NASA appropriations.

[2] 1959 budget request includes $24,250,000 for proposed supplemental. Amount appropriated in 1960 includes a supplemental of $21,825,000 against 1959 authorization.

[3] Estimate.

Note: Fiscal year 1959 amounts include $29,900,000 authorized and $23,000,000 appropriated for the National Advisory Committee for Aeronautics. Obligations and expenditures include amounts obligated and paid out against unobligated and unexpended balances brought forward from NACA's "Construction and equipment" appropriation accounts for fiscal years prior to fiscal year 1959.

RESEARCH AND PROGRAM MANAGEMENT[1]

[In millions of dollars]

Fiscal year	Budget request	Authorization	Appropriation[2]	Obligations	Expenditures
1959	90.8	86.5	86.3	85.0	86.7
1960	94.4	94.4	91.4	89.4	91.0
1961	170.8	170.8	170.8	166.0	159.1
1962	226.7	226.7	206.8	213.2	207.1
1963					18.7
1964	560.3	518.2	494.0	493.8	415.9
1965	641.0	623.5	623.5	619.9	577.5
1966	609.4	591.0	584.0	611.2	619.4
1967	663.9	655.9	640.0	646.6	649.9
1968	671.3	648.2	628.0	639.3	651.5
1969	648.2	603.2	603.2	[3] 648.3	[3] 659.7
Subtotal	4,376.8	4,218.4	4,1280.0	4,212.7	4,136.5
1970	650.9			[3] 650.9	[3] 655.0
Total	5,027.7			4,883.6	4,791.5

[1] Formerly titled "Administrative operations."

[2] Actual amounts appropriated; excludes transfers between NASA appropriations.

[3] Estimate.

Note: Fiscal year 1959 amounts include $80,500,000 authorized and $78,100,000 appropriated for the National Advisory Committee for Aeronautics. Expenditures include amounts paid out of unexpended balances brought forward from NACA's "Salaries and expenses" appropriation accounts for fiscal years prior to fiscal year 1959.

EXHIBIT 2

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE
AND ASTRONAUTICS,
Washington, D.C., September 10, 1969.

Hon. RALPH W. YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: Your recent letter on our national space program posed significant and far reaching questions as to where we stand and where we are going in our national space effort.

I shall try from my own point of view as Chairman of the Manned Space Flight Subcommittee of the Committee on Science and Astronautics to discuss some of these important issues which you have raised.

I share with you the great pride that we all have in the achievement of Astronauts Armstrong, Collins and Aldrin in the achievement of the lunar landing on the Apollo 11 flight. Only a few years ago when the Russians launched the first Sputnik and our national space program was started, belatedly, in earnest, it was difficult to foresee the accomplishment of this stupendous achievement. Even as the Apollo Program contributes to our international relations, our growth of technology, benefits education and industry, many people do not realize that our technological base in the space program is rapidly eroding. For over 18 months our aerospace industry has been declining in employment at the rate of 4 to 5 thousand people per month. Our skilled technological teams in government and industry are in jeopardy of decimation. As you well know our country has thrived in the capability to remain in the forefront of technology. Today we stand in a position where we can likely lose our greatest technological momentum from the space program which is finding its way into all sectors of American life.

Since 1966 our expenditures for space by NASA have declined from approximately $5.9 billion to less than 4 billion in FY 1969. It is interesting to note that in our highly scientific and technological industry today it is considered that investments at the rate of $30 to $40 thousand per man year are necessary to generate the products and programs of these industries. At the current planned funding level of FY 1970, the expenditure for these activities through NASA will have declined to a level of $17 thousand per man year. This level of effort is barely enough to keep the basic know-how intact. In fact, at this level it is likely that degradation of our capabilities will take place. Dr. Thomas O. Paine, before the House Appropriations Committee considering the FY 1970 NASA appropriations budget, stated that an expenditure of less than $3.8 billion in our national space program for the Fiscal Year would be a going-out-of-business level of effort. It is significant to recognize that NASA's budget request to the Bureau of the Budget for FY 1970 was $4.69 billion. The budget request prepared by the Johnson Administration and submitted in January of this year was $3.76 billion and the amended NASA budget for the same period submitted by President Nixon was $3.72 billion. These figures speak for themselves as to our current position in our national space program.

The Apollo program has required an investment of nearly $24 billion to achieve a lunar landing. The total expenditures for NASA for all programs since 1959 are slightly in excess of $38 billion. We stand at the crossroad as far as our future in space is concerned. The opportunity exists for us to capitalize on this large investment that has been made by the American people.

Much has already been achieved in the area of communication satellites, weather observation and forecast and to some extent navigation utilizing satellites. By this initial investment it has been made clear that space not only will add new knowledge but provide a new avenue of commerce which should be exploited along with further scientific exploration in areas such as oceanography, ship and aircraft navigation and earth resources surveys. The future space effort can provide a wealth of utilitarian benefits to our nation and to the world. Even in such areas as communication, weather and navigation we have only begun to scratch the surface of space opportunities that lie before us.

We have available to us today a large trained scientific team capable of providing a return on our investment that we have made in our national space program. We have an aerospace industry with the tools and the know-how available to reach into the future and we have an in-house scientific and management capability in the government-NASA team which can competently manage these undertakings. What we must have in my view is the will and the commitment to proceed.

At the present time NASA is continuing the Apollo Program to conduct lunar exploration operations. Significantly, in 1972 NASA will launch a large earth orbital workshop on a Saturn V vehicle. This workshop will be the precursor of space stations which can be built in the mid 1970's. It is with these programs that the next near term steps in manned space flight will be taken. In addition to this a number of flybys of planets in the solar system will be made with automated vehicles in the early 1970's. These programs, although well conceived and underway, are not enough.

Among the near term opportunities that are available to us I believe that we first should look to the development of a low cost space transportation system most often called a "space shuttle". Such a system developed by the mid 1970's would sufficiently reduce the cost of travel into earth orbit to allow the establishment of a large space station to accomplish a number of the items which I enumerated above. Such a system will not require the large investment that was made in the Apollo program but would utilize the technology developed in that program and would allow the kind of planning necessary to gain full utilization of the remainder of the Saturn V and Saturn IB launch vehicles that are available. Such a shuttle system would be operated much like an aircraft in that it would fly into orbit and return. Because it can be used many times it could be an economical transportation system.

In addition to this, I feel that we should proceed with the development of a nuclear propulsion stage. Here I believe we can learn from the experience of our aircraft industry over the past several decades. In every case major improvements in propulsion systems for aircraft have occurred before the development of the aircraft system itself. Nuclear propulsion promises to open new avenues for our space activity providing a shuttle system between earth and the moon if it is found necessary to establish long term bases on the moon or as a deep space vehicle for expanding our knowledge of the universe and eventually allowing man to traverse deep space.

I also feel that we should continue our deep space automated exploration of the planets. In the last 1970's at a relatively low cost it will be possible to send vehicles to fly by and investigate in a limited number of missions a number of planets in the solar system. These planets, as I understand from astronomers are only in conjunction once every several hundred years. Such an opportunity will be available in the late 1970's and should yield a major scientific return at minimum cost if we seize the opportunity to build and fly automated spacecraft to gain a close look such as we did recently with Mariner 6 and 7 to observe Mars.

It is my conviction that if we undertake these activities in the 1970's and continue our current program of lunar exploration we will have a strong and progressive national space effort. I am firmly committed to the idea that if we choose to be a second rate nation in space that we could easily become a second rate nation technologically and that the wealth of benefits that can be gained from an effective national space program will be left to those who have the foresight to undertake this effort.

I have only briefly touched on the many benefits that our nation and the world have already derived from our national space effort. Our industry and our daily lives are constantly being affected by the products and resources of our national space effort. Even the management of our industry today have learned much and are learning much from the management of our national space program. Our youth have a new inspiration and example. The knowledge that we have gained from our space explorations in the last decade has overshadowed much of the total effort in science and technology in the past century. The international implications of our national space effort, particularly following the flight of Apollo 11, are obvious.

Surely we cannot turn our backs on the need to maintain our national space effort. We must stop the decline of our capability in space at a time when its achievements are just becoming generally apparent to our nation and the world.

I hope my comments on your questions will be helpful.

Sincerely,

OLIN E. TEAGUE,
Chairman, Subcommittee on Manned Space Flight.

The PRESIDING OFFICER. All time is now under control, one-half hour to each side on the amendment.

Who yields time?

Mr. GURNEY. Mr. President, will the Senator yield me 10 minutes?

Mr. YARBOROUGH. Mr. President, I yield 10 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. GURNEY. Mr. President, I fully support the Yarborough amendment.

Mr. President, a few weeks ago, the entire world watched as an American became the first man to set foot upon the moon. While there is no way to assess the far-reaching effects of this magnificent feat, it certainly can be said that this was the greatest outstanding single achievement in the history of the world.

Mr. President, for the past 2 to 3 years, it has been politically popular for a few to try to shoot down the space program. The arguments range from cynical remarks about bringing back cheese from the moon to cries that if we were not spending so much money in space, we could solve all our problems here on earth.

I fail to see how shorting the space program of money can solve our domestic problems. We are already spending over $22 billion a year in Federal aid in welfare. The space program costs less than $4 billion annually, less than one-half of 1 percent of our gross national product.

By hurting ourselves in an area where we now lead, we will not only not solve our economic and social problems but we will lose the qualities that will one day enable us to solve them.

We all recognize that the United States today faces many problems that require money and that also the need to limit Federal spending is great. In view of this need, and in the wake of the success of the Apollo 11, it is especially important now to establish the direction and goals of the Nation's future space program.

Mr. President, in the bill before us today there is no manned space flight program beyond 1973. The current NASA program provides for three launches per year utilizing the remaining nine Saturn vehicles. Apollo Applications as currently planned will include the flight of one S4B tank workshop as a forerunner to a space station. This means that under the current plan, we will have no manned space flight program after 1973.

Studies alone—and they are provided for, of course, in the bill—will not provide the research and development nor the hardware and experience necessary for a balanced space program in the 1970's.

We cannot continue just to maintain options, which is all this bill does as far as manned space flight is concerned, while our resources to accomplish these options are rapidly eroding. Mention was made in the debate earlier about thousands of workers who have been laid off in their respective areas in the space program. That has been especially true, of course, in Florida, at the Cape, an area of the State I used to represent in the House of Representatives. Indeed, our State's program is eroding, so far as our technicians, our scientists, and our engineers are concerned.

The NASA authorization of $3.715 billion which we are considering today represents the barest minimum to maintain ongoing programs. Even this amount may not provide a maintenance level. The thing we ought to note here, and what is important in the Yarborough amendment, is that this budget includes no big new goals and no new starts. In fact, a further reduction would represent a phaseout approach rather than a balanced effort to continue our present momentum.

President Nixon's revised budget held open options for future Saturn V production and provided funds for lunar exploration. Subsequently the President appointed a space task force to recommend goals and objectives for our space effort in the 1970's and early 1980's. This study, with its conclusions and recommendation, has now been released by the President. The proposed Yarborough amendment, which I am cosponsoring, anticipates these recommendations. Briefly, the President's Space Task Group report concludes that we are at the beginning of long-term exploration and use of space by man and that exploitation of space is within our capability. The report concludes that we have the national resources and the capability to seize these new opportunities to advance science, engineering, international relations, and enhance the prospects for peace.

Under the general goal of a manned Mars mission in this century, the Space Task Group has endorsed, in addition to other specific objectives, a new space transportation capability and a space station system.

The budget before us is $250,850,000

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less than the amount authorized by the House. Now that we have the benefit of the President's Task Force Group study, it is my view that the Yarborough amendment restoring the budget to more nearly the level of the House authorization does provide a more balanced space program.

Unlike any other Federal agency, NASA has absorbed a cut of half a billion dollars a year within the last 3 years.

As a matter of fact, I did some studies on this last year, and it is the only Federal agency in the last 3 years that has continually had a less percentage of the national budget. Others have had an increasing amount.

These reductions have not only forced cancellation or deferral of many important projects but also have increased the long-range total cost of many of the programs. Because of the long leadtime required for major space programs, the impact of these reductions will not be visible until the early 1970's.

Mr. President, our defense budget is now running at a cost of $77 billion annually. We certainly explored that in full in the last 2 months. We are fighting a war against communism in Vietnam at a cost of $25 billion annually. We have spent $171 billion in foreign aid since World War II. Every single dollar of defense spending, or Vietnam spending, or foreign aid spending, is directly related to our national goal of survival.

We spent a total of $23.9 billion going to the moon. It is my firm belief that a strong argument can be made that these dollars are more than equal in value for goods received, in the constant struggle for the good will and friendship of peoples around the world, as any defense dollars or any foreign aid dollars.

There are many arguments for the importance of practical fallouts from the space program in the field of communications, weather reporting and prediction, navigation and mapping, new products and a host of other contributions, tangible and intangible.

However, if none of this had occurred at all, I am convinced that the prestige which the United States has acquired throughout the world by virtue of its Apollo 11 moon voyage is alone worth the money we have invested and expended.

There are four major goals to be performed. One, to further manned space flight for long periods in close to the earth orbit to prepare us for longer space voyages. Two, more scientific exploration to unlock the secrets of the universe. Three, a manned space flight to Mars. Four, unmanned explorations of the rest of the planets in the solar system.

Not all of these goals can be accomplished at once and simultaneously, nor is there any thought that they should be. Properly scheduled, they are all possible within the financial capability of the United States. We should map right now an orderly space program to carry us through the next two decades of the 1970's and the 1980's. We can do this and spend considerably less a percentage of the gross national product of this Nation than we did in accomplishing the Apollo program.

To set our goals for anything less, would deny our heritage and cast aside and abandon the never-failing adventurous spirit of our Nation and its people since the first settlers came to this land over 350 years ago.

It is for the administration to set the goals, but it is just as important that Congress, as the representatives of the people, back the administration in an ongoing, adventurous, and productive space program, that is representative and reflective of the United States of America and its heritage of exploration, and breakthrough in science and engineering and technology.

That is why I support the Yarborough amendment. I think it is especially necessary to carry on the portion of the increase in funds which is in the House authorization bill and which is contained in the Yarborough amendment, particularly in the manned space flight portion of it. There is no money for further manned space flight after what we have on the program now, with the remaining Saturn 5 shots.

There is a little money for study, yes; but studies have been made year after year; and unless we put some real money in this thing to do more than the studies and to get some hardware, we are going to be out of business so far as manned space flight is concerned in the 1970's.

One thing that has always impressed me, as a close observer of the space program in the House of Representatives, where I worked with it for 6 years on the House Space Committee, was the tremendous emphasis our competition, Russia, put on its space program. They have always striven to maintain the lead over us that they acquired with sputnik and putting into space the first man. We overcame that lead over the years, but they still devote a larger portion of their national budget to space, proportionately, than we do in our budget, which indicates the great emphasis they place upon space, because they realize the importance it has—that the first nation in space is going to be the first nation on earth.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GURNEY. I back the Yarborough amendment, and I hope the Senate does.

Mr. YARBOROUGH. Mr. President, I yield 5 additional minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida has concluded.

Mr. CANNON. I yield myself 3 minutes.

Mr. President, the amendment of the senior Senator from Texas would add $222,250,000 to the NASA fiscal year 1970 authorization.

One of the major problems with any large endeavor that is as broad and as rewarding as our national space effort is a chronic lack of funds to do everything that people would like to do. There are many things that could be done in our space effort that we are not doing. The committee has heard testimony many times that cutbacks such as NASA has been experiencing during the last 5 years are not the most efficient and economical way to achieve results.

There is no doubt that NASA could use more money and use it efficiently. However, at the present time, with the heavy pressures and expenditures resulting from other demands on the budget such as the Vietnam conflict, large new programs, and the current inflationary trend, your committee believes that the most prudent course the Senate can follow is to accept the well-reasoned and carefully considered plan that the President submitted for NASA and that your committee is recommending.

As all of my colleagues know, there have been some classic cases where the Congress has insisted that the executive branch spend more on certain programs than had been requested. There have been only rare exceptions when the Congress succeeded in this endeavor. In the overwhelming majority of these cases the executive simply refused to spend the money. There have been no indications from the President that this year's space bill would be one of those rare exceptions.

Since the Senate committee acted on the bill, the Appropriations Committee in the other body has likewise acted on the House authorization. The appropriation bill as acted upon by the House carries $18.54 million less than the Senate authorization as reported by the committee. It would simply be an exercise in futility for the Senate to say we are going to authorize an incerase of $222.2 million over and above the amount carried in the bill. For these reasons and although many of the things the Senator from Texas has said are correct, I must oppose giving NASA any authorization over and above what the committee is recommending.

Mrs. SMITH of Maine. Mr. President, will the Senator yield?

Mr. CANNON. I yield 2 minutes to the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, increases similar to those contained in the amendment before us were considered by your Space Committee during its deliberation of the bill. The increases were rejected in each instance, after due consideration.

I refer my colleagues to the committee report on the NASA authorization bill for fiscal year 1970.

Therefore, Mr. President, I urge that the amendment proposed by the distinguished senior Senator from Texas be rejected.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). Who yields time?

Mr. CANNON. Mr. President, I am prepared to yield back my time if the Senator from Texas is.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time does the Senator suggest the absence of a quorum?

Mr. YARBOROUGH. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I yield 7 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, we are called upon to vote on the authorization for NASA in the amount of $3,715,527,000 as recommended by the Senate Committee on Aeronautical and Space Sciences.

Mr. President, the recommended authorization is $250,850,000 less than the amount authorized by the House it is $45 million less than requested in the President's original budget it is $435 million less than recommended by the committee in the last fiscal year and it is the lowest total amount recommended by the committee since 1962. It provides funds only for minimal progress toward increasing the scientific, technical, and economic return on the Nation's investment in the space program. In my judgment the Senate should restore the $250,850,000 as passed by the House. The Yarborough amendment does not go that far however.

Mr. President, what is the fundamental question here? As I see it our Nation is faced with a truly unique challenge. I believe most sincerely that we are asked to fund a search for the key to our future on earth—as well as our past.

For this reason, Mr. President, the question before us is more than a question of the wisdom of increasing or decreasing the amount of authorization for an ordinary governmental function. I wish that the decision were that simple. But it is not. We are not dealing with an economic question, as such, and for this reason we will not be guided in reaching our decision merely by reference to economic symbols, or words or phrases or ideas.

But, of course, there are many economic and humanitarian benefits that can reasonably be expected from an adequately funded space program. As of today, there are not less than 2,500 new products on the market resulting from technological development in the space program.

The computer industry is largely the result of demands created by space programs and is today a $20 billion industry in America and employs close to 800,000 people. This means, Mr. President, that a single industry which owes its existence to the space program accounts for 1 percent of the total working force of America today. What can we hope for tomorrow?

From a different standpoint the development of satellites has translated the dream of global communication into a reality; it has provided the means for weather observation, the beneficial results of which are only beginning. But it has already provided an early warning system for weather disasters and has saved innumerable lives. Soon these satellites will be inventorying the world's great natural resources.

Miniature television sets have been developed which weigh slightly over 1 pound and hundreds of applications await in the scientific, industrial, educational, medical, and communications fields.

In the medical field, ingenious instruments have been developed which measure physical reactions of individuals thousands of miles away; new sensors have been devised which are capable of detecting cancer and Parkinson's disease; the astronaut helmet has been adapted for treatment of asthmatic children; the lunar walker has been adapted for paraplegics; new heat resistant paints have been developed which will revise the system of painting our homes, paint that will neither crack nor peel and will endure for years and years.

These are but a few of the thousands of applications of our space science technology which have economic and humanitarian implications. But the thing to remember in this regard is that we are merely standing at the threshold of vast new areas of economic and humanitarian benefits which await the harvest. We have only begun. All mankind will reap the benefits.

While the economic rewards of full funding of NASA are exciting to contemplate, they simply pale into insignificance in comparison with the intangible rewards which can be described only in terms of the human spirit and human aspirations.

No, Mr. President, the fundamental issue is not economic but rather one of national aspiration. It is not one of fiscal and monetary policy but one of national will and national determination. It is a question of a nation's inherent capacity to respond to or shirk from the challenge of national greatness.

The challenge before us is presented in a universal language of all races, of all creeds, all colors, and all nationalities. It is the language of science, and its message is one of hope and faith, and it is addressed to the eternal and universal quest of man for knowledge and truth and light and wisdom.

This quest, Mr. President, is the unifying force in the world which has been activated by the space program. It has introduced a new perspective and new values to shape the thinking of all men and it has awakened new aspirations and new dreams and new hopes which now pervade the consciousness of all who can comprehend the significance of our dramatic breakthrough to the frontiers of space.

Mr. President, it is our privilege at this time and point in history to respond to the call for national greatness which paradoxically transcends traditional concepts of nationalism. For in funding a program dedicated to the exploration of the frontiers of our universe—every man, woman, and child on this earth has a vital interest, and the knowledge gained from these efforts will never be confined by national boundaries. One might even reflect and marvel at the combination of circumstances which makes our national assembly the appropriate forum for fixing the goals and funding an enterprise so overburdened with universal interest and concern and meaning.

But, Mr. President, this is the forum. The decision is ours. It is unfortunate that none of us can clearly foresee the ultimate consequences of our decision but it is certain that the effects of the decision for good or for ill will help shape the lives of unborn generations.

Needless to say, a question of such importance will not permit our judgments to be impaired by consideration of partisan politics; nor by ideological rhetoric and debate concerning narrow and transitory domestic problems.

All of these considerations are grossly and fantastically inappropriate to the issue. Faith in the future is not for sale, the value of creative genius is not measured in dollars, heroism is not bought. We have these at our command. We are asked to set a goal; to provide the funds to keep intact the talent and ingenuity of our scientists and engineers; and to demonstrate our faith in a shared vision.

Mr. President, the very least we can do is to vote for the authorization recommended by the Senate Committee on Aeronautical and Space Sciences.

But we should not be satisfied with the least that we can do. We should not be satisfied with providing funds merely for minimal progress toward increasing the scientific, technical, economic, and humanitarian returns on our Nation's investment in the space program.

Mr. President, I support the Yarborough amendment and urge the Senate to adopt it.

Mr. President, I yield the floor.

Mr. YARBOROUGH. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. YARBOROUGH. I thank the distinguished Senator from Florida (Mr. GURNEY) and the distinguished Senator from Alabama (Mr. ALLEN) for the very fine and forceful statements they have made here. They have given the answer to the chairman of the committee. We recall, at the meeting, that he yielded himself time to argue that this amendment should not be adopted because the appropriation of the House was only so much.

It is the authorization committees of the Congress who have the duty of determining how much is needed to do a particular job. The Appropriations Committee, on which I sit, takes in appropriations to see how much money they have to spend and determine how much they can allocate to each one. It is not the province of the appropriation committee to determine need. That is the province of the authorization committee, to determine need, whether there is money enough or not. I point out that in fiscal year 1968, appropriations never kept up with authorizations. An authorization is for need. We put the cart before the horse if we say that because the appropriations from the House are only so much, therefore we should not authorize more in the Senate.

Mr. CANNON. Mr. President, will the Senator from Texas yield?

Mr. YARBOROUGH. I yield on the Senator's own time.

Mr. CANNON. The Senator just mentioned the responsibility of authorization committees to make determinations of how much is needed. That is exactly what the authorization committee has done in this instance; namely, to submit

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a determination as to how much is needed. We came out with that determination. A unanimous recommendation was made, and not one member of the Senate authorizing committee supported the Senator's amendment.

Mr. YARBOROUGH. It is interesting to note that there is broad-based support for the amendment, as the Senator knows, from the people who cosponsor it. One Senator, who planned to be here, could not be here. The senior Senator from Alabama, as well as the distinguished Senator from Alabama (Mr. ALLEN), who has just spoken, support this broad-based amendment. We say it is unsound for an authorization to be based only on what the House has appropriated. The word is "pioneering." We tell the Appropriations Committee what is needed.

Mr. President, in the past it has been true that the Committees on Appropriations, with their hard look, have cut back the authorizations. If we are to base our authorizations on what the House has appropriated, we will surely liquidate the space program in a hurry. That is the cutback way. That will cause a faster cutback than even the Committee on Aeronautical and Space Sciences has recommended.

Mr. President, I yield back the remainder of my time.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BYRD of West Virginia. Mr. President, I desire to have the RECORD show that I voted against the amendment offered by the able Senator from Texas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas (putting the question).

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. YARBOROUGH. Mr. President, I offer another amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the reading of the amendment be discontinued and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 15, it is proposed to strike out "$225,627,000" and insert in lieu thereof "$291,627,000".

On page 10, line 20, strike out "$20,400,000" and insert in lieu thereof "$27,400,000".

On page 10, line 21, strike out "$128,400,000" and insert in lieu thereof $138,400,000".

On page 10, line 24, strike out "$27,500,000" and insert in lieu thereof $30,000,000".

On page 10, line 25, strike out "$33,550,000" and insert in lieu thereof "$35,000,000".

On page 11, line 1, strike out "$22,100,000" and insert in lieu thereof $23,600,000".

On page 11, line 2, strike out "$20,250,000" and insert in lieu thereof "$21,400,000".

On page 11, line 4, strike out "$36,950,000" and insert in lieu thereof "$39,900,000".

On page 11, line 6, strike out "$22,850,000" and insert in lieu thereof "$28,100,000".

On page 11, line 7, strike out "$77,700,000" and insert in lieu thereof "$80,900,000".

On page 11, line 8, strike out "$278,000,000" and insert in lieu thereof "$293,000,000".

On page 12, lines 3 and 4, strike out "$637,400,000" and insert in lieu thereof "$643,750,000".

Mr. YARBOROUGH. Mr. President, the amendment would authorize an addition of $116 million to the committee bill. It cuts in half the amount of additional authorization requested in the amendment that was just voted on.

The list which is on the desk of every Senator has been gone over with persons knowledgeable in the space world. We have omitted the least critical items, left in the amendment the most critical ones.

We have reduced the amount for space flight operations, which is item 2 on the list, $129 million. We have cut that amount to $66 million. We have cut all of the amount on the item for Apollo. By these two large cuts, we have cut more than $200 million and left an increase of only $116 million. Most of them were covered in detail in my initial explanation of the major amendment, which required some three-quarters of an hour. In the interest of time I shall not repeat that.

This amendment cuts out the two big items. It provides funds for space vehicle adjustments and the launching platform, and for the development of a new space suit for the astronauts, one which will be less cumbersome.

The amendment provides for many small items. One item would permit some continuing investigation and research so as to make the engines and machines we now have more viable and more economical. One item for example, is the effort, by research, to decrease the cost of launching a vehicle from $500 a pound, as it is now, to only $50 a pound. This is a stripped-down, minimum amendment of $116 million to permit NASA to go forward with research until the time when we get more active in space.

Mr. CANNON. Mr. President, I yield myself 2 minutes.

I oppose the amendment for the same reasons stated on the last one. The authorizing committee considered this bill very carefully and tried to arrive at a balanced program, one that would permit NASA to act effectively. The bill we have submitted is exactly in the same amount as the President's request. The House Appropriations Committee has already acted and has reduced the program $18.54 million below the amount which we authorized in this bill. So this would simply be an exercise in futility.

All of the committee members who have studied this matter in great detail support the present amount that is requested. I hope the Senate will vote down this amendment.

I yield 2 minutes to the Senator from Maine.

Mrs. SMITH of Maine. Mr. President, my remarks made earlier in opposition to the first amendment of the distinguished senior Senator from Texas equally apply to this amendment. Again I refer my colleagues to the Aeronautical and Space Sciences Committee's report on NASA's authorizations for fiscal 1970 for the reasons why the House-passed increases were rejected.

Mr. CANNON. Mr. President, I am ready to yield back my time.

Mr. YARBOROUGH. Mr. President, I yield myself 2 minutes. Let me repeat what I pointed out earlier in explanation of the amendment. We are cutting back very drastically on NASA. We are cutting back on its research. By comparison, while the NASA budget is being cut to pieces, so that it is only 62.5 percent of what it was, from $5.9 billion to $3.7 billion, the Defense Department's request was increased by over half a billion dollars, $515 million, for astronautical and space research and development programs—not the whole budget, but merely for the space and astronautical research program.

It appears that we are just phasing out NASA and utilizing in its place the Defense Department's space and astronautical research programs. Here we are phasing out the broader based research of NASA in space—which is also used for defense—and at the same time increasing by over half a billion dollars the Department of Defense requests for astronautical and space research and development programs.

This amendment requests only $116 million over the committee allowance. It would be approximately half the difference between the authorization of the House committee and the Senate committee. This is a very modest request.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. Mr. President, I am prepared to yield back my time.

Mr. YARBOROUGH. Mr. President, let me merely point out that the Department of Defense space budget is $2,210 million. If we continue decreasing NASA's budget, the defense space budget will be double that of the NASA budget. I submit that one is skyrocketing while the other is being pulled down to the point of disassembling research teams. I submit it is not wise to disassemble those teams. We have not had happen to one of NASA's vehicles what happened to the submarine in California. We have not had happen to NASA vehicles what happened to the helicopters that were not able to fly because their blades came off. The NASA program has been one of the miracles of industrial science. Not one vehicle that was sent up with a human being has ever fallen back. It is a miracle. Never in the history of industrial of engineering science has anything worked like NASA has worked.

Yet we have seen what has happened in the Department of Defense, where helicopters would not work, where a submarine sank, and where they have huge cost overrun. So I do not think it is wise to cut back on NASA's budget while increasing the Department of Defense budget. We have in NASA the most efficient operation in the history of science and engineering that this Government has ever created. All I am asking for is $116 million. Even if approved, it would have to go through the Approviations Committee.

Mr. CANNON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, let the RECORD show I voted against the amendment offered by the able Senator from Texas.

The PRESIDING OFFICER. The RECORD will so show.

Mr. ALLEN. Mr. President, I ask that the RECORD show that I voted "yea" on the last amendment of the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. YARBOROUGH. On my time.

The PRESIDING OFFICER. On the time of the Senator from Texas.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, are we at third reading?

The PRESIDING OFFICER. Not yet.

The bill is open to further amendment.

Mr. YARBOROUGH. Mr. President, I send to the desk a further amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, the amendment reads as follows:

> On page 17, between lines 19 and 20, insert the following new section:
>
> "SEC. 6. It is the sense of the Congress that the momentum of the space program be maintained as a matter of high national priority and that timely commitment to new space programs is urgently needed. In order to carry out the provisions of this section, after consideration of the recommendations made by the President's space task group, the National Aeronautics and Space Administration shall submit to the Congress as soon as possible, but not later than six months after the date of enactment of this Act a report outlining such new programs together with such recommendations for new legislation as the Administration deems appropriate."
>
> On page 17, line 20, strike out "Sec. 6" and insert in lieu thereof "Sec. 7".

I understand, Mr. President, that this amendment would call for debate. I have had indication that there would be debate on both sides, since we are going into the question of national priorities.

In view of the lateness of the hour and the fact that some Senators have engagements elsewhere, and because there will probably be an opportunity to debate the matter on the appropriations later, and at a more propitious time, I wanted to get the sense of the amendment into the RECORD at this time and serve notice that we will take it up later.

At this time, I withdraw the amendment, and shall not ask for a vote.

The PRESIDING OFFICER. The Senator withdraws his amendment.

Mr. CURTIS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield 2 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, in the bill before the Senate, which is not far from passage, we have reached the end of the beginning of our activities in space.

The achievement of the landing on the moon and the safe return of the astronauts has demonstrated to our people and to the world that we have created the necessary capability for space activities. That capability can be employed for benefits to man on earth, for the advancement of knowledge and, if necessary, to enhance the security of our country and the free world.

Regarding the Moon itself, this bill provides for a program of nine manned lunar landings following the Apollo 11 mission, extending through 1972. These flights are a logical approach to a later decision on lunar exploration for the period after 1972.

Also authorized by this bill are programs to realize further practical benefits—in particular, the earth resources program. Viewing the earth from space will help us to manage our agriculture, atmosphere, water and mineral reserves. It will speed the coming of the day when we can tap the wealth of the oceans.

The bill will also accelerate our progress toward the goal of accurate, long-range weather forecasts, and it will provide for studies of direct broadcast communications from space and of civil navigation aids. It will move ahead the application space technology to other areas of business and industry, thus continuing to stimulate the real growth of our economy, so necessary for the solution of the problems of the times.

Last winter, a distinguished group of scientists was asked to examine the future of the space program. The group included three Nobel Prize winners—Chairman Charles H. Townes, Luis Alvarez and William Shockley—and Dr. Lee A. Dubridge who participated in the deliberations up to the time of his appointment as President Nixon's science adviser.

The committee reached the conclusion that the United States should continue strong efforts to remain in the forefront of all major categories of space activity, including space sciences, solar system exploration, manned flight capability, and economic applications. It concluded that the annual investment of a half to 1 percent of the gross national product is reasonable for the civilian space program. The present measure would authorize less than one-half of 1 percent of the GNP for the civilian space program in fiscal year 1970.

Now what is the relationship of this program to our national security? A recent decision by the Department of Defense terminated the work on the manned orbiting laboratory, which would have permitted experimentation to determine the ability of men to perform tasks related to national security. The cancellation of the program was purely for reasons of economy. It was made clear that the decision did not reflect on the quality of the work or on the ultimate value of manned flight for military purposes. But it was decided that in the next few years, national security needs could be met with less costly automated missions.

The resulting situation underlines the importance of continuing the efforts in the civilian space program. The missions to the moon and the earth-orbital flights in the Apollo applications program, scheduled for 1971 and 1972, will provide a detailed understanding of man's ability to live and work in space conditions. This knowledge will permit logical decisions regarding the uses of man for national security purposes.

Because of the considerations just outlined, the funds authorized by this measure are a prudent application of a reasonable share of our national resources to meet significant needs. The funds for the space program have been declining for 5 years in absolute terms. The rate of decline is even greater when we consider the growth of our economy and the impact of inflation.

Finally, events in space have always had a significant relationship to international affairs. In earlier years, our international position suffered because of the comparison between our achievements and those of the Soviets. Success in space now provides the United States with greater flexibility. We may be approaching a time when space activities will be marked by a much greater degree of international cooperation than has been the case in the past. With the support of this bill, the Senate may well hasten the arrival of that time.

The prestige of the United States has risen to new heights because of the exploration of the Moon and the landing of men on it.

The space program will make resources of the universe available to improve man's life on earth.

The PRESIDING OFFICER. Who yields time?

Mr. GURNEY. Mr. President, will the Senator from Nevada yield me 2 minutes?

Mr. CANNON. I yield 2 minutes to the Senator from Florida.

Mr. GURNEY. Mr. President, it had been my intention, after the offering of his amendments by the Senator from Texas (Mr. YARBOROUGH), to offer another amendment adding $66 million for the space station and space shuttle we had discussed earlier as being very important to carry on manned space flight operations in the mid-1970's.

However, I can see the handwriting on the wall, and it obviously is not the disposition of the Senate to increase the amount of this bill. Hence, I shall not offer the amendment.

However, in order to show my strong feeling as to the fact that we do need more money to carry on the manned space flight program, I should like to have incorporated in the RECORD at this point, and I ask unanimous consent that that be done, the remarks I would have made on the amendment.

There being no objection, the statement of Mr. GURNEY was ordered to be printed in the RECORD, as follows:

Mr. GURNEY. Mr. President, the amendment which I offer is to add $66 million to Space Flight Operations for use in the study, design and development of a space station and low cost space shuttle. The bill before us provides for only $9 million in preliminary study effort to examine the space station concepts and low cost recoverable space shuttle concepts. Over the past several years both NASA and industry have examined many possible opportunities for utilizing a manned space station in near earth orbit. These studies have made abundantly clear that there is much utility to be gained from developing such a space station.

Consequently, a workshop and astronomical telescope mount will be orbited in 1972 as part of the Apollo Applications Program to provide a forerunner to a true space station. It is important that the technology necessary to build a large space station in the mid 70's be exhaustively examined at an early point in time so that subsequent to the flight of the Apollo Applications Program workshop, a space station of maximum utility can be built. The station would allow for not only scientific experimentation, but also for utilitarian application of weather and navigation and earth resources surveys. Undoubtedly many other opportunities will occur once we have had the opportunity to operate for longer durations in near earth orbit.

In addition to this, the $66 million would provide the early technology development of a low cost space shuttle system. Such a vehicle would reduce the cost of sending a payload into near earth orbit from approximately $500 per pound on the Saturn V vehicle to approximately $100 per pound or less with a low cost space shuttle. Such a low cost shuttle would be capable of flying into orbit and returning without any of the components being thrown away. It would provide a true transportation system similar to our jet aircraft today in that it could be used many times. The low cost shuttle would also have the advantage of being able to return to earth just as an airplane does on a standard runway. I am advised that it is within our technological capability to build a prototype of such a shuttle system by the mid 1970's. Such a low cost vehicle used in conjunction with a space station opens new vistas for manned space flight. Its relatively low cost and reusability means it will become economical for the United States to expand its operations in space and welcome international researchers and programs for utilization of space stations and space shuttles. Because of the lower costs it will also open many new opportunities to gain the maximum return from the already substantial investment we have made in our national space effort.

My amendment of $66 million would have been divided approximately equally between the space shuttle and the space station thus assuring that the United States will remain a leader in space exploration and utilization in the mid 1970's.

The low cost space shuttle system has been under extensive scrutiny by the President's Space Task Group for the past few months. Under the leadership of Vice President Agnew, this Task Group, composed of senior representatives from NASA, DOD and the Office of Science and Technology, has examined this concept and now that the President's Task Group report has been released, the low cost shuttle system has been endorsed as being of prime importance to the future of our national space program.

Therefore, the adoption of this amendment would have assured that adequate support would be provided for our future space effort.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, will the Senator from Nevada yield me 5 minutes?

Mr. CANNON. I yield the Senator from Montana 5 minutes.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield 10 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, yesterday I addressed the Senate on the present posture of our space program, and raised some questions about where we are going in the future. Among other things, I suggested an amendment to the NASA authorization bill which would encourage the space agency to explore the possibilities for international cooperation in exploring space. However, as I indicated yesterday, I do not intend to call up this amendment. Nor do I intend to call up my amendment which would postpone further manned landings on the moon.

The fact that these amendments are not called up, though, does not make them any less valid. This country cannot continue to go on spending untold billions of dollars on its space program just to prove to itself that it has the technological know-how to land a man on the moon. The taxpayer is entitled to a greater—and less inflationary—return on his money.

At a time when we have a very high tax burden, and our taxpayers are as some have described it, on the verge of a revolt; when we have the most serious inflation we have had in some 20 years, a state of inflation that gives every indication of becoming worse; when interest rates are higher than at any time in our history; and when this program, as I am about to explain, contributes particularly to that situation, it seems to me most inadvisable to engage in this part of the program, namely, manned lunar landings, which have a benefit-cost ratio which can best be described as infinity in reverse.

As I think I can point out, there are no benefits in this program at all—none. Last night I challenged Senators to point to any benefits to be obtained from a second to a 10th landing on the moon within the next 3 years. I have not heard any. I wrote to NASA and asked them if they would provide me with their views as to the benefits, and I shall read briefly from the reply I received from them in a moment.

However, the Senate has just completed a long and arduous debate over S. 2546, the 1970 military authorization bill. During the course of the 2½-month debate on that bill the Senate thoroughly aired such questions as: Does military spending make it more difficult to control inflation? What kind of return are we getting for each dollar spent on military hardware? Why can we not step up our efforts for international cooperation—that is, arms talks and disarmament—and thereby reduce the need for some of the enormously expensive weapons systems? And, should not some of these programs be postponed to provide an opportunity for an independent study of their effectiveness?

Questions of a similar nature apply equally well to the space program and should be asked. But, from a practical point of view, I recognize that at the present time the Senate may be wearying of debating questions such as these. If these questions on the space program were raised now, especially only 2 or 3 days after the astronauts were here at the Capitol, and when the Senate is in its present mood, I do not think they would receive the support which I think they justify, and perhaps will receive in a few weeks when we have the appropriation bill before us, and have an opportunity to ask ourselves the same questions and make basically the same decisions.

In light of this, I have decided not to press these questions or call up my amendments during the discussion of H.R. 11271, the 1970 NASA authorization bill. However, I do intend to raise these questions when the independent offices-HUD appropriations bill for fiscal 1970, which includes appropriations for NASA, comes to the floor, probably several weeks from now. I am hopeful that at that time the Senate will give very careful scrutiny to our space program, with a view in mind to the many other legitimate needs here on earth that must necessarily be postponed in order to fund these space missions. To fail to consider these needs, and to overlook the question of priorities that is necessarily involved here, would be an abdication of our responsibility to the taxpayer who foots the bill for these programs.

Before voting on final passage of H.R. 11271, I think the Senate is entitled to a full explanation of what commitments this country is entering into for future programs beyond Project Apollo. This is a continuing problem as far as NASA's programs are concerned. In preparing amendments to this bill, for example, I gave serious consideration to reducing the number of Apollo flights from the presently planned three a year to two a year, or to one per year. I inquired of NASA, the General Accounting Office, and the Bureau of the Budget how much could be saved in the nearly $1.7 billion figure for Apollo flights if these flights were cut by either one-third or two-thirds a year. I was astounded by the answer; virtually nothing. NASA estimated that if the flights were reduced from three a year to two a year, some $30 million or only 2 percent out of $1.691 billion could be saved. If we went from three landings a year to one landing a year, $45 million or 3 percent could be saved. In other words, if we reduce the program by two-thirds, we save less than 3 percent of the costs. The reason for this is that the Apollo hardware—booster rockets, spacecraft, lunar modules—accounts for well over half the costs, and this is an irreducible figure according to NASA. Why is it irreducible? Because somewhere along the way, Congress authorized NASA to make 15 flights to the Moon, and this apparently authorized NASA to give the go-ahead on production for 15 Saturn V's, 15 command modules, 15 service modules, 15 lunar modules, and so on.

Mr. President, in other words the Senator is now caught up in a squeeze. We want to cut back on the Apollo program, but we find that we cannot because the program is already too far along the line.

This is an argument that is typically raised when the Senate seeks to cut on an appropriations measure. But this is an authorization bill, Mr. President; if we cannot cut here, where and when do we cut?

For this reason, I think the Senate is entitled to full disclosure from both NASA and the Senate Space Committee. In particular, I think we are entitled to know just what NASA anticipates as far as a program directed toward Mars is concerned. The President's Space Task Force is now talking in terms of a Mars landing sometime in the mid-1980's. Such a program could end up costing the American taxpayer $200 billion—almost 10 times the already gigantic cost of the moon landing. The Senate is entitled to some disclosure on just what the cost would be and, more important, at what pace would we go? How much would be required annually? And, at what point would irrevocable decisions be made that would commit us to production and operations with no turning back? I think NASA has been sorely remiss in providing the Senate with answers to these questions in the past. This Senator, for one, wants to make sure that these answers are provided in the future.

Mr. President, most important of all is the question of what we would get for this gigantic expenditure of $1.7 billion on further manned moon landings. This is, in my view, the most completely unjustified expenditure of more than a billion dollars that I have ever seen.

Most important of all, Mr. President, What are the benefits to be derived from nine additional manned landings on the Moon in the next 3 years? These benefits—such as they are—are so intangible, so removed from life here on earth, that I am continually amazed that they are used as justification for such mammoth expenditures.

I would like to again commend to the Senate's attention a letter I received yesterday from NASA Administrator Paine. Dr. Paine's letter attempts—wholly inadequately, I think—to provide a justification of the benefits project Apollo will bring.

I point out that this is in response to my request of Dr. Paine in which I asked him with particular regard to future manned moon flights exactly what we expect to accomplish in the fields of communications, meteorology, earth resources, science and technology, education, and human fulfillment.

I took the various fields of accomplishment directly from the statement he made that these were the areas in which the space program would contribute to our country. I wanted to know how the manned landings on the moon would contribute.

Here is what Dr. Paine has to say about the reasons for manned space flight:

> Manned lunar exploration in the near term will contribute primarily to the fulfillment of the human goal of exploration and to advancing our scientific knowledge and understanding of the moon and thereby of the earth and the other elements of the solar system.

In other words, all the moon flight is going to do is make us feel better. Human fulfillment. It gives somewhat better knowledge of the way the earth developed, the moon developed, and the solar system developed, but knowledge which they cannot show would be of any benefit in solving any of our domestic problems in terms of health, in terms of a better life, or in terms of improving the lot of a single human being here on earth.

They added:

> In the long run, manned exploration of the moon—like other exploration into the unknown—will undoubtedly have many other significant direct benefits which are not now foreseen.

In other words, we do not know what we are going to get. I want to make it clear that I am not saying we should end our exploration forever. What I am saying is that in this period of serious inflation, when we are faced with a taxpayers' revolt, and when we have these very urgent domestic needs, we can postpone manned lunar flights, since there is no real purpose served, and NASA cannot come up with any purpose.

One final point, Mr. President. Even if we accept the value of the benefits cited by NASA, we ought to keep in mind that they fail to satisfy any genuine human need. Going to the moon does not build a house. It does not provide education for doctors, lawyers, nurses, and teachers. It does not eradicate our slums, solve our crime problem, or cure disease. And, in all probability, it will not provide raw materials or natural resources. It does seriously aggravate our inflation. It does increase the tax burden. It does divert highly skilled manpower from constructive purposes here on earth.

I submit, Mr. President, that this is the most inflationary kind of spending that we can have. Spending without satisfying an economic need, dollars expended without any corresponding increase in the supply of economic goods, is exactly what heats up the economy, and has the most inflationary impact on the goods and services we buy. If we are ever going to make inroads on inflation and soaring interest rates, we have to cut down on Federal spending that produces no economic benefits. The military and space program are the two highly inflationary areas of Government expenditure.

I know that much of that is necessary. I voted for the bill on final passage. I have voted for the space program on final passage. I think it has some meritorious provisions in it. However, it has some elements that can give us no benefits. They are certainly inflationary. That seems to me to be a serious mistake.

I explained that I am not going to offer these amendments for a vote today on this bill because of the situation. However, I will offer them later.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. Mr. President, I yield 5 additional minutes to the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 additional minutes.

Mr. PROXMIRE. Mr. President, I should like to ask a few questions of the distinguished Senator in charge of the bill.

Beyond the present Project Apollo, what commitments does H.R. 11271 make in the following areas:

First. The $2.5 million for advanced missions.

Would this commit us to any further mandatory expenditure on future appropriations bills?

Mr. CANNON. That is for studies only.

Mr. PROXMIRE. On my second point, would the $138.8 million for "Lunar and planetary exploration" commit us to explore other planets? If so, to what extent are we committed?

Mr. CANNON. Those are unmanned missions.

Mr. PROXMIRE. I understand there are to be unmanned missions. However, I wonder if there are any funding commitments under which we are obligated to provide future authorizations.

Mr. CANNON. The program is funded annually. So, there would be no commitment to ongoing or continuing appropriations.

Mr. PROXMIRE. I think I can scrap the rest of these questions and put it in this manner. We are told by the space people—and I have checked this with the GAO and they say this is correct—that even if we were to stop the space program, we would not save very much money because we are committed under contracts to go ahead and build some 15 additional Saturn V's. That commitment has been made, and now we are authorizing funds in this bill to meet those past commitments and will have to authorize further funds. I will not try to reverse that. That would be crying over spilled milk. However, I want to be sure that there is no additional commitment in the bill that would require the Senate in future years to authorize further funds because we would be obligated to do so.

Mr. CANNON. The reason for the present situation is that booster and other space hardware production was a part of the Apollo program authorized and approved by the Senate. Contracts were let for these boosters based upon the best estimates of numbers required at the time. The contracts had to be let far in advance of launch due to long loadtimes if we were going to continue the program and carry out the desired missions. All of those nine remaining boosters have either been constructed or are in the process of construction at the present.

Mr. PROXMIRE. That is what I wanted to get at. We are not authorizing any similar program or similar action in this bill which would require additional authorizations.

Mr. CANNON. There is some leadtime money in here that can be used on some of the anticipated programs. However, we are not committing ourselves to a hardware program. As I stated, these programs are funded annually.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CANNON. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 additional minutes.

Mr. CANNON. Mr. President, one of the amendments that the Senator from Texas and the Senator from Alabama were arguing for was to commit us to a more extensive production of booster vehicles. We rejected that proposal today.

Mr. PROXMIRE. I understand that in the pending authorization bill there is $112.6 million for a launch vehicle procurement program. I wonder what sort of production commitments beyond Apollo does this make if any?

Mr. CANNON. That is for unmanned satellites.

This is the launch vehicle procurement program. This is all for launch vehicles for unmanned satellite programs.

Mr. PROXMIRE. I thank the Senator. I presume then that this makes no further funding commitment that would mandate additional authorizations later.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield myself 2 minutes.

I ask unanimous consent that, in response to the Senator from Wisconsin's question as to the objectives that are to be accomplished, we may have printed in the Record a portion of Dr. Miller's testimony before the committee, contained on page 99.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

ACTIVITIES ON THE MOON

Our activities on the moon will extend man's knowledge to a new world; to acquire the insight and perspective resulting from this knowledge and, perhaps, to provide opportunities for international cooperation, as in Antarctica and in the exploration of other scientific frontiers.

Some of the more specific objectives of lunar exploration are: first to understand dynamic processes on earth through direct comparison of the earth and the moon. The physical properties of the moon and the observations of the earth from the moon can tell us much, for example, about the cause of earthquakes—bringing us that much closer to the time when they can be predicted just as we predict weather.

A second objective is to evaluate the natural resources of the 14.6 million square mile lunar surface. These resources include not only minerals of a nature yet to be determined, but also a uniquely available combination of high vacuum and a gravitation field one-sixth as strong as that of earth. On the results of our evaluation will depend our decision some years from now as to whether there is sufficient potential to justify establishing a lunar base.

We will also want to investigate the possibility of using the moon as an island near our shores to which we can voyage in these early years of the space age to develop man's potential to function as an explorer throughout the solar system.

Finally, by exploring the moon we have the opportunity to gain new understanding of the solar system and its origin and perhaps to gain clues to the origin of life. As an objective for exploration in the solar system, the moon ranks next to Mars in the judgment of the scientific world. But it has the advantage of nearness. It is reachable here and now. Thus the concentration of scientific attention on this available object can produce very substantial additions to understanding of the universe during the next few years.

The lunar exploration program is in accordance with these objectives. The initial phases of this program have been defined. The first four missions will consist of landings that sample the major classes of regions that are accessible in the equatorial region on the visible face of the moon. In a sense, we will be looking for the kind of information that we could obtain about the United States by landing first on the Great Plains, then on the eastern Coastal Plain, followed by landings at Denver and western Pennsylvania in the Appalachians. In later missions it will be possible to determine how and why certain anomalous areas differ from these regions.

Mr. HOLLAND. Mr. President, I ask unanimous consent to have printed in the Record, for the information of the Senate, a scientific column entitled "The Aerospace Generation Gap," which appeared in the newspaper Today, published in the Cape Kennedy area.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE AEROSPACE GENERATION GAP

Aerospace firms are suffering a "multiple generation gap," which points the way for a lean year or two.

In space, the gap is between Apollo and other major projects such as the space shuttle and large orbiting space stations.

In aviation the gap exists between jet aircraft and the coming generation of supersonic transports and airbuses.

And the third gap is in military spending. The same Congress which used to agree to every demand from the Pentagon is now lined up with the shears, ready to trim each request.

What this means in local terms is evident as people get laid off at the Kennedy Space Center and the Eastern Test Range.

In spite of "For Sale" signs going up around the county, some people insist on hiding their heads in the Florida sand and refuse to see what is happening.

THE BARE FACTS

Business Week Magazine looked around the country and found:

Boeing Company employment has dropped 26,000 or 18 percent, and another 9,000 may be dropped. Orders reaching $400 million have been canceled or delayed, and costs are up on 747 aircraft production.

North American Rockwell sales dropped $100 million and 10,000 people were laid off.

United Aircraft sales will drop $100 million and employment is off.

Lockheed Aircraft has dropped a bundle on the C–5A super-sized military airplane development, and now the Defense Department is preparing to cut back its order. Lockheed has also been hurt in helicopter production.

More than 10,000 people have been laid off as a result of impact of the cancellation of the Manned Orbiting Laboratory program, with most hitting McDonnell Douglas and General Electric.

Of course the biggest impact of all this year is from the cutback in Apollo. Where once 420,000 people worked several shifts a day and lots of overtime, now only 200,000 are faced with keeping up the quality and excellence.

Money is so tight within the space agency that its own centers at Huntsville, Houston and here in Florida are cutting each other's throat for work.

Marshall Space Flight Center is engaged in an all-out battle with the Manned Spacecraft Center over spacecraft development work.

Engineers and technicians who used to feel confident of finding work somewhere in the aerospace industry have to look elsewhere, for at least the next couple of years.

All is not gloomy, however. Grumman has work on the F–14 fighter, Lockheed on Poseidon and an anti-submarine aircraft, Martin Marietta on the Sprint missile, McDonnell-Douglas on the F–4 fighter and the Spartan missile and Northrop on the F–5–21.

There was a time when companies felt confident that if civilian space spending dropped off—as it indeed has done—they could always fall back on the military programs.

In 1969 that just isn't true. Many companies are scrambling to diversify into other areas such as city management and computer software for industry.

There has been a lot of talk, most of it lip service, about applying space-age techniques to the needs of society.

A handful of firms have spent the money, done the research and learned the lessons and will now be in line to survive the coming winter of discontent in the aerospace business.

For others, it will be a long winter.

Mr. CANNON. Mr. President, prior to voting, I wish to express, on behalf of the committee, our very great appreciation for the leadership exhibited by our chairman, the Senator from New Mexico (Mr. Anderson), and by the ranking minority member, the Senator from Maine (Mrs. Smith), who devoted long and careful hours of work and attention to this bill in an attempt to try to balance the equities and to try to find places where we could economize and still keep a useful and effective space program underway.

I know that in saying that I speak not only for the members of the committee but also for the entire Senate.

The PRESIDING OFFICER. Who yields time?

Mr. CANNON. I yield 3 minutes to the Senator from Vermont.

PRESIDENT NIXON'S ADDRESS BEFORE THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Mr. AIKEN. Mr. President, yesterday, President Nixon made a rather comprehensive speech before the United Nations in which he asked for the cooperation of other nations, and Russia in particular, in an effort to bring about an early end to the wars and the near wars which are now plaguing the world. The President was also seeking the prevention of future wars.

This afternoon, according to the news ticker, Mr. Gromyko, speaking for Russia, rejected President Nixon's request and submitted another long agenda of items for discussion looking to the establishment and maintenance of peace sometime in the future. I think we should have no objection to discussing any part of Russia's agenda which looks toward peace in the far distant future; but such discussions may go on for years, and I believe that President Nixon was thoroughly right when he asked for Russia's cooperation to establish peace in the world today, not some day in the distant future.

Until Russia is willing to discusss measures looking to an early peace, a peace which would come about very soon, I think we can very properly be skeptical of her motives when she asks for long discussions looking to the establishment of peace in the future.

The President's speech, so far as I know, has not been distributed among the Members of Congress as yet, but it was printed in the New York Times this morning; and I ask unanimous consent to have it printed at this point in the RECORD, so that Members of Congress may have a chance to read it and study it over the weekend.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TEXT OF ADDRESS BY PRESIDENT NIXON TO GENERAL ASSEMBLY OF THE UNITED NATIONS

Madame President, Mr. Secretary General, distinguished Foreign Ministers, Prime Ministers, delegates, my fellow citizens of the world community:

I first wish to express my deep appreciation for the honor of addressing this organization for the first time and also take this opportunity to welcome all of those from 126 countries who are here at the United Nations General Assembly session. And particularly on a personal note I appreciate the opportunity to have been welcomed today by the Secretary General.

It is hard to realize as we were reminiscing just 16 years ago he welcomed me to Burma when he was chief of protocol and I was Vice President. Since then, we have both come up in the world to a certain extent.

I think we would all agree that there is no nobler destiny, nor any greater gift that one age could make to the ages that follow than to forge the key to a lasting peace.

And in this great assembly, the desirability of peace needs no affirmation. The methods of achieving it are what so greatly challenge our courage, our intelligence, our discernment.

And surely if one lesson above all rings resoundingly among the many shattered hopes in his world, it is that good words are not a substitute for hard deeds and noble rhetoric is no guarantee of noble results.

We might describe peace as a process embodied in a structure. For centuries, peace was the absence of war. Stability was the absence of change.

NO STABILITY WITHOUT CHANGE

But in today's world, there can be no stability without change—so that peace becomes a continuing process of creating evolution. It is no longer enough to restrain war. Peace must also embrace progress—both in satisfying man's material needs and in fulfilling his spiritual needs.

The test of the structure of peace is that it insure for the people of each nation the integrity of their borders, their right to develop in peace and safety and their right to determine their own destiny without outside interference.

As long as we live with the threat of aggression, we need physical restraints to contain it.

But the truest peace is based on self-restraint—on the voluntary acceptance of those basic rules of behavior that are rooted in mutual respect and demonstrated in mutual forbearance.

The more closely the world community adheres to a single standard in judging international behavior, the less likely that standard is to be violated.

I'm well aware that many nations have questions about the world role of the United States in the years ahead—about the nature and extent of our future contribution to the structure of peace.

Let me address those doubts and address them quite candidly before this organization.

In recent years, there has been mounting criticism here in the United States of the scope and the results of our international commitments.

This trend, however, has not been confined to the United States alone. In many countries we find a tendency to withdraw from responsibilities; to leave the world's often frustrating problems to the other fellow and just to hope for the best.

UNITED STATES HAS NOT TURNED AWAY

As for the United States, I can state here today without qualification: We have not turned away from the world.

We know that with power goes responsibility.

We are neither boastful of our power, nor apologetic about it. We recognize that it exists; and that as well as conferring certain advantages, it also imposes upon us certain obligations.

As the world changes, the pattern of those obligations and responsibilities changes.

At the end of World War II, the United States for the first time in history assumed the major responsibility for world peace.

We were left in 1945 as the one nation with sufficient strength to contain the new threats of aggression, and with sufficient wealth to help the injured nations back to their feet.

For much of the world, those first difficult postwar years were a time of dependency.

And the next step was toward independence, as new nations were born and old nations revived.

And now we are maturing together into a new pattern of interdependence.

It is against this background that we have been urging other nations to assume a greater share of responsibility for their own security, both individually and together with their neighbors. The great challenge now is to enlist the cooperation of many nations in preserving peace and in enriching life.

This cannot be done by American edict, or by the edict of any other nation. It must reflect the concepts and the wishes of the people of those nations themselves.

TWO FORMS OF NATIONALISM

The history of the postwar period teaches that nationalism can be dangerously disruptive—or powerfully creative.

Our aim is to encourage the creative forms of nationalism; to join as partners where our partnership is appropriate, and where it is wanted, but not to let a U.S. presence substitute for independent national effort or infringe on national dignity and national pride.

It is not my belief that the way to peace is by giving up our friends or letting down our allies. On the contrary, our aim is to place America's international commitments on a sustainable long-term basis, to encourage local and regional initiatives, to foster national independence and self-sufficiency, and by so doing to strengthen the total fabric of peace.

It would be dishonest particularly before this sophisticated audience to pretend that the United States has no national interest of its own, or no special concern for its own interests.

However, our most fundamental national interest is in maintaining that structure of international stability on which peace depends, and which makes orderly progress possible.

Since I took office as President, no single question has occupied so much of my time and energy as the search for an end to the war in Vietnam, an end fair to the people of South Vietnam, fair to the people of North Vietnam and fair to those others who would be affected by the outcome.

We in the United States want to end this war, and we are ready to take every reasonable step to achieve that goal. But let there be no question on this one fundamental point: in good conscience we cannot, in the long term interest of peace, we will not accept a settlement that would arbitrarily dictate the political future of South Vietnam and deny to the people of South Vietnam the basic right to determine their own future free of any outside interference.

As I put it in my address to the American people last May "What the United States wants for South Vietnam is not the important thing. What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam."

FUNDAMENTAL OBJECTIVE STATED

To secure this right, and to secure this principle, is our one limited but fundamental objective.

Both in public and in the Paris talks we have offered a number of proposals which would bring peace and provide self determination. And we're ready to consider any other proposals that have the same objective. The missing ingredient so far has been the willingness of the other side to talk on any terms other than those that would predetermine the result and deny the right of self-determination to the people of South Vietnam. Once that willingness exists and once there is a genuine willingness by the other side to reach agreement, the practical solution can readily be found.

This makes it urgent that the U.N. members, those in this room who have long taken an active interest in peace in Vietnam, now take an active hand in achieving it. Many urge that if only we halted our bombing of the North, peace would follow. Nearly a year has passed since the bombing of the North was halted.

Three months have passed since we began the process of troop replacement, signaling both our own genuine desire for a settlement and the increased readiness of the South Vietnam to manage their own defense.

As I announced on Tuesday, by Dec. 15 our troop strength in Vietnam will have been reduced by a minimum of 60,000 men.

On Sept. 2, 1969, North Vietnam's chief negotiator in Paris said that if the United States committed itself to the principle of totally withdrawing its forces from South Vietnam and if it withdrew a significant

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number of troops, Hanoi would take this into account.

TIME FOR RESPONSE HAS COME

I repeat here today what I said in my speech of May 14—that we are prepared to withdraw all of our forces from South Vietnam and the replacement of 60,000 is a significant step.

The time has come for the other side to respond to these initiatives.

The time has come for peace.

And in the name of peace, I urge all of you here—representing 126 nations—to use your best diplomatic efforts to persuade Hanoi to move seriously into the negotiations which could end this war. The steps we have taken have been responsive to views expressed in this room, and we hope that views from this organization may also be influential in Hanoi. If these efforts are successful, this war can end.

The people of Vietnam, North and South alike, have demonstrated heroism enough to last a century. And I speak from personal observation. I have been to North Vietnam, to Hanoi in 1953, and all over South Vietnam. I have seen the people of the North and the people of the South. The people of Vietnam, North and South, have endured an unspeakable weight of suffering for a generation and they deserve a better future.

When the war ends the United States will stand ready to help the people of Vietnam, all of them, in their tasks of renewal and reconstruction. And when peace comes at last to Vietnam, it can truly come with healing in its wings.

In relations between the United States and the various Communist powers, I have said that we move from an era of confrontation to an era of negotiation.

I believe our relations with the Soviet Union can be conducted in a spirit of mutual respect, recognizing our differences and also our right to differ; recognizing our divergent interests, and also our common interests; recognizing the interests of our respective allies as well as our own.

MAJOR PROBLEMS STILL EXIST

Now it would be idle to pretend that there are no major problems between us, and conflicting interests. The tensions of the past 30 years have not been caused by mere personal misunderstanding. This is why we have indicated the need for extended negotiations on a broad front of issues.

Already, as you know, we have had extensive consultation with the Soviet Union as well as with others about the Middle East, where events of the past few days point up anew the urgency of a stable peace.

The United States continues to believe that the U.N. cease-fire resolutions define the minimal conditions that must prevail on the ground if settlement is to be achieved in the Middle East. We believe the Security Council resolution of November, 1967, charts the way to that settlement.

A peace, to be lasting, must leave no seeds of a future war. It must rest on a settlement which both sides have a vested interest in maintaining.

We seek a settlement based on respect for the sovereign right of each nation in the area to exist within secure and recognized boundaries. We are convinced that peace cannot be achieved on the basis of substantial alterations in the map of the Middle East. And we are equally convinced that peace cannot be achieved on the basis of anything less than a binding, irrevocable commitment by the parties to live together in peace.

Failing a settlement, an agreement on the limitation of the shipment of arms to the Middle East might help to stabilize the situation. We have indicated to the Soviet Union, without result, our willingness to enter such discussions.

ARMS TALKS SOUGHT

In addition to our talks on the Middle East we hope soon to begin talks with the Soviet Union on the limitation of strategic arms. There is no more important task before us.

The date we proposed for the opening of talks has passed for lack of response. We remain ready to enter negotiations.

Since the United States first proposed strategic talks three years ago the task of devising an effective agreement has become more difficult. The Soviet Union has been vigorously expanding its strategic forces; weapons systems themselves have become more sophisticated, more destructive. But as the difficulty of the talks increases, so, too, does their importance.

Though the issues are complex we are prepared to deal with them seriously, concretely and purposefully—and to make a determined effort not only to limit the build-up of strategic arms, but to reverse it.

And meanwhile, I want to affirm our support for arms-control proposals which we hope the Geneva Conference will place before this Assembly with regard to the seabed and the chemical and bacteriological warfare. We hope also that the nuclear nonproliferation treaty will soon enter into force.

WARNS AGAINST ILLUSION

We should be under no illusion, however, that arms control will itself bring peace. Wars are fought by soldiers, but they are declared by politicians. Peace also requires progress on these stubbornly persistent political questions—questions that are considered in this room—questions that still divide the world. And it requires other exchanges not only of words but of deeds, that can gradually weave a fabric of mutual trust among the nations and the peoples of the world.

We intend to conduct our negotiations with the Soviet Union soberly and seriously, neither encumbered by prejudice nor blinded by sentimentality, seeking to reach agreements rather than to make propaganda.

Whenever the leaders of Communist China choose to abandon their self-imposed isolation, we are ready to talk with them in the same frank and serious spirit.

For nearly a quarter of a century the U.N. has struggled with the often thankless task of peace-keeping.

As we look to the future, however, keeping the peace is only part of our task. We also must concentrate on building.

Let us be candid. There are many differences among the great powers, and among other powers, which as realists we know cannot be resolved quickly, cannot be resolved even by this organization. But we also know that there are at least five areas in particular of great concern to everyone here with regard to which there should be no national differences, in which our interests are common and on which there should be unanimity. They are these:

Encouraging international voluntary services.

Fostering economic development and population control.

Protecting our threatened environment.

Exploring the frontiers of space.

By any standards, aircraft hijackings are morally, politically, and legally indefensible. The Tokyo Convention has now been brought into force, providing for prompt release of passengers, crew and aircraft. Along with other nations, we also are working on a new convention for the punishment of hijackers. But neither of these conventions can be fairly effective without cooperation; sky piracy cannot be ended as long as the pirates receive asylum.

And consequently I urge the United Nations to give high priority to this matter. This is an issue that transcends politics; there is no need for it to become the subject of polemics or a focus of political differences. It involves the interests of every nation, the safety of every air passenger, and the integrity of that structure of order on which a world community depends.

The creative, dynamic kind of peace I have spoken of, of course, requires more than such basic protections as the one I have just described. To build this kind of peace we must join together in building our society in raising a great cathedral of the spirit, which celebrates the infinite possibilities of man himself.

Such a peace requires a fuller enlistment not only of government resources, and of private enterprise resources, but also of the dedication and skill of those thousands of people all over the world who are ready to volunteer in the cause of human achievement. Our own Peace Corps has helped in many countries. And I especially welcome the consideration of the U.N. itself, which is now giving to establishment of an international volunteer corps. We stand ready to give this exciting new venture our full and enthusiastic cooperation.

As the U.N. looks toward the beginning of its second development decade, it faces a time of enormous challenge but enormous opportunity.

We can only guess at the new scientific discoveries that the seventies may bring, but we can see with chilling clarity the gap that already exists between the developed economies and the economies of the developing countries and the urgent need for international cooperation in spurring economic development.

If, in the course of that second development decade, we can make both significant gains in food production and significant reduction in the rate of population growth, we shall have opened the way to a new era of splendid prosperity. If we do only one without the other we shall be standing still.

And, if we fail in both, great areas of the world will face human disaster.

PROTECTING THE ENVIRONMENT

Increasingly, the task of protecting man's environment is a matter of international concern. Pollution of air and water, upsetting the balance of nature—these are not only local problems and not only national problems, but matters that affect the basic relationships of man to his planet.

The United Nations already is planning a conference on the environment in 1972, and I pledge the strongest support of the United States for that effort. I hope that even before then we can launch new national and international initiatives toward restoring the balance of nature and maintaining our world as a healthy and hospitable place for man.

Of all of man's great enterprises, none lends itself more logically or more compellingly to international cooperation than the venture into space. Here, truly, mankind is one: as fellow creatures from the planet earth exploring the heavens that all of us enjoy.

The journey of Apollo 11 to the moon and back was not an end but the beginning. There will be new journeys of discovery. And beyond this, we are just beginning to comprehend the benefits that space technology can yield here on earth, and the potential is enormous.

For example, we now are developing earth resource survey satellites, with the first experimental satellite to be launched sometime early in the decade of the seventies.

Present indications are that these satellites should be capable of yielding data which could assist in as widely varied tasks as these: the location of schools of fish in the oceans; the location of mineral deposits on land; the health of agricultural crops.

I feel it is only right that we should share both the adventures and the benefits of space, and as an example of our plans, we have determined to take actions with regard to earth resource satellites as this program proceeds and fulfills its promise.

INFORMATION SOUGHT FOR WORLD

The purpose of those actions is that this program will be dedicated to produce information not only for the United States but also for the world community. We shall be putting several proposals in this respect before the United Nations.

These are among the positive concrete steps we intend to take toward internationalizing man's epic venture into space—an adventure that belongs not to one nation but all mankind and one that should be marked not by rivalry but by the same spirit of fraternal cooperation that so long has been the hallmark of the international community of science.

And now, Madam President and Mr. Secretary General, if I could speak a personal word to the representatives gathered in this room.

I recognize that those here are dedicating their lives to the cause of peace, and that in this room what is done here will have an enormous effect on the future of peace.

I have had the great privilege over the past 23 years to travel to most of the countries represented in this room. I have met most of the leaders of the nations represented in this room, and I have seen literally thousands of people in most of the countries represented in this room.

There are differences between the nations and differences between the leaders and differences between the peoples in this world. But, based on my own experience, of this one thing I am sure: the people of the world, wherever they are, want peace, and those of us who have the responsibilities for leadership in the world have an overwhelming world mandate from the people of the nations we represent to bring peace, to keep the peace and to build the peace.

Now I realize that a survey of history might discourage those who seek to establish peace, but we have entered a new age—different not only in degree but in kind from any that has ever gone before.

A SINGLE WORLD COMMUNITY

For the first time ever, we have seen the staggering fury of the power of the universe unleashed and we know that we hold that power in a very precarious balance.

For the first time ever technological advance has brought within reach what once was only a poignant dream, for hundreds of millions—freedom from hunger, freedom from want, want and hunger that I have personally seen in nation after nation all over the world.

For the first time ever, we have seen changes in a single lifetime—in our lifetime—that dwarf the achievements of centuries before—and those changes continue to accelerate.

For the first time ever, man has stepped beyond his planet—and revealed us to ourselves as "riders on the earth together, bound inseparably on this one bright, beautiful speck in the heavens, so tiny in the universe and so incomparably welcoming as a home for man.

In this new age of firsts, even the goal of a just and lasting peace is a first we can dare to strive. We must achieve it. And I believe we can achieve it.

In that spirit, then, let us press toward an open world—a world of open doors, open hearts, open minds—a world open to the exchange of ideas and of people, and open to the reach of the human spirit—the world open in the search for truth and unconcerned with the fate of old dogmas and old isms—a world open at last to the light of justice, and the light of reason, and to the achievement of that true peace which the people of every land carry in their hearts and celebrate in their hopes.

AUTHORIZATION OF APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, 1970

The Senate resumed the consideration of the bill (H.R. 11271) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

Mr. CANNON. Mr. President, I yield back the remainder of my time.

Mr. AIKEN. I yield back the remainder of our time

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 11271) was passed.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the bill was passed

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CANNON. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House on the disagreeing votes thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ANDERSON, Mr. CANNON, Mr. HOLLAND, Mrs. SMITH of Maine, and Mr. CURTIS conferees on the part of the Senate.

Mr. CANNON. Mr. President, I ask unanimous consent that the Secretary of the Senate be permitted to make any necessary technical and clerical changes in H.R. 11271, as amended and passed by the Senate, and that it be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, once again the distinguished Senior Senator from New Mexico (Mr. ANDERSON), the able chairman of the Committee on Aeronautical and Space Sciences, has displayed his unexcelled legislative skill and ability. I refer, of course, to his magnificent handling of the NASA authorization just adopted by the Senate.

It hardly needs saying that this Nation's space achievements have been marvelous. That CLINT ANDERSON's great support of these endeavors has led to such outstanding success cannot be praised enough. The Senate again is deeply in his debt.

Our thanks is also due the distinguished Senior Senator from Maine (Mrs. SMITH). As the ranking minority member of committee, she again joined to assure the thorough and efficient consideration of this authorization measure. Its prompt acceptance by the Senate was due in large part to her splendid cooperation and support.

Notable also was the outstanding cooperation of the distinguished Senator from Wisconsin (Mr. PROXMIRE). May I say at this time that Senator PROXMIRE's contribution to the discussion of this measure exhibited the same keen insight and diligent effort that he brings to every discussion. The same may be said for the distinguished senior Senator from Texas (Mr. YARBOROUGH). Indeed, no Member of this body has a deeper interest in, nor is more cognizant of the many facets of our space effort, and we are grateful.

Finally, the great support of the distinguished Senator from Nevada (Mr. CANNON) must be mentioned. His magnificent assistance in presenting this measure to the Senate was indispensable to its overwhelming adoption. And to the Senate as a whole, may I say that the efficient disposition of this measure today speaks well for the outstanding cooperation exhibited by all, with full regard for the views of every Member.

JOHN F. KENNEDY CENTER

Mr. MANSFIELD. Mr. President, with the approval of my colleagues—and if there is any objection I will of course honor it—I would like to call up at this time Calendar No. 316, H.R. 11249.

Before the Chair acts, may I say that the reason for my statement is that I did not notify the Senate yesterday that we would take this measure up. I did so this morning, when I was questioned by the acting minority leader, the Senator from South Dakota, and that is the reason for the explanation. But if anyone wishes to enter an objection because of the shortness of notice only, I would be glad to reconsider, although I would prefer to bring it up if I could.

Mrs. SMITH of Maine. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mrs. SMITH of Maine. Mr. President, is it the Kennedy Center measure?

Mr. MANSFIELD. Yes.

Mrs. SMITH of Maine. Mr. President, the Senate debated at great length the matter of the overruns on the C–5A.

There is a comparable overrun percentage on the Kennedy Center and I think there should be comparable Senate debate and inquiry on it.

Consequently, I must take the position that this matter be brought up for full debate.

I shall not object, Mr. President, but I do hope the majority leader will reconsider and not call this bill up today.

Mr. MANSFIELD. I will not press it, Mr. President.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 416, H.R. 12781. I do this so that the bill will become the pending business.

The PRESIDING OFFICER (Mr. DOLE in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there

objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S APPEAL FOR PEACE IN VIETNAM

Mr. GRIFFIN. Mr. President, yesterday the President appeared before the United Nations and made an earnest, inspiring appeal for diplomatic assistance in bringing about peace in Vietnam:

The President said:

> The time has come for the other side to respond . . . . The time has come for peace.

All of us who are appalled by this tragic war can only hope and pray that the President's appeal will be heeded—that in some way world opinion, through diplomatic channels and otherwise, will be marshalled in the cause of peace.

But I wonder what response we can expect from the other member nations of the world if the President's sincere effort to bring the war to an end does not receive the support here at home that it deserves?

Will we deserve support from abroad if those in positions of leadership and influence at home undertake to discount and discredit every move of our President toward peace?

It was very disturbing to read in the newspapers this morning that soon after the President of the United States appeared before the United Nations, a Member of the leadership of this body assailed the President's policy in Vietnam as "the road to war, and war, and more war."

Ignoring the fact that the unfortunate war in Vietnam has been going on a long time, and that two previous administrations were unable to resolve it, this critic went on to say, according to the New York Times:

> For three-quarters of this year, the American people have waited hopefully for new policies designed to end this costly war. Now the answer to those expectations is becoming painfully clear. The war will continue. . . .
>
> We can expect more divisions, even violence between our people as the war works its corrupting influence on every aspect of American life. . . .
>
> When measured against what must be done for peace, we have made only token troop withdrawals on the battlefield, more an exercise in politics and improvisation, while the level of fighting and casualties continue.

Mr. President, it is not difficult to suggest, as this critic has done, that the parties ought to reach a "sensible compromise" for ending the war.

But it takes more than one side to reach a compromise—and the Communists have shown no desire or inclination to do so.

Time after time, during this and the previous administration, Hanoi has ignored offers from this country and the South Vietnamese Government to negotiate a settlement of the war.

As the President indicated in a statement last Tuesday, his administration has not only made a major effort to end the war, but it has proposed eight points which certainly provide the basis for a "sensible compromise." We have: Renounced an imposed military settlement; proposed free elections organized by joint commissions under international supervision; offered the withdrawal of U.S. and allied forces over a 12-month period; declared that we would retain no military bases in Vietnam; offered to negotiate supervised cease-fires under international supervision to facilitate the process of mutual withdrawal; made clear that we would settle for the de facto removal of North Vietnamese forces so long as there are guarantees against their return; announced that we are prepared to accept any political outcome which is arrived at through free elections; and said we are prepared to discuss the 10-point program of the other side together with plans put forward by other parties.

Mr. President, do all these things, taken together, represent a "road to war, and war, and more war"?

What has been Hanoi's response? It has been obvious, so far, that the Communists want—not a compromise—but a military victory. Certainly, the proposals we have made must be regarded as a long step in the direction of a "sensible compromise."

The President has made it clear, and I think rightly so, that only one point is not negotiable: the right of the people of South Vietnam to determine their own future free of outside influence.

Mr. President, I wonder if the cause of peace at home is served when those in responsible positions speak of "more division, even violence" among our own people. Does this not encourage the very thing we deplore?

And I wonder if the cause of peace in Vietnam is served when the troop withdrawals which the President has ordered in hopes of opening the way for peace are referred to as "token withdrawals and as an exercise in politics and improvisations."

What will be the description of the reductions in drafts which have been announced today? If troop withdrawals have made it possible to reduce the draft calls significantly, that is not "tokenism."

Mr. President, a distinguished predecessor of mine in the service of this body was the late Arthur Vandenberg of Michigan.

He was a symbol of non-partisanship whenever our Nation's vital interests were concerned. He believed deeply that politics shoulld stop at the water's edge when our Nation was at war.

Though he has been gone a long time, the Senate for the most part has honored that basic principle for which he stood. I hope we shall continue to do so in the future.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. DOLE. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Michigan. It occurs to me that if we are concerned about American involvement in Vietnam and ending the war, we should unite behind the President.

I join Senator Griffin in emphasizing the singular fact that we now have a President not committed to further escalation of the war, but to contracting it.

It does not serve our Nation's interest to criticize without studying the facts and without reviewing the record of the past two administrations. The instant critics of every effort of the President to end the war do nothing but divide Americans.

As the Senator pointed out, the President made it clear on May 14 and again yesterday at the United Nations that there is only one point that is not negotiable and that is the right of the South Vietnamese to self-determination.

As Senator Griffin has said so well, it is time for all Americans to unite behind the President. Why are the critics not asking Hanoi, "What will your response be to this promise to withdraw 60,000 troops?" In response to those who say President Nixon's troop withdrawal is only tokenism let me say the troop reductions will amount to between 10 and 15 percent of the total U.S. strength in Vietnam.

Mr. President, I share the Senator's views.

Mr. GRIFFIN. I thank the Senator.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Cook in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies; and that the House receded from its disagreement to the amendment of the Senate numbered 7 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

TREASURY AND POST OFFICE DEPARTMENTS, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. Spong in the chair). The report will be read for the information of the Senate.

The bill clerk read the report.

(For conference report, see House proceedings of September 18, 1969, p. 26010, Congressional Record.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. YARBOROUGH. Mr. President, I wish to make a relatively brief statement on the conference on H.R. 11582, the Post Office and Treasury Department, and Executive Office appropriations bill for fiscal year 1970.

The conference report contains a total new budget—obligational—authority in the amount of $2,276,232,000. This amount is $38,482,000 under the 1970 budget estimates; $3,900,000 over the House bill; $3,963,000 under the Senate; and $195,226,416 over 1969 appropriations made to date, including supplementals.

I wish to point out that the grand totals of titles I, III, and IV, new budget—obligational—authority, and title II, authorizations out of the postal fund, amount to $8,783,245,000. This latter amount is an increase of $414,654,416 over 1969; $38,482,000 under the 1970 estimates; $3,900,000 over the House; and $3,963,000 under the Senate bill.

TITLE I. TREASURY DEPARTMENT

For the Treasury Department, the conference bill contains new budget—obligational—authority of $1,076,740,000, an increase of $1,400,000 over the House bill; $8,169,000 under the 1970 estimate, $559,000 under the Senate recommendation; and $54,815,000 over 1969 appropriations made to date, including supplementals.

The only major change in title I occurred in connection with the Bureau of Customs. The House receded from its disagreement to the amendment of the Senate numbered 1, and agreed to the same with an amendment thus allowing $107,551,000 for salaries and expenses. Bureau of Customs, for fiscal year 1970. This amount is an increase of $1,400,000 over the House allowance and $559,000 under the Senate allowance.

The action permits the Bureau of Customs to recruit 131 additional employees over the 369 allowed under the House bill, for a total of 500 new positions. These positions are urgently needed in connection with the processing of persons arriving in the United States. The additional manpower allowed will alleviate the very serious passenger-processing delays at major international airports. In addition, 40 of the additional positions allowed under the conference action, will be assigned to the Mexican border area to strengthen enforcement efforts, especially with respect to the smuggling of marihuana, heroin, and other narcotics and dangerous drugs. There is probably no single enforcement problem more serious than that of controlling the flow of these narcotics and dangerous drugs into the United States.

The House receded on Senate amendment No. 2. Hereafter, upon approval of the Secretary of the Treasury, agents on protective missions of persons, as provided by law, that is, 18 U.S.C. 3056, as amended, may be reimbursed for subsistence expenses without regard to rates provided by 5 U.S.C. 5702.

POST OFFICE DEPARTMENT

The Senate receded on its amendment No. 3, thus providing a total of $133,069,000 for administration and regional operation of the postal establishment in lieu of $132,069,000 as approved by the Senate. This amount is $14,069,000 over 1969; $3,000,000 under the estimate; $1,000,000 over the Senate bill, and the same as the House allowance. This amount will fund 790 new positions over those authorized in 1969.

The Senate receded on its amendment No. 4, which would have limited the number of employees in the Office of the Special Assistant to the Postmaster General for Congressional Affairs to 20 positions and $220,000. These limitations are now removed.

The House receded, with an amendment, on Senate amendment No. 5. This action provides the Bureau of Research, Development, and Engineering a total of $48,838,000, an increase of $2.5 million over the House allowance, for fiscal year 1970. The amount allowed under the conference report is $13,338,000 over 1969, and $2.5 million under the estimates and Senate allowance of $51,338,000. This will permit the Department to resume or continue action in areas which would otherwise be subject to fiscal constraints.

Under "Operations" the Senate receded from its amendment No. 6. Thus, $6,141,711,000 is appropriated for expenses necessary for postal operations in lieu of $6,143,615,000 as had been proposed by the Senate. I wish to point out that the amount agreed to is $164,640,000 over the 1969 appropriation and approximately double the amount appropriated in fiscal year 1960 for this item. The amount appropriated is the same as the budget request.

Senate amendment No. 7 was reported in technical disagreement. The House receded and concurred in the Senate amendment with an amendment as follows:

Provided further, That of the amount appropriated by this act for postal operations, $5,500,000 shall be for additional window service at large post offices and for maintaining present levels of special delivery and multiple-trip business delivery service at locations where the Postmaster General shall determine such maintenance of service to be necessary or desirable.

The Senate bill had earmarked $9,218,000 for these various postal services but the best we could do in conference was to compromise on $5,500,000 for these services so vitally needed by the postal patrons. With the funds provided there can be no excuse for a deterioration of postal service. It is expected that window service, special delivery service, and multiple-trip business deliveries will be maintained at last year's level.

Mr. President, this presentation touches on the main items of the report. I wish to thank Senator Boggs, of Delaware, the ranking minority member of the subcommittee, for the invaluable assistance given me in bringing this conference report to the Senate floor. I am happy to announce that this bill, H.R. 11582, is the first regular 1970 appropriation bill on which action has been completed to date.

Mr. President, I move adoption of the conference report.

The motion was agreed to.

Mr. YARBOROUGH. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 7. First I should explain that this is the one that was voted on the floor of the Senate to continue afternoon (multiple-trip business deliveries, continue expeditious delivery of special delivery letters, and achieve a 2.6-percent increase in window service. What we did was to compromise on the amount of money involved to restore window service, and to keep business deliveries and special deliveries at last year's level.

The Senate bill had earmarked $9,218,000 for these three postal services. In conference we compromised on $5,500,000 and thought that that would be adequate to carry out the programs.

The PRESIDING OFFICER. The clerk will report the amendment in disagreement.

The Bill Clerk. In lieu of the matter proposed by said amendment, insert the following:

Provided further, That of the amount appropriated by this Act for Postal Operations, $5,500,000 shall be for additional window service at large post offices and for maintaining present levels of special delivery and multiple-trip business delivery service at locations where the Postmaster General shall determine such maintenance of service to be necessary or desirable.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that a table showing the 1969 appropriations, the 1970 budget estimates, the House and Senate action, and the conference action on the bill be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

TITLE I—TREASURY DEPARTMENT

COMPARATIVE STATEMENT OF 1969 APPROPRIATIONS, 1970 ESTIMATES, HOUSE AND SENATE ALLOWANCES AND CONFERENCE ACTION

Appropriation title	1969 appropriation [1] (includes supplemental)	1970 estimate (revised)	House bill	Senate bill	Conference action	Conference action compared with— 1969 appropriation	Conference action compared with— 1970 estimate	Conference action compared with— House bill	Conference action compared with— Senate bill
Office of the Secretary	$7, 925, 000	$8, 680, 000	$8, 600, 000	$8, 600, 000	$8, 600, 000	+$675, 000	−$80, 000		
Federal Law Enforcement Training Center:									
Salaries and expenses		58, 000	58, 000	58, 000	58, 000	+58, 000			
Construction		1, 200, 000	1, 000, 000	1, 000, 000	1, 000, 000	+$1, 000, 000	−200, 000		
Total, Federal Law Enforcement Training Center		1, 258, 000	1, 058, 000	1, 058, 000	1, 058, 000	+1, 058, 000	−200, 000		
Bureau of Accounts	44, 877, 000	45, 675, 000	45, 675, 000	45, 675, 000	45, 675, 000	+798, 000			
Government losses in shipment	400, 000					−400, 000			
Eisenhower College grants	5, 000, 000					−5, 000, 000			
Bureau of Customs	100, 337, 000	108, 110, 000	106, 151, 000	108, 110, 000	107, 551, 000	+7, 214, 000	−559, 000	+1, 400, 000	−$559, 000
Bureau of Engraving and Printing (air conditioning of buildings)	400, 000					−400, 000			
Bureau of the Mint	14, 700, 000	17, 630, 000	17, 000, 000	17, 000, 000	17, 000, 000	+2, 300, 000	−630, 000		
Construction of mint facilities		1, 770, 000	1, 770, 000	1, 770, 000	1, 770, 000	+1, 770, 000			
Bureau of the Public Debt	58, 878, 000	60, 370, 000	60, 370, 000	60, 370, 000	60, 370, 000	+1, 492, 000			
Internal Revenue Service:									
Salaries and expenses	22, 055, 000	23, 080, 000	23, 080, 000	23, 080, 000	23, 080, 000	+1, 025, 000			
Revenue accounting and processing	191, 500, 000	201, 171, 000	200, 000, 000	200, 000, 000	200, 000, 000	+8, 500, 000	−1, 171, 000		
Compliance	545, 300, 000	581, 715, 000	576, 715, 000	576, 715, 000	576, 715, 000	+31, 415, 000	−5, 000, 000		
Total, Internal Revenue Service	758, 855, 000	805, 966, 000	799, 795, 000	799, 795, 000	799, 795, 000	+40, 940, 000	−6, 171, 000		
Office of the Treasurer	7, 045, 000	7, 250, 000	7, 250, 000	7, 250, 000	7, 250, 000	+205, 000			
Check forgery insurance fund		100, 000	100, 000	100, 000	100, 000	+100, 000			
U.S. Secret Service	22, 708, 000	27, 400, 000	26, 871, 000	26, 871, 000	26, 871, 000	+4, 163, 000	−529, 000		
Construction of Secret Service training facilities	800, 000	700, 000	700, 000	700, 000	700, 000	−100, 000			
Total, title I, Treasury Department new budget (obligational) authority	1, 021, 925, 000	1, 084, 909, 000	1, 075, 340, 000	1, 077, 299, 000	1, 076, 740, 000	+54, 815, 000	−8, 169, 000	+1, 400, 000	−559, 000

TITLE II—POST OFFICE DEPARTMENT

Appropriation title	1969 appropriation [1] (includes supplemental)	1970 estimate (revised)	House bill	Senate bill	Conference action	Conference action compared with— 1969 appropriation	Conference action compared with— 1970 estimate	Conference action compared with— House bill	Conference action compared with— Senate bill
Administration and regional operation	$119, 000, 000	$136, 069, 000	$133, 069, 000	$132, 069, 000	$133, 069, 000	+$14, 069, 000	−3, 000, 000		+$1, 000, 000
Research, development, and engineering	35, 500, 000	51, 338, 000	46, 338, 000	51, 338, 000	48, 838, 000	+13, 338, 000	−2, 500, 000	+$2, 500, 000	−2, 500, 000
Operations	5, 977, 071, 000	6, 141, 711, 000	6, 141, 711, 000	6, 143, 615, 000	6, 141, 711, 000	+164, 640, 000			−1, 904, 000
Transportation	622, 000, 000	638, 900, 000	630, 000, 000	630, 000, 000	630, 000, 000	+8, 000, 000	−8, 900, 000		
Building occupancy	210, 000, 000	235, 323, 000	230, 000, 000	230, 000, 000	230, 000, 000	+20, 000, 000	−5, 232, 000		
Supplies and services	110, 000, 000	114, 917, 000	114, 917, 000	114, 917, 000	114, 917, 000	+4, 917, 000			
Plant and equipment	200, 000, 000	215, 761, 000	210, 000, 000	210, 000, 000	210, 000, 000	+10, 000, 000	−5, 761, 000		
Postal public buildings	50, 000, 000	174, 223, 000	170, 000, 000	170, 000, 000	170, 000, 000	+120, 000, 000	−4, 223, 000		
Total, authorizations out of postal funds	7, 323, 571, 000	7, 708, 242, 000	7, 676, 035, 000	7, 681, 939, 000	7, 678, 535, 000	+354, 964, 000	−29, 707, 000	+2, 500, 000	−3, 404, 000
Less net revenues (estimated)	−6, 287, 585, 000	[2] −6,507,013,000	−6, 507, 013, 000	−6, 507, 013, 000	−6, 507, 013, 000	−219, 428, 000			
Total, title II, Post Office Department, new budget (obligational) authority (indefinite) [3]	[3] 1, 035, 986, 000	[3] 1, 201, 229, 000	[3] 1, 169, 022, 000	[3] 1, 174, 926, 000	1, 171, 522, 000	+135, 536, 000	−29, 707, 000	+2, 500, 000	−3, 404, 000

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Appropriation title	1969 appropriation [1]	1970 estimate (revised)	House bill	Senate bill	Conference action	Conference action compared with— 1969 appropriation	Conference action compared with— 1970 estimate	Conference action compared with— House bill	Conference action compared with— Senate bill
Compensation of the President	$194, 584	$250, 000	$250, 000	$250, 000	$250, 000	+$55, 416			
The White House Office	3, 229, 000	3, 630, 000	3, 630, 000	3, 630, 000	3, 630, 000	+401, 000			
Special projects	1, 500, 000	2, 500, 000	2, 500, 000	2, 500, 000	2, 500, 000	+1, 000, 000			
Operating expenses, Executive Mansion	823, 000	918, 000	918, 000	918, 000	918, 000	+95, 000			
Bureau of the Budget	10, 050, 000	12, 084, 000	11, 650, 000	11, 650, 000	11, 650, 000	+1, 600, 000	−$434, 000		
Council of Economic Advisers	1, 130, 000	1, 182, 000	1, 137, 000	1, 137, 000	1, 137, 000	+7, 000	−45, 000		
National Security Council	811, 000	1, 860, 000	1, 860, 000	1, 860, 000	1, 860, 000	+1, 049, 000			
Emergency fund for the President	1, 000, 000	1, 000, 000	1, 000, 000	1, 0000, 00	1, 000, 000				
Expenses of management improvement	350, 000	350, 000	350, 000	350, 000	350, 000				
Total, title III, Executive Office of the President, new budget (obligational) authority	19, 087, 584	23, 774, 000	23, 295, 000	23, 295, 000	23, 295, 000	+4, 207, 416	−479, 000		

TITLE IV—INDEPENDENT AGENCIES

Appropriation title	1969 appropriation [1]	1970 estimate (revised)	House bill	Senate bill	Conference action	Conference action compared with— 1969 appropriation	Conference action compared with— 1970 estimate	Conference action compared with— House bill	Conference action compared with— Senate bill
Administrative Conference of the United States	$250, 000	$250, 000	$250, 000	$250, 000	$250, 000				
Advisory Commission on Intergovernmental Relations	551, 000	575, 000	575, 000	575, 000	575, 000	+$24, 000			
Commission on Obscenity and Pornography	643, 000	1, 227, 000	1, 100, 000	1, 100, 000	1, 100, 000	+457, 000	−$127, 000		
Tax Court of the United States	2, 563, 000	2, 750, 000	2, 750, 000	2, 750, 000	2, 750, 000	+187, 000			
Total, title IV, independent agencies, new budget (obligational) authority	4, 007, 000	4, 802, 000	4, 675, 000	4, 675, 000	4, 675, 000	+668, 000	−127, 000		
Grand total, titles I, II, III, and IV, new budget (obligational) authority	$2, 081, 005, 584	$2, 314, 714, 000	$2, 272, 332, 000	$2, 280, 195, 000	$2, 276, 232, 000	+$195, 226, 416	−$38, 482, 000	+$3, 900, 000	−$3, 963, 000
Consisting of—									
Appropriations (definite)	1, 045, 019, 584	1, 113, 485, 000	1, 103, 310, 000	1, 105, 269, 000	1, 104, 710, 000	+59, 690, 416	−8, 775, 000	+1, 400, 000	−559, 000
Appropriations (indefinite)	1, 035, 986, 000	1, 201, 229, 000	1, 169, 022, 000	1, 174, 926, 000	1, 171, 522, 000	+135, 536, 000	−29, 707, 000	+2, 500, 000	−3, 404, 000
Memoranda:									
Grand total, titles I, III, and IV, new budget (obligational) authority and title II, authorizations out of the postal fund	8, 368, 590, 584	8, 821, 727, 000	8, 779, 345, 000	8, 787, 208, 000	8, 783, 245, 000	+414, 654, 416	−38, 482, 000	+3, 900, 000	−3, 963, 000

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[1] Includes amounts in 2d supplemental, 1969.

[2] Excludes $591,400,000 proposed legislative rate increase.

[3] Indefinite, because it represents the difference between specific appropriations on use of the postal fund and estimated postal revenues.

Mr. YARBOROUGH. Mr. President, the Senate has just completed action on the Treasury and Post Office Departments appropriation bill for fiscal year 1970, that being the first general appropriation bill of the Congress upon which action has been completed this year. I want to thank the distinguished ranking minority member of the committee, the Senator from Delaware (Mr. Boggs). Without his cooperation, we would not have been through with it today. We worked together, and due to the cooperation of Senator Boggs, the ranking minority member of the committee, we were able to complete action on that bill.

AMENDMENT OF HIGHER EDUCATION ACT—APPOINTMENT OF CONFEREES

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13194.

The **PRESIDING OFFICER** laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 13194) to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. YARBOROUGH. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Pell, Mr. Yarborough, Mr. Randolph, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Mondale, Mr. Eagleton, Mr. Prouty, Mr. Javits, Mr. Dominick, Mr. Murphy, and Mr. Schweiker conferees on the part of the Senate.

IMPORTANCE OF SENATORS BEING PRESENT FOR VOTES ON FORTHCOMING LEGISLATION

Mr. MANSFIELD. Mr. President, there are a number of appointments at the desk of the Presiding Officer, which I hope will be acted on shortly.

The Senate has now completed action on the military procurement authorization bill and the NASA authorization bill. Attention must now be turned to a number of major legislative items, including nearly all the fiscal 1970 appropriation bills, for which passage in the remaining weeks of this session is a must. We also have a tax bill which I confidently expect will be reported to the Senate in one package not later than October 31. We have a foreign aid bill. We have a housing bill. We have an education bill. We have a pretty good schedule and a pretty big backlog to tackle in the remaining weeks and months of the first session of this Congress.

If we are to be successful in carrying out this legislative schedule, it is imperative that Senators stay in town and attend to the business of the Senate. I am happy to say, Mr. President, that that has been the norm during the course of this session, and I have been more than pleased at the number of Senators who are in the city and on the floor at all times ready to cope with legislation which may come before this body.

There are legitimate requirements, of course, which may cause Senators to be absent. Two examples are the Interparliamentary Union and North Atlantic Assembly coming up in New Delhi and Brussels, October 20 to November 7, and October 16 to 21, respectively. These are important conferences, and under normal circumstances would occasion no cautionary comments from the leadership. However, circumstances at this late date in the session are not routine, and participants in these and other conferences should be aware that votes are likely to occur with increasing frequency, and if they do, such votes have, in the eyes of the Senate, a priority over any other matter. Senators are on notice, therefore, that they are subject to recall by the leadership should important votes occur.

In other words, Mr. President, we have a great deal to do, and it is the intention of the leadership to see that we have the troops here to do it.

INVESTMENT TAX CREDIT

Mr. BYRD of Virginia. Mr. President, the Senate Finance Committee, by a vote of 9 to 8, yesterday, decided to take up for consideration the question of whether the investment tax credit should be repealed.

The Senator from New Mexico (Mr. Anderson) and I voted with seven Republican members of the committee to make the majority of nine. Eight Democrats voted in the negative.

I do not regard taxes as being a partisan issue.

The business community and the farmers urgently need to know where they stand on this multi-billion-dollar tax bill. Until they know, they cannot determine the extent of their investments in new machinery, machinery which in turn creates new jobs for the people.

I think the matter should be settled without delay. I so voted as a member of the Committee on Finance.

I feel that the Committee on Finance has a responsibility, which it has now exercised, to bring this matter to the floor of the Senate.

Whether the Senate desires to act on it or to hold it until action on the highly complex and complicated tax reform measure is completed is a question for the Senate to decide. The Finance Committee has discharged its responsibility.

The Senate Finance Committee has been meeting daily and expects to hear 400 witnesses. The tax bill under consideration touches the life and livelihood of every American. Churches, schools, and colleges will feel its impact, as will State and local governments. The complexity of the issues involved in revising the Nation's tax code is enormous.

The purpose is an excellent one—to achieve tax justice. This is an important objective.

In seeking this objective, the Congress has an obligation to understand the proposals and to be sure that we do not unjustly penalize the many in order to strike at the few.

For example, representatives of the independent colleges throughout the United States, of which there are about 1,500, have testified that the legislation in its present form will penalize charitable contributions and will seriously cripple such schools. If true, this would increase the burden on tax-supported colleges.

Hospital and church officials say their institutions will likewise be crippled.

Representatives of States, counties, and cities say the cost of local government will be increased if the Congress changes the status of State and local bonds.

So I say this bill must be handled carefully and thoughtfully. It was rushed through the House, but it should not be rushed through the Senate. We should understand what we are doing.

Tax legislation should not become involved in partisan politics.

I shall, wherever possible, cooperate fully with the leadership of the Senate, but I am convinced that delaying consideration of the repeal of the investment tax credit is not in the best interests of our Nation.

If it is going to be repealed, it should be done now so that the business community will know how to plan in order to provide for the additional machinery necessary to supply additional jobs to the young people graduating from our schools and colleges. To delay action will keep this entire matter confused and up in the air.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I join the Senator from Virginia in expressing the hope that the leadership will call up this bill, which was reported today by the Committee on Finance with but one dissenting vote, so that the Senate may act upon it promptly.

We cannot overemphasize the importance of prompt action on this tax measure, first, in order that American business and industry may know the rules of the game under which they must operate. They have a right to know, in making their plans for future investment what the tax law will be.

Another point, the Treasury Department must start printing the tax forms in order to distribute them to the taxpayers by the first of the year. The middle of October is the latest date for which they can afford to wait. They have no choice except to print them based on the law as it is today, and the law today permits the 7-percent investment tax credit. If later this year the Senate should repeal the credit it would necessitate reprinting the forms, or at least that portion of the forms dealing with

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the investment credit, and mailing these corrected forms out to every taxpayer—every individual as well as every corporation, because this investment credit is available to all taxpayers who can qualify under the prescribed type of investment for equipment.

In addition, corporations and unincorporated businesses today are filing their estimated taxes. But they are including, very properly, in their estimates the fact that the investment credit is still on the books, which means that they are underpaying their taxes that would actually be due if we repeal this credit retroactively.

Even the most optimistic are not suggesting that we can get this reform package to the President's desk before the middle of December; but even if we do the Treasury Department will not be able to print the new forms and distribute them in time for the farmers and those who must file their tax returns by January 31.

I talked with a representative of the Treasury Department today and was informed that it will be necessary if we delay action longer on this investment credit, to defer the date of January 31 for payment of taxes and extend it to April or some future date, which will mean a delay in revenue coming in to the Government.

If congressional action is deferred until the end of this year it is possible that we shall have $1 billion to $1.5 billion involved in such delayed payments from business and industry. I talked to one taxpayer representing a large corporation, who said they had bought and paid for equipment since the April date mentioned in the bill, and their fiscal year is ending. They are going to take their investment credit—it amounts to about $10 million, put it in Treasury bills drawing 6 or 7 percent interest, and collect the interest until such time as Congress has decided what the tax rates are to be; then, when we do pass the law, Congress will have to give them at least 4 months, if not 6 months, to file amended returns.

Congress cannot require a penalty on such an amended return; the taxpayer cannot be asked to pay interest on an amended return for a retroactive tax which is not due the day he files his return, nor can the Treasury Department charge that man interest for the deferred payment. It is not the taxpayer's fault that Congress is dillydallying.

So we have involved here in this delayed action accumulated interest on $1 billion to $1.5 billion that the Government is losing as a result of this delay. I think that if the members of the policy committee of the majority party wish to take that responsibility they had better recognize what they are doing to the tax structure as well as what they are doing to American business. The uncertainty as to what the tax law will be that is being created for the financial community is causing a loss of jobs, and their dilatory tactics can very well precipitate us into at least a minor recession. Even though it might not be their intention, that can be the result.

I hope the Democratic policy committee will change its position and let the Senate act on this bill, which passed the House of Representatives several months ago. This bill has been approved by the Committee on Finance twice, and it is now before the Senate again. Certainly we would be derelict in our responsibility if we do not act and act quickly.

Mr. BYRD of Virginia. The Senator from Delaware has made some excellent points. He points out that the Treasury Department must prepare the tax return forms to go out to all individuals and businesses throughout the Nation. Treasury does not know how to prepare those forms until Congress makes up its mind what it wants to do about this matter, which passed the House of Representatives many months ago.

The Senator from Delaware also points out that, in effect, by leaving this matter open, as is being done, it creates—I guess I would not be overstating it; if I am, the Senator from Delaware will correct me—a sort of windfall for certain corporations, as he described in his statement a moment ago.

As to the point of what the Democratic policy committee should do, I take no position on that. That is up to them to decide.

As a member of the Committee on Finance, I felt I had an obligation to cast my vote to bring this bill to the floor of the Senate, and then let the Senate do what it thinks best.

The Committee on Finance feels that it should be acted upon now.

If the Senate does not feel that way, that is its privilege; but I am glad that the Finance Committee has discharged its responsibility. Its responsibility, as I saw it, as the distinguished Senator from New Mexico (Mr. ANDERSON) saw it, as the distinguished Senator from Delaware saw it, and as a majority of the committee saw it, was to bring this bill to the floor of the Senate, so that it could be voted up or down, and let the Senate make a decision, so that the businessmen, the farmers, and all the other people who are affected by this investment tax credit—the Government is affected to the extent of $3.4 billion—will know where they stand. It is rather important that the Government knows where it stands in relation to this revenue, so that the businesses will know where they stand in relation to capital improvements. Those capital improvements create additional job opportunities.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. Mr. President, I yield to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I enjoyed very much the comments made by the distinguished Senators from Virginia and Delaware. The Senator from Delaware (Mr. WILLIAMS) has also done excellent work right along on a most important project.

I congratulate the Senators.

Mr. BYRD of Virginia. Mr. President, I appreciate very much the kind remarks of the Senator from New Mexico.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. Mr. President, I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, one of the arguments that has been made—and I do not question the sincerity of those asking for delayed action—is that if the Senate acts on the investment tax credit it may affect later action on the so-called tax reform bill.

Mr. President, I disagree completely with that argument because in the reform bill that is still pending in the committee there are provisions providing for the extension of the excise taxes on both automobiles and telephones, which expire on January 1. That involves about $2.5 billion, as I recall.

The question of the surtax extension is involved.

There is no question in the mind of a single member of the Finance Committee or of any Member of the Senate that the so-called tax reform measure will be before the Senate and will be acted upon this year.

I have been a member of the Committee on Finance for more than 20 years. It has been the policy of that committee throughout all of that period of time, and even before, that no major bill should ever be bottled up in the committee in order to keep the Senate from acting on the measure and working its will.

Mr. President, to cite one example, I refer to the so-called medicare and medicaid bill in which matter the then chairman of the committee was the father of the present senior Senator from Virginia, and I was the ranking minority member.

We both supported the reporting of the bill to the Senate even though at the time we joined in minority views on the bill because we were opposed to certain provisions. However, we believed that the Senate had a right to have an opportunity to vote on the matter and work its will on the bill.

Our committee has never bottled up a bill in committee. There is no question of the bill's being bottled up. The bill is going to come before the Senate at the earliest practical date.

But I agree fully with the distinguished Senator from Virginia that this is far too important a bill to say, as some have said, that we will report it by "X" date whether it is ready to be reported or not.

We are dealing with a proposal to change the rates of the taxation for much of American industry, and this bill requires careful committee consideration before it is brought to the Senate.

A tax bill of such far-reaching proportions cannot be written on the floor of the Senate. That does not mean undue delay, but I will not be bound to report a bill by any date certain. Already our committee has lost several days as the result of the death of one of our Members.

But Senators who are so anxious for prompt action can just relax and be assured that they definitely will have the bill before the Senate in time to act, and I only hope that their enthusiasm prevails when the time comes to vote.

Major tax measures should be given careful consideration and thought by the members of the committee before they are reported to the Senate. That would not mean delay. I think that if we do our work well in the committee we shall move faster when we get to the floor of the Senate.

I think that one of the most constructive steps that could be made to get early consideration of the tax bill would be to move the investment tax credit forward now and get it out of the way. At the same time our committee will keep working diligently, day after day, as we are doing, to complete the hearings on the major tax reform bill and get it before the Senate.

In the meantime the Senate has 12 appropriation bills on which no action has been taken. The Senate should move those forward and get them acted on so that when we do get the tax reform bill before the Senate, we will have cleared the deck so that we can move quickly to consider the matter.

Unless these appropriation bills are promptly acted upon we shall find that when the tax bill is reported we will have a logjam on the Senate Calendar and then be unable to get action on the tax bill. Perhaps this is what some who oppose this tax reform bill wish. The truth is that with a little more orderly arrangement of the business of the Senate, with all of us working together, we can get the job done much faster than if the Senate fiddles around, as it has been doing by taking 10 weeks to pass one bill, and then in the last few weeks tries to stampede all the major bills through the Senate without proper consideration.

The Senator from Virginia was perfectly proper in saying that this deliberate delay will result in unwarranted windfalls to many segments of our industry. If so, it will be our fault. Taxpayers will very properly take advantage of the investment credit deduction in their estimated and final returns as long as the provision has not been repealed. They do not know what the Senate will do. Nevertheless, the interest alone on the $1 billion or $1.5 billion involved in these delayed collections is a staggering sum of money. It is money that we could use to much better advantage.

Let those who would deliberately delay action on this bill dealing with the 7-percent investment credit accept full responsibility for the chaos they are creating.

Significantly, the Senate Finance Committee has by an overwhelming vote repudiated their delaying tactics.

Mr. BYRD of Virginia. Mr. President, the Senator from Delaware is quite correct in my judgment when he says that the Senate Finance Committee will report a tax reform bill.

For the life of me, I cannot understand the logic of not voting on the investment tax credit. I cannot see how anyone is benefited by keeping this whole question of whether or not the investment tax credit will be repealed. Who would gain by delay? Certainly the Government does not gain by it. Certainly business does not gain by it, because they do not know how to plan. Certainly those who want jobs do not gain by it, because if business does not know how to plan, it cannot buy the machinery with which to create the jobs. Certainly the taxpayers do not gain by delay.

I fail to see how it would be helpful to anyone if we were not to bring the legislation to a vote.

The Senator from Delaware mentioned one matter with which I do not associate myself. That is his suggestion on what he feels the Democratic policy committee should do. Of course, the Senator is entitled to his viewpoint. However, that is one part of his statement, and the only part of his statement, on which I do not want to express my view.

From my point of view, that is a matter to be decided by the Democratic leadership. My concern was that the Finance Committee exercise its responsibility and bring the matter to the floor.

If the Senate does not want to take it up, if the Senate wants it to stay here, if the Senate wants to have the business community completely upset, and if the Senate does not want to tell the farmers whether or not when they purchase new tractors, trucks, and various other types of equipment they will be allowed an investment credit, that is up to the Senate.

The Senate Finance Committee has, as I see it, discharged its responsibility when it brings the bill to the floor of the Senate. The Senate itself now can decide what it wants to do.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator from Virginia. The membership of the Senate Finance Committee, as I recall, with but one dissenting vote, voted to instruct the chairman of the committee and me as the ranking minority member to try to persuade the leadership of the Senate of the importance of bringing the bill promptly to the floor for a vote.

I hope that we can prevail on them to take action on the matter before it results in an unwarranted loss in revenue. Enough damage has already been done.

Mr. BYRD of Virginia. Mr. President, I yield the floor.

THE FISCAL KNIFE ON NIH RESEARCH

The **PRESIDING OFFICER** (Mr. COOK in the chair). The Senator from Texas is recognized.

Mr. YARBOROUGH. Mr. President, an editorial which appeared in the Washington Post of September 16, 1969, under the headline "The Fiscal Knife on NIH Research," describes the administration's drastic reduction in the 1970 budget requests for the National Institutes of Health. It refers to the severe loss to humanity by the proposed closing of 19 general clinical research centers throughout the country next year because of lack of funds. Almost half of these are pediatric centers, which have been making important advances in improving the health care of babies and small children. The editorial concludes:

> In putting the fiscal knife to medical research, the recovery may take a lot longer than the original cutting.

I point out that it is particularly tragic when they cut down on these research centers which are searching for ways in which to improve the health care of babies and small children. America ranks as the 16th nation among all the nations on earth in infant mortality; 15 other nations on earth have better records on infant mortality than we have. In some countries of Western Europe, the number of infant deaths are only half the number in the United States.

A news item in the New York Times of September 15, 1969, indicates that a major research program at the National Cancer Institute has been forced to destroy 380 valuable monkeys under study in a multimillion-dollar search for human cancer viruses because of a shortage of funds.

Mr. President, as chairman of the Subcommittee on Health, I have been in communication with many of the leaders in cancer research, and they were about to make some important studies in the relationship of virus caused cancer. They thought they were about to make some breakthroughs in a few years. But the article in the New York Times of September 15 indicates that the institute, which was hoping to make a breakthrough, had to kill 380 valuable monkeys because there is no money to carry forward this research, and they had to let the researchers go. It is a tragic cutback. It is tragic to America that this research has been stopped in the effort to find an answer to the curse of cancer, which causes so much suffering in this land.

I find the lack of fiscal responsibility as evidenced in these two articles very difficult to comprehend in view of President Nixon's warning earlier this year that—

> This Nation is faced with a breakdown in the delivery of health care unless immediate concerted action is taken by government and the private sector.

I ask unanimous consent that the editorial published in the Washington Post of September 16, 1969, and the news item published in the New York Times of September 15, 1969, be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, the Washington Post editorial refers to the precarious financial condition of our medical schools which will be affected by these cutbacks. Greater demands are being made of them in the face of rapidly mounting operating costs and less adequate financial resources for the maintenance of programs and the construction and renovation of facilities. It is imperative that Congress and the Federal agencies share this concern if we are to maintain the present position of American medical education and our contributions to the medical sciences while simultaneously moving forward to meet the great needs of the future.

The Health Manpower Act of 1968, which is administered by the National Institutes of Health, provides a mechanism for medical schools to increase the output of health manpower through institutional and special project grants. Federal support for the construction and renovation of educational facilities is also vitally essential if they are to meet the health manpower needs of the country. Funds are required to replace facilities which are obsolete or unsuited to programs under development. Additionally,

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there is an urgent need for funds for student loans and for health research facilities. Medical schools are complex institutions, with a great number of interrelated and interdependent programs. Each program interacts with and is essential to the others. It is not possible to isolate programs in undergraduate medical education, biomedical research and research training, the education and training of interns and residents, the delivery of medical care to the community, or efforts to extend and make more effective the methods for delivery of health services. Rapid downward changes in emphasis or the level of support in one program will have serious consequences for all these programs aiming at better health of the American people.

Congress can make every effort to see that sufficient funding is provided to carry out these programs in the interest of improvement of medical education, medical research, and the health care delivery system, but no headway toward this end can be made when the administration takes steps in advance of the passage of an appropriation bill to effect cutbacks which were described by Dr. Philip Handler, president of the National Academy of Sciences, as a "crisis facing all American science." After the evidence of wide public concern, I was amazed to read the administration's description of its intent:

> As a prudent step to avoid prejudicing future decisions, we made a temporary withholding of 20 percent on this limited number of continuation grants until the picture was somewhat clearer.

This explanation is given in spite of the fact that there has been an attrition in the research effort since 1966. Not only have the program funds been reduced, but also, in consideration of the inflationary factor and the increased need for sophisticated equipment and facilities, the funds provided do not make any provision for needed advancement. It is most regrettable to me to find that the expression of concern by the administration of the health care needs of the country is not reflected in its support of funds to deliver an adequate health program. On the contrary, because of these drastic and disastrous cuts, the research institutes are forced to close down their activities.

Mr. President, while we have been shocked by that, I have an AP wire of today which contains even worse news. I read now from an Associated Press wire just taken off the ticker, from a Washington release:

> The Nixon Administration has extended its controversial health program cutbacks to five projects that apply research gains to patient treatment for chronic diseases, including cancer.

This is today's announcement, Mr. President.

> Budget authorities in the Department of Health, Education, and Welfare have ordered drastic cuts this year, and termination next year, of the chronic disease programs involving cancer, respiratory ailments, diabetes, arthritis, heart and stroke, and neurological and sensory disorders.

Mr. President, there will be a cut this year and an abandonment next year of these programs in cancer, stroke, and heart disease, the three great killers, for which the great Senator from Alabama (Mr. HILL) worked for decades.

The release continues:

> Dr. Stanley W. Olson, director of HEW's regional medical programs service, confirmed that five of eight units in his chronic disease division will lose more than half of their funds this year. Current plans are to drop them next year at a savings of $9.7 million, he said.
>
> The latest cuts follows announcement of plans by the national institutes of health to pare 5 to 10 per cent from medical research outlays and to eliminate up to 19 small clinical research centers across the country.
>
> The new budget restrictions are expected to increase already vocal protests from the medical community and some congressional leaders.

I predict that they will produce more than vocal protest from the medical community. I think the medical community is entitled to great credit for the research it is doing in trying to find the answer to the great killers—heart disease, cancer, and stroke.

I know that the present occupant of the Chair must have knowledge of how much these research institutes help in this effort, because he comes from a city of great medical learning.

Mr. President, the cutbacks and the destruction of research in the cause of a cure for heart disease, cancer, stroke, respiratory ailments, diabetes, arthritis, and other disorders, as announced by the administration today, are the most shortsighted of all the shortsighted cutbacks on health programs by the Nixon administration. Heart disease, cancer, and stroke are the worst killers of the American people. They are three things to which Congress directed its attention, year after year, with increasing support, to try to find the answer. Now we find that they will be cut back drastically this year and many of these programs will be terminated next year.

All the hopes of millions of Americans suffering from heart disease, cancer, and stroke are being shattered by the reckless dissolution of the health research facilities by this administration.

Respiratory diseases, diabetes, arthritis, and neurological and sensory diseases are being researched, but that research has felt the ax of this administration. Those sufferers are often condemned to a slow death or disability, and now they must suffer without the hope of a remedy being found through research that was going on, and without the hope that in their lifetime some relief would be found from the pain and disability.

It is shocking that an administration could be so callous with respect to the future health and well being of the American people.

Mr. President, as a member of the Appropriations Committee and as chairman of the Subcommittee on Health, I will do all in my power to try to save these programs which have been worked out through so many Congresses and so many administrations to try to find the cause and cure of these killer diseases. The American people are now without an answer and without a means to find relief from pain, death, and to find relief from diabetes, emphysema—that disease increased 80 percent in the last few years—and other diseases. This administration is turning its back on those problems. These programs are being cut down this year and closed next year.

The edict is given to all in this wire dispatch and worse news could come with respect to the cutbacks in research for health and the search for better health for the American people.

This is utterly shocking and I do not understand it. It is almost beyond belief that the administration would take this action. Any administration has the obligation to help preserve and protect.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Sept. 16, 1969]

THE FISCAL KNIFE ON NIH RESEARCH

The fiscal knife which the administration says it is forced to wield because of inflation and Vietnam cut into medical research last week. Taking its place among the agencies whose funds are either being cut or pared by President Nixon's call for a $3.5 billion reduction in 1970 budget requests is the National Institutes of Health. Total spending on medical research—in hospitals, universities and the NIH Bethesda labs—will be down from $1.93 billion to $1.64 billion, a cut of $290 million.

Although medical and scientific researchers are often inclined to be a wolf! wolf! crowd whose sheep are not only under no attack but are often overfat to begin with, the abruptness of the present NIH cut does suggest that a wolf is near. Most immediately affected by the cut will be 19 clinical research centers. In a style similar to its closing of 59 Job Corps centers earlier this year, the administration expects to save money. But savings aside, where will the doctors go who have been conducting the research at the 19 centers? What about the diseased patients who will be phased out because money has run out? Or the millions of future sick people who will not benefit tomorrow because research into their particular disease was cut off today? In one area alone, an estimated 30,000 infants die every year in the period immediately surrounding delivery because basic research is not fully advanced in this area.

Aside from the research that is to be stopped without waiting for results, medical schools—with a heavy leaning on the government for research grants—will also be hit, both students and faculty. The danger of turning off the medical research motor is that it is not so easily started again. It is true, the 19 centers to be closed have only a handful of patients, but this is where basic biomedical research begins. It then fans out to advance research and, often, eventual use in the medical community.

It has long been a question whether medical schools and research clinics should have let themselves become so dependent on federal funds in the first place; but few other resources exist, either among foundations, which generally do not support medical research, or the drug companies, which by the nature of things are in the business more for profit than public service.

Although the Senate can appropriate more money for NIH than the administration requests, this does not mean the administration must or will spend it. Aside from the medical research programs themselves, what suffers also in this abrupt fund cut is the administration's sincerity in facing the health crisis. "The nation is faced with a breakdown in the delivery of health care," it said only two months ago in a major White House report. Now, it seems, in order to save money that could be saved in, say, cutting back on aircraft carriers or bombers, the administration is helping, not relieving, the breakdown. In putting the fiscal knife to

medical research, the recovery may take a lot longer than the original cutting.

[From the New York Times, Sept. 15, 1969]

Institute To Kill Cancer Monkeys—Shortage of Funds Blamed in Death of 380 Animals

(By Harold M. Schmeck, Jr.)

Washington, Sept. 14.—A major research program at the National Cancer Institute has been forced to order 380 valuable monkeys killed because of a shortage of funds.

The monkeys are part of a research colony of about 1,400. When the 380 monkeys were born about five years ago, they were inoculated with material from human cancers suspected of being caused by viruses. The animals were to be kept alive for at least seven years while scientists studied them for any signs of cancer development.

From what scientists know of cancer, they would not suspect malignancies to develop in any of the animals within five years. Thus, the monkeys are being killed just at the point at which they might have helped scientists to learn whether viruses cause cancer in humans.

$2-MILLION INVESTMENT

Besides their value to research, the monkeys represent a considerable financial investment to the institute, one of the National Institutes of Health. It costs about $3 a day to care for each animal. Over a span of five years, this totals more than $2-million.

Earlier this year, the institute had to give away about 500 other monkeys to research centers that could afford to keep them. These animals represented about half of a breeding colony that was considered particularly important to the research program.

Dr. Frank J. Rauscher Jr., an associate scientific director of the institute and head of its cancer virus program, confirmed in a recent interview that he had ordered the cutback in the size of the monkey colony. He added that a shortage of funds had curtailed some current projects and had limited the program's ability to explore new fields.

Dr. Rauscher also said he believes it is proper that the program should have to compete with other research efforts for Federal funds. And he suggested that the program ought to be in a good position because of the progress it has made in recent years and because of the importance of cancer as a health problem.

GRANT FROM CONGRESS

The multimillion-dollar search for human cancer viruses was started about five years ago with an initial grant of $10-million from Congress.

Viruses are known to be the causes of many types of animal cancer and circumstantial evidence has suggested that this is also true of some cancers in humans.

Doctors close to the program believe the search for human cancer viruses is coming close to fruition. The search for these still-hypothetical villains has involved a broad spectrum of research studies. Research with primates is only a part of it, but an important part.

Although few types of virus have been suspected of contributing to cancer in humans, the final proof has been difficult to obtain. This is partly because it is morally impossible to inject human beings with suspected cancer viruses.

BENEFITS SEEN

To get around that problem research workers have turned to man's close relatives in the animal kingdom. If monkeys infected with viruses from human cancers developed the same type of cancer themselves, this would be impressive evidence.

Furthermore, the growth of such viruses in animals could help provide large quantities of viruses for further research and development of experimental vaccines.

Dr. Rauscher said research in the last several years has all but erased suspicion about a group of viruses called adenoviruses, and has fixed it on other types, some of which were not suspected when the program began.

Among these are viruses of the herpes type; they are related in structure and chemistry but are not identical to a virus that causes cold sores.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Spong in the chair). The Chair, on behalf of the Vice President, appoints the following Senators to attend the Development Assistance Committee Parliamentarians Conference of the Organization for Economic Cooperation and Development—OECD—to be held at Paris, France, on October 23 and 24, 1969: the Senator from Rhode Island (Mr. Pell), and the Senator from New York (Mr. Javits).

The Chair, on behalf of the Vice President, appoints the following Senators to attend the annual meetings of the Boards of Governors of the World Bank and the International Monetary Fund, to be held at Washington, D.C., September 29 to October 3, 1969: the Senator from Arkansas (Mr. Fulbright) and the Senator from Vermont (Mr. Aiken) as as advisers; the Senator from Alabama (Mr. Sparkman), the Senator from Georgia (Mr. Talmadge), the Senator from Virginia (Mr. Byrd), the Senator from Delaware (Mr. Williams), the Senator from New York (Mr. Javits), and the Senator from Kentucky (Mr. Cooper) as observers.

The Chair, on behalf of the Vice President, appoints the following Senator to attend the 13th session, International Lead and Zinc Study Group, to be held at Geneva, Switzerland, convening October 6, 1969: the Senator from Ohio (Mr. Young).

The Chair, on behalf of the Vice President, under the provisions of Public Law 84–689, appoints the following Senators to attend the North Atlantic Assembly, to be held at Brussels, Belgium, on October 16 to 21, 1969: the Senator from Alabama (Mr. Sparkman), chairman; the Senator from Mississippi (Mr. Stennis), the Senator from West Virginia (Mr. Byrd), the Senator from Rhode Island (Mr. Pell), the Senator from New Hampshire (Mr. McIntyre), the Senator from Virginia (Mr. Spong), the Senator from Missouri (Mr. Eagleton), the Senator from South Dakota (Mr. Mundt), the Senator from New York (Mr. Javits), the Senator from Kentucky (Mr. Cooper), the Senator from Florida (Mr. Gurney), and the Senator from Alaska (Mr. Stevens).

The Chair, on behalf of the Vice President, appoints the following Senators to attend the 13th session, General Conference of International Atomic Energy Agency, to be held at Vienna, Austria, September 23 to 29, 1969: the Senator from Rhode Island (Mr. Pastore) and the Senator from Vermont (Mr. Aiken).

The Chair, on behalf of the Vice President, appoints the following Senators to attend the 15th session of the Conference of the Food and Agriculture Organization, to be held at Rome, Italy, convening November 8, 1969: the Senator from Wisconsin (Mr. Nelson) and the Senator from Iowa (Mr. Miller).

The Chair, on behalf of the Vice President, pursuant to section 276 of title 22 of United States Code, appoints the following Senators to attend the meeting of the Interparliamentary Union, at New Delhi, India, to be held October 20 through November 7, 1969: the Senator from Alabama (Mr. Sparkman), chairman; the Senator from North Carolina (Mr. Jordan), the Senator from Texas (Mr. Yarborough), the Senator from Indiana (Mr. Bayh), the Senator from South Carolina (Mr. Hollings), the Senator from Montana (Mr. Metcalf), the Senator from New Jersey (Mr. Williams), the Senator from Colorado (Mr. Allott), the Senator from South Carolina (Mr. Thurmond), the Senator from Pennsylvania (Mr. Scott), the Senator from Nebraska (Mr. Hruska), the Senator from Wyoming (Mr. Hansen), the Senator from Kentucky (Mr. Cooper), the Senator from Utah (Mr. Bennett), and the Senator from Maryland (Mr. Mathias).

The Chair, on behalf of the Vice President also appoints the same Senators to serve as an official Senate delegation, under the provisions of Senate Resolution 65, as agreed to February 17, 1969, to respond to invitations officially received from foreign governments or parliamentary bodies, to visit in their countries while proceeding to and from New Delhi, with the Senator from Alabama (Mr. Sparkman), as chairman.

Mr. MANSFIELD. Mr. President, attendance at the various conferences just announced by the Chair represents an important obligation on the part of the U.S. Senate. Those Members scheduled to attend are performing a vital service to this institution and to the Nation. I want the record to show that their participation, often undertaken at great sacrifice to their personal schedule, is both noted and appreciated.

DIRECT POPULAR ELECTION

Mr. BAYH. Mr. President, the passage yesterday of the House bill for direct popular election, by a vote of 339 to 70, was an encouraging, dramatic, and historic event. This overwhelming victory was a tribute to the dedication and hard work of a bipartisan group led by Chairman Celler, Representative McCulloch, Speaker McCormack, Majority Leader Albert, and Minority Leader Gerald Ford, and the great majority of Members of the House of Representatives. It also is a tribute to the willingness of Members of the other body to cooperate.

The House passage was particularly significant because it showed that most House Members, whether advocates of direct popular election, the district plan, or the proportional plan, realized that the present electoral system was so frought with danger and so undemocratic that it had to be changed. There was a tremendous number of crossovers in the House—Congressmen who were not advocates of direct popular election originally. I think that shows the seriousness with which the Representatives view the need for reform. When these men were confronted with the choice of direct popular election or no reform at all, they realized that they could not permit the inequities and the dangers of the electoral college system to continue.

The district plan and the proportional plan have been around for a long time and since their high water mark of 1956, they have not gained any strength. Direct election, in contrast, has made great gains since I took up this struggle in May 1966 with only a handful of cosponsors. Support has mushroomed. The Gallup poll indicated that 81 percent of the people in the United States wanted direct popular election. The House vote indicated 82 percent of the House of Representatives wanted direct popular election. The poll by the Senator from Michigan (Mr. GRIFFIN) of 27 State legislatures, in those States considered most likely not to vote for direct election, indicated that the legislatures of 25 of these 27 States did in fact favor direct election.

Mr. President, I would like to point out at this time that the Senator from Michigan in his poll of the State legislatures made one of the most significant contributions in this period of time in what the Senate and the House had been deliberating on this issue. Because of the significance of the contribution by the Senator from Michigan, at this time I ask unanimous consent to add the name of the junior Senator from Michigan (Mr. GRIFFIN) as a cosponsor of Senate Joint Resolution 1.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). Without objection, it is so ordered.

Mr. BAYH. Mr. President, a recent survey taken by Nations Business of the speakers and majority leaders of major legislatures showed that the leaders of most favored direct election.

The newly appointed Senator from Illinois (Mr. SMITH) has announced that he favors direct election.

As I have just announced, I have received permission to add and we have added the name of the Senator from Michigan as a cosponsor to this direct election proposal. This means 43 Senators, including the distinguished Presiding Officer (Mr. BYRD of West Virginia) and the distinguished Senator from Kentucky (Mr. COOK) who serves on my subcommittee. Both of them have been very helpful in the discussions and debates in the subcommittee. Hopefully they are going to continue in their efforts in having the proposal agreed to by the full committee.

I have written a letter recently to newspaper publishers and editors, radio and television stations throughout the United States about the prospects of electoral reform. The response has been overwhelmingly in favor of direct election, not just in the editorials and invitations to appear on programs, but from people who have read the editorials or heard these programs. Americans want electoral reform.

To date, we have not had the active support of President Nixon. In February, the President said that he still agreed with his statement during the campaign—that he personally favored direct election, but felt it did not have the best chance of passing. The President indicated, however, that he would back any plan the Congress passed. I hope the President will not wait for Senate passage of electoral reform to give us his active support. I think the House vote is indicative of the broad-based support the measure has throughout the United States. I would welcome the President's assistance in securing the necessary two-thirds in the Senate and three-fourths of the State legislatures. He has indicated that he thinks reform of the electoral college is essential. We invite his active participation. If we are to have reform before 1972, we must act now—and direct popular election is the front-runner and the plan most likely to succeed.

I want to be frank concerning direct election's chances in the Senate. Electoral college reform will come before the Judiciary Committee in the next week or two, as soon as the Haynsworth nomination is disposed of. I am confident that it will pass in committee and will be reported to the floor of the Senate.

The situation on the floor of the Senate is a tenuous one. I know that more Senators support direct election of the President than any other plan. But I cannot honestly say if we have the necessary two-thirds needed for passage.

I am hopeful that the Senate Members, who now favor one of the alternative plans will follow the example set by many House Members, in the end be convinced that electoral reform is needed and, thus, will support Senate Joint Resolution 1—the direct election of the President.

Mr. COOK. Mr. President, will the Senator yield?

Mr. BAYH. I am happy to yield to the Senator from Kentucky.

Mr. COOK. Mr. President, I wish to associate myself with the remarks made by the Senator from Indiana, who has not only written a book on this subject, but who has done more work on it, I suspect, than any other Member of the Senate.

One of the main reasons I would like to associate myself with his remarks is that I believe the time has come for the American voter who walks in and casts his vote on election day to have his vote counted. He does not want his vote taken from the back of the machine, diluted by a formula, divided by some system, relegated to some meeting weeks later when someone goes to the State capital, where he might do as the individual wanted him to do or he might not do it.

I believe that the American voter is no longer content with a system whereby after he finishes casting his vote, he must live in suspense wondering whether a winner can become a loser or a loser can become a winner. He no longer wants to be a part of that system.

I think the opportunity has now come for Members of the Senate to determine for themselves how the people in their respective States feel on this subject.

It was a privilege and a pleasure for me to go on the subcommittee of the Senator from Indiana (Mr. BAYH) for several reasons. Not only because I so enthusiastically support the direct election proposal as exemplified in Senate Resolution 1, but also because as we move in this direction, we move toward another one of those items of national interest in which I am so vitally involved; namely, that the entire Nation should take the position which the Commonwealth of Kentucky took many years ago in establishing, once and for all, that the 18-, 19-, and 20-year-olds are an integral and absolute part of our society. We gave them the right to vote years ago. That right should be extended to them all over this Nation.

I think that this is a step in the right direction. As we begin to make people realize the importance of direct elections, and the importance of their association in the political realm of this entire Nation, the better off we will be as a true and functioning democracy, now and in the future.

I am pleased to associate myself, as I said, with the remarks of the Senator from Indiana.

Mr. BAYH. Mr. President, it certainly is thoughtful, as usual, of the Senator from Kentucky, to be so generous.

As I said earlier, we appreciate his cooperation and support. We also appreciate the cooperation and support of the Senator from West Virginia and, indeed, of the Senator from Tennessee (Mr. BAKER), who has just now come into the Chamber.

I think we have the best chance we ever had in the history of this country, to make a decided effort and succeed in reforming the electoral system.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COOK in the chair). Without objection, it is so ordered.

PRESIDENT NIXON'S ANNOUNCEMENT ON LOWERING DRAFT CALLS AND THE RETIREMENT OF GENERAL HERSHEY

Mr. JAVITS. Mr. President, this morning, President Nixon announced that draft calls will be substantially lower for the balance of this year than they have been during the previous 9 months. The October call of 29,000 men will be spread over October, November, and December, and the calls originally planned for the latter 2 months cancelled. This lowering of draft calls reflects the administration's decision to withdraw 35,000 more troops from Vietnam. It is clearly most welcome, and I have urged as high policy on Vietnam, continued withdrawal of additional Armed Forces to the extent of 100,000 by 1970 and 200,000 by the end of 1970, permitting continuation of a lower level of draft calls during 1970.

Welcome as is the reduction in draft calls, reduction in the number called will hardly cure the deficiencies and inequities inherent in our present draft system. I have previously introduced a bill, S.

992, to carry out what I believe to be the basic reforms necessary to make the Selective Service System a more equitable, more efficient program. Many of my colleagues have also introduced draft reform legislation and the President has been on record since last spring as calling on the Congress to authorize the use of a lottery and the selection of 19-year-olds first. The President also announced this morning that if Congress fails to act on his program he will issue an Executive order reversing the current order of call so that 19-year-olds would be called first. While a lottery would require congressional authorization, a simple reversal of the order of call to establish 19-year-olds as the prime selection group would not.

In the absence of prompt congressional action, I would certainly support any efforts by the administration to change existing policy by the Executive order. Yet, I think we in Congress would be gravely remiss in our duties if we did not promptly address ourselves to the problem of draft reform. Much more is involved than just the drafting of 19-year-olds first or the use of a lottery.

Among the questions which deserve immediate attention are the lottery, the equitability of our present policy concerning deferments, the need for uniformity in classification and deferment, the status of conscientious objectors and the need for modernizing the whole Selective Service System along the lines suggested by the Marshall commission.

Finally, I note that the President did not comment on recent reports that he would shortly ask General Hershey to retire as Director of the Selective Service System. Mr. President, I think the time has come for General Hershey to consider retiring, because, rightly or wrongly, General Hershey has come to symbolize much of what is wrong with the present draft system.

In view of General Hershey's record of rigid resistance to any meaningful draft reform, his efforts to use the draft as punishment against young people who have engaged in protest activities, and his recent attempt to dominate the National Selective Service Appeals Board, if this administration is sincerely interested in reforming the draft and convincing the public—particularly the youth who are subject to the draft—of its sincerity in doing so, a successor to General Hershey should be found as soon as possible.

BANKS PLEDGE TO SUPPORT GUARANTEED STUDENT LOANS

Mr. JAVITS. Mr. President, last month the distinguished chairman of the Senate Subcommittee on Education, Senator PELL of Rhode Island, and I, as the principal sponsor of the guaranteed student loan bill which passed the Senate on August 12, wired all the banking clearinghouses in the Nation to urge their assistance in convincing banks immediately to extend guaranteed student loans. Noting that some 900,000 young people will seek to utilize guaranteed student loans for the academic year now beginning and that 220,000 of them may be forced to discontinue their education if these loans are unavailable because of high interest rates, we urged the banking community to continue offering the loans "to the maximum extent feasible."

Uniformly favorable and encouraging responses were received. Those responding included 11 clearinghouses and two regional bankers' associations as well as a number of individual banks. Clearinghouses sending favorable letters were the St. Louis Clearing House Association, the Portland, Oreg., Clearing House, the Los Angeles Clearing House Association, the Boston Clearing House Association, the San Francisco Clearing House Association, the Baltimore Clearing House, the Phoenix Clearing House Association, the Philadelphia Clearing House, the Kansas City Clearing House Association, the New Bedford Clearing House Association, and the New York Clearing House.

The two associations were the Long Island Bankers Association and the District of Columbia Bankers Association.

The individual banks were Bankers Trust Co., the Chemical Bank, the Franklin National Bank, Marine Midland Grace Trust Co of New York, Security National Bank, all of New York State; and the Peoples Bank of Green Bay, Wis.; the Oregon Bank, of Portland; the Lakewood Bank & Trust Co., Dallas; the Old Kent Bank & Trust Co., Grand Rapids; and the Civic Plaza National Bank, Kansas City.

While much of the effort of the banking community indicated by these responses is heartening, particularly noteworthy is the effort of the Franklin National Bank, which advertised in major newspapers in the New York City and Long Island area it serves that it has increased the money available for student loans to the extent of 10,000 new loans. This is a notable contribution for which the bank's president, Harold V. Gleason, and his colleagues merit the approbation of the community. I ask unanimous consent to insert at this point in my remarks the text of this advertisement.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

[From Newsday, Aug. 25, 1969]

10,000 NEW STUDENT LOANS

We didn't have time to prepare a fancy ad. We want to rush out the news. Franklin National Bank will make 10,000 new student loans. (Under the New York State Higher Education Program.) Residents of Long Island and New York City.

Here's where to apply: 600 Old Country Road, Roosevelt Field, Garden City, New York; 730 Veteran's Memorial Highway, Hauppauge, New York; 209 W. Main Street, Riverhead, New York; 461 8th Avenue at 34th Street, New York, New York.

FRANKLIN NATIONAL BANK.

Mr. JAVITS. Mr. President, in wiring the clearinghouses, Senator PELL and I expressed our confidence that shortly after the conclusion of the Labor Day recess Congress would enact the necessary legislation to provide for incentive payments to lending institutions to meet the problems caused them by record-high interest rates.

The House of Representatives on Monday, September 15, approved its version of the bill, and it is anticipated that the first conference session will convene within a week. I am hopeful that the House-Senate differences will be resolved expeditiously.

THE PHILADELPHIA PLAN

Mr. JAVITS. Mr. President, I have previously discussed on the floor of the Senate the revised Philadelphia plan and the recent ruling of the Comptroller General concerning the validity of the plan, which ruling I believe to be clearly erroneous and an abuse of the Comptroller General's authority. In my view, any questions pertaining to the legality of the plan ought to be settled in the courts, and I therefore am in full agreement with Secretary Shultz' decision to implement the plan notwithstanding the Comptroller General's ruling.

Mr. President, I find it regrettable indeed that the Labor Department found it necessary to promulgate a scheme such as the revised Philadelphia plan. I also know that a great deal of progress has been made by many building trades unions in reaching minority groups and increasing the number of minority group participants in various apprenticeship programs. Certainly I would not want my support of the revised Philadelphia plan to be understood as any blanket condemnation of the building and construction industry. Yet, Mr. President, we cannot close our eyes to the reality that our objective of open employment opportunity is far from realization. A recent article by Lyn Shepard appearing in the Christian Science Monitor of September 9, 1969, indicates the nature of the problem which still exists in the industry and the reasons why the revised Philadelphia plan is an important and necessary step which must be taken if we are successfully to remedy once and for all the problem of insuring equal employment opportunity in this vital segment of the economy.

I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

I have also expressed my sentiments in support of the Secretary of Labor's decision to go ahead with the plan, notwithstanding the Comptroller General's ruling, in a letter to the Secretary in which 11 of my colleagues in the Senate have joined. I ask unanimous consent that the letter, which was dated August 13, 1969, also be printed in the RECORD.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

UNITED STATES PRESSES BUILDING-UNION DRIVE

(By Lyn Shepard)

WASHINGTON.—The Nixon administration is undergoing a rugged test of its resolve to end job bias in the building trades.

If it holds its ground and eventually wins, it will amount to a great bread-and-butter victory for black craftsmen, as well as other excluded minority workers.

For nowhere in America are the patterns of prejudice more stubborn—as this reporter has seen during a three-month nationwide study of job-discrimination trends—than in the craft-union hiring halls.

It is toward this target that Secretary of Labor George P. Shultz aims his revised "Philadelphia plan."

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A month ago, Mr. Shults vowed to carry out this controversial plan over the objections of the comptroller general.

The plan sets "numerical goals" for minority-group hiring on federal-aid construction projects costing more than $500,000. Contractors must agree to these goals in writing before winning a contract.

WIDER USE SIGHTED

Conservatives in Congress still advance the comptroller general's legal argument. They contend that "numerical goals" are in fact racial quotas. Title VII of the Civil Rights Act of 1964 expressly forbids such quotas.

Yet the plan remains in effect. Soon it may extend to other cities besides Philadelphia where the building trades have systematically closed their doors to minorities.

In the meantime, both the plan's advocates in the civil-rights field and its critics among contractors and unionists are following every Labor Department move for signs of a letup in pressure.

"We're being watched by those who want us to succeed and by those who want us to fail," says Assistant Secretary of Labor Arthur A. Fletcher.

Mr. Fletcher, who sometimes greets newsmen in work khakis, has been placed in charge of the government's new contract-compliance crackdown.

"I think the ball game can be won or lost before a contract is ever awarded," he told me before the Philadelphia plan was revived July 18. "The preaward conference [during which "numerical goals" are set] is the proper time to get commitments from contractors to correct hiring deficiencies."

TIMING STRESSED

"The pattern has been to get this [minority exclusion] corrected in the contractors' affirmative-action plans after the award. Actually this should have been settled in the preaward stage. If you drive for a commitment then, you'll get instant results."

It was this logic—bulwarked by Attorney General John N. Mitchell's approval of the Philadelphia plan's legal aspects—which caused Mr. Shultz to dismiss the comptroller general's opinion.

Actually some federal officials have held informal preaward conferences in St. Louis, Cleveland, and other cities for several years. The Philadelphia plan lends new impetus to their efforts.

Mr. Fletcher has directed the Office of Federal Contract Compliance's area coordinators to zero in on seven "critical crafts"; iron workers, plumbers, steamfitters, sheet-metal workers, electricians, roofers (and waterproofers), and elevator-construction workers.

In these high-paying skills, Negroes, Puerto Ricans, and Mexican-Americans have only recently attained journeyman status in many AFL–CIO locals. And even today, these inroads barely meet the level of tokenism.

NAACP STARTS ACTIONS

Just recently the National Association for the Advancement of Colored People announced a series of legal actions aimed at stopping work on federally financed construction unless qualified blacks were employed on the projects.

In announcing the move, Roy M. Wilkins Jr., NAACP executive director, described the building-trades unions as the "last bastion against employment of Negro workers as a policy."

Often union politics plays an important part in the timing of federal antibias decrees. Government agents try to avoid aiding white-backlash campaigns for union office. As a rule of thumb, they have learned not to apply pressure on the locals during the electioneering period.

"Sometimes I'll have to tell Washington, 'No, let's wait a week before pushing on this one,' " one federal official in a Northern city explains.

"I have to weigh whether the pressure I apply to the union president may weaken his position with the rank and file to the point that a rival will play on the 'soft-on-the-niggers' issue enough to beat him. Very often an election is decided on 'which one of us hates the niggers worse.' "

If a Negro has finally gained entry into the local, federal sources say, such blatant shows of racism will not occur so openly. But in subtler ways, in opportune moments, smaller groups within the membership will congregate and rehash the issue in much the same way.

"It may be in the corridors, in the shower rooms, in the parking lots," one astute observer of union activity says, "but it's the same old story."

TINDERBOX SITUATION RECALLED

In two major industrial cities, Chicago and Pittsburgh, the black-white confrontation on building sites today threatens to erupt in a violent racial clash.

These crises recall a similar tinderbox situation three years ago at a federal-building project in East St. Louis, Ill. Civil-rights groups picketed because the building trades were completely white. Angered by the protesters, the unions threatened to counter-picket.

When the project excavation got underway, racial hostility in the 70 percent black city had built up to an explosive level. At this point, a showdown session occurred between the prime contractor, his subcontractors, and Robert Harlan, a Washington spokesman for the General Services Administration (GSA).

"Harlan didn't mince words," an on-the-spot witness recalled. "He gave the prime contractor a clear ultimatum. 'Sir, you will have Negroes in every craft union involved on the project within 10 days or lose the contract.' "

CRASH PROGRAM PUT THROUGH

A crash program to meet the GSA envoy's terms took form immediately. One of its participants told me of those hectic days in 1966.

"We worked day and night for two weeks," he said. "By day we set up joint apprenticeship committees for each of the unions. In the evening, we recruited Negroes for the program. We screened applicants late into the night. Somehow we met Harlan's goal because none of us wanted to see bloodshed. We felt it was a matter of survival."

On occasion, tough negotiators like Mr. Harlan can reform an entire city's building-trades hiring patterns—and do it almost overnight.

More often, though, as in Boston, the federal compliance program has proved a sham. Critics there describe the process as "a cruel joke." Paper work documenting biased hiring patterns has grown voluminous over the years. Still, nothing seems to come of the stacks of reports once they reach Washington.

In the Labor Department, Assistant Secretary Fletcher says he does not expect to force change easily or even as quickly as he would like.

But in the Philadelphia plan, he figures Washington has a vigorous national strategy to conquer bigotry in the building trades—if it's allowed to use it.

U.S. Senate, Committee on Labor
and Public Welfare,
Washington, D.C., August 13, 1969.

Hon. George P. Shultz,
Secretary of Labor,
Washington, D.C.

Dear Secretary Shultz: We commend your decision to implement the Revised Philadelphia Plan and join you in the expectation that the Plan will be successful in assuring equal employment opportunity in the building and construction industry. The Plan presents legal issues of fundamental importance to the success of the equal employment opportunity program under Executive Order 11246, and the recent ruling of the Comptroller General concerning the Plan would, if given effect, undermine the entire executive order program. Congress did not give the Comptroller General the authority to administer and interpret Executive Order 11246 or the Civil Rights Act of 1964; rather, it placed that authority in the Justice Department, which has approved the Plan, and, ultimately, the courts. Any issues concerning the legality of the Plan under the Civil Rights Act of 1964 should, therefore, be resolved by the courts, which have the requisite authority and knowledge to interpret the Act and the Executive Order, and not by the Comptroller General.

On our part, we shall certainly oppose any effort to enact legislation which would prohibit the Department of Labor from proceeding to implement the Revised Philadelphia Plan or to block a court test of the legality of the Plan.

With best wishes,

Sincerely,

Edward W. Brooke, Jacob K. Javits, Robert P. Griffin, Fred R. Harris, Birch Bayh, Philip A. Hart, Clifford P. Case, Vance Hartke, Walter F. Mondale, Charles E. Goodell, Edward M. Kennedy, U.S. Senators.

DR. MARY CALDERONE LATEST TARGET OF JOHN BIRCH SOCIETY

Mr. JAVITS. Mr. President, the latest target of the John Birch Society appears to be the Sex Information and Education Council of the United States—an organization founded to publish sex education study guides for teachers and advise schools and agencies how to set up such programs.

SIECUS, a nonprofit organization, was founded 5 years ago by a distinguished New Yorker, Dr. Mary Calderone. Its board of directors includes physicians, educators, and clergymen.

I am particularly disturbed that the Birch Society attack has focused, in a personal way, on Dr. Calderone. The daughter of Edward Steichen, the photographer, and the niece of Carl Sandburg, she has had a distinguished career as a physician and for some years was medical director of the Planned Parenthood Federation. Dr. Calderone has received awards for her work from the National Council of Women of the United States, the editors of Who's Who of American Women, and the University of Rochester. This year, Vogue magazine honored her as one of America's outstanding women.

In order that the public and the Congress may have the full story on SIECUS and Dr. Calderone, I ask unanimous consent that an article from the New York Times of September 14, and an article from Look magazine of September 9 be printed in the Record. Both articles detail the propaganda campaign against SIECUS and identify its source.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 14, 1969]

Sex Education Battles Splitting Many Communities Across the United States

(By Douglas Robinson)

Racine, Wis.—"The thing that hurt the most," said Richard B. Bliss, "was the letters from old friends that began, 'Dear Dick, I know you don't realize you're being used by the Communists, but . . .' "

Mr. Bliss is the science consultant to the Racine Unified School District 1 and the letters were only part of a campaign of harassment in a bitter fight over sex education in the public schools.

The battle in Racine was not unusual. In recent months, cities and towns across the nation have been torn by dissension over the issue. The battles have left a residue of suspicion, mistrust and hatred on streets where good neighbors once lived.

The dispute in Racine, a medium-size city on Lake Michigan, followed a pattern now familiar in many communities. Besides the letters, there were the telephone calls.

" 'You're nothing but a dirty Communist traitor,' the anonymous callers would say, and the conversation went downhill from there," said Mr. Bliss, who considers himself a conservative.

The fight against a program about sex and family life in Racine was successful; the Board of Education voted to delay any action on the matter "until misinformation and misunderstanding are corrected."

In this area, too, Racine was not unusual, because such groups of the John Birch Society and the Christian Crusade have caused school officials and elected leaders to give way before the onslaught.

LEGISLATIVE PROGRAMS

Congress and 19 state legislatures have before them measures to prohibit, control or curtail sex education in the public schools. Other legislatures have already acted.

"There are 10 states—Maine, New Hampshire, Vermont, Rhode Island, Alabama, Mississippi, Arkansas, Montana, North and South Dakota—that we haven't heard from yet," said Paul E. Putnam, assistant secretary for special studies of the Professional Rights and Responsibility Commission of the National Education Association. He said he assumed that those 10 "have no sex education programs planned or now functioning."

In the furor stirred up in many communities, more moderate criticism has been drowned out in the flurry of charges and counter-charges and in the wide distribution of literature that attempts to portray school officials as purveyors of filth and pornography.

LIES AND DISTORTIONS

"I've never seen a more successful propaganda campaign," Mr. Bliss said in Racine. "They used lies and distortions to try to prove their contention that sex education is a Communist plot and that such a program would undermine the morals of their children."

"The extremists were really bothered by the use of the word 'sex,' " he continued. "They were convinced we were going to teach sexual intercourse. They had no understanding of such matters as hygiene, disease prevention, care of a child, family responsibility or mature values."

"It really made no difference to them," he added. "The venereal disease and divorce rates keep rising and these people refuse to understand. It's as if they were saying, 'There's an epidemic of polio, but we're not going to let you do anything about it.' "

"Now, even after the fight, former friends are distant with me," Mr. Bliss said. "I'm sure that if my standing in the conservative community here were not so solid, I'd have more enemies."

READY-MADE CONTROVERSY

The issue of sex education in the schools has given the Birchers and their ideological counterparts a ready-made controversy that rivals disputes over religion in intensity.

Opponents of sex instruction in Minneapolis, for example, have been on the offensive for some time. They have yet to suffer a setback and there is no sex education course in the city's schools, despite a set of guidelines drawn by a group of educators three years ago.

Last week, Mrs. Elsie Zimmerman, the leader of those opposed to sex education courses in Minneapolis, said that a sex study program was "garbage."

MASTER PLAN CITED

Her supporters, Mrs. Zimmerman warned, will use "every weapon," including court injunctions, to block sex education. There is, she said, a "master plan" for a "controlled, one-world society." Her followers, mostly women, applauded warmly when she added:

"We will no longer be old ladies in tennis shoes; we will be Paul Reveres in combat boots."

Two weeks ago, Gov. Ronald Reagan of California signed a measure that prohibits school districts from requiring students to attend sex education classes. The law allows parents to keep their children from such classes if they so choose.

There is no doubt that opposition to sex education comes from a small minority. A Gallup Poll showed that 71 per cent of all adult Americans want schools to offer such courses. By unofficial estimates, about two-thirds of the nation's school districts offer sex education in some form.

COURSES BEGAN IN 1930'S

But this has been true for some time, according to Dr. Edward Mileff, consultant in health and safety education to the American Association for Health, Physical Education and Recreation.

"This demand for sex education is merely the formal outgrowth of courses that have been in the curriculum since the mid-30's," Dr. Mileff said. "In other years, it was usually presented under such euphemisms as senior problems, marriage and family or hygiene."

The new sex education courses, which are endorsed by a preponderance of educators, church groups and medical societies, go further than previous efforts in that they are designed to teach students about themselves as sexual human beings and inform them of the sexual responsibilities of adults. In short, children are taught that sexual feelings and attitudes are not forbidden mysteries, but facets of a normal life.

"Because moral judgments are bound to creep in to such courses," Dr. Mileff said, "we have worked out these courses with parental cooperation. We try never to go beyond the needs of individual communities."

Dr. Mileff said he was not worried by the opposition to formal sex education courses and professed surprise that there has not been more hostility.

Despite the criticism, he predicted that "the overwhelming problems emerging in our urban society will mandate a responsibility for sex education."

"The crisis nature of society will create such a program," he added.

ATTACKS BEGAN IN 1968

Mr. Putnam said opposition to sex education began late last summer, when the Christian Crusade, a right-wing organization based in Oklahoma and headed by the Rev. Billy James Hargis, published a book entitled "Blackboard Power—N.E.A. Threat to America" by Dr. Gordon V. Drake. The Christian Crusade also printed another attack by the same author, a pamphlet titled "Is the Schoolhouse the Proper Place to Teach Raw Sex?"

"The sudden attacks on sex education programs took the John Birch Society unawares," Mr. Putnam said in a speech this summer. "It took one of the most vocal organizations opposing Communists in our society six months to decide that sex education is a Communist plot."

In the January, 1969, issue of the John Birch Society Bulletin, however, Robert Welch wrote that what was needed was "organized, nationwide, intensive, angry and determined opposition to the now mushrooming program of so-called sex education in the public schools."

SUBVERSIVE MONSTROSITY

"Various stages of the program," he continued, have already been imposed on some 5 to 10 per cent of the schools. Deep-laid plans have been carefully initiated to spread this subversive monstrosity over the whole American educational system, from kindergarten to high school.

"But a preponderant majority of the American people are not yet even aware of this filthy Communist plot . . ."

Birch people and other right-wing forces then sprang to the attack and MOTOREDE Committees, an ad hoc Birch Group whose name was drawn from Movement to Restore Decency, were formed in several communities.

Birchers also heeded Mr. Welch's call to organize front groups to bring the message home. Thus local groups with other names—usually acronyms such as MOMS, for Mothers Organized for Moral Stability, or POSE, for Parents Opposed to Sex Education—sprouted like mushrooms after a rain.

THE INNOCENTS DEFILED

The society also put out a $30 film strip with sound entitled "The Innocents Defiled," in which the sex education program is depicted as a plot to confront American school children with pornography.

Birch members are particularly incensed over a slide film series entitled "How Babies Are Made," produced by Creative Scope. The rights to the series were purchased by Time & Life, which also put out a book and a film strip.

"How Babies Are Made," aimed at elementary school children, frankly discusses reproduction and contains drawings of chickens and dogs mating as well as a male and female in bed with the woman lying in the man's arms. The scene of the man and woman has an aura of tenderness about it rather than sensuality.

The accompanying text for the pictures describes how sperm enters the female. Some schools and church groups use the film series, others do not.

Throughout the nation, literature that carried "horror" stories of what had happened in sex education classrooms began to appear. After checking and cross-checking, all of the stories proved false, but the damage in some communities had already been done.

For example, Mr. Bliss spent a good deal of money investigating allegations raised by rightwingers that boys and girls in a school near Racine had been instructed to go into a closet and feel one another as part of the sexual learning process. Officials and teachers in the school denied such activity.

ILLUSTRATED LECTURE

The American Education Lobby, a right-wing group based in Washington, printed a number of horror stories. Among them was one telling of a teacher in Lansing, Mich., who took off her clothes to illustrate a sex lecture. The local school board president declined to dismiss her, according to the story, saying that her activities were in the best interests of the students.

The story was checked out by Mr. Putnam at the N.E.A. He said that the incident occurred in a class for girls in home economics. The teacher was demonstrating various types of loose-fitting clothing and had changed costumes behind a screen.

"It's clear to anyone who reads the right-wing literature that they are opposed to public education by the state because they feel the state is a monolith vulnerable to Communist control," Mr. Putnam continued. "By seizing the emotional sex issue, they

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automatically get a larger audience for their views."

The organization that has borne the brunt of the assault is the Sex Information and Education Council of the United States (called SIECUS and pronounced Seek-us).

SIECUS, a tax-exempt, nonprofit voluntary health organization that consults with community leaders, educators, religious groups, colleges and medical schools about sex education programs only on request, is headed by Dr. Mary S. Calderone, an authority on sex education.

The Birch Society's film strips and literature have described Dr. Calderone as the "Joan of Arc for sex education" and as a "sweet-faced, silvery-haired grandmother who shocks audiences by using four-letter words to make her point."

Although Dr. Calderone was not available to comment on the Birch attack, she has been quoted as saying that much of the material ascribed to her in right-wing publications was taken out of context.

The Birchers have also criticized Dr. Isadore Rubin, the editor of Sexology magazine and a former board member of SIECUS. Dr. Rubin is under attack because he once declined to answer Congressional investigators on possible Communist affiliations.

SIECUS has said its purpose is to "promote healthy, responsible relationships between male and female in all aspects of human behavior, not limited to the 'sex act.' "

"Education for sexuality," the organization continued, "does not attempt as its major goal to decrease veneral disease or out-of-wedlock pregnancies, but rather to help in producing more mature, responsible men and women and thus, eventually, parents who are strong and competent in their roles as spouse and parents."

"We feel that sex education is the prerogative of parents and not the schools," replied Reed A. Benson, the director of public relations for the Birch Society and its Washington representative.

BLAMES EVIL FORCES

In a recent interview, Mr. Benson said that sex education was the work of "evil forces" who were "anxious to achieve the breakdown of morality in this country."

Mr. Benson identified these forces as Communists and said that sex education in the public schools was "one more mean to break down and destroy the moral fiber of American youth."

In the cacophony of emotion over sex education, more moderate criticism has not been voiced.

"I know teachers I wouldn't want teaching math to my kids, let alone sex education," said a concerned parent in Racine.

SEEKS RESPONSIBLE CRITICS

It is this lack of more responsible questioning that has bothered such experts as Dr. Mileff, who believes that parental criticism will only make such programs stronger and better able to serve the particular needs of each community.

"Education doesn't supply the answer to living and dying, but sometimes it's the only answer," Dr. Mileff said, adding:

"No one claims that sex education programs will solve all the problems to this area of life. But how can you ignore sexuality? It's part of living."

[From Look magazine, Sept. 9, 1969]

SEX IN SCHOOL: THE BIRDS, THE BEES, AND THE BIRCHERS

Sit down with certain parents in Watkins Glen, N.Y., Hinsdale, Ill., Wichita Falls, Texas, or San Marino, Calif., and you are likely to hear much the same story. In some other city (usually quite distant), a teacher, you are told, put some very young children in a dark room and encouraged them to experiment sexually with each other. Or a child came home in a state of shock because of a brutally frank discussion of sex in his class that day. Or kindergarteners clomped to the dinner table babbling about the genital organs they'd fashioned from clay in school.

Explore further, and you will be told that these sex experiments are all part of an international Communist conspiracy to subvert America by corrupting the minds of our young. Once the youth are depraved, so the argument follows, America is on her way out. The mass media, Parent-Teacher Associations, even the American Medical Association are said to be part of this plot. But the chief conspirators are headquartered in New York City at something called SIECUS, the Sex Information and Education Council of the U.S. SIECUS, the accusers say, is the chief culprit in the drive to bring immorality into the classroom, and the teacher is its agent.

In more than 34 states across the U.S., a sometimes savage fight has erupted over what, if anything, children should be taught about sex in school, who should teach it, and what kinds of materials should be used. Telephones ring in suburban kitchens, heralding the latest lurid dispatch from the sex-in-class front, school-bond issues dangle precariously in the balance, school administrators edge gingerly through an emotional minefield, and politicians latch on to a live issue that's the hottest thing since law 'n' order.

In at least 15 state legislatures and Congress, legislation that would investigate, restrict or ban sex education in public schools is being considered. In New York, for example, state funds for and all references to sex education have been dropped from the state's two-year-old law requiring health courses in public schools (though paradoxically, New York schools are currently launching a new kindergarten to ninth-grade sex program). Louisiana's legislature has declared a moratorium on sex instruction in that state's schools, and California's Board of Education, while endorsing voluntary sex education for kindergarten through twelfth grade, has suggested no instruction in human reproduction before age nine and has labeled SIECUS materials "inappropriate" for California schools.

The sex-in-school storm blew up rather suddenly. More than half the nation's schools have some sort of sex education in their curricula, ranging from sketchy information given in a health- or physical-education course to more sophisticated "Family Living" studies that cover dating, masturbation, contraception and a wide variety of sex-related subjects. The newer courses examine morality and prevailing attitudes on sex and personal relations. Though a parent might occasionally question some aspect of a program, sex education was something most parents wanted schools to give their children. Indeed, most still do. A Gallup Poll reported in June that 71 percent of all adults questioned were in favor of sex education in the schools. Fifty-five percent favored a discussion of birth control in class (up from 46 percent, which approved such teaching in 1965), and Catholics were nearly as likely as Protestants to concur.

Why, then, the fuss? Many educators cite the John Birch Society as the key factor. The Society's January, 1969, *Bulletin* called for the establishment of "organized, nationwide, intensive, *angry* and determined opposition to the now mushrooming program of so-called sex education in the public schools." (The italics are the *Bulletin's*.) To the Birchers, the motivation behind sex instruction was clear: ". . . this whole scheme is, from beginning to end, in execution and in purpose, simply a part of the overall Communist design." Sex education, the *Bulletin* asserted, was meant to promote "universal sexual promiscuity—and perversion" and to "destroy one whole generation of American youth." The Birch Society's local Movement to Restore Decency (MOTOREDE) committees, along with the Oklahoma-based Christian Crusade, headed by the Rev. Billy James Hargis, and the American Education Lobby, another right-wing group, are the leaders in the sex-education opposition. Not all the groups contesting sex programs are Birch-connected (nor do all the Birch committees openly identify themselves as such). Local groups such as MOMS (Mothers for Moral Stability), POPE (Parents for Orthodoxy in Parochial Education) and ACRE (Associate Citizens for Responsible Education) have sprung up across the nation either to eliminate or to stop the expansion of sex instruction.

SIECUS' executive director, Dr. Mary Calderone, a 65-year-old physician, believes her five-year-old organization is merely being used as a scapegoat by the Birchers in an attempt to build mass appeal through scare tactics. SIECUS, a nonprofit organization, was started in 1964 by Dr. Calderone, formerly medical director of the National Planned Parenthood Federation, "to establish man's sexuality as a health entity." It draws its financial support principally from foundations. SIECUS acts as a consulting agency to teachers, schools, clergy, universities and community groups seeking assistance in the field of sex education. It has been widely successful in encouraging the establishment of such programs in many schools in the U.S.

Though SIECUS does not have a specific sex-education program of its own, it does publish study guides and advise schools and agencies in setting up sex programs. SIECUS' 50-man board includes physicians, clergy, educators and sex researchers. One of these, Dr. Isadore Rubin, Ph.D., is a key target in the school controversy. Rubin edits *Sexology,* a popularized sex journal whose contents include such titles as *Will Mate Swapping Solve Sex Problems?, Positions in Intercourse,* and *What to Do About Too-Quick Ejaculation.* The board also includes eminent figures such as Elizabeth Koontz, former head of the National Education Association and currently director of the Women's Bureau of the U.S. Labor Department; Dr. Wardell Pomeroy, one of the authors of the Kinsey Report; Dr. William Masters of the Masters-Johnson sex study; and the Rev. William H. Genné, head of the Commission on Marriage and Family Life of the National Council of Churches in the U.S.A. But Dr. Rubin and *Sexology* have drawn the wrath of the Birchers and others opposed to sex in school because he once refused to answer congressional probers on possible Communist affiliations, and because the magazine uses bold titles.

Before last year, if you'd mentioned Anaheim, Calif., most people would have thought of Disneyland, the huge amusement park that's located there. Today, Anaheim (pop. 160,000) has another kind of notoriety. From Darien, Conn., to Renton, Wash., opponents of sex education point to Anaheim as a community where, it is alleged, venereal disease and illegitimacy run rampant because of a pioneering curriculum in Family Life and Sex Education. In literature circulated by the Birch Society and Hargis' Christian Crusade, Anaheim is depicted—along with Sweden—as a swamp of juvenile immorality, Exhibit A of the results of sex education.

All that enrages and saddens craggy-faced Paul Cook, superintendent of Anaheim Union High School District and the leading figure behind what has been hailed nationally as one of the country's best school systems. It is not the Anaheim he knows.

Anaheim has had a widely acclaimed course on Family Living and Sex Education since 1965, after a survey of local parents indicated that 90 percent wanted such a course in the schools. "For the first three years, I didn't get three phone calls about this," says Cook. "We had 99 percent participation by our students. Then, suddenly last summer—Bang! We got delegations to the board of education, people shouting imprecations in board meetings, the works." The Anaheim program, which is voluntary and covers grades seven through twelve, had come under attack by a local newspaper. One of the charges was that the course was written by SIECUS. "Actually, our course was written by a group of our own teachers before SIECUS was even a functioning organization," Cook rebuts. To confirm this, he fishes through his files to come up with a 1966 letter from SIECUS headed "Dear Superintendent," requesting information on the Anaheim course. "I feel the really big people in the Birch Society don't give a damn about sex education," says Cook, "but they realize how sensitive people are if you get right at them, and what could be closer than your kids?"

Sex and reproduction are only a part of the Anaheim approach, Superintendent Cook says. "What we have is a dialogue between the teacher and the youngster. They discuss all the problems that are of concern to youngsters, such as getting along with parents, human growth and development, dating, going steady, premarital and extramarital relationships, divorce—all the things that kids don't understand and do not have access to information about.

"Everybody is making a big to-do about morals," Superintendent Cook notes. "In a public school, you can't teach a sectarian point of view, but basically, the standards we believe in and teach would hardly be denied by any church of any denomination in our society today. We say to our kids, 'You have to have a set of standards in life. If you do this, this will be the outcome. If you do that, you'll get that outcome. Is that what you want?' We try to emphasize the practicality of moral behavior."

Nonetheless, the sex issue has boiled up in Anaheim, and in April, after a bitter campaign, two incumbents on the five-man school board were defeated by anti-sex-education candidates.

Cook believes the opponents of his program are misguided: "These people think by squashing us they are stopping their kids from getting sex information any place but in the home. But look at TV, or all the movies they are exposed to that deal with sex or sexual deviations like *The Killing of Sister George*, or *The Graduate*. If a kid has no moral guidance, what does he make out of all that?"

Across the continent, in Watkins Glen, N.Y. (pop. 3,000), the same kind of conflict is stewing. "In mid-March, our phone began to ring," says Dr. Lloyd Peak, chief administrator of Watkins Glen schools, "and perfectly respectable people began to ask, 'Are you really doing these things they say you are?' They'd heard that we'd shown a film in kindergarten that portrayed the sex organs of animals and humans during actual sexual intercourse!"

Dr. Peak says, "I called one of the people associated with the local anti-sex group and complained about these false rumors. I was told that she knew this didn't happen in Watkins Glen, that she was merely quoting from *American Opinion*, the Birch Society magazine that carried such a story in its March, 1969, issue."

In the midst of the controversy, Peak and his staff appeared before a public meeting to answer critics of the Watkins Glen program. "They talked about sex education in Oregon, in Washington, in Anaheim, California," he says, "but they never talked about Watkins Glen." Some of the critics were vitriolic. "They shouted at me, 'Shut up! Go home!' " he says, "but the district was gaining a reputation as having a horrible sex-education program, so I spoke up as strongly as I could. The punch line is that we really don't have much of a sex program. We show a slide sequence, *How Babies Are Made*, to our sixth graders and some other materials to girls in the seventh grade, but I find it hard to believe that people can get so worked up about so innocuous a program." As in Anaheim, Watkins Glen children whose parents object to the courses are excused from class, and the curriculum is overseen by an advisory committee that includes Catholic and Protestant clergymen, the local district attorney, probation officer, school principals and teachers, but the opposition has not been deflected. "I have been called a Communist and an incompetent," says Peak.

The sex course's principal opponent in Watkins Glen is Mrs. Jacqueline Rondinaro, chairman of a group called Parents Committee on Moral Education. Mrs. Rondinaro, 31, mother of six and a nurse, argues: "Sex education in itself is a good thing—everyone needs it, our whole committee agrees on that. But the manner of presentation, who should teach it, presents great problems. Basically, it is the right and responsibility of the parent. God has rules and regulations regarding sex. The parent is able to give this to his child, when the child is ready, in the context of his own religion and moral belief. I, as a Catholic, for example, would present abortion one way while somebody else who was a humanist might present it in the light of situation ethics. Or perhaps one ten-year-old is ready for this information and another might not be. The teacher can't make this judgment. The parent knows when his child is ready."

William C. Elkins, vice chairman of Mrs. Rondinaro's committee, is also head of the local Birch Society chapter. Both insist there is no connection between the two groups. Says Elkins: "I don't think we're getting the really bad stuff here in Watkins Glen that they have in Sweden or in Anaheim, California. I've read about what's being taught in Anaheim, and it's shocking!"

Elkins admits he encouraged two men to enter the Watkins Glen school-board election in July, but one of them, Daniel J. Murphy, a dairy farmer who opposes any expansion of the community's present sex program, declined to tell Look who had asked him to run. Murphy was defeated. The other Elkins-backed candidate won.

As in Anaheim, the sex dispute shattered the tranquility of Watkins Glen. "I feared we were going to lose the respect and trust of the community," says Superintendent Peak, "and that was a frightening thing. We are going to open a new high school next year, and if you lose community support, school budgets and all kinds of things suffer."

Mrs. Chris Huston, whose home-economics class for girls incorporates family life and sex instruction, explains: "It hurts the kids most of all. They're in the middle. A student may be for the program, but his parent may be against it and the teacher. I love this class, it's a fun thing. I try to relate what we're studying to the kids' own interests, their own lives, the kind of life people live in other countries and cultures. But this whole blow-up has made a few of my students suspicious of me, and that makes me a little angry. The children are the ones who are hurt because they begin to lose faith in just about everything."

A major factor in the sex-education hassle is the feeling on the part of some parents that such instruction should be framed in the context of religious precepts. "Some of us feel the discussion of human reproduction right after that of animal reproduction, for example, implies that we were both created the same way," says Mrs. Rondinaro. "While the mating process may look the same, there is the whole spiritual side involving the installation of the soul in the human that is completely ignored."

Some dissenters, including New York child psychologist Dr. Rhoda Lorand, hold to the Freudian concept the children go through a "latency period" from the age of five to about eleven, during which they normally lose any sexual curiosity and concentrate on socialization and play. The introduction of sex information at this stage could be harmful, Dr. Lorand believes. Other authorities scoff at this notion. Says Dr. Earle Marsh, of the University of California Medical Center in San Francisco, "The so-called 'latency period' is one of Freud's concepts that has pretty much been abandoned. It's just ridiculous to think that there is a period when a human being cannot be taught. In fact, the rough-and-tumble of childhood is necessary for the development of a healthy sex life. Education at any stage of a person's life makes sense, it just depends on the language you use."

Some parents who balk at sex education are afraid that talk of physical intimacy may provoke curious youngsters to experiment sexually. "It's like teaching kids to multiply before they can add," says Mrs. John F. Lundin, a Wilmette, Ill., mother of three who heads People Opposed to (Compulsory) Sex Education, or POSE. POSE is girding to contest a pilot sex program scheduled to begin in Wilmette schools this fall. Like Mrs. Rondinaro in Watkins Glen, Mrs. Lundin is "alarmed about the reports I've read about what's going on in Anaheim, California." She is also concerned about the influence of SIECUS in the Wilmette program. "We've been told unofficially by school personnel that they will not use SIECUS-related materials," she says, "but SIECUS is involved in just about all the sex materials, so we wonder."

Back in Anaheim, Superintendent Cook is incensed by the portrait of his school district being spread across the nation by the Birchers and other right-wing groups. "Look at this pamphlet called *Christianity and Sex*," he told me. "It's being circulated in Wichita Falls, Texas. It says, 'According to documented information entered in the *Congressional Record*, in Anaheim Calif., veneral disease is out of control. Homes for unwed mothers are overcrowded and a marine replied, when asked why they crowd into Anaheim on weekends: Man, everybody knows the high schools girls here are available!' "

Slamming down the pamphlet, Superintendent Cook retorts: "Every statement is a complete and utter lie! But what will people in Wichita Falls, Texas, think of the boys and girls in Anaheim Union High School District? We are all being slandered and libeled! The fact of the matter is that the latest statistics on unwed mothers in California is 9.3 per thousand. In Anaheim, it is only three per thousand, one-third the state rate. There isn't even a home for unwed mothers in Orange County!

"Statistics on venereal disease are kept on a county basis, so we don't have the figures for this district, but I'm sure that if there had been a big increase here, we'd certainly know about it."

While Cook agrees that parents and churches share a responsibility for sex education, he says, "If you ask our students, you'll discover that less than ten percent have any meaningful discussions with their parents about sex. What are the other ninety percent to do? And there isn't one church in a hundred, that I know of, that's teaching an honest course in sex instruction. The number of girls who are not even told about menstruation is shocking beyond belief! We've had girls come into our school offices in hysterics, thinking they were bleeding to death! And today, girls frequently start to menstruate in fifth grade when they are only ten years old. How can *anybody* say we shouldn't teach them about these things?"

Sex education in schools has been endorsed by the American Medical Association, the National Education Association, the National Congress of Parents and Teachers, the National Council of Churches, the American Public Health Association, the American Col-

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lege of Obstetricians and Gynecologists, along with numerous other professional organizations. But the scurrilous literature, the wild stories and the misrepresentation circulated by the Birchers and similar groups have clearly cut into the effort of educators to mount such programs. Moreover, the sex struggle has left behind a bitter residue in communities across the nation. Says Anaheim's Superintendent Cook: "The results of all this go far beyond sex education. You don't turn off hatred just like that. It spreads and spreads. People in the community have stopped talking to each other. People come to school-board meetings now and question our textbooks on other subjects. Where will it all stop?"

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what will be the unfinished business before the Senate when it again convenes on Monday next?

The PRESIDING OFFICER. H.R. 12781, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

Mr. BYRD of West Virginia. I thank the Chair.

ADJOURNMENT UNTIL MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate, in accordance with the previous order, stand in adjournment until 12 o'clock noon Monday next.

The motion was agreed to; and (at 3 o'clock and 36 minutes p.m.) the Senate adjourned until Monday, September 22, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate September 19, 1969:

Diplomatic and Foreign Service

Ernest V. Siracusa, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Bolivia.

Housing and Urban Deveolpment

Eugene A. Gulledge, of North Carolina, to be an Assistant Secretary of Housing and Urban Development, vice Philip N. Brownstein, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 19, 1969:

Securities and Exchange Commission

A. Sydney Herlong, of Florida, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1971.

TAX COURT OF THE UNITED STATES

William H. Quealy, of Virginia, to be a judge of the Tax Court of the United States for the unexpired term of 12 years from June 2, 1960.

HOUSE OF REPRESENTATIVES—*Friday, September 19, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let not your heart be troubled; believe in God.—John 14: 1.

O Lord, our God, who art truth and love and who dost give Thyself to men to lead them in Thy way, grant unto us Thy spirit that we may give ourselves in service to our fellow men.

May nations and races feel their kinship with each other since we are Thy children and may we learn to work together for the good of all.

Bless those who are in need, all who are oppressed in mind and body and all who suffer. Particularly do we pray for our prisoners of war. Strengthen them and their families here at home, give them patience in suffering and a happy issue out of their affliction. May the day soon come when those now separated can be home together and enjoy their freedom in peace.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 193. Concurrent resolution authorizing the printing as a House document of a revised edition of "The Capitol," and providing for additional copies; and

H. Con. Res. 309. Concurrent resolution to print a second listing of operating Federal assistance programs compiled during the Roth study.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1471. An act to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes;

S. 1479. An act to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services;

S. 1650. An act to amend chapter 19 of title 38, United States Code, to provide double indemnity coverage under servicemen's group life insurance for members of the uniformed services assigned to extrahazardous duty, including duty in a combat zone;

S. 1857. An act to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81-507, as amended;

S. 2003. An act to provide a special Government life insurance program for veterans of the Vietnam era;

S. 2186. An act to amend chapter 19, United States Code, so as to provide dismemberment insurance coverage under the servicemen's group life insurance program;

S. 2335. An act to authorize the District of Columbia to enter into the interstate compact on juveniles; and

S. 2546. An act to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

ANNOUNCEMENT OF HEARINGS ON BANKRUPTCY LEGISLATION

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on the following bills:

Senate Joint Resolution 88, to create a Commission To Study the Bankruptcy Laws of the United States;

H.R. 6665, to amend the Bankruptcy Act, sections 2, 15, 17, and 38, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding to authorize courts of bankruptcy to determine the dischargeability on nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges; and

H.R. 12250, to amend sections 2, 17, and 38 of the Bankruptcy Act with respect to the discharge of debts.

These hearings will begin on October 1, 1969, at 10 a.m., room 2237, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

SCHOOL BUSING

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I was astonished to learn from an article in the Washington Post yesterday that HEW will make no change in their past policies concerning the forced busing of students in order to achieve racial balance, notwithstanding the fact that Vice President Agnew in a speech to the Southern Governors' Conference stated that he was opposed to such action and the White House confirmed the fact that President Nixon concurs in Mr. Agnew's statement.

In the past administration we were frequently alerted to the fact that there was a credibility gap. Now there appears to be developing a control gap wherein faceless bureaucrats in HEW and their leader, Secretary Finch, are able to flout at will the wishes of President Nixon, Vice President Agnew, and the American people with regard to forced busing of students in order to achieve racial balance.

As time passes, it is evident that the tail is wagging the dog and that the bureaucrats are more powerful in imposing their will on the American people than are the President and Vice President of the United States or possibly the President and Vice President do not have as much power to control their administration and direct the activities of their various departments as have administrations in the past.

The bureaucrats at HEW recognize no authority other than their own and unless President Nixon speaks out and insists that they follow the policies of his administration, then I can forsee nothing but confusion and bewilderment among the American people and a general disregard of any statement made by the President or Vice President.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 178]

Abbitt
Adair
Addabbo
Ashbrook
Baring
Belcher
Biaggi
Biester
Bingham
Blanton
Bolling
Brademas
Brasco
Bray
Brock
Brotzman
Brown, Ohio
Broyhill, N.C.
Burleson, Tex.
Bush
Byrne, Pa.
Cahill
Carey
Cederberg
Celler
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Conyers
Corbett
Corman
Coughlin
Cowger
Cunningham
Daddario
Daniel, Va.
Dawson
de la Garza
Delaney
Dent
Devine
Edmondson
Eshleman
Farbstein
Fascell
Foley
Fraser
Frey
Fulton, Tenn.
Fuqua
Gallagher
Giaimo
Gilbert
Goldwater
Gray
Green, Pa.
Griffiths
Gubser
Hagan
Halpern
Hanna
Hansen, Idaho
Harsha
Hays
Heckler, Mass.
Hosmer
Howard
Jones, Tenn.
Keith
Kirwan
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Leggett
Lipscomb
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McDonald, Mich.
McKneally
McMillan
Macdonald, Mass.
MacGregor
Mathias
May
Meeds
Mikva
Minshall
Myers
Nelsen
Nichols
O'Hara
O'Konski
O'Neal, Ga.
Ottinger
Pepper
Pike
Poage
Podell
Pollock
Powell
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Reid, N.Y.
Reuss
Roybal
Sandman
Scheuer
Shriver
Sisk
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Staggers
Teague, Calif.
Teague, Tex.
Tunney
Udall
Utt
Vander Jagt
Waggonner
Waldie
Watkins
Watson
Whalley
Wiggins
Winn
Wold
Wyatt
Wydler
Yatron
Zablocki

The SPEAKER. On this rollcall, 287 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SERVICEMEN REPORTED MISSING

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, you and more than 100 of my colleagues joined the gentleman from Alabama (Mr. Dickinson) during his special order on Wednesday in expressing our concern for our servicemen who are either in enemy hands or are listed as missing in action, and our deep sympathy for the courageous wives and families of these brave men.

I was one among many others of your colleagues who was present on that occasion. I listened to what was said. I saw what was felt so deeply by all of us, and by the wives and families of these men and the kind and grateful citizens of this country who filled the galleries of this Chamber.

In every part of this land there are wives and parents and families who are tortured by uncertainty as to the fate of their loved one. My own district is no exception. Yesterday, I met with one such wife. Mrs. Margaret Conklin, wife of Maj. Bernard Conklin and mother of four, waits for word of Major Conklin, an Air Force pilot, who has been missing in action for more than 3 years. But Hanoi remains silent. How true your words were, Mr. Speaker, when you said:

> They violate not only international agreements but they violate the moral law and they violate the law of decency.

POSTPONING SPECIAL ORDERS GRANTED FOR MONDAY, SEPTEMBER 22 TO TUESDAY, SEPTEMBER 23

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the special orders granted to Members to address the House on Monday next may be put over until Tuesday next.

The gentleman from New Jersey (Mr. Rodino) and the gentleman from Iowa (Mr. Schwengel) have special orders for Monday and they both have consented to this request.

I called the office of the gentleman from New York (Mr. Farbstein) and his office has assured me he would have no objection to this request.

Mr. Speaker, this request is made as a predicate to a later request to go over from today until Tuesday since Monday is a religious holiday and there is no District business.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE PRESIDENT'S POWERS WITH RESPECT TO THE SELECTIVE SERVICE SYSTEM

(Mr. RIVERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERS. Mr. Speaker, for the benefit of the Members of the House, on yesterday I inserted in the Record, on page H8168, a complete analysis of the powers of the President with respect to the Selective Service System as contained in the recent Draft Act and the original Draft Act. I urge you to get that Record right now, copy down the number, page H8168, and it will answer a great many of the questions you may have with respect to the powers of the President, what he can do and what he cannot do under the act as it has been amended and as it was originally enacted many, many years ago.

CONFERENCE REPORT ON H.R. 11582, TREASURY AND POST OFFICE DEPARTMENTS, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS, 1970

Mr. STEED. Mr. Speaker, I call up the conference report on the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 18, 1969.)

The SPEAKER. The gentleman from Oklahoma is recognized for 1 hour.

Mr. STEED. Mr. Speaker, the matters in conference between the House and the Senate versions of this bill were only seven. Some dealt only with language and some with funds. The other body made a net increase of a little under $8 million over what the House appropriated, and in conference we split the difference almost exactly down the middle. Most of the increase over the House version will be used to provide some badly needed extra people for the Bureau of Customs, and, of course, the Post Office Department.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Iowa.

Mr. GROSS. How did we wind up in this conference by comparison with the House figure?

Mr. STEED. It is $3,900,000 more than the House had originally approved, and it is about $3,963,000 less than the other body approved.

Mr. GROSS. How does this conference report compare with the spending for the same departments and agencies last year? Will the gentleman give us that figure?

Mr. STEED. The increase in the total amount for this year over the last fiscal year is almost all accounted for by automatic pay raises and increases in volume of workload. It is in the neighborhood of $414 million total increase for this fiscal year over what was actually used for these agencies last year.

Mr. GROSS. In other words, nearly a half billion more than was expended last year.

One further question, if the gentleman will yield: Are the salary increases for the departments and agencies covered in this bill?

Mr. STEED. Not the salary increase that went into effect on the beginning of this fiscal year. That increase will have to be included in a supplemental.

Mr. GROSS. So the $414 million increase over last year does not include many millions of dollârs represented by pay increases that will come in a supplemental later this session?

Mr. STEED. While no actual figure on what the additional amount would be has yet been determined, it is my understanding that it would be in the neighborhood of about $340 million more than we are asking for here today.

Mr. GROSS. It is $340 million?

Mr. STEED. That is correct. Then, of course, if additional pay raises are approved by the Congress, they would be added onto this amount.

Mr. GROSS. I understand that. But the point I am trying to make is that there is not a dime in this bill for those raises. Nearly a half billion dollars more than was expended for the same general purposes last year, and yet there is not a dime for the salary increases that went into effect on July 1 for these departments and agencies.

Mr. STEED. When the present budget was made up, these salary increases were not yet in effect, so they had no way of including them in the budget request. It has been traditional to take care of those by supplemental requests.

Mr. GROSS. But we are now getting along well through September. The fiscal year began on July 1. I am surprised—and no one has yet given me a good reason why these pay increases, effective last July 1, have not gotten into the appropriation bills that have been enacted since July 1 of this year. Why is all the cost of the salary increase effective July 1 going into a supplemental? Why?

Mr. STEED. When this bill was before us, the raises were not yet in effect, so they could not ask for that. It has been only since July that they could ask for the money, and this bill passed the House in May.

Mr. GROSS. This is 3 months later.

Mr. STEED. But this is a conference report on the bill that passed the House in July. I include the following table reflecting the details of the bill:

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATION BILL, FISCAL YEAR 1970 (H.R. 11582)

CONFERENCE SUMMARY

TITLE I—TREASURY DEPARTMENT

						Conference action compared with—			
Agency and item	New budget (obligational) authority, fiscal year 1969 (enacted to date) [1]	Budget estimates of new (obligational) authority, fiscal year 1970 [2]	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	New budget (obligational) authority, fiscal year 1969 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Office of the Secretary	$7,925,000	$8,680,000	$8,600,000	$8,600,000	$8,600,000	+$675,000	−$80,000		
Federal law enforcement training center:									
Salaries and expenses		58,000	58,000	58,000	58,000	+58,000			
Construction		1,200,000	1,000,000	1,000,000	1,000,000	+1,000,000	−200,000		
Total, Federal law enforcement training center		1,258,000	1,058,000	1,058,000	1,058,000	+1,058,000	−200,000		
Bureau of Accounts	44,877,000	45,675,000	45,675,000	45,675,000	45,675,000	+798,000			
Government losses in shipment	400,000					−400,000			
Eisenhower College grants	5,000,000					−5,000,000			
Bureau of Customs	100,337,000	108,110,000	106,151,000	108,110,000	107,551,000	+7,214,000	−559,000	+$1,400,000	−$559,000
Bureau of Engraving and Printing (air conditioning of building)	400,000					−400,000			
Bureau of the Mint	14,700,000	17,630,000	17,000,000	17,000,000	17,000,000	+2,300,000	−630,000		
Construction of Mint facilities		1,770,000	1,770,000	1,770,000	1,770,000	+1,770,000			
Bureau of the Public Debt	58,878,000	60,370,000	60,370,000	60,370,000	60,370,000	+1,492,000			
Internal Revenue Service:									
Salaries and expenses	22,055,000	23,080,000	23,080,000	23,080,000	23,080,000	+1,025,000			
Revenue accounting and processing	191,500,000	201,171,000	200,000,000	200,000,000	200,000,000	+8,500,000	−1,171,000		
Compliance	545,300,000	581,715,000	576,715,000	576,715,000	576,715,000	+31,415,000	−5,000,000		
Total, Internal Revenue Service	758,855,000	805,966,000	799,795,000	799,795,000	799,795,000	+40,940,000	−6,171,000		
Office of the Treasurer	7,045,000	7,250,000	7,250,000	7,250,000	7,250,000	+205,000			
Check forgery insurance fund		100,000	100,000	100,000	100,000	+100,000			
U.S. Secret Service	22,708,000	27,400,000	26,871,000	26,871,000	26,871,000	+4,163,000	−529,000		
Construction of Secret Service training facilities	800,000	700,000	700,000	700,000	700,000	−100,000			
Total, title I, Treasury Department, new budget (obligational) authority	1,021,925,000	1,084,909,000	1,075,340,000	1,077,299,000	1,076,740,000	+54,815,000	−8,169,000	+1,400,000	−559,000

Footnotes at end of table.

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATION BILL, FISCAL YEAR 1970 (H.R. 11582)—Continued

CONFERENCE SUMMARY—Continued

TITLE II—POST OFFICE DEPARTMENT

Agency and item	New budget (obligational) authority, fiscal year 1969 (enacted to date) [1]	Budget estimates of new (obligational) authority, fiscal year 1970 [2]	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	New budget (obligational) authority recommended by conference action	Conference action compared with—			
						New budget (obligational) authority, fiscal year 1969 (enacted to date)	Budget estimates of new (obligational) authority, fiscal year 1970	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Authorizations and limitations on use of the postal fund:									
Administration and regional operation	($119,000,000)	($136,069,000)	($133,069,000)	($132,069,000)	($133,069,000)	(+$14,069,000)	(−$3,000,000)		(+$1,000,000)
Research, development, and engineering	(35,500,000)	(51,338,000)	(46,338,000)	(51,338,000)	(48,838,000)	(+13,338,000)	(−2,500,000)	(+$2,500,000)	(−2,500,000)
Operations	(5,977,071,000)	(6,141,711,000)	(6,141,711,000)	(6,143,615,000)	(6,141,711,000)	(+164,640,000)			(−1,904,000)
Transportation	(622,000,000)	(638,900,000)	(630,000,000)	(630,000,000)	(630,000,000)	(+8,000,000)	(−8,900,000)		
Building occupancy	(210,000,000)	(235,323,000)	(230,000,000)	(230,000,000)	(230,000,000)	(+20,000,000)	(−5,323,000)		
Supplies and services	(110,000,000)	(114,917,000)	(114,917,000)	(114,917,000)	(114,917,000)	(+4,917,000)			
Plant and equipment	(200,000,000)	(215,761,000)	(210,000,000)	(210,000,000)	(210,000,000)	(+10,000,000)	(−5,761,000)		
Postal public buildings	(50,000,000)	(174,223,000)	(170,000,000)	(170,000,000)	(170,000,000)	(+120,000,000)	(−4,223,000)		
Total, authorizations out of postal fund	(7,323,571,000)	(7,708,242,000)	(7,676,035,000)	(7,681,939,000)	(7,678,535,000)	(+354,964,000)	(−29,707,000)	(+2,500,000)	(−3,404,000)
Less net revenues (estimated)	(−6,287,585,000)	[3](−6,507,013,000)	[3](−6,507,013,000)	[3](−6,507,013,000)	[3](−6,507,013,000)	(−219,428,000)			
Total, title II, Post Office Department, new budget (obligational) authority (indefinite)	[4]1,035,986,000	[4]1,201,229,000	[4]1,169,022,000	[4]1,171,926,000	[4]1,171,522,000	+135,536,000	−29,707,000	+2,500,000	−3,404,000
TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT									
Compensation of the President	$194,584	$250,000	$250,000	$250,000	$250,000	+$55,416			
The White House Office	3,229,000	3,630,000	3,630,000	3,630,000	3,630,000	+401,000			
Special projects	1,500,000	2,500,000	2,500,000	2,500,000	2,500,000	+1,000,000			
Operating expenses, Executive Mansion	823,000	918,000	918,000	918,000	918,000	+95,000			
Bureau of the Budget	10,050,000	12,084,000	11,650,000	11,650,000	11,650,000	+1,600,000	−$434,000		
Council of Economic Advisers	1,130,000	1,182,000	1,137,000	1,137,000	1,137,000	+7,000	−45,000		
National Security Council	811,000	1,860,000	1,860,000	1,860,000	1,860,000	+1,049,000			
Emergency fund for the President	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
Expenses of management improvement	350,000	350,000	350,000	350,000	350,000				
Total, title III, Executive Office of the President, new budget (obligational) authority	19,087,584	23,774,000	23,295,000	23,295,000	23,295,000	+4,207,416	−479,000		
TITLE IV—INDEPENDENT AGENCIES									
Administrative Conference of the United States	$250,000	$250,000	$250,000	$250,000	$250,000				
Advisory Commission on Intergovernmental Relations	551,000	575,000	575,000	575,000	575,000	+$24,000			
Commission on Obscenity and Pornography	643,000	1,227,000	1,100,000	1,100,000	1,100,000	+457,000	−$127,000		
Tax Court of the United States	2,563,000	2,750,000	2,750,000	2,750,000	2,750,000	+187,000			
Total, title IV, independent agencies, new budget (obligational) authority	4,007,000	4,802,000	4,675,000	4,675,000	4,675,000	+668,000	−127,000		
TOTAL, TITLES I, II, III, AND IV									
Grand total, titles I, II, III, and IV, new budget (obligational) authority	2,081,005,584	2,314,714,000	2,272,332,000	2,280,195,000	2,276,232,000	+195,226,416	−38,482,000	+3,900,000	−3,963,000
Consisting of—									
Appropriations (definite)	1,045,019,584	1,113,485,000	1,103,310,000	1,105,269,000	1,104,710,000	+59,690,416	−8,775,000	+1,400,000	−559,000
Appropriations (indefinite)	1,035,986,000	1,201,229,000	1,169,022,000	1,174,926,000	1,171,522,000	+135,536,000	−29,707,000	+2,500,000	−3,404,000
Memoranda—Grand total, titles I, III, and IV, new budget (obligational) authority and title II, authorizations out of the postal fund	(8,368,590,584)	(8,821,727,000)	(8,779,345,000)	(8,787,208,000)	(8,783,245,000)	(+414,654,416)	(−38,482,000)	(+3,900,000)	(−3,963,000)

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[1] Includes amounts contained in the 2d supplemental, 1969 (Public Law 91–47). Amounts do not reflect reserves created pursuant to Public Law 90–364.

[2] Includes amendments contained in H. Docs. 91-50, 91–100, 91–113, and 91–117.

[3] Excludes the proposed postal rate increase of $315,800,000 reflected in the Sept. 17, 1969, summer review of the 1970 budget. Also, this figure does not reflect a revision downward of some $137,800,000 in postal revenues as estimated in the summer review.

[4] Indefinite, because it represents the difference between specific authorizations on use of the postal fund and estimated postal revenues.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: on page 9, line 8, insert: "*Provided further*, That of the amount appropriated by this Act for postal operations, $1,904,000 shall be for achieving a 2.6 percent increase in window service at large post offices, for business deliveries in business areas, $3,145,000; and for expeditious delivery of special delivery letters, $4,169,000".

MOTION OFFERED BY MR. STEED

Mr. STEED. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STEED moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following: "*Provided further*, That of the amount appropriated by this Act for Postal Operations, $5,500,000 shall be for additional window service at large post offices and for maintaining present levels of special delivery and multiple-trip business delivery services at locations where the Postmaster General shall determine such maintenance of service to be necessary or desirable".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the motion was laid on the table.

(Mr. STEED asked and was given permission to revise and extend his remarks and include a table.)

THE LEGISLATIVE BRANCH APPROPRIATIONS, 1970

Mr. ANDREWS of Alabama. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from North Dakota (Mr. ANDREWS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13763, with Mr. MURPHY of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Alabama (Mr. ANDREWS) will be recognized for 1 hour, and the gentleman from North Dakota (Mr. ANDREWS) will be recognized for 1 hour.

The Chair recognizes the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is the usual annual bill for the legislative branch for the fiscal year 1970, which began July 1 last. It thus provides for one of the three branches of Government.

It provides for all activities except the appropriations for the other body; it is the custom to leave those for the decision of the Senate.

Like the rest of the Government, legislative branch activities have operated under the general continuing resolution since July 1. I might say here that we have made a number of reductions in the appropriation requests because of this slippage of time.

HIGHLIGHTS OF THE BILL

The bill total is $284,524,057.

It is $26,850,216 below the budget requests. Much of that reduction is a deferral in connection with construction projects considered in the bill. Some of it, however, is a saving.

The bill total is, however, $25,742,927 above last year's appropriations for corresponding purposes. I should say here that, following custom, there is nothing in the bill for the Senate. The other body will add its own requirements. If it adopts the budget amounts, the total of the bill would be about $57 million higher.

And I should also make note of the fact that, as with all the appropriation bills for fiscal 1970, the individual items do not make specific provision for the general governmentwide employee pay increase that went into effect on July 1. Those added costs will be dealt with in a supplemental next session.

MAJOR INCREASES AND DECREASES

Mr. Chairman, a number of items account for the increase above last year and for the reduction from the budget total for the current year. If Members will turn to the committee report, beginning at the bottom of page 4 and continuing to the middle of page 7, they will find virtually the whole story; it is all listed there—virtually all the increases and decreases, and what they are in a nutshell.

INCREASES OVER 1969

I would like to mention just the principal items. You may ask, "Why is the bill $25.7 million over last year?" Let me call off the main items:

First, $3,938,000 is to annualize—that is, to put on a 12-month basis—the March 1969 pay raise for Members.

Second, $5,807,000 is for clerk-hire in Members' offices. The figure is based on recent experience and makes a stab at the cost of the additional clerk voted by the House in June in House Resolution 357.

Third, $1,850,000 is related to the costs of investigative functions. The House this session has voted for additional investigative funds for the various legislative committees.

Fourth, $3,386,000 is for the General Accounting Office. This is an important area of the Congress. The committee report has some critical things to say about some of the lower priority things they are engaged in. We suggest they need to take a harder look, and perhaps reorder their priorities a bit.

Fifth, $1,572,000 is additional for the Superintendent of Documents. He is swamped with work, especially in sales of Government publications. He makes money on that operation.

Sixth, $688,000 is for added costs of congressional franked mailings. This is a bookkeeping item to reimburse the postal fund.

Seventh, $2,800,000 is added to prepare detailed plans looking to future construction of the Madison Memorial Library building. I want to say something more on that in a moment.

Eighth, $2 million is recommended for detailed plans for extension of the west central front of the Capitol. I want to come back to that item also.

SUMMER INTERNS

Mr. Chairman, the committee has also recommended continuation of the restriction against the special allowance for congressional summer interns. The committee is not against summer interns. The restriction goes only to the special, extra allowance of $750 originally authorized in the 89th Congress.

Members can continue to employ interns on their regular office roll just as they did this summer and last summer. And they should have no difficulty finding the $750; the clerk-hire authorization was raised by the House only 3 months ago by one more clerk and a basic increase of $2,500.

There is a very interesting chart of statistics on this matter of interns on page 459 of the hearings.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. COHELAN. I wonder if the distinguished chairman of the subcommittee could elaborate on the matter, because the gentleman seems to be suggesting, that since we have a ceiling of 12 people, that we discharge a couple of our permanent employees. Would that not follow?

Mr. ANDREWS of Alabama. Well, you cannot go above the 12 unless you have a district of over 500,000, which would then give you 13 employees. I will discuss that with the gentleman later.

Mr. COHELAN. I would like to say to the gentleman, if I may, that this obviously does not permit us to add two interns if we have a full complement.

PROVIDENCE HOSPITAL SITE

Mr. Chairman, we were asked to appropriate $1,250,000 to acquire the old Providence Hospital site, but we did not go along with that.

It is two blocks away from the east boundary of the grounds. There has been considerable talk about building a Capitol Police Academy over there. We are not impressed with that idea, and furthermore, we did not think this was a pressing item.

HOUSE RESTAURANTS

Mr. Chairman, there is less money in the bill this year for the House dining facilities than last year. We recommended $159,000 at this time; $211,000 was appropriated last year.

The actual operating loss in fiscal 1969 was $172,000, which is a great improvement when compared to the $366,000 deficit in fiscal 1968 and the loss of over one-half million dollars that was in prospect for fiscal 1969 when we considered the bill last year. The very sharp reversal in the loss figure is due to the economy actions recommended by the committee last year.

The $159,000 recommended in the pending bill is somewhat of a guess at this point. There is, as Members know, a newly appointed select committee, headed by the gentleman from Illinois (Mr. KLUCZYNSKI), that now has general direction over all House dining facilities. They have not yet put

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their full stamp on the policies and procedures and practices to be followed in the dining operations, but undoubtedly they will in time.

NEW GPO PLANT

Another item that we had in the budget but did not recommend at this time is planning funds for a new GPO printing plant. A new site out in nearby Maryland was approved by the Joint Committee on Printing, but not until after our hearings had been held.

The committee is sympathetic to the economics of a new, modern printing plant. But there is an authorization problem. The cost has escalated considerably since the cost limitation for the project was approved by the two Public Works Committees in 1964 under the 1959 Public Buildings Act. Under the circumstances, the committee did not think it should recommend the funds at this time.

HOUSE BEAUTY SHOP

Mr. Chairman, at the request of Judge GRIFFITH, chairman of the select committee in charge, we have included language in the bill to put the House beauty shop on a financial accounting basis somewhat similar to the House recording studio.

From all reports, the beauty shop operation is going along well. Under the language recommended, it is to be a self-sustaining fund.

MAJOR BUILDING PROJECTS

Mr. Chairman, as I mentioned a few minutes go, funds are recommended for two major projects on Capitol Hill—the Madison Memorial Library and extension of the west central front of the Capitol. In both cases, only planning funds are recommended at this time. No construction funds are included.

I would urge Members to read the hearings and the committee report on these two items—especially the west central front project, because it is controversial.

WEST CENTRAL FRONT OF CAPITOL

Let me explain briefly.

There is no controversy about the need to do something to make the building structurally safe.

There is no controversy about doing something about it—and doing it now.

There is no controversy about the esthetic design of the proposed extension. The outward appearance of the front would not be radically altered.

The sole controversy centers on how the reconstruction shall be done; that is, whether by extension and reconstruction of whether by restoration—whatever restoration means, and I may add that restoration can mean different things to different people.

Let me try to put one thing to rest. That is the matter of adding office and other space. The committee would not—and I would not—have recommended a dime for this project had it been sought to be justified on that basis at this time. The extension—rather than restoration—proposal rests on the recommendations of expert engineering and architectural advice that that is the best, safest, and surest way of successfully strengthening the west walls.

All alternatives were explored.

The current hearings contain further, up-to-date information on the need for corrective action in accord with the 1964 outside engineering study which recommended the extension proposal. In summary, the committee was told that:

First. Restoration does not provide a permanent solution. Whatever the form of restoration or the method, it would result in a makeshift job.

Second. The appearance, if piecemeal repairs are made, would be more objectionable than the present painted surface.

Third. If refaced, the cracks and bulges would again appear after a few years.

Fourth. If the walls are rebuilt completely, the danger and risks would be too great.

Fifth. The whole west central portion of the building, between the House and Senate wings, including some interior rooms and spaces, would have to be vacated by the Congress over a long period of time.

Sixth. The costs of restoration were estimated several years ago to be between $10 million and $50 million. They have escalated since that time. Furthermore, a true cost figure is impossible to obtain. A leading advocate of restoration has stated publicly that restoration could exceed the cost of the proposed extension.

Seventh. There are so many uncertainties involved in restoration or rebuilding in place, the work would have to be done under a cost-plus contract, with leeway as to the ultimate total cost.

Eighth. No space would be gained in the Capitol for the vital operations of the Congress and for the use of the public.

Mr. Chairman, the cost of extension is now estimated at about $45 million. No one knows what "restoration" would cost. The outside engineering expert who made the study of the west front estimated, as I indicated, that it would range from $10 to $50 million. It would have to be done under a cost-plus contract.

The Assistant Architect of the Capitol, Mr. Campioli, whose credentials as an experienced architect are impressive and who, in fact, is a "restorationist" at heart—for 8 years he was in charge of restoring Colonial Williamsburg—Mr. Campioli expressed his opinion that "restoration" would cost more than extension.

The leadership of the AIA, which so violently opposes this project, does not know what "restoration" will cost. The AIA had a five-man task force a couple of years ago make some sort of study of the question. They recommended "restoration," but they do not know what "restoration" would cost. And in testifying before the committee only recently, a member of that task force, representing the AIA, could not tell the committee just what they would do; they could not tell us precisely what "restoration" would entail. In fact, he said:

> Let me say I cannot speak as a technical expert as to the provision of restoration, or the process of restoration. . . .

Mr. Chairman, we are not architects. We are not engineers. But in the face of the facts that the weight of the evidence is that "restoration" would be hazardous; that "restoration" would not be as permanent as extension; that "restoration" would be costly; with some expert opinion that it could cost even more than extension.

With these facts, Mr. Chairman, we concluded that extension was the only solution.

Now, one more point: Opponents of extension make much of the high square foot cost. One figure I saw was $300 a foot.

But what about the cost per square foot under a "restoration" procedure? No additional space would be acquired under "restoration," so if we use the $10 million to $50 million range of cost put forth by the outside engineering expert, we would spend all that money and not get a single square foot of working space.

Mr. Chairman, the gentleman from Illinois (Mr. YATES) is at heart a "restorationist." He preferred "restoration" but after exhaustive probing of all sides of the question, he came to the conclusion that extension was the only feasible course. He is especially well versed in the technicalities involved, and in a few minutes I am going to yield him time to explain what is involved.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman.

Mr. GROSS. The extension plans call for two or more additional restaurants and two movie theaters; is that correct?

Mr. ANDREWS of Alabama. All of them are illustrative uses of the interior space.

No firm plans have been made.

Mr. GROSS. I thought Congress was already having trouble with its restaurants and I thought it had enough money invested now in theaters down on the Potomac River—the thing they call the National Cultural Center.

Mr. ANDREWS of Alabama. It is going to take 18 months to complete the plans. The Congress will have plenty of time, and there will be opportunity to discuss the specific layout of the interior of the extension.

MADISON MEMORIAL LIBRARY

Before concluding, Mr. Chairman, let me say something about the $2.8 million recommended for planning the Madison Memorial Library. These are planning funds only. There are no construction funds included.

The project is badly needed. Congress recognized the need back in 1965 when it authorized the project.

The Library is bulging at the seams. A library grows or it stagnates. The estimate is that its space grow by about 45,000 feet a year.

It is now scattered in 12 buildings—across the street; around town; over in Virginia; near Baltimore; and at Suitland, Md. The Government is now paying about $1.8 million a year in rental and related expenses for library space.

We have appended to the $2.8 million planning funds a provision making them

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unavailable for use until the authorized limit of cost is adjusted to take account of construction cost escalation that has occurred since 1965. The authorized limit is $75 million, but the current estimate is $90 million. We did not feel we should recommend beginning the project until the authorization question is cleared up.

Actually, the whole ball of wax entails about $110 million. The Capitol powerplant would have to be expanded to supply heating and air-conditioning, which might range up to $10 million. Furniture, furnishings, and equipment might entail another $10 million.

Mr. Chairman, one thing of interest on the Madison library project is that the design is completely flexible; that is, it is designed to be used either as all library; or all office space; or part library-part office space. I know of no plans to do so, of course, but if, say 20 years from now, it were decided to take a fourth House Office Building out of it, it could fairly easily be done.

CONCLUSION

Mr. Chairman, I have tried to touch the more significant matters in the bill. I shall at the appropriate time seek permission to include additional material from the committee report. And we will be glad to try to answer any questions.

Mr. Chairman, let me just add a note here that in conducting the hearings and developing information on the various items dealt with in this bill, we have had good cooperation on the part of all concerned in the various branches of the operations dealt with—and I have in mind the Clerk of the House, Mr. Jennings and other officers and officials; Mr. Stewart, the Architect of the Capitol; Dr. Mumford, the Librarian; Mr. Harrison, the Public Printer; and the Comptroller General, Mr. Staats. They and their staffs have cooperated fully in every way. I believe the record of the committee hearings bears witness that the various items were generally well documented and well presented. We always appreciate full cooperation in securing orderly consideration and dispatch of the many items dealt with.

In closing, Mr. Chairman, let me say that in my opinion Mr. Stewart, the Architect of the Capitol—and he has held that responsible position since 1954—has been subjected to a lot of unwarranted and unfair criticism and even personal abuse, not only in connection with the west central front project but on other projects.

The Architect of the Capitol cannot drive a nail, or dig a hole, or spend a dime for anything that is not approved by some commission or committee of the Congress, or that is not voted by the Congress, and that is not appropriated by the Congress. All he can do is recommend. All he can do is carry out what Congress approves and appropriates.

He is often the "whipping boy," the one who is the object of much personal abuse. I get a little tired of it. I do not agree with everything Mr. Stewart recommends, but neither do I think members of the press ought to seek to hold him responsible for the decisions of others. It is not fair. It is not right. I have a high regard for Mr. Stewart's integrity. In my opinion, he does what he thinks is right. He loves the Capitol. He loves the institution of Congress and all that it represents under our system of government.

Speaking for myself, I prefer—on the basis of my experience with him and my knowledge of him—to speak well of Mr. Stewart, but to disagree with him on occasion without being disagreeable about it.

I will say also that on his staff he has one of the finest architects in America, Mr. Campioli. Read his qualifications in the hearings. Mr. Campioli was the architect in charge of the restoration of the colonial Williamsburg project. He had 52 people under him, mostly architects and engineers. When they restored the White House several years ago, the architect in charge of the job went down to Williamsburg to see Mr. Campioli.

Mr. Chairman, we have a man on the committee who has rendered yeoman service in this matter of the west front. He has worked night and day. He started as a restoration man and he concluded that the logical, reasonable, and economical thing to do today is to follow the committee's recommendations. He is now a party to our recommendations.

Therefore, Mr. Chairman, at this time I yield to my friend, one of the most valuable members of our committee, who has done a great job in this work of deciding what should be done, the able gentleman from Illinois (Mr. YATES).

WEST FRONT PROJECT

Mr. YATES. Mr. Chairman, I thank the distinguished gentleman from Alabama (Mr. ANDREWS) for his very generous remarks.

Our good friend, the gentleman from Alabama (Mr. ANDREWS) does such an outstanding job as chairman of this committee. He has suggested I tell you about my efforts in the committee to get at the facts and the truth about the west wall. It is a serious controversy. It requires serious consideration. And it requires action now. I was opposed when our hearings started to the extension of the west wall of the Capitol. I wanted a restoration of the wall. I did not want to spend all the money proposed in the plan approved by the Commission. I do not want to spend $45 million to extend the Capitol. I wanted a restoration, because I thought that was most feasible and most economic method retaining as well this record of the historic past.

This building belongs to every American in this country. I consider this building to be our No. 1 national treasure. It has a priceless link with the past. Upon that west wall, as the American Institute of Architects has said so well, is the architectual record that has been written over the years of what has occurred in connection with a significant portion of the construction of this building. I hoped to restore that wall. And so I attacked the Capitol Architect when he came before us with questions which might show the weakness in his proposal. I tried to ascertain from him the logical, the best way to do the job, and I believed it was restoration.

When the American Institute of Architects appeared before us, they testified in favor of the restoration, I tried to find out from the American Institute of Architects why they insisted upon the restoration and how they proposed to do it. I wanted them to give me some peg to hang my hat on so I could support their point of view. I wanted help from them. I would have been a dissident in my own subcommittee to their position. I would have attempted to get an appropriation for restoration of that wall. After listening to the testimony, I could not do it. When all the testimony was in, I could not convince myself that restoration was the logical course.

I have told you why I considered this to be America's most important building. Obviously something has to be done. These pictures I am going to show you were taken a short time ago. All of you have seen the west wall of the Capitol. It would probably be redundant to show you these photographs. Look at these holes in the walls. Take a look at this [exhibiting a photograph], the way the stones are separated. You can see how the paint is peeling off. I think to the disgrace of Congress, we have done only a slapdash, hit-or-miss repairing job over the last 2 or 3 years. The reason we have done that is because we could not agree on what to do.

The committee decided the time has come to do something. Let us get on with the work. It is about time we did something.

Having decided that action must be taken, we looked for the best people to advise us. Obviously, for this important building we want the best brains in the country. I must confess I was suspicious of the Architect. I think that the Rayburn Building is something less than beautiful. I join those who think a much better job could have been done in connection with the architecture of the Rayburn Building. I was skeptical of the qualifications of the Architect and his plans.

As my chairman has said, he is a lovable old man. I like George Stewart very much. But I did not consider I would want to take his decision on so important a matter.

But I listened to his assistant, Mario Campioli. Read the record on the qualifications of Mario Campioli, the one who has been working on this project. On pages 2 and 3 of the hearings you will see his qualifications, first his educational background, his associations, his experience. Then he went to Williamsburg to head the restoration work.

He had 52 architects under him. Listen to this. On page 3 he said:

> As director of architecture, I was responsible for all architectural and engineering work required for the Williamsburg restoration project, including restoration, reconstruction, and new construction.

Where in the country can you get a man who has the experience to match this record of the Assistant Capitol

Architect? I was impressed by what Mr. Campioli said and, as I stated, I fought for a renovation. He said with experience and background he, too, would prefer a restoraton. It is too difficult under the circumstances. You cannot gut the Capitol. I said, "Mr. Campioli, why can't you get a renovation?" And he showed us this drawing [exhibiting a drawing]. He preceeded to explain to us what the structural conditions of the Capitol was. These are sandstone on the outside that are not the finest quality. They are beautiful but they are aqueous sandstones that were placed in the wall in 1820 at the time the wall was constructed. These were put together with an inferior kind of limestone mortar. That has cracked and crumbled over the years.

On the inside we have what is known as a wall of rubblestone, and that, too, is an inferior type of stone. And what they did between those two walls, the inner and outer walls, was just dump in all the refuse and all the rubble they could to provide weight.

The Architect of the Capitol tells me there are even old pieces of wood and other kinds of refuse dropped in to add weight.

As you sit in your committee rooms in the Capitol, you will see the ceilings are arched. This picture shows a cross-section of the arch. Here is sandfill. Above that is flagstone, or the brick floor, that is the floor we are standing on, rather it is the floor close to the west wall. The weight of the building rests on those arches. That arch rests on the west wall.

There are cracks in that wall, as I pointed out, 21 cracks extending the height of the wall. The stones are loose. If those stones were to give way—and I do not think it will happen suddenly with the buttressing placed against the wall, but something might break—but if those stones were to give way and the wall weakened, the arch would give way.

This arch is composed of bricks in compression. The weight keeps those bricks together. So if this were to give way, those bricks would become decompressed, and the floor above it would fall down.

What would have to be done for restoration? I said the White House was restored. Why not the Capitol?

He said, "Congressman, the White House was gutted, and all that was left standing for restoration of the White House were the four walls. If we could do that for the Capitol, sure, we could restore that west wall, but we cannot take the 8 or 10 years that would be necessary for a building of this size, in order to complete the restoration, let alone vacate and close off the portion of the Capitol that would be necessary to do this work.

Then I said, "Are there any alternatives other than emptying the Capitol or a major part of it? He said, "Yes, there is an alternative for restoration," He said, "In those rooms that adjoin the west wall, we can build scaffolding, we can build the structural scaffolding, and let the ceilings rest on this scaffolding while we release the weight on the west wall so that we can go at the wall stone by stone. What would happen in the interim is that the ceiling would then rest on the scaffolding rather than on the wall while we do our work on the stones."

But what would happen after the scaffolding is removed? That would present a very serious question, after restoration was completed, as to whether the arches which had been decompressed by resting on the scaffolding, could be recompressed so that they would not collapse when the scaffolding were taken away.

Yet, I still was not convinced, just as the American Institute of Architects was not convinced. I called the Office of the American Institute of Architects. I said, "In whom would you have confidence to do the kind of study you want to do on this west wall, so we can tell with finality whether there should be a restoration?" I talked to Mr. Hutchinson at that office. He appeared here with Mr. Lethbridge of AIA. He said he would check around the country and let me know the names of engineers recommended by leading architects all over the country who they would like to see do the work on this important building.

He called me back later and gave me the names of six different engineering firms. He said he had checked throughout the country at various offices and he gave me the list of engineers as the architects ranked them. Without exception, he said the name of one firm was mentioned invariably: the name of Fred Severud of New York City.

So I called Mr. Severud. I said, "Mr. Severud, I have a problem. You can help. You are held in greatest respect by your colleagues. I want to talk to you about the Capitol west front. I am trying to find out whether restoration of the west wall is possible. I am told it is not possible. Can you help me?"

We talked for a while, and I learned he has been retained by Mr. Campioli to do the structural engineering work. At least one must give credit to the Architect of the Capitol for selecting the person considered to be on the top level by other structural engineers and architects in the United States.

I asked, "Mr. Severud, what should we do?" He said not to touch the wall. Extension was the proper route.

He sent me a telegram, and this is it:

> Confirming our conversation I am the engineer of record in connection with the extention of the Capitol project. I would not have permitted my name to be associated with it as engineer of record if I did not approve of the recommended procedure. It is my function, to determine what should be done. If I did not agree with the recommendation, I would say so. I have frequently overruled recommendation from various consultants, with which I differed.
>
> The west wall supports brick arches which support the floor above. I am very uneasy about these arches. Dealing with them would be very treacherous. Any attempt to strengthen the construction while trying to support the arches would be very hazardous. If an attempt were made, to strengthen the wall by drilling this again would be utterly inadvisable.

Mr. Lethbridge of the AIA, speaking in favor of restoration, pointed out that a restoration process could be undertaken, a process in which they drill holes through the supporting walls, through the stones, and put in a grouting under pressure. It may destroy the interior wall in the process.

I may say in passing, the original condition of many of the rooms in this building might be destroyed. Many of these rooms are historical, and we would not want them injured any more than we would want to injure the west wall. Members may wish to consider this when they consider the extension of the west front.

He said he would not touch that wall. He said:

> It is best to leave the wall alone and then provide further support against the lateral thrust of the arches.

As this arch bears down here it has a lateral thrust to the outside. The extension proposed would be built right against that wall and would reinforce that wall so as to take care of the lateral thrust. This is what Mr. Severud said.

It is contended by the American Institute of Architects that there has not been a proper study on the question of restoration. We have already spent several hundred thousand dollars with one of the outstanding firms of the country, Thompson & Lichtner of Brookline, Mass. The head of that firm, Dr. Clair, is accepted as one of the qualified experts in the country on this subject.

The American Institute of Architects accepts the study as being competent. In connection with their testimony before our committee 2 years ago, Mr. Yerkes, a member of the Commission, said this:

> I do not think there is any argument between us and the Architect of the Capitol or Thompson and Lichtner. It is a matter of fact the Thompson and Lichtner report is a very complete survey. That is my impression and, Don, you have studied it more carefully than I have.
>
> Mr. LETHBRIDGE. A very complete survey of existing conditions.

The architects complain because Dr. Clair's report recommended extension and disposed of restoration in only one paragraph. Extension was discussed in only one paragraph. What is unusual about stating each conclusion in one paragraph? It was considered. It considered the question of restoration as opposed to extension and recommended extension. Because it did not fully delineate the reasons for deciding against the restoration, the architects say that another study is needed.

Well, how many studies should we have, really? Should we continue to have study after study because of the possibility there may be an engineer somewhere in this country who is in favor of restoration? We now have the advice of qualified experts. They are outstanding experts in the country. One is the man who was found by the American Institute of Architects to be perhaps the outstanding structural engineer in the country. They have six names but he is the No. 1 expert in this field. I decided that I had no recourse except to vote for extension.

Mr. STRATTON. Will the gentleman yield on this one point?

Mr. YATES. I will yield to the gentleman.

Mr. STRATTON. He referred to Mr.

Severud as a very distinguished architect.

Mr. YATES. As a structural engineer.

Mr. STRATTON. A structural engineer.

Mr. YATES. Yes.

Mr STRATTON. Do I understand the gentleman to say that Mr. Severud made the assertion that the only way to preserve this wall was to include an extension that would have 43 large offices, 55 medium offices, two dining rooms, two cafeterias, two escalators, 12 elevators, 12 men's toilets, 12 women's toilets, and 14 private toilets, and two auditoriums?

Mr. YATES. I do not think the gentleman helps his case with that kind of an approach.

Let me reiterate what my chairman said. We were not and are not interested in this space made available by the proposed extension. If it were only a question of space, we would not be here today. The critical point is what should be done with the west wall.

Mr. STRATTON. Will the gentleman yield again?

Mr. YATES. Surely.

Mr. STRATTON. Will the gentleman concede that it might be possible to save the west wall without adding all of these various facilities I referred to?

Mr. YATES. Oh, come on, Mr. STRATTON. I will not even answer that kind of a question.

Mr. STRATTON. Would not the gentleman concede that that is the crux of it?

Mr. YATES. It is not the crux at all. The crux of it is whether we restore the west front or have an extension.

I decline to yield further for the moment. You will have your own time.

I said the question of space is not involved, what is involved here is how to support that wall, whether by restoration or extension. As far as I am concerned, the space could be vacant, but is it not silly to leave it vacant when the opportunity is presented to use it. I do not like the plan but I am assured the plan is only illustrative. It need not be approved and I hope it will be changed.

Mr. STRATTON. Will the gentleman yield again?

Mr. YATES. I yield to the gentleman.

Mr. STRATTON. Is the gentleman maintaining that the only kind of an extension is a 4½-acre extension?

Mr. YATES. Yes, according to the advice we have received.

Mr. STRATTON. Twice the size of one of those plush building lots in Potomac, Md.? Is that the only kind of an extension that is possible?

Mr. YATES. I am glad you asked that question. I asked Mr. Campioli that. I said, "Mr. Campioli, the east front has been extended approximately 32 feet. Then why do you have to have 4½ acres on the west front, extending that 88 feet?" The explanation is in the RECORD. Is it necessary to build that far in order to protect the corners of certain extended portions of the west front. That is a technical question, and I cannot give you a better answer than that. It is an architectural question.

Mr. STRATTON. Mr. Campioli, of course, is an employee of Mr. Stewart. You are talking about Mr. Severud who is supposed to be an independent engineer.

Mr. YATES. Let me say this, Mr. STRATTON. Mr. Campioli's qualifications are very good, Mr. Severud's are superb. The testimony before us is now before the House for the Members to consider. I respect your opinion. I wanted to side with you. In the face of the testimony, I concluded I could not. I will tell you this further——

Mr. STRATTON. Will the gentleman yield further?

Mr. YATES. I will in just a minute, as soon as I make my point. I want to tell you what Mr. Severud said about what happens when you start the process of taking stones out in order to see whether they should be replaced or not. That wall is going to be hammered. It will be hit with hammers. Strong blows will be needed in order to get those stones out. What will happen to the wall in the process? What will happen to those arches? You can have a very dangerous condition there.

Mr. STRATTON. Will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. STRATTON. The gentleman has given a very persuasive statement for saving the west front.

Mr. YATES. I thank the gentleman for saying that.

Mr. STRATTON. And I share his views that we ought to save the west front. But the basic question that he has still not answered is whether we have to have just this kind of an elaborate extension project to save the west wall. Is that the only way that we can save it? I do not believe that Mr. Severud, unless he is now on the payroll of the Architect, would really maintain that this is the only way you can do it. You did say he was being retained by Mr. Campioli, I believe.

Mr. YATES. I do not believe the gentleman wants to impugn Mr. Severud's integrity because he has been hired by the Architect of the Capitol?

Mr. STRATTON. If Mr. Severud is an employee or a paid consultant of the Capitol Architect, as you say he is then I would hardly think his advice is entirely impartial. A lawyer certainly takes the side of his paying clients. I would assume an engineer would do the same. What is a conflict of interest?

Mr. YATES. I read you what he said. He said, if I did not agree with the Architect of the Capitol, I would have rejected the plan.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. YATES. I decline to yield further.

Mr. STRATTON. Did he say that he supported the 4½-acre extension?

Mr. YATES. I do want to say with respect to the interior of the extension, I reserved on the interior space problem because I am not satisfied with the proposed plans. I would like to believe the extension and the interior development will not change the character of the Capitol. I do not want the Capitol modernized. I think we would lose something vital in the process.

The point is—and I have discussed this informally with the minority leader although I have not had an opportunity to discuss it with the distinguished Speaker, but I would suggest that the Building Commission seek to obtain the advice of Members of the House and the Senate on what they think ought to go into the extension's interior. We on the committee do not act finally on this proposed plan; Members of Congress ought to be heard on what should be on the inside of that extension. If we do not think there ought to be so many offices, we ought to be able to tell the Building Commission so. If you do not think there ought to be reception centers—and incidentally let me tell you those are the theaters about which the distinguished gentleman from Iowa (Mr. GROSS) asked—one of the witnesses testified that he had visited Williamsburg and as he came to the visitor centers they were shown information on Williamsburg so that they could more fully appreciate what they were going to see on their tour. Some thought that it might be well to give the background of the Capitol so that they would more fully understand the operations of the Congress and what they saw as they went through the Capitol. That is the so-called theater.

I do not know whether we should have a reception center or not. I do not think it would be too bad. I, personally, do not want another restaurant, although I think there may be a public need for one, because you and I know how crowded the restaurant facilities are. However, I have reservations about the cost of the operation. We now have large deficits, and as to what the food would be like, I would hope it would be better than it is now. I might say that the extension is the proper route to follow. I am convinced that the studies which have been made today have been made by reputable, qualified people. I am convinced they are people of integrity and I think the extension of the west front ought to be approved.

Mr. ANDREWS of Alabama. I thank the gentleman from Illinois for his excellent statement on this subject.

In conclusion, Mr. Chairman, I would like to read a postcard mailed from Whittier, Calif., on September 2, 1969, addressed to the Honorable Richard M. Nixon, President of the United States, the White House, Washington, D.C. It was brought to the attention of our committee. This will illustrate to the members of the committee how one American feels about his Capitol, and I believe it is typical of the general feeling. The postcard is as follows:

DEAR MR. PRESIDENT: I just returned from my first trip to Washington and there is something I want to write about. I was shocked to see that the rear of our Capitol Building must be supported by wooden bracing, as if the Nation were falling apart. Is this necessary? What must foreign visitors think? People told me it has been like that for a long time. Whom could I write to, possibly to prod someone along on this matter. Be assured that if you were to let me know, I would write and write often until I got some sort of acceptable answer. Thank you for your attention to my letter. I know how busy you must be.

Very respectfully yours,

PETER J. LAMBERT.

Mr. Chairman, I say to you in all sincerity it is later than you think. We could have a catastrophe on the western front of this Capitol at any time. I do not want to be a party to it.

The CHAIRMAN. The gentleman from Alabama has consumed 47 minutes.

The Chair recognizes the gentleman from North Dakota.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and members of the Committee, somebody has been talking about this as being the "Andrews Brothers Show," and after Cousin George's performance I wonder how one can follow an act like that.

Mr. Chairman, it is a privilege, of course, to work with the gentleman from Alabama (Mr. ANDREWS) and the members of the subcommittee.

Because I recognize that the attention of this House is focused on the subject of the western wall, I will dwell but briefly on the other matters and mention some of these provisions, and then confine the bulk of my time to the western front.

PROVIDENCE HOSPITAL SITE

As was pointed out, we disallowed $1,250,000 for the purchase of the Providence Hospital site. It was felt that this site was too many blocks away from the Capitol, and the use for which it was determined to be put at this time was not our first priority. But I believe the House should be aware, and the Architect of the Capitol should be aware, that the hold he has on this block of land should be released so that the individuals now owning it may put it to beneficial use. It simply is not fair for the Government to tell the private investors you cannot use this for anything because we might need it in the future.

HOUSE RESTAURANTS

We have dwelt on the accomplishment of savings made in changes in the restaurant, and our chairman has pointed out the efficiencies that we have affected with a meat ax by forcing the Architect of the Capitol to cut back on the deficit financing that has been going on there for many years.

CLAIMS ON UNDERGROUND GARAGES

There has also been considerable publicity about certain claims filed by contractors involving the construction of the underground garages behind the Rayburn Building.

This committee pointed out in its record last year—and I wish the press would take the time to examine the record instead of printing hearsay on most of these occasions—and they pointed out that it expected the Architect, and I quote:

> To spare no reasonable engineering, architectural or legal effort to make sure that the government interest is fully protected—

It went on to say:

> and wants progress reports from the Architect as significant decisions are taken.

On page 11 of our report the Members can observe the correspondence concerning these claims.

GENERAL ACCOUNTING OFFICE

I would also like to direct the attention of my colleagues briefly to the discussion we have had on the General Accounting Office, an increasingly important arm of the Congress. Its auditing capability has been of great service in insuring that the taxpayers' dollars are well invested. On many occasions, however, we found the justifications of the current fiscal year based upon work they did on expenditures of 4 or 5 years ago.

It would seem to me that the GAO could be of far better value if its investigative work were kept more up to date, and the reports that come into Congress were timely enough so that errors were caught while still correctable in on-going programs.

WEST FRONT PROJECT

Now, finally, of course, we come to the matter of current interest in the House today, the one of extending the west front of the Capitol. It has been a matter of some controversy in the past few weeks, and actually we are faced with a situation that most any farmer—and I am not an architect, I am a farmer—would recognize because if he had a shed on his farm that was falling down and was going to continue falling down, that he either would patch up that shed or find somebody who could patch it up, and he would not sit around talking about it with his neighbors until it fell, and he had all manner of problems on his hands.

We are not dealing with a shed when we are dealing with the Capitol of our Nation, but with the remarks that the press has been giving to this project one might think we were.

I read a recent editorial that pointed out if Williamsburg had been handled in the fashion of the Capitol's west wall we never would have had the great restoration we had in colonial Williamsburg. Yet the man chiefly responsible for restoring colonial Williamsburg is the man who is directing the restoration of the western front of this Capitol.

The question of extension versus restoration has been thoroughly examined. This part was not brought out before. It seems that the press and certain Members of this House feel that the Speaker of this great body said:

> I want the Front extended so that we can get 4½ acres of additional space.

Nothing could have been further from the truth. In 1964 the Architect of the Capitol requested an outside engineering study. It was contracted with the Thompson & Lichtner Co. of Brookline, Mass. It cost over $100,000.

They were asked these questions, and they were asked specifically these four questions:

First. Whether the existing wall, if found deficient, can be repaired in its present condition;

Second. Whether the existing wall can be refaced with marble in its present location;

Third. Whether remedial action requires extension of the west central front and its reconstruction in marble;

Fourth. Whether any other means of preservation are deemed feasible and advisable.

If that is a directive to expand the west front, it certainly does not sound like it.

This broad latitude of study gave them an opportunity to come back with any reasonable recommendation. They came back with the overwhelming recommendation that the only way to renovate and preserve the west front is by expanding it.

During the testimony before our subcommittee, a representative of the AIA, Mr. Lethbridge, pointed out that they were very much concerned, and I quote his words, with "preserving intact the west wall with all of its historic significance."

I asked which west wall he was concerned with, the inner wall or the outer wall, and this has not been brought up, as I can point out, if I may, with this chart again which the gentleman from Illinois (Mr. YATES) used.

You know that the western wall of our Capitol has a great deal of historical significance from the outside, but so does the inside of that west wall. The paintings by Brumidi, the Italian artist who came over here and labeled himself as a free American are largely on the inside of these walls, particularly on the Senate side of the west front. They are priceless paintings. In fact, I think most fair-minded people would say that their value and their historic significance are equal to if not greater than the outside wall.

Now if we, as was pointed out, block up these brick arches and try to strengthen the outer wall; what do we do? The way to strengthen it is to make it one solid wall. That is the only way we can strengthen it now.

You drill holes in the outer sandstone and you pump gunite in under pressure. You know this modern technique of pumping gunite in under pressure. The gunite spreads into this loose sand fill and goes wherever it can go to create a solid bond. In going wherever it can, it penetrates through the walls and brick arches.

The engineers have told us that there is no doubt that all of the inner plaster work and the paintings by Brumidi would be lost by any attempt to so strengthen the west wall in place.

This is a price that we cannot afford to pay—even if you could strengthen the outer wall in place at less cost than extending it.

Then comes the question, perhaps in many minds, if this wall is in such jeopardy, how has it managed to stand for all of these years? Of course, the answer to that is it has not stood for all of these years under the conditions that presently exist. This Capitol was built prior to 1820. The first part of this western wall was put up in 1793 when George Washington laid the cornerstone of the remarkable building, which at that time housed our entire Capitol. It was built as well as it could be built in those days. It contained the House and the Senate and the Supreme Court and all of the other functions of our Government.

About 10 years later the House decided it did not have quite enough room so it

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built another identical building on this side of the original building which was separated from the first building by a wooden portico.

During the War of 1812 the British came and burned this Capitol down. That was one tragedy these walls had to go through. We left those two original walls there, and that is two-thirds of the west wall. In 1823 we constructed the rotunda which Lafayette dedicated shortly afterward, and that gave us the final one-third of the western front.

What changes have occurred since that time? We have installed central heating and in the 1930's we air-conditioned the Capitol, something that no one thought of back in the early days. In doing so, we changed the temperature from relatively constant inside and outside, because the heating was with fireplaces, and during the colder part of the winter Congress did not meet, to a point where now we have a temperature inside which is relatively constant at 75°. We have a temperature outside varying from 100° in the summer down to about 10° in the winter, and the differential in temperature is what has caused the damage in the last 25 years to the western wall.

If you repair this wall in place, and if you replace the damaged sandstone and gunite the inside core and make a solid wall, you will lose the insulative quality, and the cracks that now exist in the outer wall, engineers say, will penetrate through the inner wall within a generation, within 20 years.

So even if we could restore the wall as it was originally built, it would serve our country for only a generation. This Republic is going to be in business, the Lord willing, for a good many years to come. This Capitol will continue to serve as the seat of Government. And the only way to reinforce the west wall is to move out, and build a new wall erected under modern construction techniques, a wall that can stand the heat and the air conditioning, using the concrete floor slab as reinforcing wall-pressure standing barricades to stiffen up this wall at many points up and down its entire expanse.

The wall will be additionally stiffened by then being an inside wall and by having vertical columns of reinforced concrete cast in place against it to further buttress it.

Then also will come about the possibility of maintaining a constant temperature on both sides of this old wall, so the coefficient of expansion and contraction that exists today because of the differential in temperature between the inside and the outside wall will no longer be there, and by underpinning and giving it a new foundation, this wall will then, by being relieved from strain and bring protected by a new outside wall, should be able to last for the millennium.

I think we ought to consider the question that was raised before as to why a smaller extension was made to the east and a greater extension in acreage or square feet, so to speak, is proposed for the west wall. Why the difference?

Those of you who have taken a look at the western front realize that it was not constructed straight across as the eastern front was. The two original buildings are indented considerably. The rotunda was extended on the western front to give a view over Washington at the time it was constructed and they tell me that when Lafayette came here to dedicate that historic rotunda, this grand portico overlooking Washington was and is a very significant part of the architecture and the use of the Capitol. Therefore, the center section projects a significant way out, and in order to include the old west walls and surround them with this new reinforcing and temperature-containing extension, we have to significantly increase the size of the extension as compared to the east side.

I would like to point out another important fact, and that is this picture, here in the well not of the Capitol as it exists today, but the Capitol as it will exist when this extension is brought about.

Many Members I have talked to have looked at this picture and have said to me:

> It is a beautiful Capitol. Why do you want to change it?

This is, of course, the changed version of the Capitol, the Capitol extended.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, we have had a model of the proposed extension of the west front in Statuary Hall since November 1966. They have received many comments on it, mostly all favorable. To the naked eye it is difficult to tell the difference.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, it is difficult to tell the difference, except for the pediment that is being placed there. As one can see in the before and after pictures the gentleman has on the stand, in the top picture, which is of the existing front, there is no pediment, and in the lower picture, there is a pediment on the extension.

This was recommended by a number of earlier Architects of the Capitol. Thomas U. Walter, an architect and founder and second president of the AIA, fourth Architect of the Capitol, left a plan for extending the west central front, and he went farther out, and suggested an enlarged portico. And Olmstead—who was said by a member of the American Institute of Architects as having developed the noble terraces which he says are now subject to destruction by the extension but which actually are not—himself combined an extension with the terraces in a proposal during the time he was Architect. So this is not the first time this has been under consideration.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from New York.

Mr. PIRNIE. Mr. Chairman, I thank the gentleman from North Dakota for yielding.

Mr. Chairman, I am sure my colleagues agree that the "Andrews Brothers' production" has been very enlightening. We share their concern for the preservation of this great national monument.

My aim is the preservation of that concept. Sometime ago this body considered a Visitors' Center to be appropriate for the introduction of our visitors to the significance of our Nation's Capital and its history. I recall the theater to which reference has been made was suggested as being incorporated in that venture, as it is at Williamsburg. Therefore, some of the criticism that may have been directed toward the concept of expansion is really to emphasize opposition to a Visitors' Center being located here in this building.

I think there is serious doubt as to whether that would be in the best interest of Government or the visitors. It is to that point I feel some attention should be directed as the plans are being developed, so as to avoid criticism at a later date.

I trust people will not be too arbitrary about what is architecturally necessary or desirable here. I wish to retain a very open mind on that and give support to the protection of the building. However, I would hate to see its character too changed. It is a national shrine which we all love.

Mr. ANDREWS of North Dakota. Mr. Chairman, I compliment the gentleman for those remarks. I share his feelings completely.

I think one of the things that should be crystal clear is that we are not building elevators and men's toilets and women's toilets and theaters and all the rest. We are trying to save this Capitol by the only method which we have been able to ascertain through study of architects and engineers, the most competent ones in this country we could find, and they have told us we have to extend to correct the temperature coefficient and because of the buttressing we can get from the new floor slabs and new walls to protect the old walls. The space gained is an incidental feature of restoring this section.

I am sure all the Members will want to assure that the rooms that are built inside this extension will be built in keeping with the present structure of the Capitol and in keeping with the purposes of our Capitol.

Certainly a visitors' center can well be located in the railroad building which has been taken over for this purpose, and the rooms within the Capitol can be kept within the same type of concept we presently have.

Mr. PIRNIE. Mr. Chairman, I thank the gentleman from North Dakota for that very fair statement.

Mr. BROYHILL of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Virginia.

PROVIDENCE HOSPITAL SITE

Mr. BROYHILL of Virginia. Mr. Chairman, earlier in the gentleman's remarks he referred to the old Providence Hospital site. As the gentleman knows, the owners of that property have been restricted in what they could do with it for at least 8 years.

They have been denied the right to develop the property. As recently as last year, I believe, the House Buildings Commission formally notified the owners that they intended to acquire the property. After 8 years it seems no more than fair that the owners be released of any future restrictions or be paid for the property.

Is it the gentleman's understanding that the Appropriations Committee is not going to recommend appropriating the money now or in the near future, and we should notify the owners that the property will not be required in the future?

Mr. ANDREWS of North Dakota. What I said was that our subcommittee decided against appropriating this sum and felt that we should instruct the Architect of the Capitol to release his hold on this particular site, since we would not be using it in the near future, because it was obviously and patently unfair to put private individuals under a restriction of this type, when the Government did not have any immediate use for the land.

It was also brought out in the hearings before our subcommittee that when, as and if we needed land the appropriate land could be gained through the obvious method of condemnation, and perhaps located more closely to the present Capitol.

WEST FRONT PROJECT

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I am happy to yield to the gentleman from California.

Mr. MILLER of California. I want to congratulate the gentleman and those who have preceded him. I believe they have given us not only the history but also the very pertinent reasons why we should go forward with the extension of the west wall.

Let me point out to the gentleman that buildings get old, like people, and have to be refurbished every once in a while.

Twenty-five years ago, when I came here, there were steel trusses across this room. The steel trusses were across it because of the danger of the ceiling falling in. This was one of the buildings which had cast iron trusses, and the dowels that secured the trusses had worn almost through.

We had them on display downstairs later. We had to completely refurbish this room.

We also had a Brumidi picture which was over there on that wall. It is not there now. It is now in the dining room. It cost $18,000 to take that picture down and to replace it in the dining room. They had to take off the back of the wall to do it.

So, with new techniques and new management, we can do this thing.

May I point out, we do have to accept change. The great Jefferson, who undertook and supervised the building of the original Capitol, if Members will read the history of the Capitol, was the man who said, and it is engraved on his monument:

> We might as well ask a man to wear the cloak that fitted him as a boy as to be governed by the regime of his barbarous ancestors.

It is about time we come to do this and to do something constructive about saving this historic building.

Mr. ANDREWS of North Dakota. I thank the gentleman for his contribution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I am glad to yield to the gentleman from Iowa.

MADISON LIBRARY BUILDING

Mr. GROSS. Where in the bill do I find the start of construction of the new House Office Building?

Mr. ANDREWS of North Dakota. There are no funds in the bill for the start of construction of any new House Office Building.

Mr. GROSS. The gentleman from Alabama (Mr. ANDREWS) led me to believe there was some provision here for the start of a new building, a structure that would be built and converted into a House office building.

Mr. ANDREWS of North Dakota. There are funds in the bill for planning of the James Madison Memorial Library, a building it was felt should be designed so it could be used for office space as well as library stock space.

Mr. GROSS. Then it is to be found on page 21 of the bill, with a $2.8 million start. What would be the total cost of this structure?

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I will be glad to yield to the distinguished Speaker.

Mr. McCORMACK. Would you enlighten our colleagues as to the space that would be taken out of circulation on the west side in the event of a restoration job?

Mr. ANDREWS of North Dakota. I will be more than happy to, Mr. Speaker.

However, the gentleman from Iowa raised the point as to how much the memorial library would cost. I would like to answer that first, if I may, Mr. Speaker.

I yield to my chairman for that figure.

Mr. ANDREWS of Alabama. There is a legislative limitation of $75 million at the present time on the proposed library. Our information is that the project is now estimated at $90 million, which is the projected cost over the next 5 years of the building. That is cranking in an assumed annual 7-percent inflationary escalation.

Mr. GROSS. Will the gentleman yield further?

Mr. ANDREWS of North Dakota. Yes.

Mr. GROSS. Does that include the added requirements on the powerplant?

Mr. ANDREWS of Alabama. No, sir; it does not.

Mr. GROSS. So you are embarking here upon another $100 million House Office Building, to all intents and purposes?

Mr. ANDREWS of Alabama. That is a good figure for those two things. The committee report mentions $110 million, including furniture and furnishings.

Mr. GROSS. And it all comes in under the guise of an annex to the Library of Congress, the James Madison Memorial Building. Why the subterfuge?

Mr. ANDREWS of Alabama. I assure the gentleman that the purpose of this building is for the Library. Some suggestion was made around here years ago that we needed an additional House office building. I never had any such thought as that, and I share the hope of the gentleman from Iowa that we will never have to build another House office building. So I hope that the gentleman will support me when we try to defeat the so-called intern amendment, which might lead to a need for an additional office building. However, the way it has been planned, if somewhere way out in the future, additional House office space were needed on Capitol Hill, the library building could be converted into an office building.

Mr. GROSS. If the gentleman will yield further, the hearings are replete with testimony, that this building would be constructed so that it could be converted into a House office building. Let us not quibble over this thing. That is what is contemplated and at a cost of $100 million. What did the President say recently about a 75-percent cut in Federal construction?

Mr. ANDREWS of Alabama. He announced there would be a 75-percent reduction in certain construction.

Mr. GROSS. Are we not here in the Congress then going ahead with construction projects that are denied to other parts of this Nation and to citizens of this Nation?

Mr. ANDREWS of Alabama. I can assure the gentleman that there is not a dime in this bill for constructing the library building. It is planning money, and it will be at least 18 months or so before they would be completed.

Mr. GROSS. Once the planning is started you are off and running. You have $2.8 million in this bill for that purpose.

Mr. ANDREWS of North Dakota. I would think the gentleman from Iowa would be happy to see that there is a convertible way of treating this building. In the Congresses of generations hence when he and I will not be here.

Mr. GROSS. Do not be too sure of that.

Mr. ANDREWS of North Dakota. And in generations hence they would not have to find it necessary to tear down and replace this library with a House office building. We may thus be saving money here for future generations.

WEST FRONT PROJECT

Now, Mr. Chairman, I would like to answer the question of the distinguished Speaker at this time with respect to how much of the west front of this Capitol would be removed from beneficial use if an attempt were made to restore the west wall in place.

If this could be done without damaging the ceilings, and mindful of the fact that it might cost more than the extension and also mindful of the fact that it would only last for 20 or 25 years—I would like to refer again to this chart. As you can see the outer rooms have these brick arches. The next room over has another brick arch. So you would have to take two

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rooms in or the room and the hallway and take them out of use for a period of up to 10 years across the entire west front of this Capitol from the basement up to the attic floor.

It, of course, would raise the question of where to put all the functions of our branch now using this space as you try to replace the outer wall, the reason for removing these rooms from service is obvious. You would have to brace up the underside of the arches in order to hold them while they were removing stones from the outer wall which now keep them in place. Another problem is this: You come into an interesting fact of construction. When you have bricks in compression—concrete, mortar, or bricks in compression—they have great strength; however, mortar and brick or concrete in tension is a different matter. They are very weak in tension. If the pressure were removed from these arches in their normal conformity and you then took the scaffolding down after restoring, there is no reason to believe that many of these arches might not crumble when you tried to restore them to compression. In fact, many of the arches did collapse in the earlier construction of the Capitol when they took the scaffolding out, and had to be rebuilt. This could very well happen again.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. I do want to understand the fact that the west wall of the Capitol is not built in a straight line as is the east wall, and in order to get outside of the entire west wall and in order to retain the entire west wall with the present west wall, how many feet would the gentleman think the west wall would have to be from the old west wall?

Mr. ANDREWS of North Dakota. An average of 44 feet across the center, a greater distance on each side.

Mr. WILLIAMS. And how much of this 4½ acres would be required by this 44 feet?

Mr. ANDREWS of North Dakota. All of it. This is where you get your 4½ acres of floor space. It is 4½ acres because when you multiply the footage in the subbasement, the basement, the first floor, the second floor, the third floor and the attic, that is what you are talking about when you speak of the 4½ acres. In other words, we are not going out into the south 40. We are only going 44 feet west of the present farthest west section. The acreage mounts because of the multiplicity of the number of floors.

Mr. WILLIAMS. Mr. Chairman, if the gentleman will yield further, as I understand it, you have to go the 44½ feet from the present west wall with the new west wall in order to get outside of the entire old west wall?

Mr. ANDREWS of North Dakota. In order to get outside of the entire old west wall and in order to get enough reinforced floors and walls and to achieve the bridging and the honeycombing effect solidly up against the wall.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Illinois.

Mr. YATES. The testimony with respect to the question asked by the gentleman was to the effect that the center position is 44 feet, and the connecting wings 56 feet. Because of the indentations which the gentleman from North Dakota spoke about it requires a variation of the length. In other words you have the three different lengths of the different parts of the west wall.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from New York.

Mr. CONABLE. I would like to compliment the distinguished gentleman from North Dakota upon a very careful and illuminating statement. It is obvious that he has been in consultation with a number of architects in the course of his investigation.

I think many of us are deeply troubled by the opposition of the AIA which has been fairly well expressed either directly or in newspaper ads. This group, I believe, is a responsible group. I am wondering if the gentleman could summarize the reasons for the opposition and the extent to which they have participated in the hearings leading up to this recommendation to the Congress.

Mr. ANDREWS of North Dakota. This group was understood to be in opposition to the extension of the west front. We invited their spokesmen to appear and testify before our subcommittee. They gave no factual testimony as such. They provided no refutation for the engineering studies that have already been taken and which had been laid out in the hearings of this subcommittee, not only this year, but in years past. They merely suggested that we throw it all out for a new study.

My point is that such a study has already been made. It was done in 1964. We do indeed today have the results, and to continue with further study seems painfully a waste of the taxpayers' money, as well as a waste of time in preserving the west front, which is rapidly crumbling.

Mr. CONABLE. Mr. Chairman, if the gentleman will yield further, is the gentleman familiar with the extent for which they speak for the architects of America? Does it have a wide reputation in the architectural profession?

Mr. ANDREWS of North Dakota. They have a wide reputation, I understand, but there are also other professional groups in the architectural profession who agree with the extension. One must remember one thing, I believe above all else: this is far more an engineering problem than it is an architectural problem, and a designer—and that is mainly what an architect is—can take a look and think how wonderful it would be to be able to replace the west front where it is, as it is. But an engineer takes a look at it and examines the coefficient of expansion and contraction, and all of the rest, the type of stone and the brick arches, and comes up with the answer of what is possible rather than what would be merely desirable.

For instance, they said we could clean off this wall, make it look as it was originally. This west wall has been painted over since the British set fire to the Capitol, and the paint has accumulated on it to such a degree that if you were to take the paint off, the detail work of much of the stone carvings would come with it. So the opportunity to restore in place the west front to its original condition simply is not there from a structural engineering standpoint.

Mr. CONABLE. In other words, to the knowledge of the gentleman in the well, the American Institute of Architects has not made any opportunity, or had the opportunity, nor have they asked the opportunity to make any careful study of the conditions?

Mr. ANDREWS of North Dakota. Architects are a lot like politicians. There are the ins and the outs, and those who are on the outside are always second guessing about what those who have the rosponsibility have done—and this is perfectly proper.

We have hired architects and we have hired engineers, the best we could find in this country, and they have come up with their conclusions. And obviously there is nothing to prevent other architects from potshooting because they do not have the responsibility, they have not been asked specifically to provide the hard facts and figures which their colleagues who have been retained have. I would suspect that if the questioning architects had the full facts at their disposal, most of them would favor the extension as did those we retained.

When Mr. YATES asked the AIA who was the most respected engineer that the AIA would recommend to give an opinion on these walls, the one name that came forward time and time again, and the man Mr. YATES contacted, was the man who said you must not restore in place, you must extend.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, the hearings before our committee in 1967 contained on page 783 a letter from the then president of the American Institute of Architects. Its task force had come to the Capitol, talked to the Architect of the Capitol and his staff for a day, and then examined the wall the following afternoon. Later on they had a meeting and presented a report. In that report they came to the conclusion that restoration was possible. In this letter by the president of the AIA it is stated:

> The AIA unequivocally states in its report that the west wall can be restored, and its structural stress corrected without unacceptable risk.

Mr. Severud—he is the person to whom I referred before, and had been working on the walls and on the study. He said this:

> As your structural consultants, we are particularly concerned with the elements that involve safety and practicality, and offer our comments as follows:
>
> 1. It is obvious that the addition would protect the present walls from the elements. It would also furnish the opportunity of providing added lateral stability wherever this

> would be considered of importance. These factors would result in the minimum amount of repair to and maintenance of these walls.
>
> 2. The safety of the brick arches that constitute the floor construction is largely dependent upon resistance to lateral thrusts at their supports. They are also very sensitive to any movement of the supports. Since these arches are not open to inspection, we are not in a position to determine their structural soundness. However, we can state categorically that their safety is enhanced very materially by the external buttressing effect that the addition would provide.
>
> 3. Any removal of part of the present walls is a hazardous operation, since, as mentioned above, the brick arches are dependent for safety upon the lateral resistance offered by their supports.

There is a difference of opinion between the AIA task force and Mr. Severud. The AIA task force did not believe there is a significant lateral thrust from the inside through that wall.

Mr. Severud disagrees. He believes the wall must be buttressed with the extension.

Mr. CONABLE. I thank the gentleman for giving the House this information. I do believe the American people are distressed to find architects arguing about this and it is important to have in the RECORD some statement of what the issues are.

Mr. ANDREWS of North Dakota. I am sure the gentleman from New York realizes that architects argue just as much as politicians.

I would like to conclude and then I will be glad to yield to the gentleman later.

In conclusion, I would like to say merely three things.

One, this has been examined thoroughly by the best brains in America in the field of architecture and engineering.

Two, we feel sincerely that this is the lowest cost method of preserving the Capitol.

Third, the time is here. We have waited too long already and we simply cannot afford to wait while we engage in idle rumor and talk back and forth about things that are nonfactual.

Certainly it would be my hope that this House will vote to move ahead on this most necessary renovation for maintaining the structural integrity of the Capitol of this country.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the distinguished majority leader, the gentleman from Oklahoma.

Mr. ALBERT. Mr. Chairman, regardless of the opinion of anyone with reference to the matter being discussed, I think the entire House of Representatives feels it owes a debt of gratitude for the tremendous amount of work and the excellent job in presenting its case that has been done by the subcommittee this afternoon.

The CHAIRMAN. The gentleman from North Dakota (Mr. ANDREWS) has consumed 43 minutes.

Mr. ANDREWS of Alabama. Mr. Chairman, I yield 8 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I am sure we all agree that this session here today is most unusual in the House, to have so many Members sitting so far forward, and everyone paying such very careful attention. I think it is something that few of us have had an opportunity to experience on many occasions and it certainly speaks well for the interest of the membership in this very vital question.

Fools, they say, rush in where angels fear to tread. I fully recognize the problems involved in opposing this appropriation of $2 million for the extension of the Capitol. I have no particular desire to rack up any record for foolishness. Many Members have advised me that this was an impossible job—to take on both sides of the distinguished Committee on Appropriations.

But I have felt very strongly about this particular subject for more than 4 years. I first came to this Capitol Building in 1941 as a congressional secretary, and I have been interested about this great building ever since. This particular proposal I have been fighting since 1966, and rather successfully, so far at least. I know the odds today. But I am not a summer soldier nor a sunshine patriot. Therefore, I do not intend to run from this fight, even though the odds may seem to be substantial.

I believe that the case against extension is a very sound one. Certainly those who favor it have done a very creditable job. I think the final decision has to be made based on what the issues are rather than who is behind it or even the particular day of the week when we are considering it.

Let me make one thing clear: I am not trying to pose as any expert on architecture. I am not going to go into the esthetics of the west front. I do not intend to say anything about the Architect of the Capitol. I do not intend to discuss the east front or even the Rayburn Building. I am certainly not trying to challenge the Speaker of the House. I have known him for 28 years. I supported him in January, and I am still behind him. Rather I am trying to fight for what I sincerely believe to be right, but I believe that in spite of the very eloquent remarks of the gentleman from Alabama and the gentleman from Illinois and the gentleman from North Dakota, some of the really critical points in this particular issue have just not been presented.

The gentleman from Illinois said he was for this extension but he was not for all the space involved, well, you just cannot have it both ways. I think it is perfectly clear, as the gentleman from Iowa (Mr. GROSS) said a moment ago, that if we vote the $2 million for plans and specifications, then we are going down the long road to construction, and there are not going to be any more seminars like this when we can get up and discuss our individual views on architecture and space requirements. Those decisions will be made by the Commission on the Extension of the Capitol, not by this House.

This proposal has been kicking around this House and this Capitol for a long time, and everybody knows what is behind it, and what we are doing today is to give the green light or withhold the green light on building this particular extension.

This is the proposal that I call for an incredible 4½-acre extension of the Capitol, including two restaurants, two auditoriums, and two- or three-dozen hideaway offices. In fact here are the specific details contained in the printed hearings. There would be 43 large offices, 55 medium offices, two dining rooms, two cafeterias, two auditoriums, two escalators, eight elevators, 12 men's toilets, 12 women's toilets, 14 private toilets. This is the proposal that we are acting on, and although the Architect of the Capitol has said it will cost $45 million, his track record on estimates for the east front and the Rayburn Building would lead you to expect a total final cost, I would say, at somewhere from $60 to $70 million. And we are being asked to do all this at the very time that the President of the United States has cut back on construction in the executive branch by 75 percent because of inflation.

The real issue is, Do we really need anything this elaborate at this particular time when they are cutting back projects in cities, in our schools, in our hospitals, and on our highways? This extension, if we approve it, will turn out to be the most costly building every constructed. You have all heard about the Rayburn Building and how expensive that was. Let me give you some figures—and these are based on the Architect's own figures—as to the cost per square foot of this particular extension project.

The cost per square foot of this particular extension project is almost five times the cost per square foot of the Rayburn Building. The cost per square foot of the Rayburn Building was $34.26. The cost of the west front, on the Architect's own figures, is $166.95.

There has been some argument as to whether this Congress was or was not a do-nothing Congress. Whatever we may say on that score, we have indeed taken a number of actions that might be construed as being in our own interests: a salary increase, an increase in our staff, a boost in our retirement program.

Are we now going to go on record as paying five times the cost of what is regarded generally as the most expensive building ever built, to create 98 hideaway offices for ourselves, two auditoriums, two restaurants, and two cafeterias? That is the basic question here. It is not a question of whether we want to preserve the west front. I am in favor of that. It is not a question whether we want to do it or not do it by buttressing. I would be in favor of that too if we could have from some independent engineering firm a statement that that is the only thing that can be done to save the west front.

But surely it is not necessary to put in two escalators and two auditoriums and destroy the Olmstead terraces and go out 88 feet just to save the west front.

I defy anybody to find in all the studies that have been presented to the Architect and to the Commission—at a cost incidentally of $447,000 to date—any statement that says that proposed exten-

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sion is absolutely necessary to save the west front.

Let me make just two other points. We are told the Capitol needs more space. We already have the Rayburn Building; we have, as the gentleman from New York (Mr. PIRNIE) pointed out, a moment ago, the Visitors' Center down in Union Station. Surely we do not need more office space—particularly at $166 a square foot.

So we finally come to the issue whether this building is going to collapse or not. I am not myself convinced the danger is quite as dramatic as has been presented. I have some personal doubts whether this danger is quite as imminent as the Capitol Architect would have us think, but I am as anxious as he is—I am sure we all are—to do everything that is really necessary to save this historic structure.

Yet the odd, the amazing fact is that in all these years that we have been discussing the west front extension, nobody has ever yet made any careful study of just what is the minimum we have to do to preserve the west front. All we have is that elaborate study about adding on 4½ acres. An amount of $447,000 has already been spent on plans and studies. yet all we have is someone's unsupported statement that this particular extension plan is the only possible way to keep the west front from falling. Surely this cannot be true. Surely we do not need escalators and restaurants at least just to keep the west front from falling down.

So I say, then, let us do the one thing that has not yet been done in all these years that we have spent nearly a half a million dollars on this west front expansion plan. Before we decide to go down this long road to spend $60 to $70 million, let us just have a look at the other side of the story. Let us commission an independent engineering study of just what really does need to be done to save the west front—instead of extending it—and let us see just how much it will cost.

The AIA, with 80 percent of the professional architects in the country, says such a study can be made. We may not get a precise figure, but we can get a pretty darned good estimate. And we can get such a study done in the next 6 to 9 months. Even if we appropriate this $2 million for plans and specifications today it will be a year at least before anything is done to keep the west front from collapsing.

My amendment would knock out that $2 million for plans and put in its place $100,000 for a study of just how cheaply we can save the present structure.

Then a year from now we will all be in a much better position to judge just how much we ought to spend. We will have the $70 million, the $166 a square foot, expansion project on the one hand. And we will have some other plan that will preserve the Capitol without altering it, probably a lot more cheaply, on the other.

I say that if by spending $100,000 now, we can save $10 or $15 million later on that is a darned good bargain for the taxpayers. I just do not see how this Congress can afford not to take it, even though the gentleman from New York (Mr. STRATTON) may be for it, and all the other brass in this Chamber are on the other side.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I speak with some feeling on this subject. Somehow I have developed a love for this place. I speak also as one who opposed the east front and the west front. I introduced a resolution to block passage during consideration of the east front. Then I did what I should have done first: I did some research.

As I studied the need and as I considered the problems, I changed my mind. Then one day I took the floor—I guess it was in 1958—and explained to the House during a special order why I changed my position. Time will not permit me to talk about all this—I have only 10 minutes.

Let me first say the members of the committee have done their homework. We should all be impressed with what they have told the Members of the House. They have counseled with good people. I know something about this, because I too have counseled with some good people. People who are engineers, architects, and authorities.

I, too, opposed Mr. Stewart and the office there, but I have changed my mind about them, too.

But the more I looked into the problem, the more I saw the need. I will not go into the detailed reasons that have already been explained to the Members so well, but let me rather talk first about this place as a place of great import.

I say to student groups who visit here—and I think this can be proven—that more has happened in the shadow of the dome of the Capitol to bring the Biblical promise of an abundant life to people as a nation, while we have developed as a nation, more than has happened in all time. That makes this an important place. All of this happened through and with people of our kind—elected representatives of the people.

The first speaker here was a President. His name was Adams. He had not been reelected that year, and his election depended upon what the Congress would do in January 1801. But he came here and spoke. Among the things he reminded the Members of Congress in 1800 was that this was the "Temple of Liberty" for us and for the world.

At that time the Capitol was no larger than your courthouse in your hometown, yet he declared this a Temple of Liberty.

And that, Mr. Chairman, is what it has been in a very real sense.

Oh, we have made our mistakes.

Getting to the Capitol in particular, as the Capitol grew—and that has been referred to—every time there was a debate. Read the RECORD, to see what some of our predecessors said about the dome, when they considered this dome. This is the second dome atop this Capitol. They said it was all out of proportion, how needless it was, how much empty space there was, that it could never be used and all of that.

We would not move it now, would we?

Read the debates when the Congress changed from gas light to electricity, to see what some of our colleagues said about this fad called electricity:

> It is dangerous. It is not going to last. What is wrong with gas, anyway?

The people who voted to give us electric lights look better in the light gas service.

I respect the opposition, because I believe when we have opposition we do the job better. I believe the architects, knowing they had opposition, did the job better. They were challenged because there were men like SAM STRATTON here, who, too felt strongly about the need for questioning, and for considering some other ideas.

So it is understandable that we are having an argument today. We have done that through the years.

This extension needs to be because of the reasons that have been expressed by those who spoke on the technical side, but there is another reason and there are other reasons.

Our west front should be presentable. I like to speak on this front question. Think of this for a moment. We are in a building that has no back doors. We speak of the east front and of the west front, and of the most open Capitol in this world. It should be more presentable from the west, for more people see it from there than from anyplace else.

Do you know what? More people from all over the world visit this Capitol than visit any other capitol anywhere in the world. And I want to make it more accessible. It would be more accessible if we extended the west front.

Someone belittled the escalator. What is wrong with making an escalator available to a person on retirement income who has a bad heart? Or to anybody else, for that matter? We think nothing about having escalators in stores and in other public buildings. We have them for ourselves.

Mr. Chairman, we need to get started now, for the chairman of the committee was right when he said, "It is dangerous as it is."

The east front was dangerous. I walked by one day when a hunk of cement from the ledge fell off that we estimated weighed 67 pounds. That was when the east front was more open and accessible to the public. Thankfully, this is not true of the west front. But look on that ledge. The same thing could happen there today. So it is dangerous for people.

But the foundation needs strengthening also, because it has atop of it this dome. Just the iron in it weighs 9 million pounds.

Friends, help the leaders and help yourselves to put the last grand touch on this Capitol. It is the grandest place for freedom-loving people in this world. We could make it more grand still, if we will, and I think it will be if we proceed with the recommendations of the committee.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. Yes. I am glad to yield to the gentleman from Texas.

Mr. PICKLE. The gentleman in the well, the gentleman from Iowa (Mr. SCHWENGEL), has probably spent more time on the preservation of the beauty and the history of this Capitol than any man in this Congress. Sometimes I think he came here just to serve on the Historical Commission. But for whatever reason, I know he has a deep love for this Capitol and interest in its preservation. I appreciate the remarks that the gentleman from Iowa made as well as the remarks of the gentleman from Alabama (Mr. ANDREWS), the gentleman from North Dakota (Mr. ANDREWS), and the gentleman from Illinois (Mr. YATES). I have never heard a better technical explanation of the need for this extension than the gentleman from North Dakota has given us. Surely this work must go forward.

I have been privileged to serve with the gentleman in the well on the National Historical Society committee. I have been interested also in the creation of a Visitors Center, which I had previously authored. I am delighted that the Speaker and his committee have given us a chance, through the planning money of this appropriation bill, to go forward with this. I think we ought to do it immediately.

AMERICA'S CRUMBLING WEST FRONT

Mr. SCHWENGEL. Mr. Chairman. The Capitol's first major structural change in nearly a century was completed in 1962 when a new marble east front, faithfully reproducing the design of the original sandstone front, was constructed 32½ feet east of the building's old walls. In 1956, when this enlargement of the building was under serious consideration, my interest in the Capitol's history and tradition moved me to introduce a bill against such an extension. Then followed hours of research and exploration to justify my position. I soon discovered that architectural defects, deterioration, as well as cracks and bulges in the sandstone, had greatly weakened the structural foundation beneath the 8,909,200-pound dome. Indeed, portions of the old stones were held in place by various temporary expediencies that instantly convinced me that I had erred grievously in my judgment, and that the modification proposed was necessary to preserve the building. Consequently, I reversed my stand and became one of the leading proponents for extension of the Capitol's east front.

Today, extension of the Capitol's west front is contemplated, and again, I am one of its principal advocates. A close look at the building's sagging and crumbling west wall is convincing evidence of the need for such a modification. Built with soft sandstone blocks quarried from Aquia Creek, near Mount Vernon, the 174-year-old west front is now in a terrible state of disrepair. Bowed-out walls, buckled cornices, and great cracks extending upward from the ground to the top of the building, are all poorly concealed by the 35 coats of paint applied to the structure over the years. Keystones in the arches above the basement floor windows have dropped so far, in some instances, that the wood frames have been cut out to fit around them. Sand-lime mortar used in the 18th-century foundation has long since disintegrated. To make a dark picture black, installation of modern lighting, heating, plumbing, and air conditioning has necessitated the cutting through of walls and arches originally designed for the support of the structure.

In 1964 an independent firm of engineers from Brookline, Mass., conducted the most thorough examination of the Capitol ever completed. Results of their 8-month study indicated that—

> The walls are leaning and must be replaced shortly or they will fall.

One hot summer day in 1966, a large piece of the dentil work from the west center cornice worked loose, landing 15 feet from the base of the wall. It could have been fatal had it fallen on one of the 7 million tourists who shuffle through the Capitol's historic Halls each year.

Plans for extension and reconstruction of the Capitol's west front date back to 1863, and more recently to 1904. Congress was so confident this would be done, that in 1905, they authorized Louis Amateis to design a bronze door to be installed in the new extension. The design of its transom was entitled "The Apotheosis of America." The entire concept was approved, the ensemble of doors, frame, and transom was produced and has been in storage since 1910.

In this place where tradition prevails, where precedent is so important, where rules seem unchangeable, it is interesting to note that the building's expansion has not yet been halted by these powerful safeguards of American heritage. Indeed, change, growth, and improvement have been the tradition of the Capitol. But because there is always debate when there is change, change has come slowly. For two decades, the House and Senate each had their own generating plant, and until January 1963, the building was lighted by a direct current system. Recently, the Capitol caught up with the rest of the world by installing a modern alternating current system.

Some claim this extension would do violence to the traditional architectural balance and symmetry of the Capitol. But I believe it not so. Replacing the blistering, peeling walls with gleaming walls of white marble can only enhance the building's beauty and furnish the lateral support necessary for the vast west central portion of the sagging structure. The House and Senate wings act as buttresses for the old south and north walls; the new east front, with plenty of reinforcing steel and concrete, buttress that wall. Nothing but the original masonry supports the decaying west wall.

Recent statements in the Washington press indicate that Frederick Law Olmsted, eminent 19th-century landscape artists, would be horrified to see the west front extended. Actually, Olmsted himself made designs for extension of the Capitol to the west, and his drawings are strikingly similar to those currently suggested.

Today's plan provides for addition of a central pediment, extension of the building's center portion by 44 feet, and extension of the Senate and House wings by 88 feet. In all, 162,500 square feet of floor space would be added to accommodate the growing needs of Congress. Increased House and Senate restaurant facilities, together with visitor and employee restaurants, would occupy some of this space.

Combined seating-capacity of these restaurants is 1,300 persons.

The remaining area would house five new committee rooms, 105 offices, 21 storage rooms, several additions to vertical circulation facilities in the building, including six passenger elevators, two freight elevators, and two escalators.

Like many Members of Congress on both sides of the aisle, I feel it is time we stop "sashaying" around with this problem. To correct the Capitol's deplorable condition and bring added beauty to the Nation's most visited building, we must proceed with the extension which the congressional Commission recently approved. To wait will only result in further deterioration and increased costs for something we know must be done.

THE LAST EXTENSION "BEFORE IT IS TOO LATE"—OUR CAPITOL, SUBJECT OF PERSISTENT DEBATE—THE CAPITOL, OUR MAJOR SYMBOL, OUR MAJESTIC EDIFICE

Mr. Chairman, the east front reconstruction was completed in 1962 and has successfully anchored that phase of the 140-year-old structure. That extension went through critical periods of debate too, but since its extension and the east front restoration, the people have almost universally applauded. The west front is now the subject of debate, in the Congress, and in the public. The purpose of this dissertation or this article, is to bring light and understanding to the present problems of our "majestic edifice." The mass of the dome weighs more than 9 million pounds. Its ceaseless twisting and turning as the sun moves across the sky continues to bring dangerous stresses on the unshored west front. An inspection tour with any competent architect is enough to convince any amateur that the west wall and foundations are in very bad shape. On one 40-foot stretch a few feet above the ground level, there is a conspicuous bulge of approximately 9 inches in the face of the wall.

In other places large slabs of heavy masonry have been forced outward as much as 3 inches from the vertical wall giving the surface a patched look. Great cracks crawl upward 10 to 15 feet above the ground line, poorly concealed by having been buttressed with mortar and painted over many times. Keystones in the arches above the ground front windows have dropped so far in some instances that the wood window frames have had to be sawed out to fit around them. A slab of stone in the architrave above the west portico ballustrade has slipped its moorings and appears an imminent danger of dropping altogether. The problem is that we have extra support on three of the walls holding up the dome, but none on the fourth. The House and Senate wings act like buttresses for the north and south walls, the new east front, with plenty of steel and concrete buttresses that wall, but there is nothing but the old original masonry for the west wall, and that west wall is built with sandstone blocks.

Foundations of the old building consists of trenches, approximately 15 feet wide by 10 feet deep, filled with bluestone

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rubble, quarried in Rock Creek, Md., and hauled to the site by oxcart. Sand-lime mortar poured into these foundations has long since disintegrated.

The walls, 5 feet thick at the base, are constructed of blocks of brown sandstone quarried at the Aquarried Creek, not far from Mount Vernon. These blocks were laid without mortar or any bonding agent.

There are no lumber or material supports within the building. The floors are carried on a complex maze of masonry arches that make the dank and gloomy basement of the old building look like the setting for a Victor Hugo novel. Many of these interior arches frequently pierced by modern service conduits, are deteriorating also.

In this place where tradition prevails, where precedent is so important, where rules seem unchangeable, it is interesting to note that the building of the Capitol has not been bound by tradition. Indeed, change and growth and improvement have been the tradition of the Capitol. Because there is always debate when there is change, change has come slowly to the old Capitol. However, it frequently has been the bellwether in adopting modern improvements. Candles and oil lamps were abandoned in 1847 for a new type of illumination called solar gas, made of birch bark and resin and later from coal.

A gas explosion that gutted the old Senate wing on the night of April 6, 1890, caused the abrupt switch to a still newer fangled invention—electricity. For two decades the House and Senate each had their own generating plant on the Capitol Grounds, and indeed until a few years ago the Senate side was still being lit with a direct current system. It has finally caught up with the House and the rest of the world and it now has alternating current.

We could go on and discuss the debate about building the present dome. A substitution for the earlier low dome. The debate that came with the extension of the House and Senate wings. The debate on what should be in the Capitol in statue form, in art, and debating about the air conditioning. Indeed it can be said that our Capitol has a tradition for a change.

It is natural enough to have debate about our Capitol and what happens to it. First, because debate in that Capitol is so natural. Many of the transactions here, the results of debate and witnessed by the Capitol walls, still lift the hearts of men. Here Adams battled for the right of petition. Here the House was trying Sam Houston for assaulting a fellow Member; here Drayton of South Carolina spoke a great truth when he declared:

> If freedom of discussion were restrained, the pillars of the Constitution would fall.

In fact, here more has happened to establish, to greatly extend the basic freedoms than has happened in any other capitol in all of history. The Capitol is history; it is the major symbol of the Nation, full of minor symbols but above all it is a mighty engine, tended and kept throttling by the indefatigable efforts of a select assembly which represents very much more of our natural strength than of our natural weakness.

Because all of this and more is so true and the Capitol is visited by many people from all over the world than any other capitol in the world can boast of. We should not then discourage debate, decry discussions, or be impatient with those who disagree.

Some claim that this extension will do violence to the traditional architectural balance and symmetry of the Capitol. But I believe it not so.

The accompanying picture will show that possibly instead of doing violence it may even enhance the beauty. Make it even more admired and appreciated, and most certainly when and if this extension becomes a reality, the boys and girls will have an opportunity to learn more easily and be impressed more emphatically with its greatness, not only because of its exterior improvement but because of its improved facilities.

It may be interesting to note that the plans for the extension and restoration of the Capitol date back to 1904. The Congress was so confident they would go forward with this improvement that they authorized Lewis Amateis to do a design for a new bronze door to be installed on the new west front. The design was entitled, "The Apotheosis of America" and was accepted and has been in storage since 1907 awaiting the restoration and extension of the west front.

The proposed extension—which I approve and enthusiastically endorse—very briefly would provide for 94,320 additional square feet of floor space to accommodate the present needs of Congress with some allowance for future growth. It is proposed that the House and Senate restaurant facilities be moved to the west terrace together with an additional visitors' and employees" restaurant. The combined area would be 55,000 square feet with seating capacity for approximately 1,300 persons. In addition to the new Capitol restaurant space, the extension of the west front would provide for eight committee rooms, 55 offices, seven storage rooms and extensive additions to the facilities for vertical circulation in the building, including six passenger elevators, two freight elevators, and six escalators.

Mr. Chairman, I include at this point comments on criticisms received in a letter dated September 11 from Congressman STRATTON:

Paragraph 1: ". . . This monstrosity . . ." (referring to proposed west front extension).

Comment: From most all who have seen the rendering or the model in Statuary Hall of the proposed extension, we have heard nothing but favorable comments. Many including members of both Appropriations Committees have indicated they cannot see much change and actually believe it would be an improvement.

Paragraph 2: ". . . It would extend the Capitol over an additional 4½ acres."

Comment: This is an incorrect statement. The total of all floors added together will amount to 4½ acres. The total amount that the Capitol would be extended is less than one acre.

Paragraph 2: ". . . adding two new restaurants, two movie theatres, additional committee rooms, and about two dozen hideaway offices for more senior Members . . ."

Comment: This is another misstatement. The report sent to all Members of Congress by the Speaker in 1967 and the recent testimony given before House Appropriations Committee clearly show that the plan can provide approximately 100 offices of various sizes.

Paragraph 3: ". . . on the basis of his estimates for the East Front and the Rayburn Building, I would expect the ultimate tag to be closer to $60 or $70 million . . ."

Comment: In all fairness, the Architect of the Capitol has no control over escalation and if the percentage of escalation which is currently indicated of 1% a month holds, then the amount of $45 million may very well increase.

I note from the House Appropriations recent Committee Hearings that the cost of construction of the Extension of the East Central Front of the Capitol is reported at $11,353,722 in contrast to the estimated cost of $10,100,000. I am also advised that the cost of construction of the Rayburn House Office Building was $71,229,164, and that he estimated cost at the completion of preliminary drawings was $66,000,000. Considering the inflation that took place up to the time of taking bids and the items that were added by the Commission such as Cafeteria, Gymnasium Swimming Pool, Health Suite, First Aid and other items, I find nothing out of line with regards to the increased cost of these projects.

Paragraph 4: ". . . With the Rayburn Building and the remodeling of the Longworth Building . . ."

Comment: No funds have been appropriated for remodeling of the Longworth House Office Building.

Paragraph 5: ". . . Congress has never directed any survey of what would be the minimum we would have to do to keep the West Front from collapsing, and how much it would cost . . ."

Comment: The Thompson & Lichtner Company, Inc., made studies of various alternative methods of rectifying the condition of the West Central Front. They indicated their reasons why they could not recommend any of the alternatives.

Page 2, paragraph 1, comment: The AIA makes this claim notwithstanding the fact that when a resolution was proposed at the Denver Convention in 1966, the resolution was tabled by a majority vote of the delegates. In addition, the representative of the AIA who is a member of the AIA Task Force on the West Front project indicated the cost of restoration could exceed the cost of the proposed Extension.

Page 2, paragraph 2, comment: Any study made ". . . in a few months . . ." could not possibly have the validity of the more exhaustive and extended study made by Thompson & Lichtner and the knowledge acquired of this building by the Architects and Engineers who have now been associated with the Capitol project some one dozen years.

Mr. Chairman, the following is an article by a distinguished architect that sheds light and gives better understanding to the problem at hand:

DEATH IN THE U.S. CAPITOL

(By Wilfred J. Gregson, FARA)

Two years ago at a Congressional hearing on the West Front of the Capitol, I called attention to the number of dangerous conditions that existed in the Capitol. The one that caused immediate attention and action was the dangerously overloaded attic floor. After the hearing a reporter from the Washington Post asked if the attic overload was as serious as I had testified. I assured her it was. Here is the story as it appeared and subsequently received national and international coverage.

CAPITOL ATTIC IS OVERLOADED

Washington Post News Service,
Washington, August 8, 1966.

"An architect has told a House subcommittee that the attic of the Capitol building is so overloaded with old files that it could collapse.

"A Sword of Damocles is hanging over the building," Wilfred J. Gregson of Atlanta declared. "A national tragedy could occur."

Questioned later, Gregson, Founder of the Society of American Registered Architects, said the attic was never meant for storage and should not be used for that purpose.

"There are stacks and stacks of paper and stacks between the stacks," he said. "Boxes are piled two and three feet above the file cabinets overloading the floors and creating a fire hazard."

The dangerous condition of the attic was confirmed by assistant Capitol architect, Mario E. Campioli.

"I am amazed," he said, "that the building continues to be able to support the tremendous load."

Gregson appeared before the special House labor subcommittee in support of the proposal by Capitol Architect J. George Stewart to buttress the old walls of the Capitol by extending and rebuilding the West Front."

The blast of publicity had its immediate effect. The files and stacks of papers were removed the following week according to another news service release by the Washington Post.

Unfortunately, the other remarks made at the hearing appear to have been overshadowed by the urgency of the attic overloading. In any case, the remaining hazardous conditions were ignored. They still exist in a further state of deterioration and a more hazardous condition than was true two years ago.

For example, August, 1966, when I appeared before the hearing there were two shores holding up the West Central Front wall of the Capitol which had bulged 4½'' into the court. Three more shores have since been added in an attempt to hold this wall from collapsing.

Two years ago there were two shores holding up the architrave; now there are five shores. Three additional shores have been added because of the danger of the architrave falling down. Hundreds of great fractures have appeared in lintels, sills, keystones and walls which have now been filled and painted. This hides the deplorable condition of the building, but has not corrected it. In the meantime, the old sandstone portico has deteriorated so that large pieces of stone have fallen off the exterior walls with a potential death dealing threat. Fortunately, no one has yet been killed or hit by these falling fragments.

As most architects are aware, the Capitol is constructed with a series of arches. The West Front restrains these arches with iron ties anchored into the stonework. There is sufficient evidence to show that these have slipped, reducing their buttressing effect on the arches behind the West Wall. Some of these arches, once semicircular, are now flattened at the top. They are composed of a single course of brick or stone and in many instances are filled with stand over the arch. At times this sand falls like rain through the brick joints. How long can this go before one of the arches collapses? When an arch collapses, it removes the restraint on the adjacent arch. How much of the Capitol will collapse and how many people will get killed when this happens?

It is inconceivable that so serious a condition can be permitted to exist and to get progressively more hazardous with each passing day. There is no way to project the extent of this impending catastrophe. As architects, we can only call attention to it and insist that immediate action be taken to prevent so awful a tragedy. When the West Central Front wall bulges 4½'' into the court, it is obviously overstressed. Shoring it to prevent it from bulging further adds additional and unpredictable stresses. The wall is composed of an outside layer of limestone with very poor, soft and crumbling lime mortar joints; the inside wall is built of the same material, but has not been subjected to the daily expansion and contraction action resulting from the heat of the sun followed by the cold of the night.

Between the exterior and interior walls of the Capitol, the original builders had dumped loose rubble rock without mortar. This adds neither tie nor restraint, but falls between the walls as the front wall bulges, increasing the stresses.

No building department in the United States would approve the Capitol today, even as it was originally constructed, and would condemn it in its present deteriorated and dangerous condition, barring the public from the building.

Why is it then that hundreds of legislators can exist in blissful ignorance in a building that is eminently dangerous and fast deteriorating? Why are they not disturbed by the prospects of immediate and awful death that faces them?

Something must be done and immediately to avert the most awful tragedy that this country has ever seen. It can be done by the united voice of architects who, as a group, are dedicated to see that all buildings are safe and free from hazardous conditions.

J. George Stewart, Architect of the Capitol, has the responsibility of maintaining the building in a safe condition, yet his recommendations and warnings have been ignored. He knows, as does his assistant Mario E. Campioli, and every other engineer and architect who has studied the problem, that the best way to protect the West Front of the Capitol is by enclosing it so that the existing stone work maintains the same temperature on both sides and is no longer subjected to the deteriorating effects of daily expansion and contraction and the effects of winter freezings.

Thompson and Lichtner, consulting engineers, made the same recommendation in their 1964 report.

"Retention of the wall as an interior wall of an extended building is recommended as the least hazardous and as causing the least interference with the occupancy of the present structure. A properly designed and constructed extension would also provide desirable lateral support for the West Central portion of the Capitol."

The architects employed by the Government under contract for the purpose of analyzing the complex problems and recommending a solution are:

Roscoe Dewitt, Dallas, Texas; Alfred Easton Poor, New York City; Albert Swanke, New York City; and Jesse M. Shelton, Atlanta, Georgia. The Advisory Architects are John Harbeson, Philadelphia; Paul Thiry, Seattle, Washington; and Gilmore D. Clarke, New York. Their summation and recommendations are: "It is inescapable that the West Central Front of the Capitol must be extended to preserve the exterior walls."

The same action was taken to protect the East Front wall of the Capitol many years ago. In this way, the original East Front wall has been protected for all times. It has been preserved, and significant features of it are seen by thousands of visitors who go to the U.S. Capitol every day. Surely there is nothing wrong with the same treatment to protect the West Front?

Why, then, the outburst of indignation and opposing articles and editorials that suddenly appeared?

Check around and you will find that the public was given the impression that a "modern" front was being planned. It was misunderstood that all that was necessary and recommended was to protect the existing West Front wall by building in front of it a structure with essentially the same architectural appearance. In no way was it planned to change the style of architecture. The misunderstanding which was widespread, came about because one report mentioned modern techniques of "design" when it should have said of "structural design."

The years of work and recommendations of the architects employed by the Government were ignored as the ranks of misinformed and uninformed swelled. Many architects joined in support of the uninformed. At an architect's convention in Denver, Colorado, they denounced their own members and their years of work.

Paul Thiry complained bitterly about the unethical treatment he and his associates received from his peers, who were in no way familiar with the project, yet rushed through a motion of condemnation in time to reach the press deadline. The sound, well-studied recommendations of respected architects of unquestionable renown was stalled by emotional actions.

Shall we, as architects, let it continue to be a windmill for uninformed tilting, or shall we take the action demanded of us by our profession?

We are charged with the responsibility of educating the public. There is no better place to start than the central building of our Government. There is no better time than now. We should call to the attention of our legislators that a shock wave from dynamite or gas explosion in the vicinity of the Capitol, or earth tremor, sonic boom or other of the 20th century shocks to which buildings are subjected, could result in a collapse of a large part of the Capitol.

J. George Stewart and Mario E. Campioli are continually refusing to grant requests of contractors to use dynamite near the Capitol. One day some ignorant contractor might fail to ask for permission. It could result in injury or death and burial in tons of rubble of legislators and visitors who might be in the building at the time.

The Society of American Registered Architects asks that each architect immediately write to his senator and congressman pointing out the need for action without further delay of this most important of all projects.

Mr. ANDREWS of Alabama. Mr. Chairman, I yield the remaining 5 minutes of our allotted time to our distinguished Speaker.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield our remaining 5 minutes to the distinguished Speaker.

The CHAIRMAN. The gentleman from Massachusetts (Mr. McCORMACK) is recognized for 19 minutes.

Mr. McCORMACK. Thank you very much, both of you.

Mr. Chairman, there is nothing personal in my position in connection with this matter despite the fact that there has been an effort made by some to place the responsibility on me alone. My consideration of this has been from the angle of what I thought was for the best interests of preserving the Capitol Building and of taking action in connection with the situation that exists.

Now, we hear a lot about the position taken by the AIA. Well, there are some architectural organizations that favor the extension of the west front. The American Registered Architects have reviewed the extension plans and strongly

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endorse them. In fact, they have become strong advocates. The American Society of Landscape Architects, whose "patron saint" was Frederick Law Olmsted, a great man, designed the terraces on the west, south, and north sides of the building. They have reviewed the west front plan and find no fault with the plan, indicating that the project is in competent professional hands.

I believe it is rather interesting, my colleagues. When the east front was proposed the AIA opposed it. At that time they urged the extension of the west front. Now they are opposed to the extension of the west front. What is that old saying? Something about "Consistency, thou art a jewel." And some of our local press who have opposed the extension of the west front were also opposed to the extension of the east front in 1957 and 1958 and vigorously espoused the extension—not the restoration, the extension—of the west front.

And, by the way, this is the unanimous action of the Commission on the Extension of the Capitol. It was the unanimous action 3 years ago by the then Vice President Mr. Humphrey, the then Senator from Illinois, our late friend Everett Dirksen, and the minority leader of the House, my dear friend from Michigan (Mr. GERALD R. FORD), and myself. We went into this very extensively. We held public hearings. I think it was the first public hearing ever held by the Commission and we held such hearings so that this question could be brought out to the public.

Also, this year in asking the Subcommittee on Appropriations to appropriate planning money, which they have done, again it was the unanimous action of the present Vice President, Vice President AGNEW, the late Senator Dirksen who was alive at the time, my distinguished friend, the gentleman from Michigan (Mr. FORD), and myself. So it was a unanimous action.

Mr. Chairman, I had some hesitancy, and we all did with reference to this problem. But we all realized that that west front is in a dangerous condition and we all realize if as the committee well said in connection with a collapse of the west front—we do not say it will happen today but we cannot say that it will not happen, and that expresses my views which in my opinion this represents a very ominous state of mind to have because if there should be a collapse of the west wall, the west front, that would have a tremendous adverse effect upon American public opinion. So we need action now.

Now, later on when the money is necessary for construction, then the plans can be looked into and will be looked into.

Mr. GERALD R. FORD. Mr. Chairman, will the distinguished Speaker yield?

Mr. McCORMACK. I shall be glad to yield to my friend from Michigan.

Mr. GERALD R. FORD. When I read the inference, if not a direct allegation, that this project was the sole responsibility of the distinguished Speaker, I could not believe the words that were in print.

As the distinguished Speaker has said, on two occasions—3 years ago one group, the Speaker, the then Vice President, the late Senator Dirksen, and myself, made a decision to recommend the extension, and again this year a slightly dfferent group, Vice President AGNEW replacing his predecessor, made a similar recommendation. It was unanimous in each and every case. So, there is no basis whatsoever for the charge that this is a project only of the distinguished Speaker. It is a project that is recommended by all of us who by law serve on ths particular group and we, along with the Speaker, have recommended to the Committee on Appropriations that these funds be made available for this purpose.

May I add one other point? It just so happens that the office of the minority leader is right in the center of that area about which we are talking.

Mr. McCORMACK. You will be out of circulation for 5 years at least—I mean on space. I might say that the entire west side from the House right over to the Senate will have to be taken out of circulation for many years.

Mr. Chairman, I have a list of them here which I will insert in the RECORD when we get back into the House.

Mr. GERALD R. FORD. Mr. Chairman, if the distinguished Speaker will yield further, I do not want to speak personally as the occupant of that particular part of the west front of the Capitol, but whether I will be there or whether, perhaps, we will have someone from the Speaker's party there, be that as it may, it is a dangerous part of this great building. If anyone doubts it, I ask you and, in fact, I invite you to come over to my office, sit at my desk, and after that visit you will be convinced of the need to extend the west front of the Capitol. You can no longer sit in my office and see the Washington Monument. It is blocked out by substantial scaffolding.

There is very substantial scaffolding. It is vivid evidence of the need for action. The gentleman from Illinois at my invitation came over and looked at it the other day. It just does not make sense. I fear for the safety of the public at some point if we go on and on like my distinguished friend, the gentleman from Pennsylvania, said, like Tennyson's brook, not making up our mind.

I strongly support the Commission, and I wholeheartedly endorse the action of the committee.

Mr. McCORMACK. Mr. Chairman, I appreciate very much the remarks of the distinguished minority leader.

I want it understood that I thoroughly respect the views of my distinguished friend, the gentleman from New York (Mr. STRATTON), but I have the right to disagree with him. This is where I do. His judgment and my judgment are different on this question.

Coming back to the AIA, it is funny how the printed record comes back as a ghost to haunt one at times. In 1958 the AIA led the opposition to the eastern front extension, stating:

> We have no reason to worry over the architectural changes of this sort in the less masterly Capitol west front and the concern of architects at this point can be dismissed into the realm of rhetoric.

They also said the real needs of Congress could in any event be carried on by extending the building to the west, where there is no great architectural masterpiece to be preserved.

That was the AIA.

Now, I happen to think that the west front is an architectural masterpiece, and we are preserving it by extension. The west front is located on a hill. As I remember, it is known as "Jenkins' Hill." At least, that is my recollection. This extension will give lateral support for many, many decades to come, whereas the restoration will last only a matter of a couple of decades at the most. Then there will have to be another major job done.

There is no guarantee that restoration will cost less than extension. It might interest my colleagues to know——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. ANDREWS of North Dakota. Mr. Chairman, I yield the balance of our time to the distinguished Speaker.

The CHAIRMAN. The gentleman from Massachusetts is recognized for the balance of the time.

Mr. McCORMACK. I thank the gentleman.

Mr. Chairman, it might interest my colleagues to know that we cannot get a competitive bid from a contractor on restoration. They will take it on a cost-plus basis. You cannot blame them, because they do not know what they are going to find when they penetrate this wall. The restoration is a cost-plus contract. Involved in this is not additional space, it is the result, as the gentleman from North Dakota (Mr. ANDREWS) and other members of the committee have so well stated, in a sense it is a dividend, and also as the subcommittee has stated, the space is needed, but it is the result of the action taken to insure a preservation of the west front.

And that is where the real preservation will be: by extending it, and giving it lateral support, and which will exist there for many decades to come.

So there is no guarantee that the extension will cost more than the restoration. You cannot get a figure on the cost of the restoration. You cannot get even an idea.

I would ask the distinguished chairman of the subcommittee if that is correct?

Mr. ANDREWS of Alabama. The distinguished Speaker is correct.

Mr. McCORMACK. It varies anywhere from $10 million to $50 million. That is a wide scope. The evidence that we have is that the contractors will not submit a competitive bid because of the speculation involved.

There is the situation; danger is imminent; who knows when it will happen?

I hope it will not, for there is danger. I think we should act now, and take this first step by voting for the $2 million planning money.

Let me tell you another thing. I think it is wonderful to see the millions of Americans come to the Capitol. I can remember several years ago going over to the Senate. I met a colleague of mine. There were crowds of people coming from the Senate side. He said, "There are too many people here." I said, "There are not enough for me."

I did not mind squeezing in between them. I was thrilled to see so many Americans and I am thrilled now, as I have been all through the years, to see so many Americans coming to the Capitol—men, women, and children.

It is estimated that 10 million people visit the Capitol. Of course, we have a problem there. We have to give consideration to that. But we are not doing this primarily for that purpose. But if in the extension of the west front we can give consideration to the needs of millions of Americans who are visiting the Capitol, and the problems that concern them as human beings, we are justified in doing so.

So this can be done as a result of the extension, and the extension is in the best interest of preserving the central west front for many decades to come. I want action. My theory is that the extension is the best type of action. But the situation is so critical and so dangerous—after all, anything can happen—we should take action of some kind whether it is an extension or a restoration—we must take action.

A restoration would probably save the west front for a couple of decades but an extension will save the west front for many decades to come.

A restoration will take out of circulation a big part of this Capitol for several years. But an extension will not—only a few places here and there, which can be picked up very quickly. So it seems to me, as a layman, and using my judgment and on the basis of evidence that I have received from men who are competent in this field, that the best thing for us to do and the wisest investment we can make is to extend the west front. We should not follow the course taken by those who opposed the east front a little over 10 years ago and urged the extension of the west front. Now that the east front is constructed and the problem of the west front comes up, because of its dangerous condition, they are opposing the extension of the west front.

So I urge my colleagues, for whatever value my opinion might be worth, to vote for the $2 million for the planning fund.

Mr. McCORMACK. Mr. Chairman, I include herewith the material which I previously referred to from the Architect's office for the information of the Members:

RESTORATION OF THE CAPITOL PROJECT PROPOSED WEST CENTRAL FRONT

If a restoration project is undertaken on the west central front of the Capitol, the minimum deplacement of occupants before the work can begin will be as follows:

Floor	No.	Senate side—Occupant
Basement	SB-13	Architect of the Capitol.
	SB-13A	Do.
	SB-14	Do.
	SB-15	Do.
	SB-16	Do.
1st	S-142	Senator McClellan.
	S-143	Senator Jordan.
	S-144	Senator Sparkman.
	S-145	Barbershop.
	S-146	Appropriations Committee.
	S-147	Architect of the Capitol.
	S-148	Senator Kennedy.
	S-149	Do.
	S-150	Do.
	S-151	Joint Committee on Printing.
	S-152	Do.
2d	S-230	Minority leader.
	S-231	Do.
	S-232	Do.
	S-233	Disbursing office.
	S-234	Do.
	S-235	Do.
	S-236	Senator Young of North Dakota.
	S-237	Senator Bible.
	S-238	Majority leader.
	S-239	Senator Magnuson.
	S-240	Senator Stennis.
	S-241	Senator Russell.
3d	S-326	Document room.
	S-330	Senator Aiken.
	S-331	Library.
	S-332	Do.
	S-333	Do.
	S-334	Senator Cannon.
	S-335	Senator Bennett.
	S-337	Minority secretary.
	S-337A	Do.
	S-338	Senator Ellender.
	S-339	Senator Jackson.
	S-340	Senator Church.
	S-341	Senator Talmadge.
	S-342	Senator Mundt.
Attic	S-416	Library.
	S-414	Do.

Floor	No.	House side—Occupant
Basement	HB-25	Minority leader.
	HB-26	Architect of the Capitol.
	HB-27	Do.
	HB-28	Do.
	HB-29	Do.
1st	H-151	Post office.
	H-152	Clerk of the House.
	H-153	Doorkeeper's office.
	H-154	Do.
	H-155	Do.
	H-157	Enrolling clerk.
	H-159	Doctor's office.
	H-160	Do.
	H-161	Do.
	H-162	Do.
	H-163	Appropriations Committee.
	H-164	Do.
2d	H-226	Document room.
	H-227	Foreign Affairs Committee.
	H-228	Congressman Celler.
	H-229	Minority leader.
	H-230	Do.
	H-231	Do.
	H-232	Do.
	H-233	Do.
		Statuary Hall.
3d	H-325	Document room.
	H-326	Administration Committee.
	H-327	Do.
	H-327A	Do.
	H-328	Do.
	H-329	Do.
	H-330	Do.
	H-330A	Do.
	H-331	Do.
	H-332	Do.
Attic	H-419	Document room.

EXTENSION OF THE CAPITOL PROJECT PROPOSED WEST FRONT

The following spaces will have to be vacated during the extension project. Temporary accommodations will be provided until the west central front is completed for occupants in the terrace level:

Floor	Senate side	House side	Occupant
Terrace at basement level	ST-1, -3, -5, -7, -9, -11.		Capitol Police.
	ST-4, -6, -8, -15, -2M, -4M, -6M.		Senators.
	ST-2, -10		Congressional Directory.
	ST-13, -17		Sergeant at Arms.
	ST-16, -18, -19, -20, -22, -24, -28, -30.		Architect of the Capitol engineering shops (mechanical and electrical) and storage areas.
		HT-1, -3, -5, -15, -17, -19, -21; HT-2, -4, -6, -2M, -4M, -6M, -12, -14, -16, -18, -20, -26, -28.	Architect of the Capitol engineering, file room, flag room, shops, storage area, etc.
		HT-8, -10	Pages.

The relocation of the following offices will be required towards the end of the project when new accommodations for such purposes can be provided in the new extended west front. These rooms were all part of the corridors originally and will be returned to that use in the new plan:

	Senate side	House side	Occupant
1st floor	S-149		Majority whip.
		H-148	Majority leader.
		H-161	Doctor's office.
2d floor	S-237		Senator Bible.
		H-229	Minority leader.
3d floor	S-337		Minority secretary.
		Between H-327 and H-328.	House Administration Committee.

Mr. SCHEUER. Mr. Chairman, I rise to support the amendment of my colleague, the gentleman from New York (Mr. STRATTON) and to oppose appropriation of funds which would permit the drawing up of pre bid construction plans for the extension of the Capitol's west front. In opposing the proposed extension of the west front, I am joined by the thousands of members of the American Institute of Architects, the editors of the New York Times and the Washington Post, and I believe, by the President of the United States who recently announced a spending cutback on Federal construction.

By now it should be obvious to all Members of the House that a building project undertaken by the Capitol Architect predictably results in excessive expense and embarrassment for Congressmen. As a former builder, I can assure you that the Architects' estimated cost of $166.95 per square foot for the west front, five times the cost of the catastrophic Rayburn Building, is beyond the wildest stretch of exorbitance. We know, in addition, that because the Architect is always from 25 to 50 percent off in his estimates, that the already incredible projected cost will be boosted to a point which will be scandalous. I say today that it is us, the Members of Congress, not the Capitol Architect, who will be held accountable for the excess. Perhaps more important than the money and the excess of the Capitol Architect is the fact that he proposes to bury the only remaining section of the original Capitol Building. For posterity, if not for thrift and political wisdom, we should preserve the Capitol Building and treat it as a great historic monument.

I would implore that House Members vote for the reasonable amendment of Congressman SAM STRATTON to provide nominal funds for planning of restoration of this historic building.

Mr. FULTON of Tennessee. Mr. Chairman, the provision in this appropriation measure earmarking $2 million for a so-called study for the costly development and expansion of the west front of the Capitol should be eliminated.

The project is simply too costly and most inappropriate at this time. The public is going to utter a valid cry of indignation and disapproval that will ring with contempt if this project is approved. They will want to know just why this project is needed and there will be no justifiable reason forthcoming.

They will ask why the Congress must spend $45 million for the expansion of the west front on the heels of the President's decision to cut back certain Government construction by up to 75 percent as an effort to slow inflation.

They will wonder why the Congress feels it so urgently needs two new restaurants, two movie theaters and some additional private offices so urgently, when inflation and increased interest rates, combined with a heavy tax burden, prevents them from purchasing and enjoying a few niceties of their own such as a home, a car, perhaps a new television set.

They are going to wonder how this expenditure is going to help them get that college loan to get junior or sister through school this year when the banks are not lending at 7 percent and the Congress still has not cleared legislation to ease this most urgent problem.

The public might say, and I would certainly agree, that if the west front of the Capitol is in urgent need of repair then let us repair it. But we should go no further than this.

The reasoning and case for those of us who oppose appropriating funds in excess of those necessary for repair was substantiated recently by the American Institute of Architects in a letter which I received from its President, Mr. Rex W. Allen. I include it in the RECORD at this point:

THE AMERICAN INSTITUTE
OF ARCHITECTS,
Washington, D.C., September 9, 1969.

Re west front of the Capitol.

Hon. RICHARD FULTON,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FULTON: The West Front of the United States Capitol is in an advanced state of disrepair. This condition has been brought about by a combination of age and neglect. Corrective measures must be taken to insure the safety and structural soundness of the building.

One solution proposed by the Architect of the Capitol to correct the deficiencies of the West Wall is a 4.5 acre, $45 million extension. Under this plan new office space, cafeterias and tourist facilities would be built with the West Front becoming an interior wall. We are opposed to this plan because, in our opinion, the safety, structural integrity and historical significance of the building can be assured without an extension.

Soon you will be asked to approve, as part of the Legislative Branch appropriation bill, $2 million to be spent on detailed architectural plans and specifications for the proposed extension project. We urge you to vote against this request.

To us it seems much more important to begin immediate repairs and restoration of the West Front. It is imperative that dangerous structural conditions be corrected as soon as possible. Accordingly, the $2 million should be allocated to this purpose.

Furthermore, we believe funds should be appropriated to study the cost of and techniques for restoring the West Front. Only after such a study has been made can the Congress make a rational choice between restoration or extension of the West Front.

Sincerely yours,
REX W. ALLEN, *President.*

P.S.—Did you know that the extension of the west front of the Capitol will cost five times more than the Rayburn Building? Here are the facts:*

Rayburn building:	
Gross area (square feet)	2,375,000
Total cost	$81,367,000
Square foot cost	$34.26
West front extension project:	
Gross area (square feet)	269,528
Total cost (estimate)	$45,000,000
Square foot cost	$166.59

Mr. GOODLING. Mr. Chairman, I want to make it clear that I strongly support any effort to preserve our Capitol, and I will give my endorsement to any proposal designed to save the Capitol's west front.

I also want to make it clear that I will not support any expansion of the Capitol, because I do not feel such an expansion is necessary.

It is understood that proposals for expansion involve about 4½ acres, upon which are to rest two new restaurants, two movie theaters, some additional committee rooms, and about two dozen auxiliary offices for designated Members of Congress. It is also understood that escalators would be provided for this complex, thereby adding considerably to the costs of the expansion.

Mr. Chairman, I cannot see now an expansion of the Capitol can be justified. The simple fact of the matter is that there is just no need for any of the facilities involved in the proposed expansion.

It should be remembered that in March of 1968 the Congress passed legislation that authorized a National Visitor Center at the site of the Union Station. This act authorizes $5 million for development of this Center, which will include theaters and interpretive displays for tourists—the facility will occupy 18.1 acres. In addition, $11 million are authorized for the development of a garage with a 4,000-car capacity. Over and above this, it is expected that facilities will be set up to provide snack bars and other accommodations for visitors, thereby providing a maximum of visitor convenience.

It should be recognized, too, that there is no shortage of office facilities, for the new Rayburn Building provides a lot of office space and a bounty of committee facilities. In addition, the Cannon Building has been refurbished and provides very satisfactory accommodations for House Members. Over and above this, the Longworth Building is presently being renovated and converted into ideal office quarters.

There is another thing that dictates against the expansion of the Capitol, and that is cost. Estimates range from $40 to $70 million on the costs of expansion, and it must be remembered that this is taxpayer money. Today we are talking a lot about cutting down on Federal spending and curbing inflation—if we are really serious about doing it, this is a good place to start.

In short, Mr. Chairman, my position is that I support preservation of the Capitol but oppose expansion. I am interested in preserving our Capitol—I am also interested in saving the money of the taxpayer. Let us not make an amusement center out of this historic building.

Mr. LLOYD. Mr. Chairman, so far as the west front of the Capitol is concerned, I believe the report of engineers is clear that an extension as proposed is best over the long run.

However, I vote in the negative because of the appropriation for extra staff assistance which I consider to be an inflationary example, and other purely legislative expenditures with which I cannot agree.

Mr. ZWACH. Mr. Chairman, my vote against the legislative appropriations bill, H.R. 13763, is my first opportunity to record my vote against the unreasonable salary increases provided under the Kappel Commission recommendations as provided by Public Law 90-206.

It was, and is, my strong feeling that the House, under provisions of the resolution, should have been afforded the opportunity to vote on this matter.

It is my firm belief that Congress poured gasoline on the fires of inflation by the untimely action it took on these excessive salary increases. I also believe that until we have established fiscal responsibility, we err in authorizing an additional clerk for our congressional staffs.

Further, it is my conviction that we should have a more firm cost figure on the restoration or rebuilding of the west wall of the Capitol before we appropriate huge sums for a large addition.

Mr. Chairman, during all of my public life, going over a third of a century, I have stood for the highest fiscal responsibility. I was elected to Congress on that platform. Not to vote against this legislative appropriation bill would be a betrayal of the trust of the people who sent me here to represent them.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES

For payment to Pearle Jean Bates, widow of William H. Bates, late a Representative from the State of Massachusetts, $42,500.

Mr. CASEY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, needless to say, I am for the extension of the west front. I am also for the new Madison Library and I think that has been discussed pretty thoroughly.

But I have a personal matter to take up with reference to the hearings. With reference to page 619, you will find a colloquy between myself and the chairman of the subcommittee relative to a country club maintained by one of our international organizations.

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*Source: Architect of the Capitol.

The chairman asked me if it was Mr. McNamara's bank. I thought at the time it was, since my memory was a little hazy since this occurred. It was first called to my attention by a story in the Washington Star in December 1966. One of the news services saw fit to engage in that favorite pastime of low rating a Member of Congress when he makes a little mistake. But I want this news service to know that I was not in complete error. What we have, Mr. Chairman, is a country club that was built in Montgomery County, Md., by the International Monetary Fund.

I stated they were using money that we had contributed. The news service story stated I was in error as to where the money came from. Do you know what the IMF said? The money came from their revenues, from interest earned on capital contributed to the Fund. Mind you, they considered revenues to be available to be used for country clubs or anything they want to use it for. I do not think that that was the purpose that this Congress or any previous Congress voted the $5 billion capital that the United States contributed to their funds.

Also they stated I was in error about the fact that employees of the IMF and of the so-called World Bank do not pay income tax. Oh, yes, they pay income tax. They file a return. I am talking about American citizens. Foreign citizens do not, but American citizens, we were told, have to pay the income tax. They fill out their forms and pay the tax. Do you know what they then do? They notify their President, "I paid so much income tax," and they are refunded that income tax out of a special fund.

So no employee of the World Bank or the International Monetary Fund actually pays an income tax. You pay it for him.

The chairman (Mr. ANDREWS) asked me if they paid any club dues, and I said that I did not know, probably not. They claim they do. The membership is limited to the IMF, but other international organization employees stationed in Washington may get an associate type of membership. This club is known as the Bretton Woods Recreation Center. It is out River Road in Maryland, and the people of Montgomery County, Md., and the State of Maryland are subsidizing them, to some extent, because they are tax exempt. Their real estate is. But I understand they do make a voluntary contribution of some tax money to the State of Maryland. What they do in relation to Montgomery County I do not know. The Internal Revenue Service advises me that the club has filed no request for exemption as far as Federal tax is concerned. But neither have they filed a return.

The only point I want to make to the reporter who wrote that story and who tried to make it a little facetious is that his money is involved. Your money is involved. And I want to call the attention of the Congress to the facts. I hope there is some way we can exert a little pressure on these international organizations so they do not feel that they do not have to be responsible in the expenditure of the money entrusted to them.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I am glad to yield to my colleague from Texas.

Mr. ROBERTS. I am very pleased that my colleague from Texas has brought to the floor of the House the information concerning the Bretton Woods Country Club. I drive by it every day. It is the only way to the Capitol and return. It is at the end of River Road. I understand it cost $4 million. I asked them what they were doing building this sort of a club, and they said, "The people we have coming here cannot play at Burning Tree, and they ought to have just as good a club as Burning Tree." So they have taken revenues earned by our money to build it. I am delighted the gentleman from Texas is bringing out the fact that it was partially your tax dollars and not somebody else's that built this country club. I thank the gentleman for yielding.

Mr. CASEY. I appreciate the gentleman's remarks. Frankly, the point I want to make is that these international organizations do not have to answer to anyone. If you call seeking information and they do not want to give it to you, there is no way you can get it, and this Congress has no control over so-called revenues from the money we have furnished these organizations.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GROSS. Mr. Chairman, I suggest to the gentleman from Texas (Mr. CASEY) that perhaps we should offer the pooh-bahs of the International Monetary Fund some of the plush offices that will be built in the west front of the Capitol and the use of the restaurants and theaters. Perhaps that international outfit would then divvy up the money to finance the west front.

Yes, the gentleman is correct. This international banking outfit, which the taxpayers of this country have heavily subsidized, bought some 280 acres of Maryland farmland at about $4,000 an acre, put in a golf course, tennis court, and swimming pools—all for the benefit of officials and employees. Wonderful are the ways of the foreign aiders when it comes to spending other people's money.

Mr. Chairman, I suspect repair work is necessary on the west front of the Capitol, but that does not mean that we must now embark on a tremendous expansion program, costing millions of dollars and complete with all the frills that are here proposed to be built into the west front.

More particularly, we have no business whatever at this time loading upon the taxpayers of this country another $100 million House Office Building under the guise and subterfuge of erecting an annex to the Library of Congress.

I ask those who support it: where do you propose to get money for all these works?

I might also ask where it is proposed to get the money to pay the salary increases for Members of Congress plus the leaders of Congress that are contained in this bill? No one has discussed that up to this point. I do not know the total cost of the salary increases. I assume it is around $4 million. I ask the Chairman, What is the cost of the congressional pay increases plus the leaders' pay increases, some of which are more than 41 percent, and for which the money is provided in this bill?

Mr. ANDREWS of Alabama. Mr. Chairman, if the gentleman will yield, the amount to annualize the Members' pay and the leadership pay increases is $3,938,300.

Mr. GROSS. How much?

Mr. ANDREWS of Alabama. It is $3,938,300 to annualize the increased rates of pay.

Mr. GROSS. That is approximately $4 million.

Mr. ANDREWS of Alabama. It will not miss by much.

Mr. GROSS. And it is in this bill, is it not?

Mr. ANDREWS of Alabama. It is in the bill.

Mr. GROSS. Yes. This is the one bill, of all the appropriation bills we have had in this Congress this year, even after the July 1 pay increase went into effect for other employees of the Government that has contained money to fund the pay increase. This is the only one. Can the gentleman tell me why the pay increase on July 1 for other employees in the Federal Government has not been put in the appropriation bills, but is being held back for a supplemental appropriation?

Mr. ANDREWS of Alabama. All I can say is it is not being done in any appropriation bill. The increased pay increase that became effective July 1, 1969, will be handled in a supplemental bill some time in the future, and the same thing is true with the military bills and the other bills.

Mr. GROSS. I can get no answer as to the reason why the pay increases are not funded in the separate appropriation bills as they come along, rather than putting them in a lump sum into a later supplemental appropriation, this bill being the sole exception. I am curious to know why.

Mr. ANDREWS of Alabama. I can say this. It might be that some of the agencies will absorb part of the additional money needed for pay increases. That will not be true of the legislative branch.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, is the House of Representatives absorbing any part of the cost of this pay increase?

Mr. ANDREWS of Alabama. There is no supplemental money in here. We will take it up next spring.

Mr. GROSS. I would say to the gentleman I am going to offer an amendment to strike the $2,800,000 for the new House Office Building under the guise of a new Library of Congress annex. I have no doubt that the amendment will

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be defeated for the $100 million that the building will eventually cost is just more money to be spent. Then I will vote against this bill for the added reason that the pay increases are funded here, and then I am opposed to the expansion of the west front of the Capitol to include movie theaters and dining rooms.

Mr. ANDREWS of Alabama. I hope the gentleman will not be so pessimistic about his amendment.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my colleague from Iowa.

Mr. KYL. If the gentleman is looking for office space, I remind him that the Federal Government owns a building just across the street, built at a cost of a few million dollars, which is rented to a hotel corporation for only $17,000 a year, which amount of income this year was reduced by at least $6,900 which we paid for the recaulking of some windows. That building is available.

Mr. GROSS. But that building is not plush enough, as the gentleman knows.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. JACOBS was allowed to proceed for 5 additional minutes.)

Mr. JACOBS. Mr. Chairman, as a layman in the architectural world my education has been enchanced immeasurably here today. I have learned, for example, it is cheaper to add three walls and one roof than to add one wall.

I am reminded of the story President Lincoln told of the farmer who sued the railroad for flooding his ground. The farmer was represented by an old county seat lawyer, an older gentleman with years of practice. The railroad was represented by a young "city slicker" lawyer. At the close of the trial, during the closing arguments, the old country lawyer turned to the young railroad attorney and said, "It is not often in my career that I have had to concede to my opposition the absolute proof of his case; because the attorney for the railroad, the counsel for the defendant, has established beyond any reasonable doubt, by scientific evidence, by charts, by graphs, that the railroad right-of-way could not possibly have flooded my client's farm." He said, "But, young man, I have just one question for you. Have you ever been down on that farm when it was raining?"

We have depended, it seems to me, as a government and as a nation and as a society on the opinion of experts decade in and decade out. As I understand, it was the experts who told us that we could go to Southeast Asia and cause one dictator to prevail over another within a year or two because the idea machines said so.

As I recall, it was the experts, the very experts involved in this problem, who assured us taxpayers—I was a private citizen at the time—that the Rayburn Office Building could be put up with $60 or $65 million rather than $70, $80, $90, or $110 million—one can get lost in those figures as quickly as one can get lost in the Rayburn Building—whatever those figures might be.

One day I was on my way to work and I looked up at the Cannon Office Building and I noticed what I then thought was a railing but soon learned from the experts was a balustrade was being torn down, which seemed like a sensible idea, since it is a rather ugly appendage to that building, anyhow.

So I called the Architect's office and asked why. They said, "Well, the stone in the balustrade is sugaring." I clambered up to the top of the building with my old Polaroid and took a few pictures of the sugaring balustrade and showed it to some other experts, who told me, that was right; that in 75 or 100 years it might weaken enough to constitute a danger. A few weeks later, lo and behold, here came another balustrade on top of the Cannon Office Building. You could not miss that one, and you cannot miss it today, because it happens to be of nonmatching stone. So I called the Architect's office and said, "Why in the world are you putting up another balustrade? What useful purpose can it serve? It is not particularly pretty and it does not match." The Architect's representative told me, "Well, Congressman, it is because if we had workmen on top of the building, we have to provide for their safety or else they might fall off." I said that there is a hardware store down the street where you can buy clothesline and hook it around their waists, if that is your problem. Then I asked how much it cost. And the answer was, oh, just a half a million dollars.

Mr. Chairman, the parking places in the subterranean theater to the south of the office building only run $10,000 per car. And I have not seen a $10,000 car even parked in any one of those places yet. It was the experts who designed for the United States of America the B–70 bomber—at $1 billion for two of them. The first crashed on takeoff. And the other is in a——

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. Yes. I am happy to yield.

Mr. LANDRUM. I commend the gentleman for his intense interest in protecting the taxpayers' dollar, but I think, if I could say to him, knowing him as I do—and he is a very distinguished and capable Member of this House—that if he had had the experience of coming to this Congress as I did 18 years ago and traveling literally through a slum—not just slum-looking but also slum-smelling—area in the place where those garages are now constructed and then, if after that rather degrading experience the gentleman could also have experienced as I did the search for a parking place when you got over here to Capitol Hill at 8:30 in the morning, I think that the able gentlemen would agree that the beauty we have created there and the filth that we have removed from the area of the Capitol of the United States is money well spent.

Mr. JACOBS. I thank the gentleman for his contribution, and the gentleman is entitled to his opinion, but I do not share it. I think that that filth could have been cleared away and an aerosol can of deodorant, or whatever is necessary, could certainly have done away with the smell without constructing these parking places at a cost of $10,000 per car.

I happened to have been associated with a Member of Congress 20 years ago who had to park six blocks away from here in order to go to his office building. That was my father. He walked each day and stayed in good condition. I do not think $10,000 spent for a parking place is at all necessary. And while we are at it, I do not believe that we needed to put a $1 million park on top of the building so that the esthetic view would be enhanced on the outside of the office windows; especially since the people should be typing and not looking out of them. Instead, we should have provided parking spaces for those people who paid for the garage; namely, our constituents who come to visit here and still drive all over town trying to find a place to park.

I was here 20 years ago and sat in the gallery and saw the superstructure that the gentleman from California described. There was scaffolding throughout this Chamber. And here comes the confusion of a layman when he listens to experts speak on this subject. Of course, when you become confused, they then explain to you that if you could read it in the "original Greek," you would understand better. Twenty years ago the problem was that this ceiling was going to fall straight down. Now the problem is that the west front is going to fall over. Yet at that time they did not add any restaurants up there or add any toilets up there or add any honeycombing up there, and the ceiling seems to have held pretty well. Somehow they managed to get the job done without adding all of those posh things.

Now, with this $45 million which, translated into overruns is $65 million, if you count a 43-percent overrun, which is what you had better figure, it is the track record of the Capitol Architect. I think it constitutes a pretty expensive pay toilet. Perhaps, we could strike a new $100 coin for a pay toilet or, perhaps, we can get shoe shines at $70 a shine or something like that in order to be commensurate with the proposed cost of the new structure.

I think the formula for solving this problem is to take the west wall of the extension and move it east 40 and 80 feet at various points and let that do the job.

Now, unfortunately, the person who has the burden of the negative cannot bring up pretty pictures and graphs to show you. Only those who assume the positive burden can put up graphs and architectural drawings. However, very hastily I have prepared a couple of drawings—and they did not cost as much as those which have heretofore been presented.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent (at the request of Mr. YATES) Mr. JACOBS was allowed to proceed for 2 additional minutes.)

Mr. JACOBS. Mr. Chairman, the first drawing that I had prepared was a drawing showing that 45 million $1 bills, laid end to end from Washington, D.C., would reach to Rome—which reminds me of an old architectural saying that, "if all of the architects in the world were laid end to end they would not reach a conclusion."

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

There is a problem suggested, on page 262 of the hearings, which is a serious problem and which could become a more serious matter for the residents of the District of Columbia who lives near the Capitol.

Under the Additional House Office Building Act of 1955 the Architect of the Capitol is authorized, with the approval of the House Office Building Commission, to acquire on behalf of the United States any publicly or privately owned property in the District of Columbia located south of Independence Avenue in the vicinity of the U.S. Capitol Grounds for additions to the U.S. Capitol Grounds. The Solicitor's opinion since that time has indicated that "in the vicinity" means anything at least up to 2 miles.

When the question was asked in the hearings regarding leapfrogging across private property in order to acquire a vacant piece of ground or an occupied piece of ground, people speaking for the Architect said that they would not do that all at one time. But, there was an insinuation that ultimately we would require all of the property between here and the Anacostia River and we would not be leapfrogging in such an operation. I am not trying to be facetious.

Mr. Chairman, there is the old Providence Hospital grounds which the committee decided not to buy at this time. The suggestion is made in the hearings that this would be used for the construction of a police academy or for additional accommodations for the House. I assume that that piece of property is what we in the neighborhood now call "South Mountain" because it is covered to a height comparable to about a three-story building with dirt from excavations around the Hill. But the man who owns it has a value in that property. As long as there is a threat of Government condemnation, the individual who owns that property cannot dispose of it. There is some discussion in the hearings that the appraisal which was done privately on that particular piece of property was about $1.25 million and they said that this should be secret. Of course, once it is printed in the hearings, it is not secret any more.

The appraiser to whom I talked stated that based upon a per foot basis at this time this property probably is not worth $1.25 million but probably $2,260,000 up to $3,225,000.

But, Mr. Chairman, the point at issue is this; the Government can acquire, under this act of Congress, any piece of property in the vicinity of the Capitol and this has a very definite effect upon the value of land in this area. As was mentioned before, if you own a piece of vacant property close to the Capitol and you have the threat of having the Government take it over by condemnation, the owner not only gets no return from this vacant property unless he can pay someone to dump dirt on because he cannot sell it or develop it due to the threat of future condemnation.

This gets to be a "people" problem rather than a property problem.

This is not the time or the place to undo this act of 1955, the Additional House Office Building Act, but I think in fairness to the people who live on the Hill, this body ought to take a look at that act and alter it, then, a man really does have some property rights when he holds title to areas on the Hill.

I did not want to have another opportunity pass without mentioning this situation which does work a hardship against individual ownership. The fact that we do not buy this land now does not take the threat away, because there was a strong suggestion in the hearings that we are postponing the action rather than killing the action. If we want to kill it for all time, we can, and then the gentleman could go to the zoning commission and receive approval for some kind of property development, and his property would then have a value.

Under the present situation the action taken by the House precludes that citizen from making any use of property that he holds.

Mr. ADAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am concerned that in the argument today and in the presentation—which, incidentally, I thought was excellent, and I want to particularly compliment the gentleman from Illinois and the gentlemen who are both the ranking member and the chairman of the subcommittee, for a beautiful explanation of this extension.

However, we spent about 90 minutes in justifying the proposal, and only 5 minutes in opposition or on a discussion of the alternatives, which were given by Mr. STRATTON. Or maybe he had 8 minutes.

I believe that this bothers me most of all because there apparently has been a great deal of controversy about this in the past but today we have not had a chance to hear the controversy because there apparently was no division in the committee. I want to hear both sides of this question.

One of the things that bothers me about that is that we are going out what has been described as 44 feet, 56 feet, 88 feet. I am convinced from the arguments that have taken place that something must be done to preserve this wall, either by restoration or the building of a new wall outside of it to enclose it. Not being an architect, I do not pretend to know all of the ways that this can be done.

It worries me that this proposal is perhaps a hybrid that has come out of the distant past that many of us do not know about. Apparently there was an idea to both build more additional space and enclose this wall because this was the plan that was agreed upon some time in the distant past.

I was hopeful today that someone would explain—and I intend to vote to preserve this wall in some fashion, either by preservation or a new wall outside, or maybe for the plan that is being presented—but I wish somebody would explain to me if there have been alternatives, or why the wall was simply not enclosed in a new wall instead of moving it out 44 feet.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. Yes, I will yield to the gentleman. I would just like an explanation. Is this a hybrid?

Mr. STRATTON. I appreciate the gentleman's statement. Certainly, there is no question about the eloquence of those who spoke in favor of the committee proposal. It was impossible in even 8 minutes, eloquent as I am sure this Member tried to be, to answer all the points they made over almost 2 full hours.

The fact of the matter is, and this is the key, no study has ever been made of what is absolutely necessary to save this west front, without putting on all this gingerbread.

In spite of all that has been said about these other technical gentlemen, the only person who has been speaking out on these issues is the Architect of the Capitol or his assistant, or his paid consultants who are naturally dedicated to the extension project. There has never been, even with all the $477,000 already spent on this project, any actual, professional study of what is required to save the west front.

My amendment, which I hope to be able to offer at the proper time, when I will have 5 minutes to explain it and can answer perhaps some of the other points that the gentlemen made, my amendment would take out this $2 million and put in $100,000 to undertake an engineering study to tell us what is the minimum we have to do to save the west front of the Capitol and how much it would cost.

We do not need all of these other facilities, just to save the west front, and it is ridiculous to maintain that we do. Nobody has ever made that study. All we are doing is going on statements made by Mr. Campioli who is himself an employee of the Capitol Architect and who, before he came here, he was in the architectural firm of Alfred Poor & Associates, who originally developed the west front extension plan and the east front extension, as well as the Madison Building, the Cannon Building renovation, and the Rayburn garages. Obviously Mr. Campioli is going to speak out for his employer's idea, and for the plans already developed by his prior employer.

Mr. ADAMS. This was the other point that concerned me. Has there been an independent study? I was concerned by the fact that the various professional groups that have supported this, and by groups I mean the architectural firms and engineering firms and so on—have all been hired by us through the Capitol Architect to do the job. That concerns me. I would appreciate the gentleman, and I probably will support his proposition answering this for me. I do not understand whether we need 44 feet or 88 feet—if we have to have it, I will vote for it. But was there any study or statement by the American Institute of Architects—or putting them aside—any other group that the gentleman has confidence in, other than one already hired to do the job who came in and gave us a report.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman.

Mr. YATES. First, let me say to the

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gentleman that there was a dispute in our committee. I began in disagreement. My mind was changed by the evidence. The result was unanimous. But before we reached that unanimous result, I was opposed to the extension, as I pointed out, in my statement.

Mr. ADAMS. I understood that.

Mr. YATES. I wanted the restoration of the wall.

Mr. ADAMS. Did you consider another plan rather than this one?

Mr. YATES. Yes.

Mr. ADAMS. This plan of 44 feet or 88 feet. This I understand has been in existence for 3 or 4 years.

Mr. YATES. I thought of the possibility of building a marble wall for example to replace it, but I was told by the Architect and independent architects to whom I spoke that there would have to be a major job of underpinning the walls. But this would not satisfy the people from the AIA anyway because they do not want another kind of wall. They want the original wall restored.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. YATES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as I said, I examined the AIA when they appeared before us. They did not doubt the adequacy or competency of a study that was made by the firm of Thompson & Lichtner.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. ADAMS. Did they agree that if you do not go to the preservation of the wall that the proposal of 44 feet or 88 feet was the way to do it?

Mr. YATES. No.

Mr. ADAMS. Did they agree with that?

Mr. YATES. No. The AIA insisted on their position that the wall could be restored.

Mr. ADAMS. Was there ever any other proposition before the committee or any group who said, We can do this, it is possible? You see, all we have had are these two witnesses. That is what I want to know.

Mr. YATES. That is what I wanted to find out and that is why I called Mr. Severud.

First let me say this, the gentleman from New York says that there never was any study made of a restoration. That is not entirely true. The study that was made by Thompson & Lichtner was one that gave them an opportunity to declare their preference for the type of correction that ought to be made to the wall.

Finally, Mr. Severud, who told me if he did not agree with the architect's proposal he would have rejected it. He said he thought it was impractical. It might be possible, he said, but who knows what would be encountered in this wall.

He said that the wall had taken a beating from the fire that the British set in 1814; there had been an explosion some time later. Various cuts that had been made for air conditioning, for opening of rooms and doors and that sort of thing, that he would not do anything but extend the wall in accordance with the proposal.

Mr. ADAMS. Did you discuss maybe going 5 feet, 6 feet, 10 feet, or some number other than the proposal that is before the committee?

Mr. YATES. As consultant engineer, the responsibility was his rather than that of the original architect or the original engineers to decide what should be done. If he did not agree with the proposal, he would have overruled it. As you will note in the telegram he sent to me he said, "It is my responsibility. If I did not agree with it, I would overrule it."

Now, with respect to the attitude of the AIA, I refer you to page 132 of the hearings——

Mr. ADAMS. The gentleman does not have to do that.

Mr. YATES. I want to show you what the attitude is.

Mr. ADAMS. All I am asking the gentleman now is, Was there any other proposal than 44 feet?

Mr. YATES. Yes; originally there were three plans. They decided upon plan No. 2. There has been a slight change in that.

Mr. ANDREWS of North Dakota. Mr. Chairman, I move to strike the requiste number of words.

The CHAIRMAN. The gentleman from North Dakota is recognized.

Mr. ANDREWS of North Dakota. Our distinguished colleague, the gentleman from Washington (Mr. ADAMS), has raised a most important point. The point is what study was made and were there alternatives suggested? There was and there were. I refer to page 14 of our hearings wherein the language is pointed out. The contract was entered into in March of 1964 with a firm of consulting engineers, Thompson & Lichtner. They were not told to design a plan to extend the front. They were told this: Would they include their findings and recommendations on—

First, whether the existing wall, if found deficient, can be repaired in its present condition;

Second, whether the existing wall can be refaced with marble in its present location;

Third, whether remedial action requires extension of the west central front and its reconstruction in marble as was done to the east front; or

Fourth, whether any other means of preservation are deemed feasible and advisable.

Then within this broad degree of latitude, and at a cost of $100,000, which is the amount our opponents of the present bill are proposing now, that we spend $100,000 to get an engineering survey, this firm of engineering consultants came back and said:

> The only way to save the west wall is to extend the Capitol, and use the resultant walls, floors to buttress the old wall in place, taking the problem of temperature coefficients being unequal away from it, and shoring it up for all time.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Washington.

Mr. ADAMS. Did they recommend the 44-foot and the 56-foot and the 80-foot extension, or just an extension?

If they recommended that, I think it is very important.

Mr. ANDREWS of North Dakota. They recommended that the Capitol west front must be extended as the most feasible and economic way of doing it. Then came the question of how far, and the question of how far was resolved first in realizing that we have to extend at least 30 feet in order to get the structural strength to buttress the old walls and floors.

Second, when we push out the wall, we have to go beyond the projection of the center section, which is 44 feet, and we have to build the sides out more than 44 feet in order to achieve structural harmony. The cost is not in the additional 10 feet, but the cost is in the fact that we have to go out from the old walls to strengthen them and buttress them.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, in the record of the hearings at page 113, there is a technical explanation of what the gentleman just said. Mr. Campioli said:

> The proposed projection is necessary to allow for sufficient extension of the old north and south wings beyond the existing west central wing in order to permit the development of a proper lateral buttressing action against the existing northwest and southwest corners of this wing, and also to provide a sufficient area for the development of a necessary and proper expansion joint in the new work at these corners.

Mr. ANDREWS of North Dakota. Mr. Chairman, the point is that this study was made in 1964, and this House did, indeed, instruct the Architect to find the best engineering firm and make this kind of study.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Dakota. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, the gentleman is talking about how a study was made over whether we should restore the west front and so on. Actually, the five volumes of the Thompson & Lichtner study are full of pictures of the details of cracks and so on, but the only place this particular restoration question is discussed is in a single paragraph. The gentleman from Illinois (Mr. YATES) also mentioned in his eloquent statement that the assertion is contained in just one paragraph, and all it says is that we should extend the west front and not restore it. The fact is that no one has ever considered what would be the relative cost of restoring, or whether by extending the west front by 3 or 4 feet instead of 44 feet we might just as well accomplish our purpose of saving the west front. This is the primary lack in this particular case. We have spent a half million dollars in studies on the west front and we still do not have the information of what is needed to restore the west front.

Mr. ANDREWS of North Dakota. The gentleman points up quite correctly the five volumes show the cracks and defects and the firm concludes the only way we can preserve it is to extend it.

Mr. STRATTON. But it says nothing

about what would be involved in restoration or some lesser extension, or of its cost.

Mr. ANDREWS of North Dakota. It is because we need the new walls and the floors to buttress the old floors and the walls.

Mr. STRATTON. For almost $500,000 is that all the information we can get?

Mr. ANDREWS of North Dakota. We have that. Now the gentleman from New York wants to spend another $100,000 to go out and have a new study to get the same facts. We are running out of the time we have to study this. The independent engineering study has been in, the facts have been placed before the Congress, and the time has clearly come to act.

Mr. MONAGAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman. I should like to turn very briefly to another matter, if I may. I refer to a matter that is contained in the report of the committee but is not included as part of the appropriation bill itself, and that is the section beginning on page 32 that refers to "Accrual Accounting and Accrued Expenditures." I am not going to talk at any length on this matter, first of all, because I am far from being an expert, and second, I know that time is of the essence here today.

I do want to point this out: There is very serious and sharp disagreement as to the conclusions that are stated in this report. There is a very marked difference of opinion as to the views that are expressed here concerning the value of accrual accounting.

Second, I would like to point out that this is a matter that is within the jurisdiction of the House Committee on Government Operations. It has been so since the original legislation was passed. Only last year the gentleman from Virginia, Mr. Hardy, conducted extensive hearings on this matter and brought about substantial advances in executive branch practices in this important area.

The Comptroller General has very specific and definite opinions on this question and supports the Government Operations Committee position.

I rise only for this purpose; To point out to the Committee the potential conflicts and differences of jurisdiction which are involved, in the hope that there may be a meeting of the minds as to these so that all can move forward into the future in what will be the best way of accounting for the operations of our Government.

Mr. Chairman, I appreciate this opportunity to comment further, not on the bill under consideration here, but on certain language in the committee report.

As you know, under the rules of the House, the Committee on Government Operations has jurisdiction over budget and accounting measures other than appropriations and has the duty of receiving, studying, and reporting to the House on reports of the Comptroller General. The law also requires the committee to exercise legislative oversight jurisdiction over the operations of the Comptroller General and of the General Accounting Office. The budget and accounting laws which have been reported by the committee prescribe the basic methods of accounting for the Federal executive agencies and require that the agency accounting systems be approved by the Comptroller General.

The Committee on Government Operations has taken these responsibilities and duties very seriously. We have for several years maintained a continuous study of the development and improvement of agency accounting systems and, in fact, have been preparing to hold additional hearings on the subject in the very near future. In the 90th Congress we issued formal reports on the submission of agency accounting systems for GAO approval, on the relationships, between the Defense Contract Audit Agency and the General Accounting Office, and on GAO bid protest procedures. In addition, we held a meeting of Government financial managers to review the Labor Department's approved accounting systems and we maintained a continuous study of data processing management in the Federal Government, a subject very much involved in Government accounting. It is safe to say that we have more day to day discussions and conferences with the General Accounting Office than with any other Federal agency. The committee's record for earlier Congresses is at least equal to that I have just described for the 90th Congress.

Consequently, many members of the committee, including myself, were very much concerned to read the discussion of the General Accounting Office activities and of accrual accounting on pages 30 to 35 of the Appropriations Committee report on the legislative branch appropriation bill. It is obvious that the members of the Appropriations Committee are not entirely satisfied with the time and effort the General Accounting Office has been devoting to a number of studies made either on its own initiative or on request by congressional committees. The committee also questions the allocation of GAO resources in a number of respects and, to say the least, indicates some dissatisfaction with the virtues of the accrual accounting systems now prescribed by law for Federal agencies. In fact, the committee states that it will carry on an in-depth study of the desirability of these systems. This, of course, is a matter clearly within the jurisdiction of the Committee on Government Operations.

What I want to state now merely is that we members of the Committee on Government Operations do take these expressions of the Appropriations Committee very seriously and we intend to study the report and the testimony upon which it is based very carefully. If these studies indicate that further action on the committee's part in the way of hearings, proposed legislation, or recommendations to the Comptroller General are in order, the House may be sure that the committee will take them.

During the last Congress, due to the efforts of the Government Operations Committee, the Comptroller General revised his bid protest procedures to assure fair and full participation by the interested parties in the consideration of bid protests. He also made a number of improvements in the defense contract auditing field and in the operation of his office in general. It is due largely to a cooperative effort on the part of the committee, the Comptroller General, the Director of the Bureau of the Budget, and the President that considerable progress is being made in improving agency accounting systems.

We assure all concerned that the committee will continue to carry out its duties in a vigorous and responsible manner.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

(Mr. MAHON asked and was given permission to revise and extend his remarks.)

ACCRUAL ACCOUNTING AND ACCRUED EXPENDITURES

Mr. MAHON. Mr. Chairman, I call special attention to the statements in the committee report in regard to the matter of accrual accounting, and also the so-called accrued expenditures. Under leave granted, I am including committee report excerpts on these questions:

ACCRUAL ACCOUNTING AND ACCRUED EXPENDITURES

There was considerable discussion in the hearings this year on the status of design, approval, and installation of accrual accounting systems in all agencies of Government and the major effort now underway to get the systems ready to attempt to provide accounting support for putting the fiscal 1972 expenditure budget on the so-called accrual basis rather than the checks-issued basis now used. The GAO, which under the law must establish the guiding principles and standards and approve the accounting systems developed under them, is currently devoting more than 200 man-years of effort to assisting executive departments and agencies in developing acceptable accounting systems and to the review and approval of them. This approaches 10 percent of the professional staff. It is another area where there is some basis for saying that some of the manpower could more usefully be shifted elsewhere. This is on top of countless others in the agencies.

Accrual accounting—but not accrued expenditure budgeting—was ordained in a law passed by Congress in 1956. The law also contemplated the development and use of so-called cost-based budgets for budget presentation as well as for agency operating and administrative purposes. The proposition of stating expenditures in the 1972 budget on the so-called accrual basis springs from a recommendation in the 1967 report of the President's Commission on Budget Concepts.

While accrual accounting has been legislatively ordained for some 13 years, there has been considerable foot-dragging, apparently because there has been something less than enthusiastic reception or acceptance of all the claims made on its behalf. A major effort is now underway in respect to a new accounting system in the Defense Department. In the civil departments and agencies, of 136 systems subject to GAO approval, the committee was told that 64, a little less than half, have received GAO approval.

The Committee on Appropriations has never been enamored with the idea that accrual accounting and so-called cost-based budgeting are necessary or even desirable in many agencies of government.

There is no inherent virtue in uniformity. For many agencies and activities, accrual accounting and "cost" budgeting as compared to the older, conventional bookkeeping systems in akin to a distinction without the benefit of the substance of difference. There are many operations where the variation between costs incurred (cost-budgeting, i.e., resources "used") and obligations is not greatly different and of no appreciable significance to management in day-to-day decision-making or in the budgeting process. The same thing is even more so with respect to accrued expenditures (i.e., resources "acquired") vs. the conventional checks-issued basis of controlling, recording, and reporting expenditures. And accrual requirements are superimposed on top of the always essential commitment and obligation controls and on top of cash disbursement controls. The Committee agrees that in some agencies or programs with heavy inventory and contracting considerations accrued costs (cost-budgeting, i.e., resources "used") can be of significant use to management and review people in day-to-day operations and in the formulation of budgetary requests. Cost-control and cost-consciousness is of course vital in all areas, but securing these ends hangs far more on conscientious and intelligent management and administration and proper organization to go with it than it does on cost-budgeting.

There are good grounds, in the Committee's view, for doubting that accrued expenditures, i.e., resources "acquired," reported through a formal accounting process that rests on a complex procedure for determining and gathering the underlying data, will be of significant value to administration even in some areas where cost budgeting makes sense. Certainly it is questionable whether many of the countless managers of bits and pieces of the Federal budget will ever find it especially helpful on a day-to-day basis, or even periodically, to cultivate an intimate working relationship to "accrued" expenditure data. It seems more than likely that most of them will continue to think and act in terms of commitments and obligations, and, in the meaningful areas, in terms of performance or costs incurred. There are, of course, a number of major procurement and contract areas where "constructive delivery" (i.e., "liability incurred"—"accrued expenditure") data is of significance to managers and review levels, but a current flow of information of that sort does not need to come through a formal accounting system universally applied across the government.

The current crash drive for accrued expenditure reporting comes primarily from the recommendation to change expenditures in the 1972 budget from a checks-issued basis to an accrual basis. A not inconsiderable part of the thrust for that stems from a desire to sophisticate budget and fiscal data for purposes of economic analysis. It is said that accrued expenditures will make the budget more useful for understanding the economic impact of the budget. That may be so to a limited segment of users of budget aggregates, but it is commitments, and contracts, and obligations that set the wheels in motion. Contractual obligations of the government—in whatever form, with whomever entered into—are the leading edge, the first binding administrative step on which subsequent actions take place. And they are far from useless for economic analysis purposes. Congress authorizes and appropriates on the obligational authority basis. The President states his budget requests on this basis. The grant of authority to obligate, and the act of committing and obligating that authority once it is granted, are from most angles the most significant decision points in the whole fiscal process.

When the 1956 accrual accounting bill was under consideration Congress went out of its way to avoid requiring the use of the accrued expenditure concept in the budget. The floor manager of the bill in the House said:

"It would also require the accounts of the departments and agencies to be maintained on an accrual basis so that if the Congress at some time in the future should decide on an accrued expenditure budget the necessary accounting foundations will have been laid."

Further, he said the bill had been amended:

"* * * to strike out that portion providing that the budget be submitted on an annual accrued expenditure basis."

The Committee, in July 1956, expressed general approval of the cost-budgeting idea *as to significant areas of operation*. The Committee was, however, in opposition to the accrued expenditure idea. It saw defects then. It sees defects now.

The Committee commented at the time.

"The Committee is fearful that forcing the entire Federal fiscal structure to the accrued expenditure concept of appropriating is a professional accountant's dream that may well become the taxpayer's nightmare."

Anyone reading the hearings on the accompanying bill will have a hard time discerning the superiority of recording and reporting expenditures on the accrued basis as against the checks-issued basis used from way back—and which, incidentally, will still have to be kept in use. Judging from the instructional and illustrative material that has been issued to the agencies on the accrued expenditure question—appearing on pages 666–682 of the hearings—it is difficult to conclude that the accrued expenditure data will be as reliable and as accurate as the conventional checks-issued basis now used. Accuracy and reliability are high considerations. And there will certainly be far more time and effort expended across the government in gathering the information on accruals to put on the books.

In respect to the law which mandates installation of accrual accounting across the Executive branch generally, there are, in the committee's view, grounds for saying that the law ought to be amended to make it discretionary rather than mandatory, with the idea of requiring accrual accounting and cost-budgeting in the areas meaningful to management and review levels and of omitting it where it makes no significant contribution but does add to the accounting and reporting load. Incidentally, it may be noted that Congress has not seen fit to extend the requirement to the Legislative and Judicial branches, where the great preponderance of expenditures is for personnel and other current running expenses and where the accrual and cash concepts thus closely conform.

Accrued expenditures are not as easily understandable. Nearly anyone can understand what is meant by cash or checks-issued. The budget is submitted to Congress. It is Congress that must analyze it. It is Congress that must consider it. It is Congress that must act on it. Congressional understanding is therefore of high consideration.

It would seem wholly impractical if not impossible to audit and verify the accuracy of expenditures recorded and reported on the accrued basis, which would flow from hundreds or even thousands of points. Verifying checks-issued expenditure data would be far easier.

These considerations take on added importance with the growing attention and use in the Congress of budget expenditure data. For the last two years, overall ceilings on budget expenditures have been enacted into law, and may well receive continuing attention.

Executive reporting systems could be devised as determined necessary to compile summary data on significant spending areas, supported by some analytical detail, on the accrual aspects of overall budget expenditures for purposes of economical analysis. This could be published in the book of Special Analyses that now accompanies the annual budget or in the Economic Report or in both. But that would not involve any departure in the Budget and Treasury statements from the traditional, easy-to-understand, more reliable, more precise cash (checks-issued) basis for stating budget expenditures that has been followed for so long, and which, in the opinion of the Committee on the basis of the record thus far, ought to be continued.

Accordingly, the Committee is taking steps to conduct an in-depth investigation and study into the whole question of the usefulness of accrual accounting as a government-wide requirement and of the relative accuracy and usefulness, and cost, of switching expenditure recording and reporting systems to the accrual basis. In the meantime, the Committee thinks the crash drive toward government-wide application ought to be suspended.

There may even be some refinements that can be introduced to the checks-issued expenditure concept now used in budget summaries. One of the most confusing innovations introduced in budget expenditure summaries in the budget is the offsetting of certain so-called "market-oriented" or "proprietary" type of budget receipts against cash expenditures rather than counting them as budget receipts. They currently amount to between $4 and $5 billion. They are budget income in every conventional sense of the word, but because they arise from nonsovereign types of governmental activity they are treated as minus expenditures with the object of stripping the net budget expenditure total down to governmental or "sovereign" purposes. This is an embellishment of noticeable consequence to congressional consideration of the budget but of periodic confusion in trying to summarize and relate congressional actions on the outgo side of the budget to the budget estimates. The same offset entry—with the same confusion—is made in the budget summaries of new budget spending authority.

THE GENERAL ACCOUNTING OFFICE

Mr. Chairman, the accrual accounting question importantly involves the General Accounting Office as well as the executive branch. The committee had some other comments to make about how best the Congress might most appropriately exploit the important resources of the GAO for congressional purposes. I think these comments should be in this RECORD, especially because of the use made of the GAO by various committees.

Under leave granted, I include additional excerpts from the committee report:

The General Accounting Office is an important arm of the Congress in checking on the efficiency and economy of government operations and administrative practices and the propriety of government expenditures, and in assistance to Congress and its committees otherwise. In more recent years, the Comptroller General has been giving increasing attention to *evaluating the effectiveness* of governmental activities, as well as the economy and efficiency with which they are managed. Perhaps the most noteworthy case—mandated by specific statutory enactment—is the OEO (anti-poverty) study involving not only efficiency of administration of the program but also *evaluation of the effectiveness* of the entire program and *recommendations for additional legislation*.

As the Federal domain of interest manifested by the proliferation of many new and expanded programs with enlarged expenditures has increased, the area of continuing audit responsibility has likewise enlarged. Both defense and non-defense areas are heavily involved. The professional accounting and auditing staff of GAO increased some

32 percent between 1960 and 1968, and under current plans will have increased, by June of next year, by some 47 percent in 10 years. (Other GAO personnel will have come down by more than that.) But even with this increase, the Comptroller General does not think GAO has sufficient staff and says that to meet the most pressing obligations GAO continues to defer or delay work needing attention.

The Committee thinks the Comptroller General's policy of setting high standards of qualification for recruitment of new professional personnel is sensible. This means a more limited recruitment market but should pay dividends in the long run; quality is more important than quantity.

In total, some 1,100, plus, man-years of GAO professional staff—about 40 percent of the total—are currently assigned to Defense activities. This reflects a recent reallocation of an additional 190 man-years to the defense procurement area, including reporting on the status of major weapons systems—90 shifted from other defense areas and an increase of 100 by reassignment of that many that were previously programmed for non-defense work. This necessarily short-changes planned non-defense work and non-procurement defense areas.

OPTIMUM USE OF LIMITED GAO PERSONNEL

The question of optimum use of limited personnel resources of the GAO involves the compelling matter of priorities, of doing the most important and pressing things and letting the less important slide; more sharply drawing a line between what is absolutely essential and what is not.

By law, the General Accounting Office is required to investigate and report on such matters as may be ordered by either House of Congress or by any committee having jurisdiction over revenue, appropriations, or expenditures. The law also requires the Comptroller General, on request of any such committee, to direct assistants from his office to furnish the committee such aid and information as it may request.

Assistance in response to specific congressional requests of all kinds has increased sharply in recent years. The estimate is that nearly 500 professional staff, or about 18 percent of the total, will be engaged upon specific congressional requests in the current fiscal year.

In this context, the question arises as to the appropriate boundaries within which the important resources of the GAO should be utilized. There seems to be a growing tendency to engage and involve the GAO in ways at least more or less marginal to its traditional functions. The OEO study of last year heavily involved the GAO in the policy area of evaluating the *effectiveness* of the whole program, and called upon GAO to *make recommendations for additional legislation* in the anti-poverty area. Not only did the GAO not have the in-house capability for this kind of policy examination, forcing it to engage by contract outside firms to assist it at a cost of nearly three-quarters of a million dollars, but it necessarily brought the GAO into the business of making recommendations in controversial legislative policy areas. The OEO study is but an example.

It is a good question as to how far Congress and its committees ought to drag the GAO into pre-authorization and pre-appropriation policy questions and areas. Calling on GAO to make detailed recommendations on pending policy legislation might well in time get them tangled—and mangled—politically, and thus in the long run risk impairing their effectiveness as an impartial, unbiased, independent arm of the Congress in examining and reporting on the adequacy, efficiency and economy of management of the countless programs of government and the propriety of government expenditures. Even conceding that it is not always easy or even possible to draw a fine line of delineation in these respects, nonetheless as a general proposition, it would seem that these latter are the more appropriate and profitable ways to exploit GAO resources for congressional purposes.

On this point, and with pressing audit needs that are going unattended or insufficiently attended, there are grounds for viewing GAO's increased attention to the progress of implementation by the Executive branch of the so-called PPB system (Planning-Programing-Budgeting-System) as of less than high priority concern to GAO—certainly at this stage. This system was devised by the Executive branch as a means of trying to improve the executive planning and decision-making process in matters of legislative and budget recommendations to Congress to meet national objectives as the Executive sees them. The committee generally has been favorably disposed to the fundamental thrust of the objective of PPB; namely, to improve the planning and choice-making machinery of the Executive branch. This is fundamentally an Executive concern and full flowering of the system, from what the committee knows, is a good distance away. There is certainly room for debate as to the wisdom of GAO *initiating* PPB-type systems analyses on its own, which it apparently has in mind doing.

Mr. THOMPSON of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. Thompson of New Jersey was allowed to proceed for 2 additional minutes.)

Mr. THOMPSON of New Jersey. Mr. Chairman, the work done by the subcommittee, the very eloquent and persuasive statement made by the gentleman from Illinois, the gentleman from North Dakota, and others seem to me to neglect one essential issue.

Before proceeding to that I should like to point out that it is not really necessary to set up any strawman and to say that this is the idea of one particular individual and therefore if one wants to prove that he is not in favor of one individual having his way he must therefore support this to show he is not in opposition to one particular individual.

This matter has a long history. The Special Subcommittee on Labor, of which I am chairman, on July 26 and 27 and August 4 of 1966, in the 89th Congress, had extensive hearings on this subject. In those days the form was to establish a commission to study the whole subject as an amendment to the arts and humanities legislation.

I have read with great care, thanks to the courtesy of my friend, the gentleman from Illinois (Mr. Yates), who sent me a copy well in advance, the subcommittee hearings. I exchanged the 1966 hearings with him.

I believe the gentleman from Illinois will concede that the testimony of Mr. Campioli and others in the intervening years since July of 1966 has not changed a word. The fact of the matter is that the genesis of this change goes back to the 84th Congress, when some $5 million was authorized by the Commission to the Architect of the Capitol to come up with a scheme. He did so years ago. There is nothing new here.

The gentleman from Illinois, in response to the gentleman from Washington (Mr. Adams), said it is quite so that there were three schemes. As a matter of fact, those recommendations, as reflected in the Record for July of 1966, set forth all of the subcommittee space, the lavatories, the escalator, and the whole bit. The estimates ran $33 million, $36 million, and $31 million.

But one essential question has not been answered here. Conceding that the west front of the Capitol is in deplorable condition, it has been for many, many years, and the fact is that no conscientious effort has been made before this date to do anything about it but shore it up.

Mr. ADAMS. Would the gentleman yield for a question?

Mr. THOMPSON of New Jersey. Yes.

Mr. ADAMS. Is this plan presented today the same plan that was presented back when you were studying it?

Mr. THOMPSON of New Jersey. Exactly. Not a word changed.

Mr. ADAMS. Thank you.

Mr. THOMPSON of New Jersey. And, incidentally, there was never a definitive study made as to the cost of refurbishing or saving the west front as it is. No one knows the cost. That has always been conceded. I might ask the gentleman from Illinois (Mr. Yates) or any member of the committee if there is a definitive, positive, and absolute fixed cost—even cost-plus—which could be attributed to an 88-foot extension. Can the gentleman from Illinois answer that?

Mr. YATES. If the gentleman will yield, well, I know any number of engineers who can give you an answer to that.

Mr. THOMPSON of New Jersey. But the gentleman is proposing an 88-foot extension without being an engineer.

Mr. YATES. The gentleman did not permit me to finish my answer.

Mr. THOMPSON of New Jersey. I am yielding.

Mr. YATES. I am not enough of an architect to know whether or not the estimates of the Architect are accurate. He says the cost of the entire structure is $45 million. In the hearings you can find a breakdown of what the components of it are.

Mr. THOMPSON of New Jersey. I have read every word of that.

Mr. YATES. I know you did.

Mr. THOMPSON of New Jersey. Yet we hear the distinguished Speaker and others say that there is a momentary danger of the collapse of the west wall of the Capitol. Those of us who oppose the extension concede this, but is there any guarantee—and I do not think there is, and I have read the five-volume Thompson Co. report and all of the other literature on it—is there any assurance that during the time when the 88-foot extension is being built, that while they are out there putting up the marble 88 feet away from the west wall, it will not fall down on them ?

Mr. YATES. Yes. That was the assurance given to us by the Architect of the Capitol.

Mr. THOMPSON of New Jersey. I am glad the gentleman answered that. If he can give the assurance that men at work are safe, working 88 feet to the west of the building, building a new wing, then I think the minority leader ought to be reassured that his office will not fall down

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onto the Olmsted terrace during the process of refurbishing the west wing.

Mr. YATES. I do not think there is any question but that the west wing will be made safe enough to stand in its present condition, that is, I do not believe the wall will collapse. I do not know what the structural defects are entirely, but presumably enough work can be done to keep it in condition so that the minority leader will not fall down into the Olmsted terrace.

Mr. THOMPSON of New Jersey. The minority leader has been a very close friend of mine.

Mr. YATES. And mine, too.

Mr. THOMPSON of New Jersey. Of course, neither of us want that. But I might say this—and I do not mean this colloquy to be facetious, but it demonstrates something. It demonstrates the complete uncertainty of those who advocate the 88-foot extension as distinguished from the uncertainty of those of us who say, for heaven's sake, whatever the cost, restore it without adding to it. Save it as it is without adding to it.

Mr. YATES. That is right.

Mr. THOMPSON of New Jersey. With not a word added to it.

Mr. YATES. Well, there are a few words added to it. You did not have the words of Mr. Severud.

Mr. THOMPSON of New Jersey. Of whom?

Mr. YATES. Mr. Severud, the expert that I contacted.

Mr. THOMPSON of New Jersey. But I have had other expert testimony. And, incidentally, I am consistent, unlike the AIA or the local newspapers.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(Mr. THOMPSON of New Jersey asked and was given permission to proceed for 2 additional minutes.)

Mr. THOMPSON of New Jersey. I opposed the extension of the east front and I now oppose the extension of the west front. I suppose that leaves me in a lonely minority. I also opposed the construction of the Rayburn Building in which my office is now, for the sole reason that this is the only place I can find on Capitol Hill where I do not have to look at the outside of it.

Mr. YATES. I am inclined to agree with the gentleman in my dislike of the architecture of the Rayburn Building, but may I return to the cost of the wall? I fear the gentleman may not accept it because it comes from the office of the Architect of the Capitol, but I would like to read the memorandum of one of the Architect's engineers who took a group consisting of the following through the Capitol. It reads:

> Excerpt from memorandum to me from Owen H. Ramsburg in regard to an architectural tour of the United States Capitol by members of the Washington Gallery of Modern Art, Mr. Francis D. Lethbridge of The American Institute of Architecture, Mr. Philip A. Hutchinson, an employee of the AIA, and Representative James H. Scheuer: ". . . Mr. Lethbridge said that restoration of a building of this age and this type of construction is by no means an easy matter and that such an undertaking cannot be gone into without much careful study. Costs and the time required for the work is very unpredictable. The cost could exceed the cost of the proposed extension."

That is perfectly clear to me.

Mr. THOMPSON of New Jersey. My argument, I say this respectfully, is one of the few times that I recall wherein the gentleman from Illinois and I disagree. I am not worried about the difference in cost as the gentleman expressed it. I am worried about the architectural appearance of this building. I am not persuaded that by adding an 88-foot extension to it would either save us money, add to the beauty of the building, or otherwise.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

(By unanimous consent (at the request of Mr. YATES) Mr. THOMPSON of New Jersey was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, if the gentleman will yield further, I asked the delegation of the AIA whether they had any objection to the design of the proposed extension, which is what the gentleman was talking about in his last comment. The representatives of the AIA said they had no objection to the esthetics or design.

Mr. THOMPSON of New Jersey. The gentleman from New Jersey is not persuaded one way or the other by the opinion of the representatives of the AIA.

Mr. YATES. I thought you were.

Mr. THOMPSON of New Jersey. The gentleman from New Jersey is simply saying that the amendment proposed, or to be proposed by the gentleman from New York, deserves consideration and deserves to be adopted and that the gentleman from New Jersey is opposed, in order to save the west wall, to spending millions of dollars to extend it 88 feet, notwithstanding the fact that it might cost just about as much to save the west wall in its present condition.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, I will tell the gentleman that I was persuaded with the advice of the expert selected by members of the AIA as the outstanding expert in structural engineering. His advice was that the wall should not be tampered with.

Mr. PELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly support the Speaker when he says we should take some action. However, I favor the restoration as against the extension if that can be done.

Mr. Chairman, concerning the effort to rebuild the crumbling west front of the U.S. Capitol, it seems to me we are faced with, on one hand, a public outrage, or, on the other hand, a national disgrace.

First, in the face of crippling inflation, it would be reasonable to expect a public outrage if the west front were allowed to be extended with the proposed addition of 4½ acres of floor space including two restaurants, two cafeterias, two private dining rooms, conference, committee and document rooms, offices, a barber shop, and a visitors' center at a cost of $45 million or more.

Mr. Chairman, no one in the House needs to be reminded of the President's 75-percent cutback on all Government construction to fight inflation, and it is outrageous that such an extravagant proposal should be considered at this time.

Extension of the west front of the Capitol during this inflationary period is like embracing the thought that cutbacks in construction are good for the rest of the country, but not here in Washington, D.C.

But, to the matter of the need for strengthening the west front. Certainly, it would be a national disgrace should the Capitol collapse, and all indications are that the condition of the Capitol is that grave. The feasibility study made by the American Institute of Architects has recommended restoration of the west front, as opposed to extension, and to me this seems the most logical step to take.

The badly deteriorated condition of the west front is well documented, and we definitely cannot afford to allow it to collapse.

But, in these times of serious fiscal stress, we must consider the cost of such a huge undertaking as extension of the Capitol. I believe we should proceed with restoration of the west front, strengthening and preserving the original architecture as suggested by the American Institute of Architects.

Accordingly, I oppose the expenditure of $2 million for a working plan on extending the west front of the Capitol as this legislation would allow.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to make a few remarks before I approach the main interest for my rising.

I want to say that during my career in the House of Representatives I have never heard a better presentation and more justification for the position that the committee has taken on this west front project of the Capitol. I am just a country boy who is not troubled with the esthetics to the extent that he thinks the Rayburn Building is an ugly work of architecture. In my opinion it is many times more attractive than the many hundreds of glass and aluminum buildings that have been constructed in downtown Washington.

Mr. Chairman, having served in offices in all three of the buildings here at the Capitol, I am very pleased with my office in the Rayburn Building. It is the first time I have ever had an office that was correctly designed to take care of the public that comes in to see me, with a reception room and a generous workroom, an office with the files built into the wall, and with adequate space and the proper type of toilet facilities for both the personnel employed in my office and myself.

I am well pleased with the Rayburn Building. I guess I was not trained at the Juilliard School of Dancing or Architecture.

So I cannot appreciate the criticism of the Rayburn Building, and I like to look at it from the outside better than from working by my windows and looking at it from the inside.

Mr. Chairman, I did not rise for that purpose, but I certainly want the committee to know that I appreciate the presentation they made. The gentleman from North Dakota (Mr. ANDREWS) made an excellent presentation, as did the Members from our side of the aisle. I want to speak about something that is in the report.

I believe the gentleman from Connecticut (Mr. MONAGAN), my colleague on the Committee on Government Operations, spoke on the same subject matter which is contained in the report.

Mr. Chairman, I was interested to read in the committee report submitted in explanation of H.R. 13763, the legislative branch appropriation bill for 1970, the view entertained by the Committee on Appropriations on accrual accounting and the role of the General Accounting Office—pages 30 to 35. The committee notes the increasing demands on the GAO by the Congress and questions the advisability of involving the GAO in controversial policy areas.

I am sympathetic to the committee's concern and believe that circumspection should be used in requests that are made of the GAO. In a very real sense that agency is faced with a dilemma. On the one hand it wants to be responsive to congressional requests, on the other hand if it undertakes investigations in controversial policy areas which are to be accompanied by recommendations, then the GAO is bound to be hurt by the political crossfire and to suffer in the end.

The committee also registers skepticism if not dislike of accrual accounting. At page 35 there is this statement:

> Accordingly, the Committee is taking steps to conduct an in-depth investigation and study into the whole question of the usefulness of accrual accounting as a government-wide requirement and of the relative accuracy and usefulness, and cost, of switching expenditure recording and reporting systems to the accrual basis. In the meantime, the Committee thinks the crash drive toward government-wide application ought to be suspended.

With all due respect to the great Committee on Appropriations I would like to remind the gentlemen in charge of the bill that the committee is stepping out of its jurisdictional bounds. By rule XI, paragraph 8, of the House of Representatives, which sets forth the jurisdiction of the Committee on Government Operations—see section 691 of the House Rules—"budget and accounting measures, other than appropriations" come within our purview.

I recognize that the Committee on Appropriations has a proper interest in Government accounting and the methods by which budgets are developed and budget categories are presented to the Appropriations Committees. At the same time this matter of accrual accounting has a long history of development and seems to be the accepted basis for improvement in the Government accounting programs.

Legislation on accrual accounting came through our committee. One of our subcommittees headed by the gentleman from Minnesota (Mr. BLATNIK) monitors GAO activities in promoting improved accounting systems and methods in the executive branch. Other subcommittees are interested in the subject.

I do not believe it is effective and wise for the committees of Congress to be so completely at odds on this matter. Discordant voices on the Hill are to be expected when there are sharp disagreements on policy, but this matter goes to executive management and accounting systems. The committee's statements in the report can only cause confusion, uncertainty and lagging efforts among the departments and agencies toward better accounting systems. I would hope that the Committee on Appropriations would not run interference against our committee which clearly has jurisdiction in the field and is engaged in continuous study of the subject matter. Furthermore, as I understand it, the Blatnik subcommittee will review more intensively the issues mentioned in the report.

The CHAIRMAN. The time of the gentleman from California (Mr. HOLIFIELD) has expired.

Mr. HOLIFIELD. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ANDREWS of Alabama. Mr. Chairman, I shall not object, but I do want to serve notice that hereafter we propose to object to any requests for additional extensions of time.

Mr. HOLIFIELD. The gentleman is within his right.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Chairman, I just wish to have 1 or 2 additional minutes to say that the GAO is under mandate from the Congress to not only set up its own accounting system, but to set up uniform accounting systems throughout the agencies of Government, and the departments of Government.

Now, this is the present system of accounting, and it is a well-recognized system of accounting. It is not anything new. It has been approved by the American Association of Accountants for many, many years.

No complaints have been entered before our committee that I know of that the General Accounting Office is not doing a good job. They are certainly under the mandate of the Congress to do what they are doing and to extend uniform methods of accounting into all the other agencies of Government in the interest of uniformity and understanding by the Members of Congress and by the General Accounting Office of the type of accounting systems they use.

So I would hope that the Committee on Appropriations would go slow on this matter. I do not know where this interest arose on their part, but if they feel there is need for hearings, I can assure them we will have hearings in the Government Operations subcommittee that is charged with this responsibility and we will listen to the presentations of those who favor both accrual accounting and the regular accounting procedures that they now use.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMPILATION OF PRECEDENTS OF HOUSE OF REPRESENTATIVES

For compiling the precedents of the House of Representatives, as heretofore authorized, $13,210.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FINDLEY: On page 3, line 4, delete "$13,210" and insert in lieu thereof "$50,000".

COMPILATION OF HOUSE PRECEDENTS

Mr. FINDLEY. Mr. Chairman, I suspect most of the Members of this body like myself have on their bookcase in their office Hinds' Precedents and Cannons' Precedents.

The Hinds' Precedents were printed in 1907 and the Cannons' Precedents were printed 29 years later in 1936.

Well, it has now been 33 years since the Cannons' Precedents were printed. I know we all recognize the vital importance of rules of procedure and precedents and doubtless share my conviction that these precedents are actually the very foundation of individual liberty in this country.

The protection and advancement of the rights of the individual in the House of Representatives formed the very best safeguard of the rights of the individual elsewhere in the country in his daily life.

Of course, a knowledge of precedents, as well as rules, is a very key element in the advancement of the rights of the individual Member. If you, like myself, have had the experience of trying to press points of order or to protect the character of an amendment to a bill, you know that you are handicapped because of the absence of a readily available up-to-date set of books in which are indexed the precedents and the rulings of the Chair.

I have made inquiries during the 9 years I have been a Member of this body as to when we could expect to get a new up-to-date printing of the precedents. I would like to see the Deschler Precedents of the House printed—and soon.

The answer usually is, "We are working on it."

The House is in session almost continuously the year round and there is not adequate time for the parliamentarian and his regular staff to bring the precedents up to date and to get the material ready for the printer.

I am sure the problem is not the availability of printers because we have a tremendous GPO staff that probably could set the type overnight, if need be. The problem is getting the material ready for printing. Surely we all recognize it would be a big aid to us as individuals if we could have this up-to-date set of books with the precedents of the House. My amendment would change the amount of money available for compiling precedents to $50,000. Maybe money is not the problem. I know that this is a task that requires skill. But surely we can employ some extra people with competence. A couple of young lawyers could be secured for a year for the extra money provided by this amendment, and I would hope that with the addition in

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dollars, the precedents could be brought up to date, the volumes printed, and each of us better fitted for his responsibilities as a Member of the House.

I would like to ask a question of the committee. Can anyone inform me if there is an authorization for a new printing of the Precedents of the House?

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the distinguished chairman of the committee.

Mr. ANDREWS of Alabama. I am not certain, but I understand that there is such an authorization—I am so advised.

Mr. FINDLEY. Mr. Chairman, I feel that some money made available for the purpose of compiling the Precedents of the House of Representatives, as provided on page 3 of this appropriation bill, would at least make the resources available if money is the problem; so I would urge support of the amendment.

Mr. ANDREWS of Alabama. Mr. Chairman, I rise in opposition to the amendment. There is no budget request for this amount. This is the first we have heard of it. We will be glad to talk with the gentleman, if the gentleman wants to come before our committee next year.

I ask that the amendment be defeated. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken; and on a division (demanded by Mr. FINDLEY) there were—ayes 17, noes 59.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, $16,845.

ATTENDING PHYSICIAN OF THE CAPITOL

Mr. ANDREWS of Alabama. Mr. Chairman, I move to strike out the requisite number of words.

I had intended during general debate to mention the matter of the attending physician. I do want to tell the Members of the House that the committee made an adjustment in the allowance for our physician. As our report shows, this will bring his total of pay and allowances to about $40,000. He is doing a grand job. He has the welfare of all the Members at heart. I think it is money well spent.

We are fortunate to have a man of his professional ability here on duty to serve the House and the Senate.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I agree with the gentleman. I think there has been a tremendous improvement in the House physician's office and I am very happy to see this recommendation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the sum of $159,000 for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812); exchange, operation, maintenance, and repair of the Clerk's motor vehicles, the publications and distribution service motortruck, and the post office motor vehicles for carrying the mails; not to exceed $5,000 for the purposes authorized by section 1 of House Resolution 348, approved June 29, 1961; the sum of $600 for hire of automobile for the Sergeant at Arms; materials for folding; and for stationery for the use of committees, departments, and officers of the House; $4,960,000.

AMENDMENT OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GIBBONS: On page 6, line 12, strike out "$4,960,000" and insert "$5,285,000" and strike out lines 13 through 16.

Mr. GIBBONS. Mr. Chairman, I have discussed this amendment with both the chairman of the subcommittee and the ranking minority member of the subcommittee. While I do not expect them to agree with it, I want to thank them now for their very courteous treatment of me when I appeared before the subcommittee a few weeks ago in behalf of this amendment.

Mr. Chairman, this is an amendment I offer in a bipartisan way. I think most Members received a letter in their offices from a group of us from both sides of the aisle, requesting that Members give attention to the intern program that is prohibited by the language of this bill, and the appropriation needed for it.

My amendment is not a real budget buster. It will not make a big spender out of anybody. In fact, compared to the $104 million in this bill for the House of Representatives only, this is less than three-tenths of 1 percent of the whole $104 million. That three-tenths of 1 percent is the maximum my amendment can cost. My amendment adds merely a maximum of $325,000 to the figure there on page 6.

Actually, if experience means anything, only about two-thirds of that money will ever be spent, and it will be spent in the following manner: Each Member could employ for 10 weeks a college student and pay that student not more than $75 a week. Past experience shows the most money that has ever been spent on this is $230,000.

So we are talking about only a very small portion of this budget, but we are talking about a very big idea. Let us dwell on the idea for a while. The average age of this body is in the forties or late forties, and never in the history of this country have we had so many young people and they comprise now such a large portion of our population. I think anybody knows we have probably the best educated, perhaps physically the strongest, and the most wide-awake group of youngsters that has ever lived in our country. I do not doubt for a moment the patriotism and the love of their country most of these young people have, and yet we see the actions of a disaffected few, and we tend to judge all the others by that.

We have an opportunity here to bring to Washington some of these young people under a dignified program conducted by Members of the Congress to help bridge the generation gap and the communications gap. Of course, I know the Appropriations Committee will say this can be done for free.

But I say, to all of us that puts a premium on the wealth of a man or a woman's family, rather than doing it on a democratic basis, and I am talking about a little "d" basis. I believe we should be able to pick young, energetic college students, bring them here and pay them a decent wage, so that they can, really, just pay for their room and board—for that is all it pays for—for them to work in the Capitol during the summer, to learn about the legislative process by actually participating in it and observing it, and to learn more about their country.

This is a very small amount of money for a very large project.

This is a very small amount of money to do something that so badly needs to be done in this country, and that is to heal this wound between the younger generation and our generation.

Perhaps this will not do it all. I would not stand here to try to say this would do it all. But this will help to heal that wound. I cannot think of a better investment we could make in doing a job which needs to be done than to appropriate this little amount of money and strike this restrictive language from the present appropriation bill.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I should like to commend the gentleman for his statement, and rise in support of his amendment.

During this past summer my office, and the office of the gentleman from Wisconsin (Mr. REUSS), were literally inundated with House interns. The reason for this influx was that our two administrative assistants were cochairman of the bipartisan intern program, which incidentally was cosponsored by the majority and minority leaders. Miss Lorraine Artuso served as staff assistant to the intern program, and was headquartered in my office. Mr. Kendall, Mr. Robinson, and Miss Artuso spent many hours counseling interns on housing, orientation, and the many problems encountered by the new interns arriving during the summer. Almost 150 interns found housing through a cooperative effort set up by the committee. Each intern was issued a personal identification card signed by the leadership, and all were kept informed by weekly notices of intern events on Capitol Hill.

The almost 900 interns in House offices represented over 300 colleges and universities, large and small, from all over the United States. The Bi-Partisan Committee held a series of weekly lectures which was extremely well received by the students. As a matter of fact one of my colleagues remarked that his interns got to talk to people in the new administration he had been trying to see since January. In addition, a subcommittee planned a series of seminar programs on various topics of interest to college people.

The lecture program opened with an orientation session on Friday, June 20, on the House floor. The Speaker, the minority leader and the majority whip were the speakers. A second orientation session for late-arriving interns was held on June 27 at which time Representatives TAFT and BRADEMAS spoke.

At the opening session of the lecture series, Congressmen LOWENSTEIN and BROCK shared the platform for a session on "The College Campus, Students, and Politics."

The following speakers and the dates of their appearances are:

Wednesday, July 9: Peace Corps Director Joseph Blatchford.

Monday, July 14: Robert Novak, columnist.

Tuesday, July 15: John Gardner, former Secretary of Health, Education, and Welfare.

Thursday, July 24: Senator HUGH SCOTT, minority whip of the Senate.

Wednesday, July 30: Daniel P. Moynihan, Special Assistant to the President for Urban Affairs.

Thursday, July 31: Ambassador Averell Harriman.

Wednesday, August 6: Senator CHARLES GOODELL.

Tuesday, August 12: Senator GEORGE MCGOVERN.

Wednesday, August 20: Robert Finch, Secretary of Health, Education, and Welfare.

On July 30, Ambassador and Mrs. Chow invited congressional interns to a reception at the Embassy of the Republic of China. Refreshments and entertainment were provided at the lawn party attended by over 1,000 interns and guests. Incidentally, this is the third year the Ambassador has been host to our summer interns, and we are most grateful to him for his hospitality.

On August 13, under the sponsorship of the Intern Committee, 300 interns participated in a boat ride on the Potomac.

Others who were members of the bipartisan intern committee included: Mark Talisman, VANIK, Ohio; Michael Reed, ALBERT, Oklahoma; Jack Schuster, BRADEMAS, Indiana; Jeffrey Newman, COHELAN, California; Hector Alcalde, GIBBONS, Florida; John Calkins, ROBISON, New York; David Pruitt, EDWARDS, Alabama; Gregg Saputelli, CAHILL, New Jersey; Frank O'Gorman, MCDADE, Pennsylvania; Laird Kirkpatrick, ESCH, Michigan.

Mr. Chairman, I hope that the bipartisan intern program can be continued and developed as an official House program for our college interns. To give these young students the opportunity to see and hear leaders in their Government is an invaluable experience for them and one which they will carry back to their campuses. I trust that the Members will support the amendment which will fund once again the program which was so successful in past years.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. GIBBONS was allowed to proceed for 1 additional minute.)

Mr. GIBBONS. Mr. Chairman, I ought to point out before I close, we appropriate money in other appropriation bills, not before us now, for 9,000 interns in another branch of this Government, to work. I believe we can bring 435—we will never bring that many here—to work in our branch of Government, to find out what we do and how we do it, and to contribute with their own efforts and help push forward the idea of a representative Government, of a representative democracy.

This is no "budget buster," this is a little bit of an amount, less than three-tenths of 1 percent of the total amount of money to be appropriated here, only for the House of Representatives. But the issue is large and the need is great. I urge the adoption of the amendment.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the gentleman from Florida's amendment to refund the intern program.

I recall voting for a resolution in the House Democratic caucus in April of this year favoring reinstatement of appropriations for fiscal year 1970 for the funding of House Resolution 416 of the 89th Congress, the intern program. I recall that the resolution was overwhelmingly passed by a 2-to-1 margin. This certainly indicates that many Members recognize the value of the program.

Three hundred and ninety-seven Members demonstrated their interest in hiring interns during 1967, obviously, it was thought to be worth funding them.

Due largely to the efforts of the bipartisan intern committee, the program is becoming an increasingly valuable and stimulating experience for the students selected to work in our offices.

An improvement would be to provide funding of the program in order to allow more students to take advantage of this excellent opportunity.

I, personally, have found the summer intern program to be a healthy experience for both the students and my office.

Mr. Chairman, I commend the gentleman from Florida for his leadership on this matter. He is entirely right, in my judgment.

The fact that a couple of years ago, a few of these interns may have caused offense to some Members should not keep us from giving to deserving young people this wonderful experience.

I believe the funding of this at a very modest level will strengthen the ties between the Members of Congress and deserving young people on college campuses. The amendment should be adopted, and I support it.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Ohio.

Mr. VANIK. I concur in the fine statement made by our colleague from Florida. I believe this program has been one of the most meaningful programs on Capitol Hill. It is a counterpart to what is done in the military academies, but this program is to help prepare young people for Government service. I believe we ought to try to prepare more people for public service in this way. We need to stimulate and to bring into service the best type of young people.

This is an excellent, inexpensive way to do just that.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. BURTON of California. I support the amendment.

Our colleagues on this side of the aisle know the Democratic caucus requested our members of the Appropriations Committee to grant us the opportunity to make use of the internship program by funding this item. That request on our side obviously has been ignored.

I do not know if the Republicans in any formal way have requested their members of the Subcommittee on Appropriations to do likewise.

I have one observation I would like to make with reference to this particular judgment of the committee. This particular judgment may be deemed by a good number of my colleagues on this side of the aisle—and I am at least speaking for myself—to be evidence of a lack of concern that the elders in this Congress have for some of us who simply have not been around here for 20 or more years. Some of us, frankly, are getting pretty fed up on that particular count.

Mr. UDALL. Mr. Chairman, I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. I thank the gentleman for yielding.

I wish to compliment the gentleman from Florida (Mr. GIBBONS) for rising in support of the intern program. As the father of an intern this past summer, I had the chance to meet a great many of the several hundred young men and women who worked as interns here. They were really a splendid group. I think the fact that so many hundred did turn up despite the lack of a formal, financed intern program speaks eloquently of the value these young people ascribe to the opportunity. I think, also that in not financing it ourselves, we left it up to certain colleges to make arrangements for the students to come to Washington to live and to finance them. The point here is that only certain colleges were involved and all too often sent only those who could afford to pay their own way through the summer. We have closed the door this past summer to a great many college students who would benefit greatly from this exposure but who could only come here if they are paid.

Mr. UDALL. Mr. Chairman, I yield to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I strongly support the amendment offered by the gentleman from Florida. When you consider that this would amount to a total annual expenditure of only $325,000—and less than that in proportion to the Members who do not wish to hire interns—I feel this is a very sound investment. Surely this small amount, which is about one-tenth of 1 percent of the entire amount in this bill, cannot be charged as being an excessive expenditure. We appropriate funds for hundreds of Executive Office interns, and should also allow a modest number to work on Capitol Hill during the summer. Such experience should not be confined to young men and women from independently wealthy families, but an opportunity should be afforded to young people from poorer families also. I feel that this

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is an experience which is so worthwhile for the young people involved—and I have tried to bring into Washington these interns for the past 11 years—that I hope this amendment will receive strong support.

Mr. Chairman, I am distressed with the speed and reckless abandon with which we are voting for multi-million-dollar construction projects and large expenditures of other types, at the same time as some Members express fears that this very modest amount is an excessive expenditure. If we cannot afford one-tenth of 1 percent of this bill as an investment in the young people of this Nation, and as a means of enabling young people to understand their Government, then I believe our priorities are all mixed up.

CONGRESSIONAL INTERN PROVISION

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in late 1967 this Government faced a condition of fiscal stringency and there were cutbacks in many programs on the part of Congress in various departments of the Government. When it came to the bill for our own housekeeping and for our own salaries we eliminated special funds for the so-called intern program to show our willingness to reduce spending, at least to some extent. There were expressions of support at that time for the intern program. I spoke in favor of it, and I personally feel that Members generally strongly support the program.

I am enthusiastic about the intern program. I was here in the House when the Speaker, the gentleman from Michigan (Mr. FORD), the gentleman from Oklahoma (Mr. ALBERT), and others spoke to the interns.

It has been said that there were about 900 interns here this summer, and I hope we have a great many of them next year. I wish to go on record as unequivocally in favor of continuing the intern program as it has operated this year.

The House decided to provide each Member, effective July 1 last, with a new clerk at the annual rate of about $7,500, and this bill contains $4 million to finance this. It was felt that this would be adequate additional help for this time.

Members are authorized to employ a total of either 12 or 13 employees, depending on the size of the Member's district. We decided it would be ill advised for the Congress to provide funds above the $4 million in additional funds for office employees. However, most Members, apparently—or many Members, certainly—have availed themselves of the opportunity of using their clerk hire funds for the purpose of hiring summer interns. This is desirable.

Prior to the markup, I spoke to numerous Members of the House about the intern problem. I found no overwhelming sentiment for adding additional funds for this purpose at this time.

There will be remarks on the part of many with reference to adding the west front funds in the amount of $2 million. However, this is not specifically for the Congress. This is to preserve a monument, the Capitol of the United States of America. It is for the American people.

So, I would hope that we would enthusiastically support the intern program and use as many of these youngsters as we can within the framework of our office allotment and employment limits.

Mr. Chairman, it was my privilege to meet with intern groups this summer in give-and-take discussions. I believe such discussions are highly worthwhile.

Mr. RIEGLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to restore the funds for the intern program.

Mr. Chairman, I would like to begin my remarks by complimenting the subcommittee on what I think is an excellent job of reporting this bill. The work that has been done on this bill represents some of the best work that has been done on any appropriation bill and I congratulate Chairman ANDREWS.

Mr. Chairman, I rise in support of the intern program, because I think it is something we ought to do, something which is useful for us, and which will be of great benefit and assistance to these young people.

Someone said that if a Member had a staff vacancy now, he could use it in the summertime for the purpose of employing an intern. However, some people are fully staffed up and do not have that opportunity, even with the addition of a new staff position this year. Some offices have more volume of work to perform than others. I find in my own office that I need all of my regular people to carry on the full-time work of the office.

Also, Mr. Chairman, I think we should recognize the fact when it is placed upon an individual basis like this, that there are many Members who will not or who are not in a position to bring in these interns even if they have a vacancy. I think it is unfortunate. I think it is useful to have one or two of these youngsters in each office, because this country is very diverse and different areas of the country have different problems. I think it is also useful for the youngsters of this country to have an opportunity to come here and work in each congressional office and spend some time with us and see exactly what goes on.

Mr. Chairman, I recall earlier in the spring when 22 of the Members of this House went to the various college campuses and were amazed to find the resentment and hostility in so many of our young people. And we learn that a portion of it stemmed from the fact that they really did not know what was going on here. I think we have to accept a part of the responsibility for that.

Mr. Chairman, if we are doing something productive here which they know nothing about, I think we should take the initiative to get across to them this message through a program of this type.

I would like to see a program here where each of us could have one or two of these youngsters employed in our offices in the summertime because, frankly, in my opinion these youngsters have a lot to offer and a lot to say and we ought to listen to them with an open mind. I think there are some things they can learn which could be of great use when they return to their respective communities and schools in the fall.

I also think that this program, at this time, has symbolic importance because a good many of the young people in the country today are looking to see whether we who are in government and who are in positions of responsibility are really interested in them and are interested in what is on their minds. I know most of us are interested, but in my opinion this is one way, at a very minimal cost, that we can say, "Yes, we are interested; we are interested in hearing what you have to say, we are interested to have you see what we are doing and what is taking place in the legislative branch of government."

We should note that these interns come in order to work.

I know I worked my intern. I think everybody does. So we are not asking somebody to come here and loaf. We are asking somebody to come in here at a rather modest wage to work, and to learn, and to see how this Government of ours operates. I think this is good.

So, Mr. Chairman, I would stress again that I think this is the kind of sign that we can give to the young people today that says "yes, we are interested." And we are interested in the young person who is interested in working, and who desires to come here and make a contribution, who wants to come here and learn, participate, and be involved.

We talk about involvement. Let us create the opportunity to involve our young people. Certainly you may have a few interns who may go around and do things that we might not be comfortable about, but that is not the vast majority of them. The vast majority of these young interns do a fine job. They are great kids. I think that we benefit from them, and I think that these young people benefit if we have them around here in the summertime.

Mr. Chairman, I might add that if we do institute this intern program there is no Member who is under any obligation to actually bring an intern in if he should choose not to or does not want to do so for one reason or another; there is no obligation on him that says that he has to do this. But I still think it is important for us as a body to see that the young people of our country have such an opportunity, and that we say to them, "yes, we want to create such an opportunity, and we are interested in your participation, your ideas and your involvement."

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. RIEGLE. I yield to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I thank the gentleman from Michigan for yielding to me.

I want to commend the gentleman on the fine statement that he has made in support of this amendment. I want to indicate that I agree with the gentleman in the statement he has made, and to indicate my agreement with the amendment that has been offered by the distinguished gentleman from the State of Florida (Mr. GIBBONS).

I think it is a shame that the intern program was ever abandoned. I opposed its elimination, and I heartily support this move to reinstate the modest funds required to give hundreds of young men and women each year the opportunity to work and learn in the Capitol Hill atmosphere.

Many of these young people have a great deal to contribute. By affording the practical learning experience of a summer of hard work in a congressional office to some of the most energetic and promising young people on our college campuses, I feel that we contribute a great deal to the future of this Nation.

Unfortunately, in recent summers, it has been impossible for Members of Congress without independent means to offer intern positions to any students who could not afford to support themselves as volunteer workers during several weeks of the summer.

I am sure many of our colleagues can remember the necessity as college students to earn money in the summer as an essential contribution to the costs of education.

We are effectively placing an economic barrier in the path of those youngsters who could profit so much from this experience in a congressional office.

Mr. Chairman, there is another provision in this Legislative Appropriation Act which I feel should be deleted and the funds applied to support of the congressional intern program. I am referring to funds in the bill for planning a mammoth extension of the west front of this beautiful Capitol building.

The distinguished Representative of the 35th District of New York, which is adjacent to my district, Mr. Stratton, will soon offer an amendment to delete funds for this poorly conceived project. I intend to support the Stratton amendment.

Every single day in this Chamber, Members of Congress discuss the problems of budget priorities. At a time when the President has called for a nationwide slowdown in construction projects—which may even mean curtailment of essential projects—I think we must think of the west front extension in terms of priorities.

True, we are told that the west wall of this building is structurally weak. If that is so, then it should be strengthened so as not to endanger the safety of those who work and visit here, and so as to preserve the architectural beauty of this Capitol.

But this should not serve as an excuse to embark hastily on a project which has been denounced almost unanimously by the American architectural community.

At least, if an extension of the Capitol is contemplated it should be planned in concert with those in our country who are knowledgeable in this field, and who have much to contribute to any plan which would touch the historic splendor of this structure. There can certainly be no high priority put on completing a project which has drawn so much displeasure and even anger from the architectural community.

I will strongly support the Stratton amendment to defer expenditures for the west front extension, and recommend instead, that our colleagues apply some of these funds to the worthy purpose of reinstating the student intern program, so that its benefits are available to young people without economic discrimination.

Mr. ANDREWS of Alabama. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. FOLEY. I object, Mr. Chairman.

Mr. BURTON of California. I object, Mr. Chairman.

MOTION OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Cohelan).

Mr. COHELAN. Mr. Chairman, the gentleman from Michigan (Mr. Riegle) and I as members of the committee stated our support of this amendment in the full committee, and we reserved on the subject. I regret that I cannot have enough time to make my case this afternoon.

However, I just want to say to the committee that, as the Members know, I represent perhaps one of the most active university communities in the country and I know the importance of funding this program.

The gentleman from Michigan (Mr. Riegle) has stated the case quite eloquently and quite clearly and I agree with him. I believe with him that, as much as anything else, what we do today is symbolic. I intend to have interns in my office, whether we fund the program or not. But should we not fund the program, we are leaving a poor taste in the mouths of thousands of young people who feel that we simply do not care about them. As the gentleman from Florida (Mr. Gibbons) said, this is by no means a budget buster. We funded it before, and some of us fail to understand why we stopped it in the first place. But, by all means, we should restore this modest program by adopting the amendment offered by the gentleman from Florida today.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, I rise at this time with great regret to oppose an amendment offered by some of my colleagues with whom I have often sided over the years.

I have always supported the intern program. In fact, just last summer I had nine interns in my office. They did an excellent job, and I enjoyed having them. I think I may consistently have one of the largest intern programs on the Hill.

My opposition, Mr. Chairman, is not based upon what I think of the intern program. I think it is clear from what I have already said that I believe it is an excellent program. That, however, is not the point. The point is we are now going through one of the worst periods of inflation in our history.

The figures on inflation are simply frightening. The increase in the Consumer Price Index for 1969 is around 6 percent. I repeat, 6 percent. This is to be compared with an annual increase of only 1.2 percent from 1960 to 1964.

It is clear to me, and it must be to my colleagues, that we all have to pull in our belts and control spending in this critical period. If we do not take these measures, I would hate to think of what could happen to our economy.

For this reason, I oppose spending the additional money at this time for the intern program. I would hope that we could continue to have interns by managing our salary allowances more carefully. I have done this in the past, and I intend to continue to do it in the future. It may take some organizing, but I think it is worth the effort, and I can speak from experience that it can be done.

I just want to make it clear, Mr. Chairman, that I oppose this amendment because of the inflationary pressures on our economy, not because I do not support the intern program. I regret that this is the case, but in all good conscience I must support the effort to cool down our dangerously overheated economy.

Thank you, Mr. Chairman, for this opportunity to clarify my opposition to this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MIKVA. Mr. Chairman, I ask unanimous consent that the time allotted to me be granted to the gentleman from California (Mr. Moss).

Mr. HALL. Mr. Chairman, I object.

Mr. MOSS. Mr. Chairman, I reported to the Members of the House on September 3, 1969, the results of an inquiry conducted by my office in late June of this year on the value of the congressional intern program. I conducted the survey because there had been considerable discussion regarding the proper role of student interns, their contribution to the office, the value of their summer experience, and the need for funding.

I received 226 responses from a total of 283 offices employing interns this year. Over 87 percent of their offices said that from the perspective of their office's experience, both past and present, the general assessment of the intern program was favorable. Only three offices had unfavorable experiences.

The responses also showed that the cutoff of House funds previously set aside for compensating interns placed an increased financial burden on the college-sponsored intern programs, and their very limited financial resources necessarily prevent them from adequately bridging the expense gap.

My study shows there is great diversity in the amounts and sources of compensation available to interns in each office. An estimated 148 interns received no funding whatsoever; 326 received funding only from their congressional office.

It is sad, indeed, that the current program is closed to students with scant financial resources. Those who complacently point out that the program is doing well in spite of the fund cutoff fail to realize the truly unfortunate, far-reaching effects of that action. While the lack of funding has not resulted in a substantial drop in hiring, it has shifted upward the economic groups from which we draw our interns. The program has become a closed opportunity for those students who are eager and well qualified to serve in congressional offices, but who simply cannot afford to come here in the absence of adequate funding.

There is no guarantee from year to year that salaries will be available through individual congressional offices to employ interns. The funding of a program of such importance should not be subject to the variations in regular staff hiring.

Reinstatement of the funding provisions in House Resolution 416, 89th Congress, would help to remove these inequities.

The intern program is clearly worth the additional expenditure. My seven interns this past summer were well-qualified, responsible young men, several of them holding leadership positions in their campus communities. I was very proud to have them working in my office.

I urge adoption of the Gibbons amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I came here prepared to oppose the extension of the west front and was prepared to support the amendment offered by the gentleman from Florida (Mr. GIBBONS).

I must say that the debate of the subcommittee has convinced me that we should extend the west front. I intend to vote for that. But I am disturbed that there are those who take the floor to say that the intern amendment sponsored by the gentleman from Florida is something that accrues to the benefit of the Members. That is totally wrong, it seems to me, in terms of the approach that one uses in looking at the intern program.

The intern program does not benefit the Member as much as it benefits the intern. That is the real purpose of it. That is why this amendment ought to be supported, to increase the opportunity available to young people to come here in a program that will be a benefit to them in better understanding the legislative process and as they they return, hopefully, to participate more knowledgeably in the political process.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Florida (Mr. GIBBONS), to restore the funding to the House congressional intern program.

Shortly after I entered the Congress in 1952, I had my first summer intern. Through the years many young people, undergraduate and graduate students, law students, and entering freshmen, have worked in my office during the summer.

I have always found these young men and women to be interested in the legislative process, willing to learn and work hard and anxious to contribute to the work of my office. They have performed many types of tasks, routine clerical work to research and legislative analysis.

I have always felt that their summers should be an educational experience. They have attended committee hearings, sessions of the House and when the intern program was organized, lecture and discussion groups organized by the bipartisan intern committee.

These students have informed me after their summer experiences that they often learned more in one summer working with the Congress than they had learned in political science courses about the functioning of American Government.

I believe my colleague's amendment to restore the funds to the intern program is important and necessary to give full recognition to this program as an educational experience.

It gives us an opportunity to learn what the youth of America are thinking, what problems concern them and to present them with the opportunity to understand government and the political process.

I hope this amendment will be overwhelmingly passed so that more deserving students will have an opportunity to contribute to the workings of government.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. GIBBONS).

Mr. Chairman, I think that one of the observations made by the gentleman from Michigan (Mr. RIEGLE) is absolutely correct. That is that the most important significance of this amendment is the symbolical effect that it will have, for it would demonstrate that there is a willingness on the part of the Members of this body to achieve a healthy communication in relationship to the young people of this country. If we can make that impression as deeply as we can, the purpose accomplished by this very small amount, it will do a great deal and it will be money well spent.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, I think it is clear from the history of the summer intern program that it was eliminated because some Members objected to the views expressed by some of the interns, especially regarding the war in Vietnam. That is the reason it was canceled.

In December of 1967, the report on supplemental appropriations indicated why the intern program was cut out. In that report, although the words were blocked out in the committee print, beneath the ink, the language indicated that certain Members were unhappy with some of the views expressed by interns in the summer of 1967. The real reason that the intern program was eliminated was because Members of the House did not like the idea of interns expressing doubts over our Vietnam policy.

I do not think that Members should fear an intern program. We should welcome it. We should welcome the opportunity to enable the students on our college campuses to understand the processes of government.

Every summer, students from our colleges and universities come to Washington to gain experience in their Nation's Government. The result is a summer in which both the students and the Government benefit.

The intern program is an investment in the future of this country. The young men and women participating learn about and become part of the legislative process. At the same time they contribute their talents and abilities by doing the research necessary to every Congressman's work.

According to a survey taken by Congressman JOHN MOSS, there were over 540 legislative interns on the House side this past summer. Almost 80 percent of these interns received compensation either from the Member for whom they worked or from their college.

However, it is almost impossible for a fully staffed office to provide compensation. Summer interns must pay for their transportation and living costs. As a result, many young people, who cannot afford this expense or who need to earn money in the summer to help finance their education, are prevented from taking part in the internship program.

I have had summer interns as part of my office operations for as long as I can remember. Except for the brief period when the summer intern program was in effect, they have usually been volunteers. Without the $750, I have not been able to offer opportunities to many deserving and able applicants who need at least some compensation. I have always found that the work they do during the summer months far outweighs any administrative problem that their addition to the staff might cause. I also think that our interns have left feeling that they have had a valuable experience.

Many House Members have voiced concern about the alienation of our young people from our Government. But the House has gone out of its way to alienate young people by saying in effect: If you cannot agree with us, we do not want you working in the House of Representatives.

I do not think we can afford to continue restricting the participation of our young men and women in the legislative branch simply because their views may not conform with the views of some Members of the House.

It is important that the student intern program be continued. This program offers the practical experience and exposure necessary to interest and involve our youth in the governmental processes. We must also expand the program to give all young men and women, regardless of their economic background, the opportunity to participate in this combined work and learning program.

Too much alienation exists today, and we have an opportunity to close the generation gap. Let us not fail to do so.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FULTON).

Mr. FULTON of Pennsylvania. Mr. Chairman, I strongly support the amendment providing for the congressional student intern program. In my office we have had many outstanding young people in the student intern program, who learned about the Congress and the operations of our Federal Government, its departments and agencies. This is invaluable experience for later life, and to interest outstanding young people in careers in our Government at all levels, as well as public service.

My feeling is that if we knock this intern program out, we are then shutting the door to the students who are interested in learning about our Government and denying them this little opportunity they have to take part in our Federal Government. I believe it would be a tremendous mistake again to close out the congressional student intern program, when this student experience has been so valuable and so successful. I am proud of the success of our congressional office interns in their fine careers for which the congressional internship was such good experience and broad foundation.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. CABELL).

Mr. CABELL. Mr. Chairman, I rise to associate myself with the remarks of the distinguished gentleman from Texas (Mr. MAHON). Regardless of the merits or demerits or the altruistic values of the intern system, to the general public it is going to mean we are just hiring one more errand boy to help us in our work, to wash our cars and the like. I recognize there is some educational value, but while I am educating one intern, I do not want to have to educate 500,000 constituents who think I am just getting some more money out of their pockets. I hope the amendment is defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut (Mr. WEICKER).

Mr. WEICKER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida.

Earlier this year I was privileged to be a member of the ad hoc group of 22 Republican Congressmen who visited a number of college campuses to inform ourselves on the dimensions of the problem of unrest among our Nation's young people.

The experience was indeed an eye-opener for us all. We were impressed by the intensity of feeling which we encountered among the students concerning the unresolved issues of peace and social justice which face our Nation. We were disturbed by the sense of despair and disillusionment which characterized the way in which they viewed the ability of our political institutions to come to grips with these problems.

A large part of the turmoil and unrest which grips today's student generation is due to a breakdown in communications between the students and their elected representatives. It was for the purpose of bridging this information gap that our group made the following recommendation:

> We propose open communication to the university community. We have found that many were supprised by our visit and by our willingness to listen and learn. There is a need to expand lines of communication. We urge that Cabinet officers, Members of Congress, the White House staff, and others in the Executive Branch begin an increasing effort for this kind of two-way street of listening, learning and responding. Once our communication has become established it will be important to sustain it. . . . Some of the misconceptions of the system within which we operate desperately need correction. This can best be done, we believe, through an ongoing program of communication.

The House bipartisan intern program forms a vital part of this "ongoing program of communication." At a time when the links between students and their Government are so tenuous and characterized by so much mistrust, I can think of nothing more ill-advised than any action which would have the effect of weakening these links and increasing this distrust.

Mr. Chairman, this will inevitably be the effect of the section of this bill which prohibits the use of funds for the student intern programs. Such an action will confirm the suspicions of those disillusioned young persons who believe that Congress is only interested in stifling dissent when controversial opinions are expressed.

I doubt that there is a single person in this Chamber who would argue that the intern program, as it has functioned through the years, has not been a great success. Just this past summer, over 800 young students spent their summer vacations, many of them on a volunteer basis or at levels of remuneration far below what they could earn elsewhere, working in congressional offices. I can say for myself that I personally profited from the insights which the presence of an intern in my office gave me into the things which are "bugging" young people today. And hopefully the interns will carry back to their campuses this fall a better understanding of the complexity of our governmental system and of the issues which it is called upon to solve.

Mr. Chairman, I believe the current generation of college students is the best our country has yet produced. Certainly they are the most passionately committed to bringing peace to the world and social harmony to our own society.

The vote on this amendment may be characterized as a vote of confidence in this generation of idealists, indeed a vote of confidence in the future of our Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I rise to speak in favor of this amendment to appropriate funds to finance the House summer intern program.

Some may say that we cannot afford, what they consider, merely a way of helping college students. In fact, this appropriation helps us as Members even more than it assists the individual students.

My experience with college summer interns is that they have consistently been of tremendous assistance in the day-to-day workings of the office, in research, and in drafting background papers. We would just not be able to do as much if it were not for this type of assistance.

For the last 2 years, of course, it has been particularly difficult to obtain this type of assistance since House funds have not been available, as previously. All of our interns have had to rely on either their own resources or their school's. This restriction has made it generally difficult, but particularly difficult for the economically disadvantaged students. As a result, the number of black students and others from minority groups, who have been House summer interns has dropped tremendously in the last two summers.

Certainly the money would be well spent. When the program was in operation, we probably derived more benefit per dollar spent on summer interns than for any other expenditure from the contingency fund of the House. Also, may I repeat again, that without House funds, it is particularly difficult to have any significant number of minority-group students placed as summer interns.

For these two main reasons, I strongly urge my colleagues to vote for this quite small and reasonable appropriation.

Mr. FOLEY. Mr. Chairman, I support this amendment. I think it is interesting to note that out of a budget of $258,981,130 the only substantive reason offered by the committee and those opposing the amendment is its cost. The cost of bringing 435 young Americans to Washington, D.C., for 10 weeks, at $75 a week, to learn about the Congress and the Government presents about one-eighth of 1 percent of this appropriation. Few items in the bill are as small. I do not think many of us would like to stand before high school and college student bodies and explain as the reason this House voted down the amendment the need to economize. This issue is symbolic. As a statement of our sense of values and priorities it is most important that this amendment should carry. I am distressed that the committee chose not to include the program in the committee bill and that the committee is adamant in opposing this amendment on the floor.

We must not allow their unfortunate lapse of judgment to prevail.

The amendment must be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I think one of the most serious mistakes we could make today would be to fail to pass this amendment. At a time that we are dealing with a bill that deals with many millions of dollars, if we fail to pass an amendment that calls for a few hundred thousand dollars, we will be speaking in a manner that cannot be misinterpreted by the young people of this Nation. They are going to distort that far beyond its true meaning, and they are going to say, "When you spend millions for yourselves, when you spend millions on physical construction, you failed to pay attention to us to the tune of a few hundred thousand dollars."

I associate myself with those of our colleagues who urge that we adopt this amendment today.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I rise in support of this amendment. For the last 6 or 7 years I have had interns in my office. I cannot say that those interns helped me very much.

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But I can say with confidence that I think I helped them to understand what the process of government was about.

The actions of these young men who were picked by the faculties of the respective colleges of my district, after they went back to the colleges, in my opinion paid for every bit of the cost, whether it was on my salary or on the internship salary. I found them speaking up and taking the right side of law and order and doing a good job in the respective colleges of my district.

Mr. Chairman, I am for this intern program.

I support the amendment offered by the gentleman from Florida (Mr. GIBBONS). It is my firm belief that funds should once again be made available to finance the student congressional intern program under House Resolution 416, 89th Congress.

My support for the intern program comes from my personal experience with interns from Whittier College in my congressional district who have been in my office under this program. I have also participated as a speaker in the seminar series that was a major aspect of the bipartisan intern program this past summer.

As I stated before the Legislative Appropriations Subcommittee, I feel the intern program is an "extra" and should be funded as such. We should not have to use the basic clerk hire set aside for permanent staff assistance for the student congressional intern money. The interns may provide useful service, but they are primarily here during the summer for the purpose of our educating young people in the work and objectives of the Congress.

We should not try to weigh the intern program against permanent staff hire allotment, as the two are basically not comparable.

I know that many of my colleagues that I have spoken with are impressed with the caliber of students who come to Washington as interns. If their experience here has been a valuable one, they will share this with their fellow students when they return to their respective campuses.

The summer intern program should be refunded as a convenience to those Members who, like myself, are presently drawing upon clerk hire to meet the commitments with colleges and universities in the home district.

Mr. Chairman, I trust that the amendment will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I urge support of this amendment for three reasons. The first is to allow the interns in offices which are already fully staffed, the second is to permit students to come here who cannot afford to come here on their own so that they may have the experience of being interns, and the third is to permit the Government to have the experience of these young people working in the service of their country.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I rise in support of the amendment. There were several thousand interns on the Hill this summer. Because they were not being paid, however, there were no interns here who came from poor families and who came from poor colleges.

If we want the message to go forth that Congress welcomes only rich men's kids and only those who go to rich colleges, then we ought to vote against the amendment. Otherwise, we ought to make it clear we are in support of a program which helps a few hundred young people understand their American Government.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I have spoken once, and I will not speak again.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. ANDREWS) to close the debate on this amendment.

Mr. ANDREWS of Alabama. Mr. Chairman, members of the committee are not opposed to the intern program. We have based our action on the fact that within the last few months we have given an extra clerk hire and there is some $4 million in this bill for the extra clerk hire.

I had an intern in my office last summer and I paid him from my regular office clerk payroll.

I might point out as of last April 30, only 37 Members of the House were using the total number of clerks allocated to them. I think if we want an intern we can get one under our clerk allowance and call them interns or anything we want to.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. GIBBONS).

The question was taken and on a division (demanded by Mr. GIBBONS) there were—ayes 63, noes 67.

Mr. GIBBONS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GIBBONS and Mr. ANDREWS of Alabama.

The Committee again divided, and the tellers reported that there were—ayes 71, noes 77.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, $14,250.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise to ask someone on the committee if the amounts provided in the bill for automobiles for the leaders will be sufficient to provide all of them with the new 1970 Cadillacs that are just making their appearance?

Mr. ANDREWS of Alabama. Will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. ANDREWS of Alabama. We have no information about the cost of new 1970 Cadillacs.

Mr. GROSS. Would the gentleman think there is a sufficient amount to provide a new car for the individuals involved?

Mr. ANDREWS of Alabama. I will inform the gentleman that all of the automobiles here for years have been leased at a certain rate per year. This amount that appears in the bill only includes the amount for the chauffeur, the upkeep, maintenance, and for the leasing of the automobile.

Mr. GROSS. So these automobiles are leased. Is that the story? They are not purchased?

Mr. ANDREWS of Alabama. That has been the practice for many years.

Mr. GROSS. Does the gentleman think that it is a good practice to permit this kind of a bargain deal for the leaders of Congress?

Mr. ANDREWS of Alabama. It has been deemed to be the cheapest way. It is cheaper to lease them than to buy them.

Mr. GROSS. I thought perhaps with the $19,000-a-year salary increases recently voted them, these Members, in the interest of economy, might drive their own cars rather than the taxpayers supply them with chauffeurs, gasoline, and all other maintenance. Is it possible that some of these Members will find they cannot qualify for a license to drive an automobile if they ever leave the Congress?

Mr. ANDREWS of Alabama. I would certainly hope not.

Mr. GROSS. I certainly do not want them to lose the knack of being able to drive a Government-supplied Cadillac. It would be pretty rough if they did.

Mr. ANDREWS of Alabama. Many people find it rough when they leave Congress.

Mr. GROSS. The gentleman does think that there is sufficient money in the bill to take care of all the Cadillacs and drivers and whatever else goes along with it, such as oil and gas?

Mr. ANDREWS of Alabama. According to the information I have. My information is that this custom of leasing cars, which has been found to be cheaper in the long run than buying them, was started back during the administration of the great late President Eisenhower.

Mr. GROSS. This provision does not include enough money to take care of the salary increases of $19,000 a year, does it?

Mr. ANDREWS of Alabama. No. It goes to pay for the maintenance, the operation, and the leasing of the automobile.

Mr. MILLER of California. I think it should be understood that many big corporations lease cars for their executives rather than buy them.

Mr. GROSS. We are talking now about Government officials. Members of the House of Representatives. What is known as the leadership. We are not talking about private citizens.

Mr. MILLER of California. But it is much cheaper for Government officials to lease them than to buy them.

Mr. GROSS. Could I lease a Cadillac for $500 a year?

Mr. MILLER of California. No, but you can lease a Continental if you are in the market for it.

Mr. GROSS. For $500 a year?

Mr. BURTON of California. Will the gentleman from Iowa yield?

Mr. GROSS. Yes.

Mr. BURTON of California. Does the gentleman from Iowa know, so that we can spread this information on the Record, what, if any, truth there is to the rumor—and those of us who have not been here for 20 years do not know whether it is truth or rumor—that there is a preferred lease arrangement for committee chairmen for automobiles and, if so, does the gentleman from Iowa know who pays for them and if the full committee chairmen have preferred automobile leasing privileges? I do not know whether such is the case, but I would like to know whether the gentleman from Iowa knows whether the ranking full committee members have this special privilege, also. If the gentleman does not know—and I ask this question in good faith, because I really do not know—why, perhaps the chairman of the subcommittee would respond to this question.

Mr. GROSS. I cannot give the gentleman an answer.

Mr. BURTON of California. If I may, may I address that question back to the chairman of the subcommittee?

Mr. GROSS. Yes.

Mr. ANDREWS of Alabama. I will say that this chairman does not have such a lease arrangement. You might ask the chairmen of the committees.

Mr. BURTON of California. No. I ask regarding the chairmen of the full committees. I do not know the answer. I am not referring, either, to the chairman of this particular full committee only, but I am wondering about it as a general practice.

Mr. MAHON. I cannot speak for other Members, but I own my own car and I do not lease a car and have not. You have referred to committee chairmen, hence my response.

Mr. BURTON of California. Does the distinguished chairman of the full committee know whether or not the chairman of the subcommittees have preferred leasing arrangements?

Mr. ANDREWS of Alabama. I do not know the answer to that question.

Mr. BURTON of California. Does the chairman of the full committee know?

Mr. MAHON. I have no personal knowledge with reference to that.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am tired to death of hearing the innuendo and critical comments upon evrey action of the Congress of the United States and its officers.

There is not a single department of Government of the United States that does not have many, many times the number of automobiles that both Houses of the Congress of the United States operate.

Now, let me make it abundantly clear. I do not have a car supplied by the House nor paid for by the House. I do lease a car and not under any preferred system. It is the regular commercial Ford leasing plan available to any Member of the House or to any member of the public. But I think it is time that making—well, I shall not use the term—but to try to take the House and make of it a whipping boy, I think is an underhanded approach to the problem of legitimate injection of issues in congressional debate. I have heard it for years and years and I say to my very good friend—and I hope we remain good friends—the gentleman from Iowa, that he seems to feel somehow compelled to take on this House whenever he can, to criticize its every action and to criticize its every privilege.

Mr. Chairman, I drive to work and I pass literally hundreds of chauffeur-driven automobiles, in many instances containing persons of the third, fourth or fifth echelons of Government in the executive department. And, I assume we supply such equipment for people out in the field.

Mr. Chairman, the idea of creating the impression on this floor that by some strange machination the House is out to fleece the public, that we are not worthy of the trust they have given us, I think does a disservice to every Member of this House. I have listened to it for years and I can no longer restrain myself from speaking out against it. I think we should have pride in the distinction which the people have accorded us. We should have pride in the service we render here. If you want to charge improper conduct, do it not by innuendo by the underhanded, undercutting method which I find repugnant to me in every sense of that word.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. ANDREWS of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Stratton: On page 18, line 13, strike "$2,000,000" and insert in lieu thereof the following: "$100,000 to be expended solely for an independent engineering study to determine the methods and costs of preserving the present West Front of the Capitol."

Mr. STRATTON. Mr. Chairman, I feel that we have had a very interesting discussion on this west front topic. I am a little concerned, however, as the gentleman from Washington (Mr. Adams) mentioned a moment ago, that on this very important subject we have had 2 hours virtually all allocated to those in favor and about 8 minutes to those against. With this division of time it has not been possible to answer all of the points, and some of them were plausible but misleading or inaccurate points, that were made during those very eloquent discussions. But I recognize the temper of this House, and I would be presumptious if I thought that I could change that temper in 5 minutes that is now alloted to me.

The basic question here, however, as I have tried to indicate earlier, is whether we are going to try to save the west front from collapsing at the least possible cost in money, and the least possible damage to an historic structure, or whether we are going to proceed with this elaborate 4.5-acre extension, including all the facilities that have been added to it.

In spite of what has been said during this discussion, the fact of the matter is that in all the years that this plan has been kicking around here and the $447,000 already spent in connection with studies of the west front extension, there has just never been any serious independent engineering study made of what would be the minimum required to fix the west wall, and how much it would cost.

Oh, the gentleman from Illinois has told us about his telephone conversations with engineers. He has told us about questions that he asked the American Institute of Architects. He has told us about his conversations with Mr. Campioli and with Mr. Stewart. But I submit to you that these phone conversations are not a careful, detailed study.

With all of the money that was spent for the so-called study by the firm of Thompson & Lichtner, none of it ever went into the question of alternate ways to deal with the problem of the west front. If you do not believe me, take a look at those five volumes. There is only one small paragraph, and it dismisses the proposals for restoration out of hand because obviously, like any good engineering firm, they already knew what their client, Mr. Stewart, wanted. They knew that he wanted to extend the west front of the Capitol, and that is what they came up with for his use.

Now my amendment is a very simple one. It would take this $2 million for the west front out of this bill, and replace it with $100,000 intended to get an independent engineering study on what is really needed to save the west front and what it will cost. Of course that job can be done. So let us get an answer to this basic question before we go ahead and spend this $2 million. Let us take, instead, $100,000 to find out exactly how little would be required to save the west front, to keep it from falling down around us, to avoid the tragedy that the gentleman from Alabama says he is so troubled about. We could have that report back to us in 6 or 7 months. It makes sense to spend $100,000 if we can save $10 million as a result.

This business of appropriating $2 million is not going to save the distinguished minority leader, let me also point out. It is not going to prevent the west front from falling down. Those plans and specifications that we are ordering will not be available for 18 months. If we can continue to maintain this building for 18 months while they are drawing up another $2 million worth of plans and specifications, then certainly we can be safe here long enough to wait for the preparation of a competent engineering study—not a telephone conversation with the gentleman from Illinois, elo-

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quent though he may be, but a detailed engineering study by someone who is not on Mr. Stewart's payroll and who will face the question with an open mind. And then we will have the facts in front of us on which we can make a rational choice.

If we can restore the west wall as it stands, how much would that cost and just what would be required?

If we have to extend it about 2 or 3 or 4 feet so we can put up the solid abutments that have been referred to, how much would that cost? Certainly that would be better than extending the whole building 80 feet. We do not have to have these office spaces. And here a moment ago we were talking about improving our image by not voting a little money for interns. Yet on this item we are asked to go down the road for $60 or $70 million for a visitors center and for hideaway offices.

I think we ought to pause and to find out what the alternatives are. It is not going to cost us much money. It is not going to cost us any time. It is not going to cause any increased danger to ourselves or our visitors. We would look a whole lot smarter to ourselves and to the rest of the world if we took this cautious rational step and looked before we spent.

Mr. ANDREWS of Alabama. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendments thereto, close in 5 minutes with 1 minute to be reserved to the chairman of the subcommittee.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, it is quite evident that all is not quiet on the western front.

It is also quite evident that the committee has done a good job on several portions of this bill. But it would appear that they have not had all the architectural advice that they need—and should have—on the west front of the Capitol or else they would not be in the position that they are in today.

So far as the American Institute of Architects is concerned, I have been home in the last 2 or 3 weeks and had occasion to talk with some of our architects who are constituents. I asked for this time because some of my architects have spoken to me. They said at least make a record against adding to the west front of the Capitol. That is what I am trying to do.

From a very recent letter written by the American Institute of Architects dated September 16, authored by Mr. Rex Whitaker Allen, president, who said:

> For several years the American Institute of Architects has advocated that there be an engineering study of the conditions of the West Front of the Capitol that would be directed at the techniques for and cost of restoring the building.
>
> Unfortunately, the engineering study commissioned by the Architect of the Capitol dismissed restoration as a means of correcting the structural deficiencies of the West Front on the grounds that extension of the building is preferable. Thus Congress has not been given the opportunity of comparing a restoration versus an extension of the Capitol.
>
> As you know, the American Institute of Architects believes that the building can be and should be restored. Accordingly, we welcome your amendment to the Legislative Branch Appropriations Bill for 1970 to appropriate $100,000 for a careful engineering study of the considerations that must be weighed before restoring the building.

Then I want to quote from a letter of the former president of the American Institute of Architects dated February 18, 1969, which appears in the RECORD but which deserves further emphasis.

Mr. George E. Kassabaum, immediate past president of AIA, asks and answers two questions:

First. Will restoration of the existing structure entail vacating the entire west front for a period of 5 to 10 years?

His answer was that by using modern technological developments, the entire west front would not have to be vacated "for a period of 5 to 10 years." Only those spaces immediately adjacent to active restoration would have to be vacated.

Second. Is it true that there would be no limit on risk or cost, if the west front were restored rather than extended?

His answer was that, of course, there would be a limit to cost and risk of restoration. He firmly believes restoration will prove much less costly than extension—much structural repair must be done in either event. A feasibility study would provide Congress with cost information.

Mr. Chairman, I am sure every Member has received a telegram from the American Institute of Architects urging that we do not start on this large extension to the west front. Surely we can accept the counsel and advice of the AIA. So far as I know none of us are architects. If there is one here in the Chamber today now is the time for him to raise his hand.

I have heard it seriously argued if we do not start today by approving this $2 million the Capitol dome may come crashing down. Of course the thought that that might happen should be a source of worry and if there is a possibility of that there would be no recourse but to go ahead now regardless of the expense. The true facts are the west wall has nothing to do with the support of the Capitol dome. The dome is separately supported as provided for at the time of the addition to the east front of the Capitol. The dome was completely refurbished, strengthened and shored up as a part of that project.

I would not be surprised if there are many Members who are confused by the direction and the content of this debate. Those of us who oppose the west front extension certainly do not oppose the presently needed repairs to preserve the greatest of all our historic shrines, the U.S. Capitol. I had hoped more of us would be interested in the esthetic reasons for reconstructing the Capitol's west front in a duplication of its original appearance. This is the only portion that remains as it was when the Capitol was built. Today we are not enmeshed in just a conflict between adequate restoration as distinguished from those minimum steps which would prevent the collapse of the west front, but we are talking about providing a new type of exterior and a lot of new space.

The question that must surely arise in the minds of those who listen to this debate is, why does the repair and restoration of one wall of the Capitol—the west wall—require that a 4½-acre addition be built to the west with new office spaces and no one knows yet what else will be included?

Mr. Chairman, the real issue before us is: Do we restore and make the west front safe, or are we going out 4½ acres—and I do not know how many—to create another office building with 43 large offices, 55 medium offices, or a total of 98 offices; and also two new dining rooms and two new cafeterias.

How can it be that we need any more office space? We have the Rayburn Building. We have the refurbished Cannon Building. We even have the Congressional Hotel if it becomes necessary to convert that into an office building.

It has been suggested here this afternoon that perhaps the new James Madison Library Building could be designed to be converted into another House office building if we ever need the space.

The argument comes down to this—let us repair the west front but not transform it. Let us not build more offices than we need at this time. The House has been overgenerous with itself this year. There was the pay increase for ourselves and the increase in clerk hire. We should not test the patience of our people by taking this first step on an addition to the west front that will change the historic appearance of the Capitol of our Nation at an estimated cost of $45 million that may ultimately run up to $60 million. If we approve the $2 million today we take a step in that direction and from which there is no way to return. That is why we should consider so carefully what we do today.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Chairman, the gentleman has referred to the lack of architectural advice. We have had plenty of architectural advice.

But I would like to ask a question, and not to take up too much time. The American Institute of Architects recommended the extension of the west front only a little over 10 years ago when they opposed the extension of the east front. Now they oppose the extension of the west front.

Will my friend, the gentleman from Missouri, for the benefit of myself and our colleagues try to reconcile those two positions taken by the American Institute of Architects?

Mr. RANDALL. I listened very carefully to the remarks of our beloved Speaker earlier. I must say the letter I hold in my hand is dated September 16 so it is quite apparent the leaders of the AIA must have had a change of heart.

They must have reappraised their views and reconsidered their former position taken 10 years ago.

Mr. McCORMACK. But we can go back to 10 years ago and at that time they said, and I quoted what they said, they then urged the extension of the west front and they were in opposition to the extension of the east front.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman.

Mr. STRATTON. Is not the letter that the gentleman holds in his hand from the president of the AIA?

I would point out that the statement the Speaker of the House refers to was not the position of the AIA. It was the statement by one member of the AIA, who was part of another committee.

Mr. RANDALL. I think that is correct. The letter which I hold has been signed by the President on the 16th of September.

Mr. McCORMACK. But the gentleman represented the AIA 11 years ago.

Mr. RANDALL. With all due respect to our Speaker, it occurs to me we have before us today an opportunity to restore the west front of the Capitol. Let us repair the west front—not transform it. That is what our difference is all about, and nothing more.

Mr. ANDREWS of Alabama. Mr. Chairman, I think most of you will agree with what I stated in the opening of the debate—all is not quiet on the western front. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The question was taken; and on a division (demanded by Mr. STRATTON) there were—ayes 59, noes, 92.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 21, strike all of lines 3 through 14.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GROSS. Mr. Chairman, I do not know whether the gentleman from California (Mr. Moss) will find what I have to say repugnant or not. And I do not particularly care. Since the gentleman saw fit to engage in personalities, let me say that some years ago he came into the Third District of Iowa to campaign for the Democrat candidate against me. He later told me that although he had traveled all the way from California by plane to the State of Iowa, he did not know he was going into the Third District of Iowa which I have the honor to represent. Under the circumstances, I question whether the gentleman would know the meaning of the word "repugnant" if he met it right square in the middle of the street.

Mr. Chairman, this amendment is designed to stop the start of another new House office building. That is what this provision in this bill means. It provides $2,800,000 under the title of "Library of Congress, James Madison Memorial Building."

The testimony in the hearings indicates that this building is to be so constructed that it can easily be converted into an office building. I leave it to you to judge what is about to take place if you provide $2,800,000 to get this structure off the ground.

This building, remember, is to cost, as we were told earlier this afternoon, $100 million. That is the figure put on it as of now, and the chairman of the subcommittee in charge of the bill on the floor says building costs are going up at the rate of 7 percent a year. By the time they get around to constructing this House office building, it can be far beyond that. But we start with $90 million for this building, and approximately $10 million will have to be spent on the Power Plant to provide the power necessary for the air conditioning, lighting, and so on. So we will have a minimum of $100 million in this proposition before we are through.

Is it not about time to practice just a little bit of economy? Do we need to start a new House office building now—today? I do not believe the taxpayers of this country are prepared—and I do not think the Members think they are prepared—to support this kind of proposition here and now. Moreover, President Nixon has called for a cut of 75 percent in Federal construction.

In the name of fiscal sanity, I urge support for this amendment.

Mr. THOMPSON of Georgia. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I have had an opportunity to review these particular plans. It is inconceivable to me that any conclusion can be drawn in any way that this could be converted to an office building. The fact is simply this: The Library of Congress desperately needs more space.

Mr. Chairman, this building is a building designed for certain specific uses. The areas are set aside for certain technical reasons. Some of the ceilings are very low and are designed primarily for the storage of reference materials. Other areas are designed for the legal section.

In order to convert this building to a House office building would, in my opinion—and I am not an architect, but I have seen the plans and I have gone through them in detail—probably cost 50 percent as much as the total cost of constructing the building.

We do not need a new House office building, but we do need a new building to house the records of this Government and for the Library of Congress.

Mr. Chairman, I could not vote for a new office building.

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, the statement of the gentleman from Georgia is eminently correct. This building was never thought of and was never conceived of and was never designed to be a House office building. It was designed to be, as the gentleman from Georgia says, an extension of the Library of Congress and to provide for storage and so on.

I might add, Mr. Chairman, the authorization of this was pushed through the House by one of the most distinguished former Members of this body, Mr. Howard Smith, of Virginia.

Mr. THOMPSON of Georgia. Mr. Chairman, I agree with the gentleman. He is eminently correct. This is a special use building. The areas in it are designed for special use and are not readily adaptable to office space.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, has the gentleman from Georgia read the hearings?

Mr. THOMPSON of Georgia. Mr. Chairman, I have not, but I have examined the plans in detail, and I have seen models of this particular building on each floor. It is a special use which is needed.

Mr. Chairman, I urge defeat of the amendment.

Mr. ANDREWS of Alabama. Mr. Chairman, this is a library building. There is no question about that. A former Member of this body, Judge Smith, of Virginia, worked for this throughout the years. If you read the hearings and recall my remarks in the opening general debate, you know that the Library of Congress is located in 12 different buildings. The annual rental amounts to about $1.8 million.

If we are to cope with the Library's growth, certainly this building is needed. What we are proposing is planning money only. It will take 18 months or so to prepare the plans.

So that this RECORD will be more complete, I will include at this point the explanation from the committee report:

In connection with the proposed James Madison Memorial (third) Library of Congress building, authorized by Public Law 89-260, October 19, 1965, to be constructed on square 732 just east of the Cannon House office building, the committee recommends $2,800,000 for detailed plans and specifications and related expenses. $500,000 was appropriated in 1965 for preliminary plans and designs and cost estimates.

The budget request is for $18,410,000 which, in addition to the $2.8 million, includes excavation and sheeting, the foundations and walls up to the first floor, and the contract for marble, granite, or other stone. But especially because of an authorization problem, noted below, and the lead time for preparation of the detailed plans, the committee sees no need to go beyond the $2.8 million figure at this time.

The committee has coupled to the $2,800,000 for plans and specifications a provision which says:

"That availability of these funds for obligation shall be contingent upon enactment of legislation adjusting the limit of cost of the project (fixed by Section 3 of such Act) to reflect projected escalated construction costs required to complete the project on the basis of the preliminary plans heretofore approved by the Committee and Commissions designated in such Act."

XUM

The reason is this: The 1965 enabling act, in section 3, carries a specific ceiling of $75,000,000 on the project, and the floor debate in the House is quite clear and unequivocal that it was the intent at the time that nothing should compromise the option of the authorizing committee, or of course the House, to take another look at the matter if unforeseen or unforeseeable conditions should cause the cost of the complete project to breach that ceiling. Construction cost escalation has now done that. The project as projected in the preliminary plans has not changed, but costs have. And the assumption is that they will continue to increase. The currently projected cost, on the basis shown on page 177 of the hearings, is $90,000,000.

The committee was told that no increase in the cost limitation had been sought. The effect of the proviso attached to the $2.8 million is to render the funds unavailable until this situation is remedied.

The committee decided, despite the authorization porblem, to put the $2.8 million in the bill on the contingent basis in the thought that by doing so, initiation of the project would be expedited. It is badly needed.

This committee has been aware of the need, the overcrowded conditions in the Library for a good many years.

Congress formally recognized the need when it enacted the authorization law in 1965.

Twice before, a request for the project has been before the committee. Both times, it was deferred without prejudice.

But the Library continues to grow. Time is running. Growth of a great research library is inevitable. The committee has been told that present space needs increase by roughly 45,000 square feet a year.

The Library is now scattered in a dozen different locations. Rental and associated costs approximate $1,820,000 in the current budget. The situation will get worse before it can get better. If the project moves forward this year, it will still be mid-1974 at the earliest before the building can be occupied.

A great deal of information about the details of the project appears on pages 157–184 of the hearings. Besides the $90 million currently estimated construction cost of the project, furniture and furnishings including bookstacks would add roughly $10 million, and the rough estimate of changes and additions at the Capitol power plant to supply heat and air-conditioning to the building ranges up to another $10 million, for an approximate overall total of $110 million.

Another noteworthy feature is that the preliminary plans call for a completely flexible design, that is, the building is to be designed so that it can be used as part library stack—part office building, all library stack use, or all office building.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross).

The question was taken; and on a division (demanded by Mr. Gross) there were—ayes 22, noes 103.

So the amendment was rejected.

Mr. ANDREWS of Alabama. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Murphy of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. ANDREWS of Alabama. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TALCOTT

Mr. TALCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TALCOTT. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Talcott moves to recommit the bill H.R. 13763 to the Committee on Appropriations.

Mr. ANDREWS of Alabama. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 178, nays, 94, not voting 158, as follows:

[Roll No. 179]

YEAS—178

Abernethy
Albert
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Beall, Md.
Belcher
Berry
Bevill
Blatnik
Boggs
Boland
Bow
Brinkley
Brooks
Broomfield
Brown, Calif.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Utah
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Chamberlain
Clawson, Del
Clay
Cohelan
Colmer
Coughlin
Culver
Daddario
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dellenback
Dennis
Dickinson
Donohue
Dorn
Dowdy
Downing
Dulski
Dwyer
Eckhardt
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Fulton, Pa.
Galifianakis
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Hamilton
Hanley
Hansen, Wash.
Hathaway
Hawkins
Hébert
Helstoski
Henderson
Holifield
Horton
Hull
Jarman
Johnson, Calif.
Jones, Ala.
Karth
Kazen
Landrum
Langen
Lennon
Long, Md.
McCulloch
McDade
McEwen
McFall
Madden
Mahon
Mailliard
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
O'Hara
Olsen
O'Neill, Mass.
Mann
Martin
Melcher
Michel
Mikva
Miller, Calif.
Mills
Minish
Mollohan
Monagan
Moorhead
Morgan
Passman
Patman
Patten
Perkins
Philbin
Pickle
Pirnie
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Reid, Ill.
Reifel
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rosenthal
St Germain
St. Onge
Sandman
Schwengel
Scott
Slack
Springer
Steed
Stephens
Stokes
Stubblefield
Sullivan
Symington
Taft
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Vigorito
Wampler
Watts
White
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wyman
Yates
Young

NAYS—94

Adams
Alexander
Ashley
Baring
Bell, Calif.
Bennett
Betts
Biester
Blackburn
Brown, Mich.
Burke, Fla.
Burton, Calif.
Camp
Carter
Cleveland
Collier
Collins
Conable
Conte
Conyers
Cramer
Denney
Derwinski
Duncan
Esch
Foley
Fountain
Gaydos
Goodling
Gross
Grover
Gude
Hagan
Haley
Hall
Hammerschmidt
Harvey
Hechler, W. Va.
Hicks
Hogan
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Johnson, Pa.
Kastenmeier
King
Kyl
Latta
Lloyd
Lujan
McClure
Marsh
Mayne
Meskill
Miller, Ohio
Mize
Montgomery
Morton
Mosher
Nedzi
Nix
Obey
Pelly
Pike
Poff
Randall
Rarick
Rees
Rogers, Fla.
Roth
Roudebush
Ruppe
Ryan
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Skubitz
Smith, Calif.
Stanton
Steiger, Ariz.
Steiger, Wis.
Stratton
Talcott
Van Deerlin
Vanik
Whalen
Whitehurst
Wolff
Zion
Zwach

NOT VOTING—158

Abbitt
Adair
Addabbo
Anderson, Tenn.
Arends
Ashbrook
Aspinall
Ayres
Barrett
Biaggi
Bingham
Blanton
Bolling
Brademas
Brasco
Bray
Brock
Brotzman
Brown, Ohio
Broyhill, N.C.
Burleson, Tex.
Bush
Cahill
Carey
Casey
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Corbett
Corman
Cowger
Cunningham
Daniel, Va.
Dawson
de la Garza
Delaney
Dent
Devine
Diggs
Dingell
Edmondson
Edwards, Calif.
Eshleman
Fallon
Farbstein
Flynt
Foreman
Fraser
Frey
Friedel
Fulton, Tenn.
Fuqua
Gallagher
Gilbert
Goldwater
Griffiths
Gubser
Halpern
Hanna
Hansen, Idaho
Harsha
Hastings
Hays
Heckler, Mass.
Hosmer
Howard
Jonas
Jones, N.C.
Jones, Tenn.
Kee
Keith
Kirwan
Kleppe
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Leggett
Lipscomb
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McDonald, Mich.
McKneally
McMillan
Macdonald, Mass.
MacGregor
Mathias
Matsunaga
May
Meeds
Mink
Minshall
Mizell
Morse
Myers
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Ottinger
Pepper
Pettis
Poage
Podell
Pollock
Powell
Pucinski

Purcell
Quie
Quillen
Railsback
Reid, N.Y.
Reuss
Rooney, Pa.
Rostenkowski
Roybal
Ruth
Scheuer
Sebelius
Shipley
Shriver
Sikes
Sisk
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Staggers
Stuckey
Teague, Calif.
Teague, Tex.
Tunney
Ullman
Utt
Vander Jagt
Waggonner
Waldie
Watkins
Watson
Weicker
Whalley
Wiggins
Winn
Wold
Wyatt
Wydler
Wylie
Yatron
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Casey for, with Mr. Clancy against.
Mr. Addabbo for, with Mr. Broyhill of North Carolina against.
Mr. Pucinski for, with Mr. Myers against.
Mr. Waggonner for, with Mr. Eshleman against.
Mr. Gilbert for, with Mr. Frey against.
Mr. Jones of Tennessee for, with Mr. Wold against.
Mr. Brasco for, with Mr. Nelsen against.
Mr. Pepper for, with Mr. Weicker against.
Mr. Corbett for, with Mr. Wylie against.
Mr. Railsback for, with Mrs. Heckler of Massachusetts against.
Mr. Stafford for, with Mr. Keith against.
Mr. Shriver for, with Mr. Koch against.
Mr. Ruth for, with Mr. Ottinger against.
Mr. Jonas for, with Mr. Fulton of Tennessee against.
Mr. McKneally for, with Mr. Scheuer against.
Mrs. May for, with Mr. Bingham against.
Mr. Watkins for, with Mrs. Chisholm against.
Mr. Pettis for, with Mr. Lowenstein against.
Mr. Dent for, with Mr. Blanton against.
Mr. Friedel for, with Mr. Reid of New York against.
Mr. Don H. Clausen for, with Mr. Foreman against.

Until further notice:

Mr. Celler with Mr. Arends.
Mr. Carey with Mr. Devine.
Mr. Macdonald of Massachusetts with Mr. Ayres.
Mr. Edwards of California with Mr. Minshall.
Mr. Farbstein with Mr. Smith of New York.
Mr. Rostenkowski with Mr. Adair.
Mr. Hanna with Mr. Cederberg.
Mr. Dingell with Mr. Morse.
Mr. Chappell with Mr. Bray.
Mr. Long of Louisiana with Mr. Snyder.
Mr. Biaggi with Mr. Wydler.
Mr. Barrett with Mr. Ashbrook.
Mr. Aspinal with Mr. Gubser.
Mr. Howard with Mr. Cowger.
Mr. Teague of Texas with Mr. Brock.
Mr. Zablocki with Mr. Cunningham.
Mr. Podell with Mr. O'Konski.
Mr. Purcell with Mr. Harsha.
Mr. Rooney of Pennsylvania with Mr. McClory.
Mr. Gallagher with Mr. Cahill.
Mr. Staggers with Mr. Lipscomb.
Mr. Anderson of Tennessee with Mr. Kuykendall.
Mr. Abbitt with Mr. Landgrebe.
Mr. Burleson of Texas with Mr. Bush.
Mr. Brademas with Mr. Brotzman.
Mr. Delaney with Mr. Hastings.
Mr. Edmondson with Mr. McDonald of Michigan.
Mr. Fallon with Mr. Lukens.
Mr. Roybal with Mr. McCloskey.
Mrs. Griffiths with Mr. Mizell.
Mr. Matsunaga with Mr. Hansen of Idaho.
Mr. Leggett with Mr. Mathias.
Mr. Jones of North Carolina with Mr. Kleppe.
Mr. Kluczynski with Mr. Brown of Ohio.
Mr. Waldie with Mr. Goldwater.
Mr. Kirwan with Mr. Hosmer.
Mr. Hays with Mr. Halpern.
Mr. Smith of Iowa with Mr. Wyatt.
Mr. Clark with Mr. Pollock.
Mr. Meeds with Mr. Quie.
Mr. Sikes with Mr. Quillen.
Mr. Nichols with Mr. Sebelius.
Mr. Ullman with Mr. Teague of California.
Mr. Tunney with Mr. Utt.
Mr. Flynt with Mr. Vander Jagt.
Mr. Daniel of Virginia with Mr. Watson.
Mr. de la Garza with Mr. Whalley.
Mr. Corman with Wiggins.
Mr. O'Neal of Georgia with Mr. Winn.
Mrs. Mink with Mr. Diggs.
Mr. McCarthy with Mr. Dawson.
Mr. Reuss with Mr. Shipley.
Mr. Sisk with Mr. Stuckey.
Mr. Yatron with Mr. Powell.
Mr. Fraser with Mr. Fuqua.
Mr. McMillan with Mr. Kyros.
Mr. Kee with Mr. MacGregor.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11582) entitled "An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes."

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 7 to the foregoing bill.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1394) entitled "An act to amend the Higher Education Act of 1965 to authorize Federal market adjustment payments to lenders with respect to insured student loans when necessary in the light of economic conditions, in order to assure that students will have reasonable access to such loans for financing their education," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Pell, Mr. Yarborough, Mr. Randolph, Mr. Williams of New Jersey, Mr. Kennedy, Mr. Mondale, Mr. Eagleton, Mr. Prouty, Mr. Javits, Mr. Dominick, Mr. Murphy, and Mr. Schweiker to be the conferees on the part of the Senate.

GENERAL LEAVE

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

LEGISLATIVE PROGRAM FOR THE WEEK OF SEPTEMBER 22, 1969

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader if he is prepared to announce the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished acting minority leader, we have finished the business for the week and will ask to adjourn over until Tuesday following announcement of the program.

As we indicated earlier, there are no District bills on Monday. Monday is a religious holiday, and in no event will there be any legislative business.

For Tuesday and the balance of the week we have scheduled the following bills:

H.R. 12549, to provide for the establishment of a Council on Environmental Quality, which will come up under an open rule, with 1 hour of debate;

H.R. 474, to establish a Commission on Government Procurement, under an open rule, with 1 hour of debate;

S. 574, to authorize feasibility investigations of certain water resource developments, which will come up under an open rule, with 1 hour of debate;

H.R. 850, to designate the Desolation Wilderness, Eldorado National Forest, Calif., under an open rule, with 1 hour of debate;

H.R. 8449. Hours of Service Act amendments, under an open rule, with 1 hour of debate; and

H.R. 12884, to assure confidentiality of census information, which will come up under an open rule with 2 hours of debate.

Mr. Speaker, this announcement is made subject to the usual reservations that conference reports may be brought up at any time and that any further program may be announced later.

Mr. Speaker, I advise Members that, as is indicated here, we may, in fact, have conference reports, and we have a number of bills.

Members should be alerted to the fact that we may have to have Friday sessions from now on. I think the House should know that.

ADJOURNMENT TO TUESDAY, SEPTEMBER 23, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Tuesday next.

The SPEAKER. Is there objection to

the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NIX CHALLENGES MAILERS OF "JUNK CREDIT"

(Mr. NIX asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NIX. Mr. Speaker, 300,000 credit cards are stolen from the mails every year. The vast majority of these credit cards are unsolicited and would be unwelcome in American homes if they had, in fact, ever arrived.

The theft of credit cards threatens American families who had not asked for them in the first place with bankruptcy, law suits, and ruined credit. A person in whose name a credit card is written is responsible for debts run up on that credit card unless he can demonstrate that the credit card has been stolen and that he, the mail patron, is not responsible for the purchases through the use of the credit card.

For this reason it seems to me that it is a matter of commonsense that the mailing of unsolicited and unwanted credit cards be stopped. This practice is a shoddy advertising device and a threat to the American family budget. It should be stopped.

I have instructed my subcommittee staff to begin a preliminary investigation in cooperation with the Federal Trade Commission, the Post Office Department, and the President's Committee on Consumer Interests. In October the Postal Operations Subcommittee, of which I am chairman, will open hearings on several bills which would make unsolicited credit cards nonmailable.

There is only one way to break up the use of unsolicited credit cards by racketeers—and that is by ending the mailing of unsolicited credit cards. Credit cards are supposed to stand for a high credit rating. With the mass mailing of unsolicited credit cards they stand for nothing at all. This practice must be ended.

Mr. Speaker, I would like to submit for the Record copies of telegrams which I have sent to the Chairman of the Federal Trade Commission, the Postmaster General, and the White House. I would also like to submit for the Record a news story from the Washington Star, quoting a White House aide on this subject, as well as a column by America's outstanding humorist, Mr. Art Buchwald:

September 17, 1969.

Hon. Robert L. Mead,
Director of Legislative Affairs, President's Committee on Consumer Inetrests, the White House, Washington, D.C.

Dear Mr. Mead: I have read with interest your comments on unsolicited credit card mailings. My Subcommittee on Postal Operations will hold hearings on several bills which would make such mailings illegal.

I have directed my Subcommittee Counsel, Mr. Thomas Kennedy, to begin an immediate preliminary investigation into this matter in cooperation with the Federal Trade Commission and agencies of the Executive Branch.

I hope that it will be possible for you to appear before the Subcommittee when a hearing is scheduled and to cooperate with the Subcommittee in its preliminary work. Please contact my staff at your convenience on this very important matter.

Sincerely,

Robert N. C. Nix,
Chairman, Subcommittee on Postal Operations.

September 17, 1969.

Hon. Paul Rand Dixon,
Chairman, Federal Trade Commission, Washington, D.C.

Dear Mr. Chairman: I have decided to hold hearings on bills that would declare unsolicited credit cards to be unmailable. Hearings on H.R. 13244 will begin in October.

Your Commission has done outstanding work on this problem. I hope that we will be able to call on you and your organization for testimony during the course of our hearings. In the meantime, would it be possible to have a transcript of your hearings and other background material forwarded to Thomas Kennedy, Subcommittee Counsel, Room B345b Rayburn House Office Building.

I would like to congratulate you and the Commission for its work on behalf of consumers, particularly in this regard.

Sincerely,

Robert N. C. Nix,
Chairman, Subcommittee on Postal Operations.

September 17, 1969.

Hon. Winton M. Blount,
The Postmaster General,
Post Office Department,
Washington, D.C.

Dear General: The mailing of unsolicited credit cards has become a national problem, recognized by the Federal Trade Commission, various administration officials, and the press. Your department has been instrumental in breaking up a criminal ring which dealt in stolen cards.

I intend to hold hearings this fall on legislation which will make unsolicited credit cards nonmailable. I would like very much to have as much information from the postal service as possible on this problem. I also intend to call representatives of the postal service to testify on legislation of this type.

Thank you for all past courtesies.

Sincerely,

Robert N. C. Nix,
Chairman, Subcommittee on Postal Operations.

[From the Washington (D.C.) Evening Star, Sept. 10, 1969]

Nixon Aide Urges Postal Ban on Unsolicited Credit Cards

The Nixon administration today endorsed a proposal to outlaw unsolicited credit card mailing to consumers.

Robert L. Mead, director of legislative affairs for the President's Committee on Consumer Interests, also told the Federal Trade Commission the ban should go much further than just the areas under FTC jurisdiction.

Mead suggested the FTC strongly recommend to Congress legislation covering the entire field of unsolicited credit cards. The FTC now has no jurisdiction over banks, airlines or common carriers.

He noted that outstanding consumer credit debts now total an all-time high of $110 billion—"From the womb to the tomb on a credit card is now the case."

[From the Washington (D.C.) Post, Sept. 18, 1969]

Credit Pushers Vex Breadwinner

(By Art Buchwald)

A lot of people are being shaken up these days by receiving unsolicited plastic credit cards. In the past the consumer had the option whether to ask for credit or not. But now in the great battle for the hearts and dollars of the American customer, the banks, oil companies and hotel chains are shoving their credit cards at you whether you want them or not.

It isn't just the spectre of a wife or teenager receiving a credit card and going berserk that bothers most American breadwinners. It's the principle of the thing, and where will it all end? What is to prevent a company that sends unsolicited credit cards to your home from sending merchandise instead?

I don't believe it is too farfetched to see this happening in a few years.

You come home, and there on your front lawn is a complete dining room set with table, 12 chairs and cabinet. Attached to leg of the table is a note:

"Greetings. We are happy to inform you that we consider you an excellent credit risk and, to show our faith in you, we are leaving this dining room set on your lawn. Our credit reports on you indicate that you favor colonial furniture, and we have chosen this particular mahogany wood which we know will go well with the rest of your furnishings. If for some reason this particular dining room set does not meet your requirements, you may return it to our warehouse within 10 days, and you will not be charged for it. If it is not returned, we will assume that we made the right choice, and we shall start billing you monthly."

Or you could wake up in the morning and find parked outside your door a new "fire-eater" with the following letter taped to the windshield:

"Congratulations,

"You are now the owner of a new 'fire-eater,' the fastest, most comfortable economical automobile on the road. Because of your high credit rating, we have taken the liberty of registering this car in your name with the State Vehicle Bureau.

"If for any reason you change your mind and decide you don't want to be one of the 'with it' people, please call this number and we will have the car taken away, at no cost to you except for the towing charges.

"Also, if you do not accept this exceptional buy, you must go down to the State Vehicle Bureau and inform them of this decision. Otherwise we will start charging you interest beginning next week."

The final indignity would be to receive a registered letter from a development company which read:

"Dear Sir,

"We're happy to inform you that you are now the proud owner of a new ranch house in Paradise Acres. This extraordinary home (the deed is enclosed) has three bedrooms, two and half baths, a playroom and completely equipped kitchen and will be ready for you to move into within two weeks.

"A check on your credit rating shows that you can easily afford this remarkable buy, and we have taken the liberty of deducting

> from your bank account the small down payment.
>
> "If we don't hear from you by registered mail within the next 36 hours, we will assume that you will be joining us at Paradise Acres. On the other hand, if you return the deed, then we ask you to contact our lawyers so some equitable arrangement can be worked out for our time and inconvenience.
>
> "Cheers."

SOCIAL SECURITY PROGRAM

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, Congress will soon be reviewing the social security program to determine whether increased benefits can be paid out to the 23 million Americans who substantially depend on social security.

A study of the social security fund discloses terrible management as far as the interest of beneficiaries is concerned. The trustees of the fund—a close-knit administration group—has failed to carry out the prime purpose of a trust: to create maximum income with security.

Official projections on the operation of the old age and survivors interest fund for 1969 clearly show the fund with a net balance at the beginning of 1969 of $26,475 billion which will earn $985 million, a net rate of 3.72 percent. At the end of 1969, the fund will increase to $28,734 billion.

If the proceeds of this trust fund were entirely invested in Treasury issues which are now reaching the market at 8 percent, the annual income of the old age and survivors trust fund could be increased by over 100 percent. The prudent investment of social security trust funds could earn an additional $1 billion per year with today's high yield securities.

Yesterday, the Treasury sold $8.88 billion in Treasury notes, most of which, $7.6 billion, was sold to the general public, mostly banks. It is incredible that this Treasury issue and others like it should not have been entirely placed into the social security trust fund portfolios.

The cruel fact is that the social security trust funds which are the property of their contributors are used as the fiscal arm of the Treasury to absorb deadbeat and otherwise unmarketable Treasury issues, while the private sector of our economy picks off the high-interest Treasury plums.

What cruel trick to play on our senior citizens and our young people whose hard-earned money is supposed to be wisely invested for their retirement years.

Under normal conditions, any trust fund managers and trustees would have been removed long ago with this kind of an investment track record.

I think the time is ripe to rectify this unconscionable situation.

THE U.S.S. "CONNOLE"

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, on August 30 the U.S.S. *Connole* was commissioned at the U.S. Naval Base, Charleston, S.C. A destroyer escort, the U.S.S. *Connole* is one of a new class of 47 ocean escorts specially designed for antisubmarine warfare. It is manned by 15 officers and 205 enlisted men and will be homeported in Norfolk, Va., with Destroyer Squadron 36.

While I was unable to be present at the commissioning, the ship has special meaning to me and the people of the 24th District of Illinois. It is named after Comdr. David Rickart Connole, U.S. Navy, deceased. Born in Madison, Ill., on September 8, 1912, Commander Connole's Navy career ended when the submarine U.S.S. *Trigger*, which he was commanding, was overdue from a war patrol in the vicinity of Nansei Shoto, Asiatic area, on April 21, 1945, and was presumed lost.

A 1936 graduate of the U.S. Naval Academy, Commander Connole served aboard cruisers until 1939. Then, following submarine instruction at New London, Conn., he served on the submarine U.S.S. *Pompano* which participated in the Battle of Midway. Subsequently, Commander Connole commanded the U.S.S. *Cuttlefish*, joined the Pacific Fleet submarine force in December 1944, and after one patrol on the U.S.S. *Sennett*, assumed command of the *Trigger* in February 1945.

For his valor and service, Commander Connole received the Silver Star Medal, the Bronze Star Medal, and Presidential Unit Citation which the *Trigger* earned for three war patrols.

Serving his country with selfless dedication, Commander Connole has been honored and his memory well served by the distinguished ceremony in which his beloved mother, Mrs. Mary Rickart Connole acted as sponsor of the U.S.S. *Connole*.

I am certain that Mrs. Connole was deeply moved by this tribute to her beloved son. I know his brother Paul, a personal friend of mine, shared his mother's feelings on this moving occasion.

Though the ship may be composed of machinery and a hull, let it be said that with its commissioning, especially for the people of Madison County, Ill., the U.S.S. *Connole* carries with it the spirit of a brave young patriot who paid the extreme sacrifice for his country.

THE PRESIDENT'S U.N. ADDRESS

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, President Nixon's remarks to the United Nations General Assembly deserve our most careful attention. The President has appealed to the world community to lend its efforts in our search for peace in Vietnam. In the President's words:

> In the name of peace, I urge all of you here—representing 126 nations—to use your best diplomatic efforts to persuade Hanoi to move seriously into the negotiations which could end this war. The steps we have taken have been responsive to views expressed in this room. We hope that views from this organization may now also be influential in Hanoi. If these efforts are successful, the war can end.

Mr. Speaker, I think the President is to be commended on laying this matter before the United Nations, an international organization formed over 20 years ago to preserve and promote peace in the world. If the United Nations is to remain a viable organization it must play a constructive role in achieving peace throughout the world.

I think the President was correct in pointing out to the United Nations that the United States has been more than willing to take the initiatives and risks for peace in Vietnam. But the avenue to peace is a two-way street and Hanoi has not responded to either the bombing halt in the North or American troop withdrawals. I am disturbed by reports that certain American war critics are now calling these steps "tokenism." These are the same people who last year told us that a bombing halt and deescalation would bring peace in Vietnam. And yet they persist in their irresponsible and one-sided attacks on American policy and remain silent on the question of enemy reciprocation.

President Nixon has also made it clear to the United Nations that America will not shirk its responsibilities as a major world power. In the President's words:

> As for the United States, I can state here today without qualification: we have not turned away from the world. We know that with power goes responsibility. We are neither boastful of our power, nor apologetic about it. We recognize that it exists and that as well as conferring certain advantages, it also imposes upon us certain obligations. As the world changes, the pattern of those responsibilities changes.

The President has emphasized to the world community that those changes include "a new pattern of interdependence," which requires that "other nations assume a greater share of responsibility for their own security, both individually and together with their neighbors." In the President's words:

> The great challenge now is to enlist the cooperation of many nations in preserving peace and enriching life. This cannot be done by American edict, or by the edict of any other nation. It must reflect the concepts and the wishes of those nations themselves.

Mr. Speaker, this is the challenge which President Nixon has put to the world community and it is also the cornerstone of the new American foreign policy. It represents neither a retreat to isolationism nor a continuing reliance on major power dominance in international politics instead it represents a new reliance on cooperative and creative internationalism. And the United Nations can and should play a major role in implementing this new policy for world peace and progress.

In concluding his remarks, the President said, and I quote:

> In that spirit, then, let us press toward an open world—a world of open doors, open hearts, open minds—a world open to the exchange of ideas and of people, and open

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to the reach of the human spirit—a world open in its search for truth, and unconcerned with the fate of old dogmas and old isms—a world open at last to the light of justice, and reason and to the achievement of that true peace which the people of every land carry in their hearts and celebrate in their hopes.

Mr. Speaker, I commend the President's entire address to the attention of my colleagues and include it at this point in the RECORD:

ADDRESS OF PRESIDENT NIXON BEFORE UNITED NATIONS GENERAL ASSEMBLY

Madame President, Mr. Secretary General, distinguished foreign ministers and delegates—and my fellow citizens of the world community:

There is no nobler destiny, nor any greater gift one age could make to the ages that follow, than to forge the key to a lasting peace.

In this great assembly, the desirability of peace needs no affirmation. The methods of achieving it are what so greatly challenge our courage, our intelligence and our discernment.

Surely if one lesson above all rings resoundingly among the many shattered hopes in this world, it is that good words are no substitute for hard deeds, and noble rhetoric is no guarantee of noble results.

We might describe peace as a process embodied in a structure.

For centuries, peace was the absence of war and stability was the absence of change.

PEACE WITH PROGRESS

But in today's world, there can be no stability without change—so that peace becomes a continuing process of creative evolution. It is no longer enough to restrain war. Peace must also embrace progress—both in satisfying man's material needs and in fulfilling his spiritual needs.

The test of the structure of peace is that it ensure for each nation the integrity of its borders, its right to develop in peace and safety, and its right to determine its own destiny without outside intervention.

As long as we live with the threat of aggression, we need physical restraints to contain it.

But the truest peace is based on self-restraint—on the voluntary acceptance of those basic rules of behavior that are rooted in mutual respect and demonstrated in mutual forebearance.

The more closely the world community adheres to a single standard in judging international behavior, the less likely that standard is to be violated.

ROLE OF UNITED STATES

I am well aware that many nations have questions about the world role of the United States in the years ahead—about the nature and extent of our future contribution to the structure of peace.

Let me address those doubts quite candidly.

In recent years there has been some criticism here in the United States of the scope and the results of our international commitments.

This trend, however, has not been confined to the United States alone. In many countries we find a tendency to withdraw from responsibilities; to leave the world's often frustrating problems to the other fellow and hope for the best.

As for the United States, I can state here today without qualification: We have not turned away from the world.

We know that with power goes responsibility.

We are neither boastful of our power, nor apologetic about it. We recognize that it exists; and that as well as conferring certain advantages, it also imposes upon us certain obligations.

As the world changes, the pattern of those responsibilities changes.

At the end of World War II, the United States for the first time in history assumed the major responsibility for world peace.

HELP AFTER WORLD WAR

We were left in 1945 as the one nation with sufficient strength to contain the new threats of aggression, and with sufficient wealth and industrial capacity to help the injured nations back to their feet.

For much of the world, those first difficult postwar years were a time of dependency.

The next step was toward independence, as new nations were born and old nations revived.

Now we are maturing together into a new pattern of interdependence.

It is against this background that we have been urging other nations to assume a greater share of responsibility for their own security, both individually and together with their neighbors. The great challenge now is to enlist the cooperation of many nations in preserving peace and enriching life. This cannot be done by American edict, or by the edict of any other nation. It must reflect the concepts and the wishes of those nations themselves.

The history of the postwar period teaches that nationalism can be dangerously disruptive—or powerfully creative.

Our aim is to encourage the creative forms of nationalism; to join as partners where our partnership is appropriate, and where it is wanted, but not to let a U.S. presence substitute for independent national effort or infringe on national dignity and pride.

It is not my belief that the way to peace is by giving up our friends or letting down our allies. On the contrary, our aim is to place America's international commitments on a sustainable, long-term basis, to encourage local and regional initiatives, to foster national independence and self-sufficiency, and by so doing to strengthen the total fabric of peace.

We do not pretend that the United States has no national interests of its own, or no special concern for its own interests.

However, our most fundamental national interest is in maintaining that structure of international stability on which peace depends, and which makes orderly progress possible.

TOWARD VIETNAM PEACE

Since I took office as President, no single question has occupied so much of my time and energy as the search for an end to the war in Vietnam—an end fair to the people of South Vietnam, fair to the people of North Vietnam, and fair to those others who would be affected by the outcome.

We in the United States want an end to the war, and we are ready to take every reasonable step to achieve it. But let there be no question on this one fundamental point: In good conscience we cannot, in the long-term interests of peace we will not, accept a settlement that would arbitrarily dictate the political future of South Vietnam and deny to the people of South Vietnam the basic right to determine their own future free of outside interference.

As I put it in my address to the American people last May, "what the United States wants for South Vietnam is not the important thing. What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam."

To secure this right—and to secure this principle—is our one limited but fundamental objective.

PARIS TALKS DISCUSSED

Both in public and at the Paris talks, we have offered a number of proposals which would bring peace and provide self-determination. We are ready to consider any other proposals that have the same objective. The missing ingredient so far has been the willingness of the other side to talk on any terms other than those that would predetermine the result and deny the right of self-determination to the people of South Vietnam. Once that willingness exists, and once there is a genuine willingness by the other side to reach agreement, the practical solutions can readily be found.

This makes it urgent that the U.N. members who have long taken an active interest in peace in Vietnam now take an active hand in achieving it.

Many urged that if only we halted our bombing of the North, peace would follow. Nearly a year has passed since the bombing of the North was stopped.

Three months have pasesd since we began the process of troop replacement, signaling both our own genuine desire for a settlement and the increased readiness of the South Vietnamese to manage their own defense.

As I announced on Tuesday, by Dec. 15 our troop strength in Vietnam will have been reduced by a minimum of 60,000 men.

On Sept. 2, 1969, North Vietnam's chief negotiator in Paris said that if the United States committed itself to the principle of totally withdrawing its forces from South Vietnam, and if it withdrew a significant number of troops, Hanoi would take this into account.

I repeat here today that we are prepared to withdraw all our forces.

The replacement of 60,000 troops is a significant step.

The time has come for the other side to respond to these initiatives.

The time has come for peace.

In the name of peace, I urge all of you here—representing 126 nations—to use your best diplomatic efforts to persuade Hanoi to move seriously into the negotiations which could end this war. The steps we have taken have been responsive to views expressed in this room. We hope that views from this organization may now also be influential in Hanoi. If these efforts are successful, the war can end.

The people of Vietnam, North and South alike, have demonstrated heroism enough to last a century. They have endured an unspeakable weight of suffering. They deserve a better future. When the war ends, the United States will stand ready to help the people of Vietnam—all of them—in their tasks of renewal and reconstruction. When peace does come at least to Vietnam, it can truly come with healing in its wings.

In relations between the United States and the various Communist powers, I have said we should move from an era of confrontation to an era of negotiation.

I believe our relations with the Soviet Union can be conducted in a spirit of mutual respect, recognizing our differences and also our right to differ; recognizing our divergent interests, and also our common interests; recognizing the interests of our respective allies as well as our own.

It would be idle to pretend that there are not major problems between us, and conflicting interests. The tensions of the past 30 years have not been caused by personal misunderstanding. This is why we have indicated the need for extended negotiations on a broad front of issues.

Already, as you know, we have had extensive consultations with the Soviet Union as well as with others about the Middle East, where events of the past few days point up anew the urgency of a stable peace.

The United States continues to believe that the U.N. ceasefire resolutions define the minimal conditions that must prevail on the ground if settlement is to be achieved. We believe the Security Council resolution of November, 1967, charts the way to that settlement.

A peace, to be lasting, must leave no seeds of a future war. It must rest on a settlement which both sides have a vested interest in maintaining.

We seek a settlement based on respect for the sovereign rights of each nation to exist within secure and recognized boundaries. We are convinced that peace cannot be achieved on the basis of substantial alterations in the map of the Middle East. We are equally convinced that peace cannot be achieved on the basis of anything less than a binding, irrevocable commitment by the parties to live together in peace.

MIDEAST ARMS SHIPMENTS

Failing a settlement, an agreement on the limitation of the shipment of arms to the Middle East might help to stabilize the situation. We have indicated to the Soviet Union, without result, our willingness to enter such discussions.

In addition to our talks on the Middle East, we hope soon to begin talks with the Soviet Union on the limitation of strategic arms. There is no more important task before us.

The date we proposed for the opening of talks has passed for lack of response. We remain ready to enter negotiations.

Since the United States first proposed strategic arms talks three years ago, the task of devising an effective agreement has become more difficult. The Soviet Union has been vigorously expanding its strategic forces; weapons systems themselves have become more sophisticated and more destructive. But as the difficulty of the talks increases, so too does their importance.

Though the issues are complex, we are prepared to deal with them seriously, concretely and purposefully—and to make a determined effort not only to limit the build-up of strategic arms, but to reverse it.

Meanwhile, I want to affirm our support for arms control proposals which we hope the Geneva Conference will place before this Assembly with regard to the seabed and to chemical and bacteriological weapons. We hope also that the Nuclear Nonproliferation Treaty will soon enter into force.

We should be under no illusion, however, that arms control will in itself bring peace. Wars are fought by soldiers, but declared by politicians. Peace also requires progress on those stubbornly persistent political questions that still divide the world—and it requires other exchanges not only of words but of deeds, that can gradually weave a fabric of mutual trust.

We intend to conduct our negotiations with the Soviet Union soberly and seriously, neither encumbered by prejudice nor blinded by sentimentality, seeking to reach agreements rather than to make propaganda.

TALKS WITH CHINA

Whenever the leaders of Communist China choose to abandon their self-imposed isolation, we are ready to talk with them in the same frank and serious spirit.

For nearly a quarter of a century, the U.N. has struggled with the often thankless task of peace-keeping.

As we look to the future, however, keeping the peace is only part of our task. We also must concentrate on building the peace.

Let us be candid. There are many differences among the great powers, as well as among others, which as realists we know cannot be resolved quickly. But we also know there are five areas in particular of great concern to us all with regard to which there should be no national differences, in which our interests are common and on which there should be unanimity. These are:

Securing the safety of international air travel.

Encouraging of voluntary service.

Fostering economic development and population control.

Protecting our threatened environment.

Exploring the frontiers of space.

I. By any standards, aircraft hijackings are morally, politically, and legally indefensible. The Tokyo Convention has now been brought into force, providing for prompt release of passengers, crew and aircraft. Along with other nations, we also are working on a new convention for the punishment of hijackers. But neither of these conventions can be fully effective without cooperation; sky piracy cannot be ended as long as the pirates receive asylum.

I urge the United Nations to give high priority to this matter. The issue transcends politics; there is no need for it to become the subject of polemics or a focus of political differences. It involves the interests of every nation, the safety of every air traveler, and the integrity of that structure of order on which a world community depends.

CORPS OF VOLUNTEERS

II. The creative, dynamic kind of peace I have spoken of, of course, requires more than such basic protections.

To build this kind of peace, we must join together in building our societies—in raising a great cathedral of the spirit, which celebrates the infinite possibilities of man himself.

Such a peace requires a fuller enlistment not only of government resources, and of private enterprise resources, but also of the dedication and skill of those thousands of people all over the world who are ready to volunteer in the cause of human advancement. Our own Peace Corps has helped in many countries. I especially welcome the consideration the U.N. itself is now giving to establishment of an international volunteer corps. We stand ready to give this exciting new venture our full and enthusiastic cooperation.

III. As the U.N. looks toward the beginning of its second development decade, it faces a time of enormous challenge and enormous opportunity.

We can only guess at the new scientific discoveries the 70s may bring, but we can see with chilling clarity the gap that already exists between the world's developed and its developing economies—and the urgent need for international cooperation in spurring economic development.

If, in the course of the second development decade, we can make both significant gains in food production and significant reductions in the rate of population growth, we shall have opened the way to a new era of splendid prosperity. If we do only one without the other, we shall be standing still. If we fail in both, great areas of the world will face human disaster.

FIGHT ON POLLUTION

IV. Increasingly, the task of protecting man's environment is a matter of international concern. Pollution of air and water, upsetting the balance of nature—these are not only local problems, and not only national problems, but matters that affect the basic relationship of man to his planet.

The United Nations already is planning a conference on the environment in 1972. I pledge the strong support of the United States for that effort. I hope that even before then we can launch new international initiatives toward restoring the balance of nature, and maintaining our world as a healthy and hospitable place for man.

V. Of all man's great enterprises, none lends itself more logically or more compellingly to international cooperation than the venture into space. Here, truly, mankind is as one: As fellow creatures from the planet Earth, exploring the heavens that all of us share.

The journey of Apollo 11 to the moon and back was not an end, but a beginning.

There will be new journeys of discovery. Beyond this, we are just beginning to comprehend the benefits space technology can yield here on earth. But the potential is enormous.

For example, we are now developing earth resource survey satellites, with the first experimental satellite to be launched sometime early in the decade of the 1970s.

Present indications are that these should be capable of yielding data which could assist in as widely varied tasks as the location of schools of fish, the location of mineral deposits and the health of agricultural crops.

I feel it is only right that we should share both the adventures and the benefits of space. As an example of our plans, we have determined to take these five actions with regard to earth resource satellites, as this program proceeds and fulfills its promise:

The earth resource satellite program will be dedicated to producing information not only for the United States, but also for the world community.

We shall support the convening of a series of international symposia for reports on the work in progress in this field and on projections of future possibilities.

We shall cooperate in the establishment of international information centers to broaden the dissemination of satellite data.

We are prepared to work with other nations and specialized agencies in developing educational and training opportunities to meet future needs for specialists, especially in the use of earth resource satellite data.

We shall consider specific international arrangements for handling the data needs of other nations and specialized agencies.

We will be putting proposals to this effect before the United Nations.

These are among the positive, concrete steps we intend to take toward internationalizing man's epic ventures into space—an adventure that belongs not to one nation, but to all mankind, and one that should be marked not by rivalry, but by the same spirit of fraternal cooperation that so long has been the hallmark of the international community of science.

A survey of history might discourage those who seek to establish peace.

NEW AGE FOR MANKIND

But we have entered a new age, different not only in degree but in kind from any that has gone before.

For the first time ever, we have become a single world community.

For the first time ever, we have seen the staggering fury of the power of the universe unleashed, and we know that we hold that power in precarious harness.

For the first time ever, technological advance has brought within reach what once was only a poignant dream for hundreds of millions—freedom from hunger and freedom from want.

For the first time ever, we have seen changes in a single lifetime that dwarf the achievements of centuries—and that continue to accelerate.

For the first time ever, man has stepped beyond his planet—and revealed us to ourselves as "riders on the earth together," bound inseparably on this one bright, beautiful speck in the heavens, so tiny in the universe and so incomparably welcoming as a home for man.

In this new age of historic "firsts," even the goal of a just and lasting peace is a "first" we can dare to strive for. We must achieve it. And I believe we can achieve it.

In that spirit, then, let us press toward an open world—a world of open doors, open hearts, open minds—a world open to the exchange of ideas and of people, and open to the reach of the human spirit—a world open in its search for truth, and unconcerned with the fate of old dogmas and old isms—a world open at last to the light of justice, and rea-

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son, and to the achievement of that true peace which the people of every land carry in their hearts and celebrate in their hopes.

PRESIDENT NIXON'S SPEECH TO UNITED NATIONS

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, I rise to commend President Nixon upon his speech yesterday to the General Assembly of the United Nations.

As a former delegate to the U.N., I am pleased that he used that important forum to enunciate in a constructive and conciliatory speech his views on problems the world faces today.

His appearance serves to underscore the continuing importance which our Government places on the United Nations, the part which it can—indeed, must—play in the resolution of today's tough problems.

I am glad that Mr. Nixon called upon the 126 member nations at the General Assembly session to join with the United States in the search for solutions to these problems.

While the President's remarks dealt with a wide range of world issues, including the Middle East, arms control, and other matters, his major emphasis was on Vietnam.

The President reviewed the many steps that our Government has taken in the pursuit of peace; steps which have brought too little response from Hanoi. He emphasized that the objective of our Government is to find an end to the war in Vietnam, an end fair to the people of South Vietnam, fair to the people of North Vietnam and fair to those others who would be affected by the outcome.

He pledged the United States when the war ends, "to help the people of Vietnam, all of them, in their tasks of renewal and reconstruction." In the name of peace, he urged all members of the U.N. to help persuade Hanoi to move seriously into negotiations which could end the war.

I congratulate the President upon his statesmanlike address. I hope that all those who are sincerely interested in an honorable and lasting peace in Southeast Asia will support our President in his difficult task.

Finally, Mr. Speaker, I should like to note the concluding remarks of President Nixon, for they offer all of us a worthy challenge and goal. The President said:

> Let us press toward an open world—a world of open doors, open hearts, open minds—a world open at last to the light of justice, and the light of reason, and to the achievement of that true peace which the people of every land carry in their hearts and celebrate in their hopes.

This is a goal deserving of our support.

MICHAEL F. HARRITY

(Mr. McDADE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McDADE. Mr. Speaker, on Friday of last week, a man named Michael F. Harrity died in Mercy Hospital in the city of Scranton. He was one of the most extraordinary men in this century. He spent most of his life paralyzed, sickly, suffering, and yet people turned to him for consolation and help.

He graduated from the Scranton Preparatory School in 1950. It was his burning ambition to become a priest. He pursued his studies for the priesthood until 1955, when he was stricken with paralytic polio. He moved across a succession of hospitals, endured numerous operations, and finally returned to Scranton to the Mercy Hospital, where somehow he clung to the little bit of life that was left in him.

He watched his classmates ordained to the priesthood. He did not complain. He said that he understood that God has chosen to make his wheelchair his altar.

His friends came to visit him at Mercy Hospital. His friends sent their own friends who had never met Mike. They came away from his room astonished because they could never talk about his problems or his sufferings. He wanted only to talk about their problems, to see if there might be something that he could do to help them.

There is a story told of Francis of Assisi that a monk came to him once, and asked Francis how he liked the sermon which the monk had just delivered. Francis answered him:

> I'm sorry. Your actions were so loud that I just couldn't hear what you said.

If the greatness of the ministry of a priest is to be measured by what he does rather than by what he says, then I think we can say that in his bed and in his wheelchair at the Mercy Hospital, Mike Harrity was a great minister of God.

There was only one thing Mike ever asked from his visitors—their prayers. And so I will do what Mike would do if he were here in asking that you pray for his departed soul. But I think that the prayers he said for all of us are far more valuable than any prayer we could say for him.

Mr. Speaker, I will append here two articles from the Scranton Tribune and the Scranton Times recording the death of this great and saintly man:

[From the Scranton (Pa.) Tribune, Sept. 13, 1969]

MICHAEL HARRITY IS DEAD AT 37

Michael F. Harrity, stricken in 1955 by bulbar and paralytic polio, never really gave up hope that some day he would be a priest in the Roman Catholic Church. On Friday, Mike died in Mercy Hospital. He had fought the dread disease 14 years with a combination of faith, prayer and courage. He was 37.

Described by Mercy Hospital Chaplain Rev. John J. Turi as a person who never complained about his lot in life, Mike was considered a moving force in the lives of virtually thousands of persons stricken with polio.

Mike's studies for the priesthood began following graduation from Scranton Preparatory School in 1950. He completed two years at St. Charles Seminary, Catonsville, Md. and completed his philosophy at St. Mary's, (Paca Street, Md.). In 1955, just after he began studying at St. Mary's (Roland Park, Md.), he was stricken with polio, leaving him with only the use of his thumb and index finger.

Then began the hard years of suffering for Michael. He had four kidney operations; he suffered a lot with stomach trouble and couldn't breath without the aid of a respirator. "But through it all," Father Turi said, "he never complained."

When first stricken ill, he was in critical condition in several hospitals in Washington, D.C. But following a stay of two years at Buffalo, New York's Chronic Disease Institute, he was transferred back to Scranton.

In 1958, Mike watched nine priests ordained into the Roman Catholic Church. If he had not been afflicted, he would have been the 10th. In a Scrantonian interview following the services he was asked about his feelings concerning the ordination as he sat chained to his wheelchair. "It was wonderful," he answered, "I enjoyed it very much."

Asked if he didn't experience any sorrow over his plight, he answered in a way which was his standard right up until his death." "It is God's will that my altar is on a 'wheelchair."

And even though his aspirations to the priesthood were never realized, during his years as a resident at Mercy Hospital he spread kindness and inspiration to many patients. "He loved to talk, even though it was a great effort," Father Turi said.

Mike, according to Father Turi, visited patients at Mercy Hospital whenever he could, spreading faith and never talking about himself. "He had a very good mind, and he was very capable," remembered Father Turi. "He was an inspiration to many people."

And during all his years of pain and heartache, Mike found time to work. Faith, linked with a determination to make the best out of his misfortune, enabled him to teach medical ethics to classes of Mercy Hospital student nurses. He also founded the Blessed Virgin Sodality for nurses at Mercy Hospital.

In 1961, working in conjunction with the March of Dimes Campaign, he was named chairman of mailers. He was in charge of the mailing of 54,000 letters to local residents for contributions to the efforts of the National Foundation to prevent birth defects, arthritis, and polio. He was in charge of a similar campaign in 1962.

He was always quick to express his gratitude to the National Foundation, Inc., which provided and maintained the expensive respiratory equipment needed to keep him alive.

Over the years the foundation provided Mike with a number of four kidney operations, special treatment, rehabilitation, and thousands of dollars worth of equipment.

Recently, according to Father Turi, Mike had completed a book on suffering and submitted it to a publisher but up to the time of his death, no word had been received.

Father Turi indicated that Mike liked the theater and went whenever it was possible. He went to the Pocono Playhouse Thursday night and when he died Friday at 5:30 p.m., it came as a shock to many of his friends at the hospital.

"I think," said Father Turi, "he knew this was serious, he had a great knowledge of medicine. He had no fear of death. He was resigned to the will of God."

Probably one of the most ironic twists of Mike's story was the announcement of an effective polio vaccine April 12, 1955, four months after he was stricken.

Born in Scranton, he was a son of the late Joseph and Emma Weber Harrity.

Surviving are three brothers, Rev. Vincent P. Harrity, pastor of St. Ann's Church, Shohola; Joseph C., Springfield, Pa., and Paul J., Scranton; a sister, Mrls. Elaine Pawing, Hamilton, Ohio, and several nieces and nephews.

The funeral will be Tuesday from the Vanston Funeral Home, N. Irving Avenue and Ash Street, with mass in St. Peter's Cathedral at a time to be announced. Interment, Cathedral Cemetery. Friends may call today 7 to 9 p.m., thereafter 2 to 5, 7 to 9 p.m.

[From the Scranton (Pa.) Times, Sept. 13, 1969]

MICHAEL HARRITY DIES; FOUGHT POLIO 14 YEARS

"If God wills it, that will be my vocation." Those words were spoken often by Michael F. Harrity after he was stricken in 1955 with bulbar polio while aspiring to the Roman Catholic priesthood.

Mike died Friday in Mercy Hospital at the age of 37 after fighting for 14 years the most virulent form of the crippling, paralyzing disease.

Following graduation from Scranton Preparatory School in 1950, Mike completed two years at St. Charles Seminary, Catonsville, Md., and received his philosophy degree from St. Mary's Seminary, Baltimore, Md.

It was when he was at St. Mary's that Mike was stricken with the disease. Paralyzed from the neck down, Mike was in critical condition at several hospitals in Washington, D.C. But following a stay of two years at the Chronic Disease Research Institute at the University of Buffalo, N.Y., he was transferred back to Scranton. "I owe a tremendous debt of gratitude to the people of the Chronic Disease Research Institute. I'll never be able to pay them back," said Mike.

From then on Mike made his home in a specially outfitted room at Mercy Hospital.

Never asking for sympathy he only asked for prayers. His religious faith thrived on his physical adversity. He ignored his own plight to immerse himself in compassion for others.

In 1958, he watched nine priests ordained into the Roman Catholic Church. If he had not been afflicted, he would have been the 10th. But Mike never gave up hope that one day he would be ordained a priest.

Mike was never idle. He lectured and conducted seminars and taught religion and medical ethics to student nurses at Mercy. He also was moderator of the Sodality of Our Lady of Mercy at the hospital.

Each Christmas, Mike sent an annual letter to friends and other polio victims. Throughout the years, the list grew to enormous length. He would explain his activities the past year, clearly showing what an invalid could accomplish through determination and faith.

When interviewed last March, Mike said that in an average month he would make five trips out of the hospital which included dining out, attending sporting events, lecturing and teaching engagements, visiting friends and relatives, and even taking in a few touring shows.

In 1961 and 1962, Mike was chairman of mails for the March of Dimes Campaign. He was in charge of the mailing of 54,000 letters to local residents for contributions to the efforts of the National Foundation to prevent birth defects, arthritis and polio.

Mike recently completed a book on suffering and submitted it to a publisher but up to the time of his death no word had been received.

Mike died at 5:30 p.m. on Friday. His death was unexpected and the cause is still not known.

Mike had been up to the Pocono Playhouse on Thursday.

Born in Scranton, he was a son of the late Joseph and Emma Weber Harrity.

He is survived by three brothers, the Rev. Vincent P. Harrity, pastor of St. Ann's Church, Shohola; Joseph C., Springfield, and Paul J., Scranton; a sister, Mrs. Elaine Pawling, Hamilton, Ohio, and several nieces and nephews.

The funeral will be Tuesday from the Vanston Funeral Home, N. Irving Ave. and Ash St., with Mass in St. Peter's Cathedral. Interment, Cathedral Cemetery. Viewing, tonight 7 to 9; thereafter 2 to 5 and 7 to 9 p.m.

Memorial contributions may be made to the March of Dimes.

PRESIDENT NIXON A POPULAR PRESIDENT

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, complex, difficult problems confront our Nation today at home and abroad, problems which have been growing over the past several years and which will not be solved overnight. But President Nixon's strong, courageous leadership is doing much to bring about solutions to these problems, and the citizens of the United States are recognizing this fact.

An editorial in the Christian Science Monitor of September 16 points up the positive approaches offered by the President's proposals for revenue sharing with the States, modernization of the postal system, and job training, and commends him for these "worthy goals" and his "pragmatic, practical" methods of dealing with the problems confronting the Nation. I ask unanimous consent to insert this editorial in the RECORD at this point following my remarks:

[From the Christian Science Monitor, Sept. 16, 1969]

POPULAR PRESIDENT

President Nixon, somewhat to his own surprise, finds himself a popular President. His public opinion ratings slumped, then rose again. Congressmen returning to Washington from their summer vacation report Mr. Nixon to be well regarded "back home." The nation apparently enjoys the cooling of the atmosphere under the Nixon regime. Inflation still threatens, and there's only a modest peace prospect in Vietnam; still the general public, so far, does not blame the President for problems he inherited.

This is intelligent and it is fair. Before long, Mr. Nixon will need to show significant results on Vietnam. And people will hold the President responsible for the uncooled inflation if it runs riot further. But for the moment, and while the sun shines, this pragmatic, practical President intends to make use of his popularity, in an effort to persuade Congress to enact key items of his legislative program.

We wish him success, because these items establish worthy goals, such as the sharing of federal tax revenues with the states, modernization of the postal system, and effective job training. Presidents have not found it easy to transfer personal popularity either to their preferred candidates or to their preferred programs. But Mr. Nixon can at least try.

Up to now the President hasn't made much use of the personal-endorsement technique. Maybe he didn't think he had the public with him. But now Republican politicians are telling him that is sufficiently popular so that he should play a personal role—speeches and pats on the back—in next year's congressional elections, too.

There was a time, shortly before last November's election, when Mr. Nixon's strategists, having taken a sharp look at the problems that would confront a president in the White House, very nearly concluded that he would be a one-term chief executive. Now they look at his public image and revise their strategies.

But way this side of 1972, there are modernizing measures that ought to go through Congress. Mr. Nixon has personally tried to persuade Wilbur Mills and John Byrnes on the House Ways and Means Committee that federal revenue sharing with the states is a good idea. These powerful men are still opposed. So the President now may try appealing beyond them, to Congress and the public. Similarly the President will have to fight for welfare program, education policy, manpower training, and his tax reform version. The fact that the Nixon prestige graph hangs high—that the public thinks he has made an honest try so far—should help him a lot.

INFLATION'S HELPLESS VICTIMS: THE ELDERLY, THE YOUNG, THE FARMERS

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, inflation has dealt serious blows to three groups of Americans.

The three groups are the elderly whose social security and retirement pay have been made wholly inadequate by skyrocketing costs; the farmers and ranchers whose prices have not kept up with costs, and our youngsters. We are not keeping education funding up with the inflationary costs of running schools, even though the local taxpayers are already at the limit of their ability to finance schools.

I have already discussed on the floor the farm and ranch situation in relation to the general farm bill I introduced. And I have discussed educational problems in connection with the Joelsen amendment to meet the Federal Government's responsibility, as well as in connection with loans for college students.

I have not discussed our responsibility to older citizens yet, and I want to close that gap.

Older citizens on fixed incomes are often forgotten and their needs shoved aside. And now their rights are being ignored.

They paid for retirement benefits with dollars that bought one-fourth, one-half, and even twice more in goods and services as the dollars they are being paid back today. They are scrimping to exist. Millions live in deplorable housing; some have inadequate food. Though they were the builders of the very foundations of this affluent Nation many now can only look at the affluent society from afar. Their share of comfort for a retirement, bought and paid for in their productive years, is often meager.

Through none of their own doing, 25 million on social security, 1 million on railroad pensions, 3 million on veterans' pensions and compensation, and many, many millions more citizens on annuities are being cheated by inflation. Congress and the executive branch have both been dragging their feet on catchup increases in benefits.

I am pleased to see, Mr. Speaker, that the Ways and Means Committee intends to take up social security soon. It cannot

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be too soon. Day before yesterday was far too late.

We have been taking care of pay increases for Government workers, Congress has taken care of its pay, and the President's. But there has been deliberate dilly-dallying about the old folks that cannot really be ended fast enough.

I was shocked at President Nixon's proposal to delay any social security increase until next April. We have an obligation to our older citizens now; it is dishonest not to acknowledge that obligation and speed substantially increased benefits to them at the earliest possible date, and certainly before winter weather adds cold to the other problems they must endure.

Mr. Speaker, I want to be recorded as favoring action at once on social security, and all other legislation which will help the forgotten Americans in their retirement years.

CAUTION LIGHT FOR CRASH PROGRAMS IN SPACE

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN, Mr. Speaker, as the time for fiscal 1971 appropriation requests draws nearer it furnishes the occasion for some straight thinking on the proper and advisable role for America's future programs in space. This becomes critical in view of the continuing debate over priorities in spending—or appropriating if one prefers the term—taxpayers' dollars, of which there are but limited amounts available.

One thing is reasonably clear both on reflection and on the record of the billions upon billions already spent in space. This is that it is much more expensive to attempt to meet target dates or undertake crash programs. There is no question but that America's first on the moon was a deservedly prestigious feat. No question but that it increased world respect for our technological proficiency.

But you cannot eat proficiency. Nor is it shelter against wind and rain. Nor does it improve conditions in urban areas in which living approaches desperation or futility.

More billions must be directed toward pressing domestic concerns than have heretofore been the case. This means something in the Federal spending spectrum has to yield somewhere.

If it is to be the space program, among others, we must be careful not to pare too thin nor to disperse a highly competent team of technicians whose morale was never higher than at this moment.

In this connection the lead editorial in today's Washington Post is interesting:

A Spaceman's Sense of Balance

The report of President Nixon's Task Group on Space and, indeed, even the speeches to Congress of the three men who rode in Apollo 11 have brought some rationality back to the discussion of whither the space program. That report recommends that the President commit the nation to a "long-range goal of manned planetary exploration" aimed at a landing on Mars in the early 1980s, the mid-1980s, or the 1990s. Acceptance by the President of the basic recommendation would eliminate talk of abandoning manned space flight, which would be a foolish course of action, or of proceeding toward Mars in a crash effort to get there as quickly as possible.

It is difficult for anyone to reach any other conclusion except those who blindly opposed manned space travel or those who, equally blindly, favor giving it the nation's top priority. Space exploration ought to proceed in an orderly way, maximizing at every step the advance of knowledge and the utilization of it here on earth. In fact, it is not at all clear that the President should set a "goal" of a Mars landing in any particular year.

What is important is for the nation to push ahead on the immediate recommendations of the Task Group—exploring the moon, developing the tools that are needed for systematic exploitation of our space travel capability, and extracting from the space program more benefits for those of us who are earthbound. This means that NASA would continue its moon flights, perhaps reaching the day in the 1970s when semi-permanent colonies would be established on the moon's surface. At the same time, it would push development of a nuclear rocket engine, which would make long-range space travel more feasible, a space vehicle that could be landed on earth and used over and over again, which would reduce the costs of each mission sharply, and a space station to hold a dozen or so men that could be flown in orbit around the earth or the moon or, when the time comes, Mars.

This kind of program would keep NASA operating for a while on about the budget it now has. It would have the advantage of allowing the agency to keep together the remarkable team of scientists and engineers it has created by giving them new and interesting problems to solve. At the same time, it would encourage those in NASA who want to tailor the space program to produce more information directly useful in the solution of earthly problems—surveys of natural resources, weather prediction and control, and so on.

Although parts of the speeches the three astronauts of Apollo 11 delivered to Congress Tuesday were open pleas for money for future space flights, they were carefully balanced by the recognition each man gave to the needs of domestic programs for the funds that might otherwise be spent in space. The words of Neil Armstrong, the first man to walk on the moon, are worth repeating because they catch the spirit of the delicate balance that must be made between the dreams for adventure and the practical realities of life:

Several weeks ago, I enjoyed the warmth of reflection on the true meaning of the spirit of Apollo. I stood in the highlands of this nation, near the continental divide, introducing to my sons the wonders of nature and pleasures of looking for deer and elk. In their enthusiasm for the view, they frequently stumbled on the rocky trails, but when they looked only to their footing, they did not see the elk.

To those of you who have advocated looking high we owe our sincere gratitude, for you have granted us the opportunity to see some of the grandest views of the Creator. To those of you who have been our honest critics, we also thank, for you have reminded us that we dare not forget to watch the trail.

AIR POLLUTION ANTITRUST SUIT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, on Wednesday, 15 of my New York City colleagues joined with me in calling on the city of New York to intervene in the Justice Department's air pollution antitrust suit against the major automobile manufacturers.

Our request was triggered by the Department's agreement last Thursday to a consent decree in its case charging conspiracy to delay development and installation of effective pollution control devices.

By accepting this consent decree, the Department of Justice is effectively sweeping the whole situation under the rug.

Now, the Justice Department spent more than 2 years gathering evidence before bringing suit and it must have felt that it had a good case. Why suddenly is it willing to let the automotive manufacturers hide behind a consent decree?

The most deplorable part of this whole mess is that, not only will there be no public airing of the facts now, but, under the provisions of the consent decree, no municipality or private citizen wishing to pursue a follow-up suit for treble damages will be allowed access to the evidence—evidence gathered by a public agency and intended for open trial. This is outrageous and we have requested that New York City insist in its intervention that, should the consent decree be accepted—as seems all too probable—it be amended to permit public access to the evidence.

My fellow Representatives and I have also asked that the city initiate its own suit, or join in an existing suit, in the air pollution area. This would make it clear that even if the Federal Government is willing to drop the whole issue, the city of New York is not. We also consider that the city has a responsibility to protect the rights of its 8½ million residents who suffer from a daily onslaught of noxious odors and pollutants from motor vehicles.

The text of the letter and list of signatures follows:

Honorable JOHN V. LINDSAY,
Mayor,
Honorable FRANCIS X. SMITH,
President, City Council, City of New York,
City Hall, New York, N.Y.

GENTLEMEN: On September 11th, the U.S. Department of Justice announced its agreement to a consent decree in its air pollution anti-trust suit against the four major automobile manufacturers. This action effectively compromises rights of the 8½ million residents of the City of New York who suffer from a daily bombardment of noxious emissions from automobile engines.

New York has the dubious distinction, according to the National Center for Air Pollution Control, of having the highest concentration of pollution of any American city—higher even than smog-ridden Los Angeles—more than two-thirds of which is due to the 2½ million automobiles which use the City's streets each day.

Medical research has linked air pollution to the cause and aggravation of many serious diseases including lung cancer, emphysema, chronic bronchitis, asthma and other respiratory allergies, heart disease, genetic mutation and the common cold. The City is forced to spend large amounts of its annual medical care budget in treating victims of respiratory and pulmonary ailments.

High concentrations of pollution have al-

ready triggered several major city-wide catastrophes; the most recent, the inversion of Thanksgiving Day 1966, has been linked directly to the deaths of nearly 100 persons, and is presumed to be responsible for many more.

In 1966, the Mayor's Task Force on Air Pollution estimated that City residents were paying nearly one-half billion dollars per year in added expenses for the cleaning and upkeep of clothes and property and for the repair and protection of possessions against deterioration.

Air pollution and its attendant costs and problems has been a major contributor to large-scale residential and business exodus from the central city, from Manhattan in particular, with a resultant tax loss to the City.

The City's air pollution control program, on which more than 18 million dollars has been spent since 1953, has been thwarted in large part by the failure of automobile manufacturers to develop effective pollution control devices.

The Justice Department, in bringing suit against the major automobile companies charged that the manufacturers agreed to pursue research, development, manufacture and installation of pollution control devices on a non-competitive basis, that they agreed to seek joint appraisal of patents submitted by any persons not a party to the cross-licensing agreement, and that they agreed on at least three occasions—in 1961, 1962 and 1964—to *attempt to delay installation* of motor vehicle air pollution control equipment.

If the September 11th consent decree is permitted to go into effect at the end of the 30 day grace period, these allegations will never be tested in open court—and the evidence compiled over a two-year period by the Justice Department will be inaccessible to municipalities or private citizens interested in follow-up suits.

The City, which has purchased nearly 10,000 cars and trucks since 1953—the year the collusion alleged by the Justice Department began—has a responsibility to its citizens to see that their rights to a pollution-free city are not thwarted.

We therefore call upon the City of New York to intervene immediately in the Justice Department suit on behalf of its 8½ million citizens, requesting that the consent decree be rejected so that a free and open trial can be held. The City's intervention in this suit would express to the court the concern of the Nation's largest municipality in protecting the rights of its residents to be free from air pollution and stress the importance of this case to the attainment of that objective. This action would also give the City the opportunity, should the consent decree be accepted, to request that it be amended to allow evidence compiled by the Justice Department before bringing suit to be made available to the public and to speak out for the correction of other loopholes in the decree.

Los Angeles County has already intervened in the Justice Department suit. New York City, with a graver pollution problem, has at least an equal responsibility to take similar action.

We also call upon the City of New York to initiate separate suit, or join in existing suits, in the automotive air pollution area to make clear that New York is not willing to allow the basic issues of this case to drop, even though the Justice Department is willing to.

In recent anti-trust action against Charles Pfeiffer & Co. and several other drug companies, a settlement of $120 million dollars was made in favor of municipalities, the Federal Government and private individuals.

The people of the City of New York are entitled to breathe air that is free from harmful pollutants, particularly those emitted from automobile engines, and we feel that the City has the opportunity to strike a blow for this freedom by taking immediate action.

Sincerely,
Leonard Farbstein, Joseph P. Addabbo, Mario Biaggi, Jonathan B. Bingham, Frank J. Brasco, Shirley Chisholm, James J. Delaney, Jacob H. Gilbert, Seymour Halpern, Edward I. Koch, John M. Murphy, Bertram L. Podell, Adam Clayton Powell, Benjamin S. Rosenthal, William F. Ryan, and James H. Scheuer.

GOVERNMENT OF CHILE HONORS CHAIRMAN OF MACK TRUCKS, INC.

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 10 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, it is a privilege to bring to the attention of my colleagues an honor recently bestowed upon one of my congressional district's outstanding leaders, Mr. Zenon C. R. Hansen, chairman of the board and president of Mack Trucks, Inc., Allentown, Pa.

Not only is Mr. Hansen one of our Nation's foremost industrial go-getters, he also is a man who demonstrates deep personal concern for his fellow man. One of his humanitarian activities has just prompted the Government of Chile to pay him tribute.

Many of my colleagues have had the opportunity to witness presentations of coveted awards by foreign governments to American citizens who have performed outstanding services. Few, however, I am sure, have been as privileged as I to witness presentation of a foreign government's award to one of his constituents recognized for his work with orphans in a foreign country.

In ceremonies at the Chilean Embassy, Mr. Hansen received the Order of Bernardo O'Higgins in recognition of his work at St. Joseph's Children's Home in Talagante, Chile.

It came as no surprise to his friends, for he has been known throughout his life for his keen interest in youngsters, particularly disadvantaged. He is the longtime national treasurer of the Boy Scouts of America.

Chilean Ambassador Domingo Santa Maria made the award presentation. Father Joseph Doherty, founder of St. George School, spoke in appreciation of Mr. Hansen's work. Jorge Riffo, a young resident of the home, offered the thanks of the children of St. Joseph's Home.

I am pleased to include in the RECORD the remarks of the Chilean Ambassador and of young Jorge:

STATEMENT BY CHILEAN AMBASSADOR DOMINGO SANTA MARIA

The Government of Chile has entrusted me with the welcome task to confer upon Mr. Zenon Hansen, chairman of the board and president of Mack Truck Inc., of Allentown, Pennsylvania, "La Orden de Bernardo O'Higgins en el Grado de Oficial".

My Government wishes in this manner to acknowledge the valuable contribution of Mr. Hansen and of the company he presides to one of the most unique social endeavors I know: "Hogar de Ninos San Jose". The children's home of San Jose, in the small town of Talagante in the central zone of Chile. If you allow me I would like to draw a parallel between the life histories of our guest of honor and the children's home we have just mentioned.

Mr. Hansen was born in Minnesota, and as a foresight of what his future activities in transportation would one day be, he showed from a very early stage in life an interest for travelling. We follow him from Florida where he attended elementary school to Iowa where he goes to high school. At the end of the "twenties" he travels in Europe and the north of Africa in the capacity of an active official of "International Harvester", establishing himself in Oregon at the beginning of the "forties", always with the same company.

About the same time a young Canadian priest of the Order of the Holy Cross arrives in Chile to work in a small religious school for boys under the name of Saint George.

The "fifties" find Mr. Hansen as an executive of transportation companies in Oregon and later in Illinois, while the young priest is taking over a parish in a Santiago district. The needs of the people in that particular district prompted the foundation of the San Jose home, but with a shade of difference from other institutions of this kind. From the start an additional end was sought, that of finding a formula which would allow the institution to finance itself, thus avoiding a permanent dependence on charity. To this end, the priest invested his own possessions in several "Mack" trucks . . . and started what has become today a prosperous transportation company whose profits cover the home's expenses.

While his company was growing and prospering his creator got in closer contact with the executives of "Mack" and who responded with ever increasing attention.

In the meantime Mr. Hansen had established himself in Illinois and was taking over more responsibilities within his enterprise at that time, the Diamond T Motor Car Company in Chicago. However, by the end of that decade, he moved again; this time to Ohio in order to run the White Motor Company of Cleveland, which he did until 1965, when he became President of Mack Trucks Inc.

The Government of Chile wishes to convey to Mr. Hansen, through the decoration we are awarding him today, that we share the gratitude of the home, of its promoters and beneficiaries, especially because they are helping an institution that not only seeks to shelter the homeless children, but also to turn them into men useful to society, giving them working opportunities within their own transportation company while supporting the home.

I consider it is proper to discharge this honorable task in the presence of you all, for I think you are linked in a direct or indirect way to the man whom we honor today. We have with us a small group of friends and collaborators of Mr. Hansen, among whom we see two distinguished congressmen. We also have a group of Chilean young men who received their education at the Saint George School in Santiago, the small school that the Canadian priest helped organize upon his arrival in Chile and which has become one of our secondary schools of higher prestige. **Also present are three children from the home, in whose faces we can see the reflection of their feelings. With us is also a driver of the transportation company, and one of the most active directors of the foundation that manages the home. Someone else is also with us: the Canadian priest, Father Joseph Doherty.**

In the name of Chile, I have the high honor of conferring upon you Mr. Zenon Hansen, the order of Bernardo O'Higgins.

STATEMENT OF APPRECIATION BY JORGE RIFFO, A YOUNG STUDENT AT THE SCHOOL

Mr. Ambassador, Mr. Hansen—Friends of Hogar San Jose: In the name of the big family called Hogar San Jose, I want to thank Mack Trucks, Inc.—that is Mr. Hansen and his collaborators for what you have done for us, because we, more than 100 boys and girls, are Hogar San Jose. Hogar San Jose is not an institution, not a boarding school—it is our home, our own home. It is an orderly home, and we are better off than most of our class-mates in the different schools which we attend.

We feel very honored that the government of Chile considers that what you have done for us is an outstanding service to Chile. That fills us with an intense desire to be worthy of this honor, by working hard to become good patriotic Chileans, real Christians, and people who know how to appreciate and feel grateful to our friends and benefactors.

THE FEDERAL GOVERNMENT'S FAILURE TO FIGHT WATER POLLUTION

Th SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. FEIGHAN) is recognized for 10 minutes.

Mr. FEIGHAN. Mr. Speaker, in 1966 with the passage of the Clean Water Restoration Act, we, in the Congress, believed that finally the Federal Government had declared war on water pollution. We all believed, and so advised our constituents, that the authorization for Federal assistance for construction of sewage treatment facilities—from $150 million in fiscal year 1967 to $450 million in 1968, $700 million in 1969, and $1 billion in 1970, and $1.25 billion in 1971—would result in aiding our cities and towns in meeting the water quality standards which we had required to be established under the Water Quality Act of 1965.

However, we were mistaken. We learned again that authorizing a program does not insure that the program will be funded. In fiscal year 1968 instead of the authorized $450 million appropriations were limited to $203 million. In 1969, instead of $700 million, appropriations were $214 million. And now for fiscal year 1970 in lieu of the authorized $1 billion, the administration in its budget requests asked for $214 million. In my judgment, this is defaulting our obligations. We have promised assistance, instead the obligation for carrying out the water pollution control program has been shifted back to the cities and towns.

Perhaps the prime example of our failure to get on with what must be done is Lake Erie. There a once great lake is dying. Help has been promised by the Federal Government but it is not forthcoming under the present budget as proposed by the administration.

In the Saturday Review of September 20, 1969, there is an excellent article written by Peter Schrag which describes the deplorable conditions of Lake Erie.

The article follows:

LIFE ON A DYING LAKE

(By Peter Schrag)

North Central flight 940. We take off to the west from the Detroit Metro Airport, turn left in a large loop around the city, and emerge over the crotch of the Detroit River where the patterned effluent spills into the waiting blue water of Lake Erie. *Two weeks before the final countdown for Apollo 11, the supreme $24-billion apotheosis of American technology; the greatest thing, Richard Nixon will say, since the creation.* The brown waters hug the western shore, and beyond, through the thin haze from the Michigan stacks, the ore carriers cut white wakes to feed the factories. We cross the rectilinear fields of Pelee Island and pass Pelee Point on the Ontario shore to the north. Less than 150 miles to the south is Wapakoneta, Ohio, where the first man to set foot on the moon was born.

Man is destroying Lake Erie. [Says the report from the Federal Water Pollution Control Administration.] Although the accelerating destruction process has been inadvertent, it is as positive as if he had put all his energies into devising and implementing the means. After two generations the process has gained a momentum which now requires a monumental effort to retard. The effort must not only be basin-wide and highly coordinated; it must be immediate. Every moment lost in allowing the destruction to continue will require a longer, more difficult, and more expensive corrective action.

Prosaic language from Washington: eutrophication, secondary treatment, nutrient removal, algal blooms, biological oxygen demand. There is little romance in a sewage plant, and none in the technicalities of oxygen depletion, thermal stratification, or discharge of organic wastes. But the destruction of a lake is not merely a technical or a political problem. To think of it is to think of all America, of our love-hate relationship with our technology, about our ambivalence about who we are and what we are, about the Hudson and the Missouri, about the Santa Barbara Channel and nuclear bombs, about defoliation in Vietnam and DDT-poisoned fish in Michigan—about all the things we value, often in contradiction—in our past and our future.

As the plane descends over the murky waters along the Cleveland shore, the brown edging the blue, I have to imagine kids I know, kids like Corky Divoky years ago, scanning the skies for hawks and heron, or walking the ice in the winter, and now confronting the public servants of the draft board and the crusade for freedom in Asia. I hear the reminiscences of old men, telling fish stories about walleye and whitefish and blue pike, species that have all but disappeared. How much, you ask, setting down at Hopkins Airport, is this worth; how much is romance and sentimentality about a fading past, how much the price of progress, how much the comfortable guilt of safe men who can attack pollution as an undisputable evil (or war, or technology itself) while languishing in their benefits?

Some thirteen million people live in the basin of this lake, 90 per cent of them on the American side, the rest in Ontario, the polluters and the polluted, perpetrators and victims, all of them dependent on a body of water that according to the best evidence, is not yet dead but in danger. They drink its water, swim on its beaches, eat its fish, and sail from its harbors. At the same time, they, their cities, and their factories each day dump, leak, pipe, or drop into the lake several hundred million pounds of sewage, chemicals, oil, and detergents fouling beaches, killing wildlife, and imperiling the water itself. Some times you can smell and taste it as it comes out of the tap, sometimes you can see it on the beaches and often in the rivers—the Maumee, the Auglaize, the Ottawa—but most significantly, you fear, not what already exists, but what might—and could happen—if the process continues.

In parts of the western end of the lake, the blue-green algae, which thrive on the excess of nutrients from sewage, turn blue water to a murky green and accumulate in heavy mounds on the shore; in Sandusky, once one of the largest freshwater ports in the world, a large fishing industry has been reduced to a couple of operators who truck their low-grade catch to Georgia (where, apparently, people are still hungry enough to buy it); and in Cleveland, the industrial stream called the Cuyahoga River is pronounced a fire hazard, a declaration that sounded hyperbolic until, last June, the oil on the river began to burn, damaging two bridges.

Cleveland's two fireboats travel the river periodically, hosing oil off docks and pilings so that the inflammable ooze will slowly make its way downstream and into the lake. At the same time, a broken city main is dumping twenty-five million gallons of raw sewage into the river each day. Periodically the main is repaired, and now the city, with a $100-million bond issue voted last fall, is preparing to improve collection and treatment for its entire system and for the neighboring communities that it serves. (Cleveland, incidentally, may also be one of the few municipalities in the world that chlorinates its lakefront beaches so they will be safe for swimming.) But when it comes to pollution of the lake, Cleveland is more a victim than a culprit. Cleveland fouls its own nest with its dirty river and its inadequate sewage system, while Detroit, which dumps the waste of a huge industrial population into the Detroit River, stocks Lake Erie. Approximately 65 percent of the oxygen-depleting wastes in the lake come from Detroit; 9 percent from Cleveland. "When it comes to polluting the main part of the lake," said a researcher at the U.S. Bureau of Commercial Fisheries, "Cleveland's hardly on the map."

And yet, in a way, everything is on the map. Everything contributes to, and suffers from, the condition of the lake: people in five states and a Canadian province—hundreds of towns and cities from Toledo to Buffalo: Akron, Erie, Cleveland, Lorain, Conneaut, Ashtabula. The federal government has identified 360 sources of industrial waste—power plants, steel mills, chemical companies, food processors, rubber companies. During every heavy rain, flooding sewers and silt spill into the lake, and even in normal periods silt and fertilizers and pesticides drain into its tributaries. But the greatest polluters may be the city sewage systems themselves. The federal government has estimated that with existing treatment facilities, the cities along the lake discharge effluent equal, in its composition and effects on the lake, to the raw sewage from a population of 4,700,000 people. Some cities are providing secondary treatment, some primary, some none at all. Lake Erie has been called a huge cesspool, an appellation that has at least marginal accuracy. What is absolutely accurate is the statement that in the past fifty years pollution has substantially altered the ecology of the lake, and that it has made the lake far older than its years.

The word, among the scientists, is eutrophication—the process of aging. All lakes grow old as they collect runoff and materials from the surrounding shores. Over thousands of years they eventually accumulate enough silt from erosion and organic materials to turn them into marshes and, finally, into dry land. In Lake Erie man has accelerated that process with his wastes and sewage. An excess of nutrients, primarily phosphates and nitrates, has produced great growths of algae in the water and impaired the oxygen supply, especially in the deeper water during the summer—and especially at the western end, which is hit hardest by the excrement from Detroit. (Biological degrading of the nutrients requires oxygen; when the nutrients are too heavy the oxygen becomes depleted.)

Mayflies, which once grew in huge numbers in the western, the shallowest, end of the lake, and which provided a food supply for fish—cisco, blue pike, walleye, and other species—have declined; the water has been taken over by sheepshead, carp, and other types that are tolerant of low-oxygen conditions and whose eggs can survive the accumulation of sediments at the bottom. Some species that have surmounted changes in food supply and depleted oxygen now take longer to reach maturity. (The total volume of fish caught in the lake each year is as large as ever, but the catch is worth only half of what it was ten years ago; most of the fishing is now done by Canadians.)

On occasion there have been duck kills, flights of birds which have landed on oily water and never flew again, either (it is assumed) because the oil destroyed the birds' natural protection against the water, or because they were poisoned. (There has been some serious talk in recent years about oil drilling in the lake. So far the derricks of the Canadian Pacific Oil and Gas Company, which have been erected on the Ontario side of the lake, are producing only natural gas.) There is also a possibility that the algae, under certain conditions, can manufacture their own poisons, endangering wild life—and possibly human life.

Because the lake is relatively shallow, there is hope that once the rate of pollution is retarded (hopefully, but not certainly, through improved sewage treatment), the lake, with proper oxygen circulation, can recover, spilling its wastes into Lake Ontario and, ultimately, into the Atlantic. The certainty of that recovery and the effectiveness of the measures now being planned (which, among other things, include the removal of phosphates before effluent is discharged into the lake) are still matters of debate—and of time. What is not a matter of debate is that in the past fifty years, Lake Erie has aged 15,000 years.

Barry Commoner, a Washington University (St. Louis) biologist, who has long been concerned with the abuses of technology, writes:

> The lake is threatened with death. . . . Since the area was first settled, Lake Erie has been increasingly burdened with organic wastes and with inorganic nutrients that the lake's algae convert to organic materials. These organic materials would long ago have asphyxiated most of the lake's living things had it not been for the peculiar power of Iron III [an iron compound called ferric iron] to form insoluble complexes with the materials of the bottom mud. The protective skin of Iron III has held the enormous accumulation of potential oxygen-demanding material in the muddy bottom of the lake. But this protective skin can remain intact only so long as there is sufficient oxygen present in the water over the mud. For many years this was so, and the layer of Iron III held the accumulating mud materials out of the lake water. But a serious oxygen depletion now occurs in the summer months. As a result, the protective layer of Iron III has begun to break down—exposing the lake to heavy impact of the accumulated algal nutrient long stored in the mud. If the process continues, we may face a sudden biological cataclysm that will exhaust, for a time, most of the oxygen in the greater part of the lake water. Such a catastrophe would make the lake's present difficulties seem slight by comparison.

The fear is that under existing conditions, Erie could, without warning, turn into a huge swamp. Among the officials of the Federal Water Pollution Control Administration (FWPCA), which is charged with enforcing pollution control measures, Commoner is regarded as a prophet of gloom, a false Cassandra who is trying to frighten people. Nonetheless, FWPCA paraphrased Commoner's statement in its own report on the lake. "Some of that," said one FWPCA official, "was a little exaggerated. We know that the Iron III tends to break down and to release nutrients from the bottom, but there hasn't been any cataclysm, and there's not going to be one."

And yet, perhaps, that's not the issue—shouldn't be the issue. The trouble with conservation is that it has always been a matter of calamities and cataclysms. In the confusion of state, local, and federal anti-pollution responsibilities, there is always a large measure of sympathy for the company or the city that has to spend money for better treatment facilities, for the corporate taxpayer who might move somewhere else, for the time it takes, for the problems involved. The questions are thus always questions of resources, of priorities, of urgency and time. How much are fish worth? What's the value of a duck? What is the relationship between defoliants in Vietnam (or the price of automobiles in Detroit) and an acid discharge on the Cuyahoga or the Maumee?

If a major corporation can increase its earnings $60-million a year by raising prices, then is the expenditure of $18-million for new waste-treatment facilities at its plant in Cleveland something to brag about? How much passion and effort are required by the hypothetical impairment of a municipal water supply? ("The time's going to come," said an angry conservationist in Cleveland, "when they won't be able to put any more chlorine into the drinking water. What the hell are they going to do then?") And to what extent is water or air pollution a problem that only the comfortable can afford? The kids from Cleveland's Hough ghetto (and many others) rarely worry about swimming from polluted beaches; for them and their parents, urban pollution has other, more virulent forms. Their problem, among other things, is rats, not fish.

In the meantime, life on the lake goes on. In most places the problem is invisible; in others it becomes part of the background, an element of lore, like a volcanic mountain on a South Sea island. "People come here expecting to see a swamp," said a Cleveland newspaper reporter. "But there isn't any." On the west side of Catawba Island, near Sandusky, the cabin cruisers and the yawls luxuriate in their elegant marinas, and on the northern tip the Chevies back their trailer-borne runabouts onto concrete ramps for a few hours of fishing or a cruise to Put-in-Bay. At Huntington Park, just west of Cleveland, a kid pinches his toe on the beach and asks whether there's a species of crab that lives only in polluted water; and in Sandusky, Tony DeMore, one of the few remaining commercial fish operators on the American side, stands on his wharf and complains that the problem isn't pollution but overfishing and inequitable regulations that permit Canadians to haul what Americans have to throw back. *"Now they're stocking the lake with coho salmon like they did Lake Michigan to bring the sport fishermen back, but they're driving out the small fish. If Lake Erie had been meant for big fish, the big fellow up there would have put 'em in. It wasn't pollution that drove the fish out. It was . . . nature. If somebody doesn't pull the coho out, they'll take over the lake."*

On the Cuyahoga River, twice each day, the excursion boat *Goodtime II* takes tourists on a run of the industrial sites; a tape-recorded spiel piped over the *Goodtime's* loud speakers describes the adjacent activities of the Great Lakes Towing Co., U.S. Steel, Republic Steel, Sherwin-Williams Paint, National Sugar Refining, and Standard Oil. (No word about waste discharges, about the phenols and oils and acids that ooze into the river. "If you fall in," they say along the river, "you won't drown, you'll decay.") On summer evenings at the foot of the river, on the flats off Front Street, the customers of Fagan's Beacon House sit at their tables just above the ooze listening to Dixieland, drinking beer, and watching the ships go by. It is, they say in Cleveland, one of the places "where everybody goes."

The lake is a presence, a landmark, an opening in the undifferentiated Midwestern landscape, a hole in the world. Every day the ships come through the seaway—the French, the Swedes, the Norwegians—unloading their cargoes on the city piers. In Vermilion, the lagoon, despite its murky surface, its oil slicks, and its junk, becomes a backdoor roadway to space. One ties his boat to the cleats in the back yard and takes the folks on a Sunday cruise; in Sandusky an octogenarian Negro sits on a pier with one of his twenty-one children, casting for sheepshead or carp or whatever cares to bite. The lake is not large, yet large enough to be infinite. It offers its lore of ships and waves and weather, the summer storms that drift across the water, driving the waves into the narrow beaches, perpetuating sailor stories and quarrels about which can be worse, the lakes or the Atlantic. Thus there are legendary events and records of disaster; huge steamboats that went down in flames, taking their immigrant passengers with them, Commodore Perry in 1814, Indians in their silent canoes.

The lake is life: Euclid Beach and Cedar Point, Catawba and Sandusky Bay, amusement parks, boats for hire, elegant summer houses tree-shielded from the curious roadway, beach-club privacy, and breakwaters spiny with the antennae of fishing poles. The beer cans collect between the rocks of the jetties, and behind them ragged rubber tires, twigs, and oily cartons undulate against the stones. A CLEAN BEACH IS A FUN BEACH reads a sign posted two hundred yards from Cleveland's own outfall of sewage. "Why can't we have swimming in Lake Erie?" the mayor asks his commissioner of public utilities, and so the water around the beaches is fenced in with heavy sheets of Dacron anchored to the bottom, the chlorine is piped in, and the black workmen rake the accumulated algae into little piles. On July 4 the beach is dedicated to safe swimming. "I have this vision," says a smart mouth. "The mayor arrives in a helicopter and climbs down a rope ladder onto the algae, while the Cleveland Orchestra plays 'Shifting Sands.'"

Who controls this environment? Whose rights are invested in it? The mayor—in this case Carl B. Stokes of Cleveland—is accused of being more interested in creating an image through waterfront chlorination projects than in attacking the fundamental problems. After the Cuyahoga fire, he begins legal action to make the state enforce its own anti-pollution standards against the industries on the river (and perhaps to put a little pressure on the corporate managers); the state, in turn, accuses the mayor and the city of lagging behind in their own anti-pollution efforts: "It is obvious," said an official of the Ohio Health Department, "that Cleveland itself is a major contributor to the problems of the Cuyahoga River and that a major cleanup cannot be accomplished until the city corrects its own faults."

All the states claim that their industries are in compliance with state health and pollution regulations, which simply means that each year they issue a few admonitions, ask the corporations what efforts they propose to make, and let them continue to operate. "All they're doing," someone said in Cleveland, "is licensing the polluters. It seems that it's impossible for anyone to be in violation." (To which the federal people reply that industry is making more progress with waste-treatment than the cities.)

The buck is supposed to stop at the federally conducted enforcement conferences. Under the club of federal authority, all the states in the lake region—Indiana, Ohio, Michigan, New York, and Pennsylvania—have committed themselves to upgrading their municipal waste-treatment facilities to the point where 80 per cent of all phosphates are removed from sewage effluent before it is discharged into the lake. (Some cities are already behind schedule and have received extensions.) Detroit and Cleveland among others, are building new plants and collection facilities, using local, state, and a little federal money. At the same time, their officers are angry at the paltry federal contribution. While Detroit is scheduled to spend $159-million and Cleveland has voted its $100-million bond issue for better treatment and collection, the federal government spends barely more than $200-million a year on pollution research and development for the entire nation. "The federal people are the biggest hypocrites in the bunch," said a Detroit official. "They go around the country making speeches. Maybe if they made as much noise about getting us more money as they do about dirt, we'd be able to move a little faster." The reply from Washington: "The people who are polluting are responsible."

So far, the lake has been unaffected, and there is doubt that even after the scheduled projects are completed they will be sufficient. In New York State, a Health Department advisory committee of scientists was asked the question: Will phosphate removal retard eutrophication in Lake Erie? The answer, in simple words: Don't expect too much. Nonetheless, FWPCA has committed itself to the process as a necessary first step: phosphates, which come largely from detergents, say the FWPCA technicians, are essential to the growth of algae and plankton, so (because it is relatively easy) phosphates will be removed. No one has yet figured out what to do with the phosphates once they are precipitated out. They will be trucked to . . . where? (Nor is it certain that nitrates, which flood into the lake from agricultural fertilizers, and other sources, are not major factors in eutrophication.)

"The scientists can raise all sorts of questions," says Murray Stein, who is charged with FWPCA's enforcement work. "It doesn't mean they aren't good questions, but every day's delay in studying means time lost forever. You can only hope." (In Ontario, the Water Resources Commission, which has its own problems, speaks about a "breakthrough" in sewage treatment—a chemical-physical process that is said to remove nutrients more effectively and cheaply than existing methods. But the process, so far, has only been tried under experimental, not operational, conditions.)

The FWPCA has estimated that it will cost $1.1-billion in pollution control projects to arrest the process of eutrophication in the next twenty years. Some critics believe the figure is far too low, and a few believe that the job is already impossible, that the lake may already be too far gone.

Who controls this environment? Whose rights are affected, whose life? The issue of pollution creates its own bureaucracies, its own inertia, its own zones of indistinct responsibility. Even though there are federal laws dating back to 1899 that prohibit the dumping of oil and refuse into navigable waters, and even though the various states have established their own regulations, there has never been—in the memory of federal officials—one suit or one criminal proceeding against a polluter. "Pollution law is a little like antitrust law," a federal official tells you. "It's hard to establish a connection between discharges and damage." (Two weeks ago, the Interior Department began to show signs of impatience with the polluters. For the first time since the 1965 Water Pollution Control Act was passed, the government threatened to take court action against private corporations and municipalities that pollute Lake Erie and other bodies of water. Among those cited in the government's announcement were three steel companies—James & Laughlin, U.S. Steel, and Republic—and the city of Toledo.)

Whose rights are affected, whose environment is it? "Every year there's more talk," says David Blaushild, a Cleveland automobile dealer who heads a group called Citizens for Clean Air and Water. "The governor and the mayor come to the conferences, and make speeches, and go home, and the pollution goes on. You don't have to study anymore. You can smell and see it. It's time to file lawsuits. Why should people take this crap?"

Does the individual have a constitutional right to clean air and water? "It's going to take a disaster to wake people up," Blaushild says. "If this generation doesn't do it, the next generation won't know any better. They'll think that swimming in filth is the normal thing to do. They'll think the moon is supposed to be yellow. They'll think they're breathing clean air and drinking clean water, because they won't know any better." Blaushild writes the Cleveland science museums to ask why they don't take a stronger position against industrial polluters. (Among their trustees are directors of several local corporations.) One of them answers that Blaushild, by selling Detroit's products, has his own share of responsibility.

Who controls this environment? Pollution, pesticides, fallout. The world's experience with nuclear tests has begun to create a wholly new concept of civility and community. In a strange way pollution became a problem by analogy: we learned, for example, that the same ecological processes that concentrate strontium-90 in bones concentrate DDT in fish, that contamination in one place jeopardizes life in others. A bomb test in New Mexico kills infants in Mississippi and Alabama; pesticides on Michigan farms poison fish in distant lakes; sewage from Detroit fouls beaches in Ohio. One can respond cheaply by lamenting the fix that science and technology have gotten us into, but a bumper sticker proclaiming SAVE LAKE ERIE pasted barely a foot above a smoky automobile exhaust is more an illustration of the problem than a solution.

The burden of moral compromise symbolized by Hiroshima and Nagasaki will not be lifted by building a new sewer system in Detroit, however necessary that system may be. Technological amelioration of one facet of environmental destruction can be no more than a surrogate for continued acceptance of its larger and more catastrophic forms. Can one take seriously an organization whose interest in conserving fish is unmatched by a position on the ABM?

The questions are backwards: how much civility can we afford after we have paid for Vietnam? For the car? For our missiles? Can we sustain a decent welfare program despite the war? Can we clean the river without jeopardizing the profits of industry? Because we are trying to satisfy anew, though still unclear, sense of community with old priorities, evasion is inevitable. Which is to say that a professed commitment to protect an environment that ends with a squabble over sewer taxes is no commitment at all. The issue of pollution can produce a paranoid fanaticism just like every other; no one has died from swimming on a contaminated beach on Lake Erie or from drinking its water. Yet, somehow, if we cannot distinguish between fanaticism on behalf of a distant generation and that which defends immediate returns and private ends we have simply lost our claim to live.

As Barry Commoner wrote in *Science and Survival:*

> The environment is a complex, subtly balanced system, and it is this integrated whole which receives the impact of all the separate insults inflicted by pollutants. Never before in the history of this planet has its thin life-supporting surface been subjected to such diverse, novel, and potent agents. I believe that the cumulative effects of these pollutants, their interactions and amplification, can be fatal to the complex fabric of the biosphere. And because man is, after all, dependent on part of this system, I believe that continued pollution of the earth, if unchecked, will eventually destroy the fitness of this planet as a place for human life.

If the greatest thing since the creation is worth twenty-four billion clams, how much is the creation worth?

LIVING HISTORICAL FARMS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, at the time of the American Revolution more than 90 percent of our people lived on farms and less than 10 percent lived in our cities and towns. Today, less than 200 years later, the situation has completely reversed with less than 10 percent of Americans living on the Nation's farms. As a result, interest in farming and in the history of American agriculture is growing as we seek to understand the vital relationship between the land and the people.

The Smithsonian Institution, under the direction of the Honorable S. Dillon Ripley, recognizes the great importance of agricultural history and has established a special living historical farms project, under the guidance of Dr. John T. Schlebecker, to study the development of a system of working farm museums throughout the Nation. These would be "living" historical farms depicting the various phases of American agriculture from early Indian farms to present-day mechanized farms—complete with historically accurate plants, animals, tools, barns, and dwellings—where visitors would be able to see fields being plowed, crops being sown and reaped, and animals being tended. The educational, cultural, and recreational opportunities provided by such a system of living historical farms are many and obvious.

Today, I am introducing a bill which incorporates the suggestions contained in the excellent Smithsonian booklet, "Living Historical Farms: A Walk Into the Past." This bill, developed in cooperation with the Smithsonian Institution, is a very modest proposal. There is no attempt in this proposed legislation to finance the development of living historical farms. On the contrary, this would be done by local historical associations.

My bill would simply expand the existing Smithsonian program so that interested organizations would have ready access to expert assistance in historical research, planning and operation of living historical farms, methods of financing such a project, obtaining qualified architectural and agricultural advice, and designing the farm so that it would be of maximum interest and meaning to visitors. With this type of help, I feel that many historical groups throughout the country would be able to develop historically accurate "open-air museums."

In my own congressional district, the Shelby County Historical Society has taken the lead in reviewing the living historical farm idea and has given it strong support. Undoubtedly, many other local historical associations will display a similar deep interest in this proposal. Clearly, a national system of working historical farms and ranches will someday be a reality, and it is my hope that the Congress will give thorough consideration to the bill I am introducing which would assure that the "open-air museums" which are developed are truly authentic re-creations of the agricultural life which has shaped our people and our form of government.

A GRAVE CONSEQUENCE OF MONETARY POLICY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I have today introduced a most important concurrent resolution to express the sense of Congress that action by the executive branch is urgently required to remedy the critical effects of current monetary restrictions upon U.S. industries whose products are used principally in residential and commercial construction. In view of the sharp reduction in construction caused by these restrictions, and the impelling public interest considerations that have arisen, I most respectfully urge every Member of the House to give this resolution his immediate and thoughtful study.

Every Member of the House is opposed to inflation and its crippling and destructive impact upon the economy and our citizens. Our only differences in viewpoint concern the remedies deemed most suitable to curb these effects.

Regardless of these differences, and there may be many, we can all agree that current monetary restrictions have resulted in a most drastic curtailment of residential and commercial construction starts throughout the country. Indeed, except for the so-called credit crunch of 1966, which marked the beginning of 3 years of restricted construction activity, the severity of the current construction decline is virtually without precedent in the three decades since World War II.

The National Association of Home Builders reports that housing starts will decline to a 1 million unit annual rate by the end of the year. Michael Sumichrest, the association's respected chief economist, states that builders are unable to obtain new commitments of money for future construction and that "the high price of money is forcing potential buyers to abstain from purchasing new homes and builders from building apartment projects."

Home mortgage costs, according to the Federal Home Loan Bank Board, have risen sharply. In June, for example, they reached an average of 7¾ percent, three-quarters of a percent higher than June of 1968. In some areas of the country, home financing costs now average 8½ percent.

The flow of funds into savings and loan associations, which are the largest single source of home financing, has also dropped sharply. According to the Home Loan Bank Board, between June 26 and July 10, savings associations appear to have lost $1.3 to $1.5 billion in deposits. This compared with a drain of $1.1 billion last year and $2.1 billion in 1966. Total commitments for future lending outstanding at savings and loan associations continue to drop precipitously. The July 17, 1969, issue of American Banker reports the following:

> FHA LISTS TIGHTEST PINCH ON FUNDS IN 3 YEARS
>
> WASHINGTON.—The Federal Housing Administration home loan program is caught in the tightest money squeeze in almost three years with only 62% of its offices reporting an adequate supply of funds, according to a government survey.
>
> The Department of Housing and Urban Development Wednesday reported continuing increases in the cost of home mortgage money throughout the nation.
>
> HUD said the number of FHA regional offices reporting sufficient funds to fill qualified loan applications was 80% on June 1.
>
> The 62% figure on July 1 was the lowest since 42% in January, 1967, when the 1966 credit crunch was coming to a close.
>
> HUD said the nationwide average interest rate on conventional first mortgage home loans increased from 7.75% in June to 8% this month on new homes and from 7.30% to 8.05% on used houses.
>
> The survey also showed that secondary sales of 7½% FHA mortgages averaged $93.30 per $100 face value this month for an effective interest yield to the secondary purchaser of 8.35%. The effective yield in June was 8.06% on similar sales.

A significant related event was the President's recent announcement of steps that will be taken to reduce new contracts for Federal Government construction by 75 percent. The President also urged State and local governments to cut back their own construction plans for projects that are financed jointly by the Federal Government and State and local governments through grant-in-aid programs. At the Federal level, the President's program will mean, in dollar terms, a cutback in direct Federal construction projects of about $1.6 billion during the remainder of the present fiscal year. As State and local governments carry out the President's suggestions and join in the cutback, the effects of curtailed construction will be vastly greater.

Mr. Speaker, it is clear that these developments have had their principal impact upon citizens wishing to purchase homes, and upon U.S. manufacturers, including numerous small firms, which supply the products and commodities needed for those homes.

A prime example is the ceramic tile industry. This is an old, established and efficient industry, currently comprised of about 30 manufacturers, most of whom are small, independent firms with sales in the aggregate of about $150 million. The vast majority of their output goes into new construction. During the housing collapse of 1966, 13 plants were forced to close their doors permanently. We cannot permit this history to repeat itself.

The tile industry's vulnerability to Government-induced contractions in the monetary market stems not only from its complete reliance on construction markets but also from the nature of the competition it typically encounters from foreign suppliers, who account for over one-third of the U.S. market for ceramic tile. During the collapse of 1966, for example, the Treasury Department found that Japanese manufacturers of glazed wall tiles were engaged in widespread dumping of their products into the United States and was forced to take corrective measures. Now, the Treasury Department has once again instituted a major dumping proceeding—this time against the British tile industry. Imports from the United Kingdom increased from 8 million square feet in 1967 to almost 20 million square feet in 1968. As a result, the British doubled their share of the U.S. market by 1969 in a period of declining construction activity. This staggering increase was achieved by dumping at prices fixed and put into effect from the offices of a giant tile cartel located in the United Kingdom.

The U.S. balance-of-trade surpluses, which had averaged nearly $5.5 billion for the first 5 years of this decade, changed by the end of 1968 and have, at best, been negligible in the first months of this year.

While exports have been increasing by 8 to 9 percent per year, imports have risen at more than twice that rate—24 percent in 1968, for example. An unfavorable balance of trade creates new inflationary pressures. It is contrary to efforts aimed at halting inflation to have imports account for a rising share of our markets, especially when American companies have substantial idle capacity stemming from the effects of monetary policies instituted to stop inflation.

The purpose of the resolution is to urge the executive branch to take immediate steps under the Trade Expansion Act, or under its general authority to negotiate voluntary quota arrangements with foreign countries, to effect such reductions in imports as are necessary to preserve intact the ceramic tile industry, and other industries similarly situated, until the current monetary emergency is over and free conditions are restored to the construction market. Since the Government's imposition of monetary restrictions has been the major factor contributing to the decline in construction starts, it is only fair that the executive branch utilize its other existing powers to bring about an equitable decrease in imports of the building products affected. The case of British tile would be an excellent place to begin.

All economists agree that there is a tremendous demand for housing throughout the country and that, when the period of Government restraint ends, there will be an unprecedented housing boom in which all can participate and benefit. If the needs of America are to be met at that future time, it is clearly essential and in the public interest that we have strong and viable firms in this country fully capable of meeting these needs. But, if many fine plants are forced to close in the meantime, we shall be hopelessly dependent upon industries in far distant lands that are either incapable or uninterested in meeting the dynamic demands of our citizens in the

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quantity and at the low prices that are now available.

For all of these reasons, I most earnestly request all Members, on both sides of the aisle, to give their unqualified support to this most timely and important concurrent resolution.

NUCLEAR TESTS: BIKINI AND AMCHITKA

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, recently along with 15 colleagues I introduced legislation to suspend the series of underground nuclear tests scheduled to begin next month on Amchitka Island in the Aleutians.

My bill would halt these dangerous and possibly disastrous tests of ABM components pending a study by nongovernmental experts on the possible consequences of such detonations in a highly unstable seismic area. Amchitka, part of the Aleutian chain of islands off Alaska, is at the crux of an earth fault that runs down the west coast to California.

There is also danger that any earthquake touched off by the blasts could send huge tsunamis or tidal waves to Hawaii, California, Alaska, and other States. Tsunamis from past Aleutian earthquakes have caused immense damage in these areas.

Articles in the Washington Post have given details of the proposed Amchitka tests and the current status of Bikini Atoll that was leveled by an H-blast more than 20 years ago. Because of the interest of my colleagues in this matter I am including both articles at this point in the Record.

Two Islands in the Nuclear Age: A Time of Trial, a Recovery—Underground H-Test Will Rock "Little Edens" of Amchitka

(By Philip D. Carter)

Amchitka Island, September 15.—The ancient Aleuts are gone, and wild flowers feast on the aboriginal mounds.

"Little Edens," an archeologist calls them; little flower gardens of the dead. But their season is past, winter is coming, and far beneath this distant, blighted island the Atomic Energy Commission will soon explode a bomb.

They prefer to call it a "device," just as radioactivity is simply "activity" and the subterranean shock and thunder as man's ultimate weapon blasts craters beneath the tundra will be merely a "seismic effect."

Yet, the test shot, called Millrow, has aroused public fears and even political objections. The AEC, however, seems certain that Millrow won't trigger a major earthquake in this earthquake region or send the great tidal waves called *tsunamis* crashing against Hawaii. The studies show . . .

But first comes the movie. Like others of its kind, it opens with a shot of Old Glory, blithe children in a playground, the pledge of allegiance to the flag. The message soon comes, voice friendly but muscular and firm:

"The maintenance of an assured deterrent against a nuclear attack on our country must be our first defense priority, and realistically our nation's primary priority. It is the absolute minimum required for maintaining our nation's security."

The theater where they show the film and brief occasional visitors is part of a great complex housing men and machines here at a cost of over $100 million for the simple purpose of drilling holes in the ground and exploding hydrogen bombs.

The signs on the walls note the hours at Harry's barbershop, tonight's double feature, the fancy liqueur sales at Ptarmigan Liquor Store. The briefing officials are in their element, and they reply to questions with the weary patience of men privy to the deepest mysteries, most of them classified.

WILDLIFE REFUGE

Amchitka is part of the Aleutians National Wildlife Refuge. The facts are all on page 5 of "Welcome to Amchitka," a document prepared under Contract No. AT (29-2)-20.

"The fact that Amchitka is part of a National Wildlife Refuge makes it evident hunting of wildlife of any kind is definitely prohibited and any firearms landed on Amchitka will be immediately confiscated and held until the owner's time of departure," the document states.

Outside, an eagle soars against a startling sun, and the tundra, scarred by roads and drilling rigs, chewed and plundered in a hundred places, rolls away towards mountains, cliffs and sea. The printed schedule allows four hours precisely for seeing what may be seen.

There is too much to be seen in a year: rocks and bones, limpet shells and heath, feathers, fur, teeth and skins, scars and eagles' wings. Shimmering and refracted, the past and future of a race of men glances off the derricks. A drill bit whirls beneath the tundra.

"What do you mean, you don't have any control over the AEC?" the public relations man says. "Why do you think we have the vote?"

VOICE ON SOUNDTRACK

"As long as the means exists for another nation to destroy us, we cannot be without a strong nuclear deterrent," the voice on the movie soundtrack says.

On days like this, in places like this, it all begins to come home.

There are 75 of us, newsmen, conservationists, Jaycees, geologists, biologists, lawyers, natives, soldiers, state legislators, all flown west from Anchorage to Amchitka, 1,400 miles across the rough volcanic pearls of the Aleutian archipelago.

The weather is radiant, which makes for embarrassing public relations. The AEC emphasizes the remoteness and desolation of Amchitka, a rough-hewn place of near-constant fog and rain, home of the wild Aleutian winds called the williwaws.

No white man in his right mind would want to live here, and in the 19th Century, when the Russians came slaughtering after furs, they—like white Americans on the Plains—did their best to kill off the brown men they found in their way. By 1867, when the U.S. bought Alaska, almost all of the native Aleuts were gone.

NATIVES KNEW

But the natives knew how to live here. These ethnic cousins of the Eskimo fished and whaled from skin boats, gathered shellfish, and fashioned half-buried sod huts overlooking the coastal approaches.

When World War II came, the thousands of American soldiers who encamped here made dugouts of dozens of the huts and mounds and emplaced their guns on the same proud heights commanding the sky and sea.

The Japanese never attacked Amchitka. The men based here fought a few fitful battles to the West and then went home early thanks to the atomic bomb.

Behind them, the departing GIs left hundreds of Quonset huts and miles of barbed wire, a potholed road, an airstrip, a rotting dock, and three tiny spruce trees, now called "the Amchitka Forest," which on this otherwise treeless island are perhaps the strangest intruders of all.

OTTERS WIPED OUT

Long before the soldiers came, indiscriminate hunting had reduced the herds of sea otters to almost nothing. Blue foxes introduced to Amchitka and other islands as a cash crop had decimated the Aleutian subspecies of the Canada goose.

Creation of the Aleutians Wildlife Refuge in 1913 helped undo some of the carnage, but the natural ecology of Amchitka was sharply unbalanced even before the war.

In the 1940s a handful of biologists and wildlife experts began the long hard task of undoing the past. And within 20 years after the war, Amchitka was emerging as a classic example of what can happen when a major ecological interruption is repaired and the balance of wildlife restored.

The island's sea otter population increased to its normal optimum, and the Aleutian geese seemed to be coming back after the blue foxes had been destroyed. Salmon spawned in the island's clear streams, and Achitka's bald eagles coursed the heights.

HOLES DRILLED

Years have passed, and now we are here to be briefed. Eight exploratory holes have been sunk through the tundra, plus four "emplacement" holes for bombs, one of them abandoned when the drillers encountered a transverse fissure.

Besides these, there are shallower "satellite" holes for instruments, vast bins scraped in the earth to hold the drilling mud, and miles of instrument cables. On an island 42 miles long and three miles wide, there is room, says the AEC, for nine more bomb holes.

It all makes for a wondrous wildlife refuge. Down by the new dock in Constantine Harbor, 10 sea otters swim in a holding tank, awaiting transfer to a coastal pen a few thousand yards southwest of the place where in mid-October the AEC plans to set off its bomb.

There has been public concern about how shock waves might affect Amchitka's otters, so the AEC will station these 10 close enough to the blast to find out.

MYSTERIOUS STONES

The Commission has tried to be thorough, but mysteries remain. A team of archeologists has a contract to examine the Aleut refuse mounds and huts and burial chambers, and they have unearthed fresh secrets of the island's aboriginal past.

Perhaps, they say, men lived here far earlier than anyone had reckoned. They have found what seem to be grain-grinding stones deep beneath the Aleut junk piles, and they do not know who made them or how they got there.

The Aleuts had no grain. The archeologists are perplexed.

Off the coast, seismic crews from the United States Geological Survey are running last-minute checks of Amchitka's waters and the floor of the nearby Aleutian Trench. No one really knows what is down there, or what exactly triggers the devastating earthquakes that have shaken the Aleutians as long as man can remember.

A vocal group of geologists are concerned that, here in the heart of the North Pacific earthquake zone, a major fault runs deep beneath Amchitka. They are disturbed by the possibility—slim, but real—that a sizable blast would trigger some major upheaval. The government geologists review the evidence and seem puzzled.

MAJOR SURVEY

Scientists here from Battelle Memorial Institute, a major government contractor, have conducted what is probably the most extensive bio-environmental survey ever made outside a major populated area.

They have infrared photographs of lichens and rocks and samples of every living thing. The point of their research is to determine the possible effects of a nuclear explosion.

But when they are asked what would happen if radiation accidentally spewed into the Bering Sea, they do not answer to the point. It seems their computer has never been asked that question.

But we are here for a briefing, not for answers to unanswerable questions. Millrow involves a 1.2-megaton device, emplaced in a hole 80 inches in diameter and 4,000 feet deep. Another hole soon to be ready for use will be 10 feet in diameter and 6,000 feet deep, but its megatonnage has not been disclosed. Nor has there been an announcement of how big the biggest bombs will be, or how many will be detonated on Amchitka.

SENATE RESOLUTION

Meanwhile, Sen. Mike Gravel (D-Alaska) has introduced a resolution asking that an independent commission of expert geologists with no ties to the AEC be formed to review underground testing. His proposal is still in committee.

Alaska is only now recovering from its crushing 1964 earthquake, and Hawaii whose Democratic Rep. Patsy Mink is also concerned—has had its own sad experience with tidal waves flung out of the northern sea.

The man on Amchitka who must cope with such eventualities is Dr. William E. Ogle, AEC's director of operations here. He is a scholarly man, given to talking in broader terms than are the cautious PR men who flank him. He is a man with an overview, and he has appeared on the cover of Time.

"If you wish to assume," he says with a small edge to his voice, "that the shot can trigger an earthquake of any magnitude larger than the shot itself, then you can imagine serious damage."

That is clearly not his assumption, but it is hard for a layman to know what to assume.

In 1950, government men came in secret to Amchitka to survey it for use as an atomic testing zone. For some reason, the island was not chosen.

In 1963, in secret, another crew came to Amchitka. After a secret fight, the Interior Department, administrator of the Wildlife Refuge, handed it over to the Department of Defense. In secret, a giant drilling rig went up near Cyril Cove.

After no public review at all, in 1964 the Defense Atomic Support Agency announced that Amchitka would be the site of a deep underground, low-yield atomic blast. The explosion, the Agency said, was designed to test methods of detecting underground nuclear explosions in the Soviet Union and differentiating between them and earthquakes.

OBJECTORS ASSURED

When objections were raised about the use of a wildlife refuge as an atomic testing ground, the objectors were assured that the shot would be the island's last.

The test, called Project Long Shot, came in October, 1965. The bomb was a small one, and shock effects did the island little harm.

Test over, the technicians pulled out, and although a great deal of the island had been scarred by heavy equipment and salmon spawning beds had been polluted and destroyed, the damage was not intolerable.

Senate ratification in 1963 of the Nuclear Test Ban Treaty had intensified the pressures on Amchitka. The treaty did not cover underground tests, and the major signatories—the U.S. and Russia—accelerated their underground testing programs.

At first, the American tests were confined to Nevada. But, with windows soon rattling in Las Vegas, it was apparent by 1966 that new test sites were needed. Amchitka was a convenient choice. For one thing, Howard Hughes didn't live there.

CONTRACTS IN 1967

In March 1967, the AEC awarded contracts for new holes on Amchitka, and by the end of the year the drilling rigs were in operation. Conservationists again complained, but the Commission pointed out that the island was only a "possible" test site. Under pressure, the AEC belatedly let a contract to Battelle Institute to survey the island's little-understood ecology.

Amchitka's fate, it developed, was directly connected to the state of the controversial program to develop an anti-ballistic missile. For a time, the new Nixon Administration deferred its decision on the ABM, but on March 14, the President announced the "compromise" Safeguard ABM system and the program passed the Senate by a narrow margin.

Millrow will be a comparatively low-yield test intended to check Amchitka's "suitability" for future testing, possibly of the ABM warhead. The AEC seems to have little doubt that it is suitable.

Those being briefed during this visit to Amchitka bring with them their own individual perceptions and concerns. Geologists mutter about fault lines, biologists ponder damage to tundra and otters.

State Rep. Eugene V. Miller, a squarely built Fairbanks attorney, is about as typical as anyone. "I felt about as helpless as a man with a sick goldfish as far as doing anything about it," he says.

"The premise is we have to do all this to maintain our security," says Kenai lawyer and conservationist Jim Fisher. "But we don't seem any more secure than when we started all this mess, and it's cost hundreds of millions of dollars.

"If that's true," he says, "it's not worth the life of one sea otter."

BIKINI ATOLL TIDIED UP FOR RETURN OF NATIVES EXILED SINCE 1946

(By George Zucker)

BIKINI ATOLL, September 15.—The first no-man's land of the Atomic Age is ready to welcome back its people.

The Atomic Energy Commission reports this isolated Pacific atoll, ravaged by a dozen years of nuclear testing, has less radioactivity today than the U.S. mainland.

"We can't say there is absolutely no radiation danger," says AEC physicist Tommy McCraw, "but if there is we can't find it."

McCraw was among a team of experts who toured the atoll last weekend with a group of American and foreign newsmen. He said his atomic counter showed only faint signs of radioactivity, "less than in Denver, Colo."

Stripped of vegetation and badly scarred by 23 thermonuclear detonations between 1946 and 1958, the islands have sloughed off all visible effects of their former devastation.

Lush foliage has returned to the meager ring of islands, some 2,500 miles west of Hawaii, and its lagoons are clear and bountiful.

The rusted scrap metal and debris that littered the white sand beaches for more than 20 years are gone. A small force of U.S. military and civilian workers has been cleaning up the atoll since mid-February.

The 167 Bikinians who were evacuated amid weeping farewells on March 7, 1946, have since grown to 550 and most are eager to return.

The displaced Bikinians have been eking out a living on the tiny island of Kili, in the southern Marshalls.

Although rich in rainfall, Kili has no lagoon or sheltered sea approach. The islanders have been earning about $20,000 annually through the sale of copra and ladies' handbags made of coconut fiber.

Thirty Bikinians will arrive here next month to help plant coconuts, breadfruit and pandanus, making ready for the return of the others.

McCraw, 41, of Germantown, Md., said considerable testing has been conducted to determine the extent of lingering radioactivity. "There is virtually no radiation left," he said, "and we can find no discernible effect on either plant or animal life."

Radioactivity on the island of Airukiraru, across the channel from Enyu, where 13 nuclear shots were detonated, registered slightly below two microroentgens.

"An average reading on the U.S. mainland, "McCraw said, "would range from 10 to 20 microroentgens."

McCraw said the reason for the low reading is that Bikini atoll rose from living coral reefs and has little natural radioactivity.

Responsibility for restoring and resettling Bikini is shared by the Department of Defense, the AEC and the Interior Department. The cleanup began Feb. 17 under the direction of the Defense Atomic Support Agency.

A tent city was established on Enyu, second largest island in the atoll, and workers cleared the tangle of scrub vegetation from the island's 4,600-foot airstrip, unused for a decade.

The first phase of the $3.3-million restoration project was the removal of scrap metal and other industrial junk. Three hundred truckloads of scrap, all of it rusted or radioactive, were dumped into the sea or buried.

When the task force completes its work on Oct. 1, the Bikinians will fall heir to the tent city, the airstrip, a harbor, two barges and three landing craft.

The second phase of the restoration, already under way, involves the planting of the coconut, breadfruit, pandanus and arrowroot vital to the island economy.

George Nakanishi, who serves as district director of agriculture for the U.S. trust territory, has set up a nursery which eventually will yield 100,000 coconut palms to be replanted on the islands of Bikini and Enyu.

Copra, dried coconut meat, brings $100 a ton.

The U.S. government plans to build a school, a community center and a warehouse for the Bikinians. A refurbished chapel already is in use on Enyu.

Also on the drawing boards are 60 three-bedroom homes the government will build for the returning islanders.

Bikinian leaders asked that they be of cinderblock construction with aluminum roofs.

"Permanency is what they want," Nakanishi said. "Something solid."

OPPOSING CHEMICAL TESTS IN HAWAII

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, recent disclosure that the Army has conducted four chemical tests of toxic agents in Hawaii has come as a shock to the citizens of my State.

The tests which were conducted in 1966 and 1967 concerned the nerve agent GB and the chemical incapacitating agent BZ. The agent GB, a World War II lethal nerve gas developed by Hitler is odorless, colorless, and kills by disorganizing and then paralyzing of the nerves and muscles. The incapacitant BZ slows down mental and physical activity,

XUM

brings on disorientation, hallucinations, and occasional maniacal behavior.

I am alarmed that the Department of Defense has tested these chemicals in Hawaii. I am dismayed that this was done without full public knowledge and disclosure at the time of the tests.

On August 11 this year the Department of the Army replied to my letter of August 4 forwarding a press inquiry concerning reports of tests of chemical and biological agents in Hawaii. The inquiry was in the form of a series of specific questions by Mr. Richard Hoyt, a reporter with the Honolulu Star-Bulletin, who was unable to get his questions answered by the Army in Hawaii. One question asked:

> Has the Army ever tested either chemical or biological warfare weapons or agents in Hawaii?

The Army's August 11 reply was:

> No.

It added:

> The Army has not tested either chemical or biological warfare weapons or agents in Hawaii. The Army has conducted limited chemical tests under strict safety precautions to obtain defensive information.

On July 19 I had written the Army asking for a complete list of all tests. The response on September 11 disclosed that four tests had been conducted. I feel that the Army's failure to give this information in its response 1 month earlier constitutes a disturbing lack of candor. Moreover, the disclosure that tests of these agents were conducted is in conflict with the Army's statement of August 11 that "no" tests were conducted.

I have written to the Secretary of the Army protesting this apparent contradiction and urging that all information on tests be made available to the public without delay or attempts at concealment.

The Army's statement of September 11 also said regarding the testing in Hawaii:

> This was done with the concurrence and knowledge of State officials.

I have been unable to find any State official who knew that chemical agents were being tested in Hawaii, although I have talked in the last few days with many who are outraged that they were not given this information. It appears that the "concurrence and knowledge" of State officials were limited to approving a 5-year land use permit for jungle and environmental tests in the Waiakea Forest Reserve. I have been unable to learn of any prior disclosure of the nature of these tests to officials of my State. I have asked the Army to tell me who these officials were and to what extent they were advised of the actual nature of these tests.

The Army was asked by Reporter Hoyt:

> Does the Army plan to test or store chemical or biological warfare weapons in Hawaii?

The Army's August 11 statement replied:

> No. We have no knowledge of any such plans at this time. I cannot comment on future plans of any type.

I have written to the Secretary of Defense urging that no tests be permitted in the future in Hawaii.

For the RECORD I am including copies of the correspondence cited above. These facts indicate that tests of lethal chemical warfare agents were conducted in Hawaii without public knowledge and there is no guarantee that they will not be conducted again in the future under the same covert circumstances. The people of my State need to be fully informed of this matter and receive adequate guarantee that no such tests or storage of any kind of chemical or biological agents will be allowed in Hawaii.

The correspondence referred to follows:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., August 22, 1969.

Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: This refers to your letter of August 4, 1969 to Secretary Laird concerning the delay in answering a press query on the storage of chemical and biological agents in Hawaii.

The information requested by Mr. Richard Hoyt of the *Honolulu Star Bulletin* was given to him about the 11th of August. The delay was occasioned by the need for extensive coordination within the Defense Department and among other government departments and agencies because of the intelligence implications and international interest in the subject.

For your information, I am enclosing a copy of the letter sent to Mr. Hoyt in reply to his letter to Secretary Laird.

If I can be of further assistance, please let me know.

Sincerely,

RICHARD G. CAPEN, Jr.,
Deputy Assistant Secretary.

DEPARTMENT OF THE ARMY, OFFICE
OF THE SECRETARY OF THE ARMY,
Washington, D.C., August 11, 1969.

INFORMATION FOR MEMBERS OF CONGRESS

The Honolulu Star Bulletin posed questions to the Commander-in-Chief, Pacific (CINCPAC) concerning chemical and biological warfare in Hawaii. The following are their questions and the answers being given by CINCPAC at 1600 hours local, this date:

1. *Question A:* Does the Army have nerve gas or weapons containing nerve gas stored or stockpiled in Hawaii?

Answer: No. The Army does not have nerve gas stored or stockpiled in Hawaii.

2. *Question B:* Does the Army have biological warfare agents or weapons containing biological warfare agents stored or stockpiled in Hawaii?

Answer: No. The Army does not have biological warfare weapons or agents stored or stockpiled in Hawaii.

3. *Question C:* Does the Army plan to move the "poison gas" from Okinawa to Hawaii?

Answer: This Headquarters has no knowledge on this matter and is in no position to reply. I cannot comment on that question as the Army does not comment on future plans or operations of any type.

4. *Question D:* Has the Army ever tested either chemical or biological warfare weapons or agents in Hawaii?

Answer: No. The Army has not tested either chemical or biological munitions in Hawaii. The Army has conducted limited chemical tests under strict safety precautions to obtain defensive information.

5. *Question E:* Does the Army plan to test or store chemical or biological warfare weapons in Hawaii?

Answer: No. We have no knowledge of any such plans at this time. I cannot comment on future plans of any type.

6. *Question F:* Does the Army have any storage facilities in Hawaii capable of stockpiling chemical or biological warfare agents?

Answer: The Army has a limited capability to store chemical or biological warfare agents or weapons in Hawaii. There is a limited capability to store chemical or biological munitions on Hawaii.

7. *Question G:* Does the Army have any weapons in Hawaii capable of being armed with chemical or biological warfare agents?

Answer: Yes, the Army has weapons on Hawaii which are capable of delivering chemical or biological munitions.

Furnished by: Office, Chief of Legislative Liaison.

JULY 19, 1969.

Hon. STANLEY R. RESOR,
Secretary of the Army, Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: Despite denials regarding the Army's participation in secret tests of nerve gases in my State of Hawaii, the belief that these tests have been conducted persist.

It would be most helpful to re-establish credibility if you would release the full and complete list of all test sites used by the Army in the last 20 years for testing of chemical-biological warfare substances, both offensive and defensive.

Thank you very much.

Very truly yours,

PATSY T. MINK,
Member of Congress.

DEPARTMENT OF THE ARMY, OFFICE
OF THE SECRETARY OF THE ARMY,
Washington, D.C., September 11, 1969.

Hon. PATSY T. MINK,
House of Representatives.

DEAR MRS. MINK: The Secretary of the Army has asked me to reply to your inquiry concerning the nerve gas testing in Hawaii.

To the best of our knowledge, the Army has not denied that nerve agent tests have been conducted in the past in Hawaii.

For reasons of national security, the Army cannot release lists of all test sites used in the past. Limited small-scale testing of chemical nerve agent and incapacitating agent has been conducted in Hawaii. This was done with the concurrence and knowledge of State officials.

Four chemical tests were conducted on the Island of Hawaii at an Army jungle environment test site in the Waiakea forest reserve. Three of the tests involved the non-persistent nerve agent GB and were conducted during April–June 1966, March–April 1967, and April–May 1967. One test involved the non-persistent chemical incapacitating agent BZ and was conducted during May–June 1966. All of the testing was open-air and was conducted in a 1.5 square mile area.

All the tests were conducted within a fenced and regularly patrolled area, seven miles from the nearest habitation through thick jungle. Releases of the agents were made under strictly observed safety and meteorological conditions. Sampling devices placed throughout the area proved that the toxic material remained within the fenced area on every trial.

There has been no testing of biological research agents in the State of Hawaii in the past nor are there any plans to do so.

I trust this information will be of assistance to you.

Sincerely,

RAYMOND T. REID,
Colonel, GS, Office, Chief of
Legislative Liaison.

SEPTEMBER 16, 1969.

Hon. STANLEY R. RESOR,
Secretary of the Army, Department of Defense, Washington, D.C.

DEAR MR. SECRETARY: On August 11, 1969, in response to an inquiry, the Department of the Army informed me that it has never tested either chemical or biological warfare weapons or agents in Hawaii.

One month later, in response to my inquiry of July 19, 1969, the Army has informed me "Four chemical tests were conducted on the island of Hawaii at an Army jungle environmental test site in the Waiakea forest reserve." These were during 1966 and 1967 according to your new statement.

I enclose copies of both Army letters for your information.

The news that the Army has conducted chemical tests in Hawaii comes as an apparent contradiction of the Army's previous statement that it has conducted no tests. I am surprised and disturbed by what appears to be a conflict between Army statements on two different dates.

Since these tests were conducted, the Army should have been more responsive to the issue in its statement of August 11. That inquiry was initiated by Mr. Richard Hoyt, a reporter with the Honolulu Star-Bulletin in Hawaii, and I forward it to Defense Secretary Laird at Mr. Hoyt's request when he had received no response from the Army for two weeks.

As an opponent of the public danger of chemical and biological warfare tests, I protest the Army's lack of candor in this instance. Our citizens are entitled to know the dangers to which they may be exposed and the extent of safeguards taken. I am glad that the Army has now disclosed the facts in this matter, but this type of information should be made available to the public without delay or attempts at concealment.

I would appreciate knowing what State officials concurred with and had knowledge of these tests. I respectfully request that you provide me with this information.

Thank you for your assistance.

Very truly yours,

PATSY T. MINK,
Member of Congress.

SEPTEMBER 18, 1969.

Hon. MELVIN R. LAIRD,
Secretary of Defense, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: As you know the Army has disclosed four tests of chemical agents in Hawaii.

On August 11, in response to a press inquiry, the Army said with respect to future tests or storage of chemical or biological warfare agents in Hawaii: "We have no knowledge of any such plans at this time. I cannot comment on future plans of any type."

I protest the past testing and respectfully request your assistance in obtaining a guarantee that no future testing or storage of chemical or biological agents be permitted in the future.

Our citizens were not informed of the four tests in 1966 and 1967 of toxic agents and therefore were unable to protect themselves from possible adverse effects. The health and safety of the people of Hawaii require that the guarantee which I have requested be promptly issued.

Very truly yours,

PATSY T. MINK,
Member of Congress.

COMMISSION ON GOVERNMENT PROCUREMENT

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, next week the House will consider a piece of legislation which may hold a key to a practical, rational, and permanent solution of the controversy over budget priorities and over military versus domestic budget allocations. I am referring to H.R. 474, a bill to create a Government Procurement Commission which would be empowered to investigate procurement problems and procedures on a government-wide basis, and to make recommendations to the Congress for permanent improvements in the cost control and efficiency of the Federal Government's $55 billion annual purchase from the private sector.

Yesterday, Mr. Speaker, one of the most knowledgeable and respected Members of this body, Congressman CHET HOLIFIELD, who is the prime sponsor of this bill, enunciated in the clearest and most compelling language the reasons for prompt enactment of this bill. At the luncheon of the National Security Industrial Association at the Sheraton-Park Hotel, he spoke plainly and directly to the issue of budget priorities as it relates to a modern, effective, and efficient Federal procurement structure. I would urge each of my colleagues to read Mr. HOLIFIELD's remarks carefully, for I have seen no better preparation for understanding the bill that will be before us next week. Upon reading his remarks, I think every Member will appreciate why they were received yesterday noon with a standing ovation.

Before inserting Mr. HOLIFIELD's speech, Mr. Speaker, I should add that last evening, in an address before the same association, Defense Secretary Laird praised our colleague's efforts in shepherding this bill through the House, and reiterated his Department's strong endorsement of a Government Procurement Commission.

The text of Mr. HOLIFIELD's remarks follows:

COMMISSION ON GOVERNMENT PROCUREMENT

Ladies and Gentlemen and Members of the National Security Industrial Association:

I am happy to be able to spend a few moments with you, enjoy your luncheon hospitality, and report on a matter of immediate interest. I refer to H.R. 474, the bill to establish a Commission on Government Procurement. As I advised Charlie Weaver of Westinghouse back in June, after he invited me to speak to your association, the Commission on Government Procurement would be the subject of my remarks.

H.R. 474 was reported favorably on August 12, 1969, by the House Committee on Government Operations. The next legislative step, when a bill is reported from the Committee, is to request a resolution from the Committee on Rules, which authorizes the bill to be brought to the floor. This we did, and following the August recess, a rule was granted—on September 9 to be exact.

The outlook, as I see it, is this: H.R. 474 will be considered by the House in a matter of days. The bill will be passed. The Senate will follow suit—and if we don't move quickly, they will beat us to the punch. This is an idea whose political time has come.

A study commission is not exactly a new idea. Commissions are old hat in the American experience. But a commission distinctively and exclusively dedicated to Government procurement is new. We've never had one before. We will get one soon.

As you know, we reported a similar bill from the Committee on Government Operations two years ago. The time wasn't quite right. The need was there, but lacking was the politics of acceptance. There were misconceptions about what we were trying to do. The bill died in the Committee on Rules for lack of action.

This time we had a better reception. I was all set to explain to the Committee on Rules why the times had changed, and why they should give H.R. 474 the green light for floor action, but they didn't want to hear about it. They were all on my side.

Had questions been raised in the Committee on Rules about the bill, I would have said something along the lines of my remarks today. The situation is worth analyzing. It is part of the legislative background of H.R. 474.

These remarks will serve to explain why a modest legislative proposal to set up a study group in Government procurement went from complete stall into high acceleration. This change tells us something about the procurement situation and the legislative environment today.

In the first place, action by the Committee on Government Operations on H.R. 474 was unanimous, whereas last time there were some dissenting voices. The bill now has complete bipartisan support within our committee, without any qualifications or exceptions whatsoever. Unanimity in a committee doesn't guarantee unanimity in the whole House, but it sure helps in getting favorable action.

Secondly, I have discussed this matter with Chairman Rivers of the House Armed Services Committee, and I believe he fully understands my position that the work of this Commission will be helpful to all committees, including the Armed Services Committee. That committee, as you know, has a big job on its hands with the military authorization bill and, looking down the road a bit, it needs all the help it can get through informed studies of the procurement process.

Thirdly, we have developed a much more substantial hearing record on the bill than we did last time. In the second round the bill was referred to the Military Operations Subcommittee (previously it had been handled by the Reorganization Subcommittee). We held 33 separate sessions and heard about 100 expert witnesses from Government, industry, professional and other organizations. Seventeen Government departments and agencies were represented.

It was not our purpose, nor within our means, to do the kind of job that the Commission would be mandated to do. But we wanted to go into these problems deeply enough to identify real issues and not just talk in generalities. The hearings are printed in nine separate parts, and we have received many requests for copies. I believe this extensive hearing record will be of interest and help to the Commission when it is established. Our hearing record may be considered, in one sense, a point of departure for the Commission's work.

The fourth point is that the Senate helped to crystallize the issue. Last time the Senate took no action but deferred to the House. The general idea was that since this was a House bill, it was up to us to take the initiative, and the Senate would act only after we did.

This time the Senate was not inclined to wait until final House passage. The Senate Committee on Government Operations held a brief hearing on Senator Jackson's companion bill, S. 1707, following our own extensive hearings on H.R. 474. I am advised that the Senate Committee is scheduled to sit this morning to mark up the bill. Personally, I would hope that the House acts on the bill before the Senate. In any event, favorable action is expected on both sides.

The fifth point is a noticeable change in heart among the executive departments and agencies. Last time most of them were rather lukewarm about the bill. Now they have expressed strong support—and this includes the major civil as well as the military departments.

This is another way of saying that the procurement study proposed in the bill is Government-wide. It is not limited to the military. The Defense establishment spends the bulk of the monies, but increasingly the civilian departments and agencies are being thrust into the procurement process as they cope with the difficult problems of urbanized society. They are expanding their procurements of technical goods and services in such fields as health, housing, education, transportation, and crime prevention and control. The civil departments and agencies have a lot to learn by way of procurement training, organization and procedures, and there is a need for coordination among them. Not surprisingly, this bill is warmly endorsed by the Secretaries of the newer departments like DOT, HEW and HUD.

On the military side, Secretary Melvin Laird, our former colleague, has stated unequivocally that creation of a Commission on Government Procurement will be helpful to his department. He endorses this bill.

It is true that the Secretary has set up a so-called Blue Ribbon Panel to study various defense matters, including procurement. These other matters include departmental organization, command and control, research and development, and whatever else is assigned by the Secretary. The panel is too limited in tenure (one year) and too diverse in membership to give the time and bring the expertise to a comprehensive study of procurement that is contemplated in our bill. Moreover, the Blue Ribbon Panel does not have jurisdiction over the civil agencies, as does the proposed Commission. In sum, the Commission on Government Procurement would *complement* rather than compete with the Blue Ribbon Panel, and Secretary Laird has made this very clear.

The sixth point is that the need for a Commission is more graphically shown as cost overruns and contract performance problems are highlighted daily in the press and in the pages of the Congressional Record. Government procurement has become a major issue. With a Commission we can do something constructive about these problems. At least we can give it a serious try, and not be faced with the situations where procurement policies are legislated from the floor, in hasty, improvised fashion, without hearings or careful committee deliberations. What is happening in the Senate debate on the military procurement authorization bill for FY 1970 illustrates the point. More than two dozen amendments were introduced, and a number of them were adopted by the Senate. The House is yet to act, but some of these amendments would have far-reaching significance if finally enacted into law.

With all this furor over cost overruns and reported procurement mistakes, something is bound to be done. The demand is loudly heard for more stringent controls. The danger is that well-meaning but misguided efforts in some quarters will do more harm than good. We have already seen some evidence of this. Whereas the choice last time was between a Commission and no Commission, the choice now is between a Commission for constructive change and quick-fix legislative amendments from the floor—legislation that is uncoordinated, going off in all directions, not carefully thought out, compounding the ultimate problems that must be solved.

The seventh point is that we need a Commission for an important symbolic reason—to restore confidence among the people in the basic soundness of our Government (and particularly our military) institutions. One way to restore confidence is to let the people know that a serious and systematic study will be made—by experts—of the way the Government conducts its business and spends the taxpayers' dollars.

And not only a study, but findings and recommendations which can lead to definite improvements. It has become trite by repetition, but it is still true to say that when the Government spends $55 billion a year for goods and services, even one percent improvement leads to savings in the hundreds of millions.

The eighth point, finally, is that public interest in the Commission proposal has broadened noticeably since the bill was first reported out almost two years ago. I refer not only to the strong support in the Congress and the Executive, but among professional, industrial, technical and business organizations of different kinds. This includes the National Security Industrial Association, and I want you to know that your support is welcomed and appreciated.

The unanimity of support does not mean all are agreed on the course of action and the right solution to the problems. The unanimity signifies that there are many problems that demand attention and that a concerted effort should be made to resolve them. In the committee report we highlight some 27 major problem areas in Government procurement. These are intended to be illustrative rather than prescriptive of the Commission's work, since the Commission will order its own priorities, according to its resources and collective judgment.

A further word about the Commission and its work. As proposed in H.R. 474, this will be a mixed Commission, with plural appointing authorities—the President and the presiding officer of each House. In this way it will have a blend of experience and expertise from different sources—the Congress, the Executive branch, and persons from private life. We make the point strongly in the committee report on H.R. 474, and I want to emphasize it again as my view, that we want a *working* Commission, not a window-dressing Commission. I would hope that the appointing authorities take this observation to heart and mind.

You know that commissions are established for all sorts of reasons—sometimes to study a problem to death rather than solve it; sometimes to give prestige and publicity to a preconceived policy or position; sometimes to do a straight-forward job of fact-finding, analysis and problem solving. As far as this Commission is concerned, there is no buckpassing to be done and no preconceived positions to be affirmed. We want a Commission that is objective and impartial. Its job will be to review and re-evaluate the procurement statutes, now 20 years old or more, the great mass of detailed procurement regulations, the procurement procedures and practices in many departments and agencies of Government.

This review and re-evaluation, as I see it, should do more than examine the rules of the game—the laws, regulations, procedures and practices. The Commission should examine the inner workings of the procurement process, the substantive issues—what we buy, how we buy, from whom we buy, whether we are getting our money's worth, and how we can do better in the future.

The Commission proposed in H.R. 474 would have a two-year tenure. How much work it can do in that time, how large a staff it will have, how its priorities of work will be arranged, will depend in large part on the resources made available. Funds for the Commission will have to be obtained by a separate appropriation. Departments and agencies are called upon by express terms of the bill to cooperate with the Commission's work and provide assistance on such terms as are arranged between the Commission and the cooperating agency. The Comptroller General is ex officio a member of the Commission and, of course, we expect that the General Accounting Office will be among those agencies which provide staff resources.

For a moment let me put the projected work of the Commission in broader perspective. We stand on the threshold of a new decade. There is a great questioning in the land, a searching and groping for new answers to old problems. Institutions of every kind are coming under critical scrutiny, even the most venerable and traditional ones in American life. The churches, the labor unions, corporations, agencies of Government, schools and colleges—all have heard the voices of dissent and seen in their own halls the manifestations of protest, whether peaceful or violent.

The questioning and the criticism show up in the halls of Congress as well. The old tradition of respectful silence by the freshman member of Congress no longer holds. Committees and their chairman are no longer taken as the fount of all wisdom. There is a demand for *more* information, more *timely* information, more *accurate* information, more *complete* information, more *widely disseminated* information. These demands must be complied with, not only by the committees who are trying to preserve their jurisdictional responsibilities, but by the departments that expect the Congress to vote yearly authorization and funding measures.

In this case the demands for more and better information point largely to the Department of Defense. It is not only the largest spender of public funds, but the least exposed to public view because so many of its activities are classified. Nevertheless, the veil of secrecy is being lifted here and there, and justification is demanded for what was accepted before without question.

There is questioning because defense decisions have public impact. Will an ABM site be located in our backyard? Will the testing or transportation of war chemicals endanger our community? How long will the Vietnam war continue to take our sons and our tax dollars?

There is economic impact. Military spending or the lack of it, hits wide and deep—in communities, regions, the national economy, the whole world. A military weapon system today is not merely a gun or a tank or a plane, or any number of them. A weapon system today is more likely to be a multi-billion-dollar proposition, a proposition which involves the jobs and careers of thousands upon thousands of persons, which affects inflation and the balance of payments. It may take 7 or 10 years to bring to fruition.

There is a strategic impact. The weapon system we build, or do not build, shapes a whole military strategy of offense and defense. It influences relationships with our allies and negotiations with our adversaries. To paraphrase a famous statement: Weapon systems, like war, have become too important to be left to the military. And so the Congress insists on getting more fully into the act.

This new concern and involvement of the Congress can be bad and good. It is bad if reasoned debate gives way to emotional binges, and if the committee system of Congress is undermined in the process. It is bad if it interferes with orderly planning and funding and executive responsibilities in procurement. It is good to the extent that the debate is informed and members of Congress become better educated to the issues upon which, in the final analysis, they have to vote yea or nay.

The Commission on Government Procurement can help in this informing process. It can develop a body of information which will be turned over to the committees of Congress, who can take it from there. On their own, the committees of jurisdiction are so loaded with recurring chores that no one of them is in a position, whether in terms of jurisdiction or resources, to make a searching and systematic study of Government procurement in all its ramifications. The Commission can not only help the committees to do their work, but it can help the Congress and the public to better understand what procurement is all about and why we have so many problems today.

I will grant you that many characterizations we hear in the press and on the floor of Congress regarding Government-industry relationships are unfair. They are unfair but they *do* exist. The Government is under an obligation to take the lead in examining this relationship and assuring that it is, or will be, maintained in such a fashion as to protect the public interest and safeguard the national security.

The Government has that obligation, but industry, too, has an obligation. After all, industry is the other half of the team—or complex, if you like. Industry has most of the expertise and the know-how, and if the Congress and the public lack confidence in military judgment of procurement matters, that is one step away from saying they lack confidence in industry judgment.

The industry part of the complex is in a tougher position. The military managers and their civilian helpers, whatever their mistakes of judgment, are supposed to be dedicated to the national defense. The industry managers, for their part, are interested not only in the national defense but interested in making a buck or two.

In wars of the past, there were good old profiteering scandals. In wars of the present, with such legislative tools of the procurement trade as the Truth in Negotiations Act and the Renegotiation Act, profiteering is not much in evidence, and substitute issues are sought. I would say that the cost overruns so heavily emphasized on the contemporary scene are the moral equivalent, in the public mind, of old-fashioned war profiteering.

The first pressing obligation of industry as well as Government, therefore, seems to be cost control. They need to get on top of this cost estimating business. If the experts can't reasonably tell what a system will cost, this opens up other areas of judgment to questioning. When the price of a military aircraft jumps from the original estimate by 50 to 100 percent, inevitably questions will be raised about the justification for the aircraft itself. And pretty soon a questioning public, an investigating committee, or a probing newspaperman, uncovers all kinds of seamy practices in the military. Industry carries part of the blame, whether deserved or not, because it is part of the complex.

So defense and other Government contractors, with the professionalism and skills which can send men to the moon, put satellite spies in the sky, house men in the ocean depths for weeks at a time, and do many other wondrous things, had better put some of these talents to work in the prosaic business of cost prediction and control.

The art of cost estimating must be improved for another reason. What has been called the *permissive* environment for costs in Government procurement is about to end. Priorities are shifting and budgets are strained.

Priorities are shifting because we have so many domestic problems which are acute and can no longer be postponed. Weary of a protracted and inconclusive war in a faraway place, the American people, through their representatives in Congress, are asking questions about the high cost of defense and and developing the rationale for shifting of funds and energies to the civil sector.

In the perspective of the home front, a new waste disposal system is more important than a new weapon system. Techniques for command and control are as essential at the local police station as at military headquarters. Research and development should be looking toward mass transit rather than mass destruction. Threat analysis should be directed as much to identifying the hazards of technology in our living environment as to intentions and capabilities of potential enemies. The war room should be keeping tabs on city riots as much as on military maneuvers. System analysis makes as much sense for hospital administration as for weapon building. Computers are as important to the classroom as to the cockpit.

It comes down to this. There is hope—and even confidence—that our strategic weapons will deter nuclear war, and short of nuclear war, the rather widespread belief that the United States should not get involved again in wars of insurgency or attrition, which endlessly drain our resources and kill and maim our youth.

Whether, in fact, we can maintain our deterrent strength without continuing large expenditures; whether, in fact, the United States can draw down its commitments in a contending world, are questions now under sharp and bitter debate.

My own view is that strong defenses need not detract from full and proper attention to domestic needs. I am not one who looks upon this as an "either/or" proposition, but that is how it is made to appear today.

The battle of the priorities now raging in the Congress does not mean that there will be a definite victory for guns or butter any more than there will be a definite victory in Vietnam. The battle of priorities does mean, however, that given the pressures of inflation, the demands for tax reform, and the inevitable restraints on Government spending in the face of burgeoning social needs, something has to give.

Barring unexpected international crises or clashes, in the years ahead defense will get a smaller cut of the budget pie, and society's needs—using the term broadly—will get a larger cut. There will be relatively fewer defense dollars to spend, and persistent demand to get more from each dollar spent. Call it, if you wish, a period of austerity in defense spending.

As priorities shift, defense industry will adjust to the times. It will seek new markets in the civil sector of Government—state and local as well as national. Here prospective contractors will find that there is less technical sophistication, less procurement know-how—and less money. Dollars for domestic needs don't have the pulling power of dollars for defense.

Cost consciousness and better cost estimation, then, are important not only in the changing defense environment, but in preparation for assuming new tasks on the civil side. Our economy is resilient enough to take these changes in stride, and certainly the ingenuity and enterprise of American industry will be in full flower as the nation comes to grips with the problems of the 1970's.

The Commission on Government Procurement is one way to help industry, help Government, help Congress prepare for the years ahead. It is an instrument for constructive change and for validation of what ought not to be changed. It will affirm the viability of our institutions and the confidence of our citizenry in their Government. I thank you.

HEARINGS ON SOCIAL SECURITY BENEFIT ADJUSTMENTS WILL BE WELCOME NEWS TO MILLIONS

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, as one of the Members who joined in petitioning the Ways and Means Committee to schedule hearings this session on adjustments in social security benefits, I was particularly gratified to see the announcement the chairman made today which assured us, and the millions of beneficiaries, that extensive public hearings on the subject of proposals to amend the Social Security Act, including proposals to increase benefits and make other changes in the program, will be scheduled as soon as the Ways and Means Committee can dispose of three other priority items on its hearings schedule.

This announcement, coming as it does on the heels of the President's recommendation that Congress increase social security benefits by 10 percent, gives hope and assurance to millions of our senior citizens who are having a difficult time making ends meet in the face of today's inflationary costs. Increases are needed as soon as they can be approved.

I commend the chairman and the members of the Ways and Means Committee for recognizing the urgency for immediate action and for putting these hearings on the agenda prior to adjournment.

COUNCIL ON ENVIRONMENTAL QUALITY

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, I am pleased to speak in support of H.R. 12549, a bill to provide for the establishment of a Council on Environmental Quality.

There is little doubt that the United States must devote considerable public and private thought to the problems of environmental quality control. This thought and research must be complemented by determined efforts to reduce the destructive effects of modern technology on our atmosphere, our waters, and our land. Such an effort will require considerable public and private expenditure, but we must assure a livable environment for generations of Americans yet unborn.

President Nixon is to be commended for creating the Interdepartmental Council on Environmental Quality. His action was motivated by the obvious need to coordinate the efforts of all the agencies of the Federal Government to assure that duplication is not wastefully permitted and to assure that the Nixon administration is successful in committing its resources to the most challenging tasks in the most productive fashion.

The legislation before the Congress would complement the efforts of the Interdepartmental Council. It would create an independent Advisory Council with responsibility to report to the President, the Congress, and the people from time to time on the long-range needs for environmental improvement and pollution control.

The Advisory Council would be the spokesman for a nation deeply concerned about the technological proliferation and its "spin-off" effects.

As the New York Times stated in an editorial dated May 3, 1969:

> By land, sea, and air, the enemies of man's survival relentlessly press their attack. The most dangerous of all these enemies is man's own undirected technology. The radioactive poisons from nuclear tests, the runoff into rivers of nitrogen fertilizers, the smog from automobiles, the pesticides in the food chains, and the destruction of topsoil by strip mining are examples of the failure to foresee and control the untoward consequences of modern technology.

I consider the establishment of a healthful and peaceful environment, conducive to life and human tranquility, to be one of the great challenges of the 1970's. Without a national commitment to this difficult task, there will be insufficient progress. We will do too little too late.

The proposed Advisory Council will serve as a valuable weapon in the fight against pollution. While Mr. Nixon's brilliantly conceived interdepartmental Council works to improve conditions today, the Advisory Council will look down the road to the future health and welfare of Americans in 1980, 1990, and beyond.

I urge my colleagues to support this significant step toward a better life.

ANOTHER VANISHING AMERICAN—THE SAVINGS BOND SAVER—BILL INTRODUCED TO RAISE INTEREST RATE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, this House has heard many speeches on the subject of our vanishing American shorelines, our vanishing wildlife, our vanishing clean air and water, and our vanishing natural resources. I know, I have delivered some of those remarks, but today I want to discuss a different kind of vanishing American resource—the American who invests his savings in U.S. savings bonds.

That American is not the rich man who can afford to buy blocs of tax-free municipal bonds, nor is he the corporate officer who invests large sums in private debentures, nor is he the fund or foundation magnate who scouts out the best interest deal in Government securities to put large sums of money to work. The American I am talking about is that much-maligned, mostly ignored, middle-income person who until recently tried to put a little money aside for a rainy day, or for his children's education, or for retirement, or for unexpected emergencies, by purchasing U.S. savings bonds.

Savings bonds used to be a pretty good deal for the average American saver. You remember of course the "bond a month" plan, the "payroll deduction" plan, the posters, campaigns, and hoopla of bond drives during the Second World War. It was a patriotic duty for people to invest in the United States and they earned a fair rate of interest. All that is gone now. The average American saver has started to add up the benefits of savings bond investment—he finds them lacking. Let me give you an example that is fairly close to home.

One of my staff member's families was recently increased by one. The doting grandparents of the new baby sent the parents a sizable U.S. savings bond with a note "to be used for—the child's—education." Now that is hardly a new phenomenon; savings bonds used to be quite a handsome gift to any new child and I suspect that many new grandparents have sent such gifts. Heretofore, the proud new parents would tuck that savings bond away with the family papers or in a safe deposit box and let it mature, knowing that a start had been made for an education for the new child. And let me add that I continue to believe that the gift of a U.S. savings bond is one of the most thoughtful gifts that a person can make. However, the parents of the new child, more concerned with the child's educational fund than with sentiment, did not keep that savings bond gift. Rather, they cashed it in immediately and purchased a federally guaranteed certificate of deposit in an out-of-State bank that pays an interest rate which is almost three percentage points higher than the 4.25-percent annual rate of the savings bond.

If you had been asked for advice by these parents about the proper investment of this substantial sum of money, what would you have advised? Keep the bond—it is patriotic to invest in America. Or would you have advised the couple to invest—in America—the money so that it would return the greatest amount of interest. Fortunately, I was not asked for such advice, but in light of today's interest rate on U.S. savings bonds, the new parents obviously did the right thing for their child.

This one example gives flesh to the dry but nevertheless important statistics which I will cite below. In brief, the rate of redemption of U.S. savings bonds is exceeding the rate of purchase of such bonds. Even more important, for the first time since 1959, the total of outstanding bonds—E, H, and Freedom Share bonds—has declined. In December 1968, the total outstanding was $52.2 billion; as of August 1969 the total outstanding in all bonds was $52.1 billion. A drop of $108 million in 8 months' time may not seem like much, but it is indicative of a trend that could worsen if something is not done. The monthly statistics for E series bonds alone are even more dramatic. I am inserting a résumé of those statistics prepared by the Savings Bond Division of the Treasury Department to indicate the seriousness of the problem:

E BONDS SALES AND REDEMPTIONS

Month and year	Sales	Redemptions	Interest	Total, redemptions and interest
November 1968	$335,009,000	$294,705,000	$64,691,000	$359,397,000
December 1968	329,067,000	337,342,000	76,575,000	413,916,000
January 1969	372,787,000	424,887,000	123,354,000	548,242,000
February 1969	392,287,000	397,202,000	96,217,000	493,419,000
March 1969	336,907,000	394,116,000	94,742,000	485,859,000
April 1969	371,222,000	422,182,000	103,574,000	525,574,000
May 1969	369,494,000	358,136,000	94,056,000	452,192,000
June 1969	370,658,000	422,430,000	110,941,000	533,371,000
July 1969	374,213,000	446,232,000	111,558,000	557,789,000
August 1969	334,017,000	382,917,000	94,540,000	477,477,000

You will note that in only 1 month—May 1969—did the amount of purchases exceed the amount of series E bond redemptions. In every other month, more people cashed in bonds than purchased them. There has to be a reason and the reason is simple: the interest rate on U.S. savings bonds is too low to compete with other forms of savings open to the investor and particularly to the small or average investor.

Why is it that the middle-income taxpayer or investor is always the one who has to "take it on the chin?" It is the middle-income person who purchases the bulk of the U.S. savings bonds—and at the incredibly low annual rate of 4.25 percent. Talk about truth in lending—with an interest rate that low, the Federal Government should be advising investors not to invest in savings bonds rather than the other way around. Of course, the Government—and that means the Congress—could relieve this interest rate inequity.

Savings bonds have the connotation of "stepchildern" by Federal Government money managers in spite of the yearly drives to sell bonds. Interest rates have been moving up during the post-World War II period; prevailing market rates have been far above the 4.25-percent ceiling on savings bond interest for years. Other than on savings bonds, the Treasury has been paying more than 6-percent interest on short-term bills for years. If you saw the newspaper yesterday, you noticed that the Treasury said it will offer interest rates ranging up to 8 percent on three new issues of notes in exchange for $8.9 billion of securities maturing in the next few months. The 8-percent interest rate on the new notes is the highest on a comparable Treasury security since 1859, when rates ranged up to 12 percent on some issues. In spite of these "facts of the marketplace," the Federal Government still pays only 4.25 percent on U.S. savings bonds. Even compared to other Treasury issues, interest on savings bonds is terrible, but compared to the private bond market there is no comparison whatsoever.

Top grade corporate bonds are currently paying around 7 percent, and many medium grade corporate bonds pay a much higher rate of interest. Some bonds carry convertible provisions that give the holder the option of converting them into common stock when the exchange ratio favors such an exchange. This conversion privilege, coupled with a high rate of interest, has made the corporate convertible debenture bond a popular form of investment—but basically, for the investor with large sums to invest. And using another comparison, interest on State and local bonds is exempted from Federal income tax provisions, meaning that a municipal bond paying an interest rate of 4 percent per annum actually carries an effective interest rate which is much higher. Again, municipal bonds are usually sought by the big investor, but why is the big investor the only one to benefit from the expansion of the economy as reflected in the higher interest rates? As it stands now, irrespective of the Government's promotional campaigns to sell the average American on the purchase of U.S. savings bonds, that small investor can earn more than 4.25 percent by simply depositing his money in banks and savings and loan associations.

I am particularly happy to note that the administration agrees that the interest rate on savings bonds should be raised. However, I am concerned that the administration is holding back on pressing for the necessary legislation. Treasury Secretary Kennedy has stated that he "wants to wait" until consideration of the tax reform bill is completed. Mr. Speaker, we all know that were we to wait that long, nothing would be done on the vital subject of raising the interest rates on savings bonds.

Fortunately, the Committee on Ways and Means is not going to wait on the Senate as Secretary Kennedy proposes. The committee has scheduled an executive session for next week wherein they will consider the subject of savings bond interest rates. As I understand the situation, consideration will be of a general nature and not on a specific legislative proposal. I believe it is important that the public know the administration plan, so I am introducing a bill which will "facilitate the management of the public debt by removing the interest-rate ceilings on Government bonds and for other purposes."

The proposed legislation has two principal purposes. First, it would enable the Secretary of the Treasury to pay a fair rate of return to holders of U.S. savings bonds. Second, it would provide the Secretary of the Treasury with authority to plan for orderly restructing of the public debt in accordance with national objectives.

The legislation would accomplish these purposes by eliminating the interest-rate ceilings on Treasury bonds, including U.S. savings bonds. It would also make several minor conforming changes in the statutes governing U.S. savings bonds and notes.

I have appended to my remarks the text of the bill and a section-by-section analysis prepared by the Treasury Department. There is also included a copy of a "fact sheet" dealing with the removal of the 4.25-percent interest-rate ceiling. I am sure Members will find the "Summary of Terms and Conditions of Savings Bonds" of particular interest in their consideration to raise the interest rate on savings bonds.

It is my hope that the Ways and Means Committee will report a bill on this subject before this session concludes. The Congress has extended the surtax; now let us extend a helping hand to the Nation's small investors by increasing the interest rate on savings bonds.

A Bill To Facilitate the Management of the Public Debt by Removing the Interest-Rate Ceilings on Government Bonds, and for Other Purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Second Liberty Bond Act, as amended (31 U S.C. 752), is amended by striking out ", not exceeding four and one-quarter per centum per annum,".

Sec. 2. Paragraph (1) of section 22(b) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)(1)), is amended as follows:

(1) The second sentence is amended by inserting "and at such rates of interest," after "prices,"; by striking out the semicolon immediately preceding the proviso and inserting in lieu thereof a period; and by striking out the proviso; and

(2) The third sentence is amended by inserting a period after "determine" and striking out the remainder of the sentence.

Sec. 3. Paragraph (2) of section 22(b) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c(b)(2)), is amended to read as follows:

"(2) The Secretary of the Treasury, with the approval of the President, is authorized to provide by regulations:

"(A) That owners of United States savings bonds and savings notes may, at their option, retain the securities after maturity, or after any period after maturity during which such securities have earned interest, and continue to earn interest upon them at such rates as he shall prescribe

"(B) That United States savings bonds on which the rates of interest have been fixed prior to such regulations will earn interest at such higher rates as he shall prescribe."

Sec. 4. Section 25 of the Second Liberty Bond Act (31 U.S.C. 757c–1) is repealed.

Sec. 5. The authority granted by the amendments made by section 2 of this Act may be exercised with respect to United States savings bonds bearing issue dates of June 1, 1969, or thereafter. The authority granted by sections 2 and 3 may be also exercised with respect to United States savings bonds issued before June 1, 1969, but in no case shall the interest rate or investment yield on any bond be changed pursuant to such authority for any period which begins before June 1, 1969.

Sec. 6. Paragraph (1) of section 22A(b) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c–2(b)(1)), is amended as follows:

(1) The second sentence is amended by inserting ", and at such rates of interest," after "prices"; and by striking out the comma after "prescribe" and inserting in lieu thereof a period; and striking out the remainder of the sentence; and

(2) The third sentence is amended by inserting a period after "determine" and striking out the remainder of the sentence.

Sec. 7. Paragraph (2) of section 22A(b) of the Second Liberty Bond Act, as amended (31 U.S.C. 757c–2(b)(2)), is amended by striking out "rates which are consistent with the rate of investment yield afforded by retirement and savings bonds." and inserting in lieu thereof "such rates as he shall prescribe."

Sec. 8. The heading and first sentence of section 454(c) of the Internal Revenue Code of 1954 (relating to matured United States savings bonds) are amended to read as follows:

"(c) Matured United States Savings Bonds and United States Savings Notes.—In the case of a taxpayer who—

"(1) holds a Series E United States savings bond or a United States savings note at the date of maturity, and

"(2) pursuant to regulations prescribed under the Second Liberty Bond Act, as amended, (A) retains his investment in such Series E bond or note in an obligation of the United States, other than a current income obligation, or (B) exchanges such Series E bond or note for another nontransferable obligation of the United States in an exchange upon which gain or loss is not recognized because of section 1037 (or so much of section 1031 as relates to section 1037), the increase in redemption value (to the extent not previously includible in gross income) in excess of the amount paid for such Series E bond or note shall be includible in gross income in the taxable year in which the obligation is finally redeemed, disposed of, or in the taxable year of final maturity, whichever is earlier."

Section-by-Section Analysis

The first section of the draft bill would remove the 4¼ percent interest-rate ceiling on transferable (marketable) Treasury bonds.

Section 2 of the draft bill would remove the 3.26 percent interest-rate limitation on United States savings bonds and the requirement that the denominations of such bonds be expressed in terms of their maturity values.

Section 3 would remove the rate limitations of 3.26 percent and 4¼ percent on extensions of savings bonds at further interest after maturity, would remove the same limitations on increases in rates for savings bonds on which rates have previously been fixed, and would authorize the extension of savings notes at further interest after maturity.

Section 4 would repeal the provision of existing law which permits the 3.26 percent limit to be exceeded up to 4¼ percent upon a finding by the President that such action is required in the national interest.

Section 5 would prohibit any increase in interest rates on savings bonds bearing issue dates before June 1, 1969, for any interest period which begins prior to that date.

Section 6 would remove the 5 percent interest-rate ceiling on United States retirement and savings bonds and the requirement that denominations be expressed in terms of their maturity values.

Section 7 would eliminate the requirement that interest on United States retirement and savings bonds extended after their maturity be consistent with the 5 percent rate.

Section 8 would give United States savings notes extended after maturity the same income tax deferral treatment as Series E savings bonds.

[Fact sheet]

Removal of 4¼% Interest Rate Ceiling

I. THE PRESENT SITUATION

1. Congress placed a 4¼% ceiling on U.S. Government bonds in 1918, and the ceiling has been unchanged since that date.

2. Throughout most of the intervening fifty years, the ceiling posed no serious problems for effective debt management because

(1) long-term interest rates generally held below the ceiling level; and

(2) during brief periods of higher rates, the Treasury could issue shorter-term securities, such as Treasury bills or notes, to which the ceiling does not apply.

3. Since 1965, interest rates on longer term Government securities have continuously been above 4¼%. As a result the Treasury has been unable to sell any longer-term securities for the last four years. Instead, it has been forced to confine its issues to maturities of seven years or less.*

4. Because the interest ceiling precluded longer-term issues, the average maturity of the Government's marketable debt in private hands has dropped from 5¾ years in mid-1965 to about 4 years today.

5. In operational terms, this shortening of the debt meant that the Treasury had to refinance some $21 billion of maturing notes and bonds in fiscal 1969, compared with less than $14 billion in fiscal 1966, a jump of more than 50%.

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*Five years or less prior to June 30, 1967.

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II. ADVERSE EFFECTS OF THE 4¼% CEILING

1. Since the 4¼% ceiling applies to Savings Bonds as well as to marketable Government bonds, the Treasury has been prevented from paying an equitable and fully competitive rate of return to holders of Savings Bonds.

2. By forcing the Government to do all its financing in the short- and medium-term areas, the ceiling has put upward pressure on shorter term rates, thus complicating the problems of thrift institutions in competing for savings.

3. The pile-up of maturing notes and bonds added to the difficulties of orderly financing the Government's needs for new funds during periods of deficit.

4. The shortening of the Government's debt contributes to the inflationary potential of the economy by

(1) complicating the task of the monetary authorities in pursuing a policy of credit restraint; and

(2) providing investors with liquid assets that increasingly resembled cash-in-hand.

5. During the past four years, a period of generally rising interest rates, the ceiling has probably added to the costs of carrying the public debt by

(1) concentrating Treasury financings in the shorter end of the market where rates have generally been higher than on longer-term securities; and

(2) preventing issues of longer-term securities during temporary periods of lower interest rates.

III. ADVANTAGES FROM REMOVAL OF CEILING

1. Removal of the ceiling would mitigate each of the adverse effects cited above.

2. Specifically, the Treasury would

(1) be free to pay a 5% rate of return to holders of Savings Bonds, as proposed by the Administration;

(2) be able to plan for orderly restructuring of the Government's debt when conditions permitted.

3. In general, removal of the ceiling will enable the Treasury to conduct the Nation's financial housekeeping in a way that supports national economic objectives rather than conflicting with them.

IV. USE OF LONGER-TERM BORROWING

1. Removal of the 4¼% ceiling would not cause the Treasury automatically to push large amounts of debt out to the long-term area. Rather, it would permit the Treasury to take advantage of market opportunities gradually to extend the maturity of the debt through longer-term issues in amounts that would not disrupt either the Government securities market or other segments of the capital market.

2. The experience of the first half of the 1960's is illustrative of what can be accomplished through flexible debt management. Mainly through the use of so-called advance refundings—offering of longer-term securities to holders of issues in advance of their maturity—the Treasury was able to increase the average maturity of the debt by more than 25% without adverse effects on the financing of local governments, house construction, or other activities.

3. Given the anticipated demands on capital markets to finance the high employment economy of the 1970's, there is little likelihood that longer-term interest rates will fall below the 4¼% level in the foreseeable future. There is no reason, therefore, to delay the removal of a ceiling that serves no purpose, but only stands in the way of the orderly planning of debt management.

SUMMARY OF TERMS AND CONDITIONS OF SAVINGS BONDS SUBJECT TO ENABLING LEGISLATION

	Series E	Series H
Effective date	All bonds sold on or after June 1, 1969.	All bonds sold on or after June 1, 1969.
Issue price	75 percent of face amount	100 percent of face amount.
Issue date	1st day of month in which payment is received by an authorized issuing agent.	1st day of month in which payment is received by a Federal Reserve bank or branch, or by U.S. Treasury.
Maturity	5 years 10 months from issue date.	10 years from issue date.
Interest:		
New bonds	Accrues to approximately face amount to provide an investment yield of approximately 5 percent if held to maturity, lesser yields if redeemed earlier.	Paid semiannually by check. Provides investment yield of approximately 5 percent if held to maturity, lesser yields if redeemed earlier.
Outstanding bonds	Increased to provide 5 percent for remaining time to maturity or extended maturity.	Increased to provide 5 percent for remaining time to maturity or extended maturity.
Redeemability prior to maturity:		
By Treasury	Not callable	Not callable.
By owner	At any time not less than 2 months from issue date at any qualified paying agent.	At any time not less than 6 months from issue date at any Federal Reserve Bank or branch, or at the U.S. Treasury except during the month preceding an interest payment date.
Negotiability	None	None.
Eligibility as collateral for loans.	do	Do.
Eligible subscribers	Natural persons and public and private organizations, but not commercial banks.	Natural persons and public and private organizations, but not commercial banks.
Annual limit on new purchases.	Annual limit of $5,000, issue price ($2,000 face amount per participant in employee savings plans).	Annual limit of $5,000, issue price ($200,000 for certain organizations when received as gifts).
Denominations	$25, $50, $75, $100, $200, $500, and $1,000 (maturity value). Also $10,000 and $100,000 for certain employee savings plans.	$500, $1,000, and $5,000 ($10,000 for use in certain exchanges).
Bearer or registered	Registered only, natural persons may have coowner or beneficiary registration.	Registered only, natural persons may have coowner or beneficiary registration.
Extension privilege	Extendable for 10 years at rate in effect at time of extension.	Extendable for 10 years at rate in effect at time of extension.

THE PROBLEMS OF OUR RURAL COMMUNITIES

(Mr. LANGEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LANGEN. Mr. Speaker, the House Republican Task Force on Agriculture and Rural Affairs has made a major start on the road to solving the problems of our rural communities. Many things have been suggested, from encouraging industrial economic investment to complete laissez-faire. With present governmental over-involvement in agriculture, a farmer has to adhere to governmental regulations and can hardly run his farm on a business-like basis.

One of my colleagues on this task force, the Honorable DURWOOD G. HALL, better known as "Doc" has shown his concern for these problems by proposing an ambitious program designed to improve the lot of the average American farmer today. Just this past August I was his guest in Missouri to see a working model of how his program was to operate.

The enthusiasm with which "Doc" HALL's active proposal for curing rural problems was received in the Springfield, Mo., Leader-Press deserves special recognition. I only wish that others would take the same interest in rural America. The following editorial from the September 12 issue of the Springfield Leader-Press points out "Doc" HALL's leadership and concern in this area:

PRACTICAL DREAM

True to his word, Rep. Durward G. Hall has introduced his farm bill in Congress. Conservative though Rep. Hall always boasts he is, this is a revolutionary concept completely unlike any other ever offered to cure America's vast, chronic headache of agricultural surpluses.

In simplest terms, the bill would cast off all restraints on the American farmer who would be free to produce what and as he likes. It also would provide him alternative and, in a way competitive markets—something he hasn't known in decades.

A farmer could produce either for the regular markets for food and fiber, or he could produce for the markets of the future, through soil conservation—in brief, he would be able to produce for soil conserving and building purposes—store the productive capacity this country will one day need.

A wheat farmer in these times of world surpluses of the cereal grain might elect to plow down part or all of his crop to build better soil, and be paid for the conservation crop—paid on a realistic, dry-poundage value. Other farm subsidies would be abolished.

Waste? That's how little urbanites know of agriculture; actually, farmers voluntarily and at their own expense grow crops for no other purpose than to plow them under—green manuring, it used to be called, and it can do wonders in building both fertility and tilth in worn-out soil.

The advantages are obvious: balanced production, parity prices—the consumer would regulate basic prices by his own demands—and creating and storing soil fertility that no one can doubt this nation will one day need to survive. Likewise, production adjustments would be seasonably possible to maintain balanced food and fiber supplies. Finally, it is aimed to save the marginal farmer.

Actually, the idea was not Rep. Hall's—as he is first to point out—but that of another Ozarker, E. M. (Gene) Poiro, a farmer-conservationist-philosopher.

A dream? Of course, but so were all practical theories at one time dreams. Practical? That is for a surplus-plagued country to determine. Prospects? Not really good at this moment, but Hall has done a tremendous selling job and his hopes for the future cannot be easily discounted.

We'll say this for the Ozarks congressman: When he went to Congress, probably few of his colleagues knew less about agriculture than Durward Hall; today, few of them are better informed in this field.

TRICKLE DOWN POLICIES PREVAIL IN WASHINGTON AGAIN

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the Record.)

Mr. ALBERT. Mr. Speaker, this morning's New York Times makes mention of President Nixon's move to create a star-studded panel of conservatives to study "the extent to which the Federal tax structure may be too burdensome on business and to make recommendations for changes."

Many of us were afraid that the trickle down theories of the Eisenhower administration would unfortunately be resurrected under the Nixon administration. Some of us were naive enough to believe, however, that perhaps the Republicans had learned that trickle down approaches to the solution of economic problems such as taxes do not get people elected. It is strange to learn that the Nixon Republican administration has, in fact, not learned this lesson.

We all recall President Eisenhower's confidant and genius on this subject, Mr. Charles "Engine" Wilson who espoused and articulated this view—namely, that the best way to solve the problems of America and provide for the pursuit of happiness, domestic tranquillity and the common good would be to give everything to business and let the fat cats of our society pass on a few of the leavings to the population at large.

This became known around the country and the world as the trickle down theory approach to the solutions of our problems or as "Engine Charlie" said:

> What's good for General Motors is good for the country.

Mr. Speaker, I have no doubt that this Nixon commission will come out with strong recommendations deploring the fact that corporations are taxed too much. They will wave the flag of self-righteousness and salvation and argue perhaps with new verbiage, but still the same old theme that "what's good for General Motors is good for the country."

No one should be led to believe that it takes any genius to arrive at this conclusion. The position taken by the Treasury before the Senate Finance Committee on the tax reform bill passed at the insistence of the Democrats of the House of Representatives gives clear indication of what this Commission will do. As we all know the Treasury took the position before the Senate Finance Committee that the House-passed bill provided too many benefits for American consumers and not enough benefits for corporations. The Republican position before the Senate Finance Committee, therefore, argues that the House-passed bill should be amended to provide billions of dollars less in tax reform for consumers and billions of dollars more for corporations.

The appointment of this Republican Commission and the position taken by the Republican administration on taxes bodes no good for our country. Mr. Speaker, perhaps as a Democrat I should be delighted in the political advantage which the Republicans have handed us, but as an American, I must lament this approach. What is good for America is good for General Motors and all the rest of us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Corman (at the request of Mr. Burton of California), for today, on account of official business.

Mr. Broyhill of North Carolina (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mrs. May (at the request of Mr. Gerald R. Ford) for today, on account of official business as member of House Committee on Agriculture.

Mr. Myers (at the request of Mr. Gerald R. Ford), for today, on account of official business as member of the House Committee on Agriculture.

Mr. Jones of Tennessee (at the request of Mr. Anderson of Tennessee), for today, on account of official business.

Mr. Kyros (at the request of Mr. Boggs), for September 19, 1969, on account of official business.

Mr. Pepper, on Friday, September 19, 1969, on account of official business.

Mr. Aspinall, from 5 p.m. September 19, 1969, until noon, September 23, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Patten):)

Mr. Gonzalez, for 10 minutes, today.

Mr. Farbstein, for 20 minutes, today.

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Feighan, for 10 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Bennett in two instances and to include extraneous matter.

Mr. Monagan during his remarks under the 5-minute rule.

Mr. Cohelan to revise and extend his remarks made today in the Committee of the Whole.

Mr. McCormack to revise and extend remarks made in the Committee of the Whole on the legislative appropriation bill and to include extraneous material and charts.

(The following Members (at the request of Mr. Conable) and to include extraneous matter:)

Mr. Schadeberg.
Mr. Thompson of Georgia.
Mr. Anderson of Illinois.
Mr. Lujan.
Mr. Ashbrook.
Mr. Button.
Mr. Horton in two instances.
Mr. Watson in two instances.
Mr. Meskill.
Mr. Fulton of Pennsylvania in five instances.
Mr. Frelinghuysen.
Mr. Whalen.
Mr. Derwinski.
Mr. Robison.
Mr. Findley.
Mr. Steiger of Wisconsin.

(The following Members (at the request of Mr. Patten) and to include extraneous matter:)

Mr. Scheuer in two instances.
Mr. Nix.
Mr. Cohelan in two instances.
Mr. Blatnik in two instances.
Mr. Fraser.
Mr. Marsh in two instances.
Mr. Brown of California in two instances.
Mr. Podell in six instances.
Mr. Hull.
Mr. Gonzalez.
Mr. Pickle in two instances.
Mr. O'Neal of Georgia in two instances.
Mr. Charles H. Wilson.
Mr. Rees.
Mr. Eilberg.
Mr. Diggs.
Mr. Johnson of California.
Mr. Wright.
Mr. Taylor.
Mr. Clay in six instances.
Mr. St Germain.
Mr. Dulski in four instances.
Mr. Hagan in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1471. An act to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes; to the Committee on Veterans' Affairs.

S. 1479. An act to amend chapter 19 of title 38, United States Code, in order to increase from $10,000 to $15,000 the amount of servicemen's group life insurance for members of the uniformed services; to the Committee on Veterans' Affairs.

S. 1650. An act to amend chapter 19 of title 38, United States Code, to provide double indemnity coverage under servicemen's group life insurance for members of the uniformed services assigned to extrahazardous duty, including duty in a combat zone; to the Committee on Veterans' Affairs.

S. 2003. An act to provide a special Government life insurance program for veterans of the Vietnam era; to the Committee on Veterans' Affairs.

S. 2186. An act to amend chapter 19, United States Code, so as to provide dismemberment insurance coverage under the servicemen's group life insurance program; to the Committee on Veterans' Affairs.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

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H.R. 6508. An act to provide additional assistance for the reconstruction of areas damaged by major disasters;

H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that Act with respect to service performed in the employ of certain public international organizations; and

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 6508. An act to provide additional assistance for the reconstruction of areas damaged by major disasters.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 23, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1162. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit; to the Committee on Interior and Insular Affairs.

1163. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the St. John Irrigating Co., of Malad, Idaho, for a supplemental loan under the Small Reclamation Projects Act (70 Stat. 1044, as amended, 71 Stat. 48), pursuant to the provisions of section 4(c) of the act; to the Committee on Interior and Insular Affairs.

1164. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to enlarge the classes of persons eligible for servicemen's group life insurance, and to improve the administration of the program; to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 13900. A bill relating to the Federal income tax treatment of losses sustained as the result of hurricane Camille; to the Committee on Ways and Means.

By Mr. ARENDS:

H.R. 13901. A bill to encourage the development of novel varieties of sexually reproduced plants and making them available to those who breed, develop or discover them, thereby promoting progress in the useful art of agriculture; to the Committee on Agriculture.

By Mr. BENNETT:

H.R. 13902. A bill to provide for a program of grants to State and local governments for the construction or modernization of certain correctional institutions; to the Committee on the Judiciary.

H.R. 13903. A bill to amend title 10 of the United States Code, so as to provide that the retired or retirement pay of retired officers of the uniformed services not be reduced because of certain other employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BYRNE of Pennsylvania.

H.R. 13904. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 13905. A bill to amend title 38 of the United States Code to provide pension to certain veterans of World War I who are 72 years of age or older; to the Committee on Veterans' Affairs.

By Mr. FULTON of Pennsylvania:

H.R. 13906. A bill to amend title II of the Social Security Act to provide that the special monthly benefits which are payable thereunder to uninsured individuals at age 72 shall be payable without regard to the time at which such age is attained; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 13907. A bill to extend the fourth-class mail rate for books and educational materials to photographic prints mailed to and from amateur photographers and nonprofit photographic exhibitions, photographic societies, and photographic print study groups; to the Committee on Post Office and Civil Service.

By Mr. LUJAN:

H.R. 13908. A bill to provide that the United States disclaims any interest in a certain tract of land; to the Committee on Interior and Insular Affairs.

By Mr. PATMAN:

H.R. 13909. A bill to authorize the Smithsonian Institution to promote the development of living historical farms in the United States; to the Committee on House Administration.

By Mr. ROGERS of Florida:

H.R. 13910. A bill authorizing the modification of the beach erosion control project for Palm Beach County, Fla.; to the Committee on Public Works.

By Mr. ROONEY of Pennsylvania:

H.R. 13911. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. SAYLOR:

H.R. 13912. A bill to facilitate the management of the public debt by removing the interest rate ceilings on Government bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 13913. A bill to amend title II of the Social Security Act to provide that benefits payable thereunder to a worker's former stepchild will not reduce any benefits payable to the worker's natural or adopted children; to the Committee on Ways and Means.

By Mr. YATES:

H.R. 13914. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits thereunder; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 13915. A bill to amend the Consumer Credit Protection Act to retain the effectiveness of materialmen's and mechanic's liens; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 13916. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. ROSENTHAL:

H.J. Res. 909. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Robert Francis Kennedy; to the Committee on Post Office and Civil Service.

By Mr. CLEVELAND (for himself and Mr. GERALD R. FORD):

H. Con. Res. 368. Concurrent resolution providing for the printing of copies of the eulogies on Dwight David Eisenhower; to the Committee on House Administration.

By Mr. FISHER:

H. Con. Res. 369. Concurrent resolution urging adoption of policies to offset the adverse effects of governmental restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. NATCHER:

H. Con. Res. 370. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. PATMAN:

H. Con. Res. 371. Concurrent resolution urging adoption of policies to offset the adverse effects of governmental monetary restrictions upon the housing industry; to the Committee on Ways and Means.

By Mr. EVINS of Tennessee:

H. Res. 554. Resolution providing funds for the operation of the Select Committee on Small Business; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. BROYHILL of Virginia:

H.R. 13917. A bill for the relief of Col. and Mrs. Allen B. Crane; to the Committee on the Judiciary.

Mr. STAGGERS:

H.R. 13918. A bill for the relief of Dr. Delfin Villa Simbra, Jr., and his wife, Norma Encarnacion Simbra; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

255. By the SPEAKER: Petition of Allan Feinbaum, New York, N.Y., relative to arms limitation talks; to the committee on Foreign Affairs.

256. By the SPEAKER: Petition of the Board of Supervisors, County of Los Angeles, Calif., requesting an open trial on charges that automobile manufacturers conspired to restrain and delay the development and installation of antismog devices; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

MOON PRESENTS NEW FRONTIER FOR TRAVEL, SCIENCE, RESEARCH

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. TEAGUE of Texas. Mr. Speaker, Arthur C. Clarke, eminent space authority and writer, provides a most interesting insight into our national space effort in the St. Louis Dispatch on Friday, July 18, 1969. This article, written prior to the lunar landing, discusses not only this significant achievement, but future space effort. Mr. Clarke points out that we are only at the beginning of the technology and capability of space exploration and that the developments based upon the first decade in space will do much to make astronautics much as aviation is today—an area not only for exploration but for utilization. The article follows:

MOON PRESENTS NEW FRONTIER FOR TRAVEL SCIENCE, RESEARCH

(By Arthur C. Clarke)

NEW YORK, July 18.—For thousands of years the moon has signified many things to mankind: a goddess, a beacon in the night sky, a celestial body, an inspiration to lovers, a danger to beleaguered cities, a symbol of inaccessibility—and finally, a goal.

In only 10 years, this last image has become dominant, but the change has come about with such explosive speed that most of the world has not yet made the necessary emotional and mental adjustments. The stunning impact of the first close-up photographs still seems only yesterday; last Christmas, the crew of Apollo 8 swept over the far side of the moon and sent their greetings back to earth, 240,000 miles distant. Now, even before the wonder of that event has abated, we are preparing to land.

There may be setbacks—perhaps even disasters—in the years ahead; it is unreasonable to suppose that the conquest of a new and strange environment will not exact its toll. But men have never hesitated to pay the price, in blood as well as treasure, of exploration and discovery. Nor will they hesitate now, as they stand, for the second time in a thousand years, on the frontiers of a new world.

Like all human achievements, travel to the moon will pass through three phases: impossible, difficult, easy. The parallel with the development of commercial aviation will be close, though the time scale may be longer because the challenge is so much greater. But it is naive to imagine that lunar flight must always be an enormously expensive operation and that astronauts will always be highly-trained pilots, scientists or engineers.

If you run your automobile for a day, the engine does enough work to take you to the moon; the actual cost of the energy involved for the trip is only about $10. The fact that the present cost is millions of times greater is the measure of our present ignorance and the primitive state of space technology. The time will come, through the use of reusable boosters, orbital refueling, nuclear propulsion and other foreseeable developments, when the cost of a lunar journey may be comparable to that of round-the-world jet flight today.

It is obviously impossible, on the eve of the lunar landing, to predict in detail just what we shall do with an Africa-sized world, the resources of which are still almost entirely unknown. However, the moon provides such tremendous opportunities for so many types of research that every effort will be made to establish temporary bases there as soon as possible, analogous to those already set up in the Antarctic and those that may be established on the seabed.

SOME SENSIBLE ADVICE ABOUT HEARING AIDS

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, September 19, 1969

Mr. CHURCH. Mr. President, hearing loss affects from 30 to 50 percent of America's population over the age of 65. Seldom a sudden impairment, it is a progressive deterioration of which the afflicted person does not become fully aware until the need for correction and treatment is accute.

Even when the need for remedial action becomes apparent, sensible treatment of the problem may not be forthcoming. A Public Health Service survey shows that 52.9 percent of hearing aid users past 65 have never had an audiometric examination.

Yet it is the elderly who are most in need of competent advice for they are three times more likely to be affected by hearing loss than are younger people in the population.

In hearings before my Subcommittee on Consumer Affairs of the Elderly in July of 1968, it became clear how easily the elderly can become the victims of fly-by-night quacks who blatantly misrepresent hearing devices.

Many of the problems of the hard of hearing could be solved by sensible precautions and careful evaluations of products available. Proper testing by competent personnel would go a long way toward alleviating the grief of many hard-of-hearing persons who might otherwise be taken by fast talking salesmen.

I was pleased to note in the August issue of "Today's Health," a monthly publication of the American Medical Association, that some good sound advice was printed in regard to what hearing aids can and cannot do, how they should be chosen, and how they should be broken in and used.

I thought the article placed many of the problems and solutions to them in simple and well-thought-out terms. I commend it to Senators who may have an interest in this problem and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT YOU SHOULD KNOW ABOUT HEARING AIDS

(By Lynwood Mark Rhodes)

No one likes to admit to others, much less to himself, that he is hard of hearing. It's a common hang-up, mostly psychological, but one which more people sympathize with than you may suppose. According to a U.S. Public Health study, defective hearing is America's number one physical impairment. It afflicts approximately 19 million persons, more than half of them 65 years of age or older. The New York Industrial Noise Conference reports that one of every four applicants in industry has a hearing loss. Incidence in childen of school age has been estimated at from five to seven percent of the school population.

Yet, statistics also show that a surprisingly large number of people persist in tolerating their handicap, even though it likely could be lessened by the use of a hearing aid or corrected by medical or surgical means. Sixty percent of the patients at a speech and hearing clinic confessed recently that they had never been to a physician about their hearing or mentioned their hearing difficulty to their doctors. Those who had were in no particular hurry. The average person waited five years before seeking help. And while waiting, he played the television set a little louder; complained that people mumbled more than they used to; turned every conversation into a shouting match; asked that words and phrases be repeated; and habitually concentrated on a speaker's face, straining to catch his voice while unconsciously reading his lips.

For many persons guilty of such ruses, a hearing aid can mean the difference between hearing and not hearing. It can help countless others to hear better. But for others, it can do little or nothing.

If you suspect a hearing loss, consult your family physician. His examination will rule out simple conditions which sometimes cause a temporary loss of hearing—wax impacted in the ear; a cold; or acute sinusitis. If a hearing defect does exist, he will advise the help of an otologist (a physician who is an ear specialist) to determine the exact cause. In certain cases, he may suggest an otolaryngologist or an otorhinolaryngologist, doctors who treat the ear, nose, and larnyx.

Otologists determine the type and extent of a hearing loss with an audiometer, a machine which gauges a patient's responses to variable pitches and intensities of sound tones. By recording these measurements on an audiogram, it's possible to tell not only where the damage is, but how great the loss is at each sound frequency. In addition, he may use special tuning forks and word-discrimination tests to confirm the diagnosis.

The most common type of hearing loss is sensori-neural or "nerve deafness" resulting from deterioration of some of the nerves in the inner ear or on the nerve pathway to the brain. It may be caused simply by age; prolonged exposure to loud noises (factory workers and combat soldiers are particularly susceptible); a head injury; a birth defect (frequently the result of a mother contracting German measles during pregnancy); Ménière's disease; or other diseases of the inner ear or hearing nerve. Whatever the cause, one thing is certain. Nerve deafness—except in rare cases—is incurable. That is a hard, cold fact. No operation can help. Early medical treatment sometimes retards or even arrests its progress but, to date, science has not been able to develop a method for reawakening the ear's sensory cells once they stop functioning or for transplanting a hearing nerve. If there is still useful hearing, however, a hearing aid may be the most effective means of making the best of what perception is left. The idea that hearing aids are of no help in cases of nerve deafness is not correct.

Conductive loss, a slightly less frequent type of hearing defect, stems from poor

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transmission of sounds to the inner ear. Wax or infection in the ear canal, perforations of the ear drum, fluid within the middle ear, otosclerosis (a disease that occurs in the middle ear's ossicular chain when one of the three tiny bones becomes rigid and unable to transmit sound), and defects in the ossicular chain are the usual culprits. Fortunately, a conductive loss is generally responsive to prompt medical or surgical treatment, and can readily be helped with a hearing aid.

It is also entirely possible to have a combination of both conductive and nerve deafness, in which case the impairment is called a mixed loss: the conductive portion can be corrected surgically in many cases while the nerve portion will remain.

When a hearing aid is recommended, physicians often refer their patients to hearing rehabilitation or hearing aid evaluation centers. Here, skilled technicians evaluate the loss and determine the particular type of instrument required and how much benefit will be derived from it. These centers do not sell hearing aids, but a patient benefits from the selection on hand. Usually there is a make and model that provides a significant improvement in hearing for him. He is then referred to a hearing aid dealer who sells and services the one found to be most effective.

If a hearing center isn't close by, the family physician may send his patient to an audiologist, a trained specialist who conducts hearing tests. Or the local medical society can furnish names of qualified hearing aid dealers who can provide many of the above-mentioned services.

"But I don't want to wear one of those things!"

This typical reaction to the need of a hearing aid was understandable not too many years ago. In the 1920's, a hard of hearing "flapper" toted her carbon battery hearing aid around in a special-bag designed to look like a camera case. A fashionable lady in the Thirties wore an ear-covering receiver, tucked a large microphone down the front of her dress. wrapped its thick black cord under her coat collar, and strapped two A and B batteries to her thigh with strips of bias tape and elastic under her full skirt. Men had it even worse. Unable to hide the evidence, they resembled robots wired for sound by cord-happy scientists. Thanks to the invention of the transistor and the replacement of conventional wiring with printed circuits, today's hearing aid has about as much in common with the bulky contraptions of yesteryear as Tarzan does with James Bond.

Technically, the modern hearing aid is a miniaturized sound system of approximately 160 electronic components. Using electrical energy supplied by pill-sized batteries, it picks up sound waves and changes them into electrical impulses. These impulses are then "stepped-up" many thousands of times before being converted into amplified sound and transmitted to the ear. Because transistors in subminiature amplifiers are mere pinspecks of crystal 100 times smaller than those used in transistor radios, todays hearing aids are assembled under high-powered magnification, including stereo microscopes. Yet despite their small size—many weigh less than an ounce—a complete hearing aid has a microphone, an amplifier, a battery, a receiver, and controls.

The most popular style is the aid which fits snugly behind the ear. It transmits sound through a small plastic tube into the ear. Hearing glasses appeal to patients who normally wear eye glasses, since the entire unit is built into the frame. A self-contained, all-in-the-ear hearing aid about the size of a dime is now on the market, but it helps only those with a very mild loss. The fourth basic style, the conventional or body-worn model used for severe or profound hearing losses requiring extremely powerful amplification, has been greatly reduced in size. It is especially appropriate for children whose active play demands a rugged design.

Every hearing aid, except some all-in-the-ear fittings, requires some form of earmold. Custom-made from an impression taken of the patient's outer ear and ear canal, the plastic earmold—glass-hard or soft and pliable depending upon the user's requirements—is that part of the hearing aid's acoustic system which conducts the sound from the aid into the ear canal. The impression-taking process is similar to that used by dentists to make dentures and is mandatory if the hearing aid is to fit comfortably and provide the proper conduction of sound to the inner ear.

How much does a hearing aid cost? There are aids priced at less than $100 and others that cost almost $400. The patient with a moderate loss, whose sole desire is better hearing, may well discover that the less expensive of the good aids are as acceptable as the more expensive ones—particularly when it's realized that the actual cost of a hearing aid always includes service and such intangibles as dealer overhead.

Size also makes a difference. Many of the larger mass-produced hearing aids are just as good as the intricate, more expensive miniatures. Indeed, a body-worn model may even provide a more realistic sound since its larger batteries have greater power to reproduce sounds over a greater frequency range with less distortion and "ringing."

For this reason, most dealers suggest that the prospective user have a normal-hearing friend or relative along when he is fitted with his hearing aid. A familiar voice provides a yardstick by which to judge the performance of the instrument he wants. If he has tried the aid at a hearing center, the duplicate model at the dealer's may not sound quite the same. Individual units of the same model can vary because of the human factor in assembly-line manufacture The buyer may even decide on an entirely different make.

Trying on several makes and types in one session can be a strain to the point where all aids begin to sound alike. Reputable dealers understand this and will not pressure the buyer. It's better to come back than make the wrong decision. (Many dealers have special rental plans for a two to four week trial period, with payments applied to the purchase price.)

Recurring costs should also be considered. The smaller the instrument, the smaller the batteries and the shorter their life. In some of the tiny models, battery life is a mere eight hours; in larger models, battery life is as much as 100 to 200 hours. Batteries are inexpensive but there is the inconvenience of replacing a dead one if "spares" aren't kept on hand.

Like all fine instruments, hearing aids may require repair service from time to time. It's important to know whether the dealer is equipped to handle minor servicing, or if he must return the aid to the factory. What it all boils down to is that there is no real rule-of-thumb to go by in purchasing a hearing aid. The choice depends as much upon the type of hearing loss as on a bank balance.

Today, most hearing aids carry a year's guarantee. Read it carefully. Know what it covers and what happens when it runs out. Above all, understand that a hearing aid may be a miracle of engineering, but it won't last forever. With proper care and handling, though, it has remarkable durability. A leading manufacturer gives the following simple tips to assure maximum efficiency from any aid:

Be sure to remove the earmold from the ear *before* taking off the aid to avoid putting stress on the delicate wires to the earmold.

Do not expose a hearing aid to temperatures over 120° F. Never leave it on a window sill or table exposed to direct sunlight or in a closed car standing in the sun in hot weather.

Do not wear a hearing aid under a hair dryer, or apply hair spray while wearing the aid.

Do not let the earmold channel become clogged with wax. Clean it with soap and warm water or a specially prepared earmold cleaning solution, but *never* with alcohol or carbon tetrachloride.

Do not take off or put on the aid with the switch in the "ON" position.

Never take a hearing aid apart under any circumstances. Only a trained technician has the knowledge and the precision equipment necessary to perform this task properly.

Some hearing authorities recommend that an aid be replaced every three to five years, even though it may not yet have worn out. Replacements depend upon economic considerations, of course, but a hearing aid user should keep in touch with his dealer and take advantage of important improvements. Reliable dealers furnish this assistance free of charge. It's all part of the "hand-holding" that goes along with the purchase of a hearing aid.

This is why the choice of a dealer can often be as important as choosing the right hearing aid. More than a salesman, he generally has the final responsibility for properly fitting the hearing aid and must also offer counsel, understanding, and technical assistance if the wearer is to derive maximum benefit from his purchase. For this reason alone, no one should ever order a hearing aid through the mail or buy one from an itinerant peddler whom the buyer may never see again. To maintain high standards of service, competence, and integrity, the Hearing Aid Industry Conference (an association of manufacturers) works with national, state, and local hearing aid dealer groups. The National Hearing Aid Society—an organization of dealers—has established a certification program. Members undergo practical training to become proficient in the operation of all hearing aid equipment, including audiometers, and knowledgeable in both the psychology of the hard of hearing and the physiology of the ear.

Few people like their hearings aids at first. After living in a muffled world, sometimes for years, getting used to normal sound again is often exasperating. The new wearer of a hearing aid may expect too much too soon, and discard his aid without fair trial. He forgets that few hearing losses occur overnight and that even fewer are alleviated in a matter of minutes—or days.

The more gradual the hearing loss, the more shocking will be its relief. The hard of hearing person has lost his ability to weed out unwanted noise. His hearing aid has none. It amplifies all sounds—wanted and unwanted—and they hit him with alarming brutality. Voices seem "unnatural" or "tinny." Popping popcorn is antiaircraft fire. The family car, though in perfect condition, makes horrible noises and is falling apart. A buzzing fluorescent fixture is maddening; a child's piano practice, a Spike Jones concert. People with normal hearing automatically ignore any disturbing noise they don't wish to hear, but the new hearing-aid user rarely can on his first attempts.

What's happened, of course, is that the brain has forgotten how to distinguish and separate sounds. It now must be re-educated to understand and analyze what it hears, and respond accordingly. How long the adjustment takes varies with individuals, dependent upon the type and degree of hearing loss, the tolerance to sounds, how long the impairment has existed.

The advice most often given to the first-time hearing-aid user is to turn the volume control up only slightly louder than the sounds heard without the aid, but loud enough to hear every word. Then, listen to words and master them. Later, turn the volume up a little louder, adding more sound along with background noise. By slowly building up his ability to discriminate between the sounds he wants to hear and those he doesn't, the novice becomes selective and regains his confidence. At first, he may wonder if it is harmful to wear a hearing aid constantly. It isn't, any more than it is harmful to wear glasses every day for poor eyesight. Neither is it harmful to go "off the air" for awhile and give the ears a rest now and again. Part-time use of the hearing aid for selected situations rather than continuous use will be best in some cases.

Learning to pay attention to what he hears instead of how he hears it is a tedious process, especially outdoors or in group conversations where everyone seems to be talking at once; but with willpower and tenacity, patience and perseverance, and trial and error, the dividends in hearing anew are well worth it.

In severe cases of hearing loss, it may be necessary to teach the eyes to assist the ears. Speechreading (lipreading), of course, complements a hearing aid. Most hard of hearing persons speechread to a certain extent without realizing it. A course of instruction given at rehabilitation centers merely teaches the hearing-aid wearer how to become more proficient at it, to fill in the gaps his ears miss. Particularly in cases of progressive nerve deafness, speechreading should be started as soon as possible while there is still some useful hearing left.

Many persons with a correctable loss still refuse to wear a hearing aid. This reluctance may be explained by their age, how long they have been hard of hearing, past experience with inadequate hearing aids, lack of a compelling necessity to hear, or refusal to make the effort to learn to listen again. All too frequently, vanity rears its ugly head. They feel that wearing a hearing aid classifies them as "peculiar," or "handicapped."

"It is a remarkable phenomenon," says Philip H. Van Itallic, a hard-of-hearing chemist, "that so many people with a hearing handicap fail to realize they are more conspicuous when they don't wear an aid than when they do."

Still, there are limits to what any hearing aid can do. "Some limits are imposed by the ear and others by the nature of the sounds that we wish to hear," explains Dr. S. Richard Silverman, director of the Central Institute for the Deaf in St. Louis and past president of the American Speech and Hearing Society. "There are practical limits, too, set by size, weight, and expense, to what can be built into a wearable hearing aid at the present time." This is especially true with the smaller aids. Sometimes the smaller models simply cannot reproduce the sounds they receive, and overloading, distortion, or noise results. Continuing research is trying to solve this problem, just as it has successfully solved so many others.

It is now possible, for example, for those with a loss in both ears to be fitted with binaural hearing aids. "The most agreed upon advantage of binaural hearing," says Faye M. Churchill, instructor in audiology and speech pathology at Alabama College, "is localization, the ability to tell where sounds are coming from." It is easier to determine from how far away the sound is coming if both ears are used. If a sound comes from the front, it stimulates both ears equally. But a sound coming from the side stimulates one ear earlier and louder than the other. Thus, binaural aids—a separate microphone, receiver, and amplifier for each ear—provide the closest thing to normal hearing, a true stereophonic sound. Expense is a limiting factor, naturally, but a properly selected and fitted binaural aid will increase the wearer's ability to localize sound, and may enhance his understanding of spoken words.

Annoying "squeals" and feed-back are gradually being eliminated. Technological improvements in automatic volume control during the past few years now prevent discomfort from sudden, loud noises by "clipping" the noise before it ever reaches the ear. A special telephone induction coil available on some models permits the wearer to concentrate on the telephone without being disturbed by background noises. Other models come equipped with extension devices that can be plugged into radio and TV sets for individual listening. "Cross-over" hearing aids have recently been introduced to pick up sound on one side of the head from a completely deaf ear and conduct it through a small plastic tube into the entrance of the open ear canal of the opposite normal or slightly impaired ear. This makes for vastly improved hearing when the speaker is on the "dead ear" side, especially in noisy surroundings.

Today, we all use hearing aids of one sort or another—sound movies, office dictating equipment, tape recorders, television sets, walkie-talkies. The stethoscope, the doctor's trademark since 1819, is really only the simplest kind of hearing aid. More and more, ours is a sound-oriented world. To get an education, to earn a living, to be informed, amused, diverted—and even to keep from getting run over in the street—we depend upon the sense of hearing. It must be conserved and protected and, when necessary, aided if we are to maintain a useful role in life.

But before purchasing a hearing aid, it is always important to remember to get an accurate diagnosis of the type and cause of the hearing impairment in order to determine the possibility of recovery of hearing through treatment, surgical repair, or simple removal of ear wax. Periodic re-examination by an otologist or other specialist is also a good idea for a hearing-aid user whose hearing becomes worse.

The person who puts off getting qualified help when a hearing aid may be beneficial is asking for trouble. Ignoring a hearing loss will never make it disappear. "The longer he waits," warns Dr. Lester L. Coleman of Manhattan Eye, Ear, and Throat Hospital, "the longer it will take to learn to use a hearing aid with comfort. Like any other health problem, the quicker the hearing loss receives attention, the better are the chances for improvement."

The world of silence is a lonely one, unnecessarily lived in by many who won't admit they cannot hear. No hearing aid can cure their deafness any more than eye glasses can cure blindness. Nor can it restore the damaged areas of the body's hearing apparatus. But, more often than not, the modern hearing aid *can* dull the sharp edges of isolation and make that world a happier, more enjoyable place in which to live.

PRESIDENT NIXON AND OUR NEIGHBORS TO THE SOUTH

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. LUJAN. Mr. Speaker, throughout our Nation, and particularly in the Southwest, the influence of the Hispanic culture has left its mark on our traditions, customs, and environmental surroundings.

President Nixon has recognized this and recently paid tribute to the contributions of the Hispanic culture in a proclamation which declared the week beginning September 14, 1969, as National Hispanic Heritage Week.

The President is fully aware that this culture is a special and vital part of our heritage, not only for its direct influence on our society, but also because it reminds us of the great traditions we share with our neighbors in Latin America. His meeting with President Gustavo Diaz Ordaz of Mexico at the Amistad Dam earlier this month further demonstrated his concern with preserving those traditions and common ties.

Mr. Speaker, I would like to commend our President for his active role in increasing public awareness of the bonds we share with our neighbors to the south.

CHALMERS TAKES CHARGE

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. SHRIVER. Mr. Speaker, Dr. E. L. Chalmers, Jr., has been installed as the 11th chancellor of the University of Kansas. We in Kansas are proud of our State university and the significant contributions which it has made to the lives of all of us. Dr. Chalmers is highly qualified for the challenging and important responsibilities which lie ahead.

During the installation ceremonies on the KU campus in Lawrence recently, Dr. Chalmers stated he would attempt to build a university more capable of meeting the educational needs of students through improved facilities and a spirit of academic freedom.

At a time when education is so vital to the solution of the social and economic problems confronting us, it is reassuring to know that men such as Chancellor Chalmers are in the chair of leadership. We congratulate him and wish him and the university Godspeed.

Under leave to extend my remarks in the RECORD, I include the following editorial from the Hutchinson, Kans., News:

CHALMERS TAKES CHARGE

> E. Laurence Chalmers comes on the Kansas scene as a man who is refreshingly candid, youthfully energetic, and cucumber cool.
>
> Such qualities in a chancellor of the University of Kansas are welcome any time.
>
> They are doubly so now, because Chalmers takes charge at a moment when a number of legislators, editors, and office-seekers are convinced they can do a better job of running our schools than the people paid to do it.
>
> They can't, of course, but unfortunately in their rummaging around they tend to give Kansans the impression that our university and college administrators are failing their responsibilities and require guidance from the outside.
>
> Chalmers recognizes this trend, which is not peculiar to Kansas, but it doesn't alarm him. He expresses confidence in the way KU has conducted its affairs in our seasons of discontent, and equal confidence in the ability of students, faculty and administrators to keep level heads in the coming months.
>
> Kansans will support that view. Those few self-serving critics of our state institutions would be well-advised to give Chancellor Chalmers all the rope he wants.
>
> The News is satisfied he won't hang himself with it. He will use it, instead, to pull the university along to even better things.

NEW DIRECTOR FOR OEO

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. QUIE. Mr. Speaker, our former colleague, Donald Rumsfeld, has taken the reins of the Office of Economic Opportunity firmly in hand and is giving real direction to the agency. He has reviewed the operation of the agency, paid particular attention to its problems, and is shaping the agency into an effective operation to help eliminate poverty from this country.

I commend to my colleagues an article in the August 13, 1969, Minneapolis Tribune, by Richard P. Kleeman in which Mr. Rumsfeld discusses the future of the agency under his guidance.

The article follows:

OEO Director Outlines Philosophy

(By Richard P. Kleeman)

Washington, D.C.—The man behind the cut-off of funds from a Minneapolis antipoverty program leaned back in his swivel chair, propped a knee against his desk, puffed on a pipe—and said he couldn't talk about it.

But the man, Donald Rumsfeld, could talk—and did, eloquently, for nearly an hour about what he wants and doesn't want in the Office of Economic Opportunity (OEO), which the 37-year-old former congressman has headed for three months.

The Minneapolis-oriented listener had to do his own interpreting, taking his cues from the knowledge that Rumsfeld's personal staff is thoroughly preoccupied with the troubled Minneapolis situation (one man called it "a benchmark") and that Rumsfeld is kept informed of and has to clear every OEO move.

Was there no significance for Minneapolis in Rumsfeld's assertion, drawing on his four terms as an Illinois Republican congressman, that "it's fairly clear that there is a deep concern among the American people for the problems of the poor and a concern that government find ways of dealing with them"?

"To the extent that the American people see their funds either not going to the poor, or going for goals that are not sound, or being used in a process that is not responsive or that has failed—a reaction sets in and there is a tendency to lose the opportunity to deal with the problem," he said.

Did the crackdown on the Minneapolis Citizens Community Centers (CCC) and their former director, Mathew Eubanks, spell a Nixon-administration warning to black militants everywhere?

No direct answer, but Rumsfeld reached for a sheet of paper and drew two parallel lines.

"If you've got a couple of lines of general feeling about the thrust and direction things ought to follow, one way to set policy is that when an opportunity comes up to take something that falls outside the lines, you climb all over it.

"But when something is just inside the lines—you defend the dickens out of it."

Then Rumsfeld almost slipped: "Take Minneapolis," he said, but, catching himself, "No, don't take Minneapolis—take a city where a program is operating and people have permitted it, either consciously or by inadvertence, to be operated by a small, narrow group and in a way that reflects the views of that small, narrow group.

"The program might be training a man, but if the thrust of the program is creating an atmosphere such that the activity is incapable of getting the kind of local public and private support that is required by statute—then it has the opposite effect."

Rumsfeld went on to enumerate "some things I feel very deeply," and again there was no mention of Minneapolis or even a hint that he had it in mind as he began:

"We are not going to have OEO funds spent in ways that result in political activity: there is nothing more dangerous than having taxpayers' money spent in ways that affect elections.

"I'm determined to see that we implement and enforce very strict regulations on lobbying: There is an important advocacy role for OEO to play and I want to see it fulfilled, but there are instances where we've gone outside the line.

"Third, I'm not going to be associated with any activities that permit intimidation, blackmail or violence. If someone else wants that as his bag, that's his business. My business is OEO."

Rumsfeld leaves no room for doubt that, with President Nixon's blessing, OEO will be a considerably changed operation, stressing research, experimentation and independent appraisal of its activities above merely operating programs.

As a former congressional critic of the antipoverty agency, he knows whereof he speaks when he says "A good many congressmen were disposed to throw the baby (the poverty program) out with the water."

"An agency like OEO must proceed within certain boundary lines," Rumsfeld said, "and the surest way to abolish any opportunity of dealing with the problems of the poor is to exceed those boundaries in any visible way.

"We were pretty close to that point."

President Nixon's sole instruction to him, according to Rumsfeld, has been that "there are no sacred cows."

This might cause some to wonder—and many have, according to the director—about the fate of local community-action agencies (such as Hennepin County's Mobilization of Economic Resources, Inc.).

No wholesale elimination of the agencies is in prospect, the new director said, but clearly "some are good and some are bad.

"We are trying to close down and terminate those that have been found unsatisfactory and with no prospects of improving—and to eliminate components that seem to have that same outlook.

"But we want to hold at higher levels (more money) those that are being productive."

Rumsfeld says he is getting a fair volume of advice from black sources within and outside OEO, but that he would like to hear more from the "quiet poor," particularly rural and aged people.

Another of his pet figures of speech deals with the "crust" he detects around the poor that separates them from the life of the rest of the country.

"We can reach in to assist them in ways that makes the crust more porous or we can harden it," he said.

"It's quite obvious to me that we should not harden that crust—but open it and reduce the things that separate people from society."

No mention of Minneapolis there either, but perhaps a Rumsfeld aide—intimately familiar with the Minneapolis situation—was saying the same thing in a different way.

The aide said that the implications of the OEO–CCC imbroglio—which is being watched closely and much discussed by various antipoverty agencies—points to a future OEO policy of "less emphasis on militant confrontation and more on effective programing."

TRIBUTE TO A SPIRITUAL LEADER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. EILBERG. Mr. Speaker, for the past 12 years Rabbi Leo Landman has been the spiritual leader of Beth Emeth Congregation in my district in northeast Philadelphia. In a sense, we have been each other's constituents. I only hope that, as his Congressman, I served Dr. Landman as well as he served me as my rabbi.

Now he has answered the call to serve another synagogue, Congregation Talmud Torah of Flatbush in the Brooklyn district of our distinguished colleague, the Honorable Bertram L. Podell. Dr. Landman will be much missed in Philadelphia, but we wish him every success in New York.

Dr. Landman is both a man of faith and a man among men. Much revered by his own congregants for the quiet reserved wisdom he provided, his reputation quickly spread throughout the city. He was called upon to serve as president of the Board of Rabbis of Greater Philadelphia and he served with great distinction.

In this administrative capacity, Dr. Landman attended to the needs and problems of Jews and Judaism in Philadelphia. The post also provided the rich opportunity to mobilize the community in support of international concerns. First among these concerns, of course, was the survival of the State of Israel.

During the 6-day war, Dr. Landman rallied the Jewish community of Philadelphia in support of Israel in a truly remarkable manner. This past January, Dr. Landman led a delegation of rabbis from the East to the State Department to protest the outrageous spectacle of public hangings in Baghdad, Iraq. Many of my colleagues in the Pennsylvania and New York delegations joined me in a statement of support for Dr. Landman's position.

Despite the pressures of administration and teaching, Dr. Landman's first love through all these years has been scholarship. Graduated from Yeshiva University in 1949 and ordained by Yeshiva in 1951, Dr. Landman, I suspect, was partially drawn to our city of Philadelphia by the presence of a truly unique institution, the Dropsie College for Hebrew and Cognate Learning. Dropsie is not a college in the conventional sense. Founded in 1907 by Moses Aaron Dropsie, an eminent Philadelphia lawyer of his day and an amateur orientalist of some note, the college provides doctoral degree programs for professionals specializing in the cultures of the peoples of the ancient and the modern Middle East. Dropsie remains the only graduate institution of its kind in the Western Hemisphere.

In 1954, the Commission on Higher Education of the Middle States Association described Dropsie in this manner:

If one accepts the definition of a University as being a community of scholars, The Dropsie College probably approaches that definition as closely as any institution in the country, and its faculty, including the President, are all scholars, and almost all its students are in training to become scholars.

Dr. Landman earned his degree of doctor of philosophy at Dropsie in 1964. He also taught at Dropsie and served for a time as assistant to the president of the college. He did all this while serving his congregation and community.

At a farewell ceremony, attended by 1,500 persons at Beth Emeth, Dr. Landman's old boss and colleague at Dropsie, the college's distinguished president, Dr. Abraham I. Katsh, delivered this ringing tribute to Dr. Landman. With the unanimous consent of my colleagues, I enter Dr. Katsh's remarks in the RECORD:

REMARKS OF DR. ABRAHAM I. KATSH

These are soul-searching days for those entrusted with the destinies of our people and especially of our youths. Vietnam is more than a terrifying experience; it is more than a gamble with life. It is a challenge and a threat to all the ideals that make life precious and meaningful.

Surrounded by destruction, riots and death, many students ask in bewilderment whether these are indeed the death throes of a dying civilization or the birth pangs of a new world, dedicated to justice among nations, righteousness within the nations and enduring peace for all groups within the fabric of society. Called upon to give their lives in the name of democracy, the definition of democracy looms big in the thinking of our youths. They probe deeply into its meaning. Is it the gateway to freedom or to slavery?

In the 19th century Victor Hugo wrote, "War will be dead, the scaffold will be dead, hatred will be dead, frontiers will be dead, royalty will be dead, dogmas will be dead, man will begin to live." But here we are in the 20th century. War is *not* dead, the scaffold is *not* dead, dogmas are *not* dead, and man does not know how to live. Verily this is a killing century, of destruction and devastation, marred by moral cynicism. The mind of man, trained by generations in science and education is shockingly applying the results to the perfection of weapons of death. Just because man's capacity for destruction has become almost unlimited, the need becomes greater to rekindle man's awareness of a higher purpose in the human destiny.

A society affected by catastrophic events must reassess for itself the realization that "evil begets evil" and "justice (and righteousness) begets justice" (and righteousness). There was a time when man's efforts were directed to bringing the Kingdom of God on earth. Now all scientific genius is geared primarily in bringing the "evil" earth to the Kingdom of God. Verily, nothing is new under the sun. We are back to the building of the Tower of Babel, but in a modern garb! Gen. 11:4 has not changed.

It is shocking to see how the American community tolerates conditions where mass media are being utilized not to make the people morally aware and ethically conscious, but rather to thrill it with chaos and violence.

One terrible aspect of our century, an English poet not long ago wrote, is that fantasies horrible as the worst nightmares invented by writers of the previous century, like Dostoyevski and others, have become literally true, realized in world wars, mass murder, genocide and concentration camps. They have become true in the minds of all of us and in the lives and deaths of the victims. More shocking is also a recent headline about a report, some even claiming that it was a suppressed government report, which contends that the world faces an unparalleled catastrophe if it should ever achieve peace.

A Talmudic statement reads as follows:

"The earth borrows from the sky, and the sky from the earth; the day borrows from the night, and the night from the day; the moon borrows from the stars, and the stars from the moon. In all God's creation, one creature borrows from the other, and nature's harmony remains unbroken. Man alone borrows from his brother, only to be oppressed and despoiled in the process." (Exod. Raba)

Man created in the image of God, divinely inspired, is called by a Voice of Conscience: "Where art thou!?"

Instead of being attuned to the inability to remain comfortable and at ease in the presence of those who are in trouble and in pain, man has become attuned to complacency. Just because man's capacity for destruction has become almost unlimited, the need becomes greater to rekindle man's awareness of a higher purpose in the human destiny.

Our sages relate that during the cruel execution by the Romans of many of the great scholars, one of the martyrs, Chanina ben Tradion, was wrapped up in a scroll of the Torah and burnt on a stake of fresh branches. As he was encircled by the flames, his disciples asked him, "Rabbi, what seest thou?" to which he replied, "I see scrolls burning, and the letters of the scrolls are flying away yonder." How well history was realized in the vision of this great scholar and martyr. The centers of the Torah have shifted from one place to another, from Palestine to Babylonia, thence to Spain, to France, to Central Europe, to America, where the greatest Jewish community of all times is now assembled. And as if to complete its cycle, and as a matter of poetic justice, the letters of the scrolls have returned to their original home—the Land of the Bible—Israel.

One candle can kindle many lights and one match can destroy many citadels. How to use the candle properly and with imagination is a blessing. How to keep burning the light of Jewish thought and the torch of Jewish learning, how to safeguard our heritage which alone gives dignity and distinction to our lives, how to vitalize those institutions which have preserved the ethical and religous idealism of Judaism for ourselves and for mankind is our challenge today.

Without interruption, for 2000 years, the synagogue, aided by the rabbi, was a storehouse of the letters of the scroll as well as a fountain of prayer. The two were intertwined. Our sages constantly emphasized, "No ignoramus can be God-fearing." In addition to a place of prayer and study, the synagogue was the community center in which all public life was centered. Indeed, the synagogue was a miniature state and on its premises, under the sanction of the Torah, it enabled the rabbinical courts to administer justice and righteousness. An aggrieved person was able to protest decently and demand a hearing even by interrupting the reading of the Torah at the Sabbath Morning Service, until he was assured that his cause would be heard. But, unlike the current incident at a New York church, the purpose of interrupting the reading of the Torah was not "to read a manifesto" requesting a payment of $500,000,000 restitution or in "reparations" for injustice suffered by blacks during and since the slavery period. The method was not to cause disorder in the synagogue but to get a just hearing, if that could *not* be obtained in the court of law. The synagogue preached and practiced charity, met the needs of the poor and dependent, housed the stranger and sojourner. At the same time, the erudite rabbi was the mentor of the community.

At the dedication of the altar, twelve tribes were told by the Almighty to offer sacrifices, except the tribe of Levi. When Aaron, a member of the tribe of Levi was grieved for not being able to offer sacrifices, God told him your *Mitzvah* is greater than theirs, for sacrifices last only as long as the Temple will last, but your duty is to kindle the Menorah, to light the candles which will be eternal. Verily, the spiritual leader of today, the High Priest of yesterday, is the one to bring light out of darkness and to give meaning to all that is noblest and purest in Jewish life.

The great Hebrew essayist and thinker, Ahad Haam, wrote: "The heart of the Jewish people has always been the Bet Hamidrash; there was the source from which they drew the strength and the inspiration that enabled them to overcome all difficulties and withstand all persecutions. If we want to go on living, we must restore the center to the Bet Hamidrash, and make that once more the living source of Judaism." Verily, synagogues and houses of study are Israel's towers.

Your synagogue continues the historic tradition of the synagogue of old. You were blessed with the right spiritual leader who was able to lead not only you but the entire Jewish community of Philadelphia with dignity, wisdom and understanding.

Whether Paganism or Judaism (and religion emanating from the Bible in general) will survive as in the days of the Maccabees, will depend in large measure upon the type of leadership that we develop in Jewish religious life. The Rabbi today must possess special qualifications—the combination of giving of himself in equal measure to the earthly needs of humanity and to his own heavenly ideals—so that he can make the Torah the very essence of the lives of his congregants.

The greatness of your Rabbi is that he has remained the true Talmud Chacham, thirsty for knowledge. As the perennial student, constantly searching and striving to enrich himself spiritually and thus benefit the community he is serving, Rabbi Leo Landman was in reality protesting against ignorance. Indeed, the Rabbi has been a dynamic and radiant spiritual leader. Not satisfied only with his rabbinical degree, he came to Philadelphia as a dissenter from complacency in order to pursue graduate work at The Dropsie College where he was awarded the Ph. D. degree.

Yes, even in his days there was dissent, but of an entirely different pattern, dissent to ascend not to descend! He protested against apathy, resignation and ignorance. At Dropsie he learned to protest, but with depth and dignity, with meaning and purpose. As a result of this kind of protest, he became the scholar and leader he is. For he learned from the lesson taught by God how to protest, "Let there be light." He learned from Abraham not only how to smash idols, but to challenge God himself in order to achieve justice, righteousness and the brotherhood of man. He learned from Jacob how he wrestled through the night with the dark angel of despair, in order to be blessed at the break of dawn. He learned from Joseph how a dreamer became the master of his dreams and reached heights through faith and devotion. He learned from Moses true leadership and patience. He learned from Joshua how the people suffered through strife and pain in order to reach the Promised Land. He learned from Samson how to pull down the temple of idolatry with courage and self-martyrdom. He learned from Nathan how to castigate a royal sinner and from Jonathan how to combine duty to parents and devotion to friends. He learned from Solomon that what is essential for a great leader is not violence, but an understanding heart and much wisdom. He learned from Amos how justice may well up as waters, and righteousness as a mighty stream. He learned from Isaiah how tools of destruction can be converted into tools of construction. He learned from Jeremiah how the rich man cannot glory in his riches and be mighty in

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his might, but all may glory in being merciful, just and righteous. He learned from Ezekiel how man may achieve a righteous life in a happier world. From the prophets he also learned how a helpless people, after being in captivity, built and created upon ruins forever to be enshrined in an epic book. He learned of communities in the Middle Ages which despite humiliation, cruelty and inquisition were inspired by their spiritual leaders to overcome unbearable tortures with courage, hope and faith.

He learned about a feudal era when the world was spiritually stagnant. The Jewish people continued, in hardship and despair, to be torchbearers of learning. And we may all learn from recent history how the world suddenly became mute and without a conscience allowed a people to be slaughtered, murdered and massacred, the innocent and young, without rhyme or reason, but still the victims were steadfast in their faith and gave their dead souls meaning and significance so that others will continue and keep aloft the grand traditions that have been so vital in the history of mankind.

He learned from the literature culled from the ashes that the martyred men in the Warsaw ghetto, humiliated, betrayed, forsaken, defenseless, never wavered in their faith, as Yosele Rikower writes in his last message to posterity: "I cling to my faith not in spite of the cruel treatment of us but precisely *because* of the inhuman treatment . . . I should be ashamed to be one of those who spawned and raised the criminals responsible for the cruel and horrible deeds that have been perpetrated against us and humanity."

The same expression of faith one finds in my book *The Scroll of Agony* where the diarist Chaim Kaplan, who perished in Treblinka, quotes the Hebrew poet Hayim Nachman Bialik in connection with the Kishinev Pogrom, but applies it to the Warsaw Ghetto. Why are there no suicides among Jews in the ghetto in these horrible and inhuman days? Because: "One spark is hidden in the stronghold of my heart, one little spark, but it is all mine. I borrowed it from no one, nor did I steal it. For it is of me and within me."

From the Halutzim he learned how they challenged the earth to reclaim its barren land, to repudiate the badge of shame of a nomad people to become the master of its own destiny. From the Yishuv, before the emergence of the State of Israel, he learned to understand the boldness of the Maccabees as well as the art of control, and how to walk humbly with God and live with moderation and austerity.

From the Kibbutz he learned how one must offer the finest human material for the most responsible and exciting tasks in order to fulfill an historic mission. From the Six Day War he learned of a display of incredible vitality for the achievement of the spirit. And from the new State of Israel he learned the meaning of solidarity, mutual responsibility and the donning of flesh on the dry bones of Jewish life. Indeed, it takes a special kind of education and dedication to learning to become a great spiritual leader with unshakeable convictions and faith in the moral standards of humanity to protest with dignity and majesty, so that we may all say: "Let there be light."

Rabbi Landman's thesis for his doctorate on *Jewish Law in the Diaspora* is, in the words of one of the world's greatest scholars, our own professor, Dr. Solomon Zeitlin, a study "full of new insights and ideas, indispensable for historians of the Middle Ages." How Jewish law provided a means for Jewish survival in the Diaspora is a most fascinating subject. Also, Jewish law, as we see it, evolving from century to century and continent to continent, had certain special and distinctive features that made it particularly fit for comparative study. Indeed, what other laws could boast of a law that had two thousand years of history after the complete disappearance of the political state? Scholars, writes the late Prof. Edmund Cahn, had imagined the possibility of a state without laws. Plato, in fact, envisioned just such a state in his *Republic*. But here (in Judaism) was the very opposite phenomenon—laws without a state! Here was a system of law operating, evolving and thriving with no army, no police, not even a sheriff to enforce it. Surely, such a system might have much to teach others about technical and sociological methods of law enforcement.

Rabbi Landman's work is a great contribution and, indeed, a pioneering task.

I observed Rabbi Landman at The Dropsie College as a teacher and leader. I found him to be a man beloved by his students and one whose scholarship and sense of creativity will continue to be a veritable overflowing fountain. His recent articles, especially the one on "Law and Conscience—The Jewish View," are not only a major contribution to our present perplexing world situation, but prove originality in depth and in vision.

As the Rabbi leaves our city, our prayers go out to him and his dear wife and children for good health and happiness and for a continued fruitful life.

May he go from strength to strength.

SUMMER REVIEW OF THE 1970 BUDGET

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. MAHON. Mr. Speaker, the executive branch yesterday released a "Summer Review of the 1970 Budget." It is a capsule updating of the administration's April 15 revision of the original 1970 budget submitted last January by the outgoing administration. It reflects a later reading on the economic outlook; on revenue estimates and assumptions; on estimated expenditures; and on certain pending legislative matters.

REVISED BUDGET SURPLUS PROJECTION

On the unified budget basis, and taking all the assumptions into account, a budget surplus of $5.9 billion is tentatively projected for the current fiscal year 1970. This compares with $3.1 billion last year and $6.3 billion previously projected by the administration for fiscal 1970.

REVISED REVENUE ESTIMATES

Budget revenues are now projected at $198.8 billion, down $400 million from the last projection.

The gross national product for calendar 1969 is now estimated at $932 billion, up $5 billion; personal income is now estimated at $745 billion, up $6 billion; and corporate profits before taxes are now estimated at $94.5 billion, down from $97 billion.

About $4 billion of the revenue figure is dependent upon congressional action proposed by the President but not yet taken by Congress.

The figures assume enactment of proposed user charge legislation effective January 1 next. They also assume extension of the surtax at 5 percent for the last 6 months of fiscal 1970.

REVISED EXPENDITURE ESTIMATES

The President holds to the $192.9 billion spending total which he announced in his April 15 budget review. This, despite upward revisions of more than $2.5 billion since then in several so-called uncontrollable items, including about $1.5 billion chargeable to the $2 billion cushion for certain such overruns provided in the overall expenditure ceiling enacted by Congress in July. And on top of this, the President is proceeding on the assumption that "congressional action or inaction to date—on the budget—would appear to add at least another billion dollars to 1970 spending."

Thus, if the President holds to the April 15 projection of $192.9 billion of budget spending, offsetting cutbacks or adjustments of about $3.5 billion are necessary. The sum of $3 billion of that is assigned by the President against military spending; $0.5 billion against all other. More details by agency are shown in the summer review.

Postal revenues, which count in the budget as offsets to expenditures, assume enactment of postal rate increases by January 1 next.

FEDERAL EMPLOYMENT

Mr. Speaker, the review which I am including with those remarks addresses the question of Federal civilian employment for the new fiscal year and shows reductions planned by the administration below previous projections.

Mr. Speaker, I include the full text of the "Summer Review of the 1970 Budget":

SUMMER REVIEW OF THE 1970 BUDGET

This Review presents revised estimates of the Federal budget for fiscal year 1970, the year ending next June 30. Since congressional action has not been completed on any of the regular appropriations bills, the estimates shown are necessarily tentative and will require later adjustment. Moreover, they are overall estimates by major program and agency, rather than the item-by-item results of a detailed examination such as is made in preparing the annual budget.

BUDGET TOTALS

The following are the currently estimated totals of budget receipts and outlays compared with those presented in the April 15 review.

TABLE 1. BUDGET RECEIPTS AND OUTLAYS—FISCAL YEARS

[In billions of dollars]

Description	1969 actual	1970	
		Apr. 15 estimate	Current estimate
Expenditure account:			
Receipts	187.8	[1] 199.2	198.8
Expenditures	183.3	192.0	191.9
Expenditure surplus	4.6	[1] 7.1	6.9
Loan account:			
Net lending	1.5	0.8	1.0
Total budget:			
Receipts	187.8	[1] 199.2	198.8
Outlays (inc. net lending)	184.8	192.9	192.9
Budget surplus	3.1	[1] 6.3	5.9

[1] Updated for revised receipts estimates made May 20.

Note: Detail may not add to totals due to rounding.

As shown in Table 1, the budget surplus for fiscal year 1970 is currently estimated at $5.9 billion—down $0.4 billion from last Spring's estimate, but up $2.8 billion from the preceding fiscal year. The change since last Spring is due to lower receipts estimates. The current estimate of 1970 budget outlays remains $192.9 billion, as estimated April 15.

Receipts are currently estimated at $198.8 billion, or $0.4 billion below the May 20 Treasury estimate. The current estimate reflects the effects of (1) delayed enactment of the Administration's user charges legislation, now assumed to become effective January 1, 1970, (2) updated economic assumptions, and (3) reestimates based on recent experience with collections. The current estimate assumes congressional action to continue the surtax at a reduced 5% level for the last six months of fiscal 1970 as well as enactment of the other provisions of the Administration's tax proposals presented to the Senate Finance Committee on September 4.

Included in the above totals are the transactions of the government's trust funds, for which outlays are now estimated at $47.5 billion and receipts at $57.6 billion, including $8.0 billion of intragovernmental receipts.

FISCAL POLICY

Under present circumstances, a 1970 budget surplus of approximately $6 billion is essential to helping bring inflationary pressures under control. To this end, the President has: (1) urged enactment of the surtax extension at 5% from January through June 1970, (2) taken administrative action to hold 1970 budget outlays within the $192.9 billion total estimated on April 15, and (3) directed a deferral of 75% of all new direct Federal construction projects and strongly urged State and local governments to follow the example of the Federal Government by cutting back their own construction plans.

The commitment to hold 1970 spending within a total of $192.9 billion is expected to keep outlays below the level of the legal limitation on 1970 outlays enacted by the Congress in July. The congressional limit was established at $191.9 billion subject to adjustment in two ways. First, the net effect of congressional action or inaction on the budget adjusts the ceiling automatically, except for the first $1 billion of net reductions. Second, the President may adjust the ceiling for certain administratively uncontrollable items specified in the Act up to an increase of $2 billion. As of August 31, the President specified revisions of $1.5 billion under the latter provisions so that the legal ceiling now stands at $193.4 billion.

However, the President announced that, even if congressional action permitted a higher level of spending, he would hold the total administratively to a maximum of $192.9 billion. The President indicated in July that there had already been a substantial worsening since April 15 in the outlook for 1970 budget outlays. Including the $1.5 billion noted above for items exempted under the limitation, increases of more than $2.5 billion are now anticipated for uncontrollable items such as interest on the public debt, Medicare, social security, civil service retirement benefits, reduced receipts from off-shore oil leases, public assistance and veterans' benefits. Congressional action or inaction to date would appear to add at least another billion dollars to 1970 spending.

To offset these increases the President directed agency heads to reduce total spending by $3.5 billion. The detailed agency estimates contained in this Review reflect the Administration's current plan for making those reductions and holding to the $192.9 billion total. Taking into account both the original budget reductions announced on April 15 and the reductions now planned, the following shows the changes made by this Administration in the 1970 budget programs of the previous administration.

[In billions of dollars]

	Apr. 15 reductions	Current reductions	Total reductions
Military [1]	−1.1	−3.0	−4.1
Other (net)	−2.9	−0.5	−3.4
Total	−4.0	−3.5	−7.5

[1] Department of Defense, military functions, and military assistance.

As the preceding table shows, outlay reductions for military programs total $4.1 billion, including the $3.0 billion recently announced by Secretary Laird. Overall reductions of $3.7 billion in non-military programs have been offset by a $0.3 billion increase proposed for the Food Stamp Program, producing the $3.4 billion net reduction.

BUDGET RECEIPTS

The current estimate of budget receipts in fiscal 1970 is $198.8 billion, or $0.4 billion below the May 20 estimate. This relatively small change in estimated total receipts reflects a number of offsetting changes in components of the total.

Economic assumptions: The current estimate of fiscal year 1970 receipts reflects the economic assumptions shown in Table 2. Changes in May 20 assumptions have been made mainly because the Commerce Department has revised National Income Account data for recent years, raising the gross national product and lowering corporate profits for both 1968 and 1969.

TABLE 2.—ECONOMIC ASSUMPTIONS, CALENDAR YEAR 1969

[In billions of dollars]

	May 20 estimate	Current estimate
Gross national product	927	932
Personal income	739	745
Corporate profits before taxes	97	94½

Changes in Budget Receipts: Table 3 shows preliminary figures for 1969 receipts and the May 20 and current estimates for fiscal year 1970. The changes between the May 20 and the current 1970 estimates reflect the updated economic assumptions, recent experience with collections, a change in the estimate of receipts from user charges, and the Administration's tax relief and reform proposals of September 4.

TABLE 3.—CHANGE IN BUDGET RECEIPTS, BY SOURCE

[Fiscal years. In billions of dollars]

Source	1969 actual	1970		
		May 20 estimate	Current estimate	Change
Individual income taxes	87.2	91.0	91.1	+0.1
Corporation income taxes	36.7	39.0	38.5	−.5
Employment taxes	34.2	38.7	38.7	0
Unemployment insurance	3.3	3.4	3.4	0
Premiums for other insurance and retirement	2.3	2.4	2.4	0
Excise taxes	15.2	15.9	15.8	−.1
Estate and gift taxes	3.5	3.5	3.5	0
Customs	2.3	2.2	2.3	+.1
Miscellaneous receipts	3.0	3.1	3.1	0
Total	187.8	199.2	198.8	−.4

Note: Detail may not add to totals due to rounding.

The tax legislation assumptions underlying the individual, corporate, and excise tax figures used in Table 3 are shown in Table 4. About $4 billion of revenue in fiscal year 1970 is dependent upon congressional action proposed by the President but not yet taken by Congress. The relief and reform provisions of the Administration's tax reform bill are offsetting in fiscal 1970, reducing individual income taxes by $0.4 billion and increasing corporate taxes by the same amount.

TABLE 4.—*Effect of tax legislation on budget receipts estimates, fiscal 1970*

[In billions of dollars]

Individual income taxes:	
Present law	89.4
Surcharge: 6 months extension at 5 percent	1.7
Repeal of investment credit	.4
Administration's tax reform proposals	−.4
Total	91.1
Corporate income taxes:	
Present law	36.9
Surcharge: 6 months extension at 5 percent	.3
Repeal of investment credit	.9
Administration's tax reform proposals	.4
Total	38.5
Excise taxes:	
Present law	15.1
Extension at present rates after Jan. 1, 1970	0.5
Proposed user charges (6 months only)	.2
Total	15.8

BUDGET OUTLAYS

Budget outlay estimates for each Department and agency reflect the results of congressional action or inaction to date, uncontrollable program increases, and the required cutbacks to meet the President's commitment to hold spending to $192.9 billion.

Table 6 shows the estimates and changes for each agency in total. Major *decreases* from the April estimates are:

Housing and Urban Development, −$162 million: The estimated decrease reflects a reduction in the expected rate of disbursement of funds for Model Cities and several other assistance programs, partially offset by anticipated increases in the disbursement of funds committed in prior years for such programs as Urban Renewal and special government mortgage assistance.

Department of Transportation, −$216 million: Approximately one-half of this reduction is in highway related programs. Other reductions include expenditures for airways and airports development, because the proposed user charge legislation that would provide the necessary financing has not yet been enacted.

Department of Defense, Military and Military assistance, −$3,000 million: This decrease in Defense outlays is produced by a number of factors. Included are a $500 million reduction in non-Southeast Asia Army operations, maintenance, and training; the deactivation of more than 100 Navy ships, including the battleship New Jersey; and, a reduction of 300,000 flying hours in the non-Southeast Asia Air Force training program.

Major *increases* over the April 15 estimates are:

Agriculture, +$434 million: The estimated increase arises principally from the assumption that Congress is unlikely to eliminate the special milk and agricultural conservation programs and from the Administration's proposed expansion of the food stamp program. This estimate also reflects (a) increases for the Forest Service, primarily for fighting forest fires, and (b) measures taken to increase timber supplies.

Health, Education, and Welfare, +$565 million: Higher utilization rates and medical care costs in the Medicare and Medicaid programs, and continuing increases in maintenance payments are primarily responsible for the indicated rise. The increases are offset in part by reductions in other programs. The present estimate assumes that higher appropriations likely to be voted by the Congress will not be spent or will be offset by reductions elsewhere.

Interior, +$286 million: The increase reflects a downward reestimate of Outer Continental Shelf receipts, unforeseen expenditures for fire and storm damage, and late congressional action on 1969 supplementals. The increase is partially offset by a downward reestimate of outlays for the Land and Water Conservation Fund.

Post Office, +$417 million: Delayed enactment of the Postal Rate Increase Bill is primarily responsible for the increase shown. An effective date of Jan. 1, 1970 is now assumed for postal rate increases.

Treasury, +$885 million: This increase is due primarily to higher interest rates than earlier anticipated.

Veterans' Administration, +$386 million: Change reflects continuing increases in benefit caseloads and unit costs in the compensation and pension programs—partly from congressional liberalizations—and several months' delay in enactment of proposed legislation to eliminate certain outmoded and duplicative benefits.

Civil Service Commission, +$125 million: Increase is due mainly to higher than anticipated retirement claims and mandatory cost-of-living increases for annuitants.

FEDERAL EMPLOYMENT

As stated by the President in his July announcement of the additional $3.5 billion cut in Federal spending, a further reduction will be made in Federal civilian employment budgeted for fiscal year 1970.

The level of full-time civilian employment in the Executive Branch for June 30, 1970 is now estimated at 2,594,800, or 50,900 fewer than the 2,645,700 announced on April 15, 1969 and 98,700 fewer than estimated in January by the previous Administration. As can be seen from Table 5, reductions from the April ceiling have been applied selectively to the various agencies. The bulk of the decrease falls on the Department of Defense. Agencies with major overseas employment also bear a proportionately greater share of the cutback. This latest reduction of 50,900 will be attained even with the provision of a substantially increased contingency allowance, which is designed to give the President greater flexibility in reallocating personnel resources than was possible under the employment limitations of the Revenue and Expenditure Control Act of 1968.

TABLE 5.—FULL-TIME PERMANENT EMPLOYMENT IN THE EXECUTIVE BRANCH AS OF JUNE 30

[Employment levels in thousands]

Agency	1969 actual	1970			
		January estimate	April ceiling	August ceiling	April-August difference
DOD, military and military assistance	1,225.9	1,235.0	1,215.0	1,166.4	−48.6
Post Office	562.4	575.7	569.0	566.5	−2.5
Subtotal	1,788.3	1,810.7	1,784.0	1,732.9	−51.1
Agriculture	83.4	86.4	82.7	82.0	−.7
Commerce	25.4	26.0	25.5	25.3	−.2
DOD, Civil	31.2	31.4	31.3	30.7	−.6
HEW	102.9	106.7	102.6	[1] 101.1	−1.5
HUD	14.3	16.8	15.3	15.0	−.3
Interior	58.2	60.9	59.7	58.8	−.9
Justice	35.1	36.6	38.2	37.8	−.4
Labor	9.7	9.7	9.6	[1] 10.0	+.4
State	24.7	24.6	24.2	23.8	−.4
Transportation	60.4	65.4	63.7	63.0	−.7
Treasury	80.0	85.1	83.4	83.3	−.1
AEC	7.0	7.3	7.0	7.0	
GSA	36.2	38.1	36.3	36.3	
NASA	31.7	31.5	31.5	31.3	−0.2
VA	147.6	152.3	147.6	148.5	+.9
Other agencies:					
AID	15.8	15.9	15.7	15.0	−.7
OEO	2.9	2.9	2.9	[1] 2.2	−.7
SSS	6.6	7.0	6.9	6.8	−.1
SBA	4.1	4.2	4.2	4.1	−.1
TVA	12.0	12.6	12.5	12.3	−.2
Panama Canal	14.7	15.2	15.1	14.7	−.4
USIA	10.5	11.0	10.8	10.1	−.7
Miscellaneous agencies	31.2	32.8	32.6	32.6	
Subtotal	845.5	880.3	859.2	851.9	−7.3
Allowance for contingencies		2.5	2.5	10.0	+7.5
Total	2,633.8	2,693.5	2,645.7	2,594.8	−50.9

[1] New ceilings incorporate transfers of function from OEO to Labor and HEW.

Note: Detail may not add to totals due to rounding.

TABLE 6.—CHANGES IN BUDGET OUTLAYS, BY AGENCY—FISCAL YEARS

[In millions of dollars]

Agency	1969 actual	1970		
		Apr. 15 estimate	Current estimate	Total change
Agriculture	8,431	7,200	7,634	+434
Commerce	854	1,079	1,050	−29
Health, Education, and Welfare	46,592	50,551	51,116	+565
Housing and Urban Development	1,537	2,823	2,661	−162
Interior	834	833	1,119	+286
Justice	520	730	724	−6
Labor	3,475	3,690	3,689	−1
Post Office	987	382	799	+417
State	435	428	429	+1
Transportation	5,969	6,753	6,537	−216
Treasury	16,961	17,558	18,443	+885
Corps of Engineers	1,217	1,158	1,185	+27
Foreign economic assist	1,795	1,760	1,745	−15
Office of Economic Opportunity	1,801	1,869	1,819	−50
Atomic Energy Commission	2,450	2,504	2,454	−50
General Services Administration	430	407	476	+69
National Aeronautics and Space Administration	4,247	3,897	3,847	−50
Veterans' Administration	7,670	7,554	7,940	+386
Export-Import Bank	246	85	85	−1
Civil Service Commission	1,754	2,565	2,690	+125
All other civilian agencies	3,078	3,910	4,075	+165
Subtotal, civilian agencies	111,283	117,737	120,517	+2,780
Department of Defense, military, and military assistance	78,675	77,893	74,893	−3,000
Allowances for:				
Pay increase of July 1, 1969		2,800	3,000	+200
Contingencies		200	350	+150
Undistributed intrabudgetary transactions [1]	−5,189	−5,745	−5,900	−155
Total	184,769	192,885	192,860	−25

[1] Represents Government contributions for employee retirement and interest received by trust funds.

Note: Detail may not add to totals due to rounding.

ED JENISON'S TRIBUTE TO SENATOR DIRKSEN

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. SPRINGER. Mr. Speaker, since his passing on September 7, we have read and heard many words in praise of Senator Dirksen.

All through last week, from the time his body was borne into the Capitol rotunda to lie in state, one of the few Senators in the Nation's history that have been so honored, until it was lowered into the prairie soil of his home State of Illinois, which he loved so much and served so well, the eulogies poured in from every corner of the United States and from throughout the world, from famous leaders and from humble folk as well.

Senator Dirksen's place in history is secure. He will be remembered along with Daniel Webster and John C. Calhoun, with Bob Taft and Bob LaFollette, and with Henry Clay, to name those whose portraits adorn the Senate reception room, as among the great Senators of all time.

Of all the tributes I have read, none expresses so well the qualities of Dirksen's greatness, none explores in such depth the full scope of his career, and none so reflects the pride and esteem which we in Illinois felt in the achievements of our senior Senator, as does the following editorial by our former colleague, Ed Jenison, editor of the Paris Beacon-News.

Ed himself has had a distinguished political career, having served three terms in Congress from 1947 until 1953, as a blue-ribbon member of the Illinois General Assembly, and as a director of the department of finance of the State of Illinois. His friendship with Everett Dirksen began during the years when they represented neighboring congressional districts in the House of Representatives. Ed Jenison drew from a wealth of personal knowledge and experiences in writing his editorial and I know that it will bring back memories to those Members who, in the years following World War II, served with both Ed Jenison and Ev Dirksen in the House of Representatives.

The article follows:

A GALLANT MAN

Under a benevolent sky, they laid Everett McKinley Dirksen to rest Thursday in the spot he chose, among his fellow citizens in his beloved home town of Pekin, Illinois. It was both appropriate and typical of the great American, son of immigrant parents whose life proved once more that opportunity for all is the hallmark of freedom in a republic.

Everett McKinley Dirksen came back home to the people who knew him best and loved him most. Thousands of them lined the streets and thronged the community cemetery to show in their attitude the respect and the affection in which he was held. Not even the presence of a hundred important figures from Washington could take the spotlight away from the tribute of those to whom a national figure was "Ev," our congressman, then our senator, but always "our neighbor and our friend."

In its way, it was a revelation of the magnitude of the man. For he was an "uncommon" man who never forgot the "common man." Everett Dirksen probably knew more people by their first names than any man who ever traveled across the prairies and through the teaming cities of Illinois. Their problems became his problems. He shouldered them willingly, and he battled to do something about them.

The path from Pekin to greatness was an unlikely one, but it added yet another inspiring chapter to the history of our times, for it proved again that leaders do rise from humble origin to national service.

Ev Dirksen became fatherless at the tender age of five but he was blessed with a sturdy mother who encouraged him to maturity. He was a bread winner at an early age but it did not keep him from pursuing the path of education. In relative youth he was a manual laborer who became a skilled worker in drainage construction. In later years he was to confound experts with his intimate knowledge of flood control, land preservation and soil conservation.

When World War I drew the United States into global conflict, the then young Dirksen was an early volunteer who served with such gallantry that he won a battle field commission while serving his country in France. The courage and the leadership qualities revealed under those harrowing circumstances were a prelude to even greater service in the future.

The courage came in running for congress for the first time in 1930, when a depression abroad in the land made the cause of a Republican candidate hopeless. It was the only campaign he ever lost. Two years later, when Democrat Franklin Delano Roosevelt was sweeping the land for president, Dirksen won election to congress. And he was re-elected for a total of eight terms, spanning sixteen years. There he rose steadily and certainly to a position of eminence and influence, and his persuasive oratory established him firmly as a national leader.

If the editor may be pardoned a personal comment, it could be said that "I knew him then." It was my great privilege to be elected to congress from a neighboring district after World War II. I was both young and green. Even at that time Ev Dirksen was a senior member of congress. But he had the time to be of help to every "newcomer," myself included. By rare good fortune my office was but a few steps away. His door was never closed. He was always ready to counsel and encourage and stimulate those about him. I can see him now, at work at his desk late at night. Books and papers covered his desk. But when you interrupted him with a plea for guidance at any hour, he would push his glasses up on his forehead, swivel around in his chair, and ask only "What can I do for you?"

In the years that followed it was my privilege to travel many a mile with him, particularly in his first race for the United States Senate in 1950. And memories of that campaign are not complete without special tribute to his "bride" of more than 40 years, Louella Dirksen, who rode at his side, served as his driver and his secretary, and made friends wherever she went. The memory has to go on to cherish years as a neighbor of the Dirksens and their daughter, Joy, now the wife of Howard Baker, the Senator from Tennessee. And those years bring the recollection of but another facet of the Dirksen character. A son of the soil forced to live temporarily in a teeming apartment complex, he found nearby "just a bit of ground" where he could satisfy a longing to exercise a "green thumb" in planting and cultivating a few flowers. He became something of an expert in this, as he did in all things, and ultimately, as a result of his horticultural interests, he embarked on the only half-facetious project to make the marigold the national flower.

It was in his nearly twenty years in the Senate that Everett Dirksen rose to national and international recognition. The same qualities that built his success in the House propelled him steadily toward ultimate recognition as the most influential senator with "powers greater than Presidents" as President Nixon himself observed in tribute to the giant from Illinois.

Yes, he had a great voice, and he used it. But it was more than that. He had the capacity to analyze and the understanding to sympathize. He could differ but without offense. He could reason without rancor. And he had tolerant patience for everyone but himself.

He was the friend of Presidents, of his own party and the opposition, but he was first and last the friend of the people and the land he loved with an unqualified devotion. He never ran away from a battle, and he won most of them, but if he lost he was undismayed and unswayed. Classic examples of his losses were his efforts to overturn the Supreme Court decision on "one man-one vote" and retain the concept of one branch of the legislature chosen by population with the other chosen on the basis of area, and the equally celebrated battle to overturn the court ban on prayer in the public schools. Almost alone he waged these battles, and alone he almost won them. His fundamental sense of right would not permit him to give up on either issue. And millions of Americans agreed with him.

Ev Dirksen was not without his critics, and it is the measure of the man that they never disturbed him or overcame him. They labeled him "The Wizard of Ooze," and instead of a term of derision it became a label of affection. He proved it every time he took the podium, and that was pretty often for no speaker was in greater demand across the length and breadth of the nation.

One classic example comes to mind. They honored him in Chicago one late April evening in 1966 at one of those big, glossy, often deadly-dull $100 a plate dinners.

Without a note or scrap of paper before him, he "preached" for one solid hour and twenty-two minutes more, surely long enough to bore stiff most anyone except perhaps his forgiving family.

Yet from the moment Everett Dirksen set free from deep in his innards that first velvety syllable, those seated, affluent diners—1,800 in all—leaned toward him and strained to hear every word as if life itself depended on his next one.

Before Dirksen rose, the bony young minister from the little frame church in Pekin spoke reverently of the Senator as "one who stands among us, but towers above us."

That set the stage. Then Everett Dirksen shuffled to the lectern, blinking in seeming surprise at the glare of TV lights he contended with almost daily.

The celebrated silvery locks were tangled and awry. A huge carnation made a white splotch on his black suit. The massive head, the sagging face were thrust forward, and tired, watery eyes peered over horn-rimmed spectacles into the sea of admirers. He looked for all the world like the fabled cowardly lion from cinema's Land of Oz.

There was in the great ballroom the perfect silence of expectancy, for most of them had savored the Dirksensian thunder before.

Then the words began to come, resonant, rolling, soft and almost inaudible at first. He told a gnarled old story about a grateful cow, one of his oft-repeated favorites. Half the crowd had heard him tell it before, yet they wandered almost gleefully alongside him to the punch-line, and then roared with laughter, feeling he had permitted them to share with him an intimate moment.

What he said was not new. Some would brand it corny or trite, the same old cliches about God and motherhood and freedom and all that. The empty sophisticates might dismiss him as out of touch with these frenetic times.

But you knew somehow this man was not shallow or calculating or emotionless. You could see an incondescent glow in those tired eyes when he talked of freedom.

There was an element of grandeur, a certain homely wisdom about this righteous, earthy plainsman. His may be a dying breed but it towers above the gray flannel prodigies who are guided by polls, surrounded by faceless aides, preoccupied with the cosmetics of image.

Perhaps Ev Dirksen is of a dying breed, but history refutes it. Over and over again the times have produced the man. Illinois gave to the nation Abraham Lincoln in a time of crisis. Ev Dirksen would have been the first to repudiate comparison with the martyred President, but he was the most articulate exponent of the Lincoln philosophy in succeeding times and succeeding crises. Dirksen, more than any other, clung tenaciously to the defense of freedom—for the nation and for the people. As the courageous champion of freedom his memory will be cherished wherever freedom prevails—and wherever oppressed peoples elsewhere hope freedom may yet be achieved in a troubled world.

Not long ago, Senator Dirksen gave his voice to the recording of patriotic readings entitled "Gallant Men." It was a sensational success. Millions thrilled to his masterful tribute to great men of history. The Senator was only the narrator. But there could be no more fitting designation for him. He was, indeed, the gallant man. His life of devotion and dedication was yet another demonstration of the validity of the American dream.

EVERETT McKINLEY DIRKSEN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. MICHEL. Mr. Speaker, the messages of condolence continue to come in

the mail in the wake of Senator Everett McKinley Dirksen's passing; and today we received a letter from one of our dear friends and constituents who also was a very good friend of the Senator's. I should like to have printed in the Record at this point the full text of her letter, for the message embodied in it is such a touching one:

Pekin, Ill.,
September 11, 1969.

Hon. Robert H. Michel,
Washington, D.C.

Dear Mr. Michel: He is home at last.

So often he began his talks to home audiences with the words "It's so good to be home again."

It must have been thousands that stood in tribute today for his final coming home. Memories of happier returns mingled in one's thoughts when he shared his life's learning and experiences with us. An intimate knowledge of world personages and affairs was his. He used it all for the good of mankind. There will never be an Everett Dirksen replica.

When Edwin Markham wrote his *Lincoln, the Man of the People* for the dedication of the Lincoln Memorial in Washington, D.C., he said:

"So came the Captain with the mighty heart; And when the judgement thunders split the house Wrenching the rafters from their ancient rest, He held the ridgepole up, and spikt again The rafters of the house. He held his place—Held the long purpose like a growing tree—Held on through blame and faltered not at praise. And when he fell in whirlwind, he went down As when a lordly cedar, green with boughs, Goes down with a great shout upon the hills, And leaves a lonesome place against the sky."

For so many Everett Dirksen's passing "leaves a lonesome place against the sky."

In closing there was another thought Everett often quoted. He had taken it from the Bible—Nehemian 4:6, "So built we the wall; . . . for the people had a mind to work."

I wonder if this was not a part of his creed—for himself and for us all in America. There must be purpose to achieve accomplishment.

Respectfully yours,
Nina G. Hammer.

AWARD TO RADIO STATION WVOX

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. REID of New York. Mr. Speaker, I was pleased to learn recently that radio station WVOX in New Rochelle, N.Y., has been selected to receive the International Award of the Radio-Television News Directors Association for broadcasting the outstanding radio editorials in the United States and Canada.

The editorials are written and delivered by William F. O'Shaughnessy, president and general manager of WVOX, in an informal, conversational style that brings his clear and cogent points directly to the attention of his listeners. Most importantly, what Bill O'Shaughnessy has to say is important for the community to hear: his remarks place national and international events in a frame of reference that is relevant to every listener in Westchester County.

I think that Members will find of interest the WVOX award-winning editorials concerning the right of Eldridge Cleaver to speak in New Rochelle and on the death of Dr. Martin Luther King, Jr., and I insert them in the Record at this point:

The Murder of Martin Luther King

So now we've shot and murdered Martin Luther King. And each of us owns a piece of this latest outrage—whether we live in New Rochelle or Scarsdale or Rye or Mount Vernon or Bronxville, where Negroes aren't allowed to own property.

And here in Westchester we are up to here with do-gooder organizations. And the Junior League from Pelham is doing a case study on what's wrong with New Rochelle. And last year the Bronxville Junior League tried to tell us what was wrong with Mount Vernon.

And because we are smug and secure—the murder of Martin Luther King won't mean much to us. As long as the railroad runs for us today and as long as we can get ahead in business and as long as we can compete and worry about ourselves, this latest killing won't jar us or make us break into a cold sweat.

We've killed Presidents of the United States and we've shot demagogues like George Lincoln Rockwell. And if, when someone at your breakfast table asks you what this murder in Memphis means, you say as many will, it's his own damn fault . . . he got what he deserved, trying to stir up people like that . . . if you say that in your home, God help you and God help your children who look to you for balance, leadership and guidance in this world filled with hate and insanity.

I'm not sure what Martin Luther King will mean against the broad canvass of history. We met him only once, it was last October and Martin Luther King was in Nassau in the Bahamas and he was travelling with us on a tiny sightseeing bus and he had on bermuda shorts with a camera slung around his neck. And I only know he was courteous and gentle and polite and seemed like the rest of us who murdered him.

Ask not for whom the bell tolls in Memphis, it tolls for thee. Any man's death diminishes me. Can't we ever get that through our damn thick heads? But let's hope we all get ahead in business today and let's hope the Pelham Junior League can find out what's wrong in New Rochelle and let's hope the Bronxville Junior League can straighten out Mount Vernon.

And meanwhile, we'll keep killing because we won't look at our own selves.

The reaction to the murder of Martin Luther King started to come at us yesterday. All the politicians raced for the nearest microphone to try and make some sense out of this latest outrage which demeans us as a people.

Lyndon Johnson sent the Attorney General of the United States down there and he cancelled a trip to talk about the Vietnam war. And finally someone has shown that anarchy here at home is more dangerous and destructive than the situation in Asia. And Lyndon Johnson showed it was more important to keep the American flag flying over Memphis, Tennessee, than it is to keep it flying over Hue or Saigon. And this would have made Martin Luther King happy because that's what he tried to tell us.

And all the while this nation was concentrating on being a global power, Dr. King was saying we should concentrate on places like New Rochelle and Memphis and Mount Vernon and Atlanta and Yonkers and Chicago.

But now he's dead and Billy Graham, the North Carolina evangelist, cried out from half way across the world that "America is sick." And Bill Graham said there are tens of thousands of sick and mentally deranged people in our own country. And we certainly didn't need Billy Graham for this "revelation." It's right there in front of you that we are a nation of opportunists.

And nothing that Lyndon Johnson or Roy Wilkins or the Pope or New Rochelle's Whitney Young can say will make it any easier for us to look at a Negro in the eye today.

And this must not be ours alone, this thing about Martin Luther King. Because the Stokely Carmichaels and the Rap Browns own a piece of this murder. And any Westchester civil rights leader who ever denounced King or Roy Wilkins is to blame, too. And plenty of them did.

And a Negro minister from New Rochelle got right on this radio station recently to abuse King and Wilkins and their solid, nonviolent and reasonable approach. But this is all a reaction to social evils we live with and do nothing about.

And as the writer Jimmy Breslin said when John Kennedy was killed, each of us has a share in this murder, every one of us who ever stood off in our smugness and called somebody a Nigger or a Jew. Breslin was saying that people like us who stand back and duck the tough moral issues of our day breed the ones who pull the trigger.

The man who killed Martin Luther King is a product of us.

Eldridge Cleaver, the Black Militant

Many people are suggesting that Eldridge Cleaver, the black militant, not be allowed to speak on the Iona Campus this afternoon.

We can tell you the situation is such at this great college, that economic threats have been made against the wise and gentle man who is Iona's president. Brother McKenna and his colleagues have been beset by filthy and obscene calls from Westchester residents with small minds and small brains—but colossal fears. Our distinguished neighbors have been calling the Brothers to say very bad things about them—and awful things about this Eldridge Cleaver.

As you know, we've been devoting recent days and nights to our analysis of the current political campaigns . . . but we must pause this morning in the face of this madness to speak in favor of the *right* of Eldridge Cleaver to speak in our city.

True, he may be a very unattractive individual. True, he may have advised that the very best way to receive justice in a courtroom is to shoot a judge. True, he may be an ill-bred uncouth bore. True, you may see in him a rabble-rouser, or an anarchist, or a revolutionary.

But Eldridge Cleaver *must* speak in our city today.

The administration of Iona has, we believe, prevented the kind of riots Mr. Cleaver might desire to provoke. The college has prevented this horror by not withdrawing his invitation—despite incredible pressure from Trustees and students.

Over 100 years ago, John Stuart Mill said:

"If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind."

And Mill also said:

"We can never be sure that the opinion we are endeavoring to stifle is a false opinion; and if we were sure, stifling it would be an evil still."

That's why Eldridge Cleaver must speak. That's why WVOX must insist he be given a hearing. We hope the calls and threats against Iona will stop immediately. We call on Chief McCaffrey, in Commissioner Carey's absence, to provide adequate protection for the occasion. Our police will be defending—not a demagogue named Eldridge Cleaver—they'll be defending Freedom of Speech.

Cleaver must be heard in our city just in case Voltaire was right when he said: "There are truths which are not for all men, nor for all times."

Just in case.

BILL ROTH—A WORTHY SUCCESSOR

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. SPRINGER. Mr. Speaker, the gentleman from Delaware (Mr. ROTH) has compiled a remarkable record of achievement during the brief 3 years that he has been a Member of this House.

Mr. Willard Edwards, the distinguished Washington political columnist of the Chicago Tribune, details some of these accomplishments in the following article, which appeared in the Tribune's September 16 issue.

It is reassuring to know that Delaware's great senior Senator, JOHN J. WILLIAMS, who some time ago announced his intention of retiring at the end of this Congress, will have a worthy successor in BILL ROTH.

The article follows:

SENATE' ASPIRANT TO BE OBSERVED

(By Willard Edwards)

WASHINGTON, September 15.—The Senate will take a look this week at an audacious young Republican in the House who aspires to fill the shoes of that Capitol Hill giant, Sen. John J. Williams of Delaware.

Rep. William V. Roth Jr. [Del.] has a sensational statement in readiness—a disclosure of mammoth waste and confusion in federal spending—the product of long and diligent investigation.

As he delivers it to the Senate subcommittee on intergovernmental relations, its members will, predictably, come to the conclusion that the second smallest state has come up with a worthy successor to Williams.

Williams, the one-man investigator whose probes have instilled terror in venal government officials for 20 years, is retiring at the end of his present term, resisting protests against his departure by the people of his native state and all those in Washington concerned with honest government, from the lowliest federal employee to President Nixon.

Having reached the opinion that men over 65 should retire from public office, and having attained that age last May, Williams scorned suggestions that he was one of the exceptions.

The recent death of Sen. Dirksen at 73 confirmed him in his belief. He had warned Dirksen years ago that he ought not to run again in 1968.

Williams looked over the field of prospective successors and unhesitatingly indorsed Roth, 48, altho he has served less than three years in the House. That backing, plus political trends in the state, indicated that Roth would be the G.O.P. nominee and winner in November, 1970.

When Roth annnounced his Senate candidacy last May, there was a remarkable demonstration on the House floor by his collegues. Republicans as widely separated in political philosophy as Rep. H. R. Gross [La.] and Robert Taft Jr. [O.] joined scores of others in saluting his accomplishments during a brief career.

Williams, the one-man investigator, will be succeeded by Roth, "a one-man Hoover commission," House members noted. This was a reference to Roth's awesome labors with his staff over an eight-month period which resulted in a 200,000-word catalog of more than 1,000 domestic aid programs which funnel 20 billion dollars a year to the public.

Roth is now updating that effort by inserting in the Congressional Record a list of approximately 1,300 assistance programs. In testimony before the Senate subcommittee Wednesday, he will air his findings. They will expose the malignant growth of government agencies, duplicating each other's spending activities at a cost to the taxpayers of billions of dollars.

Past administrations furiously resisted all suggestions for an orderly listing of assistance programs. Bureaucrats thrived on a planned confusion which permitted scores of agencies to dole out money in the same area. Worthy recipients of the aid didn't know where to get it or how to qualify, while high-salaried professions, representing big interests, were grabbing most of the loot.

In his new listing, Roth found 51 business and economic development programs in 14 agencies, 19 civil rights programs in 6 agencies, 62 environmental and natural resource programs in 9 agencies, 112 housing programs in 5 agencies.

"The amount of good that should have come from billions of tax dollars has been drained off into exorbitant administrative costs and wasteful procedures, with too few dollars finally reaching those they were meant to help," he will report.

As a result of Roth's efforts, the Nixon administration has indorsed legislation requiring the President to publish an annual catalog of all federal aid programs. Its passage will let sunlight into the darkness of the bureaucratic jungle.

AMERICAN VETERANS COMMITTEE

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BINGHAM. Mr. Speaker, on June 15 the national convention of the American Veterans Committee adopted a platform and resolutions on a number of subjects. I am pleased to insert in the CONGRESSIONAL RECORD at this time the international affairs section of the platform, together with accompanying resolutions dealing with ABM, Arab-Israel conflict, Vietnam, Czechoslovakia, and prisoners of war.

I commend these documents to my colleagues and to other readers of the RECORD. They are thoughtful and constructive and deserve careful study. While I do not agree with them in every detail, I find that to an extraordinary extent, considering the variety of the issues covered, they reflect my own views.

The 1969 AVC platform on international affairs with accompanying resolutions follow:

INTERNATIONAL AFFAIRS

We the members of the American Veterans Committee, believe that in international affairs the objective of the United States is the maintenance of peace. All else aside, the world must avoid the holocaust of nuclear war. Within that framework our foreign policy, like our domestic policy, must be oriented to enhance the welfare of the individual, be he black, white, brown, or yellow, so that he may eat and sleep in safety, live his life under government of his choice and realize to the fullest extent possible the measure of his aspirations.

I. THE UNITED NATIONS AND WORLD GOVERNMENT

The United Nations continues to be man's best hope for peace. American support to the United Nations must be an essential part of our foreign policy. The authority of the United Nations must be progressively strengthened in a process which sees the selective yielding of the prerogatives of national sovereignty in a manner that will enhance the fundamental freedoms and the well-being of all the peoples of the world.

Recognition of the rule of law principle in international relations is an essential of action in reinforcing the United Nations role in the maintenance of peace and security. Appropriate means must be found to widen the area of internationally accepted standards and American compliance therewith. Prompt repeal of the Connally reservation by the United States Senate would be a step in this direction.

We believe that there must be an acceleration of progress in the ratification of existing international human rights conventions by the United States. Where necessary, enabling national legislation should be enacted to bring our laws into conformity with these conventions. United States action in this respect has been grossly inadequate and has hindered a greater assertion of American leadership which is required.

We regard the integrity and independence of the Secretary General's office as expressed in the Charter crucial to the existence and growth of the United Nations. We shall oppose any attempt which seeks to weaken the powers of this office.

We favor encouragement and aid to the formation of supranational authorities of a regional nature consistent with the U.N. Charter and of treaty arrangements which limit the sovereignty of the participating nations in order to secure mutual advantage, such as the European Common Market, Euratom and others. The United States should further encourage and support European initiatives through the European Economic Community, Euratom, the Council of Europe, or otherwise to create, consolidate and strengthen institutions which may lead to a politically stable and prosperous European entity.

We fully support the enlargement of the peace-keeping function of the United Nations. The use of peace-keeping forces by the United Nations should be supported financially on an obligatory basis by all members of the United Nations. The allocation of military forces on a standby basis should be encouraged and established systematically through the creation of a permanent planning mechanism in the United Nations.

We favor the ultimate establishment of democratic world government.

II. NUCLEAR TESTING AND DISARMAMENT

Complete elimination of nuclear weapons testing and establishment of international controls on this most dangerous weapons technology should be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on earth unlivable for another generation.

The adoption of the United Nations of a non-proliferation Agreement is a significant advance despite the reservations of some member states. The United States as the foremost nuclear power, must move forward in this regard by ratifying the Agreement as rapidly as possible.

The new initiatives by the United States and the USSR to begin negotiations toward the limitation of offensive and defensive nuclear ballistic missile systems is an important next step. United Nations action to convoke meetings of the five nuclear powers—Britian, France, the Soviet Union, China and the United States is further movement toward the desirable goal of creating controls of these awesome weapons. Only by showing their good faith can the nuclear powers induce other states to forgo development in this most dangerous area, lower international tension, and avoid the allocation of needed resources to essentially destructive and wasteful ends.

Complete and total disaramament is the ultimate summum bonum, but this is an objective remote in time and immediate achievement is not feasible. Efforts toward that goal, nonetheless should be made by the United States and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

III. THE UNITED STATES AND ITS ALLIES

Inevitably differences will arise between the United States and its Allies, but there are differences which can be resolved around the conference table. In its negotiations the United States should seek no more than the rights and privileges of a willing partner.

The North Atlantic Treaty Organization was formed in a world considerably different from the world of today. It is time for the NATO Nations to reassess the objectives and reformulate the NATO role. Its continued organization and operation should reflect its changing purpose.

In Latin America, the United States has uneasy allies, but allies nonetheless. We must bend every effort to erase the image of the United States as a prosperous, patronizing, and paternalistic benefactor. It should be the objective of the United States foreign policy to create instead an image of a United States that wants to be a good partner, as well as a good neighbor, in helping the peoples of Latin America work out their own destinies.

The United States should, at every turn, encourage the United Nations or the Organization of American States to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin America. At the same time we must make it clear that we will honor a call for help by any Latin American country whose existence and destiny is being threatened by external foreign directed activity.

IV. THE UNITED STATES AND THE WORLD

The twentieth century is the era of the developing nations of Latin America, Africa, and of Asia. The United States must stand ready to help these nations and peoples, if they seek our help, to establish their way of life and direct their own destinies.

The forum of the United Nations must be held open to them in their efforts to develop responsible independence, and the services of the specialized agencies should be placed at their behest.

Our era is characterized by an ever-widening gap between the social and economic bases of the developed countries and those of the developing countries. This decline in the relative position of the developing countries, accompanied as it is by a population explosion, can lead to dangerous world tensions which could threaten world peace because of increased violence and disorder. New means must be found to close this gap through mobilization of efforts on a world-wide basis, including increased economic assistance from developed countries and greater self-help from the developing countries. The United States must be prepared to make greater contributions to the United Nations' efforts in this field, through other multilateral arrangements, and through bilateral aid. The goal of alloting 1% of the gross national product to this end as set by the United Nations is not unreasonable and well within the means of the United States.

United States foreign aid to developing countries should be utilized at points of greatest potential. In providing bilateral aid the United States should give priority to those countries which can make the most rational and productive use of such aid. In measuring the efficacy of United States aid, due weight should be given not only to economic considerations but also to the nation-building process including the strengthening of democratic institutions and the consolidation of efforts on a regional basis. The United States should use its financial and economic resources to help the people of weak and developing nations achieve self-government, and should, if requested, provide economic help to prevent them from engulfment or encroachment by foreign powers seeking to impose their own ideologies, disciplines or governments.

Only when asked and only when it is clear that armed force is necessary to thwart a takeover by powers inimical to the welfare of a weak and developing nation should the United States furnish military assistance. In these circumstances the United States should stand ready to give military aid to such a country to oppose imposition of an external power, and should make it clear that its military effort is directed toward that objective alone.

V. SOVIET UNION AND COMMUNIST CHINA

The years have shown that coexistence with the Union of Soviet Socialist Republics is not only possible, but is also a necessity if the world is to remain at peace. This must be our modus vivendi for the forseeable future. Every step should be taken to enhance, improve, and expand the spheres of coexistence whether by more frequent cultural exchanges, increased travel by United States citizens to the Soviet Union and the satellite countries, expanded trade beyond the Iron Curtain, or others. If we follow this policy and practice we shall find the areas of agreement becoming wider and the differences narrower. The inevitable result, where people meet people, is that the government of the Soviet Union will no longer be able to insulate the Russians from the ways of the free world and disregard the yearnings of the Russian citizenry—which we believe to be the same as ours—for a world at peace and for good will to other peoples of the earth.

Communist China is the riddle wrapped up in the enigma that Russia used to be.

Any and all avenues that help us learn more about it or initiate exchange of ideas, must be explored. The forum of the United Nations is one primary means of increasing our knowledge. It should no longer be denied the Communist Chinese. We would not, however, deprive Nationalist China of its place in the United Nations.

VI. WORLD TRADE

The path to world peace through world trade is long, tortuous, and not always clearly marked. The United States should take the lead in, where possible, and encourage, where not, the movement toward freer trade among nations. Countries must export as well as import and stabilizing adjustments will have to be made. Where hardships are visited upon domestic industries, some form of temporary relief should be provided. AVC endorses the Trade Expansion Act of 1962 and urges its continued implementation by negotiations and agreements.

VII. THE EXAMPLE OF AMERICA

Events beginning with World War I and continuing in the post World War II world we live in have thrust upon the United States a position of power and responsibility it can neither avoid nor minimize. That position inevitably generates envy, jealousy, and hostility by less fortunate peoples of the earth. It is the difficult, but essential task of the United States to wear its mantle of world leadership gracefully, to use its power cautiously, and to exercise its responsibility wisely, striving to make the right decisions in order to preserve world peace and to enable the peoples of the world to work out their destinies in an atmosphere that accords the individual his basic human rights and permits him to achieve the fullest measure of self-expression.

RESOLUTIONS

ABM

The American Veterans Committee opposes the Anti-Ballistic Program for the following reasons:

1. The Anti-Ballistic Program tends to make armaments limitation agreement more difficult. It contributes to escalation of the nuclear armaments race and thereby heightens the balance of terror and increases the possibility of nuclear war.

2. As a matter of priorities the funds expended for the ABM Program and the additional funds that would be required by the escalation of the arms race are desperately needed for our domestic needs.

3. The Defense Department has not adequately demonstrated that the proposed ABM System will work. Our present deterrent without the ABM System is such that no country would consider that it could now launch a nuclear attack on us without suffering utter devastation and retaliation.

ARAB-ISRAEL CONFLICT

AVC views with concern the continued failure of existing efforts to terminate the Arab-Israeli conflict. The tenuous cease-fire has been punctuated by artillery duels, guerrilla raids and reprisals, and intermittent aerial conflict. Because renewed recourse to fighting can ignite the entire Middle East and raise the prospect of an immediate major conflict, all the major powers have a duty and an obligation to search for a peaceful resolution of the issues in dispute.

But even as the Four Powers meet to find common ground, they find themselves incapable of reaching agreement on an imposed peace because of their conflicting interests. Thus, the key to peace in the area is recognition of the need for direct negotiations between the parties that confront each other across frontiers of hostility. The historical record of three wars and the failure of third parties to maintain peace-keeping arrangements makes mandatory Arab-Israeli negotiations which alone can begin to provide a framework for peaceful settlement of their disputes.

AVC urges that American efforts in the current Four Power talks be devoted to the issuance of a joint declaration calling for such direct negotiations between the Arab States and Israel and taking the appropriate diplomatic measures to insure compliance thereto. In addition, appropriate steps to curb Great Power Rivalries would do much to contribute to peace in the area of the Middle East.

VIETNAM

The war in Vietnam is far more than a military struggle taking place in one small distant country. The American presence in Vietnam is part of a continuing commitment by the United States to help maintain a structure of peace and stability in Southeast Asia as elsewhere in the world.

In attempting to halt a Communist take-over in South Vietnam, the United States has, with its allies, waged a limited war with corresponding limited objectives in an effort to control the spread of the Vietnamese conflict into a general Asian war or even another world war.

But the toll of human and material destruction wrought by the continuing conflict in Vietnam is repugnant to all people who are determined to pursue humanitarian objectives and to stop the process of killing and of destroying of property as avenues for settling disputes. The people of Vietnam have suffered severely for too long a time from controversies that had their genesis in colonialism and in ideological conflicts which most of this tortured people would surely prefer to solve through peaceful means.

AVC therefore welcomed the initiation of preparatory peace talks in Paris as a means of resolving the bloody conflict in Vietnam. We were heartened by the bombing halt of North Vietnam and the accompanying "understanding" which reestablished the Demilitarized Zone, provided limits on the fighting in South Vietnam, and saw Hanoi recognition of the Government of the Republic of Vietnam. Our hopes rose further with the Paris movement toward expanded negotiations in which the four major parties to the conflict are now represented.

Unfortunately, despite a progressive narrowing of the political differences on many matters which divided the two sides, the Paris negotiations seem to be at an impasse and have been overshadowed by an increase in the scope, size and barbarity of the war in Vietnam. Sterile propaganda debates feature the weekly meetings and underscore the tragedy of a war without issue that sees an ever increasing toll of military and civilian casualties as each side tries to reshape the destiny of Vietnam by force. This talk-talk, fight-fight strategy which seems to be the sole matter of agreement to which all parties at the conference table now subscribe can only contribute to continued exacerbation of the international situation and domestic difficulties in the United States. This intolerable situation must not be permitted to continue as it is in the best interests of the United States and of world peace to settle this conflict as quickly as possible through peaceful negotiations resulting in a political settlement of the issues in dispute.

A new initiative for peace is called for. The appeals of the Secretary General of the United Nations, U Thant, and Pope Paul VI, as well as statements of former President Johnson regarding the desirability of a cease-fire must be translated into official American policy at the Paris talks. World-wide pressure must be exerted to get the Communist side to accept an end to the fighting.

AVC therefore urges that the American peace negotiators be instructed as a matter of the highest priority to press for a multilateral cease-fire with a mutual standstill status for all military forces in Vietnam.

The cease-fire is only a first step in liquidating the costly conflict in Vietnam by shifting the emphasis to political bargaining. To ensure a peace with honor in Vietnam and stability in Southeast Asia, as the outcome of the Paris negotiations, AVC further calls on the Administration:

1. To ensure the success of the cease-fire arrangement, by constituting a Peace-keeping Corps based either on an expansion of the existing International Control Commission through the addition of representatives from Asian Nations and using majority rule to reach decisions or the creation of an alternative unit of international supervision. This Peace-keeping Corps can also be charged with the responsibility for the inspection of military withdrawal and political arrangements.

2. To maintain as the underlying basis for political settlement the principle of self-determination in the right of all the people of South Vietnam, through free elections in which persons of political persuasions shall be entitled to vote and run for election, to choose their leaders and create an elected representative government which would be charged with the tasks of national reconciliation and of negotiating progress toward reunification. The composition of the new government, and whether or not there should be a coalition, should not be imposed, either at the negotiating table or by the military forces of either side, but should be resolved by the Vietnamese people themselves in new elections at the earliest possible date following the standstill cease fire. All sides must agree to accept the results of such an election.

3. To favor the creation of an electoral commission to oversee free elections since neither the Saigon government nor the newly-designated "Provisional Revolutionary Government," replacing the National Liberation Front in the negotiations, would accept the jurisdiction of the other in administering fair and honest elections. This electoral commission should consist of representatives of the major political factions within South Vietnam, plus international representatives from the Peace-keeping Corps which can also play a role as an impartial overseer of free political competition.

4. To negotiate provision for the protection of minorities before the International Peace-keeping Corps leaves, the new government should make explicit assurances of protection of minorities against reprisals, to avert the moral and political problem of large numbers of refugees fleeing the country, as well as to prevent the killing or imprisonment of political opponents by those who win the election.

5. To arrange for the mutual withdrawal of American and allied foreign troops and North Vietnamese armed forces from South Vietnam within a brief and explicitly defined period of time.

6. To promote the peace, security and development of Southeast Asia by focusing upon objectives of neutralizing the area, reducing the incidence of great power conflict, and facilitating the multilateral improvement of indigenous living standards through a long range development program under international auspices.

While promoting the above program for a durable and lasting peace with honor and until a negotiated peace can be attained, AVC also urges the Administration to continue its support of the elected Vietnamese Government to the end that its representative and viable character be enhanced. In line with this objective AVC supports American policies designed:

(1) To continue equipping and retraining the expanded Vietnamese Army so that it can progressively take over the responsibility of defending South Vietnam. The rapid replacement of American troops by South Vietnamese forces is both politically necessary and desirable. It will demonstrate that American soldiers need not do what Vietnamese soldiers are capable of doing for themselves and constitute pressure for the withdrawal of all non-South Vietnamese forces from the conflict as major United States forces leave.

(2) To markedly expand the American effort for refugee relief and to revamp the administration of the Refugees Program in conjunction with the appropriate Vietnamese authorities so that there is no question that supplies and monies reach the people for whom they are intended.

(3) To facilitate the administration and success of the newly enacted comprehensive land reform program in South Vietnam to give the peasant a stake in the future.

(4) To continue to bring pressure on the Saigon government to cease repressive measures and effect the release of the arrested Buddhists and other Vietnamese Nationalist politicians so that they may be free to participate in political life and make their contribution to a peace of reconciliation and honor.

CZECHOSLOVAKIA

AVC condemns the continuing intervention of the Soviet Union in the internal affairs of Czechoslovakia. But for the brutal assertion of the "Brezhnev doctrine" by the Soviet Army, the people of Czechoslovakia would be well on the road toward realizing their age-old aspirations in a freer variant of a "socialist society." Instead, the hopeful steps toward liberalization of their closed society have been reversed by the reemergent repressive leadership installed by Soviet tanks and guns.

At issue is not only the fate of a small nation at the hands of a new-type Soviet imperialism, but the very principles of the United Nations. Little wonder that even other Communist countries and Communist parties have called into question this assertion of Soviet overlordship in the "Socialist Camp." By its flagrant violation of the charter of the United Nations, the Soviet Union gives the lie to its call for "peaceful coexistence" and destroys its credibility among the nations of the world as the champion of "non-intervention, independence and the sovereign rights of nations."

Worse still, this Soviet action has contributed to raising tensions in Europe at a time when many were hopeful of a continuing detente that could lead to the restoration of European unity. True independence for the nations of Eastern Europe is a precondition for developing an all-European structure of peace and security in that vital area. We call upon the leadership of the Soviet Union to cease taking such actions which violate the internationally accepted norms of relations between states.

PRISONERS OF WAR

AVC wishes to reaffirm its solidarity with the American and allied prisoners of war who suffer in the Communist prison camps of North and South Vietnam. We extend our sympathy to the families of these men and pledge our continued efforts in an international campaign to effect their humane treatment.

AVC condemns the continued refusal of the Government of the Democratic Republic of Vietnam to live up to its pledges as a signator of the Geneva Convention to treat humanely prisoners of war. We regret that political issues have injected into an essentially humanitarian matter. We again appeal to the Hanoi government:

(1) To provide a list of names of prisoners of war.

(2) To allow visits by a neutral, impartial body such as the International Red Cross.

(3) To end limitations on the rights of prisoners to correspond with their families.

(4) To engage in immediate conversations to effect the exchange of sick or wounded prisoners of war so that they may receive the best treatment available to them in their plight.

The Communist side in the Paris Peace Negotiations have repeatedly declared themselves as favoring a "democratic solution" for the war in Vietnam. A progressive stance and behavior on the prisoner of war issue could lead to progress on other matters. The recognition of the rights of war prisoners no matter which side is involved is an elementary human consideration transcending ideological differences.

AVC calls upon all Americans to unite in demanding that Hanoi comply with internationally accepted principles of law. In particular, the peace organizations that have access to Hanoi must make known their views toward the end that American and allied servicemen who are prisoners of war be treated humanely. AVC will continue its efforts in the W.V.F. and internationally to improve the status of American and allied prisoners of war held by the Democratic Republic of Vietnam.

LETTER FROM A CONSTITUENT

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following letter I received from one of my constituents, Mr. Warren Wells, of Santa Barbara, Calif.:

SANTA BARBARA, CALIF.,
July 31, 1969.

Hon. CHARLES M. TEAGUE,
House of Representatives,
Washington, D.C.

MY DEAR MR. TEAGUE: Having noted newspaper reports of your expressions of concern with respect to the economic distress which have been produced by the current escalation in national interest rates, I am writing to call your attention to a number of unnecessary and avoidable elements of this situation and the potentials of a major economic recession which are inherent in the escalatory mechanics involved.

In essence, it is my considered opinion that the Board of Governors of the Federal Reserve System has been derelict with respect to its basic inherent obligation to use its vast powers in the most strategic possible manner in situations such as the present, so as to effectively combat inflation with minimum detrimental effects to either the nation's economy or to our international balance of payments.

As an example, the Board could have strategically used its vast powers to effectively cool speculative forces in the economy without precipitating an interest rate spiral which has progressed to the point of creating the adverse effects mentioned above. As an example of only a few of the measures which could have been taken, the Board could have initiated a move in successive stages to place the stock market on 100% margin, while concurrently cancelling the option of substitution. Simultaneously, the Board could have moved to require the nation's banks to ration credit in such a manner as to have sharply limited the availability of credit for speculative purposes, e.g., the banning of credit for short or long term loans involved in company takeovers, stock tender offers, the banning of credit for speculative purchases of land while permitting the use of credit for the purchase of land to be used for building within a twelve month period, etc.

The use of these and other selective measures could have forced billions of dollars out of speculative channels, with resultant cooling of the economy while actually increasing the availability of funds to those segments of the economy which are serving sound business and social needs.

In contrast, the Board has resorted to what might be termed an unstructured tightening of the nation's monetary supply, which has had the effect (1) not only of compounding inflation, but (2) of adversely affecting our international balance of trade. In clarification of the foregoing:

1. An unduly high escalation in the prime interest rate has the obvious effect of compounding inflation, because of the close interrelation of interest rates within the consumer goods price structure, with particular reference to consumer goods bought on credit and the initial and carrying cost of housing. In this connection, it might be noted that the increase in home loan interest charges has escalated the total longer term carrying cost of the average home by some 15–20% above the incremental increase in building costs alone which has occurred over the past year. Unduly high interest rates are also reflected in higher costs for a wide range of utility services, including gas, electricity, telephone, water, etc. Thus, an unduly high increase in interest rates has become an inflationary element in and of itself.

2. Any unduly high rise in the national interest rate structure has a direct effect not only on the cost of producing exportable goods and services, but also on the carrying costs for the financing of exportable goods and services.

In addition, I feel that the Board has been negligent with respect to its failure to anticipate and prevent a situation which has unnecessarily compounded the rise in national interest rates, and which could under appropriate circumstances contribute to precipitating a major economic recession.

I am referring to the role which the huge backlog of standby loan agreements held by the major New York banks has played in the present excessive escalation of national interest rates. These standby loan agreements obligate the banks to make loans at rates which are related to the prime rate. These standby loan agreements are a source of substantial profits during periods when the Federal Reserve finds it necessary to tighten up on the money supply for purposes of cooling the economy. As soon as the major New York banks have to borrow money at rates which are importantly above the prime rate, they begin to lose money on each loan commitment exercised. They are, therefore, forced not only to raise the prime rate, but, if necessary, to resort to a series of prime rate increases to avoid losing money on the exercise of their loan commitment obligations. The prime rate spiral is further compounded by the fact that companies holding substantial loan commitments are prompted to exercise them and initiate the capital expansion projects under which they have been related in order to beat further increases in the prime rate.

The distorting effect which these loan commitment arrangements can introduce into the national interest rate structure could be materially reduced by appropriate regulations which would limit total loans, *including loan commitment obligations,* to some reasonable percentage of total deposits.

In assessing the importance of instituting some control measure of the type suggested above, I refer again to the point that an unduly high escalation in the prime interest rate has the effect of compounding inflation. It is also obvious that a spiral in the prime rate could conceivably progress to the point where it precipitates a major economic recession.

Sincerely yours,
WARREN WELLS.

A TRIBUTE TO THE SLOVENES AND THEIR HOMELAND

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. BLATNIK. Mr. Speaker, all men are proud of their nationalities, and we of the Slovenian extraction are no exception.

About 150 years ago the Slovenes began leaving their homeland stopping first in New York and Chicago and then spreading to Joliet, Cleveland, Minnesota's Iron Range, Colorado, and California.

These were a colorful, hard-working people who contributed as much as any nationality to the greatness of America. However, their history and heritage for many years was for the most part unknown simply because no one had taken the time to record the background of the Slovenes and their homeland.

This is no longer the case. Marie Prisland, a native of Slovenia and now of Sheboygan, Wis., has written a book, "From Slovenia—To America," which gives an account of the American Slovenes, the culture and customs they brought with them, and the land they left behind.

The author explains:

> It is for the children and grandchildren, that I have prepared this collection of Slovenian history so that they might have a small glimpse of the rough road traveled by their parents and grandparents to improve their own standard of living and to give life to their sons and daughters in a free and happy land.

In her book she writes:

> The early Slovenians came to America with the intention of accumulating enough savings to improve their living conditions after they returned to their families in Slovenia.
>
> In America they did not find the streets "paved in gold" or money "growing on trees" as many Europeans still believe, but they were faced with many hardships in a new and strange environment. Since they were young in mind and strong-bodied and because of the rugged life in their homeland, they did not despair and were determined to work hard and to have patience to overcome the obstacles confronting them in the new land.
>
> The American way of life, however, with its freedom of expression, the vast opportunities and privileges it provided, soon had its effect.

Mr. Speaker, this is the first book written in the English language about the Slovenian immigrants and their homeland and Marie Prisland has done a remarkable job. I commend it to the attention of my colleagues.

THE LATE HONORABLE DANIEL RONAN

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. REES. Mr. Speaker, I join my colleagues in mourning the death of my good friend, Daniel Ronan.

Having served his city as an alderman and his State as a legislator for many years, Dan was eminently qualified to come to Congress in 1965. Dan and I became friends as freshmen Members of the "class of 89" seeking to understand the complicated procedures of Congress. The Sixth District of Illinois was fortunate indeed to have this dedicated and hardworking Representative, and I too knew this kindly man.

Dan's specialty was the field of transportation. His skillful leadership and enlightenment helped lead the way toward more definitive transportation policies in our country concerning railway and airport facilities and passenger safety. Urban problems specific to Chicago were his greatest concern, of course, but his generous nature and public spirit extended the scope of his interests to related conditions nationwide.

Death came suddenly for Daniel Ronan but long will he be remembered by his deeds as delegate at the city, State, and national levels as well as by the meaning he had for us as a friend.

CONGRESSMAN HAMILTON CALLS DEMOCRATS TO LISTEN MORE, TALK LESS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 18, 1969

Mr. BRADEMAS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following excellent report by Indianapolis News political editor, Edward Ziegner, on an outstanding talk by Congressman LEE H. HAMILTON before the Indiana Democratic Editorial Association.

Speaking with the thoroughness and insight which marks all of his public remarks, Congressman HAMILTON called upon Democratic officeseekers to use "less rhetoric and more candor, fewer promises and more performance, less talking and more listening" if they are going to capture the root feelings of the American people.

The article reads as follows:

[From The Indianapolis (Ind.) News, Sept. 1, 1969]

DEMOCRATS WARNED ON RETURN TO POWER

(By Edward Ziegner)

Ninth District Democratic Congressman Lee Hamilton has warned his party they will return to power "to the extent we are able to understand the changes taking place in American politics today and to articulate and capture the root feelings of the American people."

Hamilton, serving his third term in Congress, stole the show from the headliners at the weekend Indiana Democratic Editorial Association meeting in French Lick with a Saturday speech which drew sustained applause from the crowd of about 600.

"You and I must understand," Hamilton told his audience, "that politics in America has become unglued. The rules of the game have changed. We can no longer automatically assume that the Democratic party is the dominant party . . . The Democratic coalition, which gave us electoral victories many years, can no longer be counted on."

Hamilton, speaking with a bluntness rarely heard at political meetings and almost totally absent at this year's Democratic gathering in light of a rising optimism that 1970 will be a good year, added:

"The South is no longer automatically Democratic . . . The working man, as he becomes increasingly middle class in status and concerns, does not vote Democratic automatically.

"Young people (and 60 percent of our population will be under 30 next year) and minority groups are asking—not should I be a Democrat or a Republican—but the more probing question: Will the system work? Will it meet the challenges of the 1970s? And they will not accept the glib cliches of politicians who want to solve the problems of the 70's with remedies that only partly worked for the problems of the 40's and the 50's."

SUBURBS KEY TO WINNING

Hamilton said the "suburbs perhaps have become the key to winning elections" and pointed out that while the Democrats, as always, must direct their appeal to the common man, he also has changed and "earns more money, is better educated, expects more and has different interests and concerns than his father and mother."

He said people are "deeply concerned and in some cases even furious about the relentless increase in taxes" and "think we can do better in collecting and spending the revenues of government" on all levels, local, state and Federal.

"They want tax relief and tax equity, a reasonable assurance that Americans in similar circumstances pay approximately the same tax. They want a saner sense of priorities," Hamilton commented.

These, he said, would include enough money for national security, "but not for monstrous military expenditures," adequate funds for air and water pollution control, education and health, "but not swollen expenditures for programs with marginal results," and a rejection of the idea "this nation is the policeman of the world, the gendarme to guard every gate," he added:

"They want from us all in public life less rhetoric and more candor, fewer promises and more performance, less talking and more listening. And, as much as anything, they want a piece of the action, a sense of participation, a feeling they are not shut out from the decision making processes in the political party and government."

Hamilton's speech overshadowed those of U.S. Sen. R. Vance Hartke of Indiana, who runs for re-election next year for a third term, and the principal speaker, U.S. Sen. Thomas Eagleton of Missouri.

Eagleton told the Democrats "the most unforgivable failure of the Nixon administration and the greatest opportunity for the Democratic party" has been the failure of the Republicans to change national priorities.

Priorities should be shifted from the Vietnam war to improvements in education, health, medical care, care of the elderly and an end to inflation, Eagleton said, but that the Nixon administration continues to abide by the old priorities.

THE MILITARY JUSTICE ACT OF 1968

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. BENNETT. Mr. Speaker, on August 1, 1969, the Military Justice Act of 1968 became fully effective. The act brings added procedural benefits to the accused in the military and at the same time increases military efficiency. The Military Justice Act makes the most significant and far-reaching changes to the administration of justice in the military since the enactment of the Uniform Code of Military Justice in 1950.

Extensive changes have been made in the following four areas: Authority and use of military judges; accused's right to legally qualified counsel; appellate rights; release from confinement during appellate review.

Military judges are legally trained officers who preside over courts-martial; they were formerly known as law officers. Provisions have been made for trial by the military judge alone without court members. The accused has the right in all general courts-martial, except capital cases, to request trial by a judge alone. The accused must be informed of the identity of the military judge and have the advice of counsel before making his choice. Only a military judge may approve a request for trial by a judge alone. This concept received good initial acceptance and many military accused have elected this option in the first month of the act's operation. This reflects an appraisal by the accused that the option is viable and results in an obvious savings of line officers' time.

The Military Justice Act confers upon the military judge a true judge's role by increasing significantly his powers and prerogatives. The judge will rule finally on strictly legal and procedural matters; the act does away with the former practice whereby the court members could overrule the judge on certain legal questions. The military judge has authority to hold sessions without the court members for the purpose of ruling on legal and procedural matters. The increased powers of the military judge will save time and improve the fairness and efficiency of the military justice system.

The most significant changes in military justice involve the special court-martial. An accused at a special court-martial must now be afforded the opportunity to be defended by legally qualified counsel, certified by the Judge Advocate General of his armed service, unless military exigencies or physical conditions prevent such counsel from being obtained and the convening authority so states in writing for the record. It is anticipated that this exception will be construed very narrowly. For example, the Manual for Courts-Martial, United States, 1969—revised edition—adds the additional requirement that the convening authority must also state for the record why the trial had to be held at that time and place. Army regulations also prescribe that the military exigency and physical conditions exception will never be used in the United States—less Alaska and Hawaii.

The Military Justice Act permits a convening authority to detail a military judge to a special court-martial. Military judges will increase the fairness and efficiency of special courts-martial. The implementation of this provision will vary from service to service at least initially. Army regulations, for example, provide for detail of military judges to special courts-martial whenever possible with first priority to cases involving complicated issues of law or fact.

The act requires a military judge to be detailed to a special court-martial which imposes a bad conduct discharge unless one cannot be obtained because of military conditions or physical exigencies. This exception will also be strictly construed. An additional statutory requirement for a special court-martial which imposes a bad conduct discharge is that the accused must be represented by qualified detailed counsel. When a military judge is detailed to a special court-martial the accused will have the same option as exists at a general court-martial to request trial by a military judge alone.

The Military Justice Act also makes significant changes affecting the summary court-martial. An accused may now object to trial by summary court-martial even if he has already refused punishment under article 15 of the Uniform Code of Military Justice. If an accused refuses to accept punishment under article 15 and objects to trial by summary court-martial, his case may be referred to a special court-martial where he will be afforded the opportunity to be defended by qualified counsel or to a general court-martial where he will be detailed a qualified counsel. This provision thus permits an accused to be represented by qualified counsel in almost every case in which he so desires.

The new law provides for the deferral of a sentence to confinement pending appellate review of a court-martial conviction. A court-martial convening authority has discretion to defer the accused's sentence to confinement during appellate review if the accused so requests. No bond or other monetary deposit is required of the accused. No credit against sentence will be given for the time during which the accused's sentence was defrred if his sentence to confinement is affirmed.

The act makes a number of changes in the appeal procedures in the military. The boards of review in the services are replaced by a court of military review for each service. Members of these courts are known as appellate military judges. The new law also gives the judge advocate general of each service increased powers to grant new trials and to review courts-martial. These last provisions have been in effect since October 24, 1968.

The Military Justice Act of 1968 places the military justice system in the armed services ahead of most civilian jurisdictions in terms of judicial procedures and concepts of due process. It is a system which the men and women of our Armed Force deserve, and one in which I am proud to have played a part.

Mr. Speaker, I would like to have included in the Record at this point an excellent article by Lt. Col. J. A. Mounts, Jr. and Capt. M. G. Sugarman. It appeared in the September 1969, edition of the "Military Review" as follows:

A RENAISSANCE FOR MILITARY JUSTICE

On August 1, 1969, the Military Justice Act of 1968, the new *Manual for Courts-Martial, United States,* and a revised version of Army Regulation 27–10, *Military Justice,* took effect. The Military Justice Act, together with the manual and regulations which implement it, make the most significant changes in the administration of military justice since the enactment of the Uniform Code of Military Justice in 1950. The Military Justice Act brings added benefits to the military personnel accused, and, at the same time, increases military efficiency.

The act represents a synthesis of various positions advocated by the armed services and by members of Congress. The *Manual for Courts-Martial* was drafted by a triservice committee of judge advocates under the direction of the Judge Advocate General (JAG) of the Army.

The act revises military justice in five areas:

Use and authority of military judges.

Court-martial procedures.

Accused's right to legally qualified counsel.

Release of accused from confinement pending appellate review.

Appellate review.

The act changes the name of the law officer to military judge and requires that military judges be part of an independent judiciary. The Army had already made these changes by administrative regulation prior to passage of the act.

MILITARY JUDGES

The independent judiciary concept means that judges of general courts-martial are responsible only to the JAG, or his designee, for direction and for efficiency reports. They are not responsible to commanders convening courts-martial. The purpose of this concept is to prevent commanders from exercising any influence over the procedures and results of cases.

The act authorizes an option of trial by the military judge alone without court members. This provision benefits the military accused by giving him another option within the system and increases efficiency in many cases. The accused has the right, knowing the identity of the military judge, in all general courts-martial, except capital cases, to request trial by a military judge alone. This is similar to the procedures in the Federal courts where a defendant may waive his right to trial by jury.

The accused's request for trial by judge alone will be granted if the military judge approves. Both sides are permitted to argue the appropriateness of the accused's request. The option of trial by judge alone will release many line officers from court-martial duty and will speed up proceedings in cases tried by a judge.

POWER INCREASED

The act also incorporates long advocated procedural changes designed to allow the military judge to assume a true judicial role. The military judge will be on a par with judges of Federal district courts in many respects, and a court-martial will closely resemble a Federal criminal trial.

The military judge has the authority to hold "Article 39(a)" sessions without the necessity of assembling the court-martial members. At the sessions, the judge may rule on interlocutory questions and motions, for example, on the admissibility of evidence or a confession. He can also hold the arraignment and take the plea of the accused.

The act also permits the military judge to conduct post-trial sessions without court members. Appellate agencies often remand issues to the court-martial for decision. When these remands do not require the presence of the court members, the military judge now has jurisdiction to handle them at sessions without the presence of court members.

FINAL RULINGS

The new law makes important changes in the power of the military judge to make final rulings. It also changes the way in which many rulings are made at special courts-martial. The military judge will rule finally—the court members may not overrule his decision—on challenges to court members, on requests for continuances, on all questions of law, and on all interlocutory questions other than the factual issue of the accused's mental responsibility for the offense. The military judge will also rule finally on motions for findings of not guilty and on the accused's mental capacity to stand trial.

The president of a special court-martial which does not have a military judge now will have the power to rule finally on all questions of law except a motion for a finding of not guilty. He will not rule finally, however, on any questions of fact. This new power will require additional preparation on the part of the special court president and additional familiarity with military law.

When the military judge sits alone without court members, he decides all questions of law and fact, and, if the accused is found guilty, adjudges an appropriate sentence. The judge will make a general finding such as guilty or not guilty unless special findings are requested. Special findings might include the judge's conclusions about various items of evidence or portions of testimony, or determinations concerning particular elements of an offense. Special findings may be requested to aid in appellate review of the case of a trial by a military judge alone since the appellate court will not have the benefit of the military judge's instructions to the court members.

COURT-MARTIAL PROCEDURES

The new law, the manual, and its implementing regulations streamline court-martial procedures in many ways. All counsel who are members of the Judge Advocate General's Corps (JAGC) and all military judges will take one-time oaths to serve faithfully in all cases to which they are detailed and will not be sworn again for individual cases. Reporters and interpreters, at the discretion of the convening authority, may take an oath for all cases to which they are detailed. These oaths expire when the individual is reassigned.

Additionally, convening authorities may authorize the administration of an oath to court members and to counsel who are not members of the JAGC for all cases referred to the court to which they are detailed. Except in capital cases, the military judge or president of a court-martial without a military judge may enter findings of guilty without vote of the court members when the accused pleads guilty and such plea is determined to be provident. These provisions will speed the procedural phases of trials by court-martial.

Perhaps the most significant changes in military justice involve the special court-martial. An accused at a special court-martial must now be afforded the opportunity to be defended by legally qualified counsel, certified by the JAG. This, in general, means that an accused may be defended by a member of the JAGC. Provision, however, is made for the use of lawyers in other branches of the service who are not members of the JAGC and for judge advocates of other services, should the need arise. This procedure differs from the procedure in a general court-martial where the accused is provided with a qualified, detailed lawyer without a request.

Within the United States, excluding Alaska and Hawaii, there are no exceptions to this requirement for counsel. If the accused requests a certified lawyer counsel and none is provided, the court-martial may not proceed.

In other areas, a special court-martial convening authority who does not have lawyer counsel will request such counsel from the general court-martial convening authority which exercises supervisory jurisdiction over his command. If the supervising convening authority cannot supply counsel, that convening authority will obtain counsel from certain designated commands. If counsel cannot be obtained in this manner because of physical conditions or military exigencies, outside the continental United States, the supervising convening authority with the concurrence of the designated command may cause a certificate of nonobtainability to be filed with the court-martial and the trial may proceed.

It is contemplated that there will be few situations where certificates of nonobtainability will be issued. Mere inconvenience does not constitute a physical condition or military exigency and does not excuse a failure to extend to an accused the right to qualified counsel. In addition, these conditions should exist only under rare circumstances and, even then, compelling reasons must be given why trial must be held without lawyer counsel at that time and at that place.

BAD CONDUCT DISCHARGE

Under the new law and regulations, a special court-martial convened by a general court-martial convening authority may adjudge a bad conduct discharge if a verbatim record of the proceedings is kept, if a military judge is detailed to the court, and if the accused is detailed a qualified counsel.

Although the Uniform Code of Military Justice has always permitted a bad conduct discharge as a possible sentence for certain offenses at a special court-martial, the Army has previously required approval of the JAG, acting for the Secretary of the Army, before assigning a reporter to take a verbatim record at a special court-martial. Prior to the act, the one jurisdictional requirement before a special court-martial could adjudge such a discharge was a verbatim record.

Authorization for a bad conduct discharge special court-martial, when convened by a general court-martial convening authority, should provide another useful alternative for the convening authority. It will also present a forum for the trial of those individuals who are not felt to deserve the possible greater punishment of a general court-martial.

The Military Justice Act permits a convening authority to detail a military judge to a special court-martial. Army regulations require a convening authority to detail a military judge whenever a judge is available. It is clear that, initially, military judges will not be detailed to all special courts-martial because of a lack of available personnel. Regulations, therefore, specify that judges will be detailed first to those cases involving complicated issues of law or fact.

If a military judge is detailed to a special court-martial, the accused will have the same option as exists at a general court-martial to request trial by a military judge alone.

The Military Justice Act also makes significant changes affecting the summary court-martial. An accused may object to trial by summary court-martial even if he has previously refused punishment under Article 15. This permits an accused to be represented by a lawyer defense counsel if he wishes to litigate his case fully every time he is faced with the possibility of punishment.

He may refuse punishment under Article 15 and trial by summary court-martial. In this event the convening authority may refer the case to a special court-martial where the accused will be afforded the opportunity to request qualified counsel or to a general court-martial where the accused will be detailed a qualified counsel. It should be noted that the accused runs the risk of a greater punishment by refusing Article 15 and trial by summary court-martial.

RELEASE PENDING APPEAL

The new law provides a method for releasing an accused from confinement while his court-martial conviction is being appealed. A convening authority or other authority having jurisdiction over an accused has the discretion to release an accused from confinement pending appellate review if the accused so requests. No bond or monetary deposit is required. When appellate review is completed, and if the sentence to confinement is affirmed, the accused will then be required to serve his sentence. No credit against the confinement portion of the sentence will be given for the time during which the accused was released.

The Military Justice Act makes important changes in appellate procedures in the services. It constitutes one Court of Military Review in the Army in place of the present boards of review. Members of the court will be known as appellate military judges. The act amends the Uniform Code to broaden the scope of the JAG's power to grant new trials and to review cases not otherwise reviewed by the Court of Military Review. These provisions of the act became effective on 24 October 1968.

EXTENDED REVIEW

The review was previously limited to general court-martial cases not involving punitive discharges or sentences of more than a year's confinement. It is now extended to all court-martial cases. The time for filing petitions for new trial is increased from one to two years.

The JAG is given the power to review and to vacate or modify in whole or in part the findings or sentence, or both, in any court-martial which has been reviewed finally, but has not been reviewed by the Court of Military Review. Applications for review under the new provisions must be based on grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused.

The new law and regulations also provide for summarized records of trial in certain cases and set forth new provisions for authentication of court-martial records. If an accused receives punishment of a minor nature at a general court-martial, the record may be summarized, as may the record of trial of an acquittal. Certain changes in court-martial orders are also made.

The changes in the administration of military justice brought about by the act, the manual, and the regulations require study by all members of the Army. Courses of instruction on the new law will be given by JAG officers and will be planned so as to meet the needs of the member. A one-hour course will be given to all enlisted men, company grade officers, and warrant officers. An additional hour for company grade officers and a two-hour course for field grade and senior officers will be given.

The Military Justice Act of 1968 places the judicial system of the Armed Forces ahead of most civilian jurisdiction in terms of judicial procedures and concepts of due process. In addition, the manual and the Army's implementation of the act and the manual provide a judicial framework which equals or surpasses most of the minimum standards for criminal justice proposed by the American Bar Association. The Army's procedural system alone can never create a properly functioning system of justice unless members of the Army, enlisted and officer alike, administer the system with vitality, a spirit of justice, impartiality, and good faith. When this is accomplished, the Army will have a renaissance in military justice.

DRUG ABUSE PROGRAM

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, on July 14 of this year, President Nixon outlined to the Congress a 10-point administration program to deal with the problem of drug abuse. Point 6 of that program relates to education. The President noted in his message that—

> The possible danger to the death or well-being of even a casual user of drugs is too serious to allow ignorance to prevail or for this information gap to remain open. The American people need to know what dangers and what risks are inherent in the use of the various kinds of drugs readily available in illegal markets today.

Mr. Speaker, I think it is encouraging to note that many communities across the Nation are taking it upon themselves to bridge the information gap on drug abuse. Concerned parents and educators, private groups, and business leaders are joining efforts to solve the drug problem that is infecting so many of our young people. In his inaugural address, President Nixon referred to these types of activities as—

> Those small, splendid efforts that makes headlines in the neighborhood newspaper instead of the national journal.

The President also pointed out in his inaugural address that—

> We are approaching the limits of what Government alone can do. Our greatest need now is to reach beyond Government to enlist the legions of the concerned and the committed. What has to be done has to be done by Government and people together, or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything.

Mr. Speaker, I am proud of the fact that the "legions of the concerned and committed" in my own community of Rockford, Ill., are making a substantial contribution to solving the drug abuse problem through an educational program.

The other day I received a letter from Mr. James R. Kotche who is president of the Rockford Jaycees. As we are all aware, the Jaycees of America have the motto: "Leadership Training Through Community Service." The Rockford Jaycees are rendering a very valuable community service through their recently adopted drug abuse program. This new program hinges on education. In Mr. Kotche's words:

> Education of the parents as well as education of young people is of equal importance if we are to succeed.

Mr. Speaker, I think it is significant to note that the Rockford Jaycees are the first civic organization in the State of Illinois and the first Jaycee chapter in the United States to adopt this approach. As Mr. Kotche describes it:

> We . . . feel that it is important that we as a civic organization take it upon ourselves to attempt to correct one of our community's problems. To do this without Federal funding or assistance is important to the self-respect and pride of the community. A self-help program always seems to bring better results in the overall acceptance of the program.

Mr. Speaker, I wish to take this opportunity to publicly commend the Rockford Jaycees on the outstanding example they have set for other communities and civic organizations. These are the efforts that have made our country great in the past; these are the efforts that will enable our country to solve the problems of the future.

At this point in the Record I include the full text of the letter from Mr. James R. Kotche, president of the Rockford, Ill., Jaycees:

September 2, 1969.

Hon. John B. Anderson,
Washington, D.C.

Dear Congressman Anderson: The Rockford Jaycees have recently adopted a "Drug Abuse" program. It is the intent of this program to aid our community in the area of education.

We in the Rockford Jaycees feel that there are many steps to be taken in trying to correct the problem of "drug abuse". These steps include legislation and law enforcement, guidance by parents and other adults, and most of all by *education*. Education of the parents as well as education of young people is of equal importance if we are to succeed.

The Rockford Jaycees plan the distribution of 30,000 booklets titled "A Living Nightmare", to all of the Junior and Senior high school students in Rockford and Loves Park. It is our desire that not only the students but the parents as well will read this booklet. If through this program we are able to prevent a mere ten percent of our youth from experimenting with the use of drugs, we will have succeeded. The possibility of three thousand young persons not destroying their lives before they have a chance to develop their potential is indeed very worthwhile.

We also feel that it is important that we as a civic organization take it upon ourselves to attempt to correct one of our community's problems. To do this without Federal funding or assistance is important to the self respect and pride of the community. A self help program always seems to bring better results in the overall acceptance of the program.

The Rockford Jaycees are very proud to be the first civic organization in Illinois, and the first Jaycee chapter in the United States to adopt this particular program.

Sincerely yours,

JAMES R. KOTCHE,
President.

A COMMISSION ON MARIHUANA

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. KASTENMEIER. Mr. Speaker, I should like to announce that Subcommittee No. 3 of the Committee on the Judiciary has scheduled a public hearing for Thursday, October 2, 1969, in room 2141, Rayburn House Office Building, on H.R. 10019, introduced by Hon. EDWARD I. KOCH, of New York, and related measures, providing for the establishment of a Commission on Marihuana. The subcommittee is inviting congressional sponsors of the legislation and Government witnesses to testify on the proposals. Persons interested in testifying or presenting prepared statements should get in touch with the subcommittee.

The underlying reasons for the establishment of a Commission on Marihuana are well stated in the following editorial in the New York Times for September 15, 1969:

THE FACTS OF "POT"

The question of whether "taking pot" is a step toward self-destruction or merely an innocent diversion is being debated as though it could be decided by majority vote. Few young people concede any danger whatever in the practice, many of their elders are genuinely alarmed, and medical men, predictably, are divided. The argument might be a harmless pastime were it not for two glaring circumstances: If marijuana is indeed harmful, then a staggering percentage of the rising generation is headed for disaster and drastic curbs are in order. If it is not, then hundreds of innocent users, police, school officials and parents, are being put through an ordeal as useless as it is psychologically damaging.

Given these alternative possibilities—both deplorable and both based on ignorance of the facts—Representative Koch of New York makes the sensible suggestion that something be done to diminish that ignorance. He proposes a Presidential commission, comparable to the Kerner and Warren commissions, to establish authoritatively how many Americans, and what kind, smoke marijuana; how effective the laws against it are; its psychological and physiological effects, taking the most exhaustive and reliable testimony; its possible encouragement to the use of other drugs.

Other studies have, of course, been made. A committee appointed by Mayor La Guardia in response to lurid charges about the prevalence of "reefers" in the schools, came up in 1944 with some reassuringly unsensational findings. A British Advisory Committee on Drug Dependence only a year ago found no evidence that marijuana-smoking led to violence or serious dependence. Beyond these studies and others like them a body of literature on "grass," "pot," "Apapulco gold," "weed" and "tea" goes back through the centuries.

Yet the fact remains that none of these studies, putting aside entirely the ancient and the legendary, is entirely applicable to the American situation today. The number of smokers, their degree of indulgence, and the potency of the drug—all these vary greatly from country to country and from time to time. There has been nothing in the United States comparable to the investigation proposed by Mr. Koch, either in scope or in the stature of the investigators. It is time the American people had the hard facts on a possibly soft drug.

The Attorney General of the United States has also been quoted in the press as supporting a proposal for creation of a commission to study marihuana.

ANTI-AMERICANISM FAILS IN RUMANIA

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FRELINGHUYSEN. Mr. Speaker, the columnist, Victor Riesel, has been in Communist Rumania since President Nixon visited there in July. In a column he talks of the aftermath of the President's visit.

Professional liberals may find it strange that a Republican President has been able to build bridges of peace without sacrificing his principles or America's honor. But it is so, as Mr. Riesel discovered.

Attached is his column:

ANTI-AMERICANISM FAILS IN RUMANIA

(By Victor Riesel)

Busteni, Socialist Republic of Rumania—it has been this way all along the road from Bucharest to this Carpathian mountain town. Cheers for the Americans. Cheers for Richard Nixon. Cheers, though it is now almost a month since the President visited the Communist capital scores of miles away. . . .

In a Munich-like beer hall, a queenly white-haired lady regally kisses an American newsman and raises her wine glass to our far-off land and President Nixon. High in the mountains, at Brasov, two school boys hurry down the street to hand the American journalist four Rumanian stamps as a gift to President Nixon.

Nearby, a restaurant owner hears that the Americans have reserved a table. He improvises a small American flag on a stand and the band, searching for American tunes, strikes up the "Indian Love Call," "Rosemarie, I Love You," and "My Yiddish Mama" as the Americans enter.

And in Busteni, pop. 12,500, thousands of chickens, shepherds with 200 sheep apiece and privately owned land in this non-collectivized part of Communist Romania, the people come into the streets to applaud. The mayor's lady offers fine Romanian wine. But the appointment is with His Honor down at city hall on Bulevardul Liberatii—the boulevard of freedom.

This is a small town of chicken, sheep, a newsprint plant, a bakery, seven cops, two people on welfare and lots of cheese—but don't get Mayor Marin Militaru wrong. He's a dedicated Communist. He's just back from the Romanian Communist Party's 10th Congress. Mayor Militaru was in Bucharest, with Richard Nixon, when the latter visited President Ceausescu and discussed Vietnam. Having heard Nixon then and having been in Bucharest as a delegate to the party Congress when President Nixon came in early August, Mayor Militaru says that what he heard convinces him that the U.S. President tells it as it is. But in quiet terms.

Mind you now, all this comes from a mountain town Communist mayor. He and his people, and the gypsy trio, and the regal lady and the boys and women and workers of this state no longer believe Americans are imperialist ogres. And they no longer fear saying so. *This will spread*. No one can curtain off valleys, mountains, plains, rivers and even highways reaching across all of Eastern Europe. The words re-echo from the Carpathians to the Black Sea, the Urals to the Danube. In one month there is a change.

And Dick Nixon did it.

THE THOUGHTS OF ONE AMERICAN

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. THOMPSON of Georgia. Mr. Speaker, even though we are committed to reduce the number of combat forces in Vietnam and bring them home, there continues to be well over 450,000 men stationed there who daily risk their lives fighting the enemy.

One of my constituents, the father of two men, who are serving as helicopter pilots in South Vietnam, has written the President a letter which, in my judgment, well expresses the feeling of frustration which I am sure other parents are now experiencing. His feelings and his statement regarding the conflict are very nearly my own. I have consistently advocated that either we commit ourselves to victory and give our men every possible support or we should withdraw. Because this letter is representative of the sentiments of thousands of parents throughout America, I submit for inclusion his letter into the RECORD so that others may have the benefit of my constituent's views:

SEPTEMBER 11, 1969.

Hon. RICHARD M. NIXON,
President, United States of America,
The White House,
Washington, D.C.

DEAR MR. NIXON: Reading time for this letter is five minutes, and as the father of two sons presently serving in the United States Army I trust our sacrifice will warrant your personal attention.

Our boys are both volunteers in the service of their country, and as helicopter pilots are daily risking their lives. One is now on duty in Vietnam and our younger son will receive his commission as an Army aviator next month.

It is impossible to express the anxiety and concern we have for these two young men. Because of the manner in which this conflict has been conducted ours is a feeling of bitterness and complete distrust in the leadership and judgment of our government. More than thirty five thousand American men have made the supreme sacrifice and many thousands more will bear the wounds of this war for the rest of their lives, yet we continue to ask these men to carry on and risk their lives while politicians and diplomats stumble in the darkness of indecisiveness.

As parents, it seems incomprehensible that we should make one more single sacrifice of life, continuing a war we are already committed to withdraw from—this is an exact repeat of the Korean conflict, and our continued involvement in that war while negotiating a peace settlement did not in any way benefit the American people, but instead only increased the sacrifices they were called on to make.

Like most Americans, I personally feel that our involvement in this war was a tragic mistake, as its only purpose has been to support a totally unreliable political regime more interested in personal gains than in the welfare and interest of its people. We have subsidized this economy while they profiteered. For four years we fought "their war" before they even established a system of conscription. In certain areas we have seen them assume the responsibility to fight, only to throw down their arms and run like cowards. Through the news media we daily hear of black marketing and profiteering being carried on by high officials while at the same time we see our own soldiers brought to trial for doing the job they were trained and ordered to do.

For too long this country has shown an exaggerated concern for the opinion of other nations while our government and its leaders have ignored the desires and best interests of the American people. Under the guise of diplomacy we have allowed one of the weakest and most backward countries of the world to make folly of American prestige in front of the entire world while arguing over the shape of a table. We have been more concerned over the opinions of our allies in our conduct of the war than our own welfare. We have succumbed, bowed, and knuckled under to the propaganda of double talking Orientals and finally have been successful in totally destroying our position of negotiating a settlement of this war.

You sought and accepted the presidency of this nation with the full knowledge that all of these conditions existed. The decisions and judgments that you must make carry an awesome responsibility, and may jeopardize the political future of one Richard M. Nixon; however, I feel that this cost, no matter how high it may be could never be evaluated on the same level with the weekly casualty list currently reported from our troops serving in South Vietnam.

I believe you are sincere in your efforts to bring this war to a conclusion, and as the authoritative head of our government and the Commander-in-Chief of our Armed Forces, you have within your power, ignoring world opinion but acting in the interest of this nation, to either bring an immediate end to the wanton killing of Americans or to use the full might, power and resources of this country to make this war so costly to the North Vietnamese it will be our terms and not theirs that will be heard at the Paris Peace Conference. You are known to be a man who makes his decisions in solitude, and I urge and plead with you to find the courage to speak out in a decisive manner to your countrymen and to the world.

Much of the dissent and division in our country today is caused by the frustration resulting from this war. While you are confronted with many pressing problems, both domestic and foreign, no one issue desires a higher priority than finding a solution to this complex problem. Each day's delay continues to demand its price in the needless loss of American manhood, so there is an urgency to concentrate our full efforts toward establishing a firm policy that will enable our fighting men, as well as our nation, to once again feel united and confident in our future. The phrases de-escalation, gradual withdrawal, and many other cliches popular in political circles, are meaningless and offer no comfort to the soldier who is asked to risk his life, or to his loved ones who count each twenty-four hours as though it were a lifetime.

If, in your judgment, it is not in the best interest of our nation to make a rapid and total withdrawal from Vietnam, then I think you owe it to those who have already paid the price, along with those who must still pay, to assert yourself in the name of this great country and commit our total resources to a military victory. Whether this is done publicly or privately in our negotiations, it is the only language our adversaries can understand, and once they are convinced of our position they will either be forced to terminate this conflict quickly or accept the inevitable results of total defeat. We have made every concession possible, all more or less on a unilateral basis, and so long as the fighting continues, if you expect the support of the American people it would seem to me the time has come to adopt a policy of an eye for an eye and a tooth for a tooth.

In conclusion let me say that the purpose of this letter is twofold. First, for many months now I have been wanting to express my opinions; and secondly, but of far more importance, I feel I owe it to my two sons to say what I have said, because you see, Mr. President, they were raised in the environment of an American home, they were taught to develop character and integrity, to respect others, and to accept the responsibility of serving their country. Because of this I feel somewhat responsible for their being where they are today.

To me, America is a great country, a resourceful and powerful nation, and I want my sons to return home with this feeling deeply embedded in their minds. Therefore, I trust by your actions and leadership they will be able to return and to look with pride on the country they have so willingly offered to serve.

While this represents the thoughts of only one American, I feel sure you are aware there are many millions more who would agree with and support what has been said in this letter.

Sincerely yours,
W. N. LITTLE, Jr.

SWAPS CATTLE FOR FISH

HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. O'NEAL of Georgia. Mr. Speaker, one of the most interesting developments in the field of agriculture is the progress made in fish farming.

Imagine, if you can, a farmer who has so completely converted from cattle to fish that on his 1,000-acre farm he now has 55 lakes ranging from 1 to 100 acres in size. He had over 6,000 fishing customers last year paying $2 per day.

Such a farmer is R. W. Patrick of Tift County, Ga.

The report of his success is carried in the current issue of the Progressive Farmer in an interesting article written by J. Wayne Fears.

I am happy to share it with my colleagues:

SWAPS CATTLE FOR FISH

(By J. Wayne Fears)

R. W. Patrick, Tift County, Ga., seems intent on converting his 1,000-acre farm into the South's finest fishing area.

It all began in 1946 when Patrick began developing a cow-calf operation. The farm, located in the Georgia Coastal Plain, consisted of rolling hills and wet bottoms. Patrick planted pasture—mostly Coastal Bermuda—on the hills. To meet water needs of the cattle, he built a 100-acre lake in one of the bottoms.

He stocked the lake with bass and bream and then fertilized it. Before long it was producing good fishing, so Patrick started charging $1 per day for fishing privileges. The lake attracted a few fishermen; however, Patrick's main concern was his cattle operation.

By 1952 Patrick needed more water for his growing cattle herd, so he built a second lake and stocked, fertilized, and opened it for fishing.

By 1961 Patrick had developed 15 lakes of various sizes on his bottom lands. According to Patrick, "The further you go to develop good fishing, the better the business becomes." So during the early 1960's, he began to take a serious look at the fishing business. It was no longer a small means of obtaining additional income, it was becoming a big business.

About this time, Patrick decided to see just how much fishermen were willing to pay for quality fishing. He started charging $2 per day for fishing privileges. The first year after raising his price, the number of fishermen doubled.

By early 1968 Patrick had a 600-head cow operation and a flourishing fishing operation. He decided there was more money to be made in the fishing business, so he sold his cattle. That same year, he had well over 6,000 fishing customers.

Patrick now has 55 lakes, ranging from 1 to 100 acres in size. All are properly constructed, stocked, and fertilized. When a lake quits producing quality fishing, Patrick drains, cleans, refills, stocks, and opens it again in about a year. Patrick Fish Farm has about 12 miles of clean shoreline. Since all of the lakeshores are in Coastal Bermuda, it is easy to drive to any point and launch a boat, set up chairs, or fish from the tailgate of a station wagon.

Patrick realized that, in order to offer many lakes of quality fishing, restocking was going to be a big part of his operation. So he set up his own bass and bream hatchery, and his future plans call for adding a channel catfish hatchery.

In order to encourage fishermen to fish "just a little harder," Patrick tagged some 30 bass and channel catfish with tags worth anywhere from $25 to $100 to the lucky fisherman making the catch. Apparently this has worked because already this year they have caught bass weighing up to 14 pounds, channel catfish up to 20 pounds, and bream and shellcracker up to 1 pound.

Other improvements on the farm are restrooms, picnic areas, lighted night fishing areas, and free camping. A fully developed campground is being planned.

When asked if he regretted switching from cattle to fish, Patrick replied, "Not one bit. There is more money to be made in fishing than in cows; however, it takes good land and good management to grow fish the same as it does cows."

A NATIONAL PROGRAM TO HELP THE EMOTIONALLY DISTURBED CHILD

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. HULL. Mr. Speaker, the many urgent needs of mentally ill children in this Nation and the recommendations of the Joint Commission on Mental Health of Children as to how to meet these needs were discussed recently in an excellent speech by Mr. Mike Gorman, executive director of the National Committee Against Mental Illness.

Mr. Gorman spoke before the annual meeting of the Missouri Association for Mental Health in Jefferson City and also charted the notable advances in mental health care made in recent years by the State of Missouri.

At the meeting, Mr. Gorman was presented with a plaque in recognition of his long and distinguished career in the field of mental health programs.

Mr. Speaker, because of the importance of this address, I quote it as a part of my remarks:

A National Program To Help the Emotionally Disturbed Child

(By Mike Gorman)

Speaking here in Missouri today, I feel very much like I am returning to visit many old friends in the mental health movement. In leafing through my rather voluminous Missouri file, I discovered that I have been in your good state eleven times over the past 23 years.

In a rather intriguing way, the subjects of my talks over this span of time are quite representative of the enormous distance we have traversed over these past two decades.

In 1946, speaking in Kansas City, I hit hard at the necessity of reforming our state mental hospitals and pointed to the beginnings of significant reforms in the neighboring states of Kansas and Oklahoma. A decade later, I outlined to the good citizens of Missouri the potential inherent in the development of psychiatric facilities in the heart of the community. However, your state hospital system and your whole administrative structure for the mentally ill was still so inadequate that I now confess discussion of the community mental health center idea was premature at that time.

In the late 1950's, as some of you know, the public demand for better care of the mentally ill here in this state began to manifest itself. It was, to a great degree, sparked by several excellent newspaper series, particularly those by Marguerite Shepard in the St. Louis Globe Democrat in 1958. This crusading journalism, plus the efforts of Drs. Edward and Margaret Gildea and a young psychiatrist by the name of George Ulett, who was then running Malcolm Bliss Hospital in St. Louis, led to the appointment of a qualified psychiatrist to head your Division of Mental Health.

In 1960, when I spoke again in St. Louis, I felt free to devote major portions of my talk to health insurance coverage of mental illness, psychiatric units in general hospitals, education of general practitioners in psychiatric skills, a plea for a whole new look at the way we were handling our emotionally disturbed children, the need for day hospitals, half-way houses and emergency psychiatric services, and so on.

In 1963, speaking here in this city at the historic Leadership Conference of your Association, I still had to chastise you for your low ranking among your sister states in the care of your state hospital patients, but I was very happy to commend you for the passage of Senate Bill 56, providing for three community mental health centers. This legislation, as most of you know, preceded the national community mental health center legislation which passed the Congress later that same year.

I appear here tonight to tell you that all of us who are active in the mental health field regard Missouri as having one of the finest mental health programs in the entire country.

Many of you in this audience tonight are aware of the statistics buttressing this conclusion. In a period of little more than a decade, you have achieved a remarkable reduction of 35 percent in the number of patients hospitalized in your state hospitals—a reduction considerably in excess of the national average over the same period of time. It is most impressive that all five of your state hospitals have received full accreditation from the appropriate professional organizations. Equally important is the truly miraculous progress you have made in recruiting mental health personnel to your hospitals and your mental health centers. For example, in relation to your population and the size of your mental health system, you have one of the highest ratios of psychiatric residents in training in the entire country.

You are also moving forward on the community mental health center front, though not as rapidly as some of us hoped, since the Mid-Missouri Center in Columbia was the first to receive federal funds under the 1963 legislation. However, the passage of Senate Bill No. 168 by the current General Assembly will give many of your counties an opportunity to take to the people the case for local community centers partially financed by local levies. As this legislation is implemented, you can take heart from the fact that all across the country referenda for increased local levies to establish community mental health centers have achieved a truly remarkable 94 percent approval average.

If time permitted, I would like to discuss in some detail your alcoholism program—which again is one of the three or four best of its kind in the country. I am also fascinated by your carefully worked out computer program, and I have had several long conversations with Dr. Ulett about its potential for other states.

As one who has been fairly critical of the Missouri mental health program in most of my past appearances in this state, I think it only appropriate to take a moment to cite just a few of the people who made your present pre-eminence in the field of mental health a reality. If I leave out any names, it is because of lack of knowledge or lack of time.

I have found Governor Warren Hearnes and his two predecessors—Governors Blair and Dalton—committed to the need for an adequately financed and professionally directed state mental health program. In the state legislature, you have leaders like Senator A. M. Spradling, nationally known for his leadership both in the mental health field and in the work of the Council of State Governments. I have had the privilege of knowing many of your citizen leaders—Frank Proctor, Dave Skeer, Helen Twersky, Jack Stapleton, and many others—and as a fellow citizen working with them in the vineyard, I commend them from the bottom of my heart.

I cannot say too much in praise of your Director of the Division of Mental Health, Dr. George Ulett. He is dedicated, he is imaginative, he is restless, and he is a very bright fellow. I want to say tonight to him what I never told him before—that I am very glad that I failed in my effort to recruit him for the Commissionership of Mental Health in New York State back in 1966. George Ulett is just too good for the New York system.

Last but not least, I want all of you people here in Missouri to know that you have a strong friend of mental health in the person of Congressman Bill Hull from St. Joseph. Bill Hull is in his third year on the House Appropriations Subcommittee which handles all the funds for the National Institute of Mental Health, among other activities, and he has been increasingly supportive of our budget requests. This year, for example, he was a key figure in the restoration of four million dollars for alcoholism which was in the original January NIMH budget, but was cut out in the Nixon revised budget. Getting any increases this year takes a lot of doing, and Bill Hull was in their pitching all the way. It would be very nice if some of you would write and thank him for this effort.

Since Dr. Ulett has already covered the subject of emotionally disturbed children in Missouri, I want to make just one brief comment. I am impressed with your efforts in building new children's units at the state hospitals, and I am even more impressed with the record of your three community mental health centers in handling more than 2,000 children each year. These are important steps, but I hazard the opinion that most of the children who are being served by these programs are quite far advanced in the level and chronicity of their disturbance. The big job ahead of us in this country is to treat incipient behavior disorders in children before they freeze into rigid symptoms.

In 1965, Senator Abraham Ribicoff introduced legislation providing partial federal funding for a privately incorporated Joint Commission on Mental Health of Children to take a long, hard look at the plight of our emotionally disturbed children and come up with specific legislative and policy recommendations. With the vigorous support of Senator Lister Hill of Alabama and the late Rep. John Fogarty, funds were appropriated and the Commission came into being in January 1966.

The Commission, composed of representatives from 53 national organizations interested in children, has labored long and hard over the past three and one-half years. Those of us who have had the privilege of serving on its Board of Directors have waded through thousands of pages of documentation from 10 expert task forces and have held innumerable meetings—many of them quite stormy—in an effort to produce the most meaningful final report. I am confident that it will be hailed as a latter-day Magna Carta for our mentally ill children.

The ensuing material consists mostly of direct quotations from the final report, but since I have had a fair amount to do with the composition of this material, I will not put it in quotation marks:

We frequently assert that ours is a nation devoted to its young. Our acts, however, belie our words. We have failed to commit our vast resources to eliminating the innumerable ills which hinder the healthy development of our young. Through our failure, we do violence to our most precious natural resource and, ultimately to the destiny of our nation. The number of mentally, emotionally, and physically handicapped youngsters in our midst are living testimony of the most devastating form of this violence.

From the time of the first White House Conference on Children in 1909 we have repeatedly, and with considerable eloquence, announced our intentions to develop strong, imaginative programs for children and youth. Yet, our programs for maintaining the health and mental health of infants and children remain woefully inadequate to the present day. Further, our preventive programs are most deficient where they are most crucially needed, that is, during the prenatal period and the first three years of life. For millions of our young, these highly critical periods of development go unattended. The consequent damage to health and mental health are inseparable and frequently lead to irreversible handicaps.

Our corrective and remedial efforts often reflect the same historical apathy. For example, we have not even met the needs of our emotionally disturbed children and youth, although these needs have long been recognized. The 1930 White House Conference on Child Health and Protection, composed of several thousand citizens and government officials, proclaimed that:

The emotionally disturbed child has a right to grow up in a world which does not set him apart, which looks at him not with scorn or pity or ridicule—but which welcomes him exactly as it welcomes every child, which offers him identical privileges and identical responsibilities.

The 1930 White House Conference estimated that there were, at that time, at least two and one-half million children with well-marked behavioral difficulties, including the more serious mental and nervous disorders.

In the four decades since the issuance of that report, the care of the emotionally disturbed child in this country has not improved—it has worsened considerably. During the three years of its deliberations and fact-finding efforts, the Joint Commission has gathered together an impressive body of descriptive material on the plight of the emotionally disturbed child in America today.

Our major national, professional organizations estimate that there are now approximately four million children under the age of 18 who are in need of some kind of therapeutic intervention because of emotional difficulties. Of this number, anywhere from one-half million to a million children are so seriously disturbed that they require immediate treatment.

Are they getting this treatment? A survey undertaken by the National Institute of Mental Health in 1966 concluded that, of the 70 million children under 18 in the United States, 1,400,000 were in need of psychiatric care. Only 473,000 of these children received care, indicating that our service facilities failed to serve two-thirds of those in need. Other estimates of those in need of care, based on surveys conducted through various school systems, all confirm the need for psychiatric care for two to three percent of the children. However, these studies identified an additional seven to nine percent who need help for emotional problems.

What happens to these emotionally sick children for whom there are no services in the community? Each year, increasing numbers of them are expelled from the community and confined in large state hospitals so understaffed that they have few, if any, professionals trained in child psychiatry and related disciplines. It is not unusual in this year 1969 to tour one of these massive warehouses for the mentally ill and come upon a child, aged nine or ten, confined on a ward with 80 or 90 sick adults. Data for 1966 indicate that over 27,000 of these children were confined in state and county mental institutions. On the basis of a trend which has been developing over the past few years, the National Institute of Mental Health estimates that by 1970 the number of children aged 10–14 hospitalized in these institutions will have doubled.

The National Institute of Mental Health also reports that thousands upon thousands of elderly patients now confined on the back wards of these state institutions were first admitted as children 30, 40, and even 50 years years. A recent report from one state estimates that one in every four children admitted to its mental hospitals "can anticipate being permanently hospitalized for the next 50 years of their lives."

After two years of studying the situation, the Clinical Committee of our Commission had this to say of the hospitalization of these disturbed children:

> The admission of teen-agers to the state hospitals has risen something like 150% in the last decade. . . . Instead of being helped, the vast majority are the worse for the experience. The usual picture is one of untrained people working with outmoded facilities within the framework of long abandoned theory (where there is any consistent theory), attempting to deal with a wide variety of complex and seriously sick youngsters and producing results that are more easily measured by a recidivism rate that is often 30 to 50%, and occasionally higher.

What we have, in effect, is a state of quiet emergency, unheralded and unsung, silently building up its rate of failure and disability and seemingly allowed to go its way with an absolute minimum of attention from the public, the legislators, or the clinical professionals. Nor is it difficult to understand why this state of affairs obtains—no one likes a delinquent youth, a bad actor, and when he is sent away the chief wish is just that, that he "go away." Out of sight. Out of mind.

What happens if the disturbed child is fortunate enough to escape the state institution treadmill? In a few of the major cities in this country, there are private, residential treatment centers which care for about 8,000 children a year. Since the average cost to the parents of such hospitalization ranges from $50 to $75 a day, it is obvious that only those of our citizens who are in the higher income brackets can take advantage of such services. Even among these ratified income brackets the situation is far from satisfactory; for every child admitted to one of these private facilities, 10 or more are turned away because of lack of space. In 15 of our states, there are no such facilities for children, either public or private; in 24 of our states, there are no public units to care for children from low and middle income groups.

What about all the rest of our four million children who, as indicated above, need some kind of help for an emotional disturbance? Here the statistics become much less precise, since a vast majority of these children are literally lost. Many are bounced around from training schools to reformatories to jails and whipped through all kinds of understaffed welfare agencies. No one is their keeper. No agency in the community is equipped to evaluate either the correctness of their placement, or the outcome of such placement.

If they are sent to a training school, as recent testimony before a Senate Committee revealed, they may receive poorer treatment than caged animals or adult convicts. Appearing in 1969 before a Senate Committee, Joseph R. Rowan, an expert on delinquency who is now director of the John Howard Association of Illinois, characterized these institutions for juveniles as "crime hatcheries where children are tutored in crime if they are not assaulted by other inmates or the guards first." Another witness, Arlen Specter, the District Attorney of Philadelphia, told the same committee that these so-called correctional institutions for juveniles take a 13-year old and, in 11 years, turn out "a finely honed weapon against society."

Commenting on the failure of juvenile courts and juvenile correctional facilities even to begin to meet the manifest needs of emotionally disturbed and sociopathic children, Judge David Bazelon, a member of the Joint Commission, noted in a recent talk that, although this nation is aware of the problem, it does not support funds to treat and care for these children *because it has really given up on them.*

A review of numerous case histories, plus independent research, led the Clinical Committee of the Joint Commission to the following inescapable conclusion:

> As of today, the treatment of the mentally ill child in America is uncertain, variable and inadequate. This is true on all levels, rich and poor, rural and urban. The problems are most widespread among the poor, as are all health problems, but the fact is that only a fraction of our young people get the help they need at the time they need it.

From all of its studies, the Joint Commission concludes that it is an undeniable fact that there is not a single community in this country which provides an acceptable standard of services for its mentally ill children.

The Commission therefore recommends that federal funding be provided for the establishment of a network of Child Development Councils throughout the nation. These Councils would act as the direct advocate for children and youth. They would have the responsibility and prerogative of insuring that complete diagnostic, treatment, and preventive services are made available to all children and youth in the neighborhoods which they serve.

Child Development Councils constitute a new kind of institution. They have a fourfold aim. They seek:

To integrate the existing fragmented services for children and youth and to insure that each child's needs are met through advocacy and improved interagency arrangements;

To guarantee in every community adequate diagnostic, treatment, care, special education, and social services for children with emotional, mental, behavioral, social and physical disturbances through leadership in planning new services, reorganizing existing services, and insuring that children in need receive the necessary care and treatment;

To guarantee every child an adequate education and to develop new and emerging programs for developing competence in children and youth; and

To involve parents in the planning and operating of services on behalf of their children, but not to neglect of known valuable professional services.

While models for Child Development Councils may vary, as defined by the cultural and social backgrounds of participating citizens and clients, we suggest that these Councils might have some of the following basic functions:

The Council acts as an advocate in behalf of the child. As such, it is legally empowered to insure needed services, to contract for services from existing agencies, or to use its own direct operating funds to provide services that are either unobtainable or of unsatisfactory quality. However, where it becomes necessary for the Council to set up services directly, it should operate these services only on a temporary basis until such time as these services can be effectively run by new or already existing agencies.

In essence, the Council functions as an informational service to guarantee the visability of every child in need. It will make every effort to become acquainted with all children and families within its service area, to inform them of its roles, and its services and activities, and to urge them to participate. In time, it is hoped that every child in need will be known to the Council and that a confidential continuing, longitudinal medical and psychological record can be developed for these children.

As an agency concerned with treatment and prevention, the Council should be the focal point for continuing interest and concern for children who are brought to it. As the principal agency for children in the community, it must gain the confidence of the families in the area by doing an immediate and effective job of helping them cope with their problems. After an initial assessment of the problem, it must take the full responsibility for referring the child to an appropriate helping service—diagnostic, treatment, educational, welfare, and, in some cases, full-time residential care. The Council must never lose track of any child; it must be the central repository for all information on the progress of the child forwarded from facilities to which he has been sent. It must also accept responsibility for periodic assessment of the value of each individual referral, and it must be equipped and ready to change any referral when it is determined that the child is no longer benefiting from it.

In order to carry out these responsibilities, the Councils will develop skilled personnel to serve as advocates performing functions similar to the ombudsmen role which originated in the Scandinavian countries. A description of the role of such a child advocate is contained in the following excerpt from the report of our Clinical Committee:

Another possibility is a central child-caring service that shepherds and accompanies the child through the whole gamut of studies and treatments, remaining always a unitary link between the family and the community resources no matter how diverse. Where extensive agency structures exist, it is likely that the child's ombudsman, the caretaker, should be the point of initial contact, and this caretaker should run interference for the entire process. Such a situation is likely to pertain in a large city where a great many agencies with different functions have gradually grown over the years, so that what faces the bemused family is a veritable thicket of names, functions, places, rules, responsibilities, and expectations; and what faces the child are all kinds of people, each of whom seems to want him to do something else with or for them—and none of whom he may understand very well, let alone have a chance to come to feel comfortable with. A guiding, constant, friendly mentor to come along, find the way, stay nearby, carry the burden of the arrangements, help with the transportation, and explain about what's happening, can be a lifesaver in such a situation.

In very simple terms, we see the Council as the conscience and action arm of the community with regard to its children. It would devise ways of making services accountable to children and to each other. Where it succeeds, every family in the community will know that this is the one place you can go when a child is in trouble, or when advice is needed on some developmental or educational problem. The Council would be the overall coordinator, planner, evaluator, and guarantor that no child in the community is lost or neglected.

The Council must also be the guarantor of the quality of services for children in the community. Wherever possible, it should contract for services with existing agencies in the community. For example, it might contract with a child guidance clinic for diagnosis; with the school system for special educational programs, or with community mental health centers for residential, day or outpatient care for disturbed children.

The Commission recognizes that this basic objective of insuring delivery of services to children and youth can only be achieved and sustained if the advocacy function is complemented by mechanisms of administrative, policy, and funding intent at all levels of government. Therefore, the Commission recommends that partial federal funding be provided for the establishment of public advocacy functions at the national, state, and local governmental levels.

At the national level, the Commission recommends that the President appoint a Council of Advisors on Children and Youth similar to the Council of Economic Advisors. Advocacy for children and youth would then derive its strength from the highest office in our nation. This President's Council of Advisors on Children and Youth would have direct links with the Bureau of the Budget and would be charged with the responsibility of studying and gathering information on the problems of children and youth in the United States and with doing long-range planning, policy-making, and programming, both for services and for manpower. This advisory body would provide information about how agencies are working together, competing, or overlapping in providing services and would advise the President and Congress as to the allocation of monies spent for children and their families.

The advocacy concept at the state level would be carried out by a State Commission on Child Development. This Commission would be concerned with an on-going inventory of the needs of children and youth in the state. Its crucial task would be to develop a state plan—in conjunction with broad federal guidelines—which would organize and coordinate all the services and programs required to meet the needs of children and youth in the state. This Commission would review applications from local governmental Child and Youth Authorities for the establishment of neighborhood Child Development Councils and would periodically evaluate the Councils as they are established.

At the local governmental jurisdiction (city, town, township, county, or combination of these), a Local Child and Youth Authority would be created for the purposes of coordinating and planning services, and for developing necessary overall policy involving the several Child Development Councils and various service dispensing agencies under its auspices.

At all levels—neighborhood, local, state and national—participation and representation in the various advocacy bodies would include professionals, laymen and citizens. At the neighborhood level, consumers of services would be involved in the planning and operating of the Child Development Councils.

Federal planning grants will be made available through provisions similar to those enacted under the legislation for the planning of Comprehensive Community Mental Health Centers. Where state plans are inadequate, or prove to be slow in developing, Federal funds can be administered directly to the Local Child and Youth Authorities upon submission of acceptable local plans.

Ultimately, it is hoped that Child Development Councils will be established to serve every child and youth in America. However, the Commission recognizes that these cannot be funded and established overnight. We recommend that the following steps be taken within the next several years:

A. The creation of the President's Council of Advisors on Children and Youth.

B. The establishment of a State Commission on Child Development in each state to develop the state plan for services (with option to consolidate under present regional planning areas).

C. The establishment of at least one Local Child and Youth Authority in each state.

D. The establishment of approximately 100 Child Development Councils throughout the nation, with at least one in each state.

E. The creation, by full federal funding, of approximately 10 Evaluation Centers, with each being placed in a different type of community. These Evaluation Centers, whether independent of or related to the Child Development Councils, would study, test and evaluate the goals proposed for the Councils and would provide data for the establishment of future Councils and for improvement of already existing Councils.

The cost estimates on the report cannot be spelled out exactly, since we are projecting not only the cost of a network of Neighborhood Child Development Councils, but also the funding requirements for more than 100 major recommendations, including family planning and birth control services; systematic prenatal care; comprehensive psychiatric and pediatric supportive services for children under the age of three; a broad range of educational recommendations starting with the pre-school child; special programs for children of minority groups and in poverty areas; a day-care system for all children; national health insurance coverage for the medical and psychiatric needs of children, and many more recommendations too numerous to list here.

As a rough guess, we estimate that *eventual* implementation of all of our far-reaching recommendations will cost somewhere between six and ten billion dollars a year. A considerable portion of this financing will consist of re-allocating monies now devoted to ineffective programs, but a major portion will be devoted to new appropriations for new kinds of services.

We do not flinch at the size of this financial recommendation. If we really intend to replace all of the nauseating rhetoric about our children with a massive program designed to optimize their physical and mental potential we must, as a nation, drastically re-alter our priorities. For example, one of our task forces noted that the Federal Government is spending approximately $190 a year for services to children, as compared to $2,000 per year for services to individuals over 65 years of age. We don't propose to cut down on these expenses for the aged, but we certainly want expenditures for children to at least equal the amount of money we spend for our elderly citizens.

If we can spend 80 billion dollars a year for the defense of our country, we can surely afford 10 percent of this for strengthening that generation which will inherit a host of agonizing problems on both the domestic and world scenes.

I think the prognosis for significant legislation carrying out the major recommendations of the Joint Commission during the next year or two is quite good. At the American Psychiatric Association convention earlier this year, Senator Ribicoff promised to introduce legislation "as fast as we can draft it" to implement the leading recommendations of the Commission report.

However, in the final analysis, the Administration and the Congress will not move until they hear from the citizens all across this land. We of the Commission have done our job; it is now up to you in mental health associations and allied organizations to take up the torch.

The entire fate of the report of the Joint Commission on the Mental Health of Children now rests upon the shoulders of all of us. As Thomas Jefferson once said:

"There is no substitute for the enlightened action of an aroused citizenry."

Let us move into the action phase.

SUPPORT OUR BOYS IN VIETNAM

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. MESKILL. Mr. Speaker, I would like to draw the attention of my colleagues to a letter which I received recently from one of my constituents. I found this letter to be a moving expression of one man's thoughts for which I think there is great sympathy both in this legislative body and in the Nation at large.

I have always had some reservations about our involvement in Vietnam, but, as I told Mr. Bobrowski, I felt that once we have embarked upon a venture where American boys are asked to give their lives, we owe them our complete support.

When I say complete support, I mean that sometimes we may be asked to bite our tongues in order that our statements do not give aid and comfort and encouragement to the enemy and serve as a source of discouragement to our fighting men. I think this is a matter which has been forgotten by so many who denounce the war so loudly.

Mr. Speaker, I would like to share this fine letter from Mr. Bobrowski with my colleagues so that they also might have the benefit of this gentleman's thoughts:

BERLIN, CONN.,
September 4, 1969.

DEAR CONGRESSMAN MESKILL: Every now and then you bump into something that prods you to express yourself on some issue. Reading the enclosed article [The Reader's Digest, September, 1969, "Your Son Has Been Wounded . . ." page 63] was that something for me. If you haven't read it, please do.

I feel the last three paragraphs of this article express the feelings of many Americans, myself included. They describe the tragedy of our situation in Vietnam better than I could hope to ". . . the wounded of Vietnam do not ask for pity. What they need most is the assurance that their immense suffering has not been in vain. They need recognition of their courage in war's battles and in their own daily battles to recover. All about them swirl the voices of their countrymen calling the Vietnam war a travesty, one of history's horrible mistakes. The wounded recognize that these judgments may be proper, but they need validation of their own response when they were called to serve." I cannot help but feel that this story could well be about one of my three sons someday in the future.

It is impossible for me to understand why American men are being asked to die, to suffer, to be tortured by a savage enemy in this farce of a war. I believe that if our cause is right and our men are asked to risk their lives in combat, we must do no less than to support them with all the might at our disposal and bring the enemy to his knees. If we must fight a war in Vietnam, then by God fight it without the stupidity of politics and the confusion created by the ignorance of amateur theorists. The cost of these mistakes is measured in the lives and bodies of American men. If we cannot, in all intelligence, utilize American military might to bring this war to a quick end—then get the hell out of Vietnam and do it now.

I do not envy you at all. You have chosen to be a member of the Congress of the United States in a most difficult period of time—and your responsibility is awesome. You deal in human life—thousands of American lives. I believe that you and your colleagues have no more important task than to stop this senseless situation by whatever means necessary, as soon as possible.

I pray to God that you will find the way soon.

Very truly yours,
LOUIS G. BOBROWSKI.

THE FED'S REGULATION "Z"

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FINDLEY. Mr. Speaker, the truth-in-lending law, which the Congress recently enacted and which went into effect on July 1, has as its laudable goal the protection of the consuming public which often purchases goods in the pressurized atmosphere created by an overzealous salesman. Insofar as the legislation equalizes the balance in the marketplace between buyer and seller, it is both necessary and proper. However, the regulations promulgated by the Federal Reserve System pursuant to the truth-in-lending legislation have evoked a storm of protest from those businessmen who must implement and live with the regulations, and I have become convinced that much of the protest is justified. In more than one instance, the Federal Reserve System has apparently gone beyond the scope of the legislation enacted by Congress, and, also a reasonable interpretation of legislative intent.

The legislation enacted by Congress, in section 125, states that the consumer shall have the unilateral right to rescind any credit transaction "in which a security interest is retained or acquired in any real property which is used or is expected to be used as the residence of the person to whom credit is extended." The consumer is given 3 days in which to act. Regulation Z of the Federal Reserve Board, which implements this legislation, interprets the words:

> "Security interest" to include "mechanic's, materialman's, artisan's, and other similar liens, . . . [and] any lien on property arising by operation of law."

It should be clear to anyone reading the legislation enacted by Congress that liens arising by operation of law are not "given" by the obligor, and therefore this regulation promulgated by the Federal Reserve System is outside the scope of the legislation.

Similarly, under the laws of most States, liens arising by operation of law are generally not assignable, and therefore not of the type at which Congress was aiming when it enacted the truth-in-lending legislation.

The result of the overly broad scope of regulation Z has been an imposition of unnecessary and burdensome paperwork upon many small businessmen and, more important, the unnecessary risk that the small businessman may lose his secured position which heretofore had legitimately been protected by the law. Rather than restricting the application of the truth-in-lending legislation to unscrupulous mortgage racketeers and other fly-by-night operators who victimize homeowners with their fast-sell and quick-exit schemes, the regulation promulgated by the Federal Reserve System has been unjustly applied to many other unquestionably honest small businessmen who were not intended by Congress to be affected and who have not previously abused their secured position to the detriment of their customers or the public.

Therefore, I am today introducing an amendment to the truth-in-lending legislation which would specifically exempt mechanic's, materialman's, artisian's or other liens arising solely by operation of law. In my judgment, this was the original intent of Congress, and we should act quickly to prevent small businessmen across the Nation from needlessly suffering under the existing regulation. I am hopeful that many of my colleagues will join me in this endeavor.

Text of bill follows:

H.R. 13915

A bill to amend the Consumer Credit Protection Act to retain the effectiveness of materialmen's and mechanic's liens

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. Add to Section 125(e) directly after the last word in the Section the following: ". . . nor to any transaction in which the only lien arising, created or retained is a mechanic's, materialman's, artisan's or other lien arising solely by operation of law."

WOMAN MUST GO BUT HER CHILDREN MUST STAY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FRASER. Mr. Speaker, the following article appeared in the Star of Johannesburg, South Africa, on September 6, 1969:

CHILDREN MUST STAY: SOUTH AFRICA BORN, SHE MUST "RETURN" TO LESOTHO

South Africa is Mrs. Janet Gwala's home; but South Africa has instructed her to "return" to Lesotho, a country she has never seen. Now officialdom has dealt her another blow: Lesotho won't accept her children.

It all began with a clerical error years ago, which registered her place of birth as Lesotho, although she was born in South Africa. In spite of her complaint the mistake was not rectified.

Now a widow, she has been given notice by the Bantu Commissioner to leave South Africa by October 15.

Her first distress was at having to uproot her children and take them to a country where she has no friends or relatives. That worry is over: but its replacement is worse. Lesotho officials say she must go alone—her children must stay behind because they were born in South Africa.

Now her struggle to have that old clerical error corrected has become a battle to stay with her family in the only country she knows.

She will be allowed to stay here only if she can prove she was born in South Africa. But positive proof eludes her. Her birth was not registered, so there is no birth certificate. She is now 50—and her mother has long since lost her baptismal certificate.

She can produce her father's death certificate and her husband's death certificate, as required by the Bantu Commission.

An aged uncle in the Free State will probably be able to give an affidavit to the nearest Bantu Commissioner to certify that she was born in South Africa.

Her 70-year-old mother and her brothers and sisters will also testify to this. But an accident of birth makes the evidence of her brothers and sisters almost worthless. Mrs. Gwala is the eldest in the family. And the Commissioner will accept only evidence of older brothers and sisters born in South Africa that a younger member of the family was also born here.

Her only consolation in the bewildering fight against officialdom has been a promise that she will not be forced to leave South Africa until her case has been fully investigated.

All governments establish regulations and rules for the orderly transaction of public business. We often pejoratively call this redtape. But it is not the lack of redtape, in this sense, which distinguishes the humane government from the oppressive government. It is what the rules and regulations are and how they are administered, especially whether they are blindly applied or wisely interpreted.

Mrs. Gwala's misfortune is that she was born in a country which is unlikely to recognize that fact. Those who "administer Bantu affairs," based on past performance, are not likely to view Mrs. Gwala's case sympathetically. And without understanding and humanitarian concern rule-applying often is dehumanized.

FUTURE OF OUR U.S. SPACE PROGRAM

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FULTON of Pennsylvania. I offer for the CONGRESSIONAL RECORD an excellent editorial in the Washington Post of Friday, September 19, 1969, complimenting Astronaut Neil Armstrong on his fine statement before the historic joint meeting of the House and Senate, Tuesday, September 16, 1969:

A SPACEMAN'S SENSE OF BALANCE

The report of President Nixon's Task Group on Space and, indeed, even the speeches to Congress of the three men who rode in Apollo 11 have brought some rationality back to the discussion of whither the space program. That report recommends that the President commit the nation to a "long-range goal of manned planetary exploration" aimed at a landing on Mars in the early 1980s, the mid-1980s, or the 1990s. Acceptance by the President of the basic recommendation would eliminate talk of abandoning manned space flight, which would be a foolish course of action, or of proceeding toward Mars in a crash effort to get there as quickly as possible.

It is difficult for anyone to reach any other conclusion except those who blindly opposed manned space travel or those who, equally blindly, favor giving it the nation's top priority. Space exploration ought to proceed in an orderly way, maximizing at every step the advance of knowledge and the utilization of it here on earth. In fact, it is not at all clear that the President should set a "goal" of a Mars landing in any particular year.

What is important is for the nation to push ahead on the immediate recommendations of the Task Group—exploring the moon, developing the tools that are needed for systematic exploitation of our space travel capability, and extracting from the space program more benefits for those of us who are earthbound. This means that NASA would continue its moon flights, perhaps reaching the day in the 1970s when semi-permanent colonies would be established on the moon's surface. At the same time, it would push development of a nuclear rocket engine, which would make long-range space travel more feasible, a space vehicle that could be landed on earth and used over and over again, which would reduce the costs of each mission sharply, and a space station to hold a dozen or so men that could be flown in orbit around the earth or the moon or, when the time comes, Mars.

This kind of program would keep NASA operating for a while on about the budget it now has. It would have the advantage of allowing the agency to keep together the remarkable team of scientists and engineers it has created by giving them new and interesting problems to solve. At the same time, it would encourage those in NASA who want to tailor the space program to produce more information directly useful to the solution of earthly problems—surveys of natural resources, weather prediction and control, and so on.

Although parts of the speeches the three astronauts of Apollo 11 delivered to Congress Tuesday were open pleas for money for future space flights, they were carefully balanced by the recognition each man gave to the needs of domestic programs for the funds that might otherwise be spent in space. The words of Neil Armstrong, the first man to walk on the moon, are worth repeating because they catch the spirit of the delicate balance that must be made between the dreams for adventure and the practical realities of life:

"Several weeks ago, I enjoyed the warmth of reflection on the true meaning of the spirit of Apollo. I stood in the highlands of this nation, near the continental divide, introducing to my sons the wonders of nature and pleasures of looking for deer and elk. In their enthusiasm for the view, they frequently stumbled on the rocky trails, but when they looked only to their footing, they did not see the elk.

"To those of you who have advocated looking high we owe our sincere gratitude, for you have granted us the opportunity to see some of the grandest views of the Creator. To those of you who have been our honest critics, we also thank, for you have reminded us that we dare not forget to watch the trail."

THE ADMINISTRATION BACKS UP ON TAX JUSTICE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. EILBERG. Mr. Speaker, today I rise to express my alarm at the incredulous position which the administration has taken with respect to the tax reform legislation passed by the House. The statement of Treasury Department Secretary David Kennedy before the Senate Finance Committee indicates that the administration is headlong in retreat from the goal of tax equity which I believe the House tax reform bill started the Nation toward. The administration's tax reform position indicates to me that the Wall Street lobbyists deserve a raise as do those for the Nation's corporate hierarchy and the big foundations. Mr. Kennedy's statement also indicates that the lobbyists for the real estate interests will probably lose their jobs because they were not nearly as effective in championing the interests of the privileged as were some others. The oil industry lobbyists will probably keep their jobs as a result of the administration's position on the oil-depletion allowance but there will be no raises this year.

In sum, the administration's position on the tax reforms which the House passed as the first step toward the goal of tax justice would deprive middle- and low-income taxpayers of about 50 percent of the tax reduction which we provided in our tax reform bill.

The administration would continue to tax the middle-income taxpayer and the poor at exorbitant rates and reopen somewhat the loopholes for the privileged which the House closed through its action under the able guidance of the chairman of the Ways and Means Committee. My strong feelings about the need for tax reform now so that we can achieve tax justice as soon as possible make it impossible for me to swallow the administration's tax proposals quietly.

I would be the first to admit that the tax reform bill which we in the House passed was not perfect. It does not bring us to our goal of tax equity for all citizens, but it takes us part of the way there. The bill we passed here was imperfect not because it provided for too much tax justice but instead because it did not go far enough toward closing the tax loopholes which have made a mockery of the income tax principle that all should pay for the support of their Government according to their means.

We all remember that, during the heat of the campaign, Mr. Nixon pledged that he would, if elected, represent the forgotten man. Mr. Nixon, it would seem from his position on tax reform, feels that the forgotten American is the president of a corporation and not a middle-income American. Certainly, no rational person can say that a corporation executive is the forgotten American. For too long the Internal Revenue Code has provided these people with the tax loopholes which have made the burden on the middle-income salaried taxpayer heavier and heavier. If loopholes keep the rich from paying their fair share, then someone has to take up the slack and more often than not the victim of increased taxes has been the middle-income American.

When many were led down the primrose path and supported enactment of the 10-percent tax surcharge last year, they were told that this added tax would be the means to stop inflation, loosen the tight money situation, and stop the outrageous increases in commercial interest rates. The results speak for themselves. First, those who had been avoiding paying their fair share of the tax burden because of the loopholes in the system continued to avoid paying their fair share of the tax surcharge in the same way, and those who were paying more than their fair share to begin with through the surtax were now paying even more exorbitant income tax rates. Second, the tight money situation has not eased. Third, interest rates have skyrocketed. Fourth, the cost of living is increasing faster than ever. Finally, this year the cries from these hard-working, law-abiding, taxpaying Americans have borne fruit. Tax reform is an idea that at last had come of age. The bill passed by the House represents a forward step toward tax justice and the administration's statement is nothing short of a cop out.

Perhaps it may be necessary for Mr. Nixon to look once more at the definition of a forgotten American, the man he was so interested in representing. The forgotten American is the man who pays the National, State, and local taxes which grow more burdensome every day; this man works every working day; he pays his bills; he does not riot; he serves his country willingly; he educates his children; and he obeys the laws. He also pays the lion's share of the taxes that operate the Government.

The middle- and low-income taxpayers of the United States are in a mood of seething discontent. They are on the verge of revolt. The bill which passed the House showed these taxpayers that the House does care about them and their problems. If the administration has its way, we will take a giant step backwards toward the day when the rich get richer and the poor get poorer through subversion of the Internal Revenue Code. The tax reform bill which the House passed was a major victory for the middle-income American. At least we and he thought it was until the lobbyists had worked their will on the administration.

The tax reform bill which we passed here a short time ago held out to middle-income Americans the hope that tax relief was on the way; that those who were not now paying their fair share would at last begin to do so; that life would be brighter on the whole.

The administration's tax proposals appear to be an attempt to destroy the American middle class. As Lord Bacon said:

> The power to tax is the power to destroy.

Certainly it should not be, as the administration would have it, an active part of our national policy to destroy the American middle class.

I believe that tax relief for the lower- and middle-income taxpayer will do more to achieve social goals and contribute to the health of our economy than any governmental program or measure. Tax reform is, therefore, not only just but it is economically sound. While the government must be concerned about the effect on revenue that any tax change would cause, the simple fact remains that there is no effective change in revenue under the proposals of the administration as compared to the legislation passed by the House. The administration's proposals are bizarre. I will not be a party to such an attempt to subvert the will of the American people. Tax justice is at last on the horizon as a result of the House-passed tax reform bill. I will not do anything to jeopardize that goal and I urge the administration to reassess its proposals and disregard the high powered lobbies which obviously have gotten to them and influenced their present thinking.

THE CRY FOR FEDERAL FUNDS

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. SCHADEBERG. Mr. Speaker, in today's society, with its awareness of social problems and its desire to bring about change, many groups directly involved with bringing about this change are increasingly turning to the Federal Government for funding. No matter what area of social awareness is mentioned, the cry is for more and more Federal funds.

The desire on the part of the people for Federal involvement is easy to understand. The Federal Government commands great resources in a very rich economy. It also can be brought to task for certain misplaced priorities in spending, which, if corrected, would release funds for the more necessary programs relating to human need.

There are however, two reasons why Federal involvement in all areas should be limited as much as is possible. The first, and the most obvious, is that the inflationary trend being as dangerous as it is, we can ill afford to divert money from the productive private sector to non-productive Federal expenses. In order not to price ourselves out of the international market, and in order to stabilize prices, Federal spending must be restrained.

The second, and less obvious reason, is that Federal spending removes the responsibility and decisionmaking ability away from the private, and independent sector, to the Federal agencies and Congress, a sector responsive to special interests. When areas and groups receive Federal funding, the special interests which are created eventually are concerned not with excellence, or in achieving aims originally contemplated, but in the preservation of its status as a beneficiary of the "system."

Education is a perfect example. As tax reform hits the independence of educational institutions by reducing incentives to private giving, and as the Federal Government spends more and more money on education, it is only natural that the Federal Government will in the end dictate the guidelines for education, not according to the administrators, who have the responsibility of providing good education, but according to the desires of the special interest groups that are the major beneficiaries of the "system."

In a recent column in the Washington Post, Messrs. Richard Harwood and Laurence Stern point out that the student masses which are seeking changes in the system are the major beneficiaries of the system, and that their concern for the democratization of education is not coming about.

Although I do not agree with everything in the article, I offer it for the RECORD to bring an awareness to the students that are recipients of educational funding that they are the major beneficiaries of the system they criticize. Messrs. Harwood and Stern point out in their article that—

> A perverse distribution of higher education subsidies from low-income to high-income families takes place under government subsidy programs. Those with the most need for higher education are getting the least in terms of public benefits.

The question that the students now face is one that is faced by all recipients of Federal funding—are they going to allow the financing to be of a benefit to those the funds are intended to aid, or are they going to press for the continuation of the system that benefits them directly?

The article referred to follows:

STUDENTS, LIKE FARMERS, CONSTITUTE MAJOR BENEFICIARIES OF THE SYSTEM

(By Richard Harwood and Laurence Stern)

Theodore White has written that the agony of the Democratic Party in 1968 began with the uprising of "its most pampered and cherished beneficiary group: the student mass of the United States."

It is, as White made clear, quite a mass. The nearly 7 million students on college campuses this year outnumber the armed forces 2 to 1, the farmers 3 to 1, the automobile workers 8 to 1. Within a few years we will have more college students than production workers in all the durable goods industries in the United States. They have become, in short, one of our most powerful special-interest groups and, hence, one of our most powerful political forces.

Their impact on the political process was demonstrated beyond any question last year. They helped bring down Lyndon Johnson and made it virtually impossible for him to govern in the last months of his term.

Their tactics helped fuel the Wallace movement, made Ronald Reagan a folk hero of sorts in California, and inspired much of the "law and order" rhetoric of the Nixon administration.

Their influence (and the influence of their parents) is not limited, however, to episodes of that kind. It is a pervasive and continuing influence that has made of students, as White suggested, major beneficiaries of those political processes by which it is decided who gets what in this society.

As higher education has become a very big business (its revenues are approaching $20 billion a year) it has become—like agriculture and the arms makers—increasingly dependent on government for financial support. More than half of all college and university revenues now come out of public treasuries. The money involved is rather substantial.

For example, the federal government will spend 25 per cent more money ($5 billion) on higher education this year than it will spend on its public welfare clients. It will spend nearly three times more for college buildings and dormitories than it will spend to underwrite public housing for the poor.

These are popular expenditures, of course, but their impact is highly uneven in the sense that the major benefits go to the people least in need.

Higher education has gotten democratized to a considerable extent in this country. A century ago 2 per cent of our young people went to college as opposed to better than 40 per cent today. But college remains a haven for the well-to-do. If a child is bright and his family earns more than $10,000 a year, the chances are 19 out of 20 that he will enter college. If he is equally bright but comes from a family earning less than $3,000 a year, the odds drop to one in two.

The result, as the Clark Kerr commission reported, is that 50 per cent of today's students come from the wealthiest 25 per cent of the population, while only 7 per cent come from the poorest 25 per cent.

These disparities exist even in such states as California where tuition is zero and higher education is open, theoretically, to all. W. Lee Hansen and Burton A. Weisbrod report in The New Republic this week that "the claim that the American system of higher education contributes to equality of educational opportunity is largely fiction . . . In practice, a perverse redistribution of higher education subsidies from low-income to high-income families takes place. Those with the most need for higher education are getting the least in terms of public benefits."

Their studies showed, for example, that the "public" University of California is inhabited primarily by children of the wealthiest families in the state, while children from poorer families tend to wind up in junior colleges, if they get into college at all.

Moreover, according to the Weisbrod-Hansen report, the average subsidy for the affluent University of California student is 400 per cent greater than the average subsidy for the less affluent student in a junior college.

It all works, in other words, rather like the federal farm program that rewards most those farmers with the greatest commercial success.

This ought to cause some concern among the student masses who are seeking changes in The System. They are, as White said, "pampered and cherished" beneficiaries of that System and they have some responsibility to change it for the benefit of their less privileged brothers.

JAMESTOWN CEREMONIES COMMEMORATE LANDING OF BLACKS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DIGGS. Mr. Speaker, 350 years ago, in 1619, 20 blacks descended from a Dutch vessel setting foot on American soil at Jamestown, Va. They were indentured servants purchased by Virginia settlers to add to the existing colonial labor supply. This was made up of impoverished white agricultural laborers from England who had bound themselves in servitude for specific periods of time. The landing was the black man's introduction to the new world. He was not afraid, but in two decades his distinction of race, the escape of white indentured servants into a growing white population, and the demand of colonial settlers for a cheap and permanent labor supply, was to make him so. A system of slavery was put into law which made men chattels without freedom, justice, or dignity, which was based on forceful kidnaping, separation of families, and unspeakable inhumanities. Yet history records that these enslaved black men were the most important labor force in the South. They were not agricultural workers only. They built the railroads of the South and worked in urban communities in almost every skilled and unskilled occupation. This oppression and exploitation of the black man through the system of slavery has plagued and deformed America, the citadel of liberty, and diminished its greatness and achievements through the centuries into this day of man's monumental moonwalk. Before the eyes of the world, that monumental achievement is flawed because a nation that has demonstrated its vast technological ability in putting man on the moon to discover and develop new environmental resources for the benefit of mankind still compulsively continues its oppression and myths as blocks to the release of the human resources of America's millions of black citizens.

The denial of entry into the construction trades in 1969 of black men on the sweat and skills of whose forebearers the South was built centuries ago reveals the shame anew that while men sought freedom, they enslaved; while they concentrate their concern on the exploration and utilization of all environmental resources, they bury their greatest human wealth because it is black.

It is appropriate, therefore, that on next Sunday afternoon, September 21 at 3 p.m., this 350th anniversary of the landing of America's first blacks at Jamestown will be commemorated in special ceremonies at the Jamestown Festival Park, Va. Here was the site of permanent English settlement in America where men came to overcome poverty and persecution and in pursuit of life, liberty, and happiness.

It is appropriate that the objectives of this commemoration, to which will come citizens from across Virginia and their guests from across the country, are to contribute to the development of a healthy pride and respect among black people and Americans generally for their forebearers of African descent; to promote historical accuracy as to the struggles of the American black to achieve his rights as a person and as a citizen of the United States; to apprise the public of the contributions of blacks to the life, technology, and culture of Virginia and the United States; and to stimulate interest in the erection of a suitable marker in honor of the arrival of these persons of African descent.

PORNOGRAPHY IS BIG BUSINESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DULSKI. Mr. Speaker, on the issue of pornography there inevitably arises the question as to whether it is obscenity or art. And the question has no firm answer. Courts, experts, indeed most everyone disagrees.

Pornography is a cancer that is sweeping our Nation and we must mount a vigorous drive to control it.

Our Committee on Post Office and Civil Service has been working on this problem for years as it deals with the mails. Hearings already are underway and I believe that we, at least, can control the flow of smut into homes where minors reside.

The Buffalo Evening News in my home city of Buffalo, N.Y., is doing an excellent in-depth study of the pornography problem in our area. I have reprinted the first two articles in the RECORD on September 15 and 17. Following is the text of the third article:

SMUT IN BUFFALO—III: OBSCENITY OR ART: WHO CAN SAY?

(By Anthony Bannon)

"Pornography? They talk a lot about it, but I don't really know what it is . . . I don't think pornography can be art."—Gordon Smith, director, Albright-Knox Art Gallery.

"When I went to see 'Hair,' the man in front of me turned to his wife after the nude scene and said: 'We've seen it; now we can go home' . . . It is part of the moral decay in our theaters."—Neal Du Brock, executive director, Studio Arena Theater.

"We have a real hang-up about sex in this country; sin equals sex for some . . . people. Sex for some is just for the bedroom and it becomes impure in the light."—Fred Keller, owner and operator, Circle and Glen Art Theaters.

"Pornography? It's just a passing fad."—Lewis T. Fisher, president and producer, Melody Fair Theater.

Pornography? Definition is troublesome.

Some members of the Buffalo artistic community question further whether art can even be considered pornography. That is, if it is art, it cannot be termed pornography.

This was what Albright-Knox Director Smith was "inclined to say, without much study or thought on the matter."

He explained: "I deal almost completely in abstract art, so I just don't know about pornography."

PHOENICIANS DREW NUDES

Prof. Thomas Matthews, a senior lecturer in art history at State University of Buffalo, concurred:

"Most of my artist friends say there is no such thing as pornographic art," but, he added, "erotica" has frequented paintings since ancient times.

Also, the Phoenicians drew "lovely reclining nudes;" the Greeks often sculptured nudes with enlarged genitalia to emphasize fertility; Michelangelo's murals on the Sistine Chapel ceiling drew hard criticism in his own time and have from pope to pope, been alternately covered and uncovered with fig leaves because of their "obscenity."

So it has continued to this day.

In recent years, some pop artists have chosen to paint realistic works of private acts to shock or to rebel against earlier abstractions.

TO SHOCK PEOPLE

"I don't particularly like to see them," Prof. Matthews said, "but in (art) history there have been a lot of reactions to shock people into a visual reality, to react against abstractions when art moves away from the human form."

Many of these reactions are important only as a vehicle to change the direction of artistic trends, while others have lasted as fine art, he noted.

"Sex is a legitimate instinct to portray in art," the professor declared. "I think the word pornography will eventually be as outworn as last year's tennis shoes."

Theater and film, meanwhile, have seen a never-before-except-in-stag-movies rush toward nudity in the last several years.

STANDARDS RELAXED

Fred Keller, whose Circle and Glen Art Theaters are not to be confused with other Buffalo "art" houses who specialize in more tawdry fare, analyzes the situation thus:

"Since World War II—but especially in the last four or five years—we have seen a general relaxing of standards . . . perhaps because people believe they are more sophisticated in this area. Also, television has replaced the family movie . . . and Hollywood is saying: 'If you can't get them to the door with family movies, give them blood and sex.' "

He explains that some well-made artistic movies pushed the limits of what had been previously forbidden in seeking new forms of expression.

"And this encouraged the fast-buck operators who want to show a cheap variety of films," he adds.

BIGGEST MARKET

"Good films have opened the door artistically, only to find the doorway suddenly crowded by others who want to exploit the new-found freedom."

Mr. Keller continues: "Today, most pornographic films are made here in the U.S.—and by pornographic, I mean those movies that are made overnight in a Florida motel room, not the ones which are well made and explore sexual relationships truthfully and honestly, upholding artistic interests. Also, the U.S. is the world's biggest market for this stuff."

Mr. Keller has refused to show poorly made films dealing with sex, such as "Carmen, Baby," but does not refuse films according to subject matter.

"HAIR" OPENED DOOR

"Adults should be permitted to see what they want to see, and the sooner we realize this the sooner the hue and cry about pornography will die, as it has in Denmark and Sweden, where they have allowed any kind of expression," he says.

In the theater, the critically acclaimed musical "Hair" seemed to open the door for the wave of nudity on stage, agree Neal Du Brock of the Studio and Lewis Fisher of Melody Fair.

While Mr. Fisher found the brief nude scene in "Hair" "valid within the context of the show," Mr. Du Brock found it unessential and confusing—further indicating the divergence of opinion—even among professional theater people—on such matters.

Mr. Du Brock notes that while he has seen a number of nude scenes in film and theater, only some were justified.

These included the nude scene in the movie version of "Romeo and Juliet" which "added poignancy to the film, as Helen Hayes has pointed out," and the brief nude scene in Edward Albee's "Tiny Alice," a play scheduled for performance Nov. 6 through Dec. 7 at the Studio.

In that play, a woman tempts a saintly man into sin by exposing her body—"the only way the play would work," Mr. Du Brock says, adding:

"I don't know what we will do with it here."

Most nudity in theater is "tasteless and therefore objectionable and by no means art. It has nothing at all to do with the development of the play, but is done for its own sake, for sensationalism," he declares.

This kind of nudity participates in "the moral decay in our theaters, which is not so much due to pornography as much as to lack of language and ideas."

REFLECTS U.S. MORALITY

"It reflects part of our American morality, which is occupied with the body and the self. It reflects television, where all you see is body, body, body beautiful . . .

"It is sad that theater reflects this second rate way of life, instead of suggesting a better way of life."

So what to do about it?

"Let everybody go rush to see it and let them get tired of it and then get on to better things," Mr. Du Brock responds.

Mr. Fisher agrees: "I think sometimes nudity is very valid, but most of the time, I have heard, it is just boring, as in Geese, O Calcutta! and Che . . .

"But it's a very, very difficult thing to determine whether what is done on the stage is valid, whether it is intended or not to be pornography . . .

"What is art for me, may not be for the next man, but I'm not about to tell him what he can or cannot see . . .

"I don't think anything should be done about it. It will just die of itself."

Mr. Speaker, the Buffalo Evening News also has written an editorial in its September 16 edition which deals with its series of articles and the overall problem. Following is the text of the editorial:

DEALING WITH OBSCENITY

As a series in The News is making clear, pornography and erotica have become big business in Buffalo—and around the nation.

Dealing with this problem is difficult in a free society that rightly rejects official censorship with its premise that selected governmental officials should be the arbiters of other people's tastes, values and ideas.

But even a free and libertarian society need not sit back in total permissiveness and say that anything goes.

It can and should, for example, crack down harder through the mails and in other ways on hard-core obscenity. This is material whose predominant appeal is to prurient interest, which goes well beyond customary limits and is utterly without redeeming social value.

The courts have rightly held that such material is legally obscene and does not enjoy the protection of the free speech provisions of the Bill of Rights. Former Chief Justice Earl Warren himself said recently that "some of the things that go through the mail . . . are just unspeakable and under no decision of this court are they justified."

Dealing with more borderline materials, whose appeal to prurient interest may be only in part and which may have redeeming social importance, however slight, is admittedly more difficult, particularly where adults are concerned. Here the potential abuses of public suppression surely outweight the hazards of obscenity.

For once such censorship is set in motion, who is to draw the line and where is it to be drawn?

Yet if the historic evils of censorship require a wide latitude in dealing with books, movies and magazines disseminated to adults, there remains no reason why society cannot and should not distinguish between sales of such materials to adults and sales to immature minors—just as it has long done on such commodities as alcohol and cigarettes.

Indeed, the U.S. Supreme Court has already upheld a New York State law specifically prohibiting the sale of girlie magazines and other material to persons under 17, and many other states have taken this as their cue to enact similar statutes.

What is especially significant about the court ruling in the New York case is that it permits states to impose stricter standards on material sold to children than on material sold to adults. Although enforcement of such a double standard rule is undoubtedly difficult, it is not impossible and it does offer a valid means of limiting undesirable consequences of the new permissiveness where impressionable juveniles are concerned.

VIETNAM TO CAMPUS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the Wall Street Journal carried an article covering administration efforts to help low-income veterans obtain schooling under the GI bill. Secretary Robert Finch and Commissioner James Allen have asked education institutions to expand their efforts to enroll returning veterans, especially from the ranks of the disadvantaged. The administration is hopeful that the current GI bill could produce the same beneficial effect for the Nation that the World War II and Korean war GI bills did; namely, create new job and learning opportunities for men who would otherwise not have had that chance.

The benefits to the Nation from the $19 billion expended for education and training under the GI bill cannot be underestimated. Indeed it might not be overstating the case to suggest that our present prosperity rests on the trained manpower and executive ability created by GI bill expenditures. John Spivak's article develops the situation quite clearly. If large numbers of disadvantaged GI's are attracted to further their education, it might help remove one of the principal causes of student unrest, the absence of minority group representation on campus.

The article referred to follows:

VIETNAM TO CAMPUS: ADMINISTRATION VIEWS COLLEGE FOR VETERANS AS EASING CITY UNREST—IT PRESSES FOR GREATER USE OF GI BILL, HOPING BLACKS WILL END UP IN BETTER JOBS—HOUSE VOTES HIGHER BENEFITS

(By Jonathan Spivak)

WASHINGTON.—The Nixon Administration is embarking on a campaign to persuade colleges and universities to recruit and educate returning Vietnam veterans, particularly the Negro and the poor.

As a first step, HEW Secretary Robert Finch has urged institutions in such states as California, Wisconsin and New York, where many thousands of veterans are concentrated to push for wider use of the "Cold War GI Bill of Rights." Enacted in 1966, the law offers discharged servicemen educational benefits far greater than other Government student-aid programs, but thus far use of the law has disappointed its liberal advocates.

At a recent meeting here with Mr. Finch and Education Commissioner James Allen, university officials acknowledged there's a problem. But they said they would need Federal help to meet new financial burdens entailed in teaching many veterans needing special preparation. With that condition the Universities of Wisconsin and California and others less well-known embraced the idea of taking in more disadvantaged students under the GI Bill—starting next spring if not before.

A DANGEROUS CADRE

The financial problems may limit the added enrollment, and some universities may shy away for fear of stirring new campus trouble. But the alternative to educating needy veterans, proponents say, could be trouble off the campus. They contend returning Negro servicemen could, in time, become a dangerous cadre of angered ghetto militants if the Government fails to meet their needs. The theory is that higher education may offer the most effective way to ease their readjustment to civilian life and help assure their economic success.

The GI bill push has obvious political potential. An aggressive Administration effort to aid black veterans could win Mr. Nixon needed support among minority groups. There's strong liberal support in Congress for a major expansion in veterans' education, though the concentration on aid to minorities could meet opposition from the conservative-dominated House Veterans Affairs Committee, headed by Democrat Olin Teague of Texas.

Thus far, three years after the Cold War GI Bill took effect, only 20% of the eligible servicemen have made use of its educational benefits, compared with a final total of 42% after the Korean War and 50% after World War II. The figures suggest that many potential students—besides the Negroes and the poor—aren't seizing the opportunity.

Various explanations are offered. Some say the current crop of ex-servicemen, is simply disenchanted with U.S. society in general. Others blame apathetic college admission officials. And some politicians reproach the Veterans Administration or other Federal agencies. "The forces which fought me (the Defense Department and the Budget Bureau) when I proposed the Cold War GI bill appear to want to ignore the bill; they want to ignore the veterans," protests Democratic Sen. Ralph Yarborough of Texas, the program's prime sponsor.

VETERANS' VIEWS

Talks with black ex-servicemen here turn up a variety of reasons for failure to use the GI Bill's education benefits: Reluctance to return to the classroom, ignorance about the program, family problems, emotional difficulties. But the overriding deterrent seems to be a feeling that the present payments—$130 a month for a single man, with additional allowances for married veterans—are inadequate.

"I'd find it virtually impossible to use now," declares Henry Arrington, a 37-year-old Navy veteran who left the service last year and needs another two or three semesters to earn a college degree. "It's something I've always wanted, but I can't make the sacrifice now. I couldn't even pay my tuition on that amount of money."

Kenneth Walker, a 22-year-old Vietnam veteran with a 10th-grade education, says: "You can't get nothing without a high school education, but first off I have got to get me some money. Right now I couldn't afford to (attend school under the GI Bill)."

Relief for this sort of financial squeeze is on the way. The House has already voted a 27% increase in GI education benefits, and the Senate is likely to enact an even larger boost before the year ends.

THE VA'S ATTITUDE

The Nixon Administration, fearful of the added cost, has not yet taken a stand on this issue. But the VA's current leadership feels that in general more should be done for the disadvantaged under the Cold War GI Bill. "It has not been used as adequately as it could," concedes Donald Johnson, the VA's new administrator.

Other VA officials, however, emphasize that conditions today are far different from those of the post-World War II era when use of educational benefits was higher: Jobs are more plentiful now; colleges, under more financial pressure, are less interested in enrolling more students; and a variety of other student aid and job training programs are available to veterans.

Furthermore, VA experts argue, present participation rates are comparable to those during the early stages of past veterans' education programs. They insist that within three or four years veterans will enroll in college at a rate close to that of the post-World War II period.

This argument, however, is not accepted by other Administration officials and by Congressional critics. They see no evidence now of a pickup in enrollment and charge the VA with wishful thinking. "In this era, participation in the GI Bill should be 80% or 90%," declares one Capitol Hill specialist.

To get more veterans back to the classroom, the Administration is considering the establishment of special college remedial programs, particularly in math and reading, to enable poorly educated veterans to catch up and succeed academically. Such efforts might be financed by special grants from the Office of Education, Office of Economic Opportunity or other agencies. The University of Wisconsin is already seeking Federal funds to launch a test program next spring for 100 veterans.

The Administration is also studying the designation of specific institutions in a city or state to serve as centers for veterans' education. The institution would assume responsibility for finding, motivating and enrolling the disadvantaged. Still another proposal calls for furnishing technical education, particularly at junior colleges, to help veterans capitalize on skills learned in the service, such as medical technology. Other special courses could prepare ex-GIs for a variety of public-service jobs.

Adding to the Administration's concern about veterans' education is the awareness that a Vietnam peace could increase the annual rate of military discharges to 1.2 million from 900,000 now. Experts estimate that 30% to 40% of veterans need more education or training to hold a job.

WHAT THE TYPICAL VOTER BELIEVES

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. TAYLOR. Mr. Speaker, the following editorial from the Asheville Citizen of September 10, 1969, summarizes the results of a poll of voters in the congressional district which I represent on important issues facing Congress. The editorial is as follows:

What the Typical Voter Believes

Rep. Roy A. Taylor's annual poll of voters in 16 Western North Carolina counties that make up the 11th Congressional District provides a fairly reliable summary of how responsible citizens in this area feel about national issues.

The answers of those who responded (14,000 out of 150,000 box-holders) show a "typical" voter who is strongly opposed to extension of the income surtax, believes in the need for tax reforms, is in favor of the Administration's ABM system and against continuing the foreign aid program. He would prefer to elect the president and vice president by majority vote with a runoff if no candidate got more than 40 per cent of the total votes cast.

The Congressman's two earlier surveys found his constituents a good deal more aggressive then about the war in Vietnam. Last year 81 per cent of those who replied said they would favor renewed bombings and enlargement of military operations if peace talks proved futile.

The proportion advocating such a course this year was down to 37 per cent, while 33 per cent favor a gradual withdrawal of U.S. troops and 29 per cent want this country to get out of Vietnam immediately.

An overwhelming 87 per cent favored stricter control of pornography.

Even though Taylor's survey was intended only to measure opinion in his Congressional district, it probably represents with considerable accuracy how voters feel over much of the nation.

The problems of domestic inflation have made the average voter look with a jaundiced eye on the expense of foreign aid. The flood of pornography pouring through the mail and onto magazine stands has plainly provoked a strong negative reaction. Rising taxes are continuing to generate a taxpayer revolt, with demands for bigger bites into big incomes.

A poll by Sen. Charles H. Percy of Illinois, reported in the Congressional Record, shows similar figures in favor of tax reform, popular election of the President and Vice President and withdrawal from Vietnam.

The Congressman, the Senator and the President cannot always do what the citizens would have them do, and the citizens know it.

But if anything has been clearly expressed, it is the mood of the country on the Vietnam war.

We may back out of it at our peril, but the average citizen has concluded the peril is not so great as the cost of keeping it up.

LOS ANGELES COUNTY INTERVENES IN SMOG CASE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. BROWN of California. Mr. Speaker, last week the Los Angeles County Board of Supervisors acted to intervene as a plaintiff in the antitrust case pending against automoible manufacturers accused of conspiracy to limit development of effective air pollution controls.

The complaint and the notice of motion include some vital analysis relevant to the issue of allowing a consent decree in this case, and I now place them in the Record at this point, along with a relevant motion adopted this week by the board of supervisors:

[U.S. District Court, Central District of California]

United States of America, Plaintiff, v. Automobile Manufacturers Association, Inc.; General Motors Corp.; Ford Motor Co.; Chrysler Corp.; and American Motors Corp., Defendants

(Civil No. 69–75–JWC; filed, 1/10/69; complaint in intervention of county of Los Angeles (State of California) and Air Pollution Control District of the County of Los Angeles (State of California)

COMPLAINT

Come now the County of Los Angeles, of the State of California, and the Air Pollution Control District of the County of Los Angeles (State of California), and for cause of action against the Defendants Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation allege as follows:

I

That Plaintiff in Intervention County of Los Angeles (County) is a public corporation and a political subdivision of the State of California.

II

That Plaintiff in Intervention Air Pollution Control District of the County of Los Angeles (APCD) is a public agency formed and existing pursuant to the laws of the State of California.

III

That the Air Pollution Control District (APCD) is charged by the laws of the State of California with the duty of protecting the health and welfare of the people of Los Angeles County from the effects of air contamination; that since its creation in 1947 the APCD has expended approximately sixty millions of dollars ($60,000,000.00) of public funds in attempting to reduce air pollution, in Los Angeles County; that the source of said funds is the Treasury of the County of Los Angeles.

IV

That at all times alleged in the Complaint the County of Los Angeles was charged by law with the duty of providing medical services and other health services to more than one-half million people who are and were residents of the County and are and were unable to pay for such services.

V

That each year since 1952 the County of Los Angeles has purchased more than 500 motor vehicles from the named Defendants; that as a proximate result of the conspiracy alleged in the Complaint the motor vehicles purchased by them were not equipped with efficient air-pollution control devices, and that between 1952 and 1961 said vehicles were not equipped with any such devices whatsoever.

VI

That as a proximate result of the offenses alleged in the Complaint the Defendants have caused to be emitted into the air of Los Angeles County air contaminants in the form of hydrocarbons, carbon monoxide, oxides of nitrogen, particulate matter, and other air contaminants; that the amount of such emissions varies and has varied from day to day and that the average amount of such air contaminants emitted in Los Angeles County presently exceeds 12,000 tons per day.

VI

That as a proximate result of said emissions of air contamination the County of Los Angeles has been forced to expend many millions of dollars in providing medical care and other health services to residents of Los Angeles County; that said emissions of air contamination have caused respiratory diseases and aggravate and have aggravated respiratory diseases of residents of Los Angeles County; and that many thousands of persons suffering from respiratory diseases were treated by County hospitals and other facilities, all at the expense of the County, during each year since 1952.

VII

That the interests of these Plaintiffs will not be adequately protected by the present Parties to the proceeding.

Wherefore, the Plaintiffs in Intervention pray:

1. That the Court permit the Plaintiffs in Intervention to become parties to this action on the side of the Plaintiff and that they be permitted to take part in all proceedings in this action.

2. That the Court adjudge and decree that the Defendants have engaged in a combination and conspiracy, in unreasonable restraint of the aforesaid interstate trade and commerce, in violation of Section 1 of the Sherman Act.

3. That each of the Defendants named in this Complaint, its successors, assignees and transferees, and the respective officers, directors, agents, and employees thereof, and all persons acting or claiming to act on behalf thereof:

(a) be enjoined from continuing, maintaining, or renewing, directly or indirectly, the combination or conspiracy hereinbefore alleged, or from engaging in any other practice, plan, program, or device having a similar effect;

(b) be enjoined from entering into any agreements, arrangements, understandings, plan or program with any other person, partnership, or corporation, directly or indirectly:

(1) to delay installation of air pollution control equipment or otherwise restrain individual decisions as to installation dates;

(2) to restrict individual publicity of research and development relating to air pollution control technology;

(3) to require joint assessment of the value of patents or patent rights relating to air pollution control equipment;

(4) to require that acquisition of patent rights relating to air pollution technology be conditioned upon availability of such rights to others upon a most-favored-purchaser basis; or

(5) to respond jointly to requests by government regulatory agencies for information or proposals concerning air pollution control technology unless such agency requests a joint response in a particular case; and

(c) be required to issue to any applicant interested in developing motor vehicle air pollution technology unrestricted, royalty-free licenses and production know-how under all United States patents owned, controlled, or applied for to which the cross-licensing agreement dated July 1, 1955, as amended, has been applicable, and to make available to any such applicant all other know-how related to air pollution control technology which has been exchanged with any other defendant.

4. That the Plaintiff have such other, further, and different relief as the nature of the case may require and the Court may deem just and proper in the premises, including cancellation of the cross-licensing agreement dated July 1, 1955, as amended, and an injunction ensuring that all future joint arrangements relating to air pollution control technology be appropriately limited as to subject matter of joint effort and numbers of participants so as to maintain competition in the development of air pollution technology.

5. That these Plaintiffs be awarded damages against the Defendants, and each of them, in the sum of One Hundred Million Dollars ($100,000,000.00).

6. That the Plaintiffs in Intervention recover their costs of suit herein and receive such other and additional relief as is just in the premises.

Dated: September 5, 1969.

JOHN D. MAHARG,
County Counsel.
By DAVID D. MIX,
Assistant County Counsel,
Attorneys for Plaintiffs in Intervention.

CERTIFICATE OF SERVICE BY MAIL

I hereby certify; under penalty of perjury, that I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 648 Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 5th day of September, 1969, I served the attached Notice of Motion and Motion to Intervene with accompanying documents upon attorneys of record for United States of America; Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box in Los Angeles, California, addressed as follows:

Raymond W. Philipps, Dept. of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring St., Los Angeles, California 90012. [Attorneys for Plaintiff, United States of America].

Gibson, Dunn & Crutcher, Julian O. von Kalinowski, Paul G. Bower, Robert E. Cooper, 634 South Spring Street, Los Angeles, California 90014. [Attorneys for Defendant, Automobile Manufacturers Association, Inc.].

Overton, Lyman & Prince, Carl J. Schuck, 550 S. Flower St., Suite 607, Los Angeles, Calif. 90017 [Attorneys for Defendant, Ford Motor Company].

Lawler, Felix & Hall, Marcus Mattson, Robert Henigson, 605 W. Olympic Blvd., Suite 80, Los Angeles, Calif. 90015 [Attorneys for Defendant, General Motors Corporation].

McCutchen, Black, Verleger & Shea, Philip K. Verleger, William G. Shea, 615 S. Flower St., Suite 1111, Los Angeles, Calif. 90017 [Attorneys for Defendant, Chrysler Corporation].

O'Melveny & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, Calif. 90017 [Attorneys for Defendant, American Motors Corporation].

and that the persons on whom said service was made have their offices at a place where there is a delivery service by United States mail, and that there is a regular communication by mail between the place of mailing and the place so addressed.

Dated: September 5, 1969.

BONITA M. AUER.

[U.S. District Court, Central District of California]

UNITED STATES OF AMERICA, PLAINTIFF, *v.* AUTOMOBILE MANUFACTURERS ASSOCIATION, INC.; GENERAL MOTORS CORP.; FORD MOTOR CO.; CHRYSLER CORP.; AND AMERICAN MOTORS CORP., DEFENDANTS

(Civil No. 69–75–JWC, notice of motion and motion to intervene as plaintiffs)

To the following:

Raymond W. Philipps, Department of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring Street, Los Angeles, California 90012 [Respectively, attorney for Plaintiff, United States of America].

Gibson, Dunn & Crutcher, Julian O. von Kalinowski, Paul G. Bower, Robert E. Cooper, 634 South Spring Street, Los Angeles, California 90014 [Respectively, attorneys for Defendant, Automobile Manufacturers Association, Inc.].

Overton, Lyman & Prince, Carl J. Schuck, 550 South Flower Street, Suite 607, Los Angeles, California 90017 [Respectively, attorneys for Defendant, Ford Motor Company].

Lawler, Felix & Hall, Marcus Mattson, Robert Henigson, 605 West Olympic Boulevard, Suite 800 Los Angeles, California 90015 [Respectively, attorneys for Defendant, General Motors Corporation].

McCutchen, Black, Verleger & Shea, Philip K. Verleger, William G. Shea, 615 South Flower Street, Suite 1111, Los Angeles, California 90017 [Respectively, attorneys for Defendant, Chrysler Corporation].

O'Melvey & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, California 90017 [Respectively, attorneys for Defendant, American Motors Corporation].

Please be advised that on October 6, 1969, at the hour of 10:00 A.M., or as soon thereafter as counsel may be heard, the undersigned, County of Los Angeles (State of California) and the Air Pollution Control District of the County of Los Angeles (State of California) will make formal motion in Courtroom 10, United States Court House, 312 North Spring Street, Los Angeles, California, to intervene in the above-referenced action.

The County of Los Angeles and the Air Pollution Control District of the County of Los Angeles move pursuant to Rule 24(a)(2) and Rule 24(b)(2) of the Federal Rules of Civil Procedure, for leave to intervene as plaintiffs in the above-entitled action to assert the claims set forth in the proposed Complaint, a copy of which is attached, on the following grounds:

1. The claims of the County of Los Angeles and the Air Pollution Control District of the County of Los Angeles contained in the proposed Complaint for Intervention and the claims of the United States of America in the main action have substantial questions of law and fact in common. The common questions of law and fact are whether the Defendants engaged in a combination or conspiracy to prevent the development and distribution of motor vehicle air pollution control equipment. The interests of the Intervenors in these common questions of law and fact, however are different and distinct from the interests of the Plaintiff, the United States of America. The Plaintiff is concerned about the direct and immediate results of the common questions of law and fact on free competition and interstate commerce. Intervenors' interests, on the other hand, are the direct and immediate result of the common questions of law and fact on the health and economic vitality of the residents of the County of Los Angeles. The Plaintiff is not adequately representing the interests of the Intervenors.

The Intervenors must become a party to the main action so that when the common questions of law and fact are resolved, the interests of the Intervenors will be protected by:

(a) Enjoining the combination and conspiracy so that pollution-free motor vehicles are developed to avoid the diversion of public funds for the purchase of ineffective motor vehicle air pollution control equipment by the Intervenors as public end users.

(b) Enjoining the combination and conspiracy so that effective motor vehicle air pollution control equipment may be developed at a lesser price and thereby avoid the further diversion of public funds for only partially effective motor vehicle air pollution control equipment.

(c) Enjoining the combination and conspiracy which causes ineffective motor vehicle air pollution control equipment to be marketed and thereby causes substantial diversion of public funds for medical services made necessary by the damaging consequences of breathing polluted air by residents of Los Angeles County.

2. Unless these Plaintiffs are permitted to intervene the United States and the Defend-

ants may settle this matter by stipulation or otherwise. In such an event, the facts of the conspiracy will be forever lost to these moving parties and to all persons who have been damaged by said conspiracy.

Because of the above-enumerated interests in the common questions of law and fact (preventing the development and distribution of effective motor vehicle air pollution control equipment), the interests of Plaintiffs in Intervention are separate and distinct from the interests of the United States of America, and said Plaintiff cannot alone adequately represent the interests of the Intervenors.

3. To grant the Motion to Intervene will not unduly delay or prejudice the rights of the original parties. The Plaintiff can continue to focus on the competition and interstate commerce implications of the combination and conspiracy. The Defendants can continue to focus on the common questions of law and fact—a combination and conspiracy to prevent the development and distribution of motor vehicle air pollution control equipment. No delay will be caused by intervention. Only prejudice will result if the Motion to Intervene is denied.

John D. Maharg,
County Counsel.
By David D. Mix,
Assistant County Counsel.
Attorneys for the County of Los Angeles and Air Pollution Control District, County of Los Angeles.

[U.S. District Court, Central District of California]

United States of America, Plaintiff *v.* Automobile Manufacturers Association, Inc.; General Motors Corp.; Ford Motor Co.; Chrysler Corp.; and American Motors Corp., Defendants

(Civil No. 69–75 JWC memorandum in support of complaint in intervention of County of Los Angeles and air pollution control district)

I

Rule 24, Federal Rules of Civil Procedure, is to be broadly construed.

Rule 24(a)(2) of the Federal Rules of Civil Procedure provides for intervention of rights as follows:

"Upon timely application anyone shall be permitted to intervene in an action . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

Rule 24 was amended to its present form in 1966. According to the United States Supreme Court, the purpose of the revision was intended to inject elasticity into the rule and to eliminate the restrictive approach of the older, more rigid cases interpreting the rule. *Cascade Nat. Gas* v. *El Paso Nat. Gas,* 386 U.S. 129. Recent cases have applied a very broad interpretation to Rule 24(a)(2). *Cascade Nat. Gas, supra,* at pages 135–6; *Hopsen* v. *Hanson,* 44 F.R.D. 18 (D.D.C. 1968); *Nuesse* v. *Camp,* 385 F. 2d 694 (DC CIR. 1967).

An absolute right exists, as in this case, when the Plaintiff in Intervention claims an interest relating to the property or transaction which is not adequately represented by existing parties. A reading of Plaintiff in Intervention's complaint reveals that the Plaintiff shares an identical interest with the United States in the transaction which is the subject of the lawsuit. *Credits Commutation Co.* v. *U.S.,* 177 U.S. 311, 315–316; *Minot v. Mastin* (C.A.A. 8th 1899) 95 F. 734, 739. In view of the identity of interest it is essential that the Plaintiff be entitled to intervene in order to protect such interest.

In addition to intervention as of right, Plaintiff in Intervention is entitled to permissively intervene pursuant to Federal Rule 24(b) which provides in part as follows:

"Upon timely application anyone may be permitted to intervene in an action: . . . (2) when an applicant's claim or defense in the main action is a question of law or fact in common."

There is no question Plaintiff in Intervention has several questions of law and fact in common with the United States relative to the pending action. *Brinkerhoff* v. *Holland Trust Co.* (CCSDNY) 159 F. 911; *United Stataes v. Utica, Chen. & Susquehanna Valley Ry. Co.,* 48 F. Supp. 903; *Central Louisiana Elec. Co.* v. *Rural Electrification Administration* (W.D.La. 1964) 236 F. Supp. 271.

II

United States Code, title 15, section 5, vests the court with authority to join parties to a pending action.

United States Code, Title 15, Sec. 5, thereof provides as follows:

"Whenever it shall appear to the court before which any proceeding under section 4 of this title may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof."

Plaintiff in Intervention alleges an interest in the vast assemblage of proposed evidence which the United States will use in its case against the parties defendant but which the United States refuses to divulge to the Plaintiff in Intervention. Pursuant to the authority vested by Title 15, Section 5, the court may bring in additional parties to any suit brought by the United States. As a practical matter, Plaintiff alleges that pursuant to this section the Court should exercise its authority to dispose of all claims arising out of the transaction against the parties defendant in one litigation. *State of Georgia* v. *Pennsylvania Ry. Co.,* 655 Ct. 716.

Respectfully submitted,
John D. Maharg,
County Counsel.
By David D. Mix,
Assistant County Counsel.

Certificate of Service by Mail

I hereby certify, under penalty of perjury, that I am and at all times herein mentioned have been a citizen of the United States and a resident of the County of Los Angeles, over the age of eighteen years and not a party to nor interested in the within action; that my business address is 648 Hall of Administration, City of Los Angeles, County of Los Angeles, State of California;

That on the 5th day of September, 1969, I served the attached Notice of Motion and Motion to Intervene with accompanying documents upon attorneys of record for United States of America; Automobile Manufacturers Association, Inc.; General Motors Corporation; Ford Motor Company; Chrysler Corporation; and American Motors Corporation, by depositing a copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in a United States mail box in Los Angeles, California, addressed as follows:

Raymond W. Philipps, Dept. of Justice, Antitrust Division, 1307 U.S. Court House, 312 North Spring St., Los Angeles, California 90012 [Attorneys for Plaintiff, United States of America].

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Overton, Lyman & Prince, Carl J. Schuck, 550 S. Flower St., Suite 607, Los Angeles, Calif. 90017 [Attorneys for Defendant, Ford Motor Company].

Lawler, Felix & Hall, Marcus Mattson, Robert Heningson, 605 W. Olympic Blvd., Suite 800, Los Angeles, Calif. 90015 [Attorneys for Defendant, General Motors Corporation].

McCutchen, Black, Verleger & Shea, Philip K. Verleger, William G. Shea, 615 S. Flower St., Suite 1111, Los Angeles, Calif. 90017 [Attorneys for Defendant, Chrysler Corporation].

O'Melveny & Myers, Allyn O. Kreps, Girard E. Boudreau, 611 West 6th Street, Los Angeles, Calif. 90017 [Attorneys for Defendant, American Motors Corporation].

and that the persons on whom said service was made have their offices at a place where there is a delivery service by United States mail, and that there is a regular communication by mail between the place of mailing and the place so addressed.

Dated: September 5, 1969.

Bonita M. Auer.

Resolution of Board of Supervisors, County of Los Angeles

On motion of Supervisor Hahn, unanimously carried (Supervisor Debs being temporarily absent), it is ordered that the following resolution be and it is hereby adopted:

"Whereas, citizens of smog-infested areas throughout the United States were shocked when United States Assistant Attorney General Richard W. McClaren announced September 11, 1969 the Department of Justice wants to settle its suit based on secret testimony before a Federal Grand Jury that the automobile manufacturers violated the Sherman Antitrust Act by conspiring to restrain and delay the development and installation of anti-smog devices; and

"Whereas, the County of Los Angeles petitioned the Federal court, requesting to intervene in the suit against the automobile manufacturers and asking $100,000,000 damages for injuries to the public health and for the cost of the Air Pollution Control District; and

"Whereas, equal justice under the law means that every person as well as the largest corporations shall have the law equally applied, and by having this far-reaching case settled out of court, the General Motors Corporation, Chrysler Corporation, Ford Motor Company and the American Motors Corporation receive favored treatment; and

"Whereas, the public interest would be best served by having an open trial rather than a consent judgment and thereby achieve permanent and satisfactory relief rather than no relief which could follow a consent judgment:

"Now, therefore, be it resolved that the Board of Supervisors of the County of Los Angeles hereby respectfully requests President Richard M. Nixon to direct the Attorney General to reverse the decision made by his subordinate to settle the case, and to direct that a full and open trial proceed as soon as possible in Federal court;

"Be it further resolved that the Senate and the House of Representatives be requested to hold hearings in their appropriate committees on the full aspects of the Federal Grand Jury findings to learn if the public is being fully protected and if action to settle the suit out of court is in the best interest of the citizens of the United States;

"Be it further resolved that the Executive Officer send copies of this resolution to all members of the Congress.

"Attest:

"James S. Mize,
"Executive Officer and Clerk of the Board of Supervisors of the County of Los Angeles."

FINE PROGRESS: UNITED STEEL WORKERS OF AMERICA UNDER LEADERSHIP OF I. W. ABEL

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FULTON of Pennsylvania. I submit for the RECORD the article from the Pittsburgh, Pa., Post Gazette issue of September 12, 1969:

INCENTIVE PAY AWARD IS USW PRESIDENT I. W. ABEL VICTORY

Two days of explanations just may have converted a lot of skeptical steelworkers into believing their union has won a major victory in the long battle over incentive pay policies.

"This has to be regarded as a victory for Abel," said one officer of a United Steelworkers Local who referred to I. W. Abel, USW international president. "It's long range, but it sure looks good."

The officer was one of some 850 local USW presidents and grievance chairmen who spent Tuesday and Wednesday here. They were summoned by the international union.

During the two days, Abel and other international officers gave a detailed explanation of a newly won arbitration award on incentives—the extra money paid workers who surpass production schedules.

EXPANDS INCENTIVE PAY

At the meeting workers were told the arbitration ruling will extend incentive pay to at least another 65,000 basic steelworkers. Some 300,000 of an estimated 450,000 hourly workers in basic steel already are covered.

The arbitration award laid down ground rules which the union and the Big 11 Steel producers must follow when discussing incentives. The discussions are due to start immediately.

As Abel explained at a news conference it was the companies that had full say on who would be covered by incentives and how. The award changed that and gives the union arbitration leverage.

Many of the local union officers came away from the sessions convinced "We have all the tools we need to take future incentive grievances to arbitration and win."

Completing agreements with the 11 companies will take infinite patience and a lot of time and time is viewed as the major handicap by local officers.

AN ABEL VICTORY

"This certainly is a union victory, an Abel victory," said a local president commenting after the meetings, "but it's going to take months and maybe years before it is fully appreciated financially."

Abel and other international officers won't estimate how long it may take to get all or most of the eligible workers covered by incentive pay. But, said a headquarters man, "the work already has started and it will continue."

The incentive issue has been a bone of contention for years between union and management although management initiated the idea to encourage above standard production.

Recently union men have been insisting that the production workers can't hit peak efficiency unless others who feed material and maintain equipment also work at top level. The union wants incentive pay for these workers, too.

In 1968, the issue boiled over just as the international union was about to complete a new three-year labor agreement. Workers badgered Abel for "incentives or a strike."

The USW president continued last minute bargaining and got an agreement to negotiate on incentives for a year. If the issue persisted it would be submitted to binding arbitration.

Abel also got the companies to agree to pay every employe who qualifies as an incentive worker 10 cents an hour for each hour worked between Aug. 1, 1968, and the start of incentive pay. It took a hard sell but the contract was ratified and a strike averted.

Negotiations that followed, however, did nothing toward settling the incentive problem. The issue went to arbitration in June. The award was handed down last month.

Since then, union officers have been pouring over the 23-page award sentence-by-sentence, phrase-by-phrase, word-by-word.

The combined results were passed on Tuesday and Wednesday to the local officers who will do much of the eyeball-to-eyeball talking with company officials at the plant level. They also were the men who must explain the whole package to rank-and-file members.

A canvass of men at the two-day session indicated a good majority felt the union and Abel had bested the companies.

"He (Abel) has been getting a lot of criticism lately," said a local president from the Midwest, "but you got to give him credit—this was a tough job and in my opinion he sure delivered."

There were dissenters at the meeting and they were vocal. Usually they were from groups who do not expect coverage under the new program.

Many office and technical workers, ore miners and men working in fabricating and non-steel producing plants apparently do not qualify.

But even under fire, Abel won converts. He assured the critics their cases will have a prominent spot in the 1971 negotiations.

Numerous persons attending the closed meeting quoted Abel as saying the issues will be pressed even "if it means hitting the bricks." The statement reportedly drew much applause.

The award insists that each of the 11 companies must pay incentives to no less than 85 per cent of the hourly workers and no less than 65 per cent in any one plant.

Getting the individual plants up to 65 per cent, said one expert on the subject, will push the company average well above the minimum 85 per cent. No current incentive coverage can be dropped.

While the group—members of the Basic Steel Conference—was assembled here, Abel, Vice President Joseph Moloney and Walter J. Burke, secretary-treasurer, also explained other phases of the award which went into effect last month.

One contractual item that got a detailed study was the Earnings Protection Plan. It is designed to assure a worker that technological changes will not leave him with a sudden disruptive reduction in take-home pay.

A REAL SLEEPER

Roughly the plan provides protection amounting to 85 per cent of a worker's average hourly earnings in the preceding four quarters.

While a worker's pay is not supported indefinitely, the Earnings Protection Plan would soften the blow of a pay cut, spread it over a period of time and allow for financial adjustments at home.

The Earnings Protection Plan could prove to be a real sleeper in the 1968 labor agreement. Like the incentive plan, it will take time—considerable time—before it can be evaluated at its true worth.

One local officer who had taken a bit of refreshment after the two-days of intensified lecturing put it this way:

"Abel just may ape the man who drew laughs when he sat down to play the piano, but had a very attentive audience long before he finished.

"The things discussed here the last two days could prove more important to the security of the steelworker than anything since SUB" (supplemental unemployment benefits).

MARIHUANA

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. CHARLES H. WILSON. Mr. Speaker, in consonance with my policy of bringing to this body's attention materials related to narcotic addiction and drug abuse, I insert into the RECORD several newspaper articles on this subject.

First is an article that appeared in the Washington Post of September 18 relating to Dr. Stanley F. Yolles call for the Congress to ease present marihuana laws. Dr. Yolles is one of the most respected men in this field and is presently Director of the National Institute of Mental Health. His views are similar to those expressed by Dr. Roger Egeberg, HEW Assistant Secretary for Health and Scientific Affairs on September 2.

I also include an editorial that appeared on September 9 in the Washington Post on this subject. The distinction between marihuana and hard narcotics is a real one and has long been recognized by a number of eminent physicians, psychiatrists, and penologists. A new approach to the problem is long overdue. Often what seems menacing in the shadows is not nearly so when light is cast upon it. More light must be cast in this area.

The articles follow:

HILL URGED TO EASE MARIJUANA LAWS

(By Stuart Auerbach)

The government's chief psychiatrist yesterday attacked the "fables" that surround marijuana and called for milder penalties for its use and possession.

Describing marijuana as "a mild hallucinogen" that "should not be associated with narcotics either medically or legally," Dr. Stanley F. Yolles urged Congress to end mandatory jail terms for drug users.

"I know of no clearer instance in which the punishment is more harmful than the crime," said Yolles, director of the National Institute of Mental Health.

"The social and phychological damage caused by incarceration is in many cases far greater to the individual and to society than the offense itself," Yolles told the Senate subcommittee on juvenile delinquency.

His statement was one of the most liberal ever made on the nation's drug problem by a high government official.

Both Yolles and Dr. Sidney Cohen, director of NIMH's drug program, emphasized they were speaking as professionals with long experience in the field, not as official representatives of the Department of Health, Education and Welfare.

Yolles said HEW has not yet formed a departmental policy on two bills before the subcommitteee—one sponsored by its chairman, Sen. Thomas Dodd (D-Conn.), and the other by the late Sen. Everett Dirksen (R-Ill.).

One suggestion that Yolles did oppose was the formation of a commission to study the marijuana problem. He listed five studies of the problem and said, "the nation has not accepted or implemented their findings."

"I find myself asking, 'How long, oh Lord, how long are we going to suggest new committees, new commissions and new task forces in lieu of doing something?'" said Yolles.

Yolles estimated that 8 million to 12 million Americans have used marijuana at least once and said the number is spreading through all social and economic groups in the nation.

"The whole problem has gotten out of hand," he said, "and the smoking of marijuana has become an accepted fashion among millions of our citizens."

ASKS TREATMENT CENTERS

Despite its spread, Yolles said, stiffer laws are not the answer. He called for more money for drug treatment centers and said state and communities should take a more active role in developing treatment and rehabilitation programs.

He opposed "scare techniques" to discourage marijuana use. These, he said, have been "discredited" by today's youth.

Many of the "fables" that he attacked specifically have been put forward by federal law enforcement officials, including the idea that most marijuana users graduate to heroin, an addictive narcotic drug.

Yolles said this is not so. Only a small percentage of marijuana users become addicts, and this is related more to the personality of the user than to the drug.

He also attacked as untrue the "fables" that marijuana increases sexual activity and causes violence and crime.

UNHEALTHY TO USE

But, he emphasized, marijuana use is unhealthy.

"It is a drug having a capacity to alter mood, judgment and functional ability. I believe that in the interests of public health it is necessary—at least for the present—to maintain restrictions" on its availability and use.

It is especially bad for the psychological growth and maturation of teen-agers, who use marijuana to cope with the normal "turmoil" of adolescent life, Yolles said.

"Persistent use of an agent which serves to ward off reality during this critical developmental period is likely to compromise seriously the future ability of the individual to make an adequate adjustment to a complex society," he said.

THE RIDDLE OF MARIJUANA

Among the great riddles of contemporary life, marijuana surely is entitled to high rank. There is widespread confusion, or at any rate disagreement, as to the extent of its use by the young, as to the degree of its maleficence, as to whether it is addictive, as to whether smoking it leads to the use of other drugs, and above all as to how the law should deal with users and purveyors. There appears to be a clear concensus, however, that existing laws on the subject are neither just, nor wise nor effectual.

The President's Crime Commission, which had expert task forces at its disposal, had this to say about marijuana in its comprehensive report 2½ years ago. "Marijuana is equated in the law with the opiates, but the abuse characteristics of the two have almost nothing in common. The opiates produce physical dependence. Marijuana does not. A withdrawal sickness appears when use of the opiates is discontinued. No such symptoms are associated with marijuana. The desired dose of opiates tends to increase over time, but this is not true of marijuana. Both can lead to psychic dependence, but so can almost any substance that alters the state of consciousness." The commission urged a plan of research to be undertaken by the National Institute of Mental Health "covering all aspects of marijuana use."

In an interview just the other day, Dr. Roger O. Egeberg, the new health chief at HEW, said "the present laws are completely out of proportion" to the dangers presented by marijuana. "I think they're punitive. I don't personally think marijuana leads to heroin. I feel pretty strongly that it should be placed in a different category from barbiturates, heroin, amphetamines and LSD." But the fact is that they are all more or less indiscriminately lumped together. And society in its horror of "dope fiends" punishes youngsters who smoke a reefer now and then as though they were depraved criminals.

Sen. Harold E. Hughes called last week for "enforceable" laws to replace "sadistic" punishment for narcotics violations generally. The proposals sent to Congress not long ago by President Nixon treat drug abuse as a mere law enforcement problem; and they put LSD and hard narcotics in the same category as marijuana—despite all the expert opinion that they are essentially different. Pot smoking among the young appears to be, more than anything else, a kind of defiance of authority which can be dealt with far more effectively through understanding and a sense of proportion than through outright condemnation and vindictive penalties.

Possibly President Nixon needs a commission of his own to acquaint him with the facts of life about marijuana. If he chose a number of eminent physicians, psychiatrists and penologists and asked them to recommend a realistic program for the marijuana menace, it might well come to seem less menacing and more manageable.

CONCERN FOR VIETNAM WAR PRISONERS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 17, 1969

Mr. COHELAN. Mr. Speaker, I would like to join with my colleagues who have spoken against the treatment of U.S. prisoners of war in North Vietnam. I share their abhorrence of the fact that the families and friends of these missing or imprisoned soldiers are not informed of the status of these men. The refusal of the North Vietnamese and the NLF to allow the interchange of mail or the identification of these prisoners of war does little to forward the ending of hostilities that each side publicly professes as its goal.

I am even more distressed over the reported treatment of prisoners which seems to be a systematic attempt to deny the physical and psychological needs of the soldiers. I read these reports with horror—parading wounded prisoners through the streets of Hanoi to raise the morale of the North Vietnamese; inadequate medical care and diets; and constant solitary confinement.

There remains some 1,355 U.S. personnel that remain unaccounted for and of these only 401 have been tentatively confirmed as prisoners. Among these prisoners is Lt. Everett Alvarez, Jr., a young Navy pilot from California, who was shot down and captured in the initial Gulf of Tonkin retaliatory strikes. That was August 1964. Since then his wife has received little information during her 5 long years of waiting at home. All that Mrs. Alvarez has received is a handful of letters and an occasional picture. One picture that Mrs. Alvarez did receive was that of her husband being paraded through the streets of Hanoi past jeering crowds. The fact that the North Vietnamese consider Lieutenant Alvarez as a political prisoner in no way diminishes their moral responsibility for allowing him humane treatment.

The North Vietnamese and the National Liberation Front should adhere to the Geneva Convention of 1949 on the treatment of prisoners, and I hope that they can be guided by a sense of common humanity. It is hoped that as the efforts for a cease fire continue the North Vietnamese can be led by this basic sense of common humanity and inform the families and friends of these prisoners as far as their status and allow the interchange of mail.

In accordance with my concern for the treatment of these prisoners in Vietnam and my sympathy for their families and friends, I am submitting a resolution calling for the humane treatment of prisoners by the Government of North Vietnam.

HOW NOT TO MAIL A LETTER

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DERWINSKI. Mr. Speaker, next week on Tuesday a key vote will be held in the House Post Office and Civil Service Committee as to whether or not we will have a legitimate postal reform and I am looking forward to the basic decision the committee will reach.

It was therefore with great interest that I noted a very effective editorial in the Monday, September 15, Chicago Daily News which properly emphasized the fact that Congress should consider this matter from the standpoint of public welfare and set aside any partisan views and provide for long needed postal reform.

The editorial follows:

HOW NOT TO MAIL A LETTER

Now that Congress is in session again, it ought to get back to work on postal reform. The need is self-evident, painfully so, and the congressmen have before them a number of proposals that have everything in their favor except one. Politics.

Most prominent and inclusive of the measures is the administration's. It would establish a public corporation that could put the postal system on a business basis, sheltered from political interference and meddling. It could hire its own people, set its own rates and salaries, issue bonds and even balance its books. This proposal arose during the previous administration, largely as the result of a study made by a special commission. That it survived the change of parties in Washington is one indication of its merit.

The postal corporation, however, has met the expected opposition. The postal unions, comfortable in the present arrangement, fear change as a threat to their power, and their accustomed profitable bargaining with legislators for mutual support. Third-class mailers, now favored by a bargain rate, have protested the corporation's "top priority emphasis on the break-even goal, rather than on service as the top consideration." And some congressmen of course don't want to lose patronage and the general political power that is created by control over a large, expensive operation.

If all the protests were heeded, then nothing would be done, contrary to all the evidence in favor of reform. Costs continue to rise, efficiency continues to diminish, it grows ever more difficult to get a piece of mail from here to there.

There has been one hopeful development. The Senate has passed President Nixon's bill to end political patronage in the appointment of postmasters. Even there, however, Sen. John Sherman Cooper (R-Ky.) complained that since 1933 the Republicans had been unable to appoint any postmasters except for a few during the Eisenhower years. The Republicans, he said, should be given at least two years of such patronage. "We never could catch up," he said, "but we could have 15 to 20 per cent of the post offices."

It will be a banner day for the public welfare when Congress leaves off such partisan bickering and simply opts for a postal system designed to provide maximum service at minimum cost.

VACATION IN RHODE ISLAND

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ST GERMAIN. Mr. Speaker, as a Member of Congress from the great State of Rhode Island and Providence Plantations, I was pleased to read an article in the September 16 issue of the Washington Daily News by Mr. Myron Glaser who recently vacationed in Rhode Island. One of the sites he mentions is the old Slater Mill which is in my district. It is my pleasure to include his article in the RECORD for the edification of my colleagues:

A LOT OF TRAVEL IN A SMALL PACKAGE

. (By Myron Glaser)

Rhode Island is, as everyone knows, the smallest state in the Union. Drive in any direction a maximum of 40 miles from its capital, Providence, and you are in another state. As its exceptionally well informed tourist promotion chief, Leonard J. Panaggio, says it: A drive across Rhode Island occupies just a sneeze in a New England trip.

Yet, to spend a long weekend there, which my wife and I did with a Washington travel group last week, is a real eye-opener. Rhode Island has more history, more resort areas and exciting travel meccas per square mile than most any place I have hitherto visited.

The Rhode Island and Providence Plantation (a long name for a small state), received its charter from King Charles II of England in 1663. The state declared its independence from England two months ahead of the other 12 colonies. In Rhode Island they celebrate Independence Day twice.

The July 4 parade in the town of Bristol is nationally famous. The red, white and blue stripings down the middle of the streets of Bristol are still there. This patriotic explosion draws about 100,000 spectators. Bristol is a lovely old community and home of the Gibson girl.

My first sightseeing spectacular was a place I have long desired to see, the original Slater Mill in Pawtucket, near Providence. Samuel Slater arrived in Rhode Island in 1789, listed as an agricultural worker. Actually he had worked in English spinning mills and had memorized the details of the complicated Arkwright Spinning Jenny, the use of which was giving England a world textile monopoly.

Backed by financier Moses Brown, Slater built a mill on the Blackstone River at Pawtucket, reproduced a Spinning Jenny, and using water power started the industrial revolution in America. My good friend, Arnold Welles, of Greenwich, Conn., is a direct descendent of Samuel Slater. So my interest was more than casual.

WAGE-PRICE RIVETS?

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. OBEY. Mr. Speaker, the persistent inflation which besets the American economy must be regarded as a very serious problem.

For this reason, it seems to many observers a mistake not to wield the powers of persuasion and public opinion to roll back unjustified hikes in prices and wages.

An editorial in the Christian Science Monitor of September 17, titled "Wage-Price Rivets?" sums up the matter particularly well. I should like to call it to the attention of my colleagues:

WAGE-PRICE RIVETS?

The suggestion that Washington should rivet wage and price controls on the inflation-rocketing American economy keeps bobbing up. Almost certainly, no such controls—not even guideposts—will be applied by a Republican administration. But the question persists—how halt this runaway wage and price situation without applying direct controls?

The "new economics," it has frequently been admitted, knows how to stir up the economy, get it moving, even touch off an inflation. Curbing a hot situation is much more difficult. The rulebook answers haven't worked swiftly enough.

Probably the biggest economic mistake made by the Nixon administration was to announce that it would not intervene or interfere in any wage and price decisions. This was abdicating responsibility in a key area. The administration intended to protest quietly to industry and labor about their inflationary moves, but this was a very muted "jawbone approach." Industry and labor could see that the road was clear to do just about as they pleased.

The question is, how much should an administration do, effectively, short of applying direct wage-price handcuffs? There are of course all the indirect weapons now being employed: the tax surcharge, tight money restraints, postponement of federal (and state) construction projects, budget holddowns. At long last, these apparently are beginning to have impact.

But in the wage-price field the weapons shelf is not totally bare, certainly not in an economy where government has massive impact through quotas, contracts, subsidies, and tariffs. For one thing, there could be much more publicity. Harvard's Prof. Otto Eckstein suggests that a Washington staff publicize every wage and price decision by specific industries. The idea would be to rally public opinion against "irresponsible" decisions.

Others have suggested that government take steps to penalize industries which misbehave. As by lifting the protection of import quotas to an oil industry which raised prices. Or by switching government contracts away from a price-raising steel company, as did the Kennedy administration. Another suggestion is the limitation of wage contracts to one year's duration, which might or might not have restraining effect.

What needs stressing is that a determined regime has many ways of applying pressures, this side of complete wage-price controls. The administration has left too large an area unpoliced if not unexplored.

DANGERS FACE NATIONAL PARK LANDS

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. COHELAN. Mr. Speaker, I commend to my colleagues attention a copy of a letter written by Mrs. Katharine Miller Johnson, wife of the late Congressman Clem Miller, to the editorial staff of the New York Times, concerning Point Reyes National Seashore.

You will remember that the original legislation to establish Point Reyes was introduced by the late Congressman Miller and myself some 9 years ago. This project has still not yet reached fruition.

During this period Katharine Miller Johnson has been in the forefront of the fight to complete the Point Reyes project. Mrs. Johnson's letter is an articulate restatement of the Point Reyes story. I commend her for her initiative and recommend her analysis for the review of my colleagues.

I also submit for the RECORD two reprints from the Times—one an editorial on Point Reyes, the other an article on national parks. Both call attention to the dangers facing national park lands because of inadequate appropriations.

The letter and items follow:

WASHINGTON, D.C.,
September 5, 1969.

Mr. JOHN B. OAKES,
Editorial Page Editor, The New York Times,
New York, N.Y.

DEAR MR. OAKES: Your fine editorial of August 31, "Point Reyes Going" combined with Gladwin Hill's impressive story of August 5 "Point Reyes, a Patchwork Park in Trouble," spells out what threatens to be a tragic loss to the American people, an excellent example of the current conservation crisis.

In 1962, the Congress set aside this National Seashore in Northern California. Located within two hours or less of five million people, in an area visited by countless tourists from every state, are these 53,000 unspoiled acres of dramatic scenery, abundant wild life and 45 shore miles for people to enjoy. It has been estimated that only 2% of the Nation's 60,000 coastal miles are now in public ownership.

The California Legislature has just reaffirmed the overwhelming support of the State for the Seashore. Yet bulldozers are now preparing for subdivision because the Budget Bureau, directly under the Control of President Nixon, has not yet approved the Interior Department's request for funds needed to buy the remaining 30,940 acres of land still in private ownership.

Since land prices around large cities are going up faster than the cost of borrowing money (in the case of Point Reyes, four times since 1962), it becomes only prudent and conservative to spend the money now.

Tragically, however, the Budget Bureau has cut the $200 million Congress authorized for the Land and Water Conservation Fund (source of land acquisition funds) to $124 million, leaving after prior commitments, $17 million for National Park Service land purchases (including Point Reyes) for the entire nation for fiscal 1970). That missing $76 million must be restored.

Your dramatic article of September 1 "Visitors Are Swamping Our National Parks" provides a bitter foretaste of the desperate needs of our city dwellers to escape to open space. Population growth last year was 2% while use of Point Reyes increased 10%. Use in the first five months of 1969 has increased by 104% over the same period in 1968.

The sums needed are large, but should be seen in the light of billions in the Federal budget spent for items which do nothing to sustain the human spirit.

By approving expenditure of enough money for the Land and Water Conservation Fund, thus preserving Point Reyes, the Delaware Water Gap, Indiana Dunes and other irreplaceable park opportunities, President Nixon should now act upon his commitment to conservation proclaimed last week at the Redwoods Park.

Sincerely,

KATHERINE (Miller) JOHNSON.

[From the New York Times, Aug. 31, 1969]

POINT REYES GOING

The Point Reyes National Seashore project, north of San Francisco, is in imminent danger of dying of financial anemia before it is even half completed.

Seven years ago, 53,000 acres of Point Reyes Peninsula were authorized by Congress as a national seashore to preserve wild ocean beaches, sand dunes, rocky headlands, estuaries, remote canyons, forested ridges and expanses of grassland filled with wild flowers.

So far, only 22,000 acres in an irregular patchwork of Federal land have been purchased. Speculation and rising land costs are expected to almost double the price of the remaining acreage.

The Nixon Administration's recent cut of $73 million from the Land and Water Conservation Fund appropriation needs restoration—not only to save Point Reyes as one of the major scenic seashore areas in the country, but to make possible many other urgent park opportunities that may soon be lost forever.

[From the New York Times, Sept. 1, 1969]

VISITORS ARE SWAMPING NATIONAL PARKS

(By Steven V. Roberts)

YOSEMITE NATIONAL PARK, CALIF., Aug. 31.—They came in cars and trucks, in buses and campers and trailers, lumbering through the foothills of the Sierra Nevada, toward a Labor Day weekend away from the agonies of city life. But by Thursday evening they read this sign at the park entrance: "All campsites are full."

That warning has been sounded with increasing frequency this year, not only at the national parks and forests but also at thousands of other recreation areas across the country.

Facilities are staggering under a crush of humanity. Attendance at the national parks has been rising at least 7 per cent a year. One study indicates that even if population growth is discounted, four times as many people are visiting the parks today as did 20 years ago.

Last year, an estimated total of 40 million people visited the 32 operative national parks, and 157 million visitor days—one person staying 12 hours—were recorded at more than 12,000 national forest service units.

Park officials agree that the figures add up to a major crisis. As Ernst W. Swanson, a professor emeritus of economics at North Caroline State College, said in a recent study:

"While we may grant that all Americans should have an opportunity to enjoy the many wonders our natural, historical and cultural assets hold for us, the most pertinent question ensues: Can we afford a burden of visits so immense as to threaten the existence of our parks?"

The outlook for the future is bleak.

"Yosemite will still be the same size 50 years from now," said Bryan Harry, the park's chief naturalist. "We can't make it any bigger or build another one. The population is not only growing, it is becoming more affluent and more mobile, and this land will become even more precious as other wild places continue to shrink. We have to find a way to cope with this problem—and we are open to suggestions."

The roots of the problem are fairly obvious. Affluence has spawned a whole new industry—the camping unit mounted on the back of a pickup truck—and the wilderness is now accessible to people who like running water and soft beds. (In lodges and cabins run by concessionaires, accommodations with baths and stoves are far more popular than rudimentary units.)

Vacations are longer, and new superhighways enable travelers to reach almost any park in the country within a few days. The growing congestion and lack of green space in urban areas is driving more people out in search of nature. But they wind up creating what they are trying to escape.

Yosemite, only a day's drive from San Francisco and Los Angeles, is generally considered the most overcrowded park. Congestion reaches its peak on major holidays, and this Labor Day weekend was no exception.

A CONSTANT ROAR

The constant roar in the background was not a waterfall, but traffic. Transistor radios blared forth the latest rock tunes. Parking was at a premium. Dozens of children clambered over the rocks at the base of Yosemite Falls.

Campsites, pounded into dust by incessant use, were more crowded than a ghetto. Even in remote areas, campers were seldom out of sight of each other. The whole experience was something like visiting Disneyland on a Sunday.

"People who used to come to Yosemite for the beauty and serenity stay away," Mr. Harry reported. "Those who come now don't mind the crowds; in fact, they like them. They are sightseers, and they come for the action. They don't come for what Yosemite really has to offer."

If Yosemite no longer appeals to the purist, it has become a "people's park," an enjoyable place for the average family to spend a few days.

"It's so quiet," said one young couple from Oakland as they stood in a crowd at Yosemite Falls. "At least it's quieter than the city."

IT BEATS ASPHALT

Gary Yaeck of Bakersfield added: "It sure beats concrete and asphalt. My son caught three fish this morning—that's a pretty big thrill."

The problems of congestion are not limited to Yosemite, nor to holiday weekends. Overcrowding is a way of life for the national parks, giving rise to problems such as the following:

The fish stock at Yellowstone is so depleted that people over 12 are now prohibited from using live bait. Fish tend to swallow live bait and half of them die even when thrown back.

Lakes in Superior National Forest in Minnesota are becoming polluted from excessive use by campers. Algae fed by nutrients in human waste is beginning to form in even the remotest lakes, and forest officials are desperately trying to "toilet train" the flood of inexperienced campers.

Camping in the back country of the High Sierras is becoming so popular that officials of Sequoia National Park in California are thinking of installing sanitary facilities at the more popular campsites. In the back country of Yosemite there is no more room to bury garbage. Campers are now required to carry their garbage out with them.

More than 10,000 boatmen will ride the Colorado River through the Grand Canyon this year. Last year only 3,000 did it—as many as made the trip in all previous years combined. Trails leading from the rim to the canyon floor are in danger of eroding from overuse and must constantly be repaired.

Traffic jams are common on Trail Ridge Road, a highway rising more than 12,000 feet in the wilderness of Rocky Mountain National Park in Colorado. Cars are sometimes backed up for 20 miles in Great Smoky Mountains Park in Tennessee and North Carolina; commercial vehicles were recently banned from park roads and traffic lights were installed. Many parks, have instituted one-way road systems.

Older parks, such as Yellowstone and Yosemite, are laboring under the handicap of antiquated sewage plants. Spring floods caused the system to break down here this year, and raw sewage poured into the Merced River. On big weekends, when the winds are wrong, traces of smog hang over the Yosemite Valley.

The normal destruction of plants and wildlife by huge crowds is compounded by vandalism. Signs are torn down, benches broken, doors ripped off their hinges. Pilfering became such a problem at the Petrified Forest in Arizona that officials bought some petrified wood and now give it out free to anyone tempted to smuggle home an exhibit from the park.

Serious crime rose 67.6 per cent in national parks last year, as opposed to 16 per cent for the country as a whole. Thievery and hooliganism are rising problems. After repeated nasty incidents, Sibina National Forest near Tucson, Ariz., had to be closed down after dark. In some areas, rangers travel only in pairs.

All this has park officials very concerned.

"Our challenge," said Fred Novak, Western regional director of the National Park Service, "is to strike a balance between protecting our resources and providing for their use and enjoyment."

In the past, the emphasis has been on use. Vast publicity campaigns urged people to visit the parks and officials took great pride in their burgeoning statistics. Now the stress is swinging toward protection.

"We used to say, 'Welcome, we're here to serve you,'" said one park official. "Now we say, 'Sorry, we have as many as we can take; you'll have to come back later.'"

FIXED NUMBER OF SITES

In the last year or two, national parks and forests have taken several steps toward regulating the use of their facilities. In the past, people were allowed to camp wherever they could find room. Now, most parks have a set number of campsites. When they are full, no one else is allowed to camp anywhere in the park.

Officials are also considering user fees for campsites (they are now free) and reservation systems (they are now on first-come first-served basis). The theory is that fees would make some other places, such as private campgrounds, more attractive. And some people would stay home if they did not have reservations, rather than wander fruitlessly from place to place as they do now.

Many officials are considering plans whereby people would leave their cars outside a park and travel in by buses or other group carriers. An experiment will soon begin here in which tourists visiting the Wawona Grove of Sequoia trees will park some distance away and be brought to the grove by bus.

HARD TO DIVERT TOURISTS

Officials talk about efforts to divert people away from the more popular places, but that is extremely difficult.

"Everyone wants to see Yosemite Valley, the giant sequoias and Old Faithful," said one official. "These are the things they've always read about."

The State of Oregon is so concerned about the influx of tourists that it recently dropped its advertising campaign to attract more visitors. Gov. Tom McCall announced that gasoline tax revenues, formerly used for advertising, would be diverted to an antilittering campaign.

A national plan for outdoor recreation now being prepared for President Nixon is reported to suggest that industries and schools should stagger their vacation schedules. A second recommendation, according to park officials, is that more recreational facilities should be developed closer to urban areas. The true wilderness would then be left to those who are looking more for tranquility than recreation.

FOR SCATTERED FACILITIES

Another frequent proposal is that national parks should build more facilities in unused areas and not concentrate visitors in small sections. Officials point out, however, that funds for new construction are being devoured by rising maintenance costs, especially with so many inexperienced campers coming to the parks for the first time. The proposal also excites the wrath of conservationists.

"When you go outside Yosemite Valley," explained Mr. Harry, "the waterfalls you find are exciting because they are so wild and you're by yourself. If you build a road to them, they lose their charm. The beauty of the back country is in its solitude. It's an illusion to say that all you have to do is open more territory. If you do, you'll ruin it."

FUNDS FOR 265 UNITS

The budget for the National Park Service this year is almost $130-million, up from $125.5-million last year. But that is needed to maintain 265 different units, including the 32 national parks, covering more than 27 million acres. Professor Swanson estimates that the service could easily use double its current appropriation.

Even if new parkland is purchased, officials now believe that they will ultimately have to limit access to the parks. A study is being made to determine precisely when a park becomes saturated and starts to lose its essential character. The idea is abhorrent to many officials, but some of them are convinced that the only alternative is the gradual destruction of the national parks.

"I sometimes remember," said Mr. Harry, "a study an ecologist once did about muskrats. When they first moved into a marshland they lived in peace. But when the marsh filled to overflowing, the muskrats started pilfering and fighting with each other. Finally they killed the marsh and they all died. Maybe that's the point we are at."

HONORING ROBERT KENNEDY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ROSENTHAL. Mr. Speaker, in the 15 months that have passed since Senator Robert Kennedy's tragic death we have perhaps only begun to fully appreciate the greatness of this man.

With the passage of time we have sought appropriate ways to commemorate his persistent efforts to translate our national ideals into reality. Immediately after his death, I asked the Postmaster General to honor the late Senator Kennedy with a commemorative stamp. Today I am introducing a joint resolution calling for the issuance of a Robert F. Kennedy memorial stamp.

I hope my colleagues will join with me in honoring this national leader who so passionately loved our country and its people—and who, in his search for justice and peace, touched the hearts and inspired the minds of all.

OPERATION INTERCEPT

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. VAN DEERLIN. Mr. Speaker, the administration's vaunted Operation Intercept, to curb drug smuggling, apparently was opened yesterday, by teams of inspectors who searched every car entering the United States from the Tijuana, Mexico, area.

Although traffic was backed up for miles as a result of all this new activity, early reports indicate that few, if any, illegal narcotics hauls were actually seized.

It remains to be seen how well Operation Intercept will work. Perhaps it will proceed more smoothly after a shakedown period.

Speaking generally, Mr. Speaker, I applaud any significant moves by the U.S. Government, acting alone or in concert with Mexico, to curb the trafficking in drugs between our two countries.

Operation Intercept would appear to have many valuable features, especially the proposals for strengthening the border manpower of the Customs Bureau, the Bureau of Narcotics and Dangerous Drugs, and the Immigration and Naturalization Service, and for utilizing new sensory equipment for detecting both smugglers and certain types of drugs.

I would hope, though, that the additional personnel to be assigned to the border will remain there on a permanent basis. Since I first came to Congress nearly 7 years ago, I have been calling for a more realistic allocation of manpower in the border areas, and I am currently cosponsoring legislation to authorize 70 more Customs inspectors at the California ports of San Ysidro and Calexico.

It would be unfortunate if the extra agents assigned under Operation Intercept were to be left at the border only for a one-shot swoop—for the sort of exercise that might generate some favorable publicity but would accomplish little lasting good.

I was somewhat disturbed by the lack of any reference in the plans for Operation Intercept to the grave problems posed by the unregulated flow of dangerous drugs from our country to Mexico.

I have felt for a long time that the narcotics problem is as much ours as Mexico's. Any crackdown on the trafficking of drugs across the border, to be truly comprehensive, should include some positive actions by our Government to control the U.S. pill trade with Mexico. There have been reliable estimates that these exports from the United States, when combined with Mexican-made pills, would provide every man, woman, and child in Mexico with 100 pills per year.

I believe our President already has powers, under the Export Control Act, to strike a crippling blow against the traffickers in dangerous drugs. For under this act, the Chief Executive is empowered to regulate any outgoing commodity if he can show that it impairs our national security. Can anyone argue that today's flow of dangerous drugs is not a matter of national security?

Finally, I continue to have serious reservations about the wisdom of the idea now reportedly under study in the Defense Department of putting Tijuana off limits to U.S. military personnel.

I have repeatedly stated my opposition this this proposal, most recently during a special order 2 weeks ago. I can see no justification in treating our servicemen as second-class citizens. The courts have ruled that U.S. civilians cannot be denied entry to Mexico, and service personnel are involved in proportionately far fewer narcotics arrests in the Tijuana area than other categories of U.S. citizens.

Under unanimous consent, I insert at this point an article from this morning's Washington Post which describes the rather torturous beginnings of Operation Intercept:

ANTI-DRUG CHECK HELD ON BORDER

SAN DIEGO, CALIF., Sept. 18.—U.S. Customs agents slapped a blitz inspection on car traffic crossing the border at San Diego today in a test run for the forthcoming "Operation Intercept" dope crackdown.

Cars backed up more than three miles.

The Justice Department had promised a 24-hour vehicle-by-vehicle inspection of cars at the Mexican border as part of the multi-agency anti-narcotics drive. An hour-and-a-half test was tried today at the Tijuana crossing.

Both San Diego and Tijuana business interests were furious at delays caused by the delay and fearful of how the threat of the impending Operation Intercept might affect commerce and tourism on both sides of the busy border.

One government spokesman said the test run delayed cars only a half-hour. But border businessmen said a half-hour delay is normal for crossing the line at busy hours.

Another government official said the delay was closer to an hour and a half today.

Deputy U.S. Attorney General Richard G. Kleindienst has promised that Operation Intercept, planned for the near future, will be the biggest frontal assault on drug traffic across the border in history.

BICYCLING IN THE NATION'S CAPITAL

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. GUDE. Mr. Speaker, as one interested in multiple choice of commuter transportation for the Washington area, it was with more than passing interest that I noticed in a recent issue of the Washington Star an article about a group of citizens who were solving their own transportation problems by way of the bicycle.

These people travel to and from work each day by bicycle. They have formed an organization—the Bicycle Commuters Council—to publicize the advantages of bicycle commuting, and to encourage various programs that would improve the bicyclists' lot.

Several of my constituents commute by bicycle every day in the Washington area. Mr. William H. Speck, an attorney, pedals regularly from Bethesda to his office in the Navy Department. Dr. Lyman Smith, a botanist at the Smithso-

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nian Institution in downtown Washington, commutes by bicycle from his home in Kensington, Md. They are typical of a number of people in my district who bicycle to work.

Mr. Speaker, because of my interest in the work of these advocates of "pedal power," they have sent me a letter explaining their ideas and discussing their plans to increase the number of bicycle commuters in the Washington area. I want to share with other Members of the House the letter which the members of the Bicycle Commuters Council sent to me:

SEPTEMBER 8, 1969.

DEAR CONGRESSMAN GUDE: We are addressing you as a member of the House District Committee who has demonstrated a considerable interest in a solution to the transportation problems of the city and the metropolitan area.

We feel, and we are sure you will agree, that today we want to have a city which has a carefully planned system of transportation. It should provide for all modes, but provide for them in harmony with life of the city. We feel that bicycling should have a part in such a plan.

The bicycle is usually considered just a form of recreation in this country. However, it can be a serious mode of commuter transport. Bicycles could provide quick and inexpensive transportation for large numbers of commuters—and they could do so without creating pollution, noise, traffic, or parking problems.

The bicycle is making a significant contribution to transportation right now in many nations. In Amsterdam—a national capital with roughly the same population and climatic conditions as Washington—200,000 people bicycle to work every day.

Washington, of course, has nowhere near this number of bicycle commuters—but there are more than you may think. And we believe that the government could increase the number easily and inexpensively. We have made specific recommendiations to the D.C. government of actions it should take to encourage bike transportation in this city.

As a first step, we propose demonstration bicycle routes to bring commuters to the Federal Triangle from three different residential areas. The estimated cost for the three routes total $20,000. This amount—which would purchase less than 10 yards of modern superhighway—could provide thousands of people with safe, easy, clearly marked routes to work. If the demonstration is successful, we propose extension of the original routes, and additional routes to serve other commuters, shoppers, and tourists.

The bicycle is not a panacea for Washington's traffic morass; but given a chance, it can help. We submit that this city can and should give bikes a chance.

Yours sincerely,
THE BICYCLE COMMUTERS COUNCIL,
THOMAS R. REID III,
WILCOMB WASHBURN,
Cochairmen.

THE PRICE OF PROTEST: THE CUT IN APPROPRIATIONS FOR THE CONGRESSIONAL INTERN PROGRAM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the defeat of the Gibbons amendment during the consideration of the legislative branch appropriations bill for 1970 was a disappointment to me.

Nonetheless, a recent paper by Judy LaBelle of Winneconne, Wis., remains well worth the consideration of the Members of the House.

Miss LaBelle has done an outstanding job in tracing the history and results of the House intern program.

There is a need, Mr. Speaker, for students to learn the legislative process. The internship is by far the best way, but, in order to be successful for all, there is a need for guidelines. Miss LaBelle has outlined one student's recommended guidelines and I urge my colleagues to review this excellent paper as we give consideration in the time ahead to the future of the intern program.

The paper follows:

THE PRICE OF PROTEST: THE CUT IN APPROPRIATIONS FOR THE CONGRESSIONAL INTERN PROGRAM

(By Judith La Belle)

CHAPTER I. THE CONCEPT OF THE CONGRESSIONAL INTERN

There has been an unfortunately scant amount of research done on the nature and use of college interns in Congressional offices. Most published references to it are found in magazine and newspaper articles generated by some of the program's more controversial and unfortunate developments. The broad subject of intern programs within the range of the entire political system has, however, been scrutinized by a small number of writers and political scientists.

The attempt will be made here to ascertain the goals and value of the intern program as seen by the interns, educators, and Congressmen involved. I shall propose some suggestions for definite improvements which could be made in the program which would increase its value as well as its probability of being refunded under H.R. 416.

The practice of having college students work in Congressional offices had its origins in a fortuitous union when several seemingly unrelated factors merged at one juncture in time.

"When a severe shortage of heating fuel developed during the winter of 1942–3, institutions engaged in non-essential activity like the higher education of women were forced to close for the cold winter months. Government workers were, of course, in great demand at this time, so it was not difficult for the Wellesley College Political Science Department to arrange for a small number of students to spend this long vacation in Washington as interns. So began the Wellesley Washington Intern Program . . . this was the first organized attempt at the undergraduate level to supplement academic study with practical experience in politics. The unlikely combination of war and women started a trend in political education that has become increasingly widespread.

"By 1944 the fuel shortage had eased, and the college year resumed its normal pattern. Wellesley decided to continue its educational experiment in Washington but shifted the program to the traditional summer vacation period where it has remained to this day." [1]

From this limited war-time measure there developed the acceptance and use of college students in Congressional offices through programs sponsored by educational institutions, private organizations, and ultimately the government itself.

The idea of the college-sponsored intern took root. Several schools, especially those in the eastern part of the country began to run their own programs: Princeton, Columbia, Yale, Cornell, and Vassar sponsoring some of the more prominent. These programs operate by establishing an initial contact with one Congressional office which is willing to cooperate. The major task and responsibility of screening and selecting the participating students is accepted by the institution sponsoring the program. In most cases the selection process takes into account the need for a basic compatibility between the philosophical and ideological beliefs of the student with those of the Congressional office in order to establish a visible working relationship.[2] Efforts are made to insure that the students have not only the skills, but also the maturity to make the activities of the semester of mutual value to both parties involved. Thus, by carefully selecting and preparing the students to participate, the schools "carve out a place" in one particular office, assuring the continuation of the program.[3] Throughout the period of the internship, close and careful contact is maintained between the student, his academic advisor and the liaison staff member in the Congressional office. At the conclusion of the intern period the student's work is usually graded or judged in some manner.

Intern programs run in this manner are directed toward the ultimate accomplishment of the educational objectives for intern programs as outlined by Dr. Bernard C. Hennessy in "Political Internships: What and Why." The objectives are as follows:

(1) To allow the student to experience in a realistic situation, and to the extent possible as an actor in that situation, the competing expectations and demands of political life, and the methods and processes by which these expectations and demands are met, resolved, resisted or compromised,

(2) To provide the student with concrete examples of political problem-solving that can be compared and contrasted with the literature used in the academic study of politics,

(3) To give insight and understanding that the student can take back to the campus for the enrichment of his further studies,

(4) To provide the student with practical and political knowledge and skills with which to discharge his responsibilities as a participating citizen in a self-governing society, and

(5) And, in the case of some interns who choose political or governmental careers, the internship provides an opportunity to try their aptitude and skills and to gain insight for subsequent employment.[4]

As Mr. Hennessy points out, these objectives are used in relation to the standards set by the National Center for Education in Politics Executive Committee when it began its participation in the realm of internships in 1956. Its report stated that:

"No internship program should be undertaken unless certain requirements are met. Principle among these are: 1) careful preparation, by development of close relations with the political agencies involved (for which purposes instructor-political leader conferences are invaluable); 2) detailed planning for intern orientation and proper identification of responsibilities to be assumed; 3) careful academic supervision, with maintenance of ultimate control in academic hands." [5]

From these guidelines and objectives it is clear that the organization which developed them, the National Center for Education in Politics had a deep understanding of the purpose and usefulness of the intern program purpose and usefulness of the intern program.

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[1] Philip N. Phibbs, "The First Twenty Years: A Study of Political Participation by Former Student Interns," Mimeographed, January 1966.

[2] Warren Butler, October 8, 1968, interview.

[3] William Kendall, October 1, 1968, interview.

[4] Bernard C. Hennessy, "Political Internships: What and Why," p. 12.

[5] *Ibid.*, p. 13.

From 1947 to 1967 it sponsored and financed thousands of student and faculty programs for political education including in the last ten years of the organization's existence, hundreds (in all over 2,500) political internships.

The NCEP program was developed so that the responsibility of selecting the student participants and the offices in which they would serve rested with the Regional Affiliate and the academic director of the participating institution. Thus in those schools desiring Congressional internships, it rested with the program's director for that school to seek out a Congressional office willing to participate in the program, establish contact, and make the necessary arrangements.

By 1963 the idea of participating in the government, of becoming involved, gained such widespread influence that it had become "typical" to have students spending the summer vacation months in Congressional offices. In Senatorial offices, particularly, there was an influx of collegians each summer, many working for little or nothing in the way of monetary compensation. Through the combining of these students with the efforts of the programs run by schools and private organizations, the impetus behind the program continued gathering strength.

During this period, from 1963 through 1965 and the inception of the House-sponsored program, it was not uncommon for a Representative to receive so many requests that certain criteria for acceptability had to be adopted by many offices. Those most often included were: (1) residence in the member's district, and (2) Junior or Senior standing in a college or university. In spite of these limitations, many offices were still deluged with applications.

June 16, 1965, in the only roll call vote ever taken on the program, H.R. 416 was passed by a vote of 229 to 153. This bill made it possible for Representatives to hire one student intern for a two and one-half month period in the summer, with the salary of $750.00 paid from the contingent fund of the House. When the necessity of paying for the interns from the member's regular staff allowance was removed, the movement continued to increase in strength. The climax was reached in 1967 when there were approximately 1,500 interns on the Hill, 1,000 of them on the House side. But this increase of not only student interest but also actual student participation in Congressional offices was not without its weaknesses. As we shall see, many of the strengths to be found in the previous internship arrangements were overlooked and forgotten after the passage of H.R. 416—a situation which undermined not only the governmentally funded program, but which has also posed a threat to the continuation of the entire concept of the Congressional internship.[6]

However, this presents the challenge and opportunity for the creation of a new internship program which would be more advantageous not only to the Congressmen and students involved, but ultimately to the society as a whole. By studying the weaknesses as well as the strengths of the various intern activities we may hope to make positive suggestions which would help and hopefully hasten a move forward in the area of student involvement and education in the area of politics.

Internships have often been sighted as the prime example of student involvement in the political process. Before further studying this involvement, however, the attempt should be made to establish its value. Included in Bernard Hennessy's study of political internships are various statistics revealing increased political interest and participation in students who have completed a period of internship. More valuable to this paper is his general analysis of the unique value of an internship:

"Internships work not so much as devices for gaining knowledge of a factual kind, as for gaining knowledge in the sense of 'feel' and understanding. Internships work because they personalize data. They work because they give to political life and events a reality that has part of it a sense of one's own being. They give to the facts some of the warmth and color of the human condition. They merge, to some extent, the self with the otherwise foreign and non-self stuff of the world out there. They provide the opportunity for art, as art can only be a mixture of emotion and nature in the subtle alloy by which nature restrains emotion and emotion gives life to nature."

The value which accrues to the country as a whole as a result of the training of students in the political process is self-evident. And these individuals active within the political system who shoulder the responsibility for the intern program are not without their rewards; as Representative John V. Tunney has stated: "They need our experience and we need their youth, vigor, and vision."

CHAPTER II. THE CONGRESSIONAL INTERN PROGRAM, 1965–1967

"Certainly, passage of House Resolution 416 would be an historic step forward by the House of Representatives toward giving tomorrow's leaders a firsthand education in our legislative process." Representative HARVEY MACHEN—June, 1965.

Through the increasing number of privately sponsored interns on the Hill each year, many Members had had genuinely pleasant and worthwhile experiences. As early as 1963 the NCEP *Bulletin* optimistically reported that Members of Congress, recognizing the value of the intern program, had begun to introduce bills which would allow for either an increase in the Members' staff size to allow the acquisition of an intern, payment of interns from House funds, or both. One of these early bills, introduced by Representative Howard Robison (R-N.Y.) ambitiously proposed to allot a salary of $1,300.00 for each intern.

Thus it was no surprise to most Members when the Committee on House Administration reported House Resolution 416 to the floor during the first session of the 89th Congress. Representative Brademas (D.-Ind.) author of the bill, briefly outlined its projected value: the availability of extra office help as well as the educational experience and knowledge to be derived by the participating students. He recognized that increased student interest in internships had fostered the need for uniformity in opportunity and administration. With Mr. Friedel, committee chairman, handling the floor debate, the resolution was adopted on June 16, 1965 and became Public Law 89-545.

H.R. 416, although less generous than the bill which Mr. Robison had proposed, nonetheless seemed basically sound in conception. It provided that each Member of the House could hire an employee to be known as a "student Congressional intern" for a period of two and one-half months during the summer, and that such an intern could be paid a total allowance of $750.00 from the contingent fund of the House. On closer analysis, however, the bill lacked substance which its parent committee also failed to provide through subsequent regulations. The factors which had provided the basic strength of the previous private endeavors—educational orientation and close supervision within recognized guidelines—had been completely overlooked.

It may be pointed out that H.R. 416 was passed at a time which strongly worked against the development of a meaningful program for the summer of 1965. Some members, not having had interns before but having seen the value which others placed on this practice, took advantage of H.R. 416 to hire in intern for the remainder of the summer. In many cases, there was little forethought given to the basic objective to be served and the role which the intern was to play within the office. Of the goals and needs which Representative Brademas had urged the House to serve: uniformity in opportunity and administration, educational experience for the students, and the availability of extra help in the office, only the latter was uniformly met.

Because of its nebulus nature and the lack of guidelines, the bill lent itself to 435 different interpretations and implementations. An examination of some of the dominant trends of thought reveals the sources of the problems which later came to plague the program. Aside from Representative Brademas' comments on the House floor, no general objectives of the intern program were ever spelled out to the Members: each was left to determine his own view. Three basic concepts of the worth of the program soon developed, each in turn determined what use was made of the intern concerned.

The attention given the intern program in *The Congressman: His Work as He Sees It*, by Charles L. Clapp reveals the differences in interpretation which Congressmen have concerning the value and use of interns.

Interns were cited as a form of valuable assistance enabling the Congressman to undertake activities that he would otherwise be forced to neglect. A mitigating factor, however, is the temporary nature of their stay. Thus some offices eagerly welcome interns and see them as a means to provide greater constituency service, while other offices are leary of allowing interns to deal with constituency matters because through their inexperience, interns may make mistakes which would cause ill will toward the Congressman.

Clapp noted that the Members in the Brookings discussions also mentioned interns in relation to the educational function which many of them see as part of their responsibilities. They stress the benefit which the students gain through actual experience in a Congressional office and a first-hand view of the legislative process. An opinion expressed by Representative Machen on the House floor when H.R. 416 was first considered is perhaps typical:

"We who are deeply involved in the political process ourselves have a responsibility to encourage the widest participation at all levels and especially among the youth of America. The enthusiasm and idealism of young people can be most constructive in providing a broad and informed base for political activity. It is in these ways that we provide insurance for the continuing operation of our democracy. The knowledge gained during a summer's work in a congressional office will more realistically equip a young person for academic pursuits, a political career or simply the duties of good citizenship."

Keeping in mind these two responsibilities—to perform constituent services and to fulfill certain educational functions—let us

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[6] For the sake of convenience and coherence, the phrase "The Congressional Intern Program" shall be used to refer to those endeavors generated by H.R. 416 which were carried on during the summers of 1966 and 1967. When the term is used throughout the remainder of the paper, one must keep in mind that it refers to the House-sponsored internships, not to any of the specific programs or related activities developed by any private organizations or either of the major political parties. It should also be noted that under this definition the study is restricted primarily to activity in the House of Representatives. The U.S. Senate, although increasingly receptive toward the use of interns, has yet to adopt a governmentally-funded program of college internships.

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now examine what effect the degree of importance which the Members placed on each of these factors had in determining the use made of the interns in Congressional offices.

One concept of the program viewed it as a means to acquire extra office help free (from outside the Member's regular clerk-hire allowance) during the office's peak period of activity. In this situation the Member himself usually took a rather indifferent attitude toward the activity and use of the intern. Interns in such offices were often delegated to take visiting constituents on tours; their regular duties would involve the routine clerical work of the office.

Some Congressmen did view the intern period as one during which a selected student would be introduced to the realities of Congressional politics through as varied and valuable experience as possible. They recognized the opportunity to stimulate political interest and activity in college and university students, to establish the environment for a meaningful dialogue. Congressmen who took this position, being enthusiastic and optimistic about the program, and willing to let the student involved work to his full potential, most frequently allowed the intern varied responsibility—and they were vocal in their praise at the results. Mr. Conte's remarks, made on the floor of the House, are fairly typical: "I have been able to give them meaningful tasks which they have consistently carried out in a manner demonstrating both their abilities and their interest in having an opportunity to play a role in the governmental process."

Although sufficient variations do occur that there can be no definite lines drawn or correlations made, three dominant views of the purpose of the program—educational, clerical, and political—do roughly correspond to the three dominant attitudes toward the program—enthusiasm, indifference, and lack of appreciation. This type of rough correspondence extends to touch methods of selection, and supervision as well.

Five basic methods were used to select interns: (1) written competition, (2) acceptance of anyone recommended by another party member, (3) acceptance of those recommended by politically important friends, (4) selection of those from the district with the necessary writing and secretarial skills and (5) working through programs run by schools which accept the responsibility for selection, usually with the stipulation that the student be from the Member's district. (The stipulation that the student be from the Member's district or state and have Junior or Senior standing usually underlines all others.) Each of these methods has its positive or detrimental value determined by the Member's view of the purpose of the program.

The office interested in obtaining extra clerical help usually accepts suggestions from any educational source, may sponsor a competition, yet ultimately decides on the basis of the clerical skills of the applicants.

If the Member is interested in the political education of the student, he will usually rely on a school to do the selection (removing the possibility of political pressure determining his intern), a writing competition, acceptance of the applications from students suggested by political friends and constituents. Members such as these have become aware that the philosophical orientation as well as clerical and writing skills of the student must be considered if there is to be a harmonious relationship between the intern and the office.

There is also some relationship between the Congressman's view of the objectives of the program and the supervision which he provides. If he is seriously devoted to its educational aspects, he may meet with his interns on a regular basis, try to introduce them to various facets of Congressional activity and make certain that the intern is assimilated into his staff and given as many meaningful responsibilities as possible.

Offices in which the Congressman and his staff viewed the program as having an important educational aspect, steps were taken which insured its value and success. General guidelines were established within the office as to what role and responsibility the intern would assume, these were communicated to the intern as the conditions of his employment; attempts were made to establish understanding between the Congressman, the intern, and the staff. As Congressman William Steiger (R-Wis.) commented, interns may arrive thinking that they will change the world, which is probably good and the way it should be. But one would hope that the office would "temper" this outlook by helping the student get the "feel" for the government and how it operates. The success of the program in the offices in which this was the attitude is evidenced by the students' acceptance of their position and the appraisal of the value of the program which many Congressmen voiced on the floor of the House.

Offices in which interns were hired merely to gain political advantage or to increase the clerical staff resulted in entirely different reactions from all parties involved. In these offices little attention was paid to the educational aspects of the program—the opportunity to acquaint the student with the government was largely overlooked. Little actual planning was done regarding the specific nature of the intern's work or how he would be assimilated into the staff. In most of these offices it was assumed that the student would be assigned the mundane office tasks which often mount during the hectic days of the summer. Little or no attempt was made, however, to communicate this view of the coming summer to the perspective intern. Because of this many interns reported to their first day of work on the Hill with visions of substantive responsibilities awaiting them, only to find a mailing list in need of revision and envelopes to be typed. It must be noted that tasks such as these which consume a great deal of time in every Congressional office would naturally be included in the responsibilities of any intern. A problem arises when they are the *only* responsibility.

It was this mixed atmosphere of both ardent support and growing disillusionment toward the program that witnessed the development of the Vietnam protest movement among the interns.

As one staff assistant commented, no Congressman should have been surprised by the protests, within the political climate of the times. An intern during the period (who did not join the protest) explained that by the very nature of the students involved in the program there was bound to be an inherent inclination toward organization-mindedness and action on matters about which there were strong feelings. This tendency to act was aggravated and brought to the fore by the disillusionment which many felt with the program which placed them in jobs which held little responsibility. The time to think, plan, and organize were available as were a great number of like-minded individuals.

Once again the lack of guidelines for intern action was a factor in creating the turmoil that resulted. There is in effect in the American political system, and especially on Capitol Hill, a unique system of employer-employee relationships centering on the "law of agency." This "law" says, in effect, that what any one employee in the Congressman's office does reflects on the Congressman himself. This aspect of life and work on the Hill was not made clear to all interns. As Bill Byrd, then President of the Capitol Hill Young Democrats, pointed out, many interns thought they could retain a separate identity. They did not realize that any Congressional employee tends to lose his identity as it is submerged to that of his employer. Mark Green, originator of the petition, admitted that he had "underestimated the extent that Congressmen would get upset about this letter," even after "we went out of our way to make it clear that we in no way intend to speak for the Congressmen we work for."

Green, an intern for Senator Javits, began the circulation of a petition. The letter accompanying the petition read in part:

"DEAR INTERN: We are seeking your support for the enclosed letter which we will present to President Johnson . . . We believe the letter to be polite yet to the point. If you sign you do so as an individual and irrespective of office. The person for whom you work will not be implicated and will nowhere be mentioned . . . 'Dear Mr. President: We Congressional Interns, selected and appointed by Senators and Representatives, have come to work in Washington because of our interest in Public Service; our presence here this summer evidences our desire to be the 'doers' and builders of whom you spoke. Yet although we are anxious to build a great nation and a healthier world, we fear that our actions in Vietnam are detracting from the achievements of these goals. We therefore sign this statement as a matter of conscience to go on record before our nation that we can no longer condone this war through our silence . . .' "

The petition brought a wide range of reactions from Congressmen and interns alike. A very few Congressmen supported the legitimacy of the petition, and they were far outnumbered by those who were outspoken in their opposition to this action, and by the staff who counseled their interns that the Congressmen had been sent to Washington to try to influence policy, they had come to learn.

Among the interns, some declined to sign because of their own convictions or at the request of their Members, others started a short-lived counter-move. Letters were circulated on both the House and Senate sides by interns disassociating themselves from the anti-Vietnam letter. And, in what might be cited as the tradition of Congress itself, an *Ad Hoc* Committee for Responsible Interns was formed, elected officers, yet accomplished little except to increase the complexity of the situation.

In December, 1967, funds for H.R. 416 were deleted from the supplemental appropriations bill for fiscal 1968; neither were they included in the regular legislative appropriations bill for fiscal 1969 considered by the House in June, 1968.

On the floor

When the Appropriations Committee eliminated the funds for H.R. 416 from the supplemental appropriations bill in December of 1967, the Chairman, Representative Mahon, stated that in a year of economy measures: "I think we can show to the country that we, too, are tightening our own belts a bit." The effect of this action was to prohibit the funding of the intern program from the contingent fund of the House; it did not eliminate the authorization for the employment of a summer intern—the addition of an extra person to the legal staff limit.

After a summer of turmoil inspired by intern activity, many people on the Hill had expected that some revisions in the program would be forthcoming. Yet many Congressmen and staff alike were surprised at the action of the Appropriations Committee, for while the intern program is still authorized by law, without the funds for all practical purposes it is dead.

There was, however, still a good deal of Congressional support for the program. For example: in March, 1968, Congressman John Brademas (D-Ind.) and Harvey Machen (D-Md.) co-authored a letter signed by twenty other Congressmen in a bipartisan appeal to the House Appropriations Committee to restore the program's funds for the next year. The letter, which was sent to Representative Mahon, chairman of the full committee, and to Representative George Andrews, chairman of the Legislative Subcommittee, read in part: "We believe that the benefits of the program, both to the interns themselves and to the Congressional offices, far outweigh the amount of money required for its operation." On June 27, 1968, restrictions on the funds were continued for fiscal year 1969.

Many Members of the House, especially those who have continued their support of the program, refuse to believe that the funds were cut because of purely economic considerations. This disagreement over the prime factor responsible for the deletion of the funds began to surface during the floor debate on the supplemental appropriations bill in December 1967. When the regular legislative appropriations bill for 1969, which also left the intern program unfunded, was discussed in June 1968, the motivation behind the committee's action became a prime issue on the floor.

CHAPTER III. PROSPECTS FOR THE FUTURE

In offices where the internship was not successful, the failure can in most cases be traced to a lack of understanding of his role and responsibility by one, all or any combination of the major persons involved. The Congressman may not have had a true understanding of the purpose of the program and therefore could not set guidelines for either the staff or the intern; the staff member mainly responsible for dealing with the intern (if the Congressman had sufficient foresight to designate one) perhaps because of lack of understanding of why the intern was there and what he was expected to do, often did not assimilate the student into the staff and assign him meaningful responsibilities. In light of this confusion and lack of coordination, there was great possibility for the student to be unaware of the exact nature of his position—which often lacked any responsibility or meaningful duties.

In summary, the problems which spelled out the end of the Congressional intern program can be traced to the lack of guidelines which should have been established so that each party, would have known, 1) what the purpose of the program was, and 2) within that general outline what specific responsibilities were to be his.

The factors which had been the basis of the success of the NCEP and other programs run by educational institutions had been overlooked and forgotten in the administration of H.R. 416.

Many of the suggestions which follow stem to varying degrees from the standards for intern programs as outlined by Bernard Hennessy for NCEP (see Chapter I). The ideal is, of course, unobtainable, but any move toward it will definitely bring some improvement in the program and its possibility for reinstatement.

First, it should be impressed upon Congressmen that only those who are willing to carry out the underlying purpose of the program should participate by hiring an intern. Mr. Hennessy expresses this requirement well:

"The politician with whom the intern serves must have, most importantly, an appreciation of the *educational* nature of the internship. He must be willing and able to create an atmosphere of welcome for the intern and, beyond that, a sense of involvement and commitment on the part of the intern. We do not expect any politician to compromise his career, or his staff relationships, or the issues in which he has a stake, to the internship relationship. Unless the internship has practical value to him it ought not to be undertaken. But, his advantage being assured, he has a responsibility also to create an environment advantageous to the intern. The politician must be willing to see his participation at least in some measure, as a contrbution to the intern's education; he must not see it primarily or even mainly, as a way of getting inexpensive help."

If the Congressman recognizes the program as being educationally oriented and is willing to accept his responsibility to carry out this purpose, the entire office relationship takes on the proper dimension. He can and will outline to the staff how they are to facilitate his experience of governmental action through his integration into the staff. If the staff is not receptive to the idea or unwilling to spend the time necessary to help the student become familiar with his new situation, the office should not accept an intern. The Congressman with a clear understanding of the program would also determine the boundaries of acceptable behavior and familiarize the student with them as part of the conditions of his employment. If the intern chooses to disregard these behavioral standards his employer should deal with him personally and immediately.

The ideal program would reinforce its educational orientation through close ties with the student's home institution. The student's academic advisor and the Congressman involved would have sufficient contact to reach an understanding on the student's position and responsibilities. The student would be responsible to his academic advisor for frequent reports, analyzing his situation, experiences, and the new insights which he was developing. In these programs run by educational institutions, themselves, the students often receive a certain number of credit-hours for this work. It is clear that for the most part this development of definite educational ties is out of reach for a general Congressional intern program. If, however, a student selected as an intern was from a home institution willing to extend his credit and had an advisor willing to work with him during his internship period, it would be hoped that the understanding Congressman would cooperate with them in every possible way.

Some ties to the educational community would be of great advantage to the individual Congressman as well as the program in general. Each Congressman could establish a committee of educators—from his district or state generally, depending on availability—to assist him in the selection process. Whether the students who applied lived in his district or attended these schools would be of no consequence. The importance of this arrangement is that the selection process would work toward the development of a program mutually valuable to student and politician, with the selection on the basis of needed skills and intellectual tendencies, with no allowance for patronage which often overlooks merits and compatibility. The idea of using a committee is not to be considered unrealistic or even novel; much the same process is used to screen candidates for appointments to military academies.

The indication that many Members had failed to perform adequately in the selection process under H.R. 416 was made by Representative John Moss: "I think we ought to recognize that it [the cut in funds for the program] was also a vote of no confidence in the judgment of the Members of this House who selected those who served as their interns."

Another aspect which must be considered is the number of interns to be allowed in any one office during any given period. The regulation accompanying H.R. 416 stated that only one intern could be employed by an office at any one time and no more than two could be employed within the two and one-half month summer period. Congressional offices, however, were ingenious in inventing ways to circumvent this stipulation. By using both the money provided under H.R. 416 and the extra money from their clerk-hire allowance, plus out-of-pocket funds, some offices secured from four to eight interns, although the applicability of the title at that point may be questioned.

A valuable situation involves the close working relationship between the intern and one staff member. Some offices see an advantage in having two interns who can be alternated between the mundane clerical work of the office and the more stimulating work such as research and speech writing. Stress should be placed on the selection of one or two interns who can be closely supervised and trained.

It is recognized that none of these suggestions could, or should, be made any more than just that—suggestions. The Members of Congress have been selected and sent to Washington by their constituents and are expected to have a free hand in fulfilling their roles as they see them. There should no more be any restrictions on Member's selection of their interns than should there be on the selection of their permanent staff members.

These suggestions, or guidelines, should, however, be made. They should be made so that all Members are aware not only of the purpose of the program but also of the alternatives which are open to them in working toward its fulfillment. Perhaps it is unfair to expect intern guidelines to emanate from the House Committee on Administration which administered the program. But if this House committee cannot fulfill this function, it should not be abandoned. It should be taken on by an organization interested in political education and capable of handling the task.

BLOUNT STATES FACTS: POSTAL REFORM NEEDED

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. COLLINS. Mr. Speaker, the September 1969 edition of Nation's Business has an excellent article by Winton M. Blount. He states in plain language why we need postal reform today.

Postmaster General Blount supports a plan to provide for changing the Post Office from Government to private operation. Like any all-encompassing plan, everyone thinks of suggested modifications. Whatever the final plan, Blount is absolutely right about the fact that we need a modern postal system.

We are still sorting mail in bins designed by Benjamin Franklin. Postal workers have no incentive, as 63 percent retire in the same job in which they started. The 740,000 persons who work for the Post Office deserve an independent opportunity to build a great postal system. Read the case for postal reform by General Blount:

Nine and one half pounds!

That's the current weight of the Postal Manual, the organizational Bible of the U.S. Post Office Department.

It includes laws, rules, regulations and restrictions . . . and interpretations of those laws, rules, regulations and restrictions . . . all accumulating for centuries.

Every conceivable matter of postal operations is covered. It even tells postal employees how to put rubber bands around envelopes and how to recognize a mail bag in need of repair. (Answer: When it has a hole in it "larger than a 10 cent coin.")

As a result, postal operations are run strictly "by the book." The system is authoritarian, and leaves little room for initiative and innovation.

Contrast the position of the local post-

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master, working under these conditions, with that of the local plant manager for a decentralized industrial concern. While the postmaster is thus boxed in, the plant manager makes his own decisions within clearly defined limits, established by his top management. He is accountable for specific results, but is given broad authority to attain them.

This is but one of many reasons President Nixon and I have sent to the Congress a reorganization plan for the postal system, to convert it into a government-owned corporation, headed by a board of directors and run by professional managers.

The present archaic and inappropriate management structure gives rise to countless difficulties.

LONG ON DELAYS

Building a major new post office, for example, requires not only a 22-step decision process within Department Headquarters, but subsequent clearance with the General Services Administration, the Bureau of the Budget, the public works committees of both the House and the Senate, the appropriations committees of both House and Senate, and finally, approval of the entire budget—including our project—by the full House and full Senate.

It is not surprising that it takes an average of seven years from the time a major project is conceived until it's completed.

More unfortunate is the fact that only a meager amount of capital funds emerges in this cumbersome process. Congress is pressed for funds in the cities, in Viet Nam and elsewhere, and little is left for post offices.

Capital investment for the postal service has lagged by almost any measurement. We've been building a thousand new post offices a year for a decade and still you can just about throw a dart at the map of the United States and justify the building of a new postal facility where the dart sticks.

As a result, postal productivity suffers. From 1957 to 1967, the average American worker increased his productivity by 34 percent. For the postal service, total productivity for the same period of time actually decreased by .1 percent. It's not the fault of the postal worker. We're not giving him the mechanized equipment to boost his productivity.

The figures tell the story.

The Post Office Department has an investment of less than $2,500 net fixed assets per employee. The telephone and communications industry, by comparison, has invested $35,630. Even the merchandising industry spends $2,836.

And look at our employees.

For eight hours a day, they step back into the Eighteenth Century—a century of hand labor, little or no training, few chances for advancement, no collective bargaining, poor working conditions.

Little wonder the annual turnover rate is 23 percent!

Or that 60 percent of all postal employees retire in the same job in which they started.

TURNOVER AT THE TOP

There's a pretty good turnover rate at the top, too. I'm the sixth Postmaster General in this decade. With each has come changes in policies and politics.

There is really little reason for the Postmaster General sitting in the President's Cabinet. It is a circumstance left over from earlier days, when the Post Office was a policy arm of government.

Today the nature of the postal service more nearly resembles a public utility than an Executive department of the government.

Business originates 74 per cent of the mail; households send only 20 per cent, and all levels of government, only 6 per cent.

Like all economic functions, the Post Office should be professionally managed and supported by revenues from its users.

President Nixon described the dimensions of our postal crisis in these words:

"Encumbered by obsolete facilities, inadequate capital, and outdated operation practices, the Post Office Department is failing the mail user in terms of services, failing the taxpayer in terms of cost, and failing the postal worker in terms of truly rewarding employment. It is time for a change."

ELEMENTS OF REFORM

There are four elements we consider essential for effective postal reform:

1. Removal of the Postmaster General from the President's Cabinet—an essential action if we are to provide management continuity and effectively insulate the postal service from partisan politics.
2. Collective bargaining between management and employee organizations to determine postal pay, thus transferring that responsibility from Congress.
3. Bond financing as a method for securing the large amounts of capital needed for postal improvements.
4. Rate setting by a board of full-time commissioners, independent of operating management and subject to Congressional veto.

The new Postal Service would have a management structure similar, in many respects, to organizational forms that have proved highly successful in other nationwide service enterprises.

It would be headed by a nine-member board of directors. Seven, including the chairman, would be appointed by the President, with the advice and consent of the Senate. They would be "part-time" directors, not personally involved in day-to-day operations, and chosen to represent the public interest without regard to political affiliation.

These seven public directors would select an eighth member, who would serve as a full-time chief executive officer. A ninth board member—a full-time individual serving as chief operating officer—would be chosen by the other directors.

All postal employees would be transferred into the new Service with their accrued pension rights, leave, pay and seniority. Changes in personnel procedures and policies would be subject to collective bargaining.

BARGAINING WITHOUT STRIKES

The major change in the personnel area is that wages would, for the first time, be subject to collective bargaining.

Labor-management relations would, in general, be conducted under the provisions of the Labor-Management Relations Act of 1947, with the exception that postal employees would not be permitted to strike.

In lieu of the right to strike, however, an impasse-resolving mechanism would be set up. Here's how it would work.

Both parties—employees and management—would be encouraged to devise procedures for settling their own collective bargaining disputes.

If they failed to reach agreement under these terms, either party could cause the matter to be referred to three members of a Postal Disputes Panel.

The Disputes Panel would consist of nine individuals. Three would be named by the Federal Mediation and Conciliation Service and three by the American Arbitration Association. Those six would select the remaining three panel members. Only three members of the Disputes Panel, however, would hear any particular impasse, and neither employees nor management would know in advance which three members would participate.

The Disputes Panel might apply any of a wide range of settlement techniques to resolve a dispute, including mediation, fact-finding and recommendations. If the dispute could not be settled, the panel would have the authority to refer any or all of the unresolved issues to binding arbitration by a separate ad hoc board or to require that the status quo remain in effect.

The Disputes Panel's job is to see that meaningful collective bargaining does in fact occur, and that no issue is sent to arbitration before every possibility of the parties reaching mutual agreement has been exhausted.

The ad hoc arbitration panel, incidentally, would consist of one member appointed by management and another by labor, and those two would select a third panel member. In the event they could not agree, the third member would be selected by the federal mediation and conciliation director.

A SELF-SUFFICIENT SERVICE

An important feature of the Postal Service Act is that it contemplates the Service would become self-sufficient within five years. Debt-free operation would be particularly important, we believe, in building confidence in the Service's public bonds, issued without the full faith and credit of the government behind them.

We do not intend, however, to arbitrarily raise rates in order to accomplish this. Hence, the transition period.

Rate changes, recommended by postal management, would be considered by a semi-independent panel of full-time rate commissioners. The important point here is that the rate commissioners would not be responsible to postal management, but rather to the outside members of the board of directors. This should free them from pressures from operating management and permit them to be more concerned with protecting the public interest.

The panel, supported by a small staff, would conduct public hearings on proposed rate changes, at which postal management and the affected mailers and other parties could appear. The initial decision of the rate commissioners would go to the Presidentially-appointed members of the board of directors who could accept, reject or modify the proposed change. In general, the rates established by the board would take effect after 60 days, unless Congress vetoed the proposal by concurrent resolution.

The rate commissioners also would be charged with hearing complaints from customers concerning service, and with conducting public hearings and making recommendations concerning changes in the scope of postal services proposed by management of the Postal Service.

Public reaction to the proposal seems to have been extremely favorable.

I've seen perhaps 30 polls by Congressmen of their constituents, and in each case, the majority favored the concept of a public postal corporation.

Of more than 200 editorials we've collected on the subject, only seven opposed the proposal.

Several major mail groups have endorsed the bill.

The postal employee organizations, with the exception of the National Association of Postmasters, have expressed reservations. They contend that while reforms are needed, they are unable to accept the basic recommendation for a government corporation.

PATCHWORK ROUTE REJECTED

We gave serious attention to the question of whether meaningful reform could be achieved within the present departmental structure, but concluded that it could not. So did the members of the President's Commission on Postal Organization (Kappel Commission), whose year-long study of the Post Office Department and subsequent recommendation that it be converted into a public corporation formed the basis for our own proposal.

Murray Comarow, who was executive director of the Kappel Commission, writes:

"The Commission concluded, however, that the Post Office's most serious problems were inextricably bound up in its organizational form, and that no solution which stopped short of changing the Post Office fundamentally would have enduring benefits."

I am convinced this legislation will provide us with a truly productive, efficient, professionally-managed postal system, and enable us to move the growing mountains of mail at substantially lower costs than the present structure permits.

The present method for operating the postal system was good for the old days. It is inadequate for the space age.

It's like the four-year-old girl who was waiting impatiently for her mother to bring the dessert.

"Hold your horses," said the mother, busy with something else.

"I'll hold my rockets," replied the girl.

It's time to set aside the old, to try the new. It's time to think in terms of rockets rather than horses.

NOTED DAYTON COLUMNIST, MARJ HEYDUCK, DIES

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. WHALEN. Mr. Speaker, the Greater Dayton area, which I am privileged to represent, has lost a colorful and unique personality

Mrs. E. C. Heyduck, known throughout the area as Marj Heyduck, was found dead in her home on Tuesday.

Marj was a nationally known columnist for the Journal Herald in Dayton. The title of her regular column was "Third and Main," perhaps the most popular effort of its kind in the Miami Valley.

The regard that her readers had for her was manifested in the heavy response to the "Tea With Marj" functions periodically scheduled in our area.

Marj was many things and, in many ways, a kind of pixie. Above all, she was a great person who left her mark on her community and those around her.

The most accurate picture of Marj should come from her own colleagues in the newspaper business. Unfortunately, the Dayton newspapers presently are shut down due to a strike.

However, I have obtained a draft copy of Marj's obituary, written by one of her associates, Hugh McDiarmid, city editor of the Journal Herald.

Mr. Speaker, I insert herewith that copy and extend my deepest sympathy to Marj's parents and her brother and sister:

Marj Heyduck, The Journal Herald's nationally-known columnist and a journalist since 1936, was found dead Tuesday at her home near Greenville in Darke County.

Mrs. Heyduck, who was 56, was found by a neighbor. Darke County Coroner Dr. W. S. Elliott said she had been dead about 24 hours and died of coronary insufficiency.

She was found shortly before 10 a.m. An autopsy was performed Tuesday afternoon.

The neighbor, Mrs. Naomi Fisher, investigated at the request of friends who became concerned when they couldn't raise Marj by phone at her home.

Marj, less well known as Mrs. E. C. Heyduck, was the daughter of Mr. and Mrs. Robert C. Evers, of Dayton. She was graduated from Stivers High School in 1931 and majored in journalism at Ohio State University.

Marj got her start in newspapering in the women's department of the old Dayton Herald in 1936. Leaving that job, she worked for the Dayton Press, a weekly newspaper, and broadcast a daily human interest and woman's feature program over WING radio from 1939 to 1941.

She rejoined the Herald as a general assignment reporter in 1943 and began her regular column which later gained fame as "Third and Main" a year later.

It was at that time that she inaugurated a feature column on wrestling for the Herald's sports department. In recent years, tales of her escapades as a reporter covering wrestling matches in Southern Ohio have entertained hundreds of women at regular "Tea With Marj" occasions throughout the Miami Valley.

Marj was named editor of the Herald's Women's Department in 1948 and became women's editor of the Journal Herald when the two newspapers were merged in 1949.

She gave up her title as women's editor in 1966 and was named assistant to the editor, an honorary title, but she continued her daily "Third and Main" column for The Journal Herald's Modern Living section.

Marj was best known for her sense of humor and devotion to anecdotes. She spun her tales from the thin thread of the most common, everyday occurrences, embroidering them with a bit of fancy and securing them in a bright burst of hilarity.

Such was the inspirational source of her daily column which she wrote in the same conversational style in which she talked to her friends. Human frailties, the pitfalls and pratfalls of everyday were there, cloaked in the warmth of her humor and her sheer glee in the repetition of "see, the last laugh's on me!"

Marj's affairs with hats were almost as legion as her anecdotes. She seldom appeared in public without a hat and made a great fuss over them at her teas and in her column. She also demanded whenever possible that the picture that ran with her column be changed daily, each day with a different hat—a practice that left JH photographers sometimes fearing for their sanity.

Marj's journalism prizes were legion and her reputation as a columnist was nationwide.

She won more than 75 prizes over the years in annual contests of the Ohio Newspaper Women's Association; she won a National Headliners Award in 1946; was given the best column in Ohio award by United Press International in 1963; and her women's pages won first place in the University of Missouri's Penney Award for Excellence in 1964.

Marj was a regular discussion leader at women's editor seminars at the American Press Institute at Columbia University appearing there 23 times between 1952 and 1968.

She also was invited to lead similar discussion for the Ottoway Papers and the Press Associations of California, Tennessee and Pennsylvania.

Marj married Emerson C. Heyduck, an insurance man and also a native Daytonian, in 1934. Mr. Heyduck died in 1953. They had no children.

Charles T. Alexander, editor of The Journal Herald, had this to say of Marj: "She was as comfortable as home. She was as much a part of The Journal Herald as its masthead. The regard all who knew her and read her column had for her is inestimable. The depth of our personal loss is inestimable."

Said James M. Cox Jr., chairman of the board of Dayton Newspapers, Inc. "We are deeply saddened by the loss of Marj Heyduck, Dayton's best-loved newspaperwoman.

"Her 'Third and Main' column brought good cheer and warm human sentiments daily for a quarter of a century. To thousands of Journal Herald readers, Marj was a welcome morning visitor. We share with them a feeling of great loss. Marj was truly an outstanding journalist, but even more a great lady."

As a columnist, Marj travelled widely. Many of her columns were written from the scenes of national political conventions and inaugural balls where she found anecdotes and other material overlooked by thousands of other correspondents.

She also wrote her column from the decks of riverboats bound for New Orleans; from international fashion shows on New York's Fifth Avenue; and from her stateroom aboard the SS Independence cruising in the Mediterranean.

But perhaps her best columns were written from tips and anecdotes exchanged over the phone with friends who called her regularly and strangers who overcame their awe and phoned nervously with a good story.

She also wrote frequently about her beloved Darke County and small Ohio city of Greenville near her home at Wayne Lakes Park where she lived alone following her husband's death.

Marj was a member of the Salvation Army Advisory Board, a Dayton Corps Trustee and a member of the Dayton Stivers Foundation.

Her three books, published by The Journal Herald, are The Best of Marj, published in 1962; The Anniversary Marj, 1964; and The Third Marj, 1966.

Surviving are Marj's parents, Mr. and Mrs. Robert C. Evers; a brother, Robert W.; and a sister, Mrs. Martin Edwards. All are of Dayton.

Funeral services will be private and there is no visitation. The family suggests that any contributions be made to the Dayton Corps of the Salvation Army.

ALBANY STUDENT CONFERENCE ON REPRESENTATION

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. BUTTON. Mr. Speaker, there recently was held in my district, under the academic auspices of the Graduate School of Public Affairs of the State University of New York, the Albany Student Conference on Representation.

I am indebted to Mr. Roy A. Speckhard, who was in charge of the conference, for an insightful and provocative report of that conference. Because it deals with matters of great concern to every Member of this body, I am offering it to my colleagues for their consideration in the pages of the RECORD. I am sure that many, like me, will find it of interest and value.

The report covers, consecutively, such topics as the concept of representation, representing the constituency, goals reflected by representation, current dimensions of representative government, one man, one vote and representation, the job of representing, constituent expectations, perspectives for the future of representative government, computer technology and representations, communication media and representation, and a concept of future representation. It notes, in closing, that:

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The role of a representative is changing from the simple "delegate of the people" function of the past to a complex pattern of action, encompassing modern technology and increased awareness.

I commend the report to my colleagues, and at the same time extend my commendations to Professor Speckhard and to the conference participants, who were Rochelle Alpern, Anthony Cantore, M. Sheila Galvin, Douglas Goldschmidt, Emma Guglielmino, M. Gundlach, Glan Martin, Nelson Stiles, and Pauline van de Velde.

The material follows:

ALBANY STUDENT CONFERENCE ON REPRESENTATION

The conference, held in conjunction with a regularly scheduled class on Congress, has produced a group statement on representation. Certain important aspects of the problems of representation were individually developed and incorporated into a final statement. This report hopefully may lead to some re-examination of Democratic representation.

I. THE CONCEPT OF REPRESENTATION

Definition of representation

The concept of representation, often ill-defined, is an intensely important aspect of American government. Representation is generally accepted by Americans as one of their basic undeniable rights. Yet here ends agreement. Controversy ensues when representation is discussed in depth.

First, it would prove beneficial to examine the word "representation" itself. According to Professor Hanna Pitkin (*Concept of Representation*), the Latin word "repraesentare," interestingly enough, had nothing whatsoever to do with government, but referred primarily to inanimate objects. It meant "to make present or manifest, or to present again." In the Middle Ages it was used with a religious connotation, symbolizing Christ and the Apostles. Evolution of the word as a political term came in the 1600's with the British Civil War, when the members of the House of Commons began to see themselves as representing the entire realm. The British brought this concept to America. It became a common phrase during the American Revolution: "No taxation without representation." From this time, popular representation became deeply imbedded in the American system of government.

Still, there was little theorizing done about the concept of representation and the position of representatives. For instance, there is the unsettled question of what constitutes a representative legislature. John Adams felt it "should be an exact portrait in miniature, of the people at large, as it should think, feel, reason and act like them." Thomas Hobbes presented a theory of men forming a commonwealth with a sovereign at its head as the representative of the entire group. The representative was to be an "artificial person"; that is, one whose actions are not his own, but the actions of others. Max Weber saw representation as a state of affairs in which "the action of certain members of a group is ascribed to the rest; or that the rest are supposed to, and do in fact, regard the action as 'legitimate' for themselves and binding on them." Edmund Burke viewed representation in an inconsistent doctrine based on interest—with personal unbiased realism. With his view of the inadequacies of the mass of the people, Burke viewed representative government as government by an elite group (natural aristocracy), acting in the best interests of the people.

In applying the theories mentioned to the American system, one must recognize that they may not apply fully or even partially to America. For such is the nature of representation that it has not lent itself easily to definitions and rules.

Representing the constituency

The problem developing in the United States government, as in other representative governments, is who a representative actually represents. When we are talking of representation in terms of a legislative body from different constituencies, as in the American Congress, the problem becomes manifold. A legislator may represent the interests of the nation as a whole. However, he was sent to Congress from a specific geographical location to represent particular desires and he may respond to this constituency. Registered voters are the only citizens capable of electing a representative. Thus, he may yield to the demands of those who can vote him into or out of office. The people who participated in the last election are the ones whose desires were strong enough to encourage them to vote, so he may listen to them. He was not elected by all the voters, so he may choose to listen to those who voted for him and, particularly, his most avid supporters. Therefore, there are any number of constituencies that the representative can consider himself responsible to.

Once the constituency is determined, then a representative may act in one of three ways. (1) He may act as a delegate, reflecting the desires and interests of his constituency. (2) He may act as an elected representative of the people with the prerogative of exercising what he interprets as being most beneficial for those people. (3) He may act in both capacities depending on the given circumstance. Is he elected to support and lobby for what the constituency considers important (represent the constituency) or is he elected to determine what is necessary (in a sense, representing himself) or is he elected to act both ways at various times depending on the issue?

In most cases, the constituency that the representative will serve and the role he chooses, will depend on the specific issue involved. In a decision on foreign policy, he may serve a national interest. On a bill on a housing project, he may represent his specific geographical location. In most cases, the issue will not be so vital as to determine what constituency the representative should serve, but, at times, sanctions will be placed on the representative. An example is the influence of an interest group which, through its wealth, can threaten the chances of re-election by mounting a campaign against the representative.

Representatives are usually in close sympathy with the ideas of their constituents. Coming from the same area, both are the product of somewhat the same socialization process. The fear of going against his electorate and being defeated in the next election usually serves to keep the representative attuned to constituent desires.

In the Republican system, the representative will have to maintain a certain degree of responsibility to the people who actually elect him. Should the representative serve the people or his conscience? In many cases, the demands of his conscience will be inconsistent with the demands of the electorate. What is his responsibility? If he fears the loss of election, he probably goes along with electorate demands, rationalizing that there will be another day. If he firmly believes in the cause, he goes along with his conscience. In most cases, the representative will take the alternative that is most expedient politically.

Goals reflected by representation

The possible representational roles of a legislator are influenced by the goals of our society. The ultimate goal, generally stated, is the successful resolution of conflict within a system of broad personal freedoms. We desire that personal freedoms be expanded whenever such expansion does not lead to social and political disorder. It is also desirable that progress be continued toward greater perfection of our democratic system.

If conflict is to be regulated in a manner that is in keeping with our pursuit of perfection of democracy, all interests involved in a conflict must be represented. Representation for all is an ideal basic to our concept of democracy, as well as an effective technique of problem solving.

Several factors concerning the nature of conflict are important. First, conflict results when an individual or group adopts and pursues a goal which is not compatible with the pursuit or realization of a goal or goals held by other individuals or interest groups. Second, new goals may come into being as the result of a variety of changing social, political, or economic factors within a society or among societies. A new goal identified, adopted, and pursued by an interest group holds a potential for conflict. Third, if conflict is not successfully resolved it may lead to disruptive behavior which upsets the entire system.

If a representative body is to successfully resolve conflict, the views held by each interest involved in a conflict must be presented to all involved members of the representative body. The best way for this to be accomplished is for each representative to accurately reflect the views of his constituency. The elected representative is the most convenient and most likely access point to the governmental structure that an interest group has. If each representative articulates the goals of his constituency, most interest groups will have a spokesman.

The problem may arise, however, that some interest groups do not represent a majority or an important part of the electorate of any representative's constituency. Thus, a conflict may arise where one of the goal seekers involved does not have a representative. Students, for example, may be involved in conflict but may have no representative in the legislature. If a conflict is to be successfully resolved, it should be the duty of some elected representative to articulate the goals of each individual, or group of individuals, involved in a conflict that is of sufficient disruptiveness to gain the attention of the legislative assembly. Some system, it would seem, needs to be devised whereby all groups involved in conflict are represented.

At the same time that a representative reflects the views of his constituents, however, he must consider other factors. He must be concerned that the policy which results from the work of the representative assembly is in keeping with the ideals of expanding individual freedoms and the perfection of the democratic system. Policy which results from the legislative process must be intelligent and generally acceptable to society.

The representative holds a unique position for evaluating policy. He has access to a wide range of expert opinion and information relative to the national and international situation which is not available to the general public. Through his work with other representatives, he learns what interests are being expressed within the system, and he can judge with some degree of accuracy the intensity and amount of support that can be expected for his constituency's interests in relation to other interests. He can be aware of the needs of society as a whole and work toward the fulfillment of those needs.

It is his job then to represent his constituents but to decide upon a policy which is in keeping with the goals of the system. Representation shall reflect all political and social ideals.

The solutions which result from the legislative process will probably be less than a total realization of anyone's goals, but they should be the best policies available under whatever circumstances exist.

II. CURRENT DIMENSIONS OF REPRESENTATIVE GOVERNMENT

When dealing with political concepts which appear to be based on logical ground, difficulties may arise when an attempt is made to apply the resulting theories to any specific situation in the real world of politics; conflicting interpretations and problems often ensue. In considering current aspects of representation, two problems become apparent: one dealing directly with the job of the representative in meeting constituent expectations, the other evaluating the numerical relationship between the representative and his constituents. The following section considers these two dilemmas.

One man—one vote and representation

The question of equal representation of voters only occurs as a serious consideration in a democratic system of government. In the United States general elections were selected as the mode through which those citizens eligible to participate in the political process were to demonstrate their choice of representatives. However, neither was universal manhood suffrage immediately adopted nor did the leaders of the new government believe that direct election of the majority of legislative officials was desirable. The founders of the government settled on a system which placed limitations on the control of the population over the selection of their representatives; they deliberately excluded a certain portion of the population from participation in the electoral process. With regard to the election of representatives in the House and in the Senate, the Constitution Article I, Sections 2, 3, 4, specify means of elections, powers of Congress and limits of the powers of both houses. Not until the amendments does the concept of legislative representation receive additional consideration. Here Section 2 of the Fourteenth Amendment the Fifteenth Amendment, the Nineteenth Amendment, and the first section of the Twenty-fourth Amendment deal with the general issues of voting rights and of apportionment.[1] The broad outlines for the functioning of the electoral process and for the determination of representation within the United States were enumerated in the Constitution and the amendments to that document; however, the actual development of the concept of representation in this nation has not followed the precise pattern which might have been predicted immediately preceding an examination of the philosophical tenets of a democratic system of government.

The founding fathers basically represented the elite of the new nation, and while many espoused extremely democratic positions for the latter portion of the eighteenth century, the government which they developed remained an elitist organization. Although the government conceivably was open to all those eligible to vote, and therefore, represented evenly shared electoral power, basic limits such as property qualifications existed which effectively disenfranchised a significant portion of the population. Many of these qualifications were eliminated however, precisely equal apportionment of representation has yet to be achieved in either house of Congress, and it also has yet to be implemented in the majority of state legislatures across the nation. However, with the application of some of the recommended changes for reapportionment designed to achieve a more accurate balance of population representation in the national legislature, the hope for the future seems bright, but it should be remembered that equality cannot be legislated, and true equality of political power cannot be achieved merely by means of a Supreme Court ruling; although equal districting may be achieved, equal influence upon legislative function cannot be guaranteed in this manner.

In consideration of the progress in the United States toward the goal of one man-one vote, the decisions of the Supreme Court in the area of voter equality deserve detailed consideration. In chronological order the primary cases to be considered include: *Colegrove v. Green*, 1946; *Baker v. Carr*, 1962; *Gray v. Sanders*, 1963; *Wesberry v. Sanders*, 1964; *Reynolds v. Sims*, 1964.

First to be considered is the case of *Colgrove v. Green*, 1946. The facts of the case were as follows:

> The Illinois legislature was no more willing to give the Chicago metropolitan area its fair share of seats in Congress than in the state legislature itself. . . . The Court was asked to enjoin the appropriate Illinois state officials from conducting an election in November, 1946, under the provisions of the old congressional apportionment act of 1901.[2]

In delivering the opinion of the Court, Justice Frankfurter declared, "To sustain this action would cut very deep into the very being of Congress. Courts ought not to enter this political thicket." [3] With the enunciation of this position in *Colegrove* v. *Green*, the Supreme Court clearly took its stand away from the future hassles in the area of legislative malapportionment.

In the 1960's the Court began to voice second thoughts as to the necessity for strict adherence to the Colegrove rule. *Gomillion* v. *Lightfoot* (1960), a case involving effective disenfranchisement and discrimination resulting from gerrymandering in the area of the city of Tuskeegee, Alabama, moved the Court in the direction of considering malapportionment, gerrymandering and reapportionment. In the landmark decision of *Baker* v. *Carr*, the Court clearly moved into the full fray of the "political thicket." The case in point involved malapportionment in the General Assembly of the State of Tennessee.

The complaint, alleging that by means of a 1901 statute of Tennessee apportioning the members of the General Assembly among the State's 95 countries, "These plaintiffs and others similarly situated, are denied the equal protection of the laws accorded them by the Fourteenth Amendment to the Constitution of the United States by virtue of the debasement of their votes . . .[4]

Justice Brennan stated that the Supreme Court considered the case justiciable, declaring that political considerations were not the dominant theme; rather, the denial of a right under the equal protection and due process clauses of the Fourteenth Amendment took precedence over any political side issue involved in the determination of the case. The Court held in favor of the appellants, and from this point on, squarely placed itself in the center of this "political thicket." Justices Frankfurter and Harlan, who dissented believing that the Court should not enter into the area of political consideration, stated:

> Disregard of inherent limits in the effective exercise of the Court's "Judicial Power" not only presages the futility of judicial intervention in the essentially political conflict of forces by which the relation between population and representation has time out of mind been and now is determined. It may well impair the Court's position as the ultimate organ of "the Supreme Law of the Land. . . ." [5]

By reaching the decision announced in *Baker v. Carr*, the Court opened the way for judicially proposed remedies for the correction of inequities existing in specified districting arrangements.

In 1963 the Supreme Court chose to elaborate on the concepts which it espoused in the field of legislative apportionment in the case of *Gray v. Sanders*, a case involving the questionable practice of employing a county-unit vote in the state of Georgia. Basing their reasoning on the equal protection clause of the Fourteenth Amendment, the Court declared, " 'Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote. . . .' " [6] This ruling gave new importance to the type of reapportionment plan adopted by those states which were directed to redraw legislative districts. This decision indicated that certain types of weighted voting would be considered unconstitutional. Exactly how judicial remedy could be provided for the obvious political question of equal representation remained unclear.

One of these basic questions was considered in the case of *Wesberry* v. *Sanders*, 1964, which involved the equality of congressional districts existing in the state of Georgia. Justice Black delivering the opinion of the court clearly announced the "one man-one vote" doctrine at this time; going farther than to state that all men should have equal opportunity to cast a ballot of equal weight, his remarks appeared to embody the entire concept of political equality.[7] The dissent of Justice Harlan and of Justice Stewart contains the basic principles on which a constitutional argument may be launched against the implementation of the concept of the one man-one vote principle. Also in 1964, the Supreme Court considered the case of *Reynolds* v. *Sims*. Here ". . . the Court ruled that *both houses* of state legislatures must be apportioned in accordance with population, . . . extending the principle of 'one man-one vote' . . ." [8] the trend definitely is in the direction of moving the body into the center of the fight to implement what some believed to be a more democratic system of representation.

Consideration should be given to the question of exactly what kind of a democratic system presently exists in this country. The actual system of general election voting in geographically defined districts may result in the overrepresentation of a certain segment of the population at the expense of a minority; however, there are provided within our system of government, several possible channels through which a determined majority or an underrepresented minority may seek true representation. Consideration of the one man-one vote question ultimately revolves around whether or not it is desirable to implement a system in which absolute political equality flourishes.

It would appear that if the floodgates were opened to allow the truly popular control implicated in the concept of one man-one vote, then political chaos could ensue which would benefit none. Political equality in its ultimate application would require not only the active participation of all individuals in the actual legislative function through the traditional form of the general election, but also would demand their sustained interest in the day to day, relatively uninteresting and often tedious, but always essential, operations involved in this legislative process. Most citizens would be unwilling to devote a sufficient amount of time to such a demanding system to make true political equality workable. Individual importance is emphasized in terms of political equality; however, in our political system group access and group influence are more practical political considerations. Many other avenues of influence and of resource are open to those who actively aspire to transform their desires into effective legislation. Political parties, interest groups, the executive branch, the bureaucracy, and the process of judicial action, to name only a few, all provide alternate avenues to effective legislative influence.

The most clear argument presented against the application of the total concept of one man-one vote, was put forward in the dissent of Justices Harlan and Stewart in the case of *Wesberry* v. *Sanders*. Here they:

Took issue with the majority's contention that the framers had intended one man's vote

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to be worth as much as another's. First, in speaking of allocating representatives according to "the number of state's inhabitants" the Constitution clearly referred to apportionment of representatives among the states, rather than within the states. "In all of the discussion surrounding the basic of representation of the House and all the discussion whether Representatives should be elected by the legislatures or the people of the States, there is nothing which suggests even remotely that the delegates had in mind the problem of districting within a State." Second, both the three-fifths compromise regarding representation for slaves and the provision that each state, no matter how small, have one representative, showed the framers intended "weighted" votes to some extent. . . . Third, the Court, in deciding the issue at all, was derogating the authority of both the states and Congress, clearly given in the provision of Art. I. Sec. 4, . . ."[9]

In addition to the actual one man-one vote aspect of political equality, the concept also includes the idea that each individual should have equal access to and equal influence upon the workings of the legislative system. One man-one vote cannot insure political equality. The relative power of each legislator definitely affects the end result of influence on given legislation. Certain congressmen possess greater power and exert greater influence as a result of personality, seniority, and a combination of other related factors than do many of their fellow lawmakers. The question then arises as to whether or not the true ideal of one man-one vote can be implemented in a system which allows such inequities.

Although the Constitution nowhere specifies the necessity of exactly identical population-representative ratios in the designation of legislators from districts, the Supreme Court has held that such voter equality is necessary to achieve the desired democratic ends of our system of government. Accordingly, in the years following *Baker v. Carr*, direct steps have been initiated to provide for such reapportionment as has been deemed necessary. The basic value of these changes may lie only in the fact that they serve as symbols of increased individual equality rather than as any significant attempt to legislate political equality, which in the practical sphere is inconceivable. However, as it stands our system has proven to be workable, democratic within reasonable limits, and sufficiently subject to change when abuses within it persist. Clearly no viable alternative, even one stressing the democratic aspect of one man-one vote rule, to this system has been presented which functions within the limits of the reality of the political world in which the legislature attempts to function, and until such time as a workable plan can be implemented, the ultimate democratic ideal of one man-one vote, whether totally desirable or not, will not be effected.

The "job" of representing and constituent expectations

In line with this theoretical concept that each citizen, as an individual, should have an equal effect on the election of representatives, is the more traditional operational concept that each citizen, as an individual, has an equal personal and continuing claim on the time and energies of representatives.

The concept of representation as discussed in political theory implies more than just a process whereby the public chooses who will represent them in the legislature. Essentially, representation allows in some measure a means for the public to state preferences and influence law-making through their elected representative. Regardless of whether the representative sees himself as a delegate whose job is to mirror the constituent will in his policy-making or as a trustee with freedom to determine what he feels is in the public interest regarding legislation, the representative feels it necessary to at least listen to constituent opinion in carrying out his responsibilities as even Edmund Burke admitted.

The job of fulfilling representative responsibilities as realized by the representatives of the American legislature, notably Congress, is complex and time-consuming. It includes in its scope the legislative process in all its intricacies, some means of apprising public opinion in order to determine public will or public interest (depending on one's role orientation), and various non-legislative service functions to constituents. As Eulau, Wahlke, Buchanan, and Ferguson have stated, "the term 'representation' directs attention, first of all, to attitudes, expectations, and behaviors of the represented . . ." and ". . .. their acceptance of representatives' decisions as legitimate and authoritative for themselves."[10] In this sense any discussion of the job of representing must consider constituent expectations about the behavior of the representative in doing his job. It becomes apparent that these expectations do not always concide directly with the major legislative task. Thus, any description and evaluation of constituent expectations of their representatives involves questions of the legitimacy of these expectations and how they may impinge on the legislative task of the representative. Possible solutions to the problem of constituent expectations' limiting the representative will also be considered.

As V. O. Key has suggested, few constituents have any awareness of their representatives' positions on most legislation where roll calls are taken.[11] The average constituent is much more concerned with what the representative can do personally for him than with the representative's stand on legislation. Thus the expectations of the average constituent concern the service function of representation rather than the legislative function. As many Congressmen complain, constituents expect them to be errand runners. The nature of these errands are often strictly personal such as securing hotel reservations or tickets for the theatre for visiting constituents. Representatives are also expected to intervene in the solution of strictly local problems. This includes all the time some representatives spend getting government contracts and funds for their district. During visits to Washington, constituents seem to think that the representative has nothing better to do than arrange for or give them a guided tour. Constituents are also apt to consider their representative as a free legal service in seeking claims from the executive branch. The major source of these opinions and requests are the mail. An important part of the mail involves "case mail" in which constituents request aid in their dealings with the executive bureaucracy. Requests for information are answered by mailing of appropriate committee reports and government publications to constituents. Despite their meager appointive powers, representatives are plagued by patronage requests. In response to requests for information, the representative sets up many services such as newsletters, television and radio appearances, questionnaires and trips to the constituency (these latter two for the purpose of determining constituent need and opinions). Most of the constituency requests imply a basic disrespect for the Congressman—this is the attitude of "We pay him, why not use him?"[12]

The legitimacy of these constituent expectations are questionable as part of a representative's job. Certainly, listening to opinion through the mail and personal contact and providing information are legitimate representative functions apart from those concerned with legislation. The problem with these methods of learning constituent opinion is that Congressmen tend to get letters only from those who agree with them—perhaps this is the fault of the constituent. Nevertheless, Congressmen place too much faith in the mail as reliable indicators of public opinion. Providing information is part of the representative's function of education of the public often in an attempt to lead opinion. Despite the claim of Congressmen that providing personal services give the representative some of his few direct contacts with constituents, providing strictly personal errand running should not be done by the representative because it is not a legitimate part of his responsibility. Although most of these constituent expectations are solved by staff, it takes up too much of their time which could be better used in considering legislation. Invariably, many constituent claims are solved by the Congressman himself because of his own desire for personal contact or constituent demand that he (the representative) is the only one who can help. One argument that has some merit is that only the representative and his staff are an agency sufficiently interested to be able to help the constituent by acting as a clearinghouse in dealing with the confusing bureaucracy of the executive branch.[13] However, the time consumed and suspicions aroused between representatives and the administration because of legislative intervention negates the argument to some extent. This is especially true since the representative tends to uncritically promote constituent interests without first determining if the request is one which should be supported in light of public interest.[14]

In view of the time-consuming nature of meeting constituent demands it is obvious that constituent expectations limit the time the representative and his staff have had for participating in the legislative process. Since participation in the legislative process which is the major function of the elected representative is even more time-consuming than constituent expectations, some means of alleviating the representative of certain unreasonable constituent demands without impairing the representative responsibilities should be discussed. Adopting a law prohibiting Congressmen from appearing as counsel before administrative boards and commissions would end constituents' taking advantage of well-meaning representatives who provide free legal service and would decrease bureaucratic suspicion of Congressional intervention. Other useful proposals involve putting all post office jobs in the civil service and changing the method of appointment of candidates for military and naval academies alleviating the representative from patronage demands. Such radical plans as the Ramspeck plan which would divide the representative job into a legislative part handled by an elected representative and a service function by elected agents before the executive branch have merit in allowing a functional division of labor of the complex job of representing. However, it is most doubtful that it would ever be passed since it would require a constitutional amendment and redistricting. The problem in reform is that representatives would be reluctant to completely give up the service function of their job although they might welcome release from much errand-running. Most representatives regard services to constituents as a necessary and proper representative function.[15] Also, they realize the campaign value of providing personal services which provide many more votes than unpublicized hard legislative work can. In view of the representative's stake in the service function as a means of political survival, the solutions most likely to be implemented involve allowing the representative more staff assistance, access to liaison offices campaign value of providing personal service bureaus which could handle some of the mail. Thus, constituent expectations of the job of representation which center around the service function must be limited within

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reason to allow the representative and his staff more time to involve themselves in the legislative process. Ideally, specially designated agencies or an ombudsman could better handle the service function of representation which does have legitimacy within reason (irrelevant personal services are not reasonable) since the legislative function has become so complex that the American representative cannot really handle both adequately.

III. PERSPECTIVES FOR THE FUTURE OF REPRESENTATIVE GOVERNMENT

Computer technology and representation

Electronic technology offers innumerable implications for representation in the future. A basic question that should be asked when considering the future of representation as affected by the electronic age is, "Will technology be capable of aiding the representative and, in the end, be capable of replacing our system of human politicians as it now exists?"

Perhaps, it would be valuable to understand our present stage of development and where it will lead us. We have done very little in computerizing our government. This is understandable considering three major drawbacks. The first is that government operates in a highly cost-conscious environment. Where computers have been incorporated into operations, the emphasis has been on making these applications demonstrate their self-supporting capability. Second, state and local government cannot compete with private industry for well qualified technical people. Third, there has not been much research due to budgetary restrictions. Because of these limitations, the computer is only used in two basic capacities. The first is the off-line, repetitive type of scheduled job, such as payroll systems, and the second type is the application of engineering calculations. The computer has yet to begin to apply itself to larger and more abstract problems in government.

The equipment available, however, is accumulating daily. We will soon have available operational systems which will be able to react to English language symbols rather than coded language. This will allow a substantive specialist, such as an urban planner or an economist, rather than a computer operator, to program and to receive information. Data communication could also be an aid to representation. Data communication involves the linking of remote stations to central computer operations by phone lines and teletype. This could organize and centralize information for use by representatives.

There is also the concept of "time-sharing," the simultaneous use of a central computer by multiple users. Each user would operate a different computer program, remotely communicating data and instructions to the machine and receiving on-line responses. This provides rapid on-line programming, that is, information being processed while one is engaged in the operation that requires the information. The implications for this as an aid to the representative process are unlimited.

There is no doubt that the job of the computer is to provide information. It can provide an improved basis for decision making, but it cannot make the decisions. The question at hand is whether or not our technology will be capable of going beyond merely processing information to the role of actually making the final decisions. A representative has two roles in our system: (1) he can be thought of as a medium which relates the problems of the nation to a problem or issue solver, and (2) he can be thought of as an element of the problem solver. It seems that with our present technical advancement, we can eliminate the first role of a representative. The information devices can relate problems and issues if they are requested. The masses would merely electronically relate their problems, via user-oriented program devices and time-sharing devices, to the problem solver directly.

The second function has yet to be solved by technical machines, but the nature of the discipline of science tends to imply that the second role is technically possible. Science is particularly adept at determining goals through the use of operational definitions. For example, a politician's goals might be freedom and equality. The scientist would operationalize these goals to open housing and equal income. Science is also precise at defining alternatiives to a problem. Therefore, for example, the policy makers could ask a scientist what the various policies are that would have some relevance to the solution of the Vietnam problem.

If the representative is one who relates the problems of the nation to another body, he is one who is sensitive to problems and issues, and changes in demand, and attitude. He is the medium between the input and output functions. The more sensitive he is, the better representative he is. If he is also an element in deciding the solution to the problem, he can be considered an information processor. He receives information in the capacity of his first role, and he weighs it and decides on a solution; i.e., he processes it, in the capacity of his second role A computer also is an information processor and scientists believe it can be ultimately made more sensitive to public needs and therefore a better representative of those needs. This could bring about a radical change in representation as we know it.

If this computerized society seems impossible, an analogy may help to make it seem more realistic. Consider the computer as a biological organism as Professor Lederberg suggested. The computer's ancestor was the hand calculator. This ancestor, compared to the modern-day computer, was an inept and highly constrained mind. The modern computer's ancestor, however, lived only twenty years ago. If the evolutionary process goes on, every limitation of today's computer will be soon non-existent. If we turn to other forms of electronic media, further implications for representation will be seen.

COMMUNICATIONS MEDIA AND REPRESENTATION

The media may prove to be a booster of democracy or its executioner. Depending upon their use, the media have the potential of making representation more indicative of the people's will, while similarly they could make the people more indicative of their "representative's" will.

The media have helped to create what Marshall McLuhan calls the Global Village. The instantaneous communication of the electronic media allows people from diverse regions to share values and ideas. The town meeting concept on regional and national levels, which was believed to have been lost with the growth of mass society, is now retrievable. The constituency may interact with it. representative through the media. There now exist devices which allow instantaneous feedback of information from the users of media. Thus, meetings between a representative and his constituency are possible. These meetings would allow the representative to solicit responses to particular legislative problems. The people in turn would be participating (although somewhat passively) in the legislative process through its display over the media and through their electronic interaction with their representatives.

This would indicate a change in the constituency. They would require more time and incentive to participate in the political process. However, with the growth of the cybernetic society, leisure time will be available in large quantities and may be converted (with the proper incentives) to media participation in legislative processess.

This would also alter the role of the representative. The trustee function would become obsolete. As the district merges into the Global Village, the problems of all sectors of the economy become apparent to the entire nation. Remote problems, like rats in urban ghettoes, may be effectively displayed to the rural population through the media. This sharing of problems (which admittedly will take some time to develop) would allow all people to at least comprehend the problems of the nation and place themselves in the role as "trustees" for themselves and the nation. The representative could no longer act (except in very minor issues) as a trustee removed from his district, for first, his district would be aware of their relation with the nation, and second, every action of the representative would be made visible through the media. Thus, a modification of the delegate function would seem to be a prominent role for representatives in the future. Optimally, as the media further breaks down barriers and the Global Village develops, a representative would be representing larger constituencies than is now possible. These predictions, however, are meant for the future. The use of media has not yet been perfected sufficiently. Further, the population is still imbued with the print medium which due to its linear force cannot be transplanted into the political-legislative function. A look at the role of television will further explain this.

Professor McLuhan has argued that television has opened a new dimension in media. It allows total participation in the media. One must employ his total faculties in television because it forms a non-linear mosaic. We have to fill in the blanks in the screen and add detail where it is lacking. It allows total participation in ways impossible with print, radio, or movies. One becomes aware of the total information at once rather than in specialized fragments. A book is linear because it breaks down all information into specialized fragments. Politics is a non-linear, non-rational process. It is virtually impossible to describe how politics operated in the linear text of a book. The nuances are lost in separating inseparable functions. The television, however, disavows the separation of functions. Politics could be presented over the television in a way that one's constituency could be involved in the process. This involvement would help people to understand the political process and could encourage greater participation.

We may briefly look to the other, more dangerous side of the media. According to some, the media may inspire a mass culture with mass tastes. Harry Skornia has stated that "The American seems to be becoming more unable to demonstrate the individuality which democracy requires. Continuing hypnotism, emulsification, and homogenization of men by the media is the opposite of what our nation needs." Others, like Professor Galbraith, have pointed to the ways the media instilll economic values. The media have allowed advertising to create markets for goods rather that the markets creating the supply of goods. One may imagine the danger of a media misused which would allow a politician to create his constituency rather than vice versa.

Professor Skornia has also pointed to the dangers of totalitarianism which arise through the media. The callousness encouraged by excessive violence is often one foundation of the violence seen in totalitarian structures. Television also encourages passivity of all sorts since the activity is done to a person rather than through him. Skornia and McLuhan also point to the possibilities of merchandising politicians and politics through the hypnotizing effects of media. Public opinion may in the future be created through the media in that the media, instills values upon the population at

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an early age. This may be unfavorable. However, the content of the information programmed through the media may be controlled. We may still prevent representatives from becoming dominant by programming the media which shape our lives. If we don't, our representatives may represent us only in a euphemistic sense.

Increasingly important is the question of who will program the media which will program us. This may become a new representative function as ideas compete over what nature media should take. To fail to resolve the question invites totalitarianism.

We must remember, however, that this is all speculation. Current empirical research indicates that media is not totally pervasive. Raymond and Alice Bauer have argued that the media is not all-pervasive and that the mass society which is needed for a mass media does not yet exist. The danger is that with the growth of population and the continuation of the cybernetic society, it is possible that the state will take over functions of entertainment and education and provide them on a mass standardized basis. Therein lies the danger.

Thus, the future of representation may take two turns. The media, through the communication of values and ideas may allow the return of town meetings and communication among constituencies to create a larger constituency. This would make the delegate function of politics more active because everyone would participate in the political function.

On the other hand, the hypnotizing effects of the media in creating shared values may be misused in a non-democratic way to allow representatives to control their constituency. This problem may only be prevented by research and preventative measures before future generations are effected by McLuhan's "media fallout."

A concept of future representation

Assuming that man is to control his electronic environment, technological advances and the accepted use of the mass media, as well as the increased tempo of living and learning, will demand of a 21st century congressman a high degree of specialization unknown today and present a challenge to our present day concept of "representation."

The norms for those entering the political arena of the future will demand concentrated knowledge unique to legislative functions. One available signpost is the rapid expansion of political science departments in colleges and universities since World War II.

Assuming that the next 30 years will see a linking of government information systems among executive departments and Congressional programs, these systems will provide many benefits to legislators. Senator George Murphy (R. Calif.) (This Week Magazine, July 6, 1969) indicated the existence of over 1,000 Congressional programs, many of them outmoded, overlapping, insufficient or contradictory, and some not doing their job, or impossible to monitor. Proper usage of computer time could sort these out, but only men versed in economics, and social and educational concepts could select from the alternatives available and reach a tenable decision. Such an information system would reduce the necessity of Congress to rely upon bureaucratic expertise, and would bring the complexity of government into the range of a single human's comprehension, returning to Congress the option of doing more than accepting, modifying, or rejecting an executive demand for legislation.

If such specialization required an additional period of training, candidates for congressional offices might be required to complete study in a "School of Congressional Science." Actually, change will probably be gradual and informal. It is unlikely that the constitutional requirements of a congressman will be changed. Just as today's congressman is better educated than his predecessor of 25 years ago, and arrives in Washington knowing much about the workings of Congress, tomorrow's candidates will need to gather even more expertise.

The trend could well be more towards "trustee" representative. As people succumb to the extensive demands of their own specialty, they will rely on the knowledge of experts in other fields, and among them, their congressmen. As a civilization advances, its members become less versatile and more dependent upon others. Of course, if the expansion of information supply by the mass media should effect a generalization of electoral attitudes, this could produce a trend toward a "delegate" representative as indicated in the statements on the use of such media. It is likely that exchanges of mutual confidence between representatives and citizens will increase with regard to congressional activities as methods of gathering and dispensing meaningful information improve.

Also bearing upon future representation are the terms of limits in campaign techniques. If a good T.V. manner or a superior public relations firm can "elect" a candidate, perhaps fundamental limitations on the use of mass media will need to be set.

Although conditions, attitudes and technology may change, we are faced with the fact that human nature itself tends to remain the same. It would seem fair to guess that a future representative would use the means at his disposal to better understand legislation before him, and increase the supply of information and analysis via the mass media to his constituents.

Use of computer science will contribute to better co-ordination of programs to relieve unemployment as technology advances and will plot curves needed in funding programs such as education. The future representative will have a clearer perspective of such problems as pollution and population explosion and will be better able to establish priorities for solving problems.

In tribute to the many congressmen wanting to do a good job now and hampered by outdated methods, it can only be concluded that the future will be one of even better representation.

IV. CONCLUSION

Computer science has broadened the possible scope of representation. The role of a representative is changing from the simple "delegate of the people" function of the past to a complex pattern of action, encompassing modern technology and increased public awareness.

The Conference has only touched the surface of the concept and the current dimensions of representative government. Nevertheless, it is hoped that its efforts will invite re-evaluation of the complex phases of representation.

FOOTNOTES

[1] Robert E. Cushman and Robert F. Cushman, *Cases in Constitutional Law*, (Third Edition, New York: Appleton-Century-Crofts), p. 1179.

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[3] Cushman and Cushman, *Cases in Constitutional Law*, p. 44.

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[12] Donald Matthews, *U.S. Senators and their World* (Chapel Hill: University of North Carolina Press, 1960), p. 225.

[13] George Galloway, *The Legislative Process in Congress* (New York: Thomas Crowell, 1953), p. 203.

[14] Joseph Witherspoon, "The Bureaucracy as Representatives," in *Representation*, ed. Pennock and Chapman (New York: Atherton Press, 1968), p. 245.

[15] Galloway, *op. cit.*, p. 205.

DESPITE CRITICISM, POST OFFICE RETAINS PUBLIC CONFIDENCE

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. WRIGHT. Mr. Speaker, Kipling knew the value of keeping one's perspective. In the poem "If," he paid tribute to the quality of being able to "keep your head when all about you are losing their's and blaming it on you." Every public official, on occasion, must do just this.

In a recent editorial discussing the Post Office Department, the Fort Worth Star-Telegram provided, I believe, a good example of the type of restraint that Kipling had in mind.

In the September 15 editorial, the Star-Telegram noted that it is popular these days to criticize the Post Office Department. It is fashionable to say that this oldest and most important of our Government service organizations is bumbling, inept, wasteful, and any other derogatory adjective that comes to mind.

While admitting there is always room for improvement, the Star-Telegram points out that the public nevertheless has abiding confidence in the U.S. mails, and that newly revealed statistics prove that this confidence is well justified.

In short, the Star-Telegram puts the current controversy into perspective. Let us improve the Post Office Department, surely. But let us not jump in blindly and tear up a system which, on balance, is working pretty well. The editorial follows:

[From the Fort Worth Star-Telegram, Sept. 15, 1969]

POSTAL CRITICISM NOT ALL JUSTIFIED

It has become fashionable to take a healthy kick at the Post Office Department any time the opportunity presents itself, as one might boot an old volleyball lying in the back yard, just because it's there.

One hears dark reports of massive mail jams, delays, inefficiencies. The whole system is going to come to a creaking halt, we are told. Something better must be supplied.

Maybe so. We remain open to persuasion either way, but we feel compelled to observe that all the postal troubles we hear so much about seem not to have had the slightest effect on the general feeling that if one drops a letter in the bin today it will be in Abilene or Houston tomorrow or New York or Los Angeles the day after.

We believe that despite all the "inefficiency" talk there still persists a deep reservoir of public confidence in the U.S. mails, and that this confidence is, for the most part, completely justified. Statistical support for this confidence is now at hand.

An evaluation prepared by Post Office Department statisticians, made public this month, shows that it takes an average of a day and a half to deliver a first class letter and about two days to deliver an airmail letter. These are inclusive, nationwide averages. That's why the two days for airmail letters, which generally are headed for distant destinations. Sixty-four percent of first class mail and 26 percent of airmail reaches its destination in one day. Only one out of 10 letters sent first class takes three days to be delivered, and one out of five air mail letters.

So what's so terrible about this kind of performance? It looks pretty good to us. And it's just possible that it is a performance that does not lend itself to spectacular improvement unless somebody is ready and willing to spend a spectacular amount of money on it, namely, the taxpayer. When you have a system that can get a letter from here to there within two days, nearly anywhere in a country 3,000 miles by 1,500, one suspects the law of diminishing returns is about to take over.

Speedy mail service is certainly desirable, and we're not suggesting that anyone get complacent about it. Improvement is both possible and desirable. But how fast can you get? And how much are you willing to pay for it? These are questions that ought to be asked in an era when instant communication between distant points has changed and continues to change the whole ball game.

Meanwhile, we might bear in mind the fact that Americans drop millions of letters through the slot every day in perfect assurance that barring extraordinary circumstances or an act of God they will reach their destinations safely and routinely. And not altogether slowly, at that.

HORTON BILL SEEKS POSTAL FAIRNESS FOR AMATEUR PHOTOGRAPHERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. HORTON. Mr. Speaker, I have today introduced legislation to straighten out a seemingly minor inequity in our postal rate structure.

The inequity I refer to is minor only in the sense that it does not affect millions of citizens. Those who are affected are nonetheless unjustly dealt with by the present law.

I am referring to that section of the postal statutes which describes materials allowed to be mailed under the "educational or book" postal rate. My bill would permit amateur photographers who send photographic prints or slides to and from nonprofit photographic exhibits, or to and from other amateur photographers for educational purposes, to send these materials under the "educational materials" rate.

This change would be consistent with the fact that many "educational materials" sold through the mails for profit now qualify for this privilege. The present provisions, as they apply to photographs mailed for educational purposes, are so confusing that they are unequally applied in post offices across the Nation. Each postmaster seems to have a different interpretation as to which rate applies to amateur photos.

This morning, the very able executive secretary of the Photographic Society of America, Mr. Frederic B. Shaw, testified on this problem before the Post Office and Civil Service Committee's Subcommittee on Rates, chaired by our able colleague, the gentleman from Montana (Mr. OLSEN).

I would like, at this point, to include a brief excerpt from Mr. Shaw's testimony which illustrates quite effectively the nature and extent of this inequity:

> Prints move to these shows in standard sized cases of almost identical weights. Postage for these prints however may vary, in total postage charged, by from 9¢ to 95¢ even though they are posted in like postal zone areas. This variance is due simply to separate interpretations of the law by different postal officials.
>
> For instance, print cases may be shipped from Houston, Shreveport, or St. Louis to Oklahoma City and be charged for at three separate and distinct rates though all fall within the same postal zone and weight class. Following the exhibition, these same cases of prints may have to be returned at still a fourth rate as the result of still another interpretation.
>
> The experience, in recent years, of the salon committee in a major metropolis in Kansas has been that many print cases shipped to their exhibit may almost certainly be held up by local postal officials until a ransom in postage due is paid out of entry fees. The accepting post office, which has interpreted the regulations another way, may then be recipient of a sizzling letter from the receiving post office about "law violation."
>
> A sad commentary is the fact that a case of prints as described above may be sent to Asia, Africa or Europe for a rate less costly than to a fourth postal zone in the United States, to say nothing of the fifth through eighth zones.
>
> A monthly book selection, an album of records, or a TV commercial on movie film, which can weigh more than the above mentioned prints with case, is likely to move at a lower postal rate because post office officials have ruled that educational rates can apply only to materials moving to or from the office of a recognized agency. Apparently the office of an "educational division" of a watch company, selling phonograph records, or an advertising agency shipping TV commercials to a customer or a paying client, do qualify in this regard.

While this is not a problem of major proportions from the standpoint of national policy, I feel that as long as Congress is setting postal rate policies, those policies should be free from unfairness and confusion. The support of each colleague in clearing up this point of postal rate law would quickly alleviate the problems, Mr. Shaw points out.

CONGRESSMAN REES ANNOUNCES RESULTS OF 1969 CONGRESSIONAL QUESTIONNAIRE

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. REES. Mr. Speaker, this June I sent to my constituents in California's 26th Congressional District my annual congressional questionnaire. The response was immediate and enthusiastic, and I would like to thank the more than 15,000 citizens who were sufficiently concerned to take the time to complete and return this poll.

My congressional district is in the western section of Los Angeles County and includes the cities of Beverly Hills and Culver City; the Los Angeles City communities of Rancho Park, Venice, Mar Vista, Westdale, West Los Angeles, Crenshaw, Cheviot Hills, Beverlywood, West Adams, and Fairfax Avenues; as well as the Los Angeles County areas of Marina del Rey, West Hollywood, and the Sunset Strip. Incomes range from lower middle to upper; a majority of my constituents are homeowners, and their educational level is higher than average.

The questions were written to reflect issues of particular concern to my district, as well as the current major national and international issues. In the multiple-choice questions many respondents chose several alternatives. Because of this some percentages add up to more than 100 percent.

In the many thousands of questionnaires which were returned this summer, the most apparent difference from past questionnaires was the constituent comment accompanying almost all the questions. The overriding issue throughout the comments was concern with the Vietnam war and this concern was reflected in replies from all areas and sectors of the district.

Besides Vietnam, many other issues of major importance were brought up by the voters. Many constituents are concerned with taxation—the letters received reflect a widespread taxpayers' revolt. Numerous comments were received about extension of the surtax, equalization of the tax load for all—there were many complaints about unfair taxation of the single person—and criticism about legislators' salaries and legislative junkets. Quite a number of letters favored disclosure of assets of public officials.

Pollution has finally become a question of great voter importance—pollution of the air, of the water, noise pollution, pesticides, DDT, and chemical warfare. Many, many persons fear that man has so changed his ecology that he may have marked himself for extinction. Hand in hand with this feeling is support of consumer legislation—particularly legislation regarding preservatives and additives in foods. There is also great concern about hunger and the feeding of the poor in America.

The Middle East was the subject of much voter comment; the overwhelming

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majority of remarks were very much in favor of full moral and military support of Israel by the United States.

Comment in the district on education and campus disorders was surprisingly light and mild in contrast to national surveys. There is much constituent understanding that the ferment on campuses reflects the failure of our Nation to solve our worst problems: Vietnam, the draft, the terrible burden of taxation. Of course, there were some irate letters and also some sharp awareness of Ronald Reagan's politics of antagonism toward education and those who are receiving their education.

In addition, there were lengthy comments pro- and anti-ABM and MIRV, the beginning of public awareness about the vast military complex, unlimited military spending, and chemical and biological warfare.

The questionnaire was sent out before Apollo 11, but there was some comment about the space program. There was also reflected a feeling of despair by the voters about America—about the system and the establishment, a fear of repression, a belief that America no longer stands for the same things it used to, a distrust of people and institutions.

Knowing that my colleagues in Congress will be interested in the response of my constituents to the vital issues of the day, I include here the tabulated results of this poll:

REES 1969 CONGRESSIONAL QUESTIONNAIRE SURVEY COMPILATION

FOREIGN POLICY

1. Vietnam—What do you think the U.S. role should be in Vietnam?

a. Continue our present policy of engaging in a limited war, while at the same time seeking peace by negotiations with the South and the North Vietnamese and the NLF (Viet Cong) at the Paris talks ---------- 9.7%

b. Expand the war on all fronts in an attempt to achieve a complete military victory ---------- 16.3%

c. Establish a time schedule for U.S. withdrawal, turning over the responsibility for the war to the South Vietnamese Government with or without agreement in Paris ---------- 50.4%

d. Support a mutual withdrawal of U.S. and North Vietnamese troops from the South and the establishment of a coalition government in South Vietnam composed of the South Vietnamese, the Viet Cong, and other dissident and neutralist forces ---------- 27.3%

2. The Middle East—In view of the mounting tensions in the Middle East between the Arab nations and Israel, what do you think our U.S. policy should be?

a. The U.S. should support the Israeli policy of continuing to occupy the conquered lands until the completion of a direct peace treaty between Israel and the Arab nations ---------- 52.0%

b. The Big Four, i.e., the U.S., Great Britain, France and the Soviet Union, should impose a peace on the Middle East ---------- 13.4%

c. The U.S. should enter into a nonaggression pact with Israel guaranteeing her legitimate borders in the event of an invasion ---------- 12.9%

d. The U.S. should stay out of the entire controversy ---------- 27.2%

NATIONAL DEFENSE

3. ABM and MIRV Systems.—Congress is currently debating whether or not to develop two new nuclear arms programs, the ABM (Anti-Ballistic Missile) and the MIRV (Multiple Independently-Targeted Reentry Vehicle).

The ABM is designed to protect our ICBM (Intercontinental Ballistic Missile) sites, and the MIRV is an ABM with multiple nuclear warheads designed to hit several separate enemy targets.

Supporters contend these systems are needed for our security. Opponents question not only the multi-billion dollar price tag, but doubt the systems' protective ability and feel that they represent a dangerous escalation of the arms race. What policy do you favor?

a. Support the present plan calling for construction of the ABM and MIRV systems ---------- 36.4%

b. Delay nuclear arms expansion until we have had an opportunity to discuss with the Soviets the possibility of a strong arms-control agreement ---------- 32.0%

c. Do not develop either of these systems because their creation would trigger a dangerous, expensive, and unnecessary escalation of the arms race ---------- 30.2%

PROPOSALS BEFORE THE CONGRESS

4. The Draft—There will be an attempt to change the present Selective Service Act. Would you favor:

a. The present system which permits student deferments? ---------- 19.4%

b. A random-chance lottery system with only very limited deferments ---------- 32.8%

c. An all-volunteer professional army (the estimated payroll cost is expected to be an increase from $6 to $17 billion a year)? ---------- 23.5%

d. The choice of alternative peaceful civilian service such as the Peace Corps, Vista (the domestic Peace Corps), or the Teacher Corps? ---------- 26.2%

5. The Electoral College—Should the election of a president by means of the Electoral College be replaced by a national popular vote for president?

Yes ---------- 84.0%

No. ---------- 10.5%

6. Capital Punishment—Do you feel that capital punishment should be abolished?

Yes ---------- 42.4%

No ---------- 52.4%

7. The 18-year-old Vote—Do you favor reducing the voting age from 21 to 18 years of age?

Yes ---------- 46.6%

No ---------- 49.4%

8. Social Security—Do you support the automatic cost-of-living increases in Social Security and the elimination of ceilings on outside earnings of recipients?

Yes ---------- 80.1%

No ---------- 13.1%

9. Campus Disorders—What is your view of the disturbances that have been taking place on our campuses?

a. They are local affairs and should be dealt with by individual college administrations working, if they wish, with local law enforcement agencies ---------- 43.8%

b. The federal government should withhold grants to colleges which it feels are not taking strong enough steps in dealing with dissidents ---------- 28.3%

c. Federal loans should be withheld from students who have been arrested and convicted in conjunction with such disturbances ---------- 54.7%

THE FBI IN OUR OPEN SOCIETY

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. MARSH. Mr. Speaker, there was recently published by the W. W. Norton & Company, Inc., the book entitled "The FBI in Our Open Society" by Harry and Bonaro Overstreet, which I think is worthy of mention to members.

In their book, "The FBI in Our Open Society," Harry and Bonaro Overstreet, present a careful and well-documented study of the Federal Bureau of Investigation. Having become interested in the work of this investigative and law-enforcement agency and having heard tales of its so-called interference with the processes expected in a free society, the Overstreets set about studying the facts behind the establishment and operation of this organization. And what they have found is presented here in an objective and highly informative portrayal of the Bureau and its work.

The book tells the story of the FBI—its founding and the reason behind its existence; its relation to the Secret Service, the Central Intelligence Agency, and the Justice Department; and its work on the American scene, especially with regard to the movements of communism and civil rights. Throughout there is an acute awareness of the problems involved in a free society where each individual is granted certain fundamental rights under the Constitution. The place of an enforcement agency which must protect the rights of its citizens, but must also assure the national security of the country becomes a highly delicate one of carefully drawing the line between the needs of its double jurisdiction. The Overstreets do not gloss over this difficulty. It is a very present factor in their presentation. But because they readily admit the problems to be faced, they are also able to show how unfair much of the criticism leveled against the FBI and its Director, J. Edgar Hoover, has been.

The Overstreets also point out how Hoover's personal direction of the FBI has been to avoid bringing ever-increasing areas of jurisdiction under its authority. They answer criticism of the agency by pointing out how ambiguous this criticism has been. While the FBI has been denigrated, for instance, for its failure to protect the lives of civil rights workers, it is likewise criticized for the extent of its authority. The two are incompatible. The one implies that the FBI should increase its jurisdiction into the area reserved to State and local law enforcement officials while the other asks for a decrease in the areas over which the FBI exercises its power.

Most importantly, the book shows how the FBI is limited to areas in which Federal statutes have been enacted. The agency operates in the fields of intelligence and of law enforcement where

Federal legislation has been passed—and, as such, the Overstreets show how very well the Bureau has stayed within its authority. They summarize the essence of the complexity of the situation in the concluding paragraph of the book:

> The work of the FBI is far less melodramatic than it is often made to appear and far more quietly dramatic than is commonly realized. The drama stems from its relationship of freedom's enterprise.

This book is an especially valuable reference for one who wishes to trace the history of the FBI and its performance and record in the highly sensitive area relating to civil liberties. To those who are concerned about this aspect of the Bureau's operation, it should be reassuring.

To the serious reader, or student, who wants to learn more of the operation of this highly effective and valuable American agency, the book is a valuable source.

THE "POWERLESS" ICC

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ROBISON. Mr. Speaker, as one who has been deeply disturbed at the steady erosion of railway passenger service in this Nation—over which process the seemingly hapless and hopeless Interstate Commerce Commission has presided like a county coroner—I was disappointed by the ICC's recent disavowal of jurisdictional authority to require railroad management to maintain adequate passenger service so long as they are to be burdened at all therewith.

If the ICC does not, indeed, have such power, then Congress ought perforce act to fill that void at once. I hope we shall, and have cosponsored legislation to accomplish that purpose, on which early action is needed if there is to be any railway passenger service worthy of the name left to be saved.

Meantime—as we may have been reading in our newspapers—the good old ICC has been having troubles of another sort. At first, those troubles seemed somewhat serious, but now they have been put in proper perspective by both the ICC and—with tongue-in-cheek—by columnist David Braaten of the Evening Star, whose comments, as taken from last night's edition, were as follows:

"POWERLESS" AGENCY FREE OF TAINT

> It is open season on the regulatory agencies these days, and just about all of them have been catching it from one side or the other. Only the Interstate Commerce Commission, however, has shown the kind of imaginative defense the taxpayers have a right to expect from high-paid public servants.
>
> The commission, you may recall, was being criticized for the habit some of its officials seemed to have fallen into of accepting free rides and/or luxurious extra attentions from the railroads they were assumed to be regulating.
>
> The traditional retort to such criticism is for the accused public servant to draw himself up as majestically as possible, curl his lip and say, "Do you really think I can be bought with a free trip to Frisco?"
>
> There are two weaknesses to this gambit, of course. First, there is always someone who will say, "Yes, I really think so," and where can you go from there?
>
> But the more subtle drawback to the toplofty sneer is that the injured official is implying that, while a free train ride and a tour of the fleshpots could not sway him, something more glittering might just do the trick. It's like the old story of the elegant lady who admitted she would barter her virtue for a million dollars, but was aghast when the same suggestion was put in a two-dollar context.
>
> "What do you think I am?" she huffed, and the obvious answer was: "We've already established what you are; all that remains is to set the price."
>
> At any rate, such potentially demeaning defenses of official virtue can now be a thing of the past, thanks to the brilliant riposte dreamed up by the ICC.
>
> All the commissioners did was rule that they do not have the authority to regulate the cleanliness, punctuality and creature comforts which are occasionally provided by the nation's railroads. From this it follows, with utter logic, that no amount of wining, dining and coddling of ICC officials by railroads with ulterior motives can possibly influence the agency's deliberations on those sticky passenger elimination requests the roads keep bringing to the ICC. Ipso, as they say, facto.
>
> The commission's ruling may not have been intended as an invitation to the railroads to lavish freebies on the ICC people, but it will do till a broader hint comes along.
>
> Tearful as any crocodile, the ICC deeply regretted its inability to cope with the passenger-service situation, and it pleaded with Congress to pass a law giving it the power it needs. Whether there will be any railroad passengers left to protect by the time legislation is enacted remains to be seen.
>
> Meanwhile, it is a safe bet that other regulatory agencies will be quick to seize on the ICC technique to grab their fair share of the loot. Bureaucrats are an imitative bunch, and now that the general guidelines have been laid down, the move toward regulatory disestablishment should spread rapidly.
>
> The Civil Aeronautics Board, for example, can be expected to announce any day now, with appropriate expressions of heartbreak, that it has absolutely no authority to regulate inaugural flights to Las Vegas, champagne flights to anywhere and three-week package tours of Europe. On the other hand, a careful study of the rulebook will reveal that the board has unquestioned authority over the New York shuttle and flights to Norfolk, Gary and Fresno. Influence attempts in these areas would be highly improper, thank you.
>
> The Maritime Administration will check its regulations, wring its hands and confess that Caribbean luxury cruises are outside its jurisdiction, but it really plans to crack down on the Great Lakes ore-barge traffic.
>
> The State Department will remind travel agents, hopefully, that it has no power whatever to refuse passports to travelers bound for Western Europe, Tahiti or Rio-by-the-sea-o, and that documents are not even required for visits to Montreal or Bermuda.
>
> Not every agency will be able to belly up to the free lunch counter, of course. Who can imagine the FBI, for example, admitting that anything in the world is outside its authority?
>
> But if enough bureaucrats start dismantling their empires by abdication, and enough officials spend enough time junketing around on non-influence excursions—who knows? Maybe the streamlined government remaining will be able to get a little work done around here.

GENOCIDE IN PRACTICE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. RARICK. Mr. Speaker, the American people are reading or hearing daily about racial fights and school rows in ever-increasing frequency. They do not understand what is taking place, and it is not being explained to them. Rather, the reasoning is being evaded.

It is odd indeed that with all of our advanced understanding of social and behavioral sciences, responsible leaders in our country today have completely failed to grasp the truth—that the racial disturbances in our schools are but a spontaneous reaction to genocidal tactics being applied by our Government—a practice so abhorred by the world community that it has been made an international crime in 67 nations of the world.

Individuals, left to their own devices, do not deliberately insinuate themselves into unpleasant circumstances. It is only when groups are forced into a relationship which is abnormal and not of their own preference that group conflict and physical and mental harm to the individual results. It is for this reason that the forcible transfer of the children of one racial or ethnic group into another is outlawed as a form of group murder—genocide.

In the forced and artificial integration of schoolchildren it is a matter of little importance as to which group is intended to be destroyed. The purpose and result is to destroy both groups and create in their stead an artificial group—the lowest common denominator of both—which necessarily destroys the original groups.

The violent resistance of these children to the loss of their racial identity should surprise no one. Self-preservation is instinctive through nature and applies to groups as well as individuals.

What is gratifying is that some children are so trustful of their parents and of those in authority that they have not thus far felt the threat to their group survival and reacted accordingly. These secure children could no more imagine their government attempting a deliberate policy of genocide against their group than they could imagine people in authority deliberately committing homicide against them individually.

We must not betray the trust of our children by failing to face reality.

Mr. Speaker, I include several news articles which follow:

[From the Washington Post, Sept. 19, 1969]

RACIAL FIGHTS RENEWED AT BLADENSBURG

> Sporadic fighting between Negro and white students yesterday marked the second consecutive day of unrest at Bladensburg High School.
>
> Four Negroes were arrested—three from the same family—and 12 students, some of them white, were suspended for roaming the halls of the Washington area's largest high school after they had been ordered to their classrooms.
>
> School officials said that four students

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were treated at the school infirmary for injuries.

Prince Georges County School Supt. Wilham S. Schmidt, reached by telephone at Ocean City where he was attending a convention, noted that this week's incidents and similar ones at the school last year occurred during the first month of classes.

He said that many of the black students last year and this year were attending a desegregated school for the first time, and noted that Bladensburg was calm later in the school year.

MANY NEWCOMERS

Officials estimate that between 300 and 500 of the school's 2,400 students are black, with many of them newcomers who attended Washington schools last year.

Last year Bladensburg had 250 Negro students, the year before 150.

Bladensburg is one of several secondary schools in the area where there have been student protests and altercations this September.

Repeated warnings have been given, the most recent from U.S. Commissioner of Education James E. Allen Jr. two weeks ago, that there might be a significant increase in high school unrest this school year.

Allen's warning came in an appeal to the nation's school officials to deal, not just with the symptoms, but with "the underlying causes of student unrest."

Yesterday's problems began as school opened. About 250 white students conducted a sit-in in one of the cafeterias, demanding to know the results of a hastily-called meeting between school officials and Negro student leaders the day before.

Responding in kind to a sit-in by 200 Negroes on Wednesday, some of the white students said they were trying to show the school administration that white students could "get away" with the same things that blacks could.

Meanwhile, about 200 black students gathered in the school's other cafeteria to get their own report on the meeting.

The blacks in the downstairs cafeteria heard a student leader say that demands for a black studies course and other requests had been almost completely met. Meanwhile, the white students upstairs were requested by Principal David L. Dean to go to class. Only some did.

About 9:15 a.m., the black group sent emissaries to the white group to explain what was going on, as several police watched. The Negro students were hooted down as they entered the room, and returned downstairs.

At that time, the white students were told that some blacks had hit a white on a stairwell. A number of blacks began coming upstairs. Police kept the groups separated.

Meanwhile, with absentees numbering only 50 more than usual, most students were attending classes. As a bell signaled the shift from classroom to classroom, police and Negro leaders urged the black students to go back downstairs.

MORE POLICE CALLED

More police were called to the scene, some carrying clubs. In all, 60 officers were present, including county, Bladensburg and park police.

It took 20 minutes to persuade the blacks to go downstairs, and it was during this time that most of the fighting erupted.

Calm was restored by about 10 a.m., and the school principal and several parents addressed the black students. Vice Principal William Blount, a Negro appointed to that post this year, told the youngsters:

"I tell you, you can really blow it all unless you go back to class."

The Negroes, their number down to 100, paid Blount no heed.

The number of white protesters, almost all of them boys, had also dwindled to about 100. Those left were still confined to the upstairs cafeteria by the police, under the orders of the principal.

About 11 a.m. three black and three white student leaders met in the principal's office. The three whites then spoke to the Negro group downstairs, and the three Negroes addressed the white students.

Michelle Wilson, a black student leader—who transferred this year to Bladensburg from the District of Columbia's Western High School, said:

"The problem is the Prince Georges County cops want to bust some good black heads."

"Wait a minute," one white student shouted. "They've busted plenty of white heads, too!"

About noon, closely supervised by police, students who had been attending classes filled both cafeterias. With much of the tension relieved, lunch was served. The incident was over.

Dean announced over the school loudspeaker that all students who were roaming around the halls would be suspended, and that any unauthorized outsiders would be arrested.

FAMILY INVOLVED

Arrests were made about 2 p.m. One Negro woman, Cora Green, was escorting her two children away from the school when Dean told her either to take the children home or get them to class, police said.

Later the Greens were standing on a corner near the school and were asked by Bladensburg police to move. Mrs. Green, of 1921 Bellehaven Dr., Landover, and her son, Kenneth, 18, did, police said.

But police said her daughter, 15, began to run and was grabbed by a policeman. Police said Kenneth then jumped on the policeman's back and as a second officer moved to help him Mrs. Green interfered.

Mrs. Green was charged with interfering with police; the daughter with disorderly conduct and the son with disorderly conduct and assault on an officer. The mother and daughter were put under $100 bond each, the son under a $400 bond.

The other arrest, according to Dean, came after he suspended 12 students for roaming the halls. One, a Negro, refused to leave the school and was arrested for trespassing.

Dean said that a teachers' meeting was held after school to plan generally what the faculty response should be in the event of future disturbances and what can be done to alleviate unrest.

He said that today, "We are going to expect all students to be in their classrooms and follow their normal schedules."

Any meetings, Dean said, will have to be formally scheduled, and he added that none are planned so far as he knows.

"We're to the point of feeling that we're going to have to get back to the main purpose for which the school is there," he said.

School officials at nearby Parkdale Senior High reported that 50 black students boycotted classes yesterday after they were allegedly threatened by white classmates. About 75 white students also walked out of classes, officials said, claiming that they didn't have to attend school if the black students were leaving. Later, parents were called to the school and met with the black students.

[From the Washington Daily News, Sept. 19, 1969]

FOUR ARRESTED IN BLADENSBURG SCHOOL ROW

Twelve students were expelled and four persons arrested after sporadic racial fighting at Bladensburg High School yesterday.

A series of fist fights between white and black students in the school's halls caused minor injuries to at least four students. About 60 Prince Georges and Bladensburg policemen quickly restored order.

School officials refused to identify the expelled students or discuss what they had done. They were reported to include both whites and blacks who refused orders to leave the halls and return to class.

One of those suspended, a Negro, refused to leave school and was charged with trespassing.

Bladensburg police also arrested Mrs. Cora Green, 37, of Landover, on charges of interfering with an officer; her son Kenneth, 18, charged with disorderly conduct and assault; her 15-year-old daughter, charged with disorderly conduct, after an incident outside the school; and Kenneth Darly, 18, also of Landover, on disorderly conduct and assault charges, in connection with an incident in the school parking lot. They also arrested a juvenile at the same time.

The second consecutive day of trouble at the school began about 10 a.m. following two hours of meetings involving separate white and black dissident groups.

The black students, meeting in a first floor cafeteria, were discussing the outcome of talks Wednesday between 10 black student representatives and school board officials. Those talks, which followed the sit-in by black students Wednesday, ended amicably, according to school officials. Black students had demanded a black studies program and were told by school officials that such a course may be instituted in February.

At the same time as the black students were meeting, about 250 white students sat-in in the school's other cafeteria directly above the room where black students were meeting. That sit-in, according to white students involved, was held as a counter-demonstration to Wednesday's Negro protest.

Principal David L. Dean spoke to the student body over the school public address system at about 8:30 a.m. urging students to "go on about your business as usual." In the second floor cafeteria, this message was met with boos.

Three Negro students were cheered when they left the cafeteria during Mr. Dean's announcement. Several times during the morning blacks tried to enter the white-held cafeteria but were met with chants of "get out" and racial epithets.

The same sort of situation was forming downstairs at the black meeting.

The only effort to quiet students was made by a teacher who approached a boy standing on a table. "Get off that table and sit down." he said. The youth complied.

About 20 minutes later, Mr. Dean, using a bullhorn, spoke for nearly half an hour to the white students but was unable to either quiet them or convince them to return to class.

Several times a number of black students tried to enter the room. Each time they were greeted with jeers. Mr. Dean was told by an aide the black students wanted to speak to the whites to air differences. The principal asked the white group if it would listen. Somebody said, "We don't want them in here."

After Mr. Dean left the white group, students began banging on tables. The blacks in the cafeteria below heard the noise and charged upstairs. Fistfights broke out. Police officers held doors to cafeteria as Negroes tried to enter, while at the same time white youngsters tried to get out.

[From the Washington Post, Sept. 19, 1969]

"COLOR-BLIND" PRINCIPAL FACES RACE PROBLEM

(By Anne Hebald)

"I am absolutely color blind," said the principal of Arlington's Washington-Lee High School yesterday. Many black students there say that's what led to Wednesday's walkout of 16 black students that threatens to involve all the county's desegregated schools.

The 450 black high school students in the county, like the white pupils who comprise 92 per cent of the high school population, have their classes scheduled for them by the electronic impulses of a computer.

To the black students at Washington-Lee, where there now are 80 blacks and 1,820 whites, the school system is just about as understanding of their human needs as is the computer.

A sit-in of 35 students the first week there was meant to inform O. U. Johansen, the principal, that "it just feels eerie to be the only black in a classroom of whites," as one student put it yesterday. They wanted assignments reshuffled so every black student would have at least one "brother" or "sister" in each class.

"We decided not to meet that request," said Johansen yesterday.

"Our schedules are done by a computer and the computer is color-blind. I do not want to get into scheduling on the basis of color or simple congeniality . . . it would just get to be a full-time job."

Wednesday's walkout was intended by the black students to again communicate their feeling of isolation from the white mainstream of high school activities, from cheerleading to extra-curricular clubs.

The result was that for "disrupting" an assembly, 14 students were suspended and two more were asked to leave the school permanently.

"I wish they'd tell me what is the matter before they strike like that," Johansen said.

When asked if he had met with the black students once this school year, he said he had not.

At Yorktown High, where 50 black students go to school with 1,770 whites, Principal W. Ralph Kier said yesterday:

"The first week of school, 21 of our black students came in to talk to me because they told me they felt a little uncomfortable when, in class after class, they were the sole black in the room.

"We looked at their schedules and we offered them changes.

"We made these changes not on the basis that they were black but simply because we felt that if the educational climate was not comfortable for them, we would only be making learning less possible rather then more so. And a school does exist to foster learning."

Kier said that by the time he and his staff had examined the computer's schedules and re-worked them, that only three or four of the students actually changed their original programs.

"It took us about week to undo the computer. But by then, the students who felt uncomfortable at first had gotten used to their classmates, and just decided to stay.

"But I think they were glad we did try and listen to them that first uncomfortable week," Kier said yesterday.

The black students at South Arlington's Wakefield High are in a different situation than those in North Arlington's two high schools. At Wakefield, they comprise approximately 15 per cent of the 2,160 students, and do not find themselves in computerized solitude.

"Here at Wakefield, the black students seem less prey to the 'I'm the only black in the classroom' feeling than to a generalized sense of exclusion said Principal Thomas J. Cabelus Jr., yesterday.

"But whether you're black or white, high school is a time when your emotions are close to the surface and often somewhat confused.

"For some of the black students, Cabelus continued, not only 'the high school years,' but these years in particular impose on them greater pressures than are imposed on white students.

"Black groups outside the school—from SNCC to the Arlington Black United Front—if they appeal to the emotions, are just naturally going to affect black students, even those who choose to steer clear of demonstrations. No black student now can go to school without feeling these pressures.

"And the demonstrations that occur are signals to us—and we should listen—that such pressures are bearing down on them."

Cabelus' approach to the generalized disaffection among the Green Valley black students at Wakefield has been and continues to be strong school contacts with the Green Valley community.

All 10 of the school's guidance counselors, three of whom are black, pay afterschool visits to Green Valley parents who are unable to get to the school either because they have no transportation there or because they work during school hours.

"We give football game passes to the Arlington Community Action Program administrators, having teachers and athletic coaches go to their meetings every week for the purpose of being as available as we can to the black community in South Arlington," Cabelus said.

"You know," he said, "to summarily condemn the students who sit in and walk out is a mistake."

[From the New Iberia-Jeanerette (La.), Aug. 27, 1969]

CLASHES BETWEEN WHITES AND NEGROES DISRUPT NISHS—BLACK STUDENTS ARE ARRESTED DURING MARCH DOWN ADMIRAL DOYLE DRIVE

(By Paul F. Matthews)

A major disturbance between Negro and white students early this morning completely disrupted activities at the New Iberia Senior High School.

The trouble resulted in the arrest of some of the Negro students following a march down Admiral Doyle Drive. Some 200 to 300 students had a confrontation with law enforcement officials during the march at the intersection of Hopkins and Admiral Doyle Drive where tear gas was used it disperse the crowd.

From there most of the Negro students went to the West End park for another rally allowing only black people to attend.

The trouble reportedly began when some white students were disembarking from buses and were attacked by groups of Negro students. A number of white students were beaten by the Negro youths but it was reported none were seriously injured.

However, it was understood a couple of the white students were taken to a local hospital for treatment.

It was not clear what sparked the incident, but one school official remarked, "it was open season on white students". He said the Negro groups consisting of 10 or 15 each, would jump a white student by himself. There were several such incidents.

Late this morning, Superintendent of Schools Claude O. Duhon reported that classes at the New Iberia Senior High School and the New Iberia Junior High School have been suspended for the day.

Law enforcement officials and school personnel managed to break up the fights and restore a certain amount of order but for a while most students were milling around in the hallways or outside on the campus grounds.

After the disturbances were quelled, some 300 Negro students congregated in the school auditorium for a rally to voice certain grievances with high school officials. The rally which lasted about one hour appeared to have not accomplished much.

Meeting with the Negro students were principal George Crowson, assistant principal J. B. Henderson and Acey Freeman, a Negro teacher. Newsmen were barred from the meeting by superintendent of schools Claude Duhon and were only told that the students' main gripe was they wanted to go back to the former Jonas Henderson High School.

A. grievance committee of Negro students was reportedly formed to meet with school officials to let their demands be known and to attempt to work out the solutions.

Details as to what took place and what was said during the meeting in the auditorium were sketchie but the faculty members apparently attempted to calm the students, to no avail.

After about an hour, the majority of the Negro students marched out of the auditorium chanting and headed down Admiral Doyle Drive, reportedly for the former Jonas Henderson High School.

It was during this march law enforcement officials broke up the group at the intersection of Hopkins and Admiral Doyle. A few of the Negroes were taken into custody.

The scene at the high school this morning was mostly confusion for a while following the trouble. It was pointed out by some of the school officials that not all the Negro students at the school were involved. There were a number of them that went on to their classes during the time the meeting was being held in the auditorium.

One Negro faculty member said he did not know exactly what started the trouble this morning but it apparently stemmed from a meeting of Negro youths in the West End park last night.

There was a report of a minor altercation Tuesday afternoon at the school.

It was also pointed out by school officials that the unruliness at the high school this morning was being led by about 20 troublemakers.

Many parents who got word about the disturbance went to the school and took their children home. Principal Crowson announced that any of the students who wanted to go home for the day could do so if their parents came to the school.

State, parish and city law enforcement personnel were coordinated to restore law and order.

ICC CONSIDERATION OF BLACK OPERATED CARRIER APPLICATION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. CLAY. Mr. Speaker, I insert the following for the attention of my colleagues who share my concern for black-owned and operated businesses as an important step to equal economic opportunity in this Nation:

Subject: Allstates-American Van Lines, Inc.'s application pending before ICC.

Date: September 15, 1969.

Allstates-American Van Lines, Inc., has submitted its petition, in the form of a report, to the Interstate Commerce Commission, to consider seriously its application to become the first black common carrier to operate in all 50 states. The ICC is expected to render its decision on Monday, Sept. 22, 1969.

Originally, Allstates-American applied for 50-state authority last May and the ICC rejected its application on the grounds that there was no need for the firm's services. Timothy Person, president of the trucking firm, has filed for reconsideration and is backing his second petition with a report on "The Role of the Transportation Industry

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in the Black Community." The report was prepared by a St. Louis public relations firm, C. E. Martin & Associates.

The report states that its purpose is two-fold: to show the need for transportation services in the black community and the "unjust discrimination" against black shippers by white common carriers and to point out the racial discrimination exercised by the transportation industry against the hiring of blacks.

The following are excerpts from the report.

On March 2, 1966, President Lyndon B. Johnson sent a message on transportation to Congress and these are his memorable words:

"Modern transportation can be the rapid conduit of economic growth—or a bottleneck.

"It can bring jobs and loved ones and recreation closer to every family—or it can bring instead sudden and purposeless death.

"It can improve every man's standard of living or multiply the cost of all he buys.

It can be a convenience, a pleasure, the passport to new horizons of the mind and spirit—or it can frustrate and impede and delay.

The choice is ours to make.

Today there are more than 18,000 transportation companies in the United States, but not one of them is a black-owned common carrier with full interstate authority to operate in all 50 states.

The lack of indigenous black transport facilities, especially on a national scale, has hampered seriously the economic growth and transport mobility of the black community. It has brought about the serious decline and decay of our cities, where transportation has become a bottleneck. It has raised the cost of living for the average black inner-city resident, whose income is much lower than his white counterpart who pays less for the same consumer goods and services. It has frustrated, impeded and delayed the social progress of a people, more than half of whom are enslaved still in the shackles of a slavery based on economic insufficiency and welfare dependency, both of which are the long-standing results of racial discrimination.

Allstates American urges and challenges the Interstate Commerce Commsision to make the right choice by opening up to black people another route toward equality in American democracy.

Since the Interstate Commerce Commission bears the primary responsibility for the enforcement of federal regulations relating to the dynamic industry of transportation, its ultimate decision will not only make history but will also affect the socio-economic development of the black community by either retarding or aiding its progress against racial discrimination in the transportation industry.

ICC's acceptance of Allstates America Van Lines, Inc., as a full member of the transportation industry will mean another step for the black community to obtain its equal right of the freedom of movement, a necessary prerequisite for socio-economic mobility in American society.

It will also add credence to President Richard M. Nixon's call for the development and implementation of "Black Capitalism" as a means of upgrading the economic status of the black community and nurturing black entrepreneurial leadership and talent.

According to Small Business Administration, about one percent of three million businesses in the U.S. are black-owned. The majority of these black businesses are "Mom and Pop" corner grocery stores, restaurants, beauty and barber shops and funeral parlors. If there are only 30,000 black businesses in the U.S., it will be a long time before the black community can develop national businesses, with the long-range possibility of hiring thousands of black workers.

With full interstate authority to operate in 50 states, Allstates American Van Lines, Inc., can and will develop into a national company which will not only serve the black community but also benefit it by providing job training and opportunities to the unemployed.

Allstates American has made its choice, based on irrevocable conclusions from facts and figures which are presented further in this report. Now, the rest is up to the Interstate Commerce Commission to draw its conclusions and to act upon them in the best interest of expressing constitutional principles.

Transportation is a way of life. It moves society either towards progress or retrogress. It is the carrier of people and goods all over the world. It is a political and social unifier, annihilating distances between people and places, barriers of languages, customs and beliefs. It has carried man everywhere, even to the moon, and soon, perhaps in the very near future, man will be moving into the lunar atmosphere to live . . .

The transportation industry is not only important in the services it renders to the nation, but even more importantly, it has emerged as a major employer. In 1964 there were 737,000 railroad employees, 270,000 local and interurban workers, 230,000 air transport workers and 920,000 motor and storage transport workers. . . .

Without transportation, communities must be truly self-sufficient. There is hardly any area of human endeavor in American society that is not affected by this astoundingly successful phenomenon which has united 13 colonies and expanded their territorial dominion to 50 states, created and developed new industries, linked new cities, increased wealth, raised the standard of living, promoted culture—and, above all, unified a pluralistic society into a unique American democracy.

Yet, in spite of all these gains in the transportation industry, making America the world's most highly mobile nation, there are still among us—millions of men, women and children, mostly black, who are still immobilized in America . . .

Private industry's laissez-faire policy on black employment, in the long run, is costly to the nation's taxpayers and simply a waste of available manpower and human resources and talent, which the nation, as a whole, cannot afford.

TRANSPORTATION INDUSTRY'S ROLE IN BLACK IMMOBILITY

The transportation industry, on the whole, has shown "unjust discrimination" not only against the employment of black people but also against accepting business from potential black shippers in the inner cities. It has given "undue preference" to white persons, places, companies, etc., in suburban and exurban areas.

Its role in black employment is shameful and statistics attest its discrimination. In 1960 total employment in the transportation industry was 2,408,822, of which nine percent was black, the majority of whom were concentrated in heavy-duty and low-paying jobs. The average white worker earned $5,153, as compared to $3,531 for the average black worker. While nearly 70 percent of white workers worked full time, only 57 percent of blacks worked full time.

With a closer look at the motor freight and storage industry with 886,000 employees in 1960, there were only 7.8 percent of these jobs available to blacks. There were roughly 54,155 black employees in the trucking industry alone, but only 53.7 percent worked full time. In warehousing storage there were only 15,419 black employees, of which 54.3 percent worked full time. In comparison to these figures, there were 732,014 white workers in the trucking industry with 65.5 percent working full time. In warehousing storage there was a total of 84,451 white employees of whom 68.5 worked full time.

The pay rate between black and white workers also showed variation. The median wage for the average white worker in the trucking industry was $5,232 as compared to $2,906 for the black worker and in warehousing.

In educational schooling, there is very little difference between the races in the transportation industry with 10.9 median school years for whites and 9.2 for blacks. More specifically, in the trucking and warehousing storage group, the median is 9.0 for blacks and 9.3 for whites.

Yet, even in cases where blacks had better educational training than whites, the black college graduate earned considerably less than white workers with less education and had little opportunity for advancement in the trucking and warehousing storage industry. Only seven percent of black workers made more than $6,000 per year as compared to 35 percent of white workers. In the $3–6,000 bracket, blacks compared favorably with whites. About 40 percent of the blacks earned $3–6,000 while 45 percent of whites earned same. However, more than 50 percent of the black workers still earned less than $3,000, which is the poverty guideline set by the Office of Economic Opportunity, as compared to only 20 percent of whites earning same.

The discrimination in job employment for black people in the transportation industry is obviously in conflict with the Fair Employment Practices Act of 1948, which is still in effect, and the Equal Employment Opportunity Act of 1964.

The Interstate Commerce Commission, with jurisdiction over the transportation industry, must take on the responsibility of enforcing the FEPC and EEOC laws to insure that every black worker in the motor transportation and storage industry gets fair and impartial treatment from their employers. It should also investigate employment methods used by the employers periodically to check and make sure that the procedures are regular and in order. Moreover, it should be unceasingly aware that one of the most common subterfuges used by companies approached by black applicants for jobs is the old excuse: "No job openings available."

The Bureau of Labor Statistics published its projection of manpower requirements for the motor freight transportation and storage industry, which is as follows:

"Employment in the motor freight transportation and storage major industry is expected to increase rapidly between 1964 and 1975, but slower than during the post-World War II period. Future employment growth is predicated on a steadily rising demand for motor freight services.

Technological change is expected to be a significant factor limiting employment expansion in these industries . . .

Employment rose steadily from 551,000 workers in 1947 to nearly 920,000 in 1964, a two-thirds increase . . .

Employment requirements in the motor freight transportation and storage industry group are expected to increase from about 920,000 in 1964 to approximately 1.2 million in 1975, an increase of about 30 percent."

More than 250,000 jobs will be available in the trucking and storage industry alone by 1975. Undoubtedly, because of the continual technological changes taking places within the industry, many companies must keep pace by training and re-training their employees.

It is Allstates American's contention that at least half of those projected jobs should be filled with black applicants and that the companies should take on the responsibility of training them, just as they have been training their white employees, many of whom were untrained and had to be given on-the-job training.

"Unjust discrimination" in the motor transportation and storage industry against the employment of blacks must be abated and rectified. The industry must accept its responsibility as an "equal opportunity" employer and begin hiring and training black unemployed, who are a burden on our national economy.

The black unemployed can find a lasting and profitable vocation in the motor transportation and storage industry if the industry makes available adequate training facilities. The industry embraces a wide variety of jobs with skills ranging from routine clerical to top-level managerial, which are administrative in nature and, with proper training, can be filled by black people. Second, in some localities, some of these jobs are reported to be in the "hard to fill" category. Hence, there should be some indication that placement of trained black people should not be difficult.

The growth of the trucking industry has resulted from the white exodus and industry relocation to the suburbs, according to the Bureau of Labor Statistics' report.

Transportation, the prime mover of industries, has great influence upon real estate values and rents. In transportation economics, rent depends greatly upon location with respect to market, being higher for adjacent land than for distant land. Since distance is primarily a matter of the cost and time of movement rather than of miles, lower transportation rates bring outlying land closer to the market by enabling the product of that land to move a given distance at less expense. Consequently, industries have found it feasible to locate away from the market in order to make more profits.

When the major industries moved to the suburban and exurban areas, their former downtown locations and the surrounding residential areas declined in land value. In contrast, suburban land values were enhanced by their movement.

A great many problems of the urban areas result from the lack of transportation services. With the relocation of industries, land values and rents declined in the downtown areas. As a result, the inner cities have deteriorated, in some instances, into ghost neighborhoods where former business establishments closed down and boarded up because of unavailability of trucking services. With the exodus of businesses went jobs, leaving men and women unemployed. Moreover, the cost of living in these areas, abandoned by these businesses, is higher for the average inner city resident than the suburban resident. For instance, in 1966 city residents had to spend $2,286 for housing while suburban residents only spent $1,894. Food cost the city residents $2,173 while it only cost $2,005 for suburban residents.

Ironically, although it is a basic tenet that the more the rent the higher the value of the land, however, land values are low and rents are high in the black neighborhoods.

It is not unusual for black tenants to pay exorbitant rents for substandard housing, which is not properly maintained by absentee landlords. In many cases, many of these people are unemployed or underemployed and are unable to move to better housing because of lack of money. Yet, if these tenants were to seek better housing and wish to hire a moving company, they are frustrated, however, by the refusal of certain moving companies to answer their calls.

Among those most often victimized by predominantly white companies, who give "undue preference" to suburban areas, are public housing tenants. There are more than 637,000 public housing units occupied by low-income tenants, of whom almost 50 percent are black. Most of these people are unable to move away from public housing, which, according to the Department of Housing and Urban Development, should be a temporary refuge for the economically immobile until they can move out. The irony is that when they become economically mobile, they are unable to move from public housing because of the refusal of certain transportation companies to answer their calls.

It is obvious that the "personal discrimination" clause of the Interstate Commerce Act is being violated indiscriminately by the predominantly white common carriers. Speaking of common carriers, the Act states:

"The very term 'common carrier' implies equality; it signifies common to all; the servant of the public. The adoption of the vocation carries with it the assurance imposed by one of the elementary principles of the common law, that every customer be served alike."

Moreover, many white common carriers have violated the "undue preference" clause which states:

"It shall be unlawful for any common carrier subject to the provisions of this part to make, give, or cause any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, association, locality, port, port district . . . or to subject any particular person, company, firm, corporation, locality, port, port district . . . to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

Further, by ignoring the needs of black inner-city residents, the motor transportation and storage industry is partly responsible for the urban crisis that exists in our cities. Instead of providing the black community a "rapid conduit of economic growth," it has choked off its transport mobility to the extent that the ghetto becomes more isolated and, perhaps, like a city in a siege. By abandoning the city, it has raised the cost of everything the black man buys. It has frustrated, impeded and delayed the efforts of those desirous of finding better jobs, housing and other opportunities.

In the interest of furthering American democracy, the Interstate Commerce Commission—and the transportation industry—should be concerned about meeting the transportation needs of the black community which has been immobile for too long because of racial discrimination.

The freedom of mobility is an inherent right in American democracy. America can little afford to waste its available human resources, which must be fully mobilized to forge a better society for all concerned.

Respectfully Submitted,
TIMOTHY DAVID PERSON.

ST. LOUIS, MO.,
ALLSTATES AMERICAN VAN LINES.
Dated: August 7, 1969.

DEMAGOGS IN THE URBAN JUNGLE—II

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. RARICK. Mr. Speaker, the accomplishments of the distinguished Member of the other body in flooring an assailant who sought to rob him in the elevator of his apartment building within sight of the Nation's Capitol makes it again appropriate to call the attention of our colleagues to our direct responsibility for the conditions which exist in Washington.

The framers of the Constitution were aware of the threat to republican government which existed in Philadelphia when the Continental Congress was surrounded and imperiled by a mob from which it was powerless to protect itself. The Constitution, therefore, provided for the creation of a Federal district, the District of Columbia, over which the Congress should have plenary and exclusive legislative power. This requirement was simply to make us masters in our own house.

Such shibboleths as "home rule," "democracy," and "government by the people" have caused us to forget this lesson and to relinquish step by step our responsibility and authority over the Nation's Capital to residents whose inability to operate a city of this size and complexity has made Washington an international laughing stock.

We would not be surprised to find that the capitals of certain undeveloped or emerging nations were regarded as hazardous posts by civilized foreign service people. It is a little disturbing to find that our own Capital—the seat of government of the foremost nation in the world—is regarded as a hazardous duty station by the personnel of many of the foreign embassies resident here. In the first 6 months of this year, 261 crimes against foreign embassy staff members or their property have been tallied here according to our State Department.

It is pointless to recite again the weekly report of armed robberies, assault, and other crimes of violence which have occurred within the city.

It is important for us to take note of the fact that the so-called government of the District of Columbia is obviously unable to do anything to reduce this shameful toll.

Two current newspaper clippings indict the failure of the local authority to even understand, much less deal with the problem of violence. When the City Council meets in a chamber protected by 71 armed police officers and considers the meeting a success because it was not disrupted by rioters it plainly has no conception of its own function and responsibility.

Such a disgraceful situation represents a monumental failure and not a successful demonstration of government by the people.

Part of the reason for this failure is well demonstrated by the decision of the local police department, presumably to relieve the situations thought to cause crime, to refrain from including racial identification in its forms, reports, and records.

Mr. Speaker, several news clippings follow:

[From the Washington Post, Sept. 19, 1969]

THE CITY COUNCIL'S NEWFOUND SELF-RESPECT

The City Council has finally decided to display a little more self-respect by way of engendering more respect by others for the sanctity of its proceedings. At future meetings, the council "is going to hear everybody's opinion," but in an orderly atmosphere, Chairman Hahn assures. And Councilman Yeldell adds that order will be maintained "even if it means we have to have wall-to-wall police to do it."

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To mark the decision, a force of 71 policemen was assembled and a notice was posted making clear that any disorderly person would be subject to arrest. It is beside the point that a rumored effort to disrupt the proceedings did not come off and that there were more police than spectators in the chamber. Council sessions have been interrupted on previous occasions and its sessions were considered "fair game" by professional causists. It is important that the council has moved forcefully to protect the integrity of its proceedings, to insure that *all* witnesses will have an opportunity to be heard and to enable the general public to hear its deliberations.

Chairman Hahn has commented that the council decided that "the time had come to maintain order." This was a reference to the previous reluctance of many of his fellow councilmen to impose any restraints on council sessions. To them, it was important that the freest possible discussion be encouraged. Only those persons who set out deliberately to create disorder should feel intimidated by the council's newfound self-respect.

[From the Washington Daily News,
Sept. 19, 1969]

SIX-MONTH TALLY WORRIES NIXON: 261 CRIMES ON EMBASSY ROW

(By Wauhillau La Hay)

Embassy row is worried. There were 261 crimes against foreign embassy staff members or their property in the first six months of 1969, according to State Department figures.

The incidents ranged from muggings to bombings, from burglaries to assaults, causing the U.S. concern and embarrassment—and money. For example, the Soviet Embassy was given $12,105 for repairs after a bombing last February.

Most of the embassies and chanceries are located on Massachusetts-av. Others are on 16th street, nw, which runs north from LaFayette Park opposite the White House.

The embassies of Bulgaria, Ghana, Liberia, Dahomey, Honduras, Lithuania, Poland, Upper Volta, Nigeria and Peru are on 16th street as is that of the Soviet Union. Within one block of 16th street are three other embassies—those of Italy, Spain and Mexico. All are beautiful buildings and centers of business and social activities. But:

Italian ambassador Egidio Ortona was accosted last April by two men at four in the afternoon. Mr. Ortona, a husky, strong man, frightened the would-be muggers into flight.

ROBBED IN DAYLIGHT

Last Tuesday was Mexican Independence Day and the embassy invited Mexican-Americans to a party. Two were robbed of wallets and watches in front of the embassy in daylight.

There have been many unreported incidents around the three embassies, but it isn't likely they will be relocated. The ambassadors wouldn't mind moving, but know it would be highly impractical.

"Frankly, we would like to get out of the neighborhood," Ambassador Ortona said this week.

"It is really very bad," agreed Mexican Ambassador Hugo B. Margain.

The Marquesa de Merry del Val, wife of the Spanish Ambassador, admitted that her staff of servants is worried about working in the neighborhood.

"I told them, 'The Italian staff does not worry. The Mexican staff does not worry. Who are you—a Spaniard—being worried?' " said the Marquesa. "That bucked them up a little, I think!"

NIXON WORRIED

The Nixon Administration is worried about the problem. John B. Layton, who resigned as chief of the Metropolitan Police last July to become a special assistant to protocol chief Emil (Bus) Mosbacher, Jr., has been assigned to recommend new ways to protect the homes and officers of foreign missions.

Unfortunately, Mr. Layton has been ill and has not been able to take over his new chores. First on his agenda when he reaches his desk will be to "undertake an interdepartmental review on the protection of foreign diplomatic establishments" and to develop new plans to provide this protection.

[From the Washington Evening Star
Sept. 11, 1969]

POLICE LIMIT RACIAL DATA ON REPORTS

The Metropolitan Police Department is discontinuing racial identifications on a great number of its reports and forms.

In a memorandum, Chief Jerry V. Wilson said that "the inclusion of race identification on certain department forms and statements serves no useful purpose . . . Conversely, it shall be the policy . . . to continue recording such data only when necessary and pertinent to law enforcement needs."

It was indicated this meant racial identifications would be used only when needed for purposes of identification.

Among forms on which the racial designation has been dropped are those for traffic accidents and violations, transcripts of records for bondsmen, bicycle check cards, prosecution reports, stolen vehicle reports, notices of arrests of government employes and reports of crimes against property.

Racial identifications are to be continued on reports of crimes against persons.

LIFE AND DEATH OF AN ESTUARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a frightening article from the magazine, Sports Afield, chronicling the effect of pollution and man's other activities on Barnegat Bay.

This ugly set of circumstances is being and will be repeated around the Nation in hundreds of areas unless rigorous corrective measures are taken at an early time.

Perhaps a society seeking clean water, pure air, open spaces, and a decent environment in which to restore spirits damaged by modern urban society will begin to express the kind of concern it takes to preserve precious national treasures such as Barnegat Bay. Unless this is done, the future is bleak for us and bleaker for our descendants.

LIFE AND DEATH OF AN ESTUARY

(By Zack Taylor)

This was my bay—Barnegat. It nurtured me. Its fish and game were my delight. Its ocean beaches and tide-swept reaches gave me my earliest memories. It was my bay. It gave me everything and in return I paid it back with ruin. I turned Barnegat from a lovely land of unbelievable plenty into a wretched killer.

I was but another animal drawn to the edge of the sea. But *Homo sapiens*, the "thinking man," is unique. He fouls his own nest. So I fouled Barnegat. And others like me have ravaged similar areas. San Francisco Bay receives the discharges of more than 80 sewer outfalls. Its fishing fleet sails no more. The once beautiful Buffalo Bayou near Houston can no longer support marine life. Parts of the Ohio River have zero oxygen.

The story of New Jersey's Barnegat Bay is sickening. But it is by no means unique. Its story is the same as any other estuary in the country. The difference is only in degree. To know how an estuary dies, first you must know how it lived. Here is the way it was with Barnegat.

Few places at first appear less inviting than her grassy flats and miles of mosquito-ridden marshes, yet they explode with microscopic life. An average acre of wheat will produce about 1½ tons of organic matter a year, the most cultivated acre of corn, seven tons. Dr. Eugene Odum, a Georgia ecologist, found by the same standard a single marsh acre produces ten tons. These sun-drenched acres are what he terms a nutrient trap. Food is not swept away but mixed by the tide. Dr. Odum placed bell jars over seemingly lifeless muddy banks and found them quickly filled with life-giving oxygen. "Even the mud algae proved to be a beautifully adapted community which functions at about the same rate all year."

These nutrients are the start of a miraculous life chain. The rooted aquatics—grasses, mangroves, rock moss, depending on whether the estuary is north or south—break away and are quickly reduced to natural fertilizers.

These support unicellular plants called phytoplankton (phyto, meaning plant). Plankton is the Greek word for wander or drift and that's what they do. They are too small to be seen under ordinary microscopes but greatly enlarged pictures show many thousands of different kinds. Some are rounded with ugly spikes. Some resemble jellyfish. Others look like flying discs or bizarre-shaped stars. Many have limited mobility, most just drift, but they all have two things in common. They are present in staggering numbers (a single drop of marsh water may hold tens of thousands) and they charge and recharge the warm waters with oxygen.

They are also the sole source of food for zooplankton (zoo, of course, denoting animals). Scientist call these slightly larger creatures first-order consumers. Like the phytoplankton there are thousands of species in as many weird shapes. Some have eyes. Others feel their way with sensitive antennae. Some feed by filtering. Others stun their prey in the manner of jellyfish.

The drama begins in the spring with a miraculously timed phenomenon. All winter, while most marine life sleeps or has migrated away, storms have been tearing at the vegetation. By April the waters are supercharged with nutrients. When the sun first warms the bay water, phytoplankton respond by reproducing in uncountable billions. So glutted become the still marsh pools that sometimes you can see oxygen bubbling from them. Surrounded by a surfeit of food, zooplankton numbers soar. These sequential population explosions called blooms are propelled by tides and currents to flood the bay and coastal plain with teeming abundance. Responding to nature's rhythm right at this time, 70 percent of the ocean's fishes utilize the estuary to spawn. Dozens of species—the silvery sea trouts, the drums, croakers, flounders, striped bass—put every portion of the bay to use.

Some, like the sea-roving bluefish and menhaden, merely pause in their wanderings to spew their eggs into the sea as many as 40 miles from shore. At the urge of instinct, their inch-long fingerlings seek out the inlets and enter the estuary. Millions of baby fish are carried through the first helpless weeks of life by the glut of food. Usually nature's haphazard timing acts as its own control. But if conditions mesh perfectly, entire fish populations can explode, replenishing the sea.

All summer long the baby fish grow at an incredible rate. Bluefish, for example soar from ½ ounce to a pound in two months. By the time the fry reach respectable bite size for adult fish or birds, the protective aspects of the estuary become even more important than its productivity. Grasses provide shelter, ditches and shallows allow schools of fingerlings to frolic unmolested. Even the coastal plain functions importantly as a sanctuary for summer sees the migrations of ocean-roving species such as tuna, bonitos, mackerel and albacore in sufficient hordes to decimate overnight the entire estuary. But the deep-loving predators are wary of the beach, and the first several miles from shore are relatively safe for the rapidly maturing youngsters.

Other forms of wildlife are drawn to the estuary's bounty. Waterfowl depend on the marshes and bays and without them would die. Shore birds, gulls and the fish-eating eagles and ospreys are inflexibly bound to the bay. Many species of land-based birds find sanctuary on the marshes during migration. The manager of the Brigantine Refuge a few miles south of Barnegat has counted 250 different kinds of birds among his regular visitors. Foxes, mink, raccoon and skunks are fond of the marsh; muskrat and beavers depend upon it. The wetlands teem with insect life. Mosquitoes sometimes rise in thick clouds even though entomologists estimate only one in 1000 ever passes the larvae stage—fish, principally the killifish, get the rest. Black and greenhead flies breed in storm-gathered grasses along the shore and dozens of other insect species are dependent upon estuaries in one way or another.

Civilization came to Barnegat slowly. At first there were fishing villages and these attracted summer visitors. Then came efforts to control the scourge of the shore—those hordes of blackflies and mosquitoes rise in clouds to torment residents. It was thought that if watery avenues could be opened to the marsh breeding pools the prolific killifish would swarm in and attack the mosquito larvae when they wriggle helpless at the surface. It worked. Men eventually crisscrossed the marshes of New Jersey's Ocean County with 1500 miles of ditches.

The bay had been unbelievably productive. Historical catch statistics for the state of New Jersey show in 1901, 6 million pounds of bluefish, 12 million pounds of weakfish, 14 million pounds of shad and almost 19 million pounds of oysters were landed.

The years prior to the turn of the century saw a giant step forward in convenience. Until then, man's elimination needs had been served by backhouses. Then the growth of municipal water supplies coupled with flush toilets made indoor bathrooms possible. The resulting sewage was disposed of in two ways. In some communities underground sewer pipes carried the flow to treating plants which removed solid matter and discharged the rest into the nearest stream.

Many bay homes, tucked away in pine groves or behind sand dunes, employed septic tanks with drain fields to carry the fluids away. Although the flow through percolation routes in the sandy soil is largely unmeasurable, it is certain that sewage in ever-increasing amounts is poured into the bay.

The chemical process of breaking down the bits and pieces of rooted aquatics and human waste is the same. An oxidation process not unlike the burning of wood or digestion of food is involved. In all cases various base materials combine with oxygen. While the amount of oxygen in the air would appear limitless, the dissolved oxygen content (DOC) of a body of water is strictly determined by how much its submerged aquatic plants can produce, plus a smaller supply that enters through surface action. A fact we must note, since it will loom large in importance later, is that cold water can hold more oxygen than hot. Thus winter in the estuary sees storm-tossed plants quickly reduced to chemical fertilizers by a high DOC. These send new plants spurting when spring's first warming trend takes effect. By summer, when warm bay waters can hold less oxygen, the planktonic blooms are creating more than enough to sustain the explosion of animal life. By fall much animal life either leaves the estuary or becomes dormant and the cycle starts anew.

After 1945 there began a multipronged assault on the bay's ability to produce life. It is impossible to determine the contribution of each factor but figures suggest that pollution by sewage was first. People poured into the area in ever increasing numbers. Census figures show how the population explosion affected Ocean County:

1900	19, 747
1910	21, 318
1920	22, 155
1930	33, 069
1940	37, 706
1950	56, 622
1960	108, 241
1967	175, 725
1975 (est.)	258, 469

Municipal sewer systems were already feeling the effects of increased water use. Showers and dish and clothes washers became commonplace. When the population rose, sewage plants could barely maintain primary treatment. When rains flooded into the system or summer visitors swelled the population by 10 or 15 times, managers diverted the flow into the bay.

Land for new houses was created by dredging bay bottom and covering low-lying marshes with the fill. Waste water from these new homes often found its way into the dredged lagoons and canals. Worse, the house developments took out of production precious marsh acres that could create the oxygen that could turn the sewage into harmless chemicals. A branch of the Fish and Wildlife Service is following this aspect of estuarine destruction. They record this loss for Barnegat: At 1300 acres in the 40s, 4300 in the 50s and 3000 in the first six years of this decade.

By 1966, 8600 or 15.2 percent of Barnegat's 56,600 acres would never again send forth their profusion of life.

The flow of sewage into the estuary cut off the oxygen supply of its wild creatures as surely as turning off the aerator in your goldfish bowl. Once plentiful fish were completely wiped out. Poundage figures for Ocean County from the Bureau of Commercial Fisheries document the annihilation.

Species:	*1938*	*1967*
Croaker	1,668,100	none
Sea herring	508,300	none
Menhaden	364,800	none
Hard crabs	105,300	16,200
Shrimp	34,900	none
Weakfish	2,244,300	10,100
Oysters (bushels)	2,700	none
Shad	312,300	9,200
Kingfish	33,800	900
Spot	59,900	none

It will likely be through sewage pollution that Barnegat reaches out to claim its first human victims. But 1945 saw the introduction of a new weapon with implications so horrendous that at least one scientist feels it threatens the very source of human life.

DDT had been discovered to be the greatest mosquito killer yet devised. During World War II it gained control of typhus and malaria. When it became available for civilian use, it was quickly adopted by the Ocean County Mosquito Control Commission. Starting in 1945 airplanes released a fog of No. 2 fuel and 5 percent DDT over Barnegat marshes. Municipalities added fogging programs of their own and while the number is not exactly known, executives of the Mosquito Control Commission estimate that over 40,000 gallons of 5 percent DDT have been released in the county *every* summer since then.

Scientists began suspecting alarming aspects of DDT as early as 1950 but it remained for Rachel Carson's *Silent Spring* in 1962 to draw public attention to its far reaching efforts. Unlike most chemicals DDT does not quickly reduce to its components after application but instead accumulates. Scientists from New York State University found residues in a Long Island marsh sprayed over a 20-year period had reached an incredible 32 pounds per acre. Stored in animal tissue, DDT is passed from one species to the next until it can attain lethal proportions. Fish and insect-eating birds are particularly susceptible. The effects of DDT are another story but let us return to what is (or is not) discernible about those effects on Barnegat mosquitoes. No longer merely an annoyance, mosquitoes are the carriers of encephalitis epidemics that periodically sweep the bay area, kill and cripple its residents and drive them from its shore.

In 1933 five mosquito traps were established to provide a guide to populations which fluctuate widely between periods of drought and dampness. The traps stand today in the same places and the count is made in the same way.

In cycles of three to six years, the count has fluctuated between lows of 15 to 45 and highs of 160 to 230. When DDT was first introduced in 1945, the count was 40. Far from being wiped out, the mosquito cycles continued with a high of 180 in 1948. In the next 12 years the count fluctuated below 80. But in 1960 it soared to 215, then dipped to 15 in 1962 and since that time has oddly remained at a constant 100.

For an explanation, I went to Dr. Bailey Pepper, chairman of the Entomology Department of the Rutgers College of Agriculture and principal advisor to the New Jersey Mosquito Control Commission. He said the counts were only a guide and that no conclusions could be drawn from them. I then asked him why, in the face of so much outcray and evidence, the commission continued to use DDT. "What evidence?" was his response. Tests in his labs he said showed no ill effects and since DDT is some 20 percent cheaper than Malathion, a nonpersistent and effective pesticide, the matter (in his view, which is shared by many others) is one of simple economics.

No studies have ever been made on killifish populations, an astounding fact considering their admitted importance to mosquito control. It is reasonable to assume their numbers declined along with other fish life. But the often twice-daily DDT bombing in the ditches where they were supposed to do their work would appear to have aided their decline. In 1963, tests conducted at Rutgers showed DDT decimated zoo-plankton, the killifish's year-round principal food. After spraying, it took 19 days for one marsh's zooplankton population to return to normal. DDT residues from the tests ran down the ditches and while horrified wildlife technicians looked on, hardy adult killifish turned belly up and died.

Tests made last March by Dr. Charles Wurster of New York University showed that tiny amounts of DDT absorbed by phytoplankton can cut by 90 percent their ability to generate oxygen. In his view DDT attacking the sea's vast planktonic fields may affect the earth's main oxygen source. The damage of the twice-daily DDT shower at the height of the marshes' bloom of life is obvious. Are the remaining killifish kept out of the

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ditches by a lack of oxygen? Your guess is as good as anybody's.

Whatever the causes, viral encephalitis, carried from animals to man by mosquitoes, swept the shores of Barnegat Bay for the first time in 1959. When the epidemic ended, 18 humans lay dead and three times that number were left with brain damage. It was only the beginning with more death and disease to come and ample proof of what must be the conservation theme for the 1970s—create and maintain conditions that are beneficial for fish and wildlife, and man will thrive. Create an environment which destroys fish and wildlife, and humans *in quantity* will also perish.

The intestines of both humans and animals hold a wide variety of deadly diseases. Typhoid fever, cholera and diphtheria are now virtually eliminated. However, a number of diseases caused by viruses, many too small to be detected, also appear in fecal matter. Among these are infectious hepatitis, virus meningitis, poliomyelitis and various viral gastroenteritises.

Clams are among the few wild creatures to thrive on fecal pollution. They apparently can extract the good and discharge the bad, remaining themselves unaffected by whatever deadly diseases they harbor. While some 20 percent of the state's waters are closed to clamming, (17.3 percent of Barnegat's) yet the incidence of hepatitis, proven to have been caused by eating contaminated shellfish, rose from 143 incidents in 1964 to 201 last year. Fatality is about one percent. A high official in the New Jersey State Department of Health, who asked not to be identified, told me he thought eating uncooked seafood of any kind *from any waters of the state* posed a deadly threat.

How could it have happened? How could these bountiful waters be turned hostile to human life? Perhaps the following will offer a clue.

In 1960 the Toms River Chemical Company was attracted to Toms River's freshwater supply in inexpensive pine land. Then in 1964 something happened to the Toms River. It turned black. Children swimming in it developed sores on their bodies. A citizens' group, The Anti-Waterways Pollution League, was formed and a barrage of letters was sent to state officials from the governor on down. I have copies of these letters and they are a pathetic chronicle of delay, evasion and ignorance on the part of authorities who seem totally oblivious to all needs other than attracting industry.

The Toms River Chemical Company to this day denies categorically it ever polluted the Toms. After several years of arrogant denial, during which the river smelled of chlorine and massive fish kills lined the beaches on several occasions, the company came up with a "solution". The solution was not to render inert the by-product of their plant. Instead, with the wholehearted approval of the governor and his commissioners of health and conservation the company laid a pipeline 13 miles across Barnegat Bay and now discharges as much as 15 million gallons of untreated effluent daily into the ocean plain a half mile offshore. The stained waters of the ocean can often be seen from shore. So far the bathing beaches seem unaffected. Is the cleanliness of the coastal plain harmed? Of course, but to what extent nobody knows. No studies have been authorized.

New threats to the estuarine environment lie ahead. In 1970 the state's pride, a 600,000 kilowatt nuclear electric-generating station, is scheduled to start operation on Forked River. Its location was chosen to utilize the waters of the lower Barnegat Bay to cool its atomic furnace. One of the several engineering studies on alternate ways to cool the atomic plant included a tower which would use bay water and return it without changing its temperature. It was rejected on economic grounds. Instead two artificial rivers were dredged, each larger by one fourth than any other in the state. These will draw off bay water, heat it to 95 degrees and discharge it into the center of the lower bay. What will be the effect of this giant pool of deoxygenated water on the bay's ecology? No one can say for sure but marine biologists view it as one more destructive force. I asked George Ritter, a vice president of the utility company, what the additional cost of the cooling tower would have been. It worked out to an annual increase in rate of about $1 per customer.

Alas, more thermal pollution lies ahead. When the present plant is finished, workmen will start a 900,000 kilowatt addition. The cooling demands of this giant go beyond even the bay's ability to cool. Instead, a pipeline 13 feet in diameter will discharge every day, a billion gallons of 100-degree water in the ocean plain only a half mile from shore. Will it affect migratory fish routes eons old? "It already has," thinks Dr. Lionel Walford, one of the nation's foremost marine ecologists. "Effluent outfalls the length of the Atlantic coast—of which this is just one more—are actually polluting the most fertile area of the sea. Precisely where, how much and which species are threatened are questions of immense importance we are attempting to answer with pitifully small sums."

It is alarmingly apparent that further obstruction lies ahead for Barnegat's struggle to cleanse itself. Public-health officials have only recently made the uneasy discovery that not even primary sewer treatment kills water-borne viruses and that they seem to live longer in polluted waters. The well-known deadly viruses are relatively rare. The more common viruses attack man's gastro-intestinal tract. The enteroviruses are almost impossible to detect", says Dr. Martin Goldfield, director of New Jersey's health labs. "Patients appear with sniffles, chills, fever, vomiting, headache. Maybe just some of the symptoms, maybe all of them, and maybe the reaction is just one of non-descript malaise.

"We are deeply concerned. It's impossible to predict the consequences of the continued pollution of the Barnegat estuary, for example. Top public-health people say there is obviously a limit to the amount of pollution we can tolerate. Where it is nobody knows. But we can expect more hepatitis, more encephalitis."*

One who sees hope in the face of the gravest dangers is John Clark, acting director of one of the U.S. Fish and Wildlife's major marine research centers at Sandy Hook. "Most people are complacent about the loss of our wild resources. When their own security is threatened they tend to do something about it. The most encouraging note is that there is no lack of technology to solve our problems. Industrial and human effluent can readily be neutralized by effective and relatively inexpensive methods. A regional sewer for the Barnegat area has been proposed. The cost is about as much as 40 miles of new highways and is paid for the same way—by bond issues and user fees. The grave threats posed by DDT need not concern us any longer. Modern, safe insecticides are plentiful. While we cannot restore marshes sacrificed for development we have learned how to channel and dredge to create new life-giving acres.

"The plight of the estuaries is world-wide. Sweden has just appointed a pollution czar and is moving quickly to restore its air and water. The resolve in this country is all that is needed. I am confident we will someday decide to make our estuaries safe and beautiful."

Battered, defiled and dangerous, but perhaps not beyond the point of no return, a typical estuary awaits its fate.

*(NOTE.—Since that statement was made a new epidemic of viral encephalitis has killed 80 horses and 9 humans in the Barnegat area.)

TIME FOR A COUP IN SAIGON

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. ROSENTHAL. Mr. Speaker, the mood in the country on the Vietnam war is changing. For the past 10 months there has been an understandable tendency toward restraint while a new President sought new approaches.

Today, pessimism and anger are rising up, gradually displacing that hesitation and hope. Serious doubts have arisen that the new administration really has a plan to end the war.

The withdrawals of American troops, even those projected through December, are nominal. By the end of this year, or nearly 14 months after Richard Nixon was elected President, we will have reduced our Vietnam troop strength by about 10 percent. This slight reduction does not match the expectations of last November which are now fading rapidly. Unless we find a new approach, we may face in 1970 a renewed peace campaign with drastic social and political consequences.

The major obstacle is a political impasse on Vietnam which exists both in Washington and in Saigon. Our Government seems unable to understand that Hanoi will not yield, will not compromise, and will not make it easy for us to depart. Yet we must depart, and the President and his party are eminently aware of that need.

In Saigon, we continue to prop an unrepresentative government which should not be asked, and cannot be expected, to participate in its own downfall. Yet the Thieu-Ky government must be replaced if the political climate in Vietnam is to develop sufficiently for representative government there to stop the fighting.

Richard Hudson, editor of the War/Peace Report, analyzes this impasse in his article, "Time for a Coup in Saigon," which follows:

TIME FOR A COUP IN SAIGON

(By Richard Hudson)

The North Vietnamese insisted that they would not negotiate with the Americans until the bombing of their country stopped, and for all practical purposes they won their point. (After the partial halt in bombing they came to the conference table—but only to discuss the full halt.) Then the Democratic Republic of Vietnam (D.R.V.) and the National Liberation Front of South Vietnam (N.L.F.) demanded that the N.L.F. be accorded equal status at the conference table, and for all practical purposes they won that point. Now the N.L.F. and the D.R.V. are saying that the next step toward peace must be the overthrow of the Thieu-Ky regime and its replacement by a "peace cabinet." Will they likewise win this point? And should they?

My visit to Paris, during which I talked with spokesmen of the U.S., the Saigon administration, the D.R.V. and the N.L.F., as well as a variety of Vietnamese exiles, reinforced my conviction that this demand must be met, as the others were, for peace talks to progress. Therefore, the sooner there is a coup d'etat in Saigon, the better.

Of course, the coup in itself would not solve any problems if the Thieu-Ky regime were simply replaced by another of similar political tendencies. The overturn of the Saigon government would be meaningless unless it resulted from a basic change in Washington's policy. The real issue in the war—from 1954 until the present—has been this: Who is to rule in Saigon? Is it to be an anti-communist, pro-U.S. regime bolstered by American force or a government established by the Vietnamese alone (which might or might not become communist-dominated)?

So far, Washington has clung to the first alternative as its objective, although statements by officials of the Johnson administration and now its successor have sometimes tended to cloud the issue. In his May 14 television address, for instance, President Nixon declared: "We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves." But Nixon did not make clear how South Vietnam is to choose its government, either before elections or in the election itself. In Paris, however, it is evident that the U.S. is still sticking with the notion that the Saigon administraion can remain in power and carry out some kind of elections in which it will retain that power.

To lay out the reasoning behind the conclusion that a basic change in Washington's peace terms leading to a coup d'etat in Saigon is the crucial next step toward a peaceful settlement, let us first look at the positions of the four parties to the negotiations, as well as the unrepresented fifth position of the "middle" South Vietnamese, as I perceived them in Paris.

The Republic of Vietnam: President Thieu, who not long ago said he would never talk with the N.L.F., now says he wants to do precisely this, on an unconditional basis. What he evidently would offer the N.L.F., provided it would lay down its arms, would be the right for the N.L.F. to run in elections under the present constitution (although communists could not run), plus the chance for the N.L.F. to take part in some sort of election commission, in a minority status. When confronted with an assertion that the N.L.F. would never accept this—that, in fact, peace will never be possible until Saigon agrees to elections for a whole new government—a South Vietnamese government spokesman replied: "In that case, the war will continue."

The United States: American negotiators in Paris believe there is "give" in the positions of both Saigon and the N.L.F. that will in time lead to a peaceful settlement. The U.S. stand is superficially quite logical: There are two adversaries, so they should sit down together and bargain for a settlement. This process has already begun, since both of them are at least sitting at the same conference table. The N.L.F., in calling for the overthrow of the Saigon government, is playing a game in which, if its tactic worked, it would win everything. But Washington will continue to back the Thieu-Ky government and sooner or later the N.L.F. will come around to direct talks with Saigon. A coup, it is held, would disastrously weaken the Saigon government at this point in the talks. As for the rigidity on the Saigon side, the U.S. feels that once the N.L.F.-Saigon talks start the Thieu-Ky government will move further toward giving the N.L.F. a voice in both the pre-electoral period and in the election itself.

The National Liberation Front: Spokesmen of the N.L.F. are adamant that the Front will not deal with the Thieu-Ky government, which it considers the agent of a foreign power. However, the N.L.F. would be willing to talk directly with the U.S. Discussions between the U.S. and the N.L.F. might well be useful, but, once again, the obligation Washington feels to the Thieu-Ky regime seems to rule that out so long as present American policy continues. (In fact, one well-informed source in Paris said that last October Washington made a secret agreement with Saigon never to have private talks with the N.L.F.) In view of their doggedness in the past in insisting that their demands be met, both the N.L.F. and the D.R.V. should have a high credibility that they now mean what they say. Thus, it seems likely that the American government is wrong (again) in assuming that the N.L.F. will at some point sit down for bilateral talks with the Thieu-Ky government.

The Democratic Republic of Vietnam: The position of the D.R.V. is essentially an echo of that of the Front. As Washington sees it, the situation is supposed to be the other way around, with the D.R.V. pulling the strings that move the N.L.F. The situation is perhaps reminiscent of the American view of the Moscow-Peking relationship in the late '50s and early '60s. Those in the U.S. who asserted that Peking's foreign policy was not altogether made in Moscow were considered dupes who did not truly understand the international communist conspiracy. Likewise, those who now say the N.L.F. has a considerable degree of political autonomy are now looked on as naive by Washington bureaucrats, but it is my view that Foggy Bottom will be proved wrong again. Certainly I saw no evidence either in terms of policy or in small points of behavior that led me to believe that the D.R.V. is dictating N.L.F. policy. On the contrary, the N.L.F. people seemed fully confident and independent, although obviously very close to the D.R.V. Some of the main points of the N.L.F. position, such as that South Vietnam must remain an independent sovereignty for an indefinite time after the settlement, would hardly seem appealing to the D.R.V. Even in style, I must say, the two delegations seemed different. Mme. Nguyen Thi Binh, who was deputy chief of the N.L.F. delegation when I saw her and who was named foreign minister of the newly-formed Provisional Revolutionary Government a few days later, was more easy-going and less guarded than her North Vietnamese counterpart, Col. Ha Van Lau, who was intense and unopen to argument. And there were other subtle indications of separateness, such as that one delegation would not make the slightest representation to the other on my behalf; I always had to deal directly with each one. So, in sum, I conclude that the primary party to be involved in the political settlement on "the other side" is the N.L.F., not the D.R.V. as Washington and Saigon so steadfastly assert. (This conclusion does not downplay the importance of the indispensable military help the D.R.V. gives the N.L.F. nor does it mean the D.R.V. would not have a strong political interest in the shape of a settlement.)

The Third Force: There are a number of South Vietnamese—probably a big majority—who would favor neither a communist government nor rule by a right wing oligarchy such as that of Thieu and Ky. Most of these people are keeping quiet in South Vietnam; a few are speaking out; many have been jailed there because they did speak out, and some have gone into exile to pursue the objectives of a "middle way" for their country. Many of the latter live in France, and I spoke to a variety of them, including people who were apolitical, those who were quite political and obviously ambitious, and the Buddhists, who seek to apply their pacifist religion to the secular affairs of their country. These "middle" people—as I concluded in Paris and as many news reports from Saigon also indicate—are not well organized but they have much in common. They can hardly take up arms for the "middle" cause, and fight both the Saigon government and the Viet Cong. They are left out of the Paris deliberations. They see virtually no chance that the Thieu-Ky government can make peace and they hope for a coup that will lead to freedom for them to participate in the political life of their country. They feel that the U.S. has made disastrous mistakes in Vietnam—and they feel that only the U.S. can rescue the situation by encouraging development of a new government in Saigon that will permit political freedom. Many of them have resisted overtures of one kind or another from the N.L.F. to involve themselves on its side. They declined because, much as they respect the N.L.F. struggle for independence, they feel the N.F.L. is too closely identified with communism, which they reject.

Given this situation, one must ask: On what basis can, and should, the war be ended?

Let us begin with the U.S.-Saigon position and consider it in terms of both morality and practicality. The essence of this position is that the Thieu-Ky government was duly established by free elections in 1967 and is now engaged in the generous and unprecedented action of inviting a group trying to overthrow it by violence to sit down to work out a reasonable settlement. But is this the realty?

It would hardly seem so by any objective criteria that could be devised to measure the moral acceptability of an election. One must ask when an "election" becomes an unelection. It is true, as both the American and Saigon spokesmen in Paris pointed out, that no election of any size is perfect. It is also true, again as they pointed out, that hundreds of foreign newsmen observed the elections and reported that the voting was not blatantly fraudulent. In fact, the South Vietnamese spokesman demanded, how could the election have been dishonest when Thieu and Ky received only a minority of the vote?

A harder look at the elections, however, breaks down these arguments and makes clear that it was rigged in advance even if it was not altogether ruled out of bounds by fraud on voting day (although there is evidence that some fraud was required—particularly by soldiers who voted both at their homes and at their bases—for Thieu and Ky to win even their 35 per cent plurality). Perhaps the rigging might be made clearer to Americans by translating the 1967 election process in South Vietnam into U.S. terms.

First, Thieu and Ky barred Gen. Duong Van "Big" Minh from returning from his post in Thailand to run for the presidency. Minh, who was a leading architect of the coup that brought down the Ngo Dinh Diem dictatorship in 1963, is by all accounts the most popular South Vietnamese leader. In American terms, this might be comparable to having had the Democratic administration prevent General Eisenhower's return from Europe in 1952 to run for president on the Republican ticket. Thieu and Ky also prohibited the candidacy of Au Truong Thanh, an eminent economist and former cabinet member, who sought to run as a peace candidate.

Second, the N.L.F., which was after all the principal organized opposition, was prohibited from fielding candidates. This would

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be comparable in the U.S. to a Republican administration running an election in which Democrats were prevented from putting up candidates.

Third, the one peace candidate who did manage to enter the lists formally, Truong Dinh Dzu (and who made it only because he and his views were little known), was sentenced to five years at hard labor for his political views after he was the surprise runner-up to the Thieu-Ky ticket. This, to continue the U.S. analogy, would be like President Nixon, as a result of last year's election, sending Hubert Humphrey up for a good stretch in jail.

OTHER VIOLATIONS

There were other gross violations of the democratic process in the 1967 election. According to the election law, Thieu and Ky were supposed to resign their government positions so as not to be able to exploit them for campaign purposes. They did precisely the opposite, using their official positions and perquisites to the utmost. Although censorship of the press was relaxed slightly during the campaign, there was no tolerance on the basic issue facing the country, namely, whether to seek to make peace with the N.L.F. Most important, the election law was written under pressure of the governing junta to provide that any plurality—not a majority—was needed to win. Thus, with the prospect of one military ticket and several civilian candidates (there were finally 10 civilians in the race), the incumbent military regime could scarcely lose. Since 65 per cent of the voters cast ballots against Thieu and Ky (and 75 per cent went against them in Saigon, where fraud was more difficult and voters were better informed), it seems probable that if the election law had provided for a run-off if no one got a majority, a civilian would have won over military candidates Thieu and Ky.

It is worth reviewing the 1967 elections at this length to demonstrate that the U.S. should not be committed to the Thieu-Ky regime on the basis that it came into being through any sort of genuine democratic process. On the contrary, the election was a shameful perversion of democracy, and the result has been to bestow a false mantle of legitimacy on a corrupt, unpopular dictatorship.

A counter-argument made to this thesis by the U.S. delegation in Paris was this: "Who elected the National Liberation Front? Whatever the inadequacies of the elections certainly the Saigon government has a greater claim to legitimacy than the Front, which got its power only through force. Again, the reasoning is superficially logical, but it misses the main point: The Saigon administration came into being as the result of American interference in South Vietnam and it could not continue to exist without U.S. forces as a prop, while the N.L.F. at least represents Vietnamese nationalism, however imperfectly. In the Vietnamese equation, the capture of the nationalistic spirit can bestow far more legitimacy on an organization than can the winning of a phony election.

If I am correct that the N.L.F. and the D.R.V. intend to stand fast in their demand that the Thieu-Ky regime be replaced before they will deal with a Saigon government, then the Nixon administration faces a simple choice: either it can continue to support Thieu and Ky, thus prolonging the war indefinitely, or it can allow a coup to occur, bringing a more peace-minded group to power. In the hope that there might be a middle way, I explored the possibility of what I call a "semi-coup" with both Ambassador Ha Van Lau, deputy chief of the D.R.V. delegation, and the N.L.F.'s Mme Binh. In a semi-coup, Thieu and Ky would be "kicked upstairs," retaining their titles, but effective power would be transferred to a new premier and cabinet who would undertake negotiations with the N.L.F. The semi-coup, by seeming to rock the boat less than a full coup, would probably be more appealing to Washington politicians contemplating the problems of explaining the new development to the American public. On the other hand, the semi-coup idea was rejected by both Ambassador Lau and Mme. Binh, and even if it were eventually accepted it would in the meanwhile cause more lost time before substantive talks on the political future of South Vietnam could get under way. On balance, the full coup—the ouster of Thieu and Ky—would seem preferable. Negotiations would surely move faster, and they would end up in about the same place anyway—with a provisional government that would carry out general elections to create a new government.

A STRONGER MIDDLE

There is still another reason for the U.S. to encourage a change in the Saigon government, even if there were a chance that the N.L.F. would eventually deal with the Thieu-Ky regime. This is that the middle elements mentioned earlier might then be able to take part from the beginning in the inevitable political struggle that would commence when hostilities end. Only if these middle political forces can be strengthened will it be possible for South Vietnam to keep from falling into the hands of extremists of either the right or left. So far, under successive administrations, Washington has considered the only counterbalancing force to the N.L.F. to be the Saigon military. But Washington has been wrong all along in considering the essence of the war to be military when it was in fact political, and that is just as true now as it ever was.

If and when a more peace-minded government comes to power in Saigon, the way should be open for movement toward an end to the war, although serious problems will remain. In proclaiming the establishment of the Provisional Revolutionary Government (P.R.G.) in June, the N.L.F. made clear that a task of the P.R.G is "to enter into consultations with the political forces representing the various social strata and political tendencies in South Vietnam that stand for peace, independence and neutrality, including those persons who, for political reasons, have to live abroad, with a view of setting up a provisional coalition government on the principle of equality, democracy and mutual respect." It is this provisional coalition government that does not yet exist, according to the action program of the P.R.G., that will carry out the elections to establish a new government. It appears that the P.R.G. feels that the provisional coalition government could be established either through negotiations with a "peace cabinet" in Saigon, or through some other process that would bypass the Saigon government and bring it down. It would seem to be in the interests of the U.S. and the "middle" South Vietnamese to operate on the basis of the first approach, as it would increase the leverage of the non-communists in dealing with the P.R.G. The charge has been made that to proceed in this way would be "imposing" a government on South Vietnam. In practice, however, the procedure is probably as democratic as can be devised. What is being suggested is that, in an area engaged in civil war, a temporary government be set up by the various factions of the society, and that this interim body carry out elections to establish a permanent system of government.

Two other major problems might be dealt with either in the negotiations between a new Saigon administration and the P.R.G. or by the provisional coalition government that resulted from these negotiations. One problem concerns the arrangements for elections; the other, the withdrawal of the forces of the U.S. and its allies, and of the North Vietnamese. These are complicated questions but it seems that progress toward agreements on them must first await the creation of an interlocutor other than the Thieu-Ky regime to face the N.L.F. and the P.R.G.

On the military side, however, even without formal agreements, there could probably be an early reduction in the level of hostilities. A ceasefire seems impossible so long as the basic political problems remain unresolved, but the fighting might lessen considerably if the U.S. would cut back on its offensive operations. Fast, large-scale withdrawals—of the kind now advocated by former Secretary of Defense Clark Clifford—are something else again. That is one way for the U.S. to get out of Vietnam and it would certainly be better than staying in. President Nixon has expressed hope that he can beat Clifford's timetable of withdrawing all U.S. ground combat forces by the end of 1970—but he qualified this by saying that whether or not this would be possible would depend on how quickly the South Vietnamese forces improve in their fighting ability. Since there is no convincing reason to believe that the Saigon government forces will suddenly improve. Nixon will face the alternatives either of leaving American forces in South Vietnam or of withdrawing them and almost surely at some point along the line causing the downfall of the Thieu-Ky government. Would it not be wiser for the U.S. to encourage a coup d'etat now, while it still has some influence, so that a broader-based government might bargain with the P.R.G.? Would not this be better not only for the South Vietnamese but even for the selfish purposes of the Nixon administration, which needs to present an acceptable basis for disengagement to the American people?

FOUR MORE YEARS?

Unfortunately, there is no indication that the Nixon administration sees the problem in these terms. Shortly before I left Paris, I told a high official of the North Vietnamese delegation that my own attempt at crystal ball gazing on Vietnam came out like this: The D.R.V. and the N.L.F. will continue to refuse to deal with the Thieu-Ky regime and the Nixon administration, despite its desire to withdraw American troops, will keep enough U.S. forces in South Vietnam to prevent the fall of Thieu and Ky. Therefore, an end to the war probably cannot be foreseen before a Democratic administration, conceivably headed by Ted Kennedy, comes into office in 1973. He said he hoped I was wrong, but added: "If that is the way it is to be, we will continue the struggle four more years—or three or four times four more years." He then asked me what I thought would be the effect of four more years of fighting in Vietnam on America. I replied that I suspected it would be a very serious trial for our country.

WHO ARE THE VIETNAMESE PARTIES?

One of the mysteries of the North Vietnamese approach to the negotiations is why they continue to deny that they are participating actively in the fighting in the South. I had the following exchange with several North Vietnamese, including a high-ranking official, in their headquarters outside Paris, as I probed their written answers to my written questions. Part of one question included this quotation from the May 8 program of the South Vietnam National Liberation Front: "The question of the Vietnamese armed forces in South Vietnam shall be resolved by the Vietnamese parties themselves." The exchange:

"Who are the 'Vietnamese parties' who will resolve this question?"

"Those parties which are concerned."

"Do these parties include the Democratic Republic of Vietnam?"

After a long pause, came this answer: "Since this is a question for the South Vietnam National Front for Liberation, I suggest you refer it to the Front for details."

"Then is the Democratic Republic of Vietnam not concerned with this question?"

An animated conversation among themselves in Vietnamese followed, and then came this answer: "All those questions involving the Democratic Republic of Vietnam must have the consent of the Democratic Republic of Vietnam."

"But does *this* question involve the Democratic Republic of Vietnam?"

"Please understand that Vietnamese parties means Vietnamese parties!"

The firmness and obvious impatience with which this last answer was delivered left me with the clear feeling that I had best change the subject if I wanted the interview to continue.—R.H.

PORNOGRAPHY IS BIG BUSINESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DULSKI. Mr. Speaker, there is a clamor for legal action against the distributors of smut. The need is without question.

The problem is and has been to come up with laws that have teeth which can be enforced. We are tussling with this situation right now in our Committee on Post Office and Civil Service where we are trying to control the flow of smut through the mails.

If the sender uses first class mail, he has the privilege of privacy which our citizens cherish. So we have to find ways to protect this right and still deal with the problem of pornography.

The Buffalo Evening News in my home city of Buffalo, N.Y., is running an excellent series on this subject of pornography and I already have submitted the first three articles for publication in the RECORD.

Following is the text of the fourth article, which appeared on September 17:

SMUT IN BUFFALO—IV: PORNOGRAPHY FIGHT STALLS IN COURT

(By Elliot Shapiro)

"There ought to be a law," is the reaction of most persons to the question of what is to be done about smut and the creatures who peddle it.

New York does have laws on obscenity.

It's a crime to promote obscene material or to present an obscene performance. It's a more serious crime to sell or provide obscene materials to persons under 17.

But laws can only be enforced in the courts and that is where the fight against pornography has apparently bogged down.

Police and prosecutors throughout the country have been making seizures and arrests. Juries have exercised their common sense and returned findings of obscenity.

But appellate courts have made it extremely difficult to secure convictions that will "stick."

COURTS FACE PROBLEM

The courts face the problem of upholding constitutional rights—in the case of pornography, the First Amendment right of free speech.

The courts have not gone quite as far as Justices Hugo Black and William Douglas of the U.S. Supreme Court, who have written that in their opinion the government has no power to restrict any expression of ideas at all.

The majority of jurists have held that obscenity has never had the protection of the First Amendment.

The State Court of Appeals has said that "while freedom of speech and press is one of our most cherished constitutional guarantees, which must be vigilantly protected, obscenity is not within the area of constitutionally protected speech."

NOT FARFETCHED

The purveyors of pornography have regularly screamed "censorship" when communities attempt to clamp a lid on what appeared obscene.

Supreme Court justices don't think it farfetched that an agency that can suppress a publication expressing unpopular ideas about sex might also suppress one expounding unpopular ideas in the economic area.

Justice Potter Stewart in a dissent on the conviction of Ralph Ginzburg, a New York publisher, for mailing erotic material, wrote:

"Censorship reflects society's lack of confidence in itself. Long ago those who wrote our First Amendment charted a different course. They believed a society can be truly strong only when it is truly free.

"FAITH IN THE PEOPLE

"In the realm of expression, they put their faith, for better or for worse in the enlightened choice of the people, free from the interference of a policeman's intrusive thumb or a judge's heavy hand.

"So it is that the Constitution protects coarse expression as well as refined, vulgarity no less than elegance.

"A book worthless to me may convey something of value to my neighbor. In the free society to which our Constitution has committed us, it is for each to choose for himself."

But what is "obscene?"

New York's penal law defines it in a three-pronged way—based specifically on U.S. Supreme Court decisions.

THREE FACTORS

Any material or performance is obscene the law says, if:

1—Considered as a whole, its predominant appeal is to prurient, shameful or morbid interest in nudity, sex, excretion, sadism or masochism, and

2—It goes substantially beyond customary limits of candor in describing or representing such matters, and

3—It is utterly without redeeming social value.

All three elements must be present.

The Swedish film, "I Am Curious, Yellow," was found by a New York City federal jury to appeal to interest in sex and to be beyond even today's film limits. But the U.S. Circuit Court of Appeals for this district has ruled that it did have some social value and therefore was not obscene.

LAW NOT SETTLED

It doesn't matter that a Buffalo or Erie County jury might also find the film's depiction of sexual relations to be obscene by this community's standards.

The courts have ruled that the exhibitor's right of free expression permits him to show it.

New York law is not settled on whether the question of obscenity is a matter of fact, to be decided by a jury, or a matter of law, to be decided by a judge alone, according to Buffalo City Court Judge Theodore Kasler.

Obscene material is in a class by itself, the judge noted.

If there is a narcotics arrest, for instance with a proper warrant, police may seize whatever suspicious powders or pills they find. The defense attorneys may then attempt to have this evidence suppressed and a hearing will be held before trial.

PRIOR HEARING

However, if the arrest is for alleged obscenity, the courts have ruled that there has to be a prior hearing on whether a warrant can be issued for the alleged obscene material to be seized as evidence.

While this is an extra step in the legal process, it can work in the case of books, magazines and pictures, Judge Kasler said.

However, his experience has been that it doesn't work for movies.

In a recent case, after viewing "Rio Nudo," an allegedly obscene film, the judge issued a warrant and police picked up cans of movie film. But when it came time to view the evidence, the film was not "Rio Nudo" but cartoons.

Another aspect that sets obscenity apart from other crimes is that there is very ready access to the Federal Courts in obscenity matters—because of the constitutional importance of free speech.

COURT MUST DECIDE

Thus, soon after Niagara Falls police seized a quantity of magazines from a bookstore, the owner was before Judge John T. Curtin in Federal Court, alleging that one of his constitutional rights had been violated by police "acting under cover" of state law.

Judge Curtin ordered the magazines returned, pending a determination in state courts whether they were obscene.

In his decision, the judge restated the general rule that has covered pornography seizures.

"A general search warrant leaves to the judgment of the officers on the scene what is obscene under law and what is not. The question of obscenity must be decided by a court and not by an individual officer," he wrote.

LEGALLY POSSIBLE

"From a practical viewpoint, the facts of this case highlight one of the reasons. The officer seized a number of titles which the courts have found not to be obscene," he added.

Best known of these was "Fanny Hill," which the Supreme Court ruled in 1966 is not obscene.

For all the difficulties in the process, officials believe it is legally possible to have material declared obscene and seized.

In the case of films, one avenue appears to be use of licensing power.

Although theater owners are challenging this power, claiming it violates the rule against precensorship established by the Supreme Court, Buffalo Corporation Counsel Anthony Manguso has advised the mayor that theater owners are subject to city ordinances which prohibit "obscene exhibitions."

NO LONGER FORBIDDEN

Denmark, which is reported to have had an even greater prevalence of pornography than this country, appears to have attempted to deal with the situation in a completely opposite fashion—no laws at all.

That country dropped all censorship of written material. According to a publisher, "there really is a poor market in Denmark for erotic literature, now that it is no longer forbidden fruit."

A Legislature which has just increased the penalties for pornography is not likely to follow that road.

A more likely change in the law is expected by jurists from the U.S. Supreme Court.

Two new appointees appear to represent more strait-laced backgrounds and as new pornography cases reach them, the narrow decisions by which some other court decisions became the law of the land may go the other way.

Until then, police are attempting to operate within the present intricacies of procedures designed to protect constitutional rights.

VERY SPECIFIC

For the private citizen—in many cases—the observation of Justice Douglas may be the best advice:

"People are left to pick and choose. There is no compulsion to take and read what is repulsive."

That should be appropriate for adults.

For children, New York State's law against selling minors indecent material has been held constitutional. It is very specific—even specifying the amount of female anatomy that must be bared to constitute nudity.

And yet, according to Judge Kasler, there has been a report from one of the state's Appellate Divisions of a case in which a young boy was shown a filthy movie by a store owner.

Since the owner didn't charge—he was doing it, police said, because he was a sexual deviate—he couldn't be charged with disseminating indecent material to a minor.

SENATE—*Monday, September 22, 1969*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, who has made and preserved us a nation, make Thy ways known to us that the divine intention may be fulfilled in all men. Give Thy higher wisdom to the President, and to all who in Thy name serve in the executive, legislative, judicial, and military branches of this Government.

O Lord, look upon our divided and discordant world and make us instruments of Thy peace.

Where there is hatred, let us sow love;
Where there is injury, pardon;
Where there is discord, union;
Where there is doubt, faith;
Where there is despair, hope;
Where there is darkness, light;
Where there is sadness, joy;
For Thy mercy and for Thy truth's sake.

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 19, 1969, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore.

H.R. 9526. An act to amend the District of Columbia Unemployment Compensation Act to provide that employer contributions do not have to be made under that act with respect to service performed in the employ of certain public international organizations; and

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive office of the President, and certain independent agencies for the fiscal year ending June 30, 1970, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 13763) making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, it is so ordered.

TYPICAL SAIGON CORRUPTION

Mr. YOUNG of Ohio. Mr. President, American taxpayers seem to be on the losing end constantly when it comes to our involvement in an ugly civil war in South Vietnam. Recently, the Defense Minister of the Saigon militarist regime, which is in power due solely to the bravery of more than 500,000 Americans fighting in Vietnam against the forces of the National Liberation Front and those Vietcong who have infiltrated from North Vietnam, offered for sale to the highest bidder, 202,887 rifles, machineguns, and small arms given in recent years to the Saigon regime. These weapons, furnished by the United States from 1963 to 1966, presumably to be used to fight the Vietcong, are now being sold for a sum which may amount to several million dollars. This entire amount will go personally to corrupt leaders of the Saigon regime President Johnson and President Nixon have maintained in power. How can our leaders justify giving these people arms to sell in the open international market? Then Ky and other officials fatten their unlisted bank accounts in Hong Kong and Switzerland with more millions.

HOW ABOUT PUTTING A MAN FROM A SLUM INTO A HOME INSTEAD OF A MAN ON MARS?

Mr. YOUNG of Ohio. Mr. President, the Vietnam war is the longest and most unpopular war in U.S. history. More than $115 billion has been wasted; more than 50,000 Americans killed; and more than 250,000 wounded. While peace negotiations drag on, more than 600,000 Americans remain in Southeast Asia. Meanwhile our domestic problems multiply. Hunger, poverty, and disease continue to afflict millions of Americans. As our gross national product approaches $1 trillion a year, 8,400,000 Americans remain on welfare. While we land a man on the moon, 16 percent of our young men have been found unfit for military service because of educational deficiencies. Today, 28 percent of our youngsters are high school dropouts. The number has increased to 700,000 a year—seven major cities have dropout rates in excess of 30 percent. Dirty air costs the economy more than $11 billion a year, but the Federal Government spends only $78 million a year on air pollution abatement. Crime costs between $20 and $50 billion each year, but we invest less than $5 billion a year for crime prevention and law enforcement—about the same amount Americans spend on toiletries. Twelve times as much is spent for alcoholic beverages and tobacco than is budgeted for the Office of Economic Opportunity. Only $338 million on food for the poor is spent each year by our State and Federal Governments. We Americans really spend six times that much for our family pets.

Humanity and decency call on the Congress to give top priority to solving problems of malnutrition, hunger, bad housing confronting us everywhere in our country. The grim chain of urban sprawl and rural decline, of individual poverty, wasted resources, and of our environmental decay can be broken only if we set priorities and make commitments to meet them.

It was a tremendous unparalleled achievement of advanced science coupled with human courage and bravery that we landed men on the moon. Americans have reason to be proud and happy that throughout our country there was tremendous good feeling and rejoicing over this achievement. Very definitely, however, instead of chanting "on to Mars," and spending additional billions of dollars of taxpayers' money seeking to make a landing on the planet Mars, which could not under any circumstances be accomplished before 1983, we should speak out that it is high time we concentrate the brains and resources of the United States to our dire problems here in our own country, end pollution of air and water, and end starvation in any part of America. How about putting a man from a slum into a home instead of landing a man on Mars?

THE GREEN BERETS

Mr. HOLLINGS. Mr. President, some weeks ago it was announced that eight members of the Green Berets, including their commander, were being held in Vietnam on a charge of murder. For weeks, they were held in inhuman conditions in the stockade in Long Bihn, conditions that would be grounds for release in America's criminal courts. And now, many weeks later, we have received the news that six of these men are actually to be tried for murder. Additionally, the Secretary of the Army has made the determination not to intervene and to leave the matter in the hands of the Army.

From the press accounts the American people have seen, they are being asked to believe that career soldiers—officers in command of thousands of troops—did conspire and commit common murder. I personally do not believe that is the case. Action against an enemy agent is by no stretch of the imagination murder and, in war, the primary objective is to destroy the enemy. In fulfilling this objective, errors in judgment are possible, but an error in judgment does not constitute murder, nor is it grounds for the kind of treatment these men have received. For weeks, these officers were kept in solitary confinement in airless sweatboxes that would be illegal as a detention facility in any State in the Union and which would violate the agreed treatment for prisoners of war. And yet, these men are career soldiers, officers, West Point graduates, and men in whose charge we have placed the lives of thousands of American boys.

Mr. President, there is a great deal at stake here; far more than a proceeding against a group of men. Standing trial with these six officers will be the reputation of the Green Berets and, as a consequence, their effectiveness in the future. Our intelligence system will be tried and, any way you view it, covert activities will be jeopardized merely by being put to trial. And, like it or not, the U.S. Army will be brought to trial. No good can come from this procedure.

Mr. President, as an aside, it could be well conceived that a local Senator or Representative would take an interest in this problem. Maj. Thomas Middleton was involved. However, while that is one of my concerns, my concern is greater because it is almost impossible to get the attention of the Department of Defense as to the seriousness of the entire proceeding.

As I set out in a letter to the Secretary of Defense last week:

> I ask that you give this letter your personal attention. My earlier telegrams were treated in routine fashion, explaining the manual of Courts Martial and other matters that were not of primary interest. While I do have a constituent in the Green Beret case whose welfare concerns me, my primary interest is in fairness and our intelligence system.
>
> The decision of the Secretary of the Army that I have just received ordering trial for murder of the Green Berets is unfair to those charged and will have a disastrous effect upon our intelligence system. Perhaps disciplinary action is warranted but a trial for murder doesn't do anyone any good. My understanding is that this case was triggered by a "rat in the pack" of Berets and by General Abrams being given the cover story by Colonel Rheault rather than the truth. Even though it is not acceptable, one can readily understand Colonel Rheault's effort to protect his men. The "rat in the pack" can be transfererd to lighter duty and the Colonel can be reprimanded and reassigned but executive action against an enemy agent is necessary when you work in the front lines of intelligence. When a soldier kills the enemy, he is not charged with murder.
>
> Apparently, General Abrams, General Mabry and the colonels making the investigation all act as if the test is whether or not they have acted in accordance with the manual of Courts Martial. However, your responsibility is to protect our men and government. We can't go around using these men as a scapegoat because of overreaction and otherwise permanently injuring our intelligence service.
>
> I strongly urge that you reverse the decision of the Secretary immediately.

Mr. President, I have yet to hear from that letter.

Mr. President, one of the grevious experiences of the Vietnam war is to witness America's best flying down the gun barrel blindfolded. I observed from the carrier *Kittyhawk* these Navy pilots taking off in adverse conditions, having telegraphed ahead of time their target, trying to dodge the flak and SAM's and adhering to a Pentagon-enforced manual of restrictions against targets, all to hit a wheelbarrow or a footpath. The same type asinine barriers have been applied to our ground forces. The best that I could determine, these barriers and restrictions were imposed by the Secretary of Defense and the White House. In effect, America has come to believe that its airpower is ineffective and that its soldiers, with superior equipment and training, cannot prevail on the field of battle. This is bad enough to take, but now when it comes to maligning good soldiers and the best in Vietnam, our Green Berets, because the general wants to show who is in charge of the Berets and the CIA, then the Congress should put a stop to this. Obviously the general is in charge, but we do not have to make a public spectacle of ourselves, ruin our intelligence operations, and our fighting finest in order to prove it.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF MILITARY SELECTIVE SERVICE ACT OF 1967

A letter from the Director, Selective Service System, transmitting a draft of proposed legislation to amend the Military Selective Service Act of 1967 to authorize modifications of the system of selecting persons for induction into the Armed Forces under this act (with an accompanying paper); to the Committee on Armed Services.

REPORT OF RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS, DEPARTMENT OF THE NAVY

A letter from the Deputy Chief of Naval Material (Procurement and Production), Department of the Navy, transmitting, pursuant to law, a semiannual report of research and development procurement actions of $50,000 and over, for the period January 1 through June 30, 1969 (with an accompanying report); to the Committee on Armed Services.

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REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Kilmer Job Corps Center for men under the Economic Opportunity Act of 1964, Edison, N.J., Office of Economic Opportunity, dated September 19, 1969 (with an accompanying report); to the Committee on Government Operations.

NOTICE OF PROPOSED CONTINUANCE OF CLASSIFICATION FOR TRANSFER OUT OF FEDERAL OWNERSHIP BY EXCHANGE

A letter from the State Director, Bureau of Land Management, Phoenix, Ariz., transmitting, pursuant to law, a copy of a notice to be published in the Federal Register to continue in effect classification of certain lands in southwestern Arizona for exchange in furtherance of a Federal land program (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Elizabeth City Council, Elizabeth, N.J., praying for the enactment of legislation to liberalize truck size and weight limits on interstate highways; to the Committee on Commerce.

A resolution adopted by the Caddo Parish Police Jury, Shreveport, La., praying for the enactment of legislation relating to the freedom of choice method of school attendance throughout the nation; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. YOUNG, of North Dakota, from the Committee on Agriculture and Forestry, with an amendment:

S. 2226. A bill to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any review committee determination (Rept. No. 91–421).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Joint Committee on Atomic Energy;

Glenn T. Seaborg, of California, to be the representative of the United States of America to the 13th session of the General Conference of the International Atomic Energy Agency; and

Verne B. Lewis, of Maryland, James T. Ramey, of Illinois, Henry DeWolf Smyth, of New Jersey, and Theos J. Thompson, of Massachusetts, to be alternate representatives of the United States of America to the 13th session of the General Conference of the International Atomic Energy Agency.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT (for himself and Mr. Schweiker):

S. 2940. A bill to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Scott when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. TYDINGS:

S. 2941. A bill to establish a Department of Mental Health as a new independent agency of the District of Columbia government and for other purposes; to the Committee on the District of Columbia.

(The remarks of Mr. Tydings when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. EAGLETON:

S. 2942. A bill for the relief of Zenaida Galang Kampuris; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2943. A bill to amend 43 U.S.C. 1181f, the act of August 28, 1937, ch. 876, title II, sec. 201, 50 Stat. 875; and June 24, 1954, ch. 357, sec. 1(b), 68 Stat. 271 with respect to the annual distribution of moneys in the special fund of the U.S. Treasury designated as the "Oregon and California land-grant fund"; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. Proxmire on this bill appear later in the Record in connection with the debate on the Interior Department appropriation bill.)

By Mr. MATHIAS:

S. 2944. A bill for the relief of Guy B. Dompierre; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 2945. A bill for the relief of Chan Yeung Lam; and

S. 2946. A bill for the relief of Chan Kang Kwun; to the Committee on the Judiciary.

By Mr. McGEE (for himself and Mr. Hansen):

S. 2947. A bill to establish the Women's Hall of Fame Study Commission; to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. Bennett, Mr. Brooke, Mr. Cranston, Mr. Dodd, Mr. Fong, Mr. Goldwater, Mr. Goodell, Mr. Harris, Mr. Hollings, Mr. Hughes, Mr. Jackson, Mr. Javits, Mr. McGee, Mr. Mondale, Mr. Murphy, Mr. Packwood, Mr. Prouty, Mr. Randolph, Mr. Saxbe, Mr. Thurmond, Mr. Williams of New Jersey, and Mr. Young of Ohio):

S.J. Res. 154. Joint resolution to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month"; to the Committee on the Judiciary.

(The remarks of Mr. Eagleton when he introduced the joint resolution appear later in the Record under the appropriate heading.)

S. 2940—INTRODUCTION OF A BILL AUTHORIZING THE PURCHASE OF ADDITIONAL PROPERTY FOR THE INDEPENDENCE NATIONAL HISTORICAL PARK

Mr. SCOTT. Mr. President, I introduce for myself and the distinguished junior Senator from Pennsylvania (Mr. Schweiker) a bill to authorize the purchase of additional property needed to complete Philadelphia's Independence National Historical Park. I am pleased to note that this legislation has been sought by the U.S. Park Service and the Department of Interior as an official administration request.

My bill, Mr. President, would amend the act which Congress wisely passed in 1948 to establish and guarantee the preservation of this important site as a national historical park. Today, Independence Hall, Carpenters' Hall, Philosophical Hall, Library Hall, the First and Second Banks of the United States, and all other related historical buildings within the Park's boundaries, are all owned by the Federal Government, the Commonwealth of Pennsylvania, the city of Philadelphia, or private, nonprofit organizations. Unfortunately, three buildings completely unrelated to the park's historical significance, yet located within its boundaries at the northwest corner of Walnut and Fourth Streets, remain as an exception. An authorization for the demolition of these buildings exists, but the structures must first be acquired. My bill would make this possible by increasing to $11,200,000 the $7,950,000 authorization contained in the original act.

Mr. President, the need for this additional legislation is both critical and timely. The structures in question, the 16-story Irvin building and two smaller adjacent buildings, are all owned by the Reliance Insurance Co., of Philadelphia. On April 21, 1967, Reliance executed an option giving the Federal Government an opportunity to purchase this property at a value, based on a 1966 appraisal, of $3,250,000. This is the amount provided by my bill. This option, which has been once extended, will now expire on October 21 of this year. Obviously, prompt action on my bill is needed in order to avoid risking the loss of an opportunity to make this purchase at what appears to be a very reasonable price, especially in view of continually rising real estate costs elsewhere in the area.

Equally important are the longer range considerations as America looks forward, just a little over 6 years from now, to the 1976 bicentennial celebration commemorating the 200th anniversary of the independence which grew out of the July 4 declaration signed at Independence Hall. Plans for the city of Philadelphia, having nationwide implications, are well in progress and will be the subject of even more extensive cooperation between the city and the States immediately involved, Pennsylvania, New Jersey, and Delaware, in the months to come.

National planning for the 1976 bicentennial is also well underway by the American Revolution Bicentennial Commission, to which the Philadelphia 1976 Bicentennial Corp., and similar planning groups representing other interested cities and regions, will make their formal presentations here in Washington this week. No matter in what detail the Commission's plans finally evolve, a major role for Independence National Historical Park is inescapable in the Bicentennial period. Visitations to the park, which in recent years have been around 3 million annually, can be expected to increase dramatically in the bicentennial decade. Not only for this great number of Americans, but as well for the foreign tourists who will take away lasting impressions, the historical integrity of Independence Park must be finally guaranteed. My bill is designed to make this possible, and I urge its immediate and favorable consideration.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2940) to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park, introduced by Mr. SCOTT, for himself and Mr. SCHWEIKER, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2941—INTRODUCTION OF A BILL ESTABLISHING A DEPARTMENT OF MENTAL HEALTH IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, I introduce for appropriate reference, a bill to create a Department of Mental Health in the District of Columbia.

Within the past 20 years, a great awakening has occurred in the area of mental health.

For more than a century, mental health services were merely custodial. The mentally ill were stored away in large mental health hospitals, financed and regulated by State mental health hospital systems. Real treatment was the exception rather than the rule.

Then the treatment revolution began to occur. Professionals in mental health began to forget the past and look to the future. They realized that mental health patients did not have to be committed to large, impersonal and ineffective mental health hospitals. Rather, the mentally ill—like the physically ill—could be treated effectively in their own communities and returned to a useful place in society.

That movement received needed impetus from the Federal Government in February 1963, when President Kennedy proposed the Community Mental Health Centers Act.

President Kennedy said:

> We need a new type of health facility, one which will return mental health care to the main stream of American medicine, and at the same time upgrade mental health services.

The Congress responded to the President's challenge by enacting the legislation he proposed.

The States, too, have responded to the reawakened need to treat our mentally ill. State after State, in the past 20 years, has recognized the need for specialized mental health services by creating separate mental health departments to administer them. These mental health departments have been either autonomous departments standing on their own or separate mental health departments under umbrella agencies.

The trend among the States is irreversible. The States with aggressive mental health programs have taken the responsibility for administering them away from their public health departments. In 1947, mental health programs in 31 States came under the aegis of the public health departments. Today, in 42 States they are the responsibility of separate mental health departments. In only eight States and three territories do public health departments still retain the authority to administer mental health programs.

One of the jurisdictions bucking that trend is the District of Columbia. Despite the fact that President Kennedy in 1963 called upon the District government "to play a leadership role" in the development of mental health programs, the National Capital has fallen behind most of the rest of the Nation in that area.

To rectify that situation, I am today introducing legislation to create a separate department of mental health in the District of Columbia. The purpose of this legislation is to relieve an already overburdened public health department of one area of responsibility that it has found difficult to handle. At the same time, this legislation will bring the National Capital into the mainstream of mental health programing throughout the Nation.

I first became aware of the need for this legislation earlier this summer when I saw the horrors of patient life at St. Elizabeths Hospital. I was appalled to learn that because of the obstinance of the District Department of Health—the agency supposed to be responsible for mental health care in Washington—nearly 1,000 patients are forced to live in overcrowded and obsolete buildings, some of which were built before the Civil War.

It was because that experience caused me to doubt the competence of the Department of Health to administer mental health programs that I vigorously opposed the transfer of St. Elizabeths from NIMH to the District of Columbia Health Department. I firmly believe, as I believed at that time, that the National Institute of Mental Health must be allowed to convert St. Elizabeths from an old style mental hospital to a modern, model treatment center. This bill will not affect my position on that matter. It will merely create a viable agency within the District government capable of administering mental health programs efficiently if and when NIMH decides to give up the hospital.

There are other compelling reasons for immediate passage of this legislation. The District of Columbia Department of Public Health carries a far heavier burden than do most of its counterparts in other urban areas. In the city of Baltimore, for example, the public health department employs less than one-third the number of employees as does the D.C. department. In other cities, the hospitals, tubercular, and other special programs, in addition to mental health programs are often run by separate authorities. In the National Capital all are the responsibility of a single department—the Department of Public Health.

The result of an overburdened Department of Public Health attempting to administer mental health programs has been, to say the least, unfortunate. My Senate Committee on the District of Columbia has already conducted oversight hearings on the health department's operation of one vital aspect of mental health—the treatment of persons addicted to narcotic drugs. The committee's findings were appalling. The one drug addiction program operated by the Department of Public Health has been ineffective and cannot even guarantee that its patients are not taking drugs during treatment. The Health Department has not even been able to recuit a full-time psychiatrist for that program.

Those results are in direct contrast to the results achieved by a program in Baltimore run under the auspices of the autonomous Department of Mental Hygiene in my home State of Maryland. In that program, it is possible to find out the progress of any patient at any time.

Even in its community mental health centers—the core of the mental health program in the Nation's Capital—the Department of Public Health has found it difficult to administer successful programs. So ineffective is the treatment at its principal community mental health center that a recent judicial conference report revealed that insurance companies will not pay claims of patients being treated there. "The insurance companies," the report read, "took the attitude that such care as could be proved to have been given was merely custodial."

Recently, I asked the National Institute of Mental Health, which funds the community mental health centers to undertake for me an evaluation of the areas B and C centers. The NIMH report, written by a group of distinguished psychiatrists from across the Nation, concluded that the efforts of the medical personnel in the centers were being hampered by inefficient administration. The report stated:

> The clinical personnel at the operating level appear to be competent professionals, motivated to give service to patients, and also intensely interested in exploring new methods of delivering service to the community. This represents a powerful potential contribution to service development, but unfortunately a potential which has been either unused or misused by administration.

While the rest of the country moves forward, exploring new and better ways to treat the mentally ill, the Nation's Capital lingers in the dark ages of mental health care—providing its patients with little more than custodial care.

We can no longer allow that situation to exist. The Capital of this Nation must take the leadership in the development of innovative modes of treatment for its mentally ill. Its mental health programs must not continue to suffer because their importance is submerged in the bureaucracy of an overburdened Department of Public Health.

My legislation will rescue mental health from the mire of that bureaucracy. It will establish a streamlined structure to effectively administer mental health services in the District of Columbia.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2941) to establish a De-

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partment of Mental Health as a new independent agency of the District of Columbia government and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

SENATE JOINT RESOLUTION 154—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO PROCLAIM JANUARY AS "NATIONAL BLOOD DONOR MONTH"

Mr. EAGLETON. Mr. President, I introduce, for appropriate reference, a joint resolution authorizing the President to proclaim the month of January of each year as "National Blood Donor Month."

Each year, nearly 6 million units of blood are needed for transfusion in the United States. This number increases approximately 10 percent annually. The United States has repeatedly faced critical shortages of blood in the month of January when the number of potential donors is reduced by various wintertime illnesses.

The voluntary blood donor is the chief source of human blood, but only 3 to 5 percent of those eligible to donate blood in the United States are donors. Others would become donors if they were made aware of the blood requirements, the facilities available for blood donations, and the protection against future blood needs available to donors and their families. This resolution is designed to create such public awareness.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 154) to authorize and request the President to proclaim the month of January of each year as "National Blood Donor Month," introduced by Mr. EAGLETON, for himself and other Senators, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSOR OF BILL

S. 2893

Mr. MOSS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of S. 2893, to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 262—RESOLUTION RELATING TO PRINTING OF ADDITIONAL COPIES OF S. DOC. 39

Mr. MANSFIELD submitted the following resolution (S. Res. 262); which was referred to the Committee on Rules and Administration:

S. RES. 262

Resolved, That there be printed for the use of the Senate, 20,600 additional copies of S. Doc. 39, 90th Congress first session, entitled "Enactment of a Law."

IMPROVEMENT OF HEALTH AND SAFETY CONDITIONS OF PERSONS WORKING IN THE COAL MINING INDUSTRY—AMENDMENTS

AMENDMENT NO. 177

Mr. METCALF submitted amendments, intended to be proposed by him, to the bill (S. 2917) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which were ordered to lie on the table and to be printed.

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT—AMENDMENTS

AMENDMENT NO. 178

Mr. TYDINGS. Mr. President, I submit an amendment intended to be proposed by me to S. 7, the Water Qualtiy Improvement Act of 1969.

The amendment is designed to provide urgently required financial relief to those States that have advanced the Federal share of construction costs for water quality treatment plants and have not yet received reimbursements from the Federal Government.

The amendment allocates up to $300 million from the annual appropriations to those States eligible for reimbursement.

The principal method to restore the quality of our waters is by construction of water treatment facilities. This is an enormous task, for many plants are required. Recognizing this, in 1966, Congress passed the Clean Water Restoration Act authorizing $4.7 billion in grants over a period of 6 years to States with pollution programs for construction of such facilities.

To receive Federal assistance, States were required to have their own program. A Federal-State partnership was thus created to clean up our waters.

Unfortunately, Federal funds were not forthcoming in the amounts either anticipated or required. In fiscal year 1966, $150 million was authorized, $121 million was appropriated. In fiscal year 1967, $150 million was again authorized and this time actually appropriated. But in fiscal year 1968, $450 million was authorized and less than half, $203 million appropriated. In fiscal year 1969, $700 million was authorized, only $214 million appropriated. For fiscal year 1970, a full $1 billion had been authorized yet the appropriation request is for only $214 million. Thus, there is a great gap between the authorizations and the money actually spent.

The result has been a severe setback for pollution control.

Congress did recognize, however, that immediate appropriation of all construction grant funds was not likely and that several States, New York and Maryland, to name just two, were prepared to move ahead on their own more rapidly than the availability of Federal funds. These States recognized the danger of water pollution and had set aside money to help abate it. Yet they were understandably reluctant to forge ahead without sufficient Federal assistance if other States, by waiting until both the scale of authorizations and level of actual funding increased, would receive greater financial support.

These States would then have been penalized for being progressive.

Congress, therefore, included in the 1966 act a provision permitting Federal reimbursement of those projects, approved by both the State water pollution agency and Secretary of the Interior, for which the State had advanced the Federal share of project cost. In their partnership with the Federal Government, several States prefinanced the Federal share so as not to lose momentum and time in the task of cleaning up the waters.

They did so, of course, with the understanding and belief that the Federal Government would honor the partnership, live up to the bargain, and repay the amounts advanced.

The Federal Government has not done so. Reimbursables, in the sum of nearly $300 million, have not been forthcoming.

The inevitable result has been financial chaos for those States which have shown initiative and progress. They have not been repaid, and their water pollution programs are thereby in jeopardy.

The States affected are Connecticut, owed $60,900,000; New York, owed $150,315,000; Maine, owed $3,500,000; Massachusetts, due $8,500,000; Vermont, due $677,000; Pennsylvania, $16,095,000; and Maryland, owed $52,957,000. The Federal Government owes these seven States a total of $292,944,000.

It is ironic that in a time when State governments are receiving increased attention and responsibilities, we are penalizing those very States we should be rewarding.

These seven States should be paid back. Fair play demands it.

My amendment, if passed, would do it.

It provides for an allotment of up to $300 million to States eligible for reimbursement.

Section 8 of the Federal Water Pollution Control Act deals with construction grants. Subsection (d) provides the authorizations for grants till fiscal year 1971. Subsection (c) determines how funds appropriated will be distributed. It also includes the reimbursement provision and is the section of the act I wish to amend.

Essentially, three patterns or bases of distribution are apparent in 8(c). The first is population. Of the sums appropriated the first $50 million and all funds in excess of $100 million are distributed on the basis of population. The specific basis is "the ratio that the population of each State bears to the population of all the States." The second pattern is per capita income. Of the first $100 million appropriated the second $50 million is distributed "in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States." What this means, in simple language, is that the poorer States get more. The third pattern of distribution is what I shall call for lack of a better term Federal involvement. There is a provision in 8(c) which provides additional funds for a State whose pollution problem is heightened by the presence of Federal installations or construction activities.

In a sense there is another pattern, found in 8(d). There, a provision states that of the first $100 million appropriated for water pollution construction grants at least half shall go to municipalities with populations of 125,000 or under.

The amendment I submit today eliminates none of these patterns of distribution. Funds appropriated would still be allocated on the basis of population, per capita income, Federal involvement, and size of municipality.

What it does is to add another pattern. Funds appropriated would also be distributed on the basis of the amount of the Federal share a State has advanced in anticipation of reimbursement.

The amendment provides that the second, third, and fourth hundred million dollars appropriated, thus a sum of up to $300 million, shall be allotted to States eligible for reimbursement from the Federal Government. The specific basis for distribution of these moneys—whether it be $300 million, $200 million, or $100,000,000—is the ratio that the amount each State has prefinanced bears to the total amount of prefinancing done by all the States.

For example, if a State has prefinanced X and the sum total of all the prefinancing is Y, then the amount the State receives under my amendment is Xk/y where k is the money appropriated and allocated by this amendment. In no case, however, could y be over $300 million. It might be less, depending on the 8(d) appropriation.

To make it clearer I have prepared a small chart entitled "Allocations of Reimbursement Funds Under Proposed Tydings Amendment" for which I ask unanimous consent that it be printed in the RECORD at the end of my prepared statement. The chart shows how my amendment would work.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. Mr. President, looking at it we see that Maine has prefinanced $3.5 million for water pollution control. This represents the Federal portion of Maine's program which the State has advanced on her own. It is the amount she is eligible for reimbursement. It represents 1.29 percent of the $292,944,000 total prefinancing by seven States.

Under my amendment, which allocates "all sums in excess of $100 million and not in excess of $400 million appropriated pursuant to subsection (d)," Maine would receive $3,870,000 if the appropriation were $400 million or more. If this were the case $300 million would be allotted for reimbursement. Maine's program would be paid for.

The chart indicates that under the maximum amount permitted by the amendment, $300 million—which will be available as long as the 8(d) appropriation exceeds $400 million—some of the seven States would be allotted funds a little over the amount they actually prefinanced.

The purpose of my amendment is to insure the Federal Government pays what it owes to these States. It is not to get them additional funds above and beyond what they prefinanced. Thus, there is language in the amendment which says that any reimbursement "shall not exceed the sum advanced."

In cases where there are funds left over, where the amendment allocates money that is not obligated, provision is made for these funds to be redistributed by the Secretary according to regulations he promulgates.

Maryland is another example of a State that would justly benefit from this amendment. Conscious of how important her water resources are, Maryland embarked on a major effort to restore their quality. The State has prefinanced 79 projects worth $52,975,000, a significant sum for Maryland. Like the other six she is waiting for the Federal Government to pay her back.

Should the section 8(d) appropriation be $300 million, the amendment would provide $200 million for reimbursement.

Maryland's percentage of total prefinancing is 11.84 percent. She would thus receive 11.84 percent of the funds available—$200 million—which is $23,680,000.

I wish to make it clear that the amendment does not affect the level of fiscal year 1970 appropriations for water quality treatment facilities. This is found in the public works appropriation bill which should come to the floor late in the session. My amendment affects title I of S. 7 which amends the Federal Water Pollution Control Act.

I am concerned, with this amendment, not with the level of appropriations but the distribution of whatever funds are appropriated.

The present appropriation request is $214 million. This is clearly inadequate as the Citizens Crusade for Clean Water has pointed out. It is likely that the Senate committee will up the $214 million to $600 million. I would fully support such an increase and feel it is required if we are ever to clean up our waters.

The amendment thus does not alter the level of appropriations.

Neither does it eliminate the present distribution pattern of appropriated funds. Population, per capita income, Federal involvement, and size of municipality all remain.

Nor does it remove the flexibility granted the Secretary to reallocate funds not obligated.

Nor does it lock up all the funds in a new distribution pattern, leaving the other three high and dry. Per capita income and size of municipality are allotted funds prior to the amendment's taking effect. So, in part, is population, although some funds for this pattern could be diverted for reimbursement. Yet, with the expected $600 million appropriation there will be ample funds for both population and reimbursement patterns.

Nor does the amendment make forever permanent the section 8(c) distribution patterns. The 8(d) authorizations expire at the end of fiscal year 1971. Renewal will require extensive hearings at which further consideration can be given to the prefinancing problem. Section 8(c) could be changed at this time. In the meantime, however, seven State water pollution programs are in financial jeopardy. They should be reimbursed now, without having to wait any further.

They require and deserve immediate reimbursement.

Such repayment by the Federal Government is essential. Without it the financial integrity and stability of these programs are threatened. The success and continuity of the national effort to clean our waters depend on our paying for the water treatment facilities we construct.

The amendment will help us pay what we owe, some $292,944,000. It will help restore the confidence of the States in the grant programs of the Federal Government. This confidence has been severely shaken by instances such as this where the Federal Government fails to reimburse and violates the State/Federal partnership.

The amendment will reward State initiative and provide an incentive for other States to move ahead.

State government must now play a greater role in our affairs. We have learned that the Federal Government cannot do everything. Yet State responsibility for water quality control has always been primary, as the act's declaration of policy specifically states. Some States have met this responsibility and require now only that the Federal Government keep its part of the bargain. My amendment will bring this about. It puts the money where the action is.

In determining which projects are to receive Federal assistance, the Secretary is required in section 8(c) to consider "the propriety of Federal aid." Surely there are no projects more deserving of such assistance than those whose Federal share of costs have been advanced by the States.

It should be noted that section 8(d) contains the statement, "neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project." But with the acceptance of the reimbursement provision, a promise was undertaken and an agreement made.

The term used in drafting the provision was "prefinancing." The use of the preface indicates that the States were financing before the Federal Government paid its share, not instead of the share itself. Were that the case there would be no need for a partnership.

Maine, Maryland, and the other five States advanced the Federal share of projects costs; they did not assume the share.

The 1966 report on S. 2947—Report No. 1367, 89th Congress, second session,

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July 11, 1966—in its section on reimbursement speaks of a "prefinancing provision" that will provide the Federal share "as it becomes available." The sentence does not read, "If it becomes available." The presumption is that it will and that the States will be paid back. But they have not been. My amendment merely provides that they are and is consistent with the philosophy of the water pollution legislation.

The "certain risk" which the report says is assumed by States which prefinance refers to a delay in reimbursement, not to the issue of whether reimbursement takes place. It is a time risk rather than a payment risk.

The seven Staates have waited long enough. It is high time they are reimbursed for the funds they advanced in order to have progressive, worthwhile water pollution control programs.

It is the purpose and effect of my amendment to provide these funds.

Mr. President, I ask unanimous consent that following the printing in the RECORD of the chart referred to in my speech, a second chart entitled "State Funds Advanced in Lieu of Federal Funds for Construction of Sewage Treatment Facilities" be printed in the RECORD. This chart offers additional information about the prefinancing problem. I also ask unanimous consent that text of my amendment be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment and chart will be printed in the RECORD.

The amendment (No. 178) is as follows:

On page 73, between lines 15 and 16, insert the following:

"SEC. 106. Subsection (c) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"'(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d) for any fiscal year beginning after June 30, 1969, shall be allotted among the States eligible for reimbursement pursuant to the seventh and eighth sentences of this subsection in the proportion that the amount each State is so eligible to receive on the first day of such fiscal year bears to the total such amounts on such day for all States, and such allotment shall not exceed the sum advanced and shall be available until the termination of six months following the fiscal year for which made only for the purpose of reimbursing such State pursuant to the seventh and eighth sentences of this subsection. All sums in excess of $400,000,000 appropriated pursuant to subsection (d) for each fiscal year ending after June 30, 1969, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the three preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, or for other reasons, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made for lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, fourth, and fifth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year shall also be available, together with the allotments under the third sentence of this subsection, for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most reoent consecutive years for which satisfactory data are available from the Department of Commerce.'"

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

The chart, presented by Mr. TYDINGS, is as follows:

STATE FUNDS ADVANCED IN LIEU OF FEDERAL FUNDS FOR CONSTRUCTION OF SEWAGE TREATMENT FACILITIES

States	Number of projects	Cost	Federal grant entitlement	Federal grants made	State funds advanced (eligible to be reimbursed)
Total	295	$948,787,000	$334,077,000	$41,133,000	$292,944,000
Connecticut	38	121,400,000	64,280,000	3,380,000	60,900,000
New York	70	548,000,000	165,823,000	15,508,000	150,315,000
Maine	7	11,700,000	6,300,000	2,800,000	3,500,000
Massachusetts	12	20,800,000	9,900,000	1,400,000	8,500,000
Vermont	3	2,400,000	1,287,000	610,000	677,000
Pennsylvania	86	125,493,000	27,063,000	10,968,000	16,095,000
Maryland	79	118,994,000	59,424,000	6,467,000	52,957,000

EXHIBIT 1

ALLOCATIONS OF REIMBURSEMENT FUNDS UNDER PROPOSED TYDINGS AMENDMENT

States	States funds advanced	Percentage of total prefinancing	Possible appropriations		
			$300,000,000	$200,000,000	$100,000,000
Connecticut	$60,900,000	22.37	$67,110,000	$44,740,000	72,370,000
New York	150,315,000	55.22	165,660,000	11[illegible],440,000	55,220,000
Maine	3,500,000	1.29	3,870,000	2,580,[illegible]00	1,290,000
Massachusetts	8,500,000	3.12	9,360,000	6,240,000	3,120,000
Vermont	677,000	.25	750,000	500,000	250,000
Pennsylvania	16,095,000	5.91	17,[illegible]30,000	11,820,[illegible]00	5,910,000
Maryland	52,957,000	11.84	35,520,000	23,680,0[illegible]0	11,840,000

HOUSING AND URBAN DEVELOPMENT ACT OF 1969—AMENDMENT

AMENDMENT NO. 179

Mr. HOLLINGS submitted an amendment, intended to be proposed by him, to the bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 199

Mr. TOWER (for himself, Mr. DOLE, Mr. PACKWOOD, Mr. PERCY, Mr. FANNIN, and Mr. GURNEY) submitted an amendment, intended to be proposed by him, to Senate bill 2864, supra, which was ordered to lie on the table and to be printed.

AMENDMENT OF FOOD STAMP ACT OF 1964—AMENDMENTS

AMENDMENTS NOS. 180 THROUGH 196

Mr. McGOVERN. Mr. President, on Wednesday the Senate will be considering S. 2547, amendments to the Food Stamp Act of 1964. S. 2547, as reported by the Committee on Agriculture, takes a major step to meet the problems of hunger and malnutrition by reforming the present food stamp program. But the committee bill goes less than half way to make the reforms necessary to fill the gap between food and income for the Nation's poor. If, as President Nixon stated on May 6, 1969, the time has now come to put an end to hunger in America for all time, I believe we must pass a food stamp reform bill this week that will accomplish that objective.

The Select Committee on Nutrition and Human Needs has studied the food stamp and our other food programs for nearly 10 months. I believe its hearings and its field trips have demonstrated the inadequacies of the existing food stamp program. I believe that they have also demonstrated what we must do to reform the program if we seriously expect to make it an effective vehicle for the elimination of poverty related hunger in America. The time for promising an end to hunger has clearly passed. The time for us to fulfill that promise is now.

A number of proposals will be made to amend S. 2547 on the floor this week by me and by other Senators. So that the Members of the Senate will have a chance to study between now and Wednesday a series of amendments which I believe will make substantial improvements in the reported bill. I now send to the desk a number of amendments to S. 2547. Several of these amendments may be sponsored by other members of the committee when the debate begins later this week.

I ask unanimous consent that these amendments be printed and lie on the table.

I also ask unanimous consent that the amendments be printed in the RECORD, along with an explanation in tabular form briefly describing how each would change or add to the provisions of S. 2547 as reported by the Senate Agriculture Committee.

I also ask unanimous consent that there be printed in the RECORD following this table my individual views which will be found beginning on page 22 of the Agriculture Committee report accompanying S. 2547.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table; and, without objection, the amendments, table, and individual views will be printed in the RECORD.

The amendments, submitted by Mr. McGOVERN, are as follows:

AMENDMENT NO. 180

On page 1 between lines 2 and 3 insert the following:

"PURPOSE OF THE ACT

"SEC. 1. Section 2 of the Food Stamp Act of 1964 is amended as follows:

" 'SEC. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to the maximum extent to safeguard the health and well-being of the Nation's population and provide adequate levels of food consumption and nutrition among low-income households. The Congress hereby finds that increased utilization of foods in establishing and maintaining adequate levels of food consumption and nutrition will tend to cause the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To effectuate the policy of Congress and the purpose of this Act, a food stamp program, which will permit those households with low incomes to receive a share of the Nation's food abundance sufficient to provide them with adequate levels of food consumption and nutrition, is herein authorized.'

"ESTABLISHMENT OF THE FOOD STAMP PROGRAM

"SEC. 2. Section 4(a) of the Food Stamp Act of 1964 is amended by striking out the first sentence and inserting in lieu thereof the following:

" 'The Secretary is authorized to formulate and administer a food stamp program under which eligible households within a State will be provided with coupon allotments of sufficient monetary value to enable them to purchase a nutritionally adequate diet. Such program shall be carried out in any State at the request of the appropriate State agency of such State or pursuant to section 10(f) of this Act.' "

Renumber the sections of the bill accordingly.

AMENDMENT NO. 181

On page 1 between lines 2 and 3 insert the following:

"PURCHASE OF SANITATION PRODUCTS

"SEC. 1. Subsection (b) of section 3 of the Food Stamp Act of 1964 is amended by adding at the end thereof a new sentence to read as follows:

" 'The term "food" also means such products as the Secretary may determine to be necessary for personal cleanliness, hygiene, and home sanitation.' "

Renumber the sections of the bill accordingly.

AMENDMENT NO. 182

On page 1 between lines 2 and 3 insert the following:

"AREAS COVERED

"SEC. 1. Subsection (j) of section 3 of the Food Stamp Act of 1964 is amended to read as follows:

" '(j) The term "State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.' "

Renumber the sections of the bill accordingly.

AMENDMENT NO. 183

On page 1 beginning with line 3 strike all the material through line 2 on page 2 and insert in lieu thereof the following:

"CONCURRENT FOOD DISTRIBUTION

"SEC. 1. Section 4(b) of the Food Stamp Act of 1964 is amended to read as follows:

" '(b) Nothing in this or any other Act shall be construed as prohibiting the Secretary from distributing federally owned foods, under any other federally authorized program, to households in any area in which a food stamp program is in effect. In any county where a food stamp program is being initiated and where federally owned foods have been distributed to households during any one of the three months immediately prior to initiation of a food stamp program, the Secretary shall take such actions as may be necessary to insure that federally owned foods shall continue to be distributed to needy families until such time as the number of persons participating in a food stamp program exceeds the monthly average number of persons who received federally owned foods during the three month period immediately prior to initiation of a food stamp program.' "

AMENDMENT NO. 184

On page 2, strike lines 3 through 20 and insert in lieu thereof the following:

"ELIGIBILITY

"SEC. 2. Section 5 of the Food Stamp Act of 1964 is amended to read as follows:

"SEC. 5. (a) Households whose income is determined, as provided in this subsection, to be insufficient to permit them to purchase a nutritionally adequate diet shall be eligible to participate in the food stamp program. The Secretary shall prescribe, not less often than once a year, the minimum level of income a household must have in order to purchase a nutritionally adequate diet for the members of such household and be financially able to meet the other normal living expenses of a household. He shall prescribe such level of income for households composed of varying numbers of individuals, but in no case shall the minimum income level prescribed by the Secretary be less for any household than the equivalent of $4,000 per year for a household composed of four persons. In prescribing minimum income levels for households under this subsection the Secretary may take into consideration such relevant factors as the regional variations in the cost of food described in the low-cost food plan published by the Agricultural Research Service of the United States Department of Agriculture or such other relevant factors as he deems appropriate but may not consider the availability of appropriations to carry out this Act. The Secretary shall also prescribe the maximum level of income for households composed of varying numbers of individuals above which households shall be ineligible to participate in the food stamp program. Income limitations prescribed under this subsection shall be revised annually to reflect any increase in the cost of living, as determined on the basis of the Consumer Price Index (all items, United States city average) published monthly by the Bureau of Labor Statistics, Department of Labor.

" '(b) In complying with the limitations on participation set forth in subsection (a) above, each State agency shall establish standards to determine the eligibility of applicant households. Such eligibility standards shall comply with the maximum and minimum income levels prescribed by the Secretary under subsection (a) of this section and shall also place a limitation on the resources to be allowed eligible households, but such limitation shall apply to the income, if any, realized from such resources and not to an income which might be realized through liquidation of such resources. The standards of eligibility to be used by each State for the food stamp program shall be subject to the approval of the Secretary.' "

AMENDMENT NO. 185

On page 2 beginning with line 21, strike all the material through line 5 on page 3 and insert in lieu thereof the following:

XUM

"VALUE OF COUPON ALLOTMENT

"SEC. 3. Section 7(a) of the Food Stamp Act of 1964 is amended to read as follows:

"'(a) The face value of the coupon allotment which is issued to any household certified as eligible to participate in the food stamp program shall be not less than the amount necessary to purchase a nutritionally adequate diet for the members of such household. The amount necessary to purchase a nutritionally adequate diet for households composed of varying numbers of individuals shall be determined by the Secretary and shall be revised annually by the Secretary. In determining the amount necessary to purchase a nutritionally adequate diet for any household the Secretary shall take into consideration such relevant factors as he deems appropriate but may not consider the availability or expected availability of appropriations to carry out this Act. In no event shall the amount determined by the Secretary to be necessary to purchase a nutritionally adequate diet for any household be less than the amount which the Agricultural Research Service of the United States Department of Agriculture determines to be necessary to permit a household of comparable size to purchase the kinds and amounts of food contained in the low-cost food plan established by the Agricultural Research Service of the United States Department of Agriculture and published in the "Family Economics Review." The Agricultural Research Service shall revise and published the amount which it determines to be necessary to purchase such food at least annually so as to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor.'"

AMENDMENT NO. 186

On page 3 strike lines 6 through 23 and insert in lieu thereof the following:

"COST OF COUPON ALLOTMENT

"SEC. 4. Section 7(b) of the Food Stamp Act of 1964 is amended to read as follows:

"'(b) Households shall be charged such portion of the face value of the coupon allotment issued to them as is determined not to exceed a reasonable investment on the part of the household: *Provided*, That (1) any eligible household whose income is less than two-thirds the current amount necessary to purchase a nutritionally adequate diet, determined by the Secretary under subsection (a) of this section shall not be charged any amount for such coupon allotment; and (2) in no case shall any eligible household be charged an amount greater than an amount equal to 25 per centum of the income of such household for such coupon allotment.'"

AMENDMENT NO. 187

On page 3 strike lines 12 through 23 and insert in lieu thereof the following: "household, but in no event more than 25 per centum of the household's income."

AMENDMENT NO. 188

On page 3 line 16 strike "30" and insert in lieu thereof "25".

AMENDMENT NO. 189

On page 4 insert between lines 15 and 16 the following:

"CERTIFICATION OF HOUSEHOLDS

"SEC. 5. (a) Section 10(c) of the Food Stamp Act of 1964 is amended by inserting immediately preceding the first sentence the following:

"'Any household making application for the benefits of this Act shall be certified for eligibility solely by execution of an affidavit, in such form as the Secretary may prescribe, by the member of such household making application—except for fraud. Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal.'

"(b) Section 10(e) of the Food Stamp Act of 1964 is amended by striking clause (2) and inserting in lieu thereof the following:

"'(2) that the State agency shall make every possible effort to insure that all households who meet the eligibility requirements set forth in this Act are certified to participate in the food stamp program'."

On page 4 strike line 1, everything before "Issuance" in line 2, everything following the colon in line 7, lines 8 and 9, everything before "Coupons" in line 10.

Renumber the sections of the bill accordingly.

AMENDMENT NO. 190

On page 4 insert between lines 15 and 16 the following:

"PURCHASE AND ISSUANCE OF COUPONS

"SEC. 5. (a) Section 10(d) of the Food Stamp Act of 1964 is amended by inserting immediately preceding the first sentence the following:

"'Notwithstanding any other provision of this Act, a household may, if it so elects, purchase any amount of coupons less than the full coupon allotment it is entitled to purchase. The amount charged any household for any portion of a coupon allotment less than the full coupon allotment shall be an amount which bears the same ratio to the amount which would have been charged such household for the full coupon allotment as such portion of the full coupon allotment bears to the full coupon allotment such household was entitled to purchase. The Secretary shall prescribe general guidelines and minimum requirements with respect to the quality of certification and issuance services to be provided by State agencies to eligible households, including, but not limited to, matters relating to the places, times, and frequency of coupon issuance services in political subdivisions approved for participation in the food stamp program. Such general guidelines and minimum requirements shall include at least the following provisions (1) that the issuance of coupons shall take place no less often than once per week and (2) that at each issuance of coupons any household may purchase the entire monthly coupon allotment to which it is entitled or any portion of that coupon allotment which it has not previously purchased. The State agency shall, notwithstand any other provision of law, institute procedures under which any household participating in the food stamp program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program, and have its coupon allotment distributed to it with such grant or payment.'

"(b) Section 10(b) of the Food Stamp Act of 1964 is amended by striking everything following the colon and inserting in lieu thereof the following:

"'*Provided*, That the State agency shall comply with the requirements of clauses (2) and (3) of section 10(e) of this Act. The operating agency may delegate its responsibility for the issuance of coupons and the collection of the amounts charged from eligible households to the United States post offices, banks, credit unions or any other public agency or private nonprofit agency. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in the regulations.'

"(c) Section 10(e) of the Food Stamp Act of 1964 is amended by striking '(3)' and '(4)' and inserting in lieu thereof '(4)' and '(5)' respectively and by inserting immediately following clause (2) the following:

"'(3) that the State agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households as payment therefor through the facilities of United States Post Offices direcly or by mail, through the facilities of participating retail food stores or in such other manner convenient to participating households as shall best insure their participation.'"

On page 4 strike everything following "Assistance" in lines 1 and 2, everything following the period in line 10 and lines 11 through 15.

Renumber the sections of the bill accordingly.

AMENDMENT NO. 191

On page 3, insert after line 23 the following:

"OUTREACH AND COUNSELING

"SEC. 5. Section 10(a) of the Food Stamp Act of 1964 is amended to read as follows:

"'SEC. 10. (a) The food stamp program shall be administered to insure that participants are afforded the opportunity to receive at schools, at approved retail food stores, in their homes, or at other appropriate places convenient to participants such instruction and counseling as will best assure that they are able to use their increased purchasing power to obtain those nutritious foods most likely to insure that they receive a nutritionally adequate diet. The food stamp program shall also be administered to insure that all households eligible to participate in the program are informed of its existence and given such assistance as may be required to enable them to make application for the benefits of this Act. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry out informational and educational programs for consumers shall be enlisted for the purpose of providing nutrition counseling and home economics services for eligible households using such authorities as may be available to the Secretary, or in cooperation with other agencies of the Federal Government or private agencies. The Secretary is authorized to use the educational potential of the national school lunch program and its extension to introduce better eating patterns and better nutrition to eligible households under this Act.'"

Renumber the sections of the bill accordingly.

AMENDMENT NO. 192

On page 6 beginning with line 9 strike all the material through line 2 on page 7 and insert in lieu thereof the following:

"ALTERNATE ADMINISTRATION IN CERTAIN AREAS

"Section 10(f) of the Food Stamp Act of 1964 is amended to read as follows:

"'(f) Notwithstanding any other provision of this Act, the Secretary shall administer a food stamp program through any private nonprofit organization or through any Federal, State, or county agency he deems appropriate in any political subdivision of a State if

"'(1) he determines that in the administration of the program in such political subdivision there is a failure by the State agency to comply with the provisions of this Act, or with the regulations issued thereunder, or with the State plan of operation approved by the Secretary and he has informed such State agency of such failure and such failure has not been corrected after a reasonable period of time; or

"'(2) he determines that a food program is needed in such political subdivision and the appropriate officials of such political subdivision or the State have not requested a food stamp program for such political subdivision after the Secretary has made an offer of Federal payments as authorized by this section; or

"'(3) a food stamp program is not being operated, or is not being operated in accordance with the provisions of this Act, in such political subdivision on January 1, 1971, or thereafter; or

"'(4) he determines that the ratio of the number of persons participating in a food stamp program in such political subdivision to the number of persons classified by the Office of Economic Opportunity as low income in such political subdivision is not adequate to effectuate the policy of Congress and the purposes of this Act.

When the Secretary administers a food stamp program under the provisions of this subsection, he shall observe, or require the administering organization or agency to observe, all of the appropriate provisions of this Act and regulations issued pursuant thereto.'"

AMENDMENT NO. 193

On page 5 insert between lines 19 and 20 the following:

"ISSUANCE COSTS

"SEC. 7. Section 15 of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new subsection:

"'(c) Notwithstanding the provisions of subsection (a) of this section, the Secretary shall pay to the State agency of a State the costs of issuing coupons to eligible households and of collecting the sums required from eligible households as payments therefor.'"

AMENDMENT NO. 194

On page 5 beginning with line 20 strike all the material through line 8 on page 6 and insert in lieu thereof the following:

"APPROPRIATIONS

"SEC. 7. Section 16 of the Food Stamp Act of 1964 is amended to read as follows:

"'SEC. 16. (a) To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $1,500,000,000 for the fiscal year ending June 30, 1970; not in excess of $2,500,000,000 for the fiscal year ending June 30, 1971; and not in excess of $3,500,000,000 for the fiscal year ending June 30, 1972. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for purposes of this Act until expended.

"'(b) Upon written notification to the Congress of his intent to do so, the Secretary is authorized in any fiscal year to obligate sums in excess of the sums appropriated for such fiscal year pursuant to subsection (a) of this section, if such excess obligations are necessary to meet unanticipated increases in participation. In no event shall the amount of excess obligations in any fiscal year exceed an amount equal to 15 per centum of the sums appropriated for such fiscal year pursuant to subsection (a) of this section. The amount of any excess obligation incurred in any fiscal year shall be paid for out of funds appropriated to carry out this Act in the succeeding fiscal year.

"'(c) If the Secretary determines that any portion of the funds in the separate account created under section 7(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.'"

Renumber the other sections of the bill accordingly.

AMENDMENT NO. 195

On page 5 beginning with line 20 strike all material through line 8 on page 6 and insert in lieu thereof the following:

"APPROPRIATIONS

"SEC. 7. Section 16 of the Food Stamp Act of 1964 is amended to read as follows:

"'SEC. 16. (a) To carry out the provisions of this Act, there is hereby authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1970, and for each of the two succeeding fiscal years. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act. Sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for purposes of this Act until expended.

"'(b) Upon written notification to the Congress of his intent to do so, the Secretary is authorized in any fiscal year to obligate sums in excess of the sums appropriated for such fiscal year pursuant to subsection (a) of this section. If such excess obligations are necessary to meet unanticipated increases in participation. In no event shall the amount of excess obligations in any fiscal year exceed an amount equal to 15 per centum of the sums appropriated for such fiscal year pursuant to subsection (a) of this section. The amount of any excess obligation incurred in any fiscal year shall be paid for out of funds appropriated to carry out this Act in the succeeding fiscal year.

"'(c) If the Secretary determines that any of the funds in the separate account created under section 7(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.'"

Renumber the other sections of the bill accordingly.

AMENDMENT NO. 196

On page 8 after line 6 insert the following:

"APPROPRIATIONS FOR FOOD ASSISTANCE PROGRAMS

"SEC. 10. (a) There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1970, an amount equal to 30 per centum of the gross receipts for duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only in carrying out the provisions of (1) section 11 of the National School Lunch Act, (2) sections 4 and 5 of the Child Nutrition Act of 1966, (3) the Food Stamp Act of 1964, and (4) any other Act providing food assistance to needy persons. The funds appropriated by this section are in addition to any funds otherwise appropriated for carrying out such provisions and shall be available for expenditure for carrying out such provisions without regard to any dollar limitation prescribed for appropriations contained in such Acts. The funds appropriated by this section are also in addition to funds appropriated pursuant to section 32 of Public Law 320, Seventy-fourth Congress.

"(b) The sums appropriated under the first subsection (a) of this section shall be expended for one or more of the purposes specified in such subsection and shall be expended at such times, in such manner, and in such amounts as the Secretary of Agriculture determines will effectively carry out such purpose or purposes.

"(c) The sums appropriated under this section shall, notwithstanding the provisions of any other law, continue to remain available for the purposes of this section until expended; but any excess of the amount remaining unexpended at the end of any fiscal year over $500,000,000 shall, in the same manner as though it had been appropriated for the service of such fiscal year, be subject to the provisions of the Surplus Fund-Certified Claims Act of 1949 (63 Stat. 407; 31 U.S.C. 712a)."

The table, presented by Mr. McGOVERN, is as follows:

EXPLANATION OF FOOD STAMP AMENDMENTS

The following table presents a brief comparison of the major provisions of the Senate Agriculture Committee Food Stamp Bill (S. 2547) and a series of amendments to that bill introduced by Senator McGovern.

Item	Agriculture Committee bill	Amendments
Policy and establishment of program	To raise levels of nutrition among low-income households.	To provide adequate levels of food consumption and nutrition among low-income households.
Level of funding	Fiscal year 1970—$750,000,000 Fiscal year 1971—$1,500,000,000 Fiscal year 1972—$1,500,000,000	Such sums as are necessary to carry out the provisions of the act for fiscal years 1970–72. Also allows obligation of 10 percent over amount appropriated expenses.
Carryover of unexpended funds	Unspent funds available until June 30, 1972.	Unspent funds available until spent.
National income eligibility standards	The State agency is directed to set eligibility standards within unspecified national minimum and maximum standards to be set by the Secretary.	The Secretary is directed to establish a minimum national income eligibility standard of $4,000 per year for a family of 4. This standard was recommended by Secretary of Agriculture Hardin before the Nutrition Committee on Sept. 15, 1969. The Secretary is also directed to establish maximum standards and to revise all standards annually to reflect changes in costs of living. In setting eligibility standards, regional variations in food prices are to be considered. The States will set specific standards within the guidelines set by the Secretary.
Method of certification	Same as present except certification may be granted to public assistance recipients without further investigation if the State agency so chooses.	Certification by personal declaration in the form of an affidavit.

XUM

Item	Agriculture Committee bill	Amendments
Total coupon allotment	Provides a total allotment equal to the amount which the Secretary determines to be equal to the "cost of an adequate diet." Secretary Hardin has said that this amount will be $100 per month for a family of 4, the cost of USDA's "economy" diet, which USDA has said adequately feeds only 10 percent of those that have little to spend on food.	Provides a total allotment equal in value to the cost of USDA's "low cost" food plan. This amount now stands at $125 per month as a national average, but varies by region to reflect differences in actual food prices.
Free coupons	Free stamps prohibited; minimum charge required.	Free coupons would be provided to families whose total income is less than ⅔ the cost of puchasing an adequate diet.
Coupon purchase price	No family can be charged over 30 percent of their total income for their stamps.	No family can be charged over 25 percent of their total income for their stamps. The average American family spends 17 percent of its income on food.
Alternate local or Federal operation	The Secretary may operate a program directly if 3 conditions are met: (1) The Secretary finds an urgent need for stamps; (2) The State agency refuses for 90 days to reqbest a stamp program; (3) The Governor of the State requests that the Secretary intervene.	The Secretary is required to operate a stamp program either directly or through any private or public agency he deems appropriate when any 1 of 3 conditions applies: (1) Local officials refuse to request a program in an area where the Secretary finds a need for such program; (2) No stamp program exists as of Jan. 1, 1971; (3) Participation in the program is token.
Establishing a national stamp program	None	Requires a stamp program in every county by Jan. 1, 1971.
Simultaneous commodity and stamp programs.	Prohibits except for 90 days after transition to stamps if the State agency requests and pays for it.	Requires simultaneous programs during the transition from commodities to stamps until participation in the stamp program equals previous participation in the commodity program.
Administrative costs	No change from present	The Secretary pays coupon issuance costs but pays other administrative costs under the present formula.
Coupon issuance to welfare recepients	Permits deduction of purchase price from welfare payments if household so chooses. Requires twice monthly issuance.	Permits both deduction of purchase price from welfare check and mailing of stamps with check. Requires weekly issuance.
Variable purchase	No provision	Permits purchase of any amount of stamps up to full allotment at any scheduled time of issuance. This provision is now favored by the administration.
Participation by migrants	No change	Encourages migrant participation by providing that a person certified as eligible in a county shall be eligible in any other county for 60 days after leaving the county in which he was certified.
Areas covered	do	Includes Puerto Rico, Guam, Virgin Islands, etc.
Purchase of sanitation products	No provision	Permits use of stamps to purchase such products as the Secretary determines are necessary to personal cleanliness and home sanitation.
Outreach and counseling	No change	Requires outreach by State and local agencies to inform eligible families and help them become certified. Also requires instruction and counseling on nutrition education and use of stamps.

The individual views of Mr. McGovern are as follows:

INDIVIDUAL VIEWS OF MR. MCGOVERN

More than 5 million Americans live in families whose yearly household income is less than the total amount they must have for food alone—less than the equivalent of $1,200 a year for a family of four, the amount the Department of Agriculture says is the minimum cost of an "emergency economy" diet. More than a million Americans have *no cash income* at all.

Another 9 million of our citizens live in families with incomes between $1,200 and $2,400. They cannot spend more than half their income on food and still clothe their children, pay the landlord, the electric company or gas company, and meet their other fixed expenses of living.

These 14 million "hard-core" poor have inadequate diets; many, perhaps millions, suffer from chronic and severe hunger and malnutrition—for one overriding reason. They haven't the money to purchase a nutritious diet.

The committee has taken a major step to meet this problem. The reported bill includes many reforms in the present Food Stamp Act which, if properly administered, will begin to make the food stamp program what it was promised to be—our first line of defense against poverty-related hunger and manutrition. The reported bill will—

Permit commodities to be distributed free in counties that have just transferred from that program to food stamps;

Authorize the Secretary of Agriculture to set a range of eligibility standards for participating in the food stamp program;

Raise the value of food stamps to the "cost of an adequate diet";

Place a ceiling on the purchase price of stamps of 30 percent of a family's income;

Require the issuance of stamps at least twice monthly; and

More than double the funds authorized for fiscal year 1970 and double that again in 1971.

I commend my colleagues on the committee and particularly its chairman whose personal efforts have been primarily responsible for the new lease on life which the food stamp program has received from the committee.

But the committee has gone less than half way to fill the gap between food and income among the Nation's poor. America should not be satisfied to meet the problem only halfway.

FREE STAMPS

Some 1.3 million Americans have no cash income at all. OEO estimates that 561,000 are unrelated individuals; 770,000 live in families of varying size.

The committee not only rejected a proposal to authorize free stamps to families with incomes of less than $40 a month, it wrote into present law a minimum charge of 50 cents per person per month—a provision more restrictive than present law which, at least technically, authorizes free stamps to households with no "normal expenditures for food."

To require that families with no income pay for their stamps will simply write out of the program 1.3 million poor with no cash income, on the false assumption that the poor need some incentive to save their money for food and learn to budget their food dollar.

More than 5 million poor people live in families or by themselves with incomes less than the amount the Department of Agriculture has determined they must have *for food alone*—less than the equivalent of $100 a month for a family of four. Food is the first necessity of life which they need desperately. Food is what they buy with the money they have left over—if they have any left—after they pay to keep from being evicted by the landlord, to keep their lights from being shut off, and to keep from freezing in winter. It is cruel to ask such a family to choose between food and medicine and other necessities and call that choice an education in effective budgeting.

We have given free food to poor families for decades under the commodity donation program. Yet we don't call that program welfare. Instead, we use the rationalization that we need to dispose of the surplus our farmers produce. We provide free education for American families whether they are poor or rich. We provide income supplements in the form of public assistance based, theoretically, on a family's minimum basic living expenses, including food, and we do not ask the poor to pay into those programs on a "let's not give something for nothing" rationalization. Yet the food stamp program is the only Federal poverty program that requires the poor to pay an admission fee—a token fee for those who cannot pay, designed to put us safely on record against "the dole."

We should have the compassion and decency to waive that admission fee for those whose incomes and standards of living are so low that they are in a state of hopeless poverty. A family whose income forces it into a perpetual state of hunger and malnutrition should receive its food stamps free.

COMMODITIES IN FOOD STAMP COUNTIES

The committee bill permits the distribution of commodities in food stamp counties at the request of the State agency for up to 90 days when a county switches from commodities to food stamps. The Food Stamp Act now authorizes commodity distribution in food stamp areas only "during emergency situations caused by a national or other disaster as determined by the Secretary." No Secretary of Agriculture has been willing to declare severe hunger or malnutrition an emergency under this provision.

The food stamp program has never succeeded in reaching a significant number of low income families. It has simply failed to reach the poor of this Nation. In those counties that have a food stamp program, the Department of Agriculture figures show that the program reaches an average of only 16 percent of the poor who are in need of assistance. This low participation is the result of four factors:

First, the present program is so designed that most of those in need cannot afford to participate. They cannot afford the purchase price of stamps, and even where they can, the stamps they buy are not worth the cost of an adequate diet.

Second, certification procedures are so cumbersome as to discourage application by eligible households.

Third, few eligible low income families even know about the program. There has never been an effective "outreach" effort by Federal, State, or local authorities.

Finally, the program has never been adequately funded.

Until the purchase price of stamps and

their bonus value are in line with what the poor can afford to pay and what they need to purchase a nutritious diet, until effective outreach is undertaken, and until enough funds are provided to enable all eligible families to participate, commodities should be made available wherever the Secretary finds there is a need.

There is a special need for commodity distribution in counties that transfer from commodities to food stamps. In those counties that have switched to food stamps in the past, there are today 40 percent fewer people on food stamps than were on commodities before transfer. More than a million people who were receiving commodities are not receiving food stamps.

The committee provision limiting commodity distribution to a 90-day-period switchover will not significantly help alleviate this situation. In the past, only about 3 percent of the initial decline in participation has been made up. USDA figures show that in counties that have changed from commodities to food stamps:

Persons receiving commodities just before transfer	2, 783, 108
Persons receiving food stamps just after transfer	1, 478, 568
Persons receiving food stamps in January 1969	1, 698, 891

At the very least, therefore, the Secretary of Agriculture should be given authority, if not directed, to distribute commodities in all food stamp counties until the participation in the stamp program reaches the previous level of participation in the commodity program.

PURCHASE OF SOAPS AND SANITATION PRODUCTS

The committee rejected an amendment to permit the purchase of soaps and other products necessary for personal hygiene and home sanitation. It seems to me self-defeating to deny poor people the few products necessary to enable them to eat off clean dishes, with clean hands. Round worms and other parasites may not be eradicated solely through personal hygiene and home sanitation, but they won't be eradicated without it either. If we are to spend millions to help people eat, we should protect this investment by giving them the means to keep themselves and their homes clean and sanitary.

The key to success of the food stamp program is its ability to provide an adequate diet for those who participate. By lowering the coupon purchase requirement and raising the bonus so that the value of the stamps received equals the cost of an adequate diet, the committee bill goes a long way toward meeting this criteria. The committee bill also authorizes the Secretary to set uniform minimum and maximum standards of eligibility for food stamp participation—a provision which will help eliminate the present incredibly complex array of inconsistent eligibility restrictions.

However, these provisions are generally deficient in two respects. First, taken together, they fail to prescribe the kind of formula for eligibility, purchase, and bonus criteria that is needed for a successful program. Second, each lacks the specificity and flexibility necessary for efficient operation.

A. The need for a formula pegged to the cost of an adequate diet

If the purpose of the food stamp program, as the committee bill implicitly recognizes, is to provide participants with an adequate diet, the eligibility, purchase, and bonus criteria in the act should flow from that premise. The Secretary of Agriculture should be required to establish the cost of an adequate diet for different-sized families. The amount so established should be the amount of the coupon value of stamps received by all recipients. It should also be the basis for setting standards of eligibility and purchase requirements.

The Federal Government's "poverty index" is established by multiplying by three, the cost of an adequate diet for a family of four. Thus, if it costs a family of four $1,200 a year to buy food, it is classified as being a low income family if its income is $3,600 a year or less. The classification should be used to determine eligibility for food stamps just as it is used for determining eligibility for other antipoverty programs. The Secretary of Agriculture should be required to set uniform national standards using the poverty index formula. The States should then be permitted to exceed that standard if local costs of living or other conditions warrant.

The purchase price of food stamps should then be set so that those families in the lowest income categories (those, for example, whose income is less than the cost of food alone) receive their stamps without charge, and so that charges for other families are graduated in a way that participating families can afford.

S. 2014 provides this kind of formula. The Secretary would set the cost of an adequate diet at not less than $120 per month for a family of four. Families with incomes of $360 (3 × $120) a month or less would be eligible. (The States could exceed that minimum.) Those with incomes of $80 or less (two-thirds the diet cost) would receive their stamps free. Families with incomes of between $80 and $120 would pay up to 15 percent of their income, and families with income between $120 and $360 a month would pay no more than 25 percent of their income for food stamps.

B. Need for specific, flexible requirements

1. *Stamp value.*—The committee bill requires that the coupon value of food stamps be in the amount the Secretary determines to be the cost of a nutritionally adequate diet. Secretary Hardin has testified that the amount to be used will be USDA's "economy diet" which was established for use in emergencies—approximately $100 a month for a family of four. This amount will not provide a nutritionally adequate diet. USDA stated in 1968 that "the cost of this plan is not a reasonable measure of basic money needs for a good diet." USDA has established four food budget plans. The so-called low budget plan, at $120 a month for a family of four, is a more accurate measure of food costs for low income families. The bill should be amended to establish the low-budget plan as the criteria for determining the cost of a nutritionally adequate diet and to require that the amount be revised yearly to reflect changes in the cost of living.

2. *National eligibility standards.*—The need for national eligibility standards has been recognized by the committee. The bill requires the States to "comply with national minimum and maximum standards of eligibility" prescribed by the Secretary. Present State eligibility requirements vary between $140 a month in South Carolina and $325 a month in Alaska for a family of four. Few States set their eligibility levels at or near the poverty index.

The committee bill should be revised to set a specific income amount below which the States could not set their requirements, but which they could exceed if standards of living in a particular area warrant. The present poverty index of $3,335 per year for a family of four is the minimum national standard that should be set. Three times the cost of USDA's low budget diet, or $4,320 a year would be a standard more commensurate with the food needs of low income families in most areas. The standard could be set at varying levels for regions of the country to account for differences in costs of living, but the level in each area should be high enough to make eligible all families who need food assistance.

3. *Purchase requirements.*—The committee bill places a ceiling on the purchase price of food stamps at 30 percent of family income. Both Senator Talmadge and former Secretary of Agriculture Freeman have recommended a ceiling of 25 percent. The average American family spends about 17 percent of its income for food. A 25-percent ceiling is more commensurate with what the poor can afford. They should not have to pay more.

AUTHORIZATION AND FUNDING

Twenty-three million poor people need food assistance. According to the Urban Affairs Council, half, 11.5 million, would be expected to participate in an adequately funded, reformed food stamp program. With a 30-percent purchase price ceiling and a $100 stamp value for a four-member family the committee bill would cost more than $2 billion to enable half the poor to participate and more than $4 billion if all the poor were served.

The bill provides an authorization increase of $410 million over the present annualized expenditures.

This increase compares with the following costs of reforms recommended by the committee:

	Millions
Cost of a $100 per month stamp value for all 3 million present participants	$55
Cost of lowering purchase price to not less than 30 percent of family income for all 3 million present participants	270
Total	325

Thus, of the $410 million increase, $325 million will have to be spent just to raise the present bonus and lower the purchase price *for present* participants. Only $85 million will be available for expansion of the program to new participants, either in present food stamp counties or in some of the more than 400 counties presently without any family food assistance program.

That $85 million will enable expansion of the program on a yearly basis by only 400,000 new participants—either in presently participating counties or in about 100 new counties now without a family food program—a total participation of 3.6 million after the first year of operation as compared with the April 1969 participation of 3.2 million persons.

The 1971 authorization of $1.5 billion while more commensurate with need is likewise inadequate. To serve half the poor under the committee bill would require an annual expenditure of approximately $2.17 billion. $1.5 billion will serve about 7.5 million food stamp participants, approximately half the number of hard-core poor who desperately need food assistance, or a third of all the poor.

The very least we can do is fund the new program at a level commensurate with the problem it is designed to solve.

In providing adequate funds, we should provide for the kind of flexible, automatic funding which is necessary to meet the costs of a program in which all those who are eligible and want can participate. Limited appropriations can only mean limited participation.

If the time has come to put an end to hunger in America, let us not make promises and then provide a sixth of the funds necessary the first year and a third the next 2 years to keep them.

The Congress has provided the kind of flexible funding necessary to stabilize farm prices. It has done so through the Commodity Credit Corporation. We should use that or some similar mechanism to help the poor obtain an adequate diet.

At the very least, we should adopt an open end authorization for the food stamp program as we have for the school lunch program.

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PURCHASE OF LESS THAN A FULL ALLOTMENT OF STAMPS

In most areas food stamp recipients are now required to purchase all their stamps at one time. They must not only buy all the stamps they are entitled to; they must also scrape together at one time, usually at the beginning of each month, the lump sum necessary to buy their stamps. Few poor families can afford to meet their other fixed expenses and still have enough money at one time in the month to buy food stamps. Temporary financial emergencies often compound the problem and prevent families from participating for a month or more. In most areas, if a family fails to buy stamps for a few months (usually three) it is dropped from the program.

The committee bill should be amended to permit a family to purchase less than its full allotment of stamps with a proportionate reduction in stamp value. This provision should be coupled with a requirement that all recipients be permitted to purchase their stamps at least weekly so that families can buy stamps in installments as they have the money to pay the purchase price.

SIMPLIFIED CERTIFICATION OF ELIGIBLE HOUSEHOLDS

Local procedures are now so complicated and cumbersome that it often takes several months for applicant households to become certified for the program. Long complex application forms must be filled out; investigations are made to check the accuracy of the applicants' answers; applicants are forced to produce wage statements from their employers covering a long period of time; and applicants are made to feel the burden is on them to prove the statements they make are not false—at least until borne out by a caseworker's investigation. Moreover, the applicant is often informed in big, bold type that any error he makes in the application form may result in a fine or imprisonment.

The best that can be said for the present certification procedures is that it discourages participation. Worse still, it destroys whatever dignity and self-respect the applicant had left before he sought help, and it forces a family which may be in desperate need of food to remain hungry while the certification process is completed.

Certification should be simplified so that applicant households are afforded immediate assistance and treated with dignity and respect. The present act should be amended to provide for certification by personal declaration in the form of an affidavit containing the essential information necessary to determine, on the spot, whether a household can be presumed eligible for food stamps. Such a procedure would not eliminate whatever investigations are needed to determine the accuracy of statements made by the applicant, but they would occur after the applicant is given help. If the information given by the applicant is found to be inaccurate, the level of assistance can immediately be adjusted. Such a procedure should be instituted immediately at least on a pilot basis if not in every food stamp area.

LOCAL OPTION: ADMINISTRATION BY FEDERAL OR OTHER LOCAL AGENCIES

The committee bill authorizes direct Federal administration in counties that refuse to accept a food stamp program. But the committee provision is so encumbered by conditions and restrictions as to be almost totally ineffective. First, the Secretary must find and notify the State welfare agency that there is a "manifest and urgent need" for the program. Then, if the State agency "fails and refuses" to request a program for the area concerned for 90 days, *and if* the Governor requests, the Secretary may administer a program directly.

Not only does this provision seem to require that the Secretary all but declare an emergency before finding need for a program, it makes the State welfare agency responsible for the recalcitrance of local county officials and then puts the Governor in the position of having to overrule his own welfare department and invite Federal intervention.

If we are going to recognize that there is a problem in a few counties that refuse to help their own citizens, we should deal with it effectively, not by writing laws that will never be used. The Secretary of Agriculture should have authority not only to operate programs directly, but to use other local public and private agencies in the administration of the food stamp program. That authority should be invoked, after a reasonable time is afforded for compliance, when local officials refuse a program, when local administrators fail to comply with the law, and where the program is a "token" program and fails to adequately serve those in need.

PAYMENT OF LOCAL ADMINISTRATIVE COSTS

Lack of adequate funds and trained personnel presently limit the capacity of local welfare offices to certify and serve a significant proportion of eligible food stamp recipients. The administrative burdens of every local office will be increased as a result of an expanded food stamp program. The capacity and capability of local administrators may well determine the ultimate success of the reforms recommended by the committee.

Those counties that are unable to meet the administrative costs of the program should receive Federal assistance. USDA now has authority to pay all such costs for the commodity distribution program. The present Food Stamp Act permits payment of only a portion of the salaries of local personnel used in certifying nonpublic assistance households and the travel costs for post-interview field investigations of such households. The act should be amended to permit the Secretary of Agriculture to pay the State agency up to the full administrative cost of operating a food stamp program wherever the lack of adequate funds or personnel are limiting factors in the successful operation of the program.

OUTREACH, COUNSELING, AND EDUCATION

The committee bill strengthens the present Food Stamp Act's requirement that State agencies enlist the cooperation of other agencies to help participants make the best use of their food stamps. The bill would require that the State plan provide that the State agency "undertake effective action" to inform eligible families of the program and insure their participation.

The lack of effective outreach is one of the major reasons the food stamp program has failed to reach a significant number of low income families. While the committee amendment may formally commit the States in writing to inform households of the program, a stronger mandate is needed.

The Select Committee on Nutrition, the National Nutrition Survey, and many Members of Congress in their own States have found substantial numbers of families who are totally unaware of the existence of the food stamp program. Many who have heard of food stamps have no idea how to become certified.

Outreach and education should be coupled together and in an intensive effort in each State to assure both that all eligible families have the opportunity to participate and that they make the best use of the benefits of the program.

The committee bill should be strengthened by requiring that State and local administering agencies (1) seek out all eligible families, inform them of the program, and assist them in becoming certified; (2) enlist the services of private voluntary community agencies as well as other public agencies in outreach efforts; and (3) make use of the educational potential of the local school system and the National School Lunch Program to provide nutrition education and counseling for all participants.

ISSUANCE OF STAMPS THROUGH POST OFFICES

Senator Talmadge's bill, S. 1864, requires that local post offices be used as the stamp issuing agency. Present practice requires that stamp recipients either travel to a centrally located county welfare office or to a bank to purchase their stamps. Bank charges for this service are exorbitant. In Los Angeles, for example, banks charged 63 cents for each transaction. Neither banks nor welfare agencies are convenient places for the issuance of stamps. Nearly every town and village in the country has a local post office. Post offices should assume the responsibility for the issuance of stamps to certified participants. I urge that the committee bill be revised to include this provision.

INCLUSION OF POSSESSIONS AND TERRITORIES AS "STATES"

Some of the most disgraceful poverty conditions in the world exist in U.S. possessions and territories. Puerto Rico, Guam, the Virgin Islands, and the Pacific Trust Territories should be included in the food stamp program.

PURPOSE OF THE ACT

By establishing the cost of an adequate diet as the basis for determining the value of stamps received by food stamp program participants, the committee bill implicitly recognizes that the basic purpose of the Food Stamp Act is to provide adequate nutrition for low income families.

Having reformed the program and provided increased funds to implement those reforms, we should make the purpose of the act correspond with our intentions. The act's present statement of policy declares that the purpose of the act is to "raise levels of nutrition among low income families." The statement of purpose should be amended to make it clear that Congress intends the food stamp program to provide adequate nutrition for low income families and permit them to purchase an adequate diet.

The inescapable fact is that millions of our fellow citizens are caught in the grip of malnutrition now. The cost to our society in blighted lives, in billions of dollars of lost manpower, in more billions of dollars of chronic welfare costs—these costs and others too vast even to estimate are weakening both our economy and our social fabric.

The food stamp program was designed to help the poor obtain an adequate diet. For most it has failed. Today, a poor American family has only one chance in three of living in a county where stamps are distributed and even if it happens to have the good fortune to live in such a county, this family still has only one chance in six of actually receiving any stamps.

We now have a unique opportunity to remedy our past failures and put an end to hunger in America. I hope the Congress will respond by enacting a food stamp program that will close the gap between food and income for millions of Americans who cannot afford the most basic necessity of life.

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENT NO. 197

Mr. YARBOROUGH. Mr. President, I submit an amendment to H.R. 13270 which would provide for an increase in the personal exemption of Federal income tax from $600 to $1,200. I introduced this measure this year on March 27, 1969, as S. 1717. Since the introduction of S. 1717, the House has passed its tax bill, H.R. 13270; therefore, I feel it would be appropriate if my bill is incorporated as an amendment to H.R. 13270. This is not the first time I have introduced this proposal; I have introduced it on numerous times in the past 12 years that I have been in the Senate.

H.R. 13270 is a result of the demand from the American people for reform of this country's system of taxation. No tax reform program will be complete unless it includes a significant increase in the personal exemption. The present personal exemption has its genesis in the Revenue Act of 1948. Since its adoption over 21 years ago, the personal exemption has not been increased despite the fact that the cost of living in America has risen by 52.3 percent since 1948. The personal exemption, more than any other provision in the Internal Revenue Code, has the greatest impact on the lower- and middle-income taxpayer, I was disappointed that neither the House nor the President included an increase in the personal exemption as a part of the tax reform program.

The personal exemption is intended to accomplish three basic purposes: First, to exclude from taxation those individuals and families with the lowest incomes; second, to provide all taxpayers with a deduction from otherwise taxable income for essential living expenses; and, third, to provide an additional allowance to those taxpayers with dependents and for those who are aged and blind. At the present unrealistic amount of $600, the personal exemption is not fulfilling any of these purposes.

According to the figures compiled by the Social Security Administration, a nonfarm family with a yearly income of $3,335 or less is living in poverty. This means that such a family does not have the income necessary for a minimum diet and must also go without many of the necessities of life. Despite its conditions, such a family would have to pay $46 of income tax if they have an adjusted gross income of $3,335. This clearly demonstrates that the present personal exemption has failed to accomplish its purpose of exempting the poor from income taxation.

Not only is the present personal exemption not protecting the poor, it also is not providing the average taxpayer with a deduction for the cost of raising his family. During the years since 1948, the standard of living in America has risen greatly. According to the Bureau of Labor statistics, the cost of living for an urban family of four on the lowest budget possible would be $5,915. On a more moderate budget, the amount required would be $9,076. The personal exemptions however, for a family this size would total only $2,400. This would not even begin to approach the amount needed by such a family to meet the cost of living under the lowest possible budget. Certainly in this respect the present personal exemption has failed to accomplish its purpose.

When the present personal exemption is applied to taxpayers with children in college, the need for an increase becomes even more apparent. The U.S. Office of Education estimates that the average charges for tuition fees, and room and board for a full-time undergraduate student in a public 4-year university for the 1969–70 school year will total $1,288. In a private 4-year university the charges are estimated to be $2,777 and in private 4-year college they are $2,274. A college education in today's world is not a luxury but a necessity. Consequently, an increase in the personal exemption would greatly assist the parents who are struggling to help their children prepare for life in the 1970's.

An increase in the personal exemption for $600 to $1,200 is a necessity if Congress is to fulfill its responsibilities to the vast majority of citizens who are carrying our Nation's tax burden. Such an increase will also show that overtaxed lower- and middle-income taxpayers that Congress is truly concerned about their problems and not just those of big business. We must not let the 91st Congress be remembered in history as the Congress that turned its back on the needs of the average taxpayer.

The **PRESIDING OFFICER.** The amendment will be received, printed, and appropriately referred.

The amendment (No. 197) was referred to the Committee on Finance.

AMENDMENT AND EXTENSION OF LAWS RELATING TO HOUSING AND URBAN DEVELOPMENT—AMENDMENTS

AMENDMENT NO. 198

Mr. **CRANSTON** submitted amendments, intended to be proposed by him, to the bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes, which were ordered to lie on the table and to be printed.

NOTICE OF HEARING ON AMENDMENT TO SECTION 3(d) OF THE BANK HOLDING COMPANY ACT OF 1956

Mr. **SPARKMAN.** Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on S. 2569, a bill to amend section 3(d) of the Bank Holding Company Act of 1956.

The hearing will be held on Tuesday and Wednesday, October 7 and 8, 1969, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with this hearing should notify Mr. Hugh H. Smith, Jr., room 5300, New Senate Office Building, Washington, D.C., 20510; telephone 225–7391.

NOTICE OF HEARING ON NOMINATION OF EUGENE A. GULLEDGE

Mr. **SPARKMAN.** Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on Thursday, September 25, 1969, on the nomination of Eugene A. Gulledge, of North Carolina, to be Assistant Secretary of the Department of Housing and Urban Development.

The hearing will commence at 9:30 a.m. in room 5302, New Senate Office Building.

ANNOUNCEMENT OF HEARINGS ON PROPOSED AMENDMENTS TO THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT

Mr. **ELLENDER.** Mr. President, I announce to the Senate and to the public that the Committee on Agriculture and Forestry will hold hearings on all bills before it which amend the National School Lunch Act and the Child Nutrition Act on September 29 and 30. These bills include S. 2152 and S. 2548, as well as two House-passed bills, H.R. 515 and H.R. 11651.

NOTICE OF HEARING ON NOMINATIONS OF MAURICE B. MITCHELL AND STEPHEN HORN TO BE MEMBERS OF THE CIVIL RIGHTS COMMISSION

Mr. **ERVIN.** Mr. President, as chairman of an ad hoc subcommittee of the Committee on the Judiciary, I wish to announce that hearings will be held by the subcommittee on the nominations of Maurice B. Mitchell and Stephen Horn to be members of the Commission on Civil Rights.

The hearings are scheduled for October 9, 1969, at 10:30 a.m. in room 2228 of the New Senate Office Building. Any person who wishes to testify or submit statements pertaining to these nominations should send the request or prepared statement to the subcommittee, 102–B, Old Senate Office Building.

NOTICE OF ADDITIONAL HEARINGS ON NONJUDICIAL ACTIVITIES OF FEDERAL JUDGES

Mr. **ERVIN.** Mr. President, the Subcommittee on Separation of Powers has been engaged for more than a year in a most important undertaking: the study of the delicate and controversial subject of nonjudicial activities of Federal judges. In July of this year, the subcommittee held initial hearings on nonjudicial activities, and heard testimony from jurists, university professors, Members of Congress, and other distinguished persons.

I wish to announce that the subcommittee will hold additional hearings on this subject on September 30 and October 1 and 2. Once again, the subcommittee will hear a most distinguished group of witnesses. Indeed, I believe it may be a unique circumstance that the subcommittee will have before it in these 3 days of hearings four former Associate Justices of the Supreme Court of the United States: Justices Reed, Clark, Whittaker, and Goldberg. Their willingness voluntarily to appear and give these proceedings the benefit of their vast knowledge and experience, and their great prestige, attests to the importance of this inquiry. The subcommittee will hear also from outstanding representatives of the academic community, former

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law clerks to Supreme Court Justices and lower Federal judges, and judges in the Federal judicial system.

These hearings are not intended to deal in personalities and alleged improprieties of any Federal judge. They are intended to provide a forum in which an opportunity can be given to some of our country's best legal minds, most learned scholars, and most experienced judges, to examine this problem, by delving into its most complex ramifications and weighing in calm deliberations the rights and expectations of the people and the individual rights of the judges themselves. Through these hearings, we expect to bring the problem into perspective and into the clear public view.

The American people expect the conduct of the Federal Judiciary to be beyond reproach. If even a few judges engage in activities that do not meet this high standard, then all are damaged in some measure by the flaws of a few. There could be no greater tragedy than for the people to lose respect for their judicial system. I believe that the overwhelming majority of our judges are men and women of good conscience and unquestionable ethics who would welcome a set of standards which could help guide their conduct. Such a set of standards is now sorely lacking.

These hearings have been long in the planning. Indeed, this is a subject that has been a serious concern of the Judiciary Committee for decades. It is by coincidence only, not by design, that these hearings follow closely the recent highly publicized nomination hearings. We do not seek sensationalism, but sagacity. We do not seek to judge, but to inquire. We do not seek to undermine, but to understand.

We hope that understanding will lead to a wise solution to long-standing problems. Whether that solution is to be found in new and stricter legislation is something that we must carefully consider in the coming days.

Persons desiring additional information regarding the hearings are requested to contact the office of the Subcommittee on Separation of Powers, room 1403, New Senate Office Building.

PRESIDENT NIXON'S ADDRESS TO THE UNITED NATIONS

Mr. SCOTT. Mr. President, I warmly congratulate our President for a most effective and appropriate address to the membership of the United Nations assembled in New York last week. It is my conviction that his statement was a most masterly and candid analysis of the long-range policy of this Nation toward steady and forthright progress for peace in the world.

Surely the President's appeal for diplomatic assistance from that distinguished body in our search for peace in Vietnam stated this country's position clearly and with a candor seldom seen in international diplomatic debate.

I cannot help but feel that his calm and deliberate statement of our quest for world peace—all over the world—will produce results from the United Nations and from the individual nations of the world.

I was extremely pleased with the urgent appeal the President made for peace in the Mideast which called for a "binding irrevocable commitment" for those nations to live together in peace.

The President's analysis of our quest for Vietnam peace was quiet, reasoned, and founded in a just and fair approach to a bad situation not of his making.

The emphasis has changed. In the last administration, emphasis was on how much force we were applying or going to apply to make the enemy accede to our display of our enormous power. The emphasis now is upon realism in the search for just solutions.

We have shown to the world that we have offered to Hanoi peace with honor and justice for both sides. President Nixon has presented an equation which does not rest upon simple threats. He has articulated a formula which does not rely upon bombast or ebullience. We are doing our best to make clear to the people of Asia and the world that we mean no harm to any person anywhere in the world; that we wish to disengage from an adversary situation; that we hope for peace; that we work for peace; that we are committed to peace; that we wait most anxiously for responsive signals; and that we do not only wait, we move. And as we move through deescalation we increase the urgency of the signals. And what about world opinion? Anti-American opinion 7 or 8 months ago is swinging around more sharply in our favor than it has swung for years. This says a great deal for the American effort and for American movement toward the "achievement of that true peace which the people of every land carry in their hearts and celebrate in their hopes."

CONTROVERSIAL MOTION PICTURES ON TELEVISION

Mr. McCLELLAN. Mr. President, the actress, Lucille Ball, said recently:

> A lot of dirty old men are making pictures. I'm talking about the people behind the scenes, the financial backers. They are exploiting youth as much as they can. And they are doing it for just one reason—money.

The prominent film director, John Ford, has observed that he would consider it a "mortal sin to direct the dirty pictures of today."

The critic, David Dempsey, wrote in the July 12 issue of the Saturday Review that:

> Almost anything goes in the movies, profane—even obscene—language is tolerated as a literary right.

These appraisals by an actress, director, and critic of the current situation in much of the film industry will come as no surprise to many Americans. It will come as no surprise to concerned parents who are finding it increasingly difficult to locate films suitable for family viewing. Anyone who scans the advertisements for new films in our daily newspapers is aware of the flood of movies wallowing in sex, perversion, and pornography.

It has been said that movies merely reflect our current morality and values, but I believe they also strongly influence it. Casual infidelity, couples living together outside of marriage, and unnatural personal relationships are depicted sympathetically, while the spiritual values and traditions cherished by most of our citizens are ignored or not infrequently portrayed in a manner likely to promote doubts as to their credibility. In my opinion, the widespread presentation of such themes may well exert a more insidious influence on the development of young people than the more discussed shock films with graphic scenes of sexual activity, or unnecessary violence.

But it is not my prime purpose today to reflect on the contribution of a segment of the film industry to this country's moral malaise. Nor am I concerned in these remarks with those films which until a few years ago would have been seized as obscene. I have previously commented on certain decisions by the Supreme Court which have effectively prevented State and local authorities from suppressing the public performance of films which by the application of the standards of a particular community would be found to be obscene. Rather, I wish to discuss briefly one issue which has come to my attention in connection with my legislative responsibilities as chairman of a subcommittee of the Committee on the Judiciary which has been considering legislation providing for the legal protection of motion pictures performed on television.

It has been represented by the motion picture producers and distributors that the revenues obtained from the sale of films to television for an exclusive first-run showing, and subsequently by repeated performances in various local markets, are a significant factor in determining whether a particular film production is a financial success, and results in an adequate profit being obtained. It, therefore, is reasonable to assume that many of the films currently being made are produced with the expectation that in a few years they will be offered for sale to television.

The film industry has endeavored to justify the controversial nature of many recent movies by indicating that the Motion Picture Association has voluntarily instituted a system of film classification. It is contended that by consulting the classification of a film a parent may ascertain whether a particular movie is suitable for minors. During a recent week, of the 50 top-grossing films—even by the rather liberal standards of the Motion Picture Association of America Production Code and Rating Administration—only 13 motion pictures were rated by the Code and Rating Administration as acceptable for all audiences, without consideration of age or maturity. Nine motion pictures were classified "M," which means that because of their theme, content or treatment, more mature judgment is required by viewers, and parents should exercise discretion in determining whether to allow their children to see these films. Eleven motion pictures were categorized as "R," which

XUM

means that because of their theme, content or treatment, they should not be viewed by persons under 16 unless accompanied by a parent or adult guardian. Eight motion pictures were classified as "X," which means that because of the treatment of sex, violence, crime, or profanity, they did not qualify for a code seal, and are inappropriate for presentation to persons under 16. Classifications for the remaining nine films could not be obtained.

Of the 22 films currently being performed at the first-run theaters in Metropolitan Washington, only three were classified as suitable for all audiences. Seven films were rated "X," six were classified as "R," and three were listed as "M." Ratings are not available for three films.

Since there is no effective method to restrict minors' access to programs on television, there is a legitimate public interest in what films are made available for performance on television. I have noted that my concern is shared by Commissioner Robert E. Lee of the Federal Communications Commission. In a recent speech before the Association of Broadcasting Executives of Texas, he inquired:

> What will happen 4 or 5 years hence when the television rights to current controversial movies become available? My first reaction is that . . . I'm afraid to look.

Many of the most sensational books and plays of today will be made into films in several years. Then a few more years later, these will be available for distribution to television. I shall refer today ony to a few examples of what we may expect to see on television unless the public is alerted to this impending pollution of the public airwaves. But the September issue of McCall's contains an article which succinctly summarizes the nature of current films. It states:

> In a majority of the new films, naked sex scenes—heterosexual, incestuous, or homosexual—are staples, and in many of them, as in the theater, elements of sadomasochism are present.

The National Catholic Office for Motion Pictures, a widely respected independent evaluator of films, during the first 6 months of 1969 rated 21 films as morally objectionable compared to 27 films similarly classified for all of 1968.

Among the new breed of movies that by the Motion Picture Association's classification is not suitable for performance on television is, "The Wild Bunch." Of this film, the National Catholic Office said:

> It raises inescapable questions about on-screen violence and "can only be recommended to a select audience."

The Ontario Province Censor Board refused to permit the exhibition of this film unless the amount of violence was reduced. An advertisement for this film flaunts its appeal to violence. It reads:

> If a look at the face of violence disturbs you, stay away from The Wild Bunch.

Is this film to be sold to television?

Another much discussed recent film is "Medium Cool." According to a review of this film, it is noteworthy as the first film produced and distributed by a major American film company in which there is extensive use of "gutter language" and on-screen frontal nudity. Of this film, the National Catholic Office stated in its classification review that—

> It is a shame the director chose to introduce total nudity in one bedroom romp that does not relate in any discernible way to characterization or dramatic progression.

Is this film to be sold to television?

The July 30 issue of Variety contained a large two-page advertisement of the Commonwealth United Co. One page of the advertisement read:

> If your summer is suddenly cooling off, book the hot ones! Commonwealth United has three of them—ready, willing and able to heat up any frigid box office, right now!
>
> 99 Women—Lock 99 love-hungry females behind bars and you've got the kind of action that has people waiting in line throughout the country. Wouldn't you—for the raw truth about 99 women?
>
> That Cold Day in the Park—The question is, how far will a 32-year-old spinster go to possess a wild, 19-year-old boy? The answer is top box office excitement, especially from the over-curious young set.
>
> Paranoia—Love is the tool that strips a jet-set widow bare of her morals and her millions. And Carroll Baker is the beautiful plaything caught in a terrifying whirlpool called Paranoia. This one is money in the bank.

The facing page consists of three photographs which are appropriate to the description of the films. Are these movies to be sold to television?

Even more objectionable are various film projects currently in production, or announced for future production. According to press reports, several Arkansas college students and residents of Batesville, Ark., hired as extras in the filming of "Bloody Mama," walked off the job when the movie "really started getting gross." One of the students is quoted as saying:

> "The people of Arkansas are gonna flip" when they see the nude scenes in the movie.

Will this film be sold to television?

The Wall Street Journal of August 6 contains an article by Steven M. Lovelady which is very informative concerning the artistic and moral standards of certain film producers. The article describes the current activities of Robert Aldrich, whose past productions included "The Killing of Sister George," "Whatever Happened to Baby Jane," and "The Dirty Dozen." Mr. Aldrich says he is spending $75,000 to produce a pilot film designed to attract the $2½ million he needs to produce his next film which he has titled, "The Greatest Mother of 'em All." Mr. Aldrich's pilot film, according to The Wall Street Journal article, will be filled "with provocative bedroom scenes" intended to interest investors to commit funds to the production. Will this film be sold to television?

Don Maclean, the erudite writer of the Washington Daily News, in his column of August 1, has some interesting observations on trends in the movie industry. While in Paris, he witnessed the filming of Henry Miller's "Tropic of Cancer" and met the producer, Joseph Strick. Mr. Maclean wrote that he told Mr. Strick that "I was 30 before I thought I was mature enough to read the book and I doubted if I'd ever be old enough to see the movie. Mr. Strick said that I was being hopelessly provincial and that movies are changing. I said, 'Maybe movies are changing, but people aren't. Whatever happened to cheerful movies, with happy folks dancing and singing?'"

Mr. Strick told Maclean:

> Do you realize that Tropic of Cancer was the most banned book of all time? For years it couldn't even be sold in the United States. And now, we are making it into a movie . . . that is how far we've come!

Will movies such as the "Tropic of Cancer," "Myra Breckenridge," and "Portnoy's Complaint" be sold to television?

It is contended that these films represent artistic merit and that those of us who live west of the Hudson River do not have sufficient perception to appreciate the contributions made by the producers of these films. The complete invalidity of this argument was revealed recently in connection with the much publicized book, "Naked Came the Stranger." As an elaborate literary hoax, 25 writers undertook to write the most erotic novel that they could devise. All excellent writing was carefully and purposely eliminated from the work. Yet, according to the Associated Press, this book with its "unremitting emphasis on sex" sufficiently interested 18 motion picture companies that they were seeking the rights to produce a movie based on the novel. Many of these films clearly seek to exploit sex and violence, for commercial purposes.

The noted British journalist and former editor of Punch, Malcolm Muggeridge discussed current trends in the arts in an address recently at the Edinburgh Festival. He said, in part:

> Let a collection of Yahoos but take off their clothes, cavort about the stage and yell obscenities, and a great breakthrough in dramatic art is announced and applauded. There is no need to be mesmerized by the motley procession of writers, critics, crazed clerics and other miscellaneous intelligentsia prepared at the drop of a hat to announce the latest outpouring of substandard smut an essential contribution of contemporary letters.

The distinguished senior Senator from Rhode Island (Mr. PASTORE) has made an outstanding contribution in his effort to eliminate excessive sex and violence in the programs which are specifically produced for showing on television. For this, he has been ridiculed in certain quarters. But I was pleased to learn that President Nixon has personally congratulated Senator PASTORE for his efforts.

In matters of censorship, there is ever present the necessity for a delicate balancing of interests. Merely because certain works may offend particular tastes or sensibilities is no justification by itself for their suppression. No such balancing of interests is presented by the problem which I am discussing today. Those who wish to patronize and see these films have the opportunity to do so in a motion picture theater. Therefore, it cannot be contended that the exhibition of these films on television is necessary in order to make them available to the public.

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There are those who will contend that television programing will be quite banal if it is at a level suitable for viewing by children. Let there be no doubt as to my view of this matter. Television stations make use of the public airwaves and operate in the public interest. No programs performed on television should be harmful to children. My colleagues will recall the recent developments concerning the cancellation of cigarette advertising on television. The justification advanced for the elimination of such advertising has been that television unavoidably reaches a large number of children. Likewise with respect to programing, there is no effective means of restricting what programs are viewed by children.

The responsibility of the television industry was effectively expressed recently by Richard W. Jencks, president of the CBS Broadcast Group. Mr. Jencks said:

> Television clearly has a responsibility in matters of taste different from that of any other medium.

He said:

> Television has a duty to exercise editorial judgment according to standards of some sort.

He indicated that the exercise of that function does not involve censorship in any first amendment sense and that those who apply that word merely confuse the issue.

It is appropriate to recall the first paragraph of the Preamble to the Television Code of the National Association of Broadcasters:

> Television is seen and heard in every type of American home. These homes include children and adults of all ages, embrace all races and all varieties of religious faith, and reach those of every educational background. It is the responsibility of television to bear constantly in mind that the audience is primarily a home audience, and consequently that television's relationship to the viewers is that between guest and host.

Television, therefore, is a guest in our homes and a guest has the responsibility to practice good manners.

The classification of films today apparently is being made on the basis of the overall impact or theme of a film. Therefore, the elimination of a few lines of dialog or the deletion of a few minutes of the film would not change the unsuitability of these films for showing on television.

I am preparing a questionnaire to be sent to the leading motion picture producers, and the Motion Picture Association inquiring as to whether they contemplate offering for sale to television those films which have been classified as unsuitable for viewing by minors. I am also sending a questionnaire to the National Association of Broadcasters, the National Cable Television Association, the networks, and every commercial UHF and VHF station inquiring whether they believe that the showing on television of a film which has been classified as not suitable for viewing by minors would be consistent with their responsibility to act in the public interest. I shall at a later date report to the Senate concerning the responses to the questionnaires that I have received. The Congress may then consider whether any legislative action will be necessary.

In the meantime, I invite concerned parents and all Americans who value decency and reject cultural decadence to raise their voice in protest against the possibility of the airwaves being polluted. We talked frequently about air pollution or water pollution but as one of the candidates for Mayor of New York City has commended recently, "moral pollution" is a considerably greater danger to this Nation.

Mr. President, as soon as I have these questionnaires returned to me and have them evaluated, I shall make a further report to the Senate on this matter which I consider to be of great importance.

NATIONAL RIVERS AND HARBORS CONGRESS SUPPORTS A COMPREHENSIVE WATER RESOURCES DEVELOPMENT PROGRAM

Mr. BAYH. Mr. President, since the early days of this century, the National Rivers and Harbors Congress has been a prime leader in the movement to develop and conserve the Nation's water resources. This nonprofit and nonpartisan organization, whose membership includes public and private groups as well as individuals representing all sections of the country, has earned widespread respect and confidence for its dedicated service to the general welfare. All aspects of water resources development—flood control, irrigation, reclamation, navigation, water quality, saline water research, pollution and recreation—have long been advocated by and received its careful attention.

Because of its devotion to and position of leadership in this field, I was very interested in a statement which the chairman of the resolutions committee of the National Rivers and Harbors Congress, William J. Hull, presented on September 10 to the Water Resources Council. It seems to me that Mr. Hull correctly pointed out the "imperative need for an accelerated program of comprehensive water resource development" and expressed serious doubts about the value of "increasingly restrictive criteria for project evaluation."

Mr. Hull subscribes to a broader concept of benefits for use in project evaluation and argues that most water resources projects produce valuable and measurable benefits which are often overlooked and not properly credited as byproducts. Furthermore, he calls on Congress to determine national water resource goals and objectives according to value judgments not based solely on economic factors. He also suggests that careful consideration must be given to authorization of programs on a river basin approach rather than a project-by-project basis, and raises questions about the interest-discount rate system for project evaluation.

Mr. President, I ask unanimous consent that the complete statement made by Mr. Hull for the National Rivers and Harbors Congress be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NATIONAL RIVERS AND HARBORS CONGRESS SUPPORTS A COMPREHENSIVE WATER RESOURCES DEVELOPMENT PROGRAM

(By William J. Hull)

My name is William J. Hull. I reside in Washington, D.C. I am Chairman of the Resolutions Committee of the National Rivers and Harbors Congress and in that capacity I have the honor to present this statement in its behalf.

This Congress, founded in 1901, has been dedicated throughout its existence to the full development of the water and related land resources of the Nation. Its central conviction is that such development is a positive force for economic growth and human welfare.

The 1968 Summary Report of the Water Resources Council entitled, "The Nation's Water Resources", as well as other recent studies, underscores the imperative need for an accelerated program of comprehensive water resource development to meet the rising water requirements of a rapidly increasing population and an expanding economy.

In the face of these facts, the declining trend in the rate of federal investment in water resource development and the recent tendency toward increasingly restrictive criteria for project evaluation have been occasions for grave concern. Retardation of the program is, in our view, directly contrary to the national interest. The Task Force Report of June 1969 on *Procedures for Evaluation of Water and Related Land Resources Projects,* constitutes, we believe, a desirable first step in the direction of giving proper weight to those beneficial effects of water resource development which are not reflected in the values derived by the economic procedures presently in effect.

Our comments with respect to the Task Force Report are, accordingly, presented in the hope that they may provide additional emphasis where that seems indicated or suggest supplemental considerations designed to assist in making the Task Force proposals more effective.

1. The Task Force proposals would realistically broaden the concept of benefits to be considered in project evaluation, classifying them in accordance with designated national interest objectives. This is fully consistent with the intent of Congress as evidenced by the report of the House Committee on Interior and Insular Affairs on H.R. 1111 which with amendments became the Water Resources Planning Act of 1965, where the following comment appears:

> "Thus, we must plan the use of our nation's water supplies to provide *maximum benefits* to all purposes . . . controlling floods and preventing pollution, providing water for irrigation, assisting navigation, providing hydroelectric power and energy, and providing outdoor recreation opportunities and fish and wildlife conservation and enhancement." *House Report No. 169, 89th Congress, 1st Session* (Emphasis Supplied).

The actual experience accumulated over many years as to benefits resulting from the Nation's water resource development program provides the most convincing evidence of the propriety of a more inclusive approach to benefit determination. Thus, improved navigation facilities, adequate irrigation, flood control and water supply provide a powerful stimulus to new investment in job producing industrial and processing plants—a benefit omitted from consideration in traditional evaluation procedures. Data compiled by the American Waterway Operators, Inc., disclose that since 1952 about $131 billion has been invested in industrial production and related facilities at waterside locations in the United States. Commenting on this record, Lt. General William F. Cassidy, then Chief of Engineers, U.S. Army, in testimony in March 1968 before the Public Works Appropriations Subcommittee of the Senate stated:

"Comparably, the Nation's total capital investment in all navigation work to date—for harbors, inland waterways and the navigation share of multiple-purpose developments is less than $5 billion. This represents an investment ratio of more than 26 to 1, and the result has been more jobs for more people while reducing the cost of goods and services to consumers."

"It is a program in our Nation's welfare where the direct benefits exceed the direct costs, and where the indirect benefits from the public investment multiply the economic values many times."

Similarly, in the field of flood control, in accordance with traditional analysis, projects costing $5.4 billion have resulted in direct benefits of $18 billion in the form of property damage averted—or a favorable ratio of more than three to one. But these computations take no account of the enormous values involved in prevention of losses of income and production during periods of inundation, nor do they recognize the contribution of flood protection to economic development, quite apart from its incalculable benefits in the prevention of disease and the saving of human life.

It is respectfully urged, therefore, that a survey be undertaken to determine, insofar as practicable, types and quantities of benefits derived and costs incurred with respect to representative existing projects and that such data, adjusted to reflect altered circumstances, be employed as an index in evaluating comparable new projects. Such procedure should help to assure that all benefits are realistically considered. It should also reduce in some measure the margin of error in estimating and at the same time simplify the work of the field personnel in charge of the study.

2. A single purpose water resource project is an extreme rarity. Nearly all projects, even though justified and approved for a single purpose, actually serve other purposes or contribute to other resource objectives. For example, in the context of comprehensive development, significant benefits may properly be assigned to navigation improvements for their contribution to flood protection, water supply, soil conservation, or recreation. Thus, the navigation dams on the Ohio, the Upper Mississippi, and many other rivers provide stable pools for water supply upon which countless communities and industries depend and without which economic and population growth potential in the affected regions would have been sharply curtailed. The pools created by these "navigation" dams also perform a major public service in recharging underground aquifers and these same pools provide artificial lakes used by millions of citizens for recreational purposes. Again, bank stabilization programs which provide stable channels for navigation contribute directly to soil conservation and flood protection.

Upstream reservoirs often include low-flow augmentation features which permit releases in dry weather. These reservoirs, some of which were constructed primarily on the basis of navigation values, not only enhance water supply for downstream communities and industries, but they contribute importantly to pollution control through flushing and dilution of wastes, as well as to navigation through maintenance of water levels. For example, during the drought of 1963, for a period of time, over 50 percent of the flow of the lower Ohio River was provided by releases from upstream reservoirs. Similarly, a flood control reservoir may contribute to navigation by reducing flood heights and regulating rates of flow and provide, in addition, important benefits to recreation and fish and wildlife enhancement.

The individual water resource project, when viewed in isolation, tends to be conceived as a "single-purpose" undertaking, and recognition of its multiple public values and benefits is correspondingly fragmentary. But, the recognized public values and benefits of the same project, when regarded as an element in a comprehensive basin-wide program, are materially broadened. Properly conceived, the several projects of a comprehensive program will mutually support and enhance the values of the other projects and the whole may be greater than the sum of its parts. Thus, a navigation lock and dam may eliminate a bottleneck on a river system which will permit projects previously constructed on the system to render greater service. Clearly, any new project constituting an element in a development program should be credited with any benefits (not therefore considered) which its construction enables previously constructed elements to bestow. Failure to do so would result in understatement of the values of the entire program.

We earnestly commend to the Council, therefore, the importance of counting *all* benefits, whether or not directly related to authorized project purposes, as proposed by the Task Force, and of recognizing the added values attributable to particular projects as elements in a comprehensive program.

3. In proposing four very broad categories of national objectives, the Task Force has properly recognized that "the details of these objectives are continually changing as national goals are defined" and that indeed "new objectives might emerge". The effects of water resource development would be classified as benefits or costs as they contribute to or obstruct the attainment of stated national objectives. We think it is clear that economic analysis cannot define national goals or objectives. The science can assist in predicting the consequences of certain policies and programs and in that sense it can contribute to the choice of policy. But the selection of goals and objectives involves judgments of value preeminently political in character and, consequently, within the legislative province reserved by the Constitution to the Congress. See *Oklahoma* v. *Atkinson*, 313 U.S. 508, 527.

By its own inherent logic, therefore, the Task Force report implicitly calls for a Congressional determination of water resource objectives. The four general categories of objectives proposed would apparently include numerous specific goals apart from, or in addition to, heightened efficiency or growth of the national economy. They would include, fully as much, such goals as the promotion of public health, the national defense, the balance of payments, improved population distribution, the relief of poverty, regional rehabilitation, community security against natural disasters, and the preservation of scenic, historic, and other environmental values. Because these, and other public interest objectives of which these are only examples, involve broad issues of public policy which are essentially legislative in character, a Congressional determination, having the force and authority of legislative enactment, is essential to give effect to the four general categories of national interest proposed by the Task Force.

We trust that the Task Force will proceed with more precise and detailed definition of the public interest objectives represented by the four categories it has so suitably designated and that procedures will be developed for identifying, evaluating, and weighing these objectives in their hearing on particular programs and projects. But, beyond this, we most earnestly urge that identifications, standards, and procedures, so refined, be submitted to the proper committees of the Congress with the recommendation that, in whatever form the Congress may choose to modify them, they be given the force and authority or statutory enactment. Such Congressional action would be highly consistent with past Congressional practice in this field. For, over many generations, Congress has utilized waterway improvement and, in later years, water resource development as an instrument for the attainment of a variety of national policy goals. The results of Congressional practice in this regard have been summed up as follows:

"Water resources development has been undertaken to provide employment opportunities in time of depression, to raise living standards in depressed areas, and to foster the settlement of underdeveloped regions. In brief it is evident that water resources development has been viewed as one means of helping to provide the economic opportunity, so security and personal freedom accepted as among the goals of our democratic society."[1]

Examples of Congressional practice are scattered through River and Harbor Acts and other legislation over the years. There is lacking any unified, clear-cut definition of Congressional policy with regard to the national objectives to be served by water resource development. Such a definition, more precise and detailed, would give point and direction to the comprehensive benefit evaluation technique proposed by the Task Force. It would assist materially in eliminating existing ambiquity and confusion as to the proper role of water resource development in relation to other national programs—transportation and agriculture, for example. By this means, also, Congress could be reasonably assured of information and expert comment on the great issues of national policy involved in authorizing and funding our water resources programs. Even more important, the public could confidently expect that the fulfillment of our growing water needs would not be frustrated by unduly restrictive standards or inadequate attention to all pertinent factors.

We, therefore, respectfully urge the Council to consider most seriously the possibility of recommending to the Congress enactment of legislation defining water resource objectives more explicitly in terms pursuant to the four categories proposed. We believe that such legislative statement of objectives should reflect the urgent national need for accelerated comprehensive development to provide for water requirements for all purposes and to assist in dealing with other national problems of pressing concern.

4. While the Water Resources Planning Act accepts the principle of a river basin approach to water resource planning, it appears to contemplate no change in existing procedures under which improvements are authorized, primarily on a project-by-project basis. There are, of course, numerous and recent examples of Congressional authorization of basin-wide programs. But, by and large, authorization relates to individual projects. This procedure has been both severely criticized and eloquently defended. President Truman's Commission on Water Resources Policy in its 1950 Report entitled, *A Water Policy for the American People*, vigorously urged basin program authorization in these words:

"Congress should direct the responsible Federal agencies to submit new proposals for water resources development to Congress only in the form of basin programs which deal with entire basins as units and which take into account all relevant purposes in water and land development. This multiple-purpose basin approach should apply to the whole

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[1] Article: ***National Water Policy Issues***, Irvin K. Fox, Law and Contemporary Problems, Water Resources, Duke University, Summer 1957. See also, ***The Origin and Development of the Waterways Policy of the United States***, p. 47, published by the National Waterways Conference (1967). For a recent example, note Section 206(a), Appalachian Regional Development Act of 1965.

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process by which water resources projects move from the survey to the authorization and appropriation stages. It would enable Congress and the people concerned to have a clear picture of the entire program for each basin and its relation to the economic and social development of the region and the Nation."

Because of our concern for accelerated, comprehensive development of the Nation's water resources and growing evidence that the individual project approach tends to fragment evaluation standards in a manner injurious to broader program objectives, we respectfully suggest that the Council review and evaluate this issue, making recommendations to the cognizant committees of Congress if and when appropriate.

5. The question of the interest-discount rate for use in project evaluation continues to be agitated by those who favor the so-called "opportunity cost" principle of discount rate determination. While the matter is not strictly germane to these hearings, it is evident that an interest-discount rate at such levels—say 7-15%—would largely nullify the constructive effects of the principles of cost and benefit analysis proposed by the Task Force. The opportunity cost principle—as some recent advocates propose to apply it—constitutes a false analogy of investment in commercial undertaking with Federal investment designed to conserve and develop natural resources for the benefit of future generations and to serve the broadest objectives of national policy. Government should certainly not put itself in the position of giving the same weight to the production of luxury items as it gives to the provision of schools, highways, resource developments, and all the other undertaking by which it meets the fundamental needs of its citizens. This would constitute an abdication by the Federal government from its essential public interest responsibilities. We earnestly recommend unconditional rejection of this opportunity cost approach as a basis for determination of the interest-discount rate in Federal water resource project evaluation.

We believe, further, that any market rate of interest on long-term debt which may be used as a standard for determination of the interest-discount rate is subject to a serious defect. Future continued inflation in the general price level is a common expectation in the private investment markets. This expectation means that investors in long-term securities contemplate the high probability of eventual collection at maturity in dollars of substantially reduced purchasing power. The rate of interest exacted in the market is consequently higher to allow for this disadvantage.

By contrast, the projection of future benefits attributable to a water resource project is in dollars of constant purchasing power as of the date of the evaluation. Future inflation, as it will expand the dollar value of benefits, has already been excluded from the estimates. To reduce the estimated benefits still further with the market rate of interest on long-term securities, therefore, is, in some measure, to doubly deflate project benefits with respect to expectation of future inflation.

We commend to the Council's favorable consideration, the analysis and recommendation of a rate of return approach by Professor Marvin J. Barloon of Case Western Reserve University at the Louisville, Kentucky, hearing on August 22.

Again, the National Rivers and Harbors Congress expresses its sincere commendation of the Task Force Report as a highly constructive step toward improved project evaluation. We invite the full and careful consideration of this Council to our comments and recommendations. We are grateful for this opportunity to be heard on issues which so vitally affect the future of our country.

ASSISTANCE TO FOOTWEAR WORKERS OF UNITED STATES

Mrs. SMITH of Maine. Mr. President, on Tuesday morning the case of the beleaguered domestic footwear workers and industry suffering from foreign footwear imports will be carried directly to the President at the White House by Members of Congress and representatives of the footwear manufacturers and workers.

I am deeply grateful to Members of the Senate for the amazing unity that they have displayed in fighting for the footwear workers of our Nation. Never before have so many responded so well. For 72 Senators have signed the petition that I circulated requesting the President of the United States to take steps to enter into negotiations with principal foreign supplying nations directed toward the establishment of voluntary import limitations so that both now and in the future the shoe manufacturing industry of the United States may continue as a healthy and viable segment of our economy.

This is a truly remarkable outpouring of championing for the shoe workers and industry for such support of them has thus been registered not only by the overwhelming majority of the Senate but as well by Senators from 43 of our 50 States. Only six Senators refused to sign the petition—and only 22 Senators failed to make any response—and only seven States are not represented on the petition.

The following is a list of the signers of the petition for the shoe workers and industry:

Margaret Chase Smith, George D. Aiken, James B. Allen, Clinton P. Anderson, Howard H. Baker, Jr., Wallace F. Bennett, Alan Bible, J. Caleb Boggs, Edward W. Brooke.

Harry F. Byrd, Jr., Robert C. Byrd, Howard W. Cannon, Clifford P. Case, Frank Church, Marlow W. Cook, Norris Cotton, Carl T. Curtis, Everett M. Dirksen.

Thomas J. Dodd, Robert Dole, Peter H. Dominick, Thomas F. Eagleton, James O. Eastland, Allen J. Ellender, Sam J. Ervin, Jr., Paul J. Fannin, J. W. Fulbright.

Barry Goldwater, Edward J. Gurney, Clifford P. Hansen, Vance Hartke, Spessard L. Holland, Ernest F. Hollings, Roman L. Hruska, Daniel K. Inouye, Henry M. Jackson.

B. Everett Jordan, Len B. Jordan, Edward M. Kennedy, Warren G. Magnuson, Charles McC. Mathias, Jr., John L. McClellan, Thomas J. McIntyre, Joseph M. Montoya, Frank E. Moss.

Karl E. Mundt, George Murphy, Edmund S. Muskie, Gaylord Nelson, John O. Pastore, James B. Pearson, Claiborne Pell, Winston L. Prouty, William Proxmire.

Jennings Randolph, Abraham Ribicoff, Richard B. Russell, William B. Saxbe, Richard S. Schweiker, Hugh Scott, John Sparkman, William B. Spong, Jr., John Stennis.

Ted Stevens, Stuart Symington, Herman E. Talmadge, Strom Thurmond, John G. Tower, Harrison A. Williams, Jr., Ralph Yarborough, Milton R. Young.

Mr. President, I ask unanimous consent to place in the RECORD at this point the language of the petition and the language of the letter I wrote Members of the Senate requesting them to join on the petition. I express my deep appreciation to each of them for what they have done for the shoe workers and to say that I know how much the workers and the industry appreciate the manner in which they have gone to bat for them on this matter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., May 27, 1969.

DEAR SENATOR: Footwear imports have now reached a critical level. In 1968 over 21 percent of domestic consumption of leather and vinyl footwear has been supplied by imports. In March 1969 imports were 40 percent higher than they were in 1968. Recent forecasts indicate that by 1975, 50 percent of our domestic footwear market will be lost to imports. It is now plain that this projection is conservative. I believe the time has come for action.

The leather and vinyl footwear industry largely consists of small and medium-sized companies. There are 1,100 shoe factories in 600 cities and towns in the United States. Many of these factories are in impacted urban areas of low employment. Many are in rural communities where they are the only industrial employer.

The 400,000 workers in the footwear manufacturing and supplying industries are competing with foreign shoe workers who earn from 30 cents to $1.00 per hour. These wages would be illegal in the United States, and yet last year's imports of 175.4 million pairs represents the export of 64,200 job opportunities.

No other U.S. industry which now enjoys import limitation or even the promise of import limitation can show market penetration of 21 percent. Seven shoe plants closed in New England during the first four months of 1969, with imports cited as a major factor in each case.

I ask you to join with me and other Senators who are concerned about this problem in signing the enclosed petition. I propose to present this petition to the President as the first step toward prompt and meaningful relief for the leather and vinyl footwear industries.

If you are willing to sign the petition, I would appreciate it if your office would notify Mrs. Bartlett of my staff on Extension 2524.

Sincerely yours,
MARGARET CHASE SMITH,
U.S. Senator.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The undersigned have become acutely aware of the intensive foreign competition now facing the United States shoes manufacturing industry. We are particularly interested in this industry because of its high labor content. There are over 1100 factories located in over 600 communities—the vast majority of which are small towns where shoe manufacturing is the major source of income and employment. There are already signs of the damage which has been done to medium and small manufacturers—the backbone of this employment.

The full magnitude of this problem and the threat which it presents is apparent and becoming increasingly severe. In the first half of 1969 seven New England shoe factories closed, with imports an important factor in each case. Evidence indicates that there will be more. Total imports of foreign leather shoes (non-rubber) which entered the United States in 1968 were over 36 percent greater than in 1967. Since 1960 shoe imports have increased by 600 percent. Imports equalled almost 28 percent of the total domestic production in 1968. We have every reason to believe that, if unchecked, this rate of increase in shoe imports will continue to absorb the industry's growth in domestic footwear production and will continue to cause a loss of job opportunities for American shoe workers.

This problem is of immediate and critical proportions. We therefore, respectfully ask that you take steps to enter into negotiations with principal foreign supplying nations directed toward the establishment of voluntary import limitations so that both now and in the future the shoe manufacturing industry of the United States may continue as a healthy and viable segment of our economy.

To quote Secretary Stans in a different although related context, "we do not seek to close our market. We do seek to establish some order in the marketing process that will permit all suppliers, foreign and domestic, to share equitably in the growing demand."

Sincerely,

—— ——.

PRESIDENT NIXON'S DRAFT POLICY

Mr. SCHWEIKER. Mr. President, on Friday President Nixon announced that because of Vietnam troop withdrawals, he is suspending draft calls for November and December of this year. He also repeated his call for congressional action on draft reform, and served notice that if Congress did not live up to its responsibility in this vital area, he would take action to reform the draft via Executive order.

As a member of the Committee on Armed Services, and as one long interested in draft reform, I commend the President for taking this worthwhile initiative, both in lowering draft calls and bringing about draft reform, and I add my voice again to the call for congressional activity.

In the President's message to Congress on draft reform, of May 13, 1969, he endorsed the principles of "youngest first" selection, 1-year eligibility for all registrants, and a lottery system.

While the President can designate 19 years as the prime age group for draft calls by Executive order, this raises the possibility of the inequitable situation that college students currently deferred and young men over 20, would be totally exempt from the draft.

However, there is nothing the President can do about effectuating a random selection system because of section 5(a) of the Military Selective Service Act of 1967, which specifically prohibits any change in the order of selection within any age group, other than the oldest-first by date of birth system in effect at the time of the enactment of that act.

Now is the time for the repeal of this prohibitory language, thereby allowing the President to implement the random birthday method he outlined in his May 13 message.

Mr. President, all of these ideas—1-year eligibility, youngest first, and random selection—are essential if we are to have an equitable draft system. Many of us wanted to implement these proposals in 1967, when the existing draft law was about to expire, but we ended up merely reenacting the same system which had been in effect since World War II began.

We now have an outstanding opportunity, in conjunction with the withdrawal of American troops from the Vietnam war, and hopefully corresponding reductions of overall American troop levels, to bring about meaningful revisions of the draft system.

The President has put the leadership of the White House squarely behind the revisions, and now it is up to Congress to follow this leadership.

The necessity for this action comes at a time when many are concerned by the attitudes of our young men and women toward our Government, and toward many of our institutions. There has been much unrest on our campuses, and unfortunately, a number of outbreaks of violence. Our young people are restless, and do not think their Government leaders are being responsive to many of the urgent problems we face today.

Young people are particularly concerned with our military policies, especially the Vietnam war, and there is no governmental institution which affects them, and their lives, more directly than the draft.

The President's action today can go a long way toward demonstrating to these young people his administration's concern with the current draft system, and his genuine interest in making it more equitable. But he needs congressional help to carry out these intentions. He needs the support of members of both parties in Congress to insure that we have the strongest possible draft reform.

I was privileged to have the bipartisan support of 12 Senators who are cosponsoring my own draft reform bill, S. 1433, and thus know firsthand that this interest in draft reform goes beyond party lines.

My bill includes the President's recommendations, but also calls for binding national standards, to be applied equally by all local draft boards, for deferments and exemptions, for a national manpower pool, which would eliminate the inequities on draft selection existing by virtue of geographical differences of the local boards, and for a 6-year term for the Director of the National Selective Service System.

I strongly believe in all these reforms and hope to see them all enacted. But at present I am lending my full support to immediate attention to the President's reforms.

The President is taking major steps, and I strongly urge all Senators to give serious attention and thought to the need for these reforms, to consider the national effect if we merely continue the inequitable draft system we are now using, and to help pave the way for immediate consideration and passage of the President's proposals.

NATIONAL AND INTERNATIONAL RESPONSIBILITY TO PROMOTE HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, there is a natural and obvious connection between maintaining world peace and observing human rights. This tenet has been incorporated domestically in our Bill of Rights and internationally in the Charter of the United Nations. When the charter was drafted in San Francisco in 1945, and as ratified by the United States, its references to the recognition of human rights was so clear as to leave no doubt that human rights were within the province of the United Nations.

The President of the United States, in June 1945, at the closing session at San Francisco said:

> Under this document (the Charter) we have good reason to expect the framing of an international Bill of Rights, acceptable to all the nations involved. That Bill of Rights will be as much a part of international life as our own Bill of Rights is a part of our Constitution. The Charter is dedicated to the achievement and observance of human rights and freedoms, and unless we can attain these objectives for all men and women everywhere—without regard to race, language or religion—we cannot have permanent peace and security.

Again and again the charter speaks of human rights. The purpose clause (ch. I, art. 1) asserts that the United Nations is created to promote "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion."

The General Assembly (ch. IV, art. 13) is required to assist in the realization of these rights and freedoms and by article 55 and 56 of chapter IX, each member nation is requred to promote observance of these rights and freedoms. Indeed, the Economic and Social Council (ch. X, art. 68) is directed to set up appropriate commissions "for the promotion of human rights." The United States, by its acceptance of and constitutional ratification of the charter, has recognized these obligations.

It is little wonder that Gen. George Marshall, while Secretary of State, when referring to the significance to intentional peace of the obligation upon all States to observe human rights, commented that—

> Governments which systematically disregard the rights of their own people are not likely to respect the rights of other governments and other people and are likely to seek their objectives by coercion and force in the international field.

Mr. President, the Government of the United States must recognize its national responsibilities to its citizens to respect the rights of our own people and as a formidable international power must do everything we can to see that the rights of all peoples are respected.

Minimally, we can begin by ratifying the pending human rights conventions against genocide and forced labor and for the political rights of women.

FREEDOM OF CHOICE IN SCHOOLS OF THE SOUTH

Mr. ALLEN. Mr. President, with each passing day, new voices are joining a chorus of opposition to arbitrary, unreasonable, and impractical racial solutions involving schoolchildren and public schools which are being imposed by the Department of Health, Education, and Welfare and by Federal courts.

Mr. President, the Montgomery Advertiser, Montgomery, Ala., is well known for its moderate position on the public school controversy. For this reason, we think it significant that on September

18, 1969, the Advertiser editorially addressed itself to the problem of clarifying the factual situation as it relates to freedom of choice in schools of the South and has a few choice words to say on the absurd propaganda promulgated by the Civil Rights Commission on this issue.

Mr. President, we believe that Members of the Senate and the public at large will be constructively enlightened by reading the editorial. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Montgomery Advertiser, Sept. 18, 1969]

With Malice and Misinformation

Obviously, neither the U.S. Civil Rights Commission nor its head, Father Hesburgh of Notre Dame, nor the New York Times has ever heard of the Fifth Circuit Court of Appeals.

If they had, they wouldn't be gnashing their teeth over the Nixon Administration's supposed retreat from school desegregation. They all call it a retreat because (1) the Nixon Administration has switched emphasis (if indeed it *has* switched—the various pronouncements are contradictory) from purse-snatching by HEW to judicial enforcement; and (2) the government gave 33 Mississippi school districts a 90-day delay.

Echoing the Commission's complaint that the Administration is "permitting a major retreat in the struggle to achieve meaningful school desegregation," and Father Hesburgh's pious outrage, The Times said in a Sunday editorial:

"The Commission properly points out that the Administration's shift from the administrative enforcement of (HEW) guidelines to reliance on court orders is a segregationist victory. Federal judges who, in the South, are frequently unsympathetic to desegregation pose less of a threat than termination of federal funds by Administration ruling."

That may sound plausible in New York, where it is supposed that most southern federal judges simply exchanged their white robes of the klan for the black robes of the federal bench (up there, they believe *anything*), but it brings a bitter laugh in the Deep South harried by the most extreme Fifth Circuit orders imaginable.

As a direct consequence of the appellate court's ukase that if total mixing is not achieved by choice (as of course it never would be) it must be achieved by other means, we have zoning, pairing, and the mass transportation of Negro children into the cities where they did not choose to go and where many are unhappy to be sent. It amounts to conscription in the name of equality.

The Times goes on to say that the egregious Southerners have by now developed "high skills of evasion" in dealing with the courts. More laughter. The South has lost almost every case in recent years.

"Freedom of choice in white supremacy regions," the Times continues, utterly heedless of statistics, "offers no choice at all: intimidation and economic blackmail aimed at Negro parents who try to avail themselves of their 'freedom' make the plan meaningless."

Although such may have occurred in isolated instances, by and large freedom of choice has failed—if it has failed—*because most Negroes prefer their own schools*. The Civil Rights Commission, Father Hesburgh and The Times obviously deplore this and attempt to find reasons not to believe it. So they blame it on Nixon, unreconstructed southern federal judges and the southern white devil in general.

In answer to the Commission's ignorant criticism, HEW replied Saturday:

"More school desegregation is occurring this month than at any school opening in America's past." The department estimated that the number of Negroes attending schools with whites in the South jumped from 20 per cent last year to between 33 and 40 per cent this year.

The Commission could have found this out, but it seemed to confine its research to the reading of old Faulkner novels. Amazingly, the Times swallowed the nonsense and even embellished it, ignoring the 19-page HEW report released the day before the Times' bigoted and blindly uninformed Sunday editorial.

What both the Commission and the Times are obviously trying to do is to keep attention on the South and off the North, where *de facto* segregation has hardly been dented.

Since no *de jure* segregation (sanctioned by law) exists anywhere, all regions are now in the same legal position, but they are not treated the same. As Reconstruction II gallops in the South, threatening the whole structure of public education. Northern critics shake their heads and say, too slow, too slow, while their dual school systems remain virtually untouched by the scandal of cattle-car busing of Negroes to achieve racial quotas.

We would oppose this on principle in the North as well as the South, but as far as the eye can see northern segregation is pretty secure. Let's talk about the South, they say, as well they might: if Fifth Circuit rulings were widely applied and enforced in the North, the howl for preservation of "neighborhood schools" could be heard from the Atlantic to the Pacific. After all, it was northern support which outlawed busing to achieve racial balance.

But the South is fair game for those who partake of the heady wine of Big Brother egalitarianism.

Is it any wonder that Southerners—Alabamians, Montgomerians—who know the facts of heavy-handed judicial rule over the lives of their childern are bitter over the *sectional* application of the "law of the *land*" and the utterly contradictory criticisms that Southern courts haven't gone fast enough?

Will the northern experts on southern problems ever be satisfied? Will they be satisfied when once white schools become all Negro? Or will they then demand that the "white flight syndrome" (a northern coinage, by the way) be met with aggressive search and seizure missions to round up all the fleeing whites and bus *them* back whence they fled?

What really do they want—irreversible chaos? At times, we are convinced they will be satisfied with nothing less, such being the vindictive and mendacious attitude exemplified by the Commission's ridiculous report and the Times' acceptance of it.

SOUTH DAKOTA WOMAN LAWYER IS HIGHEST RANKING WOMAN IN THE 94 U.S. ATTORNEYS' OFFICES IN THE NATION.

Mr. MUNDT. Mr. President, it was with a great deal of personal pride that I was advised that Miss Sylvia Bacon, a native of my State, was named as executive assistant to the U.S. attorney for the District of Columbia; making her the highest ranking woman in the 94 U.S. attorneys' offices throughout the 50 States.

Miss Bacon's father, Julius Bacon, has for many years been a distinguished citizen of my State, and publisher of the Watertown, S. Dak., Public Opinion. He is a life-long, active Republican and will cerebrate his 90th birthday on November 10. I know that the progressive importance of the posts which his daughter has received since her graduation from Harvard Law School in 1957 has made him not only very proud, but also has made his friends, including myself, very happy for him indeed.

Miss Bacon is probably the best informed lawyer in the District of Columbia on the laws of the District and of the United States applicable to the District of Columbia, both civil and criminal. She has been law clerk to a U.S. district court judge; then assistant U.S. attorney; then in the civil division of the Department of Justice; and, until this most recent assignment, in the criminal division of the Department where she headed the drafting team on the District of Columbia Court and Criminal Justice Reorganization Act with respect to President Nixon's criminal justice program for the District.

In testimony to her competency, the U.S. District Court for the District of Columbia appointed her to the prestigious committee on admissions and grievances in 1968. Her colleagues at the bar have elected her to the association's board of directors and a director of its foundation. She has served on numerous association committees, most lately on its bail reform committee, headed by Judge George Hart, of the District court.

Miss Bacon is a professor of juvenile law at the Georgetown University Law Center.

In the not too distant future, I hope to see Miss Bacon become a member of the Federal judiciary of the District, a post for which she is eminently qualified and in which she would do an outstanding job.

The Washington Post of September 15 published an editorial on Miss Bacon's new assignment, I think it most appropriately headed "District of Columbia Legal Expert"; I ask unanimous consent that this well deserved commendation and article published in the Washington Evening Star of September 13 be printed in the Record.

I conclude my remarks with my congratulations to Sylvia and to her father and my long-time friend, Julius Bacon.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 15, 1969]

District of Columbia Legal Expert

By naming Attorney Sylvia Bacon as his executive assistant, U.S. Attorney Thomas A. Flannery added to his staff a Justice Department lawyer with a particularly deep background in District of Columbia legal problems. Among her duties in the Justice Department was keeping tabs on the way in which the city carried out the recommendations of the President's crime commission. She worked on the development of the administration's local court reform bill and served on a bar association committee that studied the bail reform act. It is significant that her duties will include management and administration. These are areas where our judicial system has fallen badly behind. No doubt she will have an important role in making sure that the U.S. Attorney's office keeps pace with the expansion of the courts.

[From the Washington Evening Star, Sept. 13, 1969]

SYLVIA BACON APPOINTED AIDE TO U.S. ATTORNEY

A woman lawyer has been named executive assistant U.S. attorney for the District.

U.S. Atty. Thomas A. Flannery appointed Sylvia Bacon, a Justice Department attorney, to the new post yesterday. He called the appointment part of a continuing effort to restructure his office as directed by President Nixon.

Flannery said Miss Bacon, with whom he worked "many many years" when they both were assistant U.S. attorneys, would assist him in over-all management and administration of the office.

Flannery said she will be the highest-ranking woman in the 94 U.S. attorney's offices throughout the nation.

Since Nixon called for a reorganization of the office Jan. 31, Flannery said he has hired six new law clerks and increased the number of assistants to 88, among other steps.

Miss Bacon, working for the Criminal division of Justice, headed the drafting team that prepared the D.C. Reorganization Act. Nixon's crime program for the District, the Public Defender Service Act and the Bail Agency and Bill Reform Act.

The District resident, while working in the U.S. attorney's office from 1957 to 1965, handled more than 600 civil cases in addition to performing special duties on legislative matters.

She received her LL. B. from Harvard Law School in 1956 and her LL. M. from Georgetown Law Center three years later. She currently is teaching juvenile court practice and procedure at Georgetown.

USING SYSTEMS ANALYSIS TO IMPROVE HEALTH SERVICES

Mr. NELSON. Mr. President, in calling for the creation of a National Health Corps, I told the Senate in June:

> Without a comprehensive revision of the organization and delivery of health and medical care, millions of citizens will continue to receive no care at all or very marginal care at best.

It would be wise if this comprehensive revision took advantage of the methodology and techniques of systems analysis and operations research. However, it is important that the methodology be applied to the solution of the health-related problems, instead of applications being sought in the health field for the techniques that are available.

Mr. President, the health applications section of the Operations Research Society of America has taken an impressive lead in this much-needed endeavor. They recently held the first national symposium on health, at which the health and medical professionals outnumbered the systems and operations research professionals. A healthy dialog took place between the two groups at the National Bureau of Standards, May 14 to 16. The primary emphasis was upon the problems faced by the health industry and the means of finding solutions to them, instead of finding applications for operations research techniques in health.

I have the pleasure of writing a message to the members of the health application section for inclusion in the proceedings of this significant symposium, where I said in part:

> By holding the First National Symposium on Health, you have initiated what I hope will be a creative exchange of ideas, and their innovative development, which would make the ideal of maximum health services to the maximum number a realistic goal, even as landing a man on the moon is an accomplished reality.

A short preface for the proceedings, prepared by the organization chairman of the symposium, Dr. George K. Chacko, TRW Systems Group, Washington, D.C., provides a résumé of the theme of the meeting, and the program plan reflects the dialog nature of the symposium. I ask unanimous consent that the preface and the program plan be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PREFACE

(By George K. Chacko)

This work presents the dialogue between 215 health and medical professionals and operations research professionals on averting what President Nixon has subsequently described on July 10 as a "massive crisis" in the production and delivery of health services. The dialogue took place at the Operations Research Society of America Symposium on Health, held at the National Bureau of Standards, May 14–16, 1969. The primary emphasis was upon the problems faced by the health industry and means of finding solutions to them, instead of finding applications for operations research techniques in health.

In planning the Symposium, the Program Committee felt it appropriate that a professional society should respond to the efforts of two Presidential commissions: the National Advisory Commission on Health Manpower and the National Advisory Commission on Health Facilities. Five half-day sessions were held each devoted to one of the Panels of the Commission: The Role of the Consumer; Health Manpower; the Role of Technology; Hospital Care; and Organization of Health Services. The Chairman of the Panel, or a member of the Panel, addressed the Symposium, describing the special problems uncovered during the Commission work, as well as his updated thinking on the respective problems and approaches to solutions. In an earnest effort to fulfill the public responsibility of the professional society, the operations research viewpoint was then presented by a speaker, followed by two discussants who opened the floor for lively discussions.

The recognition of systems in health services being essentially an exploratory area, the Symposium presentations and exchanges are presented in a manner retaining as much of the flavor of the discussions as possible, with no effort made to present any unified position or consensus. Exchange is the object, not edict. Therefore, the reader will be able to pursue different approaches to and concepts of the production and delivery of health services. In addition to the text of the prepared presentations, the reader will find discussions pertaining to the different topics of the presentation on adjacent pages. Furthermore, where reference is made to the text of the Advisory Commissions Reports, the body of the text is displayed on the adjacent pages also. The Operations Research Society of America and its Health Applications Section do not endorse or advocate any one approach or concept, but merely makes the determination that these particular contributions to the crucial problem of the recognition of systems in health services are worthy of your attention.

HEALTH SYMPOSIUM PROGRAM

WEDNESDAY, MAY 14

Morning session

Greetings: Chairman, Charles D. Flagle, Dr. Eng., The Johns Hopkins University.

Welcome Address: Joseph Engel, Ph. D., Comsat Corporation.

The Role of the Consumer

Chairman, Dwight Bartlett, Society of Actuaries.

"The New Role of the Health Consumer," Jerome Pollack, Harvard Medical School.

"Some Elements and Implications of a Model," Gordon D. Shellard, FSA, Society of Actuaries.

"An Economic Model of the Medical Care Market," Paul J. Feldsten, Ph. D., University of Michigan.

"The Role of the Consumer—Financing Health Care," David W. Pettengill, FSA, Society of Actuaries.

Discussion: David Vairsky, Ph. D., City-College of New York; Robert R. Fetter, Ph. D., Yale University.

Afternoon session

Health Manpower

Chairman, William W. Walton, Ph. D., Resource Management Corporation.

"Health Personnel Training and Supply,' John H. Moxley, III, M.D., Harvard Medical School.

"Health Manpower—Some Needed Research and Analysis," Donald H. Strope, Resource Management Corporation.

Discussion: Edwin F. Rosinski, M.D., University of Connecticut; John M. Moss, Travelers Research Center; Mark S. Blumberg, M.D., University of California.

THURSDAY, MAY 15

Morning session

The Role of Technology

Chairman, Martin L. Ernst, Arthur D. Little, Inc.

"Impact of New Technologies on Health Services," Frank W. Lehan, Santa Barbara.

"The Potential of a Systems Analysis Approach to the Impact of New Technology on Health Care," Mark S. Blumberg, M.D., University of California.

Discussion: Charles D. Flagle, Dr. Eng., The Johns Hopkins University; N. Conant Webb, Jr., M.D., Arthur D. Little, Inc.

Afternoon session

Hospital Care

Chairman, Vincent D. Taylor, Ph.D., The Rand Corporation.

"Hospital Care," Russell A. Nelson, M.D., The Johns Hopkins Hospital.

"Quantitative Methodology for Medical Management," Herbert P. Galliher, Ph.D., University of Michigan.

"Quantitative Evaluation of Post-Surgical Care," James E. Eckles, Ph.D., The Rand Corporation.

"A Study of Obstetrical Facilities," Harry B. Wolfe, Ph.D., Arthur D. Little, Inc., Stanford University.

FRIDAY, MAY 16

Morning session

Organization of Health Services

Chairman, James G. Berry, M.D., TRW Systems Group.

"Organization of Health Services: Challenge to Operations Research," Mary Lee Ingbar, Ph.D., M.P.H.

"Health Care: Political Decisions and the Quality of American Life," Irving J. Lewis.

"Organization of Health Services," William L. Kissick, M.D., University of Pennsylvania.

"An Orderly Approach to Organizing the Health Services," George K. Chacko, Ph.D.,

Discussion: John R. Hall. National Center for Health, Services R&D; Andrew J. Schultz, Jr., Ph.D., Cornell University.

Afternoon session

The Operations Research Role in Health

Chairman, Walter E. Cushen, Ph.D., National Bureau of Standards.

"The Role of the Section," Charles D. Flagle, Dr. Eng.

Discussion: William J. Horvath, Ph.D., University of Michigan.

XUM

"No Easy Solutions," John P. Young, Dr. Eng., The Johns Hopkins University.

"A Health System Construct," C. Darwin Stolzenbach, Metro 2000.

S. 2625—A RESPONSE TO THE EDUCATION CRISIS, ENDORSED BY ST. LOUIS

Mr. MURPHY. Mr. President, continuing to share with the Senate and the country the great response that my bill, S. 2625, the Urban and Rural Education Act has received, I ask unanimous consent to have printed in the RECORD a most excellent and thoughtful letter that I received from Superintendent William Kottmeyer, of St. Louis, Mo.

Superintendent Kottmeyer said:

> S. 2625, attacks the heart of the problem which exists in the City of St. Louis . . . your bill, which authorizes a 30 per cent addition to regular Title I funds the first year and a 40 per cent addition for second and succeeding years to districts with extremely high concentrations of low income children, would begin to provide some of the resources which these children need if they are to be adequately educated. Neither the children nor the country can afford to have it any other way.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ST. LOUIS PUBLIC SCHOOLS,
St. Louis, Mo., August 13, 1969.

Hon. GEORGE MURPHY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MURPHY: May I commend you for your efforts to help the sorely pressed urban and rural school districts across the Nation. Very few people realize the extent of the problems involved in educating children from the impoverished areas. Your bill, S. 2625, attacks the heart of the problem which exists in the City of St. Louis.

In the past quarter century St. Louis has had a net population loss of 130,000 or 15 percent. The school population, meanwhile, rose 24 percent. This period saw the school population change from 78 per cent white to 63 per cent Negro.

The rapidly rising ADC population is now 33,000 children, 45 per cent of the total ADC children in the State of Missouri.

Ten per cent of our pupils are in special classes for the mentally retarded, the hard of hearing, the partially sighted, the physically impaired, and other handicapped groups. There is evidence that another ten per cent who should have these services are struggling along in regular classrooms.

More than 750 school girls become pregnant each year and need special classroom instruction and health services.

The schools now provide nearly 8,000 free and partially paid meals each day for hungry children.

Two-thirds of the 71,200 children who live in our Title I eligible areas are academically retarded a half-year or more in reading, language, and arithmetic.

Pupils' mobility is very high. Some children are enrolled in a dozen different schools in a single school year.

There are constantly increasing numbers of pupils who need help for emotional, social and health problems which must be cared for by the schools because there is no other agency or organization available.

Most of these needs are not educational but, unless they are met, the children cannot learn. Unfortunately, the citizens of the city no longer have the financial capacity to pay for high cost education. Some of the reasons for this decline in ability to pay taxes are:

The City of St. Louis, in 1969, has an assessed property valuation which is actually less than it was a decade ago.

The city has lost 14 per cent of its wage earners in the past seven years.

High costs for other non-school municipal services add to the city resident's tax burden. In the city, 72.4 per cent of each tax dollar is used to pay for police, hospitals, welfare, and other non-school expenses; in St. Louis County, only 39.7 per cent is required for such services.

The average county householder had 86 per cent more money to spend last year than the average householder in the city.

More than 30 per cent of St. Louis voters are bearing the increased costs of private and parochial schools in addition to their usual tax burden. Recent announcements by Missouri bishops indicate that they are at a financial crossroads and that unless they get state support for parochial schools, they may have to close their schools and inundate the public schools with their pupils.

More than 20 per cent of city voters are on small, fixed incomes, are bitter and resentful about inflation, modern youth, and most of all, about taxes.

In commenting on St. Louis' plight Fortune said in its January, 1968 issue:

> On its own, St. Louis does not have the resources to cope with the problems of the north side and other poor areas. Despite its smaller tax bite, the county had sufficient funds to outspend the city by a wide margin on schools—$117 per capita, against the city's $86.
>
> Skimping on education is a recipe for perpetuating poverty, but St. Louis has little choice. Its revenues, hard-won through tax rates that provide one more reason for business to leave town, are disproportionately committed to a whole range of public services linked to poverty, crime, and dilapidation.

Your bill, which authorizes a 30 percent addition to regular Title I funds the first year and a 40 per cent addition for second and succeeding years to districts with extremely high concentrations of low income children, would begin to provide some of the resources which these children need if they are to be adequately educated. Neither the children nor the country can afford to have it any other way.

Sincerely yours,
WILLIAM KOTTMEYER,
Superintendent of Schools.

PASSENGER TRAIN SERVICE NEEDS UPGRADING

Mr. HARTKE. Mr. President, tomorrow, September 23, 1969, the Subcommittee on Surface Transportation of the Committee on Commerce will begin 3 days of hearings on the increasingly difficult problem of passenger train service in the United States.

As chairman of the subcommittee, I have no wish to prejudge our findings or conclusions. But it is no secret either to my colleagues or to the witnesses who will come to testify before us that I have no intention of sitting by while passenger train service continues to deteriorate. With the increasing—and increasingly dangerous—congestion on our highways and in our airways, it is evident that railroads need once again to become a viable form of transportation for the movement of individuals between cities.

My own State of Indiana has been especially hard hit by train discontinuances. Pending before the Interstate Commerce Commission is a petition from the Penn Central to halt service on the last remaining train link between Chicago and Cincinnati by way of Indianapolis. A great train with a great name—the James Whitcomb Riley—is in danger of being consigned to transportation limbo. Last week, at hearings before the ICC examiner in Indianapolis, I added my voice to those of hundreds of others in protest of that proposed discontinuance. I am hopeful that the Commission will not permit the Penn Central to evade its responsibilities to the traveling public along this route.

Shortly before the opening of last week's hearings, the Indianapolis Star published a highly informative two-part article on the entire problem, with special attention to the pending discontinuance of the James Whitcomb Riley. Precisely because the situation in Indiana is not unique, and because the article is so illuminating as to the background and likely consequences of this sort of discontinuance, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Indianapolis (Ind.) Star, Sept. 14, 1969]

HOOSIERS TO PLEAD FOR TRAIN

(By Al G. McCord)

Transportation-hungry Hoosiers intend to turn an Eastern-planned funeral for the James Whitcomb Riley—the last remaining daily passenger train linking Indianapolis and Chicago—into a revival.

They will have their final chance at Interstate Commerce Commission hearings to be held in four Indiana cities, starting tomorrow, on the Penn Central Transportation Company's petition for authority to drop the Riley from its schedule.

Hearings will be held tomorrow and Tuesday at Lafayette, Wednesday and Thursday in Indianapolis, Friday at Shelbyville and Monday, Sept. 22, at Greensburg.

Appearing to try to counter the Penn Central's deficit figures for the round-trip operations between Chicago and Cincinnati via Indianapolis will be a volunteer task force of "Riley-savers."

They include businessmen and industrialists, professional people, and a highly diversified group of just plain train passengers.

Their pleas as witnesses will be based on growing public need for train service, not mere nostalgia.

They will:

1. Charge that Penn Central is at least guilty of allowing service on the Riley to deteriorate to the detriment of patronage, and has done nothing to attract passengers.
2. Present evidence designed to show that both the traveling public and the railroad would benefit by upgrading and expanding passenger service in line with the trend to rail travel because of airline and highway congestion.
3. Stress the importance of increased, rather than curtailed passenger service, in the Mid-American Corridor in which the Riley operates and serves as a bridge for cross-country train passengers to terminals in Chicago, Indianapolis and Cincinnati.

"Save the Riley" forces do not intend to lose their case by default in a humdrum hearing with recitations of cold red ink figures by the railroad and the laments of a few rail fans, or persons who have to admit they have not ridden a train in years.

Banded together as the Committee for the Preservation of Rail Passenger Service (CPRPS), the pro-Riley group is counting on having enough witnesses to prove the point of public need. Under Federal law the burden in service abandonment cases is on the public, not the carrier.

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CPRPS volunteers have been increasingly active for many weeks all along the Riley's 298-mile route, enlisting witnesses and gathering evidence for the Indiana hearings.

With the zeal of politicians getting out the vote, committee members have appealed to Riley riders of all ages and walks of life, on the train, in depots, in their homes, schools offices and factories, to attend at least one of the hearings.

And CPRPS will further bolster its case with cards signed by persons unable to attend hearings, telling how often and why they ride the Riley.

Detective work also has been an important part of committee strategy.

Ever since Penn Central petitioned the ICC for permission to drop the Riley, the train's friends have had its condition and operations under close surveillance.

Riding the train, talking privately with Penn Central employes, photographing rolling stock and keeping close tab on day-to-day adherence to schedule, these "Save the Riley" spies believe they have undisputable documentation to support their case.

State Public Counselor Carl E. Van Dorn, who will direct presentation of the public's case in the hearings, believes a strong point for consideration by the ICC is that the Riley has been well-patronized in spite of its frequent failure to reach destinations on time and its often dirty and ailing equipment.

While some Riley riders have expressed a willingness to take the stand and accuse Penn Central of "sabotaging" service to discourage passengers, Van Dorn concedes that "such a charge is very difficult to prove."

Evidence amassed by CPRPS volunteers includes photographs of cracked coach windows, dirty restrooms, loose light fixtures, seats without sanitary headrest covers and other signs of neglected maintenance.

Helping "Save the Riley" forces from the wings—for fear of being accused of having a mercenary interest in the issue, or other reprisals—are some members of the railroad unions.

Not so subtle has been J. H. Smith, Indiana legislative director of the Brotherhood of Locomotive Engineers. "Save the Riley" cards passed out on the train are addressed to him at his Zionsville home. CPRPS correspondence identifies Smith as its temporary chairman.

Penn Central officials, aware of the criticism the Riley case is generating, issued a press release in advance of the start of the hearings at Chicago last week, reporting that Riley rolled up a $240,000 deficit in 1968 and projecting this year's loss at $285,000.

Later, a statement replying to criticism of the Riley's equipment and performance was issued jointly by the company's public relations department at Philadelphia and the office of R. C. Harrison, regional general manager, in Indianapolis.

Cited were system-wide passenger service losses exceeding $100 million annually, making replacement of aging cars and locomotives unjustifiable, and loss of revenue as a result of withdrawal of railway postoffice cars and discontinuance by other railroads of connecting trains which provided passengers for the Riley.

"Save the Riley" train-watchers lost no time last week reporting what they termed a Penn Central image-improvement move which they said backfired.

When the Riley left Cincinnati Tuesday morning for Indianapolis four stainless steel coaches, gleaming inside and out, had replaced the usual dingy cars.

Suspicious, they checked the Cincinnati terminal grapevine and learned that the transformation took place after the Riley arrived from Chicago Monday night—when it was learned a television cameraman would be aboard the next day to record a "typical" passenger's ride on the Riley.

But someone else down the line must not have received the message, for the Riley was almost an hour behind time when it got to Indianapolis. The train was slowed by track work.

Pro-Riley witnesses hope to make a big point of the fact that the Riley—inaugurated so auspiciously in April, 1941, as a New York Central System steam-drawn streamliner—has received the "silent treatment" from Penn Central.

But Penn Central can produce deficit figures for the Riley for years before the NYC and the Pennsylvania Railroad merged to become the nation's and possibly the world's biggest railroad.

The Riley, a reserved seat train since its inception, is the only survivor of a dozen passenger trains which operated each way daily 15 years ago between Chicago and Indianapolis. The NYC had four besides the Riley, the Pennsylvania ran five and the Monon Railroad two.

Penn Central's explanation that passenger service still would be available to Indianapolis on alternate days on its Chicago-to-Florida South Wind, placates few Riley regulars. It operates through Logansport and Columbus, as well as Indianapolis, but not through Lafayette, Shelbyville or Greensburg.

National attention also is focused on the Riley case—regarded as a showdown before the ICC on the fate of intercity rail passenger service in the United States.

Representing the American Association of Railroad Passengers at the Indianapolis hearing will be its chairman, Anthony Haswell, a Chicago attorney who helped win an ICC reprieve recently for the Indiana-serving Wabash Cannonball passenger train.

The Riley is regarded by Haswell as far more justified than the Cannonball on the basis of the territory its services and its public necessity, but nobody is second-guessing how the Federal agency may rule in the Riley case.

Last week, the ICC took action in Washington indicating it was deeply concerned by the problem of intercity passenger transportation by rail.

The commission asked Congress to strengthen its powers to control abandonment of passenger trains and to authorize Secretary of Transportation John A. Volpe to conduct a nation-wide study of intercity rail passenger service.

Being the only daily passenger train left between three Midwestern metropolitan areas—and key connection between passenger terminals at each—the Riley's continuation, CPRPS spokesmen argue.

Actually, they contend, the Riley's schedule should be revised and speeded up, to give passengers more time to enjoy themselves or transact business in its terminals and to mesh better with connecting rail lines.

[From the Indianapolis (Ind.) Star, Sept. 15, 1969]

HOOSIERS ASK BETTER PASSENGER TRAIN SERVICE AS RILEY FACES HALT

(By Al G. McCord)

Transportation paralysis, which is crippling densely populated centers, has begun to afflict Indiana seriously, particularly the burgeoning Indianapolis metropolitan area.

This is the consensus of a cross-section of concerned Hoosiers on the eve of the opening of Interstate Commerce Commission hearings in Indiana on proposed discontinuance of the last daily passenger train linking Indianapolis with Chicago and Cincinnati.

In its petition for authority to abandon the service of the James Whitcomb Riley, the Penn Central Transportation Company cites operating figures which show a deficit that increases annually.

The hearings, opening this morning at Lafayette and moving into Indianapolis Wednesday for two days, well may become the Great Debate of 1969 on the nation-wide problem of intercity transportation.

Articulate spokesmen for "Save-the-Riley" forces believe the public's growing frustration over increasing congestion in air and highway travel invalidate the railroad industry's argument that the passenger train is a victim of transportation progress.

Changing times and travel habits that have threatened to make the passenger train as much of a relic as the stage coach may resurrect it, spokesmen for the Indiana Committee for Preservation of Rail Passenger Service (ICPRPS) contend.

With highway jams worsening and airliners stacked higher and higher over airports, travelers are searching desperately for an alternative, they assert.

The transportation hang-up which prompted Penn Central to inaugurate its Metroliner service, high-speed electric passenger trains which reflect Jet Age technology, between New York City and Washington, is spreading to principal Midwestern centers like Indianapolis, ICPRPS leaders say.

Americans envious without such rail service are reminded by the railroads that some Federal money has gone into the Metroliner project, and that foreign carriers, like Japan's super-speed line, cost the taxpayers heavily.

While rescuing the Riley is its immediate goal, the ICPRPS backers are convinced that more frequent and speedier passenger train service could be the traveler's alternative in the transportation crisis.

They cite numerous advantages of rail travel over other forms, as listed by the American Association of Railroad Passengers, including:

1. Common carrier—Trains are available to anyone with a ticket. Not all persons are able to drive an automobile, or are able to afford to own a car or to gain access to one.

2. Safety—Based on fatalities per 100 million passenger miles, trains have by far the best safety record, with autos 20 times more dangerous, airplanes 2½ times more dangerous and buses 50 per cent more dangerous.

3. Dependability—Airline operations and highway travel are vulnerable to bad weather.

4. Economy—For short to medium-distance trips, travel by rail is cheaper than by plane, and cheaper than one-person-per-car trips by auto.

5. Relaxation—Highway travel is fatiguing, if not frightening. Train travelers are free to work, read, look out of the window or sleep. Granted, air passengers may enjoy the same benefits. The moment a motorist takes his eyes off the road he becomes a menace to himself as well as others on the highway.

Spearheading a campaign for community support of a program to win development of potentialities they see in improved and expanded rail passenger service for the Indianapolis area are men from varied fields.

Applying his know-how in the areas of industry, public relations and community service to the Riley-saving crusade is Floyd (Slats) Logan, field secretary of the James Whitcomb Riley Memorial Association and former Hygrade Food Products Corporation official.

The increasing frequency of airline delays and growing hazards of highway travel often given the Riley—even in its substandard condition and poor adherence to schedule—an edge as far as the Indianapolis-Chicago traveler is concerned, according to Logan.

He is among ICPRPS volunteers who feel that Penn Central as well as the traveling public would profit by improving and ex-

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panding passenger service to share in the emergence of Indianapolis as a major metropolitan center.

To him, the fact that the train is a rolling memorial to the Hoosier poet is incidental.

Another ICPRPS member, Robert G. Moorhead, Indianapolis printing firm president and Indiana National Guard brigadier general, considers good intercity rail passenger service essential in peacetime as well as from a military logistics standpoint.

Proximity of Indianapolis' Union Station to the Indiana Convention-Exposition Center, which will embellish the city's increasingly impressive skyline, is a sure-fire passenger business getter, he believes.

He also envisions renovation of Union Station to serve as ticket offices for all major airlines and as a downtown terminal for a high-speed rail service to Weir Cook Municipal Airport.

Moorhead contends that railroads should not be permitted to abandon passenger trains like the Riley even if they are not money makers.

Moorhead argues, too, that railroads generally, and the Penn Central particularly, are carrying enough freight to absorb some passenger service losses.

But he believes an upgraded, on-time Riley could be a hit at the ticket office.

A frequent Riley rider, he recently rode the Grand Trunk Western Railroad's popular new Mohawk between Chicago and Detroit just for contrast, and was impressed by the Grand Trunk's "People's Train" bid for patronage.

In the opinion of Othmar G. Grueninger, an Indianapolis travel agency owner, the Riley has remained a well-patronized train despite Penn Central's "business-discouraging policies."

Earlier, the state public counselor, Carl E. Van Dorn, in charge of presentation of the rider's case at the hearings, said he felt that the ICC should give special consideration to figures showing that the Riley has continued to attract riders despite frequent complaints of failure to keep the train modern, clean and on time.

Grueninger charges that the Riley lost at least 800 passengers a year when Penn Central severed relations with an association composed of 4,000 travel agencies throughout the United States.

Under such an arrangement, a railroad pays an agency a commission to route travelers over its line. Penn Central has no method of attracting many such riders, according to Grueninger.

Grueninger, who owns three sleeping cars, says he began having trouble arranging tours using his cars soon after Penn Central was formed by the merger of the New York Central and Pennsylvania railroads.

Penn Central controls a majority of the approximately 6,500 miles of trackage in Indiana, he reminds.

Another critic of Penn Central's "incongruous" public relations policies is Howard B. Morris, public relations manager at the Indiana University Medical Center and railroad history enthusiast.

While advertisements for trains like the Riley—inaugurated with fanfare in 1941 by the NYC—noticeably are absent from travel pages, P.C.'s Eastern press agents promote a "glamour" train running between New York City and Philadelphia, the railroad's headquarters, Morris comments.

He questions the interest of Eastern women in the train's special features—free fashion shows, hair-styling clinics and wine-tasting parties.

A long-time Riley patron, Richard C. Vonnegut, retired executive of the Vonnegut hardware firm, continues to ride the train on trips to the Southwest, but is puzzled when the train is delayed by "slow orders" on relatively new high-speed-type rail with welded, non-clicking joints.

P. C. employes who insist that their names not be divulged readily say that Riley's rolling stock often has been below standard and its adherence to schedule erratic. But they say they are not to blame, that the fault lies in manpower cutbacks ordered by railroad management.

Anyone can see, they say, that a solid train of coal bound for the steel mills at Gary often gets trackage priority over the Riley.

They also attributed to a labor shortage the Riley's stranding two weeks ago at Kankakee, Ill., when its diesel locomotive ran out of fuel. Air-conditioners in the coaches naturally quit operating, making the two-hour unscheduled stop seem even more distressing to passengers.

B. C. Wesselman, Union Station stationmaster and ticket agent, first makes it clear that he is not questioning Penn Central's policies, but believes he can foresee better times ahead in his bailiwick of 30 years.

Ticket sales for Riley seats assigned to Indianapolis still are good, and bad weather which grounds planes finds travelers converging on Union Station for that old standby, the passenger train, he says. The convention center could revive the special business, he believes.

Expanded, accelerated rail passenger service also is a local method of meeting the transportation crisis for other reasons, ICPRPS spokesmen assert, for example:

1. Land usage—Highways and airports are ravenous consumers of real estate, costing the public millions, taking land off the tax rolls and forcing families to find new homes. Tracks already are there, with one track able to handle as many travelers as 10 to 20 lanes of highway. Also, Federal road spending is being curtailed as an anti-inflation measure.

2. Air pollution—A diesel locomotive causes far less pollution per passenger than either cars—the major source of air-fouling—or planes, and an electric train causes no air pollution.

3. Noise—Residents of areas near some airports already have forced alterations in landing and takeoff patterns because of intolerable noise. If and when the proposed SST airliner is built, its sonic boom will limit its use, some authorities say.

Advocates of reviving rail passenger service emphasize that new expressways cost a minimum of $1 million a mile through the countryside and upwards of $10 in built-up urban areas.

For contrast, they report that in 1963 the New York Central completely rebuilt 50 miles of track in Ohio between Youngstown and Ashtabula for $1 million.

And the rash of freight train derailments, they assert, means that the railroads will have to spend money to rebuild and maintain their tracks whether or not they run passenger trains.

So ICRPS members call for a green signal for passenger service, and say they intend to provide good reasons to Robert M. Glennon, ICC examiner, who is presiding at the hearings and will submit evidence to the decision-making commission at Washington.

THE PESTICIDE PERIL—LIII

Mr. NELSON. Mr. President, proponents of the continued use of DDT and related pesticides argue that there is no effective alternative to these pesticides and that without them the entire agricultural industry would be seriously threatened. However, evidence has shown a number of effective alternatives are already available—the most successful and promising being some form of biological control.

In an article published in This Week section of the Washington Sunday Star of September 21 Leslie Lieber presented an interesting report on a new weapon to fight insects. The method involves the spraying of insects with their own hormones at the wrong state of development so that they "destroy themselves with their own body chemistry—by creating an imbalance of their own hormones against which they can develop no defense or immunity."

Although the research is still continuing on this new substance, all that is known thus far is so encouraging that scientists predict it will be on the market within 4 years. As Dr. Carroll M. Williams, Bussey professor of biology at Harvard, said:

> We will no longer try to kill insects . . . We will force them to commit insecticide!

I ask unanimous consent that the article, entitled "The Battle of the Bugs," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BATTLE OF THE BUGS: SCIENTISTS WORK TO REPLACE DEADLY DDT WITH NEW SELECTIVE KILLER

(By Leslie Lieber)

For the last 25 years, dichloro-diphenyl-trichloroethane has been killing mosquitoes, flies, beetles, and all the billion six-legged creatures who conspire to ravish man's food crop and make him ill, and ultimately to inherit this planet.

After World War II everyone called it DDT and used it everywhere.

Then scientists found that the new generations of insects were building up immunity to the poison. And worse yet, this marvelous insecticide has turned out to be a contaminator. It has polluted our environment, accumulating in deadly amounts in plant, bird, fish, and animal life. The food we eat now comes garnished with DDT. Mankind itself could be the ultimate victim of its super bug spray.

So steps are being taken. Germany, France, Sweden, and Denmark have already outlawed DDT. A dozen states in the U.S. have banned or limited its use. On the recommendation of the National Academy of Science, the U.S. Department of Agriculture recently suspended the use of DDT, pending the outcome of a 30-day study.

In a recent editorial, the *New York Times* bluntly summed it up: "DDT's harmful effects are by now scarcely more debatable than the use of ground glass in the public reservoirs."

Fortunately, at this moment when the phasing out of DDT could tip the scales in favor of insects, scientists are on the track of a spectacular control that promises to be the ultimate weapon—a biological H-bomb for bugs (the "H" standing for hormone).

Scientists are now working on what they call "third-generation pesticides" (so-called because they represent a third completely different approach to insect control). These pesticides would make harmful insects destroy themselves with their own body chemistry—by creating an imbalance of their own hormones against which they can develop no defense or immunity.

"We will no longer try to kill insects," says Dr. Carroll M. Williams, Bussey Professor of Biology at Harvard, father of the term "third-generation pesticide," and a prime mover in the research. "We will force them to commit insecticide! The principle is to give them their own hormone at the wrong stage of development so as to completely derange and upset their growth processes, stagnating them in the egg, larva, or pupa stage and blocking the development of viable, sexual adults."

The chemical agent in this program is called "juvenile hormone"—a substance secreted by all insects to regulate growth and the metamorphosis from larva to pupa to adult. Juvenile hormone must be amply present in the early larval stages. But for the larva to develop into the next stage—*juvenile hormone must be shut off*. If an insect's own juvenile hormone is artificially applied late in the larva stage, it ends further maturing.

The discoveries that have brought science to the brink of a new breakthrough in insect control read like an international mystery story.

It all began in 1920 in the cluttered laboratory of a Polish biologist named Stefan Kopec, a man who was intrigued with such questions as what makes ticks tick. Kopec was fascinated by the dramatic transformation of the caterpillar into butterfly. He tied a string tightly around the "fuselage" of a caterpillar, and watched as the head section went on to molt and pupate into the head of a moth. But the part of the body to the rear of Kopec's tourniquet remained a caterpillar.

Kopec deducted that the genes governing growth in the head section had been normally activated to carry out its growth mission, whereas the string around the belly was preventing the ingredient vital to growth from reaching the hind end. He concluded that the head region must be secreting a hormone essential to an insect's growth and development. Without that crucial secretion, the caterpillar tail had died.

It was Sir Vincent Wigglesworth, the famed entomologist of Cambridge University, who discovered an insect glandular secretion that he christened "juvenile hormone" because it must be present to regulate growth in the early larval stage and absent in later states or the creature will turn into a grotesque and unworkable monster. Wigglesworth traced the origin of juvenile hormone to a pair of tiny glands near the brain called the *corpora allata*. The removal of these glands caused larvae to go precariously out of control and then turn into nonsexual, midget adults. When these glands were grafted into larvae well on their way to adulthood, they burst into giant larvae, stagnating at that plateau without ever becoming adults. In other words: Wigglesworth discovered that the juvenile hormone blocks growing up until the creature is ready for the next stage. Remove that hormone, the brakes are released—and the insect rushes to destruction.

All this hormone study coming from science labs didn't make too much practical sense until Dr. Williams, when he was studying under Wigglesworth at Cambridge on a Guggenheim Fellowship, extracted the world's first supply of juvenile hormone. He found it in the abdomen of the American silkworm moth Cecropia—his pet experimental insect. Using an ether solution in a blender, Williams was successful in obtaining a "golden oil" from the abdomens of male Cecropia. It proved to be a crude but potent concentration of the elusive hormone.

Williams was the first to see the enormous potentialities of hormones as the ultimate weapon against insects. He surmised that juvenile hormone was the chemical regulating growth—not just for moths, *but for every species of insect on earth*.

With DDT on the skids, entomologists were racing against time to perfect their H-bomb. But one gap had to be bridged before biologists would dare try this new weapon: they had to be sure that on its mission of extermination, the golden oil could be made to discriminate between the bad guys like flies, mosquitoes, boll weevils, and the destructive Gypsy moths (the rogues who comprise only one-tenth of one per cent or 3,000 species of the insect population) and the millions of species of good little samaritan insects like the silkworms and the honeybees who, intentionally or not, contribute to man's happiness.

"Any reckless use of these materials on a large scale could constitute an ecological disaster of the first rank," said Dr. Williams.

But it was again in Dr. Williams' lab at Harvard that an almost uncanny stroke of luck allowed a breakthrough. The problem was how to get juvenile hormone tailor-made to attack only *certain predetermined pests*. In the summer of 1964, a brilliant young Czech entomologist named Slama came to Harvard from Prague for a six-month period of postdoctoral study under Williams. He brought with him a batch of European larvae of the linden bug family. The linden bug (Pyrrhocoris Apterus), which feeds harmlessly on the fallen seeds of the linden tree, is a common laboratory specimen in Europe.

Williams and Slama proceeded to grow the foreign larvae in cages. But to their complete astonishment every bug stopped midway in its progress toward maturity and died. A new batch of linden bugs was shipped from Prague. They too failed to grow beyond the larval stage. This had never happened with thousands of generations of linden bugs in Prague.

"It was evident to us," said Dr. Williams, "that these bugs had access to some unknown source of juvenile hormone. Our frustrating search for that source finally focussed on a fragment of paper toweling that had been placed in each dish for the bugs to walk on. In Prague, Slama had always used filter paper. We were astonished to find that when the toweling was removed, the bugs developed normally. This led to a correspondence with the paper company to find out what kind of chemicals had been added to the product. All we learned was that the toweling was made from paper pulp."

The baffled biologists then placed the bugs on a page from a local Boston newspaper. Again, all the bugs died before they became adults. New bugs were then placed on newspapers and magazines from all over the United States. Twenty different brands of toweling, napkins, and bathroom tissues were placed in the cages. All the American toweling, newspapers and journals had the same effect. Japanese and European papers allowed the bugs to develop normally.

Obviously the American-made paper was coated with juvenile hormone which it was passing on to the linden bugs, throwing their growth processes into disarray.

Detective work led to a fantastic explanation of the mystery: juvenile hormone is synthesized by the balsam fir, principal source of all paper in the northeastern United States. It accompanies the pulp all the way to the printed page. Its chemical formula was later found and purified by William S. Bowers of the U.S. Department of Agriculture's Insect Physiology Laboratory at Beltsville, Md.

What did the lucky "accident" in Williams' lab prove?

For the first time it provided evidence that not all juvenile hormone attacks all insects indiscriminately: the balsam fir's synthetic hormone was deadly, strangely enough, only for the European pyrrhocorid species to which the Czechoslovakian linden bug belongs. It has had no effect on any of the American insects tested so far.

What else did the amazing balsam fir-linden bug coincidence prove? That somewhere back in the primeval ooze, some prehistoric pyrrhocorid predator inhabited the balsam fir tree. The balsam fir didn't like the parasite making its home in its bark and eating its greenery. So through some remarkable survival instinct, the balsam fir developed a chemical facsimile of the hormone that could destroy this enemy—the same substance, juvenile hormone, that man now has stumbled upon.

Even though the balsam's bug finally died off from hyperhormonism—or escaped extinction by moving out and living on other tree species that weren't so smart—the balsam fir still carries a biochemical memento of the juvenile hormone that once saved its life.

Bowers called this substance "juvabione," and soon investigators in several other countries were looking for other plants and trees that might also contain counterfeit hormones as a built-in defense.

Entomologists at Tohuku University in Japan have discovered an ersatz hormone in the yew tree. John H. Law, while a professor at Harvard, synthesized a hormone substance 1,000 times more biologically active than the golden oil from the bellies of the Cecropia. And at Beltsville, Md., an agricultural team under Bowers has also artificially synthesized a high-potency compound only two carbon atoms—almost a "carbon" copy—away from the true juvenile hormone. Researchers now hope to develop highly selective insecticides from wholesale sources of hormone—crude or synthetic.

How close is our insect-plagued DDT-clogged planet to being rescued by this new potion? Will juvenile hormone be ready in time to keep us from being DDT-ed, stung, bitten, and loused to death?

Indications now are that the new substances will be in the spraying cans by 1973. Last year the Syntex Corporation spun off a new company, the Zoecon Corporation whose specific mission is the development of the economic potential of a wide range of third-generation pesticides. Their business is to discover compounds which are copies of natural hormones which will zero in on target insects while leaving other life unharmed.

The staff of over 35 scientists already at work in Zoeson's labs in Stanford University's Industrial Park in Palo Alto, Calif., will expand to 100 within five years. One of their main items of research: to make sure, by overdosing animals with insect's juvenile hormone, that no possible harm can come to higher forms of life when the earth gets doused with hormones a few years hence. The verdict thus far: vertebrates are completely immune.

"There are still bugs in our research, if you'll pardon the expression," says one biologist with a shy, scientific smile. "But we're working them out. And just in time, too. *Dichloro-diphenyl-trichcloroethane* has become a dirty word in every language."

GOVERNOR REAGAN LAUNCHES PUBLIC EDUCATION PROGRAM ON DRUG ABUSE

Mr. MURPHY. Mr. President, in a September 18 special news conference, Governor Reagan outlined the State's efforts to mobilize public opinion on the important matter of drug abuse. Certainly, drug abuse is one of the most critical problems facing our Nation and California today.

The Governor feels that the magnitude of the problem is so great that we must tap the talents and energies of not only Government agencies but also private organizations and individuals. Three months ago, as a part of the Governor's continued campaign to prevent drug abuse he launched a "mass media public education program." I ask unanimous consent that the complete text of Governor Reagan's statement on this subject be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

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STATEMENT BY GOVERNOR REAGAN

In my state-of-the state message in January, considerable emphasis was placed on the growing crisis of drug abuse in California, particularly among our young people. From January through June, nearly 65,000 persons were arrested in this state on drug abuse charges; some 20,500 of them were youngsters under 18 years of age. This is a 50 percent increase over arrests for a similar period in 1968, and indicates that drug abuse is nearing epidemic proportions in California.

In addition to activities conducted by various departments of state government, my office, and the office of the lieutenant governor, have been taking steps during the past year to develop solutions to this critical problem with emphasis on utilizing the resources of the private and volunteer sectors.

In August 1968, we began working with the California PTA, California Medicial Association and California Peace Officers Association to encourage formation of drug abuse committees in high schools and junior high schools.

In October of last year, we formed, in conjunction with the California Medical Association, the interagency council on drug abuse, which is designed to bring together representatives of public and private agencies in an effort to develop coordinated solutions.

Just three months ago, in June, another approach to this serious problem began in California—a mass media public education program. The program conducted by Grey Advertising of San Francisco in cooperation with my office and the California Medical Association, was launched after more than nine months of planning. It represents an outstanding example of a cooperative commitment by government and the private sector to work together to help solve the problems of our citizens.

Experts point out that there is a desperate need to set the record straight on the subject of drug abuse. A program such as this is designed to help enlighten both parents and youngsters. Our citizens must be able to define the extent of the problem and learn what they can do about it before they can act appropriately, without emotion, to help stop further advancement of the drug culture.

The first objective is to reduce the information vacuum about the effects of dangerous drugs with informative material that is direct, accurate and medically-sound. Initial newspaper advertisements and radio and television announcments have been produced and distributed to media throughout the State. Additional material is being developed and will be provided the communications media in the future.

Some 55 business firms associations and foundations have contributed to the expense budget established by the advertising agency to sustain the program. Other companies and individuals are contributing production assistance, talent and services without charge or "at cost." Well-known spokesmen dedicated to public service, like Jack Webb and Robin King, have provided their talents without charge. Private citizens, broadcast stations, newspapers and firms whose activities relate to the mass media have offered to donate their services.

Acceptance of the program by broadcast and print media, individually and through associations, has been gratifying. Pledges of support have been made by the California Newspaper Publishers Association, California Broadcasters Association, Southern California Broadcasters Association and the California Outdoor Advertising Association. The entire program is a testimonial to the ability and willingness of the private sector to work for the betterment of California's human environment.

MEMORANDUM OF BUSINESS EXECUTIVES MOVE FOR PEACE

Mr. McGOVERN. Mr. President, a short time ago a delegation representing Business Executives Move for Vietnam Peace met at the White House with John Holdridge of the National Security Council to express their urgent hope for a prompt end to the war in Vietnam.

The memorandum which they left, addressed to President Nixon's assistant for National Security Affairs, Dr. Henry Kissinger, is an unusually concise and lucid statement of the reasons why it is in our interest to announce and carry out a phased withdrawal of all American forces from Vietnam.

Like many other groups, BEM is growing increasingly impatient with the lack of discernible progress toward peace. Troop withdrawals designed to change the mix of United States and South Vietnamese forces in combat will not satisfy opposition to the war in this country, particularly when American deaths each week are numbered in the hundreds. It is time to advise the Thieu-Ky government that if the war is to continue it must be without billions of American dollars and thousands of American lives.

Mr. President, I ask unanimous consent that the memorandum be inserted in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

PEACE IN VIETNAM

We believe that the President can gain united support of the people by announcing that, in the best interests of the United States and the world, he is ending American participation in the Vietnam War and promptly taking significant actions to implement his decision. We make the following points in support of this position:

1. *Announcement of phased withdrawal could be made without loss of face.*

The United States has proved its scientific and technical ability by putting a man on the moon. We intend to use our abilities for human development rather than for destruction and we intend to build peace in the world. Our military power is such that within a few hours we could utterly destroy Haiphong and Hanoi. However, such use of our power is not necessary to protect our country. It would be opposed by many Americans and would alienate us from the rest of the world. It would not eliminate the Viet Cong, who have the support of many non-Communist nationalists against the "foreign devils" and so the war would continue in South Vietman unless it, too, were utterly destroyed. Furthermore, escalation by the United States could, temporarily at least, unify Moscow and Peking because each, in its struggle for leadership in the Communist world, has promised not to stand idly by and see Hanoi destroyed. Probably responses to American escalation in Vietnam would be more sophisticated weapons from the U.S.S.R. for the Viet Cong and North Vietnamese and stepped-up fighting in Laos, Thailand, and North Korea, thus broadening the war.

We are not defeated militarily. We have chosen not to go all out with our full destructive power and therefore we have decided to stop further loss of American lives by ending our part in the war.

2. *The strategic interests of the United States are better served by ending our involvement in Vietnam.*

Since the end of World War II the State Department has been preoccupied with containing the Communist threat. The Vietnam War was looked upon as an attempt by monolithic Communism to seize Asia in a campaign to destroy the United States. However, the Communist world has become fragmented with schisms of incredible variety and the two major Communist powers are at each other's throats. Relations between Hanoi and Peking are cool—they have been enemies for 1000 years—and Soviet influence on North Vietnam is limited. The Vietnamese want no foreign domination and the program of the National Liberation Front calls for a neutralist foreign policy. Of greater importance, from the U.S. point of view, is that our involvement in Vietnam limits our options in the Middle East and Latin America where we have vital interests and it handicaps us in dealing with the U.S.S.R., with China, and with the rest of the world.

3. *We cannot have both guns and butter.*

The flow of funds to Vietnam imperils the stability of the dollar. The high rate of inflation can be traced directly to the major escalation, beginning in August 1964. Education, housing, mass transportation, the war on poverty, the cleansing of our water and our air have fallen victims to the costs of fighting in Vietnam. Taxes have been raised at all levels of government to an almost intolerable point. People are demanding tax reforms and the use of a larger share of taxes for social purposes and not for war.

The budget requests of the various government agencies reflect the demands of the people. They cannot be denied without political hazard.

4. *Even if there were a government in Saigon which was heavily influenced or dominated by Communists, it would not threaten the safety of the United States.*

As we have learned, the presence of a Communist government in Yugoslavia and Romania, or even in Cuba, does not seriously threaten the United States, Europe or Latin America. Diplomacy, trade and know-how may be far more persuasive than guns.

5. *The "honeymoon" period is ended and the President must make good his promise to end the war on his ability to govern will be impaired.*

It is questionable whether the Government can continue to have the loyalty of the people if it continues to go against what the majority wish and what was promised them,—namely, an end to the war.

Recent months have been quiet on the campuses because it is vacation time, but students are planning protests this fall. There is more and more unrest among the G.I.'s, many of whom regard themselves as conscripts forced to fight in an unnecessary and immoral war. The general respect for the military and for military men has sunk to a new low. Continued fighting in Vietnam makes all these situations worse.

A TRIBUTE WELL DESERVED

Mr. GRIFFIN. Mr. President, her colleagues are keenly aware of the great service rendered in this body by the distinguished senior Senator from Maine, the honorable Margaret Chase Smith.

We are particularly indebted to her for her wise counsel and outstanding leadership in connection with complex issues involving national defense.

Accordingly, it was most gratifying to read a well-deserved tribute to Senator Smith, written by Holmes Alexander of the McNaught Syndicate, and published recently in the press. I ask unanimous consent that Mr. Alexander's column, as it appeared in the Alexandria, Va., Gazette, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Her Logic of Womanhood

(By Holmes Alexander)

Washington.—The U.S. Senate isn't a gentleman's club, just a genteel club, for the most part. Margaret Chase Smith, Republican of Maine, is a reason why.

For most of her tenure, Sen. Smith has been the lone lady member, and it is her ladylikeness which counts the most. Not only is she beautiful and bright, but she has the relentless logic of womanhood at its finest and she inspires a chivalry that keeps 99 gentlemen genteel.

When the Senate's debate on the Safeguard ABM reached its climax, Aug. 6–7, she was the star, and the men were only players by comparison. "Maggie's exercise in futility," said somebody in the too-noisy press gallery, as time approached to vote on her amendment which would have abolished Safeguard and spent the money on general research for "another" ABM. This wasn't an altogether sensible idea, and it perished 89–11 in the voting, but Sen. Smith wasn't finished. She accepted modifying language, by Senators Gore and Case, and tried another amendment which lost by a tie vote, 50–50, but her ultimate good sense came through in her main speech if not in the countdown.

Unlike others who voted with her, Mrs. Smith did not "trust the Russians." To the contrary. She didn't believe that Safeguard would stop Russian missiles, but she did believe that fear of America's offensive weapons would do so, and that a better ABM could be developed by use of laser beams.

It was in her estimate of Soviet psychology that Mrs. Smith surpassed all other members in sensibility. She made mincemeat of male arguments which came before and after. Only "Our offensive arsensal," she said, has restrained the Soviets. Nothing else but respect for American nuclear might "has stayed their hands" at every confrontation from Berlin to Cuba. If "the Russian Kremlin leaders" (she gave no names) could advantageously get away with an attack, they would let loose "all of their devastating weapons on cities as well as missile sites."

Mrs. Smith demolished the argument, by Senator Ted Kennedy and others, that upcoming arms-talks with Russia could make Safeguard and other weapons unnecessary. The Soviet Union had achieved great-power status among nations "by developing devastating weapons in great secrecy." The USSR had celebrated so-called peaceful May Day, year after year by "boastfully parading" arms which our intelligence forces have failed to anticipate. Russia has consistently refused inspection procedures on both the nuclear treaties with the USA.

Sen. Smith's psychoanalysis of Soviet Russia now hit its high point. The Kremlin leaders, although without conscience or remorse, had other reasons for not launching an attack. She said that "dissent . . . violence . . . anarchy . . ." in the USA was a reason the Russians wouldn't shoot their missiles at us. Those men in the Kremlin, she said, had "confidence" that they can complete "a Communist conquest of the United States without firing a shot. "So why should the Kremlin leaders destroy American resources which they "avidly covet," when it appeared that "Americans would ultimately deliver this country to them."

This part of Sen. Smith's speech, the part that made it so exceptional, went largely unreported in the press. Her anti-Safeguard amendment which so nearly won, got most of the play. But her ferocious feminine instinct on Soviet mentally, and American social vulnerability to Communism, was where she shone the brightest.

That was Maggie Smith's finest hour.

TRIBUTE TO JAMES F. HOGE, JR.

Mr. METCALF. Mr. President, since 1955 I have been pleased to participate in and have been an enthusiastic supporter of the American Political Science Association congressional fellowship program. During these years I have had 13 such interns in my office and it has been a source of immense satisfaction and pride to me and my staff when each of these 13 has gone on to distinguish himself.

Among them is Jim Hoge, Jr., an APSA intern in my office in 1962 and now editor of the Chicago Sun-Times. The October issue of Playboy magazine includes a vignette on Jim and his success which I would like to share with Senators.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

James F. Hoge, Jr.: Ahead of the Times

Although The Chicago Sun-Times dubbed itself "the bright one" several years ago, the tag gained real significance only last October, when James F. Hoge, Jr., became the paper's editor. Hoge's awareness of what's happening—and his commitment to enlightening the public—has made the Sun-Times an exciting, civic-minded newspaper in the great muckraking tradition. Rampant hunger in the ghetto and deplorable conditions at Cook County's jail and hospital were not even officially recognized until the Sun-Times brought them to light. Hoge says, "We've become a little more independent, a little more liberal and a lot more attentive to new voices. We want to present both sides of a story—by having local experts write about civic problems and setting up debates and forums in print; and we've increased the number of political columnists, whose viewpoints cover the spectrum, to give wide-ranging coverage to national issues." New York-born Hoge has always wanted to be involved in public affairs: After leaving Yale with a political-science degree, he entered the University of Chicago's graduate school and went job hunting. "Management at the Sun-Times," he recalls, "agreed to adapt my working hours to my course schedule, so I started as a police reporter. All night I'd wait for a story to break, then drag back in back in time for an early class. It was the dreariest period of my life." Armed with a master's degree in modern history, he went to Washington, D.C., under an American Political Science Association fellowship and, a year later, rejoined the Sun-Times at the Washington bureau. Then editor Emmett Dedmon brought him back to Chicago as assistant city editor in 1964, and Hoge moved up fast through the ranks. When Dedmon became ditorial director, Hoge took over his chair. Now 33, he is the youngest editor of any major metropolitan newspaper in the country. "I have no unfulfilled desires," he says. "I've got all I can handle riding this tiger."

OPPORTUNITY FOR THE UNITED NATIONS

Mr. MUNDT. Mr. President, last week, before the United Nations, President Nixon presented what I consider a most constructive and forthright statement with respect to what lies ahead for the world should we be able to attain what thus far has been unattainable—true and enduring peace.

The achievement of true and enduring peace is not going to be accomplished tomorrow. An end to the hostilities that plague the world is not in sight.

Nor will this goal, or the dream, as the President stated it, of "a world open at last to the light of justice, and reason," be attained so long as the double standard persists in which the United States continues to be a whipping boy for every ill and difficulty confronting the world.

President Nixon, in a speech, which could well be the laying down of a new charter for the nations of the world, set forth what I consider the first step for the beginning of a new foundation for peace. Without that first step, progress for lasting peace is denied.

That first step must come from the member countries of the United Nations in response to the call of President Nixon when he said:

> In the name of peace, I urge all of you here—representing 126 nations—to use your best diplomatic efforts to persuade Hanoi to move seriously into the negotiations which could end this war.

Will the members of the United Nations heed this appeal? Or will the United States once again be subjected to a further extension of the double standard applied to our Nation, a Nation which has responded—wisely or unwisely; no one can say with certainty—to appeals both at home and abroad to take steps which allegedly would result in a better climate for peace?

Mr. President, much more is at stake than what the President of the United States has suggested to the United Nations concerning the future of the world. At immediate issue is the future of the United Nations, for if the member nations cannot now make any effort to influence the North Vietnamese of the wisdom of meaningful negotiations after this Nation has more than walked the extra mile in response to such appeals, it seems to me the purposes for which the United Nations was established will have been all but abandoned. Its usefulness most certainly will have suffered a great deterioration.

THREAT TO DISMAL SWAMP

Mr. NELSON. Mr. President, an article published in the Washington Post's magazine Potomac last month deserves our attention. The article tells of the threat that industry and other developments pose to the ecological balance necessary for the preservation of the Great Dismal Swamp in the Norfolk, Va., area. One of the last great wilderness areas left in the United States, the Great Dismal is being considered for airports, subdivisions, and a source for lumber. This is another example of potential damage to our environment in the name of economic gain that we must be concerned about. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GREAT DISMAL

(By Mildred Payne)

Another wilderness is dying, but this time there's a difference. This 750-square mile tangle of loveliness will probably be cleared subdivided and paved before most people find out it ever existed, because the Great Dismal Swamp is the stepchild of the conservation movement.

Just 20 miles southwest of Norfolk, the Dismal is a paradox: on high ground rather than low, free of malaria and decay, a gently-flowing fountain rather than a catch-basin of stagnance and scum. It harbors a fantastic array of plants, the last black bears east of the Appalachians, and some of the biggest snakes anywhere. Its soil burns; its water boasts the color and clarity of brandy. It's larger than the Okefenokee of Georgia, wilder than the Florida Everglades, and many naturalists consider it our most valuable outdoor laboratory.

Yet 90 percent of the Dismal is owned by lumber companies and real estate developers, and neither North Carolina nor Virginia, whose adjacent borders it straddles, has acted effectively to save it. Ben H. Bolen, Commissioner of Parks for Virginia's Department of Conservation and Economic Department, says simply, "We've had a hard time figuring out what to do with the Dismal. For actual public recreation, it isn't worth too much."

Bolen headed the 1964 study commission that recommended acquiring 51,000 acres for $1.25 million to be set aside as a state park or wildlife management area. On April 5, 1968. Virginia's General Assemby finally saw fit to appropriate $50,000—four per cent of the recommend amount—for conservation of the Dismal.

Yet the garden clubbers, naturalists and interested citizens who worked so hard for this pittance continue to be frustrated. Although surveying, appraisal and negotiation with landowners are underway, the Department of Conservation has not yet acquired an acre of land in the Dismal.

Bolen blames the delay on difficulty in establishing property lines, and expects acquisition to begin shortly. But while bureaucratic wheels grind at a glacial pace, developers are strenuously promoting their schemes.

The latest involves a proposed airport to be built north of Lake Drummond on land owned by Union Camp Corporation, a paper manufacturer holding title to approximately 50 per cent of the swamp. The airport is the brainchild of Hunter A. Hogan, Norfolk real estate developer, and Edwin R. MacKethan of the Virginia National Bank, who proposed it as an alternative to expansion of Norfolk Municipal Airport.

Union Camp spokesmen are noncommital, but Hogan and MacKethan say they have reason to believe they can get an option on the 10,000-acre tract if the Norfolk Port and industrial Authority will agree to build on it immediately. Thus far, the Authority favors expansion of present facilities, as do governing bodies in Norfolk and Newport News, but the new airport enjoys considerable support in area communities without airport facilities.

When the Port Authority presents its plans for expanding Norfolk Municipal in a few weeks, debate will be long and loud. Considering the financial rewards at stake, the disruption of the Dismal's ecology by noise and pollution is not expected to carry much weight

Frederick Heutte, retired Superintendent of Parks in Norfolk and a renowned naturalist, has a plan for developing the Dismal that would preserve its character while satisfying the utilitarian instincts of conservative legislators.

He envisions a botanical garden along Route 17, which cuts through the swamp's eastern edge parallel to the Dismal Swamp Canal.

Because the swamp straddles the temperate and subtropic climate zones, an astounding assortment of northern and southern plants meet here in a rainbow-hued jungle. Magnolia, Myrtle, Jasmine, lilac and cherry trees flourish beside shrubs and flowers too numerous to name; Spanish moss festoons the trees.

By expanding Route 17 into a four-lane highway bracketing the Canal (part of the Intercoastal Waterway), Heutte's plan would create a 22-mile reflecting pool banked with a magnificent horticultural display. A network of winding canals through the swamp would enable visitors to enjoy its plant and animal life in comfort and safety.

Although certain death does not await visitors, the Dismal Swamp is no place for a Sunday stroll, as William Haywood and his son Alton can attest. On December 12, 1955 the two men and their small dog entered the Dismal to hunt squirrels, and walked into a nightmare.

Soon after the thick forest closed around them, their excited dog bolted into a thicket. Knowing that the dense swamp had swallowed hundreds of hunting dogs, the Haywoods plunged after him, calling and whistling, then stopped to listen for a telltale rustle, a beckoning bark. Engrossed in their search, they neglected to mark their trail. They finally found their pet, but they were hopelessly lost.

At nightfall the call went out: men lost in the Dismal. Four hundred men—Virginia state police, National Guardsmen, Marines, and two experienced Indian guides—methodically tramped the search area, shouting, firing shots, listening for a reply. Two helicopters criscrossed shadowy waterways and forests.

Finally, late on the third day, a tired searcher literally stumbled over the lost men, and William Haywood described their ordeal.

"We heard you fellows long ago! We called and called, but nobody answered." The dense vegetation—in December—had formed a one-way sound trap so effective that men passing 20 yards away had not heard a sound.

Of all the Dismal's terrors, the most vividly recounted are the snake stories. Most of them are exaggerated, but since reptiles grow until they die, some real giants inhabit this ideal environment.

Game Warden Norman Myers claims to have seen cottonmouth moccasins "as big around as your leg," rattlers, copperheads, and many nonpoisonous varieties. Local zoologists include the jointed snake, which breaks into two-and-a-half inch sections after death. Snakes are shy—jointed snakes being the shyest, of course—but visitors must be careful.

Indians believed the swamp was haunted; one legend described a fearsome fire bird whose abandoned nest became Lake Drummond, in the swamp's center. Fires have been known to burn for years in the peaty soil. The swamp is dotted with fire pits resulting from lightning fires, and they become effective traps when vines conceal them. Recently two forest rangers were ploughing through the undergrowth when one of them suddenly plummeted into a concealed pit. He was fortunate; he was not alone.

Early settlers drawn to the swamp's fringes by fertile soil and abundant game told harrowing stories of panthers, snakes, quicksand, and bears that herded pigs into the forest by slapping them on their rumps with huge paws. Colonial mothers issued dire warnings about ghosts to their adventurous offspring. The "ghosts" were probably smoking peat or ignited methane gas ("fox fire"—a byproduct of peat formation), but even today the local guides who ferry sportsmen into the Dismal speak more or less reverently of two tragic Indian lovers who roam the forest, he as a hunter, she as a snow-white doe with a crimson spot on her forehead. Often seen and followed, they vanish as suddenly as they appear.

Thomas Moore wrote his famous "Lake of the Dismal Swamp" after hearing the legend of a young bride who paddles a white canoe over Lake Drummond on dark nights, seeking her lover. Fog patches on the water? Perhaps, but she's part of Dismal lore, and no one is in a hurry to explain her away. (The Lake itself is believed to have been carved out by a glacier).

The Dismal is no respecter of reputations. North Carolina's first governor, William Drummond, plunged into the swamp in 1676, discovered and named the lake in its center, and stumbled out, lone survivor in his party, weeks later.

Virginia's aristocratic Colonel William Byrd II (who is generally credited with naming Dismal) nearly died surveying the Virginia-North Carolina line in 1728. His party ran out of food, lost its bearings, and fought through dense undergrowth, covering less than one mile a day, nearly eaten alive by vicious yellow flies (it's said a swarm of them can kill a mule). Colonel Byrd emerged cursing that "vast body of dirt and nastiness," and added alligators to its growing list of horrors, although no one else has ever seen them.

George Washington owned the swamp for years, and in 1765 formed the "Adventurers for Draining the Great Dismall Swamp," dug two drainage ditches—which are still in use today—and embarked on a series of disastrous agricultural projects. He grew 20-foot berryless blackberry vines, 10-foot cotton with blue and yellow bolls, and no rice at all, despite extensive and expensive attempts; he gave up in disgust and sold the swamp to Lighthorse Harry Lee. But Lee couldn't keep up the payments, and the land reverted to Washington, who ignored it thereafter.

In later years the Dismal attracted less illustrious developers. Halfway House, a spooky hostelry built in 1800 smack across the state line, drew shady characters of every description. One advertisement rhapsodized, "The Halfway House . . . is a stand fully applicable to all purposes of life, as eating, drinking, sleeping, marrying and duelling."

Duellers simply fired across the state boundary. If a sheriff appeared from either side sanctuary lay a few short leaps away. Even the most diligent lawmen, seeking to surprise a quarry in bed, often came away cursing. Criminals could leave either state by crossing the hall. Jurisdictional complications plus North Carolina's lax marriage laws made Halfway House a mecca for elopers.

By the 1850's the Dismal was a haven for runaway slaves. Most owners abandoned the wretched fugitives to its snakes and mires, but a few utilized hounds to track them down. North Carolina's legislature legalized shooting of runaways, paying owners two-thirds of the dead slaves' value. Many Negroes who escaped the dogs and the guns formed robber bands and wreaked grisly vengeance on canal and coach road travellers.

The desperadoes are gone now, but the Dismal remains a refuge. Most visitors enter the swamp on one of its brandy-colored canals, cruising between luxuriant forests. Frogs croak and birds flit, and it's hard to believe the southern tip of the Atlantic Coast megalopolis lies 20 miles away.

Suddenly you burst onto a sunlit circle of rust water beneath an unbroken vault of sky: the inundated plateau of Lake Drummond, highest point in the swamp. Cypress trees march into the water from the shore.

Only a few stilted fishing lodges remind you that others have been here.

Suddenly an auto horn sounds directly behind you; your guide assures you the highway is miles away, and his voice echoes clearly from the forest walls around you.

Lake Drummond's elevation explains its unusual acoustics as well as the abnormally large, choppy waves that whip up suddenly, out of proportion to the strength of the breeze. Summer storms lash it into rolling copper foam.

This water has been described as brandy-tea- or wine-colored, sediment-free and pleasant tasting. It takes its unique characteristics from the "juniper" (white cedar) and cypress trees that have been growing, dying and falling into it since the swamp's formation 6,000 years ago. Their acid bark dissolved, preventing bacterial growth and vegetational decay, and peat began to form. The Dismal Swamp is the only place in America where peat is forming today.

Eighteenth and 19th Century sailors swore Lake Drummond water prevented malaria; actually the Dismal is free of malaria because those terrible yellow flies feast on mosquito larvae. But its high acidity does prohibit stagnation, and thousands of ships put into Norfolk for it. Commodore Perry carried Lake Drummond water on his famous Open Door trip to Japan.

Today men want something much more critical from the Great Dismal Swamp—the land area it occupies. But the Norfolk-Virginia Beach League of Women Voters has taken up the fight, and woman power may stir some action in Richmond.

Meanwhile, the Dismal is fighting back. Its wildlife is retreating into its depths, and a game warden recently commented, "There's still a little bit of everything in there." The cussed wonderland has a chance, if its friends speak up now.

LAKE OF THE DISMAL SWAMP

(By Thomas Moore)

They made her a grave, too cold and damp
For a soul so warm and true;
And she's gone to the Lake of the Dismal Swamp,
Where, all night long, by a fire-fly lamp,
She paddles her white canoe.

And her fire-fly lamp I soon shall see,
And her paddle I soon shall hear;
Long and loving our life shall be,
And I'll hide the maid in a cypress tree,
When the footstep of death is near.

Away to the Dismal Swamp he speeds—
His path was rugged and sore.
Through tangled juniper, beds of reeds,
Through many a fen, where the serpent feeds,
And man never trod before.

And, when on the earth he sunk to sleep,
If slumber his eyelids knew,
He lay, where the deadly wine doth weep
Its venomous tear and nightly steep
The flesh with blistering dew!

And near him the she-wolf stirr'd the brake,
And the copper-snake breath'd in his ear,
Till he starting cried, from his dream awake,
'Oh! when shall I see the dusky Lake,
And the white canoe of my dear?'

He saw the lake, and a meteor bright
Quick over its surface play'd—
'Welcome,' he said, 'my dear one's light!'
And the dim shore echoed, for many a night,
The name of the death-cold maid.

Till he hollow'd a boat of the birchen bark,
Which carried him off from shore;
Far, far he follow'd the meteor spark,
The wind was high and the clouds were dark,
And the boat return'd no more.

But oft, from the Indian hunter's camp,
This lover and maid so true
Are seen at the hour of midnight damp
To cross the Lake by a fire-fly lamp,
And paddle their white canoe!

NATIONAL BELLAMY AWARD TO LEAD, S. DAK., HIGH SCHOOL

Mr. McGOVERN. Mr. President, in 1892 Francis Bellamy wrote the immortal words that were to become the Pledge of Allegiance to our flag and was responsible for the beginning of the event we celebrate as Flag Day.

In his honor, the National Bellamy Award has been established. It is given each year to one high school in one State for its outstanding role in molding and perpetuating America's ideals and goals.

It gives me great pleasure to say that the recipient of the award for this year is Lead High School of Lead, S. Dak. Among some of the accomplishments of that school which brought it the award were: The outstanding work of the school administration, the accomplishments of the school's alumni, the fine citizenship of the students, and the cooperation with the community.

I applaud the accomplishments of Lead High School and the efforts of those who make this award possible each year.

I ask unanimous consent that the article published in the Lead Daily Call be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEAD HIGH SCHOOL WINS NATIONAL HONOR

Lead High School has been named the National Bellamy Award School for 1970. Glenn Hogen, superintendent, made the announcement at a special student assembly Monday morning.

The National Bellamy Award is presented annually to a high school in one state. The school chosen is judged the most representative of all fine schools in that state and will be the standard-bearer for all schools in that state for a period of 50 years, until the honor again rotates.

Lead High earned the Bellamy Award as the result of 7 years of uninterrupted education, kindergarten through grade twelve, with the fundamental values of America's heritage stressed and implemented.

SHARE IN HISTORY

In this three quarters of a century, the history of America, its form of government, the study of its major and minor conflict, its glorious moments and its moment of near despair, all were made part of the students' background.

Through adult education, started in 1904, the Lead Public Schools initiated programs to make it possible for Lead's foreign-born residents to become Americans through Americanization classes.

Hogen congratulated Bill Ausmann, principal for his work in carrying out the traditions and high standards of the school and also C. C. Curran, principal from 1920 to 1952, and Don Fitcher, principal from 1953 to 1967, who with Ausmann who took over the reins in 1967, have served the school for nearly 50 years.

THIRTY-EIGHT COMPETE

Last January, Lead High School with 38 other schools in South Dakota and Montana, was invited to submit materials for consideration for the National Bellamy Award.

By March 1, the 14 required items were compiled and submitted.

These included a history of Lead High from 1895 to the present, biographies of the principal and superintendent, copies of the Nugget and Goldenlode a copy of the student and teachers' handbooks, lists of outstanding state and national honors won by faculty and students during the past two years and biographical sketches of 30 alumni who have achieved honor and distinction in their chosen fields.

From then on, the school has undergone a thorough study by members of the board of directors of the National Bellamy Award.

Last May 18, Lead High was advised that it was one of the top three schools being considered with the other two being Watertown, S.D., and Billings, Mont., both larger schools and with much newer facilities.

The materials on which the final decision was based for Lead High were prepared by Helen Morganti, director of public relations for the Lead system.

Hogen said, "This honor has not been won by any one group of students or administrators. Lead High School and the City of Lead share national recognition today.

"The Homestake Mining Company, the businessmen, parents, churches, service and fraternal organizations as well as the students and faculty of Lead High, are co-recipients of this honor, since through the years, the Lead schools have had the constant interest and cooperation of every group in the community."

Immediately following Hogen's announcement, the Lead High concert band under the direction of Paul Hedge played the National Anthem and the Lead High "Loyalty," which were sung by the audience.

ACCEPTS HONOR

Ausmann accepted the honor for the school and presented the ten major points on which Lead High merited the honor. These include the proficient performance of duty by the administration; the Board of Education Thom McAn Award, one of 24 given in the nation for outstanding work accomplished; teachers' honor and leadership in important positions; the philosophy of Lead High by keeping up with new methods and equipment; a versatile student body which excels in citizenship; school newspaper and yearbook national honors through the years; summer school program; close cooperation with the community; a functioning public relations department and accomplishments of the alumni.

The award honors Francis Bellamy of Rome, N.Y., minister and journalist, who is the author of the Pledge of Allegiance; the Pledge itself and the Flag of the United States.

The National Bellamy Award was originated by Dr. Margarette Miller of Portsmouth, Va., in 1942. Lead becomes the 29th school in the nation to receive this honor.

SPEARHEADS HOLIDAY

In 1892 through Bellamy's insistence and efforts, President Benjamin Harrison proclaimed that the 400th anniversary of the discovery of America should be celebrated throughout the schools in the nation.

As chairman of the national program, Bellamy wrote the original words to the Pledge for this occasion. However, through the years the Pledge grew in importance, but the name of the author was almost lost.

In 1936 Dr. Miller discovered that even the true identity of the author had become obscure. Through her efforts, all 50 states have now issued Flag Day proclamations declaring Francis Bellamy the true author.

The award not only honors Bellamy, but gives conspicuous acknowledgment to the

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vital role the public school plays in molding and perpetuating America's ideals and goals.

FIRST PUBLISHED

Today's date is significant in that the first time the text of the Pledge of Allegiance appeared in print was Sept. 8, 1892, 77 years ago today, which was advance publicity to prepare all the schools for the national commemoration of Columbus' landing in the new world.

Hogen presented the platform guests which included Mrs. Mary Ellen McColley, president of the Lead Board of Education; Don Howe, public relations director and representing the Homestake Mining Company; Harold Ludeman, mayor of the City of Lead; Kermit Stell, president of the Lead Chamber of Commerce; James Keith, Seaton Publishing Company; Jack Rainey, president of the Lead Education Association and Curran and Fletcher, former principals.

Wade Hart, president of the Lead High Student Council, led the students in the Pledge of Allegiance at the opening of the assembly, a custom observed in Lead High for years.

Bill Nevin, editor of the Lead High Nugget presented the first copy of the National Bellamy Award Announcement edition to Ausmann who accepted it for the school.

ANNOUNCED IN NUGGET

While the band played "Concert Band Medley," the souvenir copies of the Nugget were distributed.

The national announcement was made today, but the formal three-day celebration when Dr. Miller, member of the National Bellamy Advisory Board, special musical groups, government officials and special speakers will be in Lead, Oct. 14–16, 1970.

The morning of Oct. 16, the formal presentation of the award will be made in Lead.

Holyoke High School, Holyoke, Mass., is the National Bellamy Award School for 1969. One school in New Hampshire will be chosen as the Award School in 1971.

Part of the requirements in order for Lead High School to qualify for the National Bellamy Award, was that a post card showing the school be printed.

For some unknown reason, post cards of Main Street, the Grier monument, Homestake and many other Lead scenes are abundant, but no one thought of making one of the most important businesses in town, the high school.

The post cards have arrived showing Lead High in a night shot and in full color and will be available in stores in Lead as well as the public relations department of the schools starting today.

The post cards will be available in Dunn's Pharmacy, Noeller's Stop and Shop, The Western Drug and Miles Variety Store. Decals of the American flag for use on cars, have been distributed to all school staff members as well as students requesting them.

OUR MERCHANT MARINE: GOING UNDER

Mr. TYDINGS. Mr. President, anyone who is familiar with maritime affairs knows the shocking condition of our merchant marine. Our fleet has deteriorated to a point where we shortly will no longer have a first-rate merchant fleet.

I will not recount the sad statistics. I will mention only that our balance of payments is adversely affected by the poor condition of the fleet, that contrary to popular opinion U.S. shipyards are among the most productive in the world, and that the United States leads in containerization, which is the mode of shipping for the future.

I need not mention that as a seapower we require a healthy merchant fleet for both our commerce and national security.

One of the best pieces I have yet read on the overall state of our merchant marine was written by Patrick J. McGarvey and published in the August issue of Government Executive. Mr. McGarvey, an associate editor, details accurately and concisely the decline of our fleet, stating that "neglect is fast sinking the Nation's merchant fleet."

Major legislation to provide the restoration of this fleet has been expected since last May. Hopefully, it will be submitted soon. The Senate will then consider it in depth and no doubt debate it fully. For this reason I ask unanimous consent that Mr. McGarvey's article, entitled "The American Merchant Marine: There Are Causes for Deep Concern, Militarily, Industrially, Politically," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE AMERICAN MERCHANT MARINE: THERE ARE CAUSES FOR DEEP CONCERN MILITARILY, INDUSTRIALLY, POLITICALLY

(Patrick J. McGarvey, associate editor)

HIGHLIGHTS

1—U.S. today is carrying only about five percent of its foreign commerce on American flag bottoms.

2—Two-thirds of U.S. merchant ships are more than 20 years old; the active fleet today ranks sixth in world status, eleventh in merchant fleet construction.

3—For years the disparate needs of the industry and the unions have kept legislators and the Government in a haze.

4—The industry itself has been generally lax in educating the American public about its own potential.

5—The American Institute of Merchant Shipping (AIMS) may finally provide industry with a single voice.

6—Higher U.S. wages prevent domestic shipyards from competing on the international market.

7—The momentum and scope of the Soviet maritime program, rather than the specific achievements, are the main challenge to the U.S.

8.—In the long term, the Soviet Union might be in a position to dictate terms and determine shipping rates in selected shipping conferences and radically restructure them in the interests of Soviet objectives.

9—The military implications of a powerful Soviet merchant marine cannot be overstressed.

10—The Japanese have prescribed that their merchant marine should carry 60 percent of Japan's exports and 70 percent of its imports by 1975. Existing Japanese merchant marine ships are less than 15 years old.

"As far as I'm concerned, I joined the Nixon team and came to Washington for a single purpose—to put our merchant fleet back on the map of the world."

These remarks, made by the new Maritime Administrator, Andrew E. Gibson, an ex-merchant ship master, underscore the mood of optimism that today prevails in Washington. Despite the pathetic condition of today's Merchant Marine, the Nixon Administration has injected much needed vitality into this area of Government. Gibson is determined to bring about changes in the merchant fleet. He recognizes the difficulties that lie ahead and he speaks of them frankly. He is not dismayed however.

Since taking office last winter, Gibson and others have devoted almost their entire efforts to formulating a new program for the Merchant Marine. They are reluctant to speak of the forthcoming program in great detail at this time; however, the broad outline can be seen in their public remarks since taking office. The time is drawing near when this new program will be promulgated. Gibson has set the deadline for mid-August, Rocco C. Siciliano, Under Secretary of Commerce, said it will be late summer, " . . . not Indian summer either." The smart money says that between August 15 and September 15 they will unveil this program.

Before discussing the probable shape of the program, it will be helpful to explore just what is meant when we talk of the pathetic condition of today's merchant fleet, and examine the evolution of the U.S. Merchant Marine. Moreover, some of the problems caused by industry and labor play an important part of any examination of today's merchant fleet as well as the fundamental changes in ship design that have been developed in the past few years. A comparison of Soviet and Japanese shipping policies and objectives will reveal the weakened competitive position of the U.S. fleet.

THE SINKING U.S. MERCHANT FLEET

Neglect is fast sinking the Nation's merchant fleet. A review of its current status is disheartening to say the least. The U.S. today is carrying only about five percent of its foreign commerce on American flag bottoms. This percentage has been dropping sharply every year from a high of 57.5 percent in 1960. Today the U.S. ranks a weak eleventh in merchant ship construction in the world. A few ships are under construction with Federal aid as called for by law, but the industry is far in arrears in replacement tonnage. The average age of the U.S. merchant fleet is 23 years; in another two years, more than two out of three ships in the fleet will be over 25 years old and totally uneconomical. The U.S. active fleet today ranks sixth in status in the world. Long-range planning is at a standstill. The passenger fleet of the United States, on which prestige rode in past decades, is disappearing as far as major liners are concerned. While this is happening, the Soviet Union, which has the advantage of unswerving purpose, is pushing hard for maritime prominence—even supremacy.

Today's privately owned U.S. merchant fleet numbers about 960 vessels. Twenty-five of these are passenger cargo ships, about 660 are freighters and 275 are tankers. About 300 of the private vessels are subsidized. Approximately 15 new ships a year are being added to the fleet. The Government has about 1,100 ships in its reserve fleet of which 170 are of the passenger-cargo variety, 900 are freighters and 30 are tankers. These figures are misleading though as Maritime officials reveal that less than 200 of the vessels in the so-called reserve fleet are in any condition to make their activation economically feasible. The others are in very poor condition and barely worth scrapping.

Another important aspect of today's problems concerns the changes in shipping patterns that have evolved since last this country undertook a long-range shipbuilding program. Forty years ago, 85 percent of international trade was carried in general cargo vessels or freighters. Today, however, the situation has reversed to a point where nearly 80 percent of trade is carried in bulk carriers such as tankers and grain and ore carriers. The U.S. fleet then is simply not configured to compete in today's trading environment.

There is no one reason for the plight of today's fleet. For years the disparate needs of the industry and the unions have kept legislators and the Government in a haze. The maritime industry has long been unable to achieve a united front. Subsidized lines frequently joust with unsubsidized concerns. Tankermen had their unique problems. Domestic operators and nearby offshore shipping

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men had different viewpoints. West Coast men thought differently than those on the East Coast. Independent tramp operators had their own set of ideas. Some of the industry favored putting the Maritime Administration under the Transportation Department; other segments insisted that it be brought out of the Commerce Department and established as an independent agency.

Former Defense Secretary Robert S. McNamara downgraded the value of shipping as a naval auxiliary arm just when the industry itself was beginning to accept military utility as a great argument for a strong commercial shipping fleet. The official view of the Defense Department was that the airplane had come into its own and that jet air fleets would carry supplies to future trouble sites. This was not borne out by the Vietnam experience, however; nearly 500 ships had to be chartered or brought out of the reserve fleet.

The U.S. fleet has long been plagued with critical interunion bickering. Loss of confidence in the American export community naturally resulted as the threats of interrupted shipping schedules through strikes were brandished.

THE FLEET IN PERSPECTIVE

The industry itself has been generally lax in educating the American public about its own potential. Of course, it is fighting several popular myths concerning "cheaper" foreign shipping rates and lower production costs abroad. It thinks of itself as the "forgotten child" in the American economy. The reason the fleet remains configured to complete in a 1930 trading environment stems largely from the fact that most of the tankers and bulk carriers ply trade routes not considered "essential," thus construction of tankers and bulk carriers do not, in many cases, qualify for subsidy. Those that are built in the U.S. are used largely in domestic trade.

The present attitudes of the shipping industry are largely derived from the treatment the fleet has received throughout American history. Truly it has been the forgotten child, passing through many periods of prominence in times of national emergency but just as quickly sinking into obscurity as soon as the weather cleared.

A slump in shipping during the worldwide depression in the 1930s brought the United States merchant fleet to a dangerously low level. In 1936 a new law was passed. The Merchant Marine Act of 1936 declared it "to be national policy to foster the development and encourage the maintenance of a Merchant Marine sufficient to carry the domestic waterborne commerce and substantial portion of the foreign commerce of the country on essential trade routes, capable of serving as a naval auxiliary in time of war." The Act provided for construction and operating subsidies to be paid by the Government to shipping lines. These were designed to equal the difference between the cost of building and operating ships under the American flag and the much lower costs under foreign flags.

The Act also set up a United States Maritime Commission of five members. They made a survey of the state of the Merchant Marine and laid out a long-range program of shipbuilding designed to provide 500 ships in the next 10 years. A new basic type of cargo ship was designed, the "C"-type ship, and a fine new passenger liner, the SS *America*, was built.

Before the program was well started, WWII broke out in Europe. Again ships were in tremendous demand. When the War was over, merchant ships were busier than ever. Half of the seven-million troops sent overseas were brought back home within three months after the War's end. Merchant ships brought them back.

The hundreds of war-built ships were offered for sale at prices and under conditions set up by the Merchant Ship Sales Act of 1946. The best of the vessels, the long-range "C"-types, were purchased by American flag operators, who were able in this way to acquire fine modern vessels at a reasonable cost. Many of the Liberty ships were sold to foreign flag operators, to help rebuild merchant fleets damaged by war losses, or to help countries which needed to strengthen their economies by having more ships under their control. Surplus vessels were laid up in reserve fleets at eight sites throughout the country, where they were carefully preserved for emergency use.

In mid-1950 war broke out in Korea and the United States under its commitments to the United Nations sent troops and supplies to the help of the South Koreans. Added to the need for military shipments was a sudden urgent demand for ships to carry coal and grain to countries in Europe and Asia which were suffering from a severe winter and were unable to provide for their minimum needs. All available privately owned ships were chartered for these services, and hundreds of vessels were withdrawn from the Government's reserve fleets. By March 1952, over 500 Government-owned ships were in operation. By the Spring of 1952, in accordance with its policy to use Government ships only to supplement, not to compete with, privately owned ships, the Maritime Administration withdrew its vessels from service and returned them to lay-up in the reserve fleets.

In the Summer of 1965, the Defense Department requested the reactivation of about 20 reserve fleet ships to carry cargoes in support of the U.S. military operation in Vietnam. Additional ships were requested subsequently and, by the end of 1966, about 172 Maritime Administration ships, most of them withdrawn from the reserve fleets, were assigned to private companies appointed to act as agents for the Government. In addition, there were about 300 privately owned ships under charter to the military for the Southeast Asia supply program.

GOVERNMENT ROLE IN MERCHANT SHIPPING

Under various acts, the Maritime Commission regulated rates and services of water carriers, a function requiring the deliberation and independence of judgment which a board or commission is designed to provide. At the same time, the Commission was required to carry on many programs of a business nature, like shipbuilding and subsidy payments, which require the prompt decisions and action that a single executive with undivided authority can best give.

Since the original Commission did not prove sufficiently flexible for this dual job, it was abolished by the President's Reorganization Act of 1950. In its place the President established two new agencies, the Federal Maritime Board and the Maritime Administration, which he placed under the U.S. Department of Commerce.

The Board was given the regulatory and subsidy determination functions of the former Commission, and the Administration was to administer the various merchant marine programs. The chairman of the board was ex officio the Administrator of the Maritime Administration. This mingling of functions was found to be unsatisfactory and in 1961 the President's Reorganization Plan abolished the Federal Maritime Board and established a separate and independent Federal Maritime Commission to handle regulatory matters.

SUBSIDY PAYMENTS

It hears complaints against shipping lines or conferences and approves or disapproves agreements, rates and regulations of shipping companies, terminals and others subject to its jurisdiction. The Maritime Administration remained within the Department of Commerce but, in addition to its administrative duties, was given the task of determining subsidies.

The Merchant Marine Act of 1936 provides for payment by the Government of operating and construction different subsidies to make up the difference between U.S. costs of building and operating ships and the estimated costs of foreign competitors. Most of the subsidy paid is based upon the differential wage costs of U.S. and foreign shipyard workers and seamen.

In return for the Government aid received, U.S. operators must provide regular adequate services on routes determined by the Maritime Administration to be essential to U.S. foreign trade and defenses. A unique recapture feature in the operating-differential subsidy provides for Government recapture over a 10-year period of half of all the profits in excess of 10 percent of capital necessarily employed up to the full amount of the subsidy granted. This is a unique situation, unlike the agricultural subsidy program. In good times, operators may thus return all subsidy received. At the present time there are 14 companies with subsidy contracts which operate about one-third of the active fleet. Current operating subsidy payments are about $200 million yearly.

The subsidized operator must agree to replace his obsolete ships with new ships found to be suitable for trade routes to be served and for emergency use as a naval auxiliary. The Administration may pay up to 55 percent of the domestic cost of such ships, so that the operator pays no more than the estimated cost of building a similar ship in a representative foreign yard. The Administration may pay for any national defense features found to be in excess of commercial requirements. Construction subsidy may be paid for any ship to be used in U.S. foreign trade whether or not the owner receives operating subsidy.

The major problem for Government when dealing with the diverse elements in the shipping industry in the past was that there never was a single authority who could speak for the many elements. This caused trouble for the industry as a whole more than once when legislation was under study on the Hill. Spokesmen from different segments of the industry appeared more interested in undermining other segments of the industry and did so in their testimony on the Hill. Of course, the result was that Congress could barely understand what it was the industry really needed most.

This may be changing, for finally the larger segments have joined forces. Under James J. Reynolds, a former Under Secretary of Labor in the Johnson Administration, industry forces have joined in a new group called AIMS (American Institute of Merchant Shipping). This organization was formed earlier this year as an amalgamation of the American Merchant Marine Institute, Pacific American Steamship Association and the Committee of American Steamship Lines. The groups have formed councils within the new institute and they have a common umbrella and common officers. But bickering continues.

FROM A POSITION OF STRENGTH

The unions have learned the importance of the power of persuasion when dealing with Congress. While the actual number of men involved in the shipping industry is less than a half-million, they have organized themselves so effectively within the AFL–CIO that they garner the influence of over the seven-million men in the AFL–CIO. This impact can be readily seen on the Hill when legislation is pending which is at odds with union desires.

Within the union framework, however, there are wide divergences of opinion and they have long been feuding with themselves over disparities in wages and working hours. A case in point involved the handling

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of containerized cargo at East Coast ports in April. The shipping company refused to accept containerized cargo because it was afraid the ILA (International Longshoremen's Association) would impose fines if the containers were not unpacked and repacked by union men. It based this fear on an earlier East Coast dock settlement in which the ILA won a provision permitting it to fine shipping companies if union members aren't used to pack containers within 50 miles of a port. The Maritime Commission stepped in and ruled that companies can't refuse to handle containers because they fear union penalties.

REVOLUTIONS UNDERWAY

Some of the difficulties with both industry and unions in today's shipping business stem from the fundamental changes that are occurring in the industry. While these new breakthroughs can be interpreted as harmful to the cause of the unions, they at the same time contain the potential of putting the United States in the lead in shipping and as such will reward labor as well as industry in the long run.

Foremost among these are the new types of ships being designed and built. The containerized shipping method has already increased the productivity of merchant ships on the North Atlantic routes manyfold. Cargo handling is more efficient, faster and flows easier out of the port areas. The containers are designed to be carried on trucks, piggyback on trains and swung aboard a container ship easily. They cut down pilferage, loss due to weather and handling errors (but entire containers are now being highjacked).

Another revolutionary concept involves the LASH (Lighter Aboard Ship) concept which simply is a new breed of ship that carriers its own lighters or barges aboard. This means that a ship can pull into a port, discharge its lighters already loaded with cargo and immediately load on a new cargo and be off for home port.

Both of these new concepts can destroy the myth of air transport. A recent study indicated that cargo handling delays at air terminals both here and in Europe compound to make the advertised "six-hour ocean" into a six- to eight-day ocean. In other words, ships can readily compete with air transport.

On the frontiers on ship design, Bell Aerosystems Co. has recently released an artist's conception of a 100-ton ship that skims the ocean surface on a bubble of air. The company received a $1.5-million contract from the Maritime Administration for detailed engineering design of the vessel, known as the Surface Effect Ship. Bell's proposed design would be almost three times larger than the biggest air cushion vessel produced to date in this country. The Navy and the Commerce Department, which are jointly backing the venture, have something far bigger in mind. The new designs are to test the feasibility of vessels of 4,000 to 5,000 tons that could cross the Atlantic at 80 knots in less than two days.

A popular misconception concerning low productivity in U.S. shipyards has been afoot for quite a while now. Revolutions in this area are also underway, but the basic facts now have been made clear, and it turns out that U.S. shipyards are among the most productive in the world.

A recent study by the independent Center for Maritime Studies at the Webb Institute of Naval Architecture indicated in its summary that U.S. yards are more efficient than Japanese and British yards and only slightly behind the better shipyards in Sweden and West Germany. Despite this favorable level of productivity, higher U.S. wages prevent domestic shipyards from competing on the international market. To meet Japanese ship building prices, currently about 50 percent of the U.S. level, U.S. yards would have to increase productivity two and one-half times. The study points out, however, that in a better procurement environment, U.S. production prices could be reduced by about 25 percent.

ASSEMBLY LINE SHIPBUILDING

The only possible way then that American shipbuilders can compete would require radical new approaches to shipbuilding. Litton Industries, which owns the Ingalls shipyard in Mississippi, is doing just that. On a 611-acre man-made peninsula on the Pascagoula River, they are building a shipyard of tomorrow.

Ellis Gardner, president of Ingalls, claims that it is not a new technology that has been developed but merely the application of what has been known for sometime—the assembly line. It will be a shipyard without a launching way in the old sense. Work teams, instead of swarming through the hull of a ship putting in fittings, will remain on station while highly automated machinery brings components to them. The segment will then be moved on to other positioned teams.

These subassemblies will thus grow into modules and in the end the modules will be put together into a vessel that is 93 percent complete with piping, wiring, sheet metal, ducts and other internal equipment in place. The production line system of automobile production will thus be applied to shipbuilding. Finally a roller device will move the ship to the edge of the plant and push it off sideways into the water.

Shipbuilders in this country readily admit that they are at a distinct disadvantage in terms of the world market. They do place a great deal of hope, however, in the Nixon Administration coming through not only with measures to upgrade the merchant fleet but also to improve the naval forces afloat.

SOVIET UNION TAKES TO THE SEA

Those who argue today in favor of relying on foreign flags to carry U.S. goods would do well to consider what the Soviet Union has been up to in the development of its sea power. A recent study by the Center for Strategic and International Studies at Georgetown University addressed this subject in detail. It pointed out that the United States must henceforth reckon with global Soviet sea power.

The momentum and scope of the Soviet maritime program, rather than the specific achievements, is the main challenge to the U.S. If the U.S. fails to meet this challenge, the American global role could be seriously diminished because the United States will dispose of ever-decreasing means to deter, counter or frustrate Soviet political moves and possible military involvements around the world.

The Soviets also show some significant originality in their ships. According to a report by the Chief of Naval Operations, the Soviets have applied gas turbine power to about 175 of their naval and merchant ships, an advance the United States has only recently achieved with one ship.

The Russians abuse international forums by attacking U.S. maritime policy and serve Soviet interests by representing themselves as the most loyal friends of developing nations. Through such forums the Soviets also seek to replace private international regulations by direct state intervention.

In the long term, the Soviet Union might be in a position to dictate terms and determine shipping rates in selected shipping conferences and radically restructure them in the interests of Soviet objectives. By lowering rates, the Soviets might be able to weaken or destroy other shipping competition and put themselves in a position of preeminence in important trade areas of the world.

The military implications of a powerful Soviet merchant marine cannot be overstressed. By winning the dominant role in world shipping, USSR might hope to be in a position to deny strategic materials to the United States or to dictate terms under which they could be provided. Such leverage is possible because foreign flags now carry approximately 95 percent of the many strategic materials that the United States imports.

The Russians have been blunt about telling the world that they expect to double their present 12 million tons of merchant shipping by 1980. As they have built up their present tonnage, 80 percent of which is less than 10 years old, they have clearly used their merchant ships as instruments in a drive to win over as many nations as they can and to carry out their national policy.

Soviet small passenger ships are used to transport students from developing countries to Russia to learn and to bring to them experts and soldiers offering firsthand aid. Russian tankers are still built on a small scale so that Soviet petroleum products can be transported directly into the shallow ports of these nations.

JAPAN PLANS FOR THE FUTURE

The Soviets want more freighters and other cargo carrying vessels so they can increase their own trade, and also to enter more third flag trade routes in order to earn dollars. Viktor Bakayev, Minister of Mercantile Marine in the Soviet Union, has stated that his country has taken into consideration the growth of population and the development of world industrial and agricultural production, along with the expansion of trade among the countries of the world.

USSR has concluded that the scope of international shipping will reach three to three and one-half billion tons by 1980, up from 2 billion at present. It intends to have enough ships on hand to handle more than its share of this cargo, and today is adding about 100 ships a year to its merchant fleet which now numbers about 1,500 vessels.

Along with the Russians, the Japanese have prescribed that their merchant marine should carry 60 percent of Japan's exports and 70 percent of its imports by 1975. To meet this target it is planned that 2,050 ships of 29 million tons will be built in Japanese shipyards by 1975.

The Japanese reached that conclusion after the Ministry of Transport and the Shipping and Shipbuilding Rationalization Council called upon a specially created industry advisory group to study a policy from the national economic viewpoint for the growth of the Japanese shipping industry. Among the conclusions reached, according to a Tokyo publication, were the following:

It is essential to expand the Japanese merchant marine.

It is necessary to work out measures for having access to funds needed for expansion of the Japanese fleet of ocean-going vessels and for training of more seamen.

Government subsidies are needed to strengthen the Japanese shipping industry's business standing and to augment its international competitiveness.

The entire existing Japanese merchant marine is less than 15 years old.

Before any program can be drawn up, a fundamental decision has to be made concerning the role of the U.S. Merchant Marine. If it is to be made a meaningful arm of national policy—a course more profitable than relying largely on military and diplomatic pressures in the world arena—then there are a great many things to be done. If, on the other hand, the Merchant Marine is to be relegated to a minor role, then the money, time and effort required to sustain it would be better spent on other projects.

Presumably the Nixon Administration is considering the first course of action mentioned above. This being the case, then, a first step would be toward extending the tax-free capital reserve funds to all American flag ship owners so they will have an incentive to build new ships. It also could be made possible for American ship owners to obtain new ships at world prices. Further, a tax incentive could be provided to American shippers for using American flag bottoms in order to help produce cargoes for the ships.

Another important step would be to educate Government agencies—particularly State and AID—that it is time to give first consideration to the American Merchant Marine. Tax loopholes could be closed on American-owned, foreign flag bottoms so that they have to pay full taxes. Foreign flag passenger ships which use the United States as their base for cruises could be made to pay full taxes. The operating differential subsidy could be extended to those four remaining unsubsidized berth line operators if they want it and are willing to comply with all of th regulations required to obtain this aid. This existing cargo preference laws could be strengthened and fully implemented so American ships get their full share.

PROBABLE SHAPE OF NIXON'S PROGRAM

For the longer-range view, a permanent Federal-labor-industry planning board could be established to develop plans to assure steadier use and production of ships. Research and development could be expanded to come up with better and more economical vessels. Firm agreements with labor could be obtained that would provide stability to a bitterly torn industry.

Along with these actions, the Nation as a whole must be sold on the idea that a healthy maritime industry not only provides major employment opportunities, but also greatly aids the balance-of-payments situation, while reassuring the economy of a steady flow of world trade as well as giving the country a necessary adjunct to its defenses.

The prospects for the Merchant Marine are not easily ascertained. Nixon officials prefer to await the completion of the study of the full range of national and strategic problems facing this country. Under President Johnsons' Administration, Merchant Marine requirements received minimal recognition and in several instances legislative efforts to remedy the situation were strenuously opposed by the White House. As has been already noted, President Nixon's enunciated concern over the Nation's maritime deficiencies suggests that corrective measures will soon be advanced.

Gibson points hopefully to the present mood of Congress: "Certainly at no time since the passage of the 1936 Merchant Marine Act has there been the degree of awareness that exists today in both the Senate and the House of the vital importance to the Nation of its shipping and shipbuilding capacity."

He warns, however, that "this is an opportunity to be grasped by the entire industry. They must close their ranks in order to revitalize the industry. It is time to put aside the age-old feuds and divisions that have torn the industry asunder."

Balancing this he added that "there must be some plausible means developed to adjudicate the dispute between unions, or any new maritime program will be frustrated from the outset."

Turning from those problems over which he has little direct influence, Gibson went on to remark that "we are not studying the Merchant Marine. It has been studied to death." He added: "We are not viewing our merchant ships solely from the defense aspect either."

Turning to his program now on the drawing board, Gibson described it as containing "both long-range and short-range actions." He hopes to provide "an improved procurement environment through continuity in ship orders, both in volume and timing, so that stability in shipyard operations results." He further believes that increased standardization in ship designs and components leading to maximum utilization of the advantages of series construction of identical or near identical vessels."

He elaborated on this point by claiming that "the Maritime Administration will shortly request proposals which should lead to award of contract to develop a series of basic designs, including estimated costs of the ships required to most profitably carry our rapidly expanding foreign commerce and to meet our national defense needs."

Gibson also promised "more effective methods of financing ship construction contracts along with an improvement in procedures and practices affecting contract administration." He further pointed out that he wants to "expand research and development focused on advanced production and fabrication techniques." In addition, he'd like to see "increased integration of ship design with shipbuilding leading to large subassemblies being efficiently constructed in controlled environments prior to being delivered fully outfitted to the building way."

AGE OF NUCLEAR SHIPPING

Gibson is also convinced that the age of nuclear shipping is upon us. "The Maritime Administration will undertake a long-range research and development program directed toward development of improved nuclear systems. The objective would be to reduce capital costs of marine reactors, reduce nuclear fuel life cycle costs and reduce operating and associated costs, and thus produce a competitive nuclear power system by the end of the next decade."

To implement this program Gibson revealed that "the Maritime Administration has at the moment under serious study a proposal to build two or three large nuclear merchant ships within the next five years. These ships could represent our continuing effort to demonstrate this country's intent to further employ the atom to unite the nations of the world in peaceful trade."

SHORTER-RANGE PROBLEMS

Discussing the recent oil discoveries in Alaska, Gibson added that "with tankers of some 250,000 tons deadweight capacity being designed to battle the ice of the Northwest Passage, nuclear power can be considered to propel these ships. It also appears feasible to consider two large containerships with sustained sea speeds of 30 knots or better."

Addressing shorter-range problems facing the Merchant Marine today, Gibson expressed the importance of Government cargo. "They are an essential part of the present commercial fleet volume," he said. "It is entirely in keeping with this Administration's policies that a substantial portion of these cargoes be carried in American ships.

"The Maritime industry has been reduced to its present state of relative emaciation largely under the guise of a reasonable approach. The industry has been told that it is not reasonable to carry 50 percent of the general cargo on our trade routes because after all we have to provide a share for the third flags, since they are our friends and allies.

CLIPPER SHIP ERA PROCEDURES

"It is apparently quite reasonable," he went on, "for the merchant ships of the second flag nations to carry their 50 percent share. For reasons which escape me, we have delegated the chartering of the ships which carry the Public Law 480 cargoes to the foreign missions. The results from the standpoint of American shipowners have been far from reasonable."

Another problem presently plaguing shippers is that of paperwork. Long established procedures, suited for the Clipper ship era, are standing in the way of progress, particularly since the advent of container ships and barge carrying ships. Gibson, aware of these problems, promised to "develop a system to promote more rapid customs clearances for exporters and importers."

He wants to "simplify export declaration procedures, standardize bills of lading, simplify or eliminate Government requirements to enter and clear ships, facilitate shipments from inland points to inland points abroad by establishing a joint rate and reduce equipment delays and unnecessary costs that result from the exchange of documents at interchange points."

What we have then is a program which in its broadest form seems designed to be making the U.S. Merchant Marine an instrument of national policy. The long- and short-range proposals discussed by Gibson all seem geared to regaining a competitive position for American shipping in the coming years and modernizing the merchant fleet.

Although given the budgetary constraints and the careful study of Merchant Marine and other national priorities now under way in the Nixon Administration, officials are reluctant to divulge figures or exact details of modernization programs under study. One can only draw hope from the obviously changed attitude in Washington and await the promulgation of the Maritime Administration's program this month.

THE COST OF BEEF

Mr. MOSS. Mr. President, in this time of inflation and rising consumer prices, there is special cry that the cost of beef is unduly expensive. An article written by Helen Adams and published in the Utah Cattleman for September 1969, undertakes to refute this allegation. What this article points out is that all costs have risen very steeply, and that on a comparative basis beef prices are not unduly high. I ask unanimous consent that the article, entitled "The High Cost of Living Goes Down With Beef," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HIGH COST OF LIVING GOES DOWN WITH BEEF

(By Helen Adams)

Recent commentators on radio and TV have been citing the high cost of beef. If they had actual comparative figures before them, their story would have to reflect the fact that beef continues to be the best buy of the food budget. Before we start admitting beef prices are high we should remind consumers during the past 18 years wages increased 94% and medical-care costs rose 98%. During this period the beef producer continued to receive about the same price for his cattle. How many other products and services cost the same, or less than they did in 1951? To further illustrate the point let us quote from the Western Livestock Journal: "The cost of recreation is up 40%, housing up 41%, and transportation up 48% since 1951, while the retail price of the two largest beef sale items, chuck roasts and hamburger, have risen only 15%.

It is interesting to note the percentage of after-taxes consumer income spent for food has been declining, from 26% in 1946 to 20% in 1960, and is now down to 17%. The lowest in history. Also lower than any country in the world.

Recent studies show non-food prices climbed four per cent from June 1968 to May 1969. Food-at-home prices, by contrast, only rose 3.5%.

Because shoppers buy so many nonfood items while doing their grocery shopping at supermarkets, they often fail to realize the amount spent on food has been declining,

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when figured as a percentage of income. Take, for instance the remarks of a homemaker after a recent shopping trip: "Food is todays best buy. The cash register tape from the super market keeps going up but so does the number of nonfood items. For example, my 'grocery' bill today was over $24. This included 59c for dog food—Rover used to eat scraps: $1.79 for bug spray—we used to swat, swat, swat: 29c for paper napkins—we used to have cloth and wash and iron; 89c for fabric softener—we used to hope for a windy day; $1.59 for shampoo and Band-aids—we used to go to the drug store for these; $3.75 for a thermos bottle and light bulbs—used to go to the hardware store. Deducting these, my groceries cost less than $16.00."

Grocery money is also spent to buy tobacco, nails, paint, nylon hose, hair spray, aspirin, toothpaste, and even garden hose. Did you know that more 'grocery' money is used to buy beer, cigarettes, and pet food than beef?

Remembering these figures isn't it amazing how cattlemen have been able to stay in business considering their expenses have increased by 110% since 1951.

Maybe the best way to get our side of the story before the consuming public is to take time to tell it as it is. Next time you hear, or read a comment on the high cost of beef, sit down and write a letter stating the above facts, and mail it to the commentator, newspaper, etc. Beef education should be the responsibility of Every Cattleman and CowBelle.

SENATOR GOODELL ON FOUNDATION REFORM

Mr. GOODELL. Mr. President, the Committee on Finance has begun public hearings on a subject uppermost in all of our minds: tax reform. I am sure that I express the feelings of my colleagues in saying that the swift enactment of a tax reform bill will be a major achievement of this Congress.

In a few weeks, I will have the privilege of testifying before the Finance Committee in order to recommend a number of tax reform proposals and to comment on some of the provisions in H.R. 13270, the bill passed by the House. This is the most comprehensive and far-reaching tax legislation to come before us in more than a decade and contains important benefits for our hard-pressed taxpayers.

Among other proposals, the bill would make some fundamental changes in the tax treatment of private foundations. It is to these provisions that I would like to address myself today. There is a pressing need for all of us to be fully aware of the implications for the future of philanthropy which some sections of H.R. 13270 represent.

For sure, certain areas of foundation tax treatment are in need of overhaul. There have been a number of foundation abuses which must be corrected. Self-dealing between a foundation and its donors must be prohibited. The misuse of tax exemption for private influence or gain should be curtailed. Greater public disclosure of foundation activities is in the public interest. However, curtailing existing abuses should not be a vehicle for a punitive attack upon the very essence of private philanthropic activities in this country.

Last May, the House Ways and Means Committee announced a number of tentative tax reform proposals regarding private foundations. Some of these positions embodied long overdue reforms which I wholeheartedly supported. Other proposals of the committee, however, would merely have hamstrung the foundations in the name of reforming them.

At that time, I issued a statement warning of the dangers of a punitive approach to foundation reform and stating my opposition to two committee proposals: An arbitrary ban on foundation grants to private individuals and a sweeping prohibition which would in effect prevent foundations from engaging in activities affecting social issues.

The House Ways and Means Committee has now refined and amended its tentative proposals into the provisions of H.R. 13270, the tax reform bill which passed the House and is now before us. Some of these changes represented important improvements. For example, the arbitrary ban against all grants to individuals was modified, and a much more sensible requirement of disclosure of individual grants was adopted in its stead. Nevertheless, the bill retains a number of provisions which reflect a punitive, rather than constructive spirit.

I fear that should this bill pass the Congress as it is now written, we will be deforming foundations, not reforming them.

There are two major reasons for my concern.

The first is the proposed 7½-percent tax on private foundation investment income.

This tax is a wholly unwarranted departure from our time-honored principle that nonprofit organizations organized for charitable purposes should be free of taxation.

It is discriminatory, in that it would be levied only against foundations and not against other nonprofit charities such as schools, universities, churches, and hospitals.

Significantly, the tax would hit not the donors or officers of foundations, but the whole range of educational, scientific, medical and cultural activities which foundations finance. If, for example, a medical research foundation has to pay a tax, it obviously will have less money available to foster research into the causes of disease. To the extent that foundations aid the public, the public is hurt by a tax on their investment income.

Finally, the tax creates a profoundly dangerous precedent. If it is appropriate to tax foundation income at the rate of 7½ percent, then why not at 10 percent, or 25 percent next year or the year after? If the Federal Government can tax foundations, why should State and local governments not do so? Should tax be imposed, the road ahead is only too clear: Government will take a larger and larger bite from foundation income, and a smaller and smaller portion will be left over to fulfill charitable and social purposes. Inevitably, these organizations will have to turn to the Government for support. The result: even more demands upon the American taxpayer for even more Federal programs.

With all these obvious disadvantages, what can be the justification for the tax?

Can it be to meet the Federal Government's need for revenue? The figures show this is hardly so. The House committee report estimats that the expected revenue from this tax bill will be $65 million in the first year, $85 million in the fifth year, and $100 million in the 10th year. Considering that the combined receipts from individual and corporation income taxes in fiscal year 1968 was $97.4 billion, this amount is negligible.

Can it be to reform known abuses? The testimony before the House committee did indeed show that certain foundations engaged in self-dealing with their donors or in an unreasonable accumulation of income. These abuses, however, are dealt with specifically by other provisions in the bill. The tax does not prevent a small minority of foundations from abusing their trust; it merely makes it harder for the great majority of foundations to carry out their valuable social functions.

Can it be to insure greater public accountability of foundation activities? Although the committee report refers to the tax as a user fee, there is no mechanism in the bill to use these funds for this purpose.

In testimony before the Finance Committee, Secretary of the Treasury David Kennedy and Edwin Cohen, Assistant Secretary of the Treasury for Tax Policy, recommended an annual supervision tax of 2 percent of private foundation investment income in order to cover the costs of an increased auditing program by the Internal Revenue Service. I support the thrust of their arguments. Any levy on foundations should be collected only for the purpose of supervising and auditing them. It should, moreover, be clearly described in the legislation as a filing fee, not a tax.

The second aspect of the bill which deeply disturbs me is a broad prohibition against foundations' formulating positions on the social issues facing us today.

Existing law prohibits foundations from substantially carrying on propaganda, or otherwise attempting to influence legislation or supporting political parties and individual candidates.

The bill, however, proposes a sweeping extension of this prohibition, so that foundations would be barred from attempting to influence legislation through: First, attempting to affect the opinion of the general public or any segment thereof or second, privately communicating with any member or employee of a legislative body or with any person who may participate in the formulation of legislation, other than through making available the results of nonpartisan analysis and research.

The apparent objective of this new provision is completely to prohibit a foundation from lobbying activities. I have no quarrel with this objective, but question the means whereby it is supposedly achieved. Should this provision be enacted in its proposed form, it will serve only to bar foundations from continuing their vital contribution to solving the problem facing this Nation today.

Foundations are now engaged in studies or projects on almost every topic of public concern, be it air pollution, juvenile delinquency, court reform, drug abuse, international satellite communications, or the problems of famine in India. Every one of these topics are matters of significant legislative concern. Every one of them are matters of public interest.

Does it make any sense to prohibit foundations from taking a public stand on any of these vital issues, or from discussing them with legislators?

Does it make any sense to limit their treatment of such issues to a vaguely defined term, "nonpartisan research," and to prohibit them from making definitive recommendations or taking definitive action?

Surely, this is self-defeating.

It will only add to the already enormous difficulties in finding intelligent, workable and innovative solutions to our social ills.

It will only cut the public sector off from the enormous reserve of talent and experience that resides in the foundations.

It will only make knowledgeable men who happen to work for foundations or receive foundation grants most reluctant to give their best advice and make available their expert ideas, for fear this might be interpreted as more than "research."

Mr. President, I strongly believe in the long tradition of partnership between the public and private sectors of our country. It is a tradition whose value can be documented at length. We must continue to broaden the lines of communication between the two groups, not close them. We cannot afford to lose the valuable contributions which the foundations and their beneficiaries have made toward the achievements of this Nation and indeed, the world. Creativity is a fragile thing. Let us not crush it needlessly.

Mr. President, I ask unanimous consent that the text of my statement of June 2, 1969, regarding the tentative tax reform proposals of the House Committee on Ways and Means be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Goodell Criticizes Attempt To Hamstring Foundations in the Name of Reform

Last week, the Ways and Means Committee of the House of Representatives issued a statement outlining some tentative Committee decisions on the important subject of tax reform. These included some far-reaching proposed changes in the tax treatment of private foundations.

Reform of the tax provisions affecting private foundations is long overdue. There have been abuses by some foundations. It is essential to prohibit self-dealing between a foundation and its donors; to provide rigorous sanctions against foundations which misuse their tax exemption for private gain or influence; to require foundations to make greater public disclosure of their activities. The Committee has made a number of constructive proposals to achieve these objectives.

We cannot, however, afford to hamstring the foundations in the name of reforming them. Private foundations have played a vital role in the scientific, intellectual, cultural and social development of this nation; they must be permitted to continue this role.

Of the Committee's various proposals on foundations, there are two which are a cause of grave concern. These two are merely punitive provisions which, I think, will serve only to deprive society of an important source of creativity and thought.

The Committee has proposed to prohibit private foundations from making direct grants to individuals for travel, study or similar purposes. A foundation could make individual grants only through universities and other public institutions and only if these institutions selected the grantees.

This proposal would lead to unfortunate results.

Some of the best scientific, cultural, artistic and scholarly work being done in this country has been by individuals receiving direct foundation grants.

One foundation has a list of grantees that reads like an honor roll of American scholarly, scientific and creative achievement. Among the distinctions accorded its former grant recipients are 23 Nobel Prizes and 78 Pulitzer Prizes. Of the 846 members of the National Academy of Sciences, 252 have held its fellowships; and of the 72 National Book Awards thus far made, 40 have gone to its fellows. This foundation selects its grant recipients through national competitions, open alike to academic and non-academic applicants. It makes grants exclusively to individuals. If the proposed provision were adopted, it would have to cease its operations.

Another foundation has awarded more than 11,000 scholarships and fellowships over a period of 40 years to individuals in the fields such as medicine, public health, physics, biochemistry, agriculture and social sciences. At least 37 of those assisted later were awarded the Nobel Prize.

Still other foundations have been active in making individual study grants in music, arts, letters, journalism and other cultural fields.

In making direct grants, these foundations need only look to the promise of the individual, and not to his academic or other institutional qualifications. They can select a talented artist, writer or thinker, whether or not he holds a professorship or has a Ph.D. In this respect, they serve as a vital supplement to universities and other public institutions which may be relatively restricted by their institutional traditions.

Eliminating these direct grants would only serve to make it harder for scientists, artists and thinkers to develop and use their talents.

The Committee has also proposed that private foundations be forbidden to "directly or indirectly engage in any activities intended to influence the outcome of any election (including voter registration drives) or to influence the decision of any governmental body (whether or not such activity is substantial)."

This prohibition is far more sweeping than the Administration's earlier proposal to bar foundations from engaging in voter registration drives and voter education campaigns. In fact, it would prohibit foundations from making any recommendations or engaging in any activities affecting social issues.

This purely punitive provision has no merit. It would serve only to bar foundations from continuing their vital contribution to solving the social issues facing this country today.

One foundation is now conducting important studies on such subjects as the Alliance for Progress; student protest; international satellite communications; public employee strikes; and cost of campaigning in elections. Of the 33 studies it is now conducting, 18 would be jeopardized by the Committee proposal. Another foundation is conducting work on the causes and character of drug abuse; the juvenile court system; the causes of delinquency; and the penal system. These projects would likewise be jeopardized. Other foundations are preparing still other studies or work affecting social problems which would have to be abandoned.

As President Nixon has so aptly stated, we will be able to solve the enormous social problems facing this nation only through a renewed partnership between the public and private sectors. This is the time for a massive cooperative effort between government, industry, the academic community, the foundations and private citizens. If one of the elements of this great partnership—the foundations—is forced to abandon its work and to sit idly by, the solution of this nation's social ills will only be postponed.

The Committee's proposals on foundations have been announced as only "tentative". They include suggestions which have never been tested by full public hearings. They should be reconsidered by the Committee. And when the proposals for foundation reform come before the Senate they deserve the closest scrutiny and full public debate.

GOODELL URGES PROMPT ADOPTION OF REVENUE SHARING TO STRENGTHEN STATE AND LOCAL GOVERNMENTS

Mr. GOODELL. Mr. President, we are becoming increasingly aware of the urgent need to redress the growing fiscal imbalance in our federal system—an imbalance that has been posing a grave threat to the integrity of our federal system of shared power.

The fiscal crisis facing our States and localities has been frustrating their efforts to assume a greater responsibility in seeking solutions to the social problems of our time.

President Nixon has been the first President to recognize the gravity of this situation and to propose meaningful reforms for restoring fiscal balance in our federal system.

In June of this year, I had the privilege of joining the Senator from Maine (Mr. Muskie) in introducing the Intergovernmental Revenue Act—S. 2483—on behalf of the Advisory Commission on Intergovernmental Relations. This bill, among reforms, would create a system of Federal revenue sharing with States and localities.

A few weeks ago, President Nixon gave full endorsement to the revenue-sharing concept, and proposed a far-reaching revenue-sharing plan that is similar in basic concept to that contained in the Intergovernmental Revenue Act.

Today, the Subcommittee on Intergovernmental Relations of the Committee on Government Operations opened its hearings on the Intergovernmental Revenue Act.

I was honored to appear as the first witness before the subcommittee.

Mr. President, knowing that revenue sharing is becoming an issue of increasing interest to this Congress, I ask unanimous consent that the text of my testimony before the subcommittee be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

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Statement by Senator Charles E. Goodell

I am pleased to have the opportunity to testify today before this distinguished Subcommittee on the "Intergovernmental Revenue Act" (S. 2483).

The bill was introduced this June by Senator Muskie and myself, on behalf of the Advisory Commission on Intergovernmental Relations. Senator Muskie and Senator Mundt, both members of this Subcommittee, have served with great distinction on the Advisory Commission, as have other leaders of this nation who have been concerned with strengthening and renewing our federal system of government.

A product of years of study by the Advisory Commission, the bill is designed to put new life into our federal system of government by reinforcing the fiscal base of state and local governments.

I have for the past 10 years been active in promoting one of the major reforms embodied in this bill—federal revenue sharing with state and local governments. In 1959, I introduced one of the earliest bills on this subject in the House of Representatives.

In 1967, I introduced a comprehensive and detailed statutory scheme for revenue sharing—H.R. 4070—including an allocation formula based on states' population and tax effort, and a mandatory "pass through" of a portion of revenue-sharing payments to localities. That bill served as a model for many subsequent legislative proposals on this subject.

This year, as a Senator, I introduced a "Federal Revenue Sharing Act (S. 50). That bill went beyond my 1967 proposal in that it required states to distribute a specified portion of their revenue-sharing payments to cities and urban counties—thus providing assurance that major urban centers, whose fiscal needs are particularly pressing, will receive a fair share.

Finally, I had the privilege of joining Senator Muskie in introducing the "Intergovernmental Revenue Act," now before this Subcommittee. The first title of the Act would create a system of revenue sharing which closely resembles that proposed by me in my S. 50, introduced earlier this year.

I. THE NEED FOR A NEW FEDERALISM

A growing fiscal imbalance among the levels of our government has been posing a grave threat to the integrity of our federal system of shared power.

The federal income tax has given the central government of this nation a strong fiscal base, capable of growing as the economy expands. The fiscal base of our state and local governments, however, has not had the same strength and growth potential, and has not been keeping pace with the rising demands being made upon state and local treasuries. As a result, State and local governments have been facing a financial squeeze, and have become increasingly dependent on Federal grant-in-aid programs in order to meet rising demands for public services.

This fiscal crisis facing states and municipalities has been a product of rising expenditures, outdated tax systems and interarea competition for tax dollars.

Sharply rising welfare, education, and other costs have been making unprecedented demands on state and municipal budgets. These spiraling costs have been especially acute in the great urban centers, with their grave problems of poverty and urban blight.

The revenue-producing abilities of state and local governments have not kept pace with these rising expenditures. The majority of states and local governments still have outdated tax structures. Only a minority have made full use of the income tax, with its built-in capacity to provide revenue growth as the economy grows. Those states and municipalities that have modernized their tax structures have suffered from interstate and interarea competition, losing affluent taxpayers to neighboring lower tax areas.

Previous Administrations have simply ignored this problem. They have responded to the fiscal weakness of state and local governments only by creating a proliferation of Federal grant-in-aid programs. As a result, an almost impenetrable jungle of over 400 categorical grant programs have sprung up, each with their own rules, guidelines and bureaucracies.

President Nixon has been the first President to have proposed some meaningful reforms for restoring fiscal balance to the federal system. In his imaginative and far-reaching plans for a "New Federalism," he has shown his determination to give state and local governments the funds and the flexibility they need to function effectively within our system of shared powers and to provide essential public services.

II. OBJECTIVES OF REVENUE SHARING

The most far-reaching of the President's reforms—and the one of most interest to us today—is his revenue sharing plan.

"Revenue-sharing" refers to a plan by which the federal government distributes a portion of its tax revenues to states and localities without specifying a particular use of the funds. The states and local governments receiving these payments would be free to determine themselves how to use the grants. The federal government does not now provide this type of general support payments to states and localities, and instead makes grants-in-aid for specifically defined purposes, often with extensive federal controls.

Revenue sharing will give states and urban centers the funds and the flexibility they need to function effectively within our federal system. It is a new system of "money without strings," instead of "strings without money."

By returning to states and metropolitan governments a fixed percentage of personal income without federal controls, revenue-sharing will give greater vigor to state and urban governments. It will supplement these governments' local tax base, thus enabling them to strengthen their administrative apparatus, supply better public services, and meet pressing social needs more effectively. And it will put new life in our federal system by giving greater scope to local decision-making, initiative and innovation.

Revenue-sharing—as it is proposed by the "Intergovernmental Revenue Act" and by the Administration's plan—is not offered as part of a plan to cut back projected expansions of federal grant-in-aid programs or as a substitute for portions of existing grant-in-aid programs. Instead, it is conceived as a supplement to existing federal grant programs, designed to strengthen states' and local governments' fiscal base.

General support grants to state and local governments date back 130 years, when the Federal Government on a one-shot basis distributed the surplus accumulated in the National Treasury to the states. Many states have their own systems of revenue sharing with local governments analogous to proposals made for its adoption at the federal level.

Ten years ago, the introduction of a number of bills in Congress—one of mine—initiated the interest in the idea of revenue-sharing.

This was followed in 1964 by an important study by Walter W. Heller, former Chairman of the Council of Economic Advisers. Mr. Heller recommended the adoption of a revenue-sharing system with states. This proposal was supported by a Presidential task force headed by Joseph A. Pechman of the Brookings Institution. These studies received widespread public attention—so much so that revenue-sharing is often spoken of as the "Heller-Pechman Plan," although its history antedated the Heller and Pechman studies. Unfortunately, the Johnson Administration showed no interest in pursuing these recommendations.

Thereafter, Congressional interest in revenue sharing continued to grow with the introduction of more bills on the subject, including my comprehensive revenue sharing proposal of 1967.

The Advisory Commission on Intergovernmental Relations recommended the adoption of federal revenue sharing in its 1967 "Fiscal Balance" report.

The concept of revenue sharing has also been endorsed by the National Governors Conference, the National League of Cities, the U.S. Conference of Mayors, the National Conference of State Legislative Leaders, and the National Association of Counties. In the 90th Congress, over 110 Members of Congress sponsored or cosponsored over 90 revenue sharing bills.

This year, the National Advisory Commission on Urban Problems, headed by former Senator Paul Douglas of Illinois, urged the adoption of a federal revenue sharing system. The Douglas Commission proposed a special formula requiring states to pass on to cities and urban counties a specified portion of the revenue sharing payments they received from the Federal Government. This formula was included in slightly modified form in my revenue sharing bill, S. 50, introduced earlier this year, as well as in the proposed "Intergovernmental Revenue Act."

The crucial event for the future of revenue sharing occurred this year—when the Nixon Administration gave full endorsement of the idea, and proposed a far-reaching revenue sharing plan similar in basic concept and approach to that contained in the bill before you. By making revenue sharing an essential part of his domestic program, President Nixon has fundamentally altered the climate of discussion of this issue, and for the first time has created a realistic hope that this essential reform will become a reality in the near future.

III. SIMILARITIES BETWEEN THE TWO REVENUE SHARING PLANS

The "Intergovernmental Revenue Act" and the Administration plan both adopt the same basic approach to revenue sharing.

This shared approach is, I firmly believe, a sound one.

First, both proposals are true revenue sharing plans, which would distribute federal funds to states and localities without federally-imposed restrictions as to their use. This "no strings" approach is central to the concept of revenue sharing, for it assures that states and localities are given full flexibility to set their own priorities as to the use of the funds.

Second, both proposals include a permanent appropriation for revenue sharing purposes, which will be operative over a period of years. This assures states and localities a regular flow of revenue sharing payments on which they can rely. It eliminates the hazard of sudden budget cuts that is inherent in the annual appropriations process.

Third, both proposals initially channel all revenue sharing payments to the states, and then require the states to "pass through" a specified fraction of these payments to localities. Thus they take cognizance of the central constitutional role of the states in our federal system, while giving recognition to the special fiscal needs of municipal governments.

Fourth, both proposals distribute the funds to state governments on the basis of population modified by tax effort. This is designed to assure that states will maintain or increase their own efforts to raise money from their own sources. The use of the tax effort factor will tend to deter states from using revenue sharing payments as an excuse to cut taxes since that will automatically reduce the payments they receive.

Fifth, both proposals adopt "pass through" formulas that take into account the variation in state-local fiscal relations throughout the nation. The shares allocated between state government and local governments in a given state would depend upon their relative shares of the tax burden in the state.

Finally, both proposals incorporate an important measure of flexibility by permitting states, with local government concurrence, to adopt their own plans for distributing revenue sharing payments to localities, in lieu of the plan specified in the bill.

IV. SIZE OF THE INITIAL DISTRIBUTION

The Intergovernmental Revenue Act and the Administration proposal both call for the distribution of about $5 billion per year in revenue sharing payments by fiscal 1976.

The Act, however, provides for a very much larger distribution in fiscal 1971, the first year of its operation, than the Administration plan—almost $3 billion as compared to $0.5 billion.

I am in full sympathy with the administration in the difficult budgetary situation it is facing. It is confronted, I am aware, with the delicate task of balancing its revenue sharing plan against other budgetary priorities, at a time when it must also conduct a vigorous fight against inflation.

Nevertheless, I feel it is essential that the initial revenue sharing payment for fiscal 1971 be of adequate size to add some real strength to the fiscal base of state and local governments.

It must be remembered that states and local governments are now collecting an amount approaching the $100 billion mark from their own sources. Their basic budgetary picture will not be much changed by the addition of one-half of 1% of this amount in revenue sharing payments.

Accordingly, I recommend that the initial revenue sharing distribution for fiscal 1971 be set at an amount which is as close as possible to the $3 billion figure proposed in the "Intergovernmental Revenue Act."

V. THE PASS-THROUGH TO LOCAL GOVERNMENTS

The Intergovernmental Revenue Act gives a substantially greater recognition to the special needs of the large urban governments than the Administration plan.

The Act would allocate to each city and urban county of over 100,000 population a fraction of the state entitlement equal to *twice* its share of the total burden of state and local taxation in the state. The Administration formula, by contrast, allocates to each municipality a fraction of the state entitlement equal to its share of the total revenues raised from local sources in the state. As a result, the Act provides the big cities and counties about two times what their proportionate share would be under the Administration plan—as the following table shows:

COMPARISON OF LOCAL GOVERNMENT ALLOCATIONS (AS A PERCENTAGE OF STATE ALLOCATIONS)

[In percent]

City or county	Internal Revenue Act	Administration plan
New York	58.2	29.1
Chicago	19.2	9.7
Los Angeles	6.0	3.3
Philadelphia	15.7	8.3
Detroit	11.1	6.0
Baltimore	29.7	14.6
Houston	5.5	2.8
Cleveland	4.6	2.6
St. Louis	14.1	7.1
San Francisco	4.2	2.3
Westchester County, N.Y	.9	.4
Hamilton County, Ohio	1.1	.7
Cook County, Ill	4.9	2.6
Los Angeles County, Calif	12.2	6.1
Orange County, Calif	1.7	.8
Harris County, Tex	2.5	1.2
Nassau County, N.Y	2.73	1.29
Buffalo, N.Y	1.45	.74

I recognize that the factor of two used in the bill is somewhat arbitrary. Nevertheless, there are a number of cogent reasons why large urban governments' allocation should substantially exceed their proportionate share of the state and local taxes raised in the state.

One such reason is that the central cities have a relatively limited capability of raising revenues from their own sources. State constitutions often limit cities' abilities to impose new taxes. City taxes do not effectively reach commuters from the suburbs. The tax base of the central cities decline because of shrinking property values, the influx of poor residents, and the exodus of businesses and middle-class residents. Rises in city tax rates may be prevented by voter resistance; by the refusal of state legislatures to approve increased rates; or by competition with the suburbs for tax dollars.

Another reason is that the local tax burden in the central cities already tends to be proportionately higher in relation to income. According to a recent study of 37 Standard Metropolitan Statistical Areas, local taxes in the central cities average 7.6% of the personal income of their residents, while in the surrounding suburban areas they equal only 5.6% of income.

A third reason is the growing concentration in the central cities of "high cost" citizens—that is, low-income persons with special welfare, educational or other needs. For example, only 27% of Maryland's population is located in Baltimore, yet 71% of the state's AFDC welfare case load is to be found in that city; and Boston, with 14% of Massachusetts' population, accounts for 38% of that state's AFDC case load.

This relative fiscal weakness of the central cities is documented in full in "Metropolitan Fiscal Disparities." The second volume of the landmark 1967 report of the Advisory Commission on Intergovernmental Relations, entitled "Fiscal Balance in the American Federal System."

The bill has a "feathering" formula which allocates a reduced share to cities and urban counties of 50,000 to 100,000 population. It also contains a "cut-off" at 50,000 population, so that the state retains discretion as to how much, if any, of its revenue sharing payments will go to smaller municipalities.

The Administration proposal, by contrast, entitles all general units of local government to "pass through" payments, on the basis of a single formula.

Here, I favor the basic approach of the Intergovernmental Revenue Act, although certain modifications may be in order.

I think the bill is sound in allocating the largest proportionate share to cities and counties of over 100,000 population. For reasons I have just discused, it is the large cities that are facing the most severe fiscal crisis and are most in need of revenue sharing payments to restore their fiscal structures.

I also think the bill takes a sound approach in providing some population "cut off."

There are now 38,202 units of general government in the United States. Of these, 31,010—or over 80%—are villages, townships or counties having populations of less than 2,500. In fact, over 20,000—or over 50%—are tiny units having populations of less than 1,000.

I do not think it is suitable to provide separate allocations for all these smallest units of government.

Many of these small units would operate much more efficiently by merging, consolidating their functions, or transferring their police, fire protection or other services to the county level. Entitling each of them to separate revenue sharing payments would only encourage them to continue operating as they are, rather than undertaking the needed mergers, consolidations or transfers.

Furthermore, there are enormous differences in the relative fiscal needs of these smallest communities. Some are very wealthy; some are poor. Some perform substantial services; some do not. Some maintain relatively high local tax efforts; others relatively low. A federal revenue sharing sytsem cannot take into account these enormous disparities in a single formula. The task of aiding those of the smallest communities that are in need of assistance can be best performed by the states.

While I oppose including all units of local government in the "pass through" formula, I recognize that the 50,000 cut-off provided by the bill may be somewhat high.

Many cities of 20-, 30- or 40-thousand population are substantial communities, performing important services and having very real fiscal problems. Not all these communities will necessarily be able to obtain from the state the assistance they require. A real case can be made for their inclusion in the "pass through" formula, although I believe they should receive proportionately less than the large central cities.

Moreover, as a political matter, a revenue sharing plan is more likely to obtain needed local support if medium-sized communities are included in the formula.

Accordingly, a workable compromise formula might be:

To set the population cut-off level at a lower figure, such as 10,000.

To utilize a "feathering" formula, similar to that contained in the bill, to allocate proportionately reduced amounts to local governments as their population goes from 100,000 down to the cut-off figure.

VI. CONCLUSION

There are other aspects of the bill, particularly its tax credits for state and local income taxes, which time will not permit me to discuss today. Mr. Colman, the Executive Director of the Advisory Commission on Intergovernmental Relations, will, I understand, go into these matters in some depth in his testimony today.

May I just say that the tax credit provisions of the bill will create a valuable incentive for state and local governments to improve their own tax systems. They will also constitute an important step toward eliminating the interarea taxing disparities that have placed the most progressive taxing jurisdictions at a competitive disadvantage.

Finally, let me make one plea.

Revenue sharing is an essential reform, but it will not be an easy one to secure.

It has a realistic chance of enactment only if its supporters—in Congress and at all levels of state and local government—maintain a united front.

Many of us will have differing views on the details—on how much federal money should initially be devoted to revenue sharing, on how the "pass through" formula should work, and so on. I have mentioned my own preferences on some of these points in my testimony.

It is essential, however, for us to avoid letting these differences of detail obscure our agreement on the objective. Some of us prefer the formula of the Intergovernmental Revenue Act; others that of the Administration; still others a compromise formula. Any of these alternatives, however, would be a major step forward. Any would be infinitely preferable to no revenue sharing at all.

In short, revenue sharing presents a real hope for restoring the fiscal balance in our federal system. Let us strive to make this hope a reality.

PERSPECTIVE ON ASIA—THE MANSFIELD REPORT

Mr. CASE. Mr. President, our distinguished majority leader, the Sena-

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tor from Montana, has just submitted to the Committee on Foreign Relations a most perceptive report based on his recent trip to Southeast Asia. Entitled "Perspective on Asia: The New U.S. Doctrine and Southeast Asia," his report should provide to both the executive branch and the legislative branch an important stimulus to the fundamental rethinking of American policy in Asia to which all sides are committed.

The Mansfield report marks an important beginning to a new "Perspective on Asia," in my judgment, and should be of interest to every American. For that reason I ask unanimous consent that an excerpt from the committee print be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Letter of Transmittal

September 13, 1969.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Several months ago, President Nixon proposed that I consider traveling to Cambodia in connection with the resumption of relations with that country after a 4-year interruption. Upon his return from Asia and Rumania, the President repeated the proposal and discussed visits to other countries to study reactions to his new Asian doctrine. I advised him that I would go both as his representative and as a member of the committee. Letters to this effect were subsequently exchanged between the President and myself. The President notified the heads of states of the countries to be visited of my impending journey.

I left Washington for Southeast Asia on August 13. Returning to the United States on August 27, I went to the western White House in San Clemente to discuss my findings with the President and to give him a confidential written report. Additional reports on special situations which came to my attention have since been sent to him. Transmitted herewith is a public report to the committee along the lines of the report given the President on my return. The latter report contains a number of specific recommendations for carrying into effect the new doctrine on Asia which it seemed appropriate to me to give to the President in confidence.

This mission for the President, and as a member of the committee, took me to the Philippines, Indonesia, Burma, Cambodia, and Laos with brief stops in Okinawa and Japan. In the Philippines, I spent many hours in private conversation with President Ferdinand E. Marcos and with Gen. Carlos P. Romulo, the Secretary of Foreign Affairs. I had a long conversation with Indonesian President Suharto in Djakarta and met with Prof. Seno Adjie, Minister of Justice and Acting Foreign Minister at the time of my visit, Ismael Thajeb, Director General for Foreign Economic Relations in the Foreign Ministry, and Speaker Sjaichu and Vice Chairman Maj. Gen. Dr. Sjarif Thajeb, of the Parliament. In Burma, General Ne Win received me most cordially for a private talk, and I also called on Col. Maung Lwin, Burma's new Foreign Minister.

Prince Norodom Sihanouk, designated as a state visit my stay in the Cambodian capital of Phnom Penh. The Chief of State extended to me, as the President's representative, what was a very warm personal welcome and a striking initiative of cordiality toward the United States. While in Cambodia, I also met with Gen. Lon Nol, the new Prime Minister, and Foreign Minister Prince Norodom Phurissara as well as an old acquaintance, the distinguished retired statesman, Mr. Penn Nouth.

My brief visit to Laos provided me with an opportunity to have a private talk in Vientiane with Prince Souvanna Phouma, Prime Minister of the Government of National Union. In the royal capital of Luang Probang, I met with King Sri Savang Vatthana. In addition to these meetings and conversations, members of my party and I met with other officials, journalists, and observers in each of the visited countries.

I was accompanied to Asia by Mr. Francis R. Valeo, the Secretary of the Senate, and Mr. James G. Lowenstein of the Committee on Foreign Relations. Mr. Kenneth R. Calloway, a consultant to the Department of State, and Mr. Paul Kelly of the U.S. Embassy in Manila (who traveled with my party while in Asia), handled administrative arrangements. To all of them I am most grateful for their diligence in the carrying out of my requests in connection with the mission. I also wish to thank the Air Force for permitting Col. Frank A. Goss, U.S. Air Force (MC), to accompany the party and for making available special transportation for the greater part of the journey.

Our embassies and other offices abroad were most helpful and cooperative. I would like to record, in particular, my gratitude to Mr. James M. Wilson, Jr., the chargé d'affaires in the Philippines, Ambassador Francis J. Galbraith in Indonesia, Ambassador Arthur W. Hummel, Jr. in Burma, Mr. Lloyd M. Rives, the new chargé d'affaires in Cambodia, and Ambassador G. McMurtrie Godley in Laos. Their assistance, and that of their staffs, was of great value to me. In addition, I would note the courtesy, the information, and the excellent administrative support provided by Minister Edwin W. Martin and the staff of the consulate general in Hong Kong where the major portions of my confidential report to the President and this report were prepared. Finally, I wish to thank Lt. Gen James B. Lampert in Okinawa and Ambassador Armin H. Meyer in Japan for the valuable briefings which they provided to me.

Sincerely yours,

Mike Mansfield.

Perspective on Asia: The New U.S. Doctrine and Southeast Asia

I. INTRODUCTION

The end of World War II saw the military forces of the United States heavily engaged in the Western Pacific but massive strength had not been committed to the Asian mainland. To be sure, there were U.S. contingents in South Korea and in China. These troops, however, were being withdrawn as rapidly as possible, consistent with the orderly taking of the surrender and the U.S. share of responsibility for the allied military occupation of Japan and Korea.

On mainland Southeast Asia and in the surrounding seas the forces of the prewar European colonial powers were found again. The French returned to Indochina which then encompassed protectorates in Cambodia, Laos, and Vietnam; British forces reentered Singapore, Malaya, and Burma; and Dutch forces landed in the East Indies, the former colony of islands which is now the Republic of Indonesia. The U.S. military involvement in Southeast Asia was confined almost entirely to those forces which had been engaged in the liberation of the Philippines.

The postwar period saw vast political upheavals in the Western Pacific. Independence came to great numbers of people. In some cases, it was gained easily; in others, only after bitter struggle. A Communist Chinese regime took control of the most populous nation in the world at a time when the Soviet Union was extending domination over Eastern Europe. During 1948 and 1949, the Communist coup d'etat in Czechoslovakia, and the Soviet blockade of West Berlin, coincided with the completion of the conquest of the Chinese mainland by the People's Liberation Army. In June of the following year, North Korean forces crossed the 38th parallel in an invasion of the south and were engaged by South Koreans and, then, by U.S.-U.N. forces. In November, Chinese Communist troops entered that conflict.

The agglomeration of these events, all occurring within a short span of time, stimulated the United States to a heavy involvement on the mainland of Asia. Over the years, this involvement has taken the form of enormous expenditures for economic and military assistance, U.S. treaties and other pledges of support and, finally, commitments of U.S. combat forces to the determination of the course of developments in that region.

Today, there are treaties and executive agreements and an accumulation of decisions of the executive branch which enmesh this Nation deeply in the affairs of Southeast Asia. In consequence, there are over 500,000 U.S. troops in South Vietnam and 50,000 in Thailand. In the general area and at least partially connected with our involvement in Southeast Asia are 40,000 men in Japan; 45,000 in Okinawa; 10,000 in Taiwan; 60,000 in the 7th Fleet; 30,000 in the Philippines and additional thousands on Guam—in all, a figure approaching 80,000.

Whatever the initial validity of these immense commitments, there is growing doubt as to whether it is wise or beneficial for this Nation and the countries concerned to perpetuate the present state of affairs. In the first place, the independence of Asian countries would be hollow indeed if it involved merely an exchange of a past colonial status for the indefinite prop of U.S. support. From our own point of view, moreover, the United States is feeling the adverse effects of the prolonged expenditure of lives and enormous resources and energy abroad, most of it in Vietnam and Southeast Asia.

In the interim, needs at home have been neglected—needs which are too obvious and omnipresent to require cataloging. They are all around us whether we live in cities or on farms, whether our homes are in New York, Washington, California, the Midwest, or Montana. The solution of these problems—whether they involve equality of treatment or pollution of air and water, or education, or public safety, or transportation and roads, or whatever—will require great and sustained inputs of initiative and attention at a time when these assets are heavily diverted abroad. They will also require substantial public funds in a period of inflation and of heavy tax burdens which result in large measure from military expenditures overseas and, notably, from the war in Vietnam.

While urgent needs at home are neglected, there is deep concern over the war in Vietnam which is still without an end in sight. The conflict continues to result in additional American dead and wounded every week and in expenditures at the rate of about $3 million an hour. Moreover, elsewhere in Southeast Asia there are shadow wars and the pockmarks of violent internal dissension. That these situations, under our present course, might evolve in the pattern of Vietnam gives rise to further concern.

Doubts as to our past Asian approach are also fed by the visible consequences of the mass entry of American soldiers, money, and official establishments into Southeast Asia. To be sure, this entry has brought a great inflow of wealth and modern technology. In some places, however, little that is constructive is visible as a result. The very magnitude of the American involvement, emerging as it has in a short span of time has imposed an almost indigestible alien presence and precipitated severe cultural convulsions.

To date, we have acted on the scale that we have in Southeast Asia largely to support small nations against what has been calculated as the threat of Communist aggression—notably from China. In fact, there was little impression of fear in any of the countries visited of an attack or invasion from China. Considerable concern does exist, however, that internal insurgent movements whose origins lie in local grievances or conflicts will be used as spearheads of influence by China or by North Vietnam. The principal threat to most existing governments in Southeast Asia, in short, seems to arise from within Southeast Asia at this time.

It seems to me that our presumption of a primary danger to the Southeast Asian countries, which they themselves do not perceive, does not provide a sound basis for U.S. policy. Rather, it tends to create for this Nation the role of self-appointed, great power protector in an area in which a militant young nationalism speaks the common language of resistance to foreign intrusion. It is sobering to recall, in this connection, that this Nation has never been an Asian power and, in my judgment, it is essential to avoid a further glissade into that ill-fitting role. Our vital interests with respect to the Asian mainland have always been peripheral. They are peripheral now. They are likely to remain peripheral in the future.

On the other hand, we have been and will continue to be a Pacific power. Vital national interests are, indeed, lodged in that ocean. Four of our States border on the Pacific. In addition, one of them, Hawaii, lies in the middle of that vast expanse of water. We have territories and dependencies all over the Pacific. The Aleutian Islands are part of the State of Alaska. American Samoa, Guam, Wake, Johnston, Midway and the Howland, Baker, and Jarvis Islands are dependencies of the United States. The Trust Territory of the Pacific Islands, which we have administered since the end of World War II, comprises over 2,000 islands and atolls with a land area of 678 square miles scattered over 3 million square miles of the Pacific.

As a Pacific power, we have and will continue to have a profound interest in what transpires in the western reaches of the ocean. In my judgment, however, that interest can best be expressed not by our immersion in the region's internal political affairs but by an orderly shift to a restrained and judicious participation, as one Pacific nation among several, in its peaceful development.

Indeed, it is difficult to discern any other reasonable course for this Nation in present circumstances. It is a new day in Asia. The age in which foreign military dominance of any Asian people was a practical possibility has long since ended. Even the postwar period of one-sided dependency—most of it on the United States—is drawing to a close. Civilized survival, not to speak of peace and progress in the Western Pacific, may well depend on the timely emergency of a new age of cooperation based on equality and on a mutuality of responsibility, respect, and tolerance between this Nation and all the states of Asia.

II. THE PRESIDENT'S NEW ASIAN DOCTRINE

In the course of his recent trip, President Nixon enunciated in the Guam Declaration a new approach to Asia and the Western Pacific which seems to me to take cognizance of the considerations that are outlined in the introductory section of this report. The President's Asian doctrine contains the following precepts, as I understand them and as I interpreted them to various Asian leaders:

1. The United States will maintain its treaty commitments, but it is anticipated that Asian nations will be able to handle their own defense problems, perhaps with some outside material assistance but without outside manpower. Nuclear threats are another matter, and such threats will continue to be checked by counterpoised nuclear capacity.
2. As a Pacific power, the United States will not turn its back on nations of the Western Pacific and Asia; the countries of that region will not be denied a concerned and understanding ear in this Nation.
3. The United States will avoid the creation of situations in which there is such great dependence on us that, inevitably, we become enmeshed in what are essentially Asian problems and conflicts.
4. To the extent that material assistance may be forthcoming from the United States, more emphasis will be placed on economic help and less on military assistance.
5. The future role of the United States will continue to be significant in the affairs of Asia. It will be enacted, however, largely in the economic realm and on the basis of multilateral cooperation.
6. The United States will look with favor on multilateral political, economic, and security arrangements among the Asian nations and, where appropriate, will assist in efforts which may be undertaken thereunder.

III. REACTIONS TO THE NEW ASIAN DOCTRINE

Achievement of many of the objectives stated above involves a reduction in the U.S. presence in Southeast Asia. While this report does not deal with Vietnam, it is obvious that the war there is the main cause of the massive dimensions which the U.S. presence has attained. That the possibilities of diminution are bound up with the end of that tragic conflict does not mean that application of the new doctrine must await the war's termination. Quite apart from Vietnam, there are other areas where contractions may be possible. Most immediately, under the new approach there is the possibility of curbing what seem to be built-in tendencies in the many-sided U.S. establishments in Asia to expand the U.S. presence.

In general, the leaders of Asian countries agree that the role of the United States in Asian affairs should shrink. Some uneasiness does exist that the pendulum will swing too far, from overinvolvement to noninvolvement. The fear is that the United States may leave the smaller Asian states in isolation and under the shadow of one or another more powerful neighbor.

There is also some uncertainty as to what the new doctrine will mean in specific terms. This uncertainty is understandable since there was not, at the time of my visit, any sign of a followthrough to the new doctrine. Indeed, other than the transient stimulus of the President's recent personal appearance, little, if any, change was visible. The concepts, practices, and programs by which U.S. missions in Asia have operated for many years remain the same.

Notwithstanding the President's recent visit and Presidential statements to the contrary, some U.S. missions still expect this Nation to continue as a major military factor in Southeast Asia after the conclusion of the war in Vietnam. Developments within Southeast Asian countries are still referred to as "vital" to this Nation's interests, "vital" implying more of a commitment than can be derived from a reasonable reading of the President's new approach. Ironically, in some U.S. embassies an inconsistency is not seen between budgetary requests for greatly increased U.S. bilateral assistance and, hence, greater U.S. participation in the indigenous situation, on the one hand, and the administration's new doctrine on the other.

In short, there is no indication, as yet, of when or how the size of the U.S. presence in Asia is to be reduced in any significant degree. It is a fact that the only reductions contemplated at the time of my visit were those which might result from a continuance of periodic blanket percentage cuts in personnel. These cuts began more than a year ago, not as a matter of policy so much as a measure of economy and as a palliative for balance-of-payments concerns.

It would appear, therefore, that the first order of business under the new doctrine is to see to it that the President's new concepts are reiterated and thoroughly explained throughout the U.S. departments and agencies concerned and that they are disseminated among all U.S. officials in Southeast Asia. It would appear, too, that directives which are both clear and firm will have to emanate from Washington if these concepts are to be applied effectively and with necessary dispatch by U.S. missions in Southeast Asia.

IV. THE NEW DOCTRINE AND SOUTHEAST ASIAN COUNTRIES

A. The Philippines

Since the establishment of the Republic of the Philippines in 1946, the interaction of policy between that nation and the United States has been deeply influenced by a "special relationship," a phrase which is subject to two interpretations. On the one hand, it connotes the emotional interplay between the two countries which stretches back over more than half a century. This "special relationship" began, in fact, with a degree of hostility in the conflict over the annexation of the Philippines by the United States. Gradually, however, the relationship developed mutual trust, and it was finally welded by the shared dangers, horrors, and triumphs of World War II, and the U.S. pledge of independence to the Philippines, into a strong and sympathetic mutual attachment.

"Special relationship" also refers to a carryover of concessions in trade and commerce and the preferential treatment of U.S. nationals in the Philippines from the preindependence period. In the same vein, the term also describes the vested military privileges which are enjoyed by the Armed Forces of the United States in the Philippines. These privileges were assumed during the period of U.S. rule of the Philippines, and they have been extended, with some modifications, under the lease arrangements by which the United States continues to occupy a great military base complex in the Philippines.

It is perhaps not generally realized that there are about 30,000 U.S. military personnel in the Islands, and over 25,000 dependents. Over 100,000 Filipinos and U.S. civilian employees work on our military bases in the Philippines, the U.S. Department of Defense being the second largest employer in the Philippines, coming only after the Philippine Government itself. The Clark Field lease, which covers over 132,000 acres, and the Subic Bay installation are among the largest U.S. military holdings anywhere in the world. Last year, U.S. Government spending in the Philippines, amounted to about $270 million, over half of which was for outlays in connection with the military bases.

With regard to special economic rights, U.S. investors are the only foreigners in the Philippines presently permitted to own a controlling share of companies engaged in the exploitation of natural resources and in the operation of public utilities. In addition, the Laurel-Langley agreement of 1955 which amended the trade agreement of 1946 provides preferential tariff treatment on trade between the two nations and, of special benefit to Philippine commerce, guaranteed access within a quota to U.S. markets for sugar and cordage as well as duty-free quotas on certain other products.

The close integration of the Philippine economy with that of the United States now shows signs of diversification. Japanese and Europeans, for example, have come to assume an increasingly important role in Philippine trade. In fact, Japan has now become the chief supplier of Philippine im-

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ports. There are also some initial explorations being made with regard to the possibilities of trade with Communist nations, although Philippine relations with these countries are still far more circumscribed than our own.

Last year, the Philippine gross national product rose 6.3 percent and the country, employing the new miracle strains, became self-sufficient in rice for the first time in memory. At the same time, however, the Philippines had a $300 million deficit in international trade incurred in considerable measure because of the import of capital goods for the developing economy. The deficit figure underscores the compensatory significance of both U.S. base expenditures and trade preferences in the present economy of the Philippines.

The carryover of economic privileges has come under press attack in the Philippines in connection with preliminary scrutiny of the Laurel-Langley agreement which is due to expire in 1974. President Nixon's new doctrine would seem to call for a readiness on the part of this Nation to make adjustments in this agreement. There will be difficulties in this connection, to be sure, but there ought not to be insurmountable difficulties. As I tried to specify in my report to the President, the shock of change can be minimized if there is restraint and understanding on both sides.

The administration's new doctrine would also seem to imply a forthcoming attitude with regard to the military base issues. As nations whose futures are interwoven with the peace of the Pacific, the Philippines and the United States have a common interest in cooperating closely in the field of defense. In that sense, the U.S. bases in the Philippines are of great significance to both nations. In the end, however, the value of the bases is dependent not only on our willingness to support them but also on Philippine acceptance of the arrangements which govern their usage. In that connection, it is important to bear in mind that, with the Philippines no longer an island possession of the United States, what transpires on and around the bases is bound to be of direct and deep concern to any Philippine Government.

In my judgment, the continued effectiveness of the bases requires an alertness to national sensitivities, a scrupulous respect for Philippine sovereignty, and close collaboration between the two governments on all matters pertaining to the usage of the bases. In that fashion, the scope and design of our military presence in the Philippines can be made to reflect not only our military needs but, equally, the wishes of the Philippine people.

When President Nixon arrived in Manila, he said:

"I hope that we can initiate a new era in Philippine-American relations, not returning to the old special relationships, because the winds of change have swept away those factors, but building a new relationship, a new relationship which will be based on mutual trust, on mutual respect, on mutual confidence, on mutual cooperation."

As he left Manila, he said:

"We have a special relationship with the Philippines which will always be in our hearts * * *."

The President's remarks underscore the dual significance of the phrase "special relationship." To recast all that these two words have come to imply into one mutually acceptable meaning will test the sagacity of the policies and the diplomacy of both nations in the period of transition which lies ahead.

B. Indonesia

Indonesia was caught for many years in the crossfire of overstimulated and overstimulating politics, the demands of a large military establishment, and the inevitable dislocations of transition from colonialism to independence. The consequent economic deterioration expressed itself in a runaway inflation, a neglect of agriculture, and a decline in exchange earnings which in former times were derived largely from the export of agricultural commodities and crude raw materials.

The deterioration now appears to be checked in the aftermath of a military seizure of power. At the same time, there has been a shift in Indonesian foreign policy, from dependency on Communist nations for assistance. In the past 2 years, non-Communist nations have provided substantial amounts of aid and an increasing flow of private investment.

The present government of military leaders, economists, and civilian bureaucrats sees the principal problem of the nation to be its rapid economic development. Under the leadership of General Suharto, a patient, modest, and determined man, two 5-year plans have been delineated. The first plan which emphasizes agriculture went into effect as of April 1969. In the second 5-year plan, the emphasis will shift to industrial development.

Significant economic results have already been achieved. The rate of inflation was 635 percent 3 years ago. This year it is expected that the figure can be held to about 25 percent. There has been, as noted, an influx of private foreign capital, with a total of about $560 million in investments already approved by the Government. This total, which excludes banking and oil, is expected to rise in the next few years to $1 billion. Of the total approved, U.S. investors will provide $193 million. Last year alone, U.S. investment was $50 million, again with the exception of investments in banking and oil. The foreign investment in oil was about $68 million.

The first 5-year development plan is dependent on an average of $600 million a year in foreign loans and credits. This sum will be disbursed through the Inter-Governmental Group of Indonesia, a consortium which consists of the International Bank, the International Monetary Fund, Japan, Western European and miscellaneous contributors, and the United States. This Nation has been committed to provide one-third or $200 million of the annual requirement in 1969. Another third will come from the Japanese, and the remaining third from the Western Europeans, Australians, and minor sources.

The loans will be used under the 5-year plan to rehabilitate existing productive facilities and to initiate new projects. According to advice I received, the loans will not be used to repay old foreign debts which, with the new liabilities that are being assumed, will soon bring Indonesia's total foreign indebtedness to $3.5 billion.

Over $1 billion of the above total is owed to the Soviet Union and other Communist countries. The indications are that the present terms of repayment cannot be met and some sort of new repayment schedule will have to be devised. Since the coup d'etat, however, relations with China and, until recently, with the Soviet Union have been distant.

In addition to providing one-third of the loans through the consortium, the United States has agreed to provide a "fair share" of food aid to Indonesia. This Nation has already in operation a military assistance program which runs to about $6 million a year. Presently, no lethal military equipment is involved in the program, which is administered not by a Military Assistance Advisory Group, but by a 13-man U.S. defense liaison group. Nevertheless, the program does have some characteristics of a MAAG operation in that it involves training Indonesian officers and support of the Army's civic action and economic rehabilitation activities.

The U.S. agreement to provide loans for the 5-year development plan involves risks, of course, but the risks are shared since the loans are part of a multilateral fund to be channeled through the consortium. In that sense, this particular agreement would appear to be in accord with the President's new approach.

When that is said, however, it should also be pointed out that there has been a tendency for our involvement in Indonesia to grow in a mathematical progression. In fiscal year 1966, for example, all forms of U.S. economic assistance to Indonesia totaled about $20 million; in 1967, $59 million. By 1958 the figure was $103 million and in fiscal year 1969, $255 million. The overall trend of U.S. participation in the Indonesian situation, in short, has been upward, with the bilateral element in our policies also on the increase.

Part of this increase is explicable in terms of Public Law 480 food aid. It would seem to me that what has been described as our "fair share" of this aid is somewhat out of proportion. In 1969, the United States will provide $83.8 million of a total of $135 million. It should be noted that, under present bilateral arrangements, even food aid tends to edge us, bilaterally, into the internal affairs of other countries. Moreover, whatever the beneficial effect in one nation, this aid can have adverse consequences in others. This assistance, to a greater or lesser degree, does compete with the commercial exports of food-surplus nations, notwithstanding efforts to avoid disturbing existing channels of trade.

That is not to say that the use of food as aid should be frowned upon in Indonesia or elsewhere. Rather, it suggests that in this form of assistance as in others, a multilateral approach in which attention can be paid to a wide range of considerations may help to minimize the adverse consequences of this otherwise well intentioned program.

In a more general sense, it would seem that there is also a need for other nations to assume a larger role in assisting Indonesia. In this connection, it is inevitable that Japan be considered as a principal source not only because it is in a period of great economic dynamism, but also because of its regional proximity and the complementariness of its economy with that of Indonesia.

To be sure, Japan does play a major role in the loan consortium. Moreover, Japanese reparations payments which are now being completed have also been a positive factor in the Indonesian economic situation in recent years. However, it must be stated in all frankness that there is some inclination to regard as harsh, Japanese terms of trade and investment. Furthermore, the tendency of this investment to concentrate in extractive industries is seen in some quarters as making an insufficient contribution to the development of a diversified industrial economy. Finally, there is encountered some uncertainty over the implications of the enormous and growing gap which exists between the highly sophisticated Japanese economy and the level of economic development not only in Indonesia but elsewhere in Southeast Asia.

Unless set to rest, these various concerns do not augur well for plans for cooperative regional development. Such plans are invariably predicated upon and, indeed, would appear to require a vigorous Japanese participation if they are to be successful.

C. Burma

The Burmese Government continues to go its own way as it has for many years. It is neither overawed by the proximity of powerful neighbors nor overimpressed by the virtues of rapid development through large infusions of foreign aid. Burma's primary concern is the retention of its national and cultural identify and the development of an economic system preponderently by its own efforts and along its own lines.

This almost passionate emphasis on "Burmanization" and the "Burmese way to socialism" can best be understood against the background from which contemporary Burma emerged. Under the previous colonial status, control of the machinery of the economy was divided largely among British, Chinese, and Indians. Free enterprise in Burma meant, largely, foreign enterprise. For the most part, Burmese nationals were, in effect, bystanders and subordinates in the development of their own country.

With the exception of agriculture, the economy of Burma is presently closely managed by the state. All economic activity has been nationalized, except farming and the operation of some buslines, taxis, restaurants, and small industrial enterprises. But to reiterate, where the state now exercises authority in the economy, it has replaced not so much Burmese private enterprise as a former alien dominance.

While curbing foreign economic power, the Burmese Government has also sought to insulate the country from the conflicts of the great powers. This policy has involved maintaining a proper neutrality and rather reserved diplomatic relations with all states. The approach has been applied not only to the United States but also to China, the Soviet Union, and other nations.

It would be erroneous, in my judgment, to view the Burmese attitude in this respect as an indication of hostility to any nation. Rather, it arises from a concern lest foreign influence overwhelm Burmese culture or otherwise become a disrupting factor in the nation's affairs. In view of what has transpired elsewhere in Southeast Asia, it cannot be said that the concern is without foundation.

Moreover, the Burmese internal situation is still vulnerable to foreign power intrusion. In the first place, there are extreme political and personal conflicts among Burmese nationalists which have been throttled rather than modulated. Some armed insurgency continues in border areas inhabited principally by ethnic non-Burmese. Small armed Communist factions are active, as they have been for decades. The Burmese Government does not appear overly disturbed by the possibility of aggression from China.

The Burmese economy has had difficulties, notably with the export of the rice surplus, the principal source of foreign exchange earnings. As already indicated, these difficulties are not unrelated to U.S. food-aid distributions to Indonesia and other nations in Asia. On the other hand, there is still a residual flow of U.S. aid to Burma. It involves, as it has for several years, the final utilization of U.S. funds which were appropriated a long time ago for college buildings in Rangoon, a water and sewerage system, and a large teak mill.

Burma has also received some military equipment from the United States under a sales arrangement negotiated in 1958 at the request of the Burmese Government and subsequently extended in 1961. The agreement enables Burma to buy at greatly reduced prices, and it also involves some training of Burmese military personnel by mobile training teams from the United States. The program, which is supervised by a U.S. Military Equipment Delivery Team, has only 2 more years to run. While no particular interest has been indicated in its continuance beyond that date, the U.S. military mission in Rangoon shows no sign of contraction. Almost half of all official U.S. personnel in Burma (91 employees) are with the Military Equipment Delivery Team or the office of the defense attaché.

Under the President's new doctrine, it seems to me that the cloth of our policy should be cut more precisely to fit the Burmese pattern. Admittedly, the adjustment will not be easy. In one important sense, for example, present Burmese attitudes do not dovetail with the new doctrine. The Burmese Government is not generally disposed to favor regional economic organizations, as they have so far evolved. The Asian Development Bank, for example, is regarded essentially as a non-Asian institution because of the heavy role of countries from outside the region. The Bank is also seen not as a unifying factor but, possibly, as a divisive element. From the Burmese point of view, the Bank's resources are so limited that there is bound to be severe competition among the small Asian nations for a share of the Bank's favor.

In other respects, however, attitudes would appear to be very much in harmony with the new doctrine. The wish to remain outside of great power conflicts, for example, should not only be respected, but should be sustained by our practices. It would seem to me, therefore, that in the absence of indications to the contrary, the vestiges of the economic aid program which have been an inordinate time in liquidation, should be terminated without further delay and in a manner which accords with the wishes of the Burmese Government. The termination of the military sales program, too, should be anticipated and, in preparation therefore, a commensurate reduction in our official military representation should begin to be made now.

These changes would not preclude in any way an increase in direct contact of reciprocal benefit between Burma and the United States in other fields. It should be noted, in this connection, that some modest steps have been taken by the Burmese Government to encourage foreign tourism, a most welcome initiative.[1] Other exchanges of a peaceful nature in many fields would be in order. We should, it seems to me, be ready to give encouragement to all forms of mutually beneficial cultural contacts with Burma. To the degree that it is desired we should work with the Burmese Government to stimulate not only tourism but trade, educational, professional, and technical collaboration between the peoples of the two countries.

D. Cambodia

After a 4-year interruption, relations were reestablished between Cambodia and the United States in July, following a U.S. declaration recognizing and respecting Cambodia's frontiers.[2] This declaration was, in effect, a preliminary to dealing through diplomatic processes with issues which have arisen from the war in Vietnam to distort and disturb the Cambodian-United States relationship for many years. There are, for example, on the one hand, the air forays from South Vietnam into Cambodia which have resulted in the loss of the lives of Cambodian men, women, and children as well as property damage. On the other hand, there has been the concern of the U.S. command in Saigon that Cambodian territory was serving as a haven for the enemy and, hence, contributing to the losses and the difficulties of U.S. forces in South Vietnam.

Regrettably, both charge and countercharge have had validity. It is a fact that border areas which are difficult of access even from within Cambodia have been used by enemy forces, certainly for the care of sick and wounded and for the infiltration of men and supplies. This usage has occurred notwithstanding Cambodia's intense desire to close its territories for this or any related purpose to all alien elements. Indeed, the recent surfacing of small so-called Red Khmer units which are sustained by outside support and, far more serious, the increasing appearance of armed North Vietnamese and Vietcong on Cambodian soil is of great concern to the Cambodian Government. Nevertheless, with one of the smallest armies in Southeast Asia and with extensive borders there is little that Cambodia can do to prevent incursions. While the war goes on, therefore, the danger is acute of an ever increasing Vietnamese spillover, whether for asylum from the conflict or for other purposes. Even removal of Vietnamese armed bands and stragglers already in Cambodia will present serious difficulties at the end of the war.

In the circumstances, the keystone of Cambodian policy is the achievement of the firmest possible international guarantees of the integrity and security of its frontiers by the time peace is restored. To that end, the Cambodian Government has sought, and already obtained, assurances of the recognition of its existing borders from the Soviet Union, the United States, China, France, the United Kingdom, and many other nations. Phnom Penh has also received similar acknowledgments of its borders from both North Vietnam and the Provisional Revolutionary Government in South Vietnam and, in turn, has established relations with them. However, it has never been able to obtain such assurance from any of the chain of governments in Saigon beginning with that of Ngo Dinh Diem and continuing down to the present.

Cambodia now enjoys an effective and close relationship with France, the former colonial power. It also has good and active relations with many European, Asian, and other countries. With the Soviet Union, Cambodian relations are proper and, in the case of China, they are again more friendly after a temporary lapse.[3]

With the United States, Cambodia now seeks to build, in my judgment, a relationship of mutual respect and mutual tolerance. Notwithstanding the war in Vietnam, it would seem that the prospects of such a relationship are enhanced by the President's new approach and the understanding with which it has been received by Prince Sihanouk.

It should be noted that the Prince's personal role in the direction of the affairs of his nation has been enormous. The Prince not only led Cambodia to independence, even before the 1954 Geneva agreements, but his leadership has served ever since to preserve Cambodia's unity and to mobilize its energy in the building of a progressive and peaceful state. While there has been aid from many nations, Cambodia's progress is largely self-generated. Notwithstanding severe pressures, Cambodia has managed to avoid military involvement in the surrounding turmoil. It has been able, too, to absorb ideas from many nations which have enhanced rather than obliterated the fundamental character and quality of the indigenous culture.

The United States and Cambodia are at a threshold that offers an opportunity to make a clean beginning. For the past few years, Cambodia's direct contact with U.S. nationals was limited almost entirely to tourists intent upon visiting the extraordinary ruins

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[1] Tourist visas are now authorized for 72 hours in lieu of the 24-hour limit which prevailed for many years.

[2] My visit to Cambodia came 1 week after the arrival of the new U.S. charge d'affaires, Lloyd M. Rives.

[3] There has been in Cambodia, unlike other Southeast Asian countries, a general tolerance of the Chinese community and an absence of hostility to Chinese commerce. This treatment was predicated, however, on a complete Chinese abstinence from intrusion in Cambodian affairs, a condition which was violated during the Chinese cultural revolution and which led to a prompt and firm reaction by the Cambodian Government.

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of ancient Khmer civilization at Angkor Wat. An occasional official U.S. emissary traveled to Cambodia but there were no regular diplomatic relations, no economic aid program, and no military assistance program.

At the time of my visit, the reopened official U.S. establishment in Cambodia numbered only four persons, about the number present at the time of my first visit to Phnom Penh in 1953. There will be additions to this staff, to be sure, but it would seem most desirable that they be minimal. Certainly, there is no cause for the development once again of an overweening official presence with the extensive paraphenalia of programs that has become so characteristic of official U.S. establishments in Asia during the past decade.

The President took a wise initiative, in my judgment, in moving to restore friendly relation with Cambodia at the outset of his administration. He has acted to curb the spread of the war's devestation and, hence, to forestall an increase in the loss of American lives and the multiplication of the costs of the war in Vietnam.

As I sought to detail in my report to the President, there are steps which can be taken promptly to cement the relationship with Cambodia at the outset of its resumption. In the longer range, however, resumption provides a basis for development of what can be mutually beneficial cultural, commercial, and other contacts between the peoples of the two nations. The encouragement of Cambodia's revived interest in the Asian Development Bank and other multilateral agencies might also prove helpful in strengthening the concept of regionalism. It will take patience, sensitivity, and restraint but the policies of this nation, in my judgment, can assist in maintaining this oasis of peace in a wartorn Southeast Asia to our benefit as well as to the benefit of the people of Cambodia.

E. Laos

From a decline in involvement after the Geneva accord of 1962, the U.S. presence in that small nation has grown again to disturbing proportions. The reinvolvement is largely in the form of assistance of one kind or another, extended either directly by U.S. agencies or indirectly through private contractors. The cost of reinvolvement is already in the hundreds of millions and is rising. Most seriously several hundred lives have also been lost. Present tendencies in Laos, in short, run directly counter to what should be anticipated from the President's new doctrine.

To be sure, the reinvolvement of the United States in Laos is associated with the war in Vietnam as well as with the continued and spreading military activity of the dissident Pathet Lao. The armed forces of the latter group are now said to number between 15,000 and 20,000. In addition, it is estimated that some 50,000 North Vietnamese are in the country at this time, moving back and forth between the north and south or guarding infiltration routes and lines of supply. The Chinese have recently added armed guards to a road which, by agreement with a former Laotian government, they are building in remote northern Laos but this development does not seem to have stirred any deep alarm in Vientiane.

It is an understatement to note that the Geneva accord of 1962 which provided both for the neutrality of Laos and for an all-Lao Government of the various factions is now in suspension. The prospects for its resuscitation, moreover, are likely to remain grim, especially if the war in Vietnam is not brought to a conclusion in the near future. In present circumstances, the government in Vientiane is unable either to persuade the Pathet Lao to reenter a government of national unity or to prevent a steady accretion in the strength of this dissident movement.

The U.S. response to the worsening Laotian situation has been to condemn the continued presence and addition of North Vietnamese forces in the country and the involvement of Hanoi in support of the Pathet Lao. At the same time, as noted, we have reinvolved ourselves on a bilateral basis to support the government in Vientiane and as a supplement to the war in Vietnam. At best, this course is already costing some American lives and hundreds of millions of dollars, with all signs pointing to an accretion rather than a dimunition. At worst, it could lead to the full assumption of a U.S. military role in the pattern of Vietnam—a course which was rejected by this government in 1961–62.

As it is now, the depth of our reinvolvement has already created a dilemma. On the one hand, a collapse in Laos is possible, without the continuance of aid, at least at its present level. On the other hand, the greater our support of the government in Vientiane, the less its credibility as a unifying neutral force for all of the Laotian factions. Indeed, in present circumstances, it would appear that the King, Sri Savang Vatthana, alone commands a general loyalty throughout the factionalized land. Any political role which he might play in reunification, however, has heretofore been circumscribed by the traditions and practices of the kingdom.

It is difficult to see how the administration's new doctrine can be sustained if there continues to be an increase in U.S. activities in the old pattern in this uncertain and unstable situation. It seems to me that, as a minimum, every effort must be made to avoid any further magnification of the American presence in Laos. Most importantly, any enlarging commitment of U.S. military forces in this remote region must be restrained.

V. CONCLUDING COMMENTS

The President's new doctrine clearly calls for a contraction of the official U.S. presence in Southeast Asia. In some instances, the nations of the region have anticipated this contraction; in all the nations which I visited, there is understanding of its inevitability. Most are ready for the transition and, in general, welcome it, provided the U.S. interest does not disappear suddenly under a tidal wave of national retrenchment or indifference.

The President's doctrine, of course, does not carry in any sense the latter implication. Indeed, only by an utter disregard of our own national interests could we disengage completely our concern from the affairs of the Western Pacific. Without any such abrupt withdrawal, there is ample room for an orderly contraction of the prevailing U.S. presence in Asia. Most pressing, there is an immediate need for restraints on the built-in tendency of the presence to grow.

There is room, for example, for the following:

1. A contraction of bilateral U.S. aid efforts and a shift to expanding U.S. participation in multilateral efforts in the economic development of the region.

2. A rigid and immediate curb on military aid and no deepening of our direct military involvement with any Asian government, to be followed by a reexamination of longstanding treaty commitments and their organizational substructures, notably SEATO.

3. Official encouragement and support of commercial, cultural, technical, and all other forms of nonmilitary interchange on a mutual basis, scaled to the level of the capacity and the clearly expressed desires of the Asian nations.

In my judgment, an interpretation of the administration's doctrine into policies and practices which follow the above lines would be acceptable in most Southeast Asian nations. Nor is it a matter of waiting for the end of the war in Vietnam. To be sure, when this costly and tragic enmeshment is brought to a close, the way will be facilitated for more rapid change. As I have already indicated above, however, and, as I have detailed in specific recommendations to the President in confidential reports, there is much that can be initiated now in order to contract and adjust American activities in Southeast Asia to bring them into line with his Guam Declaration.

It is necessary to reiterate, however, that as of the time of my visit to the region, the President's pronouncements had brought no follow-through in the U.S. missions abroad. Nor did they indicate to me the receipt of new guidance and instructions from the agencies of the executive branch. It would seem to me, therefore, that if the President's initiative is to precipitate the changes which it promises, there is a need for close collaboration between the responsible officials in the elected administration and the Congress.

As a first step, it would be my suggestion that an immediate freeze be placed on all official personnel increases, military or civilian, in Southeast Asia whether by Presidential order, with strong Congressional support or, if necessary, by legislation, supported by the President, pending full study of the wide range of functions which are now pursued by U.S. Government agencies in Southeast Asia. Some of these functions which began many years ago appear ill-fitted or ill-scaled to present need. A full examination of this kind might well involve a joint effort of the President and the Congress, or it might involve parallel studies or multiple studies by one or the other. However it proceeds, this study should go forward, in my judgment, without delay. It is essential to the maintenance of a U.S. position in Southeast Asia which is relevant to our national interests, to the interests of the people of Asia and to the peace of the Pacific.

AMENDMENT OF FEDERAL HAZARDOUS SUBSTANCES ACT

Mr. MOSS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1689.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1689) to amend the Federal Hazardous Substances Act to protect children from toys and other articles intended for use by children which are hazardous due to the presence of electrical, mechanical, or thermal hazards, and for other purposes which was to strike out all after the enacting clause, and insert:

SECTION 1. This Act may be cited as the "Child Protection Act of 1969".

SEC. 2. (a) Section 2(f)1 of the Federal Hazardous Substances Act (15 U.S.C. 1261 (f)(1)) is amended by adding at the end thereof the following:

"(D) Any toy or other article intended for use by children which presents an electrical, mechanical, or thermal hazard."

(b) Section 2(q) of such Act (15 U.S.C. 1261(q)) is amended as follows:

(1) Clause (A) of subparagraph (1) is amended by inserting "as defined in clause (A), (B), or (C) of subparagraph 1 of paragraph (f) or in subparagraph 2 of such paragraph" immediately after "which is a hazardous substance"; and by inserting "such" after "bears or contains".

(2) Subparagraph (1) is amended by striking out "or (B)" and inserting in lieu thereof the following: "(B) any toy or other article intended for use by children which is a hazardous substance as defined in clause

(D) of subparagraph 1 of paragraph (f) of this section, and which the Secretary by regulation classifies as a 'planned hazardous substance' on the basis of a finding that, notwithstanding such cautionary labeling as is or may be required under this Act for that toy or article, the degree or nature of the hazard involved is such that the objective of the protection of the public health and safety can be adequately served only by keeping such toy or article out of the channels of interstate commerce; or (C)".

(3) Subparagraph (2) is amended—

(A) by inserting "or (C)" immediately after "clause (B)";

(B) by striking out ": *Provided*, That" and inserting in lieu thereof a period and the following: "In the case of any toy or other article intended for use by children which is a hazardous substance described in clause (B) of subparagraph (1) of this paragraph, if the Secretary finds that its distribution presents an imminent hazard to the public health, he may by order published in the Federal Register give notice of such finding, and thereupon it shall be deemed to be a 'banned hazardous substance' pending the completion of proceedings relating to the issuance of regulations pursuant to such clause. In the case of any hazardous substance described in clause (C) of subparagraph (1) of this paragraph,"; and

(C) by striking out "issuance of such regulations" and inserting in lieu thereof "issuance of regulations pursuant to such clause".

(c) Section 2 of such Act is amended by adding at the end thereof the following:

"(r) An article may be determined to present an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock.

"(s) An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness (1) from fracture, fragmentation, or disassembly of the article, (2) from propulsion of the article (or any part or accessory thereof), (3) from points or other protrusions, surfaces, edges, openings, or closures, (4) from moving parts, (5) from lack or insufficiency of controls to reduce or stop motion, (6) as a result of self-adhering characteristics of the article, (7) because the article (or any part or accessory thereof) may be aspirated or ingested, (8) because of instability, or (9) because of any other aspect of the article's design or manufacture.

"(t) An article may be determined to present a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances, or surfaces."

SEC. 3. (a) Subparagraph 1(A) of section 2(f) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(1)(A)) is amended by inserting "or combustible" after "flammable".

(b) Section 2(l) of such Act (15 U.S.C. 1261(l)) is amended—

(1) by striking out "and the term" and inserting in lieu thereof "the term";

(2) by inserting before the semicolon the following: ", and the term 'combustible' shall apply to any substance which has a flash point above eighty degrees Fahrenheit to and including one hundred and fifty degrees, as determined by the Tagliabue Open Cup Tester";

(3) by inserting "or combustibility" after "flammability"; and

(4) by inserting ", 'combustible'," after "the terms 'flammable' ".

(c) Section 2(p)(1)(E) of such Act (15 U.S.C. 1261(p)(1)(E)) is amended by inserting " 'Combustible,' " after " 'Flammable,' ".

SEC. 4. (a) The Federal Hazardous Substances Act is amended by redesignating sections 15, 16, 17, and 18 as sections 16, 17, 18, and 19, respectively, and by inserting after section 14 the following new section:

"REPURCHASE OF BANNED HAZARDOUS SUBSTANCES

"SEC. 15. (a) In the case of any article or substance sold by its manufacturer, distributor, or dealer which is a banned hazardous substance (whether or not it was such at the time of its sale), such article or substance shall, in accordance with regulations of the Secretary, be repurchased as follows:

"(1) The manufacturer of any such article or substance shall repurchase it from the person to whom he sold it, and shall—

"(A) refund that person the purchase price paid for such article or substance,

"(B) if that person has repurchased such article or substance pursuant to paragraph (2) or (3), reimburse him for any amounts paid in accordance with that paragraph for the return of such article or substance in connection with its repurchase.

"(C) if the manufacturer requires the return of such article or substance in connection with his repurchase of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

"(2) The distributor of any such article or substance shall repurchase it from the person to whom he sold it, and shall—

"(A) refund that person the purchase price paid for such article or substance.

"(B) if that person has repurchased such article or substance pursuant to paragraph (3), reimburse him for any amounts paid in accordance with that paragraph for the return of such article or substance in connection with its repurchase.

"(C) if the distributor requires the return of such article or susbtance in connection with his repurchase of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

"(3) In the case of any such article or substance sold at retail by a dealer, if the person who purchased it from the dealer returns it to him, the dealer shall refund the purchaser the purchase price paid for it and reimburse him for any reasonable and necessary transportation charges incurred in its return.

"(b) For the purposes of this section, (1) the term 'manufacturer' includes an importer for resale, and (2) a dealer who sells at wholesale an article or substance shall with respect to that sale be considered the distributor of that article or substance."

(b)(1) Subsection (a) of the section of such Act redesignated as section 18 is amended by striking out "section 18" and inserting in lieu thereof "section 19".

(2) The section of such Act redesignated as section 19 is amended by striking out "section 16(b)" and inserting in lieu thereof "section 17(b)".

SEC. 5. The amendments made by this Act shall take effect on the sixtieth day following the date of the enactment of this Act.

Mr. MOSS. Mr. President, I move that the Senate disagree to the amendment of the House on S. 1689, and ask for a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed by Mr. Moss, Mr. HART, Mr. PASTORE, Mr. PEARSON, and Mr. GOODELL conferees on the part of the Senate.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. BIBLE. Mr. President, before we proceed to the consideration of the Department of the Interior appropriations bill for 1970, so that proper notice may be given to Senators who have interest in this particular legislation, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, I ask unanimous consent that the committee amendments to H.R. 12781 be agreed to en bloc, and that the bill, as so amended, be regarded as original text for the purpose of amendment provided that no point of order against legislation in an appropriation bill shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, in the heading, in line 4, after the word "of", strike out "Land" and insert "Lands".

On page 2, line 8, after the word "under", strike out "this" and insert "the"; and, in line 9, after the word "Management", strike out "$52,600,000" and insert "$52,573,000".

On page 2, line 14, after the word "roads", strike out "$2,925,000" and insert "$2,873,000"; and, in line 15, after the word "until", strike out "expanded" and insert "expended".

On page 5, line 20, after the word "shops", strike out "$176,000,000" and insert "$173,658,000".

On page 6, line 5, after the word "law", strike out "$55,692,000" and insert "$55,242,000".

On page 6, line 11, after the word "contract", strike out "$25,373,000" and insert "$26,264,000".

On page 10, line 6, after the word "for", strike out "$3,500,000" and insert $4,090,000".

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On page 10, line 18, after the word "exceed", strike out "$75,000,000" and insert "$62,000,000"; in line 21, after the word "exceed", strike out "$17,772,000" and insert "$28,572,000"; and, in line 22, after the word "exceed", strike out "$11,500,000" and insert "$13,700,000".

On page 12, line 1, after the name "Samoa", strike out "$14,700,000" and insert "$14,921,400".

On page 13, line 5, after the word "functions", strike out "$41,612,000" and insert "$40,612,000".

On page 14, line 17, after the word "activities", strike out "$95,628,000" and insert "$95,115,000".

On page 16, line 8, after the word "substitutes", strike out "$39,000,000" and insert "$38,536,000".

On page 16, line 12, after the word "law", strike out "$14,782,000" and insert "$14,332,000".

On page 17, line 15, after the word "limitation", strike out "$21,000,000" and insert "$26,200,000".

On page 17, line 22, after "(74 Stat. 337) ", strike out "$13,300,000" and insert "$15,800,000".

On page 18, line 17, after the word "law", strike out "$26,400,000" and insert "$26,345,000".

On page 19, line 20, after "(78 Stat. 197) ", strike out "$4,590,000" and insert "$4,027,000".

On page 21, line 24, after the name "Refuge", strike out "$48,503,000" and insert "$48,870,000".

On page 22, at the beginning of line 6, strike out "$1,686,000" and insert "$1,773,000".

On page 22, line 10, after "(16 U.S.C. 715k–3, 5; 81 Stat. 612); strike out "$5,000,000" and insert "$7,200,000".

On page 24, line 11, after the name "Commission", strike out "$49,000,000" and insert "$49,100,000".

On page 24, line 20, after the name "Service", strike out "$40,000,000" and insert "$40,037,000".

On page 25, line 5, after the word "rights", strike out "$7,600,000" and insert "$7,700,000".

On page 26, line 9, after the word "only", strike out "including not to exceed ninety-seven for police type use which may exceed by $300 each the general purchase price limitation for the current fiscal year, purchase of one aircraft for replacement only, and acquisition from excess sources without reimbursement of two additional aircraft; and to provide, notwithstanding any other provision of law, at a cost not exceeding $50,000, transportation for children in nearby communities to and from any unit of the National Park System in connection with organized recreation and interpretive programs of the National Parks: *Provided,* That the cost of the passenger motor vehicles to be purchased under this authorization and the cost of certain currently owned passenger motor vehicles may exceed the general purchase price limitation to the extent of the cost of equipping them with air-conditioning units when in the discretion of the Director, National Park Service, subject to the prior approved of the Bureau of the Budget, such equipment is necessary to improve operating efficiency" and insert "which may exceed the general purchase price limitation for the current fiscal year by the cost of air conditioning and police type equipment; purchase of two aircraft, one of which shall be for replacement only, and acquisition from excess sources without reimbursement of two additional aircraft; and to provide, notwithstanding any other provision of law, at a cost not exceeding $50,000, transportation for children in the metropolitan area of Washington, District of Columbia, to and from any unit in the National Capital Region of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service".

On page 28, at the beginning of line 10, strike out "$5,530,000" and insert "$5,555,800".

On page 28, line 19, after the word "expenses", strike out "$9,887,000" and insert "$9,912,700".

On page 28, after line 19, strike out:

"SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

"For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Office of the Secretary, as authorized by law, $25,000, to remain available until expended: *Provided,* That this appropriation shall be available, in addition to other appropriations to such agency, for payments in the foregoing currencies (7 U.S.C. 1704)."

On page 31, line 21, after the word "lands", strike out "$195,042,000" and insert "$191,985,000".

On page 32, line 9, after the world "law", strike out "$41,880,000" and insert "$41,326,000".

On page 32, line 16, after the word "law", strike out "$22,529,000" and insert "$22,729,000".

On page 36, line 24, after the word "Act", strike out "$98,581,000" and insert "$100,221,000".

On page 37, line 11, after "(42 U.S.C. 2004a) ", strike out "$19,000,000" and insert "$19,345,000".

On page 38, line 7, after the name "Commission", strike out "$800,000" and insert "$850,000".

On page 38, line 16, after "(5 U.S.C. 5901–5902) ", strike out "$922,700" and insert "$300,000, and in addition $770,000 of the unobligated balance of the appropriation granted under 'Land Acquisition, National Capital Park, Parkway, and Playground System' are transferred to and shall be available for salaries and expenses".

On page 38, line 20, after the colon, strike out "*Provided,* That none of the funds provided herein shall be used for the Temporary Pennsylvania Avenue Commission:"; and, in line 22, after the word "*Provided*", strike out "further,".

On page 39, line 6, after the word "amended", strike out "$14,000,000" and insert "$13,690,000"; in line 14, after the word "Act", strike out "$6,250,000" and insert "$5,950,000"; and, in line 17, after the word "and", strike out "$1,500,000" and insert "$1,490,000".

On page 41, line 12, after the word "publication", strike out "$28,200,000" and insert "$28,134,000".

On page 41, line 22, after "(7 U.S.C. 1704 (b) (3)) ", strike out "$3,000,000" and insert "$2,316,000".

On page 42, line 14, after the word "authorized", insert "by"; and, in the same line, after "5 U.S.C. 3109", strike out "$425,000" and insert "$525,000".

On page 44, line 2, after the word "proper", strike out "$3,350,000" and insert "$3,390,000".

On page 44, after line 2, insert a new title, as follows:

"EXECUTIVE OFFICE OF THE PRESIDENT

"NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT

"SALARIES AND EXPENSES

"For expenses necessary in carrying out the provisions of the Marine Resources and Engineering Development Act of 1966 (Public Law 89–545, approved June 17, 1966), as amended, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $760,000."

On page 44, line 19, after "5 U.S.C. 3109", strike out "$450,000" and insert "$235,000".

On page 44, line 25, after "5 U.S.C. 3109", strike out "$5,000" and insert "$10,000".

On page 45, line 11, after "Sec. 302.", strike out "None of the funds in this Act" and insert "No part of any appropriation contained in this or any other Act".

Mr. BIBLE. Mr. President, the bill before the Senate today is the annual appropriation bill for the Interior Department and related agencies.

It is a bill containing $1,569,454,500. It includes indefinite appropriations of receipts and amounts necessary to liquidate contract authorizations for the agencies and bureaus of the Department of the Interior and for related agencies which are listed on page 2 of the report.

Excluded from the bill are the Alaska Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Bonneville Power Administration, the Bureau of Reclamation, and the Federal Water Pollution Control Administration. All of those which I have mentioned will be considered in the Public Works Appropriations bill rather than in the Interior appropriations bill.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. MUNDT. Mr. President, before the chairman of the committee gets deeper into the explanation of the bill, I point out as the ranking Republican member that the decisions were made unanimously. The subcommittee voted unanimously, and the full committee voted unanimously.

We tried to apply the economy knife wherever we could. And we are rather proud of the fact that the bill is below the budget recommendations.

I recommend to my colleagues in the Senate the passage of the bill in the form in which it has unanimously come from the subcommittee and the full committee after unusually long and extensive hearings.

I feel that we have served the country well and kept in mind the fiscal problems which confront the taxpayers and our country in the present situation.

I commend the chairman for the excellent job he has done in bringing before the Senate a well-tailored bill.

Mr. BIBLE. Mr. President, I appreciate the sentiments of the Senator from South Dakota. The Senator has been very helpful this year and in previous years on this matter. We do present a bill to the Senate which, as the Senator has stated, is below the budget in an amount of some $24 million. It is over the House figure by $4.6 million.

I think it is a realistic bill. It obviously does not contain everything that everyone would like to have in it. And no doubt some amendments will be offered and suggestions will be made to change and improve the bill. That is always the case when we are dealing with something in the range of 250 amendments, as was the case in the pending bill.

One thing I would like to comment on is that the pending bill, as has been the case generally throughout the history of the Interior appropriations bill, produces almost as much in revenue as the outlay. The estimate this year is that the various agencies under the Department of the Interior, as well as the Forest Service of the Department of Agriculture, will produce something like $1,355,000 of receipts.

So this goes a long way toward the total amount of money appropriated by Congress to carry on these various functions.

I am not going into any great detail on the various items in the bill. I am here to answer any questions on problems that come up and try to accommodate the Senators on various amendments which might very well be offered to various parts of the bill.

The committee's recommendations increased the allowance in the House bill in a number of places.

In the Bureau of Outdoor Recreation, there is an increase of some $590,000.

In the Office of Territories, there is an increase of $221,000.

In the Bureau of Mines, there is an increase of $4,286,000.

In the Office of Coal Research, there is an increase of $2,500,000.

In the Bureau of Sport Fisheries and Wildlife, there is an increase of $2,654,000.

In the National Park Service, there is an increase of $237,000.

In the Office of the Solicitor, there is an increase of $26,000.

In Indian Health Service, there is an increase of $1,985,000.

It seemed to us that in the area of being of assistance and help to those on the Indian reservations and even those Indians who are beyond the reservations this was one of the most vital needs. So this is considerably open in that respect.

The amount allowed for the Bureau of Indian Affairs is less than the amount of the budget and less than the amount allowed by the House of Representatives. However, taken together the two are just about on balance.

There is an additional modest amount of $50,000 added to the Indian Claims Commission.

The sum of $760,000 was added to the National Council on Marine Resources and Engineering Development. This has been an ongoing program. It was not considered by the House. It represents an increase over their allowance. The figure did not come up until after the House had completed consideration of the bill.

The sum of $85,000 was added for the Federal Field Committee for Development Planning in Alaska.

An additional $5,000 was added for the Lewis and Clark Trail Commission.

There was a decrease in the amount of $79,000 in the Bureau of Land Management.

There was a decrease in the Bureau of Indian Affairs of $1,901,000, offset, as I see it, to a large extent by a very substantial increase in the amount allowed for the Indian Health Service.

The Geological Survey was reduced $513,000.

The Bureau of Commercial Fisheries was reduced $318,000.

The Forest Service was reduced under the House budget by $3,411,000.

That might appear to be a rather large decrease over the House figure. It is still some $3.5 million over the budget.

These House additions were appealed. The request was made by the Forest Service people that these items be deleted from the budget.

The National Capital Planning Commission was reduced $622,300. This reduction largely comes about by virtue of the reprograming of funds which were originally appropriated for land acquisitions which had not been used in the past 6 years. We felt that rather than have the funds be idle there, it would be better to reduce the overall budget in that respect.

The National Foundation on the Arts and the Humanities was reduced $310,000.

The Smithsonian Institution was reduced $610,000.

The committee believes that, though this does not give everything that the various departments have asked, it is on balance a very sound bill.

Every effort has been made to provide adequate funds within the bounds of reason and with due cognizance of the budgetary and economic situation.

As I stated, the committee did consider more than 250 amendments to the House bill.

I believe the committee realistically provides for the continued and increased development of the resources of the United States.

I hope that the bill will be approved as reported by the Committee on Appropriations.

Mr. MOSS. Mr. President, I commend the senior Senator from Nevada, the chairman of the subcommittee, on his presentation on the pending appropriation bill.

I, of course, do have some points of difference. I recognize the problem that the Appropriations Committee has in trying to keep within the bounds of the many strictures we have at this time and at the same time provide for the adequate development of the various functions of the Interior Department and the related agencies.

Mr. President, I send to the desk, and ask to have read, an amendment which I offer to the bill.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 25, line 11, strike out "$21,500,000," and insert in lieu thereof the following: "$22,500,000, of which $1,000,000 shall be available for construction in Canyonlands National Park of a two-way road between Squaw Flat and the Confluence, and a one-way loop road for two-wheel drive vehicles through Cyclone Canyon and Devils Lane,".

Mr. MOSS. Mr. President, this is a matter that I presented in a hearing before the Appropriations Subcommittee. Before that subcommittee I asked for a number of amendments in the bill. None of them was granted by the committee. This one is of particular importance, and I therefore present it at this time.

Not one penny was requested by the administration this year for roads in the Canyonlands National Park.

Canyonlands National Park was created by Congress in 1964. It is a vast and primitive wilderness area. The only basis on which it can become a real functioning national park is to have roads and trails within that boundary. Over 5 years have passed, and we have done practically nothing. There has been some slight improvement of the roads up on the Grand View Point and Upheaval Dome, and there has been some talk of a road around the south end, to come in through Beef Basin in the canyonlands, but nothing more than talk. But this year, finally, after a long and protracted controversy with the Park Service, we do at last have a plan from the Park Service to build a road from the Squaw Flat area, which is the principal administrative area of this national park, into the center of the park, with the confluence of the two rivers, and thence down Devils Lane down to the Needles area. This has long been in dispute, but finally we have agreement that it must be done.

The failure to build roads into the park has caused a great deal of disillusionment and disappointment on the part of many people in my State and elsewhere who supported the creation of this park. Without adequate roads, it does not serve any purpose; because only a very limited few can go into the park now, by hiring jeeps or other means of conveyance. They cannot go in their ordinary vehicles beyond the Squaw Flat area and except for a small part of the park on the high overview area where there are some roads.

Canyonlands, as I realize, has been a victim of Vietnam, and we have not been able to get the money. But I think the time of crisis is here. I think we must do this. Each year the visitation to our national parks and monuments increases. We are now so crowded in parks such as Yellowstone and our famous national parks that we cannot accommodate the people who want to use these recreation areas, and the flood grows year by year.

Here we have a magnificent, new national park, and we are bypassing it once again without funds to go ahead and build the road we need. I think we should appropriate at least a million dollars for trail development and roadbuilding in Canyonlands; and I think the bill is deficient for not taking into account the situation we have had, which we now face, in which this need is so extreme. With the appropriation of this amount of money and with the new alinement that has now been agreed upon, we can proceed in this area, and perhaps not complete it, but at least we can begin in this fiscal year to fulfill the obligation we made to the citizens of the United States, and particularly those living in the area, that Canyonlands, if it were created a national park, would be opened up and made available to the people who wish to see this magnificent and spectacular area.

I know that the chairman has been there. He has observed the park. He knows what it is like. I certainly hope we can adopt this amendment and add this $1 million to the total amount of money appropriated for parkway and road con-

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struction in the bill that is now before the Senate.

Mr. BIBLE. Mr. President, the pending amendment introduced by the Senator from Utah would provide for the construction of roads in the Canyonlands National Park. I was privileged to handle the Canyonlands National Park bill. This is a great area of our country, and it is an area that will grow as the years pass.

There was no budget whatever nor any request made for the building of a road or even for the necessary engineering, planning, and design to determine where a road should be built in the canyonlands.

Mr. President, this was one of 250 amendments considered by the Committee on Appropriations. It was felt that in view of the lack of anything more definite than the one statement which was made by the Senator from Utah (Mr. Moss), we simply did not have the background or backup material on which to go further.

I think this item is one that should be given some very high priority by the new administration in a future fiscal year because it is true that unless we do open up the canyonlands by building roads, visitors will have great difficulty in getting into the canyonlands to see the wonders there. This area is truly one of the wonders of the Park Service complex. However, I must resist the amendment on these grounds.

In addition to the fact that they are not budgeted, there have been some rather unfortunate cutbacks and freezes on other construction items that have been budgeted and allowed. I would hope the Senator from Utah would not persist in his amendment at this time.

The Senator from Utah is really the father of the canyonlands. I know of his great interest and continuing interest in it. I think it would place the matter in a much better perspective with greater chances of success if he received a budget estimate and presented it to the committee next year, with the full backing of the Park Service people and the Department of Interior.

The Senator from Utah is not alone. Park areas throughout the United States want development funds and roads to open up the parks. Many other areas are similarly limited, and even some that are fairly well developed. I recognize the canyonlands as not very well developed. In these park lands we think we must first buy the lands. We place our greatest emphasis and the greatest number of dollars first to the acquiring and then to the development. We still have a long way to go to acquire the lands we need and a long way to go before we develop them.

I hope the amendment will be defeated. I assure the Senator that when the matter does come back with budget backing, planning, and design, as to where the road is and its dimensions, its width, what highways it connects, the construction period of time, and all the rest of the information which is so necessary to make a firm determination on building a road, it will receive our most careful consideration.

I must resist the amendment.

Mr. MOSS. Mr. President, I thank the Senator for his observations about this matter. Although I am hopeful that we can have the money added at this time in the appropriation bill, I indicate to him that every effort will be made in a supplemental bill, or otherwise, to have this money appropriated, so that we can begin.

I state again that I appreciate the great interest the chairman has taken in the whole field of national parks and monuments. He has developed great leadership as chairman of the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs in the development of canyonlands particularly, and of our other parks. Thus, I know he is well aware—and I hope all Members of the Senate are well aware—of the great overcrowding, the flood of people who are now seeking to use our parks and monuments, as well as our forest, for outdoor recreation. To postpone the building of roads and other facilities would be to compound this difficulty and cause further overcrowding and misuse of some of our parks by the failure to open up and utilize others.

I, therefore, hope that the amendment will be agreed to.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment of the Senator from Utah.

The amendment was rejected.

The **PRESIDING OFFICER.** The bill is open to further amendment.

Mr. ALLOTT. Mr. President, I should like to query the distinguished chairman of the subcommittee about an item in the bill, referred to on page 35 of the report.

I was present at the full committee markup of the bill, but, unfortunately, I had to leave and was not present at the time this particular matter was discussed.

As I recall—and I am relying upon my memory for this—the National Council on Indian Opportunity was created 2 or 3 years ago. There is a feeling among a great many people, including people in my State, that this council could be of great assistance by creating an important input at the executive level to advise on Indian matters. This would obviously be of tremendous assistance.

Fortunately, both the distinguished chairman and I have served for many years on the Committee on Interior and Insular Affairs, and we have been in contact with various phases of Indian legislation and the problems that face the Indians of this country.

I think it would be safe to say that, for the most part, none of us are completely happy with the progress which has been made. This is one of the most complicated, delicate, and difficult areas to deal with of any matter that comes under the jurisdiction of the Interior and Insular Affairs Committee.

Do I correctly understand that the authorizing legislation for the council has not passed the House of Representatives at this time?

Mr. BIBLE. I would say that that is my understanding. The last time we checked on the status of the enabling legislation, the bill had not passed the House. It has passed the Senate. I think it is still in the House Interior and Insular Affairs Committee. I do not have any advice beyond that. Basically the reason why this item was disallowed was that there is no legislative framework on which to tie the amount requested.

Mr. ALLOTT. I understand that. Of course, the chairman is entirely correct. What I was really inquiring about, in view of the great number of people who have shown an interest in this particular amount—it is a relatively small amount, $300,000—is whether the chairman would be disposed at the time when the first supplemental appropriation bill is considered, provided there is a budget request for it, to give this matter his sympathetic support, or at least, take a sympathetic view toward the witnesses who might appear at that time in favor of it.

As I have previously mentioned, that there is a great deal of interest in this matter. Many people feel, as I do, that there must be an independent input into the whole area of the Bureau of Indian Affairs and the presentation of new ideas to solve the problems concerning the Indians if we are to make any headway.

I know of the dedication of the chairman because I have worked with him for many years on that subcommittee. Would the chairman be willing to give full consideration to this question when it comes before the subcommittee handling the supplemental appropriation bill?

Mr. BIBLE. It certainly will be given full consideration. I do not want to bind the Senator from West Virginia (Mr. BYRD), who is chairman of the Subcommittee on Supplemental Appropriations, but I would be inclined to think that he would feel the same way. We should have a full examination and have competent testimony as to exactly what the National Council on Indian Opportunity will do.

As the proposal was presented to us in the legislative Committee on Interior and Insular Affairs, as the Senator from Colorado knows—and the Indian people are certainly entitled to every consideration that we can give them—the argument was made that the Indians need some agency other than the Bureau of Indian Affairs to look out for their present and their future well-being. As a fellow member of the Committee on Appropriations, the Senator from Colorado is well aware that in this bill alone something like $260 million has been appropriated to the Bureau of Indian Affairs. That is a substantial amount of money. It may very well be argued that some type of independent group of Indians themselves needs to decide whether this money is being spent to the best advantage of the Indian people.

I certainly can assure the Senator from Colorado that his proposal will have my careful study and scrutiny. We cannot, obviously, though, bind the Senator from West Virginia. In handling supplemental appropriation bills, he leans heavily on the chairmen of the regular standing subcommittees of the Committee on Appropriations. There may well be a need for this additional type of council for oversight—call it what we will; but without legislative authority, I think we are charting unusual practices. Unfortunately, such practices have been engaged in in the past, and I do not think they should be.

I do support legislation on Indian affairs that is proposed by the legislative committee, and obviously would be inclined to allow any type of reasonable sum to see to it that this work will go forward in the best possible manner, so as to insure results. The Senator from Colorado is interested in results in this area, and so am I; but until we have a framework within which to act, we should defer action.

Mr. ALLOTT. I appreciate the opportunity to have this short colloquy on the matter, particularly because I do not believe the language contained in the first paragraph is meant to be quite so adamant as it might appear to some people.

If we have had an authorization when the first supplemental appropriation bill comes before the Senate, I will be happy to have had the assurance of the distinguished chairman of his interest—and I know he has had such an interest for many years—and perhaps we can do something about the matter at that time—at least, to give it a full review and consideration.

Mr. BIBLE. Certainly it will have careful consideration.

Mr. PROXMIRE. Mr. President, first, I commend the distinguished Senator from Nevada, who is chairman of the Subcommittee on Department of the Interior Appropriations. I told him right after the markup session that I have been a Member of the Senate for 12 years and have served on many subcommittees, but that I have never seen a subcommittee chairman who had a better grasp, a more thorough grasp, of a very big bill than the distinguished Senator from Nevada. He handled the markup session extremely well and obviously knows every facet of this highly complicated bill.

Mr. President, last week when the Interior Subcommittee of the Senate Appropriations Committee—and I serve as a member of that subcommittee, took up the Interior appropriations bill for fiscal 1970 in executive session, I raised the question of putting a limitation on the payments being made from timber receipt to 18 Oregon counties under the 1937 Oregon and California—O. & C.—Land Act.

I think this is one of the most unjustifiable payments the Federal Government makes, and a great waste of money. I think it is desirable that I call the attention of the Senate to it, although, as I am going to explain, I shall not offer an amendment to it at this time.

The distinguished chairman of the subcommittee, Senator BIBLE, felt that this was more properly a matter to be taken up by the Interior Committee, despite the fact that a ceiling had first been suggested by the Bureau of the Budget in the budget submitted to the Congress in January. With a great deal of logic, Senator BIBLE pointed out that the language limiting the payments would be subject to a point of order because it would amend the 1937 act. Consequently I am today introducing substantive legislation to amend the 1937 act. Hearings can be held on my proposal, the entire problem can be aired, and we can then decide whether or not to rectify what I consider to be an inexcusable misallocation of funds.

WINDFALL GIVEN TO O. & C. TIMBERLANDS

Mr. President, positions of privilege have never been popular in America. The man who receives more than his rightful share has never been liked by those who must subsidize his protected way of life. But today, because of two mounting pressures, taxation and inflation, the continuation of privilege has become intolerable. The average man simply can no longer afford to support the protected interests of those favored by the fortunes of inflation.

It is for this reason that I rise to speak today. This relates to the highly privileged treatment of 18 counties which make up the Oregon and California lands, a group of national forest lands located in western Oregon. Under a 1937 law these 18 counties have received a $157 million Federal bonanza over the last 30 years and are scheduled to receive a further bonus of $30 million more this year. In 1969 these payments will be over seven times the amount the county governments would have collected as taxes had the lands been privately owned.

All of this in spite of the fact that the original 1937 law was only intended to provide reimbursement to the counties equal to the amount in lost taxes due to Government ownership. Why is it that last year these counties received over seven times the amount of lost taxes? The answer is very simple. The same inflationary forces which have served to make the average taxpayer a little poorer each day have served to make these counties a little richer every day. Under the current law, inflation actually helps the people in these counties, for as lumber prices continue to skyrocket, the amount of Federal payments based on a percentage formula covering receipts of timber sales continues to rise each year. As the cost of lumber to the homebuilder rises, these 18 counties become wealthier.

Mr. President, we are in a period when we must be careful with every dollar that we spend, either as a private citizen or as the colossal consumer known as the Federal Government. President Nixon himself has repeatedly called for the elimination of unjustified and wasteful expenditure. The stakes are very high. The stability and future continued growth of the American economy is in jeopardy as a result of the rising inflationary tide. Waste in Government can never be justified, but during critical times such as these when every Federal dollar spent increases the danger, waste is intolerable.

It is for this reason that I am introducing legislation today to amend the original 1937 act which governs the distribution of receipts from the sale of timber cut from these lands.

It is the 1937 act which must be considered responsible for the privileged position enjoyed by the counties. And so while I commend the Bureau of the Budget for recognizing the problem and taking steps to try and rectify it, I find that its proposed ceiling is only a temporary palliative. We do not rid a lawn of weeds by adjusting the height of the cutter on the lawnmower and maintaining it at that level throughout the year. For while that makes the growth harder to see, it does not alter its affect on the lawn. Rather, we must make the effort to dig below the surface, no matter how arduous the task, locate the roots, and then remove the source of the trouble. Thus, only by changing the governing legislation can we hope to correct this continual overpayment of Federal funds which might better be utilized elsewhere.

LANDS ARE VALUABLE

Earlier statements that I have made on this subject have led representatives of these counties to accuse me of being against their interests. Let me assure them that nothing could be further from the truth. I realize that these O. & C. timber lands, with their 50 billion board feet of timber and annual allowable cut of over 1 billion board feet, are a necessary and valuable natural resource. I recognize that these 2.5 million acres of forest land contribute directly to the welfare of the region by providing an estimated 13,500 jobs in the areas of timber management, logging, and processing. In addition, by being a job source and hence indirectly a generator of funds, they help to sustain the entire economy of the region. These lands are also important for recreation, watersheds, and the entire range of multiple resource programs. But I do not believe present conditions require the lopsidedly favorable treatment of their payments in lieu of taxes which the 1937 bill granted.

1937 BILL WAS ONCE UNIQUE

The original legislation authorized these payments as a substitute for foregone tax revenues. In this sense, the 1937 act was not substantially different from earlier bills. What makes this act stand out is its example of commendable farsighted planning. For this is the first instance of a bill providing for sustained-yield resource management. That is, for the first time on any sizable scale, Congress expressed its concern that resources not be depleted too quickly by excessive exploitation. And this objective of providing for some sort of balance between timber cut and timber growth, in a framework of multiple use, is one which should be highly praised.

I am not criticizing this part of the act. Far from it. Instead, I am questioning the 50 percent of revenues from the sale of timber which the counties directly receive, and then the 25-percent portion which they are entitled to on top of that. This arrangement was arrived at in 1937 because timber returns were low then and no increase was anticipated. It was Congress estimate of what tax equivalency might be. Since then, however, a combination of rising timber prices coupled with an increase in the allowable cut had led, under this outmoded formula, to a total overpayment of over $157 million. Furthermore, the O. & C. counties have not had to pay the cost of maintaining and improving the forest lands. Thus, they are accruing the further benefits from lands improved by funds invested by the Federal Government—improvements to which the counties did not contribute.

Mr. President, the terribly privileged position of these 18 counties must be eliminated. Payments to them must be restored to tax equivalency. But, in order to more intelligently discuss this problem and to see how this inequitable arrangement has evolved, I think it would be most beneficial to trace the main developments in the 103-year history of the O. & C. lands.

HISTORY

The history of the O. & C. land problem begins with the passage of legislation by Congress in 1866 authorizing a grant of lands in the public domain to be given to a railroad company to help finance the construction of a railroad from Portland to the California border. In 1868, after 2 years of competitive bidding, the Oregon Legislature selected the East Side Roadroad Co.—later reorganized in 1870 as the Oregon & California Railroad Co.—for the job.

But because of the expiration of the 1868 deadline set by the 1866 legislation without a legal filing of the grant application, new Federal legislation was required in 1869. The 1869 measure contained three special disposal conditions to be adhered to by the railroad not included in the original legislation.

First. The grant lands, once acquired by the railroad company, could be sold only to actual settlers.

Second. The land could not be sold in tracts of more than 160 acres.

Third. The selling price of these lands was not to exceed $2.50 per acre.

Construction of the railroad to the California border was completed in 1887, but since most of the land granted was heavily timbered and was on steep slopes, there was little agricultural or homesteading demand for it. By 1890 the company still held most of the land. Shortly thereafter, however, due to continued depletion of Great Lakes timber reserves, the demand for the land as a timber source grew. Taking advantage of the situation, the railroad in 1894 began selling O. & C. tracts primarily for their timber value in clear violation of one or more of the conditions set forth in the 1869 legislation. After substantial sales, the company announced, however, that it would no longer sell O. & C. tracts but instead hold the lands as timber reserves.

The people of Oregon were angered by the announced suspension of land sales. They requested congressional action in the hope that Congress would force the railroad company to continue selling land.

Much to the dismay of the citizens of Oregon who had requested congressional action, Congress in 1908 authorized the U.S. Attorney General to bring suit for the forfeiture of the lands to the Federal Government due to violation of the 1869 law regarding disposal of the lands. In 1913 the U.S. district court ruled that the grant had indeed been violated and ordered the forfeiture to the Federal Government. In a company appeal the U.S. Supreme Court upheld the decision of the lower court and turned the issue over to Congress to develop a plan whereby the lands would be revested in Federal ownership, but the company would receive compensation for the lands at $2.50 per acre.

CHAMBERLAIN-FERRIS ACT OF 1916

By the time of the 1916 revestment, the Oregon & California Railroad Co. was delinquent in payment of county taxes for the years 1913–16. The Chamberlain-Ferris Act of 1916, which revested about 2,900,000 acres of O. & C. land in Federal ownership, appropriated funds for the payment of the delinquent taxes. In addition, this legislation provided for the $2.50-per-acre reimbursement to the company ordered by the Supreme Court. The act also stipulated that the amounts paid to the railroad and the counties would be reimbursed to the Treasury from the proceeds of future timber and land sales by the Government.

STANFIELD ACT OF 1926

By 1926 receipts from sales of land and timber since the revestment had been sufficient only to reimburse the Treasury for its initial payment to the railroad. The counties themselves had received a mere $1.5 million from the Treasury as payment for the 1913–15 back taxes owed them by the railroad company. They were experiencing a fiscal crisis. The Stanfield Act of 1926 was designed to assist the beleaguered counties. It appropriated $7.1 million to the counties for payment of taxes between 1916 and 1926 based on 1915 assessments. For the period after 1926, the act provided that the counties would have first claim to any O. & C. receipts up to an amount equal to tax equivalency. Any additional receipts were to be paid to the Treasury for the 1916–26 tax payments.

OREGON AND CALIFORNIA ACT OF 1937

Ten years went by as the counties waited in vain for the Stanfield Act to fulfill its promises. By 1936 receipts from the sale of timber and land had been sufficient only to pay the county's tax claims up to the estimated taxes for the year 1933. No funds had been paid back into the Treasury. Consequently, legislation was enacted in 1937 to provide a solution to the financial problems besetting the 18 counties involved. The 1937 plan contained three important provisions:

First. Fifty percent of the revenues accrued from the sale of timber was to be paid to the counties in lieu of current taxes.

Second. Twenty-five percent was to be paid to the counties after their delinquent tax claims were paid and after the U.S. Treasury was reimbursed for money advanced to make payments in lieu of taxes in prior years.

Third. Twenty-five percent was to be made available to defray the cost of administration and management, with any unused portion to be applied to the deficit in the O. & C. fund.

When this 1937 formula was under consideration, representatives from the counties were opposed to it because the 50 percent of total receipts allotted to the counties would be insufficient to meet ad valorem taxes. They were only interested in guaranteeing tax equivalency which they believed that the 50-percent figure would not insure. Hence, they succeeded in inserting a clause which guaranteed payments of not less than 78 percent of what they could expect to receive in taxes for the year 1934 if the lands were privately owned.

In addition to completely changing Federal policy toward these lands to one of permanent Federal retention, the act provided for multiple use and sustained-yield management in the interest of the communities dependent on the O. & C. timber for their continued economic livelihood.

POSTWAR DEVELOPMENTS

In 1946 the Bureau of Land Management was created and assumed the major responsibility for the O. & C. lands. During the war stumpage prices for O. & C. timber rose from less than $2 to more than $4 per thousand board feet, making it possible to complete the payment of the back taxes to the counties by 1943. Prices continued to skyrocket after the war and by fiscal 1951, the U.S. Treasury had been reimbursed for all prior payments. Fiscal year 1952 witnessed the counties receiving for the first time the 25-percent payment in addition to the 50 percent they had been obtaining annually since 1938, or a total of 75 percent of all revenue from timber sales.

Opposition to the liberal payment schedule led by then Congressman HENRY JACKSON resulted in a general whittling down of payments to the counties and an appropriation of 25 percent of the receipts for improvements such as access roads for the O. & C. lands. Between 1953 and 1959, the payments varied between 51 and 64 percent. Since 1960, a full 25 percent has been appropriated for roads and 50 percent to the counties.

PRESENT O. & C. PAYMENT SCHEDULE GIVES COUNTIES A WINDFALL

Mr. President, now that I have outlined the history of the O. & C. lands, let me refocus our attention on the major issue involved; that of the tremendous inequities inflicted on the Federal Government and taxpayers in every State as a result of the 1937 legislation. This act had the twofold purpose of replacing the policy of encouraging land and timber disposal as rapidly as possible with one providing for sustained-yield management of forest resources, and providing a better solution to the financial problems which were plaguing the counties. But when this formula was under consideration, Mr. President, the county representatives were vehemently opposed to it. They did not want to abandon the principle that the Federal Government should pay the counties the equivalent of ad valorem taxes. They were fearful that the 50 percent of receipts allotted to them would be insufficient to pay the ad valorem taxes. At no time did they ever imagine that the 50 percent would come to be much greater than tax equivalency.

Mr. President, if these counties were so adamant about fighting for tax equivalency then, and this is amply demonstrated by the 78-percent clause they managed to insert into the bill, why are they so afraid of accepting it now? Or why did they not lay claim to these lands in 1926 or 1937 when they sought relief?

The point is these counties have enjoyed a tremendous bonanza for the last 15 years or so. There is no question the O. & C. income is a gigantic benefit to the O. & C. counties. Some counties that get the larger shares operate without county tax levies, leaving all local property taxes for their schools, cities, and special districts. Naturally, the counties are reluctant to give it up for they have adjusted their whole pattern of conduct to it. Citizens of these counties have enjoyed the privilege of very low tax rates and, quite understandably, no government wishes to be the one to increase the mill rate on property, which would be necessary if the counties were to continue to spend funds at the same rate to which they have become accustomed. Taxes are unpopular to everyone—and I quite sympathize with the county governments and their citizens in their desire to maintain this outdated formula. But, if we let this inequitable arrangement stand, then we are in effect robbing Peter to pay Paul. For we are maintaining a high level of Federal taxation in order to support wasteful Federal spending of this sort. The dairy farmer in Wisconsin or the steel worker in Pittsburgh can quite rightfully point indignantly to his income and ask why the Government does not give him the same special treatment as the people of these 18 Oregon counties.

Some time back, a delegation from Oregon, including my distinguished colleague (Mr. PACKWOOD), visited me in my office to discuss this situation. I promised them I would look closely at all the issues involved and if I were wrong, I would publicly acknowledge my mistakes. To this end, they left with me a publication produced by these counties which they felt would contribute to my knowledge on this difficult subject. Undoubtedly this book was left in good faith and I studied it as they had requested.

According to "The Significance of the O. & C. Forest Resource in Western Oregon: 1968," produced by the Bureau of Government Research and Services in Eugene, I must admit that I did err in my previous accusations regarding the overpayments. Based on the figures supplied to me by the delegation, I now find that the discrepancy between the O. & C. receipts per acre and tax equivalency may be even greater than I thought they were before. The discrepancy has in fact increased.

According to the figures provided in this publication, the O. & C. payments per acre averaged $8.18 in 1966. The figure is derived by dividing the total payments of $20,965,264 in fiscal year 1966 by the total acreage involved, 2,563,604 acres. By 1969 average O. & C. payments per year were up almost 25 percent from 3 years ago to $10 per acre. Meanwhile, taxes on comparable privately owned timber land for the 18 counties averaged $1.55 per acre. Thus, Government payments to the 18 counties included in the O. & C. lands were 6.45 times the amount paid in taxes by owners of comparable private land. In 1969 the Government returned $25.5 million to the counties from O. & C. timber receipts. To provide tax equivalency as proposed in the 1937 act the Government should have only paid $3.9 million. As a result of inflation in timber prices and an outmoded formula, the Government paid a whopping $21.6 million beyond the amount needed to insure tax equivalency.

To provide a basis for comparison, the Federal Government paid in fiscal year 1966 only $2.44 per acre for Coos Bay wagon road lands, a similarly managed tract of Federal owned timber lands in western Oregon identical to O. & C. lands in many respects. Thus in 1966 the Federal Government paid the counties in the O. & C. lands almost 3½ times as much per acre as those counties in the nearby Coos Bay wagon road lands tract. This, despite the fact that the two tracts are very similar in timber quality and terrain.

Not only is the present payment schedule highly unfair to the Federal Government, but it is also inequitable to the various counties within the group of 18 which compose the O. & C. lands. Due to the retention of an archaic 1915 tax base used for assessing land values, certain counties receive much more than others. This difference in payments is due to the 1915 assessment schedule. Those counties whose assessments were low in 1915 receive much less than those counties whose assessments were relatively high in 1915. If it were not for the fact that each county, despite the inequities, still gets a handsome overpayment they would have long ago protested the inequity of the distribution system.

For example, Multonomah County got in 1969 a Federal payment of $65.45 per acre, an amount equal to 118 times tax equivalency. On the other end of the scale, Yamhill County, whose assessments were very low in 1915, received only $4.40 per acre in 1969 which, however, was still five and nine-tenths times tax equivalency. Thus, due to an antiquated tax base, Multonomah County received 15 times as much money per acre as Yamhill County, the lowest paid county. Yet, the timber in both counties is basically of the same quality and there is no logical reason for the difference. The only reason this outrageous distribution persists is that, despite the inequity, each and every county still receives much more than tax equivalency, and even the lowest paid is content to remain silent for fear of exposing the issue to public view and upsetting the whole system.

The most shocking fact about the entire O. & C. payment schedule is that although these 18 counties contain only about 2 million acres of public land out of a total 429 million acres of public land in the United States, they receive better than one-third of all moneys paid out by the Bureau of Land Management in lieu of taxes—$25.6 million out of a total $75.8 million in fiscal year 1968. Thus these 18 counties, with four-tenths of 1 percent of the total public lands under BLM management, still receive over one-third of the total BLM payments. In fact, if one totals all of the Bureau of Land Management payments in lieu of taxes for 17 States, Alabama, Arizona, Arkansas, Florida, Idaho, Illinois, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Washington, one finds that in the aggregate they receives less than $2 million in lieu of taxes from the almost 72 million acres of public lands within their States. Yet the O. & C. lands alone received almost $25.6 million for less than one-thirtieth the acreage.

Mr. President, there is absolutely no justification for this terribly lopsided distribution of public moneys. Every other State with public lands within its borders receives payments in lieu of taxes which are less than or merely equal to tax equivalency. And yet, these 18 counties last year received, on the average, an amount almost 7 times tax equivalency. If action is not taken immediately, these payments will continue to skyrocket. It is already estimated that the counties will receive almost $30 million in fiscal 1970, a 20-percent increase over just this past year.

Mr. President the fight against inflation is never easy. Federal belt tightening has never been popular. President Nixon has repeatedly implored labor leaders and management to hold the line on inflationary contract settlements. And yet when these leaders see the Federal Government quietly accepting 20-percent increases in Federal payments to certain protected interests, even the most impassioned requests become a joke. Mr. President, if we are to ever make headway in the fight against inflation, the Federal Government must take the lead. Words are not enough. The average taxpayer must be shown that the Government means what it says, and is willing to back up the brave words with action. It is for this reason that I am introducing a bill today to amend the 1937 act. While I am in agreement with the intent of the Bureau of the Budget's proposal, I believe that we need major reforms in the formula for allocation of the O. & C. moneys, not a temporary ceiling. With this in mind, I am today introducing a bill to substantially amend the 1937 act.

Mr. President, as I say, I do not intend to offer a payment limitation amendment to the pending bill. It would be subject to a point of order, and I am sure that point of order would be raised, and raised effectively, by the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD). I understand they feel very strongly about this matter. But I did feel this matter should be brought to the attention of the Senate now, because we are providing appropriations in the bill before us now which will, in my view, continue payments which I think are excessive and cannot be justified.

As I said earlier, I do intend to introduce a bill which will come before the Committee on Interior and Insular Affairs, on which I hope we can have hearings, which the distinguished Senator from Nevada (Mr. BIBLE) suggested would be the proper route. I think it is a wise suggestion, and it is the route I intend to follow.

HIGHLIGHTS OF THE BILL

The sustained-yield guideline under which these lands are supposed to be managed provides for a delicate balance between timber cut and timber growth in order to perpetuate the timber reserve

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and not have it exploited in the present only to find it depleted at some later point in the unforeseeable future. Thus, the most significant contribution of the timber receipts is that portion which is applied to reforestation, access road construction, seeding, and thinning which together comprise a necessary part of the continuing cycle of timber growth and harvest. The access roads are useful because they enable the BLM to get at the timber more readily—to reach and market those large stands of timber which are mature and which should be cut in order to provide for future growth. Reforestation and seeding are obviously necessary steps to insure the continued existence of the resource. Therefore, I think it only fitting that we increase the amount of money that may be appropriated for this important section. To this end, I have suggested that we increase this provision from 25 to 40 percent.

At the same time, we must realize that the Federal Government should not invest in further capital improvements, which is precisely what the timber reforestation program is, without deriving a larger share of the financial proceeds of harvesting the timber than is now provided for in the controlling legislation. In the past, the Federal Government has borne most of the expense alone of improving these areas and seeing to it that once the timber has been felled and marketed, those areas do not remain laying fallow and useless. I, therefore, have suggested that we should earmark a definite 10 percent each year of the revenues derived from timber receipts to the Treasury of the United States. This guaranteed annual inflow to the Treasury also provides for a reservoir which could be utilized at some later date should a natural disaster occur in the timber resource area and emergency funds be needed.

Finally, I propose to reduce the payment to the counties back down to tax equivalency. This is all that they ever wanted in the first place when they were searching for guaranteed revenues whenever earlier bills were up for discussion.

I have also provided for the establishment of a board of appraisal to reappraise the land and its resources and to design a newer and more equitable arrangement for the distribution of the receipts between the specific counties. Tax matters are an inherently difficult and complex matter. In Oregon, the property tax is basically an ad valorem tax; that is, it amounts to some proportion of the value of the property. But forest properties present many problems when it comes to assessing them. Since merchantable timber can be removed from the land and sold yet leaving the land with a market value even when completely bare, it is necessary to assess both the land and the timber separately. Bare forest land has value because of the timber which could be grown on it and premerchantable timber has value because it eventually will reach merchantable size which can be utilized. Clearly, these values are based on the promise of future income. On the other hand, timber of merchantable size has an immediate market value because it could be cut and sold right now. However, since the total volume of standing merchantable-size timber is much more than the market could absorb if it were all cut and offered for sale at one time, its actual worth is obviously less because it cannot all be sold right away. This board of appraisal would obviously have to take these more salient points in mind along with a lot more complicated and intricate ones when arriving at their new assessment values similar to those of private timber in Oregon. But such a vast and massive effort is necessary for it is not only unfair but insufficient for the counties to receive 1970 payments based upon 1915 assessment ratios. And since we are reforming the payment from the Federal Government down to the county level, we should also correct the misallocation of funds between the individual counties due to the continued application of the 1915 base.

CONCLUSION

In conclusion, Mr. President, we have a pressing commitment to watch out for excessive spending whether or not we are plagued with inflationary troubles. However, when we are gripped by a serious inflationary problem such as the one we are now experiencing, the need for sound financial management becomes much more acute and severe. All the levying and raising of Federal taxes will not do the slightest bit of good. It irritates and goads the people so long as they can still look around and watch the Federal Government practicing double talk by pouring out more and more money. What kind of faith can a people maintain when it sees its own Government ignoring what it is asking its own citizenry across the land to do—cut down on excessive and wasteful spending?

Moreover, we must be concerned with the idea of fairness and equity. One man should not have to pay more in tax money to the Federal Government because someone else in another sector of the country has an arrangement where he pays less and obtains more. These O. & C. lands fall into this category. It would be a substantial mistake if we continued to allow their privileged position to remain unchanged. It would be a serious error, indeed, if we do not go ahead with legislative reform to try and correct these inequities and waste of Federal money—waste, because it could be utilized elsewhere for problems commanding a much higher priority. Temporary measures, such as the Bureau of the Budget urged for 1970, while better than none at all, are no substitute for the reform that is urgently needed.

Mr. President, I introduce the bill and ask unanimous consent that the text be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2943) to amend 43 U.S.C. 1181f, the acts of August 28, 1937, ch. 876, title II, sec. 201, 50 Stat. 875; and June 24, 1954, ch. 357, sec. 1(b), 68 Stat. 271 with respect to the annual distribution of moneys in the special fund of the U.S. Treasury designated as the "Oregon and California land-grant fund," introduced by Mr. PROXMIRE, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 2943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. 43 U.S.C 1181f, Annual distribution of moneys in special fund, is hereby repealed as of June 30, 1970.

SEC. 2. Commencing with the fiscal year ending June 30, 1971 all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follows:

(a) Fifty per centum to be available for the administration of sections 1181a–1181j of this title, in such annual amounts as the Congress shall from time to time determine. Any part of such per centum not used for administrative purposes shall be covered into the general fund of the Treasury of the United States.

(b) Not to exceed fifty per centum of the receipts derived in any one year to the counties in which the lands revested under the Act of June 9, 1916 (39 Stat. 218), are situated, shall be paid in the manner prescribed below:

(1) For the fiscal year ending June 30, 1971, an amount of $24,000,000 and for each subsequent year an amount equal to $1,500,000 less than the year preceding until the amount paid is equal to the amount derived by applying the county property tax rate for that year for similar private land on the tax rolls to the Oregon and California revested lands when valued for assessment purposes as are other private lands.

During this period the payment of each of said counties shall be in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said land in the state of Oregon for said year, such money to be used as other county funds: *Provided, however,* That for the purpose of this subsection the portion of the said revested Oregon and California Railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county: *Provided, further,* That any part of such per centum not needed to pay said counties shall be covered into the general fund of the Treasury of the United States.

SEC. 3. There is hereby created a Board of appraisal to consist of a representative of the Secretary of the Interior, a representative of the Governor of Oregon, and a third person satisfactory to the Secretary of the Interior and the Governor of Oregon who shall not be an employee of the United States nor a resident of, property owner nor hold any financial interests whatsoever in the State of Oregon. The Board shall classify the lands according to the systems applicable by the State of Oregon for comparable private lands and shall make, not less frequently than once in each ten year period, an appraisal of the land and its resources. The first appraisal shall be made in a manner timed to permit a proper transition from the payment schedule in (2) above to one which will result in payments based on applying yearly applicable county tax rates to the taxable assessed value for the Actual revested Oregon and California railroad grant lands and resources in each county. The amounts due here under in any year after the appraisement is operative shall be on the basis of the latest appraisement. The expense of making the appraisements provided for in this Act shall be paid by the Secretary of the

Treasury upon certification by the Secretary of the Interior from the portion of the receipts derived from such lands and resources payable to the counties and shall be deducted from any amount due said counties. Any payment to said counties may be used as other county funds. Any part of said per centum not used for payment to said counties or to defray appraisements shall be covered into the general fund of the Treasury of the United States.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Nevada.

Mr. BIBLE. I appreciate the interest of the Senator from Wisconsin. He did make a very forceful presentation on the O. & C. land problem in the Subcommittee on Interior Department Appropriations, of which he is a member; and I there said, as he has accurately reported, that I thought it was more properly a matter to be brought before the legislative committee.

This is an item which is more or less perennial when we mark up our appropriation bills. It seems to me that the proper forum in which to correct the ills, if there are ills, or the wrongs, if there are wrongs, is the legislative committee, and not the appropriation committee.

I very much appreciate the attitude of the Senator from Wisconsin. I understood he was introducing legislation.

Mr. PROXMIRE. That is correct.

Mr. BIBLE. To take care of this problem as he sees it. I think that is the correct method in which to proceed. I recognize his interest and the interest of others in this problem. I also know the keen feeling of the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), because they, too, have spoken to me about the matter.

I believe the Senator from Wisconsin is proceeding in the correct manner, to seek a forum before the legislative committee and not the Appropriations Committee. I appreciate the attitude of the Senator from Wisconsin.

Mr. PACKWOOD. Mr. President, I should like to make just a few comments. I, too, appreciate the willingness of the Senator from Wisconsin not to seek to amend the appropriation bill on this item.

If I may, I should like to direct myself to the O. & C. lands for a few moments, to correct a few possible misapprehensions which may arise from the statement of the Senator from Wisconsin.

The Federal Government undertook, in about 1937, to pay to the 18 counties referred to by the Senator from Wisconsin moneys, basically, from the sale of timber on these lands.

This was not an agreement acceptable at the time to the counties; it was in essence a take-it-or-leave-it proposition: "If you want a percentage of the forest sale revenues, you may have them; otherwise you get nothing."

So the counties took it, and for many years received next to nothing, because there were next to no timber sales.

It was not until 1951 or 1952 that this agreement, worked out by the Federal Government and forced on these counties, began to be of any benefit to the counties at all. I therefore think it unfair to look at only the last few years of receipts, and say these counties have received a bounty, because for many years they had been receiving far less than tax equivalency.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. PACKWOOD. I yield.

Mr. PROXMIRE. Is it not true that since 1937, these counties have received $157 million; and while the payments, it is true, have increased greatly in recent years, they have been well above tax equivalency for a long time?

Mr. PACKWOOD. They have, as I said, since 1951 or 1952, been above tax equivalency but until that time they were substantially below it.

Mr. PROXMIRE. Well, that is 18 years, or more than half the period involved?

Mr. PACKWOOD. Yes. The other thing to look at, when looking at the O. & C. lands, is that these are not normal forest lands, as are those administered by the Forest Service. These lands were at one time owned by the Oregon & California Railroad, and they were held by the Oregon & California Railroad in trust for development for the counties involved.

The railroad defaulted on its obligations, and the Federal Government took the lands back in trust, to develop them as the railroad was supposed to have developed them had the railroad continued to hold them in private ownership.

So they are not held under any law or act which says they are to be developed in the total national interest; they are to be developed in the economic interest of the counties involved, as they would have been had the railroad continued to own them. As a matter of fact, many lands throughout the United States were developed throughout the last part of the 19th and the early part of the 20th century.

I shall not belabor the point any further, because we shall be prepared to meet with the Senator and appear before the appropriate committee when his bill is heard. But I wanted to correct any possible misapprehensions which the Senator's statement might otherwise perhaps have left.

Mr. HATFIELD. Mr. President, I wish to express my appreciation to the chairman of the Subcommittee on Appropriations handling the Interior budget, the Senator from Nevada (Mr. BIBLE), for providing us with a very outstanding and eloquent presentation of the general problem we face concerning the Interior program.

I especially wish to express my appreciation to the Senator from Nevada for his comments relating to the O. & C. land, which is a unique and special situation that exists in the State of Oregon and about which the Senator from Nevada has great knowledge and understanding.

As I understand the Senator's comments, he indicated that he felt that any consideration for modifying or changing the formula should be handled through direct legislative process rather than through the action of the appropriation subcommittee.

Is my understanding correct?

Mr. BIBLE. The Senator's understanding is correct; and I so indicated a few moments ago, when the Senator from Wisconsin, who, as the Senator from Oregon knows, is greatly interested in this problem, suggested that he was going to submit a bill on the O. & C. land problem. He did bring his interest in the O. & C. land problem before the subcommittee. I there took the position that it was properly a legislative matter and not an appropriation matter. He concurred there, and he concurred on the floor; and it is my understanding that he will shortly introduce—perhaps he has already done so—a bill involving the O. & C. land in which the Senator from Oregon is interested. But, so far as the Appropriations Committee is concerned and so far as our consideration of this bill is involved, there would be no attempt, as I understand it, to change the present formula on the O. & C. land in this bill.

Mr. HATFIELD. I thank the Senator from Nevada.

I commend the Senator from Wisconsin for bringing this question up through that channel, because, as Senators know, the House did attempt to make this change of that formula through the appropriation process; and I think it would be far more fair and more accurate to consider this subject—if it is to be considered at all—through the very process by which it came into being. Therefore, I will withhold at this time any comments in great detail on the O. & C. land problem until we have a chance to have a hearing, which I understand will be held on the bill that has been proposed by the Senator from Wisconsin.

I do want at this time, however, to indicate one or two thoughts on this matter relating to the bill that is now before the Senate.

The first is that the O. & C. problem, as my colleague has already stated, has a unique history and cannot be considered on the same basis that we consider other federally owned lands and federally administered lands.

Second, I would like to indicate that, instead of trying to destroy this formula, it should be one that I think should be a model for other federally owned lands; because we have seen over $100 million plowed back into timber management from the county share of the revenues produced from these lands. I say, without fear of contradiction, that these probably are the best administered lands of any forest lands owned by the Federal Government or any State government, and we can prove this by the high yield we get from these lands, which not only produces revenues for the Federal Government but also, I emphasize, has done much to establish forestation and reforestation and other conservation practices for which other lands could well take the cue or the signal.

I have introduced another bill which would change the formula of the Federal forest lands under the Agricultural Department to the same formula that we now have under the O. & C. land management, purely on the basis that the O. & C. has proved that, with appropriate funds, you can increase yield and you

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can have better conservation practices through access roads, through pest control, through forest fire attack, and through all the various aspects involved in forest management.

I do not think this is the appropriate time to go into great detail, but I do want to indicate to the Senator from Nevada and to all Senators that we do not feel that we in Oregon are under any special privileged classification with these lands but, rather, that we in the State of Oregon feel that we are doing much to enhance our national resource of timber, not only in our State but also in a way that could become a model for the entire United States.

Last, I would say that with the Public Land Law Commission report in the offing—hopefully sometime next year—we would have certain criteria and certain evidence repeated there to consider in any change in the O. & C. land. Even though this Public Land Law Commission specifically has exempted the O. & C. land from its study, I am sure that the kind of land management discussion that report will indicate certainly will have some bearing on any potential or proposed changes that some may wish to apply to the O. & C. land.

As I have said, I wanted to make these points at this time and to indicate that with the great housing shortage in this Nation, we have not reached that which has been established by the Department of Agriculture as the kind of cutting policies that we must have in order to build the number of houses to which we have committed ourselves. So, instead of discouraging high management and distinguished management programs under an O. & C. formula, we should be encouraging them to meet the housing needs of this Nation. I think the housing problem is the No. 1 social issue of this country today. We are over a million units under our schedule of 2.6 million units of new housing each year, which we need yearly to reach the goal of 2.6 million units in the next decade. This goal was set by the recent national housing program, and we are over 1 million units under that goal this year. I think this is due to a number of things such as the tight money policy of this administration, the cutbacks that have taken place and so forth. However, I think we have to realize that before the tight money policy we did not have the yield or the production to produce the housing units required. I think this is very important to consider, not just as it relates to one State, such as Oregon, but to the general resources of timber and production that we must have to meet the national housing commitment we have made.

I am grateful that we can take this matter up in greater detail when the bill is reintroduced as contemplated by the Senator from Wisconsin.

Mr. PROXMIRE. The bill, as introduced, would provide for a reduction in the 50 percent of the funds that go to the counties in tax equivalency because they are paying seven times as much on any tax equivalency basis.

I agree with everything the distinguished Senator from Oregon has said about the need for improving land management. I am sure the situation is better under the O. & C. land management.

However, as far as land reform is concerned and as far as housing is concerned, my bill would in no way inhibit a more productive, enlightened, and effective management program. My bill does not touch the 2.6 that goes for management. It only corrects the excessive payments to the counties for tax equivalency.

I cannot for the life of me see any reason to provide this enormous bonanza to 18 counties which receive this fantastic payment which is much larger than 17 States in total all together receive. Seventeen States together receive only a fraction of what 18 counties in Oregon realize, although I would not touch what goes to management.

Mr. HATFIELD. I appreciate the Senator's comment. I know he has a great interest in natural resources management. I point out only two things in response.

I cannot emphasize too greatly that $100 million from the county shares has been plowed back into the management of these lands. This has helped immensely in the management of the lands, which has impressed everyone and which we in Oregon are happy to be able to report.

Second, at this point I ask unanimous consent to have printed in the Record a brief 3-page history of the O. & C. lands which are unique to any of the federally owned lands both in original conception and development over the years.

There being no objection, the document was ordered to be printed in the Record, as follows:

History of the O. & C. Lands

(Presented by David S. Barrows, counsel for the Association of O. & C. Counties, to the Highway Interim Committee, January 20, 1966, at Salem, Oreg.)

Prior to and following the War Between the States, a great national interest developed in opening the West and it became the policy of the Federal Government to grant lands, as a form of subsidy, to encourage the construction of railroad lines. In 1866, a grant was made available for the construction of a railroad line from Portland to the California border (this line to be connected to a railroad coming north from San Francisco). The Oregon Legislature was given the right to determine the private company which would be awarded this grant. Because, by 1869 no company had fulfilled the requirements of the earlier act, Congress enacted another bill extending the time which the Oregon and California Railroad Co. (which was designated by the Oregon Legislature as the company to receive this grant) had to fulfill their obligations under the 1866 Act.

In addition, the 1869 Act included three restrictions, which were to become extremely important in the later history of these lands. These restrictions were: (1) the land could be sold only to actual settlers; (2) not more than 160 acres could be sold to any one settler; and (3) the railroad could not charge more than $2.50 per acre.

In 1869, Congress made a similar grant for the construction of the Coos Bay Wagon Road from Roseburg to Coos Bay.

The 1866 Act provided that the railroad would receive all of the odd-numbered alternate sections located in a twenty-mile stretch on either side of the right-of-way. This forty mile strip of land is known as the Place Grant. Because many of these odd-numbered sections had already been patented under various Federal land laws and therefore were not available to the railroad company, the company was given the right to select the odd-numbered sections in a strip ten miles on each side of the Place Grant to indemnify it for the Place Grant lands unavailable to it. These two ten-mile strips are known as the Indemnity Grant.

It should be noted that much of the land involved is located in rugged terrain and was unsuitable for farming in an era when almost the entire economy was agriculture-oriented. Consequently, the railroad was unable to dispose of this land and use the receipts to offset the cost of construction which was, of course, the idea behind railroad land grants.

By early in the 20th Century, the work had been completed and the Southern Pacific Railroad Co. was the owner of both the land and the railroad line. By this time, the restrictions of the 1869 Act had been violated numerous times. As I have indicated, much of this land was unsuitable for agriculture and was of value only to the timber speculator. As a result, Southern Pacific sold a large portion of the grant to individuals who were not settlers, in blocks of considerably more than 160 acres and for often twice as much as the $2.50 per acre maximum.

No objection was raised to these violations, due to the great abundance of lands available for settlers, until the railroad announced that these grant lands were no longer for sale and were to be permanently maintained as a timber reserve. The reaction of the public was one of strong and vocal opposition to this policy; the prevailing feeling of that era being that land must always continue to be available, and should not be withdrawn, either by government or by companies holding lands on a semi-trust basis.

Because of the great public outcry, the violations committed over the years by the railroad became a subject of public discussion and in 1908, the Attorney General as a result of Congressional Activity, instituted proceedings to bring about the forfeiture of the grant. After much litigation, the United States Supreme Court ruled, in 1915, that the grant had been violated but that because Congress had originally granted these lands, Congress was the proper branch of government to bring about their revestiture.

In 1916, Congress enacted the Chamberlain-Ferris Act which returned to the government almost three million acres of the original grant. (Over 830,000 acres had been previously sold by the company.) The act provided that Congress was to see that the railroad netted $2.50 per acre for all the acres in the original grant. All of the land was to be classified as either power site, agriculture or timber. The power site land was to be retained for future development. The agriculture lands were to be sold as quickly as possible at $2.50 per acre (with a three-year residence requirement). Timber was to be sold off those lands classified as timber lands and they were then immediately to be redesignated as agricultural and available for sale. The object was liquidation.

Because these lands had once been on the tax roles and the revestment had come about through no fault of the counties, provision was made for in lieu of tax payments to the counties out of receipts. This was an effort to help the counties while the land was being disposed of by the Federal Government and returned to the tax rolls.

Because the payment to the railroad of its $2.50 per acre was to be made prior to any other disbursement, including payments to the counties, and because there were very few sales of these lands, the counties received no monies between 1916 and 1926.

In 1926, Congress enacted the Stanfield Act which recognized that the counties were in a desperate situation. Seven million dollars were appropriated to be paid the O & C Counties in lieu of taxes for 1916 through 1926. This Act, while providing financial assistance, did not correct the basic deficiencies of the law. The O & C Counties had hoped that they would receive the full equivalent of taxes, but the Controller General stated that the Act would not permit an amount in excess of receipts to be paid to the counties.

By 1937, receipts for sales were sufficient to meet only the county tax obligation up to 1933. In 1937, Congress enacted the O & C Act of August 28, 1937, which was an historic land-mark, in that it provided for both sustained-yield management and multiple use. This was a complete reversal of the policy of the Chamberlain-Ferris Act in that instead of being sold, these lands were to be permanently retained in Federal ownership to provide a permanent source of timber.

The formula was also radically changed. The Act provided that twenty-five per cent of the receipts from timber sales was to be paid into the Treasury and be made available for administration and management of these lands. Fifty per cent was to be paid to the eighteen counties in lieu of current taxes. Twenty-five per cent was also to go to the counties after the Treasury had been repaid for advances made by it for payment of back taxes. The eighteen counties which receive this money are Klamath County and all of the counties in Western Oregon except Clatsop. This formula, incidently, is still in effect today.

It is my understanding that during the discussions preceding the enactment of this law, the counties argued long and hard that they should receive actual in-lieu taxes and not a fixed percentage of the receipts. When this present formula was established and they did not prevail, the counties returned home feeling defeated on this point.

By 1950, the receipts had increased substantially, partially because of an increased allowable cut, but mostly because of higher timber prices. (The average stumpage price on the O & C lands in 1939 was $1.95 per thousand board feet. By 1955, this had risen to $28.45. Today, it is around $30.00.)

In 1951, the Treasury was repaid in full and in 1952, the counties received the full seventy-five per cent allotted to them under the O & C Act. Without going into much detail about this, I do want to point out to you that starting with 1953, the counties have, out of their seventy-five per cent, voluntarily returned to the Treasury an amount of money which annually now equals one-thirds of the counties share, or twenty-five per cent of the total. In the thirteen years that this arrangement has been in effect, the counties have returned $79 million.

These monies are then appropriated by Congress for roads, reforestation and recreation and are in addition to the normal operating budget for management of these lands. It is widely recognized that the availability of these funds has contributed in large measure to the outstanding development of the O & C timber lands, and that without them the management would be considerably less intensive with a resulting effect on the economy of Oregon. I have heard many people say that the O & C represents probably the finest example of public timber management in the country and there is no doubt that it is the outstanding example of Federal-County cooperation.

You should be aware of the fact that in addition to the two million plus acres of O & C lands administered by the Bureau of Land Management, of the Department of Interior, there are also approximately 500,000 acres managed by the U.S. Forest Service of the Department of Agriculture. These lands are commonly referred to as the "Controverted" lands, a term which you may have heard in the past. For many years, there was a controversy between the Departments of Interior and Agriculture as to who had jurisdiction over those unselected and unpatented odd-numbered sections within the indemnity grant which also were located inside the boundaries of the National Forests. In 1954, this problem was resolved by Congressional enactment which stated that these "Controverted" lands were O & C lands but would be administered by the U.S. Forest Service, with the proceeds to go to the O & C funds to be disbursed in the same manner as the funds derived from the BLM administered O & C lands.

The Coos Bay Wagon Road lands, which were reconveyed by Congress in 1919, are administered by the BLM in conjunction with the O & C, as are the public domain timber lands of Western Oregon. Only Douglas and Coos Counties are involved in the CBWR lands and they receive actual in-lieu tax payments rather than a percentage of the receipts.

Mr. HATFIELD. Mr. President, I think from both of these standpoints: First, the way the money is used and, second, the unique origin of the lands, they cannot be placed in the general category of federally owned lands, as is the case in other States. I welcome the opportunity to bring this matter before whatever committee will handle the bill, because this thought has been raised in previous Congresses.

I know from the standpoint of Oregon, one of the campaign platforms of any candidate for office is that the candidate will fight to develop O. & C. lands management. However, it is not just a parochial viewpoint.

Mr. PROXMIRE. I understand why. If I were from Oregon, I would probably fight at the barricades for this also.

Mr. HATFIELD. It is not a bonanza or special treatment that should apply to us, but it is because of the unique situation and the history of these lands. I will be happy to discuss that matter at a committee hearing or at any other time the Senator wishes.

Mr. President, as we talk about timber and forest products in the context of O. & C. lands, I would like to expand my remarks and comment on homebuilding and Oregon's industry.

My colleague, Mr. PROXMIRE, touched on this initially when he discussed the impact of O. & C. money on my State. He is correct about this impact, but that is but one aspect of the problems facing the homebuilding industry today.

Mr. President, the people of my State overwhelmingly support President Nixon in his desire to stabilize the purchasing power of their hard-earned dollars. Our citizens, young and old, want their take-home pay, their social security checks, interest on their savings accounts and earnings on other investments to be meaningful when they go to the supermarkets to buy groceries, when they buy a home or a car, or spend money for other necessities. They are tired of reading each month the press releases of the Bureau of Labor Statistics which show a steady rise in the cost of most essentials—shelter, clothing, and food.

On the other hand, they are confused as to why the United States is building so few homes this year when Congress set the goal in 1968 of 26 million new homes in the next decade. They know that means we have to build 2.6 million homes each year between now and 1978. They also know that tight money has limited the homes which will be built this year to about half of what we need to build to meet our 10-year goal.

This is of particular significance in my State of Oregon because we provide a fifth of the softwood lumber and nearly half of the softwood plywood, the two most important basic building materials used for America's homes. Our great State has one out of every five trees in the United States within its borders. The people who grow, protect, harvest, manufacture, and merchandise these trees for all the people of America, provide our State's principal economic backstop. In all, there are 85,000 people directly employed in Oregon's forest industry. In addition, there are at least 5,000 Government employees managing the great Federal forests in our State. Together with those industries, which provide the materials, supplies and services for the forest industry, half the people of Oregon depend directly on trees for their economic well-being.

Last fall the Nation experienced a runaway market for lumber and plywood when a combination of severe weather, pressure of log exports to Japan, a worse than average boxcar shortage, coincided with an unprecedented fall building boom. Lumber and plywood demands were so heavy that supply could not meet them. Consequently, prices skyrocketed. This brought criticism from Government, from the homebuilding industry and the public. The forest industry in my State was accused of gouging its customers.

As a result, the principal seller of timber in my State, the Federal Government itself, was accused of gouging it customers, the hundreds of sawmills and plywood plants which depend on Federal timber for their raw materials.

As a result of the 5-month abnormal market which subsided as quickly as it developed, many operators were caught with high unprecedented raw material prices. The Government was left holding the bag too because many operators by early summer were unable to operate on high-priced Government timber because of what they could realize for lumber and plywood in the marketplace was less than the cost of production.

At the request of myself and my colleagues in the Oregon delegation, the Bureau of Land Management and the Forest Service withdrew advertised timber sales and reappraised them at levels which they believed were more in line with current timber values on the heavily depressed market, which resulted directly from the falling off of homebuilding. However, too much of the Government timber was still appraised too high and many sales went unsold.

It is clear that neither the industry nor the Government can have it both ways at the same time. On one hand, the industry must be able to buy raw materials

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at a price it can afford to pay in relationship to what consumers are paying for lumber and plywood. Or, in time, mills will go out of business. On the other hand, the Government with its housing goals to meet and being the Nation's principal timber owner—three-fourths of all the trees in my State belong to the Federal Government—must realize that it cannot expect to extract the last nickel out of its trees and still house the people of America.

With the administration's current desire to curb inflation, the cutting back on public works construction is apparently aimed at increasing homebuilding. But, with curbs on money, too, everyone wonders how this is going to be possible.

I must say to the administration and to my colleagues in the Senate that if the United States is to realize its homebuilding goals, we have to start building now, because you cannot run sawmills and plywood plants on promises of a boom to come if you are breaking the mills during the waiting period. With sawmills and plywood plants in Oregon and the Pacific Northwest greatly curtailed right now, at a time of the year when they are normally bustling, the country is just asking for another round of runaway lumber and plywood prices when homebuilding finally starts again.

Lumber companies which are running on slow bell now will be hard put to rise to meet the demands fast enough if we suddenly open up the floodgates and let the country begin to satisfy its appetite for housing once again. And, if the runaway prices occur like they did last year, we will be criticizing the lumber industry here on the floor of the Senate, investigating its pricing practices and answering thousands of letters from our constituents who will want to know "how come?"

How much better it would be to roll up our sleeves and meet the homebuilding goals of this country by getting the Government as the Nation's No. 1 timber owner, to appraise its timber more realistically and to establish monetary and fiscal policies which will keep the homebuilding economy stabilized at a desirable level.

My colleagues, I recognize the need to curb inflation. This cruel form of double taxation is taking its toll in all levels of our society. It is creating problems that we are voting billions to attempt to resolve.

I cannot subscribe to a formula for reducing inflation which fails to recognize its basic cause. The fever of this malady is being fed by expensive, nonproductive defense purchases which in some cases are of dubious effectiveness. My recent activities in this body have been motivated by a desire to reduce the Department of Defense requests of those items which would not necessarily add to our Nation's total strength.

We must not permit our concern for external defense to vitiate our internal strength. These must be developed hand in hand.

The homebuilding goals of our Nation must be met. Adequate housing is just as essential to our total national strength as a supersonic bomber.

Mr. BIBLE. Mr. President, I understand that probably one or two more amendments will be offered.

Mr. JACKSON. Mr. President, first I commend the able and distinguished chairman of the subcommittee, the Senator from Nevada, for the fine way in which he has managed the appropriation bill.

Mr. President, I have a question or two that I wish to propound to the chairman.

Mr. BIBLE. Certainly.

Mr. JACKSON. The amended Land and Water Conservation Fund Act, Public Law 90–401, which was passed last fall, contained a provision authorizing the Secretary of the Interior to enter into advance contracts for the acquisition of land, water, or interests therein within authorized recreation areas. As I recall, the advance contract authority limitation——

Mr. BIBLE. It is $30 million.

Mr. JACKSON (continuing). Was $30 million for fiscal years 1969 and 1970.

Mr. BIBLE. That is correct.

Mr. JACKSON. The committee, in connection with the golden eagle bill, reported out and there is pending on the calendar a provision which would make this contract authority permanent law.

I note, Mr. President, in the report, on page 10, that $15,528,000 has been approved for the liquidation of fiscal year 1969 contracts. Is that not correct?

Mr. BIBLE. That is a correct statement.

Mr. JACKSON. I also note that, based on their report, the committee took the position that, in connection with the $30 million in requests for contract authority for fiscal year 1970, they would not act at this time. Instead, the committee did break out four items which are contained in the report on page 11, granting a direct appropriation. Is that not correct?

Mr. BIBLE. The Senator is correct.

Mr. JACKSON. I understand that this does not mean that the remainder of the requested contract authority, which would bring it up to $30 million, is prohibited, but that the committee, in the report, suggested that the Department of the Interior resubmit the request for such contract authority.

Mr. BIBLE. The Senator from Washington is correct. He states the contract authority problem accurately.

I believe the contract authority is an excellent instrument, and has worked out on a trial effort. As the Senator says, this was built in for 2 fiscal years, 1969 and 1970, and it has worked out very well because it permits the National Park Service and the Bureau of Outdoor Recreation to acquire these lands by contract when the opportunity arises. As the Senator from Washington, the chairman of the Committee on Interior and Insular Affairs, well knows, the problem of acquiring park lands and recreation area lands has been one of our most difficult problems within that committee since I have served on it, because of the rapid increase in land values and the unavailability of the money to buy the land when the opportunity arises.

Therefore, I think the contract authority does serve a very useful purpose. I am delighted that it is built in on a permanent basis in the so-called golden eagle program, and while the golden eagle program is a little different facet than the contract authority section, when that program moves forward, as I hope it will very soon, both through the Senate and the House of Representatives, I hope it will contain a contract authority provision on a permanent basis.

This was included as a trial effort during the time we acquired so many park lands in order to allow us to attempt to meet the rapidly rising land costs. We have not done this as well as we would like or, I am sure, as well as the Senator from Washington would like. However, it would help.

To be absolutely clear and to make the record absolutely clear, there is no thought in the world of abandoning the 1970 contract provision. And as these proposals come before the chairman of the two committees in the total of $30 million, if they are in order they will certainly be allowed.

Mr. JACKSON. Mr. President, in order to make the legislative history accurate, it is my understanding that the remaining items submitted by the Department of the Interior which were not acted upon at this time can be resubmitted by letter.

Mr. BIBLE. The Senator is correct—as they do now, when they come up with a definite reprograming or definite request for contract authority. As the Senator has correctly noted, we have taken some items out of the contract authority classification and have actually appropriated dollars for them, so that hard dollars can now be paid in 1970.

In some of those cases the most we could get would be a contract or an option. In that event it would be very clearly allowed and would be reflected in the appropriation bill next year by way of reimbursing the amount contracted for.

Mr. JACKSON. There is nothing contained in the report or in the bill which would prohibit the course of action I have mentioned—the submission of requests for contract authority by letter and action by the committee by letter.

Mr. BIBLE. There is nothing whatever. And if there is anything in the sentence on page 11 that seems to indicate that, that sentence is wrong.

The sentence reads: "The committee desires that the proposal be reexamined and resubmitted at a later date."

If it is in order, it certainly would be allowed to be paid for out of dollars in the next appropriation bill, fiscal year 1971.

Mr. JACKSON. Mr. President, the committee would ask for the funds in fiscal year 1971 with which to take care of whatever it might approve of by letter for those projects approved by the Department.

Mr. BIBLE. The Senator is correct, up to the statutory limit of $30 million.

Mr. JACKSON. I thank the Senator. I think this completely clarifies the record. It has been most helpful.

Mr. BIBLE. Mr. President, I yield to the Senator from Florida.

The **PRESIDING OFFICER.** The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I thank the Senator for yielding. And I thank the Senator from Washington for his questions relative to the contract authority matter for the purchasing of lands to be incorporated in national parks or monuments.

I am particularly concerned, as the distinguished Senator from Nevada knows, with reference to the Biscayne National Monument.

The Senator will remember that that legislation was passed last year and that it was too late to incorporate any direct appropriation of money, but that $2.5 million was permitted as contracting authorization to be expended out of the Land and Water Conservation Fund.

Mr. JACKSON. The Senator is correct.

Mr. HOLLAND. It was to be paid for by funds appropriated in this year's appropriation.

Mr. BIBLE. The Senator is correct.

Mr. HOLLAND. I note that on page 10 of the committee report there is shown in the second tabulation an appropriation of $2,500,000 for liquidation of fiscal year 1969 contracts for Biscayne National Monument.

I take it that completes the transaction covered by the contract authorization of last year by making the full sum which has been contracted for by the Park Service and the Department of the Interior now available by way of direct appropriation.

Mr. BIBLE. The Senator is correct. This appropriates money for which we have already entered into contracts in fiscal year 1969 in the sum of $2.5 million.

Mr. HOLLAND. Mr. President, I note that in the first compilation on page 10 there is shown a direct appropriation for Federal land acquisitions for fiscal 1970 of $2.5 million for Biscayne National Monument, which is an increase of $850,000 over the amount already allowed by the House as appropriations for this purpose in 1970.

Mr. BIBLE. The Senator is correct.

Mr. HOLLAND. Then that $850,000—and I am sure the others listed in the compilation on page 11 are four matters in which some money was taken out of the proposed contract authorizations for fiscal 1970 and placed in the direct appropriation.

Mr. BIBLE. The Senator is exactly correct. And instead of giving the Biscayne National Monument $850,000 in contract authority, which would mean that it could not have been paid for until fiscal year 1971, we put it in hard dollars which means that it can be paid for as soon as appropriated.

Mr. HOLLAND. I thank the Senator and his able committee for that arrangement.

It is certainly appropriate in view of the fact that more of the land included in the Biscayne National Monument has been found to be available by way of purchase from private owners than had been expected or even hoped for by the Park Service.

Mr. President, I would like to ask the distinguished Senator if I am correct with reference to the remaining balance of the Biscayne National Monument item which was included in the budget for contract authorization.

I understand there was a contract authorization of $4 million included in the budget and that the committee has now lifted $850,000 out of that, leaving $3,150,000 still recommended by the budget as contract authorization.

Mr. BIBLE. The Senator is exactly correct.

Mr. HOLLAND. Mr. President, I thank the Senator. My understanding now is, from the exchange had between the distinguished chairman of the committee and the distinguished Senator from Washington, that the balance of $3,150,000 may be reached in 1970, if in the judgment of the two committees, the Senate and House committees, and upon request by the Department of the Interior of the Park Service, that amount of $3,150,000 or any portion thereof is found to be needed with which to purchase land at a price regarded as reasonable or even better than reasonable in the Biscayne National Monument. That mere approval in writing by the two committees of such request would enable that amount to be contracted for in fiscal 1970.

Mr. BIBLE. The Senator is correct. And if we receive a request and it gets the approval of both the House Interior Appropriations Subcommittee and the Senate Interior Appropriations Subcommittee, it would mean then that the contract authority may be liquidated in fiscal year 1971.

Mr. HOLLAND. I am very happy over this direction that has been taken by the committee.

The Senate was apprehensive last year when the project was authorized, as the distinguished Senator remembers, as to the price that might be involved in the acquisition of the islands that are involved as portions of that Biscayne National Monument.

My information now is that better luck has been had by the Park Service in its negotiations for acquisition of private lands than had been anticipated. In the course of action making available $5 million this year in cash and a contracting account of $3,150,000 in the event good purchases can be worked out, in the joint wisdom of the Park Service and two committees, the Senate and House committees, the bill has left available an overall sum of $8,150,000, at the most, for the Park Service to work with this year.

Mr. BIBLE. I would think it would put the Senator from Florida in a very advantageous position insofar as the Biscayne National Monument is concerned if all these eventualities come about, and this would certainly be a high percentage of acquisition costs as compared with other parks and national seashores and national monuments we have created.

Mr. HOLLAND. I certainly think so, too, Mr. President. And I think this is highly desirable, because the value of lands in the immediate Miami area continues to escalate at such a rate that I think the sooner we can get this purchase completed, the more advantageous it would be to the Nation.

I thank the distinguished Senator for his leadership and his committee for their understanding of this situation.

Mr. BIBLE. The only additional comment I would make is that the land acceleration and increase in value in Florida is no different from that in practically every other State where we acquire parks and national seashores. The increase has been tremendous, and it is very difficult to find a sound, businesslike way to meet the increased cost.

Mr. HOLLAND. That certainly is true in our area. Of course, the Senator understands that every bit of the island areas constituting all the land areas in the Biscayne National Monument is water frontage, either on the Atlantic or on Bay Biscayne. That makes it peculiarly desirable to acquire these islands at the earliest possible time.

I thank my distinguished friend.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I commend the Senator for the able manner in which he has conducted hearings and managed this bill on the floor. He has acted with his usual diligence, thoroughness, and fairness, and I want to express my appreciation for the fine way in which he has conducted the action on the bill and for the good work he has done. I think the Senate is indebted to him for it.

Mr. BIBLE. I appreciate the comments of the Senator from West Virginia. He is a helpful member of the subcommittee. We are simply working together to bring forth a realistic bill.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. STENNIS. Mr. President, as a fellow member of the Committee on Appropriations, I have been very favorably impressed as well as pleased with the way the Senator from Nevada has handled this bill. It is a highly important bill, but it is not at all easy to handle. Over the years, the Senator from Nevada has gained a very fine knowledge of the matter, and it all has come to fruition now, since he is chairman of this subcommittee. I commend him highly. I wish I were a member of this subcommittee, so that I could work with him.

Mr. BIBLE. We will be happy to welcome the Senator from Mississippi any time he wishes to leave any of the subcommittees of which he is a member.

I appreciate the comments of the Senator.

Mr. HARRIS addressed the Chair.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The Senator from Oklahoma is recognized.

Mr. HARRIS. Mr. President, in preparation for amendments that will be offered in regard to items in the bill having to do with the Bureau of Indian Affairs, and particularly referring to page 5 of the report under the heading "Education and Welfare Services," I wish to ask the distinguished chairman of the committee some questions to clear up in my mind the cuts which have been made.

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Mr. BIBLE. Certainly.

Mr. HARRIS. Mr. President, I notice that in the Education and Welfare services available for Indians in the Bureau of Indian Affairs, the committee recommends an appropriation which is something over $2 million less than the House allowed and about $10.5 million under the budget estimate. Is that correct?

Mr. BIBLE. The Senator is correct. The Senator is reading the figures correctly.

Mr. HARRIS. I notice that of that amount, there is a decrease of $2.3 million from the administration budget request for kindergartens in the public schools for American Indian children.

I wonder if the distinguished Senator could state why the committee decided that that was a good place to cut the budget.

Mr. BIBLE. I wish to preface my remarks by saying first that insofar as the Bureau of Indian Affairs in total is concerned, the amount which we approved was greater than that of the preceding year by some $28 million.

It was the feeling of the committee that the reasons which were given, that are detailed on page 6, were reasons that did not cripple the Bureau of Indian Affairs; that it had sufficient funds to do its work at the present time.

Now, specifically on the problem of the kindergartens and the reduction of $2.3 million, that was basically a House reduction. That reduction was requested by the House. It was done so, as the report indicates, and as has been said before, for the reason it was essentially, if not entirely, a new program. This deals only with additional assistance to non-Federal schools.

The committee did recommend in its bill $4 million for 59 kindergarten classrooms in the Indian schools. An appeal was made from the $2.3 million disallowed by the House. In my judgment it was a very weak appeal. We did not have furnished to us the figures telling us where these kindergartens would go in the public schools. The Senator must bear in mind the amount appropriated to the Bureau of Indian Affairs, which total something like $260 million; and, in addition, and part of the reason for our action is that there comes from other sources and other agencies and other departments something in the range of $235 million for these allied services. In other words, the public schools, through the elementary school funds made available, do secure funds for their public schools.

These are substantial amounts of money. Indian students are entitled to adequate kindergartens the same as other students.

It was for those reasons, based primarily on a poor justification, that this item was not allowed. We concurred with the House action.

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from page 232 of the hearings which shows the proposed expenditure of these kindergarten funds.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

1970

Area	State	Estimated units	Estimated amount[1]	Location
Aberdeen	Nebraska	3	$48,000	Macy, Winnebago, Niobrara.
	North Dakota	4	110,000	Parshall, Dunseith, New Town, Saint John.
	South Dakota	8	115,000	Todd County (3), Sisseton, Wagner, Waubay, Wakpalpala, White River.
Albuquerque	Colorado	2	25,000	Cortez, Ignacio.
Anadarko	Kansas	1	30,000	Powhattan (including Mayett).
Billings	Montana	8	200,000	Hardin, Lodgegrass, Hays Lodge Pole, Havre, Wolf Point, Arlee, Brockton, Lame Deer.
Juneau	Alaska	4	115,000	Kenai Borough, Kodiak Peninsula, Egegik, Nondalton.
Minneapolis	Minnesota	8	110,000	Red Lake (2), Cass Lake, Pine Point, White Earth, Vineland, Nett Lake, Naytahwaush.
	Wisconsin	1	15,000	Hayward.
	Iowa	1	15,000	Tama.
Muskogee	Oklahoma	21	475,000	Clinton, Hobart, Apache, Carnegie, Anadarko, Cache, White Eagle, Vian, Jay, Salina, Locust Grove, Wright City, Talihina, Broken Bow, Idabel, Tahlequah, Bowlegs, Bell, Greasy, Oaks Mission, Sallisaw.
Navajo	New Mexico	14	332,000	Kirkland, Shiprock, Cuba, Thoreau, Crownpoint, Tohatchi, Los Lunas, Tularosa, Espanola, Dulce, Jemez Springs, Bernalillo, Zuni, Ramah.
Phoenix	Arizona	16	410,000	Window Rock (2), Puerco, Maricopa, Keams Canyon, White River, Ganada, Chinle, Tuba City, Pima, Fort Thomas, Indian Wells San Carlos, Parker, Kayenta, Sanders.
	Nevada	4	60,000	Fort McDermitt, Schurz Nixon, Owyhee.
Portland	Idaho	6	150,000	Lapwai, Blackfoot (2), Pocatello, Worley and Plummer, American Falls.
	Washington	6	90,000	Nespelem, Marysville, Ferndale, Mount Adams, Toppenish, Wapato.
Total		107	2,300,000	

[1] Amounts are subject to adjustment when contracts are negotiated.

Mr. HARRIS. Mr. President, I point out to the distinguished Senator that while a large portion of the funds were to be spent in Oklahoma, that is not by any means my total interest. As the hearings brought out, last year under this program a total of only 1,800 American Indian children were served, is that right?

Mr. BIBLE. That is correct.

Mr. HARRIS. Does not the Senator feel that there are, surely, a great many more American Indian young people in the country—I know there are in my State—who could be served and who should be served by a Government which is interested in the American Indian young people and wants them to have the kind of opportunity that every other child in America has; but that they will not get that opportunity unless we are willing sufficiently to fund this kind of program? Does not the Senator feel that 1,800 children served by this program is not enough?

Mr. BIBLE. The Senator must bear in mind that in the eight States which now have those kindergartens as shown on page 232, there were 1,800 students in fiscal year 1969. But we have not had the facts that would justify us in believing that this program should be increased further at this particular time.

Mr. HARRIS. I do know, of my own personal knowledge, that the Oklahoma schools listed in the hearings are, perhaps, with rare exceptions, school districts which are extremely poor in ad valorem assessments and taxes collected. Without these Federal funds there will not be any possibility for this kind of program with special attention to these American Indian young people. In most of the counties, many of these young people come from poverty stricken backgrounds, and they come with special problems. They will not have an opportunity to get this kind of education unless the Federal Government is willing to make this extra contribution—an extremely small one, it seems to me—for this purpose.

But I move on now to another item.

Mr. BIBLE. At that point, let me say to my good friend from Oklahoma that it did not seem to us the testimony given, other than what he has referred to, was in depth as to the need throughout the United States. Where does this take us and how much is now available under the public schools that could be helpful there? I do not know, in frankness, the Oklahoma problem. I do not know whether the schools listed have money available from the elementary school funds. That was not developed. The appeal was a very cursory type of appeal at the time it was made from the House's action.

Mr. HARRIS. I can tell the Senator that they do not, to my knowledge, have the funds in the public schools involved, either in Oklahoma or in other States, to provide for these American Indian young people, unless Congress provides for them specially. It seems to me that, dealing with a group of Americans with the poorest health, education, housing, life expectancy and income statistics of any minority in the United States, that the place to cut is not with that group. And, if we are going to cut from that group, the items to cut are certainly not in regard to pre-school Indian children or education. But, we will argue that when the amendments come up.

I want to ask the Senator another question. There is a cut here of $400,000 that was cut from the budget request, which was to be a part of the increased amount, $500,000, for development of curricula material.

It says, "for the language arts area, $100,000 is allowed." I take it that $400,000 for that purpose was disallowed for the development of curricular material. I wonder whether the Senator might say why the committee decided to cut that item, which is a relatively small item, but seemingly very important, in my mind.

Mr. BIBLE. All of these items, I am sure, are of great significance and a strong argument can be made for many of them. It seemed to us that of those listed, the best case was made in the area of the language arts.

I would say to my good friend from Oklahoma that in the years that we have had the Bureau of Indian Affairs, certainly they have been able, or should have been able, within their own department, to have developed curriculums materials which are specifically oriented to the needs of the Indian child, because they have been working for them year after year after year. It is for that reason we put the emphasis on the one that we thought they did need help on. That is, as the Senator says, the reason for the language arts item.

Mr. HARRIS. I direct the attention of the Senator to the item above, the one we have just discussed. I presume his response will be the same. The $400,000 there which was cut would otherwise have been available for 92 special personnel to improve the curriculums program.

Mr. KENNEDY. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. I yield.

Mr. KENNEDY. It is my intention, along with the Senator from Minnesota (Mr. MONDALE), and also some friends across the aisle, to introduce an amendment which will restore the total funds which were cut back by the committee in the field of Indian education; that is, the areas which the Senator from Oklahoma is itemizing now will be included in that amendment.

I am drawing that to the attention of the Senator from Oklahoma, because I think the points he has made are extremely well taken, and extremely important and useful. I would hope, as he is extremely knowledgeable and one of the most sensitive people in this body in terms of this whole problem, that he would be able to add his comments and discussion to this amendment.

Mr. HARRIS. Would the Senator's amendment seek to restore all the items which were cut, or only some?

Mr. KENNEDY. It is my intention, plus approximately 20 cosponsors, at this time, to restore the total funds in the area of Indian education.

I would hope, because of the Senator's longstanding interest, that he would be able, as we begin on what I think will be a somewhat more extended discussion and dialog about this matter, to add his voice in support. I do not in any way want to stop discussion on it. But it would appear to me that we could further review each item, and hopefully in some detail, based upon the information that has been gathered by the Indian Education Subcommittee.

I just raise this, at this point, so that the Senator from Oklahoma will be knowledgeable, as to the way we might proceed.

Mr. HARRIS. I am very grateful for the comments of the Senator from Massachusetts. I know of his amendment, and I take it that I am listed as a cosponsor of it; is that not correct?

Mr. KENNEDY. That is correct.

Mr. HARRIS. If I may, I should like now to finish my questions, if the distinguished Senator from Nevada (Mr. BIBLE) will yield.

Mr. BIBLE. I yield.

Mr. HARRIS. I take it the Senator's response in regard to both $400,000 items on curriculum would be the same?

Mr. BIBLE. I think in general it would. This is a completely new program, one that the committee felt we should move into with extreme care.

Again, I just have to keep reemphasizing time and time again that we still have a tremendous amount of money in this budget for the Bureau of Indian Affairs and a very great and substantial increase over that of last year. It is just a question of the level of the funding. The Senator from Oklahoma is of the feeling that it should be funded at a higher level than the committee saw fit to fund. I think that in general would be the answer to the question posed by the Senator from Oklahoma.

Mr. HARRIS. I thank the Senator. I do disagree with the funding very strongly and therefore will involve myself in the amendments which will be proposed. I wanted to be sure about the judgment of the committee on these items.

There are others which also concern me very much. I think that anybody who takes a look at the Indian schools of the country will believe that $800,000 is a pitifully small amount of money that we should spend additionally on improving the curriculum in those schools, which now is deficient.

Mr. BIBLE. Mr. President, will the Senator yield at that point?

Mr. HARRIS. Yes, I am happy to yield.

Mr. BIBLE. The Senator is a great authority in this field. He is dedicated to helping the Indians, as I am, and as I am sure every member of the subcommittee and of the full committee is. But can he indicate how many teachers there are engaged by the Bureau of Indian Affairs throughout the system?

Mr. HARRIS. I am not able to respond. I would think the Senator's aide with him could give him those figures.

Mr. BIBLE. I do not have the figure in my mind. I thought possibly the Senator might have some figure in mind. The point is I know there are many engaged in this effort. I know in my own State of Nevada we have what we think is adequate staffing. They are dedicated servants. They work hard. I cannot understand why they cannot work out improvements in the curriculum within their own staff. That is the point I am trying to make. It amounts to thousands of teachers. I think they are dedicated public servants.

Mr. HARRIS. I do not think they can do it alone without this special funding they are seeking. I think too much of the materials—and that is one of the items here—of the Bureau of Indian Affairs schools have insufficient relation to the lives of these children and does little to help them create in their own minds the self-image and self-identity of strength which will allow them to have a real chance and a real opportunity in modern-day American life. I think the present curriculum and materials are deficient. I do not believe they will be developed as they should be developed without this special funding. That has not been true in the past.

I am also deeply disturbed by the cut of $292,000, one-half of the amount requested, for the establishment of a college work-study intern program. I think it is a tremendously important program. I think the amount requested for it was too little. I think it is going to be much too little with the cut made here.

I am worried about other items. I pick out only one more as an example, before we get into the consideration of amendments. That is the $300,000 item for the development and establishment of Indian boards of education. I think in the Indian policy of the country—to the degree we have an articulate Indian policy; and I think we have never really had an articulated Indian policy—we have vacillated back and forth between trying to make the American Indian into a middle-class white man and trying to keep him as a quaint and curious tourist attraction. We have never articulated a philosophy. I think by and large, in most of the schools of the country where American Indian children go, each year when they come to school, when there is a new teacher hired, there is insufficient effort to orient that teacher to the special needs of those children. Nor has there been sufficient attempt to orient the materials to the special needs of those children.

I think we have to foster compensatory education, compensatory housing and health, and compensatory capitalism in the Indian communities of America, both on and off the reservation, both rural and urban, wherever American Indians live. I think, particularly where we have American Indians going to schools which are funded by the Bureau of Indian Affairs, we ought to provide the best possible education—exemplary education. We have a chance to do that with a small amount of money, and we are not doing it.

In addition to the compensatory programs which I have talked about, I think we also ought to have an Indian policy which is a policy of individual self-determination for American Indians, giving them more control over their own lives.

I think greatly desirable to carry out that kind of aim are Indian hospital boards and Indian school boards. I think that is the best kind of policy. I think we should not any longer only allow American Indians to play at making decisions in their own lives, but really should allow them real power over their own lives. One important way to do it is through the establishment of Indian school boards.

Therefore, I am deeply disturbed over this $300,000 cut in the item for that particular purpose.

There are other cuts that worry me. I do not want to get out of time, because amendments will be offered, which were

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referred to by the distinguished Senator from Massachusetts, of which I am a cosponsor. I want to speak on those at the appropriate time, probably.

But I will just call the attention of the Senate to the fact that, once again, we have a report on the floor of the Senate, which, as I understand, was available to the Senate for the first time this morning. That is not the fault of the distinguished Senator from Nevada, who does an extremely outstanding job with a very detailed and difficult set of appropriations which come within the purview of his jurisdiction. It is a fault in Senate procedure that this is so often true. It was because I did not have a chance to study the report that I wanted to ask these questions before the amendments were taken up.

I thank the distinguished Senator from Nevada, and I yield the floor.

Mr. BIBLE. Mr. President, simply to keep the RECORD straight, these reports were available for the use of all Senators on last Friday morning. We filed the report Thursday afternoon.

Mr. HARRIS. If the Senator will yield, was the report printed and available before this morning?

Mr. BIBLE. I am advised it was available on Friday morning.

Mr. HARRIS. On Friday morning?

Mr. BIBLE. Friday morning.

Mr. HARRIS. I apologize to the Senator from Nevada for that mistake, but——

Mr. BIBLE. We are interested in the same cause and are trying to arrive at the same end result. Certainly we are just as interested in the welfare, schooling, and improvement of the Indian as the Senator from Oklahoma.

Mr. HARRIS. I understand that, but let me just add that what I had to say about the filing of the report I would say anyway, because what we are talking about is still the lapse of 1 legislative day. I do not fault the distinguished Senator from Nevada. He is as interested in these matters as I am or as anyone else is, but just as has been true, time after time, with other appropriation bills, we have had one legislative day since the report was printed to study the matter. It seems to me that is not the best way to go about the business of the country. I would think the Senate would do very well on appropriation matters to have the reports printed and have them available at least 1 week before they came up.

Mr. BIBLE. I do not know about a week, because that is not what the rule provides. Probably the rule should be changed, if that is what is desired. But it is true that they were available Friday morning. In addition, it is also true that the House action has been available for several months. So the problem of the cuts of $2,300,000 for kindergartens in public schools could not have taken anybody by surprise. That has been well known. The amended bill passed there, and has come over here.

One thing that concerns me just a little is that even after the House cuts, there was no one who came forward to ask for restoration in a forceful, emphatic, and effective presentation such as the Senator from Oklahoma is making today. I would have been delighted to hear him in the committee.

Mr. HARRIS. If the Senator will yield, he heard me speak on this same subject last year, in the waning days of the session. Some of these same items were cut in the bill then, and I stood here on the floor protesting the cuts, as I am doing now, hoping that some of them might be restored.

Mr. BIBLE. Yes; and the Senator did it very effectively.

Mr. HARRIS. Once again I am making the same plea.

Mr. BIBLE. I am delighted to have the Senator do it. I am just sorry I did not see the Senator before the committee.

Mr. HARRIS. I hoped I had put the Senator on sufficient notice last year so that he himself would make it unnecessary for me, a Senator who is not a member of the committee, to come out here and try to do again what we had to do last year, on items which it seems to me have a greater call on our hearts than almost any other item which the Senate considers. That is why I feel so strongly about it, and I say again, very sincerely and very strongly, that I am confident that the distinguished Senator from Nevada worries over these items as much or more than any other Member of this body; but I also have a special responsibility in that regard as well, and that is why I rise here today.

Mr. BIBLE. I am delighted to have the Senator so rise. I am sure we shall hear from him further before the bill is through. I am glad to have him do so. But I want to keep the RECORD straight, and that is why I say again that this bill, on the items of education and welfare services, still provides $26 million more than last year. The proposed appropriation is 15 or 20 percent higher than last year, and undoubtedly arguments can be made to increase it even more.

The Senator does comment on the amount for the college work-study and intern program. I agree with him; I think that is a fine program. But I do not know that it has to be funded at the full amount. It was our feeling that it should be funded at half the amount—which still is not peanuts; that is $292,000—to use it as a sort of test, on a pilot plant, to see how it works out.

Let me assure the Senator that if it is shown to work out, certainly I would be first to agree that the amount should be increased.

These were programs, many of them completely new, that were given to us for the first time. We felt that it was better to take them in small bites instead of a great big bite, and for that reason, we allowed the $292,000, which still, at this time, September 22, 1969, with time allowed for the matter to go to conference and then to the White House for final action, would still use up about 4 months of the school year. So we think this is an adequate fund for a trial effort on a new program.

The Senator comments on the development and establishment of Indian boards of education. The problem that worried me there, frankly, was whether or not we should spend Federal dollars to train Indian parents to serve on local school boards and PTA's. In my State, they serve on school boards, but we do not use Federal dollars to see that they are trained for service on school boards. They do it because of motivation and interest in their children, just as you and I have an interest in our children.

This was a new item which we felt could well be deferred until it had been examined more fully.

It is said that by spending Federal dollars, they can induce more and more Indian people to serve on school boards of education, and also to become members of PTA's.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. BIBLE. Certainly; I am happy to yield.

Mr. HARRIS. This item, if I am not mistaken—and the Senator can check it—is not for the purpose of developing school boards in the public schools or getting Indians to serve on school boards in the public schools. I believe it is to train people and to develop procedures by which American Indians, for the first time, can run their own Bureau of Indian Affairs schools, where they have been allowed no prior experience.

We have gone through nearly 100 years telling them how the Indian schools ought to be run. Now we should strongly move toward permitting them to take more control over these schools themselves. That is a totally new experience on the reservations, and I do not think we can just sort of pitch it out there to them and say: "Take over the schools," without their being provided a program of training for these new powers and responsibilities. I believe that is what this item is, and that is why it was such a small item.

Mr. BIBLE. The item that was suggested was specifically to train and prepare Indian citizens and Indian parents to serve as either school board members or on the PTA, or to otherwise become involved in the activities. So we are spending Federal dollars to have them become members of school boards. If the Senate, in its collective judgment, thinks that is a good Federal expenditure, I suppose Senators will vote for it. But it seems to me there would be enough interest in the Indian community itself to induce them to serve on school boards.

Our problem in the State of Nevada is just the reverse: we have them all wanting to serve on school boards. Then, like everyone else, they say the present school board should be ousted and a new one put in. So they know the ins and outs of working on school boards without any further training or education; at least they do in my State, and I do not know why we should have to spend Federal dollars to educate these people to be members of school boards. At least that occurred to me and to the committee at the time the item was disallowed.

I recognize there can be honest differences of opinion as to how we can best help the Indians, what we had best do for them, and where we had best spend the money. I repeat, as I have tried to emphasize so many times throughout this presentation, that we have still brought before the Senate a bill with $173 million-plus for education and welfare services.

Mr. METCALF. Mr. President, as a member of the Migratory Bird Conservation Commission, I compliment the committee on increasing the appropriation for the Migratory Bird Conservation Commission from $5 million, as allowed by the House of Representatives, to $7,200,000. This is one of the best investments that we can make. The money will be repaid as a result of the sale of duck stamps.

Today, the Migratory Bird Conservation Commission is buying the most expensive land in America—waterfront land, on the seashore and on the shores of the lakes and rivers. That land is increasing in cost at the highest rate of any land in this country. In some cases, if we are to preserve and maintain migratory bird areas, we are going to have to buy the land right now.

So this appropriation of another $2,200,000 will come back manyfold. It will be repaid by the sale of duck stamps in the years ahead. It is only a loan to the Commission. We can buy the land now and pay for it out of duck stamp money later.

This is a wise investment; $7.5 million is about all the Commission can wisely expend during the year, but we certainly can expend that amount of money, and I congratulate the committee on its action in increasing the appropriation.

Mr. BIBLE. I appreciate the sentiments of the Senator from Montana. Actually, all we did here was to continue the funding of this particular activity—which I think is a good activity, has widely based support, and brings back dollars into the Treasury in the long run—at about the past year's level. I only hope we can sustain the addition we have made, which is some $2.2 million more than the House figure, when we go to conference.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. KENNEDY. Mr. President, in behalf of myself, the Senator from Colorado (Mr. Dominick), the Senator from Minnesota (Mr. Mondale), the Senator from Arizona (Mr. Fannin), the Senator from Oklahoma (Mr. Bellmon), the Senators from Alaska (Mr. Stevens and Mr. Gravel), the Senator from Utah (Mr. Moss), the Senator from South Dakota (Mr. McGovern), the Senator from Wisconsin (Mr. Nelson), the Senator from North Dakota (Mr. Burdick), the Senator from Montana (Mr. Metcalf), the Senator from Iowa (Mr. Hughes), the Senator from Nevada (Mr. Cannon), the Senator from Massachusetts (Mr. Brooke), the Senator from Idaho (Mr. Jordan), the Senator from California (Mr. Cranston), the Senator from Oklahoma (Mr. Harris), the Senator from Rhode Island (Mr. Pell), the Senator from Pennsylvania (Mr. Scott), the Senator from California (Mr. Murphy), the Senator from Wyoming (Mr. McGee), the Senator from Ohio (Mr. Saxbe), the Senator from Oregon (Mr. Hatfield), the Senator from Texas (Mr. Yarborough), the Senator from Idaho (Mr. Church), and the Senator from New Mexico (Mr. Montoya), I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The Legislative Clerk. The Senator from Massachusetts (Mr. Kennedy) proposes an amendment reading as follows:

On page 5, line 20, strike out "$173,658,000" and insert in lieu thereof "$177,695,000."

Mr. KENNEDY. Mr. President, for more than 2 years now the Senate Committee on Indian Affairs has, in the words of the resolution, made an examination and investigation and complete study of all matters pertaining to the education of Indian children.

The work of the subcommittee has been under the direction of three successive chairmen, Senator Robert F. Kennedy, Senator Wayne Morse, and myself.

The subcommittee expects to make a report by the end of next month. We have not yet completed our deliberations or work. However, we are far enough along to know that the Government commitment to give effective education for American Indian children has not only proved to be a hollow promise, but is a national failure of major proportions.

There are two principal reasons for this failure. The first is the chronic refusal of the Federal Government to meet its sweeping commitment with cold cash. The second is the lack of sensitivity of the Bureau of Indian Affairs to the uniqueness of the Indian education problems.

Our subcommittee will treat this second reason for national failure in some detail in its report. The Congress and the administration will then have an opportunity to act to eliminate the insensitivities.

The first reason for our failure—a chronic lack of funds—is now pending before the Senate.

The administration requested $112.9 million for fiscal year 1970 for Indian educational assistance. This figure is far too low, but it does reflect the fiscal stringencies we have to live with. Yet, the House has cut this amount by $2.3 million, and the Senate Appropriations Committee recommends a further cut of $2.3 million, for a total cut in the Indian education budget request of some $4.6 million.

The amendment I offer to the pending bill would restore this amount. If these funds are restored, then the Bureau of Indian Affairs would not be forced to eliminate necessary programs.

The Senate committee proposed the following decreases in the budget request:

Kindergarten in public schools, $2.3 million.

Development and establishment of Indian school boards, $300,000.

A part of the increased amount—$500,000—for development of curriculum materials—for the language arts area, $100,000 is allowed—$400,000.

Four scholarship officers, $45,000.

Ninety-two special personnel to improve curriculum program. The committee recommends that the remaining $300,000 proposed for this purpose be utilized for additional dormitory personnel, $400,000.

One-half of the amount requested for establishment of a college work-study intern program; funding recommended for 32 teachers, $292,000.

Mr. BIBLE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. BIBLE. Mr. President, I am not sure I heard that statement. Does the Senator provide for restoring the full amount of $292,000?

Mr. KENNEDY. The Senator is correct.

Mr. BIBLE. I thank the Senator.

Mr. KENNEDY. This is for the establishment of a college work-study intern program. And there would be $300,000 to initiate a system for research and evaluation of Indian education. That adds up to a total of $4,037,000. Yet, as I understand on page 6 of the committee report, the amount indicated as the reduction for Indian education comes to $4,600,042.

In reviewing the matter and trying to prepare our amendment to restore those funds which had been cut from Indian education, it was difficult for me to understand exactly where the difference between the $4,037,000, the items I have indicated, and the $4,600,000, the figures indicated in the report come from.

Mr. BIBLE. We have attempted to add them up here. I cannot immediately give an explanation as to the difference. However, we will continue to work on the figures as the Senator is speaking, and perhaps we can reconcile them. They seem to be fairly close.

Mr. KENNEDY. Mr. President, I indicate at this point that the amendment which I offer and which is cosponsored by the Senators whose names I mentioned, includes the items I have just enumerated. The amount is $4,037,000, although the figures used in the committee report add up to a different figure.

I want the Senator from Nevada to understand the purport of the amendment at the beginning.

Mr. BIBLE. I understand the purport of the amendment. I do not understand the difference between the two figures. However, we will attempt to reconcile them now.

Mr. KENNEDY. Mr. President, the Senator from Nevada has discussed in some detail, at least in the discussion earlier today, the reluctance of the committee to move into some of these areas which I have earlier outlined.

As we know, the request for $2,300,000 for kindergartens in public schools would be a program to permit supplying funds to those school districts that are primarily poor rural school districts.

Attempting to provide this kind of training and the introduction of language arts, is a program which we feel is extremely important.

With respect to the $300,000 figure for the development and establishment of

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Indian school boards, one of the things which we have seen in the course of the hearings of the Special Committee on Indian Education is that advisory school boards have been established in many BIA schools. There is wide fluctuation as to the effectiveness of the respective school boards. However, nowhere were we able to find school boards meeting in the more traditional sense and attempting to draft budgets and develop curricula and move into the hiring and firing of various personnel and assume what, I think, is the basic and fundamental responsibility of a school board.

With respect to the item for the development of curriculum materials, in an amount of $400,000, we have seen some extraordinary advances in the development of curriculum materials in several parts of the country. One of the most dramatic was at the Rough Rock School in Arizona.

The program was stimulated and triggered through an OEO grant. Its work, of course, still continues.

In the traveling of the committee throughout the country, whether in Eskimo or Indian areas of Alaska or in the lower 48, the committee was constantly struck by the lack of pertinent and relevant material in the Indian education curriculum.

I might add at this point that statistics bear out the fact that Indian children are between 2 and 3 years below the level of the white students. And the Indian child falls progressively behind the longer he stays in school.

One of the reasons that struck all of the members of the subcommittee was the fact that they are using curricula which have little relevancy to the educational experience of the young Eskimos and the Indian whom they are trying to educate.

I think a classic example is the Dick and Jane books which are used in many of these areas. These books contain practically nothing relevant to the childs background and environment.

The committee was struck by the fact that in those areas where there had been some initiative shown by individuals and some communities, the development of curricula could make an impact on the children themselves in their learning process.

We think that this item can make a significant difference.

I understand that the BIA divides the country into nine scholarship areas. Five areas have scholarship officers at the present time; four do not. For example, there is no scholarship office in Alaska. This would present a balanced program for the young people who are attempting to continue their education by going to college.

The $400,000 item for additional special personnel to improve the curriculum program would provide for 57 special teachers, those who would be experts in language and language studies, and 37 teacher aides. One of the things that we have been struck by in the review of the total picture is the almost complete lack of any kind of teachers' aides in the Indian education program. There are some, but they are rare; we have found that when the teachers aides as well as the teachers are Indian or native, this is beneficial to the Indian child.

This budget cut would damage what progress might be made in those areas.

The $292,000 item would remove half the amount requested for the establishment of a college work-study intern program. One of the things that has struck the members of the committee is the fact that there are very few teachers who are Indians or natives. What they hope for in this program would be to provide a work-study intern program so that the interns, juniors and seniors, in college would be able to receive such teacher training, with the clear understanding that, similar to the National Defense Education Act, they would be under further obligation to continue in this field as a teacher, or otherwise restore to the Government the credit which had been extended to them for the continuation of their education.

Finally, as to the $300,000 for initiation of a system for research and evaluation of Indian education program, quite clearly the BIA does not have the technical skills nor the professional personnel to conduct a research program. Indian education is a complex field and has suffered some grave failures. Certainly research is necessary to better understand and evaluate the effectiveness of ongoing programs.

These, briefly, are some of the highlights of the amendment we have offered. We feel that it would be unreasonable to expect the BIA to have within its general operating budget sufficient funds to draw off and to be expended in any of these programs. We are not satisfied with the response that they have a very extensive budget and that, therefore, if these matters do have a priority for the BIA, the funds should be made available from a general operating budget.

We know that the Appropriations Committee reviews this with a very careful eye, and we commend it for what it has done in the field of Indian health. Nonetheless, Mr. President, we feel that it has cut back in an area which is of considerable importance.

I think that all of us who serve on the committee realize that resources in and of themselves, and the availability of resources, are not the complete answer in terms of providing a balanced, quality, educational experience for the young Indians of this country. We are convinced that we have to take a close and hard look at the whole structure of Indian education.

I certainly hope that when the committee makes its report, which will be at the end of October, we will be able to make some worthwhile and useful suggestions in those areas.

Senators on both sides of the aisle are uniform in cosponsoring this amendment. We feel that it has significance and importance, and we hope it will receive favorable consideration.

Mr. **STEVENS**. Mr. President, will the Senator yield?

Mr. **KENNEDY**. I yield.

Mr. **STEVENS**. Mr. President, I feel that the amendment is quite important from the point of view of Alaska. I know that the subcommittee of the Senator from Massachusetts was in our State and made a thorough investigation of this matter. It is extremely important, I believe, that the amendment seeks to restore $2.3 million in the kindergarten program for public schools. I have no knowledge why this amount was deleted by the committee, but I think this is one of the most important areas in which we could work.

In our State, only 8 percent of the native students who start school actually graduate from high school, and we feel that the real reason is that they do not have the start early enough in life so that they can compete and can succeed in the educational process we have established.

I believe that the total amount that was requested, as I understand the amendment which my colleague from Alaska and I have cosponsored with the Senator from Massachusetts, is the amount that was requested by the administration. I think a great portion of this money was requested by the administration because of the work that has been done by this special committee on Indian education. I hope it will be restored, and I would be very pleased to see the full amount restored, for many reasons that affect our State, although we are not the major recipient.

For example, only four of the 107 classrooms for kindergarten will be in our State, but they are in very poor areas. They are in areas where, if we can start this program and demonstrate that it will be of assistance to the young native children who are going to public schools, they will start off in public schools more on a par with the nonnatives and have a better chance to succeed in the educational process.

So I urge the adoption of the amendment offered by the Senator from Massachusetts.

Mr. **DOMINICK**. Mr. President, will the Senator yield?

Mr. **KENNEDY**. I yield.

Mr. **DOMINICK**. Mr. President, as ranking Republican on the Indian Education Subcommittee, I am happy to join with the Senator from Massachusetts in offering this amendment.

Our subcommittee has been engaged in discussing the educational problems of the Indians for over 2 years. Frankly, there is some disenchantment among the members with the present systems of Indian education, particularly with some of the work which has been done by the Bureau of Indian Affairs.

President Nixon's budget request of $2.3 million to supplement State funds covering kindergartens for Indian children in public schools was dropped by the committee. While we are working on the effort to try to integrate the various segments of our society, one of the things we should definitely be supporting is this type of activity and assistance to Indians who are participating in the public school system. It seems to me wrong for the Appropriations Committee to cut it out, especially without any more explanation than I have been able to find in the hearing record.

There are several items in this amend-

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ment which have a good deal of appeal to me—for example, the four scholarship officers and the additional personnel to improve the curriculum.

All of this bears on the very problems we have been studying in the subcommittee and it seems to me to warrant the increase in funds that our amendment would provide. I am happy to cosponsor the amendment. I hope the Senate will accept it and that we will receive concurrence from the House.

(At this point, Mr. DOLE assumed the chair.)

Mr. MONDALE. Mr. President, I rise to join the senior Senator from Massachusetts and the Senator from Colorado in supporting the pending amendment to increase appropriations for what I regard to be critical efforts to assist in quality education for the American Indian.

The first part of the amendment would restore $2.3 million to assist in the establishment of kindergartens in public schools in some 16 States. The proposal would establish 107 kindergarten programs, eight of which would be in Minnesota.

Mr. President, I ask unanimous consent that the locations of those eight schools be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MINNESOTA KINDERGARTEN LOCATIONS

Red Lake (2).
Cass Lake.
Pine Point.
White Earth.
Vineland.
Nett Lake.
Naytahwaush.

Mr. MONDALE. Mr. President, the 107 kindergarten programs would serve 3,200 children who live near or on reservations. Many of these children live in exceedingly poor areas—areas which are unable to provide kindergarten programs in their public schools.

Most Indian children today enter school without the backgrounds and experiences of non-Indians. One-half to two-thirds of Indian children enter school with little or no command of English. It is not generally known, but there are more than 300 Indian languages in this country today. Thousands and thousands of Indian children attend public schools. The first experience they have is utterly disastrous, as they face teachers not of their background, not of their culture, not of their language. This is human disaster, and that is why the results of this system can only be described as disastrous providing kindergarten programs would help correct this monstrous wrong. Such programs would acquaint Indian children with experiences of the dominant society—experiences which they have never known because of geographic isolation and economic deprivation.

They would provide additional time for Indian children to develop skills. I think it is fair to say that one of the most dynamic new fields available to American education to help unravel the problem as to why some children are able to achieve in school and others are not is to be found in early childhood efforts.

I am glad to see that the President emphasizes the first 5 years of life, and that every advanced educational school in this country begins to concentrate on this period. Certainly, an effort to provide a kindergarten system to these children is long overdue.

Many public schools are not able to provide kindergartens for Indians though, due to the presence of large areas of nontaxable land, such as Indian reservations. They do not have the funds from taxation to finance such programs. It is up to us to see that children living in such situations are not neglected.

The second aspect of the proposed restoration amendment would provide a modest amount of money to assist in the training of Indians to assume control of their own school systems.

Nearly 2 years ago the President directed the Bureau of Indian Affairs to turn BIA schools over to locally elected school boards. The public policy of the Bureau of Indian Affairs for some years has been to turn BIA schools over to local controls. But this has not occurred. There are only two school systems in the country operated by the BIA in which there is any local control. One is so controlled because of the existence of the OEO and the other was the first school to have some local control. Thus, even though the policy of the Bureau of Indian Affairs has been to establish local control and duly-elected school boards, the education of one-third of the Indians in this country continues to be controlled by a civil service bureaucracy over which the parents of the children being educated have no control whatsoever.

The insensitivities built into that system encompass one of the national disgraces in our history. If we are going to solve that problem we must have money. This is desperately needed. The amount of $300,000 is a modest amount.

Another budget item which requires restoration is $400,000 for the development of curriculum materials.

There is a great need in Bureau of Indian Affairs schools for materials specifically oriented to the special needs of Indian students. Many of these students enter school with little or no command of the English language, yet there is a conspicuous lack of materials relating to teaching English as a second language. They must use social studies materials which do not adequately portray the role of the American Indian in American society. Many of their textbooks emphasize experiences of the dominant culture—experiences with which many young Indian children are unable to relate. There just is not any widespread use of materials containing images and experiences with which Indians are familiar.

As I understand this program, it would provide $250,000 for development of social studies materials, $100,000 for early childhood materials, and $50,000 for developing materials in the cultural arts. These are all areas in which Indian-oriented materials are essential, both because of their value in facilitating education and their value in developing a sense of pride and identity. I am pleased to note that the Appropriations Committee kept the $100,000 item for developing curriculum in the language arts area.

Another program which I believe deserves restoration in the BIA budget is the $292,000 for college work-study interns.

One of the Bureau of Indian Affairs biggest problems is attracting good teachers—teachers who are familiar with the special needs of Indian students and know how to administer to those needs. This means that the teacher of Indian students must be knowledgeable in Indian culture, values, and history. This program provides for just such a teacher.

It takes third-year college students and permits them to spend half days in Bureau of Indian Affairs schools and half days working on their college coursework. In the 2-year program the students receive extensive backgrounding in Indian culture, values, and history, and they end up doing their practice teaching in BIA schools. An important part of this program is that it gives preference to Indian college students as interns. This is a significant attempt to prepare Indians for teaching positions in Indian schools—a situation which exists far too rarely at the present. Hopefully many of these interns will continue to teach in BIA schools after college graduation.

Our history is filled with examples of on secondhand treatment of the American Indian. If we are to make any progress toward improving the lot of Indian education, it is imperative that we begin this minute by restoring the $2.3 million for public school kindergartens for Indians, and appropriating the money needed for the special programs requested by the Bureau of Indian Affairs.

Mr. BIBLE. Mr. President, there is pending before the Senate for consideration an amendment introduced by the Senator from Massachusetts on behalf of himself and other Senators.

I have consulted with the Senator from South Dakota, the ranking minority member of the committee. I think with one change that this is an amendment on which we can agree and take the differences to conference. There will be differences, so that there is no misunderstanding insofar as the kindergarten program in public schools is concerned.

It is not in the House bill or the bill reported by the committee, but if this amendment is agreed to, it would be in conference. We would have to consider it at the time we go to conference. There are honest differences of opinion as to the exact level at which this particular amendment should be funded and it may be that our Committee on Appropriations cut that item too deeply. There is still some money in there. It may be funded at a lower level.

The part which gave us the greatest concern was on the work-study program. I indicated to the Senator from Oklahoma that I had no objection to that program as such but I thought funding it as a new program—maybe again we have cut that a little too thin—that is

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in the House bill. Members on the House side felt that was a justified item.

I suggest to the Senator it might be possible for him to consider modifying the amendment so that instead of adding $292,000, there simply be added $100,000, which would mean the difference in Senate and House figures would be narrowed somewhat and we could arrive at a figure in conference.

I have misgivings about the program; not about the intern program as such, but at this late point when the appropriation bill is not to be acted upon for several months yet, this could be this large item; but, in any event, it would be carried over and would be reflected as a carryover into next year's program. At that time, we could find out whether it had performed as the sponsors believed, and as obviously the Department believed, because they are keen on this particular item.

If we could modify the amendment to that effect, we are perfectly willing to take it to conference.

Mr. KENNEDY. Let me express my thanks to the distinguished chairman of the committee. The work study program was a pilot project this year, as I understand it, among the Chicktaw Indians in Mississippi and it worked extremely well and satisfactorily. We were impressed by the results of that work and the interest that was taken by the BIA in this area. The recommendations which were made by the distinguished chairman of that committee were reasonable. I had a chance to talk with the two prime sponsors, the Senator from Colorado (Mr. DOMINICK) and the Senator from Minnesota (Mr. MONDALE). They feel that this is a reasonable alternative.

As I understand it, what the Senator from Nevada is requesting is that we change the amendment which was earlier offered so as to increase the Senate figure by $3,845,000, to now read $177,503,000.

Mr. BIBLE. That is correct.

Mr. KENNEDY. That incorporates the reduction——

Mr. BIBLE. That modifies it downward to that extent.

Mr. KENNEDY. To that extent.

Mr. President, I ask unanimous consent to modify the amendment to reflect that modification.

The PRESIDING OFFICER. The Chair would advise the Senator from Massachusetts that the Senator does not need unanimous consent to do that at this stage. He has the right to modify his amendment.

The amendment will be so modified.

Mr. KENNEDY. Mr. President, there is great interest in this amendment. I am very much satisfied that the Senator from Nevada will accept it. I am wondering whether it would strengthen the position of the Senator from Nevada if we had a rollcall vote on it.

Mr. BIBLE. I think we have adequately explored it and developed a sufficient record. We will do our best to sustain it in conference. Of course, no one can ever foresee, foretell, or forecast exactly what will happen in conference, but I think, from the items which have been mentioned, that we should do very well.

Mr. KENNEDY. Well, Mr. President, one final item.

Mr. STEVENS. Mr. President, it is my understanding that the action just taken to restore the $23 million for kindergarten is in full; is that not correct?

Mr. KENNEDY. That is correct.

Mr. BIBLE. That is the understanding of the chairman. That will be in conference with the House of Representatives.

Mr. STEVENS. I join the Senator from Massachusetts in thanking the chairman of the subcommittee for his consideration.

Mr. McGOVERN. Mr. President, as chairman of the Indian Affairs Subcommittee, I am pleased to cosponsor and support the amendment of Senators KENNEDY and MONDALE to restore $4.7 million to the education budget of the Bureau of Indian Affairs.

Both Senator KENNEDY and Senator MONDALE have provided the Senate inspired leadership in the Senate Subcommittee on Indian Education. Through exhaustive hearings both this year and last, this committee has given us an excellent record of the educational needs of our Indian people throughout the country.

We in the Congress must face up to the fact that only through a first class educational process for the young on our reservations can we expect the American Indian to eventually assume a full role in our American society.

My own national Indian policy resolution, Senate Concurrent Resolution 34, addresses itself to these needs and I thus support the present amendment wholeheartedly.

Mr. HARRIS. Mr. President, on March 6, 1968, President of the United States, Lyndon B. Johnson, said:

> For two centuries, the American Indian has been a symbol of the drama and excitement of the earliest America.
>
> But for two centuries, he has been an alien in his own land.

The President then set a national goal of bringing the Indian American into full political and economic citizenship in American society.

In the field of education he asked for the "establishment of a model community school system for Indians," and "the enrollment of every 4- and 5-year-old Indian child in a pre-school program by 1971."

The need for these programs, and for the extension of full citizenship to the Indian American, is as great now as on the day that the President made his statement to the Congress. In light of this, it is tragic that the Senate Appropriations Committee recommends an additional $2,342,000 cut in the funds approved by the House for Indian education and welfare.

Ten percent of American Indians over age 14 have had no schooling at all. Nearly 60 percent have less than an eighth-grade education. Half of our Indian children do not finish high school today, double the national average. Many of those Indians attending school are plagued by language barriers, by isolation in remote areas, and by lack of a tradition of academic achievement.

As a result of this, Indian literacy rates are among the lowest in the Nation, the unemployment rate among Indians is nearly 40 percent—more than 10 times the national average, and thousands of Indians who have migrated into the cities find themselves untrained for jobs and unprepared for urban life.

Too often, the Indian American of today is homeless; as President Johnson said, "an alien."

The policy of the Federal Government concerning the Indian American has not been in the best interests of the Indian. The 1950 goal of "termination" is again being mentioned, apparently without an appreciation or understanding of what the term implies or what the Indian desires, let alone consideration for treaty obligations of our Government. "Termination," implying assimilation, is not the answer for the Indian or for the Nation, and pursuit of such a policy will not advance the interest of anyone. Alvin M. Josephy, Jr., in his book, "The Indian Heritage of America," discussed this issue and stated:

> The history of federal-Indian relations, since the final pacification of the Plains Tribes, reflects a self-defeating zigzag course of constantly altering programs, all of them designed to lead to Indian assimilation, rather than to the establishment of viable economic bases for the growth of healthy, self-governing, self-sustaining Indian communities within the body politic of the American nation.

A few months ago, the Chilocco Indian School in Oklahoma received national publicity. Hearings on the incidents were subsequently held by the Subcommittee on Indian Affairs. While the hearings were useful for some purposes, unfortunately, the central issue of our Indian school policy was overshadowed by other issues. In a letter to the then Commissioner of Indian Affairs, Robert Bennett, I outlined important areas of reform which should be seriously considered. In my letter I stressed the need to allow more participation by the Indian in the education of his children and the need to improve the curriculum. I ask unanimous consent that my letter to Commissioner Bennett be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 8, 1969.

Hon. ROBERT BENNETT,
Commissioner, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, D.C.

DEAR BOB: I am most disturbed by the internal report of the Bureau of Indian Affairs investigation of the Indian school at Chilocco, as it was printed in the CONGRESSIONAL RECORD at the request of Senator Lee Metcalf of Montana. This is a very serious matter in my mind, justifying the suspension of the Superintendent and Principal of the school, which I understand has been done, pending further and more detailed investigation by the BIA and the FBI. I desire to have copies of the reports of these investigations immediately upon their completion. There is no question this further investigation is required and that prompt action should be taken to make certain that there is no mistreatment of the children in this school or in any other BIA school.

Further, Bob, I hope that this present case concerning the Chilocco Indian school will give impetus to changes which I have long advocated in the Indian education program of the BIA.

First, I hope that at long last you now will be able to convince the Bureau of the Budget and the President that Indian Education ought to be the best education available anywhere in America—and that it, therefore, ought to be funded for the first time at appropriate levels. It ought to be funded at levels which would permit the highest quality personnel and curriculum, and these schools ought to be showcases of leading educational thought and practice. Anything less is no longer tolerable.

Second, I think it is imperative, as I have stated several times before, that we stop transferring these young Indian kids clear across the country to strange locations and communities, away from their homes, tribes and familiar surroundings. Provision ought to be made for the schooling of these Indian young people near their own homes.

Third, as I have long and strongly advocated, local school boards ought to be set up for every Indian school administered by the BIA, with the membership of each board made up of people who are members of the tribes represented in the student body. This will insure that the school programs will be more relevant to the lives of the students and will give Indian parents a greater degree of control over the destinies of their children—a greater degree of self-determination, which is absolutely required for all Indians in this and other aspects of their lives. In line with this requirement, each school should employ teacher aides from the local Indian communities, and the personnel and faculty of each school ought to be required to undergo intensive training in regard to the background, history and culture of the tribes with which they will be dealing. This kind of pride in heritage ought to permeate the school philosophy and be a part of its curriculum.

Fourth, I believe that we can make better use of some of the Indian schools in Oklahoma than we are now making. At the present time, only 141 of the 1025 students attending Chilocco school are from Oklahoma, with the remainder from the northwest and Alaska. Only 139 of the 250 students attending the Concho school are from Oklahoma. Only 52 of the 206 students at the Fort Sill school are from Oklahoma. And only 48 of the 307 students attending the Riverside school are from Oklahoma. I recommend that you immediately appoint a task force, involving Indians in the areas involved and local and state officials, to recommend concerning the better use of these facilities. One or more of these schools might be discontinued as boarding schools, and turned into vocational-technical training schools or adjuncts of higher educational institutions, with preference for Indians. But Indian schools everywhere in the country ought to be looked at also by another, national, task force, and the example of Jones Academy in Oklahoma, run by the BIA, where the students live but go to school in the local public schools, might be duplicated in other areas, thereby doing a more humane and relevant job of caring for and educating the Indian young people they serve.

As I said earlier, I would like to have a full report on the Chilocco situation at once, with your detailed statement as to the actions which are to be taken there. I would also like to have your response to the above suggestions more general in nature, but nonetheless very pressing.

Sincerely yours,
FRED R. HARRIS,
U.S. Senate.

Mr. HARRIS. Mr. President, the cuts made by the House and by the Senate Appropriations Committee reflect adherence to old policies and dim hopes for improvement in the future. The biggest cut of $2,300,000 is for kindergarten programs for some 107 schools and would affect some 3,000 students. Statistics reveal that between one-half and two-thirds of the Indian children enter schools either as non-English speakers or with a very limited command of the English language. This fact, coupled with the basic cultural differences between the Indian and non-Indian, make it imperative that the Indian youth be provided an appropriate kindergarten program.

Neither can cuts totaling $800,000 in funds for improvement of the curriculum be justified. When the level of attainment of the Indian youth is below the national average and the average amount of schooling of Indian children is 5 years, we must not cut, but increase and better our programs. Improvement of the curriculum programs, development of curriculum materials, and the initiation of a system for research and evaluation of the Indian education program are imperative if the failures of the present system are to be eliminated.

The cut of $300,000 for the initiation of a system for research and evaluation of Indian education programs suggests that the present system is adequate. This we know is not true, and we should be willing to make a systematic study of the problem, rather than proceed merely on the hope that what has not worked in the past will be effective now.

Important new philosophy is involved in the $300,000 item for development and establishment of Indian boards of education which was cut.

As I indicated earlier today, crucial to the improvement of the present school system is recognition of the fact that the Indian must be given the right to participate in the administration of his schools.

In the late 19th century the Cherokee and Creek tribes were operating their own schools. The accomplishments of those schools were remarkable. The level of education the Cherokees and Creeks attained was comparable, and in certain fields superior, to the level of education in the surrounding non-Indian States. Later, the Federal Government considered it necessary to close the schools and assume the responsibility for making the decisions for these tribes and educating their children. Rather than improve the level of education, this takeover did just the opposite.

There are other items which should be restored. I am particularly interested, for example, in the full funding of the community development program. Suffice it to say now, that I certainly urge approval of the pending amendment.

Mr. NELSON. Mr. President, I rise in support of the amendment to restore $4.6 million in funds for the education of Indian youth of America. This would bring the appropriation for this vital activity in line with the request of the Nixon administration.

The deplorable conditions facing too many American Indians today are a disgrace to our country. The American Indian has been suppressed and exploited to the point where he is now often among the most poverty stricken of our country. Forty percent of American Indians are unemployed—more than 10 times the national average—and many more are underemployed. The average rate of school dropouts is twice as high among Indian youths as the national average—50 percent do not finish high school. More than 60 percent of American Indian families, some 50,000, live in substandard dwellings, often in huts, shanties, and abandoned automobiles. Seeking the American dream, thousands of Indians have traveled into our cities only to face worse living conditions than in rural areas and often fewer employment opportunities. Perhaps the average age of death best symbolizes his plight: The American Indian dies after only 44 years, while the rest of us have an excellent chance to live 20 or 30 years beyond that.

The special and dismal plight of the American Indian can be traced to our failure to make adequate provisions for him in the most important area of Federal assistance—education.

The Congress has over and over again acknowledged the importance of education to an individual to prepare him for self-fulfillment and competition in the adult world, and we have acknowledged and accepted the responsibility of Government at all levels to help prepare our youth for such fulfillment by the establishment of the many and various Federal education assistance programs such as the Elementary and Secondary Education Act, the Higher Education Act, the Vocational Education Act, and the National Defense Education Act.

But somehow we have failed to provide the same educational opportunities for the American Indian. The question of the quality and effectiveness of educational programs for Indian children should be of concern to our entire Nation. We cannot hope to find solutions to the vast problems of our Indians unless we start at the beginning—unless we start with the small child and make superior educational opportunities available to him all the way to adulthood so that he can also have equal opportunity for employment, a decent income, and the chance for a full and rewarding life in his own country.

A substantial portion of the funds restored by this amendment will support kindergartens in public schools serving Indian children. I understand that this program will reach 3,000 children in 107 schools. In Wisconsin, 20 children in the Hayward area will be ale to attend kindergarten.

I strongly urge the Senate to approve this amendment.

Mr. McGEE. Mr. President, I would like to speak briefly in support of the amendment which I have offered, together with Senator KENNEDY and others, to restore $4 million to this appropriations bill for Indian education.

It is only too obvious that in the past the education of our American Indian children has been sadly neglected, and in many casse this has led to tragic consequences. Experience has shown us that this is an inexcusable waste of manpower and brainpower, and the Nation can ill-afford to continue this situation.

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It is time that the education of all of our Indian students must be upgraded rather than further downgraded.

In order to accomplish this, it will, indeed, require additional funds, and that is the basic purpose of my amendment. While many might suggest that the Nation cannot afford these additional funds at the present time, I suggest to you that exactly opposite is the case. In my opinion, the Nation cannot afford to continue to ignore the educational needs of our American Indians. While the rather modest amount proposed in the amendment will certainly not solve all of the educational ills, it will, I believe, be of substantial benefit. It will provide the training of teachers and will provide some badly needed kindergarten facilities.

The merits of this amendment are quite obvious, and I do hope it will be accepted and approved by the Senate today.

Mr. FANNIN. Mr. President, I support the amendment restoring these funds. I do so because of the educational and welfare programs badly needed in some regions of the country—nowhere more so than on Indian reservations in Arizona and throughout the Southwest. It is a proven fact that Indians are among the Nation's most educationally disadvantaged groups and I have urged on numerous occasions, primarily as a result of my work on the Special Subcommittee on Indian Education, that Government should underwrite the cost of making more educational services available to our Indian population.

I am acutely aware of the need for curtailment of our expenditures and for getting our financial house in order, but the need for Indian educational and training programs is so great that I must support the request for a restoration of these funds. It seems to me that this is an area which least of all should be the subject of unnecessary cuts in funds.

ADDITIONAL COSPONSORS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the names of the Senator from Texas (Mr. YARBOROUGH) and the Senator from Minnesota (Mr. MCCARTHY) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Massachusetts as modified.

The amendment, as modified, was agreed to.

Mr. MUNDT. Mr. President, I have one or two points I should like to discuss on this matter. With the distinguished chairman of the committee, I, too, share the reservations he expressed on some of them, but I am perfectly willing to go along with the compromise agreement which has been worked out at the new figure.

Before I do this, I should like to point out something about the experience we have had in South Dakota, and in the committee itself, in connection with the whole program of Indian education.

Most of the Indians in this country are concentrated in about seven States, of which South Dakota is one. I think our Indian population is either the third or the fourth largest of any of the Indian populations in this country.

We have found that the different kinds of curricula which are sometimes under discussion, and which probably will come under the purview of the various appropriations, are generally two in character; namely, one school of thought seems to hold that the job of Indian education, functioning under the BIA, is to try to educate them so as they simply will become better Indians. The other school of thought is that the job of the BIA, and those charged with education, is to educate Indians to become better citizens with better opportunities to become more effective and more prosperous citizens as well.

I attach myself to that second school of thought.

We have had experimentation, studies, and guidance from people in non-Indian areas as to what is good in the educational activities of Indians for a long time. For a century and a half we have been experimenting with different theories of teaching Indian children Indian dancing, how to make sandals, how to engage in Indian crafts of all kinds; and at the end of the road, they are still unable to get an economic status because they are not equipped to serve in the regular American society of which they are a part.

Thus, I look a little askance at what might result from some of the items which we are going to adopt and take to conference.

The $400,000 for 92 special personnel to improve curriculum programs. For example, I wonder what is involved in that.

In South Dakota, we have found that by using the regular State courses of study, that everybody studies, whether he is a black man, a white man—an Irishman, a Norwegian, or a German, when he goes to school, he studies the State courses of study so that he is equipped to function as one fully prepared to take part as an American citizen in his community. When he goes to school, he is not diverted from mastering a course of study by extracurricula activities involving sandal making, Indian dancing, and other sideline activities of that kind or other special school programs selected for him because of his national background.

I do not know what the 92 special personnel will do to improve the curriculum programs; but it seems to me when we provide fully, a completely integrated school for an Indian child to get the same teachers that the white child gets, where the Indian child studies the same curricula as a non-Indian child, our problem is primarily not in curriculum improvements but in the early stages of an Indian child's school experience.

The Headstart programs have done a fine job on the reservations to help Indian children get ready to study in school, and it is also important to give them special guidance programs to get them ready for college. But it weakens their chances to go to college if we handicap them with curricula especially designed for Indians while they are in high school.

Therefore, Mr. President, I should like to issue a word of warning about the 92 special personnel who are going to dream up these curriculum proposals.

The same thing holds true of the $400,000 item for development curriculum material, because the material, the books, and the accessories which we should provide are the same identical ones we get in the school of a non-Indian. The integrated school takes care of both elements. We provide that they take the prescribed courses of study so as to become a fully trained American citizen. We do not try to give them special training because of their color, background, or previous culture. We want them, at the end of the road, to be an American citizen. We are very proud of the fact that South Dakota has provided America with its first Indian Member of Congress; namely, Representative BEN REIFEL of South Dakota. He is half Sioux. He was brought up under an educational system that fully equipped him for a life of service and when the time came to run for Congress, he ran as an American citizen. He was educated neither as an Indian nor a non-Indian. He had the same education as the rest.

Thus, as I said, I want to issue a word of warning for those theorists who think we should have special curriculums for our Indian children different from that of the rest of the citizenry, or to have some special, cultural material which will interfere with the work of mastering a regular high school education.

We have had no difficulty whatsoever with the areas out there in which Indians serve on school boards. They serve on several of these integrated educational institutions' school boards exactly as a white man serves. They serve there to provide the full education for a citizen. We do not want to start moving the clock backward now, after 150 years, to have different kinds of schools for Indians specially designed by well-meaning people who feel that if there is someone of a different color, he ought to have a different kind of school, different kinds of materials, different kinds of school boards.

We want the integration process to continue and not be retarded by well-meaning experimentation or by the expenditure of public funds by people who may dream up some untried theories in an attempt to help our Indian citizens.

There is in the bill an item of $300,000 for research and evaluation of the Indian education program. Those of us who come from those areas, those of us who have served on the committee, those of us familiar with Indian problems know firsthand that they have been evaluating and experimenting and analyzing this matter for more than a century. I think, in the end, the idea that an Indian is entitled to the same kind of education as a non-Indian is the best course to follow.

So while I agreed to go along with the chairman in accepting the amendment, I want to issue this word of warning to those who will be spending the money. Let us not move the clock backward. Let us not move toward giving the Indian an education which does not make him merely a better American but also a better citizen. Do not handicap him by giving him an education which is designed simply to make him a better Indian.

I want to have this word of caution and counsel available to those who are once again going to spend a lot more of the Federal resources in evaluating and programing and studying and planning what kind of education should be given to our Indian people.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MUNDT. I am happy to yield.

Mr. STEVENS. I am glad the Senator expressed his reservation, because I would hope we could spend some time on the matter. I would only say that I think the purpose of the moneys that are sought is to put Indian education a little further ahead. As has been pointed out, in my State only 8 percent of Indian children graduate from high school, as opposed to 80 percent of our other children. We are convinced the reason is the curriculum. We are convinced that children who live in a rural area, in Alaska, where 99 percent of the population is Indian, cannot orient to Dick and Jane, to a new car with a garage, to a policeman at the corner, and to a cat that everyone plays with. Those materials that have been used for children in Indian schools are what have put them behind. They have never seen a car. They do not have policemen. They do not have kittens. That is a luxury they cannot afford.

If we are going to get to a point where the curriculums by the Federal Government for Indian children—which they have had for over a hundred years in my State—are meaningful at all in giving Indian children a chance, we are going to have to have experiments. In areas in my State over 60 percent of the welfare recipients are natives. The reason they are on welfare is that education has failed them. They cannot acclimate. They cannot move into the 21st century. They are still in the 19th century. Yet, they have been going to Federal schools for 100 years. I think it is high time we changed this.

For example, we have experienced a revolution through use of a pamphlet that one teacher felt compelled to change. She put together a little pamphlet which oriented these children toward their own experiences. They come from homes where the mother and father and all the other children speak another language. They cannot possibly be put in the first grade with my children. I think we should experiment. I think we should help my children learn their language and help those children learn our language.

If my State is to survive, the schools have to change, because there are now 8,000 in the Bureau of Indian Affairs schools. There are 28,000 ready to go into them. If 28,000 were to go into them and only 8 percent of them are to graduate, and the great majority of them are to go on welfare, Alaska is going to be in a bad state of affairs.

I urge my colleague, as he goes into the conference, to keep an open mind and a warm heart for those people. Only in this way will they get an education. The Federal Government has failed in giving Indian children an education. That is why we feel something has to be changed in the Bureau of Indian Affairs. It is not the Bureau of Indian Affairs but the system we should change. That is why we need the experimentation. I hope the Senator will keep an open mind.

Mr. MUNDT. I will keep an open mind, or I would not have acquiesced in the approval of the amendment. But I repeat, we do not have to learn the lessons of experience every few years or even with the advent of a new State. In our State, we have gone through all this. We have lived through the situation the Senator refers to, and worked it out satisfactorily, from the standpoint of giving Indians the kind of education that will equip them to live in the regular, organized society of which they are going to be a part.

If this money is going to be spent in helping these Indians cross the bridge, into the elementary school and the high school, and then the next bridge, from the high school into the college, that is fine. But it seems to me that, in terms of incentives, the task of taking care of bilingual problems and learning English, makes sense and has a considerable amount of appeal. We have corrected many mistakes in over 100 years of experimentation, and I wanted to be sure we did not undertake them all over again, every time there is a new State or every time some other group of Indians come into the picture.

I realize that Alaska is a young State. Perhaps they have not been able to work with the Bureau of Indian Affairs as long as we have. Perhaps they have not been able to experiment with the schools to bring them together. But I want to point out the success story which has occurred and the danger and the handicaps we are going up against when we try to devise a special educational output for Indians which, when the children get to maturity, may not result in the same educational background and understanding as that of any other citizen of the community.

Mr. MONTOYA. Mr. President, I have been very much interested in the colloquy that has been taking place with respect to the education of the American Indian. I have just returned from a tour of the Navajo reservation, where I spoke with many Navajos and had a panel discussion with them about their problems. I live between two Indian pueblos. I know almost every Indian in those two pueblos. Throughout the years, I have seen the type of education which they have received. During recent years, I have seen efforts made to try to improve their education with the use of new approaches.

For many years, the Federal Government has had schools of the Bureau of Indian Affairs located long distances from where the Indians actually lived. In many instances, the Indian children have been taken 50, 60, or 80 miles to a boarding school, there to be taught by BIA teachers. Many BIA teachers are not as qualified as are teachers in the public school system. That is not to say that others are not qualified or are not good teachers, but I say there is no uniformity in requiring high qualifications on the part of teachers whom the BIA employs to educate Indian children.

For many years, we have heard educators and also many people interested in minorities say that children who have a language handicap, or whose language is the language of their parents' mother tongue, should forget the mother tongue and begin to speak English right away. Yes, this idea was sold to educators for many years. Now the pattern is changing, because that system did not work. Many children who began their schooling by speaking only Spanish or Indian could not immediately convert to the English language. Therefore, their progress was delayed when compared with that of children who had no language barrier.

Because we recognized this difficulty, the Senator from Texas (Mr. YARBOROUGH) and I, and other Senators, introduced the Bilingual Education Act of 1967, which provides for the teaching of two languages to children who are handicapped in speaking the English language. We have initiated trial programs throughout the country to see if new techniques cannot be devised so that the handicapped children can join the mainstream of their classmates and move up the ladder of educational progress, not be left behind.

The American Indian suffers a great handicap because he comes from an environment that is totally different from the environment in which other Americans live. He comes into a completely new atmosphere to which he has never been exposed, and because he does, he is shy. He lacks the power to communicate; therefore, he enters the classroom with an inferiority complex and cannot go up progressively, as do his counterparts in other areas of the American educational system.

That is what we in Congress have to recognize: that more emphasis must be placed upon the education of the American Indian because of his environment, and because of his strong desire, after he receives an education, to go back to the pueblo, to the hogan, or to the reservation. This seems to be bred into the American Indian, and we must do something to induce him to join the mainstream of America, to make him feel that he belongs, to arouse in him the competitive spirit.

In my home county in New Mexico, we recognized this problem many years ago, and we went to the Indian Pueblo leaders and asked them, "Do you want to join our public schools? We want you."

They agreed to join with us, and we integrated those Indians, in my county, into the public school system.

They are doing marvelously well. We have a vocational training center there for them, operated under our public school system. It is working; and those young Indians, even the youngsters coming out of kindergarten, speak English almost from the very first year. They are able to communicate. They have lost their bashfulness. They have joined the mainstream; and that is what this experiment is about.

That is why I commend the chairman of the subcommittee for accepting the amendment with respect to kindergarten instruction. It is vitally needed, Mr. President. It is indispensable that the young Indian receive some preschool instruction, to enable him to join the mainstream in his classroom.

Mr. BIBLE. Mr. President, will the Senator yield at that point.

Mr. MONTOYA. I yield.

Mr. BIBLE. The Senator thanked me undeservedly for accepting the amendment to put the kindergartens in public schools. That $2.3 million is a budget item. As such, I did accept it. There are some kindergartens in the public schools at the present time. The question was as to the level of funding.

The Senator from Oklahoma made an impassioned appeal to add more money and fund the program at a higher level, but I wish to point out in fairness to the Senator from New Mexico that the House of Representatives did not concur in that, so the matter will be in conference. We shall do our best to sustain this item.

I stated in my initial presentation that I thought there was merit in extending these kindergartens to public schools, provided they were not otherwise taken care of out of elementary school funds. The Senator from Oklahoma assured me that they were not, at least in his State, taken care of out of any other elementary school funds for public schools, and that was part of my reason for accepting it. But I do not want the Senator from New Mexico to feel that simply because it is in the bill at this time, ultimately it will remain there, because the House of Representatives took the entire amount of $2.3 million out. We will do our best to sustain the item in conference.

Mr. MONTOYA. I understood that.

Mr. BIBLE. I just wanted to be sure the Senator understood.

Mr. MONTOYA. I also commend the chairman and the other members of the subcommittee for taking full cognizance of the paucity of funds recommended in the budget by the administration for the construction of the Navajo Indian irrigation project. The House of Representatives added $2 million at my request. The Senate subcommittee recommended that we retain the additional $2 million. The full committee approved the increase, and it is now in the bill.

However, Mr. President, while I recognize the generosity and the good consideration which the committee has given to this Navajo Indian irrigation project, I wish to state for the RECORD that unless this programing gets back to its original schedule, we shall not ultimately finish the Navajo Indian irrigation project before the year 2000 or beyond even though originally scheduled for completion in the late 1970's. By that time the original authorization of $135 million will be far too small. We have already increased the authorization to $175 million this year, and we shall have to increase it even more due to the increased costs that will accrue because of the years of delay on this project.

I ask unanimous consent to have printed in the RECORD a table showing the funding record up to date and the percentage of completion, which was 17 percent as of April 1, 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FUNDING OF THE PROJECT

Unlike most Bureau of Reclamation Projects, in the case of the Navajo Indian Irrigation Project annual appropriations are made by the Congress *directly* to the Bureau of Indian Affairs, as a *total budget* for all BIA programs.

The BIA then budgets its funds, to include those for the NIIP.

NIIP funds are then turned over to the Bureau of Reclamation for construction of the Project.

The present funding problem is explained in the following Table and footnotes:

COMPARISON OF PROGRAMED WITH ACTUAL APPROPRIATION FUNDS

Fiscal year	Programed funds		Actual appropriation	
	Annual	Cumulative	Annual	Cumulative
1964	$1,800,000	$1,800,000	$1,800,000	$1,800,000
1965	9,000,000	10,800,000	4,700,000	6,500,000
1966	12,000,000	22,800,000	6,500,000	13,000,000
1967	13,000,000	35,800,000	6,500,000	19,500,000
1968	18,000,000	53,800,000	5,300,000	24,800,000
1969	20,000,000	73,800,000	[1] 3,500,000	28,300,000

[1] In BIA budget request for 1968–69. Above table shows rate of appropriation at about half the rate at which funds were scheduled. If program schedule were followed, the 1969 amount would be $20,000,000 instead of disastrously low sum of $3,500,000.

Note: Planned completion date was 1979. Present projected completion date is 1996.

Mr. MONTOYA. I state for the information of the Senate that in the year 1868, the Federal Government transferred the Navajo Indians from the eastern plains of New Mexico to the western plains now occupied by the Navajo Reservation, and they were put on the most desolate land that man could conceive. There they have lived up to now. They live in hogans.

They have no farming except in one isolated area. This is why we passed the Navajo Indian irrigation project. When the Government moved them from the eastern plains of New Mexico to the western desolate area, a treaty was entered into between the U.S. Government and the Navajo Nations.

Under this treaty, the Federal Government pledged that it would provide agricultural lands for the Navajo, that it would provide seeds, that it would provide education, and that it would provide many other things, including health and health care.

It was not until recently that we have tried to do something about fulfilling the obligations of this treaty.

I hope that Congress becomes aware that to delay the construction of the Navajo Indian irrigation project would be to delay compliance with the firm obligations of the treaty.

A delay in the construction of the Navajo Indian irrigation project through proper funding would be compounding an injustice that has been perpetrated against the Navajo Indian by the Government.

It is about time that we recognize our responsibility and resort to our moral sense of conscience and say to the Navajo Indians: "We are going to get on the right track of performance. And we are going to do whatever we can for you."

I ask my distinguished colleague, the Senator from Nevada, who knows about the problem, if we can anticipate better funding for the Navajo Indian irrigation project in the future?

Mr. BIBLE. Mr. President, I wish I could be safe in saying yes in answer to that question. I would hope that we could. However, I cannot guarantee it, of course. As the Senator knows too well, this happens to be an unbudgeted item. I am not sure that the administration will spend the amount if it is provided in the bill. It is in the bill. I think it should be. Work on the project should be programed at such a rate that it is finally constructed a long time before the year 2000. However, I cannot guarantee that.

I have several projects in Nevada that I would like to have funded at a faster rate. However, in view of the fiscal situation we face, we all have problems. I think that the Senator's problem is one of the most severe and is one that cries out as much as any we have had recently for some help.

It is for that reason that we have added $2 million. I hope that we can fund it in the future at a higher level. However, I cannot guarantee that.

Mr. MONTOYA. Mr. President, I thank my good friend, the Senator from Nevada. I mention that my concern for the Navajo stems from personal observation of and experience with their situation.

I know it would surprise the Members of the Senate that many of these Indians have to haul water 30 or 35 miles to their hogans on the Navajo Reservation. That is how serious the situation is on the Navajo Reservation.

Many of those Indians if they get sick cannot go to a hospital unless they go through rocky trails on a horse-drawn wagon. And by the time they get to the hospital, many of them die.

It is about time that we take cognizance of all these things that are happening within the continental limits of the United States of America.

I thank the distinguished chairman for the consideration he has given to all of this funding with respect to the American Indian.

I think the committee did a fine job. I am not trying to criticize the committee. I am not trying to criticize anyone. I merely say by way of exhortation that we should continue to give attention to the problems of the American Indian in every respect—in the field of education, in the field of health care, and in the field of job opportunities.

Mr. President, I thank the Senator from Nevada.

Mr. BIBLE. Mr. President, I appreciate the sentiments of the Senator from New Mexico with respect to the work in this very difficult field of Indian education.

We are all trying to do the same thing, I am sure. It gets down to how best to do it. I hope that what we have done today will hold up in conference and that the final figure will be helpful toward giving the Indian people better education and better opportunities in the future.

Mr. President, are there further amendments?

Mr. DOMINICK. Mr. President, I do not have an amendment ready to offer. However, I may. First, I would like to engage in a colloquy with the Senator from Nevada regarding the National Council on Indian Opportunity.

Mr. BIBLE. Certainly.

Mr. DOMINICK. Last year we appropriated $100,000 for the Council by amending the HUD bill, I believe.

Because of the problems of getting funding and staff, not very much happened in 1968, the first year of the council's operation. In a statement last fall to the National Congress of American Indians President Nixon pledged continuation of the National Council, and included $300,000 in his budget request for fiscal 1970.

The committee has cut out the $300,000. I gather, if I am correct—and perhaps the Senator can comment on this—that the major influence in making this reduction was the fact that we did not have authorizing legislation enacted at that time.

Mr. BIBLE. That was the main reason I voted as I did.

Mr. DOMINICK. On September 13, the Senate did pass the authorizing legislation requested by the Nixon administration.

Mr. BIBLE. The Senator is correct.

Mr. DOMINICK. I believe the Senator from Nevada supported it.

Mr. BIBLE. That is a correct statement. I supported it, and I believe it passed the Senate on September 13.

Mr. DOMINICK. The House has not yet passed authorizing legislation.

Mr. BIBLE. That is my information. And I am advised by the staff people that they have canceled their hearings on this very bill and that as of this moment no arrangements have been made for further hearings. This is what my staff people tell me.

Mr. DOMINICK. It is my understanding from the executive department downtown that additional effort is being made to get action by the House of Representatives on this authorizing legislation. Whether this effort will be successful, I frankly do not know. However, they are trying their best to get something done.

Is my understanding correct that in the event authorizing legislation is passed by the House, the Senator from Nevada would then have no objection to its being funded in order to be able to implement the work of this important national council?

Mr. BIBLE. Was the question whether, if the House passed the authorizing legislation and it were enacted into law, I would have any objection to putting the money in the bill?

Mr. DOMINICK. The Senator is correct.

Mr. BIBLE. I would have none. Actually, it would not really come before me in this time sequence where we are always bedeviled by last minute requests. And this happens to fall in that category. But it would be a supplemental appropriation to be heard before the chairman of the Supplemental Appropriations Committee, the Senator from West Virginia (Mr. BYRD). The Senator from West Virginia has been on the floor faithfully all day. However, I do not see him in the Chamber at the moment.

I would have no objection to its being put in as a supplemental item. I think that we must have the necessary framework on which to hang appropriations.

Mr. DOMINICK. The reason I brought the matter up is that the 25th anniversary convention of the National Congress of American Indians begins on October 6. That will be an extremely important meeting. And the Indians are looking for some method of leadership so that they can be assured of developing themselves both economically and educationally.

Representatives of the national council will be in attendance. After having had assurances from President Nixon and personal meetings and correspondence from Vice President AGNEW, it would be particularly unfortunate if Congress just suddenly indicated that it was not going to support the council. I think this could have a very adverse effect on all the efforts we are trying to make.

It is for that reason that I wanted to enter into this colloquy—to show that the reason for lack of a Senate appropriation is a technical one rather than anything else. The House has not acted on the authorizing legislation. The assurance of the Senator from Nevada is that if the House acts, then he would be happy to support, before whatever committee it is, an appropriation of whatever amount is required at that point.

Mr. BIBLE. Whatever amount is properly justified. That is the only qualification I would make. The authorizing language, as it was reported by the Senate Interior Committee, was $300,000. As the Senator knows, that is almost always the ceiling. Whether they can justify and economically use the full amount, I do not know. But whatever amount can be economically used, I would have no hesitancy at all in supporting, and I so indicated in the earlier colloquy on the same subject during the debate on this bill.

Mr. DOMINICK. I appreciate that very much. Knowing the chairman so well, I know that he means every word that he is saying.

This is important, I think. One of the problems with which we are going to be faced by virtue of no appropriations in this bill is the question of the interim staffing of the National Council. I do not really know the answer to that. How are they going to be able to get the money to keep the staff moving? I think this is important, because they are developing long-range plans and policies at this time, and without any money it is going to be pretty hard if not impossible to keep a staff together.

Mr. BIBLE. This is true. I think every staff member looks forward to payday, as does the U.S. Senator. I hope we can work this matter out.

Mr. DOMINICK. I thank the Senator from Nevada.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. KENNEDY. I should like to ask a question of the distinguished chairman of the committee, and I refer him to page 16 of the committee report.

It is my understanding that in the House report, the House committee recommends an increase of some $563,000 over the budget estimate to provide additional funds under authority contained in section 4(b) of the act for research on pollack fishing off the northeast coast of the United States.

As the chairman of the committee may be aware, the great percentage of the New England fishing industry depends on haddock, and particularly in the last 2 or 3 years there has been a very serious deterioration in those supplies.

In 1960, New England fishermen landed 93 percent of the fish caught on the New England continental shelf, with the remainder landed by Canadians. Just 5 years later, New England fishermen landed only 35 percent of the fish, with the Russians catching more than all other nations combined.

Total landings by New England fishermen dropped from 852 million pounds in 1960 to 687 million pounds in 1966. They are still dropping. In 1967, the eight major ports in New England experienced a 19-percent decline in food fish and a 4-percent decline in industrial fish. And 1968 was a disaster year. In Massachusetts alone, total fish landings were at their lowest level since 1924.

The pressure on haddock at Georges Bank has been so severe that the International Commission on the North Atlantic Fisheries recently found it necessary to declare a moratorium, recognizing that this is the only way to save severely depleted stocks. The consequence has been an even greater need for fishermen to turn to new and underutilized species. But the decline of the last several years has left them without the resources to do so, victims of a relentless vicious circle.

For one reason or another, there really has not been a comprehensive marketing effort made for pollack, to try to show its attractiveness to the consumer. Nor has there been research on how best to fish for pollack, which is available in abundant supply. As a result, we find part of the reason for a decline in our fishing fleet up there is this crisis—overfishing of haddock, and failure to turn to new species.

The situation has reached crisis proportions. A number of us in New England appealed to the Secretary of the Interior to find that this was a disaster area, under the definition of 4(b), and the Secretary of the Interior did so. It was the hope, therefore, that resources might be available for such a study on the researching of pollack.

Therefore, as I understand, the House figure was increased by this figure of $563,000, and it is my understanding that this goal will be achieved by the utilization of funds which exist both within this budget and within other resources, such as the Saltonstall-Kennedy bill. Would the chairman clarify this matter?

Mr. BIBLE. I understand the problem very well, and I am completely in sympathy with it.

I thought the Appropriations Committee had pretty well recognized the crisis to which the Senator alludes and that we had taken proper action.

The figures I have—and I believe they are correct—show that very recently

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$200,000 was allocated for the pollack program, plus an additional $200,000 which is to be allocated from the management and investigations activity which are in this bill, which will soon find its way, we hope, to the White House. In addition, there is $74,000 from the Saltonstall-Kennedy funds. So there will be available, in a short period of time, approximately $474,000 to take care of this problem. It seemed to the committee that this was an adequate amount.

I am well aware of the House item, and I assure the Senator from Massachusetts that this is one of the items that are in conference. So if there are differences of opinion as between what the Senator from Nevada is saying and what the House conferees or the House members of the Appropriations Committee have in mind, I am sure this is an item that can be resolved rather quickly in a conference.

Mr. KENNEDY. I appreciate the explanation of the chairman of the committee.

As I understand, that reaches a figure of some $474,000. The House figure for the pollack research was $563,000. There does not seem to be a wide disagreement. I think that the understanding that the funds for the $474,000 will come from those three different areas, or three different items, which the Senator from Nevada has enumerated here, is much more reassuring to those of us who are very much concerned about this pollack problem.

Mr. BIBLE. I understand the Senator's concern, and rightly so.

Mr. KENNEDY. Could I direct the chairman's attention to one other item?

Mr. BIBLE. Certainly.

Mr. KENNEDY. It is on page 15 of the report, at the lower part of the page. It reads:

> The committee approves the amount of direct appropriation ($314,000) for the economics subactivity of the "Marketing and technology" activity. However, it does not recommend an increase of $400,000 in the use of Saltonstall-Kennedy funds to start studies on factors affecting fishermen as far as probability of catches is concerned.

As I understand from our good friends in the fishing industry, both on the west coast and the east coast, they are concerned as to whether the members of the committee who would meet in conference would have an open mind about that language, and they are distressed by the inclusion of it in the report.

Mr. BIBLE. I am sure that would be the case. We were expressing our opinion as we saw it.

I think the Senator from Massachusetts recognizes, as do all of us who work in the legislative field, that we have studies on studies. This may well be an indicated study. This would be subject to final settlement as between the conferees of the House and the conferees of the Senate.

One of the problems that troubled us was that this led into a many year program, with a cost of a number of million dollars. But it would still be subject to conference when we meet with conferees.

Mr. KENNEDY. I do not want to delay the Senate in its action on the bill. I wish to include a short paragraph that was a part of the Report on Marine Science Affairs which was printed earlier this year. It stated:

> One of the factors which has contributed to the decline of our fishing industry is a tangle of Federal, State and local laws and regulations which were originally designed to conserve species, reduce conflicts among multiple users of the coastal waters or among groups of commercial fishermen, or to protect certain limited interests, but which have increased costs and inhibited efficiency of fishing by retarding application of contemporary technology and limited fishing areas.

It seems to me that if we at least provided some flexibility for the Bureau of Commercial Fisheries to use Saltonstall-Kennedy funds, if they make a determination to consider whether that is an overlapping and duplication of Federal, State, and local laws, it might be helpful.

I feel that the $400,000 would be a justifiable expenditure if it can contribute to providing an operational environment for our fishermen which would allow them to reduce harvest costs.

The only import of my inquiry was to see if the committee had an open mind.

Mr. BIBLE. I am sure they do as to all of these problems. It is difficult to determine where studies should be made.

Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, the Interior appropriations bill is one of the most important of all the money bills to the State of Montana. The activities under the jurisdiction of the Interior agencies and bureaus have a very direct relationship to the welfare and development of my State. Being perfectly candid this year's mood of budget cutting and economy is going to be a little rough on the Western States. However, I recognize the national situation and Federal spending cannot go on without some control. This is something we will have to and can live with.

There is one area which I felt deserving of an exception from "no new start" policy this year. We are postponing what I hope will be no more than 1 fiscal year, the most promising new industrial technique in power generation that has been developed in this century. I refer to magnetohydrodynamics, or MHD, a new way of using coal and natural gas to generate electric power.

MHD is an exciting process because it is without the air and water pollution that is associated with conventional fossil-fueled plants and without the thermal pollution of water that is causing so much concern in the United States. This process of converting heat energy into electrical energy results in an abundant supply of low-cost power. In brief it is low cost, efficient and an absolute minimum of air or water pollution.

My colleague, the Senator from Montana, **LEE METCALF**, and I are especially interested in the MHD process because it can make use of the tremendous deposits of low-grade coal that exist in eastern Montana and adjoining States. In addition to the economic benefits the rapidly increasing power needs of the Pacific Northwest and Midwest could probably be met most economically from a combination of MHD plants and extra-high-voltage transmission lines from the coal fields to populated areas.

The MHD process is not an American project alone. Ironically, work on this U.S.-developed process is proceeding far more rapidly in Russia and Japan than it is here. I understand that a 75-megawatt Russian plant near Moscow is nearly complete. What we are proposing to have constructed in Montana is a 30-megawatt pilot plant and an expenditure of $40 to $50 million over a 5-year period. A federally financed pilot plant is necessary because a private firm cannot recoup the high developmental costs since large-scale benefits are far in the future and spread across the spectrum of society. Private industry is interested, but at the present they are not willing to spend the money.

The Montana congressional delegation sought an initial appropriation of $1.7 million for the current fiscal year. The project would be under the Office of Coal Research. During the first year's effort, primary expenditures would be for research, planning, and special work in the area of air and water pollution abatement. It is anticipated that a pilot plant would very possibly lead to commercial plants by the mid or late 1970's. The eventual goal is to have a 30-megawatt pilot plant constructed in eastern Montana. The pilot facility would be followed by commercial plants elsewhere.

Mr. President, I firmly believe that it is in the best interests of our Nation to proceed with this project as rapidly as possible. I am informed that it is enthusiastically supported within the Department of the Interior. A detailed record has been made before both the House and Senate Committees on Appropriations. If it is the wisdom of the Congress that this program be postponed 1 year, let it be no longer. National concern about water and air pollution, power shortages, and resource development underscore the need to proceed with the MHD pilot plant as rapidly as possible.

Mr. President, I ask unanimous consent to have a series of letters printed at the conclusion of my remarks in the CONGRESSIONAL RECORD which document the need and interest in MHD and especially the interest and support given by the Montana Congressional Delegation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S SENATE,
Washington, D.C., August 22, 1968.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Secretary Stewart Udall has informed us that development of a magnetohydrodynamic (MHD) electric power system might not begin next year because of proposed budget reductions. Enclosed is a copy of a letter from him regarding this matter.

We would consider further delay of this development very unwise. The 10 megawatt prototype MHD electric power generator being contemplated by the Department of Interior will require about four years to construct. We urge you to include $10 million in the Fiscal 1970 budget requests to be utilized during a four-year period for construction so this pilot utility plant can be in operation by 1975.

We also hope you will consider Montana as the most logical site for such a plant. This would be consistent with the Senate recommendation in the report on the Department of Interior appropriation bill for Fiscal 1967 which urged more development and research for coal reserves in Eastern Montana. As you know, Montana has 10 per cent of the nation's coal reserves and is expected to be the nation's largest producer of coal by 1980. Development of these reserves has been delayed because of shortage of water in the area but MHD generators could utilize these rich coal veins without great amounts of water.

Montanans would welcome development of these coal reserves, especially with the knowledge their reserves were being utilized by a method which would not add to air and water pollution and would increase by 50 per cent the amount of useful energy obtained from a pound of fuel. They would be pleased to help reverse the flow of people from rural regions to urban centers in search of jobs and would anticipate attracting industry by offering the lowest possible cost for power.

Thank you for your consideration.

Very truly yours,

Mike Mansfield,
U.S. Senator.
Lee Metcalf,
U.S. Senator.

U.S. Senate,
August 22, 1968.

Hon. Stewart Udall,
Secretary of the Interior,
Washington, D.C.

Dear Mr. Secretary: Thanks for your letter regarding development of a magnetohydrodynamic electric power system.

Although I realize that the Department of Interior is working under fiscal reductions, I hope the Fiscal 1970 budget will include enough money at least to begin development of this system.

Enclosed is a copy of a letter that Senator Mansfield and I wrote to President Johnson requesting that $10 million be included in next year's budget.

I was pleased to learn that construction of a lignite gasification pilot plant is scheduled to begin next year.

Very truly yours,

Lee Metcalf.

September 20, 1968.

Hon. Stewart Udall,
Secretary, Department of the Interior,
Washington, D.C.

Dear Stew: Because of timing, I wish to again address myself to the matter of obtaining Department of the Interior approval of the Magnetohydrodynamic (MHD) project.

First of all, I am well aware of the severe budget limitations under which the Department is operating. Even with this in mind, it would seem to me that the project certainly could be approved and proceed on a limited funding basis for at least the first year. As you know, the Montana Congressional delegation is interested in seeing such a plant located in Montana.

As you may recall, several years ago at my request the Senate Committee on Appropriations instructed the Department to place some emphasis on the development of the expansive coal fields in eastern Montana. Very little has been done. As soon as I learned of the MHD project, it seemed to me that this was a natural. This proposal is at a point where there is a need for a pilot plant. Montana has the vast coal resources. In addition, the MHD power station would be a great achievement for all concerned because of the absolute minimum of air pollution, a problem which plagues many of the coal generating plants now being constructed or in operation.

As I understand it, the ten megaton prototype MHD power generator being contemplated by the proposal now before you would require approximately four years to construct. This is a ten million dollar project. All of these funds would not be required in fiscal year 1970. I feel that the project should be approved and announced now. The first fiscal year would require approximately one million, two-hundred thousand dollars. The remaining funds could be allocated during the next three fiscal years.

Again, I wish to assure you of my personal knowledge of the very strong effort being made to hold down the budget at every level, but this is at the same time a rare opportunity to take a step forward in the utilization of vast coal resources in the West and also develop a prototype MHD generator which has proven to be successful in combating air pollution, a serious problem facing industrial areas, small and large, throughout the country. Your personal attention and cooperation in this matter would be sincerely appreciated by the entire Montana delegation.

With best personal wishes, I am

Sincerely yours,

——— ———.

U.S. Department of the Interior,
Washington, D.C., May 8, 1969.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: We deeply regret the delay in responding to your letter of March 19, and wish to acknowledge receipt of your May 5 letter on the same subject.

We were impressed with your excellent analysis of the electric power resource and related transmission economics as it pertains to the Pacific Northwest and generally to the western area of the United States. This Department agrees that all interested agencies, Federal, public and private, should continually investigate the electric power resource and transmission situation to foster the delivery of ample supply of low-cost power to the consumer. The report "A Ten-Year Hydrothermal Power Program for the Pacific Northwest, January 1969" prepared by Bonneville Power Administration together with "Transmission Study 190, February 1968" prepared by the Bureau of Reclamation, Southwestern Power Administration, and Bonneville are examples of studies which lead to implementation of low-cost power development. The Public Power Council, a group of 106 publicly owned utilities in the Pacific Northwest, is considering the initiation of a study of potential electric power resources that will provide their future energy. Their studies will delve into the economies of all practical alternative energy sources. A prime portion of the PPC studies will include investigation of potential development of mine-mouth plants in low-cost coal areas in Montana, Wyoming and other Rocky Mountain and Missouri River Basin states. Other investigations involving possible import of Alaskan coal, potential Canadian coal resources, pressurized and boiling water reactors, development of prototype fast breeder reactors and prototype magneto-hydrodynamic fossil fuel generation facilities may also be included in the Public Power Council programs.

We would like to respond to the particular points brought out in your letters. We agree that the report on the hydro-thermal program for the Pacific Northwest may have led you to the conclusion that nuclear generation was the major thermal power source considered. The "models" presented in the Appendix of the report do list a series of twenty nuclear plants. On the other hand, as stated elsewhere in the report, fossil fuel power resources or other thermal resources were considered to be alternatives to nuclear development. For example, the map on page 23 of the report shows two transmission interconnections "to the East" which are designated as possible future interties which would transmit fossil fuel power into the Pacific Northwest. The first such fossil fuel (coal fired) powerplant is now being planned as a 1000-mw plant located in Southwestern Wyoming.

We are reaching the final stage in programming the first six thermal plants that follow the development of Centralia, Washington, units 1 and 2 which are now under construction. This group of seven plants will have a total capacity of about 7,500 mw. 2,400 mw of this total will be coal-fired steam-electric powerplants. These latter plants are the Centralia plant of 1,400 mw and a 1,000 mw coal-fired plant programed for development near a coal mine in Southwestern Wyoming. The other five thermal plants will probably be nuclear steamplants located in Oregon and Washington, west of the Cascades. The first of these plants is now under construction by the Portland General Electric Company at a site along the Columbia River north of Portland, Oregon. We believe it is highly desirable to develop a diversity of types of electric power supply so that economic trends that affect individual types of power sources do not excessively increase power costs.

We agree that the development of extra-high or ultra-high voltage transmission facilities, together with large coal-fired plants in Eastern Montana and Wyoming, can be expected to become competitive with nuclear power facilities located more closely to the Pacific Coast load areas.

We have had discussions with representatives of both the Peabody Coal Company concerning development of its Eastern Montana coal resources and the Reynolds Metals Company regarding its coal holdings in Northern Wyoming. From these discussions it appears that mine-mouth coal-fired plants in these areas could furnish competitively priced power to load areas in the Pacific Northwest by the 1980's. The Pacific Northwest hydro-thermal program is based on the concept that the continuing need for thermal electric power shall be obtained from the resource that provides low-cost electricity to the Pacific Northwest consumer.

The hydro-thermal program did not disregard the findings of Transmission Study 190. In fact, as pointed out previously, the program included the possibility of transmission connections to the east and importation of coal-fired thermal power. High-voltage interconnections from the Pacific Northwest to the east and southeast would allow more extensive development of coal resources in areas east of the Rockies, since the burden of transmission cost could be shared to provide the several types of power transmission benefits including transmission of power from the plant to the load areas east or west. It should be pointed out that maximum benefit of combined use of transmission facilities will be achieved when large-scale coal-fired powerplants, some 3000 mw or more, are located about midway in an east-west tie.

The six to seven-cent/million BTU cost of Montana coal mentioned in your letter would, in all probability, make power generated by this fuel competitive with almost any other available power source even though as much as one mill/kwh may be associated with extra transmission costs. We believe that your suggestion for an extension of Transmission Study 190 to include the economics of power source development, together with the cost and benefits of interconnecting extra-high voltage transmission facilities, is entirely appropriate. We have been considering this type of study extension which could be a part of our overall energy resource development program.

Your observation that the Pacific Northwest-Southwest Intertie was used this winter to transmit 800,000 kw of capacity north from California to the Pacific Northwest serves to illustrate the fact that well planned interconnections will usually be utilized to achieve benefits that exceed the amounts forecast in the feasibility studies.

MHD technology has not yet been developed to the point of commercial application but preliminary experimentation indicates that if the numerous engineering problems can be overcome that electric generation may be accomplished with reduced air pollution and water requirements along with increased efficiency. In this connection there is increasing interest in the U.S. in evaluating the need for larger scale experimentation and in coordinating U.S. efforts with those of other countries. At present, however, commercial application seems to be some years away.

The fiscal constraints under which the F.Y. 1970 budget was prepared were not conducive to the undertaking of a new MHD pilot plant of the magnitude mentioned in your letter. Basically, the 1970 budget only continues ongoing pilot plant projects.

A study is presently being made by the Office of Science and Technology of the state of technology of MHD, its possible implications to the U.S. electric energy economy, and what the public policy should be toward this new development. We wish to have the benefit of the OST view to determine if funds should be requested for Federal expenditures in research. If the decision is reached to go ahead in this area, a $50,000,000 MHD research program would appear reasonable to advance this technology.

Implementation of the hydro-thermal power program for the Pacific Northwest now involves consideration of the possibility of fast breeder nuclear prototype plants. Various types of such plants are now being sponsored by several manufacturing and utility groups throughout the country. It may now be appropriate to similarly accelerate the cooperative development of prototype plants involving MHD electric generation. We believe that public, private and Federal agencies should coordinate in the sponsorship of programs that have future economic promise.

We appreciate your interest in and expert interpretation of such programs and studies as the hydro-thermal program for the Pacific Northwest and Transmission Study 190. We believe that continued interchange of ideas regarding such programs will accelerate future economic developments with due consideration of environmental factors.

Sincerely yours,

JAMES R. SMITH,
Assistant Secretary of the Interior.

MARCH 19, 1969.

Hon. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: It has come to our attention that the Bonneville Power Administration and utilities in the Pacific Northwest, basing their plans partly on the results of a study at Battelle Institute, are contemplating a vast program to build thermal-electric generators in that region. Many, if not most, of these generators are to be nuclear.

We are concerned about the conservation aspects of this projected program, about the rapidly escalating cost of nuclear plants and about other unresolved problems in connection with nuclear generation. We would thus like to suggest study of an alternative course of action which might provide at least part of the energy needs of the Pacific Northwest region and therefore lessen the reliance on nuclear generation.

There is ample engineering evidence, we believe, to indicate that electric energy produced with coal at minemouth in Eastern Montana and Wyoming, then transmitted via extra-high-voltage facilities to the Pacific Northwest, would be highly competitive in cost with energy produced in the Pacific Northwest in nuclear plants. The extra-high-voltage lines could possibly be a part of a larger network of such lines which would produce a number of other benefits. Thus the cost could be brought down even further, and the coal-produced power might enjoy a clear competitive advantage over nuclear power.

It is ironic that right in the files of the Department of the Interior repose studies which appear to back up this contention. Interior's Study 190, a study of a plan to connect the entire western two-thirds of the nation with extra-high-voltage lines, outlines the benefits to be achieved through such interconnections. These benefits would be produced in the form of increased reliability and through massive interchanges between the eastern and western portions of the system, taking advantage of hydrological, seasonal and time-zone diversity. Another report, produced by Robert Nathan and Associates for Interior's Office of Coal Research, suggests that coal-produced power from Montana and Wyoming would be competitive with nuclear power produced near Pacific Northwest load centers—*even without the benefits of the Study 190 transmission system and before the recent escalation in nuclear costs.*

Other recent information indicates that coal from the Lake DeSmet area of north-central Wyoming, and probably coal in certain nearby areas of Montana, can be produced at a cost of six to seven cents per million British Thermal Units—compared to an earlier Missouri Basin low coal cost of 12 cents per million BTU's. The six-to-seven cost is one of the lowest anywhere in the world.

South-central Montana and north-central Wyoming have more than adequate water for cooling purposes (although in some cases it might have to be transported to point of use). We refer here to the industrial water available from the U.S. Bureau of Reclamation's Yellowtail Reservoir in Montana, from USBR reservoirs in Wyoming, from a proposed State of Montana reservoir on the Tongue River in Montana and from the proposed (by USBR) Moorhead Reservoir on the Powder River in Montana and Wyoming.

The Montana-Wyoming coal fields are also perfectly situated for being traversed by one of the main east-west links of the Study 190 extra-high-voltage system. The coal fields would thus lie approximately half-way between large load centers on the system—in the Midwest and in the Pacific Northwest—and thus perhaps could serve both.

The potential is greatly enchanced by the possibility of the development of magnetohydrodynamics, a new technique for generating power from fossil fuels developed by AVCO-Everett Research Laboratories. MHD (as it is called) offers a possibility for using coal to generate power without air pollution, with little need for cooling water and at about 50 per cent more efficiency than in conventional coal-fired plants (and yet greater efficiency than in the relatively inefficient nuclear plants). For some unexplained reason, a $10,000,000 request for an MHD pilot plant was not included in President Johnson's 1970 budget, even though immensely greater sums are appropriated for nuclear energy.

We would like to add that the potential for large-scale extra-high-voltage interconnections appears, from experience so far, to be even greater than was anticipated during planning stages. For example, the Northwest-Southwest intertie enabled 800,000 kilowatts of capacity to be transmitted from California to the Pacific Northwest during a recent cold snap in the latter region. Originally it had been intended that only energy (as opposed to capacity) had been scheduled for northward transmission over this intertie, but the capacity was needed because of unusual weather conditions—and it was available because of the intertie. We would expect similar unforeseen benefits to accrue from massive interties between the Pacific Northwest and the Midwest.

We therefore propose that the Department of the Interior, and its agencies involved with water, energy, and power, launch as soon as possible a study to identify the combined economic benefits of the Study 190 transmisson system and the use of power from Montana-Wyoming coal in the Pacific Northwest. If you could develop a price tag for the study, we would be happy to supply all possible support for appropriations at hearings this spring. We believe this to be of urgent importance in view of the present planning by BPA and Pacific Northwest utilities. It is essential that we take a careful look at alternative proposals so as to achieve a system which will provide the greatest benefits to all concerned—including the taxpayer.

We also wish to ask that an appropriation request for MHD be restored to the Budget. We would like to note that the Interior Department energy policy staff last summer recommended a total expenditure of $50,000,000 for MHD development, and we think that this is a reasonable amount for a program of such important potential.

Very truly yours,

LEE METCALF,
U.S. Senator.
MIKE MANSFIELD,
U.S. Senator.

U.S. SENATE,
Washington, D.C., April 14, 1969.

Hon. ALAN BIBLE,
Chairman, Subcommittee on the Department of the Interior and Related Agencies, Senate Appropriations Committee, Washington, D.C.

DEAR SENATOR BIBLE: Since testifying before your Subcommittee on 3 April, and submitting a number of materials for the record, I have come across the attached article which appeared in the 10 April issue of Public Utilities Fortnightly.

In my written testimony, which Senator Mansfield also agreed to make his, I asked for a $1.7 million appropriation to the Office of Coal Research to begin a program aimed at development of magnetohydrodynamics (MHD), a new power generating technique which promises virtually to eliminate the air and water pollution caused by conventional electric generating plants.

The article, "The Technology of Energy Use in the Year 2000", written by Bruce C. Netschert, Director of the Washington, D.C., office of National Economic Research Associates, Inc., stresses the importance of MHD as a major energy source of the future. Limitations on engineering of larger and larger conventional power plants are causing great difficulties—which MHD will solve, Mr. Netschert suggests.

This is added evidence that it is important that we get under way with MHD development, and I ask that the article be included in the record in support of my request.

Very truly yours,

LEE METCALF.

MHD FOR CENTRAL STATION POWER GENERATION: A PLAN FOR ACTION

Dr. Lee A. DuBridge, Director of the Office of Science and Technology, today released a report entitled "MHD for Central Station Power Generation: A Plan for Action." The report reviews the current status of magnetohydrodynamics (MHD) technology and recommends a research and development program designed to explore the large potential benefits it offers for central station power.

The report was prepared by a special OST panel of utility executives, scientists and engineers under the chairmanship of Louis H. Roddis, Vice Chairman of Consolidated Edison Compay.

Magnetohydrodynamics, or MHD, is the term used to describe electric generating systems which obtain power directly from moving liquids or gases rather than indirectly by means of turbines and rotating generators. Its attractiveness stems from this direct conversion of thermal energy into electricity at high temperatures without the need for moving parts in contact with the hot fluid. The thermal energy may be provided either by burning conventional fuels or by a nuclear reactor.

The panel concludes that MHD offers the promise of improved efficiency, lower fuel costs and alleviation of thermal pollution in future power plants using fossil fuels. It considers that additional research directed to the difficult problems of coal-burning, open-cycle gas MHD systems is required before a large prototype facility is constructed. The panel recommends that this effort be funded by the Federal government at a level of about $2 million per year, with approximately an equal contribution by the utility industry and its suppliers.

The panel further recommends that closed-cycle gas and liquid metal concepts, which may be used in future nuclear plants, also be supported but at a lower level than the coal-burning, open-cycle system.

In releasing the report, Dr. DuBridge said: "Making MHD generation a reality will require the cooperation and financial support of the government, the electric utilities and their suppliers. I hope that the report of this distinguished panel will be carefully studied so that we can all find a proper course of action."

U.S. SENATE,
Washington, D.C., June 27, 1969.

Hon. RICHARD B. RUSSELL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RUSSELL: On 19 June 1969, the Office of Science and Technology recommended a research program for magnetohydrodynamics (MHD), a new technique for generating electric energy from fossil fuels (and also with a potential for generating electricity from nuclear heat) without thermal pollution of our streams, lakes and other bodies of water.

In our 3 April 1969 testimony, before the Senate Appropriations Committee, Subcommittee on Interior and Related Agencies, we also supported MHD research, and we asked for a Fiscal Year 1970 appropriation of $1.7 million to the Office of Coal Research for this purpose. No budget request for MHD had been included in the Administration's budget, or revisions. James Smith, Assistant Secretary of the Interior for Water and Power, indicated to us in a letter that his department wished to wait for the Office of Science and Technology report before making a recommendation.

We believe the Office of Science and Technology report is a clear go-ahead for an MHD research program. In fact, the recommendation is for a Federal investment of $2 million a year, and an approximately equal amount from the electric utility industry. Envisioned is a program leading in about three years to construction of a prototype plant.

MHD has a number of advantages over conventional electric generators. Predictions are that it will be at least one-third more efficient than the usual fossil-fueled steam-turbine plant, and the Office of Science and Technology estimates that this increased efficiency could save consumers $11 billion in a 15-year period.

An advantage even more important would be the elimination of "thermal pollution," the heating of natural water supplies with consequent damage to the ecology. Conventional fossil-fuel plants cause some thermal pollution and nuclear power plants even more—unless these installations are equipped with expensive cooling towers. The Office of Science and Technology report also suggests the possibility of conversion of a "necessity into a virtue" in that MHD technology requires recovery of certain materials from flue gases in such a fashion that air pollution will be abated, also. This operation might pay for itself through creation of by-product nitric acid, the report suggests.

The Energy Policy Staff of the Interior Department about a year ago also recommended a research program for MHD. The Office of Coal Research tells us it has the capability for getting under way with a program in Fiscal 1970, if funds are made available.

In the interest of conservation and the most economical electricity for consumers, we urge that funds be appropriated for MHD for Fiscal 1970.

We are enclosing a copy of a recent report by the President's Office of Science and Technology, recommending a magnetohydrodynamics research program.

Very truly yours,

MIKE MANSFIELD,
U.S. Senator.
LEE METCALF,
U.S. Senator.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF SCIENCE AND TECHNOLOGY,
Washington, D.C., June 19, 1969.

Hon. MIKE MANSFIELD,
Majority Leader, U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I am pleased to transmit a copy of a report entitled "MHD for Central Station Power Generation: A Plan for Action," which was prepared for this office by a special panel of electric utility executives, scientists and engineers.

Magnetohydrodynamics (MHD) is a means for converting thermal energy into electric power. It offers large potential benefits through more efficient use of fossil fuels and may be used with future nuclear plants as well. Realization of these increases in thermal efficiency would reduce the amount of heat rejected to the environment as well as improve fuel utilization.

The report points out that a number of difficult research problems must be resolved before these benefits can be achieved. It recommends a cooperative research effort by the government and the electric utilities and their suppliers prior to undertaking the major development which will ultimately be required.

We hope this report will be of assistance to you and to the Congress.

Sincerely yours,

LEE A. DUBRIDGE,
Director.

Mr. BOGGS. Mr. President, as a member of the subcommittee which considered this bill, H.R. 12781, I wish to briefly express my support of it. The bill finances many programs that will be of assistance to the people of this Nation.

If the Senate will bear with me, I would like to point out a few of the projects financed by this bill that will have direct benefits to the people of my State of Delaware, as an example of the benefits this bill brings to the Nation.

Scientists at the University of Delaware will receive $10,000 toward more research into the habits and patterns of blackbirds to give us greater knowledge of these birds in order to lessen their damage to the crops.

The Delaware State Arts Council will receive $36,363 this year for an exciting program of theater projects, lectures, and films, primarily to augment school programs. Last year Delaware was not eligible for these funds, so that this grant should add a meaningful new program for the people of Delaware.

Delaware does not receive any direct benefits in grants for another program funded under this bill. But this program could have great meaning to the people of Delaware. This is a scheme for the control of jellyfish along the east coast, with $225,000 appropriated for study of ways to curb jellyfish populations, particularly in Chesapeake Bay. That, of course, is an area of recreation for many citizens of my State. Further, the knowledge learned about jellyfish in the bay should help the State of Delaware learn more in its efforts to control jellyfish along our Atlantic beaches.

Yet another fine program that I would like to mention briefly is a project for shad conservation, administered by the Delaware Fish and Game Commission. Last year, the commission received money to begin work on a passageway for shad to swim up the Brandywine River to spawning grounds. The current bill contains another $30,000 for this project. It is too early to know for certain the results of this project, as spawning will not be known until next spring. But, it is the expectation that this passageway will bring a significant increase in the shad population, and bring more of these delicious fish to the Nation's dinner tables.

Under a program of the Bureau of Outdoor Recreation, Delaware will receive $742,916 toward the acquiring and development of parkland. In a society in which we become more and more urbanized, I am certain that we all recognize the need to expand our park systems, and I believe this money will be used to the great benefit of the citizens of Delaware.

This money will help Delaware in its 10-year program to acquire 3,752 acres of new parkland by 1980. Specifically, the State park commission plans to buy this year some of the 1,092 acres it needs to complete the Lums Pond State Park near Kirkwood. The commission also plans to spend some of this matching grant toward 236 acres needed to comlete the White Clay Creek State Park near Newark, and to purchase some of the 500 acres still needed to complete the Killen Pond State Park north of Milford.

The Geological Survey has $64,000 in this bill to finance automatic gauging stations on the rivers and creeks of Delaware. This flow measurement, of course, is invaluable to the State in gaining knowledge for flood control purposes and to find out how much water will be available to various sections of the State and various times of the year.

Yet another program finances water

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resources research. Delaware will receive $100,000 to assist seven projects, such as one to study the cost of obtaining water for industrial uses, which is a way to evaluate the expected costs for new industries thinking of coming to Delaware.

These are but a few of the programs contained in this bill that will be a direct benefit to the citizens of Delaware. I want to add that these programs do not just benefit the citizens of Delaware. Rather, they benefit every State in our Nation and every citizen in our land. This bill is needed. I support it enthusiastically.

PRESERVING NATURE'S WONDERS FOR FUTURE GENERATIONS

Mr. YARBOROUGH. Mr. President, the Interior appropriations bill, which is now under consideration, is a bill in which we can all take pride. In these days of soaring consumer prices, this bill strikes a healthy balance between the need to eliminate unnecessary and wasteful spending and the need to finance programs and projects which will benefit all Americans. I highly commend Senator BIBLE and the other distinguished members of the Subcommittee on Interior and Related Agencies for their hard work on this important measure.

The bill expressly provides the $12,115,600 necessary to pay all the court judgments involved in the acquisition of the land for the Padre Island National Seashore. In 1958, I introduced for the first time a bill to make Padre Island in the Gulf of Mexico a national seashore. After a long and difficult fight in both Houses of Congress, the act to create the Padre Island National Seashore was passed in 1962, which has resulted in a national seashore on Padre Island 74 miles long. Passage of the bill creating the national seashore was only a part of the battle. It was also necessary to appropriate the funds to buy the land. Since the majority of the upland included in the Padre Island National Seashore was privately owned, it was necessary for the Federal Government to institute condemnation proceedings to acquire title to this land. The funds included in this Interior appropriations bill will pay these final judgments in full and guarantee that this serene and historic coastal land will be preserved for the enjoyment of our people forever.

This bill also includes the $1,246,000 necessary to complete the acquisition of the land for the Guadalupe Mountain National Park. I introduced a bill to establish a national park in the rugged and scenic Guadalupe Mountains, which are located 100 miles east of El Paso, Tex., in 1963. This bill became law in 1966; however, like Padre Island National Seashore, budget problems have delayed the purchase of the land necessary for the park. With the passage of this appropriations bill, this land can now be purchased and the Guadalupe Mountains can be added to our national parks system.

I am also particularly pleased that this bill includes $360,000 for the construction of the U.S. Forest Service: Wildlife Habitat and Silviculture Laboratory on the Campus of Stephen F. Austin State College at Nacogdoches, Tex. This laboratory, badly needed but often postponed, will provide Government scientists with the research facilities they need to assist them in their important work of improving the habitat for the wildlife in our southern forest.

The funds appropriated in this bill for these important projects are small in comparison to the billions that are expended on the targic war in Vietnam each month. The total of all of these three items would only pay for the war for 3½ hours. However, these funds will be used to preserve the wonders of nature for all future generations. As President Kennedy once said:

> It is our task in our time, and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours.

Therefore, Mr. President, I urge Senators to give their full support to this bill.

Mr. NELSON. Mr. President, last year Congress amended the Land and Water Conservation Fund Act to authorize a minimum annual expenditure of $200 million a year for the 5 fiscal years beginning in fiscal year 1969. Land acquisition for our national parks and other Federal wildlife and recreation areas is dependent on moneys from this fund. State recreation programs also depend on matching moneys from it.

It is abundantly clear that with the 1968 amendment, it was the intent of Congress to assure that the land and water conservation fund would be appropriated at the level of $200 million annually until 1973 to meet the burgeoning outdoor recreation demands of the Nation.

The 1968 amendment went so far as to make specific provision for this spending level by providing for the transfer of Outer Continental Shelf oil revenues to the fund whenever regular sources for the fund did not bring in the $200 million and the difference was not appropriated from the Treasury. Thus, if in 1 year, the regular fund sources brought in only $150 million, $50 million in oil revenues would be added to make up the $200 million figure. If only $100 million came into the fund from its regular sources, $100 million in OCS oil revenues would be added to make $200 million.

With this rather explicit history of congressional intent, it has come as quite a shock to many of us to see only $124 million requested for this fiscal year for the land and water conservation fund. This is the figure that is in the appropriations bill before us; it is the figure that was in the House bill, and it is the figure that was requested by the administration.

I have heard no one say that $124 million is adequate to meet our pressing recreation land acquisition needs. In fact, according to reports in the press, the Bureau of the Budget has told the House Interior Committee that acquisition funds are now so tight that if any new national parks are authorized, acquisition for already authorized parks and recreation areas will have to be cut back.

Even without the establishment of new areas, the Bureau of the Budget letter reportedly said the land acquisition program for existing national parks may well have to be cut back.

The Bureau of the Budget position may well be an understatement. Federal recreation land acquisitions already authorized and eligible for financing from the land and water conservation fund are nearly equal to the $500 million authorized as the Federal share of the fund for the next 5 years. If land costs and development continue to escalate, and adequate funds are not appropriate to meet these commitments, the precedent-setting effort in recent years to expand our national park system will face total collapse.

To make the situation even more serious, this is the second year in a row we have cut the land and water conservation fund far short of the intended $200 million mark. Last year, only $111.5 million was requested and appropriated, $88.5 million short of the $200 million level. For this year, as I pointed out, only $124 million was requested, and is being appropriated in the bill before us—$76 million short of this year's intended $200 million level.

Right now, there is, altogether, $164.5 million that has been designated for the fund, and, under law, will remain there indefinitely, unspent, and unappropriated—unless this situation is corrected.

The rationale given for both last year's and this year's cut has been that there were overall restraints on the Federal budget, and a need to control inflation.

But this argument simply does not hold water. There is nothing inflationary about buying land already authorized for the public, in Redwoods National Park, Cape Hatteras National Seashore, the Indiana Dunes National Lakeshore, and so on—especially if the funds have already been earmarked for this purpose.

In my opinion, we will actually be aiding inflation, if we follow the Bureau of the Budget's advice and let $164.5 million sit in the fund, while speculators drive land prices up in our unacquired but authorized national park areas.

Yet in its letter to the House committee, the Bureau of the Budget did not even discuss the matter of the $200 million intended for the fund for each of the next 5 years, or the question of why the $164.5 million now earmarked for it from the oil revenues is not being spent.

The Bureau of Budget posture on this is quite unfortunate, and I urge the administration to begin an immediate review of its land and water conservation fund requests to determine why spending the full $200 million each year would not be compatible with present fiscal policy.

I will very shortly write Dr. Lee DuBridge, Chairman of the President's Environmental Quality Council, to request such a review, and to urge a full report to Congress on this pressing question in the near future.

In a recent letter to the Bureau of Outdoor Recreation, I asked a series of questions regarding the status of the land and water conservation fund. I ask unanimous consent that a copy of their reply be inserted in the RECORD at this point.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF OUTDOOR RECREATION,
Washington, D.C., August 4, 1969.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: We are pleased to respond to your letter of July 17, requesting information on the Land and Water Conservation Fund. We will respond to your questions in the order in which they appear in your letter:

1. Public Law 90–401, approved July 15, 1968, amended the Land and Water Conservation Fund Act of 1965 in several respects. One amendment provides for a $200 million annual accrual to the Fund. If revenues from admission and user fees, motorboat fuel taxes, and sales of Federal surplus property do not produce that level of funding, appropriations to make up the difference are authorized to be made from the General Fund of the Treasury. In the event such appropriations are not made, the difference is obtained automatically by a transfer of receipts derived from Outer Continental Shelf lands.

In fiscal year 1969, revenues to the Fund amounted to only $73 million. No appropriation was made to the Land and Water Conservation Fund from the General Fund of the Treasury. Therefore, $127 million was transferred to the Land and Water Conservation Fund from receipts from Outer Continental Shelf lands, making $200 million available to the Fund. Appropriations by Congress from the Land and Water Conservation Fund for fiscal year 1969 totaled $111.5 million. Deducting this $111.5 million from the $200 million deposited to the Fund during that fiscal year leaves $88.5 million of unappropriated receipts in the Fund as of June 30, 1969.

Public Law 90–401 provides authority to utilize Outer Continental Shelf land receipts to cover deficiencies up to $200 million for a period of five years. The first year was fiscal year 1969. Thus, we have four years of this authority remaining which will extend through the fiscal year 1973. Receipts from this source that are deposited to the Land and Water Conservation Fund remain in the Fund indefinitely until appropriated by the Congress. Unlike other revenues to the Fund that revert to miscellaneous receipts of the Treasury if not appropriated in the year in which collected or two fiscal years thereafter, the Outer Continental Shelf receipts do not revert to miscellaneous receipts.

2. We are attaching, as Table A, a schedule which shows for National Park Service, Forest Service, and the Bureau of Sport Fisheries and Wildlife the funds requested of Congress for fiscal year 1970, for acquiring lands in or adjacent to Federal areas. Table B, attached, shows a projected five-year program for the National Park Service under which all areas authorized since fiscal year 1960 would be acquired in toto, and $50.0 million would be directed to acquiring inholdings in the older areas of the National Park System. By the end of fiscal year 1973, which is the last year the shelf oil revenues will be available under existing law, all recreation land within areas authorized for the National Park System since fiscal year 1960 could be acquired, $30.0 million could be directed to acquisitions in the older areas, and a balance of $112.0 million earmarked for the National Park System would remain uncommitted for the National Park System to be applied either to liquidating remaining inholdings in older areas or be available for new authorizations by the Congress. It should be emphasized that this five-year program (Table B) is a working document and the Administration is in no way committed to its fulfillment. It is submitted as a matter of information and in an attempt to be responsive to your request.

During the same five-year period we have programmed $17 million annually for use by the Forest Service in acquiring recreation lands within or adjacent to National Forests and $3 million annually to the Bureau of Sport Fisheries and Wildlife for acquisition of lands for recreation and for preservation of endangered species of wildlife.

3. We are attaching, as Table C, a schedule showing anticipated revenues for the next five years from sources other than Outer Continental Shelf lands. The estimates of revenues from sales of Federal surplus property are the most difficult to project because it is impossible to forecast with accuracy what properties might become surplus and be sold during this period.

We hope the information submitted herein will be useful to you. If you need additional information we will be pleased to supply it upon request.

Sincerely yours,
G. DOUGLAS HOPE, Jr.,
Director.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Washington (Mr. MAGNUSON) and the Senator from Michigan (Mr. HART) are absent on official business.

I also announce that the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), the Senator from Michigan (Mr. HART), the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Vermont (Mr. AIKEN) is absent because of death in his family.

The Senator from New York (Mr. JAVITS) is necessarily absent because of the religious holiday, Yom Kippur.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), and the Senator from South Carolina Mr. THURMOND) would each vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 96 Leg.]

YEAS—83

Allen
Allott
Anderson
Baker
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dodd
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Goodell
Gravel
Griffin
Gurney
Hansen
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McCarthy
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Mundt
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Saxbe
Schweiker
Scott
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NAYS—0

NOT VOTING—17

Aiken
Bellmon
Bennett
Cannon
Eastland
Goldwater
Gore
Hart
Javits
Magnuson
McIntyre
Murphy
Ribicoff
Russell
Sparkman
Thurmond
Williams, N.J.

So the bill (H.R. 12781) was passed.

Mr. BIBLE. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BIBLE, Mr. MCCLELLAN, Mr. BYRD of West Virginia, Mr. MUNDT, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, guiding the appropriations bill for the Department of Interior and related agencies so expertly through the Senate today was the able and distinguished senior Senator from Nevada (Mr. BIBLE), the chairman of the Interior Subcommittee of the Senate Appropriations Committee. All of us in the Senate are greatly indebted to the Senator from Nevada. His skillful management of this measure exemplified the outstanding legislative ability he brings to every proposal that gains his support. The Senate is grateful.

Aiding Senator BIBLE with the same fine bipartisan support that has marked his years of service was the ranking minority member of the subcommittee, the distinguished Senator from South Dakota (Mr. MUNDT). Our gratitude is extended to him as well for the expeditious and efficient handling of this very important measure.

The senior Senator from Massachusetts (Mr. KENNEDY) deserves special recognition for offering his important amendment to the bill and guiding it to acceptance by the entire Senate. And adding their always thoughtful views to

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the discussion today were the Senator from Oklahoma (Mr. HARRIS), the Senators from Colorado (Mr. DOMINICK and Mr. ALLOTT), the Senator from Alaska (Mr. STEVENS), and many others. We appreciate their contributions. Their views are always welcome.

Again, to Senator BIBLE, to the members of his subcommittee and to the Senate as a whole, commendation is due for the judicious, expeditious, and unanimous adoption of this vital funding measure.

AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN MARITIME PROGRAMS OF THE DEPARTMENT OF COMMERCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar 263, H.R. 4152.

Before the Senate makes a decision on the request, may I say to the Senate that it is quite possible that the bill will not take too long. If that is the case, I urge all Members of the Senate to stay as close to the floor as possible. In all probability, there will be a rollcall vote on an amendment.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4152) to authorize appropriations for certain maritime programs of the Department of Commerce.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 2, line 4, after the word "activities" strike out "$15,000,000;" and insert "$12,000,000;"; and at the beginning of line 9, strike out "$2,040,000;" and insert "$2,270,000;".

Mr. LONG. Mr. President, I ask unanimous consent that the committee amendments agreed to en bloc and that the bill as thus amended be regarded as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, the purpose of this bill is to authorize appropriations for the Maritime Administration program pursuant to Public Law 90-81 enacted in the first session of the 90th Congress.

The maritime authorization bill as requested by the Department of Commerce would have authorized a total of $262,996,000 for the acquisition, construction, and reconstruction of vessels, payment of obligations incurred pursuant to operating subsidy contracts, research and development expenses, reserve fleet expenses, operation of the Merchant Marine Academy at Kings Point, N.Y., and financial assistance to State marine schools.

The pending House-passed bill as reported favorably by the Senate Commerce Committee, would increase the authorization by $121,612,000 to the sum of $384,608,000. The major item involved in this increase is an increase in ship construction funds from $15,918,000, as requested by the Department of Commerce, to the sum of $145,000,000. The bill as passed by the House of Representatives and reported by the Senate Commerce Committee would also increase the funds requested for research and development from $7.7 million to $12,000,000 and increase the funds for financial assistance to State marine schools from the requested figure of $2,040,000 to $2,270,000.

The bill as reported by the Senate Commerce Committee is amended in two respects from the manner in which it passed the House of Representatives. We have decreased the research and development figure from $15 million to $12 million and increased aid to State marine schools from $2,040,000 to $2,070,000. The $12 million figure recommended by the Commerce Committee reflects a conviction that the $7.7 million requested by the agency is totally inadequate in view of the research and development needs in the maritime field, and reflects as well the conclusion that the Maritime Administration would not be able to fully utilize the larger sum approved by the House of Representatives because of present staff and programing limitation.

The second committee amendment increases by $230,000 the amount authorized to be appropriated for financial assistance to State maritime schools under the provisions of the Maritime Academy Act of 1958. The purpose of this amendment is to authorize the appropriations of such funds for the inauguration of a Great Lakes' maritime academy at Northwestern Michigan College in Traverse City, Mich., subject to the enactment of necessary legislation by the Michigan State Legislature and the academy qualifying under the provisions of the 1958 act as administered by the Maritime Administrator within the Department of Commerce.

An analysis of the record will show that the recommended increases are conservative in light of the known needs of our merchant fleet. The needs of our fleet have been accumulating at a most disturbing pace, particularly in the area of ship construction and research and development. This is well illustrated by the fact that the Maritime Administration and the Department of Commerce recommended that the appropriation for fiscal year 1969 for ship construction be $117,128,000. Of course, that figure was trimmed to $15.9 million by the time the Bureau of the Budget cleared the request bill for submission to the Congress.

The amount of funds for ship construction requested by the Administration is clearly inadequate. Even the witnesses at our hearings on behalf of the Administration admitted that it was impossible to fulfill the basic needs of the merchant marine if the level of funding was that requested by the Administration. The funds recommended by the House of Representatives and the Senate Committee on Commerce represent the very minimum effort that must be made in order to comply with the requirements of the 1936 Merchant Marine Act.

The $117 million for ship construction originally requested by the Maritime Administration and approved by the Department of Commerce before the Bureau of the Budget reduced the figure to $15.9 million anticipated the use of $101.6 million in carryover funds in addition to the funds requested. As you may recall, the previous administration froze $101.6 million in funds previously appropriated by the Congress for the purpose of ship construction.

If ship construction funds are appropriated and spent in the amount recommended in the pending authorization bill, together with the $101.6 million in carryover funds, we will be able to build some 18–22 merchant vessels rather than the 10 which would be the maximum allowed under the request bill even with use of the carryover funds. I would point out that there is pending legislation before the Senate Commerce Committee which would authorize the building of up to 40 vessels per year. That legislation introduced by Senator MAGNUSON is considered merely the beginning of the necessary revitalization effort that must be carried out if we are to regain our rightful place upon the seas.

I might point out, Mr. President, that while the Magnuson bill would do twice as much as this authorization could hope to accomplish, to achieve even that much would have us building ships at only half the rate the Soviet Union has been and is presently building ships for its merchant marine. Last year, they built 80 ships while we built 8; and we hope by this bill to move up to the point of 18 to 22, in which case we shall be constructing ships at about one-fourth the rate of our competitor. Meanwhile, our reserve fleet has deteriorated and rusted to a point where only about 10 percent of those ships are usable, and that percentage will rapidly decline, because they are just rusty buckets, which are no longer usable for modern maritime commerce.

The authorization in the pending bill for ship construction of $145,000,000 is quite conservative, in view of the fact that last year the Congress authorized some $200 million for this same item. The needs of our fleet have increased during the intervening year, and I strongly urge the Senate to accept the ship construction figures in the pending bill.

The pending bill would authorize $212 million for operating differential subsidy. The original request figure was $224 million, but the new administration requested a reduction in this amount of some $29 million on the basis of a revised estimate of what our operating differential subsidy contracts would require due to curtailed operations resulting from the two-month longshoremen strike this year. The House of Representatives and the Senate Commerce Committee have accepted the approved reduction from $224 million to $195 million. However, in order to provide the availability of operating subsidy funds to presently unsubsidized liner companies whose applications might be approved during 1970 we have added back some $17 million for a total operating subsidy authorization of $212 million—a reduction by $12 million from the original request figure for operating differential subsidy. At least two companies are at a stage where their applications for operating subsidy could be acted upon promptly, and the $17 million we have included for that purpose would suffice to initiate such operations if their applications are approved by the Maritime Administrator.

Although we are mindful of the severe strain on the budgetary dollar, we cannot afford to cut corners where defense and economic considerations demand priority. It is clear that the Senate Commerce Committee and the House of Representatives have concluded that the appropriate priority required for our merchant fleet is represented by the pending bill, and the amount of funds recommended therein.

All indications are that President Nixon understands and approves of giving the merchant marine a high priority. As you are aware, he made strong statements in support of an expanded effort for the U.S. merchant marine during his campaign for the Presidency and since he has been President he has reaffirmed those statements. President Nixon has stated that in contrast to carrying the 5.6 percent of our waterborne commerce in U.S.-flag merchant vessels we should be carrying 30 percent and has pledged his support of a building program to support that purpose. We have been advised by the appropriate officials of the Maritime Administration that President Nixon will submit to the Congress this summer an extensive program in fulfillment of his pledge designed to strengthen the U.S. merchant marine. We look forward to the receipt of that program.

But, Mr. President, we cannot further delay acting on our own. We were led to believe that that program would be here by the end of the summer. Now the summer is gone, and fall has commenced. So, while I am confident that the President will submit an ambitious program to revitalize and restore the strength of the American merchant marine, that program is not here, and in its absence we must do the best we can. What we have here recommended is what we believe to be the minimal needs of the merchant marine for this year.

I strongly urge the Senate to approve the pending measure.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. I noted that the Senator read his statement very hurriedly, and there was a salient point I think most of us missed, only because the reading was rather rapid.

Did I correctly hear the Senator state that today we transport only 5 percent of our foreign trade in American-flag ships?

Mr. LONG. I regret to say that is correct, and that is one of the big items in our unfavorable balance of payments. Only 5.6 percent of our foreign trade is transported in American ships. Even that, may I say, represents $1 billion in our balance of payments, which, as the Senator knows, is badly out of line.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment and ask that it be stated.

The **PRESIDING OFFICER.** The amendment will be stated.

The **BILL CLERK.** The Senator from Delaware (Mr. **WILLIAMS**) proposes an amendment as follows:

> On page 1, line 10, strike out "$145,000,000" and insert in lieu thereof "$15,918,000."

Mr. WILLIAMS of Delaware. Mr. President, when this bill was first introduced in the House of Representatives and when the companion bill was introduced in the Senate it carried the identical figure used in this amendment, namely $15,918,000—as the new authorization for the construction differential subsidy. The administration has stated that this is all that they need; and the reason they say they do not need the additional money is that they have $101,600,000 of holdover funds left from last year which are still available.

Under date of July 8 I contacted the Department of Commerce, and I read the letter I received in reply:

> This is in reply to your oral request for the views of this Department with respect to H.R. 4152, as reported by the Senate Commerce Committee, authorizing appropriations for the Maritime Administration.
>
> The bill, as reported, would increase the authorization for appropriations for construction-differential subsidy, operating-differential subsidy, research and development, and financial assistance to State Marine Schools, over the amounts requested by the Administration.
>
> We support the amounts requested by the Administration. This will provide an interim program until the new maritime program we are preparing can be enacted and implemented. With respect to construction-differential subsidy, the $15,918,000 the Administration requested, when added to the $101,600,000 of hold over funds, will provide a program level of $117,518,000 for fiscal 1970.
>
> We hope this information will be of assistance to you.

The letter is signed by the General Counsel of the Department of Commerce.

This letter was dated July 3. We delayed taking the bill up until after the recess, and to make sure there was no difference in the Department's position I asked for another report, which I received under date of August 27. I shall read just one paragraph and then put the letter in the RECORD:

> This supplements my letter of July 8, 1969, furnished in response to your oral request for the views of this Department with respect to H.R. 4152, to authorize appropriations for certain maritime programs of the Department of Commerce, as reported by the Senate Commerce Committee. In that letter I informed you that the Department would support the amounts requested by the Administration rather than the higher amounts approved by the Committee. This continues to be our position.

I ask unanimous consent that both letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., July 8, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in reply to your oral request for the views of this Department with respect to H.R. 4152, as reported by the Senate Commerce Committee, authorizing appropriations for the Maritime Administration.

The bill, as reported, would increase the authorization for appropriations for construction-differential subsidy, operating-differential subsidy, research and development, and financial assistance to State Marine Schools, over the amounts requested by the Administration.

We support the amounts requested by the Administration. This will provide an interim program until the new maritime program we are preparing can be enacted and implemented. With respect to construction-differential subsidy, the $15,918,000 the Administration requested, when added to the $101,600,000 of hold over funds, will provide a program level of $117,518,000 for fiscal 1970.

We hope this information will be of assistance to you.

Sincerely,

JAMES T. LYNN,
General Counsel.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., August 27, 1969.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This supplements my letter of July 8, 1969, furnished in response to your oral request for the views of this Department with respect to H.R. 4152, to authorize appropriations for certain maritime programs of the Department of Commerce, as reported by the Senate Commerce Committee. In that letter I informed you that the Department would support the amounts requested by the Administration rather than the higher amounts approved by the Committee. This continues to be our position.

It is important to note, however, the 1970 Presidential budget request for the research and development appropriation in the amount of $7,700,000 excluded funds for the operation of the N.S. Savannah, which in previous years had been financed from that appropriation. The requested financing of $3,400,000 for continued Savannah operations in 1970 was included in the Budget as part of the salaries and expenses appropriation.

The Budget estimate for continued Savannah operations in 1970 consists of two parts:

$2,000,000 for reimbursement of the vessel operations revolving fund from the salaries and expenses appropriation for losses resulting from expenses of experimental ship operations. That amount was included as a separate item in the *authorization* bill submitted to the Congress by the Department, because authorization for reimbursement of the vessel operations revolving fund is required, and is included in H.R. 4152 as passed by the House and reported by the Senate Committee.

$1,400,000 for salaries and expenses. This amount would not require an annual authorization prior to appropriation, if funded from the salaries and expenses appropriation. Therefore, it was not included in the authorization bill submitted to the Congress.

On July 24 the House approved an *appropriation bill* (H.R. 12964) which provided for at the requested level of $3,400,000. However, the entire amount was included as part of the research and development appropriation, continued financing for the N.S. Savannah which was, accordingly, increased by the House from $7,700,000 to $11,100,000, and an offsetting reduction of $3,400,000 was made in the amount requested for salaries and expenses.

If this appropriation action by the House is accepted by the Senate, the original authorization amount of $7,700,000 for research and development requested in H.R. 4152 would be $3,400,000 short of the authorization required to carry out the program requested by the Administration. An author-

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ization of $11,100,000 would thus be required for research and development due to the change in appropriation configuration.

I wanted you to have this information before H.R. 4152 is brought to vote on the Senate floor. We will be happy to answer any questions you may have concerning the above.

Sincerely,

JAMES T. LYNN,
General Counsel.

Mr. WILLIAMS of Delaware. Mr. President, the bill as reported increases the authorization under this subsidy program to 1,000 percent over the amount requested by the administration and over the amount that on two occasions, on July 3 and again on August 27, they have stated they need. If, as suggested, there is later to be a new program sent down by the administration which will need financing we can deal with that at the time, and we will know what we are doing.

The administration says it only needs $15,918,000 to carry out this year's program. Why boost this from $16 million to $145 million?

With $101 million in carryover funds the Department makes it very clear that they do not need the appropriation above the $16 million. Certainly at a time when we are having to cut back in every category of Government, including military programs as well as many worthy domestic programs, I think the very least we can do is to hold the budget figure.

I hope the chairman of the committee, the Senator from Louisiana, would be willing to accept the amendment.

Mr. LONG. No. I think the Senator might want the yeas and nays on his amendment. If so, I join with him in that request.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I do not want to delay the matter. As far as I am concerned the issue is very clear. The administration says it does not need the money beyond the figure of $15,918,000. Why should Congress expand the authorization over 1,000 percent more than the administration says it needs to carry out the program constructively? Certainly this is a time when we can demonstrate our willingness to hold the line and not keep fanning the fires of inflation.

I am willing to vote.

Mr. SPONG. Mr. President, the age and condition of our present merchant fleet has deteriorated to the point where we can no longer afford the luxury of subserviating this aspect of our national security and defense.

We have reached the point where the American ships are transporting only slightly more than 20 percent of our liner cargo and only about 5.6 percent of our overall total foreign trade. As was brought out in debate between the Senator from Louisiana and the Senator from Rhode Island, we are dependent on foreign-flag ships to transport almost 95 percent of our imports and exports.

As is evident from our situation in Vietnam, a strong merchant marine is vital for the deployment and maintenance of our military forces, and for the logistical support of military operations. More than 95 percent of all supplies for the maintenance of our Armed Forces in Vietnam have moved by ship, as well as large numbers of our troops.

Mr. President, approximately two-thirds of the American merchant marine is more than 25 years old. It is obsolete and uneconomical. This block obsolescence, together with the lack of new construction in any quantity, creates a substantial threat to the Nation's economy and security.

The United States has dropped to fifth place among the world's merchant fleets. In shipbuilding, we rank 14th. By comparison, the Soviet Union has a merchant fleet of approximately the same size as ours, but 50 percent of its ships are less than 5 years old. Russia is making an all-out effort to establish its supremacy on the high seas.

Accordingly, Mr. President, I must oppose the pending amendment. If adopted, it would permit construction of only eight or 10 merchant ships. It is essential from the viewpoint of both our commerce and our defense to start on a program to provide for an adequate number of vessels. The bill approved by the Commerce Committee would allow the construction of 18 to 22 ships, depending upon the type. The construction funding recommended by the committee is a bare minimum.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Virginia yield, and, if so, to whom?

Mr. SPONG. I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. MATHIAS. Mr. President, I associate myself with the remarks just made by the distinguished Senator from Virginia.

The comment of the President of the United States, as the Senator has just pointed out, sets very high goals for this administration and the revitalization of the American merchant marine.

The President has also just nominated as Chairman of the Maritime Commission a very vigorous and very positive and forward-looking lady who will press for the administration's goals in this area. However, I do not believe that, unless we in Congress provide the wherewithal to do the job, we can achieve the goals that are so necessary, not just for the performance of this administration's goals, but also to do what needs to be done for the American economy in this area.

Mr. President, I associate myself with the remarks of the Senator.

Mr. SPONG. I thank the Senator from Maryland.

Mr. PASTORE. Mr. President, from a parochial point of view, the pending bill is of little concern to the citizens of Rhode Island. I do not believe that we build ships of the size we are talking about here. However, the people of Rhode Island are interested in our merchant marine. And we should all be interested in our merchant marine, because I am afraid that unless America—and I emphasize this statement—begins to take care of its business here at home, we will fast squander away our birthright.

We are engaged right up to our necks in Vietnam at tremendous costs, and the amount of money we are talking about in the pending bill—and they try to create the impression here that we will go bankrupt if we allow the amount recommended by the committee—would not sustain our activity in Vietnam for more than 3 days. However, here we are admitting on the Senate floor that the greatest trading nation in the world, the United States of America, can only transport, because of its inadequate merchant marine fleet, 5 percent of our foreign trade.

Mr. President, that is not only regrettable, but it is also disgraceful. Unless we begin to do the things that need to be done, I am afraid we will be overcome by all of the other trading nations of the world.

We have 900 ships in our merchant marine fleet. Would the Presiding Officer believe that less than 100 of them can be classified as being modern? Less than 100 can be classified as being modern.

I have been a member of this congressional committee for years. And I know of no Senator who has been more dedicated to the merchant marine than the distinguished chairman of the committee, the Senator from Washington (Mr. MAGNUSON), who is unfortunately away on official business and cannot be present today.

I want the Senator to know that the bill was unanimously recommended by the committee and that it is a bill that is in the interest of the American people.

We talk about what we are going to do for all the people in the world, how we will provide for them and bring freedom to them.

However, I have never forgotten the good old adage I learned long ago—and I am old-fashioned enough to believe it—that charity begins at home. It is about time that we begin to do something for the American people. And when we shed crocodile tears on the floor of the Senate, I point out that the amount of money concerned is $145 million to build up the merchant marine. I know that $145 million is a lot of money. But we are not dealing with toothpicks or hairpins here. We are talking about cargo ships. And they cost a lot of money.

Japan has become the biggest shipbuilding nation in the world. We gave her her freedom in 1946, after we paid a terrible price at the time in Corregidor and suffered the perfidy at Pearl Harbor. Today she stands out as the foremost nation in the world in this area.

Where will we be tomorrow? Where will we be in the next generation? We are talking about a merchant marine that can transport no more than 5 percent of American manufactured goods under the American flag.

If we keep picking away at these things in the name of economy, some day we will wake up and find that we have lost the birthright of America, the most affluent nation in the world. We manufacture more than all the other nations of the world put together. We ought to be able to transport our goods overseas in our own modern American-made ships.

Yes, I am selfish about it. And I am selfish enough this afternoon to be an American, an American who wishes to see our merchant marine restored to the position of primacy it once held.

I hope that the amendment is rejected.

Mr. TYDINGS. Mr. President, I commend the distinguished Senator from Rhode Island for his remarks on the amendment of the distinguished Senator from Delaware which reduces the amount of funds recommended to be authorized by the Committee on Commerce. The Commerce Committee actually was quite farsighted. The Commerce Committee's sum permits 18 to 20 new ships whereas the House of Representatives authorized only eight to 10 new ships.

Any person who is a student of the history of this Nation cannot help realize that we have always depended on our Navy and on our merchant marine, from before the Revolution. Our privateers, our clipper ships, and our merchantmen carried the flag of this Nation across the world. And when we are down, as the distinguished Senator from Virginia pointed out and as the distinguished Senator from Rhode Island emphasized, to the point where we can only transport 5 percent of our world freight, with our own ships, we are in very serious straits.

I cannot believe that the President of the United States would oppose the Commerce Committee in their effort to build 18 to 20 new ships in the next fiscal year. I cannot believe that. But if they do, if they should take that position, then they should be challenged on the floor of the Senate and in the House of Representatives and throughout the Nation, because it is very, very shortsighted.

On page 8 of the committee report is a chart which shows the privately owned U.S. flag and dry cargo fleet as of January 1, 1968. The ships which are 25 years or older, as anyone involved with the merchant marine will affirm, have real problems. As of January 1, 1968, there were 663 ships 25 years of age or younger. In 1972 we have only 244 ships 25 years of age or younger.

Succeeding Presidents and candidates for the Presidency, including the present President, have advocated on the stump in their platforms the need to rebuild the American merchant fleet. I think it is high time we started to do something about it. The Commerce Committee's recommendations are a way to do this.

I therefore hope the amendment of the Senator from Delaware is rejected and that the unanimous report of the Committee on Commerce is adopted by the Senate.

Mr. COTTON. Mr. President, I rise in opposition to the amendment offered by the distinguished Senator from Delaware (Mr. WILLIAMS) and in support of the bill, H.R. 4152, as amended by our Committee on Commerce.

Mr. President, at the outset I should like to point out and make crystal clear that this bill, H.R. 4152, was reported unanimously by the Committee on Commerce. As far as I know, it bears the support of the Senators on both sides of the aisle. I also would like to point out that the amounts contained in this bill represent the realistic needs of the American maritime industry under the present circumstances.

It is imperative that an adequate level of funding be provided for ship construction in order to permit the building of new high-speed containerships. It is only with such highly productive vessels as this type that we can even expect to regain a reasonably competitive position with vessels of foreign registry.

In this connection, I would like to note that only last year the former Secretary of Transportation sought to go forth with a program providing for the construction in foreign shipyards of vessels to be operated under American registry. Needless to say, this would have had an adverse effect upon the employment opportunities of American shipyard workers.

The distinguished Senator from Rhode Island (Mr. PASTORE) has made an eloquent plea for the bill, H.R. 4152, as reported by our Committee on Commerce and I wish to associate myself with his remarks.

Mr. President, I, accordingly, urge that the Senate defeat the amendment offered by the distinguished Senator from Delaware (Mr. WILLIAMS) and act favorably upon the bill, H.R. 4152, as reported by our Committee on Commerce.

Mr. TOWER. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from Rhode Island and the distinguished Senator from New Hampshire.

The fact of the matter is that even in this modern age of air transport, everything of bulk importance moves by sea. I think this is dramatically illustrated in a military situation, such as in North Vietnam, where with a land link to its principal source of supply—China and Russia—only about 18,000 or 20,000 metric tons a month move over the railway from Kwangsi Province, China, into Hanoi. But into the Port of Haiphong alone some 150,000 to 160,000 metric tons a month move. I think this simply serves to dramatize and underscore the fact that everything of bulk importance moves by sea.

The importance of maintaining the greatest naval power in the world is partially because it is a fighting force and can be strategically deployed in an offensive configuration against a potential enemy. A greater reason is that naval power commands the surface oceans of the world and the reason for the command of the surface oceans is so that commerce can move across the oceans with relative immunity and deliver their goods to their destination. It is a little foolish of us to maintain this strategic naval configuration so commerce can move and so we can establish logistical support, if we do not have logistical ships in which to move the goods.

We are behind the times in the merchant marine. We are far behind the times. We are presently rated low as a maritime power even though we are the greatest naval power in the world. A number of small countries have a better merchant marine than we. If we get into an international crisis we are going to have to move goods in our own bottoms and we are going to find ourselves strapped.

I think $145 million is small compared to what needs to be done. We have recognized this problem so long and we have been so slow in doing anything about it I cannot begin to overestimate how tremendously important it is that we begin now to update the merchant marine service of this country. I think it would be a tragedy if the Senate agreed to the amendment of the Senator from Delaware.

Mr. COOK. Mr. President, I would like to associate myself with the remarks of the Senator from Texas and to make one other point that I think should be fully obvious to many people throughout this country.

Our AID program, a law passed by Congress, provides that 50 percent of foreign shipments under this program should be in American bottoms. I think it is rather disgraceful to report that we have not been able to reach that 50 percent. This speaks for itself and it speaks for the condition our merchant marine fleet is in.

I think we should not discuss here what a department of the Federal Government does not need but we should speak of an institution; namely, the maritime fleet of the United States, and what it needs and the deplorable situation it is in and the improvement it needs and the improvement it can only get through the action of Congress.

Mr. WILLIAMS of Delaware. Mr. President, nothing is less popular in Congress than to propose reductions in appropriations. The strong opposition I received in that direction in the last few minutes demonstrates that point very well. The Senate is still in a spending mood.

In listening to some of the arguments one would think we were trying to sink the American fleet. Even if my amendment were agreed to there would still be $351 million left in this bill as a subsidy for the American merchant marine here.

In the last 10 years we have appropriated between $4.5 and $5 billion of the money of taxpayers to subsidize the American merchant marine. The argument is made that not many of the ships are flying under the American flag. Why is that so? Many are flying under foreign flags, such as the flag of Panama, Liberia, and so forth, to avoid paying American income taxes.

There are American ships, American owned, and I am getting a little impatient with this argument. Every time it is suggested that we hold expenditures down to the budget request one would think we were trying to sink American ships or abandon the American flag. The American flag would be on more ships if Congress would just plug the tax loophole enjoyed by today's merchant marine.

The Government is already paying as a subsidy about 60 percent of the construction costs. Then the taxpayers are paying about the same percentage of the costs of operating these ships. As if that were not enough the companies have an additional benefit through special tax credits.

The committee stated that we need to have eight or 10 new ships approved this year and that this $15 million only allows for three. That is not correct. They overlook the fact that we have a carryover in this same program of $100 million from last year. Representatives of the Maritime Commission, in testifying before the committee, stated that with respect to the carryover and the amount they are asking for—namely, $15,918,000, which will be allowed in our amendment—it would be sufficient to complete the construction next year of eight to 10 ships.

Mr. President, in that connection, I ask unanimous consent to have printed in the RECORD an excerpt from page 3 of the report.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The Maritime Administrator testified that this program level would provide construction-differential subsidy and national defense allowances for the construction of eight to 10 new replacement ships, compared to 11 in 1969, and that the number and types of vessels which would be constructed with such funds would be determined by the Maritime Subsidy Board following evaluation of construction programs proposed by potential participants in the program. He stated that until the construction proposals would be received and evaluated, the precise number and types of ships that would be built could not be determined.

Mr. WILLIAMS of Delaware. Mr. President, I call attention to the fact that our merchant marine problems today are not the result of a lack of construction subsidies for ships. It is a labor problem that has gotten completely out of hand. Everybody knows that, and to a large extent Congress and the administration must share the blame. It is true that American shipping is not in competition with foreign shipping. A good deal of the fault is the fault of Congress in not recognizing the labor problem.

In the recent strike much of our shipping was tied up for months on the Atlantic seaboard. I was talking to an official at that time and he said, "I am not worried. It means that as labor costs increase I can get that much more subsidy, and you in Congress have to appropriate because Congress is obligated to pay the difference in foreign labor costs and what they pay in this country." Therefore the unions were really bargaining with the Government and not with the management.

No one in the administration is desirous of destroying the American merchant marine; but how much can we afford? The administration stated that with this appropriation as reduced by my amendment and the $101 million in carryover they would have over $117 million this year for the construction differential subsidy. This bill, which provides $351 million in subsidies for one industry, has been referred to as just toothpicks. That is expensive toothpicks. I wonder if the American taxpayers when they get the bill will not think this program represents expensive toothpicks.

The pending amendment provides all the administration and the Department of Commerce said they can spend efficiently. They do not need any more. To reject the amendment would mean an increase of over $100 million more than the agency says it can spend efficiently.

Mr. President, I ask the Senate to agree to the amendment.

Mr. LONG. Mr. President, the Senator is very badly in error when he stated that the administration said this is all they can spend efficiently.

Mr. Gibson, testifying before the committee said:

> We have every intention of having a program developed by the summer which will, in fact, in my judgment demands greater Naval funding to hopefully close this now rapidly widening gap.

He is referring to the tremendous gap the Soviet Union is achieving over us.

He went on to say:

> We have not asked for additional funding for fiscal year 1970 since the program has not been developed. There is no long range program developed at this moment.

All administration witnesses admitted that what was being requested by the administration was pitifully inadequate and would not begin to do the job. The President is on record that he wants to recommend a program far more ambitious than we are asking. But they are simply saying that until a program has been formulated, they will, in effect, ask for nothing more than the frozen funds left from last year plus $15 million. If President Nixon felt the Johnson program was very inadequate, that was a program of $200 million in ship construction a year. We are asking for something slightly more than that, because last year more than half of that money was frozen.

The President was forced to cut back on certain items whether he wanted to or not because of the budgetary situation in which we found ourselves.

With respect to how much worse off we will be if we do not start building ships that we need, Senators can look at page 8 of the report where there is printed a meaningful chart. There will be found the number of ships we thought could be regarded as having a life useful as of January 1, 1968. The chart shows 663 ships 25 years of age or less. But look what happens. In 1969 the number goes down to 613. It would be about 455 next year and 283 in 1971. If we do not move on this problem, by January 1, 1972, we will only have 244 ships less than 25 years of age. Subtract 25 years from 1972 and we get 1947. The significance there is that when we talk about our merchant marine today, with the exception of a few ships built since World War II, we are talking about very old ships which are mostly rusted-out hulls. I served on ships like that during World War II. About 15 years ago, I was down the James River near Norfolk—between Norfolk and Williamsburg—to see the shape of these ships, and they were just old buckets, what was left of them—just nothing but buckets of rust. Any seaman will tell us that after 25 years of rust a ship will certainly be no good.

We cannot sustain a great maritime power with ships like that.

It is estimated that out of the merchant marine reserve fleet, we have only about 270 useful ships that could be brought out, and of these 255 would be useless. That would leave us with a total of about 15 ships out of 272 which would be considered useful.

We need new ships. We are confronted by a maritime power which is building 80 ships a year. These are good modern ships. The Senator from Delaware, if he has his way, would let us build at the rate of eight ships a year against their 80.

The Senator from Delaware made another mistake. I am sure it was in good faith when he said that the reason so much of our cargo moves in foreign ships is that there are so many ships under foreign flags even though they are owned by Americans. If these ships are under foreign flags or foreign control, he said, that is because of the tax problem.

Well, he is in error on that. The main reason so much of our cargo moves in foreign ships is because of the low wages foreigners pay compared to the good wages we pay in this country.

Part of what the Senator from Delaware is complaining about, when he raises his false figures, is the fact that we do seek to make up the differential between the wages foreign countries pay and what we pay, so that we will have American seamen working on American ships.

After all, if the United States is to fight a war with someone and needs those ships to carry American soldiers and equipment to support them in a really big war, we will have to depend on doing that with American seamen and not with someone else, because those ships may run the risk of being torpedoed.

It is important to keep in mind that ships under foreign flags cannot be expected to follow the policies of this country.

So, Mr. President, the case is simple. Are we going to do nothing for our merchant marine this year, or are we going to do something?

It is that simple.

Mr. President, if the Senate should adopt the amendment proposed to reduce the maritime authorization bill to the administration request level we shall be doing irreparable damage to our merchant fleet, our economy and the defense of the United States.

There can be no argument or dispute about the fact that our merchant fleet is in critical condition. The needs of our fleet have been accumulating at a disturbing pace and this is well illustrated by the fact that the Maritime Administration and the Department of Commerce both recommended that the appropriations for fiscal year 1969 for ship construction, should be at least $117,128,000. Of course that figure was reduced to $15.9 million by the time the Bureau of the Budget cleared the request bill for submission to Congress. The level of funding requested by the administration would allow the construction of only 10 ships. The committee recommendation of $145 million would allow construction of 18 to 22 vessels.

The level of ship construction recommended by the committee is the very least that we should be doing to revitalize our fleet. Over 98 percent of all of the materials being shipped to Vietnam in support of our fighting effort, have gone by merchant vessel. It is clear that the defense of the United States is in large measure dependent upon the strength of our merchant shipping fleet. Yet we are now relying for our defense on seriously overage vessels. Two hundred and fifty-five of the 272 dry cargo ships in the reserve fleet must be scrapped according to testimony received at hearings on this bill. We are already 29 ships behind in our contractually obligated replacement program for subsidized operators and there is presently pending 43 applications by subsidized operators for construction differential subsidies to build new tonnage. There are an additional 18 applications for construction subsidy submitted by nonsubsidized operators. Our tramp fleet is facing block obsolescence without means to replace its tonnage. The witnesses at our hearings on behalf of the administration admitted that it was impossible to fulfill the basic needs of the merchant marine if the level of funding was that requested by the administration.

Other nations are not as hesitant as the United States to support their merchant fleets. In 1968, while the United States constructed 10 new vessels, the Soviet Union built 80 vessels. They well understand the importance to their defense and economy of having a strong merchant fleet.

The maritime authorization bill as passed by the House of Representatives and reported by the Senate Committee on Commerce would allow the construction between 18 and 22 vessels in the coming year. Even that will not satisfy our shipping needs. Yet if the Senate would reduce the committee recommendation to the amount requested by the administration, we would be at least able to build only 8 to 10 vessels. While the administration was promised a new maritime program, there have been no indications that a program will be forthcoming. We were assured at the hearings that a program would be submitted by the end of the summer. That time has come and gone and no program has been submitted. The defense and economy of the United States demand that the Congress shoulder its responsibility and provide the basic needs of the merchant fleet. We can wait no longer for the administration to come forth with a program recommendation of their own.

I have heard that the Republicans are planning to talk about this first session as a do-nothing Congress and blame the Democrats for not moving fast enough with the President's program. I understood that Democrats over on the House side undertook to get the jump on them by holding a meeting and undertaking to say that the Republicans are to blame for a do-nothing Congress.

If we are going to be a do-something Congress, we must begin by providing this $15 million for our merchant marine. Last year, we provided $200 million. We certainly can provide the $15 million.

The President is going to recommend an ambitious program, far more than we are suggesting here with a unanimous report of the Commerce Committee. He will certainly go beyond that, when he recommends that kind of program. I know that he will keep his word about it.

Why go home and talk about a do-nothing first session of this Congress?

Here is our opportunity to do just that for what is so badly needed for our merchant marine.

Mr. TOWER. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. TOWER. Would not the Senator from Louisiana agree that everyone is aware our merchant marine at the moment is in a critical situation?

Mr. LONG. It certainly is. There is no responsible person anywhere in this administration, the past administration, or the administration before that, who would say that our merchant marine is anything near what it should be. It is far below what it should be.

Mr. TOWER. Would not the Senator agree that building a ship is a long leadtime item, that we do not put a ship together overnight such as we tried to do with the Liberty ships of World War II?

Mr. LONG. I could not agree more with the Senator from Texas. Furthermore, the Senator so well knows that if we get into an all-out war some day—which, God forbid, we hope will never occur—it would be too late, then, to start building ships. We fight wars with the ships we have when the war begins. That is why we must have a merchant marine at this time that is modern and up to date.

Mr. TOWER. The fact is that the situation is critical. Ships are a long leadtime item. It does not make any sense for us to postpone action next year or the year after.

Mr. LONG. It makes no sense at all, the Senator is so right. Let me say to him that while I am pleading that we move forward on this matter now, we do not bind the Appropriations Committee. If the Appropriations Committee does want to recommend all that is in this bill that is their privilege. Authorizing the amounts in this bill does not mean we have to spend all the money. After President Nixon sends down his ambitious program, we will see that the money contained in this bill will not be enough for what he wants to ask for, in my judgment.

Mr. TOWER. If we spend more, it will not be enough.

Mr. LONG. It still will not be enough. But, at any rate, we will have not lost a whole year by waiting for him to send down his program. If he thinks we have gone too far, we do not have to spend all the money. We will be doing the best we can with this commitment. With this legislation we will be one step closer to putting a modern merchant marine out there on the seas that will compare favorably with the modern Soviet fleet.

Mr. GOODELL. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. GOODELL. The Senator from Louisiana has made his point effectively. The merchant marine has been long neglected. This amount is necessary. We should not wait for any further word from the administration. Presumably, the administration will be coming forward shortly making its request, and we can look to the appropriation bill when that comes through in relation to the administration's request. But if we cut the authorization at this point, we may find ourselves unable even to appropriate the money which will be needed.

I very strongly support the committee on this point.

Mr. GRIFFIN. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. GRIFFIN. Mr. President, it always pains me when I have to oppose any amendment offered by the distinguished Senator from Delaware, for whom I have the highest respect; but, as a member of the Commerce Committee and the ranking member on the subcommittee which held hearings and considered this legislation, I wish to indicate my opposition to the pending amendment and urge support of the committee bill.

I think it is significant that the amount included in the authorization bill is not only slightly less than the authorization bill which was reported by the House, but also that the House Appropriations Committee was so convinced our shipbuilding program was badly in need of stimulation, that the House Committee on Appropriations actually reported a bill with an appropriation item of $200 million for ship construction. That was $55 million more than the authorization bill. That was the House appropriation.

When that bill reached the House floor, the item was actually struck from the bill on a point of order because the authorization legislation had not been passed. That indicates the strong feeling in the other body about this item.

I shall not repeat the sad condition of our merchant marine. It is truly tragic and as a serious consequence, I suggest, so far as our defense posture is concerned, to fall into the state it is in today.

There is no question that the Nixon administration will follow through on a pledge that was made at the Republican Convention, which indicated that we should have a vigorous and realistic shipbuilding program. Even though the Nixon administration has not spelled out the details of the program, it is certainly going to need this authorization, and this, it seems to me, will be the minimum. Therefore, I hope the committee's position will prevail.

Mr. LONG. Mr. President, I ask unanimous consent to place in the RECORD a very fine statement by the chairman of the full committee, the Senator from Washington (Mr. MAGNUSON), in favor of the committee's position. Senator MAGNUSON is away on official business, but hoped to be here on the floor when this authorization was acted upon. As a long-time advocate of a strong and viable merchant marine, he would be opposed to the amendment if he were able to be here today.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Magnuson

Mr. President, pursuant to legislation enacted in the First Session of the 90th Congress the Senate is called upon for the second time to enact authorizing legislation as a pre-condition to enacting an appropriation bill for programs of the Maritime Administration.

As a co-sponsor of the legislation passed last session establishing the authorization requirement for the Maritime Administration I am a firm believer that the authorizing process is of substantial benefit to an enlightened and increased effort on behalf of the United States Merchant Marine. Surely there is no time in the history of this nation when such an effort has been more clearly required.

I have served the Congress of the United States for a number of years and during each of those years I have had a special interest in and concern for the strength of our merchant fleet. Although I have long advocated a strong Merchant Marine as an essential economic and defense attribute of our nation I have watched with amazement and concern as the merchant fleet has time after time been neglected and often outright rejected when it comes to receiving necessary support from the Federal Government.

While this nation's production of goods and services has expanded in a most awesome fashion, and while our trade with foreign nations has grown at a fantastic rate, our merchant fleet which we depend upon to carry our goods and services throughout the world has dwindled to a most drastically dangerous level.

In times of conflict we have always relied upon the Merchant Marine as the fourth arm of national defense. No one can forget the vital and important role played by our Merchant Marine in World War II and Korea. And of course, in spite of statements made a few short years ago by some defense experts the plain hard cold facts disclose that the merchant fleet has carried over 95% of all cargoes to Vietnam. In order to carry out the Vietnam sealift we have had to break 170 old rustbuckets out of the National Defense Reserve Fleet. "Rustbuckets" is really a kind and generous description of the vessels for they are all of World War II vintage. Our Reserve Fleet is so depleted now that of the cargo vessels left in the fleet only 37 of them will be floating 2 years from now. Whether they could even be used is in doubt.

There can be no dispute about the dangerous decline of our Merchant Marine. We are now carrying only 5.6% of our foreign water-borne trade. We are now rated 16th in the world's shipbuilding statistics. While the world fleet has increased by 61% in the last 15 years, our privately-owned fleet has decreased by 24.5%. We have only about 900 ships under the U.S. flag, and at best only 100 of them could be considered modern or be capable of sustaining speeds of 20 knots or more. By 1975 most of the ships in the National Defense Reserve Fleet will be 30–35 years of age, clearly obsolete and practically useless. The average age of the privately-owned U.S. flag fleet is about 20 years. That is considered the maximum useful life generally for merchant vessels. And the Government-owned fleet consisting of the National Defense Reserve Fleet and vessels under operation by GAA and the Bureau of the Budget have an average age of some 25 years. In short we are facing block obsolescence of our fleet because it consists overwhelmingly of World War II vintage vessels that can no longer make the grade, carry our cargoes, or serve our maritime needs.

The unsubsidized tramp fleet cannot replace its World War II built vessels at a cost that makes replacement feasible. As such, in a few short years we will probably no longer have a tramp fleet operating, even though over 70% of its total general cargo capacity has been in government service carrying vital supplies to Vietnam.

The Maritime Authorization Bill pending before the Senate would allocate $145,000,000 for ship construction, acquisition and conversion. This is the very least that we can do and that needs to be done. I for one would advocate doing even more and I know that I am not alone in my conviction on this matter. There is presently pending in the House and in the Senate omnibus maritime program bills that would among other things authorize a minimum of $300,000,000 a year for each of the next five years for construction subsidy. But we cannot afford to wait until new maritime legislation is on the books. The economy and security of the United States is dependent upon having new ships constructed for operation under the United States flag.

I am pleased that President Nixon has made such strong statements about the need to revitalize the American Merchant Marine. It is our understanding that an Administration proposal to substantially upgrade the fleet would be presented to the Congress this summer. I hope and believe that the President is sincere in his determination to provide a strong program for the Merchant Marine. Whether or not the Administration fulfills its commitment in this vital area we in the Congress must move ahead and do what is so clearly needed to provide the needs of the U.S. flag fleet.

I strongly urge my colleagues to give favorable consideration to the bill before us. I am mindful of the budget limitations forced upon us by the economic conditions now prevailing and because of our commitment in Southeast Asia. I am well aware also of the vast demands upon the Federal budget dollar to correct and enhance various domestic programs which are so widely needed in our society. I believe I have been a strong and vigorous voice in support of these domestic programs and I shall continue to endorse and to fight for expanded efforts on the domestic scene. However, it is my sincere belief and firm conviction that the revitalization of the American Merchant Marine is deserving of considerable priority. The pending bill, in my opinion, reflects the appropriate priority for the Merchant Marine in this critical hour of our fleet.

Mr. HOLLINGS. Mr. President, I support the construction-differential subsidy figure as reported by the Commerce Committee, on which I am privileged to serve.

During the hearings on this bill, we heard Andrew Gibson, our maritime administrator, testify that, at the present time, we have in service approximately 1,000 merchant ships—either private or Government owned.

This compares with a fleet of 1,500 ships operated by the Soviet Union. Additionally, Mr. Gibson testified that last year we were able to build 10 ships. In 1968, the Soviet Union built 80 ships, and they now building at a rate of 100 a year. Nor is our reserve fleet any real help. Mr. Gibson testified that of the 1,070 ships in our reserve fleet, only 631 are capable of any use at all—and then only at very great expense.

Mr. President, I am not using these numbers in cold war sense—although that may be applicable. I am using them only to illustrate that we are lagging behind the competition in our efforts to move goods in world trade. In fact, under present day conditions, we are unable to handle our own commerce—much less that of the rest of the world. Additionally, the national defense implications of this deficiency are apparent and are of far more consequence.

Of course, I am as aware as any member of this body of the need of reduction in Government expenditures, and I shall continue to try to cut wherever possible. However, in this instance, we are being pennywise and pound foolish if we do not approve the Commerce Committee figure, and I urge every member of this body to give it his support.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I am ready for a vote, but just let me add that much has been said about the pledge of President Nixon to improve the merchant marine. The President is carrying out his obligation, and if this amendment is approved he will still have $351 million in the authorization for subsidies for the merchant marine. With the defeat of the amendment on the construction subsidy we will be increasing the budget request by over $100 million.

I remind Senators that another pledge was made by President Nixon when he was campaigning, and the same pledge was made by every Member of the Senate who appeared in the campaign. That was that we would do our best to combat inflation and try to reduce expenditures and balance the budget. Right now our Government is spending between $500 million to $600 million a month more than our income. The only way Congress can control spending and live up to that part of the campaign pledge, which is equally important, is to cut back on some of these expenditures. Certainly, increasing the budget request for this one item from $16 million to $145 million, or over 900 percent, does not sound very much like economy.

I am ready to vote.

The PRESIDING OFFICER. The question is agreeing to the amendment offered by the Senator from Delaware. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT (when his name was called). On this vote I have a pair with the Senator from Alabama (Mr. Sparkman). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. SYMINGTON (when his name was called). On this vote I have a live pair with the senior Senator from Washington (Mr. Magnuson). If I were permitted to vote, I would vote "yea." If he were present and voting, he would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Mississippi (Mr. Eastland), the Senator from Tennessee (Mr. Gore), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. Mc-

CARTHY), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON), the Senator from Michigan (Mr. HART) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from New York (Mr. JAVITS) is necessarily absent because of the religious holiday, Yom Kippur.

The Senator from North Dakota (Mr. YOUNG) is detained on official business.

If present and voting, the Senator from California (Mr. MURPHY), and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 18, nays 58, as follows:

[No. 97 Leg.]

YEAS—18

Aiken
Allen
Allott
Boggs
Case
Church
Cooper
Curtis
Dole
Dominick
Fannin
Hansen
Jordan, Idaho
Mundt
Percy
Proxmire
Scott
Williams, Del.

NAYS—58

Baker
Bible
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cook
Cotton
Cranston
Dodd
Eagleton
Ellender
Ervin
Fong
Goodell
Gravel
Griffin
Gurney
Harris
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Long
Mansfield
Mathias
McClellan
McGee
McGovern
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Prouty
Randolph
Saxbe
Schweiker
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Talmadge
Tower
Tydings
Yarborough
Young, Ohio

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mr. Fulbright, for.
Mr. Symington, for.

NOT VOTING—22

Anderson
Bayh
Bellmon
Bennett
Cannon
Eastland
Goldwater
Gore
Hart
Javits
Kennedy
Magnuson
McCarthy
McIntyre
Murphy
Nelson
Ribicoff
Russell
Sparkman
Thurmond
Williams, N.J.
Young, N. Dak.

So the amendment of Mr. WILLIAMS of Delaware was rejected.

Mr. LONG. I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRIFFIN. Mr. President, I rise to express my support for the passage of the bill, H.R. 4152, as amended by our Committee on Commerce.

This bill as amended by the House, and as further amended by our Committee on Commerce, would authorize to be appropriated specific maximum amounts for certain maritime programs in fiscal year 1970. It does not, therefore, represent the final amounts to be appropriated by the Congress for such programs. Appropriations for the Maritime Administration are now awaiting final consideration by the Senate Committee on Appropriations. H.R. 12964, now pending before the committee includes appropriations for the Department of Commerce, in which the Maritime Administration functions. H.R. 12964 was passed by the other body on July 24.

However, H.R. 4152 does represent what our Committee on Commerce, which has legislative jurisdiction over such programs, considers to be a reasonable level of funding of such programs given the present condition of the American maritime industry.

The bill—H.R. 4152—would authorize to be appropriated in fiscal year 1970 for certain maritime programs slightly more than $384 million. This figure represents an increase of some $121 million over the amount requested by the administration but some $3 million less than had been authorized by the House of Representatives.

And, perhaps equally, if not more significant, the amount which would be authorized to be appropriated for vessel construction—that is, $145 million—is $55 million less than that which the House Committee on Appropriations sought to provide—that is, $200 million. When a point of order was raised, this item in the House appropriations bill, H.R. 12964, was deleted because the bill now under consideration had not been enacted into law as of the date the appropriation measure was considered by the House.

As most will recall, H.R. 4152 was reported by our Committee on Commerce at the end of June in sufficient time to keep pace with the appropriation process but, owing to other and more pressing demands on the Senate calendar, was delayed in its consideration until today.

Mr. President, I have singled out the item of ship construction-differential since it represents a major—if not the major—problem facing the American merchant marine. It is well known and frequently observed that our national sealift capability is rapidly deteriorating.

Approximately two-thirds of the presently privately owned vessels in the American merchant marine are 20 years of age or older. When such vessels come up for their next periodic inspection the cost of reconditioning them to maintain them in service will probably exceed their current market value. In addition, these same aging vessels face the continuing threat of being driven from the world marketplace by additional insurance premiums required for cargoes transported on vessels exceeding 20 years of age. As a result of this condition, we have been forwarned by the current Maritime Administrator that within the next 4 years we face the prospect of losing approximately 600 vessels from the privately owned American merchant fleet. Simply stated, the final effect will be to drive from the seas a substantial portion of today's American merchant marine.

The Nixon administration clearly is on record as recognizing the deplorable condition of our present shipping capacity and the necessity to take prompt remedial action to reverse this trend. For example, the Republican Party platform of 1968 noted in part the following:

> For reasons of security, as well as of economics, the decline in our merchant marine must be reversed. We, therefore, pledge a vigorous and realistic ship replacement program to meet the changing pattern of our foreign commerce.

Additionally, during his campaign President Nixon also recognized this need when he noted in part the following:

> Continuing neglect of our vessel replacement has led to an antiquated current fleet.

A similar recognition was contained in the platform of the Democratic Party in 1968 which noted in part the following:

> To assume our proper place as a leading maritime nation, we must launch an aggressive and balanced program to replace and augment our obsolete merchant ships with modern vessels built in American shipyards. We will assist U.S. flag operators to overcome the competitive disparity between American and foreign costs.

Mr. President, obviously there is some unanimity concerning our shipping problems. I believe all Members of this body seek a strong and viable merchant marine.

The bill (H.R. 4152) does not address itself directly to such remedial means. The matter of a new maritime policy and a resulting new maritime program is a subject currently under study within the administration. Hopefully, the administration's proposal in this regard shortly will be forthcoming and will be considered by the Congress on its own merit. What the bill does do, however, is to provide a reasonably adequate level of funding authorized to be appropriated thereby assuring that the respective Committees on Appropriations in both Houses have sufficient latitude to deal with the critical problem of our diminishing sealift capacity.

In its consideration of the bill, your Committee on Commerce has recognized that ships alone will not alleviate our maritime problems. There also must be provision to insure that our Nation has an adequate supply of properly trained maritime manpower. Nothing more dramatically underscored this need than the extraordinary demand for American seamen during the initial buildup of our sealift capabilities to Southeast Asia. At that time, there were repeated occasions when American merchant vessels were not able to sail for lack of trained personnel. For example, in December 1966, this manpower shortage resulted in sailing delays amounting to 115 days; in

August 1967, 275 days; and in August 1968, 286 days.

In addition to containing our present maritime training programs the bill would authorize to be appropriated under the Maritime Academy Act of 1958, sufficient funds to inaugurate a Great Lakes Maritime Academy at Northwestern Michigan College in Traverse City, Mich. The people of the State of Michigan through their legislature have expressed support for such a program with the enactment of appropriate legislation, which was approved and signed into law by the Governor of the State of Michigan on July 17, 1969.

The significance of this action cannot be too greatly emphasized. There now is no maritime academy with a specific curriculum designed to meet the needs of the waterborne commerce of the Great Lakes. Certainly in an area where more than 2000 U.S.-flag vessels of 1,000 gross tons or over are operating, there should be a proper educational facility to meet the needs of such commerce. The State of Michigan has appropriately acted in the face of this recognized need and tomorrow, September 23, the Great Lakes Maritime Academy is scheduled to commence operations.

The Federal Government, in my opinion, should do no less to discharge its responsibility by providing appropriate funding as authorized in H.R. 4152. Thus, for the first time in my recollection, there would be recognition in a legislative measure considered by the Congress which would at long last face up to the economic importance of the Great Lakes region and the needs of its waterborne commerce.

Mr. President, the time has long since passed when we can afford the luxury of procrastination in meeting the needs of our national sealift requirements. Now is the time for deeds. While H.R. 4152 is by no means a panacea to the multitude of maritime problems facing our Nation, it does represent a constructive move in this direction under present circumstances and law. I, accordingly, urge that the Senate favorably consider and pass the bill, H.R. 4152.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed for a third reading, and the bill to be read a third time.

The bill (H.R. 4152) was read the third time, and passed.

Mr. LONG. I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that notion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the Senate today can be justly proud of the splendid manner in which it disposed of the maritime authorization measure. Our heartiest thanks and commendation for a job well done go to the extremely competent chairman of the subcommittee, the Senator from Louisiana (Mr. LONG). The Senate is especially in his debt for the expert handling of the measure and for the well-organized manner in which it was brought to the floor. As always, his views were expressed with clarity and alacrity and contributed greatly to the expeditious handling of this bill today.

Joining Senator LONG in clarifying and expediting the maritime authorization bill were ranking minority member of the Senate Finance Committee and senior Senator from New Hampshire (Mr. COTTON), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Maryland (Mr. TYDINGS). At this time we should express our appreciation also to the senior Senator from Delaware (Mr. WILLIAMS) for his incisive views and contributions to the passage of this measure. The Senate is indeed fortunate once again to have the benefit of his thought-provoking comments and ideas. The debate definitely was enchanced by the expression of his views.

The Senate can indeed be proud of a good day's work which was made possible by the hard-working members of the Commerce Committee.

HOUSING AND URBAN DEVELOPMENT ACT OF 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 386, S. 2864. I do this so that the bill will become the pending business. There will be no action taken on it until tomorrow.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2864) to amend and extend laws relating to housing and urban development, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, may I take this opportunity to ask the distinguished majority leader if he will advise us of what further business he expects to be considered, in addition to the housing bill?

Mr. MANSFIELD. Mr. President, following the housing and urban development bill, it is anticipated that the Food Stamp Act will follow in turn.

Reconsideration of the golden eagle program will take place early on Wednesday; the Senate will come in early to permit the distinguished Senator from Washington (Mr. JACKSON) and the distinguished Senator from Oklahoma (Mr. HARRIS) to debate this matter.

That will be followed by water pollution control and, it is hoped, on Thursday and Friday, the mine safety bill (S. 2917).

If we get through with that much, we will be doing pretty well; but if there is any possibility to squeeze in something else, we will take up civil service retirement, or the Peace Corps, or the JFK Center, not necessarily in that order, but depending on how matters work out.

Then we have the Aiken-Cranston resolution on the recognition of foreign governments, plus four bills out of the Committee on Agriculture and Forestry sponsored by the distinguished Senator from Arkansas (Mr. FULBRIGHT), which we hope can be worked out. Then potato marketing (S. 1181 and S. 2214), export expansion (S. 2696), and the oil and gas compact (S.J. Res. 54).

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Mr. President, the Senator does not anticipate any further business tomorrow beyond the HUD bill. The HUD bill is of considerable scope. It is an omnibus measure.

I am not yet informed, in the absence of the chairman of the committee, the Senator from Alabama (Mr. SPARKMAN) and the ranking minority Member, the Senator from Utah (Mr. BENNETT), as to what we will have in the way of amendments. However, I do know that three Senators propose to offer what would be considered to be significant amendments. I think that the housing bill would occupy most of the time tomorrow.

Mr. MANSFIELD. It may well be. And if that is the will of the Senate, that is how it will work out.

I am trying to give a tentative schedule so that the Senate will be on notice. There will be no further business this evening.

ADDRESS BY SENATOR KENNEDY AT TESTIMONIAL DINNER FOR DR. SIDNEY FARBER

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Senator KENNEDY at the testimonial dinner for Dr. Sidney Farber in Boston, Mass., on September 18, 1969.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR EDWARD M. KENNEDY AT THE TESTIMONIAL DINNER FOR DR. SIDNEY FARBER, BOSTON, MASS.

September 18, 1969.

It is an honor, and a source of personal gratification, for me to join with you this evening, in honoring our friend and mankind's benefactor, Dr. Sidney Farber.

As I see so many eminent physicians and laymen here, I realize that what draws you to Boston this evening is not only your respect for his contribution, but your feeling of urgency about the cause to which he has dedicated his career.

I had the privilege, several years ago, of being a soldier in the ranks in the battle against cancer, as Chairman of the Cancer Crusade here in Massachusetts. We had over a hundred thousand volunteers. The reason so many citizens are willing to go door-to-door in cancer drives across this country is because they have confidence that you are the most talented and dedicated people to lead that work—and because they believe in the inevitable elimination of the evil of cancer through the hand of science. And that is why I am so pleased to see so many of you here this evening.

I have long admired the American Cancer Society for the support it gives to research and professional education, and for its success in getting the facts about cancer to the American people. I have a special feeling about the campaign you have had on television against lung cancer. Senator Robert Kennedy felt extremely strong about this and made a major effort to try to get the networks and the cigarette companies to eliminate commercials during the hours that television is seen by young people. He did not succeed, but your own commercials have been so dramatic and so effective that rather than compete with you, the industries have decided to drop cigarette commercials from television completely. I think this is a great victory for the Cancer Society, and for the country.

I have known Dr. Farber for many years. Among members of the United States Senate there is no more respected spokesman for medical research. President Kennedy counted him as an advisor and a personal friend. And I need not tell this audience of the work he has done and the distinction he has done and the distinction he has won. No one will ever estimate the years of life he has saved for countless human beings, now and in the future. We can only be grateful he has devoted his genius to this work.

I think we must marvel at the strength of a Dr. Farber. Day after day, he moves into the midst of the most tragic of human situations—the tragedy of young children with leukemia. Each day, he gives these victims cheer amidst their doom and gives their parents understanding and faith amidst their tears. Dr. Farber must live each day with death in its most agonizing form. Yet he himself is full of hope and optimism. He has added precious years to childrens' lives. and hope to all of us.

When hope is matched with genius, the result is progress. The greatest tribute to Dr. Farber will be on that day, which is sure to come, when cancer cells can be found and disarmed before they begin their deadly march through the body. The finest tribute we can pay, in the meantime, is to pledge our own abilities to make that day come as soon as possible.

This is a very critical time for the cancer program. The steady rise in government support for research, training and treatment has leveled off in recent years. Now we face great danger of those funds being cut back.

Two weeks ago, the House Appropriations Committee agreed to the $.5 million cut in funds for the National Cancer Institute that the Administration requested. We know what will happen if this is allowed to stand. Even now, almost four hundred experimental primates, which had been under study in the virus program for the past five years, are going to be killed, just as researchers are zeroing in on isolating certain viruses that may cause cancer in man. Other, equally important research will have to end. Professional medical teams will be disbanded and dispersed in the middle of their work. If these cuts are allowed to stand, beds will be closed down, grants will be reduced, and the testing and distribution of anti-cancer drugs will be cut back.

The high price we are paying for the war in Vietnam abroad and the fight against inflation at home has special relevance to this audience in light of other sudden and severe budget cuts—nearly $300 million—suggested last week by the Administration in funds for medical research. The impact of the cuts will be felt in medical schools, universities, and research centers throughout the nation. Those who will be hardest hit are the dedicated doctors and patients in the 19 general clinical research units in major medical centers in 13 states that must now be phased out, regardless of the current stage of their research. Tragically, many of these units are elite centers specializing in clinical research on diseases of children.

The cost of the reductions is far more than the dollars and cents involved, however. It will be measured in terms of research cut short, medical advances unrealized, new fields unexplored, devastating diseases uncured, and, worst of all, it will be measured by the loss of promising young men and women from careers in the life sciences, and the engendering of a new crisis in our medical system—a crisis of confidence between the medical profession and the government.

When the President of the National Academy of Sciences predicts "a panic in medical schools all over the country" because of the proposed cuts, we know that the economies being sought are false.

To be sure, the proposed cuts in research funds will be offset to some extent by proposed increases in funds for medical training and for testing new methods of clinical health care. Yet, whatever the merit of gradually reallocating the distribution of medical resources, surely there is no reasonable justification for the abrupt manner in which the present cuts have been decreed, shattering the legitimate expectations of our leading scientists and threatening serious economic harm to some of our great medical schools and universities. Even more important, the cuts reveal a distressing lack of perception of the crucial relationship between basic and applied research in medicine and the delivery of health care.

We like to consider ours the highest standard of living in the world, yet 12 other nations have a greater life expectancy at age 60 than we do.

Fifteen other nations have higher ratios of hospital beds to patients than we do.

And 42 per cent of our hospital care, according to one exhaustive survey, is rated only poor to fair.

For those who live in poverty, the family doctor has almost disappeared. In his place is the emergency room of the municipal hospital, where people wait long hours, for cursory treatment, in inadequate facilities, by a doctor the patient has never seen before and may never see again. Pre-natal care is a rarity. Minor illnesses lead to major diseases because regular check-ups and continuing medical care are unknown. Children do not learn because they are too weak to work, or too ill to listen.

And so, in the wealthiest nation in the world, millions of citizens are sick. And they are sick because they are poor. Even for those who earn a decent income, the cost of medical care is rising several times as fast as the cost of living. We can continue, as we must, to learn to treat cancer and other diseases. But unless we can get that treatment to the people, we will fail in our responsibilities.

Aristotle once said, "If we believe that men have any personal rights at all, they must have an absolute moral right to such a measure of good health as society alone is able to give them. The national outcry over Dr. Knowles indicates that the American people now expect adequate health care and the fruits of medical progress to be made available, not for a sacrifice, but as part of their citizenship.

That is why we must expand the work in the field of cancer. That is why at the same time, we must double the number of graduates from medical school; offer part-time teaching grants to doctors who will train them; build more neighborhood health centers like the one we have at Columbia Point here in Boston; and have the Federal Government set national goals for the nation's health and make sure we meet them.

These are problems the Congress must face as it makes its decisions on appropriations for the Federal budget. In the end, it is our responsibiilty to place these needs among the other pressing needs of the nation. It is neither an easy nor an enviable task to compare the fight against cancer against the fight against crime, the need for schools or the training of workers, or the spread of slum housing and air pollution, which have their own effect on health.

But worthy goals must compete for we are a nation burdened with a weight that lies heavy on our land. To those of you who are in medicine—you know the cures that would come if the resources were there. To those of you in education—you know the truths that could be taught if the facilities and the faculties could meet the demand. And to all of us who are parents—we know the turmoil of the young as they struggle with the values of our nation.

For we are in a war difficult to justify, impossible to win. A war not worthy of our lives and efforts, a conflict that has made us ill as a people, as surely as any disease that attacks the body.

Years ago, Walter Lippmann said that we could not build a great society here at home, if we had to fight a land war in Asia. Now we know how right he was. Today ten months after we ended the futile bombing of North Vietnam, 16 months after peace negotiations began, we still have half a million men, countless billions of dollars, and many of our hopes for a better America bogged down in Vietnam. The unity and the spirit of our nation have been affected by this war, and they cannot be renewed until the burden of war is lifted.

For three-quarters of this year, the American people have waited hopefully for new policies designed to end this costly and futile war. Now the answer to those expectations is becoming painfully clear. The war will continue. The immense toll of death and suffering will continue to mount. Poverty at home will go on. Prices will rise, and the economy will continue to weaken under the strain of a war rejected by the great majority of the American people. We can expect more division, even violence, between our people as the war works its corrupting effect on every aspect of national life.

The harsh fact of the matter is that despite the election of 1968, despite the promises of a new President and some new officials, despite new rhetoric, the war in Vietnam is virtually unchanged. When measured against what must be done for peace, we have made only token troop withdrawals on the battlefield, more an exercise in politics and improvisation, while the level of fighting and casualties continues. The fierce bombing which is destroying the life of South Vietnam goes on. And Americans still fight and die for meaningless objectives, only to abandon them after costly victories.

In Saigon a corrupt and repressive government has refused to allow the many non-Communist forces of South Vietnam that seek peace to share in power. The recent change in the Saigon cabinet only further narrowed that regime, and helped to illuminate its complete failure to win the respect or allegiance of the people whose self-determination we are supposed to be protecting. While at Paris there has been no movement at all. And for very good reasons. We have refused to consider compromise on the real issue in dispute—who shall join in governing South Vietnam during an election. That, after all, is what this war is all about. For more than half a decade the Viet Cong and the Vietnamese of the North have battled the South Vietnamese Army and the United States only for the answer to that question: Who shall join in governing South Vietnam. If we refuse to compromise on this issue, we are asking them to accept defeat. And we have not defeated them. Moreover we cannot defeat them. This crucial and overwhelming fact has been asserted by almost every leading critic of the war—by Robert Kennedy and Eugene McCarthy, by George McGovern and William Fulbright and by hundreds of others. Yet the lesson is still ignored. It is still ignored as we pursue the shadows of hopes long gone. And no talk of concessions, no hints of compromise, can cover up the fact

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that we have not been willing to consider the continued control of the Thieu regime as a negotiable question; and that as long as we remain unmoved on this issue there can be no peaceful solution.

General Thieu has said he will not accept such a compromise. But why should General Thieu control the destiny of America, or dictate the future of young American lives. We cannot allow a General in South Vietnam to coerce the United States into continuing a major war. It is time to say to the Saigon Government: If you will not agree to a sensible compromise—even if it endangers your personal power—then it is your war and you must fight it alone.

The tragedy of all this is that we could have moved swiftly to end this war and the people of this country would have applauded the coming of peace. Instead, we have chosen to repeat the mistakes of the past. The Vietnam policy of today is the discredited policy of the past—we will simply continue the war in the hope, in the endless hope, that something will happen to bring it to an end. This is not a policy of peace—it will not end the war—it will not stop the killing.

And so it is that our leaders heed the military advisors who say that in six months or a year we will have gained an overwhelming advantage on the battlefield: that then we can force Hanoi to yield at Paris. And our officials heed the political advisors who say we must wait out new internal developments in the North to get a better deal at the negotiation table. These are the same kinds of prophesies we have heeded year after painful year, and they have only dragged us further into bloodshed and futility. This is the road to war, and war, and more war. And as we follow this incredible path it will continue to erode the health, the economy, and the moral and the spiritual strength of the United States of America.

And so this war must end, not by a program conditioned on events that we cannot control, but with the same resolve by which it escalated. And I firmly believe that the vast majority of American people will support the clear decision for peace—for they have waited so long, and given so much.

It must end so we can begin again to pursue without hesitancy those goals that are fulfilling and rewarding—goals that will enrich our people and land. So we can conquer disease, and care for the ill, educate our children, and provide minimums of material decency. For that is what America is all about—that is what our young are trying to say. They still believe what we may have forgotten—that this country, as Abraham Lincoln told us, is the last best hope on earth.

EULOGY FOR SR. ADOLFO LOPEZ MATEOS

Mr. MANSFIELD. Mr. President, it is with profound personal sadness that I note the passing today of Adolfo Lopez Mateos, former President of the Republic of Mexico. His loss will be deeply felt, not only by the people of Mexico but by those in the neighboring United States and the world beyond.

Few public officials have been privileged to enjoy the degree of stature and popularity accorded Sr. Lopez Mateos in his lifetime. And few deserved it as much as he did. President of his country at only 48 years of age, he soon demonstrated that blend of statesmanship and charm which was to bring him worldwide stature, make him the confidant and adviser to three American Presidents and countless foreign heads of state, and put him in the running for the Nobel Peace Prize.

Beloved by his people, respected by the world, he made his mark as one of the great leaders of our time. That his death was not unexpected, coming as it did after a lingering illness, does not diminish the loss which all of us feel.

Mr. President, I know I speak for all of us in the Senate and the Congress, the people of my country and certainly I speak for all North Americans when I extend to the family of Sr: Lopez Mateos and to the people of Mexico our heartfelt condolences in this hour of their grief.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY, SEPTEMBER 23, 1969, TO WEDNESDAY, SEPTEMBER 24, 1969, AT 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 o'clock a.m. Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JACKSON

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the prayer and the disposition of the reading of the Journal on Wednesday next, the able Senator from Washington (Mr. JACKSON) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, during the 1 hour for which an order has just been granted, the able Senator from Washington (Mr. JACKSON) and the distinguished Senator from Oklahoma (Mr. HARRIS) will discuss S. 2314, the restoration of the golden eagle program, for which there has been entered a motion to reconsider. This will not interfere with the business which the minority will conduct on that morning with respect to the leadership matter.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 23, 1969, at noon.

NOMINATIONS

Executive nominations received by the Senate September 22, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Claude G. Ross, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

FOREIGN ASSISTANCE OFFICER

Scott Heuer, Jr., of the District of Columbia, to be Inspector General, Foreign Assistance, vice John K. Mansfield.

Anthony Faunce, of Massachusetts, to be Deputy Inspector General, Foreign Assistance, vice Howard E. Haugerud.

U.S. CIRCUIT JUDGE

Arlin M. Adams of Pennsylvania to be U.S. circuit judge, third circuit, vice Harry E. Kalodner, retiring.

Alfred T. Goodwin, of Oregon, to be U.S. district judge for the district of Oregon, vice John F. Kilkenny, elevated.

U.S. MARSHAL

Jack V. Richardson, of Kansas, to be U.S. marshal for the district of Kansas for the term of 4 years, vice Vance W. Collins.

Raymond J. Howard, of Wisconsin, to be U.S. marshal for the eastern district of Wisconsin for the term of 4 years, vice James H. Dillon, term expired.

NATIONAL TRANSPORTATION SAFETY BOARD

Isabel A. Burgess, of Arizona, to be a member of the National Transportation Safety Board for the term expiring December 31, 1974.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of lieutenant colonel:

John W. Alber
Edward R. Alves, Jr.
Richard C. Barrett
Charles H. Black
Wyman U. Blakeman
Robert D. Boles
Joe E. Bradberry
Bernard B. Brause, Jr.
Ray E. Bright
James C. Brown
John D. Buckley, Jr.
John J. Cahill
Jack R. Catt
Guy R. Chaney
Holly Clayson
Arthur B. Colbert
James G. Collier
Donald E. Coombe
John E. Crandell
Warren G. Cretney
James R. Cushman
Claude M. Daniels
Clyde D. Dean
Jack W. Demmond
David K. Dickey
Wales S. Dixon, Jr.
Lawrence T. Drennan, Jr.
Thomas J. Dumont
Randall W. Duphiney
Charles H. Egger
Charles D. Emmons
Bob W. Farley
Wells L. Field III
Robert W. Fischer
David L. Althoff
David H. Anderson
Douglas C. Binney
Richard R. Blair
Lawrence G. Bohlen
Richard T. Bourbeau
Virgil B. Brandon
Alexander L. Bressler, Jr.
Thomas D. Brooks
Rangeley A. Brown
Talman C. Budd II
Henry C. Campbell
Frank C. Chace, Jr.
Willard E. Cheatham
Frank E. Cline
Joseph E. Coleman, Jr.
James J. Connolly
Eugene S. Courson
Robert W. Creighton
Duane D. Crews, Jr.
Samuel E. Dangelo III

Kenneth L. Davis
Roland H. Dean
Chester P. Dereng
Wilbur W. Dinegar
Joseph A. Donnelly
Herbert W. Drescher
Hollis T. Dunn
James R. Eddy
George M. Edmondson, Jr.
Carl J. Eversole
Louis I. Fein
Walter D. Fillmore
David L. Elam
John E. Forde, Jr.
Roger D. Foster
John R. Fridell
Robert L. Fry
Austin O. Gandy
Donald G. Gascoigne
Clarence U. Gebsen
Thomas T. Glidden
Robert L. Goodall
Herbert M. Gradl
Jerome T. Hagen
Earle, Hattaway
Richard F. Herbert
John A. Herber
Edward C. Hertberg
George A. Hieber
William E. House, Jr.
Earl R. Hunter
Harold L. Jackson, Jr.
Lewis W. Jarman
Clarence E. Jenkins
Clifford H. Johnson
Conrad A. Jorgenson
Louis K. Keck
John K. Knope
Ronald W. Kron
Eddis R. Larson
John B. Lavelle
Richard P. Lee
Robert R. Leisy
Earle D. Litzenberger
Earl F. Lovell
Thomas R. Maddock
Arthur D. Malovich
Richard L. Martin
Donald F. Mayer
Douglas A. McCaughey, Jr.
Oliver G. McDonald
John E. Mead
Robert G. Miller
Thomas R. Moore
Michael, Mura
Buel B. Newman, Jr.
Casey R. Nix
Bruce F. Ogden
Charles D. Overturf
Richard L. Palmer
Matthew B. Peck, Jr.
Raymond A. Post
Paul S. Radtke
Clifford E. Reese
Harvey T. Reiniche
Lane, Rogers
William H. Ross, Jr.
Americo A. Sardo
Jack E. Schlarp
Walter E. Sears, Jr.
Walter H. Shauer, Jr.
James R. Sherman
Charles V. Smillie, Jr.
Allen H. Somers
Allan J. Spence
Ray N. Stewart
Ralph, Fortie
James W. Friberg
Phillip B. Friedrichs
Gerald F. Gallagher
Marvin T. Garrison
William J. Gash
Robert A. Gillon
Charles W. Gobat
James C. Goodin
Howard D. Gress, Jr.
James G. Hallet, Jr.
Vincil W. Hazelbaker
Donald C. Heim
David G. Herron
Herbert M. Herther
Jack D. Hines
William D. Hubbard
Leo J. Ihli
Stanley C. Jaksina
James, Jaross
Harry E. Jenks II
Thomas E. Jordan
Raymond C. Kargol
Simon J. Kittler
Charles H. Knowles
Bobby T. Ladd
Raymond F. Latall, Jr.
Rodney H. Ledet
Robert D. Leipold
Walter R. Limbach
Joseph J. Louder
William T. Lunsford
Norman C. Madore
Joseph R. Marosek
Frederick A. Matthews
John J. McCarthy
Arthur T. McDermott
Kent A. McFerren
Clarence B. Miller, Jr.
Richard G. Moore
Clark S. Morris
Robert H. Nelson
Duane F. Newton
John A. O'Brien
Arnold J. Orr
Billy M. Owen
Eugene E. Paro, Jr.
Bert W. Peterka
Thomas F. Qualls
Carroll G. Redman
John P. Reichert
Frederick J. Reisinger
Manuel, Rojo, Jr.
Bruce B. Rutherford
Donald A. Schaefer
Charles F. Schwab
Harry E. Sexton
Speed F. Shea
Joseph Sieger, Jr.
Douglas L. Snead
Melvin A. Soper, Jr.
James H. Stewart
Chester J. Stanaro
Peter L. Stoffelen
Donald H. Strain
Bennie W. Summers
Robert L. Thomas
George E. Toyeas
Charles J. Tyson III
Willard G. Viers, Jr.
Guy W. Ward
John R. Waterstreet
Roebrt J. Weiss
Frank K. West, Jr.
Donald G. Williams
Frank B. Wolcott III
Donald E. Wood
Thomas M. Stokes, Jr.
Thomas L. Sullivan
David A. Teichmann
Dwight R. Timmons, Jr.
Richard T. Trundy
Albert J. Vidano
John B. Walker, Jr.
George J. Waters
Donald S. Waunch
James A. Wells, Jr.
Kenneth H. Wilcox
Frank P. Williams, Jr.
Charles D. Wood
Don L. Yelek

The following-named officers of the Marine Corps for temporary appointment to the grade of first lieutenant:

Dale E. Barnes
Robert J. Baxter
James H. Benson
Donald R. Bibb
William Broadway
William H. Bullock
John J. Flaherty
Thomas H. Hicks
Kenneth A. Kubik
James R. Pazourek
Chester R. Pino
Paul O. Shaffer
Thomas W. Swihart
Edward P. Whitner
Pleasant G. Winsted, Jr.
Robert A. Barr
Edward A. Benes
Steven W. Benvenuto
Michael J. Boyd
Kenneth J. Brown
Gregory J. Burcham
Frederick T. Fowler
William W. Hyatt III
John T. Murray
Harry W. Peterson III
James B. Ramsden
Eric N. Steinbaugh
Francis R. Walker
Dennis A. Williams

EXTENSIONS OF REMARKS

PORNOGRAPHY IS BIG BUSINESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. DULSKI. Mr. Speaker, the problem of dealing with pornography exists at every level of government.

But even the combined efforts of the various levels of government so far have been unable to bring the problem under control.

The State of New York, for instance, has two new laws which went on the books as of September 1. Time will tell how much of a dent they will make.

We in Congress are continuing to wrestle with the issue, seeking to close loopholes without taking away rights of other citizens. It is not an easy matter.

The Buffalo Evening News in my home city of Buffalo, N.Y., has made an in-depth study of this problem in a series of articles which were given major prominence in the newspaper during the past week.

I placed the first four articles in the series in the RECORD last week. Following is the fifth, which appeared on September 18:

SMUT IN BUFFALO—V: STATE TOUGHENING OBSCENITY LAW

(By Robert Balme)

ALBANY, September 18.—Two new state laws aimed at control of obscene literature went on the books Sept. 1 but few authorities on the subject believe they will make a serious dent in the $2-billion a year pornographic publishing industry.

One measure increases the jail sentence from one to four years and makes a felony the crime of disseminating indecent material to minors under 17 years of age.

By upgrading the crime to a felony, it is intended that law-enforcement authorities can use stronger procedures than in the past.

The second bill divides the present crime of obscenity into two parallel degrees distinguishing between retail and wholesale dealers who are guilty of promoting obscene materials.

Wholesale promotion of obscenity would be subject to a seven-year prison term, and is directed at the mass producers of such materials. Retail distributors would continue to be subject to a misdemeanor charge, with a jail sentence of up to one year.

In signing the bills, Gov. Rockefeller acknowledged that they were intended to operate "without violating constitutional safeguards for the freedom of speech articulated in this area by the U.S. Supreme Court."

As has been so often stated, it is the rulings of the high court that are at the root of enforcement against obscenity.

ROCKY NOT INVOLVED

In a series of decisions in recent years, the high court has ruled that the states have little power to suppress, control or punish the distribution of material on grounds of obscenity.

The key words are whether there is any "literary value" in a piece of obscenity, and this appears impossible of definition.

Gov. Rockefeller has never been strong in the field of obscene literature; his messages on crime, as best as can be determined, have never contained a recommendation for control.

About a decade ago, under then Assemblyman James A. Fitz Patrick, now head of the State Power Authority, the subject of obscene and sensational comic books was explored by a Joint Legislature Committee, and later Assemblyman Luigi A. Marano headed a committee on obscene magazines and books, but their main contribution was public exposure of the problem.

SEEK OBSCENITY LIBRARY

Three years ago, the matter of obscenity was turned over to the JLC on Crime, Its Causes & Control, headed by Senator John H. Hughes, Syracuse Republican.

"The federal court decisions are such that we are strapped," said Senator Hughes. "We've searched for new ways to deal with the problem but we always get back to the same basis . . . the Supreme Court says anything goes if there is evidence of literary value.

"There are two things we're trying to do, safeguard children and develop a central depository or library for the storage of obscene materials seized by the police."

The bill creating a Depository of Obscene Literature at the School of Criminal Justice at Albany was vetoed in the last session, for a second time, by Gov. Rockefeller on the grounds that such a file is maintained by the FBI laboratory.

LEGAL VALUE EXPLAINED

The use of such a library, incidentally, would be limited to district attorneys of the state, their assistants and authorized police.

Sen. Hughes disagrees with the governor on accessibility of material from the FBI, claiming that "like many police agencies, they will give you only what they want you to have."

He is firm in the belief the state should have its own facility, and will push for it at the next session of the Legislature.

Such a library, he explains, would be of value in classifying the vast amount of obscene matter. "In the event a court convicted someone as the result of a specific obscene publication," Mr. Hughes said, "prosecuting authorities could go to the library, and that publication, which would have to be filed, could be used as the basis for prosecution by them."

STATUTES LOW ON SUCCESS

Right now, every obscenity case is different since every publication is different, and each judge must rule on the merits of a specific

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case. The library would provide order in the legal process.

The books of the state contain a number of statutes designed to deal with obscene literature, but these have had only limited degrees of success.

All too often, the defense lawyer can cite the U.S. Supreme Court cases, or build a case on "due process" in connection with the seizure of material.

The problem lies in large measure with a public that is indifferent to the problem, he insists.

ACTS HARDLY SUITED

"It seems more people are attracted to the dirty stuff than are repelled," recalling that when he was in Europe, theaters in Paris and London were doing standing-room-only business with the musical "Oh Calcutta," which, he says, "really doesn't amount to much except people taking their clothes off and performing acts hardly suited for the stage."

While Gov. Rockefeller has maintained a "hands off" attitude, a close associate, Attorney General Louis J. Lefkowitz has used his office as a clearing house for complaints about such things as the mailing of circulars advertising the sale of pornographic literature.

OFFERS MADE TO CHILDREN

"My office has been flooded with complaints from residents who have received material offering pornographic material for sale," Mr. Lefkowitz said. "Some of the complaints indicate that the offers have been made to children."

Other laws on obscenity include:

A requirement that persons arrested on charges relating to obscene prints and articles be fingerprinted, and if necessary, photographed and blood-typed.

A requirement that the name and address of the publisher or printer be on every publication in an effort by the state to "expose the real culprits responsible for dissemination of unwholesome literature."

A misdemeanor charge to make a telephone call for the purpose of using obscene language to a female or a boy under 16.

NOTEWORTHY BLACK HAPPENING AT JAMESTOWN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. CLAY. Mr. Speaker, an unusual observance for Jamestown, Va., and its renowned history took place this past Sunday, September 21, 1969. It was the recognition of the landing of blacks in this country which was to become the United States of America.

I am pleased to note that emphasis on a black history which has been hidden and systematically ignored to the disadvantage of all Americans—but especially to black Americans. I regret only that the observance in Jamestown yesterday could not with certainty—have marked assurances of equal opportunity in this Nation for all citizens. Most unfortunate is the realization, 350 years after the first black men landed at Jamestown, we are still unable to claim full rights of citizenship.

I commend to the attention of my colleagues the account of this observance carried in the Washington Post, September 22, 1969, by Kevin Klose:

NEGRO LANDING: ANNIVERSARY OF ARRIVAL OBSERVED

(By Kevin Klose)

JAMESTOWN, VA., September 21.—A throng of real and symbolic descendants of America's original black settlers gathered today to mark the 350th anniversary of their arrival here.

They came from all the historic places of the Old Dominion for an unusual Sunday observance. And among the 2,000 or so Negroes at the ceremony, this was shared: the bitter veiled past and uncertain future of the black man in America.

Many came because of a growing need to discover their heritage, to search among the artifacts here and elsewhere for signs that the Negro is as entitled as the white man to call this nation his own.

For these, the ceremonies had a little of everything: a thumbnail history of blacks in colonial America, hymns, hopeful words from Virginia's Lt. Gov. Fred G. Pollard, a delegation of representatives from seven African nations.

The celebration marked the day in late August, 1619, when an English or Dutch ship dropped anchor in the harbor of the 12-year-old colony of Jamestown, the first English settlement in America, and traded 19 or 20 indentured black Africans for badly needed food.

Those first Virginia blacks were free men within a few years and so were the few hundred more Africans imported into the colony in the next 20 years to help carve a way of life in the wilderness.

According to an organizer of the commemoration. Oliver W. Hill, one of the purposes of today's ceremony was to bring home to modern Negroes the awareness that the first black men in America were free. Many of these men became prosperous farmers, businessmen and artisans, and in an ironic twist, some later became slaves.

But for the people gathered here today, the memory of free colonial ancestors lies obscured beneath the more than two centuries of enslavement that followed.

"This is a good thing. We should know the history of our people as well as anyone else," said Oscar Howard, a Williamsburg businessman.

His words summed up the sentiments of virtually everybody who came for the two hours of speeches and songs.

Lt. Gov. Pollard received polite applause when he called for a movement to put up "a suitable marker in honor of the first arrival in America of those persons of African descent."

But the crowd gave most of its support to two Negro scholars, Dr. Charles H. Wesley and Dr. Samuel D. Proctor Sr.

CAME VOLUNTARILY

Wesley, executive director of the Association for the Study of Negro Life and History, asserted that black Africans came to the New World voluntarily at least 100 years before the black settlers landed at Jamestown.

He recounted evidence that numerous blacks accompanied Spanish explorers throughout the Southwest in the 1400s and theorized that blacks from the Canary Islands may have inadvertently sailed to the New World long before Columbus discovered it in 1492.

"These prior contacts must not be overlooked," Wesley declared. "My black friends, this land is ours as well as theirs. There is no fundamental right to consider this as a white man's country."

ENGLISH NAMES

He said the first African settlers were given English names instead of their own native African names. "Their original names were robbed. Just as the Indians became savages to the colonists, the blacks became anything (the colonists) could make of them. This was a defacement by supposedly civilized people."

Wesley said that slavery became common in Virginia and the South in the mid 1600's. "The concept of indenture for life took possession of the Virginia mind."

Proctor, Dean of the Graduate School of Education at Rutgers State University in New Jersey, commented that Wesley's brief history "may be a source of enlightenment for many of you."

He said the history of the Negro in America has been one of surmounting incredible odds. "Just 20 of us were led ashore from that Dutch frigate and there are 20 million of us now." That statement became a refrain throughout Proctor's speech, bringing enthusiastic applause each time he used it.

ONLY BENEFIT

He said, "the only great benefit from our sojourn here today is to take a long look at the future, let the highest ideals like our own Martin Luther King at the Lincoln Memorial guide us."

He said the Negroes' enslavement, rather than defeating them, has had the opposite effect of raising up their spiritual life. He said that there is a danger today that blacks may forget too quickly that they were freed from slavery only in the last century.

"My own grandmother was a slave, set free nameless in Chesterfield County . . . but I am a native Virginian," he declared in illustrating his point that blacks can find a place in society today despite their heritage.

THEY CAN ADAPT

He urged his audience to think well of themselves because Negroes had proven since their landing at Jamestown that they could live in a strange environment, adapt themselves and preserve their own dignity.

"The Negro can tell the difference between democracy as a principle and as a practice. We have lived a long time between what is ideal and what is reality. We know we've got to repair the damaged self-image we have, and we must bid for a place at the center of life."

During the ceremony, a constant stream of families walked the few hundred yards from the Jamestown Festival Park down to the shores of the James River where replicas of the ships of the original English settlers are tied up.

While the strains of military marches and several Negro spirituals played by the Fort Eustis military band drifted down to the riverbank, the black families stood and stared in silence as they were guided around ships very much like those that first brought them to Virginia.

DISTRICT OF COLUMBIA ENVIRONMENT—COPS AND ROBBERS IN THE CLASSROOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. RARICK. Mr. Speaker, from time to time it has seemed appropriate to call to the attention of our colleagues some of the unbelievable things which routinely occur in Washington and its suburbs. Perhaps we will wake up and take seriously our own responsibility before it becomes necessary for this House to conduct its business under armed guard.

Only last week the City Council of our Nation's Capital claimed a success when the presence of 71 police officers on duty in its chambers prevented the usual riotous disruption of its business meeting. Today, the Bladensburg High School conducted its classes under heavy police guard, following the usual riotous disruption and racial strife following last week's Negro demands for favored treatment and "black studies."

Today, third-grade children in the District's Monroe Elementary School received an unexpected educational bonus when they were held at gunpoint in their classroom by two bandits who rifled the teacher's purse. The newspaper account does not indicate whether or not the gunmen had complied with the gun registration law of the District prior to assaulting the schoolchildren.

Mr. Speaker, the authority and the responsibility for the Government of the District of Columbia rests squarely and exclusively on the Congress. The Constitution was specific in this regard because of the experience of our predecessors who were besieged in Philadelphia by an unruly mob and were forced to suspend their business and call on local authorities for rescue.

I include newspaper clippings as part of my remarks:

THUGS MENACE DISTRICT OF COLUMBIA THIRD GRADERS WITH GUNS

A man pointed a gun at 23 third grade children waiting for classes to begin today at Monroe Elementary School and threatened to shoot them while another man rifled the teacher's purse, police said. The teacher was out of the room.

Shortly before 9 a.m., less than 15 minutes after the children had entered Mrs. Cora Van Hook's classroom, the two Negro men dressed in blue sport jackets and slacks walked into the school room at 725 Columbia Road nw.

Mrs. Van Hook had just gone into the teacher's lounge prior to the pledge of allegiance which opens classes at 9 a.m., school principal Mrs. Bertha McMurdock said.

One of the men stood guard at the door while the other pulled a pistol and told the children, "Keep calm."

When the children gasped at the sight of the gun, the man warned them, "You sit still and say nothing or I'll shoot you."

The man then grabbed the wallet from Mrs. Van Hook's purse and took a change purse police said contained $2, and walked out of the classroom.

Other school officials noticed the two men walking out of the building but "no one thought anything of seeing two well-dressed men walking in the school," Mrs. McMurdock said because frequently parents bring their children to class.

BLADENSBURG HIGH QUIET UNDER GUARD

(By Thomas Love)

Bladensburg Senior High School, the site of racial strife last week, opened quietly this morning but police reported that they took into custody 16 students off school property. The students were later released with no charges.

Classes were held under heavy police guard, a situation supported by many white parents but opposed by a number of black parents.

The students taken into custody, who were away from classes after school opened, were accused of "being out of parental supervision," police said. This is the charge under which 62 juveniles were arrested under similar circumstances Friday. Those cases are pending.

A police spokesman said those seized today were not involved in any violence. They included two Negroes—one boy and one girl—and 14 white boys.

Police said the juveniles were not charged when taken to the police station in Hyattsville but were released to the custody of their parents. This ended their status of being out of parental supervision, police said.

Principal David L. Dean said about 600 students were absent today, slightly higher than 3 times the normal rate.

He said he did not have a numerical breakdown of the absentees by race.

Dean said he would ask police to remain at Bladensburg "as long as their presence is needed for a safe and orderly school."

About 100 angry, worried and confused white parents met yesterday to demand that authorities use whatever means necessary to end strife at the school.

Primary among their demands was the continued stationing of large numbers of county police at Bladensburg.

When police Lt. George Thornberry, present to answer questions, told them, "We'll be there in force tomorrow—we'll enforce law and order," the parents broke into the loudest cheers of the day.

The individual criticized the most was Maryland Secretary of State Blair Lee III, who had met with a group of Negro parents Friday and asked the Board of Education to remove police from the school.

Saturday night, however, a group of about 50 Negro parents threatened to keep their children home unless police were removed from the school.

According to Mrs. Elois Floyd, whose 16-year-old daughter attends Bladensburg, the parents of a majority of the school's 500 black students planned to keep their children home if police are at the school.

The Negro parents have complained about "unequal" treatment of their children by police, and have objected to what they called the "concentration camp" atmosphere at the school.

The chairman of the hastily called meeting of white parents yesterday said the trouble at the school was the result of planning by Negro organizations.

"They've had revolutionary classes all summer. We've been naive. We're just beginning to wake up," she said.

Others at the meeting put the blame on "outside agitators," including students recently transferred from District schools and uniformed Black Panthers.

PRESENCE NOT VARIFIED

A police department spokesman said last night the presence of Black Panthers had not been verified. One parent said he had been told by police that the Panthers were there, "including uniform lieutenant's bars."

The trouble at Bladensburg started Wednesday when some 250 Negro students sat-in at the cafeteria for a series of demands, including a black studies program, a black student organization and a voice in expulsion and suspensions.

Thursday, there were fights within the school building while a number of police were present. On Friday, silghtly more than half of the school's 2,500 students were in classrooms.

Police arrested three Negroes off school grounds Thursday and 62 whites Friday as gangs of students roamed the Bladensburg area.

The arrests sparked some of the loudest criticism at yesterday's parents meeting, but were supported by others.

One group accuses the police of arresting white students while ignoring nearby black gangs. One woman said police arrested whites in one gang while ignoring the black gang with which they were exchanging insults.

REPORTER TOLD TO LEAVE

Other parents supported the police action. One woman said any child who was roaming the neighborhood and was not in school "was up to no good and deserved to get arrested."

When the parents learned a reporter and photographer were at the meeting, they angrily demanded that they leave.

After a heated discussion the group agreed to let the reporter stay, but insisted that no pictures be taken and no names be used.

"You can imagine the retaliation against our children if 'they' ever found out who was at this meeting," one woman said.

The suggestions advanced during the meeting ranged from one man's idea that parents should arm themselves to maintain order at the school, to the thought that the children should just be kept home.

Thornberry told the group, "If you keep them home, keep them off the streets, or we'll arrest them."

At another meeting yesterday, teachers at Bladensburg voted their support of Principal Dean.

"Tomorrow morning there's no reason for any student not to feel perfectly free to come as usual," Dean said.

"I want to emphasize that we will have school in a very serious manner for those who are there and will not tolerate disruptions in any manner," he added.

"It is my sincere hope, with the cooperation of parents and students, we will move without further delay or incidents to conduct school in a manner acceptable to everyone," Dean said.

ELECTORAL COLLEGE REFORM IS OVERDUE—DIRECT VOTE IS NOT THE ANSWER

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. FISHER. Mr. Speaker, it is not often that the Congress gets an opportunity to vote on changes in the method of electing the President and the Vice President. This year is an exception. The House recently approved a proposed constitutional amendment which would repeal the present system and in the future have these official elected by direct popular vote.

This approach would, of course, repeal the Federal concept of choosing Presidents and Vice Presidents. It would wipe out the traditional prerogatives of the States in this procedure. It would undermine the stabilizing influence associated with the federal system of allowing the States to operate as political units in the distribution of the voting strength of the people.

It goes without saying that many States, particularly the less populous ones, will not compromise their present electoral strength in the election of Presidents and Vice Presidents. Nor should the more populous ones do so because it is to the interest of all Americans to retain this vital concept of distribution of the power of the electorate.

Since the direct vote amendment would require approval by the legislatures of three-fourths of the States, which means that 13 States can block ratification, it must be assumed that at least that num-

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ber will refuse to dilute their present strength and voice in the election of our top executives.

Let us hope the other body will recognize this obvious fact, and proceed to approve the district or proportional plan, either of which would cure most of the evils of the present outmoded and undemocratic method but retain the desirable features of it.

A recent editorial from the San Diego Union faces this issue, with a clear understanding of precisely what is involved.

The editorial follows:

A State's Right

For the first time in 150 years, Congress is considering a major change in the way we elect the president of the United States of America. The close election last November made it clear that the will of the people could be frustrated in some circumstances under our Electoral College system.

Some are making the mistake of calling for direct election of the president by popular vote as a simple, easy solution. This would be a radical departure from the federal system established in the Constitution. And it would not assure that the winning candidate would receive a majority of the vote cast if more than two persons sought the office.

The nation is, after all, a union of states, and there is neither the need nor the justification for a national election system that does not protect the states as political entities within the federal union.

The aim of electoral reform should be to overhaul the machinery that now allows a candidate to claim the entire electoral vote of a state by winning the barest majority of popular votes within that state. This is the flaw that can lead to election of a president who has received fewer popular votes than one of his opponents.

Congress should give its consideration to plans which would apportion the electoral votes of each state to candidates on some basis reflecting the proportion of the popular vote each candidate received within the state.

It is essential that presidential elections adhere to the principle that voters are citizens of their respective states when they cast their ballots for the president of the United States.

PORNOGRAPHY IS BIG BUSINESS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 19, 1969

Mr. **DULSKI**. Mr. Speaker, the Buffalo Evening News in my home city of Buffalo, N.Y., has done a great public service in the past week with its outstanding series of in-depth articles on the problems of pornography.

The newspaper, through the typewriters of six able reporters has given a broad picture of the problem as it exists in our city.

But it is important to understand that Buffalo is little different from other cities in its agony with this great problem. There may be variations from city to city, but fundamentally the problem is the same wherever you go.

Our Subcommittee on Postal Operations is dealing with this matter through pending legislation and hearings now underway. It also is investigating other ways in which to deal with pornography. It is necessary for every level of government to work together in seeking ways to wipe out smut. Our committee's interest and responsibility is, of course, directed toward controlling smut sent through the mails.

Mr. Speaker, the series by the Buffalo Evening News deserves high commendation and I am hopeful that this and other efforts combined will bring answers to the basic issue.

Following is the next of the sixth and last article in the News' series, as it appeared on September 19:

Smut in Buffalo—VI: How You Can Curb Pornography

(By Dick Burke)

We are all susceptible to pornography.

The commonest vectoring agent is the U.S. mail, which paradoxically provides effective resistance to this social virus.

The prurient stuff can arrive at your home without solicitation because of outfits which rent and lease mailing lists.

Says Robert Nagowski, superintendent of postal services at Buffalo's main Post Office:

"Anyone can suddenly find their mailbox loaded with pandering ads because of mailing lists.

Youngsters sometimes get on these lists because they have sent away for comic books or even hobby magazines.

But no one is spared. Sometimes doctors and lawyers are targeted, or priests, nuns and seminarians.

Mr. Nagowski also said the flow can be shut off directly and simply by application of a 1968 Public Law, commonly called the pamphlet pandering law.

An individual can do this by obtaining from any post office or postal substation POD Publication 123, called: "How You Can Curb Pandering Advertisements."

The pamphlet explains that "a family receiving a pandering advertisement which it finds offensive has authority under a new federal law to ask that its members receive no more mail of any kind from the sender."

An advertisement is considered pandering "if it offers to sell material which is, in the opinion of the recipient, 'erotically arousing or sexually provocative'."

MAIL PATRON IS JUDGE

The pamphlet goes on to say that the material sent in the mail can be "display, classified or editorial-style advertisement," and it states: "The individual mail patron is the sole judge of whether an advertisement is offensive to him."

Mr. Nagowski noted that the material offered ranges from books and magazines to photographs, movies and devices.

The public law which prohibits these pandering advertisements also enables parents to keep it from being mailed to their children under 19 years of age.

As POD Publication 123 states:

"American families are shocked on occasion by advertisements which they find offensive or believe to be morally harmful to their children. While in most cases the ads are not legally obscene and are therefore mailable, they are clearly unwelcome in many homes.

"This law gives families the right to decide they want no more mail from a firm sending out what they consider pandering advertising, but it does not deny others the right to an unrestricted flow of material which is mailable."

What you do, specifically, is get a pamphlet from the post office and fill out a form printed on the back page.

Essentially it asks the post office to issue a prohibitory order. This directs the sender to refrain from any further mailing to the complaining patron. It is effective 30 days after the order is received.

STORES' PROBLEM DIFFERENT

The formal request must be accompanied with the material received in the mail, including envelope or wrappings.

Violation of this prohibition order can be followed up with a federal court order directing compliance; failure to observe this order is punishable by fine or imprisonment.

That's how you can keep smut items from coming into your home.

Drugstore operators and other store owners have a different problem, they claim. Some magazine distributors insist on their taking the filth with legitimate.

So the smut's put out on the stand in some stores.

In others the operators sort out the suggestive stuff, keep it in the backroom and then return it to the distributor—who in some cases may refuse to accept it.

Some store operators explain that they put out whatever is delivered to them "because the customers want it."

And that gets back to the nub of the question of pornography/erotica—the choice is yours if you buy, read or allow it in your home.

The late Justice Oliver Wendell Holmes once wrote that the mark of a civilization is its ability to differentiate between what is right and wrong.

A DISSENTING OPINION

Another Supreme Court justice, Potter Stewart, dissenting from a court decision upholding the conviction of publisher Ralph Ginzburg for sending through the mails publications and advertisements the court held were permeated by "the leer of the sensualist," pronounced a different view of pornography and censorship:

"Censorship reflects a society's lack of confidence in itself. It is a hallmark of an authoritarian regime.

"Long ago those who wrote our First Amendment charted a different course. They believed a society can be truly strong only when it is truly free.

"In the realm of expression they put their faith, for better or for worse, in the enlightened choice of the people, free from the interference of a policeman's intrusive thumb or a judge's heavy hand.

"So it is that the Constitution protects coarse expression as well as refined, and vulgarity no less than elegance.

"A book worthless to me may convey something of value to my neighbor. In the free society to which our Constitution has committed us, it is for each to choose for himself."

The decision is yours.

SWEDEN'S PALME—ACTIONS SPEAK LOUDER THAN WORDS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 22, 1969

Mr. **RARICK**. Mr. Speaker, the unnecessary rift, precipitated between our country and the Kingdom of Sweden by Olof Palme, now threatens irreparable division.

We Americans remember that this is the same Palme who admittedly provoked the original rift by marching in a Swedish anti-American demonstration with Ho Chi Minh's Ambassador to Moscow. This provocation necessitated the recall of the U.S. Ambassador to Sweden—short of severing diplomatic relations, the strongest indication of displeasure in relations between nations.

The elevation of Olof Palme—affectionately labeled "Crown Prince" by the Swedish Socialists—to the office of Prime Minister can only be interpreted as a deliberate endorsement by Sweden's ruling party of his past baiting of America.

Here is the one man who is primarily responsible for the strained relations between our countries, who for self-serving purposes of the moment, would have the unmitigated gall to try to tell American citizens he is not anti-American. In other words he loves Americans until they start acting like free men. If his hatred of war is genuine, are we to presume he indiscriminately hated Americans, Russians and his neighboring Norwegians 25 years ago when Sweden profited while we fought the Nazis.

Even stranger is the voice of Palme, quick to praise the bloody leaders of Hanoi, Ho Chi Minh and his butchers who executed their own people by the tens of thousands. Palme, the pacifist, who dislikes Americans, finds the North Vietnamese cultured and "having a balanced way of reasoning." How can Palme reconcile culture with the North Vietnamese practice of indiscriminate mutilation in war of soldiers, women, and children?

Perhaps Palme, as a self-proclaimed "humanist," can arrange for his cultured barbarians to honor the Geneva Convention, to which Hanoi subscribed calling for civilized treatment of prisoners of war. Surely, even Mr. Palme is aware that his cohorts of North Vietnam have blatantly told the world that it is their national policy to regard captured Americans as "war criminals" and not as prisoners of war.

Since Palme's latest revelation is a transparent attempt to rehabilitate his image in the eyes of the American people, perhaps it is appropriate that those who conduct our foreign policy call on Mr. Palme directly to use his good offices and those of his government to assure civilized and humane treatment for American prisoners of war held captive by Hanoi.

Until we see some positive action by Sweden to bring about a change in Hanoi's criminal position and policies it is pointless even to consider absolving the Swedes from their complicity in Ho Chi Minh's uncivilized conduct.

Plainly stated, Palme's pious mouthings are no justification to appoint an Ambassador to Stockholm.

Americans are learning—actions speak louder than words.

Mr. Speaker, I include a news article, as follows:

[From the Washington (D.C.) Evening Star, Sept. 20, 1969]

AN OFFICIAL EXPLAINS: IT'S THE WAR, NOT THE UNITED STATES THAT THE SWEDES DISLIKE

(By Robert Skole)

STOCKHOLM.—"We are very much against the American war in Vietnam. But it should be made clear: the great bulk of the Swedish people is not anti-American."

Speaking is Olof Palme, Sweden's 42-year-old minister of education who is expected to succeed retiring Tage Erlander as prime minister next month.

Leaning across the pine coffee table in his office, Palme said: "As a small country, we can't express an opinion on all the problems in the world. But in questions such as Czechoslovakia and Vietnam, where the rights of small nations to shape their own future are in question, it's very important for small nations as ours to voice an opinion. If this is considered anti-American, I find it deplorable."

Palme, concerned about the cool relations between Sweden and the United States, returned again and again to the question. And he emphasized in a 90-minute interview that neither he, nor the Swedish government nor the Swedish people are anti-American.

"What we are against are certain aspects of American foreign policy—specifically the war in Vietnam," he said.

MARCHED WITH RED ENVOY

Palme received much attention in the United States last year when he marched in a Stockholm demonstration along with the North Vietnamese ambassador to Moscow.

Shortly thereafter Washington called home its ambassador to Sweden for "consultations." This was generally interpreted here as a slap on the wrist. Sweden earlier had gained the ire of Washington for granting asylum to American military deserters, and later, to top things off, Sweden became the first western nation to recognize North Vietnam. The Hanoi ambassador who marched with Palme is now also ambassador to Sweden.

President Nixon has not named a new ambassador to Stockholm—the last European capital without a U.S. envoy.

"Some people have speculated that this indicates that Washington does not approve of the regime in Sweden," said Palme. "If that reasoning is correct, it means that Mr. Nixon does approve of the regimes of South Africa, Greece, and even Poland and Bulgaria."

Looking back, Palme does not regret marching with the Hanoi ambassador. He said he was invited to the demonstration by the Swedish Vietnam Committee, which he describes as "a very respectable group."

"It was not an anti-American demonstration—it was a demonstration for peace in Vietnam. The speech I made at the meeting—which was so violently attacked—was inserted in the Congressional Record."

Palme stressed that the arguments against the war that he and other Swedes raise do not differ from those raised by many in the United States. "Most of our arguments are taken from the U.S. debate," he said. "We are saying what some U.S. officials say and said."

"You can't be anti-American when you say what almost the majority of the Americans are saying," he added.

Palme also noted that what he has said on the present Vietnam situation is no different from what he said in 1953 and 1954 during the French Indochina war.

TERMED "ENFANT TERRIBLE"

At that time Palme was holding his first job in the government. A few years earlier, he headed the young Social Democrats and was considered the "enfant terrible" within the party. Although he has certainly mellowed through the years, he is still closer to young Swedish thinking than any of the other top party people.

Palme comes from an upper-middle class, conservative background. His mother's and wife's families are of the Swedish nobility. But Palme is more at home among Swedish intellectuals and students.

He lives with his family (he has three children) in a small townhouse in a Stockholm suburb. The family car is a 1964 Italian Fiat. (Why not a Swedish Volvo or Saab? "They don't make them as small as mine. Besides, I'm not nationalistic.")

Palme credited his student days in the United States with greatly influencing his political beliefs. He was an exchange student in 1948 at Kenyon College in Ohio, where he got a bachelor's degree in economics and political science. After graduation, Palme spent three months hitch-hiking through the United States. He said he visited 34 states.

INSPIRED BY LEFT WING

"I had a tremendous year in America," he recalled. "I worked hard—it was a fine college—we had a very good teaching staff. But I tried not to bog down completely in studies. I was very interested in the American society in general. I used to know more about the voting records of American senators than of Swedish politicians. It was the time of Truman's Fair Deal—the ADA (Americans for Democratic Action) was blossoming. I found very much in the American left wing liberalism that very definitely was inspiring and it did influence me."

"I saw social reality in the U.S.," Palme said. "My beliefs were confirmed in Social Democratic policies—in the necessity for an active society to create full employment, decent living conditions, and a good educational system."

During that year in America he said he came to know and like the American people. "There's a certain openness in American society," he said.

Returning to the subject of Swedish criticism of the U.S. war in Vietnam, he said, "If you want to avoid this, you should avoid inviting exchange students. We get to know the country and get a sense of concern in the way the U.S. is going."

WARNED ON BOMBING

Palme recalled that he warned a group of American congressmen visiting Sweden when the U.S. started to bomb North Vietnam that this would result in widespread criticism. "I told them they should not take this criticism as anti-Americanism—but as a deep disappointment for many people, because Sweden has been so very close to America."

Turning to another thorn in the side of Swedish-American relations, the U.S. deserters—Palme said he simply cannot understand the criticism.

"A congressional committee found that this was in complete conformance with the U.S.-Swedish extradition treaty," he said. "If Sweden were at war and Swedish soldiers deserted to the United States, the U.S. would have to act in exactly the same way we have."

He said that thousands of Swedes emigrated to the United States in the 1800s and early 1900s to avoid Swedish military service.

Discussing problems Sweden has had with some of the U.S. deserters who won't work or who have been involved in crime (mainly narcotics—although one recently tried to hold up a bank), Palme said: "It's not a question of whether or not we like the deserters, but a question of whether we maintain our humanitarian standards and legal respect that we are proud of.

"I just can't understand it, when it is said this means we are unfriendly to the United States. It should be pointed out that we've taken in a couple hundred deserters—yet have also taken in tens of thousands of refugees and deserters from the East."

Palme said the deserters are "a mixed lot"—many work and study and are idealists "while others are probably deserters for other reasons.

"And then there are some who spend a lot of time criticising the Swedish government for being a stooge of the United States. But that's okay—this is a free country."

Palme is expected to be elected head of the Social Democratic party—by acclamation—

XUM

on Oct. 1, and will be sworn in as prime minister on Oct. 14. (The Social Democrats have a slight majority in Parliament.)

Although some party members would prefer a more conservative leader, there is little doubt the party will not go along with Palme, who for the last several years has been known as Tage Erlander's "Crown Prince."

ERLANDER LONG IN OFFICE

Erlander has been prime minister for 23 years—the longest period of any head of government in any democratic nation.

Palme, at 42, will be three years younger than Erlander was when he assumed office.

Palme was minister without portfolio from 1963–65, communications minister 1965–67, and education minister for the last two years.

Although some Swedish businessmen are worried about Palme being too "left" (private enterprise has done very well under the Swedish Socialist system), Palme stressed that the party is "based on continuity. There will be no sharp break in policy no matter who is prime minister."

Except for an incident at Stockholm University two years ago, Sweden has not had many student riots. Palme recalled a long debate in the middle of the night with students who occupied a university building.

"The important thing is to keep the dialogue going as long as you can—and not call for the police," he said. Since the incident, students have been given a greater role in university government.

"Sometimes students say there's too little to protest about in Sweden," he said smiling. "But of course there is always Vietnam.

"I've met many North Vietnamese. They are an impressive people. They carry an old civilization. They are very cultured. They have a balanced way of reasoning. And they have a clear sense of purpose. We will have to learn to live in the future with this kind of people."

In view of his North Vietnamese contacts, would Palme use his good offices to try to influence Hanoi to release the names of American prisoners?

"I've never been asked about this before," he said. "Sweden has traditionally engaged in such humanitarian activities—exchange of war prisoners, and so on. It's in line with what we have always done. But we have to be asked first to use our good offices. Such was the case prior to the start of the Paris peace talks, when Sweden was used in negotiations between the U.S. and North Vietnam. But we have not been asked about the prisoners."

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